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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 451.5]

PART 361—ROUTINE

MISCELLANEOUS AMENDMENTS

1. Section 361.21 (a) (3), Title 6, Code of Federal Regulations (21 F. R. 5555) is revised to refer to those cases in which the note is held by the insurance fund, and to read as follows:

§ 361.21 *Scope.* * * *.

(a) *Payment in full and refinancing.* * * *

(3) *Insured note.* Payment in full and refinancing when the Government is named in the mortgage as the mortgagee and the lender holds the note. (In case the note is held by the insurance fund, payment in full and refinancing will be handled in accordance with Part 366 of this chapter.)

2. In § 361.22, Title 6, Code of Federal Regulations (21 F. R. 5556), paragraph (f) is amended to add special provisions for loans in connection with the sale of farms within the program, and to read as follows:

§ 361.22 *General.* * * *

(f) *Special provisions for loan in connection with sale (transfer) of farm within program.* When a new insured loan is made in connection with the sale (transfer) of a farm within the program to another insured Farm Ownership loan applicant, the following requirements will be observed:

(1) The transfer of ownership of an insured Farm Ownership borrower's farm to another eligible applicant will be accomplished by making a new insured loan to the new borrower and refinancing the old borrower's loan.

(2) Title clearance will be accomplished in accordance with the method prescribed by the loan approval official with the advice of the Attorney in Charge. The applicable provisions of Subpart A of Part 307 of this chapter will be followed insofar as practicable, except that the loan will be closed in accordance with instructions from the Attorney in Charge.

(3) A loan docket, including an option from the old borrower, will be prepared for the new borrower as in the case of an initial insured loan. The new borrower will pay the usual appraisal fee. Loan limitations will apply as in the case of an initial insured loan.

(4) The new borrower will be required to pay an initial loan insurance charge from the date his insured loan is closed to the next January 1. The charge must be paid by the new borrower even though the old borrower has paid a loan insurance charge covering the same period.

(5) On or before the date of loan closing, the new borrower will be required to deposit in a supervised bank account a down payment of not less than the amount required in the case of an initial insured loan to an applicant to purchase a farm.

3. The introductory paragraph of § 361.23, Title 6, Code of Federal Regulations (21 F. R. 5556) is revised to provide that a loan to a new borrower in connection with the sale (transfer) of a farm within the program will be processed in accordance with § 361.22 (f), and to read as follows:

§ 361.23 *Payment in full from borrower's funds, refinancing by a new lender on a noninsured basis, sale of farm except when holder finances purchaser.* This section applies to all cases where final payment of the insured loan indebtedness is to be derived from the borrower's funds, the proceeds from refinancing with a new lender on a noninsured basis, the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, and the proceeds from the sale of a farm outside the program when a new lender furnishes the funds. The funds for final payment in such cases will be processed through the Finance Office. The County Supervisor is authorized to approve all of the above transactions except that involving the proceeds from the sale (transfer) of a farm within the program when a new lender furnishes the funds, in which case

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the loan approval official is authorized to approve the transaction and the loan to the new borrower will be processed in accordance with § 361.22 (f). In such case, the loan check for the new borrower in the full amount of the new borrower's promissory note will be requested from the new lender in the same manner as for an initial insured Farm Ownership loan, and upon receipt of such loan check, final payment and satisfaction of the old borrower's loan will be handled as provided in this section except as may be modified by the closing instructions from the Attorney in Charge.

4. Section 361.25, Title 6, Code of Federal Regulations (21 F. R. 5558) is revised to conform it to the revision of § 361.22 (f), and to read as follows:

§ 361.25 *Payment in full by sale (transfer) of farm within the program to new applicant obtaining an insured Farm Ownership loan from holder.* This section applies when an insured Farm Ownership borrower sells his farm to an eligible applicant who obtains an insured loan from the holder in an amount not less than the outstanding balance due on the insured note account. The loan to the new borrower will be processed in accordance with § 361.22 (f) and the provisions of this section.

(a) *General.* Final payment of the old borrower's note account will be accomplished by exchanging the new borrower's promissory note for the promissory note, and, when applicable, the mortgage of the old borrower, and additional funds, if any. Since no funds are involved in final payment of the note account, only the collection of any amount owed the loan insurance account will be transmitted to the Finance Office.

(b) *Determining balance of indebtedness and collection of loan insurance account.* Upon receipt of Form FHA–835, the County Supervisor will compute the amount necessary to pay the old borrower's note account in full and any balance due on his loan insurance account as of the date of closing the new insured loan. On or before closing the new insured loan, the County Supervisor will collect from the old borrower the full amount, if any, he owes the loan insurance account. A separate receipt will be used for such payment from the old borrower, and a notation will be made on the receipt that a sale of the farm to an insured loan applicant is in process.

(c) *Actions prior to closing.* Upon approval of the loan to the new borrower, the holder will be informed by the State Director that, upon closing of the insured loan, the new borrower's note will be sent to him to be substituted for the old borrower's promissory note and that a check for the additional advance, if any, will be requested from him at that time. If the holder does not desire to proceed with the transaction, the County Supervisor will be so informed, and the sale (transfer) of the farm within the program will be completed by having a new lender furnish the funds for making the new insured loan. (See § 361.23.)

(d) *Loan closing actions.* When additional funds are to be advanced to the new borrower, the loan will be closed before the County Supervisor requests the loan check for the new borrower in the amount of such additional funds.

(1) The County Supervisor will calculate the unpaid balance of principal and interest on the old borrower's promissory note as of the date the insured loan to the new borrower is closed. The difference, if any, between such unpaid balance on the old borrower's promissory note and the amount of the new borrower's promissory note will be the amount of the loan check to be requested from the holder. Form FHA–971, "Request for Check," will be used to request such loan check.

(2) The County Supervisor will send to the State Director Form FHA–993, the new borrower's promissory note, and, when appropriate, Form FHA–971 modified to fit the circumstances, with an explanatory attachment.

(3) The State Director will deliver to the holder the original and two copies of the partially completed form FHA–993, the original of the new borrower's promissory note, and, when appropriate, the original of Form FHA–971 with the explanatory attachment. Form FHA–971 will be attested as in the case of an initial insured FO loan. The State Director will inform the holder of the amount of the unpaid balance of principal and interest on the old borrower's promissory note as of the date of closing the insured loan for the new borrower, which will be the date of final payment shown on Form FHA–993. The State Director will request that, if such amount is in agreement with the holder's records, the holder should execute the original and one copy of Form FHA–993, and return to the appropriate County Supervisor the executed original and copy of Form FHA–993, together with the canceled promissory note of the old borrower. If the lender holds the old mortgage, the State Director also will request the holder to return to the County Supervisor the mortgage and appropriate instrument of satisfaction or release of the mortgage. If the amount of the new borrower's promissory note is in excess of the unpaid balance of principal and interest on the old borrower's promissory note, the State Director will request the holder to send a check to the County Supervisor drawn to the order of the new borrower in the amount of the difference as specified on Form FHA–971.

(4) On the date of loan closing, the County Supervisor will collect from the new borrower the appraisal fee and the initial loan insurance charge and will transmit these collections to the Finance Office in the usual manner. When the executed Form FHA–993 is received from the holder it will be sent to the Finance Office.

(e) *Final actions on old borrower's account*—(1) *Finance Office action.* Upon receipt of the executed Form FHA–993, the Finance Office will determine if the full amount owed the loan insurance account of the old borrower has been paid, and, if paid, the Director, Finance Office, will sign Section II of Form FHA–993. Finance Office records on the old borrower will be satisfied as a paid-in-full account.

(2) *County Office action.* After the satisfaction or release and, when appropriate, Form FHA–366 have been recorded, the County Supervisor will deliver to the old borrower the canceled promissory note, the satisfied real estate mortgage, the instrument of satisfaction or release of the mortgage and, when appropriate, Form FHA–366.

(Sec. 41 (j), 60 Stat. 1066; 7 U. S. C. 1015 (j). Interpret or apply secs. 3, 12, 44, 60 Stat. 1069, 1074, 1076, as amended; 7 U. S. C. 1003, 1006b, 1006c, 1018)

Dated: December 27, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56–10619; Filed, Dec. 31, 1956; 8:47 a. m.]

Subchapter G—Miscellaneous Regulations

[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

MISCELLANEOUS AMENDMENTS

1. Section 383.3 (a) (5), Title 6, Code of Federal Regulations (21 F. R. 3477), is amended to make it clear that personal farming experience is not necessary for a borrower who is a nonoperating owner, and to read as follows:

§ 383.3 *Qualification for Farm Housing loan*—(a) *Applicant.* • • •

(5) Possess the character, ability, and experience necessary to carry out successfully the farming operations, either personally or through an agent or tenant, and satisfy the County Committee and loan approval official that he will endeavor honestly to carry out the undertakings and obligations required of him in connection with the Farm Housing loan.

2. Section 383.6, Title 6, Code of Federal Regulations (21 F. R. 3479), is amended by the insertion of a new paragraph providing for supervisory assistance for all Farm Housing borrowers. Paragraphs (a), (b) and (c) are renumbered as (b), (c), and (d), a new paragraph (a) is added and the paragraph formerly designated (d) is redesignated (e) and revised. The revisions read as follows:

§ 383.6 *Special requirements*—(a) *Supervisory assistance.* All Farm Housing borrowers will receive supervisory assistance to the extent necessary to assure the success of the borrower's farming operation and the protection of the Government's interest; except that supervisory assistance will not be extended to tenants on borrowers' farms, Farm Housing borrowers will receive supervisory assistance in developing annual farm and home plans for the first full crop year (including an interim plan, if necessary). They also will receive such additional supervisory assistance as necessary to accomplish the objectives of the loan, including farm and home visits and assistance in keeping records. Supervisory assistance in developing farm and home plans may be discontinued after the first full crop year when the County Supervisor determines that such assistance is no longer needed to accomplish the objectives of the loan. After assistance in the preparation of farm and home plans is discontinued, the County Supervisor will service each loan to the extent necessary to assure that (1) security is being maintained properly, (2) acceptable farming practices are being followed, and (3) the maturities on Farmers Home Administration debts and other debts secured by other prior liens are being paid when due.

• • • • • •

(e) *Relationship of Farm Housing loans to Farm Ownership and Soil and Water loans.* Each eligible applicant should be encouraged to obtain the kind of Farmers Home Administration loan best suited to his needs. In determining which kind of loan best suits the applicant's needs, consideration will be given to the purposes for which the applicant needs funds, the availability of loan funds, and the need for supervisory assistance. Whenever possible, an applicant's total real estate credit needs will be met with one kind of loan. If the credit needs of a Farm Ownership borrower can be met with a Farm Housing loan, such a loan may be made provided the loan limitations and requirements of Farm Ownership loans are also complied with.

3. Section 383.8 (c) Title 6, Code of Federal Regulations (21 F. R. 3480), is amended to make Farm Housing loans subject to the title clearance requirements of the Farmers Home Administration for real estate mortgage loans in general and to read as follows:

§ 383.8 *Technical service.* • • •

(c) *Title clearance and legal services in connection with Farm Housing loans.* Title clearance and legal services required for making and closing a Farm Housing loan will be in accordance with §§ 307.1 to 307.7 of this chapter.

4. Section 383.10 (b) Title 6, Code of Federal Regulations (21 F. R. 3480, 6210), is amended by changing references to Forms FHA–197A and FHA–440 to Forms FHA–141, "Farm and Home Plan," and FHA–596, "Appraisal Report."

5. Section 383.11 (a) Title 6, Code of Federal Regulations (21 F. R. 3480), is amended to require the preparation of farm and home plans for all Farm Housing loans and to read as follows:

§ 383.11 *Preparation of loan docket*—(a) *Farm and home plans.* Form FHA–14, "Farm and Home Plan," will be developed for all Farm Housing loans. When a Farm Housing loan is to be made to a nonoperator owner, the columns in Tables B, "Crops, Pasture, Etc.—Production and Sales," and C, "Livestock and Products—Production and Sales," of Form FHA–14 pertaining to the operator's share will be changed to owner's share. If an application is being considered early in the crop year for a borrower who has a current Form FHA–14, such form will be revised to show changes in the financial statement and significant changes in the plan of operations; however, if the crop year is well advanced or completed, a farm and home plan will be developed for the ensuing year.

6. Section 383.13 Title 6, Code of Federal Regulations (21 F. R. 3480), is amended to include references to property insurance, revised loan closing instructions, and owner's title insurance policies and the effective time of loan closing, and to read as follows:

§ 383.13 *Actions subsequent to loan approval*—(a) *Property insurance.* When there are insurable buildings on

the real estate, the County Supervisor will see that adequate insurance is provided effective as of the time of loan closing in accordance with §§ 306.1 to 306.6 of this chapter.

(b) *Supervised bank account.* The supervised bank account will be used for Farm Housing borrowers in the same manner as prescribed for Farm Ownership borrowers in §§ 303.1 to 303.6 of this chapter.

(c) *Loan closing.* The Farm Housing loan will be closed in accordance with §§ 307.1 to 307.7 of this chapter.

(d) *After loan closing.* A conformed copy of the recorded mortgage, and an owner's policy of title insurance if one is obtained, will be delivered to the borrower by the County Supervisor.

(e) *Effective time of loan closing.* A Farm Housing loan is closed when the mortgage is filed for record.

7. Section 383.14 Title 6, Code of Federal Regulations (21 F. R. 3481), is amended to modify the requirements concerning appraisal reports for subsequent loans and to read as follows:

§ 383.14 *Subsequent Farm Housing loans.* Subsequent Farm Housing loans may be made for the same purposes and under the same conditions as initial loans. The subsequent loan will be processed in the same manner as initial loans except that title evidence will cover only the period since the previous Farm Housing mortgage was filed for record and a new appraisal report will be required only when at least one of the following exist: (a) The latest appraisal report on the farm is over a year old, (b) the physical characteristics of the farm have significantly changed or (c) the County Committee, County Supervisor or loan approval official requests a new appraisal report. The mortgage securing the subsequent Farm Housing loan will contain (by typed insertion, if necessary) a provision to the effect that both the initial loan and the subsequent loan will be secured by both the initial mortgage and the subsequent mortgage and that default under either mortgage will be default under both.

(R. S. 161, sec. 510, 63 Stat. 438; 5 U. S. C. 22, 42 U. S. C. 1480)

Dated: December 27, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 56-10620; Filed, Dec. 31, 1956; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

ANNOUNCEMENT AND APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO FOR THE 1957–58 MARKETING YEAR

§ 725.803 *Basis and purpose.* (a) Sections 725.803 to 725.804 are issued (1) to announce the reserve supply level and the total supply of burley tobacco for the marketing year beginning October 1, 1956; (2) to establish the amount of the national marketing quota for burley tobacco for the marketing year beginning October 1, 1957; and (3) to apportion the national marketing quota for burley tobacco for the 1957–58 marketing year among the several States. The findings and determinations contained in §§ 725.803 to 725.804 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from burley tobacco producers and others as provided in a notice (21 F. R. 7493) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since burley tobacco growers are making plans for their 1957 farming operations and will soon be preparing plant beds and purchasing fertilizer and other materials, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impractical and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for burley tobacco for the 1957–58 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.804 *Findings and determinations with respect to the national marketing quota for burley tobacco for the marketing year beginning October 1, 1957*[1]—(a) *Reserve supply level.* The reserve supply level for burley tobacco is 1,606,000,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 535,000,000 pounds and a normal year's exports of 36,000,000 pounds.

(b) *Total supply.* The total supply of burley tobacco for the marketing year beginning October 1, 1956, is 1,795,000,000 pounds consisting of carryover of 1,301,000,000 pounds and estimated 1956 production of 494,000,000 pounds.

(c) *Carryover.* The estimated carryover of burley tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1957, is 1,234,000,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956, of 561,000,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of burley tobacco which will make available during the marketing year beginning October 1, 1957, a supply of burley tobacco equal to the reserve supply level of such tobacco is 372,000,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 372,000,000 pounds would result in undue restriction of marketings during the 1957–58 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for burley tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1957, is 446,400,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Alabama	29
Arkansas	52
Georgia	86
Illinois	5
Indiana	7,742
Kansas	90
Kentucky	200,294
Missouri	3,184
North Carolina	10,096
Ohio	9,953
Pennsylvania	2
South Carolina	4
Tennessee	63,189
Texas	1
Virginia	10,962
West Virginia	2,832
Reserve[1]	773

[1] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 27th day of December 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10623; Filed, Dec. 28, 1956; 12:56 p. m.]

[Amdt. 2]

PART 730—RICE

SUBPART—1956–57 MARKETING YEAR

DETERMINATION OF COUNTY AND FARM NORMAL YIELDS FOR 1956 CROP

The regulations contained in § 730.707 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including the amendments to section 301 of that act which are contained in section 502 of the Agricultural Act of 1956. These amendments provide definitions for county and farm normal yields as follows:

(D) "Normal yield" for any county, in the case of rice shall be the average yield per acre of rice for the county during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

(E) "Normal yield" for any farm, in the case of rice, shall be the average yield per acre of rice for the farm during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations issued by the Secretary, taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available.

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the enactment of the Agricultural Act of 1956 there was no provision of law for the determination of county normal yields of rice. Section 730.707 is issued to proclaim county normal yields for the 1956 crop of rice.

Since county normal yields of rice are to be taken into consideration in appraising farm normal yields, § 730.753 providing for farm normal yields is amended as required by the Agricultural Act of 1956.

Since farmers are marketing their 1956 crop rice it is necessary that they be informed of the proclamation and amendment herein as soon as possible. It is hereby found that compliance with the notice, public procedure, and effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and this document shall become effective upon the date of publication in the FEDERAL REGISTER.

1. A new § 730.707 is issued as follows:

§ 730.707 *County normal yields.*

ARKANSAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Arkansas	2,664	Lafayette	1,728
Ashley	2,335	Lawrence	2,388
Chicot	2,400	Lee	2,553
Clark	2,481	Lincoln	2,183
Clay	2,259	Little River	1,800
Conway	2,300	Lonoke	2,518
Craighead	2,558	Miller	1,953
Crittenden	2,594	Mississippi	2,335
Cross	2,418	Monroe	2,365
Dallas	2,264	Perry	2,086
Desha	2,266	Phillips	2,458
Drew	2,357	Poinsett	2,594
Faulkner	2,402	Prairie	2,550
Grant	2,300	Pulaski	2,226
Greene	2,402	Randolph	2,360
Hot Spring	2,282	St. Francis	2,477
Independence	2,386	White	2,488
Jackson	2,442	Woodruff	2,476
Jefferson	2,240		

CALIFORNIA

Butte	3,508	Riverside	1,954
Colusa	3,327	Sacramento	3,281
Fresno	3,146	San Joaquin	2,766
Glenn	3,252	Solano	3,807
Imperial	1,358	Stanislaus	3,327
Kern	2,544	Sutter	3,354
Kings	1,812	Tulare	1,626
Madera	3,164	Yola	2,967
Merced	2,609	Yuba	2,636
Placer	3,086		

FLORIDA

County	Normal yield (pounds)
Palm Beach	1,268

ILLINOIS

Adams	3,291

LOUISIANA

County	Normal yield (pounds)	County	Normal yield (pounds)
Acadia	2,392	Lafourche	1,950
Allen	2,241	Madison	2,555
Ascension	2,388	Morehouse	2,784
Assumption	2,144	Plaquemines	2,282
Avoyelles	2,002	Rapides	2,088
Beauregard	1,806	Richland	2,516
Bossier	2,100	St. Charles	2,202
Calcasieu	1,946	St. James	2,272
Cameron	2,241	St. John the Baptist	2,670
Concordia	2,200	St. Landry	2,326
East Carroll	2,944	St. Martin	2,715
Evangeline	2,288	St. Mary	2,296
Franklin	2,200	St. Tammany	1,857
Grant	2,100	Tensas	2,600
Iberia	2,306	Terrebonne	2,179
Iberville	2,404	Vermilion	2,306
Jefferson Davis	2,402	West Carroll	2,700
Lafayette	2,454		

MISSISSIPPI

Bolivar	2,556	Quitman	2,645
Coahoma	2,564	Sharkey	2,622
De Soto	2,736	Sunflower	2,545
Hancock	1,012	Tallahatchie	2,650
Humphreys	2,400	Tate	2,400
Issaquena	2,487	Tunica	2,770
Leflore	2,637	Washington	2,488
Panola	2,600		

MISSOURI

Lewis	2,638	Dunklin	3,936
Marion	3,112	Mississippi	1,643
Lincoln	2,882	New Madrid	1,744
St. Charles	3,110	Pemiscot	3,463
Ripley	2,424	Scott	3,542
Butler	3,578	Stoddard	2,603

NORTH CAROLINA

Hyde	2,030

OKLAHOMA

McCurtain	2,015

SOUTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Berkeley	1,755	Georgetown	1,104
Charleston	1,108	Horry	1,731
Colleton	1,120	Jasper	1,382

TENNESSEE

Dyer	1,986	Lauderdale	2,932
Fayette	1,966		

TEXAS

Austin	3,028	Lavaca	2,776
Bowie	2,530	Liberty	2,639
Brazoria	2,653	Matagorda	2,949
Calhoun	2,366	Milam	2,900
Chambers	2,528	Newton	2,688
Colorado	3,013	Orange	2,384
Fort Bend	2,794	Polk	2,457
Galveston	2,573	San Jacinto	2,460
Hardin	2,802	Victoria	2,918
Harris	2,866	Walker	2,494
Jackson	3,061	Waller	2,920
Jasper	2,304	Washington	3,000
Jefferson	2,511	Wharton	2,920

2. Section 730.753, paragraphs (b) and (c), are amended to read as follows:

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per acre for all the 5 calendar years immediately preceding the calendar year for which the yield is determined are presented by the farmer or are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields as provided herein. If the county committee determines that on account of drought, flood, insect pests, plant disease or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted for such year in calculating the normal yield. If the county committee determines that on account of abnormally favorable weather conditions the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted for such year in calculating the normal yield. The adjustment for trends in yields shall be made by computing the simple average of (1) the average yield per acre of rice for the farm during the 5 calendar years immediately preceding the calendar year for which the normal yield is determined, adjusted for abnormal weather conditions and other uncontrollable natural causes, and (2) the average yield per acre of rice for the farm during the 2 calendar years immediately preceding the calendar year for which the normal yield is determined, similarly adjusted.

(c) *Appraised yields.* If for any year of such five-year period records of the actual average yield are not available, or there was no actual yield, the normal yield in pounds per acre shall be appraised by the county committee, taking into consideration abnormal weather conditions, trends in yields, the county normal yield, the yields obtained on adjacent farms during such year which are similar with respect to type of soil, availability of irrigation water, and farming practices associated with the production of rice, and the yield in years for which data are available.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 301, 52 Stat. 38, as amended, 70 Stat. 212; 7 U. S. C. 1301)

Done at Washington, D. C., this 26th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10618; Filed, Dec. 31, 1956; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.24]

PART 814—ALLOTMENT OF SUGAR QUOTAS

MAINLAND CANE SUGAR AREA, 1957

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing allotments of the 1957 sugar quota for the Mainland Cane

Sugar Area for the period January 1, 1957, to the date allotments of such quota are prescribed for the full calendar year 1957.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that probably 305,000 tons of 1956-crop sugar will remain to be marketed after January 1, 1957. This quantity of sugar, along with production of sugar from 1957-crop sugarcane, will result in a supply of sugar available for marketing in 1957 sufficiently in excess of the 1957 quota that may be expected for the area that disorderly marketing may occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 5). The inventories of sugar on January 1, 1957, together with production in early 1957, may make it possible for some allottees to market shortly after January 1, 1957, a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments, to be effective, be in effect on January 1, 1957. In view thereof and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1957.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (21 F. R. 4251) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on October 20, 1956 (21 F. R. 8088), of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building of the Department of Agriculture on November 1, 1956, at 11:00 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify or revoke the preliminary finding of necessity for allotment, and (2) to establish fair, efficient and equitable allotments of a portion of the 1957 quota for the Mainland Cane Sugar Area for the period January 1, 1957, to the date the Secretary prescribes allotments of such quota for the calendar year 1957.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

The necessity for allotment of the 1957 sugar quota for the Mainland Cane Sugar Area is indicated by the extent to which the quantity of sugar in prospect for marketing in 1957 exceeds the quota that may be established and that in the absence of allotments disorderly marketing would result, and some interested persons would be prevented from having equitable opportunities to market sugar (R. 5).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1957 until most allottees have completed processing of 1956-crop sugarcane, but allotments of a portion of the quota should be in effect beginning January 1, 1956, because inventories of sugar on January 1, 1957, together with production of sugar in early 1957 may make it possible for some allottees to market shortly after January 1, 1957, a quantity of sugar larger than eventually may be allotted to them (R. 5, 6).

To meet this situation the Government witness proposed that allotment of 450,000 short tons, raw value, of the 1957 sugar quota for the Mainland Cane Sugar Area be established to be effective for the period January 1, 1957, to the date allotments of the entire quota for the calendar year are established, by allotting 450,000 short tons, raw value, to the respective allottees on the basis that each allottee's allotment be the same proportion of 450,000 short tons, raw value, as his allotment was of the total 1956 allotments established in Sugar Regulation 814.23, Amendment 2, effective August 15, 1956 (21 F. R. 6081, R. 6, Ex. 4).

Consideration is given to the three factors cited in the act in the same manner as was given in allotting the full quota for 1956, and such basis for allotment of a portion of the 1957 quota to be in effect for the early part of the year cannot be substantially improved (R. 7). The hearing record shows that due to a succession of interests the former allottee, Godchaux Sugars, Inc., shall be replaced by two allottees; namely, Gulf States Land and Industries, Inc., and The National Sugar Refining Company, Reserve Division, and provides the basis for establishing allotments for such allottees (R. 10, Ex. 6). The hearing record contains proposals to include in the order to become effective January 1, 1957, paragraphs essentially the same as paragraph (b) of Sugar Regulation 814.23, which established initial allotments for 1956 and paragraphs (c) and (d) as they appeared in Sugar Regulation 814.23, Amendment 2 (R. 10, 11).

No testimony, proposals or arguments contrary to that outlined above appear in the hearing record.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1957 Mainland Cane Sugar processors will have available for marketing from 1955 and 1956-crop sugarcane about 305,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1957-crop sugarcane, will result in a supply of sugar available for marketing in 1956 sufficiently in excess of the anticipated 1957 quota for the Mainland Cane Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1957 Mainland Cane Sugar Area quota is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugarcane produced in the area.

(3) It is desirable to defer the allotment of the entire 1957 calendar year sugar quota for the Mainland Cane Sugar Area until processings from 1956-crop sugarcane can be known or closely estimated for all allottees, but it is necessary to make allotments of a portion of the 1957 quota effective January 1, 1957, to prevent some allottees from marketing a quantity of sugar larger than eventually may be allotted to them when the entire 1957 quota is allotted.

(4) The findings in (3), above, require that, effective for the period January 1, 1957, until the date allotments of the entire 1957 calendar year Mainland Cane Sugar Area quota are prescribed 450,000 short tons, raw value, of the 1957 quota shall be allotted and that allotments of such quantity be established by allotting to each allottee the same proportion of 450,000 short tons, raw value, as his allotment was of the total 1956 allotments established by Sugar Regulation 814.23, Amendment 2, effective August 15, 1956.

(5) Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area established as found in (4), above, give consideration to the statutory factors "processings • • • from • • • proportionate shares," "past marketings" and "ability to market."

(6) The allotments of the 1956 quota referred to in (4), above, are as set forth in the following table:

Processors	Allotments (short tons, raw value)
Albania Sugar Company	6,501
Alice C. Plantation & Refinery, Inc.	7,638
Alma Plantation, Ltd	7,348
J. Aron & Company, Inc	12,978
Billeaud Sugar Factory	7,742
Breaux Bridge Sugar Coop., Inc	7,098
J. M. Burguieres Co., Ltd., The	6,107
Burton-Sutton Oil Co., Inc	6,590
Caire & Graugnard	2,218
Caldwell Sugars Coop., Inc	11,848
Catherine Sugar Co., Inc	6,765
Columbia Sugar Company	5,196
Cora-Texas Manufacturing Co., Inc	2,360
Dugas & LeBlanc, Ltd	10,926
Duhe & Bourgeois Sugar Co., Inc	8,363
Erath Sugar Co., Ltd	4,732
Evan Hall Sugar Coop., Inc	20,831
Evangeline Pepper & Food Products, Inc	4,848
Fellsmere Sugar Producers Assoc	8,264
Frisco Cane Co., Inc	881
Glenwood Coop., Inc	13,767
Godchaux Sugars, Inc	33,960
Helvetia Sugar Coop., Inc	6,733
Iberia Sugar Coop., Inc	12,816
LaFourche Sugar Company	14,632
Harry L. Laws & Co., Inc	9,540
Levert-St. John, Inc	8,484
Loisel Sugar Co., Inc	5,272
Louisiana State Penitentiary	3,630
Lula Factory, Inc	11,233
Meeker Sugar Coop., Inc	3,364
Milliken & Farwell, Inc	12,086
Okeelanta Sugar Refinery, Inc	11,703
M. A. Patout & Son, Ltd	7,794
Poplar Grove Ptg. & Ref. Co., Inc	6,170
St. James Sugar Coop., Inc	12,091
St. Mary Sugar Coop., Inc	12,561
Slack Bros., Inc	3,132
Smedes Bros., Inc	4,483
South Coast Corp., The	42,485
Southdown Sugars, Inc	39,070
Sterling Sugars, Inc	11,564
J. Supple's Sons Ptg. Co., Ltd	4,309
United States Sugar Corp	105,697
Valentine Sugars, Inc	11,964
Vermilion Sugar Co., Inc	2,239
Vida Sugars, Inc	4,378
A. Wilbert's Sons Lbr. & Sh. Co	3,623
Young's Industries, Inc	5,956
Louisiana State University	100
Any other person	000
Total	580,025

(7) Gulf States Land and Industries, Inc., and The National Sugar Refining Company, Reserve Division, shall replace Godchaux Sugars, Inc., as allottees with allotments as provided for in the record of this proceeding.

(8) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(9) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest and under circumstances involving an allottee not processing any cane and such cane as he would normally process, if operating, is processed by other allottees.

(10) To aid in the efficient movement and storage of sugar, provision shall be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1957 Mainland Cane Sugar Area quota.

(11) For the period January 1, 1957, until the date allotments of the entire 1957 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, *It is hereby ordered:*

§ 814.24 *Allotment of the 1957 sugar quota for the Mainland Cane Sugar Area.*—(a) *Allotments.* For the period January 1, 1957, until the date allotments of the entire 1957 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed, the 1957 quota for the Mainland Cane Sugar Area is hereby allotted, to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments (short tons, raw value)
Albania Sugar Company	5,044
Alice C. Plantation & Refinery, Inc.	5,926
Alma Plantation, Ltd	5,701
J. Aron & Company, Inc	10,065
Billeaud Sugar Factory	6,006
Breaux Bridge Sugar Coop., Inc	5,507
J. M. Burguieres Co., Ltd., The	4,738
Burton-Sutton Oil Co., Inc	5,066
Caire & Graugnard	2,497
Caldwell Sugars Coop., Inc	9,192
Catherine Sugar Company, Inc	5,264
Columbia Sugar Company	4,031
Cora-Texas Manufacturing Co., Inc	1,831
Dugas & LeBlanc, Ltd	8,477
Duhe & Bourgeois Sugar Co., Inc	6,488
Erath Sugar Company, Ltd	3,671
Evan Hall Sugar Coop., Inc	16,161
Evangeline Pepper & Food Products, Inc	3,761
Fellsmere Sugar Producers Assoc	6,411
Frisco Cane Co., Inc	683
Glenwood Coop., Inc	10,681
Gulf States Land & Industries, Inc	15,808
Helvetia Sugar Coop., Inc	5,224
Iberia Sugar Coop., Inc	9,943
LaFourche Sugar Company	11,352
Harry L. Laws & Company, Inc	7,401
Levert-St. John, Inc	6,582
Loisel Sugar Company, Inc	4,090
Louisiana State Penitentiary	2,616
Lula Factory, Inc	8,715
Meeker Sugar Coop., Inc	2,610
Milliken & Farwell, Inc	9,377
National Sugar Refining Co., The, Reserve Div	10,539
Okeelanta Sugar Refinery, Inc	9,080
M. A. Patout & Son, Ltd	6,047
Popular Grove Ptg. & Ref. Co., Inc	4,787
St. James Sugar Coop., Inc	9,380
St. Mary Sugar Coop., Inc	9,745
Slack Bros., Inc	2,430
Smedes Bros., Inc	3,478
South Coast Corp., The	32,961
Southdown Sugars, Inc	30,312
Sterling Sugars, Inc	8,972
J. Supple's Sons Ptg. Co., Ltd	3,343
United States Sugar Corp	82,008
Valentine Sugars, Inc	9,282
Vermilion Sugar Co., Inc	1,737
Vida Sugars, Inc	3,396
A. Wilbert's Sons Lbr. & Sh. Co	6,690
Young's Industries, Inc	4,621
Louisiana State University	78
Any other person	000
Total	450,000

(b) *Restrictions on shipment and marketing.* For the period January 1, 1957, until the date an allotment order is issued allotting the entire 1957 calendar year sugar quota for the Mainland Cane Sugar Area, each person named in paragraph (a) of this section, and any other person, is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the Mainland Cane Sugar Area in excess of his allotment established in paragraph (a) of this section.

(c) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act: (1) Permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment, and (2) permit, when approved in writing by him, the transfer of allotments made in paragraph (a) of this section, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1956-crop sugarcane because of inability of the transferor, arising subsequent to the processing of the 1955 crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market up to an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 26th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10617; Filed, Dec. 31, 1956; 8:47 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 943—MILK IN NORTH TEXAS MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 943), regulating the handling of milk in the North Texas marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The provision of § 943.51 (a) which provides for a supply-demand adjustment applicable to the Class I price will not tend to effectuate the declared policy of the act during the months of January, February, and March 1957.

(b) Notice of proposed rule making, public procedure thereon, and 30 days prior notice to the effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) the issuance of this suspension order is necessary to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area; (2) unless this suspension order is effective for January, February and March 1957, there will occur a substantial drop in the Class I price; (3) in view of the uncertain production conditions, such a drop in price would seriously threaten the maintenance of an adequate supply of milk from the production area for the North Texas market; (4) this suspension order has been requested by a substantial majority of the producers whose milk is regulated by the order; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provision be and hereby is suspended for the months of January, February and March 1957:

All of § 943.51 (a) except the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $2.00 for the months of March through June and plus $2.20 for all other months.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10624; Filed, Dec. 28, 1956; 1:02 p. m.]

PART 994—PECANS GROWN IN GEORGIA, ALABAMA, FLORIDA, MISSISSIPPI, AND SOUTH CAROLINA

SUBPART—ADMINISTRATIVE RULES AND REGULATIONS

Pursuant to the provisions of Marketing Agreement No. 111 and Order No. 94, regulating the handling of pecans grown in Georgia, Alabama, Florida, Mississippi, and South Carolina (7 CFR Part 994) proposed rules and regulations relating to Pecan Administrative Committee operations were published in the FEDERAL REGISTER of November 8, 1956 (21 F. R. 8502). In said notice, a 30-day period was afforded interested persons to submit to the Department written data, views, or arguments pertaining thereto for consideration. No such documents were received and the time for making such submission has now expired.

After consideration of all relevant information available to the Department, the following Pecan Administrative Committee rules and regulations are hereby issued:

ELECTION OF NOMINEES TO PECAN ADMINISTRATIVE COMMITTEE AND HANDLERS ADVISORY COUNCIL

Sec.
994.433 Nomination elections.

ASSESSMENTS AND REFUNDS

994.462 Time of payment of assessments.
994.464 Time of refunds.

INSPECTION

994.475 Inspection.

EXEMPTIONS

994.476 Quantity exemption.
994.477 Pecans for shelling or processing outside the production area.

BOOKS AND RECORDS

994.480 Information to be shown in handlers records.
994.481 Reports of shipments by handlers.

AUTHORITY: §§ 994.433 to 994.481 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

ELECTION OF NOMINEES TO PECAN ADMINISTRATIVE COMMITTEE AND HANDLERS ADVISORY COUNCIL

§ 994.433 *Nomination elections.* In addition to the procedure prescribed in §§ 994.33 and 994.48, the Secretary, through his authorized representative, shall, at least 15 days before the nomination election for a particular district is to be held, mail to each grower of record in that district or to each handler of record in that district, as the case may be, notice of the time and place of the nomination meeting and a ballot form for the use of such grower or handler in voting by mail in the event he elects not to attend the meeting and cast his ballot personally. In giving notice of each such meeting to growers and handlers in the respective districts, as required in §§ 994.33 and 994.48, the Secretary shall include information as to where ballot forms may be obtained. Such ballot forms shall provide separately for voting for each position to be filled and shall contain a blank space in which the voter may indicate his choice for that position. Each mail ballot shall be accompanied by a return addressed envelope. Ballots signed by voters in the particular district, in which the election is being held, and received by the representative of the Secretary prior to the counting of the votes at any meeting will be considered the same as ballots which are cast personally at the meeting. The person receiving the highest number of votes for any position shall be the nominee.

ASSESSMENTS AND REFUNDS

§ 994.462 *Time of payment of assessments.* Each handler shall pay assessments due the Committee promptly upon request by the Committee. Such requests may be made weekly, or in the case of handlers with no fixed place of business in the area or for other reasons, requests may be made at the time of inspection.

§ 994.464 *Time of refunds.* The Committee shall determine the amount of any excess assessments due each handler and shall notify him of the amount credited to his account within three months after the close of each fiscal period. After such notification any handler may request a refund of the net amount due him at the time of such request. Amounts which are due handlers as refunds for a fiscal period and which, after reasonable effort by the Committee have not been distributed, or have not been used in paying assessments for the next fiscal period shall, after one year following the end of the fiscal period for which such assessment funds were collected, be transferred to current receipts as "miscellaneous income": *Provided*, That if any person to whom such a refund is due requests the Committee for same, it shall be paid to him out of such current receipts.

INSPECTION

§ 994.475 *Inspection*—(a) *Procedure.* Each handler who desires to have pecans inspected as required in § 994.75, shall communicate with the Federal-State or Federal Inspection Service and have such inspection made and a certificate issued, at his own expense. If a handler is unable to locate an inspector, the Pecan Administrative Committee, Albany, Georgia, shall at his request furnish any assistance practicable in locating one.

(b) *Seals and stamps.* The Pecan Administrative Committee shall furnish to the inspection agency all necessary seals and stamps and shall keep records containing adequate information as to the serial numbers of all seals and stamps issued to the inspection agency. The Committee shall arrange with the inspection agency to keep records of the serial numbers of seals distributed to individual inspectors and to record on each inspection certificate the series range and the number of seals used on the pecans covered by such certificate.

EXEMPTIONS

§ 994.476 *Quantity exemption.* Except pecans handled in accordance with provisions of § 994.477, the total quantity of unshelled pecans which may be handled by any handler to any one person during any one day exempt from inspection and certification, and assessment, is 105 pounds.

§ 994.477 *Pecans for shelling or processing outside the production area*—(a) *General.* The Committee shall authorize shipments of unshelled pecans for shelling or processing outside the area, without regard to grade and size regulations and without regard to inspection and certification requirements, only to shellers, processors, or broker-distributors, who sign an agreement with the Committee insuring that all receipts of such pecans will be disposed of in accordance with the Committee requirements and who agree to make specified reports required by the Committee pertaining to such receipts and to meet the Committee's requirements in other respects.

(b) *Authorized shellers, processors, or broker-distributors.* The Pecan Administrative Committee shall mail or deliver to all shellers, processors, and broker-distributors outside the production area who are known to be interested in receiving unshelled pecans from the area, an agreement form (P. A. C. Form 2) to shellers and processors, and an agreement form (P. A. C. Form 3) to broker-distributors. To be approved to receive uninspected pecans, shellers and processors shall have adequate facilities for shelling or processing pecans, and by executing the applicable agreement must agree to: (1) Maintain accurate records in regard to pecans received from the area; (2) make their records and plant facilities available to the Committee or the Secretary of Agriculture for inspection; (3) submit such reports of receipts and disposition of such pecans to the Committee as it requires; and (4) to comply with all Committee requirements which affect them. Similar requirements for eligibility shall apply to broker-distributors, except that instead of having adequate facilities for shelling or processing pecans, they must be engaged in, or about to become engaged in, the business of distributing pecans. Each such sheller, processor, or broker-distributor who enters into the required agreement with the Committee shall be notified by the Committee that he has been approved as an authorized receiver of uninspected pecans shipped from the area, and shall be assigned an agreement number by the Committee: *Provided*, That the Committee may refuse to approve as an authorized receiver of uninspected pecans any person whom it appears may not reasonably be expected to comply with the aforementioned requirements. Such approval may be terminated at any time by the Committee for good cause.

(c) *Instructions to handlers.* The Committee shall furnish all known handlers in the area a list of shellers, processors, and broker-distributors outside the area who have been authorized by the Committee to receive uninspected pecans shipped from the area, together with the agreement number assigned to each such receiver by the Committee, and shall keep handlers currently informed of any deletions or additions to the list of approved receivers. The Committee shall also furnish or make available to handlers desiring to make shipments of uninspected pecans to points outside the area a supply of P. A. C. Form 1, each consisting of an original, one pink copy, and three yellow copies. Promptly upon each shipment, the handler shall complete and mail or deliver the original of such form to the Committee and mail or deliver the three yellow copies so completed to the person outside the area to whom the pecans are shipped. P. A. C. Form 1 shall show the name and address of the shipper, quantity, type of pecans, date of shipment, number and type of containers, shipping point, car initials and numbers, or truck license number, name and address of person to whom the shipment is made, and such receiver's agreement number assigned by the Committee. Except as authorized pursuant to § 994.76, no person shall ship or cause to be shipped unshelled pecans, which have not been inspected and certified as meeting order requirements, to any person outside the area who has not been authorized by the Committee to receive such pecans.

(d) *Instructions to shellers, processors, and broker-distributors.* Anyone receiving uninspected pecans shipped outside the five-State area shall, within three days after receipt of shipment, report to the Committee using the first yellow copy of P. A. C. Form 1 pertaining to such shipment. If any such pecans are distributed as unshelled pecans, they must be inspected and certified as meeting the then applicable grade and size requirements and a copy of the certificate and the assessment applicable to such quantity must be sent or delivered to the Committee. Promptly after shelling, or inspection and certification for inshell sale, a report of disposition shall be made to the Committee using the second yellow copy of P. A. C. Form 1. The third copy shall be retained in the files of the sheller or processor. In the event that a broker-distributor or a sheller or processor resells uninspected pecans received from the five-State area under a P. A. C. Form 1, he shall execute a new P. A. C. Form 1 in the manner described in paragraph (c) of this section and shall show on such new form the serial number of the P. A. C. Form 1 under which the shipment was received from the area. The Committee shall make a supply of forms available to persons outside the area for such use.

BOOKS AND RECORDS

§ 994.480 *Information to be shown in handlers records.* Each handler shall maintain records showing the following information with respect to his shipments of unshelled pecans to destinations outside the five-State area: (a) Quantity shipped, (b) variety or type, (c) date of shipment, (d) receiver or destination, and (e) inspection certificate number or P. A. C. Form 1 number.

§ 994.481 *Reports of shipments by handlers.* Information required under § 994.81 (a) (other than shipments under P. A. C. Form 1) may be furnished in a daily report or in the form of a copy of the Inspection Certificate covering such pecans or a copy of the handlers invoice covering the shipment of such pecans.

It is also ordered, That, effective as of the effective time of this document, the provisions of existing §§ 994.201 and 994.401 (7 CFR 994.201 and 994.401), which set forth requirements regarding nomination elections and exemptions, are terminated, since the requirements in those regards are set forth in the aforesaid rules and regulations contained in this document.

Dated on December 27, 1956 to become effective on the 31st day after publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 56-10616; Filed, Dec. 31, 1956; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6591]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JAY'S MANUFACTURING CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1647 *Guarantee*—statutory: Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Jay's Manufacturing Company, Inc. (New York, N. Y.), et al., Docket 6591, December 12, 1956]

In the Matter of Jay's Manufacturing Company, Inc., a Corporation, and Sam Albala and Louis Feinbaum, Individually and as Officers of Said Corporation; Sam Albala and James Sutera, Individually and as Co-partners Trading and Doing Business as S and J Company

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a manufacturer and its agent, in New York City and Hoboken, N. J., respectively, with violating the Wool Products Labeling Act through misbranding as "all wool", ladies' skirts which did not contain all wool; failing to label certain wool products as required; and falsely guaranteeing as not misbranded wool products manufactured by them.

Following entry of an agreement between the parties for consent order, the hearing examiner made his initial decision and order to cease and desist, which became, on December 12, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Jay's Manufacturing Company, Inc., a corporation, and its officers; and Sam Albala and Louis Feinbaum, individually and as officers of said corporation; and Sam Albala and James Sutera, individually and as co-partners trading and doing business as S and J Company, or under any other trade name, and their representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' skirts or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented to contain "wool", "re-

processed wool" or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from:

1. Misbranding such products by falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Misbranding such products by failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Furnishing false guaranties when there is reason to believe the wool products so guaranteed may be introduced, sold, transported or distributed in commerce.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939: *And provided further*, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 12, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-10607; Filed, Dec. 31, 1956; 8:45 a. m.]

[Docket 6819]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FLENDER AND BERGER, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Flender and Berger, Inc., et al., New York, N. Y., Docket 6619, December 14, 1956]

In the Matter of Flender and Berger, Inc., a Corporation, and Bernard Flender and Irving Berger, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporate furrier and its officers, in New York City, with violating the Fur Products Labeling Act through falsely identifying certain fur products on labels and invoices with respect to the names of animals producing the fur, and otherwise failing to conform to requirements of the act in labeling and invoicing its fur products.

Following entry of an agreement between the parties for consent order, the hearing examiner made his initial decision and order to cease and desist, which became on December 14, 1956, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Flender and Berger, Inc., a corporation, and its officers, and respondents Bernard Flender and Irving Berger individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by—

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produce the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing—

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product;

g. The item number of such fur product;

3. Setting forth on labels attached to fur products required information in abbreviated form;

B. Falsely or deceptively invoicing fur products by—

1. Failing to furnish invoices to purchasers of fur products showing—

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product;

2. Abbreviating required information on invoices;

3. Failing to set forth on invoices the item number of the fur product;

4. Failing to set forth on invoices the name or names of the animal or animals producing the fur contained in the fur products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Flender and Berger, Inc., a corporation, and Bernard Flender and Irving Berger, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 14, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-10608; Filed, Dec. 31, 1956; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. 13]

DMO VII-6—EXPANSION GOALS

TRANSFER OF CERTAIN GOALS FROM OPEN AND SUSPENDED LISTS TO CLOSED LISTS

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876), is supplemented as follows:

The following expansion goals are hereby transferred from List III, Open to List I, Closed:

Goal No.	Title	Delegate agency
148	Aircraft, Commercial	Commerce.
207	Alkylate	Interior.
212	Heavy Steel Plates	Commerce.
215	Titanium Melting Facilities.	Commerce.
223	Titanium Processing Facilities.	Commerce.

The following expansion goal is hereby transferred from List II, Suspended to List I, Closed:

Goal No.	Title	Delegate agency
3	Iron Ore, Taconite	Interior.

2. This supplement shall be effective on December 28, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 56-10627; Filed, Dec. 28, 1956; 1:12 p. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

PRESHO LIVESTOCK AUCTION CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the livestock market known as the Presho Livestock Auction Company, Presho, South Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act. Notice is hereby given, therefore, that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 26th day of December 1956.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 56-10605; Filed, Dec. 31, 1956; 8:45 a. m.]

Forest Service

ASHLEY NATIONAL FOREST

REMOVAL OF TRESPASSING HORSES

Whereas a number of horses are trespassing and grazing on land in the Bear Mountain-Dutch John Gap and the Dutch John Flat-Goslin Mountain Allotments, Manila Ranger District, Ashley National Forest, in Daggett County, State of Utah; and

Whereas these horses are consuming forage needed for permitted livestock, are causing extra expense to established permittees, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U. S. C. 551), and the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472), the following order is issued for the occupancy, use, protection, and administration of the Bear Mountain-Dutch John Gap and the Dutch John Flat-Goslin Mountain Allotments, Manila Ranger District, Ashley National Forest:

Temporary closure from livestock grazing. (a) The Bear Mountain-Dutch John Gap and the Dutch John Flat-Goslin Mountain Allotments, Manila Ranger District, Ashley National Forest, are hereby closed for the period February 1, 1957, to June 30, 1957, to the grazing of horses excepting those that are lawfully grazing on or crossing such land pursuant to the regulations of the Secretary of Agriculture, or which are used in connection with operations authorized by such regulations, or that are used as riding, pack, or draft animals by persons traveling over such land.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all horses found trespassing or grazing in violation of this order.

(c) Fifteen days' notice of intention to dispose of such horses shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which the Ashley National Forest is located.

Done at Washington, D. C., this 27th day of December 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10621; Filed, Dec. 31, 1956; 8:48 a. m.]

Office of the Secretary

CALIFORNIA AND MINNESOTA

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the States of California and Minnesota, production disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

California:
Sutter
Minnesota:
Kittson
Marshall
Roseau

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 27th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10622; Filed, Dec. 31, 1956; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11525]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF HEARING

DECEMBER 27, 1956.

Transcontinental Gas Pipe Line Corporation (Applicant), a Delaware corporation with principal place of business at Houston, Texas, filed an application on November 23, 1956 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to construct and operate certain natural gas facilities and to sell and deliver natural gas in interstate commerce to the City of Shelby, North Carolina (Shelby) for resale by said City, all as more fully represented in the application. Due notice of the filing of the application has been given including publication thereof in the FEDERAL REGISTER on December 19, 1956 (21 F. R. 10185). Said notice fixes January 4, 1957 as the last day for filing protests or petitions for leave to intervene in the instant matter.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 17, 1957, at 10:00 a. m., e. s. t.,

in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10610; Filed, Dec. 31, 1956; 8:46 a. m.]

SECRETARY OF FEDERAL POWER COMMISSION

DELEGATION OF AUTHORITY TO NOTIFY INDEPENDENT PRODUCERS OF ACCEPTANCE OF STATEMENTS AND RELATED RATE FILINGS

DECEMBER 26, 1956.

Notice of Delegation of Final Authority to Secretary upon the invocation of § 157.28 of regulations under the Natural Gas Act.

Pursuant to the requirements of section 3 (a) (1) of the Administrative Procedure Act, notice is hereby given that on December 19, 1956, the Commission has made the following delegation of final authority:

Authorized the Secretary, or in his absence the Acting Secretary, to notify Independent Producers, as defined in § 154.91 of the regulations under the Natural Gas Act (18 CFR 154.91) of the acceptance of the statements, filed by such Independent Producers, invoking § 157.28 of said regulations (18 CFR 157.28) and, when appropriate, to notify such Independent Producers of the acceptance of the related rate filing, so that the proposed temporary sales or transportation may proceed upon receipt of such notice.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 56-10609; Filed, Dec. 31, 1956; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

PUBLIC HOUSING COMMISSIONER

AMENDMENT OF DELEGATIONS OF AUTHORITY TO EXERCISE CERTAIN RESPONSIBILITIES VESTED IN THE HOUSING AND HOME FINANCE ADMINISTRATOR UNDER VARIOUS STATUTES

The delegations of final authority to the Public Housing Commissioner, published at 18 F. R. 4612-3, August 5, 1953, as amended at 19 F. R. 2590, May 5, 1954, at 19 F. R. 4115-6, effective July 1, 1954 (published July 7, 1954), and at 20 F. R. 3837, June 1, 1955, hereby are further amended in the following respects:

The appendix to the delegations is amended by the insertion of the following item after present item (16A):

(16B) Calif. 4-454-F, near Vallejo, Calif. (Parcel of land containing 0.771 acres, located in the southeast corner of the former Olympic Elementary School Site, Calif. 4-454-F, and in the Chabot Terrace PHA Project No. Cal. 4211, Vallejo, Calif., on which site a PHA Child Care Center is located.)

Effective as of the 1st day of January 1957.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 56-10615; Filed, Dec. 31, 1956; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1750]

CORTEZ URANIUM AND MINING CO.

ORDER VACATING ORDER OF SUSPENSION

DECEMBER 21, 1956.

Cortez Uranium and Mining Co. (Cortez), a Colorado corporation, 404 University Building, Denver, Colorado, filed with the Commission on May 27, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto, relating to a proposed offer of 3,000,000 shares of common stock, 1 cent par, at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A thereunder. By amendment dated May 22, 1956, Columbia Securities Company, No. 1 Equitable Building, Denver, Colorado, is named as the principal underwriter of the securities proposed to be offered by Cortez.

The Commission on September 4, 1956 ordered, pursuant to the general rules and regulations under said Act, that the conditional exemption under Regulation A be temporarily suspended on the grounds specified in the aforesaid order.

Cortez, subsequent to the action temporarily suspending the exemption under Regulation A, having furnished the Commission information that it no longer has any relationship with its former underwriter, Columbia Securities Company; that the only relationship ever existing with that concern involved that of underwriter and issuer pursuant to contract, as described in the offering circular; and that Cortez intends to obtain a new underwriter and proceed with the offer of its securities and its exploration program after appropriate amendments have been made to the filing; and

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order for suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to Rule 223 (b) and Rule 261 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order for suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10612; Filed, Dec. 31, 1956; 8:46 a. m.]

[File No. 70-3524]

NATIONAL FUEL GAS CO. ET AL.

ORDER APPROVING MERGER OF TWO SUBSIDIARIES

DECEMBER 26, 1956.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc.; File No. 70-3524.

National Fuel Gas Company ("National"), a registered holding company, and its wholly-owned public-utility subsidiaries, Iroquois Gas Corporation ("Iroquois") and Republic Light, Heat and Power Company, Inc. ("Republic"), have filed a joint application-declaration and amendments thereto with this Commission, pursuant to sections 6 (a) (2), 6 (b), 7 (e), 9, 10, 12 (c), and 12 (d) of the Public Utility Holding Company Act of 1935 ("act"), and Rules U-42 and U-44 thereunder, with respect to the following proposed transactions:

Iroquois and Republic are both gas companies engaged in the production of natural gas and in the distribution of natural and mixed gas. The service areas of both are located in the western part of New York State with the City of Buffalo as the center, and are for the most part contiguous. Both Iroquois and Republic operate with substantially the same executive personnel and many services and facilities are now used by both companies in common.

It is proposed to merge Republic into Iroquois by the filing with the Department of State of the State of New York a Certificate of Consolidation. In order to accomplish the merger, Iroquois will increase its authorized common stock from 400,000 to 500,000 shares of $100 par value common stock. Republic's outstanding 96,746 shares of common stock will be converted into a like number of shares of Iroquois common stock and Republic's common stock will be cancelled. Iroquois will then acquire Republic's assets and assume its liabilities, and National will acquire the additional 96,746 shares of common stock of Iroquois.

The proposed merger has been approved by the New York Public Service Commission and various phases of the proposed transactions have been approved by the Federal Power Commission, to the extent of the respective jurisdictions of these Commissions.

The fees and expenses in connection with the proposed transactions are estimated in the aggregate of $23,735, including $5,700 of estimated counsel fees and expenses. National will bear $500 of the total expenses while Iroquois will pay the remainder.

Due notice having been given of the filing of the joint application-declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 56-10613; Filed, Dec. 31, 1956; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in regulations, Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates; occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Ace Garment Co., Inc., 147 East 125th Street, New York, N. Y.; effective 12-15-56 to 6-14-57; five learners (dresses).

Appomattox Garment Co., Division 3, Altavista, Va.; effective 12-12-56 to 12-11-57; 10 learners (children's cotton dresses).

Bee & Gee Pants Co., 104-106 River Street, Olyphant, Pa.; effective 12-23-56 to 12-22-57 (men's and boys' trousers).

Calhoun Garment Co., Calhoun City, Miss.; effective 12-18-56 to 12-17-57 (boys' and student's semidress trousers).

J. Freezer & Son, Inc., Rural Retreat, Va.; effective 12-23-56 to 12-22-57 (ladies' shirts).

Knickerbocker Manufacturing Co., Inc., West Point, Miss.; effective 12-11-56 to 10-12-57; 10 percent of factory production workers engaged in the manufacture of men's woven sleepwear (men's woven sleepwear) (replacement certificate).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa.; effective 12-28-56 to 12-27-57; 10 learners (women's and misses' dresses).

Lourose Dress Co., Inc., 129 River Street, Olyphant, Pa.; effective 12-12-56 to 12-11-57; five learners (women's dresses).

R. Lowenbaum Manufacturing Co., 100 South Minnesota Street, Cape Girardeau, Mo.; effective 12-18-56 to 12-17-57 (junior dresses).

R. Lowenbaum Manufacturing Co., 130 South Front Street, Mounds, Ill.; effective 12-18-56 to 12-17-57; five learners (junior dresses).

R. Lowenbaum Manufacturing Co., Sparta, Ill.; effective 12-18-56 to 12-17-57 (junior dresses).

New Berlin Garment Co., New Berlin, Pa.; effective 12-12-56 to 12-11-57; five learners (ladies' cotton dresses and children's play clothes).

Shreveport Garment Manufacturers, 1023 Polk Street, Mansfield, La.; effective 12-13-56 to 12-12-57; 10 learners (cotton work shirts).

Stitchcraft, Inc., 393 Oconee Street, Athens, Ga.; effective 12-13-56 to 12-12-57; five learners (children's cotton and synthetic dresses).

Yunker Manufacturing Co., Inc., 301 Ann Street, Parkersburg, W. Va.; effective 12-28-56 to 12-27-57 (infant's cotton apparel).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Carlisle Manufacturing Co., Richfield, Utah; effective 12-18-56 to 6-17-57; 40 learners (work shirts).

Clover Leaf Manufacturing Co., Appleton City, Mo.; effective 12-14-56 to 6-13-57; six learners (restaurant aprons and uniforms).

Forest Hosiery Co., Forest City, N. C.; effective 1-7-57 to 7-6-57; 20 learners (knitted outerwear) (replacement certificate).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

General Cigar Co., Inc., 715-25 North Fourth Street, Allentown, Pa.; effective 12-27-56 to 12-26-57; 10 percent of factory production workers for normal labor turnover purposes.

General Cigar Co., Inc., 1301-11 Seventh Avenue, Huntington, W. Va.; effective 12-17-56 to 12-16-57; 10 percent of factory production workers for normal labor turnover purposes.

General Cigar Co., Inc., Fifth and Hickory Streets, Mt. Carmel, Pa.; effective 12-17-56 to 12-16-57; 10 percent of factory production workers for normal labor turnover purposes.

General Cigar Co., Inc., 154 West Church Street, Nanticoke, Pa.; effective 12-17-56 to 12-16-57; 10 percent of factory production workers for normal labor turnover purposes.

General Cigar Co., Inc., Robert Burns Drive, Philipsburg, Pa.; effective 12-17-56 to 12-16-57; 10 percent of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Lambert Manufacturing Co., Plant No. 1, 501 Jackson Street, Chillicothe, Mo.; effective 12-20-56 to 12-19-57; 10 learners for normal labor turnover purposes (cotton work gloves).

Lambert Manufacturing Co., Plant No. 3, 1006 Washington Street, Chillicothe, Mo.; effective 12-20-56 to 12-19-57; 10 learners for normal labor turnover purposes (leather and leather combination work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Cormier Hosiery Mills, Inc., 56 Union Avenue, Laconia, N. H.; effective 12-14-56 to 12-13-57; five learners for normal labor turnover purposes (seamless).

Magnet Mills, Inc., 308 Cullom Street, Clinton, Tenn.; effective 12-7-56 to 6-6-57; 50 learners for expansion purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

E & W Manufacturing Co. of Yazoo City, Yazoo City, Miss.; effective 12-10-56 to 6-9-57; 40 learners engaged in the production of men's woven shorts for expansion purposes (men's undershorts).

Knickerbocker Manufacturing Co., Inc., West Point, Miss.; effective 12-11-56 to 10-12-57; 5 percent of factory production workers engaged in the manufacture of men's woven underwear for normal labor turnover purposes (men's woven underwear) (replacement certificate).

Marion Lingerie, Inc., Marion, Ala.; effective 12-14-56 to 6-13-57; 50 learners for expansion purposes (knitted ladies' underwear).

Movie Star of Ellisville, Ellisville, Miss.; effective 12-11-56 to 6-10-57; 20 learners for plant expansion purposes (ladies' lingerie).

Movie Star of Ellisville, Ellisville, Miss.; effective 12-11-56 to 12-10-57; five learners for normal labor turnover purposes (ladies' lingerie).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Cedar Shoe Co., Boscobel, Wis.; effective 12-10-56 to 12-9-57; 10 learners for normal labor turnover purposes.

Heavenly Shoes, Inc., 30 Courtright Avenue, Wilkes-Barre, Pa.; effective 12-11-56 to 6-10-57; 30 learners for expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Eveready Embroidery, Inc., 235 Orient Avenue, Jersey City, N. J.; effective 12-10-56 to 6-9-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of embroidery machine operator and sewing machine operator; authorizing the employment of 3 learners for normal labor turnover purposes (commercial and military insignia) (replacement certificate).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Proctor Manufacturing Corp., State Road No. 1, Km. 3.1, Rio Piedras, P. R.; effective

12-3-56 to 6-2-57; not less than 87 cents per hour for a maximum of 240 hours, for the occupations of assemblers and machine operators; authorising the employment of 15 learners for expansion purposes (assembly of electric irons and electric toaster elements).

Trophy Craft Corp., Road No. 1, Km. 34.2, Caguas, P. R.; effective 12-3-56 to 6-2-57; not less than 68 cents per hour for the first 240 hours and 80 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of scraping, lacquering and assembling; authorising the employment of 5 learners for normal labor turnover purposes (parts for trophies).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Oklahoma Baptist University, Shawnee, Oklahoma; effective 12-10-56 to 9-31-57; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stereotype caster, paper cutter, machine operator and feeder; authorising the employment of 3 student workers (supplemental certificate).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of the Regulations, Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 18th day of December 1956.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 56-10606; Filed, Dec. 31, 1956; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 27, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33097: *Calcium carbonate to Newburgh, N. Y.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on calcium carbonate, carloads from Newburgh, N. Y., to Barberton, Fairport, Painesville, Perry, Ohio, Wyandotte and Ludington, Mich.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariff: Supplement 211 to Agent Hinsch's tariff I. C. C. 4542.

FSA No. 33098: *Commodities from and to points on the Texas and New Orleans Railroad.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on all commodities, carload and less-than-carload between points in Louisiana and Texas and points in the United States and Canada.

Grounds for relief: Short-line distance formula, rail carrier competition and circuity.

Tariffs: Supplement 41 to Agent Kratzmeir's tariff I. C. C. 4204 and three other tariffs.

FSA No. 33099: *Rice Products from the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rice products consisting of a mixture of weed seeds, crushed rice and cracked rice, carloads from Arkansas, Louisiana, and Texas to points in southwestern, western trunk-line, Illinois freight association, and official territories.

Grounds for relief: Short-line distance formula, circuity and grouping.

Tariffs: Supplement 112 to Agent Kratzmeir's tariff I. C. C. 3974 and two other tariffs.

FSA No. 33100: *Rice and rice products from Altair and Mohat, Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rice and rice products, also rice products consisting of a mixture of weed seeds, crushed rice and cracked rice, carloads from Altair and Mohat, Texas to points in western trunk-line, Illinois and official territories.

Grounds for relief: Short-line distance formula, marketing, and grouping.

Tariffs: Supplement 122 to Agent Kratzmeir's tariff I. C. C. 3974. Supplement 219 to Agent Kratzmeir's tariff I. C. C. 3987.

FSA No. 33101: *Slag from Ensley, Ala., to Dothan, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ground open-hearth basic slag, carloads from Ensley, Ala., to Dothan, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 51 to Agent Spaninger's tariff I. C. C. 1510;

FSA No. 33102: *Butadiene from Louisiana and Texas to Institute, W. Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on butadiene, tank-car loads from Baytown, Channel View, Houston, Port Neches, Texas City, Tex., Lake Charles and West Lake Charles, La., to Institute, W. Va.

Grounds for relief: Water carrier and market competition.

Tariff: Supplement 83 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33103: *Petroleum and petroleum products from Apperson, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from Apperson, Okla., to points in Illinois freight association, official, southern, southwestern and western trunk-line territories.

Grounds for relief: Short-line distance formula, circuity, and market competition.

Tariffs: Supplement No. 102 to Agent Kratzmeir's tariff I. C. C. 4666 and seven other tariffs.

FSA No. 33104: *Newsprint paper between points in South and Southwest.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, also newsprint paper winding cores, old or used, carloads, in the reverse direction from (A) points in Alabama, Florida, and Tennessee and (B) points in Arkansas and Texas to (A) points in the Southwest and (B) points in the South.

Grounds for relief: Short-line distance formula, circuity, and grouping.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1576; Supplement 17 to Agent Kratzmeir's tariff I. C. C. 4152.

FSA No. 33105: *Merchandise from Miami, Fla., to Atlanta, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Miami, Fla., to Atlanta, Ga., and points grouped therewith.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 60 to Agent Spaninger's tariff I. C. C. 1458.

FSA No. 33106: *Newsprint paper in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on newsprint paper, carloads from Pine Bluff and Paperton, Ark., and Herty, Tex., to points in the Southwest; also Mississippi River crossings St. Louis, Mo.-East St. Louis, Ill., and south.

Grounds for relief: Short-line distance formula, circuity, grouping, and market competition.

Tariff: Supplement 52 to Agent Kratzmeir's tariff I. C. C. 4151.

FSA No. 33107: *Bituminous fine coal to Tama and Toledo, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from mines in Illinois, Indiana, and western Kentucky to Tama and Toledo, Iowa.

Grounds for relief: Market competition with natural gas.

Tariffs: Supplement 46 to Atchison, Topeka and Santa Fe Railway tariff I. C. C. 14708 and other issues listed in exhibit 1 of the application.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 56-10611; Filed, Dec. 31, 1956; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WILLEM FRANS SMIT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willem Frans Smit, The Hague, Holland, Claim No. 61743, Vesting Order No. 17915, $125.00 in the Treasury of the United States;

Ten shares of $0.10 par value common stock of the Keta Gas & Oil Corporation, represented by Certificate No. CO-9060, registered in the name of the Attorney General, which shares are held in the Federal Reserve Bank, New York, for safekeeping; and

Seven shares of $5.00 par value common stock of the Swan Finch Oil Corporation stock, included in those represented by Certificate No. C-06967, registered in the name of the Attorney General, which shares are held in the Federal Reserve Bank, New York, for safekeeping.

Executed at Washington, D. C., on December 20, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director, Office of Alien Property.

[F. R. Doc. 56-10580; Filed, Dec. 28, 1956; 8:51 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

PROCESSING INITIAL INSURED AND DIRECT FARM OWNERSHIP LOANS

Sections 332.1 to 332.13, Title 6, Code of Federal Regulations, are amended to include regulations with respect to optioning of land, to conform Farm Ownership loan processing with revised title clearance regulations in §§ 307.1 to 307.7 of this chapter (21 F. R. 2929) and with revised loan policies under Public Law 878, 84th Congress, and to read as follows:

§ 332.1 *Optioning of land.* When land is to be purchased, the applicant will be responsible for selecting the land he intends to purchase and for obtaining an option on such land. Ordinarily, the County Committee should have viewed the applicant with favor before he obtains an option on the land to be purchased. The County Supervisor should, if possible, prior to the applicant's selection of the land to be purchased, advise him with respect to the approximate size and quality of farms which are generally considered as family-type farms in the particular county. Such advice, together with the consideration of the applicant's eligibility by the County Committee before the land is selected, will save applicant's time in looking for farms and will reduce the number of options taken on farms which are obviously too small, too large, or too unproductive to qualify for the Farm Ownership program. Form FHA–188, "Option to Purchase Real Property," will be given to the applicant with an explanation of the provisions of the form and how it will be completed. Generally, the Farmers Home Administration option form should be used; however, other option forms may be used if their provisions are acceptable.

(a) The County Supervisor is responsible for examining each completed option to determine if it is acceptable. When the County Supervisor is doubtful as to whether the option is acceptable due to questions of a legal or administrative nature, such as the effect of mineral or other reservations on the applicant's or the Government's interest, or unusual conditions or alterations of the Farmers Home Administration option Form or other option form, if used, he will forward the option to the State Director for advice.

(b) The County Supervisor also will determine that:

(1) At least one dollar is actually paid to the seller by the applicant and the receipt for this amount is acknowledged in the option.

(2) The option protects the interests of the applicant, and that the option is recorded, if necessary. Recordation fees will be paid by the applicant.

(3) The following clause is inserted in options in connection with loans which involve more than one tract:

"The seller agrees that, irrespective of any other provision in this option, the buyer, or his assignees may, if the option is accepted, without any liability therefor, refuse to accept conveyance of the property described herein if the aforesaid loan cannot be made or insured because of defects in the title to other land now owned by, or being purchased by, the buyer."

(c) When a tract of land is to be optioned and subdivided, the applicant, in whose name the option is to be taken, must be advised by the County Supervisor that he is not designated as an agent or trustee and will not receive any remuneration for assigning interest in the option to other applicants. The County Supervisor is responsible for explaining to the seller and the applicant, in whose name the option is taken, the terms and conditions of the option including the provision that the seller will provide an accurate survey, if required by the Government.

(1) The County Supervisor will discuss any proposed subdivision with the County Committee and the Area Supervisor before any definite commitments are made to the prospective seller with respect to utilizing a tract for subdivision purposes. He will also obtain the assistance of the employee authorized to appraise farms in making a thorough study of the tract and in plotting the

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units to show proposed roads and other necessary facilities in order to determine whether it is practicable to subdivide the tract into adequate farms.

(2) If the tract is determined to be suitable, an option will be taken on Form FHA–188A, "Option for Purchase of Farm (Land to be Subdivided)." The tract will be subdivided into units, each unit will be surveyed, and the applicant, in whose name the tract is optioned, with the guidance of the County Supervisor, will execute Form FHA–188B, "Assignment of Interest in Option (Land to be Subdivided)," with each applicant who is to receive one of the units. If it becomes necessary for the State Di-

rector to designate an applicant an interest in the option, Form FHA–188C, "Designation of Assignee of Interest in Option (Land to be Subdivided)," will be used.

(Secs. 1, 2, 60 Stat. 1072, 1073, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002)

§ 332.2 *Suitability of farm for the Farm Ownership program*—(a) *Responsibility for determining suitability of farms.* The County Supervisor is responsible for making a preliminary determination with respect to whether a loan can be made on the farm. This determination will be based on a personal inspection of the farm and the consideration of such factors as: Productivity of the land; condition and adequacy of the buildings; approximate value of the farm; approximate amount of funds required for land purchase, refinancing or development; available title information; legal description and boundaries of the farm; roads, schools, markets, other community facilities; tax rates; and adequacy of the water supply.

(b) *Development of loan docket and plans.* When the County supervisor makes a preliminary determination that a loan can be made, he also will determine if it is a family-type or less than family-type farm and proceed to develop the loan docket. Farm and Home plans will be prepared on Form FHA–14A, "Long Time Farm and Home Plan," when applicable, and Form FHA–14, "Farm and Home Plan." The farm development plan will be prepared in accordance with Part 324, Subpart B, of this chapter. When the Farm and Home Plan(s) and the tentative draft of the farm development plan have been completed, the County Supervisor will request the services of the appraiser. If it appears that a loan cannot be made, the County Supervisor will promptly notify the applicant of the specific reasons for the decision. In case the aplicant is dissatisfied with the decision and requests further consideration, the County Supervisor may ask the County Committee to consider the farm and give an opinion regarding its suitability for a Farm Ownership loan.

(Secs. 1, 2, 3, 60 Stat. 1072, 1073, 1074, as amended, sec. 16, added 69 Stat. 553, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002, 1003, 1006c)

§ 332.3 *County Committee certification.* The County Supervisor will arrange for a meeting of the County Committee to inspect the farm, and to make the necessary determinations with respect to the applicant and the farm. He will make available to the Committee completed Forms FHA–596, "Appraisal Report," FHA–596B, "Map of Farm," FHA–643, "Farm Development Plan," and FHA–14, "Farm and Home Plan." He will also make available Form FHA–14A, "Long-Time Farm and Home Plan," for all full-time farmers. However, when a loan is being made to an active borrower for whom Farm and Home Plans have been developed in connection with other Farmers Home Administration loans, existing Forms FHA–14 and FHA–14A will be revised to show a current financial statement and significant changes in the plan of operation.

(a) *Certification as to applicant.* The County Committee is responsible for certifying as to the eligibility of each applicant to receive the benefits of Title I of the Bankhead-Jones Farm Tenant Act, as amended, and that, in the opinion of the Committee, the applicant by reason of his character, ability, industry, and experience honestly will endeavor to, and successfully will, carry out undertakings and obligations required of him under a Farm Ownership loan. The Committee also will determine that credit, sufficient in amount to finance the needs of the applicant, is not available to him at the rates (but not exceeding the rate of 5 percent per annum) and terms similar to those prevailing in the community in or near which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source.

(b) *Certification as to farm.* The County Committee is responsible for certifying that the farm is of such character that there is a reasonable likelihood that the making of the loan will carry out the purposes of Title I. The County Committee also is responsible for certifying as to the fair and reasonable value of the farm based upon its normal earning capacity for a family-type farm or normal market value for a less than family-type farm. The County Committee's certification as to the fair and reasonable value of the farm should represent its determination with respect to the farm under consideration after personally inspecting the farm and reviewing Form FHA–596. Usually, the inspection of the farm will be accomplished by the Committee as a group in order to obtain the benefit of group discussion.

(Sec. 2, 60 Stat. 1073, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1002)

§ 332.4 *Deferred payments.* (a) For a direct Farm Ownership loan, the initial payment may be deferred until the end of the second full crop year from the date of the loan. Such payments may be deferred only when the Farm and Home Plan covering the first full crop year indicates that there will be insufficient income to meet a regular annual installment on the loan after farm operating, family living, and other essential expenses are paid during the first or first and second full crop years. Further, in the judgment of the loan approval official, there must be adequate evidence that income in subsequent years will be sufficient to meet the requirements of the loan. The initial payment must always be more than a nominal payment. Deferred payments should not be used to permit the accelerated repayment of other debts, to purchase an unusually large amount of capital goods, or to perform major items of land development. Deferment will be justified only when:

(1) There is a substantial reorganization of the farming system, adequate returns from which will be delayed for one or two full crop years; or

(2) There is being established a system of farming requiring substantial improvements in land clearing, draining, leveling, irrigating, basic fertilizing, and seeding, or other land development or soil improvement operations, adequate returns from which will be delayed for one or two full crop years.

(b) For an insured loan, in addition to meeting the requirements for a direct Farm Ownership loan, the initial payment may be deferred only when the lender has agreed to such deferment and the deferment does not violate State or local laws or regulations to which the lender may be subject.

(Sec. 48, 60 Stat. 1070, as amended; 7 U. S. C. 1022)

§ 332.5 *Second mortgage loan.* When a loan is to be secured by a second mortgage, the following items will apply:

(a) When the County Supervisor determines that it is necessary in protection of the Government's interest to obtain an agreement from a prior lienholder, Form FHA–446, "Agreement with Prior Lienholder," will be used in accordance with the provisions of Part 307, Subpart A, of this chapter.

(b) The applicant will be required to furnish the County Supervisor, before the docket is assembled, a copy of any note and mortgage held by the prior lienholder so that a proper determination can be made as to whether it should be refinanced. In addition, the County Supervisor will be furnished a current statement from the mortgagee showing the correct outstanding principal balance of the existing mortgage(s); the amount of any accrued interest; whether the account(s) is (are) current or delinquent; and rate of interest, if not shown in the mortgage. This information will be included in the docket for the information of the loan approval official. Any cost incident to securing a copy of a mortgage or current statement will be paid by the applicant.

(c) In states where a prior mortgage holder may foreclose his mortgage and make junior liens unenforceable without giving notice of foreclosure to the holder of the junior lien, a junior lien on the real estate will be taken as security for a loan only if the prior lienholder executes an agreement to give the Government actual advance notice of foreclosure or assignment of the mortgage. The State Director, with the advice of the Attorney in Charge, will prescribe an appropriate form of notice agreement and will issue a regulation regarding its use. The regulation will prescribe the minimum acceptable period of notice. If the notice agreement is to be recorded, the cost of recording will be paid by the borrower.

(Sec. 3, 60 Stat. 1074, as amended, sec. 16, added 69 Stat. 553, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1003, 1006c)

§ 332.6 *Preparation of loan docket and action by loan approval official.* (a) Forms required in loan processing will be prepared and assembled in the County Office. The County Supervisor will assemble the loan docket when the County Committee has signed Form FHA–491, "County Committee Certification (Farm Ownership Loans)." If the

applicant is a veteran, the loan docket will include evidence of discharge or release, and, if he is a disabled veteran, also evidence showing the amount of and reason for his pension. The loan docket will be submitted to the State Office.

(b) *Examination of loan.* Before approving any loan, the loan approval official will make a comprehensive and objective study of the proposed loan, utilizing all available information regarding the family, the farm, and the plans of operation. This study is to determine the eligibility of the applicant and the farm and the soundness of the loan, and to see if the loan is within prescribed limitations. In the case of a loan where the property is subject to an existing mortgage, the loan approval official must determine whether the loan should be secured by a first or second mortgage. If the loan approval official's findings do not concur with the County Supervisor's recommendation, the docket will be returned to the County Supervisor with his comments and suggestions for revision.

(c) *Approval or disapproval of a loan.* (1) If the loan is approved, the loan approval official will:

(i) Indicate approval of the loan on Form FHA–476, "Record of Actions."

(ii) Sign Form FHA–5 for a direct loan or an insured loan when the United States as trustee for a State Rural Rehabilitation Corporation is the lender.

(2) If the loan is disapproved, the loan approval official will explain on Form FHA–476 the reasons therefor. The County Supervisor will notify the applicant, giving the reasons for the disapproval of the loan.

§ 332.7 *Requesting title service and accepting option.* When the County Supervisor receives Form FHA–476 indicating approval of the loan, he will see that title service is requested in accordance with Part 307, Subpart A, of this chapter, and, where land is being acquired, also see that Form FHA–191, "Acceptance of Option," is completed, signed, and mailed to the seller; however, in connection with acceptance of option on a subdivision Form FHA–191A, "Acceptance of Option by Assignee," and FHA–191B, "Acceptance of Option by Buyer," will be used, as appropriate.

§ 332.8 *Cancellation of loan.* Loans may be cancelled before loan closing upon request of the applicant or upon order of the County Supervisor through the use of Form FHA–903, "Request for Cancellation of Loan," and approval of such cancellation by the loan approval official. For an insured loan, any checks advanced will be returned promptly to the lender with an explanatory letter. Interested parties will be notified of the cancellation as provided in § 307.7 of this chapter.

§ 332.9 *Increase or decrease in amount of loan.* If it becomes necessary that the amount of the loan be increased or decreased, the County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed.

§ 332.10 *Occupancy of farms by borrowers acquiring land.* When the acceptance of option letter has been mailed to the seller, the borrower will arrange with the seller, in consultation with the Supervisor, to occupy and operate the farm as soon as practicable. Agreements will be in writing and cover such subjects as disposition of growing crops, rentals, payment of maintenance costs, and other pertinent points. The following Forms will be used for this purpose, as appropriate:

Form FHA–189, "Short-Term Lease of Optioned Land".
Form FHA–198, "Short-Term Lease (Between Purchaser and Seller)".
Form FHA–129, "Temporary Cropping License".
Form FHA–199, "Agreement (Between Seller, Purchaser, and Tenant)".

(Sec. 3, 60 Stat. 1074, sec. 16, added 69 Stat. 553; 7 U. S. C. 1003, 1006c)

§ 332.11 *Action by State Office after approval of loan—*(a) *Insured loan.* When Form FHA–971, "Request for Check," is received from the County Office, the State Office will:

(1) When the name of the lender is known, enter the loan on the records maintained in the State Office to control the allocation of loans among lenders, attest the signature of the County Supervisor on the original of Form FHA–971, and forward the original of Form FHA–971 to the lender.

(2) When the National Office must provide the name of the lender, the State Director or other authorized State Office official will attest the signature of the County Supervisor on the original of Form FHA–971 and submit the Form FHA–971, without the name of the lender, to the National Office. The National Office will select a lender to make the loan and will forward the original of Form FHA–971 to the lender selected.

§ 332.12 *Actions subsequent to receipt of preliminary title evidence and prior to loan closing—*(a) *County Supervisor.* When the preliminary title evidence is received, it will be processed in accordance with Part 307 Subpart A, of this chapter. When necessary curative actions have been taken to provide a satisfactory title and a date has been set for loan closing, the County Supervisor will order the loan check. For an insured loan, the County Supervisor will request the check by preparing Form FHA–971 and submitting it to the State Director. In a case where the seller is to become the lender, the amount of the check requested will be only the amount of cash he will advance. Whenever the bank handling a supervised bank account will require the lender's personal check to clear before disbursing funds, the lender should be requested to furnish a certified or cashier's check. When suitable arrangements can be made with the lender, the bank draft method may be used to obtain insured loan funds. When a lender issues a loan check payable jointly to the borrower(s) and the Farmers Home Administration as a precaution against loss of funds, the County Supervisor is authorized to endorse the check on behalf of the Farmers Home Administration at the time of loan closing as follows: "Endorsed without recourse: Farmers Home Administration, By ——————, Title ——————." The State Director also is authorized to endorse such a check in the same manner. Authority to endorse such checks in no way relates to or modifies the regulations contained in Part 362 of this chapter regarding collection items, or the endorsement of such items.

(b) *Designated attorney.* When the designated attorney receives the County Supervisor's comments on the preliminary title opinion and necessary waivers, he will determine if a satisfactory title can be obtained. When it is determined that a satisfactory title can be obtained, he will consult with the County Supervisor as to a suitable closing date. Closing documents will be prepared in accordance with Part 307, Subpart A, of this chapter.

(c) *Attorney in Charge.* When the Attorney in Charge receives the preliminary title evidence or binder and any other material required in § 307.3 (d) or § 307.4 (a) of this chapter, and determines that title is satisfactory or that satisfactory title can be obtained, he will prepare and forward closing instructions to the County Supervisor. Any other documents to be used in connection with loan closing also will be forwarded.

§ 332.13 *Loan closing actions.* When a loan closing date has been agreed upon, the County Supervisor will notify the borrower and seller, if any, of the loan closing date. The loan will be closed with the assistance of the designated attorney, or in accordance with the closing instructions of the Attorney in Charge, and the following appropriate actions will be taken prior to and after loan closing:

(a) *Insured loan.* When a loan check has been received and the loan cannot be closed on the date set for loan closing or within 21 days from the date of the check, it will be returned to the lender with a request for cancellation. When a loan check is lost or destroyed, the County Supervisor will immediately notify the lender and, if the borrower still desires to close the loan, the lender will be requested to issue a new check. When a check is returned and the loan will be closed at a subsequent date, another check will be requested in accordance with the provisions of § 332.12 (a).

(b) *Deposit of check.* The loan check will be deposited in a supervised bank account, in accordance with Part 303 of this chapter, on the date of loan closing after it has been determined that the loan can be closed.

(c) *Assignment of income from property to be mortgaged.* Assignments will be taken when income is to be received by the borrower from royalties, leases, or other existing agreements under which the value of the security will be depreciated. Such assigned income will be applied as an extra payment on the loan. When the County Supervisor deems it advisable, assignments may also be taken for all or a portion of the income derived from nondepleting items such as bonus payments or annual delay rentals. Such assigned income will be applied as a regular payment. When a second mortgage loan is made, the written consent of the prior lienholder to the assignment will be obtained either by a

letter or written approval by the lienholder on the assignment form.

(1) In cases in which income is to be received by the borrower from a mineral lease or other existing agreement pertaining to the property at the time of purchase, a Form FHA–253, "Assignment of Income from Real Estate Security," will be prepared and executed by the borrower and his wife at the time of loan closing. The original and one copy will be forwarded to the lessee with the request that the original be signed and returned to the County Office.

(2) If he deems it advisable, the County Supervisor, upon advice of the designated attorney or Attorney in Charge, as appropriate, may require the acknowledgment and recordation of the assignment. Any cost incident thereto will be borne by the borrower.

(d) *Collection of appraisal fee and initial loan insurance charge for insured loans.* (1) The County Supervisor will collect a $20 appraisal fee from each applicant at the time of loan closing. This fee may be included in the loan. Form FHA–37, "Receipt for Payment," will be prepared for the appraisal fee payment.

(2) The initial loan insurance charge will be collected from an insured loan applicant at the time of loan closing. The amount of such charge will be computed at the rate of one percent of the principal amount of the loan for the period from the date of loan closing to the first January 1 thereafter. Such charge must be paid from the applicant's personal funds. The amount of initial loan insurance charge will be included on the same Form FHA–37 prepared for the appraisal fee payment. If the first installment on the loan, or any portion thereof, is collected at the time of loan closing, it will be entered as a regular payment on the same Form FHA–37.

(e) *Preparation of note.* The date of the note, Forms FHA–190, "Promissory Note," or FHA–190A for direct loans or Forms FHA–240, "Promissory Note (Insured Farm Ownership Loan)," or FHA–240A for insured loans, will be the date of loan closing.

(1) When determining the amount of the first installment, the County Supervisor will consider the borrower's financial circumstances and the extent to which he will receive income from the farm during the calendar year preceding the date of the first installment. The amount of the first installment may be less but not more than a regular annual installment. If the borrower will not receive income from the farm during the calendar year preceding the date of the first installment, a nominal first installment will be sufficient, unless the borrower desires to pay more.

(2) The regular amortized installment will be the amount of principal and interest which, if paid annually, will retire the full amount of the note plus interest within the amortization period of the loan.

(3) When a loan is closed between December 1 and January 1, the first installment will be collected at the time of loan closing unless deferment is approved.

(4) The promissory note and mortgage will be signed by the borrower and, if married, his wife, at the time of loan closing.

NOTE: In the States of Delaware, New Jersey, New York, and Pennsylvania, Forms FHA–190A, "Bond," and FHA–240A, "Bond (Insured Farm Ownership Loan)," are used in place of Forms FHA–190, "Promissory Note," and FHA–240, "Promissory Note (Insured Farm Ownership Loan)," respectively.

(f) *Mortgage forms.* Real estate mortgage forms in series FHA–187 will be used for direct loans and forms in series FHA–242 will be used for insured loans.

(g) *Applicant's financial condition.* The County Supervisor will review with the applicant the financial statement which was prepared at the time the docket was developed. If there have been significant changes in his financial condition, the financial statement will be revised. When an applicant's financial condition has changed to the extent that it appears that the loan would be unsound or improper, the County Supervisor will submit a revised loan docket to the loan approval official for reconsideration.

(h) *Change in use of funds planned for refinancing.* (1) In cases where funds are included in the loan to refinance debts, the County Supervisor is authorized to transfer funds planned for refinancing between debts, provided all debts for which loan funds were planned are paid and the amount of loan funds to be used for refinancing does not exceed the amount planned for such purpose; except that the County Supervisor is authorized to use funds planned for other purposes to pay small deficiencies in estimates of the amount needed for refinancing, if he determines that sufficient funds will remain available to complete the planned farm development or land purchase.

(2) When the total amount of debts planned to be paid have increased so that they cannot be met within the authorities in subparagraph (1) of this paragraph or the applicant desires to transfer funds to pay debts for which loan funds were not planned, a revised loan docket will be submitted to the loan approval official for reconsideration. If the total amount of the loan will be increased, the docket will be processed in accordance with § 332.9.

(i) *Insurance endorsement for insured loan.* The County Supervisor is authorized to execute the insurance endorsement on the reverse of Form FHA–240 or FHA–240A. The State Director also is authorized to sign the insurance endorsement. Execution of the insurance endorsement constitutes the Government's insurance of the loan. If, for any reason, it is not possible for the same County Supervisor who signed Form FHA–971 to sign the insurance endorsement on the Promissory note, the original of the completed note will be sent to the State Office instead of directly to the lender. In such case, the State Director, or other authorized State Office official, will attest on the reverse of the note the signature of the different County Supervisor before sending the note to the lender. This will not be necessary when a local lender has no objection to a different signature on the insurance endorsement than that which appeared on Form FHA–971.

(j) *Obtaining insurance.* When there are insurable buildings on the farm, the County Supervisor will see that adequate insurance is provided, effective as of the time of loan closing, in accordance with Part 306 of this chapter.

(k) *Loan closing.* Loans will be closed in accordance with Part 307, Subpart A, of this chapter.

(l) Immediately after loan closing, the original Form FHA–190 or a conformed copy of Form FHA–240 will be sent to the Finance Office.

(2) Immediately after loan closing, the original Form FHA–240 will be sent to the lender, except that when the United States as trustee for a State Rural Rehabilitation Corporation is the lender it will be forwarded to the State Director for safekeeping.

(3) When the mortgage is returned by the recording official, it will be retained in the County Office.

(4) The original deed of conveyance, if any, and conformed copy of the mortgage will be delivered to the borrower.

(5) If the borrower secures an owner's policy of title insurance, the County Supervisor will deliver it to the borrower as soon as it is received from the title insurance company.

(l) *Effective time of loan closing.* A Farm Ownership loan is considered closed when the mortgage is filed for record.

(m) *Water stock certificates.* Water stock certificates will be sent to the State Office for safekeeping.

(n) *Abstracts of title.* Any abstract of title will be delivered to the borrower for safekeeping except when an abstract is secured from a third party with the understanding it will be returned, such abstract will be sent directly to the third party. The County Supervisor will obtain a receipt from the borrower at the time the abstract is delivered to him. The receipt will be signed and dated by the borrower and the abstract will be identified in the receipt by showing the name of the abstractor who prepared the abstract, the number, if any, assigned by the abstractor, and the period covered by the abstract.

(R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 7 U. S. C. 1015 (l), 40 U. S. C. 442 (c))

Dated: December 28, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57–16; Filed, Jan. 2, 1957; 8:47 a. m.]

Subchapter C—Operating Loans

[FHA Instruction 441.3]

PART 342—OPERATING LOAN PROCESSING

Part 342, "Processing," Title 6, Code of Federal Regulations, is revised to read as follows:

Sec.
342.1 General.
342.2 Definitions.
342.3 Loan forms and routines.
342.4 Review and approval or rejection.

Sec.
342.5 Loan checks.
342.6 Loan closing.
342.7 Revision in the use of loan funds.

AUTHORITY: §§ 342.1 to 342.7 issued under sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (1). Interpret or apply sec. 21, 70 Stat. 802, sec. 42 (c), 60 Stat. 1067, sec. 44, 60 Stat. 1068, as amended, sec. 48, 60 Stat. 1070, as amended, sec. 1, 63 Stat. 407, sec. 1311, 68 Stat. 830; 7 U. S. C. 1007, 1016, 1018, 1022, 31 U. S. C. 712a, 200.

§ 342.1 *General.* This part sets forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making Operating loans as prescribed in Subparts A and B of Part 341 in this chapter.

§ 342.2 *Definitions.* (a) "Applicant" is any individual who applies for an Operating loan under Title II of the Bankhead-Jones Farm Tenant Act, regardless of whether he has previously obtained or is presently indebted for such a loan.

(b) "Initial Operating Loan" is an Operating loan made to an applicant who is not indebted for a loan made under Title II of said act.

(c) "Subsequent Operating Loan" is an Operating loan made to an applicant who is indebted for a loan made under Title II of said act.

§ 342.3 *Loan forms and routines*—(a) *Applications for loans.* (1) Applicants for initial loans will execute Form FHA–197, "Application for FHA Services."

(2) Applicants for subsequent loans will not be required to execute Form FHA–197 but will be required to execute Form FHA–49, "Certifications—Operating Loans," in accordance with paragraph (b) of this section. If the financial statement executed by the applicant in connection with his most recent Farmers Home Administration loan does not reflect his current financial situation, a new financial statement will be made on a Form FHA–14, "Farm and Home Plan," for use by the County Committee in determining the eligibility of the applicant.

(3) If any debts owed by the applicant to the Farmers Home Administration have been settled for less than payment in full, the loan docket and any related County Office case files will be submitted to the National Office for review prior to approval of the loan.

(b) *Form FHA–49, "Certifications—Operating Loans."* (1) The "Applicant Certification," on Form FHA–49 will be executed by each applicant at the time the application for assistance for the crop year is made. However, if the County Committee has previously certified the applicant as eligible for loan assistance for a designated crop year, it will not be necessary for the applicant to execute another certification on Form FHA–49 provided the loan assistance to be extended is within the maximum amount established and the period covered by the existing County Committee certification.

(2) When the applicant is determined to be eligible, the County Committee will execute the "County Committee Certification," on Form FHA–49 before the loan is approved. This certification will cover any loan(s) to be made to the applicant for the crop year specified within the maximum amount of credit established by the County Committee. The date designated by the County Committee as the end of the crop year and the maximum amount of credit will be inserted in the appropriate spaces.

(3) In connection with an application for a subsequent loan, when the County Committee has agreed to increase the original amount of loan assistance certified for the crop year because such amount was insufficient to meet the needs of the borrower, a new Form FHA–49 will be prepared and executed.

(4) When the applicant is determined to be ineligible, the County Supervisor will notify the applicant of the County Committee action and the reasons therefor.

(5) County Committee actions regarding the eligibility of applicants will be taken in Committee meetings attended by at least two members.

(c) *Form FHA–14A, "Long-Time Farm and Home Plan."* Form FHA–14A will be developed for all applicants for initial loans who are full-time operators of family-type farms except for those whose loans are scheduled for payment in full from the income received from the first year's operations.

(d) *Form FHA–14, "Farm and Home Plan."* Form FHA–14 will be developed for all Operating loans.

(e) *Appraisal of property.* The following information will be obtained concerning each secured or unsecured debt to be refinanced: The name of the applicant; the name of the lienholder, if any; the amount owing on the debt; a description of each item of property on which the indebtedness is owed and the market value of each; and the total value of all property on which the indebtedness is owed.

(f) *Tenure agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. Where it is not practical to obtain a copy of the lease agreement, a statement setting forth those terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket.

(g) *Form FHA–31, "Promissory Note."* The amount of each loan and the scheduled payments thereon will be in multiples of $10. Not more than four payments on a single note will be scheduled for any year. The time limitations for payment schedules prescribed in § 341.9 of Subpart A, of this chapter run from the date of the loan check instead of from the date of the note. Form FHA–31 will be dated as of the date of execution by the applicant. The applicant's spouse will be required to execute Form FHA–31 when legally required by State law, or the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or it is determined by the State Director, on a state basis, that the spouse's signature will be required.

(h) *Form FHA–5, "Loan Authorization."* Form FHA–5 will be prepared for the total amount of the loan as indicated on Form FHA–31. Separate Forms FHA–5 will be prepared for each loan. The approval official will indicate his determination that the applicant is eligible and his approval of the loan by signing and dating the original in the space provided.

(i) *Immediate and future loans.* All of the applicant's anticipated credit needs for the crop year will be planned for when Form FHA–14 is developed and, ordinarily, all of the required loan documents will be submitted to the Finance Office at one time. Such documents may provide for the loan funds to be disbursed in an immediate loan, or an immediate loan and one or more future loans, or one or more future loans without an immediate loan. However, all such loans must be disbursed at least 30 days apart and not later than the end of the fiscal year in which they were approved. If it is not practical for all of the loans to be disbursed by the end of the fiscal year, additional loans may be approved and submitted after the beginning of the succeeding fiscal year to meet the remainder of the applicant's credit needs for that crop year if the loan funds are then available. Subject to the above requirements, additional loans also may be submitted at any time during the crop year to meet credit needs of the applicant which could not be anticipated at the beginning of the crop year, provided the need for such credit is reflected on a revision of Form FHA–14.

(1) When credit is to be extended in more than one loan, a separate loan authorization and note must be submitted for each loan.

(2) When a loan is approved for a single future disbursement, the loan will be "initial" or "subsequent" in accordance with § 342.2 (b) or (c), whichever is appropriate. When loan assistance is provided in more than one loan, all such loans will be shown as the same type, that is, either initial or subsequent, depending on the status of the account at the time the first such loan is made.

(j) *Form FHA–30, "Crop and Chattel Mortgage."* The property listed should be described accurately and adequately. The requirements for the signature of the applicant's spouse will be as prescribed for Form FHA–31 in paragraph (g) of this section.

(k) *Form FHA–32, "Subordination Agreement."* When a Subordination Agreement is required, Form FHA–32, or other form approved by the State Director, with the advice of the Attorney in Charge, where Form FHA–32 is not legally sufficient, will be used. The years to be covered by the subordination generally will be for the unexpired period of the lease but as a minimum will be for the year for which the loan is made.

(l) *Form FHA–80, "Assignment of Proceeds from the Sale of Agricultural Products."* Form FHA–80 or other form approved by the State Director, with the advice of the Attorney in Charge, will be used to obtain an assignment of proceeds from the sale of farm, dairy, poultry, or other agricultural products.

(m) *Form FHA–916, (Form Letter).* Form FHA–916 will be used when it is necessary to obtain both a division of income and a non-disturbance agreement from prior lienholders.

(n) *Form FHA–933, "Nondisturbance Agreement."* Form FHA–933 will be used when it is necessary to obtain only nondisturbance agreements from creditors of an applicant who are in a position to interfere with the applicant's farming operations.

(o) *Form FHA–310, "Extension Agreement."* Form FHA–310 will be used when it is necessary to extend installments on a borrower's note(s) and advance him additional credit after the 7-year continuous indebtedness limitation has been reached. Form FHA–310 will be prepared for each note on which an installment(s) is extended in accordance with the policies expressed in § 341.12 (c) of this subchapter and the following.

(1) Loans may be made after the 7-year continuous indebtedness limitation has been reached only during the period for which the borrower's existing note(s) has been extended. Therefore, the payment schedule on at least one note will be extended when making the first loan after the 7-year continuous indebtedness limitation has been reached. After the extension has been processed, additional loans may be made within the extended period without further extension. If the original extension was not for the full period authorized, and an additional loan is to be made after the expiration of the extended period, a further extension, within the maximum period, must be approved. The extended period is the period between the date ending the period of 7-year continuous indebtedness and the latest due date to which any installment is extended. Extension agreements will be entered into only in connection with the making of additional loans.

(2) Form FHA–310 will be executed by the borrower, the loan approval official, and by any junior lien holder(s). The Form will be dated as of the date it is executed by the borrower. The original will be transmitted to the Finance Office along with Forms FHA–31 and FHA–5.

(3) Any necessary actions will be taken to maintain the priority of the Government's lien securing the note(s) being extended.

§ 342.4 *Review and approval or rejection.* After the loan documents have been assembled, the loan approval official will make the determinations required in § 341.13 (a) or § 341.33 of this subchapter, whichever is applicable to the type of loan involved.

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA–5. In cases in which an Operating loan is being made in connection with the making of a Real Estate loan and one loan is dependent on the other, the loan approval official may determine that the loan checks should be issued simultaneously in order to avoid unnecessary interest charges to the applicant. In such cases, when it is not possible to request the Farm Ownership funds before the end of the fiscal year, it will be necessary to obtain a new note and a loan authorization for the Operating loan which must be approved after the beginning of the new fiscal year.

(b) *Rejection of loans.* If a loan is rejected, the County Supervisor will notify the applicant of the rejection and will return to him only the signed copy of Form FHA–31, tenure agreements, and any executed security instruments.

§ 342.5 *Loan checks*—(a) *Undelivered checks.* If for any reason a loan check cannot be delivered within 21 days from the date thereof, it will be returned to the Regional Disbursing Office, United States Treasury Department, 716 New Federal Building, St. Louis 1, Missouri, with a request for cancellation or remailing. When a substantial delay is likely to be encountered in the delivery of a loan check, ordinarily it will be advisable to return the check for cancellation rather than remailing because interest accrues from the date of the loan check. In such cases, a new loan check can be obtained at a suitable time by submitting a new loan authorization and note to the Finance Office.

(b) *Lost or destroyed checks.* When a loan check is lost or destroyed, and the borrower desires to cancel the check, or if a substitute check is to be issued, the County Supervisor will so advise the Finance Office which will take the necessary action. Under no circumstances will the County Supervisor process a new loan authorization to obtain a check to replace one which has been lost or destroyed.

§ 342.6 *Loan closing*—(a) *Check delivery.* Only bonded employees of the Farmers Home Administration will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly, indicating where and when he may expect delivery of the check, or will mail the check to him, or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(b) *Form FHA–87, "Report of Lien Search."* Form FHA–87 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments filed or recorded give the Government the required security.

(2) Except as otherwise provided in this subparagraph, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at nominal cost to applicants. However, applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exorbitant, such service is not available, or experience has shown that the service available will cause undue delay in the closing of loans or make it difficult to comply with the provisions of subparagraph (1) of this paragraph.

(ii) County Office employees may make continuation lien searches when such searches are made as referred to in the last sentence of subparagraph (1) of this paragraph; or if such lien searches are required, as determined by the State Director based upon the advice of the Attorney in Charge, in connection with subsequent mortgages taken to describe additional chattels purchased with loan funds.

(c) *Security documents.* Bonded County Office employees are authorized to execute and file or record any legal instruments necessary to obtain or preserve security for loans. This includes mortgages and similar lien instruments, as well as affidavits, acknowledgments, and other certifications, when the mortgagee must execute such instruments under State law.

(d) *Obtaining security for Operating loans.* In cases in which capital goods are to be purchased and covered by a lien, the County Supervisor will encourage the applicant to make preliminary arrangements for the purchase of all such items by the time the initial mortgage is taken in order to eliminate the taking of additional mortgages. The taking of security in closing loans will be governed by the following requirements:

(1) If all of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the date of the first withdrawal of any of the loan funds from such account.

(2) If only a part or none of the loan funds are deposited in a supervised bank account, the initial mortgage to secure the loan will be taken not later than the time of the delivery of the loan check to the applicant.

(3) If, at the time the initial mortgage is taken under the requirements of subparagraphs (1) or (2) of this paragraph, a part of the property which is to serve as security for the loan is yet to be purchased, a first lien will be taken on such property at the time it is purchased, unless the after-acquired property clause in the mortgage gives the Government a first lien on such property.

(e) *Executing and recording or filing.* Crop and chattel mortgages must be delivered or mailed to the recording office for recordation or filing, whichever is appropriate, the same day such instruments are executed and delivered to the Farmers Home Administration, provided that executed lien instruments received too late in the day to be delivered or mailed to the recording office on that day will be delivered or mailed not later than the next work day; and in those cases in which lien instruments are taken before delivery of the loan checks, such instruments will be delivered or mailed to the

recording official for filing or recording by the time the loan check is delivered.

(f) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds or from the proceeds of the loan.

(1) Whenever cash is accepted by Farmers Home Administration personnel to be used to pay the filing or recording fees for security instruments, or the cost of making lien searches, Form FHA–385, "Acknowledgment of Payment for Recording and Lien Search Fees," will be executed.

§ 342.7 *Revision in the use of loan funds.* (a) The concurrence of the official who approved the loan involved ordinarily will be obtained before changes are made in the purposes for which loan funds are to be used. However, minor changes involving only relatively nominal amounts may be approved by the County Supervisor with respect to loans approved by other officials, provided adequate loan funds will be available to carry out the purposes of the loan. In all instances, the use made of loan funds must be in accord with the purposes for which Operating loans may be made, and the borrower and the County Supervisor must agree to the changes.

(b) When changes are made in the use of loan funds, no revision will be made in the payment schedule on Form FHA–31. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to pay the funds so used in accordance with the payment terms prescribed in § 341.9 of this subchapter. Appropriate changes with respect to the payments will be made in Form FHA–14 and initialed by the borrower.

Dated: December 28, 1956.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57–15; Filed, Jan. 2, 1957; 8:47 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

REDEMPTION OF CERTIFICATES

The regulations governing the redemption of certificates in grain under the acreage reserve program, 21 F. R. 6881 and 8131 are hereby amended as follows:

1. Section 485.258 is amended to read as follows:

§ 485.258 *When redemption may be made.* Certificates issued with respect to any year's crop shall be redeemable in a grain only (a) after the end of the normal harvesting season for that year's crop of such grain in the area where delivery is desired or the area where the grain under price support loan is stored, and (b) before the beginning of the normal harvesting season for the succeeding year's crop of such grain in such area. The normal harvesting season for each area is published in Appendix A to these regulations (21 F. R. 8131).

2. Appendix A to the regulations governing the redemption of certificates in grain under the acreage reserve program (21 F. R. 8131) is amended by deleting the parenthetical statement at the end of the introductory paragraph of such appendix.

(Sec. 124, 70 Stat. 198)

Issued at Washington, D. C., this 27th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 57–36; Filed, Jan. 2, 1957; 8:52 a. m.]

PART 485—SOIL BANK

SUBPART—CONSERVATION RESERVE PROGRAM

HARVESTING OR GRAZING OR USING STORED WATER FROM CONSERVATION RESERVE

Pursuant to the authority vested in the Secretary of Agriculture pursuant to the Soil Bank Act (70 Stat. 188), § 485.157 (i) of the Conservation Reserve Program Regulations issued August 16, 1956 (21 F. R. 6289) is hereby amended by adding at the end thereof the following:

(3) Except where 1956 is included as a part of the contract period, such restrictions on harvesting and grazing shall not apply to harvesting or grazing prior to March 15 of the first year of the contract period of a crop which matured and normally would have been harvested in the preceding year, unless harvesting of the crop would have been in violation of an acreage reserve agreement.

(Sec. 124, 70 Stat. 198)

Done at Washington, D. C., this 28th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 57–14; Filed, Jan. 2, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.33]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1957

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of establishing allotments of the 1957 sugar quota for the Domestic Beet Sugar Area for the period January 1, 1957, to the date allotments of such quota are prescribed for the full calendar year 1957.

Omission of recommended decision and effective date. The record of the hearing regarding the subject of this order shows that about 1,515,000 short tons, raw value, of sugar will be held in inventory by the allottees on January 1, 1957, or will be produced by them from the remainder of the 1956-crop sugar beets by July 1957. This quantity of sugar, along with production of sugar from the 1957-crop beets will result in a supply of sugar available for marketing in 1957 in excess of the 1957 quota that may be expected for the area. Thus, lack of continuity in allotment of the quota might lead to disorderly marketing and some interested persons may be prevented from having equitable opportunities to market sugar and the interests of growers of sugar beets might be adversely affected (R. 5). Inventories of sugar on January 1, 1957, together with production in early 1957 may make it possible for some allottees to market a quantity of sugar larger than the allotments established by this order. It, therefore, is necessary that such allotments, to be effective, be in effect on January 1, 1957. In view thereof, and since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1957.

Preliminary statement. Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (21 F. R. 4251) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on October 20, 1956 (21 F. R. 8087), of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building of the Department of Agriculture on November 1, 1956, at 10:00 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of a portion of the 1957 quota for the Domestic Beet Sugar Area for the period January 1, 1957 to the date the Secretary prescribes allotments of such quota for the calendar year 1957.

The hearing was held at the place and time specified in the notice.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

The necessity for allotment of the 1957 sugar quota for the Domestic Beet Sugar Area is indicated by the fact that the quantity of sugar in prospect for marketing in 1957 exceeds the quota that may be established and that in the absence of allotments disorderly marketing might occur and some interested persons may be prevented from having equitable opportunities to market sugar (R. 5).

Testimony indicates that it is desirable to defer allotment proceedings with respect to the allotment of the full quota for 1957 until the level of processings from the 1956 beet crop will be known or can be closely approximated, but that allotments of a portion of the quota should be in effect January 1, 1957, because inventories of sugar on January 1, 1957, together with production of sugar in early 1957 may make it possible for some allottees to market shortly after January 1, 1957, a quantity of sugar larger than eventually may be allotted to them (R. 5, 6).

To meet this situation it was proposed that allotment of 1,600,000 short tons, raw value, of the 1957 sugar quota for the Domestic Beet Sugar Area be established to be effective for the period January 1, 1957, to the date allotments of the entire quota for the calendar year are established, by alloting 1,600,000 short tons, raw value, to the respective allottees on the basis that each allottee's allotment be the same proportion of 1,600,000 short tons, raw value, as his allotment was of the total 1956 allotments established in Sugar Regulation 814.32, Amendment 2, effective August 15, 1956 (21 F. R. 6083, R. 6, Ex. 4).

Allotments established on this basis give effect to the three factors cited in section 205 (a) of the act for consideration in allotting a quota in the same manner that these factors were treated in allotting the quota for 1956 and constitute a fair, efficient and equitable allotment of a portion of the 1957 quota to be in effect for the early part of the year (R. 7, 8).

In accordance with the hearing record (R. 9) it has been found that the Holly Sugar Corporation is the successor of the Garden City Company and Menominee Sugar Company is successor to Superior Sugar Refining Company.

The hearing record contains proposals (R. 9, 10) to include in the order to become effective January 1, 1957, paragraphs essentially the same as paragraphs (b) and (c) of Sugar Regulation 814.32 (20 F. R. 9853), which established initial allotments for 1956, and paragraph (c) of Sugar Regulation 814.32, Amendment 1 (21 F. R. 2589). No testimony, proposals or arguments contrary to that outlined above appear in the hearing record.

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1957 Domestic Beet Sugar processors will have available for marketing from 1956-crop sugar beets about 1,515,000 short tons, raw value, of sugar. This quantity of sugar, together with production of sugar from 1957-crop beets, will result in a supply of sugar available for marketing in 1957 sufficiently in excess of the anticipated 1957 quota for the Domestic Beet Sugar Area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar.

(2) The allotment of the 1957 Domestic Beet Sugar Area quota is necessary to prevent disorderly marketings and to afford all interested persons equitable opportunities to market sugar processed from sugar beets produced in the area.

(3) Allotment of the entire 1957 calendar year sugar quota for the Domestic Beet Sugar Area should be deferred until processings of the 1956-crop sugar beets can be known or closely estimated for all allottees. However, it is necessary that an allotment of such quota be in effect on January 1, 1957, in order to avoid disorderly marketing out of sugar on hand on that date or to be produced shortly thereafter, and to afford all interested persons equitable opportunities to market sugar.

(4) The findings in (3), above, require that, effective for the period January 1, 1957, until the date allotments of the entire 1957 Domestic Beet Sugar Area quota for the full calendar year are prescribed, 1,600,000 short tons, raw value, of the 1957 quota shall be allotted. Allotments of such quantity shall be established by allotting to each allottee the same proportion of 1,600,000 short tons, raw value, as his allotment was of the total 1956 allotments established by Sugar Regulation 814.32, Amendment 2, effective August 15, 1956.

(5) In establishing allotment of the 1957 sugar quota for the Domestic Beet Sugar Area as found in (4), above, the statutory factors, "processings • • • from • • • proportionate shares," "part marketings" and "ability to market" have been taken into consideration.

(6) The allotments of the 1956 quota referred to in (4), above, are as set forth in the following table:

Processor	Allotments (100-pound bags refined beet sugar)
Amalgamated Sugar Co., The	4,441,445
American Crystal Sugar Co.	5,246,511
Buckeye Sugars, Inc.	167,328
Franklin County Sugar Co.	187,674
Garden City Co., The	197,074
Great Western Sugar Co., The	7,409,468
Holly Sugar Corp.	5,839,306
Layton Sugar Co.	171,328
Menominee Sugar Co.	118,480
Michigan Sugar Co.	1,465,416
Monitor Sugar Division of Robt. Gage Coal Co.	606,953
National Sugar Manufacturing Co., The	82,105
Northern Ohio Sugar Co.	452,097
Spreckels Sugar Co.	3,797,471
Superior Sugar Refining Co.	89,380
Union Sugar Division of Consolidated Foods Corp.	1,558,167
Utah-Idaho Sugar Co.	3,403,575
Any other person	000
Total	35,233,178

(7) The Holly Sugar Corporation shall succeed to all interests of the Garden City Company and the Menominee Sugar Company shall succeed to all interests of Superior Sugar Refining Company as allottees of the 1957 sugar quota for the Domestic Beet Sugar Area.

(8) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(9) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(10) Provision shall be made in the order to restrict marketings of sugar to allotments established herein.

(11) For the period January 1, 1957, until the date allotments of the entire 1957 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, the allotments established in the foregoing manner and in the quantities set forth in the order provide a fair, efficient and equitable distribution of such quota and meet the requirements of section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.33 *Allotment of the 1957 sugar quota for the Domestic Beet Sugar Area.*—(a) *Allotments.* For the period January 1, 1957, until the date allotments of the entire 1957 calendar year sugar quota for the Domestic Beet Sugar Area are prescribed, 1,600,000 short tons, raw value, of the 1957 quota for the Domestic Beet Sugar Area, expressed in equivalent quantity as 29,906,542 one-hundred pound bags of refined beet sugar is hereby allotted to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments 100-pound bags, refined sugar
Amalgated Sugar Co., The	3,760,977
American Crystal Sugar Co	4,453,331
Buckeye Sugars, Inc	142,031
Franklin County Sugar Co	158,792
Great Western Sugar Co., The	6,289,287
Holly Sugar Corp	5,123,760
Layton Sugar Co	145,428
Menominee Sugar Co	176,435
Michigan Sugar Co	1,243,871
Monitor Sugar Division of Robert Gage Coal Co	515,192
National Sugar Manufacturing Co., The	69,692
Northern Ohio Sugar Co	383,748
Spreckels Sugar Co	3,223,360
Union Sugar Division, Consolidated Foods Corp	1,322,900
Utah-Idaho Sugar Co	2,889,014
Any other person	000
Total	29,906,542

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Transfer of allotment.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions and objectives of the Sugar Act, permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(d) *Restrictions on shipment and marketing.* For the period January 1, 1957, until the date an allotment order is issued allotting the entire 1957 calendar year sugar quota for the Domestic Beet Sugar Area, each person named in paragraph (a) of this section, and any other person is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area in excess of his allotment established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 28th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10467; Filed, Dec. 31, 1956; 12:36 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 98, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.398 (Navel Orange Regulation 98, 21 F. R. 10289) are hereby amended to read as follows:

(i) District 1: 554,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 28, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-35; Filed, Jan. 2, 1957; 8:52 a. m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

ORDER REGULATING HANDLING

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1017.0 Findings and determinations.

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AUTHORITY: §§ 1017.0 to 1017.88 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1017.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Caldwell, Idaho, on June 20–21, 1956, upon a proposed marketing agreement and a proposed marketing order regulating the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) This order regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping onions covered by this order) of more than 50 percent of the volume of onions covered by this order have signed a marketing agreement regulating the handling of onions grown in the production area, and

(2) The issuance of this order is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period December 10 through December 17, 1956, and who, during the determined representative period (July 1, 1955, to June 30, 1956), have been engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area specified herein by all producers who participated in the said referendum.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof, the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho, shall be in conformity to and in compliance with the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1017.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1017.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 1017.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1017.4 *Production area.* "Production area" means all territory included within the boundaries of the County of Malheur in Oregon, and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho.

§ 1017.5 *Onions.* "Onions" means all varieties of onions grown, or which may be grown, within the production area.

§ 1017.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions.

§ 1017.7 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. Except as otherwise provided in §§ 1017.56 and 1017.65, this definition of "handle" shall not be applicable to onions that are transported within the production area for grading or storing therein, or to onions that are transported or sold to commercial dehydrators for processing by such dehydrators into dehydrated onion products.

§ 1017.8 *Grading.* "Grading" is synonymous with "prepare for market" and means the sorting or separation of onions into grades and sizes for market purposes.

§ 1017.9 *Grade and size.* "Grade" means any of the officially established grades of onions, and "size" means any of the officially established sizes of onions, as set forth in:

(a) The United States Standards for Northern Grown Onions (21 F. R. 6251), or amendments thereto, or modifications thereof, or variations based thereon; and

(b) Any other United States Standards, or State of Idaho or Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

The term "size" also includes any of the sizes recognized by the onion trade in the production area.

§ 1017.10 *Producer.* "Producer" means any person engaged in the production of onions for market.

§ 1017.11 *Committee.* "Committee" means the Idaho-Eastern Oregon Onion Committee established pursuant to § 1017.20.

§ 1017.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1017.13 *Variety or varieties.* "Variety" or "varieties" means and includes all classifications of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1017.14 *Export.* "Export" means shipment of onions beyond the boundaries of continental United States.

§ 1017.15 *District.* "District" means each of the geographical divisions of the production area initially established or as reestablished pursuant to § 1017.27.

§ 1017.16 *Pack.* "Pack" means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, as may be recommended by the committee and approved by the Secretary.

§ 1017.17 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

ADMINISTRATIVE COMMITTEE

§ 1017.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Onion Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or inability to act, and shall perform other duties as assigned. In the event of the death, removal, resignation or disqualifi-

Processors	Allotments 100-pound bags, refined sugar
Amalgated Sugar Co., The	3,769,977
American Crystal Sugar Co	4,453,331
Buckeye Sugars, Inc	142,031
Franklin County Sugar Co	158,792
Great Western Sugar Co., The	6,289,287
Holly Sugar Corp	5,123,786
Layton Sugar Co	145,426
Menominee Sugar Co	176,435
Michigan Sugar Co	1,243,871
Monitor Sugar Division of Robert Gage Coal Co	515,192
National Sugar Manufacturing Co., The	69,692
Northern Ohio Sugar Co	383,748
Spreckels Sugar Co	3,223,360
Union Sugar Division, Consolidated Foods Corp	1,322,600
Utah-Idaho Sugar Co	2,889,014
Any other person	000
Total	29,906,542

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Transfer of allotment.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions and objectives of the Sugar Act, permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(d) *Restrictions on shipment and marketing.* For the period January 1, 1957, until the date an allotment order is issued allotting the entire 1957 calendar year sugar quota for the Domestic Beet Sugar Area, each person named in paragraph (a) of this section, and any other person is hereby prohibited from marketing in interstate commerce or in competition with sugar or liquid sugar shipped, transported or marketed in interstate commerce or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area in excess of his allotment established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 28th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 56-10467; Filed, Dec. 31, 1956; 12:36 p. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 98, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of Navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.398 (Navel Orange Regulation 98, 21 F. R. 10289) are hereby amended to read as follows:

(i) District 1: 554,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: December 28, 1956.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-35; Filed, Jan. 2, 1957; 8:52 a. m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

ORDER REGULATING HANDLING

Sec.
1017.0 Findings and determinations.

DEFINITIONS

1017.1 Secretary.
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1017.17 Container.

COMMITTEE

1017.20 Establishment and membership.
1017.21 Procedure.
1017.22 Selection.
1017.23 Term of office.
1017.24 Powers.
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1017.27 Districts.
1017.28 Nominations.
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1017.40 Expenses.
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RESEARCH AND DEVELOPMENT

1017.47 Research and development.

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AUTHORITY: §§ 1017.0 to 1017.88 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 1017.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Caldwell, Idaho, on June 20–21, 1956, upon a proposed marketing agreement and a proposed marketing order regulating the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) This order, and all the terms and conditions hereof, will tend to effectuate the declared policy of the act with respect to onions produced in the production area (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, (ii) and by protecting the interest of the consumer by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and by authorizing no action which has for its purpose the maintenance of prices to producers of such onions above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such onions as will be in the public interest;

(2) This order regulates the handling of onions grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(3) This order is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of onions grown in the production area; and

(5) All handling of onions grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) Handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping onions covered by this order) of more than 50 percent of the volume of onions covered by this order have signed a marketing agreement regulating the handling of onions grown in the production area, and

(2) The issuance of this order is approved or favored (i) by at least two-thirds of the producers of onions who participated in a referendum held during the period December 10 through December 17, 1956, and who, during the determined representative period (July 1, 1955, to June 30, 1956), have been engaged within the production area in the production of onions for market, and (ii) by producers who participated in the aforesaid referendum who, during the aforesaid representative period, produced for market at least two-thirds of the volume of such onions produced for market within the production area specified herein by all producers who participated in the said referendum.

Order relative to handling. It is, therefore, ordered that on and after the effective time thereof, the handling of onions grown in Malheur County, Oregon, and in all counties south and southeast of the southern boundary of Idaho County in the State of Idaho, shall be in conformity to and in compliance with the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1017.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1017.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 1017.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1017.4 *Production area.* "Production area" means all territory included within the boundaries of the County of Malheur in Oregon, and all counties south and southeast of the southern boundary of Idaho County in the State of Idaho.

§ 1017.5 *Onions.* "Onions" means all varieties of onions grown, or which may be grown, within the production area.

§ 1017.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions.

§ 1017.7 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport onions, or cause onions to be sold or transported, within the production area or between the production area and any point outside thereof. Except as otherwise provided in §§ 1017.56 and 1017.65, this definition of "handle" shall not be applicable to onions that are transported within the production area for grading or storing therein, or to onions that are transported or sold to commercial dehydrators for processing by such dehydrators into dehydrated onion products.

§ 1017.8 *Grading.* "Grading" is synonymous with "prepare for market" and means the sorting or separation of onions into grades and sizes for market purposes.

§ 1017.9 *Grade and size.* "Grade" means any of the officially established grades of onions, and "size" means any of the officially established sizes of onions, as set forth in:

(a) The United States Standards for Northern Grown Onions (21 F. R. 6251), or amendments thereto, or modifications thereof, or variations based thereon; and

(b) Any other United States Standards, or State of Idaho or Oregon Standards for onions, or amendments thereto, or modifications thereof, or variations based thereon.

The term "size" also includes any of the sizes recognized by the onion trade in the production area.

§ 1017.10 *Producer.* "Producer" means any person engaged in the production of onions for market.

§ 1017.11 *Committee.* "Committee" means the Idaho-Eastern Oregon Onion Committee established pursuant to § 1017.20.

§ 1017.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1017.13 *Variety or varieties.* "Variety" or "varieties" means and includes all classifications of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1017.14 *Export.* "Export" means shipment of onions beyond the boundaries of continental United States.

§ 1017.15 *District.* "District" means each of the geographical divisions of the production area initially established or as reestablished pursuant to § 1017.27.

§ 1017.16 *Pack.* "Pack" means a quantity of onions in any type of container and which falls within specific weight limits or within specific grade or size limits, or both, as may be recommended by the committee and approved by the Secretary.

§ 1017.17 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other type of receptacle used in the packaging, transportation, sale, shipment or other handling of onions.

ADMINISTRATIVE COMMITTEE

§ 1017.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Onion Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence or inability to act, and shall perform other duties as assigned. In the event of the death, removal, resignation or disqualifi-

cation of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1017.21 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum and seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for voting by telephone, telegraph, or other means of communication and any such vote shall be confirmed promptly in writing: *Provided,* That if an assembled meeting is held, all votes shall be cast in person.

§ 1017.22 *Selection.* The Secretary shall select the producer and handler members and alternates from the nominee lists submitted pursuant to this part or from among other eligible persons.

(a) Each person selected as a committee member or alternate to represent producers shall be an individual who is a producer, or an officer or employee of a producer, in the district for which selected.

(b) Each person selected as a committee member or alternate to represent handlers shall be an individual who is a handler, or an officer or employee of a handler in the portion of the production area for which selected.

(c) The Secretary shall select one producer member of the committee, and alternate, from each of the districts established, or reestablished, pursuant to § 1017.27. The Secretary shall also select one handler member of the committee, and his alternate, from the Idaho portion of the production area and one member and his alternate from Malheur County, Oregon, and two handler members, and their respective alternates, from the production area-at-large.

(d) Each person selected by the Secretary as a committee member or alternate shall qualify by filing a written acceptance promptly with the Secretary.

§ 1017.23 *Term of office.* (a) The term of office of committee members and alternates shall be for two years beginning on the first day of June and continuing through May 31. The terms of office of members and alternates shall be so determined that one-half of the total committe membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1017.24 *Powers.* The committee shall have the folowing powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1017.25 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal period, or as soon thereafter as practicable, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions, and to engage in such research and service activities which relate to the handling or marketing of onions as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its proposed expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request; and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information, with other onion marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ 1017.26 *Expenses and compensation.* Committee members and alternates when acting on committee business shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this part, and in addition, may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business: *Provided,* That at its discretion the committee may request the attendance of alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members.

§ 1017.27 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1 (Emmett, Payette, Weiser Area): All territory within the boundaries of Washington, Payette and Gem Counties, in Idaho.

District No. 2 (Oregon Slope): All territory within a boundary following the Snake River northwesterly from its junction with the Malheur River, to the west line of Range 46E; thence south along said west line to the south line of Township 17S, and thence east along said south line to its junction with the Malheur River, and thence northeasterly along the Malheur River to the junction with the Snake River, the point of beginning.

District No. 3 (Ontario, Vale, Jamieson, Brogan): All territory within a boundary starting at the junction of the Malheur River with the Snake River and extending southwestward along the Malheur River to its junction with the south line of Township 17S, E. W. M.; thence westward along this line to its junction with the west line of Range 46E; thence north along this line to its junction with the Snake River; thence northwest along the Snake River to its junction with the north boundary of Malheur County; thence west along the north boundary of Malheur County to the west boundary of the county; thence south along the west boundary of Malheur County to its intersection with the south line of Township 20S; thence east along this line to its junction with the Hyline Canal and Siphon; thence northeast along the Hyline Canal to its intersection with Highway 20; thence east along Highway 20 to Cairo Junction; thence south ⅛ mile to the junction of Highway 20 to Oregon Avenue; thence east along Oregon Avenue to its termination at the Snake River; thence north along the Snake River to its junction with the Malheur River, the point of beginning.

District No. 4 (Nyssa-Adrian): All the area of Malheur County, Oregon, south of District No. 3.

District No. 5 (Parma, Wilder, Nampa, and Notus Area): Canyon County, Idaho.

District No. 6 (Homedale, Marsing, Meredian, Melba, Mountain Home, Glenns Ferry and Twin Falls Area): All counties in the Idaho portion of the production area not included within Districts Nos. 1 and 5.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to: (1) The relative importance of new producing sections; (2) changes in the relative position of existing districts with respect to onion production; (3) the geographic location of areas of production as they would affect the efficiency of administering this part; (4) other relevant factors: *Provided, further,* That there shall be no change in the total number of committee members or in the total number of districts.

§ 1017.28 *Nominations.* Nominations from which the Secretary may select the members of the Idaho-Eastern Oregon Onion Committee and their respective alternates may be made in the following manner:

(a) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, one or more meetings of producers and of handlers in each of the districts, or portions of the production area, in which the then current terms of office will expire the following May 31;

(b) In arranging for such meetings the committee may, if it deems desirable, cooperate with existing organizations and agencies and may combine its meetings with others;

(c) Nominations for committee members and alternate members shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal period;

(d) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(e) Each person who is both a handler and a producer may vote either as a handler or as a producer and may select the group in which he will vote; and

(f) Regardless of the number of districts in which a person produces or handles onions, each such person is entitled to cast only one vote on behalf of himself, his partners, agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates. In the event a person is a producer engaged in producing onions in more than one district, such person shall select the district within which he may participate as aforesaid in designating nominees. Similarly, a person who is a handler both in Malheur County, Oregon, and in the Idaho portion of the production area, may select either Malheur County or the Idaho portion of the production area in which to cast his vote for the applicable committee handler member and alternate. Each such handler shall also be entitled to cast his vote for the committee member and alternate to represent the production area-at-large. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit such voter to cast one vote for each member and alternate position to be filled in the respective district or portion of the production area, as the case may be, in which he elects to vote.

§ 1017.29 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 1017.28, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1017.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person, selected as a committee member or alternate, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1017.28, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district or portion of the production area, as the case may be, that is involved, or from other eligible persons. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1017.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expenses shall be proportionate to the ratio between the total quantity of such handler's onion shipments inspected pursuant to this part that are handled by him as the first handler thereof during a fiscal period, and the total quantity of such onions handled by all handlers as first handlers thereof during the same period.

§ 1017.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee shall recommend to the Secretary a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report thereon showing the basis for its calculations and recommended rate.

§ 1017.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 1017.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who handles onions as the first handler thereof which are inspected pursuant to this part shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onion shipments inspected pursuant to this part during such fiscal period.

§ 1017.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including, but not being limited to, books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in each such successor, agency, or person as may be designated by the Secretary the right to all of such property and funds and all claims vested in such person.

(c) The committtee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, and any other committee property during periods of suspension of this part, or during any periods when regulations are not in effect; and, if the Secretary determines such action appropriate, he may direct that such person or persons shall so act as trustee or trustees.

§ 1017.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee, *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1017.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions.

REGULATION

§ 1017.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of onions. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for onions. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for onions, including prices by variety, grade, size, and quality, and by different packs;

(2) Supply of onions by grade, size, quality, and variety in the production area and in other onion producing sections;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for onions;

(5) Orderly marketing of onions as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy; and the committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare an amended or revised marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1017.51 *Recommendations for regulations.* The committee shall recommend regulations to the Secretary whenever it finds that such regulations as provided in § 1017.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of onions for the purposes authorized in § 1017.53. The committee may also recommend amendment, modification, termination, or suspension of any regulation issued under this part.

§ 1017.52 *Issuance of regulations.* (a) Except as otherwise provided in this part, the Secretary shall limit the shipment of onions by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, or qualities of any or all varieties of onions, or combinations thereof, during any period or periods;

(2) Regulate the handling of particular grades, sizes, or qualities, of onions differently, for different varieties, for different portions of the production area, for different packs, or for any combination of the foregoing, during any period or periods;

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of onions;

(4) Regulate the handling of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Limit the shipment of the total quantity of onions by prohibiting the handling thereof during a specified period or periods. No regulation issued pursuant to this subparagraph shall be effective for more than 96 consecutive hours: *Provided,* That not less than 72 consecutive hours shall elapse between the termination of any such period of prohibition and the beginning of the next such period.

(b) In the event the handling of onions is regulated pursuant to paragraph (a) (5) of this section, no handler shall handle any onions which were prepared for market or loaded during the effective period of such regulation. However, during any such period, no such regulation shall be deemed to limit the right of any person to sell or contract to sell onions for future shipment or delivery.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 1017.53 *Handling for specified purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall issue special regulations, or modify, suspend, or terminate requirements in effect pursuant to §§ 1017.42, 1017.52, 1017.60, or any combination thereof, in order to facilitate the handling of onions for the following purposes whenever he finds that to do so will tend to effectuate the declared policy of the act:

(a) Shipments of onions for export;

(b) Shipments of onions for relief or to charitable institutions;

(c) Shipments of onions for livestock feed;

(d) Shipments of onions for planting; and

(e) Shipments of onions for other purposes which may be specified.

§ 1017.54 *Minimum quantities.* The committee, with the approval of the Secretary, may establish minimum quantities below which onion shipments will be free from the requirements in, or pursuant to, §§ 1017.42, 1017.52, 1017.53, 1017.60, or any combination thereof.

§ 1017.55 *Notification of regulations.* The Secretary shall notify the committee of each regulation issued, and of each amendment, modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1017.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent onions shipped,

(1) Pursuant to § 1017.53 or § 1017.54; or

(2) To commercial dehydrators for processing by such dehydrators into dehydrated onion products,

from entering channels of trade for other than the purpose authorized therefor.

(b) The committee, with the approval of the Secretary, may also prescribe rules and regulations governing the issuance, and the contents, of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall first file applications with the committee to ship such onions;

(2) Handlers shall obtain inspection provided by § 1017.60, or pay the pro rata share of expenses provided by § 1017.42, or both, in connection with such onions; and

(3) Handlers shall obtain Certificates of Privilege from the committee prior to effecting the particular onion shipment.

(c) The committee may rescind any Certificate of Privilege, or refuse to issue any Certificate of Privilege to any handler if proof is obtained that onions shipped by him for the purposes stated in the Certificate of Privilege were handled contrary to the provisions of this part.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(e) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of onions covered by such applications, the number of such applications denied and certificates granted, the quantity of onions handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1017.60 *Inspection and certification.* (a) During any period in which shipments of onions are regulated pursuant to this subpart, no handler shall handle onions unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §§ 1017.53, 1017.54, or both.

(b) Regrading, resorting, or repacking any lot of onions shall invalidate prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship onions after they have been regraded, resorted, repacked or in any other way further prepared for market, unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Upon recommendation of the committee, and approval of the Secretary, all onions that are required to be inspected and certified in accordance with this section, shall be identified by appropriate seals, stamps, tags, or other identification to be furnished by the committee and affixed to the containers by the handler under the direction and supervision of the Federal-State, or Federal inspector, or the committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

REPORTS

§ 1017.65 *Reports.* Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions; and (4) identification of the inspection certificates relating to the onions which were handled pursuant to §§ 1017.53 and 1017.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the onions received, and of onions disposed of, by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

EFFECTIVE TIME AND TERMINATION

§ 1017.70 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1017.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production for market of onions: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market, but such termination shall be effective only if announced on or before May 31 of the then current fiscal period.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1017.72 *Proceeding after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession, or under control, of the committee, including claims for any funds unpaid and property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1017.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

MISCELLANEOUS PROVISIONS

§ 1017.81 *Compliance.* No handler shall handle onions the handling of which has been prohibited or otherwise limited by the Secretary in accordance with provisions of this part; and no handler shall handle onions except in conformity to the provisions of this part.

§ 1017.82 *Right of the Secretary.* The members of the committee (including successors and alternates) and any agent or employee appointed or employed by the committee shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1017.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1017.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1017.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1017.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 1017.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1017.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Issued at Washington, D. C., this 28th day of December 1956, to become effective February 4, 1957.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 57-13; Filed, Jan. 2, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Petitions were filed with the Food and Drug Administration requesting the establishment of tolerances for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on sugar beets and cottonseed.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.149 *Tolerances for residues of sodium 2,2-dichloropropionate.* (a) A tolerance of 35 parts per million is established for residues of 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on cottonseed.

(b) A tolerance of 5 parts per million is established for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or sugar beets and sugar beet tops.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: December 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-20; Filed, Jan. 2, 1957; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-5A (Formerly NPA Order M-5A), Amdt. 1 of December 31, 1956]

M-5A—ALUMINUM

AMENDMENT OF SECTIONS 5 AND 9 (a)

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

BDSA Order M-5A (formerly NPA Order M-5A) dated May 6, 1953, is hereby amended as follows:

1. Section 5 is amended to read as follows:

SEC. 5. *Opening of order books.* Each producer of aluminum shall open his order books for the purpose of accepting authorized controlled material orders no later than 105 days prior to the first day of each calendar quarter for which such orders are valid pursuant to DMS Regulation No. 1. An aluminum producer may open his order books for the purpose of accepting authorized controlled material orders for any calendar quarter as long in advance of such 105-day period as he may choose, but after his order books are open he shall accept all such orders as provided in this order and in applicable DMS regulations: *Provided, however,* That the acceptance by an aluminum controlled materials producer of an authorized controlled material order or orders directly from the Department of Defense or the Atomic Energy Commission prior to the date such producer opens his order books shall not effect an opening of his books so as to require acceptance of other orders for controlled materials.

2. Paragraph (a) of section 9 is amended to read as follows:

(a) As soon as practicable after December 31, 1956, BDSA will notify each primary producer, independent fabricator, and secondary smelter of the maximum aggregate quantities of aluminum, by form and shape, for the shipment of which during any calendar month, he must accept authorized controlled material orders tendered to him prior to the commencement of "lead time," unless such maximum quantities are thereafter modified by BDSA order, regulation, or directive. These quantities will be determined by BDSA on the basis of each primary producer's, independent fabricator's, or secondary smelter's total shipments of each form and shape of aluminum during the first 6 calendar months of 1956, or such subsequent period as BDSA may determine, and the total anticipated defense requirements from time to time for aluminum of each form and shape.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, P. L. 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154).

This amendment shall take effect December 31, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 56-10629; Filed, Dec. 31, 1956; 1:04 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

ST. JOHNS RIVER, FLA.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.430 governing the operation of the State Road Department of Florida bridge across St. Johns River between Riverside Viaduct and Miami Road, Jacksonville, Florida, is hereby amended prescribing regulations to govern the operation of the State Road Department of Florida bridge across St. Johns River at Main Street, Jacksonville, Florida, as follows:

§ 203.430 *St. Johns River, Fla.; Main Street and Acosta bridges, Jacksonville.* (a) Between 7:30 a. m. and 9:00 a. m., and between 4:30 p. m. and 6:00 p. m., on all days other than Sundays and legal holidays, the draws need not be opened for the passage of vessels: *Provided,* That the draws shall be be opened at any time for the passage of a vessel in an emergency involving danger of life or property, which shall be indicated by four blasts of a whistle, horn, or megaphone.

(b) In all other respects, the regulations contained in § 203.240 of this part shall govern the operation of these bridges.

[Regs., December 19, 1956, 823.01 (St. Johns River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 57-5; Filed, Jan. 2, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 16—BULK MAILINGS

SECOND AND THIRD CLASS MATTER

The proposed amendments to Part 16, respecting bulk mailings of second and third class matter, published at page 9064 of the November 21, 1956, issue of the FEDERAL REGISTER (21 F. R. 9064), are hereby adopted as regulations of the Post Office Department, without change, as set forth below.

(R. S. 161, 396, as amended; secs. 5, 6, 18 Stat. 232, 233, as amended, sec. 203, 62 Stat. 1262, sec. 3, 65 Stat. 673; 5 U. S. C. 22, 369, 39 U. S. C. 283, 285, 290 a-1, 291b)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

a. In § 16.1 *Second-class publications,* make the following changes:

1. Rescind present paragraph (c); and redesignate paragraph (d) as paragraph (c).

2. Amend paragraph (c) (4), as redesignated, to read as follows:

(4) *Copies for same post office or state*—(i) *Direct packages.* When there are more than five individually addressed copies of a publication for subscribers at the same post office, they must be securely wrapped in packages or tied in bundles and labeled for the post office. The twine and paper used must be strong enough for the weight and size of the package or bundle.

(ii) *State packages.* After all post office directs have been made if there are more than five copies remaining for any one State, they must be wrapped in packages or tied in bundles and labeled for the State.

(iii) *Direct sacks.* When there are sufficient packages and bundles for one post office to fill a sack approximately one-third full, they must be placed in a direct sack, or sacks, for that post office. Direct sacks should be labeled in the following form:

Philadelphia, Pa.
From Progress, Boston, Mass.

(iv) *State sacks.* When the quantity is insufficient for direct sacks and there are enough bundles or packages for one State to fill a sack approximately one-third full, they must be placed in a State sack and labeled to the proper distribution point for that State. See § 16.2 (d). State sacks should be labeled in the following form:

Cincinnati, Ohio, Terminal
Virginia
From The Sketch, St. Louis, Mo.

(v) *Mixed sacks.* Publications for which there are insufficient copies to justify direct city and State sacks should be made up in sacks labeled in the following form:

Mixed States
From Fair, Chicago, Ill.

(vi) *Maximum weight in a sack.* The total weight of publications placed in one sack must not exceed 100 pounds.

(vii) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

3. Amend paragraph (c) (5) as redesignated to read as follows:

(5) *Copies for military post offices overseas*—(i) *Direct packages.* When more than one copy is addressed to one unit, APO, or Navy or Marine Corps address (see § 13.8 of this subchapter), the copies must be securely wrapped in packages or tied in bundles labeled for the military address.

(ii) *Mixed packages.* After all direct packages have been made, if there are more than five copies remaining for dispatch through any postal concentration center, they must be wrapped in packages or tied in bundles and labeled for the center.

(iii) *Direct sacks.* When there are a sufficient number of packages and bundles for one unit, APO, or Navy or Marine Corps address to fill approximately one-half of a sack, a direct sack must be made. Direct sacks will not be opened at postal concentration centers. The sack should be labeled in the following form:

(Show appropriate postal concentration center)
PCC San Francisco, Calif.
(Show military address)
APO 165
From The Recorder, New York, N. Y.

(iv) *Mixed sacks.* When the quantity is insufficient for a direct sack and there are enough bundles or packages for dispatch through one postal concentration center to fill approximately one-half of a sack, make up a sack for that center and label in the following form:

(Show appropriate postal concentration center)
PCC New York, N. Y.
(Show FPO when applicable)
APO MAIL
From The Recorder, New York, N. Y.

4. Add new subparagraph (6) to redesignated paragraph (c) to read as follows:

(6) *Exceptional dispatch*—(i) *Applications.* Postmasters will approve or disapprove applications filed under § 22.3 (c) (4) of this chapter for exceptional dispatch on the basis of whether such dispatch will improve service. They will notify other post offices concerned and the appropriate regional transportation manager of approved arrangements and include a list showing how the sacks or outside bundles are to be labeled and the approximate number of copies.

(ii) *Delivery by PTS Clerks.* Postal Transportation Service clerks, when authorized by the regional transportation manager, may receive packages of second-class publications directly from publishers or news agents and deliver them as directed, provided the packages are presented and called for at the mail car and are not received from or intended for delivery in any post office.

(iii) *Delivery by baggageman.* Baggagemen when authorized by an appropriate regional transportation manager may receive packages of second-class publications directly from publishers and news agents on trains to which no postal transportation clerk is assigned. The baggageman will deliver the packages of outside matter at the place shown on the address. When in his custody, the packages will be considered as mail.

(iv) *Delivery to agents.* Packages marked to be delivered outside the mail will be so delivered only when addressed to news agents or agents of publishers.

(v) *Preparation.* Bundles or packages intended for delivery outside the mail must be adequately wrapped with heavy paper and tied with twine heavy enough to stand up under the regular handling and dispatch of these packages. The wrapper of the bundles must be conspicuously marked "U. S. Mail for Outside Delivery at Publisher's Risk."

Illustration A

Form 3541 (1-54)

COMPUTATION OF POSTAGE ON SECOND-CLASS MATTER

This form to be attached to Forms 3542 from which computation is made

Post Office and State: Mayville, Maryland — Key rate (if used): .021184
Name of Publication or News Agent: Mayville Press--Daily ex. Sunday
Dates of mailing: April 1 to 30, 1954 Inclusive
Dates of issue printed in copies: April 1 to 30, 1954 Inclusive--26 Issues

1. Copies outside county of publication or less advertising portion is subject to zone rates.	A ZONE	B Number of copies Copies	C Number of pounds Postage	D Total pounds (If over 1 pound or less for any zone or item C)	E Advertising portion, pounds	F Postage rate per pound	G Amount of postage
65 percent advertising all issues	1 and 2	2621	39.315			1½c	$
	3	1971	39.42			2c	
	4	1052	31.56			3c	
	5	170	6.80			4c	
	6	124	6.20			5c	
	7	38	2.28			6c	
	8	21	1.47			7c	.021184
2. Total all zones.		5997	127.045	1530	995	X X	21.08
3. Zoning portion (column D minus column E, item 2).			127.045 * 5997 = .021184		535	1½c	8.03
4. Copies outside county when total weight to any zone is 1 pound or less.					X X X X	1c	
5. Copies outside county having 5 percent or less advertising.					X X X X	1½c	
6. Postage at rates applicable prior to April 1, 1955 (add items 2, 3, 4 and 5).							29.11
7. 20 percent increase on item 6 provided by Sec. 34.107(d), P. L. and R. Do not apply this increase to classroom publications specified by sec. 34.64 (b) or (c) thereof.							8.74
8. Total of items 6 and 7.							37.85
9. Copies outside county exempt from zone rates (See Sec. 34.107(d)(2), P. L. and R.).					X X X X	1½c	
10. Copies within county at rate of 1 cent per pound.		300	300		X X X X	1c	3.00
11. Total pounds (items 2, 4, 5, 9, and 10) and postage (items 3, 6, and 10).			1830		X X X X	X X	$ 40.85
12. Computed postage on total number of copies shown on Form 3541 at one-eighth cent per copy. Charge this amount if it exceeds total pound rate entered in column G, item 11 (See 34.64(a)(4) and 34.64(b)(4), P. L. and R.).							$
13. Weight of copies free of postage to subscribers in county of publication.			293				
14. Section 34.64, P. L. and R., controlled circulation publications (1 cent per piece minimum).					X X X X	10c	$
15. Second-class application fee required by sec. 34.12, P. L. and R. Enter amount of fee collected.							$
16. Copies at local or headquarters rates of 1 or 2 cents each. Number of copies						Amount of postage:	$

Computed by

Illustration B

Form 3542 (2-56)

COMPUTATION OF POSTAGE ON SECOND-CLASS MATTER

This form to be attached to Forms 3542 from which computation is made

Post Office and State: Mayville, Maryland — Key rate (if used): .021184
Name of Publication or News Agent: Mayville Press--Daily ex. Sunday
Dates of mailing: May 1 to 31, 1954, Inclusive
Dates of issue printed in copies: May 1 to 31 Inclusive--26 Issues

1. Copies outside county of publication when advertising portion is subject to zone rates.	A ZONE	B Sample copies, pounds	C Subscribers' copies, pounds	D Total pounds (enter 1 pound or less for any zone in item 1)	E Advertising portion, pounds	F Postage rate per pound	G Amount of postage
72 percent advertising all issues	1 and 2					1½c	$
	3					2c	
	4					3c	
	5					4c	
	6					5c	
	7					6c	
	8					7c	
2. Total all zones.				1527	1100 .021184	¢	23.31
3. Reading portion (column D minus column E, item 2).					427	1½c	6.41
4. Copies outside county when total weight in any zone is 1 pound or less.					X X X X	1c	
5. Copies outside county having 2 percent or less advertising.					X X X X	1½c	
6. Postage at rates applicable prior to April 1, 1953 (add items 2, 3, 4 and 5).							29.72
7. 20 per centum increase on item 6 provided by Sec. 6(c)(2), P. L. 82-82. Do not apply this increase to classroom publications specified by Sec. 6(c)(3), P. L. 82-82.							8.92
8. Total of items 6 and 7.							38.64
9. Copies outside county exempt from zone rates under Sec. 6(c)(2) P. L. 82-82.					X X X X	1½c	
10. Copies within county at rate of 1 cent per pound.			279	279	X X X X	1c	2.79
11. Total pounds (items 2, 4, 5, 9, and 10) and postage (items 8, 9, and 10).				1806	X X X X	X X	$ 41.43
12. Complete postage on total number of copies shown on Form 3541 at one-eighth cent per copy. Charge this amount if it exceeds total pound rate postage entered in column G, item 11 (sum 6(c)(2) and 6(c)(3) P. L. 82-82).							$
13. Weight of copies free of postage to subscribers in county of publication.			277				
14. Section 34.64, P. L. & R., controlled circulation publications (1 cent per piece minimum).					X X X X	10c	$
15. Second-class application fee required by Sec. 34.65, P. L. & R. Enter amount of fee collected.					$		
16. Copies at local or headquarters rates of 1 or 2 cents each. Number of copies:					Amount of postage:		$

Computed by

5. New paragraph (d) is added, to read as follows:

(d) *Newspaper treatment*—(1) *Definition.* Newspapers must be published once each week or more frequently and feature principally news of interest to the general public to be given expeditious distribution, dispatch, transit handling, and delivery, usually referred to as newspaper treatment. If the postmaster at the office of entry is in doubt as to whether any particular publication is a newspaper, he will submit all the facts to the Bureau of Post Office Operations, Mail Classification Division.

(2) *Preparation for mailing.* Newspapers must be made up in sacks plainly labeled "Newspapers". Direct city and State sacks will be made in accordance with paragraph (c) (4) of this section. Label in the following manner:

(i) Direct sacks:

Cincinnati, Ohio—Newspapers
Via Pitts. & St. Lou. Train 79
From The Register, Columbus, Ohio

(ii) State sacks:

Wheel. & Cin. Tr. 238
Ohio—Newspapers
From The Register, Columbus, Ohio

(3) *Dispatching.* Newspapers will be dispatched in pouches with first-class mail when the quantity is not sufficient to make up separate sacks. Newspapers for dispatch to a railway post office, a highway post office, a terminal, or a first-class office will not be mixed in sacks with any class of mail other than first class. Sacks labeled "Newspapers" will be dispatched with first-class mail.

(4) *Handling at delivery office.* Sacks containing newspapers will be promptly segregated and the contents distributed for the earliest possible delivery.

(5) *Notification to publishers of delays.* Publishers will be notified whenever their mailings of newspapers are not delivered to the post office or train in sufficient time to connect with the intended dispatch.

6. Redesignate paragraph (g) as paragraph (h); and insert new paragraph (g) to read as follows:

(g) *Key rate*—(1) *Authority to use.* Postmasters will use the key rate method of computing pound-rate postage on publications subject to the advertising zone rates when large mailings justify its use.

(2) *Statement showing mailings to each zone.* The publisher must submit once each calendar year, at 12-month intervals, a statement on POD Form 3542 showing the number of copies of an issue mailed to each zone. During these 12-month intervals, the publisher does not need to complete the lines for zones 1 to 8 on POD Form 3542. He enters only total zone mailings on "Total to all zones" line.

(3) *New zone statement.* Postmasters will require a new report on POD Form 3542 showing mailings to each zone at any time during the 12-month intervals when the volume of mailings show variations to the zones or an increase in the total number of copies.

(4) *Computation.* (i) Compute the key rate on Form 3541 once each calendar year at 12-month intervals. If a new report on POD Form 3542 is filed at any time showing mailings to each zone, a new key rate must be computed and used.

(ii) Enter on the corresponding lines in column B of Form 3541 the number of copies for each zone shown on POD Form 3542. Apply the pound rates to the number of copies for each zone and enter the postage for each zone in column C of Form 3541. Divide the total postage in column C by the total number of copies in column B to obtain the key rate, which should be carried to six decimal places. Apply the key rate only to the total weight of the advertising portion of the issue and the regular reading portion rate only to the total weight of the reading portion. Enter the amount of postage in column G. Two employees must verify the computation. See illustration A, Form 3541.

(iii) Prepare Form 3541 for subsequent mailings as shown in illustration B until a new report on POD Form 3542 showing mailings to each zone is filed.

b. In § 16.2 *Third-class mailings*, make the following changes:

1. Redesignate paragraph (c) as paragraph (e).

2. Insert new paragraph (c) and (d) to read as follows:

(c) *Preparation for dispatch*—(1) *Direct sacks.* When there are sufficient direct packages for the same post office to fill a sack at least one-third full, they must be placed in a sack or sacks which should be labeled in the following manner:

Philadelphia, Pa.
Circs.
From Jay Mailing Co., Cincinnati, Ohio

(2) *State sacks*—(i) *Direct packages.* After all possible city direct sacks have been made, if there are enough direct packages remaining for post offices within the same State to fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. See paragraph (d) of this section. State sacks should be labeled in the following manner:

Ogden, Utah Terminal
Calif. Directs Circs.
From D. C. Mailers, Washington, D. C.

(ii) *State packages.* When State packages of circulars for one State will fill approximately one-third of a sack, they should be placed in a State sack and labeled to the proper distribution point. (See paragraph (d) of this section.) Label in the following form:

Ogden, Utah Terminal
Calif. Circs.
From D. C. Mailers, Washington, D. C.

(3) *Mixed sacks.* (i) Mixed State packages of circulars may be included in sacks labeled "Mixed States—Circulars."

(ii) Any direct package for which there is insufficient quantity to make city or State direct sacks should be included in sacks labeled "Mixed Directs—Circulars."

(4) *Labels furnished by postmaster.* Where sack labels are furnished by the postmaster, the mailer will mark his name on the back of the label.

(d) *Distribution points.* A list of the proper distribution points for papers, mixed circulars, and direct circulars from each postal region is prepared by the regional transportation manager of the region. Copies of this list, along with any special instructions relating to specific locations, may be obtained through your local postmaster or district transportation manager.

[F. R. Doc. 57-24; Filed, Jan. 2, 1957; 8:50 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 125—RAILROAD ACCIDENTS: REPORTS AND CLASSIFICATION

RULES GOVERNING MONTHLY REPORTS OF RAILROAD ACCIDENTS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 27th day of December A. D. 1956.

On November 23, 1956, the Commission issued its order prescribing revised Rules Governing Monthly Reports of Railroad Accidents. Pursuant to § 125.55 (c), Appendix A of such rules, rail carriers reporting the causes of train or train-service accidents are required to utilize the codes taken from an "Alphabetical Index". However, since no Alphabetical Index has been issued, it will be necessary to use in place of such index the codes of causes of train-service accidents in the lists designated "Train accidents" and "Train-service accidents" as set forth in § 125.55 of the rules.

Rule-making procedure under Section 4 of the Administrative Procedure Act, 5 U. S. C. 1003 (a), would be impracticable, unnecessary, and contrary to the public interest because of the minor character of this amendment to the rules, and because of the proximity of the effective date of the order. For the same reasons, good cause exists for making this order effective on less than thirty days' notice.

Therefore, it is ordered, That § 125.55 paragraph (c) of Appendix A to the Commission's order of November 23, 1956, in the above-entitled matter, be, and it is hereby, modified and amended to read as set forth in the paragraph below:

It is further ordered, That 49 CFR § 125.55 (c) be, and it is hereby, modified and amended to read as follows:

§ 125.55 *Codes for accident reporting.*

* * *

(c) On Form T, Cause of train or train-service accident, causes should be reported in accordance with the lists designated "Train accidents" and "Train-service accidents" shown in this section under "Code of Causes";

It is further ordered, That a copy of this order shall be served on common carriers subject to the provisions of the Accident Reports Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register;

And it is further ordered, That this order shall be effective on January 1, 1957.

(Sec. 12, 24 Stat. 383, as amended, sec. 1, 36 Stat. 350; 49 U. S. C. 12, 45 U. S. C. 38. Interpret or apply sec. 20, 24 Stat. 386, as amended, sec. 3, 36 Stat. 351; 49 U. S. C. 20, 45 U. S. C. 40)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-34; Filed, Jan. 2, 1957; 8:52 a. m.]

Subchapter B—Carriers by Motor Vehicle

PART 205—REPORTS OF MOTOR CARRIERS

MOTOR CARRIER ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of December A. D. 1956.

The matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers being under consideration, and the changes in existing regulations to be effectuated by this order being only minor changes with respect to the data to be furnished, public rule-making procedures are unnecessary:

It is ordered, That the order of October 11, 1945, in the matter of Annual Reports from Class I Motor Carriers of Property and Class I Motor Carriers of Passengers be, and it is hereby modified with respect to annual reports for the year ended December 31, 1956, and subsequent years, as follows:

§ 205.1 *Form prescribed for annual reports.* Each Class I Common and Contract Motor Carrier of Property and each Class I Common and Contract Motor Carrier of Passengers shall file under oath an annual report for the year ended December 31, 1956, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A (Class I Motor Carriers of Property and Passengers) which is hereby approved and made a part of this section.[1] The annual report shall be filed, in duplicate, in the Bureau of Accounts, Cost Finding and Valuation, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-18; Filed, Jan. 2, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

The following regulations are hereby prescribed under parts I and II (except sections 1017, 1020, and 1021) of Subchapter O of Chapter 1 of the Internal Revenue Code of 1954, and are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954. The regulations so prescribed do not reflect the amendment made to section 1016 by Public Law 629 (84th Congress), approved June 29, 1956. Regulations under that amendment will be published with a notice of proposed rule making at a later date.

GAIN OR LOSS ON DISPOSITION OF PROPERTY

DETERMINATION OF AMOUNT OF AND RECOGNITION OF GAIN OR LOSS

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1.1001–1 Computation of gain or loss.
1.1002 Statutory provisions; recognition of gain or loss.
1.1002–1 Sales or exchanges.

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1.1011–1 Adjusted basis.
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1.1012–1 Basis of property.
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[1] Filed with the Federal Register Division as part of the original document.

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GAIN OR LOSS ON DISPOSITION OF PROPERTY

DETERMINATION OF AMOUNT OF AND RECOGNITION OF GAIN OR LOSS

§ 1.1001 *Statutory provisions; determination of amount of and recognition of gain or loss.*

SEC. 1001. *Determination of amount of and recognition of gain or loss*—(a) *Computation of gain or loss.* The gain from the sale or other disposition of property shall be the excess of the amount realized therefrom over the adjusted basis provided in section 1011 for determining gain, and the loss shall be the excess of the adjusted basis provided in such section for determining loss over the amount realized.

(b) *Amount realized.* The amount realized from the sale or other disposition of property shall be the sum of any money received plus the fair market value of the property (other than money) received. In determining the amount realized—

(1) There shall not be taken into account any amount received as reimbursement for real property taxes which are treated under section 164 (d) as imposed on the purchaser, and

(2) There shall be taken into account amounts representing real property taxes which are treated under section 164 (d) as imposed on the taxpayer if such taxes are to be paid by the purchaser.

(c) *Recognition of gain or loss.* In the case of a sale or exchange of property, the extent to which the gain or loss determined under this section shall be recognized for purposes of this subtitle shall be determined under section 1002.

(d) *Installment sales.* Nothing in this section shall be construed to prevent (in the case of property sold under contract providing for payment in installments) the taxation of that portion of any installment payment representing gain or profit in the year in which such payment is received.

§ 1.1001–1 *Computation of gain or loss*—(a) *General rule.* Except as otherwise provided in subtitle A, the gain or loss realized from the conversion of property into cash, or from the exchange of property for other property differing materially either in kind or in extent, is treated as income or as loss sustained. The amount realized from a sale or other disposition of property is the sum of any money received plus the fair market value of any property (other than money) received. The fair market value of property is a question of fact, but only in rare and extraordinary cases will property be considered to have no fair market value. The general method of computing such gain or loss is prescribed by section 1001, which contemplates that from the amount realized upon the sale or exchange there shall be withdrawn a sum sufficient to restore the adjusted basis prescribed by section 1011 and regulations thereunder (i. e., the cost or other basis adjusted for receipts, expenditures, losses, allowances, and other items chargeable against and applicable to such cost or other basis). The amount which remains after the adjusted basis has been restored to the taxpayer constitutes the realized gain. If the amount realized upon the sale or exchange is insufficient to restore to the taxpayer the adjusted basis of the property, a loss is sustained to the extent of the difference between such adjusted basis and the amount realized. The basis may be different depending upon whether gain or loss is being computed. For example, see section 1015 (a) and the regulations thereunder.

(b) *Real estate taxes as amounts received.* (1) Section 1001 (b) and section 1012 state rules applicable in making an adjustment upon a sale of real property with respect to the real property taxes apportioned between seller and purchaser under section 164 (d). Thus, if the seller pays (or agrees to pay) real property taxes attributable to the real property tax year in which the sale occurs, he shall not take into account, in determining the amount realized from the sale under section 1001 (b), any amount received as reimbursement for taxes which are treated under section 164 (d) as imposed upon the purchaser. Similarly, in computing the cost of the property under section 1012, the purchaser shall not take into account any amount paid to the seller as reimbursement for real property taxes which are treated under section 164 (d) as imposed upon the purchaser. These rules apply whether or not the contract of sale calls for the purchaser to reimburse the seller for such real property taxes paid or to be paid by the seller.

(2) On the other hand, if the purchaser pays (or is to pay) an amount representing real property taxes which are treated under section 164 (d) as imposed upon the seller, that amount shall be taken into account both in determining the amount realized from the sale under section 1001 (b) and in computing the cost of the property under section 1012. It is immaterial whether or not the contract of sale specifies that the sale price has been reduced by, or is in any way intended to reflect, the taxes allocable to the seller. See also § 1.1012–1 (b).

(3) Subparagraphs (1) and (2) shall not apply to a taxpayer who elects to capitalize real property taxes in accordance with section 266 and the regulations thereunder (relating to election to capitalize certain carrying charges and taxes).

(4) The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that the contract price on the sale of a parcel of real estate is $50,000 and that real property taxes thereon in the amount of $1,000 for the real property tax year in which occurred the date of sale were previously paid by the seller. Assume further that $750 of the taxes are treated under section 164 (d) as imposed upon the purchaser and that he reimburses the seller in that amount in addition to the contract price. The amount realized by the seller is $50,000. Similarly, $50,000 is the purchaser's cost. If, in this example, the purchaser made no payment other than the contract price of $50,000, the amount realized by the seller would be $49,250, since the sales price would be deemed to include $750 paid to the seller in reimbursement for real property taxes imposed upon the purchaser. Similarly, $49,250 would be the purchaser's cost.

Example (2). Assume that the purchaser in example (1) above, paid all of the real property taxes. Assume further that $250 of the taxes are treated under section 164 (d) as imposed upon the seller. The amount realized by the seller is $50,250. Similarly, $50,250 is the purchaser's cost, regardless of the taxable year in which the purchaser makes actual payment of the taxes.

Example (3). Assume that the seller described in the first part of example (1), above, elected under section 266 to capitalize the real property taxes of $1,000 which he paid. In such a case, the amount realized is $50,750. Moreover, the purchaser in that case could also elect under section 266 to capitalize the $750 of taxes treated under section 164 (d) as imposed upon him in which case his adjusted basis would be $50,750 (cost of $50,000 plus capitalized taxes of $750).

(c) *Other rules.* (1) Even though property is not sold or otherwise disposed of, gain is realized if the sum of all the amounts received which are required by section 1016 and other applicable provisions of subtitle A of the Internal Revenue Code of 1954 to be applied against the basis of the property exceeds such basis. Except as otherwise provided in section 301 (c) (3) (B) with respect to distributions out of increase in value of property accrued prior to March 1, 1913, such gain is includible in gross income under section 61 as "income from whatever source derived". On the other hand, a loss is not ordinarily sustained prior to the sale or other disposition of the property, for the reason that until such sale or other disposition occurs there remains the possibility that the taxpayer may recover or recoup the adjusted basis of the property. Until some identifiable event fixes the actual sustaining of a loss and the amount thereof, it is not taken into account.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. A, an individual on a calendar year basis, purchased certain shares of stock subsequent to February 28, 1913, for $10,000. On January 1, 1954, A's adjusted basis for the stock had been reduced to $1,000 by reason of receipts and distributions described in sections 1016 (a) (1) and 1016 (a) (4). He received in 1954 a further distribution of $5,000, being a distribution covered by section 1016 (a) (4), other than a distribution out of increase of value of property accrued prior to March 1, 1913. This distribution applied against the adjusted basis as required by section 1016 (a) (4) exceeds that basis by $4,000. The $4,000 excess is a gain realized by A in 1954 and is includible in gross income in his return for that calendar year. In computing gain from the stock, as in adjusting basis, no distinction is made between items of receipts or distributions described in section 1016. If A sells the stock in 1955 for $5,000, he realizes in 1955 a gain of $5,000, since the adjusted basis of the stock for the purpose of computing gain or loss from the sale is zero.

(d) *Installment sales.* In the case of property sold on the installment plan, special rules for the taxation of the gain are prescribed in section 453.

(e) *Transfers in part a sale and in part a gift.* (1) Where a transfer of property is in part a sale and in part a gift, the transferor has a gain to the extent that the amount realized by him exceeds his adjusted basis in the property. However, no loss is sustained on such a transfer if the amount realized is less than the adjusted basis. For determination of basis of the property in the hands of the transferee see § 1.1015–4.

(2) *Examples.* The provisions of subparagraph (1) may be illustrated by the following examples:

Example (1). A transfers property to his son for $60,000. Such property in the hands of A has an adjusted basis of $30,000 (and a fair market value of $90,000). A's gain is $30,000, the excess of $60,000, the amount realized, over the adjusted basis, $30,000. He has made a gift of $30,000, the excess of $90,000, the fair market value, over the amount realized, $60,000.

Example (2). A transfers property to his son for $30,000. Such property in the hands of A has an adjusted basis of $60,000 (and a fair market value of $90,000). A has no gain or loss, and has made a gift of $60,000, the excess of $90,000, the fair market value, over the amount realized, $30,000.

Example (3). A transfers property to his son for $30,000. Such property in A's hands has an adjusted basis of $30,000 (and a fair market value of $60,000). A has no gain and has made a gift of $30,000, the excess of $60,000, the fair market value, over the amount realized, $30,000.

Example (4). A transfers property to his son for $30,000. Such property in A's hands has an adjusted basis of $90,000 (and a fair market value of $60,000). A has sustained no loss, and has made a gift of $30,000, the excess of $60,000, the fair market value, over the amount realized, $30,000.

§ 1.1002 *Statutory provisions; recognition of gain or loss.*

SEC. 1002. *Recognition of gain or loss.* Except as otherwise provided in this subtitle, on the sale or exchange of property the entire amount of the gain or loss, determined under section 1001, shall be recognized.

§ 1.1002–1 *Sales or exchanges*—(a) *General rule.* The general rule with respect to gain or loss realized upon the sale or exchange of property as determined under section 1001 is that the entire amount of such gain or loss is recognized except in cases where specific provisions of subtitle A of the Internal Revenue Code of 1954 provide otherwise.

(b) *Strict construction of exceptions from general rule.* The exceptions from the general rule requiring the recognition of all gains and losses, like other exceptions from a rule of taxation of general and uniform application, are strictly construed and do not extend either beyond the words or the underlying assumptions and purposes of the exception. Nonrecognition is accorded by the Internal Revenue Code of 1954 only if the exchange is one which satisfies both (1) the specific description in the Code of an excepted exchange, and (2) the underlying purpose for which such exchange is excepted from the general rule. The exchange must be germane to, and a necessary incident of, the investment or enterprise in hand. The relationship of the exchange to the venture or enterprise is always material, and the surrounding facts and circumstances must be shown. As elsewhere, the taxpayer claiming the benefit of the exception must show himself within the exception.

(c) *Certain exceptions to general rule.* Exceptions to the general rule are made, for example, by sections 351 (a), 354, 361 (a), 371 (a) (1), 371 (b) (1), 721, 1031, 1035 and 1036. These sections describe certain specific exchanges of property in which at the time of the exchange particular differences exist between the property parted with and the property acquired, but such differences are more formal than substantial. As to these, the Internal Revenue Code of 1954 provides that such differences shall not be deemed controlling, and that gain or loss shall not be recognized at the time of the exchange. The underlying assumption of these exceptions is that the new property is substantially a continuation of the old investment still unliquidated; and, in the case of reorganizations, that the new enterprise, the new corporate structure, and the new property are substantially continuations of the old still unliquidated.

(d) *Exchange.* Ordinarily, to constitute an exchange, the transaction must be a reciprocal transfer of property, as distinguished from a transfer of property for a money consideration only.

BASIS RULES OF GENERAL APPLICATION

§ 1.1011 *Statutory provisions; adjusted basis for determining gain or loss.*

SEC. 1011. *Adjusted basis for determining gain or loss.* The adjusted basis for determining the gain or loss from the sale or other disposition of property, whenever acquired, shall be the basis (determined under section 1012 or other applicable sections of this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses)), adjusted as provided in section 1016.

§ 1.1011–1 *Adjusted basis.* The adjusted basis for determining the gain or loss from the sale or other disposition of property is the cost or other basis prescribed in section 1012 or other applicable provisions of subtitle A of the Internal Revenue Code of 1954, adjusted to the extent provided in sections 1016, 1017, and 1018 or as otherwise specifically provided for under applicable provisions of internal revenue laws.

§ 1.1012 *Statutory provisions; basis of property—cost.*

SEC. 1012. *Basis of property—cost.* The basis of property shall be the cost of such property, except as otherwise provided in this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses). The cost of real property shall not include any amount in respect of real property taxes which are treated under section 164 (d) as imposed on the taxpayer.

§ 1.1012–1 *Basis of property*—(a) *General rule.* In general, the basis of property is the cost thereof. The cost is the amount paid for such property in cash or other property. This general rule is subject to exceptions stated in subchapter O (relating to gain or loss on the disposition of property), subchapter C (relating to corporate distributions and adjustments), subchapter K (relating to partners and partnerships), and subchapter P (relating to capital gains and losses) of chapter 1 of the Internal Revenue Code of 1954.

(b) *Real estate taxes as part of cost.* In computing the cost of real property, the purchaser shall not take into account any amount paid to the seller as reimbursement for real property taxes which are treated under section 164 (d) as imposed upon the purchaser. This rule applies whether or not the contract of sale calls for the purchaser to reimburse the seller for such real estate taxes paid or to be paid by the seller. On the other hand, where the purchaser pays (or assumes liability for) real estate taxes which are treated under section 164 (d) as imposed upon the seller, such taxes shall be considered part of the cost of the property. It is immaterial whether or not the contract of sale specifies that the sale price has been reduced by, or is in any way intended to reflect, real

estate taxes allocable to the seller under section 164 (d). For illustrations of the application of this paragraph, see § 1.1001–1 (b).

(c) *Sale of stock*—(1) *In general.* If shares of stock in a corporation are sold or transferred by a taxpayer who purchased or acquired lots of stock on different dates or at different prices, and the lot from which the stock was sold or transferred cannot be adequately identified, the stock sold or transferred shall be charged against the earliest purchased of such lots in order to determine the cost or other basis of such stock under this section, and in order to determine the holding period of such stock for purposes of subchapter P of chapter 1 of the Internal Revenue Code of 1954. If, on the other hand, the lot from which the stock is sold or transferred can be adequately identified, the rule stated in the preceding sentence is not applicable. As to what constitutes "adequate identification", see subparagraphs (2), (3), and (4) of this paragraph.

(2) *Identification of stock.* An adequate identification is made if it is shown that certificates representing shares of stock from a lot which was purchased or acquired on a certain date or for a certain price were delivered to the taxpayer's transferee. Except as otherwise provided in subparagraph (3) of this paragraph, the stock certificates delivered to the transferee constitute the stock sold or transferred by the taxpayer. Thus, unless the requirements of subparagraph (3) of this paragraph are met, the stock sold or transferred is charged to the lot to which the certificates delivered to the transferee belong, whether or not the taxpayer intends, or instructs his broker or other agent, to sell or transfer stock from a lot purchased or acquired on a different date or for a different price.

(3) *Identification on confirmation document.* (i) Where the stock is left in the custody of a broker or other agent, an adequate identification is made if, at the time of the sale or transfer, the taxpayer—

(*a*) Specifies to such broker or other agent having custody of the stock, through whom the sale or transfer of such stock is made, the particular stock to be sold or transferred, and

(*b*) Confirmation of such specification is set forth in a written document from such broker or other agent.

Stock identified pursuant to this subdivision is the stock sold or transferred by the taxpayer, even though stock certificates from a different lot are delivered to the taxpayer's transferee.

(ii) Where a single stock certificate represents stock from different lots, where such certificate is held by the taxpayer rather than his broker or other agent, and where the taxpayer sells a part of the stock represented by such certificate through a broker or other agent, an adequate identification is made if, at the time of the delivery of the certificate to the broker or other agent, the taxpayer—

(*a*) Specifies to such broker or other agent the particular stock to be sold or transferred, and

(*b*) Confirmation of such specification is set forth in a written document from such broker or agent.

Where part of stock represented by a single certificate is sold or transferred directly by the taxpayer to the purchaser instead of through a broker or other agent, an adequate identification is made if the taxpayer maintains a record of the particular stock which he intended to sell or transfer.

(4) *Stock held by a fiduciary; identification by books.* In the case of a distribution of stock by a fiduciary, an adequate identification is made if the fiduciary—

(i) Clearly specifies, in its books or other appropriate records, the particular stock distributed, and

(ii) Furnishes the distributee with a written document setting forth such information in full.

The rule of this subparagraph does not apply where an adequate identification can be made under subparagraph (2) or where stock is sold by a fiduciary.

(5) *Subsequent sales.* If stock identified under subparagraph (3) or (4) of this paragraph as belonging to a particular lot is sold or transferred, the stock so identified shall be deemed to have been sold or transferred and such sale or transfer will be taken into consideration in identifying stock remaining in the taxpayer's hands which is subsequently sold or transferred.

(6) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. (i) The corpus of Trust A consists in part of 480 shares of the common stock of X Corporation, purchased by the trust on the following dates and for the following prices:

Number of shares	*Date purchased*	*Price*
114	Jan. 1, 1947	$14/share.
40	June 15, 1949	$19/share.
250	July 1, 1953	$12/share.
76	Feb. 1, 1956	$15/share.

On March 15, 1956, the trust terminates. Under the trust instrument, the corpus is to be divided between 8 remaindermen in equal shares. For the purpose of making an "adequate identification", the trustee may turn in its stock in X Corporation for 8 certificates of 60 shares each and distribute one certificate to each remainderman, making the following designation on its books or other appropriate records and in a written document furnished to each distributee:

REMAINDERMAN B

Number of shares	*Date purchased*	*Price*
14¼	Jan. 1, 1947	$14/share.
5	June 15, 1949	$19/share.
31¼	July 1, 1953	$12/share.
9½	Feb. 1, 1956	$15/share.

(ii) If, following the termination of Trust A, Remainderman B desires to sell 5 shares of stock purchased on June 15, 1949, he may so specify to his broker and deliver to the latter the stock certificate representing 60 shares of stock, receiving in return the proceeds of sale plus a certificate (or certificates) for 55 shares of stock. If the requirements of subparagraph (3) (ii) of this paragraph are met, an "adequate identification" of the stock sold has been made.

(d) *Special rules.* For special rules for determining the basis for gain or loss in the case of vessels acquired through the Maritime Commission (or its successor), see sections 510 and 511 of the Merchant Marine Act of 1936 (46 U. S. C. 1160, 1161). For special rules for determining the unadjusted basis of property recovered in respect of war losses, see section 1336. For special rules for determining the basis for gain or loss in the case of the disposition of a share of stock acquired pursuant to the timely exercise of a restricted stock option where the option price was between 85 percent and 95 percent of the fair market value of the stock at the time the option was granted, see section 421 (b). For special rules for determining the basis and adjusted basis of property acquired or improved with the proceeds of a grant or loan made to a taxpayer by the United States for the encouragement of exploration, development, or mining of critical and strategic minerals or metals, see section 621.

§ 1.1012–2 *Transfers in part a sale and in part a gift.* For rule relating to basis of property acquired in a transfer which is in part a gift and in part a sale, see § 1.1015–4.

§ 1.1013 *Statutory provisions; basis of property included in inventory.*

SEC. 1013. *Basis of property included in inventory.* If the property should have been included in the last inventory, the basis shall be the last inventory value thereof.

§ 1.1013–1 *Property included in inventory.* The basis of property required to be included in inventory is the last inventory value of such property in the hands of the taxpayer. The requirements with respect to the valuation of an inventory are stated in sections 471, 472, and the regulations thereunder.

§ 1.1014 *Statutory provisions; basis of property acquired from a decedent.*

SEC. 1014. *Basis of property acquired from a decedent*—(a) *In general.* Except as otherwise provided in this section, the basis of property in the hands of a person acquiring the property from a decedent or to whom the property passed from a decedent shall, if not sold, exchanged, or otherwise disposed of before the decedent's death by such person, be the fair market value of the property at the date of the decedent's death, or, in the case of an election under either section 2032 or section 811 (j) of the Internal Revenue Code of 1939 where the decedent died after October 21, 1942, its value at the applicable valuation date prescribed by those sections.

(b) *Property acquired from the decedent.* For purposes of subsection (a), the following property shall be considered to have been acquired from or to have passed from the decedent:

(1) Property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent;

(2) Property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust;

(3) In the case of decedents dying after December 31, 1951, property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust;

(4) Property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will;

(5) In the case of decedents dying after August 26, 1937, property acquired by bequest, devise, or inheritance or by the decedent's estate from the decedent, if the property consists of stock or securities of a foreign corporation, which with respect to its taxable year next preceding the date of the decedent's death was, under the law applicable to such year, a foreign personal holding company. In such case, the basis shall be the fair market value of such property at the date of the decedent's death or the basis in the hands of the decedent, whichever is lower;

(6) In the case of decedents dying after December 31, 1947, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in such property was includible in determining the value of the decedent's gross estate under chapter 11 of subtitle B (section 2001 and following, relating to estate tax) or section 811 of the Internal Revenue Code of 1939;

(7) In the case of decedents dying after October 21, 1942, and on or before December 31, 1947, such part of any property, representing the surviving spouse's one-half share of property held by a decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, as was included in determining the value of the gross estate of the decedent, if a tax under chapter 3 of the Internal Revenue Code of 1939 was payable on the transfer of the net estate of the decedent. In such case, nothing in this paragraph shall reduce the basis below that which would exist if the Revenue Act of 1948 had not been enacted;

(8) In the case of decedents dying after December 31, 1950, and before January 1, 1954, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of such interest was required to be included in determining the value of decedent's gross estate under section 811 of the Internal Revenue Code of 1939;

(9) In the case of decedents dying after December 31, 1953, property acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), if by reason thereof the property is required to be included in determining the value of the decedent's gross estate under chapter 11 of subtitle B or under the Internal Revenue Code of 1939. In such case, if the property is acquired before the death of the decedent, the basis shall be the amount determined under subsection (a) reduced by the amount allowed to the taxpayer as deductions in computing taxable income under this subtitle or prior income tax laws for exhaustion, wear and tear, obsolescence, amortization, and depletion on such property before the death of the decedent. Such basis shall be applicable to the property commencing on the death of the decedent. This parargaph shall not apply to—

(A) Annuities described in section 72;

(B) Property to which paragraph (5) would apply if the property had been acquired by bequest; and

(C) Property described in any other paragraph of this subsection.

(c) *Property representing income in respect of a decedent.* This section shall not apply to property which constitutes a right to receive an item of income in respect of a decedent under section 691.

(d) *Employee stock options.* This section shall not apply to restricted stock options described in section 421 which the employee has not exercised at death.

§ 1.1014–1 *Basis of property acquired from a decedent*—(a) *General rule.* The purpose of section 1014 is, in general, to provide a basis for property acquired from a decedent which is equal to the value placed upon such property for purposes of the Federal estate tax. Accordingly, the general rule is that the basis of property acquired from a decedent is the fair market value of such property at the date of the decedent's death, or, if the decedent's executor so elects, at the alternate valuation date prescribed in section 2032, or in section 811 (j) of the Internal Revenue Code of 1939. Property acquired from a decedent includes, principally, property acquired by bequest, devise, or inheritance, and, in the case of decedents dying after December 31, 1953, property required to be included in determining the value of the decedent's gross estate under any provision of the Internal Revenue Code of 1954 or the Internal Revenue Code of 1939. The general rule governing basis of property acquired from a decedent, as well as other rules prescribed elsewhere in this section, shall have no application if the property is sold, exchanged, or otherwise disposed of before the decedent's death by the person who acquired the property from the decedent. For general rules on the applicable valuation date where the executor of a decedent's estate elects under section 2032, or under section 811 (j) of the Internal Revenue Code of 1939, to value the decedent's gross estate at the alternate valuation date prescribed in such sections, see § 1.1014–3 (e).

(b) *Scope and application.* With certain limitations, the general rule described in paragraph (a) of this section is applicable to the classes of property described in paragraphs (a) and (b) of § 1.1014–2. Special basis rules with respect to the basis of certain other property acquired from a decedent are set forth in § 1.1014–2 (c). These special rules concern certain stock or securities of a foreign personal holding company and the surviving spouse's one-half share of community property held with a decedent dying after October 21, 1942, and on or before December 31, 1947. In this section and §§ 1.1014–2 to 1.1014–6, inclusive, whenever the words "property acquired from a decedent" are used they shall also mean "property passed from a decedent" and the phrase "person who acquired it from the decedent" shall include the "person to whom it passed from the decedent."

(c) *Property to which section 1014 does not apply.* Section 1014 shall have no application to the following classes of property:

(1) Property which constitutes a right to receive an item of income in respect of a decedent under section 691; and

(2) Restricted stock options described in section 421 which the employee has not exercised at death, regardless of the date on which the employee died.

§ 1.1014–2 *Property acquired from a decedent*—(a) *In general.* The following property, except where otherwise indicated, is considered to have been acquired from a decedent and the basis thereof is determined in accordance with the general rule in § 1.1014–1:

(1) Without regard to the date of the decedent's death, property acquired by bequest, devise, or inheritance, or by the decedent's estate from the decedent, whether the property was acquired under the decedent's will or under the law governing the descent and distribution of the property of decedents. However, see paragraph (c) (1) of this section if the property was acquired by bequest or inheritance from a decedent dying after August 26, 1937, and if such property consists of stock or securities of a foreign personal holding company.

(2) Without regard to the date of the decedent's death, property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent, with the right reserved to the decedent at all times before his death to revoke the trust.

(3) In the case of decedents dying after December 31, 1951, property transferred by the decedent during his lifetime in trust to pay the income for life to or on the order or direction of the decedent with the right reserved to the decedent at all times before his death to make any change in the enjoyment thereof through the exercise of a power to alter, amend, or terminate the trust.

(4) Without regard to the date of the decedent's death, property passing without full and adequate consideration under a general power of appointment exercised by the decedent by will. (See section 2041 (b) for definition of general power of appointment.)

(5) In the case of decedents dying after December 31, 1947, property which represents the surviving spouse's one-half share of community property held by the decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, if at least one-half of the whole of the community interest in that property was includible in determining the value of the decedent's gross estate under part III of chapter 11 (relating to the estate tax) or section 811 of the Internal Revenue Code of 1939. It is not necessary for the application of this subparagraph that an estate tax return be required to be filed for the estate of the decedent or that an estate tax be payable.

(6) In the case of decedents dying after December 31, 1950, and before January 1, 1954, property which represents the survivor's interest in a joint and survivor's annuity if the value of any part of that interest was required to be included in determining the value of the decedent's gross estate under section 811 of chapter 3 of the Internal Revenue Code of 1939. It is necessary only that the value of a part of the survivor's interest in the annuity be includible in the gross estate under section 811. It is not necessary for the application of this subparagraph that an estate tax return be required to be filed for the estate of

the decedent or that an estate tax be payable.

(b) *Property acquired from a decedent dying after December 31, 1953*—(1) *In general.* In addition to the property described in paragraph (a) of this section, and except as otherwise provided in subparagraph (3) of this paragraph, in the case of a decedent dying after December 31, 1953, property shall also be considered to have been acquired from the decedent to the extent that both of the following conditions are met: (i) the property was acquired from the decedent by reason of death, form of ownership, or other conditions (including property acquired through the exercise or non-exercise of a power of appointment), and (ii) the property is includible in the decedent's gross estate under the provisions of the Internal Revenue Code of 1954, or 1939, because of such acquisition. The basis of such property in the hands of the person who acquired it from the decedent shall be determined in accordance with the general rule in § 1.1014–1. See, however, § 1.1014–6 for special adjustments if such property is acquired before the death of the decedent. See also subparagraph (3) for a description of property not within the scope of this paragraph.

(2) *Rules for the application of subparagraph (1).* Except as provided in subparagraph (3), this paragraph generally includes all property acquired from a decedent, which is includible in the gross estate of the decedent if the decedent died after December 31, 1953. It is not necessary for the application of this paragraph that an estate tax return be required to be filed for the estate of the decedent or that an estate tax be payable. Property acquired prior to the death of a decedent which is includible in the decedent's gross estate, such as property transferred by a decedent in contemplation of death, and property held by a taxpayer and the decedent as joint tenants or as tenants by the entireties is within the scope of this paragraph. Also, this paragraph includes property acquired through the exercise or non-exercise of a power of appointment where such property is includible in the decedent's gross estate. It does not include property not includible in the decedent's gross estate such as property not situated in the United States acquired from a nonresident who is not a citizen of the United States.

(3) *Exceptions to application of paragraph (b).* The rules in paragraph (b) are not applicable to the following property:

(i) Annuities described in section 72;

(ii) Stock or securities of a foreign personal holding company as described in section 1014 (b) (5) (see paragraph (c) (1) of this section);

(iii) Property described in any paragraph other than paragraph (9) of section 1014 (b). See paragraphs (a) and (c) of this section.

In illustration of subdivision (ii), assume that A acquired by gift stock of a character described in paragraph (c) (1) of this section from a donor and upon the death of the donor the stock was includible in the donor's estate as being a gift in contemplation of death. A's basis in the stock would not be determined by reference to its fair market value at the donor's death under the general rule in section 1014 (a). Furthermore, the special basis rules prescribed in paragraph (c) (1) are not applicable to such property acquired by gift in contemplation of death. It will be necessary to refer to the rules in section 1015 (a) to determine the basis.

(c) *Special basis rules with respect to certain property acquired from a decedent*—(1) *Stock or securities of a foreign personal holding company.* The basis of certain stock or securities of a foreign corporation which was a foreign personal holding company with respect to its taxable year next preceding the date of the decedent's death is governed by a special rule. If such stock was acquired from a decedent dying after August 26, 1937, by bequest or inheritance, or by the decedent's estate from the decedent, the basis of the property in the hands of the person who so acquired it (notwithstanding any other provision of section 1014) shall be the fair market value of such property at the date of the decedent's death or the adjusted basis of the stock in the hands of the decedent, whichever is lower.

(2) *Spouse's interest in community property of decedent dying after October 21, 1942, and on or before December 31, 1947.* In the case of a decedent dying after October 21, 1942, and on or before December 31, 1947, a special rule is provided for determining the basis of such part of any property, representing the surviving spouse's one-half share of property held by the decedent and the surviving spouse under the community property laws of any State, Territory, or possession of the United States or any foreign country, as was included in determining the value of the decedent's gross estate, if a tax under chapter 3 of the Internal Revenue Code of 1939 was payable upon the decedent's net estate. In such case the basis shall be the fair market value of such part of the property at the date of death (or the optional valuation elected under section 811 (j) of the Internal Revenue Code of 1939) or the adjusted basis of the property determined without regard to this subparagraph, whichever is the higher.

§ 1.1014–3 *Other basis rules*—(a) *Fair market value.* For purposes of this section and § 1.1014–1, the value of property as of the date of the decedent's death as appraised for the purpose of the Federal estate tax or the alternate value as appraised for such purpose, whichever is applicable, shall be deemed to be its fair market value. If no estate tax return is required to be filed under section 6018 (or under section 821 or 864 of the Internal Revenue Code of 1939) the value of the property appraised as of the date of the decedent's death for the purpose of State inheritance or transmission taxes shall be deemed to be its fair market value and no alternate valuation date shall be applicable.

(b) *Property acquired from a decedent dying before March 1, 1913.* If the decedent died before March 1, 1913, the fair market value on that date is taken in lieu of the fair market value on the date of death, but only to the same extent and for the same purposes as the fair market value on March 1, 1913, is taken under section 1053.

(c) *Reinvestments by a fiduciary.* The basis of property acquired after the death of the decedent by a fiduciary as an investment is the cost or other basis of such property to the fiduciary, and not the fair market value of such property at the death of the decedent. For example, the executor of an estate purchases stock of X company at a price of $100 per share with the proceeds of the sale of property acquired from a decedent. At the date of the decedent's death the fair market value of such stock was $98 per share. The basis of such stock to the executor or to a legatee, assuming the stock is distributed, is $100 per share.

(d) *Reinvestments of property transferred during life.* Where property is transferred by a decedent during life and the property is sold, exchanged, or otherwise disposed of before the decedent's death by the person who acquired the property from the decedent, the general rule stated in § 1.1014–1 (a) shall not apply to such property. However, in such a case, the basis of any property acquired by such donee in exchange for the original property, or of any property acquired by the donee through reinvesting the proceeds of the sale of the original property, shall be the fair market value of the property thus acquired at the date of the decedent's death (or applicable alternate valuation date) if the property thus acquired is properly included in the decedent's gross estate for Federal estate tax purposes. These rules also apply to property acquired by the donee in any further exchanges or in further reinvestments. For example, on January 1, 1956, the decedent made a gift of real property to a trust for the benefit of his children, reserving to himself the power to revoke the trust at will. Prior to the decedent's death the trustee sold the real property and invested the proceeds in stock of the Y company at $50 per share. At the time of the decedent's death the value of such stock was $75 per share. The corpus of the trust was required to be included in the decedent's gross estate owing to his reservation of the power of revocation. The basis of the Y company stock following the decedent's death is $75 per share. Moreover, if the trustee sold the Y Company stock before the decedent's death for $65 a share and reinvested the proceeds in Z company stock which increased in value to $85 per share at the time of the decedent's death, the basis of the Z company stock following the decedent's death would be $85 per share.

(e) *Alternate valuation dates.* Section 1014 (a) provides a special rule applicable in determining the basis of property described in § 1.1014–2 where—

(1) The property is includible in the gross estate of a decedent who died after October 21, 1942, and

(2) The executor elects for estate tax purposes under section 2032, or section 811 (j) of the Internal Revenue Code of 1939, to value the decedent's gross estate at the alternate valuation date prescribed in such sections.

In those cases, the value applicable in determining the basis of the property is not the value at the date of the decedent's death but (with certain limitations) the value at the date one year after his death if not distributed, sold, exchanged, or otherwise disposed of in the meantime. If such property was distributed, sold, exchanged, or otherwise disposed of within one year after the date of the decedent's death by the person who acquired it from the decedent, the value applicable in determining the basis is its value as of the date of such distribution, sale, exchange, or other disposition. For illustrations of the operation of this paragraph, see the estate tax regulations under section 2032.

§ 1.1014–4 *Uniformity of basis; adjustment to basis*—(a) *In general.* (1) The basis of property acquired from a decedent, as determined under section 1014 (a), is uniform in the hands of every person having possession or enjoyment of the property at any time under the will or other instrument or under the laws of descent and distribution. The principle of uniform basis means that the basis of the property (to which proper adjustments must, of course, be made) will be the same, or uniform, whether the property is possessed or enjoyed by the executor or administrator, the heir, the legatee or devisee, or the trustee or beneficiary of a trust created by a will or an inter vivos trust. In determining the amount allowed or allowable to a taxpayer in computing taxable income as deductions for depreciation or depletion under section 1016 (a) (2), the uniform basis of the property shall at all times be used and adjusted. The sale, exchange, or other disposition by a life tenant or remainderman of his interest in property will, for purposes of this section, have no effect upon the uniform basis of the property in the hands of those who acquired it from the decedent. Thus, gain or loss on sale of trust assets by the trustee will be determined without regard to the prior sale of any interest in the property. Moreover, any adjustment for depreciation shall be made to the uniform basis of the property without regard to such prior sale, exchange, or other disposition.

(2) Under the law governing wills and the distribution of the property of decedents, all titles to property acquired by bequest, devise, or inheritance relate back to the death of the decedent, even though the interest of the person taking the title was, at the date of death of the decedent, legal, equitable, vested, contingent, general, specific, residual, conditional, executory, or otherwise. Accordingly, there is a common acquisition date for all titles to property acquired from a decedent within the meaning of section 1014, and, for this reason, a common or uniform basis for all such interests. For example, if distribution of personal property left by a decedent is not made until one year after his death, the basis of such property in the hands of the legatee is its fair market value at the time when the decedent died, and not when the legatee actually received the property. If the bequest is of the residue to trustees in trust, and the executors do not distribute the residue to such trustees until five years after the death of the decedent, the basis of each piece of property left by the decedent and thus received, in the hands of the trustees, is its fair market value at the time when the decedent dies. If the bequest is to trustees in trust to pay to A during his lifetime the income of the property bequeathed, and after his death to distribute such property to the survivors of a class, and upon A's death the property is distributed to the taxpayer as the sole survivor, the basis of such property, in the hands of the taxpayer, is its fair market value at the time when the decedent died. The purpose of the Internal Revenue Code in prescribing a general uniform basis rule for property acquired from a decedent is, on the one hand, to tax the gain, in respect of such property, to him who realizes it (without regard to the circumstance that at the death of the decedent it may have been quite uncertain whether the taxpayer would take or gain anything); and, on the other hand, not to recognize as gain any element of value resulting solely from the circumstance that the possession or enjoyment of the taxpayer was postponed. Such postponement may be, for example, until the administration of the decedent's estate is completed, until the period of the possession or enjoyment of another has terminated, or until an uncertain event has happened. It is the increase or decrease in the value of property reflected in a sale or other disposition which is recognized as the measure of gain or loss.

(3) The principles stated in subparagraphs (1) and (2) of this paragraph do not apply to property transferred by an executor, administrator or trustee, to an heir, legatee, devisee or beneficiary under circumstances such that the transfer constitutes a sale or exchange. In such a case, gain or loss must be recognized by the transferor to the extent required by the revenue laws, and the transferee acquires a basis equal to the fair market value of the property on the date of the transfer. Thus, for example, if the trustee of a trust created by will transfers to a beneficiary, in satisfaction of a specific bequest of $10,000, securities which had a fair market value of $9,000 on the date of the decedent's death and $10,000 on the date of the transfer, the trust realizes a taxable gain of $1,000 and the basis of the securities in the hands of the beneficiary would be $10,000. As a further example, if the executor of an estate transfers to a trust property worth $200,000, which had a fair market value of $175,000 on the date of the decedent's death, in satisfaction of the decedent's bequest in trust for the benefit of his wife of cash or securities to be selected by the executor in an amount sufficient to utilize the marital deduction to the maximum extent authorized by law (after taking into consideration any other property qualifying for the marital deduction), capital gain in the amount of $25,000 would be realized by the estate and the basis of the property in the hands of the trustees would be $200,000. If, on the other hand, the decedent bequeathed a fraction of his residuary estate to a trust for the benefit of his wife, which fraction will not change regardless of any fluctuations in value of property in the decedent's estate after his death, no gain or loss would be realized by the estate upon transfer of property to the trust, and the basis of the property in the hands of the trustee would be its fair market value on the date of the decedent's death or on the alternate valuation date.

(b) *Multiple interests.* Where more than one person has an interest in property acquired from a decedent, the basis of such property shall be determined and adjusted without regard to the multiple interests. The basis for computing gain or loss on the sale of any one of such multiple interests shall be determined under § 1.1014–5. Thus, the deductions for depreciation and for depletion allowed or allowable, under sections 167 and 611, to a legal life tenant as if the life tenant were the absolute owner of the property, constitute an adjustment to the basis of the property not only in the hands of the life tenant, but also in the hands of the remainderman and every other person to whom the same uniform basis is applicable. Similarly, the deductions allowed or allowable under sections 167 and 611, both to the trustee and to the trust beneficiaries, constitute an adjustment to the basis of the property not only in the hands of the trustee, but also in the hands of the trust beneficiaries and every other person to whom the uniform basis is applicable. See, however, section 262. Similarly, adjustments in respect of capital expenditures or losses, tax-free distributions, or other distributions applicable in reduction of basis, or other items for which the basis is adjustable are made without regard to which one of the persons to whom the same uniform basis is applicable makes the capital expenditures or sustains the capital losses, or to whom the tax-free or other distributions are made, or to whom the deductions are allowed or allowable. See § 1.1014–6 for adjustments in respect of property acquired from a decedent prior to his death.

(c) *Records.* The executor or other legal representative of the decedent, the fiduciary of a trust under a will, the life tenant and every other person to whom a uniform basis under this section is applicable, shall maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made by sections 1016 and 1017, and shall furnish to the district director such information with respect to those adjustments as he may require.

§ 1.1014–5 *Gain or loss*—(a) *Sale or other disposition of a life interest, remainder interest, or other interest in property acquired from a decedent.* (1) The gain or loss from a sale or other disposition of a life interest, remainder interest, or other interest in property acquired from a decedent is determined by comparing the amount of the proceeds with the amount of that part of the adjusted uniform basis which is assignable to the interest sold or otherwise disposed of. The adjusted uniform

basis is the uniform basis of the entire property adjusted to the time of sale or other disposition of any such interest as required by sections 1016 and 1017. The uniform basis is the unadjusted basis of the entire property determined immediately after the decedent's death under the applicable sections of part II of subchapter O of chapter 1 of the Internal Revenue Code of 1954. The proper measure of gain or loss resulting from a sale or other disposition of an interest in property acquired from a decedent is so much of the increase or decrease in the value of the entire property as is reflected in such sale or other disposition. Hence, in ascertaining the basis of a life interest, remainder interest, or other interest which is sold or otherwise disposed of, the uniform basis rule contemplates that proper adjustments will be made to reflect the change in relative value of the interests on account of the passage of time. Where a remainder interest is subject to a life interest in one person only, the factors set forth in the table which appears at the end of this subparagraph shall be used in determining the basis of the life interest or the remainder interest in the property at the time such interest is sold. The basis of the life interest or the remainder interest is computed by multiplying the uniform basis (adjusted to the time of the sale) by the appropriate factor. In the case of the sale of a life interest or a remainder interest, the factor used is the factor which appears in the life interest or the remainder interest column of the table opposite the age (at the time of the sale) of the person at whose death the life interest will terminate.

TABLE OF FACTORS

These factors are taken from Table I of the Estate Tax Regulations. See Table I in § 20.2031–7 (f) of those regulations for remainder and life factors for ages not shown here.

Age of measuring life	Factor for life interest	Factor for remainder interest
21	.78203	0.21797
22	.77576	.22424
23	.76930	.23070
24	.76266	.23734
25	.75582	.24418
26	.74880	.25120
27	.74157	.25843
28	.73416	.26584
29	.72653	.27347
30	.71871	.28129
31	.71068	.28932
32	.70245	.29755
33	.69401	.30599
34	.68536	.31464
35	.67650	.32350
36	.66743	.33257
37	.65815	.34185
38	.64867	.35133
39	.63898	.36102
40	.62908	.37092
41	.61899	.38101
42	.60869	.39131
43	.59820	.40180
44	.58751	.41249
45	.57664	.42336
46	.56559	.43441
47	.55436	.44564
48	.54297	.45703
49	.53141	.46859
50	.51970	.48030
51	.50785	.49215
52	.49587	.50413
53	.48377	.51623
54	.47157	.52843
55	.45926	.54074
56	.44688	.55312
57	.43442	.56558
58	.42191	.57809
59	0.40936	0.59064
60	.39679	.60321
61	.38422	.61578
62	.37165	.62835
63	.35911	.64089
64	.34663	.65337
65	.33420	.66580
66	.32186	.67814
67	.30962	.69038
68	.29750	.70250
69	.28562	.71448
70	.27370	.72630
71	.26205	.73795
72	.25059	.74941
73	.23934	.76066
74	.22831	.77169
75	.21752	.78248
76	.20698	.79302
77	.19670	.80330
78	.18671	.81329
79	.17700	.82300
80	.16759	.83241

In cases in which the value of an interest cannot be determined from the above table, for example, cases in which the interest to be valued is dependent upon the continuation or termination of more than one life, or there is a term-certain concurrent with one or more lives, the factor is to be computed upon the basis of the Makehamized mortality table and interest at the rate of 3½ percent a year, compounded annually. This table appears as Table 38 of United States Life Tables and Actuarial Tables 1939–1941, published by the United States Department of Commerce, Bureau of the Census. Many such factors may be found in, or readily computed with the use of the tables contained in a pamphlet entitled "Actuarial Values for Estate and Gift Tax," which may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C.; or a case requiring a special factor (provided the transaction is completed and not merely proposed or hypothetical) may be stated to the Commissioner who will furnish such factor. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(2) The application of this section may be illustrated by the following example:

Example. Improved realty having a fair market value of $20,000 at the date of the decedent's death on January 1, 1954, is devised to A for life, with remainder over to B. On January 1, 1958, A sells his life interest for $12,500. During each of the years 1954–57, inclusive, A was allowed a deduction of $300 for depreciation. Thus, the adjusted uniform basis of the property is $18,800 ($20,000 minus $1,200 depreciation). At the time of the sale, A was 39 years of age. The life factor to be used here is 0.63898. The portion of the uniform basis (adjusted to the time of the sale) assigned to A's life interest is $12,012.82 (0.63898×$18,800). A's gain on the sale is $487.18 ($12,500—12,012.82).

§ 1.1014–6 *Special rule for adjustments to basis where property is acquired from a decedent prior to his death*—(a) *In general.* (1) The basis of property described in section 1014 (b) (9) which is acquired from a decedent prior to his death shall be adjusted for depreciation, obsolescence, amortization, and depletion allowed the taxpayer on such property for the period prior to the decedent's death. Thus, in general, the adjusted basis of such property will be its fair market value at the decedent's death, or the applicable alternate valuation date, less the amount allowed (determined with regard to section 1016 (a) (2) (B)) to the taxpayer as deductions for exhaustion, wear and tear, obsolescence, amortization and depletion for the period held by the taxpayer prior to the decedent's death. The deduction allowed for a taxable year in which the decedent dies shall be an amount properly allocable to that part of the year prior to his death. For a discussion of the basis adjustment required by section 1014 (b) (9) where property is held in trust, see paragraph (c) of this section.

(2) Where property coming within the purview of subparagraph (1) of this paragraph was held by the decedent and his surviving spouse as tenants by the entirety or as joint tenants with right of survivorship, and joint income tax returns were filed by the decedent and the surviving spouse in which the deductions referred to in subparagraph (1) were taken, there shall be allocated to the surviving spouse's interest in the property that proportion of the deductions allowed for each period for which the joint returns were filed which her income from the property bears to the total income from the property. Each spouse's income from the property shall be determined in accordance with local law.

(3) The application of this paragraph may be illustrated by the following examples:

Example (1). The taxpayer acquired income-producing property by gift on January 1, 1954. The property had a fair market value of $50,000 on the date of the donor's death, January 1, 1956, and was included in his gross estate at that amount for estate tax purposes as a transfer in contemplation of death. Depreciation in the amount of $750 per year was allowable for each of the taxable years 1954 and 1955. However, the taxpayer claimed depreciation in the amount of $500 for each of these years (resulting in a reduction in his taxes) and his income tax returns were accepted as filed. The adjusted basis of the property as of the date of the decedent's death is $49,000 ($50,000, the fair market value at the decedent's death, less $1,000, the total of the amounts actually allowed as deductions).

Example (2). On July 1, 1952, H purchased for $30,000 income-producing property which he conveyed to himself and W, his wife, as tenants by the entirety. Under local law each spouse was entitled to one-half of the income therefrom. H died on January 1, 1955, at which time the fair market value of the property was $40,000. The entire value of the property was included in H's gross estate. H and W filed joint income tax returns for the years 1952, 1953, and 1954. The total depreciation allowance for the year 1952 was $500 and for each of the other years 1953 and 1954 was $1,000. One-half of the $2,500 depreciation will be allocated to W. The adjusted basis of the property in W's hands of January 1, 1955, was $38,750 ($40,000, value on the date of H's death, less $1,250, depreciation allocated to W for periods before H's death). However, if, under local law, all of the income from the property was allocable to H, no adjustment under this paragraph would be required and W's basis for the property as of the date of H's death would be $40,000.

(b) *Multiple interests in property described in section 1014 (b) (9) and acquired from a decedent prior to his death.* (1) Where more than one person has an interest in property described in section 1014 (b) (9) which was acquired from a decedent before his death, the basis of such property and of each of the several interests therein shall, in general, be determined and adjusted in accordance with the principles contained in §§ 1.1014–4 and 1.1014–5, relating to the uniformity of basis rule. Application of these principles to the determination of basis under section 1014 (b) (9) is shown in the remaining subparagraphs of this paragraph in connection with certain commonly encountered situations involving multiple interests in property acquired from a decedent before his death.

(2) Where property is acquired from a decedent before his death, and the entire property is subsequently included in the decedent's gross estate for estate tax purposes, the uniform basis of the property, as well as the basis of each of the several interests in the property, shall be determined by taking into account the basis adjustments required by section 1014 (a) owing to such inclusion of the entire property in the decedent's gross estate. For example, suppose that the decedent transfers property in trust, with a life estate to A, and the remainder to B or his estate. The transferred property consists of 100 shares of the common stock of X Corporation, with a basis of $10,000 at the time of the transfer. At the time of the decedent's death the value of the stock is $20,000. The transfer is held to have been made in contemplation of death and the entire value of the trust is included in the decedent's gross estate. Under section 1014 (a), the uniform basis of the property in the hands of the trustee, the life tenant, and the remainderman, is $20,000. If immediately prior to the decedent's death, A's share of the uniform basis of $10,000 was $6,000, and B's share was $4,000, then, immediately after the decedent's death, A's share of the uniform basis of $20,000 is $12,000, and B's share is $8,000.

(3) (i) In cases where, due to the operation of the estate tax, only a portion of property acquired from a decedent before his death is included in the decedent's gross estate, as in cases where the decedent retained a reversion to take effect upon the expiration of a life estate in another, the uniform basis of the entire property shall be determined by taking into account any basis adjustments required by section 1014 (a) owing to such inclusion of a portion of the property in the decedent's gross estate. In such cases the uniform basis is the adjusted basis of the entire property immediately prior to the decedent's death increased (or decreased) by an amount which bears the same relation to the total appreciation (or diminution) in value of the entire property (over the adjusted basis of the entire property immediately prior to the decedent's death) as the value of the property included in the decedent's gross estate bears to the value of the entire property. For example, assume that the decedent creates a trust to pay the income to A for life, remainder to B or his estate. The trust instrument further provides that if the decedent should survive A, the income shall be paid to the decedent for life. Assume that the decedent predeceases A, so that, due to the operation of the estate tax, only the present value of the remainder interest is included in the decedent's gross estate. The trust consists of 100 shares of the common stock of X Corporation with an adjusted basis immediately prior to the decedent's death of $10,000 (as determined under section 1015). At the time of the decedent's death the value of the stock is $20,000, and the value of the remainder interest in the hands of B is $8,000. The uniform basis of the entire property following the decedent's death is $14,000, computed as follows:

Uniform basis prior to decedent's death	$10,000
plus	
Increase in uniform basis (determined by the following formula)	4,000
Increase in uniform basis (to be determined) / $10,000 (total appreciation) = $8,000 (value of property included in gross estate) / $20,000 (value of entire property)	
Uniform basis under section 1014 (a)	14,000

(ii) In cases of the type described in subdivision (i) of this subparagraph, the basis of any interest which is included in the decedent's gross estate may be ascertained by adding to (or substracting from) the basis of such interest determined immediately prior to the decedent's death the increase (or decrease) in the uniform basis of the property attributable to the inclusion of the interest in the decedent's gross estate. Where the interest is sold or otherwise disposed of at any time after the decedent's death, proper adjustment must be made in order to reflect the change in value of the interest on account of the passage of time (see § 1.1014–5 (a) and the table included therein). For an illustration of the operation of this subdivision, see step 6 of the example in § 1.1014–7.

(iii) In cases of the type described in subdivision (i) (cases where, due to the operation of the estate tax, only a portion of the property is included in the decedent's gross estate), the basis for computing the depreciation, amortization, or depletion allowance shall be the uniform basis of the property determined under section 1014 (a). However, the manner of taking into account such allowance computed with respect to such uniform basis is subject to the following limitations:

(*a*) In cases where the value of the life interest is not included in the decedent's gross estate, the amount of such allowance to the life tenant under section 167 (g) (or section 611 (b)) shall not exceed the amount which would have been allowable to the life tenant if no portion of the basis of the property was determined under section 1014 (a). Proper adjustment shall be made for the amount allowable to the life tenant, as required by section 1016. Thus, an appropriate adjustment shall be made to the uniform basis of the property in the hands of the trustee, to the basis of the life interest in the hands of the life tenant, and to the basis of the remainder in the hands of the remainderman.

(*b*) The remaining allowance (that is, the increase in the amount of depreciation, amortization, or depletion allowable resulting from the increase in the uniform basis of the property under section 1014 (a)) shall not be allowed to the life tenant. The remaining allowance shall, instead, be allowed to the trustee to the extent that the trustee both (*1*) is required or permitted, by the governing trust instrument (or under local law), to maintain a reserve for depreciation, amortization, or depletion, and (*2*) actually maintains such a reserve. If, in accordance with the preceding sentence, the trustee does maintain such a reserve, the remaining allowance shall be taken into account, under section 1016, in adjusting the uniform basis of the property in the hands of the trustee and in adjusting the basis of the remainder interest in the hands of the remainderman, but shall not be taken into account, under section 1016, in determining the basis of the life interest in the hands of the life tenant. For an example of the operation of this subdivision, see § 1.1014–7 (b).

(4) In cases where the basis of any interest in property is not determined under section 1014 (a), as where such interest (i) is not included in the decedent's gross estate, or (ii) is sold, exchanged or otherwise disposed of before the decedent's death, the basis of such interest shall be determined under other applicable provisions of the Internal Revenue Code. To illustrate, in the example shown in subdivision (i) of subparagraph (3) of this paragraph the basis of the life estate in the hands of A shall be determined under section 1015, relating to the basis of property acquired by gift. If, on the other hand, A had sold his life interest prior to the decedent's death, the basis of the life estate in the hands of A's transferee would be determined under section 1012.

(c) *Adjustments for deductions allowed prior to the decedent's death.* (1) As stated in paragraph (a), section 1014 (b) (9) requires a reduction in the uniform basis of property acquired from a decedent before his death for certain deductions allowed in respect of such property during the decedent's lifetime. In general, the amount of the reduction in basis required by section 1014 (b) (9) shall be the aggregate of the deductions allowed in respect of the property, but shall not include deductions allowed in respect of the property to the decedent himself. In cases where, owing to the operation of the estate tax, only a part of the value of the entire property is included in the decedent's gross estate,

interest is included in the decedent's gross estate. The trust consists of an apartment building with a basis of $30,000 at the time of transfer. Under the trust instrument the trustee is required to maintain a reserve for depreciation. During the decedent's lifetime depreciation is allowed in the amount of $800 annually. At the time of the decedent's death the value of the apartment building is $45,000. A, the life tenant, is 43 years of age at the time of the decedent's death. Immediately after the decedent's death, the uniform basis of the entire property under section 1014 (a) is $32,027; A's basis for the life interest is $15,553; and B's basis for the remainder interest is $16,474, computed as follows:

Step 1. Uniform basis (adjusted) immediately prior to decedent's death:

Basis at time of transfer	$30,000
less	
Depreciation allowed under section 1016 before decedent's death ($800×5)	4,000
	26,000

Step 2. Value of property included in decedent's gross estate:

0.40180 (remainder factor, age 43)×$45,000 (value of entire property)	$18,081
Increase in uniform basis (determined by the following formula):	
$19,000 (total appreciation, $45,000−$26,000) = $45,000 (value of entire property)	7,634
	33,634

Step 3. Uniform basis of property under section 1014 (a), before reduction required by section 1014 (b) (9):

Uniform basis (adjusted) prior to decedent's death	$26,000
Increase in uniform basis (determined by the following formula):	
Increase in uniform basis (to be determined) = $18,081 (value of property included in gross estate)	7,634
	33,634

Step 4. Uniform basis reduced as required by section 1014 (b) (9) for deductions allowed prior to death:

Uniform basis before reduction	$33,634
less	
Deductions allowed prior to decedent's death—taken into account under section 1014 (b) (9) (determined by the following formula):	
Prior deductions taken into account (to be determined) = $18,081 (value of property included in gross estate)	1,607
$4,000 (total deductions allowed prior to decedent's death) = $45,000 (value of entire property)	6,027
	16,474

Step 5. A's basis for the life interest at the time of the decedent's death, determined under section 1015:

0.59820 (life factor, age 43)×$26,000	$15,553

Step 6. B's basis for the remainder interest, determined under section 1014 (a):

Basis prior to the decedent's death:	
0.40180 (remainder factor, age 43)×$26,000	$10,447
plus	
Increase in uniform basis owing to decedent's death:	
Increase in uniform basis	$7,634
Reduction required by section 1014 (b) (9)	1,607
	6,027
	16,474

(b) Assume the same facts as in (a). Assume further, that following the decedents' death depreciation is allowed in the amount of $1,000 annually. As of January 1, 1964, when A's age is 52, the adjusted uniform basis of the entire property is $23,027; A's basis for the life interest is $9,323; and B's basis for the remainder interest is $13,704, computed as follows:

Step 7. Uniform basis (adjusted) as of January 1, 1964:

Uniform basis determined under section 1014 (a), reduced as required by section 1014 (b) (9)	$32,027
less	
Depreciation allowed since decedent's death ($1,000×9)	9,000
	23,027

Step 8. Allocable share of adjustment for depreciation allowable in the nine years since the decedent's death:

A's interest

0.49587 (life factor, age 52)×$7,200 (800, depreciation attributable to uniform basis before increase under section 1014 (a), ×9)	$3,570

B's interest

0.50413 (remainder factor, age 52)×$7,200 (800, depreciation attributable to uniform basis before increase under section 1014 (a), ×9)	3,630
plus	
$200 (annual depreciation attributable to increase in uniform basis under section 1014 (a)) ×9	1,800
	5,430

Step 9. Tentative bases of A's and B's interests as of January 1, 1964 (before adjustment for depreciation).

A's interest

0.49587 (life factor, age 52)×$26,000 (adjusted uniform basis immediately before decedent's death)	$12,893

B's interest

0.50413 (remainder factor, age 52)×$26,000 (adjusted uniform basis immediately before decedent's death)	$13,107
plus	
Increase in uniform basis owing to inclusion of remainder in decedent's gross estate	6,027
	19,134

Step 10. Bases of A's and B's interests as of January 1, 1964:

A

Tentative basis (Step 9)	$12,893
less	
Allocable depreciation (Step 8)	3,570
	9,323

B

Tentative basis (Step 9)	19,134
less	
Allocable depreciation (Step 8)	5,430
	13,704

§ 1.1014–8 *Bequest, devise, or inheritance of a remainder interest.* (a) Where property is transferred for life, with vested remainder in fee, and the remainderman dies before the life tenant, the basis of the remainderman's heir, legatee, or devisee for the remainder interest shall be determined in accordance with the principles set forth in §§ 1.1014–4 through 1.1014–6. However, if the transfer is in trust, no adjustment shall be made to the uniform basis of the property in the hands of the trustee upon the death of the remainderman (see § 1.1014–4 (a)). The basis of any property distributed to the heir, legatee, or devisee upon termination of a trust or at any other time (unless included in the gross income of the legatee or devisee) shall be determined by adding to (or subtracting from) the adjusted uniform basis of the property thus distributed the difference between—

(i) The value of the remainder interest in the property included in the remainderman's estate, and

(ii) The basis of the remainder interest immediately prior to the remainderman's death.

(b) The provisions of paragraph (a) of this section are illustrated by the following examples:

Example (1). Assume that, under the will of a decedent, property consisting of common stock with a value of $1,000 at the time of the decedent's death is transferred in trust, to pay the income to A for life, remainder to B or to B's estate. B predeceases A and bequeaths the remainder interest to C. Assume that B dies on January 1, 1956, and that the value of the stock originally transferred is $1,600 at B's death. A's age at that time is 37. The value of the remainder interest included in B's estate is $547 (0.34185, remainder factor age 37, ×$1,600), and hence $547 is C's basis for the remainder interest immediately after B's death. Assume that C sells the remainder interest on January 1, 1961, when A's age is 42. C's basis for the remainder interest at the time of such sale is $596, computed as follows:

Basis of remainder interest computed with respect to uniform basis of entire property (0.39131, remainder factor age 42, ×$1,000, uniform basis of entire property)	$391
plus	
Value of remainder interest included in B's estate	$547
less	
Basis of remainder interest immediately prior to B's death (0.34185, remainder factor age 37, ×$1,000)	342
	205
Basis of C's remainder interest at the time of sale	596

Example (2). Assume the same facts as in example (1), except that C does not sell the remainder interest. Upon A's death terminating the trust, C's basis for the stock distributed to him is computed as follows:

Uniform basis of the property, adjusted to date of termination of the trust	$1,000
plus	
Value of remainder interests in the property at the time of B's death	$547
less	
B's share of uniform basis of the property at the time of his death	342
	205
C's basis for the stock distributed to him upon the termination of the trust	1,205

Example (3). Assume the same facts as in example (2), except that the property transferred is depreciable. Assume further that $100 of depreciation was allowed prior to B's death and that $50 of depreciation is allowed between the time of B's death and the termination of the trust. Upon A's death terminating the trust, C's basis for the property distributed to him is computed as follows:

Uniform basis of the property, adjusted to date of termination of the trust:		
Uniform basis immediately after decedent's death	$1,000	
Depreciation allowed following decedent's death	150	$850
plus		
Value of remainder interest in the property at the time of B's death	547	
less		
B's share of uniform basis of the property at the time of his death (0.34185×$900, uniform basis at B's death)	308	239
C's basis for the property distributed to him upon the termination of the trust		1,089

(c) The rules stated in paragraph (a) do not apply where the basis of the remainder interest in the hands of the remainderman's transferee is determined by reference to its cost to such transferee. See also, § 1.1014–4 (a). Thus, if, in example (1) of the preceding paragraph, B sold his remainder interest to C for $547 in cash, C's basis for the stock distributed to him upon the death of A terminating the trust is $547.

§ 1.1015 *Statutory provisions; basis of property acquired by gifts and transfers in trust.*

SEC. 1015. *Basis of property acquired by gifts and transfers in trust.*—(a) *Gifts after December 31, 1920.* If the property was acquired by gift after December 31, 1920, the basis shall be the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift, except that if such basis (adjusted for the period before the date of the gift as provided in section 1016) is greater than the fair market value of the property at the time of the gift, then for the purpose of determining loss the basis shall be such fair market value. If the facts necessary to determine the basis in the hands of the donor or the last preceding owner are unknown to the donee, the Secretary or his delegate shall, if possible, obtain such facts from such donor or last preceding owner, or any other person

cognizant thereof. If the Secretary or his delegate finds it impossible to obtain such facts, the basis in the hands of such donor or last preceding owner shall be the fair market value of such property as found by the Secretary or his delegate as of the date or approximate date at which, according to the best information that the Secretary or his delegate is able to obtain, such property was acquired by such donor or last preceding owner.

(b) *Transfer in trust after December 31, 1920.* If the property was acquired after December 31, 1920, by a transfer in trust (other than by a transfer in trust by a gift, bequest, or devise), the basis shall be the same as it would be in the hands of the grantor increased in the amount of gain or decreased in the amount of loss recognized to the grantor on such transfer under the law applicable to the year in which the transfer was made.

(c) *Gift or transfer in trust before January 1, 1921.* If the property was acquired by gift or transfer in trust on or before December 31, 1920, the basis shall be the fair market value of such property at the time of such acquisition.

§ 1.1015–1 *Basis of property acquired by gift after December 31, 1920*—(a) *General rule.* (1) In the case of property acquired by gift after December 31, 1920 (whether by a transfer in trust or otherwise) the basis of the property for the purpose of determining gain is the same as it would be in the hands of the donor or the last preceding owner by whom it was not acquired by gift. The same rule applies in determining loss unless the basis (adjusted for the period prior to the date of gift in accordance with sections 1016 and 1017) is greater than the fair market value of the property at the time of the gift. In such case the basis for determining loss is the fair market value at the time of the gift.

(2) The provisions of subparagraph (1) may be illustrated by the following example:

Example. A acquires by gift income-producing property which has an adjusted basis of $100,000 at the date of gift. The fair market value of the property at the date of gift is $90,000. A later sells the property for $95,000. In such case there is neither gain nor loss. The basis for determining loss is $90,000; therefore, there is no loss. Furthermore, there is no gain, since the basis for determining gain is $100,000.

(b) *Uniform basis; proportionate parts of.* Property acquired by gift has a single or uniform basis although more than one person may acquire an interest in such property. The uniform basis of the property remains fixed subject to proper adjustment for items under sections 1016 and 1017. However, the value of the proportionate parts of the uniform basis represented, for instance, by the respective interests of the life tenant and remainderman are adjustable to reflect the change in the relative values of such interest on account of the lapse of time. The portion of the basis attributable to an interest at the time of its sale or other disposition shall be determined under the rules provided in § 1.1014–5.

(c) *Time of acquisition.* The date that the donee acquires an interest in property by gift is when the donor relinquishes dominion over the property and not necessarily when title to the property is acquired by the donee. Thus, the date that the donee acquires an interest in property by gift where he is a successor in interest, such as in the case of a remainderman of a life estate or a beneficiary of the distribution of the corpus of a trust, is the date such interests are created by the donor and not the date the property is actually acquired.

(d) *Property acquired by gift from a decedent dying after December 31, 1953.* If an interest in property was acquired by the taxpayer by gift from a donor dying after December 31, 1953, under conditions which require the inclusion of the property in the donor's gross estate for estate tax purposes, and the property had not been sold, exchanged, or otherwise disposed of by the taxpayer before the donor's death, see the rules prescribed in section 1014 and the regulations thereunder.

(e) *Fair market value.* For the purposes of this section, the value of property as appraised for the purpose of the Federal gift tax, or, if the gift is not subject to such tax, its value as appraised for the purpose of a State gift tax, shall be deemed to be the fair market value of the property at the time of the gift.

(f) *Reinvestments by fiduciary.* If the property is an investment by the fiduciary under the terms of the gift (as, for example, in the case of a sale by the fiduciary of property transferred under the terms of the gift, and the reinvestment of the proceeds), the cost or other basis to the fiduciary is taken in lieu of the basis specified in paragraph (a) of this section.

(g) *Records.* To insure a fair and adequate determination of the proper basis under section 1015, persons making or receiving gifts of property should preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift.

§ 1.1015–2 *Transfer of property in trust after December 31, 1920*—(a) *General rule.* (1) In the case of property acquired after December 31, 1920, by transfer in trust (other than by a transfer in trust by a gift, bequest, or devise) the basis of property so acquired is the same as it would be in the hands of the grantor increased in the amount of gain or decreased in the amount of loss recognized to the grantor upon such transfer under the law applicable to the year in which the transfer was made. If the taxpayer acquired the property by a transfer in trust, this basis applies whether the property be in the hands of the trustee, or the beneficiary, and whether acquired prior to the termination of the trust and distribution of the property, or thereafter.

(2) The principles stated in § 1.1015–1 (b) concerning the uniform basis are applicable in determining the basis of property where more than one person acquires an interest in property by transfer in trust after December 31, 1920.

(b) *Reinvestment by fiduciary.* If the property is an investment made by the fiduciary (as, for example, in the case of a sale by the fiduciary of property transferred by the grantor, and the reinvestment of the proceeds), the cost or other basis to the fiduciary is taken in lieu of the basis specified in paragraph (a) of this section.

§ 1.1015–3 *Gift or transfer in trust before January 1, 1921.* (a) In the case of property acquired by gift or transfer in trust before January 1, 1921, the basis of such property is the fair market value thereof at the time of the gift or at the time of the transfer in trust.

(b) The principles stated in § 1.1015–1 (b) concerning the uniform basis are applicable in determining the basis of property where more than one person, acquires an interest in property by gift or transfer in trust before January 1, 1921. In addition, if an interest in such property was acquired from a decedent and the property had not been sold, exchanged, or otherwise disposed of before the death of the donor, the rules prescribed in section 1014 and the regulations thereunder are applicable in determining the basis of such property in the hands of the taxpayer.

§ 1.1015–4 *Transfers in part a gift and in part a sale*—(a) *General rule.* Where a transfer of property is in part a sale and in part a gift, the unadjusted basis of the property in the hands of the transferee is the sum of (1) the amount paid by the transferee for the property, and (2) any excess of the transferor's adjusted basis over such amount. Thus, the unadjusted basis of the property in the hands of the transferee is the greater of (1) the amount paid for the property, or (2) the transferor's adjusted basis at the time of the transfer. For determining loss, the unadjusted basis of the property in the hands of the transferee shall not be greater than the fair market value of the property at the time of such transfer. For determination of gain or loss of the transferor see § 1.1001–1 (e).

(b) *Examples.* The rule of paragraph (a) is illustrated by the following examples:

Example (1). If A transfers property to his son for $30,000, and such property at the time of the transfer has an adjusted basis of $30,000 in A's hands (and a fair market value of $60,000), the unadjusted basis of the property in the hands of the son is $30,000.

Example (2). If A transfers property to his son for $60,000, and such property at the time of transfer has an adjusted basis of $30,000 in A's hands (and a fair market value of $90,000), the unadjusted basis of such property in the hands of the son is $60,000.

Example (3). If A transfers property to his son for $30,000, and such property at the time of transfer has an adjusted basis in A's hands of $60,000 (and a fair market value of $90,000), the unadjusted basis of such property in the hands of the son is $60,000.

Example (4). If A transfers property to his son for $30,000 and such property at the time of transfer has an adjusted basis of $90,000 in A's hands (and a fair market value of $60,000), the unadjusted basis of the property in the hands of the son is $90,000. However, since the adjusted basis of the property in A's hands at the time of the transfer was greater than the fair market value at that time, for the purpose of determining any loss on a later sale or other disposition of the property by the son its unadjusted basis in his hands is $60,000.

§ 1.1016 *Statutory provisions; adjustments to basis.*

SEC. 1016. *Adjustments to basis*—(a) *General rule.* Proper adjustment in respect of the property shall in all cases be made—

(1) For expenditures, receipts, losses, or other items, properly chargeable to capital account, but no such adjustment shall be made—

(A) For taxes or other carrying charges described in section 266, or

(B) For expenditures described in section 173 (relating to circulation expenditures),

for which deductions have been taken by the taxpayer in determining taxable income for the taxable year or prior taxable years;

(2) In respect of any period since February 28, 1913, for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent of the amount—

(A) Allowed as deductions in computing taxable income under this subtitle or prior income tax laws, and

(B) Resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under this subtitle (other than chapter 2, relating to tax on self-employment income), or prior income, war-profits, or excess-profits tax laws,

but not less than the amount allowable under this subtitle or prior income tax laws. Where no method has been adopted under section 167 (relating to depreciation deduction), the amount allowable shall be determined under section 167 (b) (1). Subparagraph (B) of this paragraph shall not apply in respect of any period since February 28, 1913, and before January 1, 1952, unless an election has been made under section 1020. Where for any taxable year before the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall be based on the depletion which would have been allowable for such year if computed without reference to discovery value or a percentage of income;

(3) In respect of any period—

(A) Before March 1, 1913, and

(B) Since February 28, 1913, during which such property was held by a person or an organization not subject to income taxation under this chapter or prior income tax laws,

for exhaustion, wear and tear, obsolescence, amortization, and depletion, to the extent sustained;

(4) In the case of stock (to the extent not provided for in the foregoing paragraphs) for the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax-free or were applicable in reduction of basis (not including distributions made by a corporation which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 (40 Stat. 1057), or the Revenue Act of 1921 (42 Stat. 227), out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or 1921);

(5) In the case of any bond (as defined in section 171 (d)) the interest on which is wholly exempt from the tax imposed by this subtitle, to the extent of the amortizable bond premium disallowable as a deduction pursuant to section 171 (a) (2), and in the case of any other bond (as defined in section 171 (d)) to the extent of the deductions allowable pursuant to section 171 (a) (1) with respect thereto;

(6) In the case of any short-term municipal bond (as defined in section 75 (b)), to the extent provided in section 75 (a) (2);

(7) In the case of a residence the acquisition of which resulted, under section 1034, in the nonrecognition of any part of the gain realized on the sale, exchange, or involuntary conversion of another residence, to the extent provided in section 1034 (e);

(8) In the case of property pledged to the Commodity Credit Corporation, to the extent of the amount received as a loan from the Commodity Credit Corporation and treated by the taxpayer as income for the year in which received pursuant to section 77, and to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability;

(9) For amounts allowed as deductions as deferred expenses under section 616 (b) (relating to certain expenditures in the development of mines) and resulting in a reduction of the taxpayer's taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior years;

(10) For amounts allowed as deductions as deferred expenses under section 615 (b) (relating to certain exploration expenditures) and resulting in a reduction of the taxpayer's taxes under this subtitle but not less than the amounts allowable under such section for the taxable year and prior years;

(11) For deductions to the extent disallowed under section 268 (relating to sale of land with unharvested crops); notwithstanding the provisions of any other paragraph of this subsection;

(12) To the extent provided in section 28 (h) of the Internal Revenue Code of 1939 in the case of amounts specified in a shareholder's consent made under section 28 of such code;

(13) To the extent provided in section 551 (f) in the case of the stock of United States shareholders in a foreign personal holding company;

(14) For amounts allowed as deductions as deferred expenses under section 174 (b) (1) (relating to research and experimental expenditures) and resulting in a reduction of the taxpayers' taxes under this subtitle, but not less than the amounts allowable under such section for the taxable year and prior years;

(15) For deductions to the extent disallowed under section 272 (relating to disposal of coal), notwithstanding the provisions of any other paragraph of this subsection.

(b) *Substituted basis.* Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, then the adjustments provided in subsection (a) shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. A similar rule shall be applied in the case of a series of substituted bases. The term "substituted basis" as used in this section means a basis determined under any provision of this subchapter and subchapters C (relating to corporate distributions and adjustments), K (relating to partners and partnerships), and P (relating to capital gains and losses), or under any corresponding provision of a prior income tax law, providing that the basis shall be determined—

(1) By reference to the basis in the hands of a transferor, donor, or grantor, or

(2) By reference to other property held at any time by the person for whom the basis is to be determined.

(c) *Separate mineral interests treated as one property.* For treatment of separate mineral interests as one property, see section 614.

§ 1.1016–1 *Adjustments to basis; scope of section.* Section 1016 and §§ 1.1016–2 to 1016–10, inclusive, contain the rules relating to the adjustments to be made to the basis of property to determine the adjusted basis as defined in section 1011. However, if the property was acquired from a decedent before his death, see § 1.1014–6 for adjustments on account of certain deductions allowed the taxpayer for the period between the date of acquisition of the property and the date of death of the decedent.

§ 1.1016–2 *Items properly chargeable to capital account.* (a) The cost or other basis shall be properly adjusted for any expenditure, receipt, loss, or other item, properly chargeable to capital account, including the cost of improvements and betterments made to the property. No adjustment shall be made in respect of any item which, under any applicable provision of law or regulation, is treated as an item not properly chargeable to capital account but is allowable as a deduction in computing net or taxable income for the taxable year. For example, in the case of oil and gas wells no adjustment may be made in respect of any intangible drilling and development expense allowable as a deduction in computing net or taxable income. See the regulations under section 263 (c).

(b) The application of the foregoing provisions may be illustrated by the following example:

Example. A, who makes his returns on the calendar year basis, purchased property in 1941 for $10,000. He subsequently expended $6,000 for improvements. Disregarding, for the purpose of this example, the adjustments required for depreciation, the adjusted basis of the property is $16,000. If A sells the property in 1954 for $20,000, the amount of his gain will be $4,000.

(c) Adjustment to basis shall be made for carrying charges such as taxes and interest, with respect to property (whether real or personal, improved or unimproved, and whether productive or unproductive), which the taxpayer elects to treat as chargeable to capital account under section 266, rather than as an allowable deduction. The term "taxes" for this purpose includes duties and excise taxes but does not include income taxes.

(d) Expenditures described in section 173 to establish, maintain, or increase the circulation of a newspaper, magazine, or other periodical are chargeable to capital account only in accordance with and in the manner provided in the regulations under section 173.

§ 1.1016–3 *Exhaustion, wear and tear, obsolescence, amortization, and depletion for periods since February 28, 1913*—(a) *In general*—(1) *Adjustment where deduction is claimed.* (i) For taxable periods beginning on or after January 1, 1952, the cost or other basis of property shall be decreased for exhaustion, wear and tear, obsolescence, amortization, and depletion by the greater of the following two amounts: (*a*) the amount allowed as deductions in computing taxable income, to the extent resulting in a reduction of the taxpayer's income taxes, or (*b*) the amount allowable for the years involved. See paragraph (b) of this section. Where the taxpayer makes an appropriate election the above rule is applicable for periods since February 28, 1913, and before January 1, 1952. See paragraph (d) of this section. For rule

for such periods where no election is made, see paragraph (c) of this section.

(ii) The determination of the amount properly allowable for exhaustion, wear and tear, obsolescence, amortization, and depletion shall be made on the basis of facts reasonably known to exist at the end of the taxable year. A taxpayer is not permitted to take advantage in a later year of his prior failure to take any such allowance or his taking an allowance plainly inadequate under the known facts in prior years. In the case of depreciation, if in prior years the taxpayer has consistently taken proper deductions under one method, the amount allowable for such prior years shall not be increased even though a greater amount would have been allowable under another proper method. For rules governing losses on retirement of depreciable property, including rules for determining basis, see § 1.167 (a)–8 of the regulations under section 167. This subdivision may be illustrated by the following example:

Example. An asset was purchased January 1, 1950, at a cost of $10,000. The useful life of the asset is 10 years. It has no salvage value. Depreciation was deducted and allowed for 1950 to 1954 as follows:

1950	$500
1951	-----
1952	1,000
1953	1,000
1954	1,000
Total amount allowed	3,500

The correct reserve as of December 31, 1954, is computed as follows:

Dec. 31:	
1950 ($10,000÷10)	$1,000
1951 ($9,000÷9)	1,000
1952 ($8,000÷8)	1,000
1953 ($7,000÷7)	1,000
1954 ($6,000÷6)	1,000
Reserve Dec. 31, 1954	5,000

Depreciation for 1955 is computed as follows:

Cost	$10,000
Reserve as of December 31, 1954	5,000
Unrecovered cost	5,000
Depreciation allowable for 1955 ($5,000÷5)	1,000

(2) *Adjustment for amount allowable where no depreciation deduction claimed.* (i) If the taxpayer has not taken a depreciation deduction either in the taxable year or for any prior taxable year, adjustments to basis of the property for depreciation allowable shall be determined by using the straight-line method of depreciation. (See § 1.1016–4 for adjustments in the case of persons exempt from income taxation.)

(ii) For taxable years beginning after December 31, 1953, and ending after August 16, 1954, if the taxpayer with respect to any property has taken a deduction for depreciation properly under one of the methods provided in section 167 (b) for one or more years but has omitted the deduction in other years, the adjustment to basis for the depreciation allowable in such a case will be the deduction under the method which was used by the taxpayer with respect to that property. Thus, if A acquired property in 1954 on which he properly computed his depreciation deduction under the method described in section 167 (b) (2) (the declining-balance method) for the first year of its useful life but did not take a deduction in the second and third year of the asset's life, the adjustment to basis for depreciation allowable for the second and third year will be likewise computed under the declining-balance method.

(3) *Adjustment for depletion deductions with respect to taxable years before 1932.* Where for any taxable year before the taxable year 1932 the depletion allowance was based on discovery value or a percentage of income, then the adjustment for depletion for such year shall not exceed a depletion deduction which would have been allowable for such year if computed without reference to discovery value or a percentage of income.

(b) *Adjustment for periods beginning on or after January 1, 1952.* The decrease required by paragraph (a) of this section for deductions in respect of any period beginning on or after January 1, 1952, shall be whichever is the greater of the following amounts:

(1) The amount allowed as deductions in computing taxable income under subtitle A of the Internal Revenue Code of 1954 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2, relating to tax on self-employment income) or prior income, war-profits, or excess-profits tax laws; or

(2) The amount properly allowable as deductions in computing taxable income under subtitle A or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(c) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where no election made.* If no election has been properly made under section 1020, or under section 113 (d) of the Internal Revenue Code of 1939 (see paragraph (d)), the decrease required by paragraph (a) for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever of the following amounts is the greater:

(1) The amount allowed as deductions in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws;

(2) The amount properly allowable in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws.

For the purpose of determining the decrease required by this paragraph, it is immaterial whether or not the amount under subparagraph (1) of this paragraph or the amount under subparagraph (2) of this paragraph would have resulted in a reduction for any taxable year of the taxpayer's taxes.

(d) *Adjustment for periods since February 28, 1913, and before January 1, 1952, where election made.* If an election has been properly made under section 1020, or under section 113 (d) of the Internal Revenue Code of 1939, the decrease required by paragraph (a) of this section for deductions in respect of any period since February 28, 1913, and before January 1, 1952, shall be whichever is the greater of the following amounts:

(1) The amount allowed as deductions in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws and resulting (by reason of the deductions so allowed) in a reduction for any taxable year of the taxpayer's taxes under subchapter 1 (other than subchapter E, relating to tax on self-employment income), subchapter E of chapter 2 of the Internal Revenue Code of 1939, or prior income, war-profits, or excess-profits tax laws;

(2) The amount properly allowable as deductions in computing net income under chapter 1 of the Internal Revenue Code of 1939 or prior income tax laws (whether or not the amount properly allowable would have caused a reduction for any taxable year of the taxpayer's taxes).

(e) *Determination of amount allowed which reduced taxpayer's taxes.* (1) As indicated in paragraphs (b) and (d) of this section, there are situations in which it is necessary to determine (for the purpose of ascertaining the basis adjustment required by paragraph (a) of this section) the extent to which the amount allowed as deductions resulted in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2 relating to tax on self-employment income) of the Internal Revenue Code of 1954, or prior income, war-profits, or excess-profits tax laws. This amount (amount allowed which resulted in a reduction of the taxpayer's taxes) is hereinafter referred to as the "tax-benefit amount allowed." For the purpose of determining whether the tax-benefit amount allowed exceeded the amount allowable, a determination must be made of that portion of the excess of the amount allowed over the amount allowable which, if disallowed, would not have resulted in an increase in any such tax previously determined. If the entire excess of the amount allowed over the amount allowable could be disallowed without any such increase in tax, the tax-benefit amount allowed shall not be considered to have exceeded the amount allowable. In such a case (if paragraph (b) or (d) of this section is applicable) the reduction in basis required by paragraph (a) of this section would be the amount properly allowable as a deduction. If only part of such excess could be disallowed without any such increase in tax, the tax-benefit amount allowed shall be considered to exceed the amount allowable to the extent of the remainder of such excess. In such a case (if paragraph (b) or (d) of this section is applicable) the reduction in basis required by paragraph (a) of this section would be the amount of the tax-benefit amount allowed.

(2) For the purpose of determining the tax-benefit amount allowed the tax previously determined shall be determined under the principles of section 1314. The only adjustments made in determining whether there would be an increase in tax shall be those resulting from the disallowance of the amount allowed. The taxable years for which the determination is made shall be the taxable year for which the deduction was allowed and any other taxable year which would be affected by the disallowance of such deduction. Examples of such other taxable years are taxable years to which there was a carryover or carryback of a net operating loss from the taxable year for which the deduction was allowed, and taxable years for which a computation under section 111 or section 1333 was made by reference to the taxable year for which the deduction was allowed. In determining whether the disallowance of any part of the deduction would not have resulted in an increase in any tax previously determined, proper adjustment must be made for previous determinations under section 1311, or section 3801 of the Internal Revenue Code of 1939, and for any previous application of section 1016 (a) (2) (B), or section 113 (b) (1) (B) (ii) of the Internal Revenue Code of 1939.

(3) If a determination under section 1016 (a) (2) (B) must be made with respect to several properties for each of which the amount allowed for the taxable year exceeded the amount allowable, the tax-benefit amount allowed with respect to each of such properties shall be an allocated portion of the tax-benefit amount allowed determined by reference to the sum of the amounts allowed and the sum of the amounts allowable with respect to such several properties.

(4) In the case of property held by a partnership or trust, the computation of the tax-benefit amount allowed shall take into account the tax benefit of the partners or beneficiaries, as the case may be, from the deduction by the partnership or trust of the amount allowed to the partnership or the trust. For this purpose, the determination of the amount allowed which resulted in a tax benefit to the partners or beneficiaries shall be made in the same manner as that provided above with respect to the taxes of the person holding the property.

(5) A taxpayer seeking to limit the adjustment to basis to the tax-benefit amount allowed for any period, in lieu of the amount allowed, must establish the tax-benefit amount allowed. A failure of adequate proof as to the tax-benefit amount allowed with respect to one period does not preclude the taxpayer from limiting the adjustment to basis to the tax-benefit amount allowed with respect to another period for which adequate proof is available. For example, a corporate transferee may have available adequate records with respect to the tax effect of the deduction of erroneous depreciation for certain taxable years, but may not have available adequate records with respect to the deduction of excessive depreciation for other taxable years during which the property was held by its transferor. In such case the corporate transferee shall not be denied the right to apply this section with respect to the erroneous depreciation for the period for which adequate proof is available.

(f) *Determination of amount allowable in prior taxable years.* (1) One of the factors in determining the adjustment to basis as of any date is the amount of depreciation, depletion, etc., allowable for periods prior to such date. The amount allowable for such prior periods is determined under the law applicable to such prior periods; all adjustments required by the law applicable to such periods are made in determining the adjusted basis of the property for the purpose of determining the amount allowable. Provisions corresponding to the rules in section 1016 (a) (2) (B) described in paragraphs (d) and (e) of this section, which limit adjustments to the "tax-benefit amount allowed" where an election is properly exercised, were first enacted by Public Law 539 (82d Congress) approved July 14, 1952. That law provided that corresponding rules are deemed to be includible in all revenue laws applicable to taxable years ending after December 31, 1931. Accordingly, those rules shall be taken into account in determining the amount of depreciation, etc., allowable for any taxable year ending after December 31, 1931. For example, if the adjusted basis of property held by the taxpayer since January 1, 1930, is determined as of January 1, 1955, and if an election was properly made under section 1020, or section 113 (d) of the 1939 Code, then the amount allowable which is taken into account in computing the adjusted basis as of January 1, 1955, shall be determined by taking those rules into account for all taxable years ending after December 31, 1931. Public Law 539 made no change in the law applicable in determining the amount allowable for taxable years ending before January 1, 1932. If there was a final decision of a court prior to the enactment of Public Law 539, determining the amount allowable for a particular taxable year, such determination shall be adjusted. In such case the adjustment shall be made only for the purpose of taking the provision of that law into account and only to the extent made necessary by such provisions.

(2) Although Public Law 539 amended the law applicable to all taxable years ending after December 31, 1931, the amendment does not permit refund, credit, or assessment of a deficiency for any taxable year for which such refund, credit, or assessment was barred by any law or rule of law.

(g) *Property with transferred basis.* The following rules apply in the determination of the adjustments to basis of property in the hands of a transferee, donee, or grantee which are required by section 1016 (b), or section 113 (b) (2) of the Internal Revenue Code of 1939, with respect to the period the property was held by the transferor, donor, or grantor:

(1) An election or a revocation of an election under section 1020, or section 113 (d) of the Internal Revenue Code of 1939, by a transferor, donor, or grantor, which is made after the date of the transfer, gift, or grant of the property shall not affect the basis of such property in the hands of the transferee, donee, or grantee. An election or a revocation of an election made before the date of the transfer, gift, or grant of the property shall be taken into account in determining under section 1016 (b) the adjustments to basis of such property as of the date of the transfer, gift, or grant, whether or not an election or a revocation of an election under section 1020, or section 113 (d) of the Internal Revenue Code of 1939, was made by the transferee, donee, or grantee.

(2) An election by the transferee, donee, or grantee, or a revocation of such an election shall be applicable in determining the adjustments to basis for the period during which the property was held by the transferor, donor, or grantor, whether or not the transferor, donor, or grantor had made an election or a revocation of an election, provided that the property was held by the transferee, donee, or grantee at any time on or before the date on which the election or revocation was made.

(h) *Examples.* The application of section 1016 (a) (1) and (2) may be illustrated by the following examples:

Example (1). The case of Corporation A discloses the following facts:

(1) Year	(2) Amount allowed	(3) Amount allowed which reduced taxpayer's taxes	(4) Amount allowable	(5) Amount allowable but not less than amount allowed	(6) Amount allowable but not less than amount allowed which reduced taxpayer's taxes
1949	$6,000	$5,500	$5,000	$6,000	$5,500
1950	7,000	7,000	6,500	7,000	7,000
1951	5,000	4,000	6,500	6,500	6,500
Total, 1949–51				19,500	19,000
1952	6,500	6,500	6,000		6,500
1953	5,000	4,000	4,000		4,000
1954	4,500	4,500	6,000		6,000
Total, 1952–54					16,500

The cost or other basis is to be adjusted by $16,500 with respect to the years 1952–54, that is, by the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes. An adjustment must also be made with respect to the years 1949–1951, the amount of such adjustment depending upon whether an election was properly made under section 1020, or section 113 (d) of the Internal Revenue Code of 1939. If no such election was made, the amount of the adjustment with respect to the years 1949–51

is $19,500, that is, the amount allowed but not less than the amount allowable. If an election was properly made, the amount of the adjustment with respect to the years 1949–51 is $19,000, that is, the amount allowable but not less than the amount allowed which reduced the taxpayer's taxes.

Example (2). Corporation A, which files its returns on the basis of a calendar year, purchased a building on January 1, 1950, at a cost of $100,000. On the basis of the facts reasonably known to exist at the end of 1950, a period of 50 years should have been used as the correct useful life of the building; nevertheless, depreciation was computed by Corporation A on the basis of a useful life of 25 years, and was allowed for 1950 through 1953 as a deduction in an annual amount of $4,000. The building was sold on January 1, 1954. Corporation A did not make an election under section 1020, or section 113 (d) of the Internal Revenue Code of 1939. No part of the amount allowed Corporation A for any of the years 1950 through 1953 resulted in a reduction of Corporation A's taxes. The adjusted basis of the building as of January 1, 1954, is $88,166, computed as follows:

Taxable year	Adjustments to basis as of beginning of taxable year	Adjusted basis on Jan. 1	Remaining life on Jan. 1	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	8,000	92,000	48	1,917	4,000
1953	9,917	90,083	47	1,917	4,000
1954	11,834	88,166			

Example (3). The facts are the same as in example (2), except that Corporation A made a proper election under section 1020. In such case, the adjusted basis of the building as of January 1, 1954, is $92,000 computed as follows:

Taxable year	Adjustments to basis as of beginning of taxable year	Adjusted basis on Jan. 1	Remaining life on Jan. 1	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$2,000	98,000	49	2,000	4,000
1952	4,000	96,000	48	2,000	4,000
1953	6,000	94,000	47	2,000	4,000
1954	8,000	92,000			

Example (4). If it is assumed that in example (2), or in example (3), all of the deduction allowed Corporation A for 1953 had resulted in a reduction of A's taxes, the adjustment to the basis of the building for depreciation for 1953 would reflect the entire $4,000 deduction. In such case, the adjusted basis of the building as of January 1, 1954, would be $86,083 in example (2), and $90,000 in example (3).

Example (5). The facts are the same as in example (2) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation for that year resulted in a reduction of A's taxes. In such case, the adjustments to the basis of the building remain the same as those set forth in example (2).

Example (6). The facts are the same as in example (3) except that for the year 1950 all of the $4,000 amount allowed Corporation A as a deduction for depreciation resulted in a reduction of A's taxes. In such case, the adjusted basis of the building as of January 1, 1954, is $90,123, computed as follows:

Taxable year	Adjustments to basis as of beginning of taxable year	Adjusted basis on Jan. 1	Remaining life on Jan. 1	Depreciation allowable	Depreciation allowed
1950		$100,000	50	$2,000	$4,000
1951	$4,000	96,000	49	1,959	4,000
1952	5,959	94,041	48	1,959	4,000
1953	7,918	92,082	47	1,959	4,000
1954	9,877	90,123			

§ 1.1016–4 *Exhaustion, wear and tear, obsolescence, amortization, and depletion; periods during which income was not subject to tax.* Adjustments to basis must be made for exhaustion, wear and tear, obsolescence, amortization, and depletion to the extent actually sustained in respect of:

(a) Any period before March 1, 1913, and

(b) Any period since February 28, 1913, during which the property was held by a person or an organization not subject to income taxation under chapter 1 of the Internal Revenue Code of 1954 or prior income tax laws.

The amount of the aforedescribed deductions actually sustained is that amount charged off on the books of the taxpayer where such amount is considered by the Commissioner to be reasonable. Otherwise the amount actually sustained will be the amount that would have been allowable as a deduction had the taxpayer been subject to income tax during such period. In the case of depreciation, such deduction will be determined by using the straight line method.

§ 1.1016–5 *Miscellaneous adjustments to basis*—(a) *Certain stock distributions.* (1) In the case of stock, the cost or other basis must be diminished by the amount of distributions previously made which, under the law applicable to the year in which the distribution was made, either were tax free or were applicable in reduction of basis (not including distributions made by a corporation which was classified as a personal service corporation under the provisions of the Revenue Act of 1918 or 1921, out of its earnings or profits which were taxable in accordance with the provisions of section 218 of the Revenue Act of 1918 or 1921). For adjustments to basis in the case of certain corporate distributions, see section 301 and the regulations thereunder.

(2) The application of subparagraph (1) may be illustrated by the following example:

Example. A, who makes his returns upon the calendar year basis, purchased stock in 1923 for $5,000. He received in 1924 a distribution of $2,000 paid out of earnings and profits of the corporation accumulated before March 1, 1913. The adjusted basis for determining the gain or loss from the sale or other disposition of the stock in 1954 is $5,000 less $2,000, or $3,000, and the amount of the gain or loss from the sale or other disposition of the stock is the difference between $3,000 and the amount realized from the sale or other disposition.

(b) *Amortizable bond premium.* In the case of a tax-exempt bond, basis shall be reduced by the amount of the amortizable bond premium disallowable as a deduction under section 171 (a) (2), or under section 125 (a) (2) of the Internal Revenue Code of 1939 and, in the case of any other bond (as defined in section 171 (d)), basis shall be reduced by the amount of the deductions allowable under section 171 (a) (1), or under section 125 (a) (1) of the Internal Revenue Code of 1939.

(c) *Short-term municipal bonds.* In the case of a short-term municipal bond (as defined in section 75 (b)), basis shall be adjusted to the extent provided in section 75 or as provided in section 22 (o) of the Internal Revenue Code of 1939, and the regulations thereunder.

(d) *Sale or exchange of residence.* Where the acquisition of a new residence results in the nonrecognition of any part of the gain on the sale, exchange, or involuntary conversion of the old residence, the basis of the new residence shall be reduced by the amount of the gain not so recognized pursuant to section 1034 (a), or section 112 (n) of the Internal Revenue Code of 1939, and regulations thereunder. See section 1034 (e) and regulations thereunder.

(e) *Loans from Commodity Credit Corporation.* In the case of property pledged to the Commodity Credit Corporation, the basis of such property shall be increased by the amount received as a loan from such corporation and treated by the taxpayer as income for the year in which received under section 77, or under section 123 of the Internal Revenue Code of 1939. The basis of such property shall be reduced to the extent of any deficiency on such loan with respect to which the taxpayer has been relieved from liability.

(f) *Deferred development and exploration expenses.* Expenditures for development and exploration of mines or mineral deposits treated as deferred expenses under sections 615 and 616, or under the corresponding provisions of prior income tax laws, are chargeable to capital account and shall be an adjustment to the basis of the property to which they relate. The basis so adjusted shall be reduced by the amount of such expenditures allowed as deductions which results in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2 relating to tax on self-employment income) of the Internal Revenue Code of 1954, or prior income, war-profits, or excess-profits tax laws, but not less than the amounts allowable under such provisions for the taxable year and prior years. This amount is considered as the "tax-benefit amount allowed" and shall be determined in accordance with paragraph (e) of § 1.1016–3. For example, if a taxpayer purchases unexplored and undeveloped mining property for $1,000,000 and at the close of the development stage has incurred exploration and development costs of $9,000,000 treated as deferred expenses, the basis of such property at such time for computing gain or loss will be $10,000,000. Assuming that the taxpayer in this example has operated the mine for several years and has deducted allowable percentage depletion in the amount of $2,000,000 and has deducted allowable deferred exploration and development expenditures of $2,000,000, the basis of the property in the taxpayer's hands for purposes of determining gain or loss from a sale will be $6,000,000.

(g) *Sale of land with unharvested crop.* In the case of an unharvested crop which is sold, exchanged, or involuntarily converted with the land and which is considered as property used in the trade or business under section 1231, the basis of such crop shall be increased by the amount of the items which are attributable to the production of such crop and which are disallowed, under section 268, as deductions in computing taxable income. The basis of any other property shall be decreased by the amount of any such items which are attributable to such other property, notwithstanding any provisions of section 1016 or of this section to the contrary. For example, if the items attributable to the production of an unharvested crop consist only of fertilizer costing $100 and $50 depreciation on a tractor used only to cultivate such crop, and such items are disallowed under section 268, the adjustments to the basis of such crop shall include an increase of $150 for such items and the adjustments to the basis of the tractor shall include a reduction of $50 for depreciation.

(h) *Consent dividends.* (1) In the case of amounts specified in a shareholder's consent to which section 28 of the Internal Revenue Code of 1939 applies, the basis of the consent stock shall be increased to the extent provided in subsection (h) of such section.

(2) In the case of amounts specified in a shareholder's consent to be treated as a consent dividend to which section 565 applies, the basis of the consent stock shall be increased by the amount which, under section 565 (c) (2), is treated as contributed to the capital of the corporation.

(i) *Stock in foreign personal holding company.* In the case of the stock of a United States shareholder in a foreign personal holding company, basis shall be adjusted to the extent provided in section 551 (f) or corresponding provisions of prior income tax laws.

(j) *Research and experimental expenditures.* Research and experimental expenditures treated as deferred expenses under section 174 (b) are chargeable to capital account and shall be an adjustment to the basis of the property to which they relate. The basis so adjusted shall be reduced by the amount of such expenditures allowed as deductions which results in a reduction for any taxable year of the taxpayer's taxes under subtitle A (other than chapter 2 relating to tax on self-employment income) of the Internal Revenue Code of 1954, or prior income, war-profits, or excess-profits tax laws, but not less than the amounts allowable under such provisions for the taxable year and prior years. This amount is considered as the "tax-benefit amount allowed" and shall be determined in accordance with paragraph (e) of § 1.1016–3.

(k) *Deductions disallowed in connection with disposal of coal.* Basis shall be adjusted by the amount of the deductions disallowed under section 272 with respect to the disposal of coal covered by section 631.

(l) *Expenditures attributable to grants or loans covered by section 621.* In the case of expenditures attributable to a grant or loan made to a taxpayer by the United States for the encouragement of exploration for, or development or mining of, critical and strategic minerals or metals, basis shall be adjusted to the extent provided in section 621, or in section 22 (b) (15) of the Internal Revenue Code of 1939.

§ 1.1016–6 *Other applicable rules.* (a) Adjustments must always be made to eliminate double deductions or their equivalent. Thus, in the case of the stock of a subsidiary company, the basis thereof must be properly adjusted for the amount of the subsidiary company's losses for the years in which consolidated returns were made.

(b) In determining basis, and adjustments to basis, the principles of estoppel apply, as elsewhere under the Internal Revenue Code of 1954, and prior internal revenue laws.

§ 1.1016–7 *Adjusted basis; cancellation of indebtedness under Bankruptcy Act.* (a) In addition to the adjustments provided in section 1016, further adjustment is required in the case of a cancellation or reduction of indebtedness in any proceeding under chapters X, XI, or XII of the Bankruptcy Act (11 U. S. C. c. 10, 11, and 12) and under sections 12, 74, or 77B of the Bankruptcy Act of 1898 as amended. For exceptions to the above rule see sections 372, 373, 374, and 1018. Furthermore, no such further adjustment will be made in the case of a "wage earner" as that term is defined in section 606 (8) of the Bankruptcy Act (11 U. S. C. 1006 (8)). The further adjustments required by this section shall be made in the following manner and order:

(1) In the case of indebtedness incurred to purchase specific property (other than inventory or notes or accounts receivable) whether or not a lien is placed against such property securing the payment of all or part of such indebtedness, which indebtedness shall have been canceled or reduced in any such proceeding, the cost or other basis of such property shall be decreased (but not below its fair market value) by the amount by which the indebtedness so incurred with respect to such property shall have been canceled or reduced;

(2) In the case of specific property (other than inventory or notes or accounts receivable) against which, at the time of the cancellation or reduction of the indebtedness, there is a lien (other than a lien securing indebtedness incurred to purchase such property) the cost or other basis of such property shall be decreased (but not below its fair market value) by the amount by which the indebtedness secured by such lien shall have been canceled or reduced;

(3) Any excess of the total amount by which the indebtedness shall have been so canceled or reduced in such proceeding over the sum of the adjustments made under subparagraphs (1) and (2) of this paragraph shall next be applied to reduce the cost or other basis of the property of the debtor (other than inventory and notes and accounts receivable, but including property covered by such subparagraphs) as follows: the cost or other basis of each unit of property shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the adjusted basis (after adjustment under subparagraphs (1) and (2) of this paragraph) of each such unit of property bears to the sum of the adjusted bases (after adjustment under such subparagraphs) of all the property of the debtor other than inventory and notes and accounts receivable;

(4) Any excess of the total amount by which such indebtedness shall have been so canceled or reduced over the sum of the adjustments made under subparagraphs (1), (2), and (3), of this paragraph shall next be applied to reduce the cost or other basis of any units of property covered by such subparagraphs which have a remaining basis (after adjustment under such subparagraphs) greater than their fair market value, as follows: the cost or other basis of each such unit of property shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the remaining basis of each such unit bears to the sum of the remaining bases of such units. The process shall be repeated until the cost or other basis of each unit of the property covered by subparagraphs (1), (2), and (3) of this paragraph is reduced to its fair market value or the amount by which the indebtedness shall have been canceled or reduced is exhausted, taking into account in the successive steps only those units of property having, after the preceding adjustment, a remaining basis greater than their fair market value; and

(5) Any excess of the total amount by which the indebtedness shall have been so canceled or reduced over the sum of the adjustments made under subparagraphs (1), (2), (3), and (4) of this paragraph shall next be applied to reduce the cost or other basis of inventory and notes and accounts receivable as follows: the cost or other basis of inventory or notes or accounts receivable, as the case may be, shall be decreased (but not below its fair market value) in an amount equal to such proportion of such excess as the adjusted basis of inventory, notes receivable or accounts receivable, as the case may be, bears to the sum of the adjusted bases of such inventory and notes and accounts receivable. The process shall be repeated until the adjusted bases of inventory, notes receivable, and accounts receivable are reduced to their fair market value or the amount by which the indebtedness shall have been canceled or reduced is exhausted, taking into account in the successive steps only those units of property having, after the preceding adjustment, a remaining basis greater than their fair market value.

(b) For the purposes of this section:

(1) Basis shall be determined as of the dates of entry of the order confirming the plan, composition, or arrangement

under which such indebtedness shall have been canceled or reduced;

(2) Except where the context otherwise requires, property means all of the debtor's property, other than money;

(3) No adjustment shall be made by virtue of the cancellation or reduction of any accrued interest unpaid which shall not have resulted in a tax benefit in any income tax return;

(4) The phrase "indebtedness incurred to purchase" includes (i) indebtedness for money borrowed and applied in the purchase of property and (ii) an existing indebtedness secured by a lien against the property which the debtor, as purchaser of such property, has assumed to pay; and

(5) The term "fair market value" has reference to such value as of the date of entry of the order confirming the plan, composition, or arrangement under which such indebtedness shall have been canceled or reduced.

(c) Any determination of value in a proceeding under the Bankruptcy Act (11 U. S. C. 1 et seq.), shall not constitute a determination of fair market value for the purpose of this section.

(d) The basis of any of the debtor's property which shall have been transferred to a person required to use the debtor's basis in whole or in part shall be determined in accordance with the provisions of this section.

§ 1.1016–8 *Adjusted basis; cancellation of indebtedness; special cases.* If the taxpayer and the Commissioner of Internal Revenue agree, the basis of the taxpayer's property may be adjusted in a manner different from that set forth in § 1.1016–7. Variations from such rule may, for example, involve adjusting the basis of any part of the taxpayer's property or adjusting the basis of all the taxpayer's property, according to a fixed allocation. Agreement between the taxpayer and the Commissioner of Internal Revenue as to any variation from such general rule shall be effected only by a closing agreement entered into under the provisions of section 7121.

§ 1.1016–9 *Adjusted basis; mutual savings banks, building and loan associations, and cooperative banks.* (a) The adjustments to the cost or other basis of property provided in section 1016 and §§ 1.1016–1 to 1.1016–8, inclusive, are applicable in the case of a mutual savings bank not having capital stock represented by shares, a domestic building and loan association, and a cooperative bank without capital stock organized and operated for mutual purposes and without profit, although such institutions were exempt from tax for taxable years beginning before January 1, 1952. Proper adjustment must be made under section 1016 for the entire period since the acquisition of property. Thus, adjustment to basis must be made for depreciation sustained for all prior taxable years although such institution may have been exempt from tax during such years. Similarly, in the case of tax-exempt and partially taxable bonds purchased at a premium and subject to amortization under section 171, proper adjustment to basis must be made to reflect amortization with respect to such premium from the date of acquisition of the bond (or in the case of bonds not issued with interest coupons, or in registered form, from the date such bonds are subject to amortization under section 171).

(b) The application of paragraph (a) of this section may be illustrated by the following example:

Example. On January 1, 1954, Z, a mutual savings bank, which keeps its books on a calendar year basis, owns a tax-exempt $1,000 noncallable bond maturing on January 1, 1964. Such bond was acquired by Z on January 1, 1934, for $1,300. It was sold by Z on December 31, 1954, for $1,250. The yearly rate of amortization of the premium, determined by dividing the total premium of $300 by the life of the bond (30 years) is $10. Z realizes a gain of $80 from such sale computed as follows:

(1)	Cost of bond	$1,300
(2)	Amount of bond premium attributable to years 1942 through 1951, during which Z was exempt from tax ($10 times 10 years)	$100
(3)	Amount of bond premium amortized from Jan. 1, 1952, through Dec. 31, 1954 ($10 times 3 years)	30
(4)	Total amount of adjustments to basis (aggregate of (2) and (3))	130
(5)	Adjusted basis of bond at close of 1954 ((1) reduced by (4))	1,170
(6)	Gain realized upon sale—excess of sale price over adjusted basis ($1,250 minus $1,170)	80

The basis of a fully taxable bond purchased at a premium shall be adjusted from the date to which the election applies to amortize such premium in accordance with the provisions of section 171, except that no adjustment shall be allowable for such portion of the premium attributable to the period prior to the election.

(c) In the case of a mortgage (not within the definition of section 171 (d)) purchased, acquired, or originated at a premium, where the principal of such mortgage is payable in installments, adjustments to the basis of the premium must be made for all taxable years (whether or not the institution was exempt from tax during such years) in which installment payments are received. Such adjustments may be made on an individual mortgage basis or on a composite basis by reference to the average period of payments of the mortgage loans of such institution. For the purpose of this adjustment, the term "premium" includes the excess of the acquisition value of the mortgage over its maturity value. The acquisition value of the mortgage is the cost including buying commissions, attorneys' fees, or brokerage fees, but such value does not include amounts paid for accrued interest. For the method of amortization in the case of corporate mortgages purchased, acquired or originated at a premium see § 1.171–2 (e) of the regulations under section 171.

§ 1.1016–10 *Substituted basis.* (a) Whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, as defined in section 1016 (b), the adjustments indicated in §§ 1.1016–1 to 1.1016–6, inclusive, shall be made after first making in respect of such substituted basis proper adjustments of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor, or during which the other property was held by the person for whom the basis is to be determined. In addition, whenever it appears that the basis of property in the hands of the taxpayer is a substituted basis, as defined in section 1016 (b) (1), the adjustments indicated in §§ 1.1016–7 to 1.1016–9, inclusive, and in section 1017 shall also be made, whenever necessary, after first making in respect of such substituted basis a proper adjustment of a similar nature in respect of the period during which the property was held by the transferor, donor, or grantor. Similar rules shall also be applied in the case of a series of substituted bases.

(b) The application of this section may be illustrated by the following example:

Example. A, who makes his returns upon the calendar year basis, in 1935 purchased the X Building and subsequently gave it to his son B. B exchanged the X Building for the Y Building in a tax-free exchange, and then gave the Y Building to his wife C. C, in determining the gain from the sale or disposition of the Y Building in 1954, is required to reduce the basis of the building by deductions for depreciation which were successively allowed (but not less than the amount allowable) to A and B upon the X Building and to B upon the Y Building, in addition to the deductions for depreciation allowed (but not less than the amount allowable) to herself during her ownership of the Y Building.

§ 1.1018 *Statutory provisions; adjustment of capital structure before September 22, 1938.*

SEC. 1018. *Adjustment of capital structure before September 22, 1938.* Where a plan of reorganization of a corporation, approved by the court in a proceeding under section 77B of the National Bankruptcy Act, as amended (48 Stat. 912), is consummated by adjustment of the capital or debt structure of such corporation without the transfer of its assets to another corporation, and a final judgment or decree in such proceeding has been entered before September 22, 1938, then the provisions of section 270 of the Bankruptcy Act, as amended (54 Stat. 709; 11 U. S. C. 670), shall not apply in respect of the property of such corporation. For the purposes of this section, the term "reorganization" shall not be limited by the definition of such term in section 112 (g) of the Internal Revenue Code of 1939.

§ 1.1018–1 *Adjusted basis; exception to section 270 of the Bankruptcy Act, as amended.* The adjustment to basis provided by section 270 of the Bankruptcy Act, as amended (11 U. S. C. 670), and by §§ 1.1016–7 and 1.1016–8 shall not be made if, in a proceeding under section 77B of such Act, as amended (11 U. S. C. 207; 48 Stat. 912), indebtedness was canceled in pursuance of a plan of reorganization which was consummated by adjustment of the capital or debt structure of the insolvent corporation, and the final judgment or decree in such proceeding was entered before September 22, 1938. Section 1018 and this section do not apply if the plan of reorganization under such section 77B was consummated by the transfer of assets of the insolvent corporation to another corporation.

§ 1.1019 *Statutory provisions; property on which lessee has made improvements.*

SEC. 1019. *Property on which lessee has made improvements.* Neither the basis nor the adjusted basis of any portion of real property shall, in the case of the lessor of such property, be increased or diminished on account of income derived by the lessor in respect of such property and excludable from gross income under section 109 (relating to improvements by lessee on lessor's property). If an amount representing any part of the value of the real property attributable to buildings erected or other improvements made by a lessee in respect of such property was included in gross income of the lessor for any taxable year beginning before January 1, 1942, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income.

§ 1.1019–1 *Property on which lessee has made improvements.* In any case in which a lessee of real property has erected buildings or made other improvements upon the leased property and the lease is terminated by forfeiture or otherwise resulting in the realization by such lessor of income which, were it not for the provisions of section 109, would be includible in gross income of the lessor, the amount so excluded from gross income shall not be taken into account in determining the basis or the adjusted basis of such property or any portion thereof in the hands of the lessor. If, however, in any taxable year beginning before January 1, 1942, there has been included in the gross income of the lessor an amount representing any part of the value of such property attributable to such buildings or improvements, the basis of each portion of such property shall be properly adjusted for the amount so included in gross income. For example, A leased in 1930 to B for a period of 25 years unimproved real property and in accordance with the terms of the lease B erected a building on the property. It was estimated that upon expiration of the lease the building would have a depreciated value of $50,000, which value the lessor elected to report (beginning in 1931) as income over the term of the lease. This method of reporting was used until 1942. In 1952 B forfeits the lease. The amount of $22,000 reported as income by A during the years 1931 to 1941, inclusive, shall be added to the basis of the property represented by the improvements in the hands of A. If in such case A did not report during the period of the lease any income attributable to the value of the building erected by the lessee and the lease was forfeited in 1940 when the building was worth $75,000, such amount, having been included in gross income under the law applicable to that year, is added to the basis of the property represented by the improvements in the hands of A. As to treatment of such property for the purposes of capital gains and losses, see subchapter P (sections 1201–1241, inclusive).

§ 1.1022 *Statutory provisions; cross references.*

SEC. 1022. *Cross references.* (1) For certain distributions by a corporation which are applied in reduction of basis of stock, see section 301 (c) (2).

(2) For basis of property in case of certain reorganizations and arrangements under the Bankruptcy Act, see sections 270, 396, and 522 of that Act, as amended (11 U. S. C. 670, 796, 922).

(3) For basis in case of construction of new vessels, see section 511 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1161).

(4) For rules applicable in case of payments in violation of Defense Production Act of 1950, as amended, see section 405 of that Act.

[F. R. Doc. 57–1; Filed, Jan. 2, 1957; 8:45 a. m.]

[26 CFR (1954) Part 25]

GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

The following regulations relating to the gift tax are hereby prescribed under chapter 12 of subtitle B of the Internal Revenue Code of 1954 and under certain sections of subtitle F of the Internal Revenue Code of 1954. The regulations are applicable to gifts made after December 31, 1954:

GIFT TAX

DETERMINATION OF TAX LIABILITY

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25.2501–2 Residence and citizenship.
25.2502 Statutory provisions; rate of tax.
25.2502–1 Rate of tax.
25.2502–2 Donor liable for tax.
25.2503 Statutory provisions; taxable gifts.
25.2503–1 General definition of "taxable gifts".
25.2503–2 Exclusions from gifts.
25.2503–3 Future interests in property.
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25.2504–1 Taxable gifts for preceding years.
25.2504–2 Valuation of certain gifts for preceding calendar years.

TRANSFERS

25.2511 Statutory provisions; transfers in general.
25.2511–1 Transfers in general.
25.2511–2 Cessation of donor's dominion and control.
25.2511–3 Transfers by nonresidents not citizens.
25.2512 Statutory provisions; valuation of gifts.
25.2512–1 Valuation of property; in general.
25.2512–2 Stocks and bonds.
25.2512–3 Valuation of interest in business.
25.2512–4 Valuation of notes.
25.2512–5 Valuation of annuities, life estates, terms for years, remainders and reversions.
25.2512–6 Valuation of certain life insurance and annuity contracts.
25.2512–7 Effect of excise tax.
25.2512–8 Transfers for insufficient consideration.
25.2513 Statutory provisions; gift by husband or wife to third party; considered as made one-half by each.
25.2513–1 Gifts by husband or wife to third party considered as made one-half by each.
25.2513–2 Manner and time of signifying consent.
25.2513–3 Revocation of consent.
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25.2514 Statutory provisions; powers of appointment.
25.2514–1 Transfers under power of appointment.
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25.2515–4 Termination of tenancy by entirety; cases in which none, or a portion only, of value of gift is determined under section 2515 (b).
25.2516 Statutory provisions; certain property settlements.
25.2516–1 Certain property settlements.

DEDUCTIONS

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25.2521–1 Specific exemption.
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25.2523 (a)–1 Gift to spouse; in general.
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25.2523 (c)–1 Interest in unidentified assets.
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25.2523 (d)–1 Joint interests.
25.2523 (e) Statutory provisions; gift to spouse; life estate with power of appointment in donee spouse.
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25.6601–1 Interest on underpayment, nonpayment, or extensions of time for payment of tax.
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25.7851 Statutory provisions; applicability of revenue laws.

GIFT TAX

DETERMINATION OF TAX LIABILITY

§ 25.2501 *Statutory provisions; imposition of tax.*

SEC. 2501. *Imposition of tax*—(a) *General rule.* For the calendar year 1955 and each calendar year thereafter a tax, computed as provided in section 2502, is hereby imposed on the transfer of property by gift during such calendar year by any individual, resident or nonresident, except transfers of intangible property by a nonresident who is not a citizen of the United States and who was not engaged in business in the United States during such calendar year.

(b) *Cross reference.* For exclusion of transfers of property outside the United States by a nonresident who is not a citizen of the United States, see section 2511 (a).

§ 25.2501–1 *Imposition of tax.* Sections 2501 through 2524 of the Internal Revenue Code of 1954 (Chapter 12) subject to tax the transfer of property by gift by individuals in the calendar year 1955 and subsequent calendar years. The tax is not imposed on property as such, nor is it applicable to transfers by corporations or other persons than individuals, but it is applicable to transfers by individuals to corporations or other persons (see, however, § 25.2511–1 (g) (1) with respect to the extent to which a transfer by or to a corporation is considered a transfer by or to its shareholders). The tax applies to all transfers by gift of property, wherever situated, by an individual who is a citizen or resident of the United States, to the extent the value of the transfers exceeds the amount of the exclusions authorized by section 2503 and the deductions authorized by sections 2521, 2522, and 2523 (see § 25.2503–1). See §§ 25.2501–2 and 25.2511–3 with respect to transfers by nonresident aliens. For the purposes of these regulations the term "nonresident alien" means a person who is a nonresident not a citizen of the United States at the time of the gift. For the Federal gift tax imposed upon transfers by gift prior to January 1, 1955, see the corresponding provisions of prior laws.

§ 25.2501–2 *Residence and citizenship.* (a) In certain respects the rules which apply to the taxation of gifts by a donor who is a citizen or resident of the United States differ from the rules which apply to the taxation of gifts by a donor who is a nonresident alien. If the donor is a citizen of the United States; whether or not a resident, or a resident of the United States, whether or not a citizen, the tax applies regardless of where the property is situated. See § 25.2511–3 for special rules applicable in the case of a gift by a nonresident alien.

(b) A resident is one who has his domicile in the United States at the time of the gift. For this purpose the United States includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia. See section 7701 (a) (9). All others are nonresidents. A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of moving therefrom. Residence without the requisite intention to remain indefinitely will not constitute domicile, nor will intention to ohange domicile effect such a change unless accompanied by an actual removal.

§ 25.2502 *Statutory provisions; rate of tax.*

SEC. 2502. *Rate of tax*—(a) *Computation of tax.* The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

(1) A tax, computed in accordance with the rate schedule set forth in this subsection, on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar years, over

(2) A tax, computed in accordance with such rate schedule, on the aggregate sum of the taxable gifts for each of the preceding calendar years.

RATE SCHEDULE

If the taxable gifts are:	The tax shall be:
Not over $5,000	2¼% of the taxable gifts.
Over $5,000 but not over $10,000	$112.50, plus 5¼% of excess over $5,000.
Over $10,000 but not over $20,000	$375, plus 8¼% of excess over $10,000.
Over $20,000 but not over $30,000	$1,200, plus 10½% of excess over $20,000.
Over $30,000 but not over $40,000	$2,250, plus 13½% of excess over $30,000.
Over $40,000 but not over $50,000	$3,600, plus 16½% of excess over $40,000.
Over $50,000 but not over $60,000	$5,250, plus 18¾% of excess over $50,000.
Over $60,000 but not over $100,000	$7,125, plus 21% of excess over $60,000.
Over $100,000 but not over $250,000	$15,525, plus 22½% of excess over $100,000.
Over $250,000 but not over $500,000	$49,275, plus 24% of excess over $250,000.
Over $500,000 but not over $750,000	$109,275, plus 26¼% of excess over $500,000.
Over $750,000 but not over $1,000,000	$174,900, plus 27¾% of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$244,275, plus 29¼% of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$317,400, plus 31½% of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$396,150, plus 33¾% of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$564,900, plus 36¾% of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$748,650, plus 39¾% of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$947,400, plus 42% of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,157,400, plus 44¼% of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,378,650, plus 47¼% of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$1,851,150, plus 50¼% of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$2,353,650, plus 52½% of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$2,878,650, plus 54¾% of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$3,426,150, plus 57% of excess over $8,000,000.
Over $10,000,000	$4,566,150, plus 57¾% of excess over $10,000,000.

(b) *Calendar year.* The term "calendar year" includes only the calendar year 1932 and succeeding calendar years, and, in the case of the calendar year 1932, includes only the portion of such year after June 6, 1932.

(c) *Preceding calendar years.* The term "preceding calendar years" means the calendar year 1932 and all calendar years intervening between the calendar year 1932 and the calendar year for which the tax is being computed.

(d) *Tax to be paid by donor.* The tax imposed by section 2501 shall be paid by the donor.

§ 25.2502–1 *Rate of tax*—(a) *Computation of tax.* While the gift tax is imposed separately for each calendar year on the total taxable gifts made by a donor during that year, the rate of tax is determined by the total of all gifts made by the donor during the year and in all previous years since June 6, 1932. The following subparagraphs set forth the six steps to be followed in computing the tax:

(1) *First step.* Ascertain the amount of the "taxable gifts" for the calendar year for which the return is being prepared. For the meaning of this term see § 25.2503–1.

(2) *Second step.* Ascertain "the aggregate sum of the taxable gifts for each of the preceding calendar years," considering only those gifts made after June 6, 1932. For the meaning of this term see § 25.2504–1.

(3) *Third step.* Ascertain the total amount of the taxable gifts, which is the sum of the amounts determined in the first and second steps.

(4) *Fourth step.* Compute the tax on the total amount of taxable gifts (as determined in the third step) using the rate schedule set forth in paragraph (b) of this section.

(5) *Fifth step.* Compute the tax on "the aggregate sum of the taxable gifts for each of the preceding calendar years" (as determined in the second step), using the rate schedule set forth in paragraph (b) of this section.

(6) *Sixth step.* Subtract the amount determined in the fifth step from the amount determined in the fourth step. The amount remaining is the gift tax for the calendar year for which the return is being prepared.

(b) *Rate of tax.* The tax is computed in accordance with the following table:

TABLE FOR COMPUTING GIFT TAX

(A) Amount of taxable gifts equal to or more than—	(B) Amount of taxable gifts less than—	(C) Tax on amount in column (A)	(D) Rate of tax on excess over amount in column (A)
			Percent
	$5,000		2¼
$5,000	10,000	$112.50	5¼
10,000	20,000	375.00	8¼
20,000	30,000	1,200.00	10½
30,000	40,000	2,250.00	13½
40,000	50,000	3,600.00	16½
50,000	60,000	5,250.00	18¾
60,000	100,000	7,125.00	21
100,000	250,000	15,525.00	22½
250,000	500,000	49,275.00	24
500,000	750,000	109,275.00	26¼
750,000	1,000,000	174,900.00	27¾
1,000,000	1,250,000	244,275.00	29¼
1,250,000	1,500,000	317,400.00	31½
1,500,000	2,000,000	396,150.00	33¾
2,000,000	2,500,000	564,900.00	36¾
2,500,000	3,000,000	748,650.00	39¾
3,000,000	3,500,000	947,400.00	42
3,500,000	4,000,000	1,157,400.00	44¼
4,000,000	5,000,000	1,378,650.00	47¼
5,000,000	6,000,000	1,851,150.00	50¼
6,000,000	7,000,000	2,353,650.00	52½
7,000,000	8,000,000	2,878,650.00	54¾
8,000,000	10,000,000	3,426,150.00	57
10,000,000		4,566,150.00	57¾

(c) *Examples.* The following examples illustrate the application of this section with respect to gifts made by citizens or residents of the United States:

Example (1). Assume that the donor made taxable gifts, as ascertained under the first step (paragraph (a) (1) of this section), of $62,500 and that there were no taxable gifts for prior years, with the result that the amount ascertained under the third step is $62,500. Under the fourth step a tax is computed on this amount. Reference to the table discloses that the specified amount in column (A) nearest to and less than $62,500 is $60,000. The tax on this amount, as shown in column (C), is $7,125. The amount by which the taxable gifts exceeds the specified amount is $2,500 and the tax on this sum, computed at the rate of 21 percent as shown in column (D), is $525. The tax on taxable gifts of $62,500 is the sum of $7,125 and $525, or $7,650.

Example (2). A donor makes gifts (other than gifts of future interests in property) during the calendar year 1955 of $30,000 to A and $33,000 to B. Two exclusions of $3,000 each are allowable, in accordance with the provisions of section 2503 (b), which results in included gifts for 1955 of $57,000. Specific exemption was claimed and allowed in a total amount of $50,000 in the donor's gift tax returns for the calendar years 1934 and 1935 so there remains no specific exemption available for the donor to claim for 1955. The total amount of gifts made by the donor during preceding years, after excluding $5,000 for each donee for each calendar year in accordance with the provisions of section 1003 (b) (1) of the 1939 Code, is computed as follows:

Calendar year 1934	$120,000
Calendar year 1935	25,000
Total amount of included gifts for preceding calendar years	145,000

The aggregate sum of the taxable gifts for preceding calendar years is $115,000, which is determined by deducting a specific exemption of $30,000 from $145,000, the total amount of included gifts for preceding calendar years. The deduction from the 1934 and 1935 gifts for the specific exemption cannot exceed $30,000 for purposes of computing the tax on the 1955 gifts even though a specific exemption in a total amount of $50,000 was allowed in computing the donor's gift tax liability for 1934 and 1935. (See § 25.2504–1 (b).) The computation of the tax for the calendar year 1955 (following the steps set forth in paragraph (a)) is shown below:

(1) Amount of taxable gifts for year	$57,000
(2) Total amount of taxable gifts for preceding years	115,000
(3) Total taxable gifts	172,000
(4) Tax computed on item 3 (in accordance with rate schedule in paragraph (b))	31,725
(5) Tax computed on item 2 (using same rate schedule)	18,900
(6) Tax for year 1955 (item 4 minus item 5)	12,825

Example (3)—(i) *Facts.* During the calendar year 1955, H makes the following gifts:

To his daughter	$40,000
To his son	5,000
To W, his wife	5,000
To a charitable organization	10,000

The gifts to W qualify for the marital deduction, and, pursuant to the provisions of section 2513 (see § 25.2513–1), H and W consent to treat the gifts to third parties as having been made one-half by each spouse. The amount of H's taxable gifts for preceding years is $50,000. Only $25,000 of H's specific exemption was claimed and allowed in preceding years. H's remaining specific exemption of $5,000 is claimed for the calendar year 1955. See § 25.2521–1. W made no gifts during the calendar year 1955 nor during any preceding calendar year. W claims sufficient specific exemption on her return to eliminate tax liability.

(ii) *Computation of H's tax for the calendar year 1955*—(a) *H's taxable gifts for year.*

Total gifts of H	$60,000
Less: Portion of items to be reported by spouse (one-half of total gifts to daughter, son and charity)	27,500
Balance	32,500
Less: Exclusions (three of $3,000 each for daughter, wife and charity and one of $2,500 for son)	11,500
Total included amount of gifts for year	21,000
Less—Deductions:	
Charity $2,000	
Marital 2,000	
Specific exemption 5,000	
Total deductions	9,000
Amount of taxable gifts for year	12,000

(b) *Computation of tax.* The steps set forth in paragraph (a) of this section are followed.

(1) Amount of taxable gifts for year	$12,000
(2) Total taxable gifts for preceding years	50,000
(3) Total taxable gifts	62,000
(4) Tax computed on item 3 (using rate schedule in paragraph (b) of this section)	7,545
(5) Tax computed on item 2 (using rate schedule in paragraph (b) of this section)	5,250
(6) Tax for calendar year	2,295

(iii) *Computation of W's tax for calendar year 1955*—(a) *W's taxable gifts for year.*

Total gifts of W	$0
Less: Portion of items to be reported by spouse	0
Balance	0
Gifts of spouse to be included	27,500
Total gifts for year	27,500
Less: Exclusions (two of $3,000 each for daughter and charity and one of $2,500 for son)	8,500
Balance	19,000
Less—Deductions:	
Charity $2,000	
Marital 0	
Specific exemption 17,000	
Total deductions	19,000
Amount of taxable gifts for year	0

(b) *Computation of tax.* Since W had no "taxable gifts" during the year, there is no tax.

Example (4)—(i) *Facts.* The facts are the same as in example (3) except that W made outright gifts of $10,000 to her niece and $20,000 to H at various times during the year. The amount of taxable gifts made by W in preceding calendar years is $75,000, and only $20,000 of her specific exemption was claimed and allowed for preceding years. See § 25.2521–1. The remaining specific exemption of $10,000 is claimed for the calendar year 1955.

(ii) *Computation of H's tax for the calendar year 1955—(a) H's taxable gifts for year.*

Total gifts of H	$60,000
Less portion of items to be reported by spouse	27,500
Balance	32,500
Gifts of spouse to be included	5,000
Total gifts for year	37,500
Less exclusions ($11,500 as shown in example (3) plus $3,000 exclusion for gift to niece)	14,500
Total included amount of gifts for year	23,000
Deductions:	
Charity	$2,000
Marital	2,000
Specific exemption	5,000
Total deductions	9,000
Amount of taxable gifts for year	14,000

(b) *Computation of tax.*

(1) Amount of taxable gifts for year	$14,000
(2) Total taxable gifts for preceding years	50,000
(3) Total taxable gifts	64,000
(4) Tax computed on item 3	7,965
(5) Tax computed on item 2	5,250
(6) Tax for year	2,715

(iii) *Computation of W's tax for the calendar year 1955—(a) W's taxable gifts for year.*

Total gifts of W	$30,000
Less portion of items to be reported by spouse (one-half of gift to niece)	5,000
Balance	25,000
Gifts of spouse to be included	27,500
Total gifts for year	52,500
Less exclusions (four of $3,000 each for daughter, husband, niece and charity, and one of $2,500 for son)	14,500
Total included amount of gifts for year	38,000
Deductions:	
Charity	$2,000
Marital	10,000
Specific exemption	10,000
Total deductions	22,000
Amount of taxable gifts for year	16,000

(b) *Computation of tax.*

(1) Amount of taxable gifts for year	$16,000
(2) Total taxable gifts for preceding years	75,000
(3) Total taxable gifts	91,000
(4) Tax computed on item 3	13,635
(5) Tax computed on item 2	10,275
(6) Tax for year (item 4 minus item 5)	3,360

§ 25.2502–2 *Donor liable for tax.* Section 2502 (d) provides that the donor shall pay the tax. If the donor dies before the tax is paid the amount of the tax is a debt due the United States from the decedent's estate and his executor or administrator is responsible for its payment out of the estate. (See § 25.6151–1 for the time and place for paying the tax.) If there is no duly qualified executor or administrator, the heirs, legatees, devisees and distributees are liable for and required to pay the tax to the extent of the value of their inheritance, bequests, devises or distributive shares of the donor's estate. If a husband and wife effectively signify consent, under section 2513, to have the gifts made during any calendar year considered as made one-half by each, the liability with respect to the gift tax for that calendar year is joint and several. As to the personal liability of the donee, see section 6324 (b) and the regulations thereunder. As to the personal liability of the executor or administrator, see section 3467 of the Revised Statutes (31 U. S. C. 192), which reads as follows:

Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

As used in Revised Statutes section 3467, the word "debt" includes a beneficiary's distributive share of an estate.

§ 25.2503 *Statutory provisions; taxable gifts.*

SEC. 2503. *Taxable gifts*—(a) *General definition.* The term "taxable gifts" means the total amount of gifts made during the calendar year, less the deductions provided in subchapter C (sec. 2521 and following).

(b) *Exclusions from gifts.* In the case of gifts (other than gifts of future interests in property) made to any person by the donor during the calendar year 1955 and subsequent calendar years, the first $3,000 of such gifts to such person shall not, for purposes of subsection (a), be included in the total amount of gifts made during such year. Where there has been a transfer to any person of a present interest in property, the possibility that such interest may be diminished by the exercise of a power shall be disregarded in applying this subsection, if no part of such interest will at any time pass to any other person.

(c) *Transfer for the benefit of minor.* No part of a gift to an individual who has not attained the age of 21 years on the date of such transfer shall be considered a gift of a future interest in property for purposes of subsection (b) if the property and the income therefrom—

(1) May be expended by, or for the benefit of, the donee before his attaining the age of 21 years, and

(2) Will to the extent not so expended—

(A) Pass to the donee on his attaining the age of 21 years, and

(B) In the event the donee dies before attaining the age of 21 years, be payable to the estate of the donee or as he may appoint under a general power of appointment as defined in section 2514 (c).

§ 25.2503–1 *General definition of "taxable gifts."* The term "taxable gifts" means the "total amount of gifts" made by the donor during the calendar year less the deductions provided for in sections 2521, 2522, and 2523 (specific exemption, charitable, etc., gifts and the marital deduction, respectively). The "total amount of gifts" means the sum of the values of the gifts made during the calendar year less the amounts excludable under section 2503 (b). (See § 25.2503–2.)

§ 25.2503–2 *Exclusions from gifts.* Section 2503 (b) provides that the first $3,000 of gifts made to any one donee during the calendar year 1955 or any calendar year thereafter, except gifts of future interests in property as defined in §§ 25.2503–3 and 25.2503–4, is excluded in determining the total amount of gifts for the calendar year. In the case of a gift in trust the beneficiary of the trust is the donee. The entire value of any gift of a future interest in property must be included in the total amount of gifts for the calendar year in which the gift is made.

§ 25.2503–3 *Future interests in property.* (a) No part of the value of a gift of a future interest may be excluded in determining the total amount of gifts made during the calendar year. "Future interests" is a legal term, and includes reversions, remainders, and other interests or estates, whether vested or contingent, and whether or not supported by a particular interest or estate, which are limited to commence in use, possession or enjoyment at some future date or time. The term has no reference to such contractual rights as exist in a bond, note (though bearing no interest until maturity), or in a policy of life insurance, the obligations of which are to be discharged by payments in the future. But a future interest or interests in such contractual obligations may be created by the limitations contained in a trust or other instrument of transfer used in effecting a gift.

(b) An unrestricted right to the immediate use, possession, or enjoyment of property or the income from property (such as a life estate or term certain) is a present interest in property. An exclusion is allowable with respect to a gift of such an interest (but not in excess of the value of the interest). For the valuation of present and future interests, see § 25.2512–5. If a gift is made of an interest which does not commence immediately or is not unrestricted, or the value of which is not ascertainable by accepted actuarial methods, no exclusion is allowable. However, if a donee has received a present interest in property, the possibility that such interest may be diminished by the transfer of a greater interest in the same property to the donee through the exercise of a power is disregarded in computing the value of the present interest, to the extent that no part of such interest will at any time pass to any other person (see example (4) of paragraph (c) of this section below). For a further exception to the rule disallowing an exclusion for gifts of future interests in the case of certain gifts to minors, see § 25.2503–4.

(c) The operation of this section is illustrated by the following examples:

Example (1). Under the terms of a trust created by A the trustee is directed to pay the net income to B, so long as B shall live. The trustee is authorized in his discretion to withhold payments of income during any period he deems advisable and add such income to the trust corpus. Since B's right to receive the income payments is subject to the trustee's discretion, it is not a present interest and no exclusion is allowable with respect to the transfer in trust.

Example (2). C transfers certain insurance policies on his own life to a trust created for the benefit of D. Upon C's death the proceeds of the policies are to be invested and the net income therefrom paid to D during his lifetime. Since the income payments to D will not begin until after C's death the transfer in trust represents a gift of a future interest in property against which no exclusion is allowable.

Example (3). Under the terms of a trust created by E the net income is to be distributed to E's three children in such shares as the trustee, in his uncontrolled discretion, deems advisable. While the terms of the trust provide that all of the net income is to be distributed, the amount of income any one of the three beneficiaries will receive rests entirely within the trustee's discretion and cannot be presently ascertained. Accordingly, no exclusions are allowable with respect to the transfers to the trust.

Example (4). Under the terms of a trust the net income is to be paid to F for life, with the remainder payable to G on F's death. The trustee has the uncontrolled power to pay over the corpus to F at any time. Although F's present right to receive the income may be terminated, no other person has the right to such income interest. Accordingly, the power in the trustee is disregarded in determining the value of F's present interest. The power is not disregarded to the extent that the trustee during F's life can distribute corpus to persons other than F.

Example (5). The corpus of a trust created by J consists of certain real property, subject to a mortgage. The terms of the trust provide that the net income from the property is to be used to pay the mortgage. After the mortgage is paid in full the net income is to be paid to K during his lifetime. Since K's right to receive the income payments will not begin until after the mortgage is paid in full the transfer in trust represents a gift of a future interest in property against which no exclusion is allowable.

Example (6). L pays premiums on a policy of insurance on his life, all the incidents of ownership of which (including the right to surrender the policy) are vested in M. The payment of premiums constitutes a gift of a present interest in property.

§ 25.2503–4 *Transfer for the benefit of a minor.* (a) Section 2503 (c) provides that no part of a transfer for the benefit of a donee who has not attained the age of 21 years on the date of the gift will be considered a gift of a future interest in property if the terms of the transfer satisfy all of the following conditions:

(1) Both the property itself and its income may be expended by or for the benefit of the donee before he attains the age of 21 years.

(2) Any portion of the property and its income not disposed of under (1) will pass to the donee when he attains the age of 21 years.

(3) Any portion of the property and its income not disposed of under (1) will be payable either to the estate of the donee or as he may appoint under a general power of appointment as defined in section 2514 (c) if he dies before attaining the age of 21 years.

(b) Either a power of appointment exercisable by the donee by will or a power of appointment exercisable by the donee during his lifetime will satisfy the conditions set forth in paragraph (a) (3) of this section. However, if the transfer is to qualify for the exclusion under this section, there must be no restrictions of substance (as distinguished from formal restrictions of the type described in § 25.2523 (e)–1 (g) (4)), either by law or by the terms of the instrument of transfer, on the exercise of the power by the donee. For example, if under the applicable local law, a minor is incapable of executing a will, the condition in paragraph (a) (3) cannot be satisfied by merely giving a minor donee a power exercisable only by will. Similarly, unless under the local law (by reason of a direction in the governing instrument or otherwise) a minor can effectively exercise an inter-vivos power of appointment, the condition cannot be satisfied by merely giving a minor donee such a power. A transfer does not fail to satisfy the conditions of section 2503 (c) by reason of the mere fact that—

(1) The amount expended by or for the benefit of the donee during minority may be limited to an amount necessary (determinable within the discretion of any person) for his support, health or education, provided such discretionary authority may not be exercised so as to deny the donee the right to the property or income in case of need.

(2) The donee, upon reaching age 21, is given the right to extend the term of the trust.

(3) The governing instrument may contain a disposition of the property or income not expended during the donee's minority to persons other than the donee's estate in the event of the default of appointment by the donee.

(c) A gift to a minor which does not satisfy the requirements of section 2503 (c) may be either a present or a future interest under the general rules of § 25.2503–3. Thus, for example, a transfer of property in trust with income required to be paid annually to a minor beneficiary and corpus to be distributed to him upon his attaining the age of 25 is a gift of a present interest with respect to the right to income but is a gift of a future interest with respect to the right to corpus.

§ 25.2504 *Statutory provisions; taxable gifts for preceding years.*

SEC. 2504. *Taxable gifts for preceding years*—(a) *In general.* In computing taxable gifts for the calendar year 1954 and preceding calendar years for the purpose of computing the tax for the calendar year 1955 or any calendar year thereafter, there shall be treated as gifts such transfers as were considered to be gifts under the gift tax laws applicable to the years in which the transfers were made and there shall be allowed such deductions as were provided for under such laws, except that specific exemption in the amount, if any, allowable under section 2521 shall be applied in all computations in respect of the calendar year 1954 and previous calendar years for the purpose of computing the tax for the calendar year 1955 or any calendar year thereafter.

(b) *Exclusions from gifts for preceding years.* In the case of gifts made to any person by the donor during the calendar year 1954 and preceding calendar years, the amount excluded, if any, by the provisions of gift tax laws applicable to the years in which the gifts were made shall not, for purposes of subsection (a), be included in the total amount of the gifts made during such year.

(c) *Valuation of certain gifts for preceding calendar years.* If the time has expired within which a tax may be assessed under this chapter or under corresponding provisions of prior laws, on the transfer of property by gift made during a preceding calendar year, as defined in section 2502 (c), and if a tax under this chapter or under corresponding provisions of prior laws has been assessed or paid for such preceding calendar year, the value of such gift made in such preceding calendar year shall, for purposes of computing the tax under this chapter for the calendar year 1955 and subsequent calendar years, be the value of such gift which was used in computing the tax for the last preceding calendar year, for which a tax under this chapter or under corresponding provisions of prior laws was assessed or paid.

(d) *Net gifts.* For years before the calendar year 1955, the term "net gifts" as used in corresponding provisions of prior laws shall be read as "taxable gifts" for purposes of this chapter.

§ 25.2504–1 *Taxable gifts for preceding years.* (a) In order to determine the correct gift tax liability for the calendar year 1955 or any calendar year thereafter it is necessary to ascertain the correct amount, if any, of the aggregate sum of the taxable gifts for each of the preceding taxable years. (See § 25.2502–1 (a) (2).) The words "aggregate sum of the taxable gifts for each of the preceding years" means the correct aggregate of such gifts, not necessarily that returned for those years and in respect of which tax was paid. All transfers which constituted gifts in prior calendar years under the laws, including the provisions of law relating to exclusions from gifts, in effect at the time the transfers were made are included in determining the amount of taxable gifts for preceding years. The deductions other than for the specific exemption (see paragraph (b) of this section) allowed by the laws in effect at the time the transfers were made also are taken into account in determining the aggregate sum of the taxable gifts for preceding years. (The allowable exclusion from a gift was $5,000 for years before 1939, $4,000 for the calendar years 1939 through 1942, and $3,000 thereafter.)

(b) In determining the aggregate sum of the taxable gifts for preceding years, the total of the amounts allowed as deductions, for the specific exemption, under section 2521 and the corresponding provisions of prior laws, shall not exceed a total of $30,000. Thus, if the only preceding years during which the donor made gifts were 1940 and 1941 (at which time the specific exemption allowable was $40,000) and in his returns for those years the donor claimed deductions totaling $40,000 for the specific exemption and reported taxable gifts totaling $110,000, nevertheless, in determining the aggregate sum of the taxable gifts for preceding years, the deductions for the specific exemption cannot exceed a total of $30,000, and the aggregate sum of his taxable gifts for preceding years will be $120,000, instead of the $110,000 reported on his returns for preceding years. (The allowable deduction for the specific exemption was $50,000 for years before 1936, $40,000 for the calendar

years 1936 through 1942, and $30,000 thereafter.)

(c) If, during any preceding calendar year, the donor and his spouse consented to have gifts made to third parties considered as made one-half by each spouse, pursuant to the provisions of section 2513 or section 1000 (f) of the Internal Revenue Code of 1939 (which corresponds to section 2513), these provisions shall be taken into account in determining the aggregate sum of the taxable gifts for that preceding calendar year.

(d) In the case of interpretations of the gift tax law in prior calendar years, which resulted in the erroneous inclusion of property for gift tax which should have been excluded, or the erroneous exclusion of property which should have been included, the necessary adjustments must be made in order to arrive at the correct aggregate of taxable gifts for preceding years. However, see section 1000 (e) and (g) of the 1939 Code relating to certain discretionary trusts and reciprocal trusts.

§ 25.2504–2 *Valuation of certain gifts for preceding calendar years.* Section 2504 (c) provides that if the only question in issue is the valuation of a transfer for gift tax purposes with respect to a gift or gifts made in a preceding calendar year, and if the statutory period within which an assessment may be made has expired and a tax was actually assessed or paid for such prior calendar year, then the value of the earlier gift or gifts for purposes of arriving at the correct amount of the taxable gifts for preceding years is the value which was used in computing the tax for the last preceding calendar year for which a tax was assessed or paid under chapter 12 of the Internal Revenue Code of 1954 or the corresponding provisions of prior laws. However, this rule will not prevent an adjustment where no tax was paid or assessed for the prior year and, in any case, will not prevent adjustment if issues other than valuation of property are involved.

TRANSFERS

§ 25.2511 *Statutory provisions; transfers in general.*

SEC. 2511. *Transfers in general*—(a) *Scope.* Subject to the limitations contained in this chapter, the tax imposed by section 2501 shall apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible; but in the case of a nonresident not a citizen of the United States, shall apply to a transfer only if the property is situated within the United States.

(b) *Stock in corporation.* Shares of stock owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States only if issued by a domestic corporation.

§ 25.2511–1 *Transfers in general.* (a) The gift tax applies to a transfer by way of gift whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal, tangible or intangible. For example, a taxable transfer may be effected by the creation of a trust, the forgiving of a debt, the assignment of a judgment, the assignment of the benefits of an insurance policy, or the transfer of cash, certificates of deposit, or Federal, State or municipal bonds. Statutory provisions which exempt bonds, notes, bills and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation are not applicable to the gift tax, since the gift tax is an excise tax on the transfer, and is not a tax on the subject of the gift.

(b) In the case of a nonresident alien who was not engaged in business in the United States (see § 25.2501–2 (b)) during the calendar year, the tax is imposed only if the gift consisted of real estate or tangible personal property situated within the United States at the time of transfer. See §§ 25.2501–2 and 25.2511–3.

(c) The gift tax also applies to gifts indirectly made. Thus, all transactions whereby property or property rights or interests are gratuitously passed or conferred upon another, regardless of the means or device employed, constitute gifts subject to tax. See further § 25.2512–8. The renunciation of a vested property interest, such as the interest of an heir or next-of-kin, or devisee in whom title immediately vests upon a decedent's death under local law, constitutes a gift to those persons who receive the property interest by means of the renunciation. On the other hand the renunciation of a gift, bequest, or inheritance, if under local law title does not immediately vest, is not a gift if the renunciation is complete, and is made within a reasonable time after knowledge of the existence of the interest. The renunciation must be unequivocal and effective under local law. A renunciation is a complete and unqualified refusal to accept the property to which one is entitled. There can be no renunciation of property after its acceptance. A renunciation of only a portion of the property is not a complete and unqualified refusal to accept the property to which one is entitled. In the absence of acts to the contrary, the failure to renounce within a reasonable time after learning of the transfer to him will be presumed to constitute an acceptance of the property. If a joint income tax return is filed by a husband and wife for a taxable year, the payment by one spouse of all or part of the income tax liability for such year is not treated as resulting in a transfer which is subject to gift tax. The same rule is applicable to the payment of gift tax for a calendar year in the case of a husband and wife who have consented to have the gifts made considered as made half by each of them in accordance with the provisions of section 2513.

(d) If a donor transfers by gift less than his entire interest in property, the gift tax is applicable to the interest transferred. The tax is applicable, for example, to the transfer of an undivided half interest in property, or to the transfer of a life estate when the grantor retains the remainder interest, or vice versa. However, if the donor's retained interest is not susceptible of measurement on the basis of generally accepted valuation principles, the gift tax is applicable to the entire value of the property subject to the gift. Thus, if a donor, aged 65 years, transfers a life estate in property to A, aged 25 years, with remainder to A's issue, or in default of issue, with reversion to the donor, the gift tax will normally be applicable to the entire value of the property.

(e) If a donor is the owner of only a limited interest in property, and transfers his entire interest, the interest is in every case to be valued by the rules set forth in §§ 25.2512–1 through 25.2512–8. If the interest is a remainder or reversion or other future interest, it is to be valued on the basis of actuarial principles set forth in § 25.2512–5, or if it is not susceptible of valuation in that manner, in accordance with the principles set forth in § 25.2512–1.

(f) (1) Donative intent on the part of the transferor is not an essential element in the application of the gift tax to the transfer. The application of the tax is based on the objective facts of the transfer and the circumstances under which it is made, rather than on the subjective motives of the donor. However, there are certain types of transfers to which the tax is not applicable. It is applicable to a transfer of a beneficial interest in property. It is not applicable to a transfer of bare legal title to a trustee. A transfer by a trustee of trust property in which he has no beneficial interest does not constitute a gift by the trustee (but such a transfer may constitute a gift by the creator of the trust, if until the transfer he had the power to change the beneficiaries by amending or revoking the trust). The gift tax is not applicable to a transfer for a full and adequate consideration in money or money's worth, or to ordinary business transactions, described in § 25.2512–8. Further, current expenditures by an individual on behalf of his spouse or minor child in satisfaction of his legal obligation to provide for their support are not taxable gifts. The extent of the donor's legal obligation to support his spouse or minor child must be ascertained from the facts and circumstances of the individual case. See section 2516 and the regulations thereunder with respect to property settlements incident to a divorce.

(2) A transfer of property by a trustee is not a taxable transfer if it is made pursuant to a fiduciary power the exercise or nonexercise of which is limited by a reasonably fixed or readily ascertainable standard which is set forth in the trust instrument, even though the trustee has a beneficial interest in the trust property. A clearly measurable standard under which the holder of a power is legally accountable is such a standard for this purpose. For instance, a power to distribute corpus for the education, support, maintenance, or health of the beneficiary; for his reasonable support and comfort; to enable him to maintain his accustomed standard of living; or to meet an emergency, would be such a standard. However, a power to distribute corpus for the pleasure, desire, or happiness of a beneficiary is not such a standard. The entire context of a provision of a trust instrument granting a power must be considered in determining whether the power is limited by a reasonably definite standard. For example, if a trust instrument provides that the determination of the trustee shall be conclusive with respect to the exercise or nonexercise of a power, the power is not limited by a reasonably definite standard. However, the fact that the governing instrument is phrased in discretionary terms is not in itself an indication that no such a standard exists.

(g) In the following examples of transactions resulting in taxable gifts it will be understood that the transfers were not made for an adequate and full consideration in money or money's worth:

(1) A transfer of property by a corporation to B is a gift to B from the stockholders of the corporation. If B himself is a stockholder, the transfer is a gift to him from the other stockholders to the extent it is not a distribution from earnings or in liquidation to which B is entitled as a stockholder. A transfer of property by B to a corporation represents gifts by B to the other individual shareholders of the corporation to the extent of their proportionate interests. However, a transfer made by an individual to a charitable, public, political or similar organization may constitute a gift to the organization as a single entity, depending upon the facts and circumstances in the particular case.

(2) The transfer of property to B if there is imposed upon B the obligation of paying a commensurate annuity to C is a gift to C.

(3) The payment of money or the transfer of property to B in consideration of B's promise to render a service to C is a gift to C, or to both B and C, depending on whether the service to be rendered to C is or is not an adequate and full consideration in money or money's worth for that which is received by B. See section 2512 (b) and the regulations thereunder.

(4) If A creates a joint bank account for himself and B (or a similar type of ownership by which A can regain the entire fund without B's consent), there is a gift to B when B draws upon the account for his own benefit, to the extent of the amount drawn. Similarly, if A purchases a United States savings bond registered as payable to "A or B," there is a gift to B when B surrenders the bond for cash without any obligation to account for a part of the proceeds to A.

(5) If A with his own funds purchases property and has the title conveyed to himself and B as joint owners, with rights of survivorship (other than a joint ownership described in example (4)) but which rights may be defeated by either party severing his interest, there is a gift to B in the amount of half the value of the property. However, see § 25.2515–1 relative to the creation of a joint tenancy (or tenancy by the entirety) between husband and wife in real property with rights of survivorship which, unless the donor elects otherwise is not considered as a transfer includible for Federal gift tax purposes at the time of the creation of the joint tenancy. See § 25.2515–2 with respect to determining the extent to which the creation of a tenancy by the entirety constitutes a taxable gift if the donor elects to have the creation of the tenancy so treated. See also § 25.2523 (d)–1 with respect to the marital deduction allowed in the case of the creation of a joint tenancy or a tenancy by the entirety.

(6) If A is possessed of a vested remainder interest in property, subject to being divested only in the event he should fail to survive one or more individuals or the happening of some other event, an irrevocable assignment of all or any part of his interest would result in a transfer includible for Federal gift tax purposes. See § 25.2512–5 (d) for the valuation of an interest of this type.

(7) If A, without retaining a power to revoke the trust or to change the beneficial interests, transfers property in trust whereby B is to receive the income for life and at his death the trust is to terminate and the corpus is to be returned to A, provided A survives, but if A predeceases B the corpus is to pass to C, A has made a gift equal to the total value of the property less the value of his retained interest. See § 25.2512–5 (e) for the valuation of the donor's retained interest.

(8) If the insured purchases a life insurance policy, or pays a premium on a previously issued policy, the proceeds of which are payable to a beneficiary or beneficiaries other than his estate, and with respect to which the insured retains no reversionary interest in himself or his estate and no power to revest the economic benefits in himself or his estate or to change the beneficiaries or their proportionate benefits (or if the insured relinquishes by assignment, by designation of a new beneficiary or otherwise, every such power that was retained in a previously issued policy), the insured has made a gift of the value of the policy, or to the extent of the premium paid, even though the right of the assignee or beneficiary to receive the benefits is conditioned upon his surviving the insured. For the valuation of life insurance policies see § 25.2512–6.

(9) Where property held by a husband and wife as community property is used to purchase insurance upon the husband's life and a third person is revocably designated as beneficiary and under the State law the husband's death is considered to make absolute the transfer by the wife, there is a gift by the wife at the time of the husband's death of half the amount of the proceeds of such insurance.

(10) If under a pension plan (pursuant to which he has an unqualified right to an annuity) an employee has an option to take either a retirement annuity for himself alone or a smaller annuity for himself with a survivorship annuity payable to his wife, an irrevocable election by the employee to take the reduced annuity in order that an annuity may be paid, after the employee's death, to his wife results in a taxable gift.

§ 25.2511–2 *Cessation of donor's dominion and control.* (a) The gift tax is not imposed upon the receipt of the property by the donee, nor is it necessarily determined by the measure of enrichment resulting to the donee from the transfer, nor is it conditioned upon ability to identify the donee at the time of the transfer. On the contrary, the tax is a primary and personal liability of the donor, is an excise upon his act of making the transfer, is measured by the value of the property passing from the donor, and attaches regardless of the fact that the identity of the donee may not then be known or ascertainable.

(b) As to any property, or part thereof or interest therein, of which the donor has so parted with dominion and control as to leave in him no power to change its disposition, whether for his own benefit or for the benefit of another, the gift is complete. But if upon a transfer of property (whether in trust or otherwise) the donor reserves any power over its disposition, the gift may be wholly incomplete, or may be partially complete and partially incomplete, depending upon all the facts in the particular case. Accordingly, in every case of a transfer of property subject to a reserved power, the terms of the power must be examined and its scope determined. For example, if a donor transfers property to another in trust to pay the income to the donor or accumulate it in the discretion of the trustee, and the donor retains a testamentary power to appoint the remainder among his descendants, no portion of the transfer is a completed gift. On the other hand, if the donor had not retained the testamentary power of appointment, but instead provided that the remainder should go to X or his heirs, the entire transfer would be a completed gift. However, if the exercise of the trustee's power in favor of the grantor is limited by a fixed or readily ascertainable standard, enforceable by or on behalf of the grantor, then the gift is incomplete to the extent of the ascertainable value of any rights thus retained by the grantor.

(c) A gift is incomplete in every instance in which a donor reserves the power to revest the beneficial title to the property in himself. A gift is also incomplete if and to the extent that a reserved power gives the donor the power to name new beneficiaries or to change the interests of the beneficiaries as between themselves unless the power is a fiduciary power limited by a fixed or readily ascertainable standard. Thus, if an estate for life is transferred but, by an exercise of a power, the estate may be terminated or cut down by the donor to one of less value, and without restriction upon the extent to which the estate may be so cut down, the transfer constitutes an incomplete gift. If in this example the power was confined to the right to cut down the estate for life to one for a term of five years, the certainty of an estate for not less than that term results in a gift to that extent complete.

(d) A gift is not considered incomplete, however, merely because the donor reserves the power to change the manner or time of enjoyment. Thus, the creation of a trust the income of which is to be paid annually to the donee for a period of years, the corpus being distributable to him at the end of the period, and the power reserved by the donor being limited to a right to require that, instead of the income being so payable, it should

be accumulated and distributed with the corpus to the donee at the termination of the period, constitutes a completed gift.

(e) A donor is considered as himself having a power if it is exercisable by him in conjunction with any person not having a substantial adverse interest in the disposition of the transferred property or the income therefrom. A trustee, as such, is not a person having an adverse interest in the disposition of the trust property or its income. Nor is a person considered as having an adverse interest in the property or income solely by reason of his standing as a spouse or relative of the donor.

(f) The relinquishment or termination of a power to change the beneficiaries of transferred property, occurring otherwise than by the death of the donor (the statute being confined to transfers by living donors), is regarded as the event which completes the gift and causes the tax to apply. For example, if A transfers property in trust for the benefit of B and C but reserves the power as trustee to change the proportionate interests of B and C, and if A thereafter has another person appointed trustee in place of himself, such later relinquishment of the power by A to the new trustee completes the gift of the transferred property, whether or not the new trustee has a substantial adverse interest. The receipt of income or of other enjoyment of the transferred property by the transferee or by the beneficiary (other than by the donor himself) during the interim between the making of the initial transfer and the relinquishment or termination of the power operates to free such income or other enjoyment from the power, and constitutes a gift of such income or of such other enjoyment taxable as of the calendar year of its receipt. If property is transferred in trust to pay the income to A for life with remainder to B, powers to distribute corpus to A, and to withhold income from A for future distribution to B, are powers to change the beneficiaries of the transferred property.

(g) If a donor transfers property to himself as trustee (or to himself and some other person, not possessing a substantial adverse interest, as trustees), and retains no beneficial interest in the trust property and no power over it except fiduciary powers, the exercise or nonexercise of which is limited by a fixed or readily ascertainable standard, to change the beneficiaries of the transferred property, the donor has made a completed gift and the entire value of the transferred property is subject to the gift tax.

(h) If a donor delivers a properly indorsed stock certificate to the donee or his agent, the gift is completed for gift tax purposes on the date of delivery. If the donor delivers the certificate to his bank or broker as his agent, or to the issuing corporation or its transfer agent, for transfer into the name of the donee, the gift is completed on the date the stock is transferred on the books of the corporation.

(i) [Reserved.]

(j) If the donor contends that the power is of such nature as to render the gift incomplete, and hence not subject to the tax as of the calendar year of the initial transfer, the transaction shall be disclosed in the return and evidence showing all relevant facts, including a copy of the instrument of transfer, should be submitted.

§ 25.2511–3 *Transfers by nonresidents not citizens*—(a) *In general.* Sections 2511 and 2501 contain provisions relating to the taxation of transfers by nonresident alien donors. (See § 25.2501–2 for definition of the term "resident.") As combined these rules are—

(1) If the nonresident alien donor was not engaged in business in the United States during the calendar year in which the gift was made, the tax applies only to the transfer of real property and tangible personal property situated in the United States.

(2) If the nonresident alien donor was engaged in business in the United States during the calendar year in which the gift was made, the tax applies to the transfer of all property (whether real or personal, tangible or intangible) situated in the United States.

(b) *Situs of property.* (1) Real property, tangible personal property, and, except as otherwise provided in subparagraph (2) of this paragraph, the written evidence of intangible personal property which is treated as being the property itself are within the United States if physically situated therein. For example, a bond for the payment of money is not within the United States unless physically situated therein. Intangible personal property the written evidence of which is not treated as being the property itself constitutes property within the United States if consisting of a property right issuing from or enforceable against a resident of the United States or a domestic corporation (public or private) irrespective of where such written evidence is physically located.

(2) Shares of stock owned and held by a nonresident alien donor constitute property within the United States if issued by a domestic corporation, irrespective of where the certificates are physically located. However, since a share of stock is intangible property, the transfer by a nonresident alien donor of a share of stock issued by a domestic corporation would, under the provisions of paragraph (a) of this section, be subject to the tax only if the donor was engaged in business in the United States during the calendar year in which the gift was made.

(3) Shares of stock owned and held by a nonresident alien donor do not constitute property within the United States if issued by a corporation which is not a domestic corporation, irrespective of where the certificates are physically located. Therefore, the tax will not under any circumstances apply to the transfer of a share of such stock by a nonresident alien donor.

§ 25.2512 *Statutory provisions; valuation of gifts.*

SEC. 2512. *Valuation of gifts.* (a) If the gift is made in property, the value thereof at the date of the gift shall be considered the amount of the gift.

(b) Where property is transferred for less than an adequate and full consideration in money or money's worth, then the amount by which the value of the property exceeded the value of the consideration shall be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year.

§ 25.2512–1 *Valuation of property; in general.* Section 2512 provides that if a gift is made in property, its value at the date of the gift shall be considered the amount of the gift. The value of the property is the price at which such property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell, and both having reasonable knowledge of relevant facts. The value of a particular kind of property is not the price that a forced sale of the property would produce. The value is generally to be determined by ascertaining as a basis the fair market value at the time of the gift of each unit of the property. For example, in the case of shares of stock or bonds, such unit of property is generally a share or a bond. Property shall not be returned at the value at which it is assessed for local tax purposes unless that value represents the fair market value thereof on the date of the gift. All relevant facts and elements of value as of the time of the gift should be considered. Any property not specifically referred to in §§ 25.2512–2 to 25.2512–6, inclusive, should be valued in accordance with the general rules set forth in this paragraph.

§ 25.2512–2 *Stocks and bonds*—(a) *In general.* The value of stocks and bonds is the fair market value per share or bond on the date of the gift.

(b) *Based on selling prices.* If there is a market for stocks or bonds, on a stock exchange, in an over-the-counter market, or otherwise, the mean between the highest and lowest quoted selling prices on the date of the gift is the fair market value per share or bond. If there were no sales on the date of the gift, but there were sales on dates within a reasonable period both before and after the date of the gift, the fair market value is determined by taking a weighted average of the means between the highest and lowest sales on the nearest date before and the nearest date after the date of the gift. The average is to be weighted inversely by the respective numbers of trading days between the selling dates and the valuation dates. For example, assume that sales of stock nearest the date of the gift (Friday, June 15) occurred two trading days before (Wednesday, June 13) and three trading days after (Wednesday, June 20) and that on these days the mean sale prices per share were $10 and $15, respectively. The price of $12 is taken as representing the fair market value of a share of the stock as of the date of the gift $\left(\frac{(3\times10)+(2\times15)}{5}\right)$. If, instead, the mean sale prices per share on June 13 and June 20 were $15 and $10, respectively, the price of $13 is taken as representing the fair market value $\left(\frac{(3\times15)+(2\times10)}{5}\right)$. If stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed. In valuing listed securities, the donor should be careful to consult accurate records to obtain values as of the date of the gift. If quotations of unlisted securities are obtained from brokers, or evidence as to their sale is obtained from officers of the issuing companies, the donor should preserve in his files the letters furnishing such quotations or other evidence of sale for inspection when the return is verified by an investigating officer.

(c) *Based on bid and asked prices.* If the provisions of paragraph (b) of this section are inapplicable because actual sales are not available during a reasonable period beginning before and ending after the date of the gift, the fair market value may be determined by taking the mean between the bona fide bid and asked prices on the date of the gift, or if none, by taking a weighted average between the bona fide bid and asked prices on the nearest trading date before and the nearest trading date after the date of the gift, if both such nearest dates are within a reasonable period. The average is to be determined in the manner described in paragraph (b) of this section.

(d) *Where selling prices and bid and asked prices are not available for dates both before and after date of gift.* If the provisions of paragraphs (b) and (c) of this section are inapplicable because no actual sale prices or quoted bona fide bid and asked prices are available on a date within a reasonable period before the date of the gift, but such prices are available on a date within a reasonable period after the date of the gift, or vice versa, then the mean between the highest and lowest available sale prices or bid and asked prices may be taken as the value.

(e) *Where selling prices or bid and asked prices do not represent fair market value.* In cases in which it is established that the value per bond or share of any security determined on the basis of the selling or bid and asked prices as provided under paragraphs (b), (c), and (d) of this section does not represent the fair market value thereof, then some reasonable modification of the value determined on that basis or other relevant facts and elements of value shall be considered in determining fair market value. Where sales at or near the date of the gift are few or of a sporadic nature, such sales alone may not indicate fair market value. In certain exceptional cases, the size of the block of securities made the subject of each separate gift in relation to the number of shares changing hands in sales may be relevant in determining whether selling prices reflect the fair market value of the block of stock to be valued. If the donor can show that the block of stock to be valued, with reference to each separate gift, is so large in relation to the actual sales on the existing market that it could not be liquidated in a reasonable time without depressing the market, the price at which the block could be sold as such outside the usual market, as through an underwriter, may be a more accurate indication of value than market quotations. Complete data in support of any allowance claimed due to the size of the block of stock being valued should be submitted with the return. On the other hand, if the block of stock to be valued represents a controlling interest, either actual or effective, in a going business, the price at which other lots change hands may have little relation to its true value.

(f) *Where selling prices or bid and asked prices are unavailable.* If the provisions of paragraphs (b), (c), and (d) of this section are inapplicable because actual sale prices and bona fide bid and asked prices are lacking, then the fair market value is to be determined by taking the following factors into consideration:

(1) In the case of corporate or other bonds, the soundness of the security, the interest yield, the date of maturity, and other relevant factors; and

(2) In the case of shares of stock, the company's net worth, prospective earning power and dividend-paying capacity, and other relevant factors.

Some of the "other relevant factors" referred to in subparagraphs (1) and (2) of this paragraph are: the value of the business; the economic outlook in the particular industry; the company's position in the industry and its management; and the values of securities of corporations engaged in the same or similar lines of business which are listed on a stock exchange. However, the weight to be accorded such comparisons or any other evidentiary factors considered in the determination of a value depends upon the facts of each case. Complete financial and other data upon which the valuation is based should be submitted with the return, including copies of reports in any case in which examinations of the company have been made by accountants, engineers, or any technical experts as of or near the date of the gift.

§ 25.2512–3 *Valuation of interest in business.* (a) Care should be taken to arrive at an accurate valuation of any interest in a business which the donor transfers without an adequate and full consideration in money or money's worth. The fair market value of any interest in a business, whether a partnership or a proprietorship, is a net value equal to the amount which a willing purchaser, whether an individual or a corporation, would pay for the interest to a willing seller, neither being under any compulsion to buy or to sell. The net value shall be determined on the basis of all relevant factors including—

(1) A fair appraisal as of the date of the gift of all the assets of the business, tangible and intangible, including good will;

(2) The demonstrated earning capacity of the business; and

(3) The other factors set forth in § 25.2512–2 (f) relating to the valuation of corporate stock, to the extent applicable.

Special attention should be given to determining an adequate value of the good will of the business. Complete financial and other data upon which the valuation is based should be submitted with the return, including copies of reports in any case in which examinations of the business have been made by accountants, engineers, or any technical experts as of or near the date of the gift.

§ 25.2512–4 *Valuation of notes.* The fair market value of notes, secured or unsecured, is presumed to be the amount of unpaid principal, plus accrued interest to the date of the gift, unless the donor establishes a lower value. Unless returned at face value, plus accrued interest, it must be shown by satisfactory evidence that the note is worth less than the unpaid amount (because of the interest rate, or date of maturity, or other cause), or that the note is uncollectible in part (by reason of the insolvency of the party or parties liable, or for other cause), and that the property, if any, pledged or mortgaged as security is insufficient to satisfy it.

§ 25.2512–5 *Valuation of annuities, life estates, terms for years, remainders and reversions*—(a) *In general.* (1) The fair market value of annuities, life estates, terms for years, remainders and reversions is their present value, determined under this section, except in the case of annuities and life insurance under contracts issued by companies regularly engaged in their sale. The valuation of such commercial annuity contracts and insurance policies is determined under § 25.2512–6. Where the donor transfers property in trust or otherwise and retains an interest therein, the value of the gift is the value of the property transferred less the value of the donor's retained interest. If the donor assigns or relinquishes an annuity, life estate, remainder or reversion which he holds by virtue of a transfer previously made by himself or another, the value of the gift is the value of the interest transferred.

(2) The present value of an annuity, life estate, remainder or reversion determined under this section which is dependent on the continuation or termination of the life of one person is computed by the use of Table I in paragraph (f) of this section. The present value of an annuity, term for years, remainder or reversion dependent on a term certain is computed by the use of Table II in paragraph (f). If the interest to be valued is dependent upon more than one life or there is a term certain concurrent with one or more lives, see paragraph (e) of this section. For purposes of the computations described in this section, the age of a person is to be taken as the age of that person at his nearest birthday.

(b) *Annuities*—(1) *Payable annually at end of year.* If an annuity is payable annually at the end of each year during the life of an individual (as for example if the first payment is due one year after

the date of the gift), the amount payable annually is multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. If the annuity is payable annually at the end of each year for a definite number of years, the amount payable annually is multiplied by the figure in column 2 of Table II opposite the number of years in column 1 representing the duration of the annuity. The application of this subparagraph may be illustrated by the following examples:

Example (1). The donor assigns an annuity of $10,000 a year payable annually during his life immediately after an annual payment has been made. The age of the donor on the date of assignment is 40 years and 8 months. By reference to Table I, it is found that the figure in column 2 opposite 41 years is 17.6853. The value of the gift is, therefore, $176,853 ($10,000 multiplied by 17.6853).

Example (2). The donor was entitled to receive an annuity of $10,000 a year payable annually at the end of annual periods throughout a term of 20 years; the donor, when 15 years have elapsed, makes a gift thereof to his son. By reference to Table II, it is found that the figure in column 2 opposite 5 years, the unexpired portion of the 20-year period is 4.5151. The present value of the annuity is, therefore, $45,151 ($10,000 multiplied by 4.5151).

(2) *Payable at the end of semiannual, quarterly, monthly, or weekly periods.* If an annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods during the life of an individual (as for example if the first payment is due one month after the date of the gift), the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table I opposite the number of years in column 1 nearest the age of the individual whose life measures the duration of the annuity. The product so obtained is then multiplied by whichever of the following factors is appropriate:

1.0087 for semiannual payments,
1.0130 for quarterly payments,
1.0159 for monthly payments, and
1.0171 for weekly payments.

If the annuity is payable at the end of semiannual, quarterly, monthly, or weekly periods for a definite number of years the aggregate amount to be paid within a year is first multiplied by the figure in column 2 of Table II opposite the number of years in column 1 representing the duration of the annuity. The product so obtained is then multiplied by whichever of the above factors is appropriate. The application of this paragraph may be illustrated by the following example:

Example. The facts are the same as those contained in example (1) set forth in subparagraph (1) above, except that the annuity is payable semiannually. The aggregate annual amount, $10,000, is multiplied by the factor 17.6853, and the product multiplied by 1.0087. The value of the gift is, therefore, $178,391.62 ($10,000 × 17.6853 × 1.0087).

(3) *Payable at the beginning of annual, semiannual, quarterly, monthly, or weekly periods.* (i) If the first payment of an annuity for the life of an individual is due at the beginning of the annual or other payment period rather than at the end (as for example if the first payment is to be made immediately after the date of the gift), the value of the annuity is the sum of (*a*) the first payment plus (*b*) the present value of a similar annuity, the first payment of which is not to be made until the end of the payment period, determined as provided in subparagraph (1) or (2) of this paragraph. The application of this subdivision may be illustrated by the following example:

Example. The donee is made the beneficiary for life of an annuity of $50 a month from the income of a trust, subject to the right reserved by the donor to cause the annuity to be paid for his own benefit or for the benefit of another. On the day a payment is due, the donor relinquishes his reserved power. The donee is then 50 years of age. The value of the gift is $50 plus the product of $50 × 12 × 14.8486 (see Table I) × 1.0159, or $9,100.82.

(ii) If the first payment of an annuity for a definite number of years is due at the beginning of the annual or other payment period, the applicable factor is the product of the factor shown in Table II multiplied by whichever of the following factors is appropriate:

1.0350 for annual payments,
1.0262 for semiannual payments,
1.0218 for quarterly payments,
1.0189 for monthly payments, and
1.0177 for weekly payments.

The application of this subdivision may be illustrated by the following example:

Example. The donee is the beneficiary of an annuity of $50 a month, subject to a reserved right in the donor to cause the annuity or the cash value thereof to be paid for his own benefit or the benefit of another. On the day a payment is due, the donor relinquishes the power. There are 300 payments to be made covering a period of 25 years, including the payment due. The value of the gift is the product of $50 × 12 × 16.4815 (factor for 25 years, Table II) × 1.0189, or $10,075.80.

(c) *Life estates and terms for years.* If the interest to be valued is the right of a person for his life, or for the life of another person, to receive the income of certain property or to use nonincome-producing property, the value of the interest is the value of the property multiplied by the figure in column 3 of Table I opposite the number of years nearest to the actual age of the measuring life. If the interest to be valued is the right to receive income of property or to use nonincome-producing property for a term of years, column 3 of Table II is used. The application of this paragraph may be illustrated by the following example:

Example. The donor, who during his life is entitled to receive the income from property worth $50,000, makes a gift of such interest. The donor is 31 years old on the date of the gift. The value of the gift is $35,534 ($50,000 × 0.71068).

(d) *Remainders or reversionary interests.* If the interest to be valued is a remainder or reversionary interest subject to a life estate, the value of the interest should be obtained by multiplying the value of the property at the date of the gift by the figure in column 4 of Table I opposite the number of years nearest the age of the life tenant. If the remainder or reversion is to take effect at the end of a term of years, Table II should be used. The application of this paragraph may be illustrated by the following example:

Example. The donor transfers by gift property worth $50,000 which he is entitled to receive upon the death of his brother, to whom the income for life has been bequeathed. The brother at the date of the gift is 31 years of age. By reference to Table I, it is found that the figure in column 4 opposite age 31 is 0.28932. The value of the gift is, therefore, $14,466 ($50,000 × 0.28932).

(e) *Actuarial computations by the Internal Revenue Service.* If the interest to be valued is dependent upon the continuation, or termination of more than one life, or there is a term certain concurrent with one or more lives, or if the retained interest of the donor is conditioned upon survivorship, a special factor is necessary. The factor is to be computed upon the basis of the Makehamized mortality table appearing as Table 38 of United States Life Table and Actuarial Tables 1939–41, published by the United States Department of Commerce, Bureau of the Census, and interest at the rate of 3½ percent a year, compounded annually. Many such factors may be found in, or readily computed with the use of the tables contained in, a pamphlet entitled "Actuarial Values for Estate and Gift Tax." This pamphlet may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington 25, D. C. However, if a special factor is required in the case of an actual gift, the Commissioner will furnish the factor upon request. The request must be accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the interest, and by copies of the relevant instruments.

(f) The following tables shall be used in the application of the provisions of this section:

TABLE I

(Table, single life, 3½ percent, showing the present worth of an annuity, or a life interest, and of a remainder interest)

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
0	23.9857	0.85890	0.16110
1	24.9855	.87162	.12838
2	24.8920	.87122	.12878
3	24.8246	.86886	.13114
4	24.7378	.86582	.13418
5	24.6392	.86237	.13763
6	24.5326	.85864	.14136
7	24.4188	.85466	.14534
8	24.2982	.85044	.14956
9	24.1713	.84600	.15400
10	24.0387	.84135	.15865
11	23.9008	.83653	.16347
12	23.7600	.83160	.16840
13	23.6161	.82656	.17344
14	23.4693	.82143	.17857
15	23.3194	.81618	.18382
16	23.1665	.81083	.18917
17	23.0103	.80536	.19464
18	22.8511	.79979	.20021
19	22.6870	.79404	.20596
20	22.5179	.78813	.21187
21	22.3438	.78203	.21797
22	22.1646	.77576	.22424
23	21.9801	.76930	.23070
24	21.7902	.76266	.23734
25	21.5950	.75582	.24418
26	21.3942	.74880	.25120
27	21.1878	.74157	.25843
28	20.9759	.73416	.26584
29	20.7581	.72653	.27347
30	20.5345	.71871	.28129
31	20.3052	.71068	.28932
32	20.0699	.70245	.29755
33	19.8288	.69401	.30599
34	19.5816	.68536	.31464
35	19.3285	.67650	.32350
36	19.0695	.66743	.33257
37	18.8044	.65815	.34185

(b) The following examples, so far as relating to life insurance contracts, are of gifts of such contracts on which there are no accrued dividends or outstanding indebtedness.

Example (1). A donor purchases from a life insurance company for the benefit of another a life insurance contract or a contract for the payment of an annuity. The value of the gift is the cost of the contract.

Example (2). An annuitant purchased from a life insurance company a single payment annuity contract by the terms of which he was entitled to receive payments of $1,200 annually for the duration of his life. Five years subsequent to such purchase, and when of the age of 50 years, he gratuitously assigns the contract. The value of the gift is the amount which the company would charge for an annuity contract providing for the payment of $1,200 annually for the life of a person 50 years of age.

Example (3). A donor owning a life insurance policy on which no further payments are to be made to the company (e. g., a single premium policy or paid-up policy) makes a gift of the contract. The value of the gift is the amount which the company would charge for a single premium contract of the same specified amount on the life of a person of the age of the insured.

Example (4). A gift is made four months after the last premium due date of an ordinary life insurance policy issued nine years and four months prior to the gift thereof by the insured, who was 35 years of age at date of issue. The gross annual premium is $2,811. The computation follows:

Terminal reserve at end of tenth year	$14,601.00
Terminal reserve at end of ninth year	12,965.00
Increase	1,636.00
One-third of such increase (the gift having been made four months following the last preceding premium due date)	545.33
Terminal reserve at end of ninth year	12,965.00
Interpolated terminal reserve at date of gift	13,510.33
Two-thirds of gross premium ($2,811)	1,874.00
Value of the gift	15,384.33

§ 25.2512–7 *Effect of excise tax.* If jewelry, furs or other property, the purchase of which is subject to an excise tax, is purchased at retail by a taxpayer and made the subject of gifts within a reasonable time after purchase, the purchase price, including the excise tax, is considered to be the fair market value of the property on the date of the gift, in the absence of evidence that the market price of similar articles has increased or decreased in the meantime. Under other circumstances, the excise tax is taken into account in determining the fair market value of the property to the extent, and only to the extent, that it affects the price at which the property would change hands between a willing buyer and a willing seller, as provided in § 25.2512–1.

§ 25.2512–8 *Transfers for insufficient consideration.* Transfers reached by the gift tax are not confined to those only which, being without a valuable consideration, accord with the common law concept of gifts, but embrace as well sales, exchanges, and other dispositions of property for a consideration to the extent that the value of the property transferred by the donor exceeds the value in money or money's worth of the consideration given therefor. However, a sale, exchange, or other transfer of property made in the ordinary course of business (a transaction which is bona fide, at arm's length, and free from any donative intent), will be considered as made for an adequate and full consideration in money or money's worth. A consideration not reducible to a value in money or money's worth, as love and affection, promise of marriage, etc., is to be wholly disregarded, and the entire value of the property transferred constitutes the amount of the gift. See, however, section 2515 and the regulations thereunder with respect to tenancies by the entirety and joint tenancies in real estate between husband and wife. A relinquishment of dower or curtesy or of any other marital rights is not consideration in money or money's worth, and the transfer of property in return for such a relinquishment constitutes a gift of the entire value of the property transferred. See, however, section 2516 and the regulations thereunder with respect to transfers incident to a divorce. A transfer of property which, or the income from which, is to be used in the future to discharge a donor's obligation to support a dependent is not a

TABLE I—Continued

(Table, single life, 3½ percent, showing the present worth of an annuity, or a life interest, and of a remainder interest)

(1) Age	(2) Annuity	(3) Life estate	(4) Remainder
38	18.5334	0.64957	0.35133
39	18.2566	.63898	.36102
40	17.9738	.62808	.37092
41	17.6855	.61689	.38111
42	17.3911	.60539	.39161
43	17.0913	.59360	.40240
44	16.7860	.58151	.41349
45	16.4754	.56909	.42491
46	16.1596	.55639	.43661
47	15.8388	.54336	.44864
48	15.5133	.53007	.46093
49	15.1831	.51645	.47355
50	14.8486	.50255	.49645
51	14.5101	.49857	.50143
52	14.1678	.48443	.51557
53	13.8221	.46827	.53173
54	13.4734	.47157	.52843
55	13.1218	.45720	.54280
56	12.7679	.44262	.55738
57	12.4120	.43142	.56858
58	12.0546	.42101	.57899
59	11.6960	.40936	.59064
60	11.3359	.39679	.60321
61	10.9736	.38422	.61578
62	10.6085	.37145	.62855
63	10.2404	.35911	.64089
64	9.8696	.34683	.65317
65	9.5460	.33420	.66580
66	9.1960	.32186	.67814
67	8.8464	.30962	.69038
68	8.4974	.29762	.70238
69	8.1504	.28580	.71420
70	7.8200	.27370	.72630
71	7.4871	.26205	.73795
72	7.1507	.25059	.74941
73	6.8362	.23934	.76066
74	6.5241	.22831	.77169
75	6.2137	.21732	.78268
76	5.9137	.20698	.79302
77	5.6201	.19670	.80330
78	5.3345	.18671	.81329
79	5.0572	.17710	.82290
80	4.7884	.16789	.83211
81	4.5284	.15940	.84060
82	4.2771	.14970	.85030
83	4.0351	.14123	.85877
84	3.8023	.13308	.86692
85	3.5789	.12526	.87474
86	3.3644	.11777	.88223
87	3.1591	.11060	.88940
88	2.9648	.10377	.89623
89	2.7788	.09726	.90274
90	2.6019	.09107	.90893
91	2.4342	.08520	.91480
92	2.2754	.07964	.92036
93	2.1254	.07440	.92560
94	1.9839	.06944	.93056
95	1.8507	.06477	.93523
96	1.7256	.06040	.93960
97	1.6082	.05629	.94371
98	1.5004	.05244	.94756
99	1.3942	.04880	.95120
100	1.2983	.04541	.95459
101	1.2083	.04212	.95788
102	1.1078	.03877	.96123
103	.9973	.03491	.96509
104	.8831	.03091	.96909

TABLE II

(Table showing the present worth at 3½ percent of an annuity for a term certain, and of a remainder interest postponed for a term certain)

(1) Number of years	(2) Annuity	(3) Term certain	(4) Remainder
1	0.9662	0.033816	0.966184
2	1.8985	.066448	.933552
3	2.8731	.100558	.899442
4	3.8515	.134802	.865198
5	4.8296	.169027	.830973
6	5.7941	.202794	.797206
7	6.7477	.236169	.763831
8	8.3166	.290981	.709019
9	9.0016	.315054	.684946
10	9.6833	.338917	.661083
11	10.3527	.362344	.637656
12	11.0176	.385616	.614384
13	11.6641	.408244	.591756
14	12.2941	.430294	.569706
15	12.9113	.451896	.548104
16	13.1897	.461639	.538361
17	13.7998	.479944	.520056
18	14.4234	.497819	.502181
19	15.0469	.516449	.483551
20	15.1671	.530949	.469051
21	15.6204	.546714	.453286
22	16.0684	.562043	.437957
23	16.4815	.576825	.423175
24	16.8994	.591172	.408828
25	17.2854	.604846	.395154
26	17.6670	.618346	.381654
27	18.0338	.631252	.368748
28	18.3920	.643722	.356278

§ 25.2512–6 *Valuation of certain life insurance and annuity contracts.* (a) The value of a life insurance contract or of a contract for the payment of an annuity issued by a company regularly engaged in the selling of contracts of that character is established through the sale of the particular contract by the company, or through the sale by the company of comparable contracts. As valuation through sale of comparable contracts is not readily ascertainable when the gift is of a contract which has been in force for some time and on which further premium payments are to be made, the value may be approximated by adding to the interpolated terminal reserve at the date of the gift the proportionate part of this gross premium last paid before the date of the gift which covers the period extending beyond that date. If, however, because of the unusual nature of the contract such approximation is not reasonably close to the full value, this method may not be used.

transfer for a consideration in money or money's worth, unless under local law the transfer operates completely to discharge the donor's obligation.

§ 25.2513 *Statutory provisions; gift by husband or wife to third party; considered as made one-half by each.*

SEC. 2513. *Gift by husband or wife to third party*—(a) *Considered as made one-half by each*—(1) *In general.* A gift made by one spouse to any person other than his spouse shall, for the purposes of this chapter, be considered as made one-half by him and one-half by his spouse, but only if at the time of the gift each spouse is a citizen or resident of the United States. This paragraph shall not apply with respect to a gift by a spouse of an interest in property if he creates in his spouse a general power of appointment, as defined in section 2514 (c), over such interest. For purposes of this section, an individual shall be considered as the spouse of another individual only if he is married to such individual at the time of the gift and does not remarry during the remainder of the calendar year.

(2) *Consent of both spouses.* Paragraph (1) shall apply only if both spouses have signified (under the regulations provided for in subsection (b)) their consent to the application of paragraph (1) in the case of all such gifts made during the calendar year by either while married to the other.

(b) *Manner and time of signifying consent*—(1) *Manner.* A consent under this section shall be signified in such manner as is provided under regulations prescribed by the Secretary or his delegate.

(2) *Time.* Such consent may be so signified at any time after the close of the calendar year in which the gift was made, subject to the following limitations—

(A) The consent may not be signified after the 15th day of April following the close of such year, unless before such 15th day no return has been filed for such year by either spouse, in which case the consent may not be signified after a return for such year is filed by either spouse;

(B) The consent may not be signified after a notice of deficiency with respect to the tax for such year has been sent to either spouse in accordance with section 6212 (a).

(c) *Revocation of consent.* Revocation of a consent previously signified shall be made in such manner as is provided under regulations prescribed by the Secretary or his delegate, but the right to revoke a consent previously signified with respect to a calendar year—

(1) Shall not exist after the 15th day of April following the close of such year if the consent was signified on or before such 15th day; and

(2) Shall not exist if the consent was not signified until after such 15th day.

(d) *Joint and several liability for tax.* If the consent required by subsection (a) (2) is signified with respect to a gift made in any calendar year, the liability with respect to the entire tax imposed by this chapter of each spouse for such year shall be joint and several.

§ 25.2513–1 *Gifts by husband or wife to third party considered as made one-half by each.* (a) A gift made by one spouse to a person other than his (or her) spouse may, for the purpose of the gift tax, be considered as made one-half by him and one-half by his spouse, but only if at the time of the gift each spouse was a citizen or resident of the United States. For purposes of this section, an individual is to be considered as the spouse of another individual only if he was married to such individual at the time of the gift and does not remarry during the remainder of the calendar year.

(b) The provisions of this section will apply only if both spouses signify their consent to treat all gifts made to third parties during the calendar year by both spouses while married to each other as having been made one-half by each spouse. As to the manner and time for signifying consent, see § 25.2513–2. Such consent, if signified with respect to any calendar year, is effective with respect to all gifts made to third parties during such year except as follows:

(1) If the consenting spouses were not married to each other during a portion of the calendar year the consent is not effective with respect to any gifts made during such portion of the calendar year. Where the consent is signified by an executor or administrator of a deceased spouse, the consent is not effective with respect to gifts made by the surviving spouse during the portion of the calendar year that his (or her) spouse was deceased.

(2) If either spouse was a nonresident not a citizen of the United States during any portion of the calendar year, the consent is not effective with respect to any gift made during that portion of the calendar year.

(3) The consent is not effective with respect to a gift by one spouse of a property interest over which he created in his spouse a general power of appointment (as defined in section 2514).

(4) If one spouse transferred property in part to his spouse and in part to third parties, the consent is effective with respect to the interest transferred to third parties only insofar as such interest is ascertainable at the time of the gift and hence severable from the interest transferred to his spouse. See § 25.2512–5 for the principles to be applied in the valuation of annuities, life estates, terms for years, remainders and reversions.

(5) The consent applies alike to gifts made by one spouse alone and to gifts made partly by each spouse, provided such gifts were to third parties and do not fall within any of the exceptions set forth in subparagraphs (1) through (4) of this paragraph. The consent may not be applied only to a portion of the property interest constituting such gifts. For example, a wife may not treat gifts made by her spouse from his separate property to third parties as having been made one-half by her if her spouse does not consent to treat gifts made by her to third parties during the same calendar year as having been made one-half by him. If the consent is effectively signified on either the husband's return or the wife's return, all gifts made by the spouses to third parties (except as described in subparagraphs (1) through (4)), during the calendar year will be treated as having been made one-half by each spouse.

(c) If a husband and wife consent to have the gifts made to third party donees considered as made one-half by each spouse, and only one spouse makes gifts during the year, the other spouse is not required to file a gift tax return provided: (1) The total value of the gifts made to each third party donee is not in excess of $6,000, and (2) no portion of the property transferred constitutes a gift of a future interest. If a transfer made by either spouse during the year to a third party represents a gift of a future interest in property and the spouses consent to have the gifts made considered as made one-half by each, a gift tax return for such year must be filed by each spouse regardless of the value of the transfer. (See § 25.2503–3 for the definition of a future interest.)

(d) The following examples illustrate the application of this section relative to the requirements for the filing of a return, assuming that a consent was effectively signified:

(1) A husband made gifts valued at $7,000 during the year to a third party and his wife made no gifts. Each spouse is required to file a return.

(2) A husband made gifts valued at $5,000 to each of two third parties during the year and his wife made no gifts. Only the husband is required to file a return.

(3) A husband made gifts valued at $5,000 to a third party, and the wife made gifts valued at $2,000 to the same third party during the year. Each spouse is required to file a return.

(4) A husband made gifts valued at $5,000 to a third party and his wife made gifts valued at $3,000 to another third party during the year. Only the husband is required to file a return.

(5) A husband made gifts valued at $2,000 during the year to third parties which represented gifts of future interests in property (see § 25.2503–3), and his wife made no gifts during such calendar year. Each spouse is required to file a return.

§ 25.2513–2 *Manner and time of signifying consent.* (a) Consent to the application of the provisions of section 2513 with respect to a calendar year shall, in order to be effective, be signified by both spouses. If both spouses file gift tax returns within the time for signifying consent it is sufficient if the consent of both spouses is signified on one of the returns, or if the consent of the husband is signified on the wife's return, and the consent of the wife is signified on the husband's return. If only one spouse files a gift tax return within the time provided for signifying consent, the consent of both spouses shall be signified on that return. However, wherever possible, the notice of the consent is to be shown on both returns. The consent may be revoked only as provided in § 25.2513–3. If one spouse files more than one gift tax return for a calendar year on or before the 15th day of April following the close of the calendar year, the last return so filed will, for the purpose of determining whether a consent has been signified, be considered as the return.

(b) The consent may be signified at any time following the close of the calendar year, subject to the following limitations:

(1) The consent may not be signified after the 15th day of April following the close of the calendar year, unless before such 15th day no return has been filed for the year by either spouse, in which case the consent may not be signified after a return for the year is filed by either spouse; and

(2) The consent may not be signified for a calendar year after a notice of deficiency in gift tax for that year has been sent to either spouse in accordance with the provisions of section 6212.

(c) The executor or administrator of a deceased spouse, or the guardian or committee of a legally incompetent spouse, as the case may be, may signify the consent.

(d) If the donor and spouse consent to the application of section 2513, the return or returns for the calendar year must set forth, to the extent provided thereon, information relative to the transfers made by each spouse.

§ 25.2513–3 *Revocation of consent.* If the consent to the application of the provisions of section 2513 for a calendar year was effectively signified on or before the 15th day of April following the close of the calendar year, either spouse may revoke the consent by filing in duplicate with the district director of internal revenue a signed statement of revocation, but only if the statement is filed on or before such 15th day of April. Therefore, a consent which was not effectively signified until after the 15th day of April following the close of the calendar year to which it applies may not be revoked.

§ 25.2513–4 *Joint and several liability for tax.* If consent to the application of the provisions of section 2513 is signified as provided in § 25.2513–2, and not revoked as provided in § 25.2513–3, the liability with respect to the entire gift tax of each spouse for such calendar year is joint and several. See § 25.2511–1 (c).

§ 25.2514 *Statutory provisions; powers of appointment.*

SEC. 2514. *Powers of appointment*—(a) *Powers created on or before October 21, 1942.* An exercise of a general power of appointment created on or before October 21, 1942, shall be deemed a transfer of property by the individual possessing such power; but the failure to exercise such a power or the complete release of such a power shall not be deemed an exercise thereof. If a general power of appointment created on or before October 21, 1942, has been partially released so that it is no longer a general power of appointment, the subsequent exercise of such power shall not be deemed to be the exercise of a general power of appointment if—

(1) Such partial release occurred before November 1, 1951, or

(2) The donee of such power was under a legal disability to release such power on October 21, 1942, and such partial release occurred not later than six months after the termination of such legal disability.

(b) *Powers created after October 21, 1942.* The exercise or release of a general power of appointment created after October 21, 1942, shall be deemed a transfer of property by the individual possessing such power. A disclaimer or renunciation of such a power of appointment shall not be deemed a release of such power.

(c) *Definition of general power of appointment.* For purposes of this section, the term "general power of appointment" means a power which is exercisable in favor of the individual possessing the power (hereafter in this subsection referred to as the "possessor"), his estate, his creditors, or the creditors of his estate; except that—

(1) A power to consume, invade, or appropriate property for the benefit of the possessor which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the possessor shall not be deemed a general power of appointment.

(2) A power of appointment created on or before October 21, 1942, which is exercisable by the possessor only in conjunction with another person shall not be deemed a general power of appointment.

(3) In the case of a power of appointment created after October 21, 1942, which is exercisable by the possessor only in conjunction with another person—

(A) If the power is not exercisable by the possessor except in conjunction with the creator of the power—such power shall not be deemed a general power of appointment;

(B) If the power is not exercisable by the possessor except in conjunction with a person having a substantial interest, in the property subject to the power, which is adverse to exercise of the power in favor of the possessor—such power shall not be deemed a general power of appointment. For the purposes of this subparagraph a person who, after the death of the possessor, may be possessed of a power of appointment (with respect to the property subject to the possessor's power) which he may exercise in his own favor shall be deemed as having an interest in the property and such interest shall be deemed adverse to such exercise of the possessor's power;

(C) If (after the application of subparagraphs (A) and (B)) the power is a general power of appointment and is exercisable in favor of such other person—such power shall be deemed a general power of appointment only in respect of a fractional part of the property subject to such power, such part to be determined by dividing the value of such property by the number of such persons (including the possessor) in favor of whom such power is exercisable.

For purposes of subparagraphs (B) and (C), a power shall be deemed to be exercisable in favor of a person if it is exercisable in favor of such person, his estate, his creditors, or the creditors of his estate.

(d) *Creation of another power in certain cases.* If a power of appointment created after October 21, 1942, is exercised by creating another power of appointment which, under the applicable local law, can be validly exercised so as to postpone the vesting of any estate or interest in the property which was subject to the first power, or supend the absolute ownership or power of alienation of such property, for a period ascertainable without regard to the date of the creation of the first power, such exercise of the first power shall, to the extent of the property subject to the second power, be deemed a transfer of property by the individual possessing such power.

(e) *Lapse of power.* The lapse of a power of appointment created after October 21, 1942, during the life of the individual possessing the power shall be considered a release of such power. The rule of the preceding sentence shall apply with respect to the lapse of powers during any calendar year only to the extent that the property which could have been appointed by exercise of such lapsed powers exceeds in value the greater of the following amounts:

(1) $5,000, or

(2) 5 percent of the aggregate value of the assets out of which, or the proceeds of which, the exercise of the lapsed powers could be satisfied.

(f) *Date of creation of power.* For purposes of this section a power of appointment created by a will executed on or before October 21, 1942, shall be considered a power created on or before such date if the person executing such will dies before July 1, 1949, without having republished such will, by codicil or otherwise, after October 21, 1942.

§ 25.2514–1 *Transfers under power of appointment*—(a) *Introductory.* (1) Section 2514 treats as a taxable gift the exercise of a general power of appointment created on or before October 21, 1942. That section also treats as a taxable gift the exercise or complete release of a general power of appointment created after October 21, 1942, and under certain circumstances the exercise of a power of appointment created after October 21, 1942, by the creation of another power of appointment. See § 25.2514–3 (d). Under certain circumstances, also, the failure to exercise a power of appointment created after October 21, 1942, within a specified time, so that the power lapses, constitutes a taxable gift. Paragraphs (b) through (e) of this section contain definitions of certain terms used in §§ 25.2514–2 and 25.2514–3. See § 25.2514–2 for specific rules applicable to certain powers created on or before October 21, 1942. See § 25.2514–3 for specific rules applicable to powers created after October 21, 1942.

(b) *Definition of "power of appointment"*—(1) *In general.* The term "power of appointment" includes all powers which are in substance and effect powers of appointment received by the donee of the power from another person, regardless of the nomenclature used in creating the power and regardless of local property law connotations. For example, if a trust instrument provides that the beneficiary may appropriate or consume the principal of the trust, the power to consume or appropriate is a power of appointment. Similarly, a power given to a donee to affect the beneficial enjoyment of trust property or its income by altering, amending or revoking the trust instrument or terminating the trust is a power of appointment. A power in a donee to remove or discharge a trustee and appoint himself, may be a power of appointment. For example, if under the terms of a trust, the trustee or his successor has the power to appoint the principal of the trust for the benefit of individuals including himself, and another person has the unrestricted power to remove or discharge the trustee at any time and appoint any other person or class which could include himself, such other person is considered as having a power of appointment. However, he would not be considered to have a power of appointment if he only had the power to appoint a successor, including himself, under limited conditions which did not exist at the time of exercise, release or lapse of the trustee's power, without an accompanying unrestricted power of removal. Similarly, a power to amend only the administrative provisions of a trust instrument, which cannot affect the beneficial enjoyment of the trust property or income, is not a power of appointment. The mere power of management, investment, custody of assets, or the power to allocate receipts and disbursements as between income and principal, exercisable in a fiduciary capacity, whereby the holder has no power to enlarge or shift any of the beneficial in-

terests therein except as an incidental consequence of the discharge of such fiduciary duties is not a power of appointment. Further, the right in a beneficiary of a trust to assent to a periodic accounting, thereby relieving the trustee from further accountability, is not a power of appointment if the right of assent does not consist of any power or right to enlarge or shift the beneficial interest of any beneficiary therein.

(2) *Relation to other sections.* For purposes of §§ 25.2514–1 through 25.2514–3, the term "power of appointment" does not include powers reserved by a donor to himself. No provision of section 2514 or of §§ 25.2514–1 through 25.2514–3 is to be construed as in any way limiting the application of any other section of the Internal Revenue Code of 1954 or of these regulations. The power of the owner of a property interest already possessed by him to dispose of his interest is not a power of appointment, and the interest is includible in the amount of his gifts to the extent it would be includible under section 2511 or other provisions of the Internal Revenue Code of 1954. For example, if a trust created by S provides for payment of the income to A for life with power in A to appoint the entire trust property by deed during her lifetime to a class consisting of her children, and a further power to dispose of the entire corpus by will to anyone, including her estate, and A exercises the inter vivos power in favor of her children, she has necessarily made a transfer of her income interest which constitutes a taxable gift under section 2511 (a), without regard to section 2514. This transfer also results in a relinquishment of her general power to appoint by will, which constitutes a transfer under section 2514 if the power was created after October 21, 1942.

(3) *Powers over a portion of property.* If a power of appointment exists as to part of an entire group of assets or only over a limited interest in property, section 2514 applies only to such part or interest.

(c) *Definition of "general power of appointment"*—(1) *In general.* The term "general power of appointment" as defined in section 2514 (c) means any power of appointment exercisable in favor of the person possessing the power (referred to as the "possessor"), his estate, his creditors, or the creditors of his estate, except (i) joint powers, to the extent provided in §§ 25.2514–2 and 25.2514–3 and (ii) certain powers limited by an ascertainable standard, to the extent provided in subparagraph (2) of this paragraph. A power of appointment exercisable to meet the estate tax, or any other taxes, debts, or charges which are enforceable against the possessor or his estate, is included within the meaning of a power of appointment exercisable in favor of the possessor, his estate or his creditors or the creditors of his estate. A power of appointment exercisable for the purpose of discharging a legal obligation of the possessor or for his pecuniary benefit is considered a power of appointment exercisable in favor of the possessor or his creditors. However, for purposes of §§ 25.2514–1 through 25.2514–3, a power of appointment not otherwise considered to be a general power of appointment is not treated as a general power of appointment merely by reason of the fact that an appointee may, in fact, be a creditor of the possessor or his estate. A power of appointment is not a general power if by its terms it is either—

(*a*) Exercisable only in favor of one or more designated persons or classes other than the possessor or his creditors (if the power is exercisable during life), his estate, or the creditors of his estate, or

(*b*) Expressly not exercisable in favor of the possessor, his creditors, his estate, or the creditors of his estate.

A beneficiary may have two powers under the same instrument, one of which is a general power of appointment and the other of which is not. For example, a beneficiary may have a general power to withdraw a limited portion of trust corpus during his life, and a further power exercisable during his lifetime to appoint the corpus among his children. The latter power is not a general power of appointment (but its exercise may cause a release of the former power; see example in paragraph (b) (2) of this section).

(2) *Powers limited by an ascertainable standard.* A power to consume, invade, or appropriate income or corpus, or both, for the benefit of the possessor which is limited by an ascertainable standard relating to the health, education, support, or maintenance of the possessor is, by reason of section 2514 (c) (1), not a general power of appointment. A power is limited by such a standard if the extent of the possessor's duty to exercise and not to exercise the power is reasonably measurable in terms of his needs for health, education, or support (or any combination of them). The words "support" and "maintenance" are synonymous. While their meaning is not limited to the bare necessities of life, and includes other reasonable living expenses, it does not necessarily extend to all expenditures that might be considered customary in the possessor's position in life. A power to use property for the comfort, welfare, or happiness of the holder of the power is not limited by the requisite standard. Examples of powers which are limited by the requisite standard are powers exercisable for the holder's "support," "support in reasonable comfort," "reasonable comfort and support," "maintenance in health and reasonable comfort," "education, including college and professional education," "health," and "medical, dental, hospital and nursing expenses and expenses of invalidism." In determining whether a power is limited by an ascertainable standard, it is immaterial whether the beneficiary is required to exhaust his other income before a power can be exercised. The fact that the governing instrument gives the holder of a power discretion to determine amounts to be distributed under the power is not in itself an indication that the power is not limited by the requisite standard.

(3) *Certain powers under wills of decedents dying between January 1 and April 2, 1948.* Section 210 of the Technical Changes Act of 1953 provides that if a decedent died after December 31, 1947, but before April 3, 1948, certain property interests described therein may, if the decedent's surviving spouse so elects, be accorded special treatment in the determination of the marital deduction to be allowed the decedent's estate under the provisions of section 812 (e) of the Internal Revenue Code of 1939. See § 81.47a (h) of Regulations 105 (26 CFR (1939) 81.47a (h)). The section further provides that property affected by the election shall be considered property with respect to which the surviving spouse has a general power of appointment. Therefore, notwithstanding any other provision of law or of §§ 25.2514–1 through 25.2514–3, if the surviving spouse has made an election under section 210 of the Technical Changes Act of 1953, the property which was the subject of the election shall be considered as property with respect to which she has a general power of appointment created after October 21, 1942, exercisable by deed or will, to the extent it was treated as an interest passing to the surviving spouse and not passing to any other person for the purpose of the marital deduction in the prior decedent's estate.

(d) *Definition of "exercise."* Whether a power of appointment is in fact exercised may depend on local law. However, regardless of local law, a power of appointment is considered as exercised for purposes of section 2514 even though the exercise is in favor of the taker in default of appointment, and irrespective of whether the appointed interest and the interest in default of appointment are identical, or whether the appointee renounces any right to take under the appointment. A power of appointment is also considered as exercised even though the exercise cannot take effect until the occurrence of an event after the exercise takes place, if the exercise is irrevocable and, as of the time of the exercise, the condition was not impossible of occurrence. For example, if property is left in trust to A for life, with a power in A to appoint the remainder by an instrument filed with the trustee during his life, and A exercises his power by appointing the remainder to B in the event that B survives A, A is considered to have exercised his power if the exercise was irrevocable.

(e) *Definition of power created on or before October 21, 1942.* A power of appointment created by will is in general considered as created on the date of the testator's death. However, section 2514 (f) provides that a power of appointment created by a will executed on or before October 21, 1942, is considered a power created on or before that date if the testator dies before July 1, 1949, without having republished the will, by codicil or otherwise, after October 21, 1942. A power of appointment created by an inter vivos instrument executed on or before October 21, 1942, is considered as created after that date if on that date the instrument was revocable, or was amendable in a manner which could substantially affect the terms of the power or the identity of its holders, other than by or with the consent of the possessor of the power.

However, a power is not considered as created after October 21, 1942, merely because the power is not exercisable or the identity of its holders is not ascertained until after that date. On the other hand, if the power is acquired by the possessor by reason of the failure of some other person to exercise a power of appointment in such other person, or upon the happening of some event, contingency, or condition within the unrestricted control of some other person, including the settlor of a trust or the trustee, the power is not deemed to be created until the event, condition or contingency takes place or becomes fixed. However, where an irrevocably fixed power of appointment is acquired only by reason of the exercise of a right in the trustee, or his successor (other than the settlor), to appoint a successor or additional trustee (not consisting of a right to establish a power of appointment or to change the extent or quality of a previously existing power) the power will be deemed to be created when the power is fixed.

§ 25.2514–2 *Powers of appointment created on or before October 21, 1942*—(a) *In general.* The exercise of a general power of appointment created on or before October 21, 1942, is deemed to be a transfer of property by the individual possessing the power.

(b) *Joint powers created on or before October 21, 1942.* Section 2514 (c) (2) provides that a power created on or before October 21, 1942, which at the time of the exercise is not exercisable by the possessor except in conjunction with another person, is not deemed a general power of appointment.

(c) *Release or lapse.* A failure to exercise a general power of appointment created on or before October 21, 1942, or a complete release of such a power is not considered to be an exercise of a general power of appointment. The phrase "a complete release" means a release of all powers over all or a portion of the property subject to the power, as distinguished from the reduction of a power to a lesser power. Thus, if the possessor completely relinquished a power over one-half of the property subject to the power, the power is completely released as to that half. However, if at or before the time the power is relinquished, the holder of the power exercises the power in such a manner or to such an extent that the relinquishment results in the reduction, enlargement, or shift in a beneficial interest in property, the relinquishment will be considered to be an exercise and not a release of the power. For example, assume that A created a trust in 1940 providing for payment of the income to B for life with the power in B to amend the trust, and for payment of the remainder to such persons as B shall appoint or, upon default of appointment, to C. If B amended the trust in 1948 by providing that upon his death the remainder was to be paid to C, and further amended the trust in 1955 by deleting his power to amend the trust, and if the 1948 amendment remained in effect the relinquishment will be considered an exercise and not a release of a general power of appointment. On the other hand, if the 1948 amendment became ineffective before or at the time of the 1955 amendment, or if B in 1948 merely amended the trust by changing the purely ministerial powers of the trustee, his relinquishment of the power in 1955 will be considered as a release of a power of appointment.

(d) *Partial release.* If a general power of appointment created on or before October 21, 1942, is partially released so that it is not thereafter a general power of appointment, a subsequent exercise of the partially released power is not an exercise of a general power of appointment if the partial release occurs before whichever is the later of the following dates:

(1) November 1, 1951;

(2) If the possessor was under a legal disability to release the power on October 21, 1942, the day after the expiration of 6 months following the termination of such legal disability.

However, if a general power created on or before October 21, 1942, is partially released on or after the later of those dates, a subsequent exercise of the power will constitute an exercise of a general power of appointment. The legal disability referred to in this paragraph is determined under local law and may include the disability of an insane person, a minor, or an unborn child. The fact that the type of general power of appointment possessed by the holder actually was not generally releasable under the local law does not place the holder under a legal disability within the meaning of this paragraph. In general, however, it is assumed that all general powers of appointment are releasable, unless the local law on the subject is to the contrary, and it is presumed that the method employed to release the power is effective, unless it is not in accordance with the local law relating specifically to releases or, in the absence of such local law, is not in accordance with the local law relating to similar transactions.

(e) *Partial exercise.* If a general power of appointment created on or before October 21, 1942, is exercised only as to a portion of the property subject to the power, the exercise is considered to be a transfer only as to the value of that portion. However, if the exercise of a power creates or changes any beneficial interest in a portion subject to the power, the power is considered as exercised with respect to the entire portion. For example, if the possessor of a general power of appointment under a trust created on or before October 21, 1942, exercised his power to the extent of directing the income from the trust property be paid to his wife for her life, and did not otherwise exercise his power, it would be considered as exercised as to the entire trust property.

§ 25.2514–3 *Powers of appointment created after October 21, 1942*—(a) *In general.* The exercise, release, or lapse (except as provided in paragraph (c) of this section below) of a general power of appointment created after October 21, 1942, is deemed to be a transfer of property by the individual possessing the power. The exercise of a power of appointment that is not a general power is considered to be a transfer if it is exercised to create a further power under certain circumstances (see paragraph (d) of this section below). See § 20.2041–1 (c) above for the definition of various terms used in this section. See paragraph (b) of this section for the rules applicable to determine the extent to which joint powers created after October 21, 1942, are to be treated as general powers of appointment.

(b) *Joint powers created after October 21, 1942.* The treatment of a power of appointment created after October 21, 1942, which is exercisable only in conjunction with another person is governed by section 2514 (c) (3), which provides as follows:

(1) Such a power is not considered as a general power of appointment if it is not exercisable by the possessor except with the consent or joinder of the creator of the power.

(2) A power is not considered as a general power of appointment if it is not exercisable by the possessor except with the consent or joinder of a person having a substantial interest in the property subject to the power which is adverse to the exercise of the power in favor of the possessor, his estate, his creditors, or the creditors of his estate. An interest adverse to the exercise of a power is considered as substantial unless its value in relation to the total value of the property subject to the power is insignificant. For this purpose, the interest is to be valued in accordance with the actuarial principles set forth in § 25.2512–5 or if it is not susceptible to valuation under those provisions, in accordance with the general principles set forth in § 25.2512–1. A taker in default of appointment under a power has an interest which is adverse to an exercise of the power. A coholder of the power has no adverse interest merely because of his joint possession of the power nor merely because he is a permissible appointee under a power. However, a coholder of a power is considered as having an adverse interest where he may possess the power after the possessor's death and may exercise it at that time in favor of himself, his estate, his creditors, or the creditors of his estate. Thus, for example, if X, Y, and Z held a power jointly to appoint among a group of persons which includes themselves and on the death of X the power will pass to Y and Z jointly, then Y and Z are considered to have interests adverse to the exercise of the power in favor of X. Similarly, if on Y's death the power will pass to Z, Z is considered to have an interest adverse to the exercise of the power in favor of Y. The application of this subparagraph may be further illustrated by the following additional examples (in each of which it is assumed that the value of the interest in question is substantial):

Example (*i*). The taxpayer and R are trustees of a trust under which the income is to be paid to the taxpayer for life and then to M for life, and R is remainderman. The trustees have power to distribute corpus to the taxpayer. Since R's interest is substantially adverse to an exercise of the power in favor of the taxpayer, the latter does not have a general power of appointment. If M

and the taxpayer were trustees, M's interest would likewise be adverse.

Example (ii). The taxpayer and L are trustees of a trust under which the income is to be paid to L for life and then to M for life, and the taxpayer is remainderman. The trustees have power to distribute corpus to the taxpayer during L's life. Since L's interest is adverse to an exercise of the power in favor of the taxpayer, the taxpayer does not have a general power of appointment. If the taxpayer and M were trustees, M's interest would likewise be adverse.

Example (iii). The taxpayer and L are trustees of a trust under which the income is to be paid to L. The trustees can designate whether corpus is to be distributed to the taxpayer or to A after L's death. L's interest is not adverse to an exercise of the power in favor of the taxpayer, and the taxpayer therefore has a general power of appointment.

(3) A power which is exercisable only in conjunction with another person, and which after application of the rules set forth in subparagraphs (1) and (2) of this paragraph, constitutes a general power of appointment, will be treated as though the holders of the power who are permissible appointees of the property were joint owners of property subject to the power. The possessor, under this rule, will be treated as possessed of a general power of appointment over an aliquot share of the property to be determined with reference to the number of joint holders, including the possessor, who (or whose estates or creditors) are permissible appointees. Thus, for example, if X, Y, and Z hold an unlimited power jointly to appoint among a group of persons, including themselves, but on the death of X the power does not pass to Y and Z jointly, then Y and Z are not considered to have interests adverse to the exercise of the power in favor of X. In this case, X is considered to possess a general power of appointment as to one-third of the property subject to the power.

(c) *Partial release and lapses of general powers created after October 21, 1942.* (1) The general principles set forth in § 25.2511–2 for determining whether a donor of property (or property right or interest) has divested himself of all or any portion of his interest therein to the extent necessary to effect a completed gift are applicable in determining whether a partial release of a power of appointment constitutes a taxable gift. Thus, if a general power of appointment is partially released so that thereafter the donor may still appoint among a limited class of persons not including himself the partial release does not effect a complete gift, since the possessor of the power has retained the right to designate the ultimate beneficiaries of the property over which he holds the power and since it is only the termination of such control which completes a gift.

(2) If a general power of appointment created after October 21, 1942, was partially released prior to June 1, 1951, so that it no longer represented a general power of appointment, as defined by § 25.2514–1 (c), the subsequent exercise, release, or lapse of the partially released power at any time thereafter will not constitute the exercise or release of a general power of appointment. For example, assume that A created a trust in 1943 under which B possessed a general power of appointment. By an instrument executed in 1948 such general power of appointment was reduced in scope by B to an excepted power. The inter vivos exercise in 1955, or in any calendar year thereafter, of such excepted power is not considered an exercise or release of a general power of appointment for the purposes of the gift tax.

(3) If a general power of appointment created after October 21, 1942, was partially released after May 31, 1951, the subsequent exercise, release or a lapse of the power at any time thereafter, will constitute the exercise or release of a general power of appointment for gift tax purposes.

(4) A release of a power of appointment need not be formal or express in character. For example, the failure to exercise a general power of appointment created after October 21, 1942, within a specified time so that the power lapses, constitutes a release of the power. In any case where the possessor of a general power of appointment is incapable of validly exercising or releasing a power, by reason of minority, or otherwise, and the power may not be validly exercised or released on his behalf, the failure to exercise or release the power is not a lapse of the power. If a trustee has in his capacity as trustee a power which is considered as a general power of appointment, his resignation or removal as trustee will cause a lapse of his power. However, section 2514 (e) provides that such a lapse during any calendar year is considered as a release so as to be subject to the gift tax only to the extent that the property which could have been appointed by exercise of the lapsed power of appointment exceeds the greater of $5,000, or 5 percent of the aggregate value at the time of the lapse of the assets out of which, or the proceeds of which, the exercise of the lapsed power could be satisfied. For example, if an individual has a noncumulative right to withdraw $10,000 a year from the principal of a trust fund, the failure to exercise this right of withdrawal in a particular year will not constitute a gift if the fund at the end of the year equals or exceeds $200,000. If, however, at the end of the particular year the fund should be worth only $100,000, the failure to exercise the power will be considered a gift to the extent of $5,000, the excess of $10,000 over 5 percent of a fund of $100,000. Where the failure to exercise the power, such as the right of withdrawal, occurs in more than a single year, the value of the taxable transfer will be determined separately for each year.

(5) A disclaimer or renunciation of a general power of appointment is not considered to be a release of the power. The disclaimer or renunciation must be unequivocal and effective under local law. A disclaimer is a complete and unqualified refusal to accept the rights to which one is entitled. Such rights refer to the incidents of the power and not to other interests of the possessor of the power in the property. If effective under local law, the power may be disclaimed or renounced without disclaiming or renouncing such other interests. There can be no disclaimer or renunciation of a power after its acceptance. A disclaimer of a power over only a portion of the property subject to the power is not a complete and unqualified refusal to accept the rights to which one is entitled. In the absence of facts to the contrary, the failure to renounce or disclaim within a reasonable time after learning of its existence will be presumed to constitute an acceptance of the power.

(d) *Creation of another power in certain cases.* Paragraph (d) of section 2514 provides for the imposition of the gift tax on the value of property (or property right or interest) with respect to which a power of appointment (whether or not a general power) created after October 21, 1942, is exercised by creating another power of appointment which under the terms of the instruments creating and exercising the first power and under applicable local law, can be validly exercised so as to (1) postpone the vesting of any estate or interest in the property for a period ascertainable without regard to the date of the creation of the first power, or (2) (if the applicable rule against perpetuities is stated in terms of suspension of ownership or of the power of alienation, rater than of vesting) suspend the absolute ownership or the power of alienation of the property for a period ascertainable without regard to the date of the creation of the first power. For the purpose of this section, the value of the property subject to the second power is considered to be its value unreduced by any precedent or subsequent interest which is not subject to such second power. Thus, if a donor has a power to appoint $100,000 among a group consisting of his children or grandchildren and during his lifetime exercises the power by making an outright appointment of $75,000 and by giving one appointee a power to appoint $25,000, no more than $25,000 will be considered a gift under this section. If, however, the donor appoints the income from the entire fund to a beneficiary for life with power in the beneficiary to appoint the remainder, the entire $100,000 will be considered a gift under section 2514 (d), if the exercise of the second power can validly postpone the vesting of any estate or interest in such property, or can suspend the absolute ownership or power of alienation of such property for a period ascertainable without regard to the date of the creation of the first power.

(e) *Examples.* The following examples further illustrate the application of this section. They also illustrate the difference between a power of appointment and a right of disposition which adds nothing to the rights which a person otherwise has of disposing of his income or property. In any case where a person has a beneficial interest in income or property and a fiduciary power to dispose of the income or property to another person measurable by a fixed or readily ascertainable standard, as defined in § 25.2511–1 (f) (2), the disposition by the former of the income or property does not constitute the making of a gift to the extent that the disposition is pursuant to the exercise of such power. Further, in each instance in which it is indicated that the donor has a power of appointment, its exercise, release or lapse would not constitute a taxable gift unless it is a general power of appointment, and for this purpose a power, limited by an ascertainable standard relating to health, etc., as defined in § 25.2514–1 (c) (2) is not a general power of appointment. In each of the following examples it is assumed, unless otherwise stated, that S has transferred property in trust after October 21, 1942, with the remainder payable to R at L's death, and that neither L nor R has any interest in or power over the enjoyment of the trust property except as is indicated separately in each example:

Example (1). The income is payable to L. L has the power to cause the income to be paid to R. The exercise of the right constitutes the making of a taxable gift under section 2511. L's power does not constitute a power of appointment since it is only a power to dispose of his income interest, a right otherwise possessed by him.

Example (2). The income is to be accumulated during L's life. L has the power to have the income distributed to himself. L has a general power of appointment over the income, the lapse or release of which during his life may constitute a taxable transfer. For example, if his power in any year extends only to the income of that year, so that his power lapses at the end of the year as to that year's income, the accumulation for the year will constitute a transfer to the extent that the year's accumulation which he could have caused to be paid to himself (in excess of the value of his power to receive income on the accumulation) exceeds the greater of $5,000 or 5 percent of the income for that year.

Example (3). The income is to be paid to L. L has the right to have the income accumulated and added to corpus. The result is the same as in example (1) (except that no gift is made of the value of L's right to receive income from the accumulations) at the time L's power over the accumulations ceases. Thus, if L's power in any year extends only to that year's income, any accumulation of the income of any one year constitutes a taxable transfer (with the same exception) at the end of the year.

Example (4). The income is to be paid to L. L has a power, exercisable at any time, to cause corpus to be distributed to himself. L has a general power of appointment over the remainder interest, the release of which constitutes the making of a taxable gift to the extent of the value of the remainder.

Example (5). The income is payable to L. L has the power to cause the corpus to be distributed to R at any time. To the extent that L's income interest is affected, the result is the same as in example (1). L's power over the value of the remainder interest after his death does not constitute a general power of appointment and the exercise thereof does not constitute the making of a taxable gift.

Example (6). The income is to be accumulated and added to corpus. R has a right to appoint the income to L. R has a power to dispose of his remainder interest in the income, the exercise of which constitutes the making of a taxable gift under section 2511 of the value, if any, of the interest. See § 25.2511–1 (e).

Example (7). The income is payable to L. R has the right to cause the corpus to be distributed to L at any time. R's power is not a power of appointment, but merely a right to dispose of his remainder interest, a right already possessed by him. In such a case, the exercise of the right constitutes the making of a taxable transfer under section 2511 of the value, if any, of his remainder interest. See § 25.2511–1 (e).

Example (8). The income is to be paid to L. R has the right to appoint the corpus to himself at any time. R's general power of appointment over the corpus includes a general power to dispose of L's income interest therein. The lapse or release of R's general power over the income interest during his life may constitute a taxable transfer. For example, if the income in any year is paid to L, R's power lapses at the end of the year as to that year's income, and the amounts paid to L during the year will constitute a transfer to the extent they exceed the greater of $5,000 or 5 percent of the income for that year. R's right to take the remainder interest is not a power of appointment, but merely a power to accelerate the receipt of his own property. The result is therefore the same as if R had only a power during L's lifetime to appoint the income to himself for the duration of L's life.

Example (9). S transfers property in trust. So much of each year's income as is needed to support, educate, and maintain R shall be applied for his benefit; the balance of the yearly income is to be paid to L. L transfers his rights in the income to R. L's disposition of his income interest to R is a gift to R to the extent the value of L's interest in the income exceeds the value of R's right to support, education, and maintenance.

§ 25.2515 *Statutory provisions; tenancies by the entirety.*

SEC. 2515. *Tenancies by the entirety*—(a) *Creation.* The creation of a tenancy by the entirety in real property, either by one spouse alone or by both spouses, and additions to the value thereof in the form of improvements, reductions in the indebtedness thereon, or otherwise, shall not be deemed transfers of property for purposes of this chapter, regardless of the proportion of the consideration furnished by each spouse, unless the donor elects to have such creation of a tenancy by the entirety treated as a transfer, as provided in subsection (c).

(b) *Termination.* In the case of the termination of a tenancy by the entirety, other than by reason of the death of a spouse, the creation of which, or additions to which, were not deemed to be transfers by reason of subsection (a), a spouse shall be deemed to have made a gift to the extent that the proportion of the total consideration furnished by such spouse multiplied by the proceeds of such termination (whether in form of cash, property, or interests in property) exceeds the value of such proceeds of termination received by such spouse.

(c) *Exercise of election.* The election provided by subsection (a) shall be exercised by including such creation of a tenancy by the entirety or additions made to the value thereof as a transfer by gift, to the extent such transfer constitutes a gift, determined without regard to this section, in the gift tax return of the donor for the calendar year in which such tenancy by the entirety was created or additions made to the value thereof, filed within the time prescribed by law, irrespective of whether or not the gift exceeds the exclusion provided by section 2503 (b).

(d) *Certain joint tenancies included.* For purposes of this section, the term "tenancy by the entirety" includes a joint tenancy between husband and wife with right of survivorship.

§ 25.2515–1 *Tenancies by the entirety; in general*—(a) *Nature of.* An estate by the entirety in real property is essentially a joint tenancy between husband and wife with the right of survivorship. As used in this section and §§ 25.2515–2 to 25.2515–4, inclusive, the term "tenancy by the entirety" includes a joint tenancy between husband and wife in real property with right of survivorship, or a tenancy which accords to the spouses rights equivalent thereto regardless of the term by which such a tenancy is described in local property law.

(b) *Gift upon creation of tenancy by the entirety; in general.* During calendar years prior to 1955 the contribution made by a husband or wife in the creation of a tenancy by the entirety constituted a gift to the extent that the consideration furnished by either spouse exceeded the value of the rights retained by that spouse. The contribution made by either or both spouses in the creation of such a tenancy during the calendar year 1955, or any calendar year thereafter, is not deemed a gift by either spouse, regardless of the proportion of the total consideration furnished by either spouse, unless the donor spouse elects under section 2515 (c) to treat such event as a gift in the calendar year in which the transaction is effected. See § 25.2515–2. The creation of a tenancy by the entirety takes place if either a husband or his wife purchases property and causes the title thereto to be conveyed to themselves as tenants by the entirety, or both join in such a purchase, or if either or both cause to be created such a tenancy in property already owned by either or both of them. The rule prescribed herein with respect to the creation of a tenancy by the entirety applies also to contributions made in the making of additions to the value of such a tenancy (in the form of improvements, reductions in the indebtedness, or otherwise), regardless of the proportion of the consideration furnished by each spouse. See § 25.2516–1 for transfers made pursuant to a property settlement agreement incident to divorce.

(c) *Consideration*—(1) *In general.* (i) The consideration furnished by a person in the creation of a tenancy by the entirety or the making of additions to the value thereof is the amount contributed by him in connection therewith. The contribution may be made by either spouse or by a third party. It may be furnished in the form of money, other property, or an interest in property. If it is furnished in the form of other property or an interest in property, the amount of the contribution is the fair market value of the property or interest at the time it was transferred to the tenancy or was exchanged for the property which became the subject of the tenancy. For example, if a decedent devised real property to the spouses as tenants by the entirety and the fair market value of the property was $30,000 at the time of the decedent's death, the amount of the decedent's contribution to the creation of the tenancy was $30,000. As another example, assume that in 1950 the husband purchased real property for $25,000, taking it in his own name as sole owner, and that in 1956 when the property had a fair market value of $40,000 he caused it to be transferred to himself and his wife as tenants by the entirety. Here, the amount of the husband's contribution to the creation of the tenancy was $40,000 (the fair market value of the

property at the time it was transferred to the tenancy). Similarly, assume that in 1950 the husband purchased, as sole owner, corporate shares for $25,000 and in 1956, when the shares had a fair market value of $35,000, he exchanged them for real property which was transferred to the husband and his wife as tenants by the entirety. The amount of the husband's contribution to the creation of the tenancy was $35,000 (the fair market value of the shares at the time he exchanged them for the real property which became the subject of the tenancy).

(ii) Whether consideration derived from third-party sources is deemed to have been furnished by a third party or to have been furnished by the spouses will depend upon the terms under which the transfer is made. If a decedent devises real property to the spouses as tenants by the entirety, the decedent, and not the spouses, is the person who furnished the consideration for the creation of the tenancy. Likewise, if a decedent in his will directs his executor to discharge an indebtedness of the tenancy, the decedent, and not the spouses, is the person who furnished the consideration for the addition to the value of the tenancy. However, if the decedent bequeathed a general legacy to the husband and the wife and they used the legacy to discharge an indebtedness of the tenancy, the spouses, and not the decedent, are the persons who furnished the consideration for the addition to the value of the tenancy. The principles set forth in this subdivision with respect to transfers by decedents apply equally well to inter vivos transfers by third parties.

(iii) Where a tenancy is terminated in part (e. g., where a portion of the property subject to the tenancy is sold to a third party, or where the original property is disposed of and in its place there is substituted other property of lesser value acquired through reinvestment under circumstances which satisfy the requirements of paragraph (d) (2) (ii)) of this section below, the proportionate contribution of each person to the remaining tenancy is in general the same as his proportionate contribution to the original tenancy, and the character of his contribution remains the same. These proportions are applied to the cost of the remaining or substituted property. Thus, if the total contribution to the cost of the property was $20,000 and a fourth of the property were sold, the contribution to the remaining portion of the tenancy is normally $15,000. However, if it is shown that at the time of the contribution more or less than one-fourth thereof was attributable to the portion sold, the contribution is divided between the portion sold and the portion retained in the proper proportion. If the portion sold was acquired as a separate tract, it is treated as a separate tenancy. As another example of the application of this subdivision, assume that in 1950 X (a third party) gave to H and W (H's wife), as tenants by the entirety, real property then having a value of $15,000. In 1955, H spent $5,000 thereon in improvements and under section 2515 (c) elected to treat his contribution as a gift. In 1956, W spent $10,000 in improving the property but did not elect to treat her contribution as a gift. Between 1957 and 1960 the property appreciated in value by $30,000. In 1960, the property was sold for $60,000, and $45,000 of the proceeds of the sale were, under circumstances that satisfy the requirements of paragraph (d) (2) (ii), reinvested in other real property. Since X contributed one-half of the total consideration for the original property and the additions to its value, he is considered as having furnished $22,500 (one-half of $45,000) toward the creation of the remaining portion of the tenancy and the making of additions to the value thereof. Similarly, H is considered as having furnished $7,500 (one-sixth of $45,000) which was treated as a gift in the year furnished, and W is considered as having furnished $15,000 (one-third of $45,000) which was not treated as a gift in the year furnished.

(2) *Proportion of consideration attributable to appreciation.* Any general appreciation (appreciation due to fluctuations in market value) in the value of the property occurring between two successive contribution dates which can readily be measured and which can be determined with reasonable certainty to be allocable to any particular contribution or contributions previously furnished is to be treated, for the purpose of the computations in §§ 25.2515–3 and 25.2515–4, as though it were additional consideration furnished by the person who furnished the prior consideration. For the purpose of the preceding sentence, successive contribution dates are the two consecutive dates on which any contributions to the tenancy are made, not necessarily by the same party. Further, appreciation allocable to the prior consideration falls in the same class as the prior consideration to which it relates. The application of this subparagraph may be illustrated by the following examples:

Example (1). In 1940, H purchased real property for $15,000 which he caused to be transferred to himself and W (his wife) as tenants by the entirety. In 1956 when the fair market value of the property was $30,000, W made $5,000 improvements to the property. In 1957 the property was sold for $35,000. The general appreciation of $15,000 which occurred between the date of purchase and the date of W's improvements to the property constitutes an additional contribution by H, having the same characteristics as his original contribution of $15,000.

Example (2). In 1955 real property was purchased by H and W and conveyed to them as tenants by the entirety. The purchase price of the property was $15,000 of which H contributed $10,000 and W, $5,000. In 1960 when the fair market value of the property is $21,000, W makes improvements thereto of $5,000. The property then is sold for $26,000. The appreciation in value of $6,000 results in an additional contribution of $4,000 (10,000/15,000×$6,000) by H, and an additional contribution by W of $2,000 (5,000/15,000×$6,000). H's total contribution to the tenancy is $14,000 (10,000+4,000) and W's total contribution is $12,000 (5,000+2,000+5,000).

Example (3). In 1956 real property was purchased by H and W and conveyed to them as tenants by the entirety. The purchase price of the property was $15,000, on which a down payment of $3,000 was made. The remaining $12,000 was to be paid in monthly installments over a period of 15 years. H furnished $2,000 of the down payment and W, $1,000. H paid all the monthly installments. During the period 1956 to 1971 the property gradually appreciates in values to $24,000. Here, the appreciation is so gradual and the contributions so numerous that the amount allocable to any particular contribution cannot be ascertained with any reasonable certainty. Accordingly, in such a case the appreciation in value may be disregarded in determining the amount of consideration furnished in making the computations provided for in §§ 25.2515–3 and 25.2515–4.

(d) *Gift upon termination of tenancy by the entirety.*—(1) *In general.* Upon the termination of the tenancy, whether created before, during, or subsequent to the calendar year 1955, a gift may result, depending upon the disposition made of the proceeds of the termination (whether the proceeds be in the form of cash, property, or interests in property). A gift may result notwithstanding the fact that the contribution of either spouse to the tenancy was treated as a gift. See § 25.2515–3 for the method of determining the amount of any gift which may result from the termination of the tenancy in those cases in which no portion of the consideration contributed was treated as a gift by the spouses in the year in which furnished. See § 25.2515–4 for the method of determining the amount of any gift which may result from the termination of the tenancy in those cases in which all or a portion of the consideration contributed was treated as constituting a gift by the spouses in the year in which furnished. See § 25.2515–2 for the procedure to be followed by a donor who elects under section 2515 (c) to treat the creation of a tenancy by the entirety (or the making of additions to its value) as a transfer subject to the gift tax in the year in which the transfer is made, and for the method of determining the amount of the gift.

(2) *Termination.*—(i) *In general.* Except as indicated in subdivision (ii), a termination of a tenancy is effected when all or a portion of the property so held by the spouses is sold, exchanged, or otherwise disposed of, by gift or in any other manner, or when the spouses through any form of conveyance or agreement become tenants in common of the property or otherwise alter their respective interests in the property formerly held by them as tenants by the entirety.

(ii) *Exchange or reinvestment.* A termination is not considered as effected to the extent that the property subject to the tenancy is exchanged for other real property, the title to which is held by the spouses in an identical tenancy. For this purpose, a tenancy is considered identical if the proportionate values of the spouses' respective rights (other than any change in the proportionate values resulting solely from the passing of time) are identical to those held in the property which was sold. In addition the sale, exchange (other than an exchange described above), or other disposition of property held as tenants by the entirety is not considered as a termination if all three of the following conditions are satisfied:

(*a*) There is no division of the proceeds of the sale, exchange or other disposition of the property held as tenants by the entirety;

(*b*) On or before the due date for the filing of a gift tax return for the calendar year in which the property held as tenants by the entirety was sold, exchanged, or otherwise disposed of, the spouses enter into a binding contract for the purchase of other real property; and

(*c*) After the sale, exchange, or other disposition of the former property and within a reasonable time after the date of the contract referred to in subdivision (*b*), such other real property actually is acquired by the spouses and held by them in an identical tenancy.

To the extent that all three of the conditions set forth in this subdivision are not met (whether by reason of the death of one of the spouses or for any other reason), the provisions of the preceding sentence shall not apply, and the sale, exchange or other disposition of the property will constitute a termination of the tenancy. As used in subdivision (*c*) the expression "a reasonable time" means the time which, under the particular facts in each case, is needed for those matters which are incident to the acquisition of the other property (i. e., perfecting of title, arranging for financing, construction, etc.). The fact that proceeds of a sale are deposited in the name of one tenant or of both tenants separately or jointly as a convenience does not constitute a division within the meaning of subdivision (*a*) if the other requirements of this subdivision are met.

(3) *Proceeds of termination.* (i) The proceeds of termination may be received by a spouse in the form of money, property, or an interest in property. Where the proceeds are received in the form of property (other than money) or an interest in property, the value of the proceeds received by that spouse is the fair market value, on the date of termination of the tenancy by the entirety, of the property or interest received. Thus, if a tenancy by the entirety is terminated so that thereafter each spouse owns an undivided half interest in the property as tenant in common, the value of the proceeds of termination received by each spouse is one-half the value of the property at the time of the termination of the tenancy by the entirety. If under local law one spouse without the consent of the other, can bring about a severance of his or her interest in a tenancy by the entirety and does so by making a gift of his or her interest to a third party, that spouse is considered as having received proceeds of termination in the amount of the fair market value, at the time of the termination, of his severable interest determined in accordance with the rules prescribed in § 25.2512–5. He has in addition, made a gift to the third party of the fair market value of the interest conveyed to the third party. In such a case, the other spouse also is considered as having received as proceeds of termination the fair market value, at the time of termination, of the interest which she thereafter holds in the property as tenant in common with the third party. However, since section 2515 (b) contemplates that the spouses may divide the proceeds of termination in some proportion other than that represented by the values of their respective legal interests in the property, if both spouses join together in making a gift to a third party of property held by them as tenants by the entirety, the value of the proceeds of termination which will be treated as received by each is the amount which each reports (on his or her gift tax return filed for the calendar year in which the termination occurs) as the value of his or her gift to the third party. This amount is the amount which each reports without regard to whether the spouses elect under section 2513 to treat the gifts as made one-half by each. For example, assume that H and W (his wife) hold real property as tenants by the entirety; that in 1956, when the property has a fair market value of $60,000, they give it to their son; and that on their gift tax returns for the calendar year 1956, H reports himself as having made a gift to the son of $36,000 and W reports herself as having made a gift to the son of $24,000. Under these circumstances, H is considered as having received proceeds of termination valued at $36,000, and W is considered as having received proceeds of termination valued at $24,000.

(ii) Except as provided otherwise in subparagraph (2) (ii) of this paragraph (under which certain tenancies by the entirety are considered not to be terminated), where the proceeds of a sale, exchange, or other disposition of the property are not actually divided between the spouses but are held (whether in a bank account or otherwise) in their joint names or in the name of one spouse as custodian or trustee for their joint interests, each spouse is presumed, in the absence of a showing to the contrary, to have received, as of the date of termination, proceeds of termination equal in value to the value of his or her enforceable property rights in respect of the proceeds.

§ 25.2515–2 *Tenancies by the entirety; transfers treated as gifts; manner of election and valuation.* (a) The election to treat the creation of a tenancy by the entirety in real property, or additions to its value made thereto, as constituting a gift in the year in which effected, shall be exercised by including the value of such gifts in the gift tax return of the donor for the calendar year in which the tenancy was created, or the additions in value were made to the property. See section 6019 and the regulations thereunder. The election may be exercised only in a return filed within the time prescribed by law, or before the expiration of any extention of time granted pursuant to law for the filing of the return. See sections 6075 and 6081 and the regulations thereunder. In order to make the election, a gift tax return must be filed for the calendar year in which the tenancy was created, or additions in value thereto made, even though the value of the gift involved does not exceed the amount of the exclusion provided by section 2503 (b).

(b) If the donor spouse exercises the election as provided in paragraph (a) of this section, the amount of the gift at the creation of the tenancy is the amount of the contribution by such spouse to such tenancy less the value of the donor's retained interest in it, determined as follows:

(1) If under the law of the jurisdiction governing the rights of the spouses, either spouse, acting alone, can bring about a severance of his or her interest in the property, the value of the donor's retained interest is one-half the value of the property.

(2) If, under the law of the jurisdiction governing the rights of the spouses each is entitled to share in the income or other enjoyment of the property but neither, acting alone, may defeat the right of the survivor of them to the whole of the property, the amount of retained interest of the donor is determined by multiplying the value of the property by the appropriate actuarial factor for the donor spouse at his attained age at the time the transaction is effected.

(c) Factors representing the respective interests of the spouses, under a tenancy by the entirety, at their attained ages at the time of the transaction may be found, or readily computed with the use of the tables contained in the actuarial pamphlet referred to in § 25.2512–5 (e). State law may provide that the husband only is entitled to all of the income or other enjoyment of the real property held as tenants by the entirety, and the wife's interest consists only of the right of survivorship with no right of severance. In such a case, a special factor may be needed to determine the value of the interests of the respective spouses. See § 25.2512–5 (e) relative to the procedure for obtaining special factors from the Commissioner in cases requiring their use.

(d) The application of this paragraph may be illustrated by the following example:

Example. A husband with his own funds acquires real property valued at $10,000 and has it conveyed to himself and his wife as tenants by the entirety. Under the law of the jurisdiction governing the rights of the parties, each spouse is entitled to share in the income from the property but neither spouse acting alone could bring about a severance of his or her interest. The husband elects to treat the transfer as a gift in the year in which effected. At the time of transfer, the ages of the husband and his wife are 45 and 40, respectively, on their birthdays nearest to the date of transfer. The value of the gift to the wife is $5,502.90, computed as follows:

Value of property transferred	$10,000.00
Less $10,000×0.44971 (factor for value of donor's retained rights)	4,497.10
Value of gift	5,502.90

§ 25.2515–3 *Termination of tenancy by the entirety; cases in which entire value of gift is determined under section 2515 (b).* (a) In any case in which—

(1) The creation of a tenancy by the entirety (including additions in value thereto) was not treated as a gift, and

(2) The entire consideration for the creation of the tenancy, and any additions in value thereto, was furnished

solely by the spouses (see § 25.2515–1 (c) (1) (ii)).

the termination of the tenancy (other than by the death of a spouse) always results in the making of a gift by a spouse who receives a smaller share of the proceeds of the termination (whether received in cash, property or interests in property) than the share of the proceeds attributable to the total consideration furnished by him. See § 25.2515–1 (c) for a discussion of what constitutes consideration and the value thereof. Thus, a gift is effected at the time of termination of the tenancy by the spouse receiving less than one-half of the proceeds of termination if such spouse (regardless of age) furnished one-half or more of the total consideration for the purchase and improvements, if any, of the property held in the tenancy. Also, if one spouse furnished the entire consideration, a gift is made by such spouse to the extent that the other spouse receives any portion of the proceeds of termination. See § 25.2515–4 for determination of the amount of the gift, if any, in cases in which the creation of the tenancy was treated as a gift or a portion of the consideration was furnished by a third person. See § 25.2515–1 (d) (2) as to the acts which effect a termination of the tenancy.

(b) In computing the value of the gift under the circumstances described in paragraph (a) of this section, it is necessary to first determine the spouse's share of the proceeds attributable to the consideration furnished by him. This share is computed by multiplying the total value of the proceeds of the termination by a fraction, the numerator of which is the total consideration furnished by the donor spouse and the denominator of which is the total consideration furnished by both spouses. From this amount there is subtracted the value of the proceeds of termination received by the donor spouse. The amount remaining is the value of the gift. In arriving at the "total consideration furnished by the donor spouse" and the "total consideration furnished by both spouses," for purposes of the computation provided for in this paragraph, the consideration furnished (see § 25.2515–1 (c)) is not reduced by any amounts which otherwise would have been excludable under section 2503 (b) in determining the amounts of taxable gifts for the years in which the consideration was furnished. As an example assume that in 1955, real property was purchased for $30,000, the husband and wife each contributing $12,000 and the remaining $6,000 being obtained through a mortgage on the property. In each of the years 1956 and 1957, the husband paid $3,000 on the principal of the indebtedness, but did not disclose the value of these transfers on his gift tax returns for those years. The total consideration furnished by the husband is $18,000, the total consideration furnished by the wife is $12,000, and the total consideration furnished by both spouses is $30,000.

(c) The application of this section may be illustrated by the following examples:

Example (1). In 1956 the husband furnished $30,000 and his wife furnished $10,000 of the consideration for the purchase and subsequent improvement of real property held by them as tenants by the entirety. Neither spouse elected to treat the consideration furnished as a gift. The property later is sold for $60,000, the husband receiving $35,000 and his wife receiving $25,000 of the proceeds of the termination. The termination of the tenancy results in a gift of $10,000 by the husband to his wife, computed as follows:

$$\frac{\$30,000 \text{ (consideration furnished by husband)}}{\$40,000 \text{ (total consideration furnished by both spouses)}} \times \$60,000 \text{ (proceeds of termination)} = \$45,000$$

$45,000 − $35,000 (proceeds received by husband) = $10,000 gift by husband to wife.

Example (2). In 1950 the husband purchased shares of X Company for $10,000. In 1955 when these shares had a fair market value of $30,000, he and his wife purchased real property from A and had it conveyed to them as tenants by the entirety. In payment for the real property, the husband transferred his shares of X Company to A and the wife paid A the sum of $10,000. They later sell the real property for $60,000, and divide $24,000 (each taking $12,000) and reinvest the remaining $36,000 in other real property under circumstances that satisfy the conditions set forth in § 25.2515–1 (d) (2) (ii). The tenancy is terminated only with respect to the $24,000 divided between them. This termination of the tenancy results in a gift of $6,000 by the husband to the wife, computed as follows:

$$\frac{\$30,000 \text{ (consideration furnished by husband)}}{\$40,000 \text{ (total consideration furnished by both spouses)}} \times \$24,000 \text{ (proceeds of termination)} = \$18,000$$

$18,000 − $12,000 (proceeds received by husband) = $6,000 gift by husband to wife.

Since the tenancy was terminated only in part, with respect to the remaining portion of the tenancy each spouse is considered as having furnished that proportion of the total consideration for the remaining portion of the tenancy as the consideration furnished by him before the sale bears to the total consideration furnished by both spouses before the sale. See § 25.2515–1 (c). The consideration furnished by the husband for the reduced tenancy is $27,000, computed as follows:

$$\frac{\$30,000 \text{ (consideration furnished by husband before sale)}}{\$40,000 \text{ (total consideration furnished by both spouses before sale)}} \times \$36,000 \text{ (consideration for reduced tenancy)} = \$27,000$$

The consideration furnished by the wife is $9,000, computed in a similar manner.

§ 25.2515–4 *Termination of tenancy by entirety; cases in which none, or a portion only, of value of gift is determined under section 2515 (b).*—(a) *In general.* The rules provided in section 2515 (b) (see § 25.2515–3) are not applied in determining whether a gift has been made at the termination of a tenancy to the extent that the consideration furnished for the creation of the tenancy was treated as a gift or if the consideration for the creation of the tenancy was furnished by a third party. Consideration furnished for the creation of the tenancy was treated as a gift if it was furnished either (1) during calendar years prior to 1955, or (2) during the calendar year 1955 and subsequent years and the donor spouse exercised the election to treat the furnishing of consideration as a gift. See paragraph (b) of this section relative to the manner of computing the value of gifts resulting from the termination of the tenancy under these circumstances. See paragraph (c) of this section for the rules to be applied where part of the total consideration for the creation of the tenancy and additions to the value thereof was not treated as a gift and part either was treated as a gift or was furnished by a third party.

(b) *Value of gift when entire consideration is of the type described in paragraph (a) of this section.* If the entire consideration for the creation of a tenancy by the entirety was treated as a gift or consideration therefor was contributed by a third party, the determination of the amount, if any, of a gift made at the termination of the tenancy will be made by the application of the general principles set forth in § 25.2511–1. Under those principles, when a spouse surrenders a property interest in a tenancy, the creation of which was treated as a gift, and in return receives an amount (whether in the form of cash, property, or an interest in property) less than the value of the property interest surrendered, that spouse is deemed to have made a gift in an amount equal to the difference between the value, at the time of termination, of the property interest surrendered by such spouse and the amount received in exchange. Thus, if the husband's interest in such a tenancy at the time of termination is worth $44,971 and the wife's interest therein at the time is worth $55,029, the property is sold for $100,000, and each spouse receives $50,000 out of the proceeds of the sale, the wife has made a gift to the husband of $5,029. The principles applied in § 25.2515–2 (c) for the method of determining the value of the respective interests of the spouses at the time of the creation of a tenancy by the entirety are equally applicable in determining the value of each spouse's interest in the tenancy at termination, except that the actuarial factors to be applied are those for the respective spouses at the ages attained at the date of termination.

(c) *Valuation of gift where both types of consideration are involved.* If the consideration furnished consists in part of the type described in § 25.2515–3 (a) (consideration furnished by the spouses after 1954, are not treated as a gift in the year furnished) and in part of the type described in paragraph (a) of this section (consideration furnished by the spouses and treated as a gift or furnished by a third party), the amount of the gift is determined as follows:

(1) By applying the principles set forth in § 25.2515–3 (b) to that portion of the total proceeds of termination which the consideration described in § 25.2515–3 (a) bears to the total consideration furnished;

(2) By applying the principles set forth in paragraph (b) of this section to the remaining portion of the total proceeds of termination; and

(3) By subtracting the proceeds of termination received by the donor from the total of the amounts which under the principles referred to in subparagraphs (1) and (2) of this paragraph are to be compared with the proceeds of termination received by a spouse in determining whether a gift was made by that spouse.

For example, assume that consideration of $30,000 was furnished in 1954; and that in 1955 the husband contributed $12,000 and the wife $8,000, the husband's contribution not being treated as a gift. Assume further that between 1957 and 1965 the property appreciated in value by $40,000 and was sold in 1965 for $90,000 (of which the husband received $40,000 and the wife $50,000). The principles set forth in § 25.2515–3 (b) are applied to $36,000 (20,000/50,000 × $90,000) in arriving at the amount which is compared with the proceeds of termination received by a spouse. Applying the principles set forth in § 25.2515–3 (b), this amount in the case of the husband is $19,800 (12,000/20,000 × 36,000). Similarly, the principles set forth in paragraph (b) of this section are applied to $54,000 ($90,000 − 36,000), the remaining portion of the proceeds of termination, in arriving at the amount which is compared with the proceeds of termination received by a spouse. If in this case either spouse, without the consent of the other spouse, can bring about a severance of his interest in the tenancy, the amount so determined in the case of the husband would be $27,000 (½ of $54,000). The total of the two amounts which are to be compared with the proceeds of termination received by the husband is $46,800 ($19,800 + 27,000). This sum of $46,800 is then compared with the $40,000 proceeds received by the husband, and the termination of the tenancy has resulted, for gift tax purposes, in a transfer of $6,800 by the husband to his wife in 1965. See paragraph (d) of this section for an additional example illustrating the application of this paragraph.

(d) The application of paragraph (c) of this section may be illustrated by the following example:

Example. X died in 1948 and devised real property to Y and Z (Y's wife) as tenants by the entirety. Under the law of the jurisdiction, both spouses are entitled to share equally in the income from, or the enjoyment of, the property, but neither spouse, acting alone, may defeat the right of the survivor of them to the whole of the property. The fair market value of the property at the time of X's death was $100,000 and this amount is the consideration which X furnished toward the creation of the tenancy. In 1955, at which time the fair market value of the property was the same as at the time of X's death, improvements of $50,000 were made to the property, of which Y furnished $40,000 out of his own funds and Z furnished $10,000 out of her own funds. Y did not elect to treat his transfer to the tenancy as resulting in the making of a gift in 1955. In 1956 the property was sold for $300,000 and Y and Z each received $150,000 of the proceeds. At the time the property was sold Y and Z are 45 and 40, respectively, on their birthdays nearest the date of sale. The value of the gift made by Y to Z is $19,842, computed as follows:

Amount determined under principles set forth in § 25.2515–3:

$$\frac{\$50,000 \text{ (consideration not treated as gift in year furnished)}}{\$150,000 \text{ (total consideration furnished)}} \times \$300,000 \text{ (proceeds of termination)}$$

= $100,000 (Proceeds of termination to which principles set forth in § 25.2513 apply)

$$\frac{\$40,000 \text{ (consideration furnished by H and not treated as gift)}}{\$50,000 \text{ (total consideration not treated as gift)}} \times \$100,000 = \$80,000$$

Amount determined under principles set forth in paragraph (b) of this section:

$300,000 (total proceeds of termination) − $100,000 (proceeds to which principles set forth in § 25.2515–3 apply) = $200,000 (proceeds to which principles set forth in paragraph (b) apply)

0.44971 (factor for Y's interest) × $200,000 = $89,842

Amount of gift:

Amount determined under § 25.2515–3	$80,000
Amount determined under paragraph (b)	89,842
Total	169,842
Less: Proceeds received by Y	150,000
Amount of gift made by Y to Z	19,842

§ 25.2516 *Statutory provisions; certain property settlements.*

SEC. 2516. *Certain property settlements.* Where husband and wife enter into a written agreement relative to their marital and property rights and divorce occurs within 2 years thereafter (whether or not such agreement is approved by the divorce decree), any transfers of property or interests in property made pursuant to such agreement—

(1) To either spouse in settlement of his or her marital or property rights, or

(2) To provide a reasonable allowance for the support of issue of the marriage during minority,

shall be deemed to be transfers made for a full and adequate consideration in money or money's worth.

§ 25.2516–1 *Certain property settlements.* (a) Under the general rule of section 2512 a transfer in settlement of a spouse's dower, curtesy or other property rights arising out of a marriage is not deemed to be for an adequate and full consideration in money or money's worth and is, therefore, subject to a gift tax on the full value of the property transferred. See § 25.2512–8. However, such a transfer is excepted from the general rule, and is not subject to gift tax, either if it qualifies under section 2516 (see paragraph (b) of this section) or if it is effected by a court decree as provided in paragraph (c) of this section.

(b) Section 2516 provides that transfers of property or interests in property made under the terms of a written agreement between spouses in settlement of their marital or property rights are deemed to be for an adequate and full consideration in money or money's worth and, therefore, exempt from the gift tax (whether or not such agreement is approved by a divorce decree), if the spouses obtain a final decree of divorce from each other within two years after entering into the agreement.

(c) When a transfer of property between spouses in settlement of their dower, curtesy or other property rights arising out of the marriage does not qualify under section 2516, it may nevertheless be exempt from gift tax, but only if the transfer is effected by a court decree rather than by a promise or agreement between the spouses. A transfer is deemed to be effected by a decree if: (1) The transfer is pursuant to an agreement which is binding only upon the entry of a decree of divorce, separate maintenance, or annulment, and such decree is subsequently granted incorporating the terms of the agreement, or (2) the transfer is solely pursuant to a divorce, separation, maintenance, or annulment decree as, for example, where there has been no prior out-of-court agreement between the spouses.

(d) See § 25.6019–3 (b) for the circumstances under which information relating to property settlements must be disclosed on the transferor's gift tax return for the calendar year in which the agreement becomes effective.

§ 25.2516–2 *Transfers in settlement of support obligations.* Transfers to provide a reasonable allowance for the support of children (including legally adopted children) of a marriage during minority are not subject to the gift tax if made pursuant to an agreement which satisfies the requirements of section 2516. See also §§ 25.2511–1 (f) and 25.2512–8, relating to transfers for the support of dependents.

DEDUCTIONS

§ 25.2521 *Statutory provisions; specific exemption.*

SEC. 2521. *Specific exemption.* In computing taxable gifts for the calendar year, there shall be allowed a deduction in the case of a citizen or resident an exemption of $30,000, less the aggregate of the amounts claimed and allowed as specific exemption in the computation of gift taxes for the calendar year 1932 and all calendar years intervening

between that calendar year and the calendar year for which the tax is being computed under the laws applicable to such years.

§ 25.2521–1 *Specific exemption.* (a) In determining the amount of taxable gifts for the calendar year there may be deducted, if the donor was a resident or citizen of the United States at the time the gifts were made, a specific exemption of $30,000, less the sum of the amounts claimed and allowed as an exemption in prior calendar years. The exemption, at the option of the donor, may be taken in the full amount of $30,000 in a single calendar year, or be spread over a period of years in such amounts as the donor sees fit, but after the limit has been reached no further exemption is allowable. Except as otherwise provided in a tax convention between the United States and another country, a donor who was a nonresident not a citizen of the United States at the time the gift or gifts were made is not entitled to this exemption.

(b) No part of a donor's lifetime specific exemption of $30,000 may be deducted from the value of a gift attributable to his, or her, spouse where a husband and wife consent, under the provisions of section 2513, to have the gifts made during a calendar year considered as made one-half by each of them. The "gift-splitting" provisions of section 2513 do not authorize the filing of a joint gift tax return nor permit a donor to claim any of his, or her, spouse's specific exemption. For example, if a husband has no specific exemption remaining available, but his wife does, and the husband makes a gift to which his wife consents under the provisions of section 2513 (or the wife makes a gift to which the husband consents), the specific exemption remaining available may be claimed only on the return of the wife with respect to one-half of the gift. The husband may not claim any specific exemption since he has none available.

(c) The amount by which the specific exemption claimed and allowed in gift tax returns for prior calendar years exceeds $30,000 is includible in determining the aggregate sum of the taxable gifts for preceding calendar years. See § 25.2504–1 (b).

§ 25.2522 (a) *Statutory provisions; charitable and similar gifts; citizens or residents.*

SEC. 2522. *Charitable and similar gifts*—(a) *Citizens or residents.* In computing taxable gifts for the calendar year, there shall be allowed as a deduction in the case of a citizen or resident the amount of all gifts made during such year to or for the use of—

(1) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) A corporation, or trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) A fraternal society, order, or association, operating under the lodge system, but only if such gifts are to be used exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals;

(4) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organizations, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual.

§ 25.2522 (a)–1 *Charitable and similar gifts; citizens or residents.* (a) In determining the amount of taxable gifts for the calendar year there may be deducted, in the case of a donor who was a citizen or resident of the United States at the time the gifts were made, all gifts included in the "total amount of gifts" made by the donor during the taxable year (see section 2503 and the regulations thereunder) and made to or for the use of:

(1) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes.

(2) Any corporation, trust, community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, if no part of the net earnings of the organization inures to the benefit of any private shareholder or individual, and no substantial part of its activities is carrying on propaganda, or otherwise attempting, to influence legislation.

(3) A fraternal society, order, or association, operating under the lodge system, provided the gifts are to be used by the society, order or association exclusively for one or more of the purposes set forth in subparagraph (2) of this paragraph.

(4) Any organization of war veterans or auxiliary unit or society thereof, if organized in the United States or any of its possessions, and if no part of its net earnings inures to the benefit of any private shareholder or individual.

(b) The deduction is not limited, in the case of donors who were citizens or residents of the United States at the time the gifts were made to gifts for use within the United States, or to gifts to or for the use of domestic corporations, community chests, funds or foundations, or fraternal societies, orders or associations operating under the lodge system.

(c) The deduction under section 2522 is not allowed for a transfer to a corporation, trust, community chest, fund, or foundation unless the organization or trust meets the following three tests:

(1) It must be organized and operated exclusively for one or more of the specified purposes.

(2) It must not by a substantial part of its activities attempt to influence legislation by propaganda or otherwise.

(3) Its net earnings must not inure in whole or in part to the benefit of private shareholders or individuals other than as legitimate objects of the exempt purposes.

For further limitations see § 25.2522 (c)–1, relating to gifts to trusts and organizations which have engaged in a prohibited transaction described in section 681 (b) (2) or section 503 (c).

(d) In order to prove the right to the charitable, etc., deduction provided by section 2522 the donor must submit such data as may be requested by the district director. As to the extent the deductions provided by this section are allowable, see section 2524.

§ 25.2522 (a)–2 *Transfers not exclusively for charitable, etc., purposes*—(a) *Remainders and similar interests.* If a trust is created or property is limited for both a charitable and a private purpose, deduction may be taken of the value of the charitable beneficial interest only insofar as that interest is presently ascertainable, and hence severable from the noncharitable interest. The present value of a remainder or other deferred payment to be made for a charitable purpose is to be determined in accordance with the rules stated in § 25.2512–5. Thus, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay the principal to a charitable organization, the present value of the remainder is deductible. To determine the present value of such remainder use the appropriate factor from column 4 of Table I or II of § 25.2512–5, whichever is applicable. If the interest involved is such that its value is to be determined by a special computation (see § 25.2512–5 (e)), a request for a specific factor accompanied by a statement of the date of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner, who may, if conditions permit, supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth made in accordance with the principles set forth in the applicable paragraph of § 25.2512–5.

(b) *Transfers subject to a condition or a power.* If as of the date of the gift a transfer for charitable purposes is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibility that the charitable transfer will not become effective is so remote as to be negligible. If an estate or interest passes to or is vested in charity on the date of the gift and the estate or interest would be defeated by the performance of some act or the happening of some event, the occurrence of which appeared to have been highly improbable on the date of the gift, the deduction is allowable. The deduction is not allowed in the case of a transfer in trust conveying a present interest in income if by reason of all the conditions and circumstances surrounding the transfer it appears that the charity may not receive the beneficial enjoyment of the interest. For example, assume that assets placed in trust consist of stock in a corporation the fiscal policies of which are controlled by the donor and his family, that the trustees and remaindermen are likewise members of the donor's family, and that the governing instrument contains no adequate guarantee of the requisite income to the charitable organization. Under such circumstances, no deduction will be allowed. Similarly, if the trustees were not members of the donor's family but had no power to sell or otherwise dispose of closely held stock, or otherwise insure the requisite enjoyment of income to the charitable organization, no deduction would be allowed.

§ 25.2522 (b) *Statutory provisions; charitable and similar gifts; nonresidents.*

SEC. 2522. *Charitable and similar gifts.* • • •

(b) *Nonresidents.* In the case of a nonresident not a citizen of the United States, there shall be allowed as a deduction the amount of all gifts made during such year to or for the use of—

(1) The United States, any State, Territory, or any political subdivision thereof, or the District of Columbia, for exclusively public purposes;

(2) A domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation;

(3) A trust, or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; but only if such gifts are to be used within the United States exclusively for such purposes;

(4) A fraternal society, order, or association, operating under the lodge system, but only if such gifts are to be used within the United States exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals;

(5) Posts or organizations of war veterans, or auxiliary units or societies of any such posts or organization, if such posts, organizations, units, or societies are organized in the United States or any of its possessions, and if no part of their net earnings inures to the benefit of any private shareholder or individual.

§ 25.2522 (b)–1 *Charitable and similar gifts, nonresidents not citizens.* (a) The deduction for charitable and similar gifts, in the case of a nonresident who was not a citizen at the time he made the gifts, is governed by the same rules as those applying to gifts by citizens or residents, subject, however, to the following exceptions:

(1) If the gift is made to or for the use of a corporation, the corporation must be one created or organized under the laws of the United States or of any State or Territory thereof.

(2) If the gift is made to or for the use of a trust, community chest, fund or foundation, or a fraternal order or association operating under the lodge system, the gift must be for use within the United States exclusively for religious, charitable, scientific, literary or educational purposes, including encouragement of art and the prevention of cruelty to children or animals.

§ 25.2522 (c) *Statutory provisions; charitable and similar gifts; disallowance of deductions in certain cases.*

SEC. 2522. *Charitable and similar gifts.* • • •

(c) *Disallowance of deductions in certain cases.* For disallowance of certain charitable, etc., deductions otherwise allowable under this section, see sections 504 and 681.

§ 25.2522 (c)–1 *Disallowance of charitable, etc., deductions because of prohibited transactions.* (a) Sections 503 (e) and 681 (b) (5) provide that no deduction which would otherwise be allowable under section 2522 for a gift for religious, charitable, scientific, literary or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, is allowed if—

(1) The gift is made in trust and, for income tax purposes for the taxable year of the trust in which the gift is made, the deduction otherwise allowable to the trust under section 642 (c) is limited by section 681 (b) (1) by reason of the trust having engaged in a prohibited transaction described in section 681 (b) (2); or

(2) The gift is made to any corporation, community chest, fund or foundation which, for its taxable year in which the gift is made is not exempt from income tax under section 501 (a) by reason of having engaged in a prohibited transaction described in section 503 (c).

(b) For the purposes of section 503 (e) and section 681 (b) (5) the term "gift" includes any gift, contribution, or transfer without adequate consideration.

(c) Regulations relating to the income tax contain the rules for the determination of the taxable year of the trust for which the deduction under section 642 (c) is limited by section 681 (b), and for the determination of the taxable year of the organization for which an exemption is denied under section 503 (a). Generally, such taxable year is a taxable year subsequent to the taxable year during which the trust or organization has been notified by the Internal Revenue Service that it has engaged in a prohibited transaction. However, if the trust or organization during or prior to the taxable year entered into the prohibited transaction for the purpose of diverting its corpus or income from the charitable or other purposes by reason of which it is entitled to a deduction or exemption, and the transaction involves a substantial part of such income or corpus, then the deduction of the trust under section 642 (c) for such taxable year is limited by section 681 (b), or the exemption of the organization for such taxable year is denied under section 503 (a), whether or not the organization has previously received notification by the Internal Revenue Service that it has engaged in a prohibited transaction. In certain cases, the limitation of section 503 or 681 may be removed or the exemption may be reinstated for certain subsequent taxable years under the rules set forth in the income tax regulations under sections 503 and 681.

(d) In cases in which prior notification by the Internal Revenue Service is not required in order to limit the deduction of the trust under section 681 (b), or to deny exemption of the organization under section 503, the deduction otherwise allowable under § 25.2522 (a)–1 is not disallowed with respect to gifts made during the same taxable year of the trust or organization in which a prohibited transaction occurred, or in a prior taxable year, unless the donor or a member of his family was a party to the prohibited transaction. For purposes of the preceding sentence, the members of the donor's family include only his brothers and sisters (whether by whole or half blood), spouse, ancestors, and lineal descendants.

§ 25.2522 (d) *Statutory provisions; charitable and similar gifts; other cross references.*

SEC. 2522. *Charitable and similar gifts.* • • •

(d) *Other cross references.* (1) For exemption of gifts to or for benefit of Library of Congress, see section 5 of the Act of March 3, 1925, as amended (56 Stat. 765; 2 U. S. C. 161).

(2) For construction of gifts for benefit of Library of Post Office Department as gifts to or for the use of the United States, see section 2 of the Act of August 8, 1946 (60 Stat. 924; 5 U. S. C. 393).

(3) For exemption of gifts for benefit of Office of Naval Records and Library, Navy Department, see section 2 of the Act of March 4, 1937 (50 Stat. 25; 5 U. S. C. 419b).

(4) For exemption of gifts to or for benefit of National Park Service, see section 5 of the Act of July 10, 1935 (49 Stat. 478; 16 U. S. C. 19c).

(5) For construction of gifts accepted by the Secretary of State under the Foreign Service Act of 1946 as gifts to or for the use of the United States, see section 1021 (e) of that Act (60 Stat. 1032; 22 U. S. C. 809).

(6) For construction of gifts or bequests of money accepted by the Attorney General for credit to "Commissary Funds, Federal Prisons" as gifts or bequests to or for the use of the United States, see section 2 of the Act of May 15, 1952, 66 Stat. 73, as amended by the Act of July 9, 1952, 66 Stat. 479 (31 U. S. C. 725s–4).

(7) For payment of tax on gifts of United States obligations to the United States, see section 24 of the Second Liberty Bond Act, as amended (59 Stat. 48, § 4; 31 U. S. C. 757e).

(8) For construction of gifts for benefit of or use in connection with Naval Academy as gifts to or for the use of the United States, see section 3 of the Act of March 31, 1944 (58 Stat. 135; 34 U. S. C. 1115b).

(9) For exemption of gifts for benefit of Naval Academy Museum, see section 4 of the Act of March 26, 1938 (52 Stat. 119; 34 U. S. C. 1119).

(10) For exemption of gifts received by National Archives Trust Fund Board, see section 7 of the National Archives Trust Fund Board Act (55 Stat. 582; 44 U. S. C. 300gg).

§ 25.2523 (a) *Statutory provisions; gift to spouse; in general.*

SEC. 2523. *Gift to spouse*—(a) *In general.* Where a donor who is a citizen or resident transfers during the calendar year by gift an interest in property to a donee who at the time of the gift is the donor's spouse, there shall be allowed as a deduction in computing taxable gifts for the calendar year an amount with respect to such interest equal to one-half of its value.

§ 25.2523 (a)–1 *Gift to spouse; in general*—(a) *In general.* In determining the amount of taxable gifts for the calendar year 1955 or any calendar year thereafter, in the case of a donor who was a citizen or resident of the United States at the time the gift was made, there may be deducted an amount equal to one-half the value of any property interest (except as otherwise provided in paragraph (b) of this section) transferred by gift to a donee who at the time of the gift was the donor's spouse. This deduction is referred to as the "marital deduction." No marital deduction is authorized with respect to a gift if the donor, at the time of the gift, was a nonresident not a citizen of the United States. However, if the donor was a citizen or resident of the United States at the time the gift was made, he is not deprived of the right to the marital deduction by reason of the fact that his spouse was a nonresident not a citizen. For convenience the donor's spouse is generally referred to in the feminine gender, but if the donor is a woman the reference is to her husband. The donor must submit such proof as is necessary to establish the right to the marital deduction, including any evidence requested by the district director.

(b) *Deductible and nondeductible interests.* The property interest transferred by a donor to his spouse fall within two general categories: (1) Those with respect to which the marital deduction is authorized, and (2) those with respect to which the deduction is not authorized. These categories are referred to in this section and §§ 25.2523 (b)–1 through 25.2523 (f)–1 as "deductible interests" and "nondeductible interests," respectively (see subdivision (ii) of this paragraph). Subject to the limitations set forth in §§ 25.2523 (f)–1 (relating to gifts of community property) and 25.2524–1 (relating to cases in which the total value of the gifts made to the donee spouse in any one year is less than $6,000), the marital deduction is equal to one-half of the aggregate value of the "deductible interests." A property interest transferred by a donor to his spouse is a "deductible interest" if it does not fall within one of the two following classes of "nondeductible interest":

(i) A property interest transferred by a donor to his spouse which is a "terminable interest," as defined in § 25.2523 (b)–1, is a "nondeductible interest" to the extent specified in that section.

(ii) Any property interest transferred by a donor to his spouse is a "nondeductible interest" to the extent that it is not included in the total amount of gifts made during the calendar year. See §§ 25.2515–1 (relating to tenancies by the entirety) and 25.2516–1 (relating to property settlements, followed by divorce) for some, but not necessarily all, of the situations in which property is transferred by a donor to his spouse and not included in the total amount of gifts made during the calendar year. If the total gifts made by a donor to his spouse during a calendar year have a value of $6,000 or more the amount of the marital deduction is determined without regard to the amount of the exclusion, if any, allowable. For example, assume that in 1955 a donor made a cash gift of $10,000 to his wife. No other gifts were made by the donor in 1955. The amount of the marital deduction is one-half of $10,000, or $5,000; the amount of the exclusion is $3,000; and the total amount of included gifts is $2,000. See § 25.2524–1 with respect to the amount of the marital deduction allowable where the total gifts made in a calendar year by a donor to his spouse have a value of less than $6,000.

(c) *Valuation.* If the income from property is made payable to the donor or another individual for life, or for a term of years, with remainder absolutely to the donor's spouse or to her estate, the marital deduction is equal to one-half the present value of the remainder. The present value of the remainder (that is, its value as of the date of gift) is to be determined in accordance with the rules stated in § 25.2512–5. For example, in a case to which § 25.2512–5 is applicable, if the donor's spouse is to receive $50,000 upon the death of a person 31 years of age, the present value of the remainder is $14,466. (See the example in § 25.2512–5 (d).) If the remainder is such that its value is to be determined by a special computation (see § 25.2512–5), a request for a specific factor, accompanied by a statement of the dates of birth of each person, the duration of whose life may affect the value of the remainder, and by copies of the relevant instruments may be submitted to the Commissioner who, if conditions permit, may supply the factor requested. If the Commissioner does not furnish the factor, the claim for deduction must be supported by a full statement of the computation of the present worth, made in accordance with the principles set forth in § 25.2512–5.

§ 25.2523 (b) *Statutory provisions; gift to spouse; life estate or other terminable interest.*

SEC. 2523. *Gift to spouse.* • • •

(b) *Life estate or other terminable interest.* Where, on the lapse of time, on the occurrence of an event or contingency, or on the failure of an event or contingency to occur, such interest transferred to the spouse will terminate or fail, no deduction shall be allowed with respect to such interest—

(1) If the donor retains in himself, or transfers or has transferred (for less than an adequate and full consideration in money or money's worth) to any person other than such donee spouse (or the estate of such spouse), an interest in such property, and if by reason of such retention or transfer the donor (or his heirs or assigns) or such person (or his heirs or assigns) may possess or enjoy any part of such property after such termination or failure of the interest transferred to the donee spouse; or

(2) If the donor immediately after the transfer to the donee spouse has a power to appoint an interest in such property which he can exercise (either alone or in conjunction with any person) in such manner that the appointee may possess or enjoy any part of such property after such termination or failure of the interest transferred to the donee spouse. For purposes of this paragraph, the donor shall be considered as having immediately after the transfer to the donee spouse such power to appoint even though such power cannot be exercised until after the lapse of time, upon the occurrence of an event or contingency, or on the failure of an event or contengency to occur.

An exercise or release at any time by the donor, either alone or in conjunction with any person, of a power to appoint an interest in property, even though not otherwise a transfer, shall, for purposes of paragraph (1), be considered as a transfer by him. Except as provided in subsection (e), where at the time of the transfer it is impossible to ascertain the particular person or persons who may receive from the donor an interest in property so transferred by him, such interest shall, for purposes of paragraph (1), be considered as transferred to a person other than the donee spouse.

§ 25.2523 (b)–1 *Life estate or other terminable interest*—(a) *In general.* (1) The provisions of section 2523 (b) generally prevent the allowance of the marital deduction with respect to certain property interests (referred to generally as "terminable interests," defined in subparagraph (3) of this paragraph), transferred to the donee spouse under the circumstances described in subparagraph (2) of this paragraph, unless the transfer comes within one of the exceptions set forth in § 25.2523 (d)–1, relating to certain joint interests, or § 25.2523 (e)–1, relating to certain life estates with powers of appointment.

(2) If a donor transfers a terminable interest in property to the donee spouse, the marital deduction is disallowed with respect to the transfer if the donor spouse also—

(i) Transferred an interest in the same property to another donee (see paragraph (b) of this section), or

(ii) Retained an interest in the same property in himself (see paragraph (c) of this section), or

(iii) Retained a power to appoint an interest in the same property (see paragraph (d) of this section).

Under these circumstances, if the other donee, the donor, or the possible appointee, may, by reason of the transfer or retention, possess or enjoy any part of the property after the termination or failure of the interest therein transferred to the donee spouse, no marital deduction may be taken with respect to the transfer to the donee spouse.

(3) For the purposes of this section, a distinction is to be drawn between "property," as such term is used in section 2523, and an "interest in property." The "property" referred to is the underlying property in which various interests exist; each such interest is not, for this purpose, to be considered as "property." A "terminable interest" in property is an interest which will terminate or fail on the lapse of time or on the occurrence or failure to occur of some contingency. Life estates, terms for years, annuities, patents, and copyrights are therefore terminable interests. However, a bond, note, or similar contractual obligation, the discharge of which would not have the effect of an annuity or term for years, is not a terminable interest.

(b) *Interest in property which another donee may possess or enjoy.* (1) Section 2523 (b) provides that no marital deduction shall be allowed with respect to the transfer to the donee spouse of a "terminable interest" in property, in case—

(i) The donor transferred (for less than an adequate and full consideration in money or money's worth) an interest in the same property to any person other than the donee spouse (or the estate of such spouse), and,

(ii) By reason of such transfer, such person (or his heirs or assigns) may possess or enjoy any part of such property after the termination or failure of the interest therein transferred to the donee spouse.

(2) In determining whether the donor transferred an interest in property to any person other than the donee spouse, it is immaterial whether the transfer to the person other than the donee spouse was made at the same time as the transfer to such spouse, or at any earlier time.

(3) Except as provided in § 25.2523 (e)–1, if at the time of the transfer it is impossible to ascertain the particular person or persons who may receive a property interest transferred by the donor, such interest is considered as transferred to a person other than the donee spouse for the purpose of section 2523 (b). This rule is particularly applicable in the case of the transfer of a property interest by the donor subject to a reserved power. (See § 25.2511–2.) Under this rule, any property interest over which the donor reserved a power to revest the beneficial title in himself, or over which the donor reserved the power to name new beneficiaries or to change the interests of the beneficiaries as between themselves, is for the purpose of section 2523 (b), considered as transferred to a "person other than the donee spouse." The following examples illustrate the application of the provisions of this subparagraph:

(i) If a donor transferred property in trust, naming his wife as the irrevocable income beneficiary for 10 years, and providing that, upon the expiration of that term, the corpus should be distributed among his wife and children in such proportions as the trustee should determine, the right to the corpus, for the purpose of the marital deduction, is considered as transferred to a "person other than the donee spouse."

(ii) If, in the above example, the donor had provided that, upon the expiration of the 10-year term, the corpus was to be paid to his wife, but also reserved the power to revest such corpus in himself, the right to corpus, for the purpose of the marital deduction, is considered as transferred to a "person other than the donee spouse."

(4) The term "person other than the donee spouse" includes the possible unascertained takers of a property interest, as, for example, the members of a class to be ascertained in the future. As another example, assume that the donor created a power of appointment over a property interest, which does not come within the purview of § 25.2523 (e)–1. In such a case, the term "person other than the donee spouse" refers to the possible appointees and takers in default (other than the spouse) of such property interest.

(5) An exercise or release at any time by the donor (either alone or in conjunction with any person) of a power to appoint an interest in property, even though not otherwise a transfer by him, shall, in determinng for the purpose of section 2523 (b) whether he transferred an interest in such property to a person other than the donee spouse, be considered as a transfer by him.

(6) The following examples illustrate the application of this paragraph. In each of them it is assumed that the property interest which the donor transferred to a person other than the donee spouse was not for an adequate and full consideration in money or money's worth:

(i) H (the donor) transferred real property to W (his wife) for life, with remainder to A and his heirs. No marital deduction may be taken with respect to the interest transferred to W, since it will terminate upon her death and A (or his heirs or assigns) will thereafter possess or enjoy the property.

(ii) H transferred property for the benefit of W and A. The income was payable to W for life and upon her death the principal was to be distributed to A or his issue. However, if A should die without issue, leaving W surviving, the principal was then to be distributed to W. No marital deduction may be taken with respect to the interest transferred to W, since it will terminate in the event of her death if A or his issue survive, and A or his issue will thereafter possess or enjoy the property.

(iii) H purchased for $100,000 a life annuity for W. If the annuity payments made during the life of W should be less than $100,000, further payments were to be made to A. No marital deduction may be taken with respect to the interest transferred to W, since A may possess or enjoy a part of the property following the termination of W's interest. If, however, the contract provided for no continuation of payments, and provided for no refund upon the death of W, or provided that any refund was to go to the estate of W, then a marital deduction may be taken with respect to the gift.

(iv) H transferred property to A for life with remainder to W provided W survives A, but if W predeceases A, the property is to pass to B and his heirs. No marital deduction may be taken with respect to the interest transferred to W.

(v) H transferred real property to A, reserving the right to the rentals of the property for a term of 20 years. H later transferred the right to the remaining rentals to W. The terms of the transfer satisfy the conditions prescribed in § 25.2523 (e)–1, so that the interest transferred is considered as transferred solely to W. However, no marital deduction may be taken with respect to the interest since it will terminate upon the expiration of the balance of the 20-year term and A will thereafter possess or enjoy the property.

(vi) H transferred a patent to W and A as tenants in common. In this case, the interest of W will terminate upon the expiration of the term of the patent, but possession and enjoyment of the property by A must necessarily cease at the same time. Therefore, since A's possession or enjoyment cannot outlast the termination of W's interest, the provisions of section 2523 (b) do not disallow the marital deduction with respect to the interest.

(c) *Interest in property which the donor may possess or enjoy.* (1) Section 2523 (b) provides that no marital deduction is allowed with respect to the transfer to the donee spouse of a "terminable interest" in property if—

(i) The donor retained in himself an interest in the same property, and

(ii) By reason of such retention, the donor (or his heirs or assigns) may possess or enjoy any part of the property after the termination or failure of the interest transferred to the donee spouse. However, as to a transfer to the donee spouse as sole joint tenant with the donor or as tenant by the entirety, see § 25.2523 (d)–1.

(2) In general, the principles illustrated by the examples under paragraph (b) of this section are applicable in determining whether the marital deduction may be taken with respect to a property interest transferred to the donee spouse subject to the retention by the donor of an interest in the same property. The application of this paragraph may be further illustrated by the following example:

Example. The donor purchased three annuity contracts for the benefit of his wife and himself. The first contract provided for payments to the wife for life, with refund to the donor in case the aggregate payments made to the wife were less than the cost of the contract. The second contract provided for payments to the donor for life, and then to the wife for life if she survived the donor. The third contract provided for payments to the donor and his wife for their joint lives and then to the survivor of them for life. No marital deduction may be taken with respect to the gifts resulting from the purchases of the contracts since, in the case of each contract, the donor may possess or enjoy a part of the property after the termination or failure of the interest transferred to the wife.

(d) *Interest in property over which the donor retained a power to appoint.* (1) Section 2523 (b) provides that no marital deduction is allowed with respect to the transfer to the donee spouse of a "terminable interest" in property if—

(i) The donor had, immediately after the transfer, a power to appoint an interest in the same property, and

(ii) The donor's power was exercisable (either alone or in conjunction with any person) in such manner that the appointee may possess or enjoy any part of the property after the termination or failure of the interest transferred to the donee spouse.

(2) For the purposes of section 2523 (b), the donor is to be considered as having, immediately after the transfer to the donee spouse, such a power to appoint even though the power cannot be exercised until after the lapse of time, upon the occurrence of an event or contingency, or upon the failure of an event or contingency to occur. It is immaterial whether the power retained by the donor was a taxable power of appointment under section 2514.

(3) The principles illustrated by the examples under paragraph (b) of this section are generally applicable in determining whether the marital deduction

may be taken with respect to a property interest transferred to the donee spouse subject to retention by the donor of a power to appoint an interest in the same property. The application of this paragraph may be illustrated by the following example:

Example. The donor, having a power of appointment over certain property, appointed a life estate to his spouse. No marital deduction may be taken with respect to such transfer, since, if the retained power to appoint the remainder interest is exercised, the appointee thereunder may possess or enjoy the property after the termination or failure of the interest taken by the donee spouse.

§ 25.2523 (c) *Statutory provisions; gift to spouse; interest in unidentified assets.*

SEC. 2523. *Gift to spouse.* • • •

(c) *Interest in unidentified assets.* Where the assets out of which, or the proceeds of which, the interest transferred to the donee spouse may be satisfied include a particular asset or assets with respect to which no deduction would be allowed if such asset or assets were transferred from the donor to such spouse, then the value of the interest transferred to such spouse shall, for purposes of subsection (a), be reduced by the aggregate value of such particular assets.

§ 25.2523 (c)–1 *Interest in unidentified assets.* (a) Section 2523 (c) provides that if an interest passing to a donee spouse may be satisfied out of a group of assets (or their proceeds) which include a particular asset that would be a nondeductible interest if it passed from the donor to his spouse, the value of the interest passing to the spouse is reduced, for the purpose of the marital deduction, by the value of the particular asset.

(b) In order for this section to apply, two circumstances must coexist, as follows:

(1) The property interest transferred to the donee spouse must be payable out of a group of assets. An example of a property interest payable out of a group of assets is a right to a share of the corpus of a trust upon its termination.

(2) The group of assets out of which the property interest is payable must include one or more particular assets which, if transferred by the donor to the donee spouse, would not qualify for the marital deduction. Therefore, section 2523 (c) is not applicable merely because a group of assets includes a terminable interest, but would only be applicable if the terminable interest were nondeductible under the provisions of § 25.2523 (b)–1.

(c) If the circumstances in the preceding paragraph are both present, the marital deduction with respect to such property interest may not exceed one-half of the excess, if any, of its value over the aggregate value of the particular asset or assets which, if transferred to the donee spouse, would not qualify for the marital deduction. The application of this section may be illustrated by the following example:

Example. H was absolute owner of a rental property and on July 1, 1950, transferred it to A by gift, reserving the income for a period of 20 years. On July 1, 1955, he created a trust to last for a period of 10 years. H was to receive the income from the trust and at the termination of the trust the trustee is to turn over to H's wife, W, property having a value of $100,000. The trustee has absolute discretion in deciding which properties in the corpus he shall turn over to W in satisfaction of the gift to her. The trustee received two items of property from H. Item (1) consisted of shares of corporate stock. Item (2) consisted of the right to receive the income from the rental property during the unexpired portion of the 20-year term. Assume that at the termination of the trust on July 1, 1965, the value of the right to the rental income for the then unexpired term of 5 years (item 2) will be $30,000. Since item (2) is a nondeductible interest and the trustee can turn it over to W in partial satisfaction of her gift, only $70,000 of the $100,000 receivable by her on July 1, 1965, will be considered as property with respect to which a marital deduction is allowable. The present value on July 1, 1955, of the right to receive $70,000 at the end of 10 years is $49,573.93 (70,000×.708199). The value of the property qualifying for the marital deduction, therefore, is $49,573.93, and a marital deduction is allowed for one-half of that amount, or $24,786.97.

§ 25.2523 (d) *Statutory provisions; gift to spouse; joint interests.*

SEC. 2523. *Gift to spouse.* • • •

(d) *Joint interests.* If the interest is transferred to the donee spouse as sole joint tenant with the donor or as tenant by the entirety, the interest of the donor in the property which exists solely by reason of the possibility that the donor may survive the donee spouse, or that there may occur a severance of the tenancy, shall not be considered for purposes of subsection (b) as an interest retained by the donor in himself.

§ 25.2523 (d)–1 *Joint interests.* Section 2523 (d) provides that if a property interest is transferred to the donee spouse as sole joint tenant with the donor or as a tenant by the entirety, the interest of the donor in the property which exists solely by reason of the possibility that the donor may survive the donee spouse, or that there may occur a severance of the tenancy, is not for the purposes of section 2523 (b), to be considered as an interest retained by the donor in himself. Under this provision, the fact that the donor may, as surviving tenant, possess or enjoy the property after the termination of the interest transferred to the donee spouse does not preclude the allowance of the marital deduction with respect to the latter interest. Thus, if the donor purchased real property in the name of himself and wife as tenants by the entirety, or as joint tenants with right of survivorship and, pursuant to the provisions of section 2515 (c), elected to treat such transaction as a completed gift in the calendar year effected, a marital deduction equal to one-half the value of the interest of the donee spouse in such property may be taken. See § 25.2523 (b)–1 (c), and section 2524.

§ 25.2523 (e) *Statutory provisions; gift to spouse; life estate with power of appointment in donee spouse.*

SEC. 2523. *Gift to spouse.* • • •

(e) *Life estate with power of appointment in donee spouse.* Where the donor transfers an interest in property, if by such transfer his spouse is entitled for life to all of the income from the entire interest, or all the income from a specific portion thereof, payable annually or at more frequent intervals, with power in the donee spouse to appoint the entire interest, or such specific portion (exercisable in favor of such donee spouse, or of the estate of such donee spouse, or in favor of either, whether or not in each case the power is exercisable in favor of others), and with no power in any other person to appoint any part of such interest, or such portion, to any person other than the donee spouse—

(1) The interest, or such portion, so transferred shall, for purposes of subsection (a) be considered as transferred to the donee spouse, and

(2) No part of the interest, or such portion, so transferred shall, for purposes of subsection (b) (1), be considered as retained in the donor or transferred to any person other than the donee spouse.

This subsection shall apply only if, by such transfer, such power in the donee spouse to appoint the interest, or such portion, whether exercisable by will or during life, is exercisable by such spouse alone and in all events.

§ 25.2523 (e)–1 *Marital deduction; life estate with power of appointment in donee*—(a) *In general.* Section 2523 (e) provides that if an interest in property is transferred by a donor to his spouse (whether or not in trust) and the spouse is entitled for life to all the income from the entire interest or all the income from a specific portion of the entire interest, with a power in her to appoint the entire interest or the specific portion, the interest transferred to her is a deductible interest, to the extent that it satisfies all five of the conditions set forth below (see paragraph (b) of this section if one or more of the conditions is satisfied as to only a portion of the interest):

(1) The donee spouse must be entitled for life to all of the income from the entire interest or a specific portion of the entire interest, or to a specific portion of all the income from the entire interest.

(2) The income payable to the donee spouse must be payable annually or at more frequent intervals.

(3) The donee spouse must have the power to appoint the entire interest or the specific portion to either herself or her estate.

(4) The power in the donee spouse must be exercisable by her alone and (whether exercisable by will or during life) must be exercisable in all events.

(5) The entire interest or the specific portion must not be subject to a power in any other person to appoint any part to any person other than the donee spouse.

(b) *Specific portion; deductible amount.* If either the right to income or the power of appointment given to the donee spouse pertains only to a specific portion of a property interest, the portion of the interest which qualifies as a deductible interest is limited to the extent that the rights in the donee spouse meet all of the five conditions described in paragraph (a) of this section. While the rights over the income and the power must coexist as to the same interest in property, it is not necessary that the rights over the income or the power as to such interest be in the same proportion. However, if the rights over income meeting the required conditions set forth in paragraph (a) (1) and (2) extend over a smaller share of the property interest than the share with respect to which the power of appointment requirements set forth in paragraph (a) (3) through (5) are satisfied, the deductible interest is limited to the smaller share. Conversely, if a power of appointment meeting all the requirements extends to a smaller portion of the property interest than the portion over which the income rights pertain, the deductible interest cannot exceed the value of the portion to which such power of appointment applies. Thus, if the donor gives to the donee spouse the right to receive annually all of the income from a particular property interest and a power of appointment meeting the specifications prescribed in paragraph (a) (3) through (5) above as to only one-half of the property interest, then only one-half of the property interest is treated as a deductible interest. Correspondingly, if the income interest of the spouse satisfying the requirements extends to only one-fourth of the property interest and a testamentary power of appointment satisfying the requirements extends to all of the property interest, then only one-fourth of the interest in the spouse qualifies as a deductible interest. Further, if the donee spouse has no right to income from a specific portion of a property interest but a testamentary power of appointment which meets the necessary conditions over the entire interest, then none of the interest qualifies for the deduction. In addition, if, from the time of the transfer, the donee spouse has a power of appointment meeting all of the required conditions over three-fourths of the entire property interest and the prescribed income rights over the entire interest, but with a power in another person to appoint one-half of the entire interest, the value of the interest in the donee spouse over only one-half of the property interest will qualify as a deductible interest.

(c) *Definition of "specific portion".* A partial interest in property is not treated as a specific portion of the entire interest unless the rights of the donee spouse in income and as to the power constitute a fractional or percentile share of a property interest so that such interest or share in the donee spouse reflects its proportionate share of the increment or decline in the whole of the property interest to which the income rights and the power relate. Thus, if the right of the spouse to income and the power extend to one-half or a specified percentage of the property, or the equivalent, the interest is considered as a specific portion. On the other hand, if the annual income of the spouse is limited to a specific sum, or if she has a power to appoint only a specific sum out of a larger fund, the interest is not a deductible interest. Even though the rights in the donee spouse may not be expressed in terms of a definite fraction or percentage, a deduction may be allowable if it is shown that the effect of local law is to give the spouse rights which are identical to those she would have acquired if the size of the share had been expressed in terms of a definite fraction or percentage. The following examples illustrate the application of this and the preceding paragraphs of this section:

Example (1). The donor transferred to a trustee 500 identical shares of X Company stock. He provided that during the lifetime of the donee spouse the trustee should pay her annually one-half of the trust income or $6,000, whichever is the larger. The spouse was also given a general power of appointment, exercisable by her last will over the sum of $160,000 or over three-fourths of the trust corpus, whichever should be of larger value. Since there is no certainty that the trust income will not vary from year to year, for purposes of paragraphs (a) and (b) of this section, an annual payment of a specified sum, such as the $6,000 provided for in this case, is not considered as representing the income from a definite fraction or a specific portion of the entire interest if that were the extent of the spouse's interest. However, since the spouse is to receive annually at least one-half of the trust income, she will, for purposes of paragraphs (a) and (b) of this section, be considered as receiving all of the income from one-half of the entire interest in the stock. Inasmuch as there is no certainty that the value of the stock will be the same on the date of the donee spouse's death as it was on the date of the transfer to the trustee, for purposes of paragraphs (a) and (b) of this section, a specified sum, such as the $160,000 provided for in this case, is not considered to be a definite fraction of the entire interest. However, since the donee spouse has a general power of appointment over at least three-fourths of the trust corpus, she is considered as having a general power of appointment over three-fourths of the entire interest in the stock.

Example (2). The donor transferred to a trustee an office building and 250 identical shares of Y Company stock. He provided that during the lifetime of the donee spouse the trustee should pay her annually three-fourths of the trust income. The spouse was given a general power of appointment, exercisable by will, over the office building and 100 shares of the stock. By the terms of the trust instrument the donee spouse is given all the income from a definite fraction of the entire interest in the office building and in the stock. She also has a general power of appointment over the entire interest in the office building. However, since the amount of property represented by a single share of stock would be altered if the corporation split its stock, issued stock dividends, made a distribution of capital, etc., a power to appoint 100 shares at the time of the donee sponse's death is not the same necessarily as a power to appoint $\frac{100}{250}$ of the entire interest which the 250 shares represented on the date of the gift. If it is shown in this case that the effect of local law is to give the spouse a general power to appoint not only the 100 shares designated by the donor but also $\frac{100}{250}$ of any shares or amounts which are distributed by the corporation and included in the corpus, the requirements of this paragraph will be satisfied and the donee spouse will be considered as having a general power to appoint $\frac{100}{250}$ of the entire interest in the 250 shares.

(d) *Definition of "entire interest".* Since a marital deduction is allowed for each qualifying separate interest in property transferred by the donor to the donee spouse, for purposes of paragraphs (a) and (b) of this section, each property interest with respect to which the donee spouse received some rights is considered separately in determining whether her rights extend to the entire interest or to a specific portion of the entire interest. A property interest which consists of several identical units of property (such as a block of 250 shares of stock, whether the ownership is evidenced by one or several certificates) is considered one property interest, unless certain of the units are to be segregated and accorded different treatment, in which case each segregated group of items is considered a separate property interest. The bequest of a specified sum of money consitutes the bequest of a separate property interest if immediately following the transfer and thenceforth it, and the investments made with it, must be so segregated as to permit its identification as a separate item of property. The application of this paragraph may be illustrated by the following examples:

Example (1). The donor transferred to a trustee three adjoining farms, Blackacre, Whiteacre, and Greenacre. The trust instrument provided that during the lifetime of the donee spouse the trustee should pay her all of the income from the trust. Upon her death, all of Blackacre, a one-half interest in Whiteacre, and a one-third interest in Greenacre were to be distributed to the person or persons appointed by her in her will. The donee spouse is considered as being entitled to all of the income from the entire interest in Blackacre, all of the income from the entire interest in Whiteacre, and all of the income from the entire interest in Greenacre. She is also considered as having a power of appointment over the entire interest in Blackacre, over one-half of the entire interest in Whiteacre, and over one-third of the entire interest in Greenacre.

Example (2). The donor transferred $250,000 to C, as trustee. C is to invest the money and pay all of the income from the investments to W, the donor's spouse, annually. W was given a general power, exercisable by will, to appoint half of the corpus of the trust. Here, immediately following establishment of the trust, the $250,000 will be sufficiently segregated to permit its identification as a separate item, and the $250,000 will constitute an entire property interest. Therefore, W has a right to income and a power of appointment such that one-half of the entire interest is a deductible interest.

Example (3). The donor transferred 100 shares of Z Corporation stock to D, as trustee. W, the donor's spouse, is to receive all of the income of the trust annually and is given a general power, exercisable by will, to appoint out of the trust corpus the sum of $25,000. In this case the $25,000 is not, immediately following establishment of the trust, sufficiently segregated to permit its identification as a separate item of property in which the donee spouse has the entire interest. Therefore, the $25,000 does not constitute the entire interest in a property for the purpose of paragraphs (a) and (b) of this section.

(e) *Application of local law.* In determining whether or not the conditions set forth in paragraph (a) (1) through (5) of this section are satisfied by the instrument of transfer, regard is to be had to the applicable provisions of the law of the jurisdiction under which the interest passes and, if the transfer is in trust, the applicable provisions of the law governing the administration of the trust. For example, silence of a trust instrument as to the frequency of payment will not be regarded as a failure to satisfy the condition set forth in paragraph (a) (2) of this section that income must be payable to the donee spouse annually or more frequently unless the applicable law permits payment to be made less frequently than annually. The principles outlined in this paragraph and paragraph (f) which are applied in determining whether transfers in trust

meet such conditions are equally applicable in ascertaining whether, in the case of interests not in trust, the donee spouse has the equivalent in rights over income and over the property.

(f) *Right to income.* (1) If an interest is transferred in trust, the donee spouse is "entitled for life to all of the income from the entire interest or a specific portion of the entire interest," for the purpose of the condition set forth in paragraph (a) (1) of this section, if the effect of the trust is to give her substantially that degree of beneficial enjoyment of the trust property during her life which the principles of the law of trusts accord to a person who is unqualifiedly designated as the life beneficiary of a trust. Such degree of enjoyment is given only if it was the donor's intention, as manifested by the terms of the trust instrument and the surrounding circumstances, that the trust should produce for the donee spouse during her life such an income, or that the spouse should have such use of the trust property as is consistent with the value of the trust corpus and with its preservation. The designation of the spouse as sole income beneficiary for life of the entire interest or a specific portion of the entire interest will be sufficient to qualify the trust unless the terms of the trust and the surrounding circumstances considered as a whole evidence an intention to deprive the spouse of the requisite degree of enjoyment. In determining whether a trust evidences that intention, the treatment required or permitted with respect to individual items must be considered in relation to the entire system provided for the administration of the trust.

(2) If the over-all effect of a trust is to give to the donee spouse such enforceable rights as will preserve to her the requisite degree of enjoyment, it is immaterial whether that result is effected by rules specifically stated in the trust instrument, or, in their absence, by the rules for the management of the trust property and the allocation of receipts and expenditures supplied by the State law. For example, where the State law does not provide for amortization of bond premium, a provision in the trust instrument for amortization by appropriate periodic charges to interest will not disqualify the interest transferred in trust.

(3) In the case of a trust, the rules to be applied by the trustee in allocation of receipts and expenses between income and corpus must be considered in relation to the nature and expected productivity of the assets transferred in trust, the nature and frequency of occurrence of the expected receipts, and any provisions as to change in the form of investments. If it is evident from the nature of the trust assets and the rules provided for management of the trust that the allocation to income of such receipts as rents, ordinary cash dividends and interest will give to the spouse the substantial enjoyment during life required by the statute, provisions that such receipts as stock dividends and proceeds from the conversion of trust assets shall be treated as corpus will not disqualify the interest transferred in trust. Similarly, provision for a depletion charge against income in the case of trust assets which are subject to depletion will not disqualify the interest transferred in trust, unless the effect is to deprive the spouse of the requisite beneficial enjoyment. The same principle is applicable in the case of depreciation, trustees' commissions, and other charges.

(4) Provisions granting administrative powers to the trustees will not have the effect of disqualifying an interest transferred in trust unless the grant of powers evidences the intention to deprive the donee spouse of the beneficial enjoyment required by the statute. Such an intention will not be considered to exist if the entire terms of the instrument are such that the local courts will impose reasonable limitations upon the exercise of the powers. Among the powers which if subject to reasonable limitations will not disqualify the interest transferred in trust are the power to determine the charges which shall be made against income and corpus, the power to apply the income or corpus for the benefit of the spouse, and the power to retain the assets transferred to the trust. For example, a power to retain trust assets which consist substantially of unproductive property will not disqualify the interest if the applicable rules for the administration of the trust require, or permit the spouse to require, that the trustee either make the property productive or convert it within a reasonable time. Nor will such a power disqualify the interest if the applicable rules for administration of the trust require the trustee to use the degree of judgment and care in the exercise of the power which a prudent man would use if he were owner of the trust assets. Further, a power to retain a residence for the spouse or other property for her personal use will not disqualify the interest transferred in trust.

(5) An interest transferred in trust will not satisfy the condition set forth in paragraph (a) (1) of this section that the donee spouse be entitled to all the income if the primary purpose of the trust is to safeguard property without providing the spouse with the required beneficial enjoyment. Such trusts include not only trusts which expressly provide for the accumulation of the income but also trusts which indirectly accomplish a similar purpose. For example, assume that the corpus of a trust consists substantially of property which is not likely to be income producing during the life of the donee spouse and that the spouse cannot compel the trustee to convert or otherwise deal with the property as described in subparagraph (4) of this paragraph. An interest transferred to such a trust will not qualify unless the applicable rules for the administration require, or permit the spouse to require, that the trustee provide the required beneficial enjoyment, such as by payments to the spouse out of other assets of the trust.

(6) If a trust may be terminated during the life of the donee spouse, under her exercise of a power of appointment or by distribution of the corpus to her, the interest transferred in trust satisfies the condition set forth in paragraph (a) (1) of this section, that the spouse be entitled to all the income, if the spouse is entitled to the income until the trust terminates.

(7) An interest transferred in trust fails to satisfy the condition set forth in paragraph (a) (1) of this section, that the spouse be entitled to all the income, to the extent that the income is required to be accumulated in whole or in part or may be accumulated in the discretion of any person other than the donee spouse; to the extent that the consent of any person other than the donee spouse is required as a condition precedent to distribution of the income; or to the extent that any person other than the donee spouse has the power to alter the terms of the trust so as to deprive her of her right to the income. An interest transferred in trust will not fail to satisfy the condition that the spouse be entitled to all the income merely because its terms provide that the right of the donee spouse to the income shall not be subject to assignment, alienation, pledge, attachment or claims of creditors.

(8) In the case of an interest transferred in trust, the terms "entitled for life" and "payable annually or at more frequent intervals", as used in the conditions set forth in paragraph (a) (1) and (2) of this section, require that under the terms of the trust the income referred to must be currently (at least annually; see paragraph (e) of this section above) distributable to the spouse or that she must have such command over the income that it is virtually hers. Thus, the conditions in paragraph (a) (1) and (2) of this section are satisfied in this respect if, under the terms of the trust instrument, the donee spouse has the right exercisable annually (or more frequently) to require distribution to herself of the trust income, and otherwise the trust income is to be accumulated and added to corpus. Similarly, as respects the income for the period between the last distribution date and the date of the spouse's death, it is sufficient if that income is subject to the spouse's power to appoint. Thus, if the trust instrument provides that income accrued or undistributed on the date of the spouse's death is to be disposed of as if it had been received after her death, and if the spouse has a power of appointment over the trust corpus, the power necessarily extends to the undistributed income.

(g) *Power of appointment in donee spouse.* (1) The conditions set forth in paragraph (a) (3) and (4) of this section, that is, that the donee spouse must have a power of appointment exercisable in favor of herself or her estate and exercisable alone and in all events, are not met unless the power of the donee spouse to appoint the entire interest or a specific portion of it falls within one of the following categories:

(i) A power so to appoint fully exercisable in her own favor at any time during her life (as, for example, an unlimited power to invade); or

(ii) A power so to appoint exercisable in favor of her estate. Such a power, if exercisable during life, must be fully exercisable at any time during life, or, if exercisable by will, must be fully exercisable irrespective of the time of her death; or

(iii) A combination of the powers described under subdivisions (i) and (ii) of this subparagraph. For example, the donee spouse may, until she attains the age of 50 years, have a power to appoint to herself and thereafter have a power to appoint to her estate. However, the condition that the spouse's power must be exercisable in all events is not satisfied unless irrespective of when the donee spouse may die the entire interest or a specific portion of it will at the time of her death be subject to one power or the other.

(2) The power of the donee spouse must be a power to appoint the entire interest or a specific portion of it as unqualified owner (and free of the trust if a trust is involved, or free of the joint tenancy if a joint tenancy is involved) or to appoint the entire interest or a specific portion of it as a part of her estate (and free of the trust if a trust is involved), that is, in effect, to dispose of it to whomsoever she pleases. Thus, if the donor transferred property to a son and the donee spouse as joint tenants with right of survivorship and under local law the donee spouse has a power of severance exercisable without consent of the other joint tenant, and by exercising this power could acquire a one-half interest in the property as a tenant in common, her power of severance will satisfy the conditions set forth in paragraph (a) (3) of this section that she have a power of appointment in favor of herself or her estate. However, if the donee spouse entered into a binding agreement with the donor to exercise the power only in favor of their issue, that condition is not met. An interest transferred in trust will not be regarded as failing to satisfy the condition merely because takers in default of the donee spouse's exercise of the power are designated by the donor. The donor may provide that, in default of exercise of the power, the trust shall continue for an additional period.

(3) A power is not considered to be a power exercisable by a donee spouse alone and in all events as required by paragraph (a) (4) of this section if the exercise of the power in the donee spouse to appoint the entire interest or a specific portion of it to herself or to her estate requires the joinder or consent of any other person. The power is not "exercisable in all events", if it can be terminated during the life of the donee spouse by any event other than her complete exercise or release of it. Further, a power is not "exercisable in all events" if it may be exercised for a limited purpose only. For example, a power which is not exercisable in the event of the spouse's remarriage is not exercisable in all events. Likewise, if there are any restrictions, either by the terms of the instrument or under applicable local law, on the exercise of a power to consume property (whether or not held in trust) for the benefit of the spouse, the power is not exercisable in all events. Thus, if a power of invasion is exercisable only for the spouse's support, or only for her use, the power is not exercisable in all events. In order for a power of invasion to be exercisable in all events, the donee spouse must have the unrestricted power exercisable at any time during her life to use all or any part of the property subject to the power, and to dispose of it in any manner, including the power to dispose of it by gift (whether or not she has power to dispose of it by will).

(4) If the power is in existence at all times following the transfer of the interest, limitations of a formal nature will not disqualify the interest. Examples of formal limitations on a power exercisable during life are requirements that an exercise must be in a particular form, that it must be filed with a trustee during the spouse's life, that reasonable notice must be given, or that reasonable intervals must elapse between successive partial exercises. Examples of formal limitations on a power exercisable by will are that it must be exercised by a will executed by the donee spouse after the donor's death or that exercise must be by specific reference to the power.

(5) If the donee spouse has the requisite power to appoint to herself or her estate, it is immaterial that she also has one or more lesser powers. Thus, if she has a testamentary power to appoint to her estate, she may also have a limited power of withdrawal or of appointment during her life. Similarly, if she has an unlimited power of withdrawal, she may have a limited testamentary power.

(h) *Existence of a power in another.* Paragraph (a) (5) of this section provides that a transfer described in paragraph (a) is nondeductible to the extent that the donor created a power in the trustee or in any other person to appoint a part of the interest to any person other than the donee spouse. However, only powers in other persons which are in opposition to that of the donee spouse will cause a portion of the interest to fail to satisfy the condition set forth in paragraph (a) (5) of this section. Thus, a power in a trustee to distribute corpus to or for the benefit of the donee spouse will not disqualify the trust. Similarly, a power to distribute corpus to the spouse for the support of minor children will not disqualify the trust if she is legally obligated to support such children. The application of this paragraph may be illustrated by the following examples:

Example (1). Assume that a donor created a trust, designating his spouse as income beneficiary for life with an unrestricted power in the spouse to appoint the corpus during her life. The donor further provided that in the event the donee spouse should die without having exercised the power, the trust should continue for the life of his son with a power in the son to appoint the corpus. Since the power in the son could become exercisable only after the death of the donee spouse, the interest is not regarded as failing to satisfy the condition set forth in paragraph (a) (5) of this section.

Example (2). Assume that the donor created a trust, designating his spouse as income beneficiary for life and as donee of a power to appoint by will the entire corpus. The donor further provided that the trustee could distribute 30 percent of the corpus to the donor's son when he reached the age of 35 years. Since the trustee has a power to appoint 30 percent of the entire interest for the benefit of a person other than the donee spouse, only 70 percent of the interest placed in trust satisfied the condition set forth in paragraph (a) (5) of this section. If, in this case, the donee spouse had a power, exercisable by her will, to appoint only one-half of the corpus as it was constituted at the time of her death, it should be noted that only 35 percent of the interest placed in the trust would satisfy the condition set forth in paragraph (a) (3) of this section.

§ 25.2523 (f) *Statutory provisions; community property.*

SEC. 2523. *Gift to spouse.* • • •

(f) *Community property.* (1) A deduction otherwise allowable under this section shall be allowed only to the extent that the transfer can be shown to represent a gift of property which is not, at the time of the gift, held as community property under the law of any State, Territory, or possession of the United States, or of any foreign country.

(2) For purposes of paragraph (1), community property (except property which is considered as community property solely by reason of paragraph (3)) shall not be considered as "held as community property" if the entire value of such property (and not merely one-half thereof) is treated as the amount of the gift.

(3) If during the calendar year 1942 or in succeeding calendar years, property held as such community property (unless considered by reason of paragraph (2) as not so held) was by the donor and the donee spouse converted, by one transaction or a series of transactions, into separate property of the donor and such spouse (including any form of co-ownership by them), the separate property so acquired by the donor and any property acquired at any time by the donor in exchange therefor (by one exchange or a series of exchanges) shall, for purposes of paragraph (1), be considered as "held as community property."

(4) Where the value (at the time of such conversion) of the separate property so acquired by the donor exceeded the value (at such time) of the separate property so acquired by such spouse, paragraph (3) shall apply only with respect to the same portion of such separate property of the donor as the portion which the value (as of such time) of such separate property so acquired by such spouse is of the value (as of such time) of the separate property so acquired by the donor.

§ 25.2523 (f)–1 *Marital deduction in cases involving community property—*(a) *In general.* The marital deduction is allowable with respect to any transfer by a donor to his spouse only to the extent that such transfer can be shown to represent a gift of property which was not, at the time of the gift, held as "community property", as defined in paragraph (b) of this section. The burden of establishing the extent to which a transfer represents a gift of property not so held rests upon the donor.

(b) *Definition of community property.* (1) For the purpose of paragraph (a) of this section, the term "community property" is considered to include—

(i) Any property held by the donor and his spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, except property in which the donee spouse had at the time of the gift merely an expectant interest. The donee spouse is regarded as having, at any particular time, merely an expectant interest in property held at that time by the donor and herself

as community property under the law of any State, Territory, or possession of the United States, or of any foreign country, if, in case such property were transferred by gift into the separate property of the donee spouse, the entire value of such property (and not merely one-half of it), would be treated as the amount of the gift.

(ii) Separate property acquired by the donor as a result of a "conversion", after December 31, 1941, of property held by him and the donee spouse as community property under the law of any State, Territory, or possession of the United States, or of any foreign country (except such property in which the donee spouse had at the time of the "conversion" merely an expectant interest), into their separate property, subject to the limitation with respect to value contained in subparagraph (5) of this paragraph.

(iii) Property acquired by the donor in exchange (by one exchange or a series of exchanges) for separate property resulting from such "conversion."

(2) The characteristics of property which acquired a noncommunity instead of a community status by reason of an agreement (whether antenuptial or postnuptial) are such that section 2523 (f) classifies the property as community property of the donor and his spouse in the computation of the marital deduction. In distinguishing property which thus acquired a noncommunity status from property which acquired such a status solely by operation of the community property law, section 2523 (f) refers to the former category of property as "separate property" acquired as a result of a "conversion" of "property held as such community property." As used in section 2523 (f) the phrase "property held as such community property" is used to denote the body of property comprehended within the community property system; the expression "separate property" includes any noncommunity property, whether held in joint tenancy, tenancy by the entirety, tenancy in common, or otherwise; and the term "conversion" includes any transaction or agreement which transforms property from a community status into a noncommunity status.

(3) The separate property which section 2523 (f) classifies as community property is not limited to that which was in existence at the time of the conversion. The following are illustrative of the scope of section 2523 (f):

(i) A partition of community property between husband and wife, whereby a portion of the property became the separate property of each, is a conversion of community property.

(ii) A transfer of community property into some other form of coownership, such as a joint tenancy, is a conversion of the property.

(iii) An agreement (whether made before or after marriage) that future earnings and gains which would otherwise be community property shall be shared by the spouses as separate property effects a conversion of such earnings and gains.

(iv) A change in the form of ownership of property which causes future rentals, which would otherwise have been acquired as community property, to be acquired as separate property effects a conversion of the rentals.

(4) The rules of section 2523 (f) are applicable, however, only if the conversion took place after December 31, 1941, and only to the extent stated in this section.

(5) If the value of the separate property acquired by the donor as a result of a conversion did not exceed the value of the separate property thus acquired by the donee spouse, the entire separate property thus acquired by the donor is to be considered, for the purposes of this section, as held by him and the donee sponse as community property. If the value (at the time of conversion) of the separate property so acquired by the donor exceeded the value (at that time) of the separate property so acquired by the donee spouse, only a part of the separate property so acquired by the donor (and only the same fractional part of the property acquired by him in exchange for such separate property) is to be considered, for purposes of this section, as held by him and the donee spouse as community property. The part of such separate property (or property acquired in exchange for it) which is considered as so held is the same proportion of it which the value (at the time of the conversion) of the separate property so acquired by the donee spouse is of the value (at that time) of the separate property so acquired by the donor. The following example illustrates the application of the provisions of this paragraph:

Example. During 1942 the donor and his spouse partitioned certain real property held by them under community property laws. The real property then had a value of $224,000. A portion of the property, then having a value of $160,000, was converted into the donor's separate property, and the remaining portion, then having a value of $64,000, was converted into his spouse's separate property. In 1955 the donor made a gift to his spouse of the property acquired by him as a result of the partition, which property then had a value of $200,000. The portion of the property transferred by gift which is considered as community property is

$64,000 (value of property acquired by donee spouse)

$160,000 (value of property acquired by donor spouse)

×$200,000=$80,000. The marital deduction with respect to the gift is, therefore, limited to one-half of $120,000 (the difference between $200,000, the value of the gift, and $80,000, the portion of the gift considered to have been of "community property"). The marital deduction with respect to the gift is, therefore, $60,000.

§ 25.2524 *Statutory provisions; extent of deductions.*

SEC. 2524. *Extent of deductions.* The deductions provided in sections 2522 and 2523 shall be allowed only to the extent that the gifts therein specified are included in the amount of gifts against which such deductions are applied.

§ 25.2524–1 *Extent of deductions.* (a) Under the provisions of section 2524, the charitable deduction (see section 2522) and the marital deduction (see section 2523) are allowable only to the extent that the gifts with respect to which those deductions are authorized are included in the "total amount of gifts made during the calendar year", computed as provided in section 2503, that is, the total gifts less exclusions. (See § 25.2503–1.) The limitation under section 2524 is effective with respect to the marital deduction when less than one-half of the gifts with respect to which the deduction is authorized is included in the "total amount of gifts." The following example illustrates the application of the provisions of this section:

Example. The only gifts made by a donor to his spouse during the calendar year were a gift of $3,000 in May and a gift of $2,000 in August. The first $3,000 of such gifts is excluded under the provisions of section 2503 in determining the "total amount of gifts made during the calendar year." The marital deduction of $2,500 (one-half of $3,000 plus one-half of $2,000) otherwise allowable is limited by section 2524 to $2,000.

PROCEDURE AND ADMINISTRATION

§ 25.6001 *Statutory provisions; notice or regulations requiring records, statements and special returns.*

SEC. 6001. *Notice or regulations requiring records, statements, and special returns.* Every person liable for any tax imposed by this title, or for the collection thereof, shall keep such records, render such statements, make such returns, and comply with such rules and regulations as the Secretary or his delegate may from time to time prescribe. Whenever in the judgment of the Secretary or his delegate it is necessary, he may require any person, by notice served upon such person or by regulations, to make such returns, render such statements, or keep such records, as the Secretary or his delegate deems sufficient to show whether or not such person is liable for tax under this title.

§ 25.6001–1 *Records required to be kept*—(a) *In general.* Every person subject to taxation under chapter 12 of the Internal Revenue Code of 1954, shall for the purpose of determining the total amount of his gifts, keep such permanent books of account or records as are necessary to establish the amount of his total gifts (limited as provided by section 2503 (b)), together with the deductions allowable in determining the amount of his taxable gifts, and the other information required to be shown in a gift tax return.

(b) *Supplemental data.* In order that the district director may determine the correct tax the donor shall furnish such supplemental data as may be deemed necessary by the district director. It is, therefore, the duty of the donor to furnish upon request copies of all documents relating to his gift or gifts, appraisal lists of any items included in the total amount of gifts, copies of balance sheets, or other financial statements obtainable by him relating to the value of stock constituting the gift, and any other information obtainable by him that may be necessary in the determination of the tax. (See section 2512 and the regulations issued thereunder.) For every policy of life insurance listed on the return, the donor must procure a statement from the insurance company on Form 938 and file it with the district director who receives the return. If specifically requested by the district director, the insurance company shall file this statement direct with the district director.

§ 25.6001–2 *Donees and trustees required to file information return.* An information return on Form 710 must be filed by every donee or trustee (except in the case of an organization receiving a gift for a public, charitable, etc., purpose as hereinafter explained) to whom is transferred in any one calendar year property by gift for which, as set forth in § 25.6019–1, the donor is required to file a gift tax return. An organization which has been held by the district director to come within the purview of section 2522 (a), or the corresponding provision of prior law, need not file such information return if the gift was made by a citizen or resident of the United States. An organization which has been held by the district director to come within the purview of section 2522 (b), or the corresponding provision of prior law, need not file such information return if the gift was made by a nonresident not a citizen of the United States. When a gift is made in trust the information return should be filed by either the beneficiary of the trust or the trustee, but only one information return is required. If the donor retains a power over transferred property, the information return (which is for information purposes only) should be filed even though it is considered that the retention of the power renders the transfer wholly incomplete as a gift within the meaning of the statute. The information return shall disclose the following information: (1) name and address of donor, (2) date of transfer, (3) a general description of the property transferred, and (4) the approximate value thereof at the date of the transfer. When a husband and wife consent (or contemplate consenting) that gifts made by either of them to third-party donees shall be considered as made one-half by each spouse, as provided by section 2513, the information return shall, nevertheless, identify the actual donor. If the donee dies or becomes legally incompetent, his executor, administrator, guardian or committee, as the case may be, shall file such information return as would be required of the donee. See §§ 25.6071–1 and 25.6091–1 for the time and place for the filing of the information return.

§ 25.6011 *Statutory provisions; general requirement of return, statement, or list.*

SEC. 6011. *General requirement of return, statement, or list*—(a) *General rule.* When required by regulations prescribed by the Secretary or his delegate any person made liable for any tax imposed by this title, or for the collection thereof, shall make a return or statement according to the forms and regulations prescribed by the Secretary or his delegate. Every person required to make a return or statement shall include therein the information required by such forms or regulations.

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(c) *Income, estate, and gift taxes.* For requirement that returns of income, estate, and gift taxes be made whether or not there is tax liability, see sections 6012 to 6019, inclusive.

§ 25.6011–1 *Form of information return, gift tax return, and certain evidence*—(a) *Information return.* The donee's or trustee's information return of gifts shall be made on Form 710. See § 25.6001–2 for the circumstances under which the filing of a donee's or trustee's information return of gifts is required.

(b) *Gift tax return.* The gift tax return shall be made on Form 709, regardless of whether the donor was a citizen or resident of the United States or was a nonresident not a citizen. See §§ 25.6019–1 and 25.6019–2 for the circumstances under which the filing of a gift tax return is required.

(c) *Life insurance statement.* The life insurance statement shall be made on Form 938. See § 25.6001–1 (b) for the circumstances under which furnishing of a life insurance statement is required.

§ 25.6011–2 *Use of prescribed forms.* Copies of the forms prescribed by § 25.6011–1 may be obtained from district directors. The fact that a person required to file a form has not been furnished with copies of a form will not excuse him from the making of an information return or a gift tax return, or from the furnishing of the evidence for which the forms specified in § 25.6011–1 are to be used. Application for a form should be made to the district director in ample time to enable the person whose duty it is to file the form to have the form prepared, verified, and filed with the district director on or before the date prescribed for the filing thereof.

§ 25.6019 *Statutory provisions; gift tax returns.*

SEC. 6019. *Gift tax returns*—(a) *In general.* Any individual who in any calendar year makes any transfers by gift (except those which under section 2503 (b) are not to be included in the total amount of gifts for such year) shall make a return with respect to the gift tax imposed by subtitle B.

(b) *Tenancy by the entirety.* For provisions relating to requirement of return in the case of election as to the treatment of gift by creation of tenancy by the entirety, see section 2515 (c).

§ 25.6019–1 *Persons required to file returns*—(a) *In general.* Any individual citizen or resident of the United States who within the calendar year 1955, or within any calendar year thereafter, makes a transfer or transfers by gift to any one donee of a value or total value in excess of $3,000 (or regardless of value in the case of a gift of a future interest in property) must file a gift tax return on Form 709 for that year. A nonresident not a citizen of the United States who made such a gift must also file a return if under § 25.2511–3 the transfer is subject to the gift tax. The return is required even though because of the deductions authorized by sections 2522 (specific exemption), 2523 (charitable, etc., deduction), and 2524 (marital deduction) no tax may be payable. Individuals only are required to file returns and not trusts, estates, partnerships or corporations. See §§ 25.6011–1, 25.6075–1, and 25.6091–1 for the form on which the return shall be made, and for the time and place for filing. The filing of only one copy of the gift tax return is required.

(b) *Deceased donor.* If the donor dies before filing his return, the executor of his will or the administrator of his estate shall file the return. If the donor becomes legally incompetent before filing his return, his guardian or committee shall file the return.

(c) *Ratification of return.* The return shall not be made by an agent unless by reason of illness, absence, or nonresidence, the person liable for the return is unable to make it within the time prescribed. Mere convenience is not sufficient reason for authorizing an agent to make the return. If by reason of illness, absence or nonresidence, a return is made by an agent, the return must be ratified by the donor or other person liable for its filing within a reasonable time after such person becomes able to do so. If the return filed by the agent is not so ratified, it will not be considered the return required by the statute. Supplemental data may be submitted at the time of ratification. The ratification may be in the form of a statement, executed under the penalties of perjury and filed with the district director, showing specifically that the return made by the agent has been carefully examined and that the person signing ratifies the return as the donor's. If a return is signed by an agent, a statement fully explaining the inability of the donor must accompany the return.

§ 25.6019–2 *Returns required in case of consent under section 2513.* Except as otherwise provided in this section, the provisions of § 25.6019–1 are applicable with respect to the filing of a gift tax return or returns in the case of a husband and wife who consent (see § 25.2513–1) to the application of section 2513. In such cases, if both of the consenting spouses are (without regard to the provisions of section 2513) required under the provisions of § 25.6019–1 to file returns, returns must be filed by both spouses. If only one of the consenting spouses is (without regard to the provisions of section 2513) required under § 25.6019–1 to file a return, a return must be filed by that spouse. In the latter case, if after giving effect to the provisions of section 2513 the other spouse is considered to have made any gift (regardless of value) of a future interest in property or any gift or gifts to any one third-party donee exceeding $3,000 in value, then a return must also be filed by such other spouse. Thus, if during any calendar year the husband made a gift of $5,000 to a son (the gift not being a future interest in property) and the wife made no gifts, only the husband is required to file a return for such year. However, if the wife had made a gift of $2,000 to the same son, or if the gift made by the husband had amounted to $7,000, each spouse would be required to file a return if the consent is signified as provided in section 2513.

§ 25.6019–3 *Contents of return*—(a) *In general.* The return shall set forth: (1) each gift made during the calendar year which under sections 2511 through 2515 is to be included in computing taxable gifts; (2) the deductions claimed

and allowable under sections 2521 through 2524; and (3) the taxable gifts made for each of the preceding calendar years (see § 25.2504–1). In addition the return shall set forth the fair market value of all gifts not made in money, including gifts resulting from sales and exchanges of property made for less than full and adequate consideration in money or money's worth, giving, as of the date of the sale or exchange, both the fair market value of the property sold or exchanged and that of the consideration received by the donor. If a donor contends that his retained power over property is of such nature as to render the gift incomplete (see § 25.2511–2) and hence not subject to tax as of the calendar year of the initial transfer, the transaction should be disclosed in the return for the calendar year of the initial transfer and evidence showing all relevant facts, including a copy of the instrument of transfer, should be submitted with the return. The instructions printed on the return should be carefully followed. All documents and vouchers used in preparing the return should be retained by the donor so as to be available for inspection by representatives of the Internal Revenue Service whenever required. A certified or verified copy of each document required by the instructions printed on the return form, or any documents the donor may desire to submit, should be filed with the return.

(b) *Disclosure of transfers coming within provisions of section 2516.* Section 2516 provides that certain written agreements between husband and wife relative to their marital and property rights are deemed to be for full and adequate consideration in money or money's worth if divorce occurs within two years. In any case where a husband and wife enter into a written agreement of the type contemplated by section 2516, and the final decree of divorce is not granted on or before the due date (see § 25.6075–1 (b)) for the filing of a gift tax return for the calendar year in which the agreement became effective, the transfer shall be disclosed by the transferor upon a gift tax return filed for the calendar year in which the agreement became effective and a copy of the agreement shall be attached to the return. In addition, a certified copy of the divorce decree shall be furnished the district director not later than 60 days after the divorce is granted. Pending receipt of evidence that the final decree of divorce has been granted (but in no event for a period of more than two years from the effective date of the agreement), the transfer will tentatively be treated as one made for full and adequate consideration in money or money's worth.

§ 25.6019–4 *Description of property listed on return.* In listing upon the return the property comprising the gifts made during the calendar year, the description of it should be such that the property may be readily identified. Thus, there should be given for each parcel of real estate a legal description, its area, a short statement of the character of any improvements, and if located in a city, the name of street and number. Description of bonds should include the number transferred, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number where there is more than one issue, and the principal exchange upon which listed, or the principal buisness office of the corporation, if unlisted. Description of stocks should include number of shares, whether common or preferred, and, if preferred, what issue thereof, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office, the State in which incorporated and the date of incorporation, or if the stock is listed, the principal exchange upon which sold. Description of notes should include name of maker, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, and date to which interest has been paid. If the gift of property includes accrued income thereon to the date of the gift, the amount of such accrued income should be separately set forth. Description of the seller's interest in land contracts transferred should include name of buyer, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal, interest rate and date prior to gift to which interest has been paid. Description of life insurance policies should show the name of the insurer and the number of the policy. In describing an annuity, the name and address of the issuing company should be given, or, if payable out of a trust or other fund, such a description as will fully identify the trust or fund. If the annuity is payable for a term of years, the duration of the term and the date on which it began should be given, and if payable for the life of any person, the date of birth of that person should be stated. Judgments should be described by giving the title of the cause and the name of the court in which rendered, date of judgment, name and address of judgment debtor, amount of judgment, rate of interest to which subject, and by stating whether any payments have been made thereon, and, if so, when and in what amounts.

§ 25.6061 *Statutory provisions; signing of returns and other documents.*

SEC. 6061. *Signing of returns and other documents.* Except as otherwise provided by sections 6062 and 6063, any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be signed in accordance with forms or regulations prescribed by the Secretary or his delegate.

§ 25.6061–1 *Signing of returns and other documents.* For regulations with respect to the signing of returns and other documents, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.6065 *Statutory provisions; verification of returns.*

SEC. 6065. *Verification of returns*—(a) *Penalties of perjury.* Except as otherwise provided by the Secretary or his delegate, any return, declaration, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall contain or be verified by a written declaration that it is made under the penalties of perjury.

(b) *Oath.* The Secretary or his delegate may by regulations require that any return, statement, or other document required to be made under any provision of the internal revenue laws or regulations shall be verified by an oath. This subsection shall not apply to returns and declarations with respect to income taxes made by individuals.

§ 25.6065–1 *Verification of returns.* For regulations with respect to the verification of returns, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.6071 *Statutory provisions; time for filing returns and other documents.*

SEC. 6071. *Time for filing returns and other documents*—(a) *General rule.* Where not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the time for filing any return, statement, or other document required by this title or by regulations.

§ 25.6071–1 *Time for filing donor's and trustee's information return of gifts.* The information return required by § 25.6001–2 shall be filed on or before the 15th day of April following the close of the calendar year in which the transfer was made. See § 25.6011–1 for the form on which the information return shall be made, and § 25.6091–1 for the place for filing.

§ 25.6075 *Statutory provisions; time for filing gift tax returns.*

SEC. 6075. *Time for filing • • • gift tax returns.*

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(b) *Gift tax returns.* Returns made under section 6019 (relating to gift taxes) shall be filed on or before the 15th day of April following the close of the calendar year.

§ 25.6075–1 *Time for filing gift tax returns*—(a) *In general.* Gift tax returns required by section 6019 must be filed on or before the 15th day of April following the close of the calendar year in which gifts are made, unless an extension of time is granted pursuant to the provisions of section 6081, and except as otherwise provided in paragraph (b) of this section. However, for provisions relating to postponement of the time for filing the gift tax returns by reason of an individual serving in, or in support of, the Armed Forces of the United States in a combat zone, see section 7508.

(b) *Due date of return.* The due date is the date on or before which a return is required to be filed (see paragraph (a) of this section). However, when the due date falls on a Saturday, Sunday, or a legal holiday, the due date shall be the next day succeeding which is not a Saturday, Sunday, or a legal holiday. For definition of a legal holiday see § 301.7503–1 of the Procedure and Administration Regulations (Part 301 of this chapter). If the return is placed in the mails, it should be posted in ample time to reach the office of the district director under ordinary handling of the mails, on or before the date on which the return is required to be filed. If a return is made and placed in the mails in due course, properly addressed and postage paid, in ample time to reach the office of the district director on or before the due date, no penalty will attach should the return not actually be received by the district director until after that date. If a question may be raised as to whether the return was posted in ample time to reach the office of the district director on or before the due date, the envelope in which the return was transmitted will be preserved by the district director and attached to the return. As to additions to the tax in the case of failure to file a return within the prescribed time, see section 6651.

§ 25.6081 *Statutory provisions; extension of time for filing returns.*

SEC. 6081. *Extension of time for filing returns*—(a) *General rule.* The Secretary or his delegate may grant a reasonable extension of time for filing any return, declaration, statement, or other document required by this title or by regulations. Except in the case of taxpayers who are abroad, no such extension shall be for more than 6 months.

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(c) *Postponement by reason of war.* For time for performing certain acts postponed by reason of war, see section 7508.

§ 25.6081–1 *Extension of time for filing returns.* It is important that the donor file on or before the due date a return as nearly complete and final as it is possible for him to prepare. However, the district director is authorized to grant a reasonable extension of time for filing returns. Applications for extensions of time for filing gift tax returns should be addressed to the district director of internal revenue for the internal revenue district in which the donor files his returns and must contain a full recital of the causes for delay. Except in the case of donors who are abroad, no extension for filing returns may be granted for more than 6 months. An extension of time for filing a return does not operate to extend the time for payment of the tax or any part thereof, unless so specified in the extension. For extensions of time for payment of tax, see § 25.6161–1. No extension of time for filing a return may be granted unless the application is received by the district director before the expiration of the time within which the return otherwise must be filed. The application should, when possible, be made sufficiently early to permit the district director to consider the matter and reply before what otherwise would be the due date of the return.

§ 25.6091 *Statutory provisions; place for filing returns or other documents.*

SEC. 6091. *Place for filing returns or other documents*—(a) *General rule.* When not otherwise provided for by this title, the Secretary or his delegate shall by regulations prescribe the place for the filing of any return, declaration, statement, or other document, or copies thereof, required by this title or by regulations.

(b) *Tax returns.* In the case of returns of tax required under authority of part II of this subchapter—

(1) *Individuals.* Returns (other than corporation returns) shall be made to the Secretary or his delegate in the internal revenue district in which is located the legal residence or principal place of business of the person making the return, or, if he has no legal residence or principal place of business in any internal revenue district, then at such place as the Secretary or his delegate may by regulations prescribe.

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§ 25.6091–1 *Place for filing returns and other documents.* If the donor is a resident of the United States, the information return required by § 25.6001–2 and the gift tax return required by section 6019 shall be filed with the district director for the internal revenue district in which is located the legal residence of the donor. If the donor is a nonresident (whether a citizen or not a citizen), the information return and the gift tax return shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C., or with such other official as the Commissioner may designate.

§ 25.6151 *Statutory provisions; time and place for paying tax shown on returns.*

SEC. 6151. *Time and place for paying tax shown on the returns*—(a) *General rule.* Except as otherwise provided in this section, when a return of tax is required under this title or regulations, the person required to make such return shall, without assessment or notice and demand from the Secretary or his delegate, pay such tax to the principal internal revenue officer for the internal revenue district in which the return is required to be filed, and shall pay such tax at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return).

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(c) *Date fixed for payment of tax.* In any case in which a tax is required to be paid on or before a certain date, or within a certain period, any reference in this title to the date fixed for payment of such tax shall be deemed a reference to the last day fixed for such payment (determined without regard to any extension of time for paying the tax).

§ 25.6151–1 *Time and place for paying tax shown on return.* The tax shown on the gift tax return is to be paid by the donor at the time and place fixed for filing the return (determined without regard to any extension of time for filing the return), unless the time for paying the tax is extended in accordance with the provisions of section 6161. However, for provisions relating to certain cases in which the time for paying the gift tax is postponed by reason of an individual serving in, or in support of, the Armed Forces of the United States in a combat zone, see section 7508. For provisions relating to the time and place for filing the return, see §§ 25.6075–1 and 25.6091–1. For provisions relating to payment of the tax by check or money order, see § 25.6311–1.

§ 25.6161 *Statutory provisions; extension of time for paying tax.*

SEC. 6161. *Extension of time for paying tax*—(a) *Amount determined by taxpayer on return*—(1) *General rule.* The Secretary or his delegate, except as otherwise provided in this title, may extend the time for payment of the amount of the tax shown, or required to be shown, on any return or declaration required under authority of this title (or any installment thereof), for a reasonable period not to exceed 6 months from the date fixed for payment thereof. Such extension may exceed 6 months in the case of a taxpayer who is abroad.

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(b) *Amount determined as deficiency.* Under regulations prescribed by the Secretary or his delegate, the Secretary or his delegate may extend, to the extent provided below, the time for payment of the amount determined as a deficiency:

(1) In the case of a tax imposed by chapter 1 or 12, for a period not to exceed 18 months from the date fixed for payment of the deficiency, and, in exceptional cases, for a further period not to exceed 12 months;

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An extension under this subsection may be granted only where it is shown to the satisfaction of the Secretary or his delegate that the payment of a deficiency upon the date fixed for the payment thereof will result in undue hardship to the taxpayer in the case of a tax imposed by chapter 1, to the estate in the case of a tax imposed by chapter 11, or to the donor in the case of a tax imposed by chapter 12. No extension shall be granted if the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax.

§ 25.6161–1 *Extension of time for paying tax shown on return*—(a) *In general.* If it is shown to the satisfaction of the district director that the payment of all or any part of the amount determined as the tax by the donor upon the due date will result in undue hardship to the donor, the district director, at the written request of the donor, may grant an extension of time for the payment of all or any part of the tax. The period of the extension shall not exceed 6 months from the date fixed for payment thereof except in the case of a donor who is abroad. The granting of an extension of time for paying the tax does not relieve the donor from the duty of filing the return on or before the date provided in § 25.6075–1, nor will it operate to prevent the running of interest. The granting of an extension of time for the payment of part of the tax does not extend the time for the payment of the balance of the tax. Nor does an extension of time for filing a return operate to extend the time for payment of all or any part of the tax unless so specified in the extension. The amount for which an extension has been granted (together with interest thereon as provided in section 6601), shall be paid on or before the expiration of the period of extension without the necessity of notice and demand being made by the district director.

(b) *Definition of undue hardship.* An extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the donor. It must appear that substantial financial loss, for example due to the sale of property at a sacrifice price, will result to the donor from making payment of the amount at the due date. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in an undue hardship.

(c) *Application for extension.* An application for an extension of time for the payment of all or any part of gift tax shown, or required to be shown on the return must be accompanied or supported by evidence showing the undue hardship that would result to the donor if the extension were refused. A statement, executed under the penalties of perjury, showing the assets and liabilities

of the donor, together with a record of all receipts and disbursements for each of the three months immediately preceding the month in which falls the date prescribed for the payment of the tax, is required and should accompany the application. The application, with the supporting information, must be filed with the district director on or before the date prescribed for payment of the tax and, upon its receipt, the application will be examined by the district director and, if possible, within 30 days, will be denied, granted, or tentatively granted subject to certain conditions of which the donor will be notified. The district director will not consider an application for such an extension unless the application is received by him on or before the due date. If an additional extension is desired by the donor, request must be made to the district director on or before the expiration of the prior extension granted.

(d) *Condition.* As a condition to the granting of such an extension the taxpayer will usually be required by the district director to furnish a bond as provided in section 6165 and the regulations thereunder, or to furnish such other security as is permitted by section 7101 and the regulations thereunder.

§ 25.6165 *Statutory provisions; bonds where time to pay tax or deficiency has been extended.*

SEC. 6165. *Bonds where time to pay tax or deficiency has been extended.* In the event the Secretary or his delegate grants any extension of time within which to pay any tax or any deficiency therein, the Secretary or his delegate may require the taxpayer to furnish a bond in such amount (not exceeding double the amount with respect to which the extension is granted) conditioned upon the payment of the amount extended in accordance with the terms of such extension.

§ 25.6165–1 *Bonds where time to pay tax or deficiency has been extended.* For general provisions relating to bonds when extensions of time to pay the gift tax are granted, see the regulations under sections 6165 and 7101 contained in the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.6311 *Statutory provisions; payment by check or money order.*

SEC. 6311. *Payment by check or money order*—(a) *Authority to receive.* It shall be lawful for the Secretary or his delegate to receive for internal revenue taxes, or in payment for internal revenue stamps, checks or money orders, to the extent and under the conditions provided in regulations prescribed by the Secretary or his delegate.

(b) *Check or money order unpaid*—(1) *Ultimate liability.* If a check or money order so received is not duly paid, the person by whom such check or money order has been tendered shall remain liable for the payment of the tax or for the stamps, and for all legal penalties and additions, to the same extent as if such check or money order had not been tendered.

(2) *Liability of banks and others.* If any certified, treasurer's, or cashier's check or any money order so received is not duly paid, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of the bank or trust company on which drawn or for the amount of such money order upon all the assets of the issuer thereof; and such amount shall be paid out of such assets in preference to any other claims whatsoever against such bank or issuer except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

§ 25.6311–1 *Payment by check or money order.* District directors may accept checks drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or money orders in payment of the tax, provided the checks are collectible in United States currency at par. For complete regulations under this section, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.6313 *Statutory provisions; fractional parts of a cent.*

SEC. 6313. *Fractional parts of a cent.* In the payment of any tax imposed by this title not payable by stamp, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

§ 25.6313–1 *Fractional parts of a cent.* For regulations concerning fractional parts of a cent, see § 301.6313–1 of the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.6601 *Statutory provisions; interest on underpayment, nonpayment; or extensions of time for payment of tax.*

SEC. 6601. *Interest on underpayment, nonpayment, or extensions of time for payment of tax*—(a) *General rule.* If any amount of tax imposed by this title (whether required to be shown on a return, or to be paid by stamp or by some other method) is not paid on or before the last date prescribed for payment, interest on such amount at the rate of 6 percent per annum shall be paid for the period from such last date to the date paid.

§ 25.6601–1 *Interest on underpayment, nonpayment, or extensions of time for payment of tax.* For regulations concerning interest, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.7101 *Statutory provisions; form of bonds.*

SEC. 7101. *Form of bonds.* Whenever, pursuant to the provisions of this title (other than sections 7485 and 6803 (a) (1)), or rules or regulations prescribed under authority of this title, a person is required to furnish a bond or security—

(1) *General rule.* Such bond or security shall be in such form and with such surety or sureties as may be prescribed by regulations issued by the Secretary or his delegate.

(2) *United States bonds and notes in lieu of surety bonds.* The person required to furnish such bond or security may, in lieu thereof, deposit bonds or notes of the United States as provided in 6 U. S. C. 15.

§ 25.7101–1 *Form of bonds.* For general provisions relating to bonds, see the regulations under sections 6165 and 7101 contained in the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.7701 *Statutory provisions; definitions.*

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, association, company or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies and insurance companies.

(4) *Domestic.* The term "domestic" when applied to a corporation or partnership means created or organized in the United States or under the law of the United States or of any State or Territory.

(5) *Foreign.* The term "foreign" when applied to a corporation or partnership means a corporation or partnership which is not domestic.

(6) *Fiduciary.* The term "fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any person acting in any fiduciary capacity for any person.

(7) *Stock.* The term "stock" includes shares in an association, joint-stock company, or insurance company.

(8) *Shareholder.* The term "shareholder" includes a member in an association, joint-stock company, or insurance company.

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The term "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Delegate.* The term "Secretary or his delegate" means the Secretary of the Treasury, or any officer, employee, or agency of the Treasury Department duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform the function mentioned or described in the context, and the term "or his delegate" when used in connection with any other official of the United States shall be similarly construed.

(13) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to any internal revenue tax.

(15) *Military or naval forces and Armed Forces of the United States.* The term "military or naval forces of the United States" and the term "Armed Forces of the United States" each includes all regular and reserve components of the uniformed services which are subject to the jurisdiction of the Secretary of Defense, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force, and each term also includes the Coast Guard. The members of such forces include commissioned officers and personnel below the grade of commissioned officers in such forces.

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(26) *Trade or business.* The term "trade or business" includes the performance of the functions of a public office.

(27) *Tax Court.* The term "Tax Court" means the Tax Court of the United States.

(28) *Other terms.* Any term used in this subtitle with respect to the application of or in connection with, the provisions of any other subtitle of this title shall have the same meaning as in such provisions.

(29) *Internal Revenue Code.* The term "Internal Revenue Code of 1954" means this title, and the term "Internal Revenue Code of 1939" means the Internal Revenue Code enacted February 10, 1939, as amended.

(b) *Includes and including.* The terms "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

(c) *Commonwealth of Puerto Rico.* Where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, references in this title to possessions of the United States shall be treated as also referring to the Commonwealth of Puerto Rico.

(d) *Cross references*—(1) *Other definitions.* For other definitions, see the following sections of Title 1 of the United States Code:

(1) Singular as including plural, section 1.
(2) Plural as including singular, section 1.
(3) Masculine as including feminine, section 1.
(4) Officer, section 1.
(5) Oath as including affirmation, section 1.
(6) County as including parish, section 2.
(7) Vessel as including all means of water transportation, section 3.
(8) Vehicle as including all means of land transportation, section 4.
(9) Company or association as including successors and assigns, section 5.

(2) *Effect of cross references.* For effect of cross references in this title, see section 7806 (a).

§ 25.7701–1 *Definitions.* For regulations concerning definitions, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.7805 *Statutory provisions; rules and regulations.*

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

(c) *Preparation and distribution of regulations, forms, stamps, and other matters.* The Secretary or his delegate shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue.

§ 25.7805–1 *Rules and regulations.* For regulations concerning rules and regulations, see the Regulations on Procedure and Administration (Part 301 of this chapter).

§ 25.7806 *Statutory provisions; construction of title.*

SEC. 7806. *Construction of title*—(a) *Cross references.* The cross references in this title to other portions of the title, or other provisions of law, where the word "see" is used, are made only for convenience, and shall be given no legal effect.

(b) *Arrangement and classification.* No inference, implication, or presumption of legislative construction shall be drawn or made by reason of the location or grouping of any particular section or provision or portion of this title, nor shall any table of contents, table of cross references, or similar outline, analysis, or descriptive matter relating to the contents of this title be given any legal effect. The preceding sentence also applies to the sidenotes and ancillary tables contained in the various prints of this Act before its enactment into law.

§ 25.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title. * * *

(2) *Subtitle B.* * * *

(B) Chapter 12 of this title shall apply with respect to the calendar year 1955 and all calendar years thereafter, and with respect to such years chapter 4 of the Internal Revenue Code of 1939 is hereby repealed.

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(6) *Subtitle F*—(A) *General rule.* The provisions of subtitle F shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

[F. R. Doc. 57–2; Filed, Jan. 2, 1957; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCES FOR RESIDUES OF INORGANIC BROMIDES IN OR ON CERTAIN RAW AGRICULTURAL COMMODITIES AFTER FUMIGATION WITH ETHYLENE DIBROMIDE

On September 22, 1956, an order was published in the FEDERAL REGISTER (21 F. R. 6045) which established tolerances of 10 parts per million for residues of inorganic bromides (calculated as Br) in or on the following commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melon (Mormodica charantia), Cavendish bananas, citrus fruits, cucumbers, guavas, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

The U. S. Department of Agriculture has requested that action be taken to permit the use of ethylene dibromide as a fumigant on cantaloups and litchi nuts.

The U. S. Department of Agriculture states that the residues from the use of ethylene dibromide in the Mediterranean Fruit Fly Control Program or the Quarantine Program do not exceed 10 parts per million of inorganic bromide. These residues on the crops involved will not constitute a hazard to man.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b) and (e), 68 Stat. 511; 21 U. S. C. 346a (b) and (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 20.129 (a)), it is proposed by the Commissioner of Food and Drugs, on his own initiative, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.146; 21 F. R. 5620, 7212) be amended by changing § 120.146 (b) to read as follows:

§ 120.146 *Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide.* * * *

(b) Tolerances of 10 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities that have been fumigated with ethylene dibromide in accordance with the Mediterranean Fruit Fly Control Program or the Quarantine Program of the U. S. Department of Agriculture: Beans (string), bitter melon (Momordica charantia), cantaloups, Cavendish bananas, citrus fruits, cucumbers, guavas, litchi nuts, mangoes, papayas, peppers (bell), pineapples, zucchini squash.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ethylene dibromide, may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: December 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–21; Filed, Jan. 2, 1957; 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE CONCERNING PETITION FOR ESTABLISHMENT OF EXEMPTION FROM THE REQUIREMENT OF TOLERANCES FOR RESIDUES OF DIPHENYL

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition was filed by Crown Zellerbach Corporation, 343 Sansome Street, San Francisco 19, California, proposing that the pesticide chemical diphenyl (biphenyl) be exempted from the requirement of a tolerance when it is applied as a postharvest treatment to grapefruit, lemons, and oranges. The notice of filing, which included references and descriptions of the analytical methods proposed in the petition for determining residues of diphenyl, appeared in the FEDERAL REGISTER of July 6, 1956 (21 F. R. 5016).

On July 26, 1956, an order appeared in the FEDERAL REGISTER (21 F. R. 5619) establishing a tolerance of 110 parts per million for residues of diphenyl in or on grapefruit, lemons, and oranges. The order stated that the method of applying diphenyl to citrus has undergone material changes in recent years and that the petition did not show what residues of diphenyl will occur in citrus treated by methods other than the one proposed in the petition.

It was concluded to be in the interest of public health to provide tolerances of 110 parts per million for postharvest use of diphenyl on grapefruit, lemons, and oranges rather than an exemption.

After the order was published but within the time limit specified in section 408 (d) (3) of the Federal Food, Drug, and Cosmetic Act, the petitioner requested that an advisory committee be appointed to consider the petition for an exemption and make recommendations to the Commissioner. The petitioner also requested a public hearing to take evidence on the objection to the establishment of the tolerances in lieu of the exemption.

The National Academy of Sciences was requested to appoint an advisory committee and the petitioner was notified that the action on the public hearing would be deferred until the report from the advisory committee had been received. Before the advisory committee could be activated, the petitioner requested that activation be withheld and submitted a substantive amendment consisting of data on residues from additional methods of application of diphenyl to grapefruit, lemons, and oranges. Following consideration of this substantive amendment, the Commissioner will publish an order acting upon the renewed request for an exemption from the requirement of tolerances which accompanied the substantive amendment.

Dated: December 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-22; Filed, Jan. 2, 1957; 8:49 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF MANEB

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Inc., Wilmington, Delaware, proposing the establishment of a tolerance of 7 parts per million for residues of maneb (manganese ethylenebisdithiocarbamate) in or on apricots.

The analytical method proposed in the petition for determining residues of maneb is the method described in "Analysis of Manganese Ethylenebisdithiocarbamate Compositions and Residues," by W. K. Lowen, published in the Journal of the Association of Official Agricultural Chemists, Volume 36, pages 484-492, May 1953.

Dated: December 27, 1956.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-23; Filed, Jan. 2, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Bar Order No. SA-1A]

CERTAIN BULGARIAN, HUNGARIAN, AND RUMANIAN DEBTORS

ORDER FIXING BAR DATE FOR FILING DEBT CLAIMS

In accordance with section 208 (b) of the International Claims Settlement Act of 1949, as amended, and by virtue of the authority vested in the Attorney General by said Act and Executive Order No. 10644, March 11, 1957, is hereby fixed as the date after which the filing of debt claims shall be barred in respect of Bulgarian, Hungarian, and Rumanian debtors, any of whose property was first vested in or transferred to the Attorney General on March 12, 1956.

(69 Stat. 562; 22 U. S. C. 1631 et seq.; E. O. 10644, 20 F. R. 2063, 3 CFR, 1955 Supp.)

Executed at Washington, D. C., this 28th day of December 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-28; Filed, Jan. 2, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[70214]

RIVERTON PROJECT, WYOMING

ORDER OF REVOCATION: AMENDMENT

DECEMBER 26, 1956.

The text of Federal Register Document 56-9572 appearing on pages 9196-7 of the issue for November 24, 1956, which follows the words "Acting Assistant Commissioner," is hereby amended to read, "I concur. The records of the Bureau of Land Management will be noted accordingly."

The lands are withdrawn ceded Indian lands and are not subject to appropriation under the public land laws.

[SEAL] EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-6; Filed, Jan. 2, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

STONE FORWARDING CO., INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8181 between Stone Forwarding Company, Inc., Houston, Texas, and H. A. Gogarty, Inc., New York, New York;

(2) Agreement No. 8182 between Stone Forwarding Company, Inc., and T. J. Hanson, Beaumont, Texas; and

(3) Agreement No. 8183 between Stone Forwarding Company, Inc., and W. M. Cook & Company, Inc., New York, New York;

are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: December 28, 1956.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-29; Filed, Jan. 2, 1957; 8:51 a. m.]

Office of the Secretary

LAWRENCE H. ZAHN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Lawrence H. Zahn.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: December 3, 1956.

4. Title of position: Consultant.

5. Name of private employer: CIBA Pharmaceutical Products Inc., Summit, New Jersey.

JOHN F. LUKENS,
Acting Director of Personnel.

DECEMBER 27, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Telephone & Telegraph.
Beech Aircraft Corporation.
Payne Cutlery Company.
Texas Instruments Corporation.
Merck & Company.
CIBA Pharmaceutical Products Inc.
Bank deposits.

Dated: December 19, 1956.

LAWRENCE H. ZAHN.

[F. R. Doc. 57-19; Filed, Jan. 2, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PENNSYLVANIA

SALE OF MINERAL INTERESTS; AREA DESIGNATION

Pursuant to the authority contained in Public Law 760, 81st Congress (64 Stat. 769) the County of Chester in Commonwealth of Pennsylvania, is hereby designated as an area in which mineral interests covered by a single application may be sold for their fair market value.

Done at Washington, D. C., this 28th day of December 1956.

[SEAL] E. L. PETERSON,
Acting Secretary.

[F. R. Doc. 57-37; Filed, Jan. 2, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8229 et al.]

CAPITAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the proposal of Capital Airlines, Inc. to permit excursion fare travel on additional days of the week.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 23, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., December 28, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-30; Filed, Jan. 2, 1957; 8:51 a. m.]

[Docket No. 8404]

RATE OF RETURN LOCAL SERVICE CARRIERS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 29, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner William J. Madden.

Dated at Washington, D. C., December 28, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-31; Filed, Jan. 2, 1957; 8:51 a. m.]

[Docket No. 8412]

PAN AMERICAN WORLD AIRWAYS, INC., AND THE FLYING TIGER LINE, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the joint application of Pan American World Airways, Inc., and The Flying Tiger Line Inc. for an exemption from Section 408 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on January 9, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., December 28, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-33; Filed, Jan. 2, 1957; 8:51 a. m.]

[Docket No. 8430]

CAPITAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of group fares proposed by Capital Airlines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 23, 1957, at 2:00 p. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., December 28, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-32; Filed, Jan. 2, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6719]

GEORGIA POWER AND LIGHT CO. AND FLORIDA POWER CORP.

NOTICE OF APPLICATION

DECEMBER 26, 1956.

Take notice that on December 17, 1956, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Georgia Power and Light Company (hereinafter called "Georgia Light") and Florida Power Corporation (hereinafter called "Florida Power") for sale of facilities, hereinbelow described, to Georgia Power Company (hereinafter called "Georgia Power"). Georgia Light is a corporation organized under the laws of the State of Georgia and doing business in said state with its principal business office at Valdosta, Georgia. Florida Power is a corporation organized under the laws of the State of Florida and doing business in the States of Florida and Georgia, with its principal business office at St. Petersburg, Florida. Georgia Light is a subsidiary of Florida Power. Georgia Light proposes to sell and convey all the assets, properties and business to Georgia Power for cash at and for a base sales price of $8,650,000, plus any increase or minus any decrease between April 30, 1956, and the last day of the first calendar month immediately preceding the closing date of the transaction, in the stated value of the outstanding shares of common stock of Georgia Light, its capital and earned surplus, and the amount of the account payable by Georgia Light to Florida Power subject to such further adjustments as provided in the agreement of sale. Florida Power, as owner of all of the outstanding shares of common stock of Georgia Light, will upon the completion of the transactions, liquidate its investments in Georgia Light by a dissolution of that corporation and the transfer of the proceeds of the sale from Georgia Light will be made to Florida Power. Upon the conclusion of the sale of the assets, properties and business of Georgia Light to Georgia Power, Florida Power will sell to Georgia Power electric energy at varying demands for a period of three years at demand and energy charges corresponding to those now in effect in the wholesale power agreement now existing between Florida Power and Georgia Light. Florida Power will sell and dispose of to Georgia Power that portion of a certain 110 kv. transmission line owned by Florida Power but located in Georgia in the territory served by Georgia Light extending from the Florida-Georgia state line from Jasper, Florida, to Barneyville, Georgia, being 47.46 miles in length comprising the 21.57 mile section from the Florida-Georgia State line to the Pine Grove Substation and

the 25.89 mile long section from the Pine Grove Substation to Barneyville, Georgia. Said transmission line is to be sold for cash, at the original cost thereof less applicable depreciation reserve at the date of transfer.

The assets, properties and business of Georgia Light proposed to be sold to Georgia Power, are utilized in the generation, transmission, distribution and sale of electric energy at wholesale and at retail in 19 counties in South Georgia serving approximately 36,000 customers among the inhabitants of 35 incorporated cities and towns and 14 unincorporated towns and rural communities. Said facilities comprise all of the facilities of Georgia Light.

The properties and facilities are integrated with those of Florida Power and the transmission facilities of Georgia Light and Florida Power are interconnected at six points along the Florida-Georgia boundary line. Upon completion of the sale of such properties and facilities by Georgia Light to Georgia Power, the properties will be interconnected and integrated with the properties and facilities of Florida Power at the same interchange points now in existence between the two applicants or at additional interchange points.

Any person desiring to be heard or make any protest with reference to said application should on or before the 18th day of January 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-7; Filed, January 2, 1957; 8:45 a. m.]

[Docket No. G-9124]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 26, 1956.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on July 11, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act authorizing Applicant to construct and operate certain natural gas facilities and to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate a measuring and regulating station at a point on its existing Blair Nebraska 6-inch branch line located in the SE¼ of Section 12, Twp. 18 N., R. 8 E. near the community of Nickerson, Dodge County, Nebraska. It is proposed to use these facilities for the sale and delivery of natural gas by Applicant to Central Electric & Gas Company (Central) for resale on an interruptible basis to the Gifford Alfalfa Company for use in its alfalfa dehydration plant near Nickerson.

Central will construct, own and operate the necessary pipeline between Applicant's facilities and the alfalfa dehydration plant.

The total estimated cost of the proposed facilities is $3,800, for which Applicant will be reimbursed by Central.

The maximum daily demand of the alfalfa plant is estimated at 700 Mcf and the estimated annual requirements are 2,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure a hearing will be held on January 31, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-8; Filed, Jan. 2, 1957; 8:46 a. m.]

[Docket No. G-9156]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

DECEMBER 26, 1956.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on July 20, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate certain regulating facilities as hereinafter described, subject to the jurisdiction of the Commission, to provide interruptible service to the Albert Lea Co-operative Creamery Association for use in its creamery located in Twin Lakes, Minnesota, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate additional regulating facilities at its existing measuring and regulating station serving the Dairland Co-operative Power Plant at Twin Lakes, Minnesota, located in Section 11, Twp. 101 N., R. 22 W. in Freeborn County, Minnesota.

The metering facilities at the creamery together with the pipeline between the regulating facilities and the creamery will be constructed, owned and operated by Peoples Natural Gas division of Applicant.

The estimated cost of the proposed regulating facilities is $1,000, which will be financed out of funds on hand.

The maximum daily demand of the creamery is estimated at 325 Mcf and the estimated annual requirements are 57,600 Mcf.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, January 31, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-9; Filed, Jan. 2, 1957; 8:46 a. m.]

[Docket No. G-9966, etc.]

NATURAL GAS PIPELINE COMPANY OF AMERICA ET AL.

ORDER MODIFYING AND AMENDING ORDER FOR HEARING AND SPECIFYING PROCEDURE

In the matters of Natural Gas Pipeline Company of America, Docket No. G-9966; Texas Illinois Natural Gas Pipeline Company, Docket No. G-10103; Colorado Interstate Gas Company, Docket No. G-10176; Chicago District Pipeline Company, Docket No. G-10214; Pacific Northwest Pipeline Corporation, Docket No. G-10455.

The Commission, on November 30, 1956, issued its order setting the above-styled proceedings for hearing commencing on January 7, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., and in such order specified the procedure to be followed with respect to the presentation of testimony at the hearing.

The intent of the order issued November 30, 1956, was to require that all testimony relating to the various aspects of the certificate applications be presented orally upon the record at the hearing in question and answer form and that each witness presenting direct testimony would be cross-examined immediately upon the completion of his direct examination. Further, any redirect testimony and cross-examination with respect thereto would be presented immediately thereafter. In short, the foregoing was intended to prescribe only the form in which all testimony of whatever nature was to be presented.

The order then prescribed the sequence for the presentation of testimony, i. e., the order required each applicant to present its evidence with respect to market demands in accordance with the numerical docket designation assigned to its application, prior to the presentation of any testimony relating to other aspects of the same application.

Natural Gas Pipeline Company of America (Natural Gas), Texas Illinois Natural Gas Pipeline Company (Texas Illinois) and Chicago District Pipeline Company (Chicago District), on December 10, 1956, filed with the Commission a letter requesting clarification of the order and a change in the sequence prescribed for the presentation of testimony in the proceedings. In such letter the three applicants named state that the Commission's order issued November 30, 1956, is ambiguous and request clarification thereof. In addition they request the Commission to change the sequence in which the applicants have been directed to present testimony concerning market demands so as to permit Natural Gas, Texas Illinois and Chicago District each to present its testimony with respect to markets prior to the presentation of market testimony by Colorado Interstate Gas Company (Colorado Interstate) and Pacific Northwest Pipeline Corporation (Pacific Northwest). These two companies, Colorado Interstate and Pacific Northwest, have concurred in the request for change in the sequence prescribed for presentation of testimony.

Our order issued November 30, 1956 (specifying procedure), was designed to expedite the hearing in these proceedings, and to enable the Commission, if possible, to reach an early decision upon, as a separate preliminary issue, the issue of exclusiveness between the applications of Natural Gas, Texas Illinois and Chicago District in the areas they serve or propose to serve and the applications of Midwestern Gas Transmission Company (Midwestern), et al. filed in Docket Nos. G-9451, et al.

In connection with the foregoing statement, we desire to point out that the issue of exclusiveness has been raised not only in these proceedings as between Natural Gas, Texas Illinois and Chicago District and Midwestern but also as an issue in other proceedings pending before the Commission as between Midwestern and Northern Natural Gas Company (Northern), et al., Docket Nos. G-2399, et al., and Midwestern and Michigan Wisconsin Pipe Line Company, et al., Docket Nos. G-2327, et al. and Docket No. G-9850. We are cognizant of the great public interest which has been generated and manifested among potential customers located in areas which would be served by the pipeline projects covered by the respective applications referred to above, and among the local and state authorities in the states in which the competitive areas are located. It is our intention, therefore, to set down for hearing at the earliest possible date in appropriate consolidated proceedings the applications of the pipeline companies referred to above in order to consider the competitive or mutually exclusive aspects presented in the light of their relation to the overall determination of the feasibility of each project for which authorization is sought. However, until the Commission is possessed of sufficient information, it cannot determine which proceedings can be appropriately consolidated. We feel that action looking toward increased service to markets presently being served in non-competitive areas should not, where possible, be deferred until after the competitive aspects of the respective applications can be considered and determined.

In accordance with the foregoing we will amend our order for hearing and specifying procedure issued November 30, 1956 as hereinafter indicated.

The Commission finds:

It is appropriate and in the public interest under the provisions of the Natural Gas Act to clarify and amend the Commission's order issued in these proceedings on November 30, 1956, and to provide that the procedure be as hereinafter ordered in the conduct of hearing set to commence on January 7, 1957, in these consolidated proceedings.

The Commission orders:

(A) The procedure at the hearing in the above-styled proceedings in Docket Nos. G-9966, G-10103, G-10176, G-10214 and G-10455 shall be as follows:

(i) All testimony in these proceedings shall be presented orally at the hearing in question and answer form.

(ii) Each witness as he appears to testify concerning a particular aspect of an application shall give his full and complete testimony with respect thereto. "Full and complete testimony" shall include direct testimony, cross-examination, redirect testimony, recross-examination, etc., it being the intent of this order that each witness shall give his full and complete testimony with respect to a particular aspect of an application as he is presented at the hearing.

(iii) In the sequence in which named Natural Gas, Texas Illinois and Chicago District shall present full and complete market testimony prior to the presentation of any testimony relating to other aspects of the applications or other matters or issues involved. The presentation of the market testimony by Natural Gas, Texas Illinois and Chicago District shall be completed prior to the presentation of testimony by any other party to the proceeding.

(iv) Upon completion of the presentation of testimony as required by subparagraph (iii) hereof, other parties to the proceeding shall be afforded an opportunity to present immediately any counter testimony to that presented by the parties referred to in subparagraph (iii) hereof.

(v) Upon the completion of the presentation of counter testimony by other parties to the proceeding, Natural Gas, Texas Illinois and Chicago District shall be afforded an opportunity to present rebuttal testimony.

(vi) Upon completion of the presentation of the testimony as described in subparagraphs (iii), (iv) and (v) hereof the record shall immediately be certified to the Commission for its consideration and decision, as a separate preliminary issue, the issue of exclusiveness of the applications of Midwestern and Natural Gas, Texas Illinois and Chicago District. Opportunity will be afforded all parties to file briefs or for oral argument.

(vii) Pending the determination of the issue as set forth in subparagraph (vi) hereof, the hearing shall proceed for the presentation of full and complete market testimony by Colorado Interstate and Pacific Northwest.

(viii) Upon completion of the presentation of market testimony by Colorado Interstate and Pacific Northwest, in the following sequence full and complete testimony shall be presented by Natural Gas, Texas Illinois, Chicago District, Colorado Interstate and Pacific Northwest with respect to each other aspect of its particular application and other matters and issues involved. Thereupon other parties shall be afforded an opportunity to present counter testimony, and the applicants afforded an opportunity to present rebuttal testimony.

(B) No recess shall be taken during the course of the hearing for the purpose of preparing cross-examination or for preparation of other testimony.

Issued: December 26, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-12; Filed, Jan. 2, 1957; 8:46 a. m.]

[Docket No. G-11640]

CONTINENTAL OIL CO. (OPERATOR) ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Continental Oil Company (Operator) et al. (Continental et al.),[1] on November

[1] In addition to Continental, the following named producers are parties to the rate schedule hereinafter designated: Fred Goodstein, d/b/a Trigood Oil Company, Fred M. Manning Company, Estate of E. E. Brown (The International Trust Company of Denver, Colorado, Executor), Knox Oil Company, Oxford Oil Company, and Wyopark Oil Company.

23, 1956, tendered for filing a proposed change in their presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Proposed Effective Date

Notice of change, undated; Montana-Dakota Utilities Company; Supplement No. 2 to Continental et al., FPC Gas Rate Schedule No. 2; January 1, 1957.

The increased rate proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 26, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-10; Filed, Jan. 2, 1957; 8:46 a. m.]

[Docket No. G-11641]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Phillips Petroleum Company (Phillips) on November 26, 1956, submitted for filing a proposed change in rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following filing which is proposed to become effective on the date shown.

Description; Purchaser; Rate Schedule Designation; and Proposed Effective Date

Notice of change, dated November 21, 1956; Northern Natural Gas Company; Supplement No. 7 to Phillips FPC Gas Rate Schedule No. 24; January 1, 1957.

By order issued January 3, 1955, in Docket G-6621, a prior increase under the same rate schedule was suspended and its use deferred until March 1, 1955, and until made effective in the manner prescribed by the Natural Gas Act. The increase in Docket No. G-6621 was permitted to become effective subject to refund on March 1, 1955, by order issued in that docket.

The proposed increased rate and charge designated above has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 7 to Phillips FPC Gas Rate Schedule No. 24; and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-11; Filed, Jan. 2, 1957; 8:46 a. m.]

FEDERAL RESERVE SYSTEM

FIRST NEW YORK CORP. ET AL.

NOTICE OF APPLICATIONS FILED FOR APPROVAL OF ACTION TO BECOME BANK HOLDING COMPANIES AND ORDER FOR HEARING THEREON

Notice is hereby given that applications have been made to the Board of Governors of the Federal Reserve System, pursuant to section 3 (a) of the Bank Holding Company Act of 1956 (12 U. S. C. 1842), by the following applicants for the prior approval by the Board of the following actions:

First New York Corporation, a Delaware corporation, seeks Board approval of action whereby it would become a bank holding company with respect to each of the following banks: The Metropolitan National Bank, into which would be consolidated The First National City Bank of New York, under the latter name; The First National City Trust Company of New York, into which would be consolidated City Bank Farmers Trust Company; and County Trust National Bank, into which would be consolidated County Trust Company of White Plains, New York;

The First National City Bank of New York seeks Board approval of action whereby it would become a bank holding company with respect to The Metropolitan National Bank, The First National City Trust Company of New York, County Trust National Bank, and International Banking Corporation;

International Banking Corporation seeks Board approval of action whereby it would become a bank holding company with respect to The Metropolitan National Bank, The First National City Trust Company of New York, and County Trust National Bank.

It is proposed that First New York Corporation will operate as a holding company of the three subsidiary national banks, namely, The Metropolitan National Bank, The First National City Trust Company, and County Trust National Bank. It is further proposed that The First National City Bank of New York, City Bank Farmers Trust Company, and County Trust Company will respectively consolidate with these subsidiaries pursuant to the provisions of the national banking laws.

It appearing to the Board of Governors that it is appropriate in the public interest that a hearing be held with respect to these applications:

It is hereby ordered, That, pursuant to section 7 (a) of the Board's Regulation Y (12 CFR 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a public hearing with respect to these applications be held commencing January 24, 1957, at 10 a. m., in Room 1202 of the offices of the Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, D. C., before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the Rules of Practice for Formal Hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The right is reserved to the Board or such hearing examiner to designate any other place for such hearing or any part thereof which may be determined to be necessary or appropriate for the convenience of the parties.

It is further ordered, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

1. The financial history and condition of the companies and the banks concerned;

2. The prospects of said companies and banks;

3. The character of their management;

4. The convenience, needs, and welfare of the communities and the area concerned;

5. Whether or not the effect of such action would be to expand the size or extent of the bank holding companies' system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

It is further ordered, That any person desiring to give testimony in this proceeding should file with the Secretary of the Board on or before January 14, 1957, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

By order of the Board of Governors.

[SEAL] MERRITT SHERMAN,
Assistant Secretary.

DECEMBER 26, 1956.

[F. R. Doc. 56-10628; Filed, Dec. 31, 1956; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 52-28, 54-183]

ELMER E. BAUER ET AL.

SUPPLEMENTAL ORDER APPROVING PROPOSED SETTLEMENTS AND RELEASING JURISDICTION IN CONNECTION THEREWITH

DECEMBER 27, 1956.

In the matter of Elmer E. Bauer, trustee of Pittsburgh Railways Company, debtor, and Philadelphia Company (File No. 52-28); Philadelphia Company (File No. 54-183).

I. Elmer E. Bauer, Trustee of Pittsburgh Railways Company, Debtor ("Railways"), and Philadelphia Company, a registered holding company which owns 50.9 percent of the common stock of Railways, jointly filed a plan and amendments thereto ("Combined Plan") for the reorganization of the Pittsburgh Railways System under Chapter X of the Bankruptcy Act and section 11 (f) of the Public Utility Holding Company Act of 1935 ("Holding Company Act") and for the discharge under section 11 (e) of the Holding Company Act of Philadelphia Company's guarantees affecting securities of the Pittsburgh Railways System.

On March 27, 1950, the Commission entered its order approving the Combined Plan (Holding Company Act Release No. 9759) and in said order the Commission reserved jurisdiction;

(e) To examine and approve settlements of claims arising from the rejection of contracts, agreements or leases between Railways and Philadelphia Company and its subsidiaries;

• • • • •

(g) To entertain such further proceedings, to make such supplemental findings, to take such further action, and to enter such further orders as the Commission may deem necessary or appropriate in these proceedings.

On May 1, 1950, the United States District Court for the Western District of Pennsylvania ("Court") entered orders approving and enforcing the Combined Plan and said Court confirmed such plan by order dated August 31, 1950.

The Combined Plan which was duly consummated as of January 1, 1951, provided, among other things, (a) that the public holders of unguaranteed Pittsburgh Railways System bonds should receive cash and new bonds of the reorganized Railways in an amount in the aggregate equivalent to the principal of said bonds, and 14 percent of the new common stock of the reorganized Railways in settlement of the claims for the unpaid interest on said bonds; and (b) that the public holders of unguaranteed stocks of the Pittsburgh Railways System in the par amount of $4,515,550 should receive the sum of $449,607 in cash and 35.1 percent of the new common stock of the reorganized Railways. Pursuant to the plan, the public holders of the securities of Pittsburgh Railways System received, in the aggregate, 49.1 percent of the new stock and $5,849,500 principal amount of the new bonds of the reorganized Railways and Philadelphia Company received 50.9 percent of the new stock. At the present time the principal amount of outstanding new bonds has been reduced to approximately $3,500,000.

Article V of the Combined Plan provided, as follows:

The New Company will assume executory contracts, agreements and leases of the System which have been or shall be assumed by the Trustees with the express approval of the Court, whether in the form existing at the time of the institution of the reorganization proceedings or as thereafter or hereafter modified by agreement. Where desirable and feasible, the Trustees will negotiate new agreements, subject to approval by the Court, which shall be assumed by the New Company, including agreements with Philadelphia Company and subsidiaries. Claims, if any, arising out of the rejection of executory contracts, agreements and leases shall be heard and determined by the Court.

Order No. 6 of the Court, in aid of final consummation of the Combined Plan, provided as follows:

20. Subject to further order of this Court, the Court reserves jurisdiction to consider the assumption or rejection of all executory contracts not heretofore expressly assumed by the Trustees with the approval of the Court; the continued operation of the New Company pursuant to any contractual arrangement not yet assumed by the Trustees with the approval of this Court shall be without prejudice to the right of the Trustee to petition for assumption or rejection of such contracts or their modification and without prejudice to the power of this Court to approve such assumption, rejections or modifications.

Article VI of the Combined Plan provided that the net proceeds resulting from prosecution by the Trustee of all claims undetermined at the effective date of the Combined Plan shall be paid to Railways. By order dated December 29, 1950, the Court ordered as follows:

10.d. To the extent that any funds remain with the Trustee after payment of or provision for the liabilities set forth in subdivision "b" above, the excess funds shall be delivered by the Trustee to the New Company, and the New Company shall forthwith deposit such excess as an additional sinking fund payment pursuant to Section 5.02 of the Trust Indenture securing the bonds of the New Company, with the provision, however, that the New Company shall not take such additional sinking fund deposit as a credit against any future sinking fund obligations.

II. The Trustee and Philadelphia Company filed with the Commission on December 4, 1956, a Petition for an "Order Approving Proposed Settlement and for Order Releasing Jurisdiction in Connection Therewith" and a "Memorandum in Support of Petition for Order Approving Proposed Settlement". It appears from such Petition, among other things, that executory contracts, agreements or leases outstanding at the time of and following the commencement of the reorganization proceedings were as follows:

(a) An arrangement with Equitable Real Estate Company, a former subsidiary of Philadelphia, whereby a portion of a building at 435 Sixth Avenue, Pittsburgh, Pennsylvania, was occupied by Railways and its former subsidiary, Pittsburgh Motor Coach Company, at an agreed rental;

(b) An arrangement whereby Philadelphia operated certain departments of Railways and its former subsidiary and of other subsidiaries or affiliates of Philadelphia and allocated the cost of operations among them;

(c) The occupancy by Equitable Gas Company, a former subsidiary of Philadelphia, and by Duquesne Light Company, a subsidiary of Philadelphia, at a rental of $775 per month plus taxes of Railways' premises at 6119 Penn Avenue, Pittsburgh, Pennsylvania;

(d) The occupancy by Railways' former subsidiary of the Lexington Avenue Garage as a sub-lessee of Equitable Auto Company, a lessee of Equitable Real Estate Company, both former subsidiaries of Philadelphia;

(e) The maintenance and servicing of the buses of Railways' former subsidiary by Equitable Auto Company, a former subsidiary of Philadelphia;

(f) A contract between Railways and Duquesne Light Company, a subsidiary of Philadelphia for the use of power by Railways;

(g) Other matters of inter-company relationships between Railways' system and Philadelphia and its subsidiaries prior to and during the reorganization.

III. The Petition referred to in II above also discloses that from the date of the death of the former Trustee of Railways, Thomas M. Benner, on April 19, 1943, to the appointment of Elmer E. Bauer on May 10, 1949, as his successor, W. D. George, now deceased, acted as the sole Trustee; that on June 7, 1948, the Commission filed with the Court a petition for the removal of George as Trustee; that hearings on the Commission's petition were held in 1948 and 1949 before a Referee in Bankruptcy as Special Master; that George resigned as Trustee on May 31, 1949, and died on March 2, 1953; that in May 1953 Bauer filed his

[1] Commissioner Digby dissenting.

final accounts as Trustee including therein those of George for the year 1948 and the first five months of 1949; that in June 1953 the Commission filed, with the Court, Objections and Exceptions to the aforesaid accounts of George by reason of his affiliations with certain banks, deposits of idle funds, the financing of purchases of equipment, buses and street cars, the leasing of garages, and other dealings alleged to be unauthorized; that the executors, heirs and legatees under the will of George ("George Estate") filed, with the Court, a motion to strike or dismiss the aforesaid Objections and Exceptions of the Commission which motion was denied and thereafter extensive hearings were held on the aforesaid Objections and Exceptions; that upon conclusion of the Commission's case counsel for the George Estate moved for the right to examine all records of the Commission relating to Railways' reorganization, which motion was granted; that the Commission appealed to the United States Court of Appeals for the Third Circuit; that subsequently counsel for the George Estate and counsel for the Commission entered into a stipulation providing for examination of the Commission's records and discontinuance of the appeal; that following examination of the Commission's records, counsel for the George Estate filed requests for admissions and requested the production of many documents from the Commission's files, all of which documents have been marked for identification at a special pretrial hearing; that in the three years which have elapsed since the filing of the George accounts extensive proceedings have been held in connection with the Commission's Objections and Exceptions to such accounts; and that in the judgment of the petitioner, Bauer, the conflict between the positions asserted by counsel for the Commission and counsel for the George Estate, if litigation is to continue, could be resolved only by the Supreme Court of the United States with consequent further delay and great financial expense to the reorganization estate and other interested parties.

IV. It appears from the aforesaid joint petition of Bauer and Philadelphia Company that the Trustee and his counsel, the Staff of the Commission, and counsel for Philadelphia Company have had numerous conferences, jointly and severally, relating to the assumption or rejection of the executory contracts, agreements or leases referred to in II above looking toward a possible compromise to the mutual advantage of the reorganization estate, Philadelphia Company and the public interest.

It further appears from the aforesaid joint petition that counsel for the Trustee and counsel for Philadelphia Company have reached a compromise, subject to approval by the Commission and the Court, as set forth in the following excerpt from a letter from counsel for Philadelphia Company to counsel for the Trustee:

This letter will confirm the result of our recent conversations in which you, on behalf of the Trustee, and I on behalf of Philadelphia Company, have agreed to the following:

Philadelphia Company is to be discharged from any and all liabilities of it and its former parents or subsidiaries with respect to the debtors, estates and proceedings, in Case No. 20225, for reorganization of Pittsburgh Railways Company, and the proceedings to enforce a plan, pursuant to the Public Utility Holding Company Act of 1953 (Civil Action No. 8676), now pending in your District Court, upon payment to the reorganization trustee, in Case No. 20225, of the sum of $20,000.00. Philadelphia Company, in accordance with this settlement, will waive any and all rights it has to any of the funds in the hands of the trustee, or which may come into possession of the trustee by virtue of this settlement or by virtue of any matter affecting the estate of W. D. George.

It further appears from the aforesaid joint petition that the Trustee, Bauer, represents that to terminate the controversy regarding the final accounts of George and to expedite the final closing of Railways' reorganization proceedings which have lasted for more than eighteen years, he and his counsel sought to induce a compromise with the George Estate; that after conferences among and between counsel for the Trustee, counsel for the Commission, and counsel for the George Estate an agreement has been reached between the Trustee and the George Estate whereby the latter has agreed to pay $25,000 to the Trustee in full settlement of all claims against the estate: *Provided, however,* That such payment is without admission of any legal liability on the part of the George Estate and that such settlement is without any adverse reflection upon the integrity or good faith of George or upon the spirit of public service and good faith of the Commission and its Staff. The George Estate has also agreed not to assert any claims against Railways' estate for costs and expenses in connection with the litigation regarding the George accounts or for compensation for services rendered by George as Trustee for which no compensation has heretofore been allowed.

V. It appears from the aforesaid joint petition that in the event of the approval and consummation of the proposed settlements with Philadelphia Company and the George Estate, petitioner, Bauer, as Trustee, will hold cash in the following approximate amounts:

Commonwealth Trust Co. of Pittsburgh, 2½ percent time account	[1] $53,120
Mellon National Bank & Trust Co., checking account	28,000
George estate settlement	25,000
Philadelphia Company settlement	20,000
Miscellaneous	4,450
Total	130,570

[1] Plus interest from July 1, 1956.

It further appears that petitioners propose that the net proceeds in the hands of the Trustee after deduction of the expenses of reorganization and of such other claims as may be judicially determined to be proper charges will be delivered by the Trustee to Railways for the purpose of distribution to the public holders of Railways' stock and that to accomplish such distribution petitioners will request the Court to make appropriate modification of paragraph 10.d of its order of December 29, 1950, referred to in I above.

Said joint petition having been filed for the purpose of complying with the provisions of section 11 (b) of the Holding Company Act and with the Commission's reservation of jurisdiction under its Order of March 27, 1950, and of settling and compromising all pending litigation and controversies affecting the reorganization of Railways, including the issues with respect to (a) possible claims arising from the rejection of contracts, agreements or leases between Railways and Philadelphia Company and its subsidiaries and with respect to (b) the Commission's Objections and Exceptions to the George accounts; and the Commission deeming it appropriate to consider said petition as being in aid of the consummation of the Combined Plan; and

The Commission having considered the joint petition and the memorandum and exhibits filed in support thereof and finding that the proposed settlements are in aid of the consummation of the Combined Plan and are necessary to effectuate the provisions of section 11 (b) of the Holding Company Act and are feasible and fair and equitable to the persons affected thereby:

It is ordered, Pursuant to sections 11 (e) and 11 (f) and other applicable provisions of the Holding Company Act, that the settlements set forth in the joint petition are approved as in aid of the consummation of the Combined Plan, subject to the conditions specified in Rule U-24 of the General Rules and Regulations promulgated under the Holding Company Act.

It is further ordered, That the jurisdiction heretofore reserved to examine and approve settlements of claims arising from the rejection of contracts, agreements or leases between Railways and Philadelphia Company and its subsidiaries be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-25; Filed, Jan. 2, 1957; 8:50 a. m.]

[File No. 70-3533]

MISSISSIPPI POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSAL TO ISSUE AND SELL TO BANKS SHORT-TERM NOTES

DECEMBER 27, 1956.

Mississippi Power & Light Company ("Mississippi"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed with this Commission a declaration, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal to issue and sell to banks short-term notes as follows:

Pursuant to a credit agreement dated November 15, 1956, Mississippi proposes, during the period beginning January 2, 1957, and extending to January 31, 1958, to borrow an aggregate of not to exceed $9,000,000 from banks as follows:

The Chase Manhattan Bank, New York	$7,500,000
Deposit Guaranty Bank & Trust Co., Jackson, Miss.	1,000,000
First National Bank of Jackson, Jackson, Miss.	500,000
Total	9,000,000

Each borrowing is to be evidenced by a note maturing on or before two years from the date of the first borrowing, which is to be made during the month of January 1957, and is to bear interest at the rate of 4 percent per annum during the period of nine months from the date of the first borrowing, and at the rate of 4¼ percent per annum thereafter to maturity. A commitment fee is to be paid, computed on the average unused portion of the commitment, at the rate of ¼ of 1 percent per annum from the date of the Commission's order permitting the declaration to become effective. The company is to have the right at any time to terminate or reduce the commitment.

The proceeds of the loans will be used to defray a portion of the cost of the company's construction program, presently estimated to result in expenditures of approximately $14,000,000 during the year 1957 and approximately $20,000,000 during the year 1958, and for other corporate purposes. The company states that it expects to refund the notes from the proceeds of the sale of additional bonds in 1958.

The declaration states that no state regulatory body or agency, and no Federal commission or agency, other than this Commission, has jurisdiction over the proposed transactions.

The declaration also states that the fees and expenses to be incurred in connection with the proposed transactions are estimated to be $2,900, including $1,500 of counsel fees; and

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13330, December 7, 1956) promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable; and the Commission observing no basis for adverse findings or the imposition of terms and conditions, and finding in respect of said declaration that the applicable provisions of the act, and of the rules, promulgated thereunder, are satisfied, and deeming it appropriate in the public interest to permit the declaration, as amended, to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and it is hereby, permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-26; Filed, Jan. 2, 1957; 8:50 a. m.]

[File Nos. 70-2945, etc.]

OHIO VALLEY ELECTRIC CORP. ET AL.

ORDER EXTENDING TIME TO AMEND APPLICATIONS AND ORDER POSTPONING HEARING

DECEMBER 27, 1956.

In the matters of Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, American Gas and Electric Company, The Cincinnati Gas & Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, Ohio Edison Company, The West Penn Electric Company, American Gas and Electric Service Corporation, File No. 70-2945; Ohio Valley Electric Corporation, Indiana-Kentucky Electric Corporation, American Gas and Electric Company, Appalachian Electric Power Company, Indiana and Michigan Electric Company, The Ohio Power Company, The West Penn Electric Company, Monongahela Power Company, The Potomac Edison Company, West Penn Power Company, Ohio Edison Company, Pennsylvania Power Company, The Cincinnati Gas and Electric Company, Kentucky Utilities Company, Louisville Gas and Electric Company, File No. 70-3106; Ohio Valley Electric Corporation, American Gas and Electric Company, The West Penn Electric Company, Ohio Edison Company, File No. 70-3513.

On November 19, 1956, the Commission issued an order reopening and consolidating the proceedings in File Nos. 70-2945, 70-3106 and 70-3513 and gave Notice of and Order for hearing to consider matters in the consolidated proceedings over which jurisdiction had heretofore been reserved (Holding Company Act Release No. 13313). These proceedings concern, among other things, the applications of American Gas and Electric Company ("American Gas"), the Cincinnati Gas & Electric Company ("Cincinnati"), Kentucky Utilities Company ("Kentucky"), Louisville Gas and Electric Company ("Louisville"), Ohio Edison Company ("Ohio Edison"), and The West Penn Electric Company ("West Penn Electric"), (hereinafter referred to as the "participating companies"), to acquire the common stock of Ohio Valley Electric Corporation ("Ohio Valley"). Ohio Valley also filed an application to acquire all the common stock of Indiana-Kentucky Electric Corporation ("Indiana-Kentucky"). In its order the Commission specifically directed, "that Ohio Valley and the six participating companies subject to the jurisdiction of this Commission shall file with the Secretary of the Commission on or before December 21, 1956, amendments to their applications setting forth the facts as they now exist with regard to their respective relationships to Ohio Valley and of Ohio Valley to Indiana-Kentucky and with particular reference to the matters to be considered under section 10 of the act."

Ohio Valley and the six participating companies have now filed with the Commission a request to extend the time within which these amendments are required to be filed with the Commission. The request states that it has proved impossible for the companies to assemble all of the required information within the time specified in the order of the Commission and asks that the Commission extend to February 1, 1957, the time within which such amendments shall be filed.

It appearing to the Commission that it will not be detrimental to the public interest for the time to be extended beyond December 21, 1956, in which the amendments to the applications shall be filed; and it also appearing to the Commission that the granting of such an extension requires the postponement of the hearing as originally ordered and the ordering of another date for hearing:

It is hereby ordered, That Ohio Valley and the six participating companies subject to the jurisdiction of this Commission shall file with the Secretary of the Commission on or before February 1, 1957, amendments to their applications setting forth the facts as they now exist with regard to their respective relationships to Ohio Valley and of Ohio Valley to Indiana-Kentucky and with particular references to the matters to be considered under section 10 of the act.

It is further ordered, Pursuant to the applicable provisions of the act that the hearing in the consolidated proceedings as previously ordered be postponed and such hearing be held at the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., on March 18, 1957, at 10:00 a. m., e. s. t. On such date the hearing room clerk in room 193 will advise as to where such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before March 11, 1957, a request relative thereto as provided by Rule XVII of the Commission's Rules of Practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the applications which he desires to controvert.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this notice of and order for hearing by registered mail, not less than 30 days prior to the date fixed therefor, to each of the participating companies, the Atomic Energy Commission, the Federal Power Commission, Public Service Commission of Indiana, Kentucky Public Service Commission, Public Service Commission of Maryland, Michigan Public Service Commission, The Public Utilities Commission of Ohio, Pennsylvania Public Utility Commission, Public Service Commission of West Virginia; and that notice of said hearing is hereby given to the aforesaid and to all states, municipalities, and political subdivisions of states within which are located any of the physical assets of the applicant companies, to all state commissions, state security commissions, and all agencies, authorities or instrumentalities of any state, municipality, or other political subdivision having jurisdiction over any of the applicant companies or any of the

business affairs or operations of any of them, and to all other interested persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the act; and by publication of this Notice and Order in the FEDERAL REGISTER not later than 30 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-27; Filed, Jan. 2, 1957; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

MOTOR CARRIER APPLICATIONS

[Notice No. 145]

DECEMBER 28, 1956.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under section 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 217 (Sub No. 3), filed December 17, 1956, POINT TRANSFER, INC., 1927 Sherrick Road, Canton, Ohio. Applicant's representative: John P. McMahon, 44 East Broad St., Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plant of Euclid Division of General Motors Corporation located approximately 1½ miles south of Hudson, Ohio, on Ohio Highway 91, in connection with applicant's authorized regular route operations between Pittsburgh, Pa., and Akron, Ohio. Applicant is authorized to transport similar commodities in Pennsylvania, Ohio, and West Virginia.

HEARING: January 14, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 2962 (Sub No. 16), filed December 17, 1956, A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind. Applicant's representative: Robert W. Brunow, 1511 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Louisville, Ky., and the plant site of the Clayton & Lambert Manufacturing Company, near Buckner, Ky., from Louisville over U. S. Highway 42 to junction Buckner Road, near Buckner, thence over Buckner Road to the Clayton & Lambert Manufacturing Company plant site, and return over the same route, serving no intermediate points, but serving the off-route point of the above-described plant site in connection with and as an extension of applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, and Tennessee.

NOTE: Duplication with present authority to be eliminated.

HEARING: January 31, 1957, at the Department of Motor Transportation Bldg., State Office Building, Frankfort, Ky., before Joint Board No. 105.

No. MC 30837 (Sub No. 214), filed December 13, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, Kenosha Auto Transport Corporation, P. O. Box 351, 4519 76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Reel trailers, reel winders, reel dollies, tension wire stringers*, and *cable pullers*, set-up and uncrated, and *parts thereof*, when such parts belong to and move with the unit being transported, from Santa Clara, Calif., to points in the United States.

HEARING: February 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 37896 (Sub No. 8), filed December 17, 1956, YOUNGBLOOD TRUCK LINES, INC., Highway 25, Fletcher, N. C. Applicant's representative: Robert W. Brunow, 1511 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Buckner, Ky., and points within three (3) miles of Buckner, on the one hand, and, on the other, Wilmington, N. C., Augusta and Savannah, Ga., Knoxville, Lowland, and Newport, Tenn., points in that part of North Carolina on and west of U. S. Highway 1, points in South Carolina, points in that part of Georgia on and north of a line beginning at the Alabama-Georgia State line and extending along Georgia Highway 20 to junction U. S. Highway 41, thence along U. S. Highway 41 to Atlanta, Ga., thence along U. S. Highway 29 to Athens, Ga., and thence along U. S. Highway 78 to the Georgia-South Carolina State line. Applicant is authorized to conduct operations in Georgia, Kentucky, North Carolina, Ohio, South Carolina, and Tennessee.

HEARING: January 31, 1957, at the Department of Motor Transportation Building, State Office Building, Frankfort, Ky., before Examiner William R. Tyers.

No. MC 65172 (Sub. No. 2), filed December 17, 1956, HERBERT RAY, doing business as RAY'S TRANSFER, R. D. No. 1, Hazelton, Pa. Applicant's representative: Robert H. Griswold, P. O. Box 432, Commerce Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value and commodities requiring special equipment*, but excepting Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, in service auxiliary to, or supplemental of rail service of the Pennsylvania Railroad Company, between Wilkes-Barre, Pa. and Hazleton, Pa. over U. S. Highway 309, serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Pennsylvania.

HEARING: February 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 95540 (Sub No. 282), filed December 10, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, from points in Tennessee, except Memphis, to points in Arizona, California and New Mexico; (2) *Meats, meat products, meat byproducts, dairy products*, and *articles distributed by meat packing houses*, between points in Arizona, California and New Mexico, on the one hand, and, on the other, points in Alabama, Florida, Georgia, North Carolina, South Carolina and Tennessee, except Memphis. Applicant is authorized to transport similar commodities in the States of Alabama, Florida, Tennessee, Illinois, Virginia, Georgia, North Carolina, South Carolina, Pennsylvania, Wisconsin, Iowa, Kentucky, Texas, Mississippi, Michigan, Indiana, New York, New Jersey, Maryland, Nebraska, Ohio, Delaware, Missouri, Minnesota, West Virginia, Arkansas, Oklahoma, Arizona, California, and New Mexico.

HEARING: February 20, 1957, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 102616 (Sub No. 628), filed December 11, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from East Liverpool, Ohio to Youngstown, Ohio. Applicant is authorized to conduct operations in Delaware, Maryland, Michigan, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that it can presently perform the above-described service by tacking Paragraphs 29 and 19 of the authority in MC 102616 (Sub No. 1) certificate at Midland, Pa.

HEARING: February 5, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 103051 (Sub No. 26), filed December 12, 1956, WALKER HAULING CO., INC., 624 Penn Avenue NE., Atlanta 8, Ga. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern Natl. Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn Syrup, liquid sugar* and *blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from Atlanta, Ga., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee.

HEARING: February 25, 1957, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 103341 (Sub No. 4), filed December 14, 1956, JC YOUNGBLOOD VAN & STORAGE CO., INC., 3906 Hamilton Rd., Columbus, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *New store fixtures* and *new hospital equipment*, from Columbus, Ga. and Phenix City, Ala. to points in Louisiana, Texas, Oklahoma, Arkansas, Kansas, Missouri, Indiana, Kentucky, Virginia, West Virginia, Illinois and the District of Columbia; *damaged shipments of new store fixtures and hospital equipment* on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: March 4, 1957, at the Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 106914 (Sub No. 15), filed December 12, 1956, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Ave., Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Ave., Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of Euclid Division of General Motors Corporation, located near Hudson, Ohio, in connection with applicant's authorized operations between Cleveland, Ohio and specified points, in its Certificate MC 106914 dated December 12, 1950. Applicant is authorized to transport similar commodities in Ohio, Pennsylvania, and Michigan.

HEARING: January 14, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 106965 (Sub No. 82), M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., NE., Washington, D. C. Applicant's representative: Dale C. Dillon, Suite 944, Washington Bldg., Washington 5, D. C. *REOPENED FOR FURTHER HEARING:* Issues originally published in the FEDERAL REGISTER issue of October 26, 1955, on page 8060, as follows: For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oil, fish oil products*, and *paint oils and paint vehicles* (consisting of oils which have fish oil or some extract of fish oil as a principal ingredient), in bulk, in tank vehicles, from Baltimore, Md., to points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina, and the District of Columbia.

FURTHER HEARING: February 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 107107 (Sub No. 83), filed December 12, 1956, ALTERMAN TRANSPORT LINES, INC., 2424 N. W. 46th St., P. O. Box 65, Miami 42, Fla. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, meat by-products and dairy products*, as defined by the Commission, from Terre Haute, Ind., to points in Florida. Applicant is authorized to transport similar commodities in Tennessee, Nebraska, Texas, Wisconsin, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Minnesota, Missouri, South Dakota, Pennsylvania, New York, Massachusetts, Virginia, New Jersey, Maryland, Ohio, Delaware, Connecticut, Rhode Island, West Virginia, District of Columbia, North and South Carolina.

HEARING: February 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 110190 (Sub No. 41), filed December 14, 1956, PENN-DIXIE LINES, INC., 2000 S. George St., P. O. Box 42, York, Pa. Applicant's representative: Christian V. Graf, 11 N. Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Pennsylvania to points in Louisiana, Mississippi, and Texas. Applicant is authorized to conduct operations in Pennsylvania, Maryland, Alabama, Georgia, Florida, New Jersey, Mississippi, Louisiana, and Texas.

HEARING: February 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 111897 (Sub No. 1), filed November 6, 1956, W. A. HIX, Commerce, Ga. Applicant's representative: James L. Flemister, Suite 301, Georgia Savings Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in that part of Georgia north of U. S. Highway 80, on the one hand, and, on the other, points in Tennessee, Kentucky, North Carolina, South Carolina, Alabama, Florida, and Georgia.

HEARING: February 11, 1957, at the Peachtree-Seventh Bldg., 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 114019 (Sub No. 9), filed December 7, 1956, THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packing-houses*, as defined by the Commission, between Indianapolis, Ind., and Storm Lake, Iowa, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct contract carrier, regular route operations in Docket No. MC 9685 and subs thereunder in Indiana, Ohio, and Tennessee, and irregular route operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia. Section 210 (dual operations) may be involved.

HEARING: February 13, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 115354 (Sub No. 1) filed December 22, 1956, HERMAN COLUSSY, doing business as COLUSSY ICE COMPANY, 647 Baldwin St., Bridgeville, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Used baking pans for cleaning and reglazing*, between Columbus, Ohio, on the one hand, and, on the other, points in areas in Michigan, Indiana, Kentucky, and Ohio bounded by a line beginning at Detroit, Mich. and extending west along U. S. Highway 112 to Niles, Mich., thence south along U. S. Highway 31 to Louisville, Ky., thence east along U. S. Highway 60 to the Kentucky-Ohio State line, thence east along the Kentucky-Ohio State line to the West Virginia-Ohio State line, thence north along the West Virginia-Ohio State line to the Pennsylvania-Ohio State line, thence north along the Pennsylvania-Ohio State line to Lake Erie, and thence west along the south shore of Lake Erie to point of beginning at Detroit, Mich., including Detroit. Applicant is authorized to transport used baking pans from Bridgeville, Pa. to points in certain areas in New York, Ohio, Pennsylvania, and West Virginia.

HEARING: February 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 115921 (Sub No. 2), filed December 14, 1956, CHEMICAL SALT SERVICE, INC., 64 Waltham Avenue, Springfield, Mass. Applicant's representative: Patrick A. Doyle, Court Square Building, Springfield, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rock salt*, in bulk, and by use of dump trucks, and *rock salt*, in bags and by use of dump trucks, and tractor trailers, from Westfield, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island, and Connecticut. Applicant is authorized to conduct operations in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

HEARING: February 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

MOTOR CARRIERS OF PASSENGERS

No. MC 116344, filed December 10, 1956, ARCHIE L. MILLING, doing business as MOTEL TOURS, 1500 Richmond Highway, Alexandria, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers* and their *baggage*, in the same vehicle with passengers, between points in Virginia located on that portion of U. S. Highway 1 south of Alexandria, beginning at the junction of U. S. Highway 1 and Virginia Highway 630 and extending to Alexandria,, and Arlington National Cemetery, Va., and Washington, D. C., as follows: From points in Virginia on the above-specified portion of U. S. Highway 1, over U. S. Highway 1 to Alexandria, thence over Alternate U. S. 1 to Arlington National Cemetery, Va., thence over Arlington Memorial Bridge to Washington, D. C., and return over Highway Bridge and Alternate U. S. Highway 1 and U. S. Highway 1 to points of origin, serving only the points specified on the above-described route.

NOTE: Applicant states he proposes to pick up tourists at motels on U. S. Highway 1 south of Alexandria, Va., only, bring them to Arlington National Cemetery and the District of Columbia on sightseeing tours, and then return them to their motels in Virginia.

HEARING: February 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 12.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 239 (Sub No. 19), filed November 13, 1956, ECKLAR-MOORE EXPRESS, INC., U. S. 62, Cynthiana, Ky. Applicant's representative: Robert M. Pearce, McClure Bldg., Frankfort, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Lexington, Ky. and Versailles, Ky. over U. S. Highway 60 serving no intermediate points; (2) between Versailles, Ky. and Lawrenceburg, Ky. over U. S. Highway 62, serving no intermediate points. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 30867 (Sub No. 68), filed November 6, 1956, CENTRAL FREIGHT LINES, INC., 303 So. 12th Street, Waco, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over alternate routes, for operating convenience only, (1) between San Marcos, Texas and Caldwell, Texas, from San Marcos over Texas Highway 21 via Bastrop and Lincoln, Texas, to Caldwell, and return over the same route, serving no new or additional points but forming physical connections with existing routes at junction Texas Highway 21 and U. S. Highway 290 and at junction Texas Highway 21 and U. S. Highway 77 and Texas Highway 36; and (2) between Brenham, Texas and Dayton, Texas, from Brenham over Texas Highway 90 to Navasota, Texas, thence over Texas Highway 105 to Cleveland, Texas, thence over Texas Highway 321 to Dayton, and return over the same route, serving no intermediate points, but forming physical connections with existing routes at junction Texas Highways 6, 90 and 105 at Navasota and at junction Texas Highway 105 and U. S. Highway 75 at Conroe. Applicant is authorized to conduct operations in Texas.

NOTE: Applicant states the above service is to be coordinated with that authorized by its present certificates.

No. MC 66562 (Sub No. 1324), filed November 26, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's representative: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Gainesville, Ga., and Commerce, Ga., from Gainesville over U. S. Highway 129 to Jefferson, Ga., thence over Georgia Highway 15 to Commerce, and return over the same route, serving the intermediate point of Jefferson, Ga. Subject to the conditions under Restriction in Certificate No. MC 66562 (Sub No. 1203), set forth below, which existing authority applicant by this application desires to extend by adding the intermediate point of Jefferson, and operating as above applied for in connection with its existing authority between Gainesville and Commerce, Ga. the Certificate in No. MC 66562 (Sub No. 1203) authorizes the following transportation service: *General commodities*, moving in express service, between Gainesville, Ga., and Franklin, N. C., serving the intermediate points of Maysville, Commerce, Demorest, Clarkesville, Tallulah Falls, Clayton, and Dillard, Ga.: From Gainesville over U. S. Highway 23 to junction Georgia Highway 52, thence over Georgia Highway 52 to Maysville, Ga., thence over Georgia Highway 98 to Commerce, Ga., thence over U. S. Highway 441 to junction U. S. Highway 23 (also from junction Georgia Highway 52 and U. S. Highway 23 to junction U. S. Highways 23 and 441, over U. S. Highway 23), thence over combined U. S. Highways 23 and 441 to Franklin, N. C., and return over the same route. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to the motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Such further conditions as the Commission, in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to, or suplemental of, express service.

NOTE: Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1326), filed December 10, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's representative: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, moving in express service, between Springfield, Mass., and Northampton, Mass., from Springfield over U. S. Highway 5 to Northampton, and return over the same route, serving the intermediate point of Holyoke. Applicant is authorized to conduct operations throughout the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6474. Authority sought for purchase by DELAWARE BUS COMPANY, 948 Delaware Trust Bldg., Wilmington, Del., of the operating rights and certain property of SOUTHERN PENNSYLVANIA BUS COMPANY, 1300 Edgmont Avenue, Chester, Pa., and for acquisition by LESTER T. DOYLE, 410 East 57th Street, New York 22, N. Y., of control of such rights and property through the purchase. Applicants' representative: David F. Anderson, 9th and Market Streets, Wilmington, Del. Operating rights sought to be transferred: *Passengers*, as a *common carrier* over regular routes, between Darby, Pa., and the Pennsylvania-Delaware State Line, and between Chester, Pa., and Aniline Village, Del., serving all intermediate points; *passengers and their baggage*, in special operations during the season extending from August 1 to October 31, inclusive, of each year, between Chester, Pa., and the Brandywine Raceway, New Castle County, Del., near Brandywine, Del., serving the intermediate point of Marcus Hook, Pa., and points between Marcus Hook and the said Brandywine Raceway; *passengers and their baggage*, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from points in Delaware County, Pa., to points in New York, New Jersey, Delaware, Maryland, and the District of Columbia, and return; *passengers and their baggage*, in special operations, during the authorized racing seasons of each year, beginning and ending at Chester, Pa., and extending to Atlantic City Race Track, at or near McKee City, N. J., Garden State Park Race Track, in Delaware Township, Camden County, N. J., and Monmouth Park Race Track, at or near Oceanport, N. J. Vendee is authorized to operate as a *common carrier* in Delaware, Maryland, Virginia, Pennsylvania and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6475. Authority sought for purchase by GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho, of a portion of the operating rights and certain property of WILLIAM B. SWIGERT, doing business as CHALLIS TRANSPORTATION CO., & GARAGE, Challis, Idaho, and for aquisition by CLARENCE A. GARRETT, also of Pocatello, and OSCAR W. GARRETT, Chamberlain Street, Idaho Falls, Idaho, of control of such rights and property through the purchase. Applicants' representative: Maurice H. Greene, 300 North 6th Street, Boise, Idaho. Operating rights sought to be transferred: *Commodities in bulk, ore and ore concentrates, coal, and petroleum products*, as a *common carrier*, over irregular routes, between points in Idaho within 75 miles of Challis, Idaho. Vendee is authorized to operate as a *common carrier* in Idaho, Montana, California, Utah, Nevada, Oregon, Colorado, New Mexico, Washington, Arizona, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–17; Filed, Jan. 2, 1957; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 28, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33108: *Rock salt from Ojibway, Ontario, to trunk line territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on rock salt (sodium chloride), carloads from Ojibway, Ontario, Canada, to points in trunk line territory.

Grounds for relief: Circuitous routes.

FSA No. 33109: *Plastics from Illinois to Natchez, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on plastics (synthetic resin), liquid or other than liquid, NOIBN, in carloads from Marshall and Tuscola, Ill., to Natchez, Miss.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 33110: *Slag from Carteret, N. J., to the South.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on granulated slag, in paper bags, carloads from Carteret, N. J., to points in Alabama, Florida, Georgia, Louisiana, and South Carolina.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 33 to Agent C. W. Boin's tariff I. C. C. A–1079.

FSA No. 33111: *Petroleum oil from Oak Point, La., to Falling Rock, W. Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum oil, NOIBN, tank-car loads from Oak Point, La., to Falling Rock, W. Va.

Grounds for relief: Competition with rail carriers and circuity.

Tariff: Supplement 82 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33112: *Phosphatic feed supplements from Houston and Texas City, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on phosphatic feed supplements, viz.: phosphate, di-calcium, feed grade, bone meal, in bulk or in packages, carloads from Houston and Texas City, Tex., to points in Minnesota, North Dakota and South Dakota.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 21 to Agent Kratzmeir's tariff I. C. C. 4076.

FSA No. 33113: *Barite tailings from and to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite tailings, in bulk or in bags, carloads from, to, and between points in southwestern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 92 to Agent Kratzmeir's tariff I. C. C. 4135.

FSA No. 33114: *Iron and steel articles to Channel View, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from points in central, official, southwestern, and western trunk-line territories, also Minnequa, Colo., to Channel View, Tex.

Grounds for relief: Establishment of a new station, rail carrier competition, and grouping.

Tariff: Supplement 87 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 33115: *Crude petrolatum from Texas to Official Territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads from Beaumont-Port Arthur, Tex., district to points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 84 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33116: *Aluminum from Louisiana to Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads from Chalmette and New Orleans, La., to Columbus and Heath, Ohio.

Grounds for relief: Rail carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–4; Filed, Jan. 2, 1957; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 3

Washington, Friday, January 4, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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TITLE 3—THE PRESIDENT

LETTER OF AUGUST 16, 1955

[EMERGENCY FUND FOR INTERNATIONAL AFFAIRS]

[WAIVER OF CERTAIN PROVISIONS OF LAW]

THE WHITE HOUSE,
Washington, August 16, 1955.

DEAR MR. STREIBERT:

The Supplemental Appropriation Act, 1956, appropriated $5,000,000 for the "Emergency Fund for International Affairs." As set forth in my letter to you of September 15, 1954,[1] it is my intention that this fund be used to extend U. S. participation in international trade fairs and to demonstrate to peoples of other countries our accomplishments in the cultural field both through direct Government activities and by means of assistance and encouragement to private groups. It is also my desire that this fund be used for projects of all kinds that will demonstrate in a dramatic and effective manner the excellence of our free enterprise system as reflected in our products and our cultural values.

I hereby designate you the coordinator of the appropriations made to date under the title "Emergency Fund for International Affairs." These appropriations are available for allocation by you among the agencies which are participating or may participate in the program. These agencies will submit their requests for apportionment of allocations directly to the Bureau of the Budget. I shall continue to look to you for the preparation of a quarterly report of expenditures for me to transmit to the Congress as required by law.

I wish to emphasize that these funds are to be used solely for expenses directly chargeable to approved projects or to administrative expenses of the program. Direct administrative expenses chargeable to the program should be kept to a minimum and agency overhead should be met from the general funds of the participating agencies.

In order that this emergency program may proceed as expeditiously as possible, and pursuant to authority contained in the Acts appropriating these funds, I hereby delegate to the agencies using funds allocated to them under this letter the power to expend them in their discretion for items that will further the general purposes set out above and without regard to the following provisions of law:

(a) Section 3648 of the Revised Statutes, as amended; 60 Stat. 809, as amended (31 U. S. C. 529) (advance of funds).

(b) Sections 302–305 of the Act of June 30, 1949 (Federal Property and Administrative Services Act), c. 288; 63 Stat. 393–396 (41 U. S. C. 252–255) (competitive bids; advances).

(c) Section 3709 of the Revised Statutes, as amended (41 U. S. C. 5) (competitive bids).

(d) Section 3710 of the Revised Statutes (41 U. S. C. 8) (opening of bids).

(e) Section 2 of the Act of March 3, 1933, c. 212; 47 Stat. 1520 (41 U. S. C. 10a) (Buy American Act).

(f) Section 3735 of the Revised Statutes (41 U. S. C. 13) (contracts limited to one year).

(g) Section 901 of the Act of June 29, 1936, c. 858; 49 Stat. 2015 (46 U. S. C. 1241) (Travel of U. S. employees on U. S. ships).

(h) Section 1009 of the Act of January 27, 1948, c. 36, as amended; 62 Stat. 14 (22 U. S. C. 1440), to the extent necessary to permit the Department of State to participate in this program without regard to the provisions of Section 1001 of said Act of January 27, 1948, 62 Stat. 13, as amended (22 U. S. C. 1434). (Special personnel security provisions relating to activities under the United States Information and Educational Exchange Act of 1948 and applicable to all such international activities carried on under the jurisdiction of the Department of State.)

(i) Section 16a of the Act of August 2, 1946, c. 744; 60 Stat. 810 (5 U. S. C. 78) (hiring automobiles and aircraft).

(j) Section 322 of the Act of June 30, 1932, c. 314; 47 Stat. 412 (40 U. S. C. 278a) (rental of buildings).

(k) Section 1 of the Act of June 20, 1878, c. 359, as amended; 20 Stat. 216, as amended (44 U. S. C. 322); and Section 3828 of the Revised Statutes (44 U. S. C. 324) (advertising).

(Continued on next page)

[1] Not filed with the Federal Register Division.

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FEDERAL REGISTER

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(1) Section 87 of the Act of January 12, 1895, c. 23, as amended; 28 Stat. 622, as amended (44 U. S. C. 111) (printing by G. P. O.).

This supersedes my above mentioned letter of September 15, 1954.

Sincerely,

DWIGHT D. EISENHOWER

Honorable THEODORE C. STREIBERT,
Director, U. S. Information Agency,
Washington 25, D. C.

[F. R. Doc. 57-79; Filed, Jan. 2, 1957; 3:46 p. m.]

LETTER OF AUGUST 21, 1956

[PRESIDENT'S SPECIAL INTERNATIONAL PROGRAM]

[WAIVER OF CERTAIN PROVISIONS OF LAW]

THE WHITE HOUSE,
Washington, August 21, 1956.

DEAR MR. STREIBERT:

As you know, the "International Cultural Exchange and Trade Fair Participation Act of 1956" became Public Law 860, 84th Congress, on August 1, 1956. It is my intention to issue in the very near future an Executive order implementing this Act, which will appropriately delegate the powers and duties conferred upon me by the Act.

The Supplemental Appropriation Act, 1957, Public Law 814, 84th Congress, appropriated $5,900,000 under the head "President's Special International Program" to carry out the provisions of Public Law 860. The Second Supplemental Appropriation Act, 1957, Public Law 855, 84th Congress, appropriated an additional $4,000,000 under this head for United States participation in the Universal and International Exposition of Brussels, 1958, as authorized by Section 3 (c) of Public Law 860.

In order that this program may proceed as expeditiously as possible, you are hereby authorized to allocate the funds thus appropriated. Until the issuance of the Executive order mentioned above, the provisions of my letter to you of August 16, 1955,[1] regarding the apportionment of funds and the power of the operating agencies to expend these funds without regard to certain provisions of law as specified therein, shall continue in effect. These funds may be also expended without regard to the limitations of Section 15 of the Act of August 2, 1946 (5 U. S. C. 55a) on the employment of experts and consultants. I hereby determine that the waiver of the requirements of law referred to in this paragraph is in furtherance of the purposes of Public Law 860, approved August 1, 1956.

Sincerely,

DWIGHT D. EISENHOWER

Honorable THEODORE C. STREIBERT,
Director, U. S. Information Agency,
Washington 25, D. C.

[F. R. Doc. 57-80; Filed, Jan. 2, 1957; 3:46 p. m.]

LETTER OF DECEMBER 27, 1956

[U. S. PARTICIPATION IN BRUSSELS UNIVERSAL AND INTERNATIONAL EXHIBITION, 1958]

[WAIVER OF CERTAIN PROVISIONS OF LAW]

THE WHITE HOUSE,
Washington, December 27, 1956.

DEAR MR. SECRETARY:

With respect to United States participation in the Brussels Universal and International Exhibition, 1958, as authorized by the International Cultural Exchange and Trade Fair Participation Act of 1956 (Public Law 860, 84th Congress, approved August 1, 1956), I hereby determine, pursuant to authority vested in me by section 8 of that Act, that the performance of functions without regard to the following additional provisions of law and limitations of authority is in furtherance of the purposes of said Act:

(1) That part of section 3734 of the Revised Statutes, as amended, now codified in section 257 of title 40 of the United States Code (40 U. S. C. 267) (restrictions on buildings; approval of sketch plans; changes; limit of cost).

(2) Section 1 of the act of August 24, 1935, 49 Stat. 793 (40 U. S. C. 270a) (bonds of contractors for public buildings).

(3) Provisions contained in section 1 of the act of October 22, 1913, 38 Stat. 212 (5 U. S. C. 54) (publicity experts).

(4) The Civil Service Act of January 16, 1883, 22 Stat. 403, as amended (5 U. S. C. 632 et seq.), and other civil service laws, and the Classification Act of 1949, as amended (employment and compensation of personnel).

(5) (a) Standardized Government Travel Regulations, (b) rates of per diem allowances in lieu of subsistence expenses under the Travel Expense Act of 1949, as amended (5 U. S. C. 835–842), and (c) section 10 of the act of March 3, 1933, 47 Stat. 1516, as amended (5 U. S. C. 73b) (travel expenses).

(6) Sections 189 and 365 of the Revised Statutes (5 U. S. C. 49 and 314, respectively) (employment of attorneys or counsel and payment of fees therefor), except with respect to litigation involving an interest of the United States.

Waivers of provisions of law and of limitations of authority coming into existence by reason of the foregoing determination shall be deemed to be additional to those heretofore existing under my letters of August 16, 1955,[1] and August 21, 1956,[2] to the Honorable Theodore C. Streibert, Director of the United States Information Agency.

All waivers of statutes and limitations of authority effected above should be utilized in a prudent manner and as sparingly as is feasible. Suitable steps should be taken to insure that result, including, as may be appropriate, the imposition of administrative limitations in lieu of the waived statutory requirements and limitations of authority.

Sincerely,

DWIGHT D. EISENHOWER

Honorable JOHN FOSTER DULLES,
Secretary of State,
Washington 25, D. C.

[F. R. Doc. 57-81; Filed, Jan. 2, 1957; 3:46 p. m.]

[1] See Letter of August 16, 1955, *supra.*

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

SUBPART A—REGULATIONS

FEES FOR GRADING SERVICE

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), and section 520 of the Revised Statutes (5 U. S. C. 511), the provisions prescribing feeds for Federal meat grading service in 7 CFR 53.35a, as amended, are hereby amended to read as follows:

§ 53.35a *Fees for grading service.* (a) The hourly rate for grading service shall be $5.00 per hour with a minimum charge of $2.50, and double said amounts for service on legal holidays.

(b) Fees for grading performed on a weekly contract basis shall be $200.00 per calendar week (less any allowable credits), to cover up to 40 hours of weekly grading service.

(c) When grading service is requested at a place so distant from a grader's official headquarters that a total of 1 hour or more is required for the grader to travel to and from such place, the fee for such grading service shall equal the usual fee calculated at the applicable rates prescribed in paragraph (a) or (b) of this section, as the case may be, plus a mileage fee of 8 cents per mile for such travel.

(d) When grading service is requested at a place so distant from a grader's official headquarters that the work and travel required for such service cannot be performed within a calendar day, the fee for such grading service shall equal the usual fee calculated at the applicable rates prescribed in paragraph (a) or (b) of this section, as the case may be, plus any mileage chargeable under paragraph (c) of this section and a per diem charge at the rate of $12 per day for each day or quarter portion thereof spent by the grader away from his official headquarters in the performance of such work and travel. A fee of $3 shall be charged for such work and travel although the time spent therein is less than a quarter portion of a day.

(e) The following fees are prescribed for each investigation other than the first one necessary to determine the acceptability of an inspection system at any nonfederally inspected plant preparing products for which application for grading service is made. A fee at the rate of $5.00 per hour shall be charged for time actually spent by an authorized official in making such investigation and in travel-

[2] See Letter of August 21, 1956, *supra.*

ing to the particular plant from the place at which he receives the assignment to perform such work and in traveling back to such place or to another place equally distant from such plant. In addition there shall be charged a transportation fee not to exceed 8 cents per mile for such travel plus any per diem at the rate of $12 per day or portion thereof paid to such official in accordance with applicable regulations of the Department of Agriculture. In no case shall the total fees for any such investigations be less than $15.

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the services, such as Federal meat grading service, rendered under its provisions. What such cost is and the fees necessary to cover it are matters wholly within the knowledge of the Department of Agriculture. It has been determined that the fees for Federal meat grading service must be increased as provided for herein to cover the cost of the service. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found that notice and other public procedure with respect to the changes in fees provided by this amendment are impracticable and unnecessary and good cause is found for making such amendment effective less than 30 days after its publication in the FEDERAL REGISTER. This amendment shall become effective at 12:01 a. m., January 13, 1957, with respect to all Federal meat grading service thereafter rendered including service under weekly grading contracts whether theretofore or thereafter made.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624. Interprets or applies R. S. 520, sec. 203, 60 Stat. 1087; 5 U. S. C. 511, 7 U. S. C. 1622)

Done at Washington, D. C., December 28, 1956.

[SEAL] ORIS V. WELLS,
Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-61; Filed, Jan. 3, 1957; 8:48 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

PROCLAMATION OF RESULTS OF REFERENDUM ON MARKETING QUOTAS FOR YEARS 1957, 1958, AND 1959

§ 729.804 *Basis and purpose.* This document is issued to announce the results of the referendum held December 11, 1956, pursuant to section 358 (b) of the Agricultural Adjustment Act of 1938, as amended, to determine whether farmers favor or oppose marketing quotas for peanuts produced in the three calendar years beginning with 1957. The act requires the results of any peanut marketing quota referendum to be proclaimed within thirty days after the date on which it is held. Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to this proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and unnecessary.

§ 729.805 *Proclamation of the results of the marketing quota referendum for peanuts for the crops produced in the three calendar years beginning with the calendar year 1957.* In a referendum of farmers engaged in the production of the 1956 crop of peanuts held on December 11, 1956, 39,138 farmers voted. Of those voting 36,596 farmers, or 93.5 percent, favored quotas for peanuts produced in the three calendar years beginning with 1957, and 2,542 farmers, or 6.5 percent were opposed to having quotas in effect for the crops produced in the three calendar years beginning with the calendar year 1957. Since more than two-thirds of the farmers voting favored quotas, the national marketing quota proclaimed by the Secretary of Agriculture for peanuts produced in the calendar year 1957 (21 F. R. 8913) shall be in effect, and national marketing quotas hereafter proclaimed for peanuts for the calendar years 1958 and 1959 shall be effective.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply sec. 358, 55 Stat. 88, as amended; 7 U. S. C. 1358)

Done at Washington, D. C., this 28th day of December 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 57-53; Filed, Jan. 3, 1957; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Regs. 814.17, 814.18]

PART 814—ALLOTMENT OF SUGAR QUOTAS

QUOTAS AND DIRECT CONSUMPTION PORTION, PUERTO RICO, 1957

Basis and purpose. This allotment order is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of (A) allotting the 1957 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar transferred for further processing and shipment within the direct-consumption portion of such quota) and the 1957 sugar quota for local consumption in Puerto Rico, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico and (B) allotting the portion of the 1957 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar for consumption in the continental United States.

The sugar quota for Puerto Rico for consumption in the continental United States is referred to herein as "mainland quota", allotments thereof are referred to as "mainland allotments" and the allotments of the direct-consumption portion thereof as "direct-consumption allotments". The sugar quota for consumption in Puerto Rico and allotments thereof are referred to as "local quota" and "local allotments", respectively.

Omission of recommended decision and effective date. The record of the hearing regarding allotment of the 1957 sugar quotas for Puerto Rico shows that inventories of sugar on January 1, 1957, will approximate 90,000 tons and production of sugar from 1956–57 crop sugarcane will be approximately the sum of the local and mainland quotas (R. 7). Some of the mainland and local allotments made by this order could be exceeded by the marketing of the 1956 carryover plus a comparatively small quantity of new-crop sugar. Also, the record of the hearing regarding allotment of direct-consumption sugar shows that the capacity of Puerto Rican refiners to produce direct-consumption sugar far exceeds the maximum quantities of Puerto Rican direct-consumption sugar that may be marketed within the 1957 mainland and local quotas (R. 66). Some of the direct-consumption allotments made by this order are small and delay in the issuance of the order might result in some persons marketing more than their fair share of the direct-consumption portion of the quota (R. 24). Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective on January 1, 1957.

Preliminary statement. Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (21 F. R. 4251), a preliminary finding was made that allotment of the quotas is necessary and a notice was published on October 13, 1956 (21 F. R. 7832), of a public hearing

to be held at Santurce, Puerto Rico, in the Conference Room, Caribbean Area Office, ASC, Segarra Building, on October 24, 1956, at 10:00 a. m., for the purpose of receiving evidence to enable the Secretary to make a fair, efficient and equitable distribution of (A) the 1957 mainland quota (including raw sugar transferred for further processing and the shipment within the direct-consumption portion of the quota) and the 1957 local quota, among persons who process Puerto Rican sugarcane into sugar (1) to be brought into the continental United States and (2) to be marketed for local consumption in Puerto Rico, and of (B) the direct-consumption portion of the 1957 sugar quota for Puerto Rico. The hearing was held at the time and place specified in the notice.

In arriving at the findings, conclusions, and regulatory provisions of this order, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Basis for findings and conclusions. Section 205 (a) of the act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processing of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof allotted to him • • •

A. *Allotment of mainland and local quotas.* The record of the hearing indicates that the prospective Puerto Rican sugar supplies for 1957 sufficiently exceed the quota for Puerto Rico that allotment of the quotas is necessary (R. 7).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this allotment of the 1957 quotas for Puerto Rico is based. That formula follows the Government proposal made in the record as to the measures and weightings of factors to be used for determining combined mainland and local allotments (R. 7–8), with provisions for estimates to be used in making initial allotments (R. 9) and sources of data to be used in making final allotments (R. 9–11).

The formula is made applicable to combined allotments because total marketing opportunities are of greatest significance in determining an equitable distribution among the allottees and because two of the three factors specified in the act for consideration, processings from proportionate shares and ability to market, represent quantities applicable to total marketings. Direct measurement of these factors in relation to local allotments has little relevance because, for the area as a whole, local marketings amount to only about 10 percent of these factors (R. 11–13). All processings from a crop are used as a measure of the factor "processing of sugar or liquid sugar from • • • sugarcane to which proportionate shares • • • pertained," even though small quantities of processings from non-proportionate share sugar may be included, since such quantities have insignificant effect in the formula used for fixing allotments (R. 10).

Some allottees with low inventories relative to the total for the industry favored weighting the factors 70 percent to "processings," 10 percent to "past marketings" and 20 percent to "ability to market" as used in allotting the 1956 quotas, and objected to the Government weighting of factors, 20, 10 and 70 percent, respectively, on the basis that such "weighting resulted in a greater tendency to equalize inventories (R. 32, 33, 52, 58, 59). Other allottees supported the weighting of factors proposed by the Government (R. 27, 50). The finding is based on testimony that under the weighting used in 1956 some allottees would be unable to fill their 1956 allotments and that to provide allotments more in line with the ability of allottees to market sugar, greater weight should be given to the ability factor, which gives recognition to inventories, and less weight should be given to the production factor, thereby reducing the likelihood of deficits in 1957 allotments. The proposed weightings would continue to provide allotments closely paralleling processings and that tend to equalize inventories (R. 8, 9). No exceptions were taken to other aspects of the proposed method for establishing allotments.

A proposal was made in the record for dividing the combined allotment of each allottee into mainland and local allotments on the basis of the percentage that local marketings of each allottee was of its total marketings in 1956 (R. 13). Local marketings utilized in the findings and conclusions include all of the marketings to purchasers in Puerto Rico not accounted for by sugar (1) brought into the continental United States by a refiner to whom the allottee transferred sugar for that purpose, or (2) exported at so-called "world prices" (R. 10). No exceptions were taken with respect to dividing combined allotments into mainland and local allotments.

As proposed in the hearing record (R. 16) a finding is made to limit initial allotments of mainland quota to 850,000 short tons, raw value, and allotments of local quota to 85,000 short tons, raw value, because the use of estimates may result in allotments for some higher than would result from the use of final data. Findings also are made upon uncontroverted evidence in the record that revisions be made in the order, without further notice or hearing, for the purposes of substituting final data for estimates (R. 16) and for revising allotments resulting from the release of allotments by any allottee, resulting from the proration of any deficit in a quota of another area or resulting from any change in the quotas due to any change in requirements (R. 16, 17). It was proposed that whenever a change is made only in the mainland quota no change shall be made in individual allotments of local quota and that each allottee shall share in the increase or decrease in mainland quota in proportion that his total local and mainland allotments bears to the total of such allotments then in effect. Whenever a change is made in the local quota, revised allotments shall be established in the same manner as adopted for allotting 1957 combined mainland and local quotas (R. 17).

Findings are made under paragraphs 12, 13, 14, and 15, and paragraphs (b), Exchange of allotments; (c) Producers marketings under allotments; (d) Restrictions on marketings; (e) Specific charges against allotments; and (f) Transfer of allotments, are included in the order since similar provisions operated satisfactorily in 1956 and no objection was made to the proposal in the record that such provisions be included (R. 18, 20) except to request that the period in which an allottee could market within the allotment of another allottee be changed from two months to six months (R. 59, 65). Such an extension would decrease the effectiveness of allotments.

B. *Allotment of the direct-consumption portion of the mainland quota.* The record of the hearing shows that the potential capacity of Puerto Rican refiners to produce direct-consumption sugar sufficiently exceeds the quantity of such sugar which may be marketed within quotas that allotment of the direct-consumption portion of the quota is necessary (R. 66).

While all three factors specified in the provisions of section 205 (a) of the act quoted above have been considered, only the "past marketing" and "ability to market" factors have been given percentile weightings in the formula used on which the allotment of the direct-consumption portion of the 1957 mainland quota for Puerto Rico is based. Testimony indicates that allottees accounting for 93 percent of the marketings of direct-consumption sugar into the continental United States do not process sugar from sugarcane and that giving weight to the factor "processing from proportionate shares" would not lead to equitable allotment (R. 67).

The findings and conclusions for measuring and weighting the two factors "past marketing" and "ability to market" follow a proposal made in the record (R. 68, 69). By using marketings of direct-consumption sugar in the continental United States during the years 1952–56, inclusive, as a measure of "past marketings," a period of years has been selected that represent experience under marketing conditions similar to those which may be expected in 1957, and also provide a period of time sufficient to offset short-run factors affecting data for a single year. By using the largest marketings of direct-consumption sugar in the continental United States by each allottee in any year during the period 1935 through 1956 as a measure of "ability to market," a sufficient period of

time has been provided to permit the selection of a year for each allottee which will reflect relative abilities. A comparison with present plant capacity shows no impairment in the ability of any of the allottees to produce direct-consumption sugar (R. 68).

Two hundred tons of the direct-consumption portion of the quota to be allotted has been set aside for the marketing of raw sugar for direct-consumption as proposed in the record (R. 69). It is not practicable to allot such a small quantity to numerous raw sugar mills in advance, hence allotments will be made upon application for specific sales. This procedure continues a trade practice followed in previous years, and contributes to an efficient allocation of the direct-consumption portion of the 1957 sugar quota to be allotted.

The two hundred tons set aside would permit the marketing of Puerto Rican raw sugar for direct consumption in the continental United States at a slightly higher rate than in 1956 but at a lower rate than in any other recent year (R. 70).

In accordance with the record of the hearing (R. 71) provision has been made in the findings and the order to reallocate, without further notice or hearing, any quantity of an allotment released by an allottee or any quantity of the unallotted reserve not needed for the marketing of raw sugar for direct consumption and to revise allotments to give effect to any change in the direct-consumption portion of the mainland quota. Also, as proposed in the record (R. 73), the findings and order contain provisions relating to restrictions on marketing and transfer of allotments similar to those contained in the 1956 Puerto Rican allotment order, since such provisions operated successfully in 1956 and no objection was made in the record to their inclusion in 1957. The hearing record supports the request of South Porto Rico Sugar Company for an allotment of the direct-consumption portion of the 1957 mainland quota (R. 72–76).

Findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that in regard to:

A. *Allotment of mainland and local quotas.* (1) For the calendar year 1957 Puerto Rican processors will have available for marketing on the mainland and in Puerto Rico an amount of sugar which exceeds the combined mainland and local quotas by approximately 90,000 short tons.

(2) The allotment of the 1957 mainland quota for Puerto Rico (including raw sugar transferred for further processing to be brought in within the direct-consumption portion of the quota) and the 1957 local quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons equitable opportunities to market such sugar in the continental United States and in Puerto Rico.

(3) To assure a fair, efficient and equitable distribution of the mainland and local quotas for Puerto Rico for 1957 the three statutory standards should be weighted as follows: "processings • • • from • • • proportionate shares", 20 percent; "past marketings", 10 percent; and "ability to market", 70 percent.

(4) The percentage which all of each allottee's processings for the 1956–57 crop is of the total of such processings for all allottees constitutes a fair and equitable measure of "processings • • • from • • • proportionate shares" and in the initial order all processings from 1955–56 crop sugarcane should be used as estimates of processings from 1956–57 crop sugarcane.

(5) A fair and equitable measure of the factor past marketings for each allottee is the percentage which its average mainland and local marketings during the years 1952 through 1956 is of the total of such average marketings for all allottees and in the initial order the combined allotments for 1956 as set forth in Exhibit 4 of the record should be used as estimates of marketings for 1956.

(6) The sum for each allottee of processings of sugar from 1956–57 crop sugar plus the inventory of sugar on January 1, 1957, as a percentage of the total of such sums for all allottees constitutes a fair and equitable measure of the ability of each allottee to market sugar during 1957. In the initial order the estimate of 1956–57 processings indicated in paragraph (4), above, should be used, and the January 1, 1956, inventories plus processings of sugar from 1955–56 crop sugarcane less 1956 combined allotments as indicated in (5), above, should be used as estimates of the January 1, 1957, inventories.

(7) The percentages that local marketings were of combined mainland and local marketings for each processor during 1956 are representative for the purpose of dividing the combined 1957 allotment for each processor into a mainland allotment and a local allotment and in the initial order the local allotments for 1956 adjusted for exchanges of local and mainland allotments between allottees effected prior to October 1, 1956, as set forth in the records (Ex. 4) should be used as estimates of local marketings for 1956.

(8) The quantities of sugar and the percentages referred to in paragraphs (4), (5), (6), and (7), above, are as set forth in the following table:

Processor	Production of sugar from 1955–56 crop sugarcane		Average Annual marketings (estimated) 1952 through 1955		Jan. 1, 1957, estimated stocks plus production from 1955–56 crop sugarcane		Estimated local marketings 1956	
	Short tons raw value	Percent of total	Short tons raw value	Percent of total	Short tons raw value	Percent of total	Short tons raw value	Percent[1]
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Antonio Roig, Sucesores, S. en C.	48,308	4.195	48,350	.4.166	51,397	4.138	21,608	43.203
Asociacion Azucarera Cooperativa	31,933	2.773	33,140	2.855	32,484	2.615	000	000
Central Aguirre Sugar Co., a trust	109,454	9.506	111,181	9.579	114,748	9.238	1,600	1.416
Central Coloso, Inc.	59,583	5.175	58,911	5.076	65,452	5.269	551	.891
Central Eureka, Inc.	39,185	3.403	38,549	3.321	43,329	3.488	623	1.530
Central Guamani, Inc.	12,655	1.099	12,028	1.036	13,466	1.084	000	000
Central Igualdad, Inc.	42,912	3.727	41,107	3.800	47,454	3.820	16,971	37.749
Central Juanita, Inc.	43,360	3.766	41,193	3.549	53,040	4.270	1,400	3.061
Central Mercedita, Inc.	85,357	7.413	79,275	6.830	89,466	7.203	24,272	27.937
Central Monserrate, Inc.	25,454	2.211	26,146	2.253	26,754	2.154	97	.369
Central San Francisco	10,994	.917	7,069	.687	11,962	.963	2,129	10.994
Central San Vicente, Inc.	59,487	5.166	63,288	5.453	68,278	5.497	55	.088
Compania Azucarera del Canny, Inc.	14,170	1.231	14,621	1.260	14,557	1.172	000	000
Compania Azucarera del Toa	29,659	2.576	33,220	2.862	35,722	2.876	000	000
Cooperativa Azucarera Los Canos	39,695	3.447	38,318	3.302	42,786	3.444	000	000
Eastern Sugar Associates, a trust	117,143	10.173	124,646	10.740	124,196	9.999	14,084	11.535
Fajardo Sugar Co.	104,706	9.093	113,222	9.755	117,890	9.491	14	.013
Land Authority of Puerto Rico	76,463	6.640	70,902	6.109	77,827	6.266	000	000
Mario Mercadoe Hijos	31,362	2.724	32,937	2.838	33,129	2.667	501	1.541
Mayaguez Sugar Co., Inc.	8,395	.728	9,614	.828	8,395	.675	120	1.366
Plata Sugar Co.	51,590	4.480	50,618	4.361	56,453	4.546	278	.521
Soller Sugar Co.	12,840	1.115	12,523	1.079	12,840	1.034	000	000
South Porto Rico Sugar Co. of Puerto Rico	97,207	8.442	95,879	8.261	100,503	8.091	15,697	15.706
Total	1,151,473	100.000	1,160,637	100.000	1,242,129	100.000	100,000	

[1] Percent of allottee's estimated 1956 total marketings.

(9) The combined local and mainland quotas should be allotted by applying the weightings of the factors specified in paragraph (3) above to the percentage measures of those factors listed for each allottee in paragraph (8), and by multiplying the sum of such weighted percentages for each allottee by the sum of such quotas. The combined allotments so established should be divided into local and mainland allotments on the basis of the percentages local marketings are of total marketings in 1956 as listed in paragraph (8), above.

(10) In order to prevent any allottee from marketing a quantity of sugar in excess of the allotments established therefor on the basis of final data relating to 1956–57 crop processings, 1956 marketings and January 1, 1957, inventories, allotments established by this order should be limited to 850,000 short tons, raw value, of the 1957 mainland quota and to 85,000 short tons, raw value, of the 1957 local quota for Puerto Rico.

(11) The order shall be revised without further notice or hearing for the purpose of (a) substituting data on processings of the 1956–57 crop sugarcane, 1956 local and mainland marketings and January 1, 1957, inventories for estimates used in measuring the factors in (4), (5), (6) and (7); (b) allotting any quantity of an allotment which may be released by an allottee, in writing to the Director of the Sugar Division, to other allottees able to utilize additional allotment in proportion to the established allotments of such allottees; (c) allotting any area deficits to which Puerto Rico may become a beneficiary and (d) revising allotments to give effect to any change in the mainland or local quotas due to action pursuant to secs. 201, 202 (a) and 203 of the act. Whenever a change is made only in the mainland quota no change shall be made in individual allotments of the local quota and each allottee shall share in any change in mainland quota in proportion that his total local and mainland allotments bears to the total of such allotments then in effect. Whenever a change is made in the local quota, revised allotments shall be established in the same manner as adopted for allotting the 1957 mainland and local quotas.

(12) Any producer who receives sugar in payment for sugarcane (a) should be permitted to market, within the allotment of the processor who processed his sugarcane, a quantity of sugar equal to the same percentage of the producer's 1956–57 crop sugar that the sum of the processor's mainland and local allotments is of the total 1956–57 crop sugar processed from cane by such processor, and (b) such permitted quantity should be within the mainland allotment unless the producer requests local allotment. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1956–57 shall be permitted to market such sugar within that processor's mainland allotment.

(13) An efficient distribution of the quotas requires exchanges between allottees of quantities of mainland allotment for like quantities of local allotment, subject to the approval of an officer of the Department designated in the order.

(14) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(15) Provision shall be made in the order to restrict marketings or importations into the continental United States of sugar to allotments established herein.

(16) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the quotas, as required by section 205 (a) of the act.

B. *Allotment of direct-consumption portion of the mainland quota.* (1) The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1957 exceeds 280,000 short tons and this quantity is far greater than the total quantity of such sugar which may be marketed within the 1957 sugar quotas for Puerto Rico.

(2) The allotment of the direct-consumption portion of the 1957 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford each interested person an equitable opportunity to market such sugar in the continental United States.

(3) Assignment of a percentile weight to the "proportionate shares" factor in the final allotment formula would not result in fair, efficient and equitable allotment.

(4) The best measure of the "past marketings" factor for each allottee is its percentage of the average marketings of direct-consumption sugar of all allottees in the continental United States during the years 1952 through 1956.

(5) The best measure of the "ability to market" factor for each allottee is its percentage of the sum of the largest quantities of direct-consumption sugar of all allottees marketed in the continental United States during any calendar year during the period 1935–56, inclusive, and the ability so measured is within the present plant capacity of each refiner.

(6) The allotments of the direct-consumption portion of the 1956 mainland quota for Puerto Rico as established in Sugar Regulation 814.16, Amendment 1 (21 F. R. 7207) and set forth in the record (Ex. 10) are adequate measures of 1956 marketings of direct-consumption sugar in the continental United States.

(7) The quantity of sugar marketed, referred to in paragraphs (4) and (5), above, are as follows:

[Short tons, raw value]

Allottee	Average annual marketings 1952–56	Highest annual marketings 1935–56
Central Aguirre Sugar Co., a trust	6,166	10,610
Central Roig Refining Co.	19,837	28,695
Central San Francisco	794	2,590
Porto Rican American Sugar Refinery, Inc.	79,155	116,611
South Porto Rico Sugar Co. of Puerto Rico	000	4,982
Western Sugar Refining Co.	19,845	29,988
Total	125,797	193,476

(8) A small part of the direct-consumption portion of the mainland quota is normally marketed in the continental United States as raw sugar for direct consumption. Two hundred short tons, raw value, should be reserved for this purpose in 1957.

(9) Allotments totaling the direct-consumption portion of the Puerto Rican mainland quota in excess of that reserved for entry as raw sugar should be established by giving fifty percent weight to past marketings, measured as provided in paragraph (4), above, and fifty percent weight to ability to market, measured as provided in paragraph (5), above.

(10) In addition to the allottees of the direct-consumption portion of the 1956 mainland quota, the South Porto Rico Sugar Company of Puerto Rico shall be an allottee of the direct-consumption portion of the 1957 mainland quota.

(11) Any quantity that may be released by any allottee who finds that it cannot use its full allotment and so indicates in writing to the Director of the Sugar Division, or any quantity that may not be needed to meet the demands upon the unallocated reserve for raw sugar for direct consumption, may be reallotted to allottees in proportion to their established allotments without further notice or hearing.

(12) This order shall be revised without further notice or hearing to adjust allotments to take account of any change in the direct-consumption portion of the 1957 quota for Puerto Rico due to actions pursuant to sections 201, 202 (a) and 207 of the act, on the same basis as used in establishing allotments in this order.

(13) Each allottee in 1957 should be restricted from bringing into the continental United States for consumption therein any direct-consumption sugar in excess of the smaller of its allotment established herein or the quantity transferred to such allottee and charged against an allotment of the 1957 Puerto Rican mainland quota. All other persons should be prohibited from bringing such sugar into the continental United States in 1957 for consumption therein except such sugar acquired from an allottee within its allotment established herein, or brought in as raw sugar within the quantity established therefor. All persons collectively shall be prohibited from bringing into the continental United States any direct-consumption sugar other than crystalline sugar in excess of the quantity by which the direct-consumption portion of the mainland quota exceeds 126,033 short tons, raw value.

(14) To facilitate full and effective use of allotments, provision shall be made in the order for transfer of allotments under circumstances of a succession of interest.

(15) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient, and equitable distribution of the direct-consumption portion of the mainland quota, as required by section 205 (a) of the act.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; *It is hereby ordered:*

§ 814.17 *Allotment of 1957 sugar quotas for Puerto Rico*—(a) *Allotments.* The 1957 sugar quota for Puerto Rico for consumption in the continental United States (including raw sugar to be further processed and marketed within the direct-consumption portion of such quota) and the 1957 sugar quota for local consumption in Puerto Rico, are hereby allotted, to the extent shown in this section, to the following processors in amounts which appear in columns (1) and (2) opposite their respective names:

[Short tons, raw value]

Processor	Mainland allotment (1)	Local allotment (2)
Antonio Roig, Sucesores, S. en C.	20,471	18,350
Asociacion Azucarera Cooperativa	24,974	000
Central Aguirre Sugar Co., a trust	85,850	1,348
Central Coloso, Inc	48,434	476
Central Eureka, Inc	31,756	539
Central Guamani, Inc	10,117	000
Central Igualdad, Inc	20,881	14,540
Central Juanita, Inc	37,026	1,281
Central Mercedita, Inc	46,839	20,556
Central Monserrate, Inc	20,254	82
Central San Francisco	6,768	1,890
Central San Vicente, Inc	50,684	49
Compania Azucarera del Camuy, Inc	11,155	000
Compania Azucarera del Toa	26,320	000
Cooperativa Azucarera Los Canos	32,070	000
Eastern Sugar Associates, a trust	82,607	11,903
Fajardo Sugar Co	88,233	12
Land Authority of Puerto Rico	59,139	000
Mario Mercado e Hijos	24,784	424
Mayaguez Sugar Co., Inc	6,456	98
Plata Sugar Co	41,966	240
Soller Sugar Co	9,864	000
South Porto Rico Sugar Co. of Puerto Rico	63,352	13,112
All other persons	000	000
Subtotal	830,000	85,000
Unallotted	284,130	25,000
Total	1,114,130	110,000

(b) *Exchange of allotments.* The allotments established in paragraph (a) of this section, or producers' shares thereof established under paragraph (c) of this section, shall not be exchanged without the approval of the Chief of the Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service of the Department.

(c) *Producers' marketings under allotments.* Each processor shall reserve a share of its mainland allotment for the marketings of each producer with whom settlement for sugarcane is made in sugar equal to the same percentage of the producer's 1956–57 crop sugar that the sum of the processor's mainland and local allotments is of the processor's total production of 1956–57 crop sugar: *Provided,* That, upon written request to the processor within 30 days of the effective date of this order, the producer's share shall be divided between local and mainland allotments as the sum of the processor's allotments is divided between mainland and local allotments. Further, a person who, as a producer, has sugar received from a processor in settlement for sugarcane of crops prior to that of 1956–57 shall be permitted to market such sugar within that processor's mainland allotment.

(d) *Restrictions on marketings.* (1) During the calendar year 1957 all persons are prohibited from bringing into the continental United States or marketing to a refinery in Puerto Rico for such purposes, a quantity of sugar produced by each allottee named in paragraph (a) of this section in excess of the quantity established in paragraph (a) of this section as his mainland allotment adjusted as provided in paragraph (b) of this section; except that after November 1, 1957, or at such other time as deemed necessary by the Director of the Sugar Division to facilitate orderly marketing, a quantity of sugar produced by one allottee (hereinafter referred to as "first allottee"), may be brought into the continental United States within the allotment of another allottee (hereinafter referred to as "second allottee") and charged to the allotment of the "second allottee" at the time it is brought in provided prior thereto the following conditions have been met: (i) The "first allottee" must have acquired from and hold an equivalent quantity of sugar produced by the "second allottee" which acquired quantity of sugar thereafter shall be subject to all the other provisions of this part as if it were produced by the "first allottee"; and (ii) the allottees concerned must have notified, in writing, the Chief, Quota and Allotment Branch, Sugar Division, Commodity Stabilization Service, Department of Agriculture, Washington 25, D. C., of the transaction proposed within the provisions of this exception and obtained his approval thereof in writing.

(2) During the calendar year 1957 each person named in paragraph (a) of this section is hereby prohibited from marketing for local consumption in Puerto Rico sugar processed from sugarcane by such person in excess of the local allotment established for such person in paragraph (a) of this section as adjusted pursuant to paragraph (b) of this section.

(3) During the calendar year 1957 all persons who acquire raw sugar for further processing and resale as direct-consumption sugar are hereby prohibited from marketing sugar for local consumption in Puerto Rico in excess of the sum of (i) the quantity of sugar acquired for such purpose under the limitations specified in § 814.15, as amended (20 F. R. 9001, 21 F. R. 105, 5819, 7207, 8794, 9398, 9760), and held in inventory on December 31, 1956, and (ii) the quantity of sugar acquired for such purpose within the limits specified in this section.

(e) *Specific charges against allotments.* Except as provided in paragraph (d) of this section, sugar produced in Puerto Rico which is brought into the continental United States for consumption therein or marketed for local consumption in Puerto Rico during 1957 shall be charged to the applicable allotment of the processor who processed such sugar.

(f) *Transfer of allotments.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions of the act, permit marketing of sugar for local consumption in Puerto Rico and bringing sugar into the continental United States for consumption therein by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar-processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

§ 814.18 *Allotment of the direct-consumption portion of 1957 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1957 sugar quota for Puerto Rico, amounting to 130,016 short tons, raw value, is hereby allotted as follows:

Allottee	Direct-consumption allotment short tons, raw value
Central Aguirre Sugar Co., a trust	6,751
Central Roig Refining Co	19,852
Central San Francisco	1,279
Porto Rican American Sugar Refinery, Inc	79,963
South Porto Rico Sugar Co. of Puerto Rico	1,671
Western Sugar Refining Co	20,300
All other persons (raw sugar only)	200
Total	130,016

(b) *Restrictions on marketing.* (1) During the calendar year 1957, each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico in excess of the smaller of (i) the allotment therefor established in paragraph (a) of this section, or (ii) the quantity transferred to such allottee and charged against a 1957 mainland allotment under § 814.17.

(2) During the calendar year 1957, all persons other than the allottees specified in paragraph (a) of this section are hereby prohibited from bringing into the continental United States, for consumption therein, any direct-consumption sugar from Puerto Rico except (i) that acquired from an allottee within the quantity established in this section, and (ii) that brought in within the quantity established in this section for "all other persons".

(3) During the calendar year 1957 no person shall bring into the continental United States direct-consumption sugar from Puerto Rico which is principally not of crystalline structure after 3,973 short tons, raw value, of such sugar has been brought in within the allotments established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 205, 209, 61 Stat. 926, 928; 7 U. S. C. 1115, 1119)

Done at Washington, D. C., this 31st day of December 1956.

[SEAL] EARL L. BUTZ, *Acting Secretary.*

[F. R. Doc. 57-65; Filed, Jan. 3, 1957; 8:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, § 6.142 (a) (1) and (3) and § 6.142 (c) (1) and (2) are amended as set out below:

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) Until March 31, 1957, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

* * * * * *

(3) Until March 31, 1957, six Regional Administrators.

* * * * * *

(c) *Federal Housing Administration.* (1) Until March 31, 1957, 80 Field Directors (State, District, and Territorial).

(2) Until March 31, 1957, six Regional Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-60; Filed, Jan. 3, 1957; 8:48 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Soybeans]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 CROP SOYBEAN LOAN AND PURCHASE AGREEMENT PROGRAM

BASIC COUNTY SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 7471, 7683, 8970, and 9142 containing the specific requirements for the 1956-crop soybean price support program are amended as follows:

Section 421.2033 (a) (2) is amended by adding the following to the list of basic county support rates:

County:	Rate per bushel
CALIFORNIA	
All counties	$2.01
MINNESOTA	
Clearwater	2.04

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 31st day of December 1956.

[SEAL] CLARENCE L. MILLER, *Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 57-63; Filed, Jan. 3, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

SUBPART B—MINIMUM PERFORMANCE STANDARDS

TECHNICAL STANDARD ORDERS, TSO–C25a AND TSO–C39, AIRCRAFT SEATS AND BERTHS

Technical Standard Order TSO–C25, as it appears in § 514.35 (21 F. R. 6503), is amended to apply only to Type I transport seats for use in aircraft for which application for type certificate was made prior to March 5, 1952. A new regulation, § 514.36 (TSO–C39), defines the minimum performance standards for approved seats pursuant to §§ 4b.1, 4b.18, and 4b.358 of Chapter I of this title. These standards are applicable to seats for rotorcraft, and to aircraft for which an application for type certification was made on or after March 5, 1952.

Sections 514.35 and 514.36 appeared as a notice of proposed rule making in 21 F. R. 7738–7739 on October 10, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

1. Section 514.35 under Subpart B of this part is amended to read as follows:

§ 514.35 *Aircraft seats and berths (Type I transport, 6g forward load)—TSO–C25a*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for aircraft seats and berths (Type I transport, 6g forward load) which are to be used in civil aircraft of the United States. These standards apply to Type I transport seats for use in transport category aircraft for which an application for type certificate was made prior to March 5, 1952.[1] New models of seats and berths (Type I transport, 6g forward load) manufactured for installation in civil aircraft on or after January 15, 1957 shall meet the standards of National Aircraft Standard Specification 806, revised January 1, 1956,[2] with the changes and exceptions listed in subparagraph (2) of this paragraph. Seats and berths approved by the Civil Aeronautics Administration prior to January 15, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* (i) The ultimate loads corresponding to the aircraft reduced weight gust load factor or the airplane designer's special requirements may exceed the ultimate down loads for Type I seats specified in subsection 4.1.2 of NAS 806. For the purpose of this section, in order to provide for such loading conditions, the ultimate down loads specified in Table I of 4.1.2 for Type I seats shall be 1,000 pounds (6g) instead of 765 pounds.

(ii) To insure that pilot and copilot seats will provide for the rearward loads resulting from the application of pilot forces to the flight controls, such seats shall withstand a rearward load of 450 pounds. The load shall be applied 8 inches above the intersection of the seat back with the seat bottom.

(iii) The weight of the seat or berth times the appropriate "g" value shall be added to the design ultimate load specified in subdivision (i) of this subparagraph and in subsection 4.1.2 of NAS 806.

(iv) For the purpose of this section, 4.3 (c) of NAS 806 should read: "that the structure is capable of supporting without failure for at least 3 seconds the ultimate loads specified in this order when applied separately."

(b) *Marking.* The weight required in § 514.3 need not be included.

Effective date: January 15, 1957.

2. Section 514.36 is added under Subpart B of this part, to read as follows:

§ 514.36 *Aircraft seats and berths—TSO–C39*—(a) *Applicability*—(1) *Minimum performance standards.* (i) Minimum performance standards are hereby established for aircraft seats and berths of the following types which are to be used in civil aircraft of the United States:

Type I—Transport (9g forward load).
Type II—Normal and utility.
Type III—Acrobatic.
Type IV—Rotorcraft.

(ii) New models of seats and berths manufactured for installation in civil aircraft on or after the effective date of this order shall meet the standards of National Aircraft Standards Specification 809, dated January 1, 1956,[2] with the exception in subparagraph (2) of this paragraph. Seats and berths approved by the Civil Aeronautics Administration prior to January 15, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exception.* The sideward loads as specified in 4.1.2 Table I need not exceed the requirements of the applicable Civil Air Regulations.

(b) *Marking.* The weight required in § 514.3 need not be included.

Effective date: January 15, 1957.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 57-41; Filed Jan. 3, 1957; 8:45 a. m.]

[Amdt. 4]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TECHNICAL STANDARD ORDER TSO–C35A, RADIO MARKER RECEIVING EQUIPMENT

Minimum performance standards for radio marker receiving equipment which is to be used in civil aircraft of the United States is defined in the new regulation § 514.37 (TSO–C35a).

Section 514.37 appeared as a notice of proposed rule making in 21 F. R. 7739 on October 10, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 514.37 is added under Subpart B of this part to read as follows:

§ 514.37 *Radio marker receiving equipment operating on 75 mc (for air carrier aircraft—TSO–C35a*—(a) *Applicability*—(1) *Minimum performance standards.* (i) Minimum performance standards are hereby established for radio marker receiving equipment which is to be used in civil aircraft of the United States.

[1] Standards for Types II, III, IV, and I (for installation in aircraft for which an application for type certificate was made after March 5, 1952), are contained in § 514.36 (TSO–C39).

[2] Copies may be obtained from the National Standards Association, 616 Washington Loan and Trust Building, Washington 4, D. C.

(ii) New models of radio marker receiving equipment for use in air carrier operations, manufactured on or after January 15, 1957, shall meet the standards of Radio Technical Commission for Aeronautics' Paper entitled, "Minimum Performance Standards—Airborne Radio Marker Receiving Equipment Operating on 75 Megacycles" as amended (Paper 87–54/DO–57 dated April 13, 1954, and amendment, Paper 202–55/EC–273, dated November 14, 1955),[3] with the exception listed in subparagraph (2) of this paragraph. Radio marker receiving equipment models approved by the Civil Aeronautics Administration prior to January 15, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exception.* The exception applies to section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 dated April 13, 1954,[4] which is incorporated by reference in and thus is a part of Paper 87–54/DO–57, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only radio marker receiving equipment which meets the operating requirements in the temperature range of −55° C. to +55° C. or −40° C. to +55° C., whichever is applicable, as outlined under Procedure A or Procedure B of Paper 100–54/DO–60 is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C. to +55° C. as outlined in Procedure A of RTCA Paper 100–54/DO–60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C. to +55° C. as outlined in Procedure B of this same paper shall be marked as Category B equipment.

(c) *Data requirements.* Ten copies each of the operating instructions, schematic diagrams, and installation procedures for the equipment shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

Effective date: January 15, 1957.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–40; Filed, Jan. 3, 1957; 8:45 a. m.]

[3] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 30 cents per copy.

[4] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036, T–5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 20 cents per copy.

[Amdt. 5]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C40, VOR RADIO RECEIVING EQUIPMENT, AND TSO–C41, AIRBORNE RADIO RECEIVING AND DIRECTION FINDING EQUIPMENT

Minimum performance standards for airborne VOR radio receiving and airborne radio receiving and direction finding equipment to be used in civil aircraft of the United States engaged in air carrier operations are defined in the new regulations, §§ 514.38 and 514.39.

Sections 514.38 and 514.39 appeared as a notice of proposed rule making in 21 F. R. 7993 on October 18, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Sections 514.38 and 514.39 are added under Subpart B of this part to read as follows:

§ 514.38 *VOR radio receiving equipment operating within the radio frequency range of 108–118 megacycles (for air carrier aircraft)—TSO–C40*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne VOR radio receiving equipment operating within the radio frequency range of 108–118 megacycles which is to be used in civil aircraft of the United States engaged in air carrier operations. New models of airborne VOR radio receiving equipment manufactured for use in civil aircraft on or after January 31, 1957, shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne VOR Receiving Equipment Operating Within the Radio Frequency Range of 108–118 Megacycles" (Paper 225–55/DO–69 dated December 13, 1955),[3] with the exception listed in subparagraph (2) of this paragraph. Airborne VOR radio receiving equipment approved by the Civil Aeronautics Administration prior to January 31, 1957, may continue to be manufactured under the provisions of its original approval.

(2) *Exception.* The exception applies to Section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 dated April 13, 1954,[4] which is incorporated by referenoe in and thus is a part of Paper 225–55/DO–69, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only airborne VOR radio receiving equipment which meets the operating requirements in the temperature range of −55° C. to +55° C. or −40° C. to +55° C., whichever is applicable, as outlined under Procedure A or Procedure B of Paper 100–54/DO–60, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C. to +55° C. as outlined in Procedure A of RTCA Paper 100–54/DO–60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C. to +55° C. as outlined in Procedure B of this same paper shall be marked as Category B equipment.

Effective date: January 31, 1957.

§ 514.39 *Airborne radio receiving and direction finding equipment operating within the radio-frequency range of 200–415 kilocycles (for air carrier aircraft)—TSO–C41*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for airborne radio receiving and direction finding equipment operating within the radio-frequency range of 200–415 kilocycles which is to be used in civil air carrier aircraft of the United States. New models of airborne radio receiving and direction finding equipment manufactured for use in civil aircraft on or after January 31, 1957 shall meet the minimum performance standards as set forth in Radio Technical Commission for Aeronautics' Paper entitled "Minimum Performance Standards Airborne Radio Receiving and Direction Finding Equipment Operating Within the Radio-Frequency Range of 200–415 Kilocycles" (Paper 83–56/DO–70 dated April 25, 1956),[3] with the exception listed in subparagraph (2) of this paragraph. Airborne radio receiving and direction finding equipment approved by the Civil Aeronautics Administration prior to January 31, 1957, may continue to be manufactured under the provisions of its original approval.

(2) *Exception.* The exception applies to section 3.0, Minimum Performance Standards Under Environmental Test Conditions. Radio Technical Commission for Aeronautics' Paper 100–54/DO–60 dated April 13, 1954,[4] which is incorporated by reference in and thus is a part of Paper 83–56/DO–70, outlines environmental test procedures for equipment designed to operate under three different temperature ranges as specified therein under Procedures A, B, and C. Only airborne radio receiving and direction finding equipment which meets the operating requirements in the temperature range of −55° C. to +55° C. or −40° C. to +55° C., whichever is applicable, as outlined in Procedure A or Procedure B of Paper 100–54/DO–60, is eligible under this section.

(b) *Marking.* In addition to the information required in § 514.3, equipment which has been designed to operate over a temperature range of −55° C. to +55° C. as outlined in Procedure A of RTCA Paper 100–54/DO–60 shall be marked as Category A equipment. Equipment which has been designed to operate over a temperature range of −40° C. to +55° C., as outlined in Procedure B of this same paper shall be marked as Category B equipment.

Effective date: January 31, 1957.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–39; Filed, Jan. 3, 1957; 8:45 a. m.]

[5] Copies of this paper may be obtained from the RTCA Secretariat, Room 2036 T–5 Building, 16th and Constitution Avenue NW., Washington 25, D. C., at a cost of 40 cents per copy.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6221]

PART 194—LIQUOR DEALERS

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

PART 216—DENATURATION OF RUM

PART 220—PRODUCTION OF DISTILLED SPIRITS

PART 221—PRODUCTION OF BRANDY

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 235—RECTIFICATION OF SPIRITS AND WINES

PART 240—WINE

RECORDS AND REPORTS

On September 20, 1956, a notice of proposed rule making with respect to amendments of 26 CFR (1954) Parts 194, 195, 216, 220, 221, 225, 230, 235, and 240 was published in the FEDERAL REGISTER (21 FR 7148). The purposes of the proposed amendments as set forth in the notice are (a) to simplify recordkeeping and reporting requirements, (b) to delete detailed listing of various tax rates, and (c) to eliminate requirements for submission of reports on Form 1636 by storekeeper-gaugers.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed. The amendments so published are hereby adopted, subject to the following editorial modifications:

PARAGRAPH 1. Paragraph 4 (B) of the notice is amended by making the following changes in § 220.369:

(A) By striking from the first sentence the words "and records", and inserting in lieu thereof the word "daily".

(B) By striking from the second sentence the phrase "He shall furnish dated, signed quantity reports", and inserting in lieu thereof the phrase "He shall prepare dated, signed quantity reports, in duplicate, and shall furnish the original thereof".

(C) By striking the final sentence.

PAR. 2. Paragraph 4 (MM) of the notice is amended as follows:

(A) By striking from § 220.757 the final sentence.

(B) By striking from the third sentence of § 220.758, which begins "Separate records", the word "at", and inserting in lieu thereof the word "for".

PAR. 3. Paragraph 5 (GG) of the notice is amended by striking from the third sentence of § 221.773, which begins "Separate records", the word "at", and inserting in lieu thereof the word "for".

PAR. 4. Paragraph 8 (N) of the notice is amended by striking from paragraph (h) of § 235.815 the phrase "finished storage room", and inserting in lieu thereof the phrase "finished products room".

As so changed, the amendments to Parts 194, 195, 220, 221, 225, 230, 235, and 240 read as set forth below.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: December 27, 1956.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

In order (a) to simplify recordkeeping and reporting requirements, (b) to delete detailed listing of various tax rates, and (c) to eliminate requirements for submission of reports on Form 1686 by storekeeper-gaugers, 26 CFR Parts 194, 195, 216, 220, 221, 225, 230, 235, and 240 are amended as follows:

PARAGRAPH 1. 26 CFR Part 194, "Liquor Dealers," is amended as follows:

(A) Section 194.215, and the headnote thereto, is amended to read:

§ 194.215 *Proprietors.* Wholesale liquor dealer operations conducted by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, internal revenue bonded warehouses, taxpaid bottling houses, and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 619, 637, 652; 26 U. S. C. 5114, 5197, 5285)

(B) Section 194.260, and the headnote thereto, is amended to read:

§ 194.260 *Requirements and procedure.* Wholesale dealers in liquors may package alcohol for industrial purposes in containers in excess of 1 wine gallon and less than 5 wine gallons and shall be governed as to such operations by those provisions of Part 230 of this chapter which are applicable. Form 27 E, properly modified, must be submitted to, and be approved by, the assistant regional commissioner before any packaging operations may be conducted. The provisions of Part 230 of this chapter relating to procuring, accounting for, overprinting as to denomination, and attaching red strip stamps must be followed, except that requisitions on Form 428 for red strip stamps will be submitted to the assistant regional commissioner for approval. The wholesale dealer shall keep records, daily, showing the bulk alcohol received, dumped, packaged, and disposed of, and the name and address of each consignor and consignee. Packaging operations will be carried on without the supervision of a storekeeper-gauger, and the preparation of Forms 230 will not be required. A monthly report of strip stamp transactions on Form 2260, and of alcohol transactions on Form 52 D properly modified, shall be submitted to the assistant regional commissioner, as prescribed in Part 230 of this chapter. Records, documents, or copies of documents supporting such records, and copies of reports submitted to the assistant regional commissioner shall be filed on the wholesale dealer's premises, and shall be retained as prescribed in § 194.234.

(68A Stat. 602, 639; 26 U. S. C. 5001, 5214)

PAR. 2. 26 CFR Part 195, "Production of Vinegar by the Vaporizing Process," is amended as follows:

(A) Section 195.152 is amended by striking the second and third sentences and inserting in lieu thereof the sentence, "The quantities of fermenting and distilling materials received and used must be determined and recorded at the time of receipt and use as provided in § 195.175.".

(B) Section 195.153, and the headnote thereto, is amended to read:

§ 195.153 *Removal of fermenting material from premises.* The removal of fermenting material from the premises shall be recorded in the records required by § 195.175, and reported on the monthly report, Form 1623. The reasons for such removal shall be stated in the record.

(C) Section 195.155 is amended by striking the phrase "Form 1623," and inserting in lieu thereof the phrase "the record required by § 195.175.".

(D) Section 195.159 is amended by striking from the second sentence, which begins, "The receiving tanks", the phrase "on Form 1623, as indicated by the headings of the columns and the instructions printed on the form" and inserting in lieu thereof the phrase "by the proprietor on the records required by § 195.175".

(E) Section 195.160 is amended by striking the words "manufacture of vinegar: *Provided,* That the quantity thus removed or used is first accurately ascertained, and recorded on Form 1623" and inserting in lieu thereof, "manufacture of vinegar. The quantity thus removed or used must be determined and recorded by the proprietor on the records required by § 195.175.".

(F) Section 195.161 is amended as follows:

(1) By striking the phrase "reported monthly" and inserting in lieu therof the phrase "reported in the proprietor's monthly report, Form 1623".

(2) By striking the second and third sentences.

(G) Subpart L is amended to read as follows:

SUBPART L—PROPRIETOR'S RECORDS AND REPORTS

§ 195.175 *Daily records.* The proprietor of every vinegar factory shall keep daily records of operations which

shall contain all data necessary (1) to enable internal revenue officers to verify and trace each lot of low wines from receipt of material to production of finished vinegar, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and (2) to provide the proprietor with records for compiling his monthly report on Form 1623. Such records shall clearly and accurately reflect the following:

(a) The receipt and disposition of each lot of fermenting or distilling material.

(b) The kind and quantity of fermenting material used, the quantity of mash set, and the quantity of distilling material produced (serial numbers of fermenters shall be shown on such records).

(c) The quantity of distilling material used, and the quantity of low wines produced.

(d) The quantity of vinegar produced.

(e) The quantity of vinegar removed (including losses).

In addition to any other information shown therein, the records shall show the date of each transaction or operation and, where applicable, the identity of each consignor and consignee. Quantities of fermenting materials shall be given in terms of pounds of dry measure and wine gallons of liquid measure. Quantities of low wines shall be given in terms of proof gallons. Quantities of vinegar shall be given in terms of gallons of 100-grain strength. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, by the close of the business day next succeeding the day on which the transaction occurs. The assistant regional commissioner may require additional information which he considers necessary.

§ 195.176 *Monthly report, Form 1623.* At the end of each month the proprietor shall prepare a report on Form 1623, in duplicate, showing a monthly summary account of fermenting and distilling materials, low wines, and vinegar. On or before the 10th day of the succeeding month, the proprietor shall forward the original to the assistant regional commissioner and retain the duplicate.

§ 195.177 *Filing and retention of records and reports.* All records required to be maintained by this part, and legible copies of all reports submitted to the assistant regional commissioner, shall be filed and maintained by the proprietor for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(H) Section 195.202 is amended by changing the first sentence to read, "The predecessor shall report on his Form 1623 all fermenting or distilling materials, materials in process, and low wines transferred to his successor, who shall in turn report such items on his Form 1623 as received from his predecessor.".

(I) Section 195.203 is amended by striking the last sentence and inserting in lieu thereof the following new sentence, "The fiduciary will make appropriate notation on Form 1623, and the records required by § 195.175, of his succession and the date thereof.".

(J) Section 195.210 is amended by striking the last sentence and inserting in lieu thereof the following new sentence, "All fermenting and distilling materials, low wines, and vinegar must be accounted for on Form 1623, the original of which must be marked 'Final report, permanent discontinuance of business,' and must be submitted to the assistant regional commissioner.".

PAR. 3. 26 CFR Part 216, "Denaturation of Rum," is amended as follows:

(A) Section 216.211 is amended by placing a period after the phrase "will not be required" and striking the remainder of the section.

(B) Section 216.214 is amended to read:

§ 216.214 *Record of samples.* All samples of denatured rum furnished by the proprietor shall be recorded in the records required by § 216.315.

(C) Section 216.243 is amended by striking the fifth and sixth sentences, which begin, "Upon removal" and "The foreign", respectively, and inserting in lieu thereof the following new sentence, "The proprietor shall record the removal of the denatured rum from the warehouse on the records required by § 216.315.".

(D) Section 216.285 is amended by striking all sentences except the first.

(E) Section 216.297 is revoked.

(F) Subpart X is amended to read as follows:

SUBPART X—PROPRIETOR'S RECORDS AND REPORTS

§ 216.315 *Daily records.* The proprietor shall keep daily records of denaturing operations which shall contain all data necessary (1) to enable internal revenue officers to identify and trace the movement of each lot of rum from receipt to disposition, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such rum, and (2) to provide the proprietor with records for compiling his monthly report on Form 575. Such records shall clearly and accurately reflect the following:

(a) The receipt of each lot of rum.

(b) The quantities of rum and denaturant used.

(c) The quantity of denatured rum produced.

(d) The quantity of denatured rum packaged.

(e) The quantity of denatured rum removed from the premises (including samples and losses).

In addition to any other information shown thereon, the records shall show the date of the transaction or operation, the number of packages and their serial numbers (identifying pipeline receipts as such), the identity of each consignor and consignee, and, where available, the serial numbers of applications and basic permits. In the case of exportations, the number of the car and the route, or the name of the vessel by which, and the port through which, the denatured rum is to be exported, will be shown. Quantities shall be recorded in wine gallons except that the quantity of rum received shall be recorded in proof gallons, and the quantity of rum used for denaturation shall be shown in wine and proof gallons. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, by the close of the business day next succeeding the day on which the transaction occurs. The assistant regional commissioner may require additional information which he considers necessary.

(68A Stat. 681; 26 U. S. C. 5555)

§ 216.316 *Monthly report, Form 575.* At the end of each month the proprietor shall prepare a report on Form 575, in duplicate, showing a monthly summary account of all rum, denaturants, and denatured rum. Form 575 shall be prepared and executed in accordance with the instructions on the form, and as required by this part. The quantities of rum, denaturant, and denatured rum reported as on hand at the end of the month shall be determined by actual inventory: *Provided*, That in the absence of any evidence of casualty or theft, the transfer gauge of packages of rum, and the filling gauge of packages of denatured rum may be used as the inventory of such packages. The actual quantities of rum, denaturant, and denatured rum held in tanks must be ascertained. On or before the 10th day of the succeeding month, the proprietor shall submit both copies of the report to the storekeeper-gauger.

§ 216.317 *Filing and retention of records and reports.* All records required to be maintained by this part, and legible copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the proprietor for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(G) Section 216.325 is amended to read:

§ 216.325 *Entry on Form 575.* Where denatured rum is for any reason returned to the denaturing bonded warehouse by a bonded dealer or manufacturer or by the carrier, as provided in Part 182 of this chapter, the proprietor will maintain a record of the return as required by § 216.315. The total quantity of such rum, identified as "Denatured rum returned," will be entered as a debit on the monthly report, Form 575. Shipments of such rum will be included in the total of removals for the month.

(H) Section 216.331 is amended to read:

§ 216.331 *Records.* Separate records will not be required for operations under a new individual or corporate name, or under each trade name or style, but the proprietor must note on each record, and on the monthly report, Form 575, the individual or corporate name or the trade names or styles under which operations were conducted during the month, and the dates of operation under each.

(I) Section 216.341 is amended as follows:

(1) By striking the word "enter" in two places in the first sentence and inserting in lieu thereof the word "report".

(2) By striking from the last sentence the phrase "on Form 575 of his succession" and inserting in lieu thereof the phrase "of his succession, and the date thereof, on Form 575 and the records required by § 216.315".

PAR. 4. 26 CFR Part 220, "Production of Distilled Spirits," is amended as follows:

(A) Section 220.367 is amended as follows:

(1) By striking from the first sentence the word "distilling".

(2) By inserting in the first sentence, immediately after the phrase "distillery premises", the phrase "for use in the production of distilled spirits,".

(3) By striking from the second sentence the phrase "or bills of lading" and inserting in lieu thereof the phrase ", bills of lading, or prescribed forms".

(4) By inserting a comma after the phrase "commercial invoices" in the third sentence.

(B) Section 220.369, and the headnote thereto, is amended to read:

§ 220.369 *Determining quantities of materials used.* The distiller shall determine daily the quantity of (a) each lot of materials used in the production of each type of spirits, and (b) each lot of materials capable of producing spirits used in preparing yeast mash. He shall prepare dated, signed quantity reports, in duplicate, and shall furnish the original thereof to the storekeeper-gauger not later than the morning of the business day next succeeding the day on which the materials were weighed or measured. The quantities determined by the distiller shall be reflected in the records of production prescribed by § 220.755. Where materials are to be used for producing spirits, the quantity reports shall show the type of mash being set ("molasses," "wheat," "corn in excess," "rye in excess," etc.) and the serial number of each fermenter being filled.

(68A Stat. 637; 26 U. S. C. 5197)

(C) Section 220.370 is revoked.

(D) Section 220.371 is revoked.

(E) Section 220.373 is revoked.

(F) Section 220.374 is amended by changing the first sentence to read, "The distiller will not be required to prepare weight or quantity slips of materials used in preparing pure yeast cultures or jug yeast which is added to the yeast mash, or to record the same on his records of production.".

(G) Section 220.379 is amended as follows:

(1) By changing the headnote to read "Measurement of fermenters".

(2) By striking the phrase "Form 1598" in the first sentence, and inserting in lieu thereof the phrase "the record of production required by § 220.755".

(3) By striking the remaining sentences of the section.

(H) Section 220.381 is revoked.

(I) Section 220.389 is amended by changing the last sentence to read, "The quantity of finished spirits produced will be determined and recorded daily on the record of production required by § 220.755.".

(J) Section 220.409 is amended as follows:

(1) By striking from the second sentence the word "immediate".

(2) By striking the last sentence.

(K) Section 220.416 is revoked.

(L) Section 220.417 is amended as follows:

(1) By inserting a period after the phrase "removed for denaturation or destroyed" and striking the remainder of the sentence.

(2) By adding at the end of the section the following new sentence, "The distiller shall maintain records of the removal or destruction of such distillates, as required by § 220.756.".

(M) Section 220.420 is amended as follows:

(1) By striking the second sentence, which begins, "Such gauge".

(2) By striking from the fourth sentence, which begins, "The destruction must", the word "immediate".

(3) By striking the last sentence and inserting in lieu thereof the following new sentence, "The destruction will be reported by the distiller on Form 1598.".

(N) Section 220.424 is amended by striking the last sentence and inserting in lieu thereof the following new sentence, "The distiller shall maintain a record of all removals of distilled water, showing the date of removal, the name and address of the consignee, and the quantity removed.".

(O) Section 220.433 is amended as follows:

(1) By striking the second sentence, which begins, "Such removals".

(2) By adding at the end of the section the following new sentence, "The distiller shall maintain records showing the date of removal, the name and address of the consignee, and the quantity removed.".

(P) Section 220.434 is amended as follows:

(1) By striking from the second sentence, which begins, "If the washwater", the phrase "Form 1598 or 1686" and inserting in lieu thereof the phrase "the distiller's records".

(2) By striking the last sentence and inserting in lieu thereof the following new sentence, "The distiller shall maintain records showing the date of destruction and the quantity (proof gallons) destroyed.".

(Q) Section 220.435 is amended as follows:

(1) By striking from the first sentence the phrase "thoroughly washed or scrubbed and purified" and inserting in lieu thereof the phrase "so treated as".

(2) By striking the last sentence and inserting in lieu thereof the following new sentence, "No record need be made of such disposition.".

(R) Section 220.449 is amended as follows:

(1) By striking from the first sentence the phrase "quantity of spirits received will be ascertained by appropriate gauge and immediately transferred" and inserting in lieu thereof the phrase "quantity will be determined and the spirits will be promptly transferred".

(2) By striking from the last sentence the phrase "making or verification of entries in monthly records and reports," and inserting in lieu thereof the phrase "verification of records and reports".

(S) Section 220.451 is amended by changing the third sentence, which begins, "The spirits introduced", to read, "The spirits introduced into the distilling system shall be recorded as materials used (in proof gallons and by class and type) on the proprietor's records of production required by § 220.755.".

(T) Section 220.452 is amended as follows:

(1) By changing the second sentence to read "In any case where the deficiency in redistillation of any particular lot or lots of spirits exceeds that which may be attributed to normal redistillation deficiencies, the distiller will make explanatory statements relative to such deficiencies in the production record required by § 220.755.".

(2) By inserting the following new sentence at the end of the section, "The storekeeper-gauger will make proper inquiry and appropriate investigation to determine the cause of the deficiency, and will make a full report thereof to the assistant regional commissioner.".

(U) Section 220.455 is amended to read, "Spirits removed from a registered distillery to another distillery for redistillation shall be recorded by the distiller on the record of removals required by § 220.756, and shall be reported on Form 1598.".

(V) Section 220.487 is amended to read, "Taxable samples shall be recorded by the distiller on the record of removals required by § 220.756, and shall be included in the report on Form 1598.".

(W) Section 220.541 is amended by striking the last sentence.

(X) Section 220.580 is amended as follows:

(1) By striking from the first sentence the phrase "properly filled out".

(2) By striking the second and third sentences, which begin, "The district director" and "The remaining", respectively.

(Y) Section 220.582 is amended by striking from the last sentence "1697" and inserting in lieu thereof "2260".

(Z) Section 220.585 is amended by striking from the last sentence "1697" and inserting in lieu thereof "2260".

(AA) Section 220.586, and the headnote thereto, is amended to read as follows:

§ 220.586 *Monthly report of distilled spirits stamps.* At the end of each month the distiller shall prepare a report on Form 2260, in duplicate, showing a summary monthly account of distilled spirits excise tax stamps. The original shall be submitted to the assistant regional com-

missioner on or before the 10th day of the succeeding month. The duplicate shall be retained on the premises for a period of not less than two years, and during such period shall be available during business hours for examination by internal revenue officers.

(68A Stat. 614; 26 U. S. C. 5061)

(BB) Section 220.624 is amended to read, "The distiller shall maintain records of removals of distilled spirits from the distillery in accordance with the provisions of § 220.756.".

(CC) Section 220.649 is amended to read, "The distiller shall maintain a record showing the nature and extent of any loss of distilled spirits, the date the loss was discovered, and the proof gallons lost, and shall report such losses on Form 1598.".

(DD) Section 220.662 is amended as follows:

(1) By striking from the headnote the word "returns" and inserting in lieu thereof the phrase "Form 1598".

(2) By striking from the first sentence the phrase, "Upon receipt of the distiller's monthly return, Form 1598, Part 3," and inserting in lieu thereof the phrase, "On receipt of Form 1598 from the distiller,".

(EE) Section 220.697 is amended by striking the last two sentences and inserting in lieu thereof the following new sentence, "The removal of finished spirits shall be recorded in the records of the distiller by the trade name or style under which the spirits were finished.".

(FF) Section 220.698 is amended as follows:

(1) By striking from the first sentence the phrase, "Separate record" and inserting in lieu thereof the phrase, "Separate records, and separate reports".

(2) By striking from the first sentence the phrase, "such records" and inserting in lieu thereof the phrase, "his records of operation, and his report on Form 1598,".

(3) By striking the second sentence, which begins, "The storekeeper-gauger".

(GG) Section 220.712 is amended as follows:

(1) By striking from the first sentence the phrase "will complete his record, Form 1598, and the storekeeper-gauger his record, Form 1686, as to" and inserting in lieu thereof the phrase, "shall show on the record of production required by § 220.755 and on Form 1598".

(2) By striking from the second sentence, which begins, "If the distillates", the phrase "Form 1598" and inserting in lieu thereof the phrase "the distiller's records and on Form 1598".

(3) By striking the third sentence, which begins, "The storekeeper-gauger".

(4) By striking from the fourth sentence, which begins "The distiller", the phrase ", and the storekeeper-gauger will continue to maintain a record on Form 1686".

(5) By changing the fifth sentence to read, "Where the plant is operated as a registered distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on one record of production and reported on one Form 1598.".

(6) By adding the following new sentence at the end of the section, "Appropriate notations will be made to show the dates the distillery was operated as a fruit distillery or an industrial alcohol plant and the names under which it was so operated.".

(HH) Section 220.713 is amended as follows:

(1) By changing the first sentence to read, "The succeeding proprietor will record all materials in process received from his predecessor on the appropriate records and reports prescribed by Part 182 of this chapter if the distillery is to be operated as an industrial alcohol plant, or on the appropriate records and reports prescribed by Part 221 of this chapter if the distillery is to be operated as a fruit distillery.".

(2) By striking from the last sentence the phrase ", and the storekeeper-gauger".

(II) Section 220.723 is amended as follows:

(1) By changing the first sentence to read, "The outgoing distiller shall show on his record of production, and report on Form 1598, all materials in process and all unfinished spirits outside the cistern room which are transferred to his successor, who shall in turn show such items on his record, and report on Form 1598, as received from his predecessor.".

(2) By striking from the fourth sentence, which begins "Where the distillery", the phrase "keep a separate Form 1598" and inserting in lieu thereof the phrase "maintain separate records and submit separate monthly reports on Form 1598".

(3) By striking from the fifth sentence, which begins "When operations", the phrase "entered on the same" and inserting in lieu thereof the phrase "recorded on the same set of records, and reported on the same".

(4) By striking from the fifth sentence the phrase "on the separating lines".

(5) By striking the sixth sentence, which begins "The storekeeper-gauger".

(6) By striking from the last sentence the figures "220.756" and inserting in lieu thereof the figures "220.757".

(JJ) Section 220.724 is amended by changing the last sentence to read, "In the case of such change, the fiduciary shall make appropriate notation on his records, and on Form 1598, of his succession and the date thereof.".

(KK) Section 220.745 is revoked.

(LL) Section 220.746 is revoked.

(MM) Subpart FF is amended to read as follows:

SUBPART FF—DISTILLER'S RECORDS AND REPORTS

RECORDS AND REPORTS OF DISTILLERY OPERATIONS

§ 220.755 *Record of production.* The distiller shall maintain at his distillery daily records of production which shall include all data necessary (1) to enable internal revenue officers to identify and trace the movement of all materials and spirits through the various processes from the use of materials to the deposit of the finished spirits in receiving cisterns, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such materials and spirits, and (2) to enable the distiller to properly mark and brand packages of distilled spirits, and to provide him with records for compiling the monthly report, Form 1598. Such records shall accurately and clearly reflect the following:

(a) The kind and quantity of materials used, in terms of pounds of dry measure and gallons of liquid measure (giving the sugar content for molasses).

(b) The type and quantity of mash set in each fermenter.

(c) The type and quantity of beer distilled.

(d) The type and quantity of spirits produced.

Where distillates from two or more types of mash are produced, the distiller shall maintain a separate record for each type of distillate, and each such record shall show, by kind, proof, and proof gallons, the deposits in unfinished spirits tanks, charges to the various stills for redistillation, redeposits in unfinished spirits tanks, and other movement of the distillate. Each such record of the movement of distillates shall also show the fermenter number and the date set, or a symbol or lot number which will enable ready identification of the mash from which the spirits were produced. In addition to any other information shown therein, the records required by this section shall show the date of the transaction or operation, and, as applicable, the serial numbers of fermenters, unfinished spirits tanks, and receiving cisterns. The date of production shall be the date of gauge and removal from the receiving cisterns, and the quantity produced shall be the quantity reported on Form 1520 covering such removal.

(68A Stat. 637; 26 U. S. C. 5197)

§ 220.756 *Record of removals.* The distiller shall maintain at his distillery daily records of removals which shall include all data necessary (1) to enable internal revenue officers to identify each lot of distilled spirits destroyed or removed from the premises, and to verify such destruction or removal, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such spirits, and (2) to provide the distiller with records for compiling the monthly report, Form 1598. Such records shall accurately and clearly reflect the following:

(a) The date of the transaction.

(b) The serial number of the cistern (or unfinished spirits tank) from which the spirits are drawn for destruction or removal from the premises.

(c) The name, address, and registry number of the consignee.

(d) The kind, number, and serial numbers of containers.

(e) The kind of spirits.

(f) The tax gallons removed.

(g) The purpose of the removal, such as taxpayment, transfer to internal revenue bonded warehouse (distinguishing between transfers to warehouses on or contiguous to the distillery premises and all others), transfer to denaturing bonded warehouse or denaturing plant, redistillation, destruction, etc.

All information required to be shown in the daily records required by this section and by § 220.755 shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

(68A Stat. 637; 26 U. S. C. 5197)

§ 220.757 *Monthly report, Form 1598.* At the end of each month the distiller shall prepare a monthly report on Form 1593, in duplicate, and deliver both copies to the storekeeper-gauger on or before the 5th day of the month succeeding that for which the report is rendered. Form 1598 shall be prepared and executed in accordance with the instructions on the form and as required by this part.

(68A Stat. 637; 26 U. S. C. 5197)

TAXPAID PREMISES

§ 220.758 *Records at taxpaid premises.* Every distiller who maintains taxpaid premises in connection with his distillery shall keep daily records of the receipt and disposition of distilled spirits at such premises. By taxpaid premises is meant the "taxpaid" or "free" warehouse or room maintained in conjunction with the distillery, or premises maintained at other locations, for the receipt, storage, and disposition of taxpaid distilled spirits. Separate records must be kept for each of such premises. The records shall contain all data necessary (1) to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and (2) to provide the distiller with records from which the monthly report on Form 338 may be compiled. Such records, in addition to any other information shown therein, must clearly and accurately reflect the following:

(a) The date of the transaction (or date of discovery in the case of casualty or theft).

(b) The name and address of each consignor and consignee.

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles).

(d) The serial numbers of packages or cases.

(e) The name of the producer.

(f) The country of origin, if imported.

All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding that on which the transaction occurs.

(68A Stat. 619; 26 U. S. C. 5114)

§ 220.759 *Reports from taxpaid premises.* At the end of each month the distiller shall, for each taxpaid premises, prepare a report (or reports) on Form 338 showing, separately as to bulk and bottled spirits, the total quantities of taxpaid distilled spirits received and disposed of during the month and on hand at the beginning and end of the month. The report shall be prepared in duplicate. The original shall be submitted to the assistant regional commissioner not later than the 10th day of the month next succeeding that for which rendered, and the duplicate shall be retained by the distiller. Distilled spirits in bulk containers shall be reported in proof gallons, and distilled spirits in bottles shall be reported in wine gallons. When reporting bulk spirits Form 338 should be modified to show that bulk containers are involved, and that quantities are being reported in terms of proof gallons. Form 338 will be provided by users at their own expense, and, except for modification as above, must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

FILING AND RETENTION OF RECORDS AND REPORTS

§ 220.760 *Filing and retention of records and reports.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the distiller for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports of noncontiguous taxpaid premises shall be filed at such premises unless the assistant regional commissioner authorizes their filing at some other location. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PAR. 5. 26 CFR Part 221, "Production of Brandy," is amended as follows:

(A) Section 221.355 is amended as follows:

(1) By striking from the first sentence the phrase "distilling materials" and inserting in lieu thereof the phrase "materials (fermented or unfermented)".

(2) By inserting in the first sentence, immediately following the phrase "distillery premises", the phrase "for use in the production of brandy".

(3) By striking from the second sentence, which begins "Where commercial invoices," the word "or" and inserting in lieu thereof a comma.

(4) By inserting in the second sentence, immediately following the phrase "bills of lading", a comma and the phrase "or prescribed forms,".

(B) Section 221.357 is amended as follows:

(1) By striking from the first sentence the phrase "on Form 15".

(2) By changing the last sentence to read, "Where wine, or brandy for redistillation, is received the alcohol content thereof will also be entered on the record required by § 221.355.".

(C) Section 221.358 is amended as follows:

(1) By striking from the third sentence, which begins "Where water", the phrase "so entered on Form 15" and inserting in lieu thereof the phrase "will be recorded in the record required by § 221.355".

(2) By striking from the last sentence the phrase "alcoholic strength" and inserting in lieu thereof the phrase "alcohol content".

(D) Section 221.360 is amended as follows:

(1) By striking from the first sentence the phrase "Form 15" and inserting in lieu thereof the phrase "the production record required by § 221.770".

(2) By striking from the last sentence the word "form" and inserting in lieu thereof the word "record".

(E) Section 221.361 is amended as follows:

(1) By changing the word "alcoholic" in the headnote and in the first sentence to "alcohol".

(2) By striking from the last sentence the phrase "entries on Form 15" and inserting in lieu thereof the word "records".

(F) Section 221.362 is amended as follows:

(1) By changing the word "alcoholic" to "alcohol" in the first, fourth, eighth, and ninth sentences.

(2) By striking from the ninth sentence, which begins "The kind", the phrase "Form 15" and inserting in lieu thereof the phrase "the production record required by § 221.770".

(3) By striking the tenth and eleventh sentences, which begin "Where two" and "Each page", respectively.

(G) Section 221.363 is amended as follows:

(1) By striking from the first sentence the phrase "Form 15" and inserting in lieu thereof the phrase "the distiller's records".

(2) By striking from the last sentence the word "reporting" and inserting in lieu thereof the word "recording".

(H) Section 221.366 is amended by striking from the last sentence the phrase "recording on Form 15 prior to" and inserting in lieu thereof the phrase "recording on the distiller's records prior to".

(I) Section 221.370 is amended by striking the phrase "such quantity entered" and inserting in lieu thereof the phrase "included in the total of unfinished spirits reported".

(J) Section 221.386 is amended by striking the second and third sentences and inserting in lieu thereof the following new sentence, "The distiller shall maintain records showing the date of removal, kind of material, quantity, and the name and address of each consignee if the material has been disposed of to other persons.".

(K) Section 221.388 is amended by striking from the last sentence the word "entered" and inserting in lieu thereof the word "reported".

(L) Section 221.414 is amended by striking from the second sentence, which begins "The destruction", the word "immediate".

(M) Section 221.420 is amended as follows:

(1) By inserting a period after the phrase "removed from denaturation" in the first sentence and striking the remainder of the sentence.

(2) By inserting, immediately after the first sentence, the following new sentence, "The distiller shall maintain records of the removal or destruction of such distillates as required by § 221.771.".

(N) Section 221.423 is amended as follows:

(1) By striking the second sentence, which begins "Such gauge".

(2) By striking from the fourth sentence, which begins "The destruction", the word "immediate".

(3) By striking the last sentence and inserting in lieu thereof the following new sentence, "The destruction will be reported by the distiller on his monthly report, Form 15."

(O) Section 221.425 is amended as follows:

(1) By changing the second sentence, which begins "Distilled water", to read "Under no circumstances may distilled water be drawn off or removed through the receiving room, brandy deposit room, or bonded warehouse.".

(2) By changing the third sentence to read, "Barrels which have been used to package distilled spirits may not be used for the removal of distilled water.".

(3) By adding after the last sentence the following new sentence, "The distiller shall maintain a record of all removals of distilled water, showing the date of removal, the name and address of the consignee, and the quantity removed.".

(P) Section 221.437 is amended as follows:

(1) By striking the first sentence.

(2) By inserting at the end of the section the following new sentence, "The distiller shall maintain records showing the date of removal, the name and address of the consignee, and the quantity removed.".

(Q) Section 221.438 is amended as follows:

(1) By striking from the second sentence, which begins "If the washwater", the phrase "Form 15" and inserting in lieu thereof the phrase "the distiller's records".

(2) By changing the word "alcoholic" in the last sentence to "alcohol".

(3) By inserting a period after the phrase "on Form 1520" in the last sentence and striking the remainder of the sentence.

(4) By adding at the end of the section the following new sentence, "The distiller shall maintain records showing the date of destruction and the quantity (proof gallons) destroyed.".

(R) Section 221.439 is amended as follows:

(1) By striking from the first sentence the phrase "thoroughly washed or scrubbed and purified to" and inserting in lieu thereof the phrase "so treated as to".

(2) By striking the third, fourth, and fifth sentences, which begin "Where the washwater", "Where the washwater", and "An approved", respectively.

(3) By striking the last sentence and inserting in lieu thereof the following new sentence, "No record need be made of such disposition.".

(S) Section 221.467 is amended as follows:

(1) By striking from the second sentence, which begins "In any case", the phrase "submit explanatory statements relative to such deficiencies with Form 15" and inserting in lieu thereof the phrase "make explanatory statements relative to such deficiencies in the production record required by § 221.770".

(2) By striking from the last sentence the word "thereof" and inserting in lieu thereof the phrase "of the deficiency and will make a full report thereof to the assistant regional commissioner".

(T) Section 221.470, and the headnote thereto, is amended to read as follows:

§ 221.470 *Record of removals for redistillation.* Brandy removed from a fruit distillery to another distillery for redistillation shall be recorded by the consignor distiller on the record of removals required by § 221.771 and shall be reported by him on Form 15.

(68A Stat. 634, 637; 26 U. S. C. 5194, 5197)

(U) Section 221.580 is amended as follows:

(1) By striking from the first sentence the phrase "properly filled out".

(2) By striking the second and third sentences, which begin "The district director" and "The remaining copy", respectively.

(V) Section 221.582 is amended by changing the phrase "Form 1697" in the last sentence to read "Form 2260".

(W) Section 221.585 is amended by changing the phrase "Form 1697" in the last sentence to read "Form 2260".

(X) Section 221.586, and the headnote thereto, is amended to read as follows:

§ 221.586 *Monthly report of distilled spirits excise tax stamps.* At the end of each month the distiller shall prepare a report on Form 2260, in duplicate, showing a summary monthly account of distilled spirits excise tax stamps. The original shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month. The copy shall be retained on the premises for a period of not less than two years, and during such period shall be available during business hours for examination by internal revenue officers.

(68A Stat. 614; 26 U. S. C. 5061)

(Y) Section 221.598 is amended by changing the figures "221.173" in the last sentence to read "221.541".

(Z) Section 221.654 is amended to read, "Where brandy is lost or destroyed, after it has been gauged for removal or for deposit in the brandy deposit room, appropriate notation shall be made by the distiller in the record of removal required by § 221.771, and on Form 15. The loss or destruction of brandy before it has been gauged shall be recorded and explained in the record of production required by § 221.770, and on Form 15.".

(AA) Section 221.667 is amended as follows:

(1) By striking from the headnote the word "returns" and inserting in lieu thereof the phrase "Form 15".

(2) By striking from the first sentence the phrase "Upon receipt of the distiller's return, Form 15, Part 3," and inserting in lieu thereof the phrase "On receipt of Form 15 from the distiller,".

(BB) Section 221.713 is amended as follows:

(1) By inserting in the first sentence, immediately after the phrase "Separate records", the phrase ", and separate reports".

(2) By striking from the first sentence the phrase "such record" and inserting in lieu thereof the phrase "his records of operations and his report on Form 15".

(CC) Section 221.727 is amended as follows:

(1) By changing the first sentence to read, "The outgoing distiller shall show on the record of production required by § 221.770, and on Form 15, the transfer to the successor of materials in process, and the removal from the distillery of all brandy produced by the outgoing distiller.".

(2) By inserting in the second sentence, immediately following the phrase "will be made on", the phrase "the distiller's records and on".

(3) By changing the last sentence to read, "Where the plant is operated as a fruit distillery in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on one record of production, and reported on one Form 15.".

(4) By adding at the end of the section the following new sentence, "Appropriate notations will be made to show the dates the distillery was operated as a registered distillery or an industrial alcohol plant and the names under which it was so operated.".

(DD) Section 221.728 is amended by striking the first and second sentences and inserting in lieu thereof the following new sentence, "The succeeding proprietor will record all materials in process received from his predecessor on the appropriate records and reports prescribed by Part 182 of this chapter if the distillery is to be operated as an industrial alcohol plant, or on the appropriate records and reports prescribed by Part 220 of this chapter if the distillery is to be operated as a registered distillery.".

(EE) Section 221.743 is amended as follows:

(1) By striking from the first sentence the phrase "enter on his Form 15" and inserting in lieu thereof the phrase "show on his record of production, and report on Form 15,".

(2) By striking from the first sentence the phrase "enter such items on his Form 15" and inserting in lieu thereof the phrase "show such items on his records, and report on Form 15,".

(3) By striking from the fourth sentence, which begins "Where the", the phrase "keep a separate Form 15" and inserting in lieu thereof the phrase "maintain separate records and submit separate monthly reports on Form 15".

(4) By striking from the fifth sentence, which begins "When operations", the phrase "entered on the same Form 15, appropriate notations being made on the separating lines", and inserting in lieu thereof the phrase "recorded on the same set of records and reported on the same Form 15, appropriate notations being made".

(5) By changing the last sentence to read, "At the end of the month, the distiller will submit his report on Form 15 to the assistant regional commissioner in accordance with Subpart HH of this part.".

(FF) Section 221.744 is amended by inserting in the last sentence, immediately following the phrase "notation on" the phrase "the records and on".

(GG) Subpart HH is amended to read as follows:

SUBPART HH—DISTILLER'S RECORDS AND REPORTS

RECORDS AND REPORTS OF DISTILLERY OPERATIONS

§ 221.770 *Record of production.* The distiller shall maintain at his distillery daily records of production which shall include all data necessary (1) to enable internal revenue officers to identify and trace the movement of all materials and brandy through the various processes from the use of materials to the deposit of finished brandy in receiving tanks, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such material and brandy, and (2) to enable the distiller to properly mark and brand packages of brandy, and to provide him with records from which the monthly report, Form 15, may be compiled. Such records shall accurately and clearly reflect the following:

(a) The kind and quantity of fermenting material in each fermenter.

(b) The kind and quantity of distilling material produced.

(c) The kind and quantity of distilling material distilled.

(d) The type and quantity of brandy produced.

Where distillates from two or more types of materials are produced, the distiller shall maintain a separate record for each type of distillate, and each such record shall show, by kind, proof, and proof gallons, the deposits in unfinished brandy tanks, charges to the various stills for redistillation, redeposits in unfinished brandy tanks, and other movement of the distillate. Each such record of the movement of distillates shall also show the fermenter number and the date set, or a symbol or lot number which will enable ready identification of the material from which the brandy was produced. In addition to any other information shown therein, the records required by this section shall show the date of the transaction or operation, and, as applicable, the serial numbers of fermenters, unfinished brandy tanks, and receiving tanks. The date of production shall be the date of gauge and removal from the receiving tanks, and the quantity produced shall be the quantity reported on Form 1520 covering such removal.

(68A Stat. 637; 26 U. S. C. 5197)

§ 221.771 *Record of removals.* The distiller shall maintain at his distillery daily records of removals which shall include all data necessary (1) to enable internal revenue officers to identify each lot of brandy destroyed or removed from the premises, and to verify such removal or destruction, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such brandy, and (2) to provide the distiller with records for compiling the monthly report, Form 15. Such records shall accurately and clearly reflect the following:

(a) The date of the transaction.

(b) The serial number of the receiving tank (or unfinished brandy tank) from which the brandy is drawn for removal from the premises or for destruction.

(c) The name, address, and registry number of the consignee.

(d) The kind, number, and serial numbers of containers.

(e) The kind of brandy.

(f) The tax gallons removed.

(g) The purpose of the removal, such as taxpayment, transfer to internal revenue bonded warehouse (distinguishing between transfers to warehouses on or contiguous to the distillery premises and all others), transfer to bonded wine cellar, redistillation, destruction, etc.

Removals to and from the brandy deposit room shall be recorded in such manner as to provide data necessary to complete the brandy deposit room account on the monthly report, Form 15. All information required to be shown in the daily records required by this section and by § 221.770 shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

(68A Stat. 637; 26 U. S. C. 5197)

§ 221.772 *Monthly report, Form 15.* Immediately after the close of the month the distiller shall prepare a report on Form 15, in duplicate. Form 15 shall be prepared and executed in accordance with the instructions on the form and as required by this part. The original shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month, and the copy shall be retained by the distiller.

(68A Stat. 637, 640; 26 U. S. C. 5197, 5215)

TAXPAID PREMISES

§ 221.773 *Records at taxpaid premises.* Every distiller who maintains taxpaid premises in connection with his fruit distillery shall keep daily records of the receipt and disposition of distilled spirits at such premises. By taxpaid premises is meant the "taxpaid" or "free" warehouse or room maintained in conjunction with the distillery, or premises maintained at other locations, for the receipt, storage, and disposition of taxpaid distilled spirits. Separate records must be kept for each of such premises. The records shall contain all data necessary (1) to enable internal revenue officers to identify and trace such receipts and dispositions, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and (2) to provide the distiller with records from which the monthly report on Form 338 may be compiled. Such records, in addition to any other information shown therein, must clearly and accurately reflect the following:

(a) The date of the transaction (or date of discovery in the case of casualty or theft).

(b) The name and address of each consignor and consignee.

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles).

(d) The serial numbers of the cases or packages.

(e) The name of the producer.

(f) The country of origin, if imported.

All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding that on which the transaction occurs.

(68A Stat. 619; U. S. C. 5114)

§ 221.774 *Reports from taxpaid premises.* At the end of each month the distiller shall, for each taxpaid premises, prepare a report (or reports) on Form 338 showing, separately as to bulk and bottled spirits, the total quantities of taxpaid distilled spirits received and disposed of during the month and on hand at the beginning and end of the month. The report shall be prepared in duplicate. The original shall be submitted to the assistant regional commissioner not later than the 10th day of the month next succeeding that for which rendered, and the duplicate retained by the distiller. Distilled spirits in bulk containers shall be reported in proof gallons, and distilled spirits in bottles shall be reported in wine gallons. When reporting bulk spirits, Form 338 should be modified to show that bulk containers are involved, and that quantities are being reported in terms of proof gallons. Form 338 will be provided by users at their own expense, and, except for modification as above, must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

FILING AND RETENTION OF RECORDS AND REPORTS

§ 221.775 *Filing and retention of records and reports.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the distiller for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports of noncontiguous taxpaid premises shall be filed at such premises unless the assistant regional commissioner authorizes their filing at some other location. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PAR. 6. 26 CFR Part 225, "Warehousing of Distilled Spirits", is amended as follows:

(A) Section 225.244, and the headnote thereto, is amended to read as follows:

§ 225.244 *Reports.* Upon transfer of the business to the successor, the outgoing proprietor must file with the assistant regional commissioner a final report on Form 52 C, prepared in accordance with Subpart VV of this part, showing such transfer.

(68A Stat. 643, 645; 26 U. S. C. 5231, 5242)

(B) Section 225.255 is amended by striking from the first sentence the phrase "Form 1606" and inserting in lieu thereof the phrase "Form 2260".

(C) Section 225.287 is amended by striking from the last sentence the phrase "Form 1606" and inserting in lieu thereof the phrase "Form 2260".

(D) Section 225.586, and the headnote thereto, is amended to read as follows:

§ 225.586 *Proprietor's records and monthly report.* The proprietor shall keep records and render reports of all spirits removed from the warehouse, as provided in Subpart VV of this part.

(68A Stat. 637; 26 U. S. C. 5197)

(E) Section 225.715 is amended by striking from the last sentence the phrase "Form 1697" and inserting in lieu thereof the phrase "Form 2260".

(F) Section 225.718 is amended by striking from the last sentence the phrase "Form 1697" and inserting in lieu thereof the phrase "Form 2260".

(G) Section 225.719, and the headnote thereto, is amended to read as follows:

§ 225.719 *Monthly report of distilled spirits stamps.* At the end of each month the proprietor shall prepare a report on Form 2260, in duplicate, showing a monthly summary account of all distilled spirits excise tax stamps. On or before the 10th day of the succeeding month the original thereof shall be submitted to the assistant regional commissioner in accordance with the instructions printed on the form. The copy shall be retained on the premises for a period of not less than two years, and during such period shall be available during business hours for examination by internal revenue officers.

(68A Stat. 599, 614; 26 U. S. C. 5006, 5061)

(H) Section 225.1035 is amended as follows:

(1) By striking the fourth, fifth, and sixth sentences, each of which begins "The district director".

(2) By striking from the seventh sentence the beginning phrase "The proprietor", and inserting in lieu thereof the phrase "Upon receipt of the stamps from the district director, the proprietor".

(3) By striking the last sentence.

(I) Section 225.1040 is amended by striking from the last sentence the phrase "Form 1606" and inserting in lieu thereof the phrase "Form 2260".

(J) Section 225.1047, and the undesignated centerhead immediately preceding that section, is revoked.

(K) Section 225.1048, and the headnote thereto, is amended to read as follows:

§ 225.1048 *Removal of strip stamps prohibited.* Strip stamps which have been affixed to bottles of distilled spirits shall not be removed therefrom, except in the process of breaking when the bottles are opened. Unused strip stamps may not be requisitioned, transferred, or possessed except as provided by law or regulations, and used strip stamps may not be possessed.

(68A Stat. 602, 645; 26 U. S. C. 5008, 5243)

(L) Subpart VV is amended to read as follows:

SUBPART VV—RECORDS AND REPORTS OF PROPRIETOR

§ 225.1120 *Daily records of removal from warehouse.* The proprietor shall maintain daily records of removals which shall contain all data necessary (a) to enable internal revenue officers to identify each lot of distilled spirits removed from the warehouse, to verify such removal, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and (b) to provide the proprietor with records for compiling the monthly report, Form 52 C. Such records, in addition to any other information shown therein, shall show (1) the name and address of the consignee, (2) the date of removal, (3) the kind of spirits, (4) the name and registry number of the producing distiller, (5) the number of packages and cases (identifying tank car, tank truck, or pipeline removals), (6) the tax gallons removed, and (7) the serial numbers of cases or packages and identifying numbers of tank cars and tank trucks. All information required to be shown in the records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the removals are made.

(68A Stat. 619; 26 U. S. C. 5114)

§ 225.1121 *Monthly report of removals from warehouse, Form 52 C.* At the end of each month the proprietor shall prepare a report on Form 52 C, in duplicate, showing the total quantities of bulk and bottled-in-bond distilled spirits removed from the internal revenue bonded warehouse during the month. The original shall be submitted to the assistant regional commissioner on or before the 10th day of the succeeding month, and the copy shall be retained by the proprietor. Form 52 C will be provided by users at their own expense, and must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 619; 26 U. S. C. 5114)

§ 225.1122 *Records at taxpaid premises.* Every proprietor who maintains taxpaid premises shall keep daily records of the receipt and disposition of distilled spirits at such premises. By "taxpaid premises" is meant the "taxpaid" or "free" warehouse or room maintained in conjunction with the internal revenue bonded warehouse, or premises maintained at other locations, for the receipt, storage, and disposition of taxpaid distilled spirits. Separate records must be kept for each of such premises. The records shall contain all data necessary (1) to enable internal revenue officers to identify and trace the receipt and disposition of each lot of distilled spirits, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating thereto, and (2) to provide the proprietor with records from which his monthly report on Form 338 may be compiled. Such records, in addition to any other information shown therein, must clearly and accurately reflect the following:

(a) The date of the transaction (or date of discovery in the case of theft or casualty).

(b) The name and address of each consignor and consignee.

(c) The actual quantity of distilled spirits involved (proof gallons if in packages, wine gallons if in bottles).

(d) The serial numbers of the packages or cases.

(e) The name of the producer.

(f) The country of origin, if imported.

All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the transaction occurs.

(68A Stat. 619; 26 U. S. C. 5114)

§ 225.1123 *Reports from taxpaid premises.* At the end of each month the proprietor shall, for each taxpaid premises, prepare a report (or reports) on Form 338 showing, separately as to bulk and bottled spirits, the total quantities of taxpaid distilled spirits received and disposed of during the month and on hand at the beginning and end of the month. The report shall be prepared in duplicate. The original shall be submitted to the assistant regional commissioner not later than the 10th day of the month next succeeding that for which rendered, and the duplicate shall be retained by the proprietor. Distilled spirits in bulk containers shall be reported in proof gallons, and distilled spirits in bottles shall be reported in wine gallons. When reporting bulk spirits, Form 338 should be modified to show that bulk containers are involved, and that quantities are being reported in terms of proof gallons. Form 338 will be provided by users at their own expense, and, except for modification as above, must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

§ 225.1124 *Records and reports of off-premises export storage.* The provisions of §§ 225.1122 and 225.1123 relating to records and reports of distilled spirits at taxpaid premises are applicable to distilled spirits which have been bottled or packaged especially for export with benefit of drawback and which are held at the proprietor's contiguous off-premises export storage. The provisions of Part 194 of this chapter which relate to records and reports of distilled spirits and wines at wholesale liquor dealers' premises are applicable to distilled spirits and wines which have been bottled or packaged especially for export with benefit of drawback and which are held at the proprietor's noncontiguous off-premises export storage. The provisions of Part 194 of this chapter which relate to records of receipt of wine at wholesale liquor dealers' premises are applicable to wine which has been bottled or packaged especially for export with benefit of drawback and which is received at the proprietor's contiguous or noncontiguous off-premises export storage.

(68A Stat. 614; 26 U. S. C. 5062)

§ 225.1125 *Daily memorandum report of strip stamps.* The proprietor shall furnish a daily report of bottled-in-bond strip stamp usage (both domestic and export) to the storekeeper-gauger, which shall show (a) the number of cases of distilled spirits bottled, by number and size of bottles, (b) the serial numbers of such cases, and (c) separate summaries, by denomination, of the domestic and the export bottled-in-bond strip stamps received, used, mutilated in cutting or overprinting, mutilated in bottling, destroyed under supervision, unaccounted for, and on hand at the beginning and end of the day. The report shall be furnished not later than the morning of the business day next succeeding the day on which the strip stamp transactions occur. Reports will not be required for days on which no transactions occur. Reports may be in simple memorandum form, or be a copy of a record or report prepared by the proprietor for his own use. Copies of such reports shall be filed as prescribed in § 225.1127.

§ 225.1126 *Monthly report of strip stamps, Form 2260.* At the end of each month the proprietor shall prepare a report (or reports) on Form 2260 showing, separately, a monthly summary account of domestic and export bottled-in-bond strip stamps. Reports shall be prepared in duplicate, and all copies shall be submitted to the internal revenue officer for verification of the monthly inventories of stamps on hand. After such verification the internal revenue officer will return all copies to the proprietor, who will, on or before the 10th day of the succeeding month, forward the original to the assistant regional commissioner and retain the copy for filing in accordance with § 225.1127.

(68A Stat. 602; 26 U. S. C. 5008)

§ 225.1127 *Filing and retention of records and reports.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted to the assistant regional commissioner shall be filed and maintained by the warehouseman for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. Records and reports of noncontiguous taxpaid premises shall be filed at such premises, unless the assistant regional commissioner authorizes their filing at some other location. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PAR. 7. 26 CFR Part 230, "Bottling of Taxpaid Spirits", is amended as follows:

(A) Section 230.197 is amended as follows:

(1) By striking the word "subchapter" from the first sentence and inserting in lieu thereof the word "chapter".

(2) By striking from the ninth sentence, which begins "The proprietor will cancel", the word "subchapter" and inserting in lieu thereof the word "chapter".

(3) By striking from the 19th sentence, which begins "The proprietor shall", the phrase "Form 1697, properly modified", and inserting in lieu thereof the phrase "Form 2260".

(B) Section 230.201 is amended as follows:

(1) By striking from the first sentence the phrase "or to the wholesale liquor dealer premises or placed" and inserting in lieu thereof the phrase "or the wholesale liquor dealer premises, or be placed".

(2) By striking the last sentence.

(C) Section 230.223 is amended to read, "Red strip stamps will be furnished without charge to proprietors of taxpaid bottling houses by the district director of the district in which such bottling houses are located. Except in cases of emergency, they will not be furnished by district directors of other districts. The proprietor, on receipt of the copy of Form 428 and the stamps from the district director, will deliver the form and the stamps to the internal revenue officer for verification of receipt.".

(D) Section 230.231 is amended as follows:

(1) By striking from the headnote the word "Non-usable" and inserting in lieu thereof the word "Mutilated".

(2) By striking the first sentence.

(3) By striking from the second sentence the phrase "supervision of the" and inserting in lieu thereof the phrase "supervision of an".

(4) By changing the last sentence to read, "The proprietor will report on Form 2260 the number of each denomination of stamps so destroyed.".

(E) Subpart V is amended to read as follows:

SUBPART V—PROPRIETOR'S RECORDS AND REPORTS

RECORDS

§ 230.280 *Daily records.* The proprietor shall maintain, at his taxpaid bottling house, daily records which shall include all data necessary (1) to enable internal revenue officers to identify and trace the movement of all distilled spirits and wines from receipt to disposition, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such distilled spirits and wines, and (2) to provide the proprietor with records from which the monthly report, Form 52 D, may be compiled. Such records must accurately and clearly reflect the following:

(a) The distilled spirits and wines received on the premises (including export storage and the contiguous wholesale liquor dealer room).

(b) The dumping and packaging or original bottling of distilled spirits and wines.

(c) The bottling of spirits previously packaged on the premises.

(d) The rebottling of bottled spirits removed from the case storage room, export storage, or the contiguous wholesale liquor dealer room.

(e) The distilled spirits and wines removed from the premises (including export storage and the contiguous wholesale liquor dealer room).

In addition to any other information shown thereon, such records shall, for each transaction or operation, show the date and the kind and quantity of distilled spirits or wine involved, and, where applicable, (i) the date and serial number of each Form 230, (ii) the producer or rectifier of domestic spirits, (iii) the country of origin of imported spirits, (iv) the alcohol content of wines, (v) the serial numbers of bottling tanks used, (vi) the number of cases or packages and their serial numbers, (vii) the gains or losses during each operation, and (viii) the identity of each consignor for receipts and of each consignee for shipments. Spirits packaged or bottled especially for export with benefit of drawback must be appropriately identified at each operation or transaction. Wines will be recorded in wine gallons only. Distilled spirits must be recorded in both wine and proof gallons, except that the removal of distilled spirits bottled for domestic consumption will be recorded in wine gallons only. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

§ 230.281 *Wholesale liquor dealer room.* A contiguous wholesale liquor dealer room operated by the proprietor in connection with the taxpaid bottling house, whether or not it is used exclusively for the products of such taxpaid bottling house, will be considered a part of the bottling house premises for purposes of records and reports required by this part.

(68A Stat. 619; 26 U. S. C. 5114)

REPORTS

§ 230.282 *Daily memorandum report of distilled spirits bottled and strip stamps used.* The proprietor shall furnish a daily report to the storekeeper-gauger showing:

(a) The number of cases of distilled spirits bottled, by number and size of bottle.

(b) The serial numbers of such cases.

(c) A summary, by denomination, of red strip stamps received, used, mutilated, unaccounted for, destroyed, and on hand at the beginning and end of the day.

The report shall be furnished not later than the morning of the business day next succeeding that on which the strip stamps were used. The report may be in simple memorandum form, or it may be a copy of a record prepared by the proprietor for his own use. Copies of such reports shall be filed as prescribed by § 230.285.

§ 230.283 *Monthly report of red strip stamps.* At the end of each month the proprietor shall prepare a report on Form 2260, showing a summary of all red strip stamp transactions which occurred during the month. The report shall be prepared in duplicate, and both copies shall be delivered to the storekeeper-gauger for verification of the monthly inventories of stamps on hand. After such

verification both copies shall be returned to the proprietor, who shall, on or before the 10th day of the succeeding month, forward the original to the assistant regional commissioner and retain the duplicate for his files.

(68A Stat. 602; 26 U. S. C. 5008)

§ 230.284 *Monthly summary report.* At the end of each month the bottler shall prepare a report on Form 52 D, in duplicate, of all operations and transactions at the taxpaid bottling house during the month. The original of the report shall be submitted to the assistant regional commissioner not later than the 10th day of the succeeding month, and the duplicate shall be retained by the proprietor.

FILING AND RETENTION OF RECORDS AND REPORTS

§ 230.285 *Filing.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted shall be filed and maintained by the bottler for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

PROCUREMENT OF FORMS

§ 230.286 *Forms to be provided by users at own expense.* Forms 52 D and 230 will be provided by users at their own expense and must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 619; 26 U. S. C. 5114)

(F) Section 230.302 is amended as follows:

(1) By striking from the first sentence the phrase "on Form 52 D, or on a separate record with identifying data in accordance with § 230.285" and inserting in lieu thereof the phrase "in the daily records required by § 230.280".

(2) By striking the second sentence.

(G) Section 230.322 is amended to read, "Separate records will not be required for operations under a new individual or corporate name, or under each trade name or style. The proprietor shall, however, note on his daily records and on his monthly reports, Forms 52 D and 2260, the individual or corporate names or the trade names or styles under which operations were conducted during the month. In addition, the dates of operation under each such name shall be shown on Forms 52 D and 2260."

(H) Section 230.332 is amended by striking from the last sentence the phrase "part 2 of Form 182" and inserting in lieu thereof the phrase "Form 2260".

(I) Section 230.333 is amended to read, "Where there is a change in the proprietorship otherwise than by operation of law, the outgoing proprietor shall enter in his daily records of disposition and report on his Form 52 D all spirits transferred to his successor, who shall in turn enter in his daily records of receipt and report on his Form 52 D all spirits received from his predecessor. Where an administrator, executor, assignee, receiver, trustee, or other fiduciary succeeds to the business and qualifies to operate the same, his daily records and Form 52 D shall reflect such succession."

PAR. 8. 26 CFR Part 235, "Rectification of Spirits and Wines", is amended as follows:

(A) Section 235.418 is amended by striking from the 17th sentence, which begins "The proprietor shall", the phrase "Form 1697, properly modified,", and inserting in lieu thereof the phrase "Form 2260".

(B) Section 235.465 is amended by striking the second sentence.

(C) Section 235.498 is amended by striking from the last sentence the phrase "also make appropriate entries on Form 45 of" and inserting in lieu thereof the phrase "report on Form 45".

(D) Section 235.544 is amended to read, "Section 5041, I. R. C., imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. All wines which contain more than 24 percent of alcohol by volume are classed as distilled spirits and taxed accordingly.".

(E) Section 235.551 is amended by changing the first sentence to read, "Section 5022, I. R. C., imposes a tax, at the rate prescribed therein, on all liqueurs, cordials, or similar compounds produced in the United States and not sold as wine, which contain more than 2½ percent by volume of wine of an alcohol content in excess of 14 percent by volume (other than bottled cocktails); such tax to be in lieu of the rectification tax imposed by Section 5021, I. R. C.".

(F) Section 235.627 is amended by striking from the last sentence the phrase "and Form 45".

(G) Section 235.720 is amended by changing the last sentence to read, "Report of such transfers of stamps must be made on Form 2260 by the proprietors of both premises.".

(H) Section 235.722 is amended by striking from the last sentence the phrase "Form 45" and inserting in lieu thereof the phrase "the Form 2260".

(I) Section 235.723 is amended as follows:

(1) By changing the headnote to read "Stamp report.".

(2) By striking from the first sentence the phrase "keep a record on Form 45" and inserting in lieu thereof the phrase "make a report on Form 2260".

(3) By striking the remainder of the section.

(J) Section 235.742 is amended by striking the last sentence.

(K) Section 235.747 is amended to read, "Red strip stamps will be furnished without charge to proprietors of rectifying plants by the district director of the district in which such plants are located. Except in cases of emergency, they will not be furnished by district directors of other districts. The proprietor, on receipt of the copy of Form 428 and the stamps from the district director, will deliver the form and the stamps to the storekeeper-gauger for verification of receipt.".

(L) Section 235.755 is amended as follows:

(1) By striking from the headnote the word "Non-usable" and inserting in lieu thereof the word "mutilated".

(2) By striking the first sentence.

(3) By striking from the last sentence the phrase "enter appropriate credit on Form 182 for" and inserting in lieu thereof the phrase "report on Form 2260".

(M) Section 235.807 is amended as follows:

(1) By striking from the first sentence the phrase "on Form 45 or Record 52, or on a separate record with identifying data in accordance with § 235.821" and inserting in lieu thereof the phrase "in the daily records as provided in § 235.815".

(2) By striking the second sentence, which begins "Broken cases".

(N) Subpart JJ is amended to read as follows:

SUBPART JJ—RECTIFIER'S RECORDS AND REPORTS

RECORDS

§ 235.815 *Daily records.* The rectifier shall maintain, at his rectifying plant, daily records which shall include all data necessary (1) to enable internal revenue officers to identify and trace the movement of all distilled spirits and wines from receipt to disposition, and to ascertain whether there has been compliance with all internal revenue laws and regulations relating to such distilled spirits and wines, and (2) to provide the rectifier with records from which the monthly report, Form 45, may be compiled. Such records must accurately and clearly reflect the following:

(a) The distilled spirits, wines, and alcoholic flavoring materials received on the premises, including export storage and the contiguous wholesale liquor dealer room.

(b) The distilled spirits, wines, and alcoholic flavoring materials dumped for rectification.

(c) The rectification of each batch of distilled spirits and wines.

(d) The packaging or original bottling of each batch of distilled spirits and wines after rectification.

(e) The transfer of rectified products by pipeline to contiguous premises.

(f) The dumping and packaging or original bottling of distilled spirits and wines without rectification.

(g) The bottling of products previously packaged on the premises.

(h) The rebottling of bottled products removed from the finished products room, contiguous wholesale liquor dealer room, or export storage.

(i) The distilled spirits and wines removed from the premises. Separate records will be made of removals from the receiving room and removals from the finished products room (including export storage and the contiguous wholesale liquor dealer room).

In addition to any other information shown therein, such records shall, for each transaction or operation, show the date and the kind and quantity of distilled spirits or wine (including alcoholic flavoring materials) involved, and, where applicable, (i) the date and serial number of each Form 122, 230, or 237, (ii) the producer or rectifier of domestic spirits, (iii) the country or origin of imported spirits, (iv) the alcohol content of wines and flavoring materials, (v) the serial numbers of bottling tanks used, (vi) the serial number of the formula, (vii) the number of cases or packages and their serial numbers (identifying tank cars, tank trucks, and pipeline removals as such), (viii) the gains and losses during each operation, and (ix) the identity of each consignor for receipts and of each consignee for shipments. Products packaged or bottled especially for export with benefit of drawback must be appropriately identified at each operation or transaction. Quantities shall be recorded in both wine and proof gallons, except that the removal of finished products bottled for domestic consumption will be recorded in wine gallons only. All information required to be shown in the daily records required by this section shall be assembled or entered, as the case may be, before the close of the business day next succeeding the day on which the operation or transaction occurs.

§ 235.816 *Wholesale liquor dealer room.* A contiguous wholesale liquor dealer room operated by the proprietor in connection with the rectifying plant, whether or not it is used exclusively for the products of such rectifying plant, will be considered a part of such rectifying plant for purposes of records and reports required by this part.

REPORTS

§ 235.817 *Daily memorandum report of distilled spirits bottled and strip stamps used.* The rectifier shall furnish a daily report to the storekeeper-gauger showing (a) the number of cases of distilled spirits bottled, by number and size of bottle, (b) the serial numbers of such cases, and (c) a summary, by denomination, of red strip stamps received, used, mutilated, unaccounted for, destroyed, and on hand at the beginning and end of the day. The report shall be furnished not later than the morning of the business day next succeeding that on which the strip stamps were used. The report may be in a simple memorandum form, or it may be a copy of a record prepared by the proprietor for his own use. Copies of such reports shall be filed as prescribed in § 235.821.

§ 235.818 *Monthly report of red strip stamps.* At the end of each month the proprietor shall prepare a report on Form 2260, showing a summary of all red strip stamp transactions which occurred during the month. The report shall be prepared in duplicate, and both copies shall be delivered to the storekeeper-gauger for verification of the monthly inventories of stamps on hand. After such verification, both copies shall be returned to the proprietor, who shall, on or before the 10th day of the succeeding month, forward the original to the assistant regional commissioner and retain the duplicate for his files.

(68A Stat. 602; 26 U. S. C. 5008)

§ 235.819 *Report of rectified spirits stamps (for bottling tanks).* At the end of each month the rectifier shall prepare a summary report on Form 2260, in duplicate, of all operations and transactions in rectified spirits stamps (for bottling tanks) which occurred during the month. He shall submit the original of the report to the assistant regional commissioner not later than the 10th day of the succeeding month, and retain the duplicate for his files.

(68A Stat. 681; 26 U. S. C. 5555)

§ 235.820 *Monthly summary report.* At the end of each month the rectifier shall prepare a report on Form 45, in duplicate, of all operations and transactions at the rectifying plant during the month. He shall submit the original of the report to the assistant regional commissioner not later than the 10th day of the succeeding month, and retain the duplicate for his files.

(68A Stat. 652, 681; 26 U. S. C. 5285, 5555)

FILING AND RETENTION OF RECORDS AND REPORTS

§ 235.821 *Filing.* All records required by this part, all auxiliary or supplemental records of individual operations and transactions from which such records are compiled, and copies of all reports submitted shall be filed and maintained by the rectifier for a period of not less than two years in such manner as to facilitate inspection by internal revenue officers. The files of records and reports shall be available during regular business hours for examination and taking of abstracts therefrom by internal revenue officers.

(68A Stat. 652, 681; 26 U. S. C. 5285, 5555)

PROCUREMENT OF FORMS

§ 235.822 *Forms to be provided by users at own expense.* Forms 45, 122, 230, and 237 will be provided by users at their own expense and must be in the form prescribed by the Director, Alcohol and Tobacco Tax Division.

(68A Stat. 652, 681; 26 U. S. C. 5285, 5555)

(O) Section 235.851 is amended to read, "Separate records will not be required for operations under a new individual or corporate name or under each trade name or style. The rectifier shall, however, note on his daily records, and on his monthly reports on Forms 45 and 2260 the individual or corporate name or the trade names or styles under which operations were conducted during the month. In addition, the dates of operation under each such name shall be shown on Forms 45 and 2260.".

(P) Section 235.861 is amended as follows:

(1) By striking from the second sentence, which begins "The form", the phrase "of this part".

(2) By striking from the third sentence, which begins "Upon completion", the phrase "of this part".

(3) By striking from the last sentence the phrase "entries are made in Form 45" and inserting in lieu thereof the phrase "records are prepared as prescribed in § 235.815".

(Q) Section 235.865 is amended to read, "The outgoing rectifier may not transfer any strip stamps to his successor. Where the change of proprietorship of the plant is to be of a temporary nature, any strip stamps on hand belonging to the outgoing proprietor may be retained pending the qualification and resumption of operations by such proprietor, and he will continue to submit a monthly report on Form 2260 of such stamps.".

(R) Section 235.866 is amended as follows:

(1) By striking from the second sentence, which begins "Where the change", the phrase "and proper report will be rendered on Form 45", and inserting in lieu thereof the phrase ", who will continue to submit monthly reports of such stamps as prescribed in § 235.818".

(2) By striking the last sentence.

(S) Section 235.867 is amended to read, "Where there is a change in proprietorship otherwise than by operation of law, the outgoing rectifier shall enter in his daily records of disposition and report on his Form 45, all spirits transferred to his successor, who shall in turn enter in his daily records of receipt and report on his Form 45 all spirits as received from his predecessor.".

(T) Section 235.868 is amended by striking from the last sentence the phrase "Form 182" and inserting in lieu thereof the phrase "Form 2260".

PAR. 9. 26 CFR Part 240, "Wine", is amended by changing § 240.594 to read "Section 5041, I. R. C., imposes a tax, at rates prescribed therein, on all wines (including imitation, substandard, or artificial wine, and compounds sold as wine, which contain 24 percent or less of alcohol by volume) in bond in, produced in, or imported into, the United States; such tax to be determined as of the time of removal for consumption or sale. Wine containing more than 24 percent of alcohol by volume shall be classed as distilled spirits and taxed accordingly. The tax shall be determined and paid on the quantity of wine marked on the containers as provided in §§ 240.562 and 240.567, or (in case of pipeline removals) on the quantity determined as provided in § 240.597.".

[F. R. Doc. 57-45; Filed, Jan. 3, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

ATLANTIC OCEAN OFF DELAWARE COAST

Pursuant to the provisions of Chapter XLIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.25 (b) (2) is hereby amended to prescribe the periods of use of Army Antiaircraft Artillery firing areas in the Atlantic Ocean off the Delaware Coast beginning with 1957, effective on and

after publication of this amendment in the FEDERAL REGISTER, as follows:

§ 204.25 *Atlantic Ocean off Delaware coast; antiaircraft artillery firing areas, Second Army.* • • •

(b) *The regulations.* • • •

(2) Firing in the various areas will take place on certain days other than Saturdays, Sundays, and national holidays, as listed in public notices to be issued about January 1 of each year by the District Engineer, Corps of Engineers, Philadelphia, Pennsylvania.

NOTE: Firing in the various areas is scheduled to take place on the following days in 1957 (all dates inclusive):

January 2 to 4, 7 to 11, 14 to 18, 21 to 25, 28 to 31.

February 1, 4 to 8, 11 to 15, 18 to 21, 25 to 28.

March 1, 4 to 8, 11 to 15, 18 to 22, 25 to 29.

April 1 to 5, 8 to 12, 15 to 19, 22 to 26, 29, 30.

May 1 to 3, 6 to 10, 13 to 17, 20 to 24, 27 to 29, 31.

July 1 to 3, 5, 8 to 12, 15 to 19, 22 to 26, 29 to 31.

August 1, 2, 5 to 9, 12 to 16, 19 to 23, 26 to 30.

October 1 to 4, 7 to 11, 14 to 18, 21 to 25, 28 to 31.

November 1, 4 to 8, 12 to 15, 18 to 22, 25 to 27, 29.

December 2 to 6, 9 to 13, 16 to 20, 23, 24, 26, 27, 30, 31.

[Regs., Dec. 27, 1956, 800.2121 (Atlantic Ocean, Del.)—ENGWO] (Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1. Interprets or applies 40 Stat. 892; 33 U. S. C. 3)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
Acting The Adjutant General.

[F. R. Doc. 57-38; Filed, Jan. 3, 1957; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 106—HEARINGS IN CONNECTION WITH SCHOOL CONSTRUCTION AND FINANCIAL ASSISTANCE IN FEDERALLY IMPACTED AREAS

PART 109—FEDERAL ASSISTANCE UNDER TITLE IV, SINCE JULY 1, 1955, IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES

PART 110—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JULY 15, 1955

MISCELLANEOUS AMENDMENTS

1. In view of the pending republication of Title 45 of the Code of Federal Regulations in revised form so as to present the complete text of the regulations therein duly promulgated on or before December 31, 1956, and effective as to facts arising on and after January 1, 1957, Part 109, 45 CFR (20 F. R. 7605); and Part 110, 45 CFR (20 F. R. 7607) inclusive, of the above parts are hereby deleted without affecting in any way rights accrued or obligations incurred under either of these parts.

2. Subpart A of Part 106, 45 CFR (20 F. R. 9493, December 17, 1955), the definitions, issued pursuant to Public Law 815, 81st Congress (64 Stat. 967), as amended, and Public Law 874, 81st Congress (64 Stat. 1100) as amended, is hereby amended to conform with recent amendments of those laws, and regulations issued thereunder, by inserting references to those laws and regulations in paragraphs (b), (c), (f), and (g) of § 106.1 of this part. The amended paragraphs read as follows:

§ 106.1 *Definitions.* • • •

(b) *Public Law 815.* "Public Law 815" means Public Law 815, 81st Cong. (64 Stat. 967), as amended by Public Law 246, 83d Cong. (67 Stat. 522), Public Law 731, 83d Cong. (68 Stat. 1005), Public Law 382, 84th Cong. (69 Stat. 713), Public Law 896, 84th Cong. (70 Stat. 908), and Public Law 949, 84th Cong. (70 Stat. 968). Such term also includes such law as hereafter amended.

(c) *Public Law 874.* "Public Law 874" means Public Law 874, 81st Cong. (64 Stat. 1100), as amended by Public Law 11, 83d Cong. (67 Stat. 13), Public Law 170, 83d Cong. (67 Stat. 250), Public Law 248, 83d Cong. (67 Stat. 530), Public Law 732, 83d Cong. (68 Stat. 1006), Public Law 204, 84th Cong. (69 Stat. 433), Public Law 221, 84th Cong. (69 Stat. 482 and 485), Public Law 382, 84th Cong. (69 Stat. 713), Public Law 896, 84th Cong. (70 Stat. 908), and Public Law 949, 84th Cong. (70 Stat. 968). Such term also includes such law as hereafter amended.

• • • • • •

(f) *Applicant.* "Applicant" means a local educational agency which has filed an application under titles III or IV and regulations issued thereunder; or a local educational agency which has filed an application under Public Law 874 and regulations issued thereunder.

(g) *Application.* "Application" means a complete application under title III or title IV, as defined in regulations issued thereunder; or an application under Public Law 874 as defined in regulations issued thereunder.

(Sec. 208, 7, 64 Stat. 975, 1107; 20 U. S. C. 278, 242)

Dated: December 21, 1956.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: December 28, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-55; Filed, Jan. 3, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 403]

[Reg. 3, further amended]

FEDERAL OLD AGE AND SURVIVORS INSURANCE; TIME WITHIN WHICH REQUESTS FOR HEARING MUST BE FILED

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the amendment to regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare, as an amendment to present Social Security Administration Regulations No. 3 as amended (20 CFR 403.1 et seq.). It is proposed to amend the existing regulation by prescribing time limitations within which requests for hearing pursuant to section 205 (b) of the Social Security Act must be filed.

Prior to the final adoption of the proposed amendment, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare, at the Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., within a period of thirty days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is to be issued under the authority contained in sections 205 and 1102 of the Social Security Act, 53 Stat. 1368 as amended, 49 Stat. 647 as amended, and section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18.

[SEAL] CHARLES I. SCHOTTLAND,
Commissioner of Social Security.

Approved: December 28, 1956.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

§ 403.709 *Hearing.* • • •

(b) *Time and place of filing request for hearing.* (1) The request for hearing shall be made in writing and filed at an office of the Bureau, or with a referee, or with the Office of Appeals Council in the Social Security Administration.

(2) If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), the request for hearing must be filed within six months from the date of mailing notice of the initial determination, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). If a request for reconsideration has been filed, the request for hearing must be filed prior to the expiration of three months after the date of mailing notice of the reconsidered determination, or within six months after

the date of mailing notice of the initial determination, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). In any case, other than one where hearing is authorized under section 205 (c) (7) of the act, in which the notice of initial determination was mailed prior to August 1, 1956, the request for hearing must be filed within the time specified above, or on or before February 1, 1957, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a).

[F. R. Doc. 57-59; Filed, Jan. 3, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 156]

FARMERS ELEVATOR MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

DECEMBER 28, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $110,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: Farmers Elevator Mutual Insurance Company, Des Moines, Iowa.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-58; Filed, Jan. 3, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 27, 1956.

The Alaska Railroad has filed an application, Serial No. Anchorage 032892, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, but excepting the disposal of materials under the Materials Act.

The applicant desires the land for warehouse and industrial site leasing.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ANCHORAGE, ALASKA

Block 41D, East Addition to Anchorage Townsite.

ROBERT J. COFFMAN,
Acting Operations Supervisor.

[F. R. Doc. 57-42; Filed, Jan. 3, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 27, 1956.

The Department of Air Force has filed an application, Serial No. Fairbanks 013669, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for an air defense site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 2 N., R. 2 W.,
Section 24 (unsurveyed) 640 acres;
Section 26 (unsurveyed) SW¼ of SW¼ and NW¼ of SW¼, containing 80 acres.

ROBERT J. COFFMAN,
Acting Operations Supervisor.

[F. R. Doc. 57-43; Filed, Jan. 3, 1957; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

DECEMBER 27, 1956.

The Territorial Department of Lands has filed an application, Serial No. Anchorage 027603, for the withdrawal of the lands described below, from all forms of appropriation including the mining laws but excepting provisions of the mineral leasing laws and Materials Act.

The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

KENNEY LAKE AREA

Beginning at Corner No. 1 located at a point 50 feet from the centerline of the Edgerton Cutoff Highway at approximate Mi. 26.85, and from which USGS–BM 09/1923 bears N. 39° W. 4.00 chains; thence N. 56° W. 3.00 chains to Corner No. 2; thence N. 78° W. 8.00 chains to Corner No. 3; thence South 3.50 chains to Corner No. 4; thence East approximately 4.00 chains to Corner No. 5, which is a meander corner on the shore of Kenney Lake; thence by meander along the shore of Kenney Lake Easterly and Southeasterly to Corner No. 6; thence North approximately 4.50 chains to Corner No. 1, and the point of beginning. Containing 2.55 acres more or less.

ROBERT J. COFFMAN,
Acting Operations Supervisor.

[F. R. Doc. 57-44; Filed, Jan. 3, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

ESTABLISHMENT OF AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEES

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that the field organization be published in the FEDERAL REGISTER, and § 711.11 of the Marketing Quota Review Regulations (21 F. R. 9365 and 21 F. R. 9716), which provides for establishment of areas of venue for marketing quota review committees, notice is hereby given of areas of venue established by ASC State committees as follows:

ALABAMA

Area I—Counties of: Blount, Cherokee, DeKalb, Etowah, Marshall.

Area II—Counties of: Jackson, Limestone, Madison, Morgan.

Area III—Counties of: Colbert, Cullman, Franklin, Lauderdale, Lawrence.

Area IV—Counties of: Fayette, Jefferson, Lamar, Marion, Walker, Winston.

Area V—Counties of: Calhoun, Chambers, Clay, Cleburne, Randolph, St. Clair, Talladega.

Area VI—Counties of: Autauga, Bibb, Chilton, Dallas, Shelby, Tuscaloosa.

Area VII—Counties of: Greene, Hale, Marengo, Perry, Pickens, Sumter.

Area VIII—Counties of: Coosa, Elmore, Lee, Lowndes, Macon, Montgomery, Russell, Tallapoosa.

Area IX—Counties of: Bullock, Butler, Covington, Crenshaw, Pike.

Area X—Counties of: Barbour, Coffee, Dale, Geneva, Henry, Houston.

Area XI—Counties of: Baldwin, Choctaw, Mobile, Washington.

Area XII—Counties of: Clarke, Conecuh, Escambia, Monroe, Wilcox.

ARIZONA

Area of venue: State of Arizona.

ARKANSAS

Area I—Counties of: Jackson, Lawrence, Poinsett, White.

Area II—Counties of: Crittenden, Cross, Lee, Lonoke, Monroe, Phillips, Prairie, St. Francis, Woodruff.

Area III—Counties of: Calhoun, Clark, Columbia, Dallas, Grant, Hempstead, Hot Spring, Lafayette, Miller, Nevada, Ouachita, Union.

Area IV—Counties of: Benton, Boone, Carroll, Conway, Crawford, Franklin, Johnson, Madison, Newton, Pope, Sebastian, Washington.

Area V—Counties of: Baxter, Cleburne, Faulkner, Fulton, Independence, Izard, Marion, Pulaski, Searcy, Sharp, Stone, Van Buren.

Area VI—Counties of: Arkansas, Ashley, Bradley, Chicot, Cleveland, Desha, Drew, Jefferson, Lincoln.

Area VII—Counties of: Garland, Howard, Little River, Logan, Montgomery, Perry, Pike, Polk, Saline, Scott, Sevier, Yell.

Area VIII—Counties of: Clay, Craighead, Greene, Mississippi, Randolph.

CALIFORNIA

Area I—Counties of: Del Norte, Humbolt, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity.

Area II—Counties of: Contra Costa, Lake, Marin, Mendocino, Nape, Solano, Sonoma.

Area III—Counties of: Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Inyo, Marriposa, Mono, Nevada, Placer, Sacramento, Sutter, Tuolumne, Yolo, Yuba.

Area IV—Counties of: Madera, Merced, San Joaquin, Stanislaus.

Area V—Counties of: Alameda, Monterey, San Benito, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz.

Area VI—Counties of: Fresno, Kern, Kings, Tulare.

Area VII—Counties of: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Ventura.

COLORADO

Area I—Counties of: Kit Carson, Logan, Phillipps, Sedgwick, Washington, Yuma.

Area II—Counties of: Adams, Arapahoe, Boulder, Grand, Jackson, Jefferson, Larimer, Morgan, Weld.

Area III—Counties of: Cheyenne, Douglas, Elbert, El Paso, Kiowa, Lincoln.

Area IV—Counties of: Baca, Bent, Crowley, Huerfano, Otero, Las Animas, Prowers, Pueblo.

Area V—Counties of: Alamosa, Chaffee, Conejos, Costilla, Custer, Fremont, Gunnison, Park, Rio Grande, Saguache, Teller.

Area VI—Counties of: Archuleta, Delta, Dolores, LaPlata, Mesa, Montezuma, Montrose, Ouray, San Miguel.

Area VII—Counties of: Eagle, Garfield, Moffat, Pitkin, Rio Blanco, Routt.

CONNECTICUT

Area of venue: State of Connecticut.

DELAWARE

Area I—Counties of: Kent, New Castle, Sussex.

FLORIDA

Area I—Counties of: Alachua, Baker, Clay, Columbia, Duval, Gilchrist, Hendry, Hillsborough, Lake, Levy, Marion, Nassau, Orange, Palm Beach, Polk, Putnam, Seminole, St. Johns, Sumter, Union, Volusia.

Area II—Counties of: Bradford, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor.

Area III—Counties of: Calhoun, Gadsden, Gulf, Jackson, Jefferson, Leon, Liberty, Wakulla.

Area IV—Counties of: Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton, Washington.

GEORGIA

Area I—Counties of: Bartow, Catoosa, Chattooga, Cherokee, Cobb, Dade, Dawson, DeKalb, Fannin, Floyd, Forsyth, Fulton, Gilmer, Gordon, Gwinnett, Habersham, Hall, Lumpkin, Murray, Paulding, Pickens, Polk, Union, Rabun, Towns, Walker, White, Whitfield.

Area II—Counties of: Baldwin, Banks, Barrow, Burke, Butts, Clarke, Columbia, Elbert, Franklin, Glascock, Greene, Hancock, Hart, Henry, Jackson, Jasper, Jefferson, Lincoln, McDuffie, Madison, Morgan, Newton, Oconee, Oglethorpe, Putnam, Richmond, Rockdale, Stephens, Taliaferro, Walton, Warren, Washington, Wilkes.

Area III—Counties of: Bibb, Carroll, Chattahoochee, Clayton, Coweta, Crawford, Douglas, Fayette, Haralson, Harris, Heard, Jones, Lamar, Marion, Meriwether, Monroe, Muscogee, Peach, Pike, Schley, Spalding, Stewart, Talbot, Taylor, Troup, Upson, Webster.

Area IV—Counties of: Bleckley, Bulloch, Candler, Crisp, Dodge, Dooly, Emanuel, Houston, Jeff Davis, Johnson, Laurens, Macon, Montgomery, Pulaski, Telfair, Toombs, Treutlen, Twiggs, Wheeler, Wilcon, Wilkinson.

Area V—Counties of: Baker, Ben Hill, Brooks, Calhoun, Clay, Colquitt, Cook, Decatur, Dougherty, Early, Grady, Irwin, Lee, Miller, Mitchell, Quitman, Randolph, Seminole, Sumter, Terrell, Thomas, Tift, Turner, Worth.

Area VI—Counties of: Appling, Atkinson, Bacon, Berrien, Brantley, Bryan, Camden, Charlton, Chatham, Clinch, Coffee, Echols, Effingham, Evans, Glynn, Jenkins, Lanier, Liberty, Long, Lowndes, McIntosh, Pierce, Screven, Tattnall, Ware, Wayne.

IDAHO

Area I—Counties of: Bonneville, Butte, Clark, Custer, Fremont, Jefferson, Lemhi, Madison, Teton.

Area II—Counties of: Bannock, Bear Lake, Bingham, Caribou, Franklin, Oneida, Power.

Area III—Counties of: Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls.

Area IV—Counties of: Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington.

Area V—Counties of: Clearwater, Idaho, Lewis, Nez Perce.

Area VI—Counties of: Benewah, Bonner, Boundary, Kootenai, Latah.

ILLINOIS

Area I—Counties of: Carroll, Jo Daviess, Stephenson.

Area II—Counties of: DeKalb, Ogle, Winnebago.

Area III—Counties of: Boone, Kane, Lake, McHenry.

Area IV—Counties of: Henry, Mercer, Rock Island.

Area V—Counties of: Bureau, Lee, Whiteside.

Area VI—Counties of: Marshall, Peoria, Putnam, Stark.

Area VII—Counties of: Grundy, Kendall, La Salle.

Area VIII—Counties of: Livingston, McLean, Woodford.

Area IX—Counties of: DeWitt, Macon, Piatt.

Area X—Counties of: Cook, DuPage, Will.

Area XI—Counties of: Ford, Iroquois, Kankakee.

Area XII—Counties of: Champaign, Edgar, Vermilion.

Area XIII—Counties of: Henderson, Knox, Warren.

Area XIV—Counties of: Adams, Brown, Schuyler.

Area XV—Counties of: Fulton, McDonough, Hancock.

Area XVI—Counties of: Logan, Mason, Tazewell.

Area XVII—Counties of: Cass, Morgan, Pike, Scott.

Area XVIII—Counties of: Christian, Menard, Sangamon.

Area XIX—Counties of: Calhoun, Greene, Jersey.

Area XX—Counties of: Bond, Macoupin, Madison, Montgomery.

Area XXI—Counties of: Clinton, Monroe, St. Clair.

Area XXII—Counties of: Effingham, Fayette, Shelby.

Area XXIII—Counties of: Coles, Douglas, Moultrie.

Area XXIV—Counties of: Clark, Crawford, Cumberland, Jasper.

Area XXV—Counties of: Perry, Randolph, Washington.

Area XXVI—Counties of: Franklin, Jackson, Williamson.

Area XXVII—Counties of: Alexander, Pulaski, Johnson, Union.

Area XXVIII—Counties of: Pope, Hardin, Massac, Saline.

Area XXIX—Counties of: Clay, Jefferson, Marion, Wayne.

Area XXX—Counties of: Edwards, Lawrence, Richland, Wabash.

Area XXXI—Counties of: Gallatin, Hamilton, White.

INDIANA

Area I—Counties of: Elkhart, Kosciusko, Lagrange, Lake, Laporte, Marshall, Noble, Porter, St. Joseph, Steuben.

Area II—Counties of: Benton, Carroll, Cass, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Starke, White.

Area III—Counties of: Adams, Allen, Blackford, De Kalb, Grant, Huntington, Jay, Wabash, Wells, Whitley.

Area IV—Counties of: Boone, Clinton, Fountain, Hamilton, Montgomery, Parke, Tippecanoe, Tipton, Vermillion, Warren.

Area V—Counties of: Clay, Daviess, Gibson, Greene, Knox, Martin, Owen, Putnam, Sullivan, Vigo.

Area VI—Counties of: Bartholomew, Brown, Clark, Floyd, Jackson, Johnson, Lawrence, Monroe, Morgan, Washington.

Area VII—Counties of: Dearborn, Decatur, Fayette, Franklin, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Union.

Area VIII—Counties of: Crawford, Dubois, Harrison, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

Area IX—Counties of: Delaware, Hancock, Hendricks, Henry, Madison, Marion, Randolph, Rush, Shelby, Wayne.

IOWA

Area I—Counties of: Buena Vista, Calhoun, Carroll, Cherokee, Clay, Crawford, Dickinson, Emmet, Hancock, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster, Winnebago, Woodbury, Wright.

Area II—Counties of: Allamakee, Black Hawk, Bremer, Buchanan, Butler, Cedar, Cerro Gordo, Chickasaw, Clayton, Clinton, Delaware, Dubuque, Fayette, Floyd, Franklin, Howard, Jackson, Johnson, Jones, Linn, Louisa, Mitchell, Muscatin, Scott, Winneshiek, Worth.

Area III—Counties of: Benton, Boone, Grundy, Hamilton, Hardin, Iowa, Jasper, Marshall, Polk, Poweshiek, Story, Tama.

Area IV—Counties of: Appanoose, Davis, Des Moines, Jefferson, Keokuk, Lee, Mahaska, Marion, Monroe, Van Buren, Wapello, Washington.

Area V—Counties of: Adair, Adams, Clarke, Dallas, Decatur, Greene, Guthrie, Lucas, Madison, Ringgold, Union, Warren, Wayne.

Area VI—Counties of: Audubon, Cass, East Pottawattamie, Fremont, Harrison, Mills, Monona, Montgomery, Page, Shelby, Taylor, West Pottawattamie.

KANSAS

Area I—Counties of: Washington, Clay, Riley.

Area II—Counties of Marshall, Nemaha, Pottawatomie.

Area III—Counties of: Atchison, Brown, Doniphan.

Area IV—Counties of: Douglas, Jackson, Jefferson.

Area V—Counties of: Johnson, Leavenworth, Wyandotte.

Area VI—Counties of: Franklin, Linn, Miami.

Area VII—Counties of: Allen, Anderson, Bourbon.

Area VIII—Counties of: Cherokee, Crawford, Neosho.

Area IX—Counties of: Chautauqua, Labette, Montgomery.

Area X—Counties of: Elk, Wilson, Woodson.

Area XI—Counties of: Butler, Cowley, Greenwood, Harvey, Sedgwick.

Area XII—Counties of: Coffey, Lyon, Osage, Shawnee, Wabaunsee.

Area XIII—Counties of: Chase, Dickinson, Geary, Marion, Morris.

Area XIV—Counties of: Cloud, Jewell, Mitchell, Ottawa, Republic.

Area XV—Counties of: Ellsworth, Lincoln, McPherson, Russell, Saline.

Area XVI—Counties of: Harper, Kingman, Reno, Rice, Sumner.

Area XVII—Counties of: Barber, Clark, Comanche, Ford, Klowa.

Area XVIII—Counties of: Barton, Edwards, Pawnee, Pratt, Stafford.

Area XIX—Counties of: Ellis, Hodgeman, Ness, Rush, Trego.

Area XX—Counties of: Norton, Osborne, Phillips, Rooks, Smith.

Area XXI—Counties of: Decatur, Gove, Graham, Logan, Sheridan.

Area XXII—Counties of: Cheyenne, Rawlins, Sherman, Thomas, Wallace.

Area XXIII—Counties of: Finney, Gray, Lane, Meade, Scott.

Area XXIV—Counties of: Greeley, Hamilton, Kearny, Stanton, Wichita.

Area XXV—Counties of: Grant, Haskell, Morton, Seward, Stevens.

KENTUCKY

Area I—Counties of: Ballard, Calloway, Carlisle, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall, Trigg.

Area II—Counties of: Allen, Barren, Butler, Caldwell, Christian, Edmonson, Logan, Monroe, Muhlenberg, Simpson, Todd, Warren.

Area III—Counties of: Breckinridge, Daviess, Grayson, Hancock, Hardin, Henderson, Hopkins, McLean, Meade, Ohio, Union, Webster.

Area IV—Counties of: Adair, Boyle, Casey, Cumberland, Garrard, Green, Hart, Larue, Lincoln, Metcalfe, Russell, Taylor.

Area V—Counties of: Anderson, Bullitt, Franklin, Jefferson, Marion, Mercer, Nelson, Oldham, Shelby, Spencer, Washington, Woodford.

Area VI—Counties of: Boone, Campbell, Carroll, Gallatin, Grant, Harrison, Henry, Kenton, Owen, Pendleton, Scott, Trimble.

Area VII—Counties of: Bourbon, Clark, Estill, Fayette, Jessamine, Lee, Madison, Menifee, Montgomery, Morgan, Powell, Wolfe.

Area VIII—Counties of: Bath, Boyd, Bracken, Carter, Elliott, Fleming, Greenup, Lewis, Mason, Nicholas, Robertson, Rowan.

Area IX—Counties of: Bell, Clay, Clinton, Jackson, Knox, Laurel, McCreary, Owsley, Pulaski, Rockcastle, Wayne, Whitley.

Area X—Counties of: Breathitt, Floyd, Harlan, Johnson, Knott, Lawrence, Leslie, Letcher, Magoffin, Martin, Perry, Pike.

LOUISIANA

Area I—Parishes of: Bienville, Bossier, Caddo, Claiborne, DeSoto, Jackson, Lincoln, Red River, Union, Webster.

Area II—Parishes of: Caldwell, Concordia, East Carroll, Franklin, Madison, Morehouse, Ouachita, Richland, Tensas, West Carroll.

Area III—Parishes of: Avoyelles, Beauregard, Catahoula, Grant, LaSalle, Natchitoches, Rapides, Sabine, Vernon, Winn.

Area IV—Parishes of: Acadia, Allen, Calcasieu, Cameron, Evangeline, Jefferson Davis, Lafayette, St. Landry, St. Martin, Vermilion.

Area V—Parishes of: East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Tammany, Tangipahoa, Washington, West Baton Rouge, West Feliciana.

Area VI—Parishes of: Ascension, Assumption, Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John, St. Mary, Terrebonne.

MARYLAND

Area I—Counties of: Allegany, Carroll, Frederick, Garrett, Howard, Montgomery, Washington.

Area II—Counties of: Baltimore, Cecil, Harford, Kent, Queen Annes.

Area III—Counties of: Caroline, Dorchester, Somerset, Talbot, Wicomico, Worcester.

Area IV—Counties of: Calvert, Charles, St. Marys.

Area V—Counties of: Anne Arundel, Prince Georges.

MASSACHUSETTS

Area of venue: State of Massachusetts.

MICHIGAN

Area I—Counties of: Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft.

Area II—Counties of: Alcona, Alpena, Antrim, Arenac, Charlevoix, Cheboygan, Crawford, Emmet, Iosco, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle.

Area III—Counties of: Benzie, Clare, Gladwin, Grand Traverse, Kalkaska, Lake, Leelanau, Manistee, Mason, Missaukee, Osceola, Roscommon, Wexford.

Area IV—Counties of: Gratio, Ionia, Isabella, Kent, Mecosta, Midland, Montcalm, Muskegon, Newaygo, Oceana, Ottawa.

Area V—Counties of: Bay, Clinton, Genesee, Saginaw, Shiawassee.

Area VI—Counties of: Huron, Lapeer, St. Clair, Sanilac, Tuscola.

Area VII—Counties of: Livingston, Macomb, Monroe, Oakland, Wayne.

Area VIII—Counties of: Hillsdale, Ingham, Jackson, Lenawee, Washtenaw.

Area IX—Counties of: Barry, Branch, Calhoun, Eaton, St. Joseph.

Area X—Counties of: Allegan, Berrien, Cass, Kalamazoo, Van Buren.

MINNESOTA

Area I—Counties of: Anoka, Carber, Chisago, Dakota, Goodhue, Hennepin, McLeod, Ramsey, Rice, Scott, Sibley, Wabasha, Washington.

Area II—Counties of: Beltrami, Clearwater, East Polk, Kittson, Koochiching, Lake of the Woods, Mahnomen, Marshall, Norman, Pennington, Red Lake, Roseau, West Polk.

Area III—Counties of: Big Stone, Chippewa, Kandiyohi, Lac qui Parle, Meeker, Pope, Renville, Stearns, Stevens, Swift, Yellow Medicine.

Area IV—Counties of: Becker, Cass, Clay, Douglas, East Otter Tail, Grant, Hubbard, Morrison, Todd, Traverse, Wadena, West Otter Tail, Wilkin.

Area V—Counties of: Brown, Cottonwood, Jackson, Lincoln, Lyon, Martin, Murray, Nobles, Pipestone, Redwood, Rock, Watonwan.

Area VI—Counties of: Blue Earth, Dodge, Faribault, Fillmore, Freeborn, Houston, Le Sueur, Mower, Nicollet, Olmsted, Steele, Waseca, Winona.

Area VII—Counties of: Aitkin, Benton, Carlton, Cook, Crow Wing, Isanti, Itasca, Kanabec, Lake, Mille Lacs, North St. Louis, Pine, Sherburne, South St. Louis, Wright.

MISSISSIPPI

Area I—Counties of: Alcorn, Benton, Itawamba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo, Union.

Area II—Counties of: Chickasaw, Choctaw, Clay, Lowndes, Monroe, Oktibbeha.

Area III—Counties of: Calhoun, Carroll, Grenada, Montgomery, Webster, Yalobusha.

Area IV—Counties of: Attala, Kemper, Leake, Neshoba, Noxubee, Winston.

Area V—Counties of: Clarke, Jasper, Lauderdale, Newton, Scott, Smith.

Area VI—Counties of: Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Perry, Stone, Wayne.

Area VII—Counties of: Covington, Jefferson Davis, Lamar, Lawrence, Marion, Pearl River, Simpson, Walthall.

Area VIII—Counties of: Adams, Amite, Franklin, Lincoln, Pike, Wilkinson.

Area IX—Counties of: Copiah, Claiborne, Hinds, Jefferson, Madison, Rankin, Warren.

Area X—Counties of: Humphreys, Holmes, Issaquena, Leflore, Sharkey, Sunflower, Washington, Yazoo.

Area XI—Counties of: Bolivar, Coahoma, DeSoto, Panola, Quitman, Tallahatchie, Tate, Tunica.

MISSOURI

Area I—Counties of: Andrew, Atchison, Buchanan, Clay, Clinton, DeKalb, Gentry, Holt, Nodaway, Platte, Worth.

Area II—Counties of: Caldwell, Carroll, Charlton, Daviess, Harrison, Jackson, Lafayette, Livingston, Pettis, Ray, Saline.

Area III—Counties of: Adair, Clark, Grundy, Knox, Lewis, Linn, Macon, Mercer, Putnam, Schuyler, Scotland, Sullivan.

Area IV—Counties of: Bates, Benton, Cass, Cole, Cooper, Henry, Howard, Johnson, Miller, Moniteau, Morgan.

Area V—Counties of: Audrain, Boone, Callaway, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Shelby.

Area VI—Counties of: Barton, Camden, Cedar, Dade, Dallas, Hickory, LacLede, Polk, Pulaski, St. Clair, Vernon, Wright.

Area VII—Counties of: Crawford, Dent, Franklin, Gasconade, Jefferson, Maries, Osage, Phelps, St. Charles, St. Louis, Texas, Warren.

Area VIII—Counties of: Barry, Christian, Douglas, Greene, Jasper, Lawrence, McDonald, Newton, Ozark, Stone, Taney, Webster.

Area IX—Counties of: Carter, Howell, Iron, Madison, Oregon, Perry, Reynolds, St. Francois, Ste. Genevieve, Shannon, Washington, Wayne.

Area X—Counties of: Bollinger, Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard.

NEBRASKA

Area I—Counties of: Banner, Box Butte, Dawes, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.

Area II—Counties of: Arthur, Blaine, Brown, Buffalo, Cherry, Custer, Dawson, Garfield, Grant, Hooker, Keya Paha, Lincoln, Logan, Loup, McPherson, Rock, Thomas, Wheeler.

Area III—Counties of: Antelope, Boyd, Cedar, Dakota, Dixon, Holt, Knox, Madison, Pierce, Stanton, Wayne.

Area IV—Counties of: Chase, Cheyenne, Deuel, Dundy, Frontier, Hayes, Hitchcock, Keith, Perkins, Red Willow.

Area V—Counties of: Adams, Franklin, Furnas, Gosper, Hall, Hamilton, Harlan, Kearney, Phelps, Webster.

Area VI—Counties of: Boone, Howard, Greeley, Merrick, Nance, Platte, Polk, Sherman, Valley.

Area VII—Counties of: Butler, Clay, Colfax, Fillmore, Lancaster, Saline, Saunders, Seward, York.

Area VIII—Counties of: Burt, Cass, Cuming, Dodge, Douglas, Otoe, Sarpy, Thurston, Washington.

Area IX—Counties of: Gage, Jefferson, Johnson, Nemaha, Nuckolls, Pawnee, Richardson, Thayer.

NEVADA

Area of venue I: Counties of: Clark, Nye.

NEW HAMPSHIRE

Area of venue: State of New Hampshire.

NEW JERSEY

Area of venue: State of New Jersey.

NEW MEXICO

Area I—Counties of: Colfax, Curry, De Baca, Guadalupe, Harding, Mora, Quay, Roosevelt, San Miguel, Union.

Area II—Counties of: Bernalillo, McKinley, Rio Arriba, Sandoval, San Juan, Santa Fe, Taos, Torrance, Valencia.

Area III—Counties of: Catron, Dona Ana, Grant, Hidalgo, Luna, Sierra, Socorro.

Area IV—Counties of: Chaves, Eddy, Lea, Lincoln, Otero.

NEW YORK

Area I—Counties of: Allegany, Broome, Cattaraugus, Cayuga, Chautauqua, Chemung, Chenango, Cortland, Erie, Genesee, Livingston, Monroe, Niagara, Onondaga, Ontario, Orleans, Schuyler, Seneca, Steuben, Tioga, Tompkins, Wayne, Wyoming, Yates.

Area II—Counties of: Albany, Clinton, Columbia, Delaware, Dutchess, Essex, Franklin, Fulton, Greene, Herkimer, Jefferson, Lewis, Madison, Montgomery, Nassau, Oneida, Orange, Oswego, Otsego, Putnam, Rensselaer, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, Westchester.

NORTH CAROLINA

Area I—Counties of: Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Polk, Swain, Transylvania.

Area II—Counties of: Alleghany, Ashe, Avery, McDowell, Mitchell, Watauga, Wilkes, Yancey.

Area III—Counties of: Alexander, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rutherford, Union.

Area IV—Counties of: Davidson, Davie, Forsyth, Guilford, Rockingham, Rowan, Stokes, Surry, Yadkin.

Area V—Counties of: Anson, Chatham, Montgomery, Moore, Randolph, Richmond, Stanly.

Area VI—Counties of: Alamance, Caswell, Durham, Granville, Orange, Person, Vance, Wake.

Area VII—Counties of: Cumberland, Harnett, Hoke, Johnston, Lee, Sampson, Wayne.

Area VIII—Counties of: Bladen, Brunswick, Columbus, New Hanover, Pender, Robeson, Scotland.

Area IX—Counties of: Edgecombe, Franklin, Halifax, Nash, Northampton, Warren, Wilson.

Area X—Counties of: Bertie, Camden, Chowan, Currituck, Dare, Gates, Hertford, Martin, Pasquotank, Perquimans, Tyrrell, Washington.

Area XI—Counties of: Beaufort, Carteret, Craven, Duplin, Greene, Hyde, Jones, Lenoir, Onslow, Pamlico, Pitt.

NORTH DAKOTA

Area I—Counties of: Divide, McKenzie, Williams.

Area II—Counties of: Burke, Mountrail, Renville.

Area III—Counties of: Bottineau, McHenry, Pierce, Rolette.

Area IV—Counties of: McLean, Sheridan, Ward.

Area V—Counties of: Benson, Cavalier, Ramsey, Towner.

Area VI—Counties of: Grand Forks, Nelson, Pembina, Walsh.

Area VII—Counties of: Griggs, Steele, Traill.

Area VIII—Counties of: Eddy, Foster, Wells.

Area IX—Counties of: Dunn, Mercer, Oliver.

Area X—Counties of: Billings, Golden Valley, Stark.

Area XI—Counties of: Adams, Bowman, Hettinger, Slope.

Area XII—Counties of: Burleigh, Grant, Morton, Sioux.

Area XIII—Counties of: Emmons, Kidder, Logan, McIntosh.

Area XIV—Counties of: Barnes, Dickey, LaMoure, Stutsman.

Area XV—Counties of: Cass, Ransom, Richland, Sargent.

OHIO

Area I—Counties of: Defiance, Paulding, Van Wert, Williams.

Area II—Counties of: Fulton, Henry, Lucas, Ottawa, Wood.

Area III—Counties of: Erie, Huron, Sandusky, Seneca, Wyandot.

Area IV—Counties of: Ashland, Cuyahoga, Lorain, Medina, Summit.

Area V—Counties of: Ashtabula, Geauga, Lake, Portage, Trumbull, Mahoning.

Area VI—Counties of: Allen, Hancock, Hardin, Putnam.

Area VII—Counties of: Crawford, Marion, Morrow, Richland.

Area VIII—Counties of: Coshocton, Holmes, Muskingum, Tuscarawas, Wayne.

Area IX—Counties of: Carroll, Columbiana, Harrison, Jefferson, Stark.

Area X—Counties of: Auglaize, Logan, Mercer.

Area XI—Counties of: Delaware, Franklin, Madison, Union.

Area XII—Counties of: Knox, Licking, Perry.

Area XIII—Counties of: Champaign, Clark, Darke, Miami, Montgomery, Shelby.

Area XIV—Counties of: Butler, Greene, Hamilton, Preble, Warren.

Area XV—Counties of: Jackson, Lawrence, Scioto, Pike.

Area XVI—Counties of: Athens, Belmont, Fairfield, Gallia, Guernsey, Hocking, Meigs, Monroe, Morgan, Noble, Vinton, Washington.

Area XVII—Counties of: Adams, Brown, Clermont.

Area XVIII—Counties of: Clinton, Fayette, Highland, Pickaway, Ross.

OKLAHOMA

Area I—Counties of: Beaver, Cimarron, Custer, Dewey, Ellis, Harper, Roger Mills, Texas, Woods, Woodward.

Area II—Counties of: Alfalfa, Garfield, Grant, Kay, Major, Noble, Osage.

Area III—Counties of: Adair, Cherokee, Craig, Delaware, Mayes, Muskogee, Nowata, Okmulgee, Ottawa, Rogers, Tulsa, Wagoner, Washington.

Area IV—Counties of: Blaine, Canadian, Creek, Hughes, Kingfisher, Lincoln, Logan, Okfuskee, Oklahoma, Pawnee, Payne, Pottawatomie, Seminole.

Area V—Counties of: Beckham, Greer, Harmon, Jackson, Kiowa, Tillman, Washita.

Area VI—Counties of: Caddo, Carter, Cleveland, Coal, Comanche, Cotton, Garvin, Grady, Jefferson, Johnson, Love, McClain, Marshall, Murray, Pontotoc, Stephens.

Area VII—Counties of: Atoka, Bryan, Choctaw, Haskell, Latimer, LeFlore, McCurtain, McIntosh, Pittsburg, Pushmataha, Sequoyah.

PENNSYLVANIA

Area I—Counties of: Allegheny, Beaver, Butler, Crawford, Erie, Forest, Lawrence, Mercer, Venango, Warren, Washington.

Area II—Counties of: Armstrong, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Indiana, Jefferson, McKean, Potter.

Area III—Counties of: Bedford, Blair, Fayette, Fulton, Greene, Huntingdon, Mifflin, Somerset, Westmoreland.

Area IV—Counties of: Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lancaster, Perry, York.

Area V—Counties of: Bradford, Columbia, Lackawanna, Lycoming, Montour, Northumberland, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming.

Area VI—Counties of: Berks, Bucks, Carbon, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill.

SOUTH CAROLINA

Area I—Counties of: Abbeville, Anderson, Greenville, Greenwood, Laurens, Oconee, Pickens, Spartanburg.

Area II—Counties of: Aiken, Edgefield, Fairfield, Lexington, McCormick, Newberry, Saluda.

Area III—Counties of: Bamberg, Barnwell, Calhoun, Clarendon, Orangeburg, Richland, Sumter.

Area IV—Counties of: Allendale, Beaufort, Berkeley, Charleston, Colleton, Dorchester, Hampton, Jasper.

Area V—Counties of: Darlington, Dillon, Florence, Georgetown, Horry, Marion, Marlboro, Williamsburg.

Area VI—Counties of: Cherokee, Chester, Chesterfield, Kershaw, Lancaster, Lee, Union, York.

SOUTH DAKOTA

Area I—Counties of: Bennett, Butte, Custer, Fall River, Harding, Lawrence, Meade, Pennington, Shannon.

Area II—Counties of: Brule, Buffalo, Gregory, Haakon, Jackson, Jones, Lyman, Mellette, Todd, Tripp, Washabaugh.

Area III—Counties of: Aurora, Bon Homme, Charles Mix, Davison, Douglas, Hanson, Hutchinson, Jerauld, Sanborn.

Area IV—Counties of: Clay, Lake, Lincoln, McCook, Miner, Minnehaha, Moody, Turner, Union, Yankton.

Area V—Counties of: Brookings, Clark, Codington, Day, Deuel, Grant, Hamlin, Marshall, Roberts.

Area VI—Counties of: Beadle, Faulk, Hand, Hughes, Hyde, Kingsbury, Potter, Spink, Stanley, Sully.

Area VII—Counties of: Brown, Campbell, Corson, Dewey, Edmunds, McPherson, Perkins, Walworth, Ziebach.

TENNESSEE

Area I—Counties of: Carter, Johnson, Sullivan, Unico, Washington.

Area II—Counties of: Cocke, Greene, Hamblen, Hawkins, Jefferson.

Area III—Counties of: Claiborne, Grainger, Hancock, Union.

Area IV—Counties of: Anderson, Campbell, Knox, Morgan, Roane, Scott.

Area V—Counties of: Blount, Loudon, Monroe, Sevier.

Area VI—Counties of: Bradley, Hamilton, McMinn, Meigs, Polk, Rhea.

Area VII—Counties of: Cumberland, Fentress, Overton, Pickett, Putnam, White.

Area VIII—Counties of: Clay, DeKalb, Jackson, Macon, Smith, Trousdale.

Area IX—Counties of: Davidson, Sumner, Williamson, Wilson.

Area X—Counties of: Cheatham, Dickson, Houston, Humphreys, Montgomery, Robertson, Stewart.

Area XI—Counties of: Cannon, Coffee, Rutherford, Van Buren, Warren.

Area XII—Counties of: Bledsoe, Franklin, Grundy, Marion, Moore, Sequatchie.

Area XIII—Counties of: Bedford, Giles, Lincoln, Marshall, Maury.

Area XIV—Counties of Hickman, Lawrence, Lewis, Perry, Wayne.

Area XV—Counties of: Chester, Decatur, Hardin, McNairy.

Area XVI—Counties of: Fayette, Hardeman, Shelby, Tipton.

Area XVII—Counties of: Crockett, Haywood, Lauderdale, Madison.

Area XVIII—Counties of: Dyer, Gibson, Lake, Obion, Weakley.

Area XIX—Counties of: Benton, Carroll, Henderson, Henry.

TEXAS

Area I—Counties of: Dallam, Hartley, Moore, Sherman.

Area II—Counties of: Hansford, Hutchinson, Lipscomb, Ochiltree.

Area III—Counties of: Armstrong, Carson, Deaf Smith, Oldham, Potter, Randall.

Area IV—Counties of: Gray, Hemphill, Roberts, Wheeler.

Area V—Counties of: Bailey, Castro, Lamb, Parmer.

Area VI—Counties of: Briscoe, Floyd, Hale, Swisher.

Area VII—Counties of: Cochran, Hockley, Terry, Yoakum.

Area VIII—Counties of: Crosby, Garza, Lubbock, Lynn.

Area IX—Counties of: Childress, Collingsworth, Donley, Hall.

Area X—Counties of: Cottle, Dickens, Kent, King, Motley, Stonewall.

Area XI—Counties of: Foard, Hardeman, Wilbarger.

Area XII—Counties of: Baylor, Haskell, Knox, Throckmorton.

Area XIII—Counties of: Collin, Cooke, Denton, Grayson.

Area XIV—Counties of: Delta, Fannin, Hunt, Lamar, Rockwall.

Area XV—Counties of: Dallas, Ellis, Johnson, Kaufman, Tarrant.

Area XVI—Counties of: Bowie, Franklin, Morris, Red River, Titus.

Area XVII—Counties of: Henderson, Hopkins, Rains, Smith, Van Zandt, Wood.

Area XVIII—Counties of: Camp, Cass, Gregg, Harrison, Marion, Upshur.

Area XIX—Counties of: Andrews, Dawson, Gaines, Glasscock, Martin, Midland.

Area XX—Counties of: Borden, Coke, Howard, Mitchell, Scurry, Sterling.

Area XXI—Counties of: Fisher, Jones, Nolan, Runnels, Taylor.

Area XXII—Counties of: Archer, Clay, Wichita, Young.

Area XXIII—Counties of: Jack, Montague, Parker, Wise.

Area XXIV—Counties of: Callahan, Eastland, Shackelford, Stephens.

Area XXV—Counties of: Comanche, Erath, Hood, Palo Pinto.

Area XXVI—Counties of: Bosque, Hill, McLennan, Navarro.

Area XXVII—Counties of: Bell, Falls, Milam, Williamson.

Area XXVIII—Counties of: Freestone, Leon, Limestone, Madison, Robertson.

Area XXIX—Counties of: Anderson, Cherokee, Houston, Rusk.

Area XXX—Counties of: Angelina, Nacogdoches, Panola, Sabine, San Augustine, Shelby.

Area XXXI—Counties of: Montgomery, San Jacinto, Trinity, Walker.

Area XXXII—Counties of: Jasper, Newton, Tyler, Polk.

Area XXXIII—Counties of: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, Ward, Winkler.

Area XXXIV—Counties of: Crane, Crockett, Ector, Irion, Reagan, Schleicher, Sutton, Tom Green, Upton.

Area XXXV—Counties of: Brown, Coleman, Concho, McCulloch, San Saba.

Area XXXVI—Counties of: Blanco, Gillespie, Kimble, Llano, Mason, Menard.

Area XXXVII—Counties of: Burnet, Coryell, Hamilton, Lampasas, Mills.

Area XXXVIII—Counties of: Caldwell, Guadalupe, Hays, Travis.

Area XXXIX—Counties of: Bastrop, Fayette, Lavaca, Lee.

Area XL—Counties of: Brazos, Burleson, Grimes, Washington.

Area XLI—Counties of: DeWitt, Goliad, Gonzales, Karnes.

Area XLII—Counties of: Calhoun, Colorado, Jackson, Victoria, Wharton.

Area XLIII—Counties of: Austin, Brazoria, Fort Bend, Matagorda, Waller.

Area XLIV—Counties of: Chambers, Galveston, Hardin, Harris, Jefferson, Liberty.

Area XLV—Counties of: Bandera, Comal, Edwards, Kendall, Kerr, Real.

Area XLVI—Counties of: Dimmitt, Kinney, Maverick, Uvalde, Val Verde, Zavala.

Area XLVII—Counties of: Atascosa, Bexar, Frio, LaSalle, McMullon, Medina, Wilson.

Area XLVIII—Counties of: Aransas, Bee, Live Oak, Refugio, San Patricio.

Area XLIX—Counties of: Brooks, Jim Hogg, Webb, Zapata.

Area L—Counties of: Duval, Jim Wells, Kenedy, Kleberg, Nueces.

Area LI—Counties of: Cameron, Hildalgo, Starr, Willacy.

UTAH

Area of venue: Entire State of Utah.

VIRGINIA

Area I—Counties of: Accomack, Amelia, Brunswick, Chesterfield, Dinwiddie, Greensville, Isle of Wight, Nansemond, Norfolk, Northhampton, Nottoway, Powhatan, Price George, Princess Anne, Southampton, Surry, Sussex.

Area II—Counties of: Amherst, Appomattox, Bedford, Botetourt, Buckingham, Campbell, Charlotte, Craig, Cumberland, Franklin, Halifax, Henry, Lunenburg, Mecklenburg, Nelson, Patrick, Pittsylvania, Price Edward, Roanoke.

Area III—Counties of: Bland, Buchanan, Carroll, Dickenson, Floyd, Giles, Grayson, Lee, Montgomery, Pulaski, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.

Area IV—Counties of: Caroline, Charles City, Essex, Fluvanna, Gloucester, Goochland, Hampton, Hanover, Henrico, James City, King and Queen, King George, King William, Lancaster, Louisa, Mathews, Middlesex, New Kent, Northumberland, Richmond, Spotsylvania, Stafford, Westmoreland, Warwick, York.

Area V—Counties of: Albemarle, Alleghany, Augusta, Bath, Clarke, Culpeper, Fauquier, Fairfax, Frederick, Greene, Highland, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockbridge, Rockingham, Shenandoah, Warren.

WASHINGTON

Area I—Counties of: Asotin, Columbia, Franklin, Garfield, Walla Walla, Whitman.

Area II—Counties of: Douglas, Ferry, Lincoln, Okanogan, Pend Orielle, Spokane, Stevens.

Area III—Counties of: Adams, Benton, Chelan, Grant, Kittitas, Klickitat, Yakima.

WEST VIRGINIA

Area I—Counties of: Berkeley, Hampshire, Hardy, Jefferson, Mineral, Morgan, Pendleton, Preston, Grant.

Area II—Counties of: Barbour, Braxton, Calhoun, Gilmer, Lewis, Pocahontas, Randolph, Taylor, Tucker, Upshur, Webster.

Area III—Counties of: Brooke, Doddridge, Hancock, Harrison, Marion, Marshall, Monongalia, Ohio, Pleasants, Ritchie, Tyler, Wetzel.

Area IV—Counties of: Cabell, Jackson, Lincoln, Mason, Mingo, Putnam, Roane, Wayne, Wirt, Wood.

Area V—Counties of: Boone, Clay, Fayette, Greenbrier, Kanawha, Logan, McDowell, Mercer, Monroe, Nicholas, Raleigh, Summers, Wyoming.

WISCONSIN

Area I—Counties of: Dane, Green, Jefferson, Kenosha, Milwaukee, Racine, Rock, Walworth, Waukesha.

Area II—Counties of: Crawford, Grant, Iowa, La Crosse, Lafayette, Monroe, Richland, Sauk, Vernon.

Area III—Counties of: Calumet, Columbia, Dodge, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marquette, Ozaukee, Sheboygan, Washington, Waushara, Winnebago.

Area IV—Counties of: Adams, Buffalo, Clark, Chippewa, Dunn, Eu Claire, Jackson, Juneau, Pepin, Trempealeau, Wood.

Area V—Counties of: Brown, Florence, Forest, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Outagamie, Portage, Shawano, Taylor, Vilas, Waupaca.

Area VI—Counties of: Ashland, Barron, Bayfield, Burnett, Douglas, Iron, Pierce, Polk, Price, Rusk, St. Croix, Sawyer, Washburn.

PUERTO RICO

Area of venue: North and South areas, comprising all cotton-producing municipalities in Puerto Rico.

Done at Washington, this 31st day of December 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-62; Filed, Jan. 3, 1957; 8:49 a. m.]

UPLAND COTTON AND EXTRA LONG STAPLE COTTON

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEES

Section 722.829 (c) of the regulations pertaining to acreage allotments for the 1957 crop of upland cotton (21 F. R. 7817) and § 722.1428 (c) of the regulations pertaining to acreage allotments for the 1957 crop of extra long staple cotton (21 F. R. 8275), provide that any authority delegated to a State Agricultural Stabilization and Conservation Committee by the regulations in §§ 722.817 to 722.829 (b) and in §§ 722.1417 to 722.1428 (b) may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (60 Stat, 238; 5 U. S. C. 1002) which requires that delegations of final authority be published in the FEDERAL REGISTER, there are set forth herein the redelegations of final authority which have been made by Agricultural Stabilization and Conservation State Committees. Shown below are the sections of the regulations in which such authority appears and the persons, designated by name or by title, to whom such authority has been redelegated.

ALABAMA

Section 722.817 (g)—State Administrative Officer.

Section 722.829 (b)—State Administrative Officer; James C. Bailey, Program Assistant; and all ASC Farmer Fieldmen.

ARIZONA

Sections 722.829 (b) and 722.1428 (b)—Harold E. Box, Program Specialist; Ray S. Wolf, ASC Farmer Fieldman.

ARKANSAS

Section 722.829 (b)—All ASC Farmer Fieldmen and all County Office Auditors.

CALIFORNIA

Sections 722.829 (b) and 722.1428 (b)—J. T. Moody and Harold L. Silcott, Program Specialists; Stanley L. Hill and Main S. Wall, ASC Farmer Fieldmen.

FLORIDA

Sections 722.817 (g) and 722.1417 (g)—State Administrative Officer or Acting State Administrative Officer and all ASC Farmer Fieldmen.

Sections 722.818 (f) (2) and 722.1418 (b)—State Administrative Officer or Acting State Administrative Officer.

Sections 722.829 (b) and 722.1428 (b)—State Administrative Officer or Acting State Administrative Officer and all ASC Farmer Fieldmen.

GEORGIA

Section 722.817 (g)—State Administrative Officer.

Section 722.829 (b)—State Administrative Officer; all Program Specialists; and all ASC Farmer Fieldmen.

ILLINOIS

Sections 722.817 (g), 722.817 (j) (2), 722.829 (b)—Lloyd S. Martin, Program Assistant; Winstead R. Davie, ASC Farmer Fieldman.

KENTUCKY

Section 722.829 (b)—The following members of the State committee: Roy C. Gray, Ernest E. Bullock, Samuel P. Tuggle; Fred B. Wachs, Jr., Acting State Administrative Officer; Homer V. Yonts, Program Specialist; Kenneth A. Grogan, ASC Farmer Fieldman.

LOUISIANA

Section 722.817 (g)—All ASC Farmer Fieldmen.

Section 722.818 (f) (2)—State Administrative Officer.

Section 722.829 (b)—Clarence E. Slack, State Administrative Officer; Joseph R. Bath and James F. Davis, Program Specialists; Lloyd A. Mullin, Hugh F. Spencer, Camille J. Clayton, Don L. Rockett, Lindsey E. Landreneau, Lewis L. Sanders, ASC Farmer Fieldmen.

MISSISSIPPI

Section 722.817 (g)—State Administrative Officer and Acting State Administrative Officer.

Section 722.829 (b)—State Administrative Officer, Acting State Administrative Officer; Marketing Quota Specialist; all ASC Farmer Fieldmen; and County Office Auditors.

MISSOURI

Section 722.829 (b)—Joe A. Grant, State Administrative Officer; Robert Smola, Program Specialist; and Elmer Kinkade, William MacGum; Hobert Little, W. E. Foster, and Ray Neill, ASC Farmer Fieldmen.

NEVADA

Section 722.829 (b)—State Administrative Officer; and the ASC Farmer Fieldman.

NEW MEXICO

Sections 722.818 (f) (2) and 722.1418 (b)—Dale H. Helsper, State Administrative Officer.

Sections 722.829 (b) and 722.1428 (b)—Dale H. Helsper, State Administrative Officer; W. C. Hutchins, Jr., and Theodore R. Baker, Program Specialists; and all ASC Farmer Fieldmen.

NORTH CAROLINA

Section 722.818 (f) (2)—J. L. Nicholson, Program Specialist.

OKLAHOMA

Sections 722.817 (g) and 722.829 (b)—S. A. Shelby, Program Specialist; and all ASC Farmer Fieldmen.

PUERTO RICO

Sections 722.1417 (e) (3) (ii) (a), 722.1417 (g) 722.1417 (j) (2), 722.1418 (b), 722.1428 (b)—G. Laguardia, Director, Caribbean Area ASC Office; J. Capo-Caballero, Assistant Director, Caribbean Area ASC Office; Alcides Zeno, Chief, A. C. Programs and District Offices Division; David Gomez-Montoya, Assistant Chief, A. C. Programs and District Offices Division.

SOUTH CAROLINA

Section 722.829 (b)—State Administrative Officer; A. R. Crawford, Program Specialist; and C. B. Ringer, Administrative Assistant.

TENNESSEE

Sections 722.817 (g) and 722.829 (b)—State Administrative Officer; Joe D. Ramsey, Program Specialist; John E. Hudson, Assistant Program Specialist; and all ASC Farmer Fieldmen.

TEXAS

Sections 722.817 (g), 722.1417 (g), 722.829 (b), and 722.1428 (b)—H. H. Marshall, W. M. Hott, Paul H. Johnson, and John E. Montgomery, Program Specialists; and all ASC Farmer Fieldmen.

VIRGINIA

Section 722.829 (b)—W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; Homer O. Simpson, Chief Production Adjustment Specialist; J. Parker Lambeth, Jr., Production Adjustment Specialist; Leland E. Beale, Jr., Thomas W. Ragsdale, and L. L. Snead, ASC Farmer Fieldmen.

Issued at Washington, D. C., this 31st day of December 1956.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 57-64; Filed, Jan. 3, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-36]

BABCOCK & WILCOX CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission proposes to issue on Form AEC-250, a facility export license, XR-2, described below unless within 15 days after publication in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR 2.102 (b)).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 and 10 CFR, Chapter I, Part 50, "Licensing of Production of Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility as defined in said act and regulations, and (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with Brazil, the Atomic Energy Commission proposes to issue a license to Babcock & Wilcox Company, 161 East 42d Street, New York 17, N. Y., for the export of a 5 megawatt pool type research reactor described in the supplement to its application filed October 19, 1956, to the Conselho Nacional de Pesquisas do Brasil, a Department of the Brazilian Government, for operation by the University of Sao Paulo.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the United States Atomic Energy Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on March 31, 1958, unless sooner terminated.

Dated at Washington, D. C., this 31st day of December 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-66; Filed, Jan. 2, 1957; 12:34 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11651]

GEORGE C. MCGHEE ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

George C. McGhee (Operator) et al. (McGhee), on November 30, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description, Purchaser, Rate Schedule Description, and Effective Date[1]

Notice of change, dated November 30, 1956; Texas Gas Transmission Corporation; Supplement No. 2 to McGhee's FPC Gas Rate Schedule No. 2; January 1, 1957.

In support of the increase, McGhee cites the terms of a "favored nations" provision in his 20-year gas sales contract, which McGhee states was a major inducement to him for entering such contract after arm's length bargaining. See, however, the views of the Commission expressed in Union Oil Company of California, et al., Opinion No. 300, issued December 6, 1956.

[1] The stated effective date is the first day after the expiration of the required thirty days notice, or the effective date proposed by McGhee, if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 27, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-46; Filed, Jan. 3, 1957; 8:46 a. m.]

[Docket No. G-11652]

RUSSELL MAGUIRE ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Russell Maguire (Operator) et al. (Maguire) on November 29, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, dated November 28, 1956; Texas Eastern Transmission Corporation; Supplement No. 3 to Maguire's FPC Gas Rate Schedule No. 2; December 29, 1956.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Maguire, if later.

In support of the increase, Maguire states only that it derives from the terms of an arm's length contract, does not involve large dollar amounts and that Maguire's costs and expenditures will increase as the reservoirs are depleted. See, however, the views of the Commission expressed in Union Oil Company of California, et al., Opinion No. 300 issued December 6, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 29, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 27, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-47; Filed, Jan. 3, 1957; 8:46 a. m.]

[Docket No. G-11653]

CHICAGO CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Chicago Corporation, et al. (Chicago) on November 28, 1956, tendered for filing a proposed change in the presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description, Purchaser, Rate Schedule Designation, and Effective Date[1]

Notice of change undated; Texas Eastern Transmission Corporation; Supplement No. 3 to FPC Gas Rate Schedule No. 24; December 28, 1956.

In support of the increase, Chicago states only the terms of its 20-year contract and the pricing arrived at therein in view of the length of time involved and Chicago's prospective costs and expenditures. See, however, the views of the Commission expressed in Union Oil Company of California, et al., Opinion No. 300, issued December 6, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until May 28, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: December 27, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-48; Filed, Jan. 3, 1957; 8:46 a. m.]

[Docket No. G-11654]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATE SCHEDULE AND SERVICE AGREEMENT

On November 30, 1956, Alabama-Tennessee Natural Gas Company (Alabama-

[2] Commissioner Digby dissenting.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Chicago, if later.

Tennessee) submitted for filing proposed changes in its rate schedule provisions and forms of service agreement with regard to sales of natural gas subject to the jurisdiction of the Commission. The presently material changes[1] are contained in Original Sheets Nos. 11–A, 11–B, 11–C, 28–A, 28–B, 28–C and 36–E of Alabama-Tennessee's FPC Gas Tariff, First Revised Volume No. 1, and are proposed to become effective (pursuant to requested waiver of notice), on December 1, 1956.

The proposal contemplates the establishment of Rate Schedule OPS–CD1 (Optional Peak Service Contract Demand) to be available through April 30, 1957 containing the same monthly rate levels as those in effect for peaking service during the winter season 1955–1956; a demand charge of $2.25 per Mcf of billing demand and a commodity charge of 75 cents per Mcf for the volumes of peaking gas delivered.[2] Under the proposal, Alabama-Tennessee's customers must, inter alia, elect a billing demand under the General Service Rate Schedule (Rate Schedule G–1) not less than 108% of the billing demand applicable to them respectively on April 30, 1956. Under the proposal, billing demand for the peaking service is importantly changed from that in effect during the winter season 1955–1956, in that such billing demand is the contracted demand for such peaking service instead of the highest peaking service demand actually established during the term of the applicable Rate Schedule.[3]

Letters protesting the change to contract demand billing have been received from five of the eight customers eligible for peaking gas service. Additionally, another customer urges return to the billing arrangement previously used.

Upon consideration of the proposed change, the reasons advanced in support thereof, and the objections advanced thereto, it appears that the proposed change in rate schedule and in the provisions of Alabama-Tennessee's service agreement related thereto have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Accordingly, such proposed change must be suspended pending hearing thereon, and cannot be presently given the December 1, 1956 effective date requested by Alabama-Tennessee. However, the overall effect of the proposed change, despite the indicated questions as to its sufficiency in terms of reasonableness and discrimination, may be in general more advantageous to Alabama-Tennessee's customers than supply to them during the period December 1, 1956–April 30, 1957 under Alabama-Tennessee's otherwise applicable Rate Schedule G–1. Alabama-Tennessee has indicated its desire to make such advantages immediately available to its customers, which can be accomplished by its motion, at the end of the one-day suspension hereinafter ordered, to make its proposals effective pursuant to section 4 (e) of the Natural Gas Act.

In addition, the matter of the requested effective date of December 1, 1956 can be given further consideration at the conclusion of the hearings to be hereinafter provided for.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change in rate schedule and service agreement, and that the above-designated tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed change in rate schedule and service agreement; and, pending such hearing and decision thereon Original Sheets Nos. 11–A, 11–B, 11–C, 28–A, 28–B, 28–C and 36–E to Alabama-Tennessee's FPC Gas Tariff, First Revised Volume No. 1 hereby are suspended and the use thereof deferred until January 1, 1957 and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(B) Pending such hearing and decision thereon, the proposed rate schedule, terms and conditions contained in the revised tariff sheets referred to in (A) above, hereby are suspended and their use deferred until January 1, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: December 27, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57–49; Filed, Jan. 3, 1957; 8:46 a. m.]

[1] Other changes submitted on November 30, 1956, consisting of clarifying provisions contained in First Revised Sheets Nos. 4, 6, 7, 8, 9, 23, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37, and in Second Revised Sheet No. 5, of the above designated Volume No. 1, are not involved in the present order.

[2] I. e., volumes on any day in excess of the customer-elected billing demand under Alabama-Tennessee's existing Rate Schedule G–1.

[3] Assuming the normal event, that Alabama-Tennessee's customers fix such contracted demand at the level of the greatest demand anticipated under average winter conditions, the proposal in effect would probably result in increased rates to such customers over the rates incurred last winter.

[Docket No. G–9638]

UNITED GAS PIPE LINE CO.

ORDER REOPENING PROCEEDING AND FIXING DATE OF HEARING

United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at Shreveport, Louisiana, filed on November 9, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The aforesaid application was filed by Applicant as a part of its petition to amend the findings and order of the Commission issued on May 28, 1956, in the matter of United Gas Pipe Line Company in Docket No. G–9638 wherein Applicant was authorized, inter alia, to construct and operate certain line taps and appurtenant facilities for the purpose of selling and delivering natural gas in interstate commerce to The Utilities Board of the Town of Foley, Alabama (Riviera Utilities) (1) for resale and distribution in the municipalities of Bon Secour, Foley, Loxley, Magnolia Springs and Southport, Alabama, (2) for resale to the Naval Air Station at Barin Field and (3) for resale to customers adjacent to Riviera Utilities' transmission lines. The remainder of the petition, seeks an extension of time within which to construct and place in operation the instant facilities, and will be disposed of by separate order of the Commission.

Applicant now seeks authorization to sell and deliver an additional volume of natural gas in interstate commerce to Riviera Utilities for resale and distribution by Riviera Utilities in the Town of Summerdale, Alabama.

The estimated annual gas requirements and peak day gas requirements for the Town of Summerdale in Mcf for the first 3 years of operation together with the presently authorized gas requirements and the revised gas requirements of Riviera Utilities are as follows:

Year	(Proposed) Summerdale	Present authorization	Revised requirements including Summerdale
Annual:			
1	3,977	178,874	182,851
2	4,751	196,373	201,124
3	5,555	215,219	220,774
Peak day:			
1	38	1,570	1,608
2	41	1,672	1,713
3	47	1,772	1,819

The Commission finds:

(1) That this matter should be disposed of as promptly as possible under the applicable rules and regulations.

(2) That the public interest requires the reopening of the proceeding in the matter of United Gas Pipe Line Company in Docket No. G–9638 solely for the purpose of considering the proposed sale of natural gas by Applicant in interstate commerce to Riviera Utilities for resale and distribution in the Town of Summerdale, Alabama.

The Commission orders:

(A) That the proceeding in the matter of United Gas Pipe Line Company in Docket No. G–9638 be and the same hereby is reopened solely for the purpose of considering the proposed sale of natural gas by Applicant in interstate commerce to Riviera Utilities for resale and distribution in the Town of Summerdale, Alabama.

(B) That pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, January 7, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the instant application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

(C) That protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before December 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Issued: December 11, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–70; Filed, Jan. 3, 1957; 8:50 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION[1]

OCTOBER 31, 1956.

Material	Termination date of program	Unit of measure	Total limitation	Interim limitation	Quantity purchases	
					During October	Inception to Oct. 31, 1956
Asbestos	Dec. 31, 1958	Short tons, crude Nos. 1 and 2.	2,000	456	231	231
		Short tons, crude No. 3.	2,000	456	144	144
Columbium-tantalum	do	Pounds, contained combined pentoxide.	250,000	57,176	0	0
Fluorspar	do	Short tons, acid grade.	250,000	57,173	0	0
Tungsten	do	Short ton units, tungsten trioxide.	1,250,000	285,872	77,702	77,702

Dated: December 28, 1956.

EDWARD K. MILLS, Jr.,
Acting Administrator.

[F. R. Doc. 57–57; Filed, Jan. 3, 1957; 8:47 a. m.]

[1] Operating on delegation of authority by Department of Interior under PL 733.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3538]

KENTUCKY POWER CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING BANK BORROWINGS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY PURSUANT TO LINE OF CREDIT

DECEMBER 28, 1956.

Kentucky Power Company ("Kentucky"), a public utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company has filed a declaration with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Kentucky has heretofore established a line of credit with the Irving Trust Company and The Hanover Bank in an aggregate amount of $2,100,000 for the purpose of financing its construction program through the years 1955 and 1956, and in connection therewith filed a declaration with this Commission which was permitted to become effective by Commission Order dated March 16, 1955 (Holding Company Act Release No. 12821). Thereafter, Kentucky issued Notes evidencing borrowings aggregating $1,850,000 under this line of credit and it is expected that the full amount of the $2,100,000 line of credit will have been utilized at December 31, 1956.

Kentucky now proposes to increase this line of credit by $2,000,000 to an aggregate amount of $4,100,000 and proposes to make additional borrowings thereunder from time to time prior to December 31, 1957. The borrowings are to be evidenced by promissory notes of Kentucky due not more than 270 days from the dates of issuance, bearing interest at the prime credit rate in effect at the respective dates of issuance and prepayable without premium.

The proceeds from all of these borrowings are to be used in connection with Kentucky's program of construction which it estimates will involve expenditures totaling approximately $2,945,000 for the year 1957.

Any future plan for financing of a permanent nature will provide for the prepayment of all of the then outstanding notes and Kentucky agrees that upon completion of such financing the authorization requested herein shall terminate.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

No legal or other fees, commissions or expenses are to be paid or incurred by Kentucky or any associate company in connection with the proposed transaction except that routine services incident to the transaction have been and will be performed, at cost, by American Gas and Electric Service Corporation, the service corporation for the American Gas and Electric System.

Due notice having been given of the filing of said declaration in the manner prescribed by Rule U–23 (Holding Company Act Release No. 13332) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U–23 and the applicable provisions of the act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U–24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–50; Filed, Jan. 3, 1957; 8:46 a. m.]

[File No. 812–1054]

ATLAS CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

DECEMBER 28, 1956.

Notice is hereby given that Atlas Corporation ("Atlas") a registered closed-end, non-diversified management investment company, has filed an amended application, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), for an order exempting from the provisions of section 17 (a) of the act the transaction described below.

Atlas proposes to purchase from Stanrock Uranium Mines Limited ("Stanrock") certain securities for an aggregate consideration of $500,000.

Atlas owns 959,000 shares of Common Stock of Stancan Uranium Corporation ("Stancan") out of a total of 6,677,388 such shares outstanding. Thus Atlas owns 14.36 percent of the Common Stock of Stancan, and Stancan is therefore an affiliated person of Atlas within the meaning of section 2 (a) (3) of the act. Stancan owns 2,310,101, or 70.54 percent and Atlas owns 95,900 or 2.93 percent of the 3,275,007 shares of Common Stock of Stanrock outstanding. Stanrock is, therefore, an affiliated person of Stancan within the meaning of section 2 (a) (3) of the act.

Stanrock, a corporation organized under the laws of the Province of Ontario, Canada, owns certain mining claims located in that Province and pursuant to a contract with Eldorado Mining and Refining Limited, an agency of the Crown in Canada, proposes to sell to the latter agency uranium concentrates produced from a mill to be built by Stanrock. In order to provide the initial temporary financing for these mining operations and the proposed mill, Stanrock has arranged to sell to a small group of investors, including Atlas, $3,000,000 principal amount of 5¼ percent First Mortgage Bonds due June 1, 1957, and 450,000 shares of Common Stock for a total consideration of $3,000,000. Of this amount Atlas has agreed to purchase, subject to the order of this Commission, $500,000 principal amount of First Mortgage Bonds and 75,000 shares of Common Stock of Stanrock, for a total consideration of $500,000. Stanrock's books will reflect the sale of the Bonds at 85 percent of their principal amount, and in the case of the Common Shares, at one dollar per share.

Negotiations are now in progress for the purpose of establishing a permanent financing program which is expected to provide approximately $24,500,000. It is anticipated that this program will be completed prior to the maturity date of the Bonds and will provide proceeds out of which the Bonds will be repaid at or before maturity. Applicant represents that the terms of the proposed transaction are fair and reasonable to all persons concerned. In support thereof, it is stated that the terms of the proposed financing were negotiated at arm's length between Stanrock and informed investors participating in the purchasing group who were not at the time affiliated in any way with Stanrock or Atlas.

Applicant also represents that the terms of the proposed financing reasonably reflect existing conditions in the market for capital funds available to Stanrock and that the inclusion of Common Shares in the unit offered for purchase at a price less than the current market price thereof, constitutes an essential inducement to the sale of the Bonds. (As of December 3, 1956, Stanrock common stock was quoted at 3 bid and 3¼ asked.)

Section 17 (a) of the act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since, by definition under the act, Stanrock is an affiliated person of Stancan, and Stancan is an affiliated person of Atlas, a registered investment company, the proposed purchase of securities by Atlas from Stanrock is subject to the provisions of section 17 (a) of the act.

Notice is further given that any interested person may, not later than January 14, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-52; Filed, Jan. 3, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 31, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33117: *Trailer-on-flat-car service, Missouri Pacific Railroad.* Filed by Missouri Pacific Railroad Company, Agent, for itself. Rates on freight loaded in highway truck-trailers and transported on railroad flat cars, between St. Louis, Mo.-East St. Louis, Ill., and points taking the same rates, on the one hand, and Atchison, Leavenworth, Kans., Independence, Kansas City, and St. Joseph, Mo., and points taking the same rates, on the other.

Grounds for relief: Motor-truck competition.

Tariff: Missouri Pacific Railroad Company tariff I. C. C. 36.

FSA No. 33118: *Potassium from New York points to Cincinnati, Ohio.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on potassium (Potash), caustic, tank-car loads from Syracuse, Solvay, Niagara Falls, and Suspension Bridge, N. Y., to Cincinnati, Ohio.

Grounds for relief: Market competition and circuity.

Tariffs: Supplement 8 to Agent C. W. Boin's tariff I. C. C. No. A-1116 and other issues listed in the application.

FSA No. 33119: *Various commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on (A) cement mix, carloads (B) newsprint paper, carloads and (C) sugar, beet, cane, corn, or sorghum grain, carloads, (A) from Echo, Tex., to points in Texas, (B) from Herty, Tex., to points in Texas and (C) between points in Texas.

Grounds for relief: Intrastate rail carrier competition and circuity.

Tariff: Supplement 34 to Agent Brown's tariff I. C. C. No. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 33120: *Various commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on (A) cement or cement mix, carloads (B) newsprint paper, carloads and (C) sugar, beet, cane, corn, or sorghum grain, carloads, (A) from Echo, Tex., to points in Texas, (B) from Herty, Tex., to points in Texas and (C) between points in Texas.

Grounds for relief: Intrastate rail carrier competition and circuity.

Tariff: Supplement 34 to Agent Brown's tariff I. C. C. No. 865.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-56; Filed, Jan. 3, 1957; 8:47 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 4

Washington, Saturday, January 5, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN JAN 8 1957 MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Approval has been given to an interest rate of 5 percent per annum on loans made by the Federal Land Bank of St. Louis on applications accepted by a national farm loan association on and after January 1, 1957. The same interest rate has also been approved for loans made by the Federal Land Bank of St. Louis on all applications accepted by an association prior to January 1, 1957, if such loans are not closed on or before March 1, 1957. In order to reflect such approval, § 10.41 of Title 6 of the Code of Federal Regulations (21 F. R. 10167) is hereby amended, effective January 1, 1957, by substituting "5" for "4½" in the line with "St. Louis" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17 (b), 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831 (b))

[SEAL] R. B. TOOTELL, *Governor, Farm Credit Administration.*

[F. R. Doc. 57-76; Filed, Jan. 4, 1957; 8:47 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY AND DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (1) of § 6.105 and paragraph (b) (3) of § 6.107 are amended as set out below.

§ 6.105 *Department of the Army.* • • •

(e) *Special Services Division.* (1) Until December 31, 1957, positions paid from the appropriation "Welfare of Enlisted Men" which entail responsibility for the direction or supervision of voluntary educational or recreational programs and which, as an integral part of the job, require close working associations with the military personnel for whom such programs are conducted. Positions of librarian, library assistant, recreation leader, and recreation supervisor are included herein.

§ 6.107 *Department of the Air Force.* • • •

(b) *General.* • • •

(3) Until December 31, 1957, positions of librarian, recreation leader and recreation supervisor which entail responsibility for the direction or supervision of voluntary educational and recreational programs and which, as an integral part of the job, require close working associations with military personnel for whom such programs are conducted.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-89; Filed, Jan. 4, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (e) (5) is added to § 6.342 as set out below.

§ 6.342 *Housing and Home Finance Agency.* • • •

(e) *Federal Flood Indemnity Administration.* • • •

(5) The Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-88; Filed, Jan. 4, 1957; 8:48 a. m.]

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FEDERAL REGISTER

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(As of January 1, 1956)

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TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11797; FCC 56-1273]

[Rules Amdt. 3-50]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS

Correction

In Federal Register Document 56-10520, published at page 10502 in the issue dated December 29, 1956, items in the table of assignments under § 3.606 (b) should read as follows:

§ 3.606 *Table of assignments.* • • •

(b) *Table of assignments.*

	Channel No.
Colorado:	
Delta	24–
District of Columbia:	
Washington	4–, 5–, 7+, 9, 14–, 20+, *26–, 50–
Florida:	
Pensacola	3–, 15–, *21, 46
Missouri:	
St. Louis	4–, 5–, *9, 11–, 30, 36–, 42+
Nebraska:	
Hay Springs	8
Hawaiian Islands:	
Hilo	2, *4, 7, 9, 11, 13
Honolulu, Oahu	2+, 4–, *7+, 9–, 11+, 13–

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 897, Amdt. 5]

PART 97—ROUTING

CHICAGO, ST. PAUL, MINNEAPOLIS AND OMAHA RAILWAY CO.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of December A. D. 1956.

Upon further consideration of Service Order No. 897 (19 F. R. 3762; 20 F. R. 4, 4688; 20 F. R. 9825; 21 F. R. 4967), and good cause appearing therefor:

It is ordered, That § 97.897 Service Order 897, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m. June 30, 1957, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p. m., December 31, 1956.

It is further ordered, That copies of this order and direction shall be served upon the Nebraska State Railway Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 10. Interprets or applies secs. 1, 15, 24 Stat. 379, as amended, 384, as amended; 49 U. S. C. 1, 15)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-73; Filed, Jan. 4, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 25]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Section 3.337-1 is revised to clarify the policy on the use of a bungee in the trim system.

Sections 3.652-1 and 3.652-2 and 3.721-1 cover the establishment of standards for the installation of radio equipment in light aircraft certificated under Part 3 of the Civil Air Regulations.

1. Section 3.337-1 is revised to read as follows:

§ 3.337-1 *Independence of bungee trim system from primary control system (CAA interpretations which apply to § 3.337).* The sentence "Trimming devices shall be capable of continued normal operation notwithstanding the failure of any one connecting or transmitting element in the primary flight control system" permits a bungee system acting directly on the control surface horn in such a manner that a failure of the primary control system will not adversely affect operation of the trimming device. A bungee system which actuates a control surface through elements of the primary control system does not meet these requirements. Each trim control system will be reviewed on the basis of its individual merits.

2. New §§ 3.652-1 and 3.652-2 are added to read as follows:

§ 3.652-1 *Radio equipment and installations (CAA interpretations which apply to § 3.652).*[1] (a) The phrase "Each item of equipment which is essential to the safe operation of the airplane • • •" includes radio communication and navigation equipment installed on the airplane.

(b) The phrase "shall function properly when installed" is interpreted to mean that the installation shall comply with the requirements specified in § 3.721.

§ 3.652-2 *Radio installation performance (CAA policies which apply to § 3.652).* The prototype installation should be flight tested by the airplane manufacturer to determine that it performs the intended function.

3. A new § 3.721-2 is added to read as follows:

§ 3.721-2 *Radio equipment installations (CAA policies which apply to § 3.721)*—(a) *Wiring.* Radio installations should be wired to minimize the possibility of fire or smoke hazards or the cause of unsatisfactory operation of the radio equipment.

(1) The radio installation should be connected to the airplane electrical system at a terminal strip or by a plug and receptacle connection.

(i) If a terminal strip is used, it should be designed or mounted so that loose metallic objects cannot fall across the terminal posts. Posts should be No. 6 or larger to permit proper tightening of the nuts, thus providing maximum current-carrying capacity without a danger of shearing the studs.

(ii) If a plug and receptacle type of connection is used, the soldered connections of the wire to the plug and receptacle inserts should be individually insulated from each other and from other metallic parts of the plug and receptacle.

(2) Junction boxes should be used for enclosure of terminal strips. The boxes should be made of either fire-resistant or nonabsorbent, plastic material. They should be of sufficiently rigid construction to prevent "oil-canning" of the box sides thus avoiding the possibility of the sides causing internal shorts. They should be designed and installed to permit easy access to the enclosed terminals and to allow any loose metallic parts to fall away from the terminals. Sufficient space should be provided in the junction box so that it will not be necessary to bend the wires sharply as they leave the terminal strip. The terminal strip should be mounted within the box rather than on the inside of the box cover.

(3) Interconnecting wires and cables between various pieces of radio equipment should be supported by insulated clamps so that they do not rub against the airplane or each other under vibration conditions encountered in flight.

(b) *Location of radio equipment.* The equipment, controls, and indicators should be located where they can be satisfactorily operated and read respectively from the appropriate crew member station. The equipment should be so located that there is sufficient air circulation to avoid overheating of the equipment. Also, clearance should be provided between high temperature areas of the equipment and readily flammable parts of the airplane.

(c) *Mounting of radio equipment.* The equipment should be attached to the airplane with self-locking devices to prevent loosening in service. Mechanical remote control devices should have the control cable so routed and so supported as to prevent kinking, binding or abrasion. Items mounted on shock mounts should have sufficient clearance for normal vibration and swaying of the equipment without hitting adjacent equipment or parts of the airplane. Electrical and mechanical cables to shock mounted equipment should be routed and supported so that they will not be unduly stressed by motion of the equipment. In order that the occupants will not be endangered by moving equipment during minor crash landings, the equipment mounting and rack should be capable of withstanding ultimate accelerations of 9.0*g* in the forward direction and 1.5*g* in a sideward direction.

(d) *Bonding.* Radio equipment should be bonded to the airplane in order to provide a low resistance ground circuit and to minimize radio interference from static electrical charges. Nonconducting finishes, such as paint and anodizing films should be carefully removed from the attachment surface under the bonding terminal. Bonding jumpers should be as short as practicable and be installed in such manner that the resistance of each connection does not exceed 0.003 ohm. Where a jumper is for radio-noise prevention only and not for current-carrying purposes, a resistance of .01 ohm is satisfactory. Aluminum alloy or tinned or cadmium plated copper jumpers[2] should be used for bonding aluminum alloy parts and copper, brass or bronze jumpers should be used to bond steel parts.

[1] See §§ 3.721 and 3.721-2.

[2] When aluminum or its alloys are in contact with most metals (exceptions are magnesium and zinc), current will flow from the aluminum to the other metals. The result will be that the aluminum will corrode. In order to minimize such corrosion, metals other than magnesium and zinc when in contact with aluminum should be cadmium plated. Where contact between dissimilar metals cannot be avoided, care should be taken to minimize corrosion by putting a protective coating on the finished connection.

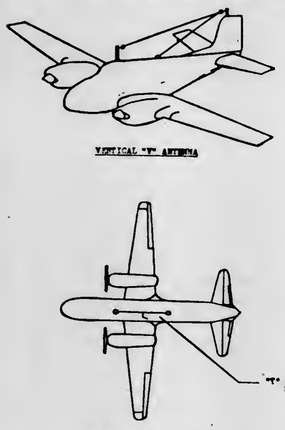
(e) *Available power supply.* The radio equipment should operate satisfactorily throughout the voltage range of the airplane electrical system under taxi, takeoff, slow cruise, normal cruise and landing operating conditions.

(f) *Antennas, general.*[4] It is satisfactory to use one antenna for transmission and reception of communications provided such antenna is a satisfactory compromise for the frequencies to be used. In a single antenna installation of this type, the antenna should be connected to the receiver and be switched automatically to the transmitter when the microphone "push-to-talk" switch is actuated.

(1) Fixed and trailing wire antenna installations should be tailored to fit the particular type of aircraft. Other types of antennas are much more compact and may be installed as complete units on various types of aircraft.

(2) Masts used to support a fixed-wire antenna should be as long as practicable to separate the antenna from the fuselage and/or wings in order to provide an effective antenna. Masts should be firmly attached to the airplane structure. If an antenna is attached at the trailing edge of wings and leading edge of horizontal stabilizers, the attachment should be made to lugs firmly fixed to the structure. The lugs should be welded, riveted, clamped, or bolted, whichever method is most suitable, to the structure.

(g) *Range receiver antennas (200 to 400 kc).* A "T" or "V" type antenna should be used and mounted on the top or bottom of the airplane (see figure 1)



"T" OR "V" TYPE ANTENNA

FIGURE 1.

with an approximate clearance of one foot from the fuselage and wings. The main leg of the "T" and each leg of the "V" antenna should be a minimum of 6 feet long.[4]

(h) *Direction finding antennas (100 to 1750 kc).* Manual or automatic loop type antennas should be used with direction finder receivers. The loops are designed for use with a particular receiver. Connecting wires between the loops and receivers are also designed for the specific equipment. Accordingly, only components meeting the specification characteristics of the receiver manufacturer should be used.

(1) Loops are usually enclosed in a streamlined housing for external mounting on an airplane. However, loops may be installed internally in the airplane when proper attention is given to avoiding interference from metallic structure and skin of the airplane.

(2) The outstanding characteristic of a loop antenna is its directional sensitivity which makes it useful as an accurate navigational aid. Various things can reduce this accuracy and should be avoided. Metallic base paints should not be used on the housing. Location of the manual loop near an engine which has poor ignition shielding should be avoided since this location makes it difficult to detect the "null." Loops should not be located in positions where extensive metallic airplane structure is between them and the ground facilities. After installation, a loop should be compensated [5] to correct for any azimuth error due to its location with respect to any metal structure of the airplane.

(i) *HF transmitting antenna—fixed.* (1) Two basic types of fixed antennas are used. One of these, the Hertz type, is tuned to its resonant frequency or a higher harmonically related frequency by being designed to a specific length. The lowest frequency at which this type antenna will be resonant is its fundamental frequency. At this frequency the antenna is approximately ½ wave length. This length may be determined by the formula:

$$\text{¼ wave length (in feet)} = \frac{300{,}000{,}000 \times 3.28}{2 \times f}$$

in which 300,000,000 is the velocity of the propagation of radio waves in meters per second; 3.28 is the conversion factor from meters to feet; f is the frequency in cycles per second.

(2) The other basic type of antenna is the Marconi. This type is readily adaptable for use on different frequencies and has one end grounded through the transmitter to the metallic aircraft structure. Thus, the aircraft acts as a part of the antenna and it is possible to use only ¼ wave length in the antenna proper. This length may be computed by the formula:

$$\text{½ wave length (in feet)} = \frac{300{,}000{,}000 \times 3.28}{4 \times f}$$

An antenna of this type shorter than ¼ wave length may be tuned to resonance with the transmitter frequency by connecting an induction coil having appropriate characteristics in series with the antenna. A continuously variable coil or a stepped variable coil may be used for transmission on several different frequencies on one antenna.

(j) *VHF transmitting antenna—"whip" and streamlined blade.* (See figure 2.) (1) The "whip" antenna is

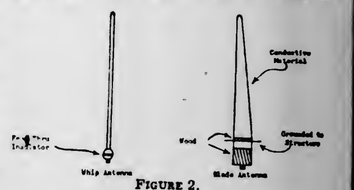


FIGURE 2.

resonant through a narrow frequency band and may be used with equipment operating in the 118 to 136 mc band. The proper length in inches should be determined from the formula $\frac{11.218}{4 \times f\ (\text{mc})}$ (For 125 mc the length [¼ wave length] would be approximately 22.5 inches.)

(2) When it is necessary to cover a broader frequency range than can be covered by the "whip" antenna, a blade type should be used, because it is resonant over a much broader frequency range. However, a broadband antenna is not as efficient as a small diameter "whip" antenna and, accordingly, should not be used with relatively low output transmitters (under 5 watts).

(3) Antennas of both these types should be located so that there is a minimum of structure between them and the ground radio stations. Thus, the location will usually be a compromise. The antennas may be mounted on the top or bottom of the fuselage or on the cowl forward of the cockpit.

(4) On fabric covered aircraft, or aircraft with other types of nonmetallic skin, the manufacturer's recommendations should be followed in order to provide the necessary ground plane. An acceptable method of accomplishing this is by providing a number of metal foil strips in a radial position from the antenna base and secured under the fabric or wood skin of the aircraft as shown in figure 3.

(k) *VHF navigation receiving antennas.* Antennas for omnirange (VOR), and instrument landing system (ILS)

[5] Compensation of a loop for such error requires technical knowledge of the equipment and its operational use and should be accomplished by a qualified technician.

[4] Excessively long antennas are unsatisfactory because they are more directive in reception than relatively short ones. A trailing wire type of antenna will not prove suitable when used with a range receiver because it is highly directive; may cause a loss of distinct "cone of silence"; and changes in the airplane's direction, which may occur often in range flying, cause the antenna to "whip," resulting in breakage and loss of reception. The whipping action may also cause the course signals to shift continuously.

[3] Since all radio communication and navigation equipment necessitates the use of antennas for transmission or reception of radio frequency energy, care should be exercised in the design and installation of antennas and their coupling to the radio equipment. Consideration should be given to the fact that a transmitting antenna is a tuned circuit and that its ability to radiate radio frequency energy into space is governed primarily by the relationship between its length and the frequency of the power to be radiated. In general, the higher the frequency to be transmitted, the shorter the antenna necessary. Receiver antenna design and installation is controlled primarily by the degree of directivity necessary for the particular communication or navigation equipment.

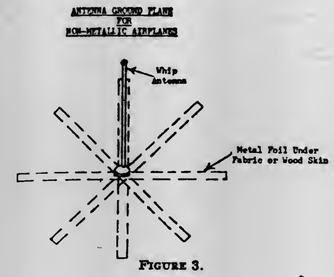
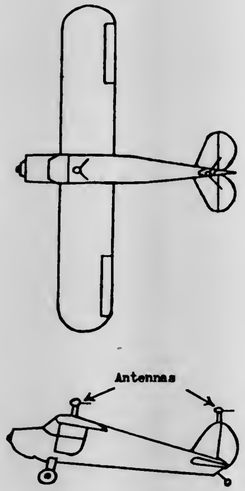


FIGURE 3.



TWO PREFERRED LOCATIONS FOR VOR ANTENNAS TO PROVIDE GOOD SIGNAL PICK-UP AND MINIMUM ENGINE IGNITION INTERFERENCE

FIGURE 4.

localizer receivers should be located at a position on the airplane where they will have the greatest sensitivity for the desired signals and minimum response to undesired signals such as VHF energy radiated by the engine ignition system. The best location for the VOR-localizer receiving antenna on most small airplanes is over the forward part of the cabin. (See figure 4.) The rigid "V" type antenna should be mounted so that the apex of the V points forward and the plane of the V is level in normal flight. A list of satisfactory antenna installations on some popular small airplanes, giving distance in inches aft of the windshield, follows:

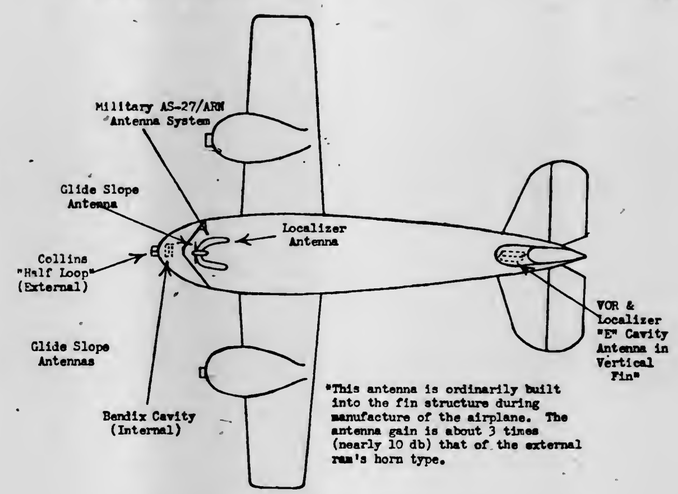
Piper	7	Swift	11
Ercoupe	26	Bellanca	4
Stinson	13	Luscombe	34
Cessna	10	Beech Bonanza	35

(l) The most effective method of minimizing the engine ignition interference is to shield the ignition system. This involves enclosing in metal all parts of the circuits which might radiate noise. Ignition wires having a metallic-braid covering and special end connectors should be used between magnetos and spark plugs. Shielded type spark plugs should be used and a shielded metal cover for the magneto, if it is not of a shielded type, should be used. All connections in the shielding system should be tight metal-to-metal contact.

(2) If it is not feasible to shield the engine ignition system, the engine ignition noise should be suppressed by replacing the spark plugs with resistor spark plugs of a type approved for the engine.

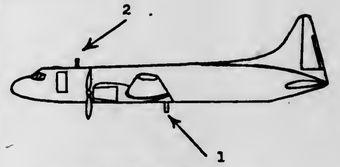
(m) *Marker receiving antenna.* The marker receiver operates at a frequency of 75 mc. In order to keep to a minimum the number of antennas on an airplane, the marker receiver may utilize the same antenna as the range receiver. However, both receivers should include provisions to permit simultaneous operation without interference. A "whip" or other vertical type of antenna should not be used for marker reception since the ground facility transmits from a horizontally polarized antenna.

(n) *Glide slope receiving antenna.* The glide slope receiver of the instrument landing system (ILS) utilizes a small, simple dipole type antenna which should be mounted at right angles to the longitudinal axis of the airplane and near the forward part of the airplane. Several types of localizer and glide slope antennas are shown in figure 5.



INSTRUMENT LANDING SYSTEM
GLIDE SLOPE & LOCALIZER RECEIVER ANTENNAS

FIGURE 5.



PREFERRED POSITIONS OF DISTANCE MEASURING ANTENNAS IN ORDER OF PREFERENCE

FIGURE 6.

(o) *Distance measuring antennas.* Antennas for Vortac distance measuring elements or civil DME should be mounted at an unobstructed location on the underside of the fuselage near the trailing edge of the wing, preferably at the lowest point on the aircraft when in level flight. (See figure 6.) During flight, the antenna should be as nearly vertical as possible. It should be mounted as far as possible from other antennas and at least 36 inches away from other obstructions. If separate antennas are used for transmission and reception, the antennas should be mounted on a line perpendicular to the longitudinal axis of the aircraft with a minimum spacing of 2 feet between antennas. Since transmission lines losses are relatively high at these frequencies, the antenna connecting cables should be kept as short as possible (10 feet maximum unless special low loss cable is used).

This supplement shall become effective January 31, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-8; Filed, Jan. 4, 1957; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 229]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ANCHORAGE, ALASKA. Elmendorf Air Force Base 212'. SBRAZ-P-DTXV-ANC. Procedure No. 1. Amendment No. 9. Effective date: January 26, 1957. Supersedes Amendment No. 8, dated November 12, 1955. Major changes: (1) New format (2) circling minima raised; (3) relocation of ANC LFR.							T-dn C-dn A-dn	300–1 600–1 800–2	300–1 600–1 800–2	200–½ 600–1½ 800–2	Instrument approach to be conducted in accordance with standard instrument approach procedure as shown on current USAF approach and landing chart, AL–1196–RNG, published by the USAF Aeronautical Chart and Information Center.
BELMAR, N. J. Monmouth County, 180'. SBMRLZ (Lakehurst NAS NEL LFR). Procedure No. 1. Amendment No. 6. Effective data: December 1, 1956.	PROCEDURE CANCELED EFFECTIVE NOVEMBER 27, 1956.										
MERIDIAN, MISS. Key Field, 297'. SBMRAZ-DTV-MEL Procedure No. 1. Amendment No. 6. Effective date: Jan. 26, 1957. Supersedes Amendment No. 5, dated Jan. 15, 1955. Major changes: Change to nautical miles. Revise transition and final approach course. Column 12 note reworded.	Meridian VOR	Direct	1,600	W side of NW course. 334° outbound. 154° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	1,100	156—2.4	T-dn C-dn S-dn 19 A-dn	300–1 500–1 500–1 800–2	300–1 500–1 500–1 800–2	200–½ 500–1½ 500–1 800–2	Within 2.4 miles, climb to 2,000' on SE course (154) within 20 miles. 300–1 takeoff minima required runway 9. AIR CARRIER NOTE: Takeoffs with less than 200–½ not authorized runways 5, 23, 14 and 32. CAUTION: Trees 600' 2 miles E.

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; (more than 65 knots)	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
TERRE HAUTE, IND. Hulman Field, 585'. BMRLZ–VDT–HUF. Procedure No. 1. Amendment No. 9. Effective date: January 26, 1957. Supersedes Amendment 8, dated February 11, 1956. Major changes: (1) Transition deleted from Clinton Intersection; (2) procedure turn altitude raised due to 882' mean sea level tower 3.5 miles SSE of LFR; (3) new form to nautical miles; (4) straight-in day minimum lowered for more than 2-engine aircraft.	HUF–VOR	Direct	2,000	S side of W course: 249° outbound. 069° inbound. 1,900' within 10 miles.	1,300	073—4.6	T–dn C–d C–n S–d 5 S–n 5 A–dn	300–1 400–1 400–1½ 400–1 400–1½ 800–2	300–1 500–1 500–2 400–1 400–1½ 800–2	200–½ 500–1½ 500–2 400–1 400–2 800–2	Within 4.6 miles, climb to 2,000' on E course HUF-LFR within 20 miles. ADF procedure not authorized.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
CHICAGO, ILL. O'Hare International, 666'. LOM–OR. Procedure No. 2. Amendment: Original. Effective date: January 26, 1957.	Evanston Intersection	Direct	2,500	W side of NW course: 330° outbound. 150° inbound. 2,500' within 10 miles.	2,000	150—5.3	T–dn C–d C–n S–dn 14R A–dn	300–1 400–1 400–1½ 400–1 800–2	300–1 500–1 500–1½ 400–1 800–2	200–½ 500–1½ 500–1½ 400–1 800–2	Within 5.3 miles, make left turn, climb to 2,500' on heading of 050° to SE course NBU LFR. Proceed to Mundelein Intersection via NBU LFR or when directed by ATC: Make left turn, climb to 2,500' proceed to LOM. CAUTION: Radio towers approximately 3 miles right of inbound course 1,460' and 1,420' mean sea level.
	Glenview LFR	Direct	2,500								
	Intersection S course MKE LFR and E course RFD LFR.	Direct	2,500								
	Wilson Intersection	Direct	2,500								
	Chicago LFR	Direct	2,500								
	API VOR	Direct	2,500								
	MDW LOM	Direct	2,500								

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
BELMAR, N. J. Monmouth County, 180'. BVOR-DME-OLT. Procedure No. 1. Effective date: July 24, 1954.	PROCEDURE CANCELED, EFFECTIVE NOVEMBER 27, 1956.										
BUTLER, MO. Butler, 870'. BVOR-BUM. Procedure No. 1. Amendment No. 1. Effective date: December 26, 1956. Supersedes Form ACA-1725, dated January 8, 1951. Major changes: Limits procedure turn distance; shows distances in nautical miles.	----------	----------	----------	S side of course: 255° outbound. 075° inbound. 2,000' within 10 miles.	1,500	075—6.7	T-d C-d A-d	300-1 500-2 800-2	----------	----------	Within 6.7 miles, climb to 2,000' on R-075 within 20 miles. NOTE: Airport not suitable for aircraft with stall speed greater than 65 knots.
COLLEGE STATION, TEX. Easterwood 330'. BVOR-CLL. Procedure No. 1. Amendment No. 1. Effective date: January 15, 1954. Superseded by Amendment, Original, dated Aug. 9, 1951.	PROCEDURE CANCELED DECEMBER 26, 1956. PROCEDURE NOT REQUIRED—DUE TO VOR/DME PROCEDURE NO. 1, DATED MAY 19, 1956.										
KIRKSVILLE, MO. Kirksville, 970'. BVOR-IRK. Procedure No. 1. Amendment No. 1. Effective date: December 26, 1956. Supersedes Form ACA-1725, dated June 24, 1952.	----------	----------	----------	W side of course: 309° outbound. 129° inbound. 2,100' within 10 miles.	1,600	129—3.2	T-dn C-d C-n A-dn	300-1 400-1 400-1½ 800-2	----------	----------	Within 3.2 miles, climb to 2,100' on R-129 within 20 miles. Airport suitable for aircraft with stall speeds of 65 knots or less only.

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
MOBILE, ALA. Bates Field, 217'. BVOR-MOB. Procedure No. 1. Amendment No. 5. Effective date: January 26, 1957. Supersedes Amendment 4, dated August 20, 1954. Major changes: Change to nautical miles. Provides transition procedures. Increase missed approach altitude. Adds caution note.	Brookley HWZ	Direct	1,600	S side of course: 287° outbound. 107° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	900	107—6.3	T-dn C-dn S-dn 9 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 6.3 miles, turn left, climb to 1,600' on radial 064° within 20 miles. CAUTION: 647' TV tower located 4.1 miles ESE of airport.
	Bay Minette HW	Direct	1,500								
PHILIP, S. DAK. Philip, 2,210'. BVOR-PHP. Procedure No. 1. Amendment No. 1. Effective date: December 26, 1956. Supersedes Form ACA-1725, dated April 28, 1953.	----------	----------	----------	S side of course: 265° outbound. 085° inbound. 3,600' within 10 miles.	3,000	090—2.5	T-dn C-d C-n A-dn	300-1 700-1 700-2 800-2	----------	----------	Within 2.5 miles, climb to 3,400' on R-059 within 20 miles. Airport suitable for aircraft with stall speed of 65 knots or less only.
TERRE HAUTE, IND. Hulman Field, 585'. BVOR-HUF. Procedure No. 1. Amendment No. 3. Effective date: January 26, 1957. Supersedes Amendment 2, dated February 11, 1956. Major changes: (1) Transition deleted from Clinton Intersection; (2) new form to nautical miles; (3) minor changes outbound and inbound courses, column 5.	HUF-LFR	Direct	2,000	W side of course: 360° outbound. 180° inbound. 1,900' within 10 miles.	1,400	180—2.9	T-dn C-d C-n S-d 18 S-n 18 A-dn	300-1 400-1 400-1½ 400-1 400-1½ 800-2	300-1 500-1 500-2 400-1 400-1½ 800-2	200-½ 500-1½ 500-2 400-1 400-2 800-2	Within 2.9 miles, climb to 1,900' on R191 within 20 miles.
	Intersection E course HUF-LFR and 080° radial HUF-VOR.	Direct	2,000								

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airpor elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines; more than 65 knots	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
BEAUMONT, TEX. Jefferson County, 15'. ILS-IBUJ. LOM-UJ. Combination ILS and ADF. Procedure No. 1. Amendment: Original. Effective date: Commissioning of facility about January 26, 1957.	Beaumont LFR	LOM	Direct	1,200	S side of NW course: 293° outbound. 113° inbound. 1,400' within 10 miles. Beyond 10 miles not authorized.	1,400	1,400—4.8	215—0.4	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Within 4.8 miles after passing LOM (ADF), climb to 1,400' on SE course ILS (113) within 20 miles. When directed by ATC, turn left, climb to 1,600' on R-067 BUJ or turn right, climb to 1,400' on S course. BUJ LFR within 20 miles. No approach lights.
	Beaumont VOR	LOM	Direct	1,200									
	Port Arthur LF Intersection.	LOM	Direct	1,400					S-dn 11 ILS ADF	300-¾ 400-1	300-¾ 400-1	300-¾ 400-1	
									A-dn ILS ADF	600-2 800-2	600-2 800-2	600-2 800-2	
BEAUMONT, TEX., Jefferson County, 15'. (ILS-IBUJ SE course, ILS localizer). Procedure No. 2. Amendment: Original. Effective date: Commissioning of facility about January 26, 1957.	Intersection R-236 LCH and SE course ILS (final).	Parker Intersection.	Direct	900	E side of SE course ILS: 113° outbound. 293° inbound. 1,400' within 5 miles of Parker Intersection.	No glide slope			T-dn C-dn S-dn 29 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 3.2 miles after passing Parker Intersection, climb to 1,400' on NW course BUJ ILS within 20 miles or when directed by ATC turn left and climb to 1,600' on R-247 BUJ within 20 miles. Parker Intersection: SE course ILS and R-080 BUJ.
	BUJ VOR	Parker Intersection.	Direct	1,400		900' (final) over Parker Intersection	Intersection SE course ILS and Parker Intersection to runway 3.2 miles						
	ILS LOM	Parker Intersection.	Direct	1,400									
MILWAUKEE, WIS. General Mitchell 698'. ILS-MKE. Combination ILS VOR (back course approach). Procedure No. 2. Amendment: Original. Effective date: January 26, 1957. Supersedes: None. Major changes: Establishes back course ILS approach.	MKE-VOR	Lake Park Intersection*.	Direct	2,700	W side of course: 006° outbound. 186° inbound. 2,700' within 10 miles of *Lake Park Intersection.	No glide slope	No outer marker	No middle marker	T-dn C-dn S-dn 19 A-dn	300-1 600-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2	Within 4 miles, climb to 2,000' on localizer course to MKE-LOM or when directed by ARTC: Make left climbing turn to 2,000' and proceed to Sun Fish Intersection, via V30. *Lake Park Intersection: MKE-VOR R-100 and N course ILS. **Harbor Intersection: MKE-VOR R-108 and N course ILS. Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously. CAUTION: 787' power line ½ mile N of runway 19.
	MKE-LFR	Lake Park Intersection.*	Direct	2,700		Final after leaving *Lake Park Intersection to **Harbor Intersection. 186-3.0-1,800	Final **Harbor Intersection to runway 19 186-4.0						
	MKE-LOM	Lake Park Intersection.*	Direct	2,700									
	Cardinal Intersection	Lake Park Intersection.*	Direct	2,700 Final 2,200									
	Lake Park Intersection*...	Harbor Intersection.**	Direct	2,300 Final 1,800									
	Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Intersection.* Refer to Form ACA-511.5 (GCA) for Milwaukee, Wis., if detailed sector altitudes desired.												

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Transition to ILS: From—	Transition to ILS: To—	Transition to ILS: Course and distance	Transition to ILS: Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Altitude of glide slope and distance to approach end of runway at—: Middle marker	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2 engines or less: 65 knots or less	Ceiling and visibility minimums: 2 engines or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
OAKLAND, CALIF. International, 5'. ILS-Oak. Procedure No. 1. Amendment No. 11. Effective date: January 26, 1957. Supersedes Amendment 10, dated September 8, 1956. Major changes: Adds transition from Sunol Intersection.	Fremont FM HW	Hayward MHW	Direct	2,600	S side of E course:# 095° outbound. 275° inbound. 3,500' within 10 miles of HWD MHW. Beyond 10 miles not authorized.	2,600	HWD MHW 2,590—8.2 OM 1,320—4.1	205—0.6	T-dn C-dn S-dn 27 R A-dn	300-1 500-1 200-½ 600-2	300-1 600-1 200-½ 600-2	**200-½ 600-1½ 200-½ 600-2	Climb to 2,000' on NW course OAK LFR within 14 miles or to 2,000' on 310° radial from OAK VOR within 14 miles (Richmond Intersection) all maneuvering W of course. Missed approaches must cross OAK LFR or VOR at not above 1,500'. This procedure does not meet the obstruction clearance requirements for missed approach altitude. *These transitions authorized day on top only, unless radar vectoring is utilized. #Procedure turn on OAK LFR, VOR, Bay Point FM, and Altamont Intersection transitions only. Upon completion of procedure turn and transition to localizer course inbound. Descent on glide slope to cross Hayward MHW at 2,590' is authorized. **NOTE: 300-1 required for takeoff on runway 33. ##Descent on glide slope is authorized to cross Hayward MHW at 2,590'. Glide slope must be operative for this transition.
	OAK LFR	Hayward MHW	Direct	3,500									
	OAK VOR	Hayward MHW	Direct	3,500									
	Baypoint FM*	Hayward MHW	Direct	6,000									
	Altamont Intersection*	Hayward MHW	Direct	5,000									
	Decoto Intersection	Hayward MHW	Direct	2,600									
	SFO LOM	Fremont MHW	Direct	4,000									
	SFO LFR	Fremont MHW	Direct	4,000									
	AGW VOR	Fremont MHW	Direct	3,500									
	Altamont Intersection	Fremont MHW	Direct	5,000									
	NUQ LFR	Fremont MHW	Direct	3,500									
	Sunol Intersection (final)	Hayward MHW	Direct	##5,000									
	Radar vectoring to final approach localizer course authorized in accordance with procedures approved for surveillance approach.												
SAN FRANCISCO, CALIF. International, 11'. ILS-SFO-LOM-RF. Combination ILS/ADF. Procedure No. 1. Amendment No. 10. Effective date: January 26, 1957. Supersedes Amendment 9, dated September 8, 1956. Major changes: Adds transition from Woodside Intersection.	SFO LFR	*Belmont Intersection (via SE course SFO-LFR).	Direct	1,700	No procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern (1 minimum left turns, 2,000' minimum altitude) final approach course: 101° outbound. 281° inbound.	1,700	1,660—5.5 ADF over LOM 1,660	230—0.6	T-dn C-dn S-dn Runway 28R ILS 28 L/R ADF A-dn ILS ADF	300-1 500-1 200-½ 400-1 600-2 800-2	300-1 600-1 200-½ 400-1 600-2 800-2	#200-½ 600-1½ 200-½ 400-1 600-2 800-2	Within 5.5 miles after passing LOM (ADF) climb to 3,000' on NW course of SFO LFR or on course of 285° from LOM within 20 miles. *After passing through Belmont Intersection, make left turn of approximately 180° to intercept localizer course inbound SE of LOM. #300-1 required for takeoff on runway 19 L/R. CAUTION: This procedure does meet the obstruction clearance requirements for circling minimums due to high terrain SW of airport.
	AGW VOR	LOM	Direct	1,700									
	Moffett LFR	LOM	Direct	1,700									
	Fremont FMHW	LOM	Direct	1,700									
	OAK LFR	LOM	Direct	ILS 2,000 ADF 3,000									
	OAK VOR	LOM	Direct	ILS 2,000 ADF 3,000									
	Half Moon Bay Intersection.	LOM	Direct	3,000									
	Woodside Intersection	LOM	Direct	1,700									
	Radar vectoring to final approach localizer course authorized in accordance with procedures approved for surveillance approach.												

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-54; Filed, Jan. 4, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 100]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.400 *Navel Orange Regulation 100*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 3, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 7, 1957, and ending at 12:01 a. m., e. s. t., January 21, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 4, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-136; Filed, Jan. 4, 1957; 11:20 a. m.]

[Orange Reg. 307]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.820 *Orange Regulation 307*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 7, 1957, and ending at 12:01 a. m., e. s. t., January 21, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2⁹⁄₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140-51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 3, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-104; Filed, Jan. 4, 1957; 8:49 a. m.]

[Grapefruit Reg. 255]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.821 *Grapefruit Regulation 255*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750-51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., January 7, 1957, and ending at 12:01 a. m., e. s. t., January 21, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 3, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-105; Filed, Jan. 4, 1957; 8:49 a. m.]

[Tangerine Reg. 183]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.822 *Tangerine Regulation 183*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 2, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810-51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 7, 1957, and ending at 12:01 a. m., e. s. t., January 21, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 3, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-106; Filed, Jan. 4, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN LIMA BEANS

EXTENSION OF TIME FOR SUBMISSION OF WRITTEN DATA, VIEWS OR ARGUMENTS

A proposed amendment of United States Standards for Grades of Frozen Lima Beans was set forth in a notice which was published in the FEDERAL REGISTER on November 10, 1956 (21 F. R. 8777).

In consideration of comments and suggestions received indicating the need for further study of the proposed change, notice is hereby given of an extension until February 15, 1957, of the period of time within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed amended United States Standards for Grades of Frozen Lima Beans.

Dated: December 31, 1956.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-75; Filed, Jan. 4, 1957; 8:46 a. m.]

[7 CFR Part 945]

TOMATOES GROWN IN FLORIDA

NOTICE OF PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 945.202 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending July 31, 1957, will amount to $97,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 125 and Order No. 45, shall be one cent ($0.01) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement 125 and Order No. 45.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 2, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-86; Filed, Jan. 4, 1957; 8:48 a. m.]

[7 CFR Part 975]

[Docket No: AO-179-A-15]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Cleveland, Ohio, on October 10–12, 1956, pursuant to notice thereof which was issued October 3, 1956, (21 F. R. 7686).

The material issues on the record of the hearing relate to:

1. Revision of the Class I price as to:
   (a) Level.
   (b) Seasonality.
   (c) Supply demand adjustment.
2. Level of the Class III milk price.
3. Changes in the eligible milk quota plan concerning:
   (a) Quota rules.
   (b) Quotas for new producers.
   (c) Number of operating months.
4. Classification of milk moved to, or allocation of milk from plants regulated under other Federal orders.
5. Revision of location adjustments.
6. Review of other provisions affecting:
   (a) Classification of cream moved to distant plants.
   (b) Exemption of handlers doing business in the marketing area.
   (c) Allocation of shrinkage on producer milk transferred in bulk between pool plants.
   (d) Certain administrative procedures.

1. The level, seasonally and supply-demand adjustment of the price for Class I milk.

The price for Class I milk under the Cleveland order is determined by adding to a basic formula price $1.40 for the months of February through July and $1.85 for other months. The price is subject to adjustment of not more than 25 cents on the basis of supply-sales relationship in the immediately preceding two-month period. The supply-demand adjustment has been suspended for the months of October, November and December 1956, pending this hearing and action on the record thereof.

Producer groups proposed that the Class I differential be $2.25 for all months of the year and that supply-demand adjustment be based upon the ratio of combined receipts to Class I utilization for the Cleveland, Akron and Stark County markets as compared with revised standard utilization percentages. These proposals raise three separate issues which will be considered separately: the level of the Class I differential, seasonal changes in the Class I differential, and the supply-demand adjustment of the Class I price.

(a) *The level of the Class I price differential.* In support of the proposal to increase the Class I price differential to $2.25 producers cite increased production costs, feed shortages, premiums over minimum order prices currently being paid by Cleveland handlers, and competitive prices paid by nearby markets, regulated and otherwise, with which Cleveland competes for supplies.

It is difficult to evaluate, at this time, the effect that these factors have had on the Cleveland milk supply. As of May 1, 1955, an increase in the marketing area added substantial volumes of receipts and sales to the Cleveland pool. As of August 1955, a plant with substantial receipts and sales which, up to that time, were included in the Cleveland pool became subject to the Akron order. For the year 1954, producer receipts were 154 percent of milk and cream sales whereas for 1955 this ratio had declined to 143 percent. For the first eight months of 1956, monthly ratios of receipts to sales averaged 133 percent as compared to 152 percent for the same months of 1955. Supplies during January through April of this year were only slightly higher than a year ago, while sales were substantially higher. Supplies in May, June and July were substantially less than a year earlier with sales only slightly higher. The change in the seasonal pattern of producer deliveries noted elsewhere in this decision was most marked during this period. Adverse weather conditions also had some probable effect on milk supplies in the early summer months of 1956. It is significant, however, that for August supplies and sales were about identical with those of a year earlier, and that a ratio of receipts to sales at approximately the 1955 level has continued through October. It must be concluded that the level of milk supply in what is normally the short season of production has been maintained, and that no increase in the level of the fixed Class I price differential is required to encourage additional production.

(b) *Seasonal changes in the Class I differential.* Seasonal changes in the Class I differential should be retained at this time.

Producers and handlers are united in the support of a uniform Class I differential throughout the months of the year. Producers supported a uniform differential at a higher annual level than that now prevailing while handlers' support was for a uniform differential applicable in all months of the year at approximately the present annual average level.

The support for elimination of seasonality in the Class I price differential is based largely on the claim that (1) Class I sales are lost as resale prices change with seasonal changes in producer prices, and (2) the eligible milk quota plan eliminates need for seasonal pricing.

The record indicates, however, that seasonal pricing is used in the nearby unregulated Youngstown market, and in the unregulated (Federally) Pittsburgh market which competes for supplies in the Cleveland supply area. Cleveland also competes for supplies with the Detroit and Toledo markets, the orders for which include seasonal pricing. Consideration is now being given to regulation of an area between Cleveland and Toledo for which price alignment would be particularly difficult if the discrepancy in price patterns of these two markets were widened.

It is concluded that changes in the seasonal patterns of pricing in the Cleveland market should be deferred until such time as its adoption could promote greater uniformity in pricing patterns between markets rather than have the contrary effect.

(c) *Supply-demand adjustment.* The supply-sales relationship used as a basis for adjustment of the Class I price should be that of the combined receipts and sales of the Cleveland-Akron-Stark County markets. The standard utilization percentages, deviations from which result in price adjustment, should be revised to reflect the changed seasonal patterns of utilization to be expected in the markets and the level of reserve supply required by present marketing practices.

The Class I prices of the Akron and Stark County orders are maintained in fixed alignment with that of the Cleveland order and it is proposed that such alignment be maintained in a merged order to regulate the handling of milk in the combined Akron-Stark County marketing area. Cleveland handlers make substantial sales of milk in the Akron-Stark County area. An Akron handler operates more than 30 dairy stores in the Cleveland marketing area. The Akron-Stark County supply area lies wholly within the Cleveland milkshed. Presently supplies of milk associated with the Cleveland pool and sales by handlers regulated under the Cleveland order determine the supply-demand adjustment of the Class I price affecting the three markets. Intermarket competition for supplies or sales may readily affect the Class I price of all markets without any change in the overall supply or sales volumes merely by transfer of supply or sales from one plant to another. Since the competitive situation is such as to require fixed alignment of Class I prices, it is appropriate that the ratio of total supplies to total sales should be the basis for adjustment of Class I prices to supply-demand conditions.

A very substantial change in the seasonal pattern of production has taken place in the Cleveland market in the past two years. Seasonal variations in deliveries per producer and for the market as a whole are not nearly as great as in former years. Daily deliveries per producer in May 1956 were 123 percent of those in November 1955. May 1954 daily deliveries per producer were 160 percent of those for November 1953. Total market deliveries for May 1956 were only 117 percent of those for the preceding November. Somewhat similar changes in the seasonal pattern of deliveries appear to have taken place in the Akron-Stark County market.

The eligible milk quota plan under which payments were first made in the Cleveland market in April–June 1956 on quotas established by deliveries in the last three months of 1955 undoubtedly has had considerable effect in leveling the seasonality of deliveries the past year. Adverse weather conditions in the months of normally flush production may also have contributed.

The standard utilization percentages presently included in the order were based upon experience prior to 1955 with some adjustment for the expected effect of the eligible milk quota plan then being included in the order. It is now evident that these percentages do not reflect the seasonal pattern of utilization that can now be expected in the market. The seasonal pattern of utilization in the three markets has likewise changed and follows rather closely that now to be expected in the Cleveland market.

With lower seasonal variations in supplies more reserve supplies can be carried in the short season without burdensome spring surpluses. Producers in the Cleveland market have leveled production in part by decreasing spring production and in part by increasing fall production. Standard utilization percentages can reflect a somewhat higher short season supply without reflecting any increase in the annual average level of supply since correspondingly lower percentages will apply for the spring season.

It is concluded that the standard utilization percentages with which the combined Cleveland-Akron-Stark County ratio of receipts to sales will be compared should be as follows:

Month priced	2-month period used	Standard utilization percentage
January	November–December	128
February	December–January	126
March	January–February	129
April	February–March	132
May	March–April	135
June	April–May	144
July	May–June	149
August	June–July	144
September	July–August	131
October	August–September	125
November	September–October	123
December	October–November	122

The simple average of these percentages is about four points less than that of those presently included in the order. The higher utilization for the combined markets as compared with the Cleveland market will approximately offset the results of this change in the standard.

2. The Class III milk price should not be revised.

The Class III milk price is now determined by using the basic formula price which is the higher of a group of midwest condenseries or a butter-powder formula.

Wayne Cooperative Milk Producers proposed the Class III milk price should be the basic formula price less 20 cents. Reasons given by this cooperative for the reduction in price were as follows:

(1) The price it pays for surplus milk must be comparable to the prices paid by its competitors and from January 1956, through August 1956, the Class III price has been 17 cents per hundredweight higher than the support price for manufacturing milk as announced by the Department, (2) that there are difficulties involved in marketing manufactured dairy products made from surplus milk due to variations in volume, (3) that their costs in the manufacture of butter and powder exceed by 25 cents per hundredweight their returns for such products, (4) that the Class III price for the first 8 months of 1956 has averaged 9.6 cents above the price for milk for

similar use in the Federally regulated markets of Fort Wayne, Detroit, Dayton-Springfield, Cincinnati, Chicago, Toledo and Lima, and (5) that the make allowance of 55.6 cents as provided in the butter-powder formula is 19.4 cents below their cost of operation.

Other handlers did not offer direct testimony concerning the level of the Class III price but in their briefs stated that such milk should be priced in relation to its recovery value.

In opposing, three other producer groups testified that a reduction in the Class III milk price would decrease returns to all producers for their milk deliveries. It was claimed that a Class III price too low serves to encourage plants with manufacturing facilities to carry more than an adequate reserve supply to insure Class I or fluid milk market requirements.

The amount of milk classified as Class III milk in 1954 averaged 26 percent of all producer receipts, in 1955 it averaged 25 percent, and for the first nine months of 1956, 21.1 percent. Milk utilized as nonfat dry milk represented 19.6 percent of producer receipts in 1954, 13.4 percent in 1955 and 8.2 percent for the first nine months of 1956. Amounts used to produce butter represented 1.5 percent of producer receipts in 1954, 0.8 percent in 1955 and in the first nine months of 1956 seven-tenths of one percent.

The proponent cooperative operates two pool plants under this order, one of which is located at Fort Wayne, Indiana; the other at Coldwater, Michigan. There is direct competition for supply at these two Cleveland pool plants with the Fort Wayne and Detroit market supplies. Consequently, a comparison of price for milk in these markets is more appropriate than with more distant ones. The Federal order prices in Fort Wayne and Detroit markets for milk used to produce products similar to Cleveland order Class III products are in close alignment with the Cleveland Class III price.

Present indications are that the quantities of milk which need to be utilized as Class III are being reduced. In 1954 this order was amended to include a plan to achieve more level seasonal production. This plan has tended to alleviate the problem of excessive amounts of producer milk for use as Class III both annually and seasonally.

The Federal order markets of Akron and Stark County use the basic formula to price milk of corresponding use to the Cleveland Class III milk. The fact that several handlers have plants in two or more of these markets, the ease with which they can shift manufacturing operations by transferring or diverting producers, and the close competition between them makes it highly desirable that prices for milk used to produce manufactured products in all three markets be held in close alignment.

A level of prices for Class III milk should be provided so as to encourage the transfer of milk from manufacturing to higher-valued uses. The Class III milk price as now determined in this order reflects an appropriate value for milk used to produce manufactured dairy products. The request to decrease the Class III milk price by 20 cents is denied.

3. The provisions concerning quota rules should be revised. The number of operating months should not be changed and no additional provisions should be added for establishment of quotas by new producers.

The order presently provides for transfer of a producer quota from one producer to another.

Producers proposed that transfer of quotas be limited to those cases in which (a) a member of the immediate family carries on the dairy operation on the same farm in the event of a producer's death or (b) there is a division between joint holders of a quota.

Considerable administrative detail is involed in the provisions for unlimited transfers of quotas. Since the quota plan is effective in determining producer payments in only three months of each year and since all producers must establish new quotas each year, there is little need to provide for widespread transfers of quotas involving such administrative detail. The proposed rules will provide an administratively feasible plan for the necessary transfers of quotas in cases of death in a family or where partnerships are dissolved. They should be adopted.

Certain handlers proposed that the quota operating period be extended to include February through July with provision for quotas to new producers entering the market. Handlers believe the quota plan has been highly effective during the relatively short time it has been a part of this order. It was their contention that an extension of the quota operating periods from three to six months would further the effectiveness of the quota plan in obtaining more even production. It was further contended that, (a) the even producer should receive a greater share of the Class I price for a longer period of time than now provided and (b) more encouragement to level production should be provided to those producers who have been less responsive to the plan. Handlers also contended new producers should be provided a quota so they would be encouraged to enter the market any time available and needed.

Three producer groups in opposing the extension of the quota operating period and provision for making quotas other than in the three quota forming months stated: (a) The market has adequate reserve supplies without the necessity of providing quotas for new producers and (b) the division of returns among producers is of primary concern to producers, who in this incidence, oppose any change in the order effecting their returns.

Significant changes in the pattern of production did occur during the first year the quota plan was operative in this order. During the April through June quota operating period, approximately one-third of all producers were within quota and 61 percent produced within 125 percent of quota. It is notable that 20 percent of all producers averaged over 500 pounds of milk per day. About half of this group were within quota and 85 percent were within 125 percent of quota. Of those producers averaging under 500 pounds of milk per day, 30 percent were within quota and 56 percent within 125 percent of quota.

Producers may enter the market at any time. Present order provisions provide payment to producers who have no quota at the uniform price, except April through June, when such producers would receive payment at the ineligible milk price.

In view of the above facts additional time should be provided for the operation of the present order provisions dealing with the quota operating period before any substantial change is made. The proposals to extend the quota operating period from three to six months and provision of quotas for new producers should not be adopted at this time.

4. No change in the Cleveland order should be made on the basis of this record to change the classification of milk moved to, or the allocation of milk received from plants regulated under other Federal orders.

Two separate sets of proposals affecting movements of milk between Cleveland pool plants and plants regulated by other Federal orders were presented by handlers. One such set of proposals related specifically to movements involving Akron-Stark County plants, while the other set of proposals would have more general application.

In general it was proposed to (a) permit shipments to Akron-Stark County plants to count toward qualification of a supply plant for pool plant status under the Cleveland order, (b) permit classification of milk transferred from Cleveland pool plants to plants subject to other orders to be as agreed upon by the handlers involved, as classification of milk transferred between Cleveland pool plants is now determined, and (c) to exempt receipts of milk transferred to Cleveland plants from plants subject to other orders from yielding prior claim for Class I use to receipts of Cleveland pool milk.

This record indicates that nearby markets under Federal regulation depend to some extent on the supply of Cleveland pool milk for reserve supplies in seasons of short supply. The availability of Cleveland reserve supplies relieves such markets of the necessity of carrying fully adequate reserve supplies, and provides opportunity for maintenance of high Class I utilization in such markets. The changes proposed in the Cleveland order would not serve to meet this situation. This fact was recognized by the proponents who indicated that identical amendments in other orders would be required.

The principle of assigning producer milk under each order to the highest priced available use should be waived in favor of milk from another regulated market only on the basis of specific evidence that the exporting market performs services for the receiving market which merit special consideration. Such consideration could only be given to intermarket movements in a single direction. Under such circumstances classification and allocation should be based on specific rules designed to fit the circumstances rather than upon agreement of handlers. There is nothing in this record to indicate that Cleveland depends upon other markets for services that would warrant the changes proposed in the Cleveland order.

5. Provisions for location adjustments on milk received at plants less than 60 miles from Cleveland should be revised to conform with those applicable elsewhere and the minimum distance at which adjustments apply should be increased from 30 to 40 miles.

Under the present provisions of the Cleveland order, the value of milk received from producers at a pool plant located more than 30 miles but not more than 60 miles from the Public Square in Cleveland is computed at the class prices applicable to plants located in Cleveland, and the handler operating such plant is credited with paying the f. o. b. Cleveland producer prices in determining his pool debit or credit. He is permitted, however, to deduct 13 cents per hundredweight (except with respect to ineligible milk) in making settlement to producers. At plants located more than 60 miles from Cleveland, handler location adjustments are used in computing the value of milk classified as Class I or Class II milk. Location adjustments at the same rate apply to the producer price for all except ineligible milk.

Within the 30–60 mile zone there are presently three supply plants and nine bottling plants. A group of producers delivering milk to one of the supply plants proposed that the permissive deduction of 13 cents from producer prices in this zone be deleted. This particular plant has not taken the full 13-cent deduction any of the last 20 months and in 7 of these months has paid full f. o. b. Cleveland price or more. At the other two supply plants the 13-cent deduction is taken with much greater regularity.

These supply plants are located in areas from which many farmers now deliver their milk directly to bottling plants in Cleveland. The 13-cent differential represents fairly well the average amount that producers supplying these plants save in farm to plant hauling costs as compared to delivernig their milk to Cleveland. Premium payments at these locations have resulted more from competition from other markets, principally Akron, than from competition with direct delivery to Cleveland. Cleveland handlers procuring direct shipped supplies from the competitive area have also paid premiums.

Location adjustments should be retained within the 60-mile zone but should be consistent with those prevailing at more distant plants. The handler credit should be restricted to Class I and II milk. Present provisions encourage Class III use of milk located nearest the marketing area.

The bottling plants in the present 30–60 mile zone became subject to the order May 1955 when the marketing area was expanded. Those located within 40 miles of Cleveland are in no position to take advantage of the 13-cent deduction provision. At Painesville, Ohio, one plant is 28.3 miles from Cleveland and three others are between 33 and 34 miles. Eliminating provision for location adjustments within the 30–40 mile zone will eliminate difference in treatment of nearby plants serving essentially the same segment of the marketing area.

The decision to make 40–60 mile location adjustment provisions consistent with those applicable beyond 60 miles renders unnecessary certain technical correction of the present provisions proposed at the hearing.

6. *Review of other provisions.*

Cream transfers to distant nonpool plants. The order presently classifies as Class I milk transfers to nonpool plants located more than 265 miles from Cleveland in forms specified as Class I milk when disposed of for fluid consumption. A handler proposed that this rule of automatic classification on the basis of mileage not apply to transfers in the form of cream. He proposed that instead the provisions applicable to movements within 265 miles, certification of use by the receiver and privilege of audit by the market administrator, apply. Determination of use of cream shipped to distant plants would involve considerable administrative expense. The record shows no lack of facilities for disposition of Class III milk within the 265 mile zone. It is concluded that no change in the transfer provisions should be made on the basis of this record.

Exemption of handlers doing little business in the marketing area. The order presently exempts from regulation plants from which routes entering the marketing area dispose of less than an average of 300 units (quarts of milk or equivalent) daily. A handler proposed deletion of this exemption. Only one handler is presently selling milk in the area under this exemption, continuing minor sales in a portion of the marketing area added by the amendment effective May 1955.

The provision provides a feasible means of avoiding full regulation of plants whose association with the marketing area is of such a minor and incidental nature that such regulation would accomplish nothing. It should be retained.

Allocation of shrinkage on producer milk transferred in bulk between pool plants. It was proposed that provisions be made for handlers to agree upon an equal division of the two percent shrinkage allowance on producer milk transferred in bulk between pool plants. The order presently reserves the entire allowance to the plant receiving the milk from producers. Optional agreement between the handlers was proposed because some supply arrangements in the Cleveland market entail considerably more opportunity for plant loss to the plant receiving milk from producers than is normally the case.

Processing plants which receive bulk shipments from supply plants encounter losses in processing and packaging such milk. The present provisions limit the application of the shrinkage allowance on milk so handled to the operations carried out by the supply plant. Within the overall two percent limit plant losses incurred in later operations should be allowed the same as if all processing were done in the plant at which milk is received from producers. The proposal represents a practical means for accomplishing this and should be adopted.

Certain administrative procedures. Certain changes of an administrative nature should be made. The present provision requiring a pool plant operator to notify the market administrator on or before January 31 of his desire for his operation to continue as a pool plant will be changed so that such plant will continue to be a pool plant, if so qualified, unless written advice to the contrary is furnished the market administrator. This change in order language should be made.

A typographical error in § 975.75 (a) should be corrected so that the order will correctly describe the procedure for calculation of the eligible milk price.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. The briefs contained suggested findings of fact, conclusions and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order, as amended. The following order amending the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may

be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as hereby proposed to be further amended:

1. In § 975.30 (b) following the phrase "such plant shall" delete the words "upon written application to the market administrator on or before January 31 of any year" and substitute therefor "unless written advice to the contrary is furnished the market administrator on or before January 31".

2. Add the following as § 975.52 (c).

(c) Where producer milk is transferred in bulk from a pool plant to the pool plant of another handler, and the operators of such plants have so requested the market administrator in writing prior to the delivery period within which the transfer occurred, the maximum allowance for shrinkage pursuant to § 975.51 (c) (3) with respect to such milk shall be divided equally between the transferor and transferee plants.

3. Delete § 975.61 and substitute therefor the following:

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.40
All others	1.85

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) With respect to receipts and utilization of the Cleveland and Akron-Stark County, Ohio, marketing areas during the first and second months preceding the delivery period, combine into separate totals:

(i) The total quantity of milk received from producers defined in § 975.8 and in § 960.7 of the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area; and

(ii) The gross quantity of milk utilized as Class I at pool plants pursuant to § 975.30 and to § 960.5 of the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area, exclusive of interhandler and intermarket transfers between such plants.

(2) Divide the result obtained in subparagraph (1) (i) of this paragraph by that obtained in subparapragh (1) (ii) of this paragraph, multiply by 100, and round to the nearest whole number. This result shall be known as the "current utilization percentage."

(3) Compute a "deviation percentage" by subtracting from the current utilization percentage computed in subparagraph (2) of this paragraph the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	123
February	126
March	129
April	132
May	135
June	144
July	149
August	144
September	131
October	125
November	123
December	122

(4) Determine the amount of the supply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 or −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

4. Delete § 975.66 and substitute therefor the following:

§ 975.66 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period;

(b) A producer may transfer his daily quota during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

5. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, there shall be deducted:

(a) 13 cents per hundredweight, if such distance is more than 40 miles but not more than 60 miles; and

(b) 20 cents per hundredweight, if such distance is more than 60 miles but not more than 74 miles, and 2 cents per hundredweight additional for each 14 miles or fraction thereof in excess of 74 miles.

(c) For the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, each pool handler's utilization of Class I and Class II milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producers' farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

6. In § 975.73 (c) delete "§ 975.81 (b)" and substitute therefor "§ 975.81".

7. In § 975.75 (a) delete "§ 975.73 (a) through (c)" and substitute therefor "§ 975.73 (a) through (e)".

8. In § 975.81 (a) delete "30 miles" and substitute therefor "40 miles".

Issued at Washington, D. C., this 2d day of January 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-90; Filed, Jan. 4, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 686, 687, 699, 704]

[Administrative Order 475]

LEATHER, LEATHER GOODS, SHOE, AND RELATED PRODUCTS INDUSTRY; TEXTILE AND TEXTILE PRODUCTS INDUSTRY; AND HOSIERY INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201, et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 28–A for the leather, leather goods, shoe, and related products industry in Puerto Rico, Industry Committee No. 28–B for the textile and textile products industry in Puerto Rico, and Industry Committee No. 28–C for the hosiery industry in Puerto Rico.

Industry Committee No. 28–A is composed of the following representatives:

For the public: Leo C. Brown, Chairman, St. Louis, Mo.; Marlin M. Volz, Kansas City, Mo.; Hiram Cancio, Rio Piedras, P. R.

For the employees: Joseph McGonigal, Mt. Vernon, Ill.; Philip G. Salem, Lawrence, Mass.; Prudencio Rivera-Martinez, San Juan, P. R.

For the employers: Oscar Castro-Rivera, San Juan, P. R.; Joseph Miller, Washington, D. C.; Luis Benitez-Carle, Manati, P. R.

For the purpose of this order the leather, leather goods, shoe, and related products industry in Puerto Rico is defined as follows:

(a) The curing, tanning, or other processing of hides, skins, leather or furs and the manufacture of products therefrom; (b) the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; (c) the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials; (d) the manufacture or partial manufacture of footwear from any material and by any process except knitting, crocheting, vulcanizing of the entire article, or vulcanizing of the sole to the upper, including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; (e) the manufacture from any material (except rubber or composition of rubber, molded to shape) of cut stock and findings for footwear, including, but without limitation, heels, linings, vamps, quarters, outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, heel pads, pasted shoe stock, and bows, ornaments and trimmings; and (f) the manufacture of boot and shoe patterns: *Provided, however,* That this definition shall not include the manufacture of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition; the manufacture of woodheel blocks; and the manufacture of any products included in the Button, Buckle, and Jewelry Industry, the Fabric and Leather Glove Industry, the Men's and Boys' Clothing and Related Products Industry, and the Needlework and Fabricated Textile Products Industry, as defined in the wage orders for those industries in Puerto Rico.

Industry Committee No. 28–B is composed of the following representatives:

For the public: Leo C. Brown, Chairman, St. Louis, Mo.; Marlin M. Volz, Kansas City, Mo.; Hiram Cancio, Rio Piedras, P. R.

For the employees: Joseph McGonigal, Mt. Vernon, Ill.; Philip G. Salem, Lawrence, Mass.; Prudencio Rivera-Martinez, San Juan, P. R.

For the employers: Oscar Castro-Rivera, San Juan, P. R.; Joseph Miller, Washington, D. C.; Malcolm Gordon, Cayey, P. R.

For the purpose of this order the hosiery industry in Puerto Rico is defined as follows:

The manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture and processing of yarn or thread.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the Act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 28–A shall commence its hearings on February 4, 1957, at 2:00 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearings of Industry Committee No. 28–A, Industry Committees Nos. 28–B, and 28–C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 28–A will meet at 10:00 a. m. on February 4, 1957, and Industry Committees Nos. 28–B, and 28–C, will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956 (21 F. R. 3678), and October 6, 1956 (21 F. R. 7669). As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than January 26, 1957.

Signed at Washington, D. C., this 3d day of January 1957.

JAMES MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-123; Filed, Jan. 4, 1957; 9:30 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

EXTENSION OF TIME FOR COMMENT RELATING TO PUBLICATION OF PRELIMINARY LIST

JANUARY 4, 1957.

In a notice dated November 2, 1956, published in the FEDERAL REGISTER, November 9, 1956, interested parties were requested to present any relevant views as to why particular imported articles should or should not appear on the preliminary list provided for in section 6 (a) of the Customs Simplification Act of 1956.

In consideration of the difficulties being encountered by interested parties in securing required information for presentation within the 60-day period prescribed, the period for submission of views is hereby extended for an additional 60 days.

Information and any communications relative to the above should be addressed to the Bureau of Customs, Washington 25, D. C.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-142; Filed, Jan. 4, 1957; 12:14 p. m.]

POST OFFICE DEPARTMENT

HUNGARY

RESUMPTION OF MAIL SERVICE

Postmaster General Order 56261 of December 28, 1956, directs that all mail service, including money order service, with Hungary which was discontinued by Order No. 56232 of November 23, 1956 (21 F. R. 9384), shall be resumed at once.

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-71; Filed, Jan. 4, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Sacramento Area Office Redelegation Order 2]

ASSISTANT AREA DIRECTOR ET AL.

DELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended, (20 F. R. 2092, 5703; 21 F. R. 2290) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director, Area Administrative Officer, and Area Property and Supply Officer.* (a) The Assistant Area Director may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Administrative Officer and the Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* With respect to contracts entered into by the Area Director, the Assistant Area Director is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(a) Functions relating to the termination of a contract.

(b) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

LEONARD M. HILL,
Area Director.

Approved: December 31, 1956.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-68; Filed, Jan. 4, 1957; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF ESTABLISHMENT OF NEW PRINCIPAL MERIDIAN

DECEMBER 31, 1956.

The Umiat Principal Meridian is hereby established to govern the survey of the public lands of the United States in the Territory of Alaska east of 153° West longitude, north of 68° North latitude; and west of 153° West longitude, north of 68°22' North latitude.

Triangulation Station "Umiat 1956" established by the United States Coast and Geodetic Survey, is adopted as the initial point of the Umiat Principal Meridian. Said triangulation station is in latitude 69°23'29.654" North and longitude 152°00'04.551" West, North American 1927 Datum.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-77; Filed, Jan. 4, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

MOXIE S. GEORGE, SR.

STATEMENT OF CHANGES IN FINANCIAL INTEREST

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 20, 1956, 21 F. R. 5463.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of December 21, 1956.

Dated: December 21, 1956.

MOXIE S. GEORGE, SR.

[F. R. Doc. 57-78; Filed, Jan. 4, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-22]

WESTINGHOUSE ELECTRIC CORP.

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Westinghouse Electric Corporation substantially in the form set forth below unless within fifteen (15) days after publication in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is annexed a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed reactor and the principal factors considered in reviewing the application for a license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Construction permit. No. CPRR-4. The Westinghouse Electric Corporation, Pittsburgh, Pennsylvania (hereinafter "Westinghouse"), on March 12, 1956, filed its application for a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities," Title 10, Chapter I, CFR, to construct and operate a nuclear reactor (hereinafter "the reactor"). On August 7 and 22, 1956, and September 17, 1956, Westinghouse filed revisions to its license application. The original application together with said revisions is hereinafter referred to as "the application."

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. Westinghouse proposes to utilize the reactor in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. Westinghouse is financially qualified to construct and operate the reactor in accordance with the regulations contained in the Title 10, Chapter 1, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. Westinghouse is technically qualified to design and construct the reactor.

E. Westinghouse has submitted sufficient information to provide reasonable assurance that a reactor of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to Westinghouse will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 (hereinafter "the act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Westinghouse to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

A. The earliest date for the completion of the reactor is July 1, 1957. The latest date for completion of the reactor is December 31, 1957. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

B. The site proposed for the location of the reactor is the location in Westmoreland County, Pennsylvania, specified in the application.

C. The type of facility authorized for construction is a light water cooled and moderated testing reactor designed to operate at a thermal power level of 20,000 kilowatts, as described in the application.

This permit is subject to submittal by Westinghouse to the Commission (by proposed amendment of the application) of additional information required to complete its Hazards Summary Report and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

Upon completion (as defined in paragraph A above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Westinghouse pursuant to section 104c of the act, which license shall expire December 31, 1962.

Pursuant to § 50.60 of the regulations in Title 10, Chapter I, CFR, Part 50, the Commission has allocated to Westinghouse for use in the operation of the reactor, 76 kilograms of uranium 235 contained in uranium at the isotopic ratio specified in Westinghouse's application. Estimated schedules of special nuclear material transfers to Westinghouse and returns to the Commission are contained in Enclosure A to Appendix A which is set forth below. Deliveries by the Commission to Westinghouse in accordance with schedule 1 of Enclosure A to Appendix A will be conditioned upon Westinghouse's return to the Commission of special nuclear material substantially in accordance with schedule 2 of Enclosure A to Appendix A.

Dated at Washington, D. C., this 21st day of December 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX A—WESTINGHOUSE ELECTRIC CORPORATION CONSTRUCTION PERMIT

SCHEDULE 1

Estimated schedule of transfers of special nuclear material from the Commission to Westinghouse:

Date of transfer:	*Kilograms of contained U-235*
1956	14.04
1957	21.06
1958	42.12
1959	42.12
1960	42.12
1961	42.12
1962	21.06
Total transfers	224.64

SCHEDULE 2

Estimated schedule of transfers of special nuclear material from Westinghouse to the Commission:

Date of transfer	Kilograms of contained recoverable scrap	U-235 spent fuel	Total
1957	4.10		4.10
1958	6.14	17.98	24.12
1959	6.14	26.97	33.11
1960	6.14	26.97	33.11
1961	6.14	26.97	33.11
1962	4.10	26.97	31.07
Inventory to be returned			18.74
Total transfers			177.36

(Total fabrication and burn-out losses calculated to be 47.28 kilograms.)

MEMORANDUM

PART I—DESCRIPTION OF THE PROPOSED FACILITY

The following summary of the principal features of the proposed facility is based on the application for a license which was filed with the Commission by Westinghouse Electric Corporation. The facility is a nuclear reactor designed to operate at a thermal power level of 20 megawatts with a peak thermal neutron flux of 8×10^{13} n/cm²/sec. It is intended to be used for developing power reactor fuel elements, radiation damage testing of electrical materials and components, and the limited production of radioisotopes.

The reactor is to be constructed on a 750-acre tract in Sewickley and Hempfield Townships, Westmoreland County, Pennsylvania. The site is slightly over one mile east of Yukon, Pennsylvania (population 1,100), and 29 miles southeast of Pittsburgh. The land around the site is used primarily for farming. The reactor is located approximately 1,500 feet from the site boundary. There are no dwellings within a 2,000-foot radius from the reactor and only 400 inhabitants within a one-mile radius. There are ten centers of population within a distance of from 8 to 16 miles, varying in population from 3,000 to 51,500.

The reactor core will be contained in a stainless steel pressure vessel with an inside diameter of 8 feet and an overall height of about 33 feet. The core may consist of from 51 to 122 cylindrical fuel elements 50 feet long and 2½ inches in diameter, each containing about 200 grams of uranium enriched to 90 percent in the isotope U-235. The fuel in each element will be contained in three concentric fuel bearing cylinders each of which is about 36 inches long. The fuel loading in the core may vary from 12 to 25 kilograms of U-235. The loading will be adjusted to provide an excess reactivity of 9 percent above that required for criticality without experiments loaded in the reactor. The applicant states that this excess reactivity will be required to (1) override the neutron absorption of the xenon present in the reactor under equilibrium conditions; (2) to overcome the decrease in reactivity which results from the temperature rise which takes place when the reactor is operating; and (3) to replace the reactivity lost as the U-235 burns out during the planned operating cycle of one month. Demineralized natural water will be used for the coolant, moderator and reflector.

There will be nine control rods in the reactor each having a control value of approximately 3½ percent excess reactivity. The applicant states that each rod will consist of an aluminum clad cadmium cylinder attached to the top of a standard fuel element section.

The rods will be arranged in two concentric rings—an inner ring with 3 rods and an outer ring of 6 rods. The rods will be attached to the driving mechanism by scram magnets. In the case of a scram, the rods will be driven into the core by gravity and the pressure due to the downward coolant flow. The reactor will be scrammed as a result of a decrease in the excitation current of the magnets holding the rods. An electric power failure, therefore, will shut down the reactor. The rods consist of poison and fuel sections. In the event of a scram the fuel bearing portion of the control rods drop out of the core as the poison section replaces it.

The reactor safety instrumentation will be designated to scram the reactor when any one or more of the following conditions occur:

a. The reactor power level reaches 30 megawatts (alarm is tripped at 25 megawatts).

b. The reactor period (time necessary for the reactor power to increase by a factor of 2.7) becomes as short as three seconds (alarm is tripped at a period of six seconds), and

c. The primary coolant flow is reduced to 5,000 gpm (alarm is tripped at 12,000 gpm). The applicant states that in his judgment, this scram provides protection against high fuel element temperatures which are possible even at low power when heat is being removed at a sufficiently reduced rate, as would be the case for a severe reduction in coolant flow.

A manually operated chemical poison system (a secondary safety system) will also be included in the safety system to serve as a means for a slow scram should the primary safety system fail to operate.

A primary coolant flow of 13,660 gpm of demineralized natural water will be initiated from a 60,000 gallon elevated storage tank. The coolant enters the top of the reactor tank and is split into two streams. One stream of 9,107 gpm cools the reactor core and the other stream passes through the reflector region and cools the nonpressurized experiments. The two streams join at the bottom of the reactor and the coolant flows upward through the thermal shields and out of the reactor. The effluent water from the reactor flows into a 30,000 gallon surge tank which would provide emergency cooling in the event the primary pumps fail. Water from the surge tank passes through two coolant pumps, two water-to-water heat exchangers and then to the elevated storage tank. During normal operating conditions the bulk inlet water temperature is expected by the applicant to be 115° F. and the bulk exit temperature 125° F. The corresponding average core exist temperature is 130° F. The static pressure in the core is 42 psia, and the total pressure drop across the reactor vessel is 37.5 psi. The reactor tank will be designed to be capable of withstanding a pressure of 75 psia. A primary coolant water flow of 50 gpm is continuously passed through a mixed bed ion exchanger to maintain water purity. The secondary coolant system water flow from the heat exchanger is cooled in a cooling tower which will have a capacity to cool 12,000 gpm of 100° F. water to 85° F. at a wet bulb air temperature of 75° F.

Experimental facilities to be contained in the reactor include the following:

a. One 6-inch O. D. high pressure test thimble located in the center of the reactor designed to operate at a maximum of 600° F. and 2,000 psi.

b. Six 3-inch O. D. high pressure test thimbles similar to (1) above located symmetrically in the reactor core.

c. Sixty nonpressurized thimbles around the periphery of the active portion of the core.

d. Provisions for five experimental tube facilities (called rabbit facilities) around the rim of the core.

e. An 8-inch I. D. beam hole.

To prevent the release of fission products to the environs in the event of a reactor incident, the reactor is to be housed in a cylindrical steel containment vessel approximately 70 feet in diameter and 67 feet high. The proposed design specifications for this vessel state that it will withstand a pressure of 2 psig at 125° F. with a leakage rate of 2 percent of the volume of the vapor container per day per pound of over-pressure. Personnel access to the containment vessel will be through special interlocked air locks. A truck air lock approximately 10' x 10' x 35' in size will provide access for large equipment.

PART II—HAZARDS EVALUATION

General considerations. The nuclear characteristics of the proposed Westinghouse Testing Reactor (WTR) are similar in many respects to the AEC Materials Testing Reactor (MTR) presently operating at the National Reactor Testing Station in Idaho.

The MTR has been operating for over four years without serious incident and has contributed much to the general technology of this type of reactor. The operation of other reactors in the Commission's program, representing simplified versions of the MTR, has resulted in the availability of much data useful in predicting operating characteristics of reactors of this type. This experience has provided information not only for normal operating conditions but for dynamic or transient behavior of such reactors as well. Much of this experience has involved actual reactor experiments designed to measure the inherent ability of these reactors to recover from an inadvertent temperature or power rise, i. e., the determination of their self-regulating characteristics. For example, it was shown from such experiments that if boiling should occur, the moderating effect of the water would be reduced, leading to a decrease in reactivity tending to counteract the power rise and eliminate boiling. This effect is due mainly to the increase in neutron leakage accompanying the formation of steam bubbles, i. e., a decrease in neutron economy due to the elimination of target atoms for slowing down the neutrons to a more efficient velocity range.

While it is true that the proposed WTR unit is not by any means an exact duplicate of the MTR or any of the other reactors of this type, and while such special features as the high reactivity value of the regulating rod and the possible need for a quick response secondary system must be carefully evaluated prior to the issuance of any operational approval, the stability and predictability which has been demonstrated by the extensive successful operation of the MTR and other units of the same general type, leads to the conclusion that the applicant should, by sound design and careful construction, be able to achieve a reactor which is capable of safe operation at the site proposed.

Temperature coefficient of reactivity. Of particular concern in the WTR, as in any reactor, is the effect of temperature on its operating behavior. Here there are two areas of consideration, namely, static stability and dynamic stability. A reactor possesses static stability to temperature changes if there is a decrease in reactivity with an increase in temperature (negative temperature coefficient), i. e., if for any reason there is a rise of temperature within the reactor, the effective multiplication factor, or its ability to sustain a chain reaction, will then tend to decrease. Consequently, the rate of heat production or power level will also decrease, tending to offset the rise in temperature. Conversely, if the temperature coefficient were positive, the reactor would be unstable to temperature changes.

Westinghouse has presented results of calculations which indicate that the proposed reactor will possess a relatively strong negative temperature coefficient of reactivity, insuring stability in the event of probable types of power excursions. Since the sign and magnitude of the temperature coefficient of reactivity is a function of the actual design of the reactor, and since the detail design has not yet been frozen, we have not at this time made a complete evaluation of these calculations. However, the results of the Westinghouse calculations are entirely consistent with the values measured in existing MTR type reactors and we are satisfied that a negative temperature coefficient of reactivity of the magnitude indicated can be achieved.

The extent of density changes in the coolant or moderator brought about by changes in temperature have a strong influence on whether the overall temperature coefficient is positive or negative and the magnitude of such coefficient. However, density changes do not respond to temperature variations instantaneously, and as a result oscillations may develop in the neutron flux and reactor power. If such oscillations are rapidly damped out because of the inherent features of the reactor, the reactor is said to have good dynamic stability.

The extent to which a given reactor has or does not have these functions is determined to a large degree by the actual design of that reactor. Lacking the final design, we have not yet completely analyzed this phenomenon with regard to the WTR, but, based on knowledge from existing reactors having similar nuclear characteristics, we are convinced that a reactor of this type having favorable dynamic stability can be designed.

Containment of maximum credible accident. While we are not yet ready to accept the Company's analysis of the maximum accident against which the bursting strength and leakage rate of the containment vessel must be evaluated and while we are, therefore, also not at this time ready to accept as adequate the proposed leakage rate of 2 percent per day, we are satisfied, based on knowledge of other reactors of the same general type and power level, that when the maximum credible accident has been defined and accepted, it will be feasible to design the containment structure strong enough to withstand the initial energy release of that accident and tight enough to adequately contain the fission products released by that accident.

Possibility of development of additional potential safety hazards. While the safety problems of this type of reactor seem to be generally well understood as a result of fairly extensive experience, the results of continuing experimental work and of continued operation of similar reactors, may point out potential safety hazards which are not recognized today. In this respect, quite recent experiments have indicated the possibility of unstable reactor oscillations under certain conditions. While these results may not apply to reactors of the type proposed by the applicant, their full implications are not yet known. See copy of letters to licensees and license applicants dated October 18, 1956, on file in the AEC Public Document Room.

Summary. The application has been reviewed only for the purpose of determining whether, based on information contained in the application and any amendments thereto, and taking into account the experience which has been gained from operation of the MTR, there is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public. In making this determination, it is not necessary to give detailed consideration to the adequacy or acceptability of particular design features or specification of the reactor and its associated equipment, or to the proposed operating procedures, or to the safety of the reactor for specific types of research and development programs. For this reason, no attempt has been made at this time to review and evaluate such information as has been presented on these factors.

Prior to the time when the reactor is allowed to go critical, a complete review and evaluation of (1) the hazard aspects of the reactor and containment design; (2) the operating and supervisory procedures; (3) the particular research and development programs to be carried out; and (4) the emergency plans, must demonstrate that the issuance of a license to operate the reactor will not be inimical to the common defense and security or to the health and safety of the public.

The applicant may at such times as he deems appropriate request amendment of his construction permit to include findings with regard to particular technical design features or specifications of the reactor and its associated equipment and proposed operating procedures.

PART III—TECHNICAL QUALIFICATIONS

Westinghouse designs, manufactures and produces equipment that generates, distributes, controls and uses electric power. Under contract with the Atomic Energy Commission and the U. S. Navy, Westinghouse has developed, designed, and built several full-scale nuclear power plants.

PART IV—FINANCIAL QUALIFICATIONS

The 1955 annual report by Westinghouse submitted as part of the application contains the following figures for the calendar year 1955: Products and services sold, $1,440,976,985; net income, $42,802,747; and working capital, $736,146,478.

Total assets of the company are several hundred times as large as the value of the special nuclear material which the company expects to possess at any one time. Stockholders' equity is more than two-thirds of its total assets. Its long-term debt represents one-fourth of the total assets and matures well into the future at a reasonable rate of interest. The company is in a strong current position with a current ratio of assets to liabilities of approximately six to one. Except for 1955, during which Westinghouse suffered a long strike by its employees, annual income (after taxes) for each of the past several years has been in excess of sixty-four million dollars.

PART V—CONCLUSIONS

Based upon the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-67; Filed, Jan. 4, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6721]

SOUTHERN NEVADA POWER CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

DECEMBER 31, 1956.

Take notice that on December 26, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Nevada Power Co. (hereinafter called "Applicant"), a corporation organized under the laws of the State of Nevada, and doing business in said State, with its principal business office at Las Vegas, Nevada, seeking an order authorizing the issuance of promissory notes in the principal amount not exceeding $6,000,000 at any one time outstanding, at the interest rate of one-half of 1 percent, plus the prime interest rate in effect at the date of loan or renewal thereof. Applicant proposes to borrow the funds from banks listed below:

California Bank, Los Angeles, Calif.	$2,050,000
First Western Bank & Trust Co., San Francisco, Calif.	1,500,000
The First National City Bank, New York, N. Y.	1,000,000
First National Bank of Nevada, Reno, Nev.	1,000,000
Bank of Nevada, Las Vegas, Nev.	450,000
Total	6,000,000

and will issue to said banks the 90-day promissory notes referred to above. All of the notes to be issued by Applicant are proposed to mature not later than September 30, 1958. Applicant proposes to use the proceeds to finance in part its construction program; all as more fully appears in the application on file with the Commission, and available for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 14th day of January 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-69; Filed, Jan. 4, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2564]

REOPENED DELTA-C&S MAIL RATE CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., over its Latin American route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding, now assigned to be held on January 8, 1957, is hereby postponed to January 23, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Notice is further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before January 23, 1957, a statement setting forth the matters of fact or law that he desires to advance.

Dated at Washington, D. C., December 31, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-85; Filed Jan. 4, 1957; 8:48 a. m.]

[Docket No. 7751]

SOUTHEAST AIRLINES AGENCY, INC., ET AL.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 23, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 31, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-83; Filed, Jan 4, 1957; 8:47 a. m.]

[Docket No. 7913]

GROUP EXCURSION FARES INVESTIGATION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on January 30, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., December 31, 1956.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-84; Filed, Jan. 4, 1957; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 40]

TRACT 187, PINE RIVER RESERVOIR PROJECT (D-MINN-420) CROW WING COUNTY, MINNESOTA

TRANSFER OF PROPERTY

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated September 18, 1956, that property known as Tract 187, Pine River Reservoir Project (D-Minn-420), Crow Wing County, Minnesota, and more particularly described in said deed, has been transferred from the United States to the State of Minnesota.

2. The above-described property was transferred to the State of Minnesota for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE,
Commissioner of Public Buildings Service.

DECEMBER 28, 1956.

[F. R. Doc. 57-82; Filed, Jan. 4, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3535]

OHIO FUEL GAS CO. ET AL.

ORDER AUTHORIZING MERGER OF ONE SUBSIDIARY INTO ANOTHER, AND CAPITAL CONTRIBUTION BY HOLDING COMPANY

DECEMBER 28, 1956.

In the matter of The Ohio Fuel Gas Company, Natural Gas Company of West Virginia, The Columbia Gas System, Inc.; File No. 70-3535.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiaries The Ohio Fuel Gas Company ("Ohio Fuel") and Natural Gas Company of West Virginia ("Natural Gas") have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 10, 12 (b), and 12 (d) thereof and Rules U-43 and U-45 thereunder regarding the following proposed transactions:

Ohio Fuel, an Ohio corporation, and Natural Gas, a West Virginia corporation, are gas utility companies operating entirely within the State of Ohio. Pursuant to an agreement of merger, Natural Gas will be merged into Ohio Fuel, the surviving corporation. Upon the effective date of merger, Natural Gas will transfer all its assets to Ohio Fuel, and Ohio Fuel will assume all its liabilities including promissory notes in the principal amount of $4,026,000 owing to Columbia.

At August 31, 1956 Columbia carried its investment in the capital stock of Natural Gas at $6,635,963.33, represented by the aggregate par value of the common stock, $5,647,200, plus $988,763.33 of earned surplus accumulated prior to September 30, 1946. Against such carrying value Columbia has provided a reserve of $906,942.94 by charging its earned surplus accumulated since September 30, 1946. During the period from September 30, 1946, to August 31, 1956, Natural Gas incurred an earned surplus deficit of $1,731,038.83. In accordance with the agreement of merger, Columbia will increase its investment in Natural Gas by making a cash capital contribution to Natural Gas equal to the earned surplus deficit, plus $30 (in order to make the net worth of the common stock of Natural Gas divisible by $45, the par value of the Ohio Fuel common stock). By resolution of its board of directors, Natural Gas will transfer to earned surplus from the capital surplus created by Columbia's contribution, an amount equal to the deficit in the former account, following which $30 will remain in its capital surplus account. Columbia will then adjust its investment in the capital stock of Natural Gas to that company's then book net worth, which will be the par value of its common stock plus $30. As of August 31, 1956, this would require a charge of $1,812,859.22 by Columbia to its earned surplus accumulated since September 30, 1946. Upon consummation of the above described accounting adjustments, all of the common stock of Natural Gas, being 56,472 shares having an aggregate net worth (par value plus $30 of capital surplus) of $5,647,230 will be exchanged for 125,494 shares of Ohio Fuel's common stock having an identical aggregate par value.

Natural Gas has a carry-forward Federal income tax loss of approximately $2,000,000. Columbia does not propose to give effect to such loss in allocating consolidated Federal income taxes under Rule U-45 (b) (6), since such loss was not a factor in determining the terms of the merger, and since, if such allocation were made, Ohio Fuel would receive a credit for which it furnished no consideration.

The proposed merger is a further step in Columbia's overall plan of property realignment designed to consolidate the retail gas business in each state into a single gas utility company, and the wholesale gas business of the system into a single company.

The Public Utilities Commission of Ohio has approved the proposed merger, and the Federal Power Commission has granted permission for the abandonment by Natural Gas of the facilities and service under its jurisdiction and has ordered the issuance of a certificate of public convenience and necessity to Ohio Fuel to acquire and operate such facilities.

The fees and expenses to be paid by the several companies are stated as follows:

	Columbia	Natural Gas	Ohio Fuel
Legal services: Cravath, Swaine & Moore	$50	$200	$500
Services of Columbia Gas System Service Corp.		1,000	4,000
Federal original issue tax on stock			6,612
Federal transfer tax on stock		3,388	
Fees and taxes on filing of agreement of merger		5	2,300
Recording fees, confirmatory deeds			200
Miscellaneous expenses		100	200
Total	50	4,693	13,812

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-51; Filed, Jan. 3, 1957; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 57]

SPRING CLOTHESPINS

INVESTIGATION INSTITUTED

Investigation instituted. Upon application of the Clothespin Manufacturers of America, Washington, D. C., received December 20, 1956, the United States Tariff Commission instituted an investigation on January 2, 1957, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, to determine whether spring clothespins provided for in paragraph 412 of the Tariff Act of 1930 are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, N. W., Washington, D. C., and in the New York City office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

By order of the Commission.

Issued: January 2, 1957.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-87; Filed, Jan. 4, 1957; 8:48 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter C—Determination of Proportionate Shares

[Sugar Determination 850.53, Amdt. 2]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA

1957 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.53, Determination of Proportionate Shares—Domestic Beet Sugar Producing Area—1957 Crop, issued September 25, 1956 (21 F. R. 7426), as amended December 7, 1956 (21 F. R. 9936), is hereby amended by revising paragraph (a) (1) and (2) of § 850.53 to read as follows:

(1) *National acreage and State acreage allocations.* A national acreage limitation for 1957-crop sugar beets of 932,000 acres is hereby established and allocated as follows:

State:	*Acres*
California	202,127
Colorado	144,259
Idaho	87,669
Illinois	2,313
Indiana	67
Iowa	1,713
Kansas	7,998
Michigan	81,761
Minnesota	73,661
Montana	56,123
Nebraska	64,410
Nevada	552
New Mexico	837
North Dakota	38,335
Ohio	22,304
Oregon	19,499
South Dakota	6,000
Texas	1,785
Utah	33,526
Washington	33,744
Wisconsin	12,767
Wyoming	38,050
Reserve	2,500
Total	932,000

(2) Acreage within the reserve of 2,500 acres may be allocated by the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (hereinafter referred to as "Director") to States not listed in this paragraph for the purpose of establishing proportionate shares for farms having sugar beet production records in the crop period 1950-54 or for new producers (as defined in paragraph (j) of this section) in such States; if necessary, to provide acreage for increases in proportionate shares granted by the Director in accordance with paragraph (l) of this section; and to provide acreage to State Committees for establishing farm proportionate shares for producers whose sugar beet production in a local producing area in the period 1950-56 has been seriously and generally affected by drought, storm, flood, freeze, disease, insects, or similar abnormal and uncontrollable conditions in one State and who undertake in another State to continue sugar beet production and apply to the Agricultural Stabilization and Conservation State Committee of such other State on or before February 15, 1957, for a farm proportionate share. With respect to allocation of acreage from the reserve under the last condition provided above in this subparagraph, the State Committee shall compute a farm proportionate share for such producers in accordance with paragraph (i) of this section on the basis of the sugar beet production record of the land formerly operated by such producer or the personal production record of the operator or combination thereof as transmitted by the State Committee in the State where such operator formerly conducted sugar beet production operations. Each State Committee shall forward to the Director not later than March 1, 1957, a listing of the acreage of the farm shares computed as provided in this subparagraph, for approval and allocation from the reserve to the State Committee for the establishment of farm proportionate shares as approved by the Director.

Statement of bases and considerations. This amendment increases the 1957 national sugar beet limitation to 932,000 acres.

When the limitation of 885,000 acres was established on September 25, 1956, total quotas for the continental United States amounted to 8,675,000 tons and the quota for the beet area amounted to 1,884,975 tons. Since that date, total quotas for 1956 have been increased to 9,000,000 tons and the quota for the beet area has been increased to 1,955,401 tons.

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FEDERAL REGISTER

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The 1956 beet sugar marketing quota has, therefore, been increased 70,000 tons since the acreage limitation for the 1957 crop was first established. With average yields and a normal shrinkage between the maximum permitted acreage and the actual harvested acreage, this increase provided for herein should permit the restoration of inventories to the level that would have existed without the recent increases in 1956 marketings and make possible a moderate increase in stocks to help insure adequate supplies in late 1957 and 1958.

On November 27, a meeting was held with representatives of sugar beet growers and processors for the purpose of reviewing changes in the sugar supply and demand situation and to obtain current recommendations as to 1957 acreage limitations. The recommendations ranged from no increase to an increase of 55,000 acres over the limitation of 885,000 acres then in effect. It was pointed out by industry representatives that a survey made prior to the meeting indicated a 1956 beet sugar crop of about 1,975,000 tons. Moreover, it was pointed out that this represented an increase of 75,000 tons over the estimate at the time the original determination was issued and offset the increase in quota for this area. A 1956 crop of this size would represent the highest yield of sugar per planted acre in recent history.

Since November 27, the 1956 marketing quota for the beet sugar area has been increased by 28,068 tons, the product of approximately 13,000 planted acres at recent average yields. Therefore, the increase provided in this amendment is well within the range recommended by representatives of the industry. Although the increase in the maximum 1957 acreage permitted under this amendment may result in some increase in the effective inventory on January 1, 1958, the resultant inventory with normal yields of sugar per acre should be only slightly larger than the effective inventories in some years when the quota was fixed at 1,800,000 tons. In view of the probability that future marketing quotas will be above 1,800,000 tons, some increase in inventories will be necessary to service the market and insure the filling of beet sugar quotas and provide a normal carryover as provided for by the Sugar Act of 1948, as amended.

At the meeting with the industry referred to above, some representatives expressed the opinion that in the event permitted acreage should be increased to make more adequate supplies possible, the Government should undertake to finance such increased supplies or otherwise accept responsibility for the sugar in the event production should exceed the marketing quota at the time the sugar is produced. This position was not supported by some of the grower and processor representatives who favored a more liberal acreage program. To avoid possible misunderstanding, it is pointed out that this revision in the acreage limitation contemplates no loan, purchase or similar program. Although increased acreage will be made available by this amendment for 1957 plantings of sugar beets, the planting of such increased acreage is not required of individual producers as a condition of payment under the Sugar Act.

The increase in the allotted acreage, except for an additional 2,000 acres added to the reserve acreage, has been prorated to the sugar beet producing States on the basis of the allocations established under the original determination. This affords an equitable basis since the original allotments gave recognition to the factors specified in the act.

The increase in the acreage reserve from 500 to 2,500 acres is being made not only to provide for an increase in the set-aside for the purposes specified in paragraph (a) (2) of § 850.53 but also to provide acreage to State Committees for establishing proportionate shares for producers who, because of abnormal and uncontrollable natural conditions have been forced to transfer their sugar beet operations to another State where more favorable conditions exist. Shares for such producers will be established in accordance with the procedures approved for the allotment area in the State to which the producers move, will be based upon the individual producer's record of sugar beet production in the State where he carried on his operations, and will be consistent with the shares established for other producers in the area where he undertakes to continue sugar beet operations.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; secs. 13, 14 Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 2d day of January 1957.

[SEAL] MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-107; Filed, Jan. 7, 1957; 8:47 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

PART 361—BRITISH TOKEN IMPORT PLAN

MISCELLANEOUS AMENDMENTS

Part 361, *British Token Import Plan*, is amended in the following particulars:

Section 361.1 is amended to read as follows:

§ 361.1 *Introduction.* The procedures governing administration of the British Token Import Plan, and the role of the Bureau of Foreign Commerce, Department of Commerce therein, set forth in this part shall also apply to the Token Plan year 1957.[1]

Section 361.13 *Commodities subject to the Plan* is amended by deleting from the list of commodities set forth therein the following item:

77. Whisky.

(R. S. 161; 5 U. S. C. 22)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-115; Filed, Jan. 7, 1957; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

OVER-THE-COUNTER MARKETS; RATIO OF AGGREGATE INDEBTEDNESS TO NET CAPITAL

The Securities and Exchange Commission today announced that it has amended paragraph (b) (2) of its § 240.15c3-1 (formerly designated Rule X-15C3-1) under the Securities Exchange Act of 1934 to grant an exemption from the requirements of the rule to members of the Pacific Coast Stock Exchange which was recently granted registration as a national securities exchange. The Pacific Coast Stock Exchange is a consolidation of the Los Angeles Stock Exchange and the San Francisco Stock Exchange and has absorbed the activities of both of such exchanges whose registration as national securities exchanges was withdrawn. Members of these two exchanges were exempt from the requirements of the rule.

Section 240.15c3-1 provides that no broker or dealer shall permit his aggregate indebtedness to all other persons to exceed 2000% of his net capital. Paragraph (c) of the rule defines the terms "aggregate indebtedness", "net capital" and certain other terms used in the rule. Paragraph (b) (2) thereof exempts from the rule the members of certain specified exchanges whose rules and settled practices were deemed by the Commission to impose requirements more comprehensive than the requirements of the rule.

The members of the Pacific Coast Stock Exchange consist of the former members of the Los Angeles Stock Exchange and the San Francisco Stock Exchange and the effect of the amendment is to maintain their exemption as members of the Pacific Coast Stock Exchange. The rules and other requirements of the Pacific Coast Stock Exchange with respect to the financial responsibility of members are as comprehensive as those of the Los Angeles Stock Exchange and the San Francisco Stock Exchange, and more comprehensive than the requirements imposed by the Commission's rule. As in previous cases, the exemption is subject to the provision that it may be suspended or withdrawn by the Commission at any time by sending at least 10 days written notice to the Exchange if it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do.

Statutory basis. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 15 (c) (3) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of inventors and necessary to carry out its functions under the act hereby amends paragraph (b) (2) of § 240.15c3-1 to read as stated below.

§ 240.15c3-1 *Ratio of aggregate indebtedness to net capital.* • • •

(b) *Exemptions.* The provisions of this section shall not apply to: -

• • • • • •

(2) Any member of the American Stock Exchange, Boston Stock Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Coast Stock Exchange, Philadelphia-Baltimore Stock Exchange, Pittsburgh Stock Exchange, or Salt Lake Stock Exchange, all of whose rules and settled practices are deemed by the Commission to impose requirements more comprehensive than the requirements of this section: *Provided,* That the exemption as to the members of any exchange may be suspended or withdrawn by the Commission at any time, by sending at least ten (10) days written notice to such exchange, if it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do.

The Commission for good cause finds that notice and public procedure specified in sections 4 (a) and (b) of the Administrative Procedure Act are un-

[1] The British Government has continued for such period its Token Import Plan arrangement with the United States.

necessary since the Pacific Coast Stock Exchange represents a consolidation of the activities of the Los Angeles Stock Exchange and the San Francisco Stock Exchange whose members have been exempt from the requirements of this rule, and the rules and other requirements of the Pacific Coast Stock Exchange with respect to the financial responsibility of members are as comprehensive as those of other exchanges which have previously been granted the exemption. The Commission further finds, in accordance with the provisions of section 4 (c) of the Administrative Procedure Act, that this action has the effect of granting exemption and that this amendment may be, and is hereby, declared effective January 2, 1957.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

DECEMBER 28, 1956.

[F. R. Doc. 57-102; Filed, Jan. 7, 1957; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 660—SHIPPING INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

PART 671—COMMUNICATIONS, UTILITIES AND TRANSPORTATION INDUSTRY IN PUERTO RICO

PART 683—WHOLESALING, WAREHOUSING AND OTHER DISTRIBUTION INDUSTRY IN PUERTO RICO

PART 692—RAILROAD, RAILWAY EXPRESS, AND PROPERTY MOTOR TRANSPORT INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

CERTAIN INDUSTRIES IN PUERTO RICO

On October 19, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 set seq.), the Secretary of Labor by Administrative Order No. 470 (21 F. R. 8068) appointed, convened and gave notice of the hearings of Industry Committee No. 26–B for the Wholesaling, Warehousing and Other Distribution Industry in Puerto Rico, and Industry Committee No. 26–C for the Communications, Utilities, and Transportation Industry in Puerto Rico. Each Committee was directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each Committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of these Committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective January 24, 1957, Part 660 (relating to the Shipping Industry in Puerto Rico) and Part 692 (relating to the Railroad, Railway Express and Property Motor Transport Industry in Puerto Rico) of Title 29, Code of Federal Regulations, are combined with Part 671, and Parts 671 and 683 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

Sec.
671.1 Definition of the industry.
671.2 Wage rates.
671.3 Notices.

AUTHORITY: §§ 671.1 to 671.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 671.1 *Definition of the industry.* The communications, utilities, and transportation industry in Puerto Rico, to which this part shall apply, is defined as follows: The industry carried on by any wire or radio system of communication, or by messenger service; by any concern engaged in the production and distribution of gas, electricity, or steam, the distribution of water or the operation of sanitation facilities; and by any concern engaged in transportation for compensation by air, water, rail, motor vehicle, pipeline, or other means, or in related activities, including the operation of travel bureaus and ticket agencies, stevedoring, consolidating, forwarding, crating, and boxing: *Provided, however,* That the definition shall not include railroad transportation activities carried on by a producer of raw sugar, cane juice, molasses, refined sugar, and incidental by-products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of these products, and any transportation activities by truck or other vehicle performed by a producer of these products in connection with the production or shipment of such products by such producer.

§ 671.2 *Wage rates.* (a) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the radio broadcasting classification, which is defined as the operations carried on by any firm engaged in radio broadcasting in Puerto Rico.

(b) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the television broadcasting classification, which is defined as the operations carried on by any firm engaged in television broadcasting in Puerto Rico.

(c) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities and transportation industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the motor carrier transport and express classification, which is defined as any transportation of property by motor vehicle for compensation including pickup and delivery, and activities directly related to the transportation of property by motor vehicle for compensation and consolidation, forwarding, packing, crating, and boxing goods for shipment.

(d) Wages at a rate of not less than 33 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce, and who is engaged in the railroad carrier classification, which is defined as operations carried on in Puerto Rico by any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation of passengers or property for compensation.

(e) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the communications, utilities, and transportation industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined as all activities included in the communications, utilities, and transportation industry in Puerto Rico, except activities included in the radio broadcasting classification, the television broadcasting classification, the motor carrier and express transport classification, and the railroad carrier classification; including, but without limitation, communications activities carried on by telephone, telegraph, cable and radiotelephone, messenger service; the production and distribution of gas, electricity, or steam; the distribution of water and the operation of sanitation facilities; the transportation of passengers or cargo by air, water, pipe line or other means on a "for-hire" basis; or related activities including stevedoring, and the operation of travel bureaus and ticket agencies.

§ 671.3 *Notices.* Every employer subject to the provisions of § 671.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 671.2 are working such notices of this part as shall be prescribed from time to time by the administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Sec.
683.1 Definition of the industry.
683.2 Wage rates.
683.3 Notices.

AUTHORITY: §§ 683.1 to 683.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 683.1 *Definition of the industry.* The wholesaling, warehousing, and other distribution industry in Puerto Rico to which this part shall apply, is defined as follows: The wholesaling, warehousing, and other distribution of commodities, including, but without limitation, the wholesaling, warehousing, and other distribution activities of jobbers, importers and exporters, manufacturers' sales branches and offices engaged in distributing products manufactured outside of Puerto Rico, industrial distributors, mail order and retail selling establishments, brokers and agents, and public warehouses: *Provided, however,* That the definition shall not include the activities of employees who are engaged in wholesaling, warehousing, and other distribution of products manufactured by their employer in Puerto Rico, or any activities covered by the definitions of the communications, utilities, and transportation industry in Puerto Rico, of the tobacco industry in Puerto Rico, and of the food and related products industry in Puerto Rico.

§ 683.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesaling, warehousing, and other distribution industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the agent, broker, sales branch, mail order, petroleum bulk station, drugs and chemicals, electrical goods and machinery and equipment classification, which is defined as selling and other distribution activities of sales branches and sales office of manufacturing and mining companies, of agents, merchandise brokers and commission merchants, and of mail order establishments; the storage and wholesale distribution of gasoline, oil and other petroleum products; and the selling, storage, and other distribution activities of merchant wholesalers dealing in drugs (including proprietary medicines, toiletries and druggists sundries such as medical glass, bandages, razors and razor blades, toothbrushes and other medicine cabinet and sickroom sundries usually sold in drug stores), chemicals and allied products, in electrical supplies, appliances, apparatus and equipment, machinery and equipment (other than furniture) and supplies therefor for use in offices, filling stations and garages; agriculture (including tractors), factories, power plants, mines and quarries, oil refineries, professional offices and laboratories, service establishments and transportation and in material handling equipment, pumps, pumping equipment and blowing equipment; and rope, cordage and twine.

(b) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the wholesaling, warehousing, and other distribution industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the warehousing, grocery wholesaling and general classification, which is defined as the selling, storage and other distribution activities of merchant wholesalers dealing in groceries, food specialties or other products the wholesaling of which is not included in any other classification of this industry, in the warehousing or storage of goods, but not including the warehousing or storage of goods by a business concern (other than a merchant wholesaler in groceries and food specialties) for resale by it to other concerns, and in any other activity not specifically included in any other classification of this industry.

§ 683.3 *Notices.* Every employer subject to the provisions of § 683.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 683.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Dated at Washington, D. C., this 2d day of January 1957.

NEWELL BROWN, *Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 57-116; Filed, Jan. 7, 1957; 8:48 a. m.]

PART 673—FOOD AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 706—ALCOHOLIC BEVERAGE AND INDUSTRIAL ALCOHOL INDUSTRY IN PUERTO RICO

CERTAIN INDUSTRIES IN PUERTO RICO

On September 27, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 468 (21 F. R. 7411) appointed, convened, and gave notice of the hearings of Industry Committee No. 25–A for the Alcoholic Beverage and Industrial Alcohol Industry in Puerto Rico, and Industry Committee No. 25–B for the Food and Related Products Industry in Puerto Rico. Each committee was directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the Act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of these committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective January 24, 1957, Parts 706 and 673 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

Sec.
706.1 Definition of the industry.
706.2 Wage rates.
706.3 Notices.

AUTHORITY: §§ 706.1 to 706.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064 as amended; 29 U. S. C. 205.

§ 706.1 *Definition of the industry.* The alcoholic beverage and industrial alcohol industry in Puerto Rico, to which this part shall apply is defined as follows: The manufacture, including, but without limitation, the distilling, rectifying, blending, or bottling of rum, gin, whisky, brandy, cordials, liqueurs, wines, ale, beer and similar malt beverages with or without alcohol, other alcoholic beverages, industrial alcohol (such as ethyl alcohol, butyl alcohol, and acetone), anti-freeze, and any related by-product resulting from the manufacture of any of the foregoing products.

§ 706.2 *Wage rates.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the alcoholic beverage and industrial alcohol industry in Puerto Rico, as defined in § 706.1, who is engaged in commerce or in the production of goods for commerce.

§ 706.3 *Notices.* Every employer subject to the provisions of § 706.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 706.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Sec.
673.1 Definitions of the industry.
673.2 Wage rates.
673.3 Notices.

AUTHORITY: §§ 673.1 to 673.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 673.1 *Definition of the industry.* The food and related products industry in Puerto Rico, to which this part shall apply is defined as follows: The canning, preserving (including freezing, drying, dehydrating, curing, pickling, and similar processes), or other manufacturing or processing, and the packaging in conjunction therewith, of foods, ice, and non-alcoholic beverages, including, but without limitation, meat animals and meat animal products, poultry and poultry products, milk and dairy products, fish and seafood products, fruits and vegetables and fruit or vegetable products, grains and grain products, bakery products, confectionery and related products, and miscellaneous foods and food products. The handling, grading, packing, or preparing in their raw or natural state of fresh vegetables, fresh fruits, or nuts, and the gathering of wild plant or animal

life. *Provided, however,* That the definition shall not include any product or activity included in the sugar manufacturing industry, in the chemical, petroleum, rubber, and related products industry, or in the alcoholic beverage and industrial alcohol industry, as defined in the wage orders for these industries in Puerto Rico.

§ 673.2 *Wage rates.* (a) Wages at a rate of not less than 43 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the citron brining classification, which is defined as the brining and other processing of fruit citron.

(b) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the food and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined to include all products and activities, as defined in § 673.1, except those included in the citron brining classification, as defined in paragraph (a) of this section.

§ 673.3 *Notices.* Every employer subject to the provisions of § 673.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 673.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 2d day of January 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-117; Filed, Jan. 7, 1957; 8:48 a. m.]

Chapter XII—Federal Mediation and Conciliation Service

REVISION OF CHAPTER

On November 29, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 9329). There was set out therein the proposed revision of Chapter XII, Title 29, of the Code of Federal Regulations relating to places at which information may be obtained, non-disclosure of information, confidential records, notices of disputes, compliance with subpoenas, and the procedures, functions and duties of the Federal mediation and Conciliation Service. Representations which were received concerning the proposed regulations have been considered. The amendatory regulations, as proposed, and as set forth below are hereby adopted and shall supersede the present regulations which are set forth in 15 F. R. 60, 19 F. R. 7179 and 20 F. R. 9341.

PART 1401—AVAILABILITY OF INFORMATION

Sec.
1401.1 Places at which information may be obtained.
1401.2 Nondisclosure of information.
1401.3 Confidential records.
1401.4 Notices of disputes nonconfidential.
1401.5 Compliance with subpoenas.

AUTHORITY: §§ 1401.1 to 1401.5 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172. Interpret or apply sec. 3, 60 Stat. 238, sec. 203, 61 Stat. 153; 5 U. S. C. 1002, 29 U. S. C. 173.

§ 1401.1 *Places at which information may be obtained.* Any individual, employer or union, or representative thereof, desiring information regarding the operations of the Service within a region should communicate with the regional office of the Service in the region in which the labor dispute or other matter exists with respect to which information is sought. General inquiries for information concerning the Service should be addressed to the Federal Mediation and Conciliation Service, Fourteenth and Constitution Avenue NW., Washington 25, D. C. Regional offices of the Service are located as follows:

Region No. and Address

1—Room 1016, Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.
2—Jefferson Building, 1015 Chestnut Street, Philadelphia 7, Pa.
3—Room 645, Peachtree at 7th Street Building, 50 Seventh Street NE., Atlanta 5, Ga.
4—Room 435, Old Federal Building, Public Square and Superior Street, Cleveland 14, Ohio.
5—Room 1515, Consumers Building, 220 South State Street, Chicago 4, Ill.
6—Room 404, Old Custom House Building, 815 Olive Street, St. Louis 1, Mo.
7—714 U. S. Court House, Seattle 4, Wash.
8—332 Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

§ 1401.2 *Nondisclosure of information.* Public policy and the successful effectuation of the Federal Mediation and Conciliation Service's mission require that commissioners and employees maintain a reputation for impartiality and integrity. Labor and management or other interested parties participating in mediation efforts must have the assurance and confidence that information disclosed to commissioners and other employees of the Service will not subsequently be divulged, voluntarily or because of compulsion.

§ 1401.3 *Confidential records.* All files, reports, letters, memoranda, minutes, documents or other papers (hereinafter referred to as "confidential records") in the official custody of the Service or any of its employees, relating to or acquired in its or their official activities under Title II of the Labor-Management Relations Act, 1947, as amended, are hereby declared to be confidential. No such confidential records shall be disclosed to any unauthorized person, or be taken or withdrawn, copied or removed from the custody of the Service or its employees by any person, or by any agent or representative of such person without the prior consent of the Director.

§ 1401.4 *Notices of dispute nonconfidential.* Written notices of disputes received pursuant to section 8 (d) (3) of the Labor-Management Relations Act, 1947, as amended, are not confidential records of the Service. Parties at interest have the right to receive certified copies of any such notice of dispute upon written request to the regional director of the region in which the notice is filed. The notice of dispute and a conformed copy should be filed in the office of the regional director of the region in which the dispute exists, or if the filing party so desires, at the office of the Director of the Service; and if the dispute is occurring in two or more regions such notice may be filed with the regional director for any of such regions, or filed at the office of the Director of the Service, at 14th and Constitution Avenue NW., Washington 25, D. C. A conformed copy of such notice of dispute should be served upon the other party to the contract.

§ 1401.5 *Compliance with subpoenas.* No officer, employee or other person officially connected in any capacity with the Service, shall produce or present any confidential records of the Service or testify on behalf of any party to any cause pending in any arbitration or other proceedings or court or before any board, commission, committee, tribunal, investigatory body or administrative agency of the United States or of any State, Territory, the District of Columbia or any municipality with respect to facts or other matters coming to his knowledge in his official capacity or with respect to the contents of any confidential records of the Service, whether in answer to an order, subpoena, subpoena duces tecum or otherwise, without the prior written consent of the Director. Whenever any subpoena or subpoena duces tecum calling for confidential records or testimony as described above shall have been served upon any such officer, employee or other person, he will appear in answer thereto, and unless otherwise expressly directed by the Director, respectfully decline, by reason of this section, to produce or present such confidential records or to give such testimony.

PART 1402—PROCEDURES OF THE SERVICE

§ 1402.1 *Notice of dispute.* The notice of dispute filed with the Federal Mediation and Conciliation Service pursuant to the provisions of section 8 (d) (3) of the Labor-Management Relations Act, 1947, as amended, shall be in writing. The following Form F–7, for use by the parties in filing a notice of dispute, has been prepared by the Service:

FMCS Form F–7
Revised November 1956

NOTICE TO MEDIATION AGENCIES

To: Regional Office, Federal Mediation and Conciliation Service; and
To: (Appropriate State or Territorial agency.) Date ----------

You are hereby notified that written notice of the proposed termination or modification of the existing collective bargaining contract was served upon and a dispute exists with the other party to this contract.

1. (a) Name of employer (if more than one company or an association, submit names and addresses on separate sheet in duplicate). Phone No. ----------
Address of establishment affected (street) (city) (State).
(If more than one establishment, list addresses on separate sheet.)
(b) Employer Official to communicate with (name and title).
Address: Phone No. ----------
---------- ---------- ----------
(Street) (City) (State)
2. (a) International union --------- Local No. --------- AFL–CIO ( ). Independent ( ). Phone No. --------- Address of local union:
---------- ---------- ----------
(Street) (City) (State)
(b) Union official to communicate with ---------- Phone No. ----------
Address:
---------- ---------- ----------
(Street) (City) (State)
3. Number of employees in bargaining unit or units in the negotiations ----------
4. Nature of business of establishment affected:
(a) Principal products, or service rendered ----------
(b) Type of establishment (factory, mine, wholesaler, over-the-road trucking, etc.) ----------
5. (a) Expiration date of contract---------
(b) Contract date reopening ----------
6. Name of official filing this notice ----------
---------- Title ----------
Address ---------- Phone No. ----------
Check on whose behalf this notice is filed: Union ---------- Employer ----------
Signature ----------
(Attach copies of any statement you wish to make to the Mediation Agencies.)

Copies of this Form F–7 are obtainable at the national, regional and field offices of the Service. This form may be duplicated for use by representatives of employers or unions provided it is copied in full without change.

(Sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172. Interpret or apply sec. 3, 60 Stat. 238, sec. 203, 61 Stat. 153; 5 U. S. C. 1002, 29 U. S. C. 173)

PART 1403—FUNCTIONS AND DUTIES

Sections 202 (c) and 203, Title II, of the Labor-Management Relations Act, 1947, as amended (Pub. Law 101, 80th Congress, 61 Stat. 153, as amended), authorize mediation and conciliation services in labor-management disputes, and suitable procedures for cooperation between the Federal Mediation and Conciliation Service (hereinafter called the Federal Service) and State and local mediation agencies.

Sec.
1403.1 Definitions.
1403.2 Policies of the Federal Mediation and Conciliation Service.
1403.3 Obtaining data on labor-management disputes.
1403.4 Assignment of mediators.
1403.5 Relations with State and local mediation agencies.

AUTHORITY: §§ 1403.1 to 1403.5 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172. Interpret or apply sec. 3, 60 Stat. 238, sec. 203, 61 Stat. 153; 5 U. S. C. 1002, 29 U. S. C. 173.

§ 1403.1 *Definitions.* As used in this part, unless the context clearly indicates otherwise.

(a) The term "commerce" means trade, traffic, commerce, transportation or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country.

(b) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor-management dispute burdening or obstructing commerce or the free flow of commerce.

(c) The term "labor union" or "labor organizaton" means any organizaton of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(d) The term "State or other conciliation services" means the official and accredited mediation and conciliation establishments of State and local governments, which are wholly or partially supported by public funds.

(e) The term "proffer its services," as applied to the functions and duties of the Federal Mediation and Conciliation Service, means to make mediation services and facilities available either on its own motion or upon the request of one or more of the parties to a dispute.

§ 1403.2 *Policies of the Federal Mediation and Conciliation Service.* It is the policy of the Federal Mediation and Conciliation Service:

(a) To facilitate and promote the settlement of labor-managment disputes through collective bargaining by encouraging labor and management to resolve differences through their own resources.

(b) To encourage the States to provide facilities for fostering better labor-management relations and for resolving disputes.

(c) To proffer its services in labor-management disputes in any industry affecting commerce, except as to any matter which is subject to the provisions of the Railway Labor Act, as amended, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial interruption to commerce.

(d) To refrain from proffering its services: (1) In labor-management disputes affecting intrastate commerce exclusively, (2) in labor-management disputes having a minor effect on interstate commerce, if State or other conciliation services are available to the parties, or (3) in a labor-management dispute when a substantial question of representation has been raised, or to continue to make its facilities available when a substantial question of representation is raised during the negotiations.

(e) To proffer its services in any labor-management dispute directly involving Government procurement contracts necessary to the national defense, or in disputes which imperil or threaten to imperil the national health or safety.

(f) To proffer its services to the parties in grievance disputes arising over the application or interpretation of an existing collective-bargaining agreement only as a last resort and in exceptional cases.

§ 1403.3 *Obtaining data on labor-management disputes.* When the existence of a labor-management dispute comes to the attention of the Federal Service upon a request for mediation service from one or more parties to the dispute, through notification under the provisions of section 8 (d) (3), Title I of the Labor-Management Relations Act, 1947, or otherwise, the Federal Service will examine the information to determine if the Service should proffer its services under its policies. If sufficient data on which to base a determination is not at hand, the Federal Service will inquire into the circumstances surrounding the case. Such inquiry will be conducted for fact-finding purposes only and is not to be interpreted as the Federal Service proffering its services.

§ 1403.4 *Assignment of mediators.* The Federal Service will assign one or more mediators to each labor-management dispute in which it has been determined that its services should be proffered.

§ 1403.5 *Relations with State and local mediation agencies.* (a) If under State or local law a State or local mediation agency must offer its facilities in a labor-management dispute in which the Federal Service is proffering its services, the interests of such agencies will be recognized and their cooperation will be encouraged in order that all efforts may be made to prevent or to effectively minimize industrial strife.

(b) If, in a labor-management dispute there is reasonable doubt that the dispute threatens to cause a substantial interruption to commerce or that there is more than a minor effect upon interstate commerce, and State or other conciliation services are available to the parties, the regional director of the Federal Service will endeavor to work out suitable arrangements with the State or other conciliation or mediation agency for mediation of the dispute. Decisions in such cases will take into consideration the desires of the parties, the effectiveness and availability of the respective facilities, and the public welfare, health, and safety.

(c) If requested by a State or local mediation agency or the chief executive of a State or local government, the Federal Service may make its services available in a labor-management dispute which would have only a minor effect upon interstate commerce when, in the judgment of the Federal Service, the effect of the dispute upon commerce or the public welfare, health, or safety justifies making available its mediation facilities.

PART 1404—ARBITRATION

Sec.
1404.1 Arbitration.
1404.2 Composition of roster maintained by the Service.

Sec.
1404.3 Security status.
1404.4 Procedures; how to request arbitration services.
1404.5 Arbitrability.
1404.6 Nominations of arbitrators.
1404.7 Appointment of arbitrators.
1404.8 Status of arbitrators after appointment.
1404.9 Prompt decision.
1404.10 Importance of impartiality.
1404.11 Arbitrator's award and report.
1404.12 Fees of arbitrators.
1404.13 Conduct of hearings.

AUTHORITY: §§ 1404.1 to 1404.13 issued under sec. 202, 61 Stat. 153, as amended; 29 U. S. C. 172. Interpret or apply sec. 3, 60 Stat. 238, sec. 203, 61 Stat. 153; 5 U. S. C. 1002, 29 U. S. C. 173.

§ 1404.1 The labor policy of the United States Government is designed to foster and promote free collective bargaining. Voluntary arbitration and fact-finding are tools, in appropriate cases, of free collective bargaining and may be desirable alternatives to economic strife. The parties assume broad responsibilities for the success of the private juridical system they have chosen. The Service will assist the parties in their selection of arbitrators.

§ 1404.2 *Composition of roster maintained by the Service.* It is the policy of the Service to maintain on its roster only those arbitrators who are experienced, qualified, and acceptable, and who adhere to ethical standards. Applicants for inclusion on its roster must not only be well-grounded in the field of labor-management relations, but, also, possess experience in the labor arbitration field or its equivalent. (Arbitrators employed full time as representatives of management or labor are not included on the Service's roster.) After a careful screening and evaluation of the applicant's experience, the Service contacts representatives of both labor and management, as qualified arbitrators must be acceptable to those who utilize its arbitration facilities. The responses to such inquiries are carefully weighed before an otherwise qualified arbitrator is included on the Service's roster.

§ 1404.3 *Security status.* The arbitrators on the Service's roster are not employees of the Federal Government, and, because of this status, the Service does not investigate their security status. Moreover, when an arbitrator is selected by the parties, he is retained by them and, accordingly, they must assume complete responsibility for the arbitrator's security status.

§ 1404.4 *Procedures; how to request arbitration services.* The Service prefers to act upon a joint request which should be addressed to the Director of the Federal Mediation and Conciliation Service, Washington 25, D. C. In the event that the request is made by only one party, the Service may act if the parties have agreed that either of them may seek a panel of arbitrators. A brief statement of the nature of the issues in dispute should accompany the request, to enable the Service to submit the names of arbitrators of specialized competence. The request should also include a copy of the collective bargaining agreement or stipulation. In the event that the entire agreement is not available, a verbatim copy of the provisions relating to arbitration should accompany the request.

§ 1404.5 *Arbitrability.* Where either party claims that a dispute is not subject to arbitration, the Service will not decide the merits of such claim. The submission of a panel should not be construed as anything more than compliance with a request.

§ 1404.6 *Nominations of arbitrators.* When the parties have been unable to agree on an arbitrator, the Service will submit to the parties the names of three, five, seven or more arbitrators, as requested, or will make a direct appointment upon being duly advised that a panel is not desired. Together with the submission of a panel of suggested arbitrators, the Service furnishes a short statement of the background, qualifications, and experience of each of the nominees. In selecting names for inclusion on a panel, the Service considers many factors, but the desires of the parties are, of course, the foremost consideration. If at any time a company or a union, or both, suggests that a name or names be omitted from a panel, such name or names will generally be omitted. The Service will not, however, place names on a panel at the request of one party unless the other party has knowledge of such request and has no objection thereto, or unless both parties join in such request. If the issue described in the request appears to require special technical experience or qualifications, arbitrators who possess such qualifications will, where possible, be included in the list submitted to the parties. Where the parties expressly request that the list be composed entirely of technicians, or that it be all-local or non-local, such request will be honored, if qualified arbitrators are available. Two of the methods of selection from a panel are (a) at a joint meeting, alternately striking names from the submitted panel until one remains, and (b) each party separately advising the Service of its order of preference by numbering each name on the panel. In almost all cases, an arbitrator is chosen from one panel of names. However, if a request for another panel is made, the Service will comply with the request, providing that additional panels are permissible under the terms of the agreement or the parties so stipulate. Subsequent adjustment of disputes is not precluded by the submission of a panel or an appointment. A substantial number of issues are being settled by the parties themselves after the initial request for a panel and after selection of the arbitrator. Notice of such settlement should be sent promptly to the arbitrator and to the Service. The arbitrator should be compensated whenever he receives insufficient notice of settlement to enable him to rearrange his schedule of arbitration hearings or working hours.

§ 1404.7 *Appointment of arbitrators.* After the parties notify the Service of their selection, the arbitrator is appointed by the Director. If any party fails to notify the Service within 15 days after the date of mailing the panel, all persons named therein shall be deemed acceptable to such party. The arbitrator, upon appointment notification, is requested to communicate with the parties immediately to arrange for preliminary matters such as date and place of hearing. There is an advantage to the parties of advising the Service of the arbitrator selected, as the standards and procedures established by the Service, including those governing the range of fees, apply to the appointed arbitrator. Also, the names of arbitrators who have not completed a pending arbitration are not ordinarily included on panels requested by the same parties.

§ 1404.8 *Status of arbitrators after appointment.* After appointment, the legal relationship of arbitrators is with the parties rather than the Service, though the Service does have a continuing interest in the proceedings. Industrial peace and good labor relations are enhanced by arbitrators who function justly, expeditiously and impartially so as to obtain and retain the respect, esteem and confidence of all participants in the arbitration proceedings. The conduct of the arbitration proceeding is under the arbitrator's jurisdiction and control, subject to such rules of procedure as the parties may jointly prescribe. He is to make his own decisions and write his own opinions based on the record in the proceedings. He may not delegate this duty and responsibility to others in whole or in part without the knowledge and prior consent of both parties. The powers of the arbitrator may be exercised by a majority unless otherwise provided by agreement or by law, and, unless prohibited by law, they may proceed in the absence of any party who, after due notice, fails to be present or to obtain a postponement. The award, however, must be supported by evidence as an award cannot be based solely upon the default of a party.

§ 1404.9 *Prompt decision.* Early hearing and decision of industrial disputes is desirable in the interest of good labor relations. The parties should inform the Service whenever a decision is unduly delayed. The Service expects to be notified if and when (a) an arbitrator cannot schedule, hear and determine issues promptly, and (b) he is advised that a dispute has been settled by the parties prior to arbitration. The arbitrator is also expected to keep the Service informed of changes in address, occupation or availability, and of any business connection with or of concern to labor or management. The award shall be made not later than thirty (30) days from the date of the closing of the hearing, or the receipt of a transcript and any post-hearing briefs, or if oral hearings have been waived, then from the date of receipt of the final statements and proof by the arbitrator, unless otherwise agreed upon by the parties or specified by law. However, a failure to make such an award within thirty (30) days shall not invalidate an award. The Service, however, when nominating arbitrators, takes notice of any arbitrator's failure to comply with its policies and procedures. The parties can expedite awards. They may advise the Service and the arbitrator if an early decision is desired. If such notice is given, the Service will so advise the arbitrator at the time of his appointment. The parties can also request that an opinion follow the award, or that an opinion be omitted in appropriate cases. The parties may also provide in their agreement or in their arbitration stipulation or request that an award must be rendered within a fixed time after the close of the hearing in order to be valid, unless the time is enlarged by agreement of the parties. Such a provision, however, would operate to nullify an award made after such period of time and should therefore be carefully drafted so as not to cause hasty and ill-considered decisions.

§ 1404.10 *Importance of impartiality.* Interviews with or communications by the arbitrator to and from one party without the knowledge and consent of the other party, are easily misunderstood and should be avoided since they can result in a loss of confidence in the integrity, fairness and judgment of the arbitrator. Likewise, the arbitrator should refrain from giving unsolicited advice in his opinion, or award or other document for the same reason. Arbitrators are called upon to decide issues which the parties have been unable to resolve and, consequently, difficult decisions are inevitable. Their acceptability can be advanced not alone by the soundness of the decisions, but also by the orderly and impartial manner in which the entire arbitration proceeding is conducted.

§ 1404.11 *Arbitrator's award and report.* At the conclusion of the hearing and after the award has been submitted to the parties, each arbitrator is required to file a copy with the Service. The Service then evaluates awards with a view to determining whether they meet the accepted professional standards as to form, clarity and logic. The arbitrator is further required to submit a report showing a breakdown of his fees and expense charges so that the Service may be in a position to check conformance with its fee policies. Cooperation in filing both award and report within fifteen (15) days after handing down the award is expected of all arbitrators. It is the policy of the Service not to release arbitration decisions for publication without the consent of both parties. Furthermore, the Service expects the arbitrators it has nominated or appointed not to give publicity to awards they may issue, except in a manner agreeable to both parties.

§ 1404.12 *Fees of arbitrators.* No administrative or filing fee is charged since the Service is required by law to provide such facilities. The current policy of the Service permits its nominees or appointees to charge a fee for their services not exceeding $150 per day. The Service expects its arbitrators in fixing the fee for a case to give due consideration to the financial condition of each party, the accepted standards for the area in which the dispute arises, the complexity of the issues involved and the length of time consumed preliminary to and in the course of the hearing; in the study of the evidence and preparation of the award. In those rare instances where arbitrators fix wages or other terms of a new contract, the responsibilities involved are so grave that the arbitrators are not subject to the above fee restriction. The parties may prefer to agree with the arbitrator upon a fixed fee in advance of the arbitration. This, however, could result in unnecessarily prolonging an arbitration hearing. The parties can reduce the cost of arbitration by the careful preparation of exhibits and evidence and by the stipulation of undisputed facts. The parties may also stipulate that the arbitrator devote not more than a specified number of days to the study and preparation of the opinion and award. There is, however, some risk in so doing since the award and opinion may not be satisfactory or sufficiently clear if such restriction is made in other than simple, routine cases. The Service is not concerned with whether the fees and expenses of the arbitrator are paid by only one of the parties or are divided between them. Nevertheless, unless the parties agree otherwise, (a) the fee and expenses of the arbitrator shall be paid equally by the parties, (b) the expenses of witnesses for either side shall be paid by the parties producing such witnesses, (c) the total cost of the stenographic record, if any is made, and all transcripts thereof, shall be prorated equally by all parties ordering copies, and (d) the expenses of any witnesses or the cost of any briefs produced at the direct request of the arbitrator, shall be borne equally by the parties unless the arbitrator in his award assesses such expenses or any part thereof against any specified party or parties.

§ 1404.13 *Conduct of hearings.* The Service does not prescribe detailed or specific rules of procedure for the conduct of an arbitration proceeding because it favors flexibility in labor relations. It believes that the parties and experienced arbitrators know best how arbitration proceedings should be conducted if wise decisions and industrial peace are to be achieved. Questions such as hearing rooms, submission or pre-hearing or post-hearing briefs, and recording of testimony, are left to the discretion of the individual arbitrator and the parties. The Service does, however, expect its arbitrators and the parties to conform to applicable laws, and to be guided by ethical and procedural standards as codified by appropriate professional organizations and generally accepted by the industrial community and experienced arbitrators. In cities where the Service maintains offices, the parties are welcome upon request to the Service to use its conference rooms when they are available.

JOSEPH F. FINNEGAN,
Director.

JANUARY 2, 1957.

[F. R. Doc. 57-94; Filed, Jan. 7, 1957; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 35 (OPR-2, Amdt. 2]

OPR 2—VOYAGE DATA

IDLE STATUS PERIOD

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of section 5 *Idle status period*, is hereby amended to read as follows:

(a) The General Agent shall place a vessel in idle status during the period of reactivation or deactivation or upon redelivery from Military Sea Transportation Service notwithstanding the fifteen (15) days minimum period as provided for in paragraph (b) of this section.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 19, 1956.

[SEAL] WALTER C. FORD,
Deputy Maritime Administrator.

[F. R. Doc. 57-92; Filed, Jan. 7, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

WIND RIVER IRRIGATION PROJECT, WYOMING

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Congress, 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 25 U. S. C. 383; 39 Stat. 142; and 45 Stat. 210; 25, U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 351, Amendment No. 1; 16 F. R. 5454-7), notice is hereby given of intention to modify § 130.95 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Wind River Irrigation Project to read as follows:

§ 130.95 *Charges.* In compliance with the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387), the operation and maintenance

charges for the lands under the Wind River irrigation project, Wyoming, for the calender year 1957 and subsequent years until further notice, are hereby fixed at $2.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to the Area Director, Bureau of Indian Affairs, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57-93; Filed, Jan. 7, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 977]

[Docket No. AO-183-A5]

HANDLING OF MILK IN PADUCAH, KENTUCKY, MARKETING AREA

DECISION WITH RESPECT TO TENTATIVE MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Paducah, Kentucky, on July 2, 1956, pursuant to notice thereof which was issued on June 6, 1956 (21 F. R. 3969).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on October 29, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on November 1, 1956 (21 F. R. 8365).

The material issues considered in the record of the hearing related to the following:

1. Extension of the marketing area;
2. Diversion of milk to a nonpool plant in any month of the year;
3. Classification of transfers to a nonpool plant having Class I sales in the marketing area;
4. Time and method of payment for producer milk;
5. Location differentials to handlers and producers;
6. Changes in the definition of pool plants;
7. Provisions for a quota-excess plan of distributing payments to producers; and
8. Change in the rate of compensatory payment.

A proposal in the notice of hearing to modify the shrinkage provision of the order was not supported at the hearing and for that reason this proposal will not be given any further consideration.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence in the record:

1. *Marketing area.* The Paducah marketing area should be expanded to include Ballard, Graves, Marshall, and Calloway Counties in addition to the present area of McCracken County.

These four are part of a group of eight counties collectively called the "Purchase Area". A number of handlers regulated under the Paducah order and the cooperative association of producers proposed that this entire 8-county area should be included in the marketing area of the order.

One of the largest handlers regulated under the order testified as to the quantity of Class I milk distributed by him in the eight counties during April, 1956. Fifty-six percent of this handler's total sales in this area were sold within the present marketing area; and of the 44 percent sold in the seven counties proposed to be added, 81 percent was sold in the counties of Ballard, Marshall and Graves.

The presently unregulated handlers testified that they sold little or no milk in Marshall or Ballard Counties. One of these handlers testified that he sold a very small amount of milk in Marshall County and another testified that his sales in Marshall were less than one percent of producer receipts. The other two unregulated handlers did not sell any milk in Marshall County and not one of the four unregulated handlers testified as to any sales in Ballard County. Thus, it is obvious that regulated handlers have by far the major share of fluid distribution in these two counties.

Another relatively large regulated handler, testified that he sold more fluid milk in Graves County where his processing plant is located than he did in the present marketing area which includes only McCracken County. In fact, this handler testified that his percent of sales in the present market area was at times so low as to jeopardize his being pooled under the order. In order to qualify as a pool plant, 10 percent of receipts must be sold in the area. While it was impossible to determine accurately the comparative quantities of milk sold in Graves County by regulated and unregulated handlers, it is obvious that regulated handlers sell about half of the total.

A presently unregulated milk distributor, whose plant is located in Calloway County, has a small percentage of his total fluid sales in the counties other than Calloway that were proposed to be added to the marketing area. It appears that this handler actually distributes enough milk in Marshall and Graves Counties to pool his plant at least in some months of the year. Also, his most attractive areas for additional sales are in Marshall and Graves Counties. This handler and other handlers who will be regulated as a result of this decision distribute all of the Grade A milk disposed of in Calloway County. The evidence indicates that there will be no Grade A milk distributed in the county by unregulated handlers. Because of these circumstances, Calloway County should be included in the marketing area.

The relatively large amount of milk distributed by the present Paducah order handlers in the counties of Marshall, Ballard, and Graves indicate that these counties should be included in the marketing area. Because the expansion of the area to include these three counties will regulate almost all Grade A milk distributed in Calloway County, it too should be included in the marketing area. On the other hand, unregulated handlers have the bulk of sales in the counties of Hickman, Fulton and Carlisle. Because of this, it is determined that the market area should not be expanded to include these counties.

Of the four previously unregulated handlers selling in the 5-county marketing area, two will be fully regulated. The two others apparently sell less than 10 percent of their receipts in the marketing area and, therefore, will not be fully regulated. They would have the status of handlers operating nonpool distributing plants. The application of the order to such operation is described in more detail in topic No. 6 below.

2. *Diversion of milk.* The present diversion provision in the order recognizes that milk in excess of Class I needs during the seven months of surplus production should be moved to its best available market without uneconomic movement and handling. It is obviously wasteful to require that this surplus milk be physically received at the plant of a regulated handler and then transferred to a manufacturing outlet. The diversion privilege allows milk to be moved directly from the farm pickup routes to a manufacturing plant.

The Paducah Graded Milk Producers Association has proposed that this diversion provision should be amended to allow this producers association to divert surplus milk during the five months of lowest production, September through January. The Association, at various times during these five shorter production months, has been called upon by its member producers to market milk which could not be utilized by the Paducah handler who ordinarily markets the concerned members' milk. One of these instances was occasioned by a labor dispute at a regulated handler's plant. Other instances have been occasioned by normal producer receipts being in excess of a particular handler's immediate need in months other than February-August. All but three of the producers supplying handlers regulated under the Paducah order are members of the Association, and the Association has a contractual obligation to market the production of its members.

While all but three of the producers supplying handlers regulated under the present Paducah order are members of the Association, two relatively large handlers who will become fully regulated as a result of this amendment action have no Association members delivering milk to their plants. Approximately 30 percent of the producers supplying the expanded marketing area will be nonmembers.

Since the Association has been forced to divert the production of its members in the past during the low production months and anticipates the need for similar diversions in the future, it is apparent that handlers receiving their Grade A supply from non-member producers may be faced with the same circumstances. Thus, proprietary handlers should also be allowed to divert producer milk to nonpool plants during the months of September through January.

However, it may be extremely difficult to determine which producers are primarily associated with the market if unlimited diversion during these short production months is allowed. Limiting the allowable diversion in each month during the period of September through January to 10 days' production of any one producer would lessen the probability of this difficulty and would allow the diversion of producer milk in those instances during these months when it is necessary because of market conditions.

It is concluded that the order should be amended to allow any qualified cooperative association or any handler to divert not more than 10 days' production of any one producer during any of the months of September through January.

3. *Classification of transfers.* The producers' association proposed that milk transferred to a nonpool plant having Class I sales in the marketing area be classified as Class I to the extent of such sales. However, it was testified that there are no present instances of Class I sales in the marketing area by any nonpool plant ordinarily receiving surplus milk from regulated plants. The association is concerned, however, that such a condition might exist in the future.

The compensatory payment provisions of the order insure producers of Class I value for any milk which is diverted or transferred to a nonpool plant and reenters the marketing area as Class I milk. It is concluded, therefore, that this proposal should be denied.

4. *Time and method of payment.* The cooperative association representing all but three of the producers supplying handlers regulated under the order has proposed that the order be amended to permit handlers to deduct from payment to producers who are members of an association only such hauling charges or other amounts as are approved by the association in writing. There was no opposing testimony to this proposal.

The order presently provides that handlers must pay the cooperative association for milk received from member producers on written request from the association. Several order handlers follow the practice of forwarding information concerning deductions to the association. The association itemizes these deductions on the statement to producers and adjusts the payment due the association from these handlers by the appropriate amount. However, other order handlers have followed the practice of making the deductions themselves and forwarding to the association the net amount due for distribution to member producers.

The inconsistency between the two methods of handling deductions has caused some misunderstanding between producers delivering to the different handlers as well as some difficulty to the association in verifying the claimed deductions of the latter handlers.

To correct this inconsistency and to remove the possibility of misunderstanding between producers, it is concluded that this proposal should be adopted.

5. *Location differentials to handlers and producers.* Since this decision provides that the Paducah order marketing area be extended, it is necessary that the location differential to producers and to handlers also be considered. A producer proposal for this purpose was included in the notice of hearing.

The present order allows a location adjustment to handlers on milk shipped from distant supply plants to distributing plants and used for Class I purposes. It does not provide for an adjustment on packaged milk sold directly in the area from distant distributing plants. The order also provides that all milk delivered by producers at a distant supply plant be subject to the producer location adjustment.

The market area, as provided herein, is somewhat elongated and the plants of handlers to be regulated are widely dispersed within the market area. In order to have equitable pricing throughout the area it is necessary to have some other base for determining distance than the McCracken County Court House.

The cooperative association proposed that the distance used in computing supply plant location be measured from the edge of the market area. It testified, however, that it had no objection to using two or more fixed points to facilitate administration of the provision.

In view of the elongated character of the market area, the intermingling of routes of handlers with plants located in relatively widely separated communities, and ease of administration, multiple points for fixing location adjustments should be used. These points should be the County Court Houses in McCracken and Graves Counties, whichever is closer to the regulated plant.

It is further concluded that the differentials should be reduced to 7.5 cents for plants located between 40 and 50 miles, and an additional 1.5 cents for each additional 10 miles or fraction thereof that such plants may be distant from the nearest of these base points, via shortest hard surfaced road as determined by the market administrator. The 1.5-cent differential as established by this decision is the same as that prescribed in the Ozarks milk marketing order and is related to the cost of hauling milk by an efficient means under conditions similar to those in this market. The 7.5 cents is determined by multiplying 1.5 cents by the number of zones between either basing point and the 40-50 mile zone.

It is further determined that the location differentials as recommended in this decision should apply to packaged milk shipped to the marketing area for direct distribution as well as to bulk milk shipped by a supply plant to a distributing plant within the marketing area. Should a plant located more than 40 miles from either of the basing points as established in this decision ship packaged milk into the marketing area for direct distribution it should be allowed the same differential as bulk receiving plants receive to compensate for the additional cost of moving milk to market. Such a provision would tend to equalize cost among all handlers selling milk in the marketing area.

6. *Pool plant definitions.* One handler who distributes milk in the area as recommended to be expanded proposed that the pool plant standards be changed or, alternatively, that the provisions relating to unpriced milk be substantially altered. This potential handler operates a distributing plant, and his proposals were confined to that type of operation; he did not propose any change in the provisions relating to supply plant operations.

Under the present order, a distributor must sell 45 percent of his total supply on routes in order to qualify as a pool plant. Furthermore, at least 10 percent of his total supply must be sold on routes in the defined marketing area. A plant from which less than 10 percent is sold in the marketing area would still be a handler, but would not qualify as a pool plant. The operator of such a plant would be assessed compensatory payments on the quantities of milk sold in the marketing area at the rate of the difference between the Class I and Class II prices during the five months of March through July, and at the lesser rate of the difference between the Class I and the blend prices during the seven months of August through February.

It appears that the proponent handler will be selling substantially less than 10 percent of his supply in the extended marketing area. He proposed that all distributing plants be qualified as pool plants. However, it is clear that a city plant having more than 90 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market as a distributing plant. Such a plant is selling primarily to an unregulated market. It is not considered advisable to bring such a plant under full regulation in order to control the minor share of its business which is in the marketing area. Full regulation would not be necessary to accomplish the purposes of the order and might well place such a plant at a competitive disadvantage in relation to other dealers supplying the unregulated market.

His alternative proposal related to the rate of compensatory payment. He proposed that such payments reflect the smaller of (1) the amount, if any, by which his payments to all dairy farmers supplying Grade A milk were less than the utilization value at class prices of his total use of milk, or (2) the difference

between the Class I and Class II prices during the months of April through July, and the difference between the Class I and blend prices during the months of August through March and on such volume of milk as is sold within the Paducah marketing area.

This proposal should be adopted. It would apply only to plant operators who qualify as handlers under the order and who are obligated to make regular reports thereunder. Under the modified payment provisions, such handlers would be required to file complete reports on their receipts and utilization of milk in the same fashion as operators of pool plants. Their Class I and Class II utilization would be valued at class prices and a "uniform blend price" would be computed for their Grade A shippers. If the nonpool plant paid each shipper as much or more than this computed uniform price, no compensatory payment would be assessed. However, the amounts of any underpayments would be cumulated, starting with the lowest rate of payment and proceeding until the volume of milk represented was equal to the volume sold as Class I in the marketing area, to determine the amount of the compensatory payment. The operator of the nonpool plant would have the alternative, each month, of computing his compensatory payment at the difference between the Class I and Class II prices during the months of April through July, and the difference between the Class I and blend prices during the months of August through March only on the volume of milk sold as Class I within the marketing area. Under the conditions described at the hearing, it appears that the proponent handler and most of the other handlers who may be operators of nonpool distributing plants would use the first-described method of computing payments. All of them testified that they were paying their dairy farmers prices fully equivalent to those required under the order.

The producers cited findings from a previous decision of the Secretary to the effect that this type of compensatory payment would be impractical. However, these findings dealt, primarily, with unpriced milk received by regulated distributing plants from supply plant sources. Such sources would not qualify as handlers under the order, would not be making regular reports, would be widely scattered geographically, and might be comparatively numerous. Also, there were no nonpool distributing plants in prospect at the time of the previous findings. The more limited application of the technique which was explored at the hearing appears to be fully feasible and equitable.

7. *Quota excess plan.* One of the distributors whose plant would qualify as a pool plant in the extended marketing area proposed that, in the event of such extension, the order should include a quota-excess plan. This plan was proposed for the purpose of encouraging producers to minimize the seasonality of their milk production. It would replace the present level production plan of having substantial seasonal variation in the Class I differential.

This is primarily a problem in the distribution of returns to producers. Acceptance by producers is an essential element in any program for encouraging them to level out their production. In the circumstances, it is clear that such a substantial change should not be imposed on producers through an amendment to the order when the majority of them prefer the present system of seasonal changes in the Class I differential which has contributed greatly to more even seasonal production.

8. *Compensatory payments.* A handler regulated under the Paducah order testified at the hearing that at times he has had a contract to supply the fluid milk needs of an Army post located approximately 90 miles from Paducah. In March of 1956 there was insufficient producer milk to supply the requirements of the military installation. The handler bought unregulated milk at the St. Louis blend price, plus a handling charge in order to fulfill his contractual obligations. However, under the provisions of the Paducah order, he had to pay a compensatory payment on this milk which was computed as the difference between the Class I and Class II prices per hundredweight of milk. The handler testified that March should be placed in the group of months under the Paducah order when the compensatory payments are computed as the difference between the Class I and blend prices per hundredweight.

The order presently provides that the compensatory payment per hundredweight of milk is the difference between the Class I and Class II prices during the months of July through March, and the difference between the Class I and blend prices during August through February. Exhibits in the record indicate that in recent years Class I sales as a percent of producer receipts have been greater in March than in August. Since the smaller rate of compensatory payment under the order is designed to recognize that during the months when producer receipts are insufficient to meet the Class I needs of the market unregulated milk is also in short supply and therefore expensive, the order should be amended to recognize the present seasonal relationship between producer receipts and fluid sales. Therefore, March should be included in those months which require the lower compensatory payment on unregulated milk receipts.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(d) All milk and milk products handled by handlers, as defined in this order, as amended, and as hereby proposed to be further amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler regulated by the order, as amended, and as hereby proposed to be further amended, as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all milk received during such delivery period from approved dairy farmers.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of October 1956, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who during such representative period were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 2d day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Paducah, Kentucky, Marketing Area

§ 977.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Paducah, Kentucky, on July 2, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all skim milk and butterfat contained in (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant not partially exempt from the provisions of this order pursuant to § 977.61.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Delete § 977.5 and substitute therefor the following:

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," hereinafter called the "marketing area" means all the territory within the boundaries of the Kentucky counties of McCracken, Ballard, Marshall, Graves, and Calloway.

2. Delete § 977.11 and substitute therefor the following:

§ 977.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler: *Provided,* That for any of the delivery periods of September through January no milk so diverted shall be deemed to have been so received at a pool plant from a producer if production of more than 10 days is diverted to a nonpool plant during such delivery period.

3. Delete § 977.45 (c) and substitute therefor the following:

§ 977.46 *Determination of producer milk in each class.* For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 977.45, and determine the percentage of butterfat in the producer milk allocated to each class.

4. Delete that part of § 977.53 previous to "Provided" and substitute therefor the following:

§ 977.53 *Location differentials to handlers.* For that milk which is received from producers at a plant located 40 miles or more from the nearest County Courthouse in either Graves or McCracken County, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 977.51 (a) shall be reduced according to the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from nearest County Courthouse (miles):	*Rate (cents)*
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

5. Delete § 977.62 and substitute therefor the following:

§ 977.62 *Handlers operating nonpool plants.* Each handler who operates a nonpool plant during a month shall, in lieu of the payments required pursuant to §§ 977.80 through 977.86, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of either paragraph (a) or (b) of this section, whichever is less:

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 977.51 (a) and the price for Class II milk pursuant to § 977.51 (b) during the months of April through July, and the difference between the price for Class I milk pursuant to § 977.51 (a) and the uniform price pursuant to § 977.71 during the months of August through March.

(b) Any plus amount resulting from the following computation: Divide an amount equal to the net pool obligation which would be computed pursuant to § 977.70 for such handler for such month if such handler operated a pool plant by the hundredweight of milk received from approved dairy farmers; deduct the payments per hundredweight of milk made by such handler to approved dairy farmers for milk received during such month: *Provided,* That if such handler has paid dairy farmers by more than one rate, the payments to approved dairy farmers shall be computed at the lowest rates paid for a volume of milk equal to the volume disposed of in the marketing area.

6. Amend § 977.70 (b) (1) by deleting "March" and substituting therefor "April"; and § 977.70 (b) (2) by deleting "February" and substituting therefor "March".

7. In § 977.80 change the period at the close of paragraph (b) to a colon and add the following: "*Provided,* That the 'proper deductions' referred to in paragraphs (a) (1) and (2) (iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative."

8. Delete § 977.86 and substitute therefor the following:

§ 977.86 *Location differentials to producers.* In making payments for milk

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

received from producers pursuant to § 977.80, the uniform price per hundredweight shall be reduced by the rate set forth in the following schedule according to the shortest hard surfaced highway distance, as determined by the market administrator, from the plant where the milk is received from producers or from which the milk is diverted, to the nearest County Courthouse in either Graves or McCracken County:

Distance from nearest County Courthouse (miles):	Rate (cents)
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Paducah, Kentucky, Marketing Area, and Designation of an Agent To Conduct Such Referendum

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among the producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Paducah, Kentucky, marketing area) who, during the month of October 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order to determine whether such producers favor the issuance of the order which is a part of the decision of the Secretary of Agriculture filed simultaneously herewith.

The month of October 1956 is hereby determined to be the representative period for the conduct of such referendum.

Fred L. Shipley is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

[F. R. Doc. 57-120; Filed, Jan. 7, 1957; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 810]

[Hearing Clerk Docket No. SH-147]

PROCESSINGS OF SUGAR WHICH CONSTITUTE FURTHER REFINEMENT OR IMPROVEMENT IN QUALITY, AND DISTINCTION OF SUGARS OF SPECIFIC QUALITIES AS RAW SUGAR OR DIRECT-CONSUMPTION SUGAR

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS

Pursuant to the provisions of the Sugar Act of 1948, as amended (61 Stat. 922; sec. 4, Pub. Law 545, 84th Cong.; 7 U. S. C. 1101, hereinafter referred to as the "act"), and the applicable rules of practice and procedure (21 F. R. 4251), notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed regulation by the Secretary of Agriculture establishing the specific processes that subject sugar to further refinement or improvement in quality as defined in section 101 (n) of the act, and the specific qualities of raw sugar and direct-consumption sugar as contemplated by section 101 (n) of the act. Interested persons may file written exceptions to this recommended decision and proposed regulation together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

Preliminary statement. Section 101 (n) of the Sugar Act of 1948, as amended, authorizes the Secretary, after such hearing and upon such notice as he may by regulation prescribe, to determine (1) whether the specific processes to which sugars are subjected meet the requirements of the definition of the phrase "to be further refined or improved in quality" as contained in such section; and (2) whether sugars of specific qualities are raw sugar or direct-consumption sugar within the meanings respectively of paragraphs (d) and (e) of section 101 of the act.

Pursuant to the applicable rules of practice and procedure (21 F. R. 4251), a notice was published on July 11, 1956 (21 F. R. 5141) of a public hearing to be held at Washington, D. C., at the United States Department of Agriculture, on July 30, 1956, at 10:00 a. m., e. d. t., for the purpose of receiving evidence to enable the Secretary to determine whether specific processes to which sugars are subjected are sufficient to fulfill the requirements of the definition of the phrase "to be further refined or improved in quality" as set forth in paragraph 101 (n) of the act, and whether sugars of specific qualities are raw sugar within the definition of the term "raw sugar" as set forth in paragraph 101 (d) of the act, or direct-consumption sugar within the definition of the term "direct-consumption sugar" as set forth in paragraph 101 (e) of the act.

The hearing was held at the place and time specified in the Notice. Subsequently, written briefs and proposed findings and conclusions were filed by interested persons within the period reserved for that purpose.

In arriving at the findings, conclusions, and recommended decision contained herein the record of the hearing and the briefs received were carefully and fully considered. To the extent that findings and conclusions proposed by interested persons differ from the findings and conclusions contained herein, the specific or implied requests to make such findings and to reach such conclusions are denied on the basis of the facts found, the conclusions reached and the reasons therefor as herein set forth.

Reasons for findings and conclusions. Section 101 (n) of the act defines the phrase "to be further refined or improved in quality" which is contained in the definition of raw sugar to mean "to be subjected substantially to the processes of (1) affination or defecation, (2) clarification, and (3) further purification by adsorption or crystallization". The definition of this phrase makes it evident that the term "raw sugar" as defined in section 101 (d) of the act should apply only when the sugar is, or is to be subjected to the processes enumerated in section 101 (n) which in fact bring about a significant or material change in the sugar.

While the general purport of the language of section 101 (n) is clear, more detailed descriptions of the processes referred to in that section are needed as a basis for (1) evaluating refining operations, (2) classifying sugar as raw sugar or direct-consumption sugar under those provisions of the act which require such classification and (3) specifying the conditions under which sugar may be brought in or imported under the classification of "raw sugar".

This regulation, in the course of making determinations authorized under section 101 (n) of the act, (1) further describes processes named in that section, (2) specifies the circumstances under which the processes will be recognized as having been applied to given importations of sugar, (3) specifies standards to distinguish raw from direct-consumption sugar, and (4) prescribes the procedures and requirements relative thereto.

The descriptions of the specific processes in the regulation were developed from evidence with respect thereto. The record also discloses generally the refining processes currently employed and that, although processes of individual refineries vary considerably in detail, certain fundamental operations are common to all. Thus, the descriptions of specific processes are based upon processing principles rather than upon the machinery and equipment or the sequence of operations, although equipment and materials are referred to in an illustrative manner.

With respect to processing requirements, considerable testimony in the record relates to the evaluation of what constitutes substantial subjection of sugars to the specified processes. Some witnesses contended that subjection of any sugars to the required processes represents a substantial degree of processing. There is other testimony that the application of the processes must be evaluated by some standard. Proposals were made that process evaluation be based on the quality of raw material input, difference in quality between raw material input and refined product output and descriptions of both the manner and purpose of the processing, such bases to be used singly or in combination.

It seems evident that consideration must be given to process evaluation in order to lend significance to the words, "subjected substantially", in section 101 (n). As the quality of sugar increases, the quantity of impurities contained decreases. Therefore, sugar of lower quality may be further refined or improved in quality to a greater degree than sugar of higher quality. When sugar of sufficiently low quality is passed through all the processes of either affination or defecation, clarification, and further purification by either adsorption or crystallization in accordance with the descriptions of such processes set forth in the regulations, it is reasonable to conclude that the sugar has been subjected substantially to such processes.

Consideration was given to the various proposals, special situations created by brown or soft sugar and other pertinent factors in arriving at those provisions of this regulation which undertake to evaluate the specified processes on the basis of the quality of the raw material processed. A degree of usefulness is broadly attributed to such a standard also as a device which would provide a clear-cut line of demarcation for resolving with finality a limited number of cases. A significant body of testimony holds a quality dividing line to be essential. Such evidence and the specific provision in section 101 (n) of the act for applying a quality standard in differentiating between raw sugar and direct-consumption sugar under the definitions thereof in paragraphs (d) and (e) of section 101 of the act as either to be further refined or improved in quality or not to be further refined or improved in quality, adequately supports inclusion of such standard in this regulation in evaluating processes and distinguishing raw sugar from direct-consumption sugar.

Testimony in the record as to the proper level for a quality standard varied from a low of 98.0 degrees to a high of 99.5 degrees. Some witnesses maintained that a dividing line was unnecessary. The various proposals with respect to a specific dividing line tended to center around either 98.5 degrees or 99.3 degrees.

Those who proposed a dividing line in the lower range (around 98.5 degrees) based such proposal primarily on an interpretation of the words "substantially subjected" and contended that only sugar which tests 98.5 degrees or less can be subjected substantially to the required processes. Additional testimony supported that dividing line on the bases that: (1) standards set at a higher level permitted encroachment by raw sugar producers into the historic functions of the refiner, (2) current raw sugar imports test on the average much less than 98.5 degrees, (3) less than 4 percent of imports in 1955 tested above 98.5 degrees, and (4) such a dividing line would still permit normal technical progress and efficiency in the production of raw sugar.

Those who proposed a dividing line in the higher range (around 99.3 degrees) contended that such sugar could be subjected "substantially" to the required processes. Additional support for such a dividing line was based on consumers' buying habits and it was pointed out that affined sugar which tests as high as 99.3 degrees is not satisfactory for direct consumption unless first subjected to the other processes. Objections to a lower dividing line included (1) establishment of a relatively low level would have the effect of making affination a necessary refining process even though not required by the act; (2) progress in the development of improved varieties of sugarcane and in more efficient raw sugar processes would be retarded; (3) raw sugar producers cannot closely control the quality of sugar produced and lower efficiency of raw sugar production might actually result from efforts to limit quality of output sufficiently below the demarcation line in order to avoid the possibility of penalties; and (5) the relatively low standard could bring about an inadvertent preemption of the direct-consumption portions of quotas by refiners.

It is evident from the record that many factors must be considered in establishing a satisfactory quality standard distinguishing raw from direct-consumption sugar. To accept the point of view of those who propose that quality distinction is unnecessary and that subjection of sugar of any quality to the enumerated processes is sufficient is to suggest that eventually the direct-consumption sugar limitations would no longer perform the function for which they were designed. On the other hand, a very low dividing line when considered in the light of its effect on technical progress in the production of raw sugar, of its potential effect on direct-consumption portions of quotas and of the penalty provisions of the act would undoubtedly have an unduly restrictive effect. Neither extreme would properly serve the purposes of the act.

The data contained in Exhibits 5, 35, 36, 37 and 38 show that in the past there has been an area which significantly separates entries of sugar on the basis of quality, as indicated by reported polarization tests. The data reported with respect to individual entries of sugar from Cuba during the period January through July 1956 show that all such entries were either below 99.200 sugar degrees or above 99.840 sugar degrees with only negligible quantities between 99.000 and 99.200 sugar degrees. Comparable data for entries from Puerto Rico show a break between 98.416 and 99.400; those for Hawaii, between 98.680 and 100.000; and those for the Republic of the Philippines between 98.200 and 100.000. Data for entries of sugar in 1955 show a similar pattern. Accordingly, the gap disclosed by the foregoing data affords a suitable area within which to distinguish raw sugar from direct-consumption sugar on a quality basis.

There is substantial evidence in the record that subjection of a raw material of not more than 99 percent sugar content to the specified processes improves the sugar sufficiently to constitute substantial subjection. Moreover, a fair inference may be drawn from the record that a quality standard set at that level would not have an unduly restrictive effect upon technical progress in the production of raw sugar, would permit normal operation of the raw sugar industry in producing and marketing raw sugar without intrusion upon the functions of refiners as recognized in the act, and that such a level should not result in inadvertent incurrence of penalties nor endanger the integrity of the direct-consumption portions of quotas.

The establishment of a quality standard requires that provision be made for the unit quantity of sugar to which such standard is to be applied and the methods for making quality determinations. With respect to the unit quantity of sugar there was divergence of views only in connection with sugar shipped in bags. Some testimony supports the view that the unit quantity of sugar shipped in bags should be the same as that shipped in bulk, namely an entire cargo, or that part of a cargo, shipped to one refinery. Consideration of other testimony including that concerned with the problems relating to marketing allotments for sugar from domestic offshore areas supports the view that the unit quantity of sugar shipped in bags should be the sugar identified by a single mark and shipped to one refinery. In the case of bagged sugar the regulation is based on the latter view.

With respect to methods for determining quality, the record shows general agreement that the quality of sugar principally of crystalline structure should be determined by the direct polariscopic method. In view of the fact that the direct polariscopic test is widely used in commerce and is simple and rapid in its application, it appears that such test is the most satisfactory of those available for measuring the quality of crystalline sugar. Consequently, the regulation provides that the quality of such sugar shall be determined by the direct polariscopic method.

For sugar principally not of crystalline structure there is no quality test exactly comparable to the direct polarization of crystalline sugar. Proposals were made that the quality determination for such sugar should be based on "calculated total sugars", ratio of total sugars to total solids, polarization of crystalline sugar from which such sugar was made and ratio of ash to total solids. Measurement of total sugar content as a percent of total soluble solids is most nearly comparable to the results obtained by the direct polarization of crystalline sugar but an ash determination, because of the precision with which it may be made, is also a desirable quality indicator. Inasmuch as measurement of total sugar content as a percentage of total soluble solids is the index most comparable to that used for crystalline sugar and is also currently in use for quota purposes and in view of the desirable characteristics of ash measurement, the use of both total sugar and ash content as quality determinants appears most advisable in this regulation. The significant levels of such tests to reflect standards equivalent to those adopted for crystalline sugar are (1) total sugar content equal to not more than 99.00 percent of total soluble solids content and (2) ash content equal to not less than 0.20 percent of total soluble solids content.

A further matter to be dealt with in connection with the use of physical and

chemical methods for evaluating the quality of sugar relates to the fact that the results of such methods may be inadequate under some circumstances. For example, the direct polarization of sugar may be lowered by the addition of water or invert sugar sirup. Both direct polarization and total sugar content as a percentage of total solids content may be lowered by adding optically inactive and non-reducing solids. Ash content determinations can be affected by the addition of small quantities of mineral matter. In view of these circumstances, the regulation provides for the use of alternative evaluating procedures as a means for coping with special problems should they arise.

The record clearly establishes that any quality standard should provide an allowance for the variability resulting from sampling and analytical procedures. Variability of such results arising under conditions of current commercial practice, in the area of the demarcation line range as high as 0.20 sugar degree. Accordingly, the regulation provides that test results pertaining to a unit quantity of crystalline sugar (which test results under the regulation are essentially comparable to those prevailing in the current commercial practice) shall be interpreted in the light of such possible variability. Similarly allowances for variability with respect to sugar principally not of crystalline structure are made for interpreting the results of the determinations of ratios of total sugars and ash to the total soluble solids, which allowances are 0.20 percent and 0.020 percent, respectively.

Another issue to be dealt with is the manner in which the quality standards are to be applied in terms of weighing, sampling and testing prescribed units of sugar. It is broadly conceded that "customary commercial practice" which is generally acceptable for determining weights and quality premiums for settlement of transactions between buyers and sellers should be sufficiently precise for the purposes of this regulation and would have advantage in affording a degree of automaticity of compliance and avoiding special procedures and costs. On the other hand, it is recognized that "customary commercial practice" may be variable from port to port, time to time and even as between specific buyers and sellers. Furthermore, for some situations the procedures normally followed in transactions between buyer and seller may not be used with respect to sugar produced by refiners or an affiliate. The best solution seems to be to describe methods encompassed by the term "customary commercial practice" to the extent possible and to require such methods to be followed.

Finally, in connection with the establishment of a quality standard, attention must be directed toward a trade practice pertaining to direct-consumption sugar. Many entries of such sugar are not actually subjected to polariscopic or other tests but are declared to test 100 degrees as a matter of convenience and as a method for avoiding wastage which results from piercing bags to obtain samples for testing. Such practice appears reasonable and insistence upon application of tests for evaluating such sugar would serve no useful purpose so long as the sugar is entered as testing 100 degrees. Accordingly, the regulation provides that sugars which are not tested for evaluation shall be evaluated as direct-consumption sugar.

Proposed findings and conclusions. On the basis of the record of the hearing, I hereby find and conclude that:

(1) A regulation that sets forth specific processes which are sufficient to meet the requirements of the definition of the phrase "to be further refined or improved in quality" contained in section 101 (n) of the act, and one that distinguishes sugars of specific qualities as of the qualities of raw sugar or direct-consumption sugar is necessary for the effective administration of the Sugar Act of 1948, as amended and to facilitate compliance therewith.

(2) Specific processes for processing sugar which further refine or improve the quality of sugar and are sufficient to meet the requirements of section 101 (n) of the act, when applied to sugar of the specific quality of raw sugar are the alternative processes of affination or defecation, (a) affination consisting of the removal of molasses and other surface impurities from crystalline sugar by mingling such sugar with water, sirup or molasses, and by separating the crystalline sugar from such admixture, and (b) defecation consisting of the treatment of aqueous sugar solutions with defecating agents, and heat to coagulate and precipitate nonsugars, and (c) the process of clarification consisting of the separation of precipitated, coagulated, and suspended matter from aqueous sugar solutions to produce an effluent which is as clear and free of turbidity as may be obtained practically, and the process of further purification by the alternative processes of adsorption or crystallization, (d) adsorption consisting of the removal of nonsugars by treating aqueous sugar solutions with adsorbents and (e) crystallization consisting of the removal of nonsugars by concentrating aqueous sugar solutions to produce sugar crystals and separating such crystals from the residual liquor.

(3) Any sugar of not more than 99.00 percent sugar content and in addition in the case of sugar principally not of crystalline structure of not less than 0.20 percent ash content which is subjected to the specific processes set forth in finding (2) are sugars of the specific qualities which are raw sugar within the meaning of section 101 (d) of the act.

(4) Any sugar of more than 99.00 percent sugar content, and, in addition the case of sugar principally not of crystalline structure of less than 0.20 percent ash content; any sugar of not more than 99.00 percent sugar content and in addition in the case of sugar principally not of crystalline structure of not less than 0.20 percent ash content which is not subjected to the specific processes set forth in finding (2); or any sugar not subjected to quality evaluation as provided in this regulation are sugars of the specific qualities which are direct-consumption sugar within the meaning of section 101 (e) of the act.

(5) The direct polariscopic test is widely used for determining the quality of sugar principally of crystalline structure, gives satisfactory results, and is used for the purpose of this regulation. For sugar principally not of crystalline structure, measurement of the total sugar content as a percentage of total soluble solids content is most nearly comparable to the direct polariscopic test for sugar principally of crystalline structure, and when supplemented by an ash content measurement, affords a suitable basis for determining the quality of sugar principally not of crystalline structure. Such combined test is used for the purpose of this regulation.

(6) Measurements of specific qualities of sugar should apply to a unit comprised of a cargo or that part of a cargo delivered to a separate refining facility, or, if in bags, each part bearing a different mark or each part bearing the same mark delivered to a separate refining facility.

(7) There are several methods for making direct-polariscopic, total sugar content, ash content, and total soluble solids content tests. Methods derived from authoritative sources which are currently in general usage and provide uniform results are used in this regulation.

(8) The variations that may result from application of tests to specific lots of sugar require that such variations be taken into consideration for interpreting test results. An allowance of 0.20 sugar degree with respect to crystalline sugar and 0.20 percent of total sugar content and 0.02 percent of ash content (both as a percent of total soluble solids content) with respect to sugar principally not of crystalline structure is adequate for the purposes of this regulation.

(9) Tests provided for in this regulation may be subject to error when extraneous materials are present in the sugar tested. In the event such an error appears probable, the regulation should provide for the use of alternative testing methods to evaluate specific lots of sugar.

(10) It is practicable and desirable that so far as possible the requirements of the regulations follow current trade practice with respect to procedures for weighing, sampling and testing specific lots of sugar. The procedures for weighing, sampling and testing a unit of sugar set forth in the regulation assure uniformity of treatment within such trade practice to the extent possible. The submission to the Secretary of Agriculture of reports and information and with access to facilities and records by representatives of the Department of Agriculture as specified in the regulation are necessary for assuring that the provisions of section 101 (n) of the Sugar Act of 1948, as amended, and the regulations issued pursuant thereto are made effective.

Sec.

810.1 Bases, purposes and persons affected.
810.2 Definitions.
810.3 Specific processes.
810.4 Applicability of term "raw sugar".

Sec.

810.5 Applicability of term "direct-consumption sugar".
810.6 Weighing.
810.7 Sampling.
810.8 Methods for testing sugar.
810.9 Evaluation of tests.
810.10 Costs, records, reports and inspections.
810.11 Delegation of authority.

AUTHORITY: §§ 810.1 to 810.11 issued under sec. 403; 61 Stat. 932, 7 U. S. C. 1153. Interprets and applies secs. 101, 406 and 410, 61 Stat. 922, 7 U. S. C. 1101; sec. 1, 2, 3, 4, Public Law 545, 84th Congress.

§ 810.1 *Bases, purposes and persons affected.* The regulations contained in §§ 810.1 to 810.11 are issued pursuant to the Sugar Act of 1948, as amended. Section 101 (n) of the Sugar Act of 1948, as amended, defines the phrase "to be further refined or improved in quality". Other provisions of that section authorize the Secretary to determine whether specific refining processes meet the requirements of the definition of that phrase and to further distinguish raw from direct-consumption sugar on the basis of quality. The regulations in this part provide the basis for finally identifying sugar and liquid sugar brought or imported into the continental United States from domestic offshore areas and foreign countries as raw sugar or direct-consumption sugar pursuant to the definitions in the act and in terms of processes and qualities as prescribed in section 101 (n) of the act. Accordingly, all persons, as defined herein, are subject to the requirements of this section with respect to all offshore sugar brought or imported into the continental United States for consumption therein, except that liquid sugar from foreign countries and sugar to which the provisions of section 212 of the act apply are not subject to the provisions of this section.

§ 810.2 *Definitions.* As used in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; Public Law 545, 84th Congress; 7 U. S. C. 1100).

(b) The term "person" means an individual, partnership, corporation, association, estate, trust or other business enterprise, and, wherever applicable, a unit, instrumentality or agency of a Government, domestic or foreign.

(c) The term "Secretary" means the Secretary of Agriculture including any officer or employee of the Department of Agriculture to whom the Secretary has delegated authority or to whom authority may be delegated hereafter to act in his stead with respect to the act.

(d) The term "importer" means any person who brings or imports sugar into the continental United States including but not limited to the owner, consignor, consignee, transferee, purchaser, or broker acting on behalf of such person.

(e) The term "refiner" means any person who subjects raw sugar to processes as provided in this part.

(f) The terms "sugar", "raw sugar", "direct-consumption sugar", "liquid sugar" and "total sugar content" have the meanings ascribed to each in section 101 (c), (d), (e), (f) and (l) respectively, of the act, as implemented herein pursuant to section 101 (n) of the act.

§ 810.3 *Specific processes.* (a) The requirements of this part and of the definition of the phrase "to be further refined or improved in quality" set forth in section 101 (n) of the act, are met when one of the alternative processes described in paragraph (b) of this section, one of the alternative processes described in paragraph (d) of this section and the process described in paragraph (c) of this section are applied to sugar which is of the specific quality of raw sugar prescribed in § 810.4 (b) and (c).

(b) Of the alternative processes of affination and defecation:

(1) Affination shall consist of the removal of molasses and other surface impurities from crystalline sugar by mingling such sugar with water, sirup or molasses, and by separating the crystalline sugar from such admixture utilizing such equipment as minglers, centrifuges and the necessary auxiliaries thereto; and

(2) Defecation shall consist of the treatment of aqueous solutions with defecating agents, such as lime, phosphoric acid, diatomaceous earth, and carbon dioxide or various combinations thereof, and heat to coagulate and precipitate nonsugars, utilizing equipment for adding and mixing defecating agents with such aqueous solutions of sugar and for heating the resulting mixture.

(c) Clarification shall consist of the separation of precipitated, coagulated, and suspended matter from aqueous sugar solutions to produce an effluent which is as clear and free of turbidity as may be obtained by practical application of pressure or gravity filters, or flotation or sedimentation separators.

(d) Of the alternative processes of adsorption and crystallization:

(1) Adsorption shall consist of the removal of nonsugars by treating aqueous sugar solutions with adsorbents such as bone char, activated carbon, ion-exchange resins, or other adsorbents, utilizing the necessary char filters, pressure filters, ion-exchange or other systems; and

(2) Crystallization shall consist of the removal of nonsugars by concentrating aqueous sugar solutions to produce sugar crystals and separating such crystals from the residual liquor, utilizing such equipment as evaporators, vacuum pans and centrifuges.

§ 810.4 *Applicability of term "raw sugar".* Any sugar brought or imported into the continental United States is sugar of the specific quality which is raw sugar within the meaning of section 101 (d) of the act, where:

(a) The sugar is subjected to the processes as provided in § 810.3; and

(b) The sugar if principally of crystalline structure contains not more than 99.00 percent of sugar by direct polarization; or

(c) The sugar if principally not of crystalline structure has a total sugar content equal to not more than 99.00 percent of the total soluble solids content, and an ash content equal to not less than 0.20 percent of the total soluble solids content.

§ 810.5 *Applicability of term "direct-consumption sugar".* Any sugar brought or imported into the continental United States is sugar of the specific quality which is direct-consumption sugar within the meaning of section 101 (e) of the act, where

(a) The sugar if principally of crystalline structure contains more than 99.00 percent of sugar by direct polarization; or

(b) The sugar if principally not of crystalline structure has a total sugar content equal to more than 99.00 percent of the total soluble solids content or an ash content equal to less than 0.20 percent of the total soluble solids content; or

(c) The sugar if principally of crystalline structure contains not more than 99.00 percent of sugar by direct polarization, or if principally not of crystalline structure has a total sugar content equal to not more than 99.00 percent of the total soluble solids content and an ash content equal to not less than 0.20 percent of the total soluble solids content, and is not subjected to the processes as provided in § 810.3, or

(d) The sugar is not subjected to quality evaluation as provided in § 810.9.

§ 810.6 *Weighing.* For each separate unit of sugar specified in § 810.9 the weight or gallonage shall be determined on scales or gauges approved by public authority.

§ 810.7 *Sampling.* (a) Each unit of sugar specified in § 810.9 shall be sampled by an independent sampler or samplers in accordance with procedures for drawing samples established by the United States Bureau of Customs.

(b) Portions of each sample of approximately 2 pounds, or one pint if liquid, shall be placed in sealed, moisture-proof containers, and not less than one such portion shall be delivered to each laboratory which is to test the sample and any person having samples taken pursuant to this part shall retain identical reserve portions for the use of the Secretary. Each container shall be labeled so as to include the name of vessel, mark of identification of the unit of sugar, serial number of sample, quantity of sugar represented by sample, total quantity in unit of sugar, date and place of sampling, and names of buyer, seller and samplers.

§ 810.8 *Methods for testing sugar.* (a) Sugar content, total sugar content, ash content, and total soluble solids content shall be measured in accordance with the following methods:

(1) Sugar content of sugar principally of crystalline structure shall be measured by the direct polarization method described in United States Customs Laboratory Method No. 501.1 approved August 29, 1955;

(2) Total sugar content of sugar principally not of crystalline structure (sum of sucrose and reducing or invert sugars) shall be measured in accordance with

the procedures described in the below designated official methods published in the Eighth Edition (1955) of Official Methods of Analysis of the Association of Official Agricultural Chemists.

(i) Reducing or invert sugar content shall be measured by the Lane-Eynon method as set forth in official methods 29.35, 29.36 and 29.37 or by the Munson-Walker method as set forth in official methods 29.38, 29.39 and 29.42;

(ii) Sucrose content shall be measured (*a*) by the double polarization method as set forth in official method 29.24, or (*b*) by the chemical method as set forth in official method 29.32 using either of the methods prescribed in subdivision (i) of this subparagraph for measuring reducing or invert sugars before and after inversion of sucrose of official method 29.25 (b).

(3) Ash content shall be determined by official method 29.14 as described in the Eighth Edition (1955) of Official Methods of Analysis of the Association of Official Agricultural Chemists;

(4) Total soluble solids content shall be determined by official method 29.8 as described in the Eighth Edition (1955) of Official Methods of Analysis of the Association of Official Agricultural Chemists.

(b) Percent of sugar content, total sugar content as a percent of total soluble solids content, and ash content as a percent of total soluble solids content shall be ascertained from the results of the testing methods prescribed in paragraph (a) of this section as follows:

(1) Percent of sugar content of sugar principally of crystalline structure shall be deemed to be the sugar degrees determined by the prescribed method;

(2) Total sugar content as a percent of total soluble solids content with respect to sugar principally not of crystalline structure shall be the ratio, expressed as a percentage, of the total sugar content to the total soluble solids content;

(3) Ash content as a percent of total soluble solids content with respect to sugar principally not of crystalline structure shall be the ratio, expressed as a percentage, of the ash content to the total soluble solids content.

(c) Whenever the Secretary believes that the methods prescribed herein may be inadequate for evaluating any unit of sugar as specified in § 810.9, he may use any official method of the Association of Official Agricultural Chemists set forth in the Eighth Edition (1955) of Official Methods of Analysis of the Association of Official Agricultural Chemists for evaluating such unit of sugar pursuant to § 810.10 (g).

§ 810.9 *Evaluation of tests.* (a) For the purposes of §§ 810.4, and 810.5 the entire quantity of sugar brought or imported into the continental United States under a single manifest or bill of lading shall be evaluated as a unit as provided for in paragraphs (b) and (c) of this section on the basis of weights, samples and tests specified in §§ 810.6, 810.7 and 810.8, respectively, except that separate evaluations shall be made for (1) each individual lot of sugar delivered in bags identified under a separate mark and (2) the quantity delivered to each refinery whether in bulk or in bags.

(b) The applicable test for a unit of sugar specified in paragraph (a) of this section shall be the weighted average of the tests of all the samples pertaining to such unit. The tests of each sample taken in accordance with § 810.7 shall be ascertained as follows:

(1) When settlement between a refiner and a seller is based on the average of the two nearest of the three results obtained by the refiner, seller, and an independent sugar testing laboratory selected jointly by refiner and seller, each using portions of the same sample and performing tests in accordance with the procedures prescribed in § 810.8, the test of the sample shall consist of such average;

(2) When settlement is not based on the method referred to in subparagraph (1), of this paragraph, the test of a sample shall be the result obtained by an independent sugar testing laboratory in accordance with the procedure specified in § 810.8.

(c) The applicable test for each unit of sugar, ascertained as provided for in paragraph (b) of this section, shall be evaluated as follows:

(1) The sugar, if principally of crystalline structure, is deemed to contain more than 99.00 percent of sugar when such applicable test exceeds 99.20 sugar degrees by direct polarization;

(2) The sugar, if principally not of crystalline structure, is deemed to have a total sugar content equal to more than 99.00 percent of total soluble solids or an ash content equal to less than 0.20 percent of total soluble solids when such applicable test shows a total sugar content of more than 99.20 percent of total soluble solids or an ash content of less than 0.18 percent of total soluble solids.

§ 810.10 *Costs, reports, records and inspections.* (a) All costs incident to the weighing, sampling and testing required to be performed hereunder by refiners, importers, or sellers shall be borne by such persons.

(b) Results of weighing, sampling and testing shall be reported to the Secretary in accordance with the provisions of Part 817 of this chapter.

(c) Any person who has applied any processes to sugar which was declared to be raw sugar on Form SU-3 within one year prior to the effective date of this regulation and who is currently processing sugar shall submit in writing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. within 90 days of the effective date of this regulation, the following information with respect to each sugar processing facility operated by him, and thereafter such additional information as the Secretary may request:

(1) A description of the processes to which sugar is subjected;

(2) A description of the equipment and machinery used in each process together with their capacities under normal operating conditions;

(3) A list of chemicals and other materials used in conjunction with processing and their rate of use in relation to the amount of sugar processed; and

(4) A description of the types of refined products and by-products which are normally produced together with the quantity and quality of each type produced from a given quantity and quality of raw sugar.

(d) Any person intending to subject sugar to processes in a facility not in operation on the date these regulations become effective, shall submit in writing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., prior to the beginning of the operation of such facility, information comparable to that required in paragraph (c) of this section. Any person who has submitted the information required under paragraph (c) of this section and who contemplates any major changes in the processes, equipment, machinery, chemicals and input and output of such processes, shall submit in writing to the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., prior to making such change, full information relating to such major change.

(e) All records pertaining to the requirements of this part, shall be retained for a period of two years and information relating thereto shall be submitted to the Secretary upon request.

(f) Upon request by the Secretary, within 30 days of the date on which the report of the applicable test of a unit of sugar is first transmitted, the person required to retain a reserve portion of each sample as specified in § 810.7 (b) shall transmit to the Secretary such reserve portion.

(g) Notwithstanding any other provision of this part, the Secretary may weigh, sample, test and evaluate any unit of sugar subject to the provisions of this part, and with respect to any such unit his findings shall be final and conclusive.

(h) Any person subject to this part shall, upon request of any employee of the Department of Agriculture, authorized in writing by the Director or Deputy Director of the Sugar Division, Commodity Stabilization Service, United States Department of Agriculture, permit such employee to enter during working hours upon the premises and any other location where business operations of such person are being conducted to inspect facilities and records, and to weigh, sample and test any unit of sugar subject to this part or to observe such operations.

§ 810.11 *Delegation of authority.* The Director or Deputy Director of the Sugar Division, Commodity Stabilization Service of the Department of Agriculture, is authorized to act for and on behalf of the Secretary in administering this part.

Issued this 27th day of December 1956.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-108; Filed, Jan. 7, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Parts 662, 672, 678, 700]

[Admin. Order 474]

INDUSTRY COMMITTEES IN PUERTO RICO[1]

NOTICE OF VACANCY AND APPOINTMENT OF EMPLOYEE MEMBER

Burl Phares, formerly a resident of Ohio and an employee member of Industry Committees No. 27, being now deceased, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints Edwin L. Wheatley, another resident of Ohio, to serve in his stead on such Committees as an employee representative.

Signed at Washington, D. C., this 3d day of January 1957.

JAMES L. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-141; Filed, Jan. 7, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 403]

[Reg. 3, Further Amended]

FEDERAL OLD AGE AND SURVIVORS INSURANCE; TIME WITHIN WHICH REQUESTS FOR HEARING MUST BE FILED

NOTICE OF PROPOSED RULE MAKING

Correction

In Federal Register Document 57-59, published at page 122 of the issue for Friday, January 4, 1957, the clause in the second paragraph, beginning "within a period of thirty days", should read: "within a period of ten days from the date of publication of this notice in the FEDERAL REGISTER; 'good cause' being found for giving less than thirty days' notice of rule making in that it is necessary that the proposed amendment be made effective on or before February 1, 1957, because of the provisions of section 111 of the Social Security Amendments of 1956 (70 Stat. 831)."

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO, NEBRASKA, AND WYOMING

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 1, 1953, that a major disaster occasioned by drought existed in the State of Colorado; the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska; and the President also determined on October 30, 1956, that a major disaster occasioned by drought existed in the State of Wyoming.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st, Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on December 19, 1956, to be affected by the abovementioned major disasters:

Colorado: Chaffee, Rio Grande.
Nebraska: Custer, Dundy, Hall, Hayes, Johnson, Kearney, Lancaster, Merrick, Otoe, Red Willow, Richardson, Saline.
Wyoming: That part of Converse County lying South of the North Platte River.

Done at Washington, D. C., this 3d day of January 1956.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-109; Filed, Jan. 7, 1957; 8:47 a. m.]

[1] See 21 F. R. 9725.

DEPARTMENT OF COMMERCE

Federal Maritime Board

GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7830-3, between the member lines of the Great Lakes—Bordeaux/Hamburg Range Westbound Conference, modifies the basic conference agreement (No. 7830, as amended) to provide (1) for the elimination from the scope of the agreement of the trade from European ports in the Bordeaux/Hamburg range to ports in Canada, the St. Lawrence River, Nova Scotia, Newfoundland and New Brunswick; (2) that the conference will be known as the United States Great Lakes—Bordeaux/Hamburg Range Westbound Conference; and (3) that conference meetings may be held at such places as shall be directed by the Chairman instead of being held at Rotterdam as presently provided in the agreement. Agreement No. 7830, as amended, presently covers the trade westbound from continental ports of Europe within the Bordeaux/Hamburg Range to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 3, 1957.

By order of the Federal Maritime Board.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-122; Filed, Jan. 7, 1957; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54274; Customs Delegation Order 11]

CUSTOMS APPRAISER (DEPUTY)

TEMPORARY DESIGNATION TO PERFORM FUNCTIONS OF APPRAISER AT PORT OF NEW YORK

DECEMBER 31, 1956.

Temporary designation of a customs appraiser (deputy) at the port of New York to perform the functions of appraiser of merchandise at said port.

By virtue of authority vested in me by Treasury Department Order No. 165, Revised (T. D. 53654, 19 F. R. 7241), as amended, I hereby authorize Anthony J. Simonetti, customs appraiser (deputy) at the port of New York, to perform all functions of appraiser of merchandise at said port, effective January 1, 1957, until the office of appraiser of merchandise or the office of chief assistant appraiser at said port has been filled or until a further order has been made. In the performance of these functions Mr. Simonetti shall designate himself as acting appraiser of merchandise.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc 57-110; Filed, Jan. 7, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO SECRETARY OF TREASURY

Pursuant to section 3304 (a) of the Internal Revenue Code as amended, the unemployment compensation laws of the following States have heretofore been approved:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

In accordance with the provisions of section 3304 (c) of the Internal Revenue Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I,

as Secretary of Labor, hereby certify the foregoing States to the Secretary of the Treasury for the taxable year 1956.

JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 31, 1956.

[F. R. Doc. 57-118; Filed, Jan. 7, 1957; 8:48 a. m.]

CERTIFICATION OF STATE LAWS TO SECRETARY OF TREASURY PURSUANT TO SECTION 3303 (b) (1) OF THE INTERNAL REVENUE CODE

Whereas, as Secretary of Labor, I have heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1956, as provided in section 3304 of the Internal Revenue Code, as amended; and

Whereas, reduced rates of contributions were allowable under the law of each of said States with respect to the taxable year 1956 only in accordance with the provisions of subsection (a) of section 3303 of said Code;

Now therefore, pursuant to section 3303 (b) (1) of said Code, and the President's Reorganization Plan No. 2, effective August 20, 1949, I, as Secretary of Labor, hereby certify to the Secretary of the Treasury the unemployment compensation law of each of the following States for the taxable year 1956:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 31, 1956.

[F. R. Doc. 57-119; Filed, Jan. 7, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10521]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JANUARY 2, 1957.

Take notice that Montana-Dakota Utilities Company (Applicant), a Delaware corporation with its principal place of business located at Minneapolis, Minnesota, filed an application on June 5, 1956, for a certificate of public convenience and necessity for the construction, installation and operation of certain facilities hereinafter described, subject to the jurisdiction of the Commission, and or more fully represented in the application which is now on file with the Commission and open for public inspection.

Applicant specifically requests authorization to construct, install and operate:

(1) Approximately 28.3 miles of 12¾-inch O. D. loop transmission line extending from its Cabin Creek compressor station in Fallon County Montana, northeasterly to a terminus in Dawson County, Montana. The proposed line will loop a portion of Applicant's existing 8-inch Cabin Creek-Glendive transmission line.

(2) One 660 horsepower compressor unit and related facilities in its existing Cabin Creek compressor station together with certain miscellaneous cooling facilities for said plant.

(3) Two 540 horsepower compressor units and related facilities in its existing Baker, Montana compressor station in the Baker Storage Field.

Applicant states that the proposed pipe line loop will supplement its existing facilities to allow it to take deliveries of additional quantities of natural gas purchased from the Tioga plant for use throughout its system, including injection for storage in its Baker storage area.

The proposed compressor facilities will be used to transmit the increasing quantities of Tioga gas throughout Applicant's system in addition to increasing its ability to inject and withdraw additional quantities of gas into and from its Baker storage area. In addition the Cabin Creek addition will allow Applicant to reverse the flow of gas in its Bowdoin line in case of emergency, and the proposed addition to the Baker station will increase the flow of gas along Applicant's Black Hills line into South Dakota.

Applicant estimates the total cost of the proposed facilities will be $1,054,120, with a credit of $50,739 from cooling, piping, and other miscellaneous equipment to be retired and replaced at its Cabin Creek and Baker compressor stations. The program will be financed from proceeds of short-term loans.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C. in accordance with § 1.8 or § 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 11, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-95; Filed, Jan. 7, 1957; 8:45 a. m.]

[Docket No. G-10911]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 2, 1957.

Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on August 14, 1956, as supplemented on August 31, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities to initiate natural gas service to Cascade Natural Gas Corporation (Cascade) for resale in the towns of Athena and Weston, Oregon, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to install and operate a tap, measuring and regulating station on its 6-inch Walla Walla lateral, such facilities to be located approximately 1½ miles of the city limits of Athena, Oregon. Through these facilities Applicant proposes to sell and deliver natural gas to Cascade, for resale in Athena and Weston. Cascade will construct two 3 inch lines, each approximately 1½ miles in length, to connect the proposed facilities of Applicant to Cascade's distribution facilities in each town.

Applicant estimates the natural gas requirements of Athena and Weston as follows:

Year of service	Annual Mcf		Peak day Mcf	
	Athena	Weston	Athena	Weston
1	29,462	32,397	85	94
2	31,205	33,945	108	92
3	33,371	35,799	134	117

The estimated overall capital cost of Applicant's proposed facilities is $13,144, which will be financed out of current working funds.

Applicant indicates that the service proposed herein will have no adverse effect upon its existing customers, and no appreciable effect upon the life index of its total system gas reserves.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 31, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-96; Filed, Jan. 7, 1957; 8:45 a. m.]

[Docket No. G-10954]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 2, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed an application on August 21, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The facilities for which a certificate of public convenience and necessity is sought are as follows:

(1) A temporary booster compressor station at Valve No. 3 on Applicant's existing 5-inch O. D. Yuma line, said station having a total of 300 horsepower, together with standard appurtenances for operation, said station to be located in the SW/4, Section 22, Township 1 South, Range 19 West, Yuma County, Arizona.

(2) A temporary booster compressor station at Valve No. 5 on Applicant's existing 5-inch O. D. Yuma line, said station having a total of 300 horsepower, together with the necessary standard appurtenances for the operation of same, said station to be located in the unsurveyed lands, Township 4 South, Range 20 West, Yuca County, Arizona.

(3) A temporary booster compressor station at Valve No. 7 on Applicant's existing 5-inch O. D. Yuma line, said station having a total of 300 horsepower, together with the necessary standard appurtenances for the operation of same, said station to be located in the SE/4, Section 23, Township 7 South, Range 21 West, Yuma County, Arizona.

The facilities for which authorization is requested herein by Applicant are proposed to be operated in conjunction with its existing facilities for the purpose of making available additional deliveries of natural gas to Arizona Public Service Company for distribution and resale by said company to residents and other users of natural gas in and about the town of Yuma, Arizona.

Applicant states that the additional gas for Yuma is necessary in order to meet its estimated demands in the winter of 1956–1957.

The proposed facilities are estimated to cost $247,500 to be financed out of current working funds or short term bank loans.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 31, 1957, at 9:35 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-97; Filed, Jan. 7, 1957; 8:45 a. m.]

[Docket No. G-11169]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 2, 1957.

Take notice that El Paso Natural Gas Company, a Delaware corporation with its principal place of business in the El Paso Natural Gas Company Building, El Paso, Texas, filed an application on October 1, 1956, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act authorizing the construction and operation of certain additional facilities necessary and incident to: (1) the sale of natural gas by El Paso to Lea County Gas Company for resale to the Yucca Mining Corporation at a point near Deming, New Mexico; and (2) the sale of additional volumes of natural gas by El Paso to the Kennecott Copper Corporation for use in a new sponge iron mill to be constructed by Kennecott near Hayden, Arizona.

El Paso proposes to construct and operate the following facilities:

(1) A main line tap and metering station, together with necessary appurtenant facilities, to be located at approximately Milepost 282 on El Paso's 26-inch O. D. California main line system in Section 7, Township 24 South, Range 7 West, Luna County, New Mexico, to enable El Paso to sell volumes of gas of up to 240 Mcf per day to the Lea County Gas Company for resale to the Yucca Mining Corporation at a point near Deming, New Mexico, for use in a manganese ore processing mill being constructed by Yucca.

(2) An additional meter together with necessary appurtenant facilities to be located at the site of El Paso's existing delivery point to Kennecott in Section 14, Township 5 South, Range 15 East, Pinal County, Arizona, to enable El Paso to increase by a maximum of 700 Mcf per day Kennecott's purchases of natural gas from El Paso.

The total estimated cost of the foregoing facilities is $6,676 which El Paso proposes to finance out of its current working funds without additional financing at this time.

The Commission on December 14, 1956, granted temporary authority to El Paso, pursuant to section 7 (c) of the Natural Gas Act, for construction and operation of facilities required for the delivery of up to 3,700 Mcf per day of natural gas to the Kennecott Copper Corporation at its existing and new Hayden, Arizona, plants, as described in its application for a certificate of public convenience and necessity in Docket No. G-11169, without prejudice to such final disposition of the application as the record may require.

The foregoing application is on file with the Commission and is open to public inspection.

This matter should be disposed of as promptly as possible and to that end:

Take further notice that pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules and regulations, a hearing will be held on Thursday, February 14, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the issues presented by said application: *Provided, however,* That after a non-contested hearing, the Commission may dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for it will be unnecessary for Applicant to appear or be repesented at the hearing unless otherwise advised.

Protests and petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8, 1.10) on or before February 4, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-98; Filed, Jan. 7, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1032]

ALLEGHANY CORP. AND MURCHISON BROTHERS

MEMORANDUM OPINION AND ORDER DISCONTINUING PROCEEDINGS

DECEMBER 31, 1956.

In the matter of Alleghany Corporation and Murchison Brothers, a partnership consisting of John D. Murchison and Clint W. Murchison, Jr., File No. 812-1032.

Alleghany Corporation ("Alleghany"), an investment company registered under the Investment Company Act of 1940, and Murchison Brothers ("Murchison"), a co-partnership consisting of John D. Murchison and Clint W. Murchison, Jr., filed a joint application on September 14, 1956, pursuant to section 17 (b) of the act, for an order exempting from section 17 (a) of the act a proposed pur-

chase by Murchison from Alleghany of 53,000 shares of non-voting Class A common stock of Investors Diversified Services, Inc., a registered face-amount certificate investment company.

After appropriate notice on September 27, 1956, public hearings were held before a hearing examiner from October 10 to 12. A recommended decision by the examiner was waived, and it was agreed by all the participants that in lieu thereof the Division of Corporate Regulation would file proposed findings and conclusions after the submission of briefs. Subsequently the applicants advised that they did not desire to file briefs, and the Division on November 26, 1956, filed detailed proposed findings and conclusions recommending disapproval of the applications. Exceptions were filed on December 3 by the applicants and on December 5 by Randolph Phillips and Breswick & Company, Alleghany common stockholders opposing the application who were granted leave to be heard. Applicants requested that we hear oral argument on December 6 or as soon as possible thereafter and the opposing stockholders requested that the argument be held on December 11. In view of applicants' stated desire to consummate the proposed transaction, if approved, prior to December 31, 1956, we granted their request and heard oral argument on December 6.

At the oral argument, we stated that difficulties would be presented in disposing of the application in the short time that was available before the end of the year, by which time the applicants stated the proposal would have to be consummated to secure certain tax benefits. However, we advised that we would issue our decision promptly, and special efforts were made to assure a prompt decision notwithstanding a heavy workload and other pressing matters.

After the preparation of our opinion had reached an advanced stage and the issuance of a final opinion was almost at hand, and although we had been informed by counsel for Alleghany on December 14 that a further extension of the contract, which had previously been extended to December 15, could be expected, we were advised by telephone on December 19 by counsel for Murchison that that contract was no longer in effect as a result of its expiration and the refusal of the parties to extend it. Later that day counsel for Alleghany stated they had no knowledge that the contract was no longer in effect. Pursuant to our inquiry, in a telegram of December 20, counsel for Murchison advised that Murchison had refused to extend the contract beyond December 19 and on the same date counsel for Alleghany confirmed that the contract had not been extended. Pursuant to our further inquiry as to what action was expected with respect to the application, we were advised on December 27 and 28 by counsel for the respective applicants that the question before us is presently moot because the contract was not extended, and they requested that the joint application be deemed withdrawn.

The opposing stockholders have objected to the discontinuance of these proceedings, contending that termination of the contract should not act as a bar to a determination of questions they have raised respecting the asserted illegality of earlier transactions between the applicants.

In our opinion, as far as the instant proceedings are concerned it is the application which gives rise to the issues that have been presented, and under the circumstances we consider that the withdrawal of the application makes discontinuance of these proceedings appropriate.

In the light of the foregoing: *It is ordered*, That the said joint application be, and it hereby is, permitted to be withdrawn, and that these proceedings be, and they hereby are, discontinued.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-103; Filed, Jan. 7, 1957; 8:46 a. m.]

[File No. 70-3542]

OHIO EDISON CO.

ORDER APPROVING ACQUISITION OF UTILITY ASSETS

DECEMBER 31, 1956.

Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transaction:

Pursuant to a Sale Agreement dated December 6, 1956, between the Company and the Village of Leroy, Ohio ("Village"), the Company proposes to acquire, for a cash consideration of $78,500, the Village electric distribution system, including approximately 5½ pole miles of overhead distribution facilities, 57 street lights, 70 line transformers of approximately 1,181 kva aggregate capacity, and a substation of 600 kva capacity situated on land owned by other than the Village.

It is stated that the Village is located in close proximity to communities and surrounding rural areas presently served by the Company at retail; that the Company presently supplies power to the Village for distribution over its system under a municipal resale power contract, which the parties will terminate upon the Company's acquisition of the property; that for the 12-month period ended October 31, 1956, the Company delivered to the Village under such contract 1,636,464 kwh of electric energy, the revenue for which was $26,109.29. Upon consummation of the transaction, the acquired property will be operated as a part of the Company's integrated system.

It is stated that no commission other than this Commission has jurisdiction over the proposed acquisition.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-74; Filed, Jan. 4, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIA A. H. TEN HOLDER-DERCKX ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Maria A. H. ten Holder-Derckx Sittard, The Netherlands; Jozef J. M. ten Holder Breda, The Netherlands; Gemma P. M. ten Holder Sittard, The Netherlands; Johannes H. M. ten Holder Budel, The Netherlands; Antonius C. F. M. ten Holder Uithoorn, The Netherlands; Gabriel G. M. ten Holder Oss, The Netherlands; Gerardus T. M. ten Holder Utrecht, The Netherlands; Claim No. 63194; a one-seventh (1/7) interest in the following property to each claimant: $3046.31 in the Treasury of the United States; One (1) $1,000 United Steel Works Corporation, Germany, 3¼ percent Series A 25-year mortgage bond, No. 7654, due June 1, 1951, with coupons due December 1, 1939, subsequent coupons attached, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York; Vesting Order No. 8711.

Executed at Washington, D. C., on December 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-114; Filed, Jan. 7, 1957; 8:47 a. m.]

ELISABETH BURKART-LEDDIHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Elisabeth Burkart-Leddihn, Vienna, Austria; Claim No. 60383; $210 in the Treasury of the United States. Vesting Order No. 18438.

Executed at Washington, D. C., on December 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-112; Filed, Jan. 7, 1957; 8:47 a. m.]

CECIL WHITE VECCHIOTTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cecil White Vecchiotti, a/k/a Cecil Eunice White Vecchiotti, Servigliano, Marche, Italy; Claim No. 41247; $2,215.27 in the Treasury of the United States. Vesting Order No. 2329.

Executed at Washington, D. C., on December 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-113; Filed, Jan. 7, 1957; 8:47 a. m.]

ERICH MEYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Erich Meyer, Pedro Primero No. 761, Montevideo, Uruguay; Claim No. 40209; $483.11 in the Treasury of the United States. Vesting Order No. 4064.

Executed at Washington, D. C., on December 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-111; Filed, Jan. 7, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 3, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33125: *Liquefied petroleum gas—Zuni, N. Mex., to official territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Zuni, N. Mex., to points in official territory.

Grounds for relief: Grouping, short-line distance formula and circuitous routes.

Tariff: Supplement 87 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 33126: *Livestock between official and southern territories.* Filed by O. E. Schultz, Agent for interested rail carriers. Rates on livestock, namely, cattle, calves, goats, hogs, lambs and sheep, carloads between points in official territory, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Agent H. R. Hinsch's tariff I. C. C. No. 4761.

FSA No. 33127: *Crude rubber—Louisiana and Texas to Brightwood, Mass.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, namely, artificial, synthetic or neoprene, carloads from specified points in Louisiana and Texas to Brightwood, Mass.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 197 to Agent Kratzmeir's I. C. C. 4087; Supplement 282 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 33128: *Anhydrous ammonia—Vicksburg, Miss., to Sheffield, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on anhydrous ammonia, carloads from Vicksburg, Miss., to Sheffield, Ala.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 29 to Agent C. A. Spaninger's tariff I. C. C. 1526.

FSA No. 33129: *Soda ash—Louisiana to Coronet, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soda ash, carloads from Baton Rouge and North Baton Rouge, La., to Coronet, Fla.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariff: Supplement 29 to Agent Spaninger's tariff I. C. C. 1526.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-99; Filed, Jan. 7, 1957; 8:45 a. m.]

[Sec. 5a, Application 62]

INTERMOUNTAIN TARIFF BUREAU, INC.

APPLICATION FOR APPROVAL OF AGREEMENT

JANUARY 3, 1957.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed December 27, 1956, by: Collier L. Allen, Attorney-in Fact, Intermountain Tariff Bureau, Inc., 208 West 8th South, Salt Lake City, Utah.

Agreement involved: An agreement between and among common carriers by motor vehicle, members of the Intermountain Tariff Bureau, Inc., relating to rates, exceptions to classifications, ratings, rules, regulations, or practices, applicable to the transportation of property in interstate or foreign commerce between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-100; Filed, Jan. 8:46 a. m.]

[No. MC-C-2072]

RATES AND CHARGES ON SHOE DRESSING FROM BROOKLYN, N. Y., AND CRANFORD, N. J., TO ATLANTA, GA.

NOTICE OF INVESTIGATION AND ORDER FOR HEARING

At a session of the Interstate Commerce Commission, Division 2, acting as an appellate division, held at its office in Washington, D. C., on the 19th day of December A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of shoe dressing or blacking, from Brooklyn, N. Y., and Cranford, N. J., to Atlanta, Ga., as set forth in:

Motor Carrier Traffic Association, Inc., Agent: In Supplement 35 to MF-I. C. C. No. 444, on page 14 thereof, Index 6500;

Southern Motor Carriers Rate Conference, Agent: In Supplement 44 to MF-I. C. C. No. 804, on page 44 thereof, Indexes 24334 and 24335;

or as the same may be amended or reissued.

It appearing that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-101; Filed, Jan. 7, 1957; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 2, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33121: *Gypsum rock from Arkansas and Oklahoma to Fairborn, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on gypsum, crude or crushed (not ground), carloads, from Highland, Ark., Bucher, Southard, and Watonga, Okla., to Fairborn, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 41 to Agent Kratzmeir's ICC 4017.

FSA No. 33122: *Cinders between points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cinders, viz: coal, clay, shale or slate, carloads, between points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 88 to Agent C. A. Spaninger's ICC 1469.

FSA No. 33123: *Oil cake or meal to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cottonseed and soybean oil cake or meal, carloads, from Memphis, Tenn., and Helena, Ark., to New Orleans, La.

Grounds for relief: Rail carrier competition and circuity.

FSA No. 33124: *Trailer-on-flat-car service, Pennsylvania Railroad.* Rates on freight loaded in highway trailers and transported on railroad flat cars, between Detroit, Mich., on the one hand, and New Brunswick and Trenton, N. J., New York, N. Y., and Conshohocken, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 14 to Pennsylvania R. R. ICC 3504.

By the Commissfon.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-72; Filed, Jan. 4, 1957; 8:46 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 6

Washington, Wednesday, January 9, 1957

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TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 615, 3d Rev., Amdt. 2]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78-2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78-2, 21 F. R. 3214) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78-2a (21 F. R. 3216), effective May 16, 1956, as amended effective June 1, 1956, July 7, 1956, July 13, 1956, and December 12, 1956 (21 F. R. 3722, 5032, 5208, and 9787), are hereby further amended by deleting Collier and Hendry Counties, Florida, from the list of civil divisions therein designated as Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart, it having been determined by the Chief of the Plant Pest Control Branch that adequate eradication measures have been practiced in said counties for a sufficient length of time to eradicate the Mediterranean fruit fly infestations therein and that regulation of said counties is not otherwise necessary under § 301.78-2. Intensive survey and trapping activities have been carried on in the counties, but no Mediterranean fruit flies have been found there for a period of three months. Therefore, it is considered safe to release the counties from regulation.

This amendment shall be effective January 9, 1957.

The foregoing amendment relieves restrictions by removing Collier and Hendry Counties, Florida, from the list of civil divisions designated as Mediterranean fruit fly regulated area, thereby permitting interstate movement from these counties of all regulated products, including fruits and vegetables, without restriction under the quarantine. The amendment must be made effective promptly in order to permit such unrestricted movement of regulated products from the counties. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 316, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of January 1957.

[SEAL] L. F. CURL, *Acting Chief, Plant Pest Control Branch.*

[F. R. Doc. 57-157; Filed, Jan. 8, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 43-3]

PART 43—GENERAL OPERATION RULES

AIRWORTHINESS CERTIFICATION OF FOREIGN AIRCRAFT OPERATED IN UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of January, 1957.

Section 43.10 of Part 43 of the Civil Air Regulations permits the Administrator to exempt foreign aircraft, authorized by him to be flown in the United States, from compliance with certain requirements applicable to domestic civil aircraft. The language of this section of Part 43 was originally predicated on the provisions of section 6 (c) of the Air Commerce Act of 1926 (as amended prior to August 8, 1953) which authorized the Administrator to issue special permits for foreign aircraft to be navigated in the United States. Since the amendment of August 8, 1953, divested the Administrator of such authority and vested it in the Board under section 6 (b) of the Air Commerce Act, it is considered advisable to revise § 43.10 and delete the obsolete provisions.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 2952),

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(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 610, 52 Stat. 1007, 1009, 1012, as amended; 49 U. S. C. 551, 553, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-158; Filed, Jan. 8, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 44-1]

PART 44—FOREIGN AIR CARRIER REGULATIONS

AIRWORTHINESS CERTIFICATION AND RESTRICTIONS ON MAXIMUM WEIGHTS FOR CATEGORIES OF USE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of January 1957.

Presently effective Part 44 provides that foreign aircraft shall not be operated in the United States at weights in excess of the weights established by the country of manufacture. To preclude any uncertainty as to the eligibility of certain aircraft to qualify under the maximum weight limitations prescribed under United States airworthiness requirements, the language of this amendment relates clearly the weight limitations to categories of use. The effect of this amendment will be that airplanes which have been manufactured in the United States but have not been certificated, for example, in the transport category and, therefore, for which no maximum weight has been established in that category, may not, although presently registered and certificated in foreign countries, qualify for operation in the United States in the transport category until operating weights have been established in accordance with transport category limitations. This policy is consistent with the resolution on aircraft weights adopted at the Council of the International Civil Aviation Organization Meeting on March 8, 1949, which acknowledged the right of the country of manufacture to set the maximum weights applicable to foreign registered and certificated aircraft which may be flown over such country of manufacture.

A note is being inserted after § 44.3 calling attention to Part 190 of the Civil Air Regulations, the provisions of which govern the operation for ferrying purposes of an aircraft whose certificate of airworthiness is invalidated due to damage to the aircraft or a change in its nationality.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 2952), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 44 of the Civil Air Regulations (14 CFR Part 44, as amended) effective February 7, 1957.

1. By amending § 44.3 to read as follows:

§ 44.3 *Airworthiness and registration certificates.* Foreign aircraft shall carry aboard currently effective certificates of registration and airworthiness issued or rendered valid by the country of registry and shall display the nationality and registration markings of that country. Foreign aircraft shall not be operated in the United States except in accordance with the limitations on maximum certificated weights prescribed or authorized for the particular variation of the type and for the particular category of use, by the country of manufacture of the aircraft type involved.

2. By adding a note following § 44.3 to read as follows:

NOTE: The applicable provisions of Part 190 of the Civil Air Regulations govern the operation for ferrying purposes of an aircraft whose certificate of airworthiness is invalidated due to damage to the aircraft or a change in its nationality.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 610, 1102, 52 Stat. 1007, 1012, 1026, as amended; 49 U. S. C. 551, 560, 672)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-159; Filed, Jan. 8, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 190-2]

PART 190—AUTHORIZATION OF NAVIGATION OF FOREIGN CIVIL AIRCRAFT WITHIN UNITED STATES

AIRWORTHINESS CERTIFICATION AND RESTRICTIONS ON MAXIMUM WEIGHTS FOR CATEGORIES OF USE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 3d day of January 1957.

Foreign civil aircraft operated in the United States in accordance with Part 190 of the Civil Air Regulations are required to carry on board currently effective certificates of airworthiness issued or rendered valid by the country of registry. If the certificate of airworthiness becomes invalid because of damage to the aircraft, or for other reasons, it may be operated within the United States only upon special authorization of the Board in accordance with § 190.70. However, normal processing of such authority may on occasion unduly delay the ferrying of a foreign civil aircraft.

The Civil Air Regulations presently provide that the Administrator may issue special flight permits for civil aircraft of the United States which do not currently meet airworthiness standards but are found to be capable of safe flight. A special flight permit is intended to authorize the flight of an aircraft to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft. This amendment authorizes the Administrator, under the same conditions, to issue special flight permits, for ferrying purposes, for foreign civil aircraft which have been damaged or which have had their certificates of airworthiness invalidated because of a change in nationality. It will be noted that the provisions of this amendment are consistent with Annex 8 to the Convention on International Civil Aviation to the extent that the country of registry will determine whether an aircraft is damaged to such an extent as to invalidate its airworthiness certificate.

Presently effective § 190.23 of Part 190 provides that foreign aircraft shall not be operated in the United States at weights in excess of the weights established by the country of manufacture. To preclude any uncertainty as to the eligibility of certain aircraft to qualify under the maximum weight limitations prescribed under United States airworthiness requirements, the language of that section is hereby amended to relate clearly the weight limitations to categories of use. The effect of this change will be that airplanes which have been manufactured in the United States but have not been certificated, for example, in the transport category and, therefore, for which no maximum weight has been established in that category, may not, although presently registered and certificated in foreign countries, qualify for operation in the United States in the transport category until operating weights have been established in accordance with transport category limitations. This policy is consistent with the resolution on aircraft weights adopted at the Council of the International Civil Aviation Organization Meeting on March 8, 1949, which acknowledged the right of the country of manufacture to set the maximum weights applicable to foreign registered and certificated aircraft which may be flown over such country of manufacture.

Interested persons have been afforded an opportunity to participate in the making of these amendments (21 F. R. 2952), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 190 of the Civil Air Regulations (14 CFR Part 190, as amended) effective February 7, 1957.

1. By amending § 190.20 by deleting the period at the end of the section and inserting a semicolon in lieu thereof, and by adding the following:

§ 190.20 *Airworthiness and registration certificates.* • • • *Provided, however,* That in cases covered by paragraphs (a) and (b) of this section a special flight permit issued by the Administrator in accordance with §§ 1.76 and 1.77 of this subchapter may be carried onboard the aircraft in lieu of such certificate of airworthiness:

(a) It has been determined by the country of registry that the aircraft has been damaged to the extent that the airworthiness certificate is invalidated and the aircraft is to be flown to a place where repairs or alterations are to be made, or

(b) The certificate of airworthiness issued for the aircraft has been invalidated by the country of registry due to a change in nationality and such aircraft is intended to be navigated in the United States in transit to the new country of registry.

2. By amending § 190.23 to read as follows:

§ 190.23 *Maximum weights and categories of use.* Foreign aircraft shall not be operated in the United States except in accordance with the limitations on maximum certificated weights prescribed or authorized for the particular variation of the type and for the particular category of use, by the country of manufacture of the aircraft type involved.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 6, 44 Stat. 572, as amended; 49 U. S. C. 176)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-160; Filed, Jan. 8, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6620]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

L. B. C. WATCH CASE CO.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1295 *Quality or grade.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Michael Campaiola and Morris Lamm d. b. a. L. B. C. Watch Case Co., New York, N. Y., Docket 6620, December 20, 1956]

In the Matter of Michael Campaiola and Morris Lamm, Individually and as Copartners, Trading and Doing Business as L. B. C. Watch Case Co.

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a partnership of two individuals in New York City with misbranding watch cases of 13½ karat fineness which they manufacture, by marking them on the back with the phrase "14 K".

Following entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became, on December 20, the decision of the Commission:

The order to cease and desist is as follows:

It is ordered, That respondent Michael Campaiola and Morris Lamm, individually and as copartners, trading and doing business as L. B. C. Watch Case Co., or under any other name, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of any articles composed in whole or in part of gold or any alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Stamping, branding, engraving, or marking any article with any phrase or mark such as 14 K, or otherwise representing, directly or by implication, that the whole or a part of any article is composed of gold or an alloy of gold of a designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerances established by the National Stamping Act (15 U. S. Code, section 294, et seq.).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 20, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-132; Filed, Jan. 8, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-24]

[Docket No. 11824; Rules Amdt. 8-21]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

CERTAIN RADIOTELEPHONE INSTALLATIONS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of implementing Title III, Part III of the Communications Act with regard to radiotelephone installations required to be installed on board certain United States vessels carrying more than six passengers for hire.

1. Notice of Proposed Rule Making in the above-entitled matter was issued by the Commission on September 24, 1956 (21 F. R. 7456), and the final date for filing of comments has passed.

2. Comments in this proceeding were filed by three individuals who owned or operated small vessels carrying fishing parties for hire and by the following organizations:

(a) Southern California Sportfishing Association;

(b) Golden Gate Sportfishers Association;

(c) National Party Boat Owners Alliance, Inc.

(d) General Electric Company;

(e) Connecticut Boatman's Association;

(f) West Coast Marine Council;

(g) Pye Corporation of America.

3. Most of the comments were by or in behalf of owners of relatively small vessels that carry sport fishing passengers for hire, and were in opposition to the proposed requirement of § 8.545 (a) (1) (iii) that the required medium-frequency radiotelephone transmitter have a power output of at least 25 watts. Reasons given for opposing this requirement are in substance as follows:

(a) A large proportion of the vessels affected, particularly sport fishing vessels, have transmitters with less than 25 watts antenna power, and therefore the proposed rule could be complied with only by replacement of many existing transmitters which would cost in the order of $600 for each such replacement.

(b) One comment alleged that structural changes would have to be made on many vessels to accommodate the 25 watt equipment. It was also alleged that the cost of complying with these radiotelephone requirements together with complying with new Coast Guard regulations would force many boat-for-hire operators out of business.

(c) In the case of a specific vessel, 10 watts was cited as adequate to meet all requirements.

(d) Compelling vessels to install higher power will increase interference. To alleviate present congestion in the 2 Mc phone band, it was proposed that a maximum power of 25 watts be established, and a plan involving reassignment of frequencies was suggested.

(e) In connection with the Commission's proposed 25 watt output power requirement, it was suggested by the National Party Boat Owners Alliance that in the field it is more practical to ascertain the input power than the output power.

4. The following specific recommendations and suggestions for modification of the proposed rules with respect to power of medium frequency radiotelephone equipment were made in the comments:

(a) The Southern California Sportfishing Association suggested an antenna power of 10 watts as being more consistent with what is presently installed.

(b) The West Coast Marine Council suggested a minimum power of 10 watts for existing installations and 25 watts for new installations.

(c) The Golden Gate Sportfishers Association, Inc., suggested that present equipment be permitted to remain in use and that new sets being licensed be required to meet the 25 watt antenna power requirement.

(d) The National Party Boat Owners Alliance, Inc., suggested a rule specifying no minimum power but which would require that the medium frequency radiotelephone installation must be capable of communicating with the Coast Guard on 2182 kc and capable of communicating on other working frequencies assigned by the Commission including frequencie(s) necessary to communicate with public coast station(s) in the area.

5. It is apparent that the principal objection to the proposed 25-watt requirement for medium-frequency radiotelephone equipment is that it would necessitate replacement of much of the existing equipment resulting in substantial expense to the owners of small vessels. There is, however, no information furnished which would support a conclusion that the existing installations are in general adequate as to power for all safety purposes. The proposal of the National Party Boat Owners Alliance, Inc. that no minimum power be specified does not appear susceptible of equitable enforcement, due to the lack of a definite standard for the guidance of both boat owners and Commission enforcement personnel. While replacement of some existing low-powered equipment with 25-watt equipment may tend to increase interference in the 2 Mc ship bands, as suggested in the comments, it would not appear to be feasible to establish a maximum power of 25 watts for all ships nor to reassign frequencies to increase the effectiveness of the relatively low-powered transmitters now installed in some vessels subject to the new requirements. With regard to the suggestion that input power may be more readily measured in the field, it is explained that the output power was selected as a standard in the proposed rules because output power is a more reliable indication of the actual merit of a radio installation and past experience has indicated that it can be measured in the field without substantial difficulty.

6. In the light of the comments and considerations stated above the Commission believes that the proposed rules should be modified to reduce the burden on vessel owners with respect to immediate replacement of existing equipment, and at the same time provide that the proposed 25 watt requirement shall eventually be met. In finalizing the rule with respect to power of medium-frequency equipment (§ 8.545 (a) (1) (iii)) the Commission has specified that equipment installed prior to March 1, 1957 must be capable of a power output of at least 10 watts and equipment installed on or after that date must have an output power of at least 25 watts, provided, that after June 1, 1963 all equipment must be capable of at least 25 watts output power. The 1963 date specified above coincides with one of the date specified in section 8.139 of the rules with respect to type acceptance and will provide more than five years for amortization of equipment already installed. Where 10 watts is acceptable, this minimum power must be maintained at all times, even when, under § 8.545 (a) (3) (i), the operating voltage deviates within permissible limits.

7. Two comments were received with respect to the proposed 25-watt output power requirement when VHF is used (§ 8.545 (a) (2) (iii)). The General Electric Company suggested a 20-watt minimum in lieu of the proposed 25-watt minimum because of a design problem. It was explained that two output tubes of the type most suitable would be required to meet the 25-watt requirement whereas only one tube would be required to meet a 20-watt requirement. Apparently this reduction would result in more reliable equipment and a lesser cost for maintenance. The Pye Corporation of America, while making no objection as such to the proposed 25-watt VHF power requirement, invited attention to a recommendation of the VIIIth CCIR, Warsaw 1956, that in the case of VHF FM equipment operated on 156.8 Mc and neighboring frequencies, the output power of the ship's transmitter should generally not exceed 20 watts. In consideration of the comments of the General Electric Company, and because a reduction of 20 percent in antenna power of this order of magnitude should not cause any significant reduction in VHF signal strength or VHF distance range, the Commission has reduced the minimum power from 25 to 20 watts in finalizing § 8.545 (a) (2) (iii).

8. Comments dealing with other than transmitter power were as follows:

(a) The National Party Boat Owners Alliance, suggested a rule requiring that where batteries are used as a source of power for the radiotelephone installation, they shall be placed in such a position that they will not be contaminated by bilge water of the vessel, and in no case shall they be stowed below the center line of the crankshaft of the engine. In finalizing the rules a requirement substantially as proposed by this comment has been included in § 8.545 (a) (3) (i).

(b) The National Party Boat Owners Alliance, in response to the Commission's request for comments on classes of vessels which should be exempted, suggested that ferry boats and other boats operated wholly within inland waters, although adjacent or contiguous to the open sea, may be exempted; it was also suggested that when filing for exemption the application should be accompanied by a section of a map or chart of the area involved. No other comments were received upon the subject of exemptions. It is not considered that sufficient information has been obtained at this time upon which to base a class exemption. The suggestion with respect to the map or chart is being considered in connection with a modification of the exemption application form.

(c) The General Electric Company opposed the requirements of proposed § 8.545 (a) (7) that a device be provided in the transmitter for continuous visual indication that the transmitter is supplying radio frequency power to the antenna. This company recommended that the requirement be deleted because such a device would present an extra cost which would in no way enhance the quality of the communication system and because it would not contribute directly to safety. The Commission does not agree that such a device would not serve a safety need. While it is recognized that such a device does not in itself provide a complete indication as to the proper functioning of the transmitter, the indicator will provide a fairly simple and reliable means by which a non-technical operator could immediately determine whether the transmitter is radiating energy. Such a determination is important in time of distress due to collision or storm when antenna failures may occur. For the reason stated this rule is finalized as proposed.

9. In view of the foregoing, *it is ordered,* Pursuant to the authority contained in sections 303 (n) and (r) of Part I and Part III of Title III of the Communications Act of 1934, as amended, that effective March 1, 1957, Part 8 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 3, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Section 8.46 is amended by designating the existing text thereof as paragraph (a) and adding a new paragraph (b) to read as follows:

(b) Pursuant to section 385 of the Communications Act (and in accordance with § 8.501 (b)), a ship of the United States which, by reason of the provisions of Part III of Title III of the Communications Act is required to be fitted with a radiotelephone installation for safety purposes shall, at least once in each 24-month period, be made available by the owner or operating agency of the ship for a detailed inspection of the ship's radiotelephone installation. A formal application, FCC Form 812, "Application for Periodical Inspection (Title III, Part III of the Communications Act)", for such inspection and issuance of a Communications Act Safety Radiotelephony certificate shall be filed with the Commission's Engineer in Charge of the radio district office nearest the desired port of inspection at least 3 days prior to the date on which such inspection is desired. The application shall be filed by the shipowner, the ship operating agency, the ship station licensee, or the shipmaster.

2. Section 8.49 (a) is amended to read as follows:

(a) In accordance with the provisions of section 352, subsections (b) and (c), or section 383 of the Communications Act and/or the appropriate provisions of the Safety Convention (Regulations 5 and 6 of Chapter IV of the Regulations annexed to the Safety Convention of 1948) application for exemption from the radio equipment and operator requirements of Part II or Part III of Title III of the said Communications Act and/or the said Safety Convention, or application for modification or renewal of exemption previously granted thereunder, may be made by submitting FCC Form 820, "Application for Exemption", to the Commission at Washington, D. C. In cases of emergency found by the Commission, the Commission may, at its discretion, consider an informal application which should include the full information normally furnished on FCC Form 820.

3. Section 8.152 is amended by the addition of a new paragraph (e) to read as follows:

(e) Each vessel of the United States transporting more than six passengers for hire, which is required by Part III of Title III of the Communications Act to be equipped with a radiotelephone installation and not exempted therefrom by the Commission, shall, for safety purposes, carry at least one qualified operator holding an operator's license

issued by the Commission which is appropriate for the purpose under Part 13 of this chapter.

4. Section 8.202 is amended by adding a new paragraph (d) to read as follows:

(d) Each vessel of the United States transporting more than six passengers for hire which is required by Part III of Title III of the Communications Act to be equipped with a radiotelephone installation and not exempted therefrom by the Commission shall, while being navigated in waters specified by section 381 of Part III of Title III, keep a continuous and efficient listening watch on the frequency 2182 kc for the reception of class A3 emission if fitted with equipment for operation in the 2000–3500 kc band for the purpose of meeting radiotelephone requirements of law, or on the frequency 156.8 Mc for the reception of class F3 emission if fitted with equipment for operation in the 152–162 Mc band for this purpose, whenever the radiotelephone installation is not being used to transmit on the listening channel as herein designated or to transmit or receive on any other channel authorized for maritime mobile services. Such listening watch shall be performed by at least one officer or member of the crew of the vessel who, if not the master, has been designated by the master to perform this listening watch. The master or the person designated by the master may simultaneously perform other duties relating to the operation or navigation of the vessel, provided such other duties do not interfere with the effectiveness of this listening watch.

5. Section 8.501 is amended by redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) and inserting a new paragraph (b) as follows:

(b) In accordance with § 8.101 (a) and pursuant to section 385 of the Communications Act, every vessel of the United States subject to Part III of Title III of said Act shall have a periodical inspection by the Commission of the equipment and apparatus prescribed therein not less than once every 24 months. If after such inspection the Commission determines that all relevant provisions of Part III of Title III of the Communications Act, the rules of the Commission made pursuant thereto, and the station license, are complied with in an efficient manner, a Communications Act Safety Radiotelephony certificate will be issued. The issuance date of Communications Act Safety Radiotelephony certificates shall be the date the installation is found by the Commission to be in compliance, or not later than one business day following such in-compliance date. Such certificates shall be issued for a period of not more than 24 months.

6. Immediately following § 8.541 insert the following subtitle and sections:

RADIOTELEPHONE INSTALLATIONS ON SHIPS SUBJECT TO PART III OF TITLE III OF THE COMMUNICATIONS ACT

§ 8.543 *Radiotelephone installations.* A radiotelephone installation required to be provided on a vessel of the United States by reason of the provisions of Part III of Title III of the Communications Act, shall comply in an efficient manner with §§ 8.544, 8.545, 8.546, 8.547 and 8.548 in addition to all other applicable requirements of this part.

§ 8.544 *Certificates.* Each vessel of the United States to which Part III of Title III of the Communications Act is applicable shall, not later than March 1, 1958, have on board and posted in a prominent and accessible place in the vessel a valid Communications Act Safety Radiotelephony certificate as prescribed by § 8.501 (b) of this part.

§ 8.545 *General technical requirements.* (a) The components and assembly of each radiotelephone installation required by Title III, Part III of the Communications Act, shall be such as to insure safe and effective operation of the equipment and shall be arranged to facilitate proper repair and replacement of parts. Adequate protection shall be provided against the action of saline moisture and the effects of vibration, humidity, and temperatures encountered on shipboard. In particular, the components named hereunder shall meet specific requirements as follows:

(1) *Medium frequency transmitter and receiver.* Except under special circumstances as set forth in subparagraph (2) of this paragraph, the radiotelephone installation shall meet the following requirements:

(i) It shall be capable of being used for the effective transmission and reception of class A3 emission on the international calling and distress frequency 2182 kc, the ship-to-ship working frequency 2638 kc, and at least one ship-shore working frequency within the band 1600–3500 kc enabling communication with a public coast station serving the region in which the ship is operated, during the entire time the vessel is navigated in waters specified by section 381 of Title III, Part III of the Communications Act.

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits.

(iii) The radiotelephone transmitter shall have a power output of not less than 10 watts if installed in the vessel prior to March 1, 1957, and a power output of not less than 25 watts if installed on or after that date. After June 1, 1963, the radiotelephone transmitter shall have a power output of not less than 25 watts regardless of installation date. The required power specified herein is measured when no modulation is present. The transmitting apparatus shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting requirements of this section and has been demonstrated or is of a type which has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than the required power on each of the frequencies 2182 kc and 2638 kc into an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 micromicrofarads capacitance; *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(2) *Very high frequency transmitting and receiving equipment.* If a vessel is within communication range of a public coast station operating in part or entirely on frequencies within the band 152–162 Mc which is in service and maintains an efficient watch for the reception of class F3 emission on the frequency 156.8 Mc at all times while the vessel is navigated in waters specified by section 381 of Part III of Title III, and the vessel while so navigated is never more than 20 nautical miles from a 156.8 Mc receiving location of such station, such vessel may alternatively employ very high frequency transmitting and receiving equipment in lieu of the medium frequency equipment specified in subparagraph (1) of this paragraph. Such alternative equipment shall meet the following requirements:

(i) The equipment shall be capable of being used for the effective transmission and reception of class F3 emission on the frequencies 156.3 Mc, 156.8 Mc, and on the working frequency 157.3 or 157.4 Mc as necessary for communication with one or more public coast stations serving the area in which the vessel is navigated.

(ii) The transmitter shall be capable of proper technical operation with peak modulation percentage between 75 and 100 percent and shall be so adjusted that the transmission of speech normally produces peak modulation within these limits. The frequency deviation with 100 percent modulation applied shall not exceed 15 kc.

(iii) The radiotelephone transmitter shall have a power output of at least 20 watts. The transmitter shall be considered to be capable of meeting this power requirement when it is properly adjusted for use with a ship station transmitting antenna meeting the requirements of these rules and has been demonstrated or is of a type that has been demonstrated to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 20 watts unmodulated radio frequency carrier power into 50 ohms effective resistance on each of the frequencies 156.8 Mc, 156.3 Mc, and either of the frequencies 157.3 Mc or 157.4 Mc: *Provided*, That if a type demonstration has been made, an individual demonstration of the power capability of the transmitting apparatus of any individual radiotelephone installation as normally installed on board ship may be required to determine whether it complies with these power requirements.

(3) *Power supply.* (i) There shall be readily available for use at all times under normal load conditions while the vessel is navigated in waters specified by section 381 of Part III of Title III and when required during inspection of the ship radiotelephone station by an authorized representative of the Commission, a main source of energy capable of supplying electrical power sufficient to energize simultaneously and efficiently the radiotelephone transmitter at its required power, and the required receiver. At all times hereinabove specified the potential of the main source of energy at the power input connections of the radiotelephone installation shall not deviate from its rated electrical potential by more than 10 percent on vessels the construction of which is completed on or after March 1, 1958, nor more than 15 percent on vessels completed before that date: *Provided*, That radiotelephone output power in the medium frequency band under either of these conditions shall not be less than 10 watts when such output power is applicable to a transmitter installed before March 1, 1957. In the case of a vessel of more than 100 gross tons, the keel of which was laid after March 1, 1957, an emergency source of energy independent of the vessel's normal electrical system shall be provided and shall be located in the upper part of the ship, unless the main source of energy is so located, in which case an emergency source of energy is not required. The emergency source of energy, when required, shall be located as near to the radiotelephone transmitter and receiver as is practicable. A source of energy shall be deemed to be located in the upper part of the ship when it is located on the same deck as the wheel house or at least one deck above the vessel's main deck. When batteries are used as either a main or emergency source of energy for the radiotelephone installation they shall be placed in such a position that they will not be contaminated by bilge water of the vessel, and in no case shall they be installed below the center line of the crankshaft of any inboard propulsion engine.

(ii) Each emergency source of energy and each main source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes batteries shall, with respect to such batteries, have sufficient reserve capacity available at all times while the ship is navigated in waters specified by section 381 of Part III of Title III and during Commission inspections to permit operation of the radiotelephone installation for at least 3 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove this capacity by means of a discharge test over the 3-hour period of time when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iv) of this subparagraph, or by such other means as may be deemed necessary.

(iii) Each emergency source of energy which is provided in order to comply with the power supply requirements of this section and which consists of or includes an engine-driven generator shall, with respect to such engine-driven generator, have sufficient reserve fuel available at all times while the ship is navigated in waters specified by section 381 of Part III of Title III and during Commission inspections to permit operation of the radiotelephone installation for at least 3 hours continuously under normal working conditions. If directed by the Commission or its authorized representative, the ship owner, operating company, or station licensee shall prove the adequacy of the fuel supply by demonstration or by such other means as may be deemed necessary. Proof of the adequacy of the engine fuel supply to operate the unit continuously and effectively over the 3-hour period of time may be established by using as a basis the fuel consumption during a continuous period of 1 hour when supplying power at the voltage required for normal and effective operation, to an electrical load as prescribed by subdivision (iv) of this subparagraph.

(iv) The electrical load to be supplied by a main or an emergency source of energy under the provisions of subdivision (ii) or (iii) of this subparagraph shall be computed as the sum of all loads to which it may supply energy in times of emergency or distress. The radiotelephone transmitting apparatus shall be regarded as having an intermittent power demand amounting in the aggregate to 1½ hours.

(v) At the conclusion of the test specified in subdivisions (ii) and (iii) of this paragraph, no part of the main or emergency sources of energy shall have an excessive temperature rise, nor shall the specific gravity or voltage of any storage battery be below the 90 percent discharge point as determined from information (such as voltage curves or specific gravity tables) supplied by the manufacturer of the type of battery involved.

(vi) Means shall be provided on board the vessel for adequately charging any storage batteries used as a main or emergency source of energy or any part thereof, for the required radiotelephone installation. There shall be provided a device which, during charging of the batteries, will give a continuous indication of the rate and polarity of such charging.

(vii) The cooling system of each internal combustion engine used as a part of any required emergency source of energy for the radiotelephone installation shall be adequately protected or treated to prevent freezing or overheating consistent with the season and route to be traveled by the particular vessel involved.

(viii) All required power-supply circuits shall be appropriately protected by means of suitable devices such as fuses or circuit-breakers from overloads or short circuits which could damage any component thereof.

(ix) Use of the emergency source of energy, when such emergency source is required by subdivision (i) of this subparagraph, shall be available within one minute after any need arises for its use.

(4) *Radiating system.* In each radiotelephone installation an antenna shall be provided in accordance with the applicable requirements of § 8.107 which is as nondirectional and as efficient as is practicable for the transmission and reception of radio ground waves over seawater. The installation and construction of this antenna shall be such as to insure, insofar as is practicable, proper operation in time of an emergency.

(5) *Electric light.* Unless the vessel is navigated during daylight hours only, a reliable electric light shall be provided and permanently arranged so as to illuminate satisfactorily the operating controls at the principal operating location. When the principal operating location is in the room from which the vessel is steered, the light shall be so arranged that its illumination is confined substantially to the vicinity of the operating controls so that it may be used at night without interfering with navigation of the vessel. The light shall be energized from the main source of energy, and, if an emergency source of energy for the radiotelephone installation is required, means shall be provided for energizing the light from such source of energy also.

(6) *Loudspeaker.* One or more loudspeakers capable of effective operation at all speech frequencies from 300 to 2500 cycles per second shall be provided so as to permit telephone reception at the principal operating location and at any other location where listening required by § 8.202 (d) is performed.

(7) *Antenna radio frequency indicator.* Transmitters installed after June 1, 1958, and all transmitters after June 1, 1960, regardless of installation date, shall be equipped with a device which will provide continuous visual indication that the transmitter is supplying radio frequency power to the antenna, either directly or through the medium of a transmission line.

(8) *Protective devices.* The radiotelephone installation shall be adequately protected by suitable devices, such as fuses or circuit breakers, from excessive currents and voltages which could cause damage to the components thereof.

(9) *Nameplate.* A durable nameplate shall be mounted on the radiotelephone transmitting and receiving equipment or shall be made an integral part thereof. When the transmitter and receiver comprise a single unit, one nameplate shall be sufficient. The nameplate shall show at least the following:

(i) The name of the manufacturer;

(ii) The type or model number.

§ 8.546 *Sensitivity of receiving equipment.* Any receiving equipment provided as part of the required radiotelephone installation shall be capable of a sensitivity on any required reception frequency of at least 50 microvolts in the case of medium frequency equipment and 1 microvolt in the case of very-high-frequency equipment. Sensitivity of the receiver is expressed as the radio frequency signal in microvolts modulated 30 percent at 400 cycles per second which must be delivered to the antenna terminals of the receiving apparatus through a suitable artificial antenna in order to produce an audio output of 50 milliwatts of power to the loudspeaker with a signal-to-noise ratio of at least 6 decibels. Evidence of a manufacturer's rating or a demonstration of the sensitivity of a required receiver computed upon this basis shall be furnished upon request of a Commission representative.

§ 8.547 *Location of radiotelephone installation.* (a) The requirements set out in this section apply only to vessels of more than 100 gross tons.

(b) The radiotelephone transmitter, receiver, and all controls necessary for their proper use and operation, shall be located in the upper part of the ship. For this purpose, the upper part of the ship shall be considered to include locations at wheel house level or those which are at least one deck above the vessel's main deck. If the principal operating location is not in the room from which the vessel is normally steered or not in a room adjacent to and opening directly into such room, an interior two-way voice communication system including an attention signalling system shall be provided between such room and the principal operating location. In the case of radiotelephone installations fitted on board a vessel after March 1, 1957, the principal operating location shall be in the room from which the vessel is normally steered.

§ 8.548 *Control of radiotelephone installations.* (a) The provisions of paragraph (b) of this section apply only to vessels of more than 100 gross tons. The provisions of paragraph (c) of this section apply to all vessels subject to Title III, Part III of the Communications Act, regardless of tonnage.

(b) If the radiotelephone installation is operated from any other position than the principal operating location, it shall always be possible to take control of the operation of the radiotelephone installation at the principal operating location as follows:

(1) Except as provided in subparagraph (2) of this paragraph, a method shall be provided for taking control at the principal operating location as herein prescribed which is direct, positive, and independent of action by any person who is not at the principal operating location.

(2) The use of an interior shipboard communication system between the principal operating location and all other locations at which there is a radiotelephone operating position shall be acceptable as a method for taking control at the principal operating location as herein prescribed on condition that the communication thereby is reliable, effective, immediately available at all times, and is usable independently of any other interior communication circuit: *Provided*, That in the case of radiotelephone installations first placed in service on or after March 1, 1957, the use of such a method for taking control at the principal operating location shall be acceptable only in the case of those radiotelephone operating positions located in the chart room or master's quarters.

(c) The radiotelephone installation shall be so designed that, when a qualified operator is present at the principal operating location, switching between required frequencies from such location may be performed within a period of five seconds and changeover from transmission to reception and vice versa may be accomplished within a total period of two seconds under circumstances which do not require a change in operating radio channel at the same time. The receiver shall be capable of accurate and convenient selection of the required frequencies without manual tuning, i. e., it shall be pre-set for reception on each of the required frequencies. This shall not preclude the use of a separate manually tunable receiver if provided for maintaining the required watch as a part of the required radiotelephone installation.

§ 8.549 *Test of the radiotelephone installation.* Unless the normal use of the radiotelephone installation required by Title III, Part III of the Communications Act demonstrates that the equipment is in proper operating condition for an emergency, a test communication for the purpose shall be made by a qualified operator each day the vessel is navigated. When this test is performed by some person other than the master and the equipment is found not to be in proper operating condition for an emergency, the master shall be notified promptly thereof.

[F. R. Doc. 57-143; Filed, Jan. 8, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11877; FCC 57-12]

TELEVISION BROADCAST STATION; VANCOUVER, WASH.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Station (Vancouver, Washington); Docket No. 11877.

1. Notice is hereby given that the Commission has received a conflicting petition in the above-entitled matter.

2. The Commission has before it for consideration the petition of Altru Broadcasting Company, Longview, Washington, filed December 5, 1956, requesting the institution of rule making so as to amend § 3.606 of the Commission's rules and regulations to assign Channel 2 to Longview, Washington, in lieu of Channel 33.

3. On November 29, 1956, the Commission issued a Notice of Proposed Rule Making (FCC 56-1184) proposing to assign Channel 2 to Vancouver, Washington, in response to a petition filed by KVAN, Inc. Since Vancouver and Longview are only 35 miles apart, the two proposals are conflicting and we believe we should consider them at the same time. Since the time for filing comments in the outstanding proceeding has run, it is believed that a Notice of Further Proposed Rule Making would be appropriate.

4. Any interested party who is of the view that the proposal by petitioner should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 1, 1957, a written statement setting forth his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments should be furnished the Commission.

Adopted: January 3, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-144; Filed, Jan. 8, 1957; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11896; FCC 57-11]

RADIO BROADCAST SERVICES

PROTECTION BEYOND NORMALLY PROTECTED CONTOURS OF STANDARD BROADCAST STATIONS

In the matter of amendment of § 3.182 (c) and (v), protection beyond normally protected contours of Standard Broadcast Stations; Docket No. 11896.

1. Notice is hereby given of rule making in the above-entitled matter.

2. Section 3.182 of the Commission's rules governing standard broadcast stations provides, in pertinent part, that when it is shown that primary service is rendered by any station beyond its normally protected contour, and primary service to approximately 90 percent of the population served with an adequate signal in the area between the normally protected contour and the contour to which the station actually serves is not supplied by any other station or stations carrying the same general program service, the contour to which protection may be afforded will be determined from the individual merits of the particular case under consideration. The Commission has reviewed the above rules which afford greater protection from interference to stations providing "unique program service" and has concluded that they serve no useful purpose. These provisions are too vague and indefinite to be of any assistance in the filing and processing of applications for broadcast facilities and give rise to much uncertainty as to the protection to be afforded to and by broadcast stations. They provide no criteria for judging what constitutes the "same general program service" under the rule. Under these circumstances the Commission believes the public interest would be served by their deletion.

3. In light of the above it is proposed to delete the present text of § 3.182 (c) and to substitute the word "Reserved" and to delete the first sentence of Footnote 1 to the Table contained in § 3.182 (v).

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 1, 1957, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing of such additional comments is established.

5. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 303 (b), (c), (d), (f), (g), (h) and (r), and 307 (b) of the Communications Act of 1934, as amended.

6. In accordance with the provisions of § 1.764 of the rules an original and 14 copies of all comments shall be furnished to the Commission.

Adopted: January 3, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-145; Filed, Jan. 8, 1957; 8:50 a. m.]

[47 CFR Part 3]

[Docket No. 11897; FCC 57-13]

TELEVISION BROADCAST STATIONS; CHATTANOOGA, TENN.-ROME, GA.

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Chattanooga, Tenn.-Rome, Ga.); Docket No. 11897.

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission has under consideration the amendment of the television Table of Assignments, contained in § 3.606 of the Commission's rules and regulations, to shift Channel 9 from Rome, Georgia, to Chattanooga, Tennessee, as follows:

City	Channel No.	
	Present	Proposed
Chattanooga, Tenn....	3+, 12—, 43+, 49+, *55, 9, 59	3+, 9, 12—, 43, 49+, *55, 59
Rome, Ga.....		

3. We are of the view that the proposed amendment would serve the public interest by making more effective use of the spectrum; that it would permit the extension of additional television service to a more extensive area and population, and that the proposed channel change would conform to the Commission's rules. The utilization of Channel 9 at Chattanooga will not deprive Rome of television service since that area receives a multiplicity of services from stations in Atlanta, Chattanooga and Birmingham, and it would insure the continuation of Channel 9 service in the Rome area and provide a greatly needed third local service in the larger community of Chattanooga.

4. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 1, 1957, a written statement setting forth his comments. Comments supporting the proposed amendment may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for reply to original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Authority for the adoption of the amendment proposed herein is contained in sections 4 (i), 301, 303 (c), (d), (f), (r), 307 (b) and 316 (a) of the Communications Act of 1934, as amended.

6. WROM-TV, Incorporated, is presently authorized to operate on Channel 9 at Rome, and the rule making proposed herein would shift this frequency to Chattanooga. In the event the Commission decides to amend the rules as proposed, the Commission will determine what further steps should be taken in light of this outstanding authorization.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments and statements shall be furnished the Commission.

Adopted: January 3, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-146; Filed, Jan. 8, 1957; 8:50 a. m.]

[47 CFR Part 10]

[Docket No. 11898; FCC 57-22]

PUBLIC SAFETY RADIO SERVICES

LICENSING OF MEDICAL SCHOOLS IN SPECIAL EMERGENCY RADIO SERVICE UNDER CERTAIN CONDITIONS

In the matter of amendment of Part 10, § 10.453, of the Commission's rules governing the Public Safety Radio Services so as to allow medical schools to be licensed in the Special Emergency Radio Service under certain conditions; Docket No. 11898.

1. Notice is hereby given of Proposed Rule Making in the above-entitled matter.

2. The present wording of § 10.453 of the Commission's rules restricts the licensing of physicians and veterinarians in the Special Emergency Radio Service to individual physicians and veterinarians and makes no provision for the licensing of schools of medicine, including schools of veterinary medicine.

3. The Commission has received several applications for licenses in the Special Emergency Radio Service from schools of veterinary medicine which have regular practices in rural areas. These schools allege that they carry on their rural practices for teaching purposes utilizing licensed veterinarians who are employees of the school. These applicants have pointed out that the Commission's present rules are such as to allow licensed veterinarians in the employ of the schools to obtain licenses in the Special Emergency Radio Service when assigned to conduct such rural practices. It has been further pointed out that this procedure, while allowing the schools to obtain the desired radio communications, is frequently unsatisfactory since there may be changes in personnel assigned to the rural practices. In such event, licenses must be obtained by the newly assigned veterinarians.

4. Therefore, the Commission proposes to amend § 10.453 of its rules governing the Public Safety Radio Services so as to provide that the term "physician or veterinarian", as used therein, encompasses schools of medicine, including schools of veterinary medicine.

5. The proposed amendment, authority for which is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, is set forth below.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 4, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to original comments may be filed within ten days from the last day for filing original comments or briefs. No additional comments may be filed unless (1) specifically requested by the

Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in these matters and, if any comments appear to warrant the holding of a hearing or oral argument, a notice of the time and place of such hearing or oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 3, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Section 10.453 (a) is proposed to be amended by adding a new subparagraph to read as follows:

(3) As used in this part, the term "physician or veterinarian" shall be construed to mean individual physicians or veterinarians and schools of medicine, including schools of veterinary medicine.

[F. R. Doc. 57-147; Filed, Jan. 8, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 2, 1957.

The Department of Air Force has filed an application, Serial No. Fairbanks 013666, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for "Nike" air defense site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 E.,
Sec. 34, W½W½NW¼;
Sec. 33, N½.
Containing 360 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-126; Filed, Jan. 8, 1957; 8:46 a. m.]

National Park Service

[Mammoth Cave National Park Order 1]

ASSISTANT SUPERINTENDENT AND ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any office or area under the supervision of the Superintendent of Mammoth Cave National Park.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $10,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any office or area under the supervision of the Superintendent of Mammoth Cave National Park.

(National Park Service Order No. 14, Amendment 6, May 15, 1956 (21 F. R. 3332, May 19, 1956), amending Section 1 (f), and Region One Order No. 3, March 8, 1956 (21 F. R. 1493))

[SEAL] PERRY E. BROWN,
Superintendent,
Mammoth Cave National Park.

[F. R. Doc. 57-127; Filed, Jan. 8, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OKLAHOMA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in all counties in Oklahoma except those 14 counties in which the special credit program for the Great Plains area was authorized on September 15, 1955, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the counties referred to above after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 4th day of January 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-137; Filed, Jan. 8, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Maritime Administration

OCEANIC STEAMSHIP CO.

NOTICE OF APPLICATION

Notice is hereby given of the application of The Oceanic Steamship Company for written permission of the Maritime Administration under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit its parent organization, the Matson Navigation Company, to operate the "SS Lurline" on one round voyage carrying passengers and their automobiles from San Francisco and Los Angeles to Acapulco, said voyage to commence on or about December 22, 1957. Passengers will be given the option of disembarking with their automobiles at a California port other than that port at which they embarked for this voyage.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should, within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER, notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

Dated: January 3, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-162; Filed, Jan. 8, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2746 et al.]

RAILWAY EXPRESS AGENCY, INC.; INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation of requests of the Railway Express Agency, Inc., to act as an international air freight forwarder and to handle air freight as an agent of certain direct air carriers.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding is assigned to be held on January 29, 1957, at 10:00 a. m., e. s. t., in room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue, NW., Washington, D. C., before Examiner Edward T. Stodola.

The above-entitled matter has been ordered for public hearing by Civil Aeronautics Board Order No. E-10401, adopted on June 22, 1956. For further information regarding the scope of this proceeding, interested parties are referred to said Order No. E-10401 and to the report of prehearing conference in this matter, served on November 2, 1956, each of which documents is on file with the Docket Section, Civil Aeronautics Board, Washington, D. C.

Notice is further given that any person not a party of record desiring to be heard in this proceeding must file with the Board, on or before January 29, 1957, a statement setting forth the matters of fact or law that he desires to advance.

Dated at Washington, D. C., January 3, 1957.

[SEAL] FRANCIS W. BROWN,
Hearing Examiner.

[F. R. Doc. 57-161; Filed, Jan. 8, 1957; 8:52 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-45]

DAYSTROM NUCLEAR DIVISION OF DAYSTROM, INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on December 11, 1956, Daystrom Nuclear Division of Daystrom, Inc., Elizabeth, New Jersey, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to construct and operate a nuclear reactor in the vicinity of Princeton, New Jersey. The application states that the facility for which a license is requested is described in Report ANL-5552, Argonne National Laboratory, entitled "A Generalized Reactor Facility for Nuclear Technology Training and Research By D. H. Lennox and B. I. Spinard, March, 1956".

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C. this 20th day of December 1956.

For the U. S. Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-124; Filed, Jan. 8, 1957; 8:45 a. m.]

[Docket No. F-1]

ARMOUR RESEARCH FOUNDATION OF ILLINOIS INSTITUTE OF TECHNOLOGY

NOTICE OF ISSUANCE OF AMENDMENT NO. 1 TO LICENSE R-3 TO OPERATE UTILIZATION FACILITY

On November 15, 1956, Armour Research Foundation of Illinois Institute of Technology, Chicago, Illinois, filed application for amendment to its License R-3 dated June 12, 1956, to operate its research reactor, (1) to increase the amount of special nuclear material Armour is authorized to receive under the license and (2) to alter the gas flow system to eliminate the stoichiometric volume of hydrogen and oxygen in the entrainment eliminator.

The increase in fuel is required because criticality tests have indicated that a larger critical mass was required for operation at 10 kilowatts than originally estimated. The alterations to the gas flow system consist of:

1. Moving the gas inlet line from the top of the overflow chamber to the bottom of this chamber, and

2. Installing a cooling manifold around the overflow chamber and cooling coils just above the entrainment eliminator and around the inner sleeve.

For further details see the application for license amendment at the Commission's Public Document Room, 1717 "H" Street, NW., Washington, D. C.

It has been determined that the alterations described do not constitute a material alteration to the facility and a construction permit will not be required under § 50.91 of 10 CFR 50. It has further been determined that the changes will contribute to greater safety of operation and no changes in operating restrictions are necessary.

Therefore, on December 7, 1956, amendment No. 1 to License R-3 was issued as follows:

1. Paragraph 1.b (1) as it now appears is amended to read:

(1) 1500 grams of contained uranium 235 in uranyl sulfate solution as fuel for operation of the facility.

2. Paragraph 2 as it now appears is amended to read:

2. This license applies to the nuclear reactor which is owned by the Foundation and located at Chicago, Illinois, and described in the Foundation's application dated January 7, 1955, as amended November 12, 1956.

The AEC will direct the holding of a formal hearing if a request therefor is filed within thirty days in accordance with § 2.102 (a) of the Commission's rules of practice (10 CFR 2).

Dated at Washington, D. C. this 17th day of December, 1956.

Date of issuance: December 7, 1956.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-125; Filed, Jan. 8, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10268 etc., FCC 57-6]

WJR, THE GOODWILL STATION, INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of WJR, The Goodwill Station, Inc., Flint, Michigan, Docket No. 10268, File No. BPCT-967; Trebit Corporation, Flint, Michigan, Docket No. 10269, File No. BPCT-968; W. S. Butterfield Theatres, Inc., Flint, Michigan, Docket No. 10270, File No. BPCT-953; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of January, 1957;

The Commission having under consideration its previous order herein designating this case for further hearing and the desirability of concluding this proceeding as soon as possible;

It appearing, That the further hearing should be undertaken even though pending interlocutory pleadings have not been disposed of;

It is ordered, That the taking of testimony in this proceeding shall commence on January 7, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-148; Filed, Jan. 8, 1957; 8:50 a. m.]

[Docket Nos. 11621, 11892; FCC 57M-6]

LAS VEGAS BROADCASTERS, INC. (KLAS) AND PALM SPRINGS BROADCASTING CORP. (KCMJ)

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Las Vegas Broadcasters, Inc. (KLAS), Las Vegas, Nevada, Docket No. 11621, File No. BP-8528; Palm Springs Broadcasting Corp. (KCMJ), Palm Springs, California, Docket No. 11892, File No. BP-10359; for construction permits.

Notice is hereby given that pursuant to §§ 1.813 and 1.841 of the Commission's rules, a pre-hearing conference in the above-entitled proceeding will be held in the offices of this Commission, Washington, D. C., at 10:00 o'clock a. m., on Friday, February 1, 1957.

Dated this 3d day of January 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-149; Filed, Jan. 8, 1957; 8:50 a. m.]

[Docket No. 11685, etc., FCC 57-2]

POLK RADIO, INC., ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Polk Radio, Incorporated, Lakeland, Florida, Docket No. 11685, File No. BP-10136; Duane F. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; E. D. Covington, Jr., Winter Garden, Florida, Docket No. 11813, File No. BP-10571; for construction permits.

1. The Commission has under consideration: (1) a petition to enlarge the issues in the above-entitled proceeding, filed by Polk Radio, Incorporated (Polk), on September 25, 1956; (2) an opposition thereto filed jointly by Duane F. McConnell (McConnell) and E. D. Covington, Jr. (Covington), on October 4, 1956; (3) an opposition filed by the Commission's Broadcast Bureau on October 10, 1956; and (4) a reply to oppositions filed by Polk on October 15, 1956.

2. This proceeding involves (a) the application of Polk Radio, Incorporated, Lakeland, Florida, requesting a construc-

tion permit to operate on 1330 kilocycles with a power of 1 kilowatt, daytime only; (b) the application of Duane F. McConnell, Winter Haven, Florida, requesting a construction permit to operate on 1320 kilocycles with a power of 500 watts, daytime only; and (c) the application of E. D. Covington, Jr., Winter Garden, Florida, requesting a construction permit to operate on 1330 kilocycles with a power of 500 watts, daytime only. McConnell and Covington are individual applicants herein and, together with Robert S. Taylor, are equal partners in the Coastal Broadcasting Company (Coastal), licensee of Station WONN, Lakeland, Florida (1230 kilocycles, 250 watts, unlimited time).

3. On October 4, 1955, Coastal filed an application for standard broadcast facilities at Winter Haven, Florida, requesting a construction permit to operate on 1320 kilocycles, 500 watts, daytime only. The petitioner, Polk, filed its application for facilities at Lakeland, Florida, on October 5, 1955. Thereafter, on February 24, 1956, Coastal requested dismissal of its application without prejudice. This was granted on February 28, 1956. Also on February 24, 1956, McConnell filed his application for a construction permit to establish a standard broadcast station in Winter Haven, Florida. This application requested the same frequency, power, and hours of operation as that formerly sought by Coastal. On May 11, 1956, Covington filed an application for a construction permit to establish a standard broadcast station in Winter Garden, Florida.

4. The operations which McConnell and Covington propose would not cause interference to each other, but they are mutually exclusive with the operation proposed by Polk. Because of this problem of interference, the McConnell, Polk, and Covington applications have been designated for a consolidated hearing.

5. In the pleading here considered, Polk alleges that the McConnell and Covington applications were filed for the purpose of blocking, or impeding, a grant of the Polk application; thereby seeking to prevent additional competition to Station WONN. Polk's petition is supported by an affidavit wherein Mr. W. H. Martin (Martin), President of Polk Radio, Incorporated, alleges, among other things, that about September 22, 1955, McConnell told him that WONN was interested in keeping further competition out of Lakeland; that McConnell had attempted to have Martin file an application which would block the application which a Mr. Brannen had filed for facilities at Lakeland; that, in this connection, McConnell offered to "engineer" Martin's application without cost to Martin; and that McConnell and Martin did do some work on such an application but that Martin finally abandoned this effort, and did not file such an application.

6. In light of the allegations made, the Commission is of the opinion that, in this instance, the petitioner has made a reasonable showing which justifies enlargement of the issues as requested, and that, in order to obtain all pertinent evidence, the added issue should pertain to the filing of both the McConnell and Covington applications.

Accordingly, it is ordered, That the above-entitled petition of Polk Radio, Incorporated, to enlarge the issues is granted with respect to the filing of the application herein of E. D. Covington, Jr., and that the Commission, on its own motion, similarly enlarges the issues herein with respect to the filing of the application of Duane F. McConnell; and

It is further ordered, That, in view of the above action and the action taken by the Commission on this date upon another petition enlarging issues in this proceeding, the issues in the above-entitled proceeding are amended to read as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether a grant of the applications of Duane F. McConnell and/or of E. D. Covington, Jr., might result in undue concentration of control of broadcast facilities in contravention of the provisions of § 3.35 of the Commission's rules in view of the offices which each holds, and the ownership interest which each has in Coastal Broadcasting Company, licensee of Radio Station WONN in Lakeland, Florida.

3. To determine whether the respective applications of Duane F. McConnell and E. D. Covington, Jr., were filed in good faith or whether they were filed for the purpose of impeding, obstructing or delaying a grant of the application of Polk Radio, Incorporated.

4. To determine in the light of Section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-mentioned applications would best provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

Adopted: January 2, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-150; Filed, Jan. 8, 1957; 8:51 a. m.]

[Docket No. 11685 etc., FCC 57-3]

POLK RADIO, INC., ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Polk Radio, Incorporated, Lakeland, Florida, Docket No. 11685, File No. BP-10136; Duane R. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; E. D. Covington, Jr., Winter Garden, Florida, Docket No. 11813, File No. BP-10571; for construction permits.

1. The Commission has before it for consideration a petition to enlarge issues filed May 18, 1956, by Polk Radio, Inc., Lakeland, Florida, opposition to subject petition filed May 28, 1956, by Duane F. McConnell, Winter Haven, Florida; and a reply to the opposition thereto filed June 5, 1956, by Polk Radio, Inc.

2. Polk Radio, Inc., requests the Commission to enlarge the issues to include the following:

4. To determine whether the respective 2 mv/m contours of the proposed operation of Duane F. McConnell at Winter Haven, Florida, and of Radio Station WONN in Lakeland, Florida, in which Duane F. McConnell holds a one-third interest and the office of Secretary-Treasurer, will overlap.

5. To determine whether a grant to Duane F. McConnell, one-third owner and Secretary-Treasurer of Coastal Broadcasting Company, licensee of Radio Station WONN in Lakeland, Florida, as well as its Business Manager and Chief Engineer, might result in undue concentration of control of broadcast facilities or violate the multiple ownership rule.

3. In support of its petition, Polk Radio alleges that Duane F. McConnell is a one-third owner as well as the Secretary-Treasurer, Business Manager, and Chief Engineer of Station WONN, Lakeland, Florida; that there would be an overlap of the 0.5 mv/m contours of Station WONN and the proposed Winter Haven station; that the overlap would constitute an area of 170 square miles; that 7795 persons, or approximately 17 percent of the population within the Winter Haven's proposed 0.5 mv/m contour, would receive duplicate coverage from these two stations; and that approximately one-third of the area lying within Winter Haven's proposed 0.5 mv/m contour already receives service from Station WONN at Lakeland. It further contends that, although it is not shown that there would be an overlap of the 2 mv/m contour of Station WONN with that contour of the proposed Winter Haven station, measurements, which Station WONN had previously taken in connection with its application to improve its broadcast facility, show that the conductivity in the northerly direction from Lakeland to be higher than that indicated on the Commission's ground conductivity map, i. e., 3 to 4 instead of 2 mmhos/meters; and that, from these facts, it is reasonable to assume that the 2 mv/m contours of Stations WONN at Lakeland, and Duane F. McConnell's proposed station at Winter Haven may, in fact, overlap if correct measurements were taken.

4. Duane F. McConnell opposes the petition on the grounds that the petition is not supported by an engineering affidavit; that a showing has not been made that probative evidence can be adduced on the matters alleged; that the request for the technical issue concerning the possible overlap of the 2 mv/m contours of Station WONN and McConnell's proposed station is not supported in any way by the petition; and that, based upon conductivity values shown on the Commission conductivity map, there would be no overlap of the 2 mv/m contours.

5. With respect to requested Issue 5 above relating to a question of concentration of control of broadcast facilities and violation of the multiple ownership rule, Duane McConnell contends that this issue is necessarily based upon the question of an overlap of the 2 mv/m contours of the proposed station and Station WONN; that the Commission has held in a long line of cases that overlap of the 0.5 mv/m contours is not disabling especially where, as here, there is no overlap of the 2 mv/m contours; and that, since it is clear that there is no overlap of the 2 mv/m contours and that, in consequence thereof, neither Station WONN nor the proposed station at Winter Haven will serve the other's community, the question of multiple ownership or the concentration of control of broadcast facilities becomes meaningless. McConnell also contends that, although he has a one-third ownership of Station WONN, the Winter Haven operation will be separate and distinct from Station WONN, with no program duplication; and that a study of the proposed programming schedule reveals that there is no similarity whatsoever between that of the proposed stations and that of Station WONN.

6. In reply, Polk Radio contends that it is the Commission's policy to use actual data as revealed by field intensity measurements wherever possible in preference to the figures set out on the ground conductivity map; that a study of such measurements on file with the Commission and actually taken by the licensee of Station WONN in connection with another application reveals a different and higher conductivity than that set out on the Commission's ground conductivity map; and that it is therefore probable that, if measurements were taken from Lakeland in the direction of the proposed Winter Haven site and from Winter Haven toward the WONN site at Lakeland, such measurements would likewise reveal a higher conductivity and show that there would be an overlap of the 2 mv/m contours of WONN and the proposed operation. Polk asserts that, where a question of possible overlap arises, it is the policy of the Commission to place this issue in question and to impose the burden of taking measurements upon the applicants.

7. Since McConnell is a one-third partner and an officer of Station WONN the Commission is requested by Polk Radio to enlarge the issues which would permit an inquiry into the possible overlap of the 2 mv/m contours of McConnell's proposed station and Station WONN and as to whether a grant of McConnell's application might result in undue concentration of control of broadcast facilities. In addition, it is to be noted that the third applicant in this proceeding, E. D. Covington, Jr., is also a one-third owner and an officer of Station WONN and an applicant for a standard broadcast station in Winter Garden, Florida, 40 miles northeast of Lakeland; and that the Winter Garden proposal is mutually exclusive, because of co-channel interference, with Polk Radio's proposal in Lakeland but not with McConnell's at Winter Haven (39 miles south of Winter Garden) which is an adjacent channel proposal. Thus in view of the joint ownership interest of E. D. Covington, Jr. and Duane F. McConnell in Station WONN, the overlap of the 0.5 mv/m contours of Station WONN and McConnell's proposed station, and the relative locations of McConnell's and Covington's proposed operations to Lakeland, the Commission is of the opinion that Polk Radio's petition requesting enlargement of issues should be granted insofar as it requests an issue to inquire into the question of concentration of control of broadcast facilities by Duane F. McConnell, in contravention of Section 3.35 of the Rules. The Commission is also of the opinion that on its own motion the issues should be enlarged to permit an inquiry into the same question with respect to the application of E. D. Covington, Jr.

8. The Commission is urged by Polk Radio that the locations of the 2 mv/m contours of WONN and the proposed operation of McConnell should be established by measurements and that the burden of taking the measurements should be placed upon McConnell. In this connection, it may be pointed out that an overlap of the 2 mv/m contours would not, per se, preclude a grant of McConnell's application as implied by Polk Radio and would not necessarily constitute a contravention of § 3.35 [1] of the Commission's rules. The Commission is of the opinion that no sufficient or valid reasons have been advanced by Polk Radio which would justify the Commission requiring McConnell to make and submit measurements to show the extent, if any, of the overlap of the 2 mv/m contours. Under the circumstances such as here, the Commission has not heretofore required such measurements. However, under the issues as herein enlarged, a showing with respect to all pertinent contours may be made, and should Polk Radio desire to make and submit its own measurements to show something different than McConnell's, it will not be precluded from doing so.

In view of the foregoing: *It is ordered*, That the issues in this proceeding are enlarged to include the following:

To determine whether a grant of the applications of Duane F. McConnell and/or of E. D. Covington, Jr. might result in undue concentration of control of broadcast facilities in contravention of the provisions of § 3.35 of the Commission's rules in view of the offices which each holds, and the ownership interest which each has in Coastal Broadcasting Company, licensee of Radio Station WONN in Lakeland, Florida.[2]

Adopted: January 2, 1957.

Released: January 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-151; Filed, Jan. 8, 1957; 8:51 a. m.]

[1] Section 3.35 reads as follows:

Multiple ownership. No license for a standard broadcast station shall be granted to any party (including all parties under common control) if: (a) Such party directly or indirectly owns, operates or controls another standard broadcast station, a substantial portion of whose primary service area would receive primary service from the station in question, except upon a showing that public interest, convenience and necessity will be served through such multiple ownership situation; or (b) such party, or any stockholder, officer or director of such party, directly or indirectly owns, operates, controls or has any interest in, or is an officer or director of any other standard broadcast station if the grant of such license would result in a concentration of control of standard broadcasting in a manner inconsistent with public interest, convenience, or necessity. In determining whether there is such a concentration of control, consideration will be given to the facts of each case with particular reference to such factors as the size, extent and location of areas served, the number of people served, classes of stations involved and the extent of other competitive service to the areas in question. The Commission, however, will in any event consider that there would be such a concentration of control contrary to the public interest, convenience or necessity for any party or any of its stockholders, officers or directors to have a direct or indirect interest in, or be stockholders, officers, or directors of, more than seven standard broadcast stations.

[Docket Nos. 11789, 11790; FCC 56M-1168]

TRADEWINDS BROADCASTING CO. (WCBQ)

ORDER CONTINUING HEARING

In re applications of M. R. Lankford, tr/as The Tradewinds Broadcasting Company (WCBQ), Sarasota, Florida, Docket No. 11789, File No. BP-10370; for construction permit to replace expired construction permit and Docket No. 11790, File No. BMP-6920, for modification of construction permit.

It is ordered, This 28th day of December 1956, on the Chief Hearing Examiner's own motion and with the consent of all interested parties, that hearing in the above entitled proceeding, which has been scheduled for January 9, 1957, is continued to January 29, 1957.

Released: December 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-152; Filed, Jan. 8, 1957; 8:51 a. m.]

[Mexican Change List 198]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

NOVEMBER 29, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the ap-

[2] As to the numbering of this issue, see Memorandum Opinion and Order, Mimeo 3978 FCC 57-2, released this date with regard to another petition in this proceeding.

pendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call Letters	Location	Power kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		630 Kc.				
XEFX	Guaymas, Sonora (new)	250w	ND	U	IV	Apr. 26, 1957
		680 Kc.				
XEFJ	Teziutlan, Puebla (change date of deletion).	1kwD/100wN	ND	U	IV	Apr. 29, 1957
		880 Kc.				
XEFX	Guaymas, Sonora (delete assignment)	250w	ND	D	II	May 26, 1957
		960 Kc.				
XEOP	Hermosillo, Sonora (delete—change to Ciudad Obregon).	500w		U	III-B	Do.
XEOP	Ciudad Obregon, Sonora (new)	750wD/500wN		U	III-B	Do.
		970 Kc.				
XECJ	Apatzingan, Michoacan (new)	1kwD/250wN	ND	U	IV	Do.
		980 Kc.				
XELC	La Piedad, Michoacan (new—previously on 1200 kc.).	5.kwD/200wN	ND	U	IV	Do.
XELC	La Piedad, Michoacan (delete—changed to 980 kc.).	*1000 Kc.* 500w	ND	D	II	Do.
		1070 Kc.				
XEPV	Papantla, Veracruz (new)	1kwD/250wN		U	IV	Do.
		1350 Kc.				
XEHZ	Martinez de la Torre, Veracruz (new)	1kwD/100wN		U	IV	Do.
		1340 Kc.				
XECJ	Apatzingan, Michoacan (delete—changed to 970 kc.).	1kwD/250wN	ND	U	IV	Do.
		1430 Kc.				
XEGF	Gutierrez Zamora, Veracruz (new)	500wD/100wN		U	IV	Do.
		1450 Kc.				
XEJD	Poza Rica, Veracruz (new)	1kwD/250wN		U	IV	Do.
		1490 Kc.				
XEMH	Merida, Yucatan (increase power)	1kwD/250wN	ND	U	IV	Feb. 26, 1957

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–154; Filed, Jan. 8, 1957; 8:51 a. m.]

[Docket Nos. 11856, 11857; FCC 57M–7]

RADIO ORLANDO AND ORLANDO RADIO & TELEVISION BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Gordon Sherman and Melvin Feldman d/b as Radio Orlando, Orlando, Florida, Docket No. 11856, File No. BP–10339, Orlando Radio & Television Broadcasting Corporation, Orlando, Florida, Docket No. 11857, File No. BP–10671; for construction permits.

It is ordered, This 4th day of January, 1957, on the Hearing Examiner's own motion, that the hearing now scheduled herein for January 7, 1957, be and the same is hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–153; Filed, Jan. 8, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–9196]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 3, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed on August 4, 1955 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing Applicant to construct and operate certain measuring and regulating facilities, as hereinafter described, subject to the jurisdiction of the Commission, in order to provide interruptible service to the Great Lakes Pipeline Company near Fairbault, Minnesota, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate measuring and regulating facilities at a point on its 26-inch main transmission Line B near Fairbault, Minnesota. These facilities are proposed to be used to deliver natural gas on an interruptible basis to the Great Lakes Pipeline Company (Great Lakes) for use as engine fuel at its pumping station.

The proposed facilities are estimated to cost $8,900, to be financed out of funds on hand.

The maximum daily demand of the pumping station is 350 Mcf and the estimated annual requirements are approximately 80,000 Mcf.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, February 4, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–130; Filed, Jan. 8, 1957; 8:46 a. m.]

[Project No. 943]

PUGET SOUND POWER & LIGHT CO. AND PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

JANUARY 3, 1957.

Public notice is hereby given that Puget Sound Power & Light Company and Public Utility District No. 1 of Chelan County, Washington have filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 943, located on the Columbia River in Chelan, Douglas, and King Counties, Washington, to exclude from the license (1) approximately 14.7 miles of transmission line between the summit of Stevens Pass to Skykomish in King County (a portion of the 110-kv Rock Island-Skykomish line); and (2) approximately 7.9 miles of single circuit 110-kv transmission line from Rock Island switching station to a point near Stemilt Creek in sec. 30, T. 22 N., R. 21 E., W. M., Chelan County (a portion of the 110-kv Rock Island-Renton line).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is January 25, 1957. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–131; Filed, Jan. 8, 1957; 8:47 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED MUTUAL SAVINGS BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF INCOME AND DIVIDENDS

Each insured mutual savings bank not a member of the Federal Reserve System is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Monday, December 31, 1956, on Form 64 (Savings)[1] and a Report of Income and Dividends for the calendar year 1956, on Form 73 (Savings).[1]

Said Report of Condition and Report of Income and Dividends shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income and Dividends on Form 73 (Savings)," dated June, 1951.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 57–163; Filed, Jan. 8, 1957; 8:58 a. m.]

INSURED STATE BANKS NOT MEMBERS OF THE FEDERAL RESERVE SYSTEM, EXCEPT BANKS IN THE DISTRICT OF COLUMBIA AND MUTUAL SAVINGS BANKS

CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, is requested, pursuant to the provisions of section 10 (e) of the Federal Deposit Insurance Act, to send to the Federal Deposit Insurance Corporation within ten days after receipt of this notice a Report of Condition as of the close of business Monday, December 31, 1956, on Form 64—Call No. 46,[1] and a Report of Earnings and Dividends for the calendar year 1956, on Form 73.[1]

Said Report of Condition shall be prepared in accordance with, "Instructions for the Preparation of Report of Condition on Form 64," dated December 1955, and said Report of Earnings and Dividends shall be prepared in accordance with "Instructions for the Preparation of Report of Earnings and Dividends on Form 73," dated December 1954.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 57–164; Filed, Jan. 8, 1957; 8:53 a. m.]

[1] Filed as part of original document.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3548]

OHIO EDISON CO.

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK, PURSUANT TO RIGHTS OFFERING

JANUARY 3, 1957.

Notice is hereby given that Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a), 7, 12 (c) and 12 (d) thereof and Rules U–42 and U–50 thereunder as applicable to the proposed transaction, which is summarized as follows:

The Company proposes to issue and sell 580,613 shares of its authorized but unissued common stock and to offer such shares to its common stockholders of record at the close of business on January 31, 1957, such offer to give to each common stockholder of record, until February 15, 1957, the right to subscribe for shares of the additional common stock on the basis of one share for each ten shares of common stock held ("Right") and the privilege to subscribe, subject to allotment, at the same subscription price for shares of the additional common stock not subscribed for pursuant to the Rights referred to above ("Additional Subscription Privilege"). Rights and Additional Subscription Privileges will be evidenced by a single form of transferable registered Warrant. No fractional shares will be issued. Through its subscription agents the Company will provide facilities for the purchase of such Rights (not exceeding 9 in any one case) as may be necessary for a subscription to one full share of common stock, or the sale of Rights (not exceeding 9 in any one case) in excess of those necessary for the purchase of full shares.

The Company proposes on or about January 24, 1957 publicly to invite bids from prospective underwriters for the underwriting of said offering, such underwriters to name the amount of compensation, if any, to be paid by the Company to them for their services and agreement to purchase, at the subscription price, any shares not subscribed for as a result of the offering to the stockholders and also the shares, if any, purchased by the Company in connection with its stabilizing activities referred to below. It is proposed that the bids will be submitted on or about January 30, 1957.

The price per share at which the Company proposes to offer the additional common stock to its common stockholders and the unsubscribed stock to the underwriters will be determined by the Company. Prospective underwriters will be notified of the price per share as so determined by the Company at least 42 hours prior to the time for the submission of bids. Such price will be not more than the last reported sale price on the New York Stock Exchange and not less than such last reported sale price less 15 percent.

The Company proposes, if it considers the same necessary or desirable, to effect transactions to stabilize or maintain the price of its common stock for the purpose of facilitating the offering and distribution of the additional common stock. In connection therewith the Company may, during the period commencing with the second full business day prior to the time for submission of bids and continuing until the acceptance of a bid, purchase not in excess of 58,061 shares of its common stock through regular brokerage channels.

The Company will use the net proceeds from its proposed sale of common stock, together with cash on hand and to be derived from operations, for its 1957 construction program (estimated at $54,944,000) and for an additional investment of $2,100,000 in the common stock of its subsidiary, Pennsylvania Power Company.

It is stated that The Public Utilities Commission of Ohio has jurisdiction over the proposed transaction, and that a copy of the order of that commission will be filed by amendment.

A statement of the fees and expenses to be incurred herein will also be filed by amendment.

Notice is further given that any interested person may, not later than January 18, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided by Rule U–23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U–20 (a) and U–100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–133; Filed, Jan. 8, 1957; 8:47 a. m.]

[File No. 1–3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

JANUARY 3, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1–3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hear-

ing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8–K and Form 10–K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of December 1955, and amendments thereto, and that registrant's annual report on Form 10–K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of August 1955, was false and misleading in certain respects set forth in said order, and that the Form 8–K report for the month of December 1955, and the Form 10–K report for the fisal year ended December 31, 1955, were false and misleading in additional respects set forth in said order. On December 21, 1956, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from December 25, 1956 to January 3, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from January 4, 1957, to January 13, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–134; Filed, Jan. 8, 1957; 8:47 a. m.]

[File No. 1–3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

JANUARY 3, 1957.

In the matter of trading on the American Stock Exchange in the 20 cents par value Capital Stock of Kroy Oils Limited, File No. 1–3679.

I. The 20¢ par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8–K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On December 21, 1956, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from December 25, 1956, to January 3, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from January 4, 1957, to January 13, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–135; Filed, Jan. 8, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 119]

CALIFORNIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about December 26, 1956, because of the disastrous effects of a forest fire, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the County of Los Angeles suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office
Western Pacific Building, Room 412
1031 South Broadway
Los Angeles 15, California.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to June 30, 1957.

Dated: December 31, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57–121; Filed, Jan. 8, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 76]

CANADIAN PACIFIC RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Canadian Pacific Railway Company, because of threatened work stoppage, is unable to transport traffic routed over and to points on its lines.

It is ordered, That:

(a) *Rerouting traffic.* The Canadian Pacific Railway Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 9:00 a. m., January 2, 1957.

(g) *Expiration date.* This order shall expire at 11:59 p. m., January 15, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 2, 1957.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 57–139; Filed, Jan. 8, 1957; 8:49 a. m.]

[No. 32097]

CERTAIN EASTERN RAILROADS

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 4th day of January A. D. 1957.

It appearing, that on December 31, 1956, the Commission entered a report and order in Docket No. 32032, Increased Fares, Official Territory, 1956, authorizing certain railroads in eastern territory to increase their passenger fares and charges by approximately 5 percent on not less than 5 days' notice; and a similar increase was granted railroads in western territories under Docket Ex Parte No. 207.

It further appearing, that on January 2, 1957, the railroads listed in the appendix hereto, not parties to the proceeding in Docket No. 32032, filed a petition requesting authority similarly to increase their passenger fares and charges by 5 percent to become effective January 9, 1957. Petitioners also request authority under section 6 of the Interstate Commerce Act to depart from the Commission's tariff publishing rules to the extent necessary to enable them to publish such increased fares, appropriate relief under section 4 of the act, and for modification of outstanding orders in Docket No. 26550, Passenger Fares and Surcharges, 214 I. C. C. 174, and Docket No. 11762, Michigan Passenger Fares, 60 I. C. C. 245, as amended in subsequent proceedings.

And it further appearing, that the petitioners included in their motion a statement in justification of the said increased fares and that a copy of said petition will be furnished to any interested party upon request addressed to Mr. A. P. Donadio, Baltimore & Ohio Building, Baltimore and Charles Streets, Baltimore 1, Maryland.

Upon consideration of the above petition, and good cause appearing therefor:

It is ordered, That objections to authorizing the petitioning railroads to increase their passenger fares by 5 percent as set forth in the petition, on one day's notice, and for modification of outstanding orders in Docket Nos. 26550 and 11762, as amended, may be filed on or before January 23, 1957. A copy of such protest, together with reasons therefor, shall be furnished to Mr. A. P. Donadio, Baltimore & Ohio Building, Baltimore and Charles Streets, Baltimore, Maryland.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202, and upon the Governor of the State of Michigan; and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX

The Ann Arbor Railroad Company
The Baltimore and Ohio Railroad Company
Bessemer and Lake Erie Railroad Company
The Central Railroad Company of New Jersey
Chicago South Shore and South Bend Railroad
The Delaware and Hudson Railroad Corporation
The Delaware, Lackawanna and Western Railroad Company
Detroit and Mackinac Railway Company
Erie Railroad Company
Grand Trunk Western Railroad Company
The Mackinac Transportation Company
Monon Railroad
The New Jersey and New York Railroad Company (Horace Banta, Trustee)
The New York and Long Branch Railroad Company
The New York, Chicago and St. Louis Railroad Company

The Virginian Railway Company
Wabash Railroad Company (east of Chicago and Danville, Ill.)

[F. R. Doc. 57-155; Filed, Jan. 8, 1957; 8:52 a. m.]

[Ex Parte 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES, 1956

In the matter of petitions dated November 19, 1956, and December 20, 1956, filed by certain railroads for Leave to Amend their petition filed on November 14, 1956, in the above proceeding.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of the petitions filed by certain respondent railroads in the above proceeding for leave to amend the petition of November 14, 1956, by adding and deleting certain railroads as petitioners, and good cause appearing therefor:

It is ordered, That the petitioners for leave to amend be, and they are hereby, granted.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

Dated at Washington, D. C., this 3d day of January A. D. 1957.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-156; Filed, Jan. 8, 1957; 8:52 a. m.]

[Notice 146]

MOTOR CARRIER APPLICATIONS

JANUARY 4, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under section 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1187 (Sub. No. 21), filed December 13, 1956, CUSHMAN MOTOR DELIVERY COMPANY, 1480 West Kinzie St., Chicago 22, Ill. Applicant's representative: Eugene L. Cohn, One North LaSalle St., Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, serving the site of the Ford Motor Company Parts and Equipment Division Plant, located near Rawsonville, Washtenaw County, Michigan, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Wisconsin, Illinois, Indiana, Ohio, and Michigan.

HEARING: February 14, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 1649 (Sub No. 61), filed November 23, 1956, RAILWAY EXPRESS MOTOR TRANSPORT, INCORPORATED, 1003 North Meridian St., Indianapolis, Ind. Applicant's representative: O. R. Linvinghouse, 617 Bankers Trust Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, Class A and B explosives, commodities in bulk*, and *those requiring special equipment*, moving in express service, (1) between Kokomo, Ind., and Peru, Ind., from Kokomo over U. S. Highway 31 to Peru, and return over the same route, passing through and serving Bunker Hill Air Force Base, and all intermediate points; and (2) between junction U. S. Highway 35 and Indiana Highway 18 and junction Indiana Highway 18 and U. S. Highway 31, from junction U. S. Highway 35 and Indiana Highway 18 over Indiana Highway 18 to junction U. S. Highway 31, and return over the same route, serving no intermediate points. RESTRICTION: The service proposed to be subject to the following conditions: (a) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. (b) Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a motor carrier movement by said carrier an immediately prior or immediately subsequent movement by rail, motor or air. (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations in Indiana.

NOTE: Applicant states the proposed operation will be in connection with the authorized over-the-road service under Docket No. MC 1649 (Sub No. 10).

HEARING: February 25, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2401 (Sub No. 16), filed December 13, 1956, MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and junction Indiana Highway 54 and U. S. Highway 41, from Terre Haute over Indiana Highway 63 to junction Indiana Highway 54, thence over Indiana Highway 54 to junction U. S. Highway 41, and return over the same route, and serving all intermediate points, and the off-route points of the Indiana-Michigan Power Plant site located on the Wabash River approximately four miles west of Indiana Highway 63, and points within the properties of Ayrshire Collieries Company located west of U. S. Highway 41 between Farmersburg and Shelburn, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, and Missouri.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 2996 (Sub No. 7), filed December 13, 1956, HI-WAY FREIGHT SYSTEM, INC., 3241 S. Shields Avenue, Chicago 16, Ill. Applicant's representative: Eugene L. Cohn, One N. LaSalle St., Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of the Ford Motor Company Parts and Equipment Division near Rawsonville, Mich. as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Illinois and Michigan.

HEARING: February 14, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 3341 (Sub. No. 16), filed December 20, 1956, LAKE MOTOR FREIGHT LINES, INC., 2222 West Sample Street, South Bend, Ind. Applicant's representative: Eugene L. Cohn, One North LaSalle St., Chicago 2, Ill. For authority to operate as a *common carrier*, transporting. *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company Parts and Equipment Division Plant, located near Rawsonville, Washtenaw County, Mich., as an off-route point in connection with applicant's authorized regular route operations between (a) Detroit, Mich., and Chicago, Ill., over U. S. Highway 24, (b) Detroit, Mich., and Akron, Ohio, over U. S. Highway 25, and (c) Jackson, Mich., and Toledo, Ohio, over Michigan Highway 50. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan and Ohio.

HEARING: February 14, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 3825 (Sub. No. 3), filed December 22, 1956, L. & V. TRUCKING CO., a corporation, P. O. Box 149 (Saddle River Township), Garfield, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal glands* and *meats, meat products, and meat by-products*, as described by the Commission, in refrigerated equipment, from Passaic, N. J., to points in Rockland County, N. Y. RESTRICTION: Applicant states that the above grant of authority will be limited to traffic having an immediately prior movement by rail or motor carrier.

HEARING: February 15, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 18738 (Sub No. 22), filed December 17, 1956, SIMS MOTOR TRANSPORT LINES, INC., 610 West 138th St., Riverdale, Ill. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, liquid commodities in bulk, household goods, as defined by the Commission, and commodities requiring special equipment, between points in Case, Miama, Howard, Tipton, Montgomery, Boone, Hamilton, Putnam, Hendricks and Marion Counties, Ind., on the one hand, and, on the other, the plant site of The Clayton & Lambert Manufacturing Company near Buckner, Ky. (approximately 17.5 miles northeast of Louisville, Ky.)

NOTE: Duplicating authority to be eliminated. Applicant is authorized to conduct similar operations in Illinois, Missouri, Michigan, Indiana, and Ohio.

HEARING: January 31, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 155.

No. MC 31024 (Sub No. 24), filed December 3, 1956, NEPTUNE STORAGE, INC., 369 Huguenot St., New Rochelle, N. Y. Applicant's representative: S. Sidney Eisen, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tabulating machines*, uncrated, (1) between points in Alameda, Contra Costa, San Francisco, San Joaquin, San Mateo, Santa Clara and Santa Cruz Counties, Calif., on the one hand, and, on the other, points in the United States; and (2) between points in Dakota, Goodhue, Hennepin, Olmsted, Ramsey, Wabasha and Washington Counties, Minn., on the one hand, and, on the other, points in the United States. Applicant is authorized to transport the commodity specified in Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Kansas, Louisiana, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming.

HEARING: February 19, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 42537 (Sub No. 18), filed December 31, 1956, CASSENS TRANSPORT COMPANY, a corporation, RFD #3, P. O. Box 473, Edwardsville, Ill. Applicant's representative: Robert N. Burchmore, 2106 Field Bldg., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New automobiles, new trucks*, and *new buses*, except trailers, in initial movements, in truckaway and driveaway service, from the sites of the General Motors-Chevrolet Plants at Oakland and Raymer, Calif., to points in Arizona, Idaho, Nevada, New Mexico, Oregon, Utah, and Washington, and (2) *New automobiles*, except trailers, in initial movements, in truckaway and driveaway service, from the site of the General Motors-Buick-Oldsmobile-Pontiac Plant at Southgate, Calif., to points in Arizona, Idaho, Montana, Oregon, Utah, and Washington. Applicant is authorized to conduct operations in Michigan, Illinois, Missouri, Indiana, Ohio, and Kentucky.

HEARING: February 5, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 52989 (Sub No. 7), filed December 17, 1956, JOYCE TRUCKING CO., 1621 Shields Avenue, Chicago Heights, Ill. Applicant's representative: Carl L. Steiner, 39 S. LaSalle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, from North Judson, Ind., to points in Illinois and Michigan, and *defective building materials*, on return. Applicant is authorized to transport similar commodities in Illinois, Indiana, and Michigan.

HEARING: February 15, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 73.

No. MC 55811 (Sub No. 31), filed December 13, 1956, CRAIG TRUCKING, INC., Albany, Ind. Applicant's representative: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper* and *paper products, machinery, equipment, materials* and *supplies*, used in, or in connection with, the manufacture of paper, between Chillicothe, Ohio and Detroit, Mich. Applicant is authorized to conduct operations in Indiana, Illinois, Ohio, Michigan, Missouri and Kentucky.

HEARING: February 26, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 57.

No. MC 55928 (Sub No. 5), filed December 17, 1956, VAUGH O. GALLOP, doing business as HOULTON TRUCK EXPRESS, Franklin Street, Houlton, Maine. Applicant's representative: Mary E. Kelly, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, from North Weymouth, Mass., and Hermon, Maine, to points in Aroostook County, Maine, and points in that part of Penobscot County, Maine, west of U. S. Highway 2 and north of Maine Highway 157.

HEARING: February 14, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 69.

No. MC 56244 (Sub No. 17), filed December 19, 1956, KUHN TRANSPORTATION COMPANY, INC., R #2, Gardners, Pa. Applicant's representative: John M. Musselman, Rhoads, Sinon & Reader, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods and vinegar*, from points in Adams and Franklin Counties, Pa., and Inwood, W. Va., to points in Iowa and Missouri, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, from the above-described destination points to the above-specified origin points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: February 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 95540 (Sub No. 283), filed December 26, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products* and *articles distributed by meat packing houses*, from Glenwood, Iowa, to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to transport the commodities specified in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin and the District of Columbia.

HEARING: March 13, 1957, at Peachtree-Seventh Building, 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 95607 (Sub No. 4), filed November 23, 1956, KATHRYN CADDEN, doing business as CADDEN'S MOVING & STORAGE, 620 Beech St., Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial display cases, accessories and parts*, uncrated, from Duryea, Pa., to points in New Jersey, Ohio, Massachusetts, Michigan, New York, Virginia, West Virginia, Indiana, Illinois, Maryland and Connecticut; *damaged shipments* of the above-described commodities, on return. Applicant is authorized to transport similar commodities from Jessup, Pa., to points in New Jersey, Massachusetts, Ohio, Michigan, New York, Virginia, West Virginia, Indiana and Illinois.

HEARING: February 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 100592 (Sub No. 10), filed December 12, 1956, JAMES STUFFO, INC., A and Venango Streets, Philadelphia 34, Pa. Applicant's representative: M. Randall Marston, 515 E. Wynnewood Road, Merion, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum extrusions*, uncrated, when moving with shipments of metal windows, metal window sections and metal doors and parts and fittings for such windows, doors and window sections, all uncrated, from Philadelphia, Pa., to points in Illinois, Indiana, Michigan,

New York, Ohio and West Virginia; and *empty containers* and *pallets* used in transporting the commodity specified above, and *damaged, defective and returned shipments* of the same commodity, from points in Illinois, Indiana, Michigan, New York, Ohio and West Virginia, to Philadelphia, Pa. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Pennsylvania and Rhode Island.

HEARING: February 27, 1957, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner William E. Messer.

No. MC 102616 (Sub No. 629), filed December 18, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, to points in Armstrong, Cambria, Clearfield, Fayette, Greene, Indiana, Jefferson, Somerset, Washington and Westmoreland Counties, Pa. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia and the District of Columbia.

HEARING: February 27, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 59.

No. MC 104340 (Sub No. 130), filed December 21, 1956, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Dow, Lohnes & Albertson, Munsey Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt, asphalt emulsions* and *asphalt cut-backs*, in bulk, in tank vehicles, (1) from points in Erie County, N. Y., to points in Cameron, Crawford, Elk, Erie, Forrest, McKean, Mercer, Potter, Tioga, Venango and Warren Counties, Pa., except from Buffalo, N. Y., to points in Erie County, Pa., and except from Tonawanda, N. Y., and points within 5 miles of, but not including Buffalo, N. Y., to Erie, Pa.; and (2) from points in Albany and Rensselaer Counties, N. Y., to points in Connecticut, Massachusetts, New Hampshire and Vermont, except to points in Massachusetts within 50 miles of the New York-Massachusetts State line, and except to Bennington, Brattleboro, Rutland and White River Junction, Vt.; also except to points in Hartford and Litchfield Counties, Conn. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New York, Ohio, Vermont and West Virginia.

HEARING: February 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 104347 (Sub No. 121), filed December 27, 1956, LEAMAN TRANSPORTATION CORPORATION, 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representative: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *Petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, Pennsylvania, West Virginia, and the District of Columbia. Applicant is authorized to transport similar commodities in Pennsylvania, Maryland, New York, New Jersey, West Virginia, Virginia, Connecticut, Delaware, and the District of Columbia.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 106504 (Sub No. 4), filed December 10, 1956, WIDHOLM FREIGHTWAYS, INC., 1015 N. Third St., Minneapolis, Minn. Applicant's representative: Hoyt Crooks, 842 Raymond Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from points in the Minneapolis-St. Paul, Minn., Commercial Zone over U. S. Highway 61 to junction Minnesota Highway 95, thence over Minnesota Highway 95 to junction U. S. Highway 12, thence over U. S. Highway 12 to point of beginning, serving all intermediate points and the off-route points of Inver Grove, Lakeland and St. Croix Beach; (2) from points in the Minneapolis-St. Paul, Minn., Commercial Zone over Minnesota Highway 36 to Stillwater and return over the same route serving all intermediate points; (3) from Stillwater over Minnesota Highway 95 to Lakeland and return over the same route serving all intermediate points. Applicant is authorized to conduct operations in Minnesota.

HEARING: February 20, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 145.

No. MC 107403 (Sub No. 227), filed December 27, 1956, E. BROOKE MATLACK, INC., 33rd & Arch Streets, Philadelphia 4, Pa. Applicant's representative: Paul F. Barnes, 811–819 Lewis Tower Bldg., 225 S. Fifteenth Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia and the District of Columbia. Applicant is authorized to transport similar commodities in Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: January 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 107407 (Sub No. 16), filed December 17, 1956, BRODBECK TRUCKING CO., INC., SAM RAITZIN, TRUSTEE, 1415 S. Olive St., South Bend, Ind. Applicant's representative: Eugene L. Cohn, One N. LaSalle St., Chicago 2, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant site of the Ford Motor Company Parts and Equipment Division near Rawsonville, Mich. as an off-route point in connection with applicant's authorized regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Michigan, Indiana, and Ohio.

HEARING: February 14, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76.

No. MC 108120 (Sub No. 5), filed October 24, 1956, KENNEDY MOTOR LINES, INC., 215 43rd St., Brooklyn, N. Y. Applicant's representative: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Store fixtures, kitchen equipment, household furnishings*, and *materials, equipment* and *supplies*, (such as nails, tools, machinery, glass, varnish, paper, cord, twine) used in or incidental to the manufacture of the foregoing commodities, between New York, N. Y., and points in Nassau, Suffolk, Westchester, Putnam, Orange and Dutchess Counties, N. Y., Hudson, Union, Passaic, Bergen, Essex, Middlesex, Monmouth, Somerset, Mercer, Hunterdon, Sussex, Morris and Warren Counties, N. J., Fairfield and New Haven Counties, Conn., on the one hand, and, on the other, points in the United States; (2) *New furniture, ice refrigerators, cabinets, kitchen sinks, new office and hospital equipment, laboratory equipment* and *laboratory furniture*, between New York, N. Y. on the one hand, and, on the other, points in Washington, Oregon, California, Idaho, Montana, North Dakota, South Dakota, Wyoming, Nebraska, Nevada, Utah, Kansas, Colorado, Arizona, New Mexico, Texas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Louisana, Indiana, Illinois, Wisconsin and Michigan; (3) *Household furnishings*, between Pittsburgh, Pa., on the one hand, and, on the other, points in the United States; (4) *New furniture, new office equipment* and *store fixtures*, between Hornell, N. Y. on the one hand, and, on the other, points in the United States; (5) *Windows, doors*, and *window and door frames*, between New York, N. Y. on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct similar operations in the States of New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Vermont, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, Kentucky and the District of Columbia.

NOTE: Applicant states that no duplicating authority is sought.

HEARING: February 18, 1957, at 346 Broadway, New York, N. Y., before Examiner Isadore Freidson.

No. MC 108185 (Sub. No. 16), filed December 21, 1956, DIXIE HIGHWAY EXPRESS, INC., P. O. Box 631—1600 "B" St., Meridian, Miss. Applicant's representative: R. J. Reynolds, Jr., 1403 Citizens & Southern Nat'l Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Atlanta, Ga., and Columbus, Ga., from Atlanta over U. S. Highways 19 and 41 to junction Georgia Highway 85 near Hapeville, Ga., and thence over Georgia Highway 85 to Columbus, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between (1) Birmingham and Tuskegee, Ala., via Opelika, Ala., (2) Andalusia, Ala., and Fort Benning, Ga., and (3) Birmingham, Ala., and Atlanta, Ga. Applicant is authorized to conduct regular route operations in Alabama, Georgia and Mississippi, and irregular route operations in Alabama, Florida and Georgia.

HEARING: March 11, 1957, at Peachtree-Seventh Building, 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 101.

No. MC 111545 (Sub No. 22), filed December 19, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route #3, Marietta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, in bundles, on flat bed trailers, from points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, to points in Illinois.

HEARING: March 12, 1957, at Peachtree-Seventh Building, 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111940 (Sub No. 13), filed December 10, 1956, SMITH'S TRUCK LINES, a corporation, P. O. Box 88, Muncy, Pa. Applicant's representative: John M. Musselman, State Street Building, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beauty parlor furniture, component parts thereof*, and *materials and supplies used in the manufacture and distribution of beauty parlor furniture*, between Muncy and Port Penn, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and *glass*, from Cumberland, Md., and Clarksburg, W. Va., to Williamsport, Pa.

NOTE: Applicant states that Port Penn, Pa., is located in Muncy Creek Township, Lycoming County, Pa.

HEARING: February 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 114019 (Sub No. 8), filed December 3, 1956, THE EMERY TRANSPORTATION COMPANY, 7000 S. Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foodstuffs and perishable foodstuffs*, requiring refrigeration, *meats, packing house products* and *commodities* used by packing houses as defined by the Commission, between Chicago, Ill., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia; (2) *Meats, packing house products* and *commodities* used by packing houses as defined by the Commission, between Peoria, Ill., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, Maryland, Virginia, West Virginia and the District of Columbia; (3) *Materials, machinery and supplies* used in the manufacture and distribution of the above-mentioned commodities, *including returned skids, pallets, hooks* and *racks*, from the destination territory listed above to Chicago and Peoria, Ill.

NOTE: Applicant is presently authorized to conduct contract operations under Permit No. MC 9685 and sub numbers thereunder. Application on file in No. MC 114019 to change from contract to common. Pending final determination in MC 114019, dual operations may be involved.

HEARING: February 20, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner William E. Messer.

No. MC 114734 (Sub No. 3), filed December 21, 1956, ADAM H. LOOS, doing business as LOOS TRUCKING, Sherburn, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh Meats*, in carcasses in whole or in part, and in packages, from Spencer, Iowa, to Chicago, Ill., and points in the Chicago, Ill. Commercial Zone as defined by the Commission; *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified, on return. Applicant is authorized to transport the same commodities from Spencer, Iowa, to Minneapolis, Minn., Decatur, Rockford and Elgin, Ill., and Madison and Milwaukee, Wis.

HEARING: February 15, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 53.

No. MC 115804 (Sub. No. 1), filed December 13, 1956, VERN BELLOWS, doing business as BELLOWS and BELLOWS, Cameron, Wis. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs*, and *related advertising matter and premiums*, when moving in connection with said commodities, from Cameron, Wis., to points in Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa and Eau Claire Counties, Wis., and points in that part of Taylor County, Wis., on and west of Wisconsin Highway 73; and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return movements. RESTRICTION: Applied-for authority to be limited to transportation of traffic having a prior movement by rail or by regular-route motor common carrier.

HEARING: February 19, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 116341, filed December 10, 1956, ROLAND BOULANGER, INC., a Quebec corporation, 525 St. Louis Street, Warwick, Quebec, Canada. Applicant's representative: J. L. Blais, Sheridan Bldg., Berlin, N. H. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, rough and dressed, from points in Maine, New Hampshire, and Vermont, to the ports of entry located on the international boundary line between the United States and Canada at Richford, Derby Line, and Norton, Vt., and Coburn Gore, and Jackman, Maine.

HEARING: February 19, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Joint Board No. 133.

No. MC 116350, filed December 12, 1956, HALL & BARBER, INC., 123 W. 8th Street, Cambridge, Ohio. Applicant's representative: Ralph W. Sanborn, 810 Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, and containers from points in Washington County, Ohio, to points in West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application, on return.

HEARING: February 27, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 61.

No. MC 116354, filed December 17, 1956, MARY DONAHUE, doing business as DONAHUE TRUCKING, 12725 West Stark St., Butler, Wis. For authority to operate as a *contract carrier*, over a regular route, transporting: *Machine castings and machine parts*, uncrated, between Milwaukee, Wis., and Chicago, Ill., from the Dings Magnetic Separator Co., in Milwaukee over U. S. Highway 41 to the Chisholm, Boyd and White Co. in Chicago, and return over the same route, serving no intermediate points.

HEARING: February 18, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 13.

No. MC 116363, filed December 26, 1956, WILLIAM EMSLEY, doing business as WILLIAM EMSLEY TRUCK RENTALS, 206 Cornell Avenue, Somerdale, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *con-*

tract carrier, over irregular routes, transporting: *Meats*, requiring refrigeration, from Philadelphia, Pa., to points in Delaware, Maryland, New Jersey, New York and the District of Columbia.

HEARING: February 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

MOTOR CARRIERS OF PASSENGERS

No. MC 3282 (Sub No. 2), filed December 20, 1956, G. R. WOOD, INC., North Broadway, Pitman, N. J. Applicant's representative: Walter S. Anderson, Wilson Bldg., Broadway at Cooper Street, Camden 2, N. J. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Philadelphia, Pa., and Brooklawn, N. J., from Philadelphia over the Walt Whitman Bridge (Packer Avenue-Gloucester City Bridge) to New Jersey, thence over bridge approach and access roads leading to new New Jersey Highway 42 (North-South Freeway), thence over new New Jersey Highway 42 (North-South Freeway) to junction with U. S. Highway 130 (Crescent Boulevard) in Gloucester City, N. J., thence over U. S. Highway 130 (Crescent Boulevard) to Brooklawn, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: February 26, 1957, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Joint Board No. 67.

No. MC 45721 (Sub No. 9), filed December 19, 1956, WHITE BUS COMPANY, INC., 1539 Springfield Avenue, Maplewood, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle, between Morristown, N. J., and New York, N. Y., from the junction of Washington Street (New Jersey Highway 24) and Western Avenue in the Town of Morristown, over Washington Street (New Jersey Highway 24) to the junction of South Street (New Jersey Highway 24), thence over South Street to the junction of Madison Avenue (New Jersey Highway 24), thence over Madison Avenue (New Jersey Highway 24) through Morris Township and the Borough of Madison to the junction of Main Street (New Jersey Highway 24) thence over Main Street (New Jersey Highway 24) through Chatham Borough to the junction of the Morris and Essex Turnpike (New Jersey Highway 24) in the Township of Millburn, at the Morris and Essex County lines, thence over the Morris and Essex Turnpike (New Jersey Highway 24) to the junction of River Road in Millburn Township, thence over River Road in the City of Summit to the junction of Morris Avenue, thence over Morris Avenue to the junction of Broad Street, thence over Broad Street to the junction of Morris, Avenue, thence over Morris Avenue to the junction of Millburn Avenue, Morris Avenue and the Morris and Essex Turnpike in Millburn Township, thence over Millburn Avenue in Millburn Township to the junction of Springfield Avenue in Maplewood Township, thence over Springfield Avenue in Maplewood Township and the Town of Irvington to the junction of Eastern Parkway in the Town of Irvington, thence over Eastern Parkway to the access roads to the Garden State Parkway, in the Town of Irvington, thence over the access roads of the Garden State Parkway to the Garden State Parkway, thence over the Garden State Parkway to the exit roads of the Garden State Parkway at the junction of Garden State Parkway and New Jersey Highway 3 in Clifton, N. J., thence over the Garden State Parkway exit roads to New Jersey Highway 3, thence over New Jersey Highway 3 to the junction of depressed highway in North Bergen, N. J., thence over depressed highway via Union City to the junction of elevated highway in Weehawken, N. J., thence over the elevated highway to the Lincoln Plaza, thence through the Lincoln Tunnel to New York, N. Y., and return over the same route from New York, N. Y., to Morristown, N. J., using the access roads of Garden State Parkway at the junction of New Jersey Highway 3 and Garden State Parkway in the City of Clifton, N. J., and Western Parkway, Washington Avenue and the exit roads of the Garden State Parkway at the junction of Western Parkway and Garden State Parkway in Irvington, N. J., serving all intermediate points between Morristown and the junctions of Eastern Parkway and Western Parkway and the exit and access roads of Garden State Parkway in Irvington, including the junctions of Eastern Parkway and Western Parkway and the exit and access roads of Garden State Parkway; and (2) from Morristown, N. J., over the streets and highways specified above, to the junction of Morris and Essex Turnpike and River Road in Millburn Township; thence over Morris and Essex Turnpike to the junction of Morris and Essex Turnpike, Morris Avenue and Millburn Avenue in Millburn Township, thence over Millburn Avenue and the streets and highways and parkways specified above to New York, N. Y., and return over the same route, serving all intermediate points between Morristown and the junction of Eastern Parkway and Western Parkway and the exit and access roads of Garden State Parkway in Irvington, including the junctions of Eastern Parkway and Western Parkway and the exit and access roads of Garden State Parkway. Applicant is authorized to transport passengers and their baggage in New Jersey and New York as a regular route common carrier, and is authorized to conduct charter operations in Connecticut, Delaware, Georgia, Illinois, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia.

HEARING: February 25, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 110369 (Sub No. 1), filed December 13, 1956, CORTLAND COUNTY BUS LINES, INC., 194 Homer Avenue, Cortland, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, Webster, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle, between Homer, N. Y. and McGraw, N. Y., from Homer, over U. S. Highway 11 to Cortland, thence over U. S. Highway 11 to the junction of New York Highway 41, thence over U. S. Highway 41 to McGraw, and return over the same route, serving the intermediate point of Cortland. Applicant is authorized to conduct charter operations in New York, Pennsylvania and Massachusetts.

HEARING: February 25, 1957, at U. S. Court Rooms, Binghamton, N. Y., before Examiner William E. Messer.

No. MC 110441 (Sub No. 3), filed November 21, 1956, DAKOTA BUS LINES, INC., 1237 North 8th Street, Fargo, N. Dak. Applicant's representative: Alan Foss, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Fargo, N. Dak., and Oakes, N. Dak., from Fargo over U. S. Highway 81 to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32 west of Enderlin N. Dak., thence over North Dakota Highway 32 to junction North Dakota Highway 27 at Lisbon, N. Dak., thence over North Dakota Highway 27 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to Oakes, and return over the same route, serving all intermediate points; and (2) between Verona, N. Dak., and La Moure, N. Dak., from Verona over North Dakota Highway 13 to La Moure, and return over the same route, serving all intermediate points. Applicant states it desires the regular route authority between Fargo, N. Dak., and Edgeley, N. Dak., in its Certificate in No. MC 110441 (Sub No. 1) changed to read as above set forth. Thus, applicant states, it is seeking to extend its authority in some instances and revoke a portion of its present authority in other. The first regular route in the Certificate in No. MC 110441 (Sub No. 1) authorizes as follows: Between Fargo, N. Dak., and Edgeley, N. Dak., serving all intermediate points: From Fargo over U. S. Highway 10 to junction unnumbered highway (near Mapleton, N. Dak.), thence over unnumbered highway to junction North Dakota Highway 46, thence over North Dakota Highway 46 to junction North Dakota Highway 32, thence over North Dakota Highway 32 to Lisbon, N. Dak., thence over North Dakota Highway 27 to junction North Dakota Highway 1, thence over North Dakota Highway 1 to junction North Dakota Highway 13, and thence over North Dakota Highway 13 to Edgeley, and return over the same route. Applicant is authorized to conduct regular route operations in North Dakota and South Dakota, and irregular route operations in Minnesota, North Dakota and South Dakota.

HEARING: February 21, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Joint Board No. 300.

No. MC 116332, filed December 3, 1956, PAUL BRENN, doing business as HEIGH-HO-LODGE, R. F. D. #1, Box 298, Cresco, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special seasonal operations, between November 1 and April 1, inclusive of each year, limited to the transportation of not more than eight (8) passengers, between points in Paradise Township, Pa., and points in Florida.

NOTE: Applicant states that the trips are designed to accommodate sick people who must maintain special salt-sugar-fat-free, diabetic or ulcer diets; also people with heart and kidney ailments where frequent comfort stops are needed. Stops will be made enroute to allow for eating, sleeping and any other details to maintain comfort for the passengers, who at all times must keep on a special diet and have proper rest. Stops are anticipated at points of interest wherever possible and needed to break up the monotony of the trips, which will be slower than ordinary.

HEARING: February 26, 1957, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner William E. Messer.

No. MC 116333 (Sub No. 1), filed December 19, 1956, CHARLES H. MORSE, doing business as MORSE'S BUS SERVICE, 52 Merrill Street, Plymouth, N. H. Applicant's representative: William F. Batchelder, Sixty-six Main St., Plymouth, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *baggage*, in the same vehicle with passengers, and in separate vehicles, between Plymouth, N. H., and points in Maine, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia, with the right to discharge and pick up passengers at White River Junction, Vermont.

HEARING: February 18, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Examiner William E. Messer.

APPLICATION FOR BROKERAGE LICENSE

No. MC 12652, filed November 19, 1956, ALBERT BERNARD BIBBO, doing business as SHIPPER'S CONSOLIDATING COMPANY, 83 Faxon Street, Newton 58, Mass. For a license as a *broker* (BMC 4) in arranging for the transportation at Newton, Mass., of: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, in less truckload and truckload service, between all points in the United States.

NOTE: Applicant states he proposes to act as shipping agent for two or more companies, consolidating their less truckload shipments and using a local carrier authorized by the Interstate Commerce Commission, to make pick-ups from these companies; that an agent will make one bill of lading covering the shipments which will result in considerable savings to the shippers; and that he will charge 15% on the savings effected.

HEARING: February 15, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 231.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 66562 (Sub No. 1316), filed October 30, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd St., New York 17, N. Y. Applicant's representative: William H. Marx, 219 East 42nd Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service (1) between Middletown, N. Y., and Roscoe, N. Y. from Middletown, over New York Highway 17 M to junction with New York Highway 17, thence over New York Highway 17 to junction with U. S. Highway 209, thence over U. S. Highway 209 to Ellenville, N. Y., thence returning over U. S. Highway 209 to junction with County Highway, thence over County Highway via Mountain Dale and Woodridge, N. Y. to junction with New York Highway 42, thence over New York Highway 42 to South Fallsburgh, N. Y. returning over New York Highway 42 to junction with New York Highway 52 thence over New York Highway 52 to County Highway at Lock Sheldrake, N. Y. thence over County Highway to Hurleyville, N. Y. (express office named Luzon) returning over County Highway to Lock Sheldrake, thence over New York Highway 52 to New York Highway 17, thence over New York Highway 17 to Roscoe, N. Y., returning over the same route, serving the intermediate points of Ellenville, Mountain Dale, Woodridge, South Fallsburgh, Luzon, Ferndale, Liberty and Livingston Manor, N. Y., and (2) between Walton, N. Y. and Delhi, N. Y., from Walton over New York Highway 10 to Delhi, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1320), filed November 13, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's representative: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Speonk, N. Y., and Montauk, N. Y., over New York Highway 27, serving the intermediate points of Easthampton and Southampton, N. Y.; and (2) between Speonk, N. Y., and Greenport, N. Y., from Speonk over New York Highway 27 to junction of Old Riverhead Road, thence over Old Riverhead Road to junction New York Highway 113, thence over New York Highway 113 to junction New York Highway 25, and thence over New York Highway 25 to Greenport, and return over the same route, serving the intermediate point of Riverhead, N. Y. RESTRICTION: Applied-for service to be limited to that which is auxiliary to, or supplemental of, railway express service, and shipments to be transported by applicant to be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor-carrier movement by said applicant, an immediately prior or immediately subsequent movement by rail. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1325), filed November 29, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42nd Street, New York 17, N. Y. Applicant's representative: William H. Marx, Law Dept., Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Denver, Colo., and the site of the Glenn L. Martin Company plant (near Kassler, Colo.); from Denver over U. S. Highway 85 to junction Colorado Highway 75, and thence over Colorado Highway 75 to the site of the Glenn L. Martin Company plant (near Kassler, Colo.), and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail and air express service will be made at Denver, Colo.

No. MC 66562 (Sub No. 1328), filed December 12, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York, N. Y. Applicant's representative: James E. Thomas, Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, moving in express service, serving Livingston, Tenn., as an off-route point in connection with applicant's authorized regular route operations between Nashville and Crossville, Tenn., over U. S. Highway 70–N. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. Such further specified conditions as the Commission in the future

may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, express service. That the authority granted herein, to the extent it authorizes the transportation of explosives, shall be limited in time to a period expiring five years after April 9, 1956. Applicant is authorized to conduct operations throughout the United States.

NOTE: The above service is requested in connection with operations authorized in No. MC 66562 (Sub No. 1249).

No. MC 109994 (Sub. No. 13), filed December 5, 1956, OREN M. SIZER, doing business as SIZER GRAIN SERVICE, 407 Fourth Avenue, S. E., Rochester, Minn. Applicant's representative: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen packing-house by-products* and *frozen poultry by-products* not for human consumption and for animal consumption only, from Omaha, Nebr., Sioux City, Waterloo, Council Bluffs, Des Moines, Cedar Rapids, Atlantic, Estherville, and Fort Dodge, Iowa, St. Joseph, Kansas City, and Anderson, Mo., Denver, Colo., and South St. Paul, St. Paul, St. James, Austin, and Albert Lea, Minn., to points in South Dakota, Minnesota, Wisconsin, the Upper Peninsula of Michigan, and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-designated destination points to the above-specified origin points.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6464, published in the December 12, 1956, issue of the FEDERAL REGISTER on page 9926. Application filed December 31, 1956, for temporary authority under section 210a (b).

No. MC–F 6472. Authority sought for purchase by MIDLAND TRUCK LINES, INC., 806 South Broadway, St. Louis, Mo., of the operating rights and property of LEWTON TRUCK LINE, INC., 905 South Sceond Street, St. Louis, Mo., and for acquisition by W. F. BOGGEMAN, JR., 4728 Nelson Drive, Northwoods, Mo., W. F. BOGGEMAN, SR., and M. S. BOGGEMAN, both of 1516 North 44th Street, East St. Louis, Ill., of control of such rights and property through the purchase. Applicants' representative: A. A. Marshall, 305 Buder Bldg., St. Louis 1, Mo. Operating rights sought to be transferred: *General commodities*, with certain exeeptions including household goods and commodities in bulk, as a *common carrier* over regular routes between St. Louis, Mo., and Mexico, Mo., and between Kingdon City, Mo., and Boonville, Mo., serving all intermediate points and the off-route point of Fulton, Mo.; *fresh meat, cured meat, smoked meat, lard, oleo,* and *eggs*, between St. Louis Mo., and National Stock Yards, Ill., serving all intermediate points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in the ST. LOUIS, MO.-EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Missouri, Indiana and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6476. Authority sought for purchase by CASSENS TRANSPORT COMPANY, Post Office Box 473, Edwardsville, Ill., of the operating rights of GRAY TRANSPORT, INC., 11401 Mound Road, Detroit 12, Mich., and for acquisition by GEORGE CASSENS, of Hamel, Ill., and ALBERT CASSENS, also of Edwardsville, of control of such rights through the purchase. Applicants' representative: Robert N. Burchmore, 2106 Field Bldg., Chicago 3, Ill. Operating rights sought to be transferred: *New automobiles, new trucks,* and *new chassis*, restricted to initial movements, in driveaway service, as a *common carrier* over irregular routes, from places of manufacture and assembly in Wayne County, Mich., and those in Warren Township, Macomb County, Mich., to points in Iowa and Nebraska; *automobiles, trucks,* and *chassis*, new, used, unfinished, and/or wrecked, restricted to subsequent or secondary movements, in driveaway service, between all points named or described above; *new automobiles* and *new trucks*, restricted to initial movements, in truckaway service, from places of manufacture and assembly in Wayne County, Mich., and those in Warren Township, Macomb County, Mich., to Clinton and Fairfield, Iowa, and points in that part of Iowa on and west of U. S. Highway 63, and from Detroit, Mich., and places of manufacture and assembly in Warren Township, Macomb County, Mich., to Sigourney, Iowa; *new and used automobiles* and *new and used trucks*, restricted to secondary movements, in truckaway service, from Clinton and Fairfield, Iowa, and points in that part of Iowa on and west of U. S. Highway 63, to points in Wayne County, Mich.; *new automobiles, new trucks, new bodies,* and *new chassis*, restricted to initial movements, in truckaway service, from places of manufacture and assembly in Detroit, Mich., and those in Warren Township, Macomb County, Mich., to Omaha, Nebr., and points in that part of Iowa north of U. S. Highway 6 and south of U. S. Highway 20, including points on the indicated portions of the highways specified; *new automobiles, new automobile bodies and chassis,* and *automobile show equipment and paraphernalia*, restricted to initial movements, in driveaway or truckaway service, and *farm and garden tractors and parts* thereof, from Willow Run, Washtenaw County, Mich., to Omaha, Nebr., and certain points in Iowa; *new automobiles, automobile bodies, automobile chassis,* and *automobile parts and accessories* moving in connection therewith, restricted to initial movements, in driveaway service, from Willow Run, Washtenaw County, Mich., to points in Iowa and Nebraska. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Missouri, Indiana, Ohio, Iowa, Louisiana, and Kentucky. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6477. Authority sought for control and merger by INTERNATIONAL TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak., of the operating rights and property of THOMAS C. DYER, INC., East 4031 Trent Avenue, Spokane, Wash., and for acquisition by JOHN E. LANDBLOM and ROBERT E. THEEL, both of Fargo, of control of such rights and property through the transaction. Applicants' representative: Franklin J. Van Oedel, 506 First National Bank Bldg., Fargo, N. Dak. Operating rights sought to be controlled and merged: *Such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts articles requiring specialized handling or rigging, and *machinery, materials, supplies, and equipment* used or useful in road construction, mining, logging, and sawmill operations, as a *common carrier* over irregular routes, between Spokane, Wash., on the one hand, and, on the other, points in Washington and Idaho, those in Oregon east of the Cascade Mountains, and certain points in Montana; *tractors, agricultural, mining, logging, roadbuilding, and construction machinery, machinery, mine machinery and equipment, mine ores*, including concentrates, *wooden skids, heavy timbers, wood piling, lumber, wood construction poles, granite, silicon carbide, steel shot,* and *polishing stucco*, from, to or between points and areas varying with the commodity transported, in Oregon, Washington, Idaho, California, South Dakota, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Wisconsin and North Dakota; *machinery, equipment, materials, and supplies* used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, *machinery, equipment, materials, and supplies* used in or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipelines, and *machinery* and *machine parts* not included above, between points in Montana, on the one hand, and, on the other, points in Minnesota on and west of U. S. Highway 71. INTERNATIONAL TRANSPORT, INC., is authorized to operate as a *common carrier* in Wisconsin, Illinois, Iowa, Minnesota, Idaho, Washington, Wyoming, Oregon, California, Nevada, Utah, Arizona, New Mexico, Montana, Colorado, North Dakota, South Dakota, and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6478. Authority sought for purchase by WESTERN EXPRESS, 2300 Ninth Avenue North, Great Falls, Mont., of the operating rights of UNION TRUCK LINES, INC., Salmon, Idaho, and for acquisition by JOHN S. RICE, also of Great Falls, of control of such rights through the purchase. Applicants' representative: Randall Swanberg, 529 Ford Bldg., Great Falls, Mont. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Armstead, Mont., and Salmon, Idaho, serving all intermediate and certain off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Salmon, Idaho, and Armstead, Mont., and Butte, Mont., serving certain intermediate points; *lime, cement, plaster, plaster board, flour,* and *feed*, between Butte, Mont., and Bozeman, Mont., serving the intermediate and off-route points of Trident and Three Forks, Mont.; *livestock* and *wool*, from Salmon, Idaho, to Salt Lake City, Utah, serving certain intermediate and off-route points; *salt, brick* and *tile*, from Salt Lake City, Utah, to Salmon, Idaho, serving the intermediate and off-route points of Ogden and Saltair, Utah; *coal*, in truckloads, from Mackay, Idaho, to Gibbonsville and Gilmore, Idaho, serving all intermediate and certain off-route points; *coal*, in truckloads, minimum 12,000 pounds, over regular and irregular routes, from Mines in Carbon County, Utah, to Salmon, Idaho, serving certain intermediate and off-route points; *ore*, over irregular routes, from mines within 35 miles of Salmon, Idaho, to Butte, Mont.; *ore* and *concentrates*, from mines within 35 miles of Salmon, Idaho, to Anaconda, Mont.; *mining machinery, mining equipment*, and *fuel oil*, in containers, from Butte, Mont., to mines within 35 miles of Salmon, Idaho; *fuel oil*, in containers, from Missoula, Mont., to mines within 35 miles of Salmon, Idaho; *livestock, agricultural products*, and wool, in truckloads, from Salmon, Idaho, and points within 50 miles of Salmon, to Darby, Mont. Vendee is authorized to operate as a *common carrier* in Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6479. Authority sought for purchase by BALLARD STORAGE & TRANSFER CO., 16 East 4th Street, St. Paul 1, Minn., of a portion of the operating rights of SKELLET VAN AND STORAGE COMPANY, 251 Portland Avenue, Minneapolis 15, Minn., and for acquisition by OLIVER T. SKELLET, also of St. Paul, of control of such rights through the purchase. Applicants' representative: James K. Knudson, 1821 Jefferson Place, N. W., Washington, D. C. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Delaware, Kansas, Massachusetts, North Carolina, Oklahoma and Rhode Island. Vendee is authorized to operate as a *common carrier* in Kentucky, Iowa, Colorado, Connecticut, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, California, Oregon, Washington, Idaho, Wyoming, Utah, Nevada and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6480. Authority sought for purchase by F. B. RICH & SONS, INC., 1350 Washington Street, Weymouth, Mass., of the operating rights and property of GEORGE FREEMAN RICH, doing business as F. B. RICH & SONS, 1350 Washington Street, Weymouth, Mass., and for acquisition by GEORGE FREEMAN RICH and GEORGE F. RICH, JR., both of Weymouth, of control of such rights and property through the purchase. Applicants' representative: Richard H. Lovell, 53 State Street, Boston 9, Mass. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, *office furniture and equipment*, and store fixtures, as a *common carrier* over irregular routes, between Quincy, Mass., and points within 25 miles of Quincy, on the one hand, and, on the other, points in Maine, New Hampshire, Rhode Island, Connecticut, New York and New Jersey. Vendee holds no authority from this Commission, but is affiliated with UNITED VAN LINES, INC., which operates as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6481. Authority sought for control and merger by DELTA MOTOR LINE, INC., Highway 80 West, Jackson, Miss., of the operating rights and property of KIMBEL LINES, INC., 3 South Park Avenue, Cape Girardeau, Mo., and for acquisition by JOHN L. KERR and G. O. KERR, JR., both of Jackson, of control of such rights and property through the transaction. Applicants' representative: Phineas Stevens, P. O. Box 141, Jackson, Miss. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Memphis, Tenn., and Blytheville, Ark., between St. Louis, Mo., and Little Rock, Ark., between St. Louis, Mo., and Cape Girardeau, Mo., between St. Louis, Mo., and Chicago, Ill., and between Chicago, Ill., and Cape Girardeau, Mo., serving certain intermediate and off-route points; three alternate routes for operating convenience only; *wood products* and *lumber*, over irregular routes, from Memphis, Tenn., Morehouse, Mo., and Little Rock and Wheatley, Ark., to points in Illinois; *rice* and *rice products*, from Stuttgart, Carlisle, Little Rock, Lonoke, and DeWitt, Ark., and Memphis, Tenn., to points in Illinois. DELTA MOTOR LINE, INC., is authorized to operate as a *common carrier* in Mississippi, Louisiana and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6482. Authority sought for purchase by KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind., of the operating rights of VIRGIL B. STURTSMAN and LEWIS A. STURTSMAN, doing business as ELWOOD TRANSFER, 944 North 13th Street, Elwood, Ind., and for acquisition by DAVID M. COOK, 3829 Washington Blvd., Indianapolis, Ind., of control of such rights through the purchase. Applicants' representative: Ferdinand Born, 706–708 Chamber of Commerce Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: Operations under the Second Proviso of Section 206 (a) (1) in the transportation of *commodities generally*, as a *common carrier*, over irregular routes between Elwood, Ind., and all points and places within a fifteen-mile radius of Elwood, Ind. Vendee is authorized to operate as a *common carrier* in Indiana and Illinois. Application has not been filed for temporary authority under section 210a (b).

NOTE: MC 67111 Sub 7, filed December 26, 1956, is a matter directly related.

No. MC–F 6483. Authority sought for purchase by MILLER BROTHERS TRUCK LINE, INC., 901 N. E. 28th Street, Fort Worth, Texas, of the operating rights and property of J. TOM MILLER, WALTER E. MILLER, and EDGAR L. MILLER, doing business as MILLER BROTHERS TRUCK LINE, 901 N. E. 28th Street, Fort Worth, Texas, and for acquisition by WALTER E. MILLER, J. TOM MILLER and EDGAR L. MILLER, all of Fort Worth, of control of such rights and property through the purchase. Applicants' representative: M. Ward Bailey, 807 Continental Life Bldg., Fort Worth 2, Texas. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes, between points in Texas, and between points in Red River County, Tex., on the one hand, and, on the other, points in Oklahoma. Vendee holds no authority from this Commission, but is affiliated with (1) J. TOM MILLER, doing business as MILLER TRUCK LINE, which operates as a *contract carrier* in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, and New Mexico and (2) TEXAS-LOUISIANA EXPRESS, INC., which operates as a *contract carrier* in Texas, Louisiana, Mississippi, Arkansas, Alabama, Tennessee and Florida. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6484. Authority sought for control and merger by YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City 8, Mo., of the operating rights and property of MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Blvd., Dearborn, Mich., and for acquisition by GEORGE E. POWELL and GEORGE E. POWELL, JR., both of Kansas City, and HUGH W. COBURN, 2519 West 64th Street, Overland Park, Kansas, of control of such rights and property through the transaction. Applicants' representatives: Homer E. Carpenter, 1111 E Street, N. W., Washington 4, D. C., and

Kenneth E. Midgley, 906 Commerce Bldg., Kansas City 6, Mo. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between specified points in Michigan, between specified points in Ohio, between specified points in Illinois, between specified points in Indiana, between Port Huron and Lansing, Mich., and Cincinnati, Ohio, between Detroit, Mich., and Chicago, Ill., between Indianapolis, Ind., and Columbus, Ohio, between Mottville, Mich., and Elkhart, Ind., between Chicago, Ill., and Cincinnati, Ohio, and between Joliet, Ill., and Fort Wayne, Ind., serving certain intermediate and off-route points; numerous alternate routes for operating convenience only. YELLOW TRANSIT FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan and Ohio. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6485. Authority sought for purchase by NORTHERN PACIFIC TRANSPORT COMPANY, 176 East 5th Street, St. Paul, Minn., of the operating rights of HUMPHRIES TRANSPORT, INCORPORATED, 3020 Smith Street, Everett, Wash., and for acquisition by THE NORTHERN PACIFIC RAILWAY COMPANY, also of St. Paul, of control of such rights through the purchase. Applicants' representative: C. R. Opsahl, General Manager, Northern Pacific Transport Company, 176 East 5th Street, St. Paul, Minn. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Everett, Wash., and Seattle, Wash. serving the intermediate point of Intercity, Wash., and the off-route points of Pinehurst and Beverly Park, Wash.; *machinery*, in truckload lots, from Seattle, Wash., to Everett, Wash., serving no intermediate points; *lumber, plywood, doors*, and *sash*, in truckload lots, from Everett, Wash., to Tacoma, Wash., serving the intermediate point of Seattle, Wash., restricted to delivery only; *glue* and *caustic soda*, in truckload lots, from Tacoma, Wash., to Everett, Wash., serving the intermediate point of Seattle, Wash., restricted to pick-up only. Vendee is authorized to operate as a *common carrier* in Washington, Montana, North Dakota, Wyoming and Idaho. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-140; Filed, Jan. 8, 1957; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 4, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33130: *Sodium silico fluoride—Mulberry, Fla., to Chalmette, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sodium silico fluoride, carloads from Mulberry, Fla., to Chalmette, La.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariff: Supplement 183 to Agent Spaninger's tariff I. C. C. 1295.

FSA No. 33131: *Lumber rates from, to, or via Perkins, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber, carloads between Perkins, Ark., on the one hand, and interstate points on the other; also between interstate points over routes by way of Perkins, Ark.

Grounds for relief: Rail carrier competition, circuity, grouping, and opening of a new rail station and routes via this station.

FSA No. 33132: *Petroleum and products from Valley Center, Kans.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads from Valley Center, Kans., to destinations in Illinois, Official, southern, southwestern and western trunk-line territories.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 104 to Agent Kratzmeir's I. C. C. 4086 and six other issues.

FSA No. 33133: *Anhydrous ammonia—Vicksburg, Miss., to Mobile, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Vicksburg, Miss., to Mobile, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 29 to Agent Spaninger's I. C. C. 1526.

FSA No. 33134: *Grain and products—Illinois and Indiana to Eastern Ports.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on grain and grain products, carloads from specified points in Illinois and Indiana to Albany and New York, N. Y., Baltimore, Md., Philadelphia, Pa., and other eastern ports for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 87 to Agent Hinsch's tariff I. C. C. 4403.

FSA No. 33135: *Slag—Ohio points to Parkersburg, W. Va.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on slag, crushed or ground, carloads from Middletown and Hamilton, Ohio to Parkersburg, W. Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 19 to Baltimore and Ohio Railroad Company's tariff I. C. C. 24316.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-138; Filed, Jan. 8, 1957; 8:48 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[General Order 28 (Revised)]

ADMINISTRATION OF VETERANS' REEMPLOYMENT RIGHTS

MISCELLANEOUS AMENDMENTS

By virtue of and pursuant to the authority vested in me by the act of March 4, 1913 (5 U. S. C. 611), R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 6 of 1950 (15 F. R. 3174, 64 Stat. 1263), and in order to discharge the functions and responsibilities prescribed by section 9 (h) of the Universal Military Training and Service Act of 1951, as amended, section 8 (g) of the Selective Training and Service Act of 1940, as amended, section 5 (a) of the act of March 31, 1947 (Pub. Law 26, 80th Congress), and section 262 (f) of the Armed Forces Reserve Act of 1952, as amended; *It is hereby ordered:*

1. The Bureau of Veterans' Reemployment Rights shall be administered by a Director appointed by the Secretary of Labor. Pursuant to General Order No. 78, he will be responsible to the Under Secretary through the Assistant Secretary of Labor for Employment and Manpower and will have responsibility for the operation of the programs assigned to the Bureau.

(a) The Director shall, through the office of the Bureau in Washington, D. C. and its regional and area offices, provide services to ex-servicemen, persons performing training duty, persons rejected by the Armed Forces, employers, labor organizations, and others affected by the reemployment statutes. To provide coverage in areas where there are no offices of the Bureau, and to promote voluntary compliance with the statutes, he shall utilize to the greatest extent possible the services of volunteer reemployment rights committees at State levels, volunteer reemployment rights advisers at local levels, the facilities of cooperating State agencies, and the facilities of cooperating employer, labor and veterans' organizations.

(b) The Director shall maintain liaison with appropriate offices of the Selective Service System, the Veterans' Administration, State Employment Security Agencies, and the Department of Defense for the dissemination of information and referral of ex-servicemen and others seeking information on reemployment rights or assistance through the facilities of those agencies. The Director shall also arrange with appropriate offices in the Department of Defense for contact with and orientation of persons separated from military service and persons transferred to the Ready Reserve at separation and transfer points.

(c) The Director shall be responsible for developing and administering a reemployment rights program for disaster and defense workers in accordance with appropriate delegations to the Department of Labor from the Office of Defense Mobilization and the Federal Civil Defense Administration and pursuant to General Order No. 40.

2. The Director of the Bureau of Employment Security shall promote and encourage the cooperation of State Employment Security Agencies in the utilization of local employment offices as points of contact for general information and referral of ex-servicemen and others in connection with reemployment rights.

3. The Solicitor of Labor shall be responsible for furnishing the Bureau of Veterans' Reemployment Rights with legal interpretations concerning reemployment rights and for providing legal advice and services required by the Bureau.

4. The Administrative Assistant Secretary, the Director of the Office of Personnel Administration, and the Director of the Office of Information shall be responsible for furnishing budget, personnel, and information services as appropriate.

5. This order supersedes all prior orders or regulations inconsistent herewith.

JAMES P. MITCHELL, *Secretary of Labor.*

DECEMBER 21, 1956.

[F. R. Doc. 57-129; Filed, Jan. 8, 1957; 8:46 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Branson Garment Co., Branson, Mo.; effective 12-21-56 to 12-20-57. (Semi-dress trousers).

Centralia Garment Co., Centralia, Ill.; effective 12-21-56 to 12-20-57. (Junior and women's dresses).

Forest City Mfg. Co., Collinsville, Ill.; effective 12-20-56 to 12-19-57. (Junior and women's dresses).

Forest City Mfg. Co., Du Quoin, Ill.; effective 12-18-56 to 12-17-57. (Junior and misses' dresses).

Honea Path Shirt Co., Inc., Simpsonville Branch, Simpsonville, S. C.; effective 12-24-56 to 12-23-57. (Men's sport shirts).

F. Jacobson & Sons, Inc., Smith and Cornell Sts., Kingston, N. Y.; effective 12-31-56 to 12-30-57. (Men's shirts).

F. Jacobson & Sons, Inc., 219 Vine St., Salisbury, Md.; effective 12-31-56 to 12-30-57. (Men's shirts).

Mauston Mfg. Co., Mauston, Wis.; effective 12-21-56 to 12-20-57. (Ladies' and children's cotton dresses).

Southern Garment Mfg. Co., Inc., Culpeper, Va.; effective 12-28-56 to 12-27-57. (Work trousers).

Standard Garments, Inc., 123 Fayette Street, 118 Elizabeth Street, 34 High Street, Martinsville, Va.; effective 12-21-56 to 12-20-57 (junior and women's dresses).

W. E. Stephens Manufacturing Co., Inc., Pulaski, Tenn.; effective 1-2-57 to 1-1-58 (men's and boys' work pants).

W. E. Stephens Manufacturing Co., Inc., Watertown, Tenn.; effective 12-19-56 to 12-18-57 (men's and boys' work shirts).

Superb Garments, Inc., Pinckneyville, Ill.; effective 12-21-56 to 12-20-57 (junior and misses' dresses).

Waverly Garment Co., Inc., Waverly, Tenn.; effective 12-27-56 to 12-26-57 (work shirts).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

B. Bennett Co., Inc., 123 Magazine Street, New Orleans, La.; effective 12-27-56 to 12-26-57 (work pants, semidress pants, etc.).

Centralia Garment Co., Mascoutah, Ill.; effective 12-21-56 to 12-20-57 (junior and women's dresses).

Centralia Garment Co., Wayne City, Ill.; effective 12-21-56 to 12-20-57 (junior and women's dresses).

Kulpmont Manufacturing Co., Inc., Chestnut Street, Kulpmont, Pa.; effective 12-18-56 to 12-17-57 (women's bras, briefs, and girdles).

R. Lowenbaum Manufacturing Co., Red Bud, Ill.; effective 12-20-56 to 12-19-57; five learners (junior dresses).

Superb Garments, Inc., Coulterville, Ill.; effective 12-21-56 to 12-20-57 (junior and women's dresses).

Wolf Manufacturing Co., 332 North Washington Avenue, Scranton, Pa.; effective 12-21-56 to 12-20-57; five learners (children's dresses, etc.).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Delta Shirt Manufacturing Co., Inc., Bayard, N. Mex.; effective 12-21-56 to 6-20-57; 100 learners (boys' sport shirts).

Dublin Garment Co., Inc., Dublin, Va.; effective 12-20-56 to 6-19-57; 20 learners (women's and children's pajamas, gowns, and dusters).

Gary Co., Inc., Gallatin, Tenn.; effective 12-18-56 to 6-17-57; 20 learners (men's shirts).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 12-21-56 to 6-20-57; 10 learners (sport shirts).

Hoffner of Dallas, Canton, Tex.; effective 12-20-56 to 6-19-57; 20 learners (women's and children's blouses).

Edward Hyman Co., Prentiss, Miss.; effective 12-20-56 to 6-19-57; 25 learners (work shirts, denim slacks, etc.).

Mart Manufacturing Co., Marked Tree, Ark.; effective 1-3-57 to 7-2-57; 50 learners (men's sport shirts).

Walhalla Garment Co., Inc., Walhalla, S. C.; effective 12-20-56 to 6-19-57; 60 learners (wash dresses).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Stella Cigar Co., Inc., 501 Clinton St., Hoboken, N. J.; effective 12-21-56 to 12-20-57; 10 learners for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 12-19-56 to 6-18-57; 30 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Batesville Co., Batesville, Miss.; effective 12-28-56 to 6-27-57; 50 learners for plant expansion purposes (seamless).

Fallon Hosiery Mills, Hickory, N. C.; effective 12-18-56 to 12-17-57; four learners for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Northern Ohio Telephone Co., Bowling Green, Ohio; effective 12-18-56 to 12-17-57.

Northern Ohio Telephone Co., Genoa, Ohio; effective 12-18-56 to 12-17-57.

Northern Ohio Telephone Co., Medina, Ohio; effective 12-18-56 to 12-17-57.

Northern Ohio Telephone Co., Norwalk, Ohio; effective 12-18-56 to 12-17-57.

Northern Ohio Telephone Co., Pemberville, Ohio; effective 12-18-56 to 12-17-57.

Northern Ohio Telephone Co., Port Clinton, Ohio; effective 12-18-56 to 12-17-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Beauty Maid Mills, Inc., Monroe Street Extended, Statesville, N. C.; effective 12-18-56 to 12-17-57; 5 percent of factory production workers for normal labor turnover purposes (ladies' undergarments).

Lady Jane Manufacturing Co., Inc., 125 South Spruce Street, Mount Carmel, Pa.; effective 12-27-56 to 12-26-57; 5 percent of factory production workers for normal labor turnover purposes (ladies' underwear).

Laros, Inc., 311 Market Street, Kingston, Pa.; effective 12-27-56 to 12-26-57; 5 percent of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Penn-Moc Shoe Corp., Adams Co., Fairfield, Pa.; effective 12-19-56 to 4-22-57; 10 learners for normal labor turnover purposes (replacement certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Monterey Classics, Inc., 518 Lighthouse Avenue, Monterey, Calif.; effective 12-17-56 to 6-16-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator, hand sewing and finishing operations involving hand sewing; authorizing the employment of 3 learners for normal labor turnover purposes (men's neckties).

Quaker Coat Front Co., 1238 Callowhill Street, Philadelphia, Pa.; effective 12-24-56 to 6-23-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of zig zag power sewing machine operator; authorizing the employment of 3 learners for normal labor turnover purposes (canvas coat fronts).

Zip-Well Corp., 304 West Main Street, West Frankfort, Ill.; effective 12-17-56 to 6-9-57; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator, zipper chain machine operator and zipper assembly line worker; authorizing the employment of 15 learners for expansion purposes (zippers) (supplemental certificate).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Borinquen Radio Components Corp., Coamo, P. R.; effective 11-25-56 to 12-3-56; not less than 65 cents per hour for the first 160 hours and 75 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of assembly of electronic equipment; authorizing the employment of 25 learners for expansion purposes (electronic equipment) (replacement certificate).

Caribe Aircraft Radio Corp., Coamo, P. R., effective 11-25-56 to 12-3-56; not less than 65 cents per hour for the first 160 hours and 75 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of assembly of electronic equipment; authorizing the employment of 25 learners for expansion purposes (electronic equipment) (replacement certificate).

Caribe General Electric, Palmer, P. R.; effective 11-25-56 to 4-7-57; not less than 65 cents per hour for the first 240 hours and 75 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of press operators, molders, welders, assembly, and calibrators; not less than 65 cents per hour for a maximum of 240 hours, for the occupations of plastic finishers, platers, stamping machine operators, drill tap and rivet, and inspectors; not less than 65 cents per hour for a maximum of 160 hours for the occupations of grinding and polishing; authorizing the employment of 50 learners for expansion purposes (industrial and residential circuit breakers) (replacement certificate).

Fairfield Mfg. Co., Inc., Santurce, P. R.; effective 11-25-56 to 3-14-57; not less than 60 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assembler, welder, plater, racker, dipper, and power press operator; not less than 60 cents per hour for a maximum of 240 hours for the occupations of box making and packing; authorizing the employment of 156 learners for expansion purposes (drapery pleater hooks) (replacement certificate).

General Electric Instrument Corp., Corchado esq. Goyco, Caguas, P. R.; effective 11-12-56 to 5-11-57; not less than 65 cents per hour for the first 240 hours and 75 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of armature winder, spring soldierer, wrap, clean and solder; not less than 65 cents per hour for the first 160 hours and 75 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of armature balancer, and short circuit tester; not less than 65 cents per hour for a maximum of 160 hours, for the occupations of assembler and bake pivots and assembler and stake cross arm; authorizing the employment of 9 learners for expansion purposes (electric instruments).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 12-3-56 to 6-2-57; not less than 46 cents per hour for the first 480 hours and 50 cents per hour for the remaining 480 hours of the 960-hour learning period for the occupations of looper, mender, and knitter; not less than 46 cents per hour for a maximum of 240 hours for the occupation of examiner; authorizing the employment of 32 learners (seamless hosiery).

International Molded Plastics of P. R., Inc., Santurce, P. R.; effective 11-25-56 to 8-13-57; not less than 60 cents per hour for a maximum of 200 hours, for the occupations of preformers, molders, snaders and buffer; not less than 60 cents per hour for a maximum of 160 hours, for the occupation of final inspector; authorizing the employment of 10 learners for normal labor turnover purposes (plastic dishes) (replacement certificate).

Island Industries, Inc., Catano-Palo Seco Road, Catano, P. R.; effective 12-15-56 to 6-14-57; not less than 55 cents per hour for the first 320 hours and 63 cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of knitting; authorizing the employment of 30 learners for expansion purposes (seamless girdle blanks).

Magnistor Corp., Km. 38.7, Road No. 3, Luquillo, P. R.; effective 11-25-56 to 4-30-57; not less than 65 cents per hour for a maximum of 240 hours for the occupations of grinding, coil winding, mounting and final assembly; authorizing the employment of 32 learners for expansion purposes (magnistors) (replacement certificate).

Nassau Mills, Inc., Caguas, P. R.; effective 12-10-56 to 6-9-57; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operator and final pressing; authorizing the employment of 30 learners for expansion purposes (sleeping wear).

Raymo Zipper, Inc., 657 Condado Ave., Santurce, P. R.; effective 11-25-56 to 1-10-57; not less than 60 cents per hour for a maximum of 240 hours, for the occupations of cutting and attaching; authorizing the employment of 4 learners for normal labor turnover purposes (zippers) (replacement certificate).

Rectifier Corp., Fajardo, P. L.; effective 12-3-56 to 6-2-57; not less than 65 cents per hour for the first 240 hours and 75 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assembler, tester, and machine operator; authorizing the employment of 20 learners for expansion purposes (selenium rectifiers).

Rico Electronics, Inc., Vega Alta-Corozal Rd., Vega Alta, P. R.; effective 12-3-56 to 6-2-57; not less than 65 cents per hour for the first 240 hours and 75 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of gun assembler; authorizing the employment of 10 learners for normal labor turnover purposes (electron guns for cathode ray tubes).

Standard Products Co., Inc., 461 Fresno St., Hato Rey, P. R.; effective 11-25-56 to 3-23-57; not less than 65 cents per hour for the first 240 hours and 75 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine winding, coil processing; stacking, can operating, testing, finishing, and press operating; authorizing the employment of 40 learners for expansion purposes (assembly of transformers) (replacement certificate).

Weller Electric Corp., Luquillo, P. R.; effective 11-25-56 to 4-14-57; not less than 68 cents per hour for the first 240 hours and 80 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of machine operator and assembly; authorizing the employment of 6 learners for normal labor turnover purposes (electric sanders) (replacement certificates).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737),

Linfield Research Institute, Linfield College, McMinnville, Oreg.; effective 12-17-56 to 8-31-57; not less than 80 cents per hour for the first 150 hours and 85 cents per hour for the remaining 150 hours of the 300-hour learning period, for the occupation of research technician; authorizing the employment of 12 student-workers.

Thunderbird Academy, Scottsboro, Ariz.; effective 12-24-56 to 8-31-57; not less than 80 cents per hour for the first 300 hours and 85 cents per hour for the remaining 300 hours of the 600-hour learning period, for the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semiskilled occupations including incidental clerical work in shop; authorizing the employment of 35 student-workers (supplemental certificate).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528, and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 31st day of December 1956.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-128; Filed, Jan. 8, 1957; 8:46 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
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FEDERAL REGISTER

VOLUME 22 NUMBER 7

Washington, Thursday, January 10, 1957

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JAN 17 1957
MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issue of December 15, 1956 (21 F. R. 9996), that the Department was giving consideration to proposed amendment of the rules and regulations (Subpart—Rules and Regulations; 7 C F R 953.100 et seq.), that are currently in effect pursuant to applicable provisions of the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are hereby amended as follows:

1. Delete the provisions of § 953.116 and substitute in lieu thereof the following:

§ 953.116 *Manner of nomination.* The manner of nominating members and alternate members of said committee shall be as follows:

(a) Sunkist Growers, Inc., a California non-profit cooperative marketing association with its principal place of business at Los Angeles, California, so long as it continues to market more than 60 percent of the total volume of lemons marketed in fresh form, as provided in the marketing agreement and order, shall by resolution adopted by its board of directors, nominate three growers for three members and three growers for three alternate members of the committee.

(b) The cooperative marketing organization or the growers affiliated therewith, other than the cooperative marketing organization described in paragraph (a) of this section, which marketed the largest portion of the total volume of lemons marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted shall, by resolution duly adopted, nominate one grower for a member and one grower for an alternate member of the committee.

(c) A meeting shall be held, at such time and place as may be designated by the agent of the Secretary, at which all cooperative marketing organizations, other than those described in paragraphs (a) and (b) of this section, shall nominate one grower for a member, and one grower for an alternate member of the committee. The vote of each such organization shall be weighted by the quantity of lemons which each such organization marketed in fresh form during the fiscal year preceding the date on which nominations for members and alternate members of the committee are to be submitted. Any person who votes at any such meeting shall submit to the agent of the Secretary written evidence of his authority to vote for such organization.

(d) Not less than 5 and not more than 10 meetings shall be held, at such times and places, throughout the lemon producing areas in California and Arizona, as may be designated by the agent of the Secretary, at which growers who are not members of, or affiliated with, the organizations included in paragraphs (a), (b), and (c) of this section may vote. At each such meeting, the growers present shall nominate one grower member and one grower alternate member. The number of ballots to be cast in selecting the nominees shall be determined at the respective meetings. All growers voting at any such meeting shall submit their names and addresses to the agent of the Secretary. The name of the grower receiving the highest total number of votes for grower member, at all of the meetings held, shall be submitted to the Secretary as the grower member nominee, and the name of the grower receiving the highest total number of votes for

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FEDERAL REGISTER

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grower alternate member shall be submitted as the nominee for grower alternate member of the committee representing the growers described in this paragraph.

(e) The agent of the Secretary shall give adequate notice of each meeting to be held pursuant to this section.

2. Revise paragraph (a) of § 953.121 *Advance credit count* to read as follows:

(a) Except on shipments to Mexico, advance credit count on export shipments may be computed, but shall not be credited to the handler until after each container of lemons is packed and marked for export.

3. Delete § 953.124.

4. Amend § 953.130 *Reports* as follows:

a. Delete therefrom the terms "packed 'boxes,'" "packed boxes," and "packed box" wherever they appear and substitute in lieu thereof the term "cartons" or "carton" as appropriate.

b. Delete the figure "79" from the third sentence of the section and substitute in lieu thereof the figure "39½."

c. Revise the proviso in the third sentence of the section to read as follows: "*Provided*, That the following conversion factors may be used:

"One box of fresh loose lemons (market pack) equals 1.6 cartons of lemons.

"One storage box of byproducts lemons equals 1.266 cartons of lemons."

d. Delete the next to the last sentence in paragraph (b) and substitute in lieu thereof, the following: "Each such certificate shall be signed by the handler or his authorized agent, and shall contain in addition to the address of the handler issuing it a certification to the United States Department of Agriculture and the Lemon Administrative Committee that the lemons shown on such certificate are covered by an allotment issued during the current regulation period under the provisions of the marketing agreement and this part."

e. Delete from subparagraph (1) of paragraph (c) the word "canners" and substitute in lieu thereof the word "processors."

f. Add to the last sentence of subparagraph (2) of paragraph (c) the following: "and shall be certified to the United States Department of Agriculture and the Lemon Administrative Committee as to the truthfulness of the information shown thereon."

g. Add a new paragraph therein providing as follows:

(d) *Maintenance of records for verification of reports.* Records required to be kept by central marketing organizations pursuant to § 953.62, with respect to any allotment transaction arranged by any such organization, shall be retained for at least two years after the end of the fiscal year in which the applicable transaction was completed.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated January 7, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-183; Filed, Jan. 9, 1957; 8:46 a. m.]

PART 959—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 114, as amended, and Order No. 59, as amended, (7 CFR Part 959), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County, was published in the FEDERAL REGISTER, December 6, 1956 (21 F. R. 9662). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Oregon-California Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 959.209 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (§§ 959.1 to 959.88), to enable such committee to perform its functions pursuant to the provisions of aforesaid amended marketing agreement and order, during the fiscal period ending June 30, 1957, will amount to $19,150.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 114, as amended, and Order No. 59, as amended (§§ 959.1 to 959.88), shall be three-eighths cent ($0.00375) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 114, as amended, and Order No. 59, as amended (§§ 959.1 to 959.88).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

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[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

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PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 FISCAL YEAR

Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the proposals submitted by the Avocado Administrative Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 969.203 *Expenses and rate of assessment for the 1956–57 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order (§§ 969.1 to 969.71), for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning April 1, 1956, and ending March 31, 1957, will amount to $12,237.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles avocados shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at four cents ($0.04) per bushel, or equivalent quantity of avocados handled by such handler during the 1956–57 fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that (1) the rate of assessment in accordance with the provisions of the amended marketing agreement and order is applicable to all avocados handled during the aforesaid fiscal year; (2) such handling is now in progress and is subject to the regulatory provisions of the said amended marketing agreement and order; (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said amended marketing agreement and order; and (4) no advance preparation by handlers will be needed.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated January 1957, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] F. R. BURKE,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-181; Filed, Jan. 9, 1957; 8:46 a. m.]

PART 970—IRISH POTATOES GROWN IN MAINE

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in the State of Maine, was published in the FEDERAL REGISTER, December 1, 1956 (21 F. R. 9435). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Maine Potato Administrative Committee established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 970.204 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Maine Potato Administrative Committee, established pursuant to Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92), to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal period ending July 31, 1957, will amount to $52,000.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92), shall be $1.25 per carload, or equivalent thereof, 80 cents per truckload of 25,000 pounds or more, and 50 cents per truckload of less than 25,000 pounds, of potatoes handled by

him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

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[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

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PART 1001—LIMES GROWN IN FLORIDA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 FISCAL YEAR

Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the proposals submitted by the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, it is hereby found and determined that:

§ 1001.202 *Expenses and rate of assessment for the 1956–57 fiscal year.*

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Florida Lime Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order (§§ 1001.1 to 1001.73), for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning April 1, 1956, and ending March 31, 1957, will amount to $11,062.

(b) *Rate of assessment.* The rate of assessment which each handler who first handles limes shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at four cents ($0.04) per bushel, or equivalent quantity of limes handled by such handler during the 1956–57 fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the rate of assessment in accordance with the provisions of the marketing agreement and order, is applicable to all limes handled during the aforesaid fiscal year; (2) such handling is now in progress and is subject to the regulatory provisions of said marketing agreement and order; (3) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable said Florida Lime Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order; and (4) no advance preparation by handlers will be needed.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

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[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

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TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 230]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	
1	2	3	4	5	6	7	8	9	10	11	12
HELENA, MONT. Helena Municipal, 3,881'. SBMRAZ-DTV-HLN. Procedure No. 1. Amendment No. 5. Effective date: February 2, 1957. Supersedes amendment 4, dated January 7, 1956. Major changes: Reduces final approach altitude from Winston FM; distances shown in nautical miles.	McDonald Pass FM	Direct	8,500	N side of SE course: 100° outbound. 280° inbound. 7,500' within 10 miles Not authorized beyond 10 miles.	5,800	251—1.7	T-d T-n C-d C-n A-d A-n	500-2 800-2 1,500-2 1,500-3 1,500-2 1,500-3	500-2 800-2 1,500-2 1,500-3 1,500-2 1,500-3	500-2 800-2 1,500-2 1,500-3 1,500-2 1,500-2	Within 1.7 miles, make right climbing turn to SE course, climb to 8,500' within 10 miles of HLN-LFR. *Maintain at least 8,500' until 1.2 miles past Winston FM. Shuttle: To 8,500' on SE course within 20 miles. All turns to be made on N side of course. High terrain to S.
	HLN-VOR	Direct	7,500								
	Winston FM (final)*	Direct	5,800								

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	
1	2	3	4	5	6	7	8	9	10	11	12
SHREVEPORT, LA. Greater Shreveport, 251'. SBRAZ-DTV-SHV. Procedure No. 1. Amendment No. 5. Effective date: February 2, 1957. Supersedes Amendment 4, dated November 5, 1955. Major changes: Add radar vector authority.	Shreveport VOR	Direct	1,700	E side of NW course: 326° outbound. 146° inbound. 1,900' within 10 miles. Beyond 10 miles not authorized. (Nonstandard due to traffic.)	1,200	196—7.8	T-dn C-d C-n A-dn	300-1 600-1 600-2 800-2	300-1 600-1 600-2 800-2	200-½ 600-1½ 600-2 800-2	Within 7.8 miles, turn left, climb to 1,400' on course of 135, intercept and proceed S on S course (172) of SHV LFR within 20 miles, or when directed by ATC, climb to 1,500', intercept and proceed SW on SW course (233) of BAD LFR within 20 miles. CAUTION: 1,446' and 1,403' TV antennas located approximately 11 miles WNW of SHV LFR.
	Dixie MHW (final)	Direct	1,100								
	Radar terminal area transitions: 000–089 090–269 270–359 (Bearings are from radar site with azimuths progressing clockwise.)	Within 40 miles --- --- ---	1,700 1,500 2,400								

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
							Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	
1	2	3	4	5	6	7	8	9	10	11	12
IMPERIAL, CALIF. County, 58'. BVOR-ELC. Procedure No. 1. Amendment: Original. Effective date: February 2, 1957.	El Centro LFR	Direct	1,100	N side of course: 074° outbound. 254° inbound. 1,100' within 10 miles.	700	315—5.3	T-dn C-dn S-dn Runway 32 A-dn	300-1 700-1 600-1 800-2	300-1 700-1 600-1 800-2	----------	Within 5.3 miles, climb to 2,000' on R-336 within 15 miles. NOTE: To avoid flight over Mexico, outbound and inbound courses of procedure turn are not aligned with course from facility to field.
POCATELLO, IDAHO. Pocatello, 4,448'. BVOR-PIH. (Using ILS OM.) Procedure No. 2. Amendment: Original. Effective date: February 2, 1957. Major changes: Change airport name; change to nautical miles: reestablishes procedure No 2; reduces procedure turn distance 10 nautical miles; raises procedure turn altitude to 7,000'; raises altitude over OM.	Pocatello LFR	Direct	7,000	N side of course: 027° outbound. 207° inbound. 7,000' within 10 miles of OM.* Not authorized beyond 10 miles.	PIH-ILS outer marker 5,800	PIH outer marker #213—3.7	T-dn C-d C-n S-dn Runway 21 A-dn	300-1 500-1 500-2 400-1 800-2	300-1 600-1 600-2 400-1 800-2	200-½ 600-1½ 600-2 400-1 800-2	Within 3.7 miles from PIH outer marker proceed to VOR climbing. Continue climb to 6,500' on R234 within 20 miles. *Make procedure turn after passing PIH—ILS outer marker outbound. CAUTION: 5,000' mean sea level terrain located 2.6 miles SE of airport. #After passing outer marker, turn left to intercept R-033 inbound.

3. The Instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. When ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date.	Transition to ILS				Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distances	Minimum altitudes (ft.)	Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
								65 knots or less	More than 65 knots		
1	2	3	4	5	8	9	10	11	12	13	14
SHREVEPORT, LA. Greater Shreveport, 251'. ILS-ISHV. LOM-SH. Combination ILS and A-N. Procedure No. 1, Amendment No. 5. Effective date: February 2, 1957. Supersedes Amendment 4, dated November 12, 1955. Major changes: Add radar transitions.	SHV LFR	LOM	Direct	1,500	1,400–3.7	455–0.5	T-dn C-dn	300–1 400–1	300–1 400–1	200–½ 500–1½	Within 3.7 miles after passing LOM, climb to 1,400' on SW course ILS LOC. When directed by ATC climb to 1,500' intercept and proceed SW on SW course BAD LFR or climb to 1,500' on R-300 BAD within 20 miles. *Not authorized when glide slope not utilized. CAUTION: 1,446' and 1,463' TV antennae approximately 11 miles NNW of LOM.
	SHV VOR	LOM	Direct	1,900			T-dn C-dn	300–1 400–1	300–1 500–1	200–½ 500–1½	
	Dixie MHW	LOM	Direct	1,900			S-dn 13 *ILS	200–½	200–½	200–½	
	Blanchard Intersection (final) ILS.	LOM	Direct	1,400			ADF	400–1	400–1	400–1	
	Blanchard Intersection (final) ADF.	LOM	Direct	900			A-dn ILS	600–2	600–2	600–2	
							ADF	800–2	800–2	800–2	
	Forbing Intersection	LOM	Direct	1,400							
	Lucien Intersection	LOM	Direct	1,400							
	Caddo Lake Intersection	LOM	Direct	2,400							
	Radar terminal area transitions: 000–089 090–269 270–359		Within 40 miles	1,700 1,500 2,400							
(Bearings are from radar site with azimuths progressing clockwise.)											
SHREVEPORT, LA. Greater Shreveport, 251'. ILS-ISHV. Procedure No. 2, Amendment No. 2. Effective date: February 2, 1957. Supersedes Amendment 1, dated November 12, 1955. Major changes: Add radar transitions. Delete restriction to back course.	SHV LFR	Forbing Intersection.	Direct	1,500	No glide slope		T-dn C-dn S-dn 31 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 5 miles of Forbing Intersection climb to 2,400' on NW course of ILS within 20 miles. CAUTION: 1,446' and 1,463' TV antennae approximately 11 miles NNW of LOM.
	SHV VOR	Forbing Intersection.	Direct	1,700							
	BAD LFR	Forbing Intersection.	Direct	1,400							
	Blanchard Intersection	Forbing Intersection.	Direct	1,400							
	Minden Intersection	Forbing Intersection.	Direct	1,700							
	Caddo Lake Intersection	Forbing Intersection.	Direct	2,400							
	Radar terminal area transitions: 000–089 090–269 270–359		Within 40 miles	1,700 1,500 2,400							
(Bearings are from radar site with azimuths progressing clockwise.)											

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date.	Transition to ILS				Procedure turn (—) side of final approach course (unless otherwise indicated); altitudes; limiting distances	Minimum altitude at glide slope intercept point (ft.)
	From—	To—	Course and distances	Minimum altitudes (ft.)		
1	2	3	4	5	6	7
SHREVEPORT, LA. Greater Shreveport, 251'. ILS-ISHV. LOM-SH. Combination ILS and A-N. Procedure No. 1, Amendment No. 5. Effective date: February 2, 1957. Supersedes Amendment 4, dated November 12, 1955. Major changes: Add radar transitions.	SHV LFR	LOM	Direct	1,500	W side of NW course: 315° outbound, 135° inbound. ILS limit within 10 miles. ADF 2,400' within 10 miles.	ILS 1,400 ADF over LOM 900
	SHV VOR	LOM	Direct	1,900		
	Dixie MHW	LOM	Direct	1,900		
	Blanchard Intersection (final) ILS.	LOM	Direct	1,400		
	Blanchard Intersection (final) ADF.	LOM	Direct	900		
	Forbing Intersection	LOM	Direct	1,400		
	Lucien Intersection	LOM	Direct	1,400		
	Caddo Lake Intersection	LOM	Direct	2,400		
	Radar terminal area transitions: 000–089 090–269 270–359		Within 40 miles	1,700 1,500 2,400		
(Bearings are from radar site with azimuths progressing clockwise.)						
SHREVEPORT, LA. Greater Shreveport, 251'. ILS-ISHV. Procedure No. 2, Amendment No. 2. Effective date: February 2, 1957. Supersedes Amendment 1, dated November 12, 1955. Major changes: Add radar transitions. Delete restriction to back course.	SHV LFR	Forbing Intersection.	Direct	1,500	S side of SE course: 135° outbound, 315° inbound. ILS limit within 10 miles of Forbing Intersection. (Nonstandard due to ATC.)	900 at Forbing Intersection or approach end of runway.
	SHV VOR	Forbing Intersection.	Direct	1,700		
	BAD LFR	Forbing Intersection.	Direct	1,400		
	Blanchard Intersection	Forbing Intersection.	Direct	1,400		
	Minden Intersection	Forbing Intersection.	Direct	1,700		
	Caddo Lake Intersection	Forbing Intersection.	Direct	2,400		
	Radar terminal area transitions: 000–089 090–269 270–359		Within 40 miles	1,700 1,500 2,400		
(Bearings are from radar site with azimuths progressing clockwise.)						

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-91; Filed, Jan. 9, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INVOLUNTARY CONVERSIONS

On June 8, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 1033 of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (21 F. R. 3931). After consideration of all such relevant matter as was presented by interested parties regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below. The regulations so adopted do not give effect to the amendment to section 1033, relating to livestock sold on account of drought, which was made by section 5 of Public Law 629, 84th Congress, approved June 29, 1956. Notice of rule making with respect to regulations under such amendment will be published in the FEDERAL REGISTER at a later date.

PARAGRAPH 1. Paragraph (c) of § 1.1033 (a)-2 is revised as follows:

(A) By inserting after the last sentence of subparagraph (1) the following new sentence: "For the purposes of section 1033 the term 'control' means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation."

(B) By inserting after the last sentence of subparagraph (11) the following new sentence: "Thus, if a taxpayer has acquired property worth $100,000 subject to a $50,000 mortgage (regardless of whether or not he was personally liable for the mortgage debt) and, in a condemnation proceeding, the Government awards the taxpayer $60,000 and awards the mortgagee $50,000 in satisfaction of the mortgage, the entire $110,000 is considered to be the 'amount realized' by the taxpayer."

PAR. 2. Sections 1.1033 (a)-3 (d) and 1.1033 (d)-1 (b) are revised to read as set forth below.

PAR. 3. Section 1.1033 (e)-1 is revised as follows:

(A) By deleting the provisions of paragraph (b).

(B) By redesignating paragraph (c) as paragraph (b).

(C) By redesignating paragraph (d) as paragraph (c).

[SEAL] O. GORDON DELK,
Acting Commissioner.

Approved: January 4, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

Sec.

1.1033 (a)	Statutory provisions; common nontaxable exchanges; involuntary conversions; general rule.
1.1033 (a)-1	Involuntary conversions; nonrecognition of gain.
1.1033 (a)-2	Involuntary conversion where disposition of the converted property occurred after December 31, 1950.
1.1033 (a)-3	Involuntary conversion where disposition of the converted property occurred before January 1, 1951.
1.1033 (a)-4	Replacement funds where disposition of the converted property occurred before January 1, 1951.
1.1033 (b)	Statutory provisions; involuntary conversions; residence of taxpayer.
1.1033 (b)-1	Involuntary conversion of principal residence.
1.1033 (c)	Statutory provisions; involuntary conversions; basis of property acquired through involuntary conversion.
1.1033 (c)-1	Basis of property acquired as a result of an involuntary conversion.
1.1033 (d)	Statutory provisions; involuntary conversions; property sold pursuant to reclamation laws.
1.1033 (d)-1	Disposition of excess property within irrigation project deemed to be involuntary conversion.
1.1033 (e)	Statutory provisions; involuntary conversions; livestock destroyed by disease.
1.1033 (e)-1	Destruction or disposition of livestock because of disease.
1.1033 (f)	Statutory provisions; involuntary conversions; cross references.
1.1033 (f)-1	Effective date.

AUTHORITY: §§ 1.1033 (a) to 1.1033 (f)-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.1033 (a) *Statutory provisions; common nontaxable exchanges; involuntary conversions; general rule.*

SEC. 1033. *Involuntary conversions*—(a) *General rule.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(1) *Conversion into similar property.* Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(2) *Conversion into money where disposition occurred prior to 1951.* Into money, and the disposition of the converted property occurred before January 1, 1951, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Secretary or his delegate, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For purposes of this paragraph and paragraph (3), the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(3) *Conversion into money where disposition occurred after 1950.* Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in paragraph (2)) occurred after December 31, 1950, the gain (if any) shall be recognized except to the extent hereinafter provided in this paragraph:

(A) *Nonrecognition of gain.* If the taxpayer during the period specified in subparagraph (B), for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more taxable years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Secretary or his delegate may by regulations prescribe. For purposes of this paragraph—

(i) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(ii) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of subsection (c) of this section, the unadjusted basis of such property or stock would be its cost within the meaning of section 1012.

(B) *Period within which property must be replaced.* The period referred to in subparagraph (A) shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(i) One year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(ii) Subject to such terms and conditions as may be specified by the Secretary or his delegate, at the close of such later date as the Secretary or his delegate may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

(C) *Time for assessment of deficiency attributable to gain upon conversion.* If a taxpayer has made the election provided in subparagraph (A), then—

(i) The statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on such conversion is realized, attributable to such gain shall not expire prior to the expiration of 3 years from the date the Secretary or his delegate is notified by the taxpayer (in such manner as the Secretary or his delegate may by regulations prescribe) of the replacement of the converted property or of an intention not to replace, and

(ii) Such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of section 6212

(c) or the provisions of any other law or rule of law which would otherwise prevent such assessment.

(D) *Time for assessment of other deficiencies attributable to election.* If the election provided in subparagraph (A) is made by the taxpayer and such other property or such stock was purchased before the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (notwithstanding the provisions of section 6212 (c) or 6501 or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

§ 1.1033 (a)–1 *Involuntary conversions; nonrecognition of gain*—(a) *In general.* Section 1033 applies to cases where property is compulsorily or involuntarily converted. An "involuntary conversion" may be the result of the destruction of property in whole or in part, the theft of property, the seizure of property, the requisition or condemnation of property, or the threat or imminence of requisition or condemnation of property. An "involuntary conversion" may be a conversion into similar property or into money or into dissimilar property. Section 1033 provides that, under certain specified circumstances, any gain which is realized from an involuntary conversion shall not be recognized. In cases where property is converted into other property similar or related in service or use to the converted property, no gain shall be recognized regardless of when the disposition of the converted property occurred and regardless of whether or not the taxpayer elects to have the gain not recognized. In other types of involuntary conversion cases, however, the proceeds arising from the disposition of the converted property must (within the time limits specified) be reinvested in similar property in order to avoid recognition of any gain realized. Different rules for reinvestment apply, depending upon whether the disposition of the converted property occurred after 1950 or before 1951 (see §§ 1.1033 (a)–2, 1.1033 (a)–3, and 1.1033 (a)–4). Section 1033 applies only with respect to gains; losses from involuntary conversions are recognized or not recognized without regard to this section.

(b) *Special rules.* For rules relating to basis of property acquired through involuntary conversion, see § 1.1033 (c)–1. Special rules apply to involuntary conversions of residence property, property sold pursuant to reclamation laws, and livestock destroyed by disease (see §§ 1.1033 (b)–1, 1.1033 (d)–1, and 1.1033 (e)–1, respectively). For determination of the period for which the taxpayer has held property acquired as a result of certain involuntary conversions, see section 1223 and regulations issued thereunder. For treatment of gains from involuntary conversions as capital gains in certain cases, see section 1231 (a) and regulations issued thereunder. For portion of war loss recoveries treated as gain on involuntary conversion, see section 1332 (b) (3) and regulations issued thereunder.

§ 1.1033 (a)–2 *Involuntary conversion where disposition of the converted property occurred after December 31, 1950*—(a) *In general.* This section applies only with respect to involuntary conversions where the disposition of the converted property occurred after December 31, 1950, and where the proceeds are received in a taxable year to which the Internal Revenue Code of 1954 applies. The term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(b) *Conversion into similar property.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted only into property similar or related in service or use to the property so converted, no gain shall be recognized. Such nonrecognition of gain is mandatory.

(c) *Conversion into money or into dissimilar property.* (1) If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, the gain, if any, shall be recognized, at the election of the taxpayer, only to the extent that the amount realized upon such conversion exceeds the cost of other property purchased by the taxpayer which is similar or related in service or use to the property so converted, or the cost of stock of a corporation owning such other property which is purchased by the taxpayer in the acquisition of control of such corporation, if the taxpayer purchased such other property, or such stock, for the purpose of replacing the property so converted and during the period specified in subparagraph (3) of this paragraph. For the purposes of section 1033 the term "control" means the ownership of stock possessing at least 80 percent of the total combined voting power of all classes of stock entitled to vote and at least 80 percent of the total number of shares of all other classes of stock of the corporation.

(2) All of the details in connection with an involuntary conversion of property at a gain (including those relating to the replacement of the converted property, or a decision not to replace, or the expiration of the period for replacement) shall be reported in the return for the taxable year or years in which any of such gain is realized. An election to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph shall be made by including such gain in gross income for such year or years only to such extent. If, at the time of filing such a return, the period within which the converted property must be replaced has expired, or if such an election is not desired, the gain should be included in gross income for such year or years in the regular manner. A failure to so include such gain in gross income in the regular manner shall be deemed to be an election by the taxpayer to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph even though the details in connection with the conversion are not reported in such return. If, after having made an election under section 1033 (a) (3), the converted property is not replaced within the required period of time, or replacement is made at a cost lower than was anticipated at the time of the election, or a decision is made not to replace, the tax liability for the year or years for which the election was made shall be recomputed. Such recomputation should be in the form of an "amended return". If a decision is made to make an election under section 1033 (a) (3) after the filing of the return and the payment of the tax for the year or years in which any of the gain on an involuntary conversion is realized and before the expiration of the period within which the converted property must be replaced, a claim for credit or refund for such year or years should be filed. If the replacement of the converted property occurs in a year or years in which none of the gain on the conversion is realized, all of the details in connection with such replacement shall be reported in the return for such year or years.

(3) The period referred to in subparagraphs (1) and (2) of this paragraph is the period of time commencing with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of the one year after the close of the first taxable year in which any part of the gain from the conversion is realized, and shall contain all of the details in connection with the involuntary conversion. Such application shall be made to the district director for the internal revenue district in which the return is filed for the first taxable year in which any of the gain from the involuntary conversion is realized. No extension of time shall be granted pursuant to such application unless the taxpayer can show reasonable cause for not being able to replace the converted property within the required period of time.

(4) Property or stock purchased before the disposition of the converted property shall be considered to have been purchased for the purpose of replacing the converted property only if such property or stock is held by the taxpayer on the date of the disposition of the converted property. Property or stock shall be considered to have been purchased only if, but for the provisions of section 1033 (c), the unadjusted basis of such property or stock would be its cost to the taxpayer within the meaning of section 1012. If the taxpayer's unadjusted basis of the replacement property would be determined, in the absence of section 1033 (c), under any of the exceptions referred to in section 1012, the unadjusted basis of the property would not be its cost within the meaning of section 1012. For example, if property similar or related in service or use to the converted property is acquired by gift and its basis is determined under section 1015, such property will not qualify as a replacement for the converted property.

(5) If a taxpayer makes an election under section 1033 (a) (3), any deficiency, for any taxable year in which any part of the gain upon the conversion is realized, which it attributable to such gain may be assessed at any time before the expiration of three years from the date the district director with whom the return for such year has been filed is notified by the taxpayer of the replacement of the converted property or of an intention not to replace, or of a failure to replace, within the required period, notwithstanding the provisions of section 6212 (c) or the provisions of any other law or rule of law which would otherwise prevent such assessment. If replacement has been made, such notification shall contain all of the details in connection with such replacement. Such notification should be made in the return for the taxable year or years in which the replacement occurs, or the intention not to replace is formed, or the period for replacement expires, if this return is filed with such district director. If this return is not filed with such district director, then such notification shall be made to such district director at the time of filing this return. If the taxpayer so desires, he may, in either event, also notify such district director before the filing of such return.

(6) If a taxpayer makes an election under section 1033 (a) (3) and the replacement property or stock was purchased before the beginning of the last taxable year in which any part of the gain upon the conversion is realized, any deficiency, for any taxable year ending before such last taxable year, which is attributable to such election may be assessed at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed, notwithstanding the provisions of section 6212 (c) or 6501 or the provisions of any law or rule of law which would otherwise prevent such assessment.

(7) If the taxpayer makes an election under section 1033 (a) (3), the gain upon the conversion shall be recognized to the extent that the amount realized upon such conversion exceeds the cost of the replacement property or stock, regardless of whether such amount is realized in one or more taxable years.

(8) The proceeds of a use and occupancy insurance contract, which by its terms insured against actual loss sustained of net profits in the business, are not proceeds of an involuntary conversion but are income in the same manner that the profits for which they are substituted would have been.

(9) There is no investment in property similar in character and devoted to a similar use if—

(i) The proceeds of unimproved real estate, taken upon condemnation proceedings, are invested in improved real estate.

(ii) The proceeds of conversion of real property are applied in reduction of indebtedness previously incurred in the purchase of a leasehold.

(iii) The owner of a requisitioned tug uses the proceeds to buy barges.

(10) If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation, the amount so retained shall be deducted from the gross award in determining the amount of the net award.

(11) If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens (other than liens due to special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation) and mortgages against the property, and itself pays the same, the amount so retained shall not be deducted from the gross award in determining the amount of the net award. If, in a condemnation proceeding, the Government makes an award to a mortgagee to satisfy a mortgage on the condemned property, the amount of such award shall be considered as a part of the "amount realized" upon the conversion regardless of whether or not the taxpayer was personally liable for the mortgage debt. Thus, if a taxpayer has acquired property worth $100,000 subject to a $50,000 mortgage (regardless of whether or not he was personally liable for the mortgage debt) and, in a condemnation proceeding, the Government awards the taxpayer $60,000 and awards the mortgagee $50,000 in satisfaction of the mortgage, the entire $110,000 is considered to be the "amount realized" by the taxpayer.

(12) An amount expended for replacement of an asset, in excess of the recovery for loss, represents a capital expenditure and is not a deductible loss for income tax purposes.

§ 1.1033 (a)–3 *Involuntary conversion where disposition of the converted property occurred before January 1, 1951.* (a) This section applies only with respect to involuntary conversions where the disposition of the converted property occurred before January 1, 1951, and where the proceeds are received in a taxable year to which the Internal Revenue Code of 1954 applies. The term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(b) (1) Upon the involuntary conversion of property described in section 1033, no gain is recognized if the provisions of that section are complied with. If any part of the money received as a result of such an involuntary conversion is not expended in the manner provided in section 1033 (a) (2), the gain, if any, is recognized to the extent of the money which is not so expended. For example, a vessel purchased by A in 1949 for $100,000 is destroyed by a typhoon in 1950, and A receives in 1954 insurance in the amount of $100,000. This money is not expended in the manner provided in section 1033 (a) (2), but there is no gain since the insurance does not exceed the basis (disregarding, for the purposes of this example, the adjustment for depreciation). In 1955, A receives insurance from a second policy of $200,000 on account of the destruction of the vessel. He expends this amount in the manner provided in section 1033 (a) (2). The gain in 1955 upon the receipt of the $200,000 is recognized to the extent of $100,000, the amount of the money received in 1954 which was not expended in the manner provided in section 1033 (a) (2).

(2) Losses from involuntary conversions are recognized or not recognized without regard to section 1033. The expenditure in the manner provided in section 1033 (a) (2) of money received upon an involuntary conversion is not necessary for the transaction to be considered completed for the purpose of determining such loss.

(c) In order to avail himself of the benefits of section 1033 (a) (2) it is not sufficient for the taxpayer to show that subsequent to the receipt of money from a condemnation award he purchased other property similar or related in use. The taxpayer must trace the proceeds of the award into the payments for the property so purchased. It is not necessary that the proceeds be earmarked, but the taxpayer must be able to prove that the same were actually reinvested in such other property similar or related in use to the property converted. The benefits of section 1033 (a) (2) cannot be extended to a taxpayer who does not purchase other property similar or related in service or use, notwithstanding the fact that there was no other such property available for purchase.

(d) If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens (other than liens due to special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation) and mortgages against the property and itself pays the same, the amount so retained shall not be deducted from the gross award in determining the amount of the net award. If, in a condemnation proceeding, the Government makes an award to a mortgagee to satisfy a mortgage on the condemned property, the amount of such award shall be considered as part of the "money" into which the property is converted, regardless of whether or not the taxpayer was personally liable for the mortgage debt. Thus, if a taxpayer has acquired property worth $100,000 subject to a $50,000 mortgage (regardless of whether or not he was personally liable for the mortgage debt) and, in a condemnation proceeding, the Government awards the taxpayer $60,000 and awards the mortgagee

$50,000 in satisfaction of the mortgage, the entire $110,000 is considered to be the "money" into which the property was converted. An amount expended for replacement of an asset, in excess of the recovery for loss, represents a capital expenditure and is not a deductible loss for income tax purposes.

(e) The provisions of section 1033 (a) (2) are applicable to property used for residential or farming purposes.

(f) The proceeds of a use and occupancy insurance contract, which by its terms insured against actual loss sustained of net profits in the business, are not proceeds of an involuntary conversion but are income in the same manner that the profits for which they are substituted would have been.

(g) There is no investment in property similar in character and devoted to a similar use if—

(1) The proceeds of unimproved real estate, taken upon condemnation proceedings, are invested in improved real estate.

(2) The proceeds of conversion of real property are applied in reduction of indebtedness previously incurred in the purchase of a leasehold.

(3) The owner of a requisitioned tug uses the proceeds to buy barges.

(h) It is incumbent upon a taxpayer "forthwith" to apply for and receive permission to establish a replacement fund in every case where it is not possible to replace immediately. If an expenditure in actual replacement would be too late, a request for the establishment of a replacement fund would likewise be too late.

NOTE: This section is substantially the same as § 29.112 (f)-1 (Regulations 111).

§ 1.1033 (a)-4 *Replacement funds where disposition of the converted property occurred before January 1, 1951.* (a) This section applies only with respect to involuntary conversions where the disposition of the converted property (as defined in § 1.1033 (a)-3) occurred before January 1, 1951, and where the proceeds are received in a taxable year to which the Internal Revenue Code of 1954 applies.

(b) In any case where the taxpayer elects to replace or restore the converted property but it is not practicable to do so immediately (for example, because of a shortage of materials or an industry-wide strike), he may obtain permission to establish a replacement fund in his accounts in which part or all of the compensation so received shall be held, without deduction for the payment of any mortgage. In such a case the taxpayer should make application on Form 1114 to the district director for the district in which his return is required to be filed for permission to establish such a replacement fund, and in his application should recite all the facts relating to the transaction and declare that he will proceed as expeditiously as possible to replace or restore such property. The taxpayer will be required to furnish a bond with such surety as the district director may require in an amount not in excess of double the estimated additional income taxes which would be payable if no replacement fund were established. See 6 U. S. C. 15 (Appendix to the Income Tax Regulations), providing that where a bond is required by law or regulations, in lieu of surety or sureties there may be deposited bonds or notes of the United States. The estimated additional taxes, for the amount of which the applicant is required to furnish security, should be computed at the rates at which the applicant would have been obliged to pay, taking into consideration the remainder of his taxable (or net) income and resolving against him all matters in dispute affecting the amount of the tax. Only surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds will be approved as sureties. The application should be executed in triplicate, so that the district director, the applicant, and the surety or depositary may each have a copy.

NOTE: This section is substantially the same as § 29.112 (f)-2 (Regulations 111).

§ 1.1033 (b) *Statutory provisions; involuntary conversions; residence of taxpayer.*

SEC. 1033. *Involuntary conversions.* • • •

(b) *Residence of taxpayer.* Subsection (a) shall not apply, in the case of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of the residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954.

§ 1.1033 (b)-1 *Involuntary conversion of principal residence.* Section 1033 shall apply in the case of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurs before January 1, 1951, or after December 31, 1953. Section 1033 shall not apply in the case of an involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954. In the case of property disposed of after December 31, 1950, and before January 1, 1954, which is used by the taxpayer partially as a principal residence and partially for other purposes, proper allocation shall be made and § 1.1033 (a)-2 and § 1.1033 (c)-1 shall apply only with respect to the involuntary conversion of the portion used for such other purposes.

§ 1.1033 (c) *Statutory provisions; involuntary conversions; basis of property acquired through involuntary conversion.*

SEC. 1033. *Involuntary conversions.* • • •

(c) *Basis of property acquired through involuntary conversion.* If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in subsection (a) (1) or (2), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made. This subsection shall not apply in respect of property acquired as a result of a compulsory or involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954. In the case of property purchased by the taxpayer in a transaction described in subsection (a) (3) which resulted in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs.

§ 1.1033 (c)-1 *Basis of property acquired as a result of an involuntary conversion.* (a) The provisions of the first sentence of section 1033 (c) may be illustrated by the following example:

Example. A's vessel which has an adjusted basis of $100,000 is destroyed in 1950 and A receives in 1951 insurance in the amount of $200,000. If A invests $150,000 in a new vessel, taxable gain to the extent of $50,000 would be recognized. The basis of the new vessel is $100,000; that is, the adjusted basis of the old vessel ($100,000) minus the money received by the taxpayer which was not expended in the acquisition of the new vessel ($50,000) plus the amount of gain recognized upon the conversion ($50,000). If any amount in excess of the proceeds of the conversion is expended in the acquisition of the new property, such amount may be added to the basis otherwise determined.

(b) The provisions of the last sentence of section 1033 (c) may be illustrated by the following example:

Example. A taxpayer realizes $22,000 from the involuntary conversion of his barn in 1955; the adjusted basis of the barn to him was $10,000, and he spent in the same year $20,000 for a new barn which resulted in the nonrecognition of $10,000 of the $12,000 gain on the conversion. The basis of the new barn to the taxpayer would be $10,000—the cost of the new barn ($20,000) less the amount of the gain not recognized on the conversion ($10,000). The basis of the new barn would not be a substituted basis in the hands of the taxpayer within the meaning of section 1016 (b) (2). If the replacement of the converted barn had been made by the purchase of two smaller barns which, together, were similar or related in service or use to the converted barn and which cost $8,000 and $12,000, respectively, then the basis of the two barns would be $4,000 and $6,000, respectively, the total basis of the purchased property ($10,000) allocated in proportion to their respective costs ($8,000/20,000 of $10,000 or $4,000; and 12,000/20,000 of $10,000, or $6,000).

§ 1.1033 (d) *Statutory provisions; involuntary conversions; property sold pursuant to reclamation laws.*

SEC. 1033. *Involuntary conversions.* • • •

(d) *Property sold pursuant to reclamation laws.* For purposes of this subtitle, if property lying within an irrigation project is sold or otherwise disposed of in order to conform to the acreage limitation provisions of Federal reclamation laws, such sale or disposition shall be treated as an involuntary conversion to which this section applies.

§ 1.1033 (d)-1 *Disposition of excess property within irrigation project deemed to be involuntary conversion.* (a) The sale, exchange, or other disposition occurring in a taxable year to which the Internal Revenue Code of 1954 applies, of excess lands lying within an irrigation project or division in order to conform to acreage limitations of the Federal reclamation laws effective with respect to such project or division shall be treated as an involuntary conversion to which the provisions of section 1033 and the regulations thereunder shall be applicable. The term "excess lands" means irrigable lands within an irrigation project or division held by one owner in excess of the amount of irrigable land held by such owner entitled to receive water under the Federal reclamation laws applicable to such owner in such project or division. Such excess lands may be either (1) lands receiving no water from the project or division, or (2) lands receiving water only because the owner thereof has executed a valid recordable contract agreeing to sell such lands under terms and conditions satisfactory to the Secretary of the Interior.

(b) If a disposition in order to conform to the acreage limitation provisions of Federal reclamation laws includes property other than excess lands (as, for example, where the excess lands alone do not constitute a marketable parcel) the provisions of section 1033 (d) shall apply only to the part of the disposition that relates to excess lands.

(c) The provisions of § 1.1033 (a)-2 shall be applicable in the case of dispositions treated as involuntary conversions under this section. The details in connection with such a disposition required to be reported under § 1.1033 (a)-2 (c) (2) shall include the authority whereby the lands disposed of are considered "excess lands", as defined in this section, and a statement that such disposition is not part of a plan contemplating the disposition of all or any nonexcess land within the irrigation project or division.

(d) The term "involuntary conversion", where it appears in subtitle A or the regulations thereunder, includes dispositions of excess property within irrigation projects described in this section. (See, e. g., section 1231 and the regulations thereunder.)

§ 1.1033 (e) *Statutory provisions; involuntary conversions; livestock destroyed by disease.*

SEC. 1033. *Involuntary conversions.* • • •

(e) *Livestock destroyed by disease.* For purposes of this subtitle, if livestock are destroyed by or on account of disease, or are sold or exchanged because of disease, such destruction or such sale or exchange shall be treated as an involuntary conversion to which this section applies.

§ 1.1033 (e)-1 *Destruction or disposition of livestock because of disease.* (a) The destruction occurring in a taxable year to which the Internal Revenue Code of 1954 applies, of livestock by, or on account of, disease, or the sale or exchange, in such a year, of livestock because of disease, shall be treated as an involuntary conversion to which the provisions of section 1033 and the regulations thereunder shall be applicable. Livestock which are killed either because they are diseased or because of exposure to disease shall be considered destroyed on account of disease. Livestock which are sold or exchanged because they are diseased or have been exposed to disease, and would not otherwise have been sold or exchanged at that particular time shall be considered sold or exchanged because of disease.

(b) The provisions of § 1.1033 (a)-2 shall be applicable in the case of a disposition treated as an involuntary conversion under this section. The details in connection with such a disposition required to be reported under § 1.1033 (a)-2 (c) (2) shall include a recital of the evidence that the livestock were destroyed by or on account of disease, or sold or exchanged because of disease.

(c) The term "involuntary conversion," where it appears in subtitle A or the regulations thereunder, includes disposition of livestock described in this section. (See, e. g., section 1231 and the regulations thereunder.)

§ 1.1033 (f) *Statutory provisions; involuntary convertions; cross references.*

SEC. 1033. *Involuntary conversions.* • • •

(f) *Cross references.* (1) For determination of the period for which the taxpayer has held property involuntarily converted, see section 1223.

(2) For treatment of gains from involuntary conversions as capital gains in certain cases, see section 1231 (a).

§ 1.1033 (f)-1 *Effective date.* The provisions of section 1033 and the regulations thereunder are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, the date of enactment of the Internal Revenue Code of 1954. See section 7851 (a) (1) (A).

[F. R. Doc. 57-188; Filed, Jan. 9, 1957; 8:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1957 Dept. Circ. 750, Rev., Amdt. 3]

PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

REIMBURSEMENT OF AGENTS' COSTS

JANUARY 4, 1957.

Section 321.5 of Treasury Department Circular No. 750, Revised, dated June 30, 1945, as amended (31 CFR Part 321), is hereby further amended to read as follows:

§ 321.5 *Reimbursement of agents' costs.* (a) Each paying agent shall be entitled to receive reimbursement for its service for all bonds paid hereunder and accounted for by it in each calendar quarter, according to the following scale:

15 cents for the first 1,000 bonds.
10 cents each for all over 1,000 bonds.

Each Federal Reserve Bank is authorized to establish a definite and regular closing time for determining those paid bonds to be considered as accounted for in a calendar quarter. Such closing time may be based upon a time that the paid bonds are forwarded to, or received by, the Federal Reserve Bank and shall be uniformly applied throughout the District of such Bank. The scale of rates shall be applicable separately to the agent and to each of its branches utilized in making payments under this circular, if the bonds paid by each are separately scheduled and accounted for. The payment of such amount as the agent is entitled to receive will be made by the Treasury Department.

(b) Paying agents shall not make any charge whatever to owners of savings bonds in connection with payments hereunder.

(Sec. 22, 49 Stat. 41, as amended; 31 U. S. C. 757c)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 237) is found to be unnecessary with respect to this amendment which does not affect existing rights and comes within section 4 (2) of the Administrative Procedure Act, 60 Stat. 238; 5 U. S. C. 1003 (2).

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-186; Filed, Jan. 9, 1957; 8:47 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 533—GRATUITY UPON DEATH

Sections 533.1 through 533.12, including Figure 1, are revoked and the following substituted therefor:

§ 533.1 *Scope.* Sections 533.1 to 533.14 set forth the authority and prescribe the procedures for making payment of the six months' death gratuity to beneficiaries of deceased military personnel as described herein.

§ 533.2 *Statutory authority.* The statutes upon which §§ 533.1 to 533.14 are based are:

(a) Servicemen's and Veterans' Survivor Benefits Act (Pub. Law 881, 84th Cong.)

(b) 10 U. S. C. 4338.

(c) Sec. 4 (b), act of August 9, 1946 (60 Stat. 964), as amended.

§ 533.3 *Definitions.* For the purpose of §§ 533.1 to 533.14, the following definitions apply:

(a) Member means a person appointed, enlisted, or inducted in a component of the Army (including a reserve component), or in the Army of the United States without specification of component and any person serving in the Army under call or conscription. The term included:

(1) A retired member of the Army.

(2) A cadet at the United States Military Academy.

(3) A member of the Reserve Officers' Training Corps, when ordered to annual training duty for 14 days or more, and while performing authorized travel to and from that duty; and

(4) Any person while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military service, who has been provisionally accepted for such duty; or who, under the Universal Military Training and Service Act, has been selected for active military service; and has been ordered or directed to proceed to such place. If that person suffers an injury or disease resulting in disability or death he will be deemed to be on active duty when such incident occurs, and to be entitled to the basic pay of the pay grade which he would receive upon final acceptance or entry upon active duty.

(b) Reserve component means:

(1) The Army Reserve, and

(2) The National Guard of the United States. (A member of the National Guard of the several States, Territories, or the District of Columbia when performing training or duty under 32 U. S. C. 316, 502, 503, 504, or 505, will, for the purpose of §§ 533.1 to 533.14, be considered a member of a reserve component, and training or duty performed by such member under those sections will be considered active duty for training or inactive duty training as appropriate).

(c) Active duty means:

(1) Full-time duty performed by a member, other than active duty for training,

(2) Service as a cadet at the United States Military Academy, and

(3) Authorized travel to or from such duty or service.

(d) Active duty for training means:

(1) Full-time duty performed by a member of a reserve component in the active military service for training purposes,

(2) Annual training duty performed for a period of 14 days or more by a member of the Reserve Officers' Training Corps, and

(3) Authorized travel to or from such duty.

(e) Inactive duty training means any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty, performed with or without compensation by a member of a reserve component, prescribed by the Secretary of the Army pursuant to section 501 of the Career Compensation Act of 1949. The term does not include work or study performed by a member of a reserve component in connection with service correspondence courses, or attendance, under the sponsorship of the Army, at an educational institution in an inactive status.

(f) The term spouse means any man or woman who is legally married to a member at the time of the member's death.

(g) The term child means the legitimate child of a member; a child legally adopted; and illegitimate child but as to the father only if acknowledged in writing, signed by him, or if he has been judicially ordered or decreed to contribute to the child's support or has been, prior to his death, judicially decreed to be the putative father of such child, or if he is otherwise shown by satisfactory evidence to be the putative father of such child; and a stepchild, if that child is a member of the serviceman's household. Where the relationship between a member and a stepchild was created by marriage which was terminated by death, the relationship in the absence of any evidence to the contrary, may be considered as continuing so far as payment of the gratuity is concerned. See 24 Comp. Gen. 320.

(h) The term parent means the natural father or mother, and father or mother through adoption. This term includes persons who for a period of not less than 1 year have stood in loco parentis to a member at any time prior to entry into active service, provided that not more than one father and one mother shall be recognized in any case, and preference shall be given to the father or mother who actually exercised parental relationship at the time of or most nearly prior to the date of entry into active service by the person who served.

§ 533.4 *Entitlement.* (a) The Secretary of the Army will have a death gratuity paid immediately upon official notification of the death of a member under his jurisdiction who dies while on active duty (to include authorized travel to or from such duty), active duty for training (to include authorized travel to or from such duty), or inactive duty training, except as provided in paragraph (b) of this section. The death gratuity will be paid regardless of whether death occurred not in line of duty or as a result of the member's misconduct, if otherwise proper. The death gratuity will equal six months' basic pay (plus special and incentive pays) at the rate to which the deceased member was entitled on the date of his death, but will not be less than $800 nor more than $3,000.

(b) No payment will be made if the deceased member suffered death as a result of lawful punishment for crime or for a military offense, except when death was so inflicted by any hostile force with which the Armed Forces of the United States have engaged in armed conflict.

§ 533.5 *Beneficiaries.* (a) Except as provided in § 533.10, the death gratuity will be paid to or for the living survivor or survivors of the deceased member first listed below:

(1) His spouse.

(2) His children (without regard to their age or marital status) in equal shares.

(3) His parents or his brothers or sisters (including those of the half blood and those through adoption) when designated by him (see paragraph (b) of this section,

(4) His parents in equal shares.

(5) His brothers and sisters (including those of the half blood and those through adoption) in equal shares.

If a survivor dies before he receives the amount to which he is entitled, such amount will be paid to the then living survivor or survivors first listed above.

(b) A member has the right to designate certain alternative beneficiaries who will receive the gratuity if he dies without a surviving spouse or children. He may designate one or more of his parents, brothers and sisters (or any combination thereof) as alternative beneficiaries and may prescribe the amount that each will receive. He may state the percentage to be given each alternative beneficiary but the total shall not be more than 100 percent of the total amount of the gratuity.

§ 533.6 *Death gratuity coverage of reservists while traveling to or from place of duty.* Any member of a reserve component:

(a) Who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(b) Who dies from an injury incurred on or after January 1, 1957, while entitled to basic pay and while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the case may be, will be deemed to have been on active duty for training or inactive duty training, as the case may be, at the time such injury was incurred. The Adjutant General, Department of the Army, will, on behalf of the Secretary of the Army, determine whether such member of a reserve component was so authorized or required to perform such duty, and whether he died from injury so incurred. In making such determinations, The Adjutant General will take into consideration the hour on which the member began to so proceed or so return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this section, the burden of proof will be upon the claimant.

§ 533.7 *Gratuity coverage for death within 120 days after discharge or release from active service.* (a) Payment of the six months' death gratuity will be made when a member or former member dies on or after January 1, 1957, during the 120-day period which begins on the day following the date of his discharge or release from active duty, active duty for training, or inactive duty training, if the Administrator of Veterans' Affairs determines that the death resulted from:

(1) Disease or injury incurred or aggravated while on such active duty or active duty for training; or

(2) Injury incurred or aggravated while on such inactive duty training.

(b) Determinations by the Administrator of Veterans' Affairs that death occurred under the circumstances referred to in paragraph (a) of this section, when made on the basis of claims for dependency and indemnity compensation, are certified to the Secretary of the Army; in all other cases, the Administrator makes the determinations referred to in paragraph (a) of this section at the request of the Secretary of the Army.

(c) The standards, criteria, and procedures for determining incurrence or aggravation of a disease or injury under this section are (except for line of duty) those applicable under disability compensation laws administered by the Veterans' Administration.

(d) For purposes of computing the amount of the death gratuity to be paid by reason of this section, the deceased member or former member is deemed to be entitled on the date of his death to basic pay (plus special and incentive pay) at the rate to which he was entitled on the last day he performed such active duty, active duty for training, or inactive duty training.

(e) Death gratuity is not payable under the provisions of this section unless the Administrator of Veterans' Affairs determines that the deceased member or former member was discharged or released under conditions other than dishonorable from such period of active duty, active duty for training, or inactive duty training.

§ 533.8 *Active duty without pay.* A member of a reserve component who performs active duty, active duty for training, or inactive duty training, without pay, is considered as having been entitled to basic pay while performing such duties.

§ 533.9 *Hospitalization of members of reserve components.* A member of a reserve component of the military service who suffers disability while on active duty, active duty for training, or inactive duty training, and who is placed in a pay status while he is receiving hospitalization or medical care (including outpatient care) for such disability is deemed to continue on such duty for so long as he remains in a pay status.

§ 533.10 *To whom not payable.* Payment of the six months' gratuity may not be made to:

(a) A person who takes the life of the deceased, on whose account death gratuity would otherwise be payable to such beneficiary. The only exception to this policy is a case where a person takes the life of the deceased but the records clearly establish the absence of any felonious intent on the part of the person who would be entitled to receive payment of death gratuity. See MS. Comp. Gen. A–60953, June 12, 1935, and MS. Comp. Gen. B–115170, July 16, 1953.

(b) The natural parent of a member who had been legally adopted. The fact that the member returned to reside with the natural parent before induction into the service and designated the natural parent as beneficiary to receive the payment does not change the foregoing statement, unless the member resided with the natural parent for a period of not less than one year prior to entry into the active service and parental relationship was exercised by the natural parent at the time of or most nearly prior to the date the member entered into active service. See 24 Comp. Gen. 479.

(c) Stepparents, grandparents, grandchildren, or persons other than those specified in § 533.5, whether or not designated.

(d) The beneficiary of a member who dies while traveling to or from inactive duty training from disease incurred while so traveling.

§ 533.11 *Six months' death gratuity exempt from indebtedness.* The amount of the six months' death gratuity cannot be used to satisfy the debt of a deceased member, not even for over payment. See MS. Comp. Dec., May 14, 1913.

§ 533.12 *Will; not a designation.* A general bequest in a will is not a designation within the meaning of the act providing the six months' gratuity pay, as that gratuity is not a debt or money due the member and cannot become a part of his estate.

§ 533.13 *Special determinations*—(a) *Person who dies en route home upon release from active duty.* Any person who is discharged or released from a period of active duty will be deemed to continue on active duty during the period of time immediately following the date of such discharge or release that The Adjutant General, on behalf of the Secretary of the Army, may determine is required for him to proceed to his home by the most direct route. In any event, he will be deemed to continue on active duty until midnight of the date of such discharge or release.

(b) *Leader of Military Academy Band.* The dependents of the director of music, the leader of the Military Academy Band, are entitled to the same death gratuity as dependents of an officer of the Regular Army of corresponding grade with corresponding length of service.

(c) *Missing personnel.* For missing personnel determined to be dead see AR 35–1325 (Administrative Regulations pertaining to pay of personnel while missing, captured, or interned).

(d) *Absent without leave.* (1) During periods of absence without leave, a member will continue in a pay status, but will forfeit all pay and allowances during such absence unless such absence is excused as unavoidable. The six months' death gratuity is not a part of a member's pay and allowances; therefore, if a member dies during an absence without leave, whether or not such absence is excused as unavoidable, payment of the six months' death gratuity is authorized if otherwise payable.

(2) In each case where a member dies after having been dropped from the rolls as a deserter or where there is an indication that the member may be a deserter, an administrative determination as to whether the member was in a desertion or absent without leave status at date of death will be obtained from The Adjutant General by the Commanding General, Finance Center, United States Army. Payment of the six months' death gratuity will be dependent upon the determination as to the status of such member. See 31 Comp. Gen. 645.

(3) Payment of the six months' death gratuity is not authorized if death occurred when the deceased was in an absent without leave status and the date of death was subsequent to date of the expiration of the deceased's normal period of enlistment. See MS. Comp. Gen. B–105587, November 19, 1951.

(e) *Flying requirements not met when on flying status.* If a member dies while assigned to flying duty and has not made any flights during any one of the 3 months immediately succeeding the quarter in which he last met the flight requirements, his rate of pay for the payment of the six months' gratuity includes the increased pay for flying although no flying pay had accrued to him on the date of his death, if sufficient time remained in which flight requirements could have been met. See 7 Comp. Gen. 476.

(f) *Flight status suspended.* If a member dies while under suspension from flying duty, pay for flying will not be included in the rate of pay at date of death for the payment of the six months' death gratuity. See MS. Comp. Gen. B–122105, April 12, 1955.

(g) *Advanced in grade after date of death.* Section 2 of the act of March 7, 1942, as amended, which entitles any member in active service officially reported as missing, missing in action, interned in a foreign country, captured by a hostile force, beleaguered or besieged, to continue to receive, or have credited to his account, the pay and allowances to which he was then or thereafter became entitled, does not authorize computation of the six months' death gratuity payment on the basis of pay for a grade to which a member was advanced after being officially reported missing where it was later determined that the member had died prior to such advancement in grade. See 22 Comp. Gen. 395.

(h) *Declared dead after missing.* In the case of a member who was officially carried in a missing status and subsequently declared dead as of a certain date, the death gratuity should be computed on the pay rate to which the member was entitled on the date as of which he was declared dead, rather than on the rate he was receiving at the beginning of the missing status. See 22 Comp. Gen. 1053.

[AR 35–1370, December 19, 1956] (R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 4, 60 Stat. 868, as amended, secs. 301–304, Pub. Law 881, 84th Cong. 70 Stat. 868, sec. 4338, 70A Stat. 239; 37 U. S. C. 33, 10 U. S. C. 4338)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–165; Filed, Jan. 9, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 111—POSTAL UNION MAIL

PART 112—PARCEL POST

PART 122—REGISTRATION

PART 141—OUTGOING MAIL (TREATMENT ABROAD AND RETURN TO UNITED STATES)

MISCELLANEOUS AMENDMENTS

a. In § 111.1 *All categories* (21 F. R. 9115) amend the table of countries in paragraph (a) as follows:

Opposite Panama and under "Services available," Combination packages, change X to √.

b. In § 111.2 *Specific categories* amend subdivision (i) of paragraph (b) (3) by changing the reference to "§ 101.2 (b) (2) of this chapter" in the last sentence thereof to "subparagraph (2) of this paragraph."

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

c. In § 112.1 *Chart of rates and mailing conditions*, make the following changes:

1. Amend the country item Malaya, so as to indicate the availability of insurance service.

2. Amend the country item Sudan, as follows:

i. Insert as the applicable Air Parcel Post rates $1.62 for the first 4 ounces and 78 cents for each additional 4 ounces or fraction.

ii. As to the surface parcel post rates, insert 87 cents in lieu of 91 cents for the first pound; and 23 cents in lieu of 22 cents for each additional pound or fraction.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

d. In § 122.3 *Preparation* (21 F. R. 9132) amend paragraph (c) (1) to read as follows:

(1) *Declaration of value.* You must declare the full value of Postal Union mail offered for registration. This is solely for the purpose of enabling the accepting clerk to identify valuable registered mail for recording purposes. You must not regard the declared value as being the amount of indemnity payable in case of loss. See § 152.2 (a) of this chapter concerning limits of indemnity for registered Postal Union mail.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

e. In § 141.1 *Postal Union mail*, make the following changes: 1. Amend the table in paragraph (b) (2) as follows:

i. Insert in proper order the following:

Fallecido (Sp.)	Deceased

ii. Strike out the following:

Muerte (Sp.)	Deceased

2. In paragraph (c), amend subdivision (i) of subparagraph (2) to read as follows:

(i) On any 8-ounce merchandise package, return postage of 3 cents for the first 2 ounces and 2 cents for each additional 2 ounces.

3. In paragraph (c) amend subdivision (iv) of subparagraph (2) to read as follows:

(iv) On second-class matter returned from Canada, if you are the publisher or registered news agent, return postage of 2 cents for the first 2 ounces and 1 cent for each additional 2 ounces.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-175; Filed, Jan. 9, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 952]

[Docket No. AO-256-A3]

MILK IN AUSTIN-WACO, TEX., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Lower Colorado River Authority Building, Lake Austin Boulevard, Austin, Texas, beginning at 10:00 a. m., on January 14, 1957, with respect to proposed amendments to the tentative marketing agreement and order, as amended, regulating the handling of milk in the Austin-Waco, Texas, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and order, as amended.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by The Mid-Tex Milk Producers' Association:

1. Amend § 952.10 by adding thereto the following: "and (b) any plant approved by the appropriate health authority to supply milk for distribution as Grade A milk in the marketing area if such plant is owned and operated by a cooperative association and milk from members of such association is transferred during the month from such a plant to a distributing plant."

2. Amend § 952.13 by adding thereto the following: "and (b) a cooperative association which is the operator of a plant pursuant to § 952.10 (b) with respect to the milk of any producer which it causes (1) to be transferred from such plant to the fluid milk plant of another handler, and (2) which it causes to be delivered direct from the farm in transport trucks owned and operated by such association to the fluid milk plant of another handler, provided that such milk shall be deemed to have been received by the cooperative association at the location of the fluid milk plant to which it is delivered except that such milk shall be considered as a receipt of producer milk by the operator of such fluid milk plant for the purpose of §§ 952.42, 952.41 (b) (4), 952.46 (a) (1), and 952.94."

3. Delete § 952.18 and substitute therefor the following:

§ 952.18 *Producer-handler.* "Producer-handler" means any person who produces milk and operates an approved plant but receives no milk from other dairy farmers and who, during the delivery period, disposes of no more than 1,000 pounds on a daily average of Class I milk as defined pursuant to § 952.41 (a) through a route(s) in the marketing area: *Provided*, That such handler shall furnish to the market administrator for his verification, subject to review by the Secretary, evidence that the maintenance, care, and management of the dairy animals and other resources necessary for the production of milk in his name are and continue to be the personal enterprise of and at the personal risk of such producer and the processing, packaging, and distribution of the milk are and continue to be the personal enterprise of and at the personal risk of such producer in his capacity as a handler.

4. Amend § 952.41 to provide that all skim milk and butterfat contained in inventory of milk and milk products designated as Class I milk on hand at the end of the month shall be classified as Class I.

5. Delete § 952.41 (b) (4) and substitute therefor the following:

(4) In shrinkage assigned to Class II milk pursuant to § 952.42.

6. Delete § 952.42 and substitute therefor the following:

§ 952.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk at the fluid milk plant(s) of each handler as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of the handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 952.41 (a) and (b) (1) and (2) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

7. Amend §§ 952.70 and 953.73 to provide that for the months of February through July any charges for overages and any audit adjustments for previous months shall be prorated on a volume basis between base and excess milk.

8. Amend § 952.73 (b) to provide that the uniform price for excess milk shall not exceed the uniform price for base milk adjusted for location.

9. Delete the present proviso in § 952.80 and substitute therefor the following: "*Provided*, That if during the months of September through December any milk from a producer that is a member of a cooperative association which is caused to be delivered to a nonfluid milk plant by such association shall be added to the volume of milk delivered by that producer to a fluid milk plant(s) for the purpose of computing a daily base for such producer."

10. Delete § 952.90 (d) and substitute therefor the following:

(d) On or before the 13th and 26th days of each month in lieu of the payments pursuant to paragraphs (a) and (b) and (c) of this section, respectively, each handler shall pay to a cooperative association which is not a handler pursuant to § 952.13 (b), for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and wishes to exercise such authority, an amount equal to the sum of the individual payments otherwise payable to such producers;

11. In § 952.90 redesignate paragraph (e) as paragraph (f) and add a new paragraph (e) to read as follows:

(e) On or before the 13th and 26th days of each month, each handler shall pay to a cooperative association which is a handler pursuant to § 952.13 (b), for milk which was caused to be delivered to such handler by such cooperative association, an amount not less than the value of such milk computed by multiplying the pounds of such milk allocated to each class pursuant to § 952.46 by the applicable class prices;

12. Amend § 952.95 by adding the following: "*Provided*, That a cooperative association that is a handler pursuant to § 952.13 (b) shall pay to the market administrator 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all receipts of producer milk which is classified as Class I milk."

Proposed by the Dairy Division, Agricultural Marketing Service:

13. Make such other changes as may be required to make the entire marketing agreement and order, as amended, conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order, as amended, may be procured from the Market Administrator, 3401-A East Avenue, Austin 2, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 7th day of January 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-193; Filed, Jan. 9, 1957; 8:47 a. m.]

[7 CFR Part 961]

[Docket No. AO-160-A18]

MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF POSTPONEMENT OF RECONVENED HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the postponement of the reconvening of a public hearing, which at the time the hearing was recessed on November 21, 1956, was announced to be reconvened beginning at 9:30 a. m., on January 14, 1957. The hearing is now scheduled to be reconvened in the Court of Appeals Court Room, United States Court House, Ninth and Market Streets, Philadelphia, Pennsylvania, on January 21, 1957, beginning at 9:30 a. m., e. s. t.

The issues under consideration at this hearing are set forth in the notice of hearing issued by the Deputy Administrator, Agricultural Marketing Service, on May 17, 1956, and published in the FEDERAL REGISTER on May 22, 1956 (21 F. R. 3386, F. R. Doc. 56-3983).

Issued at Washington, D. C., this 4th day of January 1957.

[SEAL] WILL ROGERS,
Hearing Examiner.

[F. R. Doc. 57-185; Filed, Jan. 9, 1957; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

[Docket No. FDC-61]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

FINDINGS OF FACT AND PROPOSED ORDER IN RE ESTABLISHMENT OF DEFINITION AND STANDARD OF IDENTITY FOR PARTIALLY CREAMED COTTAGE CHEESE

In the matter of establishing a definition and standard of identity for a food to be known as partially creamed cottage cheese:

In the FEDERAL REGISTER of August 23, 1955 (20 F. R. 6141), there was published a notice of the filing of a proposal for establishing a definition and standard of identity for a food to be known as partially creamed cottage cheese. An order was published in the FEDERAL REGISTER of October 21, 1955 (20 F. R. 7944), ruling not to adopt the proposed definition and standard of identity. Exceptions were taken to this order and a public hearing was requested (21 F. R. 430).

The public hearing in this matter having been held, on the basis of the evidence submitted at the hearing and pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996; 21 F. R. 6581), and after consideration of written arguments and suggested findings, which are adopted in part and rejected in part as is apparent from the detailed findings herein made, now, therefore, it is proposed that the following order be issued:

Findings of fact.[1] 1. Of the soft uncured cheeses for which standards have been set under the Federal Food, Drug, and Cosmetic Act, cottage cheese is lowest in milk fat content. It normally contains from 1/10 percent to 3/10 percent of milk fat, but it may sometimes have 5/10 percent or slightly more of milk fat, depending upon how closely the skim milk was separated. The standard for cottage cheese limits its moisture content to not more than 80 percent. (R. 56, 71-72, 88, 192; Ex. 14, 16; 21 CFR 19.525)

2. Creamed cottage cheese is a soft uncured cheese for which a standard has been set under the Federal Food, Drug, and Cosmetic Act. It contains somewhat more milk fat than cottage cheese. Creamed cottage cheese is a composite dairy food made by mixing with cottage cheese a fluid component consisting of pasteurized cream or a pasteurized mixture of cream and milk or skim milk or both. The identity standard for creamed cottage cheese provides that the milk fat furnished by the fluid component shall amount to not less than 4 percent by weight of the finished product and that the finished product contains not more than 80 percent of moisture. Insofar as it can be determined from the record, creamed cottage cheese outsells cottage cheese by a wide margin. (R. 15, 27, 46, 49-51, 54-56, 91-92, 108, 110, 117-118, 151-153; Ex. 7, 14, 15, 16; 21 CFR 19.530)

3. About 1953, there began to appear in the retail markets of California and perhaps other States a soft uncured cheese manufactured in a manner similar to creamed cottage cheese, but which did not meet the milk-fat content requirement of the creamed cottage cheese standard of identity. The fluid component of this cheese differed from the fluid component of creamed cottage cheese in that it consisted largely of concentrated skim milk and was lower in milk fat and higher in nonfat solids. This cheese had a texture, taste, and appearance similar to creamed cottage cheese. Its milk fat content was around 2 percent. (R. 10, 12, 18, 39, 42-43, 49, 73-74, 79-80, 84-86, 89, 92, 94, 98-99, 103, 114, 154-158, 161-162, 165; Ex. 10, 11, 17)

4. In 1955, California and Oregon set standards of identity, under the name "Partially creamed cottage cheese" for the article described in finding 3. The California standard, which was incorporated in a State statute, describes the fluid component as "cream, milk, skim

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

milk, concentrtated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water." This law further provides: "Such cream or product or mixture is used in such quantity that the milk fat added thereby is not less than 0.5 percent, nor more than 2 percent by weight of the finished partially creamed cottage cheese." The Oregon standard was established as a State regulation. It states that, "Partially Creamed Cottage Cheese is cheese made by the cottage cheese process, the finished product of which shall contain not more than 80 percent moisture and not less than 0.5 percent or more than 2 percent milk fat." The Oregon regulation permits the use of up to 0.5 percent of "wholesome edible stabilizer." It is silent with respect to the fluid component, and its moisture and milk fat requirements might be met without using any fluid component.

The proposal upon which the hearing was held was that the standard for partially creamed cottage cheese adopted by the California legislature should be followed as a basis for the adoption of a definition and standard of identity under the Federal Food, Drug, and Cosmetic Act. Under that proposal a product complying with the standard might be made to which the fluid component would add only ½ percent of milk fat. There was testimony that such a product is manufactured to some extent and is not easily distinguished from a product to which the fluid component added around 1.8 percent milk fat. A product prepared to contain the minimum milk fat required by the proposed standard would be essentially cottage cheese with condensed skim milk. (R. 10, 31–35, 42–44, 47–48, 55–56, 82, 85, 94, 108, 110, 114–115; Ex. 8, 9)

5. Creamed cottage cheese, partially creamed cottage cheese, and cottage cheese with condensed skim milk possess few characteristics by which they can be distinguished from each other by ordinary consumers. Persons who participated in taste tests were unable to tell creamed cottage cheese from a partially creamed cottage cheese containing about 2 percent added milk fat. A product prepared by adding three parts of condensed skim milk to seven parts of cottage cheese was taste-tested, and the results indicated that only about one-half of the tasters could distinguish the cottage cheese with condensed skim milk from creamed cottage cheese. (R. 73–89, 151–157; Ex. 16, 17)

6. Nutritionally, cottage cheese, cottage cheese with condensed skim milk, partially creamed cottage cheese, and creamed cottage cheese are low-fat, low-calorie cheeses. All contain 80 percent or slightly less water. Cottage cheese and cottage cheese with condensed skim milk have about one-half of 1 percent or less of milk fat and approximately 14 percent protein. The caloric value of cottage cheese and cottage cheese with condensed skim milk is about 77 calories per 100 grams. The partially creamed cottage cheese marketed in California at the time of investigation had about 2 percent or less of milk fat and about 14.3 percent of protein and a caloric value of approximately 90 calories per 100 grams. Creamed cottage cheese has slightly more than 4 percent of milk fat and about 13 percent of protein; its caloric value is about 102 calories per 100 grams. There is little evidence in the record from which the significance of these figures as they relate to human diet can be determined. However, there are references to servings of "¼ pound," "½ cup," "3 oz.," and "4 oz." Allowing for two servings, this amounts to about ½ pound daily in the diets of those who eat such cheeses regularly. The difference is caloric value and protein content of creamed cottage cheese and partially creamed cottage cheese, at a daily rate of consumption of ½ pound, would be about 27 calories and 3 grams of protein per day. The differences are too small to be nutritionally significant. (R. 16–17, 51–52, 54–56, 102, 151–152, 173–176, 182–185; Ex. 6, 12–16)

7. Notwithstanding these insignificant differences in caloric and protein content, the sale of partially creamed cottage cheese has been promoted by representations in labeling which emphasize such terms as "slender," "low calories," "low fat," "high protein," "slim," "diet-aid," "calorie controlled," and similar terms so as to exaggerate the small difference in caloric value and protein and milk-fat content between this article and creamed cottage cheese. These representations fail to reveal that partially creamed cottage cheese has a higher milk-fat content and caloric value than cottage cheese. (R. 57–60, 74, 85, 92, 99, 105–108, 131–133, 147–148, 161–163, 193, 196, 199; Ex. 10–13)

8. From the point of view of dairy economics, the constituents of creamed cottage cheese and partially creamed cottage cheese are milk fat, nonfat solids of milk, and water. Of these, milk fat is the most expensive. Partially creamed cottage cheese is cheaper to manufacture than creamed cottage cheese because it is lower in milk-fat content. The two witnesses who testified on this point were agreed that, on the basis of current prices in California, the manufacturing cost for partially creamed cottage cheese is about ½ cent per pound less than for creamed cottage cheese. Yet the prices actually charged by California retail stores show, that, for the samples purchased, partially creamed cottage cheese was priced about 2 cents higher per pound than creamed cottage cheese. This additional cost factor results from the sales promotion based on the claimed lower caloric value and high-protein content. (R. 51, 74–75, 96–97, 110–112, 114, 140–150; Ex. 12–15)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded:

1. That the evidence of record at the hearing does not establish that the promulgation of a regulation setting a definition and standard of identity for partially creamed cottage cheese would promote honesty and fair dealing in the interest of consumers, but on the contrary indicates that such a standard would facilitate the marketing of a product claimed to have low caloric value and higher protein content, when in fact the differences in fat and protein in the new product would be insignificant from a nutrition standpoint.

2. That a standard for cottage cheese with condensed skim milk would seem to be more logical for the uses for which partially creamed cottage cheese has been promoted in California, but the present record does not furnish an adequate basis for adopting a standard for such food.

Wherefore, it is ordered, That the regulations in Part 19, Title 21, of the Code of Federal Regulations be not amended to establish a definition and standard of identity for a food to be known as "partially creamed cottage cheese."

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of testimony or to the exhibits on which the exceptions are based. Exceptions may be accompanied by briefs in support thereof. Exceptions and accompanying briefs should be submitted in quintuplicate.

Dated: January 3, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-167; Filed, Jan. 9, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Document 17]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

JANUARY 3, 1957.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476) it is ordered as follows:

1. Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described so far as they are reserved for power purposes are hereby restored to disposition under the public land laws as provided below, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and as to DA–778, 830, 833, 885 and 891 subject to the further stipulation that as and when the said lands are required in whole or in part for purposes of power development or for additional developments any structures or improvements placed thereon which should be found to interfere with such development shall be moved or relocated so as to eliminate with interference without cost or expense to the United States its permittees, or licensees; and as to DA–885 subject to the prior right of the licensee for Project No. 233 and its successors to use, for telephone line purposes as provided by the license for Project No. 233, those portions of the land within the telephone line right-of-way as shown on the map designated Exhibit "K" (FPC No. 233–41) and filed in the office of the Federal Power Commission on February 5, 1940; and as to DA–889 subject to the prior right of the Southern California Edison Company, licensee for Project No. 120, and its successors to use said right-of-way as described on map designated Exhibit "K" (FPC 120–53), filed September 8, 1927, for project purposes; and as to DA–904 subject to the prior right of the licensee for Project No. 606 and its successors to use for project purposes as provided by the license for Project No. 606 those portions of the lands within the project boundary as shown on the map designated Exhibit "K" (FPC No. 606–3) and filed in the office of the Federal Power Commission on April 23, 1925.

Determination No.	Dates and types of withdrawal	Type of restoration	Description of lands
CALIFORNIA			MT. DIABLO MERIDIAN, CALIFORNIA
DA-778	Power Site Reserve No. 232 of Nov. 25, 1911.	Under applicable public land laws.	T. 33 N., R. 8 W., Sec. 18, N½SE¼ SW¼SE¼.
DA-796	Proposed Project No. 247 of Mar. 2, 1923.	do	T. 32 N., R. 6 W., Sec. 23, SE¼SW¼.
DA-819	Power Site Reserve No. 87 of Dec. 12, 1909 and July 2, 1910.	do	T. 6 N., R. 12 E., Sec. 27, SE¼NE¼.
DA-830	Power Site Reserve No. 201 of Aug. 30, 1911, and Project No. 78 of Oct. 22, 1920.	do	T. 11 N., R. 11 E., Sec. 28, S½SW¼ NE¼NE¼.
DA-831	Power Site Reserve No. 560 of Oct. 30, 1916.	do	T. 12 N., R. 9 W., Sec. 10, NW¼SE¼, S½SE¼.
DA-833	Power Site Classification No. 425 of June 24, 1932.	do	T. 20 N., R. 5 E., Sec. 35, S½NW¼, N½NE¼SE¼.
DA-846	Power Site Reserve No. 204 of Sept. 4, 1911.	do	T. 4 S., R. 18 E., Sec. 2, E½NW¼ SW¼.
DA-859	Power Site Reserve No. 248 of Feb. 17, 1912.	do	T. 35 N., R. 1 W., Sec. 14, SE¼NE¼.
DA-869	Proposed Project No. 247 of Sept. 1, 1922.	do	T. 33 N., R. 7 W., Sec. 4, Lot 3.
DA-875	Power Site Reserve No. 471, of Jan. 14, 1915.	do	T. 17 S., R. 28 E., Sec. 2, Lot 3 (NE¼NW¼).
DA-883	Power Site Reserve No. 232, of Nov. 25, 1911.	For highway right-of-way under Federal Highway Act of Nov. 19, 1921 (42 Stat. 216).	T. 32 N., R. 9 W., Sec. 4, Lot 3. The portion thereof affected under right-of-way application Sacramento 049600.
DA-885	Power Site Reserve No. 316, of Nov. 19, 1912, and Project No. 233, of Aug. 11, 1931.	do	T. 36 N., R. 4 E., Sec. 10, Lot 3.
DA-891	Power Site Reserve No. 104, of Jan. 17, 1910, and Public Water Reserve No. 160, of Nov. 18, 1938.	do	T. 7 S., R. 20 E., Sec. 2, SE¼.
DA-898	Power Site Reserve No. 487, of May 11, 1915.	do	T. 8 N., R. 9 E., Sec. 25, Lots 3, 4 and 5.
DA-899	Proposed Project No. 936 of Nov. 27, 1928, which was rejected Jan. 9, 1930, and Power Site Reserve No. 219 of Nov. 28, 1911.	do	T. 24 N., R. 14 W., Sec. 12, Lot 2 and NE¼SW¼.
DA-901	Power Site Reserve No. 217, of Oct. 28, 1911.	do	T. 22 N., R. 12 W., Sec. 13, W½W½, Sec. 14, NE¼.
DA-902	Power Site Reserve No. 232, of Nov. 25, 1911.	do	T. 33 N., R. 8 W., Sec. 18, S½NE¼SE¼.
DA-904	Project No. 606, of Apr. 23, 1925. Power Site Reserve No. 466, of Dec. 28, 1914; Power Site Reserve No. 364, of May 27, 1913.	do	T. 32 N., R. 1 W., Sec. 32, NE¼, S½NW¼, NW¼SW¼.
DA-909	Power Site Reserve No. 232 of Nov. 25, 1911.	do	T. 32 N., R. 9 W., Sec. 4, Lot 3 and W½SW¼.
			HUMBOLDT MERIDIAN, CALIF.
DA-853	Power Site Classification No. 292, of Jan. 27, 1936.	do	T. 3 N., R. 3 E., Sec. 10, W½SE¼.
DA-899	Power Site Reserve No. 216, of Oct. 28, 1911, and Power Site Classification No. 14, of Nov. 26, 1921.	do	T. 4 S., R. 6 E., Sec. 33, SW¼NW¼. T. 5 S., R. 6 E., Sec. 9, SW¼NW¼.
			SAN BERNARDINO MERIDIAN, CALIF.
DA-889	Project No. 120, of Sept. 8, 1927	do	T. 5 N., R. 12 W., Sec. 8, SE¼SE¼, the portion thereof reserved for project access road right-of-way pursuant to withdrawal notification letter of Aug. 21, 1928.

The areas described contain approximately 1,701.76 acres of public land.

2. The lands are widely scattered throughout California and generally occupy foothill and mountainous regions with climate and precipitation which vary according to elevation and locality. Accessibility is fair to poor as a rule. Adverse topography renders the land generally unsuited to agricultural purposes other than grazing by range livestock.

3. No application for these lands will be allowed under the Homestead, Desert Land, Small Tract or any other nonmineral public land laws, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described shall be subject to application by the State of California for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby open to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Application by persons having prior existing valid settlement rights, preference rights conferred by the existing laws, or equitable claims subject to allowances and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10 a. m. on February 8, 1957, local time, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10 a. m. on May 10, 1957, local time, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on May 10, 1957, local time, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws. The land is by this order opened to location under the United States Mining Laws without regard to the act of August 11, 1955, supra, beginning 10:00 a. m., local time, on May 10, 1957.

6. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, stat-

utory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 1000 California Fruit Building, 4th and J Streets, Sacramento, California, except as to those lands described in DA–889, for which inquiries should be directed to the Manager, Land Office, Bureau of Land Management, Bartlett Building, 215 West 7th Street, Los Angeles, California.

R. R. Best,
State Supervisor.

[F. R. Doc. 57–167; Filed, Jan. 9, 1957; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 013668, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for "NIKE" air defense site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

T. 2 N., R. 1 E.,
Sec. 10, W½;
Sec. 9, E½, E½W½.
Containing 800 acres.
Sec. 16, SW¼SW¼NW¼, NW¼NW¼SW¼;
Sec. 17, SE¼SE¼NE¼, NE¼NE¼SE¼.
Containing 160 acres.

L. T. Main,
Acting Operations Supervisor.

[F. R. Doc. 57–170; Filed, Jan. 9, 1957; 8:45 a. m.]

[Serial No. Idaho 07009]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CANCELED

JANUARY 4, 1957.

Notice of order providing for opening of public lands, Serial No. Idaho 07009, dated December 29, 1956, as appearing in Volume 21, FEDERAL REGISTER, No. 251, page 10521, is hereby canceled.

J. R. Penny,
State Supervisor.

[F. R. Doc. 57–171; Filed, Jan. 9, 1957; 8:45 a. m.]

Bureau of Reclamation

[No. 16]

GILA IRRIGATION PROJECT, ARIZONA, YUMA MESA DIVISION

PUBLIC NOTICE OF ANNUAL WATER SERVICE CHARGES

DECEMBER 21, 1956.

1. *Water service.* Irrigation water will be furnished during calendar year 1957 under approved water service applications during development period to the irrigable lands in Irrigation Blocks 1 and 2 of the Yuma Mesa Irrigation and Drainage District as designated by the Secretary of the Interior in the contract of May 26, 1956 (No. 14–06–W–102), between the United States and said District.

2. *Charges and terms of payment.* Toll charges shall be payable in advance of the delivery of water at rates as follows:

(a) (i) For lands irrigated hereunder by gravity the minimum charge shall be $13.95 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 9 acre-feet of water per acre. Additional water will be furnished at the rate of $1.75 per acre-foot.

(ii) For lands irrigated hereunder by sprinkler the minimum charge shall be $7.75 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 5 acre-feet of water per acre. Additional water will be furnished at the rate of $1.75 per acre-foot.

(iii) One-half of said minimum charges may be paid on January 1, 1957, or at such time prior to July 1, 1957, as water service application may be filed, which upon approval shall entitle the applicant to one-half of the allotment of water as set forth in paragraphs 2 (a) (i) or (ii) above. The balance of said minimum charge shall be paid on July 1, 1957, whether water is used or not, or at such time as applicant requires more than one-half of such allotment of water, whichever is sooner, and payment thereof shall entitle the applicant to the remaining one-half of such allotment.

(iv) In those cases where the applicant is unable to make payment as provided in paragraph 2 (a) (iii) and so requests, the minimum charge may be paid in not to exceed nine equal installments, the first of which shall be paid on January 1, 1957, or at such time prior to July 1, 1957, as the water service application may be filed, which upon approval shall entitle the applicant to one acre-foot of water per acre for each payment of $1.55. The remaining installments of the minimum charge shall be due on the first day of each month thereafter or at such earlier time as the applicant requires more water than previously paid for and each payment of $1.55 shall entitle the applicant to one acre-foot of water per acre. The applicant shall, in any event, pay the balance of said minimum charge on or before December 1, 1957.

(b) For lands irrigated hereunder by gravity after July 1, 1957, for the first time during the current calendar year the minimum charge shall be $6.96 per acre for each acre of land for which water service is requested, payment of which will entitle the applicant to an allotment of 4½ acre-feet of water per acre. Additional water will be furnished at the rate of $1.75 per acre-foot.

(c) For the remaining lands mentioned in Paragraph 1 receiving water after July 1, 1957, but not previously irrigated, there will be a charge of $1.55 per acre-foot for the first 6 acre-feet of water ordered during calendar year 1957 and a charge of $1.75 per acre-foot for all additional water ordered during that year.

(d) No credit will be given for water purchased during calendar year 1957 at the minimum charge but undelivered at the end of calendar year 1957. However, the amount paid by any applicant during calendar year 1957 for water in excess of the minimum charge which remains undelivered at the end of that year will be refunded to the applicant.

3. Except as otherwise provided in the Reclamation Law (Act of June 17, 1902, 32 Stat. 388, as amended or supplemented), no water will be delivered hereunder to any lands which constitute "excess lands" within the meaning of said laws.

4. Water service applications may be made by the landowner, by his duly authorized representative, or by a tenant of the land for which water is requested, to the Chief, Operations Division, Yuma Projects Office. No water service application will be accepted if the applicant or landowner is delinquent in any water service charges due the United States.

5. Water service applications and the payments required thereunder will be received at the office of the Chief, Operations Division, Yuma Projects Office, Yuma, Arizona.

W. H. Taylor,
Regional Director.

[F. R. Doc. 57–172; Filed, Jan. 9, 1957; 8:45 a. m.]

COLORADO RIVER STORAGE PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 19, 1956.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WHITEWATER UNIT

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 96 W.,
Sec. 3, Lots 1 to 4, incl., S½NW¼, N½SW¼;
Sec. 4, all;

Sec. 5, Lots 1 to 4, incl., S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 6, Lots 1, 6, 7, SE¼NE¼, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 7, all;
Sec. 8, W½NW¼, SE¼NW¼;
Sec. 9, NW¼NE¼;
Sec. 18, Lots 1, 2, 3, N½NE¼;
Sec. 30, Lot 4, N½SE¼, SE¼SE¼.
T. 15 S., R. 97 W.,
Sec. 7, Lots 2, 4, 5, 6;
Sec. 8, Lots 1, 2, 3;
Sec. 9, Lots 1, 2, 5;
Sec. 11, Lots 1 to 5, incl.;
Sec. 12, NE¼, E½NW¼, N½SE¼;
Sec. 13, E½NE¼, SW¼NE¼, S½NW¼, SW¼, N½SE¼;
Sec. 14, Lots 1, 2, 4, 8, 9, 11, NE¼NE¼, S½NE¼, S½NW¼, SW¼SW¼;
Sec. 15, Lots 1, 4, 6, 7, 10, 12, S½NE¼;
Sec. 16, Lot 1, NE¼NW¼, S½N½, S½;
Sec. 17, Lots 1, 2, 3, S½NE¼, W½NW¼, NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 18, all;
Sec. 20, NE¼, E½NW¼, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 21, N½;
Sec. 22, Lots 1, 2, NE¼NE¼, S½NE¼, NW¼NW¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 23, Lots 3, 5, 7, NE¼NE¼, W½W½;
Sec. 24, Lots 1, 3, 6, 7, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 25, S½SW¼;
Sec. 26, S½NE¼, NW¼NW¼, S½NW¼, S½.
T. 14 S., R. 98 W.,
Sec. 1, all;
Sec. 2, Lots 2, 3, 4, SE¼NE¼, E½SE¼;
Sec. 7, Lots 1 to 4, incl., SW¼NE¼, E½W½, SE¼;
Sec. 8, Lots 5, 6, 7;
Secs. 11, 12, 14, 15, all;
Sec. 16, Lots 2, 4, NE¼, N½NW¼, SE¼NW¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Sec. 17, Lots 2, 4, 5, 7 and 12 to 18, incl., SW¼NW¼, SE¼;
Sec. 18 and 19, all;
Sec. 20, N½, N½SW¼, SW¼SW¼, SE¼;
Sec. 21, Lot 7, W½, NW¼SE¼, S½SE¼;
Sec. 22, Lots 1 to 6 and 10 to 14, incl., W½NW¼, S½SW¼;
Sec. 23, Lots 1 to 4, incl., NW¼, E½SW¼;
Sec. 26, Lots 1 to 7, incl., E½NW¼, NE¼SW¼;
Sec. 27, W½, W½SE¼;
Sec. 28, all;
Sec. 29, NE¼, W½W½, SE¼SW¼, E½SE¼;
Sec. 30, all;
Sec. 32, Lots 1 to 4, incl., S½NE¼, E½W½, SE¼;
Sec. 33, all;
Sec. 34, Lots 2, 3, 5, W½NE¼, W½; W½SE¼, SE¼SE¼;
Sec. 35, Lots 2, 6, 7, 8, SE¼NW¼, SW¼SW¼.
T. 15 S., R. 98 W.,
Secs. 2, 11, 12, 13 and 14, all.
T. 12 S., R. 99 W.,
Sec. 28, SE¼SW¼;
Sec. 33, W½.
T. 13 S., R. 99 W.,
Sec. 4, Lots 1, 2, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 9, S½NE¼, W½, SE¼;
Sec. 10, Lot 5, W½SW¼, SE¼SW¼;
Sec. 11, all;
Sec. 14, Lots 2, 3, 4, W½;
Sec. 15, Lots 1, 4, S½NE¼, NW¼NW¼, SE¼SW¼, SE¼;
Sec. 16, N½, SW¼, W½SE¼;
Secs. 21, 22, 23, 26, 27, 28, 33, and 34, all;
Sec. 35, Lots 1 to 5, incl., W½W½.
T. 14 S., R. 99 W.,
Sec. 1, Lots 7, 8, 9, 10, S½SW¼;
Sec. 2, Lots 6 to 10, incl., S½NW¼, S½;
Secs. 3, 11, 12, and 13, all.

UTE MERIDIAN, COLORADO

T. 1 S., R. 1 E.,
Sec. 35, E½.
T. 2 S., R. 1 E.,
Sec. 1, Lots 1, 2, 3, S½N½, SE¼;
Sec. 2, all;
Sec. 3, Lots 1 to 4, incl., S½N½, NE¼SW¼, SE¼;
Sec. 13, NE¼NE¼, NW¼SE¼;
Sec. 23, Lots 1 to 4, incl., SW¼NE¼, SE¼SE¼;
Sec. 24, NE¼NE¼, S½NE¼, SW¼SW¼, E½SE¼;
Sec. 25, W½, W½SE¼, SE¼SE¼, SW¼NE¼;
Sec. 26, E½NE¼, W½W½, NE¼SE¼;
Sec. 27, all;
Sec. 35, Lots 1, 2;
Sec. 36, SW¼NE¼, S½SW¼, NE¼SE¼, SW¼SE¼.
T. 2 S., R. 2 E.,
Sec. 30, Lot 1, NE¼, E½W½, SE¼;
Sec. 31, N½NE¼;
Sec. 32, NW¼NE¼, N½NW¼.
T. 3 S., R. 2 E.,
Sec. 1, Lot 1, SW¼NW¼, SW¼SW¼, S½SE¼;
Sec. 2, SE¼NE¼, SW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 4, SE¼SW¼, S½SE¼;
Sec. 5, S½SW¼;
Sec. 6, Lots 5, 6, 7;
Sec. 7, Lots 1 to 4, incl., W½NE¼, E½W½, W½SE¼, SE¼SE¼;
Sec. 8, W½, W½SE¼, SE¼SE¼;
Sec. 9, NE¼, E½SE¼;
Secs. 10, 11, 12, 13, all;
Sec. 14, NE¼, E½NW¼, S½;
Sec. 15, W½NE¼, W½, SE¼;
Sec. 16, SE¼NW¼, W½NW¼, SW¼, W½SE¼;
Secs. 17 to 21, incl., all;
Sec. 22, NE¼, SW¼, NE¼SE¼;
Sec. 23, W½;
Sec. 24, NE¼, N½NW¼, E½SW¼, SE¼;
Sec. 25, S½NE¼, NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 26, N½N½, S½SW¼;
Sec. 27, NW¼NE¼, S½NE¼, W½, SE¼;
Secs. 28, 29, 30, 32, 33, 34, and 35, all;
Sec. 36, NE¼, NE¼NW¼, S½NW¼, S½.
T. 4 S., R. 3 E.,
Secs. 5, 6, 7, and 8, all;
Sec. 15, NE¼, S½;
Secs. 16 to 23, incl., all;
Secs. 26 to 29, incl., all;
Sec. 30, Lots 8, 9, 13 to 19, incl.;
Sec. 31, Lots 2 to 16, incl.;
Sec. 32, Lots 6 to 15, incl. (Lot 6–46.99ac.);
Secs. 33 and 34, all;
Sec. 35, Lot 1, N½, N½SW¼, SE¼SW¼, N½SE¼;
Sec. 36, N½, N½SW¼, SE¼SW¼, SE¼.

The above areas aggregate 67,788.65 acres.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

JANUARY 4, 1957.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Colorado

OCTOBER 19, 1956.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Colorado, for use in connection with the Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified, or let stand will be given to all interested parties of record and the general public.

FLOYD E. DOMINY,
Acting Assistant Commissioner.

[F. R. Doc. 57–173; Filed, Jan. 9, 1957; 8:45 a. m.]

Geological Survey

CERTAIN STATES

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

Name of Field, Effective Date, Acreage

(1) California

Alferitz (Revision); April 20, 1956; 1,240.
Wheeler Ridge (Revision); April 20, 1956; 4,297.

(2) Colorado

Twin Buttes; November 28, 1956; 3,443.

(3) Kansas

Greenwood (Revision); July 23, 1956; 185,602.
Hugoton (Revision); November 9, 1956; 3,786,039.

(4a) Mississippi

Pistol Ridge-Maxie; October 2, 1956; 23,078.

(5) New Mexico

Bough; June 26, 1956; 2,077.
Caprock-Drickey (Revision); April 18, 1956; 22,654.
E-K; June 26, 1956; 3,443.
Grayburg-Maljamar (Revision); November 22, 1955; 63,687.
Lindrith; March 6, 1956; 24,000.
Monument-Jal (Revision); June 19, 1956; 292,027.
North Mason; August 11, 1956; 1,730.
Sawyer; October 4, 1955; 1,060.
South Drickey (Revision); May 1, 1956; 6,643.

(6) North Dakota

Capa; November 28, 1956; 9,337.
Hoffund (Revision); November 28, 1956; 3,322.
North Westhope; June 26, 1956; 2,045.

Name of Field, Effective Date, Acreage

(8) Utah

Clear Creek; May 29, 1956; 21,053.
Flat Canyon; May 23, 1956; 2,105.
Gordon Creek; May 23, 1956; 1,557.
Joe's Valley; May 23, 1956; 3,142.

(9) Wyoming

Cottonwood Creek; December 11, 1956; 8,670.

THOMAS B. NOLAN,
Director.

DECEMBER 31, 1956.

[F. R. Doc. 57-168; Filed, Jan. 9, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8357]

SOUTHWEST AIRWAYS CO.

NOTICE OF PREHEARING CONFERENCE

In the matter of the petition of Southwest Airways Company for reissuance of its certificate of public convenience and necessity for Route No. 76 under a different name.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on January 15, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington D. C., January 4, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-192; Filed, Jan. 9, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11214]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 4, 1957.

Take notice that United Gas Pipe Line Company, a Delaware corporation, with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed an application on October 8, 1956, in docket No. G-11214 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing it to construct and operate one-third of a mile of two-inch transmission pipe line extending from a point on its 16-inch Escambia Chemical Corporation line to the plant of NRC Metals Company near Floridatown, Santa Rosa County, Florida, together with a metering station to be located upon the land of that company. Costs of $8,916 to be financed from funds on hand. Applicant proposes to use the facilities to deliver natural gas in quantities not to exceed 850 Mcf per day and 240,000 Mcf per annum for consumption by NRC Metals Company.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on January 29, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 18, 1957. Failure of any party to appear at and participate in the hearing shall be deemed a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-174; Filed, Jan. 9, 1957; 8:45 a. m.]

DEPARTMENT OF STATE

[Public Notice 149]

[Delegation of Authority No. 74-2]

ADMINISTRATOR, BUREAU OF SECURITY AND CONSULAR AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN DUTIES AND FUNCTIONS

By virtue of the authority vested in the Secretary of State by section 4 of the act of May 26, 1949 (63 Stat. 111; 5 U. S. C. 151c) and in accordance with the provisions of section 104 (b) of the Immigration and Nationality Act (66 Stat. 174; 8 U. S. C. 1104), there is delegated to the Administrator, Bureau of Security and Consular Affairs, the authority to perform all the functions conferred upon the Secretary of State by section 359 of the Immigration and Nationality Act (66 Stat. 273; 8 U. S. C. 1502).

Dated: December 20, 1956.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 57-211; Filed, Jan. 9, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3537]

MONTAUP ELECTRIC CO.

ORDER REGARDING ISSUANCE AND SALE OF NOTES TO BANK

JANUARY 4, 1957.

Montaup Electric Company ("Montaup"), a public-utility subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, has filed a declaration and amendments thereto with this Commission pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Montaup has obtained a commitment from The First National Bank of Boston under which the Bank agrees to lend Montaup up to a maximum of $10,000,000 during 1957. Although each note will be made payable to The First National Bank of Boston, the following banking institutions will participate in each loan to the extent indicated:

	Percent
The First National Bank of Boston	30
National Shawmut Bank of Boston	25
First National City Bank of New York	30
Second Bank-State Street Trust Company	15
The Hanover Bank	10
	100

Montaup proposes to issue from time to time prior to December 31, 1957 unsecured promissory notes in an aggregate amount not in excess of $25,000,000 with a maximum amount to be outstanding at any one time not to exceed $10,000,000. Each of said notes will mature in 90 days or less from the date of issue and in no event later than December 31, 1957 and will bear interest from the date of issue at not more than the prime rate per annum at such date of issuance. The current prime rate is stated to be 4 percent. The notes may be prepaid, in whole or in part, at any time without penalty.

As of October 31, 1956, Montaup had outstanding short-term bank loans in the amount of $1,000,000. The proceeds from the proposed notes will be used to pay Montaup's outstanding note indebtedness and to provide the company with cash during 1957 to finance its construction program involving the installation of a 100,000 kw turbo-generator unit now on order and estimated to cost $19,500,000 through 1959.

In the event that any permanent financing is done by Montaup prior to the maturity of any of the notes proposed in the instant filing, Montaup will apply the proceeds from such permanent financing in reduction of, or in total payment of, its short-term indebtedness then outstanding, and the amount of short-term indebtedness that may be outstanding at any one time shall be reduced by the amount of the permanent financing.

No State commission or Federal agency, other than this Commission, has jurisdiction over the proposed note issues. No commissions, fees, expenses or other remuneration will be paid in connection with the proposed note issues, except legal fees and expenses of counsel for Montaup estimated not to exceed $210.

Notice regarding the filing of said declaration having been given pursuant to Rule U-23 and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that said declaration, as amended, should be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23, that said declaration, as amended, be and the same hereby is, permitted to become effective forthwith subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-176; Filed, Jan. 9, 1957; 8:46 a. m.]

[File No. 70-3543]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

NOTICE OF FILING REGARDING ISSUANCE AND SALE BY SUBSIDIARY OF COMMON STOCK AND ACQUISITION THEREOF BY PARENT COMPANY

JANUARY 4, 1957.

Notice is hereby given that Ohio Power Company ("Ohio Power"), an electric utility subsidiary company of American Gas and Electric Company ("American Gas"), a registered holding company, and Central Ohio Coal Company ("Coal Company"), a non-utility subsidiary company of Ohio Power, have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b) and 10 of the act as being applicable to the proposed transactions.

All interested persons are referred to said joint application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Coal Company proposes to issue and sell and Ohio Power proposes to acquire not in excess of 40,000 additional shares of Coal Company's capital stock from time to time prior to December 31, 1958, for a cash consideration of $100 per share, being the par value of such shares, or for a total of $4,000,000.

It is stated that the proceeds to be derived by Coal Company from the proposed transactions will be used to pay a portion of the estimated cost of installing additional equipment for the purpose of expanding coal production at its Muskingum and Cumberland #3 mines and coal transportation facilities at the Muskingum mine not provided for by cash generated internally by Coal Company.

The application states that no legal or other fees, commissions or other expenses are to be paid or incurred by Ohio Power, or Coal Company or any associate company in connection with the proposed transactions except that services incident to the transactions will be performed, at cost, by the service corporation of American Gas. The application also indicates that no state commission or Federal regulatory commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 21, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest, and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as it may be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or may take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-177; Filed, Jan. 9, 1957; 8:46 a. m.]

[File No. 70-3545]

WEST PENN POWER CO.

NOTICE OF PROPOSED INCREASE IN AUTHORIZED AMOUNT OF COMMON STOCK AND STATED CAPITAL, AND PROXY SOLICITATION IN FAVOR THEREOF

JANUARY 4, 1957.

Notice is hereby given that West Penn Power Company ("Company"), a Pennsylvania corporation which is a public-utility subsidiary of West Penn Electric Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, and 12 (e) thereof and Rule U-62 thereunder as applicable to the proposed transaction, which is summarized as follows:

Pursuant to the laws of Pennsylvania, the Company proposes to increase its authorized capital stock and stated capital from $95,292,300 to $150,000,000 by increasing its authorized Common Stock from 4,529,230 shares without par value, having an aggregate stated capital of $45,292,300, to 10,000,000 shares without par value, having an aggregate stated capital of $100,000,000. (The remaining $50,000,000 of its authorized capital stock, consisting of 500,000 shares of Preferred Stock with a paf value of $100 per share, will remain unchanged.)

The Company plans to hold a special meeting of its stockholders on March 1, 1957 to consider the aforesaid proposal, and to solicit proxies in favor thereof.

It is estimated that the Company's total expenses in the matter will aggregate $2,500.

In the opinion of the Company's counsel, no other regulatory commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than January 23, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration as filed or as amended, may be permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-178; Filed, Jan. 9, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-155]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania. F-57-964.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the United States Treasury Department, Washington, D. C., in the sum of $100,000.00, arising out of a special account entitled, "20X6780 Suspense, Office of the Secretary of the Treasury" maintained by the aforesaid Department, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Government of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under

Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on January 4, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-190; Filed, Jan. 9, 1957; 8:47 a. m.]

[Vesting Order 18145, Amdt.]

NORDSTERM ALLGEMEINE VERSICHERUNGS A. G.

In re: debts owing to Nordsterm Allgemeine Verischerungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft. F-28-8183.

Vesting Order 18145, dated July 9, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by twenty-two (22) Union Pacific Railroad Co. First Mortgage Railroad & Land Grant 4 percent Bonds, said bonds issued in bearer form, numbered and in the face amounts listed below and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940:

Bond No.:	*Amount*
M-1079	$1,000.00
M-3469	1,000.00
M-7030	1,000.00
M-7031	1,000.00
M-21158	1,000.00
M-21159	1,000.00
M-23128	1,000.00
M-51901	1,000.00
M-57435	1,000.00
M-84655	1,000.00
M-86956	1,000.00
M-87150	1,000.00
M-88834	1,000.00
D-1585	500.00
D-5855	500.00
D-6660	500.00
D-6697	500.00
D-7811	500.00
D-10441	500.00
D-10681	500.00
D-16779	500.00
D-16780	500.00

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by eleven (11) Louisville and Nashville Railroad Company First and Refunding Mortgage 4½ Percent Bonds, Series C, said bonds numbered and in the face amounts listed below and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940:

Bond No.:	*Amount*
M-941	$1,000.00
M-942	1,000.00
M-943	1,000.00
M-8703	$1,000.00
M-13209	1,000.00
M-18939	1,000.00
M-23030	1,000.00
M-23178	1,000.00
M-23179	1,000.00
M-23509	1,000.00
M-26994	1,000.00

together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on January 4, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-191; Filed, Jan. 9, 1957; 8:47 a. m.]

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Washington, Friday, January 11, 1957

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—LIVESTOCK, MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

OFFICIAL UNITED STATES STANDARDS FOR LAMB, YEARLING MUTTON, AND MUTTON CARCASSES

On October 31, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 8322) regarding the amendment of the official United States standards for lamb, yearling mutton, and mutton carcasses, under the provision of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U. S. C. and Supp. III 1622 and 1624).

After due consideration of all relevant material submitted pursuant to the notice, and under the aforesaid sections of the Agricultural Marketing Act of 1946, as amended, the official United States standards for lamb, yearling mutton, and mutton carcasses (7 CFR 53.114–53.118) are amended to read as follows:

§ 53.114 *Differentiation between lamb, yearling mutton, and mutton carcasses.* (a) Ovine carcasses are classified as lamb, yearling mutton, or mutton, on the basis of differences that occur in the development of their muscular and skeletal systems.

(b) Lamb carcasses always have break joints on their front shanks and generally have narrow rib bones, a relatively narrow, compact forequarter, and a light red color and fine texture of lean. They usually have a considerable amount of red in the ribs and a somewhat smaller amount in the shanks.

(c) Yearling mutton carcasses may have either break joints or "spool" joints on their front shanks and generally have moderately wide rib bones, a slightly wide or "spready" appearance through the forequarter, and a slightly dark red color and slightly coarse texture of lean. They usually have only traces of red in the ribs and shanks.

(d) Mutton carcasses always have "spool" joints on their front shanks and generally have wide rib bones, a wide, "spready" forequarter, and a dark red color and coarse texture of lean. Ribs and shanks usually are devoid of red color.

§ 53.115 *Application of standards.* (a) Lamb, yearling mutton, and mutton carcasses are graded on a composite evaluation of two general grade factors—conformation and quality. These factors are concerned with the proportions of the various wholesale cuts and the proportions of meat and bone in the carcass and the quality of the lean, respectively.

(b) Conformation is the manner of formation of the carcass with particular reference to the relative development of the muscular and skeletal systems, although it is also influenced, to some extent, by the quantity and distribution of external finish. The conformation of a carcass is evaluated by averaging the conformation of its various component parts, giving consideration not only to the proportion of each cut to the carcass weight but also to the general desirability of the cut as compared with other cuts. Best conformation implies a high proportion of edible meat to bone and a high proportion of the weight of the carcass in the more demanded cuts and is indicated by a compact, blocky, plump, full, well-rounded appearance. Inferior conformation implies a low proportion of edible meat to bone and a low proportion of the weight of the carcass in the more demanded cuts and is indicated by a rangy, angular, thin, sunken appearance. External fat in excess of that normally left on retail cuts is not considered in evaluating conformation.

(c) Quality of the lean flesh is best evaluated from consideration of its color, texture, firmness, and marbling, as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. However, in grading carcasses or sides in which direct observation of these characteristics is not possible, the quality of

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FEDERAL REGISTER

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the lean is evaluated indirectly from consideration of its color and firmness, the quantity of certain interior fat deposits, and the firmness of the external fat, all in relation to the apparent evidences of maturity. The interior fat deposits considered in this indirect evaluation of quality, in descending order of their importance, are as follows: (1) The fat intermingled within the lean between the ribs called "feathering", (2) the streaking of fat within and upon the inside flank muscles, and (3) the fat deposited over the inside of the ribs adjacent to the backbone called "overflow fat". Feathering and fat streaking in the inside flank muscles are each given much more consideration than overflow fat. Firmness of external fat which is superior or inferior to that specified as minimum for each grade is used to a limited extent as an indicator of quality.

(d) The standards for each grade of lamb specify two general levels of development of the quality-indicating characteristics described in paragraph (c) of this section, dependent upon the apparent evidences of maturity attained by the lamb at the time of slaughter. It is not intended, however, that these two maturity groups should cover the entire range of maturity within which lambs are marketed, but rather it is intended that these groups represent the extremes of maturity encountered and that there is an additional group which is intermediate in maturity between the two described whose grade requirements must be determined by interpolation. The standards for each grade of yearling mutton and mutton specify only one general level of development of the quality-indicating characteristics described, and these characteristics apply only to carcasses which are typical in maturity for their class. In order to qualify for a specific grade, yearling mutton or mutton carcasses with evidences of more advanced maturity than typical for their class are required to have a slightly greater development of these characteristics than described. Conversely, such carcasses with evidences of less maturity than typical for their class may qualify for a given grade with a slightly lesser development of these characteristics.

(e) Carcasses qualifying for any particular grade may vary with respect to the relative development of the various characteristics that contribute to their conformation and quality, and there will be carcasses which qualify for a particular grade in which the development of some of these individual grade factors will be typical of other grades. Because it is impractical to describe the nearly limitless numbers of such recognizable combinations of characteristics, the standards for each grade describe only carcasses which have a relatively similar development of individual conformation and quality factors and which are also representative of the lower limit of each grade. However, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade.

(f) The standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses which have thick, heavy necks and shoulders typical of uncastrated males are discounted in grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than half a grade in carcasses from young lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(g) The standards for lamb, yearling mutton, and mutton carcasses contained in §§ 53.116 through 53.118 together provide for grading carcasses within the full range of maturity of the ovine species. Although the grade standards for this full range of maturity are contained in three separate standards, it is the intent that the three standards be considered as a continuous series. Therefore, in determining the grade of a carcass which has a degree of maturity that is not typical of that specified in one of the three standards, it is necessary to interpolate between the standard for the kind of carcass (lamb, yearling mutton, or mutton) being graded and the standard for the kind of carcass which is most closely adjacent to it in maturity.

§ 53.116 *Specifications for official United States standards for grades of lamb carcasses*—(a) *Prime.* (1) Carcasses possessing minimum qualifications for the Prime grade tend to be compact and blocky and tend to have plump, full legs; wide, thick backs; thick, full, smooth shoulders; and short, thick necks.

(2) Evidences of quality vary markedly with changes in maturity. Carcasses from young lambs that have red, narrow rib bones; red, moist, porous break joints; and a light pink color of inside flank muscles have a moderate amount of feathering between the ribs, a modest quantity of fat streaking in the inside flank muscles, and a small amount of overflow fat over the inside of the ribs adjacent to the backbone. The exterior finish is firm, and the flanks are full and firm.

(3 Carcasses from more mature lambs that have slightly wide, slightly red rib bones; slightly red but rather dry and hard break joints; and a dark pink color of inside flank muscles have moderately abundant and rather extensive feathering between the ribs, slightly abundant fat streaking in the inside flank muscles, and a moderate amount of overflow fat over the inside of the ribs adjacent to the backbone. The external finish is very firm, and the flanks are very full and firm.

(4) To qualify for the Prime grade a carcass must possess the minimum qualifications for quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(b) *Choice.* (1) Carcasses possessing minimum qualifications for the Choice grade are slightly compact with slightly plump, full legs; slightly wide, thick backs; slightly wide, full shoulders; and slightly short, thick necks.

(2) Evidences of quality vary considerably with changes in maturity. Carcasses from young lambs that have red, narrow rib bones; red, moist, porous break joints; and a slightly dark pink color of inside flank muscles have a small amount of feathering between the ribs, a slight quantity of fat streaking in the inside flank muscles, and a slight amount of overflow fat over the inside of the ribs adjacent to the backbone. The exterior finish is moderately firm, and the flanks are slightly full and firm.

(3) Carcasses from more mature lambs that have slightly wide, slightly red rib bones; slightly red but rather dry and hard break joints; and a light red color of inside flank muscles have a moderate amount of feathering between the ribs, a small quantity of fat streaking in the inside flank muscles, and a small amount of overflow fat over the inside of the ribs adjacent to the backbone. The external finish is firm, and the flanks are moderately full and firm.

(4) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidences of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(c) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are moderately rangy and slightly angular with slightly thin, tapering legs; slightly narrow, thin backs and shoulders; and moderately long, thin necks.

(2) Evidences of quality vary moderately with changes in maturity. Carcasses from young lambs that have red, narrow rib bones; red, moist, porous break joints; and a dark pink color of inside flank muscles have traces of feathering between the ribs but practically no fat streaking in the inside flank muscles and practically no overflow fat over the inside of the ribs adjacent to the backbone. The exterior finish is slightly firm, and the flanks are slightly thin and soft.

(3) Carcasses from more mature lambs that have slightly wide, slightly red rib bones; slightly red but rather dry and hard break joints; and a slightly dark red color of inside flank muscles have a slight amount of feathering between the ribs, traces of fat streaking in the inside flank muscles, and traces of overflow fat over the inside of the ribs adjacent to the backbone. The external finish is moderately firm, and the flanks are slightly full and firm.

(4) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(d) *Utility.* (1) Carcasses possessing minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible.

(2) Although evidences of quality vary slightly with changes in maturity the differences are so small as to make their separate descriptions impractical. There is practically no feathering between the ribs, no fat streaking in the inside flank muscles, and no overflow fat over the inside of the ribs adjacent to the backbone. The lean in the inside flank muscles and between the ribs is dark red in color. External finish is soft, and the flanks are soft and slightly watery.

(3) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the

Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(e) *Cull.* Typical Cull grade carcasses are extremely rangy and angular and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. Hips and shoulder joints, as well as ribs and bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

§ 53.117 *Specifications for official United States standards for grades of yearling mutton carcasses*—(a) *Prime.* (1) Carcasses possessing minimum qualifications for the Prime grade are compact and blocky and have plump, full legs; wide, thick backs; wide, full, smooth shoulders; and short, thick necks. They have extensive and abundant feathering between the ribs, moderately abundant streaking of fat in the inside flank muscles, slightly abundant overflow fat over the inside of the ribs adjacent to the backbone, and a light red color of inside flank muscles. The exterior finish is very firm, and the flanks are very full and firm.

(2) To qualify for the Prime grade a carcass must possess the minimum qualifications for quality regardless of the extent that its conformation may exceed the minimum requirements for Prime. However, a development of quality which is superior to that specified as minimum for the Prime grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Prime as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Prime grade may have conformation equivalent to the mid-point of the Choice grade and remain eligible for Prime.

(3) Carcasses which are otherwise eligible for Prime grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are not eligible for Prime.

(b) *Choice.* (1) Carcasses possessing minimum qualifications for the Choice grade are moderately compact with rather short, plump, full legs; moderately wide, thick backs; moderately wide, full shoulders; and rather short, thick necks. They have slightly abundant feathering between the ribs, a modest amount of fat streaking in the inside flank muscles, a modest amount of overflow fat over the inside of the ribs adjacent to the backbone, and a slightly dark red color of inside flank muscles. The exterior finish is firm, and the flanks are moderately full and firm.

(2) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidences of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(3) Carcasses which are otherwise eligible for Prime grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are included in the Choice grade.

(c) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly narrow, thin backs; and slightly long, thin necks. They have a small amount of feathering between the ribs, a slight amount of fat streaking in the inside flank muscles, a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, and a moderately dark red color of inside flank muscles. The exterior finish is moderately firm, and the flanks are slightly thick and full.

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(d) *Utility.* (1) Carcasses possessing minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible. There is practically no feathering between the ribs, no fat streaking in the inside flank muscles, no overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is moderately soft, and the flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(e) *Cull.* Typical Cull grade carcasses are extremely rangy and angular and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. The hips and shoulder joints, as well as the ribs and the bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

§ 53.118 *Specifications for official United States standards for grades of mutton carcasses*—(a) *Choice.* (1) Carcasses possessing minimum qualifications for the Choice grade are moderately compact with slightly plump, full legs; wide, thick backs; wide, full shoulders; and slightly short, thick necks. They have moderately abundant feathering between the ribs, a moderate amount of fat streaking in the inside flank muscles, a modest amount of overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is firm, and the flanks are moderately full and firm.

(2) A carcass which has conformation equivalent to at least the mid-point of the Choice grade may have evidences of quality equivalent to the minimum for the upper third of the Good grade and remain eligible for Choice. Also, a development of quality which is superior to that specified as minimum for the Choice grade may compensate, on an equal basis and without limit, for a development of conformation which is inferior to that specified for Choice as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Choice grade may have conformation equivalent to the mid-point of the Good grade and remain eligible for Choice.

(3) Carcasses which are otherwise eligible for Choice grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are not eligible for Choice.

(b) *Good.* (1) Carcasses possessing minimum qualifications for the Good grade are slightly rangy and angular, with slightly thin, tapering legs; slightly wide but slightly thin-fleshed backs and shoulders; and slightly long, thin necks. Hips and shoulder joints are visible. Such carcasses have a modest amount of feathering between the ribs, a slight amount of fat streaking in the inside flank muscles, a slight amount of overflow fat over the inside of the ribs adjacent to the backbone, and a dark red color of inside flank muscles. The exterior finish is moderately firm, and the flanks are slightly thick and full.

(2) A carcass which has conformation equivalent to at least the mid-point of the Good grade may have evidences of quality equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good. Also, a development of quality which is superior to that specified as minimum for the Good grade may compensate, without limit, for a development of conformation which is inferior to that specified for Good on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Good grade may have conformation equivalent to the minimum for the upper third of the Utility grade and remain eligible for Good.

(3) Carcasses which are otherwise eligible for Choice grade but which have excessive, bunchy, or irregular distribution of external fat or excessive quantities of kidney and pelvic fat are included in the Good grade.

(c) *Utility.* (1) Carcasses possessing minimum qualifications for the Utility grade are very rangy and angular with thin, slightly concave legs; very narrow, sunken backs; narrow, sharp shoulders; and long, thin necks. Hips and shoulder joints are plainly visible. There are traces of feathering between the ribs, but practically no fat streaking in the inside flank muscles, practically no overflow fat over the inside of the ribs adjacent to the backbone, and a very dark red color of inside flank muscles. The exterior finish is slightly soft, and the flanks are soft and slightly watery.

(2) A carcass which has conformation equivalent to at least the mid-point of the Utility grade may have evidences of quality equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility. Also, a development of quality which is superior to that specified as minimum for the Utility grade may compensate, without limit, for a development of conformation which is inferior to that specified for Utility on the basis of a half grade of superior quality for a third of a grade of deficient conformation as indicated in the following example: A carcass which has evidences of quality equivalent to the mid-point of the Utility grade may have conformation equivalent to the minimum for the upper third of the Cull grade and remain eligible for Utility.

(d) *Cull.* Typical Cull grade carcasses are extremely rangy and angular and extremely thin-fleshed throughout. Legs are extremely thin and concave, backs are extremely sunken and thin, shoulders are very thin and sharp, and necks are extremely thin. The hips and shoulder joints, as well as the ribs and the bones of the spinal column, are clearly outlined, and the flesh is soft and watery and very dark red in color.

Some of these amendments modify the interpretation of the standards for some of the grades. The other changes will not alter the interpretation of the standards but are designed to make the standards more precise and definitive and thereby facilitate their interpretation.

Changes which affect the interpretation of the standards are as follows: (a) In the Choice grade, a superior development of conformation (mid-point Choice or better) is permitted to compensate for a deficiency of one-third of a grade of quality, and (b) some of the requirements for feathering, fat streaking in the inside flank muscles, overflow fat, firmness of flanks, and firmness of external fat are revised for the Prime, Choice, and Good grades. In general, the requirements for these factors are relaxed for the more mature lamb carcasses in the Prime and Choice grades but are increased slightly for Good grade lamb carcasses. Corresponding changes also are made in the standards for yearling mutton and mutton carcasses.

The following changes are made primarily to clarify the interpretation of the standards: (a) Section 53.115 *Application of standards* is revised to indicate more clearly the relative importance of the factors used in evaluating conformation and quality, (b) certain references to quantity of external fat and of kidney and pelvic fat are deleted, (c) color of inside flank muscles is indicated more clearly as a factor considered in evaluating maturity, and (d) the manner in which a superior development of quality is permitted to compensate for a deficient development of conformation, and vice versa, is clarified in each of the grades.

These changes were recommended to the Department by an industry-wide committee appointed by the National Wool Growers Association and reflect the results of several meetings with various segments of the industry during the last 18 months.

The foregoing amendments will become effective on February 11, 1957.

(Secs. 203, 205, 60 Stat. 1087, 69 Stat. 553; 7 U. S. C. 1622, 1624)

Done at Washington, D. C., this 8th day of January 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-224; Filed, Jan. 10, 1957; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 722—COTTON

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR 1957 CROP OF UPLAND COTTON

§ 722.804 *Basis and purpose.* The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1957 crop of upland cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on August 30, 1956, proclaimed a national marketing quota for the 1957 crop of upland cotton (21 F. R. 6691), and on October 30, 1956, announced that a referendum would be held on December 11, 1956, to determine whether cotton farmers were in favor of or opposed to such quota (21 F. R. 8466). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is unnecessary.

§ 722.805 *Proclamation of results of the marketing quota referendum for the 1957 crop of upland cotton.* In a referendum held on December 11, 1956, of farmers engaged in the production of the 1956 crop of upland cotton, 231,678 farmers voted. Of those voting 214,003, or 92.4 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1957 crop of upland cotton, and 17,675, or 7.6 percent, opposed such quota. Therefore, the national marketing quota of 11,014,493 bales proclaimed by the Secretary of Agriculture on August 30, 1956, for the 1957 crop of upland cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 342–345. 52 Stat. 56–58, as amended; 7 U. S. C. 1342–1345)

Done at Washington, D. C., this 8th day of January 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-227; Filed, Jan. 9, 1957; 12:51 p. m.]

PART 722—COTTON

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM FOR 1957 CROP OF EXTRA LONG STAPLE COTTON

§ 722.1404 *Basis and purpose.* The purpose of this proclamation is to announce the results of the marketing quota referendum for the 1957 crop of extra long staple cotton. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture on October 15, 1956, proclaimed a national marketing quota for the 1957 crop of extra long staple cotton (21 F. R. 7931), and on October 30, 1956, announced that a referendum would be held on December 11, 1956, to determine whether cotton farmers were in favor of or opposed to such quota (21 F. R. 8466). Since the only purpose of this proclamation is to announce the results of the referendum, it is hereby found and determined that, with respect to the proclamation, application of the notice and public procedure provisions of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is unnecessary.

§ 722.1405 *Proclamation of results of the marketing quota referendum for the 1957 crop of extra long staple cotton.* In a referendum held on December 11, 1956, of farmers engaged in the production of the 1956 crop of extra long staple cotton, 888 farmers voted. Of those voting 839, or 94.5 percent, favored the national marketing quota proclaimed by the Secretary of Agriculture for the 1957 crop of extra long staple cotton, and 49, or 5.5 percent, opposed such quota. Therefore, the national marketing quota of 76,565 bales proclaimed by the Secretary of Agriculture on October 15, 1956, for the 1957 crop of extra long staple cotton shall continue in effect.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 342–345, 347, 52 Stat. 56–59, as amended; 7 U. S. C. 1342–1345, 1347)

Done at Washington, D. C., this 8th day of January 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-226; Filed, Jan. 9, 1957; 12:51 p. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 2, Grain Sorghums]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4248, 4790, 6947 and 7931 containing the specific requirements for the 1956-crop Grain Sorghums are amended as follows:

Section 421.1833 (d) (2) is amended by changing the basic county support rates in Texas as follows:

Martin County increased from $1.84 to $1.87 per hundredweight.

Midland County increased from $1.84 to $1.86 per hundredweight.

Ector County increased from $1.84 to $1.85 per hundredweight.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 7th day of January 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-195; Filed, Jan. 10, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 2]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

AIRMAN IDENTIFICATION CARD REQUIREMENTS

The Civil Aeronautics Board deleted the airman identification card requirements of Part 22 by Civil Air Regulations Amendment 22-11 (21 F. R. 9010, November 21, 1956), accordingly the rules and policies issued by the Administrator pursuant to § 22.32 (g) are also deleted.

This supplement does not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

The airman identification card requirements contained in §§ 22.32–1, 22.32–2, 22.32–3, and 22.32–4 are hereby deleted.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-200; Filed, Jan. 10, 1957; 8:46 a. m.]

[Supp. 5]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

AIRMAN IDENTIFICATION CARD REQUIREMENTS

Airman identification card requirements have been deleted by the Civil Aeronautics Board from the various part of the Civil Air Regulations pertaining to airman certification; therefore, it is expedient at this time to delete the rules and interpretations issued by the Administrator pursuant to these regulations.

This supplement does not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act; therefore, compliance is unnecessary and is not required.

The airman identification card requirements contained in §§ 24.10–1 through 24.10–4, published in 21 F. R. 3775–3776 on June 2, 1956, and § 24.104–1 published in 18 F. R. 6803, October 28, 1953, are hereby deleted.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-201; Filed, Jan. 10, 1957; 8:46 a. m.]

[Supp. 7]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

AIRMAN IDENTIFICATION CARD REQUIREMENTS

The Civil Aeronautics Board deleted the airman identification card requirements of Part 27 by Civil Air Regulations Amendment 27-8 (21 F. R. 9011, November 21, 1956), accordingly the rules and interpretations issued by the Administrator pursuant to § 27.23 are also deleted.

This supplement does not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required. The airman identification card requirements contained in §§ 27.23–1 through 27.23–5 are hereby deleted.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-202; Filed, Jan. 10, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

SHORT AND SPECIAL TOURS OF ACTIVE DUTY

In Part 861 §§ 861.1151 to 861.1160 are revised to read as follows:

Sec.
861.1151 General.
861.1152 Eligibility.
861.1153 Employees of U. S. Government and the District of Columbia.
861.1154 Application.
861.1155 Place of duty.
861.1156 Duration of tours.
861.1157 Medical requirements.
861.1158 Waiver for defects.
861.1159 Reservists medically disqualified.
861.1160 Medical certificates.

AUTHORITY: §§ 861.1151 to 861.1160 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 265, 276, 672, 677–682, 70A Stat. 11, 27, 29–31; 10 U. S. C. 265, 276, 672, 677–682.

DERIVATION: AFR 45-14, July 26, 1956.

§ 861.1151 *General—(a) Policy.* Tours of active duty or active duty for training are authorized for Ready Reservists who occupy unit or individual positions reflected in the Reserve mobilization requirement of the Air Force. Tours of active duty or active duty for training are performed in the interest of unit and individual proficiency and for the convenience of the government.

(b) *Definitions—(1) Short tour.* A tour of active duty for training to maintain individual or unit proficiency.

(2) *Tour for school training.* A tour of active duty for training to attend service schools conducted by the Air University, the Air Training Command and joint service schools.

(3) *Special tour.* A tour of active duty or active duty for training, other than those defined in this paragraph, for the convenience of the government.

(c) *Criteria for special tours of active duty.* Special tours of active duty will be requested only if all of the following conditions are met:

(1) The reservist must volunteer for the tour.

(2) The duties to be performed must not be the function of the active establishment.

(3) Funds must be available to the requesting command.

(4) Either the training must be necessary to qualify the individual to effectively perform in his duty assignment when the desired degree of qualification cannot be obtained through inactive duty or school training or the duty to be performed must be necessary to accomplish a project in support of the Reserve Program which is the sole responsibility of the Air Force Reserve.

§ 861.1152 *Eligibility—(a) Reservists eligible.* Ready reservists assigned to Air Reserve Wings, separate units (Training Category A) and to the Mobilization Assignment Reserve Section in Training Categories A through D (see §§ 861.1 to 861.14) are eligible for short, special and school training tours.

(b) *Reservists not eligible.* The following reservists are not eligible for short tours, special tours and tours for school training:

(1) Those assigned to program elements other than outlined in paragraph (a) of this section.

(2) All Standby Reservists.

(3) Air Force Reserve Officers serving on active duty as warrant officers or airmen or Air Force Reserve Warrant Officers serving on active duty as airmen.

(4) Those whose appointments or enlistments will expire before completing a tour of duty.

(5) Those drawing pensions, disability allowances, disability compensation, retired pay or retirement pay unless they waive such entitlement.

§ 861.1153 *Employees of the U. S. Government and the District of Columbia.* A reservist who is a full-time employee of the Federal Government will not be ordered to active duty for training to perform duties in the same position in which he is employed as a civilian. The law grants 15 days military leave to employees to participate in reserve training. When this leave expires the reservist's employer may grant him annual leave to perform further military duty. He is entitled to the compensation of his civilian position plus his military pay and allowances for both periods without regard to dual compensation laws.

§ 861.1154 *Application.* The reservist will make application on AF Form 1289, "Application for Active Duty Training."

(a) *Short tours.* Training Category A units which are organized to serve on active duty as units train as units during annual encampments. Reservists assigned to such units are not required to submit applications for short tours. All other reservists will send their applications through the custodian of the field personnel records soon enough to arrive at the unit of assignment at least 30 days before the effective date of duty.

(b) *Special tours.* The reservist will send his application through the custodian of the field personnel record to the unit of assignment at least 30 days before the effective date of duty. The unit concerned will submit detailed justification for special tours other than those authorized by the Annual Short and Special Tour Operating Program, through channels, to Headquarters USAF. Applications of the persons concerned will be included. Special tours will be approved only when the conditions specified in § 861.1151 (c) have been met.

(c) *School tours.* The reservist normally will submit his application 3 months before class starting date.

(d) *Reservists drawing pensions, disability allowance, disability compensation, retired pay or retirement pay.* These reservists must waive such entitlement before they enter on active duty.

§ 861.1155 *Place of duty.* Commanders will not order reservists who are assigned to activities located within the zone of interior to short tours of active duty for training at places outside the continental limits of the United States. Also, they will not order reservists to duty within the zone of interior and then place them on temporary duty outside the United States. Exception: Reservists participating in over-water training flights contained in approved operating programs.

§ 861.1156 *Duration of tours—(a) Short tours.* Fifteen consecutive days including travel time. A reservist may not perform more than one short tour in any fiscal year but he may participate in one or more tours for school training or a special tour and a short tour during the same year.

(b) *Tour for school training.* Sufficient time for the reservist to complete the course he is selected to attend. It will include travel time.

(c) *Special tour.* No more than 90 days including travel time. A reservist may not serve on short and/or special tours more than a total of 90 days in any fiscal year.

§ 861.1157 *Medical requirements—(a) Qualifications.* (1) Applicants must meet the appropriate medical requirements. Reservists applying for tours of active duty of 30 days or less will be ordered to active duty without prior medical examination except as provided in paragraph (c) of this section.

(2) Reservists applying for active duty tours for more than 30 days are required to undergo a medical examination normally not more than 45 days before the expected date of entry on active duty. However, medical examinations accomplished not more than 90 days before the expected date of entry on active duty are acceptable. Such examinations will be without expense to the government for travel or pay. They may be performed at the military installation which is nearest the reservist's residence and which has the necessary medical facilities. The reservist should make an appointment with the medical facility before reporting for examination.

(b) *Portions may be omitted.* Wherever feasible, the complete standard medical examination will be accomplished. However, the following portions may be omitted when not clinically indicated: serology, chest X-ray, electrocardiogram, audiogram, microscopic urinalysis, lens correction and pelvic examination for female personnel. The medical examination for flying will always be completed.

(c) *Certificate to sign upon reporting.* Upon reporting for active duty each reservist, if he considers himself qualified for full military duty, will sign in duplicate certificate Number 1 in § 861.1160. If he does not consider himself qualified and cannot conscientiously sign the certificate, the commander of the training base will order him to undergo a medical examination. In any event, if he reports for active duty having an obvious physical disability, is ill, has been injured in any way since last taking a medical examination or is drawing a pension, disability allowance or disability compensation, he must submit to a medical examination.

(d) *Certificate to sign upon relief.* Upon relief from active duty each reservist will sign certificate Number 2 in § 861.1160. However, if he believes that his physical condition has materially changed during his active duty tour or if he is suffering from any disability or defect that was not present at the beginning of the tour, the commander of his training base will order him to undergo a medical examination.

§ 861.1158 *Waivers for defects.* Major air commanders may approve waivers of medical defects if reservists are found to be below the prescribed medical standards for general service.

All commanders will carefully consider the opinions of reviewing authorities in granting waivers for defects which reviewing authorities believe:

(a) Are static in nature.

(b) Are not subject to complication or aggravation by military duty.

(c) Will not interfere with the satisfactory performance of full military duty.

(d) Will not involve hospitalization or time lost from duty.

(e) Will not in any way compromise the performance of unlimited flying duty, flying safety or the personal well-being of rated personnel.

§ 861.1159 *Reservists medically disqualified.* The commander of the base where the medical examination is taken will relieve from active duty any reservist who undergoes a medical examination and is found medically disqualified. He will then send notice to this effect to the commander who ordered the reservist to active duty. Upon receipt of a medical disqualification notice, the commander responsible for the administration of the reservist will reassign the reservist to Headquarters Continental Air Command (Non-affiliated reserve section) for transfer to the Retired Reserve or for separation, whichever is appropriate.

§ 861.1160 *Medical certificates—(a) Medical Certificate No. 1.*

---------- (Date)

I certify that I now consider myself sound and well and physically qualified for military duty; that I was considered physically qualified for military service when examination was accomplished on/or about ---------- at ----------;

(Date) (Place)

and that to the best of my knowledge and belief, I do not have any physical defects

or conditions, except as noted below, which would preclude my performing full military duty.

Signed ----------

(b) *Medical Certificate No. 2.*

---------- (Date)

I certify that during the period of active duty training from ---------- to ---------- there has been no change in my physical condition and that I am not suffering any disability, defect or illness which was not present at the beginning of the tour of duty.

Signed ----------

NOTE: (1) Reservists will execute Medical Certificate No. 1 when the period of active duty for training is 30 days or less.

(2) All reservists will execute Medical Certificate No. 2 upon completion of active duty training tour.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-197; Filed, Jan. 10, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

[CGFR 56-40]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in section 280, Title 10, U. S. Code, and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

POLICY

1. A new § 8.1110 is hereby added as follows:

§ 8.1110 *Composition of boards—(a) Reserve membership.* All boards convened for the appointment, promotion, demotion, involuntary release from active duty, discharge, or retirement of members of the Coast Guard Reserve shall include in the membership appropriate numbers of Coast Guard Reservists as follows:

(1) If the board is considering both Regular and Reserve personnel, the membership shall include Reserve representation in a number substantially equal to the proportion that Reserve personnel under consideration bears to the total of the Regular and Reserve personnel being considered by the board, if practicable.

(2) If the board is considering Reserve personnel only, the membership shall include at least 50 per centum of Reserve members, if practicable. This requirement shall be deemed to be fulfilled in any case wherein a board includes medical officers of the U. S. Public Health Service if Coast Guard Reserve membership is equal to Coast Guard Regular membership.

(3) If deemed impracticable by the convening authority to provide for Reserve membership as prescribed in subparagraphs (1) and (2) of this paragraph due to the unavailability of qualified Reservists, Reserve membership may, with the approval of the Commandant, be reduced.

(b) *Seniority.* The members of all boards convened for selection for promotion, or for the discharge or demotion of members of the Coast Guard Reserve shall be senior to the members under consideration, except that a member of a board serving in a legal advisory capacity may be junior to any person, other than a law specialist being considered, and that a member of a board serving in a medical advisory capacity may be junior to any person, other than a medical officer being considered.

PHYSICAL EXAMINATIONS AND STANDARDS

2. Paragraph (a) of § 8.1403 is hereby amended to read as follows:

§ 8.1403 *Persons authorized to conduct physical examinations.* (a) Physical examinations of Reservists and of applicants for appointment, enlistment, or reenlistment shall, if practicable, be conducted by at least two medical officers of the U. S. Public Health Service. If impracticable to assemble such examining officers, physical examinations shall be conducted by one medical officer of the U. S. Public Health Service. If such a medical officer is unavailable, physical examinations may be conducted by one medical officer of any component of the Armed Forces. In special cases, physical examinations may be conducted by a reputable civilian physician provided that, unless otherwise authorized, no expense to the government is incurred.

DISCIPLINE, DISCHARGES, RESIGNATIONS, AND RETIREMENTS

3. Section 8.6201 is hereby amended to read as follows:

§ 8.6201 *Separation of Reservists.* (a) Commissioned officers, chief warrant officers, and warrant officers shall be separated only in the discretion of the Secretary of the Treasury.

(b) Enlisted personnel may be separated in the discretion of the Commandant.

(c) District Commanders shall separate enlisted personnel under the conditions prescribed in § 8.6206 and as directed by the Commandant.

(d) Commanding officers may separate enlisted personnel serving on active duty or active duty for training under the same conditions as apply to enlisted personnel of the Regular Coast Guard.

4. Section 8.6202 is hereby amended to read as follows:

§ 8.6202 *Restrictions on separation.* (a) Except as provided in §§ 8.6208 and 8.6210, no officer who has completed three years of commissioned service shall be involuntarily separated except pursuant to the approved recommendation of a board of officers or the approved sentence of a court-martial.

(b) No member shall be separated by the issuance of a discharge under conditions other than honorable except upon a finding of one or more of the following:

(1) That the approved sentence of a court-martial was discharge under conditions other than honorable.

(2) That the approved findings of a board of officers recommended discharge under conditions other than honorable.

(3) That the member consented thereto in writing with waiver of court-martial or board proceedings.

5. Section 8.6203 is hereby amended to read as follows:

§ 8.6203 *Type and character of discharge certificates.* (a) Except as provided in paragraphs (b) and (c) of this section, members shall be separated with the same type and character of discharge certificate as is provided for personnel of the Regular Coast Guard under similar circumstances.

(b) If the type and character of discharge was in issue, a member who is separated pursuant to board action shall be issued the type and character of discharge certificate recommended by the board, as approved.

(c) Members who are dropped from the rolls as provided for in § 8.6208 will not be issued a discharge certificate.

(d) The type and character of separation as evidenced by the discharge certificate shall be entered in the service record.

6. Section 8.6204 is hereby amended to read as follows:

§ 8.6204 *Procedure for discharge generally.* Except as indicated in § 8.6205, the procedures for effecting the discharge of members shall be as prescribed for personnel of the Regular Coast Guard under similar conditions.

7. Section 8.6205 is hereby amended to read as follows:

§ 8.6205 *Composition and procedure for discharge by board action.* (a) All boards convened to consider the involuntary discharge of Reservists shall be composed as prescribed in § 8.1110 and shall be conducted in accordance with the provisions relating to boards of investigation as contained in the U. S. Coast Guard Supplement to the Manual for Courts-Martial.

(b) Each member whose name is referred to a board shall be accorded the rights of a party.

(c) Review and final action of all boards shall be as follows:

(1) By the Secretary of the Treasury if, as approved by the Commandant, the board recommended the separation of an officer.

(2) By the Commandant if, as approved by him, the board recommended retention of a member or recommended the discharge of an enlisted member.

8. Section 8.6206 is hereby amended to read as follows:

§ 8.6206 *Reasons for discharge of enlisted personnel.* Unless otherwise indicated, the appropriate District Commander is authorized and directed to effect the discharge, without prior authority from the Commandant, of enlisted members for the following reasons and under the following conditions:

(a) *Expiration of enlistment.* Enlisted personnel shall, if otherwise eligible therefor, be discharged upon expiration of enlistment or upon expiration of enlistment as extended.

(b) *Fulfillment of service obligation.* Enlisted personnel having a military obligation pursuant to law shall, if otherwise eligible therefor, be discharged upon completion of the term of service required for fulfillment of such obligation. Personnel having such an obligation shall not be discharged upon fulfillment thereof in those cases where a portion of an enlistment or extension thereof remains to be served unless such discharge is authorized by the Commandant.

(c) *Convenience of the Government.* (1) Upon receipt of written evidence of acceptance of an appointment to commissioned or warrant status in any component of any Armed Force. Discharge will be effective as of the day next preceding acceptance of such an appointment.

(2) Upon receipt of written evidence of enlistment in a Reserve component of another Armed Force for the purpose of enrolling in an officer training program. Included in this category are those who will be enrolled in the aviation cadet or Reserve Officer Training Corps programs of the Army, Navy, or Air Force or in the Officer Candidate Course or Platoon Leaders Class of the U. S. Marine Corps. Discharge shall be effective as of the day next preceding acceptance of such an enlistment.

(3) Upon receipt of written evidence of enlistment in the Regular Army, Navy, Air Force, Marine Corps, or Coast Guard. Discharge shall be effective as of the day next preceding such enlistment.

(4) When inter-service transfers are authorized, discharge shall be effected as of the day next preceding the date of enlistment in the gaining Armed Force.

(5) Upon request of the individual concerned and after receipt of written evidence from a licensed physician that a woman member is pregnant.

(6) Upon request of the individual concerned and after receipt of written evidence that a woman member is the mother of a child under 18 regardless of the legal custody of the child or is the step-parent of a child under 18 and the child lives within the household of the woman for a period of more than 30 days a year.

(7) Upon receipt of formal notice from the Selective Service System or from competent military authority that a member has been inducted into the active service of another Armed Force. Discharge shall be effective as of the day next preceding the date of such induction.

(8) Upon request of the individual concerned and after receipt of written evidence that he has become a regular or duly ordained minister of religion.

(9) Other good and sufficient reasons when authorized or directed by the Commandant.

(d) *Physical disability.* Reservists who are found not physically qualified will be discharged only after review by the Commandant of the medical information received.

(e) *Hardship or dependency.* The discharge of Reservists by reason of hardship or dependency will be effected only after approval of the Commandant in each individual case and will be governed and processed in accordance with the provisions of the Personnel Manual. Special authority to direct discharge under certain conditions may be granted to specified commands by the Commandant when considered appropriate.

(f) *Minority.* The discharge of Reservists by reason of minority will be effected only after approval of the Commandant in each individual case and will be governed and processed in accordance with the provisions of the Personnel Manual. Special authority to direct discharge under certain conditions may be granted to specified commands by the Commandant when considered appropriate.

(g) *For cause.* (1) In any case in which it is considered that an enlisted person should not be retained in the Coast Guard Reserve, a detailed report including all available facts together with an appropriate recommendation shall be forwarded to the Commandant.

(2) If a discharge is recommended by reason of unsuitability, inaptitude, unfitness, or misconduct, the member concerned shall be so informed and shall be permitted to submit a statement in connection therewith, as provided in the Personnel Manual. Reports of civil convictions or fraudulent enlistments shall be submitted in accordance with the Personnel Manual and shall include a statement from the person concerned, if feasible, and a recommendation relative to disposition. If, in any case, the individual does not desire to submit a statement, a notation to this effect shall be made in his service record and shall be included in the report specified in subparagraph (1) of this paragraph.

9. Section 8.6207 is hereby amended to read as follows:

§ 8.6207 *Reasons for discharge of officers.* (a) The following or similar reasons warrant recommendation for discharge of officers:

(1) Failure to keep the Commandant or appropriate District Commander informed of official residence.

(2) Failure to answer official correspondence.

(3) Willful declination or refusal to complete any administrative forms or procedures that may be directed by competent authority.

(4) Failure to maintain an acceptable standard of efficiency as indicated by fitness reports or other information evaluating professional fitness.

(5) Conduct of a character incompatible with exemplary standards of personal conduct, character, and integrity.

(6) Failure to appear for or pass prescribed physical examination.

(7) Upon a determination that an officer is a homosexual or exhibits, professes, or admits homosexual tendencies.

(8) Enlisting or accepting an appointment in the Regular component of the Coast Guard or in any component of another Armed Force.

(9) Upon a determination that retention of an officer is not clearly consistent with the interest of national security as applied to current military security standards.

(10) Under the conditions and upon reaching the maximum age prescribed in § 8.6210.

(11) Circumstances not covered in this section in which the Commandant considers that a board should evaluate an officer's worth to the service.

10. Section 8.6208 is hereby amended to read as follows:

§ 8.6208 *Dropping from the rolls.* (a) Any member may be dropped from the rolls upon a finding of one or more of the following:

(1) That he has been absent without authority from his place of duty for a period of three months or more.

(2) That he has been found guilty by the civil authorities of an offense for which he has been finally sentenced to confinement in a Federal or State penitentiary or Federal or State correctional institution.

(b) Dropping from the rolls will be accomplished by letter to the member concerned which will set forth the substance of the findings required by paragraph (a) of this section. Such letter will serve to completely separate such member from the Coast Guard service.

(c) No certificate of discharge will be issued and separation by dropping from the rolls will not be officially characterized as having been either "under honorable conditions" or "under conditions other than honorable."

11. A new § 8.6209 is hereby added as follows:

§ 8.6209 *Resignations.* (a) Resignations from officers shall be submitted in letter form to the Secretary of the Treasury via the chain of command and shall set forth the reason therefor.

(b) Each resignation shall be considered on its individual merits taking into account the interests of national security and the needs of the Coast Guard subject to the following:

(1) The resignation of an officer who has not fulfilled his term of obligated service under the Universal Military Training and Service Act, as amended, will normally not be accepted unless submitted for the purpose of becoming a member of another Armed Force or the Regular component of the Coast Guard.

(2) The resignation of an officer accompanied by written evidence that he has become a regular or duly ordained minister of religion as defined in section 16 (g) of the Universal Military Training and Service Act, as amended, will be accepted.

12. A new § 8.6210 is hereby added as follows:

§ 8.6210 *Mandatory discharge for age—(a) Reserve commissioned officers.* Unless retired with pay or transferred to the Retired Reserve, a Reserve commissioned officer shall be discharged without board proceedings upon reach-

ing age 62, or age 64 if retained as a flag officer or to complete 20 years of satisfactory Federal service pursuant to law.

(b) *Reserve chief warrant and warrant officers*—(1) *Male.* Unless retired with pay or transferred to the Retired Reserve, a male chief warrant or warrant officer shall be discharged without board proceedings upon reaching age 62, or not later than the date which is 60 days after the date on which he attains age 64 if retained to complete 20 years of satisfactory Federal service pursuant to law.

(2) *Female.* Unless transferred to the Retired Reserve, a woman chief warrant or warrant officer shall be discharged without board proceedings upon reaching age 55, or not later than the date which is 60 days after the date on which she attains age 60 if retained to complete 20 years of satisfactory Federal service pursuant to law.

(c) *Reserve enlisted personnel.* Unless retired with pay or transferred to the Retired Reserve, an enlisted person shall be discharged upon reaching age 62.

(Sec. 1, 63 Stat. 503, as amended, sec. 1, 63 Stat. 545, sec. 280, 70A Stat. 14; 14 U. S. C. 92, 633, 10 U. S. C. 280)

Approved: November 14, 1956.

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

Concurred in: December 7, 1956.

CHARLES S. THOMAS,
Secretary of the Navy.

[F. R. Doc. 57-189; Filed, Jan. 9, 1957; 12:51 p. m.]

Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

LITTLE NECK BAY, N. Y.

Pursuant to the provisions of the Act of Congress approved April 22, 1940 (54 Stat. 150; 33 U. S. C. 180), § 202.60 (k) establishing and designating a special anchorage area in Little Neck Bay, New York, is hereby amended to include additional waters of Little Neck Bay, as follows:

§ 202.60 *Port of New York and vicinity.* • • •

(k) *Little Neck Bay.* That portion of Long Island Sound Anchorage No. 5 (as described in § 202.155 (a)), southeastward of a line ranging approximately 25° 30' true, from the flag pole at Fort Totten, Willets Point toward the mast at the United States Merchant Marine Academy, Grenwalde, Kings Point.

• • • • • • •

[Regs., December 27, 1956, 800.212 (Little Neck Bay, N. Y.)—ENGWO] (54 Stat. 150; 33 U. S. C. 180)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-198; Filed, Jan. 10, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1378]

COLORADO

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF THE FOREST SERVICE AS PICNIC GROUNDS AND RECREATIONAL AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604), and reserved for use of the Forest Service, Department of Agriculture, as picnic grounds and recreation areas as indicated:

Colorado 011497

WHITE RIVER NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Cliff Lake Campground:
T. 2 S., R. 90 W.,
Sec. 30, SW¼SW¼;
Sec. 31, NW¼NW¼.
The areas described aggregate 80 acres.

South Fork Campground:
T. 2 S., R. 90 W.,
Sec. 19, SW¼NE¼ and W½SE¼.
The areas described aggregate 120 acres.

Sweetwater Campground:
T. 3 S., R. 87 W.,
Sec. 16, lot 5 (SE¼NE¼) and NE¼SE¼.
The areas described aggregate 77.20 acres.

Clark Cabin Picnic Ground:
T. 3 S., R. 91 W.,
Sec. 3, SE¼SE¼SW¼ and SW¼SW¼ SE¼;
Sec. 10, NW¼NW¼NE¼ and NE¼NE¼ NW¼.
The areas described aggregate 40 acres.

East Elk Campground:
T. 4 S., R. 90 W.,
Sec. 34, E½NE¼.
The area described contains 80 acres.

Gore Campground:
T. 5 S., R. 79 W.,
Sec. 18, NW¼NE¼.
The area described contains 40 acres.

Bighorn Picnic Ground:
T. 5 S., R. 79 W.,
Sec. 18, NE¼NW¼.
The area described contains 40 acres.

Hornsilver Picnic Ground:
T. 6 S., R. 80 W.,
Sec. 29; SW¼SW¼SW¼;
Sec. 32, W½NW¼NW¼.
The areas described aggregate 30 acres.

Camp Tigawon Recreation Area:
T. 6 S., R. 81 W.,
Sec. 14, SW¼SW¼;
Sec. 22, NE¼NE¼;
Sec. 23, NW¼NW¼.
The areas described aggregate 120 acres.

Blodgett Campground:
T. 7 S., R. 80 W.,
Sec. 5, lot 8 (NW¼NW¼) and N½SW¼ NW¼;
Sec. 6, lot 8 (NE¼NE¼).
The areas described aggregate 83.30 acres.

Rocky Fork Campground:
T. 8 S., R. 84 W.,
Sec. 7, S½SE¼SW¼;
Sec. 18, W½NW¼NE¼, NE¼NW¼.
The areas described aggregate 80 acres.

Dinkle Lake Campground:
T. 9 S., R. 87 W.,
Sec. 4, E½ lot 9 and lot 10 (E½SW¼ NW¼, SE¼NW¼).
The areas described aggregate 80 acres.

Janeway Picnic Ground:
T. 9 S., R. 88 W.,
Sec. 28, W½NE¼SW¼ and E½NW¼ SW¼.
The areas described aggregate 40 acres.

Avalanche Creek Campground:
T. 9 S., R. 88 W.,
Sec. 34, S½SW¼NE¼, NW¼SE¼, SW¼ NE¼SE¼, NE¼SW¼SE¼, and NW¼ SE¼SE¼.
The areas described aggregate 90 acres.

Snowmass Creek Campground:
T. 10 S., R. 86 W.,
Sec. 4, SE¼SE¼;
Sec. 9, NE¼NE¼;
Sec. 10, lot 3.
The areas described aggregate 118.75 acres.

Redstone Picnic Ground:
T. 10 S., R. 88 W.,
Sec. 9, SW¼SW¼SW¼;
Sec. 16, NW¼NW¼NW¼.
The areas decribed aggregate 20 acres.

Grottos Campground:
T. 11 S., R. 83 W.,
Sec. 6, SE¼SE¼.
The area described contains 40 acres.

Bogan Flats Campground:
T. 11 S., R. 88 W.,
Sec. 18, S½S½NE¼ and N½N½SE¼.
The areas described aggregate 80 acres.

Lost Creek Campground:
T. 1 N., R. 90 W.,
Sec. 15, S½ lot 1 (SW¼SE¼ and SE¼ SE¼SW¼).
The areas described aggregate 29.99 acres.

Colorado 013297

UNCOMPAHGRE NATIONAL FOREST

SIXTH PRINCIPAL MERIDIAN

Carson Hole Picnic Ground:
T. 15 S., R. 101 W.,
Sec. 24, E½NE¼, SE¼NW¼NE¼, and NE¼SW¼NE¼.
The areas described aggregate 100 acres.

NEW MEXICO PRINCIPAL MERIDIAN

Sunshine Campground:
T. 42 N., R. 9 W.,
Sec. 20, E½E½SW¼NW¼ and SE¼NW¼ (less small acreage included in MS-1495 Gilden Age Placer in the E½ E½SW¼NW¼).
The areas described aggregate 50 acres.

Canyon Creek Picnic Ground:
T. 43 N., R. 8 W.,
Sec. 12, NW¼NE¼SW¼ and NE¼NW¼ SW¼ (less any portion included within mining patents).
The areas described aggregate 20 acres.

Antone Springs Picnic Ground:
T. 47 N., R. 12 W.,
Sec. 15, SW¼NE¼ and W½SE¼NE¼.
The areas described aggregate 60 acres.

Iron Springs Picnic Ground:
T. 47 N., R. 12 W.,
Sec. 23, S½NW¼NW¼, N½SW¼NW¼, and NW¼SE¼NW¼.
The areas described aggregate 50 acres.

Smokehouse Picnic Ground:
T. 48 N., R. 14 W.,
Sec. 9, SE¼NE¼.
The area described contains 40 acres.

Columbine Picnic Ground:
T. 48 N., R. 14 W.,
Sec. 11, E½SW¼NE¼SW¼, W½SW¼ NE¼SW¼, and NE¼SE¼SW¼.
The areas described aggregate 20 acres.

Cobb Springs Picnic Ground:
T. 48 N., R. 14 W.,
Sec. 14, SE¼SE¼.
The area described contains 40 acres.

T-Bone Springs Picnic Ground:
T. 49 N., R. 15 W.,
Sec. 32, NE¼SE¼NE¼NE¼ and SE¼ NE¼NE¼NE¼;
Sec. 33, SW¼NW¼NW¼NW¼ and NW¼ SW¼NW¼NW¼.
The areas described aggregate 10 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 3, 1957.

[F. R. Doc. 57-169; Filed, Jan. 10, 1957; 8:45 a. m.]

[Public Land Order 1379]

[BLM 042163]

FLORIDA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE NAVY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Florida is hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Navy for military purposes:

TALLAHASSEE MERIDIAN

T. 67 S., R. 25 E.,
Sec. 25, lot 2.

The area described contains 0.26 acre.

It is the intent of this order that the withdrawn minerals in the land shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable public land mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 7, 1957.

[F. R. Doc. 57-203; Filed, Jan. 10, 1957 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR GRAPE BEVERAGE[1]

NOTICE OF PROPOSED RULE MAKING

Proposed United States Standards for Grades of Frozen Grape Juice Concentrate for Grape Beverage were previously published in the FEDERAL REGISTER on October 20, 1954 (19 F. R. 6773) and December 6, 1955 (20 F. R. 8962). After careful study of all written data, views, and arguments which were submitted, important changes have been made which include the name of the product being changed to frozen concentrate for grape beverage. Therefore, a third notice is hereby given that the U. S. Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Concentrate for Grape Beverage pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.2451 Product description.
52.2452 Types of frozen concentrate for grape beverage.
52.2453 Styles of frozen concentrate for grape beverage.
52.2454 Grades of frozen concentrate for grape beverage.

FILL OF CONTAINER

52.2455 Recommended fill of container.

FACTORS OF QUALITY

52.2456 Ascertaining the grade and score for frozen concentrate for grape beverage.
52.2457 Ascertaining the rating for the factors which are scored.
52.2458 Color.
52.2459 Defects.
52.2460 Flavor.

EXPLANATIONS AND METHODS OF ANALYSIS

52.2461 Definition of terms used in these standards.
52.2462 Methods of analysis.

LOT CERTIFICATION TOLERANCE

52.2463 Tolerances for certification of officially drawn samples.

SCORE SHEETS

52.2464 Score sheet for frozen concentrate for grape beverage.

AUTHORITY: §§ 52.2451 through 52.2464 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1621.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2451 *Product description.* Frozen concentrate for grape beverage is prepared from unfermented single-strength grape juice from sound properly mature fresh grapes which, with or without aging, or depectinization, is then concentrated. Single-strength grape juice or natural grape essence or a combination of single-strength grape juice and natural grape essence may be mixed to the concentrate and packed with the addition of nutritive sweetening ingredient and with or without ascorbic acid. Fruit acid may be added to adjust the flavor. The product is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.2452 *Types of frozen concentrate for grape beverage*—(a) *Type I.* Frozen concentrate for grape beverage prepared from grapes of the slip-skin varieties of the Concord type of the Labrusca species. Not less than 50 percent of the total soluble solids of the finished concentrate shall be derived from the grapes.

(b) *Type II.* Frozen concentrate for grape beverage prepared from a mixture of Type I with one or more varieties other than Type I. Not less than 50 percent of the total soluble solids of the finished concentrate shall be derived from the grapes, of which, not less than one-half shall be derived from Type I grapes.

§ 52.2453 *Styles of frozen concentrate for grape beverage.* Brix value of the finished concentrate (including added sweetening ingredient) shall be not less than the following for the respective dilution factor of frozen concentrate for grape beverage:

Dilution factor	Minimum Brix value of finished concentrate including added sweetening ingredient
	Degrees
1 plus 1	24.8
1 plus 2	35.5
1 plus 3	45.4
1 plus 4	54.5
1 plus 5	62.8
1 plus 6	70.7

§ 52.2454 *Grades of frozen concentrate for grape beverage.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrate for grape beverage which reconstitutes properly and of which the reconstituted product possesses a good color; is practically free from defects; possesses a good flavor; and scores not less than 85 points when

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrate for grape beverage which reconstitutes properly and of which the reconstituted product possesses a reasonably good color; is reasonably free from defects; possesses a reasonably good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrate for grape beverage that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.2455 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that the container be filled with frozen concentrate for grape beverage as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.2456 *Ascertaining the grade.* (a) The grade of frozen concentrate for grape beverage is ascertained by considering the factors of quality which are not scored and those which are scored as follows:

(1) *Factors which are not scored.* Ease of mixing into grape beverage.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	Points
Color	40
Defects	20
Flavor	40
Total score	100

(b) The scores for the factors of color, defects, and flavor are determined immediately after the beverage has been prepared by thoroughly mixing the frozen concentrate with a specific volume of water as directed by the manufacturer.

§ 52.2457 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range with each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.2458 *Color*—(a) (*A*) *classification.* Frozen concentrate for grape beverage of which the prepared beverage possesses a good color may be given a score of 34 to 40 points. "Good color" has the following meanings with respect to the types of frozen concentrate for grape beverage.

(1) *Type I.* A bright reddish-purple color characteristic of a beverage properly prepared from Concord type grape juice and, in addition, the beverage prepared conforms to the following requirements:

Minimum absorbancy at 520 millimicrons	[2] 4.5
Minimum absorbancy ratio	[2] 1.5

[2] Determined according to instructions § 52.2462.

(2) *Type II.* A bright color characteristic of a beverage properly prepared from Type I juice and from varietal type or varietal types of juice other than Type I.

(b) (*B*) *classification.* If the prepared beverage possesses a reasonably good color a score of 28 to 33 points may be given. Frozen concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably good color" has the following meanings with respect to the types of frozen concentrate for grape beverage:

(1) *Type I.* A reddish-purple color characteristic of a beverage prepared from Concord type grape juice and which color may be slightly dull but which is not off color for any reason.

(2) *Type II.* A color that reflects to a reasonable extent the appearance characteristic of a beverage prepared from Type I juice and from any varietal type or varietal types of juice other than Type I and which color may be slightly dull but not off color for any reason.

(c) (*SStd.*) *classification.* Frozen concentrate for grape beverage that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2459 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from sediment and other residue, from tartrate crystals, from particles of skin, particles of seed, and from other defects.

(b) (*A*) *classification.* Frozen concentrate for grape beverage of which the prepared beverage is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present not more than a slight amount of sediment and residue; is practically free from tartrate crystals; and is free from particles of skin, particles of seed, and from other defects.

(c) (*B*) *classification.* If the prepared beverage is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present not more than a moderate amount of sediment and residue; may possess a slight amount of tartrate crystals; may possess not more than a trace of particles of skin, particles of seed, and other defects.

(d) (*SStd.*) *classification.* If the prepared beverage fails to meet the requirements of paragraph (c) of this section a score of 0 to 13 points may be given. Frozen concentrate for grape beverage that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2460 *Flavor*—(a) (*A*) *classification.* Frozen concentrate for grape beverage of which the prepared beverage possesses a good flavor may be given a score of 34 to 40 points. "Good flavor" means that the flavor is a fine, distinct and normal flavor, typical of well-matured grapes for the variety or varieties and is free from any objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage and concentrate shall meet the following additional requirements:

BEVERAGE

(1) *Type I.* Brix—not less than 13.0 degrees.

Acid—not less than 0.40 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

Brix-acid ratio—the ratio of Brix value to acid is not less than 20 to 1 nor more than 32 to 1.

CONCENTRATE

Methyl anthranilate [3] (naturally occurring)—not less than the following for the respective dilution factor of frozen concentrate for grape beverage.

Dilution factor	Minimum methyl anthranilate (naturally occurring) (mg./L.)
1 plus 1	0.4
1 plus 2	.8
1 plus 3	1.2
1 plus 4	1.6
1 plus 5	1.6
1 plus 6	1.6

BEVERAGE

(2) *Type II.* Brix—not less than 13.0 degrees.

Acid—not less than 0.40 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

Brix-acid ratio—The ratio of Brix value to acid is not less than 20 to 1 nor more than 32 to 1.

CONCENTRATE

Methyl anthranilate [3] (naturally occurring)—not less than the following for the respective dilution factor of frozen concentrate for grape beverage.

Dilution factor	Minimum methyl anthranilate (naturally occurring) (mg./L.)
1 plus 1	0.3
1 plus 2	.4
1 plus 3	.6
1 plus 4	.8
1 plus 5	.8
1 plus 6	.8

(b) (*B*) *classification.* If the prepared beverage possesses a reasonably good flavor a score of 28 to 33 points may be given. Frozen concentrate for grape beverage that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of

[3] Determined according to instructions § 52.2462.

the total score for the product (this is a limiting rule). "Reasonably good flavor" means a reasonably typical flavor of reasonably well matured grapes for the varietal type or varietal types and is free from objectionable flavors and objectionable odors of any kind. To score in this classification the prepared beverage shall meet the following additional requirements:

(1) *Type I.* Brix—not less than 13.0 degrees.

Acid—not less than 0.30 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

Brix-acid ratio—the ratio of Brix value to acid is not less than 18 to 1 nor more than 36 to 1.

(2) *Type II.* Brix—not less than 13.0 degrees.

Acid—not less than 0.30 gram per 100 milliliters nor more than 0.60 gram per 100 milliliters, calculated as tartaric acid.

Brix acid ratio—the ratio of Brix value to acid is not less than 18 to 1 nor more than 36 to 1.

(c) (*SStd.*) *classification.* If the frozen concentrate for grape beverage fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Frozen concentrate for grape beverage that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSIS

§ 52.2461 *Definition of terms used in these standards.* (a) "Brix" means the degrees Brix of the reconstituted grape beverage when tested with a Brix hydrometer calibrated at 20 degrees C. (68 degrees F.). If used in testing grape beverage at a temperature other than 20 degrees C. (68 degrees F.), the applicable temperature correction shall be made to the reading of the scale as prescribed in "Official Methods of Analysis of the Association of Official Agricultural Chemists." [4] The degrees Brix of grape beverage may be determined by any other method which gives equivalent results.

(b) "Acid" means the grams of acid (calculated as tartaric acid) per 100 milliliters of the reconstituted grape beverage determined by titration with standard sodium hydroxide solution using phenolphthalein as an indicator.

(c) "Brix-acid ratio" means the ratio between the degrees Brix as determined in this section and the acid in grams per 100 milliliters of reconstituted grape beverage.

(d) "Dilution factor" is the ratio of the volumes of water to the volume of concentrate. This factor is provided by the manufacturer's directions for preparing the desired grape beverage (i. e., 3 plus 1 implies 3 volumes of water to 1 volume of concentrate).

(e) "Absorbancy ratio" means the ratio of absorbancy reading at 520 millimicrons to the absorbancy reading at 430 millimicrons.

§ 52.2462 *Methods of analysis*—(a) *Methyl anthranilate*—(1) *Reagents.* (i) Hydrochloric acid—dilute 81 milliliters (ml.) of HCL to 100 ml. with H_2O.

(ii) Sodium nitrate solution—dissolve 3 grams (gm.) of $NaNO_2$ in 200 ml. of H_2O.

(iii) Hydrazine sulfate solution—dissolve 5 gm. of $N_2H_4 \cdot H_2SO_4$ in 200 ml. of H_2O.

(iv) Sodium carbonate solution—dissolve 50 gm. of Na_2CO_3 in 150 ml. of H_2O.

(v) Sodium - a - naphthol-2-sulfonate solution—dissolve 4.7 gm. of the sulfonate in 100 ml. of H_2O.

(vi) Standard solution of methyl anthranilate—dissolve 0.25 gm. of methyl anthranilate in 60 ml. of 95 percent ethyl alcohol and dilute with H_2O to 500 ml.

(2) *Apparatus.* Kjeldahl distillation apparatus and steam generator recommended by committee on micro-chemical apparatus, Div. Anal. Chem., A. C. S. Illustrated 8th Edition, 1955, fig. 77 and 78, A. O. A. C. or equals may be used.

(3) *Standard curve.* (i) Dilute 20 ml. of standard solution of methyl anthranilate to 1 liter with H_2O (equivalent to 10 micrograms per ml.).

(ii) Prepare series of solution for standard curve by transferring 0–5 ml. of solution (i) into 100 ml. volumetric flask. Dilute to ca. 80 ml. with H_2O.

(iii) Then add as follows:

(*a*) 1 ml. HCl and 1 ml. sodium nitrite solution. Invert flask and let stand 2 minutes.

(*b*) 3 ml. hydrazine sulfate solution. Invert flask and let stand 1 minute.

(*c*) 2 ml. sodium-a-naphthol-2-sulfonate solution. Invert flask.

(*d*) Immediately add 3 ml. sodium carbonate solution, dilute to 100 ml. volume with H_2O, let stand 10 minutes.

(*e*) Adjust and maintain temperature of solution at 25°±1° C.

(*f*) Read absorbancy at 490 millimicrons, in a spectrophotometer or colorimeter, against a blank, carried through entire procedure, set at zero absorbancy.

(iv) Plot standard curve of concentration (microgram per 100 ml. of final solution) of methyl anthranilate against absorbancy of solutions.

(4) *Determination.* Use a 100 ml. volumetric flask as receiver. Add 5 ml. of water to just cover or seal end of extended condenser tube. Transfer 15–25 ml. of sample concentrate into distillation flask. Collect about (ca.) 80 ml. of distillate. Treat as under subparagraph (3) (iii) of this paragraph. Obtain concentration (micrograms/100 ml. of final solution) of methyl anthranilate from standard curve (see subparagraph (3) (iv) of this paragraph).

$$\frac{\text{mgs.}}{\text{liter of concentrate}} = \frac{\text{microgram 100 ml. of final solutions}}{\text{ml. of sample taken}}$$

(b) *Absorbancy and absorbancy ratio.* Absorbancy and absorbancy ratio shall be obtained as follows:

(1) The concentrate shall be diluted at 25 degrees C., using MacIlavaine's pH 3.2 buffer as the liquid.

(2) 5 ml. aliquot of diluted sample shall be further diluted to 100 ml. with MacIlvaine's pH 3.2 buffer.

(3) Filter 50 ml. of solution through sintered glass crucible 4-cm. diameter, 4.5-cm. height, medium porosity.

(4) Read absorbancy of filtrate on a spectrophotometer at 520 millimicron wavelength with a 0.05 mm. width slit and at 430 millimicron wavelength with a 0.025 mm. width slit.

$$\text{Absorbancy} = 2 - \log T, \text{ where } T = \text{percentage transmittancy}$$

$$\text{Corrected absorbancy} = \text{observed absorbancy} \times \frac{20}{\text{thickness of cell in cm.}}$$

$$\text{Absorbancy ratio} = \frac{\text{corrected absorbancy at 520 millimicrons}}{\text{corrected absorbancy at 430 millimicrons}}$$

[4] Copies of this publication are available for inspection in the Office of the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D. C.

LOT CERTIFICATION TOLERANCES

§ 52.2462 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrate for grape beverage the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2463 *Score sheet for frozen concentrate for grape beverage.*

Size and kind of container	----
Container mark or identification	----
Label (including dilution factor)	----
Net contents (fluid ounces)	----
Type (Concord, blended)	----
Brix of the reconst. beverage	----
Acid (as tartaric) gram/100 ml.	----
Brix-acid ratio	----

Factors		Score points	
Color	40	(A)	34-40
		(B) [1]	28-33
		(SStd.)	10-27
Defects	20	(A)	17-20
		(B) [1]	14-16
		(SStd.) [1]	0-13
Flavor	40	(A)	34-40
		(B) [1]	28-33
		(SStd.) [1]	0-27
Total score	100		
Grade			----

[1] Indicates limiting rule.

Dated: January 4, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-184; Filed, Jan. 10, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JANUARY 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in January under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3¾ percent per annum.

For periods over 6 months up to and including 18 months, 4¼ percent per annum.

For periods over 18 months up to and including 36 months, 4¾ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

JANUARY 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service or judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" [1] at storage locations of products. Domestic price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate, except that no deduction for freight will be made if the "in store" location and the delivery point named in offer are in the same city. Export prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Nonfat dry milk (in carloads only); spray and roller as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement ID-14 and supplements. In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound.[2] Export, unrestricted use: Under ID-5 and amendments. Spray process, U. S. Extra Grade: In barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 8.15 cents per pound; in bags, 7.55 cents per pound. Export, restricted use (animal and poultry feed): Under ID-23 and amendment. Roller process: Competitive bid on not more than 7,000,000 pounds. Bids received each week (by close of business on Friday) will be considered for acceptance on the first business day of the following week.
Cheddar cheese; cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 140,000,000 pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States, 37 cents per pound. Export: Under ID-5 and amendments. 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7, as amended, in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 (Revision 1) and NO-C-8, as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 50 (1955) as amended. Available Dallas CSS Commodity Office.
Wool, shorn, 68,000,000 pounds	Domestic or export: Limited quantities (not more than 6,250,000 pounds in January) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store [3] but not less than the domestic minimum price (1956 applicable loan rate for class, grade, and quality, plus (1) 31 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge). Examples of minimum price per bushel (exrail or barge): Chicago No. 1 RW, $2.57; Minneapolis No. 1 DNS, $2.60; Kansas City No. 1 HW, $2.37. Noncommercial wheat-producing area: Market price, basis in store,[3] but not less than 133 percent of applicable 1956 county loan rate plus (1) 31 cents per bushel if received by truck, or (2) 26 cents per bushel if received by rail or barge. The domestic minimum price for all spring wheat, including Durum, will be basis loan rate point of production; if point of production not determinable, basis Minneapolis. Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Chicago, and Portland only.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[3] but not less than the domestic minimum price (1956 loan rate basis point of production for class, grade, and quality plus 18 cents per bushel). Examples of minimum price per bushel, including average paid-in freight (ex rail or barge): Chicago No. 3 yellow, $1.87; Minneapolis No. 3 yellow, $1.78; Kansas City No. 3 yellow, $1.86; Portland No. 3 yellow, $2.03. Noncommercial corn-producing area: Market price, basis in store,[3] but not less than 121 percent of the applicable 1956 loan rate, plus 18 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn is also available at the above offices. Export: Competitive bid basis as announced by the Portland and Chicago CSS Commodity Offices.

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Oats, bulk	Domestic: Market price, basis in store,[3] but not less than the domestic minimum price (1956 loan rate basis point of production for class, grade, and quality, plus 14 cents per bushel). Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 oats or better, $0.92; Minneapolis No. 3 oats or better, $0.87. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[3]
Barley, bulk	Domestic: Market price basis in store,[3] but not less than the domestic minimum price (1956 applicable loan rate for class, grade and quality plus (1) 22 cents per bushel if received by truck, or (2) 19 cents per bushel if received by rail or barge). Example of minimum price per bushel (exrail or barge): Minneapolis No. 2 barley, $1.43. Available Minneapolis, Chicago, Kansas City, Portland and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[3]
Rye, bulk	Domestic: Market price, basis in store,[3] but not less than the domestic minimum price (1956 applicable loan rate for class, grade, and quality, plus (1) 26 cents per bushel if received by truck, or (2) 21 cents per bushel if received by rail or barge). Example of minimum price per bushel (exrail or barge): Minneapolis No. 2 or better, $1.71. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[3]
Grain sorghums, bulk[4]	Domestic: Market price, basis in store,[3] but not less than the domestic minimum price (1956 applicable loan rate for class, grade, and quality, plus (1) 44 cents per cwt. if received by truck, or (2) 35 cents per cwt. if received by rail or barge). Example of minimum price per cwt. (exrail or barge): Kansas City No. 2 or better, $2.77. Available Dallas, Portland and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[3]
Rice, milled (as available)	Domestic, for feed, other brokens: Competitive bid under DL-BR-1/56 as announced by Dallas CSS Commodity Office. Unrestricted use and for export, other brokens: Competitive bid under DL-BR-1/56 (minimum price, $6.01 per cwt. in sacks, $5.86 bulk) as announced by Dallas CSS Commodity Office. Export:[3] Competitive bid on U. S. No. 5 or better under DL-MR-400 as announced by Dallas CSS Commodity Office and GR-PD-48 as announced by Portland CSS Commodity Office.[3] Special export on "as is" basis:[3] Competitive bid under terms and conditions of DL-MR-53 as announced by Dallas CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (revised) and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga. Export: Competitive bid for not to exceed 50,000 drums of rosin "as is", in storage, subject to Announcement TB-21 (Revised) and Export Supplement thereto.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 (revised), and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouseman for storage documents.

[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: January 7, 1957.

[SEAL] WALTER C. BERGER,
Executive Vice-President,
Commodity Credit Corporation.

[F. R. Doc. 57-194; Filed, Jan. 10, 1957; 8:45 a. m.]

Office of the Secretary

NEW MEXICO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in all counties in New Mexico, except the 12 counties listed in 20 F. R. 7054 in which the special credit program for the Great Plains area was authorized on September 15, 1955, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the counties covered by the determination referred to above after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 8th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-196; Filed, Jan. 10, 1957; 8:45 a. m.]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

ALCOHOL AND TOBACCO TAX BRANCH OFFICES

At the end of the list of Alcohol and Tobacco Tax Branch offices, Appendix B (21 F. R. 10419), the following footnote should be added:

*Denotes combination regulatory and enforcement offices.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner,
Internal Revenue Service.

[F. R. Doc. 57-222; Filed, Jan. 10, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER, CALIFORNIA NO. 506

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling approximately 1,581.65 acres in Trinity County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 9 W.,
Sec. 5, lots 1, 2, 5, 6, 8, approximate E½ lot 3, approximate E½W½ lot 3, SE¼NW¼, E½SE¼SW¼, SE¼, S½NE¼;
Sec. 7, lots 10, 11, 12;
Sec. 8, SW¼, E½NW¼, E½NE¼, SW¼NE¼;
Sec. 17, NW¼, N½NE¼, SW¼N¼, N½N½SW¼;
Sec. 18 lots 84 and 85, NE¼NE¼NE¼, S½NE¼NE¼;
Sec. 27, E½SE¼, S½SE¼NE¼, NW¼SE¼NE¼;
Sec. 34, NE¼NE¼.
T. 33 N., R. 10 W.,
Sec. 13, lots 1, 2, W½NE¼, E½NE¼NW¼, E½NW¼NE¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to applications under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to Veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to January 4, 1957, will be granted, as soon

as possible, the preference right provided for by 43 CFR 257.5 (a).

EUGENE L. SCHMIDT,
Officer in Charge, Northern Field Group, Sacramento, Calif.

[F. R. Doc. 57-218; Filed, Jan. 10, 1957; 8:48 a. m.]

Bureau of Reclamation

MOUNTAIN HOME PROJECT, IDAHO

ORDER OF REVOCATION

SEPTEMBER 5, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of April 30, 1951, insofar as said order affects the following-described land: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 2 N., R. 2 E.,
Sec. 29, NW¼NE¼, NE¼NW¼.

The above areas aggregate 80 acres.

E. G. NIELSEN,
Acting Commissioner.

[61715]

JANUARY 7, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The land is located about 8 miles east of Kuna, Idaho, and lies at an elevation of about 2,800 feet. The northerly part of the land is nearly level to undulating. Vegetation consists generally of a moderate to heavy stand of sagebrush with an understory of cheatgrass, native blue grass, and mustard. Most of the tract has some suitability for agricultural development under irrigation if an adequate supply of water can be made available.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on Feb. 12, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 14, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on May 14, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on May 14, 1957.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director, Bureau of Land Management.

[F. R. Doc. 57-204; Filed, Jan. 10, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-35]

AMF ATOMICS, INC.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission proposes to issue, on Form AEC-250, facility export license XR-3 described below unless within 15 days after publication in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", and upon findings that (a) the reactor proposed to be exported is a utilization facility and (b) the issuance of a license for the export thereof is within the scope of and is consistent with an agreement for cooperation with the Kingdom of the Netherlands, the Atomic Energy Commission proposes to issue the license to AMF Atomics, Inc., 261 Madison Avenue, New York 16, N. Y., for the export of a 10 kilowatt pool type demonstration reactor described in Supplement A to AMF Atomics application, filed September 27, 1956. Said reactor is to be exported to the Ministry of Education, Kingdom of the Netherlands and is to be erected at the International Exhibition "Het Atoom", Amsterdam under the auspices of the Laboratorium Voor Chemische Werktuigen der Technische Hogeschool (Delft Institute of Technology).

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the United States Atomic Energy Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on August 1, 1957, unless sooner terminated.

Dated at Washington, D. C., this 7th day of January 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Civilian Application.

[F. R. Doc. 57-199; Filed, Jan. 10, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8445]

COMPANIA NACIONAL DE TURISMO AEREO "CINTA LIMITADA"

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Compania Nacional de Turismo Aereo "Cinta Limitada" for an amendment of its foreign air carrier permit pursuant to section 402 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on January 16, 1957, at 10:00 a. m., e. s. t., in Room 2505, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., January 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-225; Filed, Jan. 10, 1957; 8:50 a. m.]

[Docket No. 2564]

CHICAGO AND SOUTHERN AIR LINES, INC.; REOPENED DELTA-C&S MAIL RATE CASE

NOTICE OF FURTHER CHANGE IN DATE OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, of Chicago and Southern Air Lines, Inc., over its Latin American route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding, originally scheduled for January 8, 1957, and now assigned to be held on January 23, 1957, is hereby reassigned to be held on January 22, 1957, at 10:00 a. m., e. s. t., in room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Notice is further given that any person not a party of record desiring to be heard in this proceeding must file with the Board on or before January 22, 1957, a statement setting forth the matters of fact or law that he desires to advance.

Dated at Washington, D. C., January 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-226; Filed, Jan. 10, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11899, F. C. C. 57-7]

TELEVISION DIABLO, INC. (KOVR)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Television Diablo, Inc. (KOVR), Stockton, California, for construction permit to change transmitter site, etc.; File No. BPCT-2187.

1. The Commission has before it for consideration a "Protest and Petition for Reconsideration" filed on December 3, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Capital City TV Corporation (Capital City), licensee of Television Broadcast Station KCCC-TV, Channel 40, Sacramento, California, and directed against the Commission's action of November 8, 1956, granting without hearing the above-captioned application of Television Diablo, Inc., permittee of Television Broadcast Station KOVR, Channel 13, Stockton, California (KOVR), for a construction permit to change transmitter and antenna site and to make other changes. The petitioner also requests reconsideration of the Commission's actions of like date returning the application tendered by Capital City for Channel 13 at Stockton, and denying Capital City's petition for comparative consideration of such application with the above-captioned application and with the pending application (BLCT-459) of KOVR for license, and retenders its application for Channel 13. On December 18, 1956, KOVR filed an "opposition to Capital City's Protest and Petition for Reconsideration" and on December 26, 1956, Capital City filed a "Reply".

2. In the above-captioned application, KOVR requested authority to move its transmitter and antenna site a distance of approximately 72 miles, from Mount Diablo, 35 miles southwest of Stockton, to Butte Mountain, 40 miles northeast of Stockton, to reduce antenna height above average terrain from 3,240 feet to 1,180 feet, to increase effective radiated power from 100 kw visual to 316 kw visual, and to make other changes in the operating facilities of the station. This application was granted by the Commission after consideration of objections filed by the petitioner, Capital City, against the application, and upon a finding that the public interest, convenience and necessity would be served by the grant. The Commission also rejected Capital City's claim for comparative consideration of its application for Stockton and returned the tendered application.

3. Capital City claims to be a "party in interest" or a "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, to have standing to file its protest and petition for reconsideration on the grounds that it is the permittee of KCCC-TV, Sacramento, and is now affiliated with the American Broadcasting Company (ABC) television network; that grant of this subject application opens it to active local competition with a third VHF station, KOVR; that as a result of the grant it will lose its ABC network programs and related income to KOVR; and that without such programs and income it cannot long survive. Capital City alleges further that at present KOVR is a "negligible factor" in the Sacramento competitive picture, but by the instant proposal will become oriented to Sacramento and the Central Valley area; that KOVR's admitted intention is to become the ABC affiliate for the entire Central Valley area; that ABC has committed itself to enter into an affiliation agreement with KOVR when it is authorized to operate from Butte Mountain; that KCCC-TV will sustain substantial financial losses, even if ABC does not cancel its affiliation contract, to the extent that sponsors will select KOVR in preference to KCCC-TV; that loss of ABC programs will also result in the loss of income from other sources; and that UHF receiver circulation will decrease because of the loss of programming, with the result that sales by KCCC-TV will become difficult if not impossible. In addition to the foregoing, Capital City also claims standing under section 405 of the act because of the denial of its application for Channel 13 without hearing.

4. Capital City alleges that the Commission's action granting the above-captioned application was in error (a) because the grant would result in the destruction of UHF service in the area, contrary to the public interest; (b) because the public interest would not be served by a vast reduction in the coverage of KOVR which would result from the proposed move; (c) because the entire history of KOVR, including its representations in connection with the instant application, is one of concealment, misrepresentation and lack of candor to an extent that it reflects adversely on its character and other qualifications to be a broadcast licensee; (d) because KOVR's past programming and its program proposals do not serve the needs of the Stockton area; and (e) because the grant was improperly made in the light of the pending application of Capital City. In support of each of the above-recited conclusions, Capital City has advanced numerous factual allegations.

5. In addition to the foregoing, Capital City also claims that the Commission erred as a matter of law in refusing to accord its application for Channel 13 at Stockton comparative consideration with both the above-captioned application and the pending license application of KOVR (BLCT-459) to cover its existing operation from Mt. Diablo. In support of this claim it has advanced a variety of arguments, but, in essence, its claim to comparative consideration rests on the contentions (1) that the modification proposal is so extensive as to amount to a new proposal, thus entitling Capital City's application to comparative consideration under the Ashbacker case;[1] (2) that the KOVR license application should be treated as a renewal application, because construction was completed at a time that would have allowed licensing of the facilities in 1954, and, under the Commission's Rules a renewal application would have been pending against which Capital City's application would be entitled to comparative consideration under the Communications Act; and in any event (3) that under the Communications Act, the Commission "has full discretion to grant or deny an application for a station license and to entertain competing applications therefor."

6. In the light of the foregoing allegations and contentions, Capital City requests that the Commission grant its Protest and Petition for Reconsideration; vacate, set aside or postpone the effective date of its grant of KOVR's application for construction permit; designate the application for hearing on the issues specified by Capital City and such other issues as the Commission may adopt; and make Capital City a party to such proceeding. In addition, Capital City requests that the Commission reconsider its action returning Capital City's appli-

[1] Ashbacker Radio Corporation v. FCC, 326 U. S. 327, 66 S. Ct. 148.

cation for Channel 13 at Stockton, accept said application for filing, and designate it for comparative hearing with both KOVR's above-capitioned application and with its application for license to cover the current operation.

7. In its opposition, filed on December 18, 1956, KOVR takes the position that Capital City has no standing to protest the grant under section 309 (c) of the act, because of the knowledge of the pendency of the above-capitioned application by Lincoln Deller, present owner of Capital City at the time he acquired control of the protestant corporation; because of the mere speculative nature of the allegations of injury resulting from the grant; and since the injury claimed by Capital City results from the Sixth Report which allocated the channel to Stockton, from the original grant which authorized KOVR to serve Sacramento with a signal of the same intensity as it now proposes, and from the August 1955 revision of § 3.658 (b)[1] of the Commission's rules. KOVR contends further that, assuming Capital City has standing under sections 309 (c) and 405 of the act, it is entitled at most to oral argument because its contentions can be disposed of on demurrer. KOVR argues that only "well pleaded fact" must be treated as true, requiring the disregard of inferences and conclusions drawn by the protestant. In this connection, KOVR alleges controverting facts with respect to six contentions made by the protestant. Contending that there is little likelihood of Capital City prevailing on the merits, because of the necessity of maintaining KOVR as an existing service, and because of the pressing public need for the prompt implementation of this grant, KOVR urges that its grant should not be suspended while oral argument or other hearing is being held.

8. In its above-referenced Reply, Capital City points out that neither protestant's ownership nor the provisions of § 3.658 (b) of the rules have anything to do with standing, and that the facts alleged are more than sufficient to show a likelihood of economic injury and make Capital City a "party in interest" under section 309 (c) of the act. Capital City contends, furthermore, that an evidentiary hearing is required, and that KOVR's attempt to controvert the facts protestant has alleged only point up the necessity of taking evidence. Finally, Capital City argues that the grant should be stayed, that the exception in section 309 (c) relative to the maintenance of an existing service is inapplicable, and that public interest requires, rather, that operation of KOVR from its present site be continued.

9. In view of the fact that Capital City is licensee of Television Station KCCC–TV, Sacramento, and that it has alleged it will be in active local competition with KOVR for the first time, and will suffer economic injury as a result of the proposed operation of KOVR from Butte Mountain, we find Capital City to be a "party in interest" and "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended. FCC v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike and Fischer RR 2008). We find further that Capital City has standing to seek reconsideration under section 405 of the act of the Commission's action, refusing to accept for filing its application for Channel 13 at Stockton and to accord said application comparative consideration with the above-captioned application and with KOVR's license application.

10. A question is also presented as to whether we should stay the effective date of our grant of the above-captioned application. In this connection, section 309 (b) of the Communications Act provides that:

> Pending hearing and decision (of cases arising under this statute) the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

11. The applicant argues, in part, that the authorization involved is necessary to the maintenance or conduct of an existing service. In view of the fact that KOVR is an operating station serving Stockton and its surrounding area, and it is not alleged that a stay of the instant authorization will result in KOVR being unable to continue its operation from Mount Diablo, although it is suggested that its programming may be reduced somewhat, we cannot agree that the applicant's position in this respect is tenable. Therefore, unless the Commission affirmatively finds that the public interest requires that the grant remain in effect, the grant must be stayed. We thus turn to the need for a service proposed by KOVR from Butte Mountain. There are three VHF stations (including KOVR) and one UHF station already serving most or all of the Stockton-Sacramento area. In view of the number of services already available to the Stockton-Sacramento area, and without attempting to determine the likelihood of the protestant prevailing on the merits, we cannot affirmatively find that the public interest requires that the grant remain in effect. Accordingly, the effective date of the Commission's action here in question will be postponed to the effective date of the Commission's decision in the hearing hereinafter ordered.

12. The Commission further finds that the protestant has specified with particularity, within the meaning of section 309 (c), the facts upon which it relies to warrant designation of the above-captioned application for hearing on appropriate issues to be specified by further order of the Commission. At that time the Commission will also act upon the Petition for Reconsideration filed by the protestant.

13. Accordingly, in view of the foregoing: *It is ordered*, That, effective immediately, the effective date of this grant is postponed pending final determination by the Commission with respect to the protest filed herein by Capital City TV Corporation, and That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place, upon appropriate issues, and pursuant to hearing procedures, to be specified by further order of the Commission.

Adopted: January 2, 1957.

Released: January 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–223; Filed, Jan. 10, 1957; 8:49 a. m.]

[1] Section 3.658 (b) provides as follows: Territorial exclusivity. No license shall be granted to a television broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another broadcast station located in the same community from broadcasting the network's programs not taken by the former station, or which prevents or hinders another broadcast station located in a different community from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its community upon the programs of the network organization. As employed in this paragraph, the term "community" is defined as the community specified in the instrument of authorization as the location of the station.

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3540]

CITIES SERVICE CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING STOCK DIVIDEND

JANUARY 7, 1957.

Cities Service Company ("Cities"), a registered holding company, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") in respect of the following proposed transactions:

Cities proposes to issue 202,206 shares of its authorized but unissued $10 par value common stock, and to distribute such shares on or about January 24, 1957, to its stockholders of record as of December 6, 1956, as a 2 percent stock dividend, on the basis of one share of new stock for each fifty shares of its outstanding 10,110,347 shares of common stock. In lieu of fractional shares, it is proposed to issue order forms evidencing such fractional interests, and the fractional interests represented thereby may be combined with other fractional interests to enable the holder thereof to receive certificates for full shares, or may be sold as the owner may elect. The company has made arrangements with Guaranty Trust Company of New York, as Distribution Agent, to buy and sell such fractional interests for the account of the holders thereof, without cost to such holders. All shares held to cover fractional interests with respect to which Guaranty Trust Company does not receive completed order forms before the close of business on February 25, 1957, will be sold in due course for the account of the holders thereof, and the proceeds distributed pro rata. On February 28, 1963, all unclaimed and all undeliverable proceeds of such sales shall become the absolute property of Cities.

Cities proposes to assign a value of $64 per share to each of the 202,206 shares of common stock to be issued as a stock dividend, or an aggregate of $12,941,184. It also proposes to debit earned surplus in that amount, to credit its common stock capital account with the par value of such shares, $10 per share, or an aggregate of $2,022,060, and to credit its capital surplus account with the excess of the assigned value over the par value, $54 per share, or an aggregate of $10,919,124.

Notice of the filing having been duly given in the form and manner prescribed by Rule U-23 promulgated under the act (Holding Company Act Release No. 13344), and no hearing having been requested of or ordered by the Commission in respect of the declaration; and

It appearing that the estimated fees and expenses to be incurred consist of the following:

Guaranty Trust Co., for handling issuance of common stock as dividend, and for handling fractional interest order forms:	
Fee	$125,000
Expenses	45,000
Original issue and transfer taxes	8,000
Listing fees	2,000
Printing and postage	20,000
Miscellaneous	1,000
Total	201,000

and that such fees and expenses are not unreasonable, if they do not exceed the estimates; and

The Commission observing no basis for adverse findings or for the imposition of terms and conditions in respect of the proposed transactions, and finding that the applicable provisions of the Act and the Rules and Regulations thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors that the declaration be permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration be, and it is hereby, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–213; Filed, Jan. 10, 1957; 8:48 a. m.]

[File No. 812–1055]

AMERICAN RESEARCH AND DEVELOPMENT CORP. AND TRACERLAB, INC.

NOTICE OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

JANUARY 7, 1957.

Notice is hereby given that American Research and Development Corporation ("American Research"), a registered closed-end, non-diversified management investment company, and Tracerlab, Incorporated ("Tracerlab"), a manufacturing company, have filed an application and an amendment thereto, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), requesting an order exempting from the provisions of section 17 (a) of the act certain transactions between American Research and Tracerlab described below.

Tracerlab was organized in 1946 under the laws of Massachusetts and operates laboratories and manufacturing facilities in Boston, Massachusetts, Richmond, California and Houston, Texas. Its business at the present time consists of the manufacture of scientific and industrial instruments and equipment for the utilization, detection and measurement of radioactivity and, for itself and others, carries on a wide range of research and service activities in the field of nuclear physics and chemistry. Its 99 percent owned subsidiary, Keleket X-ray Corporation ("Keleket") manufactures and distributes X-ray apparatus and equipment and distributes X-ray film, tubes, supplies and accessories.

Tracerlab has outstanding $1,500,000 principal amount of 5 Percent Debentures due November 1, 1970, initially convertible into Common Stock at $14.75 per share and 456,553 shares of Common Stock, $1 par value, of which American Research holds 60,005 shares or 13.1 percent of the total outstanding voting securities of Tracerlab. At November 8, 1956, Tracerlab also owed $991,676 to The First National Bank of Boston on notes now due on demand.

Tracerlab acquired a controlling interest in Keleket in 1951 because of the close interrelation of the applications and problems of radiation, whether produced from radioisotopes or from X-ray technology. Despite profitable operations of Keleket in 1951, 1952 and 1953, substantial losses have been incured in the period since 1954, which losses have offset the profitable operations of Tracerlab's nucleonics business during the period. In an effort to improve this situation, a program of reorganizing the operations of Keleket and integrating its manufacturing operations with those of Tracerlab was begun in 1955. The business of Keleket and Tracerlab will be consolidated in a new plant now being constructed in Waltham, Massachusetts, for lease to Tracerlab. This program has resulted in long delays in manufacturing and shipment of X-ray equipment. Many replacements of engineering and other personnel have been necessary, resulting in further delays of deliveries and added costs.

The present operating difficulties have been further complicated by the fact that Tracerlab's indebtedness to The First National Bank of Boston is on a demand basis and Tracerlab is unable to pledge its receivables to secure such indebtedness because of the restrictions contained in the Trust Indenture under which its outstanding debentures were issued.

Tracerlab has consulted with an underwriter to obtain advice with respect to the raising of additional equity capital. In view of the need to obtain additional capital funds promptly, conventional financing methods are not considered appropriate by the underwriter, which has also advised Tracerlab that it could not place privately $400,000 or more of common stock at a satisfactory price to Tracerlab.

Prior to the filing of the instant application Tracerlab was advised informally that upon condition that Tracerlab (i) obtains $480,000 of additional equity capital through sale of its Common Stock, (ii) obtains a one year line of credit for $1,000,000 from The First National Bank of Boston and (iii) agrees to grant to Massachusetts Business Development Corporation ("MBDC") options to purchase 2,000 shares of its Common Stock at a price of $5.50 per share, MBDC will purchase a $400,000 second mortgage note of Tracerlab Development Corporation ("TDC") from Tracerlab, or in the alternative, will lend an equivalent sum to TDC for that corporation to repay its second mortgage note to Tracerlab.

In order to obtain the $480,000 of equity capital required as part of the financing program outlined above, Tracerlab has negotiated with several existing security holders and others including American Research and proposes to offer and sell to American Research and to five or six other persons not more than 87,273 shares of its Common Stock at a price of $5.50 per share, of which American Research has agreed to purchase not more than 43,673 shares.

On December 3, 1956, The First National Bank of Boston advanced an additional $200,000 to Tracerlab on a demand basis in contemplation of the proposed financing.

Letter agreements have been entered into between Tracerlab and each of the parties relative to the above mentioned financing program and copies thereof have been or will be furnished by amendment to the application.

The parties consider the raising of equity capital in the manner proposed to be the only way in which Tracerlab can be assured of raising the necessary working capital as promptly as the circumstances require.

American Research, on the other hand, preserves the value of its investment and increases its ownership of the Common Stock to 103,642 or approximately 19 percent of the total to be outstanding after the sales are consummated.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company from purchasing from, or selling to, such registered investment company, any security, with certain exceptions, unless the Commission upon application pursuant to section 17 (b) of the act, grants an ex-

emption from section 17 (a) of the act after finding that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and consistent with the general purposes of the act.

Since American Research owns more than 5 percent of the Common Stock of Tracerlab, these companies are affiliated persons of each other as defined in section 2 (a) (3) of the act, hence, the transactions between them pursuant to the proposed agreements are prohibited under section 17 (a) of the act unless the Commission grants the application herein, and issues an order of exemption pursuant to section 17 (b) of the act.

Notice is further given that any interested person may, not later than January 18, 1957, at 1:00 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-214; Filed, Jan. 10, 1957; 8:48 a. m.]

[File No. 812-1057-1]

BOSTON FUND, INC. AND BOND FUND OF BOSTON, INC.

NOTICE OF APPLICATION FOR ORDER EXTENDING THIRTY-DAY PERIOD TO FILL VACANCY ON BOARD OF DIRECTORS

JANUARY 7, 1957.

Notice is hereby given that Boston Fund, Inc. ("Boston Fund") and The Bond Fund of Boston, Inc. ("Bond Fund"), registered open-end diversified investment companies, have filed an application pursuant to section 10 (e) of the Investment Company Act of 1940 ("act") for an order of the Commission extending until February 15, 1957, the period during which a vacancy on the board of directors may be filled in order to bring the membership of the board into compliance with the provisions of sections 10 (a) and 10 (b) (2) of the act.

Powell M. Cabot, a director of both Boston Fund and Bond Fund, died on December 15, 1956. Cabot's death has reduced the board of directors of Boston Fund to eight members of whom five are partners, and therefore affiliated persons, of Boston Management and Research Company, the investment adviser of Boston Fund. Cabot's death also has reduced the Board of Directors of Bond Fund to six members, of whom four are partners or employees, and therefore affiliated persons, of Boston Management and Research Company, the investment adviser of Bond Fund, and of whom three are partners, and therefore affiliated persons, of Vance, Sanders and Co., the principal underwriter of Bond Fund.

Section 10 (a) of the act provides that no registered company shall have a Board of Directors more than 60 percent of the members of which are affiliated persons of the registered company's investment adviser. Boston Fund and Bond Fund, therefore, by reason of Cabot's death, do not comply with these requirements of section 10 (a). Section 10 (b) (2) of the act provides that no registered company shall use as a principal underwriter any person of which a director of such registered company is an affiliated person, unless a majority of the board of directors of such registered company are persons who are not affiliated persons of such principal underwriters. Bond Fund does not now comply with these provisions of section 10 (b) (2).

Section 10 (e) of the act provides, among other things, that if by reason of the death of a director, the requirements of the provisions of sections 10 (a) and (b) in respect of directors are not met by a registered company, the operation of such provisions are suspended as to that company for a thirty-day period, and for such longer period as the Commission may prescribe by order upon application as not inconsistent with the protection of investors.

The application states that Boston Fund plans to hold its next regular meeting of directors on January 30, 1957, and Bond Fund would normally hold its next meeting of directors early in March. The application further states that because of delays incident to the holiday season, and in view of the time required for preliminary discussions, it appears to the management of both Funds that it will not be conveniently possible for the boards of directors of the two Funds to take action to fill the vacancies created by Cabot's death within the thirty-day period prescribed by section 10 (e) of the act. The application also states that in view of the fact that the Funds' boards of directors are not expected to meet until they take action on these vacancies, it appears to be not inconsistent with the protection of investors that the requested application be granted and the thirty-day period provided for in section 10 (e) of the act be extended until February 15, 1957.

Notice is further given that any interested person may, not later than January 18, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act, unless prior to that date the Commission orders a hearing upon request or upon its own motion. Persons who request a hearing or advice as to whether a hearing is necessary should submit their requests on or before January 18, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-215; Filed, Jan. 10, 1957; 8:48 a. m.]

[File No. 7-1840]

REVLON, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PREVILEGES, AND OF OPPORTUNITY FOR HEARING

JANUARY 7, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Revlon, Inc., Common Stock. File No. 7-1840.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before January 23, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-216; Filed, Jan. 10, 1957; 8:48 a. m.]

[File No. 70-3539]

LOUISIANA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSAL TO ISSUE AND SELL FIRST MORTGAGE BONDS

Louisiana Power & Light Company ("Louisiana"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, having filed with this Commission a declaration, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, regarding the following proposed transactions:

Louisiana proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $20,000,000 principal amount of its First Mortgage Bonds, --percent series due January 1, 1987. The interest rate (which shall be a multiple of ⅛ of 1 percent, and the price, exclusive of accrued interest, to be paid to Louisiana for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated April 1, 1944, as heretofore supplemented, and as to be further supplemented by a Fifth Supplemental Indenture to be dated January 1, 1957.

The proceeds received from the proposed sale of bonds will be used to pay the costs of needed additional facilities and extensions, for the payment of outstanding bank loans in the amount of $7,280,000, and for other corporate purposes.

The declaration states that no state regulatory body or agency, and no Federal Commission or agency, other than this Commission, has jurisdiction over the proposed issue and sale of bonds.

The fees and expenses to be incurred in connection with the proposed transactions are estimated as follows:

Federal stamp tax	$22,000
Filing fee, Securities and Exchange Commission	2,055
Fees of trustee	11,000
Auditors' fees (Haskins & Sells)	2,500
Printing, including Form S-9, prospectus, supplemental indenture, etc	15,000
Printing and engraving securities	4,500
Charges of Ebasco Services Inc	6,000
Fees of Company's counsel:	
Reid & Priest, New York, N. Y.	10,000
Monroe & Lemann, New Orleans, La	10,000
Miscellaneous expenses	6,945
Total	90,000

The legal fee of the firm of Winthrop, Stimson, Putnam & Roberts, New York, N. Y., who have been designated to act as counsel for the underwriters, will be $6,500 and is to be paid by the successful bidder or bidders.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13340), and no hearing having been requested of or ordered by the Commission; and

It appearing that the estimated fees and expenses to be incurred and paid in connection with the proposed transactions are not unreasonable if they do not exceed the estimates; and the Commission observing no basis for adverse findings, or the imposition of terms and conditions, and finding with respect to the proposed transactions that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the declaration, as amended, be, and it is hereby, permitted to become effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-217; Filed, Jan. 10, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LUISE RISSMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Luise Rissmann, Viktoriastrasse 28, Hamm, Westphalia, Germany; Claim No. 59564, Vesting Order No. 17063; all right, title, interest and claim of any kind of Luise Rissmann in and to the Estate of Rudolph Strauss, deceased, vested by Vesting Order No. 17063.

Executed at Washington, D. C., on January 3, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-219; Filed, Jan. 10, 1957; 8:48 a. m.]

PROSPER WESSEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Prosper Wessel, Aurich, Sandhorstkasserne 14a, 78, Germany; Claim No. 37590, Vesting Order No. 4933; $3,562.27 in the Treasury of the United States.

Executed at Washington, D. C., on January 3, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-220; Filed, Jan. 10, 1957; 8:48 a. m.]

[Dissolution Order Number 116]

AMERICAN VOITH CONTACT CO., INC.

Whereas by virtue of the issuance of Vesting Orders Nos. 114 and 3185 and other actions taken under the Trading with the Enemy Act, as amended, the Attorney General of the United States (hereinafter referred to as "Attorney General") is the owner of 1,994 of the 2,000 issued and outstanding shares of common capital stock of American Voith Contact Company, Inc. (hereinafter sometimes referred to as "American Voith"), a New York corporation; and

Whereas a certificate of dissolution was issued by the Secretary of State of New York on July 16, 1954, certifying to the dissolution of American Voith;

Now, therefore, under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and 9788, pursuant to law, the undersigned, after investigation:

1. Finding that the known assets of American Voith consist of:

(a) Cash in the amount of $62,570.89;

(b) Rights and interests in certain United States Letters Patent and applications for United States Letters Patent, and rights and interests in certain Canadian Letters Patent and applications for Canadian Letters Patent;

2. Finding that the known liabilities of American Voith amount to $66,241.32:

(a) Due to the Attorney General for services rendered the company prior to date of dissolution, July 17, 1954	$9,175.02
(b) Due to Attorney General, account payable vested by Vesting Order No. 3185	16,000.00
(c) Due to Attorney General, account payable vested by Vesting Order No. 4231	18,636.45
(d) Balance due to Attorney General on account of sums collected from S. Morgan Smith Co., Vesting Order No. 146	10,000.00
(e) Due to the estate of Frederik Grewin	12,118.24
(f) Due to Dow & Symmers, 70 Pine St., New York City	311.61
Total liabilities	66,241.32

3. Having determined that it is in the national interest that the affairs of American Voith be wound up and that its remaining assets be assigned to the Attorney General and that any proceeds derived from the administration or liquidation of the assets be applied as hereinafter specified,

Hereby orders, That the directors and officers of American Voith wind up the affairs of American Voith and distribute the assets of the company coming into their possession as follows:

I. They shall first pay all current expenses and necessary charges in effecting the dissolution of the company and winding up its affairs;

II. They shall then pay all known federal, state and local taxes, if any, now owed by or accrued against the company;

III. They shall then pay from the funds remaining the liabilities of the company listed in Paragraph 2 above, the said payments to be made on a pro rata basis to the extent of the available funds.

IV. They shall then transfer, assign and deliver to the Attorney General any and all remaining assets and property of American Voith, including after-discovered assets or property; and

Further orders, That any funds derived from the sale, licensing and/or other disposition of the assigned assets or property shall be applied, first, to pro rata payments of balances then remaining unpaid on the liabilities listed in Paragraph 2 above, and second as a liquidating distribution of assets to stockholders; and

Further orders, That nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may have a claim against American Voith to file such claim with the Attorney General against any funds or property received by the Attorney General hereunder; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; *Provided, further*, That any such claim against American Voith shall be filed with or presented to the Attorney General within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and

Further orders, That all actions taken and acts done by the said officers and directors of American Voith pursuant to this Order and the directions contained herein shall be deemed to have been taken and done in reliance on and pursuant to Paragraph numbered (2) of Subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, (50 U. S. C. App. 5 (b) (2)) and the acquittance and exculpation provided therein.

Executed at Washington, D. C., on December 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-221; Filed, Jan. 10, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 8, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33136: *Petroleum oil from Oak Point, La., to Bradford, Pa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum oil, noibn, tank-car loads from Oak Point, La., to Bradford, Pa.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 88 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33137: *Barytes—Arkansas and Missouri to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on ground barytes from specified points in Arkansas and Missouri to specified points in Louisiana.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 64 to Agent Kratzmeir's tariff I. C. C. 4092.

FSA No. 33138: *Benzol—Shreveport, La., to Texas City, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on benzol (benzine), tank-car loads from Shreveport, La., to Texas City, Tex.

Grounds for relief: Circuitous route.

Tariff: Supplement 68 to Agent Kratzmeir's tariff I. C. C. 4102.

FSA No. 33139: *Frozen citrus fruit concentrates from Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on frozen citrus fruit concentrates or pineapple juice concentrates, and related articles, carloads from Florida points to points in southern, official (including Illinois), and western trunkline territories.

Grounds for relief: Short-line distance formula, grouping, operation through higher rated territories, truck competition and circuitous routes.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1578.

FSA No. 33140: *Roofing and paving materials—New Orleans, La., to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and paving materials, carloads from New Orleans, La., to Big Sandy, Dallas, Fort Worth, and Longview, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 84 to Agent Kratzmeir's tariff I. C. C. 4161.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-212; Filed, Jan. 10, 1957; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 9

Washington, Saturday, January 12, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3167

SESQUICENTENNIAL OF THE COAST AND GEODETIC SURVEY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by an act of Congress approved February 10, 1807 (2 Stat. 413), President Thomas Jefferson was authorized and requested to cause a survey to be taken of the coasts of the United States and to take such further action as he deemed proper for completing an accurate chart of every part of these coasts; and

WHEREAS the observance of the 150th anniversary of the Coast and Geodetic Survey, which traces its origins to the above-mentioned act, will honor the services of the officers and employees of the Coast and Geodetic Survey who have maintained so zealously the reputation of our Nation in the development of mathematical and physical sciences related to higher surveying and cartography; and

WHEREAS the Coast and Geodetic Survey, in surveying uncharted coastal waters and in mapping virgin regions of our country and its territories and possessions, has been safeguarding life and commerce for a century and a half; and

WHEREAS the devotion, industry, efficiency, and enterprise of Coast and Geodetic Survey personnel throughout the years have set an enviable record of public service:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim the month of February 1957 as Coast and Geodetic Survey Month; and I call upon my fellow citizens to salute the Coast and Geodetic Survey during that month with ceremonies designed to give appropriate recognition to one of our oldest and most respected Federal agencies on the occasion of its sesquicentennial anniversary.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this tenth day of January in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-274; Filed, Jan. 11, 1957; 10:35 a. m.]

EXECUTIVE ORDER 10694

AUTHORIZING THE SECRETARIES OF THE ARMY, NAVY, AND AIR FORCE TO ISSUE CITATIONS IN THE NAME OF THE PRESIDENT OF THE UNITED STATES TO MILITARY AND NAVAL UNITS FOR OUTSTANDING PERFORMANCE IN ACTION

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

1. The Secretaries of the Army, the Navy, and the Air Force, respectively, are hereby authorized to issue a citation in the name of the President of the United States, as public evidence of deserved honor and distinction, to any organization, detachment, installation, ship, aircraft, or other unit for outstanding performance in action on or after October 16, 1941, in the case of the Navy or Marine Corps, and on or after December 7, 1941, in the case of the Army or the Air Force. Such citations may also be issued to units of armed forces of cobelligerent nations serving with the armed forces of the United States for outstanding performance in action on or after December 7, 1941; provided that such units shall meet the standards established for the armed forces of the United States.

2. Appropriate insignia of such form and design as may be determined by the Secretary concerned may be displayed by any organization, detachment, instal-

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lation, ship, aircraft, or other unit to which such citation is issued.

3. After any unit is cited pursuant to paragraph 1 hereof for outstanding performance in action, a ribbon identifying such citation shall be issued and shall become a permanent part of the uniform of those persons assigned or attached thereto who were actually present and participated in the action for which the unit was cited, or in one of the actions if more than one action is mentioned in the citation, whether they thereafter serve with such unit or with a different unit. Such persons are authorized to wear an appropriate additional device for any subsequent citation for which they are eligible, made either to the same unit or to a unit to which they are subsequently assigned. If authorized by the Secretary concerned, persons assigned to a unit subsequent to an action for which it was cited, may wear the citation ribbon while so assigned.

4. This order supersedes Executive Orders No. 9050 of February 6, 1942, and No. 9396 of November 22, 1943.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 10, 1957.

[F. R. Doc. 57-269; Filed, Jan. 10, 1957; 3:57 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 101]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.401 *Navel Orange Regulation 101*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 10, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 13, 1957, and ending at 12:01 a. m., P. s. t., January 20, 1957, is hereby fixed as follows:

(i) District 1: 462,000 cartons;

(ii) District 2: 184,800 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-283; Filed, Jan. 11, 1957; 11:15 a. m.]

PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 FISCAL YEAR

Correction

In Federal Register Document 57-181, published on page 211 in the issue dated Thursday, January 10, 1957, the date paragraph at the end should read as follows:

Dated January 7, 1957, to become effective upon publication in the FEDERAL REGISTER.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6222]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INVOLUNTARY CONVERSIONS

Correction

In Federal Register Document 57-188, published at page 215 in the issue dated Thursday, January 10, 1957, Treasury Decision Number 6222 should appear as set forth above.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 231]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ATLANTA, GA. Atlanta, 1,024'. SBRAZ-VDTX. Procedure No. 1. Amendment No. 12. Effective date: February 9, 1957. Supersedes Amendment 11, dated November 12, 1954. Major changes: Revise transitions and missed approach. Add transition from LSM Radiobeacon.	Atlanta VOR	Direct	2,100	E side of SE course: 144° outbound. 324° inbound. 2,200' within 10 miles.	1,700	314—1.3	T-dn C-dn S-dn-33 A-dn	300–1 400–1 400–1 800–2	300–1 500–1 400–1 800–2	200–½ 500–1½ 400–1 800–2	Within 1.3 miles turn left, climb to 2,000' on SW course within 20 miles.
	Lost Mountain Radiobeacon.	Direct	2,800								
	Stone Mountain FM	Direct	2,200								
AUSTIN, TEX. Mueller, 631'. SBMRLZ-VDT-AUS. Procedure No. 1. Amendment No. 11. Effective date: February 9, 1957. Supersedes Amendment 10, dated August 15, 1954. Major changes: Revise procedure turn limit. Change statute to nautical miles. New form.	Austin VOR	Direct	2,000	S side of NW course: 298° outbound. 118° inbound. 2,500' within 10 miles.	AUS FM 2,000 LFR 1,500*	118—1.6	%T-dn C-dn A-dn	300–1 500–1 800–2	300–1 500–1 800–2	200–½ 500–1½ 800–2	Within 1.6 miles climb to 2,000' on SE course (118) within 20 miles. *If AUS FM not received, minimum altitude over AUS LFR is 2,000'. CAUTION: Tower 1,498' mean sea level 2.5 miles SW of course within FM signal zone. % All aircraft restricted to 300–1 T. O. runways 3-21, 16L-34R, 12L-30R.
BIRMINGHAM, ALA. Municipal, 643'. SBRAZ-DTV-BHM. Procedure No. 1. Amendment No. 7. Effective date: February 9, 1957. Supersedes Amendment 6, dated April 22, 1954. Major changes: Changes transition from BHM VOR due relocation.	Birmingham VOR	Direct	2,000	W side of N course: 358° outbound. 178° inbound. 2,500' within 10 miles.	#Bradford FM 2,000 LFR 1,700	178—2.6	T-dn C-dn A-dn	300–1 800–1 1,000–2	300–1 900–1 1,000–2	*300–1 900–1½ 1,000–2	Within 2.6 miles climb to 2,600' on S course BHM-LFR within 20 miles. #If Bradford FM not received descent below 2,000' not authorized. *200–½ authorized runway 23 only. AIR CARRIER NOTE: No reduction in minima authorized.
	Eden FM	Direct	2,600								
	Bradford FM (final)	Direct	1,700								
FRESNO, CALIF. Fresno Air Terminal, 331'. SBRAZ-DTV-FNO. Procedure No. 1. Amendment No. 5. Effective date: February 9, 1957. Supersedes Amendment 4, dated December 12, 1953. New format. Revises minimums.				S side of W course: 272° outbound. 092° inbound. 1,900' within 10 miles.	1,331	047—6.1	T-dn C-dn A-dn	300–1 1,000–2 2,000–3	300–1 1,000–2 2,000–3	200–½ 1,000–2 2,000–3	Within 0 mile, climb to 1,500' on SE course within 20 miles. AIR CARRIER NOTE: Sliding scale not applicable.
TYLER, TEX. Pounds Field, 544'. BMRLZ-TYR. Procedure No. 1. Amendment No. 7. Effective date: June 14, 1954.	PROCEDURE CANCELED JANUARY 9, 1956. (SUPERSEDED BY ADF PROCEDURE.)										

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
TYLER, TEX. Pounds Field, 544'. MH-TYR. Procedure No. 1. Amendment: Original. Effective date: January 9, 1957. Supersedes Amendment 7, LFR Procedure No. 1, dated June 14, 1954. Major changes: Converted from LFR to ADF Procedure. Final approach course changed. Delete straight-in minima for 2-engine more than 65 knots.				S side of course: 300° outbound. 120° inbound. 1,700' within 10 miles. Beyond 10 miles not authorized.	1,200	120—1.4	T-dn C-dn A-dn	300–1 400–1 800–2	300–1 500–1 800–2	200–⅓ 500–1⅓ 800–2	Within 1.4 miles climb to 2,100' on course of 120° within 20 miles. CAUTION: Radio towers 990' 4.5 miles E and 1,056' 7 miles E of airport.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility; class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
ATLANTA, GA. Atlanta, 1,024'. BVOR-ATL. Procedure No. 1. Amendment No. 1. Effective date: February 9, 1957. Supersedes Amendment Original, dated February 2, 1954. Major changes: Revises transitions. Lowers minima and visibility due criteria. Lowers procedure turn altitude.	Atlanta LFR	Direct	2,100	E side of course: 195° outbound. 015° inbound. 2,100' within 10 miles.	1,600	015—8.1	T-dn S-d 3 S-n 3 C-d C-n A-dn	300–1 500–1 500–2 500–1 500–2 800–2	300–1 500–1 500–2 500–1 500–2 800–2	200–½ 500–1 500–2 500–1½ 500–2 800–2	Within 8.1 miles immediately turn right, climb to 2,200' and proceed to Rex Intersection via the E course of ATL ILS. CAUTION: 2,036' mean sea level TV tower located 7 miles NNE. of airport.
	Chattahoochee Intersection	Direct	2,100								

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance, facility to airport	Ceiling and visibility minimums				If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished
							Condition	2 engines or less		More than 2 engines; more than 65 knots	
								65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12
COLUMBUS, GA. Muscogee County, 397'. BVOR-C8G. Procedure No. 1. Amendment: Original. Effective date: Commissioning of facility approximately February 9, 1957.	Columbus LFR	Direct	2,000	W side of course: 328° outbound. 148° inbound. 1,700' within 10 miles.	1,200	148—6.7	T-dn C-d C-n S-d S-n 12 A-dn	300-1 600-1 600-2 600-1 600-2 800-2	300-1 600-1 600-2 600-1 600-2 800-2	200-½ 600-1½ 600-2 600-1 600-2 800-2	Within 6.7 miles turn left, climb to 2,000' on CSG-VOR radial 328° within 20 miles.
	Columbus LOM	Direct	2,000								

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept-ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
ATLANTA, GA. Atlanta, 1024'. ILS-IATL. LOM-AT. Combination ILS and ADF. Procedure No. 1. Amendment No. 16. Effective date: February 9, 1957. Supersedes Amendment 15, dated November 12, 1954. Major changes: Change transitions due decommissioning CPN LFR. Adds final from Chattahoochee Intersection.	Atlanta LFR	LOM	Direct	2,200	S side W course: 268° outbound. 088° inbound. 2,500' within 10 miles.	ILS 2,500 ADF 1,600	2,456—4.0	1,320—0.5	T-dn C-dn	300-1 400-1	300-1 500-1	200-½ 500-1½	Within 4 miles after passing LOM (ADF), climb to 2,200' on E course ILS (088) within 20 miles. 400-¾ required when glide slope not utilized. CAUTION: 1,182' mean sea level water tank ¾ mile W of airport.
	Atlanta VOR	LOM	Direct	2,200									
	Fulton Intersection	LOM	Direct	2,300					S-dn 9R ILS	200-½	200-½	200-½	
	Chattahoochee Intersection (final).	LOM	Direct	ILS 2,500 ADF 1,600					ADF	400-1	500-1	500-1	
									A-dn ILS	600-2	600-2	600-2	
	Madras VHF Intersection	LOM	Direct	2,100					ADF	800-2	800-2	800-2	
	Madras LF Intersection	LOM	Direct	2,100									

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date	Transition to ILS				Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope intercept-ion inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
	From—	To—	Course and distance	Minimum altitudes (ft.)			Outer marker	Middle marker	Condition	2 engines or less		More than 2 engines (more than 65 knots)	
										65 knots or less	More than 65 knots		
1	2	3	4	5	6	7	8	9	10	11	12	13	14
ATLANTA, GA. Atlanta, 1,024'. ILS-IATL. Procedure No. 2. Amendment No. 5. Effective February 9, 1957. Supersedes Amendment 4, dated November 12, 1955. Major changes: Add final from Conyers Intersection. Delete transitions from CPN and ORC. Changes minimum altitude at Rex Intersection.	Atlanta LFR	Rex Intersection.	Direct	2,100	S side of E course: 088° outbound. 268° inbound. 2,200' within 10 miles.	Rex Intersection 1,600	Rex Intersection & 9	----------	T-dn C-dn S-dn 27L A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Within 5.9 miles climb to 2,200' on W course ATL ILS within 10 miles. CAUTION: 1,182' mean sea level tank ¾ mile W of airport.
	Atlanta VOR	Rex Intersection.	Direct	2,100									
	Conyers Intersection (final).	Rex Intersection.	Direct	1,600									
AUGUSTA, GA. Bush, 142'. ILS-IAGS. Procedure No. 2. Amendment: Original. Effective date: February 9, 1957. Establishes back-course approach.	AGS VOR	City Intersection.	Direct	2,000	W side of N course: 348° outbound. 168° inbound. 2,000' within 10 miles of City Intersection.	City Intersection 1,500	City Intersection 1,500—6.1	----------	T-dn S-dn 17 C-dn A-dn	300-1 800-1 800-1 1,000-2	300-1 800-1 800-1 1,000-2	*200-½ 800-1 800-1½ 1,000-2	Within 6.1 miles after passing City Intersection climb to 1,600' on S course of ILS within 20 miles. *300-1 required on runway 26; CAUTION: Prohibited area located 4 miles E of Bush Field.
	Mallard Intersection	City Intersection.	Direct	2,000 final 1,500									
	Colliers Intersection	Mallard Intersection.	Direct	2,300									
BIRMINGHAM, ALA. Municipal, 643'. ILS-IBHM. LOM-BH. Combination ILS-ADF. Procedure No. 1. Amendment No. 10. Effective date: February 9, 1957 Supersedes Amendment 9, dated May 21, 1954 Major changes: Revise transitions and lists distances in nautical miles	Birmingham LFR	LOM	Direct	2,600	N side of SW course: 232° outbound. 052° inbound. 2,000' within 10 miles. (Nonstandard due to obstructions.)	ILS 2,000 ADF 2,000	2,000—4.7	830—0.6	T-dn C-dn	300-1 %800-1	300-1 %900-1	@300-1 900-1½	Within 4.7 miles of LOM (ADF), climb to 2,500' on N course. BMH-LFR within 20 miles, or climb to 2,000' and proceed to the BHM-VOR. *600-1 required when either glide slope or approach lights inoperative AIR CARRIER NOTE: No reduction in minima authorized @200-½ authorized runway 23 for more than 2-engine takeoff. %ILS circling, 2-engine 700-3 authorized runway 36 provided aircraft not maneuvered N or E of airport
	Birmingham VOR	LOM	Direct	2,000					S-dn 5 *ILS	500-¾	500-¾	500-¾	
	Bessemer Intersection (final).	LOM	Direct	2,000					ADF	600-1	600-1	600-1	
	Bradford FM	LOM	Direct	2,000					A-dn	1,000-2	1,000-2	1,000-2	
	Chelsea Intersection	LOM	Direct	2,600									
	Trussville Intersection	LOM	Direct	2,600									
BROWNSVILLE, TEX. Rio Grande Valley International, 22'. ILS-BRO. LOM-BR. Combination ILS and ADF. Procedure No. 1. Amendment No. 12. Effective date: February 9, 1957. Supersedes Amendment 11, dated September 8, 1956. Major changes: Add alternate missed approach procedure. Revise transition.	BRO VOR	LOM	Direct	1,200	W side of N course: 353° outbound. 173° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized	ILS 1,200 ADF 600 over LOM	1,150—3.8	240—0.6	T-dn C-dn	300-1 500-1	300-1 500-1	200-½ 500-1½	Within 3.8 miles after passing LOM (ADF), climb to 1,200' on S course ILS (173) within 4.5 miles, or when directed by ATC, turn left, climb to 1,200' on R-062 BRO within 20 miles. *400-¾ required when glide slope not utilized.
	BRO LFR	LOM	Direct	1,200					S-dn 17 ILS	*200-½	*200-½	*200-½	
	Los Fresnos FM via course 118.	N course ILS or bearing 173° to LOM.	Direct	1,200					ADF	500-1	500-1	500-1	
	Intersection BRO VOR radial 330° and N course ILS (final).	LOM	Direct	ILS 1,200 ADF 600					A-dn ILS	600-2	600-2	600-2	
									ADF	800-2	800-2	800-2	

5. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth herein. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

City and State; airport name; airport elevation; effective date	Radar terminal area; maneuver. line altitudes by sectors and limiting distances	Runway No.	Condition	Ceiling and visibility minimums: Precision approach: 2 engines or less: 65 knots or less	Precision approach: 2 engines or less: Over 65 knots	Precision approach: More than 2 engines: Over 65 knots	Surveillance approach: 2 engines or less: 65 knots or less	Surveillance approach: 2 engines or less: Over 65 knots	Surveillance approach: More than 2 engines: Over 65 knots	Missed approach procedure
1	2	3	4	5	6	7	8	9	10	11
BIRMINGHAM, ALA. Municipal, 643'. Procedure No. 1, Amendment No. 1. Effective date: February 9, 1957. Supersedes Amendment Original, dated February 11, 1954. Major changes: Straight-in minima indicated. Missed approach changed due relocation BHM VOR.	2,500' within 20 miles#	All	T-dn							Climb to 2,500' and proceed direct to BHM LFR or climb to 2,600' and proceed to BHM ILS LOM or climb to 2,000' and proceed direct to BHM VOR.
		All	C-dn							Ala. Cahaba Note: No reduction in minima authorized even though a runway 23 for more than 2 engines is used.
		5, 23, 8	S-dn							#Radar control must provide 3 miles separation from radio tower 1,862' located 4 miles SW of airport or maintain 2,600'.
		18	S-dn							
		All	A-dn							
BOSTON, MASS. Logan Airport, 19'. Procedure No. 1, Amendment No. 5. Effective date: February 9, 1957. Supersedes Amendment 4, dated August 6, 1954. Major changes: Terminal area maneuvering revised. ASR approach to runway 9 eliminated.	1,800' within 25 miles except 2,300' when turning flights from airport between NW and SW courses of Boston LFR.	All runways	T-da	300-1	300-1	*300-1	300-1	300-1	*300-1	Climb to 1,300' on the N course of the Boston LFR within 8 miles. Altitude assigned approach when requested by ATC. Climb to 1,500' on E course of the Boston LFR within 10 miles. *600-1 required when circling W of the airport. #Over run. Standard clearance not provided over 370' slant SW of airport.
		4R	#C-da	600-1	600-1	600-1½	600-1	600-1	600-1½	
			S-da	600-1	600-1	600-1	600-1	600-1	600-1	
			A-da	600-2	600-2	800-2	600-2	600-2	800-2	
		4L, 15	C-da	700-1	700-1	700-1½	700-1	700-1	700-1½	
			S-da	700-1	700-1	700-1	700-1	700-1	700-1	
			A-da	800-2	800-2	800-2	800-2	800-2	800-2	
		22L, 22R	#C-da	600-1	600-1	600-1½	600-1	600-1	600-1½	
			S-da	600-1	600-1	600-1	600-1	600-1	600-1	
			A-da	800-2	800-2	800-2	800-2	800-2	800-2	
		27, 33	#C-da	*500-1	500-1	600-1	500-1	500-1	600-1½	
			S-da	500-1	500-1	500-1	500-1	500-1	500-1	
			A-da	800-2	800-2	800-2	800-2	800-2	800-2	

These procedures shall become effective on the dates indicated on the proced ures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-166; Filed, Jan. 11, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6368]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED FISHERMEN OF ALASKA ET AL.

Subpart—*Coercing and intimidating:* § 13.345 *Competitors:* By withdrawing or cutting off labor supply; § 13.365 *Employees of competitors.* Subpart—*Combining or conspiring:* § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United Fishermen of Alaska (Kodiak, Alaska) et al., Docket 6368, December 17, 1956]

In the Matter of United Fishermen of Alaska, an Unincorporated Association; and Eldon Lester, Individually, as President of United Fishermen of Alaska, and as Representative of All Members of Said Union, John Anderson, Individually, as Vice-President of United Fishermen of Alaska, and as Representative of All Members of Said Union, and P. J. Kerrigan, Individually, as Secretary-Treasurer of United Fishermen of Alaska, and as Representative of All Members of Said Union; and Charles Warren, and Alfred Levine, Individually, as Members of the Executive Board of United Fishermen of Alaska, and as Representative of All Members of Said Union; and Kodiak Fish Producers Association; and W. A. Cannon, Dal Valley, Barney Corgatelli, Jack Warren, A. J. Cichoski, Ray Heinrichs, and Thomas Clampffer, Individually, as Directors of Kodiak Fish Producers Association, and as Representative of All Members of Said Association; and Island Seafoods, Inc., a Corporation; King Crab, Inc., a Corporation; and Walter Muller and Mildred D. Muller, Individually and as Partners Doing Business Under the Trade Name of Kodiak Sea Foods Packing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a union of fishermen and "shore" workers in canneries, etc., a cooperative association of boat owners, and three canneries with a combination in restraint of trade in the king crab fishing industry in the Kodiak, Alaska, area, pursuant to which the prices of king crab were fixed and maintained collectively and a competing cannery which did not maintain the fixed prices was prevented from employing workers. As to two of the canneries, the case was disposed of by means of a consent order entered May 3, 1956, 21 F. R. 3454. The third cannery failed to answer the complaint or appear at hearings and the decision as to that concern is based upon such default.

With respect to the union and cooperative and their officers and members, the hearing examiner made his initial decisions and orders to cease and desist after the usual proceedings. Denying the request of said respondents for modification of the initial decision, the Commission dismissed the complaint as to one individual respondent and on December 17 adopted the initial decision as so modified as the decision of the Commission.

The order to cease and desist, as so modified, is as follows:

It is ordered, That respondents United Fishermen of Alaska and Kodiak Fish Producers Association, and their respective members and officers, and respondents Eldon Lester, P. J. Kerrigan, Charles Warren, and Alfred Levine, individually and as officers of respondent United Fishermen of Alaska, and respondents W. A. Cannon, Dal Valley, Barney Corgatelli, A. J. Cichoski, Ray Heinrichs and Thomas Clampffer, individually and as officers and directors of respondent Kodiak Fish Producers Association, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce, as "commerce" is defined in the Federal Trade Commission Act, of king crab, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common course of action, understanding or agreement between or among said respondents, or between any of said respondents and any of the other respondents in this proceeding, or between any of the respondents named in this order and others not parties to this proceeding, to do any of the following things:

1. Fixing, establishing, adopting, maintaining or adhering to, or attempting to fix, establish, adopt, maintain or adhere to, by any means or method, any price at which king crab or king crab meat is to be purchased or sold.

2. Jointly or collectively negotiating, bargaining or agreeing, by any means or method, as to any price at which king crab or king crab meat is to be purchased or sold.

3. Coercing or compelling, or attempting to coerce or compel, by any means or method, purchasers or prospective purchasers or sellers or prospective sellers of king crab or king crab meat to maintain or adhere to any price for such products.

4. Preventing or attempting to prevent, by any means or method, any person or persons from accepting or retaining employment in any cannery or other establishment handling or processing king crab or king crab meat, with the purpose or effect of causing such cannery or establishment to maintain or adhere to any particular price or prices for such products.

Provided, however, That nothing herein shall be construed or interpreted as preventing or prohibiting any respondent, individually, from purchasing or selling or bargaining for the purchase or sale of king crab or king crab meat with any canner or processor or other single buyer or seller.

Provided further, That nothing herein shall be construed or interpreted as preventing or prohibiting any association of bona fide fishermen, acting pursuant to or in accordance with the provisions of the Fishermen's Cooperative Marketing Act (15 U. S. C. A., sections 521 and 522), from performing any of the acts and practices permitted by said act.

Provided further, That nothing herein shall prevent collective bargaining between respondent United Fishermen of Alaska and any employer with respect to wages, hours and working conditions of any employee members of said Union.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents John Anderson and Jack Warren.

By "Order Denying Motion To Modify Initial Decision; and Decision of the Commission As To Certain Respondents" report of compliance was required as follows:

It is ordered, That the respondents' request of November 5, 1956, for modification of the initial decision be, and it hereby is denied.

It is further ordered, That the aforesaid initial decision be, and it hereby is, modified so as to dismiss the complaint as to Russell Attwood and that, as so modified, it is adopted as the decision of the Commission.

It is further ordered, That respondents, United Fishermen of Alaska and Kodiak Fish Producers Association, and respondents, Eldon Lester, P. J. Kerrigan, Charles Warren and Alfred Levine, individually and as representatives of all members of respondent United Fishermen of Alaska, and respondents, W. A. Cannon, Dal Valley, Barney Corgatelli, A. J. Cichoski, Ray Heinrichs and Thomas Clampffer, individually and as representatives of all members of respondent Kodiak Fish Producers Association, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision, as modified.

The order to cease and desist as to certain respondents is as follows:

It is ordered, That respondents Walter Muller and Mildred D. Muller, individually and as copartners trading as Kodiak Sea Foods Packing Company, or trading under any other name, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the purchase or offering to purchase, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw king crab caught in waters bordering Western and Northwestern Alaska, including the waters adjacent to Kodiak, Alaska, do forthwith cease and desist from entering into, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between said respondents, or between either or both of said respondents and one or more of the other respondents named in the complaint herein, or between either or both of said respondents and others not parties hereto, to do or perform any of the following acts:

1. Fixing, establishing, maintaining or adhering to, or attempting to fix, establish or maintain, or cause adherence to, by any means or method, any prices for the purchase or sale of such raw king crab and king crab meat;

2. Jointly or collectively negotiating, bargaining or agreeing, by any means or method, as to the price or prices at which said raw king crab or king crab meat are proposed to be, or are, purchased or sold;

3. Authorizing or empowering any association, group, corporation, or union to negotiate, bargain or agree as to the prices to be paid or received in the purchase of such king crab or king crab meat;

Provided, however, That nothing herein contained shall be construed or interpreted as preventing or prohibiting the respondents named herein, acting independently of other parties, from purchasing or selling, or bargaining for the purchase or sale of such raw king crab and king crab meat with any boat owner, boat captain, or other single seller or buyer.

Provided further, That nothing herein contained shall be deemed to prohibit the respondents herein from entering into a bona fide partnership, joint operation, or venture, or consolidation, for the purpose of operating one or more canneries and in which the prices of such raw king crab and king crab meat are determined by said partnership, joint operation, or venture, or consolidation, and where such determination is under the contract establishing such partnership, joint operation, or venture, or consolidation binding upon all members thereof. This proviso shall not be construed as either an approval or disapproval of any specific partnership, joint operation, or venture or consolidation, nor as permitting any such partnership, joint operation or venture or consolidation, to be continued or formed for the purpose, or with the effect, directly or indirectly, of rendering ineffective or unenforceable the inhibitions of this order and the purposes thereof.

Provided further, That nothing herein contained shall prevent any association of bona fide crab fishermen, acting pursuant to, or in accordance with, the provisions of the Fisheries Cooperative Marketing Act (15 U. S. C. A., sections 521 and 522) from performing any of the acts and practices permitted by said act; and

Provided further, That if the pending proceeding against respondents United Fishermen of Alaska and Kodiak Fish Producers Association is finally determined in any manner except by the issuance of an order to cease and desist, either (a) by consent, or (b) by final order of the Commission not subject to further review, or (c) by order of the Commission, which, although subject to further review, continues effective, requiring said respondents United Fishermen of Alaska and Kodiak Fish Producers Association to cease and desist from the same or similar acts or practices provided by the order contained herein, then this order shall terminate and cease to be of any effect.

By "Decision of the Commission As To Certain Respondents and Order To File Report of Compliance," report of compliance was required as follows:

It is further ordered, That respondents Walter Muller and Mildred D. Muller, individually and trading as Kodiak Sea Foods Packing Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: December 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-238; Filed, Jan. 11, 1957; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54280]

PART 14—APPRAISEMENT

EXAMINATION AND APPRAISEMENT OF MERCHANDISE BY SAMPLE

As a simplification measure to facilitate matters for the trade, it has been decided that examination and appraisement of merchandise by sample may be permitted of any merchandise as to which an accurate appraisement will be assured, whether or not it is a class or kind of merchandise which is commonly bought and sold by sample.

To permit the unlimited use of samples for these purposes in appropriate cases, the first sentence of § 14.2 (g) is amended to read: "When deemed sufficient for the purposes, samples of merchandise may be used for examination and appraisement."

(Secs. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies secs. 488, 499; 19 U. S. C. 1488, 1499)

[SEAL] D. B. STRUBINGER, *Commissioner of Customs.*

Approved: January 7, 1957.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-241; Filed, Jan. 11, 1957; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 31—STAMPS, ENVELOPES AND CARDS

NEW STAMPED ENVELOPE PRICES

Correction

In Federal Register Document 56-10445, appearing on page 10338 of the issue for Thursday, December 27, 1956, the following change should be made in the table under § 31.3 (a): In the last column, the fifth price from the end, now reading "24.00", should read "24.60".

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter I—Grazing

PART 72—NAVAJO GRAZING REGULATIONS

MISCELLANEOUS AMENDMENTS

JANUARY 8, 1957.

1. The citation of authority for Part 72 is amended to read as follows:

AUTHORITY: §§ 72.1 to 72.17, issued under R. S. 465, 2117, sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, as amended; 25 U. S. C. 9, 179, 397, 345, 402.

2. Section 72.17 is amended to read as follows:

§ 72.17 *Construction near permanent livestock water developments.* (a) The District Grazing Committee shall regulate the construction of all dwellings, corrals and other structures within one-half mile of Government or Navajo Tribal developed permanent livestock waters such as springs, wells, and charcos or deep reservoirs.

(b) A written authorization from the District Grazing Committee must be secured before any dwellings, corrals, or other structures may be constructed within one-half mile of Government or Navajo Tribal developed springs, wells and charcos or deep reservoirs.

(c) No sewage disposal system shall be authorized to be built which will drain into springs or stream channels in such a manner that it would cause contamination of waters being used for livestock or human consumption.

HATFIELD CHILSON, *Acting Secretary of the Interior.*

[F. R. Doc. 57-245; Filed, Jan. 11, 1957; 8:48 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.308]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following January 12, 1957, paragraph (a) is amended by the deletion of the following:

Chia-Yi, China.
Kaohsiung, China.
Taichung, China.
Tainan, China.
Tsoying, China.

2. Effective as of the beginning of the first pay period following January 12, 1957, paragraph (b) is amended by the deletion of the following:

Taipei, China.

3. Effective as of the beginning of the first pay period following January 12, 1957, paragraph (d) is amended by the deletion of the following:

Iraklion (Crete), Greece.
Nicaro, Cuba.

4. Effective as of the beginning of the first pay period following December 15, 1956, paragraph (a) is amended by the addition of the following:

Kotabharu, Indonesia.
Tandjung Karang, Indonesia.

5. Effective as of the beginning of the first pay period following January 12, 1957, paragraph (a) is amended by the addition of the following:

Chia-Yi, Taiwan, China.
Kaohsiung, Taiwan, China.
Taichung, Taiwan, China.
Tsoying, Taiwan, China.

6. Effective as of the beginning of the first pay period following January 12, 1957, paragraph (b) is amended by the addition of the following:

Tainan, Taiwan, China.

7. Effective as of the beginning of the first pay period following January 12, 1957, paragraph (c) is amended by the addition of the following:

Taipei, Taiwan, China.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: January 3, 1957.

For the Secretary of State.

I. W. CARPENTER, Jr., *Assistant Secretary-Controller.*

[F. R. Doc. 57-235; Filed, Jan. 11, 1957; 8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[1957 Dept. Circ. 750, Rev., Amdt. 3]

PART 321—PAYMENTS BY BANKS AND OTHER FINANCIAL INSTITUTIONS IN CONNECTION WITH THE REDEMPTION OF UNITED STATES SAVINGS BONDS

REIMBURSEMENT OF AGENTS' COSTS

Correction

In Federal Register Document 57-186, appearing on page 219 of the issue for Thursday, January 10, 1957, the first line of the scale in paragraph (a) of § 321.5 should read: "15 cents each for the first 1,000 bonds."

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO-103-A15]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Walnut Room, Administration Building, New Orleans Airport (not Moisant Airport) Downman Road (at Lake Front), beginning at 10:00 a. m., local time, Monday, January 27, 1957, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area (7 CFR 942 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposal Nos. 1 and 39 relative to the enlargement of the marketing area, raise the issue as to whether the present provisions of the order, as amended, would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended, or if not, what modifications of such provisions are appropriate to effectuate the declared policy of the act.

The amendments to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, milk marketing area were proposed as follows:

By the Louisiana-Mississippi Milk Producers' Association and the Dairy Farmers Cooperative Association:

1. Delete § 942.4 and substitute therefor the following:

§ 942.4 *New Orleans, Louisiana, Marketing Area.* New Orleans, Louisiana, marketing area hereafter called the "marketing area" means all territory included within the boundaries of the Parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, Lafourche, and Terrebonne, all in the State of Louisiana.

2. Delete § 942.6 and substitute therefor the following:

§ 942.6 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority having jurisdiction within the marketing area which milk is received during the month at a pool plant or which milk is not received by a pool plant for reasons other than compliance with Grade A specifications and for reasons of off flavor or odor; such milk may be diverted only by a cooperative association for its account.

3. Delete § 942.7 and substitute therefor the following:

§ 942.7 *Handler.* "Handler" means: (a) A cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 942.6; or (b) any person in his capacity as the operator of one or more approved plants: *Provided,* That, if a person operates more than one pool plant he may, upon written application to the market administrator, be considered as a separate handler for the month with respect to one or more of his pool plants if no fluid milk products or producers are transferred during the month between such plant(s) and other pool plant(s) of such handler.

4. Delete § 942.8 and substitute therefor the following:

§ 942.8 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which during the month has no other source milk or producer milk.

5. Delete § 942.9 and substitute therefor the following:

§ 942.9 *Approved plant.* "Approved plant" means all of the buildings, premises and facilities of a plant (a) in which milk or skim milk is processed or packaged and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors and sales through plant stores) to wholesale or retail outlets (except milk distributing or processing plants) located in the marketing area, or (b) from which milk or skim milk eligible for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant.

6. Add new § 942.10 as follows:

§ 942.10 *Distributing plant.* "Distributing plant" means an approved plant from which Class I milk equal to not less than 50 percent of its receipts of producer milk and fluid milk products from other pool plants is disposed of during the month, on routes or through plant stores, to wholesale or retail outlets (except pool plants) and from which Class I milk equal to not less than 25 percent of such receipts is disposed of during the month on routes or through plant stores, to wholesale or retail outlets (except pool plants) located in the marketing area.

7. Add a new § 942.11 as follows:

§ 942.11 *Supply plant.* "Supply plant" means (a) an approved plant from which fluid milk products equal to not less than 50 percent of its receipts

of producer milk during the month are shipped to distributing plants: *Provided*, That, any plant which qualifies as a supply plant for each of the months during the period August through January shall, upon written application to the market administrator, on or before the end of such period, be designated as a supply plant for the following months of February through July.

8. Add new § 942.12 as follows:

§ 942.12 *Pool plant.* "Pool plant" means either a distributing plant or supply plant, except a plant operated by a producer-handler.

9. Add new § 942.13 as follows:

§ 942.13 *Nonpool plant.* "Nonpool plant" means any milk manufacturing or processing plant other than a pool plant.

10. Delete § 942.10 and substitute therefor a new § 942.14 as follows:

§ 942.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the provisions of § 942.7 (a).

11. Renumber § 942.16 as § 942.15.

12. Delete § 942.11 and substitute therefor § 942.16 as follows:

§ 942.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from pool plants and (2) producer milk; and (b) products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

13. Renumber § 942.12 as § 942.17.

14. Delete § 942.13 and substitute therefor as § 942.18 as follows:

§ 942.18 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through August of each year which is not in excess of such producer's daily average base computed pursuant to § 942.90 multiplied by the number of days in such month.

15. Delete § 942.14 and substitute therefor as § 942.19 as follows:

§ 942.19 *Excess milk.* "Excess milk" means milk received from a producer during any of the months of March through August of each year which is in excess of the base milk of such producer for such month.

16. Delete § 942.22 (j) and (k) and substitute therefor the following:

§ 942.22 *Duties.* • • •

(j) On or before the 11th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler; and

(k) On or before the date specified publicly announce, and mail to each handler at his last known address a notice of the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month, and the Class II milk price, and the Class II butterfat differential both for the preceding month;

(2) The 11th day of each month, the uniform prices for September through February and uniform price for the base and excess milk for March through August pursuant to § 942.72, and the producer butterfat differential, both for the preceding month.

17. Renumber § 942.15 as § 942.20.

18. Delete § 942.43 and substitute therefor the following:

§ 942.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified as Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 942.30; *Provided:* That, the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 942.45.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool plant from which no fluid milk products are distributed on routes and which is located less than 150 miles by the shortest hard-surfaced highway distance, as determined by the market administrator, from the plant from which transferred or diverted shall be classified as Class I milk unless, (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 942.30 for the month within which such transaction occurred, (2) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided:* That, milk transferred from handlers to a nonpool plant shall be assigned to Class I after similar assignment of the Grade A milk of dairy farmers at such nonpool plant;

(d) Skim milk and butterfat transferred or diverted more than 150 miles from such handlers plant shall be Class I;

(e) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified as Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 942.30 and such nonpool plant maintains records and reports pursuant to paragraph (c) (2) of this section.

19. Delete § 942.44 and substitute therefor the following:

§ 942.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 942.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That, the skim milk contained in any product utilized, produced or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

20. Delete § 942.51 (a) (1) and (2) and substitute therefor the following:

§ 942.51 *Class I milk prices.* (a) The Class I milk prices shall be the basic formula price for the preceding month plus $2.65, plus or minus a supply-demand adjustment calculated for each month as follows: *Provided*, That, such supply-demand adjustment shall not become effective prior to September 1957;

(1) Divide the total gross volume of Class I milk (less interhandler transfers) in the two immediately preceding months by the total receipt of producer milk for such months, multiply the result by 100 and round to the nearest whole number. The results shall be known as the current supply-demand relationship.

(2) Compute a net deviation percentage by subtracting from the "current supply-demand relationship" computed pursuant to subparagraph (1) of this paragraph, the "representative supply-demand index" shown below:

Month for which price is being computed	Months used to compute ratio	Base period ratio (percent)
January	October-November	79
February	November-December	76
March	December-January	71
April	January-February	69
May	February-March	68
June	March-April	68
July	April-May	66
August	May-June	66
September	June-July	68
October	July-August	69
November	August-September	75
December	September-October	80

(3) Determine the amount of the supply-demand adjustment from the following schedule:

If the net deviation percentage is:	*Supply-demand adjustment*
+12 or over	+24
+9 or +10	+19
+6 or +7	+14
+3 or +4	+9
+1 or −1	0
−3 or −4	−9
−6 or −7	−14
−9 or −10	−19
−12 or under	−24

In case the net deviation percentage does not fall within the tabulated brackets, the adjustment amount shall be determined by the adjacent net deviation bracket which is the same or nearest to the bracket used in the previous month.

21. Add a new § 942.55 as follows:

§ 942.55 *Rate of compensatory payment.* The rate of compensatory payment per hundredweight shall be calculated as follows: (a) Subtract the Class II milk price adjusted by the Class II butterfat differential from the Class I milk price adjusted by the Class I butterfat differential and in the case of fluid milk products, by the Class I location differential.

22. Delete §§ 942.60 and 942.61 and substitute therefor the following:

APPLICATION OF PROVISIONS

§ 942.60 *Producer-handler.* Sections 942.40 through 942.45, 942.50 through 942.55, 942.61, and 942.62, and 942.70 through 942.76, and 942.80 through 942.87 shall not apply to a producer-handler.

§ 942.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be a nonpool plant for purposes of this part except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may request (in lieu of the reports required pursuant to § 942.30), and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk was disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the New Orleans marketing area than in the marketing area regulated pursuant to such other order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the Act, unless such plant qualified as a pool plant for each of the preceding months of August through January.

23. Add a new § 942.62 as follows:

§ 942.62 *Handlers operating nonpool plants.* Each handler who is the operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by muliplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month, by the rate of compensatory payment calculated pursuant to § 942.55.

24. Delete § 942.70 and substitute therefor the following:

DETERMINATION OF PRICES TO PRODUCERS

§ 942.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 942.45 by the applicable class price, and total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 942.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 942.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 942.54 for the nearest plant(s) from which an equivalent amount of other source milk was received by each handler in the form of fluid milk products: *Provided;* That, with respect to nonfluid milk products classified as Class I milk, the location differential will apply at the plant where such products are converted to any fluid milk product(s).

(c) Add an amount determined by multiplying the pounds of milk subtracted pursuant to § 942.45 (a) (7) and (b) by the applicable class price;

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 942.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 942.45 (a) (4) and (b) for the current month, whichever is less, respectively.

25. Delete § 942.71 and substitute therefor the following:

§ 942.71 *Computation of aggregate value used to determine price(s).* For each month the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 942.70 for all handlers who made the reports prescribed in § 942.30 and who made the payments pursuant to §§ 942.80 and 942.82 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 942.75.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 942.83.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 942.74 and multiplying the resulting figure by the total hundredweight of such milk.

26. Delete § 942.72 and substitute therefor the following:

§ 942.72 *Computation of uniform price.* For each of the months of September through February the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 942.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

27. Delete § 942.73 and substitute therefor the following:

§ 942.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through August the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content as follows:

(a) Multiply the hundredweight of excess milk by the Class II price for 4.0 percent milk;

(b) Compute the total value of base milk by subtracting the amount computed pursuant to paragraph (a) of this section from the net amount computed pursuant to § 942.72 (a) and (b): *Provided*, That, if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I milk price (for 4.0 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

(c) Divide the net amount obtained in paragraph (b) of this section by the total hundredweight of base milk and subtract not less than 4 cents but less than 5 cents. This result shall be known as the uniform price per hundredweight of base milk of 4.0 percent butterfat content; f. o. b. 61–70 mile zone; and

(d) Divide the sum of the amount obtained in paragraph (a) of this section and any amount subtracted pursuant to the proviso of paragraph (b) of this section by the hundredweight of excess milk. This result shall be known as the uniform price per hundredweight of excess milk of 4.0 percent butterfat content.

28. Add new § 942.75 as follows:

§ 942.75 *Location differential to producers.* Each handler in making payment to producers pursuant to § 942.80 shall adjust the uniform price of base milk during the months of March through August and of all milk during each of the months, September through February for each producer with respect to all such milk received from such producer at a pool plant situated other than in the 61–70 mile zone, should be adjusted to the location of the pool plant where such milk was received and at the rates set forth in § 942.53.

29. Add new § 942.76 as follows:

§ 942.76 *Notification of handlers.* On or before the 11th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 942.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) The amounts and value of his base and excess milk, respectively;

(c) The uniform prices for base milk and excess milk computed pursuant to § 942.72, and the butterfat differentials computed pursuant to § 942.74; and

(d) The amounts to be paid by such handler pursuant to §§ 942.62, 942.82, 942.85, 942.86, and the amount due such handler pursuant to §§ 942.83 and 942.87.

30. Renumber § 942.81 as § 942.84.

31. Add new § 942.81 as follows:

§ 942.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 942.62, 942.82, and 942.84, and out of which he shall make all payments pursuant to §§ 942.83 and 942.84: *Provided,* That any payments due to any handler shall be offset by any payments due from such handler.

32. Renumber § 942.82 to read 942.85 and new § 942.82 as follows:

§ 942.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value of his producer milk as computed pursuant to § 942.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

33. Renumber § 942.83 as § 942.86 and add new § 942.83 as follows:

§ 942.83 *Payment out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 942.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

34. Renumber § 942.84 as § 942.88.

35. Add new § 942.87 as follows:

§ 942.87 *Adjustment of overdue accounts.* There shall be added to any balance due to the market administrator pursuant to §§ 942.62, 942.82, 942.84, and 942.85, and amount equal to one-half of one percent of such balance for each month or any portion thereof that payment of the balance is overdue.

36. Amend the Base Rules to provide that with respect to dairy farmers who were producers pursuant to the New Orleans order during six consecutive months of 1956, the market administrator shall use their deliveries of milk during the period October 1956 through February 1957, regardless of point of delivery, to compute producer bases for such dairy farmers during the base-operating period for 1957.

Proposed by Mr. Clyde Corkern and others, Route 4, Franklinton, Louisiana:

37. Delete the marketing services provision of the New Orleans order.

Proposed by Roemer Dairies, Metairie, Louisiana:

38. Amend § 942.11 "Other source milk" to exclude receipts of milk from producer-handlers in paper or glass containers.

Proposed by Magee's Creamery, Franklinton, Louisiana, and Acadia Dairy, Thibodaux, Louisiana:

39. Extend the New Orleans marketing area to include the Parishes of St. Mary, Iberville, Assumption, Ascension, St. John the Baptist, and St. James, Louisiana.

40. Base the calculation of the handler location adjustment for milk utilized by Terrebonne-Lafourche handlers on the distance between the receiving station, and either Houma or Thibodaux, Louisiana.

Proposed by Cloverland Dairy Products Corporation and Others, New Orleans, Louisiana:

41. Add a new § 942.41 (c) as follows:

(c) *Class II-A milk.* Class II-A milk shall be all skim milk and butterfat in producer milk which is received or diverted by a handler in excess of 110 percent of the volume of skim milk and butterfat utilized in Class I and Class II products by such handler and which is disposed of to a manufacturing plant outside the marketing area.

42. Add a new § 942.51 (c) as follows:

(c) *Class II-A price.* The Class II-A price shall be the price determined pursuant to § 942.50 (c).

43. Amend § 942.51 so as to provide for a Class I price for milk disposed of in tanks out of the marketing area at a level 75 cents per hundredweight less than the regular Class I price.

Proposed by Sontheimer Farms, Hammond, Louisiana:

44. Amend the marketing services provision to provide that a producer, who is not a member of a cooperative association, and delivering milk in bulk tank to a New Orleans regulated plant handler would pay the marketing service charge on his actual volume of milk, or 1,000 pounds per day whichever is less.

Proposed by the Dairy Division, Agricultural Marketing Service:

45. Consider the revision of the location adjustment rate per hundredweight in § 942.53 (a), and the method of determining the zone location of each regulated plant pursuant to § 942.53 (b).

46. Make such changes as may be required to make the entire marketing agreement and order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be procured from the Market Administrator, 3709 South Carrollton Avenue, New Orleans 12, Louisiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 9, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-250; Filed, Jan. 11, 1957; 8:48 a. m.]

[7 CFR Part 985]

MILK IN MUSKEGON, MICHIGAN, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area, which was issued December 20, 1956 (21 F. R. 10338) is hereby extended to January 14, 1957.

Dated: January 8, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-239; Filed, Jan. 11, 1957; 8:47 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

1957 SUGAR QUOTA FOR THE DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318; 7 U. S. C. 1100, Public Law 545, 84th Cong.), and in accordance with the applicable rules of practice and procedure

(21 F. R. 4251), the Secretary of Agriculture has, after due notice (21 F. R. 8087) and hearing, found that allotment of the 1957 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and has established allotments of such quota totaling 1,600,000 short tons, raw value, to be in effect until allotments of the 1957 sugar quota for the Domestic Beet Sugar Area are prescribed (22 F. R. 24).

Notice is hereby given that a public hearing will be held at Washington, D. C., in Room 2W, Administration Building of the Department on January 23, 1957, at 10:00 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1957 among persons who market sugar processed from beets produced in the Domestic Beet Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment, and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which consideration should be given to the statutory factors as provided in sec. 205 (a) of the act; (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another; (3) provision for the transfer of allotments under circumstances of a succession of interest.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any increase, or decrease, in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of another area; (2) prorating any deficit in the allotment for any allottee; and (3) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 10th day of January 1957.

[SEAL] WALTER C. BERGER,
Administrator, CSS.

[F. R. Doc. 57-259; Filed, Jan. 11, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 201]

[Docket No. R-158]

UNIFORM SYSTEM OF ACCOUNTS RESPECTING TREATMENT OF DEFERRED TAXES ON INCOME

NOTICE OF PROPOSED RULE MAKING

JANUARY 7, 1957.

1. Notice is hereby given of proposed rule making in the above-entitled matters.

2. It is proposed to amend Part 201 of the Commission's general rules and regulations (18 CFR, Chapter I, Subchapter F, Part 201) entitled "Uniform System of Accounts for Natural Gas Companies" by substituting for the existing Accounts 259 and 507–A and 507–B revisions designated as §§ 201.259:1, 201.507–A and 201.507–B. As shown by the accompanying proposal these revisions are intended to clarify the language regarding that account as prescribed by order No. 171 (19 F. R. 2450 April 27, 1954).

3. It is also proposed to add new Accounts designated as §§ 201.259:2 and 201.259:3, which would be related to accounting for liberalized depreciation as contemplated by our order issued August 29, 1956 In the Matter of Amere Gas Utilities Co. et al., Docket No. G–6358 (16 F. P. C. 880) and other deferrals resultant from provisions of various tax code authority. We there, at page 881, stated:

On the record in this proceeding we have heretofore by our order issued June 30, 1956 (15 F. P. C. 781), affirming the decision of the presiding examiner, concluded that the uniform system of accounts prescribed for natural gas companies subject to the provisions of the Natural Gas Act, as amended by order No. 171 relating to accelerated amortization, should be further amended to make similar provision for liberalized depreciation. However, the due and orderly effectuation of that conclusion in a manner uniformly applicable not only to Amere Gas Utilities Co., et al., but to all natural gas companies subject to the provisions of the Natural Gas Act will, under our order, await the initiation and completion of rule-making proceedings in which such amendment can be prescribed. We expect to initiate such proceedings at an early date.

4. The proposed amendments, set forth below, to the Commission's Uniform System of Accounts and Rules are proposed to be issued under the authority granted the Federal Power Commission by the Natural Gas Act, particularly sections 8, 10 and 16 of that act (52 Stat. 821, 825, 826, and 830; 15 U. S. C. 717g, 717i, and 717o).

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than March 1, 1957, data, views, comments and suggestions in writing concerning the proposed amendments to the Uniform System of Accounts. An original and nine copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

Proposed revised texts of Accounts 259, 507–A, and 507–B of the Uniform System of Accounts for Natural Gas Companies to incorporate provisions with respect to deferred taxes arising from liberalized depreciation and from other differences in timing tax deduction:

§ 201.259 *Reserve for deferred taxes on income.* This account shall be subdivided in accounts 259:1 to 259:3.

§ 201.259:1 *Reserve for deferred taxes on income; accelerated amortization.* (a) This account shall be credited and Account 507A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated [5-year] amortization of certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code of 1954 (section 124A of previous Internal Revenue Code), as compared to the depreciation (deduction) otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate service life expectancy for such property.

(b) This account shall be debited and Account 507B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to Account 507B shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction which otherwise would be available and appropriate for such property, considering its service life expectancy, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method applied over the entire service life of the property.

(c) Records with respect to entries to this account, as described above, and the reserve balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization for accelerated amortization for tax purposes.

(d) The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facilities, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission, and shall be carried out fully as provided by the text of this account.

(e) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the reserve or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any certified defense facility for which deferred tax accounting has been followed, after retirement of such facility or major part thereof, or expiration of the service life on which

the deferred tax calculations were based, shall be reported to the Commission and disposed of as the Commission may authorize or direct.

§ 201.259:2 *Reserve for deferred taxes on income; Liberalized depreciation.* (a) This account shall be credited and Account 507A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation [deduction] otherwise appropriate and allowable for tax purposes for similar property of the same service life expectancy according to the straight line or other nonliberalized method of depreciation.

(b) This account shall be debited and Account 507B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to Account 507B, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same service life expectancy according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

(c) Records with respect to entries to this account, as described above, and reserve balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant balances of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and service life expectancies have been used.

(d) Utilities intending to defer taxes in accordance with the provisions of this account shall file with the Commission a notice of intention to do so. Such notice shall state the particular method or methods of liberalized depreciation intended to be used as to which taxes are to be deferred and the types of property for which such methods are to be applied if a single method and average service life is not intended to be used generally. The use of this account and the accounting described above are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property the accounting shall not be discontinued on that property, without approval of the Commission, and shall be carried out fully as provided by the text of this account.

(e) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the reserve or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed after retirement of said additions or major part thereof, or after expiration of the service life on which the depreciation calculations for tax purposes are based, shall be reported to the Commission and disposed of as the Commission may authorize or direct.

§ 201.259:3 *Reserve for deferred taxes on income—other.* (a) This account when its use has been authorized or directed by the Commission for specific types of tax deferrals shall be credited in Account 507A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use in computing taxes on income of deductions, other than accelerated amortization or liberalized depreciation, which for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

(b) This account, when its use has been authorized or directed by the Commission, shall be debited and Account 507B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph (a), of this section, because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to Account 507B shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized or directed by the Commission.

(c) Records with respect to entries to this account, as described above, and the reserve balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized or directed by the Commission.

(d) The utility is restricted in its use of this account to the purposes set forth above. It shall not transfer the reserve or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be reported to the Commission and disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate such as (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

§ 201.507–A *Provision for deferred taxes on income.* This account shall be debited and the appropriate subdivision of Account 259, Reserve for Deferred Taxes on Income, shall be credited with an amount equal to any deferral of taxes on income as provided by Account 250 and the subaccounts thereunder. No entries shall be made to this account which are not provided for by the applicable subaccounts of Account 259, Reserve for Deferred Taxes on Income. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in Account 507B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Income.

§ 201.507–B *Credits to operations arising from taxes on income deferred in prior years—credit.* This account shall be credited and the appropriate subaccount of Account 259, Reserve for Deferred Taxes, debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by Account 259. No entries to this account shall be omitted if required according to the plan of deferred tax accounting as provided by the applicable subdivisions of Account 259, Reserve for Deferred Taxes on Income. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in Account 507A, Provision for Deferred Taxes on Income.

[F. R. Doc. 57-236; Filed, Jan. 11, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

MOUNTAIN HOME PROJECT, IDAHO

ORDER OF REVOCATION

SEPTEMBER 20, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of April 30, 1951, insofar as said order affects the following-described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 2 E.,
Sec. 17, NE¼NW¼, N½NE¼.

The above areas aggregate 120 acres.

DON S. CAMPBELL,
Acting Commissioner.

[61715]

JANUARY 8, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. The lands are located about 6 miles east and two miles south of Mora, Idaho. It lies at an elevation of about 2,900 feet. The topography varies from nearly level to gently undulating. The vegetative cover consists of cheatgrass, mustard, native bluegrass, and Russian thistle. The land would be suitable for agriculture if water could be made available.

2. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on February 13, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 15, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on May 15, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on May 15, 1957.

6. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
Director, Bureau of Land Management.

[F. R. Doc. 57-232; Filed, Jan. 11, 1957; 8:45 a. m.]

SEEDSKADEE (FORMERLY GREEN RIVER) PROJECT, WYOMING

ORDER OF REVOCATION

OCTOBER 16, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of December 23, 1919, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described,

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 110 W.,
Sec. 2, SW¼NW¼, NE¼SW¼, NW¼SE¼ and S½SE¼;
Sec. 3, Lots 1 and 2, and SE¼NE¼;
Sec. 12, lot 2, NW¼NE¼, S½NE¼, E½NW¼, N½SE¼ and SE¼SE¼.

The above areas aggregate 661.74 acres, of which 22.56 acres are vacant land.

E. G. NIELSEN,
Assistant Commissioner.

[886344]

JANUARY 8, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

1. All the lands, except lot 2, sec. 12, have been patented without a reservation of minerals to the United States. Lot 2 is located in Sweetwater County, Wyoming. It fronts on the Green River and is unsuitable for the production of cultivated crops. The tract is within Wyoming Grazing District No. 4.

2. No application for lot 2 may be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. Subject to any valid existing rights and the requirements of applicable law, lot 2 is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on February 13, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right ap-

plications filed after that hour and before 10:00 a. m. on May 15, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on May 15, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on May 15, 1957.

6. Inquiries concerning the tract shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-233; Filed, Jan. 11, 1957; 8:45 a. m.]

BOISE PROJECT, IDAHO

ORDER OF REVOCATION

MAY 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of December 22, 1903, in so far as said order affects the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 4 N., R. 5 W.,
Sec. 20, Lot 1 and NW¼NW¼.

The above area aggregates 67.60 acres.

DON S. CAMPBELL,
Acting Asst. Commissioner.

[72161]

JANUARY 8, 1957.

I concur.

The land is included in allowed reclamation homestead entry, Blackfoot 041633, and is therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 727; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean conflict, and others.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-234; Filed, Jan. 11, 1957; 8:46 a. m.]

National Park Service

[Order 14, Amdt. 9]

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY

Paragraph (i) of section 1 of Order No. 14, issued December 1, 1954 (19 F. R. 8824), as amended August 31, 1955 (20 F. R. 6752), is amended to read as follows:

(i) Execution and termination of concession contracts and permits in excess of five years, and the approval of subagreements thereunder regardless of the term of such subagreement; and approval of transfers and issues of corporate stock of concessioners which would vest in the transferee 50 per cent or more of the outstanding stock or would otherwise result in a change of control of the corporation.

(Secretary's Order No. 2640; 5 U. S. C., 1952 ed., sec. 22; sec. 2, Reorg. Plan No. 3 of 1950)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 57-231; Filed, Jan. 11, 1957; 8:45 a. m.]

Office of the Secretary

J. ED WARREN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

JANUARY 4, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: J. Ed Warren.

Name of employing agency: Department of the Interior, Office of the Secretary.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: The First National City Bank of New York, New York City.

The statement of "financial interests" for the above appointee is enclosed.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

Statement of Financial Interests

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

The First National City Bank of New York—Vice President.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Smelting.
Burroughs.
Continental Oil.
Crown Zellerbach.
Dow Chemical.
General Electric.
General Motors.
Johns Manville.
National Lead.
Phillips Petroleum Company.
Radio Corporation.
Socony Mobil.
Sperry Rand.
Standard Oil Company (New Jersey).
Union Carbide.
United States Steel.
Cuban American Oil Company.
Pathfinder Petroleum (Canadian).
Scurry Rainbow.
Texas Pacific Coal and Oil.
Target Petroleum (Canadian).
Warner Brothers Pictures.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

King, Warren & Dye—Partner.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

J. ED WARREN.

JANUARY 3, 1957.

[F. R. Doc. 57-230; Filed, Jan. 11, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-46]

ACF INDUSTRIES, INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on December 12, 1956, ACF Industries, Inc., 30 Church Street, New York, New York, filed an application for a license to manufacture and export a 5,000 KW research reactor to Comitato Nazionale per le Ricerche Nucleari, an agency of the Italian Republic.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

For the Atomic Energy Commission.

Dated at Washington, D. C., this 19th day of December 1956.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-229; Filed, Jan. 11, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2192]

BIRON HYDRO-ELECTRIC PROJECT, CONSOLIDATED WATER POWER CO.

NOTICE OF LAND WITHDRAWAL, WISCONSIN

JANUARY 3, 1957.

Conformable to the provisions of section 24 of the act of June 10, 1920, as amended, notice is hereby given that the land hereinafter described, insofar as title thereto remains in the United States is included in Power Project No. 2192 for which completed application for License was filed November 14, 1956, by The Consolidated Water Power Company of Wisconsin Rapids, Wisconsin. Under said section 24 this land is, from said date of filing reserved from all forms of disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

FOURTH PRINCIPAL MERIDIAN, WISCONSIN

T. 23 N., R. 6 E.,
Sec. 26, Lot 6.

The area reserved pursuant to the filing of this application is approximately 2.64 acres.

Copies of the project "K" maps, 1 to 4 inclusive (FPC [illegible]c. 2192-9 to 2192-12 inclusive) as revised according to the Consolidated Water Power Company letter to the Federal Power Commission dated October 22, 1956, have been transmitted to The Bureau of Land Management and Geological Survey.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-237; Filed, Jan. 11, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57 M-21]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING CONFERENCE

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ) Reno, Nevada.

On the oral request of counsel for the parties: *It is ordered,* This 8th day of January 1957, that the further prehearing conference scheduled for today is indefinitely continued, pending action by the Commission on certain pleadings before it.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-246; Filed, Jan. 11, 1957; 8:48 a. m.]

[Docket No. 11834; FCC 57M-15]

SEACO, INC.

STATEMENT AND ORDER GOVERNING HEARING

In the matter of Seaco, Inc., Orlando, Florida; Order to Show Cause Why the Licenses for Special Industrial Radio Stations KIK 385 and KC 7607 should not be revoked, or, in the alternative, why a cease and desist order should not be issued against the licensee of said stations.

Appearances. J. Russell Smith and Vernon A. Spring, on behalf of the Safety and Special Radio Services Bureau, Federal Communications Commission; and Daryal A. Myse, on behalf of Seaco, Inc.

Pursuant to the provisions of § 1.813 of the Commission's rules, and in accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held on January 4, 1957, at 2 p. m. Agreements between the parties, as set forth in the transcript of the prehearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon.

It is ordered, This 7th day of January 1957, that, pursuant to oral motion and agreement of all counsel, the hearing in the above-entitled proceeding presently scheduled for 10 a. m. on January 15, 1957 in Orlando, Florida, be and the same is hereby continued to 10 a. m. on January 16, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-247; Filed, Jan. 11, 1957; 8:48 a. m.]

[Docket No. 11862; FCC 57M-20]

BAY RADIO, INC., AND MID-AMERICA BROADCASTERS, INC.

STATEMENT AND ORDER GOVERNING HEARING

In the matter of Bay Radio, Inc. (Assignor) and Mid-America Broadcasters, Inc. (Assignee), for assignment of license of Station KEAR, San Francisco, California; File No. BAL-2369.

Appearances. Stephen Tuhy, Jr., on behalf of Bay Radio, Inc.; Paul Dobin, on behalf of Mid-America Broadcasters, Inc.; Milton Stern, Jr. on behalf of protestant; and David I. Kraushaar on behalf of the Broadcast Bureau.

Pursuant to the provisions of § 1.813 of the Commission's rules, and in accordance with notice duly given, a pre-hearing conference in the above-entitled matter was held on January 4, 1957, at 10 o'clock a. m. Agreements among the parties, as set forth in the transcript of the pre-hearing conference, are formally approved by the Hearing Examiner; and the course of the hearing shall be governed by the procedure agreed upon.

Pursuant to agreement of all counsel, reached during the pre-hearing conference: *It is ordered,* This 4th day of January 1957, that the hearing in this proceeding be and it is hereby continued from January 16, 1957 to January 30, 1957, at 10 a. m., Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-248; Filed, Jan. 11, 1957; 8:48 a. m.]

[Docket No. 11878; FCC 57M-14]

MOBILE COMMUNICATIONS

ORDER CONTINUING HEARING

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky; File No. 2184-C2-P-56.

The Hearing Examiner having under consideration a Notice for Continuance of Hearing filed by Telephone Answering Service on January 4, 1957, seeking a continuance of the hearing date from January 14, 1957 to January 21, 1957;

It appearing that the requested continuance is necessitated by counsel being engaged in another hearing before the Commission; and

It further appearing that the Hearing Examiner's own work schedule will not permit hearing in this matter until January 29, 1957;

It is ordered, This 7th day of January 1957, that the hearing in the above-entitled proceedings now scheduled for January 14, 1957, be continued to January 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-249; Filed, Jan. 11, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 9, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33141: *Iron and steel articles from Lufkin, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, including pipe, carloads from Lufkin, Tex., to points in southern territory, including Memphis, Tenn., and other Mississippi River crossings south thereof.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Supplement 91 to Agent Kratzmeir's tariff I. C. C. 4170.

FSA No. 33142: *All freight—Cincinnati, Ohio, to Naples, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Cincinnati, Ohio to Naples, Fla.

Grounds for relief: Short-line distance formula, truck competition and circuitous routes.

Tariff: Supplement 63 to Agent C. A. Spaninger's I. C. C. 1458.

FSA No. 33143: *Sugar—Eastern points to Official Territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads from specified origins in trunk line territory on the Western Maryland Railway and other lines to destinations in official, Illinois and northwest territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 46 to Agent C. W. Boin's I. C. C. A–1059; supplement 6 to Agent C. W. Boin's I. C. C. A–1087.

FSA No. 33144: *Crude rubber—Louisiana to Danbury, Conn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on crude rubber, carloads from Baton Rouge and North Baton Rouge, La., to Danbury, Conn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 43 to Alternate Agent J. H. Marque's tariff I. C. C. 442.

FSA No. 33145: *Sand—Illinois to Spartanburg, S. C., and Toccoa, Ga.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, ground or pulverized and screened, carloads from Millington, Oregon, Ottawa, Sheridan, Utica and Wedron, Ill., to Spartanburg, S. C., and Toccoa, Ga.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 24 to Agent Raasch's tariff I. C. C. 855.

By the Commission.

HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-240; Filed, Jan. 11, 1957; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR OF ADMINISTRATIVE MANAGEMENT, REGION I (NEW YORK)

REDELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS WITH RESPECT TO ADMINISTRATIVE MATTERS

The Director of Administrative Management, Region I (New York), Housing and Home Finance Agency, is hereby authorized to take the following action with respect to administrative matters within such Region:

Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority effective August 14, 1953, 18 F. R. 6812 (October 28, 1953); continuation of delegation effective December 23, 1954, 19 F. R. 9305)

This delegation supersedes the delegation dated February 14, 1955 (20 F. R. 1260, Mar. 1, 1955).

Effective as of the 5th day of November 1956.

[SEAL] WALTER S. FRIED,
Regional Administrator,
Region I.

[F. R. Doc. 57-243; Filed Jan. 11, 1957; 8:48 a. m.]

DIRECTOR OF ADMINISTRATIVE MANAGEMENT, REGION I (NEW YORK)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Director of Administrative Management, Region I (New York), Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414–421, as amended, 42 U. S. C., 1952 ed. and Sup. I 1450–1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F. R. 9303–5 (December 30, 1954); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, 20 F. R. 556 (January 25, 1955)

This delegation supersedes the delegation dated March 7, 1955 (20 F. R. 1545, Mar. 12, 1955).

Effective as of the 5th day of November 1956.

[SEAL] WALTER S. FRIED,
Regional Administrator,
Region I.

[F. R. Doc. 57-244; Filed, Jan. 11, 1957; 8:48 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 10

Washington, Tuesday, January 15, 1957

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regulations, Amdt. 24 [1]]

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

MISCELLANEOUS AMENDMENTS

1. Section 371.4 *Reexportation from country of destination,* paragraph (a) *Prohibited reexportations* is amended by deleting the words "or in § 371.8 (b)" at the end thereof.

2. Section 371.8 *General license GRO; shipments of non-Positive List commodities* is amended as follows:

a. Paragraph (b) *Shipments to redistribution points* is deleted.

b. Paragraph (c) *Surplus agricultural commodities and manufactures thereof* is renumbered (b) and subparagraph (2) *Exportations* is amended by deleting the first unnumbered paragraph including the statement.

3. Section 372.4 *Applications for validated licenses,* paragraph (c) *Requirement to disclose parties in interest,* subparagraph (2) *Definitions of parties in interest,* subdivision (iii) *Intermediate consignee* is amended to read as follows:

(iii) *Intermediate consignee.* (a) The bank, forwarding agent, or other intermediary (if any) who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee, must be named on the application, if known. If no intermediary is to be used, or if the intermediate consignee is unknown at the time of the application, this fact must be stated on the application.

(b) Optional intermediate consignees may be indicated on the application for export license by an exporter who is unable to determine, at the time of filing his license application, at which port the commodities will be unloaded from the exporting carrier.

(c) In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee to be used must be ascertained and set forth on the Shipper's Export Declaration, whether or not named on the license application or validated license (see § 379.4 (b) (3) of this subchapter). However, the name and address of the intermediate consignee need not be shown on the commercial invoice.

(d) Amendment of the export license is required if an intermediate consignee to be used in the export transaction is not located in the country of ultimate destination unless named on the export license.

(e) If the newly added intermediate consignee is located in the country of ultimate destination, an amendment is required only where the change in or addition of the intermediate consignee involves a consolidated shipment as provided by § 379.10 (h) (2) (iv) of this subchapter or where pursuant to notice from the Bureau of Foreign Commerce, in any case, the Collector of Customs specifically requires an amendment for this purpose.

4. Section 372.12, Note 1 *Destination control statement* is amended to read as follows:

NOTE 1. *Destination control statement.* See § 379.10 of this subchapter, for requirement for destination control statement on Shipper's Export Declaration, Bill of Lading and Commercial Invoice covering exports from the United States.

5. Section 379.3 *Presentation of shipper's export declaration,* paragraph (e) *Special requirements,* subparagraph (3) *Special requirements for exportations by air* is amended so that subdivision (i) thereof reads as follows:

(Continued on next page)

[1] This amendment was published in Current Export Bulletin No. 778, dated January 3, 1957.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

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(i) The provisions of this paragraph apply to any exportation by air, other than air mail or air parcel post, which is made under authority of a validated export license.

6. Section 379.4, Note 2 *Shipments to redistribution points under General License GRO* following is deleted and Note 3 is renumbered 2.

7. Section 379.10 is amended to read as follows:

§ 379.10 *Destination control*—(a) *Definition of Bill of Lading.* As used in this section, "Bill of Lading" means the contract of carriage and receipt for commodities issued by the carrier.

(b) *Country of ultimate destination.* The following provisions of this paragraph apply to all shipments made under a validated license. (For the carrier's responsibilities regarding general license shipments see §§ 371.4, 381.2, 381.3, 381.4 and 381.6 of this subchapter.)

(1) No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo subject to the provisions of this paragraph at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Declaration.

(2) No carrier shall deliver such cargo at any other country at the request or option of either the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent.

(3) No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent: (i) Divert any cargo to any country of ultimate destination other than that named in the authenticated Declaration or in the Bill of Lading described in paragraph (c) of this section; (ii) request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Bureau of Foreign Commerce.

(4) No carrier of such cargo shall issue a Bill of Lading providing for delivery to the ultimate consignee named in the authenticated Declaration at optional ports where one of such optional ports is in a country not named as the ultimate country of destination in the license or Declaration, unless written authorization has been granted by the Bureau of Foreign Commerce. However, where the authenticated Declaration provides for delivery of cargo consisting of commodities subject to this paragraph to optional intermediate consignees located in ports in different countries, the carrier may issue a Bill of Lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on declaration, bill of lading, and commercial invoice.* The provisions of this paragraph apply to a shipment made under a general license where a Shipper's Export Declaration is required to be presented to the Collector of Customs, except for General License GIT; a shipment made under a validated license.

NOTE: The provisions of paragraph (c) of this section are inapplicable to shipments intended for consumption in Canada, since these exportations to Canada require neither a validated nor a general license. However, these provisions are applicable to shipments through Canada to other foreign countries.

(1) An appropriate destination control statement shall be entered on the Shipper's Export Declaration, in accordance with the provisions set forth below, for all shipments subject to the provisions of this section.[1]

(i) The following statement shall be entered on the Declaration covering an exportation under either a validated or general license other than General License GIT, with the blank space filled in with the name of the country of ultimate destination set forth in the Declaration; unless, instead of this statement, an appropriate statement as provided in subdivision (ii) or subdivision (iii) of this subparagraph has been entered.

These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

NOTE: In some instances the destination control statement used by an exporter or his agent for a specific shipment may indicate that the shipment can not be reexported to a destination to which the ultimate consignee or purchaser wishes to sell or distribute the commodities; however, the reexportation provisions of the Export Regulations (§§ 371.4 and 372.12 of this subchapter) would permit the reexportation. Where this occurs, and permission to distribute or resell is requested by the foreign importer or any other party in possession of the commodities, the exporter, without obtaining written approval of the Bureau of Foreign Commerce, may inform the foreign importer or other party that distribution or resale may be made in accordance with the reexportation provisions where applicable. In all other instances, written approval shall be obtained from the Bureau of Foreign Commerce.

(ii) Instead of the statement set forth in subdivision (i) of this subparagraph, the following statement may be substituted with the blank spaces filled in as instructed below.

These commodities licensed by the United States for ultimate destination _____ and for distribution or resale in _____. Diversion contrary to the United States law prohibited.

(*a*) If the exportation is made under a general license, other than General License GIT, insert the name of the country to which the shipment is being made in the first blank space and the following words in the last blank space, "any destination except Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos unless otherwise authorized by the United States".

(*b*) If the exportation is made under a validated license, insert in the first blank space the name of the country shown on the license as country of ultimate destination. In the last blank space, insert the names of the countries shown on the license as approved destinations for distribution or resale. If no country is shown on the license as approved for distribution or resale, insert the word "none" in the last blank space.

[1] Where the country of ultimate destination is Cambodia, Laos, or Viet Nam (the area formerly known as Indo-China), the destination control statement shall be filled in as required by § 373.68 of this subchapter regardless of the country designation shown on the Shipper's Export Declaration.

NOTE: The note following subdivision (i) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (ii) of this subparagraph is used.

(iii) Where a shipment is made under a general license, other than General License GIT, the following statement may be entered on the declaration instead of the statements set forth in subdivisions (i) and (ii) of this subparagraph.

United States law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Macao, Hong Kong, or Communist controlled areas of Viet Nam and Laos, unless otherwise authorized by the United States.

NOTE: The Note following subdivision (i) of this subparagraph is also applicable to requests for permission to distribute or resell where the statement set forth in subdivision (iii) of this subparagraph is used.

(2) (i) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a Bill of Lading covering an exportation of a commodity with respect to which a Declaration has been authenticated by a Collector containing the applicable statement set forth in subparagraph (1) of this paragraph, unless all copies of such Bill of Lading, including all non-negotiable and office copies except as provided in subdivision (ii) of this subparagraph, shall contain the same statement.

(ii) In the case of shipments by air (other than airmail or air parcel post) the provisions of subdivision (i) of this subparagraph are applicable to: (*a*) Any Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment; or (*b*) any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment. The provisions of subparagraph (1) of this paragraph do not apply to a "Master" Air Waybill issued by a carrier to cover a consolidated shipment.

(3) No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this section, unless such invoice or invoices, and all copies thereof shall contain on the face thereof the applicable statement set forth in subparagraph (1) of this paragraph.

(4) No carrier shall release custody of a shipment of commodities covered by the provisions of this section to any party (including agents, on-carriers, foreign customs officials, or any other person) without surrender by that party, to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (1) of this paragraph; unless simultaneously with release of the commodities the carrier delivers to such party a written copy of the destination control statement covering the shipment as contained on the copy of the Bill of Lading in the carrier's possession. The written statement shall identify the shipment by Bill of Lading number, name of carrier, voyage number, date and port of arrival. The carrier shall secure and retain either a signed receipted copy of such written statement or other equivalent written evidence of such statement.

(d) *Notice and prohibition against diversion.* (1) Whenever a commercial invoice shall be issued containing the destination control statement prescribed in paragraph (c) (1) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated Declaration; (ii) the intermediate consignee; and (iii) any other persons named in the invoice who are located in a foreign country. Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and Bills of Lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or, in lieu of a copy of the commercial invoice, may send a copy of the Bill of Lading containing the destination control statement prescribed in paragraph (c) (1) of this section.

(2) No person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, shall, after notification of the prohibition against diversion prescribed in paragraph (c) (1) of this section, whether by such invoice or Bill of Lading or by any other means, divert or cause to be diverted any of the commodities described in such Bill of Lading to any country of ultimate destination other than that named in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Bureau of Foreign Commerce, evidence of the sending of such invoice or Bill of Lading, or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the Export Regulations shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated Declaration where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions of the carrier's Bill of Lading, it is not feasible to deliver the cargo at the licensed port of destination. Whenever, because of the

existence of any of the said causes, cargo is unloaded at a port in any other country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Bureau of Foreign Commerce. This report shall consist of a copy of the manifest of such diverted cargo, together with a statement of the place of unloading and the name and address of the person in whose custody the commodities were delivered.

(2) The exporter of such commodities shall, upon notice from the Bureau of Foreign Commerce of such diversion, promptly, and within 10 days, notify the Bureau of Foreign Commerce of the proposed disposition of the commodities.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities into the commerce of the country where unloaded without prior approval of the Bureau of Foreign Commerce. The carrier shall take steps to assure that such commodities are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(g) *Indication of shipper's export declaration number on ship's manifest.* The carrier or its agent shall, on all copies of the outward foreign manifest which is filed with the United States Collector of Customs, indicate thereon, with respect to each shipment, the applicable Shipper's Export Declaration number assigned to each such shipment by the Collector.

INTERPRETATIONS

1. Q. Who other than the shipper is authorized to insert the ultimate destination control statement on the Shipper's Export Declaration, the Bill of Lading and the commercial invoice, as provided by § 379.10 (c) (1)?

A. The forwarding agent is deemed to have authority to insert the ultimate destination control statement required by § 379.10 (c) (1) on the Bill of Lading, Declaration, and commercial invoices, unless the forwarding agent's authorization prohibits him from so doing. If the carrier prepares the Bill of Lading, the carrier must insert the statement on that document based upon information communicated to the carrier by the exporter or his authorized forwarding agent, i. e., and authenticated Declaration or a validated license, or a properly executed Declaration given to the carrier for submission to Collectors for authentication containing the statement.

2. Q. Is the Collector responsible for checking as to the ultimate destination control statement on the Bill of Lading and on invoices, as well as on the Declaration?

A. Collectors have the responsibility for checking as to the ultimate destination control statement on all Declarations submitted for authentication, and should ascertain that the inscription has been placed on any Bills of Lading or invoices which they receive in the regular course of business or which otherwise come to their attention. In other cases, Collectors may, wherever they deem it appropriate to assure compliance with the Export Regulations, check the Bill of Lading or commercial invoices as to the ultimate destination control statement or other matters.

(h) *Conformity of export control documents.* (1) As used in this paragraph, "licensed exporter" means the person named as "exporter," and "licensed ultimate consignee" means the person named as ultimate consignee, in an authenticated Shipper's Export Declaration covering a validated license shipment.

(2) The rules of conformity set forth below shall apply to any shipment under a validated export license, except that in the case of shipments by air, other than air mail or air parcel post, the conformity rules do not apply to a consolidated "Master" Air Waybill. However, the rules of conformity do apply to any individual Air Waybill issued by a consolidator (indirect carrier) for an exportation included in a consolidated shipment and to any Air Waybill issued by a carrier or other person covering an exportation not included in a consolidated shipment.

(i) The validated export license, the authenticated Declaration, and the outbound Bill of Lading covering the same export shipment must be consistent with one another.

(ii) The Bill of Lading is not consistent if it contains words or a statement indicating that the shipment is in transit to a different country of ultimate destination from the country of ultimate destination named in the authenticated Declaration, such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country in which the ultimate consignee is located.

(iii) The Bill of Lading is not consistent if it names as shipper any person other than the licensed exporter or his duly authorized forwarding agent. Where shipments from more than one exporter are consolidated on a single Bill of Lading, the shipper named on the Bill of Lading must also appear as the authorized forwarding agent for each licensed exporter on each Declaration.

(iv) In the case of negotiable Bills of Lading (i. e., "order" Bills of Lading) the Bill of Lading is deemed consistent only if:

(*a*) The name and address of the licensed ultimate consignee are shown in the body of the Bill of Lading under the caption "licensed ultimate consignee and notify party" or in the case of the air waybill under the caption "also notify." Where shipments to more than one licensed ultimate consignee are consolidated on one Bill of Lading and the names of all licensed ultimate consignees are not shown in the body of the Bill of Lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the licensed ultimate consignees must appear on the Bill of Lading, the export license, and the Declaration. Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on the validated license, or does not appear on the license, an amendment of the license is necessary even though the intermediate consignee is in the same country as the ultimate consignees;

(*b*) The consignee or order party named in the Bill of Lading is named in the authenticated Declaration; and

(*c*) The Bill of Lading provides for delivery of the shipment (cargo) at a port located in the country of either the ultimate consignee or intermediate consignee named in the authenticated Declaration.

NOTE: As indicated in subparagraph (2) (iv) of this paragraph, the Bill of Lading may consign the commodities covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder or other intermediary), or to the order of purchaser (if not the same as the licensed ultimate consignee).

An "order" Bill of Lading issued in the above form constitutes a representation on the part of such shipper that the commodities covered by the validated license, authenticated Declaration, and Bill of Lading are ultimately destined to such ultimate consignee, that the document has not been used for the purpose of evading the terms and conditions of the validated license, and that pursuant to the contract of carriage, the commodities will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated Declaration.

(v) On Bills of Lading the commodities may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated Declaration and validated export license.

(vi) No carrier shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure, a Bill of Lading which is contrary to the provisions of this paragraph, and Collectors are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

(vii) If the carrier's outward foreign manifest which is filed with the U. S. Collector contains names of shippers or consignees, these names must not be inconsistent with the names shown on the Bill of Lading (or authenticated Declarations).

8. Section 380.2 *Amendments or alterations of licenses* is amended in the following particulars:

a. Paragraph (d) *Changes by amendment,* subparagraph (3) is amended to read as follows:

(3) Intermediate consignee, (i) if the new intermediate consignee is located in any country other than the country of ultimate destination shown on the export license; or (ii) if the new intermediate consignee is located in the country of ultimate destination and an amendment request is submitted in accordance with the provisions of § 379.10 (h) (2) (iv) of this subchapter; or (iii) if pursuant to notice from the Bureau of Foreign Commerce, in any case, the Collector of Customs requires the submission of an amended license showing the new intermediate consignee.

b. Paragraph (e) *Changes which require neither amendment nor new license,* subparagraph (4) is amended to read as follows:

(4) Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination as shown on the export license, except a change in or addition of an intermediate consignee involving a consolidated shipment (see § 379.10 (h) (2) (iv) of this subchapter), or pursuant to notice from the Bureau of Foreign Commerce, in any case, a change of intermidate consignee for which the Collector of Customs requires an amended license.

This amendment shall become effective as of April 3, 1957, except that items 3 and 8 shall become effective as of January 3, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-267; Filed, Jan. 14, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 FISCAL YEAR

On December 19, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 10182) regarding the expenses and the fixing of the rate of assessment for the 1956–57 fiscal year pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Lemon Administrative Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 953.211 *Expenses and rate of assessment for the 1956–57 fiscal year.* (a) (1) The expenses necessary to be incurred by the Lemon Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for its maintenance and functioning during the fiscal year ending October 31, 1957, will amount to $154,380.00; and the rate of assessment to be paid, in accordance with the amended marketing agreement and order, by each handler who first handles lemons shall be one cent per carton of lemons, or an equivalent quantity of lemons, handled by him as the first handler thereof during the said fiscal year. Such rate of assessment is hereby fixed as each handler's pro rata share of the aforesaid expenses.

(2) It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (i) the rate of assessment is applicable to all lemons shipped during the 1956–57 season; (ii) shipments of lemons in volume have been made since the start of the fiscal year on November 1, 1956; and (iii) it is essential that the specifications of the assessment rate be issued immediately so that the aforesaid assessment may be collected and thereby enable the Lemon Administrative Committee to perform its duties and functions in accordance with the said amended marketing agreement and order.

(b) Terms used in this section shall have the same meaning as when used in said amended marketing agreement and order.

(c) The terms of this section shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 10, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-271; Filed, Jan. 14, 1957; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6464]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ATALANTA TRADING CORP.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Atalanta Trading Corporation, New York, N. Y., Docket 6464, Dec. 20, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a seller of meat products, principally imported hams, under the trade name "Unox" and approximating sales during 1954 of $24,000,000, with granting advertising allowances to some but not to all of its competing customers engaged in the resale of its products, in violation of section 2 (d) of the Clayton Act as amended. Following the usual hearings and submission of proposed findings of fact by all counsel, the hearing examiner made his initial decision including findings and order to cease and desist, from which respondent appealed.

Thereupon the Commission, after hearing the matter, rendered its decision denying the appeal and on December 20 adopted as its own the initial decision[1] as modified.

The order to cease and desist and the order requiring report of compliance therewith are as follows:

It is ordered, That respondent, Atalanta Trading Corporation, a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of grocery products in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from:

Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with said order.

Issued: December 20, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-265; Filed, Jan. 14, 1957; 8:47 a. m.]

[Docket 6524]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ANAHIST CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Anahist Co., Inc., Yonkers, N. Y., Docket 6524, Dec. 20, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate manufacturer in Yonkers, N. Y., of medicinal preparations including Anahist Tablets, with violating section 2 (d) of the Clay-

[1] Filed as part of the original document.

ton Act as amended through paying substantial sums of money to United Cigar-Whelan Stores Corp.—operator of a drugstore chain—for services and facilities furnished in the form of advertising of Anahist products on television programs sponsored by United-Whelan in New York, while not making such payments available on proportionally equal terms, or any terms, to all other customers competing in the sale of Anahist products.

Following entry of agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Anahist Co., Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale in commerce (as "commerce" is defined in the Clayton Act) of medicinal preparations and related products, do forthwith cease and desist from:

Paying or contracting to pay to or for the benefit of any customer anything of value as compensation or in consideration for any radio or television advertising furnished by or through such customer in connection with the handling, sale or offering for sale of respondent's products, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Anahist Co., Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: December 20, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-266; Filed, Jan. 14, 1957; 8:47 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter II—The Tax Court of the United States

REVISION OF CHAPTER

These revised rules are promulgated pursuant to authority of section 7453, Internal Revenue Code of 1954, which provides that "The proceedings of the Tax Court and its divisions shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the Tax Court may prescribe and in accordance with the rules of evidence applicable in trials without jury in the District Court of the District of Columbia."

Congress in the revenue acts has enacted provisions relating to the organization, jurisdiction, and procedure of the Tax Court of the United States, and to the action of the Internal Revenue Service with respect to the assessment and collection of deficiencies when a petition has been filed with the Court. Reference is made to those statutory provisions in the revenue acts for procedural requirements other than those relating to the conduct of proceedings before the Court and its divisions to which these Rules of Practice are limited. Refer to the Internal Revenue Code of 1954, and particularly to sections 6211 through 6215, 7441, and 7483.

The forms in §§ 702.1, 702.5, 702.6, 702.7, 702.8, 702.9, and 702.10 are not printed forms and are not obtainable from the Court. When preparing pleadings or documents involving such forms, be sure to follow § 701.4 carefully as to form, size, type and copies of papers required, unless the number of copies is otherwise specified in the pertinent rule.

The forms identified as §§ 702.2, 702.3 and 702.4 are printed forms, which the Court will furnish upon request. Typed copies of these printed forms may be used instead of the printed forms, except for the subpoena form, which latter must be obtained from the Court.

Parts
701 Rules of practice.
702 Forms.

REVISION OF CHAPTER

PART 701—RULES OF PRACTICE

Sec.
701.1 Location, address, telephone number, and business hours of the Court, fees, and definitions.
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701.26 Place of trial; requests and designation.
701.26a Requests for place of trial.
701.27 Place, time, and notice of hearings and trials; attendance and continuances.
701.30 Submission without trial or appearance.
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701.51 Estate tax deduction developing after trial.
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701.60 Fees and mileage.
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701.64 Renegotiation of contacts cases.
701.65 Bond to stay execution of order of Renegotiation Board.

AUTHORITY: §§ 701.1 to 701.65 issued under sec. 7453, 68A Stat. 884; 26 U. S. C. 7543.

§ 701.1 *Location, address, telephone number, and business hours of the court, fees, and definitions*—(a) *Office of the Court.* The office of the Tax Court of the United States is located on the second floor of the building on the northeast corner of 12th Street and Constitution Avenue NW., Washington, D. C. The office of the Clerk of the Court is in Room 2004.

(b) *Mailing address.* All mail sent to the Court should be addressed to:

Tax Court of the United States,
Box 70,
Washington 4, D. C.

Other addresss where the Court may be in session should never be used in addressing mail to the Court or to its Clerk.

(c) *Telephone number.* The telephone number of the Tax Court of the United States at its office in Washington, D. C., is NAtional 8–5771.

(d) *Business hours.* The Office of the Clerk of the Court at Washington, D. C., shall be open during business hours on all days, except Saturdays, Sundays, and legal holidays, for the purpose of receiving petitions, pleadings, motions, and the like. "Business hours" are from 8:45 a. m. to 5:15 p. m. (For legal holidays in Washington, D. C., see § 701.61 (b).)

(e) *Fees, method of payment.* Checks, money orders, etc., for fees or charges of the Court should be made payable to the Treasurer of the United States and mailed or delivered to the Clerk of the Court. (See §§ 701.2, 701.7 (b), 701.52, and 701.53.)

(f) *Definitions*—(1) *Time.* Time, as provided in this part and in orders and notices of the Court, means standard time in the city mentioned except when advanced time is substituted therefor by law. (See §701.61.)

(2) *Commissioners.* Where in this part (except in § 701.48) the word "Commissioner" is used, it refers to the Commissioner of Internal Revenue.

(3) *Code of 1954.* The designation "Code of 1954" as used in this part refers to the Internal Revenue Code of 1954.

§ 701.2 *Admission to practice.* (a) An applicant who establishes to the satisfaction of the Court that he or she is a citizen of the United States, of good moral character and repute, and possessed of the requisite qualifications to represent others in the preparation and trial of cases, may be admitted to practice before the Court subject to the specific requirements stated hereafter in this section.

(b) Each application must be on the form provided by the Court. Application forms and other necessary information will be furnished upon request addressed to the Enrollment Clerk of this Court, Box 70, Washington 4, D. C.

(c) An attorney at law may be admitted to practice upon filing with the Enrollment Clerk a completed application accompanied by a current certificate from the Clerk of the appropriate court, showing that the applicant has been admitted to practice before and is a member in good standing of the Bar of the Supreme Court of the United States, or of the highest court of any State, or Territory, or of the District of Columbia.

(d) An applicant, not an attorney at law, as a condition of being admitted to practice, must pass a written examination given by the Court and the Court may require such person, in addition, to take an oral examination. Any person who has thrice failed such examinations shall not thereafter be eligible to take another examination for admission.

(e) An applicant for admission by examination must be sponsored by at least three persons theretofore enrolled to practice before this Court, and each sponsor must send a letter of recommendation directly to the Enrollment Clerk of the Court where it will be treated as a confidential communication. The sponsor shall send in his letter promptly, stating therein fully and frankly the extent of his acquaintance with the applicant, his opinion of the moral character and repute of the applicant, and his opinion of the qualifications of the applicant to practice before this Court. The Court may in its discretion accept an applicant with less than three such sponsors.

(f) The Court will hold an examination for applicants at its offices in Washington, D. C., on the last Wednesday in October of each year, and at such other times and places as it may designate. The Court will notify each applicant, whose application is in order, of the time and place at which he is to present himself for examination, and the applicant must present that notice to the examiner as his authority for taking an examination. An applicant seeking to qualify by examination must accompany his application with a fee of $10; check or money order to be made payable to the "Treasurer of the United States."

(g) Corporations and firms will not be admitted or recognized.

(h) Practitioners before this Court shall carry on their practice in accordance with the letter and spirit of the canons of professional ethics as adopted by the American Bar Association.

(i) The Court may deny admission to, suspend, or disbar any person who in its judgment does not possess the requisite qualifications to represent others, or who is lacking in character, integrity, or proper professional conduct. No person shall be suspended for more than 60 days or disbarred until he has been afforded an opportunity to be heard. A Division may immediately suspend any person for not more than 60 days for contempt or misconduct during the course of any trial or hearing.

(j) The Court may require any practitioner before it to furnish a statement under oath of the terms and circumstances of his employment in any case. (See § 701.24.)

§ 701.3 *Personal representation in lieu of counsel.* Any individual taxpayer may appear for himself upon adequate identification to the Court. A taxpayer corporation may be represented by a bona fide officer of the corporation upon permission granted in its discretion, by the Court or the Division sitting.

§ 701.4 *Form and style of papers*—(a) *General*—(1) *Typing process to be used.* Papers filed with the Court may be prepared by any process provided the information therein is set forth in clear and legible type.

(2) *Binding.* All papers shall be bound together on the lefthand side only and shall have no backs or covers.

(3) *Caption, signature, and number of copies.* All papers shall have a caption and a signature and copies shall be filed as specified in § 701.5.

(b) *Printed papers.* Printed papers shall be printed in 10- or 12-point type, on good unglazed paper, 5⅞ inches wide by 9 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded quotations.

(c) *Typewritten papers.* Typewritten papers shall be typed on only one side of plain white paper, 8½ inches wide by 11 inches long, and weighing not less than 16 pounds to the ream.

(d) *Citations.* Citations shall be in italics when printed and shall be underscored when typewritten.

(e) *Proper caption.* The proper caption omitting all prefixes and titles shall be placed on all papers filed. The full given name and surname of each individual petitioner shall be set forth in the caption, but without any prefix or title, such as "Mrs.," "Dr.," etc. The name of the estate, the trust, or the other person for whom he acts, shall be given first by each fiduciary filing a petition, followed then by his own name and pertinent title, thus: "Estate of John Doe, deceased, Richard Roe, Executor." (See §§ 701.6 and 701.7 (c) (4) (i) and § 702.1 of this chapter.)

(f) *The signature.* The signature, either of the petitioner or of his counsel, shall be subscribed in writing to the original of all pleadings, motions, and briefs, and shall be in individual and not in firm name, except that the signature of a petitioner corporation shall be in the name of the corporation by one of its active officers, thus: "John Doe, Inc., by Richard Roe, President." The name and the mailing address of the petitioner or counsel actually signing shall be typed or printed immediately beneath the written signature. The mailing address of counsel shall include the firm name if it is an essential part of the accurate mailing address.

(g) *Conformed copies.* Four conformed copies shall be filed with the signed original of every paper filed, except as otherwise provided in this part. Papers to be filed in more than one case (as a motion to consolidate, or in cases already consolidated) shall include one additional copy for each such additional case.

(h) *Copy requirements.* All copies shall be clear and legible, but they may be on any weight paper.

§ 701.5 *Filing of all documents.* Any document to be filed with the Court, must be filed in the office of the Clerk of the Court in Washington, D. C., during business hours (see § 701.1); except the Judge presiding at any trial or hearing in a case may permit documents pertaining thereto to be filed at that particular session of the Court.

§ 701.6 *Proper parties.* (a) A case in the Tax Court shall be brought by and in the name of the person against whom the Commissioner determined the deficiency (or liability, as the case may be), or by and in the full descriptive name of the fiduciary legally entitled to institute a case on behalf of such person.

(b) In the event of a variance between the name set forth in the notice of deficiency or liability and the correct name, a statement of the reasons for such variance shall be set forth in the petition. (See §§ 701.4, 701.7, and 701.23.)

(c) The Commissioner shall be named as the respondent.

§ 701.7 *Initiation of a case; petition; filing fee; form*—(a) *Petition*—(1) *Filing.* A case shall be initiated by filing with the Court a petition consisting of an original and 4 complete, accurately conformed, clear copies, either printed or typed. (See §§ 701.4 and 701.6.)

(2) *Improper petition; dismissal.* Failure of a petition to comply with this section or with § 701.4 or § 701.6 shall be ground for dismissal of the case. (See also section 6213 (a), Code of 1954, in regard to absolute statutory time limit on filing.)

(b) *Fee for filing petition.* The fee for filing a petition with the Court shall be $10, payable at the time of filing. (See § 701.1 (e).)

(c) *Form of petition.* (1) The petition shall be substantially in accordance with form a, shown in § 702.1 of this chapter.

(2) It shall be complete in itself so as fully to state the issues.

(3) No telegram, cablegram, radiogram, telephone call, or similar communication will be recognized as a petition.

(4) The petition shall contain

(i) A caption in the following form:

TAX COURT OF THE UNITED STATES

Petitioner *v.* Commissioner of Internal Revenue, Respondent	Docket No. ----

PETITION

(ii) Numbered paragraphs stating:

(a) Petitioner's name and principal office or residence, and the office of the director or district director of internal

revenue in which the tax return for the period in controversy was filed.

(b) The date of mailing of the notice of deficiency on which the petition is based, or other proper allegations showing jurisdiction in the Court.

(c) The amount of the deficiency (or liability, as the case may be), determined by the Commissioner, the nature of the tax, the year or other period for which the determination was made and, if different from the determination, the approximate amount of taxes in controversy.

(d) Clear and concise assignments of each and every error which the petitioner alleges to have been committed by the Commissioner in the determination of the deficiency. Issues in respect of which the burden of proof is by statute placed upon the Commissioner will not be deemed to be raised by the petitioner in the absence of assignments of error in respect thereof. Each assignment of error shall be lettered.

(e) Clear and concise lettered statements of the facts upon which the petitioner relies as sustaining the assignments of error, except those assignments of error in respect of which the burden of proof by statute is placed upon the Commissioner.

(f) A prayer, setting forth relief sought by the petitioner.

(g) The signature of the petitioner or that of his counsel. (See § 701.4 (f).)

(h) (1) A verification by the petitioner; provided that where the petitioner is sojourning outside the United States or is a nonresident alien, the petition may be verified by a duly appointed attorney in fact, who shall attach to the petition a copy of the power of attorney under which he acts and who shall state in his verification that he acts pursuant to such power, that such power has not been revoked, that petitioner is absent from the United States, and the grounds of his knowledge of the facts alleged in the petition. As used herein the term "United States" includes only the States and the District of Columbia. A notary public is not authorized to administer oaths, etc., in matters in which he is employed as counsel. (See Title 1, ch. 5, D. C. Code (1951) and 26 Op. A. G. 236.)

(2) Verification by fiduciaries shall contain a statement that the fiduciaries signing and verifying have authority to act for the taxpayer.

(i) Where the petitioner is a corporation, the person verifying shall state in his verification that he has authority to act for the corporation.

(ii) The signature and the verification to the petition shall be considered the certificate of those performing these acts that there is good ground for the petition, the case has not been instituted merely for delay, and it is not frivolous.

(iii) A copy of the notice of deficiency (or liability, as the case may be), shall be appended to the petition and to each copy required. If a statement has accompanied the notice of deficiency, so much thereof as is material to the issues set out in the assignments of error likewise shall be appended. If the notice of deficiency refers to prior notices from the Commissioner, which are necessary to elucidate the determination, such parts thereof as are material to the issues set out in the assignments of error shall likewise be appended. (See § 702.1 of this chapter. See § 701.22 re service of the petition.)

§ 701.11 *Docket.* Upon receipt of the petition by the Clerk, the case will be entered upon the docket and assigned a number and the parties notified thereof. This docket number shall be placed by the parties on all papers thereafter filed in the case and referred to in all correspondence with the Court. (See §§ 701.5, and 701.7 (a) (1).)

§ 701.14 *Answer*—(a) *Time to answer or move.* The Commissioner, after service upon him of the petition, shall have 60 days within which to file an answer or 45 days within which to move with respect to the petition. (See § 701.22 (a) re service of answer.)

(b) *Form of answer.* The answer shall be drawn so that it will advise the petitioner and the Court fully of the nature of the defense. It shall contain a specific admission or denial of each material allegation of fact contained in the petition and a statement of any facts upon which the Commissioner relies for defense or for affirmative relief or to sustain any issue raised in the petition in respect of which issue the burden of proof is, by statute, placed upon him. Paragraphs of the answer shall be numbered to correspond to those of the petition to which they relate. The original shall be signed by the Commissioner or his counsel.

(c) *Copies and conformation.* The original and 3 copies of the answer shall be filed, and each copy shall be conformed.

(d) *Application of Rule to amended answers.* This section shall apply to the filing of answers to amended petitions and to amendments to petitions, except as the Court in a particular case may otherwise direct.

§ 701.15 *Reply*—(a) *Time to reply or move.* The petitioner, after service upon him of an answer in which material facts are alleged, shall have 45 days within which to file a reply or 30 days within which to move with respect to the answer. (See § 701.22 (a) re service of reply.)

(b) *Contents and form.* The reply shall contain a specific admission or denial of each material allegation of fact contained in the answer and shall set forth any facts upon which the petitioner relies for defense. The paragraphs in the reply shall be numbered to correspond with the paragraphs of the answer. The original copy of each reply shall be signed by the petitioner or his counsel.

(c) *Copies and conformation.* An original and 4 copies of the reply shall be filed, and each copy shall be conformed to the original by the petitioner or his counsel.

(d) *Verification.* The Court, upon motion of the Commissioner in which good cause is shown, or upon its own motion, may require the verification of any reply.

§ 701.16 *Joinder of issue.* A case shall be deemed at issue upon the filing of the answer unless a reply is required under § 701.15, in which event it shall be deemed at issue upon filing of the reply, or the entry of an order under § 701.18 (c).

§ 701.17 *Amended and supplemental pleadings*—(a) *General.* A motion for leave to amend a pleading shall state reasons for granting it and shall be accompanied by the proposed amendment.

(b) *Petition*—(1) *Before answer.* The petitioner may amend his petition at any time before answer is filed.

(2) *After answer.* A petition may be amended, after answer is filed and up to the commencement of the trial, only with the consent of the Commissioner or by leave of the Court.

(c) *Amendment ordered*—(1) *Occasion for.* The Court upon its own motion, or upon motion of either party showing good cause filed prior to the setting of the case for trial, may order a party to file a further and better statement of the nature of his claim, of his defense, or of any matter stated in any pleading. Such a motion filed by a party shall point out the defects complained of and the details desired.

(2) *Consideration of such motion.* The Court, in its discretion, may set such a motion for hearing (see § 701.27 (a)) or may act upon it ex parte.

(3) *Penalty for failure to amend.* The Court may strike the pleadings to which the motion was directed or make such other order as it deems just, if an order of the Court to file amended pleadings hereunder is not obeyed within 15 days of the date of the service of said order or within such other time as the Court may fix.

(d) *To conform pleadings to proof.* The Court may at any time during the course of the trial grant a motion of either party to amend its pleadings to conform to the proof in particulars stated at the time by the moving party. The amendment or amended pleadings thus permitted, shall be filed with the Court at the trial or shall be filed in the office of the Clerk of the Court in Washington, D. C., within such time as the Court may fix. (See §§ 701.4, 701.5, and 701.19.)

§ 701.18 *Admissions and denials of pleaded facts*—(a) *Effect of answer.* Every material allegation of fact set out in the petition and not expressly admitted or denied in the answer, shall be deemed to be admitted.

(b) *Effect of reply.* Every material allegation of fact set out in the answer and not expressly admitted or denied in the reply, where a reply is filed, shall be deemed to be admitted. Any new material contained in the reply shall be deemed to be denied.

(c) *Effect of failure to reply and motion thereon*—(1) *Denial; motion seeking admission.* The affirmative allegations of the answer will be deemed denied in the absence of a reply, unless the Commissioner, within 45 days after the expiration of the time for filing a reply, files a motion reciting that a reply required under this part was not filed and requesting the Court to enter an order that specified allegations of fact in the answer shall be deemed to be admitted.

(2) *Service of and hearing on motion.* The Clerk will serve a copy of the Commissioner's motion upon the petitioner and issue notice of a hearing thereon at which hearing the Court may grant the motion unless the required reply is filed on or before the day fixed for such hearing.

§ 701.19 *Motions.* (a) Motions must be timely, must fully set forth the alleged reasons for the action sought and must be prepared in the form and style prescribed by § 701.4. (See § 701.22 (a) re service.)

(b) Motions will be acted upon as justice may require and may, in the discretion of the Court, be placed upon the motion calendar for argument. Disposition of motions will be expedited if the party filing the same, after consultation with his adversary, is able to note on the motion that there is no objection thereto. (See § 701.27 (a) and (c) and § 701.30 (b).)

(c) The filing of a motion shall not constitute cause for postponement of a trial from the date set. (See also § 701.27 (c) on motions for continuance.)

(d) If a motion, other than one relating to the receipt of evidence during trial, is made orally during trial, the maker thereof shall promptly reduce it to writing and file it with the Court unless the Division sitting directs otherwise.

(e) No motion for retrial, further trial, or reconsideration may be filed more than 30 days after the opinion has been served, except by special leave.

(f) (1) No motion to vacate or revise a decision may be filed more than 30 days after the decision has been entered, except by special leave.

(2) Motions covered by paragraph (e) of this section and this paragraph and shall be separate from each other and not joined to or made a part of any other motion.

§ 701.20 *Extensions of time.* (a) An extension of time (except for the absolute time limit on filing of the petition, see section 6213 (a), Code of 1954, and except as otherwise provided in this part) may be granted by the Court within its discretion upon a timely motion filed in accordance with these rules setting forth good and sufficient cause therefor or may be ordered by the Court upon its own motion.

(b) If a motion is filed or an order issued in respect to the adequacy of any petition, the time prescribed in § 701.14 (a) shall begin to run from the date upon which the Court takes final action with respect to the motion or the order unless the Court orders otherwise. The time for reply shall be similarly extended in the case of a motion or an order with respect to the adequacy of an answer unless the Court orders otherwise.

(c) Any extension of time for filing a brief shall correspondingly extend the time for filing all other briefs yet to be filed in that case unless the Court orders otherwise. (See §§ 701.19, 701.22, and 701.35.)

(d) For continuances, see § 701.27 (c).

§ 701.21 *Dismissal.* A case may be dismissed for cause upon motion of either party or of the Court. (See § 701.7 (a) (2) and § 701.27 (b) (3).)

§ 701.22 *Service upon the parties*—(a) *Who will serve and method to be used.* (1) The Clerk shall make service upon the petitioner by mailing to him or to his counsel of record a copy of the pleading, motion, notice, brief, or other document to be served.

(2) Service shall be made by the Clerk upon any named respondent in person, upon deputies duly designated by him to accept service, or upon counsel appearing for the respondent in the case. (See §§ 701.14 and 701.15.)

(b) *Upon first counsel of record.* Service upon any counsel of record will be deemed service upon the party, but, where there are more than one, service will be made only upon counsel for petitioner whose appearance was first entered of record—unless the first counsel of record, by writing filed with the Court, designates other counsel to receive service, in which event service will be so made.

(c) *Where no counsel of record.* If there is no counsel of record, service will be made upon the petitioner.

§ 701.23 *Substitution of parties; change of names*—(a) *Successor fiduciaries; certificate needed.* A motion shall be filed to substitute parties who are successor fiduciaries and shall be supported by a certificate of the proper court or official showing the appointment and qualification of the party who seeks to be substituted. (See §§ 701.4, 701.19, and 701.24 (a) (2).)

(b) *Change in name; certificate needed.* A motion shall be filed to amend the pleadings to show a change in the name of a corporation or other party and shall be supported by a proper official certificate or copy of the decree or other document by which the change was effected, duly certified by the official having its custody. (See §§ 701.4 and 701.19.)

(c) *Waiver of certificate.* No certificate need be filed, unless required by Court order, if the respondent consents to a change as described in paragraphs (a) and (b) of this section.

(d) *Court order.* The Court, on motion of a party or upon its own motion, may order the substitution of proper parties upon the death of a petitioner, where a mistake in the name or title of a party appears, or for other cause.

§ 701.24 *Counsel; appearance; withdrawal; substitution; changed address*—(a) *Entry of appearance of counsel.* (1) Counsel enrolled to practice before this Court may enter his appearance by subscribing the initial petition.

(2) Counsel who subscribes any motion filed under § 701.23 (a) will be deemed to have entered his appearance for such new party and he shall promptly file a motion by the new petitioner for the withdrawal of counsel who had previously entered their appearance unless they are to be recognized as counsel for the new petitioner.

(3) Counsel may otherwise enter his appearance only by filing, in duplicate, an entry of appearance which shall be signed by counsel individually, shall show his mailing address, and shall state that he is enrolled to practice before this Court. Form 305 may be obtained from the Clerk and used for this purpose but an adequate substitute will suffice. (See § 702.4.)

(4) Counsel not properly enrolled to practice before this Court will not be recognized except by special leave of the Court granted at a hearing or trial and then only where it appears that counsel can and will promptly become enrolled. (See §§ 701.2, 701.4 (f), and 701.7 (c) (4) (viii).)

(b) *Withdrawal of counsel.* Counsel of record in any case desiring to withdraw, or any petitioner desiring to withdraw counsel of record, must file a motion with the Court requesting leave therefor reciting that notice thereof has been given to the client or to the counsel being withdrawn, as the case may be. The Court may, in its discretion, deny such motion.

(c) *Substitution of counsel.* New counsel may be substituted by conforming to the provisions of (a) (2) or (3) and (b) of this section. (See §§ 701.2, 701.4, 701.19, and 701.27 (c).)

(See § 701.22 (b) in regard to substitution of "first counsel of record" for purposes of service.)

(d) *Change of address.* Notice of any change in the mailing address of either counsel or petitioner shall be filed promptly with the Court, in duplicate. Separate notices shall be filed for each case.

Counsel may not act as notary. (See § 701.7 (c) (4) (ix).)

§ 701.26 *Place of trial; requests; and designation*—(a) *Requests for place of trial.* The petitioner at the time of filing the petition shall also file a request showing the name of the place where he would prefer the trial to be held. If the petitioner has filed no request the respondent shall file at the time he files his answer, a request showing the name of the place preferred by him.

(b) *Form and caption.* These requests shall be separate from the petition or answer, shall have a caption, and shall consist of an original and 2 copies. (See § 701.7 (c) (4) (i).)

(c) *Designation of place of trial.* The Court will designate the place of trial in accordance with the statutory provisions that the time and place of trial shall be fixed "with as little inconvenience and expense to taxpayers as is practicable," and, in all cases, will notify the parties of the place at which or in the vicinity of which the trial will be held.

(d) *Motions for changing place designated.* If either party desires a change in designation of the place of trial he must file a motion (with 4 copies) to that effect, stating fully his reasons therefor. Such motions, made after the notice of the time of the trial has been mailed,

will not be deemed to have been timely filed.

(See § 701.26a for further information to assist in making requests as to place of trial. See § 701.4.)

§ 701.26a *Requests for place of trial.* The Court will fix the time and place for trial to afford a taxpayer reasonable opportunity to try his case with as little inconvenience and expense as is practicable. A trial may be requested at any place at which suitable courtroom facilities are available and a sufficient number of cases are ready for trial. A partial list of cities in which sessions of the Court are held appears below. This list is published to assist parties in making requests under § 701.26. The grouping of cities indicates that it may be necessary to conduct a trial at another city if there are not sufficient cases for trials at the requested city. Moreover, if sufficient cases are not ready for trial in a city requested by a taxpayer, or if suitable courtroom facilities are not available in that city, the Court may find it necessary to calendar cases for trial in some other city within reasonable proximity of the designated place.

LIST

Alabama: Birmingham, Mobile.
Arizona: Phoenix.
Arkansas: Little Rock, or Memphis, Tenn.
California: Los Angeles, San Francisco.
Colorado: Denver.
District of Columbia: Washington.
Florida: Jacksonville, Miami, Tampa.
Georgia: Atlanta.
Hawaii: Honolulu, or Los Angeles, or San Francisco, Calif.
Illinois: Chicago.
Indiana: Indianapolis.
Iowa: Des Moines.
Kentucky: Louisville.
Louisiana: New Orleans.
Massachusetts: Boston.
Michigan: Detroit.
Minnesota: St. Paul.
Mississippi: Jackson.
Missouri: Kansas City, St. Louis.
Montana: Helena.
Nebraska: Omaha.
New Jersey: Newark. (New York City courtroom usually used.)
New York: Buffalo, New York City.
North Carolina: Greensboro.
Ohio: Cleveland, Cincinnati, Columbus.
Oklahoma: Oklahoma City or Tulsa.
Oregon: Portland.
Pennsylvania: Philadelphia, Pittsburgh.
South Carolina: Columbia.
Tennessee: Knoxville, Memphis, Nashville.
Texas: Dallas, Houston, or Galveston, or San Antonio.
Utah: Salt Lake City.
Washington: Seattle, Spokane.
West Virginia: Charleston, Huntington.
Wisconsin: Milwaukee, or Chicago, Ill.

§ 701.27 *Place, time, and notice of hearings and trials; attendance and continuances*—(a) *Calendars of hearings on motions and other procedural and subsidiary matters.* (1) If it is necessary for the Court to hear the parties on matters other than the merits, the proceeding will be listed for such hearing on a motion calendar which is called in Washington, D. C., unless good cause for holding the hearing elsewhere is shown in a timely motion to the Court. Ordinarily such calendars will be set for call at 10 a. m. (see § 701.1) on Wednesdays throughout the year, but due notice of the time and place in each case will be given to the parties by the Clerk. (See § 701.22.)

(2) Attendance at hearings on motion calendar: If a party fails to appear at the call of the motion calendar, the Court will hear the proceeding ex parte. However, a memorandum or brief stating the position of the petitioner upon the pending motion will be accepted, when the failure of the petitioner to appear is justified by distance, shortness of time, or other good reason stated in such memorandum or brief.

(3) Where the motion or order is directed to defects in a pleading, prompt filing of a proper pleading correcting the defects may obviate the necessity of a hearing thereon.

(b) *Trial calendars.* (1) Each case, when at issue, will be placed upon a calendar for trial in accordance with § 701.26 and the Clerk, not less than 30 days in advance, will notify the parties of the place where and the date and time when it will be called.

(2) Calendar call: Each case appearing on such a calendar will be called at the time and place scheduled. The cases will be called usually in the order listed, and counsel or the parties will state their estimate of the time required for trial or file stipulations in lieu of trial. The cases for trial will thereupon be tried in due course, but not necessarily in the order listed.

(3) Attendance at trials: The unexcused absence of a party or his counsel when a case is called for trial will not be the occasion for delay. The case may be dismissed for failure properly to prosecute or the trial may proceed and the case be regarded as submitted on the part of the absent party or parties.

(4) The Court may require appearance for argument or it may accept briefs in lieu of personal appearance.

(c) *Continuances; motions; trials.* (1) Court action on cases set for hearing on motions or trial will not be delayed by a motion for continuance unless it is timely sets forth good and sufficient cause, and complies with all applicable rules.

(2) Conflicting engagements of counsel or the employment of new counsel will never be regarded as good ground for a continuance unless set forth in a motion filed promptly after the notice of hearing or trial has been mailed or unless extenuating circumstances are shown which the Court deems adequate. (See § 701.20.)

(d) *Reserve calendar.* A case once at issue may, upon motion, be placed on an inactive list called the reserve calendar. Good cause must be shown, as, for example, that the case will be governed by the decision in a case pending in a higher court. The case may be placed later on a trial calendar by motion of either party or by the Court on its own motion when the reason for inaction no longer exists.

§ 701.30 *Submission without trial or appearance*—(a) *Submission of cases without trial where facts are uncontested.* Any case not requiring a trial for the submission of evidence (as, for example, where sufficient facts have been admitted, stipulated, established by deposition, or included in the record in some other way) may be submitted at any time by notice of the parties filed with the Court. The parties need not wait for the case to be calendared and need not appear in person. The Chief Judge will then assign the case to a Division for report, which Division, upon request of the parties, will fix a time for filing briefs or for oral argument. (See, however, § 701.31 (g).)

(b) *Contested motion.* A contested motion, not predicated upon an issue of fact, may be submitted in the same way. (See § 701.27 (a).)

§ 701.31 *Evidence and the submission of evidence*—(a) *Rules applicable.* The trials before the Court and its Divisions will be conducted in accordance with the rules of evidence applicable in trials without a jury in the United States District Court for the District of Columbia. With reference to the examination of unwilling or hostile witnesses, see Rule 43 (b) of the Rules of Civil Procedure for the United States District Courts.[1]

(b) *Stipulations*—(1) *Stipulations required.* The Court expects the parties to stipulate evidence to the fullest extent to which complete or qualified agreement can be reached including all material facts that are not or fairly should not be in dispute.

(2) *In preparation for trial.* The party expecting to introduce any evidence which might possibly be stipulated (as, for example, entries or summaries from books of account and other records, documents, and all other evidence, to the extent not disputed) shall confer with his adversary promptly after receipt of the trial notice, and both shall endeavor to stipulate all facts not already stipulated.

(3) *Presentation; copies; form.* Stipulations in writing may be filed with the Court in advance or presented at the trial and when filed need not be offered formally to be considered in evidence. They shall be filed in duplicate except that duplicates of the exhibits attached to the original of the stipulation need not be filed. (See § 701.4 as to form and style.)

(4) *Objections.* Any objection to all or any part of a stipulation should be noted in the stipulation, but the Court will consider any objection to stipulated facts made at the trial.

(5) *No evidence received to alter or contradict.* The Court may set aside a stipulation in whole or in part where justice requires, but otherwise will not receive evidence tending to qualify, change, or contradict any fact properly introduced into the record by stipulation.

(c) *Depositions must be offered.* Testimony taken by deposition will not be considered until offered and received in evidence.

(d) *Marking exhibits.* Exhibits attached to a stipulation or a deposition shall be numbered serially, i. e., 1, 2, 3, etc., if offered by the petitioner; shall be lettered serially, i. e., A, B, C, etc., if offered by the respondent; and shall be marked serially, i. e., 1–A, 2–B, 3–C, etc., if offered as a joint exhibit.

(e) *Documentary evidence*—(1) *Copies.* A copy of any book, record, paper, or document may be offered directly in evidence in lieu of the original, where the original is available or where there is no objection, and, where the original is admitted in evidence, a copy may be substituted later for the original or such part thereof as may be material or relevant, upon leave granted in the discretion of the trial Judge.

(2) *Return after final decision.* Either party desiring the return at his expense of any exhibit belonging to him, after the decision of the Court in any case has become final, shall make prompt application in writing to the Clerk, suggesting a practical manner of delivery. Otherwise exhibits may be disposed of as the Court deems advisable.

(f) *Ex parte statements are not evidence.* Ex parte affidavits, statements in briefs, and unadmitted allegations in pleadings do not constitute evidence.

(g) *Failure of proof.* Failure to adduce evidence in support of the material facts alleged by the party having the burden of proof and denied by his adversary, may be ground for dismissal. The provisions of § 701.30 do not relieve the party upon whom rests the burden of proof of the necessity of properly producing evidence in support of issues joined on questions of fact.

§ 701.32 *Burden of proof.* The burden of proof shall be upon the petitioner, except as otherwise provided by statute, and except that in respect of any new matter pleaded in his answer, it shall be upon the respondent.

§ 701.35 *Briefs*—(a) *General.* The filing of briefs and the making of oral arguments shall be in accordance with the directions of the Judge presiding at the trial. The parties should be prepared to make oral argument at the conclusion of a trial or to file a written citation of authorities at that time if the Judge so directs.

(b) *Filing.* Each party shall file an original brief within 45 days after the day on which the trial was concluded and a reply brief within another 30 days thereafter unless the trial Judge directs otherwise. A party, who fails to file an original brief, may not file a reply brief except on leave granted by the Court, and if his reply brief is filed, his adversary may have an additional 30 days thereafter to file his reply brief. (See §§ 701.19 and 701.20 re extensions of time.)

(c) *Service.* Each brief, whether original or reply, will be served promptly upon the opposite party after it is filed, except where it bears a notation that a copy has already been served, and except that where simultaneous briefs are to be filed they will be served upon the other party immediately after the time for filing such briefs (including any extension thereof) has expired. If an extension is granted after the original time for filing has expired and the brief of the opposite party has been filed but not served, it will be served promptly after the extended period. (See § 701.20 (c).)

(d) *Number of copies.* An original and 2 copies shall be filed if briefs are typewritten and 20 copies shall be filed if briefs are printed. An original and 5 copies shall be filed on Internal Revenue Code of 1939 section 722 and section 721 (a) (2) (C) issues.

(e) *Form and contents.* All briefs shall contain the following in the order indicated:

(1) On its first page, a table of contents with page references followed by a list of all citations alphabetically arranged as to cases cited together with references to pages. Citations shall be in italics when printed and underscored when typewritten. (See § 701.4.)

(2) A statement of the nature of the controversy, the tax involved, and the issues to be decided.

(3) The party having the burden of proof shall set forth complete statements of the facts based upon the evidence. Each statement shall be numbered, shall be complete in itself, and shall consist of a concise statement of the essential fact and not a discussion or argument relating to the evidence or the law. Reference to the pages of the transcript or the exhibits relied upon in support thereof shall be inserted after each separate statement.

If the other party disagrees with any or all of the statements of fact, he shall set forth each correction which he believes the evidence requires and shall give the same numbers to his statements of fact as appear in his opponent's brief. His statement of fact shall be set forth in accordance with the requirements above designated.

(4) A concise statement of the points upon which the party relies.

(5) The argument: The argument shall set forth the points of law relied upon and any discussion of the evidence deemed necessary to support the statement of fact.

(6) The signature of counsel or the party filing. (See § 701.4 (f).)

§ 701.40 *Transcripts of proceedings.* Hearings or trials before the Court or its Divisions shall be stenographically reported and a transcript thereof shall be made if, in the opinion of the Court or of the Division conducting the hearing or trial, a permanent record is deemed necessary. Transcripts shall be supplied to the parties and to the public by the official reporter at such rates as may be fixed by contract between the Court and the reporter.

§ 701.44 *Subpoenas*—(a) *How issued.* The party desiring a subpoena must submit the original and 3 copies of the proposed subpoena to be issued by the Court. The applicant or his counsel must sign 1 copy (not the original), as indicated on the form,[2] and this signature will be considered a request for the subpoena and assurance by the signatory that the subpoena is necessary to establish the cause of action or defense of the applicant. (For the required form, see § 702.2 of this chapter.)

(b) *For a witness.* Each subpoena shall state the name and address of the witness required, the time and place at which and the officer (if not the Court) before whom he is to appear, and whether he may designate someone to appear in his place.

(c) *For production of documents.* If evidence other than oral testimony is required, such as documents or written data, the subpoena shall number, set forth separately, and describe adequately each item to be produced.

(d) *Service and proof.* The Court will not serve subpoenas, but will leave service to be procured by the party making the application. Service may be made by any citizen of the United States over the age of 21 years and competent to be a witness, and not a party to or in any way interested in the case. Proof of service may be made by affidavit.

§ 701.45 *Depositions*—(a) *Application to take.* When either party desires to take a deposition, he shall file with the Court a verified application and 2 conformed copies, together with an additional copy for each additional docket number involved. The Court upon request will furnish forms for this purpose. If the space in the form furnished by the Court is inadequate for setting forth the reasons in support of the application in any particular case, a substitute form may be used, but the substitute must contain all of the information called for on the Court's form. (See § 702.3 of this chapter.)

(b) *Limitation on time for application to take.* Applications to take depositions must be filed at least 30 days prior to the date set for the trial of the case, and such depositions must be completed and filed with the Court at least 10 days prior to the trial: *Provided*, Such applications will not be regarded as sufficient ground for the granting of a continuance from the date or place of the trial theretofore set, unless the case shall have been at issue less than 60 days and the motion for continuance shall have been filed not less than 20 days prior to said date of trial: *Provided, further*, That under special circumstances, and for good cause shown, the Court may otherwise order.

(c) *Qualification of officer.* The officer before whom depositions are taken must be authorized to administer oaths. (See section 7622, Code of 1954.) In no case shall a deposition be taken before any person who has any office connection or business employment with either party or his counsel except by consent of the parties and when no other officer is available, and in his certificate

[1] Rules of Civil Procedure for the United States District Courts.
Rule 43. Evidence.
• • • • •
(b) Scope of Examination and Cross-examination. A party may interrogate any unwilling or hostile witness by leading questions. A party may call an adverse party or an officer, director, or managing agent of a public or private corporation or of a partnership or association which is an adverse party, and interrogate him by leading questions and contradict and impeach him in all respects as if he had been called by the adverse party, and the witness thus called may be contradicted and impeached by or on behalf of the adverse party also, and may be cross-examined by the adverse party only upon the subject matter of his examination in chief.

[2] Counsel is to sign a copy—not the original subpoena.

of return to such deposition such officer shall so certify.

(d) *Order for taking.* Upon receipt of such application, the Clerk will serve a copy thereof on the opposite party, and allow a reasonable time for objection thereto. Thereafter, the Court will, in its discretion, make an order, a copy of which will be mailed or delivered to the parties or their counsel, wherein the Court will name the witness whose deposition is to be taken and specify the time when, the place where, and the officer before whom the witness is to testify, but such time, place, and officer specified in the Court's order may or may not be the same as set forth in the application. The applicant shall thereupon make all necessary arrangements for the taking of such deposition and shall furnish the officer before whom it is to be taken with a copy of the order above mentioned.

(e) *By stipulation.* At any time after issue is joined, the parties or their counsel may, by stipulation duly signed and filed, take depositions. In such cases, the stipulation shall state the name and address of each witness, the time when and the place where such depositions will be taken, and the name, address, and official title of the officer before whom it is proposed to take depositions. In such cases, no order to take depositions will be issued, but they shall be taken and returned by the officer in accordance with the rules of the Court.

(f) *Manner of taking.* (1) Each witness must first take the oath or affirm. The questions propounded to him and his answers must be recorded verbatim.

(2) Objections to questions or answers shall be explicitly but briefly and concisely stated and recorded without any unnecessary comment, explanation, or argument by counsel for either party.

(g) *Other witnesses to be excluded.* At the request of either party, a person whom either expects or intends to call as a witness in the same or any related case shall be excluded from the room where the testimony of a witness is being taken. If such person remains in the room or within hearing of the examination after such request has been made, he shall not thereafter be permitted to testify except by the consent of the party who requested his exclusion.

(h) *Depositions to be signed.* The testimony of the witness when transcribed shall be read to or by him and shall be signed by him. (See § 702.3 (b) of this chapter.)

(i) *Form in which depositions must be returned to the Court.* (1) When a deposition is returned to the Court it must show the docket number and the caption (the names of the parties) of the case as they appear in the Court's records, the place and date of taking, the name of the witness, the party by whom called, the names of counsel present, indicating which party each counsel represents, and (in the body of the deposition) the name of counsel examining or cross-examining the witness.

(2) The officer must so fasten the sheets of the deposition that they cannot be tampered with. He must spare no pains to return to the Court the exact testimony he has taken. All exhibits must be carefully marked so as to be capable of identification, and when practicable must be attached to the deposition.

(3) The officer must properly execute and attach to the deposition a certificate of return in the form prescribed. (See § 702.3 (b) of this chapter.)

(j) *Return of.* The officer must enclose the original depositions and exhibits, together with 2 copies of the depositions, in a sealed packet, with postage or other transportation charges prepaid, and direct and forward the same to the Tax Court of the United States, Box 70, Washington 4, D. C. In each case, the original of the depositions must be directed and forwarded to the Court. The officer may, however, upon written request, deliver a copy of the depositions to either or to both of the parties, or to their representatives, in lieu of sending such copies to the Court as above provided. If one or both of the required copies are delivered by the officer taking the depositions, he shall attach to his return the written request of the party or parties, or of their counsel to whom such copy or copies were delivered, and shall state in his certificate of return the fact of delivery by him of such copy or copies. If copies of the depositions are delivered by the officer taking the same, no service of copies of such depositions upon the party or his counsel of record will be made by the Court.

§ 701.46 *Depositions upon written interrogatories*—(a) *Application for, interrogatories, objections, etc.* Applications to take depositions upon written interrogatories may be made in substantially the same manner as depositions taken under § 701.45 except as hereinafter noted. An original and 5 copies of the interrogatories must be filed with the verified application. The Clerk will serve a copy of the application and of the interrogatories with notice to the opposite party that objections or cross-interrogatories may be filed within 15 days thereafter. Cross-interrogatories shall consist of an original and 5 copies. The Clerk will serve a copy thereof with notice that any objections thereto may be filed within 15 days. The initial application and interrogatories must be filed in time to allow for service, objections, cross-interrogatories, and objections thereto, and for taking and filing the deposition at least 10 days prior to any trial then scheduled.

(b) *Manner of taking.* The officer taking the deposition upon written interrogatories shall propound the interrogatories and cross-interrogatories in their proper order to each witness and shall cause the testimony to be reduced to writing in the witness's own words by a stenographic reporter then present, but no person other than the witness, reporter, and the officer taking the deposition shall be present at the examination. Otherwise said officer shall conform substantially to the provisions of § 701.45.

(c) *Certificate and return of deposition.* The officer taking the deposition shall certify in his return that no person was present at the examination except the witness, the reporter, and himself and he shall otherwise comply with the pertinent provisions of § 701.45.

(d) *Depositions in foreign countries.* Depositions obtained in foreign countries must be taken upon written interrogatories except as otherwise directed by the Court for cause shown.

§ 701.47 *Tender of and objections to depositions*—(a) *Objections to depositions taken upon oral examination*—(1) *Competency, relevancy, or materiality.* Objections to the competency of a witness or to the competency, relevancy, or materiality of testimony, where depositions are taken upon oral examination, may be made at the trial, even though not noted at or before the taking of the deposition, unless the ground for the objection is one which might have been obviated or removed if presented at or before the time of the taking of the deposition.

(2) *Irregularities as to manner or form.* Objections directed to errors and irregularities in the manner of taking the deposition, in the form of any question or answer, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might have been obviated, removed, or cured if promptly presented will not be considered unless made at the taking of the deposition. (See § 701.45 (f).)

(3) *Errors re how transcribed, signed, certified, etc.* Errors or irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, endorsed, transmitted, filed, or otherwise dealt with by the officer under §§ 701.45 and 701.46 shall not form the basis for objections but questions in respect thereto shall be raised on a motion to suppress the deposition in whole or in part made with reasonable promptness after such defect is or with due diligence might have been ascertained.

(b) *Objections to written interrogatories or cross-interrogatories.* No objections to written interrogatories or cross-interrogatories will be considered subsequent to the taking of the deposition unless they have been made in the manner and within the time prescribed therefor by § 701.46. (See § 701.31 (c) and (e).)

§ 701.48 *Commissioner of the Tax Court.* (a) The term "commissioner" as used in this Rule 48 applies to any attorney of the legal staff of this Court who shall have been designated by the Chief Judge as a "commissioner in a particular case" pursuant to section 7456, Code of 1954.

(b) The commissioner shall conduct the hearing in such case in accordance with the Court's rules of practice. He shall rule upon objections and other evidentiary matters in accordance with the rules of evidence as provided in section 7453, and shall exercise such further and incidental authority, including the issuance of subpoenas, as may be necessary for the conduct of the hearing.

(c) Each party shall file his proposed findings of fact and original brief within 60 days after the date on which the hearing is concluded, unless otherwise directed. As to their form and contents, the provisions of §701.35 (e) shall apply, except that the proposed findings of fact of each party shall be complete under the evidence and shall not be subject to the limiting provision of the first sentence of §701.35 (e) (3). The number of copies of proposed findings of fact and briefs to be filed and service thereof shall be as specified in § 701.35 (d) and (c), respectively.

(d) The objections of each party to the proposed findings of fact of the opposing party, prepared in the manner provided in the second paragraph of § 701.35 (e) (3), shall be filed within 30 days after service of the proposed findings.

(e) Thereafter the commissioner shall prepare and file a report of his findings of fact based upon the evidence in the case, and a copy thereof shall be served on each party.

(f) Reply briefs and any exceptions which the parties may have to the commissioner's findings of fact shall be filed within 30 days from the date of service of the said findings of fact.

(g) Upon motion of either party, made not later than the due date for filing his reply brief, or upon its own motion, the Division to which the case is assigned may, in its discretion, direct oral argument and set a date therefor.

§ 701.50 *Computations by parties for entry of decision*—(a) *Agreed computations.* Where the Court has filed its opinion determining the issues in a case, it may withhold entry of its decision for the purpose of permitting the parties to submit computations pursuant to the Court's determination of the issues, showing the correct amount of the deficiency or overpayment to be entered as the decision. If the parties are in agreement as to the amount of the deficiency or overpayment to be entered as the decision pursuant to the report of the Court, they or either of them shall file promptly with the Court an original and 2 copies of a computation showing the amount of the deficiency or overpayment and that there is no disagreement that the figures shown are in accordance with the report of the Court. The Court will then enter its decision.

(b) *Procedure in absence of agreement.* If, however, the parites are not in agreement as to the amount of the deficiency or overpayment to be entered as the decision, in accordance with the report of the Court, either of them may file with the Court a computation of the deficiency or overpayment believed by him to be in accordance with the report of the Court. The Clerk will serve a copy thereof upon the opposite party, will place the matter upon a motion calendar for argument in due course, and will serve notice of the argument upon both parties. If the opposite party fails to file objection, accompanied by an alternative computation, at least 5 days prior to the date of such argument, or any continuance thereof, the Court may enter decision in accordance with the computation already submitted. If in accordance with this section computations are submitted by the parties which differ as to the amount to be entered as the decision of the Court, the parties will be afforded an opportunity to be heard in argument thereon on the date fixed, and the Court will determine the correct deficiency or overpayment and enter its decision.

(c) *Limits on argument under this section.* Any argument under this section will be confined strictly to the consideration of the correct computation of the deficiency or overpayment resulting from the report already made, and no argument will be heard upon or consideration given to the issues or matters already disposed of by such report or of any new issues. This section is not to be regarded as affording an opportunity for retrial or reconsideration.

§ 701.51 *Estate tax deduction developing after trial.* If the parties in an estate tax case are unable to agree under § 701.50, or under a remand, upon a deduction involving expenses incurred at or after the trial, the petitioner may move to reopen the case for further trial on that issue provided it is raised in the petition or by amendment thereto.

§ 701.52 *Preparation of record on review; costs.* (a) Immediately after the contents of a record on review have been settled or agreed to, the Clerk will notify the petitioner of the costs and charges for the preparation, comparison, and certification of said records; such charges to be determined in accordance with the provisions of section 7474, Code of 1954, and the act of September 27, 1944, 58 Stat. 743.

(b) No transcript will be certified and transmitted to the appellate court until the costs and charges therefor have been paid. (For name of payee, see § 701.1 (e).)

(c) A petitioner for review who requests the Clerk to certify but not to prepare documents for transmission to a United States Court of Appeals shall furnish the Clerk with the copies of the documents to be certified, if duplicates are not already in the record. (See §§ 701.4 (g) and 701.31 (b).)

(For statutory provisions relating to appellate court review of Tax Court decisions, see section 7482 et seq., Code of 1954. For forms of bonds, see §§ 702.5 and 702.6 of this chapter. The rules of the appellate court to which the appeal is being taken should be consulted.)

§ 701.53 *Court records; removal; fees for copies*—(a) *Original records to be retained by Clerk; exceptions.* The Clerk shall not permit any original record, paper, document, or exhibit filed with the Court to be taken from the courtroom or from other offices of the Court, except as ordered by a Judge of the Court, or except as the Clerk may find necessary in furnishing photostat copies of such records or transmitting originals to higher Courts for appeal purposes, but when a decision of the Court becomes final he shall proceed in accordance with § 701.31 (e) (2).

(b) *Copies obtained from Clerk.* A plain or a certified copy of any document, record, entry, or other paper pertaining to a case before this Court may be had upon application to the Clerk, the fee to be charged and collected therefor to be determined in accordance with the provisions of section 7474, Code of 1954, and the act of September 27, 1944, 58 Stat. 743.

§ 701.60 *Fees and mileage.* Section 7457 of the Internal Revenue Code of 1954 provides:

(a) *Amount.* Any witness summoned or whose deposition is taken under section 7456 shall receive the same fees and mileage as witnesses in courts of the United States.

(b) *Payment.* Such fees and mileage and the expenses of taking any such deposition shall be paid as follows:

(1) Witnesses for Secretary or his delegate: In the case of witnesses for the Secretary or his delegate, such payments shall be made by the Secretary or his delegate out of any moneys appropriated for the collection of internal revenue taxes, and may be made in advance.

(2) Other witnesses: In the case of any other witnesses, such payments shall be made, subject to the rules prescribed by the Tax Court, by the party at whose instance the witness appears or the deposition is taken.

(3) No witness, other than one for the Commissioner, shall be required to testify in any case before the Court until he shall have been tendered the fees and mileage to which he is entitled in accordance with the above provision of law.

§ 701.61 *Computation of time; Saturdays, Sundays, and Holidays*—(a) *Computation of time; exclusions.* The day of the act, event, or default starting any period of time prescribed or allowed by these Rules or by an order of this Court shall not be counted as a part of the period, but Saturdays, Sundays, and legal holidays in the District of Columbia shall count just as any other days, except that when the period would expire on a Saturday, Sunday, or legal holiday in the District of Columbia, it shall extend to and include the next succeeding day that is not a Saturday, Sunday, or such legal holiday.

(b) *The legal holidays within the District of Columbia are:*

New Year's Day, January 1 (U. S. C., Title 5, sec. 87).

Inauguration Day, every fourth year (48 Stat. 879; D. C. Code (1951), Title 28, sec. 616).

Washington's Birthday, February 22 (U. S. C., Title 5, sec. 87).

Memorial Day, May 30 (U. S. C., Title 5, sec. 87).

Fourth of July (U. S. C., Title 5, sec. 87).

Labor Day, first Monday in September (U. S. C., Title 5, sec. 87).

Veterans Day, November 11 (U. S. C., Title 5, sec. 87).

Thanksgiving Day, fourth Thursday of November (U. S. C., Title 5, sec. 87).

Christmas Day, December 25 (U. S. C., Title 5, sec. 87).

When legal holidays fall on Sunday the next day shall be a holiday (22 Stat. 1; D. C. Code (1951), Title 28, sec. 616).

§ 701.63 *Cases based upon disallowance of claims for refund or relief.* All of the rules of practice, with appropriate changes in wording wherever necessary, shall apply to cases involving the disallowance of claims for refund or relief over which this Court has jurisdiction. Petitions in such cases shall have attached to them a copy of the notice of disallowance, together with whatever

statements may accompany that notice, and shall also have attached to them a copy of the claim or application for refund or relief. In cases where no appeal lies from the decision of the Tax Court a copy of the claim or application need be attached only to the original and first copy of the petition.

§ 701.64 *Renegotiation of contracts cases*—(a) *Applicability of other rules to renegotiation cases.* Except as otherwise prescribed by this section, cases for the redetermination of excessive profits under the Renegotiation Acts[3] shall be governed by the existing rules of practice before this Court. Where any of the existing rules (except § 701.48) or the matter contained in Part 702 of this chapter refer to the Commissioner, such rules and the matter in Part 702 of this chapter, when applied to a case for the redetermination of excessive profits under the Renegotiation Acts, shall refer to the War Contracts Price Adjustment Board (or to the United States when substituted therefor),[4] to the Secretary as defined and used in the Renegotiation Acts, or to the Renegotiation Board. Similarly references to the taxpayer shall refer to the contractor or subcontractor; references to tax shall refer to profits under a contract or subcontract subject to renegotiation, or to excessive profits thereunder, dependent upon context; and references to the determination of a deficiency, or a notice of such determination, shall refer to the order of the Board or the Secretary determining the amount of excessive profits.

(b) *Initiation of cases.* (1) A case for the redetermination of excessive profits under the Renegotiation Acts shall be initiated by the filing of a petition, as provided in §§ 701.4, 701.6, and the pertinent parts of § 701.7, in which the authority making the determination of excessive profits shall be shown as the respondent. (See § 702.1 of this chapter.)

(2) The petition shall be complete in itself so as fully to state the issues. It shall contain:

(i) A caption in the following form:

TAX COURT OF THE UNITED STATES

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PETITION

(ii) Proper allegations showing jurisdiction in the Court.

(iii) A statement of the amount of excessive profits determined by the Board or the Secretary, as the case may be, the period for which determined, and the amount thereof in controversy. If the determination of excessive profits was made on the basis of a specific contract or contracts, the petition shall identify the contract or contracts and shall state the period covered thereby.

(iv) Clear and concise assignments of each and every error which the petitioner alleges to have been committed by the Board or the Secretary in the determination of excessive profits. Each assignment of error shall be lettered.

(v) Clear and concise lettered statements of the facts upon which the petitioner relies as sustaining the assignments of error. The allegations of fact shall contain a statement of the amount received or accrued during the period in question under the contracts or subcontracts subject to renegotiation; the costs paid or incurred with respect thereto and the profits derived therefrom, the type and character of business done, and any other facts pertinent to a determination of the error alleged.

(vi) A prayer, setting forth relief sought by the petitioner.

(vii) The signature of the petitioner or that of his counsel. (See § 701.4.)

(viii) A verification by the petitioner in accordance with the applicable provision of § 701.7 (c) (4) (ix).

(ix) A copy of the notice and a copy of the order determining the amount of excessive profits, which form the basis for the initiation of the case shall be appended to the petition. If a statement has been furnished to the petitioner by the renegotiating authority setting forth the facts upon which the determination of excessive profits was based and the reasons for such determination, a copy of such statement shall also be appended to the petition.

(c) *Claim by respondent for increased amount of excessive profits.* Any claim for the redetermination of an amount of excessive profits greater than the amount shown in the notice of determination shall be made by the respondent in his answer filed under § 701.14, or in an amendment thereto filed under § 701.17 at or before the time of the trial.

(d) (See statutory references, footnotes 3, and 4.)

§ 701.65 *Bond to stay execution of order of Renegotiation Board*—(a) *Statute.* The Renegotiation Act of 1951 provides that execution of the order of the Renegotiation Board may be stayed by filing with the Tax Court a bond, approved as to form and in an amount fixed by the Court, within 10 days after the filing of the petition. See sections 105 (a) and 108 of the Renegotiation Act of 1951. For forms of bonds see §§ 702.7, 702.8, 702.9, and 702.10 of this chapter.

(b) *Fixing amount of bond.* An application to fix the amount of a bond filed with the petition will be considered prima facie evidence of the proper amount of the bond if it asks that a bond be fixed:

(1) At 112 percent of the full amount of the excessive profits determined in the unilateral order on which the petition is based, or

(2) At 112 percent of an amount equal to the full amount of the excessive profits determined in that order reduced by the credit authorized by section 1481, Code of 1954, and is accompanied by a statement from the district director of internal revenue[5] for the district in which the return for the taxable year was filed, showing the amount of the credit to which the petitioner is entitled as a result of the determination.

(3) The Court will consider other applications differing from the above, but the applicant must have in mind the short time allowed by the statute for the approval of the bond.

(c) *Sureties and collateral.* (1) The Tax Court will accept as sureties on such bonds companies holding certificates of authority from the Secretary of the Treasury. (See latest U. S. Treasury Form 356.)

(2) If collateral is to be deposited as security for a bond, in lieu of a surety, United States Government marketable public securities fully negotiable by the bearer, owned by the petitioner, in a sum equal at their par value to the amount of the bond to be furnished, will be acceptable. A power of attorney and agreement must accompany such securities. (See §§ 702.9 and 702.10 of this chapter.) For other collateral which may be furnished and documents required therewith see the latest revision of Treasury Department Circular No. 154 (Revised).

PART 702—FORMS

Sec.
- 702.1 Petition.
- 702.2 Subpoena.
- 702.3 Depositions.
- 702.4 Entry of appearance.
- 702.5 Appeal bond, corporate surety.
- 702.6 Appeal bond, approved collateral.
- 702.7 Bond with corporate surety in renegotiation cases.
- 708.8 Bond with approved collateral in renegotiation cases.
- 702.9 Power of attorney and agreement by corporation.
- 702.10 Power of attorney and agreement by individuals.

AUTHORITY: §§ 702.1 to 702.10 issued under sec. 7453, 68A Stat. 884; 26 U. S. C. 7453.

§ 702.1 *Petition.* (See §§ 701.4, 701.5, 701.6, and 701.7.)

TAX COURT OF THE UNITED STATES

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PETITION

The above-named petitioner hereby petitions for a redetermination of the deficiency set forth by the Commissioner of Internal Revenue in his notice of deficiency (Service symbols) dated _____, 19__, and as the basis for his case alleges as follows:

1. The petitioner is (set forth whether individual, corporation, fiduciary, etc., as provided in § 701.6) with principal office (or residence) at _____, _____ (Street) (City) _____ (State). The return for the period here involved was filed with the collector (director or district director) for the _____ district of _____.

2. The notice of deficiency (a copy of which is attached and marked Exhibit A) was mailed to the petitioner on _____, 19__.

3. The deficiencies (or liabilities) as determined by the commissioner are in income (profits, estate, or gift) taxes for the calendar (or fiscal) year 19__ in the amount of _____ dollars of which approximately _____ dollars is in dispute.

4. The determination of tax set forth in the said notice of deficiency is based upon the following errors: (Set forth specifically in lettered subparagraphs the assignments of error in a concise manner and avoid pleading facts which properly belong in the succeeding paragraph.)

5. The facts upon which the petitioner relies as the basis of this case are as follows: (Here set forth allegations of the facts relied upon—but not the evidence—in orderly and logical sequence, with subparagraphs lettered, so as fully to inform the Court of the issues to be presented and to enable the Commissioner to admit each or deny each specific allegation.)

Wherefore, the petitioner prays that this Court may try the case and (here state the relief desired).

(Signed) _____ (Petitioner or counsel)

_____ (Post office address)

STATE OF _____ } ss:
COUNTY OF _____ }

_____, being duly sworn, says that he is the petitioner (if a corporation, or fiduciary, state title of office or trust of person verifying and that he is duly authorized to verify the foregoing petition) above named; that he has read the foregoing petition, or had the same read to him, and is familiar with the statements contained therein, and that the statements contained therein are true, except those stated to be upon information and belief, and that those he believes to be true.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____, 19__.

(Signed) _____ (Official title)

[SEAL]

§ 702.2 *Subpoena*—(a) *Form of subpoena.* (Available—Ask for form 4.) (See § 701.44 of this Chapter.)

TAX COURT OF THE UNITED STATES

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SUBPOENA

The President of the United States of America to _____, Greeting:

You are hereby commanded under penalty of law to be and appear in your proper person before _____, _____ (Tax Court of the United States, or the name and official title of the person authorized to take depositions) at _____, on the ____ day of _____ at _____ m., then and there to testify on behalf of the _____ (Petitioner or respondent) in the matter of the tax liability of _____, now pending before the Tax Court of the United States.

You are required to bring with you the following, to wit: _____

_____

_____

By order of the Court, this _____ day of _____.

[SEAL] _____ (Signature)

_____ (Title)

Date _____

Requested by[1] _____ (Name of petitioner or respondent)

_____ (Signature of applicant or counsel for applicant)

_____ _____ (Street address) (City)

_____ _____ (Zone) (State)

(b) *Proof of service of subpoena.* (Reverse of form 4.)

PROOF OF SERVICE OF SUBPOENA

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To the Tax Court of the United States:

STATE OF _____ } ss:
COUNTY OF _____ }

_____, being first and duly sworn, says: I am a citizen of the United States of America, over the age of twenty-one years, and not a party to or in any way interested in the case in which this subpoena was issued.

On the _____ day of _____, I served the annexed subpoena on the following witnesses named therein at the places set opposite their respective names, by delivering to and leaving with each of them personally a copy of said subpoena and at the same time exhibiting to each of them this original:

NAME	PLACE OF SERVICE
_____	_____
_____	_____
_____	_____
_____	_____

At the time of such service on witnesses subpoenaed on behalf of the petitioner, I tendered to each of said witnesses the sum of $ _____, the same being the fees and mileage provided by section 7457 of the Revenue Code of 1954, and/or section 510 of the Revenue Act of 1942.

_____

Subscribed and sworn to before me this _____ day of _____.

_____ (Title)

§ 702.3 *Depositions*—(a) *Application for order to take depositions.* (Available—Ask for form 5–A.) (See §§ 701.45 and 701.46.)

TAX COURT OF THE UNITED STATES

Petitioner v. Commissioner of Internal Revenue, Respondent	Docket No. ____

APPLICATION FOR ORDER TO TAKE DEPOSITIONS[2]

To the Tax Court of the United States:

1. Application is hereby made by the above-named _____ (Petitioner or respondent) for an order to take the deposition__ of the following-named person:

NAME OF WITNESS	POST OFFICE ADDRESS
(a) _____	_____
(b) _____	_____
(c) _____	_____
(d) _____	_____

2. It is desired to take the depositions of the persons above named and each of them for the following reasons:

(a) _____ will testify to the following material matters:

_____

_____

(Set forth briefly the matter upon which said witness will be called to testify)

(b) _____ will testify to the following material matters:

_____

_____

(c) _____ will testify to the following material matters:

_____

_____

(d) _____ will testify to the following material matters:

_____

_____

3. The reasons why _____ desires to take the testimony of the above-named persons rather than have them appear personally and testify before the Court are as follows: (State specifically reasons for each witness.)

4. It is desired to take the testimony of _____ (Name of witnesses) on the _____ day[3] of _____, 19__, at the hour of _____ m. before _____ (State name and title of official) in the city of _____ State of _____ at room _____ (Give number of room, street number, and name of building)

5. That _____ (Name of official before whom depositions are to be taken) is a _____, (Give official title) who has authority to administer oaths but has no office connection or business employment with the petitioner or his counsel.

Dated _____, 19__.

(Signed) _____ (Petitioner or counsel)

_____ (Post office address)

STATE OF _____ } ss:
COUNTY OF _____ }

_____, being (Petitioner or counsel) duly sworn, says that the foregoing application for order to take depositions is made in good faith and for the reasons therein stated

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[3] Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended by section 701, Revenue Act of 1943, and section 108 of the Renegotiation Act of 1951; also, the Renegotiation Act of 1948 (Supplemental National Defense Appropriation Act of 1948, section 3 (e)), Public Law No. 547, 80th Cong., 62 Stat. 260; also, Public Law No. 764, 83d Cong., 68 Stat. 1116.

[4] Section 201 (h) of the Renegotiation Act of 1951, as amended by section 3, Public Law No. 576, 82d Cong., 2d Sess., approved July 17, 1952, and by section 8, Public Law 764, 83d Cong., 2d Sess., approved September 1, 1954 (68 Stat. 1116).

[5] Internal revenue agent in charge where no district director has been appointed.

[1] Signing this request where it appears below the subpoena form on the first copy (not the original) thereof, is the only application for subpoena now required by § 701.44.

[2] Applications must be filed at least 30 days prior to the date set for trial. When the applicant seeks to take depositions upon written interrogatories the title of the application shall so indicate and the application shall be accompanied by an original and 5 copies of the proposed interrogatories. The taking of depositions upon written interrogatories is not favored, except when the depositions are to be taken in foreign countries, in which latter case any deposition taken must be upon written interrogatories, except as otherwise directed by the Court for cause shown. (See § 701.46.) If the parties so stipulate depositions may be taken without application to the Court. (See § 701.45 (e).)

[3] A date sufficiently in advance of the day set for trial of the case to enable the deposition to be completed and filed with the Court at least 10 days prior to the trial.

and that the same is not made for purposes of delay.

(Signed) _____
Subscribed and sworn to before me this ____ day of _____, 19__.
(Signed) _____
(Official title)

[SEAL]

(b) *Certificate on return of depositions.* (Reverse of form 5.)

To the Tax Court of the United States:

I, _____, the person named in the foregoing order to take depositions, hereby certify:

1. That I proceeded, on the _____ day of _____, A. D. 19__, at the office of _____, in the city of _____ State of _____, at _____ m., under the said order and in the presence of _____ and _____ the counsel for the respective parties, to take the following depositions, viz:

_____, a witness produced on behalf of the _____;
(Petitioner or respondent)
_____, a witness produced on behalf of the _____;
(Petitioner or respondent)
_____, a witness produced on behalf of the _____;
(Petitioner or respondent)

2. That each witness was examined under oath at such times and places as conditions of adjournment required, and that the testimony of each witness (or his answers to the interrogatories filed) was taken stenographically and reduced to typewriting by me or under my direction.

3. That after the testimony of each witness was reduced to writing, the transcript of the testimony was read and signed by the witness in my presence, and that each witness acknowledged before me that his testimony was in all respects truly and correctly transcribed.

4. That, after the signing of the deposition in my presence, no alterations or changes were made therein.

5. That I have no office connection or business employment with the petitioner or his attorney except that of _____, objection to which was (State connection)
waived by both parties to the case.

[SEAL] _____
(Signature of person taking deposition)
_____
(Official title)

NOTE: This form when properly executed, should be attached to and bound with the transcript preceding the first page thereof. It should then be enclosed in a sealed packet, with postage or other transportation charges prepaid, and directed and forwarded to the Tax Court of the United States, Washington 4, D. C.

§ 702.4 *Entry of appearance.* (Available—Ask for form 305.) (See § 701.24 of this chapter.)

To Be Filed in Duplicate

TAX COURT OF THE UNITED STATES

WASHINGTON

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ENTRY OF APPEARANCE

The undersigned, being duly admitted to practice before the Tax Court of the United States as Attorney C. P. A.,[4] herewith enters his appearance for the petitioner in the above-entitled case.

_____
(Signed)
_____
(Type signature)
_____
(Office address)
_____
(City)

[4] Cross out qualification class not applicable.

§ 702.5 *Appeal bond, corporate surety.* The following is a satisfactory form of bond for use in case bond with a corporate surety approved by the Treasury Department is to be furnished to stay the assessment and collection of tax involved in an appeal from a decision of the Tax Court. Only the original bond is required. There are no printed forms.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

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BOND

Know all men by these presents that we _____ as principal, and _____, as surety, are held and firmly bound unto the above-named Commissioner of Internal Revenue and/or the United States of America, in the sum of $_____, (double the deficiency or such sum as the Tax Court has fixed upon petitioner's prior motion), to be paid to the said Commissioner of Internal Revenue and/or the United States of America for the payment of which well and truly to be made we bind ourselves and each of us and our successors and assigns jointly and severally firmly by these presents.

Sealed with our seals and dated the _____ day of _____, in the Year of our Lord, One Thousand Nine Hundred and _____.

Whereas the above named _____ is filing or is about to file with the Tax Court of the United States, a petition for review of the said Court's decision in respect of the tax liability of the above petitioner for the taxable year or years _____, by the United States Court of Appeals for the _____ Circuit to reverse the decision rendered in the above-entitled cause.

Now, therefore, the condition of this Obligation is such that if the above-named _____ shall file its petition for review and shall prosecute said petition for review to effect and shall pay the deficiency as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

_____ [SEAL]
By _____
(Title)

_____
[CORPORATE SEAL]
Secretary

_____
By _____
(Title)

Attest:

_____
[CORPORATE SEAL]
Secretary

§ 702.6 *Appeal bond, approved collateral.* A satisfactory form of bond for use in case an appellant desires to furnish approved collateral (Treasury Department Circular No. 154, revised), instead of furnishing a corporate surety bond, and also forms of powers of attorney covering the pledged collateral are shown below. Only the original is required in either case. There are no printed forms.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Petitioner *v.* Commissioner of Internal Revenue, Respondent	Docket No. ____

BOND

Know all men by these presents that _____ is held and firmly bound unto the above-named Commissioner of Internal Revenue and/or the United States of America in the sum of _____ ($_____) Dollars, to be paid to the said Commissioner of Internal Revenue and/or the United States of America, for the payment of which, well and truly to be made, the _____ binds itself and its successors, firmly by these presents.

Sealed with our seals and dated the _____ day of _____, in the year of our Lord One Thousand Nine Hundred and _____.

Whereas the above-named _____ is filing or is about to file with the Tax Court of the United States, a petition for review of the said Court's decision in respect of the tax liability of the above petitioner for the taxable year or years _____ by the United States Court of Appeals for the _____ Circuit to reverse the decision rendered in the above-entitled cause.

Now, therefore, the condition of this obligation is such that if the above-named _____ shall file its petition for review and shall prosecute said petition for review to effect and shall pay the deficiency as finally determined, together with any interest, additional amounts or additions to the tax provided for by law, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

The above-bounden obligor, in order the more fully to secure the Commissioner of Internal Revenue and/or the United States in the payment of the aforementioned sum, hereby pledges as security therefor bonds/notes of the United States in a sum equal at their par value to the aforementioned sum, to wit: _____ dollars ($_____), which said bonds/notes are numbered serially and are in the denominations and amounts, and are otherwise more particularly described as follows: _____ which said bonds/notes have this day been deposited with the Clerk of the Tax Court of the United States and his receipt taken therefor.

Contemporaneously herewith the undersigned has also executed and delivered an irrevocable power of attorney and agreement in favor of the Clerk of the Tax Court of the United States, authorizing and empowering him, as such attorney to collect or sell or transfer or assign the above-described bonds/notes so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

[CORPORATE SEAL]

_____ [SEAL]
By _____
(Title)

Attest:

_____
(Secretary)

§ 702.7 *Bond with corporate surety in renegotiation cases.* The following is a satisfactory form of bond for use in case bond with a corporate surety approved by the Treasury Department is to

be furnished to stay the execution of an order of the Renegotiation Board (created by the act of March 23, 1951) involved in a petition to the Tax Court. Only the original bond is required. There are no printed forms.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Petitioner *v.* Respondent	Docket No. ____

BOND

Know all men by these presents: That we _____, as principal, and _____, as surety, are held and firmly bound unto the Renegotiation Board and/or the United States of America, in the sum of $_____ (see § 701.65 (b) as to amount), to be paid to the Renegotiation Board and/or the United States of America, for the payment of which well and truly to be made we bind ourselves and each of us and our successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed, and dated this _____ day of _____, 19__.

Whereas, the Renegotiation Board by its order dated _____ determined that the above-named principal derived excessive profits from contracts and subcontracts subject to renegotiation, during the fiscal year ended ____, in the amount of $_____; and

Whereas, said principal has filed or is about to file a petition in the Tax Court of the United States for a redetermination of the amount of the aforesaid excessive profits,

Now, therefore, the condition of this obligation is such that if the above-named principal shall well and truly pay the amount of profits adjudged by the Tax Court of the United States to be excessive, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, or if said principal, in the event that said proposed case in the Tax Court of the United States is not timely filed, or after filing is dismissed or otherwise concluded without an adjudication by said Court as to the amount of excessive profits, shall well and truly pay the amount of profits determined by the Renegotiation Board to be excessive by its said order dated _____, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

_____ [SEAL]
(Proper signature and seal of principal)
_____
(Surety)
By _____
(Title)

Attest:

_____
[CORPORATE SEAL]
Secretary

§ 702.8 *Board with approved collateral in renegotiation cases.* A satisfactory form of bond for use in case the petitioner in a renegotiation case filed under the act of March 23, 1951, desires to furnish approved collateral under § 701.65 (c) (2), instead of furnishing a corporate surety bond, follows. Forms of power of attorney covering the pledged collateral for use with bonds secured by collateral, both in appeals from this Court in tax cases and in petitions to this Court in such renegotiation cases, are also shown below. Only the original instrument is required in each instance. There are no printed forms.

TAX COURT OF THE UNITED STATES

WASHINGTON, D. C.

Petitioner *v.* Respondent	Docket No. ____

BOND

Know all men by these presents: That _____ is (are) held and firmly bound unto the Renegotiation Board and/or the United States of America in the sum of _____ ($_____) Dollars (see § 701.65 (b) as to amount), to be paid to the Renegotiation Board and/or the United States of America, for the payment of which, well and truly to be made, the said _____ bind(s) himself (herself, itself, or themselves) and his (her, its, or their) successors and assigns, firmly by these presents.

Signed, sealed, and dated this _____ day of _____, 19__.

Whereas, the Renegotiation Board by its order dated _____ determined that the above-named _____ derived excessive profits from contracts and subcontracts subject to renegotiation, during the fiscal year ended _____ in the amount of $_____; and

Whereas, the above-named _____ has (have) filed or is (are) about to file a petition in the Tax Court of the United States for redetermination of the amount of the aforesaid excessive profits,

Now, therefore, the condition of this obligation is such that if the above-named _____ shall well and truly pay the amount of profits adjudged by the Tax Court of the United States to be excessive, less any tax credit applicable thereunto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, or if the above-named _____, in the event that said proposed case in the Tax Court of the United States is not timely filed or after filing is dismissed or otherwise concluded without an adjudication by said Court as to the amount of excessive profits, shall well and truly pay the amount of profits determined by the Renegotiation Board to be excessive by its said order dated _____, less any tax credit applicable thereto under section 3806 of the Internal Revenue Code of 1939, or section 1481, Code of 1954, with interest thereon as required by law, then this obligation shall be void; otherwise it shall be and remain in full force and effect.

The above-bounden obligor(s) in order the more fully to secure the Renegotiation Board and/or the United States in the payment of the aforementioned sum, hereby pledge(s) as security therefor bonds/notes of the United States in a sum equal at their par value to the aforementioned sum, to wit: _____ ($_____) Dollars, which said bonds/notes are numbered serially and are in the denominations and amounts, and are otherwise more particularly described as follows: _____ which said bonds/notes are being herewith deposited with the Clerk of the Tax Court of the United States and his receipt taken therefor.

Contemporaneously herewith the undersigned has also executed and delivered an irrevocable power of attorney and agreement in favor of the Clerk of the Tax Court of the United States, authorizing and empowering him, as such attorney to collect or sell or transfer or assign the above-described bonds/notes so deposited, or any part thereof, in case of any default in the performance of any of the above-named conditions or stipulations.

_____ [SEAL]
(Proper signature and seal of principal)

Attest:

_____

§ 702.9 *Power of attorney and agreement by corporation.*

Know all men by these presents: That _____, a corporation duly incorporated under the laws of the State of _____ and having its principal office in the city of _____, State of _____, in pursuance of a resolution of the Board of Directors of said corporation, passed on the _____ day of _____, 19__, a duly certified copy of which resolution is hereto attached, does hereby constitute and appoint the Clerk of the Tax Court of the United States as attorney for said corporation, for and in the name of said corporation to collect or to sell, assign, and transfer certain United States Liberty bonds or other bonds or notes of the United States, the property of said corporation, described as follows:

Title of bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

such bonds/notes having been deposited by it, pursuant to the Act of July 30, 1947, c. 390, 61 Stat. 646, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by it with (here enter "the Commissioner of Internal Revenue and/or the United States" or enter "the Renegotiation Board and/or the United States") under date of _____, which is hereby made a part thereof, and the undersigned agrees that, in case of any default in the performance of any of the conditions and stipulations of such undertaking, its said attorney shall have full power to collect said bonds/notes or any part thereof, or to sell, assign, and transfer said bonds/notes or any part thereof without notice, at public or private sale, or to transfer or assign to another for the purpose of effecting either public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and the proceeds of such sale or collection, in whole or in part to be applied to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as may be deemed best, and the undersigned further agrees that the authority herein granted is irrevocable.

And said corporation hereby for itself, its successors and assigns, ratifies and confirms whatever its said attorney shall do by virtue of these presents.

In witness whereof, the _____, the corporation hereinabove named, by _____
(Name and title of officer)
duly authorized to act in the premises, has executed this instrument and caused the seal of the corporation to be hereto affixed this _____ day of _____, 19__.

Attest:

_____ _____
[CORPORATE SEAL] Secretary By _____ (Title)

STATE OF _____ } ss:
COUNTY OF _____ }

Before me, the undersigned, a notary public within and for the said county and State,

personally appeared ----------
(Name and title of officer)

and for and in behalf of said ----------, corporation, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ------ day of ----------, 19--.

[NOTARIAL SEAL] ----------
(Notary Public)

My Commission expires ----------

§ 702.10 *Power of attorney and agreement by individuals.*

Know all men by these presents: That I (we), ----------, do hereby constitute and appoint the Clerk of the Tax Court of the United States as attorney for me (us), and in my (our) name to collect or to sell, assign, and transfer certain United States Liberty bonds, or other bonds or notes of the United States, being my (our) property described as follows:

Title of bonds/notes	Total face amount	Denomination	Serial No.	Interest dates

such bonds/notes having been deposited by me (us) pursuant to the Act of July 30, 1947, c. 390, 61 Stat. 646, as security for the faithful performance of any and all of the conditions or stipulations of a certain obligation entered into by me (us) with (here enter "the Commissioner of Internal Revenue and/or the United States" or enter "the Renegotiation Board and/or the United States") under date of ----------, which is hereby made a part thereof and I (we) agree that in case of any default in the performance of any of the conditions and stipulations of such undertaking my (our) said attorney shall have full power to collect said bonds/notes or any part thereof or to sell, assign and transfer said bonds/notes or any part thereof without notice, at public or private sale, or to transfer or assign to another for the purpose of effecting either public or private sale, free from any equity of redemption and without appraisement or valuation, notice and right to redeem being waived, and the proceeds of such sale or collection, in whole or in part to be applied to the satisfaction of any damages, demands, or deficiency arising by reason of such default, as may be deemed best, and I (we) further agree that the authority herein granted is irrevocable.

And for myself (ourselves) my (our several) administrators, executors, and assigns, I (we) hereby ratify and confirm whatever my (our) said attorney shall do by virtue of these presents.

In witness whereof, I (we) hereinabove named, have executed this instrument and affixed my (our) seal this ---------- day of ----------, 19--.

---------- [SEAL]

STATE OF ----------
COUNTY OF ----------} ss:

Before me, the undersigned, a notary public within and for the said county and State, personally appeared ----------
(Name of obligor)

and acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this ---------- day of ----------, 19--.

[NOTARIAL SEAL] ----------
(Notary Public)

My Commission expires ----------

By the Court.

Dated: January 9, 1957.

[SEAL] NORMAN O. TIETJENS,
Acting Chief Judge,
Tax Court of the United States.

[F. R. Doc. 57-242; Filed, Jan. 14, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

FEDERAL TRADE COMMISSION

[16 CFR Part 18]

[File No. 21-469]

COMMERCIAL DENTAL LABORATORY INDUSTRY

NOTICE OF PUBLIC HEARING

A public hearing on proposed amendments to the trade practice rules for the Commercial Dental Laboratory Industry (16 CFR Part 18), as promulgated by the Federal Trade Commission on November 4, 1955, will be held in the ballroom of the Hotel Knickerbocker, 163 E. Walton Place, Chicago, Illinois, commencing at 10 a. m., c. s. t., on February 4, 1957.

Such hearing is called by the Commission for the purpose of considering the need for amendment of the definition of the Commercial Dental Laboratory Industry contained in the second paragraph of the "Statement by the Commission" preceding the rules for the industry (20 F. R. 8282, November 4, 1955) in order adequately to inform as to the kinds and types of businesses covered by the rules; whether the word "design" appearing in the paragraph (a) of § 18.1 and paragraph (b) of § 18.2 should be deleted or another term or language substituted therefor; whether the word "occlusion" appearing in paragraph (a) of § 18.1 should be deleted or another term or language substituted therefor; and whether paragraphs (c) and (d) of § 18.12, and all of § 18.13, should be deleted.

With respect to consideration of changes in the definition of the industry, the Commission states that such should be confined to the question of need for amendment of the present definition in order adequately to inform as to the applicability of the rules, and that this can be satisfactorily accomplished without identifying the relationship of the commercial dental laboratories to the dental profession.

At the hearing on February 4th, industry members, and other interested or affected parties, will be afforded opportunity to present to the Commission their views concerning the above-mentioned proposed amendments, including such pertinent information, suggestions, or objections as they may desire to submit and to be heard in the premises. Such information, suggestions, or objections may also be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than the date of the hearing.

Issued: January 10, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-264; Filed, Jan. 14, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case No. 222 A]

AMERICAN LEVANT INDUSTRIAL CO., INC. AND SAMUEL OBERFEST

ORDER DENYING EXPORT PRIVILEGES

In the matter of American Levant Industrial Co., Inc., 38-32 31st Street, Long Island City, New York and Samuel Oberfest, 76-12 35th Avenue, Jackson Heights, Long Island, New York, respondents.

The respondents, American Levant Industrial Co., Inc. and Samuel Oberfest, hereinafter referred to as Levant, having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder, duly appeared in this proceeding, were represented by counsel, and demanded an oral hearing, which, in accordance with the practice, was referred to the Compliance Commissioner. Said hearing was duly held and the Compliance Commissioner has submitted his report and recommendation after considering the evidence in support of the charges and all evidence and data submitted by respondents in defense and mitigation thereof.

Now, after reading the report of the Compliance Commissioner, and after considering the entire record herein, I hereby make the following findings of fact.

1. At all times hereinafter mentioned, respondent American Levant Industrial Co., Inc., was and now is engaged in the export business in New York City and Samuel Oberfest was entrusted with the management of all its export activities. (Hereafter, whenever reference is made to Levant, such reference includes both American Levant Industrial Co., Inc., and Samuel Oberfest.)

2. In March 1956, Levant, while in possession of a validated export license authorizing the exportation of $4,000.00 worth of automobile spare parts to a named consignee in Morocco, did export, purportedly under said license, goods of a total value of approximately $5,717.18, and it accomplished such exportation by making three shipments, each declared at a value lower than its actual value, so that the aggregate of the declared values came to $3,939.00.

3. During the months of February, March, and April of 1956, Levant made six shipments of goods to two named consignees in Morocco, all of which shipments were made by resort to the general license GLV.

4. In resorting to said general license GLV, Levant described each such shipment as containing automobile replacement parts, Schedule B, No. 792620, and thereby represented that each shipment contained such parts and was of a value not in excess of $500.00.

5. Each such shipment did in fact contain goods invoiced to its customers at a value in excess of $500.00, and the value of each such shipment was in fact greater than $500.00.

6. In April 1956, Levant made four exportations of various lots of automotive spare parts and, as to each of said shipments, accomplished such exportations by declaring the values at less than $500.00, thus representing these exportations as properly made under general license GLV.

7. In each of these shipments there were contained either roller bearings or ball bearings but Levant failed to disclose that such bearings were therein contained. A proper disclosure would have required the insertion of a different Schedule B number and the GLV maximum value would have been less than $500.00.

8. As to one of such shipments, the declared value was $440.00 when the actual invoiced value was $1,388.47; as to the second of these shipments, the declared value was $412.00 when the actual invoiced value was $1,660.75; as to the third shipment, the declared value was $404.00 but this shipment was seized by the U. S. Customs and it was found to contain auto parts appraised at a value of $200.00 and roller bearings appraised at a value of $2,420.00; and as to the fourth of these shipments, the declared value was $352.00 but this shipment was also seized by the U. S. Customs and it was found to contain roller bearings appraised at a value of $1,540.00.

9. As to each and every shipment to which reference is made in Findings 3 to 8 inclusive, the representations as to contents of shipments and as to values were made in shipper's export declarations filed with the Collector of Customs, which export declarations were necessary to support the exportations and enable the shipments to leave the United States.

10. As to each and every shipment to which reference is made in Findings 3 to 8 inclusive, a validated export license should have been obtained by Levant but no such validated export license was obtained and, as to each, the exportation was accomplished or sought to be accomplished by an improper resort to general license.

And, from the foregoing, the following are my conclusions.

That American Levant Industrial Co., Inc. and Samuel Oberfest violated the Export Control Law and the regulations promulgated thereunder in that they knowingly, (a) made or caused exportations to be made, for which a validated export license was required, without first having obtained a validated export license, thereby violating §§ 370.2 (b) and 372.3 of the export control regulations; (b) used a validated export license and shipper's export declaration for the purpose of or in connection with facilitating or effecting an exportation contrary to the terms, provisions and conditions thereof, thereby violating §§ 372.4 (b), 381.7 and 381.8 of the export control regulations; (c) used, or caused to be used, a general license symbol or a validated export license number on shipper's export declarations, thereby falsely certifying that the terms, provisions, and conditions of the general license or validated export license had been met, thereby violating §§ 371.2 (b), 379.6 and 381.5 of the export control regulations; (d) used, or caused general license GLV to be used in effecting exportations, as a device to evade the requirements for a validated export license, thereby violating § 371.10 (c) (2) (iv) of the export control regulations; (e) caused, commanded, induced, procured or permitted the doing of acts prohibited by, and the omission of acts required by, the Export Control Law and regulations, thereby violating § 381.2 of the export control regulations; (f) attempted to make or cause exportations to be made in violation of the Export Control Law and regulations, thereby violating § 381.3 of the export control regulations; (g) made or caused false representations, statements, and certifications to be made to, and falsified material facts to and concealed material facts from the Bureau of Foreign Commerce and a Collector of Customs in connection with the preparation, issuance, or use of export control documents and for the purpose of or in connection with effecting exportations from the United States, thereby violating § 381.5 of the export control regulations.

In his report the Compliance Commissioner said,

In determining what recommendation I should make in this matter, I have taken into consideration various factors which I regard as important. It is not usual, when violations such as were charged here are involved, to issue temporary denial orders. In this case, all the respondents were temporarily denied export privileges by order dated July 31, 1956, which order remained in effect as to respondent • • • American Levant Industrial Co., Inc., until August 23, 1956. The order against respondent Oberfest remained in effect until it expired by its own terms on September 28, 1956. These orders were issued on the basis of evidence which, at the time of issuance, appeared to justify their issuance. This evidence, however, did not stand up and was not brought into the formal hearing on the charges involved herein. It has been brought to my attention also that the American Levant Industrial Co., Inc., has suffered large losses because of its inability to obtain export licenses necessary for the completion of orders which it had obtained. • • • I have considered also the fact that Oberfest, while he, too, suffered financial losses by reason of Levant's inability to perform its export contracts during the period of the investigation and the pendency of these charges, nevertheless deliberately took the law into his own hands and, with knowledge that he was violating the regulations, made the exportations to further his own business interests insofar as such interests might be furthered by the transaction of business by Levant. Impatience with the conduct of Government officials and even a sincere belief that such conduct was unwarranted or discriminatory are not sufficient reasons for deliberately bypassing or violating regulations made in connection with the administration of a statute. Having all this in mind, it is my recommendation that the respondent Oberfest be denied export privileges for a period of six months from the date of the order to be entered herein, and that American Levant Industrial Co., Inc., also be denied export privileges for a similar period but that, as regards American Levant Industrial Co., Inc., such denial of export privileges shall not be effective unless it violates the conditions of the order to be submitted herewith, • • •

The recommendation of the Compliance Commissioner, upon the record herein, appears to be just, fair and necessary to achieve effective enforcement of the act, and therefore: *It is hereby ordered:*

I. The respondent, American Levant Industrial Co., Inc., for a period of six months as hereinafter provided, and Oberfest for a period of six months from the date hereof are hereby suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, or in a transshipment or reexportation outside of the United States of any commodity in whole or in part exported from the United States. Without limitation of the generality of the foregoing denial of export privileges, such participation is deemed to include and prohibit participation by them, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the said respondents, but also to any person, firm, corporation, or business organization which may be related now or hereafter to either

of them by ownership, control, or position of responsibility in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. However, as to the respondent, American Levant Industrial Co., Inc., the entire denial period of six months shall be suspended during a term of good behavior to continue until the expiration of six months from the date hereof. During the said six months, all export privileges otherwise denied to it shall be permitted to it upon condition that, during said term of good behavior, it shall comply in all respects with this order, with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder and shall not, directly or indirectly, employ or avail itself of the services of Samuel Oberfest in any capacity. The privileges so conditionally permitted to American Levant Industrial Co., Inc., may be revoked summarily and without notice, but subject to its right to appeal therefrom, upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that it, at any time within six months following the date hereof, knowingly failed to comply with the conditions upon which it has been permitted to engage in the export business during the said term of good behavior. In the event that it be so determined that American Levant Industrial Co., Inc., has breached the said conditions or any of them, the denial of its export privileges shall commence on the day of such determination and shall continue for six full months thereafter, without prejudice to any other or additional action which might be taken by reason of such conduct.

IV. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when the respondents and related parties are prohibited under the terms hereof from engaging in any activity within the scope of paragraph I hereof, shall, without prior disclosure to and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, or (b) order, receive, buy, sell, use, deliver, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States or a transshipment, or reexportation of any commodity exported from the United States, in which the respondent or any related party may have any interest or obtain any benefit of any kind or nature, directly or indirectly.

Dated: January 10, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-268; Filed, Jan. 14, 1957; 8:48 a. m.]

Federal Maritime Board

GENTRY SHIPPING CORP. ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER REGISTRATIONS ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 28th day of December 1956, the Board entered the following order:

Whereas the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR 244):

Name	Registration No.	Date issued
Gentry Shipping Corp. (New York)	1626	May 29, 1953
Francisco Alvarez Gil (Miami)	1874	May 3, 1955
John Manners & Co. (New York) Inc.	1826	Jan. 20, 1955
Pacific Continental Forwarders (San Francisco)	1863	Apr. 20, 1955
Philippine-International Freight Forwarding Co. (Los Angeles) (Mrs. Lourdes L. Figueras, dba)	1916	Apr. 25, 1955
Worldwide Forwarders, Inc. (New Orleans)	1602	Mar. 2, 1953

Whereas the Board has by registered letters requested these registrants to furnish certain information in connection with their forwarding activities, pursuant to § 244.3 of General Order 72; and

Whereas registered mail sent to John Manners & Co. (New York) Inc. and Pacific Continental Forwarders has been returned by the post office as undeliverable, and the Board is therefore unable to exercise regulatory authority over them because their present whereabouts is unknown; and

Whereas the other four registrants named above have failed to respond to registered letters in violation of General Order 72; now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why their registrations should not be cancelled for the reasons above stated; and

It is further ordered, That failure to any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that notice of such cancellation shall be sent to the registrant by the Secretary; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: January 10, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-260; Filed, Jan. 14, 1957; 8:46 a. m.]

TRI-COAST STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7853-1, between Tri-Coast Steamship Company (formerly Isthmian Steamship Company), Isthmian Lines, Inc., Matson Navigation Company and Davie Transportation Limited, modifies approved Agreement No. 7853 to record Isthmian Lines, Inc., as a party in place of Isthmian Steamship Company (now Tri-Coast Steamship Company). Agreement No. 7853, between Isthmian Steamship Company, Matson Navigation Company and Davie Transportation Limited, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from the Hawaiian Islands to Montreal with transshipment at New York.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 9, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-261; Filed, Jan. 14, 1957; 8:46 a. m.]

STONE FORWARDING CO., INC., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8184 between Stone Forwarding Co., Inc., Houston, Texas, and Universal Transport Corp., New York, N. Y.; and

(2) Agreement No. 8187 between Stone Forwarding Co., Inc. and Tidewater Forwarding Company, Inc., New York, N. Y.,

are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 10, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-263; Filed, Jan. 14, 1957; 8:47 a. m.]

STONE FORWARDING CO., INC., AND ARTHUR J. FRITZ & CO.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8192 between Stone Forwarding Co., Inc., Houston, Texas, and Arthur J. Fritz & Co., San Francisco, California, is a cooperative working arrangement under which the parties perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 10, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-262; Filed, Jan. 14, 1957; 8:46 a. m.]

Office of the Secretary

HAROLD G. JOHNSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Harold G. Johnson.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 2, 1957.

4. Title of position: Director, Chemical & Rubber Division, Monsanto Chemical Corporation.

5. Name of private employer: Monsanto Chemical Corporation, St. Louis 4, Missouri.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Monsanto Chemical Corporation, St. Louis, Missouri.
Tru-Scale, Inc., Wichita, Kansas.
Bank Deposits.

Dated: January 8, 1957.

HAROLD G. JOHNSON.

[F. R. Doc. 57-256; Filed, Jan. 14, 1957; 8:46 a. m.]

R. CHESTER REED

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 18, 1956, 21 F. R. 340 and July 20, 1956, 21 F. R. 5463.

A. Deletions: None.
B. Additions: Greyhound Corporation.

This statement is made as of January 4, 1957.

Dated: January 4, 1957.

R. CHESTER REED.

[F. R. Doc. 57-257; Filed, Jan. 14, 1957; 8:46 a. m.]

F. PRICE NORRIS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: F. Price Norris.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: December 27, 1956.

4. Title of position: Director, Iron & Steel Division.

5. Name of private employer: Allegheny Ludlum Steel Corporation, Pittsburgh, Pennsylvania.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Allegheny Ludlum Steel Corp.
American Tel. & Tel.
Budd Company.
Food Fair Stores, Inc.
Gulf Oil Company.
Link Belt Co.
National Cash Register.
Park & Tilford Co.
R. C. A. Corp.
Philadelphia Electric Co.
Massachusetts Invest. Trust.
Bank deposits.

Dated: January 7, 1957.

F. PRICE NORRIS.

[F. R. Doc. 57-258; Filed, Jan. 14, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

SOUTH DAKOTA

NOTICE OF DETERMINATION; PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 7, 1957.

Upon consideration of the application for withdrawal and reservation of lands, notice of which was published in the FEDERAL REGISTER on February 2, 1956 (21 F. R. 753), serial number Montana 021209 (SD) filed by the Fish and Wildlife Service and the record pertaining to such application, it is determined that the withdrawal applications should be cancelled since the applicant has requested this action. Accordingly, it is cancelled.

Effective on publication of this notice in the FEDERAL REGISTER, the lands involved will no longer be subject to the segregative effect of the application.

The lands involved in the application are:

BLACK HILLS MERIDIAN

T. 2 S., R. 25 E.,
Sec. 21: N½SE¼, SW¼SE¼, E½SW¼, SW¼SW¼;
Sec. 28: NW¼NW¼.
T. 3 S., R. 23 E.,
Sec. 12: SE¼SW¼, SE¼;
Sec. 13: NE¼NE¼.
T. 3 S., R. 24 E.,
Sec. 7: Lots 3, 4, E½NW¼, E½NE¼;
Sec. 18: Lot 1.

The areas described contain 795.83 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 57-251; Filed, Jan. 14, 1957; 8:45 a. m.]

Office of the Secretary

WILFRED G. DONLEY

STATEMENT OF FINANCIAL INTERESTS

Pursuant to section 302 (a) of Executive Order 10647, the following informa-

tion on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of Appointee: Wilfred G. Donley.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: Standard Oil Company of California, San Francisco, Calif.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Standard Oil Company of California.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: December 13, 1956.

WILFRED G. DONLEY.

[F. R. Doc. 57-205; Filed, Jan. 11, 1957; 12:30 p. m.]

MINOR S. JAMESON, JR.

STATEMENT OF FINANCIAL INTERESTS

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: Minor S. Jameson, Jr.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: Independent Petroleum Association of America, Washington, D. C.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

American Tobacco Company.
Northern States Power Company.
The Chesapeake and Ohio Railway Company.
Virginia Electric and Power Company.
Standard Oil Company of California.
Target Petroleum.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: December 28, 1956.

MINOR S. JAMESON, JR.

[F. R. Doc. 57-206; Filed, Jan. 11, 1957; 12:30 p. m.]

JAMES A. COBLE

STATEMENT OF FINANCIAL INTERESTS

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: James A. Coble.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's employer: Socony Mobil Oil Co., Inc., New York, N. Y.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Socony Mobil Oil Company.
Liberty Loan Corporation.
Bank deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: January 1, 1957.

JAMES A. COBLE.

[F. R. Doc. 57-207; Filed, Jan. 11, 1957; 12:30 p. m.]

CHARLES J. HEDLUND

STATEMENT OF FINANCIAL INTERESTS

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Charles J. Hedlund.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's employer: Standard Oil Company (New Jersey), New York, N. Y.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

Director, Esso Export Corporation.
Director, Esso Shipping Corporation.
Director, Esso Mexicana.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Standard Oil Company (New Jersey).
Humble Oil and Refining Company.
Bank deposits.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: December 13, 1956.

CHARLES J. HEDLUND.

[F. R. Doc. 57-208; Filed, Jan. 11, 1957; 12:30 p. m.]

WILLIAM R. ARGYLE

STATEMENT OF FINANCIAL INTERESTS

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: William R. Argyle.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: Sinclair Oil Corporation, New York City, N. Y.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Sinclair Oil Corporation.
Utah Wyoming Oil Company.
Bank deposits.
Pension (irrevocable).

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: December 18, 1956.

W. R. ARGYLE.

[F. R. Doc. 57-209; Filed, Jan. 11, 1957; 12:30 p. m.]

ROBERT N. SEARS

STATEMENT OF FINANCIAL INTERESTS

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Robert N. Sears.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: Phillips Petroleum Company, Bartlesville, Okla.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on December 17, 1956.

THOMAS H. TELLIER,
Personnel Officer.

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on December 17, 1956, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Phillips Petroleum Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: December 13, 1956.

ROBERT N. SEARS.

[F. R. Doc. 57-210; Filed, Jan. 11, 1957; 12:30 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8430]

CAPITAL AIRLINES, INC.

NOTICE OF CANCELLATION OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for January 23, 1957, is canceled.

Dated at Washington, D. C., January 8, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-272; Filed, Jan. 14, 1957; 8:49 a. m.]

[Docket No. 8427]

MIAMI AIRLINE, INC., R. W. DUFF AND EFFIE VIRGINIA DUFF; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on January 24, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., January 9, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-273; Filed, Jan. 14, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11095]

OHIO FUEL GAS CO.

NOTICE OF APPLICATIONN AND DATE OF HEARING

JANUARY 8, 1957.

Take notice that The Ohio Fuel Gas Company, an Ohio corporation and a subsidiary of the Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus 15, Ohio, filed on September 17, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing construction and operation of additional underground storage facilities, and for authority to abandon certain facilities as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes the following facilities for the expansion of underground storage operations:

Project No. 1, Wellington Storage (Expansion). Installation of superchargers and new compressors and compressor piping on existing gas engine-compressor units at Wellington Storage Compressor Station in Medina County, Ohio, increasing station rated power from 3,200 to 4,320 horsepower and the input rate from 40,000 Mcf to 54,000 Mcf per day. The output rate at 1,150 psig ultimate storage pressure and with 18,804,000 Mcf in storage is 190,000 Mcf per day.

The estimated cost of facilities is $193,000, less net salvage of $25,460. No service to field line customers is to be abandoned.

Project No. 2, Holmes Storage (Extension). Activation and development of two additional storage pools in the Holmes Storage Field in Holmes, Wayne and Ashland Counties, Ohio, including installation of approximately 16.4 miles of 3½ inch O. D. to 6⅝ inch O. D. project piping.

The maximum deliverability of the two pools to be activated at ultimate pressure of 1,150 psig and stored volume of 5,300,000 Mcf is 35,000 Mcf per day.

The estimated cost of facilities is $362,000, less net salvage of $36,920.

Project No. 3, McArthur Storage (New Storage Area). Activation and development of a new storage field in Vinton County, Ohio, to be identified as the McArthur Storage Field, including installation of approximately 15.1 miles of 4½ inch O. D. to 20 inch O. D. project piping and transmission line and a 3,300 horsepower storage compressor station. Input capacity of 10,000 Mcf per day with present line pressure will be increased to 85,000 Mcf per day in 1958. Output capacity will be 40,000 and 70,000 Mcf per day for the peak days of 1959 and 1960 respectively, with deliverability of approximately 80,000–100,000 Mcf per day possible in earlier months.

The estimated cost of this project is $2,070,000, less net salvage of $19,200:

The cost of all three projects will be financed by The Columbia Gas System, Inc.

Applicant states that service will be discontinued to few, if any of the 30 field line customers being served in the Holmes Storage area and the 3 customers in the proposed McArthur storage area as a result of the relocation of lines.

Applicant requests authorization to abandon existing compressors and compressor piping at Wellington Station to be replaced by proposed facilities described under Project No. 1.

Applicant also proposes to abandon approximately 33.1 miles of existing 2⅜ inch O. D. to 6⅝ inch O. D. well and field lines to be replaced by storage piping proposed under Projects Nos. 2 and 3.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-252; Filed, Jan. 14, 1957; 8:45 a. m.]

[Docket No. G-11706]

BATEMAN DRILLING CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

JANUARY 8, 1957.

Bateman Drilling Co., et al., (Bateman), on December 7, 1956, tendered for filing a proposed change in the presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Texas Gas Transmission Corporation; Supplement No. 1 to Bateman's FPC Gas Rate Schedule No. 3; January 10, 1957.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 10, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-253; Filed, Jan. 14, 1957; 8:45 a. m.]

[1] The stated effective date is the first day after the expiration of the required thirty days notice, or the effective date proposed by Bateman, if later.

[Project No. 2177]

GEORGIA POWER CO.

NOTICE OF SUPPLEMENT TO APPLICATION FOR LICENSE

JANUARY 8, 1957.

Public notice is hereby given that Georgia Power Company of Atlanta, Georgia, has filed a supplement to its application for license for Project No. 2177, notice of which was published during June and July 1956. The supplement requests the inclusion of the existing Bartlett's Ferry development, located immediately upstream from Goat Rock, in the license for Project No. 2177 if issued. The Bartlett's Ferry development consists of a dam comprised of a concrete gravity spillway section with 19 Tainter gates, 2 skimmer gates and 4 siphon spillways, a concrete intake section, and earth-fill sections on either end of the concrete section; a reservoir extending upstream about 10 miles having a usable storage capacity of 120,000 acre-feet; penstocks; a powerhouse, located 300 feet below the intake, with three 22,000-horsepower turbines each connected to a 15,000-kilowatt generator and a 28,500-horsepower turbine connected to a 20,000-kilowatt generator installed therein; a substation; a transmission line; a railroad spur line; and appurtenant mechanical and electrical facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is February 29, 1957. The application is on file with the Commission for public inspection.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-254; Filed, Jan. 14, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18074, Amdt.]

ANNIE SCHMELZKOPF SCHOENER

In re: Estate of Annie Schmelzkopf Schoener, deceased; File No. D-28-11459.

Vesting Order 18074, dated June 20, 1951, is hereby amended as follows, and not otherwise:

1. By inserting immediately after the word "That", the name "Georg Ludwig Schoener,".

All other provisions of said Vesting Order 18074 and all actions by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on January 9, 1957.

For the Attorney General:

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-270; Filed, Jan. 14, 1957; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 11

Washington, Wednesday, January 16, 1957

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (16) is added to § 6.310 as set out below.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* • • •

(16) One Deputy Executive Director, President's Council on Youth Fitness.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-262; Filed, Jan. 15, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6197]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

THE BLANTON CO.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Oleomargarine amendment to FTC Act.

(Sec. 6, 38 Stat. 721; 15 U. S. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, sec. 15, 64 Stat. 20–21; 15 U. S. C. 45, 55) [Cease and desist order, The Blanton Company, St. Louis, Mo., Docket 6197, December 26, 1956]

The complaint in this matter charged a corporate manufacturer of "Creamo" margarine in St. Louis, Mo., with violating the Oleomargarine Amendment to the Federal Trade Commission Act by disseminating advertisements in newspapers and periodicals, and by radio and television, which suggested, by use of the word "Creamo" as part of a brand or trade name, and the words "cream", "sweet fresh cream", etc., that said oleomargarine was a dairy product.

The hearing examiner's dismissal of the complaint on the ground of insufficient evidence was remanded by the Commission on appeal, for further proceedings. Instead of presenting additional evidence, however, counsel for the parties agreed on a consent order, and on that basis the hearing examiner issued his second initial decision, including order to cease and desist, which was adopted by the Commission. Shortly thereafter, the Commission reconsidered and again remanded the matter for further proceedings which were had in due course.

Thereafter, the hearing examiner again submitted an initial decision, including findings and order to cease and desist, which by order of December 26 was modified and, as so modified, adopted as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, The Blanton Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of oleomargarine do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any statement, word, grade designation, design, device, symbol, sound or any combination thereof, which represents or suggests that such oleomargarine or margarine is a dairy product: *Provided, however,* That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate, and full statement in any such advertisement of all the ingredients contained in such product.

2. Disseminating or causing to be disseminated, as described in Paragraph 1 of this order, any advertisement in which the word or words "cream", "sweet fresh cream", "pure cream", "cream-enriched", "sweet light cream", "milk" or "sweet fresh milk" are used, except as a part of a truthful, accurate and full statement of all the ingredients con-

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Agriculture Department
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FEDERAL REGISTER

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tained in said product and as described in the foregoing proviso.

3. Disseminating or causing to be disseminated, as described in Paragraph 1 of this order, any advertisement of oleomargarine or margarine in which the word "Creamo" is used as a part of or as a trade, brand or corporate name, unless, in connection and conjunction therewith, wherever used, there appear words clearly and conspicuously designating the product as oleomargarine or margarine and designating all the constituent ingredients.

4. Disseminating or causing to be disseminated by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said product, any advertisement which contains any of the representations prohibited in Paragraphs 1, 2 and 3 of this order.

By "Final Order", report of compliance was required as follows:

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order contained in the initial decision, as modified.

Issued: December 26, 1956.

By the Commission, Commissioner Kern not participating.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-295; Filed, Jan. 15, 1957; 8:48 a. m.]

[Docket 6537]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL BUSINESS AND PROPERTY EXCHANGE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Connections or arrangements with others; nature; § 13.110 *Indorsements, approval, or awards;* § 13.135 *Nature:* Product or service; § 13.190 *Results;* § 13.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods*—Business

status, advantages or connections: § 13.1395 *Connections and arrangements with others;* § 13.1490 *Nature, in general;* [*Misrepresenting oneself and goods*]—Goods: § 13.1665 *Indorsements;* § 13.1685 *Nature:* By misleading trade or corporate name; § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts.* Subpart—*Using misleading name*—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Business and Property Exchange, Inc., et al., Los Angeles, Calif., Docket 6537, December 27, 1956]

In the Matter of National Business and Property Exchange, Inc., a Corporation, and Alexander Haagen (Erroneously Referred to in the Complaint as Alexander Hagen) and Michael M. Fodor, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Los Angeles publisher engaged in the sale of advertising in its magazine-type catalog listing real estate for sale or exchange designated "National Buyers' Guide," with representing falsely, through use of the name "National Business and Property Exchange" and also through representations in magazines and newspapers and broadcast by radio, that they were engaged in the buying, selling, and exchange of business and other property; and with making false representations through agents as to the advantages to be obtained by prospects in listing properties with them.

Following an agreement between the parties providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents National Business and Property Exchange, Inc., a corporation (now known as U. S. Buyers' Report, Inc., a corporation), and its officers, and Alexander Haagen (erroneously referred to in the complaint as Alexander Hagen) and Michael M. Fodor, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, or sale of advertising in their publication or catalog designated as "National Buyers' Guide," or any other publication or catalog, to the public in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the words "Business and Property Exchange" or any other word or words of similar import as a part of any corporate or trade name, or representing in any manner that they are engaged in the buying, selling or exchanging of real estate or any other property.

(2) Representing directly or by implication:

(a) That the "Confidential Report of Buyers" (now known as "U. S. Buyers' Report"), published by respondents, is a list of prospective buyers for any specific property, or that the names listed in said publication are a screened or handpicked list of prospective buyers for a specific parcel of property, or are known to respondents or their agents or representatives as having cash ready to buy the specific property of persons who purchase respondents' advertising.

(b) That respondents will advertise the property of purchasers of their advertising in nationally distributed or well-known magazines, or over the radio, or in any other manner.

(c) That real estate brokers who subscribe to "National Buyers' Guide" published by respondents, will undertake to sell the specific parcel of property of a purchaser of advertising in "National Buyers' Guide".

(d) That brokers use respondents' "Confidential Report of Buyers" or "U. S. Buyers' Report" to sell the property of purchasers of respondents' advertising.

(e) That the property of respondents' advertisers will be sold in any event, or within a certain specified time, or before the payment for such advertising becomes due.

(f) That Governors of States, Congressmen and other notables, or any other persons, are connected with or endorse respondents' business, unless such is the fact.

(g) That a purchaser is immediately available to buy the specific parcel of property of one who purchases respondents' advertising.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-296; Filed, Jan. 15, 1957; 8:49 a. m.]

[Docket 6359]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NUTRITION ENTERPRISES

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.25 *Competitors and their products:* Competitors' products; § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.* Subpart—*Disparaging competitors and their products*—competitors' products: § 13.1010 *Qualities* or *properties.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Lelord E. Kordel trading as Nutrition Enterprises, Detroit, Mich., Docket 6359, December 27, 1956]

In the Matter of Lelord E. Kordel, Trading Under the Name of Nutrition Enterprises

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Detroit, Michigan, seller with making false representations in advertising in newspapers, circulars, etc., as to the nutritional and healthful qualities of his "Super-Nutriway" mineral and vitamin preparation, and its superior freshness and excellence in comparison with competitive products—and an agreement between counsel providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Lelord E. Kordel, trading under the name of Nutrition Enterprises or any other name or names, his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of the preparation Super-Nutriway, or any other preparation of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication:

(a) That vitamins as usually purchased at retail establishments are stale or have lost their potency;

(b) That the vitamin preparation Super-Nutriway is fresher or more nutritious than other vitamin preparations or products;

(c) That all ingredients in the preparation Super-Nutriway are nutritional elements.

2. Disseminating, or causing to be disseminated any advertisement by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of the preparation Super-Nutriway in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in Paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and

form in which he has complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-297; Filed, Jan. 15, 1957; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2). Amdt. 4 of January 11, 1957]

REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

CHANGE IN LIST A

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there was consultation with industry representatives, including trade association representatives, and consideration was given to their recommendations.

This amendment supersedes Amendment 3 of December 18, 1956 to BDSA (formerly NPA) Reg. 2. It effects BDSA Reg. 2 as heretofore amended by excluding copper-base alloy shot and waffle containing 3 percent or more nickel (by weight) from the category of copper raw materials not subject to ratings.

Item 1 of List A of BDSA Reg. 2 (formerly NPA Reg. 2), as amended by Amendment 3 of December 18, 1956, is hereby further amended to read as follows:

1. The following items are not presently subject to any ratings issued by or under the authority of BDSA and therefore no rating shall be effective to obtain any of them:

Communications services.
Copper raw materials as that term is defined in BDSA Order M-11A (as the same may be amended from time to time), except copper-base alloy ingot, shot and waffle (as defined in that order) containing 3 percent or more of nickel (by weight).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Water.
Wood pulp.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154)

This amendment shall take effect January 11, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57-287; Filed, Jan. 15, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11861; FCC 57-38]

[Rules Amdt. 3-51]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Rules Governing Television Broadcast Stations (Aguadilla, Puerto Rico).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on November 2, 1956 (FCC 56-1067), and published in the FEDERAL REGISTER on November 7, 1956 (21 F. R. 8543), proposing to shift Channel 13 from Arecibo to Aguadilla, Puerto Rico in response to a petition for rule making filed by Hector Reichard.

2. No comments opposing the proposed amendment of the television Table of Assignments were filed. In support of its request, petitioner asserts that the residents of the Aguadilla area are desirous of obtaining a local television service; that because of terrain factors, a local channel is needed to render adequate television service to Aguadilla, a city of 18,276 persons, and to the surrounding area; that the proposed assignment conforms with the Commission's Rules and Regulations; and that, if Channel 13 is allocated to Aguadilla, petitioner will apply for a station on that channel.

3. The Commission is of the view that the proposed amendment would represent a more effective use of available facilities and would serve the public interest.

4. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

5. In view of the foregoing, *it is ordered*, That effective February 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned as follows:

1. Delete from the Table, Arecibo, Puerto Rico.

2. Insert in the Table under Puerto Rico:

City:	*Channel No.*
Aguadilla	13

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: January 10, 1957.

Released: January 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-288; Filed, Jan. 15, 1957; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. 205]

PART 206—FREIGHT COMMODITY STATISTICS

MOTOR CARRIER FREIGHT COMMODITY STATISTICS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of January, A. D. 1957.

Upon consideration of the matter and things involved in the above-entitled proceeding, of the rules and regulations heretofore prescribed herein, and of petitions for reconsideration of the order of December 9, 1955 (20 F. R. 9860) requiring the filing of freight commodity statistics by motor carriers;

And it appearing that the parties have been heard in oral argument, and the Commission, on the date hereof, has filed a report on oral argument containing its findings and conclusions thereon, which report is hereby made a part hereof;

It is ordered, That the order of December 9, 1955, as amended May 21, 1956, in the above-entitled matter and that 49 CFR Part 206 be, and they are hereby further amended as follows:

Section 206.1 *Freight commodity statistics* is amended by adding the following paragraph:

(b) The regulations shall apply only to those class I motor carriers of property having gross annual operating revenue of $1,000,000 or more.

2. Section 206.7 is added as follows:

§ 206.7 *Public inspection.* The individual reports filed pursuant to this part will not be open for public inspection.

It is further ordered, That the said petitions, except to the extent herein granted, be, and they are hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-334; Filed, Jan. 15, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1014]

[AO-287]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 124 AND ORDER NO. 114

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreement No. 124 and Order No. 114, hereinafter referred to as the "marketing agreement and order," regulating the handling of tomatoes grown in the Lower Rio Grande Valley in Texas, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Edinburg, Texas, on September 24–27, 1956, pursuant to notice thereof which was published September 1, 1956, in the FEDERAL REGISTER (21 F. R. 6612). Such notice set forth the proposed marketing agreement and order which were sponsored by producers and handlers of tomatoes in the Lower Rio Grande Valley in the State of Texas.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of tomato marketing research and development projects;

(e) The method for limiting the handling of tomatoes grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of tomatoes for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 1014.82 through 1014.95 and published in the FEDERAL REGISTER (21 F. R. 6612) on September 1, 1956, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and record thereof, are as follows:

(1) All tomatoes grown in Cameron, Hidalgo, Starr or Willacy Counties in Texas (customarily referred to as the Lower Rio Grande Valley or more commonly the Lower Valley) which are handled between such production area and any point outside thereof are either in interstate or foreign commerce or directly burden, obstruct, or affect such commerce. The bulk of the Lower Valley tomatoes moves to markets outside of Texas or to markets located in the larger cities in Texas. Such tomatoes are transported by rail and truck principally to Central States, the Northeastern States, and to the Pacific Northwest. Shipments are also made to other parts of the country in lesser quantities, and many shipments are also destined for Canada. There are numerous markets in Texas which receive large quantities of tomatoes grown in the Lower Valley as well as tomatoes from other areas outside Texas. San Antonio, Houston, and Dallas are the principal tomato markets in Texas. However, smaller quantities are sold in other Texas markets such as Austin, Fort Worth, Corpus Christi, and Amarillo. At the same time Lower Valley tomatoes are being sold and shipped, tomatoes from other producing areas are also being sold in and shipped to the same markets, both in Texas and outside thereof, receiving Lower Valley tomatoes.

Tomatoes grown in the production area compete principally with tomatoes grown in Florida and Mexico. They also compete to some extent with tomatoes grown in other producing areas in Texas, California, and other southern producing areas, such as Alabama and Georgia, since the shipping season for Lower Valley tomatoes overlaps the shipping seasons of such areas. Tomatoes produced in these competing areas compete in the same markets as tomatoes produced in the production area.

Many shipments destined originally for Texas markets are shipped in interstate commerce from such markets. It was testified at the heafing that tomatoes are sold to repackers located in Texas cities and, after ripening and repacking, are oftentimes resold in adjoining States. It was also testified that a large repacker in San Antonio also has a repacking plant in Denver, Colorado. The shipper selling tomatoes to this repacker does not know whether such tomatoes will be transported to San Antonio or Denver. Testimony also shows that tomatoes sold to repackers in Oklahoma are often sold to Texas retailers and are consumed in Texas.

Many rail shipments from the production area are consigned by the shipper to junction points in Texas such as Houston. Before the car reaches the junction point, it is sold and diverted from the junction point to a buyer located in a terminal market, usually outside of Texas.

Any handling of tomatoes grown in the Lower Valley exerts a direct influence upon all handling of tomatoes. The volume of tomatoes from a given producing area, irrespective of whether it is the Lower Valley, Florida, or Mexico, received in a terminal market will have an effect on prices received for other tomatoes offered for sale in that market. Tomato handlers, of course, try to obtain the highest possible return for their commodity. If such handlers expect to stay in business they must keep well informed on market conditions and information, in both out-of-state and Texas markets, and both buyers and sellers use modern means of communicatibns to maintain this close association with market conditions so they can quickly take advantage of a high market.

Texas markets offer shipper opportunities for making sales the same as markets outside of the State. Two handlers who testified at the hearing stated that 30 to 40 percent of their total sales were in Texas markets. Such sales, if ad-

vantageous to the shipper, are as eagerly accepted as other advantageous sales, whether made at shipping point or in the consuming markets such as Boston, New York, or Chicago. The tomato market consists in major part of offering, quoting, bargaining, buying or selling tomatoes. Factors influencing this market are numerous. Such factors include the supply of, and demand for, tomatoes in the production area and in competing areas; the available and potential supplies in the production area and in competing areas; the quality of such supplies; the prices quoted by shippers and receivers; and a great variety of other factors which enter into the meeting of minds between buyers and sellers necessary to consummate a sale.

Such factors are considered by the seller at shipping point and the buyer in the terminal market, because factors influencing prices of tomatoes in the production area are soon reflected on prices paid in terminal markets. In turn, factors influencing prices paid in the terminals are soon reflected in prices received at shipping point. An example given at the hearing was that if Cameron County received a hard rain and Hidalgo County did not, buyers would shift to Hidalgo County points and prices there would probably increase because buyers would be bidding higher in order to obtain the available supplies. It was also testified that if a terminal market such as Houston or Dallas is glutted with culls or low quality tomatoes, prices received for good quality tomatoes are reduced so the receivers can compete pricewise with the poorer quality tomatoes. Another example of the intricate, interlocked, and dependent nature of the tomato market involves factors influencing prices in a competing shipping area. If Florida or Mexico suffers from a freeze which materially reduces the supply available for shipment from such area, prices in terminal markets receiving Florida or Mexican tomatoes react quickly. This in turn is reflected in prices received at shipping points in the production area.

The practice of diverting shipments from Houston or other junction points in Texas is also a result of the intricate nature of tomato marketing. If prices are favorable at the junction point the shipment will be sold on such market. However, if another market appears more favorable to the shipper he will have the car diverted to the second market. Because of this practice of diverting rail shipments, the shipper does not always know at the time of shipment where such shipment will be sold. Truck shipments can also be diverted, but such diversion is usually done at the discretion of the trucker rather than the shipper. If a trucker has purchased tomatoes in the production area, he usually heads for a market within Texas or a nearby State. If conditions are unfavorable at such market he oftentimes moves on to the next market. It is impossible to determine in most cases when tomatoes are sold to a trucker whether such tomatoes will be marketed within Texas or an out-of-state market.

The factors influencing the sale and movement of tomatoes make up the market for tomatoes. The interdependence of the markets both within and outside the State directly burdens, obstructs and affects interstate commerce. The factors making up the market for tomatoes constitute commerce which is so inextricably intermingled that all sale and movement of such tomatoes are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce and therefore all such movement and sale of tomatoes grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Lower Valley Texas tomato farmers have received less than parity prices for their early spring crop tomatoes during six of the ten seasons, 1945–46 through 1954–55. They received an average price for early spring crop tomatoes in three of these ten seasons which was in excess of parity, and during one season, 1948–49, they received the equivalent of parity prices. The relationship of prices received by the farmers for Lower Texas Valley tomatoes has been less favorable during the six year period 1950–55 than during the previous four years. During the latter period, season average farm prices for the early spring crop ranged from 75 percent to 112 percent of parity with prices received by farmers being below parity in all but one of the six seasons. In three of these latter seasons the prices received by farmers averaged less than 80 percent of parity.

For the eleven season period 1945–46 through 1955–56 prices to Lower Valley Texas tomato farmers for the late fall crop was below parity in five of the eleven seasons and above parity during the others. During the 1955 fall crop, prices averaged 80 percent of parity and the previous year the average was 87 percent of parity. The previous season, 1953–54, prices were 112 percent of parity, but during the 1952–53 late fall season, Lower Valley Texas tomatoes returned 66 percent of parity to farmers.

Prices to Lower Valley Texas tomato farmers have prevailed at levels below parity during most seasons despite the organized effort of tomato growers, handlers, and public officials to promote better marketing practices that will protect the growers' interests.

In addition to the facts hereby found that prices to Lower Valley Texas tomato farmers have been below parity for the the early spring season during most of the past ten years and for the late fall season during a significant portion of such seasons, it is also found to be a fact that prices for such tomatoes fluctuate widely within seasons. Furthermore prices vary widely for different grades and sizes of such tomatoes. Prices of such tomatoes are affected not only by the total volume of tomatoes available for market at any time but also by the grade, size and quality of such tomatoes being marketed at any given time.

Market reports show that the price of Texas tomatoes fluctuates throughout the season in terminal markets, also at f. o. b. shipping points and such prices in turn are reflected to the prices paid farmers. These facts are substantiated by the expert testimony of growers and shippers in the record. During the 1956 season the price of U. S. No. 1 quality, 6 x 6 and larger, ranged higher than the prices of 6 x 7 same quality. Also prices of size 7 x 7's of the same quality in general were lower than for the two larger sizes. The price of U. S. No. 2, 6 x 6 and larger was in general about one-half the price of the same size of the No. 1 quality while the price of size 6 x 7 was generally less than one-half the price of the same size No. 1 quality and less than one-half the price of U. S. No. 1, 6 x 6's and larger. In general, the same relationships applied between grade and sizes for grower prices with size 6 x 6 and larger No. 1 quality returning higher prices to growers than size 6 x 7 No. 1 quality and considerably higher than size 7 x 7 No. 1 quality. In the same manner, prices of 6 x 6 and larger, U. S. No. 2 grade returned approximately one-half the price of the U. S. No. 1 quality for the same size, while size 6 x 7 No. 2 quality returned less than size 6 x 6 No. 2 quality and returned less than half the price for size 6 x 6 and larger U. S. No. 1. Similar price relationships hold for the 1955 season, as well as for the 1954 and for the 1953 season. During mid-May of the 1955 season, when f. o. b. prices of size 6 x 6 U. S. No. 1 quality ranged from $3.25 to $3.50 per 30 pound lug for mature green tomatoes the price to growers was 2 to 3½ cents per pound. Later in the season when prices were $2.75 to $3.50 f. o. b. per 30-pound lug, 6 x 6 and larger U. S. No. 1 grade, prices to growers were 1½ to 3 cents per pound. The hearing record shows the fact that similar patterns apply to the 1954 season and for the 1953 season.

The sale of cull tomatoes, the same as the sale of better quality tomatoes, has a direct effect upon the prices paid to Lower Valley tomato farmers. Some shippers do not normally sell all cull tomatoes but when such cull tomatoes are sold the prices received are substantially lower than for either No. 1 or No. 2 quality tomatoes, oftentimes returning only a salvage price. At the same time, such cull tomatoes go into commercial markets competing directly with the sale of better quality tomatoes and the sale of such cull tomatoes at the lower prices has an adverse and a depressing effect upon prices received for the better quality tomatoes and, therefore, tends to depress the prices received by growers for their tomatoes. The record shows that one shipper built up a good trade in some markets for U. S. No. 2 tomatoes, but when shipments of cull tomatoes were not prohibited and some of such poor quality tomatoes got into the markets in which the shipper was selling No. 2's, the demand for his No. 2's fell off substantially. The shipment of cull tomatoes has become a common practice since the prohibition of the movement of such quality was discontinued. Some shippers find it difficult to meet competition from cull tomatoes as long as some other shippers are allowed to sell and transport them. The record of hearing provides substantial evidence by expert witnesses that there is no place in the market for cull tomatoes from the Lower Valley and that there should be authority in the marketing order to prevent their resale and transportation because of adverse, depressing effects on prices to farmers for better grades of tomatoes.

It is also found that there is a need for a marketing agreement and order to help the industry develop orderly marketing practices that will tend to prevent abuses from overweight of containers as well as from lack of uniform sizing of tomatoes within different packs. Provision for placing competition on an even basis with respect to size among shippers is a need that will tend to promote orderly marketing of Lower Valley Texas tomatoes and will help to improve prices to farmers.

The record shows that tomato farmers and shippers in the Lower Valley of Texas have no other means of helping to promote and improve marketing conditions for their tomato crop. The need for a marketing agreement and order to assist them in promoting better marketing conditions and in increasing the prices paid to Lower Valley tomato growers for their crop is substantially shown on the basis of the record.

(3) The term "tomatoes" as used in the marketing agreement and order identifies the agricultural commodity referred to therein and distinguishes it from other agricultural commodities. The term "tomatoes" should be defined to mean all varieties of the edible fruit (lycopersicon esculentum) which are commonly referred to as tomatoes in the production area as well as throughout the United States. The definition of tomatoes as set forth in the marketing agreement and order establishes the identity of the agricultural commodity for which regulation is authorized, and establishes the commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. Tomatoes therefore, should be defined in the marketing agreement and order to mean all varieties of tomatoes grown in the production area.

The term "production area" should be incorporated in the marketing agreement and order as a means of specifying the area within which tomatoes must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all territory in the counties of Cameron, Hidalgo, Starr, and Willacy, in the State of Texas. "Production area", thus defined, contains all of the tomato producing counties in the lower Rio Grande Valley of Texas. Growing and climatic conditions are about the same in the four counties and there are no appreciable or sizeable acreages of tomatoes grown within approximately 150 miles of this area.

There may be minor variations in practices and methods of production, harvesting and marketing tomatoes between counties and within specific counties. Nevertheless, grading and quality standards for commercial sales are the same throughout the production area. The marketing seasons are the same as shown by the tabulation of shipments from the four counties. Each county within the production area has to share and compete in common markets at the same time. Undesirable grades, sizes, qualities and maturities of tomatoes have the same effect in the market on prices paid for Lower Valley tomatoes irrespective of the producing county.

The production area includes four counties which constitute a relatively small area bordered on the south by the Rio Grande River and Mexico on the east by the Gulf of Mexico, and which are separated from other tomato and vegetable producing sections in Texas by non-irrigated range land. The four counties differ from the surrounding counties in that the four counties have been developed for intensive farming of fruits and vegetable crops, including tomatoes, which are grown under irrigation. This section is commonly recognized as a separate and distinct production area by growers and handlers operating there, also by the produce trade in terminal markets and by official publications reporting tomato and other vegetable crops. The production area is so recognized as a distinct entity, commonly referred to as the "Lower Rio Grande Valley", or simply the "Lower Valley", because of the natural barriers of the Gulf, the international border, the insulation of range land, and the separate characteristics of the production and marketing problems encountered there by producers, the customary recognition of the four counties as a production area for tomatoes provides proper basis for the definition of production area.

Highway outlets leading out of the production area are limited to three major highways. Two to the north and one to the west. There is no reasonable method or basis of dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practical and consistent with carrying out the declared policy of the act, and the production area therefore should be defined as hereinafter set forth.

(4) The terms "handler" and "shipper" are synonymous. They should be defined to identify those persons who handle tomatoes in the manner described and set forth in the definition of "handle". The definition of handler establishes and identifies the persons who are to be subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of handling or shipping tomatoes or who causes tomatoes to be handled or shipped is a handler. Such persons are responsible for the grade, size, quality and maturity of tomatoes delivered to transportation agencies or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce and such persons are handlers.

Common or contract carriers transporting tomatoes which are owned by another person are performing a handling function, but such handling should not be regulated under the marketing agreement and order because such carriers are not responsible for grade, size, quality and maturity of the tomatoes being transported, neither are they responsible for the introduction of such tomatoes in the stream of interstate commerce. Also, the sole interest of common or contract carriers in such tomatoes is to transport them for a service charge to destinations given by others. The person or persons delivering tomatoes to a common or contract carrier should be responsible for the grade, size, quality and maturity of such tomatoes. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

The term "handle" is defined in the marketing agreement and order to determine the particular transactions in the marketing of tomatoes, as defined herein, which fall within the authority for regulation under this program. "Handle" and "ship" are interchangeable and their definition should include the acts of selling and of moving, or otherwise transporting, tomatoes between the production area and any points outside thereof.

The great bulk of tomatoes grown in the production area is subjected, either in the field or more usually at packing houses, to grading and packing operations prior to moving to market. The tomatoes are picked by trained crews under the supervision of a grower or of a handler, i. e., packing house operator. After picking, the tomatoes are hauled to the platform of the packing house. Title to the tomatoes is usually transferred from the grower to the handler at this point. The handler takes the field-run tomatoes and runs them through the packing house for washing, grading, sizing, packing and loading. The handler makes sales, either direct to other handlers at shipping point, or to receivers or brokers in terminal markets in metropolitan or other areas outside the State or in the State. Also in some instances tomatoes are consigned to such markets.

The growing of tomatoes in the production area is a producer function and should be construed as an activity of the producer in his capacity as a producer. The harvesting of tomatoes, particularly when harvested by a crew employed by or under management of a packing house operator, also the sale or transportation of tomatoes to a packing house, i. e., to a recognized or registered handler within the production area, for grading and packing, although physically a part of a handling activity, should not be regulated under this program as such tomatoes have not yet been prepared for market. For the bulk of the tomatoes grown in and marketed from the proposed production area, the packing house operator is the handler or the person responsible for preparing the tomatoes for market and for transporting or selling the tomatoes, i. e., placing them in the channels of commerce. Compliance with the regulations which are authorized by the marketing agreement and order can readily be determined by such

handler since it is he who determines the grades, sizes, packs and weights to be shipped. Of course, all subsequent handlers of such tomatoes in the production area should also have responsibility for the grade, size, quality and maturity of the tomatoes at the time such persons handle the tomatoes.

It is common practice for producers to sell or deliver their tomatoes to persons having facilities for packing and otherwise preparing the fruit for market, i. e., to persons who are generally recognized as tomato handlers. The producers, in such instances, properly rely on the persons preparing the tomatoes for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Thus, there should be excepted, in such instances, the movements of tomatoes from the fields to the places where the fruit will be prepared for market. It is necessary, however, to limit the scope of this exception in order to insure compliance with the regulations established under the program. Hence, it should be required that the facilities where the tomatoes are to be prepared for market be located within the production area. Otherwise, it would not be practicable for the committee to check effectively on the disposition of the tomatoes delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of tomatoes for market has registered with the committee in accordance with such rules as it may, with the approval of the Secretary, prescribe. Registration would be necessary because some tomatoes are prepared for market in places located at or near tomato fields and it is necessary that the committee have knowledge of these locations for enforcement purposes. It is intended that the committee, under its rules, will register all handler-applicants whom it is reasonable to believe will conduct their packing and handling operations in accordance with the program requirements. It is also intended that all recognized handlers and other prospective handlers desiring to conduct their business in the usual or customary manner will register with the committee in order to enable them to obtain tomatoes without their having to meet program requirements at the time of deliveries by the producers or others.

There are some exceptions to the general rule, as outlined above, concerning handling activities for Lower Valley tomatoes. Some such tomatoes are graded and packed in the field where grown and are moved directly from the field to markets outside the production area by the producer or by truckers who purchase the tomatoes from the producer. Such persons would presumably not normally be registered handlers. However, each such sale or movement within the production area is a handling activity and, as such, makes the producer who sells the tomatoes a handler and subject to rules and regulations issued under the marketing agreement and order, because such actions place the tomatoes in the stream of commerce between the production area and points outside thereof. In like manner, the trucker who transports such tomatoes to market outside the production area also directly affects interstate commerce in tomatoes and, therefore, is subject to the terms and provisions of the marketing order.

It has been a practice in the production area to sell or to ship some tomatoes as they are picked in the field to repacking plants in the State of Texas but outside of the production area. This practice also constitutes "handling" on the part of the producer or seller. If the repacking plant, however, is located within the production area, then the operator of the repacking plant becomes the handler.

The sale or transportation of tomatoes within the production area for consumption within the production area should not be considered a handling activity under the marketing agreement and order. As there are no large population centers within the production area, such shipments are comparatively small and their regulation would be burdensome without any appreciable benefits. Also, the definition of the term "handle" does not include the sale at retail of tomatoes by a person in his capacity as a retailer.

With the exception of the activities which are specifically excluded from the definition of the term handle, all transportation and sales of tomatoes, from the time they are harvested until they move outside of the production area, should therefore be included within the definition of the terms "handle."

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

The definition of "Act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as when used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of tomatoes within the production area, and who is producing such tomatoes for market. A definition of the term "producer" is necessary for appropriate determinations as to eligibility to vote for, and to serve as, members or alternate members of the committee and for other reasons. The term should be limited to those who have an ownership interest in tomatoes produced in the production area. It should not include laborers or others who perform work for a fee or for hire in producing tomatoes.

There was considerable discussion during the hearing with respect to the interpretation of the definition of producer particularly as such interpretation would apply to persons eligible to serve as committee members. The problem of determining who is a producer and who is not a producer for the purposes of the marketing agreement and order is affected by numerous credit and financial arrangements currently existing among persons connected with the growing and marketing of tomatoes within the production area.

A producer is any "person" who produces in a proprietory capacity tomatoes for market. Inasmuch as a person is defined as an individual, partnership, corporation, association, or any business unit, each such person establishes a legal entity. Each person or legal entity, whether an individual, partnership, joint venture, or corporation, so engaged in the production of tomatoes for market, should have one voice in selecting committee members and alternates in the district.

The term "producer" should be limited to those who have an ownership interest in the tomatoes which gives them title or authority to pass title to such tomatoes. The person who owns and farms land resulting in his ownership of the tomatoes produced on such land should clearly be considered as the producer of such tomatoes. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a portion of the tomatoes produced thereon. Likewise a person who owns land which he does not farm but as rental for such land obtains the ownership of a portion of the tomatoes produced thereon should be regarded as a producer of that portion received as rent and the tenant on such land should be regarded as a producer of the remaining portion produced on such land. In each of the above situations where the person acquires ownership of all of the particular tomatoes such person regardless of whether he is an individual, partnership, association, corporation or other business unit should be considered as one producer and entitled to one vote. However, in cases where the ownership is divided, that is where one person obtains ownership of only a portion of the particular production and another person obtains ownership of the other portion of such production, such as a landlord-tenant relationship, each such person should be considered as a producer and entitled to one vote. However, in the case of a partnership, the partnership must vote as a unit.

The most common type of partnership appears to be the arrangement whereby one person puts up all or part of the capital and the other contributes machinery or skill, or both. Another arrangement provides that one person is responsible for selling the crop and another in growing and harvesting the tomatoes. Capital, machinery and labor may be contributed in varying degrees by each of the partners. The partnership, however, is an entity and under the definition of "producer" should have only one vote, the same as an individual or corporation. Any action with respect to such an organization regarding voting matters depends, therefore, on the partnership agreement and action by the partners pursuant thereto, irrespective of whether the partnership is composed of individuals, corporations, or combinations thereof.

Persons engaged in tomato growing operations and paid for their services on a wage or per unit of production basis should not have a producer status in the marketing agreement and order if such persons do not have title to any of the tomatoes.

"Grading" or "preparation for market" are interchangeable and means the sorting of tomatoes by hand or mechanical means, or both, so that such tomatoes are separated into grades, sizes, maturities and packs. Such classifications are determined by the handler who directs, in person or through his agent, how and in what number of classes a particular lot of tomatoes should be separated. Grading may vary from an operation performed entirely by hand in which certain tomatoes are picked out when they are being loaded at the field to a production line operation. In the latter method tomatoes are carried by mechanical conveyor through the grading operation. They are first washed and waxed. They are then carried to a series of movnig belts and tables where sizes are determined and good quality, as represented by grades, sizes, and maturities, or any combination thereof, is separated from bad. It is in this operation where the tomatoes which should go to preferred price outlets are separated from those going to discounted price outlets. "Grading" or "preparation for market" is an operation which applies to all tomatoes grown in the production area even though the extent to which tomatoes are separated into market classes may vary considerably among the types of outlets.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grading and size limitations to the products they handle. "Grade" and "size", the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned to these terms in the official United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture and to modifications or amendments of such standards and to variations of such standards by regulations under the marketing agreement and order. Regulations under the order can then incorporate such terms (grade, size and maturity) with the constant meaning assigned thereto in such standards or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example a percentage of grade. Official inspectors are qualified to certify to the grade, size, and maturity of tomatoes grown in the production area under the terms of the aforesaid standards or modification or amendment based thereon.

"Grade" and "size" should also be defined as comprehending the equivalents of the meanings assigned these terms in the official United States Consumer Standards for Fresh Tomatoes issued by the United States Department of Agriculture and to modifications or amendments to such standards and variations of such standards by regulations under the marketing agreement and order. The United States Standards for Fresh Tomatoes are generally used for shipments of tomatoes from the production area. However, with the increase in importance of tube packing in the shipment of "pinks" from the production area the use of the United States Consumer Standards for Fresh Tomatoes may become more customary and they should be available as a basis for regulation under the marketing agreement and order.

"Pack" should be defined as a basis for distinguishing the various units in which tomatoes are prepared for market, and shipped. The term "pack" is commonly used throughout the tomato trade and refers to a combination of factors relating to grade, size, and maturity of tomatoes and frequently to quantity and type of container. For example, U. S. No. 1 grade tomatoes, 6x6's, when put in 60 pound wire bound crates may be referred to as a specific pack. U. S. No. 2, 6x7's, also may be termed as a specific pack and with additional differentiation when packed in lugs or other various types of containers. The term "pack" should mean any pack of tomatoes as set forth in the United States Standards for Fresh Tomatoes and, in addition, it should include any other packs recommended by the committee and approved by the Secretary. Since some Texas tomatoes are "jumble" packed as opposed to the "place pack," the committee should be permitted under its rules and regulations to define and establish such packs in terms of size tolerances, grades allowed, weight of contents, and maturity in their relationship to the unit being marketed, in addition to United States Standard packs as set forth in the official standards.

"Maturity" should be defined as set forth in the marketing agreement and order. Although the bulk of Texas tomatoes are marketed as "mature greens," "pink" and "vine ripened" tomatoes are assuming an important place in the market. The application of different maturity stages to any regulations recommended by the committee would permit a basis for different regulations for mature green tomatoes and for those with a greater degree of maturity. Mature green tomatoes are considered by many handlers as more firm and less susceptible to bruising, growth cracks, and other injury or defects, than are tomatoes shipped as "pinks" or "vine-ripened" which are in later stages of maturity. Inspectors are qualified to inspect and certify for any maturity level which may be recommended by the committee.

The term "container" should be defined in the marketing agreement and order to mean a box, bag, crate, hamper, basket, package, tube, or any other type of receptacle which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which tomatoes are sold or moved to market for which different regulation could be applicable.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences and characteristics of different varieties and different types of tomatoes, and the differences in types of regulations which might be considered and recommended therefor. The principal variety grown at the present time for the spring deal is the Rutgers. The Grothen Globe is the leading fall crop variety. However, new varieties, such as the Weshaven and the Valiant, which differ in some respects from the aforementioned varieties, are increasing in importance. Also, there is an increase in marketing different types of tomatoes grown in the production area. For example, the "mature greens" are the most important type, but "pinks" and "stemmed" tomatoes are increasing in importance. The means set forth in the definition of varieties is appropriate for determining different varieties or types of tomatoes grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words in referring to the administrative agency in the marketing agreement and order.

A definition of "fiscal period" should be incorporated in the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. Such period was set forth in the notice of hearing as "beginning August 1 and ending July 31 following." However, it was testified at the hearing that the orginally proposed beginning and ending dates would not be satisfactory. While two crops of tomatoes are normally produced in the production area, i. e., a fall crop and a spring crop, the regulation of the fall crop does not appear to be likely at any time in the near future. It was also agreed that the fiscal period should begin reasonably near to the time when it is anticipated that active regulation of the commodity will commence in order to insure that collections will be made in adequate amounts to cover the costs of operations so that at the beginning of each season monthly deficits caused by operating costs can be avoided as much as possible. This undesirable result should be avoided by fixing the beginning of the fiscal period reasonably near the beginning of active regulation, which at this time would presumably be the time of the handling of the spring crop. It seemed to be generally agreed that an

appropriate time for such period at the present time would be to have it begin on March 1 and end on the last day of the following February and it is concluded that such beginning and ending dates should be the ones adopted for initial use.

However, it is possible that, at some future date, it will be deemed to be desirable to regulate the fall crop. Also, it has happened in some years that shipments from the spring crop are made before March 1. Such shipments are known to have been made as soon as the early part of January. Because of the continuing desirability of starting the fiscal period as close as reasonably practicable to the beginning of active regulation, some latitude should be given for changing the beginning and ending dates to meet changed circumstances, such as those indicated in the two preceding sentences. This latitude would be afforded by the addition of an authorization in the definition for changing of the beginning and ending dates by the Secretary pursuant to the recommendation of the committee.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area either as initially established or as later reestablished in order to provide a basis for the nomination and selection of committee members for regulatory purposes. The proposed division into districts is adequate and equitable, and it provides a practical basis for the purposes for which intended.

"Export" should be defined in the marketing agreement and order as any shipment of tomatoes beyond the boundaries of the continental United States. Separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market and therefore different or special regulations or even no regulations may be justified with respect to such shipments. It is found from the evidence that Lower Valley tomato producers and handlers customarily consider an important distinction between such export markets as Canada and Mexico. Authority should be provided to permit different regulations for each of these markets, as well as for other markets, as circumstances may warrant. Territories and possessions of the United States should be included under the term "export" because any shipments to such markets would tend to satisfy a different type of demand than domestic shipments.

(b) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Texas Valley Tomato Committee, composed of nine producer members of whom at least four should be producer-handlers. Establishment of this committee would be desirable and necessary to aid the Secretary in carrying out the declared policy of the act. The establishment of such a committee is authorized by the act. The notice of hearing provided for an administrative committee composed of nine producer members. It was testified that such a number had been generally agreed upon by the industry as being the least number of members which could represent properly all segments of the production area. Because practically all handlers of tomatoes in the Lower Valley are also producers, the proponents did not believe it was necessary to specify that a certain number of committee members should be handlers. However, evidence was introduced at the hearing to the effect that the Committee membership should include producer-handlers so that committee deliberations would be assured of the benefit of the handlers' experience in the marketing of tomatoes and their knowledge of market conditions. While the original proposal, as set forth in the notice of hearing, did not exclude producer-handlers, the evidence was such that the marketing agreement and order should specify that a certain percentage of the membership be producer-handlers to insure that such persons are named to the committee. Testimony as to the desirable number of producer-handler members related both to four and to five. Since the primary purpose of the program is to improve marketing conditions for Lower Valley tomatoes so that farmers' prices will be raised towards parity, the provision that each committee member and alternate must be a producer of such tomatoes and at least four of such members must be producer-handlers, should help to promote the objectives of the act. Inasmuch as alternates serve for their respective members in the event of the absence or disqualification of the latter, it should also be required that at least four of the nine alternate members shall be producer-handlers. This plan of representation should provide adequate and equitable representation of the tomato grower and handler interests in the Lower Valley and such producer-handler representation should help to insure comprehensive coverage of tomato marketing problems.

Each person selected as a member of the committee should be a producer or an officer, or employee of a producer, of tomatoes in the district for which selected, and should also be a resident of the production area. "Producer" is proposed to be defined as meaning any person engaged in a proprietary capacity in the production of tomatoes for market. "Person" is proposed to be defined as meaning an individual, partnership, corporation, association, or any other business unit. In addition to the qualifications for producers, producer-handler members should be persons engaged in packing and shipping tomatoes grown in the production area, or persons who are officers or employees of a producer-handler. It was testified that cooperative associations of tomato producers operate in the area by marketing tomatoes for their grower members. It is appropriate that an officer or employee of such a cooperative will be deemed to be eligible to serve as a producer-handler member or alternate member of the committee. Therefore, the requirement that a producer or producer-handler member of the committee should be a producer or producer-handler or an officer or employee of a producer or a producer-handler should not exclude any qualified individuals from serving on the committee. A person with such qualifications should be intimately acquainted with problems of producing and/or marketing tomatoes grown in the production area and each may be expected to present accurately the problems incident to production or marketing of tomatoes grown in his district. Qualifications for each alternate should obviously be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in committee deliberation.

Each committee member and his respective alternate should serve for a one-year term of office ending as of July 31 and for any additional period needed for the selection and qualification of his successor. Such a term of office is reasonable and will allow the tomato industry to express its approval or disapproval of the committee membership at the end of any season and prior to beginning a new season. August 1 is an appropriate date for the beginning of a term of office because it is between the end of the spring growing season and the beginning of the fall growing season. In addition, no shipments of tomatoes grown in the production area are being made at that time of the year. By beginning the term of office on August 1, each new committee will be authorized to start its term between the end of an old season and the beginning of a new. Committee members and alternates should be selected for the term of office during which they are to serve and until their successors are selected and have qualified in order to insure continuity of committee operation.

Districts should be established to provide a basis for the selection of committee members. The districts as initially established were worked out by the industry and they represent the best basis which could be devised at this time for providing a fair, adequate and equitable representation on the committee.

The proposed production area comprises four counties to be divided into four districts, one for each county. These districts are logical and desirable, because county lines are well defined, and producers and handlers are familiar with such county boundaries. Each person qualified for voting can easily establish the county within which his holdings are located.

The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvement should be made. The guides, as set forth in the marketing agreement and order, which the committee should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of the tomato industry.

It is practical and equitable that selection of committee members and alternates should be on a geographical basis such as the districts provided for in the marketing agreement and order. Such geographical basis should be, and for purposes of initial membership has been, related to the number of producers in the production of tomatoes within the production area so that a practical basis for establishing equity has been reached.

Procedure for the election of nominees by producers and producer-handlers for membership on the committee should be prescribed in the marketing agreement and order. Such provisions will provide the Secretary with assistance by the tomato industry in selecting members and alternates for the committee. Nomination of prospective members and alternates at meetings of producers and producer-handlers in the respective districts is the customary and practical method of providing the Secretary with the names of persons whom the industry desires to serve on the committee. In order to obtain an indication of the industry's preference for membership on the initial committee, meetings of producers and producer-handlers should be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. This sponsorship should provide a practical and appropriate means for the industry to express its wishes and preferences with respect to committee membership, inasmuch as no committee would be in existence to assume such responsibility at that time.

Nomination meetings for succeeding members and alternates on the committee should be called by the committee, because it is practical, proper, and appropriate that the responsibility for calling nomination meetings for succeeding members should rest with the committee as the administrative agency for program operations. The committee should also be permitted to utilize the services of other agencies, such as, but not limited to, Extension Service representatives, to assist in conducting such nomination meetings.

It is appropriate and proper that the committee should be required to hold nominations for successor members and alternates not later than June 15th of each year, since the term of office of committee members and alternates is proposed to begin as of August 1 of each year. Nomination meetings for such successor members and alternates should be held in sufficient time to assure that nominations will be forwarded to the Secretary in time for him to make his selections prior to the beginning of each new term of office.

If the committee wishes to hold nomination meetings in connection with other meetings that are conducted on tomatoes in any or all districts, it is appropriate and proper that such nomination meetings may be so held. If on the other hand, the committee wishes to hold separate nomination meetings it is a matter of judgment and responsibility which should properly fall within the judgment of committee members.

At least two nominees should be designated for each position as member and each position as alternate, so that the Secretary will have a choice in making his selections. It is appropriate, and the marketing agreement and order should provide, that producers and producer-shippers voting at such industry meetings may ballot for nominees to indicate the ranking of their choice for each position to be filled. Nomination lists should be supplied to the Secretary not later than July 15, of each year, so that the Secretary may have sufficient time in which to select committee members prior to the beginning of the succeeding term of office.

Only producers and producer-handlers should participate in nominating members and alternates for the committee, because they are the persons who will be concerned with program operations and the persons whom the program will be designed to benefit.

If a person produces tomatoes in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the committee. Any other procedure would give such persons a greater voice than other producers in the nomination of committee members.

Each producer or producer-handler participating in the industry meetings for the election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives. Voting on any other basis would not provide for equitable representation, because it would give producers and producer-handlers with interests in more than one district a greater voice in the election of nominees than such persons operating in only one district. The limitation of each producer's or producer-handler's right to cast one vote on behalf of himself should be construed to mean that one vote may be cast for each position which is to be filled. For example, if there are three members to be nominated from a district and three alternates to be nominated from such district, then each grower should be privileged to cast one vote for each member position and one vote for each alternate position. Such votes should be cast only in the district in which a producer or producer-shipper elects to vote. Each producer or producer-shipper presumably is interested in nominating well qualified prospective members and their interest is to be expressed in the district where they consider their major interest exists. It is presumed also that such producers and producer-handlers are dependent on tomatoes for an important part of their income. It is only fair that each grower should have the same voice in electing each person who will represent his district on the committee.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs. This provision is intended to insure continuity in case the industry fails to forward nominations to the Secretary in time for the selection to be made. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operation and to insure that all portions in the production area are equitably represented in the conduct of committee business. In order that there will be an administrative agency at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nominations if for any reason nominations are not submitted to him in conformance with the prescribed procedure. Such selection should be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will continue as prescribed.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary written acceptance of his willingness and intention to serve in such capacity. Such requirement is necessary so that the Secretary will have definite knowledge as to whether or not the position has been filled. In order to prevent excessive delay in obtaining full membership on the committee such acceptance should be filed within 10 days after notification of appointment.

An alternate member should be authorized to act in the place and stead of the member for whom he is an alternate in such member's temporary absence. An alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or the disqualification of the member. Alternates acting in the place and stead of members should continue to act in such capacity until the successor for the member has been selected and has qualified. This would assure continuity of the marketing agreement and order operations, prevent the committee from being without sufficient members to carry on its business, and assure adequate representation from all districts at committee meetings.

At least six of the nine members of the committee should be necessary to constitute a quorum. This would require a two-thirds majority of the committee membership and should provide ample representation from each district. Six concurring votes should also be necessary to pass any committee action at an assembled meeting. Two-thirds majority of the committee membership for a quorum and for approval of any committee action is deemed reasonable and provides a basis for adequately reflecting industry thinking in marketing problems. At assembled meetings all votes should be cast in person so the participating members will have the benefit of the discussion when casting their votes, and also to encourage members to attend assembled meetings.

The committee should have the authority to hold meetings by telephone, telegraph, or other means of communication because marketing conditions affecting tomatoes often change rapidly and it may be necessary for the committee to take speedy action which would be delayed by calling an assembled meeting. Any vote cast at such a meeting should be confirmed promptly in writing in order to provide a written record of the votes so cast. In addition any action taken as a result of a vote at an unassembled meeting should be unanimous, because members will not have the op-

portunity for discussion at such meetings. If a question should be so controversial that there is not unanimity of opinion, an assembled meeting should be held so the matter can be fully discussed.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of services to the committee. Such expenses will necessarily be incurred in attending meetings in connection with the marketing agreement and order, or in performing duties for the committee outside the committee meetings. Such expenses might include travel, meals, hotel accommodations, and similar expenses. In other words, they should include actual expenses reasonably necessary to be incurred in the performance of duties in connection with the marketing agreement and order, but should not include per diem reimbursement for time involved.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are authorized to be granted by the enabling statutory authority and they are necessary for an agency of the character set forth in the marketing agreement and order to function properly.

The committee's proposed duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the committee will be necessary for the committee to carry out its responsibilities as prescribed in the marketing agreement and order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which are incidental to and not inconsistant with the terms and conditions of the marketing agreement and order and which the committee may also need to perform.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of the marketing agreement and order. Expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments under regulation to the total shipments under regulation by all handlers during a specified fiscal period. Tomatoes grown in the Lower Valley involve two separate crops. In addition to the principal late spring crop, a fall crop is grown which the industry may not wish to regulate during some seasons. In this connection, it was testified that the fall crop has, for various reasons, been diminishing in importance during recent seasons and, at the present time, represents a comparatively small percentage of the total production. It is obvious that, in any season when the fall crop is not regulated, the producers and handlers of that crop would not share in the benefits of the proposed program and that, in such circumstances, it would be inequitable to require the tomatoes from such crop to bear any part of the program expenses. On the other hand, during any fiscal period when the fall crop is regulated, the tomatoes from that crop should bear their proportionate part of the program expenses. It is believed that the indicated objectives for the proration of program expenses could be equitably achieved by imposing assessments only on tomatoes which are shipped under regulation. Under such a method, the fall crop would be assessed only in the event it was regulated. The basis for determination of the ratio of shipments by individual handlers subject to assessments should be based upon the total shipments of regulated tomatoes by first handlers thereof.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order for such a period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof. It is desirable that the committee should recommend to the Secretary the rate of assessment designed to bring in during each fiscal period or period of regulation sufficient income to cover expenses incurred by the committee.

The funds to cover the expenses of the committee should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies such as the Texas Valley Tomato Committee and the statute also requires that each marketing agreement and order issued pursuant to the act should contain provisions requiring each handler to pay his pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement are suspended, or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be necessary by the committee in each fiscal period. As indicated above, such pro rata share of expenses in the present situation should be equal to the ratio between the total quantity of tomatoes under regulation handled by him as the first handler thereof during the period of regulation and the total quantity of tomatoes under regulation handled by all handlers during the same period. It is necessary that the responsibility for the payment of the assessment on each lot of tomatoes be fixed and it is logical, proper, and equitable to impose such liability on the first handler of such tomatoes. In most instances the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for and obtain inspection, this does not in any way cancel his obligation with respect to the payment of assessments.

Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example assessment rates may apply to carlot shipments or they may be applied to a crate, lug, or to any other unit of shipment commonly used in the marketing of tomatoes grown in the production area. However, such assessments for a fiscal period should be applied on a uniform rate basis.

At any time during, or subsequent to, a given fiscal period the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and if he finds that the then current rate of assessment is insufficient to cover committee administration of the marketing agreement and order, he should be authorized to increase the rate of assessment. The marketing agreement and order should authorize the application of such increased rate of assessment to all tomatoes previously handled by first handlers during the specified period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the marketing agreement and order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate as well as employees, agents, and other persons working for, or on behalf of, the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority at any time to ask for such accounting. Whenever any person ceases to be a member of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person should also be prepared to execute assignments or such other instruments which may be appropriate to vest in his successor or agency or person designated by the Secretary the right to all such property and all claims vested in such person.

Any committee member, however, or any personnel responsible for committee funds or assets should be covered by an appropriate fidelity bond. Such requirement is a common sound business practice that should be followed by the committee and should be required of all persons handling committee funds.

If the committee should recommend that the operations of the marketing agreement and order should be suspended or if no regulation should be in effect for a part or all of the marketing season the committee should be authorized to recommend as a practical measure that one or more of its members or any other person should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports shall be requested by the Secretary at appropriate times such as at the end of each marketing season or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period or at the end of such other period as may be deemed appropriate by reason of suspension or termination. Such refund should be credited to each such handler against the operations of the following fiscal period unless he should demand payment thereof in which event such proportionate refund shall be paid to him.

If and when the committee is required to wind up its affairs upon termination of a marketing agreement and order authorizing such agency, considerable expense is involved in the liquidation process. It is appropriate, therefore, that if funds, which are in excess of those necessary for payment of expenditures during such period, remain at the end of a fiscal period. Some of such funds should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation in the event that the marketing agreement and order are terminated. It is not anticipated that any such reserve will be accumulated in an amount in excess of what might be the reasonable cost of such liquidation action.

Any funds remaining after liquidation has been effected should be refunded to handlers on a pro rata basis. In some cases, however, individual handlers' accounts may be so small it would be impractical because of the costs involved to make such refunds. The committee should be permitted to use funds of such insignificant nature for purposes of liquidation.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes was authorized by amendments to the act in Public Law 690 known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Research projects with respect to market development, transportation, handling methods, containers, and studies on the relative merits of different stages of maturity at which tomatoes are marketed could be of considerable value to the committee, with respect to the recommendation of regulations, and to the industry in general. It was testified at the hearing that the tomato industry in the Lower Rio Grande Valley could improve its methods with respect to grading, packing, shipping, and harvesting, so that the product offered to the consumer will receive better acceptance and thereby increase returns to tomato growers.

As the industry and the committee become more aware of the value of and need for marketing research and development, other projects will undoubtedly be initiated which may not be apparent early in committee operations. Therefore, the committee should have the authority to recommend the establishment of such projects which are in the best interests of tomato marketing, and which will assist, improve, and promote the marketing, distribution, and consumption of Lower Rio Grande Valley tomatoes. The committee should be authorized to engage in or contract for such projects, spend funds for such purpose, and consult and cooperate with other agencies with regard to their establishment. All such projects should receive prior approval by the Secretary in order to insure that such projects properly come within the purview of the indicated statutory authority.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for tomatoes, among other commodities, as will tend to establish parity prices for such tomatoes. The regulation of the handling of tomatoes by grade, size, quality, or maturity as proposed to be authorized in the marketing agreement and order should provide a means of carrying out such policy and is one of the methods authorized by the act (in section 8c (6)) for achieving that objective.

The proposed marketing agreement and order outline certain procedures and methods for the development and institution of marketing policies relating to grade, size, quality, or maturity regulations. Such procedures and methods should provide a practical basis for the committee to obtain appropriate and adequate information relating to tomato marketing problems. A marketing policy is essential each season to provide an overall plan or policy for the committee and the industry with respect to the marketing of tomatoes grown in the area during the marketing season. A marketing policy should indicate to all producers and handlers the general outlook or plan the committee intends to follow in recommending regulations with respect to tomatoes covered by the marketing agreement and order. It would also provide information to handlers so that they may make adequate preparations with respect to anticipated regulations.

In order that the Secretary may carry out effectively his responsibilities in connection with the proposed marketing agreement and order the committee should prepare and submit to the Department of Agriculture a report on each proposed marketing policy statement or amendments thereof, relating to the marketing of tomatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to, or simultaneous with its initial recommendations for regulations. This should help to give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policy are those commonly and usually taken into account by the industry in its day-to-day evaluation of the market outlook with respect to tomatoes. They are adequate and proper for the intended purposes. Limitation of the handling of poorer grades, off-qualities, and less desirable sizes and maturities of tomatoes grown in the production area should tend to increase prices of more desirable grades, qualities, sizes and maturities and thereby increase returns to producers of such tomatoes. The standards for fresh tomatoes issued by the United States Department of Agriculture would provide a common and acceptable means of determining grades, sizes, qualities, and maturities of tomatoes handled under the marketing agreement and order. Such standards are widely used throughout the area and both producers and shipping point handlers, as well as buyers, are generally acquainted with such standards and commonly use them in their market transactions. Authority should be provided for limiting the grade, size, or quality of tomatoes which may be placed in any given pack or container. Tomatoes affected by numerous serious defects may be of such low market quality that they do not qualify as any established grade under the United States Standards for Fresh Tomatoes. Such low grade tomatoes are officially referred to as "unclassified" and in trade parlance as "culls". Some tomatoes, although qualifying for an official United States grade may be of lower quality than the U. S. No. 1 or better grade, and sell at substantial discount from No. 1 or better grade. Similarly, certain smaller sizes, such as 6 x 7 and 7 x 7, sell at discounts from larger sizes, such as 6 x 6 and larger. The discounted grades and sizes are commonly referred to in the Lower Valley tomato trade as the poorer stock. The limitation of the handling by restricting movement of poorer grades, off-qualities, and less desirable sizes of tomatoes will help to improve orderly marketing conditions for such tomatoes by enhancing the long run demand for, and the competitive position of, tomatoes grown in the production area.

The orderly marketing of tomatoes grown in the production area will be promoted and farmers' returns will tend to be increased toward parity by authorizing regulation of the handling of particular grades, sizes, qualities, or packs of tomatoes differently for different varieties, differently for different stages of maturity, differently for different

portions of the production area, differently for different containers, differently for different purposes for which modification or suspension of regulations may be applied, or differently for any combination of these groups during any period.

The hearing record shows that certain markets in Texas, Dallas and Houston in particular, do not readily accept the better grades of tomatoes because of the culls which were commonly sold on such markets. When culls appear in appreciable quantity on such markets terminal market receivers resist buying No. 1 or No. 2 grade tomatoes except at cull prices. Because of these experiences most shippers do not try to sell better grades in these Texas markets.

Farmers' prices for the better grades of tomatoes were much greater than for the poorer grades. The hearing record shows that, in an example offered by a competent witness, farmers received only 42 percent of the U. S. No. 1 price for U. S. No. 2 grades of the same sizes. Returns from culls were so low that they were used for overall operation of the organization. Another shipper testified that last season, according to his records, U. S. No. 2 tomatoes usually returned about 50 percent of the U. S. No. 1 price for tomatoes of the same sizes. Culls were sold at the packaging house and usually returned less than five percent of the U. S. No. 1 prices for all sizes, and less than ten percent of the U. S. No. 2 prices.

The marketing agreement and order should include authority for regulating differently for different sizes of tomatoes. Evidence shows there is a variance in the Valley with respect to sizing at the present time. Some shippers, for example, will include some 6x6 size tomatoes in 6x7 packs in order to gain a slight competitive advantage over other shippers. The competing shippers then adopt the same practice or include even larger sizes. This results in a confused market which works to the disadvantage of the tomato industry in the Valley and reduces farmers' tomato prices. A receiver does not know exactly what sizes he will receive especially if he is buying from more than one shipper. This confusion has a depressing effect on the market which is in turn reflected on prices received by growers. Such practices affect growers' prices to a greater extent when growers are selling to shippers on a pack-out basis. For example, a grower receives a lower 6 x 7 price for the proportions of higher priced 6 x 6 tomatoes put into a pack marked and sold as 6 x 7 pack. The record shows that uniform sizing, if required under the marketing agreement and order, should help to restore confidence on the part of buyers with respect to sizes ordered and received, should tend to stabilize the market for particular sizes, and should eliminate the price-depressing factors which adversely affect growers' prices, thereby promoting more orderly marketing and tending to increase farmers' prices toward parity.

Demand for different varieties of tomatoes establishes price preferences for different grades or sizes or both of such varieties. For example, evidence shows the demand for "pink" and for "stemmed" tomatoes differed from the demand for mature greens. Stemmed tomatoes will return more per pound than mature greens and in some cases are generally of poorer quality, when judged by existing United States Standards, then the mature greens, in that they have more exterior defects. New varieties are being tried in the production area particularly with respect to the production of pink or stemmed tomatoes which may require differences in the application of regulations with respect thereto. There are also difference in varieties now grown in the production area. The Grothen Globe is a good example. This variety differs from other varieties, particularly the Rutgers, because it sometimes runs into difficulty in making grade because of shape. The authority to limit the grade and size of Lower Valley tomatoes differently for different varieties or types should include the authority for distinguishing between types of tomatoes as they are marketed. Such various types may include tomatoes with stems on, as distinguished from stemless tomatoes. The difference in market acceptability of such tomatoes, as well as differences involved in physical handling and packing, provides a factual basis for market distinctions which should be recognized in the marketing agreement and order.

Different regulations in terms of different stages of maturity will enable the committee to adjust its recomendations to meet different marketing problems. With the increasing importance of the "packing house pink or vine-ripened deals," repacking operations within the area may increase, which would necessitate consideration by the committee. The preference in Texas markets for more mature fruit than is ordinarily moved to out-of-state outlets is another factual basis for inclusion of this type of authority in the marketing agreement and order.

Unusual weather conditions may arise during the crop year in one portion of the crop area as compared with other portions of such area. This possibility is particularly true with respect to such natural phenomena as hail, wind, and rain storms. Hazards of this nature are obviously beyond the control or reasonable expectation of growers in such localities. Because of these circumstances and to provide equity among producers and handlers as far as regulations under the marketing agreement and order are concerned, authority should be provided for the committee to consider such differences and make appropriate recommendations in that regard and for the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. Any differences in regulations within the production area should be limited to taking care of natural disasters, as above indicated, and appropriate consideration should be given in recommending or issuing any such regulations to the administrative problems that would be involved. Such authority should provide for regulating in any or all portions of the production area or differently for different portions of the production area. It is contemplated however, that any such relaxation will still require that the tomatoes shipped be the best quality available.

The marketing agreement and order should authorize the regulation of packs and should also authorize different regulations for specific packs. The standard packs, as specified in the United States Standards for Fresh Tomatoes, have been in common use by the Lower Valley tomato industry for years. However, in recent seasons there has been a trend toward "jumble" packs, which are packs without any particular arrangement of individual fruit. The need may arise whereby the committee would desire to establish the kind of packs in which the handling thereof may be permitted. It is presumed that the establishment and definition of such packs, to be set forth in rules and regulations, will spell out the grade and ranges of sizes permitted to be handled in conjunction with specified containers. Certain combinations of grade, size, and containers (which factors constitute packs) should be kept out of specified market channels when so recommended by the committee and limited by order of the Secretary, because of the adverse effect such packs have upon returns received by farmers for the tomatoes. For example, certain grades, sizes, qualities or maturities of tomatoes in certain containers should be withheld from certain outlets because such packs would reach destination in condition tending to demoralize the prices for tomatoes in superior packs and conditions. The committee should be empowered to recommend both maximum and minimum sizes and minimum grades with respect to the handling of certain packs. The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing agreement and order program may help to assist the industry in furthering present merchandising approaches when deemed sound by the committee and when justified by marketing conditions.

The marketing agreement and order should permit regulations differently for different types of containers. The establishment of such regulation is authorized by virtue of an amendment to the act of Public Law 690, known as the Agricultural Act of 1954, enacted by the 83rd Congress. Principal types and sizes of containers in current use for the handling of tomatoes within the production area are the 60-pound wire bound crate, and the 30-pound lug. Other types of containers, such as a 20-pound fiber board box, are used to a lesser extent. A small volume of individual consumer size cartons or tubes containing 3 or 4 tomatoes, which in turn are packed in a master carton, are also being shipped from the production area. Should the use of certain of these containers when moved into commercial market channels be deemed by the committee, as having an adverse affect upon returns to growers thereof, then the Secretary should have the power to fix the size, weight, capacity, dimensions or pack of the containers which may be used in the packaging, transportation, sale, shipment, or other handling of such tomatoes. For similar reasons, the committee should be permitted to recommend different regulations for different containers. The committee may determine that certain types of containers should be prohibited if the fruit contained in them is subjected to excessive damage. This would be especially important in the case of shipments of vine ripened tomatoes to interstate markets. The hearing record shows that returns to producers of tomatoes should be more favorable under conditions where the number of containers used is held at the lowest practical minimum. Accordingly, the committee may determine that the standardization of containers would be in the best interests of the industry. Therefore, the provisions relating to container regulations should be included in the marketing agreement and order as set forth.

The marketing agreement and order should authorize different regulations during any period so that the committee and the Secretary may take into account different supply and demand conditions as they may arise and become apparent.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods when tomato prices are above parity as will be in the public interest. Some tomatoes are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality tomatoes as culls, even when prices are above parity. It is not in the public interest either of the producers, handlers, or of consumers to permit shipments of such poor quality. The shipment of immature or over-ripe tomatoes also tends to disrupt general market conditions for the commodity and the discounted prices received for such immature or over-ripe tomatoes adversely affects grower prices. The marketing agreement and order should authorize the establishment of such minimum standards of quality and maturity as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The committee should have the authority to recommend to the Secretary the establishment of minimum quantities below which handling will be free from regulation. Most shipments of Lower Valley tomatoes are made in carlots or in trucklots. However, some small quantities are moved outside of the production area. Such small quantities constitute only a minor percentage of the total production. Some of these small shipments, such as gifts, are sold to accomodate friends. Problems of inspecting such small lots, or other problems in complying with inspection regulations on such small lots, may make it uneconomical, undesirable, and impracticable to require that such small shipments comply with all the regulations required of the larger commercial shipments. The administrative difficulties in checking upon such shipments to see that they are inspected, or that assessments are paid on them, may be such that it would be impractical for the committee to attempt to do so. However, such shipments should not be allowed to contain culls or other discounted grades and sizes to depress the market on the bulk of commercial sales. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulations applicable to them. It is contemplated, of course, that any such relaxations of regulations would be applied uniformly.

(g) The Secretary, upon the basis of recommendations and information submitted by the committee or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to the handling of tomatoes for purposes other than disposition in normal domestic fresh markets. The committee should be well qualified because of experience and knowledge of individual members to recommend such modifications, suspensions or terminations as will be in the best interests of the Texas tomato industry, and which will tend to effectuate the declared policies of the act, and the marketing agreement and order. Tomatoes moving to, or sold in, certain outlets such as those specified in § 1014.54 of the marketing agreement and order are usually handled in a different manner. Such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of tomatoes for such purposes so that full opportunity may be taken under the program to improve orderly marketing conditions for tomatoes, thereby tending to increase total returns to tomato growers in the production area.

Some export markets accept certain grades, and particularly some sizes, which normally are discounted in some domestic markets. Provision should be made for the modification, suspension, or termination of regulations which may be applied to shipments for export so that this demand can be met when it is in the best interests of growers' returns to do so. For example, many small size tomatoes are exported to Canada. Occasional small shipments of low grades or unclassified tomatoes are made to Mexico. Prohibiting the exportation of such tomatoes would not increase sales of larger size or better quality tomatoes to these two countries. It has been the custom of most Canadian markets to prefer small sizes. The Mexican market for poor quality tomatoes from the production area is small and confined to border cities in Mexico. Differences in levels of consumer income among these outlets and differences in trading customs influence the nature of demand for tomatoes in these export outlets, so that authority for recognizing such differences should be included in the proposed program. Therefore, the proposed marketing agreement and order should provide authority for regulating exports to Canada differently from domestic shipments, also exports to Mexico, or to any other export outlet, differently than domestic or any other export outlets.

The committee and the Secretary should have authority to give special consideration to tomatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and receivers. Occasional shipments are made from the production area to orphans' homes, hospitals, or similar facilities, and the committee should have the authority to waive some of the requirements in regard to such shipments.

The marketing agreement and order should provide that special consideration be given to the handling of tomatoes going to canning plants or other processing outlets. Shipments of tomatoes to be processed at canning plants are specifically exempted from regulation by the act. However, the committee should have the authority to require handlers making such shipments to give proper evidence that the shipments are going to the canning plant and the tomatoes are actually diverted into that outlet. No other regulation or restriction is implied on tomatoes for canning or processing. Such authority is necessary because occasional shipments of tomatoes from the production area are made to canning plants in Arkansas and other nearby States. It was testified at the hearing that the repacking of tomatoes should not be included under the term processing and that such repacking should not be given the same consideration as shipments made to canneries.

The State Agricultural College, through its Weslaco station which is located within the production area, is conducting various studies with respect to the production and marketing of tomatoes such as the acceptability of varieties, maturities, containers, and market preferences. Many of these studies are conducted with the cooperation of local shippers. Shipments are controlled since they are made under the direction of the station. However, shippers furnish the labor and packing facilities and oftentimes the tomatoes being shipped. The ultimate goal of such studies is to increase returns to the industry by reducing expenses and increasing consumer acceptance. The committee should have the authority to recommend the modification, suspension, or termination of regulations which might interfere with the successful completion of such studies.

The committee should be empowered to provide special treatment through modification, suspension, or terminations of regulations applicable to other special purposes which may develop in the future, and for other purposes which later may be specified by the committee with the approval of the Secretary.

It is appropriate and necessary that the Secretary of Agriculture notify the committee of any regulations or any modifications, suspensions, or termina-

tions of regulations so that the committee will be informed of such actions. It is also proper that the committee after having received from the Secretary notification of regulation should relay such information on to handlers and producers within the production area. If the marketing agreement and order program is to be successful, growers and handlers must be informed of actions taken pursuant to the program.

The authority for modifying, suspending, or terminating, grade, size, quality, assessment, or inspection regulations, should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards may include, but should not necessarily be limited to, inspection, so that the committee may have an accurate record of the grades, sizes, and qualities of tomatoes shipped to special outlets; application to make such special shipments; requirements for the payment of assessments in connection with such shipments; reports by handlers with respect to the number of such shipments and the amounts of tomatoes shipped; and assurances by purchasers and handlers that the tomatoes are to be used for the purposes designated.

In order to maintain appropriate identification of shipments of tomatoes to special outlets, safeguards authorized in the marketing agreement and order may provide for the issuance of Certificates of Privilege to handlers of such tomatoes and, in addition, may require that such handlers obtain such certificates on all shipments made by them to such special outlets. Certificates of Privilege may be issued by the committee as an indication of the authority for the handler to make such shipments and as a means of identifying specific shipments. The certificates should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information so that the issuance thereof may be handled in an orderly and efficient manner which can be made known to all handlers. The committee should be authorized to deny or rescind Certificates of Privilege when necessary to prevent abuse of the privileges conferred by such certificates. The committee should have authority to rescind or deny certificates when it finds upon satisfactory evidence that handlers to whom Certificates of Privilege have been issued handled tomatoes contrary to the provisions of the certificates previously issued to them. If the committee rescinds or denies a Certificate of Privilege to any handler, such action should be in terms of a specified period of time. Any handler who might have a Certificate of Privilege rescinded should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed, or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith, and the committee should promptly notify all persons affected by any such action.

The committee should maintain records with respect to safeguards and to Certificates of Privilege, and should submit reports thereon to the Secretary when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order. Such reports should include the number of applications received, the number granted and denied, the quantity of tomatoes handled under such certificates, the purposes for which issued, and any other information that might be requested.

(h) Inspection and certification of tomatoes grown in the production area is a common and usual practice for the purpose of determining officially the grade, size, quality and maturity of such tomatoes. The Federal Inspection Service is available throughout the entire production area and its inspectors are well qualified to certify upon the basis of the United States Standards for Fresh Tomatoes or the United States Consumer Standards for Fresh Tomatoes. Tomato growers and handlers throughout the production area are acquainted with such service and with the inspection offered on shipments of tomatoes.

Provision should be made in the marketing agreement and order for inspection by the Federal Inspection Service, or such other inspection service as the Secretary may approve, of tomatoes grown in the production area and handled during any period in which such handling of tomatoes is regulated under the program. Such inspection requirements should apply to all tomatoes handled under regulations issued under the marketing agreement and order except when any such handling is relieved from inspection requirements pursuant to § 1014.53 or § 1014.54 of the marketing agreement and order. Inspection establishes a means whereby the handler, the buyer, the committee, the Secretary, and other interested parties may determine whether such tomatoes handled subject to regulations comply with the requirements of any particular grade, size, quality and maturity regulation in effect under the marketing agreement and order. Effective regulation of the handling of tomatoes grown in the production area requires that the grade, size, quality and maturity of each sale or shipment of such tomatoes should be authoritatively established. The provisions for inspection and the certificates which are issued pursuant to inspection offer an appropriate and practical means of establishing and identifying the grade, size, quality and maturity of tomatoes handled pursuant to the terms and conditions of the marketing agreement and order.

Provision should be made in the marketing agreement and order for authority to inspect tomatoes not only by personnel of the Federal Inspection Service, but also by personnel of such other inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal inspection is not available. In order to assure that production area tomatoes will not be shipped without inspection in the event the Federal Inspection Service is not available to furnish the service, the Secretary should be authorized to designate an appropriate inspection service to perform the inspection. Thus, there should always be an authoritative means of establishing the grade, size, quality and maturity of tomato shipments.

The requirement that no handler shall handle tomatoes unless each lot of tomatoes is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and necessary for the proper administration of the program. Such requirement should apply to all tomatoes handled except for those tomatoes which may be relieved of inspection requirements pursuant to § 1014.53 or § 1014.54 or both.

The marking of tomato containers with a number or other appropriate symbol to indicate they are part of a lot which has been inspected is a current practice among many Lower Valley tomato handlers. This marking or identification assists handlers in determining if such tomatoes have been inspected. Authority for making such marking a regulatory requirement, if the committee recommends and the Secretary approves, should be included in the proposed marketing agreement and order as a reasonable and necessary provision incidental to administration of the program.

Responsibility for obtaining inspection should fall primarily on the handler who first handles such tomatoes after they have been prepared for market since such person usually is responsible for the particular grade, size, quality and maturity to be shipped. Identification and certification of such tomatoes are essential to proper administration of the marketing agreement and order to determine whether such shipment accords with the grade, size, quality and maturity requirements issued under such order. The handler who first handles such tomatoes is required to obtain inspection and subsequent handlers may not handle tomatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipment. Each handler must bear the responsibility for determining that each of his shipments is inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of regulations issued pursuant to the marketing agreement and order.

Whenever any shipment of tomatoes subject to the terms and provisions of the marketing agreement and order have been prepared for market and inspected but are later dumped from the containers in which they were inspected, such tomatoes lose their identity insofar as the original inspection certificate is concerned and such inspection certificate no longer applies. If any such lot of tomatoes is thereafter repacked, such tomatoes, even though they may have been previously inspected in other containers, must meet regulations issued under the marketing agreement and order. Since the original certificate is no longer valid such tomatoes must be reinspected before they are shipped because it is not possible to determine whether the tomatoes which are being shipped meet the grade, size, or other regulatory requirements of the marketing agreement and order unless they are so inspected and certified. In this way handlers and the committee will be assured that such shipments comply with such regulations. The committee with the approval of the Secretary may provide for the exemption of such inspection requirements on regraded, resorted, or repacked tomatoes in circumstances where it appears reasonably certain that such tomatoes meet the applicable regulations after regrading, resorting and repacking.

The committee with the approval of the Secretary should be authorized to determine the length of time inspection certificates are valid insofar as requirements of the marketing agreement and order are concerned. Such requirement is appropriate and necessary especially with respect to lot inspections which may be administratively desirable to accommodate handlers and truckers because tomatoes are an extremely perishable commodity. It is not feasible and practical for the committee to recognize inspection certificates which may have been issued days previously, since the tomatoes so inspected could have since deteriorated and no longer comply with requirements in effect at the time the final shipment is made.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly by the appropriate inspection service so that such committee may properly discharge its administrative responsibilities under the program.

The committee should have the authority to recommend, and the Secretary to require, that any tomatoes transported by motor vehicle be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated. A large quantity of the tomatoes grown in the production area are trucked from the production area to market. By requiring the operators of such vehicles to surrender copies of inspection certificates applicable to their shipments upon demand to such authority as may be designated, evidence will be readily available that such shipments meet or comply with the requirements of the marketing agreement and order. The evidence indicates that such a requirement is not necessary with respect to other types of shipments, such as by railroad.

(i) Certain hazards are encountered in the production of tomatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such tomatoes. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to permit such applicants to sell their equitable proportion of all shipments from the production area. It is contemplated, however, that such an exemption will require the approved applicant to sell his best quality tomatoes.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of tomatoes in the production area and the information which it will have available in each case, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted tomatoes which each such applicant may sell.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the committee for granting of exemptions and of exemptions granted pursuant to each procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1014.80 of the agreement and order and such reports should be those necessary for operation of the committee in carrying out the terms and conditions of the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and at such times as may be designated by it. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the marketing order, because changing conditions may warrant changes in the forms and methods of reporting. The Secretary should retain the right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Permissive use of the specified reporting requirements, and verifications of such reports and records by the committee will provide a means for it to check on compliance with and operation of the marketing agreement and order.

Since it is possible that a question might arise with respect to compliance with the marketing agreement and order, each handler should maintain complete records of his handling and disposition of tomatoes for not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classifications and be disclosed to none other than persons authorized by the Secretary.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle tomatoes, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle tomatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of tomatoes handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 1014.82 through 1014.92, as published in the FEDERAL REGISTER of September 1, 1956 (21 F. R. 6612), and as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1014.93 through 1014.95, as hereinafter set forth, are also included in other marketing agreements now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of

the act with respect to tomatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest:

(2) The said marketing agreement and order authorizes regulation of the handling of tomatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes, as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. Interested parties were allowed until October 25, 1956 to file briefs with respect to findings of facts and conclusions based on evidence introduced at the hearing. Briefs were filed by Sid L. Hardin, Edinburg, Texas, attorney for the opponents and by Ewers, Cox and Toothaker, McAllen, Texas, attorneys for the proponents.

Each point covered in the arguments of the respective attorneys was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. The attorney for the opponents established the point at the hearing that grower-shipper representation on the committee was desirable and essential for effective operation of the program. The proposed marketing agreement and order as hereinafter set forth, provides that at least four of the nine members of the administrative agency must be producer-handlers. The attorney for the proponents also argued the point that the proposed order makes no provision for the handling and shipment of pink tomatoes. The findings of facts as herein above established and the authority for the proposed marketing agreement and order do not establish any prohibition against the handling of pink tomatoes. The findings on the evidence in the record and the proposed marketing agreement and order provide that pink tomatoes shall receive consideration and, to the extent that it may be justified by sound marketing practices, regulations can be different for pink tomatoes than for mature green tomatoes when and if regulations are justified with respect to the marketing of tomatoes from the Lower Valley.

Attorneys for the opponents argued the point that the fiscal period should be so established as to give recognition to the early spring crop of tomatoes in the Lower Valley and the varying dates on which shipments start from such areas. The proposed marketing agreement and order as hereinafter set forth provide for such consideration.

The attorneys for the opponents also argued the point that on meetings by the committee which are held by telephone, telegraph or other means of communication the procedure or requirements should be strengthened so that unanimous approval of any proposal so submitted should be required in order to approve committee action. The proposed marketing agreement and order so provide.

To the extent that the findings and provisions proposed in the briefs and arguments submitted by attorneys for the opponents and for the proponents are inconsistent with the findings and conclusions contained herein, the request to make such conclusions are denied on the basis of facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and order. The following marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out.

DEFINITIONS

§ 1014.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1014.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1014.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1014.4 *Production area.* "Production area" means all territory in the counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

§ 1014.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (lycopersicon esculentum) commonly known as tomatoes and grown within the production area.

§ 1014.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 1014.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce between the production area and any point outside thereof: *Provided,* That such terms will not include the transportation, sale, or delivery of tomatoes by a producer to a handler who is registered as such with the committee.

§ 1014.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 1014.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 1014.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1014.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 1014.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 1014.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 1014.14 *Varieties.* "Varieties" means and includes all classifications, subdivisions, or types of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1014.15 *Committee.* "Committee" means the Texas Valley Tomato Committee, established pursuant to § 1014.22.

§ 1014.16 *Fiscal period.* "Fiscal period" means the annual period beginning March 1, and ending on the last day of February of the following year, or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1014.17 *District.* "District" means each of the geographic divisions of the production area initially established pursuant to § 1014.24 or as reestablished pursuant to § 1014.25.

§ 1014.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 1014.22 *Establishment and membership.* (a) The Texas Valley Tomato Committee, consisting of 9 producer members, of whom at least 4 shall be producer-handlers, is hereby established. For each member of the committee there shall be an alternate. At least 4 of the alternate members shall also be producer-handlers.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected and a resident of the production area. An officer or employee of a cooperative association of tomato producers which markets the tomato production of its members shall be eligible to serve on the committee as a producer-handler member or alternate. In addition the producer-handler representatives shall be handlers in the production area.

§ 1014.23 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1014.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The County of Cameron in the State of Texas;

District No. 2. The County of Hidalgo in the State of Texas;

District No. 3. The County of Starr in the State of Texas; and

District No. 4. The County of Willacy in the State of Texas.

§ 1014.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1014.26 *Selection.* The Secretary shall select initially three members and their respective alternates from District 1; four members and their respective alternates from District 2; one member and his alternate from District 3; and one member and his alternate from District 4.

§ 1014.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and producer-handlers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers and producer-handlers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1014.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1014.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1014.24 through 1014.26 inclusive.

§ 1014.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1014.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1014.27. If the name of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1014.24 through 1014.26, inclusive.

§ 1014.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1014.32 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided,* That at any unassembled meeting unanimous vote of all committee members will be required to approve any action.

§ 1014.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1014.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1014.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and

regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1014.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes under regulation handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1014.41 *Budget.* As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1014.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1014.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. An appropriate fidelity bond shall be required for all committee members or personnel responsible for receipt, custody, or disposition of committee funds. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1014.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; except

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1014.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 1014.42.

REGULATION

§ 1014.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1014.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 1014.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 1014.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

§ 1014.52 *Issuance of regulations.* (a) The Secretary shall limit by regulation the handling of tomatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act.

(b) Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(2) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different purposes specified in § 1014.54, or any combination of the foregoing, during any period; or

(3) Limit the shipment of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 1014.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1014.42, 1014.52, 1014.54, or 1014.60, or any combination thereof.

§ 1014.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1014.42, 1014.52, 1014.53, or 1014.60, or any combination thereof, in order to facilitate shipments of tomatoes for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing;

(d) For experimental projects; or

(e) For other purposes which may be specified.

§ 1014.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1014.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent tomatoes handled pursuant to §§ 1014.53 or 1014.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle tomatoes pursuant to §§ 1014.53 and 1014.54; or

(2) Handlers shall obtain inspection provided by § 1014.60, or pay the assessment levied pursuant to § 1014.42, or both, in connection with shipments made under § 1014.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of tomatoes affected or to be affected under the provisions of §§ 1014.53 and 1014.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 1014.53 and 1014.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1014.60 *Inspection and certification.* (a) During any period in which handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §§ 1014.53, or 1014.54, or both. Handlers may be required, upon recommendation of the committee and approval of the Secretary, to mark or indicate on the containers that the tomatoes therein have been inspected.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(d) When tomatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that any tomatoes transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 1014.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1014.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 1014.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 1014.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

§ 1014.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appel-

lant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1014.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1014.70, 1014.71, 1014.72, or 1014.73, or any combination thereof.

REPORTS

§ 1014.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition and of all tomatoes handled pursuant to §§ 1014.53 and 1014.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1014.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 1014.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1014.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1014.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of tomatoes for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1014.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1014.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1014.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1014.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1014.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1014.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1014.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1014.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1014.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1014.94 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1014.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of tomatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act such an order.[1]

Done at Washington, D. C., this 11th day of January 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-284; Filed, Jan. 15, 1957; 8:46 a. m.]

[1] Applicable only to the proposed marketing agreement.

Agricultural Research Service

[7 CFR Part 301]

MISSOURI, NORTH CAROLINA, TENNESSEE

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF "YELLOW DWARF" DISEASE OF SOYBEANS

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that the "yellow dwarf" disease of soybeans, a dangerous disease notoriously injurious to soybeans and certain other plants, caused by the soybean cyst nematode (Heterodera glycines Ichinoke), not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of Missouri, North Carolina, and Tennessee.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of Missouri, North Carolina, and Tennessee, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) any soybean cyst nematode in any stage of development; (2) soil, as such or attached to articles or things; (3) nursery stock and other plants with roots attached; (4) true bulbs, corms, rhizomes and tubers; (5) root crops; (6) soybeans and soybean hay; (7) farm tools, implements and harvesting machinery; (8) construction and maintenance equipment; (9) used crates, boxes, burlap bags and other farm products containers; (10) trucks, wagons, railway cars, boats, and other means of conveyance; and (11) other articles of any character whatsoever that present a hazard of spread of the soybean cyst nematode.

A public hearing will be held before a representative of the Agricultural Research Service in room 218-A, Administration Building, U. S. Department of Agriculture, Twelfth Street and Independence Avenue SW., Washington, D. C., at 10 a. m., January 31, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before January 31, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 11th day of January 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-298; Filed, Jan. 15, 1957; 8:49 a. m.]

[7 CFR Part 301]

NORTH CAROLINA, SOUTH CAROLINA

NOTICE OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF DANGEROUS DISEASE OF CORN

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that the Administrator of the Agricultural Research Service has information that a dangerous disease notoriously injurious to corn, sorghum, and other crops of the grass family, as yet unnamed, but, variously known as witchweed wilt of corn, witchweed stunt of corn, Striga disease of corn, or Asiatic disease of corn, caused by an introduced species of the genus Striga, commonly known as witchweed, not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in certain parts of North Carolina and South Carolina.

It is therefore proposed under the authority of said section 8 of the Plant Quarantine Act to quarantine the States of North Carolina and South Carolina, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) witchweed seeds and plants (Striga spp.); (2) soil as such or attached to articles or things; (3) hay; (4) nursery stock and other plants with roots attached; (5) bulbs, corms, tubers, and rhizomes; (6) root crops, the edible parts of which are grown underground; (7) used farm machinery and equipment; (8) construction and maintenance equipment; (9) trucks, wagons, cars, boats, and other means of conveyance; (10) used crates, boxes, bags, and other farm products containers; and (11) other articles of any character whatsoever that present a hazard of spread of witchweed.

A public hearing will be held before a representative of the Agricultural Research Service in room 218-A, Administration Building, U. S. Department of Agriculture, Twelfth Street and Independence Avenue SW., Washington, D. C., at 10 a. m., January 30, 1957, at which hearing any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposals. Any interested person who desires to submit written data, views, or arguments on the proposals may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before January 30, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 11th day of January 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-299; Filed, Jan. 15, 1957; 8:49 a. m.]

Commodity Stabilization Service

[7 CFR Part 810]

[Hearing Clerk Docket No. SH-147]

PROCESSING OF SUGAR WHICH CONSTITUTE FURTHER REFINEMENT OR IMPROVEMENT IN QUALITY, AND DISTINCTION OF SUGARS OF SPECIFIC QUALITIES AS RAW SUGAR OR DIRECT-CONSUMPTION SUGAR

NOTICE OF EXTENSION OF TIME FOR FILING WRITTEN EXCEPTIONS TO RECOMMENDED DECISION

Pursuant to the rules of practice and procedure in Sugar Regulation 801 (21 F. R. 4251), and upon request received, notice is hereby given of an extension of time within which interested persons may file written exceptions to the Administrator's Recommended Decision with respect to Processings of Sugar Which Constitute Further Refinement or Improvement in Quality, and Distinction of Sugars of Specific Qualities as Raw Sugar or Direct-Consumption Sugar. Written exceptions may be filed with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C. not later than February 7, 1957. The recommended decision was published in the FEDERAL REGISTER on January 8, 1957 (22 F. R. 170).

Done at Washington, D. C., this 14th day of January 1957.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-368; Filed, Jan. 15, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 25

JANUARY 7, 1957.

Pursuant to the authority delegated to me under Section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a–364e), for commercial, and/or industrial purposes:

SITKA AREA

A small parcel of unsurveyed land located about 8 miles north of Sitka, Alaska, between the North Sitka Highway and the waters of Starrigavan Bay and to the northeast of an unnamed creek which is bridged by the highway at approximate Station 355+00 further described as follows: Starting at a point common with Station 356+00 on the centerline of the North Sitka Highway to be known as Corner 1; thence at right angles to said centerline N. 41° 47' W. a distance of approximately 475 feet to Corner 2 located on the shore of Starrigavan Bay; thence meandering along said shore in an easterly direction a distance of approximately 475 feet to Corner 3, a point on said shore; thence S. 41° 47' E. a distance of approximately 150 feet to Corner 4 common with a point located on the centerline of the North Sitka Highway to Station 359+50; thence S. 48° 13' W. along said centerline a distance of 350 feet to Corner 1 and point of beginning and to contain approximately 3 acres.

The above land will be offered for sale in accordance with regulations contained in Title 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-275; Filed, Jan. 15, 1957; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in regulations, Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Donlin Sportswear, Inc., New Tazewell, Tenn.; effective 1-4-57 to 1-3-58; 10 learners (sport shirts).

Dunhill Shirt Co., Holden, Mo.; effective 1-8-57 to 1-7-58 (men's shirts).

Dunhill Shirt Co., Lexington, Mo.; effective 1-12-57 to 1-11-58 (men's shirts).

East Salem Shirt Factory, Mifflintown, R. D., Delaware Township, Juniata County, Pa.; effective 12-27-56 to 12-27-57 (dress and sport shirts).

Holiday Wear, Inc., Ridgeland, S. C.; effective 12-27-56 to 12-26-57 (ladies' cotton dresses).

Jayson York, Inc., East Street and Pennsylvania Avenue, York, Pa.; effective 1-4-57 to 1-3-58 (men's sport shirts).

Lucy Frock, Inc., 107 North Main Street, Hillsboro, Kans.; effective 12-31-56 to 12-30-57; 5 learners (children's dresses).

Mahanoy City Sportswear, Inc., 108–110 South Main Street, Mahanoy City, Pa.; effective 1-13-57 to 1-12-58 (men's sport shirts).

McAllisterville Shirt Factory, L. Shellenberger & Sons, Box A, McAllisterville, Fayette Township, Juniata County, Pa.; effective 12-28-56 to 12-27-57 (dress and sport shirts).

Richfield Shirt Factory, Monroe Township, Juniata County, Richfield, Pa.; effective 12-28-56 to 12-27-57 (dress and sport shirts).

Rite Form Corset Co., Inc., 64 West 23d Street, New York, N. Y.; effective 12-29-56 to 6-28-57 (corsets and brassieres).

Troutman Shirt Co., Inc., Mooresville, N. C.; effective 1-13-57 to 1-12-58 (work shirts and work pants).

Warrenshire Manufacturing Co., Inc., 50 River Street, Warrensburg, N. Y.; effective 12-31-56 to 12-30-57 (men's dress shirts).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., Warsaw, Ind.; effective 12-31-56 to 6-30-57; 10 learners (men's and boys' dungarees).

Byrds Manufacturing Corp., Star City, Ark.; effective 12-27-56 to 3-20-57; 100 learners (boys' sport shirts) (Supplemental certificate).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

K & P, Inc., 1501 Lincoln Street, Laredo, Tex.; effective 1-2-57 to 5-1-57; not less than 90 cents per hour for a maximum of 160 hours, for the occupations of polisher and press operator; authorizing the employment of 10 learners for plant expansion purposes (metal watch bands).

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N. J.; effective 1-2-57 to 7-1-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, hand sewer, final presser, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers for normal labor turnover purposes (men's suits, sportcoats and slacks).

Noble Products Co., 308 West Street, Caldwell, Ohio; effective 12-28-56 to 6-27-57; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 6 learners for normal labor turnover purposes (life preserver vests, etc.).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Adelphian Academy, Holly, Mich.; effective 1-1-57 to 8-31-57; woodworking shop (trellises, bird houses, etc.); not less than 85 cents per hour for a maximum of 240 hours, for the occupations of woodworking machine operator, assembler and related skilled and semiskilled occupations; authorizing the employment of 40 student-workers.

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of the Regulations, Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 7th day of January 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-276; Filed, Jan. 15, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11554; FCC 57M-29]

PERRY COUNTY BROADCASTING CO. (WWOW)

ORDER CONTINUING HEARING

In re application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company (WWOW), Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

The Hearing Examiner having under consideration a motion for continuance filed by the applicant on January 3, 1957, requesting that the hearing now scheduled for January 14, 1957, be scheduled for "a new date to be specified as fourteen days after the Commission announces its decision on a pending Petition for Reconsideration";

It appearing that the time for filing opposition to the motion has expired; that no objection has been filed; and that good cause has been shown for a continuance;

It is ordered, This 10th day of January 1957, that the motion for continuance is granted to the extent that the hearing now scheduled for January 14, 1957 is continued to February 14, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-289; Filed, Jan. 15, 1957; 8:47 a. m.]

[Docket No. 11852; FCC 57M-30]

RICHARD F. LEWIS, JR., INC.

ORDER CONTINUING HEARING

In re application of Richard F. Lewis, Jr., Incorporated, of Mount Jackson, Virginia (WSIG), Mount Jackson, Virginia, Docket No. 11852, File No. BP-10510; for construction permit to increase power and to make other changes.

It is ordered, This 10th day of January 1957, that, on the Hearing Examiner's own motion in order to permit additional time for the exchange of exhibits, and with the concurrence of all counsel, the hearing in the above-entitled proceeding, which is presently scheduled for January 14, 1957, be, and the same is hereby, continued to January 22, 1957, commencing at 10:00 o'clock a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-290; Filed, Jan. 15, 1957; 8:47 a. m.]

[Docket No. 11863; FCC 57M-31]

RISDEN ALLEN LYON

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Risden Allen Lyon, Hamlet, North Carolina, Docket No. 11863, File No. BP-10452; for construction permit.

It is ordered, This 10th day of January 1957, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 o'clock a. m., January 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-291; Filed, Jan. 15, 1957; 8:47 a. m.]

[Docket No. 11900; FCC 57-26]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER DESIGNATING MATTER FOR HEARING AND INVESTIGATION

In the matter of Mackay Radio and Telegraph Company, Inc., Docket No. 11900; revision of Tariff F. C. C. No. 37 to broaden offer of tieline connections for telex users.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 8th day of January 1957;

The Commission having under consideration:

(a) Revised tariff schedules filed by Mackay Radio and Telegraph Company, Inc., to become effective January 10, 1957, designated as follows:

Mackay Radio and Telegraph Company, Inc.
Tariff F. C. C. No. 37.
4th Revised Page 9.
1st Revised Page 12.

which, respectively, revise section B 12, Teleprinter Station Equipment, so as to amend paragraph a and delete paragraph b, and revise section C 5, Teleprinter Station Equipment, so as to delete it in its entirety;

(b) A letter from the Commission dated December 12, 1956, to Mackay Radio and Telegraph Company, Inc., in reference to the above revised tariff schedules indicating that there appeared to be questions of their legality in certain respects;

(c) A response to such letter filed December 20, 1956, by Mackay Radio and Telegraph Company, Inc.;

(d) A letter filed December 31, 1956, by RCA Communications, Inc., as supplemented by a further letter filed January 3, 1957, in which certain objections were raised to the revised tariff schedules and in which the Commission was requested to suspend the operation of 4th Revised Page No. 9; and

(e) A letter filed January 7, 1957, by Mackay Radio and Telegraph Company, to supplement its position as well as to answer the December 31 letter of RCA Communications, Inc.;

It appearing that the above revised tariff schedules will result in an offer by the Company "[u]pon reasonable demand" to provide, install, and maintain on customers' premises in the cities of New York, Washington, San Francisco, or Honolulu, without additional charge above published international telex charges, "tie-line connections" subject to the availability of such facilities;

It further appearing that the Commission is unable to determine from an examination of the revised tariff schedules whether the above offer will be lawful under the Communications Act of 1934, as amended, insofar as the offer contains the phrases "[u]pon reasonable demand" and "tie-line connections";

It further appearing that the response of Mackay Radio and Telegraph Company, Inc., to the Commission letter of December 12, 1956, does not resolve the aforementioned problems;

It further appearing that if the above mentioned revised tariff schedules are permitted to become effective on the date specified, the rights and interests of the public may be adversely affected thereby;

It is ordered, That pursuant to sections 201, 202, 203, 204, 205 and 403 of the Communications Act of 1934, as amended, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the classifications, regulations, and practices set forth in the above-mentioned proposed offer;

It is further ordered, That pursuant to section 204 of the Communications Act of 1934, as amended, the operation of the above-mentioned revised tariff schedules are hereby suspended until the 10th day of April 1957, unless otherwise ordered by the Commission, and that during said period of suspension no changes shall be made in the suspended revised tariff schedules unless authorized by special permission of the Commission;

It is further ordered, That without in any way limiting the scope of the investigation and hearing as above ordered, it shall include consideration of the following specific issues:

(a) Whether the revised tariff schedules may be unjust or unreasonable under section 201 of the Communications Act of 1934, as amended, in that:

(1) They may affect the earnings of the filing company adversely by decreasing revenues and increasing costs so that its ability to provide a rapid and efficient communication service with adequate facilities at reasonable charges may be impaired; or

(2) They may similarly adversely affect the earnings of other international telegraph carriers providing international teletypewriter service because competitive considerations may induce such carriers to adopt similar tariff provisions and thereby may impair the ability of such other carriers to provide a rapid and efficient communication service with adequate facilities at reasonable charges;

(b) Whether the revised tariff schedules are unjustly or unreasonably discriminatory under section 202 of the Communications Act of 1934, as amended, in that they fail to set standards which would prevent such discrimination;

(c) Whether the revised tariff schedules are unlawful under section 203 of the Communications Act of 1934, as

List of changes, Proposed changes and Corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Meeting January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of effective commencement of operation
CKTR	Fort William, Ontario	680 kilocycles 5 kw D/1 kw N	ND	U	III	Dec. 1, 1957.
CFRG	Gravelbourg, Saskatchewan	710 kilocycles 5 kw	ND	D	II	N to O.
CIVI CKBI	Victoria, British Columbia Prince Albert, Saskatchewan	900 kilocycles 10 kw 10 kw	DA-1 DA-2	U U	II II	Dec. 1, 1957. Dec. 1, 1957.
CKLY	Lindsay, Ontario	910 kilocycles 1 kw	DA-1	U	III	N to O.
CHUM	Toronto, Ontario	1,050 kilocycles 2.5 kw	DA-1	U	II	Dec. 1, 1957.
CHED	Edmonton, Alberta	1,090 kilocycles 10 kw D/1 kw N	DA-N	U	II	Dec. 1, 1957.
CFRG CFGR	Gravelbourg, Saskatchewan Gravelbourg, Saskatchewan	1,490 kilocycles 0.25 kw .25 kw	ND ND	U Night only	IV IV	Delete assignment. N in O with new call letters.
CHWO	Oakville, Ontario	1850 kilocycles 1 kw D/0.5 kw N	DA-1	U	III	Assignment of call letters.
CKSL	London, Ontario	1590 kilocycles 5 kw	DA-1	U	III	N to O.
New	Weyburn, Saskatchewan	1570 kilocycles 0.25 kw	ND	U	IV	E I O Dec. 1, 1957.
CKEN	Kentville, Nova Scotia	1550 kilocycles 0.1 kw	DA-N	U	III	N to O.
New	Amherst, Nova Scotia	1490 kilocycles 0.25 kw	ND	U	IV	Dec. 1, 1957.
CKEN	Kentville, Nova Scotia	1490 kilocycles 0.25 kw	ND	U	IV	Delete assignment.
CFRS	Simcoe, Ontario	1320 kilocycles 0.25 kw	ND	D	II	N to O.
CFRY CFOR	Portage la Prairie, Manitoba Orillia, Ontario	1570 kilocycles 0.25 kw 10 kw D/1 kw N	ND ND	U U	II II	N to O. Dec. 1, 1957.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-294; Filed, Jan. 15, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11432]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 9, 1957.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on November 6, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities to render natural gas service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to render natural gas service to Intermountain Gas Company, Incorporated (Intermountain) for resale in the Village of Declo, Cassia County, Idaho. For this purpose Applicant seeks further authorization to construct and operate a main line tap meter and regulator on its main line in Idaho about half a mile south of Declo.

The Village of Declo is not now served with natural gas. Intermountain estimates that the first three years of operation will show the following requirements:

Year of operation	Peak day (Mcf)	Annual (Mcf)
1	32	2,930
2	39	3,690
3	45	4,200

Intermountain has received a franchise from the community of Declo and a certificate from the Idaho Public Utilities Commission permitting it to operate a natural gas system in Cassia County for service to communities therein.

Applicant estimates it will spend $15,320 out of currently available funds to build its proposed facilities.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-277; Filed, Jan. 15, 1957; 8:45 a. m.]

[Docket No. G-11710]

TEXAS CO., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Texas Company (Operator) et al., on December 5, 1956, submitted for filing proposed changes in rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are contained in the following filing:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 5 to Phillips FPC Gas Rate Schedule No. 133.
Proposed effective date: January 23, 1957.[1]

In support of the proposed increased rate, Texas states that the contract resulted from bona fide, arms' length bargaining and that the increases are justified on a continuing basis because of increasing operating costs due to workover wells; replacement, addition and repair of equipment; exploratory and drilling costs of new wells; and interest lost on deferred income occasioned by extending the sale over 20 years.

The proposed increased rates and charges designated above have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 23, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

Issued: January 9, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-278; Filed, Jan. 15, 1957; 8:45 a. m.]

[1] The stated effective date is the first day after the expiration of the required thirty days notice or the effective date proposed by Texas, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-11711]

NICKLOS OIL & GAS CO., ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Nicklos Oil & Gas Co., et al. (Nicklos), on December 11, 1956, tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notice of change, dated December 10, 1956.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 1 to Nicklos' FPC Gas Rate Schedule No. 1.
Effective date: January 11, 1957.[1]

As support for the proposed increase Nicklos recites, among other things, that the contract provides for a favored-nations rate increase in the event that a buyer pays a higher rate within 50 miles of the point of delivery, and that buyer has agreed to pay another producer a higher rate. Nicklos further states that the proposed rate will not exceed some other area rates.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 11, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Nicklos, if later.

amended, and fail to meet the requirements of § 61.55 of the Commission rules as to clear and explicit language;

It is further ordered, That a copy of this order be filed in the offices of the Commission with the revised tariff schedules herein suspended, that the Mackay Radio and Telegraph Company, Inc., and protestant RCA Communications, Inc., are hereby made parties to the proceeding, and that a copy thereof shall be served upon each of said parties;

It is further ordered, That a copy of this order shall be served upon Globe Wireless Ltd. which also offers an international teleprinter exchange service, and that such carrier may participate in the proceeding herein by filing a notice of intention to participate within twenty days after the date this order is released;

It is further ordered, That this matter is designated for hearing at a time and place to be specified in a subsequent order; and that the presiding officer shall certify the record to the Commission without preparing either a recommended or initial decision.

Released: January 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-292; Filed, Jan. 15, 1957; 8:48 a. m.]

[Docket No 11902; FCC 57-36]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Hagerstown, Md.		295
Cumberland, Md.	295	254
Baltimore, Md.	294	

3. The purpose of the proposed amendment is to provide a Class B channel in Hagerstown, Maryland, to facilitate consideration of a pending application submitted by the United Broadcasting Company of Western Maryland, Inc. for a new Class B FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before February 8, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 10, 1957.

Released: January 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-293; Filed, Jan. 15, 1957; 8:48 a. m.]

[Canadian Change List 107]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

DECEMBER 10, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 9, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-279; Filed, Jan. 15, 1957; 8:45 a. m.]

[Docket No. G-11712]

H. S. COLE, JR., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

H. S. Cole, Jr., et al. (Cole), on December 17, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notice of change, dated December 15, 1956.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Cole's FPC Gas Rate Schedule No. 3.

Effective date: [1] January 17, 1957.

As support for the proposed increase Cole recites, among other things, that the contract provides for a favored-nations rate increase in the event that a buyer pays a higher rate within 50 miles of the point of delivery, and that buyer has agreed to pay another producer a higher rate. Cole further states that the proposed rate will not exceed some other rates in the area.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful:

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 17, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 9, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-280; Filed, Jan. 15, 1957; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Cole, if later.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

FEDERAL FLOOD INDEMNITY COMMISSIONER

DELEGATION OF AUTHORITY WITH RESPECT TO FEDERAL FLOOD INDEMNITY PROGRAM

1. The Federal Flood Indemnity Commissioner (hereinafter called the "Commissioner") is hereby delegated authority to execute the powers and functions vested in the Housing and Home Finance Administrator under the provisions of the Federal Flood Insurance Act of 1956, 70 Stat. 1078, 42 U. S. C. 2401 (hereinafter called the "act"), except the authority to:

(a) Issue notes or other obligations for purchase by the Secretary of the Treasury under section 15 (e) of the act;

(b) Enter into contracts, leases, cooperative agreements, or other transactions for administrative supplies, equipment, and services necessary for operation and maintenance of the Federal Flood Indemnity Administration offices, under section 18 (b); and

(c) Appoint and fix the compensation of officers, attorneys, and employees necessary to carry out the purposes of the act, under section 18 (d).

2. The Commissioner is further authorized to redelegate, and authorize successive redelegations of, any of the powers and functions hereby delegated.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; 70 Stat. 1085 (1956), 42 U. S. C. 2417)

Effective as of the 4th day of January 1957.

[SEAL] ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 57-285; Filed, Jan. 15, 1957; 8:46 a. m.]

SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 51-101]

COMMUNIST PARTY OF THE UNITED STATES

Herbert Brownell, Jr., Attorney General of the United States, Petitioner v. The Communist Party of the United States of America, Respondent.

Upon reconsideration by the Board of its prior determination in this proceeding, pursuant to the decision of the United States Supreme Court, sub nom, Communist Party of the United States of America v. Subversive Activities Control Board, 351 U. S. 115, and the resultant order of the United States Court of Appeals for the District of Columbia Circuit entered May 16, 1956, the Board, proceeding under section 14 (a) of the Subversive Activities Control Act of 1950 on December 18, 1956, reaffirmed its prior Order requiring the Communist Party of the United States of America to register as a Communist-action organization under section 7 (a), (c), and (d) of the above act. In so doing it entered the following Recommendation:

Pursuant to section 14 (a) of the act, it is recommended that the United States Court of Appeals for the District of Columbia Circuit affirm the Board's Order entered April 20, 1953, requiring the Communist Party of the United States to register as a Communist-action organization under section 7 of the Subversive Activities Control Act of 1950.

(Signed) Thomas J. Herbert, Chairman, (Signed) Francis A. Cherry, Member, (Signed) R. Lockwood Jones, Member, (Signed) James R. Duncan, Member, (Signed) Dorothy McCullough Lee, Member.

December 18, 1956.

Washington, D. C.

DOROTHY MCCULLOUGH LEE, *Chairman.*

JANUARY 9, 1957.

[F. R. Doc. 57-255; Filed, Jan. 14, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice No. 147]

MOTOR CARRIER APPLICATIONS

JANUARY 11, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

Motor carriers of property. No. MC 531 (Sub No. 76), filed November 30, 1956, YOUNGER BROTHERS, INC., P. O. Box 14287, 4904 Griggs Rd., Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Drilling fluids* requiring the use of vacuum tank equipment, in vacuum tank vehicles, between points in New Mexico, Colorado, Utah, and Arizona.

HEARING: February 26, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 2245 (Sub No. 2), filed November 15, 1956, THE O. K. TRUCKING COMPANY, a Corporation, 1810 South St., Cincinnati, Ohio. Applicant's representative: Jack B. Josselson, Atlas Bank Bldg., Cincinnati 2, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, and excepting commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Cincinnati, Ohio, and Greensburg, Ind., from Cincinnati over U. S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to Greensburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky.; and between Vevay, Ind., and Indianapolis, Ind.; (2) between Louisville, Ky., and Indianapolis, Ind., from Louisville over U. S. Highway 31E and 31W to junction U. S. Highway 31, thence over U. S. Highway 31 to Indianapolis, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky.; between Vevay, Ind., and Indianapolis, Ind., and in combination with that route and authorized regular route between Versailles, Ind., and Madison, Ind.; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (3) (a) between Louisville, Ky., and Ashland, Ky., over U. S. Highway 60, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and Louisville, Ky., and between Cincinnati, Ohio, and Charleston, W. Va.; (b) from junction U. S. Highway 60 and U. S. Highway 421 (at or near Frankfort, Ky.) as a point of joinder only, to junction U. S. Highway 421 and U. S. Highway 60 (at or near Lexington, Ky.) as a point of joinder only, over U. S. Highway 421; and (c) from junction U. S. Highway 60 and Kentucky Highway 151, as a point of joinder only, over Kentucky Highway 151 to junction U. S. Highway 62, thence over U. S. Highway 62 to junction U. S. Highway 60 as a point of joinder only, and return over the same routes described in (a), (b) and (c), serving no intermediate points, as alternate routes for operating convenience in connection with applied-for alternate route authority in (3) (a) above; and (4) between Aurora and Versailles, Ind., over U. S. Highway 50, serving all intermediate points.

NOTE: By No. (4) above applicant proposes to remove the restriction existing in its certificate No. MC 2245 relating to designation "Between Versailles, Ind., and Aurora, Ind." Applicant is authorized to transport the commodities specified in Indiana, Kentucky, Ohio, and West Virginia.

HEARING: March 7, 1957, in Room 712, Federal Bldg., Cincinnati, Ohio, before Joint Board No. 208.

No. MC 3379 (Sub No. 36), filed December 28, 1956, SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Avenue, Akron, Ohio. Applicant's representative: Homer S. Carpenter, Suite 618 Perpetual Bldg., 1111 E. Street, N. W., Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission and commodities requiring special equipment, serving the site of the missile-testing laboratory to be built by Thompson Products, Inc. near Rockymount, Va. as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to transport similar commodities in Ohio, Virginia, Pennsylvania, and Maryland.

HEARING: February 18, 1957, at the U. S. Court Rooms, Richmond, Va., before Joint Board No. 108.

No. MC 4405 (Sub No. 285), filed December 6, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's representative: James W. Wrape, 2111 Sterick Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Trailers*, except those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Albuquerque, N. Mex., to points in the United States; (b) *Tractors*, other than farm tractors, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway movements, from Albuquerque, N. Mex., to points in Arizona, Nevada, Oregon, and Vermont; and (c) *Truck and trailer bodies*, assembled and unassembled, from Albuquerque, N. Mex., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 25, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 6851 (Sub No. 1), filed December 3, 1956, GEORGE STANFIELD & MAURICE STANFIELD, doing business as STANFIELD TRUCK LINE, Lake City, Iowa. Applicant's representative: Russell H. Wilson, 443 S. W. 6th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cracklings, Tankage, meat scraps*, in bulk, and *Feather meal* in bulk, and in packages, from Woodward, Corning, and Lake City, Iowa, to New Ulm, Redwood Falls, Minneapolis and St. Paul, Minn., and points within five (5) miles of each. Applicant is authorized to conduct operations in Iowa and New Ulm, Minn.

HEARING: February 27, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 146.

No. MC 9685 (Sub No. 54), filed January 3, 1957, THE EMERY TRANSPORTATION COMPANY, 7000 S. Pulaski Rd., Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Frozen foodstuffs and perishable foodstuffs*, requiring refrigeration, *meats, packing house products* and *commodities used by packing houses* as defined by the Commission, between Chicago, Ill., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia; (2) *Meats, packing house products* and *commodities used by packing houses* as defined by the Commission, between Peoria, Ill., on the one hand, and, on the other, points in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, Delaware, New Jersey, Maryland, Virginia, West Virginia, and the District of Columbia; (3) *Materials, machinery and supplies* used in the manufacture and distribution of the above-mentioned commodities, including *returned skids, pallets, hooks* and *racks*, from the destination territory described above to Chicago and Peoria, Ill. Applicant is authorized to transport similar commodities in the States of Wisconsin, Illinois, Indiana, Iowa, Michigan, Ohio, Pennsylvania, New York, Missouri, Kentucky, Minnesota, and West Virginia.

NOTE: Applicant is presently authorized to conduct contract carrier operations under Permit No. MC 9685 and sub numbers thereunder. Application on file in No. MC 114019 to change from contract to common. Pending final determination in MC 114091, dual operations may be involved. Applicant filed application in MC 114019 Sub 8, December 3, 1956, for same authority requested above as a common carrier.

HEARING: February 20, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner William E. Messer.

No. MC 9685 (Sub No. 55), filed January 3, 1957, THE EMERY TRANSPORTATION COMPANY, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, packing-house products* and *commodities used by packing-houses*, as defined by the Commission, between Indianapolis, Ind., and Storm Lake, Iowa, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Applicant is authorized to transport similar commodities in Wisconsin, Illinois, Iowa, Michigan, Ohio, Pennsylvania, New York, Missouri, Kentucky, Minnesota, and West Virginia.

NOTE: Applicant is presently authorized to conduct contract operations under Permit No. MC 9685 and sub numbers thereunder. Application on file in No. MC 114019 to change from contract to common. Applicant filed application in MC 114019 (Sub No. 9) for same authority as requested above as a common carrier. Dual operations and common control may be involved.

HEARING: February 20, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner William E. Messer.

No. MC 10672 (Sub No. 5), filed December 18, 1956, FRED BAHR, doing business as BAHR GRAIN CO., Barneston, Nebr. Applicant's representative: J. Max Harding, 901 S. 13th St., Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial feeds*, from points in Richardson and Gage Counties, Nebr. to points in Kansas; *damaged shipments of commercial feeds* on return. Applicant is authorized to transport feed from Kansas City, and St. Joseph, Mo. to Liberty, Nebr. and points within 20 miles of Liberty.

HEARING: March 4, 1957, at the Nebraska State Railway Commission, Capitol Bldg., Lincoln, Nebr., before Joint Board No. 19.

No. MC 10761 (Sub No. 63), filed December 31, 1956, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, % Miss Sarah Herlihy, 1383 National Press Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant, located on Ohio Highway 91 near Darrowville (Summit County), Ohio, as an off-route point in connection with applicant's authorized regular route operations (1) between Cleveland, Ohio and Pittsburgh, Pa., over Ohio Highway 14 and (2) between Cleveland, Ohio and Kennedy, N. Y., over Ohio Highway 8. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 18535 (Sub No. 30), filed November 19, 1956, O. ALEX HICKLIN, doing business as HICKLIN MOTOR LINE, St. Matthews, S. C. Applicant's representative: Frank A. Graham, Jr., 707 Security Federal Bldg., Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Re-inforced concrete pipe, prestressed and pre-cast concrete products*, from points in Richland County, S. C., to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia, and (2) *Peat Humus*, from points in Colleton County, S. C., to points in Alabama, Florida, Georgia, North Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities in (1) and (2) above, on return.

HEARING: February 25, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner Michael B. Driscoll.

No. MC 25567 (Sub No. 39), filed December 31, 1956, HANCOCK-TRUCKING, INCORPORATED, SHELDON A. KEY, TRUSTEE, 1917 West Maryland St., Evansville, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and the junction of Indiana Highway 48 and U. S. Highway 41, from Terre Haute over Indiana Highway 63 to the junction of Indiana Highway 48, thence over Indiana Highway 48 to the junction of U. S. Highway 41, and return over the same route, serving Fairbanks, Ind., and points within 8 miles thereof as intermediate or off-route points, including but not limited to such points as the plant site of the Indiana-Michigan Electric Company, located west of Fairbanks, and also the properties of Ayrshire Collieries Corporation located in Curry Township of Sullivan County, Ind., and all intermediate points located on Indiana Highways 63 and 48. Applicant is authorized to transport similar commodities in the States of Indiana, Illinois, Wisconsin, Ohio, Michigan, Kentucky, and Pennsylvania.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 29566 (Sub No. 45), filed December 13, 1956, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Ave., Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Texarkana, Tex., and points within 3 miles of the corporate limits of Texarkana, Tex., on the one hand, and, on the other, points on applicant's regular routes set forth in Section (A) of its Certificate No. MC 29566 dated July 29, 1948. Applicant is authorized to conduct operations in Illinois, Kansas, Missouri, Iowa, Arkansas, Oklahoma, and Indiana.

NOTE: Applicant presently serves Texarkana, Ark., a territorial authority, which does not include Texarkana, Tex. and states the above proposed description of authority is similarly described in its Certificate No. MC 29566 (Sub No. 25).

HEARING: February 25, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 29886 (Sub No. 90), filed September 10, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, moving and road building equipment, cranes, straddle trucks, fork lift trucks, tractors, tow-motors, trucks*, (with or without bodies or machinery attached thereto), *trailers*, (except those designed to be drawn by passenger automobiles) and *parts thereof*, when such parts move with the unit being transported, and *such commodities in need of repair or rebuilding*, on return, from Portland, Oreg., to points in the United States. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 7, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Leo A. Riegel.

No. MC 29886 (Sub No. 92), filed October 8, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample St., South Bend, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, mouldings, shingles*, and *plywood*, from points in Idaho, Washington, Oregon, California, Montana and New Mexico to points in Indiana and Michigan within 100 miles of South Bend, Ind.

HEARING: March 7, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Leo A. Riegel.

No. MC 29886 (Sub No. 94), filed January 2, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's representative: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road rollers, road scrapers* and *cement mixers, dump truck bodies* and *self-propelled building, moving, construction and materials handling machinery*, between Marion, Ohio, and all points in the United States, including the District of Columbia. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: February 28, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 30319 (Sub No. 77), filed November 9, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto St., P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *air freight* having a prior or subsequent movement by air, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between junction Texas Highway 239 and 72 two (2) miles east of Kenedy, Tex., and junction Texas Highway 239 and U. S. Highway 59 two (2) miles west of Goliad, Tex., over Texas Highway 239, serving the intermediate and off-route points of Charco and Choate, Tex. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states it is not the desire to serve any new or additional points not now served by applicant and its affiliate, the Texas & New Orleans Railroad Company, except the off-rail points of Charco and Choate, Tex., located on the route, and that service is to be coordinated with existing service of applicant and its affiliate, the Texas & New Orleans Railroad Company; applicant is now serving Kenedy and Goliad, Tex., under authority heretofore granted by the Commission.

HEARING: March 11, 1957, at the Hilton Hotel, San Antonio, Tex., before Joint Board No. 77.

No. MC 33037 (Sub No. 3), filed December 26, 1956, FRANCIS STUDER and MERLIN STUDER, a partnership, doing business as STUDER TRUCK LINE, Beattie, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Processed mill feeds* and *dry commercial fertilizer*, in bulk and in containers, from points within 15 miles of Beattie, Kans., to points in Nebraska. Applicant is authorized to transport similar commodities in Kansas, Nebraska and Missouri.

HEARING: February 19, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 19.

No. MC 33761 (Sub No. 2), filed November 23, 1956, THE WESTERN STAR TRUCKING, INC., 102 N. 5th St., Salina, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Advertising, and promotional material*, used in the sale of flour and feed mill products, between Salina, Kans., Kansas City, Mo., Des Moines and Council Bluffs, Iowa, Omaha, Wymore, and Lincoln, Nebr., and Dalhart, Texas.

HEARING: February 20, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 39952 (Sub No. 4), filed January 2, 1957, JAKE STOKES AND J. McMURPHY, doing business as SWANSON'S TRUCKING SERVICE, P. O. Box 227, Turlock, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Paper articles*, such as boxes, (fibreboard or pulpboard), corrugated or other than corrugated, plain or waterproofed, printed or not printed, knocked down flat, or folded flat, in boxes, bundles or crates, (1) from Turlock, Calif., and points within 3 miles thereof to Long Beach, Calif., from Turlock over U. S. Highway 99 to Los Angeles, Calif., thence over U. S. Highway 6 to Long Beach, serving the intermediate points of Los Angeles, San Pedro and Wilmington; (2) from Turlock, Calif., and points within 3 miles thereof to Sacramento, Calif., from Turlock over U. S. Highway 99 to Sacramento, serving the intermediate point of Stockton; (3) from Turlock, Calif., and points within 3 miles thereof to San Francisco, Calif., from Turlock over U. S. Highway 99 to the junction of U. S. Highway 50, thence over U. S. Highway 50 to San Francisco, serving the intermediate points of Oakland and Alameda, Calif.

HEARING: February 19, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 75.

No. MC 40215 (Sub No. 7), filed December 28, 1956, RAY RICHARDSON, doing business as RICHARDSON TRANSFER & STORAGE CO., 246 North 5th St., Salina, Kans. Applicant's representative: Carll V. Kretsinger, Suite 1014–1018 Temple Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky and Tennessee, on the one hand, and, on the other, points in Kansas.

NOTE: Applicant states the purpose of this application is to enable applicant to eliminate Portage County, Ohio, as a gateway on movements between Kentucky and Tennessee, on the one hand, and, on the other, points in California. Applicant is authorized to transport the commodities specified in all states in the United States *except* Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Massachusetts, Mississippi, Montana, New Hampshire, New Jersey, North Dakota, Oregon, Rhode Island, South Carolina, Vermont and Washington.

HEARING: February 28, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 43177 (Sub No. 24), filed January 2, 1957, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, inflammables, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and junction of Indiana Highway 48 and U. S. Highway 41, from Terre Haute over Indiana Highway 63 to its junction with Indiana Highway 48, thence over Indiana Highway 48 to its junction with U. S. Highway 41, and return over the same route, serving all intermediate points, and serving Fairbanks and points within 8 miles thereof as intermediate or off-route points, including but not limited to such points as the plant site of the Indiana-Michigan Electric Company, and also the properties of Ayrshire Collieries Corporation located in Curry Township of Sullivan County, Ind. Applicant is authorized to transport similar commodities in Indiana, Illinois, and Kentucky.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 43654 (Sub No. 37), filed December 31, 1956, DIXIE OHIO EXPRESS, INC., P. O. Box 750, 237 Fountain St., Akron 9, Ohio. Applicant's representative: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Euclid Division Plant of the General Motors Corporation, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Akron, Ohio, and Niagara Falls, N. Y., over Ohio Highways 18, 91 and 84, and U. S. Highways 20 and 62. Applicant is authorized to transport the commodities specified in Alabama, Georgia, Kentucky, New York, Ohio, Pennsylvania, and Tennessee.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 46599 (Sub No. 27), filed October 29, 1956, HEALZER CARTAGE CO., a Corporation, 1428 West 9th St., Kansas City 1, Mo. Applicant's representative: Floyd F. Shields, 950 Dierks Bldg., Kansas City 6, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, and household goods as defined by the Commission, over alternate routes for operating convenience only, serving no intermediate points, (1) between Kansas City, Mo., and Wichita, Kans., from Kansas City to entrance of Kansas Turnpike, now located at 18th Street near Muncie Boulevard in Kansas City, Kans., known as Interchange No. 13; also, entrance at west end of the Intercity Viaduct at or near 4th Street and Minnesota Avenue in Kansas City, Kans. (presently under construction); thence over Kansas Turnpike to what is known as Interchange No. 4 near Wichita, Kans., thence over the approach to said Interchange to Wichita; and return over the same route, in connection with applicant's authorized regular route operations between (a) Milwaukee, Wis., and Hutchinson, Kans., (b) Chicago, Ill., and Hutchinson, Kans., (c) Chicago, Ill., and Kinsley, Kans., (d) Chicago, Ill., and Dodge City, Kans., via St. Louis, Mo., (e) Kansas City, Mo., and Abilene, Kans., (f) McPherson, Kans., and Wichita, Kans., and (g) Kansas City, Mo., and Chicago, Ill.; (2) between Topeka, Kans., and Wichita, Kans., from Topeka to entrances of Kansas Turnpike at what are known as Interchanges No. 9 and No. 8 near Topeka, Kans., thence over Kansas Turnpike to Wichita over the above described route, and return over the same route, in connection with applicant's authorized regular route operations between (a) Milwaukee, Wis., and Hutchinson, Kans., (b) Chicago, Ill., and Hutchinson, Kans., (c) Chicago, Ill., and Dodge City, Kans., via St. Louis, Mo., (d) Kansas City, Mo., and Abilene, Kans., and (e) McPherson Kans., and Wichita, Kans.; and (3) between Kansas City, Mo., and Topeka, Kans., and Interchange No. 6 on the Kansas Turnpike near Emporia, Kans., from Kansas City, Mo., and Topeka over the above described routes to what is known as Interchange No. 6 on the Kansas Turnpike near Emporia, and return over the same route, in connection with applicant's authorized regular route operations between (a) Milwaukee, Wis., and Hutchinson, Kans., (b) Chicago, Ill., and Hutchinson, Kans., (c) Chicago, Ill., and Kinsley, Kans., (d) Chicago, Ill., and Dodge City, Kans., via St. Louis, Mo., (e) Kansas City, Mo., and Abilene, Kans., and (f) Kansas City, Mo., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Missouri, and Wisconsin.

HEARING: February 26, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 52746 (Sub No. 49), filed December 26, 1956, KNAUS TRUCK LINES, INC., 201 West 21st Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined

by the Commission, commodities in bulk, and those requiring special equipment, between St. Joseph, Mo., and junction U S.. Highways 36 and 40, near Byers, Colo., over U. S. Highway 36, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Kansas, and Missouri.

HEARING: February 26, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 178.

No. MC 52858 (Sub No. 57), filed December 3, 1956, CONVOY COMPANY, 3900 N. W. Yeon Ave., Portland 10, Oreg. Applicant's representative: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wheel-mounted agricultural machinery and implements*, and *parts therefor*, when they accompany shipments thereof, between points in Multnomah County, Oreg., on the one hand, and on the other, points in Washington, Oregon, California, Idaho, Nevada, Montana, Wyoming, Utah, Colorado, Arizona and New Mexico. Applicant is authorized to conduct operations in Oregon, Washington, Idaho, Montana, Nevada, Utah, Wyoming, and Colorado.

HEARING: March 8, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Leo A. Riegel.

No. MC 55776 (Sub No. 7), filed November 5, 1956, MID-AMERICA HIGHWAY EXPRESS, INC., 507 Stryker Street, Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Bldg., 5844–5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as described by the Commission, (1) between Fostoria, Sandusky, and Toledo, Ohio, on the one hand, and, on the other, New York, N. Y., and points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, within 150 miles of New York, N. Y., including Boston, Mass., Buffalo, Rochester, Syracuse, Utica, N. Y., and New Castle, Pa.; and (2) between Fostoria, Sandusky, and Toledo, Ohio, on the one hand, and, on the other, points in Delaware, the District of Columbia, Illinois, Indiana, Kentucky, and points in Maryland, Pennsylvania, and Virginia on and east of U. S. Highway 15. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island.

HEARING: March 5, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 75185 (Sub No. 215), filed December 13, 1956, SERVICE TRUCKING CO., INC., Preston Rd., Federalsburg, Md. Applicant's representative: Francis W. McInerny, Commonwealth Bldg., 1625 K St., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Citrus products* (not canned or frozen), from points in Florida to points in New York, Pennsylvania, New Jersey, Massachusetts, Connecticut, Rhode Island, and Maryland.

HEARING: February 18, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner Leo W. Cunningham.

No. MC 83539 (Sub No. 19), filed March 14, 1955, (Amended) published in FEDERAL REGISTER, issue of April 13, 1955, REOPENED ON THE COMMISSION'S OWN MOTION FOR FURTHER HEARING, C & H TRANSPORTATION CO., INC., 2135 Commerce St., P. O. Box 5976, Dallas, Tex. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe*, except the stringing or picking up of pipe in connection with the stringing and dismantling of main or trunk pipeline, from points in Tennessee in the Memphis, Tenn., commercial zone, including President's Island, to West Memphis, Ark., using West Memphis, Ark., as a gateway only. RESTRICTION: No service shall be performed between the Memphis, Tenn., commercial zone, including President's Island, and West Memphis, Ark., except for joinder with applicant's present authority on shipments destined for or to points in Oklahoma and Kansas, with no interchange at points in Oklahoma and/or Kansas. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

FURTHER HEARING: March 1, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 87231 (Sub No. 4), filed November 23, 1956, BAY AND BAY TRANSFER CO., INC., 315 Ninth Avenue North, Minneapolis, Minn. Applicant's represensative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Salt*, in bulk, in tank or hopper type vehicles, from Duluth, Minneapolis and St. Paul, Minn., and points within fifteen (15) miles of each, to points in Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan.

NOTE: Applicant states that authority is sought from Minnesota origins to points in Minnesota in interstate or foreign commerce because of traversal of Wisconsin Highways and because of moves in foreign commerce to the Minnesota-Canadian Boundary line.

HEARING: February 25, 1957, at the Federal Court Bldg., Marquette Ave, South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 87231 (Sub No. 6), filed December 26, 1956, BAY AND BAY TRANSFER CO., INC., 315 9th Avenue North, Minneapolis, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement* and *lime*, in bulk, in tank or hopper vehicles, between points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin and the Upper Peninsula of Michigan.

HEARING: February 20, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 92983 (Sub No. 184), filed November 28, 1956, ELDON MILLER, INC., 330 East Washington St., P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats and oils, including blends and products thereof*, (except those derived from petroleum), in bulk, in tank vehicles, between points in Alabama, on the one hand, and, on the other, points in Delaware, Illinois, Iowa, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania and Wisconsin. Applicant is authorized to conduct operations in Iowa, Illinois, Ohio, Kansas, Missouri, New York, Tennessee, Texas, North Dakota, South Dakota, Minnesota, Nebraska, Pennsylvania, and Arkansas.

HEARING: February 27, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 92983 (Sub No. 186), filed December 3, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, including blends thereof*, in bulk, in tank vehicles, between St. Louis, Mo., on the one hand, and, on the other, points in Arkansas, Illinois, Iowa, Kentucky and Tennessee. Applicant is authorized to conduct operations in Missouri, Nebraska, South Dakota, Kansas, Minnesota, Illinois, Wisconsin, and Iowa.

HEARING: March 4, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 187), filed December 3, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, *fats, including blends thereof*, in bulk, in tank vehicles, between Kansas City, Kans., one the one hand, and, on the other, points in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Kentucky, Louisiana, Oklahoma, Texas, West Virginia, Ohio, Tennessee, Alabama, Arkansas, Georgia, Mississippi, and North Dakota.

HEARING: February 21, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 92983 (Sub No. 188), filed December 10, 1956, ELDON MILLER, INC., 330 East Washington Street, (P. O. Box 232) Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Birmingham, Ala., to points in Florida, Georgia, Louisiana, Mississippi and Tennessee. Applicant is authorized to conduct operations in Illinois, Missouri, North Dakota, Iowa, Pennsylvania, Wisconsin, Minnesota, Oklahoma, and Texas.

HEARING: February 28, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 92983 (Sub No. 192), filed December 31, 1956, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, and Texas. Applicant is authorized to transport similar commodities in Iowa, New York, Tennessee, Texas, Kansas, North and South Dakota, Illinois, Missouri, Pennsylvania, Nebraska, Indiana, Wisconsin, and Minnesota.

HEARING: March 5, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Robert A. Joyner.

No. MC 94091 (Sub No. 4), filed December 31, 1956, QUEEN & McDONALD, INC., 231 Chestnut Street, P. O. Box 1177, Morgantown, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer*, from Pittsburgh, Pa., to Fairmont, and Clarksburg, W. Va. *Empty containers* used in transporting the commodity specified, on return. Applicant is authorized to transport beer from Pittsburgh, Pa., to Morgantown and Terra Alta, W. Va., and Oakland, Md.

HEARING: February 25, 1957, at the Fulton Building, 101–115 6th Street, Pittsburgh, Pa., before Joint Board No. 206.

No. MC 95540 (Sub No. 281), filed November 27, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, (1) from Des Moines, Postville and Spencer, Iowa, to points in Alabama, Florida, Georgia and South Carolina; (2) from Mason City, Iowa, to points in Florida. Applicant is authorized to conduct operations in Alabama, Florida, Tennessee, Illinois, Nebraska, Minnesota, Mississippi, South Carolina, Texas, North Carolina, Georgia, Wisconsin, Iowa, Indiana, Virginia, Pennsylvania, New York, New Jersey, Maryland, Ohio, Kansas, and the District of Columbia.

HEARING: February 25, 1957, at the Federal Office Bldg., 5th Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 98690 (Sub No. 3), filed November 16, 1956, CHARLES E. ESTES, doing business as VIRGINIA HOUSEHOLD GOODS TRANSPORT, Midlothian Pike, Richmond, Va. Applicant's representative: John C. Goddin, State Planters Bank Bldg., Richmond 19, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Va., and Victoria, Va., from Richmond over U. S. Highway 360 to junction Virginia Highway 153, thence over Virginia Highway 153 to junction U. S. Highway 460, thence over U. S. Highway 460 to junction Virginia Highway 40, thence over Virginia Highway 40 to Victoria, and return over the same route, serving no intermediate points.

HEARING: February 18, 1957, at the U. S. Court Rooms, Richmond, Va., befor Joint Board No. 108.

No. MC 101075 (Sub No. 38), filed December 26, 1956, TRANSPORT, INC., 1215 Center St., Moorhead, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement, lime*, and *salt*, in bulk, in tank or hopper vehicles, between points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan.

HEARING: February 27, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Leo A. Riegel.

No. MC 102616 (Sub No. 630), filed January 2, 1957, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from points in York County, Va., to points in Delaware, Maryland, North Carolina, West Virginia, and the District of Columbia. Applicant is authorized to transport the commodities specified in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

HEARING: February 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 103370 (Sub No. 42), filed December 26, 1956, BEST MOTOR FREIGHT, INC., 2511 Swiss Avenue, Dallas, Tex., Applicant's representative: Edwin C. Reminger, Standard Bldg., Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new Euclid Division Plant of the General Motors Corporation located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Akron and Cleveland, Ohio. Applicant is authorized to transport the commodities specified in Illinois, Indiana, Missouri, Ohio, Oklahoma, and Texas.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 103378 (Sub No. 83), filed December 19, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's representative: Martin Sack, Atlanta National Bank Bldg., Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil rosin*, in bulk, in tank vehicles, from Panama City, Fla., to Mobile, Ala. Applicant is authorized to transport tall oil and tall oil rosin in Florida, Georgia, and South Carolina.

HEARING: February 28, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 98.

No. MC 103654 (Sub No. 38), filed December 26, 1956, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Blvd., St. Paul, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphate of alumina, in bulk*, in tank vehicles, from Cloquet, Minn., and points within five (5) miles thereof, to points in Wisconsin, points in the Upper Peninsula of Michigan, and all ports of entry in Minnesota on the United States-Canada International Boundary line.

HEARING: February 19, 1957, at the Federal Court Bldg., Marquette Ave. South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 103993 (Sub No. 79), filed November 23, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 632 Illinois Bldg., 17 W. Market St., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service from points in Oregon, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 28, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Herbert L. Hanback.

No. MC 103993 (Sub No. 80), filed November 23, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in South Dakota to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 1, 1957, at the U. S. Court Rooms, Bismarck, N. Dak., before Examiner Leo A. Riegel.

No. MC 106009 (Sub No. 4), filed November 13, 1956, JOHN AUSTIN EMORY, doing business as CAUSTIC SODA TRANSPORTATION CO., 21 Mildred Avenue, West Asheville, N. C. Applicant's representative: Robert, R. Williams, Jr., (P. O. Box 7295), Jackson Building, Asheville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid*

sulphuric acid, in bulk, in tank vehicles, from Copperhill, Tenn., to points in that part of North Carolina and South Carolina on and west of U. S. Highway 21 from the North Carolina-Virginia State line to Columbia, S. C., and on and west of U. S. Highway 1, from Columbia, S. C. to the South Carolina-Georgia State line. Applicant is authorized to conduct operations in South Carolina, North Carolina and Tennessee.

HEARING: February 21, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Examiner Michael B. Driscoll.

No. MC 106223 (Sub No. 39), filed November 26, 1956, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Avenue, Ashtabula, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Akron, Ohio, to points in New Hampshire. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Maine, Minnesota, Missouri, New Hampshire, Ohio, Vermont, West Virginia, and Wisconsin.

NOTE: Applicant states no duplication of authority is sought.

HEARING: February 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 106398 (Sub No. 74), filed November 23, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, (P. O. Box 8096 Dawson Station), Tulsa 15, Okla. Applicant's representative: John E. Lesow, 632 Illinois Building, 17 W. Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Oregon to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 28, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Herbert L. Hanback.

No. MC 106621 (Sub No. 18), filed December 26, 1956, MELTON TRANSPORT COMPANY, P. O. Box 1163, Cheyenne, Wyo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Gilsonite*, and *products and by-products* thereof, in tank vehicles, between points in Colorado, Utah, Idaho, Wyoming, Nebraska and South Dakota. Applicant is authorized to transport similar commodities in Idaho, Utah, South Dakota, Colorado, Wyoming, Nebraska, Kansas, Texas, New Mexico, and Oklahoma.

HEARING: March 5, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 106644 (Sub No. 33), filed December 6, 1956, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place, N. E., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Building, Atlanta 8, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size, weight or handling requires the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special equipment, between points in Wisconsin and Illinois, on the one hand, and, on the other, points in Georgia and North Carolina. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE: Applicant holds contract carrier authority in Permit No. MC 104721; section 210, dual operations may be involved.

HEARING: March 7, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Alfred B. Hurley.

No. MC 106965 (Sub No. 97), filed December 31, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., N. E., Washington, D. C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Franklin, Va., to points in New Jersey, New York, Delaware, Maryland, Pennsylvania and the District of Columbia.

HEARING: February 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 107064 (Sub No. 14), filed October 29, 1956, FERGUSON-STEERE MOTOR COMPANY, 2808 Fairmount Ave., P. O. Box 2998, Dallas 21, Tex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, (except in liquefied petroleum gases), in bulk, in tank vehicles, (1) from Kansas City, Kans., to points in New Mexico south of U. S. Highway 66 and points in Texas south of U. S. Highway 66 and west of U. S. Highway 83; (2) from points in Texas south of U. S. Highway 66 and west of U. S. Highway 83 to points in Kansas. Applicant is authorized to conduct operations in Texas and New Mexico.

HEARING: February 25, 1957, at the Baker Hotel, Dallas, Tex., before Examiner David Waters.

No. MC 107188 (Sub No. 3), filed December 31, 1956, J. LAWRENCE HUGHES, doing business as MOORE'S TRAILER TRANSPORT, 4870 Monroe Street, Toledo, Ohio. Applicant's representative: James M. Burtch, Jr., 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Fabricated buildings* and *partially fabricated buildings*, on carriages, in tow-away service, from Fostoria, Ohio, to points in Indiana, Michigan, Pennsylvania, Kentucky, West Virginia, Tennessee, Illinois, Missouri, New York, Georgia and Florida; and (b) *empty carriages* and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, and *rejected or damaged shipments* of the commodities specified from the above specified destination points to Fostoria, Ohio.

HEARING: March 4, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107227 (Sub No. 42), filed November 5, 1956, INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fork lift trucks* and *straddle trucks*, in initial movements, in truckaway service, from Dallas, Oreg. to points in the United States; *shipments of the above-indicated units en route to the factory for repair on return*. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 11, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Leo A. Riegel.

No. MC 107227 (Sub No. 43), filed December 26, 1956, INSURED TRANSPORTERS, INC., 251 Park St., San Leandro, Calif. Applicant's representative: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New Automobiles*, in initial movements, in truckaway service, from Oakland, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming; *damaged shipments of new automobiles* on return, and (2) *New station wagons*, in initial movements, in truckaway service, from Oakland, Calif., to points in Arizona, California, Oregon, Utah and Washington and Reno, Nev.; *damaged shipments of new station wagons* on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: February 5, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107403 (Sub No. 226), filed December 26, 1956, E. BROOKE MATLACK, INC., 33rd & Arch St., Philadelphia, Pa. Applicant's representative: Paul F. Barnes, 811-819 Lewis Tower Bldg., 225 South 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Canton, Ohio, to points in Armstrong, Cambria, Clearfield, Fayette, Greene, Indiana, Jefferson, Somerset, Washington, and Westmoreland Counties, Pa., except liquefied petroleum gas to points in Fayette, Greene, Washington and Westmoreland Counties, Pa. Applicant is authorized to conduct similar operations in Delaware, New Jersey, New York, Pennsylvania, Maryland, Virginia, Ohio, West Virginia, Georgia, North Carolina, South Carolina, Indiana, Kansas, Kentucky, Missouri, Illinois, Wisconsin, Michigan, and the District of Columbia.

HEARING: Feruary 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 107515 (Sub No. 240), filed October 25, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, from points in Colorado to points in Louisiana, Georgia, Mississippi, Florida, Tennessee, North Carolina, South Carolina, and Alabama. Applicant is authorized to conduct operations in Arkansas, Alabama, Florida, Georgia, Iowa, Kansas, Louisiana, Mississipi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin.

HEARING: March 6, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 108380 (Sub No. 44), filed November 13, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Lodge Grass, Mont., and points within 5 miles of Lodge Grass, to points in North Dakota, South Dakota, Nebraska and Wyoming. Applicant is authorized to conduct operations in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado, and Montana.

HEARING: March 4, 1957, at the Federal Bldg., Casper, Wyo., before Examiner James C. Cheseldine.

No. MC 108380 (Sub No. 45), filed November 13, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, except jet fuel, in bulk, in tank vehicles, from Glendive and Miles City, Mont., and points within five miles of each, to points in Wyoming, South Dakota and Nebraska. Applicant is authorized to conduct operations in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado, and Montana.

HEARING: March 4, 1957, at the Federal Bldg., Casper, Wyo., before Examiner James C. Cheseldine.

No. MC 108380 (Sub No. 46), filed November 13, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Wibaux County, Mont., to points in North Dakota, South Dakota and Wyoming. Applicant is authorized to conduct operations in Wyoming, South Dakota, Nebraska, North Dakota, Utah, Idaho, Colorado, and Montana.

HEARING: March 4, 1957, at the Federal Bldg., Casper, Wyo., before Examiner James C. Cheseldine.

No. MC 108461 (Sub No. 50), filed December 19, 1956, WHITFIELD TRANSPORTATION, INC., 204 West Amador, Las Cruces, N. Mex. Applicant's representatives: L. G. Kaplan, Suite 924, City National Bank Bldg., Omaha 2, Nebr.; Frank Owen, III, 1304 Bassett Tower, El Paso, Tex.; and A. D. Hull, 323 Canal St., El Paso, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A, B and C explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (but not excluding those requiring refrigeration), (1) between El Paso, Texas, and Alpine, Texas, from El Paso over U. S. Highway 80 to junction U. S. Highway 90 at Van Horn, Texas, thence over U. S. Highway 90 to Alpine, and return over the same route, serving the intermediate points of Marfa and Van Horn, Texas, and (2) between Marfa, Texas, and Presidio, Texas, from Marfa over U. S. Highway 67 to Presidio, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in California, New Mexico, Texas, and Utah.

HEARING: March 4, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 77.

No. MC 108461 (Sub No. 52), filed December 26, 1956, WHITFIELD TRANSPORTATION, INC., 240 W. Amador, P. O. Box 1350, Las Cruces, N. Mex. Applicant's representative: L. G. Kaplan, Suite 924, City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A, B, and C explosives and those classified as dangerous articles*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (but not excluding those requiring refrigeration), between Albuquerque, N. Mex., and Shiprock, N. Mex., as follows: From Albuquerque over U. S. Highway 85 to junction New Mexico Highway 44 near Bernalillo, N. Mex., thence over New Mexico Highway 44 to junction N. Mexico Highway 17, thence over New Mexico Highway 17 to junction U. S. Highway 550 at Farmington, N. Mex., thence over U. S. Highway 550 to Shiprock, and return over the same route, serving all intermediate points between Bloomfield, N. Mex., and Shiprock, N. Mex., including Farmington, N. Mex. Applicant is authorized to conduct operations in New Mexico, Texas, and Utah.

HEARING: February 27, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 110012 (Sub No. 6), filed December 13, 1956, G. B. C. INCORPORATED, P. O. Box 253, Morristown, Tenn. Applicant's representative: W. J. Barron, 21-22 Hamilton National Bank Bldg., Morristown, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, crated, uncrated and wrapped, *cotton, paper boxes* and *fiber board boxes*, from points in Carter, Greene, Hamblen and Knox Counties, Tenn., to points in Arkansas, Arizona, California, Iowa, Kansas, Louisiana, Oklahoma, New Mexico and Texas, and *cotton, lumber* and *unassembled furniture parts* on return. Applicant is authorized to conduct operations in Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Indiana, Illinois, Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, Michigan, Wisconsin, Minnesota, Missouri, and the District of Columbia.

HEARING: March 12, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Robert A. Joyner.

No. MC 110675 (Sub No. 3), filed October 3, 1956, ART TUCKER, doing business as ART TUCKER TRANSPORT CO., 1610 East 3rd Street, Big Spring, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Asphalt* and *road oil*, in bulk, in tank vehicles, between Big Springs, Tex., and points in Colorado and Oklahoma. Applicant is authorized to conduct operations in Texas and New Mexico.

HEARING: February 27, 1957, at the U. S. Court Rooms, Abilene, Tex., before Joint Board No. 214.

No. MC 111159 (Sub No. 33), filed October 19, 1956, MILLER PETROLEUM TRANSPORTERS, LTD. a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia, nitric acid, fertilizer, fertilizer ingredients*, and *fertilizer solutions*, in bulk, from Yazoo and Jackson Counties, Miss., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, and Tennessee. Applicant is authorized to conduct operations in Tennessee and Mississippi.

HEARING: February 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 111159 (Sub No. 34), filed November 23, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., a corporation, P. O. Box 1123, Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Urea solution*, in bulk, in insulated vehicles, from Pryor, Okla., and points within five miles thereof, to Sterling, La., and Vicksburg, Miss., and points within five miles of Sterlington and Vicksburg. Applicant is authorized to conduct operations in Mississippi and Tennessee.

HEARING: February 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 111170 (Sub No. 29), filed December 31, 1956, WHEELING PIPE LINE, INC., P. O. Box 270, El Dorado, Ark. Applicant's representative: John Paul

Jones, 1012 Edway Building, Memphis 3, Tennessee. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *Coal Tar Products*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas. Applicant is authorized to transport similar products in Arkansas, Mississippi, and Tennessee.

HEARING: February 28, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 111281 (Sub No. 9), filed December 10, 1956, ECK MILLER TRANSFER, CO., a corporation, 421 E. Second St., Owensboro, Ky. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., Frankfort, Ky. For authority to operate as a *common carrier*, over a regular route, transporting: *Tile* and *clay products, and materials used or useful in the manufacture and packaging of tile and clay products*, between Louisville, Ky., and Owensboro, Ky., over U. S. Highway 60, serving the intermediate points of Cloverport and Lewisport, Ky.

NOTE: Applicant is authorized to operate between Louisville, Ky., and Owensboro, Ky., over U. S. Highway 60, as an alternate route for operating convenience only in the transportation of *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment.

HEARING: February 19, 1957, at the Federal Bldg., Lexington, Ky., before Joint Board No. 105.

No. MC 111812 (Sub No. 29), filed August 27, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to points in California, Oregon, and Washington, and to Denver, Colo., and Salt Lake City, Utah. Applicant is authorized to conduct operations in California, Iowa, Minnesota, Nebraska, Nevada, Oregon, South Dakota, Utah and Washington. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 6, 1957, in Suite 3132, Arcade Bldg., 1319 Second Avenue, Seattle, Wash., before Examiner Leo A. Riegel.

No. MC 111812 (Sub No. 33), filed January 7, 1957, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to points in Idaho. Applicant is authorized to transport similar commodities in Washington, Oregon, California, Iowa, Minnesota, and South Dakota.

HEARING: March 6, 1957, in Suite 3132, Arcade Bldg., 1319 Second Avenue, Seattle, Wash., before Examiner Leo A. Riegel.

No. MC 111950 (Sub No. 2), filed December 21, 1956, BALLARD STORAGE & TRANSFER CO., a corporation, 16 East 4th Street, St. Paul, Minn. Applicant's representative: Paul F. Sullivan, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, Oklahoma, Kansas, Delaware, Rhode Island, North Carolina, Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant states it presently holds non-radial authority to serve all of the above-named states except the first six; that by a concurrent application No. MC-F 6479, filed January 9, 1957, applicant is seeking authority to acquire the aforesaid six states from Skellet Van and Storage Co.; that in order that the six states proposed to be acquired may be served non-radially with applicant's presently authorized states, the subject application is being filed; and that if the application to purchase the six states referred to is denied, this application should be dismissed. Duplication should be eliminated.

HEARING: February 26, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 112497 (Sub No. 82), filed December 26, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil* and *tall oil derivatives and products, including tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla. to points in Georgia. Applicant is authorized to conduct operations in Louisiana, Mississippi, Alabama, Tennessee, Georgia, and Florida.

HEARING: March 25, 1957, at Peachtree-Seventh Building, 50 Seventh St., N. E., Atlanta, Ga., before Joint Board No. 64.

No. MC 112617 (Sub No. 26), filed December 13, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35 Cherokee Station, Louisville 5, Ky. Applicant's representative: John R. Sims, Jr. and Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Ohio to points in Kentucky. Applicant is authorized to conduct operations in Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Indiana, Ohio, West Virginia, Pennsylvania, Michigan, Illinois, and Tennessee.

HEARING: February 21, 1957, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 37.

No. MC 112713 (Sub No. 65), filed November 13, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Kansas City, Kans., and the Kansas-Oklahoma State line near Hunnewell, Kans., over the Kansas Turnpike Highway from its entrance at Kansas Highway K-32, Matoon Road near the Kansas City, Kans., Terminal at 18th Street at Muncie to its terminus at the Kansas-Oklahoma State line, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, and for the purpose of joinder with applicant's otherwise certificated routes at the following interchanges: (1) East Topeka, (2) Emporia, (3) Eldorado, (4) East Wichita, (5) K-15 Wichita, (6) South Wichita, (7) Wellington, and (8) South Haven, in connection with applicant's regular route operations between (1) Wichita, Kans., and Oklahoma City, Okla., (2) Ft. Scott, Kans., and Wichita, Kans., and (3) Kansas City, Mo., and Winfield, Kans. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Texas, Missouri, Kentucky, Indiana, and Michigan.

HEARING: February 19, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 113082 (Sub No. 3), filed December 10, 1956, CLARK STOOKESBERRY, Milton, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wire bottle-carrying crates* and *wire baskets*, from Keosauqua, Iowa, to points in Oklahoma; and *empty containers and crates* from points in Oklahoma to Keosauqua, Iowa. Applicant is authorized to transport the commodities specified in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, West Virginia, and Wisconsin.

HEARING: February 27, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 113336 (Sub No. 11), filed November 14, 1956, PETROLEUM TRANSIT COMPANY, INC., East 2nd Street, P. O. Box 921, Lumberton, N. C. Applicant's representative: James E. Wilson, Continental Bldg., 14th and K Streets, N. W., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Chattanooga, Tenn., and points within 10 miles of Chattanooga, to points in North Carolina, South Carolina, Georgia and Alabama. Applicant is authorized to conduct operations in Georgia, North Carolina, and South Carolina.

HEARING: March 11, 1957, at the U. S. Court Rooms, Knoxville, Tenn., before Examiner Robert A. Joyner.

No. MC 113459 (Sub No. 9) filed April 1, 1955, published in the FEDERAL REGISTER of April 20, 1956 (AMENDED) (REOPENED, ON THE COMMISSION'S OWN MOTION, FOR FURTHER HEARING), H. J. JEFFERIES TRUCK LINE, INC., 4740 S. Shields Blvd., Oklahoma City, Okla. Applicant's representative: W. T. Brunson, Leonhardt Building, Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe*, except the stringing or picking up of pipe in connection with the stringing and dismantling of main or trunk pipelines, from points in Tennessee in the Memphis, Tenn., commercial zone, including President's Island, to West Memphis, Ark., using West Memphis, Ark., as a gateway only. RESTRICTION: No service shall be performed between the Memphis, Tenn., commercial zone, including President's Island, and West Memphis, Ark., except for joinder with applicant's present authority on shipments destined for or to points in Oklahoma and Kansas, with no interchange at points in Oklahoma and/or Kansas. Applicant is authorized to conduct similar operations in Colorado, Illinois, Indiana, Kansas, Kentucky, Louisiana, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

FURTHER HEARING: March 1, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Joint Board No. 38.

No. MC 113617 (Sub No. 7), filed November 16, 1956, L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER, AND M. M. MORSE, doing business as HIGHWAY TRANSPORT COMPANY, 4143 E. 43d St., Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut St., Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Arizona and New Mexico. Applicant is authorized to conduct operations in Wisconsin, Iowa, Nebraska, Kansas, and Colorado.

HEARING: February 21, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 113624 (Sub No. 9), filed December 26, 1956, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid gilsonite*, and *products and by-products of liquid gilsonite*, in bulk, in tank vehicles, between points in Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona.

HEARING: March 5, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 113945 (Sub No. 5), filed July 23, 1956, (Amended) G. S. ADKINS, 822 Durham Street, (P. O. Box 1295) Burlington, N. C. Applicant's representative: Vaughan S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Plywood* and/or *wood doors*, in vans equipped with special protective devices, from the sites of the Mengel Company plants in Elizabeth City, N. C., to points within an area bounded by a line beginning at Savannah, Ga., and extending along U. S. Highway 80 to Macon, Ga., thence along U. S. Highway 41 via Atlanta, Ga., and Nashville, Tenn., to Hopkinsville, Ky., thence along U. S. Highway 68 to Paducah, Ky., thence along U. S. Highway 60 to Sikeston, Mo., thence along U. S. Highway 61 to St. Louis, Mo., thence along U. S. Highway 66 to Chicago, Ill., thence along U. S. Highway 12 to Detroit, Mich., thence along the United States shores of Lake Erie to Buffalo, N. Y., thence along New York Highway 5 to junction New York Highway 33, thence along New York Highway 33 to Rochester, N. Y., thence along U. S. Highway 15 to junction New York Highway 5, thence continue along New York Highway 5 to Albany, N. Y., thence along U. S. Highway 4 to Concord, N. H., thence along U. S. Highway 202 to Gorham, Maine, thence along Main Highway 25 to Portland, Maine, including points on the highways specified.

NOTE: Applicant states that the entire Commercial Zone of any city touching the above area is included in the requested authority. Issues originally published in FEDERAL REGISTER of September 19, 1956, as above.

HEARING: February 19, 1957, at the North Carolina Utilities Commission, State Library Bldg., Morgan St., Raleigh, N. C., before Examiner Michael B. Driscoll.

No. MC 114091 (Sub No. 17), filed December 10, 1956, DIRECT TRANSPORT COMPANY OF KENTUCKY, INC., 3601 South 7th Street Road, Louisville, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paints* and *paint materials, lacquers, varnishes, alkyd* and *vinyl resin solutions*, and *solvents*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Georgia, Louisiana and Texas. Applicant is authorized to conduct operations in Arkansas, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: February 20, 1957, at 11:00 a. m., at the Kentucky Hotel, Louisville, Ky., before Examiner Robert A. Joyner.

No. MC 114211 (Sub No. 2), filed November 23, 1956, DONALDSON TRANSFER COMPANY, a corporation, 213 Witry St., Waterloo, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete pipe-making machinery*, and *equipment and parts thereof* when their transportation is incidental to transportation of concrete pipe-making machinery, equipment and parts, from Waterloo, Iowa, to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Georgia, Idaho, Louisiana, Maine, Maryland, Massachusetts, Upper Peninsula of Michigan only, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

HEARING: February 20, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 114211 (Sub No. 3), filed December 6, 1956, DONALDSON TRANSFER COMPANY, a corporation, 213 Witry Street, Waterloo, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Buildings, storage bins*, and *corn cribs*, knocked down or in sections, including *all component parts, material, supplies, and fixtures*, and when shipped with such buildings, *accessories* used in these erections, constructions and completion thereof, from Columbus, Nebr., to points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota, and Missouri; and (b) *Grain driers, ventilators*, and *irrigation well casing*, from Columbus, Nebr., to points in Iowa, Illinois, Minnesota, Wisconsin, North Dakota, South Dakota, and Missouri.

HEARING: March 1, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Alfred B. Hurley.

No. MC 114334 (Sub No. 3), filed November 1, 1956, BUILDERS TRANSPORTATION COMPANY, a corporation, 523 East Brooks Road, Memphis, Tenn. Applicant's representative: Albert C. Rickey, 620 Falls Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, and of *related machinery parts* and *related contractors' materials and supplies*, when their transportation is incidental to the transportation by applicant of commodities, which by reason of size or weight require special equipment, from Memphis, Tenn., to points in Arkansas, Mississippi, Missouri, Oklahoma, Texas, Kentucky, Kansas, Indiana, Alabama, and Louisiana.

NOTE: Applicant is authorized to transport Metal tanks, metal and concrete culverts, from Memphis, Tenn., to points in Kentucky, Missouri, Oklahoma, and Texas.

HEARING: February 27, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Robert A. Joyner.

No. MC 114364 (Sub No. 20), filed September 10, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Arkansas, those in Missouri on and south of U. S. Highway 66 (except St. Louis, Mo.,) Memphis, Tenn., and Texarkana, Tex., to points in Colorado, Wyoming, those in Kansas and Nebraska on and west of U. S. Highway 183, those in New Mexico on and north of U. S. Highway 66, and those in San Juan County, Utah, excluding duplications. Applicant is authorized to conduct operations in Arkansas, Colorado and Texas. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 7, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 114364 (Sub No. 21), filed September 10, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm Streets, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over

irregular routes, transporting: *Returned and used empty containers for petroleum products*, (1) from points in Wyoming, and those in Nebraska on and west of U. S. Highway 281, to Ponca City, Okla.; (2) from points in Texas east of U. S. Highway 281 to Kansas City and Eldorado, Kans.; (3) from points in New Mexico on and north of U. S. Highway 66, to Kansas City, Kans.; and (4) from points in Idaho and Utah, and those in Nebraska on and west of U. S. Highway 281, to Houston, Tex. Applicant is authorized to conduct operations in Colorado, Idaho, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah and Wyoming. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 7, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 114364 (Sub No. 22), filed October 22, 1956, WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in packages, in truckloads, (1) from Ponca City, Okla., to points in Idaho and Utah; and (2) from Enid, Okla., and Wichita, Kans., to points in Idaho, Utah, Wyoming and that part of Nebraska on and west of U. S. Highway 281, and *Empty Containers* from the above destinations to the above origin points. Applicant is authorized to conduct operations in Kansas, Colorado, Oklahoma, South Dakota, Wyoming, Utah, Idaho, Texas, New Mexico, and Nebraska.

HEARING: February 21, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 114718 (Sub No. 5), filed November 6, 1956, WILLIAM H. ELLIOTT, doing business as OHIO VALLEY MOTOR FREIGHT, Moore's Junction, Marietta, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Ferro alloys*, in bulk, in other than dump trucks, from Riverview, Ohio to points in Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania and West Virginia; (2) *Ferro alloys and silicon metals*, in bulk, in other than dump trucks, from Graham (Mason County) W. Va., to Bedford, Canton, Cincinnati, Cleveland, Columbus, Lorain and Portsmouth, Ohio; Aliquippa, Berwick, Brackenridge, Bridgeville, Butler, Coatesville, Economy, Glassport, Latrobe, Lebanon, McKeesport, Midland, Monesson, New Kensington, Philadelphia, Pittsburgh, Steelton, Temple and Washington, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the coomodities specified on return.

NOTE: Applicant is presently authorized in MC 114718 and MC 114718 Sub 2 to conduct the above described operations in bulk, in dump trucks. Applicant is authorized to conduct operations in Ohio, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania, and West Virginia.

HEARING: March 4, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 115309 (Sub No. 2), filed December 26, 1956, TRANSPORT SERVICE, a Corporation, 6395 S. E. Alberta St., Portland, Oreg. Applicant's representative: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, as defined by the Commission, from Martinez, Calif., and points within 8 miles of Martinez, to points in Curry, Coos, Jackson, Josephine, Klamath and Lake Counties, Oregon. Applicant's only authority (MC 115309), to transport volcanic ash, ore and rock from points in Deschutes County, Oreg., to points in Washington.

HEARING: March 11, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 11.

No. MC 115437 (Sub No. 1), filed August 27, 1956, and amended September 10, 1956, MONTERREY FREIGHT FORWARDING CORPORATION, P. O. Box 1170, Brownsville, Tex. Applicant's representative: Maynard F. Robinson, First National Bank Bldg., San Antonio, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Glass*, and *glassware* as defined by the Commission, for the Mex-Cal Glass Corporation, from points in Cameron and Hidalgo Counties, Tex., to points in Michigan, Illinois, Indiana, Missouri, Arkansas, California, Wisconsin, Georgia, Alabama, Mississippi, Louisiana, Arizona, New Mexico, Colorado, Tennessee, and Ohio, (2) *Mirror chemical solutions* (silver solution and copper sulphate) for the Monterrey Sales Corporation, from points in California to points in Cameron and Hidalgo Counties, Tex., (3) *Cotton gin machinery*, new and used; *waste paper* and *waste burlap* for export only, for the Monterrey Sales Corporation, from points in Georgia, Alabama, Mississippi, and Louisiana, to points in Cameron and Hidalgo Counties, Tex., (4) *Waste paper; waste burlap; citrus pulp; citrus concentrates*, frozen and canned; *citrus juices*, frozen and canned; *machinery* and *motors*, new and used; when moving other than oil field equipment, for export only, for the Monterrey Sales Corporation, from points in Florida to points in Cameron and Hidalgo Counties, Tex., and (5) *Aluminum and steel windows and door frames, aluminum building surfaces* (shins), *aluminum furniture and aluminum bathroom fixtures*, new, for the Monterrey Sales Corporation, from points in Florida, to points in Cameron and Hidalgo Counties, Tex.

NOTE: Dual operations may be involved as applicant has a pending application for *common carrier* authority in MC 115436. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 7, 1957, at the Hilton Hotel, San Antonio, Tex., before Examiner David Waters.

No. MC 115458 (Sub No. 4), filed December 19, 1956, ROBERT G. VESPER AND OTIS A. VESPER, doing business as VESPER COMPANY, 6133 Cherry Avenue, Long Beach 5, Calif. Applicant's representative: George S. Dixon, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from all points of manufacture in Michigan to points in the United States.

HEARING: February 27, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Herbert L. Hanback.

No. MC 115691 (Sub No. 1), filed December 7, 1956, R. J. COKER, doing business as COKER TRUCKING COMPANY, Box 398, Demopolis, Ala. Applicant's representative: H. A. Lloyd, Demopolis, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, in truckload lots, from points in Sumter, Greene, and Marengo Counties, Ala., to points in Louisiana, Kentucky, Illinois, Indiana and Ohio. Applicant is authorized to transport similar operations in Alabama, Florida, Georgia, Mississippi, and Tennessee.

HEARING: March 1, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner Michael B. Driscoll.

No. MC 115848 (Sub No. 1), filed January 2, 1957, B W C TRUCKING CO., a corporation, Denton, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ground limestone* and *fertilizer materials*, in bulk, in dump vehicles (a) from Billmyer, Thomasville and York, Pa., to Denton, Md. and Lewes and Seaford, Del., and (b) from Morrisville, Pa., to Denton, Md., and Seaford, Delaware.

HEARING: February 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 116184 (Sub No. 2), filed December 14, 1956, R. L. HEFNER, J. W. HEFNER, N. T. HEFNER and D. M. HEFNER, doing business as HEFNER BROTHERS, 1002 Santa Anita Drive, Belen, N. Mex. Applicant's representative: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ores*, in bulk, and in packages, from points in Socorro County, N. Mex., to El Paso, Tex., and to points that are railheads in Socorro and Lincoln Counties, N. Mex.

HEARING: February 20, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33.

No. MC 116202, filed September 13, 1956, HENRY GAUB, Fallon, Mont. Applicant's representative: Cecil N. Brown, Terry, Mont. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Farm machinery* from Minneapolis and St. Paul, Minn. and Des Moines, Iowa to Terry, Fallon, Glendive and Miles City, Mont.; *oil well casting* and *drill pipe* from Minneapolis and St. Paul, Minn. to Glendive, Wibaux, Circle, and Baker, Mont. and Casper, Cody, and Powell, Wyo.; *livestock feeds* from Sioux City and Des Moines, Iowa, and Omaha and Lincoln, Nebr. to Terry, Miles City, and Glendive, Mont.

HEARING: March 4, 1957, at the Council Chambers City Hall, Billings, Mont., before Examiner Leo A. Riegel.

No. MC 116266, filed October 23, 1956, MILFORD E. EDSALL, doing business as EDSALL AUTO SERVICE, 509 Harrison, Topeka, Kans. Applicant's representative: William W. Dimmitt, Jr., Suite 608–618 New England Bldg., Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, damaged or disabled motor vehicles*, and *wrecked, damaged or disabled trailers and semi-trailers other than those designed to be drawn by passenger vehicles*, in truckaway service, between Topeka, Kans., and points in Missouri, Oklahoma, and Nebraska.

HEARING: February 20, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Allan F. Borroughs.

No. MC 116284, filed November 1, 1956, PAUL L. SEABOLD, doing business as SEABOLD CONTRACT CARRIER, Route 1, Keokuk, Iowa. Applicant's representative: Robert H. Walker, 609 Blondeau St., Keokuk, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel castings*, from Keokuk, Iowa, to points in Iowa, Illinois, Missouri, Wisconsin, Indiana, Arkansas and Louisiana. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: February 21, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 116300 (Sub No. 1), filed November 21, 1956, JOHN L. NANCE AND KENNETH COLLUMS, partnership, doing business as NANCE AND COLLUMS, East Monticello St., Brookhaven, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Forest products*, including creosote poles and piling, from Fernwood, Brookhaven and Crosby, Miss., to points in Arkansas, Illinois, Indiana, Louisiana, Missouri, and Tennessee.

HEARING: February 26, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 116302, filed November 13, 1956, FILM & NEWS EXPRESS, INC., 60 South Holly Street, Denver 22, Colo. Applicant's representatives: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo.. For authority to operate as a *contract carrier*, over regular routes, transporting: *Newspapers, films, and theater materials, equipment, and supplies, including advertising matter*, (1) between Denver, Colo., and Laramie, Wyo., over U. S. Highway 287, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of U. S. Highway 287 as off-route points, and serving the off-route point of Boulder, Colo.; (2) between Denver, Colo., and Cheyenne, Wyo., (a) over U. S. Highway 85 and (b) over U. S. Highway 87, and return over the same routes, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (3) between Laramie, Wyo., and Cheyenne, Wyo., over U. S. Highway 30, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of U. S. Highway 30 as off-route points; (4) between Denver, Colo., and Scottsbluff, Nebr., from Denver over U. S. Highway 6 to Sterling, Colo., thence over Colorado Highway 113 to the Colorado-Nebraska State line, thence over Nebraska Highway 19 to Sidney, Nebr., thence over U. S. Highway 30 to Kimball, Nebr., thence over Nebraska Highway 29 to Scottsbluff, Nebr. (also from Sidney over Nebraska Highway 19 to junction U. S. Highway 26, thence over U. S. Highway 26 to Scottsbluff), and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (5) between Scottsbluff, Nebr., and Casper, Wyo., from Scottsbluff over U. S. Highway 26 to junction U. S. Highway 87, thence over U. S. Highway 87 to Casper (also from Scottsbluff over U. S. Highway 26 to junction U. S. Highway 85, thence over U. S. Highway 85 to Lusk, Wyo., thence over U. S. Highway 20 to Casper), and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (6) between Scottsbluff, Nebr., and Belle Fourche, S. Dak., from Scottsbluff over U. S. Highway 26N to junction Nebraska Highway 19, thence over Nebraska Highway 19 to the Nebraska-South Dakota State line, thence over South Dakota Highway 79 to Hot Springs, S. Dak., thence over Alternate U. S. Highway 85 to Custer, S. Dak., thence over Alternate U. S. Highway 16 to Rapid City, S. Dak. (also from Custer over U. S. Highway 16 to Rapid City), thence over U. S. Highway 14 to Sturgis, S. Dak., thence over South Dakota Highway 24 to junction U. S. Highway 85, thence over U. S. Highway 85 to Belle Fourche, and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points; (7) between Chadron, Nebr., and Gordon, Nebr., over U. S. Highway 20, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of U. S. Highway 20 as off-route points; and (8) between Sturgis, S. Dak., and Hot Springs, S. Dak., from Sturgis over U. S. Highway 85 via Newcastle, Wyo., to junction Alternate U. S. Highway 85, thence over Alternate U. S. Highway 85 to Edgemont, S. Dak., thence over U. S. Highway 18 to Hot Springs, and return over the same route, serving all intermediate points, and serving all theaters, including drive-in theaters, located within fifteen (15) miles of the highways indicated as off-route points.

HEARING: March 11, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 116317, filed November 23, 1956, L. T. SHAFER, 2525 Quivira Drive, Box 67, Great Bend, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick, tile* and other *ceramic and masonry products*, from the plant sites of the Great Bend Brick and Tile Co., Inc. at Great Bend and Kanopolis, Kans., to points in the following described territory: points in Cimarron, Texas, and Beaver Counties, Okla., and that portion of Oklahoma on and north of U. S. Highway 66 from the western boundary of Oklahoma to Tulsa, and on the north of Oklahoma Highway 33 to the eastern boundary of Oklahoma; points in Nebraska on and south of U. S. Highway 34 from the eastern boundary of Nebraska at Union, thence west on U. S. Highway 34 to the junction of U. S. Highway 281 3 miles south of Grand Island, on and west of U. S. Highway 281 north to Grand Island, thence on and south of U. S. Highway 30 to the western boundary of Nebraska at Smeed; points in Missouri on and west of Missouri Highway 37 at the southern boundary of Missouri at Seligman, thence north on Missouri Highway 37 to Monett, thence on and west of U. S. Highway 60 to Springfield, thence on and west of Missouri Highway 13 to Bethany, thence on and west of U. S. Highway 69 to the Missouri-Iowa boundary line; points in Colorado on and east of U. S. Highway 85 from the northern boundary of Colorado to the southern boundary of Colorado; and points in Texas on and north of U. S. Highway 66 from the western boundary of Texas at Glenno to the eastern boundary of Texas at Benonine, and *damaged shipments* of the above named commodities on return.

HEARING: February 18, 1957, at the Hotel Lassen, Wichita, Kans., before Examiner Allan F. Borroughs.

No. MC 116322, filed November 26, 1956, THE C. D. SMITH CO., P. O. Box 839, Grand Junction, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium Oxide, U–308*, from points in that part of New Mexico on and north of U. S. Highway 60 and on and west of U. S. Highway 85; that part of Utah on and east of U. S. Highway 91 including points west thereof within 5 miles, and on and south of U. S. Highway 30S; that part of Arizona on and east of U. S. Highway 89 and on and north of U. S. Highway 66, and that part of Wyoming on and west of U. S. Highway 87, to Grand Junction, Colorado.

HEARING: March 8, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 116323, filed November 26, 1956, TOM E. STEGALL, G. BRUCE STEGALL AND MRS. WINNIE E. STEGALL, partnership, doing business as STEGALL MILLING CO., Marshville, N. C. Applicant's representatives: Shearon Harris, Albemarle, N. C., and Thomas & Griffin, Marshville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Precast, reinforced concrete floor and roof deck material,*

("Flexicore"), from Anson County, N. C., to points in Virginia, Tennessee, South Carolina, Georgia and Florida; *lumber*, rough or dressed (excluding products made or fabricated from lumber in any manufactured form, and veneer and veneer products), from (1) points in North Carolina on and west of U. S. Highway 301 to points in Georgia, Florida, Alabama, and South Carolina, and (2) from points in South Carolina to points in Georgia, Florida, Alabama and those in North Carolina on and west of U. S. Highway 301.

HEARING: February 20, 1957, at the U. S. Court Rooms Charlotte, N. C., before Examiner Michael B. Driscoll.

No. MC 116328, filed November 30, 1956, EDWARD S. MURRAY AND RICHARD E. MURRAY, doing business as CROSS & MURRAY, 710–3rd Avenue North, Minneapolis, Minn Applicant's representative A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn syrup, liquid sugar and blends thereof*, in bulk, in tank vehicles, (1) from Minneapolis, St. Paul, Hopkins, and Chaska, Minn., to points in Minnesota, North Dakota and Wisconsin; and (2) between Minneapolis, St. Paul, and Hopkins, Minn., on the one hand, and, on the other, Mason City, Iowa.

HEARING: February 25, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 116334, filed December 5, 1956, ARCHER SERVICE COMPANY, Oil City, Pa. Applicant's representative: Charles F. Riddle, 1825 Jefferson Place, N. W., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Glass and plastic bottles*, from Oil City, Pa., to (a) points in New York on and west of New York Highway 57 from Lake Ontario to Syracuse, and on and west of U. S. Highway 11 from Syracuse to the New York-Pennsylvania state line, including Syracuse; and (b) points in Ohio on and east of U. S. Highway 23; (2) *Baby feeding equipment, including glass and plastic bottles, rubber and rubber products, caps, discs, cleaning compounds, sterilizers* and *electrical appliances and parts thereof*, between Ravenna, Ohio and Oil City, Pa.; (3) *Moulding compounds* and *plastic compounds*, from North Tonawanda, N. Y., and Marietta, Ohio to Ravenna, Ohio and Oil City, Pa., (4) *glass bottles*, from Corning and Horseheads, N. Y., to Ravenna, Ohio and Oil City, Pa.; (5) *Cartons* and *cullett glass*, (a) from destination areas in New York and Ohio specified in (1) above, to Oil City, Pa.; (b) from points in Pennsylvania on and west of U. S. Highway 11 to Ravenna, Ohio; (6) *Soda Ash*, in bulk, in dump trucks, from Syracuse, N. Y., Barberton and Painesville, Ohio to Oil City, Pa.; (7) *Moulding compounds* and *plastic compounds*, between Oil City, Pa., and Ravenna, Ohio.

NOTE: The above operations will be conducted under individual contracts or agreements with persons as defined in section 203 (a) of the Interstate Commerce Act, whose principal business is the manufacture, sale and distribution of baby feeding equipment and/or glass and plastic bottles, caps and discs.

HEARING: February 26, 1957, at the Old P. O. Building, Public Square & Superior Avenue, Cleveland, Ohio, before Examiner Herbert L. Hanback.

No. MC 116337, filed December 4, 1956, RICHARD S. JOHNSON, doing business as JOHNSON TRUCKING, 140 20th Ave., So., Hopkins, Minn. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Bldg., Minneapolis 2, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk, bags, packages, or other containers, from Savage, Minneapolis, St. Paul and Duluth, Minn., and Superior, Wis., and points within the Commercial Zones thereof of each, to points in Iowa on and north of U. S. Highway 20, and those in North Dakota, South Dakota, Minnesota, Wisconsin and the Upper Peninsula of Michigan, and *grain, feed, fertilizer*, and *empty containers or other such incidental facilities* (not specified) used in transporting salt on return.

HEARING: February 18, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner Leo A. Riegel.

No. MC 116343, filed December 10, 1956, MILFORD L. MILLER AND SON PRODUCE COMPANY, a corporation, 1210 Virginia Avenue, Joplin, Mo. Applicant's representative: Stanley P. Clay, 514 First National Bldg., P. O. Box 578, Joplin, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fertilizer*, dry, in bags, and *roofing materials*, from points in Jasper County, Mo., to points in Kansas on and west of U. S. Highway 281 and to points in Colorado, and *exempt agricultural commodities* on return.

HEARING: February 27, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 178.

No. MC 116345, filed December 10, 1956, H. E. SHIPP, doing business as SHIPP BROS. CO., 1851 Independence, Waterloo, Iowa. Applicant's representative: T. Eugene Thornton, 617 First Nat'l Bldg., Waterloo, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* and *house trailers* between points in Iowa north of U. S. Highway 30 and points in Missouri, Colorado, Nebraska, and Kansas, and those in Illinois west of U. S. Highway 51 and south of U. S. Highway 30.

HEARING: February 28, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 116346, filed December 12, 1956, WAYNE TURKS AND JOSEPH LEONARD, doing business as TURKS AND LEONARD AUTO BODY CO., 8316 N. W. National Ave., West Allis 19, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles, including wrecked or disabled vehicles*, in towaway service, between points in Milwaukee County, Wis., and points in Illinois, Indiana, Iowa, Michigan, and Minnesota.

HEARING: March 6, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Alfred B. Hurley.

No. MC 116348, filed December 11, 1956, W. C. ICKES, Richlands, Va. Applicant's representative: Hubert Peery, Tazewell, Va. For authority to operate as a *contract carrier*, over regular routes, transporting: *Gasoline, fuel oil*, and *diesel oil*, in bulk, in tank vehicles, from Catlettsburg, Ky. to Richlands, Va., from Catlettsburg over U. S. Highway 23 to junction U. S. Highway 460, thence over U. S. Highway 460 to Richlands, and return over the same route, serving no intermediate points.

HEARING: March 8, 1957, at the U. S. Court Rooms, Clarksburg, W. Va., before Joint Board No. 262.

No. MC 116353, filed December 17, 1956, NORMAN E. ADKINS, 2796 Emmons Avenue, Huntington, W. Va. For authority to operate as a *contract carrier*, over irregular routes, conducting *a retail delivery service*, only, for Montgomery Ward & Co., Huntington, W. Va., from Huntington to points in Lawrence, Gallia, Meigs, and Scioto Counties, Ohio and Boyd, Carter, Greenup, and Lawrence Counties, Ky., and *damaged* and *defective merchandise*, on return.

HEARING: March 8, 1957, at the U. S. Court Rooms, Clarksburg, W. Va., before Joint Board No. 62.

No. MC 116357 filed December 19, 1956, EARL E. AKERS, 606 Ervin Street, Paris, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Flour, corn meal*, and *animal and poultry feed*, in containers (other than hermetically sealed containers), from Hopkinsville, Ky., to points in Alabama, Georgia, Mississippi, and Tennessee.

HEARING: March 8, 1957, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner Robert A. Joyner.

No. MC 116369 filed December 31, 1956, WILLIAM ROY CALHOUN, Petersburg, W. Va. Applicant's representative: James Paul Geary Petersburg, W. Va. For authority to operate as a *contract carrier*, over regular routes, transporting: *Fertilizer*, from Alexandria, Va., to Moorefield, W. Va., and Petersburg, W. Va., from Alexandria over Virginia Highway 7 to Winchester, Va., thence over U. S. Highway 50 to junction U. S. Highway 220 thence over U. S. Highway 220 to Moorefield and Petersburg, W. Va., serving no intermediate points.

HEARING: March 11, 1957, at the U. S. Court Rooms, Clarksburg, W. Va., before Joint Board No. 245.

MOTOR CARRIERS OF PASSENGERS

No. MC 113418 (Sub No. 1), filed August 23, 1956, DEWEES BUS LINES, a corporation, 28 1st Avenue, S. E., Oelwein, Iowa. Applicant's representative: Erwin Larson, Ellis Block, Charles City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at Oelwein, Iowa, and points within sixty (60) miles thereof, and extending to points in the United States, including the District of Columbia. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin. NOTE: Applicant states that transportation will be limited to charter groups only, but not limited to Schools and Colleges. Applicant further states that the purpose of this application is to extend its present operations to all of the other states in the United States and to remove the restrictions imposed in Certificate No. MC 113418 as to starting points. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: February 18, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Alfred B. Hurley.

No. MC 116083, filed June 29, 1956, ROMUALDO DELGADILLO, doing business as BONNIE'S TRAVEL SERVICE, 1126 South Santa Fe St., El Paso, Tex. Applicant's representative: A. C. Gonzalez, Jr., El Paso National Bank Bldg., El Paso, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in sightseeing service, between points in the El Paso, Tex., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points on the International Boundary line between the United States and Mexico at El Paso. Issues originally published in FEDERAL REGISTER of July 18, 1956, as above.

HEARING: March 1, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 33.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

Motor carriers of property. No. MC 29120 (Sub No. 54), filed December 31, 1956, WILSON STORAGE AND TRANSFER CO., 110 North Reid St., Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of U. S. Highway 71 and Iowa Highway 10 north of Sioux Rapids, Iowa, and the junction of U. S. Highway 30 and Iowa Highway 150 at Cedar Rapids, Iowa, from the junction of U. S. Highway 71 and Iowa Highway 10 over U. S. Highway 71 to junction of Iowa Highway 3, thence over Iowa Highway 3 to the junction of Iowa Highway 150, thence over Iowa Highway 150 to the junction of U. S. Highway 30, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (2) between junction of U. S. Highway 30 and Alternate U. S. Highway 30 west of Sterling, Ill., and Chicago, Ill., from the junction of U. S. Highway 30 and Alternate U. S. Highway 30 over U. S. Highway 30 to the junction of U. S. Highway 34, thence over U. S. Highway 34 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only. RESTRICTION: Carrier has the right to tack the above routes at junctions of U. S. Highways 30, 69 or 18, as alternate routes for operating convenience only in connection with its authorized regular route operations between Chicago, on the one hand, and, on the other, Sioux Falls or points west thereof, however, neither of such routes shall be used in the movement of any shipment to and from Spencer or Sheldon, Iowa, or any other point on carrier's routes east of Sioux Falls.

NOTE: Applicant requests that the record in MC 29120 (Sub No. 43) be considered in this application in addition to the statement of facts. Applicant is authorized to transport similar commodities in the States of South Dakota, Minnesota, Iowa, Nebraska and Illinois.

No. MC 109451 (Sub No. 67), filed December 20, 1956, ECOFF TRUCKING, INC., 112 Merrill St., Fortville, Ind. Applicant's representative: William J. Guenther, 1511 Fletcher Trust Bldg., Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Alcohol solvents*, in bulk, in tank vehicles, from Ficklin, Ill., to Wichita, Kans. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, Missouri, Wisconsin, Michigan, Kentucky, West Virginia, Pennsylvania, Iowa, Georgia, Florida, and Tennessee.

No. MC 113681 (Sub No. 11), filed January 3, 1957, BAKERY PRODUCTS DELIVERY, INC., 404 West Putnam Avenue, Greenwich, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum St., Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products*, except frozen bakery products, under individual contracts or agreements with persons (as defined in section 203 (a) (1) of the Interstate Commerce Act) who operate bakeries, the business of which is the sale of bread, cake and pastries, from Port Chester, N. Y., to Allentown, Bethlehem and Easton, Pa. *Stale, damaged and non-salable shipments* of the above-described commodities and *empty containers* used in transporting such commodities, on return. Applicant is authorized to transport similar commodities in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia.

No. MC 114110 (Sub No. 2), filed November 21, 1956, EDWARD CARL MOORE, doing business as HARRISONBURG MOTOR EXPRESS, P. O. Box 249, Harrisonburg, Va. Applicant's representative: Glenn F. Morgan, 1008 Warner Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Milk*, raw, pasteurized, and condensed, and cream, in containers, and in bulk, in tank vehicles, from Harrisonburg and Staunton, Va., to points in North Carolina and South Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return.

NOTE: Applicant states that the exempt commodities will be transported at the same time as non-exempt commodities. Applicant is authorized to conduct operations in Virginia, Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, and West Virginia.

No. MC 116287, filed November 2, 1956, R. H. KNAPP AND T. T. TEMPLIN, doing business as ALL STATES TRAILER TRANSPORT COMPANY, 4551½ Shore Drive, Norfolk 3, Va. Applicant's representative: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street, N. W., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers including furnishings therein*, designed to be drawn by passenger automobiles, in initial and secondary movements, in haulaway and truckaway service, between points in Princess Anne and Norfolk Counties, Va., (including Norfolk and Portsmouth, on the one hand, and, on the other, points in the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

Motor carriers of property. No. MC–F 6467, published in the December 19, 1956, issue of the FEDERAL REGISTER on page 10199. Supplemental application filed January 2, 1957, to show joinder of ARMLON LEONARD, MRS. REVA S. SAWYER, MRS. BETTY L. OZBURN AND MRS. LELIA LEONARD, all of 2595 Northwest 20th Street, Miami, Fla., as the persons in control of vendee.

No. MC–F 6472, published in the January 9, 1957, issue of the FEDERAL REGISTER on page 204. Application filed December 27, 1956, for temporary authority under section 210a (b).

No. MC–F 6477 (correction) published in the January 9, 1957, issue of the FEDERAL REGISTER on page 204. The authority being transferred should have included authority to transport *such commodities* as contractors' equipment, heavy and bulky articles, machinery and machine parts, articles requiring specialized handling or rigging, and *machinery, materials, supplies* and *equipment* used or useful in road construction, mining, logging, and sawmill operations between points in Washington, Idaho, that part of Oregon east of the Cascade Mountains, and certain points in Montana. The phrase "*machine parts* not included above" should be corrected to read "machinery parts not included above."

No. MC–F 6486. Authority sought for purchase by A. W. HAWKINS, INC., 270 East Davis Street, Culpeper, Va., of a portion of the operating rights of E. J. DISHER, doing business as DISHER TRANSFER & STORAGE CO., 215 North Liberty Street, Winston-Salem, N. C., and for acquisition by A. W. HAWKINS, JR., also of Culpeper, of control of such rights through the purchase. Applicants' rep-

resentative: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. Operating rights sought to be transferred: *General commodities*, except those of unusual value, and except Class A and B explosives, cigarettes, manufactured tobacco, liquors, wines, commodities in bulk, and those requiring special or refrigerated equipment, as a *common carrier* over a regular route between Winston-Salem, N. C., and Baltimore, Md., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Virginia, New York, Pennsylvania, Maryland, Delaware, New Jersey, West Virginia, North Carolina, South Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6487. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and certain property of ARIZONA–NEVADA EXPRESS, P. O. Box 4306, Phoenix, Ariz., and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights and property through the purchase. Applicants' representative: Paul M. Hupp, 738 Majestic Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Phoenix, Ariz., and Kingman, Ariz., and between Kingman, Ariz., and Alunite, Nev., serving certain intermediate and off-route points; alternate route for operating convenience only between Phoenix, Ariz., and Prescott, Ariz.; *general commodities*, with no exceptions, between Kingman and Prescott, Ariz., between Kingman and Davis Dam Site, Ariz., and between Artillery Peak and Yucca, Ariz., serving certain intermediate and off-route points; *general commodities*, except commodities in bulk, and those requiring special equipment, between Las Vegas, Nev., and Bullhead City, Ariz., serving certain intermediate and off-route points; *general commodities* with certain exceptions including household goods and commodities in bulk, over regular and irregular routes, between Phoenix, Ariz., on the one hand, and on the other Davis Dam Site, Ariz., points within five miles of Davis Dam Site, and Kingman, Ariz., and points within 25 miles of Kingman, serving no intermediate points; *general commodities*, with no exceptions, over irregular routes, between Kingman, Ariz., and points within 25 miles of Kingman; *class A and B explosives*, between Kingman, Ariz., and points in Arizona within 50 miles of Kingman. Vendee is authorized to operate as a *common carrier* in California, New Mexico, Arizona, Texas, Nevada, Colorado, Illinois, Nebraska, Iowa, Missouri, and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6488. Authority sought for control by INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville, S. W., Grand Rapids, Mich., of MOSKOWITZ MOTOR TRANSPORTATION, INC., East Main Street, Jewett City, Conn. Applicant's representative: Leonard D. Verdier, Jr., 300 Michigan Trust Bldg., Grand Rapids 2, Mich. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over regular routes between Putnam, Conn., and New York, N. Y., between New Haven, Conn., and Holyoke and North Wilbraham, Mass., between New London, Conn., and Pawcatuck, Conn., and the Connecticut-Rhode Island State line, between New Haven, Conn., and the Connecticut-Rhode Island State line, between Hartford, Conn., and the Connecticut-Massachusetts State line, and between New Haven, Conn., and Torrington and Seymour, Conn., serving certain intermediate and off-route points; *cotton piece goods*, between Fiskdale, Mass., and junction Connecticut Highways 131 and 12, serving the intermediate point at Sturbridge, Mass.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between New London, Conn., on the one hand, and, on the other, points within 20 miles of New London, and between points in Bergen, Essex, Hudson, Union, Middlesex, Monmouth, Morris, Passaic, and Somerset Counties, N. J., on the one hand, and, on the other, New York, N. Y.; household goods, as defined by the Commission, between New London, Conn., and points within 20 miles of New London, on the one hand, and, on the other, points in Massachusetts, New Jersey, New York, and Rhode Island: *automobile tires, chemicals, dyes, colors, color starch, paper, rags, cotton waste, scrap metals, engravers machinery and supplies, lathes, shoddy, wool, cotton and rayon piece goods, textile machinery, motors, petroleum products*, in containers, *wool softener* and *wool oil*, from, to or between points and areas, varying with the commodity transported, in Rhode Island, Connecticut, Massachusetts, New Jersey, and New York. INTERSTATE MOTOR FREIGHT SYSTEM is authorized to operate as a *common carrier* in Ohio, Indiana, Pennsylvania, Illinois, Minnesota, Wisconsin, Iowa, Missouri, Michigan, Kentucky, West Virginia, Maryland, New York, New Jersey, Massachusetts, Delaware and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6489. Authority sought for control by BURREN TRANSFER COMPANY, 155 South Melrose Avenue, Elgin, Ill., of GOLD STAR MOTOR SERVICE, INC., 322 North Hough Street, Barrington, Ill., and for acquisition by WALTER SCHOCK and MICHAEL UMBDENSTOCK, both of Elgin, of control of GOLD STAR MOTOR SERVICE, INC., through the acquisition by BURREN TRANSFER COMPANY. Applicant's representatives: Earl Girard, 6739 Beckwith, Morton Grove, Ill., and Franklin R. Overmyer, 111 West Monroe Street, Chicago, Ill. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Harvard, Ill., and Chicago, Ill., and between Elgin, Ill., and Chicago and Crystal Lake, Ill., serving all intermediate and certain off-route points; operations under the Second Proviso of section 206 (a) (1) in the transportation of *general freight* as a *local carrier* within a radius of fifty miles from Barrington, Ill. BURREN TRANSFER COMPANY is authorized to operate as a *common carrier* in Illinois and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6490. Authority sought for purchase by DANIELS MOTOR FREIGHT, INC., Niles Road Extention, Warren, Ohio, of the operating rights of Ethel J. Stahl, doing business as CITY EXPRESS & TRANSFER CO., 912 North First Street, St. Louis 2, Mo., and for acquisition by J. W. COX, also of Warren, of control of such rights through the purchase. Applicants' representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, New Jersey, New York, West Virginia, Ohio, Indiana, Michigan and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6491. Authority sought for purchase by TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich., of a portion of the operating rights of LUPER TRANSPORTATION COMPANY OF OKLAHOMA, 801 North Darlington Street, Tulsa, Okla., and for acquisition by R. B. GOTFREDSON and C. B. GOTFREDSON; both of Detroit, of control of such rights through the purchase. Applicants' representatives: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind., Lee Reeder and Wentworth E. Griffin, both of 1012 Baltimore Bldg., Kansas City 5, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including Class A and B explosives and household goods, but excluding commodities in bulk, as a *common carrier* over regular routes between Oklahoma City, Okla., and Sapulpa, Okla., between Atoka, Okla., and Tulsa, Okla., between Calvin, Okla., and McAlester, Okla., and between Ada, Okla., and Allen, Okla., serving all intermediate points; *general commodities*, with certain exceptions including Class A and B explosives, household goods and commodities in bulk, between specified Oklahoma points, between Durant, Okla., and De Queen, Ark., and between Kansas City, Mo., and Tulsa, Okla., serving certain intermediate and off-route points; alternate routes for operating convenience only between Tulsa, Okla., and Atoka, Okla., between Olathe, Kans., and Garnett, Kans., between Denison, Tex., and Dallas, Tex., and between Coffeyville, Kans., and Collinsville, Okla.;

general commodities, except Class A and B explosives, between Dallas, Tex., and Oklahoma City, Okla., and between Durant, Okla., and Atoka, Okla., serving certain intermediate and off-route points; alternate route for operating convenience only between Oklahoma City, Okla., and Dallas, Tex.; *general commodities*, with certain exceptions including Class A and B explosives, and household goods but excluding commodities in bulk, over irregular routes between Denison, Tex., and Colbert, Okla., on the one hand, and, on the other, the Denison Dam Site in Texas and Oklahoma, and Cartwright, Okla.; *household goods*, as defined by the Commission between points in Oklahoma within 100 miles of Shawnee, Okla., on the one hand, and, on the other, points in Kansas. Vendee is authorized to operate as a *common carrier* in Michigan, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Wisconsin, New Jersey, New York, West Virginia, Delaware, Connecticut, Iowa, Nebraska, Minnesota, Colorado, Massachusetts and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6492. Authority sought for purchase by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Blvd., Rapid City, S. Dak., of the operating rights and certain property of HIGHWAY MOTOR FREIGHT, INC., P. O. Box 451, Hastings, Nebr., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the purchase. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes, from Hastings, Nebr., to Eustis, Nebr., between Hastings, Nebr., and Maywood, Nebr., and between Omaha, Nebr., and McCook, Nebr., serving certain intermediate points and the off-route point of Orafino, Nebr.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Council Bluffs, Iowa, and Lincoln, Harrison, Alliance and McCook, Nebr., between Akron, Colo., and Sterling and Denver, Colo., and between Akron, Colo., and McCook, Nebr., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes, between points in Omaha, Nebr., and between points in Omaha, Nebr., on the one hand, and, on the other, points in Council Bluffs, Iowa; *salt*, from Lyons, Hutchinson, and Kanopolis, Kans., to certain points in Colorado; *livestock feed* and *seed*, from points in Nebraska, Iowa and Kansas and certain points in Missouri to points in Yuma County, Colo.; *livestock, farm machinery, used farm equipment, emigrant movables*, and *farm products*, between points in Yuma, Washington and Phillips Counties, Colo., on the one hand, and, on the other, points in Nebraska, Iowa and Kansas, and certain points in Missouri; *building and fencing materials, machinery, used household goods*, and *livestock feed*, including salt and seed, between farms or between farms and towns in Phillips, Yuma, and Washington Counties, Colo., on the one hand, and, on the other, certain points in Kansas and Nebraska. Vendee is authorized to operate as a *common carrier* in Minnesota, South Dakota, Montana, Utah, Washington, California and Nevada. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6494. Authority sought for control by JACK COLE COMPANY, 1900 Vanderbilt Road, Birmingham, Ala., of B. C. TRUCK LINES, INC., P. O. Box 678, La Grange, Ga., and for acquisition by J. B. COLE, JR., also of Birmingham, of control of B. C. TRUCK LINES, INC., through the acquisition by JACK COLE COMPANY. Applicant's representatives: B. A. Monaghan, 2100 Comer Bldg., Birmingham, Ala., and H. C. Ephraim, 1001 15th Street, N. W., Washington, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between La Grange, Ga., on the one hand, and, on the other, points in Alabama and Georgia. JACK COLE COMPANY is authorized to operate as a *common carrier* in Alabama, Pennsylvania, New York, Michigan, Illinois, Ohio, Tennessee, Georgia, Indiana, Rhode Island and Massachusetts. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–281; Filed, Jan. 15, 1957; 8:45 a. m.]

PRESIDENTIAL INAUGURAL CEREMONIES

WASHINGTON BY-PASS HIGHWAYS FOR MOTOR CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of January A. D. 1957. Highways authorized to enable motor carriers to by-pass Washington, D. C., during the period January 19, 20, 21, and 22, 1957.

The above matter coming on for consideration:

It appearing that during January 19, 20, 21, and 22, 1957, there will be considerable congestion on the streets and highways in and about Washington, D. C., due to Presidential Inaugural Ceremonies at that time;

It further appearing that the use of the highways specified below as alternate routes by motor common and contract carriers subject to the Interstate Commerce Act which are now authorized to operate over U. S. Highway 1 between Richmond, Va., and Baltimore, Md., via Washington, D. C., would materially relieve such congestion, and good cause therefor appearing:

It is ordered, That motor carriers holding authority from this Commission to operate over U. S. Highway 1 between Richmond, Va., and Baltimore, Md., via Washington, D. C., may, without obtaining prior authority therefor, operate over the following alternate routes, in performing their presently authorized service, between the points indicated:

Between Richmond, Va., and Baltimore, Md.:

From Richmond over U. S. Highway 1 to junction Virginia Highway 207, thence over Virginia Highway 207 to junction U. S. Highway 301, and thence over U. S. Highway 301 to Baltimore; or

From Richmond over U. S. Highway 1 to Fredericksburg, Va., thence over Virginia Highway 3 to junction U. S. Highway 301, and thence over U. S. Highway 301 to Baltimore; or

From Richmond over U. S. Highway 360 to junction U. S. Highway 17, thence over U. S. Highway 17 to junction U. S. Highway 301, and thence over U. S. Highway 301 to Baltimore; and

Return over either of the above-described routes to Richmond.

It is further ordered, That this order shall be effective only for the period of January 19, 20, 21, and 22, 1957.

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–329; Filed, Jan. 15, 1957; 8:53 a. m.]

[Special Permission No. 71468]

SOUTHERN TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January 1957.

Upon consideration of a petition filed January 8, 1957, by M. B. Duggan, Agent, and A. J. Dixon, and other attorneys, for and on behalf of certain rail carriers, as amended, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish and file a general increase of five percent in passenger fares and charges within southern territory and between southern territory, on the one hand, and eastern and western territories, on the other, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increase in fares and charges;

For good cause shown: *It is ordered:*

1. Carriers for and on whose behalf the above-mentioned petition, as amended, was filed, and their tariff-publishing agents, are hereby authorized to depart from the Commission's tariff-publishing rules when providing for increased fares and charges (exclusive of commutation fares), as set forth in the petition, as amended, in the following manner:

(a) By publication and filing of a master tariff of increased fares and charges.

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such tariff or tariffs with the master tariff of increased fares and charges.

(c) By publication and filing of tariffs or supplements of specific increased fares and charges.

(d) By publication and filing by carriers of individual or blanket supplements to their local tariffs containing conversion table.

2. Connecting link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted until further ordered. All other relief from the Commission's tariff-publishing rules authorized herein shall continue until further ordered.

3. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 71468 of January 11, 1957.

(2) Other tariffs or supplements containing specific increased fares or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 71468 of January 11, 1957.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, which tariffs will be subject to protest, suspension, or rejection.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-330; Filed, Jan. 15, 1957; 8:53 a. m.]

[No. 32099]

SOUTHERN TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January A. D. 1957.

It appearing that on January 8, 1957, a petition, as amended, was filed by agents and attorneys for and on behalf of certain southern railroads described in the petition for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish tariffs containing a general increase of five percent in passenger fares and charges within southern territory and between southern territory, on the one hand, and eastern and western territories, on the other, as set forth in the petition, as amended, and for the modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid tariffs;

It further appearing that on January 11, 1957, special permission order No. 71468[1] was issued to permit the filing of tariffs containing the proposed increase in fares and charges, which tariffs will be subject to protest, suspension, or rejection;

It further appearing that the petitioners will file simultaneously with the publication of the said tariffs verified statements in justification of said fares, and that a copy of said petition and verified statements will be furnished to any interested party upon request addressed to Mr. M. B. Duggan, Southern Passenger Association, Room 8, Terminal Station, Atlanta, Ga.

And it further appearing that the above petitioners request that the following outstanding order be further amended to the extent necessary to permit the proposed fares and charges to be established: No. 26550, Passenger Fares and Surcharges, as amended.

Upon consideration of the above-described petition, and good cause appearing therefor:

It is ordered, That protests to the entry of an order further modifying the Commission's order in No. 26550 as amended may be filed with the Commission on or before February 6, 1957. Protests should give the reasons therefor, and a copy should be furnished to Mr. M. B. Duggan, Southern Passenger Association, Room 8, Terminal Station, Atlanta 3, Ga.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202, and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-332; Filed, Jan. 15, 1957; 8:53 a. m.]

[Special Permission No. 71469]

NEW ENGLAND TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January 1957.

Upon consideration of a petition filed January 8, 1957, by W. H. Clifford, Agent, and J. W. Grady and other attorneys, for and on behalf of certain rail carriers, as amended, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish a general increase of five percent, with certain exceptions, in passenger fares and charges within New England territory and between New England territory and other territories, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increases in fares and charges;

For good cause shown: *It is ordered:*

1. Carriers for and on whose behalf the above-mentioned petition, as amended, was filed and their tariff-publishing agents, are hereby authorized to depart from the Commission's tariff-publishing rules when providing for increased fares and charges (exclusive of commutation fares), as set forth in the petition, as amended, in the following manner:

(a) By publication and filing of a master tariff of increased fares and charges.

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such tariff or tariffs with the master tariff of increased fares and charges.

(c) By publication and filing of tariffs or supplements of specific increased fares and charges.

(d) By publication and filing by carriers of individual or blanket supplements to their local tariffs containing conversion table.

2. Connecting link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted until further ordered. All other relief from the Commission's tariff-publishing rules authorized herein shall continue until further ordered.

3. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 71469 of January 11, 1957.

(2) Other tariffs or supplements containing specific increased fares or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 71469 of January 11, 1957.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, which tariffs will be subject to protest, suspension, or rejection.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-331; Filed, Jan. 15, 1957; 8:53 a. m.]

[1] See F. R. Doc. 57-330, supra.

[No. 32102]

NEW ENGLAND TERRITORY

INCREASED FARES, 1957

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 11th day of January A. D. 1957.

It appearing that on January 8, 1957, a petition, as amended, was filed by agents and attorneys for and on behalf of certain New England railroads described in the petition for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish tariffs containing a general increase of five percent in passenger fares and charges, within New England and between New England territory and other territories, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid tariffs;

It further appearing, that on January 11, 1957, special permission order No. 71469[1] was issued to permit the filing of tariffs containing the proposed increase in fares and charges, which tariffs will be subject to protest, suspension, or rejection.

It further appearing, that the petitioners will file simultaneously with the publication of the said tariffs verified statements in justification of said fares, and that a copy of said petition and verifide statements will be furnished to any interested party upon request addressed to Mr. J. W. Grady, 54 Meadow Street, New Haven, Connecticut.

And it further appearing, that the above petitioners request that the following outstanding order be further amended to the extent necessary to permit the proposed fares and charges to be established: No. 26550, Passenger Fares and Surcharges, as amended.

Upon consideration of the above-described petition, and good cause appearing therefor:

It is ordered, That protests to the entry of an order further modifying the Commission's order in No. 26550 may be filed with the Commission on or before February 6, 1957. Protests should give the reason therefor, and a copy should be furnished to Mr. J. W. Grady, 54 Meadow Street, New Haven, Connecticut.

It is further ordered, That a copy of this order be served upon the petitioning railroads, upon the parties in Ex Parte No. 202, and that notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-333; Filed, Jan. 15, 1957; 8:53 a. m.]

[1] See F. R. Doc. 57-331, *supra.*

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5607]

UTAH

LOAN ANNOUNCEMENT

DECEMBER 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Utah 8Y Duchesne	$569,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-300; Filed, Jan. 15, 1957; 8:49 a. m.]

[Administrative Order 5608]

WASHINGTON

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 3, 1956.

I hereby amend:

(a) Paragraph "(b)" of Administrative Order No. 5257, dated January 20, 1956 (amending Administrative Order No. 415, dated December 1, 1939) by rescinding the assigned allocation of $3,020.23 therein designated "Washington 18TA2 Spokane (Washington O–R9035W1 Pend Oreille)"; and

(b) Paragraph "(i)" of Administrative Order No. 5257, dated January 20, 1956 (amending Administrative Order No. 3902, dated December 18, 1952) by rescinding the assigned loan of $7,900 therein designated "Washington 18TA2 Spokane (Washington 35K Pend Oreille)".

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-301; Filed, Jan. 15, 1957; 8:49 a. m.]

[Administrative Order 5609]

OHIO

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Inasmuch as South-Central Rural Electric Cooperative, Inc., has transferred certain of its properties and assets to Ohio-Midland Light and Power Company, and Ohio-Midland Light and Power Company has assumed in part the indebtedness to United States of America, of South-Central Rural Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 802, dated January 20, 1944, by changing the project designation appearing therein as "Ohio 4–2065F2 Fairfield" in the amount of $1,410,883 to read "Ohio 4–2065F2 Fairfield" in the amount of $701,975.85 and "Ohio 95TP3 Franklin (Ohio 4-2065F2 Fairfield)" in the amount of $708,907.15.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-302; Filed, Jan. 15, 1957; 8:49 a. m.]

[Administrative Order 5610]

NEW MEXICO

LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 22L McKinley	$225,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-303; Filed, Jan. 15, 1957; 8:49 a. m.]

[Administrative Order 5611]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 101S Parker	$406,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-304; Filed, Jan. 15, 1957; 8:49 a. m.]

[Administrative Order 5612]

ILLINOIS

LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Illinois 28T Champaign	$335,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-305; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5613]

WISCONSIN

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

I hereby amend:

(a) Administrative Order No. 3792, dated August 21, 1952, by reducing the loan of $50,000 therein made for "Wisconsin 41M Vernon" by $30,000 so that the reduced loan shall be $20,000.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-306; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5614]

FLORIDA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 34S Bay	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-307; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5615]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 23R Crawford	$25,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-308; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5616]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Iowa 18F Wright	$15,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-309; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5617]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 40V Brunswick	$1,525,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-310; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5618]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
South Carolina 29N Sumter	$1,150,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-311; Filed, Jan. 15, 1957; 8:50 a. m.]

[Administrative Order 5619]

NORTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Carolina 33T Martin	$275,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-312; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5620]

ALABAMA

LOAN ANNOUNCEMENT

DECEMBER 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alabama 42G Montgomery	$4,698,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-313; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5621]

MONTANA

LOAN ANNOUNCEMENT

DECEMBER 13, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 33K Custer	$719,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-314; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5622]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 28T Conway	$50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-315; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5623]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 86T Seminole	$40,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-316; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5624]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 28P Norton	$980,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-317; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5625]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
North Dakota 11AA Cass	$780,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-318; Filed, Jan. 15, 1957; 8:51 a. m.]

[Administrative Order 5626]

VIRGINIA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 27AF Nottoway	$950,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-319; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5627]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 53N McLennan	$442,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-320; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5628]

ALASKA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Alaska 5K Kenai	$25,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-321; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5629]

OKLAHOMA

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 19, 1956.

I hereby amend:

(a) Administrative Order No. 5298, dated February 29, 1956, by rescinding the loan of $50,000 therein made for "Oklahoma 6 AC Caddo".

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-322; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5630]

TEXAS

AMENDMENT OF LOAN ANNOUNCEMENT

DECEMBER 19, 1956.

I hereby amend:

(a) Administrative Order No. 4826, dated December 16, 1954, by reducing the loan of $50,000 therein made for "Texas 107Z Martin" by $1,094 so that the reduced loan shall be $48,906.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-323; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5631]

CALIFORNIA

LOAN ANNOUNCEMENT

DECEMBER 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
California 35F Sacramento District Public	$8,863,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-324; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5632]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Arkansas 26AD Fulton	$250,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 57-325; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5633]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 123R Baylor	$634,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 57-326; Filed, Jan. 15, 1957; 8:52 a. m.]

[Administrative Order 5634]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on

behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 49G Cheyenne	$240,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-327; Filed, Jan. 15, 1957; 8:53 a. m.]

[Administrative Order 5635]

MISSISSIPPI

LOAN ANNOUNCEMENT

DECEMBER 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 31 "U" Washington	$56,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-328; Filed, Jan. 15, 1957; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (1) of § 6.313 is amended as set out below.

§ 6.313 *Department of Labor*—(a) *Office of the Secretary.* (1) Four special assistants, three confidential assistants, and one confidential assistant (private secretary) to the Secretary of Labor.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-360; Filed, Jan. 16, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.237 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.)* is amended by changing the first portion to read: "From the Tyler, Tex., nondirectional radio beacon to the intersection of a line bearing 13° True from the Tyler nondirectional radio beacon with the west course of the Shreveport, La., radio range."

2. Section 600.268 *Red civil airway No. 68 (Midland, Tex., to Shreveport, La.)* is amended by changing name of the facility "Tyler, Tex., radio range station" to read: "Tyler, Tex., nondirectional radio beacon".

3. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Wells, Nev., omnirange station, including a south alternate from the Battle Mountain omnirange station to the Wells omnirange station via the Elko, Nev., omnirange station;" to read: "Elko, Nev., omnirange station; Wells, Nev., omnirange station;"

4. Section 600.6094 *VOR civil airway No. 94 (El Paso, Tex., to Longview, Tex.)* is amended by adding a new portion to read: "The portion of this airway which overlaps the McGregor restricted area (R-211) is excluded."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., February 12, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-335; Filed, Jan. 16, 1957; 8:45 a. m.]

[Amdt. 2]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and

(Continued on next page)

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FEDERAL REGISTER

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contrary to public interest and therefore is not required:

Part 601 is amended as follows:

1. Section 601.1240 *Control area extension (Tyler, Tex.)* is amended by correcting the name of the facility "Tyler, Tex., radio range station" to read: "Tyler, Tex., nondirectional radio beacon".

2. Section 601.1268 is amended to read:

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* That airspace within a 23 mile radius of the Sioux Falls omnirange station extending clockwise from VOR civil airway No. 15 to VOR civil airway No. 80 and with a 15 mile radius of the omnirange station extending clockwise from VOR civil airway No. 80 to VOR civil airway No. 15.

3. Section 601.2250 is amended to read:

§ 601.2250 *Tyler, Tex., control zone.* Within a 5 mile radius of Pounds Field and within 2 miles either side of a 283° True bearing extending from the Tyler nondirectional radio beacon to a point 5 miles northwest of the nondirectional radio beacon.

4. Section 601.4210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.)* is amended by changing the reporting point which reads: "The intersection of the north course of the Tyler, Tex., radio range and the west course of the Shreveport, La., radio range;" to read: "the intersection of a line bearing 13° True from the Tyler, Tex., nondirectional radio beacon with the west course of the Shreveport, La., radio range;"

5. Section 601.4327 *Red civil airway No. 37 (Tyler, Tex., to Gordonsville, Va.)* is amended by correcting the name of the facility "Tyler, Tex., radio range station;" to read: "Tyler, Tex., nondirectional radio beacon;"

6. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

El Centro, Calif., omnirange station.
Fairland Intersection: The intersection of the Herndon, Va., omnirange 084° True and the Washington, D. C., terminal omnirange 016° True radials.

and by revoking the following reporting point:

Seeley Intersection: The intersection of the Yuma, Ariz., omnirange 267° True and the Thermal, Calif., omnirange 155° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. February 12, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-336; Filed, Jan. 16, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54286]

PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

INVOICES, WATCH MOVEMENTS, AND TIME-KEEPING, TIME-MEASURING, OR TIME-INDICATING MECHANISMS, DEVICES, AND INSTRUMENTS

On February 7, 1956, notice was given in the FEDERAL REGISTER (21 F. R. 840) that, in order to facilitate the determination as to whether imported watch movements or other mechanisms, devices, or instruments provided for in paragraph 367 (a), Tariff Act of 1930, have been specially manipulated after assembly to produce an adjustment or adjustments within the meaning of paragraphs 367 (a) and 367 (b) of the act and T. D. 50277 (3), it was proposed to require under the authority of section 481 (a) (10), Tariff Act of 1930 (19 U. S. C., 1481 (a) (10)), that, unless the Commissioner determined with respect to any particular importations that the purposes of this requirement have been otherwise satisfied, in addition to all other information required by law or regulations, customs invoices for such watch movements, mechanisms, devices, or instruments shall contain certain supplementary information on a separate sheet to be attached to and constitute a part of the invoice.

Paragraph 367 (a), Tariff Act of 1930 (19 U. S. C. 1001, 367 (a)), provides that imported watch movements and timekeeping, time-indicating, or time-measuring devices, instruments, and mechanisms shall be subject to an additional duty of $1 (50 cents, as modified) for each adjustment of whatever kind (treating adjustment to temperature as two adjustments) in accordance with the marking.

In a decision dated November 5, 1940, an abstract of which was published as Treasury Decision 50277 (3), the Bureau of Customs held that watch movements and other mechanisms, devices, and instruments provided for in paragraph 367 (a) are properly marked "unadjusted" under paragraph 367 (b) if they have not been specially manipulated otherwise than by ordinary assembly, to produce one or more of the following results: (a) Temperature adjustment, (b) isochronal adjustment, or (c) position adjustment.

The decision published as T. D. 50277 (3) has been extensively reviewed in the light of all representations and pertinent considerations. The Bureau has concluded that no change should be made therein, but that the following clarification of the meaning of the term position adjustment would be helpful.

Position adjustments in a watch movement, mechanism, device, or other instrument, however accomplished, result in correlation between the rates of timekeeping in various positions to meet specific precision tolerances. Any such instrument shall be considered as adjusted to position if, after assembly, it has been tested in two or more positions and specially manipulated in any manner which reduces to a prescribed limit of 45 seconds or less the observed differences between the rates in any of the positions in which tested and/or corrects the rate in any tested position for an instrument for which there is a prescribed tolerance not exceeding 45 seconds fast for one or more positions. The number of adjustments shall equal the number of positions in which the instrument was so tested, if tests were made in more than one position.

The term "specially manipulated" does not include manipulation necessary to the process of timing and regulation, which is not considered as adjustment within the meaning of paragraph 367 of the tariff act. That process results solely in making the instrument run faster or slower to the same extent in each and every position and does not result in any modification of any difference between rates in the individual positions. Any operation which results in making the instrument run faster or slower to a different extent in any tested or observed position than in any other tested or observed position, or results in a modification of any difference between rates in the individual positions, goes beyond the process of timing and regulation.

In order to facilitate the determination of whether imported watch movements or other mechanisms, devices, or instruments provided for in paragraph 367 (a) of the Tariff Act of 1930, have been specially manipulated after assembly to produce an adjustment or adjustments within the meaning of paragraphs 367 (a) and 367 (b) of the act and T. D. 50277 (3), certain information is required. After the most careful consideration of all written and oral representations made in response to the FEDERAL REGISTER announcement of February 7, 1956, it has been determined that in addition to all other information required by law or regulations, unless the Commissioner determines with respect to any particular importations that the purposes of this requirement have been otherwise satisfied, for all commercial shipments of watch movements, mechanisms, devices, or instruments having 17 or less jewels there shall be required to be shown on the invoice, on a separate sheet attached to and constituting a part of the invoice, such information as will reflect with respect to the individual instruments in the shipment:

(A) The commercial description (ebauche calibre number and ligne size) and style of each class of watch movement, time-keeping mechanism, device, or instrument covered by the invoice.

(B) The name of the manufacturer or assembler of the exported articles, and also the name of the supplier when the manufacturer or assembler is not the supplier.

(C) In the case of watch movements, the distinguishing marks (symbols) with which the watch movements are marked pursuant to the declaration annexed to the Swiss Trade Agreement.

(D) As to watch movements, time-keeping mechanisms, devices, or instruments, after the complete instruments were first assembled:

	Yes	No
(1) Were they tested or observed at different temperatures?	----	----
(2) Were they tested or observed for uniformity in rate as the mainspring runs down?	----	----
(3) Were corrections made to eliminate or reduce the differences in rates revealed by the tests in (1) and (2)?	----	----
(4) Were they tested or observed in more than one position?	----	----
(5) Was there a prescribed limit of 45 seconds or less between positions?	----	----
(6) Was there a prescribed tolerance of 45 seconds or less fast in any one position?	----	----

	Yes	No
(7) Were they corrected but marked wtih a different number of position adjustments than the number of positions (at least two) in which tested or observed?	----	----
(8) Were corrections made, other than moving the regulator arm, which affected the rate of timekeeping in any position?	----	----
(9) Were corrections made which resulted in eliminating or reducing the differences between the rates in various positions (as revealed in the tests) to a prescribed limit of 45 seconds or less?	----	----
(10) Were corrections made which altered the difference between the rates in various positions where there was a prescribed tolerance not exceeding 45 seconds fast for one or more positions?	----	----

(E) If the answers are "yes" to questions (3), (7), (9) or (10) under (D) immediately above, and the instruments are marked unadjusted, or are marked with a lesser number of position adjustments than the number of positions in which tested, describe in detail the corrections made.

It is not necessary that the required invoice information be repeated with respect to each individual item each time that item is imported. When the required information has been furnished with respect to a given item, the invoices covering subsequent shipments of that item may identify the item in the statement on which the required information for that item was first furnished. This may continue so long as the facts set out in such statement with respect to the given item remain unchanged.

Section 8.13 (h), Customs Regulations, is amended by adding the following to the list of merchandise with respect to which additional information is required to be furnished on customs invoices, and by placing opposite such addition the number and date of this Treasury decision:

Watch movements, and time-keeping, time-measuring, or time-indicating mechanisms, devices, and instruments.

In order to provide sufficient time to comply with these requirements this amendment shall become effective after 180 days after publication in the weekly Treasury Decisions.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 481, 46 Stat. 719; 19 U. S. C. 1481)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: January 15, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-389; Filed, Jan. 16, 1957; 12:00 m.]

[T. D. 54285]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

NARCOTIC ADDICTS AND VIOLATORS: BORDER CROSSINGS

JANUARY 9, 1957.

Section 201 of the Narcotic Control Act of 1956, approved July 18, 1956, Public Law 728, 84th Congress (T. D. 54145), requires any citizen who is addicted to or uses certain narcotic drugs, or has been convicted of a violation of any of the narcotic or marihuana laws of the United States or of any State thereof, the penalty for which is imprisonment for more than 1 year, to register with a customs official prior to his departure from, and upon his return to, the United States, under such rules and regulations as may be prescribed by the Secretary of the Treasury. To prescribe such regulations, Part 23 of the Customs Regulations is amended by adding a new section designated § 23.9a reading as follows:

§ 23.9a *Narcotic addicts and violators; border crossings.* Any United States citizen who is addicted to or uses narcotic drugs as defined in section 4731 of the Internal Revenue Code of 1954, as amended (except in those cases where the narcotic drug is lawfully prescribed by a duly licensed physician in attendance upon such person) or who has been convicted of a violation of any of the narcotic or marihuana laws of the United States or of any State thereof, the penalty for which is imprisonment for more than one year, shall register his departure from the United States with the collector of customs at the port of departure on customs Form 3231, Registration Certificate of Narcotic User or Violator. The original shall be given to the registrant who, upon his return to the United States, shall register with the collector of customs at the port of arrival by signing before a customs officer and in the space provided for this purpose on the original and by surrendering the completed form to the customs officer. Any United States citizen subject to the registration requirements of the Narcotic Control Act of 1956 [1] who had departed from the United States prior to July 19, 1956, the effective date of said act, shall register his return to the United States with the collector of customs at the port of arrival on customs Form 3231. (Sec. 201, 70 Stat. 574; 18 U. S. C. 1407.)

(Sec. 201, 70 Stat. 574; 18 U. S. C. 1407)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-338; Filed, Jan. 16, 1957; 8:45 a. m.]

[1] "(a) * * * no citizen of the United States who is addicted to or uses narcotic drugs, as defined in section 4731 of the Internal Revenue Code of 1954, as amended (except a person using such narcotic drugs as a result of sickness or accident or injury and to whom such narcotic drug is being furnished, prescribed, or administered in good faith by a duly licensed physician in attendance upon such person, in the course of his professional practice) or who has been convicted of a violation of any of the narcotic or marihuana laws of the United States, or of any State thereof, the penalty for which is imprisonment for more than one year, shall depart from or enter into or attempt to depart from or enter into the United States, unless such person registers, under such rules and regulations as may be prescribed by the Secretary of the Treasury with a customs official, agent, or employee at a point of entry or a border customs station. Unless otherwise prohibited by law or Federal regulation such customs official, agent, or employee shall issue a certificate to any such person departing from the United States; and such person shall, upon returning to the United States, surrender such certificate to the customs official, agent, or employee present at the port of entry or border customs station.

"(b) Whoever violates any of the provisions of this section shall be punished for each such violation by a fine of not more than $1,000 or imprisonment for not less than one nor more than three years, or both." (18 U. S. C. 1407.)

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 1,1-DICHLORO-2,2-*bis*(*p*-ETHYLPHENYL) ETHANE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of 1,1-dichloro-2,2-*bis*(*p*-ethylphenyl) ethane (also known as diethyl diphenyl dichloroethane) in or on broccoli, brussels sprouts, cabbage, cauliflower, and kohlrabi.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

1. In § 120.3 *Tolerances for related pesticide chemicals*, paragraph (e) (4) is amended by deleting "Diethyl diphenyl dichloroethane" from the list of chlorinated hydrocarbons and inserting "1,1-Dichloro-2,2-*bis*(*p*-ethylphenyl) ethane" after the line reading "DDT."

2. Section 120.139 is amended to read as follows:

§ 120.139 *Tolerances for residues of 1,1 - dichloro - 2,2 - bis (p-ethylphenyl) ethane.* A tolerance of 15 parts per million is established for residues of 1,1-dichloro-2,2-*bis*(*p*-ethylphenyl) ethane in or on each of the following raw agricultural commodities: Broccoli, brussels sprouts, cabbage, cauliflower, cherries, kohlrabi, lettuce, spinach.

3. Section 120.149 *Tolerances for residues of sodium 2,2-dichloropropionate* (22 F. R. 32, FEDERAL REGISTER of January 3, 1957, is renumbered as § 120.150.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: January 10, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-353; Filed, Jan. 16, 1957; 8:48 a. m.]

Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141c, 146, 146a, 146c, 146e; 21 F. R. 131, 609, 1511, 1744, 1745, 8985) are amended as indicated below:

1. In § 141a.9 *Penicillin tablets*, paragraph (a) *Potency* is amended in the following respects:

a. Subparagraph (1) is amended by deleting "or" and inserting in the headnote after the words ", penicillin V," the phrase "or potassium penicillin V".

b. Subparagraph (3) is amended by changing the headnote to read: *"Tablets that contain penicillin V or potassium penicillin V."*

2. Part 141a is amended by adding the following new section:

§ 141a.10 *Potassium penicillin V (potassium penicillin V salt)*—(a) *Potency.* Proceed as directed in § 141a.81 (a).

(b) *Toxicity.* Proceed as directed in § 141a.81 (b).

(c) *Moisture.* Proceed as directed in § 141a.5 (a) or § 141a.26 (e).

(d) *pH.* Proceed as directed in § 141a.5 (b), using an aqueous solution prepared by adding 30 milligrams per milliliter.

(e) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(f) *Penicillin V content.* Accurately weigh approximately 50 milligrams of the sample, dissolve in 0.1 *N* NaOH solution, and make to 100 milliliters with 0.1 *N* NaOH solution. Determine the absorbance of the sample at the absorption peak at 275 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100-percent transmission with 0.1 *N* NaOH solution. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 240 mμ to 290 mμ. If a nonrecording instrument is used, determine the absorbance (of a solution containing 20 milligrams per 100 milliliters) at the 275 mμ absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.)

$$\text{Percent potassium penicillin } V = \frac{\text{Absorbance at } 275\ m\mu \times 10{,}000}{\text{Grams of sample (per 100 milliliters)} \times Evs \times 90.2}$$

where:

Evs = Specific absorbance $\left(E\ \frac{1\%}{1\ \text{cm.}}\right)$ of penicillin *V* standard similarly treated,

90.2 = Percentage of penicillin *V* in pure potassium penicillin *V*.

3. In § 141c.217 *Chlortetracycline calcium syrup* * * *, paragraph (c) *Toxicity* is amended by changing the period at the end of the first sentence to a comma and adding the following new clause: "except that if it contains analgesic substances or antihistaminics, administer 0.5 milliliter containing 6.25 milligrams."

4. Section 146.26 *Animal feed containing penicillin* * * * is amended in the following respects:

a. Paragraph (b) (6) is amended by changing the second sentence to read as follows: "If it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the prevention of synovitis in poultry."

b. Paragraph (b) (7) is amended by changing the second sentence to read as follows: "If it contains not less than 200 grams of chlortetracycline or oxytetracycline or a combination of such drugs per ton of feed, it may also be represented for use as an aid in the control of synovitis in poultry."

5. Section 146a.27 *Penicillin tablets* is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by inserting in the first sentence, after the words "crystalline penicillin V", the following new words: "crystalline potassium penicillin V,", and by inserting in the fourth sentence, after the words "or crystalline penicillin O;" the following new clause: "not more than 1.5 percent if it contains crystalline potassium penicillin V;".

b. In paragraph (c) *Labeling*, subparagraph (1) (vi) (c) is amended by inserting after the words "penicillin V" the words "or potassium penicillin V".

c. In paragraph (d) *Request for certification* * * *, subparagraph (2) (ii) is amended by changing the words "or crystalline penicillin V" to read "crystalline penicillin V, or crystalline potassium penicillin V)."

d. Paragraph (d) (3) (ii) is amended by changing the words "or penicillin V" to read "penicillin V, or potassium penicillin V".

6. Part 146a is amended by adding the following new section:

§ 146a.61 *Potassium penicillin V (potassium penicillin V salt)*—(a) *Standards of identity, strength, quality, and purity.* Potassium penicillin V is the crystalline potassium salt of penicillin V. It contains not less than 90 percent by weight of the potasium salt of penicillin V. It is so purified and dried that:

(1) Its potency is not less than 1,380 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 1.5 percent.

(4) Its pH in a solution containing 30 milligrams per milliliter is not less than 4.0 and not more than 7.5.

(b) *Packaging; labeling; request for certification, samples; fees.* Proceed as directed in § 146a.103 (b), (c), (d), and (e).

7. In § 146c.212 *Chlortetracycline suppositories* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and adding the following new clause: ", except that the blank may be filled in with the date that is 36 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies

with the standards prescribed by paragraph (a) of this section:".

8. Section 146c.217 *Chlortetracycline calcium syrup* • • • is amended in the following respects.

a. Paragraph (a) *Standards of identity* • • • is amended by inserting in the first sentence, after the word "sulfonamides, the following words: "analgesic substances, antihistaminics, caffeine," and by changing the number "4.5" in the fourth sentence to "3.5".

b. In paragraph (c) *Labeling*, subparagraph (1) (iii) is changed to read as follows:

(iii) If the batch contains, in addition to chlortetracycline calcium, tetracycline, or tetracycline magnesium, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such ingredient used in making the batch.

c. Paragraph (c) is further amended by changing subparagraph (3) to read as follows:

(3) On the label and labeling, if it contains, in addition to chlortetracycline calcium, tetracycline, or tetracycline magnesium, one or more of the active ingredients specified in paragraph (a) of this section, after the name "chlortetracycline calcium syrup" or "tetracycline syrup" or "tetracycline magnesium syrup," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

9. In § 146e.405 *Bacitracin with vasoconstrictor* • • •, paragraph (c) *Labeling* is amended by changing the period at the end of the second sentence of subparagraph (1) (iii) to a comma and adding the following new clause: ", except that the blank may be filled in with the date that is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since it was drawn in collaboration with interested members of the affected industry, since a portion of the order relaxes existing requirements, and since it would be against public interest to delay providing for the amendments above set forth.

I find that animal feeds containing antibiotic drugs, as specified in amendment 4, need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they comply with the conditions specified.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: January 10, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-355; Filed, Jan. 16, 1957; 8:48 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT HALL INDIAN IRRIGATION PROJECT, IDAHO

JANUARY 8, 1957.

On December 20, 1956, there was published in the daily issue of the FEDERAL REGISTER, Volume 21, Number 246, page 10207, an amendment to § 130.32, Subchapter L, Chapter I of the Code of Federal Regulations, Title 25, which consisted of establishing of a basic water charge for the Minor Units on the Fort Hall Indian Reservation. In restating the charges for the Fort Hall Project in the final notice of amendment, an error was made in the last sentence of paragraph (b) covering the minimum charges which read, "No bills shall be rendered for less than $6.00," whereas it should have read "No bill shall be rendered for less than $6.50." Accordingly, § 130.32 of Title 25, Code of Federal Regulations, Chapter I, Bureau of Indian Affairs, Subchapter L. Irrigation Projects: Operation and Maintenance, is correctly amended to read as follows:

§ 130.32 *Basic and other water charges.* (a) In compliance with the provisions for the act of March 1, 1907 (34 Stat. 1024), the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership of the Fort Hall Indian Reservation, Idaho, to which water can be delivered for irrigation are hereby fixed for the calendar year 1957 and subsequent years until further notice as follows:

(1) Fort Hall Project	$3.25 per acre
(2) Minor Units, Fort Hall	1.25 per acre

(b) In addition to the foregoing charges, there shall be collected annually a minimum charge of $3.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $6.50.

(c) Indian lands, leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

H. L. MOORE,
Acting Area Director.

[F. R. Doc. 57-337; Filed, Jan. 16, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 40—MANUFACTURERS AND RETAILERS EXCISE TAXES

EDITORIAL NOTE: The following sections are deleted from the Code of Federal Regulations: §§ 1.452—1.462-7 and §§ 40.4226—40.4226-8.

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter D—Grants

PART 53—GRANTS FOR SURVEY, PLANNING AND CONSTRUCTION OF HOSPITALS AND MEDICAL FACILITIES

ALLIED SPECIAL HOSPITAL; SPLIT PROJECTS; PUBLICIZING THE STATE PLAN

Notice of proposed rule making, public rule making procedure, and postponement of effective date have been omitted in the issuance of the following amendments of §§ 53.1 (g), 53.14, 53.81, and 53.126 of this part, which relate solely to grants to States, political subdivisions and public or other nonprofit agencies for construction of public and other nonprofit hospitals and medical facilities.

1. Section 53.1 (g) is deleted.
2. Section 53.14 is revised as follows:

§ 53.14 *Beds classified as general hospital beds.* The count of existing general hospital beds shall include the beds in the hospitals of this category as defined above, and beds in any tuberculosis, mental or chronic disease hospital which are specifically assigned for the care of general patients, except where the beds so assigned in any institution number less than ten. Beds for persons hospitalized for the primary condition of tuberculosis, mental, or chronic disease shall be excluded.

3. Section 53.81 is deleted.
4. Section 53.126 is revised as follows:

§ 53.126 *Publicizing the State plan.* (a) At least 30 days prior to the submission of the State plan and its annual revision to the Surgeon General, the State Agency shall publish in newspapers having general circulation throughout the State a general description of its provisions, and the State plan shall be available for examination and comment by interested persons prior to submission to the Surgeon General.

(b) The provisions of this section shall also apply to any revisions of or supplements to the State plan pursuant to Part G of the Federal Act.

(Sec. 215, 58 Stat. 690 as amended; 42 U. S. C. 216. Interprets or applies sec. 622, 60 Stat. 1042; 42 U. S. C. 291e)

The above amendments were approved by the Federal Hospital Council at a meeting held December 7, 1956 and shall be effective on the date of publication in the FEDERAL REGISTER.

Dated: December 31, 1956.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved:

L. E. BURNEY,
Chairman, Federal Hospital Council.

Approved: January 11, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-356; Filed, Jan. 16, 1957; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-27; FCC 57-39]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

CALL SIGNS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1957;

The Commission having before it for consideration § 2.302 of its rules, which includes the Table of allocation of call signs;

It appearing that the Department of Commerce has requested that the call signs WWI and WWVL be assigned for the use of standard frequency stations which the National Bureau of Standards is establishing; and

It further appearing that the call sign WWI has been assigned to the Department of Commerce for many years and the call sign WWVL is at present available for assignment; and

It further appearing that the proposed change is not substantive and does not in any way affect the requirements of any of the Commission's rules, but that said change consists of the addition of information with reference to call signs allocated for use by the standard frequency class of station; and

It further appearing that because of the informational nature of the proposed changes, notice and public procedure hereon as prescribed by section 4 (a) of the Administrative Procedure Act is unnecessary, and that this order may be made effective immediately for the same reason;

It is ordered, That, pursuant to authority contained in sections 303 (o) (p) and (r) of the Communications Act of 1934, as amended, § 2.302 of Part 2 of the Commission's rules and regulations is amended as set forth below effective March 1, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Part 2 of the Commission's rules, § 2.302 *Table of allocation of call signs*, is amended by adding the call signs WWI and WWVL to Column 3 of the Table of allocation of call signs opposite the standard frequency class of station so that the entry for that class of station will read as follows:

Column 1	Column 2	Column 3
Standard frequency		WWI, WWV, WWVH, and WWVL.

[F. R. Doc. 57-361; Filed, Jan. 16, 1957; 8:49 a. m.]

[Docket No. 11822; FCC 57-44]

[Rules Amdt. 11-7]

PART 11—INDUSTRIAL RADIO SERVICES

AVAILABILITY OF CERTAIN FREQUENCIES

1. By Notice of Proposed Rule Making of September 11, 1956 (FCC 56-873, released September 13, 1956), in the above entitled matter, the Commission proposed to amend Subparts F, G, H, I and K of Part 11, rules governing the Industrial Radio Services, to place the assignment of frequencies below 25 Mc on a case-by-case basis, and to stipulate that frequencies in that range now listed in Part 11 are not, in every case, available for assignment.

2. Comments have been received from The Central Committee on Radio Facilities of the American Petroleum Institute and Offshore Raydist, Inc. The Central Radio Committee, in general, supports the proposal if it does not contemplate a change in the present eligibility for frequencies below 25 Mc used extensively by the Petroleum Industry for long-range communications and for seismic operations. The proposed rule contemplates that new applicants in the Industrial Radio Services proposing to use frequencies below 25 Mc will make a showing that the use of frequencies above 25 Mc will not meet the operational requirements. Additional showings will not be required in connection with petroleum geophysical operations, since this showing has already been made on an industry basis.

3. Comment of Offshore Raydist, Inc., indicates that the proposal is reasonable if it does not require new types of eligibility showings and urges that the Commission make no changes in the present method of assigning frequencies in the Industrial Radiolocation Service. The proposal would not change the rules governing the Industrial Radiolocation Service and the present method of assigning frequencies would not be affected.

4. In view of the foregoing, the Commission concludes that the proposed amendment would materially serve the public interest, convenience and necessity. *Accordingly, it is ordered*, Pursuant to the authority contained in sections 4 (i), 303 (b), (c), (d), (f), (h), and (r) of the Communications Act of 1934, as amended, that effective February 25, 1957, Part 11 of the Commission's rules governing the Industrial Radio Services is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 10, 1957.

Released: January 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Section 11.252 is amended in the following particulars:

1. In paragraph (b), delete the frequencies 2292 kc, 2398 kc, and 4637.5 kc, together with the footnotes 1, 3, and 4 referenced thereto.

2. Add a new paragraph, to read as follows:

(e) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however*, That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands, in some cases, may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely shown, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
2292 kc
2398 kc
4637.5 kc

B. Section 11.302 is amended in the following particulars:

1. In paragraph (b) delete the frequencies 1614 kc, 1628 kc, 1652 kc, 1676 kc, 1700 kc, 2292 kc, 2398 kc, and 4637.5 kc together with the footnotes 1, 2, and 3 referenced thereto.

2. Add a new paragraph, to read as follows:

(e) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however*, That

due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands, in some cases, may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely shown, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some

Frequencies	*Frequencies*
1614 kc	1700 kc
1628 kc	2292 kc
1652 kc	2398 kc
1676 kc	4637.5 kc

cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

C. Section 11.352 is amended in the following particulars:

1. In paragraph (b), delete the frequencies 1676 kc, 1700 kc, and 2398 kc, together with the footnote 1 referenced thereto.

2. Add a new paragraph, to read as follows:

(d) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands, in some cases, may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely shown, each Base Station application also should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2595 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
1676 kc
1700 kc
2398 kc

D. Section 11.402 is amended in the following particulars:

1. In paragraph (a), delete the frequencies 1628 kc, 1652 kc, 2292 kc, 2398 kc, and 4637.5 kc, together with the footnotes 1, 2, and 3 referenced thereto.

2. Add a new paragraph, to read as follows:

(c) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely submitted, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
2292 kc
2398 kc
4637.5 kc

E. Section 11.515 is amended in the following particulars:

1. In paragraph (b), delete the frequencies 2292 kc, 2398 kc, and 4637.5 kc, together with the footnotes 1, 2, and 3 referenced thereto.

2. Add a new paragraph, to read as follows:

(c) (1) Frequencies in the bands listed below may be assigned to Base Stations and to Mobile Stations in this service upon a satisfactory showing that use of frequencies above 25 Mc will not meet the operational requirements of the applicant: *Provided, however,* That due to the occupancy of the subject frequency bands by many stations in many services of this and other countries frequencies in the listed bands may be unavailable for assignment and, in other cases, may be available only with technical and/or operating limitations. In addition to the information routinely submitted, each Base Station application should indicate the proposed transmitter output power; the type of antenna system and its approximate radiation pattern if not omnidirectional; the minimum necessary hours of operation; and the desired service area. A Mobile Station application should include the proposed transmitter output power and the minimum necessary hours of operation. The frequency bands are as follows:

Bands	*Bands*
1605–1750 kc	2505–2850 kc
2107–2170 kc	3155–3400 kc
2194–2495 kc	4438–4650 kc

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies
2292 kc
2398 kc
4637.5 kc

[F. R. Doc. 57-362; Filed, Jan. 16, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 101–114]

CANCELED WAREHOUSE RECEIPTS

PROPOSED AMENDMENT OF REGULATIONS

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Agricultural Marketing Service, pursuant to the authority conferred by section 28 of the United States Warehouse Act (7 U. S. C. 268), is considering amending the warehouse regulations appearing in Parts 101 through 114 of Subchapter D of Chapter I in Title 7 of the Code of Federal Regulations by deleting the last sentence in each of §§ 101.28, 102.34, 103.28, 104.28 (b), 105.29, 106.30, 107.31, 108.29, 109.34, 110.29, 111.33, 112.29, 113.29, and 114.29 and by inserting in lieu thereof in each instance the following: "Each canceled receipt shall be retained by the warehouseman for a period of six years after December 31 of the year in which the receipt is canceled and for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the Act. Canceled receipts shall be arranged by the warehouseman in numerical order and otherwise in such manner as shall be directed, for purposes of audit, by authorized officers or agents of the Department of Agriculture."

These amendments would relieve restrictions by specifying a more definite period for which canceled warehouse receipts are to be retained by federally licensed warehousemen and otherwise would clarify the requirements of the regulations.

Any interested person who wishes to submit written data, views or arguments with respect to the proposed amendments may do so by filing them with the Chief, U. S. Warehouse Act Branch, Special Services Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of December 1956.

[SEAL] GEORGE A. DICE,
Director,
Special Services Division.

[F. R. Doc. 57-352; Filed, Jan. 16, 1957; 8:47 a. m.]

[7 CFR Part 962]

FRESH PEACHES GROWN IN GEORGIA

FINDINGS AND DETERMINATIONS WITH RESPECT TO CONTINUATION IN EFFECT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 99, as amended, and Order No. 62, as amended (7 CFR, Part 962), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 6, 1956 (21 F. R. 9662), that a referendum would be conducted among the growers who, during the calendar year 1956 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in the State of Georgia, in the production of peaches for market to determine whether a majority of such growers favor the termination of the amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period December 12, to December 21, 1956, both dates inclusive, it is hereby found and determined that the termination of the amended marketing agreement and order, regulating the handling of fresh peaches grown in the State of Georgia, is not favored by the requisite majority of such growers.

Dated: January 14, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-351; Filed, Jan. 16, 1957; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

[Docket No. FDC–62]

NEW DRUGS; DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

FINAL ORDER DENYING EXEMPTION FROM PRESCRIPTION-DISPENSING REQUIREMENTS TO HYDROCORTISONE AND HYDROCORTISONE ACETATE OINTMENTS AND LOTIONS

In the matter of exempting certain drugs composed wholly or partially of hydrocortisone or hydrocortisone acetate from prescription-dispensing requirements:

A. Based on petitions filed as supplements to new-drug applications, a notice of proposed rule making to exempt certain drugs containing hydrocortisone or hydrocortisone acetate from prescription-dispensing requirements was published in the FEDERAL REGISTER of January 20, 1956 (21 F. R. 430). Comments on and exceptions to the proposals having been received, the Commissioner of Food and Drugs issued a notice of hearing in the FEDERAL REGISTER of March 31, 1956 (21 F. R. 2112), to provide for a more thorough development of the facts. Pursuant to the notice of postponement of hearing published in the FEDERAL REGISTER of May 19, 1956 (21 F. R. 3329), a public hearing was held on August 15, 16, and 17, 1956.

The available evidence may be summarized as follows:

1. The evidence supporting the proposed exemptions, including evidence contained in new-drug applications, indicated that:

a. Hydrocortisone and hydrocortisone acetate are not absorbed through the human skin when ointments and lotions containing the drugs are applied to the skin.

b. No systemic effects of hydrocortisone have been observed clinically in the course of extensive use under medical supervision of ointments and lotions containing hydrocortisone and hydrocortisone acetate.

c. Hydrocortisone and hydrocortisone acetate ointments and lotions have been used extensively under medical supervision, without reports of any significant adverse reactions.

d. Such preparations are effective and useful in the treatment or alleviation of many minor skin irritations.

2. The evidence opposing the proposed exemptions, including reports of studies conducted after publication of the proposed exemption order, indicated that:

a. Studies by newly devised laboratory procedures on small numbers of human subjects showed absorption of varying amounts of hydrocortisone and hydrocortisone acetate through the skin and through mucous membranes adjoining skin areas, following application to such areas of ointments and lotions containing the drugs.

b. There is insufficient evidence to establish conclusively whether or not the amount of hydrocortisone or hydrocortisone acetate that may be absorbed as a result of using ointment and lotion preparations as provided in the proposed exemption may cause clinically significant systemic effects or may result in disturbance to the glandular system.

c. There are documented cases of serious adverse effects following application of hydrocortisone preparations to the skin under medical supervision, particularly cases in which such preparations caused the spread of infection, the presence of which was undetected by the attending physician.

d. A number of well qualified experts believe that laymen in general cannot differentiate between skin conditions in which ointments or lotions of hydrocortisone or hydrocortisone acetate are indicated and those in which such preparations are contraindicated; In particular, this is a serious concern in relation to the possible spread of infection.

e. A number of well qualified experts believe that it is impossible to write adequate directions for use of hydrocortisone or hydrocortisone acetate ointments and lotions in self-medication, because the layman is generally incapable to diagnose the conditions in which the drugs may be indicated.

f. A number of well qualified experts offered the opinion that since hydrocortisone and hydrocortisone acetate ointments and lotions merely relieve temporarily but do not cure the conditions in which they are indicated, a layman would be expected to use the drugs beyond the time limit stated in the labeling in order to obtain continued relief of symptoms. It is generally agreed that prolonged use of that kind would increase the hazard of systemic effects from absorption.

g. There is a difference of opinion among well qualified medical experts as to whether or not hydrocortisone and hydrocortisone acetate ointments and lotions are safe and useful for self-medication.

3. There is general agreement that hydrocortisone and hydrocortisone acetate are not safe for use in self-medication, irrespective of the route or method of administration, if such medication causes or may cause clinically observable systemic effects or results in significant disturbance of the glandular system.

B. Based on a study of all the available fact and opinion, the Commissioner of Food and Drugs finds:

1. The available evidence fails to show that hydrocortisone and hydrocortisone acetate ointments and lotions are safe for use in self-medication as provided in the proposed regulation to exempt such articles from prescription-dispensing requirements.

2. The evidence now available does not include adequate tests by all methods reasonably applicable to show whether or not such preparations are safe for use under the conditions proposed. In particular, it fails to include reports of tests sufficiently extensive to demonstrate adequately the range of absorption of hydrocortisone and hydrocortisone acetate through the skin and adjoining mucous membranes on application of such preparations to the skin. Further,

it fails to include studies adequate to establish the significance of such absorption.

In view of the above, the Commissioner of Food and Drugs cannot conclude that the drugs are safe for use as provided in the proposed regulation. It is concluded that the prescription-dispensing requirements of hydrocortisone and hydrocortisone acetate are necessary for the protection of the public health. Accordingly, the petitions to exempt hydrocortisone and hydrocortisone acetate ointments and lotions from prescription-dispensing requirements are denied.

This order is issued in accordance with the procedure outlined in the regulations (21 CFR 130.101; 21 F. R. 5576) promulgated pursuant to section 503 (b) (3) of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (3), 52 Stat. 1052, as amended 65 Stat. 648, 649; 21 U. S. C. 353 (b) (3)), under authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 CFR 1.108 (b) and (c), as recodified 21 F. R. 5582, § 130.101 (b)).

(Sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a). Interpret or apply secs. 503 (b) (3), 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: January 8, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-354; Filed, Jan. 16, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 16]

[Docket No. 11903; FCC 57-43]

AUTOMOBILE EMERGENCY RADIO SERVICE

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The present paragraph (a) of § 16.503 of Part 16, Subpart K, Automobile Emergency Radio Service, provides, among other things, for the primary assignment of the frequencies 35.70 Mc and 35.98 Mc to base stations and mobile stations other than those aboard aircraft, which are operated by public garages. In the administration of this Section it has been considered that the intent of the rule was to permit the assignment to a licensee of one or the other of the frequencies but not both. This interpretation appears to have permitted the licensing of a larger number of public garages with less mutual interference than would have resulted if each licensee had been authorized the use of both frequencies. It is therefore proposed to clarify the purpose and intent by amending paragraph (a) of § 16.503 as set forth below.

3. The proposed amendment is issued under the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before February 15, 1957, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

5. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: January 10, 1957.

Released: January 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

It is proposed to amend paragraph (a) of § 16.503 to read as follows:

§ 16.503 *Frequencies available for base and mobile stations.* (a) The frequencies 35.70 Mc and 35.98 Mc are primarily available for assignment to base stations and to mobile stations other than those aboard aircraft, which are operated by or on behalf of public garages. Only one of these two frequencies will be assigned to a single licensee. At the discretion of the Commission, these frequencies may be assigned to base stations and to mobile stations other than those aboard aircraft, which are operated by or on behalf of associations of owners of private automobiles upon a showing that: (1) The same applicant has previously held an authorization for the operation of a station or stations in the same area on the frequencies requested, or (2) one or both of the frequencies specified in paragraph (b) of this section are currently assigned to stations operated in the same area by or on behalf of another such association with which the applicant is not directly affiliated.

[F. R. Doc. 57-363; Filed, Jan. 16, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[70316]

MONTANA

RESTORING LANDS TO TRIBAL OWNERSHIP OF BLACKFEET TRIBE OF INDIANS

Whereas pursuant to authority contained in the act of Congress approved March 1, 1907 (34 Stat. 1015, 1039), certain townsites were established within the Blackfeet Indian Reservation, Montana, and

Whereas there are certain undisposed of lands within the townsites referred to which are desired by the Indians and for which there appears to be no public demand, and

Whereas the Tribal Council and the Commissioner of Indian Affairs, have recommended restoration of the lands involved to tribal ownership.

Now, therefore, by virtue of the authority vested in the Secretary of the Interior by sections 3 and 7 of the act of June 18, 1934 (48 Stat. 984; 25 U. S. C. 463a), I hereby find that the restoration to tribal ownership of the remaining vacant, undisposed of lands included in the townsites listed below will be in the public interest and the said lands are hereby restored to tribal ownership for the use and benefit of the Blackfeet Indian Reservation, Montana, and are added to and made a part of the existing reservation, subject to any valid existing rights:

BLACKFOOT TOWNSITE

Block 21, lots 1 and 2;
Block 22, lots 1 to 4, inclusive, and lots 7 to 10, inclusive;
Block 23, lots 1 to 5, inclusive, and lots 9 to 14, inclusive;
Block 24, all;
Block 25, all;
Block 26, all;
Block 28, lots 1 to 4, inclusive, and lots 11 and 12;
Block 30, lots 1 and 2;
Block 31, lot 2;
Block 32, lots 2 to 6, inclusive, and lots 8 to 11, inclusive;
Block 33, lots 1, 2, 6 to 12, inclusive;
Block 34, lots 1, 2, 6, 9, and 10;
Block 35, lots 1, 2, 5 to 8, inclusive;
Block 36, all;
Block 37, all;
Block 38, all;
Block 39, all;
Block 40, all;
Block 41, all;
Block 42, all;
Block 43, lots 1 to 7, inclusive, and lots 9 to 11, inclusive;
Block 44, lots 1 to 4, inclusive, and lot 7;
Block 46, lots 2 and 3;
Block 47, lots 1, 4, and 5;
Block 48, all;
Block 49, all;
Block 51, lots 2 and 6;
Block 52, lot 7;
Block 53, lot 9;
Block 57, all;
Block 58, all;
Block 59, all.

BROWNING TOWNSITE

Block 7, lot 1;
Block 47, lots 1 and 2.

PONTRESINA TOWNSITE

PRINCIPAL MERIDIAN

T. 35 N., R. 12 W.,
Sec. 27, W½W½SW¼SW¼;
Sec. 28, E½SE¼.

MEDVALE TOWNSITE

PRINCIPAL MERIDIAN

T. 31 N., R. 12 W.,
Sec. 18, lot 4 and W½SE¼SW¼;
Sec. 19, lot 1 and W½NE¼NW¼.

Dated: January 4, 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-286; Filed, Jan. 16, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 807]

UNITED STATES ATLANTIC AND GULF-PUERTO RICO CONFERENCE; INCREASES IN RATES

NOTICE OF INVESTIGATION AND OF HEARING

On January 4, 1957, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board by the U. S. Atlantic & Gulf-Puerto Rico Conference, comprised of the following participating carriers: Bull Insular Line, Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation and Alcoa Steamship Company, Inc., tariffs naming commodity rates from and to U. S. Atlantic & Gulf ports on the one hand and ports in Puerto Rico on the other, effective as shown:

United States Atlantic and Gulf-Puerto Rico Conference, Loose-Leaf Tariffs FMB, F-No. 14—Homeward Freight Tariff No. 7, FMB. F-No. 13—Outward Freight Tariff No. 7, effective January 5, 1957.

It further appearing that said tariffs name increases in rates over the applicable rates presently in effect;

It further appearing that a number of protests have been received from shippers in Puerto Rico and the United States alleging that the proposed increases named in the aforesaid schedules are excessive and unreasonable;

It further appearing that the increases in rates may be in violation of Section 18 of the Shipping Act, 1916, as amended, and the Intercoastal Act of 1933, as amended;

It further appearing that investigation should be made to determine the reasonableness and lawfulness of such rates, charges, regulations and practices and the Board being of the opinion that the effective date of said schedules should be suspended, pending investigation;

It is ordered, That the Board enter upon a hearing concerning the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedules;

It is further ordered, That the operation of said schedules be, and they are hereby, suspended and that the use of the rates, charges, regulations, and practices therein stated be, and they are hereby deferred until midnight, January 8, unless otherwise ordered by the Board;

It is further ordered, That no change shall be made in the rates, charges, regulations, and practices hereby deferred until this investigation and suspension proceeding has been disposed of, or until the period of suspension or any extension thereof has expired, unless otherwise authorized by special permission of the Board;

It is further ordered, That there shall be filed immediately with the Board by United States Atlantic and Gulf-Puerto Rico Conference, by J. W. de Bruycker, Agent, consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date; shall reproduce the portion of this order wherein the suspended schedules are described; shall state that said schedules are suspended and that the rates, charges, regulations and practices therein stated may not be used until the 9th day January 1957, unless otherwise authorized by special permission of the Board; and that the rates, charges, regulations and practices hereby deferred may not be changed during the period of suspension or any extension thereof, unless otherwise authorized by special permission of the Board;

It is further ordered, That copies of this order shall be filed with said tariff in the office of the Federal Maritime Board; that a copy hereof shall be forthwith served upon the U. S. Atlantic and Gulf-Puerto Rico Conference, Agent J. W. de Bruycker and all participating carriers named in the aforesaid tariffs, and said agent and carriers be, and they are hereby, made respondent in this proceeding; that said protestants, agent and carriers be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

On January 8, 1957, the Board adopted the following order amending the order, quoted above, heretofore entered in this proceeding on January 4, 1957:

It appearing that there have been filed with the Federal Maritime Board by the U. S. Atlantic & Gulf-Puerto Rico Conference, comprised of the following participating carriers: Bull Insular Line, Lykes Bros. Steamship Co., Inc., Waterman Steamship Corporation and Alcoa Steamship Company, Inc., tariffs naming commodity rates from and to U. S. Atlantic & Gulf ports on the one hand and ports in Puerto Rico on the other, effective as shown:

United States Atlantic and Gulf-Puerto Rico Conference, Loose Leaf Tariffs FMB–F. No. 14—Homeward Freight Tariff No. 7, FMB–F. No. 13—Outward Freight Tariff No. 7, effective January 9, 1957.

It further appearing that said tariffs name increases in rates over the applicable rates presently in effect;

It further appearing that protests have been received from shippers in Puerto Rico and the United States alleging that the proposed increases named in the aforesaid schedules are excessive and unreasonable;

It further appearing that the Board is of the opinion that this question should be made the subject of a public investigation and hearing to determine whether the increased rates are in violation of section 18 of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the carriers are in need of additional revenues in order that they may continue to perform adequate and efficient transportation services;

It further appearing that members of the U. S. Atlantic and Gulf-Puerto Rico Conference, i. e., Alcoa Steamship Company, Bull Insular Line, Inc., Lykes Bros. Steamship Co., Inc., and Waterman Steamship Corporation have agreed (1) to keep account of all freight moneys received by reason of the increased rates for a period commencing with January 9, 1957, and terminating with May 5, 1957; and (2) to refund to the person who paid the freight, upon proper authorization by the Federal Maritime Board, any freight charges collected during the said period which may be in excess of those determined by the Board to be just and reasonable, provided the proposed increased rates, modified as hereinafter indicated, are permitted to go into effect without further suspension;

It further appearing that under date of December 20, 1956, J. W. de Bruycker, Agent, U. S. Atlantic & Gulf-Puerto Rico Conference, filed special permission application to modify the increases in rates to reflect an adjustment not in excess of 15 percent or 6 cents per cubic foot or 12 cents per 100 pounds over the applicable rates presently in effect (whichever produces the greater increase in revenue);

It further appearing that good cause exists for granting the special permission to publish the adjustment in rates effective on one day's notice but not earlier than January 9, 1957;

It is ordered, That special permission application No. 16, filed by J. W. de Bruycker, Agent, for carriers parties to U. S. Atlantic and Gulf-Puerto Rico Freight Tariffs FMB–F. Nos. 13 and 14 to publish revised tariff pages, as specified in appendix attached hereto, on one day's notice, but not earlier than January 9, 1957, be and it is hereby, granted under authority of the Board's Special Permission No. 3599;

It is further ordered, That the Board enter upon a hearing concerning the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said schedules as amended by the Board's Special Permission No. 3599;

It is further ordered, That (a) Alcoa Steamship Company, Inc., Bull Insular Line, Inc., Lykes Bros. Steamship Co., Inc. and Waterman Steamship Corporation (hereinafter called the carriers) shall keep an account of all freight moneys received by reason of the increases in rates published in said tariffs over the rates presently in effect for a period commencing with January 9, 1957, and terminating with May 5, 1957; and (b) the carriers, upon final determination by the Board, shall repay to shippers, out of their general funds, the sums if any to which the respective persons who pay the freight may be entitled;

It is further ordered, That this order amends order entered in this proceeding on the 4th day of January 1957; and

It is further ordered, That copies of this order shall be filed with said tariff in the office of the Federal Maritime Board; that a copy hereof shall be forthwith served upon the U. S. Atlantic and Gulf-Puerto Rico Conference, Agent J. W. de Bruycker and all participating carriers named in the aforesaid tariffs, and said agent and carriers be, and they are hereby, made respondent in this proceeding; that said protestants, agent and carriers be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

APPENDIX A

UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE TARIFF F. M. B.–F NO. 13—OUTWARD FREIGHT TARIFF NO. 7

First Revised page No. 3.
First Revised pages No. 45 to No. 47, inclusive.
First Revised pages No. 49 to No. 55, inclusive.
First Revised page No. 57.
First Revised pages No. 60 to No. 64, inclusive.
First Revised page No. 66.
First Revised page No. 67.
First Revised page No. 69.
First Revised page No. 70.
First Revised page No. 72.
First Revised page No. 74.
First Revised pages No. 75 to No. 84, inclusive.
First Revised pages No. 86 to No. 95, inclusive.
First Revised page No. 97.
First Revised page No. 98.
First Revised page No. 100.
Original page No. 86 A.

UNITED STATES ATLANTIC & GULF-PUERTO RICO CONFERENCE TARIFF F. M. B.–F NO. 14—HOMEWARD FREIGHT TARIFF NO. 7

First Revised page No. 23.
First Revised pages No. 30 to No. 34, inclusive.
First Revised page No. 36.
First Revised page No. 37.

Pursuant to the above orders, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a time and place to be hereafter determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before February 15, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: January 14, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-370; Filed, Jan. 16, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8456]

CAPITAL AIRLINES, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of group fares proposed by Capital Airlines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on January 23, 1957, at 2:00 p. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., January 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-369; Filed, Jan. 16, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11180, 11901; FCC 57-35]

BILL MATHIS AND GILLESPIE BROADCASTING CO. (KNAF)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bill Mathis, Abilene, Texas; Docket No. 11180, File No. BP-8917; Gillespie Broadcasting Company (KNAF), Fredericksburg, Texas; Docket No. 11901, File No. BP-10598; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1957;

The Commission having under consideration the above-captioned applications for construction permits by Bill Mathis for a new standard broadcast station at Abilene, Texas, to operate on 910 kilocycles with a power of 500 watts, daytime only; and by the Gillespie Broadcasting Company to change the facilities of Station KNAF, Fredericksburg, Texas, from operation on 1340 kilocycles with a power of 250 watts, unlimited time, to operation on 910 kilocycles with a power of 1 kilowatt, daytime only;

It appearing that both applicants are legally, financially, technically and otherwise qualified, except as may appear from the issues specified below, to construct and operate the stations as proposed, but that operation by both stations as proposed would result in mutually destructive interference; that both proposed operations would involve interference with Station KRRV, Sherman, Texas (910 kc, 1 kw, DA-1, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated October 11, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and that the reply by Bill Mathis contained field intensity measurements purporting to show that the conductivity of the area is less than shown in Figure M-3 of the Standard Broadcast Technical Standards in the Commission's Rules and that no interference would be involved with Station KRRV; but that we are of the opinion the measurements are insufficient to prove a lower conductivity because they were made on radials from Station KRBC, Abilene, Texas, which is located approximately 6 miles from the site proposed in the Mathis application and, thus, are not on a direct path from the Mathis site toward Station KRRV; and because measurements were not made within one mile from the KRBC transmitter to show an inverse distance field intensity at one mile; and

It further appearing, that, after consideration of the replies, we are of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KNAF, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the operation proposed by Bill Mathis, and the availability of other primary service to such areas and populations.

3. To determine whether the operations proposed by Bill Mathis and the Gillespie Broadcasting Company (KNAF) would involve objectionable interference with Station KRRV, Sherman, Texas, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations here proposed would better provide a fair, efficient and equitable distribution of radio service.

5. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That Red River Valley Broadcasting Corporation, licensee of Station KRRV, Sherman, Texas, is made a party to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, Bill Mathis, Gillespie Broadcasting Company, and Red River Valley Broadcasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-364; Filed, Jan. 16, 1957; 8:50 a. m.]

[Docket Nos. 11673, 11674; FCC 57M-35]

MISSISSIPPI BROADCASTING CO. (WCOC-TV) AND LAUREL TELEVISION CO., INC.

ORDER CONTINUING HEARING

In re applications of Mississippi Broadcasting Company (WCOC-TV), Pachuta, Mississippi; Docket No. 11673, File No. BMPCT-3213; for modification of construction permit. Laurel Television Company, Inc., Laurel, Mississippi; Docket No. 11674, File No. BPCT-2031; for television construction permit (Channel 7).

On the oral request of counsel for the applicants and without objection by counsel for the Broadcast Bureau: *It is ordered*, This 11th day of January 1957, that the hearing now scheduled for January 14, 1957, is continued to Thursday, January 17, 1957, at 9:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-365; Filed, Jan. 16, 1957; 8:50 a. m.]

[Docket Nos. 11818, 11819; FCC 57M-36]

SEPIA BROADCASTING CO. AND RADIO PINE BLUFF

ORDER CONTINUING HEARING

In re applications of Mrs. Mary Davis Barland and Mrs. Juanita L. Wilson, d/b as Sepia Broadcasting Company, Little Rock, Arkansas; Docket No. 11818, File No. BP-10125; W. L. Kent tr/as Radio Pine Bluff, Pine Bluff, Arkansas; Docket No. 11819, File No. BP-10526; for construction permits.

The Hearing Examiner having under consideration a petition filed on January 10, 1957, by Radio Pine Bluff, in the above-entitled proceeding, requesting that the exchange of exhibits presently scheduled for January 15, 1957, the further pre-hearing conference presently scheduled for January 24, 1957, and the hearing presently scheduled for January 25, 1957, be continued indefinitely;

It appearing that there is pending before the Commission a petition to dismiss the application of Sepia Broadcasting Company, the other applicant in this proceeding, and for other relief, based upon the failure of Sepia Broadcasting Company to attend the pre-hearing conference held on November 29, 1956, to which Sepia Broadcasting Company has filed no response;

It further appearing that public interest requires an early consideration of the instant petition and good cause has been shown for the grant thereof;

It is ordered, This 11th day of January 1957, that the petition be and it is hereby granted and the dates for the exchange of exhibits, the pre-hearing conference, and the hearing be and the same are hereby postponed until further order, pending disposition of the petition to dismiss now pending before the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-366; Filed, Jan. 16, 1957; 8:50 a. m.]

[Docket Nos. 11836, 11837; FCC 57-33]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

ORDER AMENDING ISSUES

In re applications of Earl S. Walden, Homer T. Goodwin, and Leroy Durham d/b as Plainview Radio, Plainview, Texas; Docket No. 11836, File No. BP-10200; Troyce H. Harrell & Kermit S. Ashby d/b as Star of the Plains Broadcasting Company, Slaton, Texas; Docket No. 11837, File No. BP-10499; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of January 1957;

The Commission having under consideration a petition to enlarge issues filed on October 29, 1956, by Plainview Radio; oppositions to that petition filed by Star of the Plains Broadcasting Company and the Broadcast Bureau on November 15 and 16, 1956, respectively; and a reply thereto filed on November 23, 1956, by Plainview Radio;

It appearing that Plainview requests in its petition that the issues be enlarged in the above-entitled proceeding to include:

(5) To determine whether Star of the Plains Broadcasting Company filed its above-entitled application for the purpose of impeding, obstructing, or delaying determination on the above-entitled application of Plainview Radio.

(6) To determine the degree of overlap between the operation proposed by Star of the Plains Broadcasting Company at Slaton, Texas, and Station KVOP, Plainview, Texas.

(7) To determine if the overlap, as evidenced under Issue 6, is so substantial as to violate § 3.35 of the Commission's rules and regulations.

(8) To determine, in the light of the record made with respect to the above issues, whether the other qualifications of Star of the Plains Broadcasting Company warrant the granting of its above-entitled application in the public interest, convenience, or necessity.

It further appearing that Plainview filed an application for a new standard broadcast station in Plainview, Texas, and that successively two applications were filed by other applicants which involved interference with the application of Plainview and necessitated a consolidated proceeding, one of these applications, for a station at Santa Rosa, New Mexico, thereafter being dismissed, but both applications involving parties who are connected with the parties presently owning station KVOP, the only existing station in Plainview;

It further appearing that Plainview alleges that Harrell, one of the partners in the Star application, made the statement that Star did not particularly desire 1050 kc, the frequency for which both applications were filed, but any frequency which would be suitable, and that Star has refused to amend to one of two other frequencies which allegedly would be as suitable;

It further appearing that there are categorical denials by each party to statements made by the other in the affidavits attached to the petition, opposition, and reply which so becloud the issue that the Commission at this time is unable to determine the facts of the matter, and thus a full hearing seems necessary;

It further appearing that Ashby, one of the partners in the Star application owns 33.3 percent of the stock of the existing station in Plainview and that the 0.5 mv/m contour of that station will overlap that of the proposed Star operation;

It further appearing that requested issue 8 is merely a restatement of existing issue 5 and that the latter includes all that is contained in the requested issue;

It is ordered, That the subject petition of Plainview to enlarge the issues is granted to the extent that the issues are enlarged by the addition of the above listed new issues 5, 6, and 7; that it is denied as to inclusion of requested issue 8; that existing issue number 5 is redesignated issue 8; and that the burden of proceeding with the introduction of evidence and burden of proof concerning new issues 5, 6, and 7 is placed on Star.

Released: January 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-367; Filed, Jan. 16, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11717]

COLORADO INTERSTATE GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING HEARING

On December 17, 1956, Colorado Interstate Gas Company (Colorado) tendered for filing Third Revised Sheets 5, 8, and 11, and Second Revised Sheet No. 13g in Colorado's Tariff Original Volume No. 1 and First Revised Sheet No. 2 of Colorado's Tariff First Revised Volume No. 2 and Second Revised Sheet No. 2 in Colorado's Tariff, Original Volume No. 3. Third Revised Sheet 11 and Second Revised Sheet No. 13g pertain to sales of gas for resale for industrial use only. Colorado proposes an effective date of February 1, 1957 for the tendered tariff sheets.

The revised tariff sheets which have been filed pertain to gas sold for resale, for general service, pipeline service, special use and for industrial use only and increase the rates for such classes of sales subject to the jurisdiction of the Commission in the approximate amount of $3,137,000 over those rates presently being collected pursuant to undertakings filed in proceedings at Docket Nos. G-2260 and G-2576.

As a statement in support of such proposed increased rates, Colorado states, among other reasons, that it "• • • will experience a substantial increase in gas purchase costs with the commencement of purchases from Pacific Northwest Pipeline Corporation • • •," and that Colorado has added approximately $48,000,000 in new plant since the test period utilized in the last rate proceedings. In addition, Colorado states that: "It was and is the Company's opinion that it is entitled to a commodity value for its own gas comparable to that received by other producers of gas in this area." Colorado further states that it "• • • will pay an average price of 12.76 cents per Mcf for the gas it purchases at the well head in its supply area. However • • • (Colorado) has not claimed such price in this filing but has used a lower commodity value of 9.76 cents per Mcf • • • without prejudice to any future claim of a higher price." Colorado claims a rate of return of 6.75 percent with the statement that it "• • • will face the need to attract substantial amounts of new capital • • •" and a "• • • rate of return of 6.75 percent is required to accomplish this purpose."

The increased rates and charges proposed in Third Revised Sheets 5, 8, and 11 and Second Revised Sheet No. 13g in Volume 1, First Revised Sheet No. 2 in Volume 2 and Second Revised Sheet

No. 2 in Volume 3 of Colorado's Tariff have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such Act, concerning the lawfulness of the rates, charges, classifications and services of Colorado's FPC Gas Tariffs and contracts related thereto as proposed to be amended by Third Revised Sheets 5, 8, and 11, and Second Revised Sheet No. 13g in Volume 1, First Revised Sheet No. 2 in Volume 2, and Second Revised Sheet No. 2 in Volume 3, and that said tariff sheets, excepting Third Revised Sheet No. 11 and Second Revised Sheet No. 13g in Volume 1 be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held commencing March 4, 1957 at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services contained in Colorado Interstate Gas Company's FPC Gas Tariffs and contracts related thereto as proposed to be amended by Third Revised Sheets 5, 8, and 11 and Second Revised Sheet No. 13g in Volume 1, First Revised Sheet No. 2 in Volume 2 and Second Revised Sheet No. 2 in Volume 3.

(B) Pending such hearing and decision thereon, Colorado Interstate Gas Company's proposed Third Revised Sheets 5, and 8, in Volume 1, First Revised Sheet No. 2 in Volume 2 and Second Revised Sheet No. 2 in Volume 3 of its FPC Gas Tariffs and the same are hereby suspended and the use deferred until July 1, 1957, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: January 10, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-339; Filed, Jan. 16, 1957; 8:45 a. m.]

[Docket No. G-11721]

N. B. HUNT

ORDER SUSPENDING PROPOSED CHANGE IN RATES

N. B. Hunt (Hunt) on December 11, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale of gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description; Purchaser; Rate Schedule Designation; and Effective Date[1]

Notice of change, undated; Texas-Illinois Natural Gas Pipeline Company; Supplement No. 7 to Hunt's FPC Rate Schedule No. 8; January 11, 1957.

The rate proposed to be increased was suspended by orders issued June 13, 1956 and August 9, 1956, in Docket No. G-10564 and was permitted to become effective, subject to refund, by order issued in that proceeding on January 7, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement hereby is suspended and the use thereof deferred until June 11, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 10, 1957.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-340; Filed, Jan. 16, 1957; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Hunt, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-10821]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1957.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business at El Paso, Texas, filed an application on July 30, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain previously installed facilities together with certain new proposed facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization for the following existing and proposed facilities:

(a) One existing 2,200 horsepower compressor station, consisting of four portable type compressor units of 550 horsepower each, known as the Largo Canyon Field Station and located in San Juan County, New Mexico, together with dehydration facilities having a capacity of 32,000 Mcf per day, and appurtenances.

(b) Installation of an additional 1,320 horsepower of portable type compressor facilities to Applicant's above existing 2,200 horsepower Largo Canyon Field Station together with additional dehydration facilities having a capacity of 22,000 Mcf per day, and appurtenances.

(c) One new 3,300 horsepower compressor station, together with dehydration facilities having a capacity of approximately 43,000 Mcf per day and appurtenances, to be known as the Ballard Compressor Station and to be located in San Juan County, New Mexico.

The actual cost of the presently installed facilities totals $513,469 and the estimated total cost of the proposed facilities is $1,089,330, for a total of $1,602,799.

The facilities described above will enable Applicant to receive natural gas from the Pictured Cliffs production zone of the San Juan Basin. No additional markets are proposed to be served by Applicant, other than those previously authorized by the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday February 11, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such supplemented application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before January 31, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-341; Filed, Jan. 16, 1957; 8:46 a. m.]

[Docket No. G-11200]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 11, 1957.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation having its principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on October 5, 1956, an application, and on November 14, 1956 a supplement thereto for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain natural gas facilities, as hereinafter described, and to render direct natural gas service to a new steam electric generating station of Mississippi Power Company (Mississippi) now under construction near Gulfport, Harrison County, Mississippi, subject to the jurisdiction of the Commission, all as more fully described in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate an 8-inch tap, 1.0 mile of 8-inch pipeline and sales meter and regulator station, beginning near Milepost 141 on the 12-inch main line that extends from Lirette Field to the Mobile, Alabama Area and extending in a Southeasterly direction to end at the proposed meter station site for the Mississippi Power Company Plant, all located in Sections 7 and 18, Township 7 South, Range 10 West, Harrison County, Mississippi.

The estimated cost of the proposed facilities is $101,156, which will be financed out of current working funds.

Applicant's service agreement with Mississippi provides for the delivery of natural gas on an interruptible basis of a volume up to 22,000 Mcf per day (on a pressure base of 14.9 psia). Applicant estimates annual deliveries of 6,650,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, February 12, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-342; Filed, Jan. 16, 1957; 8:46 a. m.]

[Docket No. G-11723]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Phillips Petroleum Company (Phillips), on December 10, 1956, tendered for filing a proposed change in its presently effective rate schedule for a sale subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description; Purchaser; Rate Schedule Designation; and Effective Date

Notice of change, dated December 7, 1956; Natural Gas Pipeline Company of America; Supplement No. 3 to Phillips FPC Gas Rate Schedule No. 257; January 24, 1957.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement is hereby suspended and the use thereof defefred until June 24, 1957; and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 11, 1957.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-343; Filed, Jan. 16, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

JANUARY 11, 1957.

In the matter of trading on the American Stock Exchange in the 20 cents par value Capital Stock of Kroy Oils Limited, File No. 1-3679.

I. The 20 cents par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956; on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On January 3, 1957 the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for

[1] Commissioner Digby dessenting.

a period of ten days from January 4, 1957, to January 13, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgement at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten day from January 14, 1957 to January 23, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-345; Filed, Jan. 16, 1957; 8:47 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

JANUARY 11, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter call "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December, 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On January 3, 1957 the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from January 4, 1957, to January 13, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from January 14, 1957 to January 23, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-346; Filed, Jan. 16, 1957; 8:47 a. m.]

[File No. 70-3546]

PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING OF APPLICATION REGARDING THE ISSUANCE AND SALE OF NEW BONDS

JANUARY 11, 1957.

Notice is hereby given that Public Service Company of Oklahoma ("Oklahoma"), a public utility subsidiary of Central and South West Corporation, a registered holding company, has filed an application with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Oklahoma has designated section 6 (b) of the act and Rule U-50 as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Oklahoma proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), Series F, to be dated February 1, 1957, and to mature February 1, 1987. The New Bonds will be issued under and secured by an Indenture of Mortgage, dated July 1, 1945, between Oklahoma and The First National Bank and Trust Company of Tulsa, as Trustee, as amended by indentures supplemental thereto and to be further amended by a proposed Supplemental Indenture to be dated February 1, 1957. The interest rate on the New Bonds (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid Oklahoma for the New Bonds, which price shall be not less than 97.25 percent and not more than 102.75 percent of the principal amount thereof, will be determined by the competitive bidding.

The application states that the net proceeds (after expenses and exclusive of accrued interest) to be received from the issuance and sale of the New Bonds will be used by the company to pay for a part of the cost of additions, extensions and improvements to its electric utility properties and for the payment or prepayment of short-term bank debt of the company incurred and to be incurred for that purpose. Such bank debt aggregated $6,000,000 at December 10, 1956, and may be increased by about $6,000,000 prior to the receipt by the company of the proceeds of the bonds. It is further stated that Oklahoma's construction expenditures for the calendar years 1957 and 1958 are presently estimated at about $26,200,000 and $24,800,000, respectively.

The application states that no State commission other than the Corporation Commission of the State of Oklahoma, and no Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than January 28, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereafter be amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-347; Filed, Jan. 16, 1957; 8:47 a. m.]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

[File No. 70-3550]

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF MORTGAGE BONDS AND COMMON STOCK BY SUBSIDIARY OF REGISTERED HOLDING COMPANY AND ACQUISITION OF COMMON STOCK FOR CASH BY PARENT REGISTERED HOLDING COMPANY

JANUARY 11, 1957.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its direct subsidiary New England Power Company ("NEPCO"), a public utility company, have made a joint filing with this Commission designating sections 6 (b), 9 (a), and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder as applicable to the transactions described therein, which are summarized as follows:

NEPCO proposes to issue and sell $10,000,000 principal amount of Series G Bonds pursuant to the competitive bidding requirements of Rule U-50. The terms and conditions relating to bids provide that each bid shall specify the coupon rate (which shall be a multiple of ⅛ of 1 percent and not in excess of 4¾ percent) and the price, exclusive of accrued interest, to be paid the company, which price shall be not less than the principal amount nor more than 102¾ percent, thereof. The new bonds will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, as amended and supplemented, and as to be further amended by a Sixth Supplemental Indenture dated as of February 1, 1957.

At the present time NEPCO has outstanding 2,478,468 shares of common stock, par value $20 per share, having an aggregate par value of $49,569,360. These shares are all owned by NEES. NEPCO proposes to issue and NEES proposes to acquire 142,857 additional shares of common stock of NEPCO for a total cash consideration of $4,999,995 ($35 a share), this amount being $2,142,855 in excess of the aggregate par value of such shares. The proceeds from the sale of this additional common stock and from the sale of the Series G Bonds are to be applied to the payment of short-term note indebtedness incurred by NEPCO for capitalizable expenditures and the balance, if any, will be used to pay for capitalizable expenditures or to reimburse NEPCO's treasury therefor.

The filing states that no underwriters fees or commissions are to be paid with respect to the proposed issue of common stock. Certain services are to be performed by New England Power Service Company ("NEPSCO"), an affiliated service company, at cost and are estimated not to exceed $300 for NEES and $1,700 for NEPCO. Other expenses to be borne by NEPCO in connection with the issuance of the common stock are original issue stamp taxes of $3,143, a State filing fee of $1,429, and services of legal counsel in Vermont estimated at $100.

The total expenses of NEPCO in connection with the issuance and sale of the Series G Bonds are estimated at an aggregate of $60,000, including $11,000 Federal original issue stamp tax, $8,000 printing cost, $10,000 service charges of NEPSCO, $6,500 service charges of the indenture trustee, and $9,260 for recording fees, advertising and blue-sky fees.

The filing states that the proposed issue and sale of securities by NEPCO are subject to the jurisdiction of this Commission and the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Commission, and that no State commission or Federal commission other than this Commission has jurisdiction in respect of the acquisition of the common stock of NEPCO by NEES.

Notice is further given that any interested person may not later than January 28, 1957, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such joint filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the joint application as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-348; Filed, Jan. 16, 1957; 8:47 a. m.]

[File No. 811-380]

MINNESOTA INVESTORS CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

JANUARY 11, 1957.

Notice is hereby given that Minnesota Investors Corporation ("Minnesota"), a registered closed-end; diversified investment company under the Investment Company Act of 1940 ("act"), has filed an application pursuant to section 8 (f) of the act for an order declaring that the applicant has ceased to be an investment company under the act.

The applicant makes the following representations:

At a stockholders meeting on June 30, 1953, it was determined by a vote of approximately 90 percent of all outstanding voting stock to liquidate the company. Pursuant to this determination to liquidate, the assets of the company were converted to cash and by August 31, 1954, all cash on hand was disbursed through payments of a liquidating dividend. At that time the company had a claim against the Minnesota Tax Commission of $1,991.41, which was subsequently paid in full together with interest amounting to $134.40, which resulted in

a final liquidating dividend being paid on February 27, 1956.

The Company represents that complete dissolution was effected February 27, 1956; that there are no shares of stock of any class presently outstanding; that the company has no assets and that total distributions of $28.35 per share on a pro rata basis have been made.

Section 8 (f) of the act provides, in part, that whenever the Commission upon application, finds that a registered investment company has ceased to be an investment company it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than January 29, 1957, at 5:30 p. m. submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-349; Filed, Jan. 16, 1957; 8:47 a. m.]

[File No. 24NY-3908]

ANKLES AWEIGH CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 11, 1957.

I. Howard Hoyt as "The Ankles Aweigh Company," a company formed to produce a theatrical venture, with principal offices located in New York, N. Y., having filed with the Commission on January 11, 1955, a Notification on Form 1-A and Offering Circular, relating to a proposed offering of pre-formation limited partnership interests not to exceed $240,000, including a 20 percent overcall, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission having been advised that the terms and conditions of said Regulation A have not been complied with in that the issuers have failed to file Form 2-A reports of sales, as required by Rule 224 of Regulation A, and have ignored requests by the Commission's staff for such reports;

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-350; Filed, Jan. 16, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 14, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33146; *Anti-Knock compounds to Lockport and Lemont, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on motor fuel anti-knock compounds, carloads from Baton Rouge, La., to Lockport and Lemont, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 218 to Alternate Agent J. H. Marque's tariff I. C. C. 417.

FSA No. 33147: *Phosphate rock—Florida to Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Bartow and other points in Florida to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuitous route.

Tariff: Supplement 33 to Agent Spaninger's tariff I. C. C. 1514.

FSA No. 33148: *Sand—Southwest to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica sand, carloads from Guion, Ark., Ludwig, Mo., Mill Creek and Roff, Okla., and Santa Anna, Tex., to New Orleans, La.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 94 to Agent Kratzmeir's tariff I. C. C. 4135.

FSA No. 33149: *Invert molasses—North Atlantic and Virginia ports to Trunk Line and Central territories.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on invert molasses, tank-car loads from Baltimore, Md., Boston, Mass., New York, N. Y., Philadelphia, Pa., Norfolk and Richmond, Va., to points in trunk line and central territories, including extended zone C in Wisconsin.

Grounds for relief: Carrier competition, grouping and differential bases of rates—circuitous routes.

Tariffs: Supplement 8 to Agent C. W. Boin's tariff I. C. C. A-1116 and other tariffs listed in appendix A of the application.

FSA No. 33150: *Invert molasses—South to Southwestern, Western Trunk Line and Official territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on invert molasses, tank-car loads from points in southern territory to points in southwestern, western trunk line and official territories.

Grounds for relief: Competition between applicants.

Tariffs: Supplement 4 to Alt. Agent J. H. Marque's I. C. C. 447; Supplement 35 to Agent C. A. Spaninger's I. C. C. 1494; Supplement 256 to Agent C. W. Boin's I. C. C. A-800.

FSA No. 33151: *Concrete pressure pipe—Mobile, Ala., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe, carloads from Mobile, Ala., to specified points in Alabama, Florida, Georgia, Kentucky, including Louisville, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, also Cairo and Metrópolis, Ill., Evansville, Ind., and Cincinnati, Ohio.

Grounds for relief: Short-line distance formula, grouping, relief lines and circuitous routes.

Tariff: Supplement 3 to Agent Spaninger's tariff I. C. C. 1554.

FSA No. 33152: *Barytes—Georgia and Tennessee to Louisiana.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on barytes, ground, carloads from specified points in Georgia and Tennessee to specified points in Louisiana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 72 to Agent Spaninger's tariff I. C. C. 1299.

FSA No. 33153: *Talcose rock—Texas to Oklahoma and Georgia.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on talcose rock, crude talc or soapstone, carloads from Allamore and Eagle Flat, Tex., to Alpine, Ala., and Chatsworth, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 285 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33154: *Wrapping paper and paper bags—Orange, Tex., to Long Island City, N. Y.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wrapping paper and paper bags, carloads from Orange City, Tex., to Long Island City, N. Y.

Grounds for relief: Rail-water-truck competition and circuitous routes.

Tariff: Supplement 7 to Agent Kratzmeir's tariff I. C. C. 4215.

FSA No. 33155: *Gravel—Standard Pit, Ind., to Tuscola, Ill.* Filed by R. G. Raasch, Agent, for and on behalf of the Chicago & Eastern Illinois Railroad Company. Rates on screened gravel, carloads from Standard Pit, Ind., to Tuscola, Ill.

Grounds for relief: Truck competition from wayside pits.

Tariff: Supplement 77 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 33156: *Rock salt—Ojibway, Ontario, to Southern Points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on rock salt (sodium chloride), carloads from Ojibway, Ont., Canada to specified points in Kentucky, North Carolina, Tennessee and Virginia.

Grounds for relief: Modified short-line distance formula, market competition, and circuitous routes.

Tariff: Agent R. K. Watson's tariff I. C. C. 205.

FSA No. 33157: *Plaster and wallboard—Colorado to New Mexico and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on plaster and related articles, carloads, and gypsum wallboard and related articles, carloads from Adobe, Loveland, Portland, Wilds Spru, Colo., to specified points in New Mexico and Texas.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 32 to Agent Kratzmeir's tariff I. C. C. 4149.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-344; Filed, Jan. 16, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

VICTOR BARBIERI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Victor Barbieri, Provo, Utah; Maria, Artemio, Anoro and Colombina Pedretti; Valerio Borghi, individually and on behalf of his minor son, Luciano, Agar, Lina and Aurelio Borghi, Modena, Italy; Claim No. 60553, Vesting Order No. 2270; cash in the Treasury of the United States as follows:

To each Victor, Barbieri, Maria, Artemio, Anoro and Colombina Pedretti, $105.42.

To Valerio Borghi, individually and on behalf of his minor son Luciano, and to Agar, Lina and Aurelio Borghi, $105.42 jointly.

To Victor Barbieri, Mario, Artemio, Anoro and Colombina Pedretti an undivided 1/48 part; to Valerio Borghi an undivided 2/288 part; and to Valerio Borghi as guardian of his minor son Luciano, and to Agar, Lina and Aurelio Borghi, an undivided 1/288 part each in and to the following real property:

The Northwest quarter of the Northwest quarter (NW¼NW¼) Section Twenty-eight (28), and Southeast quarter of Southwest quarter (SE¼SW¼), and Northwest quarter of Southeast quarter (NW¼SE¼) and Southeast quarter of Northeast quarter (SE¼NE¼), and Northeast quarter of Northeast quarter, (NE¼NE¼) all in Section Twenty-one (21) and North half of Northwest quarter of Southwest quarter (NW¼SW¼) in Section Fifteen (15) all in Township twelve (12) South, Range Ten (10) East of the Salt Lake Meridian, in said Carbon County, Utah, together with all improvements thereon, and appurtenances belonging thereto.

All right, title, interest and claim of any kind or character whatsoever of each of the claimants in and to the Estate of John Barbieri, deceased.

Executed at Washington, D. C., on January 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-357; Filed, Jan. 16, 1957; 8:49 a. m.]

KYRA S. HAWKINS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kyra S. Hawkins, Long Island, New York; Claim No. 63861; $1,843.48 in the Treasury of the United States. Cornelius Schutt, London, England; Claim No. 63863; $1,843.49 in the Treasury of the United States. Tamara V. Ashmore, Kent, England; Claim No. 63864; $1,843.49 in the Treasury of the United States. Vesting Order No. 18007.

Executed at Washington, D. C., on January 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-358; Filed, Jan. 16, 1957; 8:49 a. m.]

LILLI SOMMER, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lilli Sommer, nee Rosenstiel, 712 West 180th Street, New York, New York; Claim No. 36739. Else Berlin, nee Rosenstiel, Vidal 2049, Buenos Aires, Argentina; Claim No. 42200. Lotte Rosenstiel, Quesada 2682, Buenos Aires, Argentina; Claim No. 42201. Jacobo Rosenstiel, Vidal 2750, Buenos Aires, Argentina; Claim No. 42202. Cash in the Treasury of the United States as follows:

To Lilli Sommer and Else Berlin, each, one-third of $203.61;

To Lotte Rosenstiel and Jacobo Rosenstiel, each, one-third of $203.83. Vesting Order No. 3078.

Executed at Washington, D. C., on January 10, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-359; Filed, Jan. 16, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 13

Washington, Friday, January 18, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

JAN

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10695

REVOKING PARAGRAPH 2 (b) OF EXECUTIVE ORDER NO. 10096[1] OF JANUARY 23, 1950, ENTITLED "PROVIDING FOR A UNIFORM PATENT POLICY FOR THE GOVERNMENT WITH RESPECT TO INVENTIONS MADE BY GOVERNMENT EMPLOYEES AND FOR THE ADMINISTRATION OF SUCH POLICY"

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

1. Paragraph 2 (b) of Executive Order No. 10096 of January 23, 1950, relating to the indexing of inventions owned or controlled by the United States, be, and it is hereby, revoked.

2. The Chairman of the Government Patents Board is hereby authorized to transfer to the Department of Commerce any or all of the records heretofore prepared by the Board pursuant to paragraph 2 (b) of Executive Order No. 10096.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 16, 1957.

[F. R. Doc. 57-427; Filed, Jan. 17, 1957; 9:32 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fourth Rev., Supp. 2]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR 301.76–2a (21 F. R. 9199), effective November 27, 1956, as amended effective December 13, 1956 (21 F. R. 9936), are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in paragraph (a) of such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra bettle in and upon such premises:

ARIZONA

C-Bar-B Ranch, Bouse (31 miles northeast of Bouse).
Snyder Ranch, Box 31, Tacna.
Vita-Gro Feed Mill, Mesa.

NEW MEXICO

Elgin E. Fowler Farm, Route 1, Floyd.

(b) The following premises are added to the list, contained in paragraph (a) of such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Antelope Union High School property, Wellton.
Carl Baldridge Calf Lot, P. O. Box 1984, Parker.
Eichenauer Hay Sales property, 1301 North 40th Street, Phoenix.
Glendale Feed & Seed Company property, 1110 East Glendale Avenue, Glendale.
L. E. Knowlton Calf Lot, P. O. Box 1751, Parker.
F. P. Nielson & Sons property, 116 West 4th Avenue, Mesa.
Phoenix Indian School Farm, Scottsdale.
Ralston Purina Company property, 535 South 14th Street, Phoenix.

CALIFORNIA

Rudnick Trust Feed Lot, 1½ miles west of Oak Street, on Panama Lane. Mail address, P. O. Box 548, Bakersfield.

(c) The following premises are added to the list, contained in paragraph (b) of such instructions, of premises in which infestations of the khapra beetle have been determined to exist. The portion of the following premises in which live

(Continued on next page)

[1] 3 CFR, 1950 Supp., p. 76; 15 F. R. 389.

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FEDERAL REGISTER

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khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made at to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

CALIFORNIA

Niland Food Market (store), west side of 200 block, east side of Highway 111, Niland.

(d) The item appearing in the list, contained in paragraph (a) of such instructions under the subhead California, as "F. J. Hauseur & Sons Feed Lot, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley," is changed to read: "Cal-Fed Feed Yard, located 2 miles south of Orita, 1½ miles east on Oxalio Canal, Brawley."

This amendment shall become effective January 18, 1957.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the amendment also segregates certain regulated premises in California where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 15th day of January 1957.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 57-393; Filed, Jan. 17, 1957; 8:49 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

FINDINGS AND DETERMINATIONS; NATIONAL MARKETING QUOTA

Finding and determination of cigar-binder (types 51 and 52) tobacco as a kind of tobacco separate from the types 42, 43, 44, 53, 54 and 55 compromising cigar-filler and binder tobacco, proclamation of a national marketing quota for cigar-binder (types 51 and 52) tobacco and of a national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco, for the three marketing years beginning October 1, 1957, and announcement of the amounts of and the apportionments of the national marketing quotas for the 1957–58 marketing year among the several States.

Sec.
723.801 Basis and purpose.
723.802 Findings and determinations with respect to cigar-binder (types 51 and 52) tobacco as a kind of tobacco separate from the types 42, 43, 44, 53, 54 and 55 compromising cigar-filler and cigar-binder tobacco.
723.803 Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1957.
723.804 Findings and determinations with respect to the national marketing quota for cigar-filler and cigar-binder tobacco, types 42, 43, 44, 53, 54 and 55, for the marketing year beginning October 1, 1957.

AUTHORITY: §§ 723.801 to 723.804 issued under sec. 375, 52 Stat. 66, as amended 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, 46, as amended, 47, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 723.801 *Basis and purpose.* (a) The regulations contained in §§ 723.801 to 723.804 are issued (1) to announce the findings and determinations of the Secretary that there is a difference in the supply and demand conditions for types 51 and 52 tobacco as compared with the supply and demand conditions for types 42, 43, 44, 53, 54 and 55 tobacco comprising cigar-filler and cigar-binder tobacco which results in a difference in the adjustments needed in the marketings thereof in order to maintain supplies in line with demand, and that cigar-binder (types 51 and 52) tobacco shall be considered as a kind of tobacco separate from the types 42, 43, 44, 53, 54 and 55, comprising cigar-filler and cigar-binder tobacco; (2) to announce the reserve supply level and the total supply of (i) cigar-binder (types 51 and 52) tobacco, and (ii) cigar-filler and cigar-binder tobacco (types 42, 43, 44, 53, 54 and 55) for the marketing year beginning October 1, 1956; (3) to proclaim a national marketing quota for cigar-binder (types 51 and 52) tobacco and a national marketing quota for cigar-filler and binder tobacco (types 42, 43, 44, 53, 54 and 55) tobacco for each of the 1957–58, 1958–59 and 1959–60 marketing years; (4) to announce the national marketing quotas for (i) cigar-binder (types 51 and 52) tobacco, and (ii) cigar-filler and cigar-binder tobacco (types 42, 43, 44, 53, 54 and 55) for the marketing year beginning October 1, 1957; and (5) to apportion the national marketing quotas among the several States. The findings and determinations by the Secretary contained in §§ 723.802, 723.803 and 723.804 have been made on the basis of the latest available statistics of the Federal Government and after due consideration of data, views, and recommendations received from cigar-filler and cigar-binder tobacco producers and others as provided in notices (21 F. R. 7493 and 10317) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of referenda of producers of cigar-binder (types 51 and 52) tobacco and of producers of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco within 30 days after the issuance of the proclamations of the national marketing quotas for such respective kinds of tobacco to determine whether such producers favor marketing quotas, and requires insofar as practicable the mailing of notices of farm acreage allotments to farm operators prior to the date of the respective referenda, it is hereby found that compliance with the 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the findings and determinations and the proclamations and apportionments of the quotas contained herein shall become effective upon the date of their filing with the Director, Division of the Federal Register.

§ 723.802 *Findings and determinations with respect to cigar-binder (types 51 and 52) tobacco as a kind of tobacco separate from cigar-filler and cigar-binder (types 42, 43, 44, 53, 54 and 55) tobacco.* (a) Cigar-binder (types 51 and 52) tobacco is more acutely affected than are types 42, 43, 44, 53, 54 and 55 tobacco by the development and use of processed binders in the manufacture of cigars since a much larger proportion of types 51 and 52 have traditionally been used for binder purposes than any of the other binder types. The 1956 and 1957 Soil Bank goals for types 51 and 52 as contrasted with goals for other types were based on cognizance of this situation.

(b) Difference has been found to exist in the supply and demand conditions for cigar-binder (types 51 and 52) tobacco as among other types of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco resulting in a difference in the adjustment needed in the 1957 crop of such tobacco to maintain supplies of cigar-binder (types 51 and 52) tobacco in line with demand, and it is hereby determined that cigar-binder (types 51 and 52) tobacco shall be treated as a separate kind of tobacco for the purpose of marketing quotas and price support on the 1957 and subsequent crops of such tobacco.

§ 723.803 *Findings and determinations with respect to the national marketing quota for cigar-binder (types 51 and 52) tobacco for the marketing year beginning October 1, 1957*[1]—(a) *Reserve supply level.* The reserve supply level for cigar-binder (types 51 and 52) tobacco is 64,700,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 21,500,000 pounds and a normal year's exports of 1,500,000 pounds.

(b) *Total supply.* The total supply of cigar-binder (types 51 and 52) tobacco for the marketing year beginning Octo-

[1] Rounded to the nearest tenth of a million pounds.

ber 1, 1956, is 64,900,000 pounds consisting of carryover of 52,500,000 pounds and estimated 1956 production of 12,400,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-binder (types 51 and 52) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1957, is calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956, of 23,400,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The total supply of cigar-binder (types 51 and 52) tobacco exceeds the reserve supply level and marketing quotas for cigar-binder (types 51 and 52) tobacco for the 1957–58, 1958–59, and 1959–60 marketing years are hereby proclaimed. The amount of cigar-binder (types 51 and 52) tobacco which will make available during the marketing year beginning October 1, 1957, a supply of cigar-binder (types 51 and 52) tobacco equal to the reserve supply level of such tobacco is 23,200,000 pounds, and a national marketing quota of such amount is hereby announced.

(e) *Apportionment of the quota.* The national marketing quota for cigar-binder (types 51 and 52) tobacco is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Connecticut	8,870
Massachusetts	4,539
New Hampshire	1
New York	1
Vermont	0
Reserve [1]	67

[1] Acreage reserved for establishing allotments for new farms.

§ 723.804 *Findings and determinations with respect to the national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1957* [1]—(a) *Reserve supply level.* The reserve supply level for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is 104,100,000 pounds, calculated, as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 35,600,000 pounds and a normal year's exports of 700,000 pounds.

(b) *Total supply.* The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the marketing year beginning October 1, 1956 is 104,700,000 pounds consisting of carryover of 81,100,000 pounds and estimated 1956 production of 23,600,000 pounds.

(c) *Carryover.* The estimated carryover of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1957 is calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956 of 35,200,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The total supply of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco exceeds the reserve supply level and marketing quotas for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1957–58, 1958–59 and 1959–60 marketing years are hereby proclaimed. The amount of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco which will make available during the marketing year beginning October 1, 1957, a supply of cigar-filler and binder tobacco equal to the reserve supply level of such tobacco is 34,600,000 pounds, and a national marketing quota of such amount is hereby announced.

(e) *Apportionment of the quota.* The national marketing quota for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Illinois	7
Indiana	1
Iowa	8
Minnesota	242
New York	104
Ohio	4,948
Pennsylvania	254
Wisconsin	17,408
Reserve [1]	115

[1] Acreage reserved for establishing allotments for new farms.

Done at Washington, D. C., this 15th day of January, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-375; Filed, Jan. 17, 1957; 8:45 a. m.]

[1023-Allotments-(Cigar-Filler and Binder Tobacco-57)-1]

PART 723—CIGAR-FILLER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

MARKETING QUOTA REGULATIONS, CIGAR-FILLER AND BINDER TOBACCO 1957–58 MARKETING YEAR; OLD FARMS

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U. S. C. 1311–15) hereinafter referred to as the "act", and is made for the purpose set forth, as discussed, that it has been found in the course of determining preliminary allotments, that 1 percent of acreage allotted in the State for the 1956–57 marketing year is inadequate, except in the case of cigar-binder (types 51 and 52) tobacco, to make due allowance for the factors specified in section 313 (b) of the act and establish allotments which are fair and equitable among farms in a community. The amendment increases the acreage available for such purposes from 1 percent to 4 percent of the acreage allotted in the State for the 1956–57 marketing year.

Since tobacco farmers are making their 1957 farming plans and need to know the 1957 tobacco acreage allotments for their farms as soon as possible, and as farmers are required insofar as practicable to be notified of allotments prior to the date of the referendum which must be within 30 days following the proclamation not later than February 1, 1957 of the national marketing quotas, it is hereby found and determined that compliance with the notice, public procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendment contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

Section 723.818 is hereby amended to read as follows:

§ 723.818 *Adjustment of acreage allotments for old farms, correction of errors, and allotments for overlooked old farms.* Notwithstanding the limitations contained in § 723.816, the individual 1957 farm acreage allotment heretofore established for an old farm may be increased if the county committee justifies such increase to the satisfaction of the State committee or its representative as being necessary to establish an allotment for such farm which is fair and equitable in relation to the allotments for other old farms in the community, on the basis of the past acreage of tobacco, making due allowances for drought, flood, hail, other abnormal weather conditions, plant bed, and other diseases; land, labor and equipment available for the production of tobacco; crop rotation practices; and the soil and other physical factors affecting the production of tobacco. The acreage available in the State for increasing allotments as above described under this Section, correction of errors, and providing acreage allotments for overlooked farms shall not exceed in the case of types 42, 43, 44, 53, 54 and 55 tobacco 4 percent of the total acreage allotted to all farms in the State for the production of such types of tobacco for the 1956–57 marketing year, and shall not exceed in the case of cigar binder (types 51 & 52) tobacco one percent of the total acreage allotted to all farms in the State for the production of such types of tobacco for the 1956–57 marketing year.

(Sec. 375, 52 Stat. 66 as amended; 7 U. S. C. 1375. Interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U. S. C. 1313)

Done at Washington, D. C., this 15th day of January, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-374; Filed, Jan. 17, 1957; 8:45 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1957

Basis and purpose. The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1957 and to prescribe the time in which quotas may be filled. Further, this regulation establishes (1) the amounts of certain quotas that may be filled by direct-consumption sugar, pursuant to section 207 of the act, (2) liquid sugar quotas pursuant to section 208, and (3) limitations on total importations to effectuate Article 7 of the International Sugar Agreement pursuant to section 411 of the act.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1957 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act, as amended and give effect to the revised determination.

The quotas and prorations established herein differ from those in effect under Sugar Regulation 811 (21 F. R. 10332). To permit areas for which larger quotas or prorations are hereby established to plan to market or to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100, Public Law 545, 84th Congress), and the Administrative Procedure Act (60 Stat. 237), §§ 811.90, 811.91 (a) and 811.92, of Sugar Regulation 811 (21 F. R. 10332) are amended to read as hereinafter set forth.

1. Section 811.90 is amended to read:

§ 811.90 *Sugar requirements, 1957.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1957 is hereby determined to be 9,000,000 short tons, raw value.

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

(Short tons, raw value)

Country	(1) Quotas	(2) Direct-consumption limits
Republic of the Philippines	980,000	50,920
Cuba	3,001,295	375,000
Peru	75,207	9,560
Dominican Republic	61,657	8,523
Mexico	44,409	15,481
Nicaragua	11,731	10,208
Haiti	6,179	6,179
Netherlands	3,453	3,453
China	3,386	3,386
Panama	3,386	3,386
Costa Rica	3,381	3,381
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

(Short tons, raw value)

Area	(1) Quota	(2) Direct-consumption limit
Domestic beet sugar	1,953,952	no limit
Mainland cane sugar	601,250	no limit
Hawaii	1,060,496	30,700
Puerto Rico	1,140,253	133,064
Virgin Islands	15,549	000

STATEMENT OF BASES AND CONSIDERATIONS

Requirements. Sugar requirements for 1957, on December 20, 1956, were initially determined to be 8,800,000 short tons, raw value. This quantity was intended to provide fully for probable consumption in 1957 and a slight increase in stocks to be held by refineries, other distributors and users. Initial announcement of quotas of such magnitude provided a basis for supplying areas to plan effectively to make such a total supply available.

Since December 20 the spot and futures prices for world sugar have continued to rise sharply and on January 9, the spot price for world sugar rose above that for quota sugar after allowance for the prevailing freight rate from Cuba to New York. On January 9, the spot price for quota sugar which had been stable since the issuance of the determination also increased 5 cents per 100 pounds. On January 10, the spot price for world sugar increased further by 25 cents per 100 pounds.

In view of these price trends, it is desirable to establish quotas which will provide supplying areas a basis for reserving additional supplies to cover potential demands in the continental United States for increasing inventories as well as for current use. Establishing quotas totaling 9,000,000 tons should allay any apprehension of United States consumers regarding the availability of sugar to meet their requirements in 1957 despite changes in world prices.

Quotas. The quotas herein established were determined in compliance with the specific procedures provided in section 202 of the act for translating the total sugar requirements into quotas for individual areas and countries.

The amounts of the quotas which may be filled by direct-consumption sugar were established pursuant to section 207 of the act, which specifies the quantity for some countries and provides the procedure for determining the others.

Done at Washington, D. C., this 11th day of January, 1957.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153)

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-377; Filed, Jan. 17, 1957; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 941—MILK IN CHICAGO, ILLINOIS, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 941.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act.

(2) The parity price of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than February 1, 1957. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on June 4, 6 and 7, 1956, and the recommended decision was issued September 24, 1956 (21 F. R. 7373). The final decision was issued by the Assistant Secretary on December 20, 1956 (21 F. R. 10408). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations or producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Chicago, Illinois, marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (July 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Chicago, Illinois, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete § 941.6 and substitute therefor the following:

§ 941.6 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is commingled with other milk before entering a plant, except that reloading operations on the premises of a plant shall be considered a part of the plant's operations.

2. Delete § 941.41 (c) (1) and substitute therefor the following:

(1) Condensed milk (sweetened or unsweetened) disposed of to commercial food processors located within the surplus milk manufacturing area, sweetened condensed milk in hermetically sealed cans, evaporated milk, whole milk powder, nonfat dry milk, malted milk, and condensed skim milk (the products specified in this subparagraph are referred to hereinafter as Class III (a) milk);

3. Delete § 941.70 (d) and substitute therefor the following:

(d) Subtract the amount of any location adjustment to producers allowable pursuant to paragraphs (d) and (e) of § 941.81.

4. Delete § 941.71 (b) and substitute therefor the following:

(b) Add the aggregate of location adjustments to producers allowable pursuant to § 941.81 (a).

5. Delete § 941.80 and substitute therefor the following:

§ 941.80 *Time and method of payment for producer milk.* (a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53, or to the location adjustments to producers allowable pursuant to paragraphs (b) and (c) of § 941.81, whichever is applicable at the plant where the milk is received by the cooperative association and to a butterfat differential computed pursuant to § 941.82.

(b) On or before the 18th day after the end of each of the delivery periods of July through February each handler shall pay to each producer per hundredweight of milk received from him during such delivery period, respectively, not less than the uniform price, for such delivery period, subject to the location adjustments and butterfat differential provided by §§ 941.81 and 941.82.

(c) On or before the 18th day after the end of each of the delivery periods March through June each handler shall pay to each producer per hundredweight of base milk received from him during such delivery period, respectively, not less than the uniform price for base milk, and for excess milk received from such producer the handler shall pay not less than the uniform price for excess milk, subject in the case of both base milk and excess milk to the location adjustments and butterfat differential provided by §§ 941.81 and 941.82.

6. Delete § 941.81 and substitute therefor the following:

§ 941.81 *Location adjustments to producers.* In making payments to producer pursuant to § 941.80 (b) and (c), each handler shall:

(a) Deduct per hundredweight of milk received from producers at a pool plant located more than 70 miles from the City Hall in Chicago, 2 cents for each 15 miles, or fraction thereof, greater than 70 miles;

(b) Add 2 cents per hundredweight of milk received from producers at a pool plant located outside the marketing area but not more than 55 miles from the City Hall in Chicago;

(c) Add 4 cents per hundredweight of milk received from producers at a pool plant located within the marketing area;

(d) Add 4 cents per hundredweight of milk received from producers whose farms are located in the territory lying within the City of Kenosha, the townships of Pleasant Prairie, Bristol and Salem in Kenosha County, all in the State of Wisconsin; the townships of Richmond, Burton, Greenwood, McHenry, Seneca, Dorr, Nunda, Coral, Grafton and Algonquin in McHenry County, Lake County, Kane County, Cook County, Du Page County, Kendall County, Will County; the townships of Saratoga, Aux Sable, Goose Lake and Felix in Grundy County; and the townships of Rockville, Manteno, Sumner, Yellowhead, Bourbonnais, Ganeer and Momence in Kankakee County, all in the State of Illinois; and Lake County, and Porter County, except Pleasant Township all in the State of Indiana, which territory shall be known as Zone A; and

(e) Add 2 cents per hundredweight of milk received from producers whose farms are located in the territory lying within the City of Racine, the townships of Raymond, Caledonia, Burlington, Dover, Yorkville and Mount Pleasant in Racine County; the townships of Brighton, Paris, Somers, Wheatland and Randall in Kenosha County; the townships of Lyons, Linn and Bloomfield, of Walworth County, all in the State of Wisconsin; the townships of Chemung, Alden, Hebron, Dunham, Hartland, Marengo and Riley in McHenry County; the townships of Boone, Bonus and Spring in Boone County, DeKalb County, the townships of Earl, Adams, Northville, Serena, Mission, Dayton, Rutland, Miller and Manlius, in LaSalle County; the townships of Nettle Creek, Erienna, Norman, Morris, Wauponsee, Vienna, Mason, Maine, Braceville, Good Farm, Garfield and Greenfield in Grundy County; the townships of Essex, Salina, Limestone, Kankakee, Norton, Pilot, Otto, Aroma, St. Anne, and Pembroke, in Kankakee County; the townships of Chebanse, Papineau and Beaverville in Iroquois County, all in the State of Illinois; the townships of Lake, Lincoln, McClellan, Colfax, Beaver and Jackson in Newton County; the townships of Keener, Union, Wheatfield, Walker and Kankakee in Jasper County; Pleasant township in Porter County; the townships of Dewey, Prairie, Cass, Hanna, Clinton, Noble, New Durham, Scipio, Coolspring, Center, Kankakee, Michigan, Springfield and Galena in LaPorte County, all in the State of Indiana; and the townships of New Buffalo, Three Oaks and Chikaming in Berrien County in the State of Michigan, which territory shall be known as Zone B.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 15th day of January 1957, to be effective on and after February 1, 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

[F. R. Doc. 57-392; Filed, Jan. 17, 1957; 8:48 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

[B. A. I. Order 379, Amdt. 6]

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS

CATTLE FROM MEXICO

Pursuant to the provisions of the act of August 30, 1890, as amended (21 U. S. C. 102–105), and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), § 92.35 of the regulations governing the importation of certain animals and poultry and certain animal and poultry products (9 CFR, 1955 Supp., 92.35), is hereby amended by changing paragraph (c) to read as follows:

§ 92.35 *Cattle from Mexico.* • • •

(c) *Brucellosis.* (1) All bulls and female cattle for entry into the United States from Mexico shall be detained or quarantined at the port of entry, and, except as provided in subparagraph (2) of this paragraph, a blood sample shall be obtained from each animal and an agglutination test made for brucellosis. Animals not negative to the test shall be refused entry.

(2) The following classes of animals shall not be required to be tested under the provisions of subparagraph (1) of this paragraph:

(i) Cattle for immediate slaughter;

(ii) Animals under six months of age; and

(iii) Female calves which are officially vaccinated against brucellosis at the port of entry by a veterinarian at no expense to the Department, under supervision of the inspector, with a vaccine approved by the Agricultural Research Service of the Department, and which are permanently identified by a tattoo in the right ear or a "V" fire brand on the right jaw as approved by the Agricultural Research Service.

The effect of this amendment is to impose certain additional restrictions on the importation of cattle from Mexico and to provide vaccination measures at the port of entry, optional with the importers, which, if complied with, will make female calves eligible for entry into the United States without a test for brucellosis. The amendment should be made effective promptly in order to protect the livestock of the United States and to be of maximum benefit to affected persons. Accordingly, under provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 6, 7, 8, 10, 26 Stat. 416, as amended, sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 102–105, 111)

Done at Washington, D. C., this 14th day of January 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator.

[F. R. Doc. 57-373; Filed, Jan. 17, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter F—Rehabilitation and Neighborhood Conservation Housing Insurance

PART 266—HOME RELOCATION INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING SINGLE FAMILY DWELLINGS

MISCELLANEOUS AMENDMENTS

1. In § 266.1, paragraph (a) is amended by adding to the listed provisions the following:

§ 266.1 *Incorporation by reference.* (a) • • •

§ 221.41 Rental properties.

2. Part 266 is amended by adding two new §§ 266.7a and 266.10a as follows:

§ 266.7a *Deferred sale of properties.* A mortgagor may, subject to such terms and conditions as the Commissioner may prescribe, be permitted to sell properties subject to insured mortgages on a deferred payment basis, such as an installment contract or lease with an option to purchase.

§ 266.10a *Rental for transient or hotel purposes.* No single-family dwelling, if it is a part of a group of five or more single-family dwellings held by the same mortgagor, or any part or unit thereof, shall be rented or offered for rent for transient or hotel purposes, so long as such dwelling is subject to an insured mortgage.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 221, 68 Stat. 599, as amended; 12 U. S. C. 1715l)

Issued at Washington, D. C., January 15, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57-387; Filed, Jan. 17, 1957; 8:48 a. m.]

Chapter III—Public Housing Administration, Housing and Home Finance Agency

PART 300—GENERAL PROCEDURAL PROVISIONS

REPRESENTATIVE APPEARANCES BEFORE THE PHA OF FORMER GOVERNMENT EMPLOYEES

Part 300 of Title 24, Code of Federal Regulations, is amended by adding the following new section:

§ 300.5 *Representative appearances before the PHA of former Government Employees—(a) Authorization to appear in representative capacity.* No former officer or employee of the United States or anyone knowingly acting on behalf of or under the direct supervision of such person, may, within a period of two years after the termination of such employment, appear in a representative capacity before the PHA unless, in each matter, he obtains prior approval as prescribed herein. The term "representative capacity" shall mean the function of rendering representative services to any person, firm, corporation, or association.

(b) *Form of request.* A request by a former officer or employee of the United States to appear in a representative capacity before the PHA shall be made by letter, in duplicate, addressed to the Director of the Regional Office or head of the Central Office Division before which such former officer or employee desires to appear. Each such request must set forth, under oath, the following information:

(1) A brief description of his duties and functions while employed with the Government, and the duration of his employment.

(2) The subject and scope of the matter in which he desires to appear in a representative capacity.

(3) Whether the consideration of the matter would have devolved upon any division, branch, or other unit in which he was employed, either during or subsequent to his employment therein.

(4) Whether while he was employed by the Government, the matter was pending therein; and, if it was so pending:

(i) Whether he gave personal consideration to it, or had any knowledge thereof while so employed; and

(ii) Whether he is assisting or will be assisted by any person who has personally considered it or gained personal knowledge thereof while employed by the Government.

(c) *Violations.* Any former officer or employee of the United States violating the provisions of this section will be barred from appearing in a representative capacity before the PHA for such time as the Commissioner may prescribe. Also, if it appears that any violations of law are involved the matter will be referred to the Department of Justice.

(d) *Approval or denial of requests.* The Regional Director or Division Head to whom a request is made is authorized to solicit such information as he may deem necessary and to approve or deny the request, subject to appeal to the Commissioner as provided for below. No approval to appear in a representative capacity before the PHA will be granted if such appearance would be in violation of law or otherwise contrary to the public interest, or might involve an improper exercise of personal influence by the applicant. The applicant will be notified of the decision in writing, and the notification will include, for the applicant's guidance, a copy of a document entitled "Excerpt From Memorandum No. 40 of the Department of Justice to Prosecuting Authorities, August 27, 1953," construing Title 18 U. S. C. 284. Letters of approval will include a statement that the approval does not constitute a finding on the part of the PHA as to the relationship of the proposed representation to the provisions of Title 18 U. S. C. 284. Letters of denial will include a statement of the reasons for the decision and a statement that the applicant may, within 10 days, appeal to the PHA Commissioner.

(e) *Appeals.* An appeal for review by the Commissioner shall be made in writing and shall be submitted to the Regional Director or Division Head concerned. The applicant will be notified in writing of the Commissioner's decision.

(Sec. 8, 50 Stat. 891; 42 U. S. C. 1408)

Date approved: January 8, 1957.

[SEAL] CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57-384; Filed, Jan. 17, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

Subchapter D—Airport Regulations

[Amdt. 5]

PART 570—WASHINGTON NATIONAL AIRPORT

DEMONSTRATIONS

Correction

In Federal Register Document 57-10276, published on page 10008, December 18, 1956, "Airport Directors" in § 570.51 should read "Airport Director."

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

EDITORIAL NOTE: Subpart H (§§ 171.300–171.310), and Subpart I (§§ 171.320–171.341) of Part 171 are deleted from the Code of Federal Regulations.

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AND AUTOMOBILE FEES

COLONIAL NATIONAL HISTORICAL PARK

1. Section 13.3 *Commercial passenger-carrying vehicles, Colonial National Historical Park,* is amended to read as follows:

§ 13.3 *Commercial passenger-carrying vehicles, Colonial National Historical Park.* (a) Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on any portion of the Colonial Parkway, Colonial National Historical Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: $3.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: $1.00 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 5-passenger vehicle: $1.00.

(4) Permit good for one day, more than 5-passenger vehicle: $3.00.

2. Paragraph (d) of § 13.13 *Admission fees, miscellaneous,* is amended to read as follows:

(d) A fee of 25 cents shall be charged each person entering the Government area on Jamestown Island and Glasshouse Point in Colonial National Historical Park, except members of the Association for the Preservation of Virginia Antiquities. The fee shall be combined with a fee of 25 cents per person charged for admission to the area owned by the Association for the Preservation of Virginia Antiquities and included within the Jamestown National Historic Site, and during the period from April 1 through November 30, 1957, with a fee of 50 cents per person for admission to the Festival Center to be operated in the State Park by the Commonwealth of Virginia. Officials of the National Park Service, the Commonwealth of Virginia, and the Association for the Preservation of Virginia Antiquities may admit the general public to the areas under their jurisdiction without charge upon special occasions, and official complimentary passes issued by any of the three parties shall be honored by the other parties.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

These amendments shall become effective on April 1, 1957.

FRED A. SEATON,
Secretary of the Interior.

JANUARY 12, 1957.

[F. R. Doc. 57-380; Filed, Jan. 17, 1957; 8:47 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1968]

PART 188—ASPHALT LEASES

On pages 6957 to 6959, inclusive, of the FEDERAL REGISTER of September 14, 1956, there was published a notice of proposed rule making to implement asphalt regulations pursuant to the authority vested in the Secretary of the Interior by the act of June 28, 1944 (58 Stat. 463, 483–485). Interested persons were given 30 days in which to submit written comments, suggestions, or objections with respect to the proposed regulations.

As the result of comments received within the 30-day period, which were carefully considered, the proposed regulations are hereby adopted with the following change: The third sentence of § 188.20 (a) is revised to delete language which was inadvertently included in the notice of proposed rule making, since the act does not authorize prospecting for asphalt deposits. The sentence is revised to read as follows: "The approval of a transfer will not extend the renewal periods of the lease."

FRED A. SEATON,
Secretary of the Interior.

JANUARY 12, 1957.

A new Part 188, is added to Chapter I, Title 43 of the Code of Federal Regulations, reading as follows:

PART 188—ASPHALT LEASES

GENERAL

Sec.
188.1 Authority to lease.
188.2 Lands applicable.
188.3 Definitions.
188.4 Area and limitation on holdings.
188.5 Qualifications of applicant.
188.6 Leases for lands disposed of with reservation of asphalt deposits.
188.7 Requirements when lands are within a withdrawal.

ASPHALT LEASES

188.8 Form of lease.
188.9 Lease bond.
188.10 Royalty and rental.
188.11 Minimum production.
188.12 Application for lease by competitive bidding.
188.13 Notice of lease offer.
188.14 Bid deposits.
188.15 Award of lease.
188.16 Modification and leasing of additional land or asphalt deposits.
188.17 Renewal leases.
188.18 Relinquishment of lease.
188.19 Cancellation of lease.

TRANSFERS OF LEASES

188.20 Transfers, including subleases.
188.21 Limitation on overriding royalties.

AUTHORITY: §§ 188.1 to 188.21, issued under sec. 32, 41 Stat. 450; 30 U. S. C. 189. Interpret or apply 58 Stat. 483–485, 63 Stat. 76, 84; 16 U. S. C. 482n–1.

GENERAL

§ 188.1 *Authority to lease.* The act of June 28, 1944 (58 Stat. 463, 483–485), authorizes the Secretary of the Interior to lease asphalt deposits in certain lands situated in Oklahoma, acquired under the provisions thereof.

§ 188.2 *Lands applicable.* The lands or asphalt deposits subject to the regulations in this part are those situated in Oklahoma which were (a) sold to the United States under the terms of a contract executed October 8, 1947, by and between the Secretary of the Interior and officials of the Choctaw and Chickasaw Nations of Indians in Oklahoma, which contract was ratified by the act of June 24, 1948 (62 Stat. 596), and (b) acquired when the purchase price provided in the contract was appropriated by the act of May 24, 1949 (63 Stat. 76, 84).

§ 188.3 *Definitions.* The following terms, as used in this part, or in any lease approved under the regulations in this part, shall have the meanings here given:

(a) *Secretary.* The Secretary of the Interior or any person duly authorized to exercise the powers vested in that officer.

(b) *Land Office.* The Land Office, Bureau of Land Management, Santa Fe, New Mexico, for lands covered by a lease or application therefor, situated in the State of Oklahoma.

(c) *Manager.* The Manager of the Land Office as defined in paragraph (b) of this section.

(d) *Mining Supervisor.* The Regional Mining Supervisor of the Geological Survey for the State in which the lands under lease or application therefor are situated.

§ 188.4 *Area and limitation on holdings.* Except where the rule of approximation applies, a lease may not include over 640 acres in reasonably compact form. No person, association or corporation may hold, either directly or indirectly, leases for an area that exceeds in the aggregate 2,560 acres.

§ 188.5 *Qualifications of applicant.* (a) As used in this section, "applicant" means an applicant for lease under § 188.12, the successful bidder to whom a lease is awarded under § 188.15, or an assignee or transferee under § 188.20.

(b) Leases may be issued to citizens of the United States, association of citizens, and corporations organized under the laws of the United States or of any State or Territory thereof.

(c) All applicants must file with the Manager statements and evidence as follows (unless previously filed, in which event a reference by serial number to the record and where it is filed, together with a statement as to any amendment, will be accepted):

(1) As to citizenship, whether native born or naturalized.

(2) If applicant is an association (including a partnership), it must submit a certified copy of the articles of association and the same showing as to the citizenship and holdings of its members as required of an individual.

(3) A corporation must submit a statement showing:

(i) The State in which it is incorporated.

(ii) That it is authorized to hold leases for asphalt deposits and that the person executing an instrument on behalf of the corporation is authorized to act in such matters.

(iii) The percentage of voting stock, of all the stock owned by aliens and of all the stock owned by those having addresses outside of the United States. When the stock owned by aliens is over 10 percent, additional information may be required.

(iv) The name, address, citizenship, and acreage holdings of any stockholder owning or controlling 20 percent or more of the stock of any class, of the corporation.

(4) That holdings do not exceed the acreage limitations specified in § 188.4.

§ 188.6 *Leases for lands disposed of with reservation of asphalt deposits.* Where lands included in a lease have been or may be disposed of with reservation of the asphalt deposits, rights of surface use are subject to the provisions of the law under which such reservation was made. See the act of February 19, 1912 (37 Stat. 67), and the act of August 3, 1955 (69 Stat. 445), and the regulations thereunder, in Part 119 of this chapter.

§ 188.7 *Requirements when lands are within a withdrawal.* Where any part of the lands embraced in an application for asphalt lease is within a withdrawal which does not preclude disposition of the asphalt deposits, the head of the Government agency having control will be called upon for a report as to whether there is any objection to the granting of an asphalt lease. Where he recommends that a special stipulation be required to protect the interest of the United States, an appropriate stipulation may be included in the lease.

ASPHALT LEASES

§ 188.8 *Form of lease.* Leases shall be issued on Form 4–1320.[1]

§ 188.9 *Lease bond.* A compliance bond, in no event less than $1,000, with approved corporate surety (Form 4–1113), or the lessee's personal bond in similar amount (Form 4–1114), will be required prior to the issuance of a lease. Personal bonds must be secured by negotiable Federal securities in the amount of the bond. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4–1113 with two qualified individual sureties, as provided in § 191.13 of this chapter. The right is reserved at any time before or after issuance of the lease to require an increase of the amount of the bond, whether a corporate, personal or individual surety bond, in any case where the Bureau of Land Management deems it proper to do so.

§ 188.10 *Royalty and rental.* (a) The rate of royalty shall be fixed prior to the issuance of the lease but in no event shall it be less than 25 cents per ton of two thousand pounds of marketable production.

(b) Beginning with the date of the lease, annual rental payable in advance for each acre or part thereof covered by the lease shall be 25 cents for the first calendar year or fraction thereof, 50 cents for the second, third, fourth and fifth calendar years, respectively, and $1 for each calendar year thereafter during the continuance of the lease, such rental for any year to be credited against royalties accruing under the lease during the year for which the rental was paid.

§ 188.11 *Minimum production.* (a) Each lease will provide for the mining of asphalt deposits from the lands involved and the payment of royalty thereon to a value of not less than $1 an acre or fraction thereof each year, beginning with the sixth full calendar lease year, except when operations are interrupted by strikes, the elements, or casualties not attributable to the lessee or unless operations are suspended upon a showing that the lease can not be operated except at a loss because of unfavorable market conditions.

(b) Applications by lessees for relief from the production requirement of leases shall be filed, in triplicate, with the Mining Supervisor, who is authorized to grant such relief. A copy of each application shall be filed in the land office. Complete information must be furnished showing the necessity for such relief.

§ 188.12 *Application for lease by competitive bidding.* (a) An application for lease must be filed in duplicate in the land office. A filing fee of $10, which will be retained as a service charge in any event, must accompany the application. No specific form is required, but the application should include the following:

(1) The applicant's name and address.

(2) If the requested lands are surveyed, they should be described by legal subdivisions, showing meridian, township, range, and section; if not surveyed, by metes and bounds connected by courses and distance with some corner of the public land survey. When possible, the approximate legal subdivisions of unsurveyed lands should be stated.

(3) Evidence that the land is valuable for its asphalt content, with a statement as to the character, extent, and mode of occurrence of the asphalt deposits.

(b) The application must be signed by applicant, or by his attorney in fact, supported by the power of attorney.

(c) If it be found that the area applied for is not available for leasing, the applicant will be so informed.

[1] A copy of this, as well as of every other form mentioned in this part, may be obtained from the Land Office, Santa Fe, New Mexico, or from the Director, Bureau of Land Management, Washington 25, D. C.

§ 188.13 *Notice of lease offer.* Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks or for such other period as may be determined, in a newspaper of general circulation in the county in which the lands or deposits are situated. The notice will state the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the lands and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared, and (b) that the Government reserves the right to reject any and all bids. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent bidding, is unlawful. See 18 U. S. C. 1860.

§ 188.14 *Bid deposits.* The successful bidder at a sale by public auction must deposit with the Manager of the Land Office, or the officer conducting the sale, on the date of the sale, and each bidder at a sale by sealed bids, must submit with his bid, certified check, cashier's check, bank draft, money order, or cash for one-fifth of the amount of the bid, and evidence of qualifications as required by § 188.5 (c).

§ 188.15 *Award of lease.* (a) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required, within 30 days from receipt thereof, to execute them, pay the balance of the bonus bids, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 188.13, and file a bond as required by § 188.9. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and deposited in the general fund of the Treasury of the United States. (See act of June 28, 1944, 58 Stat. 483, 485). If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease.

(b) If the bidder dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased lessee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 188.5 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the lessee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holding similar to that required by § 188.5 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holding of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 188.5 (c) (1) and (4).

§ 188.16 *Modification and leasing of additional lands or asphalt deposits.* A lessee may obtain modification of his lease to include asphalt lands or asphalt deposits contiguous to those embraced in his lease if the Manager shall determine, after consultation with the Mining Supervisor, that it will be to the advantage of the lessee and the United States, but in no event shall the area embraced in such modified lease exceed in the aggregate 640 acres, except where the rule of approximation applies. The lessee must file his application for modification in duplicate in the land office describing the additional land desired, the reasons for and the advantage to the lessee of such modification. Upon determination by the Manager that the modification is justified and the interest of the United States is protected, the lease will be modified without competitive bidding to include such part of the land or deposits as he shall prescribe. If, however, it is determined that the additional lands or deposits can be developed as part of an independent operation or that there is a competitive interest in them, they may be offered as provided in § 188.13. Each application for modification must be accompanied by a filing fee of $10 which will not be returnable.

§ 188.17 *Renewal leases.* An application for a renewal lease must be filed in duplicate in the land office within 90 days prior to the expiration of the lease term. Thereafter, the lessee will be notified of the terms and conditions to be prescribed in the renewal lease. Unless the lessee filed written objections to the proposed terms, or files a relinquishment of the lease within 30 days after receipt of such notice, he will be deemed to have agreed to such terms and to the renewal of the lease. Prior to the issuance of a renewal lease, the lessee will be required to submit a satisfactory bond as prescribed in § 188.9. Each application for renewal must be accompanied by a filling fee of $10 which will not be returnable.

§ 188.18 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rental and royalties and provide for the preservation of any mines or productive works or permanent improvements on the lands relinquished in accordance with the regulations and terms of the lease.

§ 188.19 *Cancellation of lease.* If the lessee fails to comply with the general regulations in force at the date of the lease, or defaults with respect to any of the terms, covenants, or stipulations of the lease, and such failure or default continues for 30 days after service of written notice thereof by the lessor, then the lessor may bring appropriate court proceedings to forfeit and cancel the lease as provided in section 31 of the Mineral Leasing Act of February 25, 1920, as amended (30 U. S. C. 188). A waiver of any particular cause of forfeiture shall not prevent the cancellation and forfeiture of the lease for any other cause, or for the same cause occurring at any other time.

TRANSFERS OF LEASES

§ 188.20 *Transfers, including subleases.* (a) Leases may be transferred in whole or in part. The approval of a transfer of part of the land in a lease will create a new lease for the transferred portion. The approval of a transfer will not extend the renewal periods of the lease. Transfers, whether by direct assignments, operating agreements, subleases, working or royalty interests, or otherwise, must be filed for approval in duplicate at the land office within 90 days after execution. Evidence of the qualifications of the assignee or transferee to hold the lease, as required by § 188.5 must be submitted simultaneously. Before a transfer of a lease will be approved, the transferee must submit a new bond, or the consent of the surety on the lease bond to the substitution of the transferee as principal thereon, and the lease account must be in good standing. If the transfer is for part of the land only, it must be for a legal subdivision and (1) the consent of the surety to the transfer and its agreement to remain bound as to the interest retained by the lessee must be submitted, as well as (2) a new bond with the transferee as principal covering the portion of the lands transferred. A transfer will take effect the first day of the month following its approval, or if the transferree requests, in writing, the first day of the month of the approval.

(b) An application for approval of any instrument transferring a lease, or interest therein, must be accompanied by a service fee of $10. An application not accompanied by such a fee will not be accepted. The fee will not be returned even though the application is later withdrawn or rejected.

(c) No transfer will be approved if the transferee is not qualified to take and hold a lease or if his bond is insufficient. A minor, except a minor heir or devisee of a lease, is not qualified to hold a lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a lease, an operating agreement, or a royalty interest in a lease, to be recognized by the Department as the holder of the lease, agreement or interest, there must be furnished the appropriate showing required under § 188.15 (b).

(e) The assignor or sublessor and his surety will continue to be responsible for the performance of any obligation under the lease until the assignment or sublease is approved. If the assignment or transfer is not approved, their obligations to the United States shall continue as though no such assignment or transfer had been filed for approval. After approval the assignee or sublessee and his surety will be responsible for the performance of all lease obligations notwithstanding any terms in the assignment or sublease to the contrary.

§ 188.21 *Limitation on overriding royalties.* An overriding royalty interest shall not be created by assignment or otherwise exceeding 50 percent of the rate of royalty first payable to the United States under the lease or an overriding royalty interest which when added to any other overriding royalty interest exceeds that percentage, excepting that where an interest in the leasehold, or operating agreement is assigned, the assignor may retain an overriding royalty interest in excess of the above limitation if he shows to the satisfaction of the Bureau of Land Management, that he has made substantial investments for improvements on the land covered by the assignment.

[F. R. Doc. 57-388; Filed, Jan. 17, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 942]

[Docket No. AO-103-A15]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Correction

In the first paragraph of Federal Register Document 57-250, appearing at page 263, January 12, 1957, the date "January 27, 1957" should read "January 28, 1957."

[7 CFR Parts 960, 963]

[Docket Nos. AO-253-A2, AO-233-A6]

MILK IN AKRON, OHIO, AND STARK COUNTY, OHIO, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provision of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), public hearings were conducted at Akron, Ohio, on August 22, 1956, pursuant to notice thereof which was issued on August 1, 1956 (21 F. R. 5846).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 27, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on December 29, 1956 (21 F. R. 10508).

The material issues of record relate to:

(1) The merger of orders No. 60 and No. 63 regulating the handling of milk in the Akron, Ohio, and Stark County, Ohio, marketing areas;

(2) The extent to which the present provisions of Order No. 60 (other than those involved in the issues listed below) are appropriate for the merged marketing area;

(3) The determination and level of the price for Class I milk;

(4) The pricing of milk used to produce cottage cheese; and

(5) Distribution of returns to producers by means of eligible milk quotas.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof.

1. Order No. 63 regulating the handling of milk in the Stark County, Ohio, marketing area should be consolidated with Order No. 60 regulating the handling of milk in the Akron, Ohio, marketing area and in the marketing area of the merged order there should also be included two sections of land in Stark County, Ohio, not now included in the marketing area of either order.

The presently defined Akron and Stark County marketing areas are, with one minor exception, contiguous to each other. When the Stark County order was issued in 1952, the northern boundary of the marketing area was defined in considerable detail (by sections in Green Township of Summit County and by lots in Suffield Township of Portage County) in an attempt to establish the precise point at which major distribution of milk by Stark County handlers ceased and distribution by Akron handlers became more important. Sections 6 and 7 of Lake Township, Stark County, were omitted from the marketing area because of distribution of Akron milk in the village of Uniontown. When the Akron order was issued, effective February 1955, the area included all of Summit County and all of Suffield Township of Portage County other than those areas defined in the Stark County marketing area. Sections 6 and 7 of Lake Township, Stark County, were omitted, although distribution by Akron handlers still continued to be important and all sales in this area are by Akron and Stark County handlers.

There has long been substantial completion in procurement and sales of milk between Akron and Stark County dealers. For considerable time an Akron handler has made substantial milk sales in the Stark County area. Handlers in the Akron marketing area regularly distribute milk packaged in a Stark County plant, a situation recognized by the allocation provisions of the Akron order. One distributor with a plant subject to each order transfers milk and producers between the Akron and Stark County markets. Intermarket sales and movements of milk have accelerated recently. Two Akron handlers now have permits to sell milk in Canton, the largest city of the Stark County area. Health requirements for production and handling of milk for fluid consumption are sufficiently uniform that milk acceptable to any of the municipalities of the area moves freely throughout the area.

Stark County producers are interspersed with Akron producers throughout the southeastern two-thirds of the area from which the larger Akron market draws its milk supply. Because of competition for milk in this general area between Akron, Stark County and the nearby Cleveland market, it has been necessary to bring Akron and Stark County Class I prices into precise align-

ment with each other and into close alignment with the Cleveland price.

The extent to which overlapping and intermingling of production and sales of milk have developed makes it clear that no clearly defined boundary between the areas any longer exists.

Producer organizations and handlers of both areas uniformly support a merger of the Akron and Stark County orders to regulate the entire area under one regulation. The principal advantages of this action will be the stability provided producers by reflecting in one uniform price the Class I sales of all handlers, rather than dividing these sales into two separate pools; and greater freedom to handlers for movements of milk within the entire area without distinction as to the individual market pools affected. Integration into a single market has in this instance progressed to the point that these objectives should be achieved by providing a single regulation governing the two presently defined marketing areas. Also included in the combined marketing area should be sections 6 and 7 of Lake Township, Stark County. These sections are in all respects similar to the adjacent territory now included in the respective separate orders.

To accomplish the merger effectively and most equitably the assets in the custody of the market administrator in the administrative marketing service and producer-settlement funds under the Stark County order should be merged with assets in similar funds under the Akron order when the merger is effected. To distribute such funds under the Stark County order to Stark County producers and handlers, would unduly burden handlers and producers now regulated by the Akron order. To distribute the funds under both orders and again accumulate the necessary reserves would entail considerable administrative detail to no good purpose.

2. *Applicability of provisions of Akron order to merged order.* While there are many differences in language between the Akron and Stark County orders, there are relatively few differences in substantive effect as applied to the marketing conditions that prevail in the areas presently defined. The majority of the provisions of a milk order apply to the individual operations of handlers in determining the classification and minimum value of receipts of milk from producers by each handler. The effect of similar provisions of such nature in two separate orders are not changed when the two orders are combined into a single regulation.

A few of the differences between the present orders are of an administrative nature such as the manner in which prices are stated, dates on which payroll reports are required, offers of reimbursement by cooperatives as a prerequisite to receipt of payments of dues or for milk of their members, or certificates of use required with respect to classification of milk transferred to nonpool plants. With respect to these matters the provisions of the present Akron order appear to be applicable to the combined marketing area.

As indicated elsewhere in this decision the Akron order provides that milk in bottled form classified and priced under another Federal order that is received by an Akron handler, be assigned to the same classification in the Akron handler's plant as under the other order. The Stark County order has no such provision. While its chief use under the Akron order has been with respect to receipts of Stark County milk, need for free movement of packaged milk from the nearby Cleveland market justifies retention of the provision.

A butter-cheese formula price now serving only as an alternative basis for pricing Class II milk under the Stark County order has never been effective. The Akron order does not include provision for use of this price. There is no reason for including this price in the order for the combined area.

The provisions of the Akron order which permit classification as Class II milk in all months of milk disposed of to manufacturers of soup, candy or bakery products, are appropriate for the classification of milk now regulated by the Stark County order, under which such classification is now limited to certain months.

The Akron order provides for the adjustment of prices to producers by a weighted average butterfat differential computed on the basis of the class use of butterfat in producer milk. This results in a somewhat higher differential than that provided in the Stark County order. Producers of both markets supported the use of weighted average differential in distributing to producers the value of milk in the combined pool. This differential reflects the value of butterfat under the order in accordance with its use.

The Stark County order provides for public announcement by the market administrator of the percentage of producer milk used in each class by each handler. It was proposed that a similar provision be included in the combined order. The principal justification for such provision appears to be its value to cooperative associations in allocating milk of their members to handlers in accordance with their need. Cooperative associations should be informed as to the use of milk of their member producers supplied to handlers. Public announcement of percentage utilization by classes for each handler is not required, however, in order to provide this information to cooperative associations with respect to use of milk of their members. Accordingly, it is provided that the market administrator provide such information to cooperative associations, if they so request, without public announcement.

It is in the related provisions with respect to producers whose milk is to be priced, pool plants, the receipts of which are fully regulated, and the provisions applicable to nonpool plants doing business in the area that there are more substantial differences between the two orders. The Akron order specifies that milk of producers must have approval of a health authority of the marketing area; the Stark County order contains no such requirement, but does provide price and pooling differentials applicable to milk received at plants which do not have a health authority permit from either Canton, Massillon, or Alliance, the principal cities of the area. All plants making route distribution of Class I milk in the Akron area, except plants located out of the area with sales of less than 300 points daily on routes entering the area, are subject to full regulation. Plants subject to full regulation under the Stark County order must distribute 18,000 pounds or more of Class I milk on routes entering the marketing area, and, if located outside the area, such distribution must be 10 percent or more of the plants' total Class I distribution. Except for reporting, plants with sales of less than 300 points in the Akron area are exempt from regulation; nonpool plants make payments with respect to Class I sales in the Stark County marketing area. The pool plant requirements of the Stark County order were largely designed to avoid full regulation of Akron plants with minor sales in the Stark County area. Regulation of the Akron area has removed need for certain of these requirements. It was proposed that the Akron pool plant provisions be retained for the merged area, but that provision be made to include as producers, dairy farmers without health authority approval, if their milk is received at a plant which distributes milk only in those portions of the marketing area for which health authorities do not exercise jurisdiction with respect to approval of milk for fluid consumption.

In Stark County, health authority approval is required only for distributors of milk in the cities of Canton, Massilon and Alliance. Despite the fact that there is very substantial urban population outside these cities, there is little milk distributed in Stark County from plants without permits issued by these cities or the recognized health authorities of the Akron area. Milk of only about 20 producers is presently subject to the pricing and pooling differentials of the Stark County order. Stark County is expected in the near future to operate a milk inspection program. Producers supplying nonpermit plants are frequently paid without deduction of the differential provided in the order.

There is little need to continue provision for regulation of nonpermit milk. The volume of such milk has declined to the point that it is no longer a serious competitive factor in the market. Plants presently operating on a nonpermit basis must compete for supplies with regulated plants. The nominal (300 point) pooling requirements would, however, provide considerable incentive for outside manufacturing plants to pool their receipts on the basis of minimum sales in the area. It is concluded that plants dealing only in nonpermit milk should be exempt from pricing and pooling and that health authority approval should be required for all milk to be considered as producer milk under the order.

3. The price for Class I milk under the combined order should continue to be maintained in fixed alignment with that of the Cleveland market.

The price for Class I milk under each of the existing Akron and Stark County orders is established as 5 cents less than that under Order No. 75, regulating the handling of milk in the nearby Cleveland market. These Class I pricing provisions each expire January 31, 1957. Such price alignments and expiration date were established in the Akron order as originally issued effective February 1955, and in the Stark County order were included by amendment effective April 1, 1956. For some two years prior to that date, the Stark County price had been maintained at approximately this relationship to the Cleveland price, with some variations resulting from amendment of the Cleveland order without corresponding change in the Stark County order, and from minor differences in supply-demand adjustment provisions.

Producers proposed that the Class I price of the order for the combined marketing area be established by adding each month a Class I differential of $2.25 to a price identical with the Cleveland basic formula price, subject to adjustment by the supply-demand provisions of the Cleveland order. The Cleveland Class I differential is $1.40 for the months of February through July and $1.85 for other months. The proposal would thus provide a Class I price for the Akron-Stark County market 85 cents above the Cleveland price six months of the year and 40 cents above for the other six months, an annual overage of 62.5 cents.

The Akron-Stark County market is closely related to the Cleveland market in both procurement and sale of milk. The Akron-Stark County milkshed lies entirely within the area from which Cleveland draws milk supplies. Many Cleveland producers in this area deliver their milk direct to bottling plants in the Cleveland marketing area; there are, in addition, some Cleveland supply plants within the Akron-Stark County milkshed to which other Cleveland producers deliver milk. Sales competition is particularly keen. One Akron-Stark County handler operates 30 or more dairy stores in the Cleveland marketing area, from which he has substantial Class I sales. Other Akron-Stark County handlers also sell milk in the Cleveland marketing area. Several Cleveland handlers have substantial sales in the Akron-Stark County area. One such handler began serving a number of stores in Canton two days prior to the hearing. There is also substantial competition for sales between Akron-Stark County and Cleveland handlers at points outside the designated marketing areas. At least one handler with plants under each order can and does shift producers and sales outlets between these plants. The competition for supplies and sales was a major factor in establishment of the price alignments now prevailing.

To provide Class I prices averaging 62.5 cents more than the Cleveland price would place Akron-Stark County handlers at a competitive sales disadvantage. The proponents of the price proposals presented at the hearing recognized the necessity for alignment of prices between Akron-Stark County and Cleveland but insisted that changes in the seasonal pattern and level of the Class I price should be made in both markets. They further asserted the logic of making the changes they advocated in the Akron-Stark County order to be later followed by appropriate changes in the Cleveland order. Such a procedure of parallel amendment would require future hearings in each market to maintain the necessary price alignment whenever there was need for any change in pricing provisions. Official notice is hereby taken that at a public hearing held in Cleveland October 10–12, 1956, evidence was received with respect to the seasonality, level, and supply-demand adjustment of the Class I price for that market, and that Akron-Stark County producers and handlers had opportunity to and did present evidence at such hearing.

In view of the larger volume of milk in the Cleveland pool and the evidence in this record that the Akron-Stark County market depends upon the Cleveland market for supplemental supplies, rather than vice-versa, it is considered appropriate that price alignment with the Cleveland market be maintained by specifying the Akron-Stark County Class I price in terms of the Cleveland price.

The present 5-cent differential has been based on (1) a difference no longer in effect in the classification and pricing of fluid cream sales under the Cleveland order at the time the Akron order was issued, and (2) a lower average farm to plant hauling cost to Akron-Stark County plants than to Cleveland plants for farmers in the area of common supply. Farm to plant hauling cost comparisons presented for this record were principally to plants in Akron and in Cleveland and showed, in some instances, slightly higher hauling costs to Cleveland plants.

While hauling rates to Stark County plants are in the record, competitive rates from the Stark County production area to Cleveland are not. At the present price alignment Akron and Stark County producer blend prices have averaged somewhat higher than Cleveland producer prices, due to higher Class I utilization. At the present differential the Akron-Stark County market is at no disadvantage in competing for supplies with the Cleveland market in the supply area common to the two markets. To eliminate the differential would merely accentuate the differences in blend prices in the common supply area. Despite the higher Cleveland Class I price and transportation costs on packaged milk, a Cleveland handler has recently opened sales outlets in Canton. The present price alignment is evidently such that Cleveland handlers can compete for sales throughout the area. It is concluded that the Akron-Stark County Class I price should continue to be the Cleveland Class I price less 5 cents.

4. The price of Class II milk used to produce cottage cheese should be increased 30 cents.

Milk used to produce cottage cheese is presently classified as Class II milk under the Akron and Stark County orders, a class which includes all milk manufacturing uses. Under the Cleveland order milk used to produce cottage cheese is classified separately as Class II milk and other milk manufacturing uses are Class III milk. The Cleveland Class II milk is priced 30 cents higher per hundredweight than Cleveland Class III milk or Akron-Stark County Class II milk. It was proposed that the Akron-Stark County price for Class II milk used to produce cottage cheese be 30 cents per hundredweight more than that for other Class II uses.

While cottage cheese uses and sales under all three orders have increased in the past year, production of cottage cheese has increased much more rapidly in Akron-Stark County plants than in Cleveland plants. There is indication in this record that some cheese production for the Cleveland market has been shifted to Akron-Stark County plants.

The recommended decision issued in this proceeding proposed to deny the proposed increase in price of Class II milk used to produce cottage cheese. This decision was based in part on the possible diversion of cottage cheese production to nonpool plants with resulting difficulties in disposition of Class II milk. Cooperative associations in their exceptions pointed out adequate facilities in the market for disposition of Class II milk.

The close competition between Cleveland and Akron-Stark County handlers makes desirable a close alignment of prices of milk used for production of cottage cheese. After a review of the record concerning this proposal, it is concluded that the order should price Class II milk used to produce cottage cheese at an additional 30 cents above the price for other Class II milk.

5. A quota plan similar to that of the Cleveland market should be adopted as a means of encouraging more even production of milk during the year. Eligible milk quotas should be established during the short production months (beginning in 1957) for use in the following flush season as a basis for distribution of returns to producers. For milk delivered in excess of his established quota each producer would receive approximately the Class II price, while for deliveries within the quota the price would be based on the relationship of Class I sales to quota deliveries of all producers.

Such plans have been effective in many markets in encouraging a more even flow of milk throughout the year. The chief advantage of the plan is that each producer sets his own quota by his fall deliveries. The price for deliveries within this quota in the following spring is not reduced by the volume of excess milk. Each producer can realize the results of his own efforts to achieve level seasonal production. Such a plan has been in effect in the Cleveland market the past year. The interrelationship of the Cleveland and Akron-Stark County production areas make it highly desirable that a similar plan be in effect in the Akron-Stark County market. The extent to which the necessary alignment of class prices may be maintained depends to a considerable extent upon alignment of provisions to encourage a desirable seasonal pattern of production.

It was proposed that the months (October, November and December) used in the Cleveland market to establish quotas also be used in the Akron-Stark County

market. It was also proposed that payments on the quota plan be made for the months of April, May and June as in Cleveland, and that other provisions of the plan be essentially the same as those under the Cleveland order. Certain handlers suggested that the provisions be written so that any amendments made in the plan for the Cleveland market be automatically adopted for the Akron-Stark County market. Producers opposed this provision and one cooperative association testified that no change should be made until the plan had been in operation two years.

It is concluded that, with one minor exception, the plan should be identical with that effective in the Cleveland market. The Cleveland plan provides for transfer of quotas between producers. Since quotas are used only for a three-month period, provision for widespread quota transfers are not necessary and may provide opportunity for minimizing the effectiveness of the plan in leveling production. Provision should be adopted for transfer of quotas in case of death of a producer or dissolution of joint holdings.

Rulings on exceptions. In arriving at the findings and conclusions and the regulatory provisions of this decision, each of the exceptions received was carefully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Order of the secretary directing conduct of a referendum: determination of representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted to determine whether the issuance of the attached amended order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area is approved or favored by the producers as defined under the terms of said amended order and who during the following determined representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1956 is hereby determined to be the representative period for the conduct of such referendum.

W. W. Hurwitz is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this referendum order is issued.

General findings. (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Akron-Stark County, Ohio, Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Akron-Stark County, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 14th day of January 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary.

Order,[1] as Amended, Regulating the Handling of Milk in the Akron-Stark County, Ohio, Marketing Area

Sec.

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§ 960.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Akron, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies and demand for such, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk and which is not subject to administrative assessment under another Federal order.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Akron-Stark County, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing area.* "Akron-Stark County, Ohio, marketing area", hereinafter referred to as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield, and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox Township in Columbiana County; and Sections 1, 2, 3, 10, 11, and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio.

§ 960.4 *Handler.* "Handler" means any person (a) in his capacity as the operator of a plant or plants where milk is processed and packaged for distribution on a route(s) in the marketing area, and (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.

§ 960.5 *Pool plant.* "Pool plant" means any plant at which milk received from dairy farmers is packaged and distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted pursuant to § 960.80.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association which caused it to be diverted.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, used to produce all other milk products, received from all sources other than producers and pool plants.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is not in excess of such producer's daily average quota computed pursuant to § 960.55 multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided,* That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 960.55.

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is in excess of eligible milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.55.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.76) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to §§ 960.70, 960.72, 960.75, 960.76, or 960.77;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(1) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50 and 960.51, and the butterfat differentials, computed pursuant to § 960.52.

(2) On or before the 13th day of each month the uniform price(s) for the preceding month, computed pursuant to § 960.61, or §§ 960.62 and 960.63 as applicable, and the butterfat differential for the preceding month computed pursuant to § 960.74.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

(k) On or before the 13th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producer receipts of such handler.

(l) Provide notice, for each producer for whom a daily average quota is computed pursuant to § 960.55, on or before the first day of the month first stated in § 960.63 to: (1) Such producers, (2) cooperative associations for such producers who are its members, and (3) handlers for such producers from whom they received milk.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall, with respect to milk or milk products which were received at a pool plant by such handler during the preceding month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, and, for the months specified in § 960.63 the aggregate quantities of eligible milk;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk and milk products from other pool plants;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant(s) at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, and for the months specified in § 960.63, the pounds of eligible milk and of ineligible milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, (3) the nature and amount of each deduction or charge made by the handler, and (4) the number of days, if less than the entire month, for which milk was received from such producers.

§ 960.32 *Records and facilities. Each* handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.75, 960.76, and 960.77.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler which is required to be reported pursuant to § 960.30 shall be classified pursuant to §§ 960.41 through 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; and (4) in shrinkage of other source milk.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in Class II shall be reclassified to Class I if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I milk unless Class II milk is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I milk unless all of the following conditions are met:

(1) Class II milk is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I milk.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I milk.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II milk the pounds of butterfat shrinkage allowed pursuant to § 960.41 (b) (3);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(f) Add to the remaining pounds of butterfat in Class II milk the pounds subtracted pursuant to paragraph (a) of this section.

(g) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I milk shall be 5 cents less than the Class I price as determined pursuant to § 975.61 of this chapter.

§ 960.51 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraph (a) or (b) of this section, except that for such Class II milk used to produce cottage cheese such minimum price shall be increased 30 cents.

(a) The average of the basis (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

PRESENT OPERATOR AND LOCATION

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Ortordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.52 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50 and 960.51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as re-

ported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Mutliply by 1.15, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 960.55 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.56 the market administrator shall determine quotas for producers as follows: During each of the months specified in § 960.63 of each year beginning with 1958, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

§ 960.56 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant(s), and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall be a sum of money computed by the market administrator by multiplying by the applicable class price, adjusted pursuant to § 960.52, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 960.46 and 960.47, adding together the resulting amounts, and adding an amount computed by multiplying any excess utilization classified pursuant to § 960.46 (g) and § 960.47 by the applicable class prices.

§ 960.61 *Computation of uniform price.* For each month (except those specified in § 960.63) the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.74 multiplied by 10;

(f) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(g) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Computation of ineligible milk price.* Effective April 1958, for the months specified in § 960.63, the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjusting to the nearest cent.

§ 960.63 *Computation of eligible milk price.* Effective April 1958, for each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content received from producers at a pool plant by:

(a) Subtracting the value of ineligible milk obtained in § 960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) through (e) and adjusting by an amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 960.64 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the month computed pursuant to § 960.61 or §§ 960.62 and 960.63, as applicable; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.75, and 960.76.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 960.61 or §§ 960.62 and 960.63, adjusted by the butterfat differential pursuant to § 960.74, and less any proper deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall (i) pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (*a*) the total pounds of milk received from him during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (c) the number of days on which milk was received, and (*d*) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.77 and out of which he shall make all payments pursuant to §§ 960.73 and 960.77.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70 such handler shall pay the difference between the two amounts.

(b) If, during the preceding month, the total receipts from all producers was 110 percent or more of the total Class I milk at pool plants, any handler who received other source milk during the preceding month which was allocated to Class I pursuant to § 960.46 (b) or § 960.47 shall pay an amount equal to the value of such milk at the Class I price less the value of such milk at the Class II price.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.75, 960.76 (a), and 960.77 (a): *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Producer butterfat differential.* In making payments pursuant to § 960.70, the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.52, weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest tenth of a cent.

§ 960.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (d), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production) and (b) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding portion of § 960.47.

§ 960.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association, and an unterminated membership contract with each producer, which contract authorizes the claim deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 960.43 resulting in monies due (a) the market administrator from such handler or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate of administrative assessment pursuant to § 960.75, and the rate of marketing service deduction pursuant to § 960.76 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such

obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler operating any plant specified below shall be exempted with respect to the milk received of such plant during the month from all provisions of this subpart except §§ 960.31, 960.32 and 960.33:

(a) A plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area;

(b) A plant at which the Secretary finds is subject during the month to another Federal order; or

(c) A plant at which no milk approved by the health authorities of any community of the marketing area for consumption as fluid milk is received from dairy farmers and from which disposition of Class I milk in the marketing area is permitted only in portions of the marketing area for which no health authority exercises jurisdiction with respect to approval of milk for fluid consumption.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-371; Filed, Jan. 17, 1957; 8:45 a. m.]

[7 CFR Part 985]

[Docket No. AO-240-A3]

MILK IN MUSKEGON, MICHIGAN, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the fifth day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record for which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was held at Kalamazoo, Michigan, November 27, 1956, pursuant to notice thereof issued November 16, 1956 (21 F. R. 9144).

The sole issue related to pool plant qualifications as they pertain to a plant operated by a cooperative association.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. Provision should be made for including in the definition of "pool plant" a plant operated by a cooperative association if a substantial percentage of the milk of producer members of such association is delivered to the pool plants of other handlers.

The Muskegon order presently limits pool plants to distributing plants from which 20 percent or more of total milk receipts is disposed of as Class I milk on routes in the marketing area, and to supply plants from which 20 percent or more of receipts from dairy farmers is moved to such distributing plants. Since the order first became effective in October 1953, the cooperative association representing 95 percent or more of the Muskegon producer milk supply has opened a milk receiving station without manufacturing facilities. This plant has so far qualified on the basis of movements of 20 percent or more of its receipts to the pool plants of other handlers.

Changes in marketing practices in the area threaten to jeopardize the pool qualification of this plant without change in the essential services and volume of milk supplied by the cooperative association operating the plant. This association supplies handlers' needs and assumes responsibility for milk in excess of such requirements. In the past, disposal of such surplus milk has largely been by diversion from farms to manufacturing plants. Disposal of surplus milk now requires assembly at the association receiving station and bulk delivery to manufacturing plants. The volume of receipts at the association plant is thereby increased considerably without change in the volumes of surplus milk handled by the association, and thus the percentage of receipts moved to other pool plants may be reduced below that required for qualification as a pool plant.

At the same time at least one handler is receiving his entire supply as bulk milk from the association plant. Other handlers draw upon the plant for emergency needs. If it were not for these supply functions of the plant it would make little difference whether or not the plant were defined as a pool plant. The milk diverted from other pool plants for surplus disposal could be pooled as milk diverted to a nonpool plant for the account of the association. Milk of producers received regularly in order to supply other plants could not fall in this category, however, and would be excluded from the pool if the plant were not a pool plant.

The qualifications for pool plant status are a means of establishing the identity of plants with the fluid milk trade of the market. In the Muskegon order a requirement that a substantial volume of the producer milk that a cooperative association represents, be delivered to the pool plants of other handlers provides adequate identification of the supply of the cooperative association to qualify a plant which such association may operate even though 20 percent of its receipts are not moved to other pool plants. Seventy-five percent of the association's supply, except for May and June, when 50 percent should apply, is an appropriate proportion to be delivered to the pool plants of other handlers as such identification. In addition it should be required that the association plant be approved by appropriate health authorities of the marketing area as a source of supply of milk for fluid use. The performance required of other plants makes such approval necessary, without specific requirement in the order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply-demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. A brief was filed on behalf of producers. The brief contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the brief was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein before set forth. To the extent that the findings and conclusions proposed in the brief are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included with this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended:

Delete § 985.6 and substitute therefore the following:

§ 985.6 *Pool plant.* "Pool plant" means a plant (except one which is exempt pursuant to § 985.101):

(a) From which 20 percent or more of the total milk received at such plant during the month is disposed of in the marketing area as Class I other than to another pool plant;

(b) From which 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to pool plant(s) as described in paragraph (a) of this section; or

(c) Approved by an appropriate health authority of the marketing area as a supply of milk for fluid consumption and operated by a cooperative association, if 75 percent (50 percent for May and June) or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

Filed at Washington, D. C., this 15th day of January 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator.

[F. R. Doc. 57-372; Filed, Jan. 17, 1957; 8:45 a. m.]

Commodity Stabilization Service

[7 CFR Part 723]

CIGAR-BINDER (TYPES 51 AND 52) TOBACCO; CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54 AND 55) TOBACCO

NOTICE OF REFERENDA

Notice is hereby given that on February 13, 1957, referenda will be held of farmers engaged in the production in 1956 of cigar-binder (types 51 and 52) tobacco, and of farmers engaged in the production in 1956 of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended. Notice that consideration would be given to establishing a date for holding the referenda was given in 21 F. R. 5114. The purpose of each referendum is to determine whether the farmers voting favor national marketing quotas for each of the 1957-58, 1958-59, and 1959-60 marketing years for such respective kinds of tobacco. The referenda will be conducted in accordance with the provisions of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas (21 F. R. 3960, 4799, 8793).

In order that arrangements for holding the referenda may be made in an orderly manner and as much advance notice as possible be given of the date of the referenda, it is essential that this notice be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the 30-day effective date requirement of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this notice shall be effective upon filing of this document with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of January 1957.

[SEAL] EARL L. BUTZ,
Acting Secretary of Agriculture.

[F. R. Doc. 57-376; Filed, Jan. 17, 1957; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

[Docket No. FDC-63]

CANNED PRUNE JUICE, A WATER EXTRACT OF DRIED PRUNES

NOTICE OF HEARING

In the matter of amending the definition and standard of identity for canned prune juice, a water extract of dried prunes:

A notice of proposed rule making was published in the FEDERAL REGISTER of October 28, 1955 (20 F. R. 8125) setting forth a proposed definition and standard of identity for canned prune juice. An order acting on such proposal and establishing a definition and standard of identity for canned prune juice, a water extract of dried prunes, to become effective 6 months from date of publication, was published in the FEDERAL REGISTER of February 17, 1956 (21 F. R. 1094).

Within 30 days of the date of publication of this order objections thereto were filed under the Federal Food, Drug, and Cosmetic Act (sec. 401 (b) (2), 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341 (b) (2)) by W. F. Straub and Company, Chicago, Illinois, a firm which cans and distributes canned prune juice containing approximately 2 percent of added honey.

By a notice published in the FEDERAL REGISTER of July 14, 1956 (21 F. R. 5288), the definition and standard of identity for canned prune juice was stayed insofar as it affected canned prune juice that in all respects complies with the regulations except for containing not more than 2 percent of honey.

Now, therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401,

701, 52 Stat. 1046, 1055 as amended, 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 9196; 21 F. R. 6581), notice is hereby given that a public hearing will be held for the purpose of receiving evidence relevant and material to the objection of W. F. Straub and Company to the definition and standard of identity for canned prune juice, a water extract of dried prunes based on its failure to include honey as an optional ingredient.

The hearing will begin at 10 o'clock in the morning of March 12, 1957, in Room G–755, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C. All persons interested are invited to attend this hearing and present evidence. The hearing will be conducted in accordance with the rules of practice therefor.

Mr. Leonard D. Hardy is hereby designated as presiding officer to conduct the hearing, with full authority to administer oaths and affirmations and do all other things appropriate to the conduct of the hearing. The presiding officer is required to certify the entire record of the proceedings to the Commissioner of Food and Drugs for action on the proposal.

Dated: January 14, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–379; Filed Jan. 17, 1957; 8:46 a. m.]

[21 CFR Part 130]

NEW DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

NOTICE OF PROPOSAL TO AMEND REQUIREMENTS GOVERNING NEW DRUGS FOR INVESTIGATIONAL USE

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 505 (i), 701 (a), 52 Stat. 1053, 1055; 21 U. S. C. 355 (i), 371 (a)) and under the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), hereby announces his proposal to amend the regulations relating to new drugs for investigational use (21 CFR 1.114, as recodified 21 F. R. 5576, § 130.3 (a) (3)) as hereinafter set forth, and offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment. Views and comments should be submitted in quintuplicate.

It is proposed to amend § 130.3 *New drugs for investigational use; exemptions from section 505 (a)* by changing paragraph (a) (3) to read as follows:

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce obtains, prior to the introduction or delivery, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This paragraph shall not apply when such shipment or delivery:

(i) Is made to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts; or

(ii) Consists of radioactive drugs the shipment of which has been authorized by the Atomic Energy Commission.

Dated: January 14, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–378; Filed, Jan. 17, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957 Supp. 157]

NORTH AMERICAN REINSURANCE CORP.

CORPORATIONS ACCEPTABLE AS SURETIES ON FEDERAL BONDS

JANUARY 14, 1957.

Effective as of November 28, 1956, North American Casualty and Surety Reinsurance Corporation, New York, N. Y., formally changed its name to North American Reinsurance Corporation. A copy certified by the Deputy Superintendent of Insurance of the State of New York of Certificate of Amendment of Certificate of Incorporation changing the name of North American Casualty and Surety Reinsurance Corporation to North American Reinsurance Corporation has been received and filed in the Treasury.

The change in the name of North American Casualty and Surety Reinsurance Corporation does not affect its status or liability with respect to any obligation in favor of the United States or in which the United States has an interest, which it may have undertaken pursuant to its authority under the act of Congress approved July 30, 1947 (6 U. S. C. secs. 6–13), to qualify as sole surety on such obligations.

Hereafter the name of the company will appear as North American Reinsurance Corporation on Treasury Form No. 356, which shows a list of the companies authorized to act as acceptable sureties on bonds in favor of the United States.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–390; Filed, Jan. 17, 1957; 8:48 a. m.]

Internal Revenue Service

[Order 37 (Revised)]

ASSISTANT COMMISSIONER (INSPECTION) ET AL.

DELEGATION OF AUTHORITY TO ADMINISTER OATHS AND TO CERTIFY

The following officers and employees are hereby authorized to administer such oaths or affirmations and to certify to such papers as may be necessary under the internal revenue laws or regulations made thereunder:

(a) Assistant Commissioner (Inspection).

(b) Regional Commissioners and District Directors of Internal Revenue.

(c) Assistant Regional Commissioners (Intelligence); Executive Assistants to Assistant Regional Commissioners (Intelligence); Chiefs, Review and Conference Staff, Intelligence Division; and Reviewer Conferees, Intelligence Division.

(d) Assistant Regional Commissioners (Alcohol and Tobacco Tax); and Chiefs, Aides to Chiefs, Supervisors in Charge, Assistant Supervisors in Charge, Special Investigators, Investigators, and Inspectors, Alcohol and Tobacco Tax Division.

(e) Officers and employees of the respective divisions of the Internal Revenue Service designated as follows:

(1) *International Operations Division.* Director, Chiefs of Branches, Chiefs of Sections, Internal Revenue Agents, Estate Tax Examiners, Special Agents, Treasury Representatives (Taxation), Assistant Treasury Representatives (Taxation), Officers in Charge, and Special Procedures Officer.

(2) *Collection Division.* Chiefs of the Collection Divisions, Chiefs of the Delinquent Accounts and Returns Branches, Group Supervisors, and Collection Officers.

(3) *Audit Division.* Chiefs of Divisions and Branches, Group Supervisors, all Internal Revenue Agents, and Estate Tax Examiners.

(4) *Intelligence Division.* Chief, Assistant Chiefs, Group Supervisors and all Special Agents.

(5) *Inspection.* Director, Internal Security Division; Assistant Directors, Internal Security Division; Regional Inspectors; and all Internal Security Inspectors.

This order supersedes Delegation Order No. 37 dated August 9, 1956. (21 F. R. 6521)

Date of issue: January 8, 1957.

Effective date: January 8, 1957.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner.

[F. R. Doc. 57–391; Filed, Jan. 17, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HAROLD G. JOHNSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Correction

Paragraph 4 of Federal Register Document 57–256, appearing on page 293 of the issue for Tuesday, January 15, 1957, should read as follows:

4. Title of position: Director, Chemical & Rubber Division.

FEDERAL POWER COMMISSION

[Docket No. E–6716]

CITIZENS UTILITIES CO.

NOTICE OF DECLARATION OF INTENTION

JANUARY 14, 1957.

Public notice is hereby given that Citizens Utilities Company (Declarant), of Stamford, Connecticut, has filed a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct a hydroelectric project (Docket No. E–6716), known as Unit No. 11 plant, to be located about one mile upstream from the mouth of the Clyde River near Newport in Orleans County, Vermont, and to consist of a new concrete gravity-type diversion dam 19 feet high at the center of the stream and 110 feet in length, located approximately 950 feet downstream from an existing unlicensed 3,600 kw plant, the new spillway crest to be at the elevation of tailwater at the existing plant; an earth diversion canal at the south end of the dam, the entrance to which is formed by a reinforced concrete buttressed wingwall serving also as a flood spillway, the canal to follow ground contour downstream for a distance of approximately 2,400 feet and leading to the forebay at which is a reinforced concrete intake structure containing trash racks, headgate and one end of a penstock; the 10 foot diameter penstock to be about 125 feet long and conducts the water to the new power plant at which one 1,600 kilowatt generating unit will be installed; the prime mover consisting on one turbine rated at 2,400 horsepower to operate at 54 feet head; the new unit to be remotely controlled from the existing unlicensed project and operated only in conjunction with upstream units. The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the project may be constructed merely upon compliance with State laws. Any communication from persons interested in this matter may be submitted on or before March 1, 1957, to the Federal Power Commission, Washington 25, D. C. The declaration of intention is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–382; Filed, Jan. 17, 1957; 8:47 a. m.]

[Docket Nos. G–10426, G–10446]

PACIFIC NORTHWEST PIPELINE CORP. AND MOUNTAIN FUEL SUPPLY CO.

NOTICE OF HEARING

JANUARY 14, 1957.

The Commission has by its order issued November 30, 1956, ordered that the matter of Pacific Northwest Pipeline Corporation, Docket No. G–10426 be severed for hearing from the proceedings in Docket Nos. G–9966 et al., and consolidated with the matter of Mountain Fuel Supply Company, Docket No. G–10446 for hearing, to commence at a time and place to be thereinafter fixed and to that end:

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations thereunder, a hearing will be held on February 12, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the Applications in Docket Nos. G–10426 and G–10446.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–383; Filed, Jan. 17, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 15, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33158: *Trailer-on-flat-car Service—Erie Railroad.* Filed by the Erie Railroad Company, for itself. Class rates and commodity rates on aluminum billets, blooms, etc., other aluminum articles, pulpboard or fibreboard, and telephone directories, loaded on trailers and transported on railroad flat cars, between Chicago, Ill., and grouped origins, on one hand, and Akron, Ohio, and grouped points, on the other.

Grounds for relief: Truck competition.

Tariff: Supplement 18 to Erie Railroad Company's I. C. C. 21047.

FSA No. 33159: *Vegetables form Florida to western trunk-line territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on vegetables, carloads, from specified points in Florida to specified points in western trunk-line territory.

Grounds for relief: Short-line distance formula, grouping, relief line arbitraries, truck competition, and circuitous routes.

Tariff: Supplement 76 to Agent C. A. Spaninger's I. C. C. 1402.

FSA No. 33160: *Cheese from and to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cheese, including cheese foods, oleomargarine, and related articles, carloads, from specified points in southern territory to points in southern territory, including the Florida peninsula.

Grounds for relief: Short-line distance formula, truck competition, and circuitous routes.

Tariff: Supplement 10 to Agent C. A. Spaninger's I. C. C. 1527.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57–385; Filed, Jan. 17, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3536]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

JANUARY 14, 1957.

Southwestern Gas and Electric Company ("Southwestern"), a public utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transaction:

Southwestern proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $10,000,000 principal amount of its First Mortgage Bonds, Series G, to be dated January 1, 1957, and to mature January 1, 1987. The bonds are to be issued under and secured by a mortgage dated February 1, 1940, as heretofore amended and supplemented and to be further amended by a proposed Supplemental Indenture to be dated January 1, 1957. The interest rate on the bonds, which is to be a multiple of ⅛ of 1 percent, and the price thereof to Southwestern, which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102.75 percent of the principal amount, will be determined by competitive bidding.

The net proceeds from the sale of the bonds will be used by Southwestern to pay for a part of the cost of additions, extensions and improvements made and to be made to its electric utility properties, and to pay or prepay short-term bank debt incurred and to be incurred in connection therewith.

Orders authorizing the issuance and sale of the bonds by Southwestern (a Delaware corporation) have been issued by the Public Service Commission of the State of Arkansas and the Corporation Commission of the State of Oklahoma, the only state commissions having jurisdiction over the proposed transaction.

Due notice having been given of the filing of said declaration (Holding Com-

pany Act Release No. 13343), and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the Act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-386; Filed, Jan. 17, 1957; 8:48 a. m.]

THE NATIONAL ARCHIVES
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FEDERAL REGISTER

VOLUME 22 NUMBER 14

Washington, Saturday, January 19, 1957

UNIVERSITY OF MICHIGAN
JAN
MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 102]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.402 *Navel Orange Regulation 102*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 17, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 20, 1957, and ending at 12:01 a. m., P. s. t., January 27, 1957, is hereby fixed as follows:

(i) District 1: 462,000 cartons;

(ii) District 2: 184,800 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 18, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-521; Filed, Jan. 18, 1957; 11:29 a. m.]

[Orange Reg. 308]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.823 *Orange Regulation 308*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order

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FEDERAL REGISTER

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No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 15, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 21, 1957, and ending at 12:01 a. m., e. s. t., February 4, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2 1/16 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2 1/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 1/16 inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2 9/16 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 16, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-422; Filed, Jan. 18, 1957; 8:50 a. m.]

[Grapefruit Reg. 256]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.824 *Grapefruit Regulation 256*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on January 15, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (Chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., January 21, 1957, and ending at 12:01 a. m., e. s. t., February 4, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 16, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-423; Filed, Jan. 18, 1957; 8:50 a. m.]

[Tangerine Reg. 184]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.825 *Tangerine Regulation 184*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are

presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 15, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., January 21, 1957, and ending at 12:01 a. m., e. s. t., February 4, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches, capacity 1,726 cubic inches).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 1, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-424; Filed, Jan. 18, 1957; 8:50 a. m.]

[Grapefruit Reg. 112]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.373 *Grapefruit Regulation 112*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 20, 1957. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1956, and will so continue until January 20, 1957; the recommendation and supporting information for continued regulation subsequent to January 19, 1957, were promptly submitted to the Department after an open meeting of the Administrative Committee on January 10, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 20, 1957, and ending at 12:01 a. m., P. s. t., February 10, 1957, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{11}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{15}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{11}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4$^{2}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{15}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{15}/_{16}$ inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 16, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-425; Filed, Jan. 18, 1957; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6539]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROYAL TILE STORES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Stock, product or service; § 13.55 *Prices:* Bait; [1] § 13.170 *Qualities or properties of product or service;* Sec. 13.250 *Success, use, or standing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1886 *Quality, grade or type of product.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Jack B. Tizer et al. t. a. Royal Tile Stores, etc., Philadelphia, Pa., Docket 6539, Dec. 27, 1956]

[1] New.

In the Matter of Jack B. Tizer and William B. Tizer, Individuals, Trading as Royal Tile Stores, Royal Tile Company and Royal Carpet Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two respondents, individually owning a number of stores in Pennsylvania, New Jersey, and Delaware, and advertising cooperatively in offering floor covering materials for sale at all of their stores, with representing falsely in extensive "bait" advertising in newspapers that their "Tile Tone" asphalt tile was America's most popular floor tile, that it could not wear out or crack, and that it was available at the advertised price in many different colors; and with advertising and selling imperfect tile without clearly disclosing that they were "seconds".

Following entry of an agreement containing consent order to cease and desist, the hearing examiner made his initial decision including order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Jack B. Tizer and William B. Tizer, individuals trading and doing business as Royal Tile Stores, Royal Tile Company and Royal Carpet Company, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of asphalt tile, rubber tile or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that certain merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. Representing, directly or by implication, that Tile Tone is America's most popular floor tile or that it cannot wear out or crack;

3. Representing, directly or by implication, that merchandise is available at an advertised price in colors, when such is not the fact;

4. Offering for sale or selling imperfect tile without clearly disclosing such fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Jack B. Tizer and William B. Tizer, individuals, trading as Royal Tile Stores, Royal Tile Company and Royal Carpet Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-414; Filed, Jan. 18, 1957; 8:48 a. m.]

[Docket 6550]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CLINFORD COMB AND NOVELTY CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Producer Status of Dealer or Seller: *Manufacturer.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1400 *Dealer as manufacturer.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Clinford Comb and Novelty Co., Inc., et al., New York, New York, Docket 6550, Dec. 27, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern doing business in New York City with stamping and branding as "rubber" and "Atlas Rubber" combs made in large part of other material, and with representing falsely in circulars and letters that they manufactured the merchandise they sold.

Following entry of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

In the Matter of Clinford Comb and Novelty Co., Inc., a Corporation, and Louis G. Katz, and Julius Wolfsie, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a concern doing business in New York City with stamping and branding as "rubber" and "Atlas Rubber" combs made in large part of other material, and with representing falsely in circulars and letters that they manufactured the merchandise they sold.

Following entry of an agreement for consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Clinford Comb and Novelty Co., Inc., a corporation, and its officers, and respondents Louis G. Katz and Julius Wolfsie, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any combs designed for use on the human hair, do forthwith cease and desist from:

1. Representing directly or by implication, by any advertisement, packaging, labeling, branding, stamping, or other marking or indication that such combs are "rubber", "Atlas Rubber", or "hard rubber" or are made of "rubber", "Atlas Rubber" or "hard rubber", unless such combs are in fact made of vulcanized hard rubber.

2. Representing through the use of the words "manufacturer of plastic products", "we are manufacturers" or any other word or words of similar import and meaning in circulars, letters or in any other manner, that they or any of them manufacture the merchandise sold by them.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-416; Filed, Jan. 18, 1957; 8:48 a. m.]

[Docket 6604]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FIT-RITE WATCH CASE CORP. ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1295 *Quality or grade.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fit-Rite Watch Case Corp. et al., New York, N. Y., Docket 6604, Dec. 27, 1956]

In the Matter of Fit-Rite Watch Case Corporation, a Corporation, and Alex Fenster, Harry Steingardt, Murry Crown and Earl Freyeisen, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City seller of watch cases to distributors and jobbers with stamping as "14 K" gold, watch cases manufactured from gold of 13½ karat fineness.

Following agreement between the parties for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Fit-Rite Watch Case Corporation, a corporation, and its officers, and Alex Fenster, Harry Steingart, Murry Crown and Earl Freyeisen, individually and as officers of said corporation, and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any articles composed in whole or in part of gold or an alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Stamping, branding, engraving, or marking any article with any phrase or mark such as 14 K, or otherwise representing directly or by implication that the whole or a part of any article is composed of gold or an alloy of gold of a designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerances established by the National Stamping Act (15 U. S. Code, Sections 294, et seq.).

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary*.

[F. R. Doc. 57-415; Filed, Jan. 18, 1957; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 17]

MISCELLANEOUS AMENDMENTS

The following miscellaneous amendments are made to this subchapter:

PART 2—PROCUREMENT BY FORMAL ADVERTISING

SUBPART D—OPENING OF BIDS AND AWARD OF CONTRACT

Section 2.409 has been added to codify herein the provisions of DoD Directive 7830.1, May 31, 1956. The requirement for interest charge has been eliminated on advance payments on contracts for the management and operation of Government-owned plants. The interest rate on new interest-bearing advance payments has been increased to five (5) percent.

§ 2.409 *Advance payments.* Pursuant to the First War Powers Act and Executive Order No. 10210, provisions for advance payments may be made after award of contracts resulting from formal advertising. The provisions for advance payment shall comply with Part 3, Subpart E of this subchapter (and particularly § 3.502–2).

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART A—USE OF NEGOTIATION

1. A new § 3.109 has been added, affecting negotiated procurements only, which permits an offeror to restrict the disclosure of "data" (design, plans, etc.), submitted with the proposal, providing the specified legend is placed on each sheet of data.

§ 3.109 *Restrictions on disclosure of data in proposals.* (a) Requests for Proposals may require the offeror to submit data with its proposal which may include a design or plan for accomplishing the objectives of the procurement. Such data may include information which the offeror does not want disclosed to the public or used by the Government for any purpose other than evaluation of the proposals. Offerors shall mark each sheet of data which they so wish to restrict with the legend set forth below:

> This data furnished in response to RFP No. ----------, shall not be disclosed outside the Government or be duplicated, used or disclosed in whole or in part for any purpose other than to evaluate the proposal, that if a contract is awarded to this offeror as a result of or in connection with the submission of such data, this legend shall be of no force or effect; and the Government shall have the right to use the data for any purpose except as otherwise provided in the contract. This restriction does not limit the Government's right to use information contained in such data if it is obtained from another source.

Contracting officers shall not refuse to consider any proposal merely because data submitted with that proposal is so marked. Data so marked shall be used only to evaluate proposals and shall not be disclosed outside the Government without the written permission of the offeror except under the conditions provided in the legend. With respect to contracts for experimental, developmental, or research work, see § 9.112 of this subchapter.

(b) The provisions of paragraph (a) of this section do not apply to procurements by formal advertising.

(R. S. 161; 5 U. S. C. 22. Interprets or applies 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

2. Subpart E of this part has been revised in its entirety to codify herein the provisions of DoD Directive 7830.1, May 31, 1956. The requirement for interest charge has been eliminated on advance payments on contracts for the management and operation of Government-owned plants. The interest rate of new interest-bearing advance payments has been increased to five (5) percent.

SUBPART E—ADVANCE PAYMENTS

Sec.

3.500 Scope of subpart.
3.501 Nature of advance payments.
3.502 Authority and approval requirements for advance payments.
3.502-1 Under the Armed Services Procurement Act.
3.502-2 Under the First War Powers Act.
3.503 Limitations on use of advance payments.
3.504 Security for advance payments.
3.505 Interest on advance payments.
3.506 Resolution of disagreements.

AUTHORITY: §§ 3.500 to 3.506 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162.

§ 3.500 *Scope of subpart.* This subpart authorizes advance payments, and describes the approvals required and the limitations and conditions on the use of advance payments.

§ 3.501 *Nature of advance payments.* Advance payments are payments made by the Government to a contractor in the nature of a loan or advance prior to and in anticipation of complete performance of a contract. Advance payments are to be distinguished from partial, progress, and other payments made because of performance or part performance of a contract.

§ 3.502 *Authority and approval requirements for advance payments.*

§ 3.502–1 *Under the Armed Services Procurement Act.* Pursuant to section 5 of the act, advance payments may be made under negotiated contracts in any amount not exceeding the contract price and upon such terms as the parties shall agree: *Provided*, That the Government shall not be committed, directly or indirectly, to make any advance payment pursuant to this authority unless the Secretary of the Department concerned approves the contract provision for advance payments, or the terms and conditions thereof, and determines, in accordance with the requirements of subpart C of this part, that the provision for advance payments, is (a) in the public interest or in the interest of national defense, and (b) necessary in order to procure the required supplies or services.

§ 3.502–2 *Under the First War Powers Act.* (a) Pursuant to the First War Powers Act and Executive Order No. 10210 the Military Departments have been authorized to make advance payments under formally advertised or negotiated contracts heretofore or hereafter made, without regard to other provisions of law relating to contracts, and to amend such contracts to provide for advance payments: *Provided*, That the Government shall not be committed, directly or indirectly, to make any advance payment pursuant to this authority unless, as applicable, (1) the Comptroller of the Army (or an alternate within his office), (2) the Assistant Comptroller, Accounting and Finance (or an alternate within his office) in the Department of the Navy, or (3) the Deputy for Contract Financing to the Assistant Secretary (Financial Management) of the Air Force (or an alternate responsible to the Deputy for Contract Financing), approves the contract provision for advance payments, or the terms and conditions thereof, and finds that the provision for advance payments will facilitate the national defense.

(b) All contracts, and amendments to contracts, providing for advance payments pursuant to the First War Powers Act and Executive Order No. 10210 shall (1) cite that Act and Executive Order; (2) state that the Department has found that the national defense will be facilitated by the provision; and (3) include the Examination of Records clause set forth in § 7.104–15 of this subchapter.

(c) Each Department shall maintain as to all contracts, and amendments to contracts, complete data relating to advance payments made pursuant to the First War Powers Act and Executive Order No. 10210.

§ 3.503 *Limitations on use of advance payments.* (a) Provisions for advance payments generally will not be approved under §§ 3.502–1 or 3.502–2 unless no other means of adequate financing is available to the contractor, and the amount of the authorization is predicated upon use of the contractor's own working capital to the extent possible; except that this requirement will not be applied to (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research, and development work, and (2) contracts solely for the management and operation of Government-owned plants.

(b) Advance payments shall be used sparingly and care shall be taken to see that advances outstanding are sufficient for but do not exceed the actual reasonable requirement for the contracts. The amount of the advance payment shall be based upon an analysis of the cash flow required under the contract, and as a general rule should not exceed the interim cash needs arising during the reimbursement cycle.

§ 3.504 *Security for advance payments.* The advance payment provision shall require the deposit of all payments into a special bank account. Advance payments shall be limited to the contractor's financial needs, and withdrawals from the special bank account shall be closely supervised. The advance payment provision shall include as security, in addition to or in lieu of the requirements for an advance payment bond, a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in the special account, and upon the material and other property acquired for performance of the contract.

§ 3.505 *Interest on advance payments.* (a) Interest shall be charged on all advance payments at the rate of 5 percent per annum on the unliquidated balance, except that interest-free advance payments may be approved in (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, (2) contracts solely for the management and operation of Government-owned plants, and (3) in unusual cases when specifically authorized by the Secretary. Facilities contracts as defined in § 13.101 (p) of this subchapter shall be considered as profit contracts requiring interest on advance payments.

(b) Contracts with interest-free advance payments shall require the contractor to charge interest at the rate of 5 percent per annum on subadvances or down payments made to subcontractors, and to credit such interest to the account of the Government. However, interest need not be charged on subadvances under nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

§ 3.506 *Resolution of disagreements.* Any disagreement between the Departmental contract financing office and the cognizant procuring activity as to whether, to what extent, or in what form financing should be furnished, shall be resolved in accordance with Departmental procedures.

PART 5—INTERDEPARTMENTAL PROCUREMENT

1. Section 5.000 is revised to read as follows:

§ 5.000 *Scope of part.* This part deals with the procurement of supplies and services by the Military Departments from or through any other Government department or agency, with the exception of the procurement of supplies and services under the authority of Part 4 of this subchapter, Coordinated Procurement. This part is not applicable to procurement effected outside the continental United States except as otherwise provided by Departmental procedures.

2. Subpart A of this part has been revised and reorganized so as to clarify regulations applicable to procurement under Federal Supply Schedule Contracts. Section 5.106 has been added to reflect Comptroller General Decision Nos. B–121926 and B–122682 dated February 7, 1956; justification is now required for selection of other than the lowest-price item from a Schedule listing several contractors for similar items, where orders are in excess of $1,000. Revisions have also been made in various paragraphs of Subparts A through G of this Part 5 to require use of Revised DD Form 1155, which replaces DD Forms 702 and 738, effective January 1, 1957, or when existing stocks of the replaced forms are exhausted (see § 16.303). Subparts A through G are revised as follows:

a. Subpart A is revised to read as follows:

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

Sec.

5.101 Federal Supply Schedule contracts.
5.102 Distribution of Federal Supply Schedules and related publications.
5.103 Mandatory use of Federal Supply Schedules.
5.103-1 General.
5.103-2 Exceptions to mandatory use.
5.103-3 List of Federal Supply Schedule contracts which are mandatory upon the Department of Defense.
5.103-4 Establishment or revision of Federal Supply Schedules mandatory upon the Department of Defense.
5.104 Federal Supply Schedules the mandatory use provisions of which do not apply to the Department of Defense.
5.105 Completely optional Federal Supply Schedules.
5.106 Federal Supply Schedules with multiple award provisions.

AUTHORITY: §§ 5.101 to 5.106 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162.

§ 5.101 *Federal Supply Schedule contracts.* The Federal Supply Service, General Services Administration, enters into open end contracts for many classes of supplies and services which, although in common use by Federal agencies, normally do not lend themselves to definite quantity consolidated buying or to distribution from GSA warehouse stock. Federal Supply Schedules are General Services Administration publications which list under commodity classifications the supplies or services to be purchased from the contractors named therein. Military purchasing activities are required (see § 5.103) or authorized (see §§ 5.104 and 5.105) to order supplies and services under Federal Supply Schedule contracts. The ordering of such supplies and services under Federal Supply Schedule contracts shall be effected by placing delivery orders on DD Form 1155 (see § 16.303 of this subchapter) in accordance with the provisions of the applicable Federal Supply Schedule and §§ 5.103, 5.104 and 5.105.

§ 5.102 *Distribution of Federal Supply Schedules and related publications.* To obtain copies of Federal Supply Schedules, contractors' catalogs (including price lists) except those catalogs which by special agreement may be furnished directly by contractors, and Federal Supply Schedule check lists, purchasing activities and installations shall process requests on GSA Form 457 to the General Services Administration regional office serving the area in which the purchasing activity or installation is located. The check lists are issued periodically to show the status of all Federal Supply Schedules in effect, amendments thereto as to the dates specified, and information as to other pertinent matters. Purchasing activities and installations shall also request from the GSA regional office distribution of copies of general provisions for Federal Supply Schedule contracts. The General Services Administration regional or district offices are listed in § 5.204.

§ 5.103 *Mandatory use of Federal Supply Schedules.*

§ 5.103–1 *General.* Section 5.103–3 lists the classes of supplies and services, the procurement of which under Federal Supply Schedules is mandatory on the Department of Defense. These Federal Supply Schedule contracts provide that for a definite period the contractor is obligated to deliver all supplies and services that may be ordered thereunder by Government agencies, subject to stated minimum and maximum amounts of any order (see § 5.103–2 (b)).

§ 5.103–2 *Exceptions to mandatory use*—(a) *Emergency procurement.* When an emergency requires immediate delivery of supplies or services designated as mandatory on the Department of Defense which cannot be effected by ordering under Federal Supply Schedule contracts, authority is granted to make open market procurements of such supplies and services after the contracting officer has determined in writing that an emergency exists.

(b) *Abnormal requirements.* Federal Supply Schedule contracts generally provide that the mandatory use of provisions do not apply to abnormal requirements; that is, (1) any order of less than a stated minimum amount, (2) any order for an item or combination of items in excess

of a stated maximum amount, and (3) a series of orders from the same ordering office in quick succession and aggregating in excess of the maximum amount.

§ 5.103–4 *Establishment or revision of Federal Supply Schedules mandatory upon Department of Defense*—(a) *Policy.* The Administrator of General Services has agreed that the concurrence of the Office of the Secretary of Defense will be obtained prior to establishing a Federal Supply Schedule which is mandatory upon the Department of Defense or prior to adding or removing any items from Federal Supply Schedules which are mandatory upon the Department of Defense or making any other changes in such schedules affecting their use by Department of Defense in meeting its supply requirements. However, deletion of an item from a Federal Supply Schedule will not require Office of the Secretary of Defense concurrence when the reports of sales for that item amount to less than $1,000 per year except where—

(1) The item is a part or accessory incidental to a basic item;

(2) The item is a component of a unit assembly;

(3) The item has a demonstrated need to fill out a range of colors, sizes or other characteristics; or

(4) The item involves a contract for services.

(b) *Procedures.* Requests for the establishment of or a change in a Federal Supply Schedule mandatory on elements of the Department of Defense shall be forwarded through channels to the Office of the Assistant Secretary of Defense (Supply and Logistics). Such proposals normally shall be forwarded in sufficient time to provide three months for consideration by all interested elements of the Department of Defense and General Services Administration prior to the desired effective date. In the event action on such proposals is desired in a shorter period of time, a minimum of thirty-five days for consideration should be anticipated. These proposals will be distributed to the representatives of the Military Departments and General Services Administration engaged in the Federal Supply Schedule review program, as appropriate, for comment or concurrence. Any questions will be jointly considered before final action is taken. If the Department of Defense and General Services Administration representatives cannot reach agreement on a question raised regarding proposals involving Federal Supply Schedules mandatory upon the Department of Defense, the question will be forwarded to the Assistant Secretary of Defense (Supply and Logistics) for consideration and, if appropriate, for a statement of the Department of Defense position to the Administrator of General Services.

§ 5.104 *Federal Supply Schedules the mandatory use provisions of which do not apply to the Department of Defense.* In addition to the Federal Supply Schedule contracts listed in § 5.103, there are other schedules containing mandatory use provisions which do not apply to the Department of Defense and under which the Federal Supply Schedule contractors are not required to accept orders from the Military Departments. However, such Federal Supply Schedule contracts may be considered as available sources of supply against which military purchasing activities may place orders on an optional basis. Such schedules shall not be used for the procurement of nonmandatory items when (a) changes in specifications are anticipated, (b) technical inspection is required, or (c) special packaging, packing, preservation, or marking is necessary. When an order of $1,000 or more is contemplated from such schedules the purchasing activity shall assure itself prior to ordering that the order is reasonably justifiable, based on considerations such as time of delivery, service, and administrative expense, as being more advantageous to the Government than a purchase from other sources.

§ 5.105 *Completely optional Federal Supply Schedules.* In addition to the Federal Supply Schedule contracts described in §§ 5.103 and 5.104 there are Federal Supply Schedules in the following areas which are completely optional; Government purchasing activities are not required to order under such contracts and the contractors are not required to accept orders:

Class	Title
8–10–60–66...	Motor-Vehicle Parts and Accessories; Gasoline and Diesel Engine Parts, and Construction and Road-Building Machinery Parts.
61.....	Rental, Repair, Maintenance, and Reconditioning of Office Machines.

§ 5.103–3 *List of Federal Supply Schedule contracts which are mandatory upon the Department of Defense*—(a) *Mandatory nationally.*

Class	Title of schedule
7, 14.....	Gasoline and Lubricating Oil—Service Station Deliveries.
8.....	Tires and Tubes (Other Than Aircraft), Part II (Commercial tires and tubes only).
8, 45, 60...	Brake Lining, Clutch Facings, Oil Filter Elements, and Tire Chains, Etc., Part IV. (Selected items only are mandatory upon DOD.)
17.....	Spark Plugs, Part II.
17.....	Electric Lamps, Part VI.
17.....	Household and Quarters Lamps, Part VII.
18.....	Purchase, Maintenance, Repair, and Rental of Micro-Photographic Equipment, and Supplies, Part IV.
26.....	Household and Quarters Furniture, Part I.
26.....	Household and Quarters Furniture, Part II.
26.....	Household and Quarters Furniture, Part III.
26.....	Household and Quarters Furniture, Part IV.
26.....	Office Furniture, Wood and Steel, Including Steel Insulated Filing Cabinets, Part V.
27.....	Floor Coverings, Part I.
35.....	Books, Part I, Sections A and B. (Section A only is mandatory upon DOD.)
35.....	Periodicals and Law Books, Part II. (Law Books Section only is mandatory upon DOD.)
53.....	Drafting-Room and Office Supplies, Part I.
53.....	Envelopes, Printed and Plain, Part V.
54, 104...	Typewriters (Manual and Electric): Purchase, Exchange Allowances, and Repair Parts; Maintenance and Reconditioning of Electric Typewriters, Part I.
54.....	Office Equipment, Part III, Sections A and B.
54.....	Offset Duplicating Blankets and Plates, Direct Image and Photographic (Metal and Paper Type), Part IV.
66.....	Vacuum Cleaners and Repair Parts, Accessories and Attachments, Part II.
83.....	Aircraft Tires (Casings and tubes).
103.....	Recordings and Transcription Service, Part I.

(b) *Mandatory in Washington, D. C., and contiguous area.*

Class	Title of schedule
16, 17.....	Dry Batteries.
18, 51, 53...	Photographic Paper and Film, and Other Sensitized Materials and Photographic Chemicals, Classes 18 and 51, Part II, and Class 53, Part III. (Class 51 and 53 items only are mandatory upon DOD.)
26.....	Executive Type Furniture, Class 26, Part VI. Also Class 25, Smoking Stands, Class 53, Desk Trays, and Class 54, Baskets, Wastepaper.
27.....	Window Coverings, Part III.
42.....	Abrasives, Casters, Door Closers, Padlocks, Steel Strapping, etc.
51.....	Gases, Industrial, Medicinal, and Refrigeration; Part III.
53.....	Rubber Stamps, Part IV.
57.....	Laboratories and Special Apparatus and Supplies, Section C.
58.....	Fire Extinguishers, Repair Parts, and Accessories.
67.....	Feed and Forage, Part I.
67.....	Seed, Part II.
70.....	Agricultural Materials (Fertilizers, peat, and soil conditioners).
89 [1].....	Subsistence Items.
89 [1].....	Ice.
103.....	Correct Time Service.
103.....	Regraining of Offset Duplicating Plates, Part II.
103.....	Wiping Cloth Service, Part IV.

[1] FSC group.

Military purchasing activities may place orders under such schedules subject to the limitations and procedures prescribed in § 5.104.

§ 5.106 *Federal Supply Schedules with multiple award provisions.* There are also multiple award Federal Supply Schedules which list several contractors as possible sources for certain requirements. When orders in excess of $1,000 are placed at other than the lowest price available for the type of services or supplies required, the purchasing activity shall include in the contract file a memorandum for record setting forth the facts and conclusions justifying the order. The justification may be based on considerations such as time of delivery, service, and administrative expense. Where the Federal Supply Schedule indicates that the multiple awards were made in order to make available a selection of services or supplies to meet a specific requirement, the justification may, in addition to the considerations stated above, be based on differences in performance characteristics, and compatibility with existing equipment or systems.

b. Subpart B is revised to read as follows:

SUBPART B—PROCUREMENT FROM GENERAL SERVICES ADMINISTRATION STORES DEPOTS

Sec.
5.201 General.
5.202 Stores Stock Catalog.
5.203 Procedure for procurement from General Services Administration Stores Depots.
5.204 General Services Administration Stores Depots and regional offices.

AUTHORITY: §§ 5.201 to 5.204 issued under R. S. 161; 5. U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162.

§ 5.201 *General.* It is the general policy of the Department of Defense, when consistent with military necessity, to place maximum reliance on producer or commercial distributive systems for supplying requirements of the military departments. However, items and classes of material which have been designated for supply through local purchase and which normally are stocked by General Services Administration Stores Depots will be procured through the appropriate General Services Administration Stores Depot: *Provided,* That—

(a) The delivered price from the General Services Administration Stores Depot is not greater than the delivered price of the item from commercial sources;

(b) The service rendered by the General Services Administration Stores Depot, in terms of availability and procurement lead time, is equal to or better than that of commercial sources; and

(c) Such procurement is consistent with Subparts D and E of this part. The procurement of items stocked by General Services Administration Stores Depots which are under DOD–GSA interagency purchase assignments will be in accordance with the implementing procedures relating to such assignments.

§ 5.202 *Stores Stock Catalog.* The General Services Administration periodically publishes an illustrated "Stores Stock Catalog" which sets forth, among other things (a) all standard supplies carried in stock for issue by the Stores Depots listed in § 5.204, (b) special supplies carried in stock for issue only by certain of the depots, and (c) price information on a portion of the supplies listed. Copies of the "Stores Stock Catalog," and additional price lists may be obtained, upon request, from any of the regional offices or depots listed in § 5.204.

§ 5.203 *Procedure for procurement from General Services Administration Stores Depots.* Procurement from General Services Administration Stores Depots of supplies listed in the "Stores Stock Catalog" shall be made by submitting a delivery order on DD Form 1155 (Order for Supplies or Services), (see § 16.303 of this subchapter) to that General Services Administration Stores Depot which can best serve the procuring activity or installation, taking into consideration transportation costs, shipping time, and the regional boundaries of the Stores Depots. The delivery order shall contain the information required by the ordering instructions in the catalog.

§ 5.204 *General Services Administration Stores Depots and regional offices.* The General Services Administration operates stores depots and regional offices located in or near the cities listed below, serving the areas indicated on the back cover page of the "Stores Stock Catalog." The addresses shown are the mailing addresses to which all orders and correspondence should be forwarded.

GSA Region	Address
1. Boston, Mass.....	620 Post Office and Court House Building, Boston 9, Mass.
2. New York, N. Y.....	250 Hudson Street, New York 13, N. Y.
3. Washington, D. C.....	Room 5450, Seventh and D Streets SW., Washington 25, D. C.
4. Atlanta, Ga.....	Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta 23, Ga.
5. Chicago, Ill.....	7200 South Leamington Avenue, Chicago 38, Ill.
Cleveland, Ohio.....	Room 212, Federal Building, Public Square, Cleveland 14, Ohio.
6. Kansas City, Mo.....	2306 East Bannister Road, Kansas City, Mo.
7. Dallas, Tex.....	P. O. Box 1315, Fort Worth, Tex.
8. Denver, Colo.....	Denver Federal Center, Denver, Colo.
9. San Francisco, Calif...	49 Fourth Street, San Francisco 3, Calif.
Los Angeles, Calif....	Orders for shipment by this depot should be directed to the San Francisco address.
10. Seattle, Wash.....	C/o Naval Air Station, Seattle 15, Wash.

c. In Subpart D—Procurement of Prison-Made Supplies, §§ 5.406 through 5.408 are revised to read as follows:

§ 5.406 *Procurement procedure.*

§ 5.406–1 *Procurement from Federal Prison Industries, Inc.* Procurement directly from Federal Prison Industries, Inc., will be made by placing a delivery order, using DD Form 1155 (Order for Supplies or Services), (see § 16.303 of this subchapter) with Federal Prison Industries, Inc., c/o Department of Justice, Washington 25, D. C.

§ 5.406–2 *Procurement from General Services Administration Stores Depots.* Procurement from General Services Administration Stores Depots of prison-made supplies listed in the Schedule shall be made by submitting a delivery order, using DD Form 1155 (see § 16.303 of this subchapter), to the General Services Administration Regional Office which normally serves the procuring activity or installation.

§ 5.407 *Exceptions.* Supplies listed in the Schedule may be procured through National Industries for the Blind or from commercial sources without securing clearance from Federal Prison Industries, Inc., under any of the following conditions:

(a) immediate delivery or performance is required by public exigency;

(b) suitable used supplies can be obtained;

(c) supplies are both procured and used outside continental United States and Alaska; or

(d) the total cost of the order is $25 or less.

§ 5.408 *Clearances.* In addition to the exceptions provided in § 5.407, the Military Departments may procure through National Industries for the Blind or from commercial sources, supplies of the types listed in the Schedule to the extent only that such procurement is specifically authorized in clearances issued by Federal Prison Industries, Inc., as set forth in paragraphs (a) and (b) of this section:

(a) General clearances are issued by Federal Prison Industries, Inc., when classes of supplies are not available from Federal penal and correctional institutions, or when it is otherwise in the best interest of the Government to allow procurement of those classes of supplies from agencies for the blind or from commercial sources. A copy of each general clearance is forwarded to the Department of Defense for dissemination to the Military Departments. Purchase orders or contracts written pursuant to a general clearance need not be supported by a copy of the clearance, but the clearance number must be cited on the purchase order or contract as well as on the initial voucher.

(b) Formal clearances are issued in response to requests initiated by procuring activities or installations desiring to procure from agencies for the blind or from commercial sources supplies of the type listed in the Schedule when such supplies are not covered by a general clearance. Requests for formal clearances shall be addressed to Federal Prison Industries, Inc., % Department of Justice, Washington 25, D. C. Actual purchase of the required supplies shall not be consummated prior to the issuance

of the formal clearance. A copy of the clearance certificate must be attached to the initial voucher.

d. In Subpart E—Procurement of Blind-Made Supplies, §§ 5.501 to 5.504–1 are revised to read as follows:

§ 5.501 *General.* Supplies listed in the Schedule of Blind-Made Products shall be procured in accordance with the policies and procedures set forth in this subpart.

§ 5.502 *Schedule of supplies which are blind-made.* Supplies manufactured by agencies for the blind are listed in the Schedule of Blind-Made Products (referred to in this Subpart E as the Schedule), now printed in separate loose-leaf form, copies of which may be obtained from any of the General Services Administration Regional Offices or Depots listed in § 5.204. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 5.503 *Mandatory procurement of blind-made supplies.* (a) Except as provided in § 5.402, supplies listed in the Schedule shall be procured from agencies for the blind. Orders for such supplies shall be submitted to the General Services Administration Stores Depot which can best serve the procuring activity or installation, except that when one of the conditions set forth below is present, procurement shall be through the National Industries for the Blind:

(1) Supplies require overseas packaging or packing;

(2) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned;

(3) Supplies are stocked by General Services Administration Stores Depots, but the procuring activity or installation is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the stores depot; or

(4) The schedule indicates that the supplies are not stocked by General Services Administration Stores Depots.

(b) Supplies listed in the Schedule may be procured from commercial sources under any of the conditions set forth below without securing clearance:

(1) Military necessity requires delivery within two weeks;

(2) The procurement is less than a single unit as listed in the Schedule or is for $25 or less; or

(3) Supplies are both procured and used outside the continental United States and Alaska.

§ 5.504 *Procurement procedure.*

§ 5.504–1 *From General Services Administration Stores Depots.* When procurement of blind-made supplies is to be effected from a General Services Administration Stores Depot, such procurement shall be made by submitting a delivery order on DD Form 1155 (see § 16.303 of this subchapter) to the General Services Administration Stores Depot which can best serve the procuring activity or installation.

e. Subpart G is revised to read as follows:

SUBPART G—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

Sec.
5.700 Scope of subpart.
5.701 Authorization and policy relating to placing and filling orders.
5.702 Determination of amount and method of payment.

AUTHORITY: §§ 5.700 to 5.702 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162.

§ 5.700 *Scope of subpart.* This subpart deals with orders for supplies or services placed with another Government department or agency pursuant to the authority of the Economy Act of June 30, 1932, as amended (31 U. S. Code 686), except that it does not apply to any procurement covered by Part 4 or the preceding subparts of this part. Orders for supplies and services placed *within* a Military Department shall be in accordance with procedures prescribed by that Department.

§ 5.701 *Authorization and policy relating to placing and filling orders.* Each procuring activity, when it is in the interest of the Government to do so, may place delivery orders, on DD Form 1155 (see 16.303), with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position to furnish or perform or to obtain by contract. Generally, an order for supplies or services will not be placed with a department or agency which is not in a position to furnish the supplies or is not equipped to perform the services, except that an order may be filled by means of an outside contract with a commercial source of supply if the order is placed by any one of the following: Department of the Army, Department of the Navy, Department of the Air Force, Department of the Treasury, Civil Aeronautics Administration, or Maritime Commission. An order for services shall not be placed with a department or agency when such services can be performed as conveniently or more cheaply by private contractors.

§ 5.702 *Determination of amount and method of payment.* Upon the written request of the requisitioned department or agency, an advance by check shall be made of all or part of the estimated cost of furnishing the supplies or services as specified by such requisitioned department or agency: *Provided*, That, where an advance is made, proper adjustments of the basis of the actual cost of the supplies or services shall be made as may be agreed upon by the departments or agencies concerned. Subject to approval by the requisitioned department or agency, payment by check may be made after the furnishing of the supplies or services. The amount to be paid shall be based on the actual cost of the supplies or services as may be agreed upon by the departments or agencies concerned.

PART 7—CONTRACT CLAUSES

To assure utmost economy in administrative actions, the following sections have been amended to direct the use of "certified mail", in lieu of "registered" mail in the transmission of the papers referred to therein.

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

§ 7.103–12 *Disputes.*

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Secretary, and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent or capricious or arbitrary or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive: *Provided*, That, if no such appeal is taken, the decision of the Contracting Officer shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

In accordance with Department procedures, the foregoing clause may be modified to provide for intermediate appeal to the Head of the Procuring Activity concerned. The decision of the Contracting Officer referred to in the above clause shall, if mailed, be sent by certified mail, return receipt requested.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

§ 7.203–12 *Disputes.* Insert the contract clause set forth in § 7.103–12. In accordance with Department procedures, the foregoing clause may be modified to provide for (a) decision by the activity within a Department performing audit functions of any dispute concerning a question as to allowability of cost, and (b) intermediate appeal to the Head of the Procuring Activity concerned. The decision of the Contracting Officer or of the Activity performing the audit function shall, if mailed, be sent by certified mail, return receipt requested.

SUBPART E—CLAUSES FOR PERSONAL SERVICES CONTRACTS

§ 7.503–4 *Disputes.* Insert the contract clause set forth in § 7.103–12. In accordance with Department procedures, the foregoing clause may be modified to provide for intermediate appeal to the Head of the Procuring Activity concerned. The decision of the Contracting Officer referred to in the above clause shall, if mailed, be sent by certified mail, return receipt requested.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 8—TERMINATION OF CONTRACTS

To assure utmost economy in administrative actions, the following sections have been amended to direct the use of "certified mail", in lieu of "registered" mail in the transmission of the pages referred to therein.

SUBPART E—SETTLEMENT OF CONTRACTS TERMINATED FOR CONVENIENCE; GENERAL

§ 8.506 *Fixed-price contracts; settlements by determination; procedure.*

§ 8.506–1 *Notice to contractor.* The contracting officer will give the contractor not less than 15 days' notice by certified mail (with return receipt requested) to produce, on or before a stated date, written evidence bearing on the amount claimed to be due.

§ 8.506–4 *Determinations and findings.* After reviewing the information submitted or otherwise available to him, the contracting officer shall determine the amount due and shall transmit a copy of his determination and findings to the contractor by certified mail (with return receipt requested). The findings shall set forth the amounts due the contractor and shall be supported by detailed schedules conforming generally to the standard forms for settlement proposals set forth in Subpart G of this part, and by such additional information, schedules, and analyses as are necessary or appropriate. An adequate explanation shall be given for each major item of disallowance.

§ 8.511–3 *Notice to General Accounting Office of audit status date.* The Disbursing Officer will, upon receipt of the verified list of vouchers, immediately transmit by certified mail (return receipt requested) to the Zone Senior Chief Cost Auditor of the General Accounting Zone in which the work on the terminated contract was being performed, a notice fixing as the "Audit Status Date" (a) the day 60 days from the date of the receipt of the notice by the General Accounting Office, or (b) the date of the receipt by the procuring activity of the final General Accounting Office Audit Status letter, whichever is earlier. Said notice shall be prepared in the form set forth in Subpart G of this part. The Disbursing Officer shall send a copy of said notice to the contracting officer, and, in the case of the Navy, to the Cost Inspection Service, together with information as to the date on which said notice was received by the General Accounting Office, and shall send such other copies as may be required by procedures prescribed by each respective Department.

(R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21, sec. 638, 66 Stat. 537; 41 U. S. C. 151–162)

PART 16—PROCUREMENT FORMS

SUBPART C—PURCHASE AND DELIVERY ORDER FORMS

Sections 16.303 and 16.304 have been revised as follows: DD Forms 738 and 702 referred to therein have been replaced by DD Form 1155, effective January 1, 1957, or when existing stocks of the replaced forms are exhausted. Sections 16.303 and 16.304 have been combined into one section—16.303. Section 16.305 has been renumbered 16.304. These changes are set forth below:

§ 16.303 *Order for supplies or services (DD Form 1155).*

§ 16.303–1 *General.* (a) DD Form 1155 provides in one document:

(1) A purchase order, delivery order under a contract, or delivery order on Government agencies outside of the Department of Defense;

(2) A receiving and inspection report;

(3) A property voucher; and

(4) A public voucher.

(b) If additional space is required, DD Form 1155–1 (Continuation Sheet) shall be used.

(c) DD Form 1155 and 1155–1 may be used as snap-out manifold forms, as single sheets, or as reproducible masters, as prescribed by Departmental procedures.

(d) DD Form 1155 is designed for mailing in window envelopes. The use of such envelopes is encouraged.

§ 16.303–2 *Conditions for use.* DD Form 1155 shall be used as a purchase order or as a delivery order, regardless of the number of deliveries or payments contemplated.

(a) *Use as a purchase order.* (1) DD Form 1155 shall be used as a purchase order for supplies, as defined in 7.102, or for services other than personal services when:

(i) The amount involved is $1,000 or less;

(ii) The procurement is unclassified and is effected by negotiation in accordance with Part 3 of this subchapter;

(iii) Only the contract clauses set forth on the back of the form are necessary; if additional clauses are necessary, the procurement shall be effected by use of some other form authorized by this subchapter or Departmental procedures.

(2) DD Form 1155 shall be numbered in the local numbering series.

(b) *Use as a delivery order.* Except as to specialized procurements for which other instructions are given by this subchapter or Departmental procedures, DD Form 1155 shall be used without monetary limitation as a delivery order for ordering supplies or services:

(1) Under the open-end, indefinite quantity, or call-type contracts, or purchase notice agreements, including such contracts or agreements made by Government agencies outside of the Department of Defense, provided the order is issued in accordance with and subject to the terms and conditions of a basic contract or agreement to which specific reference is made in the form; or

(2) From Government agencies outside of the Department of Defense.

§ 16.303–3 *Forms superseded.* DD Form 702, DD Form 738 and DD Form 738–1 are superseded effective January 1, 1957, or whenever existing stocks are exhausted, whichever is earlier.

§ 16.304 *Blanket purchase order.* See Part 3, Subpart F, of this subchapter, and particularly 3.606.

A new § 16.503–6 prescribes the method by which the DD Form 731 will be brought up to date on an annual basis, as follows:

§ 16.503–6 *Modification of master contracts.* (a) Since Master Contracts prescribe the terms and conditions under which contractors submit bids and competitive quotations for vessel repair work, it is essential that the provisions of all outstanding Master Contracts be kept uniform. It is also necessary that Master Contracts be kept up to date and reflect changes in law and procurement regulations applicable to vessel repair work. The DD Form 731 will be revised annually to incorporate all changes made necessary by revisions to this subchapter. All outstanding Master Contracts shall be replaced using the latest revised form, effective as to all job orders issued on or after 60 days after the promulgation of such revision.

(b) To minimize interim amendments to Master Contracts, revisions to this subchapter changing clauses in the Master Contract form will provide appriate direction with respect to any required amendments to Master Contracts. To the extent possible, amendments will be required only in matters resulting from changes in statutes or executive orders.

(R. S. 161; 5 U. S. C. 22. Interpret or apply secs. 2–12, 62 Stat. 21–26, sec. 638, 66 Stat. 537; 41 U. S. C. 151–161, 162)

PART 30—APPENDIXES TO ARMED SERVICES PROCUREMENT REGULATION

To assure utmost economy in administrative actions, the following paragraphs of Appendixes A and D to Part 30 have been amended to direct the use of "certified mail", in lieu of "registered mail" in the transmission of the papers referred to therein.

§ 30.1 *Appendix A—Armed Services Board of Contract Appeals charter and rules.*

* * * * *

PART II—RULES

* * * * *

Proceedings Preliminary to Hearings

* * * * *

15. *Service of papers.* Service of papers in all proceedings pending before the Board may be made personally, or by mailing the same in a sealed envelope, certified, return receipt requested, with postage prepaid, addressed to the party upon whom service shall be made, and the date of the certified mail receipt shall be the date of service. Waiver of the service of any papers may be noted thereon or on a copy thereof, or on a separate paper, signed by the parties or their attorneys and filed with the Board. When any party has appeared by attorney, service upon the attorney will be deemed proper service upon such party.

§ 30.4 *Appendix D—Rules for Notice and hearing under gratuities clause in Armed Services Procurement Regulation 7.104–16:*

* * * * *

5. *Service of notice.* Service shall be made by mailing or delivering a copy of the notice to the contractor. Delivery of a copy means

handing it to the party to be served, or, if the party is a corporation, partnership, or unincorporated association, handing it to an officer, partner, managing or general agent, or any other agent authorized by appointment or by law to receive service of process, or by leaving the copy at the contractor's office with the person in charge thereof. Service by mail shall be made only by certified mail and service shall be complete upon mailing. The manner of service shall be evidenced by the signed endorsement of the person making the service upon a copy of the notice to be included in the record of the proceeding. Service of notice may be accepted or waived by the contractor by written endorsement on a copy of the notice.

R. C. LANPHIER, Jr.,
Deputy Assistant Secretary of Defense (Supply and Logistics).

[F. R. Doc. 57-395; Filed, Jan. 18, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1380]

[Fairbanks 08595]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved for use of the Bureau of Public Roads, as an administrative site:

CANTWELL AREA

Lot 10, U. S. Survey No. 3229.

The tract described contains 59.048 acres.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 14, 1957.

[F. R. Doc. 57-399; Filed, Jan. 18, 1957; 8:45 a. m.]

[Public Land Order 1381]

[Colorado 013628]

COLORADO

RESERVING PUBLIC LANDS WITHIN ROUTT NATIONAL FOREST FOR USE OF FOREST SERVICE AS RECREATION AREAS, CAMPGROUND, AND AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Routt National Forest in Colorado are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, or the act of July 31, 1947 (61 Stat. 681; 30 U. S. C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreation areas, campgrounds, and an administrative site as indicated:

SIXTH PRINCIPAL MERIDIAN

Gore Pass Campground:
T. 1 N., R. 82 W.,
Sec. 3, S½SE¼SE¼;
Sec. 10, N½NE¼NE¼.
The areas described aggregate 40 acres.

Toponas Creek Campground:
T. 1 N., R. 83 W.,
Sec. 4, SE¼NW¼SE¼, SW¼NE¼SE¼, NE¼SW¼SE¼, and NW¼SE¼SE¼.
The areas described aggregate 40 acres.

Base Campground:
T. 5 N., R. 83 W.,
In approximate sec. 1. Beginning at a point from which the west ¼ corner of section 6, T 5 N., R. 82 W., bears S. 28° E. a distance of 30 chains, thence West 20 chains; North 20 chains; East 20 chains; South 20 chains to point of beginning.
The tract described contains 40 acres.

Walton Creek Campground:
T. 5 N., R. 83 W.,
In approximate secs. 22 and 23. Beginning at a point from which U. S. Bureau of Public Roads Station No. 420 on U. S. Highway No. 40 bears due south 5 chains, thence East 30 chains; South 20 chains; West 30 chains; North 20 chains to point of beginning.
The tract described contains 60 acres.

Walton Mountain Radio Repeater Station Administrative Site:
T. 5 N., R. 83 W.,
In approximate secs. 27 and 34. Beginning at a point from which the northeast corner of the building housing the radio equipment on the top of the peak bears S. 45° W. a distance of 14 chains, thence South 20 chains; West 20 chains; North 20 chains; East 20 chains to point of beginning.
The tract described contains 40 acres.

Lake Dinosaur
Recreation Area:
T. 6 N., R. 83 W.,
In approximate sec. 10. Beginning at a point from which the junction of the stream leaving Lake Dinosaur and Buffalo Creek bears N. 56° W. a distance of 37 chains, thence East 40 chains; South 20 chains; West 40 chains; North 20 chains to point of beginning.
The tract described contains 80 acres.

Fish Creek Recreation Area:
T. 6 N., R. 83 W.,
In approximate secs. 15 and 16. Beginning at a point from which the outlet pipe on Fish Creek Reservoir bears S. 20° E. a distance of 36 chains, thence East 67 chains; South 61 chains; West 67 chains; North 61 chains to point of beginning.
The tract described contains 409 acres.

Long Lake Recreation Area:
T. 6 N., R. 83 W.,
In approximate secs. 22 and 23. Beginning at a point from which the outlet of the Long Lake dam bears S. 45° E. a distance of 10 chains, thence East 50 chains; South 25 chains; West 50 chains; North 25 chains to point of beginning.
The tract described contains 125 acres.

Round Lake—Lake Percy Recreation Area:
T. 6 N., R. 83 W.,
In approximate sec. 24. Beginning at a point which is the west ¼ corner of sec. 19, T. 6 N., R. 82 W., thence South 35 chains; West 50 chains; North 35 chains; East 50 chains to point of beginning.
The tract described contains 175 acres.

Lake Elmo Recreation Area:
T. 6 N., R. 83 W.,
In approximate sec. 25. Beginning at a point from which the southwest corner of sec. 19, T. 6 N., R. 82 W., bears N. 69° E. a distance of 27 chains, thence South 25 chains; West 25 chains; North 25 chains; East 25 chains to point of beginning.
The tract described contains 62.5 acres.

Fishhook Lake Recreation Area:
T. 6 N., R. 83 W.,
In approximate sec. 36. Beginning at a point from which the west ¼ corner of sec. 31, T. 6 N., R. 82 W., bears due east a distance of 20 chains, thence West 20 chains; North 30 chains; East 20 chains; South 30 chains to point of beginning.
The tract described contains 60 acres.

Summit Lake Recreation Area:
T. 7 N., R. 83 W.,
In approximate sec. 26. Beginning at a point from which the southwest corner of sec. 30, T. 7 N., R. 82 W., bears S. 85° E. a distance of 114 chains, thence West 20 chains; North 20 chains; East 20 chains; South 20 chains to point of beginning.
The tract described contains 40 acres.

Big Creek Lakes (Hahns Peak) Recreation Area:
T. 8 N., R. 83 W.,
In approximate secs. 7 and 18. Beginning at a point from which the outlet of lower Big Creek Lake bears S. 56° 30' E. a distance of 396 feet, thence East 1,287 feet; South 1,353 feet; West 1,287 feet; North 1,353 feet to point of beginning.
The tract described contains 40 acres.

Wolverine Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate sec. 27. Beginning at a point from which the outlet of Wolverine Lake bears S. 69° E. a distance of 495 feet, thence East 1,188 feet; South 1,089 feet; West 1,188 feet; North 1,089 feet to point of beginning.
The tract described contains 29 acres.

Beaver Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate sec. 11. Beginning at a point from which the outlet of Beaver Lake bears S. 55° 30' W. a distance of 396 feet, thence West 1,402 feet; South 1,254 feet; East 1,402 feet; North 1,254 feet to point of beginning;
The tract described contains 42 acres.

Pristine Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate sec. 35. Beginning at a point from which the outlet of Pristine Lake bears S. 54° 30' E. a distance of 561 feet, thence East 842 feet; South 1,485 feet; West 842 feet; North 1,485 feet to point of beginning.
The tract described contains 28 acres.

Ptarmigan Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate sec. 35. Beginning at a point from which the outlet of Ptarmigan Lake bears S. 64° W. a distance of 380 feet, thence West 776 feet; South 693 feet; East 776 feet; North 693 feet to point of beginning.
The tract described contains 14 acres.

Dome Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate sec. 33. Beginning at a point from which the outlet of Dome Lake bears S. 69° W., a distance of 627 feet, thence West 1,634 feet; South 1,584 feet; East 1,634 feet; North 1,584 feet to point of beginning.
The area described contains 59.5 acres.

Three Island Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate sec. 10. Beginning at a point from which a rock cairn monument at northeast corner of rock slide area bears N. 27° E. a distance of 1,617 feet, thence South 18° W. 1,304 feet; S. 36° E. 1,864 feet; N. 78° E. 2,426 feet; N. 4° W. 2,128 feet; N. 84° W. 2,615 feet to point of beginning.
The tract described contains 165 acres.

North Lake Recreation Area:
T. 9 N., R. 83 W., partly unsurveyed,
In approximate secs. 22 and 23. Beginning at a point from which the inlet of North Lake bears S. 60° W. a distance of 346 feet, thence West 1,023 feet; South 858 feet; East 1,023 feet; North 858 feet to point of beginning.
The tract described contains 22.5 acres.

Gold Lake Recreation Area:
T. 10 N., R. 83 W., partly unsurveyed,
In approximate sec. 35. Beginning at a point from which the outlet of Gold Lake bears N. 30° E. a distance of 808 feet, thence N. 15° W. 1,188 feet; N. 75° 30' E. 2,311 feet; S. 14° W. 1,303 feet; S. 74° W. 1,551 feet to point of beginning.
The tract described contains 55 acres.

Mica Lake Recreation Area:
T. 10 N., R. 83 W., partly unsurveyed,
In approximate sec. 16. Beginning at a point from which the outlet of Mica Lake bears N. 45° E. a distance of 627 feet, thence North 1,172 feet; East 1,485 feet; South 1,172 feet; West 1,485 feet to point of beginning.
The tract described contains 40.5 acres.

Gilpin Lake Recreation Area:
T. 10 N., R. 83 W., partly unsurveyed,
In approximate sec. 25. Beginning at a point from which a scribed rock adjacent to trail at the top of the grade bears S. 81° 30' E. a distance of 1,172 feet, thence N. 56° E. 1,716 feet; N. 4° E. 2,442 feet; S. 67° W. 2,797 feet; S. 23° E. 2,558 feet to point of beginning.
The tract described contains 115 acres.

Gem Lake Recreation Area:
T. 11 N., R. 83 W., partly unsurveyed,
In approximate sec. 30. Beginning at a point from which the outlet of Gem Lake bears N. 42° W. a distance of 726 feet, thence North 924 feet; West 1,716 feet; South 924 feet; East 1,716 feet to point of beginning.
The tract described contains 37.5 acres.

Lake Diana Recreation Area:
T. 11 N., R. 83 W., partly unsurveyed,
In approximate sec. 32. Beginning at a point from which the outlet of Lake Diana bears S. 61° E. a distance of 1,089 feet, thence East 1,848 feet; South 1,320 feet; West 1,848 feet; North 1,320 feet to point of beginning.
The tract described contains 55 acres.

Manzanares Lake Recreation Area:
T. 11 N., R. 84 W.,
Sec. 9, SE¼SW¼NE¼, SW¼SE¼NE¼, NW¼NE¼SE¼, and NE¼NW¼SE¼.
The areas described aggregate 40 acres.

West Fork Lake Recreation Area:
T. 11 N., R. 84 W.,
Sec. 13, W½SW¼SW¼;
Sec. 14, SE¼SE¼.
The areas described aggregate 60 acres.

Sanchez Lake Recreation Area:
T. 11 N., R. 84 W.,
Sec. 25, S½SW¼NE¼, S½SE¼NW¼, N½NE¼SW¼, and N½NW¼SE¼.
The areas described aggregate 80 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

JANUARY 14, 1957.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

[F. R. Doc. 57-400; Filed, Jan. 18, 1957; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

ST. MARYS FALLS CANAL, MICH.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.440 governing the use, administration and navigation of St. Marys Falls Canal, Michigan, is hereby amended redesignating paragraph (v), as paragraph (w), and adding a new paragraph (v), prescribing the overall dimensions of vessels which will be permitted to transit MacArthur Lock and the conditions for the transit of such vessels, as follows:

§ 207.440 *St. Marys Falls Canal and Locks, Mich.; use, administration and navigation.* * * *

(v) The maximum overall dimensions of vessels that will be permitted to transit MacArthur Lock are 730 feet in length and 75 feet in width. Further, any vessel of greater length than 660 feet must be equipped with dock winches adequate to safely control the vessel in the lock under all conditions including that of power failure.

(w) Masters or other persons refusing to comply with the regulations in this section or any orders given in pursuance thereof, or using profane, indecent, or abusive language, may, in the discretion of the District Engineer or his authorized agents, be denied the privileges of the locks and canal grounds.

(Regs., 4 January 1957, 800.211 (St. Mary's River, Mich.)-ENGWO) (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-397; Filed, Jan. 18, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Sec.
1.164 Statutory provisions; itemized deductions for individuals and corporations; taxes.
1.164-1 Deduction for taxes.
1.164-2 Deduction denied in case of certain taxes.
1.164-3 Federal duties and excise taxes.
1.164-4 Taxes for local benefits.
1.164-5 Certain retail sales taxes and gasoline taxes.
1.164-6 Apportionment of taxes on real property between seller and purchaser.
1.164-7 Taxes of shareholder paid by corporation.

The following regulations relating to taxes are hereby prescribed under section 164 of the Internal Revenue Code of 1954 and, except as specifically provided otherwise in section 164 (d) (2) (B), are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

§ 1.164 *Statutory provisions; itemized deductions for individuals and corporations; taxes.*

SEC. 164. *Taxes*—(a) *General rule.* Except as otherwise provided in this section, there shall be allowed as a deduction taxes paid or accrued within the taxable year.

(b) *Deduction denied in case of certain taxes.* No deduction shall be allowed for the following taxes:

(1) Federal income taxes, including—

(A) The tax imposed by section 3101 (relating to the tax on employees under the Federal Insurance Contributions Act);

(B) The taxes imposed by sections 3201 and 3211 (relating to the taxes on railroad employees and railroad employee representatives); and

(C) The tax withheld at source on wages under section 3402, and corresponding provisions of prior revenue laws.

(2) Federal war profits and excess profits taxes.

(3) Federal import duties, and Federal excise and stamp taxes (not described in paragraph (1), (2), (4), or (5)); but this paragraph shall not prevent such duties and taxes from being deducted under section 162 (relating to trade or business expenses) or section 212 (relating to expenses for the production of income).

(4) Estate, inheritance, legacy, succession, and gift taxes.

(5) Taxes assessed against local benefits of a kind tending to increase the value of the property assessed; but this paragraph shall not prevent—

(A) The deduction of so much of such taxes as is properly allocable to maintenance or interest charges; or

(B) The deduction of taxes levied by a special taxing district if—

(i) The district covers the whole of at least one county;

(ii) At lease 1,000 persons are subject to the taxes levied by the district; and

(iii) The district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

(6) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901 (relating to the foreign tax credit).

(7) Taxes on real property, to the extent that subsection (d) requires such taxes to be treated as imposed on another taxpayer.

(c) *Certain retail sales taxes and gasoline taxes*—(1) *General rule.* In the case of any State or local sales tax, if the amount of the tax is separately stated, then, to the extent that the amount so stated is paid by the consumer (otherwise than in connection with the consumer's trade or business) to his seller, such amount shall be allowed as a deduction to the consumer as if it constituted a tax imposed on, and paid by, such consumer.

(2) *Definition.* For purposes of paragraph (1), the term "State or local sales tax" means a tax imposed by a State, a Territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia, which tax—

(A) Is imposed on persons engaged in selling tangible personal property at retail (or on persons selling gasoline or other motor vehicle fuels at wholesale or retail) and is a stated sum per unit of property sold or is measured either by the gross sales price or by the gross receipts from the sale; or

(B) Is imposed on persons engaged in furnishing services at retail and is measured by the gross receipts for furnishing such services.

(d) *Apportionment of taxes on real property between seller and purchaser*—(1) *General rule.* For purposes of subsection (a), if real property is sold during any real property tax year, then—

(A) So much of the real property tax as is properly allocable to that part of such year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller, and

(B) So much of such tax as is properly allocable to that part of such year which begins on the date of the sale shall be treated as a tax imposed on the purchaser.

(2) *Special rules.* (A) In the case of any sale of real property, if—

(i) A taxpayer may not, by reason of his method of accounting, deduct any amount for taxes unless paid, and

(ii) The other party to the sale is (under the law imposing the real property tax) liable for the real property tax for the real property tax year,

then for purposes of subsection (a) the taxpayer shall be treated as having paid, on the date of the sale, so much of such tax as, under paragraph (1) of this subsection, is treated as imposed on the taxpayer. For purposes of the preceding septence, if neither party is liable for the tax, then the party holding the property at the time the tax becomes a lien on the property shall be considered liable for the real property tax for the real property tax year.

(B) Paragraph (1) shall apply to taxable years ending after December 31, 1953, but only in the case of sales after December 31, 1953.

(C) Paragraph (1) shall not apply to any real property tax, to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 to the seller for a taxable year which ended before January 1, 1954.

(D) In the case of any sale of real property, if the taxpayer's taxable income for the taxable year during which the sale occurs is computed under an accrual method of accounting, and if no election under section 461 (c) (relating to the accrual of real property taxes) applies, then, for purposes of subsection (a), that portion of such tax which—

(i) Is treated, under paragraph (1) of this subsection, as imposed on the taxpayer, and

(ii) May not, by reason of the taxpayer's method of accounting, be deducted by the taxpayer for any taxable year,

shall be treated as having accrued on the date of the sale.

(e) *Taxes of shareholder paid by corporation.* Where a corporation pays a tax imposed on a shareholder on his interest as a shareholder, and where the shareholder does not reimburse the corporation, then—

(1) The deduction allowed by subsection (a) shall be allowed to the corporation; and

(2) No deduction shall be allowed the shareholder for such tax.

(f) *Cross reference.* For provisions disallowing any deduction for the payment of the tax imposed by subchapter B of chapter 3 (relating to tax-free covenant bonds) see section 1451 (f).

§ 1.164–1 *Deduction for taxes.* Except as otherwise provided in this section and in §§ 1.164–2 to 1.164–7, inclusive, taxes imposed by the United States, any State, Territory, possession of the United States, or a political subdivision of any of the foregoing, or by any foreign country, are deductible from gross income for the taxable year in which paid or accrued, according to the method of accounting used in computing taxable income. See section 461 for the general rule for taxable year of deduction. Amounts paid to States or Territories under secured-debts laws in order to render securities tax-exempt are deductible. Automobile license fees are ordinarily taxes. Postage is not a tax. In general, taxes are deductible only by the person upon whom they are imposed. See section 164 (d) and § 1.164–6 for apportionment of taxes on real property between seller and purchaser. For provisions disallowing any deduction for the tax paid at the source on interest from tax-free covenant bonds, see section 1451 (f).

§ 1.164–2 *Deduction denied in case of certain taxes.* This section and §§ 1.164–3 and 1.164–4 describe certain taxes for which no deduction is allowed or with respect to which the allowance of the deduction is subject to certain conditions. No deduction is allowed for:

(a) Federal income taxes, including the taxes imposed by section 3101, relating to the tax on employees under the Federal Insurance Contributions Act; sections 3201 and 3211, relating to the taxes on railroad employees and railroad employee representatives; section 3402, relating to the tax withheld at source on wages; and by corresponding provisions of prior internal revenue laws.

(b) Federal war profits and excess profits taxes including those imposed by Title II of the Revenue Act of 1917, Title III of the Revenue Act of 1918, Title III of the Revenue Act of 1921, section 216 of the National Industrial Recovery Act, section 702 of the Revenue Act of 1934, subchapter D of chapter 1 of the Internal Revenue Code of 1939, and subchapter E of chapter 2 of the Internal Revenue Code of 1939.

(c) Estate, inheritance, legacy, succession, and gift taxes.

(d) Income, war profits, and excess profits taxes imposed by the authority of any foreign country or possession of the United States, if the taxpayer chooses to take to any extent the benefits of section 901, relating to the credit for taxes of foreign countries and of possessions of the United States.

(e) Taxes on real property, to the extent that section 164 (d) and § 1.164–6 require such taxes to be treated as imposed on another taxpayer.

§ 1.164–3 *Federal duties and excise taxes.* No deduction is allowed under section 164 for Federal import or tariff duties, business, license, privilege, excise, and stamp taxes (not described in paragraphs (a), (b), or (c) of § 1.164–2, or § 1.164–4), paid or accrued within the taxable year. The fact that any such tax is not deductible as a tax under section 164 does not prevent (a) its deduction under section 162 or section 212, provided it represents an ordinary and necessary expense paid or incurred during the taxable year by a corporation or an individual in the conduct of any trade or business or, in the case of an individual, for the production or collection of income, for the management, conservation, or maintenance of property held for the production of income, or in connection with the determination, collection, or refund of any tax, or (b) its being taken into account during the taxable year by a corporation or an individual as a part of the cost of acquiring or producing property in the trade or business or, in the case of an individual, as a part of the cost of property held for the production of income with respect to which it relates.

§ 1.164–4 *Taxes for local benefits.* (a) Except as provided in paragraph (b) of this section, so-called taxes, more properly assessments, paid for local benefits, such as street, sidewalk, and other like improvements, imposed because of and measured by some benefit inuring directly to the property against which the assessment is levied do not constitute an allowable deduction from gross income. A tax is considered assessed against local benefits when the property subject to the tax is limited to property benefited. Special assessments are not deductible, even though an incidental benefit may inure to the public welfare. The real property taxes deductible are those levied for the general public welfare by the proper taxing authorities at a like rate against all property in the territory over which such authorities have jurisdiction. Assessments under the statutes of California relating to irrigation, and of Iowa relating to drainage, and under certain statutes of Tennessee relating to levees, are limited to property benefited, and if the assessments are so limited, the amounts paid thereunder are not deductible as taxes.

(b) (1) Insofar as assessments against local benefits are made for the purpose of maintenance or repair or for the purpose of meeting interest charges with respect to such benefits, they are deductible. In such cases the burden is on the taxpayer to show the allocation of the amounts assessed to the different purposes. If the allocation cannot be made, none of the amount so paid is deductible.

(2) Taxes levied by a special taxing district are deductible if the district covers the whole of at least one county, if at least 1,000 persons are subject to the taxes levied by the district, and if the district levies its assessments annually at a uniform rate on the same assessed value of real property, including improvements, as is used for purposes of the real property tax generally.

§ 1.164–5 *Certain retail sales taxes and gasoline taxes.* (a) Any amount representing a State or local sales tax paid by a consumer of services or tangible personal property is deductible by such consumer as a tax, provided it is separately stated and not paid in connection with his trade or business. The fact that, under the law imposing it, the incidence of the State or local sales tax does not fall on the consumer is immaterial. The requirement of section 164 (c) (1) that the amount of the tax must be separately stated will be deemed complied with where it clearly appears that at the time of sale to the consumer, the tax was added to the sales price and collected or charged as a separate item. It is not necessary, for the purpose of this section, that the consumer be furnished with a sales slip, bill, invoice, or other statement on which the tax is separately stated. Where the law imposing the State or local sales tax for which the taxpayer seeks a deduction contains a prohibition against the seller absorbing the tax, or a provision requiring a posted notice stating that the tax will be added to the quoted price, or a requirement that the tax be separately shown in advertisements or separately stated on all bills and invoices, it is presumed that the amount of the State or local sales tax was separately stated at the time paid by the consumer; except that such presumption shall have no application to a gasoline tax imposed upon a wholesaler unless such provisions of law apply with respect to both the sale at wholesale and the sale at retail.

(b) As used in this section the term "State or local sales tax" means a tax imposed by a State, a Territory, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia upon persons engaged in selling tangible personal property at retail, or on persons selling gasoline or other motor vehicle fuels at wholesale or retail, which is a stated sum per unit of such property sold or which is measured by the gross sales price or the gross receipts from the sale. The term also includes a tax imposed by such authorities upon persons engaged in furnishing services at retail, which is measured by the gross receipts for furnishing such services.

(c) In general, the term "consumer" means the ultimate user or purchaser; it does not include a purchaser, such as a retailer, who acquires the property for resale.

§ 1.164–6 *Apportionment of taxes on real property between seller and purchaser*—(a) *Scope.* When real property is sold, section 164 (d) (1) governs the deduction by the seller and the purchaser of current real property taxes. Section 164 (d) (1) performs two functions: (1) It provides a method by which a portion of the taxes for the real property tax year in which the property is sold may be deducted by the seller and a portion by the purchaser; and (2) it limits the deduction of the seller and the purchaser to the portion of the taxes corresponding to the part of the real property tax year during which each was the owner of the property. These functions are accomplished by treating a portion of the taxes for the real property tax year in which the property is sold as imposed on the seller and a portion as imposed on the purchaser. To the extent that the taxes are treated as imposed on the seller and the purchaser, each shall be allowed a deduction, under section 164 (a), in the taxable year such tax is paid or accrued, or treated as paid or accrued under section 164 (d) (2) (A) or (D) and this section. No deduction is allowed for taxes on real property to the extent that they are imposed on another taxpayer, or are treated as imposed on another taxpayer under section 164 (d). For the election to accrue real property taxes ratably see section 461 (c) and the regulations thereunder.

(b) *Application of rule of apportionment.* (1) For purposes of the deduction provided by section 164 (a), if real property is sold during any real property tax year as defined in paragraph (c) of this section, the portion of the real property tax properly allocable to that part of the real property tax year which ends on the day before the date of the sale shall be treated as a tax imposed on the seller, and the portion of such tax properly allocable to that part of such real property tax year which begins on the date of the sale shall be treated as a tax imposed on the purchaser. For definition of "real property tax year" see paragraph (c) of this section. This rule shall apply whether or not the seller and the purchaser apportion such tax. The rule of apportionment contained in section 164 (d) (1) applies even though the same real property is sold more than once during the real property tax year. (See paragraph (d) (3) of this section for inclusion in gross income of excess deductions.) Where the real property tax becomes a personal liability or a lien before the beginning of the real property tax year to which it relates and the real property is sold subsequent to the time the tax becomes a personal liability or a lien but prior to the beginning of the related real property tax year (i) the seller may not deduct any amount for real property taxes for the related real property tax year, and (ii) the purchaser is allowed a deduction for the full amount of such taxes for the taxable year they (or amounts representing such taxes) are paid or accrued by him according to his method of accounting. (However, if the real property is sold during the related real property tax year the allowable deduction for the real property taxes for such year is apportioned between the parties to such sale.) Similarly, where the real property tax becomes a personal liability or a lien after the end of the real property tax year to which it relates and the real property is sold prior to the time the tax becomes a personal liability or a lien but after the end of the related real property tax year (a) the purchaser may not deduct any amount for real property taxes for the related real property tax year, and (b) the seller is allowed a deduction for the full amount of such taxes for the taxable year they (or amounts representing such taxes) are paid or accrued by him according to his method of accounting. (However, if the real property had been purchased during the related real property tax year the allowable deduction for the real property taxes for such year is apportioned between the parties to such sale.)

(2) Section 164 (d) does not apply to delinquent real property taxes for any real property tax year prior to the real property tax year in which the property is sold.

(3) The provisions of this paragraph may be illustrated by the following examples:

Example (1). The real property tax year in County R is April 1 to March 31. A, the owner on April 1, 1954, of real property located in County R sells the real property to B on June 30, 1954. B owns the real property from June 30, 1954, through March 31, 1955. The real property tax for the real property tax year April 1, 1954–March 31, 1955 is $365. For purposes of section 164 (a), $90 (90/365 × $365, April 1, 1954–June 29, 1954) of the real property tax is treated as imposed on A, the seller, and $275 (275/365 × $365, June 30, 1954–March 31, 1955) of such real property tax is treated as imposed on B, the purchaser.

Example (2). In County S the real property tax year is the calendar year. The real property tax becomes a lien and is payable on July 1 of the current real property tax year, but there is no personal liability for such tax. On April 30, 1955, C, the owner of real property in County S on January 1, 1955, sells the real property to D. On July 1, 1955, D pays the 1955 real property tax. On August 31, 1955, D sells the same real property to E. C, D, and E use the cash

receipts and disbursements method of accounting. Under the provisions of section 164 (d) (1), 119/365 (January 1–April 29, 1955) of the real property tax payable on July 1, 1955, for the 1955 real property tax year is treated as imposed on C, and, under the provisions of section 164 (d) (2) (A), such portion is treated as having been paid by him on the date of sale. Under the provisions of section 164 (d) (1), 123/365 (April 30–August 30, 1955) of the real property tax paid July 1, 1955, for the 1955 real property tax year is treated as imposed on D and is deductible by him. Under the provisions of section 164 (d) (1), 123/365 (August 31–December 31, 1955) of the real property tax due and paid on July 1, 1955, for the 1955 real property tax year is treated as imposed on E and, under the provisions of section 164 (d) (2) (A) such portion is treated as having been paid by him on the date of sale.

Example (3). In State X the real property tax year is the calendar year. The real property tax becomes a lien on November 1 of the preceding calendar year. On November 15, 1955, F sells real property in State X to G. G owns the real property through December 31, 1956. Under section 164 (d) (1), the real property tax (which became a lien on November 1, 1954) for the 1955 real property tax year is apportioned between F and G. No part of the real property tax for the 1956 real property tax year may be deducted by F. The entire real property tax for the 1956 real property tax year is deductible by G when paid or accrued, depending upon the method of accounting used by him. See subparagraph (4) of paragraph (d) and section 461 (c) and the regulations thereunder.

(c) *Real property tax year.* As used in section 164 (d), the term "real property tax year" refers to the period which, under the law imposing the tax, is regarded as the period to which the tax imposed relates. Where the State and one or more local governmental units each impose a tax on real property, the real property tax year for each tax must be determined for purposes of applying the rule of apportionment of section 164 (d) (1) to each tax. The time when the tax rate is determined, the time when the assessment is made, the time when the tax becomes a lien, and the time when the tax becomes due or delinquent do not necessarily determine the real property tax year. The real property tax year may or may not correspond to the fiscal year of the governmental unit imposing the tax. In each case the State or local law determines what constitutes the real property tax year. Although the seller and the purchaser make an allocation of real property taxes, the meaning of "real property tax year" in section 164 (d) and the application of section 164 (d) do not depend upon what real property taxes were allocated nor the method of allocation used by the parties.

(d) *Special rules.* (1) If the taxpayer, by reason of his method of accounting, may not deduct any amount for taxes until paid, and the other party to the sale is liable for the real property tax for the real property tax year, then the portion of the tax treated under section 164 (d) (1) as imposed upon the taxpayer shall be considered as having been paid by him at the time of the sale. Where the tax is not a liability of any person, the person who holds the property at the time the tax becomes a lien on the property shall be considered liable for the tax. As to a particular sale, in determining—

(i) Whether the other party to the sale is liable for the tax or,

(ii) The person who holds the property at the time the tax becomes a lien on the property (where the tax is not a liability of any person),

prior or subsequent sales of the property during the real property tax year shall be disregarded. Section 164 (d) (2) (A) does not apply to any purchaser unless the real property tax for the real property tax year, is payable prior to the date of the sale. Moreover, where the real property tax for the real property tax year is payable on or before the date of sale, but has not been paid, section 164 (d) (2) (A) does not apply to any purchaser who does not pay the tax. The provisions of this subparagraph may be illustrated as follows:

Example (1). In County X the real property tax year is the calendar year. The real property tax is a personal liability of the owner of the real property on June 30 of the current real property tax year, but is not payable until September 30 of the current real property tax year. A, the owner of real property in County X on January 1, 1955, uses the cash receipts and disbursements method of accounting. On May 30, 1955, A sells the real property to B, who also uses the cash receipts and disbursements method of accounting. B retains ownership of the real property for the balance of the 1955 calendar year. Under the provisions of section 164 (d) (1), 149/365 (January 1—May 29, 1955) of the real property tax payable on September 30 for the 1955 real property tax year is treated as imposed on A, the seller, and under the provisions of section 164 (d) (2) (A) such portion is treated as having been paid by him on the date of the sale. Under the provisions of section 164 (d) (1), 216/365 (May 30–December 31, 1955) of the real property tax payable on September 30 for the 1955 real property tax year is treated as imposed on B, the purchaser, and is deductible by him when paid.

Example (2). In County Y, the real property tax year is the calendar year. The real property tax becomes a lien on January 1, 1955, and is payable on April 30, 1955. There is no personal liability for the real property tax imposed by County Y. On April 30, 1955, C, the owner of real property in County Y on January 1, 1955, pays the real property tax for the 1955 real property tax year. On May 1, 1955, C sells the real property to D. On September 1, 1955, D sells the real property to E. C, D and E use the cash receipts and disbursements method of accounting. Under the provisions of section 164 (d) (1), 120/365 (January 1–April 30, 1955) of the real property tax is treated as imposed upon C and is deductible by C when paid. Under section 164 (d) (1), 123/365 (May 1–August 31, 1955) of the real property tax is treated as imposed upon D, and under the provisions of section 164 (d) (2) (A), is treated as having been paid by him on May 1, 1955. Under the provisions of section 164 (d) (1), 122/365 (September 1–December 31, 1955) of the real property tax is treated as imposed on E, and under the provisions of section 164 (d) (2) (A), is treated as having been paid by him on the date of the sale.

(2) If real property is sold during any real property tax year and the seller, by reason of his method of accounting, may not deduct any amount for taxes until paid, then the portion of the tax treated under section 164 (d) (1) as imposed upon the seller shall be considered as having been paid by him at the time of the sale, if (i) the seller (under the law imposing the real property tax) is liable for the real property tax for the real property tax year, or (where such tax is not a liability of any person) the seller holds the property at the time the tax becomes a lien on such property, and (ii) the tax is not payable until after the date of the sale. The provisions of this subparagraph may be illustrated as follows:

Example. In County X the real property tax year is the calendar year and the real property taxes are assessed and become a lien on June 30 of the current real property tax year, but are not payable until September 1 of that year. There is no personal liability for the real property tax imposed by County X. A, the owner on January 1, 1955, of real property in County X, uses the cash receipts and disbursements method of accounting. On July 15, 1955, A sells the real property to B. Under the provisions of section 164 (d) (1), 195/365 (January 1–July 14, 1955) of the real property tax payable on September 1, 1955, for the 1955 real property tax year is treated as imposed on A, and under this subparagraph, such portion is treated as having been paid by him on the date of the sale.

(3) If, for a taxable year prior to the taxable year of sale of real property, a taxpayer has deducted an amount for real property tax in excess of the portion of such real property tax treated as imposed on him under the provisions of section 164 (d), the excess of the amount deducted over the portion treated as imposed on him shall be included in his gross income for the taxable year of the sale, subject to the provisions of section 111, relating to the recovery of bad debts, prior taxes, and delinquency amounts. The provisions of this subparagraph may be illustrated as follows:

Example (1). In Borough Y the real property tax is due and payable on November 30 for the succeeding calendar year, which is also the real property tax year. On November 30, 1954, taxpayer A, who reports his income on a calendar year under the cash receipts and disbursements method of accounting, pays the real property tax on real property owned by him in Borough Y for the 1955 real property tax year. On June 30, 1955, A sells the real property. Under the provisions of section 164 (d), only 180/365 (January 1–June 29, 1955) of the real property tax for the 1955 real property tax year is treated as imposed on A, and the excess of the amount of real property tax for 1955 deducted by A, on his 1954 income tax return, over the 180/365 portion of such tax treated as imposed on him under section 164 (d), must be included in gross income in A's 1955 income tax return, subject to the provisions of section 111.

Example (2). In County Z the real property tax year is the calendar year. The real property tax becomes a personal liability of the owner of real property on January 1 of the current real property tax year, and is payable on July 1 of the current real property tax year. On May 1, 1955, A, the owner of real property in County Z on January 1, 1955, sells the real property to B. On November 1, 1955, B sells the same real property to C. B uses the cash receipts and disbursements method of accounting and reports his income on the basis of a fiscal year ending July 31. B, on July 1, 1955, pays the entire real property tax for the real property tax year ending December 31, 1955. Under the provisions of section 164 (d), only 184/365 (May 1–October 31, 1955) of the real property tax for the 1955 real property tax year is treated as imposed on B, and the excess of the amount of real property tax for 1955 deducted by B on his income tax return for the fiscal year ending July 31, 1955, over the 184/365 portion of such tax treated as imposed on him under section 164 (d), must be included in gross income in B's income tax return for his fiscal year ending July 31, 1956, subject to the provisions of section 111.

(4) Where real property is sold and the seller or the purchaser computes his taxable income (for the taxable year during which the sale occurs) on an accrual method of accounting, then, if the seller or the purchaser has not made the election provided in section 461 (c) (relating to the accrual of real property taxes), the portion of any real property tax which is treated as imposed on him and which may not be deducted by him for any taxable year by reason of his method of accounting shall be treated as having accrued on the date of sale. The provisions of this subparagraph may be illustrated as follows:

Example. In County X the real property tax becomes a lien on property and is assessed on November 30 for the current calendar year, which is also the real property tax year. There is no personal liability for the real property tax imposed by County X. A owns, on January 1, 1955, real property in County X. A uses an accrual method of accounting and has not made any election under section 461 (c) to accrue ratably real property taxes. A sells real property on June 30, 1955. By reason of A's method of accounting, he could not deduct any part of the real property tax for 1955 on the real property since he sold the real property prior to November 30, 1955, the accrual date. Under section 164 (d) (1), 180/365 (January 1–June 29, 1955) of the real property tax for the 1955 real property tax year is treated as imposed on A, and under section 164 (d) (2) (D) that portion is treated as having accrued on June 30, 1955, and is deductible by A.

(5) For determination of amount realized on a sale of real property, see section 1001 (b) and the regulations thereunder. For determination of basis of real property acquired by purchase see section 1012 and the regulations thereunder.

(6) Section 164 (d) applies to taxable years ending after December 31, 1953, but only in the case of sales made after December 31, 1953. However, section 164 (d) does not apply to any real property tax to the extent that such tax was allowable as a deduction under the Internal Revenue Code of 1939 to the seller for any taxable year which ended before January 1, 1954.

§ 1.164–7 *Taxes of shareholder paid by corporation.* Banks and other corporations paying taxes assessed against their shareholders on account of their ownership of the shares of stock issued by such corporations without reimbursement from such shareholders may deduct the amount of taxes so paid. In such cases no deduction shall be allowed to the shareholders for such taxes. The amount so paid should not be included in the gross income of the shareholder.

[F. R. Doc. 57–410; Filed, Jan. 18, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 905, 906]

[Docket Nos. AO–209–A9 and AO–210–A9]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA (PRESENTLY OKLAHOMA CITY AND TULSA-MUSKOGEE MARKETING AREAS)

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the orders, as amended, regulating the handling of milk in the Oklahoma City and Tulsa-Muskogee marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and the order amending the order, as amended, were formulated, was conducted at Oklahoma City, Oklahoma, on June 5–8, 1956 (21 F. R. 3319).

The material issues of record related to:

(1) Merging Orders Nos. 5 and 6 regulating the handling of milk in the Oklahoma City and Tulsa-Muskogee marketing areas;

(2) Extending the combined marketing areas to include additional territory in the State of Oklahoma;

(3) Revising the classification and allocation of milk;

(4) Revising class prices;

(5) Revising the location differentials (now included only in the Tulsa-Muskogee order) applicable to both producers and handlers;

(6) Redefining the standards a plant must meet to acquire pool status;

(7) Providing a payment on unpriced milk disposed of in the marketing area;

(8) Making a cooperative association a handler with respect to certain milk of its member producers; and

(9) Making such other changes as may be necessitated by adoption of the above changes or by the merger of the two orders.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearing and the record thereof:

(1) Order No. 5, regulating the handling of milk in the Oklahoma City marketing area, should be consolidated with Order No. 6, regulating the handling of milk in the Tulsa-Muskogee Marketing area and the combined areas should be known as the Oklahoma Metropolitan marketing area.

The character of milk marketing in the two markets has recently changed to such an extent that the markets are no longer isolated from each other. One handler located in Tulsa distributes milk in the Oklahoma City market. This handler maintains a distribution point in Oklahoma City from which milk is distributed under his own brand name. This handler also packages milk for a chain store under the label of the chain store. This chain has several outlets in the Oklahoma City marketing area from which the Tulsa milk is sold. At least two Oklahoma City handlers have permits from the city of Tulsa and are disposing of milk in the Tulsa-Muskogee marketing area. The producer cooperative association supplying the Oklahoma City marketing area in recent months has disposed of several tank loads of milk to a Tulsa handler.

Outside the boundaries of the two marketing areas there are several communities which are served by both Oklahoma City and Tulsa-Muskogee handlers.

There is reciprocity of inspection between the several municipalities in both marketing areas which have Grade A ordinances. The Tulsa handlers who opposed the merger made much of the fact that milk from farms which has been approved by Oklahoma City health authorities may not be received at Tulsa plants directly from the farms of such producers. Milk from any plant which meets the Grade A requirements of any of the municipalities, may be distributed in any other community upon certification from the health authority having jurisdiction over the plant that the milk is of Grade A quality. Likewise milk from another jurisdiction may be received in bulk for bottling when certified by the health authorities at the point of origin.

In the past, there has been very little shifting of producers from one market to the other and although the production areas are in part contiguous there has been little overlapping of procurement routes. The advent of the tank type cooler and the transportation of milk from farm to market in an insulated tank truck, rather than in cans, has increased substantially the distance milk may be hauled, and has facilitated the ability of producers to shift from one market to another.

A further factor which will lead to a greater shifting of milk between the two markets has been the formation by the cooperative associations of the Oklahoma Milk Marketing Federation. This organization at the present time is made up of the two cooperative bargaining associations which furnish the major volume of milk to the Oklahoma City and Tulsa-Muskogee markets and an operating cooperative association at Stillwater, Oklahoma. The two bargaining cooperatives do not maintain manufacturing facilities although each operates a receiving station where milk may be assembled for delivery to handlers in tank trucks, or for diversion to manufacturing plants when it is not needed for the local trade. The cooperative association at Stillwater processes and distributes bottled milk as well as operating a manufacturing plant.

The avowed objective of the Federation is to improve marketing conditions generally and bring about greater stability by making the milk of all three associations available wherever shortages occur in either market and to remove from the market any supplies over and above those required to meet the needs of the handlers. Such a program would be facilitated if the entire area were regulated by a single marketing order.

In opposition to the merger handlers argued that the physical characteristics and the agricultural practices of the two milksheds vary and that the economy of Tulsa is different from that of Oklahoma City. Since a milkshed is an accidental adjunct of a marketing area, and is in no way determined or regulated by a milk marketing order, differences in the production areas of the two markets are of little consequence in determining whether the orders should be merged. Likewise the fact that per capita income in Tulsa is greater than in Oklahoma City, or that the two cities are served by different public utility companies, does not demonstrate that the regulation of both cities under a single milk marketing order would not tend to improve marketing conditions.

There always has existed a close relationship between the Oklahoma City and Tulsa-Muskogee markets. This relationship has been such that it has been necessary to hold hearings in both markets whenever an adjustment appeared necessary in either. Although there have been minor variations in the two orders, these differences have been slight and do not present a barrier to merging the two orders. With the interchange of milk that is developing between the two markets, orderly marketing requires either that the orders be amended reciprocally and made identical, or that they be merged. Administrative feasibility and economy of administration would best be served if the two markets are combined under a single order. Since the Tulsa-Muskogee order is more nearly adaptable to the requirements of the combined areas, the Oklahoma City order should be merged with it.

To accomplish the merger effectively and most equitably the money in the custody of the market administrator in the administrative, marketing service and producer-settlement funds under the Oklahoma City order, other than funds which may be held in escrow or in certain contingent accounts, should be combined with the similar accounts under the Tulsa-Muskogee order. Any other method of liquidating the several funds under the Oklahoma City order would be inequitable since it would unduly burden the handlers and producers now regulated by the Tulsa-Muskogee order.

(2) The marketing area should be expanded to include some additional territory not now regulated by either Order No. 5 or Order No. 6. This additional territory would include the city and township of Guthrie in Logan County; the city and township of Stillwater, and Union township, including the city of Cushing in Payne County; and Ponca City in Kay County.

The notice of hearing contained a proposal by the handlers now regulated by both Orders Nos. 5 and 6 to include virtually the entire State of Oklahoma within the marketing area if the present areas were merged. At the hearing this proposal was abandoned except with respect to the counties in the northeastern corner of Oklahoma, specifically, Ottawa, Delaware, Craig, Rogers, Mayes, Nowata, Pawnee, Washington and Osage, and the city of Ponca City in Kay County.

Other parties of interest proposed the inclusion of the three townships in Oklahoma County not now regulated, the towns of Sumner and Morrison in Noble County, Ponca City in Kay County, and all of Payne and Logan Counties. At the hearing no testimony was presented with respect to Sumner and Morrison or with respect to that part of Logan County lying west of the towns traversed by United States Highway No. 77.

The proponents of the inclusion of the northeastern counties of Oklahoma testified that they were requesting the inclusion of these counties only in the event the two orders were merged. In at least two previous hearings the addition of these counties to what is now the Tulsa-Muskogee marketing area was proposed. Each time the proponents failed to present evidence sufficient to warrant the extension of regulation to this area. The evidence introduced at the latest hearing was virtually the same as that introduced at prior hearings and is no more persuasive that this territory should be added to the combined marketing areas than it was that it be added to the Tulsa-Muskogee marketing area.

These counties lie between the Tulsa-Muskogee, Neosho Valley, and Ozarks marketing areas. Handlers from all three marketing areas distribute milk there. The entire region is predominantly rural, the only sizable communities being Bartlesville and Miami with populations of 19,200 and 11,800, respectively.

Extension of the marketing area to include these counties would have little effect upon marketing conditions in them or upon returns to producers supplying milk to the plants that would be brought under regulation. Additional administrative problems would be created by the inclusion of a number of small milk dealers under regulation and of many communities in which handlers regulated under other marketing orders sell as much milk as or more than is sold by handlers under the Tulsa-Muskogee order. It is concluded, therefore, that these counties should not be added to the marketing area.

It was also proposed that all of Payne County be added to the marketing area. Except for the townships of Stillwater and Union and the cities of Stillwater and Cushing which are encompassed by these townships the county is predominantly rural. The city of Yale with a population of approximately 1,300 is the only other community with a population of as much as 1,000 persons. The record fails to disclose the presence of any handlers in the county whose operations would not be brought under regulation by inclusion of the townships of Stillwater and Union including the cities of Stillwater and Cushing. The remainder of Payne County should not be included in the marketing area.

The largest distributor of milk in Payne County is the Payne County Cooperative. In addition to distributing Grade A milk in bottles this organization operates manufacturing facilities. It is now in the process of expanding these facilities. The cooperative is a member of the Oklahoma Milk Marketing Federation and the only member which operates a manufacturing plant. One of the purposes of enlarging its manufacturing capacity is to handle the seasonal excess of the Oklahoma City and Tulsa-Muskogee markets. It is also in a position to make milk available to these cities when supplies are short. Inclusion of the major communities in Payne County in the marketing area and bringing the Payne County Cooperative under full regulation as a handler will greatly facilitate the movement of milk between Stillwater and Oklahoma City or Tulsa and lend additional stability to the market.

In addition to the Payne County Cooperative, milk is distributed in Payne County by handlers now regulated under the Oklahoma City and Tulsa-Muskogee orders and by plants located in Guthrie and Ponca City, both of which would be regulated by the proposed order.

The city of Guthrie should be included in the marketing area. The only plant now located in Guthrie receives most of its milk from producers who are members of the same cooperative association which supplies milk to the handlers in Oklahoma City. It purchases its milk under a pricing plan virtually identical to that provided in the Oklahoma City order. Its principal competitor in Guthrie is a handler regulated under the Oklahoma City order who recently ceased bottling milk in his Guthrie plant and now uses it as a distribution point. The Guthrie handler proposed that the eastern half of Logan County be annexed to the marketing area. However, there are no communities of any appreciable size located there, other than Guthrie township and the city of Guthrie. Extension of the marketing area to include this rural area would serve no useful purpose. It is concluded, therefore, that in Logan County only the township and city of Guthrie should be added to the marketing area.

Ponca City in Kay County should be added to the marketing area. The major handler in Ponca City would be brought under regulation as a handler by the proposed extension of the marketing area to include Stillwater. Most of the milk distributed in Ponca City is from handlers who either are regulated by the present Oklahoma City and Tulsa-Muskogee orders or who would be regulated by the proposed expansion of the marketing area noted above. Ponca City, therefore, is a natural part of the proposed Oklahoma Metropolitan milk marketing area and should be included in it.

It was also proposed that the townships of Deer Creek, Deep Fork, and Luther in Oklahoma City be added to the marketing area which now includes the remainder of Oklahoma County. The combined population of these three townships is approximately 2600 people. There are no effective health regulations in these townships and there are no handlers located there. Their inclusion would not enhance the effectiveness of the regulation. They should not be added to the marketing area at this time.

3. The classification of milk and the allocation of the utilization of milk between producer milk and other source milk should be continued essentially as it now is in the Tulsa-Muskogee milk order.

Producers proposed that the provision relating to shrinkage be revised so that the 2 percent plant shrinkage presently permitted to be classified in Class II would be prorated in accordance with the total utilization of milk in the plant. Under this plan, a plant whose utilization is entirely in Class I would be permitted no shrinkage in Class II. On the other hand, in a plant which has some milk utilized in Class II, the 2 percent shrinkage would be divided between Class I and Class II in the ratio that total receipts in the plant were divided between Class I and Class II utilization. While there is some merit to this proposal the evidence in the record does not afford a sufficient basis for changing the order in this respect at the present time.

Producers also proposed that, of the 2 percent shrinkage presently permitted under the order, in the case of milk which is transferred from a supply plant or which is delivered to a handler's plant in a tank truck from producers' farms for the account of a cooperative association which is a handler, one-half of 1 percent should be assigned to the transferor plant or to the cooperative association, and the remaining 1 and one-half percent should be assigned to the transferee plant. At the present time, allowable shrinkage is permitted only in the plant where the milk is received directly from the farms of the producers. Thus, a receiving station where milk is merely received and cooled is permitted shrinkage up to 2 percent of its receipts while the bottling plant where the milk is processed and bottled for distribution to consumers is permitted no shrinkage on such milk. In the case of milk delivered to a plant in tank trucks directly from the farms of producers who have bulk tanks, all the allowable shrinkage is assigned to the plant which receives the milk and the cooperative association is not permitted any shrinkage to cover the loss that may occur between the time the milk is picked up on the farm and the time it is weighed at the plant of the receiving handler.

It is an established fact that the plant losses incurred in processing and bottling milk are substantially greater than those incurred in a plant receiving and cooling milk. Likewise, there is undoubtedly some loss in transporting milk to market from producer farms in tank trucks. This loss may be compared with that incurred in a plant engaged only in receiving and cooling milk. Accordingly, the bottling plant should be permitted 1 and one-half percent shrinkage on milk which it receives from a supply plant or on milk which it receives in bulk tanks from a cooperative association which is a handler. The supply plant or the cooperative which operates the tank trucks should be permitted to assign one-half of 1 percent as allowable plant shrinkage.

Handlers proposed that the present provision with respect to milk in inventory be deleted and that only changes in the volume of milk in inventory be classified as Class II. In support of this proposal, there was incorporated in the present record all the testimony with respect to an identical proposal to the Tulsa-Muskogee milk order contained in the record of the hearing conducted at Tulsa, Oklahoma, on November 29–30, 1955. At the time of the present hearing no decision had been issued as a result of that hearing. On July 16, 1956, the Assistant Secretary issued a decision on the record of that hearing denying the proposed changes submitted by handlers. The findings contained in that decision (21 F. R. 5416) with respect to this proposal are equally applicable on the present record. Accordingly, the proposal is denied.

It was also proposed that milk moved to plants more than 350 miles from the pool plant at which it was received from producers should be classified as Class I milk. The present Tulsa-Muskogee order provides that milk shall be Class I if moved to a plant more than 300 miles from Tulsa, while the Oklahoma City order provides that milk shall be Class I if moved to a plant more than 200 miles from the plant at which it was received from producers. There are ample facilities within 300 miles of Tulsa for handling any milk that may be received from producers over and above Class I requirements of the market. Likewise, there are ample facilities within a similar radius of Oklahoma City for handling any excess supplies from that market. There is no likelihood that milk would be moved more than 300 miles from either city for use in manufactured dairy products. It is concluded, therefore, that any milk moved in bulk more than 300 miles, in the form of milk or skim milk from the City Hall in Tulsa or the City Hall in Oklahoma City should be classified as Class I.

Handlers also proposed that the provisions in the order relating to the allocation of utilization between producer milk and other source milk be changed substantially. The proposal of the handlers would have provided that, under specified conditions, a handler might have a monthly obligation computed on the basis of one or more accounting periods within the month and that other source Grade A milk priced as Class I milk under another Federal order should be allocated pro rata with producer milk whenever receipts of producer milk were less than 115 percent of a handler's route sales of Class I milk for the month. As in the case of the proposal with respect to inventory noted above, these proposals are identical to proposals considered at the hearing held in Tulsa, Oklahoma on November 29–30, 1955. As in the case of the proposal with respect to inventory the pertinent testimony contained in the record of that hearing was incorporated in this record. The findings of the Assistant Secretary in this matter (21 F. R. 5416) are applicable to the present record and the proposal is denied.

As noted below it has been found that a cooperative association should be considered a handler with respect to the milk of its producer-members which is picked up in bulk at the farm by the cooperative association and delivered to the distributing plants in tank trucks for the account of the association. It, therefore, is necessary to amend the allocation provisions in the present order to assign classification to such milk. In order to maintain equity between all producers on the market, milk so handled should be prorated over the utilization of all milk received from producers in the plants where the milk actually is utilized.

4. The Class I price should be fixed at the level of the prices received by producers in the Oklahoma City market for Class I milk at the present time.

It was proposed that the Class I differential be fixed at $1.90 per hundredweight for the entire year but that until July 31, 1957, the Class I differential should be $2.30. At the present time, the differentials in the Tulsa-Muskogee order are $1.45 during the months of April, May and June and $1.85 during the remaining months of the year. In the Oklahoma City order the differentials are $1.70 during April, May and June and $1.90 during the remaining months of the year. On an annual average, therefore, the Class I differential for milk received at plants in what is now the Tulsa-Muskogee marketing area has been 10 cents less than the Class I differential provided by the Oklahoma City marketing order. In recent months the normal difference in price between the two markets has been affected by the operation of the supply-demand adjustment factor and for the months of July, August and September the Oklahoma City Class I price has been less than that provided by the Tulsa-Muskogee order. This has been a temporary situation brought about, at least in part, by the

disposition in the Oklahoma City marketing area of a sizeable volume of Class I milk regulated under the Tulsa-Muskogee order.

With the merging of the two orders, a uniform pattern of pricing should be established and a single supply-demand adjustment factor applicable to both segments of the marketing area should be adopted. To maintain prices to all producers at approximately the present annual level, the basing point for producer prices should be fixed at Oklahoma City and the location differential should apply to milk received at plants in the present Tulsa-Muskogee marketing area.

As noted above producers proposed the abandonment of all seasonality in the Class I price on the grounds that the base and excess plan provided sufficient incentive to producers to level out their production. It is necessary, however, to maintain Class I prices in alignment with those in surrounding markets. Regulated handlers compete, both in the procurement of milk and in sales, over a wide area with plants subject to regulation under the Neosho Valley, Ozarks and Fort Smith marketing orders. At some points handlers also encounter competition from plants regulated by the North Texas order. All of these orders have a seasonal variation in the Class I price. To provide a Class I price equivalent to the present price on an annual average but seasonally aligned with prices in nearby markets, the Class I differential is fixed at $1.55 per hundredweight during April, May and June and at $1.95 per hundredweight during the remaining months of the year.

No change should be made in the basic formula. It should continue to be the higher of (1) prices paid by mid-west condenseries, (2) prices resulting from a formula based on butter and nonfat dry milk solids or (3) the Class II price.

The supply-demand adjustment factor provided in the order should be revised. Both the Tulsa-Muskogee and Oklahoma City orders have provided schedules whereby the Class I price is raised or lowered as the relationship of producer receipts to Class I sales varies. The tables of standard utilization percentages in the two orders have not been identical, since historically, there has been some slight variation in the ratios between the two markets. Producers proposed a substantial upward revision of the standard utilization percentages. On an annual average the revisions proposed by the producers would increase the Class I price approximately 18 cents per hundredweight over that provided in the Tulsa-Muskogee order and approximately 10 cents per hundredweight over that provided in the Oklahoma City order. Utilization figures in the record fail to substantiate the upward revision proposed by the producers. In view of the fact, however, that it is proposed to enlarge the Tulsa-Muskogee marketing area to include the Oklahoma City marketing area, it is concluded that the standard utilization percentages of Oklahoma City and Tulsa-Muskogee should be averaged. The amended order, therefore, should contain standard utilization percentages as follows:

Months for which price applies	Months used in computations	Standard utilization percentages	
		Minimum	Maximum
January	November-December	113	117
February	December-January	116	120
March	January-February	118	122
April	February-March	121	125
May	March-April	126	130
June	April-May	135	139
July	May-June	135	139
August	June-July	131	135
September	July-August	126	130
October	August-September	119	123
November	September-October	110	114
December	October-November	111	115

Use of a standard utilization percentage based on the average of those used in the two orders should result in maintaining prices to producers at approximately the levels which prevail at the present time.

The proposal of producers with respect to an emergency increase of 40 cents per hundredweight to be effective through July 1957 should be denied.

In support of their proposal, producers pointed out that drought conditions have prevailed for some time in portions of the milkshed and that feed costs have been increased because of the lack of pasture and the necessity of buying feeds to supplement the shortage of home grown feeds resulting from the drought. Production data for both Tulsa-Muskogee and Oklahoma City indicate that production during 1956 is being maintained at a higher level than in 1955 and that there is little likelihood of a shortage developing. If the drought has an adverse effect upon production this will be reflected in the supply-demand adjustment factor and the Class I price will automatically be increased as the result.

The list of plants whose paying prices to dairy farmers are used in determining the Class II price should be amended by adding to the list the Gilt Edge Dairy of Norman, Oklahoma. The name of the plant which is designated in the present order as Real Test Foods Company, Tulsa, Oklahoma, should be changed to the Eppler Creamery Company, Tulsa, Oklahoma. The Oklahoma City order for purposes of determining a Class II price uses the paying price of the same plants which are used in Tulsa with the exception of the Eppler Creamery Company (Real Test Foods Company) of Tulsa, Oklahoma, and the Muskogee Dairy Products Company of Muskogee, Oklahoma. It also uses the Gilt Edge Dairy of Norman, Oklahoma, which has not previously been used in the Tulsa-Muskogee order. With the merger of the Oklahoma City order with the Tulsa-Muskogee order it is desirable to use as representative a sample as possible of the paying prices of the manufacturing plants located within the milkshed. Accordingly, the Gilt Edge Dairy should be added to the list of plants in the amended order.

5. The location differentials in the present order should be revised.

The Tulsa-Muskogee order provides for location differentials applicable to both producers and handlers with respect to milk received at plants located outside the marketing area and more than 35 miles from either Tulsa or Muskogee. The Oklahoma City order has no provision for location differentials.

At the present time, there are no plants subject to regulation under the Tulsa-Muskogee order at which the location differential is applicable. At none of the plants regulated under the Oklahoma City order would a location differential apply, if location differentials similar to those in the Tulsa-Muskogee order were in effect there. It is necessary, however, that the order for the combined marketing area provide location differentials with respect to milk received at plants located some distance from Oklahoma City.

A location differential applicable to milk received at plants in Tulsa and Muskogee will maintain the normal price relationship between these plants and plants located in the present Oklahoma City marketing area. It is quite possible also that, in view of the merging of the two orders and the expansion of the marketing area, plants located some distance from the marketing area may become subject to regulation. If this should happen, producer milk received at these plants should bear a lower Class I price than that applicable in the marketing area. This reduction in price should be based on the distance from the central market to the plant where the producers deliver their milk. Milk located at a distance from the market has less value to the market than nearby milk. If handlers did not assume the cost of moving the milk, it would be borne by the producers since the producers would be compelled to meet such costs if they were to sell their milk on the market. The value of the producers' milk received at a plant some distance from the marketing area is, therefore, deemed to be less than the marketing area price by the amount that it costs to transport such milk to market.

It is concluded that the price of Class I milk should be reduced 10 cents per hundredweight at plants receiving such milk from producers at points more than 50 miles, but not more than 150 miles, from the City Hall in Oklahoma City. Beyond 150 miles the location differential should be increased 2 cents per hundredweight for every additional 15 miles or fraction thereof up to 240 miles that such plant is distant from Oklahoma City. Beyond 240 miles the differential should be increased 1 cent per hundredweight for each additional 15 miles or fraction thereof in excess of 240 miles.

The above schedule of location differentials would maintain the present price relationship between plants located in the present Oklahoma City marketing area and those located in the Tulsa-Muskogee area. The only exception would be at Tahlequah, Oklahoma. Under the present Tulsa-Muskogee order milk received at Tahlequah is priced the same as milk received at other points in the marketing area. Under the schedule provided herein, the location differential at Tahlequah is 14 cents per hundredweight, 4 cents less than at the remaining points in the present Tulsa-Muskogee marketing area.

With respect to the previously unregulated area proposed to be regulated under the expanded order, the 10-cent location differential would apply at Stillwater, Cushing and Ponca City. There would be no location differential with respect to milk received at Guthrie.

Producers proposed that location differentials begin at a point 115 miles from Bristow which is located midway between Oklahoma City and Tulsa. For the reasons noted above, however, such a plan is not feasible in a marketing area comprising two large metropolitan centers more than 100 miles apart, in view of the necessity of maintaining a difference in price between the two segments of the marketing area.

The rate of location differential adjustment provided herein is based on the approximate cost of hauling milk in bulk tank lots which is the most efficient method generally available for transporting milk. The rates specified are representative of those prescribed in other Federal milk marketing orders.

No adjustment should be made in the Class II price because of differences in the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight involved in transporting manufactured dairy products. Prices shown in the record as paid for ungraded milk received at various locations in the milkshed do not reflect any difference in value that could be associated with the location of the plant. Class II milk should not be hauled to Tulsa or Oklahoma City for manufacture when there are more convenient facilities available at the point where the milk is received from producers.

After a handler receives the milk for Class II use, he should be expected to handle and dispose of it to the best advantage. Prices paid producers for such milk should not be dependent upon the method employed by the handler in disposing of such milk. Otherwise, part of the incentive for keeping handling costs at a minimum is removed.

To insure that milk will not be moved unnecessarily at producers' expense, the order should contain a provision to determine whether milk transferred between plants may receive a location differential. This should provide that milk which is transferred should be assigned to the Class II use remaining in the transferee plant after the prior assignment of other source milk. In order to provide a cushion for handlers in the event direct receipts are insufficient to cover Class I sales, it is provided that the location differential may be applied to a volume of milk not in excess of the difference between direct receipts from producers and 105 percent of the Class I disposition from the plant.

Handlers proposed that a location adjustment credit should apply to the entire volume of milk moved from the receiving station in the country to a bottling plant in the marketing area. A proposal to amend the Tulsa-Muskogee order in a similar fashion was considered at the hearing on amendments to that order which was conducted at Tulsa on November 29–30, 1955. In support of this proposal, there was incorporated in the present record all the pertinent testimony with respect to the similar proposal contained in the record of the November hearing. On July 16, the Assistant Secretary, issued a decision (21 F. R. 5416) denying the proposal with respect to the Tulsa-Muskogee order. The evidence is no more persuasive with respect to the merged order than it was with respect to the Tulsa-Muskogee order and the proposal, accordingly, is denied.

6. No change should be made in the standards which a plant must meet to be subject to full regulation under the order.

Producers proposed that a plant, to participate in the marketwide pool, should, if it were a distributing plant operating routes in the area, dispose of at least 20 percent of its receipts of Grade A milk as Class I milk on routes in the area. It would also be required to dispose of not less than 50 percent of its receipts of Grade A milk as Class I milk during February through July and not less than 60 percent of such receipts as Class I milk during other months of the year. They also proposed that a supply plant should be required to dispose of at least 70 percent of its receipts as Class I milk in the marketing area during each of the months of September through December and not less than 30 percent of its receipts as Class I milk in the marketing area during all other months.

The evidence in the record in support of the above standards is rather limited, particularly with respect to the requirements applicable to a supply plant. Moreover, the proposal to define pool plants in terms of percentages of milk shipped to the market was intimately associated with the proposal discussed below that compensatory payments be assessed on milk disposed of in the marketing area from plants which failed to ship sufficient milk to meet the standards applicable to pool plants. It has been concluded below that compensatory payments should not be incorporated in the order on the basis of the present record. This conclusion makes it impracticable to attempt to define pool plant status in terms of the size of shipments to the marketing area. If participation in the pool were limited to plants which disposed of 20 percent of their receipts on routes in the area or to those supply plants which ship 70 percent of their receipts as Class I milk to distributing plants during the months of short production and 30 percent during the remaining months, there is every likelihood that substantial quantities of completely unregulated milk would be disposed of in the marketing area. This could only result in a complete disruption of the orderly marketing process. Accordingly, it is concluded that the standards of the present orders, whereby any plant having approval of the appropriate health authorities and disposing of Class I milk in the marketing area is subject to full regulation, with the exception of plants which may be subject to regulation under another marketing order issued pursuant to the act.

7. The compensatory payment on other source milk should not be assessed.

As noted above, it was proposed that participation in the pool be limited to plants having a fairly sizeable proportion of their receipts disposed of as Class I milk in the marketing area. With respect to other plants not regulated under another marketing order, which might dispose of milk in the area, it was proposed that partial regulation apply and that a compensatory payment be assessed on the Class I milk disposed of within the marketing area from such plants. Specifically the proposal was that, with respect to milk received at a pool plant from a supply plant which failed to qualify as a pool plant, a charge be assessed against the pool plant equal to the difference between the Class I price and the Class II price on all milk received from the supply plant and classified as Class I milk. In the case of distributing plants disposing of Class I milk in the area in insufficient volume to qualify as a pool plant, a charge would be made directly to the plant at a rate equal to the difference between the Class I price and the Class II price or between the actual use value of the milk in the plant and the price paid to its farmers by such plant, whichever was the lesser amount.

The record evidence in support of this proposal is very limited both with respect to the levying of such an assessment and with respect to the rates of the proposed charges. Accordingly, it is concluded that the proposal should be denied.

The order should also be amended to delete the provision (which also appears in the Oklahoma City order) whereby a handler whose milk is classified and priced under another Federal order is required to make a payment into the producer-settlement fund whenever the class price under the order which prices his milk is less than the Class I price provided by this order. With the merging of the two orders much of the justification for such a provision has been removed. The Class I differentials in the Tulsa-Muskogee order, while averaging 10 cents under those in the Oklahoma City order, have a much wider seasonal variation. This, together with the fact that the two orders have separate supply-demand adjustment schedules, permits fairly wide differences in the Class I price at certain seasons of the year. Thus, it would be possible at the present time for handlers in one market to enjoy a competitive advantage over handlers in the other market in the absence of this payment. The issuance of a single order fixing a constant difference of 10 cents between the prices of milk received at Oklahoma City and at Tulsa and Muskogee will eliminate the principal need for such a provision.

The deletion of this provision should not place handlers at a competitive disadvantage with handlers regulated under other orders who might dispose of milk in the marketing area. The prices pro-

posed herein are in line with those fixed by other nearby marketing orders and are such that, when transportation costs are considered, handlers from other areas will not be in a position to gain a competitive advantage over locally regulated handlers in the Oklahoma Metropolitan marketing area.

8. The order should also be amended to provide that under certain circumstances a cooperative association should be the handler for milk of its member producers which is delivered directly to the plants of other handlers from the producers' farms.

The two major cooperative associations which furnish the greater portion of the milk to Tulsa and Oklahoma City, respectively, are primarily bargaining associations. Each association, however, owns a plant where milk may be received and cooled for delivery to the plants of handlers or for transfer to manufacturing plants. These plants are in a position to balance the supply of milk at the distributing plants.

These associations also own and operate insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Recently there has been a very rapid expansion in the number of bulk cooling tanks being installed on the farms and in the number of tank trucks acquired by the two cooperatives to transport such milk. It is extremely likely that the trend in this direction will continue at a very rapid rate.

The transportation of milk from farm to market in insulated tank trucks owned or operated by the cooperative associations has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying either the individual producer or where authorized, to a cooperative, for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of or directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances it is not proper to make a handler responsible for the payment to a producer for a given quantity of milk at a particular test when the handler has no means of verifying such weights and tests. Rather the cooperative association should be made the handler for such milk and the person required to account to the pool for it. The handler who utilized the milk should be required to pay the class prices to the cooperative association for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it. With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

9. The order should also contain a provision whereby the Secretary could determine an equivalent price in the event that any of the price quotations used in determining class prices or butterfat differentials under the order were not available. A similar provision is contained in a number of marketing orders. Without it there is a possibility that the market administrator would be unable to compute prices in the event that one of the designated prices were not reported or published during a particular month.

Certain other changes in the text of the order have been necessitated by the merger of the orders or by the adoption of the changes discussed above. These revisions, however, have no substantive effect on the operations of the order.

General findings. (a) The proposed marketing agreement and the order amending the order, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act,

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order amending the order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest, and

(c) The proposed order amending the order, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Proposed findings and conclusions. Briefs were filed on behalf of most of the handlers who would be regulated by the proposed order and on behalf of the three major cooperative associations whose milk would be regulated by it. The briefs contained proposed findings of fact, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and amendment to the order. The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 906.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 906.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 906.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 906.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 906.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 906.6 *Oklahoma metropolitan marketing area.* "Oklahoma metropolitan marketing area" hereinafter referred to as the "marketing area" means all the territory within Tulsa County; the city of Sapulpa and the township of Sapulpa in Creek County, that part of Black Dog township in 20 North, Ranges 10, 11 and 12 East in Osage County; the cities of Muskogee, McAlester and Tahlequah; Oklahoma County, except Deer Creek, Deep Fork and Luther townships; Moore, Taylor, Case, Liberty, Norman and Noble townships in Cleveland County; Bales, Davis, Dent Brinton, Rock Creek, Forest and Earlsboro townships in Pottawatomie County; the city and township of Guthrie in Logan County; Ponca City; and the city and township of Stillwater and Union township including the city of Cushing in Payne County.

§ 906.7 *Pool plant.* "Pool plant" means any milk processing plant, other than one which is exempt pursuant to § 906.61, which is approved by any health authority having jurisdiction in the marketing area (a) from which Class I milk is disposed of on routes in the marketing area, (b) at which there is received, weighed and commingled, milk of dairy farmers holding permits or authorizations issued by a municipal health authority having jurisdiction in the marketing area and from which part or all of the receipts of such milk during the month are transferred to a plant described in paragraph (a) of this section or from which more than one-half of the receipts of such milk or of the butterfat contained therein were so transferred in each of the immediately preceding months of September through December and the operator thereof has not requested that such plant be considered a nonpool plant, or (c) at which milk is received directly from the farms of dairy farmers holding permits or authorizations issued by a municipal health authority having jurisdiction in the marketing area and which is operated by a cooperative association having member producers whose milk is received at the pool plants of other handlers.

§ 906.8 *Nonpool plant.* "Nonpool plant" means any milk plant which is not a pool plant.

§ 906.9 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more pool plants,

(b) A cooperative association which owns or operates a plant described in § 906.7 (c) with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered), or

(c) Any cooperative association with respect to the milk of its member producers which is caused by it to be diverted to a nonpool plant for the account of such cooperative association.

§ 906.10 *Producer.* "Producer" means any person, other than a producer-handler, who, under a dairy farm permit, authorization or rating for the production of milk to be disposed of as Grade A milk issued by a duly constituted health authority, produces milk which is received at a pool plant directly from the farm of such person. This definition shall include any person meeting the above requirements whose milk is caused by a handler to be diverted from a pool plant to a nonpool plant for the account of such handler, and milk so diverted shall be deemed to have been received at the pool plant from which it was diverted for the purpose of determining location differentials pursuant to § 906.81. This definition shall not include a person with respect to milk produced by him which is received at a plant which is regulated by another order issued pursuant to the act.

§ 906.11 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 906.12 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of milk or milk products which are specified in § 906.41 (a) except producer milk and receipts from other pool plants; and

(b) Products other than those specified in § 906.41 (a) from any source (including those produced at the plant) which are reprocessed or converted to other product in the plant during the month.

§ 906.13 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a pool plant, but who receives no milk from producers.

§ 906.14 *Base milk.* "Base milk" means milk received by a handler from a producer during any of the months of February through July which is not in excess of such producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 906.15 *Excess milk.* "Excess milk" means milk received by a handler from a producer during any of the months of February through July which is in excess of the base milk received from such producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

§ 906.16 *Route.* "Route" means any delivery (including any delivery by a vendor) or disposition at a plant store of milk, skim milk, buttermilk, flavored milk drinks or cream other than a delivery in bulk to a milk plant.

MARKET ADMINISTRATOR

§ 906.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 906.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 906.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 906.87), necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 906.30 to 906.32, inclusive,

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association either directly or from producers who are members of such cooperative association, to each handler to whom the cooperative association sells milk. For the purposes of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a), and the Class I butterfat differential

computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month, the minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b), both for the previous month, and

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.72 or § 906.73, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 906.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 906.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding month which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 906.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler who causes milk to be diverted to a nonpool plant, shall prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 906.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 906.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 906.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received during the month by a handler which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of §§ 906.41 to 906.46, inclusive.

§ 906.41 *Classes of utilization.* Subject to the conditions set forth in §§ 906.43 and 906.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured sour cream, any mixture (except bulk ice cream mix) of cream and milk or skim milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section; and

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section,

(2) In cream stored and frozen,

(3) Disposed of for livestock feed,

(4) In skim milk dumped, after prior notification to, and opportunity for verification by the market administrator,

(5) In actual shrinkage of producer milk in an amount not to exceed one-half percent of the total pounds of skim milk and butterfat received directly from producers' farms, except that caused to be delivered to such plant by a cooperative association in its capacity as a handler, plus 1 and one-half percent of the total pounds of skim milk and butterfat in milk, skim milk and cream in fluid form received at a pool plant from both producers and other pool plants and which were not disposed of in bulk to the pool plant of another handler,

(6) In shrinkage of other source milk, and

(7) In inventory at the end of the month as milk, skim milk, cream (except stored or frozen cream) or any product specified in paragraph (a) of this section.

§ 906.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in each pool plant; and

(b) Assign the shrinkage of skim milk and butterfat pro rata between producer milk and other source milk.

§ 906.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 906.41 (b) (7) shall be reclassified as Class I milk if it is subtracted in the current month from Class I pursuant to § 906.46 (a) (4).

§ 906.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) Except as noted in paragraph (b) of this section, as Class I milk if diverted or transferred in bulk in the form of milk, skim milk or cream, to the pool plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided*, That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to

§ 906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) Pro rata over the receiving handler's net utilization of producer milk, if caused to be delivered to such handler's pool plant(s) from producers' farms by a cooperative association in its capacity as a handler pursuant to § 906.9 (b);

(c) As Class I milk if transferred to a producer-handler in the form of milk, skim milk or cream;

(d) As Class I milk if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located more than 300 miles from either Oklahoma City or Tulsa, Oklahoma, by the shortest hard-surfaced highway distance as determined by the market administrator;

(e) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, unless the handler claims classification as Class II milk, establishes the fact that such cream was transferred without Grade A certification, each container was labeled or tagged to indicate that the contents are for manufacturing use only, and the shipment was so invoiced;

(f) (1) As Class I milk, if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located not more than 300 miles by shortest hard-surfaced highway distance from either Oklahoma City or Tulsa, Oklahoma, from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met;

(i) The market administrator is permitted to audit the records of such nonpool plant; and

(ii) Such nonpool plant received milk from dairy farmers who the market administrator determines constitute its regular sources of supply for Class I milk;

(2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows: (i) Determine the use of all skim milk and butterfat at such nonpool plant, and (ii) allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant directly from dairy farmers which the market administrator determines constitute its regular sources of supply for Class I milk:

(g) As Class II milk if diverted or transferred in bulk in the form of milk or skim milk to a nonpool plant located not more than 300 miles by shortest hard-surfaced highway distance from either Oklahoma City or Tulsa, Oklahoma, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such nonpool plant transfers milk or skim milk to a pool plant, an equal amount of skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified pursuant to the provisions of paragraph (a) of this section; and

(2) If such nonpool plant transfers milk or skim milk to a second nonpool plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from the pool plant to the first nonpool plant shall be Class I milk to the extent of the amount so transferred to such second nonpool plant unless it is established that the milk or skim milk was transferred to the second nonpool plant without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced.

§ 906.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 906.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 906.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 906.41 (b) (5);

(2) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from other handlers in a form other than milk, skim milk or cream according to its classification pursuant to § 906.41;

(3) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

(4) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream (except frozen cream) or any product specified in § 906.41 (a);

(5) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers, except cooperative associations in their capacity as handlers pursuant to § 906.9 (b), in the form of milk, skim milk or cream according to its classification as determined pursuant to § 906.44 (a);

(6) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk received from a cooperative association in its capacity as a handler pursuant to § 906.9 (b);

(7) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage;"

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 906.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 4.0;

Present Operator and Location

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0, and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pound for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 906.51 *Class prices.* Subject to the provisions of §§ 906.52 and 906.53, the minimum prices per hundredweight to be paid by each handler for milk received

at his plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price plus $1.55 during the months of April, May and June and plus $1.95 during all other months: *Provided,* That for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June such price shall be not more than that for the preceding month. To this price add or subtract a "supply-demand adjustment" of not more than 50 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers, and sales by producer-handlers and handlers partially exempt from this order pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage;

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage specified below nor in excess of the maximum standard utilization percentage specified below, the net deviation percentage is zero,

(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation percentage", and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is the "plus net deviation percentage":

Month for which price applies	Months used in computation	Standard utilization percentage	
		Minimum	Maximum
January	November–December	113	117
February	December–January	116	120
March	January–February	118	122
April	February–March	121	125
May	March–April	126	130
June	April–May	135	139
July	May–June	135	139
August	June–July	131	135
September	July–August	126	130
October	August–September	119	123
November	September–October	110	114
December	October–November	111	115

(3) For a minus "net deviation percentage" the Class I price shall be increased and for a plus "net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation;

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding; plus

(iii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation;

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month.

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

Present Operator and Location

American Foods Co., Miami, Okla.
Eppler Creamery Company, Tulsa, Okla.
Glit Edge Dairy, Norman, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Siloam Springs, Ark.

§ 906.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 906.53 *Location adjustment credit to handlers.* For that portion of milk which is (a) received directly from producers at a pool plant located 50 or more miles from the City Hall in Oklahoma City by the shortest hard-surfaced highway distance as determined by the market administrator, and (b) is classified as Class I milk, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler computed as follows:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles.

Provided, That for the purpose of calculating such adjustment, transfers to a pool plant at which no location adjustment credit is applicable or at which the location adjustment credit is less than at the transferor plant, shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant. Such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 906.54 *Equivalent prices.* If, for any reason, a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 906.60 *Producer-handlers.* Sections 906.40 through 906.46, 906.50 through 906.53, 906.65, 906.66, 906.70 through 906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act and whose milk is classified and priced under such other order, the provisions of this subpart shall not apply except that the handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

DETERMINATION OF BASE

§ 906.65 *Computation of daily average base for each producer.* For the months of February through July of each year, the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days, not to be less than ninety, of such producer's delivery in such period.

§ 906.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Bases may be transferred only during the period of February through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations.

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders.

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days shall forfeit his base.

DETERMINATION OF UNIFORM PRICES

§ 906.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 906.52 and 906.53) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46 (a) (8) by the applicable class price(s); and

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 906.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 906.43 (b) a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the month in which previously classified as Class II milk.

§ 906.71 *Computation of aggregate value used to determine price(s).* For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to §§ 906.80 and 906.84 for the preceding month.

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81.

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85.

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk.

§ 906.72 *Computation of uniform price.* For each of the months of August through January the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 906.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July the market adminstrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 906.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations;

(e) Subtract no less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 906.80 *Time and method of payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to §§ 906.72 and 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to § 906.81, and less the amount of the payment made pursuant to paragraph (b) of this section: *Provided,* That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (d) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month.

(c) To a cooperative association with respect to milk for which the cooperative association is a handler on or before the 10th day of each month for milk which is caused to be delivered to such handler during the preceding month at not less than the value of such milk at the applicable class prices.

(d) (1) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall,

(i) Pay to the cooperative association on or before the 13th and 27th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owed by each member producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer,

(ii) Submit to the cooperative association on or before the 10th day of each month written information which shows for each member producer,

(*a*) The total pounds of milk received during the preceding month,

(*b*) The total pounds of butterfat contained in such milk,

(*c*) The number of days on which milk was received,

(*d*) For the months of February through July the amount of base and excess milk received, and

(*e*) The amounts withheld by the handler in payment for supplies sold, and

(iii) Submit to the cooperative association on or before the 25th day of each month, written information which shows for each such member producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative

association of a termination of membership or until the original request is rescinded in writing by the association; and

(2) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 906.81 *Location adjustment to producers.* In making payments to producers pursuant to § 906.80 each handler may deduct per hundredweight of milk received from producers at a pool plant which is located 50 or more miles from the City Hall in Oklahoma City by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

Distance from the City Hall in Oklahoma City:	*Cents per hundredweight*
50 to 150 miles	10
150.1 to 165 miles	12
165.1 to 180 miles	14
180.1 to 195 miles	16
195.1 to 210 miles	18
210.1 to 225 miles	20
225.1 to 240 miles	22

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 240 miles.

§ 906.82 *Producer butterfat differential.* In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of 1 percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 906.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 906.84 and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86.

§ 906.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

§ 906.85 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handler pursuant to § 906.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors resulting on moneys due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 906.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

§ 906.88 *Expense of administration.* As his pro rata share of the expense of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 906.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 906.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

§ 906.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 906.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 906.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 906.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 906.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be effected thereby.

Issued at Washington, D. C., this 16th day of January 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-426; Filed, Jan. 18, 1957; 8:51 a. m.]

[7 CFR Part 987]

[Docket No. AO-252-A4]

MILK IN THE CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Silver Room, Heidelberg Hotel, Jackson, Mississippi, beginning at 10:00 a. m., local time, Friday, January 25, 1957, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marking agreements heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area (7 CFR 987 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Mississippi Milk Producers' Association, Jackson, Mississippi:

1. Delete § 987.16 and substitute the following:

§ 987.16 *Producer-handler.* A producer-handler is any handler who produces milk and operates an approved plant, and who receives no milk from other producers or other approved plants or from a cooperative association and who disposes of less than a daily average of 3,300 pounds of Class I milk through routes in the marketing area during the month.

2. As an alternative to Proposal No. 1, amplify the present "producer-handler" provision to further limit the sources from which a producer-handler may receive milk.

Proposed by the Dairy Division, Agricultural Marketing Service:

3. Make such changes as may be required to make the entire marketing agreement and order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be procured from the Market Administrator, Fondren Bank Branch Building, Rooms 204-6, 603 Duling Street, Jackson, Mississippi, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 17, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-449; Filed, Jan. 18, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

STONE FORWARDING CO. INC. AND PUERTO RICAN EXPRESS CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8191 between Stone Forwarding Co., Inc., Houston, Texas, and Puerto Rican Express Company, New York, New York, is a cooperative working arrangement under which the parties perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: January 16, 1957.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 57-402; Filed, Jan. 18, 1957; 8:46 a. m.]

UNITED STATES LINES CO.

NOTICE OF APPLICATION TO CARRY OUTBOUND PART CARGOES OF COAL AND GRAIN

Notice is hereby given that United States Lines Company seeks permission to carry outbound, for a period of six months, part cargoes of coal and/or grain on its subsidized vessels on Line B Service, Trade Route Nos. 5, 7 and 9, to ports on Line F Service, Trade Route No. 8, to satisfy the demands of shippers for optional ports of discharge.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605 of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1175, should within fifteen (15) days from the date of publication of this notice in the FED-

ERAL REGISTER notify the Secretary, Federal Maritime Board, and file petition for leave to interyene in accordance with the rules of practice and procedure of the Federal Maritime Board.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

By order of the Federal Maritime Board.

Dated: January 16, 1957.

[SEAL] JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 57-403; Filed, Jan. 18, 1957; 8:46 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

CLAIMS COMMISSIONS

SETTLEMENT OF CLAIMS ARISING FROM ACTIVITIES OF CIVILIAN EMPLOYEES OF DOD

By virtue of the authority vested in me as Secretary of Defense by section 8 of the act of January 2, 1942, ch. 645, as added by section 1 of the act of July 28, 1956, ch. 827 (31 U. S. C. 224i-1), I designate all claims commissions appointed under section 1 of the act of January 2, 1942, ch. 645, or under section 2734 of title 10, United States Code, to settle and pay claims covered by section 8 of that act.

C. E. WILSON, *Secretary of Defense.*

[F. R. Doc. 57-396; Filed, Jan. 18, 1957; 8:45 a. m.]

Office of the Secretary of the Army

KENNETH B. COATES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1957 in my financial interests as reported in the FEDERAL REGISTER, August 3, 1956.

A. Deletions: None.
B. Additions: B/W Controller Corporation, East Maple Road, Birmingham, Michigan; Secretary and Director.

Dated: January 1, 1957.

KENNETH B. COATES.

[F. R. Doc. 57-404; Filed, Jan. 18, 1957; 8:46 a. m.]

EDWARD F. MCCROSSIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1957 in any financial interests as reported in the FEDERAL REGISTER, August 2, 1956.

A. Deletion: Raymond Concrete Pile Company.
B. Additions: None.

Dated: January 3, 1957.

EDWARD F. MCCROSSIN.

[F. R. Doc. 57-405; Filed, Jan. 18, 1957; 8:46 a. m.]

ALBERT W. GILMER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1957 in my financial interests as reported in the FEDERAL REGISTER, August 7, 1956.

A. Deletions: No change.
B. Additions: No change.

Dated: January 1, 1957.

ALBERT W. GILMER.

[F. R. Doc. 57-406; Filed, Jan. 18, 1957; 8:46 a. m.]

CHARLES F. MOSHER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1957 in any financial interests as reported in the FEDERAL REGISTER, August 2, 1956.

A. Deletions: No change.
B. Additions: No change.

Dated: January 1, 1957.

CHARLES F. MOSHER.

[F. R. Doc. 57-407; Filed, Jan. 18, 1957; 8:46 a. m.]

BYRON C. HEACOCK

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1957 in my financial interests as reported in the FEDERAL REGISTER, August 2, 1956.

A. Deletions: No change.
B. Additions: No change.

Dated: January 1, 1957.

BYRON C. HEACOCK.

[F. R. Doc. 57-408; Filed, Jan. 18, 1957; 8:46 a. m.]

EDWIN M. CLARK

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 1, 1957 in my financial interests as reported in the FEDERAL REGISTER, August 2, 1956.

A. Deletions: No change.
B. Additions: No change.

Dated: January 1, 1957.

EDWIN M. CLARK.

[F. R. Doc. 57-409; Filed, Jan. 18, 1957; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALABAMA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

JANUARY 15, 1957.

The Federal Power Commission has filed application BLM 043309, for the withdrawal of the land mentioned below, from all form of appropriation, subject to valid existing rights.

The applicant desires the lands to be withdrawn until such time as the conditions of title may be ascertained.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

STATE OF ALABAMA

All unsurveyed and unappropriated Islands in the Coosa River.

H. K. SCHOLL, *Acting Manager.*

[F. R. Doc. 57-413; Filed, Jan. 18, 1957; 8:48 a. m.]

Office of the Secretary

BRUCE C. CLARDY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

JANUARY 15, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Bruce C. Clardy.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: Clardy & Barnett, Dallas, Texas.

Date of appointment: January 4, 1957.

The statement of "financial interests" for the above appointee is set forth below.

THOMAS H. TELLIER, *Personnel Officer.*

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 4, 1957, as consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

San Jose Drilling Co., Dallas, Texas, President and Director.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests.

San Jose Drilling Company, Dallas, Texas.
Texas Empire Life & Accident Insurance Co., Dallas, Texas.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

Clardy and Barnett.
San Jose Production Company.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

Dated: January 4, 1957.

BRUCE C. CLARDY.

[F. R. Doc. 57-411; Filed, Jan. 18, 1957; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11180, 11901; FCC 57M-43]

BILL MATHIS AND GILLESPIE BROADCASTING CO. (KNAF)

ORDER SCHEDULING HEARING

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917, Gillespie Broadcasting Company (KNAF), Fredericksburg, Texas, Docket No. 11901, File No. BP-10598; for construction permits.

It is ordered, This 14th day of January 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1957, in Washington, D. C.

Released: January 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-417; Filed, Jan. 18, 1957; 8:49 a. m.]

[Docket No. 11879 etc., FCC 57M-39]

SOUTHERN TELEVISION CORP. (WTOK) ET AL.

NOTICE OF PRE-HEARING CONFERENCE

In re applications of Southern Television Corporation (WTOK), Meridian, Mississippi, Docket No. 11879, File No. BP-10019; Birney Imes, Jr. (WMOX), Meridian, Mississippi, Docket No. 11880, File No. BP-10163; Mississippi Broadcasting Company, Carthage, Mississippi, Docket No. 11881, File No. BP-10637; for construction permits.

A pre-hearing conference in the above-entitled proceeding will be held on Tuesday, January 22, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 14th day of January 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-418; Filed, Jan. 18, 1957; 8:49 a. m.]

[Docket No. 11900; FCC 57M-46]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER SCHEDULING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., Docket No. 11900; revision of Tariff F. C. C. No. 37 to broaden offer of tieline connections for telex users.

It is ordered, This 14th day of January 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on February 15, 1957, in Washington, D. C.

Released: January 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-419; Filed, Jan. 18, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 16, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33161: *Invert molasses—Louisiana and Texas to southwestern and western trunk line territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on invert molasses, tank-car loads from points in Louisiana and Texas to destinations in southwestern and western trunk-line territories, also Alton, East St. Louis and Thebes, Ill., Memphis, Tenn., Vicksburg, Miss., Texarkana, Tex., and Superior, Wis.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 12 to Agent Kratzmeir's I. C. C. 4182.

FSA No. 33162: *Apples from the West to points in Minnesota.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on apples, fresh, in carloads from points in Colorado, Idaho, New Mexico, Oregon, Utah and Wyoming to Minneapolis, Minn. Transfer, St. Paul and Mankato, Minn.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 30 to D. & RGW Railroad Company's I. C. C. 947; Supplement 32 to Union Pacific Railroad's I. C. C. 5306.

FSA No. 33163: *Denatured alcohol from Longview, Tex., to Kingsport, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on denatured alcohol, tank-car loads, as described in item 360-C of Agent Kratzmeir's tariff I. C. C. 4094, from Longview, Tex., to Kingsport, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Agent F. C. Kratzmeir's tariff I. C. C. 4094.

FSA No. 33164: *Citrus fruit from Florida to points in Michigan.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on grapefruit, oranges, tangerines, lemons, limes, and kumquats, in carloads from points in Florida to Benton Harbor, Grand Rapids and Lansing, Mich.

Grounds for relief: Grouping and circuity.

Tariff: Supplement 104 to Agent Spaninger's tariff I. C. C. 1211.

FSA No. 33165: *Liquefied chlorine gas from Memphis, Tenn., to points in West Virginia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied chlorine gas, tank-car load, from Memphis, Tenn., to Charleston, Belle and Nitro, W. Va.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 29 to Agent Spaninger's I. C. C. 1548.

FSA No. 33166: *Crude rubber from Louisville, Ky., to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, artificial, guayule, natural, neoprene, or synthetic, crude (not latex), carload, from Louisville, Ky., to points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 29 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33167: *Salt cake from St. Louis and East St. Louis, to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on salt cake (crude sulphate of soda), carload from St. Louis, Mo., and East St. Louis, Ill., to points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 29 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33168: *Manufactured tobacco from Louisville, Ky., to Greensboro, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on manufactured tobacco and related articles, carload from Louisville, Ky., to Greensboro, N. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 29 to Agent Spaninger's tariff I. C. C. 1548.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-401; Filed, Jan. 18, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8394]

BARNETT INTERNATIONAL FORWARDERS, INC., ET AL.

NOTICE OF HEARING

In the matter of the application of Barnett International Forwarders, Inc., Barnett Packers, Inc., Barnett Aircargo, Inc. and Barnett International Airfreight Corp. for approval of certain control and interlocking relationships pursuant to the provisions of sections 408 and 409 of the Civil Aeronautics Act of 1938 as Amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding is assigned to be held on February 14, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., January 14, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-420; Filed, Jan. 18, 1957; 8:49 a. m.]

[Docket No. 7762]

COMPLAINT OF ANITA HERMAN

NOTICE OF HEARING

In the matter of an investigation to determine whether General Rule 5 of the tariff rules of Northwest Airlines, Inc. and Capital Airlines, Inc. contained in Local and Joint Passenger Rules Tariff No. PR-1, C. A. B. No. 4, issued by M. F. Redfern, Agent, in effect on May 4, 1947, was unlawful.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 403, 404 and 1002 thereof, that a hearing in the above-entitled proceeding will be held on February 25, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredericks.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(a) Did the Civil Aeronautics Act of 1938 or the regulations of the Civil Aeronautics Board require the filing of Rule 5 of the tariff rules of Northwest Airlines, Inc. and Capital Airlines, Inc. contained in Local and Joint Passenger Rules Tariff No. PR-1, C. A. B. No. 4, issued by M. F. Redfern, Agent, as effective on May 4, 1947?

(b) Was said tariff rule unjust, unreasonable, unduly preferential, unduly prejudicial, unjustly discriminatory, or otherwise unlawful?

For further details of the issues involved in this proceeding interested persons are referred to the complaint, the order of investigation (No. E-10250), the prehearing conference report and the supplemental prehearing conference report, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard in this proceeding must file with the Board, on or before February 25, 1957, a statement setting forth the issues of fact or law upon which he desires to be heard. Such person may then appear and participate in the proceeding in accordance with Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., January 14, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-421; Filed, Jan. 18, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 15

Washington, Wednesday, January 23, 1957

UNIVERSITY OF MICHIGAN JAN 24 1957 MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; MICHIGAN

On January 3, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MICHIGAN

County:	Average value	County:	Average value
Alcona	$22,000	Ionia	$30,000
Alger	20,000	Iosco	22,000
Allegan	30,000	Iron	20,000
Alpena	22,000	Isabella	28,000
Antrim	20,000	Jackson	30,000
Arenac	22,000	Kalamazoo	30,000
Baraga	20,000	Kalkaska	22,000
Barry	30,000	Kent	30,000
Bay	30,000	Lake	20,000
Benzie	22,000	Lapeer	35,000
Berrien	30,000	Leelanau	27,000
Branch	35,000	Lenawee	35,000
Calhoun	30,000	Livingston	30,000
Cass	30,000	Mackinac	15,000
Charlevoix	20,000	Macomb	35,000
Cheboygan	18,000	Manistee	22,000
Chippewa	18,000	Marquette	18,000
Clare	20,000	Mason	25,000
Clinton	30,000	Mecosta	25,000
Crawford	20,000	Menominee	20,000
Delta	19,000	Midland	28,000
Dickinson	18,000	Missaukee	22,000
Eaton	30,000	Monroe	35,000
Emmet	18,000	Montcalm	25,000
Genesee	32,000	Montmorency	20,000
Gladwin	20,000	Muskegon	25,000
Gogebic	20,000	Newaygo	25,000
Grand Traverse	27,000	Oakland	30,000
Gratiot	30,000	Oceana	25,000
Hillsdale	32,000	Ogemaw	22,000
Houghton	20,000	Ontonagon	20,000
Huron	30,000	Osceola	21,000
Ingham	30,000	Oscoda	22,000

MICHIGAN—Continued

County:	Average value	County:	Average value
Otsego	$20,000	Sanilac	$33,000
Ottawa	30,000	Schoolcraft	18,000
Presque Isle	18,000	Shiawassee	30,000
Roscommon	20,000	Tuscola	30,000
Saginaw	30,000	Van Buren	30,000
St. Clair	35,000	Washtenaw	32,000
St. Joseph	35,000	Wayne	25,000
		Wexford	22,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l))

Dated: January 16, 1957.

[SEAL] H. C. SMITH, *Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 57-454; Filed, Jan. 22, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 46—REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930, AS AMENDED

LICENSES

On December 27, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 10338) regarding a proposed revision of regulations, other than rules of practice, of the Perishable Agricultural Commodities Act, 1930, as amended.

After consideration of all relevant matters presented by the fruit and vegetable industry concerning these proposed regulations, set forth in the aforesaid notice, the following regulations are hereby promulgated pursuant to the authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 537, as amended; 7 U. S. C. 499o):

1. Revise § 46.6 *License fee* to read:

§ 46.6 *License fee.* Each application for license shall be accompanied by the required license fee. Effective February 1, 1957, and thereafter, the annual license fee shall be twenty five dollars

(Continued on p. 423)

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($25). An application submitted by mail shall be accompanied by the license fee in the form of a money order, bank draft, cashier's check, or certified check made payable to the Agricultural Marketing Service. Thereafter, fees submitted by mail shall be in one of those forms. Field representatives of the Department may also accept applications for licenses, and may accept payment of fees in cash and issue receipts therefor.

2. Revise § 46.8 *Copies of licenses* to read:

§ 46.8 *Copies of licenses.* Copies of licenses may be issued upon request and upon the payment of a fee of $2 for each copy. Each copy shall bear the word "Copy" in conspicuous letters on its face and shall be certified by the Director as a true copy of the original.

3. Revise § 46.9 *Termination of license; notice; renewal* to read:

§ 46.9 *Termination of license; notice; renewal.* Thirty days or more prior to the anniversary date of a valid and effective license, the Director shall mail a notice to the licensee at the latest address known to the Director, advising that the license will automatically terminate on its anniversary date unless the annual fee is paid on or before such date. If the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by paying the annual fee, plus five dollars ($5). Within sixty days after the termination date of a valid and effective license, the licensee shall be notified that its license has been terminated. No termination notice shall be mailed to a licensee whose license is at that time under suspension due to failure to pay one or more reparation orders on which appeals have not been perfected, or whose license has been suspended because of refusal to make its records available for examination, or whose license has been revoked.

It is hereby found and determined that good cause exists for not postponing the effective date of these amendments later than February 1, 1957, in that; (1) additional revenue is needed to effectively administer the act; (2) it will simplify the computation, by the applicant for license, of fees due for the period business was conducted subject to the act prior to filing an application for license if the effective date of the amendment is on the first day of a month; (3) prior notice was given the public of the proposed amendments of the regulations as well as notice that it was proposed to make the amendments effective February 1, 1957, by having been published in the FEDERAL REGISTER over thirty (30) days prior to the effective date; and (4) the persons affected should require no additional advance time for compliance with these amendments (60 Stat. 238; 5 U. S. C. 1003c).

(Sec. 15, 46 Stat. 537, as amended; 7 U. S. C. 499o)

Dated: January 17, 1957, to become effective February 1, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-452; Filed, Jan. 22, 1957; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

REQUIREMENTS AND QUOTAS FOR 1957

Correction

In Federal Register Document 57-377, published on page 369 of the issue for Friday, January 18, 1957, the tables in amendatory paragraphs 2 and 3 were inadvertently transposed. As corrected, amendatory paragraphs 2 and 3 read as follows:

2. Section 811.91 (a) is amended to read:

§ 811.91 *Quotas for domestic areas.* (a) For the calendar year 1957 quotas for sugar to be brought into or marketed for consumption in the continental United States from domestic areas are established in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established in column (2) as follows:

(Short tons, raw value)

Area	(1) Quota	(2) Direct-consumption limits
Domestic beet sugar	1,953,952	no limit
Mainland cane sugar	601,250	no limit
Hawaii	1,090,496	30,700
Puerto Rico	1,140,253	133,064
Virgin Islands	15,549	000

3. Section 811.92 is amended to read:

§ 811.92 *Quotas for foreign countries.* For the calendar year 1957, quotas for sugar to be imported into the continental United States for consumption therein from foreign countries are established in column (1) and the amount of each such quota that may be filled by direct-consumption sugar is established in column (2), as follows:

(Short tons, raw value)

Country	(1) Quotas	(2) Direct-consumption limits
Republic of the Philippines	980,000	59,920
Cuba	3,001,295	375,000
Peru	78,207	9,560
Dominican Republic	61,657	8,523
Mexico	44,409	15,481
Nicaragua	11,731	10,208
Haiti	6,179	6,179
Netherlands	3,453	3,453
China	3,386	3,386
Panama	3,386	3,386
Costa Rica	3,381	3,381
Canada	631	631
United Kingdom	516	516
Belgium	182	182
British Guiana	84	84
Hong Kong	3	3
All other countries	0	0

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulation No. SR-419]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; AUTHORITY TO DEVIATE FROM CERTAIN PROVISIONS OF CIVIL AIR REGULATIONS IN CONDUCT OF MILITARY CONTRACT OPERATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 17th day of January 1957.

By petition dated October 8, 1956, AAXICO Airlines, Inc., Capitol Airways, Inc., and Riddle Airlines, Inc., requested the Board to permit them to carry certain passengers in aircraft in the performance of certain military contract operations without compliance with the passenger-carrying rules prescribed in Part 42 of the Civil Air Regulations and Special Civil Air Regulation No. SR-406C. The petitioners informed the Board that they have entered into contracts with the United States Air Force to provide scheduled cargo service for the Air Force among numerous domestic military installations utilizing a fleet of over forty Curtiss C-46 aircraft. This contract operation is commonly known at the Air Force Logistical Airlift, or "LOGAIR" Service. They state further that the continued efficient operation of LOGAIR is in the interest of national defense and essential for the domestic airlift requirements of the Air Force. The petitioners have advised the Board that it is essential in the performance of these contracts that government couriers traveling with classified information or for the purpose of maintaining security requirements with respect to certain classified cargo be carried. They have also advised that the occasional transportation (deadheading) by one LOGAIR contractor of crew members of another LOGAIR contractor is essential for the efficient operation of LOGAIR.

Petitioners advise that the LOGAIR operation is under the complete operational control of the Air Force; that flight operations are conducted only between Air Force bases; and that all load-

ing, servicing, and scheduling matters are handled by the Air Force.

By letter dated October 12, 1956, the Department of the Air Force officially confirmed the essential information submitted by the petitioners and requested that the Board give favorable consideration to the petitioners' request. In justification of petitioners' request, the Air Force stated in part that LOGAIR is necessary to execute successfully the Air Force mission. In addition the Air Force stated that part of LOGAIR's value to the Air Force is due to the fact that it can carry classified cargo with a maximum of speed and with a minimum of special handling. As the various missile programs develop and other new weapons come into the Air Force inventory, the requirement for this type of transportation will continue to increase. Couriers must be carried on LOGAIR aircraft to effect the safe handling and expeditious delivery of this classified cargo. The Air Force also stated that is was necessary to provide deadhead transportation of LOGAIR flight crew members on aircraft of other LOGAIR contractors because restricting their movement to their own company's aircraft or to commercial carriers that neither originate nor terminate at military installations often results in lengthy delays in LOGAIR schedules that reduce the value of this service as a means of fast and economical transportation.

In addition to the couriers and the deadheading crew members which were the subject of the petitioners' request, the Air Force has requested that authority also be provided to permit the carriage of Air Force route supervisors. The mission of these supervisors is to work out liaison with contractor crews and Air Force personnel from the Air Materiel Command, the Air Defense Command, and the Strategic Air Command. Their areas of responsibility, in addition to normal air terminal operation inspections, include checking weight and balance procedures and adequacy of tiedown techniques, as well as observing the adequacy of the temperature control provided for the cargo compartment during actual flight operations. The route supervisors also evaluate the control tower communications furnished at Air Force bases by Air Force personnel, the adequacy of follow-me vehicles, fire guards, and ramp alert personnel. Most of these activities either directly or indirectly affect the safety of the operation of LOGAIR. These checks on LOGAIR, both on the ground and in the air, are considered by the Air Force to be necessary in assuring a safe, efficient, and dependable airline operation. The Air Force has also stated that the cost resulting from placing passenger-carrying weight limitations on the C–46 aircraft in the LOGAIR operations would be prohibitive.

Section 42.2 (Deviation authority) of Part 42 authorizes the Administrator to permit air carriers conducting operations pursuant to contracts with the military service to deviate from the applicable provisions of Part 42 only, subject to any terms and conditions that the Administrator finds are necessary in the interest of safety. This authority is limited to those operations which the Department of Defense has certified to the Administrator are essential to the national defense and require the requested deviation. It was anticipated by the Board that petitions similar to the one herein discussed would normally have been handled by the Administrator under this deviation authority. However, this authority is not broad enough to permit the Administrator to grant the relief requested in this instance since the petitioners request relief from the provisions of Special Civil Air Regulation No. SR–406C in addition to certain provisions of Part 42. SR–406C contains no deviation authority comparable to that contained in Part 42.

The Board has considered the information submitted by the petitioners and the Air Force in support of the relief requested and finds that a sufficient showing has been made to justify granting such relief through the promulgation of a Special Civil Air Regulation. The Board considers that the carriage of the various categories of personnel as requested would not affect the public interest adversely. The carriage of these persons would, on the contrary, constitute a contribution to the efficiency and safety of essential national defense operations, and, therefore, would be in the public interest.

The provisions of this Special Civil Air Regulation authorize the carriage of military couriers, LOGAIR crew members, and LOGAIR route supervisors in aircraft without compliance with the passenger-carrying rules prescribed in Part 42 and SR–406C.

Prior to engaging in operations pursuant to this Special Civil Air Regulation each operator will be required to give notice to the Administrator of the type and registration number of the aircraft to be used and satisfactory evidence that it is a bona fide contractor acting pursuant to a LOGAIR contract.

Since this Special Civil Air Regulation will neither affect adversely the safety of the public nor impose any additional burden on any person, and because the Board has been advised by the Department of the Air Force that the authority granted by this regulation with respect to LOGAIR operations is necessary to the successful execution of the Air Force mission, the Board finds that omission of notice and public procedure is not contrary to the public interest and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective January 17, 1957.

Subject to conditions hereinafter set forth, the operators listed in Appendix A, and any other operator authorized by the Administrator to be added to such list pursuant to this regulation, may, while conducting operations under an Air Force contract known as LOGAIR, carry the persons listed in subparagraph 1 in aircraft without complying with the passenger-carrying rules prescribed in Part 42 of the Civil Air Regulations and Special Civil Air Regulation No. SR–406C, subject to such terms and conditions as the Administrator may find are necessary in the interest of safety.

1. Military couriers, route supervisors, and LOGAIR flight crew members of other LOGAIR contractors.

2. Each operator shall furnish the Administrator, prior to the carriage of such persons, with a list showing the type aircraft, registration number, and an authorization from the Air Force for the transportation of such persons.

3. The operator shall be responsible for the issuance of appropriate instructions to insure that the persons authorized to be carried will not create any interference with the control of the aircraft.

4. Upon notification by any other bona fide contractors acting pursuant to the above specified LOGAIR contracts, the Administrator of Civil Aeronautics is authorized to add to the list in Appendix A any such operator who he determines meets the requirements of this Special Civil Air Regulation.

This Special Air Regulation shall remain in effect until superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604, 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

APPENDIX A

OPERATOR

AAXICO Airlines, Inc.
Capitol Airways, Inc.
Riddle Airlines, Inc.

[F. R. Doc. 57-550; Filed, Jan. 22, 1957; 8:53 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 12]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of Section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.12 *Green civil airway 2* is amended to read in part:

From Grand Rapids, Mich., LFR; to *Lansing, Mich., LFR; MEA 2,000. *2,400—MCA Lansing LFR, eastbound.

Section 610.102 *Amber civil airway 2* is amended to read in part:

From Delta, Utah, LFR; to *Salt Lake City, Utah, LFR; MEA 12,000. *10,000—MCA Salt Lake City, LFR, southbound.

From Riverton, Utah, FM; to Salt Lake City, Utah, LFR, northbound only; MEA 11,000.

Section 610.106 *Amber civil airway 6* is amended to read in part:

From Columbus, Ohio, LFR; to A beam Mansfield, Ohio, LF/RBN; MEA 2,600.

Section 610.208 *Red civil airway 8* is amended to read in part:

From Rushville, INT, Ind.; to *Liberty INT, Ohio; MEA 2,500. *3,000—MCA Liberty INT, eastbound.

Section 610.211 *Red civil airway 11* is amended to read in part:

From Enid (Vance), Okla.; LF/RBN; to Mulhall INT, Okla.; MEA 2500.

Section 610.217 *Red civil Airway 17* is amended to read in part:

From Findlay, Ohio, LF/RBN; to Mansfield, Ohio, LF/RBN; MEA 2,700.

Section 610.237 *Red civil airway 37* is amended to read in part:

From Tyler, Tex., LF/RBN; to Hainsville INT, Tex.; MEA 1,700.

Section 610.268 *Red civil airway 68* is amended to read in part:

From Duncanville, Tex., LF/RBN; to Tyler, Tex., LF/RBN; MEA 2,000.

From Tyler, Tex., LF/RBN; to Shreveport, La., LFR; MEA 2,100.

Section 610.603 *Blue civil airway 3* is amended to read in part:

From Muscle Shoals, Ala., LFR; to Int. NE crs Muscle Shoals LFR and SW crs Nashville LFR; MEA 2,500.

Section 610.605 *Blue civil airway 5* is amended to read in part:

From Crescent INT, Okla.; to Mulhall INT, Okla.; MEA 2,500.

From Mulhall INT, Okla.; to Oxford INT, Okla.; MEA 2,400.

Section 610.634 *Blue civil airway 34* is amended to read:

From Terre Haute, Ind. LFR; to Chanute, Ill., LF/RBN; MEA 2,000.

From Chanute, Ill., LF/RBN; to Pontiac INT, Ill.; MEA 2,000.

Section 610.1001 *Direct routes, U. S.* is amended by adding:

From Birmingham, Ala., VOR; to Greenwood, Miss., VOR; MEA *5,000. *1,700—MOCA.

From Greenword, Miss., VOR; to El Dorado, Ark., VOR; MEA *3,000. *1,600—MOCA.

From Baton Rouge, La., VOR; to Jackson, Miss., VOR; MEA *3,000. *2,000—MOCA.

From Baton Rouge, La., VOR; to Monroe, La., VOR; MEA *3,500. *1,500—MOCA.

From Mobile, Ala., VOR; to Jackson, Miss., VOR; MEA *3,500. *2,000—MOCA.

From Marathon, Fla., LF/RBN; to Tamiami, Fla., LF/RBN; MEA 1,100.

Section 610.1001 *Direct routes—U. S.* is amended to read in part:

From Watertown, S. Dak., VOR; to Fargo, N. Dak., VOR; MEA 3,100.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Daytona Beach, Fla., VOR; to *Bunnell, INT, Fla.; MEA 1,400. *2,500—MRA.

From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,400.

From Millbury INT, Mass.; to Natick INT, Mass.; MEA *3,000. *2,200—MOCA.

From Natick INT, Mass., to Boston, Mass., VOR; MEA *3,000. *2,300—MOCA.

Section 610.6006 *VOR civil airway 6* is amended to delete:

From Battle Mountain, Nev., VOR; to Wells, Nev., VOR; MEA 120.

From Battle Mountain, Nev., VOR via S alter.; to Elko, Nev., VOR via S alter.; MEA 110.

From Elko, Nev., VOR via S alter.; to Wells, Nev., VOR via S alter., MEA 130.

Section 610.6006 *VOR civil airway 6* is amended by adding:

From Battle Mountain, Nev., VOR; to Elko, Nev., VOR; MEA 11,000.

From Elko, Nev., VOR; to Wells, Nev., VOR; MEA 13,000.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From *Ogden, Utah, VOR; to **Lost Creek INT, Utah; MEA 12,000. *11,000—MCA Ogden VOR, eastbound. **14,000—MRA.

From Lost Creek INT, Utah; to Ft. Bridger, Wyo., VOR; MEA 12,000.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Denver, Colo., VOR via S alter.; to *Bennett INT, Colo., via S alter.; MEA 6,600. *7,000—MRA.

From Bennett INT, Colo., via S. alter.; to Akron, Colo., VOR via S alter; MEA *7,000. *6,600—MOCA.

From Findlay, Ohio, VOR; to Upper Sandusky INT, Ohio; MEA 2,500.

From Upper Sandusky INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,700.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.

From Detroit River INT, Mich.; to Pelee INT, Ontario, Canada; MEA *2,500. *For that airspace over U. S. territory.

From Pelee INT, Ontario, Canada; to Gill INT, Ohio; MEA *7,000. *For that airspace over U. S. territory.

From *Gill INT, Ohio; to N. Perry INT, Ohio; MEA 3,000. *7,000—MCA Gill INT, westbound.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,000. *7,500—MRA. **6,600—MOCA.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Dallas, Tex., VOR; to *Prosper INT, Tex.; MEA **2,100. *2,900—MRA. **1,900—MOCA.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Goldsmith INT, Tex. via N alter; to Midland, Tex., VOR via N alter; MEA 4,300.

From Big Spring, Tex., VOR via S alter.; to Lazy X INT, Tex., via S alter.; MEA 4,000.

From Lazy X INT, Tex., via S alter.; to Abilene, Tex., VOR via S alter.; MEA *4,000. *3,600—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Spring Branch INT, Tex., via W alter.; to Austin, Tex., VOR via W alter.; MEA 2,800.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Greenville INT, Fla., via N alter.; to Lee INT, Fla., via N alter.; MEA *2,500. *1,500—MOCA.

From Lee INT, Fla., via N. alter.; to *Taylor INT Fla., via N. Alter.; MEA **3,000. *3,000—MRA. **1,200—MOCA.

From Taylor INT, Fla., via N alter.; to Bryceville INT, Fla., via N alter.; MEA *2,500. *1,200—MOCA.

Section 610.6026 *VOR civil airway 26* is amended by adding:

From Redwood Falls, Minn., VOR; to Minneapolis, Minn., VOR; MEA 2,200.

Section 610.6032 *VOR civil airway 32* is amended to read in part:

From Bonneville, Utah, VOR; to *Timple INT, Utah, westbound, MEA 10,000; eastbound, MEA 11,000. *15,000—MRA.

From Timple INT, Utah; to *Stansbury INT, Utah, westbound, MEA 10,000; eastbound, MEA 11,000. *12,000—MRA.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Parkersburg, W. Va., VOR; to Benson INT, W. Va., westbound, MEA 3,500; eastbound, MEA 5,000.

From Benson INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Daytona Beach, Fla., VOR; to *Bunnell INT, Fla.; MEA 1,400. *2,500—MRA.

From Bunnell INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,400.

Section 610.6060 *VOR civil airway 60* is amended to read in part:

From *Pleasant Hill INT, N. Mex.; to Farwell INT, Tex.; MEA **13,000. *15,500—MRA. **5,300—MOCA.

From Farwell INT, Tex.; to Lubbock, Tex., VOR; MEA *10,000. *5,100— MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From Midland, Tex., VOR; to *Jack INT, Tex.; MEA **6,200. *6,200—MRA. **4,400—MOCA.

From Jack INT, Tex.; to Lazy X INT, Tex.; MEA *7,200. *3,600—MOCA.

From Lazy X INT, Tex.; to Abilene, Tex., VOR; MEA *4,000. *3,600—MOCA.

From Fort Worth, Tex., VOR; to Denton INT, Tex.; MEA 2,100.

From Denton INT, Tex.; to *Prosper INT, Tex.; MEA **2,900. *2,900—MRA. **2,100—MOCA.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From Kingsville INT, Tex.; to Brownsville, Tex., VOR; MEA *4,700. *1,300—MOCA.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From Fort Sill INT, Okla.; to *Chickasha INT, Okla.; MEA **2,800. *4,000—MRA. **2,500—MOCA.

Section 610.6092 *VOR civil airway 92* is amended to read in part:

From Bergholz INT, Ohio; to Wheeling, W. Va., VOR; MEA 3,000.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From *Hudson INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA **2,000. *2,000—MRA. **1,200—MOCA.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Findlay, Ohio, VOR; to Upper Sandusky INT, Ohio; MEA 2,500.
From Upper Sandusky INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,700.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Brownsville, Tex., VOR; to Kingsville INT, Tex.; MEA *4,700. *1,300—MOCA.
From Kingsville INT, Tex.; to Alice, Tex., VOR; MEA 1,400.

Section 610.6188 *VOR civil airway 188* is amended to read in part:

From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.
From Detroit River INT, Mich.; to Pelee INT, Ontario, Canada; MEA *2,500. *For that airspace over U. S. territory.
From Pelee INT, Ontario, Canada; to Gill INT, Ohio; MEA *7,000. *For that airspace over U. S. territory.
From *Gill INT, Ohio; to N. Perry INT, Ohio; MEA 3,000. *7,000—MCA Gill INT, westbound.
From N. Perry INT, Ohio; to Jefferson, Ohio, VOR; MEA 2,500.

Section 610.6201 *VOR civil airway 201* is amended to read in part:

From Carp INT, Calif.; to *Los Angeles, Calif., VOR; MEA 3,500. *6,000—MCA Los Angeles VOR, northeastbound.

Section 610.6209 *VOR civil airway 209* is amended to read in part:

From *Fillmore, Calif., VOR; to Reyes INT, Calif., northwest bound, MEA 12,500; southeast bound, MEA 9,500. *9,500—MCA Fillmore VOR, northwest bound.
From Reyes INT, Calif.; to Paso Robles, Calif., VOR; MEA *12,500. *9,500—MOCA.

Section 610.6246 *VOR civil airway 246* is amended to read:

From Dayton, Ohio, VOR; to Claiborne INT, Ohio; MEA 2,500.
From Claiborne INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,700.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective February 12, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-412; Filed, Jan. 22, 1957; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

APPLICATIONS REGARDING JOINT ENTERPRISES OR ARRANGEMENTS

On September 12, 1955, the Securities and Exchange Commission published notice that it had under consideration an amendment of § 270.17d-1 (Rule N-17D-1) under the Investment Company Act of 1940 and invited all interested persons to comment upon the proposal. The Commission has considered all comments and suggestions received and has determined to adopt § 270.17d-1 in the form set forth below. The purpose of the amendment is to have the scope of the rule coincide, in general, with the scope of section 17 (d).

The rule would require an application to, and an order issued by the Commission in respect of transactions of affiliated persons of or the principal underwriter for an investment company, on the one hand, and such investment company or a company controlled by such investment company, on the other, involving joint enterprises or other joint arrangements or profit-sharing plans in which such investment company is a joint or a joint and several participant.

This action is taken pursuant to section 17 (d) and section 38 (a) of the Investment Company Act of 1940.

§ 270.17d-1 *Applications regarding joint enterprises or arrangements and certain profit-sharing plans.* (a) No affiliated person of or principal underwriter for any registered investment company (other than a company of the character described in section 12 (d) (3) (A) and (B) of the act) and no affiliated person of such a person or principal underwriter, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company, or a company controlled by such registered company, is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or modification to security holders for approval, or prior to such adoption or modification if not so submitted, except that the provisions of this rule shall not preclude any affiliated person from acting as manager of any underwriting syndicate or other group in which such registered or controlled company is a participant and receiving compensation therefor.

(b) In passing upon such applications, the Commission will consider whether the participation of such registered or controlled company in such joint enterprise, joint arrangement or profit-sharing plan on the basis proposed is consistent with the provisions, policies and purposes of the act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

(c) "Joint enterprise or other joint arrangement or profit-sharing plan" as used in this section shall mean any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company or a controlled company thereof and any affiliated person of or a principal underwriter for such registered investment company, or any affiliated person of such a person or principal underwriter, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking, but shall not include an investment advisory contract subject to section 15 of the act.

(d) Notwithstanding the requirements of paragraph (a) of this section, no application need be filed pursuant to this section with respect to any of the following:

(1) Any profit-sharing plan provided by any controlled company which is not an investment company for its officers or employees, provided no affiliated person of any investment company which is an affiliated person of such controlled company participates therein.

(2) Any plan provided by any registered investment company or any controlled company for its officers or employees if such plan has been qualified under section 401 of the Internal Revenue Code of 1954 and all contributions paid under said plan by the employer qualify as deductible under section 404 of said Code.

Effective: January 10, 1957.

(Sec. 38, 54 Stat. 841; 15 U. S. C. 80a-37)

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 10, 1957.

[F. R. Doc. 57-433; Filed, Jan. 22, 1957; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 59—ORDERING THE READY RESERVE TO ACTIVE DUTY IN A NATIONAL EMERGENCY DECLARED BY THE PRESIDENT

Sec.
59.1 Purpose.
59.2 Applicability.
59.3 Statutory provisions.
59.4 Policy.

AUTHORITY: §§ 59.1 to 59.4 issued under sec. 208, 66 Stat. 484, as amended, sec. 673, 70A Stat. 28; 50 U. S. C. 928, 10 U. S. C. 673.

§ 59.1 *Purpose.* The purpose of this part is to prescribe uniform policy governing the ordering to active duty of units and individuals in the Ready Reserve in a national emergency declared by the President.

§ 59.2 *Applicability.* This part is applicable to all military departments in the employment of authority, contained in subsection 673 (a), 70A Stat. as amended by subsection 2 (f), 69 Stat. 598, to order to active duty in a national emergency declared by the President, units and individuals in the Ready Reserve.

§ 59.3 *Statutory provisions.* (a) In time of national emergency declared by the President subsequent to January 1, 1953, or when otherwise authorized by law, subsection 673 (a), 70A Stat. as amended by subsection 2 (f), 69 Stat. 598, provides that any unit or any member not assigned to a unit organized to serve as such in the Ready Reserve may, by authority designated by the Secretary concerned, be ordered to active duty for a period not to exceed 24 consecutive months, without the consent of the persons affected, except that numbers in excess of 1,000,000 may not be required to perform active duty involuntarily at any time unless authorized by the Congress.

(b) When the authority cited in paragraph (a) of this section is employed, subsection 673 (b), 70A Stat. requires that in the interest of fair treatment as between members in the Ready Reserve being considered for involuntary recall to duty, attention shall be given to the duration and nature of previous service with the objective of assuring such sharing of hazardous exposure as the national security and the military requirement will reasonably permit, to family responsibilities, and to employment found to be necessary to the maintenance of the national health, safety, or interest. At such time as the screening of the Ready Reserve under provisions of Part 53 of this chapter, 21 F. R. 3250, becomes current, the requirements of cited subsection 673 (b), 70A Stat. will be considered as having been satisfied. Meanwhile, the provisions of Department of Defense Directive Number 1235.5, subject: Involuntary Recall of Ready Reservists, subsection 233 (b) (2), Armed Forces Reserve Act of 1952 (Public Law 476, 82d Congress), dated September 1, 1953, will apply.

(c) In any expansion of the active Armed Forces of the United States which requires that units and members of the reserve components be ordered into the active military service of the United States, subsection 672 (c), 70A Stat. provides that, insofar as practicable, members of units organized and trained for the purpose of serving as such shall be ordered involuntarily to active duty only with their units, but does not prohibit the reassignment of personnel of such units after being ordered into the active military service of the United States. Policy governing application of this provision is contained in Department of Defense Directive Number 1235.6, subject: Integrity of Units, dated September 22, 1953.

§ 59.4 *Policy.* (a) The authority contained in subsection 673 (a), 70A Stat. to order units or members of the Ready Reserve involuntarily to active duty shall be exercised only on direction of the President.

(b) Where the nature of the emergency permits, the Secretary of Defense, with the advice of the Joint Chiefs of Staff, will determine the numbers and composition of forces to be ordered involuntarily to active duty from the Ready Reserve by each Service, subject to the conditions of paragraph (a) of this section within the 1,000,000 authorized by law or within whatever larger number may have been authorized by the Congress.

(c) Where the nature of the emergency precludes procedures contemplated in paragraph (b) of this section, the 1,000,000 members of the Ready Reserve authorized by law to be ordered involuntarily to active duty may be so ordered by authorities designated by the Secretaries concerned, subject to the conditions of paragraph (a) of this section, in numbers previously allocated to the military services by the Secretary of Defense.

(1) The Joint Chiefs of Staff shall be responsible for providing to the Secretary of Defense on a current basis the recommended numbers which each Service will be authorized to order involuntarily to active duty under such circumstances, based on appropriate war or mobilization plans.

(2) The Joint Chiefs of Staff shall periodically review the allocation made by the Secretary of Defense, for the purpose of recommending such changes as new conditions may dictate.

(d) Where the nature of the emergency indicates imminent attack upon the continental United States, those authorities having been designated by the Secretaries concerned may order to active duty, subject to the conditions of paragraph (a) of this section, those Ready Reserve forces previously determined by the Secretary of Defense, on the recommendation of the Joint Chiefs of Staff, as required for the immediate defense of the continental United States.

(e) The designation of individuals and units of the Ready Reserve to comprise the forces to be ordered involuntarily to active duty by each Service, within numbers determined by the Secretary of Defense in accordance with paragraphs (b), (c), or (d) of this section, shall be the responsibility of the Secretary of the military department concerned.

C. E. WILSON,
Secretary of Defense.

[F. R. Doc. 57-394; Filed, Jan. 19, 1957; 9:32 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1382]

[1825382]

NEVADA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 8578 OF OCTOBER 29, 1940, AS MODIFIED BY EXECUTIVE ORDER NO. 9019 OF JANUARY 12, 1942, WHICH WITHDREW LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL BOMBING AND GUNNERY RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 8578 of October 29, 1940, as modified by Executive Order No. 9019 of January 12, 1942, reserving public lands in Nevada for use of the War Department as an aerial bombing and gunnery range, is hereby revoked so far as it affects the following-described lands:

a. Beginning at the Northwest corner of T. 1 S., R. 51 E., Mount Diablo Base and Meridian;
Thence East along the Mount Diablo Base line approximately 8.5 miles to the Southeast corner of T. 1 N., R. 51½ E.;
Thence North approximately 1 mile to the Southwest corner of T. 1 N., R. 52 E.;
Thence East along the Mount Diablo Base line approximately 15 miles to the Northeast corner of Section 4, T. 1 S., R. 54 E.;
Thence South along section lines approximately 12 miles to the Southeast corner of Section 33, T. 2 S., R. 54 E.;
Thence West along Township lines approximately 17½ miles to the Southeast corner of T. 2 S., R. 51 E.;
Thence North along the range line approximately 6 miles to the Northeast corner of T. 2 S., R. 51 E.;
Thence West along the Township line approximately 6 miles to the Southwest corner of T. 1 S., R. 51 E.;
Thence North along the range line approximately 5½ miles to the point of beginning.

The area described contains 155,645 acres.

b. Beginning at a point that has coordinates Northing, 911,554.32; Easting, 714,867.37; Latitude 37°15'07.268" N.; Longitude 115°55'42.268" W.; which is the northeast corner of the present Atomic Energy Commission Proving Ground as withdrawn by Public Land Order No. 805, thence
N. 0°32'47" W., 2 miles to the intersection of a line bearing west of the point for a corner of Tps. 7 and 8 S., Rgs. 55 and 56 E.
East, 10 miles along line for Tps. 7 and 8 S.
South, 6 miles to intersection of the 2nd Standard Parallel South and Rgs. 55 and 56 E.
West, 10 miles along said Parallel to east boundary of Public Land Order No. 805.
N. 0°32'47" W., 4 miles along said boundary to point of beginning.

The above described tract will embrace the following lands if and when surveyed:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 54 E.,
Secs. 1 to 4, 9 to 16, 21 to 28, and 33 to 36 inclusive.
T. 8 S., R. 55 E.

The area described contains approximately 38,400 acres.

2. The lands described in paragraph 1 (b) of this order are included in an application for withdrawal (Nev. 043795) filed by the Atomic Energy Commission. With respect to such lands, applications under the public land laws will be suspended in accordance with 43 C. F. R. 295.10 until final action on the application for withdrawal has been taken.

3. The lands are grazing lands in Nye County, Nevada. Vegetation in a typical desert type with some scrub pinon and juniper at the higher elevations which changes to yucca, white burr sage, and annuals as the elevation decreases.

4. No application for the restored lands may be allowed under the homestead, desert-land, small tract or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following; the unsurveyed lands being opened to such applications, selections, and loca-

tions as are allowable on unsurveyed lands.

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws and for unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on February 21, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 23, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 5 (a) (1) and 5 (a) (2) above, and applications and offers under the Mineral Leasing Laws presented prior to 10:00 a. m. on May 23, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands described in paragraph 1 (a) will be open to location under the United States mining laws beginning at 10:00 a. m. on May 23, 1957.

6. Persons claiming veterans preference rights under paragraph 5 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 16, 1957.

[F. R. Doc. 57-448; Filed, Jan. 22, 1957; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

COMMENCEMENT; TIME LIMITATIONS

In § 21.2012, a new paragraph (d) is added as follows:

§ 21.2012 *Commencement; time limitations.* • • •

(d) *Special administrative consideration.* (1) Where a fully eligible veteran has timely filed a perfected application with the Veterans Administration and is shown to have been prevented from initiating the program applied for on or before the applicable delimiting date and it is clearly established that his failure to do so was the direct result of one of the following enumerated conditions—and of no other condition—it will be deemed that the provisions of paragraph (a) of this section as to timely initiation have been constructively met:

(i) There is of record a showing that his application was denied through clear and unmistakable error upon the part of the Veterans Administration and the veteran protested the denial within 60 days following the date of notice of denial.

(ii) The applicant relied upon the terms of an erroneous certificate for education and training issued on or prior to the applicable delimiting date which on its face clearly authorized commencement of training at a time following the applicable delimiting date and it is established that the veteran did commence his course within the period provided by the erroneous certificate.

(iii) There is of record a showing—as of the time of the asserted misinformation—that the veteran was erroneously informed by a responsible Veterans Administration employee that he could commence such program after the applicable delimiting date and the veteran did in fact commence his course within the period provided by the misinformation.

(iv) The veteran's application, proper in all respects; having been received in the Veterans Administration not later than the 10th workday immediately preceding the applicable delimiting date, and the veteran establishes by competent evidence that he was in fact prevented from commencing the program of education and training applied for on or before the applicable delimiting date solely because of failure upon the part of the Veterans Administration to issue a proper certificate for education and training on or before the third workday immediately preceding the applicable delimiting date and the veteran protested within 60 days following his delimiting date.

(2) Relief, as provided for in subparagraph (1) of this paragraph, will not be extended in any case where the veteran is unable to establish by competent and acceptable evidence—the burden of proof being upon the veteran—that, but for one of the conditions therein set out, his actual initiation of the program applied for would have been possible on or prior to his delimiting date. In no event will relief be extended as provided in subparagraph (1) (i) and (ii) of this paragraph unless the veteran has commenced or does commence active pursuit of the program applied for not later than the first date as of which students are admitted or 30 days after the date of the notification by the Veterans Administration of his eligibility, whichever is later.

(Sec. 261, 66 Stat. 663; 38 U. S. C. 971)

This regulation is effective January 23, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-520; Filed, Jan. 22, 1957; 8:58 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSALS TO ADOPT DEFINITIONS AND STANDARDS OF IDENTITY FOR MOZZARELLA CHEESE, SCAMORZA CHEESE; PART-SKIM MOZZARELLA CHEESE, PART-SKIM SCAMORZA CHEESE

Notice is hereby given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago 6, Illinois, whose members include manufacturers and distributors of various cheeses, setting forth proposals to adopt definitions and standards of identity for mozzarella cheese, scamorza cheese; part-skim mozzarella cheese, part-skim scamorza cheese.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996, 21 F. R. 6581), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding the proposals published below. Such views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

It is proposed that the following new sections be added to Part 19:

§ 19.—. *Mozzarella cheese, scamorza cheese: identity.* (a) Mozzarella cheese, scamorza cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It may be made in several shapes. It contains not more than 52 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which is pasteurized and which may be clarified or homogenized or both, and which may be warmed, may be subjected to the action of harmless lactic-acid-producing bacteria present in such milk or added thereto, or the milk may be acidified with vinegar. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and allowed to stand, and it may be agitated again and heated. The whey is drained and the curd is cut and piled to promote the separation of the whey from the curd. The curd may be washed with cold water and the water drained off. The curd is placed in bundles for drainage and for ripening. It may be stored under refrigeration or ice or kept at room temperature for further ripening. The curd is cut and is immersed in hot water or heated with steam and is kneaded and stretched until it is smooth and free from lumps. Then it is cut and molded. During the molding the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is then firmed by immersion in cold water, may be salted in brine, and dried. A harmless preparation of enzymes capable of aiding in the curing or development of flavor of mozzarella cheese, scamorza cheese may be added during the procedure, in such quantities that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Mozzarella cheese shall be deemed not to have been made from pasteurized milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (f), provolone modification.

§ 19.—. *Part-skim mozzarella cheese, part-skim scamorza cheese: identity.* Part-skim mozzarella cheese, part-skim scamorza cheese, conforms to the definition and standard of identity prescribed by § 19.— for mozzarella cheese, scamorza cheese, except that its solids contain less than 45 percent of milk fat, but not less than 30 percent.

Dated: January 17, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-440; Filed, Jan. 22, 1957; 8:46 a. m.]

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS USED FOR MASTITIS IN DAIRY ANIMALS

NOTICE OF PROPASAL RE WARNING STATEMENT TO BE REQUIRED ON ANTIBIOTIC DRUGS INTENDED FOR INTRAMAMMARY INFUSION

Notice is given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 52 Stat. 1055, as amended, 59 Stat. 463 as amended; 21 U. S. C. 357, 371) and under authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D. C., on the proposal set forth below. All views and comments should be submitted in quintuplicate.

It is proposed that all sections of the regulations dealing with antibiotic drugs intended for intramammary infusion in the treatment or prevention of mastitis in dairy animals be amended by adding thereto the following subparagraph:

On the immediate container, if it is intended for use in the prevention or treatment of mastitis in dairy animals by intramammary infusion, the statement "Warning—Milk taken from dairy animals within ___ hours after the latest treatment for mastitis must not be used for human consumption," the blank being filled in with the number 72, unless the person who requests certification has submitted to the Commissioner information adequate to prove that milk from dairy animals treated with the drug as prepared by him contains no antibiotics after a time period that is shorter than 72 hours after the latest treatment. In such cases, the blank shall be filled in with the number 60, or 48, or 36, or 24, as authorized by the Commissioner.

Dated: January 16, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-441; Filed, Jan. 22, 1957; 8:46 a. m.]

[21 CFR Part 130]

NEW DRUGS; PROCEDURAL AND INTERPRETATIVE REGULATIONS

NOTICE OF PROPOSAL TO AMEND REQUIREMENTS GOVERNING NEW DRUGS FOR INVESTIGATIONAL USE

Correction

In Federal Register Document 57-378, published on page 386 of the issue for Friday, January 18, 1957, the word "paragraph", in the last sentence of subparagraph (3) of § 130.3 (a), should read "subparagraph".

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

YELLOW FEVER; DISINSECTING VESSELS AND AIRCRAFT; IMPORTATION OF DOGS, CATS, AND MONKEYS

Notice is hereby given that the Surgeon General of the Public Health Service, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend the Public Health Service Regulations as indicated below, to protect the public health of the United States in accord with amendments to the International Sanitary Regulations adopted by the Eighth World Health Assembly on May 26, 1955, which came into force on October 1, 1956, and to clarify, modify, and strengthen the provisions regarding disinsecting of vessels and aircraft and importation of dogs, cats, and monkeys. Interested persons may submit written data, views, or arguments (in duplicate) in regard to the proposed amendments to the Surgeon General of the Public Health Service, Washington 25, D. C. All relevant material received not later than 30 days after the publication of this notice in the FEDERAL REGISTER will be considered.

1. Section 71.1 (l) would be amended to read as follows:

(l) *Infected local area.* A local area (as defined in the International Sanitary Regulations) where:

(1) There is a nonimported case of cholera or smallpox; or

(2) There is a nonimported case of plague, or there is plague infection among rodents; or

(3) There is a nonimported case of yellow fever, or there is activity of yellow fever virus in vertebrates other than man; or

(4) There is an epidemic of typhus or relapsing fever.

2. Section 71.1 (gg) would be deleted.

3. Section 71.1 (hh) would be amended to read as follows:

(hh) *Yellow fever receptive area.* An area where the yellow fever virus does not exist but where Aedes aegypti or any other domiciliary or peri-domiciliary vector of yellow fever is present and development of the disease, if introduced, would thus be possible.

4. Section 71.9 would be amended to read as follows:

§ 71.9 *Listing of infected and receptive areas.* Each medical officer in charge shall maintain an accurate listing of (a) ports and other areas infected with quarantinable or other communicable diseases, and (b) yellow fever receptive areas.

5. Section 71.90 would be amended to read as follows:

§ 71.90 *Yellow fever; vessels and aircraft; classification.* For the purpose of applying sanitary and quarantine measures against the spread of yellow fever:

(a) An infected vessel means a vessel which has on board on arrival or which during its voyage had on board a case of yellow fever.

(b) An infected aircraft means an aircraft which has on board on arrival a case of yellow fever.

(c) A suspected vessel means a vessel which has left a yellow fever infected local area within 6 days prior to arrival or which arriving within 30 days after leaving such area has Aedes aegypti on board.

(d) A suspected aircraft means an aircraft which has left an airport situated in a yellow fever infected local area bound for a yellow fever receptive area in the United States if on arrival the quarantine officer is not satisfied that it was adequately disinsected before departure from such area or in flight and finds live mosquitoes on board.

(For disinsecting requirements for aircraft and vessels see §§ 71.102 and 71.102a.)

6. The Subpart G heading would be amended to read as follows:

SUBPART G—SANITARY INSPECTION: CONTROL OF RODENTS, INSECTS, AND OTHER VERMIN; DISINFECTION

7. Section 71.101 would be amended to read as follows:

§ 71.101 *General provisions.* Vessels or aircraft arriving at a port under the control of the United States from a foreign port shall be subject to sanitary inspection to ascertain whether there exists rodent, insect, or other vermin infestation, contaminated food or water, or other insanitary condition requiring measures for the prevention of the introduction, transmission, or spread of communicable disease. (For sanitary measures with respect to border traffic see § 71.140.)

8. Section 71.102 would be amended to read as follows:

§ 71.102 *Disinsecting of aircraft.*[1] (a) The following aircraft shall be disinsected:

(1) An infected aircraft as defined in § 71.90.

(2) An aircraft that has left a local area that is infected with yellow fever or an area that is infected with other insect-borne communicable disease, if it has not been adequately disinsected before arrival.

(3) An aircraft that has left any foreign airport where Aedes aegypti exists and arrives at an airport under the control of the United States that has been freed of Aedes aegypti, if it has not been adequately disinsected before arrival.

(b) The medical officer in charge shall accept prearrival disinsecting as adequate if after inspection he determines that such disinsecting has been effective, and the insecticide and disinsecting methods meet the following requirements:

(1) The insecticide shall be either Insecticidal Aerosol G–382, G–651, G–1152, or G–1029, the formulas of which are given below, or an insecticide found by the Surgeon General of the Public Health Service, upon application by an interested person, to be substantially as effective as these aerosols:

FORMULAS FOR INSECTICIDAL AEROSOLS: G–382, G–651, G–1152, AND G–1029

Component	Percent by weight			
	High pressure aerosols		Medium pressure aerosols	
	G–382	G–651	G–1152	G–1029
Pyrethrum extract (20 percent pyrethrins)	5.0	6.0	5.0	6.0
DDT	3.0	2.0	3.0	2.0
Cyclohexanone	5.0	------	5.0	------
Lubricating oil (SAE 30)	2.0	------	2.0	------
Aromatic petroleum derivative solvents: (Velsicol AR60 or Socony Vacuum 5446)	------	8.0	------	6.0
(Velsicol AR50 or Socony Vacuum 544C)	------	------	------	2.0
Trichlorofluoromethane (Freon-11 or Genetron-11)	------	------	25.5	25.2
Dichlorodifluoromethane (Freon-12 or Genetron-12)	85.0	84.0	59.5	58.8

(2) The insecticide shall be dispensed in the amount of not less than 5 grams for each 1,000 cu. ft. of enclosed space in the aircraft, and shall be released or sprayed throughout all accessible compartments.

(3) Disinsecting may be accomplished either while the aircraft is on the ground before take-off from the last airport before arrival in the United States, or after departure from such airport (for compartments accessible in flight). In no case shall disinsecting be accomplished later than 30 minutes before the first landing at a United States port.

(4) The ventilation system shall be stopped and all openings to the exterior kept closed while the insecticide is being released or sprayed, and for a period of at least 3 minutes thereafter. If disinsecting is accomplished on the ground before take-off, the ventilation system may be opened at the end of such period, provided the system is equipped with filters or other means for preventing entry of insects into the aircraft; but doors, windows, or other such openings to the exterior shall be kept closed until after the take-off, except to permit persons applying the insecticide to debark.

(c) An infected or suspected aircraft as defined in § 71.90, or any other aircraft subject to disinsecting under this section which the medical officer in charge deems to present a special hazard of introduction of insect vectors, shall be kept tightly closed on arrival; disinsecting shall be accomplished before discharge of passengers, crew, mail, baggage, cargo, or other material; and no person except quarantine officials shall be allowed on board until disinsecting is completed.

9. Section 71.102a would be added to read as follows:

§ 71.102a *Disinsecting and disinfesting vessels*—(a) *Disinsecting (yellow fever).* (1) The following vessels shall be disinsected:

(i) An infected vessel as defined in § 71.90.

(ii) A vessel arriving from a yellow fever infected local area, if it has not been adequately disinsected before arrival.

(iii) A vessel that has left a port where Aedes aegypti exists and arrives at a port under the control of the United States that has been freed of Aedes aegypti, if it has not been adequately disinsected before arrival.

(2) In a yellow fever receptive area infected vessels shall be moored at least 400 meters from the land until disinsecting required by this paragraph is completed. Other vessels that are required to be disinsected under this paragraph shall be so moored when deemed necessary by the medical officer in charge to prevent the introduction of vectors of yellow fever.

(3) The medical officer in charge shall accept prearrival disinsecting as adequate if after inspection he determines that such disinsecting has been effective, and the insecticide and disinsecting methods meet the requirements specified for aircraft in § 71.102 (b), except that the ventilation system shall be stopped and all openings to the exterior kept closed for a period of at least 15 minutes after the insecticide is released or sprayed.

(b) *Disinfesting (general).* A vessel may be disinfested on arrival if the medical officer in charge considers disinfestation necessary to prevent the spread of infection or for the destruction of insects and other vermin capable of transmitting communicable disease.

10. Section 71.102b would be added to read as follows:

[1] At airports where the hazard of introducing disease-carrying insects exists, it is the policy of the United States Public Health Service to conduct "entomological surveillance" of the airport area. This surveillance consists of periodic entomological surveys carried on by entomologists or trained representatives for the purpose of the early detection and prompt eradication of any insect of public health importance which may unknowingly have been introduced by aircraft.

§ 71.102b *Disinsecting and disinfection of persons and things; Vessels and aircraft.* The person, effects, and baggage of any vermin infested person arriving aboard a vessel or aircraft shall be disinsected and, if necessary in the judgment of the medical officer in charge, disinfected.

11. Section 71.154 would be amended to read as follows:

§ 71.154 *Dogs, cats, and monkeys*—(a) *Definitions.* As used in this section and § 71.155, the term:

(1) "Dog" includes all domestic and wild members of the dog family (Canidae).

(2) "Cat" includes all domestic and wild members of the cat family (Felidae).

(3) "Monkey" includes all monkeys and such other Primates as lemurs, baboons, and chimpanzees.

(4) "United States" means the continental United States, its territories, and possessions (other than the Canal Zone).

(5) "Zoological park" means a place, premises, or an establishment maintained for the exhibition of live animals for recreational or educational purposes.

(b) *General requirements*—(1) *Inspection by quarantine officer.* All dogs, cats, and monkeys brought into the United States from any foreign country shall be inspected by the quarantine officer at the port of arrival. Only animals in which no evidence of communicable disease (see § 71.1 (b)) is revealed shall be admitted.

(2) *Examination by veterinarian at port of arrival; detention of animals.* When a dog, cat, or monkey does not appear to be in good health on arrival (i. e., it has such symptoms as emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea), the medical officer in charge may give the owner or his agent an opportunity to call in a licensed veterinarian to examine the animal and give or arrange for any tests or treatment indicated. The medical officer in charge will consider the findings of any such examination and tests in determining whether the animal may have a communicable disease. The owner shall bear the expense of such examination, tests, and treatment. When it is necessary to detain an animal pending determination of its admissibility, the owner or his agent shall provide satisfactory detention facilities which in the judgment of the medical officer in charge will afford protection against the existence of a health hazard. The owner or his agent shall bear the expense of such detention.

(3) *Report of sickness or death; exposed animals.* (i) A record of sickness or death of dogs, cats, or monkeys en route to the United States shall be made by the person responsible for care of the animals, and shall be submitted to the quarantine officer at the port of arrival. Animals sick or dead while en route or on arrival shall be separated from other animals as soon as discovered.

(ii) When a dog, cat, or monkey appears healthy but, during shipment, has been exposed to a sick or dead animal suspected of having a communicable disease, the exposed animal shall be admitted only if tests or other examination, made at a time when infection with communicable disease could be determined, reveals no evidence that the animal may be infected with such disease. The provisions of subparagraph (2) of this paragraph shall be applicable to such tests or other examination.

(4) *Sanitation.* When the quarantine officer finds that the cages or other containers of dogs, cats, or monkeys arriving in the United States are in an insanitary condition that may constitute a health hazard:

(i) The animals shall not be admitted in such containers unless the owner or his agent has the containers cleaned; and

(ii) The quarantine officer shall report the matter to the customs officer for investigation pursuant to customs regulations regarding importation of animals under inhumane or unhealthful conditions (19 CFR 12.26 (k)).

(c) *Dogs only; rabies vaccination.* (1) Rabies vaccination is required for a dog that is brought into the United States, unless:

(i) For the six months before arrival the dog has been only in a country determined by the Public Health Service to be rabies-free [2]; or

(ii) The owner submits evidence satisfactory to the quarantine officer that the dog is destined for a zoological park, or that it is destined for a research establishment and vaccination would seriously interfere with its use for scientific investigation; or

(iii) The dog on arrival is less than three months of age, in which case it shall be released under surveillance (kept on a leash when outdoors, or otherwise restrained by the owner) and the owner shall certify that the dog will be vaccinated at three months of age and remain under surveillance for one month following vaccination.

(2) Vaccination shall be accomplished with nervous-tissue vaccine more than one month but not more than 12 months before the dog's arrival, or with chicken-embryo vaccine more than one month but not more than 36 months before arrival.

(3) Where vaccination is required, the dog shall be accompanied by a valid certificate of rabies vaccination. This certificate shall: (i) Identify the dog, (ii) be signed by a licensed veterinarian, and (iii) specify that such veterinarian vaccinated the dog with "nervous-tissue" vaccine or with "chicken-embryo" vaccine, on a stated date within the respective time limit provided in subparagraph (2) of this paragraph.

(4) If a dog that is subject to vaccination arrives without a valid certificate of rabies vaccination, it shall not be admitted until it has been vaccinated (except as provided in subparagraph (5) of this paragraph). The owner shall arrange for and bear the expense of this vaccination. Upon admission the dog shall be placed under surveillance (kept on a leash when outdoors, or otherwise restrained by the owner) for at least 30 days.

(5) If a dog arrives with a certificate which is valid except that vaccination was received less than one month before arrival, the dog may be admitted but placed under surveillance until at least 30 days have elapsed since vaccination.

(6) In no case will vaccination be recognized if performed on a dog less than three months of age.

(d) *Dogs and cats; special provisions.* Notwithstanding other provisions of this section, if a dog or cat comes from a locality having a high incidence of rabies and under conditions otherwise indicating that a special hazard of rabies introduction is present, it shall be subject to such additional requirements, or to exclusion, as may be found necessary by the medical officer in charge, and approved by the Chief of the Division of Foreign Quarantine of the Public Health Service, to prevent the introduction of rabies. However, any such dog that has been vaccinated after the age of 3 months as provided in paragraph (c) of this section shall be admitted after 30 days have elapsed since vaccination, if inspection of the animal following this period has revealed no evidence of communicable disease.

(e) *Monkeys only; measures regarding yellow fever.* (1) Monkeys arriving from or having passed through a yellow fever infected local area, or an area in which there is reason to suspect the existence of yellow fever virus, shall be admitted only if inspection of the animals reveals no signs of yellow fever, and there is evidence satisfactory to the medical officer in charge that:

(i) At least nine days have elapsed following their departure from the last such area contacted, or

(ii) They arrive in a mosquito-proof structure, and have been kept in such a structure for at least nine days immediately before arrival, or

(iii) They have an effective immunization against yellow fever.

(2) The structure referred to in subparagraph (1) of this paragraph shall have coverings of mosquito-proof material in at least two layers sufficiently separated to prevent mosquitos from biting the monkeys.

(f) *Dogs, cats, and monkeys in transit.* The provisions of this section shall apply to dogs, cats, and monkeys shipped through the United States from one foreign country to another, except as indicated below:

(1) Animals that appear healthy, but have been exposed to a sick or dead animal suspected of having a communicable disease, need not undergo tests or other examination as provided in paragraph (b) (3) of this section if conditions of their transportation will afford adequate protection to the United States against introduction of communicable disease.

(2) Rabies vaccination is not required for dogs that are shipped by airplane or

[2] A current list of rabies-free countries may be obtained from the Surgeon General, Public Health Service, Department of Health, Education, and Welfare, Washington 25, D. C., Attention: Chief, Division of Foreign Quarantine, or from Public Health Service Quarantine Stations at United States ports.

ship and are retained in custody of the carrier under conditions preventing introduction of rabies.

12. Section 71.155 would be amended to read as follows:

§ 71.155 *Dogs, cats, and monkeys; disposal of excluded animals.* A dog, cat, or monkey excluded from the United States under the regulations in this part shall be exported or destroyed. Pending exportation it shall be detained under customs' custody at the port of arrival at the owner's expense. In an area where Aedes aegypti is present, monkeys not meeting requirements of paragraph (e) of § 71.154 shall be detained in a mosquito-proof structure as described in that paragraph, pending disposal.

13. Section 71.605 (a) would be amended to read as follows:

(a) Every port, and the area within the perimeter of every airport, shall be kept free from Aedes aegypti in its larval and adult stages.

(Sec. 215, 58 Stat. 690, 42 U. S. C. 216. Interpret or apply secs. 361–369, 58 Stat. 703–706; 42 U. S. C. 264–272)

Dated: January 10, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: January 16, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-442; Filed, Jan. 22, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 545]

HOMEWORKERS IN NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

NOTICE OF PROPOSED RULE MAKING

In accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), and pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), Reorganization Plan No. 6 of 1950 (5 U. S. C. 611) and General Order No. 45–A (15 F. R. 3290), notice is hereby given that I propose to amend Part 545 (29 CFR Part 545) as hereinafter set forth.

Prior to any final action on this proposal, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing to the Administrator, Wage and Hour and Public Contracts Divisions, United States Department of Labor, Washington 25, D. C., within thirty days from publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of January 1957.

NEWELL BROWN,
Administrator, Wage and Hour and Public Contracts Divisions.

1. The caption of Part 545 is amended to read: "Part 545—Homeworkers in the Fabric and Leather Glove Industry; the Handkerchief, Square Scarf, and Art Linen Industry; the Children's Dress and Related Products Industry; the Women's and Children's Underwear Industry; and the Needlework and Fabricated Textile Products Industry in Puerto Rico."

2. Section 545.1 is amended to read:

§ 545.1 *Applicability.* The provisions of this part shall apply to persons in activities relating to homeworkers engaged in commerce or in the production of goods for commerce in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear industry; and the needlework and fabricated textile products industry in Puerto Rico as defined in Parts 715, 716, 717, 718, and 719 of this chapter.[1]

3. Footnote 2 to § 545.3 (a) is amended to read:

[2] See § 545.13 for the schedule of piece rates prescribed in accordance with § 545.9. As an example of how to state the piece rate schedule designation, if "plain scallops" are to be made on articles in the "children's dress and related products industry," the full piece rate schedule designation would be "Operation 74, Col. 3."

4. Footnote 4 to § 545.7 (c) is redesignated footnote 5 and amended to read:

[5] See footnote 4.

5. Section 545.9 is amended to read:

§ 545.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid in lieu of the applicable hourly rate established by the wage orders for the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear industry; and the needlework and fabricated textile products industry, not less than the piece rates prescribed in § 545.13 for the operations described therein.

6. Delete footnote 5 to § 545.10 (a).

7. Section 545.13 is amended to read:

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATES SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY, THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY, AND THE BLOUSE AND NECKWEAR CLASSIFICATION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO[1]

No.	Operation	Women's and children's underwear industry		Children's dress and related products industry	Blouse and neckwear classification, needlework and fabricated textile products industry	Unit of payment
		Silk and synthetic underwear (1)	Cotton underwear (2)	(3)	(4)	
		Cents	*Cents*	*Cents*	*Cents*	
1	Arenilla (seed stitch), close, 1/2" squares	42.00	37.80	42.00	48.00	Per dozen squares.
2	Arenilla (seed stitch), scattered, 1/2" squares	21.00	18.90	21.00	24.00	Do.
3	Arrows, filled in, 1/4"	10.50	9.45	10.50	12.00	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 23.33	[2] 21.00	33.33	40.00	Per yard.
5	Basting bias with cord	11.55	10.41	11.55	13.20	Do.
6	Basting darts before sewing	[2] 12.18	[2] 10.97	17.50	20.88	Do.
7	Basting for fagoting	3.16	2.85	3.16	3.61	Do.
8	Basting hems, 1" to 6" wide	[2] 7.00	[2] 6.30	10.00	12.00	Do.
9	Basting lace incidental to sewing on lace with solid cord stitch	6.05	5.44	6.05	6.91	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch	[2] 4.38	[2] 3.95	6.26	7.50	Do.
11	Bias piping, joined, double, over 10 stitches per inch	14.00	12.60	14.00	16.00	Do.
12	Bias piping, joined, single, over 10 stitches per inch	17.50	15.75	17.50	20.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch	21.09	18.97	21.09	24.10	Do.
14	Blanket stitch, folding included, 18 stitches per inch	39.67	35.70	39.67	45.34	Do.
15	Buttons sewed on with double thread, 2 to 3 stitches	[2] 4.57	[2] 4.11	6.51	7.82	Per dozen.
16	Buttonhole, stamped, 3/4" long	[2] 15.10	[2] 13.58	21.54	25.85	Do.
17	Buttonholes, stamped, 1/2" long	[2] 20.07	[2] 18.06	28.69	34.42	Do.
18	Buttonhole stitch, close	31.50	28.35	31.50	36.00	Per yard.
19	Buttonhole stitch for joining seams	31.50	28.35	31.50	36.00	Do[3]
20	Cord, twisted, over basting	3.50	3.15	3.50	4.00	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch	4.80	4.32	4.80	5.49	Per yard.
22	Cutting material under lace or at seams, straight outline, following handsewing operation	1.97	1.77	1.97	2.25	Do.
22.1	Cutting material under lace or at seams, straight outline following machine operations (formerly operation No. 93)	3.15	3.15	2.81	3.38	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	2.92	2.64	2.92	3.34	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	4.62	4.18	4.62	5.28	Do.
25	Eyelets, up to 1/8" diameter	7.80	7.03	7.80	8.91	Do.
26	Eyelets, 3/16" diameter	14.00	12.60	14.00	16.00	Do.
27	Fagoting, straight lines	48.75	43.87	48.75	55.71	Per yard.
28	Fagoting, twisted lines	23.33	21.00	23.33	26.66	Do.
29	Feather stitch, 12 stitches per inch	23.33	21.00	23.33	26.66	Do.
30	Feather stitch cord	12.28	11.06	12.28	14.03	Do.
31	Flat fell seams, first seam by machine	[2] 13.67	[2] 12.30	19.51	23.42	Do.
32	Flat roll	[2] 10.62	[2] 9.55	15.14	18.17	Do.
33	French knots, not finished off	[2] 7.44	[2] 6.70	10.64	12.77	Do.
34	French seams, over 12 stitches per inch	3.27	3.27	3.27	[4] 3.27	Per dozen pasadas.
35	French seams, first seam by machine, 9 to 12 stitches per inch	58.78	52.90	69.72	78.68	Per yard.
36	Fuzzy, rectangular, sewed on with blind stitch, up to 1/2"	52.50	47.25	62.74	5.03	Per dozen inches.
37	Fuzzy, rectangular, sewed on with solid cord, cut-to-size, without tape	4.40	3.96	4.40	78.40	Per yard.
38	Guiriquenas	42.00	37.80	68.60	96.00	Per dozen squares.
39	Half roll (with colored or emb. thread)	3.50	3.15	84.00	31.82	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch	11.48	10.34	10.50	20.42	Do.
41	Hemming stitch for felling cuffs, collars, etc., not over 2 inches, 8 to 10 stitches per inch	26.12	[2] 15.66	8.74	8.75	Do.
42	Hemstitch double (tru-tru), 4 threads in a bundle, thread drawing not included	43.40	39.06	22.37	26.85	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included	22.78	20.53	43.40	40.60	Do.
44	Lace, joined with hemming stitch	36.46	33.81	22.78	26.03	Do.
45	Lace, sewed on with hemming stitch or mind roll	17.50	15.75	36.46	41.67	Do.
46	Leaves, open, 1/2" long	14.00	12.60	17.50	20.00	Per dozen.
47	Leaves, open 3/8" to 1/2" long	21.00	18.90	14.00	16.00	Do.
48	Leaves, solid, not finished off, 1/2" long	3.31	3.31	21.00	24.00	Do.
49	Leaves, solid, not finished off, 3/4" to 1" long	4.65	4.20	3.31	4.20	Do.
50	Leaves, solid, not finished off, 3/4" to 1 1/2" long	7.00	6.30	4.20	5.34	Do.
51	Leaves, solid, finished off, 3/4" to 3/4" long	14.00	12.60	7.00	8.00	Do.
52	Loops, knitted, 14 inch	4.38	4.38	14.00	16.00	Do.
53	Loops, knitted, 1 inch	6.82	6.82	4.38	5.00	Do.
54	Lovers knots with buttonhole stitch	10.50	9.45	6.82	8.41	Do.
55	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam	41.82	37.66	10.50	12.00	Do.
56	Overcasting seam, 6 inch to 8 inches	[2] 7.44	[2] 6.70	41.82	47.79	Per yard.
57	Pasadas, 1 inch to 3 inches	3.27	3.27	10.64	12.77	Do.
58	Patches, sewed on with single point de ture	69.72	62.74	69.72	78.68	Per yard.
58.1	Patches, rectangular, sewed on with blind stitch, up to 1/2"	4.40	3.96	4.40	5.03	Per dozen inches.
58.2	Patches, sewed on with solid cord, cut-to-size, without tape included	68.60	61.74	68.60	78.40	Per yard.
59	Pin stitch, thread drawing not included, 1" squares	84.00	75.60	84.00	96.00	Per dozen squares.
60	Point de turc, double, with embroidery thread	31.82	31.36	31.82	39.80	Per yard.
61	Point de turc, plain, with embroidery thread	20.42	18.36	20.42	23.34	Do.
62	Raised bundles twisted but not tied, thread drawing not included	8.75	7.87	8.75	10.00	Do.
63	Randa, Don Gonzalez, thread drawing not included	36.75	33.06	36.75	42.00	Do.
64	Randa, Mexican, tied at center only, thread drawing not included	10.50	9.45	10.50	12.00	Do.
65	Ribbon work, setting ends of	[2] 4.80	4.32	4.80	5.48	Per dozen.
66	Rolling armholes and reboques	[2] 17.88	[2] 16.10	25.54	30.65	Per yard.
67	Rose buts, worm stitch, 4 worms, 1 or 2 colors or tones	10.40	9.36	10.40	11.88	Per dozen.
68	Running stitch on darts, 8 to 10 stitches per inch	[2] 8.75	[2] 7.89	8.75	15.00	Per yard.
69	Running stitch for felling, very close stitch	[2] 8.75	[2] 7.80	12.50	15.00	Do.
70	Running stitch on hems up to 1" wide, 12 stitches per inch	[2] 10.40	[2] 8.45	12.50	13.46	Do.
71	Running stitch on hems up to 1" wide, 8 to 10 stitches per inch	[2] 10.40	[2] 8.45	13.46	16.15	Do.

See footnotes at end of table.

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

SCHEDULE A—PIECE RATES SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY, THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY, AND THE BLOUSE AND NECKWEAR CLASSIFICATION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO—Continued

No.	Operation	Women's and children's underwear industry		Children's dress and related products industry	Blouse and neckwear classification, needlework and fabricated textile products industry	Unit of payment
		Silk and synthetic underwear (1)	Cotton underwear (2)	(3)	(4)	
		Cents	*Cents*	*Cents*	*Cents*	
72	Running stitch on lace	8.29	8.35	10.64	10.64	Per yard.
73	Running stitch for plain sewing	14.89	14.89	12.50	15.00	Do.
74	Shadow stitch, up to 3/4" wide	35.38	31.69	35.21	40.26	Do.
75	Shell, 4 to 5 stitches per inch	67.67	60.90	67.67	77.34	Do.
76	Shirring, material to be measured before shirring	12.00	10.82	12.00	13.71	Do.
77	Shirring and basting lace edging, material to be measured after shirring	7.05	6.35	7.05	8.06	Do.
78	Shirring and basting lace edging with hemming stitch on straight outline, material to be measured after shirring	8.47	7.64	8.47	9.68	Do.
79	Shoulder straps, set with buttonhole stitch, 1 1/2" x 1/4", measured after turning, sewing up to 3/4" at each end at time	15.22	13.70	15.22	17.39	Do.
80	Size tickets set with hemming stitch, cutting tickets included	41.57	37.22			Per dozen straps.
81	Smocking	[2] 7.00	[2] 6.30	10.00	12.00	Per dozen inches.
82	Snaps, sewing on, both sides	[2] 7.00	[2] 6.30	.29	.33	Per dozen stitches.
83	Solid cord stitch on gores and embroidery	32.90	29.63	10.00	12.00	Per dozen.
84	Solid cord stitch to sew on lace	29.75	26.76	32.90	37.90	Per yard.
85	Spiders, 4 lines	7.00	6.30	29.75	34.00	Do.
86	Spiders, 8 lines	13.68	12.32	7.00	8.00	Per dozen.
87	Tacks, set for fagoting	8.50	8.16	13.68	15.63	Do.
88	Tacks, stamped, 1/16" to 3/4" wide, up to 1/2" long	10.45	9.85	8.50	4.00	Do.
89	Tacks, stamped up to 7" long	11.54	10.38	10.45	12.52	Do.
90	Tucks, pin, unstamped, up to 6" long (See operation No. 22.1)	14.00	12.60	11.54	13.19	Do.
91	Turning belts, machine sewn, 29" x 1/2", measured after turning	13.02	13.02	14.00	16.00	Do.
92	Turning belts, machine sewn, 60" x 1/2", measured after turning	16.54	16.54	11.62	13.95	Per dozen belts.
93	Turning shoulder pads, 5 3/4" long, with an unsewed slit of 1" for turning	8.45	8.45	14.77	17.73	Do.
94	Turning shoulder straps, 14 1/2" x 1 1/4", measured after turning	25.95	25.95	7.51	9.05	Per dozen pads.
95	Turning, to, stamped up to 7" long	[2] 7.00	[2] 6.30			Per dozen straps.
96	Turning shoulder pads, 5 3/4" long, with an unsewed slit of 1" for turning	8.45	8.45	7.51	9.05	Per dozen pads.
97	Turning shoulder straps, 14 1/2" x 1 1/4", measured after turning	25.95	25.95			Per dozen straps.

[1] For definitions of "hand-embroidery," "hand-sewing," and "other operations," and current minimum wage rates, see applicable sections of wage orders.

[2] Piece rate not applicable when operation is performed on a wholly machine made item.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents)	Unit of payment
98	Arenillas (seed stitch), close, 1/2" squares	30.00	Per dozen squares.
100	Arenillas (seed stitch), scattered, 1/2" squares	15.00	Do.
101	Arrows, filled in, 1/4" long	7.50	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.43	Per dozen inches.
103	Basting stitch for trimming, formine crosses, etc., 4 stitches per inch	1.25	Do.
103.1	Basting stitch for trimming hem on edges up to 1/2" hem	5.00	Do.
104	Bird eye stitch	5.00	Do.
105	Buttonhole stitch, 16 stitches per inch	5.00	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	7.50	Do.
107	Chain stitch, 4 stitches per inch	1.25	Do.
108	Chain stitch, 8 stitches per inch	2.50	Do.
109	Cord, solid, on stem	7.50	Do.

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]—Continued

No.	Operation	Piece rate (cents)	Unit of payment
155	Patches, circular, sewed on with hemming stitch, cutting included	5.47	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included	9.53	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to 4 inches	7.00	Do.
156.2	Patches, irregular outline, sewed on with blind stitch, over 4 inches	3.95	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included	4.49	Do.
158	Pin stitch, thread drawing not included, 1" squares	60.00	Per dozen squares.
159	Randa, Don Diego, thread-drawing not included	11.25	Per dozen inches.
160	Randa, Neglem, tied at center only, thread drawing not included	2.50	Do.
161	Rose buds, padded satin stitch, 4 petals, 2 colors or tones	1.89	Do.
162	Scallops, plain, cutting included	7.50	Per dozen.
163	Shadow stitch, up to 3/8" wide	8.39	Per dozen inches.
164	Spiders, 4 legs	16.11	Do.
165	Spiders, 6 legs	5.00	Per dozen.
166	Spiders, 8 legs	9.78	Do.

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

[2] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which average 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.

[3] For each additional count of 100, add 1 cent.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents) (1) Cambric	Piece rate (cents) (2) Crash	Unit of payment
	THREAD DRAWING			
167.0	Art linens, first thread, not coming out at edge: Stamped 1" to 10"	1.79	1.33	Per dozen threads.
167.2	Not stamped 1" to 10"	2.23		Do.
167.4	Art linens, unstamped, first thread, all-around, not coming out at edge: Doilies 12" x 18"	9.99	8.13	Per dozen pieces.
167.6	Napkins: 12" x 12"	7.99	6.77	Do.
167.7	15" x 15"	9.99	8.13	Do.
167.8	18" x 18"	11.96	9.39	Do.
168.0	Scarves, 17" x 36"	17.64	12.64	Do.
168.1	17" x 45"	20.04	14.95	Do.
168.2	17" x 54"	23.04	15.83	Do.
168.3	Squares: 36" x 36"	23.99	15.99	Do.
168.4	45" x 45"	29.95	19.01	Do.
168.5	54" x 54"	35.97	22.21	Do.
168.6	Art linens, unstamped, first thread at one end, cutting out at both edges: Towels: 9" x 12"		1.26	Do.
168.7	15" x 24"		2.83	Do.
168.8	18" x 30"		3.10	Do.
169	Art linens, after first thread		For second threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	and third

[1] For definitions of "hand-embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]—Continued

No.	Operation	Piece rate (cents)	Unit of payment
110	Cord, twisted, over basting	2.50	Per dozen inches.
111	Corded couching, solid, without filling, up to 3/4" thick [2]	1.50	Do.
112	Couching or flat cord, 45 stitches per inch	1.25	Do.
113	Cross stitch, 6 crosses per inch	4.33	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	10.00	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	7.50	Per dozen
115	Diamonds, filled in, 1/4" to 3/4" wide	7.50	Do.
116	Dots, baby, not filled in, finished off, 2 to 3 stitches	2.08	Do.
117	Dots, baby, not filled in, finished off, 4 stitches	2.75	Do.
118	Dots, large, filled in, finished off, over 12 stitches	5.50	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	5.00	Do.
120	Dots, medium, not filled in, finished off 8 to 9 stitches	3.30	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches with double embroidery thread	2.13	Do.
120.2	Dots, medium, in groups, finished off, 5 stitches, with double embroidery thread	2.53	Do.
121	Embroidery, solid 3/16 to 3/4 thick, averages 28 stitches per inch [2]	10.00	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose	10.00	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose	7.50	Do.
124	Eyelets, 1/4 diameter	5.58	Per dozen.
125	Feather stitch, 12 stitches per inch	5.83	Per dozen inches.
126	Feather stitch cord	5.83	Do.
127	Flat hems without pasada	5.09	Do.
128	French knots, not finished off	1.05	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.00	Do.
129	Hand or French rolling, 10 stitches or less per inch	2.50	Do.
131	Hand or French rolling, 11 stitches or more per inch	2.67	Per 4/8 inches.
132	Hand-rolling 1 side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4" nor more than 1"; and (b) Only 1 side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	8.49	Do.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 1" on either side of any corner.	33.33	Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than 1/4" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 2 inches on any corner.	41.67	Do.
135	Hemstitch, double (tre-fun), 4 threads in a bundle, thread drawing not included	10.33	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	5.43	Do.
137	Initials, simple, with hoops	25.00	Do.
138	Initials, simple, without hoops	15.50	Do.
139	Lace, jobbed at corners with hemming stitch	7.50	Do.
140	Leaves, simple	.93	Per dozen.
141	Leaves, solid, not finished off, 1/4" long	3.33	Do.
142	Leaves, solid, not finished off, 3/4" to 1" long	5.00	Do.
143	Leaves, solid, not finished off, 3/4" to 1" long	10.67	Do.
144	Loops, made with worm stitch, 1/4" to 1/2" long	[4] 5.00	Per dozen pasadas.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1,600 count, inclusive	[5] 7.00	Do.
146	Pasadas, 11" x 11" to 14" x 14", linen 1,700 count and over	[6] 8.50	Do.
147	Pasadas, 15" x 15", linen up to 1,600 count, inclusive	[5] 10.50	Do.
148	Pasadas, 15" x 15", linen 1,700 count and over	[6] 12.50	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1,600 count inclusive	[5] 12.50	Do.
150	Pasadas, short, 1" to 7", linen up to 1,600 count inclusive	[5] 9.00	Do.
151	Pasadas, short: Cambric, 1" to 10"	5.00	Do.
152	Crash, 1" to 10"	3.75	Do.
153	Cambric, 10 1/2" to 18"	[3] 10.00	Do.
154	Crash, 10 1/2" to 18"	[3] 7.50	Do.

See footnotes at end of table.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents)	Unit of payment
	THREAD DRAWING		
170	Ladies' handkerchiefs: First thread around edge, cotton or linen up to 1600 count inclusive.	2.50	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600, count inclusive	3.13	Do.
172	After first thread (for example, for hemstitching)	15 percent of rate for first thread.	
173	Men's handkerchiefs: First thread around edge, linen up to 1500 count, inclusive, 16" x 16" to 20" x 20".	3.75	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20".	4.38	Do.
175	First thread, inside, linen up to 1500 count, inclusive, 16" x 16" to 20" x 20".	4.38	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20".	5.00	Do.
177	After first thread (for example, for hemstitching)	15 percent of rate for first thread.	

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

[Unit of payment, per dozen]

No.	Operation	Doilies 8" x 16"	Doilies 10" x 14"	Doilies 12" x 18"	Napkins 12" x 12"	Napkins 15" x 15"	Napkins 18" x 18"	Table scarves 17" x 36"	Table scarves 17" x 45"	Table scarves 17" x 54"	Squares 36" x 36"	Squares 45" x 45"	Squares 54" x 54"	Tablecloths 54" x 72"	Tablecloths 72" x 72"	Tablecloths 72" x 90"
179	Half roll, cambric and crash, at 2.73 cents per dozen inches	$1.31	$1.31	$1.63	$1.31	$1.63	$1.97	$2.90	$3.39	$3.89	$3.93	$4.92	$5.90	$6.89	$7.87	$8.87
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.77 cents per dozen inches	.85	.85	1.07	.85	1.07	1.27	1.87	2.19	2.51	2.56	3.19	3.82	4.46	5.09	5.72
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric at 3.27 cents per dozen inches	1.57	1.57	1.96	1.57	1.96	2.35	3.46	4.05	4.64	4.70	5.88	7.05	8.23	9.41	10.58
182	Crash, at 3.07 cents per dozen inches	1.48	1.48	1.83	1.48	1.83	2.22	3.24	3.79	4.36	4.42	5.53	6.64	7.71	8.82	9.93
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 3.27 cents per dozen inches	1.57	1.57	1.96	1.57	1.96	2.35	3.46	4.05	4.64	4.70	5.88	7.05	8.23	9.41	10.58
184	Crash, at 3.07 cents per dozen inches	1.48	1.48	1.83	1.48	1.83	2.22	3.24	3.79	4.36	4.42	5.53	6.64	7.71	8.82	9.93
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 3.68 cents per dozen inches	1.76	1.76	2.22	1.76	2.22	2.65	3.90	4.57	5.23	5.29	6.64	7.95	9.28	10.58	11.93
186	Crash, at 3.27 cents per dozen inches	1.57	1.57	1.96	1.57	1.96	2.35	3.46	4.05	4.64	4.70	5.88	7.05	8.23	9.41	10.58

[1] For definition of "hand-embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents)	Unit of payment
	SCALLOP CUTTING		
187.4	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves: Small, measuring from 5/16" up to, but not including 1/2", along outside edge.	0.26	Per dozen scallops.
187.5	Medium, measuring from 1/2" up to, but not including 3/4", along outside edge.	.33	Do.
187.6	Large, measuring from 7/8" to, and inclusive of, 1 1/4", along outside edge.	.49	Do.
	NEEDLEPOINT OPERATIONS [2]		
200	Compact florals, figures and landscapes	26.00	Per 1,000 stitches.
201	Scattered florals	28.00	Do.
202	Scattered florals consisting of borders or garlands only	30.00	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	28.00	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	30.00	Do.
205	Two cents (2.0¢) must be added to the above piece rates to cover thumbtack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with § 545.10.		

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

[2] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these, and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulations 545.10.

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

Definitions. 1. A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.

2. A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO [1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves [2] Ladies' (2)	Leather gloves [2] Men's (3)	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			40.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove			66.000	Do.
190	Cretie stitch, 5 to 6 stitches per inch	0.313			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.453		Do.
192	Feather stitch, 5 to 6 stitches per inch	.375	.569		Do.
193	Large stitch (husky), 5 to 6 stitches per inch			.407	Do.
194	Regular stitch, 5 to 6 stitches per inch	.296	.427	.407	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.159	.202	.202	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.202	.202	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.296	.427	.407	Do.
198	Whip stitch, 5 to 6 stitches per inch	.296	.427	.407	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

[F. R. Doc. 57-381; Filed, Jan. 22, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 46]

REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of existing regulations, other than Rules of Practice (7 CFR, §§ 46.1–46.28) issued pursuant to the authority contained in the Perishable Agricultural Commodities Act, 1930 (46 Stat. 531 et seq., as amended; 7 U. S. C. 499 et seq.).

The proposed revision is intended to clarify the regulations and make various changes therein found advisable on the basis of experience in administering the Act.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed regulations should file the same with the Chief, Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

The proposed regulations are as follows:

DEFINITIONS

Sec.
46.1 Words in singular form.
46.2 Definitions.

ADMINISTRATION

46.3 Director.

LICENSES

46.4 License required.
46.5 Application for license.
46.6 License fee.
46.7 Issuance of license.
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46.9 Termination of license; notice; renewal.
46.10 Nonlicensed person; penalty; settlement.
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ACCOUNTS AND RECORDS

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46.15 Record of produce received.
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46.26 Records of retailers.
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SUSPENSION AND REVOCATION OF LICENSES

46.30 Suspension or revocation order.

PUBLICATION OF FACTS

46.31 Publicity.

TRADE TERMS AND DEFINITIONS

46.32 Terms construed.

SUNDAYS AND HOLIDAYS

46.33 Sundays and holidays excluded.
46.34 Sundays and holidays included.

INSPECTION OF COMMODITIES

46.35 Inspection of commodities.

INSPECTION SERVICE

46.36 Inspection service.

LICENSEE'S RESPONSIBILITY FOR ACTS OF EMPLOYEES AND AGENTS

46.37 Licensee's responsibility for acts of employees and agents.

COPIES OF RECORDS

46.38 Copies of records; how obtained.

AUTHORITY: §§ 46.1 to 46.38 issued under sec. 15, 46 Stat. 537, as amended; 7 U. S. C. 499o.

DEFINITIONS

§ 46.1 *Words in singular form.* Words in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 46.2 *Definitions.* The terms defined in section 1 of the act shall have the same meaning as stated therein. Unless otherwise defined, the following terms whether used in the regulations, in the act, or in the trade shall be construed as follows:

(a) "Act" means the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, and legislation supplementary thereto and amendatory thereof (46 Stat. 531; 7 U. S. C. 499a–499r);

CROSS REFERENCE: For Rules of Practice under the act, see Part 47 of this chapter.

(b) "Department" means the United States Department of Agriculture.

(c) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) "Service" means the Agricultural Marketing Service, United States Department of Agriculture.

(e) "Deputy Administrator" means the Deputy Administrator for Marketing Services, or any officer or employee of the Service, to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated, to act in his stead.

(f) "Division" means the Fruit and Vegetable Division of the Service.

(g) "Director" means the Director of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or to whom authority may hereafter lawfully be delegated by the Director to act in his stead.

(h) "In commerce" means interstate or foreign commerce as defined in section 1 (3) and (8) of the act.

(i) "Licensee" means any person who holds an unrevoked and valid unsuspended license issued under the act.

(j) "Inspector" means any person authorized or licensed by the Secretary to inspect any perishable agricultural commodity.

(k) "Produce" means any perishable agricultural commodity, as defined in section 1 (4) of the act.

(l) "Fresh fruits and fresh vegetables" include all products generally considered by the trade as perishable fruits and vegetables, whether or not frozen or packed in ice and whether or not held in common or cold storage, but does not include those perishable fruits and vegetables which have been dried or manufactured into articles of food of a different kind or character. Blanching, chopping, color adding, curing, cutting, dicing, drying for the removal of surface moisture, fumigating, gassing, heating for insect control, ripening and coloring, husking, icing, peeling, polishing, precooling, refrigerating, shredding, slicing, trimming, washing with or without chemicals, waxing, adding of sugar or other sweetening agents, and ascorbic acid or other agents used to retard oxidation, or the mixing of several kinds of sliced, chopped, or diced fruit or vegetables for packaging in any type of containers, or comparable methods of preparation, where the product is not processed by heat to assure preservation shall not be considered a change into a food of a different kind or character.

(m) "Cherries in brine" means cherries packed in an aqueous solution containing sulphur dioxide or other bleaching agent of sufficient strength to preserve the product, with or without the addition of hardening agents.

(n) "Wholesale or jobbing quantities" as used in section 1 (6) of the act means aggregate quantities of all produce totaling one ton (2,000 pounds) or more in weight per day shipped or received or contracted to be shipped or received.

(o) "Truly and correctly to account" means, in connection with (1) consignments, to account promptly by rendering a true and correct itemized statement showing separately the receipts from the sale or other disposition of the produce, and the proper, usual or specifically agreed selling charges and expenses necessarily and actually incurred or agreed to in the handling thereof; (2) joint account transactions, to account promptly by rendering a true and correct itemized statement showing separately the receipts from the sale or other disposition of produce, the cost of the produce, and the expenses necessarily and actually incurred or other charges specifically agreed to in the handling thereof; and (3) buying brokerage transactions, to account promptly by rendering a true and correct itemized statement showing separately the cost of the produce and expenses necessarily and actually incurred and the amount of brokerage charged.

(p) "Account promptly" means rendering a true and correct accounting (1) within 10 days after the date of final sale in connection with consignment or joint account transactions; (2) within 24 hours after the date of shipment in connection with buying brokerage transactions where the broker pays for the produce; or (3) within such other period as may have been specifically agreed upon by the parties.

(q) "Full payment promptly" means (1) Payment of the net proceeds for produce received on consignment or the pro rata share of the net profits for produce received on joint account within 10 days after the day on which the final sale is made; (2) payment of deficits on consignment or joint account transactions within 10 days after the day on which the accounting is received; (3) payment of the purchase price, including brokerage and other expenses, to buying brokers who pay for the produce, within 10 days after the day on which the invoice is received by the buyer; (4) payment of brokerage charges earned in connection with produce purchased or sold within 10 days after the day on which the invoice is received by the principal; (5) payment for produce purchased by a buyer, within 10 days after the day on which the produce is accepted without complaint by the buyer; (6) in the case of selling agents or brokers selling in carlot quantities for the account of a shipper, payment will be due the shipper within 10 days after the buyer or receiver pays the agent or broker; *Provided*, That if there is a dispute concerning the transaction, the foregoing time periods apply only to the undisputed amount, if any; or such other period as may have been specifically agreed upon by the parties. Payment in connection with any transaction or situation not specifically covered herein shall be made within a reasonable time.

(r) "Reject without reasonable cause" means in connection with purchases, consignments, or joint account transactions (1) refusing or failing without legal justification to accept produce within a reasonable time, (2) advising the seller or shipper or his agent that produce will not be accepted in accordance with the contract, or (3) indicating an intention not to accept produce through an act or failure to act inconsistent with the contract.

(s) "Reasonable time," as used in paragraph (r) of this section, means (1) for frozen produce with respect to rail shipments, 48 hours after the receiver is given notice of arrival and the produce is made accessible for inspection, and with respect to truck shipments, not to exceed 12 hours after the receiver is given notice of arrival and the produce is made accessible for inspection; (2) for fresh produce, with respect to rail shipments, not to exceed 24 hours after the receiver is given notice of arrival and the produce is made accessible for inspection; and with respect to truck shipments, not to exceed 8 hours after the receiver is given notice of arrival and the produce is made accessible for inspection; and, with respect to boat shipments, not to exceed 24 hours after the produce is unloaded and made accessible for inspection. These time periods may be extended if the receiver requests Federal inspection of the produce within the applicable period for the purpose of ascertaining whether the shipment complies with the contract specifications and notifies the shipper of his potential complaint and his request for inspection within 2 hours after such request has been made. If the receiver cannot obtain Federal inspection or make personal inspection within 24 hours following notice of arrival, due to the unavailability of inspectors, adverse weather conditions, or other causes, he shall notify the seller of the situation within 2 hours after such fact is known. Inspection shall be made or caused to be made by the receiver as soon as possible after the receipt of such notice of arrival. In no event shall the time be extended beyond 48 hours after the receiver is given notice of arrival. In computing the time periods specified above, (i) for shipments arriving on nonworkdays or after the close of business on workdays, nonworking hours preceding the start of business on the next working day shall not be included; and (ii) for shipments arriving during working hours, the period shall run without interruption from the time of arrival except that, for shipments arriving less than 2 hours before the close of business, the unexpired balance of the time period shall be extended and run from the start of business on the next working day.

(t) "Acceptance" means (1) any act by the purchaser signifying his acceptance to the seller; (2) any act by the purchaser which is inconsistent with the seller's ownership, but if such act is wrongful against the seller it is acceptance only if ratified by him; (3) failure of the purchaser to reject the produce and give notice of rejection to the seller within a reasonable time as defined in paragraph (s) of this section; (4) failure of the purchaser to apply for Federal inspection of the produce within a reasonable time, as defined in paragraph (s) of this section, and to take action to notify the seller of his rejection of the produce within 2 hours after he has received either an oral or a written report of the results of such inspection; and (5) in case inspection cannot be made, as referred to in paragraph (s) of this section failure of the purchaser to notify the seller, within 24 hours after receipt of notice of arrival of the produce, as to the conditions which prevent inspection and to notify the seller of his rejection immediately after inspection can be made, shall constitute acceptance of the produce: *Provided, however*, That such acceptance shall not affect any claim for damages because of failure of the produce to meet the terms of the contract.

(u) "Responsible position" means (1) a position in which the person is authorized to negotiate contracts of purchases, sales, consignments or joint account transactions of produce (excluding floor salesmen or other local salesmen making sales at predetermined prices who operate under direct supervision and handle only local sales in less than carlot quantities and other comparable positions in relation to operations of the licensee); or (2) a position of general supervisory nature, including one having responsibility for office management or supervision of the preparation of account sales and/or the maintenance of records required by the act; or (3) any other position in which the person, through exercise of his own judgment or initiative, has authority to bind or commit his employer by his acts.

(v) "Responsibly connected" means the owner, any general partner, officer, director, holder of more than 10 percent of the stock, or any other person who, through the exercise of his own judgment or initiative, was responsible for violations of the act resulting in the suspension or revocation of a license.

ADMINISTRATION

§ 46.3 *Director.* The Director shall perform for and under the supervision of the Secretary and the Deputy Administrator, such duties as the Secretary or the Deputy Administrator may require in enforcing the provisions of the act and the regulations issued thereunder.

LICENSES

§ 46.4 *License required.* No person shall at any time carry on the business of a commission merchant, dealer, or broker without a license which is valid and effective at such time.

§ 46.5 *Application for license.* Any person who desires to secure a license to carry on such business shall make application therefor on the currently approved form to be obtained from the Director or his representatives. The ap-

plication shall be signed by the owner, all partners, or, in the case of a corporation, an official duly authorized to do so. An application which does not contain all of the required information shall not be considered as a valid application for license. A license obtained through a false or misleading statement or through misrepresentation, concealment, or withholding of facts is subject to revocation. The application and fee shall be forwarded to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C. The date of any application shall be the date it is received by the above office.

§ 46.6 *License fee.* Effective February 1, 1957, and thereafter, the annual license fee shall be twenty-five dollars ($25). The fee submitted by mail shall be in the form of a money order, bank draft, cashier's check, or certified check made payable to the Agricultural Marketing Service. Thereafter the annual fee shall be remitted in the same manner. In addition to the forms specified above, field representatives of the Department may accept payment in cash and issue a receipt therefor.

§ 46.7 *Issuance of license.* Upon receipt of a properly prepared application accompanied by the proper fee for a license, the Secretary shall, if the applicant is found to be eligible, issue a license certifying that the licensee is authorized to engage in the business of a commission merchant, dealer, or broker. The fee so tendered, together with any accrued fees and any penalty assessed by the Secretary in accordance with the provisions of the act, shall be deposited as soon as practicable in a special fund designated as the "Perishable Agricultural Commodities Act fund." If the license is denied, the sum paid shall be refunded to the applicant. Fees received for either renewal of or reinstatement of a license shall be handled in the same manner as other fees mentioned in this section.

§ 46.8 *Copies of licenses.* Copies of licenses may be issued upon request and upon the payment of a fee of $2 for each copy. Each copy shall bear the word "Copy" in conspicuous letters on its face and shall be certified by the Director as a true copy of the original.

§ 46.9 *Termination of license; notice; renewal.* Thirty days or more prior to the anniversary date of a valid and effective license, the Director shall mail a notice to the licensee at the latest address known to the Director, advising that the license will automatically terminate on its anniversary date unless the annual fee is paid on or before such date. If the annual fee is not paid by the anniversary date the licensee may obtain a renewal of that license at any time within thirty days by paying the annual fee, plus five dollars ($5.00). Within sixty days after termination date of a valid and effective license, the licensee shall be notified that its license has been terminated. No termination notice shall be mailed to a licensee whose license is at that time under suspension due to failure to pay one or more reparation orders on which appeals have not been perfected, or whose license has been suspended because of refusal to make its records available for examination, or whose license has been revoked.

§ 46.10 *Nonlicensed person; penalty; settlement.* Any commission merchant, dealer, or broker who violates the act by engaging in business subject to the act, without a valid and effective license, may settle his liability for the penalty prescribed in 3 (a) of the act by submitting an explanation satisfactory to the Secretary showing that the violation was not willful but was due to inadvertance and by paying the amount of fees due for the period covered by such violation, plus such additional amount not in excess of $25.00 as may be determined by the Director. The fees accrued shall be computed on the basis of 1/12 of the annual license fee in effect at the time of the violation for each month or fraction thereof the applicant engaged in business without a license. In the absence of an explanation satisfactory to the Secretary, any person who engages in business subject to the act shall be liable to a penalty of not more than $500 for each such offense and not more than $25 for each day it continues.

§ 46.11 *What constitutes valid license, form and use.* Each license shall bear a serial number, the facsimile signature of the Secretary, the seal of the Department and shall be countersigned by a duly authorized representative of the Secretary. The licensee may place upon his stationery, trucks, or business sign an inscription indicating that he is licensed under the act, but such inscription shall not be of such form or arrangement as to be deceptive or misleading to the public, nor shall any such inscription be displayed or used unless the person using the inscription has a license valid and effective at the time. Such inscription on vehicles or other equipment shall be removed by the licensee prior to sale or transfer.

§ 46.12 *Forms of inscriptions.* The following inscriptions, for use with or without the license number, meet the foregoing requirements and may be used by licensees: "Licensed by the U. S. Department of Agriculture under the Perishable Agricultural Commodities Act", or "Licensed under the PACA."

§ 46.13 *Address, ownership, or membership changes.* The licensee shall promptly inform the Director of any change of address and of any change in the officers, holders of more than 10% of the stock of a corporation, partners, ownership, or name in which the business is conducted. In case of a change in the ownership of a business; a change in the name of a corporation; a change in the members of a partnership, a new license is required. Separate licenses are required for each subsidiary, branch, or affiliated firm that is a separate legal entity, whether or not business is conducted in one or more names different from the licensed parent company. Where such subsidiary or affiliated firm, which is not a separate legal entity, is wholly owned by the parent company but is operated under a different name than the parent company, a separate license shall not be required, providing, in the case of corporations, a resolution of the Board of Directors of the parent company shall be submitted to the Secretary, assuming responsibility for any violation of the Act committed by the subsidiaries, branches, or affiliated firms. Where the parent firm is individually owned or is a partnership, a notarized statement shall be signed by the owner or all partners and submitted to the Secretary, assuming responsibility for any violation of the Act committed by its subsidiaries, branches, or affiliated firms. All business forms of each subsidiary, branch or affiliated firm shall clearly show its affiliation with the parent firm.

ACCOUNTS AND RECORDS

§ 46.14 *General.* Every commission merchant, dealer, and broker shall prepare and preserve for a period of two years from the closing date of the transaction the accounts, records, and memoranda required by the act, which shall fully and correctly disclose all transactions involved in his business, including the true ownership of such business by stockholding or otherwise. Licensees shall keep records which are adapted to the particular business that the licensee is conducting and in each case such records shall fully disclose all transactions in the business in sufficient detail as to be readily understood and audited. So many different types of business are conducted in the produce industry and so many different types of contracts are made performing such a wide range of services by agents and others, it is impracticable to specify in detail every class of records which may be found essential. The responsibility is placed on every licensee to determine carefully what must be properly recorded in order to disclose every essential fact regarding the transactions in the business. The specific records set out below are illustrations of some of the essential records required in certain types of business and are not to be considered as a complete listing of the records required by the act.

§ 46.15 *Record of produce received.* Each licensee shall keep in the order of receipt a record of all produce received and this record shall be in the form of a book with numbered pages or comparable business machine record. This record shall clearly show for each lot the date of arrival and unloading; whether received by freight, express, truck, or otherwise; the car initials and number; the truck license number and the driver's name or the name of the trucking firm; the number of packages or the quantity received; the kind of produce; the name and address of the consignor or seller; whether the produce was purchased, consigned, or received on joint account; and the disposition of the produce, whether jobbed or sold in carlots or trucklots, and the lot number assigned to the shipment by the receiver (as required by § 46.16).

§ 46.16 *Lot numbers.* Every licensee shall assign a lot number to each shipment of produce to be sold on consignment or joint account or for the account of another person or firm, including shipments in dispute between the parties. A lot number shall also be assigned to each purchased shipment of similar produce on hand at that time or received later while the consigned or joint account or disputed lot is being sold. A lot number shall be assigned to each purchased shipment which is reconditioned if the seller is to be charged with the shrinkage or loss. The lot number shall be entered on the receiving record in connection with each shipment and entered on all sales tickets identifying and segregating the sales from the various shipments on hand. The lot number shall be entered on the sales tickets by the salesmen at the time of sale or by the produce dispatcher, and not by bookkeepers or others in the licensee's firm after the sales have been made. No lot number shall be repeated within a period of 30 days after the last sale from the preceding lot to which such number was assigned.

§ 46.17 *Sales tickets.* Sales tickets shall bear printed serial numbers running consecutively and shall be used in numerical order insofar as practicable. No serial number shall be repeated within a 90-day period. The sales tickets shall be prepared and all the details of the sales shall be entered on the tickets in a legible manner in order that an audit can be readily made. Erasures, strike-outs, changes, etc., shall be held to the minimum. When errors are made in preparing sales tickets, the tickets should be voided. Each sales ticket shall show the date of sale, the purchaser's name (so far as practicable), the kind, quantity, the unit price, and the total selling price of the produce. In addition, each sales ticket shall show the lot number of the shipment if the produce is being handled on consignment or on joint account or is similar to such a lot on hand at the same time. The original or a legible carbon copy of each sales ticket, including those voided or unused, shall be accounted for and shall be filed or stored either by dates of sales or in the order of the serial numbers for a period of two years.

§ 46.18 *Returns, rejections, or credit memorandums on sales.* In the event of the rejection and return of any produce sold for or on behalf of another on consignment or joint account, or of any necessary allowance or adjustment being made to the buyers thereof, a credit memorandum showing the buyer's name, sales ticket number, lot number, date of the granting of the allowance, and amount of the credit or adjustment, with reasons therefor, shall be made and filed with the original sales ticket, or a notation shall be made on the original sales ticket referring to the adjustment and showing where the credit memorandum is filed. The credit memorandum shall be on a regular form or on a sales ticket or invoice properly completed to show the facts and shall be approved by a duly authorized person or a member of the firm. The credit memorandum shall be entered in the same records as the original sales ticket, otherwise it cannot serve to alter or affect the original sales ticket.

§ 46.19 *Accounting for produce sold for or on behalf of another.* All licensees who accept produce for sale on consignment or on joint account are required to exercise the care and diligence of a reasonable and prudent businessman in disposing of the produce promptly and in a fair and reasonable manner. Accurate and detailed accountings showing dates of sale shall be rendered to the consignor or joint partner not later than 10 days from the date of the last sale together with payment of the net proceeds, unless a longer time is specifically agreed to by the consignor or joint partner. Since the discarding or dumping of produce received on joint account, on consignment, or handled for or on behalf of another person, without reasonable cause, is one of the unfair practices prohibited by the act, a clear and complete record shall be maintained on dumping if a substantial portion of such produce cannot be sold due to poor condition or is lost through re-sorting or reconditioning. An official dumping certificate, or other adequate evidence, shall be obtained to prove the produce was actually lost, and the original certificate or other adequate evidence of dumping shall be forwarded to the consignor or joint account partner with the accounting and a copy shall be retained by the receiver, unless there is a specific agreement to the contrary between the parties. Averaging of sales or the pooling of such produce is not permitted in accounting to the consignor or joint account partner unless a specific written agreement to this effect prior to the accounting is arranged between the parties involved. The receiver of consigned or joint account produce shall not take title to any portion of such produce without the consent of the consignor or joint account partner. Furthermore, his records and the accounting shall clearly show this fact and no commission or brokerage can be charged for this portion of the produce. If a licensee sells or otherwise disposes of any produce, the handling or sale of which is entrusted to him, to any person in whose business such licensee or any stockholder, owner, officer, or salesman thereof, has a financial interest, such licensee shall disclose such fact in accounting to the owner or consignor of the produce, and is not entitled to a commission on such sales, unless a specific agreement to the contrary is made with the parties involved. Double commissions are not permitted and a receiver of consigned produce shall not employ another firm to dispose of all or part of such produce without specific prior authority of the consignor. Commission charges should be discussed and specifically agreed upon before accepting consigned produce, otherwise, the receiver is entitled to charge not more than the usual or customary commission charges for that market or area. All handling, reconditioning, dumping, unloading, delivering, freight charges, etc., deducted by the receiver shall be supported by proper evidence of payment, otherwise, such charges are not deductible.

§ 46.20 *Brokers.* The function of a broker is to negotiate, for and on behalf of others, valid and binding contracts. It shall be the duty of the broker to fully inform all parties concerning the terms and conditions of the proposed contract, and to make certain that the parties agree to the same terms and conditions. When a contract has been effected, the broker shall immediately prepare and deliver to all parties a properly executed confirmation or memorandum of sale setting forth all essential details of the agreement between the parties. The broker shall retain a copy of such confirmations or memoranda as part of his accounts and records. If the broker does not issue and deliver these documents to the proper parties, and his records do not fully support his contentions that a binding contract was made with proper notice to the parties, the broker may be held liable for any loss or damage resulting from such negligence or failure to perform his express or implied duty. Brokers shall take into consideration the method of confirmation which properly should be used in view of all of the circumstances of the transaction. If shipment is to be made before mail could be delivered to all of the parties involved in the contract, confirmation shall be made by telegram to the parties located in another city and confirmation shall be promptly delivered either personally or by messenger to the local parties. Brokerage fees may be charged to only one of the parties to the contract (unless by mutual agreement the parties agree to split the brokerage fee) and if a brokerage fee is charged to both parties (each assuming the other has not paid the brokerage fee) such action by the broker will be considered a violation of the act. Brokers employed to negotiate the sale of produce may not employ another broker or selling agent when additional brokerages are involved without specific prior authority from their principal. When a shipment is handled by more than one broker, the final accounting to the owner of the produce by the broker or selling agent must show the actual gross sale and all brokerages deducted as well as all other charges incurred in connection with the shipment. Brokers who operate in a dual capacity, both as brokers and as dealers, shall clearly disclose their status in each transaction to all of the parties with whom they are dealing. When such a broker purchases produce as a dealer, he is not entitled to request or receive a brokerage fee from the seller or to charge a brokerage fee to his customer when reselling the produce. A broker is not considered to be entitled to a brokerage fee unless he effects a sale or makes a valid and binding contract, fully performing his duties as a broker. Statements by a broker indicating that a sale has been made, when in fact no enforceable contract has been entered into, may subject the broker to a complaint alleging false or misleading statements in violation of the act. However, failure on the part of the seller or the buyer to fulfill their contractual obligations after a valid and binding contract has been effected by the broker, does not excuse failure to pay the brokerage fee due the broker. Brokers who collect funds for or on behalf

of another shall promptly remit such funds and undue delay in this respect is a violation of the act. Brokers shall at all times exercise care to protect any claim rights against the carriers due the owners of the produce. If a broker agrees to file and handle such a claim for the benefit of the owner of the produce, the claim shall be filed promptly, supported by adequate evidence, and the broker shall follow up with the carrier on the claim. When settlement of the claim is effected, the broker shall promptly remit the net amount due the owner, after deducting the agreed or customary charges for handling the claim. Adequate information shall be furnished the owner regarding the claim while the matter is being handled with the carrier. If the owner files the claim, the broker shall promptly furnish any necessary information requested by the owner that is available in the records of the broker. When a broker or dealer acts as agent for a shipper in the sale of produce at auction, the broker shall report to the auction company for listing in its catalogue the beneficial or true owner, with the option of showing that he is acting in the capacity of agent. If a broker instructs the auction company to catalogue a shipment in his name without disclosing its true ownership, he shall be deemed to have made a false or misleading statement under the act.

§ 46.21 *Commission merchants.* A licensee handling produce for or on behalf of another shall not employ another commission merchant or dealer to sell the produce or divert the shipment to another market without the specific consent of the consignor or owner. Any additional expenses, such as extra commission or freight or handling charges, resulting from such action, will not be permitted in the absence of proof of such consent. If such charges are incurred and deducted without clearly showing these items of expense on the accounting rendered the owner or consignor of the produce, such accounting shall be deemed fraudulent. Before accepting produce on consignment, the parties should reach a specific agreement on the amount of commission and other charges which will be assessed by the commission merchant. In the absence of such an agreement, only the usual and customary commission and other charges will be permitted. A commission merchant may not purchase produce consigned to him, or sell such produce to any person or firm in whose business he has a financial interest, without the full knowledge and consent of the consignor of the shipment and with a specific agreement as to the price to be paid by the commission merchant. However, produce may be purchased by the commission merchant to clean up remnants of shipments so accountings will not be unduly delayed, provided the owner or consignor is fully informed when the accounting is rendered. "Remnants", as used here, means small quantities remaining after the bulk of the shipment has been sold but shall not exceed 5 percent of the shipment. When consigned produce is purchased or is sold to any person or firm in whose business the commission merchant has a financial interest, he shall not charge a commission for this portion of the sales. When rendering account sales for produce handled for or on behalf of another an accurate and itemized report of sales must be made and averaging or pooling of sales is not permissible without the specific written consent of the owner of the produce prior to the accounting. Complete and detailed records shall be prepared and maintained by all commission merchants covering sales, quantities lost, dates and cost of repacking or reconditioning, unloading, handling, freight or demurrage charges, or any other expenses which are deducted on the accounting. All charges which cannot be supported by proper evidence in the records of the commission merchant shall not be deducted. In respect to the handling of claims with carriers on consigned produce, before any action is taken by the commission merchant a specific agreement must be reached with the consignor. If the commission merchant is authorized to file the claim, he shall exercise all the care of a reasonable and prudent businessman to protect the interest of the consignor by filing the claim promptly in the proper amount with adequate evidence, and diligently follow up with the carrier on the matter. When settlement of the claim is effected, he shall promptly remit the net amount due the consignor, after deducting the agreed handling charges. Full and complete information shall be furnished the consignor while the claim is being handled. If the consignor is to file the claim, the commission merchant must take all necessary steps to protect the claim rights of the consignor and shall promptly furnish all necessary information and evidence from his records to enable the consignor to file a proper claim. The commission merchant may be held liable for any financial loss resulting to the consignor due to his careless or negligent handling or failure to perform any specific or implied duty in such matters.

§ 46.22 *Shippers or agents.* Licensees who act as agents or whose operations as joint partners include harvesting, grading, packing or processing, or the furnishing of packages or other supplies, or the selling, storing or distributing of such produce shall prepare and maintain a number of special records not required of other licensees. It may be necessary for these records to show clearly the character and quantity of the produce received from each owner, consignor, or patron, and the result of all grading and packing operations on each lot of produce, including the cost of materials, disposition of culls, selling prices, allowances or adjustments granted buyers, results of claims filed with carriers, rejections, detailed accounting rendered any financially-interested party and other essential details depending on the contract between the parties.

§ 46.23 *Conversion of funds.* Any licensee who collects or receives funds for or on behalf of another person or firm in connection with produce shall not make any use or disposition of such funds in his possession or control that will endanger or impair faithful and prompt payment to the owner or consignor of the produce or to any other person having a financial interest therein.

§ 46.24 *Dumping of produce.* Reasonable cause for destroying any produce exists when the commodity has no commercial value or when it is dumped by order of a local health officer or other authorized official or when the shipper has specifically consented to such disposition. The term "commercial value" means any value that a commodity may have for any purpose that can be ascertained by the exercise of due diligence without unreasonable expense or loss of time. When produce is being handled for or on behalf of another person, proof as to the quantities of produce destroyed or dumped shall be provided by procuring a dumping certificate from (a) any person authorized by the United States Department of Agriculture to inspect fruits and vegetables; (b) any health officer or food inspector of any State, county, parish, city, or municipality or of the District of Columbia; (c) any established commercial agency or service making inspections for the fruit and vegetable industry; or (d) when, and only when, no inspector or health officer, designated in (a), (b) or (c) of this section, is available, the inspection and certification provided in this section may be made by any two persons having no financial interest in the produce involved or in the business of any person financially interested therein, and who are unrelated by blood or marriage to any such financially interested person, and who, at the time of the inspection and certification, and for a period of at least one year immediately prior thereto, have been engaged in the handling of the same general kind or class of produce with respect to which the inspections and certification are to be made. Any certificate issued by any persons designated in paragraph (d) of this section shall include a statement that each of them possesses the requisite qualifications. Any such certificate shall properly indentify the produce by showing the commodity, lot number, brand or principal identifying marks on the containers, quantity dumped, name and address of shipper, name and address of applicant, condition of the produce, and a statement that the produce possesses no commercial value.

§ 46.25 *Documents to be preserved.* Bills of lading, diversion orders, paid freight and other bills, car manifests, express receipts, confirmations and memorandums of sales, letter and wire correspondence, inspection certificates, invoices on purchases, receiving records, sales tickets, copies of statements (bills) of sales to customers, accounts of sales, papers relating to loss and damage claims against carriers, records as to reconditioning, shrinkage and dumping, daily inventories by lots, a consolidated record of all rebates and allowances made or received in connection with shipments handled for the account of another, an itemized daily record of cash receipts, ledger records in which sales as shown by sales tickets can be verified, and all other pertinent papers relating to the shipment, handling, delivery and sale of each lot of produce shall be preserved and filed for a period of 2 years.

§ 46.26 *Records of retailers.* Notwithstanding the specific records and documents prescribed in the foregoing sections, licensees who purchase produce solely for sale at retail shall establish and maintain accounts and records, adapted to their type of operations, which will fully and correctly disclose all transactions relating to the purchase of produce. Such accounts and records should include the date of receipt of each lot, kind of produce, number of packages and quantity, price paid, evidence of agreement or contract of purchase, bills of lading, paid bills, and any other documents relating to the purchase of produce.

§ 46.27 *Method of preservation or storage of records.* All records required to be preserved under the act shall be stored in an orderly manner and in keeping with sound business practices. The records being currently used shall be filed in order of dates, by serial numbers, alphabetically or by any other proper method which will enable the licensee to promptly locate and produce the records. Records in dead storage should be carefully arranged in an orderly fashion, be packaged or wrapped to insure proper preservation, be marked or identified to insure easy access, and stored in a clean, safe, dry location on the licensee's premises for a minimum period of 2 years. When part of the records are forwarded to others (such as accountants, traffic agencies, attorneys, etc.), proper notations should be filed in appropriate places in the records clearly identifying the missing records and stating where they can be located.

§ 46.28 *Inspection of records.* Each licensee shall, during ordinary business hours, permit any duly authorized representative of the Department to enter his place of business and inspect such accounts, records, and memoranda as may be material (a) in the investigation of complaints under the act, or (b) to the determination of ownership, control, packer, or state, country or region of origin in connection with commodity inspections, or (c) to ascertain whether there is compliance with section 9 of the act. If any licensee refuses to permit such inspection, the Secretary may publish the facts and circumstances and/or by order, suspend the license of the licensee until permission to make such inspection is given. Each licensee shall have present on his premises during ordinary business hours at least one person duly authorized to permit such inspection. Failure to make the records available upon demand will be considered as refusal by the licensee. Any necessary facilities for such inspection shall be extended to such representatives by the licensee, his agents, and employees.

§ 46.29 *No disclosure of business of licensee.* No representative of the Department shall, without the consent of the licensee, divulge or make known, except to financially interested parties, or to other representatives of the Department who may be required to have such knowledge in the regular course of their official duties, or except insofar as he may be directed by the Secretary, the Judicial Officer, the Deputy Administrator, the Director, or by a court of competent jurisdiction, any facts or information regarding the business of such licensee which may come to the knowledge of such representative through an examination or inspection of the business or the accounts of the licensee, unless such facts or information should be testified to at a hearing authorized by the act because they are relevant and material to the issue in the case being heard.

SUSPENSION AND REVOCATION OF LICENSES

§ 46.30 *Suspension or revocation order.* (a) Whenever the Secretary shall order the suspension or revocation of a license, the person against whom such order is directed shall be served by the Hearing Clerk with a copy of the order, and be notified of the effective date thereof.

(b) Except in the case of any license automatically suspended by the act, a reasonable time, which shall not be less than 10 days between the date of service of the order of suspension or revocation and the date upon which such order becomes effective, shall be allowed, during which period the licensee may make all necessary arrangements with some other person, who has a valid and effective license to safeguard the interests of consignors or other innocent parties whose property or business may be affected by such suspension or revocation and during which the licensee may terminate his affairs and business relating to the handling of produce.

(c) After the revocation of his license or during the effective period of any suspension thereof, no person shall, either directly or indirectly, through any agent, employee, or otherwise, carry on the business of a commission merchant, dealer, or broker until his status as a licensee has been restored.

(d) The suspension or revocation of a license shall not prevent the licensee from collecting amounts due on his contracts or in connection with transactions occurring prior to the date of suspension or revocation in which he acted as an agent or from remitting the same promptly to his principals and obligees.

PUBLICATION OF FACTS

§ 46.31 *Publicity.* Upon the issuance by the Secretary of an order awarding reparation or revoking or suspending a license, or in case of automatic suspension of a license for failure to pay a reparation award, the Director shall cause general publicity to be given to such fact, in order that those doing business with the licensee against whom reparation has been awarded or whose license has been revoked or suspended may take due notice thereof.

TRADE TERMS AND DEFINITIONS

§ 46.32 *Terms construed.* Unless otherwise defined, the following terms when included in a contract or communication involved in any investigation made or hearing held pursuant to the act shall be construed, respectively, as follows:

(a) "Today's shipment," or shipment on a specified date (such as "shipment September 12"), means in connection with shipments by rail, that the goods referred to shall be under billing by the transportation company on the date the order is given or on the date specified in time to be picked up by a train scheduled to move that day's loadings from the shipping point: *Provided,* That such train shall leave the first pick-up point on its schedule before midnight of the day the order is given. When used in connection with shipments by boat, this term shall mean that the goods shall be placed alongside the boat and be under billing in time to be loaded and shipped on a boat scheduled to leave before midnight of the date specified. When used in connection with shipments by truck, this term shall mean that the goods shall be loaded and shall actually start from loading point to destination before midnight of the date specified.

(b) "Tomorrow's shipment" or "Immediate shipment" means that the shipment referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 24 hours later than allowed under "Today's shipment."

(c) "Quick shipment" means that the conditions of the offer, order, or confirmation will be met if the shipment is under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 48 hours later than allowed under "Today's shipment."

(d) "Prompt shipment" means that the conditions of the offer, order, or confirmation will be met if the shipment is under billing by the transportation company in time to move on a transportation facility scheduled to leave not more than 72 hours later than allowed under "Today's shipment."

(e) "Shipment first part of week" or "Shipment early part of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave Monday or Tuesday of the week specified, subject to the same provisions with reference to shipments picked up after midnight of the day specified as apply to "Today's shipment."

(f) "Shipment middle of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave Wednesday or Thursday of the week specified, subject to the same provisions with reference to shipments picked up after midnight of the day specified as apply to "Today's shipment."

(g) "Shipment last of week" or "Shipment latter part of week" means that the produce referred to shall be under billing by the transportation company in time to move on a transportation facility scheduled to leave on Friday or Saturday of the week specified, subject to the same provisions with reference to cars picked up after midnight of the day

specified as apply to "Today's shipment."

(h) "Shipment as soon as possible" or "Shipment as soon as cars can be secured" means that the shipper is uncertain as to when the shipment can be made, but expects to make it within a reasonable time and will make it soon as possible. But in any case where these words are used the buyer shall, at any time after 12 days from the date the order is given, have the right to cancel the order or contract of sale, if notice of his decision so to cancel shall have been received by the shipper before shipment has been made.

(i) "F. o. b." (for example, "f. o. b. Laredo, Tex.", or even "f. o. b. California") means that the produce quoted or sold is to be placed free on board the boat, car, or other agency of the through land transportation at shipping point, in suitable shipping condition (see definitions of "suitable shipping condition", paragraphs (j) and (k) of this section), and that the buyer assumes all risk of damage and delay in transit not caused by the shipper, irrespective of how the shipment is billed. The buyer shall have the right of inspection at destination before the goods are paid for, but only for the purpose of determining that the produce shipped complied with the terms of the contract or order at time of shipment, subject to the provisions covering suitable shipping condition. Such right of inspection shall not convey or imply any right of rejection by the buyer because of any loss, damage, deterioration, or change which has occurred in transit.

(j) "Suitable shipping condition", in relation to direct shipments, means that the commodity, at time of billing, is in a condition which, if the shipment is handled under normal transportation service and conditions, will assure delivery without abnormal deterioration at the destination specified in the contract of sale.

(k) "Suitable shipping condition", in connection with reconsigned rolling or tramp cars, means that the commodity, at time of sale, meets the requirements of this phrase as defined in paragraph (j) of this section, relating to direct shipments.

(l) "F. o. b. acceptance" means the same as "f. o. b.", except that the buyer assumes full responsibility for the goods at shipping point and has no right of rejection on arrival, nor has he any recourse against the shipper because of any change in condition of the produce in transit, unless the produce when shipped was not in suitable shipping condition (see definitions, paragraphs (j) and (k) of this section). The buyer's remedy under this method of purchase is by recovery of damages from the shipper and not by rejection of the shipment.

(m) "F. o. b. acceptance final" means that the buyer accepts the produce f. o. b. cars at shipping point without recourse.

(n) "F. o. b. steamer" means that the produce is to be placed free on board steamer at shipping point, in suitable shipping condition (see definitions of "suitable shipping condition", paragraphs (j) and (k) of this section), in accordance with the terms of the contract, and that the buyer assumes all responsibility and risk of damage thereafter.

(o) "F. a. s. steamer" means that the produce is to be delivered free alongside the steamer, in suitable shipping condition (see definitions of "suitable shipping condition", paragraphs (j) and (k) of this section), in accordance with the terms of the contract, and that the buyer assumes all responsibility and risk of damage thereafter.

(p) "Delivered" or "Delivered sale" means that the produce is to be delivered by the seller on board car, or truck or on dock if delivered by boat, at the market in which the buyer is located, or at such other market as is agreed upon, free of any and all charges for transportation or protective service. The seller assumes all risks of loss and damage in transit not caused by the buyer. For example, a sale of "U. S. No. 1 potatoes delivered Chicago" means that the potatoes, when tendered for delivery at Chicago, shall meet all the requirements of the U. S. No. 1 grade as to quality and condition.

(q) (1) "In transit", "Roller", or "Rolling car" means that the produce referred to is in possession of the transportation company and under movement from shipping point when the quotation is made, and that the car is moving over a route in line of haul between the point of origin and the market in which delivery is to be made, and has been so moving since date of shipment, without any delay attributable to the shipper or his agent. If a roller, rolling car, or car in transit is sold f. o. b. shipping point, the buyer shall be deemed to assume only the lowest authorized all-rail freight charges applicable between the point of origin and the destination stated in the contract of purchase, together with car rental and refrigeration and heater charges, if any: *Provided*, That the kind and extent of the protective service required by the shipper's instructions to the carriers are specified in the contract; but the buyer shall not be deemed to have assumed any demurrage, storage, detention, icing, or heater charges, or diversion or reconsignment charges, that would not have accrued had the car been originally shipped direct to the destination named in the contract of purchase.

(2) If the carrier fails to accomplish diversion when properly notified, and such notification has been duly acknowledged by the carrier, the contract of sale shall be deemed to have become null and void, unless otherwise specifically provided.

(r) (1) "Tramp car" or "Tramp car sale" means that the produce has left the shipping point under a bill of lading issued prior to the day on which the quotation is made and has moved or is moving over a route out of line of haul with the market in which it is to be delivered or in which it is being offered or quoted, or has been moving over a route in line of haul between the point of origin and the market in which it is to be delivered or in which it is being offered or quoted, but has been delayed in transit by the shipper, or has been held by the transportation company at diversion or other points en route awaiting instructions from the shipper and by such holding or delay has missed scheduled movement between points of shipment and the market in which it is to be delivered as the result of the transaction in question. If a "tramp car" is sold f. o. b. shipping point or a "tramp car sale" is made f. o. b. shipping point, the buyer shall be deemed to assume only the lowest authorized all-rail freight charges applicable between the point of origin and the destination stated in the contract of purchase, together with car rental and refrigeration and heater charges, if any: *Provided*, That the kind and extent of the protective service required by shipper's instructions to the carriers are specified in the contract. But the buyer shall not be deemed to have assumed any demurrage, storage, detention, icing, or heater charges, or diversion or reconsignment charges that would not have occurred had the car been originally shipped direct to the destination provided in the contract of purchase.

(2) If the carrier fails to accomplish diversion when properly notified, and such notification has been duly acknowledged by the carrier, the contract of sale shall be deemed to have become null and void, unless otherwise specifically provided.

(s) "Rolling acceptance" means that the buyer accepts at time of purchase produce which is in the possession of the transportation company and under movement from shipping point, under the terms and conditions described in paragraphs (q) and (r) of this section, except that the buyer assumes full responsibility for transportation of the goods from time of purchase, has no recourse against the seller because of any change in condition after time of purchase unless the goods when shipped were not in suitable shipping condition, and has no right of rejection on arrival. The buyer's remedy under this method of purchase is by recovery of damages from the shipper and not by rejection of the shipment. By agreement between the parties, however, the purchase may be made subject to inspection at any specified point while the car is rolling or in transit and the point at which the buyer will assume transportation charges may be specified without affecting the time of acceptance of the commodity.

(t) (1) "Track sale" or "Sale on track" means a sale of produce on track after arrival at destination and after inspection or opportunity for inspection by the buyer who shall be considered to have waived any right to reject the commodity, so purchased upon receipt by him or his duly authorized representative from the seller or his duly authorized representative of the bill of lading, delivery order, or other document enabling him to obtain the goods from the carrier.

(2) The above definition shall not be construed as depriving the buyer of a right to reparation when the unloading of the car demonstrates that a part of the lading which was not accessible to inspection was of a quality or condition much inferior to that portion which was accessible to inspection; but notice of intention to file a claim for reparation must be given the seller within 24 hours after receipt by the buyer of the delivery order or bill of lading.

(3) If the seller gives the date of arrival when quoting price, the buyer shall, in the absence of any written memorandum of sale to the contrary, assume all charges that accrue on the shipment from the date of its arrival. If the seller fails to furnish the date of arrival when quoting price the buyer may, in the absence o fany written memorandum of sale which includes the date of arrival or specific written statement as to who shall assume such charges as have accrued after arrival, assume that the shipment arrived at point of sale on the day and date upon which the purchase was made, and shall be liable only for such changes as would properly attach to a shipment arriving on the date the purchase was made.

(u) "C. a. f.," "c. a. c.," and "c. i. f." mean "cost and freight," "cost and charges," and "cost, insurance, and freight," respectively. C. a. f. sales shall be deemed to be the same as f. o. b. sales, except that the selling price shall include the correct freight charges to destination. C. a. c. sales shall be deemed to be the same as f. o. b. sales, except that the selling price includes the correct freight and refrigeration or heater charges to destination. C. i. f. sales shall be deemed to be the same as f. o. b. sales, except that the selling price includes insurance and the correct freight and refrigeration or heater charges to desination.

(v) "Carload," "carlot," or "car" when used in offers, quotations, or contracts in which the quantity is not more definitely specified, and in the absence of well-established trade custom or standard as to size of a "carload," "carlot," or "car" of the produce in question, means not less than the minimum quantity required by the carrier's tariff applicable to the movement, and not more than 10 percent in excess of such minimum tariff requirements, except that, where the carrier's tariffs provide alternative rates and minimum, the buyer shall state which tariff minimum must be observed, and, in event of failure so to do, the shipper may exercise his discretion, in no case, however, exceeding the higher alternative minimum quantity provided by the tariff, with only such variations therefrom as are permitted by this paragraph.

(w) "Shipping-point inspection" means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, to show the compliance of the lot sold with the quality, condition, and grade specifications of the contract, and that the seller assumes the risk incident to incorrect certification.

(x) "Shipping-point inspection final," or "Inspection final" following the name of the State or point, as "California inspection final," means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, to show the compliance of the lot sold with the quality, condition, and grade specifications of the contract, and that the buyer assumes the risk incident to incorrect certification and is without recourse against the seller on account of quality, condition, and grade.

(y) "Subject approval wired Government inspection" means that the seller is required to obtain Federal or Federal-State inspection, or such private inspection as has been mutually agreed upon, and to correctly communicate, by wire or other agreed means, the statements on the certificate as to quality, condition and grade, and other essential information, whereupon the buyer, upon approval thereof, will be deemed to have accepted the produce without recourse against the seller on account of quality, condition, and grade.

(z) "Guaranteed advance" used in connection with an advance payment on consigned produce means that the person making the advance guarantees that the net proceeds to the consignor shall at least equal the amount so advanced, and that the consignor cannot be held liable for any deficit resulting from the sale of the produce, if such deficit is not occasioned by or contributed to by an act of the consignor.

(aa) "Accommodation advance" or "Regular advance", used in connection with an advance of money or credit against anticipated net proceeds to be realized from the sale of consigned produce, means that the shipper has received an advance of money or credit and that, if the consigned produce does not sell for enough to cover the cost of transportation and handling, including customary or agreed commission and the advance made to him, the shipper must return to the person making the advance a sum equal to the deficit sustained.

(bb) "Price arrival", in the absence of a contrary specific understanding, means that the produce is shipped either direct to the customer or to an agent of the shipper, for the benefit of the customer, the price to be subject to agreement between the customer and the shipper upon the arrival of the produce at the customer's destination, with sufficient time being permitted for inspection.

(cc) "F. o. b. inspection and acceptance arrival" means that the produce quoted or sold is to be placed by the seller free on board car or other agency of through transportation at shipping point, the cost of transportation to be borne by the buyer, but the seller to assume all risks of loss and damage in transit not caused by the buyer, who has the right to inspect the goods upon arrival and to reject them if, upon such inspection, they are found not to meet the specifications of the contract of sale at destination. The buyer may not reject without reasonable cause. Such a sale is f. o. b. only as to price and is on a delivered basis as to grade, quality, and condition.

(dd) "F. o. b. sale at delivered price" means the same as f. o. b., except that transportation charges from shipping point to destination shall be borne by the seller; that is, the sale is f. o. b. as to grade, quality, and condition, and delivered as to price.

SUNDAYS AND HOLIDAYS

§ 46.33 *Sundays and holidays excluded.* Sundays and holidays shall not be included in the computation of the 5 day period provided by section 7 (d) of the act, nor in connection with the periods defined in § 46.32 with exception of paragraph (a) thereof, and where specifically provided for in paragraph (s) of § 46.2.

§ 46.34 *Sundays and holidays included.* Sundays and holidays shall be included in the computation of all other periods mentioned in the act or in the regulations in this part.

INSPECTION OF COMMODITIES

§ 46.35 *Inspection of commodities.* Each licensee shall, during ordinary business hours, permit any duly authorized representative of the Department to enter his place of business and inspect any lot of produce under his ownership or control covered by this act. If any licensee fails or refuses to authorize or permit such inspection promptly upon request, the Secretary may, after 30 days' notice and an opportunity for a hearing, publish the facts and circumstances and/or, by order, suspend the license of the offender for a period not to exceed 90 days. Each licensee shall have present on his premises during ordinary business hours at least one person duly authorized to permit such inspection. Failure to permit inspection of such produce promptly upon request will be considered as a refusal by the licensee. Any necessary facilities for such inspection shall be extended to such representative by the licensee, his agents, and employees. The licensee shall be furnished a copy of any certificate or memorandum of inspection which is issued for any lot of his produce which is inspected in accordance with this section.

INSPECTION SERVICE

§ 46.36 *Inspection service.* The rules and regulations of the Secretary governing inspection and certification of fresh fruits and vegetables as outlined in Part 51, of frozen fruits and vegetables as outlined in Part 52 of Title 7, Code of Federal Regulations, and amendments thereto, and such additional amendments as may from time to time be promulgated shall govern the inspection of such products under the act and are hereby made a part of the regulations in this part.

LICENSEE'S RESPONSIBILITY FOR ACTS OF EMPLOYEES AND AGENTS

§ 46.37 *Licensee's responsibility for acts of employees and agents.* In construing and enforcing the provisions of the act and the regulations in this part, the act, omission, or failure of any agent, officer, or other person acting for or employed by a licensee, within the scope of his employment or office, shall in every case be deemed the act, omission, or failure of the licensee.

COPIES OF RECORDS

§ 46.38 *Copies of records; how obtained.* Copies of the application and other records pertaining to licensees

under the act may be furnished under the conditions prescribed in the regulations of the Department, and, except where requested by Government officials, upon the payment of the following fees, which shall be deposited in the Treasury of the United States in the PACA fund.

(a) For each typewritten copy, $1.00 per page.

(b) For each photographic or photostatic copy, 25 cents per page.

(c) For each separate authentication, 25 cents.

Dated: January 17, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-453; Filed, Jan. 22, 1957; 8:49 a. m.]

[7 CFR Part 972]

[Docket No. AO-177-A17]

MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Gallipolis, Ohio, on August 15–16, 1956, pursuant to notice thereof issued July 25, 1956, which was published in the FEDERAL REGISTER (21 F. R. 5695), upon proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on December 7, 1956, issued his recommended decision and notice of opportunity to file written exceptions thereto. Said recommended decision was published in the FEDERAL REGISTER on December 12, 1956 (21 F. R. 9908).

The material issues of record related to:

1. Class I prices, including intra-area differentials, and the supply-demand price adjustment.
2. Allocation of Class I milk to shipping plants.
3. Location differentials.

Proposals with respect to other matters appeared in the notice of hearing, but were not supported at the hearing. These included extension of the marketing area, market-wide pooling, and a method of accounting for solids not fat.

Findings and conclusions. The following findings and conclusions with respect to the material issues are based upon the evidence contained in the record of the hearing:

1. *Class I price.* The Class I price differentials should be increased, and the seasonal pattern of the differentials should be modified. The prices in the several districts in the marketing area should be changed in a manner consistent with changes in plant location differentials. The supply-demand adjustor should be modified for some months to avoid contra-seasonal price changes.

Two proposals were made by producer groups to increase Class I price differentials. One of these would increase the Class I price differential 35 cents per hundredweight in the Huntington and Gallipolis-Scioto districts, and 40 cents in the Athens district, with some modification of the present schedule of seasonal price changes. The other proposal would establish a Class I differential in the Huntington district of $1.75 for March through August, and $2.25 for September through February, with the same seasonal changes in the Gallipolis-Scioto and Athens districts. A proposal made by certain handlers would provide the same price for the Athens and Gallipolis-Scioto districts, and a price 10 cents higher than that for the Huntington district. The same handler group recommended that the supply-demand adjustment be eliminated, and be replaced by a 25-cent increase in the stated Class I differentials.

The problem of the appropriate level of Class I prices in this market was reviewed in a hearing held in January 1955, and a decision thereon of the Secretary issued August 8, 1955. Official notice is here taken of that decision (20 F. R. 5815). It was concluded therein that a general price increase was not justified at that time, but the Class I differentials were modified in a manner that resulted in a 2-cent per hundredweight market-wide increase, and an additional 5 cents per hundredweight in the Athens district. Also, certain products, principally buttermilk and fluid cream disposition, were added to the Class I category. This amendment became effective September 1, 1955.

Some changes in milk utilization have occurred since the January 1955 hearing. Handler representatives contended, however, that the increase in Class I sales during the twelve months preceding this hearing was largely accounted for by the items added to the Class I definition by the September 1, 1955 amendment.

An estimate of the changes insofar as they were not caused by the amendment may be made by combining the Class I and Class II volumes in months prior to the amendment. The sum of the Class I and Class II items in these prior periods represents product utilization closely comparable with that under the present definition of Class I milk. On this basis, the gross utilization by handlers increased about 20 percent in such product uses from 1954 to 1955, and increased about 8 percent for the first seven months of 1956 as compared to the same period of 1955. Such estimated product utilization, on an average annual basis, was equivalent to about 86 percent of producer milk at fluid milk plants in 1954, and about 90 percent in 1955.

Receipts of producer milk at fluid milk plants have not increased as fast as the indicated product utilization. In 1955, receipts were 15 percent over receipts in 1954, and in the first seven months of 1956, 2.3 percent less than in the same period of 1955.

The market is short of an adequate supply of producer milk in the low production months. For the period October through December 1955, Class I sales in the market exceeded producer milk in all plants by 2 to 7 percent in each month. In January 1956, Class I sales about equalled producer milk, and in February 1956, were about 95 percent of producer receipts. During such October–February period, the amount of other source milk used by fluid milk plants for Class I averaged about 1,360,000 pounds per month, or about 8 percent of Class I sales. This was considerably more than the amount of other source milk used in Class I a year previous.

Although conditions vary in the several districts of the marketing area, the situation of shortage of producer milk in some months of the year is general throughout the entire area.

Considerable attention was given in testimony to the price relationships of surrounding Federal order markets. (For purposes of evaluation of these relationships, official notice is taken of the Federal orders in effect for the Cleveland, Columbus, Stark County, Greater Wheeling, Clarksburg, Cincinnati, and Bluefield marketing areas.) It was pointed out that the average annual level of Class I differentials in markets to the east and southeast are higher than the average level in the Tri-State market, and that producers in the intervening areas are attracted by the higher prices. It was also testified that a number of the largest producers formerly supplying the Huntington district had transferred to Charleston, West Virginia, which is not a Federally regulated market.

There is some overlapping of the production area of the Tri-State market with the production areas for the Greater Wheeling, Clarksburg and Bluefield orders. The average annual Class I differentials in these neighboring markets are: For Wheeling, $1.72; for Clarksburg, $1.97; and for Bluefield, $1.87. The average annual Class I differential in the Huntington district of the Tri-State market is approximately $1.48, and in the Athens district approximately $1.23. The Class I prices under these other orders are subject to location differential credits as follows: Under the Greater Wheeling order, 16.5 cents per hundredweight at Marietta, Ohio, 18 cents at Parkersburg, West Virginia, and 21 cents at Athens, Ohio. Under the Clarksburg order, 22 cents at Marietta, 24 cents at Parkersburg, and 28 cents at Athens; and under the Bluefield order, 26½ cents at Ashland, Kentucky. The Class I prices under the Greater Wheeling and Clarksburg orders are affected by the supply-demand adjustment in the Cleveland order.

There is an overlapping of sales areas of Tri-State handlers and of handlers under the Greater Wheeling and Bluefield orders in areas between the markets. One handler in the Bluefield market complained that the difference between the proposed prices under the Bluefield order and the existing prices under the Tri-State order would give an unfair advantage to Tri-State distributors in Mingo and Logan Counties, West Virginia, and Pike County, Kentucky, where a considerable part of his milk is sold.

To a slight extent there is overlapping of the supply area of the Tri-State market with supply areas of the Cincinnati and Columbus markets, where somewhat lower Class I differentials apply. Price differences with markets to the east and southeast are much wider, however, even after allowing for location differential credits to points in the Tri-State marketing area. In view of the existing price differences, and the relatively short supply in the Greater Wheeling, Clarksburg, and Bluefield markets, as well as shortages experienced in this market for a considerable part of the year, some narrowing of these price differences is desirable. The amount of change which should be made in the differentials at this time would depend, as well, on other factors discussed herein.

In addition to the handler proposal, previously described, to eliminate the supply-demand adjustment, a proposal was made by a producer association to generally increase the rate of adjustment obtainable from this pricing mechanism. The latter proposal would provide a lesser rate of price adjustment on decreases for oversupply than the rate of adjustment for price increases when a relatively short supply is in prospect.

The order amendment of September 1, 1955 made comprehensive changes in the supply-demand adjustment designed to eliminate contra-seasonal adjustments and generally to improve its operation. The new supply-demand formula has generally reflected changing conditions with greater accuracy than the previous formula. It has resulted in additions to the Class I price ranging from 3 to 27 cents, or an average increase slightly less than 15 cents.

A supply-demand adjustment is considered to be a desirable part of the price mechanism for this market to reflect local changes in supply and demand conditions. If it were eliminated and replaced by a fixed addition to the Class I differentials, considerable flexibility and responsiveness of the price to changing market conditions would be lost. The proposal to eliminate the supply-demand adjustment is denied.

The proposal to apply a lesser rate of price adjustment when supply is excessive than when supply is short has decided disadvantages. It could result in criticism in that it would tend to maintain a higher level of prices than needed to assure an adequate supply. It could not be expected to result in price changes designed to correct a condition of oversupply. As a consequence, such a mechanism could result in serious misalignment of prices with conditions in this and other markets.

In the period in which the new supply-demand formula has been in effect, it has provided an increasing price adjustment in response to the higher level of Class I utilization in the market. Inasmuch as the fairly substantial price increases resulting from the supply-demand adjustment have occurred to large extent in recent months, it is too early to judge whether the rate of adjustment should be changed. Conditions in the market, particularly the steady increase in fluid sales which has persisted for some time, make an increase in the level of the Class I differentials a more appropriate method of providing additional incentive to supply milk for this market.

Although no change is recommended in the rate of price adjustment, which now is 3 cents for each percentage of deviation from the base utilization percentages, some changes should be made in the base utilization percentages of individual months to avoid erratic or contra-seasonal price changes. The minimum and maximum percentages which apply in the November Class I price calculation should be reduced by subtracting 4 from each. This change should be made to avoid a drop in the price adjustment, such as occurred from October to November 1955 and again in 1956. (Official notice is taken of market administrator's report.) The base utilization percentages for the March price computation should be increased by adding 2, so as to avoid a contra-seasonal price increase.

Class I price differentials in the Tri-State order are established at separate levels for the three districts of the marketing area. The differentials for the Athens district are lowest, and those for the Gallipolis-Scioto and Huntington districts are 15 and 25 cents higher, respectively. These price differences are for the purpose of improving the distribution of the total producer milk supply among the various parts of the marketing area.

Considerable concern was shown by handlers and producers in the Huntington district over the possible competitive advantage to handlers in the Athens district resulting from the present intra-market differential. It was pointed out that two plants in the Athens district are sending distribution routes into the Huntington district. Various proposals were made to reduce the difference between these two districts to 20 cents, or even to 10 cents.

Two handlers with plants in the Athens district gave testimony in opposition to reducing the intra-area differentials. One handler cited a cost figure of 38.7 cents per hundredweight for moving packaged milk from Marietta to Huntington, and the other a cost of 29 cents for moving packaged milk from Athens to Huntington. Inasmuch as these costs exceed the price differences, apparently there are factors other than producer price differences which provide incentive for distribution by Athens handlers in the Huntington district.

In view of the decrease in location allowances to handlers, recommended elsewhere herein, a comparable reduction should be made in the price differential between the Athens district and the other districts of the marketing area. Otherwise, producers supplying the Athens district plants would receive a lower price on milk moved from such plants to the Huntington market than do producers at out-of-area supply plants which ship milk from comparable distances directly to Huntington handlers. The difference between the Athens and Huntington district prices should be reduced from 25 cents to 20 cents. This would make the price difference between adjoining districts 10 cents in each case.

In the attached proposed amending order language, the annual average of the Class I differentials for the Athens district would be about 16 cents higher than the differentials now in the order. Differentials for the Gallipolis-Scioto and Huntington districts would be 10 and 20 cents higher, respectively, than those for the Athens district. In view of general supply and demand conditions affecting this market, such increases in the Class I price differentials appear warranted. These increases, along with price increments which will result from the supply-demand adjustor as long as the market remains short, will make the market more attractive to producers. The annual average of the Class I price differentials for the Athens district would be about $1.39 per hundredweight. So long as the supply-demand adjustor continues to add about the same amount as shown for the last twelve months in the record, or about 15 cents per hundredweight, the resulting price should average about the same as the Wheeling order price adjusted for location to points in the Athens district. The annual average of Class I price differentials for the Huntington district, with the changes recommended herein, would be about $1.59 without the effect of the supply-demand adjustor. This is slightly less than the average of the Bluefield order Class I differentials adjusted for location to Ashland.

Various proposals were made which would change the seasonal pattern of Class I price differentials. The proposal of a producer association which would provide for two seasonal changes per year has been mentioned previously. Another producer association proposed that the month of July be changed from a low differential month to a medium differential month, and the month of August be changed from a medium differential month to a high differential month. A group of handlers recommended that the low differential period be May through August, that the medium differentials apply in March, April, and September, and that the highest differentials apply in October through February. Testimony given in support of these proposals generally supported the desirability of evening out seasonal variations in production to more nearly approach the relatively more stable needs of the fluid market.

Presently, the amount of seasonal change in the Class I differentials, from the lowest to the highest, is 85 cents. The lowest seasonal differential for the Athens district is 80 cents per hundredweight, which applies in April, May, June, and July. An intermediate level of $1.10 applies in the months of February, March, and August, and the highest differential, $1.65, applies for the months of September through January. This pattern of differential changes was established by the amendment made effective September 1, 1955.

In view of the continued pronounced seasonal variation in production, it is concluded that about the same range in price differential changes should be maintained. The changes in the seasonal pattern set forth in the attached amending language are designed to provide incentive for improving the seasonal production-sales relationship, as well as to give some consideration to the existing price differences in individual months compared with neighboring markets. Exceptions to the recommended decision complained that the change in the March Class I differential from the intermediate level to the lowest seasonal level did not comport with the level of utilization in that month relative to other months and the amount of other source milk used in March 1956 for meeting Class I needs. It was pointed out that the recommended decision also provided a decrease in the supply-demand price adjustment for March.

The change in the base utilization percentage for March, as explained elsewhere in this decision, is for the purpose of avoiding a contra-seasonal price movement from action of the supply-demand adjustment.

With respect to the changes in the seasonal schedule of Class I price differentials, it is possible to retain March in the intermediate differential months, as is the case under present order provisions, and yet arrive at nearly the same average annual price level as provided in the recommended decision, if small changes are made in the differentials for the months of February, and April through August. It is concluded that this should be done. In the attached order provisions, the differentials for the months of September through January, for the Athens district, would be $1.80, for February, March, and August, $1.35, and for April through July, 90 cents. This schedule of differentials would be 15 cents per hundredweight higher than the present differentials in the months of September through January, 25 cents higher in February, March, and August, and 10 cents higher in the months of April through July. Class I price differentials for the Gallipolis-Scioto and Huntington districts would be 10 and 20 cents higher, respectively, in each month than the Athens differentials. The greater increase in August is appropriate, since this month is just prior to the short production season and because of the wide difference between the Athens district and the Wheeling order Class I differentials. The changes for February and March represent, besides the general increase mentioned, also a seasonally different distribution of returns, which is in accord with the producer request for a seasonally higher level in these months in view of production conditions and Class I requirements of the market. Changes made in February and August also serve to lessen the widest seasonal differences between the Huntington district and Bluefield order prices.

2. *Allocation of Class I milk to shipping plants.* The amount of milk which a fluid milk plant may allocate to a supply plant during the months of February through September pursuant to § 972.34 (c) of the order should be limited by the monthly average amount of milk received from producers at the supply plant in the preceding months of October through January. No allocation of Class I milk should be made between fluid milk plants, except with respect to actual transfers of milk.

Under the provisions of § 972.34 (c), a fluid milk plant may, during the months of February through September, allocate some of its Class I utilization to any supply plant which transferred milk to such fluid milk plant in at least three of the months of October through January immediately preceding. Such allocation does not depend on actual physical transfer of the milk in the February-September period, but the total allocation in each such month, including allocation with respect to actual transfers in the current month, is limited by the smaller of (1) the monthly average allocation on transfers in the preceding October-January period, or (2) a percentage of the total Class I milk in the fluid milk plant in the current month which is the same as the percentage the amount described in (1) above is of the Class I milk in the fluid milk plant in the preceding October-January period.

A producer representative operating a supply plant proposed that an additional limit be placed on such allocation to prevent any allocation greater than the amount of producer milk received at the supply plant in the preceding October-January period. It was pointed out that such an allocation could occur if in the October-January period the supply plant handled other source milk, part or all of which was transferred to a fluid milk plant. In this way the supply plant might build up a credit for "pass-back" allocation in the following February-September period exceeding the volume of producer milk at the supply plant in the prior months of October through January.

The proposed limitation on pass-back allocation would not limit the amount of allocation in relation to the amount of producer milk in the supply plant in the current month of the February-September period. There could be instances in which a supply plant would be handling little, or considerably less, producer milk in these months than it handled in prior fall and winter months, and at the same time might be handling considerable volumes of other source milk representing surplus of unregulated plants. In such an instance, pass-back allocation of Class I utilization could result in giving other source milk in the supply plant a preference over producer milk in the fluid milk plant. It is concluded that the amount of the Class I use in the fluid milk plant in the February-September period, which may be allocated to a supply plant, should, in addition to the other limitations, be limited to the amount of producer milk in the supply plant in the current month.

The provisions of § 972.34 (c) should not be extended to provide for similar allocation of Class I milk to fluid milk plants where no actual transfer of milk in the current month occurs. It was not indicated on the record how a workable provision with this purpose resulting in equitable allocation of utilization could be constructed. In this connection, reference is made to the findings and conclusions on the same matter in the Secretary's decision issued August 8, 1955.

3. *Location differentials.* The rate of location adjustment allowed to plants more than 45 miles and less than 100 miles from designated reference points should be reduced from 2½ cents for each ten miles to 2 cents for each ten miles. No location allowance should be given to plants at distances less than 45 miles.

A producer group proposed that location credits to handlers on Class I milk be reduced to 2 cents, instead of 2.5 cents, for each ten miles up to 100 miles from the nearest reference point stated in the order, and be reduced to 1 cent, instead of 1½ cents, for each ten miles over 100 miles. The producer group also proposed that the smallest mileage to which the location credits apply should be increased from 25 miles to 65 miles. With respect to producer location differentials, it was proposed that these apply only to Class I milk rather than to all milk.

Evidence was submitted by the operator of a milk shipping plant that the cost of moving milk in a 22,000 pound tank truck is about 18 cents per hundredweight for 100 miles. It was also pointed out that it is common for handlers to move milk within the same pricing district of the marketing area for distances in excess of 50 miles. On such milk movements, no location credit is allowed by the order. Proponent asserted such evidence shows that the allowances in the order are generally in excess of current costs of transporting milk.

Two handlers gave evidence, previously mentioned herein, of higher costs for moving milk from plants in Athens and Marietta to Huntington. These costs, however, were for packaged milk, and are not considered to be an appropriate basis for establishing location allowances when a less costly method of moving milk is available.

Official notice is taken of price announcements of the market administrator which show location allowances of 12½ cents per hundredweight to a plant at Circleville, Ohio, and 31 cents to a plant at Welch, West Virginia. Since the time of the hearing, the plant at Welch has become regulated under Order No. 112, regulating the handling of milk in the Bluefield marketing area. The plant at Circleville, Ohio, is about 50 miles from the nearest reference point (Jackson) from which the mileage distance to such plant is computed.

It is concluded that the proposed reduction in the rate of location allowances to handlers should be adopted with respect to distances not exceeding 100 miles. There was no direct evidence as to changes in the cost of movements of milk exceeding 100 miles. It is also concluded that location differentials should not apply for distances less than 45 miles. There are not now any plants to which location differentials apply within such distance, and there is no economic need for a supply plant so near to the plant from which the milk is distributed. Within such a distance milk may be ordinarily moved direct from the farm to the plant.

With respect to proposal to apply producer location differentials only to Class I milk, it is concluded that this proposal should be denied. The differential applied to producer uniform prices of each handler should continue to be at the same rate as allowed handlers with respect to Class I milk. These differentials, as applied to producer prices, represent the difference in value for whole milk as received at plants in various locations.

The provisions with respect to producer location differentials do not need to be modified to take account of the changes in the location credits to handlers, inasmuch as § 972.72 of the order applies the same rate to producer payments as is allowed to handlers on Class I.

Ruling on exceptions. Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Acting Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

Determination of representative period. The month of October 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who, during such representative period, were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing agreement and order, amending the order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Tri-State Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 17th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. In § 972.34 (c), add subparagraph (3) as follows:

(3) The quantity of milk received from producers at such supply plant during the current month.

2. Delete § 792.41 (a), and substitute the following:

(a) Add the following amounts for the months indicated:

	February, March, and August	April, May, June, and July	September, October, November, December, and January
Huntington district plants	$1.55	$1.10	$2.00
Gallipolis-Scioto district plants	1.45	1.00	1.90
Athens district plants	1.35	.90	1.80

3. Delete the table in § 972.41 (b) (2), and substitute the following:

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	103	107
February	103	107
March	99	103
April	95	99
May	93	97
June	87	91
July	77	81
August	68	72
September	64	68
October	68	72
November	79	83
December	94	98

4. Delete § 972.48 and substitute the following:

§ 972.48 *Location adjustment credits to handlers.* The price for Class I milk at a fluid milk plant or supply plant located outside the marketing area and more than 45 miles from the nearest of the following listed places, shall be, regardless of point of sale within or out-

side the marketing area, the same as the price for Class I milk (§ 972.41) for the district of the marketing area in which such nearest listed place is located, less a location adjustment computed as follows: 2 cents per hundredweight for each 10 miles, or major fraction thereof, up to 100 miles, and 1.5 cents per hundredweight for each 10 miles, or major fraction thereof, in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such fluid milk plant to such nearest listed place:

City Hall, Huntington, W. Va.
City Hall, Ashland, Ky.
City Hall, Portsmouth, Ohio.
City Hall, Jackson, Ohio.
City Hall, Athens, Ohio.
City Hall, Marietta, Ohio.
City Hall, Gallipolis, Ohio.

[F. R. Doc. 57-451; Filed, Jan. 22, 1957; 8:48 a. m.]

[7 CFR Part 975]

[Docket No. AO-179-A15]

MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Cleveland, Ohio, on October 10–12, 1956, pursuant to notice thereof which was issued on October 3, 1956 (21 F. R. 7686).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 2, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 5, 1957 (22 F. R. 146).

1. Revision of the Class I price as to:
(a) Level.
(b) Seasonality.
(c) Supply demand adjustment.
2. Level of the Class III milk price.
3. Changes in the eligible milk quota plan concerning:
(a) Quota rules.
(b) Quotas for new producers.
(c) Number of operating months.
4. Classification of milk moved to, or allocation of milk from plants regulated under other Federal orders.
5. Revision of location adjustments.
6. Review of other provisions affecting:
(a) Classification of cream moved to distant plants.
(b) Exemption of handlers doing business in the marketing area.
(c) Allocation of shrinkage on producer milk transferred in bulk between pool plants.

(d) Certain administrative procedures.

1. The level, seasonally and supply-demand adjustment of the price for Class I milk.

The price for Class I milk under the Cleveland order is determined by adding to a basic formula price $1.40 for the months of February through July and $1.85 for other months. The price is subject to adjustment of not more than 25 cents on the basis of supply-sales relationship in the immediately preceding two-month period. The supply-demand adjustment has been suspended for the months of October, November and December 1956, pending this hearing and action on the record thereof.

Producer groups proposed that the Class I differential be $2.25 for all months of the year and that supply-demand adjustment be based upon the ratio of combined receipts to Class I utilization for the Cleveland, Akron and Stark County markets as compared with revised standard utilization percentages. These proposals raise three separate issues which will be considered separately: the level of the Class I differential, seasonal changes in the Class I differential, and the supply-demand adjustment of the Class I price.

(a) *The level of the Class I price differential.* In support of the proposal to increase the Class I price differential to $2.25 producers cite increased production costs, feed shortages, premiums over minimum order prices currently being paid by Cleveland handlers, and competitive prices paid by nearby markets, regulated and otherwise, with which Cleveland competes for supplies.

It is difficult to evaluate, at this time, the effect that these factors have had on the Cleveland milk supply. As of May 1, 1955, an increase in the marketing area added substantial volumes of receipts and sales to the Cleveland pool. As of August 1955, a plant with substantial receipts and sales which, up to that time, were included in the Cleveland pool became subject to the Akron order. For the year 1954, producer receipts were 154 percent of milk and cream sales whereas for 1955 this ratio had declined to 143 percent. For the first eight months of 1956, monthly ratios of receipts to sales averaged 133 percent as compared to 152 percent for the same months of 1955. Supplies during January through April of this year were only slightly higher than a year ago, while sales were substantially higher. Supplies in May, June and July were substantially less than a year earlier with sales only slightly higher. The change in the seasonal pattern of producer deliveries noted elsewhere in this decision was most marked during this period. Adverse weather conditions also had some probable effect on milk supplies in the early summer months of 1956. It is significant, however, that for August supplies and sales were about identical with those of a year earlier, and that a ratio of receipts to sales at approximately the 1955 level has continued through October. It must be concluded that the level of milk supply in what is normally the short season of production has been maintained, and that no increase in the level of the fixed Class I price differential is required to encourage additional production.

(b) *Seasonal changes in the Class I differential.* Seasonal changes in the Class I differential should be retained at this time.

Producers and handlers are united in the support of a uniform Class I differential throughout the months of the year. Producers supported a uniform differential at a higher annual level than that now prevailing while handlers' support was for a uniform differential applicable in all months of the year at approximately the present annual average level.

The support for elimination of seasonality in the Class I price differential is based largely on the claim that (1) Class I sales are lost as resale prices change with seasonal changes in producer prices, and (2) the eligible milk quota plan eliminates need for seasonal pricing.

The record indicates, however, that seasonal pricing is used in the nearby unregulated Youngstown market, and in the unregulated (Federally) Pittsburgh market which competes for supplies in the Cleveland supply area. Cleveland also competes for supplies with the Detroit and Toledo markets, the orders for which include seasonal pricing. Consideration is now being given to regulation of an area between Cleveland and Toledo for which price alignment would be particularly difficult if the discrepancy in price patterns of these two markets were widened.

It is concluded that changes in the seasonal patterns of pricing in the Cleveland market should be deferred until such time as its adoption could promote greater uniformity in pricing patterns between markets rather than have the contrary effect.

(c) *Supply-demand adjustment.* The supply-sales relationship used as a basis for adjustment of the Class I price should be that of the combined receipts and sales of the Cleveland-Akron-Stark County markets. The standard utilization percentages, deviations from which result in price adjustment, should be revised to reflect the changed seasonal patterns of utilization to be expected in the markets and the level of reserve supply required by present marketing practices.

The Class I prices of the Akron and Stark County orders are maintained in fixed alignment with that of the Cleveland order and it is proposed that such alignment be maintained in a merged order to regulate the handling of milk in the combined Akron-Stark County marketing area. Cleveland handlers make substantial sales of milk in the Akron-Stark County area. An Akron handler operates more than 30 dairy stores in the Cleveland marketing area. The Akron-Stark County supply area lies wholly within the Cleveland milkshed. Presently supplies of milk associated with the Cleveland pool and sales by handlers regulated under the Cleveland order determine the supply-demand adjustment of the Class I price affecting the three markets. Intermarket competition for supplies or sales may readily affect the Class I price of all markets without any change in the overall supply or sales volumes merely by transfer of supply or

sales from one plant to another. Since the competitive situation is such as to require fixed alignment of Class I prices, it is appropriate that the ratio of total supplies to total sales should be the basis for adjustment of Class I prices to supply-demand conditions.

A very substantial change in the seasonal pattern of production has taken place in the Cleveland market in the past two years. Seasonal variations in deliveries per producer and for the market as a whole are not nearly as great as in former years. Daily deliveries per producer in May 1956 were 123 percent of those in November 1955. May 1954 daily deliveries per producer were 160 percent of those for November 1953. Total market deliveries for May 1956 were only 117 percent of those for the preceding November. Somewhat similar changes in the seasonal pattern of deliveries appear to have taken place in the Akron-Stark County market.

The eligible milk quota plan under which payments were first made in the Cleveland market in April–June 1956 on quotas established by deliveries in the last three months of 1955 undoubtedly has had considerable effect in leveling the seasonality of deliveries the past year. Adverse weather conditions in the months of normally flush production may also have contributed.

The standard utilization percentages presently included in the order were based upon experience prior to 1955 with some adjustment for the expected effect of the eligible milk quota plan then being included in the order. It is now evident that these percentages do not reflect the seasonal pattern of utilization that can now be expected in the market. The seasonal pattern of utilization in the three markets has likewise changed and follows rather closely that now to be expected in the Cleveland market.

With lower seasonal variations in supplies more reserve supplies can be carried in the short season without burdensome spring surpluses. Producers in the Cleveland market have leveled production in part by decreasing spring production and in part by increasing fall production. Standard utilization percentages can reflect a somewhat higher short season supply without reflecting any increase in the annual average level of supply since correspondingly lower percentages will apply for the spring season.

It is concluded that the standard utilization percentages with which the combined Cleveland-Akron-Stark County ratio of receipts to sales will be compared should be as follows:

Month priced	2-month period used	Standard utilization percentage
January	November–December	123
February	December–January	126
March	January–February	129
April	February–March	132
May	March–April	135
June	April–May	144
July	May–June	149
August	June–July	144
September	July–August	131
October	August–September	125
November	September–October	123
December	October–November	122

The simple average of these percentages is about four points less than that of those presently included in the order. The higher utilization for the combined markets as compared with the Cleveland market will approximately offset the results of this change in the standard.

2. The Class III milk price should not be revised.

The Class III milk price is now determined by using the basic formula price which is the higher of a group of midwest condenseries or a butter-powder formula.

Wayne Cooperative Milk Producers proposed the Class III milk price should be the basic formula price less 20 cents. Reasons given by this cooperative for the reduction in price were as follows:

(1) The price it pays for surplus milk must be comparable to the prices paid by its competitors and from January 1956, through August 1956, the Class III price has been 17 cents per hundredweight higher than the support price for manufacturing milk as announced by the Department, (2) that there are difficulties involved in marketing manufactured dairy products made from surplus milk due to variations in volume, (3) that their costs in the manufacture of butter and powder exceed by 25 cents per hundredweight their returns for such products, (4) that the Class III price for the first 8 months of 1956 has averaged 9.6 cents above the price for milk for similar use in the Federally regulated markets of Fort Wayne, Detroit, Dayton-Springfield, Cincinnati, Chicago, Toledo and Lima, and (5) that the make allowance of 55.6 cents as provided in the butter-powder formula is 19.4 cents below their cost of operation.

Other handlers did not offer direct testimony concerning the level of the Class III price but in their briefs stated that such milk should be priced in relation to its recovery value.

In opposing, three other producer groups testified that a reduction in the Class III milk price would decrease returns to all producers for their milk deliveries. It was claimed that a Class III price too low serves to encourage plants with manufacturing facilities to carry more than an adequate reserve supply to insure Class I or fluid milk market requirements.

The amount of milk classified as Class III milk in 1954 averaged 26 percent of all producer receipts, in 1955 it averaged 25 percent, and for the first nine months of 1956, 21.1 percent. Milk utilized as nonfat dry milk represented 19.6 percent of producer receipts in 1954, 13.4 percent in 1955 and 8.2 percent for the first nine months of 1956. Amounts used to produce butter represented 1.5 percent of producer receipts in 1954, 0.8 percent in 1955 and in the first nine months of 1956 seven-tenths of one percent.

The proponent cooperative operates two pool plants under this order, one of which is located at Fort Wayne, Indiana; the other at Coldwater, Michigan. There is direct competition for supply at these two Cleveland pool plants with the Fort Wayne and Detroit market supplies. Consequently, a comparison of price for milk in these markets is more appropriate than with more distant ones. The Federal order prices in Fort Wayne and Detroit markets for milk used to produce products similar to Cleveland order Class III products are in close alignment with the Cleveland Class III price.

Present indications are that the quantities of milk which need to be utilized as Class III are being reduced. In 1954 this order was amended to include a plan to achieve more level seasonal production. This plan has tended to alleviate the problem of excessive amounts of producer milk for use as Class III both annually and seasonally.

The Federal order markets of Akron and Stark County use the basic formula to price milk of corresponding use to the Cleveland Class III milk. The fact that several handlers have plants in two or more of these markets, the ease with which they can shift manufacturing operations by transferring or diverting producers, and the close competition between them makes it highly desirable that prices for milk used to produce manufactured products in all three markets be held in close alignment.

A level of prices for Class III milk should be provided so as to encourage the transfer of milk from manufacturing to higher-valued uses. The Class III milk price as now determined in this order reflects an appropriate value for milk used to produce manufactured dairy products. The request to decrease the Class III milk price by 20 cents is denied.

3. The provisions concerning quota rules should be revised. The number of operating months should not be changed and no additional provisions should be added for establishment of quotas by new producers.

The order presently provides for transfer of a producer quota from one producer to another.

Producers proposed that transfer of quotas be limited to those cases in which (a) a member of the immediate family carries on the dairy operation on the same farm in the event of a producer's death or (b) there is a division between joint holders of a quota.

Considerable administrative detail is involved in the provisions for unlimited transfers of quotas. Since the quota plan is effective in determining producer payments in only three months of each year and since all producers must establish new quotas each year, there is little need to provide for widespread transfers of quotas involving such administrative detail. The proposed rules will provide an administratively feasible plan for the necessary transfers of quotas in cases of death in a family or where partnerships are dissolved. They should be adopted.

Certain handlers proposed that the quota operating period be extended to include February through July with provision for quotas to new producers entering the market. Handlers believe the quota plan has been highly effective during the relatively short time it has been a part of this order. It was their contention that an extension of the quota operating periods from three to six months would further the effectiveness of the quota plan in obtaining more even

production. It was further contended that, (a) the even producer should receive a greater share of the Class I price for a longer period of time than now provided and (b) more encouragement to level production should be provided to those producers who have been less responsive to the plan. Handlers also contended new producers should be provided a quota so they would be encouraged to enter the market any time available and needed.

Three producer groups in opposing the extension of the quota operating period and provision for making quotas other than in the three quota forming months stated: (a) The market has adequate reserve supplies without the necessity of providing quotas for new producers and (b) the division of returns among producers is of primary concern to producers, who in this incidence, oppose any change in the order effecting their returns.

Significant changes in the pattern of production did occur during the first year the quota plan was operative in this order. During the April through June quota operating period, approximately one-third of all producers were within quota and 61 percent produced within 125 percent of quota. It is notable that 20 percent of all producers averaged over 500 pounds of milk per day. About half of this group were within quota and 85 percent were within 125 percent of quota. Of those producers averaging under 500 pounds of milk per day, 30 percent were within quota and 56 percent within 125 percent of quota.

Producers may enter the market at any time. Present order provisions provide payment to producers who have no quota at the uniform price, except April through June, when such producers would receive payment at the ineligible milk price.

In view of the above facts additional time should be provided for the operation of the present order provisions dealing with the quota operating period before any substantial change is made. The proposals to extend the quota operating period from three to six months and provision of quotas for new producers should not be adopted at this time.

4. No change in the Cleveland order should be made on the basis of this record to change the classification of milk moved to, or the allocation of milk received from plants regulated under other Federal orders.

Two separate sets of proposals affecting movements of milk between Cleveland pool plants and plants regulated by other Federal orders were presented by handlers. One such set of proposals related specifically to movements involving Akron-Stark County plants, while the other set of proposals would have more general application.

In general it was proposed to (a) permit shipments to Akron-Stark County plants to count toward qualification of a supply plant for pool plant status under the Cleveland order, (b) permit classification of milk transferred from Cleveland pool plants to plants subject to other orders to be as agreed upon by the handlers involved, as classification of milk transferred between Cleveland pool plants is now determined, and (c) to exempt receipts of milk transferred to Cleveland plants from plants subject to other orders from yielding prior claim for Class I use to receipts of Cleveland pool milk.

This record indicates that nearby markets under Federal regulation depend to some extent on the supply of Cleveland pool milk for reserve supplies in seasons of short supply. The availability of Cleveland reserve supplies relieves such markets of the necessity of carrying fully adequate reserve supplies, and provides opportunity for maintenance of high Class I utilization in such markets. The changes proposed in the Cleveland order would not serve to meet this situation. This fact was recognized by the proponents who indicated that identical amendments in other orders would be required.

The principle of assigning producer milk under each order to the highest priced available use should be waived in favor of milk from another regulated market only on the basis of specific evidence that the exporting market performs services for the receiving market which merit special consideration. Such consideration could only be given to intermarket movements in a single direction. Under such circumstances classification and allocation should be based on specific rules designed to fit the circumstances rather than upon agreement of handlers. There is nothing in this record to indicate that Cleveland depends upon other markets for services that would warrant the changes proposed in the Cleveland order.

5. Provisions for location adjustments on milk received at plants less than 60 miles from Cleveland should be revised to conform with those applicable elsewhere and the minimum distance at which adjustments apply should be increased from 30 to 40 miles.

Under the present provisions of the Cleveland order, the value of milk received from producers at a pool plant located more than 30 miles but not more than 60 miles from the Public Square in Cleveland is computed at the class prices applicable to plants located in Cleveland, and the handler operating such plant is credited with paying the f. o. b. Cleveland producer prices in determining his pool debit or credit. He is permitted, however, to deduct 13 cents per hundredweight (except with respect to ineligible milk) in making settlement to producers. At plants located more than 60 miles from Cleveland, handler location adjustments are used in computing the value of milk classified as Class I or Class II milk. Location adjustments at the same rate apply to the producer price for all except ineligible milk.

Within the 30–60 mile zone there are presently three supply plants and nine bottling plants. A group of producers delivering milk to one of the supply plants proposed that the permissive deduction of 13 cents from producer prices in this zone be deleted. This particular plant has not taken the full 13-cent deduction any of the last 20 months and in 7 of these months has paid full f. o. b. Cleveland price or more. At the other two supply plants the 13-cent deduction is taken with much greater regularity.

These supply plants are located in areas from which many farmers now deliver their milk directly to bottling plants in Cleveland. The 13-cent differential represents fairly well the average amount that producers supplying these plants save in farm to plant hauling costs as compared to delivernig their milk to Cleveland. Premium payments at these locations have resulted more from competition from other markets, principally Akron, than from competition with direct delivery to Cleveland. Cleveland handlers procuring direct shipped supplies from the competitive area have also paid premiums.

Location adjustments should be retained within the 60-mile zone but should be consistent with those prevailing at more distant plants. The handler credit should be restricted to Class I and II milk. Present provisions encourage Class III use of milk located nearest the marketing area.

The bottling plants in the present 30–60 mile zone became subject to the order May 1955 when the marketing area was expanded. Those located within 40 miles of Cleveland are in no position to take advantage of the 13-cent deduction provision. At Painesville, Ohio, one plant is 28.3 miles from Cleveland and three others are between 33 and 34 miles. Eliminating provision for location adjustments within the 30–40 mile zone will eliminate difference in treatment of nearby plants serving essentially the same segment of the marketing area.

The decision to make 40–60 mile location adjustment provisions consistent with those applicable beyond 60 miles renders unnecessary certain technical correction of the present provisions proposed at the hearing.

6. *Review of other provisions.*

Cream transfers to distant nonpool plants. The order presently classifies as Class I milk transfers to nonpool plants located more than 265 miles from Cleveland in forms specified as Class I milk when disposed of for fluid consumption. A handler proposed that this rule of automatic classification on the basis of mileage not apply to transfers in the form of cream. He proposed that instead the provisions applicable to movements within 265 miles, certification of use by the receiver and privilege of audit by the market administrator, apply. Determination of use of cream shipped to distant plants would involve considerable administrative expense. The record shows no lack of facilities for disposition of Class III milk within the 265 mile zone. It is concluded that no change in the transfer provisions should be made on the basis of this record.

Exemption of handlers doing little business in the marketing area. The order presently exempts from regulation plants from which routes entering the marketing area dispose of less than an average of 300 units (quarts of milk or equivalent) daily. A handler proposed deletion of this exemption. Only one handler is presently selling milk in the area under this exemption, continuing minor sales in a portion of the marketing area added by the amendment effective May 1955.

The provision provides a feasible means of avoiding full regulation of plants whose association with the marketing area is of such a minor and incidental nature that such regulation would accomplish nothing. It should be retained.

Allocation of shrinkage on producer milk transferred in bulk between pool plants. It was proposed that provisions be made for handlers to agree upon an equal division of the two percent shrinkage allowance on producer milk transferred in bulk between pool plants. The order presently reserves the entire allowance to the plant receiving the milk from producers. Optional agreement between the handlers was proposed because some supply arrangements in the Cleveland market entail considerably more opportunity for plant loss to the plant receiving milk from producers than is normally the case.

Processing plants which receive bulk shipments from supply plants encounter losses in processing and packaging such milk. The present provisions limit the application of the shrinkage allowance on milk so handled to the operations carried out by the supply plant. Within the overall two percent limit plant losses incurred in later operations should be allowed the same as if all processing were done in the plant at which milk is received from producers. The proposal represents a practical means for accomplishing this and should be adopted.

Certain administrative procedures. Certain changes of an administrative nature should be made. The present provision requiring a pool plant operator to notify the market administrator on or before January 31 of his desire for his operation to continue as a pool plant will be changed so that such plant will continue to be a pool plant, if so qualified, unless written advice to the contrary is furnished the market administrator. This change in order language should be made.

A typographical error in § 975.75 (a) should be corrected so that the order will correctly describe the procedure for calculation of the eligible milk price.

General findings. (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Order of the Secretary directing conduct of a referendum: determination of representative period: and designation of referendum agent. Pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted to determine whether the issuance of the attached order amending the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area, is approved or favored by the producers, as defined under the terms of the order, as amended, and as hereby proposed to be further amended, and who, during the following determined representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of October 1956 is hereby determined to be the representative period for the conduct of such referendum.

Howard G. Eisaman is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders, as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 10th day from the date this decision is issued.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 17th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cleveland, Ohio, Marketing Area

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, during October 10–12, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 975.30 (b) following the phrase "such plant shall" delete the words "upon written application to the market administrator on or before January 31

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

of any year" and substitute therefor "unless written advice to the contrary is furnished the market administrator on or before January 31".

2. Add the following as § 975.52 (c).

(c) Where producer milk is transferred in bulk from a pool plant to the pool plant of another handler, and the operators of such plants have so requested the market administrator in writing prior to the delivery period within which the transfer occurred, the maximum allowance for shrinkage pursuant to § 975.51 (c) (3) with respect to such milk shall be divided equally between the transferor and transferee plants.

3. Delete § 975.61 and substitute therefor the following:

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.40
All others	1.85

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) With respect to receipts and utilization of the Cleveland and Akron-Stark County, Ohio, marketing areas during the first and second months preceding the delivery period, combine into separate totals:

(i) The total quantity of milk received from producers defined in § 975.8 and in § 960.7 of the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area; and

(ii) The gross quantity of milk utilized as Class I at pool plants pursuant to § 975.30 and to § 960.5 of the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area, exclusive of interhandler and intermarket transfers between such plants.

(2) Divide the result obtained in subparagraph (1) (i) of this paragraph by that obtained in subparapragh (1) (ii) of this paragraph, multiply by 100, and round to the nearest whole number. This result shall be known as the "current utilization percentage,"

(3) Compute a "deviation percentage" by subtracting from the current utilization percentage computed in subparagraph (2) of this paragraph the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	123
February	126
March	129
April	132
May	135
June	144
July	149
August	144
September	131
October	125
November	123
December	122

(4) Determine the amount of the supply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 or −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

4. Effective July 1, 1957, delete § 975.66 and substitute therefor the following:

§ 975.66 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period;

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

5. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, there shall be deducted:

(a) 13 cents per hundredweight, if such distance is more than 40 miles but not more than 60 miles; and

(b) 20 cents per hundredweight, if such distance is more than 60 miles but not more than 74 miles, and 2 cents per hundredweight additional for each 14 miles or fraction thereof in excess of 74 miles.

(c) For the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, each pool handler's utilization of Class I and Class II milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producers' farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

6. In § 975.73 (c) delete "§ 975.81 (b)" and substitute therefor "§ 975.81".

7. In § 975.75 (a) delete "§ 975.73 (a) through (c)" and substitute therefor "§ 975.73 (a) through (e)".

8. In § 975.81 (a) delete "30 miles" and substitute therefor "40 miles".

[F. R. Doc. 57-450; Filed, Jan. 22, 1957; 8:48 a. m.]

[7 CFR Part 1014]

[AO-287]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 124 AND ORDER NO. 114

Correction

In Federal Register Document 57-284, published at page 301 in the issue for Wednesday, January 16, 1957, paragraph (c) of § 1014.60 was inadvertently omitted. This paragraph reads as follows:

§ 1014.60 *Inspection and certification.* • • •

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 14, 1957.

An application, Serial No. Utah 019139, for the withdrawal from location, sale, and entry, under the General Mining Laws of the lands described below, subject to existing valid claims, was filed August 9, 1956, by the United States Department of Agriculture.

The purposes of the proposed withdrawals are for the establishment and maintenance of the Hub Ranger Station within the Wasatch National Forest, and for a roadside zone along the Alpine Loop Highway and a recreation area in the Uinta National Forest.

For a period of thirty days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor for Utah, Bureau of Land Management, Box 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a notice of determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

WASATCH NATIONAL FOREST

Hub Ranger Station Administrative Site

T. 2 S., R. 12 W.,
Sec. 28: SE¼NE¼NE¼, E½SW¼NE¼NE¼, N½SE¼NE¼, N½NE¼SW¼NE¼, NW¼NW¼SW¼NE¼.
Total area 42.5 acres.

UINTA NATIONAL FOREST

Alpine Loop Highway (Utah #80) Roadside Zone

A strip of land 200 feet wide on each side of the center line of Alpine Loop Highway (Utah #80) through the following legal subdivisions:

T. 4 S., R. 2 E.,
Sec. 24: SE¼SW¼, SE¼;
Sec. 25: N½NW¼;
Sec. 26: NW¼, N½NE¼;
Sec. 27: S½NE¼;
Sec. 28: Lots 7, 8, SE¼SW¼, SE¼;
Sec. 33: Lots 1, 2, NE¼NW¼.
T. 4 S., R. 3 E.,
Sec. 19: Lot 4, S½SE¼;
Sec. 20: SW¼SW¼;
Sec. 28: SW¼NW¼, SW¼;
Sec. 29: NW¼, E½SW¼, SE¼;
Sec. 32: NE¼NW¼;
Sec. 33: E½NW¼, W½NE¼, SE¼NE¼, NW¼SE¼, E½SE¼;
Sec. 34: Lot 1.
T. 5 S., R. 3 E.,
Sec. 4: Lots 1, 2, SW¼NE¼, Lots 5, 6, 7, SW¼SE¼;
Sec. 9: NW¼NE¼, Lot 1.
Containing 698.2 acres, more or less.

Cascade Springs Recreation Area

T. 4 S., R. 3 E.,
Sec. 24: S½N½NE¼, S½NE¼, N½SE¼.
Total area, 200 acres.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-428; Filed, Jan. 22, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LAJUNTA LIVESTOCK COMMISSION CO., ET AL.

NOTICE RELATIVE TO POSTED STOCKYARDS

Pursuant to the authority delegated to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act (7 U. S. C. 202) and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

COLORADO

Name of stockyard	*Date of posting*
LaJunta Livestock Commission Company, LaJunta.	Apr. 20, 1956

IDAHO

Cattlemans Live Stock Auction, Inc., Nampa.	Dec. 29, 1955
Pocatello Livestock Auction, Inc., Pocatello.	Nov. 16, 1955

IOWA

Knickman Live Stock Sales Company, Council Bluffs.	Dec. 14, 1955

KANSAS

Hill City Sale Company, Hill City.	Oct. 18, 1956

KANSAS

Leoti Livestock Sales Company, Leoti.	Oct. 15, 1956
Oberlin Livestock Exchange, Oberlin.	Oct. 16, 1956

MONTANA

Shelby Stockyards Company, Shelby.	Feb. 18, 1956

NEBRASKA

Ainsworth Sale Yards, Ainsworth.	Sept. 6, 1956
Creighton Livestock Market, Creighton.	Jan. 18, 1956
Blue Hill Sales Company, Blue Hill.	Dec. 16, 1955
Republican Valley Livestock Auction, Franklin.	Dec. 16, 1955
Loup City Commission Company, Loup City.	Jan. 18, 1956
Oxford Livestock Commission Company, Oxford.	Dec. 17, 1956
Ord Livestock Market, Ord	Jan. 19, 1956

NEW MEXICO

Clayton Cattle Auction, Clayton.	Nov. 6, 1956

OKLAHOMA

Selling Sales Association, Inc., Selling.	Mar. 12, 1956

SOUTH DAKOTA

Gettysburg Livestock Sales Company, Gettysburg.	June 26, 1956
McLaughlin Commission Company, McLaughlin.	Jan. 31, 1956
Martin Livestock Sales, Inc., Martin.	Dec. 4, 1956
Wagner Livestock Sales Company, Wagner.	May 22, 1956

TEXAS

Big Springs Livestock Auction, Big Springs.	Nov. 29, 1956
Bonham Livestock Commission Company, Bonham.	Nov. 20, 1956
Childress Livestock Commission Company, Childress.	Nov. 9, 1956
Dalhart Livestock Auction Company, Dalhart.	Nov. 6, 1956
J. C. (Po-Boy) Morriss Commission Company, Douglasville.	Nov. 23, 1956
Big Faircloth Livestock Commission, Eastland.	Nov. 30, 1956
Rains County Livestock Commission Company, Emory.	Nov. 22, 1956

TEXAS—Continued

Name of stockyard	*Date of posting*
Graham Livestock Auction, Graham.	Nov. 13, 1956
Greenville Livestock Commission Company, Greenville.	Nov. 21, 1956
Keeton Livestock Commission Company, Lubbock.	Nov. 5, 1956
Paris Livestock Commission Company (North Barn), Paris.	Nov. 20, 1956
Paris Livestock Commission Company (South Barn), Paris.	Nov. 20, 1956
Perryton Cattle Commission Company, Perryton.	Nov. 6, 1956
Quanah Livestock Commission Company, Quanah.	Nov. 10, 1956
Seymour Livestock Commission Company, Seymour.	Nov. 14, 1956
Shamrock Auction Sale, Shamrock.	Nov. 8, 1956
Tri-County Auction Company, Sweetwater.	Nov. 28, 1956
Wellington Livestock Sale, Wellington.	Nov. 8, 1956
Winnsboro Livestock Commission Company, Winnsboro.	Nov. 22, 1956
Olney Livestock Auction, Olney.	Nov. 14, 1956
Hall County Livestock Commission Company, Memphis.	Nov. 9, 1956

UTAH

Utah Valley Auction Company, Spanish Fork.	May 24, 1956

Done at Washington, D. C., this 17th day of January 1957.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-438; Filed, Jan. 22, 1957; 8:46 a. m.]

BROWNWOOD CATTLE AUCTION ET AL

POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Brownwood Cattle Auction, Brownwood, Texas.
Eads & Cole Commission Company, Brownwood, Texas.
Calvert Commission Company, Calvert, Texas.
Cameron Livestock Auction, Cameron, Texas.
McDougal's Livestock Auction Barn, Comanche, Texas.
Evant Commission Company, Evant, Texas.
Hamilton Commission Company, Hamilton, Texas.
Lometa Commission Company, Lometa, Texas.
Falls County Livestock Auction, Marlin, Texas.
Taylor Commission Company, Taylor, Texas.
Temple Livestock Auction, Temple, Texas.
Leggott Livestock Auction, Waco, Texas.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted

stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 17th day of January, 1957.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-439; Filed, Jan. 22, 1957; 8:46 a. m.]

Office of the Secretary

NEBRASKA, UTAH, AND WYOMING

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska; the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah, and the President also determined on October 30, 1956, that a major disaster occasioned by drought existed in the State of Wyoming.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on January 11, 1957, to be affected by the abovementioned major disasters:

Nebraska: Phelps, Fillmore.

Utah: That portion of Utah County lying in Cedar Valley.

Wyoming: That area in Natrona County which is bounded on the south by the CB & Q Railroad from Casper west to county line, and on the east by Highway 87 and north to county line.

That area in Converse County lying north of Highway 26 and south of an east to west line across the county intersecting the source of Box Creek; also the small area of Converse County south and east of Highway 20.

Done at Washington, D. C., this 17th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-455; Filed, Jan. 22, 1957; 8:49 a. m.]

KANSAS AND WYOMING

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas; and the President determined on October 30, 1956, that a major disaster occasioned by drought existed in the State of Wyoming.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas were determined on January 7, 1957, to be affected by the abovementioned major disasters:

Kansas: Six townships in Riley County: Bale, Madison, Seven Mile, Sherman, Grant, and Wild Cat

Wyoming: That part of Converse County lying south of Highway 87 from the Platte County line to Douglas and then south of the North Platte River from Douglas west to the Converse County line

Done at Washington, D. C., this 17th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-456; Filed, Jan. 22, 1957; 8:49 a. m.]

Rural Electrification Administration

[Administrative Order T-925]

NORTH CAROLINA

AMENDMENT TO LOAN ANNOUNCEMENT

OCTOBER 1, 1956.

I hereby amend:

(a) Administrative Order No. T-741, dated December 19, 1955, by rescinding the loan of $443,000 therein made for "Guilford Telephone Company—North Carolina 524-A Guilford College."

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-457; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-926]

OREGON

LOAN ANNOUNCEMENT

OCTOBER 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Beaver Creek Co-operative Telephone Company, Oregon 526-A Beaver Creek	[1] $193,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-458; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-927]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Etex Telephone Cooperative, Inc., Texas 572-B Gilmer	$126,000

[SEAL] FRED H. STRONG,
Acting Administratgr.

[F. R. Doc. 57-459; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-928]

MINNESOTA

LOAN ANNOUNCEMENT

OCTOBER 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Halstad Telephone Company, Minnesota 555-B Halstad	$91,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-460; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-929]

MISSOURI

LOAN ANNOUNCEMENT

OCTOBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Charlton Valley Telephone Corporation, Missouri 535-D Bucklin	$699,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-461; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-930]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Cap Rock Rural Telephone Cooperative, Inc., Texas 564-C Spur	$98,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-462; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-931]

SOUTH DAKOTA

AMENDMENT TO LOAN ANNOUNCEMENT

OCTOBER 22, 1956.

Inasmuch as (1) Independent Telephone, Inc.—South Dakota 510-A & B has transferred its assets and liabilities to Sully Buttes Telephone Cooperative, Inc.—South Dakota 522, and Sully Buttes Telephone Cooperative, Inc.—South Dakota 522 has assumed the indebtedness to the United States of America, of Independent Telephone, Inc.—South Dakota 510-A & B, arising out of loans made by the United States of America pursuant to the Rural Electrification Act of 1936, as amended, and (2) Independent Telephone, Inc.—South Dakota 510-A & B, with the consent of the United States of America, has assigned to Sully Buttes Telephone Cooperative—South Dakota 522, and Sully Buttes Telephone Cooperative, Inc.—South Dakota 522 has accepted the assignment of the rights and obligations of Independent Telephone, Inc.—South Dakota 510-A & B arising out of loans contracted to be made by the United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. T-77, dated October 23, 1951, by changing the project designation appearing therein as "Independent Telephone, Inc.—South Dakota 510-A" in the amount of $640,000; and, Administrative Order No. T-167, dated July 16, 1952, by changing the project designation appearing therein as "Independent Telephone, Inc.—South Dakota 510-B" in the amount of $96,000 to read "Sully Buttes Telephone Cooperative, Inc.—South Dakota 522 TP1 (Independent Telephone, Inc.—South Dakota 510-A and B)" in the amount of $662,000 and "Sully Buttes Telephone Cooperative, Inc.—South Dakota 522 TA1 (Independent Telephone, Inc.—South Dakota 510-A and B)" in the amount of $74,000.

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-463; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-932]

ARKANSAS

LOAN ANNOUNCEMENT

OCTOBER 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Allied Telephone Company, Arkansas 518-B Little Rock	$235,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-464; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-933]

NORTH DAKOTA

LOAN ANNOUNCEMENT

OCTOBER 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Bowman-Slope Rural Telephone Mutual Aid Corporation, North Dakota 520-B Bowman	$160,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-465; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-934]

TEXAS

LOAN ANNOUNCEMENT

OCTOBER 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Garrison Telephone Co., Inc., Texas 604-A West Columbia	[1] $364,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-466; Filed, Jan. 22, 1957; 8:50 a. m.]

[Administrative Order T-935]

CALIFORNIA

LOAN ANNOUNCEMENT

NOVEMBER 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Tuolumne Telephone Company, California 518-A Tuolumne	[1] $202,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-467; Filed, Jan. 22, 1957; 8:51 a. m.]

[Administrative Order T-936]

MINNESOTA

LOAN ANNOUNCEMENT

NOVEMBER 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Scott-Rice Telephone Company, Minnesota 541-A Prior Lake	[1] $389,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-468; Filed, Jan. 22, 1957; 8:51 a. m.]

[Administrative Order T-937]

ILLINOIS

AMENDMENT TO LOAN ANNOUNCEMENT

NOVEMBER 7, 1956.

I hereby amend:

(a) Administrative Order No. T-658, dated August 12, 1955, by rescinding the loan of $339,000 therein made for "Adams Telephone Cooperative—Illinois 518-C Adams."

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-469; Filed, Jan. 22, 1957; 8:51 a. m.]

[Administrative Order T-938]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Dickeyville Telephone Corporation, Wisconson 567-A Dickeyville	[1] $100,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-470; Filed, Jan. 22, 1957; 8:51 a. m.]

[Administrative Order T-939]

MAINE

LOAN ANNOUNCEMENT

NOVEMBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Union River Telephone Company 505–A Union River	[1] $189,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–471; Filed, Jan. 22, 1957; 8:51 a. m.]

[Administrative Order T-940]

IOWA

LOAN ANNOUNCEMENT

NOVEMBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Brooklyn Mutual Telephone Company, Iowa 555–A Brooklyn	[1] $292,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–472; Filed, Jan. 22, 1957; 8:51 a. m.]

[Administrative Order T-941]

LOUISIANA

LOAN ANNOUNCEMENT

NOVEMBER 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
St. Helena Telephone and Telegraph, Inc., Louisiana 522–A Greensburg	[1] $230,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–473; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order T-942]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Eastern Missouri Telephone Company, Missouri 521–B Silex	$259,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–474; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order T-943]

MISSOURI

LOAN ANNOUNCEMENT

NOVEMBER 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Liberal Telephone Company, Missouri 565–A Liberal	[1] $202,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–475; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order T-944]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Boscobel Telephone Company, Wisconsin 563–A Boscobel	[1] $813,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–476; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order T-945]

KENTUCKY

LOAN ANNOUNCEMENT

NOVEMBER 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Brandenburg Telephone Company, Kentucky 524–E Brandenburg	$732,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–477; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order T-946]

MONTANA

LOAN ANNOUNCEMENT

NOVEMBER 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Blackfoot Telephone Cooperative Association, Inc., Montana 517–B Blackfoot	$48,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–478; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order 9–947]

TENNESSEE

LOAN ANNOUNCEMENT

NOVEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Loretto Telephone Company, Tennessee 557–A Loretto	[1] $550,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–479; Filed, Jan. 22, 1957; 8:53 a. m.]

[Administrative Order T-948]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Clifton Telephone Company, Texas 587–B Clifton	$157,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–480; Filed, Jan. 22, 1957; 8:53 a. m.]

[Administrative Order T-949]

GEORGIA

LOAN ANNOUNCEMENT

NOVEMBER 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Plant Telephone & Power Company, Inc., Georgia 550–B Plant	$315,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–481; Filed, Jan. 22, 1957; 8:53 a. m.]

[Administrative Order T-950]

MAINE

LOAN ANNOUNCEMENT

NOVEMBER 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Unity Telephone Company, Maine 506–B Unity	$121,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–482; Filed, Jan. 22, 1957; 8:53 a. m.]

[Administrative Order T-951]

WISCONSIN

LOAN ANNOUNCEMENT

NOVEMBER 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Cream Valley Telephone Company, Wisconsin 526–D Cream Valley	$146,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–483; Filed, Jan. 22, 1957; 8:53 a. m.]

[Administrative Order T-952]

TEXAS

LOAN ANNOUNCEMENT

NOVEMBER 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Caldwell County Telephone Company, Texas 605–A Dale	[1] $394,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–484; Filed, Jan. 22, 1957; 8:52 a. m.]

[Administrative Order T-953]

NORTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Souris River Telephone Mutual Aid Corporation, North Dakota 524–B Souris River	$2,011,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–485; Filed, Jan. 22, 1957; 8:53 a. m.]

[Administrative Order T-954]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 5, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Assaria Telephone Exchange, Inc., Kansas 526–A Assaria	[1] $135,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57–486; Filed, Jan. 22, 1957; 8:54 a. m.]

[Administrative Order T-955]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Elijay Telephone Company, Georgia 516–C Elijay	$125,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–487; Filed, Jan. 22, 1957; 8:54 a. m.]

[Administrative Order T-956]

KENTUCKY

LOAN ANNOUNCEMENT

DECEMBER 7, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Harold Telephone Company, Inc., Kentucky 534–B Harold	$37,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–488; Filed, Jan. 22, 1957; 8:54 a. m.]

[Administrative Order T-957]

OREGON

LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Lincoln-Tillamook Telephone Company, Oregon 518–A Lincoln	[1] $1,025,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–489; Filed, Jan. 22, 1957; 8:54 a. m.]

[Administrative Order T-958]

WASHINGTON

LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Cohassett Beach Telephone Company, Washington 504–D Cohassett	$72,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57–490; Filed, Jan. 22, 1957; 8:54 a. m.]

[Administrative Order T-959]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Verona Telephone Company, Missouri 553–B Verona	$134,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-491; Filed, Jan. 22, 1957; 8:54 a. m.]

[Administrative Order T-960]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Reno Telephone Association, Inc., Kansas 545–E Reno	$90,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-492; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-961]

GEORGIA

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Coastal Utilities, Inc., Georgia 543–B Coastal	$321,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-493; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-962]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Gorham Telephone Company, Kansas 562–B Gorham	$58,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-494; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-963]

NEW HAMPSHIRE

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Chester Telephone Company, New Hampshire 502–A Chester	[1] $220,000

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-495; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-964]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Sanborn Telephone Cooperative, Inc., South Dakota 520–B Sanborn	$269,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-496; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-965]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mid-State Telephone Company, Texas 563–B San Antonio	$139,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-497; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-966]

WYOMING

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Union Telephone Company, Wyoming 505–A Union	[1] $420,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-498; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-967]

MISSOURI

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Sheldon Telephone Company, Missouri 562–A Sheldon	[1] $223,000

[1] Simultaneous allocation and loan.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-499; Filed, Jan. 22, 1957; 8:55 a. m.]

[Administrative Order T-968]

LOUISIANA

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Northwest Louisiana Telephone Company, Inc., Louisiana 510–B Cotton Valley	$106,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-500; Filed, Jan. 22, 1957; 8:56 a. m.]

[Administrative Order T-969]

TEXAS

LOAN ANNOUNCEMENT

DECEMBER 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as

amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
The Rocksprings and Nueces Canyon Telephone Company, Texas 558–B Rocksprings	$44,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-501; Filed, Jan. 22, 1957; 8:56 a. m.]

[Administrative Order T-970]

TENNESSEE

LOAN ANNOUNCEMENT

DECEMBER 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Highland Telephone Cooperative, Inc., Tennessee 554–B Highland	$286,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-502; Filed, Jan. 22, 1957; 8:56 a. m.]

[Administrative Order T-971]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

DECEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Hargray Telephone Company, Incorporated, South Carolina 529–A Hargray	[1] $538,000

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 57-503; Filed, Jan. 22, 1957; 8:56 a. m.]

[Administrative Order T-972]

IOWA

LOAN ANNOUNCEMENT

DECEMBER 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa-Illinois Telephone Company, Iowa 556–A Iowa-Illinois	[1] $5,667,000

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 57-504; Filed, Jan. 22, 1957; 8:56 a. m.]

[Administrative Order T-973]

ARKANSAS

LOAN ANNOUNCEMENT

DECEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Allied Telephone Company, Arkansas 518–C Little Rock	$775,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 57-505; Filed, Jan. 22, 1957; 8:56 a. m.]

[Administrative Order T-974]

KANSAS

LOAN ANNOUNCEMENT

DECEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Cunningham Telephone Comham, Inc., Kansas 571–A Cunningham	[1] $354,000

[1] Simultaneous allocation and loan.

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 57-506; Filed, Jan. 22, 1957; 8:57 a. m.]

[Administrative Order T-975]

MONTANA

LOAN ANNOUNCEMENT

DECEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Project Telephone Company, Montana 519–A Project	[1] $280,000

[1] Simultaneous allocation and loan.

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 57-507; Filed, Jan. 22, 1957; 8:57 a. m.]

[Administrative Order T-976]

LOUISIANA

LOAN ANNOUNCEMENT

DECEMBER 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Ringgold Telephone Company, Inc., Louisiana 502–C Ringgold	$103,000

[SEAL] R. G. ZOOK, *Acting Administrator.*

[F. R. Doc. 57-508; Filed, Jan. 22, 1957; 8:57 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ATLANTIC AND GULF/WEST COAST OF CENTRAL AMERICA ET AL.

NOTICE OF CANCELLATION OF AGREEMENTS

Notice is hereby given that the Board by order dated January 9, 1957, approved the cancellation of the following described agreements pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Addenda Nos. 1 and 3 to Agreement No. 2743, between the member lines of the Atlantic and Gulf/West Coast of Central America and Mexico Conference and Pacific Steam Navigation Company and Grace Line Inc., respectively, covered the transportation of cargo under through bills of lading from Atlantic and Gulf ports of the United States to ports on the West Coast of Central America and Mexico, with transhipment at the Canal Zone;

(2) Agreement No. 7531, between Lykes Bros. Steamship Co., Inc., and Pacific Steam Navigation Company, covered the transportation of cargo under through bills of lading from Pacific Coast ports of Central America to Galveston and Houston, Texas, with transhipment at Cristobal, C. Z.;

(3) Agreement No. 7879, between Panama Canal Company and Roberto Motta Y Cia., Ltda., covered the transportation of cargo under through bills of lading from Pacific Coast ports of Central America to New York, with transhipment at Cristobal, C. Z.; and

(4) Agreement No. 7884, between Panama Canal Company and Compagnia Naviera Independencia, S. A., covered the transportation of cargo under through bills of lading from Pacific Coast ports of Central America to New York, with transhipment at Cristobal, C. Z.

Dated: January 17, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-446; Filed, Jan. 22, 1957; 8:47 a. m.]

TRANS-PACIFIC PASSENGER CONFERENCE

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shiping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 131–224, between the member lines of the Trans-Pacific Passenger Conference, modifies the basic conference agreement (No. 131, as amended) to provide (1) for a change in the designation of sub-agencies to agencies, and (2) that any agency which violates any rule adopted by the member companies governing agency arrangements shall be subject to a fine in the form of liquidated damages;

(2) Agreement No. 131–225, between the member lines of the Trans-Pacific Passenger Conference, modifies By-Law E–1 of the basic conference agreement (No. 131, as amended) to change the designations of sub-agent and subagency to agent and agency, respectively, and

(3) Agreement No. 131–226, between the member lines of the Trans-Pacific Passenger Conference, modifies By-Law H–1 of the basic conference agreement (No. 131, as amended) to change the designations of sub-agent and subagency to agent and agency, respectively.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 17, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–447; Filed, Jan. 22, 1957; 8:47 a. m.]

ALASKA FREIGHT LINES, INC.

NOTICE OF INVESTIGATION AND OF HEARING REGARDING PROPOSED REVISED TARIFF, F. M. B. F–NO. 4 AND ITEM 40 AND SOUTHBOUND RATES ON VEHICLES, ITEM 700

At a session of the Federal Maritime Board held at its Office in Washington, D. C., on the 25th day of April 1956 and December 21st 1956, A. D., respectively, the Board entered the following orders:

[Docket No. 793]

It appearing that there has been filed with the Federal Maritime Board a tariff naming local class and commodity rates between Seattle and Tacoma, Washington, on the one hand, and Anchorage, Fairbanks, Palmer, Seward, Valdez, Big Delta, Eielson A. F. B., Elmendorf A. F. B., Fort Richardson, and Ladd A. F. B., Alaska, on the other. The tariff applies in connection with through service, including one pickup and one delivery of each shipment within the corporate limits of the named points and was published to become effective April 26, 1956, and later, designated as follows:

Alaska Freight Lines, Inc.
Local Freight Tariff No. 4
F. M. B. F–No. 4
Cancelling U. S. M. C. F–No. 3

It appearing that a protest dated April 16, 1956, has been received from Coastwise Line, an established common carrier by water, operating a regular berth service directly competitive with the operation covered by Alaska Freight Lines Tariff F. M. B. F–No. 4, petitioning the Board to suspend and investigate the lawfulness and reasonableness of said schedule;

It further appearing that the respondent by sworn affidavit contends that in no instance are any of the rates set forth in the Alaska Freight Lines' tariff lower than the rates of competing carriers and no convincing evidence to the contrary has been adduced;

It further appearing that because of the seasonal nature of the trade suspension would result in virtual cancellation of the proposed tariff for the current season to the possible deteriment of Alaska Freight Lines, Inc., and shippers who may require the service provided by said carrier;

It further appearing that protestant has alleged that the provision of Item 40 of Tariff F. M. B. F–No. 4, granting certain allowances at origin stations to the shipping public who perform their own pickup service, car unloading and terminal handling in lieu of carrier service, applicable only in connection with volume shipments moving under carload ratings and certain commodity rates at specified minimum weights, will result in undue discrimination against certain classes of shippers and against certain classes of commodities in violation of Sections 16 and 18 of the Shipping Act of 1916, as amended, and of the Intercoastal Shipping Act of 1933, as amended;

It further appearing that protestant has alleged that the rates set forth in said tariff are unreasonable in violation of Section 18 of the Shipping Act, 1916, as amended, and of the Intercoastal Shipping Act, 1933, as amended;

It further appearing that the lawfulness of said tariff has been put in issue;

It is ordered, That the petition dated April 16, 1956, on behalf of Coastwise Line, requesting suspension of Alaska Freight Lines, Inc., Tariff F. M. B. F–No. 4, be denied;

It is further ordered, That the Board enter upon an investigation and hearing as to the lawfulness of the provision of Item 40 and of the rates named in tariff designated as Alaska Freight Lines, Inc., Tariff No. 4, F. M. B. F–No. 4;

It is further ordered, That a copy of this order shall be forthwith served upon Alaska Freight Lines, Inc., and that said carrier be duly notified of the time and place of hearing herein ordered; and that notice of such hearing be published in the FEDERAL REGISTER."

[Docket No. 793 (Sub. 1)]

It appearing that there have been filed with the Federal Maritime Board the following tariff schedules to become effective as shown:

Alaska Freight Lines, Inc.

4th Rev. Page 10; Item 40, to F. M. B. F–No. 4.

3d Rev. Page 36; Item 700, to F. M. B. F–No. 4.

Effective December 24, 1956.

It further appearing that a protest against these amendments and a petition for suspension has been received from Coastwise Line;

It further appearing that said 4th Revised Page 10, Item 40 specifies allowances for services not performed by the carrier which are in apparent conflict with other provisions in this item and the tariff to which they are to be added;

It further appearing that the reduced rates on used or surplus trucks, or contractors' trucks are ambiguous and cause undue or unreasonable preference or advantage and unreasonable rates in violation of sections 16 and 18 of the Shipping Act, 1916, as amended;

It further appearing that investigation should be made to determine the lawfulness of such rates, charges, regulations and practices and the Board being of the opinion that the effective date of said schedules should be suspended, pending investigation into their lawfulness;

It is ordered, That the Board enter upon a hearing concerning the lawfulness of the rates, charges, regulations and practices stated in said schedules;

It is further ordered, That the operation of said schedules be, and they are hereby suspended and that the use of the rates, charges, regulations, and practices therein stated be, and they are hereby deferred until April 24, 1957, unless otherwise ordered by the Board;

It is further ordered, That no change shall be made in the rates, charges, regulations, and practices hereby deferred until this investigation and suspension proceeding has been disposed of, or until the period of suspension or any extension thereof has expired, unless otherwise authorized by special permission of the Board.

It is further ordered, That there shall be filed immediately with the Board by Alaska Freight Lines, Inc., consecutively numbered revised pages to the afore-listed schedules, which revised pages shall bear no effective date; shall reproduce the portion of this order wherein the suspended schedules are described; shall state that said schedules are suspended and that the rates, charges, regulations and practices therein stated may not be used until the 24th day of April 1957, unless otherwise authorized by special permission of the Board; and that the rates, charges, regulations and practices hereby deferred may not be changed during the period of suspension or any extension thereof, unless otherwise authorized by special permission of the Board; and that this proceeding be consolidated with the order in Docket No. 793; and

It is further ordered, That copies of this order shall be filed with said tariff in the Office of the Federal Maritime Board; that a copy hereof shall be forthwith served upon Alaska Freight Lines, Inc., and said carrier be, and is hereby, made respondent in this proceeding; that said carrier be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

Pursuant to the above orders, notice is hereby given that a public hearing in these consolidated proceedings will be held before an examiner of the Board's Hearing Examiners' Office at a time and place to be hereafter determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's Rules of Practice and Procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in these proceedings and desiring to intervene therein, should notify the Secretary of the Board on or before February 25, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

Dated: January 17, 1957.

By Order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–513; Filed, Jan. 22, 1957; 8:58 a. m.]

Office of the Secretary

RAYMOND E. HEBERT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Raymond E. Hebert.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: January 11, 1957.
4. Title of position: Director, Water & Sewerage Industry and Utilities Division.
5. Name of private employer: Filtration Equipment Corporation, Rochester, New York.

CARLTON HAYWARD,
Director of Personnel.

DECEMBER 18, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Filtration Equipment Corporation.
R. E. Hebert & Co., Inc.
Hebert Construction Corporation.
Hebert & Co.
Blaw-Knox Corporation.
Johns-Manville Sales Corporation.
Eastman Kodak Co.
Diana Stores, Inc.
Lincoln Rochester Trust Corporation.
Petaco Mining Co.
Bank deposits.

RAYMOND E. HEBERT.

JANUARY 14, 1957.

[F. R. Doc. 57–443; Filed, Jan. 22, 1957; 8:47 a. m.]

ROBERT W. NISSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of July 25, 1956, 21 F.R. 5596–97.

A. Deletions: None.
B. Additions: Kaiser Aluminum & Chemical Corporation.

This statement is made as of January 6, 1957.

ROBERT W. NISSEN.

JANUARY 6, 1957.

[F. R. Doc. 57–444; Filed, Jan. 22, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8427]

MIAMI AIRLINE, INC., ET AL.
R. W. DUFF,
AND
EFFIE VIRGINIA DUFF

ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on January 24, 1957, is hereby postponed to February 4, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., January 17, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–551; Filed, Jan. 22, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–11710]

THE TEXAS CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Erratum notice (January 15, 1957); order suspending proposed changes in rates (issued January 9, 1957).

Under "Rate Schedule Designation" change "Supplement No. 5 to Phillips FPC Gas Rate Schedule No. 133" to read "Supplement No. 5 to Texas FPC Gas Rate Schedule No. 133".

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–429; Filed, Jan. 22, 1957; 8:45 a. m.]

[Project No. 1925]

FRESNO IRRIGATION DISTRICT

NOTICE OF APPLICATION FOR LICENSE

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by the Fresno Irrigation District, of Fresno, California, for license for proposed water power Project No. 1925 to be located on Kings River in Fresno County, California, at Pine Flat Dam and Reservoir, owned by the United States and operated by the Corps of Engineers for flood control, irrigation, and supplemental upstream water power storage, and affecting lands of the United States. The proposed project would consist of a powerhouse immediately below the Dam with an installed capacity of three 50,000 kilowatt generating units direct-connected to three hydraulic turbines. Penstocks would be extended downstream from the Dam to the powerhouse and trash racks, gates, and appurtenant facilities, including a switchyard, would be installed at the Dam.

A preliminary permit for the proposed project was issued December 8, 1953 to Fresno Irrigation District for a period of two years from the date of issuance. Two six-month extensions of the period of the permit were granted.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is February 25, 1957. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

JANUARY 15, 1957.

[F. R. Doc. 57–430; Filed, Jan. 22, 1957; 8:45 a. m.]

[Docket Nos. 11475, 11500]

CHAS. T. McCORD, JR., ET AL.

NOTICE SETTING DATE OF CONSOLIDATED HEARING

Chas. T. McCord, Jr., et al., Docket No. G–11475; Texas Eastern Transmission Corporation, Docket No. G–11500.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 5, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the respective applications filed on November 13, 1956 and November 19, 1956, respectively in the above-entitled matters: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Due notice of the applications filed herein has been published in the FEDERAL REGISTER on November 30, 1956 (21 F. R. 9390–1). No protests or petitions to intervene have been received.

[SEAL] LEON M. FUQUAY,
Secretary.

JANUARY 16, 1957.

[F. R. Doc. 57–431; Filed, Jan. 22, 1957; 8:45 a. m.]

[Docket No. G-11277]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF CONTINUANCE OF HEARING

Take notice that the hearing in the above-designated matter now scheduled for January 21, 1957, is hereby continued until 9:30 a. m. on January 22, 1957, to be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

JANUARY 16, 1957.

[F. R. Doc. 57-432; Filed, Jan. 22, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-2030]

POPULAR DRUG STORES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 16, 1957.

I. Popular Drug Stores, Inc., 139 North Virginia Street, Reno, Nevada, filed with the Commission on February 23, 1955, a Notification on Form 1-A and an Offering Circular relative to a proposed offering of 200,000 shares at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file 2-A reports of sales as required by Rule 224 under Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-434; Filed, Jan. 22, 1957; 8:45 a. m.]

[24 FM-1060]

SHARRON OIL & GAS COMPANY, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 16, 1957.

I. Sharron Oil & Gas Company, Inc., a Colorado corporation, filed with the Commission on October 29, 1956, a notification on Form 1-A and an Offering Circular relating to an offering of 8,750,000 shares of its 1 cent par common stock at 1 cent per share for an aggregate offering price of $87,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in respect of such notification in that:

1. Item 9 (a) fails to disclose the required information relating to the issuer's prior sales of unregistered stock particularly the consideration received from such sales; and

2. Item 9 (c) fails to specify and assert any exemption from registration for the offering and sale of such prior unregistered stock; and

3. Four copies of the provisions of the governing instruments defining the rights of holders of the equity securities proposed to be offered under the notification were not filed as an exhibit as required by Item 11 (a); and

4. Restrictions in the form of escrow agreements or otherwise were not imposed upon shares issued to directors, officers, and promoters of the issuer.

5. A promoter, affiliate and predecessor of the issuer was not identified as required by Item 2; and

6. There is a conflict between Item 8 (b) and Item 7 with respect to the sale of the issuer's stock through the underwriters.

B. The Offering Circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading particularly with respect to the following:

1. The financial information contained in the Offering Circular does not comply with the form specified by paragraphs 11 (a) (1) and (2) or 11 (b) of Schedule I under Rule 256 of Regulation A;

2. The issuer's financial statement is misleading in showing its unissued stock as an asset;

3. It is stated in the text of the Offering Circular that certain dry holes are located at various distances from the issuer's properties whereas a plat attached to the Offering Circular shows such dry holes to be closer to the issuer's properties;

4. No disclosure is made as to the depths to which proposed wells on the issuer's properties will be drilled;

5. No reasonable basis exists for the statement that the maximum ultimate oil recoverable per well from wells to be drilled on the issuer's properties will amount to approximately 250,000 barrels; and

6. Information relating to a number of wells on properties adjacent to the issuer's leases is not given.

III. *It is ordered,* Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Sharron Oil & Gas Company, Inc. and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-435; Filed, Jan. 22, 1957; 8:45 a. m.]

[File No. 24FW-1063]

OUACHITA MINING CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 11, 1957.

I. Ouachita Mining Company, Inc. ("Issuer"), an Arkansas corporation of Mena, Arkansas, having filed with the Commission on November 13, 1956 a notification on Form 1-A and an Offering Circular, and subsequently having filed an amendment thereto on November 29, 1956, relating to a proposed offering of 20,000 shares, $1.00 par value, at $2.50 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable grounds to believe:

A. That the terms and conditions of Regulation A have not been complied with in that:

1. Four copies of the provisions of the governing instruments defining the rights of holders of the equity securities proposed to be offered were not filed as an exhibit as required by Item 11 (a);

2. The response to Item 9 (a) (iii) does not give the respective considerations paid by various persons for 702,025 shares of unregistered stock issued to them;

3. No facts are presented to justify the statement in the notification that the net assets of the issuer amount to $755,500;

4. No information was related to support the statement that the issuer received $702,025 for the 702,025 shares which it issued to officers, directors, and other persons.

B. The Offering Circular contains untrue statements of material facts, and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The financial information contained in the Offering Circular does not comply with the form specified in paragraphs 11 (a) (1) and (2) and paragraph 11 (b) of Schedule I under Rule 256 of Regulation A in that assets acquired in exchange for capital stock are carried at dollar amounts in the issuer's balance sheet in excess of identifiable cash costs to promoters, predecessor companies and other transferors;

2. Real and personal properties of the issuer which it acquired largely from its promoters, officers and directors are valued at $780,000.00 but no information is given respecting the considerations paid by the promoters, officers and directors for such properties prior to their transfer to the issuer;

3. The issuer represents that 23,000 lbs. of high grade free manganese ore which it obtained from its properties were sold for $628.00 but no disclosure is made concerning the cost of producing such ore and the number of tons required to be mined to produce the 23,000 lbs. of ore was not revealed;

4. The issuer represents that the officers and directors believe that "one continuous body of ore extends * * * over an area averaging eight miles wide and fifty-two miles long," whereas available geological evidence indicates that no such belief is factually justified.

C. The use of the Offering Circular in connection with the offering of the shares to which the notification relates would operate as a fraud and deceit upon the purchasers thereof.

III. *It is ordered,* Pursuant to Rule 261 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Ouachita Mining Company, Inc., and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-436; Filed, Jan. 22, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 17, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33169: *Ingot lead from Herculaneum, Mo., to Baton Rouge and North Baton Rouge, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lead, ingot or pig, carload from Herculaneum, Mo., to Baton Rouge and North Baton Rouge, La.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 29 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33170: *Fertilizer compounds from southwest to Mt. Vernon, Ind.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from points in Arkansas, Louisiana, Missouri, Oklahoma and Texas to Mt. Vernon, Ind.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 186 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 33171: *Sand from Berkeley Springs and Hancock, W. Va., to points in Alabama and Mississippi.* Filed by St. Louis-San Francisco Railway Company, Agent, for itself and other interested rail carriers. Rates on sand, ground or pulverized, carload from Berkeley Springs and Hancock, W. Va., to points in Alabama and Mississippi.

Grounds for relief: Short-line distance formula and circuity.

FSA No. 33172: *Substituted service, rail for motor, Erie and N. Y., N. H. & H. R. R.* Filed by The Eastern Central Motor Carrier's Association, Agent, for interested rail and motor carriers. Rates on freight loaded in highway truck trailers and transported on railroad flat cars between Hammond, Ind., and Boston, Mass.

Grounds for relief: Truck competition.

Tariff: Supplement 1 to The Eastern Central Motor Carriers Association, Inc., tariff MF-I. C. C. A-133.

FSA No. 33173: *Phosphatic fertilizer solution from Idaho and Utah to Montana.* Filed by The Union Pacific Railroad Company, for itself and other interested rail carriers. Rates on phosphatic fertilizer solution, tank-car load from Don, Idaho and Garfield, Utah to points in Montana.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 40 to Union Pacific Railroad Company's I. C. C. 5415.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-437; Filed, Jan. 22, 1957; 8:46 a. m.]

FEDERAL REGISTER

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MAIN

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; HAWAII AND OKLAHOMA

On December 20, 1956, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

HAWAII

County:	Average value	County:	Average value
Hawaii	$30,000	Kauai	$30,000
Honolulu	30,000	Maui	30,000

OKLAHOMA

County:	Average value	County:	Average value
Adair	$25,000	Kingfisher	$35,000
Alfalfa	40,000	Kiowa	40,000
Atoka	23,000	Latimer	23,000
Blaine	35,000	Le Flore	23,000
Bryan	28,000	Lincoln	25,000
Caddo	35,000	Logan	30,000
Canadian	35,000	Love	26,000
Carter	28,000	McClain	25,000
Cherokee	25,000	McCurtain	25,000
Choctaw	25,000	McIntosh	23,000
Cleveland	25,000	Marshall	26,000
Coal	20,000	Mayes	30,000
Comanche	30,000	Murray	25,000
Cotton	28,000	Muskogee	27,000
Craig	30,000	Noble	35,000
Creek	30,000	Nowata	30,000
Delaware	25,000	Okfuskee	22,000
Garfield	40,000	Oklahoma	30,000
Garvin	30,000	Okmulgee	25,000
Grady	35,000	Osage	35,000
Grant	40,000	Ottawa	35,000
Haskell	23,000	Pawnee	30,000
Hughes	26,000	Payne	30,000
Jackson	40,000	Pittsburg	25,000
Jefferson	28,000	Pontotoc	26,000
Johnston	26,000	Pottawatomie	25,000
Kay	40,000	Pushmataha	20,000
Rogers	30,000	Seminole	20,000
Sequoyah	25,000	Stephens	30,000
Tillman	40,000	Tulsa	30,000
Wagoner	30,000	Washington	30,000
Washita	40,000		

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated: January 17, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-526; Filed, Jan. 23, 1957; 8:46 a. m.]

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

MISCELLANEOUS AMENDMENTS

In § 333.1 of Title 6, Code of Federal Regulations (21 F. R. 10447), paragraph (b) (2) is amended, paragraphs (d) to (i) are redesignated as paragraphs (e) to (j), respectively, and a new paragraph (d) is added, as follows:

§ 333.1 *General.* • • •

(b) The subsequent credit needs of a borrower with a direct Farm Ownership loan may be met in one of the following ways, provided the loan is otherwise sound and proper:

• • • • •

(2) A subsequent direct Farm Ownership loan may be made in accordance with § 333.2 to a borrower with a direct Farm Ownership loan whose subsequent credit needs cannot be met by a Farm Housing loan or by a subsequent insured Farm Ownership loan where a lender is available. In case a subsequent insured Farm Ownership loan is made, the initial direct Farm Ownership loan will be refinanced in accordance with § 333.3.

• • • • •

(d) A direct Farm Ownership loan will not be made to an insured loan borrower

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

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unless prior approval is received from the National Office.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l))

Dated: January 17, 1957.

H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-549; Filed, Jan. 23, 1957; 8:51 a. m.]

Subchapter E—Account Servicing

[FHA Instruction 456.1]

PART 364—DEBT SETTLEMENT

Part 364 "Settlement," Title 6, Code of Federal Regulations, is revised to eliminate Subpart A and to read as follows:

Sec.
364.1 Purpose and scope.
364.2 General policies.
364.3 Compromise and adjustment.
364.4 Cancellation upon application.
364.5 Cancellation without application and without regard to amount.
364.6 Cancellation of small claims with principal of $150 or less.
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364.9 Cases referred to the Department of Justice.
364.10 Regional Agricultural Credit Corporation and State Rural Rehabilitation Corporation judgments obtained in State Courts by private attorneys.
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364.12 Preparation and processing of Form FHA–858.
364.13 Preparation and processing of Form FHA–859.
364.14 Disposition of promissory notes.
364.15 Delinquent adjustment agreements.
364.16 Finance Office handling.

AUTHORITY: §§ 364.1 to 364.16 issued under R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 7 U. S. C. 1015 (l), 40 U. S. C. 442 (c). Interpret or apply sec. 41 (g), 60 Stat. 1065, as amended, sec. 2 (f), 64 Stat. 99; 7 U. S. C. 1015 (g), 40 U. S. C. 440 (f).

§ 364.1 *Purpose and scope.* This part contains the policies and procedures for settlement under section 41 (g) of the Bankhead-Jones Farm Tenant Act, as amended, of debts owed the United States and administered by the Farmers Home Administration under any of its programs; including State Rural Rehabilitation Corporation accounts being administered under agreements entered into under section 2 (f) of Public Law 499, 81st Congress, provided that:

(a) Arkansas, North Carolina, and Wisconsin State Rural Rehabilitation Corporation accounts cannot be settled without the prior written approval of the respective Corporations.

(b) Texas Rural Communities accounts cannot be cancelled.

§ 364.2 *General policies*—(a) *Definitions.* For the purpose of this part, the following definitions are applicable:

(1) "Compromise" is the satisfaction of a debt by the acceptance of a lumpsum payment of an amount less than the total amount due on the debt on which settlement is requested.

(2) "Adjustment" is the reduction in a debt conditioned on completion of payment of the adjusted amount at some specified future time or times, with or without the payment of any consideration when the adjustment offer is approved. An adjustment is not a final settlement until all payments under the adjustment agreement have been made.

(3) "Cancellation" is the final discharge of a debt without any payment thereon.

(4) "Charge-off" is the writing off of a debt as an asset, without release of liability.

(5) "Settlement" is the compromise, adjustment, cancellation, or charge-off of a debt. The term "settlement" is used for convenience in referring to compromise, adjustment, cancellation, or charge-off actions, individually or collectively.

(b) *Collection efforts.* The authorities contained in this part for the settlement of debts will neither serve as justification for, nor permit prior to initiation of any debt settlement action, any relaxation of the efforts of officials to collect in full the debts owed the Farmers Home Administration in accordance with applicable policies and procedures.

(c) *Settlement of debts created recently.* It will not be the policy, generally, to compromise or adjust debts within a period of five years following the date on which they were created. Ordinarily, exceptions to this policy will be made only when it is obvious from the facts submitted in support of the debtor's application for settlement that conditions of a very unusual nature, which were beyond his control, developed after the debt was created and resulted directly in his inability to repay his indebtedness.

(d) *Review by County Committee.* The County Committee will review all applications for settlement of debts and will recommend approval or rejection. No application for settlement which is more favorable to the debtor than that recommended by the County Committee may be approved.

(e) *Determination that debtor has acted in good faith.* (1) When a debtor applies for the settlement of his indebtedness, before the application is approved consideration will be given as to whether he has acted in good faith in an effort to pay his debts to the Government. Some of the factors to consider in making this determination are.

(i) Whether the debtor has made any material misrepresentation or concealed any material facts in obtaining the loans.

(ii) Whether the debtor used substantial amounts of loan funds for unauthorized purposes which were detrimental to his operations.

(iii) Whether the debtor has attempted through the transfer or sale of security property or other assets, or by other means, to defeat efforts to collect the debt.

(2) A determination that a debtor has not acted in good faith will be based on the conditions, reasons, and intent which caused the debtor to fail to pay his debt. If such a determination is made, settlement will not be approved unless or until the debtor has made appropriate compensation therefor.

(3) Debts will not be settled if the debtor has committed any acts which may still subject him to criminal prosecution in connection with the debts involved in the offer.

(f) *Negotiating the settlement.* In negotiating a settlement the repayment ability and other circumstances of debtors will be discussed with them in order to assist in determining the proper type and terms of settlement offers. The present and future repayment ability of a debtor, considering the factors mentioned in this part, and any other pertinent factors will be the basis for determining whether the debts should be compromised, adjusted, or cancelled. It is impossible in cases eligible for debt settlement to forecast accurately the debtor's future repayment ability over a long period of time; consequently, the period of time during which payments on adjustment offers are to be made should not, except in unusual cases, exceed three years. Compromise and adjustment offers will not be negotiated with debtors who have no present or prospective future repayment ability under the policies stated in this part. An adjustment offer will not be approved in any case unless there is reasonable assurance that the debtor will be able to make payments as they become due.

(g) *Proceeds from the sale of security property.* Proceeds derived from the sale of security property, including crop security, will not be used in making a compromise or adjustment offer. Such proceeds are subject to application on the debtor's account, irrespective of an application for debt settlement. After such funds are received for credit to the debtor's account, he then may apply for settlement of his remaining indebtedness.

(h) *Settlement where debtor owes more than one type of loan.* As a general rule, it will not be the policy to settle the Operating or Emergency loan indebtedness of a debtor who is also indebted on a Real Estate loan, and who will continue as an active borrower.

(i) *Settlement of claims against estates.* Settlement of a claim against an estate under the provisions of this part will be based on the recovery that may reasonably be expected, taking into consideration such items as the cost of administration, dower rights, widow's allowances, funeral expenses, State taxes levied on the estate as such, and specific encumbrances on the property having priority over claims of the Government.

§ 364.3 *Compromise and adjustment.* Debts of less than $15,000 may be compromised or adjusted, on the application of the debtor(s), or if a debtor is unable to act for himself, on the application of his guardian, executor, administrator, or other person directly interested in his estate, subject to the policies and procedures contained in this part and subject to the following:

(a) The debt or any extension thereof on which compromise or adjustment is requested is due and payable, or the debt has been accelerated by written notice prior to the date of application.

(b) The debtor has offered an amount at least equal to the fair market value of the existing security for the debt, including crop security.

(c) The debtor is unable to pay his indebtedness in full and has offered an amount, in addition to the value of the security, which represents a reasonable determination of his ability to pay. The debtor's total assets, present and prospective income, living and operating expenses, age and health when he is dependent largely on income from an occupation in which his manual labor is required, and total liabilities and priority of payment rights are critical factors in determining whether he is eligible for any settlement and, if so, the type of settlement and the amount which he can reasonably be expected to offer.

§ 364.4 *Cancellation upon application.* Debts of less than $15,000 may be cancelled on application of the debtor(s), or if a debtor is unable to act for himself, on the application of his guardian, executor, administrator, or any other person directly interested in his estate, subject to the policies and procedures contained in this part and subject to the following:

(a) The employee of the Farmers Home Administration having charge of the account furnishes a report and favorable recommendation concerning the cancellation.

(b) The debt or any extension thereof, on which cancellation is requested, has been due and payable, or the debt has been accelerated by written notice, five years or more prior to the date of application.

(c) The debtor is unable to pay any part of his debt and has no reasonable prospect of being able to do so. The factors mentioned in § 364.3 (c) will be considered in determining the debtor's ability to pay.

§ 364.5 *Cancellation without application and without regard to amount.* Debts, without regard to amount, may be cancelled by use of Form FHA–859, "Cancellation or Charge-Off of FHA Indebtedness," upon a report and the favorable recommendation of the employee having charge of the account in the following instances.

(a) *Deceased debtors.* The debtor is deceased and the following conditions exist:

(1) There is no known security for the debt.

(2) If an administrator or executor has not been appointed to settle the estate of the borrower, the financial condition of the estate has been investigated and it has been established that there is no reasonable prospect of recovery.

(3) If an administrator or executor has been appointed to settle the estate of a debtor and a final settlement has been made and confirmed by the probate court and the Government's claim was recognized properly and the Government has received all funds it was entitled to, or a final settlement has not been made and confirmed by the probate court but there are no assets in the estate from which there is any reasonable prospect of recovery, or regardless of whether a final settlement has been made, there were assets in the estate from which recovery might have been effected but such assets have been disposed of or lost in a manner which precludes any reasonable prospect of recovery by the Government.

(b) *Disappeared debtors.* The debtor has been absent from his last known address for a period of at least five years, he has no known assets, his whereabouts cannot be ascertained without undue expense, and there is no existing security for the debt.

(c) *Cancellation of debts that have been discharged in bankruptcy.* Debts discharged in bankruptcy, except judgments obtained by United States Attorneys, may be canceled on the records of the Farmers Home Administration by the use of Form FHA–859, when the debt settlement form reflects that an opinion has been obtained from the Attorney in Charge showing that the discharge will bar legal action by the Government against the debtor to enforce collection of the debt.

§ 364.6 *Cancellation of small claims with principal of $150 or less.* Debts with a principal balance of $150 or less may be canceled without application by use of Form FHA–859 (or upon application by use of Form FHA–858), upon a report and the favorable recommendation of the employee having charge of the account when the indebtedness has all been due and paybale for five years or more, efforts to collect the account have been unsuccessful, and it is apparent that further collection efforts would be ineffectual or likely to prove uneconomical.

§ 364.7 *Charge-off of judgment debts without application.* Judgments obtained by United States Attorneys may be charged-off by use of Form FHA–859 upon a report and favorable recommendation of the employee having charge of the account, provided:

(a) The United States Attorney has closed his file in the case, and

(1) The debtor is deceased and all of the requirements of § 364.5 (a) has been met, or

(2) The debtor has been absent from his last known address for a period of at least five years and all of the requirements of § 364.5 (b) have been met, or

(3) The judgment has been discharged in bankruptcy and all of the requirements of § 364.5 (c) have been met, or

(4) A period of two years has elapsed since any collections were made on the judgment. The judgment debtor (all debtors, if more than one) has no property on which the judgment is a lien or on which it can presently be made a lien. The judgment is uncollectible in whole or in part.

§ 364.8 *Joint debtors.* Settlements may not be approved as to one joint debtor unless approved as to all debtors. The term "joint debtors" includes all persons who are legally liable for payment of the debt.

(a) Separate and individual adjustment offers from joint debtors should be accepted and processed only as a joint adjustment offer. Form FHA–858 should contain a statement that neither debtor will be released from liability for the full amount of the debt until all payments due under the joint offer have been made.

(b) A separate application will be completed by each debtor, unless the debtors are members of the same family, such as husband and wife, or mother and son, and their situation is such that all necessary information can be shown clearly in a single application. In the latter cases, the application will contain the required financial information for each debtor and will be signed by each.

(c) If one debtor applies for compromise, adjustment, or cancellation, and the other debtor does not join in the application or execute a separate application or is deceased, or has received a discharge of the debt in bankruptcy, or his whereabouts is unknown;

(1) Form FHA–858 will be prepared by showing at the top of the form the name of the debtor requesting settlement, followed by the name of the other debtor. In addition to the facts concerning the repayment ability of the debtor making the application, the income, expenses, assets, liabilities, and any other pertinent information concerning the other debtor will be shown. Form FHA–859 may be used if the total indebtedness is not in excess of $150 (principal) and the proposed action is cancellation. The names of the debtors will be shown at the top of the form in the same manner as on Form FHA–858. Sufficient information will be shown on Form FHA–859 to justify cancellation of the debt against each debtor.

(2) If all debtors are either deceased or have received a discharge of a debt in bankruptcy or their whereabouts are unknown, or if a combination of these situations exists, Form FHA–859 will be used and will be completed in the manner required in subparagraph (1) of this paragraph.

§ 364.9 *Cases referred to the Department of Justice—(a) Claims and judgments on which United States Attorney's file has not been closed.* When a claim is pending before, or a judgment has been obtained by, the United States Attorney, and the debtor requests settlement of his indebtedness, the County Supervisor will explain to him that the United States Attorney has exclusive jurisdiction over the claim or judgment and that, therefore, the Farmers Home Administration has no authority to consider a settlement offer, and that if he wishes to make a compromise or adjustment offer, he may submit it with any related payment direct to the United States Attorney. The County Supervisor, upon request by the debtor, may assist him in preparing the offer for submission to the United States Attorney, but the offer will be under the signature of the debtor. The offer may be made on Form FHA–858, if acceptable to the United States Attorney, or in such other manner as the debtor desires. The County Supervisor will not make any recommendations to the United States Attorney, or any statement or commitment to the debtor which might in any way prejudice the United States Attorney's handling of the case. The County Supervisor will advise the debtor that any payment submitted in connection with the offer should be in the form of a money order or cashier's check payable to the Treasurer of the United States. The County Supervisor will not issue a receipt for the payment.

(b) *Claims and judgments on which United States Attorney's file has been closed—(1) Claims.* When a claim has been referred to the United States Attorney and his file has been closed without taking judgment, the debt may be compromised, adjusted, or cancelled under this part.

(2) *Judgments.* When a judgment has been obtained by the United States Attorney and he has closed his file on the case, the judgment account may be charged off on the Farmers Home Administration records by the use of Form FHA–859, under the conditions set forth in § 364.7.

§ 364.10 *Regional Agricultural Credit Corporation and State Rural Rehabilitation Corporation judgments obtained in State courts by private attorneys.* Regional Agricultural Credit Corporation judgments obtained in State courts by private attorneys may be compromised, adjusted, or cancelled under this part. State Rural Rehabilitation Corporation judgments obtained in State courts by private attorneys may also be compromised, adjusted, or cancelled under this part.

§ 364.11 *Authority of State Director to approve a settlement.* (a) Subject to the policies, procedures, and limitations set forth in this part or as otherwise authorized by the Administrator of the Farmers Home Administration or his delegate in the National Office in individual cases, State Directors are authorized hereby to approve the compromise, adjustment, or cancellation upon application of debts in those cases where the indebtedness involved in the settlement is less than $15,000 (including principal, interest, and other charges), and the cancellation without application and the charge-off of debts without regard to amounts; provided, however, the following types of proposed settlements will be submitted to the National Office for consideration by the Administrator or his delegate before approval or rejection:

(1) Proposed debt settlement actions involving debts in excess of $10,000. Except as provided in paragraph (d) of this section, the settlement of debts upon application of $15,000 or more is not authorized.

(2) Compromise or adjustment offers where the indebtedness is not two years past due.

(3) The debts on which settlement is proposed include rent accounts, D–1 and other leases, Lease and Purchase Contracts that have been cancelled, or any other debts which have been reported to the General Accounting Office as uncollectible, if the file contains no evidence that the General Accounting Office has closed its file and agreed that the Farmers Home Administration may resume collection efforts, or that the account is known to be in the hands of the Department of Justice or the United States Attorney.

(4) A debt settlement is proposed and a further loan is contemplated.

(5) The proposed debt settlement is for an active borrower.

(6) It is impossible or impracticable for legal or other reasons to obtain the application as provided in §§ 364.3 and 364.4 of a living debtor whose whereabouts are known (or of all debtors if more than one) and all of the other applicable requirements of this part have been met. Such settlements will be documented on Form FHA–858 and submitted to the County Committee for consideration prior to submission to the National Office.

(7) The debtor's account is involved in a fiscal irregularity investigation case upon which final action has not been taken, or shows evidence that a shortage may exist and that an investigation should be made into the matter.

(8) The State Director wishes to obtain the views of the National Office on any proposed settlements not included in this paragraph.

(b) The authorities delegated to the State Director may be redelegated to State Office officials upon authorization from the Administrator.

(c) Offers of compromise of debts for $15,000 or more may be submitted to the National Office for referral to the Secretary of the Treasury or to the Attorney General. Such offers will be submitted in the form of a cashier's check, certified check, postal or bank money order, or bank draft payable to the Treasurer of the United States.

§ 364.12 *Preparation and processing of Form FHA–858.* Form FHA–858 will be used by debtors in making application for compromise adjustment, or cancellation of their debts.

(a) *Settlement payments and receipts.* An application with which the debtor offers a lump-sum payment in compromise, or with which he offers an initial payment on an adjustment offer, should be supported by the payments required therein at the time such application is filed in the County Office. Payments made in connection with offers will be refunded in the form of Treasury checks, if the offers are rejected. Payments may be in any form that is acceptable to the Farmers Home Administration as payments on accounts and will be receipted for, by officials of the Farmers Home Administration who are authorized to accept collections, on Form FHA–37, "Receipt for Payment." Payments offered by debtors in compromise or adjustment of debts will be transmitted to the Finance Office, as required in Part 362 of this chapter, with the exception that checks bearing restrictive notations such as "Settlement in full" or "Payment in full" always will be transmitted to the Finance Office without being exchanged for a bank draft. The same procedure will be followed if such restrictions are contained in a letter transmitting an offer, and the transmittal letter will be forwarded to the Finance Office with the offer.

(b) *Approval or rejection of offer.* The final action taken on an application for settlement will be indicated by the approving official who will sign and date the original Form FHA–858. When the debtor's application is approved, the original of Form FHA–858 will be forwarded to the Finance Office for processing. When a compromise offer or payments under an adjustment offer are involved and the debtor's offer is rejected, the State Director will request the Finance Office, by memorandum, to refund to the debtor, in care of the appropriate County Supervisor, any payments made on the offer. State Directors will notify debtors by letter of the final action taken on their applications for settlement. For rejected applications, the letter will set forth the reasons therefor.

§ 364.13 *Preparation and processing of Form FHA–859.* Form FHA–859 will be used to cancel or charge-off debts without application of the debtor. The form will be prepared in an original and two copies. The final action taken with respect to the cancellation or charge-off of debts without application will be indicated by the approving official who will sign and date the original of Form FHA–859.

§ 364.14 *Disposition of promissory notes.* All notes evidencing debts settled under this part, except those evidencing charged-off judgment debts, will be attached to Form FHA–869, "Journal Voucher for Write-Off or Judgment," and returned by the Finance Office to the appropriate County Office. Notes evidencing charged-off judgment debts will be retained in the Finance Office. Notes returned to the County Office will be disposed of in the following manner:

(a) Notes evidencing debts settled upon application will be returned to the debtor.

(b) Notes evidencing debts canceled without application will be placed in the debtor's County Office case folder or, upon request, delivered to him. If the debtor is deceased, the notes may, upon request, be delivered to his legal representative or to some other person directly interested in the estate, preferably the surviving spouse. Undelivered notes will be disposed of three years after the settlement is completed.

§ 364.15 *Delinquent adjustment agreements.* When a debtor defaults under his adjustment agreement, the State Director may void the agreement. When an adjustment agreement is voided, the State Director will notify the debtor giving the reasons therefor. Any payments made under the voided agreement will be retained as payments on the debt owed at the time of the application. Such payments may not be used as any part of a subsequent compromise or adjustment offer.

§ 364.16 *Finance Office handling.* (a) All payments evidenced by Form FHA–37, except payments in restrictive notation cases described in § 364.12 (a) will be held in Special Deposits by the Finance Office until notification is received from the State Office of the approval or rejection of the offer. Upon notification of the rejection of a debtor's offer and receipt of a request from the State Director for a refund, the Finance Office will refund to the debtor, in care of the appropriate County Supervisor, the amount held in Special Deposits representing a rejected compromise or adjustment offer. In restrictive notation cases the check or other payment media will be returned through the same channels.

(b) When a debtor's adjustment offer is approved, the accounts involved will not be adjusted in the records of the Finance Office until all payments have been made. In such cases, Form FHA–858 will be held in a suspense file pending payment of the full amount of the approved offer.

(c) When an approved compromise or cancellation settlement is processed, or when an approved adjustment offer is satisfied and processed, the Finance Office will stamp the notes satisfied which evidence the debts covered in the offer, provided all the amounts due under such notes are satisfied by the approved settle-

ment. Such promissory notes will then be handled as provided in § 364.14.

Dated: January 17, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-548; Filed, Jan. 23, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 727—MARYLAND TOBACCO

ANNOUNCEMENT AND APPORTIONMENT OF NATIONAL MARKETING QUOTA FOR 1957-58 MARKETING YEAR

§ 727.801 *Basis and purpose.* (a) Sections 727.801 and 727.802 are issued to announce the reserve supply level and the total supply of Maryland tobacco for the marketing year beginning October 1, 1956; to establish the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1957; and to apportion such quota among the several States. The findings and determinations by the Secretary contained in § 727.802 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from Maryland tobacco producers and others as provided in a notice (21 F. R. 7493) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since Maryland tobacco growers are making plans for their 1957 farming operations and will soon be preparing plant beds and purchasing fertilizer and other materials, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the announcement and apportionment of the national marketing quota for Maryland tobacco for the 1957-58 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 727.802 *Findings and determinations with respect to the amount of the national marketing quota for Maryland tobacco for the marketing year beginning October 1, 1957*[1]—(a) *Reserve supply level.* The reserve supply level for Maryland tobacco is 102,200,000 pounds, calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 30,000,000 pounds and a normal year's exports of 9,000,000 pounds.

(b) *Total supply.* The total supply of Maryland tobacco for the marketing year beginning October 1, 1956, is 108,500,000 pounds, consisting of estimated carryover of 70,000,000 pounds and estimated 1956 production of 38,500,000 pounds.

(c) *Carryover.* The estimated carryover of Maryland tobacco on January 1, 1958 is 68,800,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956 of 39,700,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Maryland tobacco which will make available during the marketing year beginning October 1, 1957, a supply of Maryland tobacco equal to the reserve supply level of such tobacco is 33,400,000 pounds, and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 33,400,000 pounds would cause undue restriction of marketings during the 1957-58 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for Maryland tobacco in terms of the total quantity of tobacco which may be marketed during the marketing year beginning October 1, 1957, is 40,100,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	*Acreage allotment*
Maryland	48,042
Virginia	34
Delaware	1
Reserve[2]	120

[2] Acreage reserved for establishing allotments for new farms.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Secs. 301, 312, 313, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1312, 1313)

Done at Washington, D. C., this 18th day of January 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-525; Filed, Jan 23, 1957; 8:46 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

[Amdt. 2]

PART 730—RICE

SUBPART—RICE MARKETING QUOTAS FOR 1956 CROP

IDENTIFICATION OF RICE OBTAINED THROUGH REDEMPTION OF SOIL BANK CERTIFICATES

Basis and purpose. The amendments herein are issued under the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of identifying rice obtained through redemption of Soil Bank Certificates, Form CCC 379, as being eligible for sale without being subject to penalty.

Since the only purpose of this amendment is to provide identification of penalty free rice, and since farmers are already eligible for Soil Bank Certificates, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

Section 730.769 is amended (a) by changing the title to read *"Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders"*; (b) by adding at the end of paragraph (a) a new sentence as follows: "The same provisions for reporting the loss, destruction, or theft of a marketing card or certificate shall apply in reporting the loss, destruction, or theft of producers' copies of soil bank delivery orders (Form CCC-382 or CCC-103)."; and (c) by adding at the end of paragraph (b) a new sentence as follows: "The provisions of this paragraph for replacing lost, stolen, or destroyed marketing cards or marketing certificates shall apply in replacing lost, stolen, or destroyed producers' copies of soil bank delivery orders (Form CCC-382 or CCC-103)."

Section 730.775 is amended by adding the following sentence to the end thereof: "The quantity of rice obtained by a producer by redemption of Soil Bank Certificates (Form CCC-379) if offered for sale shall be taken by the buyer as penalty free if identified by a copy of the soil bank delivery order (Form CCC-382 or Form CCC-103) completely filled in by the county committee."

Section 730.788 is amended (a) by inserting in paragraph (b) (1), immediately following the word "rice" the language "or the name of the person who acquired the rice through redemption of a soil bank certificate,"; (b) by inserting in paragraph (b) (4), immediately after the language "or intermediate buyer's record and report (MQ-95-Rice (1956))" a comma and the language "or soil bank delivery order (Form CCC-382 or CCC-103)"; (c) by striking out in paragraph (c) the language "and 730.774" and inserting in lieu thereof the language "730.774, and 730.775"; (d) by changing the last sentence of paragraph (c) to read as follows: "It shall be presumed that rice was not identified by MQ-76-Rice (1956) as provided in § 730.772, or MQ-94-Rice as provided in § 730.773, or MQ-95-Rice (1956) as provided in § 730.774, or CCC-382 or CCC-103 as provided in § 730.775, if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order does not appear on the records required to be kept pursuant to paragraph (b) of this section"; and (e) by adding at the end of paragraph (d) the following sentence: "The provisions of this paragraph for endorsing the intermediate buyer's record and report (MQ-95-Rice (1956)) when only a portion of the rice covered by the report is purchased shall also be followed when only a portion of the rice covered by a soil bank delivery order (Form CCC-382 or CCC-103), is purchased."

Issued at Washington, D. C., this 18th day of January 1957. Witness my hand and the seal of the Department of Agriculture.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-545; Filed, Jan. 23, 1957; 8:50 a. m.]

PART 730—RICE

SUBPART—1957-58 MARKETING YEAR

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 730.809 is issued to announce the results of the rice marketing quota referendum for the marketing year August 1, 1957, through July 31, 1958, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for rice for the 1957-58 marketing year (21 F. R. 9161). The Secretary announced (21 F. R. 9197) that a referendum would be held on December 11, 1956, to determine whether rice producers were in favor of or opposed to marketing quotas for the marketing year August 1, 1957, through July 31, 1958. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 730.809 *Proclamation of the results of the rice marketing quota referendum for the marketing year 1957-58.* In a referendum of farmers engaged in the production of rice for the 1956 crop held on December 11, 1956, 6,984 farmers voted. Of those voting 6,384 or 91.4 percent favored quotas for the marketing year beginning August 1, 1957. Therefore, rice marketing quotas will be in effect for the 1957-58 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 18th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-547; Filed, Jan. 23, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 945—TOMATOES GROWN IN FLORIDA

APPROVAL OF EXPENSES AND RATE OF ASSESSMENT

Notice of rule making regarding proposed expenses and rate of assessment, to be made effective under Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, was published in the FEDERAL REGISTER January 5, 1957 (22 F. R. 146). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice, which proposals were adopted and submitted for approval by the Florida Tomato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that:

§ 945.202 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order during the fiscal period ending July 31, 1957, will amount to $97,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 125 and Order No. 45, shall be one cent ($0.01) per 60-pound crate of tomatoes, or respective equivalent quantities thereof, handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45.

(49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated, January 18, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-543; Filed, Jan. 23, 1957; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

LUGGAGE, SMALL LEATHER GOODS AND LADIES' HANDBAG INDUSTRIES

Pursuant to notice published in the FEDERAL REGISTER (21 F. R. 5421), interested persons were given opportunity to submit oral and written data, views, and arguments before Verl E. Roberts, my authorized representative, on August 2, 1956, in the Department of Labor Building, Washington, D. C., on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the luggage, small leather goods and ladies' handbag industries is necessary in order to prevent curtailment of opportunities for employment. Mr. Roberts has reported his findings to me and recommended that in the absence of extraordinary circumstances applications for the employment of learners at wages less than $1.00 per hour from plants in the above named industries henceforth be denied, and that in those cases which present such exceptional circumstances as might warrant the issuance of a certificate in order to prevent curtailment of opportunities for employment, full opportunity be afforded all interested parties to present their views before action is taken upon the application.

Having fully considered all pertinent data available to me I accept these findings and recommendations, and intend to amend the learner regulations as contained in Title 29, Part 522 of the Code of Federal Regulations in order to show what standards will govern the issuance of learner certificates at wages lower than $1.00 per hour to plants in the luggage, small leather goods and ladies' handbag industries.

Now, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (Section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), and General Order No. 45-A (15 F. R. 3290) and in accordance with § 522.11 (29 CFR Part 522), Part 522 of the Code of Federal Regulations (29 CFR Part 522) is amended by the addition of §§ 522.90 to 522.93 to read as follows:

LUGGAGE, SMALL LEATHER GOODS AND LADIES' HANDBAG INDUSTRIES

§ 522.90 *Applicability of general learner regulations.* The employment of learners pursuant to the provisions of §§ 522.90 to 522.93 shall be subject to all provisions of the general regulations governing the employment of learners (§§ 522.1 to 522.12), except to the extent to which any provision of such general regulations is inconsistent with any provision of §§ 522.90 to 522.93.

§ 522.91 *Applicability of §§ 522.90 to 522.93.* For purposes of §§ 522.90 to 522.93, the luggage, small leather goods and ladies' handbag industries are defined as those industries manufacturing luggage, small leather goods and ladies' handbags.

§ 522.92 *Insurance of learner certificates.* In the absence of extraordinary circumstances applications for the employment of learners at wages lower than $1.00 per hour in these industries shall be denied.

§ 522.93 *Learner certificates in extraordinary circumstances.* In those cases where extraordinary circumstances are shown to exist, learner certificates for the employment of learners at wages lower than $1.00 per hour shall be issued in accordance with the provisions of the general learner regulations (§§ 522.1 to 522.12) only after all interested parties have been given opportunity to present their views on the application pursuant to § 522.4.

(Sec. 14, 52 Stat. 1068, as amended; 29 U. S. C. 214)

Because these amendments merely provide the policy which will guide the Administrator in issuing certificates in the future, they shall take effect upon publication in the FEDERAL REGISTER.

A copy of the findings and recommendations will be sent to any interested person upon request. All requests should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor Building, Fourteenth and Constitution Avenue, NW., Washington 25, D. C.

Signed at Washington, D. C., this 17th day of January 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-527; Filed, Jan. 23, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 232]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines; more than 65 knots	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11	12
CEDAR RAPIDS, IOWA Municipal, 863'. VOR-CID. TVOR 8. Amendment: Original. Effective date: January 16, 1957.	Iowa City VOR	Direct	2,000	S side of course: 271° outbound. 091° inbound. 2,000' within 10 miles.	Walford Intersection* 1,500.	085—0.3 From Walford Intersection* to CID-VOR 091—5.2	T-dn C-d C-n S-dn 8 A-dn	300–1 500–1 500–2 400–1 800–2	300–1 500–1 500–2 400–1 800–2	200–½ 500–1½ 500–2 400–1 800–2	Within 5.2 miles, climb to 2,200' on R-079 CID within 20 miles. *Walford Intersection: Intersection R-330 IOW and R-271 CID. No tower. NOTE: If Walford Intersection* not received, descent below 1,500' not authorized and landing minimums of 600' applicable to straight-in and circling approaches.
CEDAR RAPIDS, IOWA Municipal, 863'. VOR-CID. TVOR 26. Amendment: Original. Effective date: January 16, 1957.	Iowa City VOR	Direct	2,000	S side of course: 079° outbound. 259° inbound. 2,200' within 10 miles. Procedure turn nonstandard to avoid obstructions.	Ely Intersection* 1,500	265—0.3 From Ely Intersection* to CID-VOR 079-4.8.	T-dn C-d C-n S-dn 26 A-dn	300–1 500–1 500–2 400–1 800–2	300–1 500–1 500–2 400–1 800–2	200–½ 500–1½ 500–2 400–1 800–2	Within 4.8 miles, climb to 2,000' on R-272 CID within 20 miles. *Ely Intersection: Intersection R-355 IOW and R-079 CID. No tower. NOTE: If Ely Intersection* not received, descent below 1,500' not authorized and landing minimums of 600' applicable to straight-in and circling approaches.

2. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility: class and identification; procedure No.; effective date.	Transition to ILS: From—	To—	Course and distance	Minimum altitudes (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude at glide slope interception inbound (ft.)	Altitude of glide slope and distance to approach end of runway at—: Outer marker	Middle marker	Ceiling and visibility minimums: Condition	2 engines or less: 65 knots or less	2 engines or less: More than 65 knots	More than 2 engines (more than 65 knots)	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished—
1	2	3	4	5	6	7	8	9	10	11	12	13	14
New York, N. Y. International, 12'. ILS–IWY. Procedure No. 3. Amendment: Original. Effective date: January 16, 1957.	Glen Cove MH	OM	Direct	1,500 (final)	E side of NE course: 043° outbound. 223° inbound. 1,500' within 10 miles of OM.	1,500	1,500—4.8	240—0.6	T-dn C-dn S-dn 22 A-nd	300–1 400–1 **200–½ 600–2	300–1 500–1 **200–½ 600–2	200–½ 500–1½ **200–½ 600–2	Climb to 1,500' on SW course ILS and proceed to Scotland Intersection. Contact IDL approach control for further instructions. CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278' stack 1.7 miles SE of runway 4, 185' control tower on the airport. #Procedure turn E to avoid La-Guardia traffic. **400–¾ required with glide slope inoperative.
	Idlewild LFR	OM	Direct	1,500									
	Mitchel LFR	OM	Direct	1,500									
	Idlewild VOR	OM	Direct	1,500									
	Radar terminal area transitions; all directions.		Within 25 miles.	2,500									
	E of NE/SW course LaGuardia LFR		Within 15 miles.	1,500									

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-398; Filed, Jan. 23, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6223]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INTEREST

On July 6, 1955, notice of proposed rule making regarding the regulations under section 163 relating to interest for taxable years beginning after December 31, 1953, and ending after August 16, 1954, of the Internal Revenue Code of 1954 was published in the FEDERAL REGISTER (20 F. R. 4775). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

§ 1.163 *Statutory provisions; itemized deductions for individuals and corporations; interest.*

SEC. 163. *Interest*—(a) *General rule.* There shall be allowed as a deduction all interest paid or accrued within the taxable year on indebtedness.

(b) *Installment purchases where interest charge is not separately stated*—(1) *General rule.* If personal property is purchased under a contract—

(A) Which provides that payment of part or all of the purchase price is to be made in installments, and

(B) In which carrying charges are separately stated but the interest charge cannot be ascertained,

then the payments made during the taxable year under the contract shall be treated for purposes of this section as if they included interest equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of the preceding sentence, the average unpaid balance is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

(2) *Limitation.* In the case of any contract to which paragraph (1) applies, the amount treated as interest for any taxable year shall not exceed the aggregate carrying charges which are properly attributable to such taxable year.

(c) *Cross references.* (1) For disallowance of certain amounts paid in connection with insurance, endowment, or annuity contracts, see section 264.

(2) For disallowance of deduction for interest relating to tax-exempt income, see section 265 (2).

(3) For disallowance of deduction for carrying charges chargeable to capital account, see section 266.

(4) For disallowance of interest with respect to transactions between related taxpayers, see section 267.

§ 1.163–1 *Interest deduction in general.* (a) Except as otherwise provided in sections 264–267, inclusive, interest paid or accrued within the taxable year on indebtedness shall be allowed as a deduction in computing taxable income.

(b) Interest paid by the taxpayer on a mortgage upon real estate of which he is the legal or equitable owner, even though the taxpayer is not directly liable upon the bond or note secured by such mortgage, may be deducted as interest on his indebtedness. Payments of Maryland or Pennsylvania ground rents are deductible as interest if the ground rent is redeemable, but are treated as rent if the ground rent is irredeemable and in such case are deductible only to the extent they constitute a proper business expense.

(c) Interest calculated for costkeeping or other purposes on account of capital or surplus invested in the business which does not represent a charge arising under an interest-bearing obligation, is not an allowable deduction from gross income. Interest paid by a corporation

on scrip dividends is an allowable deduction. So-called interest on preferred stock, which is in reality a dividend thereon, cannot be deducted in computing taxable income. (See, however, section 583.) In the case of banks and loan or trust companies, interest paid within the year on deposits, such as interest paid on moneys received for investment and secured by interest-bearing certificates of indebtedness issued by such bank or loan or trust company, may be deducted from gross income.

§ 1.163–2 *Installment purchases where interest charge is not separately stated*—(a) *In general.* Whenever there is a contract for the purchase of personal property providing for payment of part or all of the purchase price in installments and there is a separately stated carrying charge (including a finance charge, service charge, and the like) but the actual interest charge cannot be ascertained, a portion of the payments made during the taxable year under the contract shall be treated as interest and is deductible under section 163 and this section. Section 163 (b) contains a formula, described in paragraph (b) of this section, in accordance with which the amount of interest deductible in the taxable year must be computed. This formula is designed to operate automatically in the case of any installment purchase, without regard to whether payments under the contract are made when due or are in default. For applicable limitations when an obligation to pay is terminated, see paragraph (c) of this section.

(b) *Computation.* The portion of any such payments to be treated as interest shall be equal to 6 percent of the average unpaid balance under the contract during the taxable year. For purposes of this computation, the average unpaid balance under the contract is the sum of the unpaid balance outstanding on the first day of each month beginning during the taxable year, divided by 12.

(c) *Limitations.* The amount treated as interest under section 163 (b) and this section for any taxable year shall not exceed the amount of the payments made under the contract during the taxable year nor the aggregate carrying charges properly attributable to each contract for such taxable year. In computing the amount to be treated as interest if the obligation to pay is terminated as, for example, in the case of a repossession of the property, the unpaid balance on the first day of the month during which the obligation is terminated shall be zero.

(d) *Illustrations.* The provisions of this section may be illustrated by the following examples:

Example (1). On January 20, 1955, A purchased a television set for $400, including a stated carrying charge of $25. The down payment was $50, and the balance was paid in 14 monthly installments of $25 each, on the 20th day of each month commencing with February. Assuming that A is a cash method, calendar year taxpayer and that no other installment purchases were made, the amount to be treated as interest in 1955 is $12.38, computed as follows:

YEAR 1955

First day of:	Unpaid balance outstanding
January	$0
February	350
March	325
April	300
May	275
June	250
July	225
August	200
September	175
October	150
November	125
December	100
	2,475

Sum of unpaid balances $2,475÷12=$206.25; 6 percent thereof=$12.38

Example (2). On November 20, 1955, B purchased a furniture set for $1250, including a stated carrying charge of $48. The down payment was $50 and the balance was payable in 12 monthly installments of $100 each, on the first day of each month commencing with December 1955. Assume that B is a cash method, calendar year taxpayer and that no other installment purchases were made. Assume further that B made the first payment when due, but made only one other payment on June 1, 1956. The amount to be treated as interest in 1955 is $4, and the amount to be treated as interest in 1956 is $33, computed as follows:

YEAR 1955

First day of:	Unpaid balance outstanding
December	$1,200

Sum of unpaid balances $1,200÷12=$100 6 percent thereof=$6.

Carrying charges attributable to 1955=$4.

YEAR 1956

First day of:	Unpaid balance outstanding
January	$1,100
February	1,000
March	900
April	800
May	700
June	600
July	500
August	400
September	300
October	200
November	100
	6,600

Sum of unpaid balances $6,600÷12=$550 6 percent thereof=$33.

Carrying charges attributable to 1956=$44 ($4×11).

Example (3). Assume the same facts as in example (2), except that the furniture was repossessed and B's obligation to pay terminated as of July 15, 1956. The amount to be treated as interest in 1955 is $4, computed as in example (2) above. The amount to be treated as interest in 1956 is $25.50, computed as follows:

YEAR 1956

First day of:	Unpaid balance outstanding
January	$1,100
February	1,000
March	900
April	800
May	700
June	600
July–November	0
	5,100

Sum of unpaid balances $5,100÷12=$425 six percent thereof=$25.50.

Carrying charges attributable to 1956=$44 ($4×11).

(e) *Effective date.* The provisions of section 163 are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954. The rule provided in section 163 (b) and this section applies to payments made during such taxable years regardless of when the contract of sale was made.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: January 17, 1957.

DAN THROOP SMITH,
Deputy to the Secretary of the Treasury.

[F. R. Doc. 57–535; Filed, Jan. 23, 1957; 8:48 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Reg. 2 (formerly NPA Reg. 2), Direction 8 of January 18, 1957]

BDSA REG. 2—BASIC RULES OF THE PRIORITIES SYSTEM

DIR. 8—NOTICE OF ACCEPTANCE OR REJECTION OF DX RATED ORDERS AND OF DELAYED SHIPMENT OF CERTAIN DO RATED ORDERS

This direction under BDSA Reg. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Notification of acceptance or rejection of certain rated orders.
3. Notification of delayed shipment of certain accepted rated orders.
4. Applicability of other regulations and orders.

AUTHORITY: Sections 1 to 4 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended; 50 U. S. C. App. 2071, 2155. E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. *What this direction does.* This direction prescribes a time limit within which a supplier must accept or reject DX rated orders. It also requires notification of displacement of DO rated orders by DX rated orders.

SEC. 2. *Notification of acceptance or rejection of certain rated orders.* Each person who receives a DX rated order shall transmit written notification to the person who tendered such order of its acceptance or rejection within 5 consecutive calendar days after its receipt. If such notification is a rejection it shall set forth the reason or reasons for the rejection.

SEC. 3. *Notification of delayed shipment of certain accepted rated orders.* If a person who has accepted a DO rated order finds that he cannot fill it approximately on time because of subsequent acceptance by him of a DX rated order, he shall transmit written notification to the person who placed such DO rated order within 5 consecutive calendar days after acceptance of such DX rated order. Such notification shall indicate when the supplier expects to fill the DO rated order.

SEC. 4. *Applicability of other regulations and orders.* The provisions of all DMS regulations and all other BDSA regulations and orders, including the directions and amendments thereto, as heretofore issued, are superseded to the extent to which they are inconsistent with the provisions of this direction. In all other respects the provisions of such regulations, orders, directions, and amendments shall remain in full force and effect.

This direction shall take effect January 18, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57–539; Filed, Jan. 23, 1957; 8:49 a. m.]

[DMS Regulation No. 1, Direction 10 of January 18, 1957]

DMS REG. 1—BASIC RULES OF THE DEFENSE MATERIALS SYSTEM

DIR. 10—HOW TO IDENTIFY CERTAIN AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under DMS Regulation No. 1 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Special identification of certain authorized controlled material orders.
3. Special identification not to accord special priority.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended; 50 U. S. C. App. 2071, 2155. E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. *What this direction does.* This direction provides a means for special identification of authorized controlled material orders placed to fulfill DX rated orders.

SEC. 2. *Special identification of certain authorized controlled material orders.* Each person who has accepted a DX rated order shall use the letters "DX" to identify authorized controlled material orders placed by him to fulfill such DX rated order. The letters "DX" shall appear after the allotment number and quarterly identification on the authorized controlled material order, for example, A–2–2Q57–DX. Except as provided in this section or as otherwise specifically provided by BDSA, no person shall use the letters "DX" to identify authorized controlled material orders.

This direction shall take effect January 18, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57–540; Filed, Jan. 23, 1957; 8:49 a. m.]

[DMS Regulation No. 2, Direction 4 of January 18, 1957]

DMS REG. 2—CONSTRUCTION UNDER THE DEFENSE MATERIALS SYSTEM

DIR. 4—HOW TO IDENTIFY CERTAIN AUTHORIZED CONTROLLED MATERIAL ORDERS

This direction under DMS Regulation No. 2 is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the direction affects many different industries.

Sec.
1. What this direction does.
2. Special identification of certain authorized controlled material orders.
3. Special identification not to accord special priority.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended; 50 U. S. C. App. 2071, 2155. E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. *What this direction does.* This direction provides a means for special identification of authorized controlled material orders placed to fulfill authorized construction schedules bearing DX ratings and to fulfill DX rated orders.

SEC. 2. *Special identification of certain authorized controlled material orders.* Each person who has received an authorized construction schedule bearing a DX rating or who has accepted a DX rated order shall use the letters "DX" to identify authorized controlled material orders placed by him to fulfill such authorized construction schedule or DX rated order. The letters "DX" shall appear after the allotment number and quarterly identification on the authorized controlled material order, for example, A–2–2Q57–DX. Except as provided in this section or as otherwise specifically provided by BDSA, no person shall use the letters "DX" to identify authorized controlled material orders.

SEC. 3. *Special identification not to accord special priority.* The letters "DX" appearing on an authorized controlled material order shall be solely for purposes of identification, and shall not entitle such order to priority in acceptance or delivery over any other authorized controlled material order.

This direction shall take effect January 18, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57–541; Filed, Jan. 23, 1957; 8:49 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter A—Rules of Practice

PART 501—SUBPOENAS, DEPOSITIONS AND OATHS

Subchapter B—Receipt, Administration and Payment of Claims Under the War Claims Act of 1948, as Amended

PART 525—HEARINGS

Subchapter C—Receipt, Administration and Payment of Claims Under the International Claims Settlement Act of 1949, as Amended

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

MISCELLANEOUS AMENDMENTS

1. After § 531.5 (e) a new paragraph is added as follows:

(f) Public notice shall be promptly posted on said bulletin board of the filing of any objections to, or request for a hearing on any proposed decision.

2. Former paragraphs (f), (g), and (h) of § 531.5 are redesignated paragraphs (g), (h), and (i), respectively.

3. Paragraph (g), as redesignated by the above, of § 531.5 is amended to read as follows:

(g) Upon the expiration of twenty days after such service or receipt of notice, if no objection under this section has in the meantime been filed, such proposed decision may by further order of the Commission become the Commission's final determination and decision upon the claim.

(Sec. 3, 64 Stat. 13, as amended; 22 U. S. C. 1622)

4. Paragraph (b) of § 501.7 is amended to read as follows:

(b) *Enlargement.* When by the regulations in this chapter or by a notice given thereunder or by order of the Commission an act is required or allowed to be done at or within a specific time, the Commission for good cause shown may, at any time in its discretion (1)

with or without motion or notice, previous order or (2) upon motion permit the act to be done after the expiration of the specified period.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. 2001)

5. Section 525.1 is amended to read as follows:

§ 525.1 *Basis for hearing.* Any claimant whose claim is denied or is approved for less than the full allowable amount under sections 5, 6, 7 (h), 15, 16 and 17 of the War Claims Act of 1948, as amended, shall be entitled to a hearing from such determination.

(Sec. 2, 62 Stat. 1240; 50 U. S. C. App. 2001)

These additions and amendments shall become effective as of the date of filing with the Federal Register.

WHITNEY GILLILLAND,
Chairman, Foreign Claims Settlement Commission of the United States.

[F. R. Doc. 57-542; Filed, Jan. 23, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

[Docket No. AO-85-A3]

ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Auditorium, Florida Citrus Mutual Building, Massachusetts Avenue and Orange Street, Lakeland Florida, beginning at 10:00 a. m., e. s. t., February 25, 1957, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of oranges, grapefruit and tangerines grown in Florida. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and to any appropriate modifications thereof.

The following amendments to the marketing agreement and order have been proposed by the Growers Administrative and Shippers Advisory Committees, established pursuant to the provisions of the marketing agreement and order:

1. Amend § 933.4 *Fruit* and § 933.5 *Variety* to include the fruit classified as Tangelos.

2. Delete from § 933.4 *Fruit* and § 933.13 *Regulation Area I* the words "State of Florida" and substitute therefor the words "Production area."

3. Amend § 933.7 *Handler* to include as a handler any person who ships fruit.

4. Revise § 939.9 *Ship* to read as follows:

§ 933.9 *Ship.* "Ship" is synonomous with "handle" and means (a) to sell, consign, deliver, or transport fruit from any point within the production area to any point outside thereof in the continental United States or Canada, and (b) the exportation, other than to Canada, of fruit from any United States port.

5. Delete from paragraph (c) of § 933.12 *District* the following counties: "Dixie, Lafayette, Hamilton, Madison, Taylor, Jefferson, Leon, Wakulla, Gadsden, Liberty, Franklin, Gulf, Calhoun, Jackson, Bay, Washington, Holmes, Walton, Okaloosa, Santa Rosa, and Escambia."

6. Insert immediately after § 933.14 the following new section:

§ 933.15 *Production area.* "Production area" means that portion of the State of Florida, which is bounded by the Suwannee River, the Georgia border, the Atlantic Ocean, and the Gulf of Mexico.

7. Amend paragraph (a) of § 933.41 *Assessments* by inserting, after the second word of the first sentence, the words "who first handles fruit" and changing the period at the end of the last sentence to a semicolon and adding the following: "and the payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative."

8. Delete from § 933.31 (j) and from § 933.32 (c) the reference to "§§ 933.51 or 933.60" and insert in lieu thereof "§ 933.51."

9. Delete the main heading entitled: "Regulation by grades and sizes" which precedes § 933.50 and insert in lieu thereof the main heading: "Regulations."

10. Delete §§ 933.51, 933.52, and 933.53 and insert in lieu thereof the following:

§ 933.51 *Recommendations for regulation.* (a) Whenever the Shippers Advisory Committee deems it advisable to regulate any variety or varieties in the manner provided in § 933.52 it shall promptly submit such recommendation, with supporting information, to the Growers Administrative Committee. In making such determination, the said committee shall give due consideration to the following factors relating to the citrus fruit produced in Florida and in other States: (1) Market prices, including prices by grades and sizes of the fruit for which regulation is recommended; (2) amount on hand at the principal markets, as evidenced by supplies on track; (3) maturity, condition, and available supply, including the grade and size thereof in the producing areas; (4) other pertinent market information; and (5) the level and trend in consumer income. The Growers Administrative Committee shall submit to the Secretary the recommendation of the Shippers Advisory Committee, together with its own recommendations and supporting information respecting factors enumerated in this section.

(b) The failure of the Shippers Advisory Committee to make a recommendation, after having received notice of the intention of the Growers Administrative Committee to meet for the purpose of receiving such recommendations with respect to regulations authorized by § 933.52, shall not preclude the Growers Administrative Committee from submitting recommendations and supporting information to the Secretary.

(c) The Growers Administrative Committee shall give at least 24 hours notice of any meeting to consider the recommendation of regulations pursuant to § 933.52, by publication in daily newspapers, selected by the said committee, of general circulation in the citrus-producing districts of the production area, and shall mail a copy of such notice to each handler who has filed his address with said committee for this purpose. The said committee shall give the same notice of any such recommendation at least 48 hours before the time it is recommended that such regulation become effective.

§ 933.52 *Regulation by the Secretary.* (a) Whenever the Secretary shall find from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that to limit the shipment of any variety would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety during a specified period or periods. Such regulations may:

(1) Provide that shipments of any variety or varieties grown in Regulation Area I, Regulation Area II, or both areas, shall be limited to such grades, sizes, or both grades and sizes, as shall be prescribed, and any such limitation may provide that shipments of any variety grown in Regulation Area II shall be limited to grades and sizes different from the grade and size limitations applicable to shipments of the same variety grown in Regulation Area I;

(2) Limit the shipment of any variety or varieties by establishing and maintaining, only in terms of grades, sizes, or both, minimum standards of quality and maturity;

(3) Limit the shipment of the total quantity of any variety or varieties, by prohibiting the shipment thereof: *Provided*, That no such prohibition shall be effective during any fiscal period with respect to any variety, (i) for more than two periods, (ii) for more than a total of fourteen days, and (iii) during any period other than December 20 to January 20, both dates inclusive;

(4) Provide that shipments of any variety for export, other than to Canada, shall be limited to grades and sizes different from the grade and size limitation applicable to shipments of such variety in the United States and to Canada, and specify condition requirements for such variety; and

(5) Fix the size, capacity, weight, dimensions, or pack of the container or containers which may be used in the shipment of fruit for export, other than to Canada: *Provided*, That such regulation shall not authorize the use of any container which is prohibited for use for fruit under the provisions of the Florida Citrus Code.

(b) Prior to the beginning of any such regulation the Secretary shall notify the Growers Administrative Committee of the regulation issued by him, which committee shall notify all handlers by publication in daily newspapers, selected by the said committee, of general circulation in the citrus producing districts of Florida: *Provided*, That when the regulation as issued is different from the recommendation of the committee, notice thereof shall be given also by mailing a copy thereof to each handler who has filed his address with said committee for this purpose.

(c) Whenever the Secretary finds from the recommendations and reports of the Shippers Advisory Committee and the Growers Administrative Committee, or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of fruit in order to effectuate the declared policy of the act, he shall so modify, suspend, or terminate such regulation. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis, and in like manner, the Secretary may terminate any such modification or suspension.

(d) Whenever any variety is regulated pursuant to paragraph (a) (3) of this section no such regulation shall be deemed to limit the right of any person to sell or contract to sell such variety, but no handler shall ship any fruit of such variety which was packed during the effective period of such regulation.

§ 933.53 *Inspection and certification.* (a) Whenever the handling of any variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior thereto, cause each lot of shall be required when the fruit previously has been so inspected and certified by it as meeting all applicable requirements of such regulation: *Provided*, That such inspection and certification shall be required when the fruit previously has been so inspected and certified only if (1) such fruit has been regraded, resorted, or repackaged after such prior inspection and certification, or (2) such prior inspection was not performed within such time limitations as may be prescribed pursuant to paragraph (b) of this section. Each handler shall promptly submit, or cause to be submitted, to the Growers Administrative Committee a copy of each certificate of inspection issued to him covering varieties so handled.

(b) With respect to any variety or varieties regulated pursuant to § 933.52 (a) (4), the Growers Administrative Committee may prescribe, with the approval of the Secretary, such requirements with respect to time of inspection as it may deem necessary to insure satisfactory condition of the fruit at destination.

11. Delete §§ 933.60, 933.61, and 933.62 and the immediately preceding main heading entitled "Regulation of shipments."

12. Amend § 933.80 *Fruit not subject to regulation* to read as follows:

§ 933.80 *Fruit not subject to regulation.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of § § 933.51, 933.52, and 933.53, and the regulations issued thereunder, ship any variety (1) to a charitable institution for consumption by such institution; (2) to a relief agency for distribution by such agency; (3) to a commercial processor for canning or freezing by such processor; (4) by parcel post; or (5) in such minimum quantities, or for such specified purposes, as the committee with the approval of the Secretary may prescribe. No assessment shall be levied on fruit so shipped. The Growers Administrative Committee shall, with the approval of the Secretary, prescribe such rules, regulations, or safeguards as it may deem necessary to prevent varieties handled under the provisions of this section from entering channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications with the committee for authorization to handle a variety pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the variety will not be used for any purpose not authorized by this section.

(b) As used in this section, the term "canning or freezing" means the conversion of fruit into canned products, frozen juice, frozen segments, or processed into beverage base. Fruit shipped for conversion into fruit juices or products other than by canning or freezing shall be subject to all regulations contained in this subpart.

The Fruit and Vegetable Division, Agricultural Marketing Service, has proposed that consideration be given to:

13. Making such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or the Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, P. O. Box 19, Lakeland, Florida.

Dated: January 18, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-544; Filed, Jan. 23, 1957; 8:50 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 9]

COLOR CERTIFICATION

NOTICE OF PROPOSALS TO AMEND DEFINITION FOR TERM "COAL-TAR COLOR"

Notice is hereby given that pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare the Commissioner of Food and Drugs, on his own initiative, proposes that the definition of the term "coal-tar color" as it appears in § 9.1 (a) of the regulations for color certification (21 CFR 9.1 (a)) be amended as hereinafter indicated.

Notice is also given that a petition has been filed by Hoffmann-LaRoche Inc., Nutley, New Jersey, seekng amendment of this same paragraph in the color-certification regulations (supra) by a proposal worded differently from the one initiated by the Commissioner, as may be seen by comparing the two proposals as hereinafter set forth.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 406, 504, 604, 701; 52 Stat. 1049, 1052, 1055, as amended 70 Stat. 919; 21 U. S. C. 346, 354, 364, 371) and delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding the two proposals published herein. Views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following publication of this notice in the FEDERAL REGISTER.

As currently worded, the definition of the term "coal-tar color" in the color-certification regulations is as follows:

§ 9.1 *Definitions.* For the purposes of this part:

(a) The term "coal-tar color" means articles which (1) are composed of or contain any substance derived from coal tar, or any substance so related in its chemical structure to a constituent of coal tar as to be capable of derivation from such constituent; and (2) when added or applied to a food, drug, cosmetic, or the human body or any part

thereof, are capable (alone or through reaction with other substance) of imparting color thereto.

The proposal of the Commissioner of Food and Drugs is to replace the period after the word "thereto" at the end of paragraph (a) of § 9.1 with a semicolon and to add the following: "except that the following substances are not regarded as coal-tar colors: Carotenoids isolated from vegetable sources without intermediate or final change of identity; cochineal or carmine from Coccus cacti; alkanet from Alkanna tinctoria; chlorophyll from vegetable sources; chlorophyllins and salts thereof prepared from chlorophyll from vegetable sources; phaeophytin and metal compounds or salts thereof prepared from chlorophyll from vegetable sources; carbon black; charcoal black; caramel obtained from carbohydrates from heating; turmeric or curcumin (rhizomes of Curcuma longa) and coloring matter extracted therefrom; saffron (stigmata of Crocus sativus) and coloring matter extracted therefrom."

The proposal of Hoffmann-LaRoche Inc., is to replace the period with a semicolon after the word "thereto" at the end of § 9.1 (a) and to add the following: "except that the following compounds are not regarded as coal-tar colors: Carotenoids, anthocyanins, flavones, and other chemically identified pigments isolated from edible vegetation source or the identical compounds produced by chemical synthesis, without change of chemical structure; cochineal and cochineal extract from Coccus cacti; chlorophyll, chlorophyllins, and salts of chlorophyll produced by chemical synthesis or extracted from edible food sources; turmeric or curcumin and colored compounds thereof isolated from the rhizomes of Curcuma longa, or the identical compounds produced by chemical synthesis, without change of chemical structure; saffron and colored compounds thereof isolated from the stigmata of Crocus sativus or the identical compounds produced by chemical synthesis, without change of chemical structure; carbon black; charcoal black; and caramel obtained from carbohydrates by heating."

Dated: January 17, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-509; Filed, Jan. 23, 1957; 8:53 a. m.]

[21 CFR Part 9]

COLOR CERTIFICATION

NOTICE OF PROPOSAL TO AMEND COLOR-CERTIFICATION REGULATIONS WITH RESPECT TO FD&C YELLOW NOS. 1, 2, 3, AND 4

In the matter of amending the color-certification regulations with respect to FD&C Yellow No. 1, FD&C Yellow No. 2, FD&C Yellow No. 3, and FD&C Yellow No. 4:

Notice is hereby given that, pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 701 (e), 52 Stat. 1055, as amended 70 Stat. 919; 21 U. S. C. 371 (e)) and delegated to him by the Secretary of Health, Education, ad Welfare (20 F R. 1996; 21 F. R. 6581), the Commissioner of Food and Drugs, on his own initiative, proposes to amend the color-certification regulations (21 CFR Part 9) in the following respect:

1. It is proposed to amend § 9.3 *List of straight colors and specifications for their certification for use in foods, drugs, and cosmetics* by deleting from paragraph (a) the names of the following straight colors and the respective specifications therefor:

FD&C Yellow No. 1.
FD&C Yellow No. 2
FD&C Yellow No. 3.
FD&C Yellow No. 4.

2. It is proposed to amend § 9.5 *List of straight colors and specifications for their certification for use in externally applied drugs and cosmetics* by adding to paragraph (a) the following:

EXT. D&C YELLOW No. 7

SPECIFICATIONS

Disodium salt of 2,4-dinitro-1-naphthol-7-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Water-insoluble matter, not more than 0.2 percent.
Ether extracts, not more than 0.1 percent.
Chlorides and sulfates of sodium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Martius yellow, not more than 0.03 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT. D&C YELLOW No. 8

SPECIFICATIONS

Dipotassium salt of 2,4-dinitro-1-naphthol-7-sulfonic acid.
Volatile matter (at 135° C.), not more than 10.0 percent.
Ether extracts, not more than 0.1 percent.
Chlorides and sulfates of potassium, not more than 5.0 percent.
Mixed oxides, not more than 1.0 percent.
Martius yellow, not more than 0.03 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 85.0 percent.

EXT. I&C YELLOW No. 9

SPECIFICATIONS

1-Phenylazo-2-naphthylamine.
Volatile matter (at 80° C.), not more than 0.2 percent.
Sulfated ash, not more than 0.3 percent.
Water-soluble matter, not more than 0.3 percent.
Matter, insoluble in carbon tetrachloride, not more than 0.5 percent.
Intermediates, not more than 0.05 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 99.0 percent.
Melting point, not less than 99° C.

EXT I&C YELLOW No. 10

SPECIFICATIONS

1-o-Tolylazo-2-naphthylamine.
Volatile matter (at 80° C.), not more than 0.2 percent.
Sulfated ash, not more than 0.3 percent.
Water-soluble matter, not more than 0.3 percent.
Matter, insoluble in carbon tetrachloride, not more than 0.5 percent.
Intermediates, not more than 0.05 percent.
Pure dye (as determined by titration with titanium trichloride), not less than 99.0 percent.
Melting point, not less than 120° C.

All interested persons are invited to submit their views in writing regarding the proposal and to submit such comments in quintuplicate prior to the thirtieth day following publication of this notice in the FEDERAL REGISTER. Written comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

Dated: January 17, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-510; Filed, Jan. 23, 1957; 8:53 a. m.]

ALASKA GAME COMMISSION

[50 CFR Parts 46, 161-164]

ALASKA WILDLIFE PROTECTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), notice is hereby given:

(a) That under authority contained in section 9 of the Alaska Game Law of January 13, 1925, as amended (48 U. S. C. 198), the Alaska Game Commission proposes to recommend the adoption by the Secretary of the Interior of amendments to Part 46, Title 50, Code of Federal Regulations, which will specify open seasons, certain closed seasons, means of taking, and bag limits for game and fur animals, birds and game fishes in Alaska during the year beginning July 1, 1957, and ending June 30, 1958. On the basis of currently available data, only minor changes are contemplated in season dates, bag limits, means of taking, and in designations of the boundaries of wildlife management units. The results of field studies, however, now in progress may warrant recommendations for amendments in Part 46 to afford greater protection to brown and grizzly bear on the Alaska Peninsula; to provide a later opening date for the spring bear hunting season in Central Alaska; to provide an open season of short duration on mountain sheep on the Kenai Peninsula (Wildlife Management Unit 15); to reduce the bag limit on mountain goat to one animal per year on all wildlife management units for which open seasons are to be prescribed; and to provide a longer season for taking deer in all coastal areas of the Territory.

(b) That under authority contained in section 8 and subdivisions D and M of the Alaska Game Law of January 13, 1925, as amended (48 U. S. C. 197, 199, subdivisions D and M), the Alaska Game Commission proposes to amend Parts 161-164, Title 50, Code of Federal Regulations, to prescribe a more effective method for licensing and supervising the activities of registered guides and to redefine the boundaries of existing fur management areas to conform, so far as practicable, to the boundaries of the wildlife management units defined by § 46.1 (aa), Title 50, CFR.

The proposed amendments referred to in paragraphs (a) and (b) are to become effective not later than July 1, 1957.

Interested persons are hereby afforded an opportunity to participate in the preparation of the amended regulations to be adopted as set forth above by submitting their views, data or arguments in writing to the Executive Officer, Alaska Game Commission, P. O. Box 2021, Juneau, Alaska, on or before February 18, 1957. In addition, such persons may supplement their written views by presenting oral argument at a public hearing to be held by the Alaska Game Commission in the Federal Building, Juneau, Alaska, beginning at 9:00 a. m., February 20, 1957.

Dated: January 18, 1957.

CLARENCE J. RHODE,
Executive Officer, Alaska Game Commission.

[F. R. Doc. 57-596; Filed, Jan. 22, 1957; 4:09 p. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 26

JANUARY 16, 1957.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for commercial, and/or industrial purposes:

Beginning on the NE shore of Lake Hammersly, as shown on USGS Map Mt. Katmai, 1951 Edition, said point lying in approx. Lat. 58° 52' N.,; Long. 155° 05' W., and being approx. 330 feet northerly from the mouth of the main stream emptying into Lake Hammersly from the east; thence running 90° easterly 330 feet; thence running 90° southerly 660 feet; thence running 90° westerly 330 feet to lake shore; thence northerly along the easterly shore of the lake to the point of beginning.

Containing approximately 5 acres.

The above land will be offered for sale in accordance with regulations contained in Title 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-515; Filed, Jan. 23, 1957; 8:45 a. m.]

[Groups 309 and 310]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

JANUARY 15, 1957.

Notice is given that the plats of survey accepted August 14, 1956 of T. 17 N., R. 2 E., and T. 17 N., R. 3 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 17 N., R. 2 E.,
All Secs. 33, 34, 35 and 36.
T. 17 N., R. 3 E.,
Sec. 31, Lots 1, 2, 3, 4, E½W½, E½, (All);
Sec. 32, All.

Available data indicates that the above sections in T. 17, N., R. 2 E. are rolling, with sandy loam and decomposed limestone soil; and the sections in T. 17 N., R. 3 E. are rolling, with rocky, sandy soil.

All Secs. 33, 34, 35 and 36, T. 17 N., R. 2 E. are within the Prescott National Forest. December 21, 1956 the Director stated that Water Power Designation No. 5 has been conformed, insofar as it affects these sections, to the NE¼, E½SE¼, Sec. 35, and All Sec. 36.

The land in Lots 1, 2, 3, 4, E½W½, E½, (All), Sec. 31, and All Sec. 32, T. 17 N., R. 3 E. north of the Verde River and Sycamore Creek are in the Tusayan National Forest, Executive Order of June 28, 1910; all parts of the sections east of the Verde River and south of Sycamore Creek are within the Coconino National Forest, Executive Order of June 28, 1910; and all portions south and west of the Verde River are in the Prescott National Forest, Executive Order of October 7, 1910. December 21, 1956 the Director conformed Water Power Designation No. 5 to include all of Secs. 31 and 32, T. 17 N., R. 3 E.

In view of the above, the lands described will not be subject to disposition under the general public land laws by reason of the official filing of the plats.

THOS. F. BRITT,
Manager.

[F. R. Doc. 57-516; Filed, Jan. 23, 1957; 8:45 a. m.]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

JANUARY 15, 1957.

Pursuant to Determination DA-109 Utah, of the Federal Power Commission and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

The lands hereinafter described, so far as they are reserved for power purposes, are hereby restored to disposition under the public land laws, subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

SALT LAKE BASE MERIDIAN, UTAH

T. 40 S., R. 22 E.,
Sec. 25: Lots 1, 2, 3, 4, 5, NE¼, N½NW¼, SE¼NW¼.
T. 40 S., R. 23 E.,
Sec. 29: Lots 1, 2, 3, 4, 5, 6, N½, NW¼SE¼, NE¼SW¼;
Sec. 30: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, N½NE¼, SE¼NE¼, NE¼NW¼.

The area described totals 1,332.95 acres of public lands.

The subject lands lie about 7 miles upstream from the town of Bluff, Utah and adjacent to the right bank of the San Juan River. The lands are primarily valuable for grazing, and it is unlikely that they will be classified for any other purpose.

No application for these lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The land described shall be subject to application by the State of Utah for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on February 20, 1957. At that time the said land shall become subject to application, petition, location, and selection under the applicable public sale law, subject to valid existing rights, the provisions of existing

withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of February 20, 1957, shall be treated as though simultaneously filed at that time. All other applications under the public land laws filed on or before 10:00 a. m. of May 22, 1957, shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-517; Filed, Jan. 23, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

PACIFIC COAST—PUERTO RICAN CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 6130–1, between the member lines of the Pacific Coast-Puerto Rican Conference, modifies the basic conference agreement (No. 6130) to provide that upon admission of Pan-Atlantic Steamship Corporation to membership in the conference that company and Waterman Steamship Company together will have a single vote in conference matters, and that these companies shall be regarded as one carrier for the purpose of apportioning conference expenses.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 17, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-514; Filed, Jan. 23, 1957; 8:45 a. m.]

Maritime Administration

BLOOMFIELD STEAMSHIP CO.

NOTICE OF APPLICATION

Notice is hereby given of the application of Bloomfield Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, 46 U. S. C. 1223, to permit operation of its owned vessel S. S. "Alice Brown" formerly S. S. "Genevieve Peterkin") by the charterer of said vessel, States Marine Corporation, on a voyage commencing on or about January 27, 1957, carrying paper and paper products from United States Gulf ports to a port or ports in California.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Maritime Administration, on or before January 25, 1957, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time the application will be processed without a hearing.

By order of the Maritime Administrator.

Dated: January 22, 1957.

GEO. A. VIEHMANN,
Assistant Secretary.

[SEAL]

[F. R. Doc. 57-603; Filed, Jan. 23, 1957; 9:43 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

CORN

PROCLAMATION OF RESULTS OF REFERENDUM

In the "Notice of Referendum" published in 21 F. R. 8834 it was announced that a referendum would be held on December 11, 1956, pursuant to section 308 (b) of the Agricultural Act of 1956 (70 Stat. 206), to determine whether corn producers voting in the referendum were in favor of (a) Soil Bank Base Acreages in accordance with section 103 (b) of the Soil Bank Act and price support for the 1957 and subsequent crops of corn at such level as the Secretary of Agriculture determines will assist producers in marketing corn in the normal channels of trade but not encourage the uneconomic production of corn, in lieu of (b) corn acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended, and price support as provided in the Agricultural Act of 1949, as amended.

Of the 437,480 votes cast, 269,185 voted in favor of the program as provided in (a) above, and 168,295 voted in favor of the program as provided for in (b) above. Since only 61.5 percent of the producers voting, voted in favor of the program provided in (a) above, which is less than the two-thirds vote required for such program to be put into effect, corn acreage allotments as provided in the Agricultural Act of 1938, as amended, and price support as provided in section 101 of the Agricultural Act of 1949, as amended, will be in effect for 1957 and subsequent years.

The following is a tabulation of the votes cast by producers of the respective States of the 1957 Commercial Corn-Producing Area:

CORN REFERENDUM RESULTS

State	For corn base acreage program	For corn acreage allotment program	Total votes cast
Alabama	3,223	633	3,856
Arkansas	1,123	761	1,884
Delaware	336	44	380
Georgia	3,808	625	4,433
Illinois	58,592	13,949	72,541
Indiana	29,147	9,917	39,064
Iowa	51,724	35,177	86,901
Kansas	3,793	3,545	7,338
Kentucky	11,014	1,620	12,634
Maryland	817	399	1,216
Michigan	8,032	2,678	10,710
Minnesota	10,939	35,495	46,434
Missouri	10,987	12,488	23,475
Nebraska	16,656	16,655	33,311
New Jersey	364	87	451
North Carolina	16,042	4,317	20,359
North Dakota	235	591	826
Ohio	17,236	6,943	24,179
Pennsylvania	2,555	904	3,459
South Dakota	4,851	13,126	17,977
Tennessee	9,158	1,377	10,535
Virginia	1,069	972	1,981
West Virginia	229	13	242
Wisconsin	7,315	5,979	13,294
Total	269,185	168,295	437,480

Done at Washington, D. C., this 18th day of January 1957.

TRUE D. MORSE,
Acting Secretary.

[SEAL]

[F. R. Doc. 57-546; Filed, Jan. 23, 1957; 8:51 a. m.]

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

GRAZING

Section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.214 (c) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, provide that land designated as acreage reserve shall not be grazed unless the Secretary of Agriculture, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship, or suffering because of severe drought, flood, or other natural disaster, and gives written consent to such grazing.

Notice is hereby given that the Secretary, in accordance with the aforementioned statute and regulations, consents to the grazing for the period specified of land designated as acreage reserve on farms in the counties listed below. Such consent is limited to grazing of the producer's own livestock. The producer is prohibited from leasing the acreage reserve to others for grazing purposes.

IOWA

Counties and Period

Appanoose, Boone, Calhoun, Cherokee, Dallas, Davis, Decatur, Fremont, Harrison, Ida, Jasper, Marion, Monona, Plymouth, Polk, Pottawattamie, Poweshiek, Sac, Van Buren, Wayne, Woodbury; Pleasant Valley, Richland, and Union townships in Carroll County; Charter Oak, Hanover, Morgan, Otter Creek, Soldier, and Stockholm townships in Crawford County; Cedar, Highland, and Lincoln townships in Greene County; the northwest one-quarter of Keokuk County;

the West one-third of Lyon County; the northeast one-quarter of Madison County; all of Mahaska County except the southeast one-quarter; the south eight townships in Marshall County; Anderson and Ingraham townships in Mills County; Lincoln, Pilot Grove, Sherman, and Washington townships in Montgomery County; Liberty and Union townships in O'Brien County; south one-third of, and Washington township in Shelby County; west one-third of, and Nassau and Sherman townships in Sioux County; the south three-quarters of Story County; Columbia, Highland and Richland townships in Tama County; and the north three-quarters of Warren County. January 1, 1957–January 31, 1957, inclusive.

KANSAS

Barber, Barton, Brown, Butler, Chase, Chautauqua, Cheyenne, Clark, Clay, Cloud, Comanche, Cowley, Decatur, Dickinson, Doniphan, Edwards, Elk, Ellis, Ellsworth, Finney, Ford, Geary, Gove, Graham, Grant, Gray, Greeley, Greenwood, Hamilton, Harper, Harvey, Haskell, Hodgeman, Jewell, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Lyon, McPherson, Marion, Marshall, Meade, Mitchell, Montgomery, Morris, Morton, Neosho, Ness, Norton, Osborne, Ottawa, Pawnee, Phillips, Pratt, Rawlins, Reno, Republic, Rice, Rooks, Rush, Russell, Saline, Scott, Sedgwick, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wallace, Washington, Wichita, Wilson, Woodson; Blue Valley, Clear Creek, Grant, Lincoln, Lone Tree, Mill Creek, Rock Creek, Shannon, Sherman, Spring Creek and Vienna townships, in Pottawatomie County; and Center, Fancy Creek, Jackson, Mayday, and Swede Creek townships in Riley County. January 1, 1957–January 31, 1957, inclusive.

MISSOURI

Adair, Andrew, Atchison, Barry, Bates, Benton, Boone, Buchanan, Caldwell, Callaway, Camden, Carroll, Carter, Cass, Cedar, Charlton, Christian, Clark, Clay, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, De Kalb, Dent, Douglas, Dunklin, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Jackson, Jasper, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Linn, Livingston, McDonald, Madison, Maries, Marion, Mercer, Miller, Moniteau, Monroe, Montgomery, Morgan, Newton, Nodaway, Oregon, Osage, Ozark, Pettis, Phelps, Pike, Platte, Polk, Pulaski, Putnam, Ralls, Randolph, Ray, Reynolds, Ripley, St. Clair, Saline, Schuyler, Scotland, Shelby, Stone, Sullivan, Taney, Texas, Vernon, Washington, Wayne, Webster, Worth, and Wright. January 1, 1957–January 31, 1957, inclusive.

MONTANA

Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Roosevelt, and Wibaux Counties. January 1, 1957–January 31, 1957, inclusive.

NEBRASKA

Adams, Antelope, Boone, Boyd, Buffalo, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Custer, Dodge, Douglas, Fillmore, Franklin, Furnas, Gage, Gosper, Greeley, Hamilton, Harlan, Hitchcock, Holt, Howard, Jefferson, Johnson, Kearney, Knox, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Sherman, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, York; non-irrigated land in Dawson County; that part of Dixon County north of the north line of townships 29 and 30 north and south eighth township of such county; and the non-irrigated portions of Hall County. January 1, 1957–January 31, 1957, inclusive.

NEW MEXICO

Bernalillo, except that area thereof known as the Rio Grande Conservancy District, Catron, Chaves, Colfax, Curry, De Baca, Dona Ana, Eddy, Grant, Guadalupe, Harding, Hidalgo, Lea, Lincoln, Luna, McKinley, Mora, Otero, Quay, Rio Arriba, Roosevelt, Sandoval, San Juan, San Miguel, Santa Fe, Sierra, Socorro, Taos, Torrance, Union, and Valencia. January 1, 1957–January 31, 1957, inclusive.

NORTH DAKOTA

Bowman, Golden Valley, McKenzie, and Slope. January 1, 1957–January 31, 1957, inclusive.

OKLAHOMA

Adair, Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Cherokee, Choctaw, Cimarron, Cleveland, Coal, Comanche, Cotton, Craig, Creek, Custer, Delaware, Dewey, Ellis, Garfield, Garvin, Grady, Grant, Greer, Harmon, Harper, Haskell, Hughes, Jackson, Jefferson, Johnston, Kay, Kingfisher, Kiowa, Latimer, Le Flore, Lincoln, Logan, Love, McClain, McCurtain, McIntosh, Major, Marshall, Mayes, Murray, Muskogee, Noble, Nowata, Okfuskee, Oklahoma, Okmulgee, Osage, Ottawa, Pawnee, Payne, Pittsburg, Pontotoc, Pottawatomie, Pushmataha, Roger Mills, Rogers, Seminole, Sequoyah, Stephens, Texas, Tillman, Tulsa, Wagoner, Washington, Washita, Woods, and Woodward. January 1, 1957–January 31, 1957, inclusive.

SOUTH DAKOTA

Armstrong, Aurora, Beadle, Bon Homme, Brule, Buffalo, Charles Mix, Clay, Corson, Davison, Dewey, Douglas, Haakon, Hand, Hanson, Harding, Hughes, Hutchinson, Hyde, Jackson, Jerauld, Jones, Lyman, Miner, Perkins, Sanborn, Stanley, Sully, Union, Yankton, Ziebach; all that part of Lincoln and Turner counties lying south of Highway 18; all that part of McCook county lying west of Highway 81; and all that part of Meade and Pennington counties lying east of Highway 79. January 1, 1957–January 31, 1957, inclusive.

TEXAS

Anderson, Andrews, Angelina, Archer, Armstrong, Atascosa, Austin, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Boxque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Comanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grayson, Gregg, Grimes, Guadalupe, Hall, Hamilton, Hansford, Hardeman, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, La Salle, Lavaca, Lee, Leon, Limestone, Lipscomb, Live Oak, Llano, Loving, Lynn, McCulloch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Victoria, Walker, Waller, Ward, Washington, Webb, Wharton, Wheeler, Wichita, Wilbarger, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, Zavala Counties. January 1, 1957–January 31, 1957, inclusive.

UTAH

Beaver, Carbon, Emery, Garfield, Grand, Iron, Juab, Kane, Millard, Piute, San Juan, Sanpete, Sevier, Washington, and Wayne counties. January 1, 1957–January 31, 1957, inclusive.

Done at Washington, D. C., this 18th day of January 1957.

TRUE D. MORSE,
Acting Secretary.

[SEAL]

[F. R. Doc. 57-523; Filed, Jan. 23, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11232]

WESTERN KENTUCKY GAS CO.

NOTICE OF APPLICATION FOR ORDER TO OBTAIN NATURAL GAS FOR RESALE AND DISTRIBUTION

JANUARY 17, 1957.

Take notice that Western Kentucky Gas Company (Applicant), a Delaware corporation with its principal place of business located at Owensboro, Kentucky, filed on October 12, 1956, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Texas Gas Transmission Corporation (Texas Gas) to sell natural gas to Applicant for resale and distribution in the City of Lawrenceburg, Kentucky, all as more fully represented in the application on file with the Commission and open for public inspection.

Applicant states that it is a natural gas distribution company operating entirely within the Commonwealth of Kentucky, serving numerous towns and cities and is enfranchised by the City of Lawrenceburg to serve its inhabitants; that it has been exempted from regulation under the Natural Gas Act by the Hinshaw Amendment. Applicant further states that it proposes to lay 5.5 miles of 4½ inch pipeline running south from a pressure-reducing tap on the east-to-west Louisville Gas and Electric Company's (Louisville) 12 inch "East Kentucky Line" to the City of Lawrenceburg. At the town border it would build a further regulator for its distribution system. Texas Gas is selling natural gas to Louisville near the City of Louisville, Kentucky, through existing system connections and through these connecting facilities Texas Gas is ready, able, and willing to deliver the volumes of gas which Louisville will deliver to Applicant.

The estimated peak day and annual requirements of natural gas by Applicant are for the first 3 years as follows when expressed in terms of volume in Mcf:

Year	Peak day	Annual
1	341	79,243
2	713	162,887
3	896	179,787

Texas Gas has agreed to supply the volume of natural gas from its system to enable Louisville to furnish to Applicant its requirements for Lawrenceburg and Louisville has also agreed to furnish the service of gas and permit the interconnection of its facilities with those of the Applicant. By virtue of the Answer, as amended, filed by Texas Gas on November 8, 1956, and amended on November 16, 1956, together with the Letter of Agreement from Louisville which is made a part of the application herein the said arrangement first above mentioned is indicated.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 7, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-518; Filed, Jan. 23, 1957; 8:45 a. m.]

[Docket No. G-11298]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 17, 1957.

Take notice that The Manufacturers Light and Heat Company, a Pennsylvania corporation and a subsidiary of The Columbia Gas System Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, filed on October 25, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to construct and operate certain natural gas facilities and for permission and approval to abandon certain existing facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 2.6 miles of 16-inch transmission pipeline and a regulating station in Hopewell Township and Aliquippa Borough, Beaver County, Pennsylvania, and in connection therewith to abandon, pursuant to section 7 (b) of the Natural Gas Act, 2.6 miles of 10-inch transmission line (Line 271) which said construction will replace. The purpose of the application is to improve retail and wholesale service in these areas and render increased interruptible service to an existing industrial customer, Jones & Laughlin Steel Corporation.

The actual and estimated gas requirements of the Aliquippa-Ambridge area embracing all classes of users, residential, commercial, industrial, and municipal are as follows: (Figures in Mcf.)

	1955	1956	1957	1958
Peak day:				
Jones & Laughlin	4,200	10,700	15,000	15,000
All users	28,819	36,695	41,923	42,632
Annual:				
Jones & Laughlin	891,039	1,193,880	3,467,000	3,805,000
All users	5,953,380	6,561,351	8,816,400	9,272,800

The proposed facilities are estimated to cost $241,000. Jones & Laughlin will advance $145,000 toward the cost, which will be refunded to Jones & Laughlin over a four to seven year period. The rest of the cost will be financed by the Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday February 14, 1957 at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-519; Filed, Jan. 23, 1957; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

January 18, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33174: *Concrete pressure pipe—Colwich, Kans., to the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe and fittings, straight or mixed carloads from Colwich, Kans., to specified points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 16 to Agent Kratzmeir's tariff I. C. C. 4223.

FSA No. 33175: *Sugar—Western Louisiana to Memphis, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from specified points in Louisiana west of the Mississippi River to Memphis, Tenn., and grouped destinations.

Grounds for relief: Circuitous routes.

Tariff: Supplement 334 to Agent J. H. Marque's I. C. C. 380.

FSA No. 33176: *Sand—Illinois territory to Norton, Ala.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, carloads from Millington, Oregon, Ottawa, Sheridan, Utica, and Wedron, Ill., Muscatine, Iowa, and Browntown and Klevenville, Wis., to Norton, Ala.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 25 to Agent Raasch's tariff I. C. C. 855.

FSA No. 33177: *Sulphuric acid—Le Moyne, Ala., to Dothan, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Le Moyne, Ala., to Dothan, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 139 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 33178: *Fertilizer compounds—Southwest to Cincinnati, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer compounds and related articles, carloads from specified points in Arkansas, Louisiana, Oklahoma and Texas, also from Selma, Mo., to Cincinnati, Ohio, on traffic to this destination specifically.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 187 to Agent Kratzmeir's tariff I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-528; Filed, Jan. 23, 1957; 8:47 a. m.]

[Notice 148]

MOTOR CARRIER APPLICATIONS

JANUARY 18, 1957.

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241 September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1872 (Sub No. 40), filed December 26, 1956, ASHWORTH TRANSFER, INC., 1526 S. Sixth West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 721 Continental Bank Bldg., Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate* and *ammonium nitrate fertilizers*, in bags, between Bacchus, Utah and Geneva, Utah, on the one hand, and, on the other, points in Wyoming, Colorado, New Mexico, Arizona, California, Oregon, Nevada, Idaho, and Montana.

HEARING: March 6, 1957, at the Utah Public Service Commission Salt Lake City, Utah, before Examiner James I. Carr.

No. MC 2754, NEUENDORF TRANSPORTATION CO., 3244 Atwood Avenue, Madison, Wis. Applicant's representative: Philip H. Porter, 708 First National Bank Bldg., Madison 3, Wis. *RE-OPENED* for sole purpose of holding hearing limited to the question whether NEUENDORF TRANSPORTATION CO. and its predecessors-in-interest had been, and have been, transporting general commodities, with certain exceptions, over irregular routes, between Wausau, Wis., and Chicago, Ill., prior to, on, and continuously since June 1, 1935.

HEARING: March 11, 1957, at Wisconsin Public Service Commission, Madison, Wis., before Examiner Alfred B. Hurley.

No. MC 9895 (Sub No. 90), filed November 26, 1956, R. B. "DICK" WILSON, INC., P. O. Box 838, E. 59th Ave. & Highway 6, Denver, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude shale oil, its products and by-products*, in bulk, and *oil shale products and by-products*, in bulk, between points in Arizona, Colorado, Wyoming, New Mexico, Utah, Nebraska, Kansas, Oklahoma, and those in South Dakota, in and west of Perkins, Meade, Pennington, Washabaugh, and Shannon Counties.

HEARING: March 1, 1957, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 52458 (Sub No. 139), filed October 10, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. Route 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, except gasoline, fuel oil, benzene, kerosene, and raw milk, between New York, N. Y., Newark, N. J., and Baltimore, Md., on the one hand, and, on the other, points in Delaware, Virginia, West Virginia, Kentucky, Tennessee, North Carolina, South Carolina, and the District of Columbia. Applicant is authorized to conduct similar operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Issues originally published in FEDERAL REGISTER of November 15, 1956, as above.

HEARING: February 5, 1957, and a *continued hearing* February 18, 1957, at the offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 52458 (Sub No. 140), filed October 10, 1956, T. I. McCORMACK TRUCKING COMPANY, INC., U. S. Route 9 at Green St., Woodbridge, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, except gasoline, fuel oil, benzene, kerosene, and raw milk, between points in Connecticut and New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York. Issues originally published in FEDERAL REGISTER of November 15, 1956, as above.

HEARING: February 5, 1957, and a *continued hearing* February 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 88380 (Sub No. 9), filed October 3, 1955, published in the FEDERAL REGISTER of October 19, 1955, (RE-OPENED, ON THE COMMISSION'S OWN MOTION, FOR FURTHER HEARING) O. L. HARVEY TRUCK SERVICE, P. O. Box 192, Seminole, Okla. Applicant's representative: George L. Ruddle, 1518 Hunt Bldg., Tulsa 3, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment*, and *supplies* used in or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, Texas, and points in Lea County, N. Mex. Applicant is authorized to conduct similar operations in Illinois, Missouri, Oklahoma, Indiana, Kentucky, Kansas, Texas, and New Mexico.

HEARING: February 28, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner John McCarthy.

No. MC 92983 (Sub No. 183), filed November 16, 1956, ELDON MILLER, INC., 330 East Washington St., P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles or other special equipment, between Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia and Wisconsin.

HEARING: March 1, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner John McCarthy.

No. MC 95540 (Sub No. 280), filed November 19, 1956, WATKINS MOTOR LINES, INC., P. O. Box 785, Cassidy Road, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquids*, in bulk, in tank vehicles, except gasoline, fuel oil, benzene, kerosene, and raw milk, between points in Connecticut and New Jersey, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island, and New York. Issues originally published in FEDERAL REGISTER of November 15, 1956, as above.

HEARING: February 5, 1957, and a *continued hearing* February 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 88380 (Sub No. 9), filed October 3, 1955, published in the FEDERAL REGISTER of October 19, 1955, (RE-OPENED, ON THE COMMISSION'S OWN MOTION, FOR FURTHER HEARING) O. L. HARVEY TRUCK SERVICE, P. O. Box 192, Seminole, Okla. Applicant's representative: George L. Ruddle, 1518 Hunt Bldg., Tulsa 3, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies*, used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and (2) *machinery, materials, equipment*, and *supplies* used in or in connection with the construction, operations, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, except in connection with main or trunk pipe lines, between points in Shelby County, Tenn., on the one hand, and, on the other, points in Arkansas, Kansas, Oklahoma, Texas, and points in Lea County, N. Mex. Applicant is authorized to conduct similar operations in Illinois, Missouri, Oklahoma, Indiana, Kentucky, Kansas, Texas, and New Mexico.

HEARING: February 28, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner John McCarthy.

No. MC 92983 (Sub No. 183), filed November 16, 1956, ELDON MILLER, INC., 330 East Washington St., P. O. Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles or other special equipment, between Tulsa, Okla., on the one hand, and, on the other, points in Arkansas, Kansas, Louisiana, Missouri and Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia and Wisconsin.

HEARING: March 1, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner John McCarthy.

No. MC 95540 (Sub No. 280), filed November 19, 1956, WATKINS MOTOR LINES, INC., P. O. Box 785, Cassidy Road, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, (1) from Bushnell and Danville, Ill., and points in Indiana (except Indianapolis, Lafayette, and Mishawaka, Ind.), to points in Alabama, Florida, Georgia, and South Carolina, and (2) from Lafayette and Indianapolis, Ind., to points in Alabama. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: February 15, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Allan F. Borroughs.

No. MC 96025 (Sub No. 20), filed November 13, 1956, DEWELL WILLIAM HOSKINS, doing business as HOSKINS' TRUCK SERVICE, P. O. Box 66, Malvern, Ark. Applicant's representative: Louis Tarlowski, Rector Bldg., Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, (1) from points in Ashley, Columbia, Drew, Garland, Hempstead, Lafayette, Lincoln, Nevada, Ouachita, Pike, Saline, and Union Counties, Ark. to points in Indiana and Illinois; (2) from points in Ashley, Bradley, Calhoun, Clark, Cleveland, Columbia, Dallas, Drew, Garland, Grant, Hempstead, Hot Spring, Jefferson, Lafayette, Lincoln, Nevada, Ouachita, Pike, Saline, and Union Counties, Ark. to points in Iowa. Applicant is authorized to conduct operations in Arkansas, Oklahoma, Kansas, Missouri, Tennessee, Texas, Illinois, and Indiana.

HEARING: March 18, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner John McCarthy.

No. MC 101075 (Sub No. 39), filed January 14, 1957, TRANSPORT, INC., 1215 Center, Moorhead, Minn. Applicant's representative: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement, lime*, and *salt*, in bulk, in tank or hopper vehicles, between points in North Dakota, South Dakota and Minnesota, on the one hand, and, on the other, points in Illinois, Nebraska and Kansas.

HEARING: February 27, 1957, at the U. S. Court Rooms, Fargo, N. Dak., before Examiner Leo A. Riegel.

No. MC 103066 (Sub No. 10), filed November 10, 1955, published in the FEDERAL REGISTER of November 23, 1955, (REOPENED ON THE COMMISSION'S OWN MOTION, FOR FURTHER HEARING); VAN STONE, doing business as STONE TRUCKING CO., 1516 West 49th St., P. O. Box 2014, Tulsa, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, (1) between points in Tennessee, on the one hand, and, on the other, points in Oklahoma and Kansas, and (2) between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, restricted to movements destined to or between Memphis and points in Illinois in connection with applicant's existing authority. Applicant is authorized to conduct similar operations in Arkansas, Illinois, Kansas, Louisiana, New Mexico, Missouri, Montana, North Dakota, South Dakota, Oklahoma, and Texas.

HEARING: February 28, 1957, at the Mayo Hotel, Tulsa, Okla., before Examiner John McCarthy.

No. MC 107698 (Sub No. 20), filed October 15, 1956, BONANZA, INC., 6319 S. E. 15th St., P. O. Box 5526, Oklahoma City 10, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts, dairy products, and articles distributed by meat packing houses*, as defined by the Commission, *bakery goods, frozen foods, foods and uncooked partially prepared foods such as partially prepared meat and sweet pies*, and *foodstuffs used in the preparation of foods, including but not limited to shortenings and yeast*, in vehicles equipped for protection against heat and cold, between points in California, Washington, Oregon, and Idaho, on the one hand, and, on the other, Memphis, Tenn. and points in Oklahoma and Arkansas. Applicant is authorized to conduct operations in California, Texas, Oklahoma, New Mexico, Arizona, and Colorado.

HEARING: March 5, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner John McCarthy.

No. MC 110264 (Sub No. 12), filed January 2, 1957, ALBUQUERQUE PHOENEX EXPRESS, INC., P. O. Box 404, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: (A) *General commodities, including Class A and B explosives and government owned compressed gas* (other than liquefied petroleum gas) *trailers*, loaded or empty, but excluding household goods as defined by the Commission, commodities in bulk other than compressed gas as described above, between Roswell, N. Mex., and Fort Worth and Dallas, Tex., (1) from Roswell over U. S. Highway 380 to its junction with U. S. Highway 180, thence over U. S. Highway 180 to Fort Worth (also, from junction U. S. Highway 380 and Texas Highway 24, over Texas Highway 24 to its junction with Texas Highway 199, thence over Texas Highway 199 to Fort Worth), thence over U. S. Highways 80 and 180 to Dallas (also from Fort Worth over Texas Highway 183 to Dallas), and return over the same routes, serving all intermediate points, and (2) from Roswell over U. S. Highway 285 to its junction with New Mexico Highway 83, thence over New Mexico Highway 83 to its junction with New Mexico Highway 18 (also from Roswell over U. S. Highway 380 to its junction with New Mexico Highway 18), thence over New Mexico Highway 18 to its junction with U. S. Highway 180, thence over U. S. Highway 180 to Fort Worth, and thence to Dallas as described in (A) (1) above, and return over the same routes, serving all intermediate points. (B) *Class A and B explosives*, between Carrizozo, N. Mex., and Roswell, N. Mex., from Carrizozo over U. S. Highway 380 to Roswell, and return over the same route, serving all intermediate points. Applicant is authorized to transport similar commodities in Arizona and New Mexico.

HEARING: March 18, 1957, at 119 East Fifth Street, Roswell, N. Mex., before Joint Board No. 33.

No. MC 111851 (Sub No. 1), filed January 15, 1957, CHARLES H. McCREARY, 605 Garfield Ave., Newark, Ohio. Applicant's representative: Vernon L. Stouffer, Leveque-Lincoln Tower Bldg., Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry bulk commodities* in dump, tank, and hopper-type equipment, and specialized equipment, and *filled and empty containers for dry bulk commodities*, between points in Wyandotte and Ashtabula Counties, Ohio, on the one hand, and, on the other, points in Indiana and West Virginia.

HEARING: February 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 112497 (Sub No. 81), filed December 26, 1956, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Baton Rouge 5, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Baton Rouge, La. to Gulport, Miss. Applicant is authorized to transport the specified commodity from named Alabama points to points in Florida, Georgia, Tennessee, and Mississippi.

HEARING: March 15, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 113779 (Sub No. 50), filed November 30, 1956, YORK INTERSTATE TRUCKING, INC., 9820 La Porte Expressway, P. O. Box 12385, Houston 17, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals, chemical products, chemical by-products* and *their mixtures*, in bulk, in tank vehicles, from Luling, La., and points within 10 miles of Luling, to points in Alabama, Florida and Georgia, except (1) anhydrous ammonia and nitrogen solutions from Luling, La., to points in Alabama and Florida, and (2) nitric acid from Luling, La., to Mobile, Ala., and Pensacola and Gonzales, Fla. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

HEARING: March 12, 1957, at the Jung Hotel, New Orleans, La., before Examiner John McCarthy.

No. MC 113855 (Sub No. 15), filed November 1, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction, road building, and mining machinery and equipment, tractors* (not including truck-tractors), *excavating, loading and earth moving machinery and equipment, bulldozers*, and *attachments and parts belonging to and moving with the units being transported*, from Salt Lake City, Utah, to points in the United States; and *damaged or returned shipments of the above-indicated* on return. Applicant is authorized to conduct operations in North Dakota, Minnesota, South Dakota, Iowa, Illinois, Nebraska, Wisconsin, Montana, and Wyoming.

HEARING: March 7, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James L. Carr.

No. MC 113855 (Sub. No. 16), filed November 21, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction, road building, earth moving, excavating, loading, maintenance, logging and mining machinery and equipment, tractors* (not including truck-tractors), *internal combustion engines, generators, generators and engines combined*, and *pipelayers, with attachments, accessories and parts thereof*, of the commodities specified, from points in Illinois to points in Utah, Arizona, California, and Nevada, and *damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Iowa, Illinois, Minnesota, Nebraska, North Dakota, and South Dakota.

HEARING: March 7, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James L. Carr.

No. MC 115523 (Sub No. 10) (Amended), filed October 1, 1956, CLARK TANK LINES COMPANY, a corporation, 1450 North Beck Street, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 721 Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, in hopper vehicles, from cement plants at Trident, Mont.; Boettcher and Portland, Colo.; Laramie, Wyo.; Inkom, Idaho; Devils Slide, Marysvale, and Salt Lake City, Utah; Rillito and Flagstaff, Ariz.; and Victorville and Riverside, Calif., to Colorado River Storage Projects described as Glen Canyon Dam Site, located approximately fifteen (15) miles upstream on the Colorado River from Marble Canyon, Ariz.; Split Mountain Dam Site, located approximately thirty (30) miles upstream on the Green River from Jensen, Utah; Flaming Gorge Dam Site, located approximately forty (40) miles upstream on the Green River from Bridgeport, Utah; Cross Mountain Dam Site, located approximately five (5) miles downstream on the Yampa River from Maybell, Colo.; Navajo Dam Site, located approximately nineteen (19) miles upstream on the San Juan River from Blanco, N. Mex.; and Gray Canyon Dam Site, located approximately nine (9) miles upstream on the Green River from Green River, Utah; and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, on return.

HEARING: March 5, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner James I. Carr.

No. MC 115724 (Sub No. 3), filed November 19, 1956, J. W. PHILLIPS, Box 201, Harrah, Okla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Air conditioning and refrigerating units*, which because of size or weight require the use of special equipment, and *other such units* when accompanying units requiring special equipment and moving to the same consignee, from Oklahoma City, Okla., to points in Michigan, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in Arkansas, Arizona, Alabama, Connecticut, California, Colorado, Delaware, Florida, Georgia, Indiana, Illinois, Iowa Kentucky, Louisiana, Mississippi, Missouri, Maryland, Massachusetts, New York, Nevada, New Mexico, North Carolina, New Jersey, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: March 7, 1957, at the Federal Building, Oklahoma City, Okla., before Examiner John McCarthy.

No. MC 116271, filed October 26, 1956, TED HARPOOL AND R. C. RAMSAY, doing business as GROVEPORT BOAT DOCKS, Route 2, Grove, Okla. Applicant's representative: L. V. Beaman, Grove, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats, boat supplies* and *related marine items*, between points in the United States.

HEARING: March 4, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner John McCarthy.

No. MC 116277, DRIVER SERVICE, INC., P. O. Box 98, Cudahy, Wis. Applicant's representative: William J. Mantyh, 213 West Wisconsin Ave., Milwaukee 3, Wis. For authority to *institute a new drivers and labor service* (not limited, in the application, as to commodity or area to be served), as a contractor or agent for employers of drivers and other labor, used in the driving of trucks, tractors and/or trailers, loading and unloading of manufacturers, processors, farmers, wholesalers solely owned products, in interstate or foreign commerce, over routes designated by such user or employer of such need and supplied drivers or labor. The application (Form BMC 78) was accompanied by a *motion to dismiss* for the reason that the Interstate Commerce Commission does not have jurisdiction over the activities and business of said applicant or the matters set forth in the application of DRIVER SERVICE, INC. The motion was overruled.

HEARING: February 25, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Albert E. Luttrell.

No. MC 116278, TRAC-TRA RENTALS, Division of Wisconsin A & L Company, Incorporated, P. O. Box 425, Cudahy, Wis. Applicant's representative: William J. Mantyh, 213 West Wisconsin Ave., Milwaukee 3, Wis. For authority to *institute a new operation as a tractor, truck and trailer rental company*, in interstate or foreign commerce, over irregular routes serving any and all applicants for such rental service, in the transportation of: All properties of the party desiring rental service and owned by such party or parties between all points in the United States. The application (Form BMC 78) was accompanied by a *motion to dismiss* for the reason that the Interstate Commerce Commission does not have jurisdiction over the activities and business of applicant or of the matters set forth in the application of TRAC-TRA RENTALS. The motion was overruled.

HEARING: February 25, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner Albert E. Luttrell.

No. MC 116279, filed October 30, 1956, JOHN H. BLACK, doing business as BLACK'S TRANSFER, Appalachia, Va. Applicant's representative: B. W. Hamilton, Main Street, Appalachia, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products, household merchandise*, and *notions*, (as more fully defined in application) from Winston Salem, N. C., and Richmond, Va., to points in Wise, Scott, Lee and Dickenson Counties, Va. and Johnson City, Tenn., and Harlan, Ky., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

HEARING: February 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

MOTOR CARRIERS OF PASSENGERS

No. MC 29957 (Sub No. 64), filed September 4, 1956, CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, P. O. Box 4407, Alexandria, La. Applicant's representative: Grove Stafford, P. O. Box 1711, Alexandria, La. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and baggage of passengers*, in the same vehicle with passengers or in a separate vehicle, and in the same vehicle with passengers, *express* and *newspapers*, between New Orleans, La., and Bush, La., from New Orleans over U. S. Highway 51 (also designated as U. S. Highway 61) to junction Harlem Avenue (or new access road) in Jefferson Parish, La., thence over Harlem Avenue (or new access road) to Lake Pontchartrain, La., thence over the new Lake Pontchartrain Bridge now under construction and its northern approach and access road to junction U. S. Highway 190 near Mandeville, La., thence over U. S. Highway 190 to Covington, La., thence over Louisiana Highway 21 to a point about two (2) miles from Bush, thence over local unnumbered highway to Bush, and return over the same route, serving Covington, La., as an intermediate point. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Tennessee and Texas. Issues originally published in FEDERAL REGISTER of October 24, 1956, as above.

HEARING: March 11, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

REOPENED FOR CONSOLIDATED ORAL HEARING

Nos. MC 9895, MC 9895 (Sub No. 1), MC 9895 (Sub No. 7), MC 9895 (Sub No. 8), MC 9895 (Sub No. 53), MC 9895 (Sub No. 65), MC 9895 (Sub No. 68), and MC 89058. In these proceedings certificates of public convenience and necessity have been issued to R. B. "DICK" WILSON, INC., East 59th Avenue and Highway 6, Denver, Colo., to transport petroleum products, in bulk, in tank trucks, between certain areas in Colorado, Kansas, Nebraska, South Dakota, Utah, and Wyoming. The proceedings were reopened for a consolidated oral hearing with No. MC-C-1685, COLLETT TANK LINES v. R. B. "DICK" WILSON, INC.

HEARING: February 27, 1957, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

PETITIONS FOR BROADENING AFTER DECISION

No. MC 115967 (Sub No. 2), Willie T. Hires, Contract Carrier Application.

No. MC 115972 (Sub No. 2), Calument Disposal Company, Inc., Contract Carrier Application.

No. MC 115985 (Sub No. 2), Mitchell Malinowski, Contract Carrier Application.

No. MC 115984 (Sub No. 2), Milton T. Selman, Contract Carrier Application.

Applicants' representative: George S. Mullins, 4707 West Irving Park Road, Chicago, Ill.

By recommended orders which became effective December 28, 1956, the issuance of permits was authorized to the applicants in these proceedings to transport dairy products, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, and of yogurt and fruit juices, in vehicles equipped with mechanical refrigeration:

In No. MC 115967 (Sub No. 2), from the plant site of The Borden Company at or near Hammond, Ind., to points in Illinois, on and north of U. S. Highway 50; and

In Nos. MC 115972 (Sub No. 2), MC 115985 (Sub No. 2), and MC 115984 (Sub No. 2), from the plant site of The Borden Company at or near Hammond, Ind., to Lake Side and Niles, Mich.

In the four applications, the transportation of empty containers used in transporting the commodities specified, on return hauls, was authorized.

By petition, dated December 26, 1956, the four applicants ask that the applications be broadened to change the commodity description to dairy products, yogurt, and fruit juices.

Any person desiring to protest the broadening of the applications may file such protest within 30 days from the date of publication of this notice.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6492 (correction), published in the January 16, 1957, issue of the FEDERAL REGISTER on page 339. In addition to the states mentioned, vendee also operates in Nebraska, Iowa, Wyoming, Colorado, and North Dakota.

No. MC–F 6493. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and certain property of THOMAS M. FOWLER, JR., doing business as QUICK WAY TRUCK LINES, 419 North Virginia Avenue, Roswell, N. Mex., and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights and property through the purchase. Applicant's representative: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over a regular route between Roswell, N. Mex., and Artesia, N. Mex., serving certain intermediate points. Vendee is authorized to operate as a *common carrier* in California, New Mexico, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, Iowa, Nevada, and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6495. Authority sought for purchase by PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N. Y., of a portion of the operating rights of KRAMER TRUCKING & CONTRACTING COMPANY, INC., 524 South 12th Street, Newark, N. J., and for acquisition by FREDERICK J. PROVAN, also of Newburgh, of control of such rights through the purchase. Applicants' representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: *Chemicals and coal tar products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes between New York, N. Y., and points in Essex, Hudson, Union, Passaic, and Somerset Counties, N. J., on the one hand, and, on the other, points in New Jersey, Connecticut, and that part of New York east of U. S. Highway 11 and south of U. S. Highway 20. Vendee is authorized to operate as a *common carrier* in Connecticut, New York, Massachusetts, Pennsylvania, New Jersey and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–529; Filed, Jan. 23, 1957; 8:47 a. m.]

[Ex Parte No. 206]

INCREASED FREIGHT RATES, EASTERN AND WESTERN TERRITORIES, 1956

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 16th day of January, A. D., 1957

It appearing that on October 1, 1956, the Commission, acting on a petition filed September 27, 1956, by substantially all of the eastern and western railroads, and certain southern railroads, instituted an investigation into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States and into the reasonableness and lawfulness thereof;

It further appearing that on January 11, 1957, the railroads parties to the petition of September 27, 1956 (as subsequently amended) filed a further petition requesting permission to amend and supplement the petition of September 27, 1956, substantially as follows:

1. Petitioners request that the Commission authorize and permit an increase of 22 percent in all freight rates and charges over the rates and charges in effect on December 27, 1956, within, from, to, and via Eastern Territory, and within, from, to, and via Western Territory, subject to certain provisions, limitations and exceptions set forth in Appendix III of the petition of January 11, 1957.

2. Petitioners request permission to file certain supplemental and additional verified statements in support of the amended petition on or before February 1, 1957.

And it further appearing that the petitions and the motion enumerated in Appendix B attached have been filed with the Commission, in which modification of the Commission's order of October 1, 1956, (as amended) is requested; and that the petitioning railroads have filed a reply.

Upon consideration of the said petitions and reply and of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That the paragraphs numbered 1 and 3 of the Commission's order of October 1, 1956, be amended to read as follows:

1. That an investigation under the above caption be and it is hereby instituted into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States and into the reasonableness and lawfulness thereof; said investigation to include the proposal of the petitioning Railroads to increase all freight rates and charges by 22 percent with certain exceptions within, from, to, and via Eastern and Western Territories; and including proposed general increases in freight rates and charges which may be subsequently filed in the proceeding.

3. That the special rules of practice and procedure hereinafter set forth will apply:

(a) All evidence except oral cross-examination hereinafter provided for will be submitted in the form of verified statements (affidavits) with exhibits attached; and accompanied by a certificate of service. The parties will be heard in oral argument, and upon brief in lieu of oral argument or in addition to oral argument.

(b) Interventions: Petitions of intervention or separate petitions of other carriers will be received within a reasonable time, but the Commission will not undertake to serve such petitions. Such petitions together with justification in the form of verified statements (affidavits) shall be filed and served upon the parties to Ex Parte No. 206 and such petitions shall contain a certificate that such service has been made. Additional copies of the petition and supporting verified statements shall be furnished to any other interested party upon request therefor.

Persons other than carriers, appearing in support of or opposition to the carriers, may become parties to the proceeding by the filing of verified statements.

(c) Use of Commission's records and other documents. The Commission will take official notice of, and consider as part of the record in this proceeding, the following documents, except that objection to consideration of the particular matter contained in such documents may be made as specified herein:

Annual and quarterly reports of individual railroads, water carriers, and freight forwarders filed with the Commission for the years 1951 to 1956, inclusive; Freight Commodity Statistics, Class I steam railways, for the years 1951 to 1956, inclusive; Annual Report on the Statistics of Railways in the United States for the years 1951 to 1953, inclusive; Annual Report on Transport Statistics in the United States for the years 1954 and 1955; and annual returns of railroads to Valuation Order No. 3.

Quarterly reports. Series No. Q–500, 600, 650, 750, 800, 900, and 950 for the years 1951 to 1956, inclusive;

Monthly reports. Series No. M–100, 125, 150, 200, 211, 213, 215, 220, 230, 240, 250 and 300 for the years 1951 to 1956, inclusive;

Special studies. Analyses of the 1-percent sample of waybills, by the Commission's Bureau of Transport Economics and Statistics, for the years 1951 to 1956, inclusive; Statement No. 4–56, Distribution of the Rail Revenue Contribution by Commodity Groups—1953; and Statement No. 8–56, Distribution of the Rail Revenue Contrib. by Com. Gps—1954.

This will extend to such documents on file or to be filed or issued during the pendency of the proceeding, and is for the benefit of all parties as well as the Commission.

Parties desiring to enter objection to the consideration of such documents or to any particular matter contained therein must orally enter such objection at the opening of the hearing in Washington, D. C., provided for in paragraph (h) hereof. The objection should specify the matter objected to and the reasons therefor.

Official notice may be extended to other such documents on file when specified with particularity at the hearings provided for in paragraph (h) hereof. The record in this proceeding taken at Kansas City, Mo., beginning on November 26, 1956, and at Washington, D. C., beginning on January 7, 1957, shall insofar as material and relevant constitute a part of the record in this proceeding.

(d) Evidence of petitioners and other carriers seeking similar relief must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 24 copies shall be furnished to the Commission and a copy served upon each party to Ex Parte No. 206. One copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. A list of the addresses of Regional Offices and Regional Managers is attached hereto as Appendix A. These verified statements must be filed on or before February 1, 1957. A copy shall be furnished to any interested party upon request addressed to Mr. Edward A. Kaier, 804 Transportation Bldg., Washington, D. C.

(e) Evidence of persons in support of petitioners other than carriers seeking affirmative relief, must be submitted in the form of verified statements (affidavits) with or without exhibits attached, and filed and served as provided in the preceding paragraph. These verified statements must be filed on or before February 5, 1957.

(f) Evidence in opposition to the petitioners or evidence neither in support of nor in opposition to petitioners, must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 24 copies shall be furnished to the Commission and 25 copies shall be furnished to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C., for the railroads. One copy of such verified statements shall be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. These verified statements must be filed by March 16, 1957. A copy shall be furnished to any interested party upon request.

(g) Verified statements in reply must be filed by March 30, 1957, furnishing an original and 24 copies to the Commission. The party whose verified statement is being replied to should be served with a copy of the reply by first-class mail, and a copy of each verified reply statement should be sent to each of the Regional Offices of the Commission where it will be open to public inspection. A copy shall be furnished to any interested party upon request.

(h) Hearings for the purpose of cross-examining witnesses who have filed verified statements will be held at the office of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m., April 8, 1957, before Division 2, and at San Francisco, Calif., beginning at 10:00 o'clock a. m., April 17, 1957, before Division 2.

If cross-examination of a witness is desired by any party, request therefor must be given to the Commission and to the witness or his attorney as promptly as circumstances will permit in time to enable the witness to reach the hearing for which he is requested.

(i) Oral argument before the entire Commission will be held in Washington, D. C., beginning at 10:00 o'clock a. m., May 1, 1957.

(j) Memorandum briefs will be due May 1, 1957, and may be filed in lieu of oral argument or in addition to oral argument. Original and 24 copies shall be furnished to the Commission and 25 copies shall be sent to Mr. Edward A. Kaier, 804 Transportation Building, Washington, D. C., and a copy sent to each of the Commission's Regional Offices where it will be open to public inspection. Upon reasonable request parties shall furnish copies of their brief to other parties.

(k) Rule 21 (c) of the Commission's general rules of practice allowing 5 days' additional time for parties located at or west of the El Paso, Texas-Helena, Montana line will not apply in this proceeding.

It is further ordered, That the railroads' petition for permission to amend their petition of September 27, 1956, be and it is hereby granted.

It is further ordered, That the said petitions and motion, to the extent indicated above be, and they are hereby granted; in all other respects they are denied.

And it is further ordered, That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties, and a copy served upon all parties of record.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A

INTERSTATE COMMERCE COMMISSION REGIONAL OFFICES

Region 1—Territory: Maine, New Hampshire, Vermont, Rhode Island, Massachusetts. Headquarters: Boston 9, Mass., 824 New Post Office Building. In charge: George R. Nuzum, Regional Manager.

Region 2—Territory: New York, New Jersey, Connecticut. Headquarters: New York 13, N. Y., Room 1111, 346 Broadway. In charge: Thomas L. McClelland, Regional Manager.

Region 3—Territory: Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia. Headquarters: Philadelphia 6, Pa., 800 U. S. Custom House Building, Second and Chestnut Streets. In charge: T. G. Reynolds, Regional Manager.

Region 4—Territory: Western Pennsylvania, Ohio, West Virginia. Headquarters: Columbus 15, Ohio, 232 New Post Office Building. In charge: Roy M. Snetzer, Regional Manager.

Region 5—Not active.

Region 6—Territory: Georgia, Florida, Alabama, North Carolina, South Carolina. Headquarters: Atlanta 3, Ga., 743 Peachtree Street, Seventh Building, 50 Seventh Street NE. In charge: William Addams, Regional Manager.

Region 7—Territory: Kentucky, Tennessee, Mississippi. Headquarters: Nashville 3, Tenn., Room 701, U. S. Court House, 801 Broadway. In charge: E. S. Craig, Regional Manager.

Region 8—Territory: Indiana, Illinois, Michigan. Headquarters: Chicago 7, Ill., 852 U. S. Custom House Building, 610 South Canal Street. In charge: Harry P. Raymond, Regional Manager.

Region 9—Territory: Wisconsin, Minnesota, North Dakota, South Dakota. Headquarters: Minneapolis, Minn., 618 Metropolitan Building, Second Avenue South and Third Street. In charge: W. E. Hustleby, Regional Manager.

Region 10—Territory: Iowa, Missouri, Nebraska, Kansas. Headquarters: Kansas City 6, Mo., 500 Federal Office Building, 911 Walnut Street. In charge: H. Joseph Simmons, Regional Manager.

Region 11—Not active.

Region 12—Territory: Texas, Oklahoma, Arkansas, Louisiana. Headquarters: Fort Worth 2, Tex., Room 2100, 300 West Vickery Street. In charge: R. K. Hagarty, Regional Manager.

Region 13—Territory: Wyoming, Colorado, New Mexico, Utah, Montana. Headquarters: Denver, Colo., 251 New Customs Building, 19th and Stout Streets. In charge: Bert L. Penn, Regional Manager.

Region 14—Not active.

Region 15—Territory: Oregon, Washington, Idaho. Headquarters: Portland, Oreg., 538 Pittock Block, 921 S. W. Washington Street. In charge: Frank E. Landsburg, Regional Manager.

Region 16—Territory: Arizona, California, Nevada. Headquarters: San Francisco 2, Calif., Room 944 Flood Building, 870 Market Street. In charge: Pete H. Dawson, Regional Manager.

APPENDIX B

1. Petition filed January 10, 1957, on behalf of The People of the State of California and The Public Utilities Commission of Said State.

2. Motion of the National Coal Association filed January 15, 1957.

3. Petition of W. P. Fuller & Co., filed November 26, 1956.

4. Petition of The American Retail Coal Association filed November 26, 1956.

[F. R. Doc. 57–530; Filed, Jan. 23, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 31–638]

POWER REACTOR DEVELOPMENT CO.

ORDER DECLARING COMPANY NOT TO BE AN ELECTRIC UTILITY COMPANY

JANUARY 17, 1957.

Power Reactor Development Company ("PRDC"), a non-profit corporation

organized under the laws of the State of Michigan, having filed an application requesting an order pursuant to section 2 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") declaring it not to be an electric utility company; and

After appropriate notice, a public hearing having been duly held on said application, and the Commission having this day entered its Findings and Opinion herein, on the basis thereof:

It is ordered, That PRDC be, and hereby is, declared not to be an electric utility company within the meaning of section 2 (a) (3) of the act, subject to the following conditions:

(1) That PRDC file on or before May 1 of each year a statement with this Commission indicating whether or not there have been any changes in its business in the following respects:

(a) That its only connection with the generation, transmission or distribution of electric energy is the ownership or operation of facilities used for the production of steam from special nuclear materials, which steam is used by another in the generation of electric energy,

(b) That is not organized for profit, and

(c) That it is engaged primarily in research and development activities.

(2) That the company attach to such statements as exhibits:

(a) Any changes in its charter, by-laws, and license issued by the Atomic Energy Commission,

(b) Any change in its members or in the relative voting powers of its members, and

(c) A statement of its receipts and disbursements for the preceding calendar year and of its financial status at the end of such year.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-536; Filed, Jan. 23, 1957; 8:48 a. m.]

[File No. 70-3551]

SOUTHERN CO.

NOTICE OF FILING OF DECLARATION REGARDING PARTIAL GUARANTEE OF CERTAIN LOANS

JANUARY 17, 1957.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 thereof as applicable to the proposed transaction.

All interested persons are referred to the declaration, which is on file in the offices of the Commission, for a statement of the transaction which is summarized as follows:

Southern, subject to obtaining the necessary regulatory approval, has undertaken to execute an agreement to guarantee 8 percent of a proposed borrowing of $15,000,000 by Power Reactor Development Company ("PRDC"). The remaining 92 percent of the borrowing is to be guaranteed by 12 other companies.

PRDC is a non-profit company which is presently engaged in constructing a fast breeder atomic reactor at Lagoona Beach, Michigan, in order to determine the soundness and economy of producing, by means of such a reactor, steam to be used in generating electric energy for public utility service. Southern and its public utility subsidiaries, which are interested in the research and developmental activities of PRDC, have a direct representation in this project through Southern Services, Inc., the mutual service company of the Southern system, which is one of the 21 member companies of PRDC.

In order to make provisions for the financing of its project, PRDC has obtained commitments for contributions totaling $23,540,000 from interested companies including the four public utility subsidiaries of Southern. To secure additional funds PRDC has also made arrangements, as indicated above, for the borrowing of $15,000,000 from five New York banks acting as trustees for various pension trusts. The Loan Agreement under which these borrowings are to be effected, conditions the granting of any loans upon their being guaranteed as to principal and interest. Southern and 12 other companies which are members of PRDC have accordingly entered into a separate Guaranty Agreement with the aforementioned banks which agreement provides for the guarantee by these companies, in specified percentages, of any borrowings by PRDC under the Loan Agreement. Southern desires authority to enter into said Guaranty Agreement and to make the guarantees therein provided for.

The Loan Agreement provides, among other things, that notes shall be issued representing the borrowings and that each note shall be dated as of the date of the borrowing, shall mature on July 1, 1970, and shall bear interest at the rate of 4.35 percent per annum until maturity. PRDC will effect the borrowings at quarterly intervals during 1957 and 1958. Repayments of the loans are to be made by semi-annual payments of $1,000,000 each in the years 1964 to 1969, inclusive, and by two payments of $1,500,000 each in 1970.

It is currently expected that PRDC will be able to meet its liabilities for repayment of principal and interest under the Loan Agreement from its operating revenues or from other resources and without recourse against the guarantors. However, should any payment be required of Southern on account of such guarantee, such payment will not constitute a loan or advance by Southern to PRDC but will be accounted for by Southern as an expense.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 1, 1957, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-537; Filed, Jan. 23, 1957; 8:48 a. m.]

[File No. 70-3552]

DELAWARE POWER & LIGHT CO.

NOTICE OF FILING OF DECLARATION REGARDING PARTIAL GUARANTEE OF CERTAIN LOANS

JANUARY 17, 1957.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a public utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 thereof as applicable to the proposed transaction.

All interested persons are referred to the declaration, which is on file in the offices of the Commission, for a statement of the transaction which is summarized as follows:

Delaware, subject to obtaining the necessary regulatory approvals, has undertaken to enter into an agreement to guarantee 1.20 percent of a proposed borrowing of $15,000,000 by Power Reactor Development Company ("PRDC"). Similar commitments have been made by 12 other companies for the guarantee of the remaining 98.8 percent of the borrowings. PRDC is a non-profit company which is presently engaged in constructing a fast breeder atomic reactor at Lagoona Beach, Michigan, in order to determine the soundness and economy of producing, by means of such a reactor, steam to be used in generating electric energy for public utility service. Delaware, which is interested in the research and development activities of PRDC, is one of the 21 member companies of PRDC.

In order to make provisions for the financing of its project, PRDC has obtained commitments for contributions totaling $23,540,000 from interested companies including a commitment from Delaware to contribute $300,000 over a five-year period. To secure additional funds, PRDC has also made arrangements, as indicated above, for the borrowing of $15,000,000 from five New York banks acting as trustees for various pension trusts. The Loan Agreement under which these borrowings are to be effected conditions the granting of any loans upon their being guaranteed as to principal and interest. Delaware, 11 other member companies of PRDC and The Southern Company, a registered holding company, have accordingly entered into a separate Guaranty Agreement with the aforementioned banks which agreement provides for the guarantee by these companies, in specified percentages, of any borrowings made by PRDC under the Loan Agreement. Delaware desires authority to enter into said Guaranty Agreement and to make the guarantees therein provided for.

The Loan Agreement provides, among other things, that notes shall be issued representing the borrowings and that each note shall be dated as of the date of the borrowing, shall mature on July 1, 1970 and shall bear interest at the rate of 4.35 percent per annum until maturity. PRDC will effect the borrowings at quarterly intervals during 1957 and 1958. Repayments of the loans are to be made by semi-annual payments of $1,000,000 each in the years 1964 to 1969, inclusive, and by two payments of $1,500,000 each in 1970.

It is currently expected that PRDC will be able to meet its liabilities for repayment of principal and interest under the Loan Agreement from its operating revenues or from other resources and without recourse against the guarantors. However, should any payment be required of Delaware on account of such guarantee, such payment will not constitute a loan or advance by Delaware to PRDC but will be accounted for by Delaware as an expense.

The declaration states that the guarantee is subject to the approval of the Public Service Commission of Delaware and that an application for approval of the guarantee has been filed with that Commission.

Notice is further given that any interested person may, not later than February 1, 1957, at 5:30 p. m., e. s. t. request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-538; Filed, Jan. 23, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KARL JELLINEK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Karl Jellinek, 11 Thorpe Hall Mansions, Eaton Rise, Ealing, London W. 5, England, Claim No. 45946; $157.30 in the Treasury of the United States.

Fifty percent (50%) of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A-783 (superseded by A-1605) issued to J. W. Edwards, Publisher, Inc., Ann Arbor, Michigan, for publication of a book entitled Lehrbuch der Physikalischen Chemie. 1928-37 (5 Volumes), by Karl Jellinek, as listed in Exhibit A of Vesting Order No. 500A-128 (9 F. R. 14363, December 7, 1944).

Executed at Washington, D. C., on January 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-531; Filed, Jan. 23, 1957; 8:47 a. m.]

EMIL PRISKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emil Prisker, Paris, France, Claim No. 64147, Vesting Order No. 8711; $3,000 Free State of Prussia 6½ percent SFGB External Loan of 1926, Bonds Nos. 15094, 15095 and 15096 at $1,000 each, due September 15, 1951, with coupons due March 15, 1939, and subsequent coupons attached, presently in the custody of the Federal Reserve Bank of New York for safekeeping.

$400 Conversion Office for German Foreign Debts 3 percent DB, Bonds Nos. 68841, 68842, 68843 and 68844 at $100 each, due January 1, 1946, with coupons due January 1, 1940, and subsequent coupons attached, presently in the custody of the Federal Reseve Bank of New York for safekeeping.

Executed at Washington, D. C., on January 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-532; Filed, Jan. 23, 1957; 8:47 a. m.]

GEMMA BARELLI MONETA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Gemma Barelli Moneta, Milan, Italy, Claim No. 37007; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,053,021.

Executed at Washington, D. C., on January 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-533; Filed, Jan. 23, 1957; 8:47 a. m.]

ANNA ROTTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Rotter, Unterjettingen 345, Amselweg Kreis Boblingen, Wurttemberg, Germany, Claim No. 62651, Vesting Order No. 2328; $131.56 in the Treasury of the United States.

Executed at Washington, D. C., on January 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-534; Filed, Jan. 23, 1957; 8:48 a. m.]

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED SWEET CHERRIES[1]

MISCELLANEOUS AMENDMENTS

On June 22, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 4413) regarding proposed amendments to the United States Standards for Grades of Canned Sweet Cherries (7 CFR, § 52.821 to § 52.836).

After consideration of all relevant matters presented, including the proposed amendments set forth in the aforesaid notice, the following amendments to the United States Standards for Grades of Canned Sweet Cherries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.):

The amendments to § 52.833 are as follows:

1. Change paragraph (a) to read:

§ 52.833 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from portions of stems; from pits or portions thereof in pitted style; from slightly damaged, damaged, seriously damaged, slightly misshapen, misshapen, blemished, and seriously blemished cherries; and from any other defects which detract from the appearance or edibility of the product. Processing cracks are not considered as defects but are considered under the factor of character. (§ 52.834).

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

2. Change paragraphs (a) (5) and (6) to read:

(5) "Slightly damaged" means any injury other than blemishes which affects the appearance of the cherry, and includes:

(i) Circular cracks with slight discoloration, such as "rain checks," confined entirely within the stem basin and more than ¼ inch, but not more than ½ inch, in length;

(ii) Cracks with slight discoloration, such as "rain checks" outside the stem basin and more than 3/16 inch, but not more than ⅜ inch in length;

(iii) Mutilated cherries in unpitted style whereby the cherry is seriously torn at the stem and that such torn area exceeds that of a circle ¼ inch in diameter; and mutilated cherries in pitted style whereby the cherry is so pitter-torn or so damaged by other similar means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(6) "Damaged" means any injury other than blemishes which materially affects the appearance of the cherry and includes:

(i) Circular cracks with discoloration, such as "rain checks," confined entirely within the stem basin and more than ½ inch in length;

(ii) Cracks with discoloration, such as "rain checks," outside the stem basin and more than ⅜ inch in length;

3. Insert new paragraph (a) (7) to read:

(7) "Seriously damaged" means damaged to the extent that the appearance or edibility of the cherry is seriously affected.

4. In paragraph (a), renumber subparagraphs as follows: Change (7) to (8), (8) to (9), (9) to (10), and (10) to (11).

5. Change paragraph (b) (4) to read:

(4) A total of 10 percent, by count, of the cherries may be slightly damaged, damaged, seriously damaged, slightly misshapen, misshapen, blemished, seriously blemished, or any combination

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thereof but not more than 5 percent, by count, of the cherries may be damaged, seriously damaged, misshapen, blemished, seriously blemished, or any combination thereof: *Provided*, That not more than 2 percent, by count, of the cherries may be seriously blemished and seriously damaged.

6. Change paragraph (c) (4) to read:

(4) A total of 20 percent, by count, of the cherries may be slightly damaged, damaged, seriously damaged, slightly misshapen, misshapen, blemished, seriously blemished, or any combination thereof but not more than 10 percent, by count, of the cherries may be damaged, seriously damaged, misshapen, blemished, seriously blemished, or any combination thereof: *Provided*, That not more than 4 percent, by count, of the cherries may be seriously blemished and seriously damaged.

7. Change paragraph (d) (4) to read:

(4) A total of 30 percent, by count, of the cherries may be slightly damaged, damaged, seriously damaged, misshapen, blemished, seriously damaged, or any combination thereof but not more than 15 percent, by count, of the cherries may be blemished, seriously blemished, and seriously damaged.

The United States Standards for Grades of Canned Sweet Cherries as herein amended and as contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Sweet Cherries which have been in effect since May 15, 1953 (7 CFR 52.821–52.836).

(Sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 1624)

Dated: January 22, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57–597; Filed, Jan. 24, 1957; 8:51 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 2]

PART 722—COTTON

SUBPART — REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR 1957 CROP OF EXTRA LONG STAPLE COTTON

Basis and purpose. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) by the addition of a new paragraph (h) to § 722.1416 which establishes the allocations to counties from the State reserve for small farms and for inequity and hardship cases, the remaining State reserve which is available for allocation to counties for new farms and for allocation to counties under § 722.1417 (h), and county reserves. Notice of the proposed establishment of county acreage allotments was published in the FEDERAL REGISTER of September 6, 1956 (21 F. R. 6716) pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted have been duly considered. It is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to acreage allotments for the 1957 crop of extra long staple cotton (21 F. R. 8275, 9627) are amended as follows:

1. Section 722.1416 is amended by addition of a new paragraph (h) which establishes the allocations to counties from the State reserve for small farms and for inequity and hardship cases, the remaining State reserve which is available to counties for new farms and for allocations to counties under § 722.1417 (h) and county reserves:

(h) *Allocations to counties from State reserve for small farms, inequity and hardship cases; county reserves; and State reserve available for allocation to counties for new farms, late and reconstituted farms, and correction of errors.*

ARIZONA

County	Allocations from State reserve for— Small farms	Inequity and hardship cases	County reserve
	Acres	*Acres*	*Acres*
Cochise	0	0	0
Graham	0	0	1,424.6
Maricopa	0	0	2,321.1
Pima	0	0	435.6
Pinal	0	0	125.3
Santa Cruz	0	0	2.7
Yuma	0	0	56.1
State total	0	0	4,365.4
State reserve for new farms, late and reconstituted farms and correction of errors		0	

CALIFORNIA

Imperial	6	0	16.1
Riverside	25	0	72.0
State total	31		88.1
State reserve for new farms, late and reconstituted farms and correction of errors		0	

FLORIDA

County	Allocations from State reserve for— Small farms	Inequity and hardship cases	County reserve
	Acres	*Acres*	*Acres*
Alachua	26.7		11.9
Bradford	1.3		0
Columbia	0		2.8
Hamilton	0		0.6
Jefferson	1.3		0.1
Lake	6.7		40.5
Madison	0		9.6
Marion	8.0		40.0
Orange	0		7.0
Putnam	0		3.7
Seminole	0		13.3
Sumter	2.7		12.0
Suwannee	1.3		0.5
Union	24.0		9.6
Volusia	0		3.0
State total	72.0		154.6
State reserve for new farms, late and reconstituted farms and correction of errors		32	

GEORGIA

Berrien			7.1
Cook			4.6
Lanier		4.5	0
State total		4.5	11.7
State reserve for new farms, late and reconstituted farms and correction of errors		2.5	

NEW MEXICO

Dona Ana	88	170	449.2
Eddy	0	22	22.2
Luna	0	6	3.6
Otero	0	5	0
Sierra	0	15	8.1
State total	88	218	483.1
State reserve for new farms, late and reconstituted farms and correction of errors		44	

TEXAS

Brewster	0	3	13.0
Culberson	0	172	10.0
El Paso	0	10	711.3
Hudspeth	0	12	348.1
Jeff Davis	0	15	0.4
Loving	0	6	0
Pecos	0	54	22.1
Presidio	0	15	9.0
Reeves	0	1,457	465.2
Ward	0	125	16.8
State total	0	1,869	1,596.0
State reserve for new farms, late and reconstituted farms and correction of errors		6	

PUERTO RICO

North	204.3	0.4	233.2
South	41.1	0.1	48.9
Total	245.4	0.5	282.1
State reserve for new farms, late and reconstituted farms and correction of errors		68.1	

AUTHORITY: Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 343–347, 361–368, 373, 374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1343–1347, 1361–1368, 1373, 1374, 1388.

Done at Washington, D. C., this 18th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–524; Filed, Jan. 24, 1957; 8:45 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases and Other Operations

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

ADVANCE SCHEDULE

Set forth below is schedule of advance rates, by grades, for the 1956 crop of sorted type 51 tobacco under the tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 6, 1956 (21 F. R. 3863).

§ 464.827 *1956 Crop—Connecticut Valley Broadleaf Tobacco, Type 51, Advance Schedule.*[1]

SORTED

(Dollars per hundred pounds, farm sales weight)

Grade	Advance rate	Grade	Advance rate
B1F 38	100	B1P 37	92
B1F 37	100	B2P 38	88
B2F 38	100	B2P 37	86
B2F 37	100	B3P 38	70
B2F 36	90	B3P 37	70
B2F 35	75	B3P 36	35
B3F 38	95	B3P 35	25
B3F 37	95	B4P 38	63
B3F 36	90	B4P 37	63
B3F 35	70	B4P 36	34
B3F 34	50	B4P 35	24
B4F 38	90	B5P 38	54
B4F 37	90	B5P 37	54
B4F 36	84	B5P 36	33
B4F 35	66	B5P 35	23
B4F 34	42	B6P 37	32
B5F 38	75	B6P 36	30
B5F 37	75	B6P 35	22
B5F 36	68	B6P 34	22
B5F 35	54	B7P 37	30
B5F 34	38	B7P 36	25
B6F 37	66	B7P 35	22
B6F 36	62	B7P 34	22
B6F 35	48	B5Z	45
B6F 34	35	B6Z	35
B7F 37	60	B7Z	25
B7F 36	45	R3F	35
B7F 35	35	R3P	26
B7F 34	25	Y1	20
B1P 38	95	Y2	19

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 18th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-600; Filed, Jan. 24, 1957; 8:51 a. m.]

[1] The Cooperative Association through which price support is made available is authorized to deduct from the amount paid to growers not to exceed $1.50 per hundred pounds to apply against receiving and overhead costs to the Association of the loan operation. Only the original producer is eligible to receive advances. A producer may obtain advances on sorted Broadleaf only if all eligible grades of tobacco produced in the sorting process are included in the consignment. No advance is authorized for tobacco graded W (unsafe keeping order), U (unsound), or N (nondescript). Tobacco graded Y1 DAM or Y2 DAM will be accepted at an advance rate of two cents per pound below the regular grade advance rate.

PART 464—TOBACCO

SUBPART—1956 TOBACCO LOAN PROGRAM

ADVANCE SCHEDULE

Set forth below is the schedule of advance rates, by grades, for the 1956 crop of type 46 tobacco under the 1956 tobacco loan program formulated by Commodity Credit Corporation and Commodity Stabilization Service, published June 6, 1956 (21 F. R. 3863).

§ 464.841 *1956 Crop—Puerto Rican Tobacco, Type 46, Advance Schedule.*[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Advance rate
C1F, C1P, C1M, C2F, C2P, C3F, C3P	Price Block I: 44
C3M, C3T, C3S, X1F, X1P, X2F, X2P	Price Block II: 35
X2PT, X3F, X3P, X3S	Price Block III: 23
X4, Y1	Price Block IV: 19
	Price Block V: 16
	Price Block VI: 11

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 18th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-601; Filed, Jan. 24, 1957; 8:52 a. m.]

[1] The cooperative associations through which price support is made available to growers are authorized to deduct $1.00 per hundred pounds from the advances to growers to apply against overhead and handling costs. Tobacco is eligible for advances only if consigned by the original producer. No advance is authorized for tobacco found to be in unsafe keeping order, unsound, or damaged.

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, are hereby amended as follows:

1. Paragraph (a) (2) of § 485.211 is amended by adding the following sentence at the end thereof: "If the county allocation of funds is exhausted at the time the producers on a farm wish to file an agreement, the operator's name and the acreage which the operator desires to place in the acreage reserve shall be entered on a register in the county office; if the county thereafter receives an additional allocation of funds sufficient to cover such an agreement the producers will be given an opportunity to file an agreement."

2. (a) The references in paragraph (b) (1) and (2) of § 485.212 to "subparagraphs (3) and (5)" are amended to read "subparagraphs (3), (4) and (5)".

(b) Paragraph (b) (4) of § 485.212 is amended by inserting the following sentence at the beginning thereof: "Producers who wish to file an agreement at a time when the county allocation of funds was exhausted (see § 485.211 (a) (2)) shall have until 10 days after the date of written notification to the operator that funds are available to file an agreement."

3. Paragraph (b) (1) (i) of § 485.212 is corrected to read as follows:

(i) If a farm is one on which wheat is normally planted in the fall and on which no wheat was planted in the spring of 1954, 1955, or 1956, and the producers wish to participate in the 1957 acreage reserve program for wheat, the agreement (Form CSS-800-1) must be filed with the county committee not later than October 5, 1956.

4. Paragraph (b) (4) of § 485.213 is amended by inserting a colon in place of the period at the end thereof and adding the following: "*Provided*, That, in the case of tobacco, acreage physically harvested and disposed of other than by marketing shall be included in determining the acreage for tobacco under the acreage reserve program."

5. (a) Paragraph (a) (3) of § 485.214 is amended by deleting the first sentence and inserting in lieu thereof the following:

(3) In the case of agreements entered into on either Form CSS-800-1 or Form CSS-800, except where the county committee makes such an inspection prior to the signing of the agreement by one of its members, the county committee shall have the right at any time after the agreement is so signed to inspect the farm for the purpose of determining (i) suitability of the land, (ii) per cent of productivity of the tract(s) of land designated as the acreage reserve, and (iii) the accuracy of the designation and identification of the acreage reserve.

(b) Paragraph (a) (3) of § 485.214 is also amended by deleting in the second sentence the words "applicable to agreements entered into on such Form CSS-800 (crops other than Winter Wheat)".

6. The second sentences of paragraphs (b) and (c) of § 485.214 are amended to read as follows: "Such restriction shall not apply to a crop which matured and normally would be harvested in 1956, unless harvesting of the crop in 1956 would have been in violation of a 1956 acreage reserve agreement."

7. The first sentence of § 485.227 (a) is amended by inserting after the word "reapportionment" the words "or reconstitution".

8. Section 485.229 is amended to read as follows:

§ 485.229 *Reconstitution of farms.* An agreement shall be deemed terminated if after the execution thereof the farm allotment for the commodity covered thereby is revised as a result of reconstitution due to a division of the farm by sale, lease, or other means, or as a result of the combination of two or more farms, or parts of farms, as a single farm. In case of such termination, the producers involved shall have until 10 days after the date of the revised allotment notice to file a new agreement or agreements, subject to all of the provisions of these regulations. The maximum compensation payable under any such new agreement or agreements filed after the final date for filing such an agreement specified in § 485.212 (b) may not total more than the maximum compensation payable under the original agreement or agreements. The county committee may allocate the maximum compensation payable under the original agreement among the farms as reconstituted on the basis of the respective shares of the farm allotment received by each reconstituted farm or on such other basis as may be agreed upon by the producers involved.

9. Paragraph (a) (2) of § 485.217 is amended by adding the following sentence at the end thereof: "With respect to tobacco, the maximum rate of compensation per acre in all cases shall be: flue-cured, $293; burley, $340; Maryland, $169; dark air-cured, $201; Virginia sun-cured, $160; fire-cured, $198; cigar binder type 51, $366; cigar binder type 52, $346; cigar binder type 54, $154; cigar binder type 55, $211; Ohio cigar filler types 42-44, $173."

(Sec. 124, 70 Stat. 188)

Issued at Washington, D. C. this 18th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-570; Filed, Jan. 24, 1957; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6252]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TRAVELERS HEALTH ASSN.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions:* Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Travelers Health Association, Omaha, Nebr., Docket 6252, December 20, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an insurance company doing business in various States by mail from its home office in Omaha, Nebraska, with misrepresenting in pamphlets and form letters the terms and conditions of its health insurance policies, including length of the effective period, amount of indemnification against disability or loss caused by sickness, and medical examination or proof of health required at issuance of the policy.

Following hearings in due course, the hearing examiner made his initial decision including findings and order to cease and desist as to certain issues of the complaint, and dismissed others. Cross-appeals were filed by counsel for both parties, upon consideration of which the Commission denied that of respondent, granted the appeal of counsel supporting the complaint, vacated the initial decision and, in lieu thereof, on December 20 issued its own findings as to the facts, conclusions, and order to cease and desist.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Travelers Health Association, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any health insurance policy or policies, do forthwith cease and desist from representing, directly or by implication:

1. That any such policy may be continued in effect by the insured upon payment of stipulated premiums, indefinitely or for any stated time, unless full disclosure of any other provision or condition of termination contained in the policy is made conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

2. That any policy provides for indemnification against disability or loss due to sickness or disease, unless a statement of all the conditions, exceptions, restrictions and limitations affecting the indemnification actually provided is set forth conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

3. That no medical examination is required unless the respondent actually insures the policyholder without regard to his physical condition before or after issuance of the policy; or otherwise representing that the condition of the insured's health at the time of issuance of the policy will not be considered by the respondent in determining its liability thereunder, or that the respondent will not, as a claims practice, require proof of the health of the insured at the time of issuance of the policy.

It is further ordered, That respondent Travelers Health Association shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied therewith.

Issued: December 20, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-574; Filed, Jan. 24, 1957; 8:48 a. m.]

[Docket 6603]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ANGLO FABRICS CO., INC., ET AL.

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Wool Products Labeling Act.[1] Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Federal Trade Commission Act; Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods—Goods:* § 13.1590 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Anglo Fabrics Company, Inc. (New York, N. Y.), et al., Docket 6603, January 1, 1957]

In the Matter of Anglo Fabrics Company, Inc., a Corporation, Leo Honig and John H. Honig, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate manufacturer and its officers, with mill at Webster, Mass., and offices in New York City, with violating the Wool Products Labeling Act through mislabeling fabrics containing little or no Guanaco as "54 percent Guanaco, 6 percent Rabbit Hair, 40 percent Wool", through failing to stamp or label certain other wool products as required, and through furnishing false guarantees that certain wool products were not misbranded; and with violating the Federal Trade Commission Act by aforesaid practices and by misrepresenting the fiber content of wool products in sales invoices, shipping memoranda, correspondence and orally, and by furnishing labels bearing such misrepresentations to customers to be attached to garments manufactured from certain of their products.

Following entry of an agreement for a consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which by order of December 31, 1956, became on January 1, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent, Anglo Fabrics Company, Inc., a corporation; its officers; the respondents, Leo Honig and John H. Honig, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or

[1] New.

distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act) of piece goods or other "wool products" (as "wool products" are defined in the Wool Products Labeling Act), do forthwith cease and desist from:

A. Misbranding such products by:

1. Attaching or using stamps, tags, labels, or other means of identification which represent that such products contain a certain percentage of hair or fiber which is contrary to fact;

2. Otherwise falsely or deceptively stamping, tagging, labeling, or identifying such products as to the character or amount of their constituent fibers;

3. Failing to affix securely on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner;

(a) The percentage of the total fiber weight of such wool product (exclusive of ornamentation not exceeding five percentum of the total fiber weight) of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment of such wool product in commerce (as "commerce" is defined in the Wool Products Labeling Act of 1939).

B. Furnishing false guaranties that piece goods, or other wool products (as "wool products" are defined in the Wool Products Labeling Act) are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products so guaranteed may be introduced, sold, transported, or distributed in commerce.

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

Provided further, That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

It is further ordered, That the respondent, Anglo Fabrics Company, Inc., a corporation; its officers; the respondents Leo Honig and John H. Honig, individually and as officers of said corporation; and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of piece goods, or other wool products, do forthwith cease and desist from:

A. Misrepresenting by statements or representations, orally or in writing in contracts, orders, confirmations, correspondence, or other documents or by any other means the character or amount of the constituent fibers contained in such products.

B. Furnishing to or placing in the hands of others stamps, tags, or labels by means of which the respondents' products, or garments made from them, may be falsely or deceptively stamped, tagged, labeled, or otherwise identified, either as to the character or amount of their constituent fibers or in any other respect.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-575; Filed, Jan. 24, 1957; 8:48 a. m.]

[Docket 6611]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

APPROVED PHOTOGRAPHERS ASSN.

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation;* § 13.1760 *Terms and conditions.* [*Misrepresenting oneself and goods*]—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods;* § 13.1985 *Individual's special selection or situation.* Subpart—*Using misleading name*—Vendor: § 13.2365 *Concealed subsidiary or "alter ego";* Fictitious collection agency;[1] § 13.2395 *Individual or private business as association or guild;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Kenneth R. Ogle et al. trading as Approved Photographers Association, Cincinnati, Ohio, Docket 6611, December 27, 1956]

In the Matter of Kenneth R. Ogle and Bruno G. Jaeger, Individuals Trading as Approved Photographers Association

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Cincinnati, Ohio, firm, engaged in the sale of photograph albums and certificates for photographs to be taken at independent affiliated studios, with representing falsely through statements of sales agents that persons solicited were specially selected, that the albums were free, that prices at which the photographs were offered were promotional and reduced, and that photographers would take the pictures at the homes of customers; with using the fictitious name "Second National Credit Bureau" in collection of delinquent accounts; and with representing by their trade name that their private business was an association of photographers.

Following an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on December 27 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Kenneth R. Ogle and Bruno G. Jaeger, individually and doing business as Approved Photographers Association, or doing business under any other name or names jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photograph albums or certificates for photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication:

(a) That they sell only to selected persons;

(b) That their albums are given free or without cost;

(c) That their albums are worth or of a certain value, which is in excess of the prices at which they are regularly and customarily sold in the normal course of business;

(d) That the prices at which they regularly or customarily sell their products are reduced or promotional prices; and

(e) That photographs will be taken in purchasers' homes without additional charge.

2. Collecting or attempting to collect their delinquent accounts by what is represented, directly or by implication, to be an independent collection agency when such agency is in fact operated by respondents.

3. Using the name "Approved Photographers Association", or any other name of similar import, to designate, describe, or refer to respondents' business, or otherwise representing that their business is an association of photographers.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: December 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-573; Filed, Jan. 24, 1957; 8:47 a. m.]

[1] New.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Supp. 25]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 57-3, appearing at page 135 of the issue for Saturday, January 5, 1957, the following changes should be made in § 3.721-2:

1. In paragraph (i) (1), "¼ wave length" should read "½ wave length", and in paragraph (i) (2), "½ wave length" should read "¼ wave length".

2. In paragraph (j) (1) the formula should read as follows: $\frac{11,218}{4\times f(mc)}$.

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6217]

Subchapter A—Income Tax

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Correction

The following changes should be made in Federal Register Document 56-10203, published at page 10207, December 20, 1956:

1. At the end of § 1.665 (c)-1 (b) and § 1.666 (c)-1 (a), the word "section" should read "paragraph".

2. In paragraph (2) of the example under § 1.668 (a)-4 (b), the word "determine" should read "determined".

3. In the example under § 1.668 (b)-2; the third column headnote in the table in paragraph (h) (1) (ii) should read "Rents"; in paragraph (h) (2) (iii) the word "attributed" should read "distributed"; and in paragraph (j) (2) (ii) the reference "§ 1668 (a)-4 (a)-1" should read "§ 1.668 (a)-4 (a) (1)".

4. The last two sentences of paragraph (c) of § 1.673 (a)-1 should read as follows: "If the reversionary interest in any portion is to take effect on or after the death of the grantor (or any person other than the person to whom the income is payable) or upon the expiration of a specific term of years, whichever is earlier, the grantor is treated as the owner of the portion if on the date of transfer of the portion either the life expectancy of the grantor (or other person) or the specific term is less than 10 years; however, if both the life expectancy and the specific term are 10 years or longer the grantor is not treated as the owner of the portion under section 673. Similarly, if the grantor has a reversionary interest in any portion which will take effect at the death of the income beneficiary or the grantor, whichever is earlier, the grantor is not treated as an owner of the portion unless his life expectancy is less than 10 years."

5. In example (2) under § 1.683-2 (c), the word "trusts' " in the fifth line of paragraph (ii) should read "trust's".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 15—MATTER MAILABLE UNDER SPECIAL RULES

PART 61—MONEY ORDERS

MISCELLANEOUS AMENDMENTS

In § 15.5 *Concealable firearms*, make the following changes:

1. Amend paragraph (b) (4) to read as follows:

(4) For the purchasing agent or other designated member of enforcement agencies, a certificate signed by the head of such agency, that the firearms are to be used by officers and employees included in paragraph (a) (3) and (4) of this section.

A qualified manufacturer or bona fide dealer need not file an affidavit but must file with the postmaster a statement signed by the sender that he is a manufacturer of firearms or that he is a bona fide dealer therein and that the parcels are customary trade shipments or contain other articles for repair or replacement of parts and that to the best of his knowledge or belief the addressees are manufacturers of firearms or bona fide dealers therein. If satisfied that the sender is as stated by him the postmaster shall accept the parcel for mailing. No affidavit or certificate need be filed by the sender when the parcel is addressed to the Federal Bureau of Investigation, Washington, D. C., or the Director thereof; or to the scientific laboratory or crime detection bureau of any enforcement agency covered by paragraph (f) of this section.

2. Amend paragraph (f) to read as follows:

(f) *Federal Bureau of Investigation; crime detection bureaus.* Firearms addressed to the Federal Bureau of Investigation, or its Director or to the scientific laboratory or crime detection bureau of any agency whose members are officers of a State, territory, or district authorized to serve warrants of arrest or commitment, may be accepted for mailing without regard to the provisions of paragraphs (b) and (d) of this section.

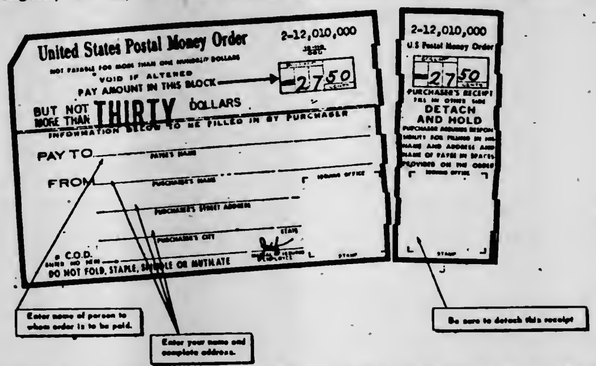
(R. S. 161, 396, as amended; sec. 1, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

In § 61.1 *How to buy a domestic money order*, make the following changes:

1. Amend the caption of paragraph (c) and subparagraph (1) to read as follows:

(c) *How to buy*—(1) *Issuance and completion of order.* Ask the clerk to issue you a money order for the desired amount. After he has handed it to you be sure to fill in your name and address as purchaser and the name of the person to whom it is to be paid. Do this promptly to protect your rights in the event the order is lost.

2. Delete the illustrations depicting a money order and application therefor, and insert in lieu thereof the following:



In § 61.2 *How to buy an international money order*, make the following changes:

1. In paragraph (b) (1) change Form 6701 to POD Form 6701.

2. Amend paragraph (b) (4) to read as follows:

(4) You must use POD Form 6083, Supplemental International Money Order Advice, written in the foreign language, when you send money orders payable in Greece, Lebanon, Syria, Yugoslavia, and Japan.

3. In paragraph (d), amend the listing of countries by inserting, in proper order, the following:

Vatican City.

In § 61.3 *How to cash a money order*, amend paragraph (e) (3) to read as follows:

(3) *On death of payee.* A money order belonging to a deceased owner may be paid to the executor or administrator of the estate appointed by the court. A certified copy of the appointment as executor or administrator must be filed with the local postmaster. Payments will be made in accordance with the laws of the State of which the deceased was a resident.

(R. S. 161, 396, as amended, 4027; sec. 12, 65 Stat. 676; 5 U. S. C. 22, 369, 39 U. S. C. 246f, 711)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-445; Filed, Jan. 24, 1957; 8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11860; FCC 57-61]

[Rules Amdt. 3-52]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, table of assignments, rules governing television broadcast stations (Johnstown and Altoona, Pennsylvania).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on November 2, 1956 (FCC 56-1063) and published in the FEDERAL REGISTER on November 7, 1956 (21 F. R. 8542) proposing to shift Channel 19 from Altoona to Johnstown, Pennsylvania in response to a petition filed by Rivoli Realty Company.

2. No comments in opposition to the proposal have been filed. Rivoli Realty Company filed comments in support of the proposal.

3. The Commission believes that the public interest, convenience and necessity would be served by shifting Channel 19 from Altoona to Johnstown and that the proposed amendment will provide a more effective utilization of frequencies. The Commission has recognized that difficulties are presented in the operation of higher UHF channels at this time in light of temporary equipment problems. It has therefore, in a number of cases, shifted lower UHF channels to communities which propose to make immediate use of the frequency where the lower channel could be obtained from a community which did not appear ready to proceed with the use of the lower UHF channel.

4. Petitioner renews its request that it be directed in this proceeding to show cause why its authorization for Station WARD-TV should not be modified to specify operation on Channel 19 instead of Channel 56. In our Notice of Proposed Rule Making issued in this matter we stated that since it was not proposed to disturb the allocation of Channel 56 in Johnstown, there was no necessity for modifying the outstanding authorization of Rivoli in order to accomplish the proposed change in allocation. We do not believe that it would be appropriate to modify the authorization of Rivoli Realty Company in this proceeding. Under the rules as recently amended (§ 3.607 (a)) Rivoli will have the opportunity of immediately filing an application for the new frequency in Johnstown. Accordingly, Rivoli's request for a show cause order is denied.

5. Authority for the adoption of the amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. In view of the foregoing, *It is ordered*, That, effective February 21, 1957, the Table of assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

City:	Channel No.
Altoona, Pa.	10—, 25—
Johnstown, Pa.	6, 19+, 56—

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: January 17, 1957.

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-580; Filed, Jan. 24, 1957; 3:49 a. m.]

[Docket No. 11374; FCC 57-68]

[Rules Amdts. 7-17 and 8-22]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In the matter of amendment of Parts 7 and 8 of the Commission's rules and to delete the frequencies 6240 kc and 6455 kc and to make the frequency 4372.4 kc available on a full-time basis for ship and coast stations using radiotelephony on the Mississippi River and connecting inland waterways (except the Great Lakes).

The Commission having under consideration its Report and Order in the above-entitled proceeding, adopted July 6, 1956, and the petitions in objection thereto filed by American Waterways Operators, Inc., Warner and Tamble Radio Service, Inc., The Central Committee on Radio Facilities of the American Petroleum Institute, G. W. Gladders Towing Co., Inc., Union Barge Line Corporation, Ashland Oil and Refining Co., American Barge Line Company and Southland Towing Company, The Ohio River Company, Ohio Barge Line, Inc., and Radio Marine Corporation of America, which petitions include requests for a public hearing, a rehearing and/or reconsideration of the action ordered, and which petitions also request a stay of the order in the interim;

It appearing that additional information with respect to the interference which may be caused to other services by the continued use of the 6 Mc frequencies for ship-shore public telephony on the Mississippi River system, and with respect to the justification for permitting such use of these frequencies in derogation of the Table of Allocations in the Radio Regulations adopted at Atlantic City in 1947 (63 Stat. 1401 at 1621-1713), would aid the Commission in reaching a decision as to whether the public interest would be best served by a grant or a denial of the above-mentioned petitions; and

It further appearing that these petitions raise questions which warrant a further consideration by the Commission;

It is ordered, That these petitions are designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

(a) Whether the continued use of 6240 kc and 6455 kc for ship-shore public telephony on the Mississippi River system is capable of causing, or does in fact cause, harmful interference and if so, to what extent, to stations of other services of the United States or other countries, operating in accordance with said Atlantic City Table of Allocations. Evidence adduced in response to this issue shall include, but not be limited to, data based upon (1) computed delivered median field strength vs. distance data for coast radiotelephony stations of the Rivers system for authorized hours of operation (for all seasons and sunspot conditions), (2) the range of usable field strengths from ship radiotelegraph stations, normally encountered under actual operating conditions at coast radiotelegraph stations, and (3) the minimum acceptable desired-to-undesired signal ratios for telegraphy-vs.-telephony; and

(b) What facts, if any, indicate that the Commission would be warranted in issuing an order to permit use of frequencies in derogation of said Atlantic City Table of Allocations; and

(c) What facts, if any, indicate that such continued use of these frequencies is distinctively justified, in comparison with other services or systems which have been required to operate on frequencies which are in accordance with the said Table of Frequency Allocations; and

(d) Whether the utility of a maritime mobile band would be seriously impaired by the continued use of these frequencies by these petitioners; and

(e) Whether the utility of a maritime mobile band would be seriously impaired by the continued use of these frequencies by an accumulation of this and other multiple low power out of band operations, both domestic and international; and

(f) Whether in the light of the evidence adduced pursuant to the foregoing issues it would best serve the public interest, convenience and necessity to authorize the continued use of the presently assigned 6 megacycle frequencies for ship-shore public telephony on the Mississippi River system in derogation of the said Atlantic City Table of Allocations.

It is further ordered, That parties desiring to participate in the hearing should file a statement with the Commission on or before February 15, 1957, setting forth a list of their witnesses who will testify at the hearing together with the subjects with respect to which testimony will be adduced and evidence offered; and

It is further ordered, That that part of the final order of July 6, 1956, in the above-entitled docket which went into effect on August 14, 1956, shall remain in force; and

It is further ordered, That that part of the final order of July 6, 1956, which would have become effective on February 1, 1957, shall be stayed pending the final determination by the Commission on the petitions listed above, further action on which petitions is hereby deferred.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-581; Filed, Jan. 24, 1957; 8:49 a. m.]

[Docket No. 11822; FCC 57-44]

[Rules Amdt. 11-7]

PART 11—INDUSTRIAL RADIO SERVICES

AVAILABILITY OF CERTAIN FREQUENCIES

Correction

The following changes should be made in Federal Register Document 57-362, published at page 351 in the issue for Thursday, January 17, 1957:

1. Subparagraph (2) of § 11.302 (e) should read as follows:

(2) The following frequencies may be assigned to Base and Mobile Stations at many locations within the continental limits of the United States and, in some cases, in territories and possessions, in accordance with the provisions of subparagraph (1) of this paragraph:

Frequencies	*Frequencies*
1614 kc	1700 kc
1628 kc	2292 kc
1652 kc	2398 kc
1676 kc	4637.5 kc

2. In paragraph (d) (1) of § 11.352 the third frequency band, now reading "2194-2595 kc", should read "2194-2495 kc".

[Rules Amdt. 15-7; FCC 57-67]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

RADIATION INTERFERENCE LIMITS AND CERTIFICATION REQUIREMENTS APPLICABLE TO UHF TELEVISION BROADCAST RECEIVERS; EFFECTIVE DATE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration a request from the Radio-Electronics-Television Manufacturers Association to extend the time within which UHF television broadcast receivers must comply with the radiation interference limits and certification requirements of Part 15 of the rules governing incidental and restricted radiation devices; and

It appearing that § 15.68 (b) provides that the radiation interference limits above 260 Mc and the certification requirements with respect thereto shall be met by all new models of UHF television broadcast receiver chassis placed in production after December 31, 1956, and by all UHF television broadcast receivers manufactured after June 30, 1957; and

It further appearing that a series of tests conducted by the Institute of Radio Engineers and the Radio-Electronics-Television Manufacturers Association on sample receivers under various conditions and in various locations disclosed a lack of correlation in test sites as high as 14 db using present measurement techniques; and

It further appearing that these large variations do not allow the determination of compliance with the Commission's radiation interference limits with sufficient accuracy; and

It further appearing that a developmental program is currently being conducted for the purpose of providing a suitable solution to the measurement problem and six months' additional time is needed for its completion; and

It further appearing that the granting of such additional time would be in the public interest; and

It further appearing that in view of the time element involved, compliance with the notice provisions of section 4 of the Administrative Procedures Act would be impracticable, and that because the amendment relieves a restriction, it may be effective immediately;

It is ordered, That pursuant to the authority of section 4 (i), 301 and 303 (f) of the Communications Act, § 15.68 (b) of the Commission's rules is amended as set forth below effective December 31, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

The provisions of § 15.68 (b) of the Commission's rules are amended to revise the effective date of the rules with respect to the radiation interference limits and certification requirements applicable to UHF television broadcast receivers.

As amended § 15.68 (b) reads as follows:

(b) The radiation interference limits above 260 Mc and the certification requirements with respect thereto shall be met by all new models of UHF television broadcast receiver chassis placed in production after June 30, 1957, and by all UHF television broadcast receivers manufactured after December 31, 1957.

[F. R. Doc. 57-582; Filed, Jan. 24, 1957; 8:49 a. m.]

[Docket No. 11869; FCC 57-69]

[Rules Amdt. 16-11]

PART 16—LAND TRANSPORTATION RADIO SERVICES

FREQUENCIES AVAILABLE AND LIMITATION OF INSTALLATION AND USE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration amendment of its Motor Carrier Radio Service Rules (Subpart F of Part 16) to permit a carrier which provides property transportation service between urban areas, and thus qualifies in the Motor Carrier Radio Service for assignment of the frequencies in the 43-45 Mc range, to use its radio system for communication not only with those of its vehicles actually employed in transporting property between urban areas but also for communications with those of its vehicles which are engaged in the local pickup and delivery of property which has been shipped or is destined for shipment between urban areas; and

It appearing that the Commission on November 8, 1956, adopted a Notice of Proposed Rule Making in this matter which was published in the FEDERAL REGISTER on November 16, 1956 (21 F. R. 8951), in accordance with section 4 (a) of the Administrative Procedure Act; and

It further appearing that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has expired; and

It further appearing that comments in support of the Commission's proposal have been filed by the Atlantic Transfer Company, Motorola, Inc., and the American Trucking Associations, and that no objection or adverse comments with respect to the above-mentioned proposal have been received; and

It further appearing that the public interest and necessity will be served by the amendment herein ordered, that authority therefor is contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, and that these amendments will relieve an existing restriction and may, therefore, under the provisions of section 4 (c) of the Administrative Procedure Act be made effective immediately;

It is ordered, That effective January 22, 1957, §§ 16.252 (d) and 16.255 of Part 16 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

AMENDMENTS TO PART 16, SUBPART F, MOTOR CARRIER RADIO SERVICE

1. Amend § 16.252 (d) to read as follows:

(d) The following frequencies are available to the Motor Carrier Radio Service for assignment to Base and Mobile stations of common or contract carriers of property operating between urban areas: *Provided*, That each application for assignment of the following frequencies shall be accompanied by a statement signed by the applicant in which it is agreed (1) that any authorization for the use of such frequencies will be accepted with the express understanding of the applicant that such frequencies are shared with other licensees and may be subject to interference, both local and long range, and

(2) that no more than the minimum power or antenna height required for the satisfactory technical operation of the system will be employed, commensurate with the area to be served and the local conditions affecting radio transmission and reception:

Mc.	*Mc.*	*Mc.*
[1] 43.96	44.14	44.30
[1] 44.02	44.18	44.34
[1] 44.06	44.22	44.38
44.10	44.26	44.42

[1] The frequencies 43.98, 44.02 and 44.06 are available on a shared basis with stations of common or contract carriers of passengers.

2. Amend § 16.255 to read as follows:

§ 16.255 *Limitations on installation and use.* Mobile units authorized in this service may be installed only in vehicles used for the carriage of passengers or property for compensation; or in vehicles used to supervise, tow, repair or maintain such vehicles or, in the case of a streetcar system, vehicles used in connection with the maintenance of associated trackage, right-of-way or electric power facilities.

[F. R. Doc. 57-583; Filed, Jan. 24, 1957; 8:49 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 1—GENERAL RULES OF PRACTICE

WITNESS EXAMINATION; ORDER OF PROCEDURE

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 8th day of January A. D. 1957.

There being under consideration § 1.74 of the Commission's General Rules of Practice, and good cause appearing therefor:

It is ordered, That § 1.74 be amended to read as follows:

§ 1.74 *Witness examination; order of procedure.* Witnesses will be orally examined under oath before the officer unless their testimony is taken by deposition or the facts are presented to the Commission in the manner provided under modified or shortened procedure. In formal-complaint, application, and investigation proceedings complainant, applicant, and respondent, respectively, shall open and close at the hearing, except at further hearings granted on petition the petitioner requesting further hearing shall open and close. Intervenors shall follow the party in whose behalf the intervention is made. The foregoing order of presentation may be varied by the officer, who also shall designate the order of presentation in any other type of proceeding, of any other party to any proceeding, or of parties to several proceedings being heard upon a consolidated record.

It is further ordered, That this order shall become effective on March 1, 1957.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-577; Filed, Jan. 24, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707) and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat., as amended, 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the growers who, during the period November 1, 1955, through October 31, 1956 (which period is hereby determined to be a representative period for the purposes of such referendum), were engaged, in the State of Arizona and that part of the State of California, south of the 37th Parallel, in the production of Navel oranges for market to determine whether such growers favor continuation of the said amended marketing agreement and order. Warren C. Noland and Edward H. Bixby of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to perform, jointly, or severally, the following functions in connection with the referendum:

(a) Conduct said referendum in the manner herein prescribed:

(1) By giving opportunity for each of the aforesaid growers to cast his ballot, in the manner herein authorized, relative to the aforesaid continuance of the amended marketing agreement and order, on a copy of the appropriate ballot form. A cooperative association of such growers, bona fide engaged in marketing Navel oranges grown in the aforesaid production area or in rendering services for or advancing the interests of the growers of such Navel oranges, may vote for the growers who are members of, stockholders in, or under contract with, such cooperative association (such vote to be cast on a copy of the appropriate ballot form), and the vote of such cooperative association shall be considered as the vote of such growers.

(2) By determining the time of commencement and termination of the period of the referendum and by giving public notice, as prescribed in (a) (3) hereof, (i) of the time during which the referendum will be conducted, (ii) that any ballot may be cast by mail, and (iii) that all ballots so cast must be addressed to Warren C. Noland, Field Representative, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California, and the time prior to which such ballots must be postmarked.

(3) By giving public notice (i) by utilizing available agencies of public information (without advertising expense), including both press and radio facilities in the State of Arizona and designated part of California; (ii) by mailing a notice thereof (including a copy of the appropriate ballot form) to each such cooperative association and to each grower whose name and address are known; and (iii) by such other means as said referendum agents or either of them may deem advisable.

(b) Upon receipt by Warren C. Noland of all ballots cast in accordance with the provisions hereof, he shall canvass the ballots and prepare and submit to the Secretary a detailed report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results; and shall forward such report, together with the ballots and other information and data, to the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

(c) Each referendum agent shall not refuse to accept a ballot submitted or cast; but should they, or either of them, deem that a ballot should be challenged for any reason, or if such ballot is challenged by any other person, said agent shall endorse above his signature, on the back of said ballot, a statement that such ballot was challenged, by whom challenged, and the reasons therefor; and the number of such challenged ballots shall be stated when they are forwarded as provided herein.

(d) All ballots shall be treated as confidential.

The Director of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by the said referendum agents in conducting said referendum.

Copies of the text of the aforesaid amended marketing agreement and order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Washington, D. C., and at the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, 1031 South Broadway, Room 1005, Los Angeles 15, California.

Ballots to be cast in the referendum may be obtained from either referendum agent hereunder.

Dated: January 22, 1957.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 57-599; Filed, Jan. 24, 1957; 8:51 a. m.]

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO INCREASE IN EXPENSES FOR EARLY AND LATE VARIETIES OF PLUMS FOR 1956-57 SEASON

Consideration is being given to the following proposals submited by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find that the provisions pertaining to Early varieties of plums and Late varieties of plums in paragraph (a) (2) and (3) of § 936.210 *Expenses and rates of assessment for the 1956-57 season* (21 F. R. 4073) be amended to read as follows:

(2) Early varieties of plums, $20,000.00.

(3) Late varieties of plums, $21,000.00.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 18, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-598; Filed, Jan. 24, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11752; FCC 57-62]

NEW ORLEANS, LA.—MOBILE, ALA.

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (New Orleans, Louisiana—Mobile, Alabama).

1. On June 26, 1956, the Commission issued a Notice of Proposed Rule Making in the above-entitled matter inviting comments from interested parties on a proposal to delete Channel 4 from New Orleans, Louisiana, and assign this channel to Mobile, Alabama. The date for filing comments was specified as September 10, 1956, and for replies 15 days thereafter. The date for filing reply comments was subsequently extended to December 28, 1956.

2. In a reply comment filed on December 28, 1956, WKRG-TV, Inc., Laurel Television Company, and KTAG Associates jointly advanced a counter-proposal designed to add a third VHF commercial channel to New Orleans and additional VHF channels to other communities as follows:

City:	*Add channel*
New Orleans, La.	12—
Beaumont-Port Arthur, Tex.	12—
Lake Charles, La.	3
Houma, La.	11

The proponents point out that transmitter sites would have to be selected so as to meet the minimum assignment and station separation requirements of the Rules, and urge that such sites are available. This Further Notice is being adopted in order to provide parties with time in which to file comments with respect to this counterproposal.

3. The Commission also has before it for consideration two other petitions relating to assignments in this area. One petition, filed by KTAG Associates on August 7, 1956, requests the assignment of Channel 3 to Lake Charles in lieu of Channel 25 as follows:

City	Channel No.	
	Present	Proposed
Lake Charles, La.	7—, *19, 25, 60+	3, 7—, *19, 60+

KTAG also requests the Commission to order it to Show Cause why its outstanding authorization for KTAG-TV should not be modified to specify operation on Channel 3 in lieu of Channel 25.

4. In another petition filed September 2, 1956, Evangeline Broadcasting Company requests the assignment of Channel 3 to Lafayette, La., and Channel 12 to Lake Charles, La., as follows:

City	Channel No.	
	Present	Proposed
Lafayette, La.	10, 38—, 67—	3, 10, 38—, 67—
Lake Charles, La.	7—, *19, 25, 60+	7, 12—, *19, 25, 60+

The proponents in Lake Charles and Lafayette submit that transmitter sites would have to be selected which would meet the requirements of the Rules and that such sites are available.

5. The Commission is of the view that interested parties should be invited to file comments on these proposals before any action is taken in the subject proceeding.

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 8, 1957, a written statement setting forth his comments. Comments supporting any of the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 10 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 17, 1957.

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57-584; Filed, Jan. 24, 1957; 8:49 a. m.]

[47 CFR Part 9]

[Docket No. 11914; FCC 57-70]

AVIATION SERVICES

FREQUENCIES AVAILABLE

In the matter of amendment of § 9.611, Part 9, Rules Governing Aviation Services, to provide for 100 kc and 50 kc channel spacing in the VHF flight test band.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. In response to a request received by the Commission from the Aeronautical

Flight Test Radio Coordinating Council, it is proposed to amend § 9.611 of Part 9, rules governing aviation services, to provide for 100 kc and 50 kc channel spacing in the VHF flight test band.

3. The three VHF frequencies presently used by licensees of flight test facilities (123.1, 123.3, 123.5 megacycles) have been available for assignment under Part 9 of the Commission's rules since 1946. Since that time, flight test operations conducted by manufacturers of aircraft have been greatly expanded to meet requirements for the testing of both civil and military aircraft. This proposal is designed to alleviate the heavy loading of flight test channels, now being experienced in some parts of the country, by making additional channels available through the reduction of channel spacing in the VHF flight test band.

4. At such time as final action is taken on the proposal outlined herein for amendment of rules Part 9, appropriate companion amendments will be included for the Table of Frequency Allocations, § 2.104 (a) (5) of Part 2, Frequency Allocations and Radio Treaty Matters; general rules and regulations.

5. The proposed amendment is issued under authority contained in sections 303 (c), and 303 (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before February 28, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 17, 1957.

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9, Rules Governing Aviation Services, as follows: Delete paragraph (a) of § 9.611, and substitute the following:

§ 9.611 *Frequencies available.* (a) The frequencies 3281 kilocycles, 123.1, 123.2, 123.3, 123.4, and 123.5 megacycles are available for assignment to ground and aircraft flight test stations. (The frequencies 123.1, 123.3, and 123.5 megacycles are shared with flying school stations on a non-interference basis.) The frequencies 123.15, 123.25, 123.35, and 123.45 megacycles are available for assignment only to aircraft manufacturers: *Provided, however,* That until January 1, 1960, these frequencies will be assigned only upon an adequate showing that harmful interference will not be caused to flight test and flying school stations operating on the other very high frequencies listed in this section.

[F. R. Doc. 57-585; Filed, Jan. 24, 1957; 8:49 a. m.]

[47 CFR Parts 31, 33, 34, and 35]

[Docket No. 11913; FCC 57-63]

INCOME TAX DIFFERENTIALS ARISING OUT OF THE USE OF ACCELERATED DEPRECIATION FOR INCOME TAX PURPOSES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. This Notice of Proposed Rule Making is issued pursuant to a petition dated September 25, 1956, filed by General Telephone Corporation, 260 Madison Avenue, New York, New York, which requests the Commission to amend §§ 31.305 and 31.174 of Part 31 of the Commission's rules, Uniform System of Accounts, Class A and Class B Telephone Companies, to read as follows:

In § 31.174, paragraph (a), after the words, "Accidents and Damages"; insert the words, "deferrals of Federal and State Income Taxes resulting from election to use accelerated depreciation in the computation of tax liability"; § 31.174, paragraph (a) as amended will read as follows:

§ 31.174 Other deferred credits. (a) This account shall include the amount of all deferred credits not includible in accounts 168 to 173, inclusive, such as credit balances in clearing accounts; estimated uninsured casualty liabilities charged to account 669, "Accidents and Damages"; deferrals of Federal and State Income Taxes resulting from election to use accelerated depreciation in the computation of tax liability; amounts awaiting adjustments between accounts; amounts accrued for depreciation of miscellaneous physical property; and revenue, expense and income items in suspense. (Note also § 31.01–6.)

In § 31.305 *Operating taxes,* add paragraph (b) below and renumber existing paragraph (b) to (c):

(b) When election is made under the provisions of the Internal Revenue Code to use accelerated depreciation (See Note G) in the computation of the Federal and State Income Tax liability, the net charge to this account should be the amount which would result from the use of straight line depreciation for tax purposes. The portion of the charge representing deferrals of Federal and State Income Tax, resulting from the use of accelerated depreciation shall be credited to Account 174, Other Deferred Credits. This account shall be credited and Account 174, Other Deferred Credits shall be debited with amounts representing current Federal and State Income Taxes deferred in prior years, resulting from the use of accelerated depreciation for tax purposes.

NOTE G: Accelerated depreciation as used in the computation of Federal and State Income Taxes shall be the employment of one of the methods authorized for use by the Internal Revenue Code, which has the effect of reducing the amount of income taxes payable during the early years of the service life of any depreciable property to which it is applied and to increase the amount of such taxes payable thereafter during the remaining service life of the property with respect to which accelerated depreciation is taken.

3. The Commission's uniform systems of accounts (Part 31—Uniform System of Accounts, Class A and Class B Telephone Companies; Part 33—Uniform System of Accounts for Class C Telephone Companies; Part 34—Uniform System of Accounts for Radiotelegraph Carriers; and Part 35—Uniform System of Accounts for Wiretelegraph and Ocean-cable Carriers), as presently worded, permit charges to the tax expense accounts for the taxes actually payable and, with minor exceptions, arising out of operations during the current accounting period. Petitioner's request, if granted, would mark a departure from this fundamental theory underlying the present systems of accounts.

4. Petitioner states in support of its requests, in pertinent part, that the use of accelerated depreciation for Federal income tax purposes, as permitted by section 167 of the Internal Revenue Code of 1954, results

> • • • in deferrals of a portion of Federal Income Taxes during approximately the first half of the service life of property to which it is applied, and payments of additional Federal Income Taxes during the remaining life of such property. However, assuming no change in tax rates, the total tax liability over the life of the property is at least as great under these methods as under the straight life method heretofore employed by petitioner, but a smaller amount of taxes would be paid during the early part of the life of such property, and a larger amount during the latter part. Consequently, the end result is not to reduce taxes permanently, or to create additional income, but simply to shift a part of the tax burden to a subsequent period.

5. It is the understanding of the Commission that accelerated depreciation results in depreciation expense in the early years of the life of particular units or generations of depreciable property which is substantially higher than depreciation expense resulting from straight line depreciation during the same period. Thus, the effect of the use of accelerated depreciation for income tax purposes, instead of straight line depreciation (which is required to be used in the accounts) is an immediate reduction in income taxes payable. Confining our consideration to a particular unit or generation of property, accelerated depreciation results in depreciation expense in the later years of the life of such depreciable property which is lower than straight line depreciation during the same period. Accordingly, with respect to any given unit or generation of property, income taxes payable are reduced early in the life of such property by the use of accelerated depreciation (as compared with straight line depreciation) and increased later in its life by exactly the same amount, assuming that the taxpayer always has taxable income and that the tax rates remain unchanged. On the other hand, if we broaden our view to consider a carrier's over-all plant experience in which additions to plant are constantly occurring, either to replace retired plant or to add more plant, the above-described reduction in tax liability resulting from the use, for income tax purposes, of accelerated depreciation, as compared with straight line depreciation, on new plant may never be offset by the increase in tax liability in the later life of older plant that has been depreciated similarly for tax purposes. Thus, the use of accelerated depreciation for tax purposes may result in an indefinite tax reduction, especially in the case of the usual communications carrier whose plant is growing, or even in the case of a utility whose plant is static. (See illustrative tables in Report of the Committee on Depreciation and appendices thereto, Proceedings, National Association of Railroad and Utilities Commissioners, 67th Annual Convention, 1955, Asheville, North Carolina, pp. 429–521.)

6. Comments of communications carriers and other interested parties are especially solicited concerning the appropriateness of petitioner's basic accounting proposals in the light of the above-described factual situations. Comments and briefs regarding the purposes of the Congress in enacting the accelerated depreciation provisions of the Internal Revenue Code of 1954 also are solicited, particularly with respect to the question of whether the Congress intended that any reduction in a communication carrier's tax liability under accelerated depreciation used for income tax purposes, as compared with such liability under straight line depreciation required to be used in the accounts, should be a source of additional funds for the carrier and, if so, what changes, if any, should this Commission make in its accounting rules in furtherance of such intent. Any other comments, germane to the subject, which could be helpful in determining what changes, if any, would be appropriate and in the public interest, are invited.

7. The Commission takes no position at this time regarding the merits of petitioners' requests. It has reviewed the changes suggested by petitioner, however, and is presenting for comment alternative changes in the Rules which might better accomplish the objective of the petitioner, if it is determined that the type of accounting requested by petitioner should be adopted. These alternative changes contemplate the establishment of a new expense account and a new reserve account instead of supplementing the language of accounts 305 and 174, and would make such accounting mandatory if accelerated depreciation is used for income tax purposes. The alternative changes follow:

(A) Insert a new account numbered 306 to read as follows:

§ 31.306 *Income tax differentials from accelerated depreciation.* (a) This account shall be charged with the net amount by which current liability for income taxes is reduced (or credited with the net amount by which such liability is increased) by the application to telephone plant, for tax purposes but not for accounting purposes, of accelerated depreciation of the types provided for in section 167 of the Internal Revenue Code of 1954. The contra entries shall be to account 176, "Accelerated depreciation income tax differentials reserve." There shall be no credits made to this account which would create a debit balance in account 176.

(b) If the tax collection authority disallows any amount with respect to accelerated depreciation of telephone plant claimed as a deduction from taxable income an appropriate pro rata credit shall be made to this account, or to account 402, "Miscellaneous credits to earned surplus," if the amount disallowed is large enough to make the provisions of § 31.01–5 applicable, with concurrent charge to account 176, "Accelerated depreciation income tax differentials reserve."

(B) Insert a new account numbered 176 to read as follows:

§ 31.176 *Accelerated depreciation income tax differentials reserve.* (a) This account shall be credited or charged with any amounts concurrently charged or credited to account 306, "Income tax differentials from accelerated depreciation." This account shall also be charged with any amounts concurrently credited to account 402, "Miscellaneous credits to earned surplus," because of accelerated depreciation disallowed by the tax collection authority.

(b) Charges to this account for purposes other than those stated in account 306 may not be made unless prior permission of this Commission has been obtained.

8. It will be noted from the preceding paragraphs that this Notice of Proposed Rule Making contains specific language proposals as to accounting revisions for accelerated depreciation only for Part 31 of the Commission's rules. It is contemplated, however, that if as a result of this rule making proceeding amendments are adopted to Part 31 the same amendments in principle may also be incorporated in Parts 33, 34 and 35 of the rules which are the uniform systems of accounts for Class C telephone companies, radio-telegraph carriers, and wire-telegraph and oceancable carriers, respectively. Comments are invited with respect to the necessity or desirability of such uniformity of treatment in the field of income tax differentials arising out of the use of accelerated depreciation methods for income tax purposes.

9. In the event that the Commission should conclude that no changes in its accounting systems should be effected, comments are solicited regarding the desirability of amending the Commission's monthly and annual report forms prescribed for common carriers so as to require annotations stating whether accelerated depreciation is being used for income tax purposes and, if so, the amounts of tax differentials involved. Of course, if the accounting systems are amended, corresponding changes in the monthly and annual report forms will be in order.

10. This Notice of Proposed Rule Making is issued under authority of sections 4 (i) and 220 of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form proposed herein, may file with the Commission on or before March 15, 1957 a statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 20 days of the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for filing such additional comments is established. The Commission will consider all such comments that are presented before taking action in the matter and, if any comments are submitted which appear to warrant the holding of oral argument, notice of the time and place of such oral argument will be given.

12. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and fourteen copies of all statements or briefs filed shall be furnished to the Commission.

Adopted: January 17, 1957.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–586; Filed, Jan. 24, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Area 4]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE DEPARTMENT OF AIR FORCE

Notice of the proposed withdrawal and reservation of lands for the Department of Air Force in the Iliamna, Alaska area, was published in the FEDERAL REGISTER, September 13, 1956, Volume 21, No. 178, Page 6940. The area embraced by this application, which is identified by the serial number Anchorage 032838, has been amended to read as follows:

PARCEL 1

Commencing at USC&GS Station "Big Mountain," Latitude 59°23'27.316" N., Longitude 155°13'29.204" W. (North American 1927 datum); thence East 160 feet to the point of beginning for this description; thence South 200 feet; thence West 1,100 feet; thence North 450 feet; thence West 530 feet; thence North 100 feet; thence East 630

feet; thence South 50 feet; thence East 1,000 feet; thence South 300 feet to the point of beginning for this description, containing 13.97 acres, more or less.

PARCEL 2

Commencing at USC&GS Station "Big Mountain" situated at Latitude 59°23'27.316" N. and Longitude 155°13'29.204" W. (1927 N. Amer. datum); thence due West approximately 1,700 feet; thence due South approximately 9,650 feet to point of beginning at air strip site; thence S. 4°45' W., 1,750 feet; thence N. 85°15' W., 8,000 feet; thence N. 4°45' E., 1,750 feet; thence S. 85°15' E., 8,000 feet to point of beginning, being 321.4 acres, more or less.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-553; Filed, Jan. 24, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorgae 033372, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but excluding the mineral leasing laws and disposal of materials under the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

U. S. Survey 3519,
Lots 4A and 21A.

Containing approximately 20.6 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-554; Filed, Jan. 24, 1957; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 16, 1957.

The Territorial Department of Lands has filed an application, Serial No. Anchorage 033093, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excluding the mineral leasing laws and the provisions of the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

THUMB COVE

Beginning at a point at mean high water on the north shore of Thumb Cove, Resurrection Bay, on the east side of Kenai Peninsula, Alaska, approximate Latitude 60°4'45" North, Longitude 149°18'30" West; thence due north 12.00 chains; thence due east 42.00 chains; thence due south 42.00 chains; thence S. 45° W. 64 chains; thence N. 45° W. 8.00 chains to a point at mean high tide on the south shore of Thumb Cove whence Thumb Cove Light bears approximately N. 70° W.; thence by meander along the mean high tide line of Thumb Cove in northeasterly, northerly and westerly direction to the point of beginning.

Containing an area of approximately 140 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-555; Filed, Jan. 24, 1957; 8:45 a. m.]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

JANUARY 16, 1957.

Pursuant to Determination DA-113-Utah, of the Federal Power Commission and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

The lands hereinafter described have been open to location and entry under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; U. S. C. 621), and to applications and offers under the mineral-leasing laws, and, so far as they are reserved for power purposes, are hereby restored to disposition under the public land laws, subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

SALT LAKE BASE MERIDIAN, UTAH

T. 25 S., R. 21 E.,
Sec. 26, Lot 10.

The area described totals 11.09 acres of public lands.

The land is located about two miles northwest of Moab, Utah, and lies adjacent to the right bank of the Colorado River.

The lands are primarily valuable for grazing.

No application for these lands will be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The land described shall be subject to application by the State of Utah for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on February 21, 1957. At that time the said land shall become subject to application, petition, location and selection under the applicable public land law, subject to valid existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944, (58 Stat. 747; 43 U. S. C. 279-284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of February 21, 1957, shall be treated as though simultaneously filed at that time. All other applications under the public land laws filed on or before 10:00 a. m. of May 23, 1957, shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-556; Filed, Jan. 24, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 17, 1957.

The Fish and Wildlife Service, U. S. Department of the Interior, has filed an application, Serial No. Los Angeles 0140244, for the withdrawal of the lands described below, from all forms of appropriation except the mineral leasing laws; provided further, that the grazing and timber resources will continue to be managed by the Bureau of Land Management pursuant to applicable laws.

The applicant desires the land for the purpose of establishing a unit to be operated and administered as a wildlife refuge, public shooting grounds, or game management area, and to be known as the Otay Mountain Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, California Fruit Building, Room 801, 4th and J Streets, Sacramento 14, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 18 S., R. 1 E.,
Sec. 1, Lots 3, 4, S½NW¼, SW¼, SW¼ SE¼;
Sec. 2, S½;
Sec. 3, SE¼NW¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 9, SE¼NE¼, E½SE¼;
Sec. 10, N½NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 11, N½, NE¼SW¼, S½SW¼, SE¼;
Secs. 12-15, inclusive;
Sec. 17, S½;
Sec. 18, SE¼;
Sec. 20, NE¼, N½NW¼, SE¼NW¼;
Sec. 21, S½NE¼, NW¼, N½SW¼, SE¼ SW¼, SE¼;
Secs. 22-27, inclusive;
Sec. 28, S½NE¼, S½NW¼, N½SW¼, SE¼;
Sec. 29, NW¼;
Sec. 33, N½NE¼;
Sec. 34;
Sec. 35, Lot 1, NE¼, N½NW¼, SW¼NW¼.
T. 18 S., R. 2 E.,
Sec. 17, NE¼NE¼, S½NE¼, S½NW¼, S½;
Sec. 18, Lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 19, Lots 1, 2, 3, 4, W½NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 20, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 21, N½, SW¼, NW¼SE¼;
Sec. 27, N½NW¼;
Sec. 28, N½NE¼, N½NW¼, SW¼NW¼, W½SW¼;
Sec. 29, NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 30, Lots 1, 2, 3, 4, W½NE¼, E½NW¼, E½SW¼, W½SE¼;
Sec. 31;
Sec. 32, Lot 1, N½NW¼.

The area described totals 15,436.85 acres of public land in San Diego County, California.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-557; Filed, Jan. 24, 1957; 8:45 a. m.]

[Document 145]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Indian Affairs has filed an application, Serial No. AR-012770, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for a construction site for use by the Navajo Tribe or industrial operators who contract with the tribe for participation in the tribal industrial program.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 7 E.,
Sec. 23: SW¼NE¼, SE¼NW¼.

The area described totals 80 acres in the Coconino National Forest.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57-558; Filed, Jan. 24, 1957; 8:45 a. m.]

[Serial No. Idaho 07538]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 16, 1957.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g). The following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 5 E.,
Sec. 15, SW¼.

These lands total 160 acres.

The described lands are located about two and one-half miles northwesterly of Idaho City on the old stage road to Centerville, which traverses section 15. The lands are rough and hilly in character, beset with numerous minor ridges and intervening draws.

These lands are located within the exterior boundaries of the Boise National Forest, in accordance with the act of May 17, 1934 (48 Stat. 779).

The above-described lands shall be opened subject to valid existing right and the requirements of applicable law, to such application, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on February 21, 1957.

Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relative to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice, can be found in Title 43 in the Code of Federal Regulations.

These lands are not subject to the provisions of the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284), as amended, granting a preference right of application to veterans of World War II and others.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-559; Filed, Jan. 24, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSOURI

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Missouri, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MISSOURI

Andrew.	Jasper.
Barry.	Laclede.
Barton.	Lawrence.
Buchanan.	McDonald.
Camden.	Miller.
Cedar.	Newton.
Christian.	Ozark.
Dade.	Platte.
Dallas.	Polk.
Douglas.	St. Clair.
Greene.	Stone.
Harrison.	Taney.
Hickory.	Webster.
Holt.	Wright.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 18th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-571; Filed, Jan. 24, 1957; 8:47 a. m.]

NORTH CAROLINA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of North Carolina,

a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

North Carolina: Beaufort, Hyde, Pamlico, Tyrrell, Washington.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 18th day of January, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-572; Filed, Jan. 24, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. S-71]

UNITED STATES LINES CO.

NOTICE OF HEARING AND PREHEARING CONFERENCE

A public hearing will be held under section 605 (c) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1175) upon an application of United States Lines Company for increase in the number of subsidized sailings under its Operating-Differential Subsidy Agreement from a maximum of 24 subsidized sailings per year to a maximum of 36 subsidized sailings per year, in the Line D—American Pioneer Line—Far East Service—Trade Route No. 12.

The purpose of the hearing is to receive evidence relevant to the following: (1) whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry.

The hearing will be conducted before an Examiner at a time and place to be announced in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued; a prehearing conference herein will be held on February 1, 1957, at 2:00 p. m., in Room 4519, New General Accounting Office Building, Washington, D. C., in accordance with said rules.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) desiring to intervene in this proceeding should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure, and appear at the prehearing conference.

By order of the Federal Maritime Board.

Dated: January 23, 1957.

[SEAL] JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-620; Filed, Jan. 24, 1957; 9:04 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6429]

PAN AMERICAN WORLD AIRWAYS, INC.

TRANS-PACIFIC OPERATIONS; MAIL RATES; NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on January 31, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., January 22, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-602; Filed, Jan. 24, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11786 etc.; FCC 57M-53]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re application of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

The Hearing Examiner having under consideration a "motion for continuance" filed by counsel for The Westport Broadcasting Company on January 16, 1957;

It appearing that counsel for the other two applicants and the Broadcast Bureau have no objection to the relief requested in the motion;

It is ordered, This 18th day of January 1957, that the motion is granted, and that:

1. The date for the exchange of data among the engineers (Tr. 17) is extended from January 14, 1957, to February 5, 1957.

2. The date for the informal engineering conference (Tr. 17) is continued from January 31 to February 20, 1957.

3. The date for the exchange of affirmative written cases is extended from February 7 to March 1, 1957.

4. The date for the further conference is continued from February 19 to March 13, 1957.

5. The date for the beginning of the evidentiary hearing is continued from March 13 to April 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-587; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket No. 11866]

ALLOCATION OF FREQUENCIES IN BANDS ABOVE 890 MC

DATE FOR SUBMISSION OF WRITTEN COMMENTS

From inquiries directed to the Commission, there appears to be some confusion concerning the date by which written comments in the above-entitled proceeding are to be submitted. The February 4, 1957, date was designed for those persons who are not going to present evidence in person. Those people who have filed appearances and who are going to assist the Commission at the hearing with oral testimony need not, at this time, file any further documentation. Such persons, however, may be required to submit more complete written statements by a date to be announced after a series of conferences with the prospective witnesses have been held.

Dated: January 18, 1957.

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-588; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket No. 11874; FCC 57M-50]

CHARLES HENRY CONEY

ORDER CONTINUING HEARING

In the matter of Charles Henry Coney, Coney Dock, Beach Haven, New Jersey, and 722 52d Street, Palm Beach, Florida; Docket No. 11874; suspension of restricted radiotelephone operator permit.

It is ordered, This 17th day of January 1957, that hearing in the above-entitled proceeding, which is scheduled to commence January 18, 1957, is continued without date.

Released: January 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-589; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket No. 11904; FCC 57-52]

WNAB, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WNAB, Incorporated (WNAB), Bridgeport, Connecticut, Docket No. 11904, File No. BP-10659; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration the above-captioned application of WNAB, Incorporated, for a construction permit to change the facilities of Station WNAB, Bridgeport, Connecticut, (1450 kc, 250 w, U) by moving the transmitter-antenna location approximately three and one-half miles and increasing the overall tower height to 344 feet with a resultant estimated antenna efficiency of 119 mv/m;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation would cause interference to Station WKIP, Poughkeepsie, New York (1450 kc, 250 w, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 30, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant filed a timely reply to the Commission's letter submitting an engineering report containing field intensity measurements which indicate that the interference from its proposed operation to Station WKIP is less than originally estimated; and

It further appearing that by letter of November 5, 1956, a copy of which was sent to the applicant, Station WKIP was apprised of the fact that the proposed operation of Station WNAB would cause less interference to it than originally estimated; and

It further appearing that Station WKIP by letter dated December 3, 1956, again opposed a grant of the subject application; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WNAB as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Station WKIP, Poughkeepsie, New York, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That Dutchess County Broadcasting Corporation, licensee of Station WKIP, Poughkeepsie, New York, is made a party to the proceeding.

It is further ordered, That, to avail itself of the opportunity to be heard, WNAB, Incorporated and the Dutchess County Broadcasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-590; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket Nos. 11905, 11906; FCC 57-53]

CICERO P. YOW AND EAST COAST RADIO CO. (WKLM)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Cicero P. Yow, Wilmington, North Carolina, Docket No. 11905, File No. BP-10507; Harold H. Thoms, Meredith S. Thoms and Matilann S. Thoms d/b as East Coast Radio Co. (WKLM), Wilmington, North Carolina, Docket No. 11906, File No. BMP-7252; for construction permit and for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration the above-captioned applications of Cicero P. Yow for a construction permit for a new standard broadcast station to operate on 980 kilocycles with a power of one kilowatt, daytime only, at Wilmington, North Carolina; and Harold H. Thoms, Meredith S. Thoms and Matilann S. Thoms d/b as East Coast Radio Co. to change the facilities of Station WKLM, Wilmington, North Carolina, from operation on 790 kilocycles with a power of 500 watts, daytime only, to operation on 980 kilocycles with a power of 5 kilowatts, daytime only; and

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below to operate their proposed stations, but that the operation of both proposals would result in mutually destructive interference; that the proposed operation of the East Coast Radio Co. would cause interference to Station WDVH, Gainesville, Florida (980 kc, 5 kw, Day); and that it has not yet been determined whether the antenna proposed by Cicero P. Yow would constitute a hazard to air navigation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 2, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that Station WDVH advised by letter of November 21, 1956, that it would appear and participate at a hearing on the application of the East Coast Radio Co.; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of Cicero P. Yow, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKLM as proposed, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by Station WKLM would cause interference to Station WDVH, Gainesville, Florida, or any other standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the antenna proposed by Cicero P. Yow would constitute a hazard to air navigation.

5. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

6. To determine, in the light of the evidence adduced pursuant to the fore-

going issues, which, if either, of the applications should be granted.

It is further ordered, That WDVH, Incorporated, licensee of Station WDVH, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Cicero P. Yow, the East Coast Radio Co. and WDVH, Incorporated, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-591; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket Nos. 11907, 11908; FCC 57-54]

CLARK COUNTY BROADCASTING CO., AND NORTHSIDE BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Horace E. Tabb, Holly Skidmore, Stokley Bowling, C. A. Diecks, J. W. Hodges and W. Dee Huddleston d/b as Clark County Broadcasting Company, Jeffersonville, Indiana, Docket No. 11907, File No. BP-10588; Thomas E. Jones and Keith L. Reising d/b as Northside Boardcasting Company, Jeffersonville, Indiana, Docket No. 11908, File No. BP-10824; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration the above-captioned applications of Horace E. Tabb, Holly Skidmore, Stokley Bowling, C. A. Diecks, J. W. Hodges and W. Dee Huddleston d/b as Clark County Broadcasting Company and Thomas E. Jones and Keith L. Reising d/b as Northside Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1450 kilocycles, with a power of 250 watts, unlimited time, at Jeffersonville, Indiana;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference and that both proposed operations would cause objectionable interference to Stations WTCO, Campbellsville, Kentucky (1450 kc, 250 w. U), WMOH, Hamilton, Ohio (1450 kc, 250 w, U) and WOCH, North Vernon, Indiana (1460 kc, 500 w, Day); and

It further appearing That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 8, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operations would cause objectionable interference to Stations WTCO, Campbellsville, Kentucky, WMOH, Hamilton, Ohio, and WOCH, North Vernon, Indiana, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That the Taylor County Broadcasting Company, Incorporated, The Fort Hamilton Broadcasting Company and Dorrell Ochs, licensees of Stations WTCO, WMOH and WOCH, respectively, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the Clark County Broadcasting Company, the Northside Broadcasting Company, the Taylor County Broadcasting Company, the Fort Hamilton Broadcasting Company and Dorrell Ochs, pursuant to section 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, in the event of favorable action on the application of the Northside Broadcasting Company, the construction permit shall contain the following condition:

Program tests will not be authorized until the permittee has submitted proof to show that Keith L. Reising has severed all connections with Station WLRP, New Albany, Indiana, in accordance with the representations contained in the Northside Broadcasting Company's application.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-592; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket Nos. 11909, 11910; FCC 57-55]

BASTROP BROADCASTING CO. AND RICHLAND BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George H. Goodwin and Willis G. Newcomer, a partnership d/b as Bastrop Broadcasting Company, Bastrop, Louisiana, Docket No. 11909, File No. BP-10611; Charles L. Planchard & H. E. Ratcliff d/b as Richland Broadcasting Company, Rayville, Louisiana, Docket No. 11910, File No. BP-10860; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration the above-captioned applications of George H. Goodwin and Willis G. Newcomer, a partnership d/b as Bastrop Broadcasting Company, and Charles H. Planchard & H. E. Ratcliff d/b as Richland Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 990 kilocycles with a power of 250 watts, daytime only, at Bastrop and Rayville, Louisiana, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 30, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the Bastrop Broadcasting Company and the Richland Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-593; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket No. 11911; FCC 57-56]

SHEPHERD OF THE HILLS BROADCASTING CO. (KBHM)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert F. Neathery & L. C. McKenney d/b as Shepherd of the Hills Broadcasting Company (KBHM), Branson, Missouri, Docket No. 11911, File No. BMP-7231; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration the above-captioned application of Robert F. Neathery & L. C. McKenney d/b as Shepherd of the Hills Broadcasting Company, BMP-7231, for a construction permit to increase the power of Station KBHM, Branson, Missouri, from 250 watts to one kilowatt, and to operate on 1220 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KBHM as proposed, but that the proposed operation would cause interference to Station KOFO, Ottawa, Kansas (1220kc, 250w, Day); and

It further appearing that, pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated October 23, 1956, of the aforementioned interference and that the Commission was unable to determine that a grant of the application would be in the public interest; and

It further appearing that Station KOFO expressed an intention of participating at a hearing on the application by letter dated November 20, 1956; and

It further appearing that applicant's engineering counsel, by letter of November 20, 1956, contended that the conductivity between Stations KBHM and KOFO is lower than indicated on Figure M-3 of the Commission's Technical Standards but that measurements as required by the Commission's Standards have not been submitted to prove the absence of interference to Station KOFO; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KBHM as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KBHM would cause interference to Station KOFO, Ottawa, Kansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would serve the public interest.

It is further ordered, That Roderick B. Cupp and Edwina Cupp, a partnership d/b as Ottawa Broadcasting Company, licensee of Station KOFO, are made parties to the proceeding.

It is further ordered, That in the event of a grant of the instant application, the construction permit shall contain the following condition:

Program tests will not be authorized until Station KHOZ has begun program tests on a frequency other than 1240 kilocycles, and a license will not be issued until Station KHOZ has been licensed on a frequency other than 1240 kilocycles.

It is further ordered, That to avail themselves of the opportunity to be heard, the Shepherd of the Hills Broadcasting Company and the Ottawa Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-594; Filed, Jan. 24, 1957; 8:50 a. m.]

[Docket No. 11912; FCC 57-57]

CRAIG SIEGFRIED

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Craig Siegfried, Falls City, Nebraska, Docket No. 11912, File No. BP-10265; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of January 1957;

The Commission having under consideration the above-captioned application of Craig Siegfried for a construction permit for a new standard broadcast station to operate on 1230 kilocycles with a power of 100 watts, unlimited time, at Falls City, Nebraska;

It appearing that the applicant is legally, technically and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation would cause objectionable interference to Stations KFOR, Lincoln, Nebraska (1240 kc, 250 w, U) and WREN, Topeka, Kansas (1250 kc, 5 kw, DA-N, U) and that insufficient information has been submitted upon which to determine that the applicant is financially qualified; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that timely replies were received from the applicant who submitted a revised financial plan but that insufficient information was furnished upon which to base a finding that the applicant is financially qualified; and

It further appearing that Stations KFOR and WREN opposed a grant of the application by letters dated April 10 and July 2, 1956, respectively; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant is financially qualified to construct and operate the proposed station.

2. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation would cause objectionable interference to Stations KFOR, Lincoln, Nebraska, and WREN, Topeka, Kansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

It is further ordered, That the Cornbelt Broadcasting Corporation and the WREN Broadcasting Company, licensees of Station KFOR and WREN, respective, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Craig Siegfried, the Cornbelt Broadcasting Corporation and the WREN Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: January 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-595; Filed, Jan. 24, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6725]

MAINE CONSOLIDATED POWER CO.

ORDER TO SHOW CAUSE AND FIXING DATE FOR HEARING

Maine Consolidated Power Company (Maine Consolidated), incorporated in Maine with its principal place of business at Farmington, Maine, has failed to file its Annual Report to the Federal Power Commission on F. P. C. Form No. 1 for the year 1955 in compliance with the Commission's general rules and regulations, particularly § 141.1 (18 CFR 141.1) prescribing Form No. 1.

From information available in the files of the Commission, it appears that Maine Consolidated owns and operates a system for the generation, transmission and distribution of electric energy located in the Counties of Franklin and Somerset in Maine in and about the Town of Farmington. It appears further that the Company is a Class B Company, as defined in the General Instructions to Form No. 1, since its Annual Report for the year 1954, filed by it June 28, 1955, states its electric operating revenues as more than $250,000 and less than $750,000 and the original cost of its electric plant as less than $4,000,000. The General Instructions provide that Class B companies shall file with this Commission an original and two conformed copies of the Annual Report on F. P. C. Form No. 1 on or before March 31, for the preceding calendar year when the company is on a calendar year basis, as is the case here.

The requirement for filing the Annual Report for 1955 on the prescribed form was brought to the attention of Maine Consolidated by telegrams of May 18, 1956, and June 4, 1956, respectively, but no response has been received from the Company. The requirement of filing the report by electric companies, whether or not engaged in interstate commerce and otherwise subject to the jurisdiction of the Commission, was explained to Maine Consolidated in connection with the filing of its 1953 annual report.

The Commission orders:

(A) A public hearing be held commencing February 18, 1957, at 10:00 a. m., e. s. t., in the Federal Power Commission hearing room, 441 G Street NW., Washington 25, D. C., at which hearing Maine Consolidated shall show cause, if any there be, why the Commission should not—

(I) Find and determine that Maine Consolidated has failed to comply with the provisions of the Federal Power Act and of rules and regulations promulgated thereunder requiring the filing of the Annual Report referred to above;

(II) Find and determine that it is necessary or appropriate, to enable the Commission to carry out the provisions of the act, to require Maine Consolidated to file the Annual Report referred to above within a reasonable time to be fixed by the Commission;

(III) Find and determine that Maine Consolidated, in failing to file the Annual Report referred to above, has wilfully and knowingly violated the Federal Power Act;

(IV) Issue such other orders as may be necessary or appropriate to carry out the provisions of the act, initiate proceedings to bring about compliance with the act and the rules and regulations issued thereunder, transmit evidence of violation of the act, and regulations promulgated under the act, to the Attorney General for institution of appropriate proceedings, and take such other steps as may be appropriate under the act.

(B) Interested State commissions may participate in the hearing ordered herein, as provided by Rules 1.8 and 1.37 (f) of the Commission's general rules and regulations, including rules of practice and procedure, dated January 1, 1948 (18 CFR 1.8 and 1.37 (f)).

Issued: January 17, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-561; Filed, Jan. 24, 1957; 8:46 a. m.]

CHARLES NEUMAN DE VEGVAR ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

Docket No.; Name; Gas Field; and Purchaser

G-2579; Charles Neuman de Vegvar, Edith Neuman de Vegvar, Edward A. Neuman de Vegvar; Longwood Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-2688; Skinner Corporation,[1] Newman Brothers Drilling Company, H. L. Rymal, Estate of J. P. Davidson; East Placedo Field, Victoria County, Texas; Tennessee Gas Transmission Company.

G-2731; Zach Brooks Drilling Company; Sibley Gas Field, Webster Parish, Louisiana; Arkansas Louisiana Gas Company.

G-2843; Fain & McGaha; Moran Field, Callahan County, Texas; East Panhandle Field, Wheeler County, Texas; Lone Star Gas Company.

G-2883; Wilmoth Gas Company; [2] Sherman District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

G-2884; H. S. Adams, et al.;[2] Lee and Center Districts, Calhoun County, West Virginia; United Fuel Gas Company.

[1] Skinner Corporation was substituted for Alaska Steamship Company in Docket No. G-2688 by amendment filed October 18, 1956.

[2] Holly Nester, Agent for the Heirs of H. S. Adams and Pearl S. Adams.

G-2933; LeCuno Oil Corporation; [3] Waskom Field, Harrison County, Texas; Mississippi River Fuel Corporation.

G-2933; LeCuno Oil Corporation; Waskom Field, Harrison County, Texas; Texas Eastern Transmission Corporation.

G-2933; LeCuno Oil Corporation; Woodlawn Field, Harrison County, Texas; Mississippi River Fuel Corporation.

G-2934; Nicklos Oil & Gas Company [4]; North Richie Field, Acadia Parish, Louisiana; Texas Northern Gas Corporation.

G-3055; Heizer Gas Company [5]; Pocatalico District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G-3127; E. W. Campbell and Catherine Van Doren; Hugoton Field, Kearny County, Kansas; Northern Natural Gas Company.

G-3177; S. J. Felsenthal, et al.[6]; Willow Springs Field, Gregg County, Texas; Arkansas Louisiana Gas Company.

G-3274; S. J. Felsenthal, et al.[7]; Willow Springs Field, Gregg County, Texas; Arkansas Louisiana Gas Company.

G-3626; Renwar Oil Corporation; Seeligson Field, Jim Wells and Kleberg Counties, Texas; Tennessee Gas Transmission Company.

G-3627; Renwar Oil Corporation; Agua Dulce Field, Nueces County, Texas; Nueces Corporation.

G-3628; Renwar Oil Corporation; Agua Dulce Field, Nueces County, Texas; Nueces Corporation.

G-3636; Union Oil and Gas Corporation of Louisiana [8]; South Bayou Mallet, South Lewisburg and Church Point Fields, Acadia Parish, and Savoy Field, St. Landry Parish, Louisiana; Texas Northern Gas Corporation and Texas Gas Transmission Corporation.

G-3638; Union Oil and Gas Corporation of Louisiana [9]; Mallard Bay Field, Cameron Parish, Louisiana; Louisiana Natural Gas Corporation.

G-3654; Elge Rasberry, et al.; Iota Field, Acadia Parish, Louisiana; Louisiana Natural Gas Corporation.

G-3658; General Crude Oil Company; East Holmwood Field, Calcasieu Parish, Louisiana; Tennessee Gas Transmission Company.

G-3665; Renwar Oil Corporation; Wallace Johnson Field, Marion County, Texas; Arkansas Louisiana Gas Company.

G-3666; Renwar Oil Corporation, Sam E. Wilson, Jr.; Mustang Island Field, Nueces County, Texas; United Gas Pipe Line Company.

G-3716; General Crude Oil Company; Nona Mills Field, Hardin County, Texas; Trunkline Gas Company.

G-3746; Eason Oil Company; North Palacine Field, Stephens County, Oklahoma; Lone Star Gas Company.

G-3747; C. L. McMahon, Inc.; North Palacine Field, Stephens County, Oklahoma; Lone Star Gas Company.

G-3748; Eason Oil Company; Harley Lease, North Palacine Field, Stephens County, Oklahoma; Lone Star Gas Company.

G-3749; Eason Oil Company; Dodge Lease, Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G-3798; Natural Gasoline Corporation; Willow Springs Field, Gregg County, Texas; Arkansas Louisiana Gas Company.

[3] LeCuno Oil Corporation was substituted for Dan Lester and Leonard Culbertson, d/b/a LeCuno Oil Company by amendment filed March 16, 1956, in Docket No. G-2933.

[4] Nicklos Oil & Gas Company, acting on its own behalf and as agent for Vincent & Welch, Inc.

[5] Clarence W. Meadows, Agent.

[6] Clark Sample, Jr., Sally Sample Graves and Robert Cargill.

[7] C. D. Davis, Bluford Stinchcomb, Julian Hurst, Tom Cook, Tom Cook, Jr., Clark Sample, Jr., Sally Sample Graves, Ben H. Cook and Fae Myers.

[8] Formerly Union Sulphur and Oil Corporation.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Fite, Metcalf, Davidson and Sterrett Units, Carthage Field, Panola County, Texas; Lone Star Gas Producing Company.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Sharp-Smith, Ross-Hamilton, Harris-Hamilton and Porter Briggs No. 1 Units, Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Yarborough, Langley Fite, Metcalf, Sterrett and W. Harvey Briggs Units, Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Cottle and Amber Kirby Units, Carthage Field, Panola County, Texas; Texas Gas Transmission Corporation.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Fred Kyle Unit, Carthage Field, Panola County, Texas; Magnolia Petroleum Company.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Porter Briggs No. 2, Selman, Heard, Hesser, Hesser-Freeman, Foote, Uttley, and Flanagan Units, Carthage Field, Panola County, Texas; Tennessee Gas Transmission Company.

G-3863 as amended 8-29-55; C. H. Lyons, Sr., et al.; [9] Owens Unit, Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

G-3903; Michel T. Halbouty and A. C. Allyn, Sr.; Englehart Field, Colorado County, Texas; Shell Oil Company.

G-3920; Bates & Cornell, et al.; Jennings Field, Acadia Parish, Louisiana; United Gas Pipe Line Company.

G-3950; State Gas Co., Inc.; Vernon Pool, Kay County, Oklahoma; Consolidated Gas Utilities Company.

G-3992; Marrowbone Gas Company; Marrowbone Creek, Mingo County, West Virginia; United Fuel Gas Company.

G-3994; Noble and Baker; Fairbanks Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

G-3995; W. M. Emanuel; Fairbanks Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

G-4062; John B. Holmes, d/b/a Holmes Drilling Company, Operator; Jennie Bell Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G-4170; Sam Sklar, Trustee; South Hallsville Field, Rusk County, Texas; Arkansas Louisiana Gas Company.

G-4176; Austin E. Stewart and M. A. Halsey; Sibley Field, Webster Parish, Louisiana; Arkansas Louisiana Gas Company.

G-4229; Associated Oil & Gas Co.; Cage Ranch Field, Brooks County, Texas; Trunkline Gas Company.

G-4349; J. B. Mitchell and Martha R. Clopton; Zim-Ricaby Field, Starr County, Texas; Tennessee Gas Transmission Company.

G-4414; Neil J. Sharp and Mabel I. Sharp; Lots 739 and 754, Cherry Grove Township, Warren County, Pennsylvania; Pennsylvania Gas Company.

G-4813; R. Lacy, Inc. and Carter-Jones Drilling Company; George Prendergast Unit, Waskom Gas Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-4929; John F. Shaw, et al.[10]; Benezette Field, Elk County, Pennsylvania; New York State Natural Gas Corporation.

[9] Oil & Gas Property Management, Inc., C. H. Lyons, Jr., H. M. Lyons, C. T. McCord, Jr., G. L. Logan, G. F. Abendroth, E. L. Hilliard, J. T. Palmer, Milton Crow, Inc., W. P. Prentiss, M. F. McCain, J. F. Lockwood, A. M. Jackson, A. R. Graves, First National Bank of Longview, Texas, Trustee for Judith Adelaide Graves, G. F. Bauerdorf, G. J. Hollandsworth, Irene J. Pyburn and Mrs. Maggie Pyburn.

[10] Paul-Ruch, James R. Sharp, Eugene F. Bogan, David B. Zimmer, R. B. Hutchinson, C. A. Walker, Robert Bailey, David Bailey, Ray S. Walker, C. V. Fink and W. H. Specht.

G-4943; Mar-Tex Oil & Gas Co.; Mallard Bay Field, Cameron Parish, Louisiana; Louisiana Natural Gas Corporation.

G-6032; Rich Oil & Gas Company; Lease, Ritchie County, West Virginia; Equitable Gas Company.

G-6485; G. B. Francis, et al., Lease, Verle M. Stewart, Agent; Sherman District, Calhoun County, West Virginia; Godfrey L. Cabot, Inc.

G-6492; Clarence Riley; Sutton Township, Meigs County, Ohio; The Ohio Fuel Gas Company.

G-6497; R. P. Phillips; St. Martinville Field, St. Martin Parish, Louisiana; United Gas Pipe Line Company.

G-6579; Joseph S. Morris and Will Crews Morris; Brandt Field, Goliad County, Texas; United Gas Pipe Line Company.

G-6612; Phillips Drilling Corporation; La Gloria Field, Jim Wells and Brooks Counties, Texas; Transcontinental Gas Pipe Line Corporation.

G-6668; Universal Gasoline Company; Doyle Field, Stephens County, Oklahoma; Lone Star Gas Company.

G-6668; Universal Gasoline Company; Aylesworth Field, Marshall County, Oklahoma; Lone Star Gas Company.

G-6668; Universal Gasoline Company; Hoover Gasoline Plant, Garvin County, Oklahoma; Lone Star Gas Company.

G-6677; H. J. Porter; Placedo Field, Victoria County, Texas; Tennessee Gas Transmission Company.

G-6704; C. L. Pardo; Singleton Field, Bee County, Texas; Texas Eastern Transmission Corporation.

G-7018 as amended 1-26-56; Columbian Fuel Corporation; Hugoton Field, Texas County, Oklahoma; Hugoton Plains Gas and Oil Company.

G-7180; Phillips Petroleum Company; State "A" Lease, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

G-7306; Bryan W. Payne; L. Watkins Survey, Harrison County, Texas; Mississippi River Fuel Company.

G-7307; Bryan W. Payne; L. Watkins Survey, Harrison County, Texas; Mississippi River Fuel Company.

G-7420; Estate of T. C. Burnett and Ruby C. Burnett; [11] Cook, Shaw, and Sanders Units, South Hallsville Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-7466; Dunn & Kimberlin; Texas Panhandle Field, Moore County, Texas; Panhandle Eastern Pipe Line Company.

G-7675; Alfred E. McLane; Riddle 1-A Well, San Juan County, New Mexico; El Paso Natural Gas Company.

G-7675; Alfred E. McLane; Munoz No. 1 and Howell 3-J Wells, San Juan County, New Mexico; El Paso Natural Gas Company.

G-7968; McCall Drilling Company, Inc.; DeKalb District, Gilmer County, West Virginia; Equitable Gas Company.

G-7969; McCall Drilling Company, Inc.; Skin Creek District, Lewis County, West Virginia; Equitable Gas Company.

G-8039; Dome Oil & Gas Company; Clay District, Ritchie County, West Virginia; Equitable Gas Company.

G-8040; Starkey Farm Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G-8041; Mountain Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G-8043; Twin Forks Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

[11] First National Bank of Dallas, successor to the Dallas National Bank, Ruby C. Burnett and Alvis W. Martin, executors of the estate of T. C. Burnett, deceased, and Ruby C. Burnett, individually.

G–8044; Rancho Oil Company; Gipson and White Leases, Fairbanks Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

G–8050; Rock Camp Oil & Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8051; Richards Oil & Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8061; Lucky Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8062; Bell Oil & Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8063; Low Gap Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8065; Gem Oil Company; Leases, Fairbanks Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

G–8067; Harry E. Davisson; Centerville District, Tyler County, West Virginia; Equitable Gas Company.

G–8068; Physicians Oil & Gas Company; Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

G–8069; Mary Simmons, et al., Lease, Roy G. Hildreth, Agent; Geary District, Roane County, West Virginia; South Penn Natural Gas Company.

G–8071; R. K. Ogden, et al., Lease, Roy G. Hildreth, Agent; Geary District, Roane County, West Virginia; South Penn Natural Gas Company.

G–8072; Provident Investment Company; Gas Gathering System, Duval County, Texas; Transcontinental Gas Pipe Line Corporation.

G–8081; Julia E. Bland; [12] Smithburg District, Doddridge County, West Virginia; Columbian Carbon Company.

G–8085; J. R. Butler; Sligo Field, Bossier Parish, Louisiana; Texas Gas Transmission Corporation.

G–8093; Hill & Broadwater; Five Forks, Union District, Ritchie County, West Virginia; Carnegie Natural Gas Company.

G–8095; Union Gas Company; Union District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8098; Earl S. Goodwin, et al., No. 2; Otter District, Braxton County, West Virginia; Cumberland & Allegheny Gas Company.

G–8100; Richards & Hartman Oil & Gas Company; Grant District, Ritchie County, West Virginia; Barron Kidd (formerly Tennessee Production Company).

G–8104; J. E. Windom; Grant District, Ritchie County, West Virginia; Consumers Gas Utility Company.

G–8135; Heirs of N. A. Spurlock, Edith S. Marks, Agent; Midkiff, West Virginia; United Fuel Gas Company.

G–8151; A. M. Metz; Grant District, Ritchie County, West Virginia; Consumers Gas Utility Company.

G–8154; Richards & Hartman Oil & Gas Company; Clay District, Ritchie County, West Virginia; Hanlon Oil Company.

G–8157; Mary Emily Cather Hemphill; Flemington, Taylor County, West Virginia; Equitable Gas Company.

G–8405; Fairman Drilling Company; Benezette Field, Elk County, Pennsylvania; New York State Natural Gas Corporation.

G–8411; T. E. Bickel Estate; King Knob, Murphy District, Ritchie County, West Virginia; South Penn Natural Gas Company.

[12] Administratrix of the estate of A. C. Bland, deceased.

G–9377; W. E. Steelman, Operator; Roady Field, Garvin County, Oklahoma; Lone Star Gas Company.

G–9791; Ko-Ler Oil Company; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

A public hearing will be held on the 18th day of February, 1957, beginning at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
Secretary.

JANUARY 18, 1957.

[F. R. Doc. 57–562; Filed, Jan. 24, 1957; 8:46 a. m.]

[Docket No. G–11751]

COLUMBIAN CARBON CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Columbian Carbon Company (Columbian), on December 21, 1956, tendered for filing proposed changes in its presently effective rate schedule for a sale of gas subject to the jurisdiction of the Commission. The proposed changes, which constitute an increased rate and charge, are contained in the following designated filings:

Description: Letter of October 5, 1956, and notice of change, dated December 18, 1956.
Purchaser: Hope Natural Gas Company.
Rate schedule designation: Supplements Nos. 2 and 3 to Columbian's FPC Gas Rate Schedule No. 1.
Effective date: [1] January 21, 1957.

In support of the increase Columbian states generally that the proposed increased price is less than the market value of the gas and other fuels sold in the area and is no higher than necessary to encourage exploration for new gas reserves. Columbian also states that the increase results from an arm's-length contract, and is necessary in connection with the construction of new gathering and compression facilities to maintain production from the field.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplements hereby are suspended and the use thereof deferred until June 21, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 18, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–563; Filed, Jan. 24, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Columbian, if later.

[Docket No. G–11752]

CARTER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Carter Oil Company (Carter) on December 21, 1956, submitted for filing a proposed change in rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following filing which is proposed to become effective on the date shown.

Description: Notice of change, dated December 18, 1956.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 2 to Carter's FPC Gas Rate Schedule No. 34.
Effective date: [1] January 24, 1957.

By order issued January 9, 1957 in Docket No. G–11710, a prior increase submitted by the Texas Company (Operator) covering gas sales from the same unit to the same buyer was suspended and its use deferred until June 23, 1957, and until made effective in the manner prescribed by the Natural Gas Act.

The proposed increased rate and charge designated above has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Carter's FPC Gas Rate Schedule No. 34; and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 24, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 17, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–564; Filed, Jan. 24, 1957; 8:46 a. m.]

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Carter, if later.

OFFICE OF DEFENSE MOBILIZATION

SAM M. EWING

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment Without Compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Sam W. Ewing, President, Youngstown Steel and Alloy Company, Canfield, Ohio, as an Advisor, with the Stabilization Area in the Office of Defense Mobilization. Mr. Ewing's statement of his business interests is attached.

Dated: January 9, 1957.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Youngstown Steel & Alloy Company, Canfield, Ohio.
Farmers National Bank, Canfield, Ohio.
Superior Steelcraft Company, Youngstown, Ohio.

Dated: January 9, 1957.

SAM M. EWING.

[F. R. Doc. 57–565; Filed, Jan. 24, 1957; 8:46 a. m.]

OTTO L. NELSON, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions

Revenue bonds:
Erie County, New York, Water Authority.
Public Utility District No. 2, Grant County, Washington.
City of Chicago, Illinois.
Mackinac Bridge Authority.
Chesapeake Ferry District A.
City of Alexandria, Louisiana.
City of Mobile Bankhead Tunnel.
Public Utility District No. 1, Chelan County, Washington.

This amends statement previously published in the FEDERAL REGISTER September 14, 1956 (21 F. R. 6964).

Dated: January 10, 1957.

OTTO L. NELSON, JR.

[F. R. Doc. 57–579; Filed, Jan. 24, 1957; 8:48 a. m.]

[Project No. 2112]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR LICENSE

JANUARY 18, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Pacific Power & Light Company, of Portland, Oregon, for license for proposed water power Project No. 2112 to be located on Lewis River in Skamania County, Washington, and in the region of Woodland, Washington, affecting lands of the United States within Gifford Pinchot National Forest and other lands of the United States under control of the Bureau of Land Management. The proposed project, known as Muddy Hydroelectric Project, would be located immediately upstream from the applicant's Swift No. 1 Project and would consist of an earth fill dam approximately 280 feet high located immediately downstream from the confluence of the Muddy and Lewis Rivers; a diversion dam and canal to divert the flow of Pine Creek into the reservoir; a saddle spillway; a reservoir extending approximately eight miles upstream from damsite and having total capacity of 343,000 acre-feet; a powerhouse located about 700 feet downstream from the dam with installed capacity of 110,000 kilowatts; and a 230-kv transmission line to the applicant's primary transmission system and facilities of the Northwest Power Pool.

A preliminary permit for the proposed project was issued to Pacific Power & Light Company, effective December 1, 1953, and expired November 30, 1956.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 1, 1957. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57–566; Filed, Jan. 24, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–1058]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JANUARY 18, 1957.

Notice is hereby given that National Aviation Corporation ("National"), a registered closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the applicant of not to exceed $500,000 principal amount of the -- percent Convertible Subordinated Debentures, due ---------- of Douglas Aircraft Company, Inc. ("Douglas") at the public offering price.

National states that Douglas is preparing to issue for public sale $25,000,000 principal amount of the aforementioned Debentures. The proposed debentures are to be underwritten by a group of underwriters, including the firms of Paine, Webber, Jackson & Curtis and Hornblower & Weeks.

The application recites that Stuart R. Reed, a director of the applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis, and that Charles S. Sargent, also a director of applicant, is a partner of Hornblower & Weeks.

The applicant states that it proposes to purchase the Debentures from any of the underwriters other than Paine, Webber, Jackson & Curtis and Hornblower & Weeks. The amount of Debentures proposed to be purchased by the applicant would constitute 2 percent of the total offering by Douglas and would represent approximately 2 percent of the total assets of the applicant, which together with its present investment in the common stock of the issuer would result in an aggregate investment of approximately 7.48 percent of its total assets in securities of Douglas.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which

is a person of which a director of such registered investment company is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since Reed and Sargent are affiliated persons of investment banking firms which will be part of the underwriting group of the Debenture offering referred to above, the purchase of such Debentures by the applicant from such underwriters is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of Debentures of Douglas is consistent with the protection of investors and the investment policies of the applicant as recited in its registration statement filed with the Commission.

Notice is further given that any interested person may, not later than February 1, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-566; Filed, Jan. 24, 1957; 8:46 a. m.]

[File No. 24SF-2193]

BETHLEHEM MINING AND EXPLORATION CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFORE, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 18, 1957.

I. The Bethlehem Mining and Exploration Corporation, 504 Granger Building, San Diego, California, filed with the Commission on November 4, 1955, a Notification on Form 1-A and an Offering Circular, and on December 27, 1955, filed an amended Notification on Form 1-A and Offering Circular relating to a proposed offering of 250,000 shares of its $1 par common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

A. The making or continuance of this offering would act as a fraud or deceit upon prospective purchasers in that the amended Offering Circular contains false and misleading statements in regard to material facts and omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, in respect to:

(1) The disposition of the 5 percent of the proceeds of the issue which the corporation is not to receive.

(2) The intention of the corporation in regard to the return of funds to stock purchasers if sufficient funds to commence operations were not realized.

(3) The risks inherent to the corporation's unpatented mining claims.

(4) The existence on its land of a mineral body which could be worked profitably.

B. The terms and conditions of Regulation A have not been complied with in that:

(1) The Offering Circular failed to list the proposed order of priority of expenditure of the proceeds of its issue as required by Rule 219 (c) (5).

(2) The Offering Circular does not include appropriate financial statements as required by Rule 219 (c) (6).

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, the Commission will, or at any time upon its own motion may, set the matter down for hearing within 20 days after receipt of such request, at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-567; Filed, Jan. 24, 1957; 8:46 a. m.]

[File No. 70-3547]

GEORGIA POWER CO.

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS, ASSUMPTION OF FIRST MORTGAGE BONDS, ISSUE AND SALE OF PROMISSORY NOTES, AND ORDER FOR HEARING WITH RESPECT THERETO

JANUARY 18, 1957.

Notice is hereby given that Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company ("Southern"), a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b) and 10 of the act as applicable to the proposed transactions. All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Acquisition of assets of Georgia Power and Light Company. Pursuant to an agreement dated November 28, 1956, Georgia proposes to acquire all of the assets, properties and business of Georgia Power and Light Company ("Light"), a non-affiliated electric utility company which is a subsidiary of Florida Power Corporation ("Florida"), a holding company and a public-utility company claiming exemption as a holding company pursuant to Rule U-2 promulgated under the act.

Light is engaged in the purchase, generation, transmission, distribution and sale of electric energy in twenty counties in southern Georgia, and all of its fixed properties and assets are located in such counties. Light's service area is immediately south of and adjacent to that of Georgia. The transmission facilities of the two companies are interconnected at several points, and Georgia has supplied a substantial part of the energy requirements of Light for many years.

The purchase price for the properties of Light will consist of (1) a cash payment of $8,650,000 as at April 30, 1956, plus any increase thereafter to the date of closing in the amounts of Light's common capital and surplus and its indebtedness to its parent Florida—which increase at September 30, 1956, aggregated $930,372 and which, it is estimated, will continue at the rate of approximately $200,000 per month; and (2) the assumption by Georgia of substantially all of the liabilities of Light (other than for income taxes and indebtedness to Florida), including the principal amount of its outstanding First Mortgage Bonds which at November 28, 1956, amounted to $7,705,000.

The aggregate amount of the consideration to be paid by Georgia will be approximately $1,485,000 less than the book cost (recorded at original cost) of Light's assets, after deduction of qualifying reserves. Georgia proposes to record the acquired assets and assumed liabilities as the same are recorded on the books of Light, and to include the difference between the cost to Georgia and the cost to Light in account 250, reserve for depreciation of electric plant.

Acquisition of transmission line from Florida. Pursuant to an agreement dated December 13, 1956, Georgia proposes to acquire from Light's parent company, Florida, a 110 kv. transmission line located in the area served by Light and running from a point on the Florida-Georgia state line near Jasper, Florida, for a distance of 47.46 miles to a point approximately 19 miles south of Tifton, Georgia, where said line interconnects with a similar line of Georgia.

In connection with the purchase of the transmission line, Georgia proposes to enter into a three-year contract with Florida (subject to authorization by the Federal Power Commission) for the purchase of energy, to be supplemented by energy from Georgia's own power resources, to supply the requirements of Light's service area. During this three-year period the rates now being charged by Light to its consumers will continue in force. Georgia proposes to enlarge its generating facilities so as to replace the energy now being supplied to Light by Florida with power generated within Georgia's system, and thereupon to extend to the present service area of Light the rate schedules of Georgia which are uniformly applicable throughout its present system.

The purchase price of the transmission line, to be paid in cash, will be its net book cost at the closing date, as determined by independent auditors. It is estimated that such price will approximate $181,000.

Short-term bank borrowings. To provide the funds required to make the cash payments above described, estimated to aggregate by the closing date between $10,500,000 and $11,000,000, Georgia proposes to borrow from certain banks, pursuant to a letter agreement, up to $11,000,000 in amounts proportional to the amounts set after their respective names in the following table:

Names and addresses of banks	*Maximum amount to be borrowed*
The Chase Manhattan Bank, New York, N. Y.	$1,000,000
Chemical Corn Exchange Bank, New York, N. Y.	1,000,000
The Citizens & Southern National Bank, Atlanta, Ga.	1,750,000
The First National Bank of Atlanta, Atlanta, Ga.	1,750,000
The First National City Bank of New York, New York, N. Y.	1,000,000
The Fulton National Bank, Atlanta, Ga.	500,000
Guaranty Trust Co. of New York, New York, N. Y.	1,500,000
The New York Trust Co., New York, N. Y.	1,500,000
Trust Company of Georgia, Atlanta, Ga.	1,000,000
Total	11,000,000

Georgia will give to each bank a promissory note payable two years after issuance, bearing interest at the prime rate for commercial loans in the City of New York at the date of issue, and payable without penalty at any time prior to maturity at the option of Georgia.

Georgia contemplates that it will repay the proposed bank borrowings before the middle of 1957 out of cash to be provided from the sale of additional shares of its common stock to its parent, Southern; and, in any event, that it will, from time to time as may be appropriate in 1957 and 1958, repay the bank borrowings from funds obtained from the issue and sale of additional bonds, preferred stock or common stock (in amounts not yet finally determined) to be issued in connection with its forthcoming financing program to obtain cash for construction purposes.

The assumption by Georgia of Light's mortgage indebtness and its issuance and sale of the promissory notes have been expressly authorized by the Public Service Commission of Georgia, in which State Georgia is organized and doing business.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the application and that it should not be granted except pursuant to further order of the Commission:

It is ordered, Pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder, that a hearing with respect to the application shall be held on February 5, 1957, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On said date the hearing room clerk in Room 193 will advise as to the room in which such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before February 4, 1957, a request relative thereto as provided in Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law which he desires to controvert.

It is further ordered, That James G. Ewell, or any other officer of the Commission designated by it for that purpose, shall preside at such hearing, and that the officer so designated is hereby authorized to exercise all of the powers granted to this Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice to the designation of additional matters and questions upon further examination:

1. Whether the sums to be paid by Georgia for the utility assets of Light and of Florida are not reasonable or do not bear a fair relationship to the earning capacity of the utility assets to be acquired.

2. Whether the proposed acquisitions by Georgia of the utility assets of Light and of Florida will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

3. Whether, in connection with (a) the assumption by Georgia of the first mortgage bond indebtedness of Light and (b) the issuance and sale by Georgia of its promissory notes, any terms or conditions should be imposed in the public interest or for the protection of investors or consumers.

4. Whether the accounting treatment proposed by Georgia is proper.

5. Whether the fees, commissions and other expenses to be incurred by Georgia are for necessary services and not unreasonable in amount.

6. What terms or conditions, if any, the Commission's order should contain.

7. Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the act and of the rules and regulations promulgated thereunder.

It is further ordered, That particular attention be directed at the hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission serve copies of this order by registered mail on the applicant herein, The Southern Company, Georgia Power and Light Company, Florida Power Corporation, the Georgia Public Service Commission, and the Railroad and Public Utilities Commission of Florida, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-568; Filed, Jan. 24, 1957; 8:46 a. m.]

[File No. 70-3544]

MANILA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING OF AND ORDER FOR HEARING ON APPLICATION-DECLARATION REGARDING PROPOSAL BY PARENT TO MAKE ADVANCES TO SUBSIDIARY AND SUBSEQUENTLY TO ACQUIRE BONDS OR NOTES TO EVIDENCE SUCH ADVANCES

JANUARY 18, 1957.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and its partially exempt foreign public utility subsidiary, Manila Electric Company, ("Manila"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated sections 9 (a), 10, 12 (b) and 12 (f) of the act and rules U-43 and U-45 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to enter into an agreement with Manila under which GPU agrees to advance to Manila on open account, from time to time, not later than December 31, 1958, not to exceed an aggregate of $3,750,000. Such advances are to be made upon the written request of Manila, and are to bear interest at the rate of 6 percent per annum on the unpaid balance from the date made.

The proceeds received from the advances will be used by Manila to pay in part the costs of construction of a 25,000 kw addition to its Rockwell generating station.

At September 30, 1956, Manila had outstanding $4,000,000 principal amount of 5¾ percent debentures due in 1960,

$4,000,000 principal amount of 6½ percent debentures due in 1965, $4,000,000 principal amount of 6 percent debentures due 1969, 350,000 shares of cumulative, 20 pesos par value, 6¼ percent preferred stock, and 1,000,000 shares of 40 pesos par value common stock. All of the common stock, all of the preferred stock, and $4,000,000 principal amount of the debentures are owned by GPU.

The application-declaration states that Manila is in the process of developing a program for exchanging or redeeming its outstanding debentures (including those held by GPU) through the issue of first mortgage bonds; but that it is not anticipated that the preparation of the bond indenture, and the effectuation of the other necessary steps, can be completed prior to the time Manila will need the funds from GPU. If and to the extent that such program is carried out, the advances to be made by GPU to Manila are to be evidenced by such bonds, maturing in ten equal semi-annual installments commencing five years from the date the 25,000 kw generating unit is placed in regular service. The other terms of the bonds are to be satisfactory to GPU, and in conformity with the indenture pursuant to which Manila's other bonds are issued. In the event it is not feasible for Manila to issue bonds to evidence the advances to be made by GPU, or, if GPU requests it, the advances are to be evidenced by Manila's serial notes maturing in the same manner as would the bonds if issued.

It is further stated that the Philippine Public Service Commission has jurisdiction over the proposed borrowing by Manila and the issue of securities by it to evidence such borrowing, and that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

A letter of approval dated November 2, 1956, from the Central Bank of the Philippines in connection with the proposed construction states, among other things, that the $3,750,000 to be advanced by GPU "shall be treated by the Central Bank as new additional foreign capital and shall be subject to the rules and regulations of the Central Bank governing the repatriation of capital and remittances of profits existing at the time such repatriation or remittance is made."

It appearing to the Commission that it is appropriate in the public interest and in the interest of the investors in GPU that a public hearing be held in respect of the proposed transactions and that such application not be granted or such declaration not be permitted to become effective except pursuant to the further order of the Commission:

It is ordered, That a hearing be held in respect of said matters on February 13, 1957, at 10:00 a. m., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk will advise as to the room in which the hearing will be held. Any person desiring to be heard in connection with this proceeding shall file with the Secretary of the Commission, Washington 25, D. C., on or before February 12, 1957, a written request in respect thereof, as provided in Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examinations:

(1) Whether it is appropriate in the public interest and the interest of the investors in GPU for GPU to make the proposed open account advances, and, in this connection, whether the proposed terms and conditions upon which such advances are to be made are not detrimental to the interest of investors in GPU.

(2) Whether the proposed subsequent acquisition by GPU of the bonds or notes of Manila to evidence the open account advances to be made is appropriate in the public interest and the interest of the investors in GPU.

(3) Whether the proposed open account advances by GPU or the subsequent acquisition by GPU of the bonds or notes of Manila will unduly complicate the capital structure or the proper functioning of the holding company system of GPU.

(4) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable provisions of the act, and of the rules and regulations and orders thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to GPU, Manila, the Philippine Public Service Commission, and the Central Bank of the Philippines; that notice to all other persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-569; Filed, Jan. 24, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 22, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33179: *Grain—Oklahoma to Arkansas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products and related articles, also seeds, carloads from specified points in Oklahoma to specified points in Arkansas.

Grounds for relief: Circuitous route.

Tariff: Supplement 14 to Agent Kratzmeir's tariff I. C. C. 4156.

FSA No. 33180: *Bituminous coal—Western Kentucky to Springfield, Mo.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous coal, carloads from specified mines in western Kentucky on the Illinois Central Railroad Company to Springfield, Mo., on Missouri Pacific Railroad Company.

Grounds for relief: Circuitous route.

Tariff: Supplement 105 to Illinois Central Railroad Company's tariff I. C. C. E-1869.

FSA No. 33181: *Newsprint—Alabama and Tennessee to Carrollton, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, also cores, newsprint paper winding, old or used, carloads, in reverse direction from Childersburg, Coosa Pines and Mobile, Ala., and Calhoun, Tenn., to Carrollton, Ga.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 65 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33182: *Benzol—Alabama City, Ala., to Baton Rouge, and North Baton Rouge, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on benzol (benzine), tank-car loads from Alabama City, Ala., to Baton Rouge and North Baton Rouge, La.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 13 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33183: *Grains—Louisiana to New Mexico and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on coarse grains, and articles taking same rates, carloads, from specified points in Louisiana to specified points in New Mexico and Texas.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 147 to Agent Kratzmeir's tariff I. C. C. 3941.

FSA No. 33184: *Returned chemicals, from, to, and between the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on chemicals, as described in the application, tank-car loads from, to, and between points in southwestern territory, on shipments returned from original destination to original point of origin.

Grounds for relief: Carrier competition and circuitous routes.

Tariff: Supplement 225 to Agent Kratzmeir's tariff I. C. C. 4020.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-576; Filed, Jan. 24, 1957; 8:48 a. m.]

FEDERAL REGISTER

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Washington, Saturday, January 26, 1957

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MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 619]

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—FRUITS AND VEGETABLES

ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF OKRA FROM CERTAIN PARTS OF MEXICO; INTERPRETATION

On November 16, 1956, there was published in the FEDERAL REGISTER (21 F. R. 8948) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the proposed issuance of a document containing administrative instructions and an interpretation to appear as § 319.56–2k in Title 7, Code of Federal Regulations. After due consideration of all relevant matters presented, and pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR 319.56–2) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 162), and other delegations of authority (19 F. R. 515, as amended), administrative instructions and an interpretation are hereby issued as follows:

§ 319.56–2k *Okra from Mexico*—(a) *Administrative instructions prescribing method of treatment of okra from certain parts of Mexico.* Fumigation with methyl bromide at normal atmospheric pressure, in accordance with the following procedure is hereby prescribed as an alternate condition of importation under permit under § 319.56–2 for all shipments of okra from Mexico, except okra produced in the Imperial Valley of Baja California, Mexico;

(1) *Approval of fumigation room.* The fumigation shall consist of fumigation with methyl bromide at normal atmospheric pressure, in a fumigation room which has been approved for that purpose by the Plant Quarantine Branch. The Plant Quarantine Branch will approve only those fumigation rooms that are properly constructed and adequately equipped to handle and treat okra, and are located, either within the United States or Mexico, within the practicable supervisory range of a port of entry where inspectors are stationed and where the required supervision can be accomplished without encroaching upon normal port inspection assignments.

(2) *Fumigation schedule.* Such fumigation shall be in accordance with the following fumigation schedule:

Temperature (° F.)	Dosage (pounds of methyl bromide per 1,000 cubic feet)	Exposure period (hours)
90	1.0	2
80	1.5	2
70	2.0	2
60	2.5	2
50	3.0	2
40	3.5	2

(3) *Fumigation procedure.* Okra to be fumigated may be packed in slatted crates or other gas-permeable containers. The fumigation room shall not be loaded to more than two-thirds of its capacity. The containers may be stacked one on top of another, but a 3- to 4-inch space must be provided between each container throughout the load. Good air circulation above and below the load shall be provided as soon as the okra is loaded and must be continued during the full period of fumigation and until the okra has been removed to a well-ventilated location. Strong blasts of air should not be directed against the okra. Fumigation at temperatures in excess of 90° F. may result in injury to okra and should be avoided if possible.

(4) *Supervision of fumigation.* (i) Inspectors of the Plant Quarantine Branch will supervise the fumigation of okra and will specify such safeguards as may be necessary for the handling and transportation of the okra before and subsequent to fumigation, if, in the opinion of the inspector this is necessary to assure that there will be no pest risk associated with the importation and

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplement is now available:

Titles 1–3 ($0.75)

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treatment. The final release of the okra for entry into the United States will be conditioned upon compliance with the specified safeguards.

(ii) Supervision of approved fumigation rooms will, if practicable, be carried on as a part of normal port inspection activities and when so available will be furnished without cost to the owner of the okra or his representative.

(5) *Costs.* All costs of constructing, maintaining, and operating fumigation plants and facilities, and carrying out the specified pre-treatment and post-treatment safeguards shall be borne by the owner of the okra or his representative. Where normal inspection activities preclude the furnishing of supervision during regularly assigned hours of duty, supervision will be furnished on a reimbursable overtime basis and the owner of the okra or his representative will be charged in accordance with §§ 354.1 and 354.2 of this chapter.

(6) *Department not responsible for damage.* While the prescribed treatment is judged from experimental tests to be safe for use with okra, the Department assumes no responsibility for any damage sustained through or in the course of treatment or because of pre-treatment or post-treatment safeguards. There has not been an opportunity to test these treatments under all conditions or on all okra varieties or on okra from all areas involved.

(b) *Interpretation re importation of okra from Imperial Valley of Baja California.* Okra produced in the Imperial Valley of Baja California, Mexico, may enter under permit and subject to inspection at the ports of Calexico and San Ysidro, California.

This order authorizes the importation, under permit subject to approved fumigation, of okra produced in any part of Mexico, except okra produced in the Imperial Valley of Baja California, Mexico, which is enterable under permit subject only to inspection. This fumigation treatment provides for the entry of okra for marketing in the fresh state.

Since these administrative instructions and interpretation relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316, 7 U. S. C. 159)

These administrative instructions and interpretation shall become effective January 26, 1957.

Done at Washington, D. C., this 23d day of January 1957.

[SEAL] E. P. REAGAN,
Chief,
Plant Quarantine Branch.

[F. R. Doc. 57–623; Filed, Jan. 25, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 102, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) of § 914.402 (Navel Orange Regulation 102, 22 F. R. 389) are hereby amended to read as follows:

(i) District 1: 600,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 23, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–622; Filed, Jan. 25, 1957; 8:48 a. m.]

[Navel Orange Reg. 103]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.403 *Navel Orange Regulation 103*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 24, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 27, 1957, and ending at 12:01 a. m., P. s. t., February 3, 1957, is hereby fixed as follows:

(i) District 1: 531,300 cartons;

(ii) District 2: 254,100 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 25, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–689; Filed, Jan. 25, 1957; 11:28 a. m.]

[Tangerine Reg. 184]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Correction

In F. R. Doc. 57–424, appearing at page 391 of the issue for Saturday, January 19, 1957, the date immediately preceding the signature should read: January 16, 1957.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XVIII—National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order No. 47 (AGE–4, Amdt. 9)]

AGE–4—COMPENSATION PAYABLE TO AGENTS, GENERAL AGENTS AND BERTH AGENTS

MISCELLANEOUS AMENDMENTS

Sections 1 and 2 of this order are hereby amended as follows:

1. Section 1 is amended by inserting a comma after the words "dry cargo", deleting the word "and" immediately following such comma, and inserting the words "and tanker" after the words "passenger type".

2. Section 2 (a) is amended by adding a new subdivision designated "(iii)" at the end of subparagraph (5) reading as follows:

(iii) *Tankers assigned for reactivation.* $75.00 per day per tanker while assigned for this purpose.

(Sec. 204, 49 Stat. 1987 as amended; 46 U. S. C. 1114)

Approved: January 18, 1957.

[SEAL] WALTER C. FORD,
Deputy Maritime Administrator.

[F. R. Doc. 57–604; Filed, Jan. 25, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1383]

[70389]

NEW MEXICO

REVOKING DEPARTMENTAL ORDERS OF MARCH 6 AND OCTOBER 6, 1908, WHICH RESERVED LANDS FOR USE OF THE FOREST SERVICE AS THE RED ROCK ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

The departmental orders of March 6 and October 6, 1908, reserving the following-described public lands within the Cibola National Forest in New Mexico, for use by the Forest Service, Department of Agriculture, as the Red Rock Administrative Site, are hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 10 S., R. 6 W.,
Sec. 13, SW¼NW¼, SW¼, and W½SE¼.

The areas described aggregate 280 acres.

This revocation is made in furtherance of an exchange under the act of March 20, 1922 (42 Stat. 465) as amended by the act of February 28, 1925 (43 Stat. 1090; 16 U. S. C. 486), by which the offered lands will benefit a Federal land program. They will not, therefore, be open to other forms of application or disposal under the public land laws.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 22, 1957.

[F. R. Doc. 57-605; Filed, Jan. 25, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 15]

CEREAL FLOURS AND RELATED PRODUCTS

NOTICE EXTENDING TIME FOR FILING VIEWS AND COMMENTS ON PROPOSAL TO ESTABLISH DEFINITION AND STANDARD OF IDENTITY FOR ENRICHED RICE

A request has been received for extension of the date for filing views and comments upon the proposal to establish a definition and standard of identity for enriched rice which was published in the FEDERAL REGISTER of December 28, 1956 (21 F. R. 1042).

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), the Commissioner of Food and Drugs hereby extends until April 1, 1957, the time for filing views and comments upon the proposal to adopt a definition and standard of identity for enriched rice.

Dated: January 22, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-621; Filed, Jan. 25, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41]

[Draft Release No. 57-2]

ELIMINATION OF REQUIREMENT FOR ACTUAL OR SIMULATED GROSS TAKE-OFF WEIGHT IN RECURRING PROFICIENCY CHECK WITH ONE ENGINE INOPERATIVE

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 40 and 41 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by March 25, 1957. Copies of such communications will be available after March 27, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Bureau of Safety Regulation has been requested to amend current regulations in §§ 40.302 (b) (2) (i) and 41.53 to eliminate the requirement for actual or simulated maximum gross take-off weight in the present recurring proficiency check with one engine inoperative. This proficiency check is presently required at regular intervals for each pilot in command to determine his ability to pilot and navigate airplanes flown by him. Among the maneuvers required in the current regulations (in Part 40 by reference to § 40.282 (b) (1) (i)) is the demonstration of skill on take-off with simulated engine failure. This is required to be accomplished at maximum take-off weight and power.

However, it has been found that the large spread between the maximum certificated take-off weight and the maximum certificated landing weight of present transport aircraft has virtually ruled out the possibility of an air carrier giving pilot training with the aircraft at the maximum certificated weight. It is agreed generally that the use of such weights is not practical since it necessitates loading and unloading large quantities of ballast to replace weights of passengers and cargo. Furthermore, a large amount of fuel must be consumed (or ballast dumped) so as not to exceed the maximum landing weight due to the aforementioned spread between take-off and landing weights. For example, some airplanes have an authorized maximum take-off weight of 122,200 pounds and a maximum landing weight of 97,000 pounds. Therefore, 25,200 pounds of fuel would have to be consumed after take-off and before landing if a maximum weight take-off is accomplished; this would require approximately 8 hours of flight. The alternatives of dumping fuel or ballast to reduce weight are also obviously impractical on short training flights. The Civil Aeronautics Board was aware of this problem and worded § 40.282 (b) (1) (iv) to permit simulating the take-off performance capability of the airplanes by using suitable combinations of weight and power less than the maximum authorized. An alternative procedure which would permit the carriers to limit the take-off distance to the minimum required for the weight of the airplane at maximum allowable take-off power (foreshortened runway concept) was proposed for inclusion in the Civil Aeronautics Manual. However, the Civil Aeronautics Administration now considers that a change in the Civil Air Regulations would be a more desirable means of clarifying the situation. It is the understanding of the Bureau of Safety Regulation that the procedures discussed above have been utilized to some extent by the air carriers in their flight checks and training.

The air carriers have opposed the use of maximum weights in the requirements, and are generally opposed to simulation of weight either by reduced power or by the foreshortened runway concept for the following reasons presented by them:

(1) Use of reduced power settings necessitates new computations which are time-consuming and entail engineering problems.

(2) Use of reduced power settings is opposed by maintenance personnel and aircraft manufacturers on the grounds of possible detrimental effects to the engines.

(3) The use of reduced power settings does not fully simulate a take-off at maximum operating weights in aircraft taking off with full power.

(4) Use of reduced power during training might encourage the use of throttle and propeller settings which are not proper for normal operation.

(5) On some aircraft the landing gear will not retract at reduced power settings.

(6) Use of reduced power settings during take-off involves a built-in-emergency hazard.

(7) Use of the foreshortened runway concept involves complicated calculations and special marking of runways.

Accordingly, it is proposed herein to eliminate from the provisions for recurring proficiency check with one engine inoperative, the requirement that the check be accomplished at actual or simulated maximum gross take-off weight. It should be understood that the amendment proposed would not affect the present requirements in initial pilot flight training for simulation of engine failure at actual or simulated maximum weights in take-off, landing, and approach configurations.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board the adoption of amendments to Parts 40 and 41 of the Civil Air Regulations (14 CFR Parts 40 and 41, as amended) as follows:

1. By amending § 40.302 (b) (2) (i) of Part 40 by adding at the end thereof the phrase "nor at actual or simulated maximum authorized weight".

2. By amending § 41.53 of Part 41 by adding at the end of the fourth sentence: "*Provided*, That actual or simulated maximum authorized weight on take-off shall not be required in the periodic checks and instruction".

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The proposal may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012; 49 U. S. C. 551-560)

Dated at Washington, D. C., January 23, 1957.

By the Bureau of Safety Regulation.

[SEAL] OSCAR BAKKE,
Director.

[F. R. Doc. 57-624; Filed, Jan. 25, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Dept. Order 170-3]

DEPUTY TO THE SECRETARY

ESTABLISHMENT OF POSITION

JANUARY 9, 1957.

There is hereby established in the Office of the Secretary the position of Deputy to the Secretary. By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, the functions and responsibilities of the position, Special Assistant to the Secretary in Charge of Tax Policy, are hereby transferred to the position of Deputy to the Secretary.

This order amends Treasury Department Orders No. 148 (Revision No. 2), dated August 3, 1955, and No. 150-41, dated February 13, 1956.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57-610; Filed, Jan. 25, 1957; 8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

NEWLANDS PROJECT, NEVADA

ORDER OF REVOCATION

FEBRUARY 27, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Orders of July 2, 1902; August 26, 1902; August 4, 1904; February 7, 1905; December 2, 1907; August 13, 1908; and November 4, 1909; in so far as said orders affect the following described lands: *Provided, however*, That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, NEVADA

T. 18 N., R. 26 E.,
Sec. 6: All.
T. 20 N., R. 26 E.,
Sec. 24: All.
T. 17 N., R. 27 E. (unsurveyed),
Secs. 1, 2, 3, and 10 to 14 inclusive: All;
Sec. 15: E½;
Secs. 23 to 26 inclusive: All;
Sec. 27: E½;
Sec. 34: E½;
Secs. 35, 36: All.
T. 18 N., R. 27 E.,
Sec. 18: E½;
Sec. 27: All;
Sec. 28: E½;
Secs. 34, 35: All.
T. 16 N., R. 28 E.,
Secs. 5, 6: All;
Sec. 7: N½;
Sec. 8: All.
T. 17 N., R. 28 E.,
Secs. 4 to 9, inclusive: All;
Secs. 16 to 21, inclusive: All; and
Secs. 29 to 32, inclusive: All.
T. 18 N., R. 28 E.,
Secs. 30, 31: All.
T. 16 N., R. 29 E.,
Secs. 8 to 12, inclusive: All.
T. 18 N., R. 30 E.,
Sec. 11: N½, SW¼;
Sec. 15: N½;
Sec. 21: W½.
T. 19 N., R. 31 E.,
Secs. 1, 12: All.
T. 21 N., R. 32 E.,
Secs. 1, 12: All;
Sec. 13: N½;
Sec. 23: N½, SW¼;
Sec. 26: NW¼.
T. 21 N., R. 33 E.,
Secs. 5, 6, 7: All.
T. 22 N., R. 33 E.,
Secs. 4, 5, 8, 9, 16, 17, and 19 to 21, inclusive, and
Secs. 28 to 33, inclusive.
T. 23 N., R. 33 E.,
Secs. 1 to 29, inclusive, and
Secs. 32 to 36, inclusive: All.

The above area aggregates approximately 68,425.62 acres.

G. W. LINEWEAVER,
Acting Commissioner.

[63041]

JANUARY 17, 1957.

1. I concur.

2. The lands are located in Churchill County near Fallon, Nevada. The topography varies from level flats to low foothills with generally clay heavy alkali soils. The lands are located within Nevada Grazing District No. 3. They are unsuitable for farming.

3. The following-described lands are withdrawn by Public Land Order No. 898 of June 12, 1953, for use of the Department of the Navy as aerial bombing ranges in connection with the Naval Auxiliary Air Station at Fallon, Nevada:

MOUNT DIABLO MERIDIAN

T. 17 N., R. 27 E. (unsurveyed),
Secs. 1, 2, and 3;
Sec. 11, E½;
Secs. 12 and 13;
Sec. 14, E½;
Secs. 23 to 26, inclusive;
Secs. 35 and 36.
T. 17 N., R. 28 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 20, inclusive;
Secs. 29 to 32, inclusive.

The areas described aggregate 17,280 acres.

4. The following-described lands are patented without a reservation of minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 23 N., R. 33 E.,
Secs. 3, 5, 7, and 9;
Sec. 17, N½ and SW¼;
Sec. 19, N½.

The areas described aggregate approximately 3,345 acres.

5. Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the public lands released from withdrawal by this order are hereby opened to filing of applications, selections, and locations in accordance with paragraphs 6 and 7 of this order, the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands.

6. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

a. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

b. All valid applications for surveyed lands under the Homestead, and Desert-Land Laws and all valid applications for surveyed and unsurveyed lands under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on February 22, 1957, will be considered as simultaneously filed at that hour. Rights under such preference-

right applications filed after that hour and before 10:00 a. m. on May 24, 1957, will be governed by the time of filing.

c. All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs 7a and 7b above, presented prior to 10:00 a. m. on May 24, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

d. The restored lands in the following townships have been open to applications and offers under the mineral-leasing laws and will be open to location under the U. S. mining laws beginning at 10:00 a. m. on May 24, 1957.

T. 18 N., R. 26 E.,
T. 18 N., R. 27 E.,
Tps. 17 and 18 N., R. 28 E.,
T. 16 N., R. 29 E.,
T. 19 N., R. 31 E.,
T. 21 N., R. 32 E.,
Tps. 21, and 22N, R. 33 E.

e. The restored lands in T. 20 N., R. 26 E., T. 17 N., R. 27 E., T. 16 N., R. 28 E., and T. 18 N., R. 30 E., have been open to location under the United States mining laws, and to applications and offers under the mineral-leasing laws.

8. Persons claiming veterans preference rights under paragraph 7b above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

9. The public lands in T. 23 N., R. 33 E., aggregating approximately 18,400 acres, are included in an application for withdrawal filed by the Department of the Navy, Nevada 013285. With respect to these lands, applications under the public-land laws will be suspended in accordance with 43 CFR 295.10 until final action on the application for withdrawal has been taken.

Inquiries concerning the restored lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-560; Filed, Jan. 25, 1957; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Angus Manufacturing Co., 364 North Thomas Street, Athens, Ga.; effective 1-7-57 to 1-6-58 (work shirts and pants).

Big-Dad Manufacturing Co., Inc., Starke, Fla.; effective 1-14-57 to 1-13-58 (shirts, dungarees and pants).

Cherryvale Manufacturing Co., Cherryvale, Kans.; effective 1-4-57 to 1-3-58 (men's work pants).

Glendale Manufacturing Co., Biltmore, N. C.; effective 12-31-56 to 12-30-57 (ladies' rayon, nylon and cotton night gowns, etc.).

Myles Manufacturing Co., Pennsboro, W. Va.; effective 1-12-57 to 1-11-58 (cotton blouses).

Reidbord Bros. Co., Blairton, Washington Township, Westmoreland County, Pa.; effective 1-3-57 to 1-2-58 (men's work trousers).

Salisbury Co., Salisbury, Mo.; effective 1-12-57 to 1-11-58 (dress trousers and slacks).

Smith Bros. Manufacturing Co., 524 Howard Street, Carthage, Mo.; effective 1-11-57 to 1-10-58 (overalls, jeans and jackets).

Smith Bros. Manufacturing Co., Lamar, Mo., effective 1-11-57 to 1-10-58; 10 learners (dungarees and cossack coats).

Smith Bros. Manufacturing Co., Neosho, Mo.; effective 1-11-57 to 1-10-58 (ladies' jeans).

Smith Bros. Manufacturing Co., Fourth and Francis Streets, St. Joseph, Mo.; effective 1-10-57 to 1-9-58 (overalls, pants, one piece suits, etc.).

Smith Bros. Manufacturing Co., Webb City, Mo.; effective 1-11-57 to 1-10-58 (shirts).

Soperton Manufacturing Co., Soperton, Ga.; effective 1-11-57 to 1-10-58 (shirts).

T & T Pants Manufacturing Co., Inc., 1101 Wyoming Avenue, Scranton, Pa.; effective 1-7-57 to 1-6-58; 10 learners (men's and boys' trousers).

The following learner certificates were issued for expansion purposes. The number of learners authorized for employment is indicated:

Bay Slacks, Inc., Bay Minette, Ala.; effective 1-2-57 to 7-1-57; 30 learners (men's dress slacks).

Salem Garment Co., Inc., Salem, S. C.; effective 1-2-57 to 7-1-57; 35 learners (wash dresses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The Boss Manufacturing Co., Palm, Pa.; effective 1-4-57 to 1-3-58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Grenada Industries, Inc., Grenada, Miss.; effective 1-25-57 to 1-24-58; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned).

Whisnant Hosiery Mills, Inc., 74 8th Street SE., Hickory, N. C.; effective 1-8-57 to 1-7-58; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Wolverine Knitting Mills, 120 North Jackson Street, Bay City, Mich.; effective 1-7-57 to 7-6-57; 15 learners for expansion purposes (underwear).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in regulations, Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of January 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-614; Filed, Jan. 25, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. PRM-1]

STRAUCH, NOLAN AND NEALE

NOTICE OF PETITION FOR AMENDING RULES OF PRACTICE, PROCEDURES ON DECLARING PATENTS AFFECTED WITH PUBLIC INTEREST AND LICENSING OF PATENTS

Please take notice that the Atomic Energy Commission on January 3, 1957, received a petition from Strauch, Nolan and Neale, 1111 E Street NW., Washington 4, D. C., requesting amendment of the Commission's Procedural Regulations which appear at 21 F. R. 9764. The amendment would revise § 2.301 to read as follows:

§ 2.301 *Definition.* As used in this subpart, "patent owner" means the owner of record and all licensees identifiable from any license agreements recorded in the United States Patent Office, and any party of which the Commission has actual knowledge offering a license to others under such patent.

A copy of this petition, which has been assigned Docket No. PRM-1, is available for public inspection in the AEC Public Document Room, located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 18th day of January 1957.

WOODFORD B. MCCOOL,
Secretary.

[F. R. Doc. 57-613; Filed, Jan. 25, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7158 et al.]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.; WEST COAST-EUROPE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Pan American World Airlines, Inc., and Trans World Airlines, Inc., for the designation of Los Angeles, San Francisco/Oakland, Portland, and Seattle/Tacoma as additional coterminals for transatlantic services.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that an oral argument in the above-entitled proceeding is assigned to be held on February 6, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-625; Filed, Jan. 25, 1957; 8:49 a. m.]

[Docket No. 6428]

NORTHWEST AIRLINES, INC.; TRANS-PACIFIC OPERATIONS TEMPORARY MAIL RATES

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on January 31, 1957, at 2:00 p. m., e. s. t., in Room E-210, Temporary Building No. 5 Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., January 23, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-626; Filed, Jan. 25, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-8443, etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND SEABOARD OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 22, 1957.

In the matters of Transcontinental Gas Pipe Line Corp., Docket Nos. G-8443 and G-9588; Seaboard Oil Co., Docket No. G-8438.

Take notice that on February 4, 1955, as amended on May 24, 1955, Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation with its principal place of business located at Houston, Texas, filed at Docket No. G-8443 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain gas facilities as hereinafter described:

To construct and operate a meter station and 6.25 miles of 8-inch pipeline to enable it to transport gas from the Live Oak Field, Vermilion Parish, Louisiana, at a point on its Tigre Lagoon 14-inch lateral for transportation in interstate commerce. The estimated cost of Transco's facilities is $165,010, which will be financed from corporate funds.

The revised cost of the 8-inch pipeline as stated in the amendment will be $65,420 against $58,410 previously estimated in the original application for a 6⅝-inch pipeline. The increased cost of the 8-inch pipeline as requested in the amendment, instead of the 6⅝-inch pipeline, will not actually materialize because of utilization of the contingency item in the amount of $7,387 included in the original estimate of $158,000 for the total project.

Minimum take in the area above will be 5,000 Mcf per day and the maximum, if available, is 7,000 Mcf per day. Reserves are estimated to be 67,948,000 Mcf.

Take further notice that on November 1, 1955, Transco filed at Docket No. G-9588 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering the construction, installation and operation of approximately 10 miles of 16-inch pipeline, 1.48 miles of 12-inch pipeline, and 0.80 mile of 10-inch pipeline, together with two meter stations and appurtenant equipment.

Transco alleges that the 10-inch pipeline proposed in this docket will extend northwesterly from a point of connection with the 8-inch Live Oak lateral to a point of connection with the proposed 12-inch and 16-inch pipelines. The 12-inch line will extend from a proposed meter station in the Live Oak Field, Vermilion Parish, Louisiana, northward to a junction with the proposed 10-inch and 16-inch pipelines. The proposed 16-inch pipeline, to be known as the Cow Island lateral, will extend in a northwesterly direction from its junction with the proposed 10-inch and 12-inch pipelines to a point of connection with Transco's existing 18-inch pipeline at Cow Island junction. The estimated overall capital cost of the proposed facilities is $707,000, which will be financed initially by short term bank loans. No new service is proposed.

Take further notice that on February 4, 1955, Seaboard Oil Company (Seaboard), a Delaware corporation with its principal place of business at Dallas, Texas, filed at Docket No. G-8438 its application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to sell natural gas from the Live Oak Field, Vermilion Parish, Louisiana, to Transco for transportation in interstate commerce for resale.

All of the above applications are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-619; Filed, Jan. 25, 1957; 8:47 a. m.]

[Docket Nos. G-9803, G-9804]

SUPERIOR OIL CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 22, 1957.

Take notice that on December 22, 1955, Transcontinental Gas Pipe Line Corporation (Transco) filed at Docket No. G-9804 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of 0.49 miles of 6-inch pipeline, together with a meter station and appurtenant facilities, extending from the Live Oak Field, Vermilion Parish, Louisiana, to Transco's proposed 16-inch Cow Island lateral.

Transco states that the proposed facilities at Docket No. G-9804 will receive natural gas produced by The Superior Oil Company (Superior) from its acreage in the Live Oak Field. The estimated total cost of the proposed facilities is

$33,000 of which $17,579 is for the pipeline. The cost is to be financed from company funds.

On December 22, 1955, Superior filed at Docket No. G-9803 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering the sale of gas to Transco from the Live Oak Field, Vermilion Parish, Louisiana, under a 20-year contract dated December 1, 1955, executed between Transco and Superior.

Superior states that it will construct field lines and transport subject gas to a common point on its lease for delivery and sale to Transco. Proposed deliveries will commence upon receipt of authorization and completion of facilities.

Transco shows in its deliverability study average deliveries of 3,634 Mcf per day by Superior for 1956, and 2,928 Mcf per day for the duration of the contract term. Maximum contract deliveries are stated as 4,208 Mcf per day and a minimum of 3,060 Mcf per day. Open flow on Superior's only well in the field totaled 73,600 Mcf per day. This well was completed in the 12,900-foot reservoir. The above volumes are at 14.73 psia.

Transco will transport gas received from Superior commingled with its other gas supplies for sale in other states.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-615; Filed, Jan. 25, 1957; 8:47 a. m.]

[Docket No. G-11234, etc.]

SOUTHERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 22, 1957.

In the matters of Southern Natural Gas Company, Docket No. G-11234; J. M. Flaitz, et al., Docket No. G-11243; Francis A. Callery, Docket No. G-11254.

Take notice that on October 15, 1956, Southern Natural Gas Company (Southern) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of the following facilities by which additional natural gas reserves will be made available to its system from the Napoleonville Field, Assumption Parish, Louisiana, and in the Fort Jackson Field, Plaquemines Parish, Louisiana.

Southern lists the proposed facilities as:

1. Napoleonville Field:	
(a) 4.5 miles of 8⅝-inch O. D. pipeline extending to 20-inch main supply line	$252,120
(b) Measuring station	22,000
2. Fort Jackson Field:	
(a) 5.25 miles of 8⅝-inch O. D. pipeline extending to Olga Junction near Olga, Louisiana	346,840
(b) Submarine crossing of Mississippi River, consisting of ¾ miles of 8⅝-inch O. D. pipeline	121,040
(c) Measuring station	22,000
3. Facilities to enable transportation of the additional gas through existing lines:	
(a) Two 660-horsepower portable compressor units to be installed at the Toca Compressor Station	363,800
(b) One 550-horsepower portable compressor unit to be installed at White Castle Compressor Station now under construction as per authority granted in Docket No. G-10375	139,500
(c) One 1,350-horsepower compressor unit to be installed at the Gwinville Compressor Station	270,700
Total	1,588,000

Southern states that the estimated total cost of the above described facilities will be defrayed from current funds and that construction of the proposed facilities is estimated to be completed within four months after issuance of a certificate herein.

Take further notice that on October 16, 1956, J. M. Flaitz, et al. (Flaitz) filed in Docket No. G-11243 an application as operator and for other nonoperating working interest owners,[1] for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, to sell gas in interstate commerce to Southern from the Napoleonville Field, Assumption Parish, Louisiana. This sale is to be made pursuant to a 20-year sale agreement between Southern and Flaitz dated September 4, 1956.

Also, on October 18, 1956, Francis A. Callery (Callery) filed in Docket No. G-11254 an application on behalf of himself as operator and nonoperating working interest owners listed in the application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, to sell gas in interstate commerce to Southern from Fort Jackson Field, Plaquemines Parish, Louisiana. This sale is to be made pursuant to a 20-year gas sales agreement between Southern and Callery dated September 24, 1956.

The gas received from the Napoleonville Field and the Fort Jackson Field by Southern will be transported in interstate commerce for resale.

The above applications are on file with the Commission and open to public inspection.

Southern also states that the gas to be supplied by Flaitz will come from three wells in Napoleonville Field. There are five productive zones in this field occurring at depths ranging from 10,300 feet to 11,200 feet. The two main zones, which together contain more than 85 percent of the presently claimed reserves, have open flow potentials of 14,250 and 24,000 Mcf per day. The dedicated total recoverable reserve of this field as of this date is 71,852,000 Mcf. The daily delivery to Southern from this source is 8,450 Mcf (minimum) to 12,680 Mcf (maximum).

Southern further states that the gas to be supplied by Callery will come from one well in Fort Jackson Field which has penetrated two producing zones at depths of 10,800 feet and 11,200 feet. These two zones have the calculated open flow potentials of 26,500 and 99,000 Mcf per day. The dedicated total recoverable reserve of this field as of this date is 48,973,000 Mcf. The daily delivery to Southern from this source is 5,760 Mcf (minimum) to 8,640 Mcf (maximum).

Southern alleges that the acquisition of the new gas reserves and the construction of facilities to receive and transfer the gas will assure Southern's ability to meet its peak day input requirements of present markets for the winter of 1957-58.

Southern also alleges that no new sales or services are contemplated as a result of installation of the proposed facilities.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-617; Filed, Jan. 25, 1957; 8:47 a. m.]

[1] J. M. Flaitz, R. B. Mitchell, Climax Molybdenum Company, The American Metal Company, Limited Slick Oil Corporation, signatures to contract.

[Docket No. G-11,285]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 22, 1957.

Take notice that Hope Natural Gas Company, a West Virginia corporation, having its principal place of business at 445 West Main Street, Clarksburg, West Virginia, filed on October 24, 1956 an application for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant requests permission to discontinue the sale of gas to United Fuel Gas Company (United) from a single well, No. 8813, on the Benny R. Reynolds tract situate in Curtis District, Roane County, West Virginia, which was authorized by certificate issued in Docket No. G-4454. Applicant alleges that there has been no gas produced from this well since December 1955 and no further production is expected.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday February 14, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 4, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-616; Filed, Jan. 25, 1957; 8:47 a. m.]

[Docket No. G-11433]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 22, 1957.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware corporation having its principal place of business at 122 South Michigan Avenue, Chicago 3, Illinois, filed on November 7, 1956, an application, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing construction and operation of certain loop pipeline facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate approximately 9.55 miles of 36-inch transmission pipeline, looping its existing single 30-inch pipeline from a point on the north bank of the Illinois River to Applicant's Joliet Regulator Station, serving the Chicago area. Applicant alleges that such proposed looping is necessary for the maintenance of adequate pressure on Applicant's pipeline system north of the Illinois River to enable Applicant to deliver the quantities of gas required to be delivered at the Joliet Meter Station delivery point and at delivery points on its Volo Lateral in the Chicago area during the 1957-1958 winter season.

The estimated cost of the proposed facilities is $1,700,000, which will be financed from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 25, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-618; Filed, Jan. 25, 1957; 8:47 a. m.]

FEDERAL RESERVE SYSTEM

TRANSAMERICA CORP.

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve System, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843), and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by Transamerica Corporation, San Francisco, California, a bank holding company, for a determination by said Board that Occidental Life Insurance Company of California and its activities are of the kind described in those provisions of the act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this request be held commencing on March 4, 1957, at 10 o'clock a. m., in the hearing room at the office of the Federal Reserve Bank of San Francisco, 400 Sansome Street, in the city and county of San Francisco, State of California, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the rules of practice for formal hearings of the Board of Governors of the Federal Re-

serve System (12 CFR Part 263). The Board's rules of practice for formal hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of San Francisco, on or before February 21, 1957, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

JANUARY 22, 1957.

[F. R. Doc. 57-607; Filed, Jan. 25, 1957; 8:45 a. m.]

GENERAL CONTRACT CORP.

NOTICE OF REQUEST FOR DETERMINATION AND ORDER FOR HEARING THEREON

Notice is hereby given that request has been made to the Board of Governors of the Federal Reserve Sysetem, pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 (12 U. S. C. 1843) and section 5 (b) of the Board's Regulation Y (12 CFR 222.5 (b)), by General Contract Corporation, St. Louis, Missouri, a bank holding company, for a determination by said Board that each of the companies listed below and the activities thereof are of the kind described in those provisions of the act and the regulation so as to make it unnecessary for the prohibitions of section 4 of the act with respect to retention of shares in nonbanking organizations to apply in order to carry out the purposes of the act:

1. Washington Fire and Marine Insurance Company.
2. Insurance Company of St. Louis.
3. Midwestern Fire and Marine Insurance Company.
4. Securities Investment Company of St. Louis and its subsidiaries:
   - Securities Credit Company (Missouri).
   - Securities Loan Company.
   - Securities Credit Company (Florida).
   - Broadway Insurance Agency, Inc.
   - Securities Insurance Agency, Inc.
   - Davidson Insurance Agency, Inc.
   - Investment Insurance Agency, Inc.
   - Craighead Insurance Agency, Inc.
   - Palafox Insurance Agency, Inc.
5. Industrial Loan Company.
6. Industrial Finance Company of Wellston.
7. Springfield Union Finance Company.
8. Quincy Union Finance Company.
9. Baden Loan Company.
10. General Contract Loan Company.
11. SIC Loan Company.
12. General Loan Company.
13. General Contract Loan Company, Inc.
14. General Contract Loan Brokers, Inc.
15. Investment Company of St. Louis.
16. Apex Insurance Agency, Inc.
17. Jefferson-Gravois Insurance Agency, Inc.
18. Reid-Kruse, Inc.
19. St. Louis-Washington Insurance Agency, Inc.
20. Northwestern Insurance Agency, Inc.
21. Springfield Insurance Agency, Inc.
22. Quincy Insurance Agency, Inc.
23. Sterick Insurance Agency, Inc.
24. Texarkana Agency, Inc.

Inasmuch as section 4 (c) (6) of the Bank Holding Company Act of 1956 requires that any determination pursuant thereto be made by the Board after due notice and hearing and on the basis of the record made at such hearing,

It is hereby ordered, That pursuant to section 4 (c) (6) of the Bank Holding Company Act of 1956 and in accordance with sections 5 (b) and 7 (a) of the Board's Regulation Y (12 CFR 222.5 (b), 222.7 (a)), promulgated under the Bank Holding Company Act of 1956, a hearing with respect to this matter be held commencing on February 18, 1957, at 10 o'clock a. m., in Room 4 at the office of the Federal Reserve Bank of St. Louis, 411 Locust Street, in the City of St. Louis, State of Missouri, before a hearing examiner selected by the Civil Service Commission pursuant to section 11 of the Administrative Procedure Act, such hearing to be conducted in accordance with the rules of practice for formal hearings of the Board of Governors of the Federal Reserve System (12 CFR Part 263). The Board's rules of practice for formal hearings provide, in part, that "all such hearings shall be private and shall be attended only by respondents and their representatives or counsel, representatives of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of one or more respondents or counsel for the Board, or on its own motion, the Board, when not prohibited by law, may permit other persons to attend or may order the hearing to be made public."

Any person desiring to give testimony in this proceeding should file with the Secretary of the Board, directly or through the Federal Reserve Bank of St. Louis, on or before February 8, 1957, a written request relative thereto, said request to contain a statement of the reasons for wishing to appear, the nature of the petitioner's interest in the proceeding, and a summary of the matters concerning which said petitioner wishes to give testimony. Such request will be presented to the designated hearing examiner for his determination in the matter at the appropriate time. Persons submitting timely requests will be notified of the hearing examiner's decision in due course.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER, *Secretary.*

JANUARY 22, 1957.

[F. R. Doc. 57-608; Filed, Jan. 25, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3548]

OHIO EDISON CO.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO RIGHTS OFFERING

JANUARY 22, 1957.

Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed a declaration and amendments thereto pursuant to sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder with respect to the following proposed transaction:

The Company proposes to issue and sell 580,613 shares of its authorized but unissued Common Stock and to offer such shares to its common stockholders of record at the close of business on January 31, 1957, such offer to give to each common stockholder of record, until February 15, 1957, the right to subscribe for shares of the additional Common Stock on the basis of one share for each ten shares of Common Stock held ("Right") and the privilege to subscribe, subject to allotment, at the same subscription price for shares of the additional Common Stock not subscribed for pursuant to the Rights referred to above ("Additional Subscription Privilege"). Rights and Additional Subscription Privileges will be evidenced by a single form of transferable registered Warrant. No fractional shares will be issued. Through its subscription agents the Company will provide facilities for the purchase of such Rights (not exceeding 9 in any one case) as may be necessary for a subscription to one full share of Common Stock, or the sale of Rights (not exceeding 9 in any one case) in excess of those necessary for the purchase of full shares.

The Company proposes on or about January 24, 1957, publicly to invite bids from prospective underwriters for the underwriting of said offering, such underwriters to name the amount of compensation, if any, to be paid by the Company to them for their services and agreement to purchase, at the subscription price, any shares not subscribed for as a result of the offering to the stockholders and also the shares, if any, purchased by the Company in connection with its stabilizing activities referred to below. It is proposed that the bids will be submitted on or about January 30, 1957.

The price per share at which the Company proposes to offer the additional Common Stock to its common stockholders and the unsubscribed stock to the underwriters will be determined by the Company. Prospective underwriters will be notified of the price per share as so determined by the Company at least 42 hours prior to the time for the submission of bids. Such price will be not more than the last reported sale price on the New York Stock Exchange and not less than such last reported sale price less 15 percent.

The Company proposes, if it considers the same necessary or desirable, to effect transactions to stabilize or maintain the price of its Common Stock for the purpose of facilitating the offering and distribution of the additional Common Stock. In connection therewith the Company may, during the period commencing with the second full business day prior to the time for submission of bids and continuing until the acceptance of a bid, purchase not in excess of 58,061 shares of its Common Stock through regular brokerage channels.

The Company will use the net proceeds from its proposed sale of Common Stock, together with cash on hand and to be derived from operations, for its 1957 construction program (estimated at $54,944,000) and for an additional investment of $2,100,000 in the common stock of its subsidiary, Pennsylvania Power Company.

The fees and expenses to be paid by the Company in connection with said transaction are estimated as follows:

Federal original issue tax	$10,000
Filing fee, this Commission	3,233
Printing and engraving	41,700
Listing and registration on New York and Midwest Stock Exchanges	1,975
Services of transfer agents and registrars	10,500
Service of co-warrant agent	44,000
Legal services, Winthrop, Stimson, Putnam & Roberts	12,500
Accounting services, Arthur Andersen & Co	6,880
Services of Commonwealth Services Inc	10,000
Miscellaneous	8,000
Total	148,788

The fee of Simpson Thacher & Bartlett, independent counsel to the underwriters, which will be paid by the successful bidders, is estimated at $7,500.

The Public Utilities Commission of Ohio has authorized the issuance and sale of the securities as proposed, subject to its further approval of the subscription price and the compensation to be paid to the underwriters.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the rules thereunder are satisfied and that no reservations are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the Act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-608; Filed, Jan. 25, 1957; 8:46 a. m.]

[File No. 24SF-2090]

GRIFF MINES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 22, 1957.

I. Griff Mines, Inc., 151 Sonoma Street, Winnemucca, Nevada, filed with the Commission on May 26, 1955, a Notification on Form 1-A, a Statement under Rule 219 (b) and a sales letter relative to a proposed offering of 220,000 common shares at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the offering, if continued, would act as a fraud or deceit upon prospective purchasers in that material changes have occurred in the affairs of the corporation which are not reflected in its Statement under Rule 219 (b) or in its sales literature, to wit: the rights in mineral lands which constitute the principal asset of the corporation have become lost to the corporation.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-609; Filed, Jan. 25, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 23, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33185: *Scrap iron or steel—Southern points to Muncy, Pa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads from specified points in southern territory including southern Virginia and Helena, Ark., to Muncy, Pa.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 134 to Agent Spaninger's tariff I. C. C. 1329.

FSA No. 33186: *Scrap iron or steel from and to Decatur, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron and steel, carloads from Decatur, Ala., to Birmingham, Ala., and group points and from Birmingham, Ala., and group points to Decatur, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 134 to Agent Spaninger's tariff I. C. C. 1329.

FSA No. 33187: *Scrap iron or steel—Huntington, W. Va., to Birmingham, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on scrap iron and steel, carloads from Huntington, W. Va., to Birmingham, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 134 to Agent Spaninger's tariff I. C. C. 1329.

FSA No. 33188: *Sand—Glass Rock, Ohio, to Jackson, Miss.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on screened sand, carloads from Glass Rock, Ohio to Jackson, Miss.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 45 to Agent H. R. Hinsch's tariff I. C. C. 4664.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-611; Filed, Jan. 25, 1957; 8:46 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES INCREASED FREIGHT RATES, 1956

In the matter of the Petition dated January 17, 1957, for leave to amend and supplement petition dated October 15, 1956, filed by freight forwarders parties to the above-entitled proceeding.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

Upon consideration of a petition for leave to amend and supplement petition of October 15, 1956, substantially as follows:

1. Petitioners ask that if the railroads should, as a result of this proceeding be authorized to increase their rates and charges by 22 percent (including the emergency increases granted on an interim basis on December 17, 1956) or by any other amount over and above the interim increases, petitioning freight forwarders request authority to increase their own rates and charges by the same amount and at the same time.

2. Petitioners request permission to file certain supplemental and additional verified statements in support of amended petition on or before February 1, 1957.

3. Petitioners request that additional freight forwarders be included as petitioners.

It is ordered, That the petitions for leave to amend and for filing supplemental and additional verified statements on or before February 1, 1957, be granted.

It is further ordered, That the filing of statements and briefs, the holding of hearings, and other procedures will be governed by the special rules of practice and procedure set forth in paragraph 3 of the Commission's order of January 16, 1957.

Dated at Washington, D. C., this 18th day of January A. D. 1957.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-612; Filed, Jan. 25, 1957; 8:46 a. m.]

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VOLUME 22 NUMBER 19

Washington, Tuesday, January 29, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3168

NATIONAL JUNIOR ACHIEVEMENT WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS many of the young people of our country, under the auspices of a nation-wide organization, are learning actual business methods by setting up and operating their own small-scale enterprises; and

WHEREAS the sponsors of these energetic juniors—businessmen of many local communities—are voluntarily giving of their time, their counsel, and their experience for the benefit of these junior achievers; and

WHEREAS the experience gained by these young people in conducting their own enterprises will heighten their understanding of the privileges and duties of citizenship and better prepare them for future leadership in industry and in their communities; and

WHEREAS initiative, a sense of individual dignity, and the determination to mold one's own future are basic elements of the character of the people of our nation; and

WHEREAS the Congress, by House Concurrent Resolution 73, agreed to January 17, 1957, has requested the President to issue a proclamation designating the week beginning January 27, 1957, as National Junior Achievement Week:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the week of January 27 through February 2, 1957, as National Junior Achievement Week; and I urge all our citizens to observe the week by honoring Junior Achievers and their volunteer adult advisers through appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-fifth day of January in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL] DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-709; Filed, Jan. 28, 1957; 11:04 a. m.]

EXECUTIVE ORDER 10696

CREATING AN EMERGENCY BOARD TO INVESTIGATE A DISPUTE BETWEEN THE RAILWAY EXPRESS AGENCY, INCORPORATED, AND CERTAIN OF ITS EMPLOYEES REPRESENTED BY THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN AND HELPERS OF AMERICA

WHEREAS a dispute exists between the Railway Express Agency, Incorporated, a carrier, and certain of its employees represented by the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, a labor organization; and

WHEREAS this dispute has not heretofore been adjusted under the provisions of the Railway Labor Act, as amended; and

WHEREAS this dispute, in the judgment of the National Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive the country of essential transportation service:

NOW, THEREFORE, by virtue of the authority vested in me by section 10 of the Railway Labor Act, as amended (45 U. S. C. 160), I hereby create a board of three members, to be appointed by me, to investigate the said dispute. No member of the said Board shall be pecuniarily or otherwise interested in any organization of railway employees or any carrier.

(Continued on p. 533)

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The Board shall report its findings to the President with respect to the said dispute within thirty days from the date of this Order.

As provided by section 10 of the Railway Labor Act, as amended, from this date and for thirty days after the Board has made its report to the President, no change, except by agreement, shall be made by the Railway Express Agency, Incorporated, or by its employees, in the conditions out of which the said dispute arose.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
January 25, 1957.

[F. R. Doc. 57-700; Filed, Jan. 25, 1957; 4:26 p. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 3]

PART 722—COTTON

SUBPART—REGULATIONS PERTAINING TO ACREAGE ALLOTMENTS FOR 1957 CROP OF UPLAND COTTON

Basis and purpose. The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U. S. C. 1281 et seq.) for the purposes stated in connection with each of the following amendments. Notice of the proposed establishment of county acreage allotments was published in the FEDERAL REGISTER of July 7, 1956 (21 F. R. 5063), pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) and the data, views and recommendations which were submitted have been duly considered. It is essential that these amendments be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable, unnecessary and contrary to the public interest and these amendments shall be effective upon filing of this document with the Director, Division of the Federal Register.

The regulations pertaining to acreage allotments for the 1957 crop of upland cotton (21 F. R. 7817, 9630) are amended as follows:

1. Section 722.816 (a) (1) is amended to set forth exceptions to the two percent limitation on State reserves approved by the Secretary and is revised to read as follows:

§ 722.816 *Apportionment of State acreage allotment among counties*—(a) • • •

(1) *State reserve for trends, abnormal conditions, new farms and inequities and hardship cases.* The State committee shall determine what portion of the State acreage allotment, if any, is to be reserved for use in (i) adjusting computed county acreage allotments for trends in acreage, (ii) adjusting computed county acreage allotments for abnormal conditions affecting plantings, (iii) establishing allotments for new cotton farms, and (iv) adjusting farm allotments to correct inequities and to prevent hardship. The total allocation to the State reserve for all such uses shall not exceed two percent of the State acreage allotment unless the Secretary, on the basis of a recommendation by the State committee, approves a larger percent. Based on the respective State committee recommendations, the exceptions to such two percent limitation on the State reserves for trends, abnormal conditions, new farms and inequities and hardship cases approved by the Secretary are as follows:

State:	*Percent of State acreage allotment*
Kansas	10
Louisiana	4.438
Nevada	10
Oklahoma	4.062
Texas	2.778

2. Section 722.816 *Apportionment of State acreage allotment among counties* is amended by addition of a new paragraph (i) which establishes the allocations to counties from the State reserve for small farms and for inequity and hardship cases, the remaining State reserve which is available for allocation to counties for new farms and for allocation to counties under § 722.817 (h), and county reserves:

(i) *Allocations to counties from State reserve for small farms, inequity and hardship cases; county reserve; and State reserve available for allocation to counties for new farms, late and reconstituted farms, and correction of errors.*

ALABAMA

County	Allocations from State reserve for—Small farms	Allocations from State reserve for—Inequity and hardship cases	County reserve
	Acres	*Acres*	*Acres*
Autauga	228	115	436.9
Baldwin	206	200	208.0
Barbour	552	279	1,272.7
Bibb	187	96	381.1
Blount	975	495	982.2
Bullock	197	100	974.1
Butler	621	314	601.8
Calhoun	690	350	829.0
Chambers	291	148	331.9
Cherokee	456	232	1,895.2
Chilton	1,075	544	1,188.4
Choctaw	621	314	460.1
Clarke	734	372	500.7
Clay	651	330	196.0
Cleburne	349	177	200.1
Coffee	475	240	1,185.1
Colbert	402	205	979.3
Conecuh	991	501	566.4
Coosa	210	106	202.8
Covington	625	317	1,500.3
Crenshaw	434	219	1,266.2
Cullman	1,845	934	1,071.3
Dale	408	206	1,096.7
Dallas	400	202	3,545.9
De Kalb	1,438	728	1,476.2
Elmore	485	246	923.2
Escambia	471	238	806.0
Etowah	991	502	1,040.5
Fayette	696	352	897.3
Franklin	541	274	1,034.9
Geneva	521	264	1,456.5
Greene	458	232	1,104.6
Hale	357	180	1,288.7
Henry	647	327	1,719.1
Houston	809	409	1,421.0
Jackson	1,135	574	3,233.8
Jefferson	692	351	199.5
Lamar	551	279	538.3
Lauderdale	914	463	2,007.0
Lawrence	758	383	1,430.4
Lee	265	134	1,213.8
Limestone	421	214	2,819.9
Lowndes	204	104	523.5
Macon	399	202	386.4
Madison	580	266	7,297.8
Marengo	604	306	1,843.5
Marion	796	403	837.5
Marshall	1,315	665	2,658.2
Mobile	370	188	219.1
Monroe	505	256	1,060.9
Montgomery	338	171	1,325.1
Morgan	945	478	2,113.8
Perry	295	149	751.1
Pickens	521	264	1,511.9
Pike	330	168	1,726.5
Randolph	663	336	198.0
Russell	206	105	1,139.8
St. Clair	505	201	338.9
Shelby	164	85	737.5
Sumter	336	170	1,603.0
Talladega	538	272	1,058.7
Tallapoosa	422	213	556.3
Tuscaloosa	973	493	1,089.2
Walker	1,018	515	772.2
Washington	253	143	248.8
Wilcox	385	195	1,463.3
Winston	799	404	303.3
State total	39,500	20,000	78,238.1
State reserve for new farms, late and reconstituted farms and correction of errors	0	291.9	

ARIZONA

Cochise	0	0	648.0
Gila	0	0	0
Graham	0	0	1,198.1
Greenlee	0	0	11.4
Maricopa	0	0	19,887.3
Mohave	0	0	2.7
Pima	0	0	3,613.5
Pinal	0	0	878.0
Santa Cruz	0	0	317.3
Yavapai	0	0	1.6
Yuma	0	0	4,696.2
State total	0	0	31,251.1
State reserve for new farms, late and reconstituted farms and correction of errors		0	

ARKANSAS

Arkansas	154	0	234.6
Ashley	111	0	101.8
Baxter	0	0	6.0
Benton	0	0	0.1
Boone	0	0	2.9
Bradley	154	43	112.2
Calhoun	83	24	107.8
Chicot	180	27	449.7
Clark	60	478	40.4
Clay	260	0	2,040.0
Cleburne	147	76	49.2
Cleveland	124	0	57.0
Columbia	312	178	856.5
Conway	130	537	23.7
Craighead	268	0	1,315.2
Crawford	4	121	4.9
Crittenden	111	0	12,645.8
Cross	160	0	2,951.5
Dallas	72	141	185.4
Desha	108	0	934.5
Drew	201	0	560.6
Faulkner	280	1,042	314.5
Franklin	11	48	21.9
Fulton	53	54	39.4
Garland	0	0	0.6

ARKANSAS—Continued

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Grant	38	0	23.9
Greene	405	0	1,828.8
Hempstead	154	306	666.0
Hot Spring	21	36	21.5
Howard	49	352	106.7
Independence	122	538	58.1
Izard	101	394	59.0
Jackson	118	0	1,828.5
Jefferson	132	0	478.5
Johnson	8	11	58.1
Lafayette	84	0	1,318.5
Lawrence	165	272	113.3
Lee	161	0	1,479.3
Lincoln	99	0	262.4
Little River	39	194	101.4
Logan	32	96	36.1
Lonoke	235	0	574.4
Marion	0	0	5.5
Miller	90	648	783.6
Mississippi	113	0	921.5
Monroe	141	0	167.7
Montgomery	0	0	3.0
Nevada	121	633	88.5
Newton	0	0	4.9
Ouachita	80	0	145.8
Perry	26	159	40.9
Phillips	176	0	3,043.8
Pike	13	78	7.0
Poinsett	100	0	2,335.6
Polk	2	0	0.4
Pope	47	334	33.0
Prairie	148	0	461.7
Pulaski	70	276	61.7
Randolph	110	411	330.0
St. Francis	148	0	8,218.6
Saline	0	0	11.5
Scott	2	0	7.3
Searcy	8	0	2.6
Sebastian	11	84	30.0
Sevier	35	92	81.0
Sharp	79	484	38.4
Stone	0	0	0.3
Union	119	179	86.7
Van Buren	62	67	33.0
Washington	0	4	0
White	566	422	730.0
Woodruff	102	0	1,908.9
Yell	55	197	215.0
State total	7,500	9,036	51,868.6
State reserve for new farms, late and reconstituted farms and correction of errors		1,454.4	

CALIFORNIA

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Butte	0	0	0.4
Fresno	3,010	0	9,809.6
Glenn	0	0	1.2
Imperial	220	0	1,240.5
Kern	648	0	3,307.2
Kings	765	0	2,115.0
Los Angeles	0	0	31.8
Madera	965	0	3,773.2
Merced	241	0	698.1
Riverside	161	0	599.5
San Benito	0	0	5.0
San Bernardino	0	0	22.9
San Diego	0	0	44.8
San Joaquin	0	0	0.4
San Luis Obispo	0	0	6.9
Stanislaus	0	0	19.0
Tehame	0	0	8.2
Tulare	2,080	0	9,746.9
Yuba	0	0	1.5
State total	8,099	0	31,430.1
State reserve for new farms, late and reconstituted farms and correction of errors		1,117.5	

FLORIDA

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Alachua	5.7	0	18.8
Baker	0.5	0	0.2
Bay	3.8	0	5.1
Calhoun	42.0	14.0	23.9
Clay	0.5	0	0.5
Columbia	8.5	8.0	34.5
Dixie	0.5	0	0.7
Duval	0	0	0.1
Escambia	106.8	20.0	54.3
Gadsden	8.5	0	28.1
Gilchrist	0	0	0.2
Hamilton	58.1	20.0	92.5
Holmes	288.2	28.0	460.2

FLORIDA—Continued

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Jackson	397.3	42.0	719.5
Jefferson	77.0	20.0	47.2
Lafayette	13.2	5.0	33.0
Leon	38.7	28.0	80.4
Levy	0.5	0	1.2
Liberty	0.5	0	1.7
Madison	139.8	42.0	222.9
Nassau	0	0	0.6
Okaloosa	107.2	28.0	82.8
Orange	0	0	0.6
Santa Rosa	338.7	28.0	624.4
Suwannee	25.5	0	90.3
Taylor	0.5	0	3.6
Union	0	0	0.6
Walton	166.8	28.0	129.0
Washington	47.2	14.0	120.7
State total	1,876.0	325.0	2,877.6
State reserve for new farms, late and reconstituted farms and correction of errors		238	

GEORGIA

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Appling	148	105	119.2
Atkinson	40	30	33.2
Bacon	84	71	107.9
Baker	75	42	247.2
Baldwin	61	44	46.4
Banks	104	76	90.6
Barrow	130	83	272.0
Bartow	266	185	2,305.2
Ben Hill	103	64	496.6
Berrien	116	87	46.1
Bibb	27	24	72.1
Bleckley	116	77	35.6
Brantley	4	1	2.0
Brooks	226	131	1,004.3
Bryan	11	8	12.1
Bulloch	303	184	375.6
Burke	497	357	262.2
Butts	81	59	229.5
Calhoun	93	61	511.3
Candler	118	75	164.9
Carroll	300	226	298.0
Catoosa	55	59	63.6
Charlton	1	0	1.0
Chatham	3	1	4.0
Chattahoochee	6	3	16.4
Chattooga	118	97	408.2
Cherokee	40	56	34.9
Clarke	54	38	122.6
Clay	68	40	409.7
Clayton	32	36	100.4
Clinch	8	9	11.5
Cobb	47	54	129.0
Coffee	190	122	279.8
Colquitt	384	230	2,856.4
Columbia	56	43	99.2
Cook	116	80	284.8
Coweta	162	120	202.4
Crawford	47	37	201.1
Crisp	158	108	41.1
Dade	20	28	0.7
Dawson	9	14	15.5
Decatur	128	84	384.3
De Kalb	22	25	50.2
Dodge	238	144	121.1
Dooly	283	203	33.1
Dougherty	40	29	194.4
Douglas	42	47	81.1
Early	259	148	594.0
Echols	3	1	3.1
Effingham	52	46	33.5
Elbert	214	147	418.1
Emanuel	287	185	992.7
Evans	63	41	150.2
Fayette	98	75	193.9
Floyd	151	100	487.0
Forsyth	87	115	239.4
Franklin	220	150	132.3
Fulton	68	69	88.9
Gilmer	1	0	7.1
Glascock	82	54	656.0
Gordon	237	170	1,118.2
Grady	124	109	181.3
Greene	87	69	155.8
Gwinnett	137	136	68.8
Habersham	21	28	15.2
Hall	81	90	91.4
Hancock	170	117	1,184.5
Haralson	107	97	83.0
Harris	53	40	136.2
Hart	270	206	390.6
Heard	82	62	83.6
Henry	209	141	452.3
Houston	88	69	74.2
Irwin	194	107	1,320.5

GEORGIA—Continued

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Jackson	224	156	252.8
Jasper	73	61	158.6
Jeff Davis	80	72	214.1
Jefferson	292	215	1,679.7
Jenkins	178	120	756.5
Johnson	222	167	2,081.6
Jones	21	15	60.7
Lamar	63	46	167.9
Lanier	27	22	18.7
Laurens	472	318	708.4
Lee	71	41	472.6
Liberty	12	6	17.3
Lincoln	55	47	134.2
Long	22	15	30.3
Lowndes	110	85	226.2
Lumpkin	5	6	0.7
McDuffie	107	77	200.1
McIntosh	1		3.7
Macon	167	124	71.7
Madison	259	159	611.4
Marion	72	50	485.5
Meriwether	207	146	447.6
Miller	136	84	419.9
Mitchell	237	140	1,626.0
Monroe	39	28	163.0
Montgomery	90	55	290.4
Morgan	212	155	540.4
Murray	105	80	375.3
Muscogee	7	8	16.2
Newton	146	106	299.0
Oconee	141	94	504.7
Oglethorpe	177	104	457.2
Paulding	86	91	47.5
Peach	44	30	309.7
Pickens	21	32	51.2
Pierce	87	69	67.5
Pike	107	84	405.2
Polk	157	124	598.6
Pulaski	136	94	381.1
Putnam	42	30	141.9
Quitman	32	19	136.1
Randolph	105	75	558.9
Richmond	45	74	153.6
Rockdale	74	57	136.3
Schley	62	45	101.0
Screven	277	181	545.1
Seminole	105	59	678.3
Spalding	54	43	141.8
Stephens	41	46	18.2
Stewart	68	34	137.5
Sumter	174	123	921.9
Talbot	49	47	100.9
Taliaferro	45	36	109.1
Tattnall	149	100	251.7
Taylor	119	84	610.5
Telfair	125	89	47.3
Terrell	179	130	1,103.6
Thomas	157	95	598.9
Tift	162	90	337.7
Toombs	162	105	466.4
Treutlen	69	43	183.8
Troup	60	58	114.2
Turner	148	88	728.0
Twiggs	81	55	37.1
Upson	38	36	125.7
Walker	111	122	142.8
Walton	311	206	471.3
Ware	44	35	36.9
Warren	160	118	555.7
Washington	266	189	520.5
Wayne	73	57	129.9
Webster	45	26	115.7
Wheeler	80	55	153.3
White	27	38	26.3
Whitfield	91	112	109.0
Wilcox	185	122	21.2
Wilkes	114	67	65.1
Wilkinson	67	51	15.6
Worth	344	195	1,761.8
State total	17,883	12,830	50,097.3
State reserve for new farms, late and reconstituted farms and correction of errors		5,053.5	

ILLINOIS

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Alexander	90	40	133.5
Jefferson	0	0	0
Madison	0	2	
Massac	0	0	0
Pulaski	46	20	68.3
Williamson	0	0	0
State total	136	62	201.8
State reserve for new farms, late and reconstituted farms and correction of errors		0	

KANSAS

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Cowley	0	0	0
Montgomery	0	1	0
State total	0	1	0
State reserve for new farms, late and reconstituted farms and correction of errors		1	

KENTUCKY

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Ballard	1.0		1.9
Calloway	15.0		17.0
Carlisle	8.0	2.0	6.6
Fulton	121.0	20.0	246.3
Graves	20.0		11.4
Hickman	75.0	7.0	139.3
McCracken	10.0		0.4
Marshall			5.7
State total	250.0	29.0	428.6
State reserve for new farms, late and reconstituted farms and correction of errors		50	

LOUISIANA

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Acadia	507.0	0	639.8
Allen	0	0	51.0
Ascension	0	0	38.7
Assumption	4.0	0	0.1
Avoyelles	448.0	0	2,759.9
Beauregard	0	0	38.4
Bienville	363.0	0	523.4
Bossier	726.0	0	1,638.8
Caddo	990.0	0	2,217.7
Calcasieu	20.0	0	20.7
Caldwell	121.0	0	308.1
Cameron	100.0	0	8.6
Catahoula	210.0	0	1,195.9
Claiborne	1,223.0	0	1,103.1
Concordia	164.0	0	890.6
De Soto	533.0	0	147.8
East Baton Rouge	0	0	93.4
East Carroll	428.0	0	2,451.2
East Feliciana	45.0	0	303.0
Evangeline	309.0	0	1,609.8
Franklin	960.0	0	4,429.6
Grant	71.0	0	555.2
Iberia	6.0	0	173.1
Iberville	23.0	0	49.0
Jackson	0	0	112.5
Jefferson	0	0	0
Jefferson Davis	44.0	0	29.8
Lafayette	680.0	0	433.7
Lafourche	0	0	0
La Salle	0	0	27.2
Lincoln	664.0	0	302.9
Livingston	0	0	51.9
Madison	317.0	0	354.7
Morehouse	521.0	0	923.7
Natchitoches	956.0	0	2,197.9
Orleans	0	0	0.7
Ouachita	246.0	0	966.5
Plaquemines	0	0	0
Pointe Coupee	190.0	0	1,450.1
Rapides	296.0	0	2,234.9
Red River	613.0	0	1,016.1
Richland	824.0	0	6,931.1
Sabine	150.0	0	116.7
St. Bernard	0	0	0
St. Helena	0	0	320.6
St. James	1.0	0	2.4
St. John the Baptist	0	0	0
St. Landry	658.0	0	5,060.9
St. Martin	174.0	0	962.5
St. Mary	0	0	0
St. Tammany	0	0	32.5
Tangipahoa	0	0	209.1
Tensas	335.0	0	2,783.7
Union	624.0	0	233.9
Vermilion	406.0	0	632.4
Vernon	0	0	55.8
Washington	23.0	0	799.2
Webster	414.0	0	644.7
West Baton Rouge	22.0	0	134.6
West Carroll	445.0	0	1,996.9
West Feliciana	188.0	0	139.6
Winn	24.0	0	149.1
State total	16,156.0	0	52,545.2
State reserve for new farms, late and reconstituted farms and correction of errors		35	

MARYLAND

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Caroline	0	0	3.7
State total	0	0	3.7
State reserve for new farms, late and reconstituted farms and correction of errors		0.5	

MISSISSIPPI

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Adams	0	0	320.0
Alcorn	0	0	1,191.9
Amite	0	0	134.4
Attala	0	0	122.9
Benton	0	0	552.2
Bolivar	0	0	2,661.4
Calhoun	0	0	1,927.3
Carroll	0	0	596.4
Chickasaw	0	0	594.8
Choctaw	0	0	455.7
Claiborne	0	0	505.3
Clarke	0	0	204.5
Clay	0	0	755.7
Coahoma	0	0	2,200.3
Copiah	0	0	506.7
Covington	0	0	419.7
De Soto	0	0	421.6
Forrest	0	0	43.1
Franklin	0	0	74.2
George	0	0	117.0
Greene	0	0	65.1
Grenada	0	0	1,465.4
Hancock	0	0	3.6
Harrison	0	0	1.9
Hinds	0	0	591.6
Holmes:			
Administrative Area I	0	0	1,799.3
Administrative Area II	0	0	1,235.0
Humphreys	0	0	904.6
Issaquena	0	0	232.3
Itawamba	0	0	346.1
Jackson	0	0	7.9
Jasper	0	0	135.9
Jefferson	0	0	370.5
Jefferson Davis	0	0	1,493.2
Jones	0	0	505.4
Kemper	0	0	289.6
Lafayette	0	0	499.9
Lamar	0	0	315.5
Lauderdale	0	0	511.9
Lawrence	0	0	392.6
Leake	0	0	867.8
Lee	0	0	1,322.4
Leflore	0	0	1,491.3
Lincoln	0	0	131.7
Lowndes	0	0	778.2
Madison	0	0	631.3
Marion	0	0	339.6
Marshall	0	0	655.4
Monroe	0	0	2,035.2
Montgomery	0	0	505.1
Neshoba	0	0	544.5
Newton	0	0	412.0
Noxubee	0	0	341.1
Oktibbeha	0	0	38.0
Panola	0	0	5,291.5
Pearl River	0	0	45.6
Perry	0	0	104.7
Pike	0	0	133.1
Pontotoc	0	0	797.1
Prentiss	0	0	602.2
Quitman	0	0	594.1
Rankin	0	0	272.3
Scott	0	0	687.3
Sharkey	0	0	787.5
Simpson	0	0	1,149.2
Smith	0	0	231.6
Stone	0	0	9.7
Sunflower	0	0	3,661.7
Tallahatchie	0	0	7,544.7
Tate	0	0	2,307.4
Tippah	0	0	966.9
Tishomingo	0	0	481.8
Tunica	0	0	341.2
Union	0	0	1,519.4
Walthall	0	0	245.5
Warren	0	0	292.2
Washington	0	0	4,935.4
Wayne	0	0	285.0
Webster	0	0	685.9
Wilkinson	0	0	49.3
Winston	0	0	408.6
Yalobusha	0	0	1,098.7
Yazoo	0	0	4,081.5
State total	0	0	75,061.1
State reserve for new farms, late and reconstituted farms and correction of errors		300	

MISSOURI

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Bollinger	16.4		5.2
Butler	605.5	205.3	510.0
Cape Girardeau			5.2
Carter			6.3
Dunklin			1,164.1
Howell			8.7
Jefferson	2.2		0
Mississippi		45.3	553.8
New Madrid	57.0	591.0	3,562.3
Oregon			9.3
Ozark			0.6
Pemiscot	31.2		3,764.4
Ripley	131.4	188.6	91.7
Scott			1,625.5
Stoddard			3,718.7
Vernon		2.5	0
Wayne	0.7		0
State total	844.4	1,032.7	15,025.8
State reserve for new farms, late and reconstituted farms and correction of errors		48.2	

NEVADA

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
Clark		5	0
Nye		10	43
State total		15	43
State reserve for new farms, late and reconstituted farms and correction of errors		101	

NEW MEXICO

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
Bernalillo	0	1	0.3
Chaves	378		4,810.4
Curry	0	120	196.8
De Baca	30	40	47.8
Dona Ana	2,658		2,613.3
Eddy	315		1,715.9
Grant	0		7.8
Guadalupe	3	4	0.5
Hidalgo	27		508.6
Lea	18		2,864.1
Luna	21	150	806.0
Otero	30	50	91.6
Quay	12	250	243.9
Roosevelt	105		1,346.6
Sierra	153	60	230.0
Socorro	120		231.0
Valencia	12		4.5
State total	3,882	675	15,719.1
State reserve for new farms, late and reconstituted farms and correction of errors		341.1	

NORTH CAROLINA

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
Alamance	0	0	19.6
Alexander	0	0	106.1
Anson	0	0	123.7
Beaufort	0	0	54.6
Bertie	0	0	446.8
Bladen	0	0	166.0
Brunswick	0	0	8.9
Burke	0	0	10.6
Cabarrus	0	0	74.1
Caldwell	0	0	2.7
Camden	0	0	24.6
Carteret	0	0	0.7
Catawba	0	0	80.8
Chatham	0	0	76.6
Chowan	0	0	277.4
Cleveland	0	0	208.5
Columbus	0	0	120.5
Craven	0	0	35.0
Cumberland	0	0	172.6
Currituck	0	0	29.6
Davidson	0	0	98.2
Davie	0	0	64.2
Duplin	0	0	40.9
Durham	0	0	6.0
Edgecombe	0	0	64.2
Forsyth	0	0	10.8
Franklin	0	0	63.3
Gaston	0	0	148.6
Gates	0	0	82.1
Granville	0	0	27.0
Greene	0	0	42.3
Guilford	0	0	7.1
Halifax	0	0	204.4
Harnett	0	0	1,045.0
Hertford	0	0	499.5

NORTH CAROLINA—Continued

County	Allocations from State reserve for—: Small farms	Allocations from State reserve for—: Inequity and hardship cases	County reserve
	Acres	Acres	Acres
Hoke	0	0	495.1
Hyde	0	0	20.5
Iredell	0	0	104.8
Johnston	0	0	204.2
Jones	0	0	34.7
Lee	0	0	30.0
Lenoir	0	0	159.4
Lincoln	0	0	439.8
Martin	0	0	285.3
Mecklenburg	0	0	203.9
Montgomery	0	0	49.7
Moore	0	0	34.8
Nash	0	0	49.1
New Hanover	0	0	3.8
Northampton	0	0	96.1
Onslow	0	0	24.1
Orange	0	0	8.5
Pamlico	0	0	10.8
Pasquotank	0	0	35.8
Pender	0	0	31.4
Perquimans	0	0	201.4
Person	0	0	0.1
Pitt	0	0	351.5
Polk	0	0	20.9
Randolph	0	0	5.9
Richmond	0	0	46.2
Robeson	0	0	323.2
Rockingham	0	0	.0
Rowan	0	0	98.5
Rutherford	0	0	65.3
Sampson	0	0	294.2
Scotland	0	0	24.3
Stanly	0	0	95.6
Tyrrell	0	0	41.6
Union	0	0	416.1
Vance	0	0	45.1
Wake	0	0	552.1
Warren	0	0	479.1
Washington	0	0	60.0
Wayne	0	0	847.0
Wilkes	0	0	2.4
Wilson	0	0	164.8
Yadkin	0	0	1.8
State total	0	0	10,872.0
State reserve for new farms, late and reconstituted farms and correction of errors		479	

OKLAHOMA

Adair	21.0	0	4.7
Alfalfa	0	0	0
Atoka	330.9	152.1	208.5
Beaver	0	0	0
Beckham	862.2	4,700.8	3,019.7
Blaine	657.2	57.8	1,805.5
Bryan	2,485.0	0	1,874.8
Caddo	2,244.0	0	6,362.2
Canadian	413.4	934.6	1,732.6
Carter	229.3	144.7	8.4
Cherokee	0	0	6.3
Choctaw	681.6	459.0	98.4
Cleveland	263.5	88.5	144.8
Coal	510.4	67.6	246.0
Comanche	142.3	7.7	1,972.4
Cotton	0	0	2,920.2
Craig	8.0	0	10.4
Creek	343.5	358.5	248.1
Custer	0	0	3,645.1
Delaware	0	0	0
Dewey	957.6	59.4	998.9
Ellis	165.1	55.9	7.2
Garfield	0	0	13.1
Garvin	631.5	148.5	699.4
Grady	1,045.8	319.2	1,296.9
Grant	9.0	0	0
Greer	113.5	2,329.5	5,653.2
Harmon	326.7	1,709.3	6,781.4
Harper	4.0	0	0
Haskell	1,023.1	365.9	42.6
Hughes	1,128.1	146.9	106.4
Jackson	83.7	959.3	8,490.9
Jefferson	1,123.4	362.6	2,388.4
Johnston	614.8	369.2	398.4
Kay	73.0	7.0	11.2
Kingfisher	441.3	98.7	116.5
Kiowa	0	0	8,566.5
Latimer	115.0	0	23.5
Le Flore	1,268.7	658.3	205.7
Lincoln	370.5	64.5	123.2
Logan	481.0	4.0	217.5
Love	1,224.9	329.1	859.4
McClain	1,384.0	0	1,137.4
McCurtain	914.1	975.9	493.5
McIntosh	2,537.8	774.2	392.9
Major	361.0	0	314.1
Marshall	711.8	474.2	550.0
Mayes	98.8	53.2	8.6
Murray	37.0	0	29.5
Muskogee	3,158.4	875.6	1,762.6
Noble	48.0	0	159.0
Nowata	132.3	91.7	34.0
Okfuskee	1,214.2	288.8	658.7
Oklahoma	112.0	0	33.5
Okmulgee	1,324.3	1,130.7	575.3
Osage	238.4	376.6	320.6
Pawnee	429.4	104.6	442.6
Payne	306.5	73.5	88.2
Pittsburg	1,021.3	572.7	295.8
Pontotoc	233.0	0	139.4
Pottawatomie	218.7	16.3	76.6
Pushmataha	215.0	0	24.9
Roger Mills	1,168.0	75.0	3,029.2
Rogers	218.6	44.4	24.9
Seminole	475.4	34.6	156.5
Sequoyah	467.1	402.9	105.0
Stephens	753.8	459.2	749.0
Texas	0	0	0
Tillman	731.4	539.6	10,552.8
Tulsa	266.1	266.9	143.3
Wagoner	1,541.0	1,005.0	517.7
Washington	0	0	1.5
Washita	1,060.9	1,200.1	11,234.8
Woodward	353.0	0	80.1
State total	42,177.3	24,792.3	96,342.4
State reserve for new farms, late and reconstituted farms and correction of errors		9,216.4	

SOUTH CAROLINA

Abbeville	306.0	0	457.3
Aiken	466.0	0	1,584.8
Allendale	123.0	0	483.0
Anderson	753.0	0	954.8
Bamberg	233.0	0	453.7
Barnwell	195.0	60.0	706.7
Beaufort	214.0	0	35.1
Berkeley	647.0	75.0	300.0
Calhoun	204.0	0	393.7
Charleston	219.0	0	67.9
Cherokee	430.0	0	553.2
Chester	294.0	0	896.5
Chesterfield	630.0	0	1,534.0
Clarendon	694.0	0	2,900.7
Colleton	597.0	400.0	213.6
Darlington	447.0	0	1,339.7
Dillon	287.0	0	1,152.2
Dorchester	452.0	40.0	698.3
Edgefield	243.0	0	1,125.7
Fairfield	243.0	0	201.4
Florence	1,059.0	0	1,812.1
Georgetown	271.0	25.0	232.0
Greenville	696.0	0	595.8
Greenwood	174.0	0	410.4
Hampton	273.0	0	441.6
Horry	805.0	175.0	925.8
Jasper	242.0	20.0	51.6
Kershaw	447.0	0	1,757.7
Lancaster	330.0	0	791.2
Laurens	388.0	0	825.8
Lee	265.0	0	925.0
Lexington	468.0	0	707.7
McCormick	137.0	25.0	295.0
Marion	381.0	0	272.4
Marlboro	162.0	0	1,716.0
Newberry	332.0	0	635.1
Oconee	457.0	0	429.9
Orangeburg	1,092.0	0	3,166.4
Pickens	414.0	0	288.1
Richland	336.0	0	383.9
Saluda	297.0	0	807.2
Spartanburg	1,014.0	0	508.3
Sumter	694.0	0	4,298.1
Union	169.0	0	596.9
Williamsburg	1,012.0	0	3,023.5
York	412.0	0	1,563.1
State total	20,000.0	820.0	43,511.9
State reserve for new farms, late and reconstituted farms, and correction of errors		6,580.7	

TENNESSEE

Bedford	38.0	0	73.0
Benton	70.0	0	92.1
Bradley	16.0	0	72.5
Cannon	0	0	3.6
Carroll	615.0	0	634.3
Chester	300.0	0	415.8
Coffee	47.0	0	66.1
Crockett	418.0	0	912.3
Cumberland	0	0	0.1
Davidson	0	0	1.5
Decatur	115.0	0	74.2
De Kalb	0	0	5.0
Dyer	469.0	0	2,210.7
Fayette	391.0	0	1,330.0
Franklin	196.0	0	74.0
Gibson	1,150.0	0	1,329.0
Giles	285.0	0	243.2
Grundy	2.0	0	9.2
Hamilton	12.0	0	64.1
Hardeman	371.0	0	663.1
Hardin	276.0	0	339.8
Haywood	396.0	0	2,165.5
Henderson	475.0	0	636.3
Henry	131.0	0	162.2
Hickman	0	0	2.3
Humphreys	0	0	1.8
Knox	0	0	0
Lake	24.0	0	1,011.6
Lauderdale	403.0	0	2,408.8
Lawrence	632.0	0	600.4
Lewis	7.0	0	18.8
Lincoln	378.0	0	334.7
Loudon	0	0	0.1
McMinn	5.0	0	51.7
McNairy	558.0	0	461.9
Madison	588.0	0	1,036.0
Marion	6.0	0	11.7
Marshall	5.0	0	31.5
Maury	2.0	0	12.5
Meigs	7.0	0	17.4
Monroe	0.5	0	27.1
Montgomery	0	0	0
Moore	1.0	0	3.8
Obion	268.0	0	466.4
Perry	2.0	0	18.8
Polk	13.0	0	16.7
Rhea	0	0	2.6
Roane	0	0	0.4
Robertson	0	0	0
Rutherford	123.0	0	242.1
Shelby	548.0	0	1,029.6
Tipton	487.0	0	1,202.1
Van Buren	0	0	2.8
Warren	5.0	0	18.6
Wayne	83.0	0	111.8
Weakley	317.0	0	367.3
White	0	0	6.8
Williamson	2.0	0	1.0
Wilson	2.0	0	6.0
State total	10,248.5	0	21,294.0
State reserve for new farms, late and reconstituted farms and correction of errors		1,000	

TEXAS

Anderson	3,633	192.0	1,552.0
Andrews	19		242.2
Angelina	867	176.4	302.4
Aransas	4		114.3
Archer	88		197.6
Armstrong	122	455.0	60.4
Atascosa	1,058	445.0	662.2
Austin	3,062	829.1	1,379.1
Bailey	158	496.0	5,100.8
Bandera		2.0	0
Bastrop	1,626	524.0	1,422.2
Baylor	459		2,821.6
Bee	920	33.0	1,411.9
Bell	2,389	2,644.4	6,668.6
Bexar	653	108.5	160.8
Blanco	71	4.0	10.5
Borden	34	302.0	20.5
Bosque	1,817	462.3	993.4
Bowie	1,758	2,917.9	373.4
Brazoria	522		638.1
Brazos	845	661.2	767.0
Brewster		13.0	25.5
Briscoe	201		669.1
Brooks	296	37.0	343.6
Brown	899	43.0	727.7
Burleson	1,557	1,574.4	2,262.7
Burnet	414		728.7
Caldwell	730	1,034.7	2,022.7
Calhoun	116		1,616.8
Callahan	848	5.0	1,003.0
Cameron	6,685		17,780.6
Camp	867	260.0	209.8
Carson	60	376.0	20.0
Cass	3,227	628.0	906.2
Castro	510		2,109.2
Chambers	13	17.0	11.0
Cherokee	2,953	178.0	805.2
Childress	199		2,836.2
Clay	737	782.0	1,183.9
Cochran	49	398.2	1,969.5
Coke	262	126.0	663.1
Coleman	924		1,831.8
Collin	3,854	11,617.3	2,549.2
Collingsworth	298		1,359.5
Colorado	1,673	698.0	1,079.5
Comal	40	98.8	16.2
Comanche	2,449	73.0	1,114.8
Concho	144	15.0	3,994.8
Cooke	1,080	1,110.3	477.9
Coryell	1,797	916.4	2,723.8
Cottle	54		6,459.1
Crockett		44.8	2.0
Crosby	45		17,000.9
Culberson	8	229.0	863.2
Dallam	5	5.0	4.8
Dallas	1,354	4,740.0	734.9
Dawson	70		859.6
Deaf Smith	529	800.0	634.8
Delta	939	4,677.1	4,731.8
Denton	1,846	2,424.3	865.6
De Witt	2,475	1,118.0	1,955.5
Dickens	97		872.6
Dimmit	39	496.5	199.9
Donley	300	226.0	190.3
Duval	1,708	329.2	1,986.4
Eastland	1,497	197.0	554.4
Ector			6.8
Ellis	1,712	4,429.2	16,172.0
El Paso	2,059	3,884.6	2,286.1
Erath	2,085	126.0	998.8
Falls	2,243	4,295.9	7,570.6
Fannin	4,701	9,271.9	661.7
Fayette	5,770	1,251.7	3,342.6
Fisher	248		2,401.7
Floyd	285		10,522.2
Foard	185	685.0	105.3
Fort Bend	1,730	2,643.4	5,697.5
Franklin	902	327.1	471.0
Freestone	3,139	1,539.5	699.4
Frio	279	249.0	191.6
Gaines	54		4,414.1
Galveston	17		7.2
Garza	27		509.4
Gillespie	249	11.0	156.3
Glasscock	4		398.9
Goliad	507	203.0	495.0
Gonzales	1,990	1,197.1	1,222.9
Gray	240	230.0	320.9
Grayson	3,013	4,862.4	647.0
Gregg	545		179.4
Grimes	1,668	671.3	1,598.0
Guadalupe	2,099	1,583.2	1,359.9
Hale	285		5,453.8
Hall	172		1,721.4
Hamilton	2,060	751.2	1,234.6
Hansford	23	362.0	13.3
Hardeman	568		5,016.2
Hardin	31		1.9
Harris	302		67.2
Harrison	3,218	298.0	1,346.9
Hartley			0.1
Haskell	315		17,758.5
Hays	280	601.0	590.9
Hemphill	87	18.0	194.8
Henderson	2,553	221.0	1,315.2
Hidalgo	7,996		22,065.1
Hill	2,613	9,007.9	11,579.3
Hockley	79		1,152.5
Hood	842	26.0	336.1
Hopkins	2,886	3,168.3	2,570.7
Houston	2,611	67.0	3,171.4
Howard	29		1,184.9
Hudspeth	47	589.0	2,495.4
Hunt	3,150	10,246.5	928.0
Irion	18		68.7
Jack	256	26.0	250.3
Jackson	560		2,463.1
Jasper	336	51.0	35.5
Jeff Davis		19.0	24.5
Jefferson	20	16.2	1.9
Jim Hogg	84	32.9	261.2
Jim Wells	853		2,320.1
Johnson	1,103	223.7	4,999.1
Jones	581		2,497.2
Karnes	1,739	533.8	3,186.0
Kaufman	2,242	3,321.5	863.8
Kendall	13		4.0
Kenedy			0.4
Kent	71	259.6	242.9
Kerr	6	2.0	3.6
Kimble	52	22.0	17.5
Kings		9.0	778.4
Kinney		56.0	80.5
Kleberg	414		1,328.1
Knox	135		6,988.2
Lamar	1,867	7,797.4	264.6
Lamb	158		3,458.9
Lampasas	350	296.1	140.2
La Salle	117		320.1
Lavaca	6,747	2,431.9	4,009.0
Lee	2,442	194.8	1,033.5
Leon	1,564		1,151.0
Liberty	408	13.7	373.9
Limestone	2,344	6,332.6	6,269.3
Live Oak	772		1,913.8
Llano	83	48.0	14.6
Loving	13	144.0	29.0
Lubbock	300		1,784.8
Lynn	52		1,194.6
McCulloch	449	23.0	1,231.0
McLennan	3,434	4,257.0	3,369.0
McMullen	49	9.0	207.1
Madison	1,014	703.3	610.2
Marion	842	224.0	219.3
Martin	57		1,934.2
Mason	222	241.0	189.6
Matagorda	651		2,063.2
Maverick	285	195.0	486.6
Medina	340	356.0	144.5
Menard	119	153.0	32.7
Midland	51		1,669.1
Milam	1,685	2,600.2	6,734.2
Mills	421	47.0	283.0
Mitchell	128		4,121.2
Montague	720	23.0	349.0
Montgomery	438		110.3
Moore		40.0	20.2
Morris	692	163.2	193.4
Motley	66		491.5
Nacogdoches	1,861	216.0	750.9
Navarro	2,843	4,933.0	12,706.8
Newton	312	7.0	52.9
Nolan	208		4,500.9
Nueces	718		5,143.6
Ochiltree			26.8
Oldham	6	21.0	1.9
Orange			0.1
Palo Pinto	439	5.0	421.9
Panola	3,230	260.0	707.8
Parker	822		450.7
Parmer	896	1,551.0	1,432.5
Pecos	294	6,580.8	781.0
Polk	549		572.4
Potter	4	4.0	9.6
Presidio	156	193.0	404.1
Rains	885	954.5	966.9
Randall	96	847.0	50.5
Reagan	10	220.0	25.0
Real	3	17.0	0
Red River	1,026	3,632.2	2,860.3
Reeves	132	422.0	7,738.4
Refugio	212		510.9
Roberts		41.0	2.9
Robertson	578	1,904.3	921.3
Rockwall	466	2,461.1	693.9
Runnels	387		12,978.9
Rusk	3,386	867.2	862.7
Sabine	669	20.1	334.5
San Augustine	1,175	17.0	759.5
San Jacinto	820	18.0	402.0
San Patricio	290		1,503.4
San Saba	963	38.0	1,060.4
Schleicher	26	24.0	867.0
Scurry	228	951.3	2,998.9
Shackelford	218	45.0	436.5
Shelby	2,665	291.0	1,049.6
Smith	3,091	73.0	1,081.4
Somervell	257	31.4	134.7
Starr	1,564		3,817.5
Stephens	239	86.0	115.8
Sterling	22	84.0	14.0
Stonewall	132		841.8
Sutton	3		0
Swisher	630	910.0	582.0
Tarrant	310	899.3	1,180.3
Taylor	840		3,608.9
Terrell		20.0	0
Terry	118		3,681.8
Throckmorton	210		1,870.3
Titus	1,366	349.0	296.1
Tom Green	298		2,417.5
Travis	705	1,819.2	1,411.7
Trinity	1,190	23.0	657.1
Tyler	144	35.0	43.2
Upshur	1,410	240.0	283.0
Uvalde	40	153.0	53.8
Val Verde	3		12.0
Van Zandt	3,814	809.2	2,395.9
Victoria	701	207.3	3,420.4
Walker	1,274		699.4
Waller	625	157.7	401.0
Ward	179	3,543.3	1,097.8
Washington	4,372	1,521.4	2,617.2
Webb	74	61.0	270.7
Wharton	1,353	559.1	405.9
Wheeler	545		1,369.3
Wichita	540	435.8	788.8
Wilbarger	755	1,588.4	7,402.2
Willacy	879		2,755.9
Williamson	2,238	7,639.6	12,659.9
Wilson	1,066	231.0	359.5
Winkler		1.0	0
Wise	650	648.0	152.4
Wood	2,140	165.0	370.7
Yoakum	29	283.0	4,237.7
Young	676	77.0	1,237.8
Zapata	130	9.2	344.2
Zavala	140	490.0	472.9
State total	228,988	193,681.2	463,078.2
State reserve for new farms, late and reconstituted farms and correction of errors		13,944.6	

VIRGINIA

Accomack	0.7	0.2	1.8
Brunswick	99.3	33.7	273.3
Caroline	0.3	0.1	0.7
Charlotte	0.4	0.1	1.3
Chesterfield	0.1	0.0	0.4
Cumberland	0.3	0.1	0.1
Dinwiddie	11.4	3.9	8.5
Franklin	1.2	0.4	3.2
Greensville	219.0	74.4	299.8
Halifax	0.0	0.0	0
Isle of Wight	13.7	4.6	36.5
Lunenburg	11.7	4.0	30.1
Mecklenburg	93.6	31.8	245.8
Nansemond	78.7	26.8	215.6
Norfolk	1.7	0.6	3.5
Prince Edward	0.4	0.1	1.0
Prince George	3.1	1.1	1.2
Princess Anne	0.4	0.1	0.8
Southampton	229.9	78.1	290.9
Surry	0.6	0.2	1.0
Sussex	81.5	27.7	218.4
State total	848.0	288.0	1,634.0
State reserve for new farms, late and reconstituted farms and correction of errors		50	

3. Section 722.816 (e), as amended (21 F. R. 9630), is further amended to correct item (c) of each State tabulation of acreage by deleting the words "State allotment" and substituting therefor "Total allotment available for distribution in State".

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interprets or applies secs. 301, 342–347, 361–368, 373, 374, 388, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373, 1374, 1388)

Done at Washington, D. C., this 16th day of January, 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–522; Filed, Jan. 26, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 960—MILK IN AKRON-STARK COUNTY, OHIO, MARKETING AREA

ORDER AMENDING ORDER REGULATING HANDLING

Sec.

960.0 Findings and determinations.

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AUTHORITY: §§ 960.0 to 960.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 960.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Akron, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies and demand for such, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 3 cents per hundredweight or such amount not exceeding 3 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk and which is not subject to administrative assessment under another Federal order.

(b) *Additional findings.* It is necessary in the public interest to make this order, amending the order, effective not later than February 1, 1957. Any delay beyond that date in making this order, amending the order, effective will tend to disrupt the orderly marketing of milk in the Akron-Stark County, Ohio, marketing area. The Class I pricing provisions of the orders now in effect expire as of January 31, 1957. The changes affected by this order, amending the order, do not require persons affected to make substantial or extensive preparation prior to the effective date. The provisions of this amendatory order are well known, the public hearing having been held August 22, 1956, the recommended decision having been issued December 27, 1956, and the final decision having been issued January 14, 1957. Therefore reasonable time has been afforded persons affected to prepare for the effective date. Therefore good cause exists for making this order, amending the order, effective February 1, 1957, and it would be contrary to the public interest to delay the effective date of said order for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Akron-Stark County, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means, pursuant to the declared policy of the Act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order, amending the order, is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (October 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Akron-Stark County, Ohio, marketing area shall be in conformity to and in compliance with the following terms and conditions as set forth below:

DEFINITIONS

§ 960.1 *Act.* "Act" means Public Act No. 10 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 960.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 960.3 *Marketing area.* "Akron-Stark County, Ohio, marketing area", hereinafter referred to as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of: Summit County; Stark County, except Paris and Sugar Creek Townships; Franklin, Ravenna, Brimfield, and Suffield Townships and Lots 5 to 10, 15 to 20, 25 to 30, and 35 to 40, inclusive, of Randolph Township in Portage County; Smith Township in Mahoning County, except Great Lot 35 thereof; Knox Township in Columbiana County; and Sections 1, 2, 3, 10, 11, and 12 of Sugar Creek Township in Wayne County; all in the State of Ohio.

§ 960.4 *Handler.* "Handler" means any person (a) in his capacity as the operator of a plant or plants where milk is processed and packaged for distribution on a route(s) in the marketing area, and (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a plant for the account of such cooperative association.

§ 960.5 *Pool plant.* "Pool plant" means any plant at which milk received from dairy farmers is packaged and distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted pursuant to § 960.80.

§ 960.6 *Nonpool plant.* "Nonpool plant" means a plant other than a plant operated by a producer-handler, during such months as it is not a pool plant.

§ 960.7 *Producer.* "Producer" means any person other than a producer-handler who produces milk which has approval of the health authorities of any community in the marketing area for consumption as fluid milk in such community and is received at a pool plant. This definition shall include any such person who is regularly designated as a producer but whose milk is caused to be diverted to a plant, other than a pool plant, by a handler for his account. Milk so diverted shall be deemed to have been received at a pool plant by the handler or cooperative association which caused it to be diverted.

§ 960.8 *Producer milk.* "Producer milk" means skim milk and butterfat contained in milk received from producers.

§ 960.9 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in milk, skim milk, or cream, used to produce all other milk products, received from all sources other than producers and pool plants.

§ 960.10 *Producer-handler.* "Producer-handler" means any person who (a) produces milk; (b) receives no milk from producers or from other sources; and (c) operates a plant from which a route(s) is operated wholly or partially within the marketing area.

§ 960.11 *Route.* "Route" means a sale or delivery (including a sale from a plant or store) of Class I milk to a wholesale or retail stop(s).

§ 960.12 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 960.13 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture.

§ 960.14 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines after application by the association; (a) to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 960.15 *Eligible milk.* "Eligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is not in excess of such producer's daily average quota computed pursuant to § 960.55 multiplied by the number of days in such month on which such producer delivered milk to such handler: *Provided*, That with respect to any producer on "every-other-day" delivery to a pool plant, the days of non-delivery shall be considered as days of delivery for purposes of this section and of § 960.55.

§ 960.16 *Ineligible milk.* "Ineligible milk" means the amount of milk received by a handler from a producer during each of the months specified in § 960.63 which is in excess of eligible milk received from such producer during such month, and shall include all milk received from a producer for whom no daily average quota can be computed pursuant to § 960.55.

MARKET ADMINISTRATOR

§ 960.20 *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 960.21 *Powers.* The market administrator shall have the power to:

(a) Administer all of the terms and provisions of this subpart;

(b) Make rules and regulations to effectuate the terms and provisions of this subpart;

(c) Receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 960.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties as market administrator and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(c) Obtain a bond in reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 960.75, (1) the costs of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, (2) his own compensation, and (3) all other expenses (except those incurred under § 960.76) necessarily incurred by him in the maintenance and functioning of his office in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart and upon request by the Secretary surrender the same to his successor or to such other person as the Secretary may designate.

(f) Publicly announce unless otherwise directed by the Secretary by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who, within 8 days after the day upon which he is required to perform such acts, has not made reports pursuant to § 960.30 or § 960.31 or payments pursuant to §§ 960.70, 960.72, 960.75, 960.76, or 960.77;

(g) Submit his books and records to examination and furnish such information and verified reports as may be requested by the Secretary;

(h) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate;

(1) On or before the 5th day of each month the minimum class prices for the preceding month for milk of 3.5 percent butterfat content, as computed pursuant to §§ 960.50 and 960.51, and the butterfat differentials, computed pursuant to § 960.52.

(2) On or before the 13th day of each month the uniform price(s) for the preceding month, computed pursuant to § 960.61, or §§ 960.62 and 960.63 as applicable, and the butterfat differential for the preceding month computed pursuant to § 960.74.

(j) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such information concerning the operation of this subpart as does not reveal confidential information.

(k) On or before the 13th day of each month, report to each cooperative association that so requests the class utilization of milk received during the preceding month by each handler from producers who are members of such association, prorating to such receipts the class utilization of all producer receipts of such handler.

(l) Provide notice, for each producer for whom a daily average quota is computed pursuant to § 960.55, on or before the first day of the month first stated in § 960.63 to: (1) Such producers, (2) cooperative associations for such producers who are its members, and (3) handlers for such producers from whom they received milk.

REPORTS, RECORDS AND FACILITIES

§ 960.30 *Monthly reports of receipts and utilization.* On or before the 8th day of each month, each handler who operates a pool plant(s), and any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall, with respect to milk or milk products which were received at a pool plant by such handler during the preceding month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The quantities of butterfat and skim milk contained in milk received from producers, and, for the months specified in § 960.63 the aggregate quantities of eligible milk;

(b) The quantities of butterfat and skim milk contained in or used to produce receipts of milk and milk products from other pool plants;

(c) The quantities of butterfat and skim milk contained in or used to produce receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all butterfat and skim milk the receipt of which is required to be reported pursuant to this section;

(e) The pounds of butterfat and skim milk contained in all milk, skim milk, and cream and other Class I products on hand at the beginning and at the end of the month;

(f) Such other information with respect to the use of milk as the market administrator may request.

§ 960.31 *Other reports.* Other reports shall be submitted to the market administrator as follows:

(a) Each producer-handler, and each handler who does not operate a pool plant, shall make reports at such time and in such manner as the market administrator may request.

(b) On or before the 20th day of each month each handler who operated a pool plant(s) at which producer milk was received in the preceding month shall submit such handler's producer payroll for the preceding month which shall show (1) the total pounds and the butterfat content of milk received from each producer, and for the months specified in § 960.63, the pounds of eligible milk and of ineligible milk received from each producer, (2) the amount and date of payment to each producer or cooperative association pursuant to § 960.70, (3) the nature and amount of each deduction or charge made by the handler, and (4) the number of days, if less than the entire month, for which milk was received from such producers.

§ 960.32 *Records and facilities. Each* handler and producer-handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of any of his operations and such facilities as in the opinion of the market administrator are necessary to verify or to establish the correct data with respect to: (a) The receipts and utilization or disposition of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, skim milk and other contents of all milk and milk products handled; and (c) all payments required to be made by such handler pursuant to §§ 960.70, 960.72, 960.75, 960.76, and 960.77.

§ 960.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler or producer-handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler or producer-handler in writing that the retention of such books and records or of specified books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler or producer-handler shall retain such books and records or specified books and records until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler or producer-handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 960.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received by a handler which is required to be reported pursuant to § 960.30 shall be classified pursuant to §§ 960.41 through 960.44.

§ 960.41 *Classes of utilization.* Subject to the conditions set forth in §§ 960.43 and 960.44, the classes of utilization shall be:

(a) Class I milk shall be all skim milk (including the skim milk equivalent of concentrated products) and butterfat (1) disposed of for consumption in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk not in hermetically sealed cans, cream, including sour cream or any mixture of cream and milk or skim milk, or (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those specified in paragraph (a) of this section; (2) disposed of for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; (3) in shrinkage of producer milk up to 2 percent of receipts from producers; and (4) in shrinkage of other source milk.

§ 960.42 *Shrinkage.* (a) If producer milk is utilized in conjunction with other source milk, the shrinkage shall be allocated pro rata between the receipts of skim milk and butterfat in producer milk and other source milk.

(b) Producer milk transferred or diverted by a handler from his pool plant to another pool plant without first having been received for purposes of weighing in the transferring or diverting handler's pool plant shall be included in the receipts at the pool plant to which such milk was transferred or diverted for the purpose of computing shrinkage and shall be excluded from the receipts at the transferring or diverting handler's pool plant for such purpose.

§ 960.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat contained in producer milk and in other source milk received by a handler shall be classified as Class I milk unless the handler proves to the market administrator that such skim milk and butterfat or a portion thereof should be classified as Class II milk. Any skim milk or butterfat which is classified in Class II shall be reclassified to Class I if subsequent to the original classification such skim milk or butterfat is handled in such a manner as to justify its reclassification.

§ 960.44 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I milk unless Class II milk is indicated by the operators of both plants in their reports submitted pursuant to § 960.30: *Provided,* That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest priced utilization.

(b) Skim milk and butterfat moved in the form of milk, skim milk or cream from a pool plant to a handler described in § 960.80 or to a nonpool plant shall be Class I milk unless all of the following conditions are met:

(1) Class II milk is indicated by the operator of the pool plant in his report submitted pursuant to § 960.30.

(2) The operator of the nonpool plant maintains books and records which are made available for examination upon request by the market administrator and which are adequate for the verification of such Class II utilization.

(3) If the above conditions are met, the market administrator shall classify all skim milk and butterfat received at the nonpool plant and the skim milk and butterfat so transferred shall be allocated in series beginning with any skim milk and butterfat, respectively, remaining in Class I milk after allocating skim milk and butterfat in milk received from dairy farmers whom the market administrator determines constitute the regular source of milk for Class I uses at such plant, in series beginning with Class I milk.

(c) Skim milk and butterfat transferred in the form of milk, skim milk, or cream to a producer-handler shall be classified as Class I milk.

§ 960.45 *Computation of skim milk and butterfat in each class.* For each month the market administrator shall correct for mathematical and for other obvious errors the report submitted by each handler pursuant to § 960.30 and shall compute separately the pounds of skim milk and butterfat in each class.

§ 960.46 *Allocation of butterfat.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to milk received from producers:

(a) Subtract from the total pounds of butterfat in Class II milk the pounds of butterfat shrinkage allowed pursuant to § 960.41 (b) (3);

(b) Subtract from the total pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received in a form other than that specified in paragraph (d) of this section from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(d) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat contained in milk or milk products received in packaged form which were classified and priced under another Federal order and disposed of in the same form as received;

(e) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers in such classes pursuant to § 960.44 (a); and

(f) Add to the remaining pounds of butterfat in Class II milk the pounds subtracted pursuant to paragraph (a) of this section.

(g) If the remaining pounds of butterfat in both classes exceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series, beginning with the lowest-priced utilization.

§ 960.47 *Allocation of skim milk.* Allocate the pounds of skim milk in each class to milk received from producers in a manner similar to that prescribed for butterfat in § 960.46.

MINIMUM PRICES

§ 960.50 *Class I milk prices.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month, which is classified as Class I milk shall be 5 cents less than the Class I price as determined pursuant to § 975.61 of this chapter.

§ 960.51 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. a pool plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations during the month which is classified as Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraph (a) or (b) of this section, except that for such Class II milk used to produce cottage cheese such minimum price shall be increased 30 cents.

(a) The average of the basis (or field) prices ascertained to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture by the companies indicated below:

Present Operator and Location
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price computed by adding together the plus amounts pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, subtract 3 cents, add 20 percent of the resulting amount, and then multiply by 3.5.

(2) From the simple average, as computed by the market administrator of the weighted averages of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply by 8.2.

§ 960.52 *Handler butterfat differentials.* If the average butterfat content of the milk of any handler allocated to any class is more or less than 3.5 percent, there shall be added to the prices of milk for each class as computed pursuant to §§ 960.50 and 960.51 for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent, or subtracted for one-tenth of one percent that such average butterfat content is below 3.5 percent, an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the month, multiplied by the following factors:

(a) *Class I milk.* Multiply by 1.3, and divide the result by 10.

(b) *Class II milk.* Multiply by 1.15, and divide the result by 10.

DETERMINATION OF ELIGIBLE MILK QUOTA

§ 960.55 *Determination of eligible milk quota for each producer.* Subject to the rules set forth in § 960.56 the market administrator shall determine quotas for producers as follows: During each of the months specified in § 960.63 of each year beginning with 1958, the daily quota of each producer whose milk was received by a handler(s) on not less than thirty (30) days during the immediately preceding months of October through December, inclusive, shall be a quantity computed by dividing such producer's total pounds of milk delivered in the 3-month period by the number of days from the date of the first delivery to the end of such 3-month period.

§ 960.56 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period.

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

DETERMINATION OF UNIFORM PRICE

§ 960.60 *Value of producer milk for each handler.* The value of producer milk received during the month by each handler who operates a pool plant(s), and by any cooperative association with respect to milk for which it is a handler pursuant to § 960.4 (b), shall be a sum of money computed by the market administrator by multiplying by the applicable class price, adjusted pursuant to § 960.52, the total combined hundredweight of skim milk and butterfat received from producers and allocated to each class pursuant to §§ 960.46 and 960.47, adding together the resulting amounts, and adding an amount computed by multiplying any excess utilization classified pursuant to § 960.46 (g) and § 960.47 by the applicable class prices.

§ 960.61 *Computation of uniform price.* For each month (except those specified in § 960.63) the market administrator shall compute a uniform price per hundredweight of milk containing 3.5 percent of butterfat to be paid to producers delivering milk to any pool plant as follows:

(a) Combine into one total the value of producer milk for each handler as computed pursuant to § 960.60 for all handlers who reported pursuant to § 960.30 for such month, except those in default in payments required pursuant to § 960.72 for the preceding month;

(b) Add the total amount of all payments made pursuant to § 960.72 (b);

(c) Add any amounts paid into the producer-settlement fund and subtract any amounts paid out of the producer-settlement fund pursuant to § 960.77;

(d) Add an amount representing not less than one-half of the unobligated balance in the producer-settlement fund exclusive of the amounts added or subtracted pursuant to paragraphs (b) and (c) of this section;

(e) Subtract, if the weighted average butterfat test of all producer milk represented by the amounts included under paragraph (a) of this section is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 960.74 multiplied by 10;

(f) Divide the resulting amount by the total hundredweight of producer milk received by all handlers during the month for which uniform prices are being computed;

(g) Subtract not less than 4 cents nor more than 5 cents, and the result shall be the uniform price to be paid per hundredweight of milk containing 3.5 percent of butterfat to producers who delivered milk during the month for which uniform prices are being computed.

§ 960.62 *Computation of ineligible milk price.* Effective April 1958, for the months specified in § 960.63, the market administrator shall compute the uniform price per hundredweight for ineligible milk of 3.5 percent butterfat content by:

(a) Multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk by the price for Class II milk of 3.5 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 3.5 percent butterfat content, and adding together the resulting amounts; and

(b) Dividing the total value of ineligible milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjusting to the nearest cent.

§ 960.63 *Computation of eligible milk price.* Effective April 1958, for each of the months of April through June the market administrator shall compute the uniform price per hundredweight for eligible milk of 3.5 percent butterfat content received from producers at a pool plant by:

(a) Subtracting the value of ineligible milk obtained in § 960.62 (a) from the aggregate value of milk computed pursuant to § 960.61 (a) through (e) and adjusting by an amount involved in adjusting the uniform price of ineligible milk to the nearest cent;

(b) Dividing the amount obtained in paragraph (a) of this section by the total hundredweight of eligible milk included in these computations; and

(c) Subtracting not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (b) of this section.

§ 960.64 *Notification.* On or before the 13th day of each month the market administrator shall notify each handler who submitted a report for the preceding month pursuant to § 960.30 of:

(a) The classification pursuant to §§ 960.46 and 960.47 of skim milk and butterfat contained in producer milk received by such handler during the preceding month and the value of such milk computed pursuant to § 960.60;

(b) The uniform prices for the month computed pursuant to § 960.61 or §§ 960.62 and 960.63, as applicable; and

(c) The amount due such handler pursuant to § 960.73 and the amount to be paid by such handler pursuant to §§ 960.72, 960.75, and 960.76.

PAYMENTS

§ 960.70 *Time and method of payment.* (a) Except as provided by paragraph (b) of this section, on or before the 18th day of each month, each handler (except a cooperative association) shall pay each producer for milk received from him during the preceding month, not less than an amount of money computed by multiplying the total pounds of such milk by the applicable uniform price(s) pursuant to § 960.61 or §§ 960.62 and 960.63, adjusted by the butterfat differential pursuant to § 960.74, and less any proper deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 960.73 he may reduce such payments uniformly per hundredweight for all producers, by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) (1) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the association, each handler shall (i) pay to the cooperative association on or before the 16th day of each month, in lieu of payments pursuant to paragraph (a) of this section an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer and submit to the cooperative association written information which shows for each such member-producer (a) the total pounds of milk received from him during the preceding month, (b) the total pounds of butterfat contained in such milk, (c) the number of days on which milk was received, and (d) the amounts withheld by the handler in payment for supplies sold. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the association and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler shall be made by written notice to the market administrator, and shall be subject to his determination.

§ 960.71 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made pursuant to §§ 960.72 and 960.77 and out of which he shall make all payments pursuant to §§ 960.73 and 960.77.

§ 960.72 *Payments to the producer-settlement fund.* On or before the 14th day of each month handlers shall make payments to the market administrator as follows:

(a) If the value of producer milk received by a handler in the preceding month as computed pursuant to § 960.60 exceeds the amount which such handler is required to pay all producers pursuant to § 960.70 such handler shall pay the difference between the two amounts.

(b) If, during the preceding month, the total receipts from all producers was 110 percent or more of the total Class I milk at pool plants, any handler who received other source milk during the preceding month which was allocated to Class I pursuant to § 960.46 (b) or § 960.47 shall pay an amount equal to the value of such milk at the Class I price less the value of such milk at the Class II price.

§ 960.73 *Payments out of the producer-settlement fund.* On or before the 16th day of each month, the market administrator shall pay to each handler any amount by which the sum required to be paid by such handler for the preceding month pursuant to § 960.70 is greater than the total value of the milk of such handler computed pursuant to § 960.60 for such preceding month less any unpaid obligations of the handler to the market administrator pursuant to §§ 960.72, 960.75, 960.76 (a), and 960.77 (a): *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this paragraph, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 960.74 *Producer butterfat differential.* In making payments pursuant to § 960.70, the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 960.52, weighted by the pounds of butterfat in producer milk in each class and rounded to the nearest tenth of a cent.

§ 960.75 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 960.22 (d), each handler shall pay the market administrator on or before the 16th day of each month 3 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe with respect to (a) all receipts within the preceding month of producer milk (including such handler's own production) and (b) all other source milk allocated to Class I pursuant to § 960.46 (b) and the corresponding portion of § 960.47.

§ 960.76 *Marketing services.* In making payments to producers or cooperative associations pursuant to § 960.70 a handler shall make deductions and dispose of amounts so deducted as follows:

(a) Except as set forth in paragraph (b) of this section a handler shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, with respect to all producer milk for which payment is being made pursuant to § 960.70 and shall pay the total amount of such deductions to the market administrator on or before the 16th day after the end of the month in which such producer milk was received. Such amount shall be expended by the market administrator to verify weights and tests of milk of producers and to provide producers with market information, such service to be performed by the market administrator or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the Secretary, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer members for milk delivered to such handler. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler for the amount of any loss sustained by him because of any improper claim on the part of the association, and a certification that the association, and an unterminated membership contract with each producer, which contract authorizes the claim deduction. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted within 16 days after the end of the month.

§ 960.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors or whenever skim milk or butterfat is reclassified pursuant to § 960.43 resulting in monies due (a) the market administrator from such handler or such handler from the market administrator or (b) any producer or cooperative association from such handler pursuant to § 960.70 the market administrator shall promptly notify such handler of any such amount due, and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice. In computing amounts due pursuant to this section the class prices, the appropriate uniform price, the butterfat differential, the rate of administrative assessment pursuant to § 960.75, and the rate of marketing service deduction pursuant to § 960.76 which were applicable in the month for which the original calculation of amounts due were made shall be used.

§ 960.78 *Termination of obligation.* (a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notified the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association the name of such producers or association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books or records required by this subpart to be made available, the market administrator may, within the two-year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if any underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within that applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 960.80 *Handler exemption.* A handler operating any plant specified below shall be exempted with respect to the milk received of such plant during the month from all provisions of this subpart except §§ 960.31, 960.32 and 960.33:

(a) A plant located outside the marketing area from which an average of less than 300 points (one point being defined as one-half pint of cream or one quart of any other Class I product) of Class I milk per day is disposed of during the month on a route(s) operated wholly or partly within the marketing area;

(b) A plant at which the Secretary finds is subject during the month to another Federal order; or

(c) A plant at which no milk approved by the health authorities of any community of the marketing area for consumption as fluid milk is received from dairy farmers and from which disposition of Class I milk in the marketing area is permitted only in portions of the marketing area for which no health authority exercises jurisdiction with respect to approval of milk for fluid consumption.

§ 960.81 *Producer-handler.* A producer-handler shall be exempt from all provisions of this subpart except that he shall make reports to the market administrator at such time and in such manner as the market administrator may request.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 960.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated. The provisions of this section shall apply to any obligation under this subpart for the payment of money.

§ 960.91 *Suspension or termination.* Whenever the Secretary finds the subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act, he shall

terminate or suspend the operation of this order or any such provision of this subpart.

§ 960.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 960.93 *Liquidation.* Upon the suspension of the provisions of the subpart, except this section, the market administrator, or such other liquidation agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instrument necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidation agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 960.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 960.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 24th day of January 1957 to be effective on and after the 1st day of February 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-665; Filed, Jan. 28, 1957; 8:51 a. m.]

[970.303, Amdt. 2]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of § 970.303 (b), as amended (FEDERAL REGISTER, September 13, 1956, 21 F. R. 6911, 8232), are hereby amended to read as follows:

(b) *Order.* During the period from January 28, 1957, through July 13, 1957:

(1) No handler shall ship: (i) Potatoes of the round white or red skin varieties unless at least 90 percent of such potatoes are "Fairly clean" and such potatoes meet the requirements of the U. S. No. 1, or better, grade, 2¼ inches minimum diameter and 4 inches maximum diameter; or (ii) potatoes of the long varieties (including, but not being limited to, the Russet Burbank variety) unless such potatoes are "generally fairly clean to clean, mostly clean," which means that not less than 55 percent of such potatoes are clean and not more than 10 percent are slightly dirty, and such potatoes meet the requirements of (*a*) the U. S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight, or (*b*) the U. S. No. 2 or U. S. Commercial grade, 5 ounces minimum weight.

(2) No handler shall ship potatoes for chipping unless the potatoes meet the requirements of the U. S. No. 1, or better, grade, 2 inches minimum diameter and 4 inches maximum diameter, except that U. S. No. 1, Size B, potatoes may also be shipped. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(3) No handler shall ship potatoes for processing into potato salad, fish cakes, or hash unless such potatoes grade 85 percent U. S. No. 1, or better, 1½ inches minimum diameter and 2¼ inches maximum diameter. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(4) No handler shall ship potatoes for export unless such potatoes meet the requirements of the U. S. No. 1 grade. All such shipments are subject to the additional requirements of subparagraph (7) of this paragraph.

(5) Pursuant to § 970.54, each handler may ship not in excess of thirty (30) hundredweight of potatoes per week free from regulations effective pursuant to §§ 970.45 and 970.65: *Provided,* That handlers making such shipments report such shipments to the administrative committee on the 16th and last day of each month.

(6) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of certified seed potatoes or to shipments of potatoes for the following purposes: (i) for grading or storing in the production area; (ii) for planting within the production area; (iii) for dehydration; (iv) for manufacture or conversion into starch, flour, or alcohol; (v) for canning or freezing; (vi) for livestock feed; (vii) for distribution by the Federal Government; and (viii) for charitable purposes.

(7) Each handler making shipments of potatoes for export, dehydration, potato chipping, potato salad, fish cakes, hash, livestock feed, canning or freezing, or charitable purposes shall: (i) File an application pursuant to §§ 970.56 and 970.130 with the administrative committee for a Certificate of Privilege for such shipments; (ii) pay assessments pursuant to § 970.45 with respect to the shipments of certified seed potatoes; and (iii) pay assessments pursuant to § 970.45 and have inspection pursuant to § 970.65 with respect to each shipment for export, potato chipping, potato salad, fish cakes, hash, distribution by the Federal Government, and for charitable purposes. Further, each handler who ships potatoes for export, potato chipping, potato salad, fish cakes, hash, dehydration, canning or freezing, livestock feed, distribution by the Federal Government, or charitable purposes shall furnish a record of such shipments to the administrative committee. In addition, each application for a Certificate of Privilege to ship potatoes for export, potato chipping, potato salad, fish cakes, hash, dehydration, canning or freezing, or charitable purposes shall be accompanied by the applicant handler's certification and the buyer's or receiver's certification that the potatoes to be shipped for the purpose stated in the application are to be used for such purpose. The buyer's or receiver's certification may, however, be furnished to the administrative committee within ten days from the date of shipment by said applicant handler. Handlers making shipments of potatoes for export to Canada may furnish the administrative committee with a copy of the Freight Delivery Receipt issued by Canadian customs officials upon entry of such shipment into Canada in lieu of the buyer's or receiver's certification required in this subparagraph. Each handler who applies for a Certificate of Privilege to ship potatoes for chipping shall at the same time or at such time subsequent thereto as the Maine Potato Administrative Committee may require, provide the administrative committee with appropriate evidence that such potatoes were, or are being, treated and conditioned for use for potato chipping and that such potatoes, except for damage resulting from shriveling or sprouting, meet the applicable grade and size requirements set forth in subparagraph (2) of this paragraph. The limitations set forth in this subparagraph shall not apply to shipments of potatoes of less than 15,000 pounds for canning or freezing, for dehydration, or for livestock feed when shipped in barrels, in bulk, or in unsewn 100-pound burlap bags within the production area.

(8) No handler shall ship potatoes under a Certificate of Exemption issued pursuant to §§ 970.70 through 970.75 and which are exempted from the grade and size limitations set forth in subparagraph (1) of this paragraph, unless such potatoes are packed in 50-pound or larger packs.

(9) No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate had been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 970.65, to be valid for a period not to exceed 48 hours following completion of inspection as shown in the certificate.

(10) The term "fairly clean" and the grades and sizes used in this section shall have the same meanings assigned these terms in the United States Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein; and all other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 122 and Order No. 70 (§§ 970.1 to 970.92).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 24, 1957, to become effective January 28, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-667; Filed, Jan. 28, 1957; 8:51 a. m.]

[Docket No. AO-177-A17]

PART 972—MILK IN TRI-STATE MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 972.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective February 1, 1957. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Tri-State marketing area. Any delay beyond February 1, 1957, in the effective date of this order will tend to affect adversely the production of an adequate supply of milk for the Tri-State marketing area.

The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on August 15-16, 1956, the recommended decision having been issued on December 7, 1956 (21 F. R. 9908), and the final decision having been issued on January 17, 1957. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective February 1, 1957 (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (October 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order as amended, is hereby further amended as follows:

1. In § 972.34 (c), add subparagraph (3) as follows:

(3) The quantity of milk received from producers at such supply plant during the current month.

2. Delete § 972.41 (a), and substitute the following:

(a) Add the following amounts for the months indicated:

	February, March, and August	April, May, June, and July	September, October, November, December, and January
Huntington district plants	$1.55	$1.10	$2.00
Gallipolis-Scioto district plants	1.45	1.00	1.90
Athens district plants	1.35	.90	1.80

3. Delete the table in § 972.41 (b) (2), and substitute the following:

Month for which price is being computed	Base utilization percentages	
	Minimum	Maximum
January	103	107
February	103	107
March	99	103
April	95	99
May	93	97
June	87	91
July	77	81
August	68	72
September	64	68
October	68	72
November	79	83
December	94	98

4. Delete § 972.48 and substitute the following:

§ 972.48 *Location adjustment credits to handlers.* The price for Class I milk at a fluid milk plant or supply plant located outside the marketing area and more than 45 miles from the nearest of the following listed places, shall be, regardless of point of sale within or outside the marketing area, the same as the price for Class I milk (§ 972.41) for the district of the marketing area in which such nearest listed place is located, less a location adjustment computed as follows: 2 cents per hundredweight for each 10 miles, or major fraction thereof, up to 100 miles, and 1.5 cents per hundredweight for each 10 miles, or major fraction thereof, in excess of 100 miles, by the shortest hard-surfaced highway distance as determined by the market administrator, from such fluid milk plant to such nearest listed place:

City Hall, Huntington, W. Va.
City Hall, Ashland, Ky.
City Hall, Portsmouth, Ohio.
City Hall, Jackson, Ohio.
City Hall, Athens, Ohio.
City Hall, Marietta, Ohio.
City Hall, Gallipolis, Ohio.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of January 1957, to be effective on and after the 1st day of February 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-666; Filed, Jan. 28, 1957; 8:51 a. m.]

[Docket No. AO-183-A5]

PART 977—MILK IN PADUCAH, KENTUCKY, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 977.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe with respect to all skim milk and butterfat contained in (a) producer milk, (b) other source milk (except other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act) which is allocated to Class I, or (c) Class I milk distributed in the marketing area from a nonpool plant not partially exempt from the provisions of this order pursuant to § 977.61.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than February 1, 1957, so as to reflect current marketing conditions. Any delay beyond February 1, 1957, in the effective date of this order amending the order, as amended, will impair the orderly marketing of milk in the Paducah, Kentucky, marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. The provisions of said order are well known to handlers.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective February 1, 1957, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (section 4 (c), Administrative Procedure Act 5, U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Paducah, Kentucky, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who participated in a referendum and who, during the determined representative period (October 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Paducah, Kentucky, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Delete § 977.5 and substitute therefor the following:

§ 977.5 *Paducah, Kentucky, marketing area.* "Paducah, Kentucky, marketing area," hereinafter called the "marketing area" means all the territory within the boundaries of the Kentucky Counties of McCracken, Ballard, Marshall, Graves, and Calloway.

2. Delete § 977.11 and substitute therefor the following:

§ 977.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk under a Grade A dairy farm permit or rating issued by a duly constituted health authority, which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler: *Provided*, That for any of the delivery periods of September through January no milk so diverted shall be deemed to have been so received at a pool plant from a producer if production of more than 10 days is diverted to a nonpool plant during such delivery period.

3. Delete § 977.45 (c) and substitute therefor the following:

§ 977.46 *Determination of producer milk in each class.* For each class, add the pounds of skim milk and the pounds of butterfat allocated to producer milk, pursuant to § 977.45, and determine the percentage of butterfat in the producer milk allocated to each class.

4. Delete that part of § 977.53 previous to "Provided" and substitute therefor the following:

§ 977.53 *Location differentials to handlers.* For that milk which is received from producers at a plant located 40 miles or more from the nearest County Courthouse in either Graves or McCracken County, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 977.51 (a) shall be reduced according to the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from nearest County Courthouse (miles):	Rate (cents)
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

5. Delete § 977.62 and substitute therefor the following:

§ 977.62 *Handlers operating nonpool plants.* Each handler who operates a nonpool plant during a month shall, in lieu of the payments required pursuant to § 977.80 through § 977.86, pay to the market administrator, for the producer-settlement fund, on or before the 25th day after the end of such month, the amount resulting from the computation of either paragraph (a) or paragraph (b) of this section, whichever is less:

(a) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between the price for Class I milk pursuant to § 977.51 (a) and the price for Class II milk pursuant to § 977.51 (b) during the months of April through July, and the difference between the price for Class I milk pursuant to § 977.51 (a) and the uniform price pursuant to § 977.71 during the months of August through March.

(b) Any plus amount resulting from the following computation: Divide an amount equal to the net pool obligation which would be computed pursuant to § 977.70 for such handler for such month if such handler operated a pool plant by the hundredweight of milk received from approved dairy farmers; deduct the payments per hundredweight of milk made by such handler to approved dairy farmers for milk received during such month: *Provided*, That if such handler has paid dairy farmers by more than one rate, the payments to approved dairy farmers shall be computed at the lowest rates paid for a volume of milk equal to the volume disposed of in the marketing area.

6. Amend § 977.70 (b) (1) by deleting "March" and substituting therefor "April"; and § 977.70 (b) (2) by deleting "February" and substituting therefor "March".

7. In § 977.80 change the period at the close of paragraph (b) to a colon and add the following: "*Provided*, That the proper deductions referred to in paragraphs (a) (1) and (2) (iv) of this section shall be valid in the case of cooperative members only if authorized in writing by such cooperative."

8. Delete § 977.86 and substitute therefor the following:

§ 977.86 *Location differentials to producers.* In making payments for milk received from producers pursuant to § 977.80, the uniform price per hundredweight shall be reduced by the rate set forth in the following schedule according to the shortest hard surfaced highway distance, as determined by the market administrator, from the plant where the milk is received from producers or from which the milk is diverted, to the nearest County Courthouse in either Graves or McCracken County:

Distance from nearest County Courthouse (miles):	Rate (cents)
40 but less than 50	7.5
For each additional 10 miles or fraction thereof an additional	1.5

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of January 1957, to be effective on and after February 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-664; Filed, Jan. 28, 1957; 8:51 a. m.]

[Docket No. AO-179-A15]

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 975.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Cleveland, Ohio, during October 10-12, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cleveland, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest, to make this order amending the order, effective not later than February 1, 1957. Any delay beyond that date in making this order amending the order effective will tend to disrupt the orderly marketing of milk in the Cleveland, Ohio, marketing area. The changes effected by this order amending the order do not require persons affected to make substantial or extensive preparation prior to the effective date. Proposed amendments which would result in changes similar to those effected by this order amending the order were considered at a public hearing held during October 10-12, 1956; a recommended decision in this proceeding, to which interested parties were given an opportunity to file written exceptions, was issued on January 2, 1957, and a final decision was issued on January 17, 1957. Under these circumstances persons affected by this order amending the order have been afforded a reasonable time within which to prepare for its effective date. Therefore, good cause exists, pursuant to section 4 (c) of the Administrative Procedures Act (5 U. S. C. 1001 et seq.), for making this order amending the order effective February 1, 1957.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, which is marketed within the Cleveland, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of

milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two thirds of the producers who participated in a referendum and who, during the determined representative period (October 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Cleveland, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. In § 975.30 (b) following the phrase "such plant shall" delete the words "upon written application to the market administrator on or before January 31 of any year" and substitute therefor "unless written advice to the contrary is furnished the market administrator on or before January 31".

2. Add the following as § 975.52 (c):

(c) Where producer milk is transferred in bulk from a pool plant to the pool plant of another handler, and the operators of such plants have so requested the market administrator in writing prior to the delivery period within which the transfer occurred, the maximum allowance for shrinkage pursuant to § 975.51 (c) (3) with respect to such milk shall be divided equally between the transferor and transferee plants.

3. Delete § 975.61 and substitute therefor the following:

§ 975.61 *Class I milk prices.* The respective minimum prices per hundredweight to be paid by each handler, f. o. b. his plant for milk received from producers or from a pool plant of a cooperative association, during the delivery period which is classified as Class I milk, shall be as follows as computed by the market administrator:

(a) Add to the basic formula price the following amount for the period indicated:

Delivery period:	*Amount*
February through July	$1.40
All others	1.85

(b) Add or subtract a "supply-demand adjustment" computed as follows:

(1) With respect to receipts and utilization of the Cleveland and Akron-Stark County, Ohio, marketing areas during the first and second months preceding the delivery period, combine into separate totals:

(i) The total quantity of milk received from producers defined in § 975.8 and § 960.7 of the order regulating the handling of milk in the Akron-Stark County, Ohio, marketing area; and

(ii) The gross quantity of milk utilized as Class I at pool plants pursuant to § 975.30 and to § 960.5 of this chapter, exclusive of interhandler and intermarket transfers between such plants.

(2) Divide the result obtained in subparagraph (1) (i) of this paragraph by that obtained in subparagraph (1) (ii) of this paragraph, multiply by 100, and round to the nearest whole number. This result shall be known as the "current utilization percentage."

(3) Compute a "deviation percentage" by subtracting from the current utilization percentage computed in subparagraph (2) of this paragraph the "standard utilization percentage" shown below:

Month for which the price is being computed:	*Standard utilization percentage*
January	123
February	126
March	129
April	132
May	135
June	144
July	149
August	144
September	131
October	125
November	123
December	122

(4) Determine the amount of the supply-demand adjustment from the following schedule:

Deviation percentage:	*Amount of supply-demand adjustment (cents)*
+13 or over	−25
+10 or +11	−19
+7 or +8	−13
+4 or +5	−7
+2 or −2	0
−4 or −5	+7
−7 or −8	+13
−10 or −11	+19
−13 or below	+25

When the deviation percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

4. Effective July 1, 1957, delete § 975.66 and substitute therefor the following:

§ 975.66 *Quota rules.* (a) Except as provided in paragraph (b) of this section, an eligible milk quota shall apply to deliveries of milk by the producer for whose account that milk was delivered to a handler(s) during the quota forming period;

(b) A daily quota may be transferred during the period of April through June by notifying the market administrator in writing before the first day of any delivery period that such quota is to be transferred to the person named in such notice, but under the following conditions only:

(1) In the event of the death of a producer, the entire daily quota may be transferred to a member of such producer's immediate family who carries on the dairy operation on the same farm;

(2) If a quota is held jointly and such joint holding is terminated on the basis of written notice to the market administrator from the joint holders, the entire daily quota may be transferred to one of the joint holders, or divided in accordance with such notice between the former joint holders if they continue dairy farm operations.

5. Delete § 975.71 and substitute therefor the following:

§ 975.71 *Location adjustment to handlers.* In computing the value of such quantities of milk as are received at a pool plant located 40 miles or more, by the shortest highway distance from the Public Square in Cleveland, Ohio, as determined by the market administrator, and classified as Class I or Class II milk, there shall be deducted:

(a) 13 cents per hundredweight, if such distance is more than 40 miles but not more than 60 miles; and

(b) 20 cents per hundredweight, if such distance is more than 60 miles but not more than 74 miles, and 2 cents per hundredweight additional for each 14 miles or fraction thereof in excess of 74 miles.

(c) For the purpose of determining the respective quantities of Class I and Class II milk subject to the location adjustment, each pool handler's utilization of Class I and Class II milk during the month at pool plants as defined in § 975.30 (a) shall be allocated first to receipts of milk from producers' farms at such plants and then to the receipts of producer milk from pool plants as defined in § 975.30 (b) in the order of their nearness to the Public Square in Cleveland, Ohio, by shortest highway distance as determined by the market administrator.

6. In § 975.73 (c) delete "§ 975.81 (b)" and substitute therefor "§ 975.81".

7. In § 975.75 (a) delete "§ 975.73 (a) through (c)" and substitute therefor "§ 975.73 (a) through (e)".

8. In § 975.81 (a) delete "30 miles" and substitute therefor "40 miles".

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 24th day of January 1957, to be effective on and after February 1, 1957, with respect to all amendments other than that to § 975.66 (numbered 4 herein) which shall be effective on and after July 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-663; Filed, Jan. 28, 1957; 8:51 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

In July 1955 the Commission issued for public comment a proposed regulation to establish general standards for protection of licensees, their employees, and the public against radiation hazards arising out of the possession or use of special nuclear, source, or byproduct material under license issued by AEC. In preparing the effective regulation published below, the Commission has had

the benefit of numerous comments and suggestions received since publication of the proposed rules. A number of changes suggested by those comments have been incorporated in the following regulation.

The regulation establishes standards which must be followed in handling radioactive materials which are subject to the licensing authority of the Commission and provides procedures whereby deviations from such standards may be authorized on a case-to-case basis. The regulation prescribes limits which govern exposure of personnel to radiation and concentrations of radioactive material, concentrations of radioactive material which may be discharged into air and water, and disposal of radioactive wastes. It also establishes certain precautionary procedures and administrative controls.

The standards established by this regulation will be found to agree substantially with those published by the National Committee on Radiation Protection in N. B. S. Handbook 52 "Maximum Permissible Amounts of Radioisotopes in the Human Body and Maximum Permissible Concentrations in Air and Water," and N. B. S. Handbook 59 "Permissible Dose from External Sources of Ionizing Radiation." The National Committee on Radiation Protection has under review recommendations to limit cumulative exposures over periods of years. The Commission is giving consideration to appropriate amendments to its regulations to deal with this cumulative exposure problem.

Limitations upon levels of radiation and concentrations of radioactive material in areas affected by but not controlled by the licensee are contained principally in § 20.102 ("Permissible Levels of Radiation in Unrestricted Areas"), § 20.103 ("Concentrations in Effluents to Unrestricted Areas"), and the sections on waste disposal. The sections are designed to assure that individuals in "unrestricted areas" do not receive exposure in excess of 10 percent of the limits established for persons exposed in restricted areas. For this purpose, the sections limit levels of radiation and concentrations of radioactive material which may be created in unrestricted areas by licensees, without special authorization from the AEC, to extremely low levels. These levels are believed to be sufficiently low to assure that there is no reasonable probability of individuals in unrestricted areas receiving exposures in excess of 10 percent of the permissible levels for restricted areas. Procedures are incorporated in those sections, however, under which the Commission may authorize licensees in specific cases to create higher levels in unrestricted areas where the circumstances of the particular case are such as to provide reasonable assurance that individuals in the unrestricted areas will not receive exposures in excess of 10 percent of the limitation established for restricted areas.

It is believed that the standards incorporated in these regulations provide, in accordance with present knowledge, a very substantial margin of safety for exposed individuals. It is believed also that the standards are practical from the standpoint of licensees. It should be emphasized that the standards are subject to change with the development of new knowledge, with significant increase in the average exposure of the whole population to radiation, and with further experience in the administration of the Commission's regulatory program.

Pursuant to the Administrative Procedures Act, Public Law 404, 79th Congress, 2d Session, the following rules are published as a document subject to codification to be effective 30 days after publication in the FEDERAL REGISTER.

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20.601 Violations.

AUTHORITY: §§ 20.1 to 20.601 issued under sec. 161 (b), 68 Stat 948, 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 20.1 *Purpose.* (a) The regulations in this part establish standards for protection against radiation hazards arising out of activities under licenses issued by the Atomic Energy Commission and are issued pursuant to the Atomic Energy Act of 1954 (68 Stat. 919).

(b) The use of radioactive material or other sources of radiation not licensed by the Commission is not subject to the regulations in this part. However, it is the purpose of the regulations in this part to control the possession, use, and transfer of licensed material by any licensee in such a manner that exposure to such material and to radiation from such material, when added to exposures to unlicensed radioactive material and to other unlicensed sources of radiation in the possession of the licensee, and to radiation therefrom, does not exceed the standards of radiation protection prescribed in the regulations in this part.

§ 20.2 *Scope.* The regulations in this part apply to all persons who receive, possess, use or transfer byproduct material, source material, or special nuclear material under a general or specific license issued by the Commission pursuant to the regulations in Part 30, 40, or 70 of this chapter.

§ 20.3 *Definitions.* (a) As used in this part:

(1) "Act" means the Atomic Energy Act of 1954 (68 Stat. 919) including any amendments thereto;

(2) "Airborne radioactive material" means any radioactive material dispersed in the air in the form of dusts, fumes, mists, vapors, or gases;

(3) "Byproduct material" means any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material;

(4) "Commission" means the Atomic Energy Commission or its duly authorized representatives;

(5) "Government agency" means any executive department, commission, independent establishment, corporation, wholly or partly owned by the United States of America which is an instrumentality of the United States, or any board, bureau, division, service, office, officer, authority, administration, or other establishment in the executive branch of the Government;

(6) "Individual" means any human being;

(7) "Licensed material" means source material, special nuclear material, or byproduct material received, possessed, used, or transferred under a general or specific license issued by the Commission pursuant to the regulations in this chapter;

(8) "License" means a license issued under the regulations in Part 30, 40, or 70 of this chapter. "Licensee" means the holder of such license;

(9) "Person" means (i) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency other than the Commission, any State, any foreign government or nation or any political subdivision of any such government or nations, or other entity; and (ii) any legal successor, representative, agent, or agency of the foregoing;

(10) "Radiation" means any or all of the following: alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light;

(11) "Radioactive material" includes any such material whether or not subject to licensing control by the Commission;

(12) "Restricted area" means any area access to which is controlled by the licensee. "Restricted area" shall not include any areas used as residential quarters, although a separate room or rooms in a residential building may be set apart as a restricted area;

(13) "Source material" means any material except special nuclear material, which contains by weight one-twentieth of one percent (0.05 percent or more of (i) uranium, (ii) thorium, or (iii) any combination thereof;

(14) "Special nuclear material" means (i) plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Commission, pursuant to the provisions of section 51 of the act, determines to be special nuclear material, but does not include source material; or (ii) any material artificially enriched by any of the foregoing but does not include source material;

(15) "Unrestricted area" means any area entry into which is not controlled by the licensee, and any area used for residential quarters.

(b) Definitions of certain other words and phrases as used in this part are set forth in other sections, including:

(1) "Airborne radioactivity area" defined in § 20.203;

(2) "Radiation area" and "high radiation area" defined in § 20.202;

(3) "Personnel monitoring equipment" defined in § 20.202;

(4) "Survey" defined in § 20.201;

(5) Units of measurement of dose (rad, rem) defined in § 20.4;

(6) Units of measurement of radioactivity defined in § 20.5.

§ 20.4 *Units of radiation dose.* (a) "Dose," as used in this part, is the quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body. When the regulations in this part specify a dose during a period of time, the dose means the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units as used in this part are set forth in paragraphs (b) and (c) of this section.

(b) The rad, as used in this part, is a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue. (One millirad (mrad) = 0.001 rad.)

(c) The rem, as used in this part, is a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of one roentgen (r) of X-rays. (One millirem (mrem) = 0.001 rem.) The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions of irradiation. For the purpose of the regulations in this part, any of the following is considered to be equivalent to a dose of one rem:

(1) A dose of 1 r due to X— or gamma radiation;

(2) A dose of 1 rad due to X—, gamma, or beta radiation;

(3) A dose of 0.1 rad due to neutrons or high energy protons;

(4) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subparagraph (3) of this paragraph, one rem of neutron radiation may, for purposes of the regulations in this part, be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there exists sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to one rem may be estimated from the following table:

Neutron energy	Number of neutrons per square centimeter equivalent to a dose of 1 rem
Thermal	960×10^6
0.0001 mev	480×10^6
0.01 mev	480×10^6
0.1 mev	96×10^6
0.5 mev	38×10^6
1 mev	29×10^6
2 mev	19×10^6
3 mev. and higher	14×10^6

§ 20.5 *Units of radioactivity.* (a) Radioactivity is commonly, and for purposes of the regulations in this part shall be, measured in terms of disintegrations per unit time or in curies. One curie (c) = 3.7×10^{10} disintegrations per second (dps) = 2.2×10^{12} disintegrations per minute (dpm). A commonly used submultiple of the curie is the microcurie (μc). One μc = 0.000001 c = 3.7×10^4 dps = 2.2×10^6 dpm.

NOTE: Many radioisotopes disintegrate into isotopes which are also radioactive. In expressing maximum permissible concentrations in air and water of these materials, as in Appendix B of this part, the activity stated is that of the parent isotope. In some cases, the fact that daughter products may contribute to the total dose has been taken into account in the determination of the maximum permissible concentration of the parent isotopes. In the tables of Appendix B of this part this is indicated by writing $Ba^{140}+La^{140}$, $Sr^{90}+Y^{90}$, $Rn^{222}+dr$, $Ra^{226}+\frac{1}{2}$ dr, etc.

EXAMPLE. In Column 1, Table I, Appendix B the maximum permissible concentration of Ba^{140} in air for occupational use is $2+10^{-7}\mu c/ml$. This is the maximum permissible concentration regardless of whether or not any of the La^{140} which may have resulted from the decay of the Ba^{140} is present or not. However, the value given for BA^{140} is less than it would be if La^{140} were a stable isotope, not only because of the possibility of La^{140} in the air but principally because, if the Ba^{140} is inhaled, its radioactive decay in the body will result in the production of La^{140} in the body.

(b) *Radon.* Airborne radioactivity of radon and its decay products may be determined by measurement of the activity of one or more decay products on dust filtered from the air. For purposes of the regulations in this part, the limit prescribed here will be considered to be met if the measured radioactivity of one or more decay products (for example, RaC') does not exceed that which would result from the occurrence, at the time of sampling, of 1×10^{-7} microcuries, per milliliter of air, of Rn^{222} and each of its short-lived decay products, RaA, RaB, RaC, and RaC'. For this purpose, due allowance shall be made for changes in the radioactivity of the measured decay products from time of sampling through the period of measurement.

(c) *Natural uranium and natural thorium.* Natural uranium and natural thorium occur as mixtures of isotopes of the respective elements. In the case of uranium or of thorium, the number of microcuries shall be determined by dividing the total rate, in dpm, of alpha emissions from the mixture by 2.2×10^6 dpm per μ c.

§ 20.6 *Interpretations.* Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 20.7 *Communications.* All communications and reports concerning the regulations in this part, and applications filed under them, should be addressed to the Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., Attention: Division of Civilian Application.

PERMISSIBLE DOSES, LEVELS, AND CONCENTRATIONS

§ 20.101 *Exposure of individuals in restricted areas*—(a) *Exposure to radiation.* (1) Except as provided in subparagraph (2) of this paragraph, no licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual in a restricted area to receive in any period of seven consecutive days from radioactive material and other sources of radiation in the licensee's possession a dose in excess of the limits specified in Appendix A of this part.

(2) A licensee may permit an individual in a restricted area to receive a dose in excess of the limits established in subparagraph (1) of this paragraph: *Provided,* (i) That the dose during any period of 7 consecutive days does not exceed three times the limits specified in Appendix A of this part, and (ii) that the dose during any period of 13 consecutive weeks does not exceed 10 times the limits specified in Appendix A of this part.

(b) No licensee shall possess, use or transfer licensed material in such a manner as to cause any individual in a restricted area to be exposed to airborne radioactive material possessed by the licensee in an average concentration in excess of the limits specified in Appendix B, Table I, of this part.

The limits given in Appendix B, Table I of this part, are based upon exposure to the concentrations specified for forty hours in any period of seven consecutive days. In any such period where the number of hours of exposure is less than forty, the limits specified in the table may be increased proportionately. In any such period, where the number of hours of exposure is greater than forty, the limits specified in the table shall be decreased proportionately.

(c) *Exposure of minors.* No licensee shall possess, use, or transfer licensed material in such a manner as to cause any individual under 18 years of age within a restricted area to receive in any period of seven consecutive days from radioactive material and other sources of radiation in the licensee's possession a dose in excess of 10 percent of the limits specified in Appendix A of this part, or to be exposed to airborne radioactive material possessed by the licensee in a concentration in excess of the limits specified in Appendix B, Table II, of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than a week.

§ 20.102 *Permissible levels of radiation in unrestricted areas.* (a) There may be included in any application for a license or for amendment of a license proposed limits upon levels of radiation in unrestricted areas resulting from the applicant's possession or use of radioactive material and other sources of radiation. Such applications should include information as to anticipated average radiation levels and anticipated occupancy times for each unrestricted area involved. The Commission will approve the proposed limits if the applicant demonstrates that the proposed limits are not likely to cause any individual to receive a dose in any period of seven consecutive days in excess of 10 percent of the limits specified in Appendix A of this part.

(b) Except as authorized by the Commission pursuant to paragraph (a) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to create in any unrestricted area from radioactive material and other sources of radiation in his possession:

(1) Radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of two millirems in any one hour, or

(2) Radiation levels which, if an individual were continuously present in the area, could result in his receiving a dose in excess of 100 millirems in any seven consecutive days.

§ 20.103 *Concentrations in effluents to unrestricted areas.* (a) There may be included in any application for a license or for amendment of a license proposed limits upon concentrations of licensed and other radioactive material released into air or water in unrestricted areas as a result of the applicant's proposed activities. Such applications should include information as to anticipated average concentrations and anticipated occupancy times for each unrestricted area involved. The Commission will approve the proposed limits if the applicant demonstrates that it is not likely that any individual will be exposed to concentrations in excess of the limits specified in Appendix B, Table II, of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than one year.

(b) Except as authorized by the Commission pursuant to § 20.302 or paragraph (a) of this section, no licensee shall possess, use, or transfer licensed material in such a manner as to release into air or water in any unrestricted area any concentration of radioactive material in excess of the limits specified in Appendix B, Table II of this part. For purposes of this paragraph, concentrations may be averaged over periods not greater than one year.

(c) For purposes of this section, determinations as to the concentration of radioactive material shall be made with respect to the point where such material leaves the restricted area. Where the radioactive material leaves the restricted area in a stack, tube, pipe, or similar conduit, the determination may be made with respect to the point where the material leaves such conduit.

(d) The provisions of this section do not apply to disposal of radioactive material into sanitary sewerage systems (see § 20.303).

§ 20.104 *Medical diagnosis, therapy, and research.* Nothing in the regulations in this part shall be interpreted as limiting the intentional exposure of patients to radiation for the purpose of medical diagnosis or medical therapy.

§ 20.105 *Measures to be taken after excessive exposures.* In the event that any individual in a restricted area receives a dose or is exposed to concentrations of radioactive material in excess of the permissible limits established in § 20.101, the licensee shall limit the weekly dose or exposure of the individual to 10 percent of such permissible limit until such time as the average weekly dose or exposure to the individual for the period beginning with the week in which the excessive dose or exposure occurred is less than the permissible limit established in § 20.101.

PRECAUTIONARY PROCEDURES

§ 20.201 *Surveys.* (a) As used in the regulations in this part, "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(b) Each licensee shall make or cause to be made such surveys as may be necessary for him to comply with the regulations in this part.

§ 20.202 *Personnel monitoring.* (a) Each licensee shall supply appropriate personnel monitoring equipment to, and shall require the use of such equipment by:

(1) Each individual who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in excess of 25 percent of the limits specified in Appendix A of this part;

(2) Each individual who enters a high radiation area.

(b) As used in this part,

(1) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e. g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

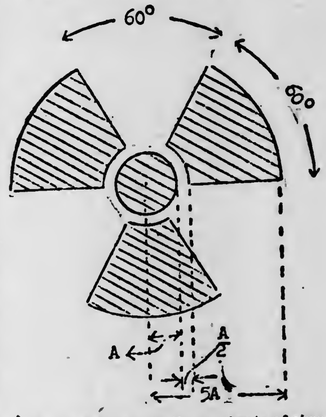
(2) "Radiation area" means any area, accessible to personnel, in which there exists radiation, originating in whole or in part within licensed material, at such levels that a major portion of the body could receive in any one hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 150 millirem;

(3) "High radiation area" means any area, accessible to personnel, in which there exists radiation originating in whole or in part within licensed material at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirem.

§ 20.203 *Caution signs, labels, and signals.* (a) (1) Except as otherwise authorized by the Commission, symbols prescribed by this section shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this section is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.
2. Background is to be yellow.



(2) In addition to the contents of signs and labels prescribed in this section, licensees may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.

(b) *Radiation areas.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [1]
RADIATION AREA

(c) *High radiation areas.* (1) Each high radiation area shall be conspicuously posted with a sign or signs bearing

[1] Or "Danger".

the radiation caution symbol and the words:

CAUTION [1]
HIGH RADIATION AREA

(2) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirem in one hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the licensee or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(d) *Airborne radioactivity areas.* (1) As used in the regulations in this part, "airborne radioactivity area" means (i) any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of licensed material, exist in concentrations in excess of the amounts specified in Appendix B, Table I, Column 1 of this part; or (ii) any room, enclosure, or operating area in which airborne radioactive material composed wholly or partly of licensed material exists in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in Appendix B, Table I, Column 1 of this part.

(2) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [1]
AIRBORNE RADIOACTIVITY AREA

(e) *Additional requirements.* (1) Each area or room in which licensed material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in an amount exceeding 10 times the quantity of such material specified in Appendix C of this part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [1]
RADIOACTIVE MATERIAL(S)

(2) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding one-hundred times the quantity specified in Appendix C of this part shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION [1]
RADIOACTIVE MATERIAL(S)

(f) *Containers.* (1) Each container in which is transported, stored, or used a quantity of any licensed material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C of this part shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

[1] Or "Danger."

CAUTION [1]
RADIOACTIVE MATERIAL

(2) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than ten times the quantity specified in Appendix C of this part shall bear a durable, clearly visible label bearing the radiation caution symbol and the words:

CAUTION [1]
RADIOACTIVE MATERIAL

(3) Notwithstanding the provisions of subparagraphs (1) and (2) a label shall not be required:

(i) If the concentration of the material in the container does not exceed that specified in Appendix B, Table I, Column 2 of this part, or

(ii) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures, when the user is present.

(4) Where containers are used for storage, the labels required in this paragraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

§ 20.204 *Exceptions from posting requirements.* Notwithstanding the provisions of § 20.203,

(a) A room or area is not required to be posted with a caution sign because of the presence of a sealed source provided the radiation level twelve inches from the surface of the source container or housing does not exceed five millirem per hour.

(b) Rooms or other areas in hospitals are not required to be posted with caution signs because of the presence of patients containing byproduct material provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the regulations in this part.

(c) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than eight hours provided that (1) the materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the regulations in this part and; (2) such area or room is subject to the licensee's control.

§ 20.205 *Exemptions for radioactive materials packaged for shipment.* Radioactive materials packaged and labeled in accordance with regulations of the Interstate Commerce Commission shall be exempt from the labeling and posting requirements of § 20.203 during shipment, provided that the inside containers are labeled in accordance with the provisions of § 20.203 (f).

§ 20.206 *Instruction of personnel.* All individuals working in or frequenting any portion of a restricted area shall be informed of the occurrence of radioactive materials or of radiation in such portion, and shall be instructed in the hazards of excessive exposure to such materials or radiation and in precautions or procedures to minimize exposure.

§ 20.207 *Storage of licensed material.* Licensed materials stored in an unrestricted area shall be secured against unauthorized removal from the place of storage.

WASTE DISPOSAL

§ 20.301 *General requirement.* No licensee shall dispose of licensed material except:

(1) By transfer to an authorized recipient as provided in the regulations in Part 30, 40, or 70 of this chapter, whichever may be applicable; or

(2) As authorized pursuant to § 20.302; or

(3) As provided in § 20.303 or § 20.304, applicable respectively to the disposal of licensed material by release into sanitary sewerage systems or burial in soil, or in § 20.103 (Concentrations in Effluents to Unrestricted Areas).

§ 20.302 *Method for obtaining approval of proposed disposal procedures.* Any licensee or applicant for a license may apply to the Commission for approval of proposed procedures to dispose of licensed material in a manner not otherwise authorized in the regulations in this chapter. Each application should include a description of the licensed material and any other radioactive material involved, including the quantities and kinds of such material and the levels of radioactivity involved, and the proposed manner and conditions of disposal. The application should also include an analysis and evaluation of pertinent information as to the nature of the environment, including topographical, geological, meteorological, and hydrological characteristics; usage of ground and surface waters in the general area; the nature and location of other potentially affected facilities; and procedures to be observed to minimize the risk of unexpected or hazardous exposures.

§ 20.303 *Disposal by release into sanitary sewerage systems.* No licensee shall discharge licensed material into a sanitary sewerage system unless:

(a) It is readily soluble or dispersible in water; and

(b) The quantity of any licensed or other radioactive material released into the system by the licensee in any one day does not exceed the larger of subparagraphs (1) or (2) of this paragraph:

(1) The quantity which, if diluted by the average daily quantity of sewage released into the sewer by the licensee, will result in an average concentration equal to the limits specified in Appendix B, Table I, Column 2 of this part; or

(2) Ten times the quantity of such material specified in Appendix C of this part; and

(c) The quantity of any licensed or other radioactive material released in any one month, if diluted by the average monthly quantity of water released by the licensee, will not result in an average concentration exceeding the limits specified in Appendix B, Table I, Column 2 of this part; and

(d) The gross quantity of licensed and other radioactive material released into the sewerage system by the licensee does not exceed one curie per year.

Excreta from individuals undergoing medical diagnosis or therapy with radioactive material shall be exempt from any limitations contained in this section.

§ 20.304 *Disposal by burial in soil.* No licensee shall dispose of licensed material by burial in soil unless:

(a) The total quantity of licensed and other radioactive materials buried at any one location and time does not exceed, at the time of burial, 1,000 times the amount specified in Appendix C of this part; and

(b) Burial is at a minimum depth of four feet; and

(c) Successive burials are separated by distances of at least six feet and not more than 12 burials are made in any year.

RECORDS, REPORTS, AND NOTIFICATION

§ 20.401 *Records of surveys, radiation monitoring, and disposal.* (a) Each licensee shall maintain records showing the radiation exposures of all individuals subject to personnel monitoring control under § 20.202 of the regulations in this part.

(b) Each licensee shall maintain records showing the name of each individual exposed to radiation pursuant to § 20.101 (a) (2) and the weekly dose of each such individual for the 13 consecutive weeks of highest cumulative weekly dose.

(c) Each licensee shall maintain records in the same units used in the appendices to this part, showing the results of surveys required by § 20.201 (b), and disposals made under §§ 20.302, 20.303, and 20.304.

§ 20.402 *Reports of theft or loss of licensed material.* Each licensee shall report promptly to the Commission, after its occurrence becomes known to the licensee, any loss or theft of licensed material in such quantities and under such circumstances that it appears to the licensee that a substantial hazard may result to persons in unrestricted areas.

EXCEPTIONS AND ADDITIONAL REQUIREMENTS

§ 20.501 *Applications for exemptions.* The Commission may, upon application by any licensee or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not result in undue hazard to life or property.

§ 20.502 *Additional requirements.* The Commission may, by rule, regulation, or order, impose upon any licensee such requirements, in addition to those established in the regulations in this part, as it deems appropriate or necessary to protect health or to minimize danger to life or property.

ENFORCEMENT

§ 20.601 *Violations.* An injunction or other court order may be obtained prohibiting any violation of any provision of the act or any regulation or order issued thereunder. Any person who willfully violates any provision of the act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

APPENDIX A

PERMISSIBLE WEEKLY DOSE

Conditions of exposure		Dose in critical organs (mrem)			
Parts of body	Radiation	Skin, at basal layer of epidermis	Blood forming organs	Gonads	Lens of eye
Whole body	Any radiation with half-value-layer greater than 1 mm of soft tissue.	[1] 600	[1] 300	[1] 300	[1] 300
Whole body	Any radiation with half-value-layer less than 1 mm of soft tissue.	1,500	300	300	300
Hands and forearms or feet and ankles or head and neck.	Any radiation	[2] 1,500			

[1] For exposures of the whole body to X or gamma rays up to 3 mev, this condition may be assumed to be met if the "air dose" does not exceed 300 mr, provided the dose to the gonads does not exceed 300 mrem. "Air dose" means that the dose is measured by an appropriate instrument in air in the region of highest dosage rate to be occupied by an individual, without the presence of the human body or other absorbing and scattering material.

[2] Exposure of these limited portions of the body under these conditions does not alter the total weekly dose of 300 mrem permitted to the bloodforming organs in the main portion of the body, to the gonads, or to the lens of the eye.

APPENDIX B

PERMISSIBLE CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

Material	Table I		Table II	
	Column 1 [1] Air (2)	Column 2 [2] Water (3)	Column 1 [1] Air (2)	Column 2 [2] Water (3)
A^{41}	1.6×10^{-6}	1.4×10^{-3}	5×10^{-6}	5×10^{-6}
Ag^{105}	3.6×10^{-7}	5	1.2×10^{-6}	1.6×10^{-4}
Ag^{111}	1×10^{-6}	13	3×10^{-6}	4×10^{-4}
Am^{241}	8×10^{-11}	4×10^{-4}	3×10^{-12}	1.2×10^{-6}
As^{76}	7×10^{-8}	6×10^{-5}	2×10^{-7}	2×10^{-6}
At^{211}	9×10^{-10}	6×10^{-4}	3×10^{-11}	2×10^{-7}
Au^{198}	3.4×10^{-7}	9×10^{-4}	1.1×10^{-6}	3×10^{-4}
Au^{199}	8×10^{-7}	2×10^{-3}	2.5×10^{-6}	7×10^{-4}
$Ba^{140}+La^{140}$	2×10^{-7}	6×10^{-4}	6×10^{-9}	2×10^{-4}
Be^{7}	1.3×10^{-5}	3	4×10^{-7}	1×10^{-1}
C^{14}	1.4×10^{-6}	1×10^{-3}	5×10^{-6}	3.6×10^{-4}
Ca^{45}	9×10^{-8}	1.5×10^{-3}	3×10^{-6}	9×10^{-6}
$Cd^{109}+Ag^{109}$	2×10^{-7}	2×10^{-1}	7×10^{-6}	7×10^{-6}
$Ce^{144}+Pr^{144}$	2×10^{-8}	1×10^{-1}	7×10^{-10}	3.6×10^{-6}
Cl^{36}	1×10^{-6}	7×10^{-4}	4×10^{-6}	2.4×10^{-4}
Cm^{242}	5×10^{-10}	2.7×10^{-3}	1.8×10^{-11}	1×10^{-4}
Co^{60}	3.4×10^{-8}	5×10^{-3}	1.2×10^{-7}	1.8×10^{-4}
Cr^{51}	2.4×10^{-4}	1.4	8×10^{-7}	8×10^{-4}
$Cs^{137}+Ba^{137}$	6×10^{-7}	4.5×10^{-4}	2×10^{-6}	1.5×10^{-4}
Cu^{64}	2×10^{-4}	2.5×10^{-1}	6×10^{-7}	8×10^{-4}
Eu^{154}	2×10^{-8}	1×10^{-1}	6×10^{-10}	3×10^{-4}
F^{18}	3.5×10^{-4}	2.6	1.2×10^{-6}	9×10^{-4}
Fe^{59}	1.8×10^{-8}	1.3×10^{-4}	6×10^{-8}	4×10^{-4}
Ga^{72}	5×10^{-8}	3.3×10^{-4}	1.6×10^{-8}	1.1×10^{-4}
Ge^{71}	1×10^{-3}	26	3.4×10^{-7}	9×10^{-3}
H^{3} (HTO or T_2O)	1×10^{-4}	27	3.6×10^{-6}	9×10^{-4}
Ho^{166}	7×10^{-4}	5×10^{-1}	2.6×10^{-6}	1.6×10^{-4}
I^{131}	1×10^{-7}	70	3×10^{-7}	2.3
Ir^{192}	9×10^{-8}	9×10^{-3}	3×10^{-10}	3×10^{-4}
K^{42}	2.2×10^{-6}	4×10^{-2}	7×10^{-8}	1.3×10^{-4}
La^{140}	1.5×10^{-7}	2.7×10^{-3}	8×10^{-9}	9×10^{-4}
Lu^{177}	6×10^{-6}	4×10^{-2}	2×10^{-7}	1.4×10^{-4}
Mn^{56}	4×10^{-6}	3.4	1.4×10^{7}	1.1×10^{-1}
Mo^{99}	1.5×10^{-4}	70	6×10^{-7}	2.4
Na^{24}	8×10^{-4}	5×10^{-1}	3×10^{-7}	1.5×10^{-4}
Nb^{95}	5×10^{-3}	40	1.8×10^{-4}	1.4
Ni^{59}	5×10^{-4}	2.4×10^{-3}	1.6×10^{-7}	8×10^{-4}
P^{32}	1.3×10^{-8}	1.2×10^{-3}	4×10^{-8}	4×10^{-4}
Pb^{203}	5×10^{-3}	7×10^{-1}	1.6×10^{-6}	2.5×10^{-3}
$Pb^{210}+Rh^{110}$	4×10^{-7}	6×10^{-4}	1.4×10^{-8}	2×10^{-4}
Pm^{147}	2×10^{-7}	4×10^{-1}	6×10^{-9}	1.4×10^{-3}
Po^{210} (soluble)	2×10^{-8}	3×10^{2}	7×10^{-8}	1×10^{-4}
Po^{210} (insoluble)	6×10^{-8}	3	2×10^{-6}	1×10^{1}
Pr^{143}	2×10^{-10}	9×10^{-4}	2×10^{-11}	3×10^{-4}
Pu^{239} (soluble)	2.3×10^{-4}	1	7×10^{-13}	
Pu^{239} (insoluble)	6×10^{-12}	4.5×10^{2}	2×10^{-12}	3.6×10^{-3}
$Ra^{226}+1/2$ dr	6×10^{-13}		2×10^{-13}	1.5×10^{-7}
Rb^{86}	2.4×10^{-11}	1.2×10^{-1}	5×10^{-11}	
Re^{183}	1.1×10^{-4}	9×10^{-3}	4×10^{-6}	4×10^{-4}
Rh^{103}	2.4×10^{-5}	2.4×10^{-1}	8×10^{-7}	3×10^{-4}
Rh^{103}+dr	3×10^{-4}	5×10^{-3}	1×10^{-7}	8×10^{-4}
$Ru^{106}+Rh^{106}$	1×10^{-7}	6×10^{-4}	3.3×10^{-6}	1.6×10^{-4}
S^{35}	6×10^{-6}	4×10^{-1}	2.6×10^{-6}	2×10^{-7}
Sc^{46}	3×10^{-6}	1.5×10^{-2}	1×10^{-7}	1.3×10^{2}
Sm^{151}	2×10^{-7}	1	7×10^{-4}	5×10^{-4}
Sn^{113}	4×10^{-6}	6×10^{-1}	1.3×10^{-6}	3.6×10^{-3}
Sr^{89}	1.7×10^{-6}	5×10^{-1}	6×10^{-6}	2×10^{-6}
$Sr^{90}+Y^{90}$	6×10^{-6}	2×10^{-4}	2×10^{-6}	1.6×10^{-4}
Te^{99}	6×10^{-10}	2.4×10^{-4}	2×10^{-11}	7×10^{-6}
	8×10^{-4}	8×10^{-4}	3×10^{-7}	6×10^{-6}
				3×10^{-4}

See footnotes at end of table.

APPENDIX B—Continued

PERMISSIBLE CONCENTRATIONS IN AIR AND WATER ABOVE NATURAL BACKGROUND

Material	Table I		Table II	
	Column 1 [1] Air (2)	Column 2 [2] Water (3)	Column 1 [1] Air (2)	Column 2 [2] Water (3)
Te^{127}	3×10^{-7}	3×10^{-3}	1×10^{-9}	3×10^{-6}
Te^{129}	1.2×10^{-7}	3.3×10^{-3}	4×10^{-9}	1.1×10^{-5}
Th^{234}	2×10^{-9}	10	6×10^{-9}	3×10^{-1}
Th-natural (soluble)	5×10^{-11}	1.5×10^{-6}	1.7×10^{-13}	5×10^{-9}
Th-natural (insoluble)	5×10^{-11}		1.7×10^{-13}	
Tm^{170}	1.5×10^{-7}	8×10^{-1}	5×10^{-9}	2.5×10^{-3}
U-natural (soluble) [3]	5×10^{-11}	2×10^{-4}	1.7×10^{-13}	7×10^{-6}
U-natural (insoluble) [3]	5×10^{-11}		1.7×10^{-13}	
U^{233} (soluble)	4×10^{-10}	4.5×10^{-4}	1×10^{-11}	1.5×10^{-6}
U^{233} (insoluble)	5×10^{-11}		1.6×10^{-13}	
V^{48}	3×10^{-8}	1.5	1×10^{-7}	5×10^{-3}
Xe^{135}	1.3×10^{-8}	1.3×10^{-2}	4×10^{-8}	4×10^{-4}
Xe^{133}	5×10^{-9}	4×10^{-3}	1.7×10^{-7}	1.4×10^{-4}
Y^{91}	1.2×10^{-7}	6×10^{-1}	4×10^{-9}	2×10^{-3}
Zn^{65}	6×10^{-9}	2×10^{-1}	2×10^{-7}	6×10^{-6}
Unidentified beta or gamma emitters or any undetermined mixtures of beta or gamma emitters			1×10^{-8}	1×10^{-7}
Unidentified alpha emitters or any undetermined mixtures of alpha emitters			5×10^{-12}	1×10^{-7}

[1] Air concentrations are given in microcuries per milliliter of air.
[2] Water concentrations are given in microcuries per milliliter of water. These figures also apply to foodstuffs in microcuries per gram (wet-weight).
[3] For enriched uranium the same radioactivities per unit volume as those for natural uranium are applicable. It should be noted that the contribution of U-234 to the gross activity of enriched uranium is 20-40 times that of the U-235.

APPENDIX C

Material	Microcuries
Ag^{105}	1
Ag^{111}	10
As^{76}, As^{77}	10
Au^{198}	10
Au^{199}	10
$Ba^{140}+La^{140}$	1
Be^{7}	50
C^{14}	50
Ca^{45}	10
$Cd^{109}+Ag^{109}$	10
$Ce^{144}+Pr^{144}$	1
Cl^{36}	1
Co^{60}	1
Cr^{51}	50
$Cs^{137}+Ba^{137}$	1
Cu^{64}	50
Eu^{152}	1
F^{18}	50
Fe^{55}	50
Fe^{59}	1
Ga^{72}	10
Ge^{71}	50
H^{3}(HTO or H_2O)	250
I^{131}	10
In^{114}	1
Ir^{192}	10
K^{42}	10
La^{140}	10
Mn^{52}	1
Mn^{56}	50
Mo^{99}	10
Na^{22}	10
Na^{24}	10
Nb^{95}	10
Ni^{59}	1
Ni^{65}	1
P^{32}	10
$Pd^{109}+Rh^{109}$	50
Pd^{109}	10
Pm^{147}	10
Po^{210}	0.1
Pr^{142}	10
Pu^{239}	1
Ra^{226}	0.1
Rb^{86}	10
Re^{186}	10
Rh^{105}	10
$Ru^{103}+Rh^{103}$	1
S^{35}	50
Sb^{124}	1
Sc^{46}	1
Sm^{153}	10
Sn^{113}	10
Sr^{89}	1
$Sr^{90}+Y^{90}$	0.1
Ta^{182}	10
Te^{99}	1
Te^{99}	1
Te^{127}	10
Te^{129}	1
Th (natural)	50
Tl^{204}	50
Tritium. See H^3	250
U (natural)	50
U^{233}	1
U^{234}-U^{235}	50
V^{48}	1
W^{185}	10
Y^{90}	1

APPENDIX C—Continued

Material	Microcuries
Y^{91}	1
Zn^{65}	10
Unidentified radioactive materials or any of the above in unknown mixtures	0.1

NOTE: For purposes of §§ 20.203 and 20.304, where there is involved a combination of isotopes in known amounts the limit for the combination should be derived as follows: Determine, for each isotope in the combination, the ratio between the quantity present in the combination and the limit otherwise established for the specific isotope when not in combination. The sum of such ratios for all the isotopes in the combination may not exceed "1" (i. e., "unity").

EXAMPLE: For purposes of § 20.304, if a particular batch contains 2,000 μc of Au^{198} and 25,000 μc of C^{14}, it may also include not more than 3,000 μc of I^{131}. This limit was determined as follows:

$$\frac{2{,}000\ \mu c\ Au^{198}}{10{,}000\ \mu c}+\frac{25{,}000\ \mu c\ C^{14}}{50{,}000\ \mu c}+\frac{3{,}000\ \mu c\ I^{131}}{10{,}000\ \mu c}=1$$

The denominator in each of the above ratios was obtained by multiplying the figure in the table by 1000 as provided in § 20.304.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated at Washington, D. C., this 16th day of January 1957.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-511; Filed, Jan. 25, 1957; 12:30 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

EXPERIENCED WORKERS UNAVAILABLE

On November 22, 1956, notice was published in the FEDERAL REGISTER (21 F. R. 9144, 9145) of the proposed amendment of §§ 522.5, 522.6 and 522.7 of the regulations governing the employment of learners (29 CFR Part 522). Interested parties were given ten days within which to submit written data, views or arguments relative to the proposed amendment.

The purpose of the amendment is to provide assurance that employers holding or applying for learner certificates have placed orders for experienced workers with public employment service offices. It is based upon the desirability of extending the present procedure to safeguard more effectively the basic concept that learners may not be hired at subminimum wage rates when experienced workers are available.

Two of the responses to the notice of the proposed amendment have suggested, for purposes of clarification, the addition of a comma following the word "correspondence" in § 522.7 (c). This suggestion has been adopted and will be made effective in this amendment. Three additional responses have been received which, among other contentions, allege that the amendment as proposed would constitute an unwarranted intrusion into the private employment rights of individual employers by compelling them to employ unsatisfactory and unacceptable employees. I consider the present regulations as adequately protecting employers from the necessity of accepting unqualified workers and in my experience, the relatively few questions of this nature which have arisen in the past have been resolved administratively with minimal difficulty.

Accordingly, after consideration of all relevant matters presented, each objection other than those intended to clarify § 522.7 (c) is overruled.

Pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214), and General Order No. 45-A (15 F. R. 3290), and in accordance with § 522.11 (29 CFR Part 522), §§ 522.5, 522.6, and 522.7 of Title 29, Code of Federal Regulations (29 CFR Part 522) are hereby amended as follows:

1. Section 522.5 (b), (c), (d), (e) and (f) are redesignated § 522.5 (c), (d), (e), (f) and (g), respectively.

2. Add a new paragraph (b) to § 522.5 to read as follows:

(b) Reasonable efforts have been made to recruit experienced workers, including the placement of an order with the local State or Territorial Public Employment Service Office (except in possessions where there is no such office) not more than fifteen days prior to the date of application. Written evidence from such office that the order has been placed shall be submitted by the employer with the application.

3. Paragraph (f) of § 522.6 is amended to read as follows:

(f) No learners shall be hired under a learner certificate if, at the time the employment begins, experienced workers capable of equalling the performance of a worker of minimum acceptable skill are available for employment. Each time before hiring learners during the

effective period of the certificate an order for experienced workers must be placed or be on active file with the local State or Territorial Public Employment Service Office (except in possessions where there is no such office). Written evidence that an order has been placed or is on active file shall be maintained in the employer's records.

4. Paragraph (c) of § 522.7 is redesignated paragraph (d).

5. Add a new paragraph (c) to § 522.7 to read as follows:

(c) The employer shall maintain a file of all evidence and records, including any correspondence, pertaining to the filing or cancellation of job orders placed with the local State or Territorial Public Employment Service Office under 29 CFR 522.5 (b) and 522.6 (f).

(Sec. 14, 52 Stat. 1068, as amended; 20 U. S. C. 214)

The above amendment shall become effective on March 1, 1957.

Signed at Washington, D. C. this 23d day of January, 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-636; Filed, Jan. 28, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1384]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681 30 U. S. C. 601-604), and reserved as indicated:

(a) Under the jurisdiction of the Secretary of the Interior for the protection and preservation of scenic and recreational areas:

Anchorage 026349

SEWARD MERIDIAN

T. 17 N., R. 3 W.,
Sec. 28, lots 6 and 7.

The tracts described contain 12.28 acres.

(b) For use of the Bureau of Land Managment, Department of the Interior, as recreational sites:

Anchorage 025793

BERNICE LAKE RECREATION SITE

SEWARD MERIDIAN

T. 7 N., R. 12 W.,
Sec. 15, Lot 6.

The tract described contains 7.35 acres.

Anchorage 026249

KNIK RIVER RECREATION SITE

U. S. Survey No. 3243.

The area described contains 31.52 acres.

JANUARY 23, 1957.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

[F. R. Doc. 57-627; Filed, Jan. 28, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11853; FCC 57-87]

[Rules Amdt. 11-8]

PART 11—INDUSTRIAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS

1. By Notice of Proposed Rule Making of October 18, 1956 (FCC 56-1018—released October 22, 1956) in the above-entitled matter, the Commission offered amendments to §§ 11.504 (b) and (c), 11.506 (b) and (c) of Subpart K: Special Industrial Radio Service of Part 11—rules governing the Industrial Radio Services.

2. In substance, the proposed amendments provide for the issuance of regular authorizations to heavy construction concerns and manufacturing concerns whose proposed radio systems will be exclusively located and operated in areas of low population density removed from the urbanized sections of Standard Metropolitan Areas of 500,000 or more population (SMA'S). Prompting the Commission in offering the amendments was evidence that additional users can be accommodated in such low-population areas without serious impairment to the ends sought to be served by the over-all SMA concept. It was observed in the above Notice that the amendments would not only promote a more efficient use of the frequencies allocated for use in the Special Industrial Radio Service, but would also make for increased uniformity among the various rules governing that Service.[1]

3. Individual comments have been received from the Special Industrial Radio Service Association (SIRSA), the Committee on Manufacturers Radio Use of the National Association of Manufacturers, and Allen B. Du Mont Laboratories, Inc. (Du Mont). A joint comment was filed on behalf of Cold Spring Construction Co. of Akron, New York; Earl T. Howell & Sons of Newfane, New York; and Robert E. L. Parker Co. of Alberhill, California. In none of the foregoing comments is opposition to the Commission's proposal stated; on the contrary, each comment supports the proposal in its entirety.

4. Upon consideration of the foregoing comments and of all other relevant matter in this proceeding, the Commission concludes that the proposed amendments would materially serve the public interest, convenience and necessity. Accordingly, the Commission is this day adopting the amendments as they were originally proposed. Authority for the amendments is contained in sections 4 (i) and 303 (d), (g) and (r) of the Communications Act of 1934, as amended.

5. Du Mont and SIRSA have difficulty with the term "area of low population density removed from the urbanized sections of the Standard Metropolitan Area involved," DuMont requesting "a reasonable definition" thereof, and SIRSA requesting a "rule of thumb" which may be considered by applicants in determining for themselves whether they are in such an area. In connection with its request SIRSA explains that it "does not advocate that the Commission establish such a hard and fast rule that no allowance will be made for case-by-case determinations which might result in grants to applicants having a particularly meritorious cause merely because of the rigidity of a rule."

6. Volume I (Number of Inhabitants) of the 1950 Census of Population [2] sets forth, in map form, the "urbanized" areas of each of the thirty-three Standard Metropolitan Areas of 500,000 or more population. Incorporated parts of such "urbanized" areas are shaded with slanting lines, and unincorporated parts are shaded with dots; "non-urbanized" areas are unshaded, and they appear white on the maps. For its purposes, the Commission considers only these "white" areas as being "areas of low population density removed from the urbanized sections of the Standard Metropolitan Area involved". In allayance of SIRSA's fear of a "hard and fast rule", the Commission calls attention to the fact that the waiver provisions of its rules will permit it to grant such applications as appear to it to be "particularly meritorious."

7. On the basis of all of the foregoing: *It is ordered*, This 23rd day of January 1957:

(a) That §§ 11.504 (b) and (c), 11.506 (b) and (c) (1) of Subpart K: Special Industrial Radio Service of Part 11—rules governing the Industrial Radio Services, are hereby amended to read as they are set forth below; and

(b) That the amendments adopted herein are hereby made effective on March 4, 1957.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Sections 11.504 (b) and (c), and 11.506 (b) and (c) (1) are amended to read as follows:

§ 11.504 *Heavy construction activities.* * * *

(b) *Eligibility.* Persons engaged in heavy construction activities, as that

[1] See §§ 11.503, 11.507, 11.508 and 11.509.

[2] Printed by the Government Printing Office for the Bureau of the Census, Department of Commerce.

term is defined in this section, are eligible in this service when it is shown that the use of the Low Power Industrial Radio Service does not meet their operational requirements and that the use of radio will be exclusively in connection with the conduct of the heavy construction activities involved and either (1) that all such activities take place exclusively (i) in areas other than Standard Metropolitan Areas of 500,000 or more population and/or (ii) in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas, or (2) that, in areas other than those described in subparagraph (1) of this paragraph, the use of radio will be exclusively for on-the-job communications at the site of a particular heavy construction project.

(c) *Limitation on station locations.* Each station authorized in accordance with the provisions of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, or in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas. Exceptions to the above may be made by the Commission in specific cases and for limited periods of time when it is shown that one or more Base Stations, to be associated with a specified heavy construction project and to be located within one-quarter mile thereof, will be used exclusively in the conduct of that project; however, each authorization issued pursuant to this exception will be limited in term to one year, renewable on the same showing in the event the particular project continues beyond that period.

§ 11.506 *Manufacturing activities.* • • •

(b) *Eligibility.* Persons engaged in manufacturing activities, as that term is defined in this section, are eligible in this service when it is shown that the use of radio will be exclusively in connection with the conduct of the manufacturing activities involved and either (1) that those activities take place exclusively (i) in areas other than Standard Metropolitan Areas of 500,000 or more population and/or (ii) in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas, or (2) that the use of radio will be within the yard area for mobile service communications within areas other than those described in (1), and that the use of the Low Power Industrial Radio Service does not meet the operational requirements of the manufacturing activity otherwise found eligible under this paragraph.

(c) *Limitation on station location.* (1) Each station authorized in accordance with the provisions of paragraph (b) (1) of this section shall be located and operated at all times in areas other than Standard Metropolitan Areas of 500,000 or more population, or in areas of low population density removed from the urbanized sections of such Standard Metropolitan Areas.

[F. R. Doc. 57-645; Filed, Jan. 28, 1957; 8:48 a. m.]

[Docket No. 11872; FCC 57-86]

[Rules Amdt. 19-2]

PART 19—CITIZENS RADIO SERVICE

MISCELLANEOUS AMENDMENTS

1. On November 16, 1956, the Commission released a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER on November 22, 1956 (21 F. R. 9145) in accordance with section 4 (a) of the Administrative Procedure Act. The purpose of the amendment under consideration is to permit the use of Class C Citizens Radio Stations to actuate devices which are used solely as a means of attracting attention.

2. The period in which interested persons were afforded an opportunity to submit comments thereto has expired. Comments in support of the Commission's proposal have been filed by the Stromberg-Carlson Company. While no comments in opposition to the above-mentioned proposal have been received, the Radio Corporation of America and Ruth Burr, d/b as Air Way Radio System, filed comments seeking to modify the proposal.

3. The Radio Corporation of America supports the general intent of the proposed amendment, but believes it is desirable that the limitation that Class C stations use only on-off unmodulated or amplitude tone modulated carrier be changed to permit the use of phase or frequency modulation. Inasmuch as the purpose of the proposed amendment was merely to broaden the permitted use of Class C stations and was not to expand the permissible types of emission, the Commission believes that such change is not appropriate at this time without further study.

4. Ruth Burr d/b as Air Way Radio System, permittee of Station KQD303 in Detroit, Michigan, which will render one-way paging service on a common carrier basis, states in her comment that in order to avoid the degradation in service that would be caused for all users if a multitude of licensees seek to cover large areas, the actuation of devices which are used solely as a means of attracting attention should be limited to use inside of buildings and should not be permitted on public streets, highways or any open area. However, the Commission believes that the present restriction limiting the plate input power of Class C stations to five watts will serve to prevent any serious degradation of service and that additional restrictions on use are unnecessary.

5. In view of the foregoing considerations, and pursuant to authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective March 4, 1957 §§ 19.35 (b) and 19.59 (d) of Part 19 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, a amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: January 23, 1957.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Amend § 19.35 (b) of the Commission's rules governing the Citizens Radio Service to read as follows:

(b) Except as provided in paragraph (c) of this section, Class C stations in this service may use only on-off unmodulated or amplitude tone modulated carrier for remote control of objects or devices, and the actuation of devices which are used solely as a means of attracting attention.

2. Amend § 19.59 (d) to read as follows:

(d) A station in this service used for radio control of objects or devices, or for the actuation of devices which are used solely as a means of attracting attention, shall not be used where its operation involves the continuous radiation of energy except for brief tests or when adjustments are being made to the transmitter, or as otherwise provided in § 19.35 (c).

[F. R. Doc. 57-646; Filed, Jan. 28, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

[Docket No. AO-72-A21]

MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING ARGEEMENT AND ORDER AMENDING ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order amending the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the findings and conclusions and the proposed marketing agreement and order hereinafter set forth were formulated, was conducted at Toledo, Ohio, on July 31–August 2, 1956, pursuant to notice thereof issued on July 10, 1956, and published in the FEDERAL REGISTER on July 14, 1956 (21 F. R. 5293).

The material issues relate to:

(1) An expansion in the marketing area;

(2) Changes in the Class I price differential and a revision of the supply-demand price adjustment factor;

(3) The establishment of a separate class for cottage cheese and the application of the basic formula price to Class II milk;

(4) A provision for premiums for bulk farm tank milk deliveries;

(5) A provision for location adjustments on milk received at country plants;

(6) Provisions for separate pricing of Class I milk disposed of outside the marketing area; and

(7) The revision of a number of definitions and clarification of the order language with respect to the reporting and accounting for milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record of hearing:

1. The marketing area should be expanded.

Producers proposed that the present marketing area be extended to cover all of the territory of Monroe County, except the townships of Ash and Berlin; the townships of Riga, Deerfield, Blissfield, Palmyra and Ogden in Lenawee County; all in the State of Michigan; the counties of fulton, Wood and Lucas; the town of Elmore and the townships of Allen and Clay in Ottawa County; the town of Gibsonburg, and the townships of Madison and Woodville in Sandusky County; all in the State of Ohio.

Producers stated that the bulk of the Class I sales in the proposed expanded area are made by regulated handlers and that expansion of the marketing area is necessary (1) to protect the present fluid milk market outlets for producer milk; and (2) to assure that all distributors who compete for sales in this area buy milk on an equal basis.

Certain handlers opposed the extension of the marketing area into Lenawee County, Michigan, in their brief. No testimony was presented by these handlers, including the operator of the principal plant which might be directly affected. Other parties opposed the inclusion in the expanded marketing area of the townships of Exeter, London, Milan, and Dundee in Monroe County, Michigan.

The present marketing area includes the territory within the city limits of Toledo, Ohio, and Monroe, Michigan and fifteen adjoining townships. Seven of these townships are in Lucas County, Ohio, two in Wood County, Ohio, and six in Monroe County, Michigan. These townships comprise only a small portion of the total sales area serviced by handlers subject to regulation under the Toledo order. It is not necessary or feasible to extend the regulation to all areas where handlers may sell some milk.

It is concluded that the marketing area should be expanded to include: all of the territory in Lucas County and in Fulton County; the territory north of the northern boundaries of the townships of Montgomery, Portage, Liberty, Milton (including all of the town of Weston) in Wood County; all of the territory within the townships of Woodville and Madison in Sandusky County; all in the State of Ohio; all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County; and all of the territory in Monroe County except the territory within the township of Ash, Berlin, Exeter, London, Milan, and Dundee; all in the State of Michigan.

The area recommended to be added to the marketing area is contiguous to the present marketing area. Recent expansion in industry and housing of the Toledo metropolitan area has extended into many of the townships recommended to be included and has been accompanied by a substantial increase in population. Toledo regulated handlers have extended their routes to supply the milk requirements of these areas. In each of the townships more than seventy-five percent of the fluid milk sales are supplied by handlers regulated by the Toledo order. Thus, the handling of milk to supply this area is closely identified with that in the present marketing area.

The health requirements for milk produced for fluid consumption in each of the townships recommended to be added to the present marketing area are substantially the same and similar to those in the present marketing area. "Grade A" milk, or the equivalent thereof, is required for milk for fluid consumption by the health departments in all areas.

A substantial portion of the fluid milk sales in Fulton County are made by handlers now regulated under the Toledo order. Some milk is supplied in this area from a plant located at Napoleon, Ohio, and another at New Bremen, Ohio. Neither of these plants is presently subject to regulation. A plant located at Wauseon, the county seat of Fulton County, distributes milk in this area, but is regulated by virtue of sales made within the present marketing area.

The fluid milk requirements for Wood County, Ohio, are supplied primarily by handlers regulated under the Toledo, Cleveland, and Lima orders. Sales by Toledo handlers are more predominant in the territory north of Milton, Liberty, Portage and Montgomery townships while distributors regulated by the Lima order are principal suppliers of the southern portion of the county. The territory south of the northern boundary of these townships should not be included in the marketing area.

More than 85 percent of the fluid milk requirements for the proposed Madison and Woodville townships of Sandusky County, Ohio, are supplied from Toledo plants and a plant located near Woodville which is also subject to the Toledo order. Sales by an unregulated plant, located in Tiffin, Ohio, in Madison and Woodville townships represent approximately eight percent of the total fluid milk sales of this last plant. The milk supply at this plant is procured from local producers at from 15 to 20 cents per hundredweight less than the Toledo marketwide average blend price. No objection was expressed to the extension of the marketing area to include these townships.

The townships of Allen and Clay (including the town of Elmore) in Ottawa County should not be added to the marketing area because there is no health ordinance applying to milk sold for fluid consumption in these townships.

The present marketing area includes that portion of Monroe County, Michigan, within the boundaries of Whiteford, Bedford, Erie, LaSalle, Monroe and Frenchtown townships. The proposal also would include Rasinville, Ida, Summerfield, Milan, London, Exeter and Dundee townships. The major portion of the milk supply for the first three townships is supplied by Toledo handlers while the last four townships are supplied primarily by Detroit regulated handlers. There is no need to extend the Toledo marketing area to include these last four townships.

Recent developments in the procurement and sale of milk centered in Lenawee County, Michigan, is of much concern to producers and threatens to disrupt the orderly marketing of producer milk. A distributing plant located in Palmyra township, Lenawee County, is operated by a handler who operates a pool plant in Toledo. The Palmyra plant is approximately 30 miles from Toledo. Milk is distributed from this plant outside of the present marketing area throughout a considerable portion, if not all of the proposed extended area in Michigan. This milk is sold primarily in competition with milk fully regulated under the Toledo and Detroit orders. Some milk also is disposed of outside of this area.

The Palmyra plant has been operated for a number of years, but it was remodeled and its facilities were expanded in 1954. A portion of the raw milk requirements at this plant is received from a herd maintained by the operator of the plant. Starting in 1956, milk also has been received directly from dairy farmers who deliver their milk in bulk farm pick-up tanks as diverted milk from Toledo. Milk, at times, also is received from a plant located at Defiance, Ohio. Packaged milk and other dairy products are moved from the Toledo plant to the Palmyra plant for disposition.

Because under the present provisions of the order milk transferred or diverted from a Toledo pool plant to an unregulated plant may be assigned to Class II utilization to the extent of such utilization at the nonpool plant, producers contended that it is possible they are not getting the full utilization value of their milk. No Class II operations of any consequence, however, are conducted in the Palmyra plant. The evidence fails to show that significant quantities of producer milk have been

classified as Class II milk through diversion or transfer of milk to this plant from the Toledo market. However, because of the proximity of this plant to the Toledo plant and the ease of transfer of milk and milk products between these plants, it is possible that producer milk devoted to Class II uses, such as cottage cheese, butter, ice cream and the like, associated with the over-all milk business of this handler, may be manufactured in the Toledo plant and supplied to the Palmyra plant while at the same time, all of the fluid milk received at the Palmyra plant is disposed of as Class I milk. Thus, the business can be conducted in such a manner that the handler's own production and the other fluid milk which is packaged at the Palmyra plant has an exclusive Class I outlet throughout the year, while producers of milk for the Toledo market bear the cost of maintaining the necessary daily and seasonal reserve supplies of milk associated with the over-all operation of the two plants.

The procurement, handling, and sales of milk in the Palmyra plant and the Toledo pool plant of this handler are conducted primarily in competition with the corresponding operations of handlers under the order. The effective regulation of the handling of milk for the over-all Toledo distribution area, therefore, compels the extension of the marketing area to include the proposed townships in Lenawee County.

Provisions should be made for distributors of milk in the recommended contiguous area to pay the same price for milk used in a given class as that paid by handlers in the presently regulated area. This may be accomplished by extending the marketing area as heretofore stated. This extension of the marketing area is necessary to safeguard and make more effective the classified pricing plan of the order and to insure and promote orderly marketing conditions.

2. The Class I price differential should be increased and the supply-demand provisions should be revised.

Producers proposed that the Class I price differential be modified to reflect a closer and appropriate relationship with the Class I differentials in competing markets, both on an annual level basis and in the seasonal pattern of changes in Class I prices. They also proposed that the supply-demand adjustment provisions of the order be changed to reflect more adequately the present seasonal relationship of producer milk receipts to fluid milk sales.

Handlers under the Toledo order compete in the procurement and sales of milk principally with handlers regulated by the Cleveland, Lima, and Detroit orders. The basic formula price in the Toledo order is similar to that contained in the orders for these neighboring markets. There is considerable difference, however, in the Class I price differentials. On an annual basis, the differentials at the marketing area are $1.43 for Detroit, $1.63 for Cleveland and $1.14 for Toledo. The Class I price under the Lima order is established, through a location adjustment, at 34 cents below the Cleveland Class I price. Part of this difference in Class I differentials reflect the need for drawing milk supplies from greater distances to supply the requirements of the larger consuming centers of Detroit and Cleveland. For example, the Cleveland Class I differential adjusted to plants located at the fringe of the Toledo marketing area is $1.41.

Some of the additional differences in the Class I price differentials, between the Toledo and other markets, have been offset by additions to the Class I price provided by the supply-demand adjuster for the Toledo market and minus adjustments in the Class I prices in the other markets. During the 12-month period, immediately preceding the hearing, July 1955–June 1956, an average of 15 cents per hundredweight was added to the Class I price for Toledo. This compares with a reduction in Cleveland of seven cents and approximately four cents in Detroit during this same period. Based on the supply-demand adjustments under the Toledo order, during the first six months of 1956 and estimates for the remainder of the year, an average of between 20 and 25 cents per hundredweight is expected to be added by supply-demand adjustments for the year 1956.

From 1953 to 1955, the average monthly producer receipts of milk for the Toledo market increased 15 percent as compared with an increase of 16 percent in Class I sales. From 1954 to 1955, receipts increased 7 percent while sales increased almost 10 percent. During the first six months of 1956, receipts of producer milk increased 5 percent over those for the first half of 1955 as compared with an 11 percent increase in fluid milk sales.

One reason for the decline in producer receipts of milk in relation to sales during the past year or so is the stricter enforcement by the Toledo Health Department of temperature requirements on milk received from the farm. This has entailed purchase by farmers of additional cooling equipment, and in some cases, remodeling of milk houses to meet these more difficult requirements. For this reason, some producers have shifted from supplying the Toledo market to supplying the other markets.

The annual level of producer milk receipts in relation to sales is relatively low in the Toledo market. In 1955, producer receipts was 1.13 times Class I utilization as compared with 1.36 for Cleveland and 1.37 for Detroit. In addition, during the past two years, the Toledo market has become increasingly short of producer receipts in relation to Class I sales in the fall months. In the September–November period of 1955, producer milk receipts were 2.5 percent short of supplying Class I milk requirements as compared with a shortage of 0.2 percent for the same period a year earlier.

Through the action of the supply-demand adjuster in these markets, Class I prices have tended toward a more reasonable relationship than otherwise would have prevailed. Marketwide averages of blend prices to producers supplying the Toledo market have been relatively favorable in relation to the blend prices in competing markets. Nevertheless, the receipts of producer milk in the Toledo marketing area have not kept pace with increased sales of fluid milk products. Under the present pricing arrangement, however, any increase in producer milk receipts in relation to Class I sales would have the effect of immediately reducing the Toledo Class I price and widening the differnece in Class I prices among the competing markets. The seasonal characteristics of the adjustments under the present supply-demand adjuster have aggravated the problem of differences in Class I prices complained about, particularly by Detroit handlers. Even more important, however, uniform prices to producers would be lowered under the present supply-demand adjuster before an adequate supply of milk is attracted to the market.

The Toledo, Detroit, Cleveland, and Lima markets are affected by common or very similar economic conditions affecting the procurement and sales of fluid milk. Because of the close competitive relationships there should be a reasonable and "normal" alignment of Class I prices over a period of time. It is basic, therefore, that price alignment among these markets be achieved by establishing more similar Class I differentials over basic formula prices. This is not to say that changes in supply-demand relationships in an individual market do not require adjustments in the "normal" or longer term alignment of prices to reflect these changed local conditions. It is only through such adjustments in class prices in the individual markets that the available supplies of milk will be attracted to the different markets in accordance with their needs.

For the above stated reasons, the Class I differential should be increased 25 cents per hundredweight on an annual basis and corresponding adjustments should be made in the supply-demand adjustment provisions of the order. The present seasonal difference in the Class I differential should be maintained until such time as some other method to encourage a production pattern more nearly in accord with sales of fluid milk products is adopted. It is therefore concluded that the following Class I price differential pattern should be adopted:

April, May, and June	$1.00
February, March, and July	1.25
August through January	1.65

The above differentials will result in an average annual Class I price differential of slightly less than $1.39 per hundredweight. As previously stated, the seasonal differences resulting from the supply-demand adjuster should be eliminated. The proposed changes, therefore, will result in somewhat less seasonal movements in the Class I price and smaller differences in Class I prices among the competing markets.

Analysis of the receipts and sales relationships in the Toledo market and the operation of the supply-demand adjuster for the past several years shows the need for revising the supply-demand adjustment factor in the order to modernise the seasonal pattern in the standard utilization percentages. During the past three years, the pattern of producer milk receipts to sales has changed so that receipts in relation to sales are lowest in September as compared with November in former years. The supply-demand adjuster should be revised, therefore, so as to reflect more current seasonality patterns.

Because the Class I differential is being increased as previously discussed, the supply-demand adjuster should not operate until the supply of milk has increased to a more "normal" or desired level in relation to Class I sales.

The present method of determining utilization percentage, based on the receipts of producer milk and sales in the first and second months immediately preceding the month for which prices are announced, should be continued. The supply-demand adjustment factor should become effective when the supply-demand ratio equals or exceeds the standard utilization percentage, as set forth in the following schedule, for each of three successive months (i. e., the supply-demand adjustment will be operative for the third month and for each month thereafter):

Month for which the price is being computed:	*Standard utilization percentage*
January	115
February	123
March	129
April	130
May	130
June	137
July	138
August	127
September	116
October	108
November	105
December	108

The standard utilization percentages heretofore set forth are expressed in terms of the ratio of producer receipts to gross Class I utilization for all pool plants (excluding transfers between pool plants). The current order applies the ratio of Class I utilization to producer milk receipts. Industry representatives more frequently refer to supply-demand relationships on the basis of the former ratios. It is more natural and meaningful to express supply conditions in terms of the relationship of producer milk receipts to Class I sales.

The standard utilization percentages, incorporated herein, provide for an up-to-date seasonal pattern. The schedule was developed through the analysis of relationships during the past two years with allowances for trend in the relationship and with consideration of a need for a 5 percent reserve supply of milk during the two months when receipts are lowest in relation to sales, September and October. Based upon past history, a 5 percent reserve for the months of September and October, is necessary and adequate under present conditions in this market.

It is necessary to make appropriate changes in the present brackets providing monetary adjustments in the Class I price as a result of expressing the utilization percentages as ratios of receipts to sales. The recommended method of expressing the supply-demand ratio results in greater percentage point deviations under a given supply-demand condition than under the present method of computation. Therefore, to accommodate this change without altering the responsiveness of the spuply-demand adjuster, the "no adjustment" deviation bracket should be widened from (+1 or −1) to (+2 or −2) and other minor alterations. Thus, the amount of the supply-demand adjustment should be determined by the following schedule:

If deviation percentage is:	*Supply-demand adjustment in cents is:*
+16 or over	−50
+13 or +14	−40
+10 or +11	−30
+7 or +8	−20
+4 or +5	−10
+2 or −2	0
−4 or −5	+10
−7 or −8	+20
−10 or −11	+30
−13 or −14	+40
−16 or under	+50

Producers' proposal to incorporate separate "contra-seasonal factors" in Class I pricing mechanism should be denied. By continuation of seasonal Class I price differentials, as recommended, contra-seasonal changes in Class I prices are less likely than under more uniform differentials from month-to-month, as proposed by producers. Changes in Class I prices, resulting from the supply-demand adjuster should be permitted to operate regardless of the season of the year. Once supplies and sales are in proper balance, prices should be adjusted as soon as a change in the trend in the relationship of producer milk receipts to fluid milk sales becomes evident. It is essential that price changes be reflected as quickly as possible to bring about appropriate sales and production responses in accordance with changes in the market situation. The adoption of a contra-seasonal provision would partly nullify the effectiveness of the supply-demand adjustment factor.

3. The Class II price should be the basic formula price during the months of July through February.

It was proposed by producers that the order basic formula price be used as the Class II price during each month of the year. At the present time, the Class II price is the average of the basic or field prices announced for 3.5 percent butterfat content milk for the month by three manufacturing plants located in or near the Toledo production area. The order basic formula price is the highest of the average of prices reported by 13 representative midwestern condenseries for 3.5 percent milk and the prices resulting from two formulas applying central market quotations for manufactured products including butter, nonfat dry milk, and cheese.

In recent years, it has been the practice of the manufacturing plants, presently used in computing the Class II price, to pay premiums to farmers above the announced field prices. Such premiums or bonuses are paid to such farmers for using certain equipment and supplies in the production of their milk and for delivering certain minimum volumes of milk per day. Producers supplying the Toledo market unquestionably would meet the requirements for all of such premiums. The premiums paid by these plants amounted to between 30 and 40 cents per hundredweight at the time of the hearing. Such plants are alternative sources of skim milk and butterfat for Class II products made by handlers in their pool plants. The present basis of establishing Class II prices, therefore, fails to reflect the competitive value of producer milk for manufacturing uses or prices in relation to the cost of manufactured products from alternative sources of supply.

Because of a lack of information on the portion of the milk on which the premiums are paid and the delay which would be experienced, it would not be feasible to attempt to use a weighted average price received by all farmers at the local manufacturing plants. The basic formula price provided in the order is more representative of the competitive value of manufacturing milk than the field or basic prices announced by these local plants.

During the months of July 1954 through February 1955, the average field prices announced by the three manufacturing plants was $2.99 per hundredweight as compared with an average of $3.09 for the order basic formula prices. From July 1955 through February 1956, the corresponding figures are $2.99 and $3.08, respectively. During March through June of each year, the difference between the basic formula and local plant prices was greater. Nevertheless, it is during this same period of the year that it is necessary for seasonal reserve supplies of milk from the Toledo market to be moved to the listed or other nearby manufacturing outlets. It is difficult, if not unusual, for handlers or the cooperative association to be able to secure premiums above the field prices announced by these manufacturing plants when it is necessary to dispose of Toledo seasonal reserve supplies of milk. It is possible that the application of the basic formula price as the Class II price, during the season of the year that seasonal reserve supplies must be disposed of to such plants, could very well disrupt the orderly marketing of such milk. It is concluded, therefore, that the adoption of the basic formula price for the pricing of Class II milk should be limited to the months of July through February.

Producers also proposed that skim milk and butterfat used to produce cottage cheese, presently classified as Class II milk, be priced at 30 cents per hundredweight above the basic formula price. Cottage cheese is produced from producer milk in a number of pool plants. Cottage cheese distributed by other pool plants is procured from outside sources. Cottage cheese also is disposed of directly to retail and wholesale outlets by nonpool plants which produce cottage cheese from milk which is not required to be produced under "Grade A" milk or equivalent health standards. Some of the cottage cheese disposed of in the Toledo marketing area is produced from milk which is priced under the Detroit Federal order. The health departments of the various cities and communities in the marketing area do not require cottage cheese to be made from inspected milk. This is also true of milk used for the production of cot-

tage cheese for disposition in the Detroit market. Even though the production of a good quality cottage cheese requires a high quality raw milk, under the prevailing competitive conditions in the Toledo marketing area, producer milk used to produce cottage cheese should be priced at the Class II price the same as milk for other manufacturing uses.

4. The proposal to establish in the order premiums for bulk farm tank milk deliveries should be denied.

Producers proposed that premiums of 15 cents per hundredweight be established in the order for milk from producers using bulk farm tanks. They argued that some producers are being asked to make considerable investments in farm bulk tanks and improved milk house facilities to maintain their market outlets for milk.

The conversion to bulk tank operations in the Toledo area is in its early stage of development. About five percent of the producers supplying the market have farm bulk tanks. Most handlers are paying premiums to producers for bulk tank deliveries on a voluntary basis. Such premiums are about equivalent to the reduction in hauling costs from the farm to the milk plant which is experienced by most producers when they change from "can" to "bulk" shippers.

Bulk tank handling of milk has potentials for increased efficiency, both on the farm and in transportation and handling beyond the farm. The adoption of more efficient methods of producing, transporting, handling or processing milk affords no economic basis for increasing milk prices. The establishment of order price premiums for bulk farm tank milk could be discriminatory in effect to producers who deliver their milk in cans. Order provisions should not be such as to constitute artifical economic incentives, either for expansion or restriction of bulk tank pickup operations. Any premiums to producers for conversion to bulk tank handling can best be resolved on an economic basis in accordance with local conditions by negotiation between producers and handlers. It is therefore concluded, that producers' proposal should be denied.

5. Provision should be made for location adjustments on milk received at pool plants located more than 60 miles from the City Hall in Toledo.

Proposals were made to include location adjustments on producer milk at country pool plants. One proposal would allow location adjustments to handlers on such milk disposed of as Class I milk. Another proposal would permit location adjustments to handlers on all of the producer milk received at country pool plants regardless of its classification.

The handler formally submitting the proposal for location adjustments, operates a distributing plant in Toledo where a substantial portion of the fluid milk requirements for this plant is received directly from producers. This handler also operates plants at Angola, Indiana and at Bluffton, Ohio, where producer milk is handled. These plants are located approximately 80 and 65 miles, respectively, from Toledo. No processing facilities are operated at the Angola plant and nearly all of the milk received at this plant is moved as bulk milk to the Toledo bottling plant. At times, transfers of bulk milk are made to the Bluffton plant. The Bluffton plant has facilities for receiving "Grade A" milk and for the production of condensed milk and spray dried skim milk. Some or all of the milk transferred from the Angola plant to the Bluffton plant, at certain times, is separated into skim milk and cream and moved to the Toledo plant. In the past, milk received at the Bluffton plant directly from Toledo producers has been diverted producer milk from the Toledo distributing plant. The producers supplying all of these plants with milk for the Toledo market hold "Grade A" permits issued by the Toledo Health Department. The Bluffton plant also assembles "Grade A" milk from local producers which is moved regularly to a plant in Mansfield, Ohio, for fluid disposition in Mansfield and Findlay, Ohio. Milk assembled at the Bluffton plant for Mansfield and Findlay is required by the Health Departments to be kept physically separate from the Toledo milk. Separate storage facilities are provided for the Mansfield milk, although the same receiving equipment is used for all of the milk received at this plant. The milk received at the Bluffton plant for the Mansfield and Findlay markets is subject to the pricing and payment provisions of the Federal order for the Lima, Ohio, marketing area.

Because milk is transferred regularly from the Angola plant to the Toledo distributing plant, the Angola plant is subject to full regulation under the Toledo order. The Bluffton plant has not been subject to regulation under the Toledo order. However, it is quite possible that this plant could be subject to regulation in the future by virtue of transfers of milk, fluid skim milk and fluid cream to the Toledo bottling plant on more than the minimum number of days provided for exemption from regulation under the proposed order. This not only poses the problem of pricing milk at such plants but also the problem of providing appropriate provisions in this order and in other orders for ascertaining which order the handling of milk at such plants will be subject to regulation. This latter problem is discussed further under issue 7 of this decision.

The other proponent of location adjustments operates a distributing plant located in Tiffin, Ohio, from which milk is disposed of in the proposed extended marketing area in Sandusky County, Ohio. This plant is located between 50 and 55 miles from Toledo and about 25 miles from the center of the proposed extended marketing area in Sandusky County. There are other distributing plants which will be subject to regulation which are located within or near the proposed extended marketing area but more than 30 miles from Toledo.

Without a provision for location adjustments in the order, handlers are required to pay for milk received from producers at pool plants located at considerable distances from the marketing area, the same price as that paid for milk received at plants located in or near this consuming area. On the milk received from producers at distant pool plants, the handler assumes the cost of moving the milk from the plant to marketing area distributing plants or in packaged form to retail and wholesale outlets in the marketing area. In contrast, the entire cost of moving milk from farms directly to plants in the marketing area is borne by producers. Therefore, milk at farms or at plants has a progressively lower value to the market as such farms or plants are located farther and farther away from the market. The difference in value is related directly to the cost of transporting the milk from the respective locations to the market. It is economically sound and necessary to recognize such differences in value under the order by providing location adjustments in the pricing of milk at distant pool plants.

It is not necessary or sound, however, to apply location adjustments to milk at plants located within or near this marketing area, if the milk can be handled more economically by hauling it directly from the farm to plants in the marketing area. To do so would permit and even encourage uneconomic handling of the milk supply for the market, primarily at the expense of producers, and at the same time, result in differences in prices at distributing plants similarly situated with respect to the marketing area outlets for their milk.

As previously indicated, the only plant which regularly assembles milk for movement in bulk form to marketing area plants is located approximately 85 miles from Toledo. A substantial portion of the balance of the milk supply for the marketing area originates on farms within a 60-mile radius of Toledo and is moved directly from the farm to plants located in or near the marketing area.

In determining the appropriate application of location adjustments in this market, consideration also should be given to the resulting Class I prices applicable at plants at various locations in the production area as compared with the corresponding prices which would result at such locations under the orders for other markets which compete for the same milk supplies. In areas to the east and south of Toledo, milk is procured in competition with plants regulated under the Cleveland and Lima orders. In the area around Angola, Indiana, competition is experienced with the regulated Fort Wayne, Indiana, and Detroit, Michigan, markets and to the north of the marketing area with the Detroit market.

In view of all of these considerations, it is concluded that location adjustments should not be applied in the pricing of milk at plants which are located less than 60 miles from the City Hall of Toledo. Under present conditions, this would result in identical Class I prices at all distributing plants supplying retail and wholesale outlets in the marketing area.

The schedule of location adjustments proposed by the proponent was patterned after the location adjustments contained in the Cleveland order. The Cleveland order provides for location adjustments to handlers on Class I and Class II milk at the rate of 20 cents for plants located 60 to 74 miles from Cleveland and an additional two cents for each additional 14 miles that the plant is located from Cleveland. Under the Detroit order, an adjustment of 14 cents is applied to Class I milk in the 34 to 50-mile zone with an additional one cent for each additional 20 miles or fraction thereof that such plant is located from Detroit. No adjustment, however, is applied at distributing plants which are located less than 34 miles from the boundary of the Detroit marketing area. Under both orders, the uniform price to producers is adjusted at the same rate as the location adjustments to handlers on Class I milk. Because all producers supplying the pool plants of a handler share equally in the Class I utilization of such handler, prices paid producers supplying plants to which location differentials apply, should be reduced to reflect the lower value of such milk f. o. b. the plant to which it is delivered.

The proponent handler testified that the cost of hauling tank bulk milk from his Bluffton plant to Toledo, approximates $36 per trip or 15 cents per hundredweight and from Angola to Toledo approximates $45 per trip or 18 cents per hundredweight.

In view of all of these facts, it is concluded that the rate of adjustment under the Toledo order should be 15 cents per hundredweight for milk received at plants located more than 60 but less than 75 miles from the City Hall in Toledo and an additional 2 cents per hundredweight should be allowed for each additional 15 miles or fraction thereof that the pool plant is located from the City Hall. It is expected that the recomended location adjustment to handlers will generally approximate the cost of moving milk from a pool plant to the center of consumption in the marketing area. The Toledo City Hall is an appropriate point from which to measure the distance to the pool plant for the purpose of computing the applicable location differential.

Under present conditions and operating methods, it is likely that location adjustments would apply only to milk received at the pool supply plant located at Angola, Indiana. At other plants located in this general area and which are potential supply plants for the Toledo marketing area, the resulting Class I prices at such locations will be about the same as the levels prevailing for such locations under the orders regulating the handling of milk in the neighboring markets.

No adjustment should be made in the Class II (manufacturing milk) price to handlers because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufacturing uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products and because of the widespread or national market for such products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any differences in value associated with location. After a handler receives milk for use in Class II products, he should be expected to handle and dispose of the milk in the manner most advantageous to himself. The prices paid by handlers for such milk should not be dependent upon the method or manner employed by the handler in disposing of the milk. To do otherwise, would remove part of the incentive for keeping marketing cost at a minimum.

To assure that milk will not be moved unnecessarily at the expense of producers, the order should provide a method for determining whether milk transferred between plants may or may not receive a location differential credit. This should be accomplished by assigning the Class I utilization at the transferee plant first to the milk received directly from producers and from plants at which no location differential applies. In view of the fact that distributing plants must carry some reserve supplies of milk to meet day to day variations in receipts of producer milk and sales of fluid milk products, it is reasonable to make some provision in the assignment procedure to accommodate this need for reserve milk. This should be accomplished by assigning to the Class I sales at the transferee plant 95 percent of the direct producer receipts and any balance of Class I sales to transferring plants, in sequence, according to their location beginning with the plant having the smallest location adjustment.

6. Proposals for separate pricing of Class I milk disposed of outside the marketing area should be denied.

The hearing notice included a proposal by two Toledo handlers to price Class I milk disposed of outside the marketing area at prices lower than minimum prices prescribed for in-area Class I sales. No testimony on this proposal was given by the proponent handlers at the hearing and the proposal therefore is denied.

Producers proposed that Class I sales by a Toledo handler within the marketing area governed by another Federal order should be priced at the higher of the prices paid for Class I milk in the two areas involved. Several Detroit handlers, on the other hand, proposed that Class I sales made in any other Federal order area should be priced under the order in which the Class I sales are made. As an alternative, they proposed that Toledo and Detroit Class I pricing should be brought into closer alignment.

Both producers and handlers testified to the effect that the solution to the problems prompting these proposals could be solved satisfactorily by bringing about proper Toledo Class I price alignment with the competing markets. Inasmuch as the conclusions reached with respect to pricing of Class I milk under Issue No. 2 will ameliorate the problem complained of, it is concluded that no further affirmative action is necessary with respect to these proposals at this time.

7. The entire order should be redrafted to change several definitions, add a number of new definitions, add more specificity in the provisions with respect to the reporting and accounting for milk, and to incorporate a number of conforming and clarifying changes throughout the order.

A number of changes should be made in the order to designate more clearly what milk and what plants would be subject to the regulation and the application of the order provisions to them. This can best be done by providing a number of new definitions to set forth the categories of persons, plants, milk and milk products. New definitions should be added for "distributing plant", "supply plant", "pool plant", "nonpool plant", "fluid milk product", "Chicago butter price" and the definitions of "producer", "producer milk", "handler", "producer-handler" and "other source milk" should be modified accordingly.

The term "distributing plant" should include all plants where milk is processed and packaged and from which fluid milk products are disposed of in the marketing area to wholesale and retail stops, including milk disposed of to such outlets through vendors. The term "supply plant" should mean a plant from which milk, skim milk or cream is transferred to a distributing plant.

The term "pool plant" should include all distributing plants and all supply plants which are to be fully subject to regulation under the order and whose receipts of milk from producers will be subject to the pricing and payment provisions of the order. A "pool plant" should be defined to include a distributing plant from which more than 10,000 pounds of fluid milk products are disposed of in the marketing area during the month. The term "pool plant" should also include supply plants from which shipments of milk, skim milk or cream are made to a distributing plant(s) on 15 days or more during any of the months of September through December or during any other month on 7 days or more, as provided by the present order. The present provision should be continued also to exclude from the pool plant definition a supply plant from which no transfers of such products are classified as Class I milk. With the proposed expansion in the marketing area, as heretofore discussed, it is possible that there may be a few plants which would be subject to full regulation under the present definitions of the order even though the sales of milk from such plants in the proposed marketing area are a very minor portion of the total sales in the area. It is not necessary to extend full regulation to the handlers of such milk. This may be accomplished by excluding from full regulation, distributing plants which dispose of 10,000 pounds or less of fluid milk products in the marketing area during the month.

Provision should be made also for the exclusion under the pool plant definition of supply plants or distributing plants which would be subject to the classification and pricing provisions of another order issued pursuant to the act, if a lesser volume of fluid milk products classified as Class I milk is furnished from such a plant for disposition in the Toledo marketing area than in the marketing area regulated pursuant to such other order. Plants which dispose

of fluid milk products in more than one marketing area need not be subject to duplicate regulation to accomplish the the declared purpose of the act. It is reasonable and economically sound to regulate a plant under the order regulating the handling of milk for the marketing area where the largest proportion of the plant's Class I milk is disposed of. This should be determined on the basis of sales during each of the immediately preceding three months. The use of a three-month period will reduce the possibility that plants which supply nearly equal amounts of milk in the Toledo and other marketing areas will be subject to different orders from month-to-month as a result of minor monthly variations in sales as among the areas.

"Handler" should be defined to include any person who operates a distributing plant or a supply plant. By defining the operators of such plants as handlers, such persons will be required to report to the market administrator with respect to such plants at such time and in such manner as the market administrator finds necessary to establish their status as partially or fully regulated plants and to assemble the necessary market information essential to the proper administration of the order. The foregoing plant definitions will include as fully regulated persons and plants the same persons and the same plants as are now regulated by the order.

The present order in some instances refers to plants operated by a nonhandler. A more explicit term for such references is the term "nonpool plant". Definitions also have been included in the order for "fluid milk product" and "Chicago butter price". The addition of these proposed new definitions is not intended to change the intent of the present order but their application will facilitate the drafting of other order provisions.

Definitions of "producer", "producer milk" and "producer-handler" should be modified to incorporate the necessary references to the other new definitions. Producer-handlers and the milk produced by them should be excluded from the producer and producer milk definitions. Under the present order, milk received from a producer-handler is treated the same as other source milk and this may be accomplished by merely excluding a producer-handler from the producer definition.

Milk is sometimes diverted directly from the farm to nonpool plants. In order to distinguish between the milk of producers who may be temporarily diverted and those who may be more or less permanently diverted from the fluid market, some limitation on the length of time that milk may be diverted and still be considered as producer milk under the order is desirable. Based on the conditions in this market, it is concluded that milk of a dairy farmer which is diverted to a nonpool plant on more than one-third of the number of days of delivery during any month, except during the months of March, April, May and June, when receipts of milk from producers are relatively large in relation to Class I sales should not be considered as producer milk under the order. Milk of a dairy farmer which is diverted to a nonpool plant in excess of one-third of his deliveries during July through February is not sufficiently associated with this market for his milk to be regularly priced and pooled with other producer milk. Free diversion of milk during March through June will facilitate the economical disposal of seasonal reserve supplies. In view of the recommendation to include location adjustments in the order, provision should be made to consider milk which is diverted to have been received at a pool plant at the same location as the plant from which it was diverted for the account of a cooperative or a proprietary handler.

The definition of "other source milk" should be modified to clarify its meaning and to specify in the definition that it includes all milk utilized in the operations at a pool plant except producer milk, fluid milk products received from other pool plants and inventory of fluid milk products on hand at the beginning of the month. Other source milk represents all skim milk and butterfat used in a pool plant which is not subject to the pricing provisions of the order during the month. It will include all fluid milk products from plants other than pool plants and all manufactured dairy products from any source which are repackaged, reprocessed or converted into another product in the pool plant during the month. It will include those manufactured products from a pool plant's own production which are reprocessed or converted into another product during the same or a later month.

Some handlers in the market produce condensed milk, nonfat dry milk and other manufactured milk products. Some of these products are reused in the pool plant where produced or are disposed of to other pool plants. Operators of other pool plants may purchase solids from outside sources. Condensed solids or nonfat dry milk may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I milk. There appears to be no reason why one portion of the solids nonfat contained in Class I products should be classified differently from another portion in this market. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product, therefore, should be accounted for as an amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk.

To promote uniformity in the cost of milk among handlers and to effectuate the established principle of allocating current receipts of producer milk to Class I utilization to the fullest extent, the skim milk in other source milk in the form of a manufactured product, likewise, must be accounted for on the basis of the nonfat solids plus the water normally associated with such solids in the form of whole milk. This accounting procedure will have no effect on the net classification of other source milk used in Class II milk products.

The change in definition of other source milk and its application to all manufactured products on a milk equivalent basis, whether such products come from milk from producers or from other sources, necessitates providing that shrinkage be determined on the basis of other source milk received in the form of fluid milk products. The two percent limitation on the amount of shrinkage classified as Class II milk should apply only to other source milk received in the form of fluid milk products the same as that applicable to producer milk. Because skim milk and butterfat is accounted for in Class II milk products on a used-to-produce basis, any shrinkage is included in the amount of skim milk and butterfat reported in the manufactured products used for such manufacturing purposes. Furthermore, to allow unlimited shrinkage on other source milk, both in the form of fluid milk and manufactured products, and limit shrinkage on producer milk, would provide a basis for inequality in the cost of milk among handlers who use other source milk and those who do not. Thus, it is reasonable to preclude this possibility of inequality by the use of other source milk. Furthermore, without such provision, producer milk could be assigned inequitably to a lower classification under circumstances where substantial amounts of milk are unaccounted for and the handler has received other source milk.

By incorporating the proposed definition of other source milk together with conforming changes, the order will be more specific with respect to the method of accounting for such milk. Identical accounting procedures will be followed by all handlers whether or not manufactured products (Class II) which are used in the handler's pool plant are converted from producer milk or purchased from outside sources. The skim milk and butterfat used to produce manufactured products are now and should continue to be considered as disposed of when so utilized and therefore not enter into the monthly classification and allocation procedure again, unless such products are repackaged or reused. Records of sales and stocks of such products, however, must be maintained by the handler to facilitate the auditing program of the market administrator and substantiate current usage of such products. Any other source milk, including that derived from manufactured products will continue to be allocated first to the available Class II utilization. The application of the new definition of other source milk in conjunction with other provisions of the order will provide for the allocation of producer milk to Class I in each month to the fullest extent that producer milk is available from current receipts or beginning inventory of fluid milk products.

Because handlers may have inventories of milk and milk products on hand at the beginning and end of each month, such inventories must enter into the accounting procedure for current receipts and utilization of producer milk. Although the order is silent in this respect inventory variations are classified in Class II milk under current practice. Month-end inventories of fluid milk products whether in bulk or packaged form should continue to be classified as Class II milk. Manufactured milk products (Class II) will not be included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Because handlers frequently use other source milk in their operations, the inventory accounting procedure should provide for producer milk from inventory to have prior claim on Class I utilization over receipts of other source milk in the same manner as current receipts of producer milk. Because inventories of fluid milk items are to be accounted for at the end of the month in Class II milk, as a temporary classification, it is necessary, therefore, to provide a method for handling producer milk in inventory which is allocated to Class I milk in the current month but which the handler accounted for in Class II milk at the end of the preceding month. The higher use value of any fluid milk product from beginning inventory of producer milk which is disposed of as Class I milk should be reflected in returns to producers. Such milk should be priced the same as a current receipt of producer milk. These goals may be accomplished, through the accounting procedure, by considering the opening inventory as a receipt in that month and subtracting such receipt, under the allocation procedure, in series, starting with Class II milk, following the subtraction of other source milk and receipts from other pool plants. To the extent that the opening inventory is allocated to Class I milk and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating allowable producer milk shrinkage and other source milk), a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. This method of accounting for inventory will result in equality in the cost per hundredweight of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

By incorporating the proposed changes, receipts of milk will fall within four categories as follows:

(1) Producer milk;

(2) Milk from pool plants;

(3) Inventory of fluid milk products; and

(4) Other source milk.

The order should be changed to incorporate references to these categories of milk. The use of these terms will add a desired degree of specificity to the reporting and accounting procedure of the order.

DEFINITIONS

§ 930.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 1940 ed., 601 et seq.).

§ 930.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

§ 930.3 *Department.* "Department" means the United States Department of Agriculture.

§ 930.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 930.6 *Toledo, Ohio, marketing area.* "Toledo, Ohio, marketing area", called the "marketing area" means all of the territory within the boundaries of Fulton and Lucas Counties; all of the territory within the boundaries of Wood County north of the northern boundaries of the townships of Milton, Liberty, Portage, and Montgomery, including all of the town of Weston; all of the territory within the townships of Woodville and Madison in Sandusky County, all in the State of Ohio; and in the State of Michigan, all of the territory within the boundaries of Monroe County, except that territory within the boundaries of the townships of Ash, Berlin, Exeter, London, Milan, and Dundee; and all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County.

§ 930.7 *Distributing plant.* "Distributing plant" means a plant where milk is processed or packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to a wholesale or retail stop(s), including sales through vendors.

§ 930.8 *Supply plant.* "Supply plant" means a milk plant from which milk, skim milk or cream is transferred to a distributing plant(s).

§ 930.9 *Pool plant.* "Pool plant" means (a) a distributing plant from which more than 10,000 pounds of milk is disposed of in the marketing area during the month and (b) a supply plant during September through December in which shipments of milk, skim milk or cream are made to a plant described pursuant to paragraph (a) of this section on 15 days or more during the month or during any other month on 7 days or more: *Provided,* That a supply plant, which was not a pool plant during the immediately preceding September through December period, shall not be included in this definition during any month in which no such transfers are allocated from Class I milk pursuant to § 930.46.

§ 930.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 930.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk and who holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced if such community requires such permit for milk for disposition as Class I milk therein, which milk is (a) received at a pool plant or (b) diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 930.12.

§ 930.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in the milk received at (a) a pool plant directly from producers or (b) diverted for the account of the operator of a pool plant or a cooperative association from a pool plant to another pool plant or to a nonpool plant: *Provided,* That producer milk shall not include that milk of a producer which is diverted to a nonpool plant on more than one-third of the number of days of delivery during any month other than the months of March through June. Producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it was diverted.

§ 930.13 *Handler.* "Handler" means (a) any person who operates a distributing plant or a supply plant and (b) any cooperative association with respect to producer milk diverted by it in accordance with the conditions set forth in § 930.12.

§ 930.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 930.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, eggnog, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, and evaporated or condensed milk).

§ 930.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) producer milk, (2) fluid milk products received from other pool plants, and (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including

those produced at the plant) which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 930.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter, at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 930.20 *Designation.* The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 930.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 930.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 930.74;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 930.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 930.30, or (2) payments pursuant to §§ 930.70, 930.74, 930.75, and 930.77;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.50, and § 930.52, and

(2) On or before the 12th day after the end of such delivery period the uniform price computed pursuant to § 930.61 and the butterfat differential computed pursuant to § 930.72.

REPORTS, RECORDS AND FACILITIES

§ 930.30 *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler shall report to the market administrator, for each of his pool plants in the detail and on the forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 930.31 *Other reports.* (a) Each handler, who operates a pool plant, shall report to the market administrator in the detail and on the forms prescribed by the market administrator, on or before the 20th day after the end of each month, his producer payroll for the month which shall show (1) the pounds of producer milk received from each producer and the percentages of butterfat contained therein, (2) the amounts and dates of payments to each producer or cooperative association, and (3) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

(b) Each handler who operates a supply or distributing plant, not a pool plant, shall report to the market administrator in the detail and on forms prescribed by the market administrator, at such time and in such manner as the market administrator may request.

§ 930.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 930.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 930.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 930.30 shall be classified each month by the market administrator pursuant to the provisions of § 930.41 through § 930.46.

§ 930.41 *Classes of utilization.* Subject to the conditions set forth in § 930.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be (1) all skim milk and butterfat disposed of in the form of a fluid milk product (except for livestock feed), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat accounted for (1) as used to produce a product other than a fluid milk product, (2) in inventory of fluid milk products on hand at the end of the month, (3) as disposed of for livestock feed, and (4) as actual plant shrinkage of skim milk and butterfat allocated to producer milk and other source milk in fluid milk products pursuant to § 930.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 930.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant(s); and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of a fluid milk product.

§ 930.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, shall be classified:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 930.30;

(2) The receiving handler has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 miles from the City Hall of Toledo, Ohio, by the shortest highway distance as determined by the market administrator, unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 930.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk.

(c) As Class I milk if transferred or diverted in bulk in the form of milk or skim milk or cream to a nonpool plant located 250 miles or more from the City Hall at Toledo, Ohio, by shortest highway distance as determined by the market administrator.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonpool plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

§ 930.44 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 930.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 930.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 930.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 930.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products;

(3) Subtract from the remaining pounds of milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 930.43 (a);

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 930.50 *Class prices.* Subject to the provisions of §§ 930.52 and 930.53, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at his pool plant during the month:

(a) *Class I milk price.* (1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	*Amount*
April, May, and June	$1.00
February, March, and July	1.25
All others	1.65

(2) The price for Class I milk shall be the amount computed pursuant to subparagraph (1) of this paragraph plus or minus a "supply-demand adjustment" computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That the price shall not be adjusted by the supply-demand adjustment factor until the utilization percentage computed pursuant to subdivision (i) of this subparagraph is equal to or exceeds the standard utilization percentage pursuant to subdivision (ii) of this subparagraph for each of three successive months:

(i) Divide the total receipts of producer milk during the first and second months preceding by the total gross volume of Class I milk (less interhandler transfers) during the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown in this subdivision:

Month for which the price is being computed:	*Standard utilization percentage*
January	115
February	123
March	129
April	130
May	130
June	137
July	138
August	127
September	116
October	108
November	105
December	108

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is:	*Supply-demand adjustment is: (cents)*
+16 or over	−50
+13 or +14	−40
+10 or +11	−30
+7 or +8	−20
+4 or +5	−10
+2 or −2	0
−4 or −5	+10
−7 or −8	+20
−10 or −11	+30
−13 or −14	+40
−16 or under	+50

When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be (1) during the months of July through February, the highest

of the prices per hundredweight computed pursuant to § 930.51 or subparagraph (2) of this paragraph for the month and (2) during the months of March through June, the average (computed to the nearest tenth of a cent) of the basic or field prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies listed below:

Company and Location

Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

§ 930.51 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to § 930.50 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (b) (2) of § 930.50, or to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price; and

(3) Subtract 34.3 cents.

(c) The price her hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and rolled process, f. o. b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 930.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified, respectively, in any class of utilization, pursuant to § 930.46, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price by 0.125;

(b) *Class II milk.* Multiply the Chicago butter price by 0.120.

§ 930.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 930.50 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15
75 but less than 90	17
For each additional 15 miles or fraction thereof an additional	2.0

Provided, That for the purpose of calculating such location differentials, fluid milk products which are transferred between pool plants shall be assigned to Class I milk to the extent that the gross Class I utilization at the transferee plant exceeds 95 percent of the receipts of producer milk at such plant, such assignment to transferor plants to be made first to plants at which no location adjustment is applicable and then in sequence according to the location differential applicable at each plant beginning with the plant having the smallest differential.

§ 930.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 930.60 *Computation of net obligation for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class prices and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 930.46 (a) (6) and the corresponding step of (b) by the applicable class price;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 930.46 (a) (5) and the corresponding step of (b), whichever is less;

(d) Adjust the resulting amount by the sum of money used in adjusting the uniform price for the previous month to the nearest cent, pursuant to § 930.61 (d); and

(e) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator.

§ 930.61 *Computation of uniform price.* For each month, the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 930.60, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.72 and multiply by 10;

(b) Add an amount equal to the total location adjustments to be made pursuant to § 930.73;

(c) Divide the resulting value by the total hundredweight of producer milk received by such handler;

(d) The resulting figure, rounded to the nearest cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content at a pool plant, located less than 60 miles from the City Hall of Toledo, Ohio.

§ 930.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler pursuant to § 930.61 and the butterfat differentials computed pursuant to § 930.72; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 930.74 and 930.75.

PAYMENTS

§ 930.70 *Time and method of final payment.* (a) On or before the 15th day after the end of each month, each handler shall pay each producer for milk received from him during such month, an amount computed at not less than such handler's uniform price per hundredweight pursuant to § 930.61, subject to the butterfat differential computed pursuant to § 930.72 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to § 930.71, (2) location differential deductions pursuant to § 930.73, (3) marketing service deductions pursuant to § 930.75 and (4) proper deductions authorized by such producer.

§ 930.71 *Partial payments.* On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows: *Provided,* That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70

(a) Deduct 75 cents from the uniform price for the preceding month for such handler which is applicable at the pool plant where milk is received from such producer.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

§ 930.72 *Producer butterfat differential.* In making payments pursuant to § 930.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential computed as follows: Multiply the Chicago butter price by 0.12 and round to the nearest one-half cent.

§ 930.73 *Location differentials to producers.* In making payment pursuant to § 930.70 the uniform price pursuant to § 930.61 to be paid for milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15.0
75 but less than 90	17.0
For each additional 15 miles or fraction thereof an additional	2.0

§ 930.74 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.22 (d), each handler, except a producer-handler, shall pay the market administrator, on or before the 15th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to receipts during the month of (a) producer milk, (b) other source milk at a pool plant, allocated to Class I milk pursuant to § 930.46 and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant.

§ 930.75 *Deductions for marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers pursuant to § 930.70, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer-members for milk delivered to such handler. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted, to the association, within 15 days after the end of the month. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer authorizing the claimed deduction.

§ 930.76 *Reports to cooperatives.* Upon request the market administrator is authorized to report to any cooperative association qualifying under § 930.75 (b) for each month the amount of butterfat shortage or overage in member milk found in any handler's plant, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage of total butterfat shortage or overage which total receipts of butterfat in member milk is of the total receipts of butterfat in the plant.

§ 930.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts disclose errors resulting in moneys due (a) the market administrator or cooperative associations from such handler, or such handler from the market administrator or cooperative associations pursuant to §§ 930.74 or 930.75, or (b) any producer or cooperative association from such handler pursuant to § 930.70, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 930.80 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 930.9 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Toledo, Ohio, marketing area than in the marketing area regulated pursuant to such other order during each of the three months, immediately proceeding: *Provided,* That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 930.81 *Producer-handlers.* Sections 930.40, 930.50, 930.60, 930.70, 930.74, 930.75, and 930.77 shall not apply to the milk of a producer-handler.

MISCELLANEOUS PROVISIONS

§ 930.90 *Termination of obligations.* (a) The obligations of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers

or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 930.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.92 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 930.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 930.94 *Liquidation.* Upon the suspension of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 930.96 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 24th day of January 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-634; Filed, Jan. 28, 1957; 8:46 a. m.]

[7 CFR Part 966]

[Docket No. AO-257-A3]

MILK IN SHREVEPORT, LA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Roof-D, Washington-Youree Hotel, 401 Edwards Street, Shreveport, Louisiana, beginning at 10:00 a. m., local time, Monday, February 4, 1957, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Shreveport, Louisiana, marketing area (7 CFR 966 et seq.). The proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Northwest Louisiana Pure Milk Producers' Association, Inc., Shreveport, Louisiana:

1. Amend § 966.7 to read:

§ 966.7 *Distributing plant.* "Distributing plant" means any plant from which a volume of Class I milk equal to an average of 1,500 pounds per day or not less than 4 percent of the total Class I milk and skim milk disposed of during the month through routes operating wholly or partially within the marketing area (including routes operated by vendors) or through plant stores to retail or wholesale outlets located in the marketing area.

2. Delete § 966.8 (a) and (b) and substitute therefor:

(a) In any of the months March through June;

(b) On five or more days or in an amount equal to a daily average of not less than 5,000 pounds in any of the months July through February.

3. Delete § 966.12 and substitute therefor (a) (1), (2) and (3):

§ 966.12 *Producer.* "Producer" means a person, other than a producer-handler, who produces milk in conformity with the Grade A inspection requirements of any duly constituted health authority having jurisdiction within the marketing area; which milk is received directly from the farm at a fluid milk plant or is diverted from such plant for the account of a handler or the account of a cooperative association provided that milk so diverted shall be deemed to have been received by the diverting handler at the plant from which it was diverted.

(a) *Associated producer.* "Associated producer" means any producer who, with respect to any milk not accepted or accounted for by a handler at a fluid milk plant in any month meets all the following requirements:

(1) Produces milk in conformity with the Grade A inspection requirements of any duly constituted health authority having jurisdiction in the marketing area; and

(2) Delivered milk for not less than 60 days during the previous months of September, October, November or December which milk was received at or diverted from a fluid milk plant; and

(3) Certifies in writing to the market administrator within ten days from the first time any of his milk is not accepted at or accounted for by a handler at a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler.

4. Add a new paragraph (a) to § 966.13 *Producer milk* to read as follows:

(a) *Associated producer milk.* "Associated producer milk" means that portion of the milk produced by one or more associated producers which is not accepted at or accounted for by a handler at a fluid milk plant and is sold at not more than the Class II price.

5. Add a new subparagraph (3) to § 966.27 (k) to read as follows:

(3) On or before the 5th day of the delivery month, furnish each handler operating a fluid milk plant the names and addresses of any associated producers who have declared their willingness to deliver milk to such plant pursuant to § 966.13 (a).

6. Add a new paragraph (c) to § 966.32 to read as follows:

(c) Each associated producer shall submit to the market administrator:

(1) On or before the 5th day of the following delivery month, a statement of the quantity and butterfat test of his milk sold for manufacturing purposes during the previous month; and

(2) On or before the 15th day following such delivery month, payment statements, weight slips and/or such other acceptable evidence to verify the quantity and butterfat test of milk sold by him for manufacturing purposes.

7. Delete paragraphs (a) and (b) of § 966.51 and substitute therefor:

(a) The Class I price shall be the basic formula price as determined pursuant to § 966.50, plus $2.00 for the months of March, April, May and June and plus $2.40 for all other months of the year, except those months when monthly average producer receipts for all handlers are less than 115 percent of average monthly Class I sales by all handlers during the immediately preceding two month period, then a differential of $2.60 shall apply.

(b) *Class II milk price.* The Class II milk price shall be the price computed pursuant to § 966.50 (c) for the months of March, April, May and June and the highest of the price computed pursuant to § 966.50 (a), (b), or (c) for all other months, rounded to the nearest one-tenth of a cent.

(c) *Shrink milk price.* The price for skim milk and butterfat allocated to shrink up to 2 percent of producer milk, as per § 966.42 (a) and (b), shall be the weighted average price for such plant for the current month.

8. Remember § 966.71 (a), (b) and (c) as (b), (c) and (d) and add a paragraph (a) as follows:

(a) Add the value, at the Class II price, of the quantity of associated producer skim milk and butterfat reported pursuant to § 966.27 (m).

9. Add to § 966.72 following aggregate value computed pursuant to § 966.71 by the total hundredweight of—the following: "—total hundredweight of (1) producer milk, (2) associated producer milk specified in § 966.71 (a) received or diverted by such handler."

10. Add new paragraphs (f) and (g) to § 966.90 to read as follows:

(f) On or before the 10th day following the delivery month notify each handler of the quantity and butterfat test of associated producer milk assigned to such handler and the amount to be remitted to the market administrator therefor pursuant to § 966.27 (m).

(g) Payments for associated producer milk.

(1) On or before the 12th day after the end of each month each handler having associated producer milk shall remit to the market administrator for payment to associated producers, an amount computed by multiplying the quantity of associated producer milk determined pursuant to § 966.32 (c) by the difference between such handlers uniform price determined pursuant to § 966.72 and the Class II price determined pursuant to § 966.51 (b).

(2) Such amounts shall be maintained by the market administrator in a separate fund out of which he shall on or before the 15th day after the end of each delivery month, make payments to associated producers on the basis of the verifiable quantity records submitted by them pursuant to § 966.32 (c).

(3) Payments pursuant to subparagraph (2) of this section shall be made to associated producers on the uniform price computed pursuant to § 966.72 for the months August through January and pursuant to § 966.73 for the months February through July.

11. Add a new paragraph (b) to § 966.92 as follows:

(b) In making payments to producers, to cooperative association or to the market administrator pursuant to § 966.90 (g) (2) a handler may deduct the amount computed pursuant to § 966.93 (a).

12. Amend § 966.94 *Expense of administration* by adding a new paragraph (d) to read as follows:

(d) Associated producer milk allocated to his plant pursuant to § 966.90 (f).

13. Delete § 966.80 *Computation of daily average base for each producer* and substitute therefor:

§ 966.80 *Computation of daily average base for each producer.* For the months of February through July of each year the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 966.81:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days for which such producers milk was received by such handler(s) during such period, but not less than ninety.

Proposed by the Dairy Division, Agricultural Marketing Service:

14. Add a new § 966.54 as follows:

§ 966.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

15. Make such changes as may be required to make the entire marketing agreement and order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be procured from the Market Administrator, 3822 Linwood Avenue, Shreveport, Louisiana, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 24, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-635; Filed, Jan. 28, 1957; 8:46 a. m.]

[7 CFR Part 1013]

[Docket No. AO-279]

MILK IN PLATTE VALLEY, NEBR., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order, regulating the handling of milk in the Platte Valley, Nebraska, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminatory statement. The hearing on the record of which the following findings and conclusions were formulated, was conducted at Grand Island, Nebraska, on April 10–13, 1956, pursuant to notice thereof dated March 7, 1956 (21 F. R. 1538).

The material issues of record related to:

(1) Whether the handling of milk in the Platte Valley, Nebraska, marketing area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce in milk or milk products;

(2) Whether the issuance of an order regulating the handling of milk in the Platte Valley, Nebraska, marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) Marketing area,
(b) Milk to be priced,
(c) Classification of milk,
(d) Transfers of milk between plants,
(e) Allocation,
(f) Class prices,
(g) Payments to producers, and
(h) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the

material issues are based upon evidence in the record.

1. *Character of commerce.* The handling of milk produced for the Platte Valley, Nebraska, marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and its products.

There is interstate commerce in the procurement of milk for this market. One plant from which milk is regularly sold in the marketing area is physically located in Kansas and the majority of its Grade A shippers are also located in that State. Another handler, whose plant is located in the city of Holdrege, Nebraska, has some Grade A producers located in Kansas. Also, this market has regularly depended upon bulk supplemental milk in the fall months when local production is seasonally low. Such supplies are commonly obtained from plants located in Iowa, Minnesota, and Wisconsin. These sources were drawn upon in each of the months of July through December 1954 and August through November 1955. Supplemental milk is also obtained from plants regulated under the Federal milk marketing order for the Omaha-Lincoln-Council Bluffs (Nebraska-Iowa) marketing area. Some of this other Federal order milk is obtained in bulk form during the same months cited above but other portions are regularly obtained in bottled form throughout the year.

There is also direct interstate commerce in the distribution of milk. One handler distributes regularly into Colorado points from a plant located at North Platte, Nebraska. Another distributes regularly into Kansas points from a plant at Holdrege. A subdealer who does no pasteurizing or bottling of Grade A milk, purchases bottled Grade A milk at wholesale from two plants located in the marketing area and distributes it to various points in Kansas.

The production and distribution of milk for fluid purposes in the Platte Valley market is also closely related to the production and sale of milk for manufacturing purposes. It is generally recognized that the manufactured dairy products are sufficiently storable and transportable to be produced and sold on a national market. The producers of Grade A milk for the Platte Valley market are intermingled with the producers of manufacturing grade milk and the prices paid to producers for Grade A milk are established at a sufficient premium over manufacturing prices to encourage producers to undertake the additional expenses involved in Grade A production. Furthermore, the excess milk over and above fluid requirements for the North Platte market is either converted into manufactured products in the handlers' plants or is transferred to specialized manufacturing plants. In either case, substantial portions of the resulting products are sold in interstate commerce and all of them are in direct competition with manufactured dairy products moving in interstate commerce.

It will be noted that there is interstate commerce in three major respects: procurement of milk for the market, distribution by handlers, and in close relationships with the national markets for manufactured dairy products.

2. *Need for regulation.* Marketing conditions in the Platte Valley area are such that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the Act with respect to milk produced for the Platte Valley fluid milk market.

Stability of marketing conditions and reasonable certainty of an adequate supply of pure and wholesome milk can be assured for this marketing area only when all milk handlers in the area have reasonably equal costs of milk according to use and only when farmers supplying the market receive substantially the same prices per hundredweight for milk of equal quality.

These conditions do not now exist. A cooperative association of producers supplies nearly all the milk used by dealers whose plants are located in Grand Island and Hastings. The association sells milk on a class use basis whereby each of the distributors pays the same price for milk used in each of four specified classes. The association pools the sales returns, and each producer is paid the uniform price, subject only to variations in butterfat content and in seasonality of production.

A diversity of purchase plans is in effect at other plants in the area. Both of the handlers operating plants at North Platte pay producers under base and excess plans. One of them assigned his producers fixed bases which remained unchanged regardless of subsequent production changes. The other handler operated a base plan under which individual producers established new bases each fall. However, the proportion of milk paid for at the base price was adjusted to the handler's Class I volume. Moreover, a discounted Class I price was paid by this handler for milk sold in an area outside of North Platte and a discounted Class II price for such portion of the excess milk as could not be accommodated in the handler's plant and had to be separated for sale as cream.

A handler whose plant is located in Kearney paid producers a single price for Grade A milk in each month of 1954 and 1955. In January 1956, he began to pay a separate price, based solely on butterfat values, for milk utilized for manufacturing purposes. A handler at Holdrege had utilized a base-excess plan for a few years, but was paying a blend price for the several months just prior to the hearing.

These variations in price plans and in net prices paid to producers reflect different raw material costs to the various dealers who are selling milk in the marketing area. A condition of unequal costs among the dealers may cause them to attempt to economize by reducing prices to producers. This in turn would tend to stimulate successive price reductions by competitors. This development is contrary to the interests of producers and over a period of time may jeopardize an adequate supply of milk. Alternatively, some handlers may attempt to achieve equality by reducing the quantity of their purchases of milk in order to obtain the highest possible proportion of the higher valued uses of milk. This reaction, however, may result in intermittent shortages of supply for the market.

If producers receive widely varying prices for their milk, they tend to shift around among milk dealers and to shift in and out of the market. Such shifts may become sufficiently frequent as to jeopardize a dependable supply of pure and wholesome milk.

A marketing agreement and order program is needed to establish and maintain orderly marketing conditions throughout the marketing area. The thorough auditing of the utilization of all milk received by handlers, the checking of butterfat tests and weights of all producer milk, and the publication of complete supply and use data for the market will aid in this objective by assuring producers that they will receive a proper accounting for their milk and by providing full information on market developments.

3. *Terms and conditions*—(a) *Marketing area.* The Platte Valley marketing area should include all of the territory within the corporate limits of the six cities of Grand Island, Hastings, Holdrege, Kearney, Lexington, and North Platte and should also include the Naval Ammunition Depot, Hastings, all in the State of Nebraska.

These six cities are served by nine handlers, one of whom operates two fluid milk processing and bottling plants. Four of the ten plants are located in Grand Island, two each in Hastings and North Platte, and one each in Kearney and Holdrege. These handlers are in close competition with each other throughout the marketing area. Two of the handlers cover all six cities, one of them serving the area from two plants. Three other handlers distribute milk in four of the six cities and the remaining four handlers serve only one city each. The Naval Depot purchases milk under contracts which are let on a competitive bid basis.

The six cities all require that milk distributed for fluid purposes meet Grade A standards. In each city, sanitary regulations are patterned on the U. S. Public Health Service standards for Grade A milk and are substantially uniform. The Naval Depot sets its own standards but, in practice, plants which have qualified for Grade A distribution in the named cities have been acceptable to the military authorities. It is clear, therefore, that milk produced under conditions which make it acceptable for fluid use are substantially uniform throughout the defined marketing area. It follows that a single structure of prices to handlers based on utilization and a uniform blend price to producers will be appropriate.

Producers proposed that the entire area of Hall County, which includes the city of Grand Island, and of Adams County, which includes the city of Hastings, be included in the marketing area. However, there are no Grade A ordinances in effect in the counties outside of the two principal cities. Accordingly, milk sold for fluid purposes in the county areas would not necessarily be of the same quality as that sold in the designated cities, and the same prices would not be appropriate.

(b) *Milk to be priced.* The type of regulation provided by a milk order is essentially a matter of establishing minimum prices to be paid to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "producer," "handler," and "pool plant."

The primary factor in determining which dairy farmers are producers for the market is the plant to which they deliver their milk. Marketing conditions described in the record indicate that the most practical method of order regulation would be to establish minimum prices to all farmers delivering milk to plants from which milk is regularly distributed in the marketing area.

Handlers selling milk in the proposed Platte Valley marketing area receive their milk from dairy farmers at the plants where it is packaged for fluid distribution. Virtually all the plant operators who distribute any milk in the area have the preponderant part of their distribution in the defined marketing area. However, the record does contain mention of a plant operator who appears to have only a marginal portion of his total sales in the defined area. The order should, therefore, stipulate a level of within-the-area operations for determining whether this plant or others which may currently or subsequently distribute milk in the marketing area are to be fully regulated.

It was proposed by producers that plants from which a volume of Class I milk equal to the lesser of (1) 5 percent of total receipts or (2) an average of 600 pounds per day was distributed in the marketing area should be pool plants. The 600-pound limit was included as an alternative because of the possibility that 5 percent of the receipts of some large plant would be so large a quantity in relation to sales of other handlers as to constitute a major influence in the market and thereby require complete regulation. It is concluded that the quantity limitation is the appropriate measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing, payment, and pooling provisions of the order. The limit of 600 pounds per day is designed to represent a normal-sized retail route or small to medium combination retail and wholesale route. Such volume is not considered a significant factor in this market and it is, therefore, not necessary that such a handler be subject to the entire reporting and payment provisions of the order.

Accordingly, "pool plant" should be defined as a plant at which milk received from dairy farmers is packaged for distribution as Class I milk and from which milk is distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted because they have distribution of less than 600 pounds on such routes.

The term "route" is used in the definition of pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s). Such definition would include as route distribution a sale to or through a vendor.

The term "producer" should be defined to mean any person, other than a producer-handler, who produces milk which has the approval of the health authorities of any community in the marketing area or the approval of the authorities at the Naval Ammunition Deport for consumption as fluid milk in such community and is received at a pool plant. The definition should include a producer whose milk is temporarily diverted to a nonpool plant by a handler for his account. Such a provision will serve to maintain the status of producer for a dairy farmer whose milk temporarily is not needed by the handler and would facilitate interplant movements of milk for the purpose of adjusting to short-term variations in supply and requirements. In order that milk which is diverted would continue to be included in the regular pool computations, it would be treated as if it were received at a pool plant.

There are sanitation requirements applied by local governments within the area with respect to approval of the farms from which milk for fluid consumption may be supplied, and accordingly, such a qualification has been included as a part of the producer definition. The order provisions would be uneconomic if they had the result that dairy farmers who have met the health standards for the market shared the returns on fluid sales with farmers who have not met such qualifications.

"Handler" should be defined as any person (1) in his capacity as the operator of any pool plant, (2) in his capacity as the operator of any nonpool plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (3) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor, with certain exceptions noted below. A cooperative association which markets the milk of its producer members may for short periods of time need to divert producers' milk from pool plants to nonpool plants. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed in the fall months or at other times.

The term "producer-handler" would apply to a person who produces milk and operates a plant from which a route(s) is operated wholly or partly in the marketing area, but receives no milk from producers. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and will also facilitate accounting with respect to transfers of milk from other handlers.

A further exemption from the minimum price regulation is the handler whose plant is a "nonpool plant" because his distribution in the area averages less than 600 pounds per day. Such handlers should also be required to report for reasons similar to those for producer handlers.

"Fluid milk product" is specifically defined in the order because of frequent reference to this group of items. The fluid milk products are those which constitute Class I use, including milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, and cream mixtures for fluid use.

A definition of "other source" milk is included to distinguish it from the regular milk supply which is priced under the order. There are three potential categories of "other source" milk which may be distributed in the marketing area for Class I purposes without subjecting the originating plants to the pricing and pooling provisions of the order. One of these is represented by distributing plants from which an average of 600 pounds or less per day is sold in the marketing area. Another potential category of "other source" milk is that which pool plants may obtain as supplemental milk, either bulk or in bottled form from unregulated plants at times when their supplies of producer milk are not sufficient to cover their Class I utilization. The third category is represented by receipts of supplemental milk at Platte Valley pool plants from plants which are subject to regulation under other Federal orders.

As previously explained, all distributing plants which sell a significant volume of milk for Class I purposes in the marketing area are defined as pool plants and are, therefore, completely subject to the pricing and pooling provisions of the Platte Valley order. Any plant distributing less than 600 pounds per day in the area would probably have its primary distribution in some other market. It would not be equitable to subject such a plant to complete regulation since its competitors in the other market would not be regulated. Further, since its activities in Platte Valley are so limited, it is not considered necessary to require anything more than such reports and verification as will enable the market administrator to determine precisely the quantity sold in the marketing area.

On the other hand, quantities of supplemental milk received at pool plants can be quite substantial. The Platte Valley market is commonly short of producer milk in the late summer and early fall months of lowest production. This shortage has usually been met by purchasing milk in bulk tank lots from plants in Minnesota, Wisconsin, or other distant points. Under the allocation procedures described in subsequent para-

graphs such milk, whether from plants subject to other Federal orders or from totally unregulated plants, is assigned first to the Platte Valley handlers' Class II utilization. This gives local producer milk the priority on Class I use in the market. (An exception, also explained later, is that packaged milk received from plants subject to other Federal orders is assigned to the same Class under the Platte Valley order as in the order of origin.)

No special pricing appears to be necessary for these supplemental supplies. Such milk is commonly higher priced than the prices which have been paid to local producers and also in excess of the price levels provided in the attached order. This supplemental milk has been called upon only when supplies of producer milk were insufficient and, therefore, have not tended to displace producer milk. To the extent these practices continue, the allocation of producer milk to the highest utilization in the Platte Valley plants will continue to be a fully effective means of preventing displacement of producer milk by "other source" milk. If a significant displacement of producer milk by other source supplies occurs under the order, corrective measures can be considered by amendment action.

(c) *Classification of milk.* The proposed order should provide for two classes of milk. Class I should include all skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk drinks, cream and any mixture in fluid form of cream and milk or skim milk. These are the products which are required uniformly by the local health regulations to be made of Grade A milk. Class II should include all skim milk and butterfat used to produce manufactured dairy products which normally are not required to be produced from Grade A milk.

Class II, in addition to including manufactured dairy products, should include actual shrinkage on producer milk in an amount not in excess of 2 percent of receipts from producers and actual shrinkage on other source milk. Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose and the evidence indicates that an efficiently operated fluid milk plant should be able to keep its shrinkage within this allowance. No limit should be placed on shrinkage of other source milk. Such milk is deducted from the lowest use class under the allocation provisions and to classify any of it as Class I would result in reimbursing producers for shrinkage incurred on milk they did not produce. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

Class II should also include the use of skim milk and butterfat for livestock feed to the extent that verifiable records of such utilization are maintained by handlers.

It will be noted that the uses of milk to be included as Class I are specifically enumerated. Collectively, they are defined as "fluid milk products". All other products, including any new items which may be developed, are automatically in Class II.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that ending inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of a month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In plants which engage primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed their total utilization of milk in Class II. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective as to whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

In order to provide for the complete and accurate reporting, verification, and auditing of all receipts and uses of milk which are essential to the continued application of class prices, it must be the responsibility of the handler who receives the milk from producers to account for his entire receipts and to prove to the market administrator his claim that such receipts should not be classified as Class I. The handler who first receives the milk from producers is in the best position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk. He must therefore maintain records to establish unquestionable proof of the utilization of the milk he receives.

(d) *Transfers of milk between plants.* Classification of butterfat and skim milk used in the production of Class II items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, since some Class I items may be disposed of to other milk plants for processing, separate classification procedure should be prescribed for transfers to other plants.

Milk, skim milk, cream or other fluid milk products transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk, as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while at the same time producer milk is allocated to Class II milk in the transferee handler's plant.

Milk or skim milk transferred in bulk to a nonfluid milk plant located more than 300 miles distant is presumed to be used for Class I purposes. The costs involved in transporting milk or skim milk in fluid form such a distance are so large that it would not be economically feasible to move the milk for Class II disposition. Also there are adequate facilities for the manufacture of excess milk into Class II products within a radius of 300 miles. The automatic classification as Class I of milk or skim milk moved more than 300 miles will reduce the administrative expense which would otherwise be involved in having the market administrator verify actual utilization in nonfluid milk plants located at extreme distances from the market.

Cream presents a somewhat different problem since its value is so much greater in relation to its bulk that it may be transported long distances for manufacture. Accordingly, it is provided that cream may be Class II, even if moved to a nonfluid milk plant located more than 300 miles distant from a fluid milk plant if it is clearly labelled as manufacturing grade cream and if prior notice of the intended shipment is furnished to the market administrator.

The more common form of transfer to a nonfluid milk plant by Platte Valley handlers is the movement of excess milk to nearby manufacturing plants. There may, of course, be sales to such plants for fluid purposes. It is provided that transfers of milk, skim milk, or cream from a fluid milk plant to a nonfluid milk plant located less than 300 miles distant be Class I unless Class II use is affirmatively established. Evidence of Class II use consists of a certification by the fluid milk plant operator that the transfer was intended for Class II use, and verification by the market administrator of the records made available by the nonfluid milk plant operator showing that at least an equivalent quantity of milk was utilized for manufacturing purposes.

(e) *Allocation.* In view of the fact that the order class prices apply only to producer milk, it is necessary, if a fluid milk plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned the Class I utilization first. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purposes of the act. Also, the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 1013.46 of the order.

An exception to the general rule of assigning other source milk first to the lowest class of utilization should be made with respect to packaged milk received from a plant regulated under another Federal order. One of the Platte Valley handlers testified that his plant located in the marketing area was not equipped to bottle half-gallons in paper containers. These packages could be obtained more cheaply from this handler's plant at Lincoln, Nebraska. The milk so packaged is fully subject to the classification and pricing provisions of the Omaha-Lincoln-Council Bluffs order. Moreover, the daily and seasonal reserves of milk associated with such milk are carried by the Omaha-Lincoln-Council Bluffs producers rather than by the Platte Valley producers. It is concluded, therefore, that fluid milk products in packaged form which are classified and priced under another Federal order should be assigned to the same utilization under the Platte Valley order.

Under this allocation procedure, the skim milk and butterfat, respectively, remaining in each class is assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted;

(1) Class II shrinkage of producer milk.

(2) Other source milk, in bulk form, from plants not regulated under another Federal order.

(3) Other source milk, in bulk form, from plants regulated under another Federal order.

(4) Receipts of packaged milk from plants regulated under other Federal orders, according to the classification established under such other order.

(5) Beginning inventory.

(6) Receipts from other handlers (according to classification).

(7) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

(f) *Class prices.* In order to maintain an adequate and stable supply of milk for the market it is necessary that the price of milk for fluid use be closely related to the prices of milk used for manufacturing purposes. Keeping the Class I prices in line with manufacturing prices recognizes the fact that the most common source of replacement and additional Grade A shippers for the Platte Valley market is the conversion of manufacturing shippers. It also recognizes the fact that Class I prices in the adjacent Federal order markets are based on manufacturing values. The Class I price can be kept in relationship to manufacturing values by using a pricing formula which sets the Class I price at a differential over a basic formula price which reflects manufacturing values.

Basic formula price. The basic formula price should be the higher of (1) the average of prices paid to dairy farmers at 13 midwest condenseries, or (2) a butter-powder formula price. The midwest condensery pay price is widely used as one component of basic formula prices in Federal orders. The condenseries included in the average constitute a representative group of plants located in Wisconsin and Michigan. The prices paid by them are representative of the value of milk in a level manufacturing use and are reported promptly enough for use in establishing a Class I price.

A butter-powder formula is included in most Federal orders as an alternative basic formula price. It reflects the value of milk in a major manufacturing use, namely the manufacture of butter and nonfat dry milk. There are times when the butter-powder plants compete more strongly for supplies than the condenseries; such competition affects fluid markets and should be reflected in the fluid milk price.

The butter-powder formula price provided herein differs somewhat from the one proposed by producers but reflects substantially the same level of prices. The butterfat component is obtained by subtracting a "make allowance" of three cents from the market price of 92-score butter at Chicago, multiplying the result by an overrun factor of 1.21, and multiplying that result by 3.5 which is the amount of fat in a hundred pounds of milk at basic test. The skim milk component is obtained by deducting a "make allowance" of 5.5 cents from the average of the prices of spray and roller process nonfat dry milk, f. o. b. manufacturing plants in the Chicago area, multiplying the result by a yield factor of 8.2 which represents the quantity of solids in 96½ pounds of skim milk. At the currently effective support prices for butter and nonfat dry milk, this formula would result in the same price for milk as that proposed by producers, which is the same as the formula currently used in the Omaha-Lincoln-Council Bluffs order.

Class I price. The Class I price differential over the basic formula price should be fixed at a level which will reflect the additional costs involved in producing and transporting to market a year-round supply of milk of Grade A quality. Producers will thereby be provided with financial incentive to produce milk of Grade A quality as compared with the costs of producing milk of manufacturing grade. A differential of $1.30 per hundredweight should be sufficient to accomplish this purpose.

The level of Class I prices provided by the Omaha-Lincoln-Council Bluffs order affords the most direct guide to the establishment of appropriate level of Class I prices for the Platte Valley market. The Class I differential provided for Omaha is $1.40 per hundredweight in all months of the year. This differential has been in effect since September 1, 1952, and has been an appropriate price for that market. The western boundary of the procurement area or milkshed for the Omaha market adjoins the eastern boundary of the procurement area for the Platte Valley market and the production conditions in the two areas are closely similar. Direct competition between the distributors in the two markets is not extensive. However, this is partly attributable to the fact that the largest dealers in the two markets operate plants in each and can thereby avoid the inefficiencies represented by overlapping of sales territories. One of the Platte Valley dealers obtains milk in two-quart paper containers from his plant located in Lincoln in order to avoid the expense of installing bottling equipment in his Grand Island plant for a comparatively small volume of business.

The Omaha order provides for location adjustments to producers on milk delivered by them at plants located more than 45 miles from the marketing area in the amount of 10 cents per hundredweight. The same rate of location adjustment applies on milk delivered to the marketing area for Class I purposes from plants located more than 45 miles distant. The same 10-cent adjustment is reflected in the Class I differential proposed by producers for the Platte Valley market and should be adopted.

There is no seasonal variation in the Class I differential. A take-out and payback plan, described in more detail subsequently, is relied upon as the means of encouraging producers to deliver a seasonally uniform supply.

Class II price. The Class II price should be equal to the basic formula butter-powder price less 15 cents per hundredweight. The Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs as may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure

milk supplies solely for the purpose of converting them into Class II products.

All products included in Class II milk may be made from unapproved milk. Approved milk which may be used in such products by regulated handlers should be priced at a level which is competitive with the cost of milk or milk ingredients that they may need for Class II products processed in conjunction with their fluid milk business.

The Class II price provided herein is at virtually the same level as the Class II price proposed by producers, although the pricing formula is somewhat different. This Class II price is virtually the same as that provided under the Omaha order. During 1955 the Class II price would have ranged from $2.87 in June to $2.94 in October and would have averaged $2.90. The Class II proposal by producers would have ranged from $2.87 to $2.93 and would also have averaged $2.90 and the Omaha Class II prices for 3.5 milk ranged from $2.85 to $2.95 and averaged $2.91.

A handler who operates a plant at North Platte, Nebraska, proposed a substantially lower Class II price during the flush months of the year. He testified that during such months it is difficult to find manufacturing outlets for whole milk at points near enough to involve reasonable transportation charges. In such circumstances, it is sometimes more feasible to separate the whole milk, sell the cream to more distant plants, and dispose of skim milk by giving it away for livestock feed or letting it run down the sewer. The handlers, therefore, proposed that the price for Class II milk during such months reflects only the butterfat value of the milk. However, it appears that the circumstances which led to this form of disposition by this handler were occasioned, at least in major part, by a realignment of sales territories between the handler's North Platte, and Grand Island plants. There has since been time for a corresponding readjustment in the procurement of milk at the two plants and it seems unlikely that the necessity for such disposition will recur. Also, the higher Class II butterfat differential provided herein, and described in the following paragraphs will reduce the value of skim milk. It is concluded, therefore, that the level of Class II prices provided herein will be appropriate.

Butterfat differentials. The attached order provides that butterfat and skim milk be accounted for separately for classification purposes. It also provides that Class and blend prices should be established for milk containing 3.5 percent butterfat, the same basic test as is used in all other Federal orders in this general region except Omaha. It will, therefore, be necessary to adjust Class I and Class II prices in accordance with the average test of the milk in each Class by a butterfat differential which will reflect differences in the value of the milk due to variations in butterfat content.

The Class I butterfat differential for each one-tenth of one percent that the average test of Class I use varies from the basic test should be determined by adding 2.1 cents to the Class II differential. The Class II differential, in turn, should be established at 0.120 times the price of 92-score butter at Chicago.

This Class II differential is somewhat higher than the one proposed by producers. At current support prices for butter and nonfat dry milk, their proposed differential would be 0.111 times the price of 92-score butter. According to the evidence of record the Platte Valley market is commonly more nearly short of butterfat than of skim milk. During the flush season, disposal of skim milk is a more serious problem than disposal of butterfat. Raising the Class II butterfat differential will increase the value attributed to butterfat and will correspondingly reduce the value attributed to Class II skim milk, thus recognizing the higher value of butterfat in relation to solids-not-fat.

Producers proposed that the Class I butterfat differential be 2.6 cents higher than the Class II differential. This reflects the conclusion, commonly accepted in the West North Central States, that 70 percent of the Class I price differential of $1.30 should be attributed to butterfat and 30 percent to skim milk. The proposed 2.6 cents per one-tenth of one percent variation in butterfat content is the proportionate value, when the 3.5 pounds of butterfat are valued at 70 percent of $1.30. The proposed 2.6 cents has been reduced to 2.1 cents in recognition of the fact that the Class II butterfat differential has been increased. The resulting Class I differential will be at virtually the same level as the Class I differential proposed by the producers.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Location adjustments. Location adjustments should apply to all Class I milk distributed by handlers whose plants are located more than 80 miles from the nearer of the City Halls at Grand Island and at North Platte, Nebraska. The rate of adjustment should be 12 cents per hundredweight for plants located more than 80 but not more than 90 miles distant, plus 1.5 cents per 10 miles or fraction thereof for distances in excess of 90 miles. Distances would be measured by the shortest highway distance as determined by the market administrator.

At the time of the hearing, milk was distributed in the marketing area from a plant located more than 80 miles distant. The quantity so distributed was not sufficient to qualify this plant as a pool plant. However, if this plant or any other begins to sell significant volumes of Class I milk in the area, it should have location credit. This credit should be sufficient to defray transportation costs, since the order is designed to place all handlers on an equal cost basis at the marketing area. Evidence in the record shows that the rate of 1.5 cents per 10 miles appropriately reflects the costs of transporting milk in tank trucks. No separate data were available on the comparative costs of transporting packaged milk. No location adjustment is allowed a distance of less than 80 miles from Grand Island or North Platte since some points within the marketing area are nearly 80 miles from these cities.

Location adjustments to producers should be at the same rates as to handlers but should apply to all of the milk delivered by producers to any plant at which the location adjustments apply.

(g) *Payments for milk.* The attached order provides for a marketwide pool under which all producers supplying the market would receive the same price for their milk regardless of its utilization by the handler who received it. This type of pool contemplates the uniform distribution among all producers in the market of the proceeds of the Class I and reserve supplies of milk.

The largest cooperative association in the area already pools the returns due its members from all the handlers to whom they ship, and pays all members on a uniform basis. This same uniformity of payment should be extended to all producers whose milk is priced under the order.

The marketwide pool will also contribute to the flexibility of milk marketing in the Platte Valley area in two important respects. One is that supplemental supplies can be freely distributed among handlers without affecting the prices paid to producers at each plant. The second is that temporary or seasonal surpluses can be moved between plants, either by transfer of the milk or of the shippers without affecting the prices paid to producers at the individual plants.

A seasonal incentive plan of the same type as is contained in the Omaha-Lincoln-Council Bluffs order was proposed by producers and should be adopted. Both the procurement and sales interrelationships between the two markets make it highly desirable to utilize the same type of seasonal incentive. With similar plans, producers can more readily respond to long-run changes in supply and demand conditions in the two markets without being disturbed by seasonal differences in price plans. Also, distributors in the two markets will be on comparable competitive footings at all seasons. Under the "take out and pay back" plan the Class I differential remains the same in all months of the year. However, during the flush production months of April, May, and June, an amount equal to 8 percent of the Class I price multiplied by the total production is deducted from payments to producers and held until the shortage months of September, October, and November. One third of the escrow fund is added to the pool in each of these months. The effect is to encourage producers to maximize their production during the months when supplies are lowest in relation to Class I sales and to minimize production during the months of greatest excess.

The order provides that producers be paid once a month and specifies that in the case of qualified cooperative associations the handler shall make payment to the association instead of to the individual members, if the cooperative association has such authority from members and is desirous of exercising such privilege.

Since all producers are to receive the same price for milk (except for butterfat and location differentials), and since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding off uniform prices. In order to permit this rounding off of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund during the previous month should be eliminated in the computation of the uniform price in the current subsequent month.

(h) *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders, and except as set forth below require no comment.

Expenses of administration. As his share of the expenses of administering this order each handler should pay not in excess of 4 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and Class I milk distributed in the marketing area from a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 4 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 4 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Records and reports. Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and the uniform price to producers. Handlers would also be required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

Time schedule. Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the Month and Function

5th—Announcement of class prices by market administrator.

7th—Submission of monthly report of receipts and utilization by handlers.

9th—Announcement of uniform price and names of handlers who received producer milk and notification to handlers of the value of their producer milk by market administrator.

10th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.

12th—Payments by handlers to producers and cooperative associations and by market administrator out of producer-settlement fund.

Milk subject to other Federal orders. A handler who operates a plant at which minimum prices to dairy farmers are established under another order issued pursuant to the act, but nevertheless supplies milk for distribution in the Platte Valley marketing area should be exempt from the provisions of this order, except for reporting his volume of Class I sales in the marketing area. It would be impracticable to attempt to regulate a handler under two separate orders with respect to the same milk. The applicable order should be determined by the volume of Class I sales.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(d) All milk and milk products handled by handlers, as defined in the proposed order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(e) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler regulated by the proposed order as his pro rata share of such expense, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all milk received during such delivery period from producers, other source milk received at a pool plant and classified as Class I, and Class I milk sold in the marketing area from nonpool plants.

Proposed findings and conclusions. Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings of facts, conclusions and arguments with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the record evi-

dence in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order. The following order is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order.

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DEFINITIONS

§ 1013.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

§ 1013.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1013.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1013.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1013.6 *Platte Valley marketing area.* "Platte Valley marketing area" hereinafter called the "marketing area" means all the territory within the corporate limits of the cities of Grand Island, Hastings, Holdrege, Kearney, Lexington and North Platte, and the Naval Ammunition Depot, Hastings, all in the state of Nebraska.

§ 1013.7 *Producer.* "Producer" means any person, irrespective of whether such person is also handler, who produces milk which is received at a pool plant: *Provided*, That such milk is (a) produced under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be disposed of in the marketing area for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to a nonpool plant by a handler, and milk so diverted shall be deemed to have been received at a pool plant by the handler who caused it to be diverted.

§ 1013.8 *Pool plant.* "Pool plant" means (a) any plant from which a volume of Class I milk equal to more than an average of 600 pounds per day, is disposed of during the month on routes to retail or wholesale outlets (except other pool plants) located in the marketing area: *Provided*, That if a portion of a plant is operated separately and no producer milk is received in such portion of the plant, it shall not be considered as part of a pool plant pursuant to this section.

§ 1013.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1013.10 *Route.* "Route" means any delivery (including delivery by a vendor or sale from a plant store) of a fluid milk product to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1013.11 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a pool plant, (b) any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area, or (c) any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such association.

§ 1013.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1013.7.

§ 1013.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen or aerated cream) and any mixture in fluid form of cream and milk or skim milk (except ice cream, eggnog ice cream mixes, and sterilized products in hermetically sealed containers).

§ 1013.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1013.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1013.15 *Producer-handler.* "Producer-handler" means a person who operates, as his own personal enterprises, both a dairy farm and a milk processing or bottling plant at which plant each of the following conditions is met during the month:

(a) Milk is received from the dairy farm of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm of such person and from pool plants of other handlers in the form of fluid milk products.

§ 1013.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the dairy wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1013.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1013.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1013.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator:

(d) Pay out of the funds provided by § 1013.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1013.30 and 1013.31 or payments pursuant to §§ 1013.80, 1013.84, 1013.86, 1013.87 and 1013.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing on or before: (1) The 5th day of each month the Class I milk price pursuant to § 1013.51 (a) and the Class I butterfat differential pursuant to § 1013.52 (a), both for the current month; and the Class II milk price pursuant to § 1013.51 (b) and the Class II butterfat differential pursuant to § 1013.52 (b) both for the preceding month, and (2) the 9th day after the end of each month, the uniform price pursuant to § 1013.71, and the butterfat differentials to be paid pursuant to § 1013.81.

REPORTS, RECORDS AND FACILITIES

§ 1013.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his approved plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 1013.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator;

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions; and

(2) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1013.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all fluid milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1013.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specific books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1013.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants which is required to be reported pursuant to § 1013.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1013.43, 1013.44 and 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2) of this section, or (2) not specifically accounted for as Class II utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used

to produce any products other than fluid milk products, (2) contained in inventory of fluid milk products on hand at the end of the month, (3) accounted for as livestock feed, (4) in shrinkage allocated to receipts of producer milk pursuant to § 1013.42 (except milk diverted to a nonpool plant pursuant to § 1013.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (5) in shrinkage of other source milk.

§ 1013.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1013.43 *Transfers.* Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of fluid milk products to a pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1013.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk and beginning inventory of fluid milk products pursuant to § 1013.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of fluid milk products;

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located in the marketing area or not more than 300 miles by the shortest highway distance as determined by the market administrator from the transferor plant unless:

(1) The handler claims Class II in his report submitted to the market administrator pursuant to § 1013.30.

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant; and

(d) As Class I milk if transferred in bulk form as milk, skim milk, or cream to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the transferor plant, except that cream so transferred may be classified as Class II if notice is given to the market administrator at least 24 hours prior to shipment, each container is labelled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced.

§ 1013.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 1013.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1013.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each Class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk received in a form other than that specified in subparagraph (4) of this paragraph from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act;

(4) Subtract from the pounds of skim milk in each class the pounds of skim milk contained in fluid milk products received in packaged form which were classified and priced under another marketing order issued pursuant to the act and disposed of in the same form as received;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products, according to its classification as determined pursuant to § 1013.43 (a);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1013.50 *Basic formula price.* The higher of the prices computed pursuant to paragraph (a) or (b) of this section, rounded to the nearest whole cent, shall be known as the basic formula price.

(a) The average of the basic, or field prices per hundredweight reported to have been paid or to be paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or the Department:

Present Operator and Location

Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values determined pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price subtract 3 cents, multiply by 1.21, and multiply by 3.5.

(2) From the simple average, as computed by the market administrator, of the weighted averages of carlot prices per pound for nonfat dry milk, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department, deduct 5.5 cents and multiply by 8.2.

§ 1013.51 *Class prices.* Subject to the provisions of §§ 1013.52 and 1013.53 the class prices per hundredweight shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.30; and

(b) *Class II milk price.* The Class II milk price shall be the price specified in § 1013.50 (b) for the current month less 15 cents.

§ 1013.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified, respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to § 1013.51 for each one-tenth of 1 percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed as follows:

(c) *Class I Milk.* Add 2.1 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.120 and round to the nearest one-tenth cent.

§ 1013.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 80 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Grand Island or North Platte, Nebraska, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1013.51 (a) shall be reduced by 12 cents if such plant is located more than 80 miles, but not more than 90 miles from such city hall and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles.

§ 1013.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 *Producer-handlers.* Sections 1013.40 through 1013.46, 1013.53, 1013.70, 1013.71, 1013.72, and 1013.80 through 1013.93, shall not apply to a producer handler.

§ 1013.61 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Platte Valley marketing area shall be exempted for such delivery period from all provisions of this part except §§ 1013.31, 1013.32, and 1013.33.

§ 1013.62 *Other source milk in Class I.* In the case of pool plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of verifiable actual disposition of non-Grade A skim milk and butterfat as Class I milk outside the marketing area in localities where Grade A milk is not required for Class I use.

DETERMINATION OF UNIFORM PRICES

§ 1013.70 *Computation of value of milk.* The value of milk received during each month by each handler at his pool plant(s) from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices specified in § 1013.51, as adjusted pursuant to §§ 1013.52 and 1013.53, and adding any amounts computed pursuant to paragraphs (a) and (b) of this section.

(a) If the handler had overage of either skim milk or butterfat, an amount computed by multiplying the pounds of overage by the applicable class prices; and

(b) An amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by (1) the hundredweight of producer milk classified in Class II, less shrinkage, in the preceding month, or (2) the hundredweight of milk subtracted from Class I pursuant to § 1013.46 (a) (5) and the corresponding step of § 1013.46 (b), whichever is less.

§ 1013.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 and who made the payments pursuant to §§ 1013.80 and 1013.84 for the preceding month.

(b) Subtract for each of the months of April, May and June, an amount equal to 8 percent of the Class I price multiplied by the total quantity of producer milk;

(c) Add during each of the months of September, October and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total deductions made pursuant to § 1013.82;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1013.81 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 1013.72 *Notification of handlers.* On or before the 9th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1013.46 and 1013.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1013.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1013.80 and 1013.84; and

(e) The amount to be paid by such handler pursuant to § 1013.88.

PAYMENTS

§ 1013.80 *Time and method of payment.* On or before the 12th day after the end of each month, each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for milk, for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 1013.71, subject to the butterfat differential computed pursuant to § 1013.81, the location adjustment computed pursuant to § 1013.82, and to any proper deductions authorized by the producer: *Provided,* That if by such date such handler has not received full payment for such delivery period pursuant to § 1013.85, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) To a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payment for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 1013.81 *Butterfat differential to producers.* In making payments pursuant to § 1013.80 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1013.52, weighted by the pounds of butterfat in producer milk in each

class, the result being rounded to the nearest tenth of a cent.

§ 1013.82 *Location adjustments to producers.* In making payments pursuant to § 1013.80, for milk received from producers, the uniform price per hundredweight for milk received at plants located more than 80 miles, but not more than 90 miles, by shortest highway distance as determined by the market administrator, from the City Hall at Grand Island or at North Platte, Nebraska, whichever is closer, there shall be deducted 12 cents plus 1.5 cents addition for each 10 miles or fraction thereof distance beyond 90 miles.

§ 1013.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.84 and 1013.86 and out of which he shall make all payments to handlers pursuant to §§ 1013.85 and 1013.86: *Provided,* That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 1013.84 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 1013.70 for such month is greater than the sum required to be paid by such handler pursuant to § 1013.80.

§ 1013.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 1013.80 is more than the total value computed for him pursuant to § 1013.70: *Provided,* That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this section, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 1013.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1013.84 and 1013.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 1013.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 1013.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 1013.88 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 12th day after the end of the month for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I disposed of during the month from nonpool plants on routes in the marketing area.

§ 1013.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section (1) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1013.91.

§ 1013.91 *Suspension or termination.* The Secretary may suspend or terminate this part, or any provision of this part, whenever he finds this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1013.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.93 *Liquidation.* Upon the suspension or termination of the provisions of this part except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1013.95 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

Filed at Washington, D. C., this 24th day of January 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-662; Filed, Jan. 28, 1957; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 730]

RICE

MEASUREMENT OF ACREAGE, MARKETING, COLLECTION OF MARKETING PENALTIES, STORAGE AND RECORDS AND REPORTS, 1957–58 MARKETING YEAR

A national marketing quota proclamation for the 1957 crop of rice was issued by the Secretary of Agriculture on November 20, 1956 (21 F. R. 9161–9162), and the quota was approved by rice producers voting in a referendum on December 11, 1956. Farm acreage allotments were established pursuant to section 353 of the Agricultural Adjustment Act of 1938, as amended, and notice thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended and supplemented (7 U. S. C. 1301, 1351–1356, 1372–1375), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the measurement of farms, the determination of farm normal yields and farm marketing excesses, the issuance of marketing cards, the identification of rice, the storage and delivery of rice to avoid or postpone payment of penalties, the collection and refund of penalties, and the records and reports incident thereto with respect to the 1957 crop of rice.

It is proposed that the regulations will cover the same subject matter as the regulations and amendments in effect for rice for the 1956–57 marketing year (21 F. R. 3169, 5963; 22 F. R. 4), and that no substantial changes will be made.

Prior to the issuance of such regulations, consideration will be given to any data, views or recommendations pertaining thereto which are submitted in writing to the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued this 24th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator.

[F. R. Doc. 57-669; Filed, Jan. 28, 1957; 8:51 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE OF PROPOSAL TO ADOPT DEFINITION AND STANDARD OF IDENTITY FOR GRATED AMERICAN CHEESE FOOD

Notice is hereby given that a petition has been filed by The Borden Company, 350 Madison Avenue, New York 17, New York, setting forth a proposal for the adoption of a definition and standard of identity for a food to be named grated American cheese food.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended, 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding the proposal published below. Such views and comments should be submitted in quintuplicate addressed to the Hearing Clerk, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the FEDERAL REGISTER.

The proposal of the petitioner is as follows:

§ 19.— *Grated American cheese food; identity; label statement of optional ingredients.* (a) (1) Grated American cheese food is the food prepared by mixing, with or without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this section, with one or more of the optional ingredients prescribed in paragraph (c) of this section, into a uniformly blended, partially dehydrated, powdered or granular mixture.

(2) The solids of grated American cheese food contain not less than 28 percent of milk fat, as determined by methods prescribed in § 19.500 (c).

(3) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of all ingredients used in the grated American cheese food.

(b) The optional cheese ingredients referred to in paragraph (a) of this section are cheddar cheese, washed curd cheese, colby cheese, and granular cheese.

(c) The other optional ingredients referred to in paragraph (a) of this section are:

(1) Nonfat dry milk.

(2) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the cheese ingredient of the grated American cheese food.

(3) Salt.

(4) Harmless artificial coloring.

(d) The label of grated American cheese food shall bear the common or usual name of the optional ingredients used as specified in paragraphs (b) and (c) (1), (2), (3), and (4) of this section, except that the cheese ingredient may be designated as "American cheese."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Dated: January 22, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-632; Filed, Jan. 28, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 57-3]

COAST GUARD PORT SECURITY CARDS

The United States Coast Guard is authorized to issue Coast Guard Port Security Cards as one means of identification of persons regularly employed on vessels or on waterfront facilities or of persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities. The practice is to limit the validity of these Coast Guard Port Security Cards to a definite period of time from the date of issuance. The Coast Guard Port Security Cards issued prior to October 1952 bear a date of expiration two years after the date of issuance. Coast Guard Port Security Cards issued between October 1952 and January 1954 indicate a period of validity of four years from the date of issuance. The Coast Guard Port Security Cards issued between January 1954 and January 1957 bear a validity period of six years from the date of issuance thereof. It is not deemed appropriate or necessary to require the rescreening of holders of Coast Guard Port Security Cards and the reissuance of such cards at this time.

By virtue of the authority vested in me as Commandant, United States Coast

Guard, by 33 CFR 6.10–7 in Executive Order 10173, as amended by Executive Orders 10277 and 10352 (15 F. R. 7005, 7007, 7008, 16 F. R. 7537, 7538, 17 F. R. 4607), notice is given to holders of Coast Guard Port Security Cards (Form CG–2514) that the period of validity of such cards, unless sooner surrendered or canceled by proper authority, will be for a period of eight years from the date of issuance thereof instead of the various periods as indicated on the reverse of the cards.

This document supersedes Coast Guard Document CGFR 53–62 entitled "Coast Guard Port Security Cards", dated January 11, 1954, and published January 16, 1954 (19 F. R. 306).

Dated: January 22, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard, Acting Commandant.

[F. R. Doc. 57–661; Filed, Jan. 28, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

JANUARY 18, 1957.

Pursuant to Determination DA–115–Utah, of the Federal Power Commission and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to valid existing rights and the provision of existing withdrawals, the lands hereinafter described have been open to entry and location under the United States mining laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral-leasing laws, and, so far as they are reserved for power purposes, are hereby restored to disposition under the public land laws, subject to provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended:

SALT LAKE BASE MERIDIAN, UTAH

T. 15 S., R. 17 E.,
Sec. 7, Lot 4, SE¼SE¼;
Sec. 8, Lot 5.

The area described totals 93.26 acres of public lands.

The subject lands lie adjacent to the right bank of Green River, immediately downstream from the mouth of Rock Creek. The lands are primarily valuable for grazing of livestock.

No application for these lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The land described shall be subject to application by the State of Utah for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with the subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

The order shall not otherwise become effective to change the status of such land until 10:00 a. m. on February 23, 1957. At that time the said land shall become subject to application, petition, location and selection under the applicable public land law, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of February 23, 1957, shall be treated as though simultaneously filed at that time. All other applications under the public land laws filed on or before 10:00 a. m. of May 25, 1957, shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57–628; Filed, Jan. 28, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LIMON LIVESTOCK SALES CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Limon Livestock Sales Company, Limon, Colorado.
Stratton Sale Barn, Stratton, Colorado.
Farmers Livestock Commission Company, Wray, Colorado.
Wray Sale Barn, Wray, Colorado.
Yuma Livestock Auction, Yuma, Colorado.
Charles City Livestock Exchange, Charles City, Iowa.
Eldora Livestock Sales, Eldora, Iowa.
Uhlenhopp Sales, Aplington, Iowa.
Clear Lake Auction Company, Clear Lake, Iowa.
Waverly Sales Company, Waverly, Iowa.
Humboldt Livestock Auction, Humboldt, Iowa.
Barne's Commission Company, Lake Charles, Louisiana.
Miscelle's Commission Yards, Lake Charles, Louisiana.
Avoyelles Livestock Commission Market, Mansura, Louisiana.
Stephenville Auction Company, Stephenville, Texas.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issues a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of January 1957.

[SEAL] H. E. REED,
Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57–668; Filed, Jan. 28, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

J. W. ALLEN & Co., and B. H. LOVELESS & Co.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8195 between J. W. Allen & Co., New Orleans, Louisiana, and B. H. Loveless & Co., San Francisco, is a cooperative working arrangement under which the parties perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 24, 1957.

By order of the Federal Maritime Board.

[SEAL] GEORGE A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–642; Filed, Jan. 28, 1957; 8:47 a. m.]

FERN-VILLE FAR EAST LINES AND WATERMAN STEAMSHIP CORP.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 7998–C between the carriers comprising the Fern-Ville Far East Lines joint service and Waterman Steamship Corporation, provides for the cancellation of approved transshipment Agreement No. 7998, covering the transportation of cargo under through bills of lading from Puerto Rico to the Philippine Islands, with transshipment at New Orleans, Louisiana.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 24, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–643; Filed, Jan. 28, 1957; 8:47 a. m.]

MEMBER LINES OF AMERICAN GREAT LAKES-MEDITERRANEAN EASTBOUND FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8250–2, between the member lines of the American Great Lakes-Mediterranean Eastbound Freight Conference, modifies the basic conference agreement (No. 8250) by deleting the words "for the first season" from the provision requiring that member lines must reply within 24 hours their approval or disapproval of a request of a member line to fix a vessel on a charter or tramp basis for a single trip.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 24, 1957.

By order of the Federal Maritime Board.

[SEAL] GEORGE A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–644; Filed, Jan. 28, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[DOCKET NO. 8432]

NATIONAL AIRLINES; SERVICE TO WINSTON-SALEM AND/OR GREENSBORO-HIGH POINT

NOTICE OF PREHEARING CONFERENCE

In the matter of the investigation instituted pursuant to sections 401 (h) and 1002 (b) of the act to determine whether the public convenience and necessity require (a) that National Airlines should be authorized to serve Winston-Salem and/or Greensboro-High Point, N. C., on route No. 31 in addition to Eastern Air Lines and Capital Airlines, (b) that National Airlines should be authorized to serve Greensboro-High Point and/or Winston-Salem on route No. 31 and, in that event, the authority of Capital Airlines to serve Winston-Salem and/or Greensboro-High Point, N. C. on route No. 51 should be modified, suspended or terminated, and (c) that, if National Airlines is authorized to serve Winston-Salem and/or Greensboro-High Point, on route No. 31, that appropriate restrictions be placed upon such service for the protection of local traffic served by Piedmont Aviation.

Notice is hereby given, that a prehearing conference in the above-entitled investigation is assigned to be held on February 13, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., before Examiner Richard A Walsh.

Dated at Washington, D. C., January 24, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–670; Filed, Jan. 28, 1957; 8:52 a. m.]

[Docket No. 8250]

ARTHUR VINING DAVIS ENFORCEMENT CASE

NOTICE OF HEARING

In the matter of Arthur Vining Davis Enforcement Proceeding.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled proceeding is assigned to be held on February 11, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., before Examiner Ferdinand D. Horan.

Dated at Washington, D. C., January 24, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–671; Filed, Jan. 28, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11323, etc.; FCC 57M–72]

B. J. PARRISH, ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas; Docket No. 11323, File No. BP–8698; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia; Docket No. 11326, File No. BP–8747; James A. Noe (Knoe), Monroe, Louisiana; Docket No. 11327, File No. BP–9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia; Docket No. 11328, File No. BP–9260; for construction permits.

It is ordered, This 23d day of January 1957, that the hearing conference in the above-entitled proceeding, which is scheduled for January 31, 1957, is continued to a date which will be specified in a subsequent order.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–647; Filed, Jan. 28, 1957; 8:48 a. m.]

[Docket No. 11863; FCC 57M–59]

RISDEN ALLEN LYON

ORDER CONTINUING HEARING

In re application of Risden Allen Lyon, Hamlet, North Carolina; Docket No. 11863, File No. BP–10452; for construction permit.

Pursuant to a copy of a letter dated January 13, 1957, furnished the Hearing Examiner from Station WCRE, Cheraw, South Carolina, the other party to the proceeding herein, indicating that it does not intend to participate in the proceeding: *It is ordered,* This 22d day of January 1957, that the prehearing conference and the hearing now scheduled herein for January 25 and February 13, 1957, respectively, be, and the same are hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–648; Filed, Jan. 28, 1957; 8:48 a. m.]

[Docket No. 11890; FCC 57–79]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing that Notice of Proposed Rule Making (FCC 56–1235) setting

forth the above amendment was issued by the Commission on December 14, 1956 and was duly published in the FEDERAL REGISTER (21 F. R. 10262), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before January 11, 1957; and

It further appearing that no comments were received opposing the proposed amendment;

It further appearing that the immediate adoption of the proposed amendment would facilitate action on an application (File No. BMPH-5087) filed by the Southwestern Broadcasting Company for assignment of Channel No. 229 to FM Broadcast Station KSEL-FM, Lubbock, Texas;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the city of Lubbock, Texas:

General area	Channel	
	Delete	Add
Lubbock, Tex.		229

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-649; Filed, Jan. 28, 1957; 8:48 a. m.]

[Docket No. 11899; FCC 57M-65]

TELEVISION DIABLO, INC. (KOVR)

ORDER SCHEDULING HEARING

In re application of Television Diablo, Inc. (KOVR), Stockton, California; Docket No. 11899, File No. BPCT-2187; for construction permit to change transmitter site, etc.

It is ordered, This 23d day of January 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is scheduled to commence on February 19, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-650; Filed, Jan. 28, 1957; 8:48 a. m.]

[Docket No. 11904; FCC 57M-70]

WNAB, INC. (WNAB)

ORDER SCHEDULING HEARING

In re application of WNAB, Incorporated (WNAB), Bridgeport, Connecticut; Docket No. 11904, File No. BP-10659; for construction permit.

It is ordered, This 23d day of January 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 21, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-651; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket Nos. 11905, 11906; FCC 57M-69]

CICERO P. YOW AND EAST COAST RADIO CO. (WKLM)

ORDER SCHEDULING HEARING

In re applications of Cicero P. Yow, Wilmington, North Carolina; Docket No. 11905, File No. BP-10507; Harold H. Thoms, Meredith S. Thoms and Matilann S. Thoms, d/b as East Coast Radio Co. (WKLM), Wilmington, North Carolina; Docket No. 11906, File No. BMP-7252; for construction permit and for modification of construction permit.

It is ordered, This 23d day of January 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-652; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket Nos. 11907, 11908; FCC 57M-68]

CLARK COUNTY BROADCASTING CO. AND NORTHSIDE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Horace E. Tabb, Holly Skidmore, Stokley Bowling, C. A. Diecks, J. W. Hodges and W. Dee Huddleston, d/b as Clark County Broadcasting Company, Jeffersonville, Indiana; Docket No. 11907, File No. BP-10588; Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana; Docket No. 11908, File No. BP-10824; for construction permits.

It is ordered, This 23d day of January 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-653; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket Nos. 11909, 11910; FCC 57M-64]

BASTROP BROADCASTING CO. AND RICHLAND BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of George H. Goodwin and Willis G. Newcomer, a partnership, d/b as Bastrop Broadcasting Company, Bastrop, Louisiana; Docket No. 11909, File No. BP-10611; Charles L. Planchard & H. E. Ratcliff, d/b as Richland Broadcasting Company, Rayville, Louisiana; Docket No. 11910, File No. BP-10860; for construction permits.

It is ordered, This 23d day of January 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 21, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-654; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket No. 11911; FCC 57M-67]

SHEPHERD OF THE HILLS BROADCASTING CO. (KBHM)

ORDER SCHEDULING HEARING

In re application of Robert F. Neathery & L. C. McKenney, d/b as Shepherd of the Hills Broadcasting Company (KBHM), Branson, Missouri; Docket No. 11911, File No. BMP-7231; for modification of construction permit.

It is ordered, This 23d day of January 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 28, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-655; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket No. 11912; FCC 57M-66]

CRAIG SIEGFRIED

ORDER SCHEDULING HEARING

In re application of Craig Siegfried, Falls City, Nebraska; Docket No. 11912, File No. BP-10265; for construction permit.

It is ordered, This 23d day of January 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 18, 1957, in Washington, D. C.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-656; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket Nos. 11915, 11916; FCC 57-75]

JOHN S. CHAVEZ, ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of John S. Chavez, Raul G. Amaya, Guadalupe Caballero, Salvador Villareal and Gabriel S. Chavez, Ysleta, Texas; Docket No. 11915, File No. BP-10639; Robert L. Howsam, El Paso, Téxas; Docket No. 11916, File No. BP-10681; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1957;

The Commission having under consideration the above-captioned applications of John S. Chavez, Raul G. Amaya, Guadalupe Caballero, Salvador Villareal and Gabriel S. Chavez, File No. BP-10639, and of Robert L. Howsam, File No. BP-10681, for construction permits for new standard broadcast stations to operate on 1150 kilocycles with a power of 1 kilowatt, daytime only, at Ysleta, Texas and El Paso, Texas, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate their proposed stations, but that operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applicants were advised by a letter dated November 2, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that timely replies were received from both applicants indicating that they would appear at a hearing on their applications, and that the reply by John S. Chavez amended his application to include his above-named associates; and

It further appearing that after consideration of the replies the Commission is of the opinion that a hearing on the applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of these proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of these proposed operations would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, each of the applicants herein, pursuant to § 1.387 of the Commission's rules, in person or by attorney shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-657; Filed, Jan. 28, 1957; 8:49 a. m.]

[Docket Nos. 11920, 11921; FCC 57-77]

JANE A. ROBERTS AND BELLEVUE BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Jane A. Roberts, Bothell, Washington; Docket No. 11920, File No. BP-10383; F. Kemper Freeman and Florence G. Hayea d/b as Bellevue Broadcasters, Bellevue, Washington; Docket No. 11921 File No. BP-10564; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington D. C., on the 23d day of January 1957;

The Commission having under consideration the above-captioned applications of Jane A. Roberts, and F. Kemper Freeman and Florence G. Hayes d/b as Bellevue Broadcasters, each for a construction permit for a new standard broadcast station to operate on 1330 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Bothell and Bellevue, Washington, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference and that the proposed operation of Jane A. Roberts would cause interference to Station KAGT, Anacortes, Washington (1340kc, 250w, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 9, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the application of Bellevue Broadcasters, by amendment filed December 26, 1956, proposed a directional antenna system which eliminated the possibility of causing objectionable interference to Station KAGT which had obtained prior to the filing of the amendment; and

It further appearing that Station KAGT, by letter of September 7, 1956, expressed an intention of appearing at a hearing on the applications; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Jane A. Roberts would cause interference to Station KAGT, Anacortes, Washington, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That C. H. Fisher and Edna E. Fisher d/b as Skagit Broadcasting Company, licensees of Station KAGT, are made parties to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Jane A. Roberts, Bellevue Broadcasters and the Skagit Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-658; Filed, Jan. 28, 1957; 8:41 a. m.]

[Docket No. 11922; FCC 57-78]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

NOTICE OF PROPOSED ALLOCATION

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B

FM Broadcast Stations in the following manner:

General area	Channels	
	Delete	Add
Worcester, Mass.	236	271
Holyoke-Springfield, Mass.	270	
Hartford, Conn.	291	290
Bay Shore, N. Y.	290	291
Boston, Mass.	290	
Albany, N. Y.	290	
Keene, N. H.	282	300
Mt. Washington, N. H.	283	241

3. A request was submitted by the General Broadcasting Corporation licensee of FM broadcast Stations WFMX, New York City; WTMH, Providence, Rhode Island; and WFMQ, Hartford, Connecticut; for changes in the FM Allocation Plan in order to permit operation of a proposed concert network in New England and metropolitan New York utilizing the three above mentioned stations, Station WGHF, Brookfield, Connecticut, a proposed new FM station in Boston, Massachusetts, and an existing FM station in the Albany, New York area. Such changes would permit the off-the-air rebroadcasting by these stations without interference from other stations in the area.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i) 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before February 25, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: January 23, 1957.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-659; Filed, Jan. 28, 1957; 8:50 a. m.]

[FCC 57-83]

STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1957;

The Commission having under consideration paragraphs (a) and (b) of section 0.253 of its Statement of Organization, Delegations of Authority and Other Information authorizing the Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau to act upon certain applications or requests for certificates and authorizations, or modifications thereof, under section 214 of the Communications Act of 1934, as amended;

It appearing that the above-described paragraphs (a) and (b) are not explicit as to the authority delegated and the limitations thereon insofar as they relate to certificates and authorizations, or modifications thereof, for the leasing of lines or facilities by carriers for the purposes of acquiring, operating or extending lines; providing temporary or emergency service; and supplementing existing facilities;

It further appearing that under the above-described paragraphs (a) and (b) it was intended to delegate certain authority, within reasonable limits, to the Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau to act upon the above-described applications and requests; and that clarification of the extent of such authority is desirable;

It further appearing that the delegation of authority to the Chief of the Common Carrier Bureau or, in his absence, the Acting Chief of the Bureau to act upon those applications and requests, as described above, which involve an annual rental of less than $100,000 is designed to improve the internal administration of the Commission and to facilitate the prompt and orderly handling of such applications and requests;

It further appearing that the publication requirements and rule making procedures prescribed by section 4 of the Administrative Procedure Act may be omitted since the amendment herein ordered relates to internal Commission organization and procedure and is not substantive in nature;

It further appearing that authority for the amendment herein ordered is contained in sections 4 (i) and 5 (d) (1) of the Communications Act of 1934, as amended;

It is ordered, That, effective February 1, 1957, paragraphs (a) and (b) of section 0.253 are amended to read as follows:

(a) For a certificate authorizing the construction, acquisition, operation or extension of lines or for an authorization for temporary or emergency service or the supplementing of existing facilities involving an estimated construction or purchase cost of less than $500,000 or an annual rental of less than $100,000.

(b) For modification of a certificate or authorization under this section of the act where such amendment or modification involves an estimated construction or purchase cost of less than $500,000 or an annual rental of less than $100,000.

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-660; Filed, Jan. 28, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6724]

EL PASO ELECTRIC CO.

NOTICE OF APPLICATION

JANUARY 23, 1957.

Take notice that on January 15, 1957, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by El Paso Electric Company (Applicant), a corporation organized under the laws of the State of Texas, and doing business in the States of New Mexico and Texas, with its principal business office at El Paso, Texas, seeking an order authorizing the issuance of 896,412 additional shares of Common Stock, par value $5.00 per share, to the holders of Common Stock of record. Applicant proposes to amend its charter by changing the presently authorized 896,412 shares of Common Stock without par value into 2,200,000 shares of Common Stock, par value $5.00 per share, and changing the presently issued and outstanding 896,412 shares of Common Stock without par value into 1,792,824 shares, par value $5.00 per share, such change and conversion to be evidenced, in lieu of the surrender and exchange of existing certificates, through the issuance to the holders of Common Stock of record, of certificates for 896,412 additional shares of Common Stock on the basis of one additional share of Common Stock for each share of Common Stock outstanding.

Any person desiring to be heard or make any protest with reference to said application should on or before the 15th day of February 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-629; Filed, Jan. 28, 1957; 8:45 a. m.]

[Docket No. G-11235 etc.]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 23, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G-11235; Pan American Engineering Company, Operator, Docket No. G-11236; Banquete Gas Company, Inc., Docket No. G-11237.

Take notice that on October 15, 1956, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. G-11235 an application, as amended November 26, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 3.5 miles of 4-inch lateral supply pipeline to extend southwesterly from a point of connection with Transco's existing 8-inch Luby lateral to a proposed 265-horsepower booster compressor station which, together with dehydration, metering and appurtenant facilities, is to be installed in the South Clara Driscoll Field, Nueces County, Texas. Transco states that these proposed facilities will enable it to purchase and receive natural gas from Banquete Gas Company (Banquete) in the South Clara Driscoll Field, Nueces County, Texas, purchased by Banquete from Pan American Engineering Company, Operator (Pan American). Transco further states that the estimated total initial cost of these facilities is $240,000, which cost is to be financed from company funds.

Take further notice that on October 15, 1956, Banquete filed in Docket No. G-11237 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering the above sale of gas to Transco to be made pursuant to a 10-year gas sales contract dated September 7, 1956, between Transco and Banquete, as amended by letter dated November 8, 1956.

Also on October 15, 1956, Pan American filed at Docket No. G-11236 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering its sale of gas to Banquete to be made pursuant to a 10-year gas sales contract executed August 20, 1956, between Banquete and Pan American.

All of the above applications are on file with the Commission and open for public inspection.

Banquete, sole signatory seller party to the contract involved, states that it filed its subject application on its own behalf and will transport the subject gas to a point of connection with Transco's proposed facilities in the field and such gas will be obtained from certain leases as described in the application and any other properties which may be covered by future gas purchase contracts Banquete may negotiate. Banquete further states that its facilities consist of field lines as shown on the map attached to its application.

Pan American, a partnership consisting of Roy A. Lamb and A. G. Salt, states that it is the only signatory seller party to the contract with Banquete, and has filed its application as operator and pursuant to § 154.91 (b) (1) of Commission Order No. 174-B, as amended, and lists in the application the acreage involved and the working interest owners thereto, together with their respective percentage interests in the subject acreage.

Pan American further states that its facilities consist of customary lease equipment; proposed deliveries to Banquete will be made at or within 200 feet of the wellheads involved and proposed deliveries to Transco will commence upon receipt of authorizations and completion of Transco's facilities proposed herein and minimum contract delivery rate to Banquete is specified to be 7,500 Mcf per day. Minimum contract delivery rate to Transco is specified to be 5,000 Mcf per day of high pressure gas (maximum delivery pressure of 1,000 psig) and 2,000 Mcf per day of low pressure gas (delivery pressure insufficient to enter Transco's system without compression but above 100 psig).

Transco will transport the gas received from Banquete commingled with its other gas supplies for sale in other states.

Transco alleges that the reserve estimates submitted by it indicates total remaining recoverable reserves, as of January 1, 1957, dedicated by Banquete to Transco, of 8,659 Mcf at 14.73 psia.

Transco also alleges that no new markets are proposed to be served by it other than those previously authorized by the Commission.

Concurrently with the certificate applications, Pan American and Banquete filed the aforementioned contracts as initial rate schedules to cover the proposed service. Rate schedule designations, prices, and estimated revenues for the first month of service are as follows:

Docket No.; Description; Price;[1] and Monthly Revenues

G-11236; Contract 8-20-56; Pan American Engineering Company (Operator), et al., FPC Gas Rate Schedule No. 1; 5; $16,000.

G-11237; Contract 9-7-56; Banquete Gas Company, Inc., FPC Gas Rate Schedule No. 1; 7; $14,000.

Transco further alleges that it is presently purchasing gas under filed rate schedules from other producers in this area under filed rate schedules at higher and lower rate levels.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 21, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[1] Cents per Mcf at 14.65 psia.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-630; Filed, Jan. 28, 1957; 8:45 a. m.]

[Docket No. G-11553]

HEFNER CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 23, 1957.

Take notice that The Hefner Company (Applicant), a partnership whose address is 720 Northwest 50th Street, Oklahoma City, Oklahoma, filed on November 29, 1956, an application for permission to abandon service pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon service to Lone Star Gas Company. It states that it is imperative that it be permitted to terminate its contract with Lone Star Gas Company at the earliest possible date. The pressure on its well has declined to such extent that it is no longer able to deliver gas into the Lone Star Gas Company line. The pressure on Lone Star's line being maintained at 450 to 800 pounds, while its well pressure is only 125 pounds.

Applicant states further that the primary term of its lease has expired by reason of not being able to make any gas sales. It has obtained a market for its low pressure gas and hence may maintain its lease in force if permitted to abandon its Lone Star sales in order that it might make the low pressure sale.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, February 18, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before

February 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-631; Filed, Jan. 28, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

JANUARY 23, 1957.

I. The 20 cents par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On January 11, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from January 14, 1957 to January 23, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from January 24, 1957, to February 2, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-640; Filed, Jan. 28, 1957; 8:46 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

JANUARY 23, 1957.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December, 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On January 11, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from January 14, 1957, to January 23, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive,

or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rules X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from January 24, 1957, to February 2, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-639; Filed, Jan. 28, 1957; 8:46 a. m.]

[File No. 70-3463]

OHIO POWER CO.

NOTICE OF FILING REGARDING ACQUISITION OF COMMON STOCK OF NEWLY FORMED SUBSIDIARY COMPANY

JANUARY 23, 1957.

Notice is hereby given that Ohio Power Company ("Ohio"), a public utility subsidiary company of American Gas and Electric Company, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 9 (a) and 10 of said act as applicable to the proposed transaction, which is summarized as follows:

Ohio proposes to acquire 1,000 shares of the capital stock, $1 par value, being all of the capital stock proposed to be issued, of Captina Operating Company ("Captina"), a West Virginia corporation, at a purchase price of $1 per share.

Ohio has entered into a Memorandum Agreement under date of December 20, 1956, with Pittsburgh Consolidation Coal Company ("Pitt"), Olin Mathieson Chemical Corporation ("Olin"), Revere Copper and Brass Incorporated ("Revere") and Wheeling Electric Company ("Wheeling"), providing generally for the construction of what is, initially, to be a three-225,000 kw unit power plant near Cresap, West Virginia. Two units of this plant are to be owned by Olin Revere Generating Corporation ("Generating"), a wholly owned subsidiary of Olin Revere Metals Corporation ("Metals"), all the voting securities of which are to be jointly owned by Olin and Revere. The other unit is to be owned by Ohio. Generating presently proposes to use its units to supply energy to Metals for the reduction of aluminum, and to Olin for fabrication of aluminum, at facilities to be located near Clarington, Ohio. Generating, if requested, may also deliver energy to Revere at some future time for fabrication of aluminum. In addition, Generating will make excess capacity of its two units available to Ohio in consideration of appropriate demand charges. The Memorandum Agreement further provides that Captina will operate the entire generating plant for Ohio and Generating.

It is presently contemplated that Captina will supervise the operation, on behalf of Ohio and Generating, of the generating plant which is to be known as the Kammer Plant, and that Ohio and Generating will reimburse Captina for all its expenses in its operation of the Kammer Plant in proportion to the power and energy used by each. In addition, Generating will pay Captina a fee of ½ mill per kilowatt hour generated as provided for in the Memorandum Agreement.

The application states that no State commission or any Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than February 8, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application as amended which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said amended application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-638; Filed, Jan. 28, 1957; 8:46 a. m.]

[File No. 70-3543]

OHIO POWER CO. AND CENTRAL OHIO COAL CO.

ORDER APPROVING ISSUANCE AND SALE BY SUBSIDIARY OF COMMON STOCK AND ACQUISITION THEREOF BY PARENT COMPANY

JANUARY 23, 1957.

Ohio Power Company ("Ohio Power"), an electric utility subsidiary company of American Gas and Electric Company ("American Gas"), a registered holding company, and Central Ohio Coal Company ("Coal Company"), a non-utility subsidiary company, 100 percent of whose common stock is owned by Ohio Power, have filed a joint application with this Commission, pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Coal Company proposes to issue and sell and Ohio Power proposes to acquire not in excess of 40,000 additional shares of Coal Company's capital stock from time to time prior to December 31, 1958, for a cash consideration of $100 per share, being the par value of such shares, or an aggregate of $4,000,000.

The proceeds to be derived by Coal Company from the proposed transactions will be used to pay a portion of the estimated cost of installing additional equipment for the purpose of expanding coal production at its Muskingum and Cumberland No. 3 mines and coal transportation facilities at the Muskingum mine not provided for by cash generated internally by Coal Company.

No legal or other fees, commissions or other expenses are to be paid or incurred by Ohio Power, or Coal Company or any associate company in connection with the proposed transactions except that services incident to the transactions will be performed, at cost, by the service corporation of American Gas. No State commission or Federal regulatory commission other than this Commission has jurisdiction over the proposed transactions.

Notice regarding the filing of said application having been given pursuant to Rule U-23 and no hearing having been requested of, or ordered by, the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that said application should be granted forthwith:

It is ordered, Pursuant to Rule U-23, that said application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-637; Filed, Jan. 28, 1957; 8:46 a. m.]

[File No. 812-1056]

NORTH AMERICAN SECURITIES CO.

NOTICE OF FILING OF APPLICATION REGARDING PAYMENT OF BONUS TO EMPLOYEES

JANUARY 23, 1957.

Notice is hereby given that North American Securities Company ("Applicant"), has filed an application under section 17 (d) of the Investment Company Act of 1940 and Rule N-17D-1 of the rules and regulations thereunder for an order approving the payment of a year-end bonus to each and all of its employees, except its president for the year 1956. The applicant estimates that the proposed bonus payments to be made will be approximately $28,000.

Applicant is a wholly owned subsidiary and the investment adviser of North American Investment Corporation, a registered closed-end management investment company, and it is the underwriter and investment adviser of Commonwealth Investment Company and Commonwealth Stock Fund, Inc.,

both registered, open-end management investment companies. Applicant has approximately 52 employees who will be eligible to receive the payment mentioned above. Six of the employees are affiliated persons, as officers or directors, of North American Investment Corporation or Commonwealth Investment Company or Commonwealth Stock Fund, Inc., or of all three companies.

Applicant proposes to distribute 20 percent of the net income of the applicant for the year 1956, before federal and state income taxes, but after setting aside the first $50,000 of such income. Said amount shall in no event exceed 5 percent of the combined net income plus net realized gain on investments of applicant and its parent company, North American Investment Corporation, which has no paid employees and is managed by applicant.

It is desired that each employee with the company on December 31, 1956, except the President, shall participate by the assignment of unit credits to his basic salary (and/or guarantee) for December 1956 in the following manner: One unit for each $100 of monthly salary up to $350, plus two units for each $100 monthly salary between $350 and $700, plus three units for each $100 of monthly salary in excess of $700. Fractional units shall be assigned for fractional portions of each $100 of salary. For employees who have been with the company less than a full year, unit credits will be proportionate to the number of full months of service. The unit credits of all salaries shall then be added together and the total thereof divided into the total amount set aside for distribution and a unit value thereby determined. This unit value shall then be multiplied by each employee's unit credits and the result will be the dollar amount of additional compensation to be distributed to each employee.

Rule N-17D-1 provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with, any profit-sharing plan in which any such registered company or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

Notice is further given that any interested person may, not later than February 8, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-641; Filed, Jan. 28, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 24, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33189: *Substituted service—Motor-rail-motor, N. Y., N. H. & R. and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested motor and rail carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Boston, Mass., on the one hand, and Cleveland, Ohio, on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff I. C. C. 13.

FSA No. 33190: *Substituted service—Motor-rail-motor, M. K. T. Lines and Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., for interested motor and rail carriers. Rates on various commodities loaded in highway truck trailers and transported on railroad flat cars, between Houston and San Antonio, Tex., on the one hand, and Kearny, N. J., and Philadelphia, Pa., on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff I. C. C. 13.

FSA No. 33191: *Syrup—Chalmette and New Orleans, La., to Helena, Ark., and Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on flavoring syrup, carloads from Chalmette and New Orleans, La., to Helena, Ark., and Memphis, Tenn.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33192: *Iron and steel articles—Bethlehem, Pa., to Richmond, Va.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Bethlehem, Pa., to Richmond, Va.

Grounds for relief: Circuitous route.

Tariff: Supplement 164 to Reading Company tariff I. C. C. 2115.

FSA No. 33193: *Coal—Milwaukee, Wis., to Scales Mound, Ill.* Filed by The Chicago and North Western Railway Company, for itself and on behalf of the Illinois Central Railroad Company. Rates on bituminous coal and briquettes, carloads from Milwaukee, Wis., to Scales Mound, Ill.

Grounds for relief: Circuitous route.

Tariff: Supplement 6 to Chicago and North Western Railway Company's tariff I. C. C. 11276.

FSA No. 33194: *Substituted service—Motor-rail-motor, N. Y., N. H. & H. and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Boston, Mass., on the one hand, and Chicago, East St. Louis, Ill., Indianapolis, Ind., and Cleveland, Ohio, on the other, on traffic originating at or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor-truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-633; Filed, Jan. 28, 1957; 8:45 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

ELIGIBLE WHEAT

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4000, 5560, 6743, 8232, and 8307 containing the specific requirements of the 1956-crop wheat price support program are hereby amended as follows:

Section 421.1638 (c) (1) is amended to also make wheat grading "Sample" because of total damage only, eligible for price support if it otherwise grades No. 4 or No. 5 on test weight, and grades No. 3 or better in other respects so that the amended subparagraph reads as follows:

§ 421.1638 *Eligible wheat.* • • •

(c) • • •

(1) Eligible wheat shall be (i) wheat of any class grading No. 3 or better, (ii) wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum", "Red Durum", or damaged kernels (other than heat damaged), but otherwise grading No. 3 or better, (iii) wheat of any class grading "Sample" because of damaged kernels only (other than heat damaged), if it contains not more than 14 percent moisture, is not musty, sour, heating or hot, and grades at least No. 4 or No. 5 on test weight, but otherwise grades No. 3 or better, or (iv) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i), (ii), or (iii) of this subparagraph provided such mixtures are the natural products of the field: *Provided*, That wheat shall not be eligible wheat if it does not meet the sanitation requirements set forth in paragraph (d) of this section.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 24th day of January 1957.

[SEAL] WALTER C. BERGER, *Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 57-691; Filed, Jan. 29, 1957; 8:49 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Amdt. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

DETERMINATION OF SUPPORT RATES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 4000, 5560, 6743, 8232, and 8307 containing the specific requirements of the 1956-crop wheat price support program are hereby amended as follows:

Section 421.1643 (d) (3) (vi) is amended to provide that wheat grading "Sample" because of total damage only, but otherwise grading No. 4 or No. 5 on test weight, and grading No. 3 or better in other respects will also be eligible for price support at a discount of 60 cents per bushel from the applicable basic terminal or county support rate, so that the amended subdivision reads as follows:

§ 421.1643 *Determination of support rates.* • • •

(d) *Support rates.* • • •

(3) *Premiums and discounts for classification, grade, variety, and protein content.* • • •

(vi) Wheat of any class grading "Sample" because of damaged kernels only (other than heat damaged), if it contains not more than 14 percent moisture, is not musty, sour, heating or hot, and grades at least No. 4 or No. 5 on test weight but otherwise grades No. 3 or better, shall be discounted 60 cents per bushel from the applicable basic terminal

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FEDERAL REGISTER

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(As of January 1, 1956)

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or county support rate. The discounts set forth in subdivisions (i) (*b*) and (ii) (*b*) of this subparagraph, shall not be applicable to wheat of this quality.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, as amended, 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Issued this 24th day of January 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-692; Filed, Jan. 29, 1957; 8:49 a. m.]

PART 472—WOOL

SUBPART—1957 PAYMENT PROGRAM FOR SHORN WOOL AND UNSHORN LAMBS (PULLED WOOL)

This bulletin states the requirements with respect to the 1957 payment program for shorn wool and unshorn lambs (pulled wool), formulated by Commodity Credit Corporation (referred to in this bulletin as CCC) and the Commodity Stabilization Service (referred to in this bulletin as CSS).

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SHORN WOOL

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472.828 Forms.
472.829 Instructions and interpretations.
472.830 Violation of program.
472.831 Waiver by Executive Vice President or other official.
472.832 Definitions.

AUTHORITY: §§ 472.801 to 472.832 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446.

PROGRAM OPERATION

§ 472.801 *Administration.* The program will be carried out by CSS under the general supervision and direction of the Executive Vice President of CCC. In the field, the program will be administered through the Agricultural Stabilization and Conservation (referred to in this subpart as ASC) state and county offices. ASC state and county offices do not have authority to modify any of the provisions of this subpart or any of the amendments or supplements thereto. Neither are they authorized to waive any such provisions unless the power to waive is expressly included in the pertinent provision.

SHORN WOOL

§ 472.802 *Incentive level and payments.* For the 1957 marketing year (beginning April 1, 1957, and ending March 31, 1958, both dates inclusive, § 472.832), the price level which has been determined to meet the requirements of the National Wool Act of 1954 is 62 cents per pound of shorn wool, grease basis. Announcement of this price level was made by the Department of Agriculture on October 1, 1956, in accordance with section 703 of the National Wool Act of 1954, which states that the Secretary shall, to the extent practicable, announce the support price levels for wool sufficiently in advance of each marketing year as will permit producers to plan their production for such marketing year. For the 1957 marketing year, price support on shorn wool will be furnished by means of payments to the producer in accordance with the provisions of this subpart on the shorn wool he markets in that marketing year.

§ 472.803 *Eligibility for incentive payments.* Before payments under this program can be approved pursuant to any application for payment covering any lot or lots of wool, the following requirements must be satisfied:

(a) Except as provided in § 472.825, the applicant must be the producer, and in the case of a joint application each applicant must be a producer (as defined in § 472.832), of the shorn wool.

(b) The wool must have been shorn in the continental United States, its territories or possessions on or after January 1, 1955, and must have been marketed within the 1957 marketing year. For the purpose of this program, shorn wool is deemed to include murrain and other wool removed from dead sheep and other off wools such as black wool, tags, and crutchings.

(c) The wool as well as the sheep or lambs from which it was shorn, must have been owned by the producer at the time of sharing, and the sheep or lambs must have been owned by him for not less than 30 days at any time prior to his signing the application for payment (§ 472.818), with the following exception: The ownership, specified in the preceding sentence is not required of an applicant for payment who has an agreement with the owner of the animals pursuant to which the applicant, in return for furnishing labor in connection with caretaking, lamb production, or feeding, is entitled either to a share in the ownership of the wool shorn from such animals or a share of the sales proceeds of the wool; provided that the owner of the animals who joins in the application meets the ownership requirements. Ownership of wool or animals as used in this paragraph does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(d) Beneficial interest in the wool must always have been in the producer from the time the wool was shorn up to the time of its sale. A producer has beneficial interest in wool (1) when he owns it without any other person being entitled to the wool or its proceeds and without his having authorized any other person to sell or otherwise dispose of the wool; (2) when the producer has authorized another person to sell or otherwise dispose of the wool, even transferring legal title to such other person, but the producer continues to be entitled to the proceeds from such sale or other disposal of the wool; or (3) when the producer is entitled to a share of the wool or of the proceeds thereof pursuant to an agreement described in the exception in paragraph (c) of this section though he does not own the animals from which the wool was shorn. If the producer has such beneficial interest, the fact that the wool may be mortgaged or subject to another lien does not change his position as having a beneficial interest.

(e) The producer must either report, in accordance with § 472.810, that the wool sold includes wool obtained by a first shearing of lambs (defined in § 472.832) he purchased on or after April 1, 1956, or certify that the wool sold does not include any wool so obtained.

§ 472.804 *Marketing within the 1957 marketing year.* (a) The National Wool Act of 1954 provides that price support under that act shall be limited to wool and mohair marketed during the period beginning April 1, 1955, and ending March 31, 1959. Since this program covers only the 1957 marketing year, payments under this program will be limited to wool marketed during the period beginning April 1, 1957, and ending March 31, 1958.

(b) Marketing shall be deemed to have taken place in the 1957 marketing year if, pursuant to a sale or a contract to sell, the last of the following three events in the process of marketing was completed in the 1957 marketing year: (1) Title passed to the buyer; (2) the wool was delivered to the buyer (physically or through documents which transfer control to the buyer); and (3) the last of the factors (price per pound, weight, etc.) needed to determine the total purchase price payable by the buyer became available. The factors are considered available when they are known to the applicant's marketing agency if he markets through a marketing agency, or they are known to the applicant if he markets directly. Any one of the three events previously mentioned may be the last event completed.

(c) Delivery of wool on consignment to a marketing agency (defined in § 472.832) to be sold for the producer's account does not constitute a marketing. This is so even though the consignee may guarantee the producer a minimum sales price or may give him an advance against the prospective sales price or may do both. Wool delivered on consignment shall not be deemed marketed by the producer until it has been marketed by the marketing agency. When a producer transfers title to his wool to a marketing agency and provides that such agency shall market the wool and that the producer shall be entitled to the proceeds of such marketing, the producer shall be deemed to have consigned the wool.

(d) The exchange of wool for merchandise or services (for instance, shearing) will be considered a sale, provided a definite price is established for the wool.

§ 472.805 *Rate of incentive payment.* Upon expiration of the 1957 marketing year and after the Department of Agriculture has determined the national average price for wool received by producers in that marketing year, the Department will announce the rate of the incentive payment under this program. The rate of payment will be the percentage of the national average price received by producers required to bring such national average price up to the announced incentive price. For example, if the reported national average price received by producers for wool sold during the 1957 marketing year should by 50 cents, the difference between that figure and the incentive price of 62 cents previously announced (§ 472.802) would be 12 cents, and this figure would constitute 24 percent of the national average price of 50 cents. In such a case, the rate of incentive payment would be 24 percent of the net sales proceeds received by each producer.

§ 472.806 *Computation of payment.* (a) In order to determine the amount of the incentive payment due to a producer on the wool he marketed during the 1957 marketing year, the percentage computed pursuant to § 472.805 will be applied to the net sales proceeds for the wool determined in accordance with paragraph (b) of this section. The amount so computed may be reduced on account of purchases of unshorn lambs (defined in § 472.832), in accordance with paragraph (c) of this section.

(b) The net sales proceeds shall be determined by deducting from the gross sales proceeds of the wool all marketing expenses, such as for transportation from the local shipping point; handling (including commissions); grading; scouring; or carbonizing. Items, however, listed in § 472.808 (a) (7) as "other deductions" shall not be deducted. The figure so arrived at will express the net proceeds received by the producer at his farm, ranch, or local shipping point (defined in § 472.832). For example, if the producer marketed his clip of 500 pounds at 50 cents per pound, he received $250 as gross proceeds and, if the marketing deductions totaled $25, his net proceeds of sale (after marketing deductions) amounted to $225. For the purpose of this program, the producer is expected to deliver his wool packed in bags to his local shipping point and to bear the storage expenses until the wool is sold. Consequently, charges made for furnishing wool bags, storing wool, or transporting wool to the producer's local shipping point shall not be considered deductible marketing charges. Neither are other charges, not directly related to marketing of the wool, such as interest on advances or dues owing an association, to be considered marketing charges.

(c) If pursuant to § 472.810, the producer reports, in his application for payment, the purchase on or after April 1, 1956, of any unshorn lambs, his incentive payment computed in accordance with paragraph (a) of this section shall be reduced by an amount resulting from multiplying the reported liveweight of the animals purchased on or after April 1, 1956, as unshorn lambs, by the announced rate per hundredweight to be paid producers under the pulled wool program (§ 472.811).

§ 472.807 *Supporting documents*—(a) *General.* The application for payment on account of shorn wool (§ 472.809) shall be supported by the original sales document (defined in § 472.832) for the wool sold.

(b) *Original sales document retained.* If the applicant does not wish the original sales documents to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon or typewritten copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 472.624.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 472.808 (a) (10), of the person or of the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales document.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the buyer or the applicant's marketing agency, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.808 *Contents of sales documents.* The sales documents attached to each application for an incentive payment must contain a final accounting, meeting the requirements of paragraph (a) or (b) of this section, for the wool covered by the sales document. Contracts to sell as well as tentative or pro forma settlements will not be acceptable as sales documents meeting such requirement. Except as provided in § 472.825, sales documents must cover wool sold by the applicant.

(a) *Sales other than at farm, ranch, or local shipping point.* Each sales document, except a document covering an outright sale at the producer's farm, ranch, or local shipping point and described in paragraph (b) of this section, must be prepared by the purchaser or the applicant's marketing agency and must contain at least the following information:

(1) Name and address of seller.

(2) Date of sale. In case the producer's shipment to a marketing agency is sold in parts within the 1957 marketing year, the date when final settlement is made within that marketing year for the wool that was sold within that marketing year may be shown on the sales document as the date of sale instead of the various dates on which the sales actually took place.

(3) Net weight of wool sold. If the wool was sold as scoured or carbonized wool, the original grease weight must be shown as well as the scoured or carbonized weight.

(4) The gross sales proceeds or sufficient information from which the gross sales proceeds can be determined, except when the practice is otherwise as provided in subparagraph (5) of this paragraph.

(5) Marketing deductions, if any (see § 472.806 (b)), except as otherwise provided in this subparagraph. The marketing deductions may be itemized or they may be shown on the sales document as a composite figure for all marketing charges with an explanation of what services are included in that figure. If it is the practice of a marketing agency to show, on the sales document, only the net proceeds after marketing deductions, the gross sales proceeds and the amount of the marketing deductions need not be shown, provided the sales document contains a statement reading substantially as follows: "The net sales proceeds after marketing deductions shown herein were computed by deducting from the gross sales proceeds charges for the following marketing services: _____. Details of these charges will be furnished on request." All the services for which deductions are made shall be enumerated in the blank space indicated. If a sales document shows charges without specifying their nature, they will be considered marketing charges and will thus diminish the net proceeds on which the incentive payment is computed.

(6) Net proceeds after marketing deductions. If a sales document contains a figure for net proceeds after marketing deductions computed for a location other than the producer's farm, ranch, or local shipping point, the person preparing the sales document shall show thereon the name of the location for which the net proceeds have been computed.

(7) Other deductions, such as those for bags, storage, interest, association dues, and charges not directly related to marketing of the wool.

(8) Amount paid to the seller.

(9) Name and address of the purchaser or marketing agency issuing the sales document.

(10) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(11) A sales document issued by a marketing agency and covering sales made on various dates within the 1957 marketing year shall contain a statement that the wool was marketed during the 1957 marketing year as required by the regulations issued pursuant to the National Wool Act of 1954.

(b) *Sales at farm, ranch, or local shipping point.* Each sales document, covering an outright sale at the producer's farm, ranch, or local shipping point and attached to an application for incentive payment, shall be prepared by the purchaser and must contain at least the following information: Name and address of seller, date of sale, net weight of wool sold, the net amount received by the producer for the wool at his farm, ranch, or local shipping point, any applicable nonmarketing deductions, such as association dues or interest on advances, the name and address of the purchaser, and the signature of the purchaser or his agent.

§ 472.809 *Preparation of application.* (a) The application for payment on account of shorn wool, to be filed in the original only, shall be prepared on CCC Wool Form 55, "Application for Incentive Payment—Shorn Wool". The form consists of two parts. Part I is designed to give the ASC county office general information about the wool production of the applicant and contains his certification as to facts relating to the production and ownership of the wool marketed. Part II contains details about the marketing of the wool which is the basis for the application and contains another certification which covers these details. If the applicant paid any marketing charges (§ 472.808 (a) (5)) not shown on the sales document, such as for scouring or carbonizing, grading, or freight from the applicant's local shipping point, such charges shall be considered with the marketing charges shown on the sales document in arriving at the net proceeds.

(b) The applicant may, in his discretion, fill out both parts and sign both certifications. He may, however, fill out only Part I, sign the certification included therein, forward the application to his marketing agency, and request it to fill out Part II, to sign the certification included in this part, and to file the application with the required attachments on behalf of the applicant in the appropriate ASC county office in accordance with § 472.819 (a). If the applicant chooses this method of submitting his application, he will be responsible for the correctness of the information furnished by the marketing agency as well as for compliance by it with the requirements as to the time and manner of filing the application.

§ 472.810 *Report of purchases of unshorn lambs.* In making application for payment on the sale of shorn wool, the producer shall report as prescribed in this section, with reference to animals purchased by him as unshorn lambs on or after April 1, 1956, the date of each purchase as well as the number and liveweight of the animals purchased.

(a) *No purchases.* If the applicant knows that his application does not include any wool which was removed in the first shearing of the animals purchased by him on or after April 1, 1956, as unshorn lambs, he will report no purchases of unshorn lambs.

(b) *Report on actual basis.* If wool removed in the first shearing of such lambs is included in the application, and the applicant's operations are conducted in such a manner that he is able to identify the lambs from which such wool was shorn, he shall report the date of purchase as well as the number and liveweight of the animals that he purchased as unshorn lambs on or after April 1, 1956, from which such wool was subsequently shorn and included in the application. Among the lambs purchased he shall include those which died after purchase and from which the wool was removed and included in the application.

(c) *Report on "first in, first out" basis*—(1) In the event the applicant does not know whether or not wool removed in the first shearing from such lambs is included in the application, or knows that some such wool is included, but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of unshorn lambs equal to the number of lambs from which wool was shorn and included in the application. The reporting of purchased animals shall be continued in subsequent applications for incentive payment on shorn wool and applications for payment on unshorn lambs until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in an application for payment under the 1956 payment program for shorn wool or unshorn lambs, except that he need not report such animals if he has not applied for a payment on their sale or on the sale of wool shorn therefrom. If the producer does not have sufficient marketings of wool and unshorn lambs during the 1957 marketing year to cover all of his purchases of unshorn lambs, including those that had not been reported in the 1956 payment program, and consequently does not report all of his purchases of unshorn lambs in applications based on sales during the 1957 marketing year, the balance shall be carried forward and reported in succeeding marketing years.

(2) For example, if the producer's first application for the 1957 marketing year covers the sale of wool shorn from 200 sheep or lambs, he shall report in that application the date of purchase, the number, and the liveweight of the first 200 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported on an application for payment filed under the 1956 payment program for shorn wool or unshorn lambs; if, for example, his second application covers the sale of 300 unshorn lambs, he shall report in that application the same information for the next 300 animals that he purchased on or after April 1, 1956, and that were not reported on an application for payment under the 1956 program; and as additional applications are filed either on shorn wool or unshorn lambs under the 1957 program, he shall report his purchases in chronological order until all purchases up to the date of his application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has reported his total purchases of unshorn lambs on or after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

UNSHORN LAMBS (PULLED WOOL)

§ 472.811 *Rate of payment.* The National Wool Act of 1954 provides in section 703 that the support price for pulled wool shall be established at such a level, in relationship to the support price for shorn wool, as the Secretary determines will maintain normal marketing practices for pulled wool. The support price for shorn wool has been determined to be 62 cents per pound, grease basis (§ 472.802). Payments on shorn wool will be made on a percentage basis, by applying, to the net sales proceeds received by the producer, a percentage which is based on the difference between the national average price received by producers during the 1957 marketing year and the incentive price of 62 cents (§ 472.805). Payments under the pulled wool program will be made in accordance with this subpart for wool on lambs that have never been shorn and are sold or moved to slaughter in the 1957 marketing year, and will be at a flat rate per hundredweight of live animals. The payments will be based on the average weight of wool per hundredweight of animals (5 pounds) multiplied by 80 percent of the difference between the national average price received by producers for shorn wool and the 1957 incentive price of 62 cents per pound of shorn wool.

The exact rate of payment will be determined after the end of the 1957 marketing year. For example, if the reported national average price received by producers for wool sold during the 1957 marketing year should be 50 cents, the rate of payment per hundredweight of live lambs would be 48 cents.

§ 472.812 *Eligibility for payments on lambs.* Before payments under this program can be approved pursuant to an application covering any lot or lots of lambs, the following requirements must be satisfied:

(a) *Fed or pastured in United States.* The lambs must have been fed or pastured in the continental United States, its territories, or possessions.

(b) *Thirty days' ownership.* If a producer is to qualify for a payment, he must have owned the lambs for 30 days or more, and if a slaughterer (as defined in § 472.832) is to qualify for a payment, he must have owned the lambs for 30 days or more prior to their moving to slaughter, with the following exception: Ownership interest in the lambs for the 30-day period is not required of an applicant for payment who has an agreement with the owner of the lambs pursuant to which the applicant, in return for furnishing labor in connection with caretaking or feeding of the lambs, is entitled either to a portion of the lamb production or to a share in the proceeds from the sale of the lambs; provided that the owner of the lambs who joins in the application meets the 30-day ownership requirement. Ownership of lambs, as used in this paragraph, does not include the ownership which in some states is held by a person having a security interest, such as a mortgage or other lien.

(c) *Never shorn.* The lambs must never have been shorn at the time of sale or, in the case of an application by a slaughterer, at the time of moving to slaughter.

(d) *Sold or moved to slaughter in 1957 marketing year.* The lambs must have been sold, that is, title to the lambs must have passed to the buyer within the 1957 marketing year or, in the case of lambs that are owned by a slaughterer for 30 or more days before moving to slaughter, the lambs must have moved to slaughter within the 1957 marketing year.

(e) *Report of purchased lambs.* The applicant must either report his purchases of unshorn lambs on or after April 1, 1956, in accordance with § 472.816, or certify that the lambs sold do not include any lambs purchased after that date.

§ 472.813 *Computation of payment.* In order to determine the amoupt of the payment due to an applicant, the rate of payment, computed pursuant to § 472.811, shall be applied to the liveweight (defined in § 472.832) of the lambs sold or moved to slaughter (§ 472.812 (d)), during the 1957 marketing year. Such liveweight, however, shall be reduced by the liveweight of any lambs reported in the application for payment, pursuant to § 472.816, as having been purchased by the applicant on or after April 1, 1956, as unshorn lambs. For example, if the applicant sells, during the 1957 marketing year, 100 unshorn lambs weighing 8,000 pounds which he produced on his farm or ranch, he will be entitled to a payment on a liveweight of 8,000 pounds. On the other hand, if the applicant sells, during the 1957 marketing year, 100 unshorn lambs weighing 8,000 pounds, having purchased those lambs at a weight of 6,000 pounds on June 30, 1957, he will be entitled to a payment on a liveweight of 2,000 pounds (i. e., 8,000 pounds minus 6,000 pounds).

§ 472.814 *Application for payment and supporting documents*—(a) *General.* The application for a payment on account of unshorn lambs, to be filed in the original only, shall be made on CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)." The application shall be supported by an original sales document, as set forth in paragraph (a) of § 472.815 or, in case of application by a slaughterer, by the substitute document as set forth in paragraph (b) of that section, and such other evidence as may show compliance with the program.

(b) *Applicant retains original sales document.* If the applicant does not wish the original sales documents to remain with the ASC county office, he may submit photostats or similarly reproduced or carbon or typewritten copies of the original documents. However, he must show the original documents to the ASC county office where the statements on the copies will be confirmed by comparison with the originals. The original sales documents will be appropriately stamped or marked to indicate that they had been used in support of an application for payment under this program and will be returned to the applicant. He will be required to retain them in accordance with § 472.824.

(c) *Practice of issuing carbon or photostat copies.* If it is the practice of the person or firm that prepared the sales document to furnish a carbon or photostat copy to the seller in place of the original, the producer may submit that copy in support of his application, provided the copy bears a signature, in accordance with § 472.815 (a) (6), of the person or the representative of the firm that prepared the original sales document. Such copy shall be treated like an original for the purposes mentioned in this section.

(d) *Lost or destroyed sales documents.* If the original sales document has been lost or destroyed, the applicant may submit a copy, certified by the person who issued the original, and such certified copy shall be treated like an original for the purposes mentioned in this section.

§ 472.815 *Contents of sales documents*—(a) *Sale by producers.* Each sales document supporting the application must cover lambs sold by the applicant, except as provided in § 472.825; must be issued by the purchaser or the producer's marketing agency; and must show the following:

(1) Name and address of seller.

(2) Date of sale.

(3) Number of unshorn lambs sold. If the sales document does not clearly identify the animals as lambs that had never been shorn at the time of sale, the person issuing the sales document shall add a statement to that effect. If the sales document refers to the animals as "unshorn lambs," this will indicate that the lambs were never shorn, in accordance with the definition of § 472.832. Likewise, if the document is issued in connection with the sale of unshorn lambs but also covers the sale of other animals, the person preparing the sales document shall clearly indicate therein in some manner the number and the liveweight of unshorn lambs included in the sale.

(4) Liveweight of unshorn lambs sold. If the weight is not determined by scales, this weight may be an estimated weight agreed to by the buyer and the seller.

(5) Name and address of the purchaser or marketing agency issuing the sales document.

(6) Signature. The sales document must bear a handwritten signature by or on behalf of the person or firm issuing the sales document. Acceptable signatures will consist of at least one initial or name by which the person is generally known, followed by his last name in full. A carbon impression or facsimile of a handwritten signature is not acceptable.

(b) *Substitute for sales document in case of slaughterer.* If the application is made by a slaughterer who owned the animals for 30 days or more prior to his moving them to slaughter (§ 472.812 (d)), it shall be supported by a scale ticket instead of a sales document. The scale ticket shall indicate that it covers unshorn lambs which moved to slaughter and must show the information normally appearing on scale tickets issued by stockyards (that is, date, number of head and classification, weight, scale ticket number, if any, place of weighing, and name of weigher).

§ 472.816 *Report of purchases of unshorn lambs.* In making application for payment on the sale of lambs, the producer shall report, as prescribed in this section, with reference to animals purchased by him as unshorn lambs on or after April 1, 1956, the date of each purchase as well as the number and liveweight of the animals purchased.

(a) *No purchases.* If the applicant knows that his application does not include any animals which were purchased by him on or after April 1, 1956, he will report no purchases of unshorn lambs.

(b) *Report on actual basis.* If lambs purchased by the applicant on or after April 1, 1956, are included in the application, and the applicant's operations are conducted in such a manner that he is able to identify such lambs, he shall report the date of purchase, the number, and the liveweight of the lambs included in the application that he purchased on or after April 1, 1956.

(c) *Report on "first in, first out" basis.* (1) In the event the applicant does not know whether or not the application includes lambs that he purchased on or after April 1, 1956, or he knows that some such lambs are included but is unable to report the exact date of purchase of such lambs, he shall report on a "first in, first out" basis, as hereinafter explained, the date of purchase as well as the number and liveweight of a quantity of animals purchased by him on or after April 1, 1956, as unshorn lambs, equal to the number of lambs included in the application. This reporting of purchased lambs shall be continued in subsequent applications for payment on unshorn lambs and applications for incentive payment on shorn wool until the applicant has accounted for all animals purchased by him on or after April 1, 1956, as unshorn lambs and not reported in an application for payment under the 1956 program for shorn wool or unshorn lambs, except that he need not report such animals if he has not applied for a payment on their sale or on the sale of wool shorn therefrom. If the producer does not have sufficient marketings of unshorn lambs and wool during the 1957 marketing year to cover all of his purchases of unshorn lambs, including those that had not been reported in the 1956 payment program, and consequently does not report all of his purchases of unshorn lambs in applications based on sales during the 1957 marketing year, the balance shall be carried forward and reported in succeeding marketing years.

(2) For example, if the producer's first application for the 1957 marketing year covers the sale of 300 lambs, he shall report in that application the date of purchase as well as the number and liveweight of the first 300 animals he purchased on or after April 1, 1956, as unshorn lambs that were not reported in an application for payment filed under the 1956 program for shorn wool or unshorn lambs; if, for example, his second application covers the sale of wool shorn from 200 animals, he shall report in that application the same information for the next 200 animals that he purchased on or after April 1, 1956, as unshorn lambs and that were not reported in an application for payment under the 1956 program; and as additional applications are filed under either the pulled wool or the shorn wool program, he shall report his purchases on or after April 1, 1956, in chronological order until all purchases up to the date of each application are accounted for, in accordance with subparagraph (1) of this paragraph.

(3) If the producer makes application for a payment on the sale of either shorn wool or unshorn lambs after he has accounted for his total purchases of unshorn lambs on and after April 1, 1956, he will report no purchases of unshorn lambs in such an application.

GENERAL PROVISIONS

§ 472.817 *Sales in good faith.* Payments provided for under this program shall be made on the basis of sales of shorn wool or unshorn lambs executed in good faith, and no payment shall be made on that part of any sale which has been cancelled or on the basis of sales at prices or weights increased in bad faith for the purpose of obtaining higher payments under this program. Examples of sales of wool in bad faith are those wherein the purchaser obtains a rebate or any benefit in form of money, property, or otherwise. Application for payment on the basis of a sale in bad faith may also subject the parties involved to civil and criminal liability.

§ 472.818 *Joint applicants, successors, and representatives*—(a) *Joint applicants*—(1) *Joint owners.* When the applicants for a shorn wool payment are joint owners of the wool and were also joint owners of the sheep from which the wool was shorn, all of them must sign any application based on the sale of their wool. When the applicants for a payment on unshorn lambs are joint owners of the lambs, all of them must sign any application based on the sale of their lambs. If one such owner refuses to join in an application and wishes to release CCC from any obligation to make him a payment, he shall sign a form of release prescribed by CCC for that purpose. Such release shall be attached to, and shall be referred to in, the application signed by those joint owners who apply for a payment.

(2) *Producers who did not own the animals from which the wool was shorn or did not own the lambs for 30 days.* Each application for a payment on shorn wool prepared by producers some of whom did and some did not own the animals from which the wool was shorn, as described in the exception in § 472.803 (c), shall be a joint application, irrespective of whether the wool was divided among such producers prior to sale or whether it was sold without division. Similarly, each application for a payment on unshorn lambs prepared by producers some of whom did and some did not own the lambs for 30 days, as described in the exception in § 472.812 (b), shall be prepared as a joint application, irrespective of whether the lambs were divided among such producers prior to sale or whether they were sold without division. All producers who are entitled to a share of the wool under the shorn wool program or of the lambs under the pulled wool program or are entitled to a share of the sales proceeds of the wool or the lambs, as the case may be, shall sign each joint application, except that where a producer releases his right to a payment by signing a form prescribed by CCC for that purpose, he will not join in the application and will not be entitled to a payment. Each joint application filed by such producers shall be supported by a properly executed CCC Wool Form 55–1 and 56–1, "Attachment to CCC Wool Form 55 for Producers Who Did Not Own the Animals from Which the Wool Was Shorn and Attachment to CCC Wool Form 56 for Producers Who Did Not Own the Lambs for 30 Days."

(3) *Other provisions.* If a producer entitled to join in an application fails to do so, does not release his right to a payment, and—because the application does not indicate his interest—payment is made by CCC to those who apply, he shall have no claim against CCC for a payment. Neither will CCC be responsible for a division among the applicants of a payment made by CCC to all of them jointly.

(b) *Successors and representatives.* (1) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent before applying for payment and therefore the application is made, in accordance with § 472.825 (a), by a person listed in 7 CFR Part 1108 in the order of precedence, such application, if it is for a shorn wool payment, shall be made on CCC Wool Form 55 and, if it is for an unshorn lamb payment, shall be made on CCC Wool Form 56. Each such application shall also include Standard Form 1055-Revised and, if necessary in accordance with paragraph (a) (2) of this section, CCC Wool Form 55–1 and 56–1. The application shall be filed with the ASC county office serving the county which includes the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared or was declared incompetent.

(2) When CCC Wool Form 55 is part of an application described in subparagraph (1) and refers to delivery of wool by, or sale of wool for the account of, the applicants; or states that they ranged, pastured, or fed sheep and lambs; or that they purchased, owned, or had beneficial interest in, wool; or that they agreed as to the weight of animals in certain cases; or the marketing agency states in the application that it has not furnished sales documents to any person other than the applicants and that as agent for the applicants it complied with the program; or when it is stated in CCC Wool Form 55–1 and 56–1 that the applicants purchased unshorn lambs, in all those statements the words "the applicants" or "the undersigned" shall be deemed to refer to the applicants; or, to the best of the knowledge, information and belief of the applicant or marketing agency making the statement, to the person that died, disappeared or was declared incompetent; or to both. The reference in section A of CCC Wool Form 55 to the headquarters of applicant's farm, ranch, or feed lot shall be deemed to refer to the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent. The statements in section D (b), (c), (d), and (e) of CCC Wool Form 55 about shearing the wool and ownership of the wool and lambs and in section F (2) about marketing in a particular marketing year shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

(3) When CCC Wool Form 56 or CCC Wool Form 55–1 and 56–1 is part of an application described in subparagraph (1) and states that the applicants ranged, pastured, or fed sheep and lambs; purchased unshorn lambs; or owned such lambs for not less than 30 days, the words "the applicants" or "the undersigned" shall be deemed to refer to the applicants; or, to the best of their knowledge, information, and belief, to the person that died, disappeared, or was declared incompetent; or to both. The reference in section A of CCC Wool Form 56 to the headquarters of applicant's farm, ranch, or feed lot shall be deemed to refer to the headquarters of the farm, ranch, or feed lot owned or operated by the person that died, disappeared, or was declared incompetent. The statements in section D (c) and (e) of CCC

Wool Form 56 about shearing the animals and purchases of unshorn lambs shall be deemed to be made to the best of the knowledge, information, and belief of the applicants.

(4) In case any person entitled to payment under this subpart dies, disappears, or is declared incompetent after applying for payment, application may be made in accordance with § 472.825 (a) (1).

§ 472.819 *Filing application for payment*—(a) *Place of filing.* The application for payment on either shorn wool or unshorn lambs shall be filed by the producer entitled thereto with the ASC county office serving the county where the headquarters of the applicant's farm, ranch, or feed lot—as the case may be—is located. If the producer has more than one farm, ranch, or feed lot, with headquarters in more than one county, separate applications for payment shall be filed with the ASC county office serving each such headquarters, except that (1) if the producer sells his entire clip of wool in a single sale or if his entire clip is sold for his account by one marketing agency, he may file his application(s) for payment on shorn wool in any one of these ASC county offices, or (2) if the producer includes in one sale unshorn lambs that were ranged, pastured, or fed in more than one county, he may file his application(s) for payment on such animals in any one of those ASC county offices. In the event the producer conducts all his business transactions from his residence or office, and his farm or ranch has no other headquarters, his residence or office may be considered the farm or ranch headquarters. Applications by producers located in Alaska shall be filed with the Alaska ASC State Office, University of Alaska, Box B, College, Alaska, and applications by producers located in Hawaii shall be filed with the Hawaiian Area ASC Office, 303 Dillingham Building, Honolulu 13, Territory of Hawaii.

(b) *Time of filing.* An application for payment should be filed as soon as possible after the producer's sales of shorn wool or unshorn lambs for the 1957 marketing year have been completed or, in accordance with § 472.812 (d), as soon as possible after the last of his lambs moved in the 1957 marketing year to slaughter, and all applications must be filed not later than 30 days after the end of the marketing year, that is, not later than April 30, 1958. If delayed filing of an application is due to causes beyond the control of the applicant, the ASC county office may waive this 30-day limitation on applications filed before October 1, 1958, or such later date as may be approved by the Executive Vice President of CSC.

§ 472.820 *Signature of applicant.* No payment will be made unless an application for payment on shorn wool or unshorn lambs is signed. The ASC county office will determine with respect to each person who signs an application for payment in a representative or fiduciary capacity as agent, attorney-in-fact, officer, executor, etc., whether he was properly authorized to sign in such capacity.

§ 472.821 *Payment.* After the ASC county office has reviewed the application with the documents attached thereto and approved it for payment in whole or in part, and after the appropriate rate of payment has been announced by the Department of Agriculture, payment will be made. If one or more of the producers jointly entitled to a payment, release the right thereto, payment will be made jointly to the other producers who apply, and the payment will be for the amounts due them. Payment of less than $3.00 to an applicant, or to joint applicants, will not be made in connection with sales either of shorn wool or unshorn lambs. Likewise, payment of less than $3.00 will not be made to an assignee in connection with any assignment. If the ASC county office determines that for any reason an application for payment on shorn wool or unshorn lambs should be rejected in whole or in part, including the reason that it was not filed within the time provided for in accordance with § 472.819 (b), the ASC county office shall mail a notice to the applicant, and to each applicant who signed a joint application, that his application has been rejected for a specified reason and shall retain a copy of such notice.

§ 472.822 *Deductions for promotion.* If the Department of Agriculture has approved deductions for an advertising and sales promotion program in accordance with section 708 of the National Wool Act of 1954, the rate of such deductions will be announced and deductions will be made from the payment.

§ 472.823 *Appeals*—(a) *To ASC county committee.* Within 15 days from the date of mailing of the notice that an application for payment on either shorn wool or unshorn lambs has been rejected in whole or in part (see § 472.821), the applicant may appeal in writing to the ASC county committee, stating the serial number of the application, the number of pounds of wool marketed and the net proceeds, or the number and liveweight of unshorn lambs, involved in the application, and such pertinent facts as he may deem proper, and indicating in what respect the action of the ASC county office is considered erroneous. If the appeal is from the failure of the ASC county office to waive the final date for filing provided for in § 472.819 (b), the applicant shall also state the reason for his delay in filing the application. The ASC county committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 15 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC county office.

(b) *To the ASC state committee.* If the ASC county committee sustains the decision of the ASC county office, the applicant may appeal in writing to the ASC state committee within 15 days after the date of mailing of the notice by the ASC county committee. The ASC state committee shall notify the applicant, and each applicant who signed a joint application, in writing of its decision within 30 days after receipt of the appeal, and a copy of the notice shall be retained in the ASC state office.

(c) *To Washington office.* If the ASC state committee sustains the decision of the ASC county committee, the applicant may appeal in writing to the Director, Livestock and Dairy Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of mailing of the notice by the ASC state committee. On this appeal, a determination by the Director as to a question of fact shall be deemed final and conclusive unless it is found by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

(d) *Joint applications.* If a joint application is rejected, an appeal may be taken by all applicants jointly or by one or more of them acting in behalf of all. An appeal by one or more joint applicants shall be considered an appeal in behalf of all.

§ 472.824 *Records and inspection thereof.* The applicant for a payment under this subpart as well as his marketing agency and any other person who furnishes evidence to such an applicant for the purpose of enabling him to receive a payment under this program, shall maintain, until April 1, 1961, books, records, and accounts showing the purchases of lambs by the applicant on or after April 1, 1956, and the marketing of wool or lambs, as the case may be, on which an application for payment may be based. CCC shall at all times during regular business hours have access to the premises of the applicant for a payment, of his marketing agency, and of the person who furnishes evidence to an applicant for the purpose of enabling him to receive a payment under this program, in order to inspect, examine, and make copies of their books, records, accounts, and other written data.

§ 472.825 *Death, incompetency, or other disability*—(a) *Death, disappearance, or incompetency.* (1) Except as provided in paragraph (b) of this section, in case any person who is entitled to a payment under this subpart dies, disappears, or is declared incompetent, before receiving such payment, whether before or after making application therefor, payment may be made upon proper application, without regard to claims of creditors other than the United States, in accordance with the regulations contained in 7 CFR Part 1108, Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent, except as follows: References in 7 CFR 1108.1 to section 8 of the Soil Conservation and Domestic Allotment Act, as amended, and to statutes authorizing parity payments, shall be deemed to refer to the National Wool Act of 1954. The reference in the last sentence of 7 CFR 1108.2 to the Agricultural Conservation Program Service shall be deemed to refer to the Commodity Stabilization Service. The reference in 7 CFR 1108.7 to Standard Form 1055 shall be deemed to be a reference to Standard Form 1055–Revised, Claim Against the United States for Amounts Due in the Case of a Deceased Creditor.

(2) If the person entitled to payment died, disappeared, or was declared incompetent before making application therefor, the application by his successor or representative shall be in accordance with § 472.818 (b).

(b) *Incompetent Indians.* Applications for payment on shorn wool or unshorn lambs may be filed on behalf of Indians who are incompetent by the Superintendent of the Indian Field Service of the reservation on which the Indian resides or by the authorized representative of such Superintendent. In such cases, the application for payment will be filed in the ASC county office where the headquarters of the Indian's farm or ranch is located.

(c) *Other disability.* In cases of bankruptcy, dissolution, or other disability, payments will be made to a representative only in accordance with specific instructions issued by CCC.

§ 472.826 *Set-off*—(a) If the county debt register shows that the applicant for payment is indebted to CCC, to any other agency within the United States Department of Agriculture, or to any other agency of the United States, such indebtedness will be set off against the payment due to the applicant. Such set-off shall not deprive the applicant of the right to contest the justness of the indebtedness involved, either by administrative appeal or by legal action.

(b) If the payment due to the applicant has been assigned by him, the ASC county office will accept the assignment subject to setting off such debts as exist at the time of acceptance by the ASC county office with interest to the date of set-off.

§ 472.827 *Assignments* — (a) *Form.* The producer may assign payments which may be determined to be due him under this program in connection with sales of shorn wool or unshorn lambs during the 1957 marketing year by filing with the ASC county office the original and two copies of CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954," duly executed by both parties. Such assignment shall be null and void unless it is freely made and (1) is executed by the producer in the presence of at least two attesting witnesses, neither of whom shall be an employee or agent of, or by consanguinity or marriage related to, the assignee; or (2) is acknowledged by the producer before a notary public, a member of the ASC county committee, the ASC county office manager, or a designated employee of such committee. In the case of a joint application for payment, an assignment shall be executed by all those who signed the application.

(b) *Provisions.* An assignment of a shorn wool payment may only be given as security for cash advanced or to be advanced on sheep, lambs, or wool by a financing agency (as defined in § 472.832) or a marketing agency. An assignment of a payment on unshorn lambs may only be given as security for cash advanced or to be advanced by a financing agency on sheep, lambs, or wool. An assignment made to a financing agency shall cover all payments earned by the producer under the 1957 program on the sale of shorn wool or unshorn lambs, as the case may be. An assignment made to a marketing agency shall cover all incentive payments earned by the producer in connection with all wool marketed by the agency for the producer's account during the 1957 marketing year, but shall not cover payments earned by the producer in connection with his marketing his wool directly or through other marketing agencies during the 1957 marketing year. The assignee shall not reassign to another person any payment which has been assigned to him pursuant to this section. CCC will make payment pursuant to an accepted assignment unless the ASC county office is furnished evidence of a mutual cancellation of the assignment by both parties thereto or unless the assignee releases the assignment, that is, asks the ASC county office in writing that payment be made to the assignor and not to the assignee.

§ 472.828 *Forms.* CCC Wool Form 55, "Application for Incentive Payment—Shorn Wool"; CCC Wool Form 56, "Application for Payment—Unshorn Lambs (Pulled Wool)"; CCC Wool Form 55–1 and 56–1, "Attachment to CCC Wool Form 55 for Producers Who Did Not Own the Animals from Which the Wool Was Shorn and Attachment to CCC Wool Form 56 for Producers Who Did Not Own the Lambs for 30 Days"; CCC Wool Form 57, "Assignment of Payment Under National Wool Act of 1954," and other forms issued by the United States Department of Agriculture for use in connection with this program may be obtained from ASC county offices. These forms may be reproduced, provided the reproduced forms retain the same language, format, and size as the official forms, except that the printer's identification on the official forms must not be reproduced.

§ 472.829 *Instructions and interpretations.* CCC shall have the right to clarify any provision of this subpart by the issuance of instructions or interpretations.

§ 472.830 *Violation of program.* Whoever issues a false sales document or otherwise acts in violation of the provisions of this program, shall become liable to CCC for any payment which CCC may have made in reliance on such sales document or as a result of such other action in violation of the program, apart from any other civil or criminal liability he may incur by such action.

§ 472.831 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers covering the submission of evidence by sales documents or by other procedural methods, with the same force and effect as if they were approved by the President of CCC.

§ 472.832 *Definitions.* As used in this subpart, the terms enumerated in this section have the following meaning.

(a) "Financing agency" means any bank, trust company, or Federal lending agency. It also includes any other financing institution which customarily makes loans or advances to finance production of sheep, lambs, or wool.

(b) "Joint ownership" of wool or lambs also includes ownership in common.

(c) "Lamb," for the purposes of this program, means a young ovine animal which has not cut the second pair of permanent teeth. The term includes animals referred to in the livestock trade as lambs, yearlings, or yearling lambs.

(d) "Liveweight," for the purpose of this program, is the weight of live lambs which a producer purchases or sells. In the event the price for the lambs is based on weight, the weight actually used in determining the total amount payable shall be considered the liveweight.

(e) "Local shipping point" means the point at which the producer delivers his wool to a common carrier for further transportation or, if his wool is not delivered to a common carrier, the point at which he delivers it to his marketing agency or a purchaser.

(f) "Marketing agency" with reference to shorn wool means a person or firm that sells a producer's wool for his account, and with reference to lambs, it means a commission firm, auction market, pool manager, or any other person or firm that sells a producer's lambs for his account.

(g) The "1957 marketing year" means the period beginning April 1, 1957, and ending March 31, 1958, both dates inclusive.

(h) "Person" means an individual, partnership, association, business trust, corporation, or any organized unincorporated group of individuals, and includes a state and any subdivision thereof.

(i) "Producer" of shorn wool under this program means a person who is either a producer, feeder, or pasturer of sheep or lambs and who shears his animals. "Producer" of lambs under this program means a person who is a breeder, feeder, or pasturer of lambs. The term "producer" also includes a person participating in the production of shorn wool pursuant to an agreement with a person who owned the sheep or lambs as described in the exception in § 472.803 (c) and a person participating in the production of lambs pursuant to an agreement with an owner of the lambs, as described in the exception in § 472.812 (b).

(j) "Sales document" means the account of sale, bill of sale, invoice, and any other document evidencing the sale by the producer of shorn wool or unshorn lambs.

(k) "Slaughterer" means a commercial slaughterer, that is, a person who slaughters for sale as distinguished from a person who slaughters for home consumption.

(l) "Unshorn lambs" means lambs which have never been shorn.

NOTE: The reporting and record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President, CCC, and Administrator, CSS.

[F. R. Doc. 57-705; Filed, Jan. 29, 1957; 8:52 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter D—Exportation and Importation of Animals and Animal Products

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), AND NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS): PROHIBITED AND RESTRICTED IMPORTATIONS

DESIGNATION OF COUNTRIES WHERE RINDERPEST OR FOOT-AND-MOUTH DISEASE EXISTS; IMPORTATIONS PROHIBITED: ISLAND OF CURACAO

Pursuant to the provisions of section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) and section 2 of the Act of February 2, 1903, as amended (21 U. S. C. 111), it has been determined, and the Secretary of the Treasury has been notified, that foot-and-mouth disease now exists on the Island of Curacao, and the regulations relating to prohibitions and restrictions upon importations of certain animals and products because of rinderpest, foot-and-mouth disease, fowl pest (fowl plague), and Newcastle disease (avian pneumoencephalitis) (9 CFR, Supp., 94.1), are hereby amended by adding a new subparagraph (1) to paragraph (a) of § 94.1 to read as follows:

§ 94.1 *Designation of countries where rinderpest or foot-and-mouth disease exists; importations prohibited.* (a) • • •

(1) Island of Curacao.

The primary effect of the amendment is to prohibit the importation of cattle, sheep, other domestic ruminants, and swine, and of fresh, chilled, or frozen beef, veal, mutton, lamb, or pork from the Island of Curacao, and to prohibit or restrict the importation of certain meat and meat products of wild ruminants and swine, and certain other meat and products, from that island, as specified in Part 94, Title 9, Code of Federal Regulations.

The protection of the livestock of the United States demands that this amendment be made effective as soon as possible. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

This amendment shall become effective upon issuance.

(Sec. 2, 32 Stat. 792, as amended, sec. 306, 46 Stat. 689; 19 U. S. C. 1306, 21 U. S. C. 111)

Done at Washington, D. C., this 24th day of January 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-704; Filed, Jan. 29, 1957; 8:52 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Suppl. 7]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

MISCELLANEOUS AMENDMENTS

The purpose of these amendments is (1) to clarify § 18.30–2 (a) (6) (ii) (b) with respect to proper curing times and temperature for ureaformaldehyde glues; (2) to set forth in §§ 18.11–2 and 18.30–3 (g) recommendations on glass cloth coverings (a new material) for the guidance of operators wishing to reinforce or replace the conventional fabric covering on their light aircraft; (3) to correct a typographical error in § 18.30–15 (b) (2) (xvii); (4) to set forth in § 18.30–15 (b) (3) (iv) a new policy on safe practices for straightening aluminum propellers; (5) to add acceptable inspection methods for finding cracks in aluminum propellers to § 18.30–15 (c) (4) and by transferring information concerning the type of flaws which prohibit repair of propellers from § 18.30–15 (c) (4) (ii) to § 18.30–15 (c) (4), to emphasize the importance of this information with respect to all types of inspections; and (6) to set forth in § 18.30–22 recommended standards for approval of radio maintenance, alterations, and repairs made in all certificated aircraft.

1. Section 18.11–2 (e) is revised as follows:

(e) Replacing of fabric covering with metal or impregnated glass cloth (see § 18.30–3 (f) and (g)).

2. Section 18.30–2 (a) (6) (ii) (b) (2) is revised as follows:

(2) The glues listed in this table are the room temperature setting type. The suitable curing temperatures for both urea-formaldehyde and resorcinol glues are from 70° F. up. At the 70° F. minimum temperature it may take as long as one week for the glue line in a spar splice to cure to full strength. Thinner pieces of wood and/or higher curing temperatures shorten curing time considerably. The strength of a joint cannot be depended upon if assembled and cured at temperatures below 70° F.

3. A new § 18.30–3 (g) is added as follows:

§ 18.30–3 *Fabric covering (CCA policies which apply to § 18.30).*

(g) *Reinforcement*[1] *or replacement of conventional fabric covering with glass cloth.* Before attempting a glass cloth covering installation it is advisable to consult with your local CAA inspector. The recommendations listed in this section should be used to supplement guidance information provided by CAA field personnel.

(1) *Classifications.* Glass cloth applications generally fall into the following three classes:

(i) Class A is a reinforcement of a serviceable fabric covering either complete or partial wherein no direct structural attachment of the glass cloth is provided. This composite covering is considered airworthy until the underlying conventional fabric deteriorates below the strength values listed in Table 3–1.[2]

Class A—The underlying cloth should be tested annually in the conventional manner (undoped strip or accepted tester) after peeling back glass cloth in the areas to be tested.

Class B—Applications should be tested annually (see par. (e) of this section), by pulling an undoped strip cut from the cover when the base fabric has deteriorated below the minimum strength values in Table 3–1.

(ii) Class B is a reinforcement of a fabric covering wherein the glass cloth is provided with the same direct structural attachment as was used with the original covering. This composite covering is considered airworthy until the underlying conventional fabric has deteriorated to a strength less than 50% of the minimum tensile strength values for new fabric listed in Table 3–1.[2]

(iii) Class C—replacement coverings applied either independently or over a conventional covering wherein the glass covering should possess all the necessary characteristics for airworthiness and is in no way dependent upon the underlying covering if one is present. Covering of this class is considered a major alteration and requires engineering evaluation (discussion with a representative of the Administrator as explained in § 18.11–2).

(2) *Detailed recommendations applicable to Class A and B.* (i) The tensile strength of the glass cloth should be at least equivalent to the tensile strength of the fabric originally installed on the aircraft, and the chemical finish of the glass cloth should be compatible with the dope or resin to be used.

(ii) Either the blanket or envelope method of reinforcement should be used on treated cloths which can be sewn. Untreated cloths that cannot be sewn may be applied in overlapping sections. The practice recommended for doped seams should be used. Where the glass cloth is applied only to the upper surface of wings (hail protection) it should wrap around the trailing edge at least one inch and extend from the trailing edge up to and around the leading edge and back approximately to the front spar.

NOTE.—Blistering or poor adhesion has occurred when using bonding agents which were not chemically compatible with the present finish on the aircraft, or which had already deteriorated because of age. Before starting the work, the person making the installation should ascertain that the bonding agents used will be satisfactory. Favorable experience to date has been gained mostly with epoxy resins; however, other types may prove suitable. A simple means of determining this is to apply a small piece of the reinforcement cloth to the original cover using the proposed finishing process. The test sample should be visually checked the next day for blistering or poor adhesion.

(iii) When butyrate dope is used to bond the glass cloth, the finishing may be accomplished in the following manner:

(a) Thoroughly clean surface and allow to dry. If the surface has been waxed or previously covered with other protective coatings, thoroughly remove to the extent that at least the top finish coat is removed. After placing the glass cloth on the surface, brush out smoothly and thoroughly with butyrate dope thinner and 10 percent retarder by volume.

(b) Apply a heavy coat of butyrate dope between all glass cloth overlaps. When dry, brush in butyrate rejuvenator and allow to set until the surface has again drawn tight.

(c) Install reinforcing tape and structural attachments (Class B) and dope on finishing tape (cotton is recommended); then brush in one coat of 50 percent thinner and 50 percent butyrate dope.

(d) Follow by conventional finishing schedules which call for application of one or more coats of full-bodied clear butyrate dope, two spray coats of aluminum pigmented butyrate dope, light surface sanding, and two spray coats of pigmented butyrate dope.

(iv) When resin is used to bond the glass cloth, after surface cleaning, the finishing may be accomplished in the following manner:

(a) Rejuvenate the doped surface. After placing the glass cloth on the surface, brush in a coat of resin thoroughly. Saturate overlap areas thoroughly. Allow to cure.

(b) Brush in a second coat of resin smoothly and evenly and allow to cure. The finished surface should not be considered completed until all the holes between the weave of the cloth are filled flush with resin.

(c) After water sanding, paint the surface with one coat of primer surfacer and finish as desired.

(v) Install drainage grommets and inspection holes as originally provided.

(vi) After reinforcing moveable control surfaces, their static and dynamic balance should be checked to ascertain no change has been made therein. The flutter precautions stated in § 18.30–4 (a) (4) should be rigidly adhered to.

(3) *Detail recommendations for replacement glass cloth coverings (Class C).* In view of the lack of available information on such alterations, these should not be undertaken unless definite evidence of reasonable service life is furnished. This may entail operation on an experimental basis until it is clearly substantiated that there are no obvious unairworthy features or deficiencies associated with such installations as compared with the conventional covering originally provided. Before making this alteration the applicant should consider such factors as service results; tautening to assure proper airfoil shape and no adverse fabric buffeting; adequate tear strength; attachment reliability; adequate filler penetration and adhesion; and the weight added in the modification and its effects on useful load and flight characteristics.

4. Section 18.30–15 (b) (2) (xvii) is amended by changing the diameter for a No. 60 drill from "(.030)" to "(.040)."

5. Section 18.30–15 (b) (3) (iv) is amended by deleting the last sentence and in its place inserting the following new sentences: "Blades with bends exceeding these values should be straightened only upon recommendation of the manufacturer, and only at facilities having proper heat treating equipment. In all cases, the blades should be inspected as discussed in §§ 18.30–15 (c) (4) (i) and (ii) for cracks and other injuries both before and after straightening."

6. Section 18.30–15 (c) (4) is amended by deleting the first sentence and in its place inserting the following new sentences: "Aluminum propellers and blades should be carefully inspected for cracks and other injuries. A transverse (chordwise) craft or flaw of any size is cause for rejection. An excessive number of longitudinal flaws is cause for rejection. Any unusual condition or appearance revealed by these inspections should be referred to the manufacturer. Acceptable inspection methods are the acid etching process, the anodizing process, the fluorescent penetrant process (see § 18.30–8 (d) (5)), or the dye penetrant process (see § 18.30–8 (d) (6)) where applicable, supplementing one process with another where necessary."

7. Section 18.30–15 (c) (4) (ii) is amended by deleting the last three sentences.

8. A new § 18.30–22 is added as follows:

§ 18.30–22 *Radio systems (CAA policies which apply to § 18.30).* Aircraft radio systems should be maintained, repaired, altered, and installed in accordance with the equipment manufacturer's maintenance instructions or manuals and the following standards.

(a) *Wiring.* Radio systems should be wired to minimize the possibility of fire or smoke hazards or unsatisfactory operation of the radio equipment.

(1) The radio systems should be connected to the airplane electrical system at a terminal strip or by a plug and receptacle connection. Protective devices (fuses or circuit breakers) should be installed in the load circuit. These should, in general, be selected on the basis of the highest rating that will adequately protect the cable. All loads should be connected in such a manner that the master switch of the aircraft will interrupt the circuit when the master switch is opened.

(i) If a terminal strip is used, it should be designed or mounted so that loose metallic objects cannot fall across the terminal posts. Posts should be No. 6 or larger to permit proper tightening of the nuts, thus providing maximum current carrying capacity without a danger of shearing the studs.

(ii) If a plug and receptacle type of connection is used, the soldered connections of the wire to the plug and receptacle inserts should be individually insulated from each other and from other metallic parts of the plug and receptacle.

(2) Junction boxes should be used for enclosure of terminal strips. The boxes should be made from a fire-resistant, nonabsorbent material, such as aluminum alloy, or an acceptable plastic material. They should be of sufficiently rigid construction to prevent "oil-canning" of the box sides, thus avoiding the possibility of the sides causing internal shorts. They should be designed and installed to permit easy access to the enclosed terminals and to allow any loose metallic parts to fall away from the terminals. Sufficient space should be provided in the junction box so that it will not be necessary to bend the wires sharply as they leave the terminal strip. The terminal strip should be mounted within the box rather than on the inside of the box cover.

(3) Interconnecting wires and cables between various pieces of radio equipment should be supported by insulated clamps so that they do not rub against the airplane or each other under vibration conditions encountered in flight.

(b) *Location of radio equipment.* The equipment, controls, and indicators should be located where they can be satisfactorily operated and read respectively from the appropriate crew member station. The equipment should be so located that there is sufficient air circulation to avoid overheating of the equipment. Also, clearance should be provided between high temperature areas of the equipment and readily flammable parts of the airplane.

(c) *Mounting of radio equipment.* The equipment should be attached to the airplane by means of locking devices to prevent loosening in service from vibration. Examples are self-locking nuts, serrated washers, cotter pins, self-locking hold down clamps, or snap-slides and hold down assembly nuts which are safety wired. Mechanical remote control devices should have the control cable so routed and so supported as to prevent kinking, binding or abrasion. Items mounted on shock mounts should have sufficient clearance for normal vibration and swaying of the equipment without hitting adjacent equipment or parts of the airplane. Electrical and mechanical cables to shock mounted equipment should be routed and supported so that they will not be unduly stressed by motion of the equipment. In order that the occupants will not be endangered by moving equipment during minor crash landings, the equipment mounting and rack should be capable of withstanding

[1] After reinforcing, the airplane should be operated within the approved maximum weight and c. g. limits listed in the aircraft specification and the weight change determined by weighing the aircraft.

[2] *Testing of Fabric Covering.*—The following procedure should be used for continued acceptance of classes A and B glass cloth coverings.

ultimate accelerations for which the airplane was designed.

(d) *Bonding.* Radio equipment should be bonded to the airplane in order to provide a low resistance ground circuit and to minimize radio interference from static electrical charges. Nonconducting finishes, such as paint and anodizing films should be carefully removed from the attachment surface under the bonding terminal. Bonding jumpers should be as short as practicable and be installed in such manner that the resistance of each connection does not exceed 0.003 ohm. Where a jumper is for radio-noise prevention only and not for current carrying purposes, a resistance of 0.01 ohm is satisfactory. Aluminum alloy or tinned or cadmium plated copper jumpers[3] should be used for bonding aluminum alloy parts and copper, brass or bronze jumpers should be used to bond steel parts.

(e) *Available power supply.* To preclude overloading the electric power system of the airplane when additional equipment is added, an electrical load analysis should be made to determine whether the available power is adequate. Radio equipment should operate satisfactorily throughout the voltage range of the aircraft electrical system under taxi, takeoff, slow cruise, normal cruise, and landing operating conditions. If night and instrument flight is contemplated, the electrical load analysis should be computed for the above flight regimes under the most adverse temperature conditions with night and instrument flight.

(f) *Elimination of engine ignition noise.* (1) The most effective method of minimizing engine ignition interference is to shield the ignition system. This involves enclosing in metal all parts of the circuits which might radiate noise. Ignition wires having a metallic-braid covering and special end connectors should be used between the magneto and spark plugs. The primary leads to the magneto and the magneto switch itself should be shielded. Shielded type spark plugs and a shielded metal cover for the magneto, if it is not of a shielded type, should be provided. All connections in the shielding system should be tight metal to metal contact.

(2) If it is not feasible to shield the engine ignition system, the engine ignition noise may be suppressed by replacing the spark plugs with resistor spark plugs of a type approved for the engine.

(3) If it is found that despite shielding of the ignition wiring and plugs an intolerable noise level is present in the radio system, it may be necessary to provide a filter between the magneto and magneto switch to attenuate the noise. This may consist of a single bypass capacitor or a combination of capacitors and choke coils. When this is done, the shielding between the filter and magneto switch can usually be eliminated and the special shielded magneto switch need not be used.

Supporting brackets and wiring details for magneto filters should be in conformance with standard aircraft electrical practice. The reliability of the magneto filter installation should be at least equivalent to that of the remainder of the magneto ground lead installation.

(g) *Antennas, general.*[4] It is satisfactory to use one antenna for transmission and reception of communications provided such antenna is a satisfactory compromise for the frequencies to be used. In a single antenna installation of this type, the antenna should be connected to the receiver and be switched automatically to the transmitter when the microphone "push-to-talk" switch is actuated.

(1) Fixed and trailing wire antenna installations should be tailored to fit the particular type of aircraft. Other types of antennas are much more compact and may be installed as complete units on various types of aircraft.

(2) Masts used to support a fixed-wire antenna should be as long as practicable to separate the antenna from the fuselage and/or wings in order to provide an effective antenna. Masts should be firmly attached to the airplane structure. If an antenna is attached at the trailing edge of wings and leading edge of horizontal stabilizers, the attachment should be made to lugs firmly fixed to the structure. The lugs should be welded, riveted, clamped, or bolted, whichever method is most suitable to the structure.

(h) *Range receiver antennas (200 to 400 kc).* A "T", "L", or "V" type antenna should be used and mounted on the top or bottom of the airplane (see Figure 1) with an approximate clearance of one foot from the fuselage and wings. The main leg of the "T" or "L" and each leg of the "V" antenna should be a minimum of 6 feet long.[5] A whip antenna may also be used for range reception. However, since the signal output fed from such an antenna generally is less than that obtained from the other types of antennas mentioned above, a careful check should be made of the completed installation to insure that satisfactory operation will be obtained.

(i) *Direction finding antennas (100 to 1750 kc).* Manual or automatic loop type antennas are used with direction finder receivers. The loops are designed for use with a particular receiver. Connecting wires between the loops and receivers are also designed for the specific equipment. Accordingly, only components meeting the specification characteristics of the receiver manufacturer should be used.

(1) Loops enclosed in streamlined housings or exposed loops are satisfactory for external mounting on an airplane. Loops may also be installed internally in the airplane when proper attention is given to avoiding interfernece from metallic structure and skin of the airplane.

(2) The outstanding characteristic of a loop antenna is its directional sensitivity which makes it useful as an accurate navigational device. Various things can reduce this accuracy and should be avoided. Metallic base paints should not be used on the housing. Location of the loop near an engine which has poor ignition shielding should be avoided since this location makes it difficult to detect the "null." Loops should be mounted as far as practical from antennas and interfering metal structures. The preferred locations are on the fore-and-aft center line of the aircraft either above or below the fuselage. In determining the location, consider the space necessary both inside and outside of the fuselage, structural requirements, length of cables, location of the radio compass unit, and effect on operation and maintenance of the aircraft. Also choose the mounting location to provide a balanced quadrantal error. Quadrantal error is that installation error caused by the metal in the fuselage, wings, etc., distorting the electromagnetic field of a received signal and resulting in azimuth reading inaccuracies which are greatest between the four cardinal points with respect to the center line of the aircraft. When making an installation on the lower part of the fuselage, do not fasten the loop to a primary structural member since, in the event of a landing with landing gear retracted, the aircraft may be severely damaged. Mount the loop so that it will be level during normal flight.

(3) Following installation of the loop, it will be necessary to check the direction of the radio bearings every 45 degrees from the fore-and-aft axis of the aircraft (preferably every 15 degrees) in order to determine and compensate[6] for the deviations caused by distortion of the radio field pattern due to the wing, engine nacelle, antennas, and other parts of the aircraft. If the loop is of the type which includes compensating means, it is important that no compensation be present in the loop at the time this calibration is made. If the loop has no provision for adjustment of quadrantal error, the calibration data should be used for the preparation of a correction card to be mounted in the cockpit near the indicator to provide the pilot with corrected bearing information.

(i) The calibration may be made on the ground for installations in which the loop is on top of the aircraft, but the accuracy of the calibration should be checked in the air. However, for installations in which the loop is beneath the fuselage, the use of the flight method is necessary if accuracy is to be obtained.

(ii) Select a medium or high powered radio station between 25 and 100 miles distant from the locality at which the test is to be conducted. The radio station selected should not be on a congested channel or on a channel where high powered adjacent channel signals can, by slight mistuning, cause bearing errors. The station should normally provide good bearings with little or no fluctuation of the indicator pointer.

(iii) Select a day when the wind is less than eight miles per hour in order to avoid excessive drift angles and when the air is smooth to avoid errors in reading the bearing angles. Do not make the calibrations within two hours of sunrise or sunset or when wide fluctuations of bearings are noted.

(iv) Select a landmark or series of landmarks such as a road, railroad tracks, section lines, etc., which will provide a direct line toward the radio station. Since power lines or railroads on or adjacent to the landmarks can distort the radio path, make a check to determine whether or not distortion is present. This can be done by crossing the reference line at various angles while maintaining fixed courses by means of the directional gyro. If the bearing changes rapidly as the line is approaching, distortion is present and should be eliminated by flying at a higher altitude, or by selecting a new reference landmark.

(v) With the aircraft in level flight, fly directly towards the station along the reference line at an altitude low enough to avoid parallax error. When passing over some predetermined point or intersecting line to the reference, record simultaneously the indicator bearing and the directional gyro reading.

(vi) Repeat the above procedure until sufficient readings have been taken at all required bearings. Since the radio compass deviation changes to some extent with frequency, take calibration data at several frequencies to ensure greater accuracy in use.

(vii) Calibration data obtained for a particular type of airplane is usable without modification for all aircraft of that type if the location of the loop and other antennas is the same. Since all aircraft of the same type may not have the same radio installations, an accurate diagram with antenna dimensions and exact loop location will add to the usefulness of the recorded data.

(j) *HF transmitting antenna—fixed.* (1) Two basic types of fixed antennas are used. One of these, the Hertz type, is tuned to its resonant frequency or a higher harmonically related frequency by being designed to a specific length. The lowest frequency at which this type antenna will be resonant is its fundamental frequency. At this frequency the antenna is approximately one-half wave length. This length may be determined by the formula: ½ wave length (in feet) $= \frac{300{,}000{,}000 \times 3.28}{2 \times f}$ in which 300,000,000 is the velocity of the propagation of radio waves in meters per second; 3.28 is the conversion factor from meters to feet; f is the frequency in cycles per second.

(2) The other basic type of antenna is the Marconi. This type is readily adaptable for use on different frequencies and has one end grounded through the transmitter to the metallic aircraft structure. Thus, the aircraft acts as a part of the antenna and it is possible to use only one-quarter wave length in the antenna proper. This length may be computed by the formula: ¼ wave length (in feet) $= \frac{300{,}000{,}000 \times 3.28}{4 \times f}$. An antenna of this type shorter than ¼ wave length may be tuned to resonance with the transmitter frequency by connecting an induction or load coil having appropriate characteristics in series with the antenna. A continuously variable coil or a stepped variable coil may be used for transmission on several different frequencies on one antenna.

(k) *VHF transmitting antenna—"Whip" and streamlined blade.* (See Figure 2.) (1) The "whip" antenna is resonant through a narrow frequency band and may be used with equipment operating in the 118 to 136 mc band. The proper length in inches should be determined from the formula

$$\frac{11{,}218}{4 \times f\ (\text{mc})}.$$

(For 125 mc the length (¼ wave length) of the antenna would be approximately 22.5 inches.)

(2) When it is necessary to cover a broader frequency range than can be covered by the "whip" antenna, a blade type should be used, because it is resonant over a much broader frequency range. However, a broadband antenna is not as efficient as a small diameter "whip" antenna and, accordingly, should not be used with relatively low output transmitters (under 5 watts).

(3) Antennas of both these types should be located so that there is a minimum of structure between them and the ground radio stations. Thus, the location will usually be a compromise. The antennas may be mounted on the top or bottom of the fuselage or on the cowl forward of the cockpit.

(4) On fabric covered aircraft, or aircraft with other types of nonmetallic skin, the manufacturer's recommendations should be followed in order to provide the necessary ground plane. An acceptable method of accomplishing this is by providing a number of metal foil strips in a radial position from the antenna base and secured under the fabric or wood skin of the aircraft as shown in Figure 3.

(l) *VHF navigation receiving antennas.* Antennas for omnirange (VOR), and instrument landing system (ILS) localizer receivers should be located at a position on the airplane where they will have the greatest sensitivity for the desired signals and minimum response to undesired signals such as VHF energy radiated by the engine ignition system. The best location for the VOR-localizer receiving antenna on most small airplanes is over the forward part of the cabin. (See Figure 4.) The rigid "V" type antenna should be mounted so that the apex of the V points forward and the plane of the V is level in normal flight. A list of satisfactory antenna installations on some popular small airplanes, giving distance in inches aft of the windshield follows:

Piper	7	Swift	11
Ercoupe	26	Bellanca	4
Stinson	13	Luscombe	34
Cessna	10	Beech Bonanza	35

(m) *Marker receiving antenna.* The marker receiver operates at a frequency of 75 mc. In order to keep to a minimum the number of antennas on an airplane, the marker receiver may utilize the same antenna as the range receiver. However, both receivers should include provisions to permit simultaneous operation without interference. A "whip" or other vertical type of antenna should not be used for marker reception since the ground facility transmits from a horizontally polarized antenna.

(n) *Glide slope receiving antenna.* The glide slope receiver of the instrument landing system (ILS) utilizes a small, simple, dipole type antenna which should be mounted at right angles to the longitudinal axis of the airplane and near the forward part of the airplane. Several types of localizer and glide slope antennas are shown in Figure 5.

(o) *Distance measuring antennas.* Antennas for Vortac distance measuring elements or civil DME should be mounted at an unobstructed location on the underside of the fuselage near the trailing edge of the wing, preferably at the lowest point on the aircraft when in level flight. (See Figure 6.) During flight, the antenna should be as nearly vertical as possible. It should be mounted as far as possible from other antennas and at least 36 inches away from other obstructions. If separate antennas are used for transmission and reception, the antennas should be mounted on a line perpendicular to the longitudinal axis of the aircraft with a minimum spacing of two feet between antennas. Since transmission line losses are relatively high at these frequencies, the antenna connecting cables should be kept as short as possible (10 feet maximum unless special low loss cable is used).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; sec. 605, 52 Stat. 1010, 49 U. S. C. 551, 555)

This supplement shall become effective February 20, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[3] When aluminum or its alloys are in contact with most metals (exceptions are magnesium and zinc), current will flow from the aluminum to the other metals. The result will be that the aluminum will corrode. In order to minimize such corrosion, metals other than magnesium and zinc when in contact with aluminum should be cadmium plated. Where contact between dissimilar metals cannot be avoided, care should be taken to minimize corrosion by putting a protective coating on the finished connection.

[4] Since all radio communication and navigation equipment necessitates the use of antennas for transmission or reception of radio frequency energy, care should be exercised in the design and installation of antennas and their coupling to the radio equipment. Consideration should be given to the fact that a transmitting antenna is a tuned circuit and that its ability to radiate radio frequency energy into space is governed primarily by the relationship between its length and the frequency of the power to be radiated. In general, the higher the frequency to be transmitted, the shorter the antenna necessary. Receiver antenna design and installation is controlled primarily by the degree of directivity necessary for the particular communication or navigation equipment.

[5] Excessively long antennas are unsatisfactory because they are more directive in reception than relatively short ones. A trailing wire type of antenna will not prove suitable when used with a range receiver because it is highly directive; may cause a loss of distinct "cone of silence"; and changes in the airplane direction which may occur often in range flying cause the antenna to "whip," resulting in breakage and loss of reception. The whipping action may also cause the course signals to shift continuously.

[6] Compensation of a loop for such error requires technical knowledge of the equipment and its operational use and should be accomplished by a qualified technician.

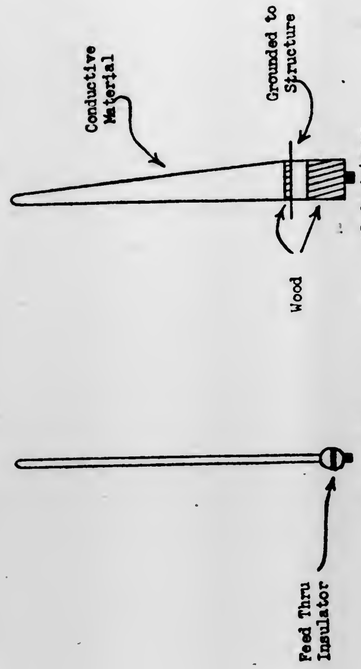


Figure 2.—Whip and blade antennas.

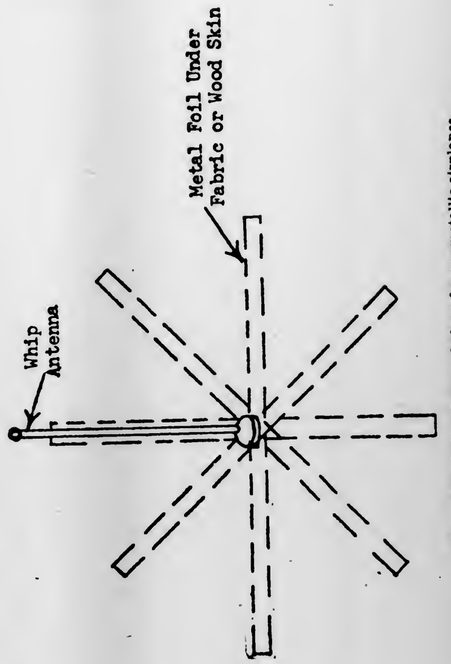
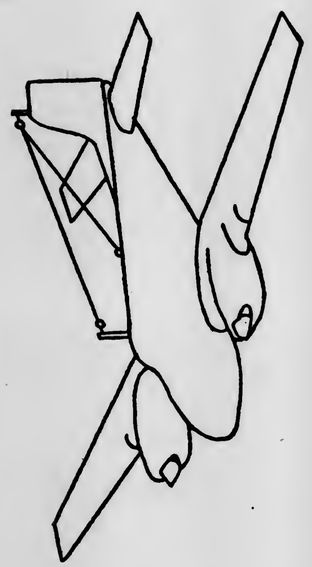


Figure 3.—Antenna ground plane for nonmetallic airplanes.



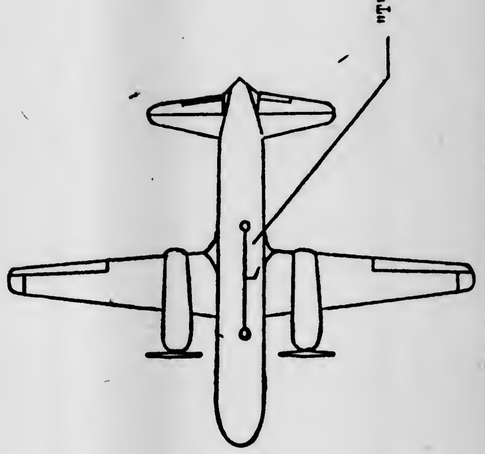


Figure 1.—"T" and "V" type antennas.

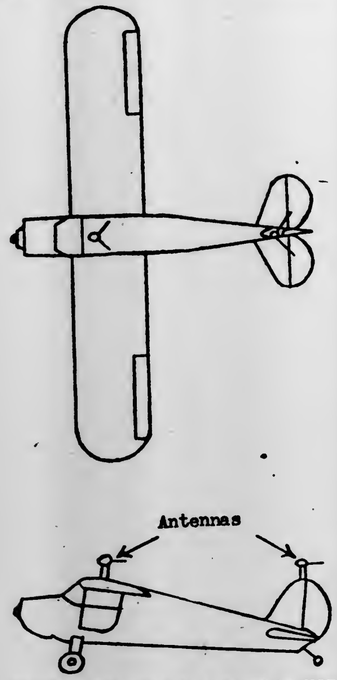


Figure 4.—Two preferred locations for VOR antennas to provide good signal pickup and minimum engine ignition interference.

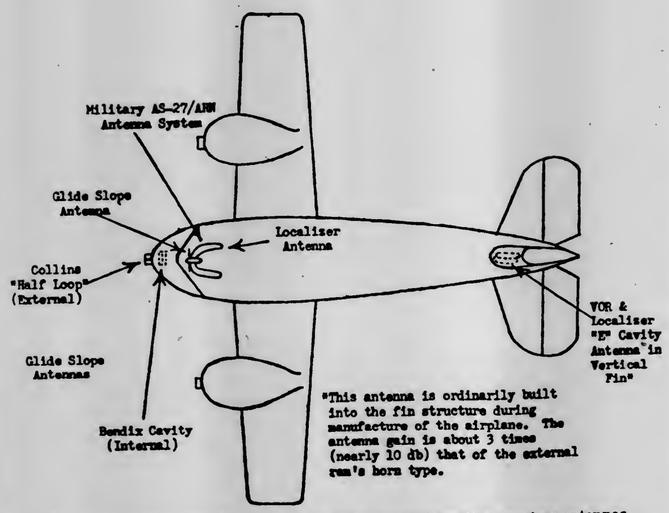


Figure 5.—Instrument landing system glide slope and localizer receiver antennas.

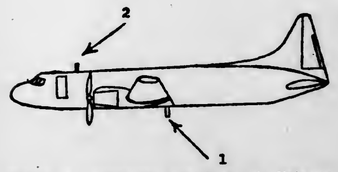


Figure 6.—Preferred positions of distance measuring antennas in order of preference.

[F. R. Doc. 57-552; Filed, Jan. 29, 1957; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

PART 350—TERRITORIAL POST DIFFERENTIALS AND TERRITORIAL COST-OF-LIVING ALLOWANCES

PUERTO RICO AND VIRGIN ISLANDS

Effective at the beginning of the first pay period beginning after May 1, 1957, the present item for Puerto Rico and the Virgin Islands in § 350.11 is revoked and new items are added as follows:

§ 350.11 *Places and rates at which territorial cost-of-living allowances shall be paid.* * * *

Puerto Rico: 17.5 percent of rate of basic compensation.

Virgin Islands of the United States: 25 percent of rate of basic compensation.

(Sec. 202, Part II, E. O. 10000, Sept. 16, 1948, 13 F. R. 5453; 3 CFR 1948 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-686; Filed, Jan. 29, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

PROCLAMATION, ANNOUNCEMENT AND APPORTIONMENT OF NATIONAL MARKETING QUOTAS FOR 1957-58 MARKETING YEAR

Sec.

725.805 Basis and purpose.
725.806 Findings and determinations with respect to the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1957.
725.807 Findings and determinations with respect to the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1957.
725.808 Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1957.

AUTHORITY: §§ 725.805 to 725.808 issued under sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interpret or apply secs. 301, 312, 313, 52 Stat. 38, as amended, 46, as amended, 47, as amended; 7 U. S. C. 1301, 1312, 1313.

§ 725.805 *Basis and purpose.* (a) Sections 725.805 to 725.808 are issued (1) to announce the reserve supply level and the total supply of fire-cured tobacco, dark air-cured tobacco, and Virginia sun-cured tobacco, respectively, for the marketing year beginning October 1, 1956; (2) to establish and proclaim the amounts of the national marketing quotas for fire-cured tobacco and dark air-cured tobacco, and to announce the amount of the quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1957; and (3) to apportion such national marketing quotas for the 1957–58 marketing year among the several States. The findings and determinations contained in §§ 725.806 to 725.808 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of the data, views, and recommendations received from fire-cured, dark air-cured, and Virginia sun-cured tobacco producers and others, as provided in a notice (21 F. R. 7493) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(b) Since fire-cured, dark air-cured, and Virginia sun-cured tobacco growers are making plans for their 1957 farming operations and will soon be preparing plant beds and purchasing fertilizer and other materials, it is hereby found that compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the proclamation, announcement, and apportionment of the national marketing quotas for fire-cured, dark air-cured and Virginia sun-cured tobacco for the 1957–58 marketing year contained herein shall become effective upon the date of filing with the Director, Division of the Federal Register.

§ 725.806 *Findings and determinations with respect to the amount of the national marketing quota for fire-cured tobacco for the marketing year beginning October 1, 1957* [1]—(a) *Reserve supply level.* The reserve supply level for fire-cured tobacco is 175,600,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 38,000,000 pounds and a normal year's exports of 38,000,000 pounds.

(b) *Total supply.* The total supply of fire-cured tobacco for the marketing year beginning October 1, 1956, is 204,800,000 pounds consisting of carryover of 137,700,000 pounds and estimated 1956 production of 67,100,000 pounds.

(c) *Carryover.* The estimated carryover of fire-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1957, is 128,900,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956, of 75,900,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of fire-cured tobacco which will make available during the marketing year beginning October 1, 1957, a supply of fire-cured tobacco equal to the reserve supply level of such tobacco is 46,700,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 46,700,000 pounds would result in undue restriction of marketings during the 1957–58 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for fire-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1957 is 56,000,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota proclaimed in paragraph (d) of this section is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Illinois	1
Kentucky	17,081
Tennessee	19,227
Virginia	8,747
Reserve [1]	113

[1] Acreage reserved for establishing allotments for new farms.

§ 725.807 *Findings and determinations with respect to the amount of the national marketing quota for dark air-cured tobacco for the marketing year beginning October 1, 1957* [1]—(a) *Reserve supply level.* The reserve supply level for dark air-cured tobacco is 92,400,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 26,000,000 pounds and a normal year's exports of 10,000,000 pounds.

(b) *Total supply.* The total supply of dark air-cured tobacco for the marketing year beginning October 1, 1956, is 109,200,000 pounds consisting of carryover of 80,800,000 pounds and estimated 1956 production of 28,400,000 pounds.

(c) *Carryover.* The estimated carryover of dark air-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1957, is 72,900,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956, of 36,300,000 pounds from the total total supply of such tobacco.

(d) *National marketing quota.* The amount of dark air-cured tobacco which will make available during the marketing year beginning October 1, 1957, a supply of dark air-cured tobacco equal to the reserve supply level of such tobacco is 19,500,000 pounds and a national marketing quota of such amount is hereby proclaimed. It is determined, however, that a national marketing quota in the amount of 19,500,000 pounds would result in undue restriction of marketings during the 1957–58 marketing year and such amount is hereby increased by 20 percent. Therefore, the amount of the national marketing quota for dark air-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1957 is 23,400,000 pounds.

(e) *Apportionment of the quota.* The national marketing quota is hereby apportioned among the several States pursuant to section 313 (a) of the Agricultural Adjustment Act of 1938, as amended, and converted into State acreage allotments in accordance with section 313 (g) of the act as follows:

State:	Acreage allotment
Kentucky	14,979
Tennessee	2,528
Indiana	52
Reserve [1]	44

[1] Acreage reserved for establishing allotments for new farms.

§ 725.808 *Findings and determinations with respect to the national marketing quota for Virginia sun-cured tobacco for the marketing year beginning October 1, 1957* [2]—(a) *Reserve supply level.* The reserve supply level for Virginia sun-cured tobacco is 9,413,000 pounds calculated as provided in the Agricultural Adjustment Act of 1938, as amended, from a normal year's domestic consumption of 2,900,000 pounds and a normal year's exports of 600,000 pounds.

(b) *Total supply.* The total supply of Virginia sun-cured tobacco for the marketing year beginning October 1, 1956, is 8,237,000 pounds consisting of a carryover of 4,589,000 pounds and estimated 1956 production of 3,648,000 pounds.

(c) *Carryover.* The estimated carryover of Virginia sun-cured tobacco at the beginning of the marketing year for such tobacco beginning October 1, 1957, is 5,186,000 pounds calculated by subtracting the estimated disappearance for the marketing year beginning October 1, 1956, of 3,051,000 pounds from the total supply of such tobacco.

(d) *National marketing quota.* The amount of Virginia sun-cured tobacco which will make available during the marketing year beginning October 1, 1957, a supply of Virginia sun-cured tobacco equal to the reserve supply level of such tobacco is 4,227,000 pounds and a national marketing quota of such amount is hereby announced. It is determined, however, that a national marketing quota in the amount of 4,227,000 pounds would result in undue restriction of marketings for the 1957–58 marketing year and such amount is increased by 20 percent. Therefore, the amount of the national marketing quota for Virginia sun-cured tobacco in terms of the total quantity of such tobacco which may be marketed during the marketing year beginning October 1, 1957 is 5,072,000 pounds.

(e) *Apportionment of the quota.* Since Virginia sun-cured tobacco is grown only in the State of Virginia, the quota is apportioned only to that State under section 313 (a) of the Agricultural Adjustment Act of 1938, as amended. The national marketing quota, less 13,000 pounds reserved for establishing allotments for new farms, becomes the State marketing quota for Virginia. The State marketing quota is hereby converted in accordance with section 313 (g) of the act into a State acreage allotment of 5,376 acres. Likewise, the reserve of 13,000 pounds for establishing allotments for new farms is hereby converted into 14 acres.

Done at Washington, D. C., this 24th day of January 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-690; Filed, Jan. 29, 1957; 8:49 a. m.]

[1] Rounded to the nearest tenth of a million pounds.

[2] Rounded to nearest thousand pounds.

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5536]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIDNEY RINGLER FUR CO., INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* §13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; §13.1255 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Sidney Ringler Fur Co., Inc., et al., New York, N. Y., Docket 6536, Jan. 5, 1957]

In the Matter of Sidney Ringler Fur Co., Inc., a Corporation; and Sidney Ringler, Samuel Ringler, and Morris Hudes, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate furrier and its officers in New York City with misbranding and false invoicing in violation of the Fur Products Labeling Act through failing to disclose on labels that certain fur products were dyed and otherwise failing to label fur products as required, and through invoicing which did not conform to requirements of the Act or which showed artificially colored fur in certain products as natural.

Following entry of an agreement between the parties containing consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which by order of January 4 became on January 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That Respondents Sidney Ringler Fur Co., Inc., a corporation, and its officers; and Sidney Ringler, Samuel Ringler, and Morris Hudes, individually and as officers of said corporation; and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by failing to affix labels to such fur products showing—

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product;

B. Falsely or deceptively invoicing fur products by failing to furnish invoices to purchasers of fur products showing—

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product;

C. Falsely and deceptively invoicing fur products as being made of "natural" furs when they are in fact bleached, dyed, or otherwise artificially colored.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Sidney Ringler Fur Co., Inc., a corporation, and Sidney Ringler, Samuel Ringler, and Morris Hudes, individually and as officers of said corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have compiled with the order to cease and desist.

Issued: January 4, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-678; Filed, Jan. 29, 1957; 8:46 a. m.]

[Docket 6576]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SCHLOSSMANS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* Sec. 13.30 *Composition of goods;* § 13.155 Prices: Bait; exaggerated as regular and customary.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Schlossmans, Inc., et al., New York City, N. Y., Docket 6576, Jan. 5, 1957]

In the Matter of Schlossmans, Inc., a Corporation, and Emanuel Schlossman, Sol Irwin, Louis Samet, and Dorothy Pregashin, Individually and as Officers of Schlossmans, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate operator of department stores in New York City and its officers with representing falsely in bait advertising in newspapers that they were making bona fide offers to sell certain furniture and upholstery at greatly reduced prices, and with misrepresenting in such advertising the customary retail prices of certain furniture and the foam rubber and hair content of upholstery.

Following entry of an agreement between the parties containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Schlossmans Inc., a corporation, and its officers, and Emanuel Schlossman, Sol Irwin, Louis Samet and Dorothy Pregoshen, as individuals, and as officers of said corporate respondent, and respondents' agents representatives and employees, directly or through any corporate or other device, in connection with

the offering for sale, sale or distribution of furniture, household furnishings, slip covers, mattresses, reupholstering, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That the aforesaid merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

2. That respondents' regular retail selling price is any amount in excess of that at which said merchandise has been sold by respondents in the recent regular course of their business.

3. That slip covers are composed of or contain foam rubber when such is not the fact.

4. That mattresses are upholstered with hair when in fact they do not contain hair, or contain a higher proportion of hair than is the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 4, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-679; Filed, Jan. 29, 1957; 8:46 a. m.]

[Docket 6394]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CRAFTSMAN INSURANCE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions:* Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Craftsman Insurance Company, Boston, Mass., Docket 6394, Jan. 14, 1957]

The Commission's complaint in this case charged an insurance company engaged in Boston, Mass., in selling accident and health insurance policies, with making misleading representations in advertising over radio and television, in newspapers, circulars, etc., concerning the duration of their policies, the medical examination or health requirements at the time of issuance of policies, the number of accidents and illnesses covered, the coverage for totally disabling accidents, and the amounts paid for hospital and surgical bills.

Following hearings in due course, during which respondent's motions to dismiss were denied, the hearing examiner made his initial decision and order to cease and desist. The Commission, upon review, after modifying it in certain respects, on January 14, adopted the initial decision as modified as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Craftsman Insurance Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident, health, hospital or surgical insurance policy, including any and all riders attached to and made a part of any such policy, do forthwith cease and desist from representing, directly or by implication:

1. That any such policy may be continued in effect by the insured upon payment of stipulated premiums, indefinitely or for any stated time, unless full disclosure of any other provision or condition of termination contained in the policy is made conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

2. That no medical examination is required, unless the respondent actually insures the policyholder without regard to his physical condition before or after issuance of the policy; or otherwise representing that the condition of the insured's health at the time of issuance of the policy will not be considered by the respondent in determining its liability thereunder, or that the respondent will not, as a claims practice, require proof of good health of the insured at the time of issuance of the policy.

3. That any such policy provides for indemnification against losses due to sickness or accident, unless a statement of all the conditions, exceptions, restrictions and limitations affecting the indemnification actually provided is set forth conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

4. That any such policy provides for payment in full or in any specified amount or for payment up to any specified amount for any medical, surgical or hospital service, unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented, or unless full disclosure of the schedule of payments for which the policy provides is made conspicuously, prominently, and in sufficiently close conjunction with said representation as will fully relieve it of all capacity to deceive.

5. That any such policy provides for the payment of certain benefits in addition to other benefits when such is not the fact.

It is further ordered, That the complaint be, and the same hereby is, dismissed as to the following allegations of Paragraph Three thereof: "Respondent has sold a substantial number of its said policies to insureds now residing in states other than those in which respondent has been duly licensed, as aforesaid, and respondent mails to such insureds or policyholders notices and receipts relating to the payment of renewal premiums and receives and accepts from such insureds or policyholders premiums mailed to it renewing the coverage purchased for the period of time covered by the premium submitted."

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondent, Craftsman Insurance Company, shall within sixty (60) days after service upon it of this order file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist contained in the initial decision as modified.

Issued: January 14, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-680; Filed, Jan. 29, 1957; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

LUGGAGE, SMALL LEATHER GOODS AND LADIES' HANDBAG INDUSTRIES

Correction

In Federal Register Document 57-527, published on page 471 in the issue for Thursday, January 24, 1957, the headnote for § 522.92 should read *"Issuance of learner certificates."*

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

SANTA ROSA SOUND AND GULF OF MEXICO ADJACENT TO SANTA ROSA ISLAND, FLA.

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.135 (a) is hereby amended modifying the boundary of an existing danger zone and § 204.136 is hereby prescribed establishing and governing the use and navigation of a danger zone in the waters of Santa Rosa Sound and in the Gulf of Mexico, adjacent to Santa Rosa Island, Florida, as follows:

§ 204.135 *Gulf of Mexico, south from Choctawhatchee Bay; guided missiles test operations area, Air Force Proving Ground Command, Eglin Air Force Base, Florida*—(a) *The danger zone.* The waters of the Gulf of Mexico south from Choctawhatchee Bay within an area described as follows: Beginning on the south shore of Santa Rosa Island at a point five nautical miles easterly from USC&GS Station Tuck 3, at latitude 30°23'10.74", longitude 86°48'17.525"; thence easterly along the south shore of Santa Rosa Island, across the mouth of Choctawhatchee Bay entrance, and along

the south shore of Moreno Point and the Peninsula south of Choctawhatchee Bay to longitude 86°05'10"; thence southeasterly to latitude 28°10'00", longitude 84°30'00"; thence 270° true to longitude 86°47'20"; thence due north along longitude 86°47'20" to the intersection of the line with a circle of five nautical miles radius centered on USC&GS Station Tuck 3, at latitude 30°23'10.074", longitude 86°48'17.525"; thence northeasterly along the arc of the circle to the south shore of Santa Rosa Island.

* * * * *

§ 204.136 *Waters of Santa Rosa Sound and Gulf of Mexico adjacent to Santa Rosa Island, Air Force Proving Ground Command, Eglin Air Force Base, Florida*—(a) *The danger zones*—(1) *Prohibited area.* Waters of Santa Rosa Sound and Gulf of Mexico within a circle one nautical mile in radius, centered at latitude 30°23'10.074", longitude 86°48'17.525" (USC&GS Station Tuck 3). The portion of the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 209.6 and 211.4 from Harvey Lock, Louisiana.

(2) *Restricted area.* The waters of Santa Rosa Sound and Gulf of Mexico surrounding the prohibited area described in subparagraph (1) of this paragraph, within a circle five nautical miles in radius, centered at latitude 30°23' 10.074", longitude 86°48'17.525" (USC& GS Station Tuck 3). The portion of the the area in Santa Rosa Sound includes the Gulf Intracoastal Waterway between miles 204.6 and 216.4 from Harvey Lock, Louisiana.

(b) *The regulations.* (1) Experimental test operations will be conducted by the United States Air Force within the prohibited area on an intermittent basis. Such test operations shall not exceed one hour, and shall not occur more than twice weekly.

(2) No vessel or other watercraft shall enter the prohibited area, except to navigate the Gulf Intracoastal Waterway. Such vessels and other watercraft shall confine their movements to the waters within the limits of the Intracoastal Waterway and shall make the passage as promptly as possible under normal vessel speed.

(3) During periods when experimental test operations are underway no vessels or other watercraft shall enter or navigate the waters of the restricted area.

(4) Warning signs will be erected on the shore lines of Santa Rosa Sound and the Gulf of Mexico to mark the limits of the respective areas.

(5) The regulations in this section shall be enforced by the Commander, Headquarters Air Proving Ground Command, Eglin Air Force Base, Florida, and such agencies as he may designate.

[Regs., January 12, 1957, 800.2121 (Mexico, Gulf of)-ENGWO] (Sec. 7, 40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] HERBERT M. JONES, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 57-672; Filed, Jan. 29, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 5, Amdt. 5]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

UNIFORM BAREBOAT CHARTER OF A WARBUILT DRY-CARGO VESSEL UNDER THE MERCHANT SHIP SALES ACT OF 1946, "SHIPSALESDEMISE 303"

Section 299.82 appearing in the FEDERAL REGISTER issue of April 17, 1956 (21 F. R. 2466) is hereby amended as follows:

1. In Part I:

a. Clause C (1) is amended by deleting the subheading "Basic Hire Per Calendar Month" and substituting in lieu thereof the words "Charter Hire Per Calendar Month"; and such revised subheading shall be followed by an asterisk and footnoted as follows: "Determined by the Owner to be not less than the prevailing world market charter rate for similar vessels for similar use."

b. Clause E is amended by the deletion of the word "basic" where it appears in the title, and also in the body, thereof.

c. Clause H (1) (b) is amended by the substitution of the words "Clause 12 charter hire" for the term "basic charter hire."

2. In Part II, Clauses 12 and 13 are amended to read as follows:

CLAUSE 12. *Charter hire.* In order for the charter hire to be consistent with the policies of the Merchant Ship Sales Act of 1946, as amended, as required by paragraph (b) of section 5 of said act and in order to protect the public interest in respect of this Agreement and protect privately owned vessels against competition from the chartered Vessel, as required by paragraph (e) of section 5 of said act, the parties mutually agree that, pursuant to said paragraphs (b) and (e) of said section 5, the Charterer shall pay to the Owner charter hire at the monthly rate provided for in Part I hereof from the day and hour of delivery of the Vessel, unless otherwise specifically provided, until and including the day and hour of redelivery to the Owner pursuant to the terms of this Agreement; or if the Vessel shall be lost, hire shall continue until the time of her loss, if known, or if the time of loss be uncertain then up to and including the time last heard from. Payment of such charter hire shall be made to the Owner at Washington, D. C., on delivery of the Vessel for the remainder of the calendar month in which delivery is made, and thereafter monthly in advance on the first day of each month.

CLAUSE 13. *Statutory additional charter hire.* The parties mutually agree that, in addition to the charter hire required under Clause 12, Part II, of the Agreement, as amended, the Charterer shall pay over to the Owner such statutory additional charter hire as may be required by the provisions of section 709 of the Merchant Marine Act, 1936, as amended. The time of payment shall be as provided by regulations of the Owner.

3. In Part II, Clause 15 is amended as follows:

a. In subparagraph (a), by changing the comma to a period after the word "agreed", and deleting the remainder of such subparagraph.

b. In subparagraph (b), by substituting the words "Clause 12 charter hire" for the term "basic hire".

c. By deleting subparagraph (d) in its entirety.

4. Form No. 303, Shipsalesdemise (Rev. 1956), as above amended, shall be designated as follows: "Form No. 303, Shipsalesdemise (1956) 1st Amendment".

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

The foregoing is effective as of the date of publication in the FEDERAL REGISTER.

Dated: January 18, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER, *Secretary.*

[F. R. Doc. 57-699; Filed, Jan. 29, 1957; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILROADS ANNUAL REPORT FORM A

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 17th day of January A. D. 1957.

The matter of annual reports of line-haul and switching and terminal railroad companies of class I being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished resulting principally from changes in the classification of railroads and from revisions in the Commission's Uniform System of Accounts for Railroad Companies, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a) being deemed unnecessary:

It is ordered, That the order of February 23, 1955, in the matter of Steam Railway Annual Report Form A, be, and is hereby, modified and amended with respect to annual reports for the year ended December 31, 1956, and subsequent years, to read as shown below:

It is further ordered, That 49 CFR 120.11, be, and it is hereby modified and amended to read as follows:

§ 120.11 *Form prescribed for class I railroads.* Commencing with the year ended December 31, 1956, and for subsequent years thereafter, until further order, all line-haul and switching and terminal railroad companies of class I subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form A, which is attached hereto [1] and made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or

[1] Filed as part of the original document.

before March 31 of the year following the year to which it relates.

And it is further ordered, That copies of this order and of Annual Report Form A shall be served on all line-haul and switching and terminal railroad companies of class I, subject to the provisions of section 20, part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933, 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-685; Filed, Jan. 29, 1957; 8:47 a. m.]

PART 122—MONTHLY OPERATING REPORTS

SUBPART A—RAILROADS

OPERATING STATISTICS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 25th day of October A. D. 1956.

The matter of monthly reports of operating statistics of Class I Railroads being under further consideration, and the changes in existing regulations to be effectuated by this order being only minor changes in the data to be furnished, principally to take into account changes in form of motive power, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a) being deemed unnecessary:

It is ordered, That the order of October 21, 1953, in the matter of monthly reports of operating statistics of Class I steam railways be, and it is hereby modified and amended, with respect to reports for the month ending January 31, 1957, and subsequent months, to read as shown below:

It is further ordered, That 49 CFR 122.3 be, and it is hereby modified and amended to read as shown below:

§ 122.3 *Operating statistics.* Commencing with the month of January 1957, and monthly thereafter until further order, all Class I railroads, including Class I switching and terminal companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file monthly reports of operating statistics in accordance with forms of reports and notes of instructions thereon designated.

Form OS-A—Freight Train Performance.
Form OS-B—Passenger Train Performance.
Form OS-C—Yard Service Performance.
Form OS-D—Revenue Traffic.
Form OS-E—Fuel and Power Statistics.
Form OS-F—Motive Power and Car Equipment.

Which forms are attached hereto[1] and made a part of this section: *Provided however*, That Class I switching and terminal companies are not required to submit reports on forms designated Forms OS-A, OS-B, and OS-D. Such monthly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before the dates indicated in the notice on each form;

And it is further ordered, That copies of this order and of Forms OS-A to OS-F, inclusive, shall be served on all Class I railroads subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this order and of report forms OS-A to OS-F, inclusive, attached hereto have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as indicated on the respective forms.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-684; Filed, Jan. 29, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 28]

PREPARATION OF LONG-STAPLE COTTON

PROPOSED ABOLISHMENT OF TENTATIVE STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering abolishing the tentative standards for preparation of long-staple cotton (§§ 28.301 through 28.304), pursuant to authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 51 et seq.).

These tentative standards have no practical value in the classification of cotton. Further, in recent years sales of the standards have declined to a point where it is no longer economical to prepare them for sale.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed discontinuance of these standards may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication of this document in the FEDERAL REGISTER.

Done in Washington, D. C., this 25th day of January 1957.

[SEAL] FRANK E. BLOOD, *Acting Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 57-703; Filed, Jan. 29, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 57-1]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment: *It is ordered*, That—

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER, unless sooner canceled or suspended by proper authority; and

(c) The change in the name and address of the manufacturer of approved equipment shall be made as indicated below.

[1] Filed as part of the original document.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5, AND 6

Approval No. 160.002/55/0, Model 3, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by International Cushion Co., 1110 Northeast Eighth Ave., Fort Lauderdale, Fla.

Approval No. 160.002/56/0, Model 5, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by International Cushion Co., 1110 Northeast Eighth Ave., Fort Lauderdale, Fla.

Approval No. 160.002/57/0, Model 2, adult kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.002/58/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended; sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

LIFE PRESERVERS, CORK (JACKET TYPE) MODELS 32 AND 36

Approval No. 160.003/15/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Sunde & d'Evers Co., Colman Ferry Terminal, Seattle, Wash.

Approval No. 160.003/16/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Sunde & d'Evers Co., Colman Ferry Terminal, Seattle, Wash.

Approval No. 160.003/17/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.003/18/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.003/19/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Liberty Cork Co., Inc., 123 Whitehead Ave., South River, N. J.

Approval No. 160.003/20/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Liberty Cork Co., Inc., 123 Whitehead Ave., South River, N. J.

Approval No. 160.003/21/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.003/22/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.003/23/0, Model 32, adult cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

Approval No. 160.003/24/0, Model 36, child cork life preserver, U. S. C. G. Specification Subpart 160.003, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended; sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.003)

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/11/0, Model 42, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.004/12/0, Model 46, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.004/13/0, Model 42, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

Approval No. 160.004/14/0, Model 46, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.004)

WINCHES, LIFEBOAT

Approval No. 160.015/44/1, Type H lifeboat winch for use with mechanical davits, fitted with wire rope not more than ½" in diameter and with not more than 7 wraps of the falls on the drums, approved for maximum working load of 6,600 pounds pull at the drums (3,300 pounds per fall), identified by left hand assembly dwg. No. L-22321-E dated Apr. 8, 1949, and revised Oct. 9, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.015/44/0 published in FEDERAL REGISTER Dec. 7, 1951.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

LADDERS, EMBARKATION-DEBARKATION (FLEXIBLE)

Approval No. 160.017/4/3, Model 241-A, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. 241-A, dated Feb. 21, 1950, revised Nov. 8, 1956, manufactured by Great Bend Mfg. Corp., George Washington Bridge Plaza, Fort Lee, N. J. (Supersedes Approval No. 160.017/4/2 published in FEDERAL REGISTER Mar. 25, 1954.)

Approval No. 160.017/10/1, Model 241-A/GR, Type II embarkation-debarkation ladder, chain suspension, steel ears, steel rungs, dwg. No. 241-A/GR, dated Jan. 10, 1952, revised Nov. 21, 1956, manufactured by Great Bend Mfg. Corp., George Washington Bridge Plaza, Fort Lee, N. J. (Supersedes Approval No. 160.017/10/0 published in FEDERAL REGISTER June 14, 1952.)

Approval No. 160.017/11/1, Model CTL-6, Type II embarkation-debarkation ladder, chain suspension, steel ears, steel rungs, dwg. No. CTL-6, dated Jan. 14, 1952, revised Nov. 21, 1956, approved for use where the height of the boat deck above the lightest seagoing draft exceeds 55 feet and stowage facilities require special consideration of the ladders used, manufactured by Great Bend Mfg. Corp., George Washington Bridge Plaza, Fort Lee, N. J. (Supersedes Approval No. 160.017/11/0 published in FEDERAL REGISTER June 14, 1952.)

Approval No. 160.017/23/0, Model E-1004D, Type II embarkation-debarkation ladder, chain suspension, steel ears, dwg. No. LC-104, Rev. 1, dated Oct. 15, 1956, manufactured by The Marine Ladder Mfg. Co., P. O. Box 2192, San Francisco, Calif.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.017)

CONTAINERS, EMERGENCY PROVISIONS AND WATER

Approval No. 160.026/27/0, Container for emergency drinking water, Globe Equipment Corp. dwg. No. 1313, dated Nov. 1, 1956, manufactured by D. E. Foote

and Co., 2023 Aliceanna St., Baltimore, Md., for Globe Equipment Corp., 30–32 Gold St., Brooklyn 1, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.026)

LIFE FLOATS

Approval No. 160.027/27/0, 9.0' x 5.08' (13'' dia. body section), rectangular hollow aluminum life float, 25-person capacity, dwg. No. 3348–2, dated June 28, 1951, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Extension of the approval published in FEDERAL REGISTER Dec. 7, 1951, effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.027)

DAVITS, LIFEBOAT

Approval No. 160.032/112/1, gravity davit, Type 36.5–150, approved for maximum working load of 33,500 pounds per set (16,750 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. DG–451–55, dated Nov. 18, 1955, and revised June 13, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.032/112/0 terminated in FEDERAL REGISTER June 22, 1955.)

Approval No. 160.032/128/0, mechanical davit, straight boom sheath screw, size A–7–0. S, approved for maximum working load of 8,000 pounds per set (4,000 pounds per arm), using 2-part falls, identified by general arrangement dwg. No. 619.S dated Jan. 3, 1951, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y. (Extension of the approval published in FEDERAL REGISTER Dec. 7, 1951, effective Dec. 7, 1956.)

Approval No. 160.032/150/0, mechanical davit, straight boom sheath screw, Type B–47, approved for maximum working load of 9,450 pounds per set (4,725 pounds per arm) using five or six part falls, identified by general arrangement dwg. No. 80049, dated Sept. 9, 1955, and revised May 31, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

Approval No. 160.032/153/0, gravity davit, Type G–65–S–89, approved for maximum working load of 13,000 pounds per set (6,500 pounds per arm) using 2 part falls, identified by arrangement dwg. No. 3644, dated July 9, 1956, and revised Oct. 26, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.032)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/52/0, Type B–1, Rottmer type releasing gear, approved for maximum working load of 14,000 pounds per set (7,000 pounds per hook), identified by assembly dwg. No. M–125–13 dated Jan. 11, 1955, and revised Nov. 27, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.033)

LIFEBOATS

Approval No.160.035/39/2, 24.0' x 8.0' x 3.58' steel, motor-propelled lifeboat without radio cabin (Class B), 37-person capacity, identified by construction and arrangement dwg. No. 80101, dated Apr. 9, 1956, and revised Oct. 18, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Supersedes Approval No. 160.035/39/1 published in FEDERAL REGISTER Feb. 18, 1953).

Approval No. 160.035/102/3, 24.0' x 8.0' x 3.5' steel, motor-propelled lifeboat without radio cabin (Class B), 40-person capacity, identified by general arrangement and construction dwg. No. 55R–2425 dated Apr. 21, 1955, and revised Oct. 12, 1956, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Ave., Brooklyn 14, N. Y. (Supersedes Approval No. 160.035/102/2 published in FEDERAL REGISTER Aug. 13, 1955.)

Approval No. 160.035/243/1, 36.5' x 12.5' x 5.33' aluminum, motor-propelled lifeboat with radio cabin (Class A), 140-person capacity, identified by construction and arrangement dwg. No. 36–8, dated Dec. 2, 1948, and revised Oct. 23, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Reinstates and supersedes Approval No. 160.035/243/0 terminated in FEDERAL REGISTER Aug. 13, 1955.)

Approval No. 160.035/258/2, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement dwg. No. 20–3, dated Aug. 19, 1949, and revised Dec. 4 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/258/1 published in FEDERAL REGISTER Dec. 7, 1951.)

Approval No. 160.035/274/1, 22.0' x 6.75' x 2.92' aluminum, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 22–1C, dated Nov. 22, 1950, and revised Aug. 31, 1956, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N. J. (Supersedes Approval No. 160.035/274/0 published in FEDERAL REGISTER Dec. 7, 1951.)

Approval No. 160.035/295/0, 31.0' x 11.25' x 4.5' steel, motor-propelled lifeboat without radio cabin (Class B), 86-person capacity, identified by general arrangement dwg. No. G–3186, dated Mar. 24, 1952, and revised Aug. 14, 1956, manufactured by C. C. Galbraith & Son, Inc., 99 Park Place, New York 7, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE.—Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/98/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.047/99/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.047/100/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck and Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.047/101/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.047/102/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for The Firestone Tire & Rubber Co., Akron 17, Ohio.

Approval No. 160.047/103/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.047/104/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.047/105/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.047/106/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

Approval No. 160.047/107/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

Approval No. 160.047/108/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

Approval No. 160.047/109/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.047/110/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.047/111/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by the Howard Zink Corp., Fremont, Ohio.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/80/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Ave., Brooklyn 1, N. Y., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.048/81/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The Howard Zink Corp., Fremont, Ohio.

Approval No. 160.048/82/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Robey Manufacturing Co., Newaygo, Mich.

Approval No. 160.048/83/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Sears, Roebuck & Co., 925 S. Homan Ave., Chicago 7, Ill.

Approval No. 160.048/84/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Style-Crafters, Inc., P. O. Box 3277, Station A, Greenville, S. C., for Bowman Manufacturers, Inc., 1823 Woodrow, Little Rock, Ark.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/15/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1), manufactured by Seashore Upholstering Co., Marmora, N. J.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.049)

LIGHTS (WATER): ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/5/0, automatic floating electric water light (with bracket for mounting), dwg. No. E–951, Alt. 1 dated July 13, 1951, Sheets 1 and 2, manufactured by C. C. Galbraith & Son Electric Corp., 450 Avenue of the Americas, New York 11, N. Y. (Extension of the approval published in FEDERAL REGISTER Dec. 7, 1951, effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 161.001)

TELEPHONE SYSTEMS, SOUND POWERED

Approval No. 161.005/46/0, sound powered telephone signal relay, self-locking, manual release, for operation with hand generator, Type I—without indicator light; Type II—with indicator light, dwg. No. B–177, Alt. O, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

Approval No. 161.005/47/0, sound powered telephone signal relay, nonlocking, for operation with hand generator, dwg. No. B–173, Alt. O, manufactured by Sig-Trans, Inc., Haverhill Road, Amesbury, Mass.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 113.30–25 (a))

FIRE EXTINGUISHERS, PORTABLE, HAND, VAPORIZING LIQUID TYPE

Approval No. 162.004/94/0, No. 622 (Symbol SF), 1-qt. carbon tetrachloride vaporizing liquid type hand portable fire extinguisher, assembly dwg. No. P10–0–49, Rev. 1 dated Dec. 1, 1950, name plate dwg. No. P10–36KD–49 dated July 7, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y., for K-D Lamp Co., 1910 Elm St., Cincinnati 10, Ohio.

Approval No. 162.004/95/0, No. 624 (Symbol SF), 1½-qt. carbon tetrachloride vaporizing liquid type hand portable fire extinguisher, assembly dwg. No. P15–0–49, Rev. 1 dated Jan. 11, 1952, name plate dwg. No. P15–37KD–49 dated July 7, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Stop-Fire, Inc., 125 Ashland Place, Brooklyn 1, N. Y., for K–D Lamp Co., 1910 Elm St., Cincinnati 10, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended; sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CARBON-DIOXIDE TYPE

Approval No. 162.005/40/0, "Model R10 Marine Use," 10-pound carbon-dioxide type hand portable fire extinguisher, parts list dwg. No. 754 dated Feb. 7, 1946, Rev. No. 10 dated Oct. 8, 1951, assembly dwg. No. 735 dated Dec. 7, 1945, Rev. No. 7 dated Oct. 8, 1951, and name plate dwg. No. 922 dated Nov. 19, 1947, Rev. No. 4 dated Oct. 8, 1951, (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Randolph Laboratories, Inc., 8 East Kinzie St., Chicago 11, Ill. (Extension of the approval published in FEDERAL REGISTER Dec. 7, 1951, effective Dec. 7, 1956.)

Approval No. 162.005/41/0, "Model R15 Marine Use," 15-pound carbon-dioxide type hand portable fire extinguisher, parts list dwg. No. 755 dated Apr. 19, 1947, Rev. No. 9 dated Oct. 8, 1951, assembly dwg. No. 675 dated July 30, 1945, Rev. No. 9 dated Oct. 8, 1951, name plate dwg. No. 922 dated Nov. 19, 1947, Rev. No. 4 dated Oct. 8, 1951 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by Randolph Laboratories, Inc., 8 East Kinzie St., Chicago 11, Ill. (Extension of the approval published in FEDERAL REGISTER Dec. 7, 1951, effective Dec. 7, 1956.)

Approval No. 162.005/92/0, Miller-Peerless (Symbol GA), Swivel Type Model MP–5, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated Sept. 8, 1950, name plate dwg. Nos. MP–515 dated Mar. 26, 1954, and GA–99–07A revised July 8, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by Gen-

eral Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill., for Miller-Peerless Manufacturing Co., 452 North Sangamon St., Chicago 22, Ill.

Approval No. 162.005/93/0, Miller-Peerless (Symbol GA), Lever Type Model MP–10, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated Sept. 8, 1950, name plate dwg. Nos. MP–515 dated Mar. 26, 1954, and GA–99–08A revised July 8, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill., for Miller-Peerless Manufacturing Co., 452 North Sangamon St., Chicago 22, Ill.

Approval No. 162.005/94/0, Miller-Peerless (Symbol GA), Lever Type Model MP–15, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated Sept. 8, 1950, name plate dwg. Nos. MP–515 dated Mar. 26, 1954, and GA–99–08A revised July 8, 1953 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill., for Miller-Peerless Manufacturing Co., 452 North Sangamon St., Chicago 22, Ill.

Approval No. 162.005/95/0, W & T (symbol GA), Swivel Type Model WT–5, 5-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated Sept. 8, 1950, name plate dwg. Nos. WT–215 dated Nov. 15, 1954, and GA–99–07A revised July 8, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill., for Weber & Troseth Co., 1547–51 University Ave., St. Paul 4, Minn.

Approval No. 162.005/96/0, W & T (Symbol GA), Lever Type Model WT–10, 10-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated Sept. 8, 1950, name plate dwg. Nos. WT–215 dated Nov. 15, 1954, and GA–99–08A revised July 8, 1953 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill., for Weber & Troseth Co., 1547–51 University Ave., St. Paul 4, Minn.

Approval No. 162.005/97/0, W & T (Symbol GA), Lever Type Model WT–15, 15-lb. carbon dioxide type hand portable fire extinguisher, assembly dwg. dated Sept. 8, 1950, name plate dwg. Nos. WT–215 dated Nov. 15, 1954, and GA–99–08A revised July 8, 1953 (Coast Guard classification: Type B, Size II; and Type C, Size II), manufactured by General Air Products Corp., 5345 North Kedzie Ave., Chicago 25, Ill., for Weber & Troseth Co., 1547–51 University Ave., St. Paul 4, Minn.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/19/2, Kidde CG Foam (Symbol AM), 2½-gal. hand portable fire extinguisher, assembly dwg. No. 4X–1352 dated Sept. 30, 1950, Alt. B dated Sept. 21, 1951, instruction panel dwg. No. 4X–578 dated Apr. 10, 1951, Alt. A dated May 14, 1953, manufactured by American LaFrance Corp., Elmira, N. Y., for Walter Kidde & Co., Inc., Belleville 9, N. J. (Supersedes Approval No. 162.006/19/1 published in FEDERAL REGISTER Mar. 5, 1952.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4479, as amended, 4491, as amended, 4492, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, secs. 8 and 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended; sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 472, 489, 490, 367, 526g, 526p, 1333, 50 U. S. C. 198; 46 CFR 25.30, 34.25, 76.50, 95.50)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/42/0, Type 1905–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows, type, 150 p. s. i. primary service pressure rating, dwg. No. 401401, dated Oct. 1, 1956, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure):

Orifice size	Inlet diameter	Set pressure, p. s. i. g.			
		100	150	200	250
F	1½	681	982	1,283	1,583
G	1½	1,116	1,608	2,101	2,593
H	1½, 2	1,742	2,511	3,279	4,048
J	2, 2½	2,857	4,117	5,377	6,637
K	3	4,080	5,879	7,678	9,478
L	3, 4	6,333	9,125	11,920	14,710
M	4	7,991	11,515	15,040	18,565
N	4	9,633	13,880	18,130	22,380
P	4	14,160	20,410	26,650	32,900
Q	6	24,530	31,015	46,160	56,985
R	6	35,500	44,875	66,900	82,475

manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla.

Approval No. 162.018/43/0, Type 1906–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type, 300 p. s. i. primary service pressure rating, dwg. No. 401401, dated Oct. 1, 1956, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure):

Orifice size	Inlet diameter	Set pressure, p. s. i. g.			
		100	150	200	250
F	1½	681	982	1,283	1,583
G	1½	1,116	1,608	2,101	2,593
H	1½, 2	1,742	2,511	3,279	4,048
J	2, 2½	2,857	4,117	5,377	6,637
K	3	4,080	5,879	7,678	9,478
L	3, 4	6,333	9,125	11,920	14,710
M	4	7,991	11,515	15,040	18,565
N	4	9,633	13,880	18,130	22,380
P	4	14,160	20,410	26,650	32,900
Q	6	24,530	31,015	46,160	56,985
R	6	35,500	44,875	66,900	82,475

manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla.

Approval No. 162.018/44/0, Type 1910–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type, 300 p. s. i. primary service pressure rating, dwg. No. 401401, dated Oct. 1, 1956, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p. s. i. a. and flow-rated at 110 percent of the set pressure):

Orifice size	Inlet diameter	Set pressure, p. s. i. g.			
		100	150	200	250
F	1½	681	982	1,283	1,583
G	1½	1,116	1,608	2,101	2,593
H	1½, 2	1,742	2,511	3,279	4,048
J	2, 2½	2,857	4,117	5,377	6,637
K	3	4,080	5,879	7,678	9,478
L	3, 4	6,333	9,125	11,920	14,710
M	4	7,991	11,515	15,040	18,565
N	4	9,633	13,880	18,130	22,380
P	4	14,160	20,410	26,650	32,900
Q	6	24,530	31,015	46,160	56,985
R	6	35,500	44,875	66,900	82,475

manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla.

Approval No. 162.018/45/0, Type 1912–30, safety relief valve for liquefied compressed gas service (non-corrosive), full nozzle type metal-to-metal seat, bellows type, 600 p. s. i. primary service pressure rating, dwg. No. 401401, dated Oct. 1, 1956, approved for the following orifice sizes and air capacity ratings (discharge in cubic feet per minute of free air measured at 60° F. and 14.7 p. s. i. a. and flow-rated at 110 per cent of the set pressure):

Orifice size	Inlet diameter	Set pressure, p. s. i. g.			
		100	150	200	250
F	1½	681	982	1,283	1,583
G	1½	1,116	1,608	2,101	2,593
H	1½, 2	1,742	2,511	3,279	4,048
J	2, 2½	2,857	4,117	5,377	6,637
K	3	4,080	5,879	7,678	9,478
L	3, 4	6,333	9,125	11,920	14,710
M	4	7,991	11,515	15,040	18,565
N	4	9,633	13,880	18,130	22,380
P	4	14,160	20,410	26,650	32,900
Q	6	24,530	31,015	46,160	56,985
R	6	35,500	44,875	66,900	82,475

manufactured by Manning, Maxwell & Moore, Inc., 2415 East 13th Place, Tulsa 4, Okla.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.018)

DECK COVERING

Approval No. 164.006/40/0, "Hill Brothers C G Base Coat" and C G Red Top," magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210–1787: FP3069 dated Aug. 30, 1951, approved for use without other insulating material to meet Class A–60 requirements in a 1½" thickness, manufactured by Hill Brothers Chemical Co., 2159 Bay St., Los Angeles 21, Calif. (Extension of the approval published in FEDERAL REGISTER Dec. 7, 1951, effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.006)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/41/0, "MICRO-TEX—32–308" glass fiber insulation type incombustible material in ¾ pound per cubic foot density, identical to that referred to in National Bureau of Standards Test Report No. TG10210–1987: FP-3382, dated Oct. 8, 1956, manufactured by the L. O. F. Glass Fibers Co., Toledo, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.009)

CHANGE IN NAME AND ADDRESS OF MANUFACTURERS

The names and addresses of the Pyrene Manufacturing Co., 560 Belmont Ave., Newark 8, N. J., and of the C-O-Two Fire Equipment Co., P. O. Box 390, Newark 1, N. J., have both been changed to Pyrene-C-O-Two Division, the Fyr-Fyter Co., P. O. Box 750, Newark 1, N. J., for Approval Nos. 162.004/34/1, 162.004/35/1, 162.004/36/0, 162.004/37/0, 162.004/78/0, 162.005/4/0, 162.005/5/0, 162.005/6/0, 162.005/7/0, 162.005/13/1, 162.006/8/0, 162.006/9/0, 162.007/9/0, 162.007/10/0, 162.008/1/0, 162.009/16/0, 162.009/17/0, 162.009/3/0, 162.009/4/0, and 162.010/7/0 covering portable fire extinguishers and for all other outstanding unnumbered approvals granted to Pyrene Manufacturing Co., or C-O-Two Fire Equipment Co., and previously published in the FEDERAL REGISTER covering fixed and semi-portable fire extinguishing systems.

Dated: January 22, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–693; Filed, Jan. 29, 1957; 8:49 a. m.]

[CGFR 57–2]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because the approvals have expired. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

LIFE FLOATS

Termination of Approval No. 160.027/22/0, 7.0 x 3.17' (9'' x 9'' body section) rectangular solid balsa wood life float, 10-person capacity, construction and arrangement dwg. No. 31951 dated Mar. 19, 1951, revised Aug. 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.027/23/0, 7.5' x 4.0' (11'' x 11'' body section) rectangular solid balsa wood life float, 15-person capacity, construction and arrangement dwg. No. 31951, dated Mar. 19, 1951, revised Aug. 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.027/24/0, 9.0' x 5.08' (12'' x 12'' body section) rectangular solid balsa wood life float, 25-person capacity, construction and arrangement dwg. No. 31951 dated Mar. 19, 1951, revised Aug. 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.027/25/0, 10.67' x 6.17' (13'' x 13'' body section) rectangular solid balsa wood life float, 40-person capacity, construction and arrangement dwg No. 31951 dated Mar. 19, 1951, revised Aug. 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.027/26/0, 12.0' x 7.58' (15'' x 15'' body section) rectangular solid balsa wood life float, 60-person capacity, construction and arrangement dwg. No. 31951, dated Mar. 19, 1951, revised Aug. 14, 1951, manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.027)

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/117/0, mechanical davit, crescent sheath screw, Type C–60, approved for maximum working load of 12,000 pounds per set (6,000 pounds per arm), identified by general arrangement dwg. No. 3310, dated Nov. 23, 1949, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

LIFEBOATS

Termination of Approval No. 160.035/91/1, 18.0' x 6.0' x 2.6' steel, oar-propelled lifeboat, 18-person capacity, identified by general arrangement and construction dwg. No. 49R–1815, dated Aug. 8, 1951, revised Sept. 4, 1951, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Ave., Brooklyn 14, N. Y. (Approved FEDERAL REGISTER Dec. 7, 1956. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/98/1, 22.0' x 7.50' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by general arrangement and construction dwg. No. 49R–2217C, dated Aug. 8, 1950, and revised Nov. 17, 1950, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Ave., Brooklyn 14, N. Y. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/214/1, 20.0' x 6.5' x 2.67' aluminum, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement dwg. No. 20–2, dated Dec. 24, 1947, revised Sept. 4, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/246/1, 22.0' x 6.5' x 2.67', steel, oar-propelled lifeboat, 23-person capacity, identified by construction and arrangement dwg. No. 22–3, dated Apr. 12, 1949, and revised Aug. 29, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/258/1, 20.0' x 6.5' x 2.67' steel, oar-propelled lifeboat, 20-person capacity, identified by construction and arrangement dwg. No. 20–3, dated Aug. 19, 1949, and revised Aug. 27, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/268/0, 36.0' x 12.33' x 5.25' aluminum hand-propelled lifeboat, 140-person capacity, identified by construction and arrangement dwg. No. 3353, dated June 25, 1951, manufactured by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Berth Amboy, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/269/0, 36.0' x 12.33' x 5.25', aluminum, motor propelled lifeboat with radio cabin, 133-person capacity, identified by construction and arrangement dwg. No. 3354, dated Jan. 23, 1950, manufactured

by Welin Davit & Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/274/0, 22.0' x 6.75' x 2.92' aluminum, oar-propelled lifeboat, 25-person capacity, identified by construction and arrangement dwg. No. 22–1C, dated Nov. 22, 1950, and revised Oct. 2, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 160.035/281/0, 26.0' x 9.0' x 3.83' steel, oar-propelled lifeboat, 53-person capacity, identified by construction and arrangement dwg. No. 26–9, dated July 3, 1951, and revised Sept. 6, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BOILERS, HEATING

Termination of Approval No. 162.003/120/0, Smith-Mills Series "100" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 162.003/121/0, Smith-Mills Series "200" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 162.003/122/0, Smith-Mills Series "250" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 162.003/123/0, Smith-Mills Series "1100" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

Termination of Approval No. 162.003/124/0, Smith-Mills Series "1500" heating boiler, cast iron sectional construction, maximum design pressure 15 p. s. i., approval limited to bare boiler, manufactured by the H. B. Smith Co., Inc., Westfield, Mass. (Approved FEDERAL REGISTER Dec. 7, 1951. Termination of approval effective Dec. 7, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4434, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp.; 46 CFR Part 52)

Dated: January 23, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–694; Filed, Jan. 29, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

NOTICE OF PUBLIC HEARING TO CONSIDER CONTINUATION OR REVOCATION OF MARKETING AREA REQUIREMENTS FOR TIMBER

JANUARY 28, 1957.

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by the act of August 28, 1937 (50 Stat. 874) and the regulations thereunder, a public hearing is scheduled for 9:00 a. m. P. s. t., March 1, 1957 at the Interior Department Auditorium, Interior Building, 1001 NE. Lloyd Boulevard, Portland, Oregon, to consider whether marketing area requirements now affecting sales of O&C and CBWR timber shall be continued or revoked. A map showing the area under consideration is available for public inspection at the offices of the Bureau of Land Management in Portland, Salem, Eugene, Roseburg, Coos Bay, and Medford.

The hearing will be open to all interested persons.

Written briefs, statements or documents which are to be presented at the hearing must be submitted to Mr. James F. Doyle, Area Administrator, Bureau of Land Management, 1001 NE. Lloyd Boulevard, Portland, Oregon, at or before 9:00 a. m. P. s. t., March 1, 1957.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57–733; Filed, Jan. 29, 1957; 8:54 a. m.]

National Park Service

[Blue Ridge Parkway, Order 1]

ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

NOVEMBER 30, 1956.

SECTION 1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any coordinated area.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region One Order No. 3 (21 F. R. 1493 and 1494))

SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F. R. Doc. 57–676; Filed, Jan. 29, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

RICE STORED IN CALIFORNIA AND ARIZONA

NOTICE OF DEMAND FOR PAYMENT OF 1956 PRICE SUPPORT LOANS

Pursuant to provisions of § 421.1943 of the 1956 CCC Grain Price Support Bulletin 1, Supplement 1, Rice (21 F. R. 5813, August 4, 1956) and Notice of Final Date for Redemption (21 F. R. 10017, December 18, 1956), CCC hereby makes demand for payment on or before March 18, 1957, of loans on rice stored in the States of California and Arizona. Whenever the term "applicable loan maturity date," or "applicable maturity date," is referred to in the provisions relating to loans and purchase agreements in the 1956 CCC Grain Price Support Bulletin 1, Supplement 1, Rice or the term "final date for repayment" is referred to in the Notice of Final Date for Redemption, it shall be deemed to mean March 18, 1957, with respect to rice stored in the States of California and Arizona.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1031; 15 U. S. C. 714c, 7 U. S. C. 1441, 1447, 1421)

Done in Washington, D. C., this 25th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57–706; Filed, Jan. 29, 1957; 8:52 a. m.]

Farmers Home Administration

DIRECTORS OF SEVERAL LOAN DIVISIONS OF NATIONAL OFFICE

DELEGATION OF AUTHORITIES

Pursuant to authority contained in section 116 of Title 9 of the Administrative Regulations of the Department of Agriculture and in section 116 of the order of the Acting Secretary of Agriculture dated December 24, 1953 (19 F. R. 74), there hereby is delegated to each of the positions of Director, Operating Loan Division, Director, Emergency Loan Division, and Director, Real Estate Loan Division, subject to the general direction and supervision of the Assistant Administrator (Program), the authority to authorize the following types of transactions administered by the Farmers Home

Administration, which are submitted to its National Office for review or approval:

1. Receipt and processing of loan applications from applicants whose eligibility depends upon prior approval in the National Office, such as former employees (including Committeemen), applicants whose debts have been settled or are being considered for settlement, and two or more applicants, other than husband and wife, requesting a loan for the purpose of maintaining a joint ownership or operation of a farm.

2. Approval of loans, except Soil and Water Conservation loans to associations and Watershed loans, provided, that no such loan will cause the total outstanding principal indebtedness of the borrower to exceed $50,000 for all loans.

3. Execution of agreements for the assumption of loan indebtedness.

4. Enforcement of junior liens on real estate security, and bidding on behalf of the Government at foreclosure or other sales of real estate security by prior lienholders.

5. Execution of releases and subordinations of liens.

6. Approval or rejection of proposed debt settlement actions.

7. Granting or sale of easements or rights-of-way on acquired real property, and sale of acquired farms not suitable for purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended.

Dated: January 24, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57–707; Filed, Jan. 29, 1957; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7038 et al]

SOUTHERN AIRWAYS ET AL.; SOUTHEASTERN AREA LOCAL SERVICE CASE

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference covering the local air service pattern in the Southeastern Area Local Service Case, Docket No. 7038 et al., is assigned to be held on February 27, 1957, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

It is contemplated that this proceeding will cover the local air service pattern in an area south of St. Louis, bounded in general on the west by a line running southwest through Memphis and Shreveport to Houston and on the east by a line running southeast from St. Louis through Nashville, Atlanta and Jacksonville to Miami. The scope of this proceeding may be modified as a result of the conference. Consideration will be given at the conference to the consolidation for hearing and decision of some or all of the following applications;

Docket No., Applicant, and Description

7038, Southern Airways, Service between Memphis and Atlanta via Jackson, Nashville, Decatur, and the alternate intermediate points Anniston or Gadston.

6925, Southern Airways, Extension of Segment 4 of Route 98 to Nashville via Florence/Sheffield/Tuscumbia.

7333, Southern Airways, Service between Monroe and Houston via Alexandria, Lake Charles, and Beaumont.

8364, Trans-Texas Airways, Memphis to Nashville via Jackson.

8327, Southern Airways, Service between Jackson and Columbus, Miss., as an extension to Segment 4.

8438, Bogalusa, La., Service to New Orleans.

8365, Trans-Texas Airways, Service between Jackson and Nashville via Columbus and Florence/Sheffield/Tuscumbia.

5465, Trans-Texas Airways, Service between Memphis and Jackson via intermediate points.

6867, Decatur, Alabama, Service to Atlanta and Birmingham.

8104, Laurel, Mississippi, Service to New Orleans.

8122, Thomasville, Georgia, Service to Atlanta.

8163, Southern Airways, Service between Atlanta and Memphis via Huntsville and Florence/Sheffield/Tuscumbia.

7732, Trans-Texas Airways, Houston to Little Rock via intermediate points including Monroe.

5464, Trans-Texas Airways, Houston to New Orleans via Beaumont, Lake Charles, Lafayette, and Baton Rouge.

4384, Trans-Texas Airways, Houston to Jackson via intermediates.

8047, Southern Airways, Service between Jacksonville and Miami via Gainesville, Ocala, Winterhaven, and Ft. Lauderdale.

Attention is directed to § 302.12 (b) of the Board's rules of practice which specifies:

A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application.

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before February 15, 1957, a motion for consolidation with Examiner Fitzmaurice and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before February 15, 1957.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., January 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–702; Filed, Jan. 29, 1957; 8:51 a. m.]

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF HEARING

In the matter of an investigation to determine whether the baggage provisions contained in Rule 16 on 20th Revised Page 30, 35th Revised Page 31, 17th Revised Page 32, 24th Revised Page 33, 2nd Revised Page 34–B and 15th Revised Page 35 and excess baggage charges shown in Rule 19 on 4th Revised Page 37 and 4th Revised Page 38 of Agent J. B. Walker's C. A. B. No. 27, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205 (a), 403, 404 and 1002 thereof, that a hearing in the above-entitled proceeding will be held on March 5, 1957, at 10:00 a. m., e. s. t., in Room E–224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

(a) Are the baggage allowance provisions, and the excess baggage charges of the respondent carriers, applicable to transportation which is entirely within the United States, unjust or unreasonable, unjustly discriminatory, or unduly preferential or unduly prejudicial, or will they be so in the future?

(b) If such baggage allowance provisions, or excess baggage charges, are or will be, unjust or unreasonable, or unjustly discriminatory or unduly preferential or unduly prejudicial, what are, and will be, the lawful baggage allowance provisions and excess baggage charges?

For further details of the issues involved in this proceeding, interested persons are referred to the Order of Investigation (No. E–10191), and the Prehearing Conference Report which are on file in the Civil Aeronautics Board.

Notice is further given that any person, other than a party of record, desiring to be heard regarding the issues involved in this proceeding, must file with the Civil Aeronautics Board on or before March 5, 1957, a statement setting forth the matters of fact or law upon which he desires to be heard. Such person may then appear and participate in the proceeding in accordance with Rule 14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., January 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–701; Filed, Jan. 29, 1957; 8:51 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–36]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on January 22, 1957,

issued a license to The Babcock & Wilcox Company authorizing the export of a 5 megawatt pool-type research reactor to the Conselho Nacional de Pesquisas do Brasil, a department of the Brazilian Government, for operation by the University of Sao Paulo; a copy may be inspected in the AEC Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of January 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-673; Filed, Jan. 29, 1957; 8:45 a. m.]

[Docket No. F-17]

AMF ATOMICS, INC.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission on January 22, 1957, issued a construction permit to AMF Atomics, Inc., authorizing the construction of a 5 megawatt, pool-type, industrial research reactor to be located in Plainsboro Township, New Jersey. The construction permit is substantially in the form set forth in the notice of proposed issuance previously published in the FEDERAL REGISTER, 21 F. R. 10522, December 29, 1956; a copy may be inspected in the AEC Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 22d day of January 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-674; Filed, Jan. 29, 1957; 8:45 a. m.]

[Docket No. 50-47]

ORDNANCE MATERIALS RESEARCH OFFICE

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on January 15, 1957, the Ordnance Materials Research Office, Watertown Arsenal, Watertown, Massachusetts, filed an application under section 104 of the Atomic Energy Act of 1954 for a license to construct and operate a light water moderated and cooled, pool-type nuclear reactor designed to operate at 1,000 kilowatts and to be located at the Watertown Arsenal, Watertown, Massachusetts. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 23d day of January 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-675; Filed, Jan. 29, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Project No. 935]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING INSTALLATION OF ADDITIONAL GENERATING UNIT AND FOR APPROVAL OF PLANS

JANUARY 23, 1957.

Public notice is hereby given that Pacific Power & Light Company, of Portland, Oregon, has filed aplication under the Federal Power Act (16 U. S. C. 791a-825r) for order authorizing installation of an additional 55,000-horsepower generating unit in its water-power Project No. 935, located on Lewis River in Clark and Cowlitz Counties, Washington, and for approval of plans for such unit. Applicant intends to operate the project power plant after installation of the third unit so that the rate of rise of the Lewis River will be no greater than that experienced with two units.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is March 4, 1957. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-677; Filed, Jan. 29, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS (OPERATING ON DELEGATION OF AUTHORITY BY DEPARTMENT OF INTERIOR UNDER PL 733)

NOVEMBER 30, 1956.

Material	Termination date of program	Unit of measure	Total limitation	Interim limitation	Quantity purchased: During November	Quantity purchased: Inception to Nov. 1956
Asbestos	Dec. 31, 1958	Short tons, crude Nos. 1 and 2.	2,000	456	0	231
		Short tons, crude No. 3	2,000	456	0	144
Columbium-tantalum	do	Pounds, contained combined pentoxide.	250,000	57,176	0	0
Fluorspar	do	Short tons, acid grade	250,000	57,173	0	0
Tungsten	do	Short ton units, tungsten trioxide.	1,250,000	285,872	107,622	185,324

FRANKLIN G. FLOETE,
Administrator.

Dated: January 23, 1957.

[F. R. Doc. 57-708; Filed, Jan. 29, 1957; 8:53 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 149]

MOTOR CARRIER APPLICATIONS

JANUARY 25, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 263 (Sub No. 87), filed December 31, 1956, GARRETT FREIGHTLINES, INC., 1055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's representative: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, between Farmington, N. Mex., and Albuquerque, N. Mex., from Farmington over New Mexico Highway 17 to junction New Mexico Highways 17 and 44 at Bloomfield, N. Mex., thence over New Mexico Highway 44 to its junction with U. S. Highway 85 at Bernalillo, N. Mex., thence over U. S. Highway 85 to Albuquerque, N. Mex., and return over the same routes, serving all intermediate points. Applicant is authorized to conduct similar operations in Idaho, Montana, California, Utah, Nevada, Oregon, Wyoming, Colorado, and New Mexico.

HEARING: March 12, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 531 (Sub No. 72) (Amended), published September 19, 1956, at page 7035, filed September 5, 1956, YOUNGER BROTHERS, INC., 4904 Griggs Rd., P. O. Box 14287, Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., Suite 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, (except asphalt and asphalt compounds), in bulk, in tank vehicles, between Baton Rouge, La., and points within 10 miles thereof, on the one hand, and, on the other, points in Concordia, Catahoula, Tensas, Franklin, Caldwell, Madison, Richland, Ouachita, East Carroll, West Carroll and Morehouse Parishes, La. Applicant is authorized to conduct similar operations in Louisiana, Texas, Arkansas, Alabama, Georgia, Mississippi, and Tennessee.

NOTE: The application, as amended, provides for the traversal of a portion of Mississippi in performing the proposed operations, and restricts the commodity description against the transportation of asphalt and asphalt compounds.

HEARING: March 15, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 26.

No. MC 531 (Sub No. 78), filed January 22, 1957, YOUNGER BROTHERS, INC., P. O. Box 14287, 4904 Griggs Rd., Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Water*, in tank vehicles, between points in Apache, Navajo and Coconino Counties, Ariz.; San Juan, Kane, and Garfield Counties, Utah; Montezuma, La Plata, San Miguel and Dolores Counties, Colo.; and San Juan, McKinley, and Rio Arriba Counties, N. Mex.

HEARING: February 26, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 1872 (Sub No. 41), filed January 14, 1957, ASHWORTH TRANSFER, INC., 1526 South 6th West Street, Salt Lake City, Utah. Applicant's representative: Stockton, Linville and Lewis, The 1650 Grant Street Bldg., Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors' equipment, materials, and supplies*, and *building materials* as defined by the Commission, but excluding petroleum products, in bulk, in tank vehicles, between points in Utah and points in Sweetwater and Uintah Counties, Wyo. Applicant is authorized to conduct operations in Utah, Nevada, Wyoming, and Idaho.

HEARING: March 21, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 280.

No. MC 9115 (Sub No. 46), filed January 7, 1957, OREGON NEVADA CALIFORNIA FAST FREIGHT, INC., 675 Brannan St., San Francisco, Calif. Applicant's representative: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities, including household goods as defined by the Commission*, but excepting those of unusual value (not including ore concentrates), Class A and B explosives, commodities in bulk, and commodities requiring special equipment, serving points within fifteen (15) miles of Keno, Oreg. as off-route points in connection with applicant's regular route operations between Ashland, Oreg. and Klamath Falls, Oreg. over Oregon Highway 66. Applicant is authorized to conduct operations in Oregon, California, and Nevada.

HEARING: March 18, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 172.

No. MC 20372 (Sub No. 10), filed December 28, 1956, J. W. CARTAGE CO., 4170 N. First St., Milwaukee 12, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Perlite, vermiculite, volcanic ash* and *derivatives thereof*, (as more fully described in the application), from Milwaukee, Wis., to points in Allamakee, Clayton, Delaware, Dubuque, Linn, Jones, Des Moines, Henry, Jackson, Clinton, Cedar, Johnson, Muscatine, Scott, Louis, and Lee Counties, Iowa.

NOTE: Applicant is authorized to conduct operations under Permit No. MC 37513. Section 210 may be involved.

HEARING: March 6, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 20697 (Sub No. 30), filed December 31, 1956, THE WILLET COMPANY, 700 S. Desplaines, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vitamin B12 extract*, (as more fully described in the application), in bulk, in tank vehicles, from Milwaukee, Wis., to Bradley, Ill.

NOTE: Applicant is authorized to conduct operations under Certificate No. MC 66462 (Sub No. 5). Section 210 may be involved.

HEARING: March 4, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 13.

No. MC 24211 (Sub No. 6), filed January 9, 1957, AL SCANNAVINO, doing business as AL SCANNAVINO TRUCKING CO., 5463 Cherokee Lane, Stockton, Calif. Applicant's representative: Edward M. Berol, 100 Bush St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed cake* and *cottonseed pellets*, from Kingsburg and Corcoran, Calif., to ranches located at or near Tuscarora, Nev., approximately 86 miles south of Elko, Nev., and to ranches located approximately 35 miles north of Golconda, Nev. Applicant is authorized to transport grain and beans, feed, and wine, between specified points in California.

HEARING: March 25, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 78.

No. MC 29566 (Sub No. 46), filed January 7, 1957, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, as described by the Commission, from Memphis, Tenn., to points in Missouri. Applicant is authorized to transport same commodities in Illinois and Missouri.

HEARING: March 8, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 311.

No. MC 30311 (Sub No. 12), filed January 9, 1957, FREIGHT, INC., 408 Wellington St., P. O. Box 1311, Akron, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Euclid Division Plant of General Motors Corporation located on Ohio Highway 91 near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations from and to Akron, Ohio, and from and to Cleveland, Ohio. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Ohio, and Nebraska.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 31600 (Sub No. 415), filed January 14, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary St., Waltham, Mass. Applicant's representative: H. C. Ames, Jr., 216 Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Benzyl chloride*, in bulk, in special nickel-lined, shipper-owned tank trailers, from Fords, N. J. to Cincinnati and Reading, Ohio, and *trailers* on return. Applicant is authorized to transport similar commodities in Rhode Island, Massachusetts, New Hampshire, Vermont, and New Jersey.

HEARING: March 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 31600 (Sub No. 417), filed January 14, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary St., Waltham, Mass. Applicant's representative: H. C. Ames, Jr., 216 Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Grain Alcohol*, in bulk, in bonded heresite lined tank semi-trailers, from Hartford, Conn., to Cockeysville, Md. Applicant is authorized to conduct operations in New York, Massachusetts, New Hampshire, Vermont, New Jersey, Pennsylvania, Delaware, Connecticut, and Rhode Island.

HEARING: March 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 31600 (Sub No. 418), filed January 14, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary St., Waltham, Mass. Applicant's representative: H. C. Ames, Jr., 216 Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting:

Chlorosulfonic acid, in bulk, in tank vehicles, from Kearny, N. J. to Baltimore, Md., and Lock Haven and Philadelphia, Pa. Applicant is authorized to conduct operations in Massachusetts, New York, Connecticut, Maine, New Hampshire, Vermont, and Rhode Island.

NOTE: Applicant states that above commodity will be transported in Type 316 stainless steel tank vehicles built to conform to the Interstate Commerce Commission specification MC-311.

HEARING: March 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 40302 (Sub No. 22), filed January 14, 1957, FEDERAL EXPRESS, INC., 577 West Ray Street, Indianapolis, Ind. Applicant's representative: Ferdinand Born, 706–708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Louisville, Ky., and the plant site of the Clayton & Lambert Manufacturing Company near Buckner, Ky., (a) from Louisville over U. S. Highway 42 to junction Buckner Road, thence over Buckner Road to the plant site of the Clayton & Lambert Manufacturing Company near Buckner, and return over the same route, serving no intermediate points, and (b) from Louisville, Ky., over U. S. Highway 42 to junction Kentucky Highway 22, thence over Kentucky Highway 22 to junction Kentucky Highway 146, thence over Kentucky Highway 146 to the plant site of the Clayton & Lambert Manufacturing Company near Buckner, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, and Ohio.

HEARING: March 6, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 155.

No. MC 43177 (Sub No. 25), filed January 17, 1957, B B & I MOTOR FREIGHT, INC., 501 North Rogers Street, Bloomington, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Louisville, Ky., and the plant site of the Clayton & Lambert Manufacturing Company near Buckner, Ky., (a) from Louisville over U. S. Highway 42 to junction Buckner Road, thence over Buckner Road to the plant site of the Clayton & Lambert Manufacturing Company near Buckner, and return over the same route, serving no intermediate points; and (b) from Louisville over U. S. Highway 42 to junction Kentucky Highway 22, thence over Kentucky Highway 22 to junction Kentucky Highway 146, thence over Kentucky Highway 146 to the plant site of the Clayton & Lambert Manufacturing Company near Buckner, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

HEARING: March 6, 1957, at the Department of Motor Transportation, State Office Building, Frankfort, Ky., before Joint Board No. 155.

No. MC 45875 (Sub No. 6), filed January 10, 1957, FILM SERVICE, INC., 1032 North 8th St., Milwaukee 3, Wis. Applicant's representative: William C. Dineen, 341 Empire Bldg., 710 N. Plankinton Ave., Milwaukee 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Newspapers, magazines, periodicals, books* and *dated publications*, and *empty containers or other such incidental facilities* (not specified) used in transporting the aforementioned commodities, (1) between Milwaukee, Wis., on the one hand, and, on the other, points in Wisconsin, except points in Bayfield, Douglas, Ashland, Washburn, Sawyer, Barron, Chippewa, Polk, Burnett, St. Croix, Pierce, Dunn, Buffalo, Rusk, Eau Claire, Pepin and Trempealeau Counties, Wis., (2) between Milwaukee, Wis., on the one hand, and, on the other, points in the Upper Peninsula of Michigan.

HEARING: March 5, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 48958 (Sub No. 31), filed November 26, 1956, ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's representative: Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between junction U. S. Highway 66 and New Mexico Highway 53, west of Grants, N. Mex., and the Rio Del Oro Mine Shaft in the Ambrosia Lake Mining Area, N. Mex. from junction U. S. Highway 66 and New Mexico Highway 53, west of Grants, N. Mex., north 13½ miles over New Mexico Highway 53 to junction unnumbered McKinley County road, thence northwest 7½ miles over unnumbered McKinley County road to junction Rio Del Oro and Sabre-Pinion private roads, thence northwest 6 miles over the Rio Del Oro and Sabre-Pinion private roads to the Rio Del Oro Mine Shaft in the Ambrosia Lake Mining Area, and return over the same route, serving all intermediate points, and all off-route points within 5 miles of the indicated portions of the above-specified highways and County road and private roads. The operations proposed are all in the Ambrosia Lake Mining Area in McKinley and Valencia Counties, N. Mex. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Nebraska, Nevada, New Mexico, and Wyoming.

HEARING: March 11, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 87.

No. MC 52465 (Sub No. 18), filed December 3, 1956, WESTERN EXPRESS, a corporation, 2300 Ninth Avenue North, Great Falls, Mont. Applicant's representative: Randall Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Great Falls, Mont., and the plant of the Cochrane Dam Site, located approximately 8 to 10 miles northeast of Great Falls, Mont., from Great Falls over U. S. Highway 87 to junction unnumbered county road, thence over said unnumbered county road, designated as Portage Coulee Road, to junction unnumbered highways and thence over said unnumbered highways to Cochrane Dam Site and return over the same route, serving no intermediate points, but serving points within five (5) miles of the Cochrane Dam Site as off off-route points. Applicant is authorized to conduct operations in Montana.

HEARING: March 12, 1957, at the Council Chambers, Civic Center, Great Falls, Mont., before Joint Board No. 82.

No. MC 55811 (Sub No. 32), filed December 26, 1956, GRAIG TRUCKING, INC., Albany, Ind. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry chemicals*, in bulk, from Detroit, Mich. and points within fifteen (15) miles of Detroit, to points in Illinois, Indiana, and Ohio.

HEARING: March 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 56244 (Sub No. 18), filed January 2, 1957, KUHN TRANSPORTATION COMPANY, INC., R. D. #2, Gardners, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, and *Vinegar*, from Martinsburg, W. Va., and Winchester, Va., to points in Illinois, Indiana, Iowa, Michigan and Missouri. Applicant is authorized to transport similar commodities in the States of Maryland, Pennsylvania, Ohio, New York, New Jersey, West Virginia, Illinois, Indiana, Kentucky, and Michigan.

HEARING: March 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 63562 (Sub No. 27), filed January 11, 1957, NORTHERN PACIFIC TRANSPORT COMPANY, 176 E. Fifth St., St. Paul, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Lewiston, Idaho and Pasco, Wash. over U. S. Highway 410, serving all intermediate points and the off-route points of Milton, Oreg. and Freewater, Oreg. Applicant is authorized to conduct operations in Washington, Montana, North Dakota, and Idaho.

HEARING: March 14, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 81.

No. MC 71460 (Sub. No. 3), filed January 14, 1957, SOUTHERN FORWARDING CO., a corporation, 728 Alston Ave., Memphis 2, Tenn. Applicant's representative: Robert W. Brunow, 1511–1516 Kentucky Home Life Bldg., Louisville 2, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route point of the Clayton & Lambert Manufacturing Company plant site, located near Buckner, Ky., in connection with applicant's authorized regular route operations between Memphis, Tenn., and Louisville, Ky. Applicant is authorized to transport similar commodities in Kentucky and Tennessee.

HEARING: March 6, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 73587 (Sub No. 140), filed January 11, 1957, ELLIOTT BROTHERS TRUCKING COMPANY, INC., North Aurora St., Easton, Md. Applicant's representative: Glenn F. Morgan, 1006–1008 Warner Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, including fruits, meats, seafoods, vegetables, berries, juices and combinations or mixtures thereof*, cooked or raw, from Baltimore and Pocomoke, Md., to points in Maine, New Hampshire and Vermont. Applicant is authorized to transport similar commodities in Delaware, Maryland, Virginia, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, and Vermont.

HEARING: March 7, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 76032 (Sub No. 108), filed January 14, 1957, NAVAJO FREIGHT LINES, INC., 1205 So. Platte River Drive, Denver 23, Colo. Applicant's representative: O. Russell Jones, P. O. Box 1437, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and commodities requiring refrigeration, (1) between Roswell, N. Mex., and Dallas, Tex., from Roswell over U. S. Highway 380 to junction of U. S. Highway 180 near Lueders, Tex., thence over U. S. Highway 180 to Fort Worth, Tex., thence over U. S. Highway 80 to Dallas, Tex., and return over the same route, serving all intermediate points; (2) between Roswell, N. Mex., and Dallas, Tex., from Roswell, over U. S. Highway 380 to junction of U. S. Highway 84 at or near Post, Tex., thence over U. S. Highway 84 to junction of U. S. Highway 180 at or near Snyder, Tex., thence over U. S. Highway 180 to Fort Worth, Tex., thence over U. S. Highway 80 to Dallas, Tex., and return over the same route, serving all intermediate points; (3) between Roswell, N. Mex., and Dallas, Tex., from Roswell over U. S. Highway 380 to the junction of U. S. Highway 84 at or near Post, Tex., thence over U. S. Highway 84 to the junction of U. S. Highway 80 at or near Abilene, Tex., thence over U. S. Highway 80 to Dallas, Tex., and return over the same route, serving all intermediate points; (4) between Roswell, N. Mex., and Dallas, Tex., from Roswell, N. Mex., over U. S. Highway 380 to the junction of New Mexico Highway 18 at or near Tatum, N. Mex., thence over New Mexico Highway 18 to the junction of U. S. Highway 180 at or near Hobbs, N. Mex., thence over U. S. Highway 180 to Fort Worth, Tex., thence over U. S. Highway 80 to Dallas, Tex., and return over the same route, serving all intermediate points. Applicant is authorized to transport similar commodities in New Mexico and Colorado.

HEARING: March 18, 1957, at 119 East Fifth Street, Roswell, N. Mex., before Joint Board No. 33.

No. MC 95540 (Sub No. 284), filed January 11, 1957, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat-packing houses*, from St. Louis, Mo., and points in the East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Alabama, Georgia, and South Carolina. Applicant is authorized to transport similar commodities in the States of Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 14, 1957, at the Peachtree-Seventh Building, 50 Seventh Street, NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 99210 (Sub No. 2), filed January 16, 1957, DONALD BATHEL, Claremont, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butter*, from points in Waseca County, Minn., to Rochester and Owatonna, Minn. Applicant is authorized to conduct operations in Minnesota.

HEARING: March 8, 1957, at the Federal Court Building, Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 145.

No. MC 103993 (Sub No. 81), filed January 11, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from points in Florida, except Lake City, Dade City, and Clearwater, Fla., to points in the United States, except Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 104340 (Sub No. 131), filed January 12, 1957, LEAMAN TRANSPORTATION COMPANY, INC., 520 E. Lancaster Ave., Downingtown, Pa. Applicant's representatives: John R. Sims, Jr., and Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products* in bulk, in tank vehicles, from Canton, Ohio to points in Armstrong, Cambria, Clearfield, Fayette, Greene, Indiana, Jefferson, Somerset, Washington and Westmoreland Counties, Pa. Applicant is authorized to transport similar commodities in Ohio, Pennsylvania, New York, West Virginia, Connecticut, and Massachusetts.

HEARING: February 27, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 59.

No. MC 106373 (Sub No. 23), filed January 7, 1957, THE SERVICE TRANSPORT CO., a corporation, 11910 Harvard Avenue, Cleveland, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new Euclid Division Plant of the General Motors Corporation located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Akron, Ohio. Applicant is authorized to transport similar commodities in Michigan, New York, Ohio, and Pennsylvania.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 107640 (Sub No. 34), filed January 3, 1957, MIDWEST TRANSFER COMPANY OF ILLINOIS, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials*, and *materials, machinery and supplies* used in the manufacture and distribution of building materials, including returned skids and pallets, between Dubuque, Iowa and Sunbury, Pa., on the one hand, and, on the other,

points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is presently authorized to conduct contract operations under Permit No. MC 107640 and sub numbers thereunder. Application pending in No. MC 114021 and Sub No. 1 to change from contract to common. Applicant filed application in No. MC 114021 Sub No. 2 as a common carrier for the same authority applied for above. Dual operations and common control may be involved.

HEARING: March 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 110940 (Sub No. 18), filed January 7, 1957, ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala. Applicant's representative: Bennett T. Waites, Jr., 531-34 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Benzol*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Tuscaloosa, Ala. Applicant is authorized to transport similar commodities in Alabama, Georgia, Florida, Tennessee, Mississippi, Kentucky, Louisiana, North Carolina, South Carolina, and Arkansas.

HEARING: March 18, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 239.

No. MC 114021 (Sub No. 2), filed December 3, 1956, MIDWEST TRANSFER COMPANY OF ILLINOIS, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, and *materials, machinery and supplies* used in the manufacture and distribution of building materials, including returned skids and pallets, between Dubuque, Iowa and Sunbury, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is presently authorized to conduct contract operations under Permit No. MC 107640 and sub numbers thereunder. Application pending in No. MC 114021 and Sub No. 1 to change from contract to common. Applicant filed application in No. MC 107640 Sub No. 34 as a contract carrier for the same authority as applied for above. Dual operations and common control may be involved.

HEARING: March 4, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 114362 (Sub No. 4) filed January 16, 1957, H. A. PIERCE, doing business as PIERCE TRUCK LINES, Freeborn, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Manufactured fertilizer*, in bulk, between Mason City, Iowa and Fairfax, Minn. Applicant is authorized to conduct operations in Iowa and Minnesota.

HEARING: March 8, 1957, at the Federal Court Building, Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 146.

No. MC 115523 (Sub No. 13), filed January 10, 1957, CLARK TANK LINES COMPANY, a Corporation, 1450 Beck Street, Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Pinole, Calif., to Moab, Utah.

NOTE: Applicant has authority as a contract carrier in Permit No. MC 105662 (Sub No. 2) dated January 10, 1950 to transport petroleum crude oil from Rangeley, Colo., to Woods Cross, Utah. Dual operations (section 210), may be involved.

HEARING: March 20, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 30.

No. MC 115556 (Sub No. 2), filed January 7, 1957, DOUGLAS DeWITT, 215 Madison Street, Oconto, Wis. Applicant's representative: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, and *Sawdust*, between Oconto, Wis., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and (2) *Coal*, from Menomonee, Mich., to Oconto, Wis. Applicant is authorized to transport lumber and sawdust, under Certificate No. MC 115556, in the States of Wisconsin, Minnesota, Iowa, Illinois, Indiana, Ohio, and the Lower Peninsula of Michigan.

HEARING: March 5, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 115745 (Sub No. 3), filed January 14, 1957, LELAND F. THOMPSON, P. O. Box 701, Pilot Rock, Oreg. Applicant's representative: Arthur R. Barrows, Pilot Rock, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wood chips*, in bulk, in specially equipped van-type trailers, from plant site of Jaymar Company mill, approximately two (2) miles northeast of Walla Walla, Wash., to plant site of Potlatch Forests, Inc., Lewiston, Idaho. *Empty containers or other such incidental facilities* used in transporting the commodity specified, on return. Applicant is authorized to transport bulk wood chips from the same origin to Pilot Rock, Oregon.

HEARING: March 18, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 116122 (Amended), filed July 27, 1956, BILL-CASE TRAVEL, INC., (formerly entitled: WALLACE PREZANT, doing business as BILL CASE TRAVEL COMPANY), 181 Seventh Ave., New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. Published at page 6530 issue of August 29, 1956, as above.

HEARING: February 4, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116126 (Amended), filed July 27, 1956, NATIONAL CAR TRAVEL, INC., (formerly entitled: HARMON SERVICE CORP., doing business as NATIONAL CAR TRAVEL), 1535 Undercliff Ave., Bronx, New York, N. Y. Applicant's representative: Herbert Burstein, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* by independent drivers, not employed by applicant, for ultimate consumers and not for commercial dealers, jobbers, distributors and manufacturers, said consumers engaging the drivers, from, to, and between points in the United States. Published at page 6531, issue of August 29, 1956, as above.

HEARING: February 4, 1956, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116355, filed December 17, 1956, BERT HANSON, Le Roy, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *Farm machinery*, assembled and unassembled, such as tractors, plows, discs, combines, corn pickers, elevators and other pertinent farm implements, and *repair or replacement parts* for the aforementioned machinery, crated and uncrated; *processed commercial fertilizer*, and *animal commercial feeds*, as more fully described in the application, from Le Roy, Minn., to Mason City and Waterloo, Iowa, (1) from Le Roy over Minnesota Highway 56 to junction unnumbered highway thence over unnumbered highway to the Minnesota-Iowa State line, thence over Iowa Highway 312 to junction Iowa Highway 9, thence over Iowa Highway 9 to junction U. S. Highway 65, thence over U. S. Highway 65 to Mason City, serving no intermediate points; and (2) from Le Roy over Minnesota Highway 56 to junction U. S. Highway 63, thence over U. S. Highway 63 to Waterloo, serving no intermediate points.

NOTE: Applicant proposes to proceed to either Mason City or Waterloo, Iowa, empty, and pick up his return load of the commodities indicated above.

HEARING: March 7, 1957, at the Federal Court Building, Marquette Avenue, South and Third Sts., Minneapolis, Minn., before Joint Board No. 146.

No. MC 116368, filed December 28, 1956, L. W. JOHNSON and PAUL S. JOHNSON, doing business as JOHNSON TRANSFER CO., Basin, Wyo. Applicant's representative: Jerome Anderson, Electric Bldg., Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium Ore*, between points in Carbon and Big Horn Counties, Mont., and Big Horn County, Wyoming.

HEARING: March 11, 1957, at the Council Chambers, City Hall, Billings, Mont., before Joint Board No. 123.

MOTOR CARRIERS OF PASSENGERS

No. MC 228 (Sub No. 23), filed January 14, 1957, HUDSON TRANSIT LINES, INC., Franklin Turnpike, Mahwah, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy Street, Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) between Mahwah, N. J., and Paramus, N. J., from junction New Jersey Highway 17 and U. S. Highway 202 (a point on applicant's authorized route) in Mahwah over U. S. Highway 202 to junction Balmont Avenue and Oakland Avenue in Oakland, N. J., thence over Oakland Avenue to the Oakland-Franklin Lakes boundary, thence over Franklin Avenue to junction Godwin Avenue in Wyckoff, N. J., thence over Godwin Avenue to junction Ackerman Avenue in Ridgewood, N. J., thence over Ackerman Avenue to junction Prospect Street in Glen Rock, N. J., thence over Prospect Street to the Glen Rock-Fair Lawn boundary, thence over Saddle River Road to junction New Jersey Highway 4 in Fair Lawn, N. J., thence over New Jersey Highway 4 to junction New Jersey Highway 17 (a point on applicant's authorized route) in Paramus, and return over the same route, serving all intermediate points; and (2) between Wyckoff, N. J., and Waldwick, N. J., from junction Godwin Avenue and Franklin Avenue in Wyckoff, over Franklin Avenue to the Wyckoff-Waldwick boundary, thence over Wyckoff Avenue in Waldwick, N. J., to junction North Franklin Turnpike, thence over North Franklin Turnpike to junction East Prospect Avenue, thence over East Prospect Avenue to junction New Jersey Highway 17 (a point on applicant's authorized route) in Waldwick, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: March 4, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 2880 (Sub No. 12), filed January 15, 1957, SOMERSET BUS CO., INC., U. S. Highway 22, Mountainside, N. J. Applicant's representative: Wilmer A. Hill, Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, (1) between Madison, N. J., and Springfield, N. J.; from junction Park Ave. and New Jersey Highway 24 in Madison over New Jersey Highway 24 through Madison, Chatham, Summit, Millburn and Springfield, N. J., to junction New Jersey Highway 24 and Flemer Ave. in Springfield, and return over the same route, serving all intermediate points; (2) between Springfield, N. J., and Union, N. J.: from junction New Jersey Highway 24 and Millburn Ave. in Springfield over Millburn Ave. to junction Vaux Hall Road, thence over Vaux Hall Road to junction Vaux Hall Road and U. S. Highway 22 in Union, and return from junction U. S. Highway 22 and Vaux Hall Road in Union over Vaux Hall Road to Millburn, N. J., thence over Vaux Hall Road to junction Millburn Ave., thence over Millburn Ave., to junction Essex St., thence over Essex St. to junction Millburn Ave., and thence over Millburn Ave. to junction New Jersey Highway 24 in Springfield, serving all intermediate points; (3) between Springfield, N. J., and Millburn, N. J.: from junction New Jersey Highway 24 and Main St. in Springfield over Main St. to junction Millburn Ave. in Millburn, and return from junction Essex St. and Main St. in Millburn over Main St., to junction New Jersey Highway 24 in Springfield, serving all intermediate points; and (4) between Summit, N. J., and Springfield, N. J.: from junction New Jersey Highway 24 and River Road in Summit over River Road to junction Morris Ave., thence over Morris Ave. to junction Broad St., thence over Broad St. to Springfield, N. J., and thence over Morris Ave., to junction Morris Ave. and New Jersey Highway 24 in Springfield, and return over the same route, serving all intermediate points. Applicant is authorized to conduct regular-route operations in New York and New Jersey, and irregular route operations in New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia.

HEARING: February 25, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 3647 (Sub No. 209), filed January 17, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, between Elizabeth, N. J., and Westfield, N. J., from junction U. S. Highway 1 and North Avenue, Elizabeth, over North Avenue to junction Elmora Avenue, thence over Elmora Avenue to junction Magie Avenue, thence over Magie Avenue to junction Galloping Hill Road, thence over Galloping Hill Road to junction Kenilworth Boulevard, Kenilworth, N. J., thence over Kenilworth Boulevard to junction Springfield Avenue, Cranford, N. J., thence over Springfield Avenue to junction East Broad Street, Westfield, N. J., thence over East Broad Street to junction Elm Street, Westfield, and return over the same route, serving all intermediate points; and (2) Within Elizabeth, N. J., from junction Elmora Avenue and Magie Avenue over Elmora Avenue to junction South Elmora Avenue, thence over South Elmora Avenue to junction U. S. Highway 1 at Bayway Circle, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New Jersey and New York.

HEARING: February 25, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 102299 (Sub No. 7), filed January 10, 1957, THE BALTIMORE AND ANNAPOLIS RAILROAD COMPANY, 100 South Howard St., Baltimore, Md. Applicant's representative: Frank B. Hand, Jr., Transportation Bldg., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, *express*, *mail* and *newspapers*, in the same vehicle with passengers, (1) between Glen Burnie, Md., and Washington D. C., from Glen Burnie over Alternate U. S. Highway 301 to Ferndale, Md., thence over city streets to Garland, Md., thence over unnumbered county roads and city streets to Shipley, Md., thence over city streets to Maryland Highway 170, thence over Maryland Highway 170 to Friendship International Airport, thence over Maryland Highway 170 to junction Maryland Highway 176, thence over Maryland Highway 176 to junction Maryland Highway 713, thence over Maryland Highway 713 to junction Maryland Highway 175, thence over Maryland Highway 175 to Fort George G. Meade, Md., thence over unnumbered highways within Fort George G. Meade to Maryland Highway 602, thence over Maryland Highway 602 to U. S. Highway 1, thence over U. S. Highway 1 to Washington, D. C., and return over the same route, serving all intermediate points between Laurel, Md. and Glen Burnie, Md., but not including Laurel, Md.; (2) between Glen Burnie, Md., and Washington, D. C., from Glen Burnie over Alternate U. S. Highway 301 to Ferndale, Md., thence over city streets to Garland, Md., thence over unnumbered county roads and city streets to Shipley, Md., thence over city streets to Maryland Highway 170, thence over Maryland Highway 170 to Friendship International Airport, thence over Maryland Highway 170 to junction Maryland Highway 176, thence over Maryland Highway 176 to junction Maryland Highway 713, thence over Maryland Highway 713 to junction Maryland Highway 175, thence over Maryland Highway 175 to Fort George G. Meade, Md., thence over unnumbered highways within Fort George G. Meade to Maryland Highway 32, thence over Maryland Highway 32 to the Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to Maryland Highway 602, thence over Maryland Highway 602 to U. S. Highway 1, thence over U. S. Highway 1 to Washington, D. C., and return over the same route, serving all intermediate points between Laurel, Md., and Glen Burnie, Md., but not including Laurel, Md. Applicant is authorized to conduct similar operations in Maryland.

HEARING: March 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 120.

No. MC 116310, filed January 9, 1957, CHESTER JOSEPH BARTKO, doing business as BARTKO BUS SERVICE, 7802 Wise Avenue, Baltimore 22, Md. Applicant's representative: Louis H. Fried, 608 Munsey Building, Calvert & Fayette Streets, Baltimore 2, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning at points in Maryland, and extending to points in Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Pennsylvania, Delaware, New Jersey, New York, and the District of Columbia.

HEARING: March 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 116351, filed December 14, 1956, TRACKLESS TRANSIT, INC., 907 S. Orange Ave., East Orange, N. J. Applicant's representative: James F. X. O'Brien, 17 Academy St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage* in the same vehicle with passengers, (1) between Kenilworth, N. J. and New York, N. Y., from junction of Pembrook Drive and Kenilworth Blvd. in Kenilworth, N. J., over Kenilworth Blvd. to Galloping Hill Road to junction with Chestnut Sreet in Union, N. J., thence over Chestnut Street to junction with Stuyvesant Avenue in Union N. J., thence over Stuyvesant Avenue to junction with South Orange Avenue in Newark, N. J., thence over South Orange Avenue to junction with Sanford Street, thence over Sanford Street to junction with Central Avenue in East Orange, N. J., thence over Central Avenue to junction with South Oraton Parkway, thence over South Oraton Parkway to junction with access roads to Garden State Parkway entrance 145A in East Orange, N. J., thence over access roads to Garden State Parkway, thence over Garden State Parkway to Exit 153A, thence over access roads to junction New Jersey Highway 3 in Clifton, N. J., thence over New Jersey Highway 3 to junction with Depressed Highway in North Bergen, N. J., thence over Depressed Highway to junction with Elevated Highway in Weehawken, N. J., thence over Elevated Highway to the Lincoln Tunnel Plaza in Weehawken, N. J., thence through the Lincoln Tunnel to New York City, N. Y., and return from New York City, N. Y., through the Lincoln Tunnel to the Lincoln Tunnel Plaza in Weehawken, N. J., thence over the Elevated Highway to junction with Depressed Highway, thence over Depressed Highway to junction with New Jersey Highway 3 in North Bergen, N. J., thence over New Jersey Highway 3 to junction with access roads to Garden State Parkway entrance 153 in Clifton, N. J., thence over access roads to Garden State Parkway, thence over Garden State Parkway to Exit 145A in East Orange, N. J., thence over access roads to junction with service road, thence over service road to junction with Central Avenue in East Orange, N. J., thence over Central Avenue to junction with Sanford Street, thence over Sanford Street to junction with South Orange Avenue in Newark, N. J., thence over South Orange Avenue to junction with Stuyvesant Avenue, thence over Stuyvesant Avenue to junction with Chestnut Street in Union, N. J., thence over Chestnut Street to junction with Galloping Hill Road, thence over Galloping Hill Road to Kenilworth Blvd., in Kenilworth, N. J., thence over Kenilworth Blvd. to junction with Pembrook Drive in Kenilworth, N. J., serving all intermediate points between junction Pembrook Drive and Kenilworth Blvd. in Kenilworth, N. J., on the one hand, and Garden State Parkway entrance and exit 145A in East Orange, N. J., on the other, subject to the restriction that no intermediate points shall be served between Garden State Parkway entrance and exit 145A, on the one hand, and New York City, N. Y., on the other. (2) from Kenilworth, N. J. to East Orange, N. J., from junction Kenilworth Blvd. and access roads to Garden State Parkway entrance 138 in Kenilworth, N. J. (being a point on the aforedescribed Route 1) over access roads to Garden State Parkway, thence over Garden State Parkway to entrance 145A in East Orange, N. J. (being a point on the aforedescribed Route 1), serving all intermediate points, and from entrance 145A in East Orange, N. J. to New York, N. Y. as described under (1); (3) from junction Chestnut Street and access roads to Garden State Parkway entrance 139 to Garden State Parkway in Union, N. J., from junction Chestnut Street and access roads to Garden State Parkway entrance 139 in Union, N. J. (being a point on the aforedescribed Route 1) over access roads to Garden State Parkway in Union, N. J., serving all intermediate points, and from the junction of Garden State Parkway and access road in Union, N. J., to New York, N. Y. as described under (1); (4) from junction Stuyvesant Avenue and Morris Avenue to Garden State Parkway in Union, N. J., from junction Stuyvesant Avenue and Morris Avenue in Union, N. J. (being a point on the aforedescribed Route 1) over Morris Avenue to junction with New Jersey Highway 22, thence over New Jersey Highway 22 to junction with access roads to Garden State Parkway entrance 140; thence over access roads to Garden State Parkway in Union, N. J., serving all intermediate points, and from junction of access road with Garden State Parkway in Union, N. J. to New York, N. Y., as described under (1); (5) from junction Stuyvesant Avenue and Springfield Avenue to Garden State Parkway in Irvington, N. J., from junction of Stuyvesant Avenue and Springfield Avenue in Irvington, N. J. (being a point on the aforedescribed Route 1) over Springfield Avenue to junction with Eastern Parkway, thence over Eastern Parkway to junction with access roads to Garden State Parkway entrance 143A, thence over access roads to Garden State Parkway in Irvington, N. J., serving all intermediate points, and from junction access road and Garden State Parkway in Irvington, N. J., to New York, N. Y., as described under (1); (6) from East Orange, N. J. to Borough of Kenilworth, N. J., from a point on the Garden State Parkway at exit 145A in East Orange, N. J. (being a point on the aforedescribed Route 1) over the Garden State Parkway to Exit 138, thence over access roads to junction with Kenilworth Blvd. in Kenilworth, N. J. (being a point on the aforedescribed Route 1), serving all intermediate points, and from the junction Kenilworth Blvd. and access road in Kenilworth, N. J. over Kenilworth Blvd. to junction of Pembrook Drive, point of beginning in Kenilworth, N. J. described under (1); (7) from Garden State Parkway at Exit 143A to junction of Stuyvesant Avenue and Springfield Avenue in Irvington, N. J., from a point on the Garden State Parkway at Exit 143A in Irvington, N. J. over access roads to junction with Washington Avenue, thence over Washington Avenue to junction with Springfield Avenue, thence over Springfield Avenue to junction with Stuyvesant Avenue (being a point on the aforedescribed Route 1), in Irvington, N. J., serving all intermediate points, and from junction Springfield and Stuyvesant Avenues in Irvington, N. J. to point of beginning in Kenilworth, N. J. as described under (1); (8) from Garden State Parkway at Exit 140 to junction of Johnson Place and Stuyvesant Avenue in Union, N. J., from a point on the Garden State Parkway at Exit 140 in Union, N. J. over access roads to junction with Boyd Avenue, thence over Boyd Avenue to junction with Ingersoll Terrace, thence over Ingersoll Terrace to junction with Morris Avenue, thence over Morris Avenue to junction with Johnson Place, thence over Johnson Place to junction with Stuyvesant Avenue (being a point on the aforedescribed Route 1), in Union, N. J., serving all intermediate points, and from junction Johnson Place and Stuyvesant Ave. in Union, N. J. over routes described under (1) to point of beginning in Kenilworth, N. J.

HEARING: March 11, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 116356, filed December 17, 1956, E. D. PEARCE, Route 1, Box 210, Lovington, N. Mex. Applicant's representative: Howell R. Spear, 109 South Main, P. O. Box 203, Lovington, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* (Mexican laborers), in seasonal operation between August 1 and January 1 of each year, between El Paso, Tex., and farms in Lea County, N. Mex.

HEARING: March 15, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 33.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 92), filed January 8, 1957, PACIFIC INTERMOUNTAIN EXPRESS COMPANY, 299 Adeline St., Oakland, Calif. For authority to operate as a *common carrier*, transporting: *Household goods* and *general commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk, and commodities requiring special equipment, between Kansas City, Kans., and Wichita, Kans., from Kansas City, Kans., over city streets to junction Kansas Turnpike, and thence over the Kansas Turnpike to Wichita, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points but with service for the purpose of joinder only in connection with applicant's authorized regular route operations between Kansas City, Mo., and Wichita, Kans., Kansas City, Mo., and Denver, Colo., Lawrence, Topeka, Emporia, and El Dorado, Kans., junction U. S. Highway 24 and Kansas Turnpike near Lawrence, Kans., junction U. S. Highway 24 and Kansas Turnpike near Topeka, Kans., junction U. S. Highway 56 (formerly U. S. Highway 50N), and Kansas Turnpike, and junction U. S. Highway 50 (formerly U. S. Highway 50S) and Kansas Turnpike near Emporia, Kans. Applicant is authorized to conduct operations in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, Kansas, Nebraska, Missouri, Illinois, and Indiana.

No. MC 1824 (Sub No. 30), filed January 11, 1957, PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, Md. Applicant's representative: John R. Norris, Fidelity Bldg., Baltimore 1, Md. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Richmond, Va., and Newport News, Va.: from Richmond over U. S. Highway 60 to Newport News, and return over the same route, serving the termini but not serving any intermediate points. Applicant is authorized to transport general commodities with same exceptions as above, in Maryland, New York, Delaware, Virginia, Pennsylvania, Massachusetts, New Jersey, Connecticut, and the District of Columbia.

NOTE: Applicant holds authority in MC 1824 to transport same commodities between Richmond and Newport News over U. S. Highways 1 and 460 (via Norfolk, Va., and the ferry).

No. MC 2202 (Sub No. 155), filed November 28, 1956, ROADWAY EXPRESS, INC., P. O. Box 471, 147 Park Street, Akron, Ohio. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Louisville, Ky., and Mt. Vernon, Ky., from Louisville over U. S. Highway 60 to junction Kentucky Highway 151, thence over Kentucky Highway 151 to junction Kentucky Highway 35 at Alton, Ky., thence over Kentucky Highway 35 to junction U. S. Highway 150 at Danville, Ky., thence over U. S. Highway 150 to Mt. Vernon, and return over the same route, serving no intermediate points, and with service at Mt. Vernon, and all junctions for purposes of joinder only, as an alternate route, for operating convenience only, in connection with applicant's authorized regular route operations between (1) Cincinnati, Ohio and Chattanooga, Tenn., (2) Cleveland, Ohio, and Memphis, Tenn., (3) South Bend, Ind., and Louisville, Ky. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 4172 (Sub No. 3), filed December 11, 1956, WALTER W. PATTERSON, doing business as WILLIAM PATTERSON & SON, 606-8 Clinton St., Hoboken, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad St., Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Artists', drafting and reproduction materials*, and *precision and scientific instruments* from Teterboro, N. J. to New York, N. Y.: *materials, equipment, and supplies used in the manufacture of artists', drafting and reproduction materials, and precision and scientific instruments*, except those requiring special equipment, and damaged or returned shipments of *artists', drafting and reproduction materials, and precision and scientific instruments*, from New York, N. Y. to Teterboro, N. J.

No. MC 22229 (Sub No. 22), filed November 2, 1956, TERMINAL TRANSPORT COMPANY, INC., 180 Harriett Street SE., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Bldg., Atlanta 8, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Birmingham, Ala., and Horse Cave, Ky., as follows: from Birmingham over Alabama Highway 38 to junction U. S. Highway 231, thence over U. S. Highway 231 to Scottsville, Ky., thence over U. S. Highway 31E to junction Kentucky Highway 218, approximately two (2) miles north of Bear Wallow, Ky., thence over Kentucky Highway 218 to Horse Cave, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Birmingham, Ala., and Indianapolis, Ind., and (2) between Atlanta, Ga., and Horse Cave, Ky., as follows: From Atlanta over U. S. Highway 41 to Murfreesboro, Tenn., thence over U. S. Highway 231 to Scottsville, Ky., thence over U. S. Highway 31E to junction Kentucky Highway 218, approximately two (2) miles north of Bear Wallow, Ky., thence over Kentucky Highway 218 to Horse Cave, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Atlanta, Ga., and Indianapolis, Ind. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, and Kentucky.

NOTE: Duplication with present authority to be eliminated.

No. MC 66562 (Sub No. 1331), filed January 16, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 E. 42d St., New York 17, N. Y. Applicant's representative: James E. Thomas, c/o Alston, Sibley, Miller, Spann & Shackelford, 1220 The Citizens and Southern National Bank Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Greenville, S. C. and Pickens, S. C., over South Carolina Highway No. 183. Applicant is authorized to conduct operations throughout the United States.

No. MC 86336 (Sub No. 2), filed September 21, 1956, DABAR HAULAGE COMPANY, INC., 880 Bergen Ave., Jersey City, N. J. Applicant's representative: Edward F. Bowes, 1060 Broad St., Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Empty iron and steel drums, cans and containers*, from Pennsauken Township, Camden, N. J., to points in Maryland on and east of U. S. Highway 11. Applicant is authorized to conduct operations in Delaware, New Jersey, New York, and Pennsylvania.

No. MC 101126 (Sub No. 59), filed December 14, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glycerine*, in bulk, in tank vehicles, from St. Bernard, Ohio to Kankakee, Ill. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin, in the transportation of similar commodities.

NOTE: Duplication with authorized and pending authority to be eliminated.

No. MC 108651 (Sub No. 9), filed January 15, 1957, ROY B. MOORE, INC., P. O. Box 628, Kingsport, Tenn. Applicant's representative: S. S. Eisen, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Yarns* and *staple fibre*, from Kingsport, Tenn., to Greenville, Laurens, Taylors and Anderson, S. C., and Spindale, Shelby, Cramerton, Caroleen, Red Springs, Drexel, Hildebran, Thomasville, Durham, Hickory, High Point, Greensboro, Burlington and Spray, N. C., and *empty containers or other such incidental facilities* used in transporting the above-specified commodities from the above-specified destination points to Kingsport, Tenn. Applicant is authorized to conduct regular route operations in New York, and irregular route operations in

New York, North Carolina, South Carolina and Tennessee. In Certificate No. MC 108651 carrier is authorized among other things, to transport *Acetate yarns*, and *acetate staple fibre*, over irregular routes, from Kingsport, Tenn., to the same destination points applied for in this application, and *Empty spools*, from the specified destination points in this application to Kingsport, Tenn. Duplication with present authority to be eliminated.

No. MC 109280 (Sub No. 6), filed November 6, 1956, LEWIS O. JACOBS, doing business as TERMINAL WAREHOUSE & STORAGE COMPANY, 44–46 Main St., Dubuque, Iowa. Applicant's representative: John L. Bruemmer, 121 West Doty St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gratiot, Wis., and South Wayne and Browntown, Wis., (1) from Gratiot over Wisconsin Highway 78 to Wiota, Wis., thence over Wisconsin Highway 176 to South Wayne, and return over the same route, serving the intermediate point of Wiota, Wis.; (2) from Gratiot over Wisconsin Highway 78 to Wiota, Wis., thence continuing over Wisconsin Highway 78 to junction Lafayette County Highway M, thence over Lafayette County Highway M to junction Green County Highway MM, thence over Green County Highway MM to Browntown, and return over the same route, serving the intermediate points of Wiota and Woodford, Wis.; and (3) between Orfordville, Wis., and Beloit, Wis., from Orfordville over Wisconsin Highway 13 to Beloit, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Dubuque, Iowa, and Janesville and Beloit, Wis. Applicant is authorized to conduct similar operations in Illinois, Iowa and Wisconsin. Issues published in the FEDERAL REGISTER of December 5, 1956, as above. The hearing previously assigned in the application was canceled upon the filing of verified statements on behalf of applicant.

No. MC 109749 (Sub No. 7), filed November 13, 1956, GAIL W. DAHL and FRED E. HAGAN, doing business as DAHL TRUCK LINES, 4120 Floyd Ave., Sioux City, Iowa. Applicant's representative: E. A. Hutchinson, 420 Security Bank Bldg., Sioux City 1, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, including fresh meats; packing house products; articles distributed by meat packing houses;* and *dairy products, as defined by the Commission*, from Sioux City, Iowa to (1) Baker, Mont.; (2) points in that area of South Dakota bounded by a line commencing at the intersection of the South Dakota-North Dakota-Montana State Lines, thence east along the North Dakota-South Dakota State lines to the Missouri River, thence south along the Missouri River to its intersection with South Dakota Highway 14, thence west along South Dakota Highway 14 to the South Dakota-Wyoming State line, and thence north along the South Dakota-Wyoming-South Dakota-Montana State line to point of beginning, including points located on the boundary lines; (3) points in that area in North Dakota bounded by a line commencing at the intersection of the Montana-North Dakota-South Dakota State lines, thence along the Montana-North Dakota State line to its intersection with U. S. Highway 10, thence east along U. S. Highway 10 to its intersection with North Dakota Highway 3, thence south along North Dakota Highway 3 to the North Dakota-South Dakota State line, and thence west along the North Dakota-South Dakota State line to point of beginning, including all points on the boundaries specified, subject to the restriction that the transportation of dairy products is limited to movements to or from meat packing houses. Applicant is authorized to conduct operations in Iowa, Minnesota, South Dakota, and Nebraska.

No. MC 110686 (Sub No. 6), filed December 27, 1956, McCORMICK DRAY LINE, INC., Avis, Pa. Applicant's representative: Robert H. Shertz, 811 Lewis Tower Building, 225 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aluminum rods*, from Massena, N. Y. to Jersey Shore, Pa.

No. MC 113974 (Sub No. 5), filed November 20, 1956, PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, Pa. Applicant's representative: W. H. Schlottman, 211 Washington Ave., Dravosburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel, iron and steel products*, and *steel mill products*, from Pittsburgh, Pa., and points in Pennsylvania, Ohio, and West Virginia within 75 miles radius of Pittsburgh, Pa., to points in Maine, New Hampshire, and Vermont.

No. MC 115424 (Sub No. 2), filed January 9, 1957, KENNETH H. CORZINE, Dongola, Ill. Applicant's representative: Delmar O. Koebel, 406 Missouri Ave., East St. Louis, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Packing crates*, from points in Pulaski County, Ill., to Franklin, Tenn. Applicant is authorized to transport packing crates in Illinois and Missouri.

No. MC 116329, filed December 3, 1956, AUSTIN F. WHITMER, 1980 South Main, Box 215, Bountiful, Utah. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, including *plywood* and *panel boards* made from lumber products, from points in Douglas, Linn, Benton, Lane, Yamhill, Washington, Clackamas, Multnomah, Marion, and Deschutes Counties, Oreg., to points in Utah and Idaho.

MOTOR CARRIERS OF PASSENGERS

No. MC 1504 (Sub No. 133), filed January 11, 1957, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Bldg., Charleston, W. Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Ave. NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between junction Old and Relocated U. S. Highways 21 approximately eight (8) miles north of Charlotte, N. C., and junction Old and Relocated U. S. Highways 21 approximately one (1) mile south of Shephards, N. C., over Relocated U. S. Highway 21, serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant is already authorized to operate between the terminal points of the new route via old U. S. Highway 21.

No. MC 1504 (Sub No. 135), filed January 11, 1957, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Bldg., Charleston, W. Va. Applicant's representative: L. C. Major, Jr., 2001 Massachusetts Ave., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Lexington, N. C., and Asheboro, N. C., over Relocated U. S. Highway 64, serving all intermediate points. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Simultaneously with the granting of the authority sought herein applicant wishes to abandon and have deleted from its certificate its present authority to operate between Lexington, N. C., and Asheboro, N. C., over old U. S. Highway 64.

No. MC 1511 (No. 111), filed December 31, 1956, PACIFIC GREYHOUND LINES, a corporation, 371 Market St., San Francisco 6, Calif. Applicant's representative: Earl A. Bagby, Greyhound Bldg., Market & Fremont Sts., San Francisco 5, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express* in the same vehicle with passengers, over that segment of relocated U. S. Highway 70 between Cutter, Ariz., and Bylas, Ariz., in connection with applicant's authorized regular-route operations between El Paso, Tex., and Portland, Oreg., in Revised Certificate No. MC 1511 dated March 21, 1951. Applicant is authorized to conduct operations in Arizona, California, Nevada, New Mexico, Oregon, Texas, and Utah.

NOTE: The proposed rerouting will result in abandonment of bus service to Coolidge Dam and Calva, Ariz., located on former U. S. Highway 70.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under section 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6496. Authority sought for purchase by PULLEY FREIGHT LINES, INC., East 24th Street and Easton Blvd., Des Moines, Iowa, of the operating rights and property of EMORY H. ANDERSON and MRS. CECILLE M. ANDERSON, doing business as WOOD & FENDER, 3009 Dean Avenue, Des Moines, Iowa, and for acquisition by NENVER RIETVELD, also of Des Moines, of control of such rights and property through the purchase. Applicants' representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Operating rights sought to be transferred: *Packing-house products*, as a *contract carrier* over regular routes, between Des Moines, Iowa, and Chicago, Ill., serving the intermediate point of Davenport, Iowa; *fresh meats* and *packing-house products*, from Perry and Marshalltown, Iowa, to Chicago, Ill., serving no intermediate points; *malt beverages*, from Chicago and Quincy, Ill., to Des Moines, Iowa, serving no intermediate points; *condiments* and *canned goods*, over irregular routes, from Chicago, Blue Island, Washington, Eureka, Morton and Morrison, Ill., to certain points in Iowa, and from Des Moines, Iowa, to certain points in Illinois; *packing-house products*, from Des Moines and Cedar Rapids, Iowa, to certain points in Illinois; *dairy products*, from specified points in Iowa to specified points in Illinois; *fresh meat*, from Marshalltown, Iowa, to Chicago, Ill.; *cheese*, from Dixon and Freeport, Ill., to Cedar Rapids, Iowa; *poultry, eggs, dairy products, fresh meats, canned foods*, and *packing-house products, supplies, and equipment*, from Chicago and Blue Island, Ill., to points in Iowa on and east of U. S. Highway 69, and from Des Moines, Grinnell, and Marengo, Iowa, to points in Illinois on and north of U. S. Highway 6. Vendee is authorized to operate as a *contract carrier* in Iowa, Kansas, Missouri, Wisconsin, Nebraska, Minnesota, Illinois, and South Dakota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–683; Filed, Jan. 29, 1957; 8:47 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 25, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33195: *Logs—Iowa and Missouri to Marshfield, Wis.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on logs, other than walnut, carloads from Albia, Bloomfield, Keokuk, Iowa, and La Plata, Mo., to Marshfield, Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 16 to Agent Prueter's tariff I. C. C. A–4102.

FSA No. 33196: *Phosphate rock—Florida points to Neosho, Mo.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Bartow, Fla., and other Florida points to Neosho, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 34 to Agent C. A. Spaninger's tariff I. C. C. 1514.

FSA No. 33197: *Titanium dioxide—Georgia points to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on titanium dioxide, carloads from Savannah and Port Wentworth, Ga., to specified points in official (including Illinois) territory.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 250 to Agent Spaninger's tariff I. C. C. 1351. Supplement 2 to Agent Spaninger's tariff I. C. C. 1565.

FSA No. 33198: *Cement—New Orleans, La., to Gulfport, Miss.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cement and related articles, carloads from New Orleans, La., to Gulfport, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 75 to Agent Spaninger's I. C. C. 1447.

FSA No. 33199: *Cinders—Kenlite, Ky., to Detroit, Mich.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cinders, shale, carloads from Kenlite, Ky., to Detroit, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 91 to Agent Spaninger's I. C. C. 1469.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–681; Filed, Jan. 29, 1957; 8:46 a. m.]

[Rev. S. O. Order 562, Taylor's I. C. C. Order 77]

ARCADE AND ATTICA RAILROAD CORP.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Arcade and Attica Railroad Corporation, because of flood conditions, is unable to transport traffic routed over its line.

It is ordered, That:

(a) *Rerouting traffic.* The Arcade and Attica Railroad Corporation, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) *Notification to shippers.* The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 5:00 p. m., January 23, 1957.

(g) Expiration date. This order shall expire at 11:59 p. m., February 14, 1957; unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the FEDERAL REGISTER.

Issued at Washington, D. C., January 23, 1957.

INTERSTATE COMMERCE COMMISSION, CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 57–682; Filed, Jan. 29, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3545]

WEST PENN POWER CO.

ORDER AUTHORIZING INCREASE IN AUTHORIZED AMOUNT OF COMMON STOCK AND STATED CAPITAL, AND PROXY SOLICITATION IN FAVOR THEREOF

JANUARY 24, 1957.

West Penn Power Company ("Company"), a Pennsylvania corporation which is a public-utility subsidiary of West Penn Electric Company, a regis-

tered holding company, has filed a declaration and an amendment thereto pursuant to sections 7 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 thereunder regarding the following proposed transaction:

The Company proposes to increase its authorized capital stock and stated capital from $95,292,300 to $150,000,000 by increasing its authorized Common Stock from 4,529,230 shares without par value, having an aggregate stated capital of $45,292,300, to 10,000,000 shares without par value, having an aggregate stated capital of $100,000,000. (The remaining $50,000,000 of its authorized capital stock, consisting of 500,000 shares of Preferred Stock with a par value of $100 per share, will remain unchanged.)

In addition to miscellaneous expenses estimated at $2,500, the Company's expenses will include Pennsylvania excise tax on increase of stated capital in the amount of $137,100.

The Company plans to hold a special meeting of its stockholders on March 1, 1957 to consider the aforesaid proposal, and to solicit proxies in favor thereof.

Due notice having been given of the filing of said declaration (Holding Company Act Release No. 13357), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-687; Filed, Jan. 29, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[Power of Attorney No. 1]

BRANCH MANAGER, SAN JUAN, PUERTO RICO

POWER OF ATTORNEY RELATING TO LOANS IN THE COMMONWEALTH OF PUERTO RICO

Pursuant to the authority vested in the Administrator, by the Small Business Act of 1953, as amended, 67 Stat. 232, 15 U. S. C. 631 (Supp. II, 1952), as amended, 69 Stat. 547, 15 U. S. C. 631 (Supp. III, 1952), there is hereby issued the following Power of Attorney:

KNOW all men by these presents:

That I, Wendell B. Barnes, of age, married and a resident of Sumner, Maryland, in my capacity as Administrator of the Small Business Administration, an Agency of the United States of America, created by the Small Business Act of 1953, as amended, and in the exercise of the powers conferred upon me as Administrator under said Act, do hereby nominate, constitute and appoint Mr. Antonio Yordan Antongiorgi of age, married and a resident of San Juan, Puerto Rico (hereinafter referred to as the attorney in fact), my true and lawful attorney, for and within The Commonwealth of Puerto Rico, with the designation of Branch Manager, San Juan Office of the Small Business Administration, to exercise, do and perform, subject to the limitations and restrictions expressed hereinafter any and all of the following things and acts:

1. To accept on behalf of the Small Business Administration ownership of, or other interest in, any property (real, personal, or mixed, tangible or intangible), whenever deemed necessary or appropriate to the conduct of the activities authorized in Sections Two Hundred Seven (a) or Two Hundred Seven (b) of the Small Business Act of 1953, as amended.

2. To convey and execute in the name of the Small Business Administration, deeds of conveyance, full or partial deeds of release, assignments and satisfactions of mortgages and any other written instrument relating to real, personal, tangible or intangible property, or any interest therein, necessary in the granting, administration, collection and liquidation of loans made by the Small Business Administration, pursuant to the provisions of the Small Business Act of 1953, as amended.

3. To demand and accept securities, real or personal, which guarantee debts heretofore or hereafter acknowledged in favor of the Small Business Administration, or which guarantee the fulfillment of any other existing or future obligations contracted in favor of the Small Business Administration.

4. To appear on behalf of the Small Business Administration in all deeds or mortgages executed in The Commonwealth of Puerto Rico in favor of the Small Business Administration in connection with the making of loans; assessing the property mortgaged for the purpose of the first sale to be held in case of foreclosure and in case that more than one property is mortgaged, for the purpose of distributing among the properties mortgaged, the amount of the mortgage responsibility on each property mortgaged; and for other purposes as may be necessary to produce an instrument recordable in the Registry of Property of The Commonwealth of Puerto Rico.

5. To register and record, or to present for registration and recording, any and all deeds, documents, and other papers, which it may be necessary or proper to register or record in The Commonwealth of Puerto Rico.

6. When specially authorized by the Administrator, in writing or by cable, to appoint in writing a substitute under this Power of Attorney in place and stead of the Attorney in Fact, provided the Attorney in Fact cannot thereby confer upon any substitute greater power or authority than that hereby granted to the Attorney in Fact and provided that every such appointment shall be and declare that it is revocable by the Attorney in Fact or by the Administrator and that it shall be returned to the Administrator on revocation or other termination.

Giving and granting upon the said Antonio Yordan Antongiorgi, full power and authority to do and perform each and every act and thing whatsoever requisite or necessary to be done in and about the premises as fully and effectually to all intents and purposes as the Administrator himself might or could do if personally present and acting; hereby ratifying and confirming all that the said Antonio Yordan Antongiorgi or his duly appointed substitute shall lawfully do or cause to be done by virtue hereof; and in the exercise of the faculties conferred in the present Power of Attorney, said Antonio Yordan Antongiorgi is empowered to appear in, and execute, any and all public instruments or authentic documents as may be necessary to authenticate acts or contracts subject to recordation; and whenever he may appear or execute such public instruments or authentic documents, he is authorized to compy with, and fulfill all and any conditions, clauses, and formalities as may be required under the Civil Code, the Mortgage Law and Regulations, and other statutes of The Commonwealth of Puerto Rico, as may be necessary to produce instruments and deeds acceptable for recordation in the Property Registries of The Commonwealth of Puerto Rico.

Unless sooner revoked or terminated by me in writing, this Power of Attorney shall remain in full force and effect until the Attorney in Fact resigns or is removed from the employ of the Small Business Administration, whichever happens first.

Washington, D. C., this 22d day of January 1957.

[SEAL] WENDELL B. BARNES, *Administrator, Small Business Administration.*

ACKNOWLEDGMENT

This is to certify that on this 22d day of January 1957, before me, the undersigned, duly commissioned and sworn as such, personally came Wendell B. Barnes, in his capacity as Administrator of the Small Business Administration, an Agency of the United States Government, existing under and by virtue of Public Law No. 163 of the 83d Congress, First Session, as amended, to me known to be Administrator of the said Agency, and acknowledged that the seal affixed to the within instrument is the seal of the Small Business Administration; and that the said instrument was signed and sealed in behalf of the Small Business Administration by authority given to the Administrator under said Public Law and that the said Wendell B. Barnes as Administrator, acknowledged said instrument under the powers granted him by Law for the uses and purposes therein mentioned.

Washington, D. C., this 22d day of January 1957.

LOUISE C. RIGGAN, *Notary Public.*

[F. R. Doc. 57-688; Filed, Jan. 29, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

PAUL LOUIS CHARLES BLANCHARD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Paul Louis Charles Blanchard, 6, Rue Say, Paris, France, Claim No. 43890, property described in Vesting Order No. 293 (7 F. R. 9636, November 26, 1942), relating to Patent Application Serial No. 258,313 (now United States Letters Patent No. 2,308,909).

Executed at Washington, D. C., on January 24, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc, 57-695; Filed, Jan. 29, 1957; 8:50 a. m.]

PIRELLI SOCIETA PER AZIONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Pirelli Societa per Azioni, Viale Abruzzi No. 94, Milan, Italy, Claims Nos. 36661 and 36662, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent Nos. 1,717,248; 1,750,540; 1,792,702; 1,811,695; 1,926,701; 1,926,702; 2,003,721; 2,017,398; 2,052,361; 2,071,214; 2,084,702; 2,127,070 and 2,127,075.

Property described in Vesting Order No. 1184 (8 F. R. 7035, May 27, 1943), relating to United States Letters Patent No. RE. 18,437.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Societa Italiana Pirelli by virtue of an agreement dated May 28, 1935 (including all modifications thereof and supplements thereto, if any), by and between Societa Italiana Pirelli and The Fireatone Tire and Rubber Company, which agreement related among other things to Reissue Patent No. 18,437, to the extent that such interests and rights were owned by the claimant immediately prior to vesting by Vesting Order No. 1444 (8 F. R. 7052, May 27, 1943).

The return will be subject to the provisions of the Memorandum of Understanding of August 14, 1947, between the Government of the United States of America and the Government of Italy regarding Italian assets in the United States of America and certain claims of United States nationals, and will not include any royalties or other compensation or right to receive a royalty or other compensation arising out of the use prior to December 31, 1945, of any of the above property.

Executed at Washington, D. C., on January 24, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-696; Filed, Jan. 29, 1957; 8:50 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF JOHANNA BERENDS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: (Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below.)

Johanna Berends, L. S. Claim No. 110, Kansas City Southern Railway Company 3/50 Bonds Nos. 2028 and 5900, in the principal amount of $1,000 each.

Rudolph Nicolai (The Hague, Holland), Rudolf Nicolai (Odzi, Southern Rhodesia), Jan and Gysbertha Nicolai, Gysbertha Stoop and Paula de Fremery, L. S. Claim No. 119, Missouri-Kansas-Texas Railroad Company 5/62 Bond No. 31199, in the principal amount of $1,000.

Ella Hirsch-Bernstein, L. S. Claim No. 248, $480.00. Southern Railway Company 4/56 Bond No. 47991, in the principal amount of $1,000.

Agatha and Cornelis Romeyn, L. S. Claim No. 695, Central Pacific Railway Company 4/49 Bond No. 24078 and Cities Service Company 5/69 Debentures Nos. 25551 and 45665, all in the principal amount of $1,000 each.

Hartog and Nathan de Vries, L. S. Claim No. 785, $784.16.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on January 24, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-697; Filed, Jan. 29, 1957; 8:50 a. m.]

SERVO-FREIN DEWANDRE

AMENDMENT TO NOTICE OF INTENTION TO RETURN VESTED PROPERTY

The Notice of Intention to Return Vested Property relating to Claim No. 6171 of Servo-Frein Dewandre, Societe Anonyme, Liege, Belgium, dated September 20, 1948, published in the FEDERAL REGISTER on September 24, 1948 (13 F. R. 5577), is hereby amended by adding to the items listed under the heading "Property" the following:

$14,100 in the Treasury of the United States.

Executed at Washington, D. C., on January 24, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-698; Filed, Jan. 29, 1957; 8:50 a. m.]

FEDERAL REGISTER

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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 Emergency Feed Program, Amdt. 2]

PART 475—1956 EMERGENCY FEED PROGRAM

FARMER'S PURCHASE ORDER; ISSUANCE

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 5079 and containing the specific requirements for the 1956 Emergency Feed Program are hereby amended by deleting the requirement in § 475.28, Farmer's Purchase Order, paragraph (b) (2) that where more than one Purchase Order is issued with respect to one application, all such Purchase Orders shall show the same date of issuance as the first Purchase Order.

§ 475.28 *Farmer's Purchase Order.* • • •

(b) *Issuance.* • • •

(2) Upon receipt of such an approved application within the time specified in subparagraph (1) of this paragraph, the ASC county committee will issue a Purchase Order to the farmer named in the application. At the farmer's request, the ASC county committee may issue two or more Purchase Orders based on one application. If only one Purchase Order is issued with respect to an application, the Purchase Order will show the number of hundredweight of designated surplus feed grains for which the application was approved. If more than one Purchase Order is issued with respect to an application, the total number of hundredweight of designated surplus feed grains shown on such Purchase Orders shall not exceed the number of hundredweight for which the application was approved. If a Purchase Order has been issued and the farmer requests two or more Purchase Orders in lieu thereof, the first Purchase Order must be returned to the ASC county committee for voiding prior to the issuance of the new Purchase Order. It shall be solely the responsibility of the farmer to request the issuance of additional Purchase Orders with respect to an application in sufficient time to permit transfer by him of such Purchase Orders within the required period of time.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 407, 63 Stat. 1055, sec. 301, Pub. Law 480, 83rd Cong.; 7 U. S. C. 1427)

Issued this 25th day of January 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-742; Filed, Jan. 30, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter C—Determination of Proportionate Shares

[Sugar Determination 850.53, Rev.]

PART 850—DOMESTIC BEET SUGAR PRODUCING AREA 1957 CROP

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, § 850.53, Determination of Proportionate Shares—Domestic Beet Sugar Producing Area—1957 Crop, issued September 25, 1956 (21 F. R. 7426), as amended by amendments issued December 7, 1956 (21 F. R. 9936) and January 2, 1957 (22 F. R. 157) is hereby revised to read as follows:

§ 850.53 *Proportionate shares for farms in the domestic beet sugar area—*

(a) (1) *National acreage and State acreage allocations.* A national acreage limitation for 1957-crop sugar beets of 950,000 acres is hereby established and allocated as follows:

State:	*Acres*
California	206,041
Colorado	147,053
Idaho	89,367
Illinois	2,358
Indiana	68
Iowa	1,746
Kansas	8,153
Michigan	83,344

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FEDERAL REGISTER

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shares granted by the Director in accordance with paragraph (n) of this section; and to provide acreage to State Committees for establishing farm proportionate shares for producers whose sugar beet production in a local producing area in the period 1950–56 has been seriously and generally affected by drought, storm, flood, freeze, disease, insects, or similar abnormal and uncontrollable conditions in one State and who undertake in another State to continue sugar beet production and apply to the Agricultural Stabilization and Conservation State Committee of such other State on or before February 15, 1957, for a farm proportionate share. With respect to allocation of acreage from the reserve under the last condition provided above in this subparagraph, the State Committee shall compute a farm proportionate share for such producers in accordance with paragraph (i) of this section on the basis of the sugar beet production record of the land formerly operated by such producer or the personal production record of the operator or combination thereof as transmitted by the State Committee in the State where such operator formerly conducted sugar beet production operations. Each State Committee shall forward to the Director not later than March 1, 1957, a listing of the acreage of the farm shares computed as provided in this subparagraph, for approval and allocation from the reserve to the State Committee for the establishment of farm proportionate shares as approved by the Director.

(b) *Instructions and forms.* The Director shall cause to be prepared for issuance to Agricultural Stabilization and Conservation State Committees such forms and internal management instructions as are necessary for carrying out the regulations of this section. Such instructions shall be approved and issued by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, U. S. Department of Agriculture (referred to in this section as "Deputy Administrator").

(c) *Proportionate shares.* The proportionate share of the 1957 crop of sugar beets for a farm shall be the acres established for the farm pursuant to this section within the allocation provided under paragraph (a) of this section for the State in which the base of operations for the farm is located, subject to any increase in acreage granted by the Director in accordance with paragraph (n) of this section.

(d) *Administration of proportionate share program.* In each State the Agricultural Stabilization and Conservation State Committee (hereinafter referred to as "State Committee") shall establish individual farm proportionate shares in accordance with the provisions of this section. In carrying out the proportionate share program within the State, the State Committee may utilize the services of members of Agricultural Stabilization and Conservation county committees and may cooperate with advisory committees consisting of sugar beet growers, representatives of sugar beet grower associations, representatives of sugar beet processors or combinations of these groups. The State Committee shall formulate the standards and procedures in written form for establishing proportionate shares within the State in accordance with the provisions of this section. Such standards and procedures shall be reviewed by the Director for conformity with the provisions of this section and to assure reasonable uniformity between adjoining areas in adjacent States, shall be subject to the approval of the Director, and shall be available for public inspection in State and county offices. The basic standards and procedures for each State shall become effective when published in the FEDERAL REGISTER.

(e) *Requests for proportionate shares.* Any operator (the producer who controls and directs the operations on the farm) or owner (or his representative) of a farm for the 1957-crop season desiring a proportionate share, shall file a written request therefor. A form for this purpose may be obtained from local Agricultural Stabilization and Conservation county offices, from fieldmen of sugar companies, or from such other source as the State Committee may designate. The State Committee shall publicize directions for filing such requests. To assure consideration in the initial distribution of acreage pursuant to paragraph (i) or (j) of this section, a request shall be filed on or before the date set forth below for the State: *Provided*, That a request may be accepted after such date for consideration with respect to available acreage, if the State Committee determines that the farm operator or owner was prevented from filing before such date because of absence, illness or other reason beyond his control, and provided, further, that requests may be accepted generally by the State Committee after such date if the total acreage covered by bona fide requests filed by such date by old producers (the operators of the farms for which bases are established pursuant to paragraph (i) of this section) is less than the acreage available for distribution to old producers, or if acreage is available within the area allotment, as established pursuant to paragraph (h) of this section:

State:	Date
California:	
Northern Area	Oct. 26, 1956
Imperial Area	Mar. 29, 1957
Colorado	Feb. 1, 1957
Idaho	Jan. 18, 1957
Illinois	Mar. 15, 1957
Indiana	Mar. 15, 1957
Iowa	Mar. 1, 1957
Kansas	Feb. 1, 1957
Michigan	Feb. 15, 1957
Minnesota	Feb. 1, 1957
Montana	Feb. 1, 1957
Nebraska	Feb. 1, 1957
Nevada	Dec. 15, 1956
New Mexico	Feb. 15, 1957
North Dakota	Feb. 1, 1957
Ohio	Mar. 1, 1957
Oregon:	
Amalgamated Area	Jan. 18, 1957
Utah-Idaho Area	Dec. 14, 1956
South Dakota	Feb. 15, 1957
Texas	Jan. 25, 1957
Utah	Feb. 1, 1957
Washington	Dec. 14, 1956
Wisconsin	Feb. 15, 1957
Wyoming	Feb. 1, 1957

(f) *Waiver of requirements.* If the requested and planted acreages in any State are less than the acreage available for distribution in such State, the requirements of paragraphs (g), (h), (i), (j), and (n) of this section shall not apply and the proportionate shares for individual farms in such State shall be established within the State allocation so as to coincide with the acreages of 1957-crop sugar beets planted on each farm.

(g) *Set-aside acreage for new producers, appeals, and adjustments.* Not less than two percent of the State acreage allocation shall be set aside for establishing proportionate shares for farms operated by new producers and not less than one percent shall be set aside for adjustments under appeals. Any acreage required to supplement the acreage available from initial proportionate shares in excess of requested acreages in making adjustments in initial proportionate shares pursuant to paragraph (i) (4) of this section may also be set aside.

(h) *Subdivision of State acreage allocation.* Before establishing individual farm proportionate shares, the State Committee may subdivide the State acreage allocation into allotments for areas within the State, such as an area served by a beet sugar company, a county, or a group of counties. In making any such subdivision, appropriate weightings, approved by the Director, shall be given to the past production of sugar beets and the ability to produce sugar beets. "Past production" shall be measured by the average planted acreage of the area for not less than three crop years during the period 1950 through 1954, except that if the State Committee determines that the inclusion of one or both of the 1955 and 1956 crop years would provide a more representative period, one or both of such crop years may be included upon prior approval of the Director. "Ability" shall be measured by the area's largest planted acreage during any of the crop years used to measure "past production" or by a combination of planted acreages for any such years. If the State acreage allocation is not subdivided, proportionate shares will be established directly from such allocation and the State shall be deemed to be one allotment area. Subject to the provisions of paragraph (k) of this section, unused acreage in any area may be reallotted by the State Committee among other areas within the State.

(i) *Establishment of individual proportionate shares for old-producer farms*—(1) *General.* In establishing proportionate shares for individual farms from area allotments, the State Committee shall consider the factors of past production of sugar beets and ability to produce sugar beets. These factors shall be measured as hereinafter provided in this paragraph by reference to the planted sugar beet acreage record of the farm, the "1956-crop share established for the farm", or if the farm operator is a tenant in an area where sugar beet production is organized around tenant-operators rather than around units of land, they may be measured by reference to the personal planted sugar beet acre-

State—Continued	Acres
Minnesota	75,088
Montana	57,210
Nebraska	65,657
Nevada	563
New Mexico	853
North Dakota	39,077
Ohio	22,736
Oregon	19,877
South Dakota	6,116
Texas	1,820
Utah	34,175
Washington	34,397
Wisconsin	13,014
Wyoming	38,787
Reserve	2,500
Total	950,000

(2) Acreage within the reserve of 2,500 acres may be allocated by the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture (hereinafter referred to as "Director") to States not listed in this paragraph for the purpose of establishing proportionate shares for farms having sugar beet production records in the crop period 1950–54 or for new producers (as defined in paragraph (j) of this section) in such States; if necessary, to provide acreage for increases in proportionate

age record of the farm operator within the State or allotment area, as specified in procedure formulated by the State Committee, or they may be measured by a combination of such farm and personal records. However, in an area where such personal records are utilized, the farm base for each farm whose operator is not a tenant or is a tenant with no such personal record shall be established solely from the farm record in the period of crop years used in measuring past production. In case of death or incapacity of a tenant, his personal sugar beet production record shall be credited to the administrator or executor of his estate or to a member of his family, if in the year of such death or incapacity, or in the following year, such administrator, executor, or family member continues as a tenant the customary sugar beet operations of the deceased or incapacitated tenant. As used in this paragraph, the term "1956-crop share established for the farm" shall mean either the 1956-crop share established for the farm, including adjustments made under appeals but excluding any downward adjustment made because the 1956-crop acreage planted on the farm was less than the share originally established for the farm and any upward adjustment made because the 1956-crop shares of other farms were not fully planted, or the initial 1956-crop share which would have been established pursuant to § 850.30, as amended, if it had been requested by the farm operator, except as a 1956-crop new producer.

(2) *Farm bases.* To give effect to the factors of past production and ability to produce, 1957-crop farm bases shall be established for all farms in the allotment area by one of two methods, as follows:

(i) The farm base for each farm will equal the 1956-crop share established for the farm, but if the operator of the farm is a tenant in an area where personal records of tenants will be utilized, as heretofore provided, it will equal the "1956-crop share established for the farm" operated by him for the 1956-crop year. The State Committee may provide under procedures formulated by it that a farm base will not be established as otherwise provided in this subdivision for a farm on which sugar beets were not planted during a specified period comprising at least the crops of 1954 through 1956 and if such a farm is in an area where personal production records are utilized and it is operated by a tenant, such tenant had no personal production record during such a period.

(ii) The farm base for each farm will be determined by applying a formula which gives consideration to the planted sugar beet record of the farm during not less than three crop years in the period 1950 through 1956, or in an area where personal records will be utilized as heretofore provided, to the personal sugar beet planted acreage record of the farm operator or a combination of such farm and personal records during the same selected years: *Provided*, That if such bases are determined solely from farm records, the farm base for a farm on which sugar beets were planted in either the 1955 or 1956 crop year under a new producer share shall not be less than the "1956-crop share established for the farm", and if such bases are determined by utilizing personal records, the farm base for a farm operated by a tenant who planted sugar beets in either the 1955 or 1956 crop year as a new producer within the State or allotment area, as specified in the procedure formulated by the State Committee, shall not be less than the "1956-crop share established for the farm" operated by him for the 1956 crop year.

(3) *Initial shares.* In any allotment area in which the total of farm bases is smaller than the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be established as follows: For farms for which the respective requested acreages are equal to or less than their farm bases, the initial shares shall coincide with the requested acreages; and for all other farms, initial shares shall be computed by prorating to such farms in accordance with their respective bases the area allotment less such set-asides and the total of the initial shares of the farms for which the requested acreages are equal to or less than their farm bases. In any allotment area in which the total of farm bases is in excess of the area allotment less the set-asides of acreage made pursuant to paragraph (g) of this section, initial farm proportionate shares shall be computed by prorating to the farms in accordance with their respective bases, the area allotment less such set-asides.

(4) *Adjustments.* Initial proportionate shares shall be adjusted by the State Committee to the extent determined by it to be necessary to establish a proportionate share for each farm which is fair and equitable as compared with proportionate shares for all other farms in the allotment area, by taking into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities, and the production experience of the operator.

(j) *Establishment of individual proportionate shares for new-producer farms.* Within the acreage set aside for new producers from the State acreage allocation pursuant to paragraph (g) of this section and other unused acreage that the State Committee determines should be used for new producers, proportionate shares will be established in an equitable manner for farms which are to be operated by new producers during the 1957-crop year. For the purpose of this section, except where reference is made to new producers in connection with the 1955 or 1956 crop year, the term "new producer" shall mean the operator of a farm for which a 1957-crop farm base may not be established pursuant to the provisions of paragraph (i) of this section. In determining proportionate shares for new producers, the State Committee shall take into consideration availability and suitability of land, area of available fields, availability of irrigation water (where irrigation is used), adequacy of drainage, availability of production and marketing facilities and the production experience of the operator. The entire acreage set-aside for new producers shall be allotted to new producers, if requested, unless the State Committee finds that new producers would then be allotted shares out of proportion to the shares established for old producers and such committee obtains the approval of the Director to allot a lesser acreage. Any acreage set aside for new producers and not requested and any acreage allotted to new producers and remaining unused, shall be available for distribution to other farms.

(k) *Redistribution of unused proportionate share acreage.* Adjustments in proportionate shares may be made within the State acreage allocation in accordance with procedures established by the State Committee to offset underplanting and failure to plant: *Provided*, That in case of a disagreement between producers and a sugar beet processor with respect to the sugar beet purchase contract to be effective in the settlement area, or where no company offers a contract to producers to cover fully the shares established for their farms, the shares allotted to the farms operated by such producers shall not be reduced unless the affected producers voluntarily agree to reductions in their respective proportionate shares or the State Committee determines that such shares should be reduced because of unusual circumstances and for good cause.

(l) *Small producers, cash tenants, share tenants, and sharecroppers.* In establishing proportionate shares, the State Committee shall, insofar as practicable, protect the interests of small producers and the interests of producers who are cash tenants, share tenants, or sharecroppers.

(m) *Notification of proportionate shares.* Each farm operator filing a request shall be notified in writing on behalf of the State Committee of the proportionate share established in response to his request, even if the acreage established is "none" and such notice shall inform him of his right to appeal under paragraph (n) of this section. In any State to which the provisions of paragraph (f) of this section apply, producers may be furnished a general notice informing them that their proportionate shares will coincide with their respective planted acreages, notwithstanding any prior notices to the contrary.

(n) *Appeals.* A farm operator who believes that the proportionate share established for his farm pursuant to this section is inequitable, may file a written appeal for reconsideration of such proportionate share at the local Agricultural Stabilization and Conservation county office, not later than the date shown in the notification of proportionate share, as established by the State Committee. The appeal shall be accompanied by a statement of facts constituting the basis for such appeal. The appeal shall be reviewed in such county office and forwarded with recommendations to the Agricultural Stabilization and Conservation

State Office. The appeal shall be reviewed and acted upon by the State Committee, or in lieu thereof, by a sugar beet appeals committee to be designated by the State Committee and to be composed of three members, including the State Administrative Officer. Each of the two other members shall be a State committeeman or an employee of the ASC State Office. Any increase in the proportionate share approved by reason of the appeal shall be within the acreage set aside for appeals pursuant to paragraph (g) of this section and any other acreage remaining unused within the State allocation. The operator shall be notified in writing as soon as possible regarding the decision in his case. If the farm operator is dissatisfied with the decision in his case, he may appeal in writing to the Director, whose decision shall be final. In acting upon the appeal, the State Committee, the Sugar Beet Appeals Committee, or the Director shall consider only such matters as under the provisions of this determination are required or permitted to be considered by the State Committee in the establishment of the farm proportionate share to be reviewed.

(o) *Eligibility for payment under the act.* For any producer of 1957-crop sugar beets on the farm to be eligible for payment under the act, the acreage of sugar beets grown on the farm and marketed (or processed) for the production of sugar or liquid sugar shall not exceed the proportionate share determined for the farm in accordance with this section, except that any sugar beets grown on acreage in excess of such proportionate share may be marketed (or processed) for the extraction of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the operator-producer on the farm furnishes to the county committee weight tickets evidencing that such sugar beets were sold by him, or were processed by or for him, for the extraction of sugar or liquid sugar for livestock feed, or the production of livestock feed, and if so sold, were purchased by the processor for such purpose. Also, the requirements of the act with respect to child labor shall have been met, except that such requirements shall not be applicable to any sugar beets marketed (or processed) from an acreage in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed if the producer furnishes proof which the county committee finds acceptable and adequate that the work performed by any child subject to such requirements was related solely to such sugar beets. In addition, the requirements of the act and of the regulations issued pursuant thereto with respect to wage rates and, in the case of a processor-producer (a producer who is also a processor), prices paid for sugar beets shall have been met.

(p) *Filing application for payment.* Application for payments authorized under Title III of the act with respect to sugar beets planted on a farm for harvest during the 1957-crop season shall be made on form SU-110 by the producer on the farm, or his legal representative, who must sign the form and file it in the county office for the county where the farm or major portion thereof is located or with a representative of such office no later than December 31, 1959.

(q) *Determination of eligibility and basis for payment; and appeals for review thereof.* Except as otherwise provided in regulations relating to conditional payments, compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the county committee. Determinations by the county committee shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder and on the basis of the facts in the individual case. Within 15 days after notice of such a determination is forwarded to or made available to a producer, he may request the county committee in writing to reconsider such determination. The county committee shall notify him of its decision in writing. If the producer is dissatisfied with the decision of the county committee, he may, within 15 days after the date of mailing of the decision to him, appeal in writing to the State Committee. The State Committee shall notify him of its decision in writing within 30 days after the submission of his appeal. If the producer is dissatisfied with the decision of the State Committee, he may, within 15 days after the date of mailing of the decision to him, request the Secretary to review the decision of the State Committee. The decision of the Secretary shall be final.

(r) *Obtaining information regarding eligibility for payment.* For the purposes of obtaining information, where necessary, to assist the county committee in determining compliance with the conditions prescribed by the act and regulations for payment authorized under Title III of the act, the facts constituting the basis for any such payment, or the amount thereof, or for the purposes of assisting, where necessary, the State Committee or the Secretary in reviewing, upon appeal, any such determination by the county committee, any employees of the county committee designated by the county office manager to be qualified to carry out the duty of ascertaining such information, or any employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties, shall visit any farm with respect to which application for such payment is made and enter thereon if such entry will facilitate the acquisition of the required information. Where measurement by an employee of the county committee or State Office is required with respect to the extent of sugar beet acreage growing, harvested, abandoned, or otherwise disposed of on any farm for which application is made for any payment authorized under Title III of the act, the employee of the county committee or the State Office as the case may be, designated as provided in this paragraph, shall measure such acreage by identification of fields or parts of fields by use of a map, aerial photography, or by use of a steel or metallic tape, or by a combination of these methods. In this connection, remeasurements, rechecks and spot checks thereof may be made by the county office manager, county performing supervisor, district performance supervisor or any other employees of the State Office who are determined by the State Administrative Officer to be qualified to perform such duties. If a producer of a sugar beet crop, or the operator (or his representative) of any farm, with respect to which application is made for any payment authorized under Title III of the act, prevents the county committee from obtaining information necessary to determine compliance with the conditions for any such payment or to determine the facts constituting the basis for any such payment or the amount thereof, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such producer, farm operator (or his representative) permits such information to be obtained.

Statement of bases and considerations. This revision consolidates the provisions of the original determination, issued September 25, 1956, which are to remain in effect, with those made effective by amendments 1 and 2, issued December 7, 1956, and January 2, 1957, respectively, redesignates certain paragraphs, and incorporates the increase in the national limitation from 932,000 to 950,000 acres, as announced by the Department in its press release of January 11, 1957.

On January 2, 1957, the national limitation for the 1957 crop of sugar beets was increased from 885,000 acres to 932,000 acres to make available a supply of sugar which would enable the area to meet the then existing quota, as well as carryover requirements. At that time, the total 1957 quotas for the continental United States amounted to 8,800,000 tons and the quota for the beet area was 1,909,188 tons. Due to changes in the sugar supply situation, the total 1957 quotas were increased to 9,000,000 tons on January 11, 1957, and the quota for the beet area was increased to 1,953,952 tons. At the same time, the Department also announced an increase in the national limitation to 950,000 acres for the 1957 crop.

The increase of 18,000 in the 1957 national acreage limitation provided herein will permit the planting of sufficient additional acreage to replace the sugar marketed under the increased quota for the area. The 1957 national acreage limitation of 950,000 acres should provide sufficient sugar supplies to meet the beet sugar quota and provide a normal carryover.

The increase in acreage has been prorated to the sugar beet producing States on the basis of the allocations heretofore established. This affords an equitable basis, since the allotments made previously gave recognition to the factors specified in the act.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; secs. 13, 14 Pub. Law 545, 84th Cong.; 7 U. S. C. 1131, 1132)

Issued this 25th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-710; Filed, Jan. 30, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Orange Reg. 309]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.826 *Orange Regulation 309*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 29, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186).

(2) Orange Regulation 308 (§ 933.823; 22 F. R. 389) is hereby terminated at 12:01 a. m., e. s. t., February 1, 1957.

(3) During the period beginning at 12:01 a. m., e. s. t., February 1, 1957, and ending at 12:01 a. m., e. s. t., February 18, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{8}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{7}/_{16}$ inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{8}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (7 CFR 51.1140–51.1186).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 30, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-786; Filed, Jan. 30, 1957; 11:33 a. m.]

PART 1002—MILK IN GREATER WHEELING MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 1002), regulating the handling of milk in the Greater Wheeling marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 1002.51 (a) of the order will not tend to effectuate the declared policy of the Act for the delivery period of February 1957: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area;

(4) The effect of this suspension is to eliminate a negative supply-demand adjustment which would not be in line with supply and demand conditions in this market and would result in misalignment of the price in this market with related markets; and

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective February 1, 1957.

It is therefore ordered, That the following provisions of § 1002.51 (a) of the order be and hereby are suspended for the delivery period of February 27: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

Done at Washington, D. C., this 29th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-775; Filed, Jan. 30, 1957; 8:52 a. m.]

PART 1009—HANDLING OF MILK IN CLARKSBURG, W. VA., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 1009), regulating the handling of milk in the Clarksburg, West Virginia, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 1009.51 (a) of the order will not tend to effectuate the declared policy of the act for the delivery period of February 1957: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest in that:

(1) The information on which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area;

(4) The effect of this suspension is to eliminate a negative supply-demand adjustment which would not be in line with supply and demand conditions in this market and would result in misalignment of the price in this market with related markets; and

(5) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective February 1, 1957.

It is therefore ordered, That the following provisions of § 1009.51 (a) of the order be and hereby are suspended for the delivery period of February 1957: *"Provided,* That this Class I price shall be increased or decreased by the amount of any 'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter); and".

Done at Washington, D. C., this 29th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-774; Filed, Jan. 30, 1957; 8:52 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1940–1950)

TIME WITHIN WHICH REQUEST FOR HEARING MUST BE FILED

Section 403.709 (b) of regulations No. 3 as amended (20 CFR, 403.709 (b)), is amended to read as follows:

§ 403.709 *Hearing.* • • •

(b) *Time and place of filing request for hearing.* (1) The request for hearing shall be made in writing and filed at an office of the Bureau, or with a referee, or with the Office of Appeals Council in the Social Security Administration.

(2) If no request for reconsideration has been filed, as provided in § 403.708 (a) and (b), the request for hearing must be filed within six months from the date of mailing notice of the initial determination, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). If a request for reconsideration has been filed, the request for hearing must be filed prior to the expiration of three months after the date of mailing notice of the reconsidered determination, or within six months after the date of mailing notice of the initial determination, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a). In any case, other than one where hearing is authorized under section 205 (c) (7) of the act, in which the notice of initial determination was mailed prior to August 1, 1956, the request for hearing must be filed within the time specified above, or on or before February 1, 1957, whichever is later, except where the time is extended as provided in §§ 403.701 (j) and 403.711 (a).

(Sec. 1102, 49 Stat. 647 as amended; 42 U. S. C. 1302. Interprets or applies sec. 205, 53 Stat. 1368, as amended, 70 Stat. 831; 42 U. S. C. 405)

[SEAL] W. L. MITCHELL,
Acting Commissioner of Social Security.

Approved: January 28, 1957.

PARKE M. BANTA,
Acting Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-736; Filed, Jan. 30, 1957; 8:49 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Section 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate,* as published in the FEDERAL REGISTER of January 3, 1957 (22 F. R. 32, 349), is republished as follows, because of the inadvertent omission of the word "sodium" from paragraph (a) and the word "on" from paragraph (b):

§ 120.150 *Tolerances for residues of sodium 2,2-dichloropropionate.* (a) A tolerance of 35 parts per million is established for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on cottonseed.

(b) A tolerance of 5 parts per million is established for residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid in or on sugar beets and sugar beet tops.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

This republication makes no substantive change in the order signed by the Commissioner of Food and Drugs on December 27, 1956.

Dated: January 24, 1957.

JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-730; Filed, Jan. 30, 1957; 8:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEPENDENCY AND INDEMNITY COMPENSATION

1. Under the centerhead "Provisional Regulations" §§ 4.461, 4.462, and 4.464 are redesignated §§ 4.491, 4.492, and 4.493, respectively.

2. Immediately following § 4.322, a new centerhead and the following sections are added as follows:

DEPENDENCY AND INDEMNITY COMPENSATION

GENERAL AND ADMINISTRATIVE

Sec.
4.420 General.
4.421 Administrative provisions.

COMMENCING DATES

4.445 Commencing dates of original awards of dependency and indemnity compensation.

RATES

4.447 Widows.
4.448 Apportionment.
4.449 Children.
4.450 Parents.
4.451 Death due to hospital treatment, etc.
4.452 Philippine service cases.
4.453 Awards where widow and/or children do not file claim on the same date.
4.454 Fractions of 1 cent, in awards.

READJUSTMENT IN RATES

4.455 Readjustment in rates.

CONCURRENT PAYMENTS

4.458 Benefits based on other deaths.
4.458a War Orphans' Educational Assistance Act of 1956.
4.459 Children; two parents in same parental line.

FORFEITURES

4.467 Forfeitures incurred prior to January 1, 1957.
4.468 Fraud.
4.469 Forfeiture of benefits by a veteran.
4.470 Treasonable acts.
4.471 Homicide.

GUARDIANSHIP

4.473 General.
4.474 Limitation on payments to a fiduciary for a minor child.
4.475 Identity in guardianship cases.
4.476 Letters of guardianship received from other than Chief Attorney.
4.477 Payee reported to be incompetent.
4.478 Marriage of female fiduciary.
4.479 Awards where more than one guardian has been appointed.
4.480 Mentally incompetent widow.

AUTHORITY: §§ 4.420 to 4.480 issued under sec. 209, Pub. Law 881, 84th Cong.

DEPENDENCY AND INDEMNITY COMPENSATION

GENERAL AND ADMINISTRATIVE

§ 4.420 *General.* Effective January 1, 1957, the provisions of these dependency and indemnity compensation regulations are applicable to the payment of compensation for death due to service under the provisions of Public Law 881, 84th Congress, approved August 1, 1956.

(a) Dependency and indemnity compensation shall be payable:

(1) Where death occurred on or after January 1, 1957, or

(2) Where death occurred prior to January 1, 1957, and the claimant was receiving or eligible to receive death compensation on December 31, 1956 (or as to a parent, would have been eligible except for his income), under laws in effect on that date or who subsequently becomes eligible by reason of a death which occurred prior to January 1, 1957.

(b) No person eligible for dependency and indemnity compensation by reason of a death occurring on or after January 1, 1957, shall be eligible by reason of such death for death compensation or pension under any other law administered by the Veterans Administration.

(c) No dependency and indemnity compensation shall be paid, but death compensation may be paid at the rates specified in § 4.122 or 4.124, whichever is applicable, to the widow, children, or parents where an individual dies on or after May 1, 1957, and at the time of death has in effect a policy of National Service life insurance or United States Government life insurance under waiver of premiums under section 622 of the National Service Life Insurance Act of 1940 as amended. This paragraph is not applicable if the deceased person was eligible to waiver of premiums under the first proviso of section 622 (a) of the National Service Life Insurance Act of 1940, as amended, and his death occurred prior to his return to military jurisdiction or within 120 days thereafter.

(d) No dependency and indemnity compensation or death compensation shall be paid to any widow, child, or parent based on the death of a commissioned officer of the Public Health Service or Coast and Geodetic Survey whose death occurs on or after May 1, 1957, if any amounts are payable under the Federal Employees Group Life Insurance Act of 1954 (Pub. Law 598, 83d Cong.) based on the same death.

§ 4.421 *Administrative provisions.* Except as otherwise provided, the administrative, definitive, and regulatory provisions of Public Law 2, 73d Congress, as amended, are for application.

COMMENCING DATES

§ 4.445 *Commencing dates of original awards of dependency and indemnity compensation—*(a) *Deaths prior to January 1, 1957—*(1) *General.* Payment of dependency and indemnity compensation based on a death which occurred before January 1, 1957, shall be effective as of the date a claim is filed; however, payment of such benefit shall become effective as of January 1, 1957, if the claim is filed:

(i) On or before July 1, 1957, or

(ii) Within 1 year after the date of death.

(2) *Prospective claims.* Notwithstanding the provisions of subparagraph (1) of this paragraph, payment of dependency and indemnity compensation shall be effective after January 1, 1957, as of the date when the rate of dependency and indemnity compensation becomes greater than the monthly payment of death compensation or servicemen's indemnity, or both, provided the claim is filed within a reasonable period (generally not to exceed 120 days) before that date.

(3) *Child; widow elects dependency and indemnity compensation.* Where dependency and indemnity compensation is payable to or for a child by reason of a widow's election of this benefit, the commencing date of dependency and indemnity compensation to or for a child for whom death compensation was payable on December 31, 1956, and who was under 18 years of age and not in the widow's custody or who attained the age of 18 years prior to January 1, 1957, shall be the commencing date of the award of dependency and indemnity compensation to the widow. The commencing date of an award of dependency and indemnity compensation to or for a child who is over 18 years of age and who attained that age on or after January 1, 1957, is subject to the requirement of paragraph (d) (1) of this section as to the filing of an application.

(4) *Child; right to servicemen's indemnity in suspension.* The commencing date of an award of dependency and indemnity compensation to or for a child who becomes entitled by reason of the provisions of § 4.429,[1] shall be the date the monthly rate of dependency and indemnity compensation becomes greater than monthly installments of servicemen's indemnity. A claim is not required for this purpose.

(b) *Deaths on or after January 1, 1957.* Dependency and indemnity compensation based on a death which occurs on or after January 1, 1957, shall commence the day following the date of the veteran's death, provided claim is filed within 1 year from date of death, otherwise from date of filing application.

(c) *Contingency.* Payment of dependency and indemnity compensation shall not be made for any period prior to date of happening of the contingency on which entitlement is established.

(d) *Child—*(1) *General.* Dependency and indemnity compensation which is payable to or for a child by reason of a contingency which arises on or after January 1, 1957, shall commence as of the date on which the child's entitlement arises if application is filed within 1 year from that date; otherwise from the date of filing application.

(2) *Posthumous child.* In those cases in which an increased amount of dependency and indemnity compensation is payable under the provisions of § 4.447 (c) to a widow because of the birth of a posthumous child, the commencing date of such increase, if otherwise in order, will be the date of the child's birth, provided notice of the expected or actual birth of the child, meeting the requirements of an informal claim, is received within 1 year from the date of the veteran's death and proof of birth is received within 1 year from the date of request.

(e) *Missing cases.* Where a report of death or finding of death has been made by the Secretary of the service department concerned as to a person who was on active duty status at the time of death and the person was reported missing or missing in action, interned in a neutral country, captured by an enemy, beleaguered, or besieged, as contemplated by Public Law 490, 77th Congress, as amended, or the claim for dependency and indemnity compensation was filed more than 1 year after the date of (actual) death, an original award of dependency and indemnity compensation shall commence:

(i) The day following the date fixed by the Secretary as the date of death (actual) in such report: *Provided,* That claim is filed within 1 year after the date the report of death is made; otherwise the date of filing claim. However, in no event shall dependency and indemnity compensation be paid to a dependent for any period prior to the date the report of death was made for which such dependent has received or is entitled to receive an allowance, allotment, or service pay of the deceased.

(2) The day following the date of death (presumptive) fixed by the Secretary in such finding: *Provided,* That claim is filed within 1 year after the date finding of death is made; otherwise, the date of filing claim.

(3) In determining the commencing date of awards of dependency and indemnity compensation under this paragraph, the 1-year time limitation for filing of claim shall commence the date of the finding of (presumptive) death or the date the initial report of (actual) death was made, whichever is the earlier (Pub. Law 419, 78th Congress and sec. 501 (p), Pub. Law 881, 84th Cong.).

(f) *Death due to hospital treatment, etc.* Where the veteran's death is due to circumstances outlined in section 31, Public Law 141, 73d Congress, as amended by section 12, Public Law 866, 76th Congress, section 2, Public Law 16, 78th Congress (par. 4, Part VII, Veterans Regulation 1 (a), (38 U. S. C. ch. 12A)), or Public Law 894, 81st Congress, dependency and indemnity compensation shall be paid provided a claim is filed within 2 years after the date of death and shall commence the day following the date of the veteran's death if claim is filed within 1 year from that date, otherwise from date of claim.

(g) *Correction of military records.* (1) The date of commencement of original awards of dependency and indemnity compensation payable solely as a result of the finding of a board of review or a board for correction of military (or naval) records will be the date authorized by the law under which such compensation is payable but not prior to:

(i) The date of the finding of a board of review established under section 301, Public Law 346, 78th Congress, or if the finding was approved by the Secretary of the service department concerned, the date of such approval;

(ii) The date on which application was filed with the service department for correction of the record when the award of dependency and indemnity compensation is based on a finding of a board for correction of military (or naval) records established under section 207, Public Law 601, 79th Congress, as amended by Public Law 220, 82d Congress. (See also § 4.431.[1])

(2) The date of commencement of original awards of dependency and indemnity compensation payable solely as a result of an administrative determination made by the service departments, other than through boards of review or corrections, based on new evidence or change in policy and views, or both, involving character of discharge, active duty status, line of duty or willful misconduct, will be the date authorized by the law under which dependency and indemnity compensation is payable but not prior to the date of the corrected report or date of recertification.

(h) *Bureau of Employees Compensation cases.* Where death occurred prior to January 1, 1957, and payments have been made by the Bureau of Employees Compensation based on military or naval service, and the claimant is otherwise eligible to receive dependency and indemnity compensation, the commencing date of such benefit shall be the date specified in paragraph (a) of this section but in no event prior to the day following the date of last payment by the Bureau of Employees Compensation.

RATES

§ 4.447 *Widows—*(a) *Basic rate.* The monthly rate of dependency and indemnity compensation for a widow is $112 plus 12 percent of the basic pay of the deceased veteran. This rate is subject to increase as provided in paragraphs (c) and (d) of this section.

(b) *"Basic pay."* The basic pay is the amount certified by the Secretary concerned, provided that if death occurs after separation from service and is due to active duty, the certification shall be based on the veteran's rank and years of service on the date of his last separation from service under conditions other than dishonorable. The certification of the Secretary concerned is binding on the Veterans Administration.

(c) *Increase for children.* If there are two or more children under the age of 18 (including a child who is not in the actual or constructive custody of the widow and a child who enters active military or naval service), the amount payable to the widow shall be increased by $25 monthly for each child under 18 in excess of one, but the total of such increase shall not exceed the difference between the amount which would be payable if the deceased veteran's average monthly wage for the purpose of section 202 of the Social Security Act had been $160 (after reduction under sec. 203 (a) of such act but without regard to deduction provisions of such sec. 203) and the amounts to which the widow or such children under the age of 18 are or would be entitled under:

(1) Section 405 of Public Law 881, 84th Congress;

(2) Section 202 of the Social Security Act (after reduction under sec. 203 (a) of such act but without regard to the deduction provisions of sec. 203) on the basis of the deceased veteran's earnings;

(3) Section 5 of the Railroad Retirement Act of 1937 (after reduction under sec. 4 (i) and sec. 5 (h) of such act) on the basis of such deceased veteran's earnings.

The amounts referred to in subparagraphs (1), (2), and (3) of this paragraph will be the amounts certified by the Secretary of Health, Education, and Welfare or the Railroad Retirement Board, as the case may be.

(d) *Rate payable.* Where the amount determined to be payable under this section involves a fraction of a dollar, the amount shall be increased to the next higher dollar.

(e) *Awards to minor widows.* Payment of dependency and indemnity compensation may be made direct to a widow notwithstanding that she may be a minor (sec. 2, Pub. Law 144, 78th Cong. and sec. 209 (a), Pub. Law 881, 84th Cong.) and notwithstanding that she may have remarried. Direct payment is permissive and not mandatory, and the appointment of a fiduciary for a minor widow may be required if circumstances indicate that this action is advisable.

§ 4.448 *Apportionment—*(a) *Conditions under which apportionment may be made.* Dependency and indemnity compensation will be apportioned where there is a widow and a child or children under 18 years of age and the child or children are not in the actual or constructive custody of the widow. No apportionment will be made for any child solely by reason of the child's entrance into the active military or naval service of the United States; or where the child or children are separated from the widow, due to her incompetency, and a fiduciary has been appointed for the widow, who is providing properly for the children from the widow's estate or income voluntarily or pursuant to a decree of a court of competent jurisdiction.

(b) *Effective dates of apportionment.* The effective date of the apportionment will be the first day of the month (in cases involving one or more payees residing in the Philippines, the first day of the second month) next succeeding that in which notice was received in the Veterans Administration that the child or children are not in the actual or constructive care and custody of the widow: *Provided,* That where prior to the initial award to the widow the lack of custody in the widow is shown, the benefit will be apportioned in accordance with the facts found for all periods affected.

(c) *Rates payable.* (1) Except as provided in subparagraphs (2) and (3) of this paragraph the total amount payable under § 4.447 will be apportioned as follows: The share for each of the children, including those in the widow's custody as well as those who are not in her custody, will be $35 per month. The share for the widow will be the difference between the children's shares and the total amount payable under § 4.447. In the application of this rule, however, the widow's share will not be reduced to an amount less than 50 percent of that to which she would otherwise be entitled, or less than $65, whichever is greater. The balance will be the children's share. In all cases, the share determined for the children will be equally divided among them, and the shares of any child or children in the widow's custody will be added to the widow's share.

(2) Where an additional amount is payable under § 4.447 (c), the additional allowance will be equally divided between the children.

(3) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation, the share of dependency and indemnity compensation for the children will be whichever is the greater:

[1] To be published soon.

[1] To be published soon.

(i) The apportioned share computed under subparagraphs (1) and (2) of this paragraph, or

(ii) The share which would have been payable as death compensation but not in excess of the total dependency and indemnity compensation which is authorized under § 4.447.

(d) *Rate for additional beneficiary.* In any case wherein dependency and indemnity compensation is being currently paid and claim is filed by or for an additional dependent of the veteran, who is entitled to an apportioned share, no reduction will be made in the current award for any period prior to the first of the month (in cases involving one or more payees residing in the Philippines, the first day of the second month) next succeeding that in which the changed award is approved. The amount payable during such period to or for the additional dependent will be the difference between the amount of dependency and indemnity compensation currently being paid and the total amount payable by reason of including the additional dependent. On and after the first day of the month (in cases involving residence in the Philippines, the first day of the second month) next succeeding that in which the changed award is approved, the total amount of compensation or pension will be apportioned as provided in paragraph (c) of this section.

(e) *Special apportionments.* In any case wherein it is clearly shown by competent evidence that the application of the foregoing provisions of paragraphs (a) through (d) of this section will result in undue hardship upon the widow or children, and relief can be afforded without undue hardship to other persons at interest, the director of claims activities in district office and Veterans Benefits Office cases and the adjudication officer in regional office cases shall determine, without regard to the foregoing provisions of paragraphs (a) through (d) of this section, the exact amount to be apportioned to each individual.

(f) *Discontinuance of apportionments; effective dates.* In those cases where dependency and indemnity compensation is apportioned between the widow and a child or children, and payments have been or are being made to such dependents subsequent to the date of cessation of the condition on which it is predicated, the effective date of discontinuance of the apportioned benefit to the child or children shall be the date of last payment, and the award to the widow will be adjusted accordingly: *Provided,* That in the event of one of the contingencies cited in §§ 4.462 and 4.463,[1] the discontinuance shall be effective as provided in such sections.

§ 4.449 *Children.* The following monthly rates of dependency and indemnity compensation are payable:

(a) *Children under 18; no widow.*

One child, $70.
Two children, $100.
Three children, $130.
Plus $25 monthly for each additional child.
Total payable equally divided.

(b) *Children over 18.*

Helpless child, and widow (see note), $70 each child.
Helpless child, no widow, rate under paragraph (a) of this section plus $25 for each child.
School child, and widow (see note), $35 for each child.
School child, no widow, rate under paragraph (a) of this section.

NOTE: Payments to a child will be made direct if the child is competent and has attained majority, otherwise to a fiduciary (see § 4.353), notwithstanding that the child may be in the custody of the widow.

(c) *Other children receiving death compensation.* If children are receiving death compensation and all such children have not applied for dependency and indemnity compensation, the rate of dependency and indemnity compensation for a child shall not exceed the amount which would be paid if all children had applied for dependency and indemnity compensation; and the rate of death compensation shall not exceed the amount which would be paid if all children were receiving this benefit.

(d) *Other children receiving servicemen's indemnity.* Where there is a child or children in receipt of servicemen's indemnity under the circumstances outlined in § 4.429 (b),[1] the rate of dependency and indemnity compensation for another child or children shall not exceed the amount which would be paid if all children were receiving dependency and indemnity compensation.

§ 4.450 *Parents.* The following monthly rates of dependency and indemnity compensation are payable:

(a) *One parent alone.*

Column I — Total annual income		Column II — Monthly rate
More than—	But equal to or less than—	
----------	$750	$75
$750	1,000	60
1,000	1,250	45
1,250	1,500	30
1,500	1,750	15
1,750	----------	(1)

[1] No amount payable.

(b) *Two parents not living together.*

Column I — Total annual income		Column II — Monthly rate to each parent
More than—	But equal to or less than—	
----------	$750	$50
$750	1,000	40
1,000	1,250	30
1,250	1,500	20
1,500	1,750	10
1,750	----------	(1)

[1] No amount payable.

(c) *Two parents living together, or remarried parent living with spouse.*

Column I — Total annual income		Column II — Monthly rate to each parent
More than—	But equal to or less than—	
----------	$1,000	$50
$1,000	1,350	40
1,350	1,700	30
1,700	2,050	20
2,050	2,400	10
2,400	----------	(1)

[1] No amount payable.

(d) *Remarried parents—(1) Living with spouse.* For the purposes of paragraph (c) of this section the total combined income of the parent and his or her spouse will determine the rate of dependency and indemnity compensation payable to the parent. The provisions of paragraph (c) of this section are equally applicable where both parents have remarried and each is living with his or her spouse.

(2) *Not living with spouse.* If the remarriage of a parent has been terminated, or the parent is not living with his or her spouse, the rate of dependency and indemnity compensation will be determined under paragraph (a) or (b) of this section, whichever is applicable. (See § 4.444.[1])

(e) *One parent does not file claim.* Where there are two parents living and only one parent has filed claim, the rate of dependency and indemnity compensation will be determined under paragraph (b) or (c) of this section, whichever is applicable.

(f) *Other parent receiving death compensation.* If one parent is receiving death compensation the rate of dependency and indemnity compensation for another parent shall not exceed the amount which would be paid if both parents had applied for dependency and indemnity compensation; and the rate of death compensation shall not exceed the amount if both parents were receiving this benefit.

§ 4.451 *Death due to hospital treatment, etc.* Where the veteran's death is due to circumstances outlined in section 31, Public Law 141, 73d Congress, as amended by section 12, Public Law 866, 76th Congress, section 2, Public Law 16, 78th Congress (par. 4, Part VII, Vet. Reg. 1 (a) (38 U. S. C. ch. 12A)), or Public Law 894, 81st Congress, the rates outlined in §§ 4.447 to 4.450, as applicable, shall be payable.

§ 4.452 *Philippine service cases.* The rate of dependency and indemnity compensation for widows, children, and parents, as well as amounts of annual income applicable to parents, will be computed on the basis of one Philippine peso for each dollar in cases involving service in the Commonwealth Army of the Philippines or as a guerrilla or in the Philippine Scouts where the veteran was enlisted under section 14, Public Law 190, 79th Congress (Pub. Laws 301 and 391, 79th Cong., as amended by sec. 501 (i), and (j), Pub. Law 881, 84th Cong.)

[1] To be published soon.

§ 4.453 *Awards where widow and/or children do not file claim on the same date—(a) General.* In any case where claim has not been filed by or on behalf of the widow or all children who may be entitled, the awards (original or amended) for the widow or children who have filed claim will be made for all periods affected at the rates and in the same manner as though there were no other such dependents: *Provided, however,* That if the file reflects that there is a child or children under 18 years of age for whom no claim has been filed, the award will be made only at the apportioned rate, if as to such children it is possible for a claim to be filed under which benefits may be awarded for a period prior to date of filing claim. If, at the expiration of the period allowed, claims for such additional children have not been filed, the award to the widow or child will be amended to provide for payment at the full rate over the periods affected.

(b) *Computation of rate for additional dependent.* In any case wherein dependency and indemnity compensation is being currently paid and claim is filed by or for an additional dependent, a retroactive adjustment in the current award will be made, provided no overpayment will result. If an overpayment would result, the current award will be reduced as of the first of the month (in cases involving one or more payees residing in the Philippines, the first of the second month) next succeeding that in which the changed award is approved, and the amount payable prior to the date of reduction to or for such additional dependent will be the difference between the amount of dependency and indemnity compensation currently being paid and the total amount payable by reason of including the additional dependent. On and after the first day of the month (in cases involving residence in the Philippines, the first of the second month) next succeeding that in which the changed award is approved, the additional dependent will be entitled to his full share. (For apportioned awards, see § 4.448 (d).)

§ 4.454 *Fractions of 1 cent, in awards.* In all cases where the amount to be paid under any award involves a fraction of a cent, the fractional part will be excluded.

READJUSTMENT IN RATES

§ 4.455 *Readjustment in rates.* (a) In any case in which a payee becomes entitled to receive a greater rate of dependency and indemnity compensation because payment of dependency and indemnity compensation to another payee in the same class has been discontinued, the increased rate will be allowed without the filing of a new application and will be effective the day following the discontinuance of payments to the other payee, provided the evidence necessary to effect the adjustment is received in the Veterans Administration within 1 year from the date of request; otherwise, the increased rate will be effective the date of receipt of the evidence.

(b) If a widow with a child or children under 18 years of age in her custody has been paid dependency and indemnity compensation subsequent to her remarriage and dependency and indemnity compensation is payable on behalf of the child or children from the day following the widow's remarriage (see §§ 4.431 (d)[1] and 4.445 (d)), payments will be adjusted as follows:

(1) If the widow received dependency and indemnity compensation at a rate in excess of that to which the child or children were entitled in their own right, an amended award will be made to the widow authorizing the rate payable to her prior to the date of remarriage and the rate to which the child or children were entitled from the date of remarriage to the date of last payment. The award for the child or children will be made to commence the day following the date of last payment to the widow.

(2) If the rate payable for children in their own right is in excess of that paid to the widow, her award will be discontinued effective date of last payment. The award for the children will be made to commence the date of the widow's remarriage. The rate payable for the children for any period after the date of the widow's remarriage and prior to the date of last payment to her will be the difference between the rate paid to the widow and the rate for the children in their own right, the available balance being equally divided. The full rate for each child will be awarded commencing the day following the date of last payment to the widow.

CONCURRENT PAYMENTS

§ 4.458 *Benefits based on other deaths.* Except as provided in § 4.459, the receipt of pension, compensation, or dependency and indemnity compensation by a widow, child, or parent on account of the death of any person, or receipt by any person of pension or compensation on account of his own service, shall not bar the payment of pension, compensation, or dependency and indemnity compensation on account of the death or disability of any other person.

§ 4.458a *War Orphans' Educational Assistance Act of 1956.* Election of benefits under Public Law 634, 84th Congress, is a bar in the same or any other case to further payments of dependency and indemnity compensation after age 18 because of approved school attendance. Election of benefits under Public Law 634, 84th Congress, is final after one payment has been made under that act to or for the child or as an administrative allowance to the school.

§ 4.459 *Children; two parents in same parental line—(a) General.* If a child receives or there is paid on account of a child dependency and indemnity compensation, or death compensation under any law administered by the Veterans Administration, by reason of the death of a parent, dependency and indemnity compensation by reason of the death of another parent in the same parental line may not be paid to or on account of such child.

(b) *Election.* For the purposes of this section, the child (through his fiduciary if the child has not attained majority) may elect to receive benefits based on the service of either veteran. An election of dependency and indemnity compensation based on the service of one parent places the right to dependency and indemnity compensation based on the service of another parent in suspension. The suspension may be lifted at any time by making another election.

(c) *Widow receiving dependency and indemnity compensation.* The receipt of dependency and indemnity compensation by a widow shall not preclude the payment of dependency and indemnity compensation or death compensation to or for a child in her custody who is eligible to receive such benefits based on the service of another father. A child who is not in the widow's custody may not receive an apportioned share of dependency and indemnity compensation in that case and dependency and indemnity or death compensation based on the service of another father in the same parental line.

(d) *Rate for other dependents.* Where a child receives dependency and indemnity compensation or death compensation based on the death of one parent, the rate of dependency and indemnity compensation or death compensation payable to the widow or other children based on the death of another parent in the same parental line shall not exceed the amounts which would be payable if the child were receiving or an additional allowance were being paid for such child in the second case: *Provided further,* That no increase shall be allowed to a widow under the provisions of § 4.447 (c) by reason of a child who is receiving dependency and indemnity compensation or death compensation based on the death of another father.

(e) *Adjustments.* If dependency and indemnity compensation is payable based on the service of one parent, an award of dependency and indemnity compensation or death compensation to or on account of a child will be made subject to any payments of dependency and indemnity compensation or death compensation made to or on account of that child over the same period of time based on the service of another parent in the same parental line.

FORFEITURES

§ 4.467 *Forfeitures incurred prior to January 1, 1957.* Any person who forfeited rights to death benefits under laws in effect prior to January 1, 1957, shall not be entitled to dependency and indemnity compensation.

§ 4.468 *Fraud.* The penal and forfeiture provisions of section 15, Public Law 2, 73d Congress, are made applicable to Public Law 881, 84th Congress, by section 501 (n) of that act.

§ 4.469 *Forfeiture of benefits by a veteran.* Forfeiture of benefits by a veteran

[1] To be published soon.

under the provisions of section 504, World War Veterans' Act, 1924, as amended, or section 15 of Public Law 2, 73d Congress, shall not preclude payments of dependency and indemnity compensation benefits: *Provided*, That no dependency and indemnity compensation shall be paid to any dependent who has participated in the fraud for which the forfeiture was imposed.

§ 4.470 *Treasonable acts.* Any person shown by evidence satisfactory to the Administrator of Veterans' Affairs to be guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or of its allies, shall forfeit all accrued or future benefits under laws administered by the Veterans Administration pertaining to gratuities for veterans and their dependents: *Provided*, That any part of such benefits may be apportioned and paid to the dependents of such person, not exceeding the amount to which each dependent would be entitled if such person were dead (sec. 4, Pub. Law 144, 78th Cong., act of July 13, 1943). The foregoing is not applicable as to a child or children, regardless of age, who are in the widow's custody and for whom an additional amount is payable to her. Forfeiture by a veteran does not preclude payment of dependency and indemnity compensation which may otherwise be payable to or for a surviving dependent. Any claimant who in time of war resided in territory of or under the military control of an enemy of the United States or of its allies will be required to execute VA Form 8–508.

§ 4.471 *Homicide.* Any person who has wrongfully and intentionally caused the death of another person shall not be entitled to receive dependency and indemnity compensation or increased dependency and indemnity compensation by reason of such death.

GUARDIANSHIP

§ 4.473 *General.* Payment of benefits on behalf of a person who is mentally incompetent or who is a minor (other than a person who is serving in or has been discharged from the military forces of the United States or a minor widow) will be made to a duly appointed fiduciary: *Provided*, That where the total amount payable on behalf of a child or children who are in the widow's custody does not exceed $100 for each child, payment will be made to the widow as legal custodian without reference to the Chief Attorney. (See § 4.447 (e) and § 13.200 of this chapter.)

§ 4.474 *Limitation on payments to a fiduciary for a minor child.* Awards will not be authorized to a fiduciary recognized or appointed for a child, by reason of its minority, for any period subsequent to the day preceding the date on which the child will attain its majority under the law of the State in which the child resides. Payments on and after that date, if otherwise in order, will be made direct to the child, if competent, or, if incompetent, to a fiduciary recognized or appointed for the child as a mentally incompetent adult.

§ 4.475 *Identity in guardianship cases.* When the name of the ward as it appears in the letters of guardianship or Chief Attorney's certification, etc., is not the same as that under which the claim was filed and there is no question of identity, the awards will be made in the name as shown in the letters of guardianship.

§ 4.476 *Letters of guardianship received from other than Chief Attorney.* When letters of guardianship are received from a person other than the Chief Attorney, payments being made direct to the beneficiary concerned will be suspended, and the letters will be forwarded to the proper Chief Attorney for his certification as to the legality of the appointment and adequacy of bond.

§ 4.477 *Payee reported to be incompetent*—(a) *Notice of commitment of payee or appointment of guardian.* If notice is received that a payee has been committed to a hospital for the insane or that a guardian has been appointed and letters of guardianship have not been forwarded, payments being made direct to the dependent will be suspended. The Chief Attorney will be informed of such suspension, and the amount of benefits payable. He will be requested to obtain the appointment of a fiduciary, or to obtain evidence of the appointment of the fiduciary and to forward it with his certificate relative to the adequacy of bond and legality of the appointment. If the dependent is in a hospital for the insane and a guardian has not been appointed, the request will be addressed to the Chief Attorney of the area in which the institution is located.

(b) *Evidence of incompetency other than notice of commitment or of appointment of guardian.* If information other than that described in paragraph (a) of this section is received which indicates that a dependent may be incompetent or that he is not receiving or is being deprived of the full benefits being paid, and an inquiry is desirable to determine whether a fiduciary should be appointed, the information received will be referred to the Chief Attorney of the area in which the beneficiary resides, together with a statement of the kind and amount of benefits being paid, the amount of benefits accrued, if any, the address of the dependent, and whether or not payments have been suspended. Payments will not be suspended pending receipt of a report from the Chief Attorney, unless it is obvious that suspension is necessary as a protective measure. Upon receipt of such information, the Chief Attorney will ascertain the facts by field examination and report them to the office having jurisdiction of the XC-folder, with his recommendation whether a fiduciary should be appointed, whether a neuropsychiatric examination should be authorized, and whether payments, if being made, should be suspended. The Chief Attorney's report will be referred to the rating board for a determination of incompetency or competency pursuant to §§ 3.173 and 3.174 of this chapter. It is the policy of the Veterans Administration not to insist upon the appointment of a guardian in cases of persons of advanced age unless such procedure is absolutely necessary to protect their interests.

§ 4.478 *Marriage of female fiduciary*—(a) *Guardian.* Upon receipt of notice of the marriage of a female guardian who is receiving benefits in her fiduciary capacity, payments will be suspended, and the Chief Attorney will be requested to ascertain whether the guardianship will remain in effect and, if so, whether an order will be made changing the name of the guardian and to furnish a certified copy of any such order; and if no such order will be issued, her statement setting forth the fact of remarriage and her present name shall be accepted.

(b) *Legal custodian.* Where a female custodian has remarried subsequent to such appointment, her statement setting forth the fact of remarriage and her present name shall be accepted. Notice of the change of name will be furnished to the Chief Attorney.

§ 4.479 *Awards where more than one guardian has been appointed.* Certificate showing discharge of a former guardian is not necessary when letters of guardianship show appointment by the same court of a new guardian in place of the former one.

§ 4.480 *Mentally incompetent widow.* An apportionment of dependency and indemnity compensation is not required where children are separated from the widow by reason of her incompetency provided the fiduciary is adequately taking care of the needs of the children from the widow's estate voluntarily or pursuant to a decree of a court of competent jurisdiction. (See § 4.448 (a).)

This regulation is effective January 31, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–734; Filed, Jan. 30, 1957; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1385]

[61059]

CALIFORNIA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE ARMY FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in California are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Army for military purposes:

MOUNT DIABLO MERIDIAN

T. 11 N., R. 6 W.,
Sec. 27, lot 1.

The tract described contains 16.47 acres.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior, and no disposition shall be made of such minerals except under the applicable United States mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

JANUARY 24, 1957.

[F. R. Doc. 57–711; Filed, Jan. 30, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES FROM FUMIGATION WITH METHYL BROMIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances of 200 parts per million for residues of inorganic bromide (calculated as Br) and 10 parts per million for residues of methyl bromide in or on the following raw agricultural commodities from fumigation with methyl bromide: Almonds, Brazil nuts, bush nuts, butternuts, cashew nuts, chestnuts, filberts (or hazelnuts), hickory nuts, peanuts, pecans, pistachio nuts, walnuts.

The analytical method proposed in the petition for determining residues is the method reported in "Determination of Total and Inorganic Bromide in Foods Fumigated with Methyl Bromide," by S. A. Shrader, A. W. Beshgetoor, and V. A. Stenger, in Industrial and Engineering Chemistry, Analytical Edition, Volume 14, pages 1–4 (1942).

Dated: January 24, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–731; Filed, Jan. 30, 1957; 8:49 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 162]

[No. FSLIC–29]

APPLICATIONS FOR INSURANCE

REJECTION OF INSTITUTION BECAUSE OF INABILITY TO OPERATE NORMALLY

JANUARY 23, 1957.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), it is hereby proposed that, pursuant to section 403, 48 Stat. 1257, as amended (12 U. S. C. 1725), Part 162 of the rules and regulations for insurance of accounts (24 CFR Part 162) be amended by amending the second sentence in § 162.3 (c) to read as follows: "Without the prior written approval of the Corporation no insured institution shall occupy office quarters which are also occupied by any individual or business organization engaged in accepting savings or investment funds from the public or in making loans of a character which the institution is authorized to make."

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, Washington 25, D. C., not later than March 4, 1957, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN,
Secretary.

[F. R. Doc. 57–735; Filed, Jan. 30, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

Correction

In F. R. Doc. 56–10503, appearing at page 10418 of the issue for Friday, December 28, 1956, the word "diverting" in § 1113.31 should read "giving".

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

JACQUES BENSA AND AUTOMOBILE COMMERCIALE INTERNATIONALE

ORDER EXTENDING TEMPORARY ORDER DENYING EXPORT PRIVILEGES

In the matter of: Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France. A. C. I., S. A., also known as Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland; respondents.

An order was heretofore issued, which, among other things, denied United States export privileges to the above-named respondents (21 F. R. 7703) and the term thereof was extended to January 28, 1957, by a further order issued December 4, 1956 (21 F. R. 9749) and such order is now subject to appeal. The Bureau of Foreign Commerce Investigation Staff has now applied for a further order to extend the expiration date as it affects the above-named individual and companies until five days from the date when the Appeals Board for the Department of Commerce will have rendered its decision on the written appeal filed by Jacques Bensa and Americauto which was considered by said Board on January 22, 1957. This application was considered by the Compliance Commissioner, who has recommended that the application be granted to the extent hereinafter provided.

Now, after reading the recommendation of the Compliance Commissioner and considering the entire record herein, and sufficient cause appearing therefor:

It is hereby ordered, That the order of October 4, 1956, as extended by order dated December 4, 1956, to the extent that it denied U. S. export privileges to Jacques Bensa, doing business as Americauto, and A. C. I., S. A., also known as Automobile Commerciale Internationale, is hereby further extended for a period of five days beyond the date when the Appeals Board for the Department of Commerce will have rendered its decision on the appeal by Jacques Bensa and Americauto.

Dated: January 28, 1957.

FRANK W. SHEAFFER,
Acting Director, Office of Export Supply.

[F. R. Doc. 57–737; Filed, Jan. 30, 1957; 8:50 a. m.]

Federal Maritime Board

[Docket No. M–76]

TERMINAL STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER ONE LIBERTY-TYPE DRY-CARGO VESSEL

Notice is hereby given that a public hearing will be held before an Examiner pursuant to section 5 (e) of the Merchant Ship Sales Act of 1946, as amended (Public Law 591, 81st Congress) (50 U. S. C.

App. 1738), on February 7, 1957, at 9:30 a. m., in the offices of the Federal Maritime Board in the New General Accounting Office Building, Fifth and G Streets, NW., Washington, D. C., upon the application of Terminal Steamship Company, Inc., to bareboat charter one Liberty-type dry-cargo vessel owned by the Government for one year for use in carrying sulfur from United States ports on the Gulf of Mexico to ports in the Pacific Northwest, and lumber from the Pacific Northwest to North Atlantic ports.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted, and to protect privately owned vessels against competition from any vessel chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present, and oral argument may be had before the Examiner at the conclusion of the receipt of evidence, in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

By order of the Federal Maritime Board.

Dated: January 28, 1957.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-732; Filed, Jan. 29, 1957; 8:54 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 46]

NEW MEXICO

SMALL TRACT CLASSIFICATION

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands totalling 20 acres in Otero County, New Mexico as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat.; 43 USC 682a), as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 17 S., R. 9 E.,
Sec. 12, W½NW¼NE¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including location under the mining laws, except application under the mineral leasing laws.

3. The lands are situated along the eastern edge of Tularosa Valley about two miles south of Alamogordo, New Mexico. U. S. Highway No. 54 from Alamogordo to El Paso, Texas traverses the E½NW¼NE¼ of Sec. 12 in a general north and south direction and within 125 feet of the southeast corner of this tract. The topography is slightly sloping to the west with shallow, often poorly defined washes and wind blown sand which has formed hummocks four or five feet high in the mesquite. There is little vegetation other than mesquite with traces of tobosa and grama grasses. Elevation of the land is 4300 feet, and the climate is mild to warm. Annual precipitation is about 10 inches and relative humidity is low. Culinary water is not available from any presently developed source. Business, educational, religious and recreational facilities are available in the town of Alamogordo, New Mexico.

4. The individual tracts vary in size from 1¼ acres to 2½ acres, more or less, with the longer dimensions extending east and west. The appraised value of the tracts varies from $100.00 to $300.00 per tract as shown below. The lands will be subject to all existing rights-of-way and to rights-of-way as per below. All minerals in the lands will be reserved to the United States.

Tract No.	Acres	Location of right-of-way and description of tract	Appraised value
1	1¼	33 feet along east end of S½SW¼SW¼NW¼NE¼	$100.00
2	1¼	33 feet along east end of N½SW¼SW¼NW¼NE¼	100.00
3	1¼	33 feet along east end of S½NW¼SW¼NW¼NE¼	100.00
4	1¼	33 feet along east end of N½NW¼SW¼NW¼NE¼	100.00
5	1¼	33 feet along east end of S½SW¼NW¼NW¼NE¼	100.00
6	1¼	33 feet along east end of N½SW¼NW¼NW¼NE¼	100.00
7	1¼	33 feet along east end of S½NW¼NW¼NW¼NE¼	100.00
8	1¼	33 feet square at southeast corner N½NW¼NW¼NE¼	100.00
9	1¼	33 feet along south and west end of the N½NE¼NW¼NW¼NE¼	100.00
10	1¼	33 feet along north and west end of the S½NE¼NW¼NW¼NE¼	100.00
11	1¼	33 feet along west end of N½SE¼NW¼NW¼NE¼	100.00
12	1¼	33 feet along west end of S½SE¼NW¼NW¼NE¼	100.00
13	1¼	33 feet along west end of N½NE¼SW¼NW¼NE¼	100.00
14	1¼	33 feet along west end of S½NE¼SW¼NW¼NE¼	100.00
15 [1]	2½	66 feet along south end and 33 feet along west end of SE¼SW¼NW¼NE¼	300.00

[1] Under application from an individual having statutory preference.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above described tracts, except those for which the statutory preference claimant exercises his right, will be sold at public auction at a public sale to be held at the Land Office, Federal Court House Building, Federal Place, Santa Fe, New Mexico, at 10:30 a. m., May 31, 1957. Bids may be made personally by the applicant or his agent at the sale or may be mailed. Bids sent by mail will be considered only if received at the Sante Fe Land Office prior to 10:30 a. m., May 31, 1957. No bid will be accepted if it is less than the appraised value of the tract. See Paragraph 4 for appraised values.

7. Each bid sent by mail must clearly show (a) the name and post office address of the bidder, (b) Classification Order No. 46, (c) the land description of the tract for which the bid is made, described in accordance with paragraph 4 of this order, (d) whether the bidder is entitled to veterans' preference in accordance with paragraph 8 of this order. Each bid must be accompanied by the full amount bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. Each bid must be enclosed in a separate envelope, but payment need only accompany the highest bid, providing all other bids designate the envelope containing the payment. Each envelope must carry on its reverse the following information and nothing else: (a) Classification Order No. 46, January 23, 1957, (b) "Veterans' Preference", if the bidder is entitled to veterans' preference in accordance with paragraph 8, and (c) the description of the tract for which the bid is made, described in accordance with paragraph 4 of this order.

8. All valid applications filed prior to May 31, 1957, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract will be awarded to the highest bidder among persons entitled to veterans' preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract. Persons entitled to veterans' preference, in brief, are (a) honorably discharged veterans who served at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or to the surviving spouse or minor children of veterans killed in the line of duty. Successful bidders among preference claimants will be called upon for proof of the military service upon which their claim is based.

9. All inquiries concerning these lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 57-712; Filed, Jan. 30, 1957; 8:45 a. m.]

[Classification 40]

NEW MEXICO

SMALL TRACT CLASSIFICATION, AMENDED

JANUARY 25, 1957.

Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby amend Paragraph 5 of Classification Order No. 40, Small Tract Classification appearing in 20 F. R. 3516 to read as follows:

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. The lands will be leased in tracts of approximately 5 acres each (330'x 660') with the longer dimensions extending east and west with the exception of E½NW¼NE¼SW¼ which tract will be leased as described. Advance rental for homesites shall be $60.00 for the 3-year period. An application to lease must be accompanied by the advance rental specified above plus a $10.00 filing fee.

ADLAI S. BAKER,
Acting State Supervisor.

[F. R. Doc. 57-713; Filed, Jan. 30, 1957; 8:45 a. m.]

NEVADA

NOTICE OF WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 17, 1957.

The Civil Aeronautics Administration, Department of Commerce, has filed an application, Serial No. Nevada 044542, for the withdrawal of the lands described below, from all forms of appropriation and use including mineral leasing and mining. The applicant desires the land for the purpose of installing a very high frequency omnirange facility and requests permission to construct an access road thereto.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada. If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MT. DIABLO MERIDIAN, NEVADA

T. 19 N., R. 21 E.,
Sec. 8: E½SE¼NW¼.

Acreage: 20, more or less.

E. R. GREENSLET,
State Supervisor.

[F. R. Doc. 57-714; Filed, Jan. 30, 1957; 8:46 a. m.]

[Classification Order 511]

CALIFORNIA

SMALL TRACT OPENING

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands totaling 960 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 7 N., R. 4 W.,
Sec. 30: SE¼, SE¼NE¼;
Sec. 31: NE¼, N½SE¼, SE¼SE¼;
Sec. 32: N½, N½S½.

Containing 960 acres, subdivided into 192 small tracts, of which 32 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 10 miles north of Victorville, California. Fair access to the lands is had by three auto trails that lead from U. S. Highway 66–91, which passes within ¼ mile of the westerly edge of the lands.

The topography is characterized by rough, broken, and rolling terrain, situated at elevations ranging from 2,700 to 3,000 feet. Several dry washes run through the area in an east-west direction. The soil is of light texture, varying from loamy sand to rocky sand. The vegetation is desert shrub type, comprised mainly of creosote bush, yucca, and desert sage.

4. The lands will be leased and sold in rectangular tracts of five (5) acres each, more or less, 330 x 660 feet in size, and described as aliquot parts of the section. The appraised value of each tract is $125. The advance three year rental is $30. The tracts will be subject to all existing rights-of-way and rights-of-way for roads and public utilities as described below. Such rights-of-way may be utilized by the Federal Government, or the State, County, or municipality in which the tract is located, or by any agency thereof.

Sec. 30: 33 feet along the interior boundary of the north, east, and south lines of SE¼ NE¼, the north, east, and south lines of SE¼, the south line of N½SE¼, and the north line of S½SE¼;
Sec. 31: 33 feet along the interior boundary of the north, east, and south lines of NE¼, the south line of N½NE¼, the north line of S½NE¼, the north and east lines of SE¼, the north and south lines of SE¼ SE¼, and the south line of N½SE¼;
Sec. 32: 33 feet along the interior boundary of the north, south, and west lines of N½, the south line of N½N½, the north line of S½N½, and the north, south, and west lines of N½S½.

5. Leases will be issued to qualified applicants for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee. All minerals in the lands will be reserved to the United States.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract under this order unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their lands, or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The residence must be suitable for year-round use, on a permanent foundation, and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete or cement slab foundations are acceptable. Concrete piers are not acceptable as foundations.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., May 30, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified

of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to January 23, 1957, will be granted the preference right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–715; Filed, Jan. 30, 1957; 8:46 a. m.]

[Classification Order 513]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 128.46 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 6 N., R. 6 W.,
Sec. 4, Lot 2 of NE¼, E½ of Lot 2 of NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to January 23, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–716; Filed, Jan. 30, 1957; 8:46 a. m.]

[Classification Order 517]

CALIFORNIA

SMALL TRACT CLASSIFICATION

JANUARY 23, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 165.22 acres in Riverside County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 S., R. 7 E.,
Sec. 4, Lot 2 of NE¼, Lot 2 of NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to January 23, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57–717; Filed, Jan. 30, 1957; 8:46 a. m.]

Office of the Secretary

ACTING OFFICIALS

REVOCATION OF ORDERS

JANUARY 22, 1957.

The following Secretary's orders or portions of Secretary's orders, relating to acting officials, are revoked.

Sec. 3, 2558, as amended (17 F. R. 8461).
2704 (17 F. R. 8128).
2709 (17 F. R. 10637).
2718 (18 F. R. 1657).
2727 (18 F. R. 4035).
2739 (18 F. R. 7616).
2752 (19 F. R. 1679).
2763 (19 F. R. 4005).
Sec. 3, 2771 (19 F. R. 6664).
Sec. 5, 2781 (20 F. R. 316).

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57–718; Filed, Jan. 30, 1957; 8:47 a. m.]

[Order No. 2508, Amdt. 16]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY

JANUARY 23, 1957.

Section 11 *Funds and fiscal matters* of Order No. 2508; as amended (14 F. R. 258; 16 F. R. 473, 11620; 19 F. R. 34, 4585; 20 F. R. 167), is further amended by addition of a new paragraph to read as follows:

(aa) Segregation of the fund on deposit for the Fort Berthold Indians, approval of the Tribal membership roll, approval of expenditures from the segregated fund and any other matters provided for in the act of June 4, 1956 (70 Stat. 228). This authority shall not be redelegated beyond the Area Director.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57–719; Filed, Jan. 30, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket Nos. 8475, 8148]

GREATER BALTIMORE COMMITTEE, INC.

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given, pursuant to Order No. E–10967, that a prehearing conference in the above-entitled investigations is assigned to be held on February 7, 1957, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., January 28, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–743; Filed, Jan. 30, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11878; FCC 57M–78]

MOBILE COMMUNICATIONS

ORDER CONTINUING HEARING

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184–C2–P–56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

It is ordered, This 25th day of January 1957, that on the Hearing Examiner's own motion the hearing in the above-entitled matter is continued from January 29, 1957, to a date to be determined later.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–739; Filed, Jan. 30, 1957; 8:50 a. m.]

[Docket No. 11899; FCC 57M–74]

TELEVISION DIABLO, INC. (KOVR)

ORDER RESCINDING ORDER

In re application of Television Diablo, Inc. (KOVR), Stockton, California, Docket No. 11899, File No. BPCT–2187; for construction permit to change transmitter site, etc.

It is ordered, This 25th day of January 1957, that the order released January 24, 1957, appointing a hearing examiner and assigning a date for hearing in the above-entitled proceeding, is hereby rescinded.

Released: January 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–740; Filed, Jan. 30, 1957; 8:50 a. m.]

[Docket No. 11917 etc.; FCC 57–76]

INDEPENDENT BROADCASTERS ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of C. E. Wilson and P. D. Jackson, d/b as Independent Broadcasters, Redding, California, Docket No. 11917, File No. BP–10,313; Donnelly C. Reeves, John E. Griffin and A. Judson Sturtevant, Jr., d/b as Placer Broadcasters, Auburn, California, Docket No. 11918, File No. BP–10,560; Charles Everett Halstead, Jr., tr/as Golden State Broadcasters, Auburn, California, Docket No. 11919, File No. BP–10,714; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of January 1957;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations by C. E. Wilson and P. D. Jackson, d/b as Independent Broadcasters, to operate on 950 kilocycles with a power of 1 kilowatt, daytime only, at Redding, California, File No. BP–10,313; by Donnelly C. Reeves, John E. Griffin and A. Judson Sturtevant, Jr., d/b as Placer Broadcasters, to operate on 950 kilocycles with a power of 500 watts, directional antenna, daytime only, at Auburn, California, File No. BP–10,560; and by Charles Everett Halstead, Jr., tr/as Golden State Broadcasters, to operate on 930 kilocycles with a power of 500 watts, daytime only, at Auburn, California, File No. BP–10,714:

It appearing that Charles Everett Halstead, Jr. is legally, financially and technically qualified and that Placer Broadcasters and Independent Broadcasters are legally, financially, technically and otherwise qualified, except as may appear from the issues specified below, to construct and operate their proposed stations, but that operation of the stations as proposed by Placer Broadcasters and Golden State Broadcasters and operation of the stations proposed by Placer Broadcasters and Independent Broadcasters would result in mutually destructive interference; that the operation proposed by Placer Broadcasters would involve interference with Station KROW, Oakland, California; that the operation proposed by Golden State Broadcasters would cause interference to Stations KLX, Oakland, California; KOLO, Reno, Nevada; and KFRE, Fresno, California; and would receive interference from Stations KOLO, KFRE and KIEM, Eureka, California, which interference may affect more than 10 percent of the population in the proposed station's normally protected primary service area in contravention of § 3.28 (c) of the Commission's rules; that in the application of Golden State Broadcasters datum has not been submitted concerning area and population within the pertinent contours as required by paragraph 12 of section V–A; and

It further appearing that on February 4, 1953, the Commission designated for hearing the application of Charles E. Halstead, tr/as Diamond H. Ranch Broadcasters, for a renewal of license of Station KDIA, Auburndale, California, File No. BR–2544, Docket No. 10405, on issues of whether paid political broadcasts over Station KDIA had not been announced as such, whether programs of other stations had been rebroadcast by KDIA without authorization, whether program and operating logs for KDIA from March 1952 to 1953 had been properly maintained, whether the KDIA antenna tower had been properly maintained with particular respect to painting and lighting, whether annual financial and ownership reports for KDIA were properly filed, whether Charles E. Halstead was qualified to remain licensee of Station KDIA and whether a grant of the application for renewal of license would serve the public interest; that in a letter received by the Commission on July 31, 1953, Mr. Halstead stated that he would not appear at the above-referenced hearing and that he had discontinued the operation of KDIA; that on August 5, 1953, the Commission ordered the application for renewal of license of KDIA dismissed and Station KDIA deleted immediately; and that since Mr. Halstead did not appear at this hearing to present evidence on the issues therein, the questions with respect to his qualifications to be a licensee still obtain; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, these applicants were advised by letter dated October 9, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any one of the applications would be in the public interest; and

It further appearing that timely replies were filed by Placer Broadcasters and Independent Broadcasters indicating that they would appear at a hearing on their applications; and

It further appearing that on December 27, 1956, Charles E. Halstead, Jr., filed a reply in which, inter alia, he made a request for a grant without hearing of his application for a construction permit for a new station at Auburn, California, and in support thereof stated that no contravention of § 3.28 (c) of the Commission's rules would obtain and further stated, in an engineering affidavit, that his proposed operation would involve no interference with any existing or other proposed operation, but he submitted no engineering data to substantiate the statements; and

It further appearing that after consideration of the replies the Commission is of the opinion that a hearing on these applications is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the operations proposed herein, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Placer Broadcasters would involve objectionable interference with Station KROW, Oakland, California, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by Golden State Broadcasters would involve objectionable interference with Stations KLX, Oakland, California; KOLO, Reno, Nevada; and KFRE, Fresno, California; or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, the availability of other primary service to such areas and populations.

4. To determine whether the operation proposed by Golden State Broadcasters would receive interference from Stations KOLO, KFRE and KIEM, Eureka, California; whether the interference received from these stations would affect more than 10 percent of the population in the normally protected primary service area of the operation proposed by Golden State Broadcasters in contravention of § 3.28 (c) of the Commission's rules; and, if so, whether circumstances exist which would here warrant a waiver of § 3.28 (c).

5. To determine the qualifications, other than legal, financial and technical, of Charles Everett Halstead, Jr., to be licensee of a station, with particular reference to the following matters which allegedly occurred while he was licensee of Station KDIA, Auburndale, California:

a. Whether programs were broadcast over facilities of Station KDIA as paid political broadcasts by individuals who were not identified over the station's facilities and were unknown to the licensee, in violation of Section 316 of the Communications Act and §§ 3.119 and 3.120 (d) of the Commission's rules, with particular reference to the broadcast of January 21, 1952, at 10:30 p. m.

b. Whether programs of other broadcast stations were rebroadcast over the facilities of Station KDIA in contravention of the provisions of section 325 (a) of the Communications Act and § 3.121 (b) of the Commission's rules, with particular reference to programs of Stations KFRC, San Francisco, California, and KSBR, San Bruno, California.

c. Whether program and operating logs were maintained for Station KDIA in accordance with the requirements of § 3.111 through § 3.113 and § 3.114 of the Commission's rules, with particular regard to the period from March 1, 1952, to March 2, 1953.

d. Whether the antenna tower of Station KDIA was maintained in accordance with the requirements of § 3.45 (d) of the Commission's rules, with particular reference to the painting and lighting of the tower.

e. Whether annual financial reports (Forms 324) and annual ownership reports (Forms 323) were timely filed by the licensee of Station KDIA in accordance with the requirements of §§ 1.341 and 1.343 of the Commission's rules, and, if not, whether such reports were subsequently filed.

6. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, whether the proposal for Redding, California, or one of the proposals for Auburn, California, would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that one of the proposals for Auburn, California, is favored under Issue 6, which of the applications of Placer Broadcasters and Golden State Broadcasters would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

a. The background and experience of each of the two applicants to own and operate the proposed stations.

b. The proposal of each of the two applicants with respect to management and operation of the proposed stations.

c. The programming service proposed in each of the two applications.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That the Tribune Building Company; KROW, Inc.; Western Broadcasting Company; and California Inland Broadcasting Company; licensees of Stations KLX, Oakland, California; KROW, Oakland, California; KOLO, Reno, Nevada; and KFRE, Fresno, California; respectively, are made parties to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein and the above parties hereto, shall, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-741; Filed, Jan. 30, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. 9805 etc.]

HAYS-ANDERSON GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 24, 1957.

In the matters of Hays-Anderson Gas Company, Docket No. G-9805; Grass Run Oil and Gas Company, Docket No. G-9894; Hope Natural Gas Company, Docket No. G-10259; Moran and Company, Docket No. G-10448; Boswell-Frates Company, Docket No. G-10454; Cabot Carbon Company, Docket No. G-10544; J. M. Huber Corporation, Docket No. G-10575; Drilling and Exploration Company, Inc., et al., Docket No. G-10597; Amerada Petroleum Corporation, Docket No. G-10612.

Take notice that the above Applicants filed their respective applications for permission to abandon services pursuant to section 7 of the Natural Gas Act, authorizing the above-named Applicants to terminate services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

Docket No. G- and Services To Be Abandoned

9805; service to Hope Natural Gas Company from Applicant's acreage in Lee District, Calhoun County, West Virginia.

9894; service to Hope Natural Gas Company from Applicant's acreage in Center District, Gilmer County, West Virginia.

10259; abandonment of the sale of natural gas to Carnegie Natural Gas Company from Applicant's well in Clay District, Monongalia County, West Virginia.

10449; abandonment of service to Equitable Gas Company from the Hanson H. Duncan, et al., lease located in Collins Settlement District, Lewis County, West Virginia.

10454; abandonment of service to Cities Service Gas Company involving casinghead gas from the Tryon & Sporn Oil Field in Lincoln County, Oklahoma.

10644; abandonment of certain facilities consisting of Applicant's University "D" No. 2 well and 1,900 feet of connecting 3-inch pipeline, together with separators, gates, valves, fittings and appurtenances thereto used for the production and sale to El Paso Natural Gas Company of natural gas produced from the West Big Lake Field, Reagan County, Texas.

10575; abandonment of service to The Shamrock Oil and Gas Corporation from five oil wells located on certain of Applicant's leases in the West Panhandle Field, Hutchinson County, Texas.

10597, abandonment of service to Tennessee Gas Transmission Company from the West Ace Field, San Jacinto County, Texas.

10612; termination of the sale of Applicant's share of gas to Arkansas-Louisiana Gas Company from the T. W. Lee Gas Unit "B" in the Willow Springs Field, Gregg County, Texas.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 28, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-720; Filed, Jan. 30, 1957; 8:47 a. m.]

[Docket Nos. G-10800, G-10801]

NORTHERN NATURAL GAS CO. AND THE SHAMROCK OIL AND GAS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 24, 1957.

Northern Natural Gas Company (Northern), a Delaware corporation with its principal place of business at Omaha, Nebraska, filed an application on July 24, 1956, pursuant to section 7 of the Natural Gas Act for authority to construct and operate natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

The Shamrock Oil and Gas Corporation (Shamrock), a Delaware corporation with its principal place of business at Amarillo, Texas, filed on July 24, 1956, an application for a certificate of public convenience and necessity to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Shamrock proposes to sell natural gas in interstate commerce from the production of four wells in the Morrison area, Clark County, Kansas, to Northern for resale.

Northern proposes to construct and operate approximately 2.5 miles of 4½-inch O. D. and 0.8 mile of 6⅝-inch O. D. lateral supply pipeline together with tap, dehydration unit and appurtenances, to enable it to receive natural gas from Shamrock as described above. The estimated total initial cost of the facilities proposed by Northern is $60,000, and will be financed from its company funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take notice that pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules and regulations, a hearing will be held on February 28, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 13, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-721; Filed, Jan. 30, 1957; 8:47 a. m.]

[Docket No. G-11800]

UNITED GAS PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JANUARY 25, 1957.

Take notice that on October 25, 1956, United Gas Pipe Line Company (Applicant) filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities to enable Applicant to receive, into its existing system, natural gas from Magnolia Petroleum Company (Magnolia) from the Green Field, Karnes County, Texas. Applicant subsequently revised its application by its supplemental filing of November 15, 1956, and as a result now seeks authority to:

Construct and operate a purchase meter station and appurtenant facilities on Applicant's existing 10-inch pipeline in the George Hobbermahar Survey, Abstract 591, Bee County, Texas, together with other facilities required from time to time to connect or to take additional deliveries from wells in the Green Field.

Applicant states that the estimated total cost of the above facilities is $2,796, which cost is to be financed out of Applicant's current working funds.

Applicant further states that the above facilities will be used to enable Applicant to take delivery of certain undetermined daily volumes of gas from the Green Field under a purchase contract with the producer, Magnolia, dated September 24, 1956, as amended November 8, 1956. The estimated total volume of proven reserves in place in the Green Field is 6,776,156 Mcf, and of this amount there are under contract to United 5,789,816 Mcf @ 14.73 psia; and the daily capacity of the proposed metering facilities will be approximately 3,204 Mcf at a pressure of 400 psig.

Applicant will receive the gas from the Green Field into its main system, and commingled with Applicant's other supplies will be transported in interstate commerce for resale.

Applicant alleges that it has designated no particular market for the gas to be acquired from this source but states that such gas will help to assure the continued an uninterrupted flow of natural gas to its customers and the construction of the proposed facilities will commence as soon as a certificate is issued. Said facilities can be completed one month therefrom.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 27, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 17, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-723; Filed, Jan. 30, 1957; 8:47 a. m.]

[Project No. 2177]

GEORGIA POWER CO.

CORRECTION TO NOTICE OF SUPPLEMENT TO APPLICATION FOR LICENSE (DATED JANUARY 8, 1957)

JANUARY 24, 1957.

The Notice of Supplement to Application for License in the above-entitled matter erroneously provided February 29, 1957, as the last date upon which protests may be filed. The last date upon which protests may be filed is hereby fixed for March 1, 1957.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-722; Filed, Jan. 30, 1957; 8:47 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

DEPUTY DIRECTOR FOR MANAGEMENT

DELEGATION OF AUTHORITY TO ISSUE AND AMEND REGULATIONS RELATING TO TRAVEL EXPENSES

Pursuant to the authority vested in me by section 537 (a) (17) of the Mutual Security Act of 1954, as amended, Executive Order 10575, as amended, Executive Order 10610 and State Department Delegation of Authority No. 85, as amended, I hereby delegate to the Deputy Director for Management such authority as I have to issue and amend regulations relating to travel expenses paid out of appropriations which have been made or may be made under the Mutual Security Act of 1954, as amended, including the regulations referred to in section 537 (a) (17) of said act, and he shall be considered my designee for purposes of prescribing such regulations.

JOHN B. HOLLISTER,
Director.

JANUARY 16, 1957.

[F. R. Doc. 57-724; Filed, Jan. 30, 1957; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3549]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING REGARDING MERGER OF SUBSIDIARIES OF REGISTERED HOLDING COMPANY AND ACQUISITION BY MERGED COMPANY OF CERTAIN PROPERTIES OF AFFILIATED COMPANY

JANUARY 25, 1957.

In the matter of Amesbury Electric Light Company, Essex County Electric Company, Haverhill Electric Company, The Lowell

Electric Light Corporation, New England Power Company, New England Electric System.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and six of its public utility subsidiaries, namely, Amesbury Electric Light Company ("Amesbury"), Essex County Electric Company ("Essex"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), The Lowell Electric Light Corporation ("Lowell") and New England Power Company ("NEPCO"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants have designated Sections 6, 7, 9, 10, 12 (d), 12 (e), and 12 (f) of the act and Rules U-43, U-44 and U-62 promulgated thereunder as being applicable to the transactions embraced therein which are summarized as follows:

It is proposed that Amesbury, Haverhill, Lawrence and Lowell, all electric utility companies distributing electric energy at retail in northeastern Massachusetts, be merged into Essex, an electric utility company also serving electric energy at retail in this same general area, the name of which will be changed to Merrimack-Essex Electric Company. At September 30, 1956, NEES owned 99.7 percent of the capital stock of Amesbury, 68.3 percent of the capital stock of Haverhill, 90.4 percent of the capital stock of Lawrence, 59.4 percent of the capital stock of Lowell, and 97.4 of the capital stock of Essex. Since Massachusetts law requires the approval of at least two-thirds in interest of the stockholders of each of the merging companies and NEES now holds less than such interest in Lowell, it is proposed to solicit authorizations from the public holders of stock of Lowell to effectuate the proposed merger.

The proposed merger is to be effected through an exchange of stock of Essex for the stock of Amesbury, Haverhill, Lawrence and Lowell and the assumption by Essex of the liabilities of such companies, including $2,750,000 principal amount of first mortgage bonds of Lawrence and $6,000,000 principal amount of the debenture bonds of Lowell. By the terms of the proposed merger, shares of Essex will be exchanged for shares of the merging companies on the following bases:

1.625 shares of Essex for each share of Amesbury now held;

1.875 shares of Essex for each share of Haverhill now held;

1.25 shares of Essex for each share of Lawrence now held;

2.5 shares of Essex for each share of Lowell now held.

NEES proposes to transfer its investment in shares of the merging companies other than Essex into its investment in Essex.

Immediately following the merger Essex will purchase certain 23 KV transmission lines and materials and supplies from NEPCO which are now being used for delivery of electricity from NEPCO's high tension system to the distribution areas of the merged companies. The purchase price of these properties will be at their net book cost at the date of closing. As of September 30, 1956, the cost aggregated approximately $450,000.

In order to finance this acquisition, Essex proposes to borrow from NEES, not in excess of $450,000. These borrowings are to be evidenced by a promissory note of Essex due less than one year from the date of issuance and bearing interest at the prime rate prevailing at the time of the borrowing.

It is stated in the filing that the Massachusetts Department of Public Utilities has jurisdiction over the proposed merger, the sale of the 23 KV transmission line by NEPCO and the acquisition thereof by Essex. It is further stated that, if approval of this Commission is obtained, the applicant companies, other than NEES, will file a petition with the Massachusetts Department of Public Utilities seeking approval of the transactions within its jurisdiction. It is also represented that the Federal Power Commission has jurisdiction over certain phases of the proposed transactions and that a petition relating thereto will be filed with that Commission by certain of the applicant companies.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to this matter and that the application should not be granted or declaration permitted to become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on said joint application-declaration, pursuant to the applicable provisions of the Act and the Rules of the Commission, be held on February 20, 1957, at 10:00 o'clock a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On said date the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Securities and Exchange Commission on or before February 18, 1957, a request relative thereto as provided in Rule XVII of the Commission's Rules of Practice.

It is further ordered, That James G. Ewell, or any other officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer or officers so designated to preside are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Hearing Officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the joint application-declaration and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to the specifying of additional matters and questions upon further examination:

1. Whether the proposed acquisitions by Essex of the properties of Amesbury, Haverhill, Lawrence and Lowell and the 23 KV transmission lines of NEPCO satisfy the provisions of section 10 of the act, particularly whether such acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

2. Whether the acquisition by NEES of the additional shares of common stock and the short-term promissory note of Essex satisfies the provisions of section 10 of the act, particularly whether such acquisitions serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

3. Whether the consideration to be paid by Essex for the utility assets of the merging companies is not reasonable or does not bear a fair relation to the sums invested in or the earning capacity of such utility assets.

4. Whether the terms of the proposed merger, particularly the number of shares of Essex which are to be exchanged for shares of the merging companies, are fair to NEES and to the holders of the stock of the merging companies.

5. Whether the proposed issuances by Essex of its capital stock and short-term promissory note and its assumption of the liabilities of the merging companies satisfy the standards of section 7 of the act.

6. Whether, in connection with such acquisitions and assumptions of liability, the Commission should impose any terms or conditions in the public interest or the interest of investors or consumers.

7. Whether the proposed solicitation material to be sent to the stockholders of Lowell is in conformity with the standards of section 12 (e) of the act and Rule U-62 promulgated thereunder.

8. Whether the accounting entries proposed to be recorded in connection with the proposed transactions are proper, conform to sound accounting principles, and meet the standards of the act and rules and regulations thereunder.

9. Whether the fees and expenses to be incurred in connection with the proposed transactions are not reasonable.

10. Generally, whether the proposed transactions are in all respects in the public interest and in the interest of investors and consumers and consistent with all applicable requirements of the act, and the rules and regulations thereunder, and if not, what modifications or terms and conditions should be required or imposed to meet such requirements.

It is further ordered, That particular attention be directed at the public hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of this Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to the Massachusetts Department of Public Utilities, The Federal Power Commission, NEES, Amesbury, Essex, Haverhill, Lawrence, Lowell and NEPCO, and that notice to all other persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER and by a general release of this Commission in respect of this Notice and Order which shall be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the act.

It is further ordered, That New England Electric System shall cause a copy of this notice and order to be mailed to each of the stockholders of the companies being merged (in so far as the identity of such security holders are known) at least 15 days prior to the hearing date on the application-declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-727; Filed, Jan. 30, 1957; 8:48 a. m.]

[File No. 24S-1514]

NORTHWEST OIL AND REFINING CORP.

ORDER, TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 25, 1957.

I. Northwest Oil and Refining Corporation ("Northwest"), a Delaware corporation, 120 North 30th Street, Billings, Montana, filed with the Commission on December 26, 1956, a notification, and subsequently filed an amendment thereto, relating to an offering of 150,000 shares of its common stock, par value $1.00, at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that the notification contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they are made not misleading in that:

1. The offering circular omits:

a. To set forth the amount to be paid each of the sellers of properties.

b. To set forth clearly the interests York Montana Company has in the producing properties.

c. To give adequate information as to the operating history and earnings of the refinery.

d. To set forth adequate information relative to the average of and range of operating costs per barrel of crude oil produced from the various leases.

e. To set forth the average of and range of the API gravity of the oil produced and the average price received per barrel.

f. To set forth the percentage of water in the fluid produced in each well.

g. To set forth the terms of Northwest's contract to purchase, including

(1) What rights Northwest will have to commence operations prior to December 31, 1960, the date for the completion of the payments thereunder.

(2) What forfeiture provisions are contained in the contract of purchase.

h. To show, in connection with the interests which Northwest has contracted to purchase:

(1) The manner in which John Stuart acquired the rights assigned to Northwest.

(2) The terms of the agreement to purchase assigned by Stuart to Northwest.

i. To show the relationship between the Hanlon Oil Company and Northwest.

j. To furnish adequate financial statements of the issuer's predecessor, the Hanlon Oil Company.

2. The offering circular is inaccurate and misleading:

a. By inclusion of a reserve report nearly one year old without any deduction for oil produced between the date of such report and the present date, either by a supplemental note to such report or by any statement elsewhere in the offering circular.

b. By inclusion of a reserve report covering certain interests which, according to the offering circular, are not to be owned by the issuer.

c. By implying in the description of properties that a 100 percent interest was held in certain properties, when it appears only a 51-percent interest was obtained.

d. By inclusion of an operation statement showing the total net income from 100 percent interests in properties, when the issuer does not have the 100 percent interest in some of the properties. A footnote to the schedule only partly shows the actual interests.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to Northwest Oil and Refining Corporation and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after the entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-728; Filed, Jan. 30, 1957; 8:48 a. m.]

SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 19]

WEST VIRGINIA STEEL AND MANUFACTURING CO.

WITHDRAWAL FROM MEMBERSHIP IN HUNTINGTON PRODUCTION POOL—A SMALL BUSINESS PRODUCTION POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the request to the following company to participate as a member in the operations of the Huntington Production Pool, Huntington, West Virginia, is hereby withdrawn.

The acceptance of this company appeared in 21 F. R. 1689, on March 16, 1956.

West Virginia Steel & Manufacturing Company, P. O. Box 118, Huntington, West Virginia.

(Sec. 217 of Pub. Law 163, 83rd Cong.; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: January 24, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-729; Filed, Jan. 30, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 28, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33200: *Aluminum residue—Virginia points to Rock Creek, Ohio.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on aluminum fluxing salt residue, carloads from Richmond and Bellwood, Va., to Rock Creek, Ohio.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 9 to Agent C. W. Boin's I. C. C. A-1116; Supplement 200 to Agent R. B. LeGrande's I. C. C. 253.

FSA No. 33201: *Coal tar oil—Woodward, Ala., to Follansbee, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on coal tar oil, tank-car loads from Woodward, Ala., to Follansbee, W. Va.

Grounds for relief: Truck-barge competition and circuitous routes.

Tariff: Supplement 250 to Agent C. A. Spaninger's I. C. C. 1351.

FSA No. 33202: *Scrap iron and steel—Springfield, Mo., to Alabama and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap iron and steel, carloads from Springfield, Mo., to Birmingham, Ala., and group and Woodstock, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 51 to Agent Kratzmeir's tariff I. C. C. 4187.

FSA No. 33203: *Cinders—Kenlite, Ky. to Indiana and Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cinders, shale, carloads, from Kenlite, Ky., to specified points in Indiana and Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 91 to Agent C. A. Spaninger's I. C. C. 1469.

FSA No. 33204: *Fertilizer compounds—Southern points to Raleigh, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate) and fertilizer compounds (manufactured fertilizer), noibn, dry, carloads, from Augusta, Ga., Greenville, Tenn., Spartanburg, S. C. and Winston Salem, N. C., to Raleigh, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 58 to Agent C. A. Spaninger's I. C. C. 1510.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-725; Filed, Jan. 30, 1957; 8:48 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES INCREASED FREIGHT RATES, 1956

In the Matter of further consideration of the Petition dated January 17, 1957, for Leave to Amend and Supplement Petition dated October 15, 1956, filed by freight forwarders parties to the above-entitled proceeding.

Present: Howard G. Freas, Chairman, Division 2, to whom the matters which are the subject of this order have been assigned for action thereon.

It appearing that on January 18, 1957, the Commission entered an order authorizing the petitioning freight forwarders, among other things, to file certain supplemental and additional verified statements on or before February 1, 1957.

Upon further consideration of petition for leave to amend and supplement petition of October 15, 1956, and good cause appearing therefor:

It is ordered, That the said order of January 18, 1957, be, and it is hereby, modified to permit filing of supplemental and additional verified statements by the petitioning freight forwarders on or before February 20, 1957.

And it is further ordered, That except as modified herein the said order of January 18, 1957, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served on all parties to this proceeding, and that a notice of this proceeding be given to the public by posting a copy of this order in the Office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D. C., this 25th day of January A. D. 1957.

By the Commission, Commissioner Freas.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-726; Filed, Jan. 30, 1957; 8:48 a. m.]

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UNIVERSITY OF MICHIGAN
MAIN READING ROOM

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FEDERAL REGISTER

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (h) (1) of § 6.105 is amended as set out below.

§ 6.105 *Department of the Army.* * * *

(h) *Army Language School, Presidio of Monterey, California.* (1) Language instructor positions, and professional positions in the language divisions whose duties require developing and evaluating instructional material or supervising the language instructors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-766; Filed, Jan. 31, 1957; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approval of an interest rate of 5 percent per annum on loans made by the Federal Land Bank of St. Paul on applications taken on and after February 1, 1957, § 10.41 of Title 6 of the Code of Federal Regulations (21 F. R. 10167) is hereby amended, effective February 1, 1957, by substituting "5" for "4½" in the line with "St. Paul" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57-765; Filed, Jan. 31, 1957; 8:50 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Export Programs

PART 483—WHEAT AND FLOUR

SUBPART—WHEAT EXPORT PROGRAM—PAYMENT IN KIND (GR-345) TERMS AND CONDITIONS

MISCELLANEOUS AMENDMENTS

The Terms and Conditions of the Wheat Export Program—Payment in Kind (GR-345) (21 F. R. 6627) issued on August 30, 1956, are amended as follows:

1. Paragraph (c) of § 483.106 *Designated countries* is amended to read as follows:

(c) Exports of wheat are eligible under this program only if made to the country and buyer named in the Declaration of Sale and if the exporter has not shipped, transshipped, or caused the wheat to be transshipped to any other country or to any other buyer unless either prior to or after exportation the exporter has obtained the written approval of the Director of an exportation to a designated country or to a buyer other than that named in the acknowledged copy of the Declaration of Sale.

2. Section 483.108 is amended to read as follows:

§ 483.108 *Excess quantities loaded.* Payment will not be made on quantities loaded on vessels, cars or trucks which are in excess of the quantity shown on the Declaration of Sale plus either of the following tolerances as applicable: (a) A loading tolerance not to exceed 10 percent as shown on the Declaration

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lished as provided in paragraphs (a), (b) and (c) of this section. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 483.135 (a) and present documentary evidence that the sale was entered into at such time.

* * * * *

(g) If the time of day at which the sale was entered into is not established and two payment rates are in effect on the day the sale was entered into, the time of sale will be deemed to occur at the time the lower of the two rates was in effect.

4. Section 483.137 *Declaration of sale and evidence of sale* is further amended by renumbering paragraph (b) (15) as (b) (16) and adding a new paragraph (b) (15) which will read as follows:

(b) *Information required.* * * *

(15) Where the exporter intends to ship, transship, or cause wheat to be shipped or transshipped to one or more of the countries or areas identified in § 483.106 (b) (1), (2) and (3), the license issued by the Bureau of Foreign Commerce, U. S. Department of Commerce, for such movement, shall be identified. With respect to any such movement to Hong Kong not requiring a specific license, the exporter shall state that a specific license is not required.

5. Section 483.145 is amended to read as follows:

§ 483.145 *Application for Wheat Export Payment.* An original and two (2) copies of Application for Wheat Export Payment, CCC Form 357, must be prepared and submitted together with the evidence of exportation, as provided in § 483.147, to the CSS Commodity Office shown on the acknowledged copy of the Declaration of Sale which is returned to the exporter. Applications for certificates earned on shipments in connection with which the exporter purchased wheat from CCC for simultaneous loading as provided in § 483.158 (b) (3), shall be annotated to show that the transaction was a simultaneous loading and to identify the sales contract number assigned by CCC to the sale of wheat for simultaneous loading. Exporter should submit application as soon as possible after exportation as the face value of the certificate is subject to discount as provided in § 483.146 (b). Supplies of CCC Form 357 and detailed instructions regarding the preparation and submisison of the form may be obtained from the CSS Commodity Offices in Chicago, Dallas and Portland (Oregon).

The last sentence of paragraph (d) of § 483.146 *Description of certificate* is amended by inserting following the word "restrictions" the words "contained in § 483.146 and in the sections beginning with § 483.155 through the end of this subpart applicable to the person or firm to whom it was originally issued." The amended paragraph reads as follows:

(d) *General provisions.* The Wheat Export Payment Certificate will be redeemable in wheat which Commodity Credit Corporation makes available from its stocks. The certificate may be presented to the Chicago, Dallas or Portland offices of Commodity Stabilization Service, as provided in § 483.155, for wheat handled by the office to which submitted. The certificate may be transferred by endorsement subject to all terms, conditions and restrictions contained in § 483.146 and in the sections beginning with § 483.155 through the end of this subpart, applicable to the person or firm to whom it was originally issued.

Section 483.147 (a) is amended to read as follows:

§ 483.147 *Documents required as evidence of exportation.* (a) Each application for Wheat Export Payment (CCC Form 357) must be supported by the following documents as applicable unless otherwise approved by the Director.

(1) If the exportation is by water, a non-negotiable copy of the applicable on-board ship ocean bill of lading signed by an agent of the ocean carrier, which shows the weight of the wheat, the name of the vessel, and that the wheat is destined for the foreign buyer(s) and the country of destination identified on the Declaration of Sale. In the case of bagged wheat, ocean bill of lading showing the gross weight of the wheat and the number of bags may be furnished, provided the ocean bill of lading also shows the weight of the bags or the exporter furnishes an acceptable certification as to the weight of the bags. Where loss, destruction or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of on-board ship bill of lading one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading. If the country of destination shown on the ocean bill of lading differs from that shown on the Declaration of Sale, the exporter shall also furnish one copy of Shipper's Export Declaration, authenticated by the appropriate United States Custom official, showing that the country of destination is, in fact, the country named in the Declaration of Sale or, with the approval of the Director, a certification by the exporter that the country of destination is, in fact, the country named in the Declaration of Sale.

(2) If exportation is by rail or truck, one copy of Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country and the weight of the wheat, or if bagged, the weight of the wheat less the weight of the bags.

(3) One copy of an Export Grain Inspection Certificate issued by an inspector licensed under the United States Grain Standards Act. If the Inspection Certificate shows mixed wheat, it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(4) On bulk wheat, a copy of the official loading weight certificate.

(5) Where shipment is exported from a Canadian port,

(i) One signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) One signed or certified true copy of the document evidencing the holding of the wheat in customs bond in Canada.

8. Section 483.158 (a) is amended to read as follows:

§ 483.158 *Payment terms and financial arrangements.* (a) The amount due CCC for wheat purchased hereunder shall be paid by the purchaser by surrender to CCC of properly endorsed Certificate(s) earned prior to the date of sale by CCC, or in the case of simultaneous loading, as provided in paragraph (b) (3) of this section, with certificates earned on such simultaneous loading. If the purchaser does not make payment in such manner, such purchaser may be denied the right to continue participating in the program. If certificates having a value in excess of the purchase price are surrendered by the purchaser to CCC, unless otherwise requested by the purchaser the certificates having the earliest dates of export shall be applied first to the purchase and any certificates not applied shall be returned to the purchaser. If the value of certificates applied to the purchase exceeds the purchase price, such excess will be adjusted by issuance and delivery to the purchaser of a balance certificate which may be used on a subsequent purchase from CCC. The date of export shown on the balance certificate will be the date shown on the original certificate, or if more than one certificate is applied to the purchase, the date of export shown on the balance certificate will be the latest date of export shown on a certificate applied to the purchase, unless otherwise requested by the purchaser. The purchaser may request that the balance certificate be issued with the date of export shown on any certificate submitted provided the face value of such certificate exceeds the face value of the balance certificate. The face value of the balance certificate will be determined by deducting from the face value of certificates surrendered to CCC in connection with the purchase of wheat the amount of the purchase price of the wheat and any discount applicable to the portion of the certificates being applied to the purchase under § 483.146.

9. Section 483.161 (a) is amended to read as follows:

§ 483.161 *Export requirements.* (a) The purchaser shall, within 60 days after delivery of the wheat to him or within such extension of that period as may for good cause be authorized by CCC in writing before or after expiration of such 60-day period, cause exportation to a designated country as defined in § 483.106 of wheat equal in quantity and of the same class and from the same coast in the United States as the wheat delivered by CCC. The requirement that wheat of the same class be exported may be satisfied by exporting a quantity of mixed wheat which contains, as evidenced by the Export Grain Inspection Certificate, a quantity of wheat at least equal in

of Sale, or (b) a 1 percent tolerance if no loading tolerance is shown on the Declaration of Sale. A new Declaration of Sale and a new Notice of Registration are required for any additional quantity loaded.

3. Paragraphs (d) (e) and (g) of § 483.131 *Determination of rates* are amended to read as follows:

(d) Sales may be made through a third principal party but for the purpose of this subpart the third principal party will be considered as an agent or intermediary and the sale as being between the exporter and the foreign buyer. The time of sale shall be determined by reference to the factors listed elsewhere in this section. The evidence of sale required by § 483.137 (d) shall include documents exchanged between the exporter, the foreign buyer, and the intermediate third party.

(e) A sale shall not be considered as entered into until the purchase price has been established, and time of sale shall be the earliest time on which a firm contract exists between the foreign buyer and the exporter and on which a firm dollar and cent price has been estab-

quantity and of the same class as that delivered by CCC.

10. Section 483.162 is amended to read as follows:

§ 483.162 *Proof of exportation.* (a) Proof of exportation shall be furnished within the period specified above and shall consist of:

(1) In the case of wheat exported by water, a non-negotiable copy, certified by the exporter as true and correct, of the applicable on-board ship ocean bill of lading, signed by an agent of the ocean carrier, showing the weight of the wheat, the date and place of loading, the name of the vessel, the name and address of the purchaser and the consignee, the destination, and the CCC sales contract number. In the case of bagged wheat, ocean bill of lading showing the gross weight and number of bags may be furnished, provided the ocean bill of lading also shows the weight of the bags or the exporter furnishes an acceptable certification as to the weight of the bags. Where loss, destruction, or damage to the wheat occurs subsequent to loading aboard the ocean carrier but prior to issuance of on-board bill of lading one copy of a loading tally sheet or acceptable similar document may be substituted for the ocean bill of lading.

(2) If exportation is by rail or truck, one copy of Shipper's Export Declaration, authenticated by the appropriate United States Customs official, which identifies the shipment(s), the date of clearance into the foreign country, the weight of the wheat, or, if bagged, the weight of the wheat less the weight of the bags, and the CCC sales contract number.

(3) A copy of an Export Grain Inspection Certificate issued by an inspector licensed under the U. S. Grain Standards Act, showing the class and grade of wheat exported. If the Inspection Certificate shows Mixed wheat, it will be necessary for the grade designation to show the approximate percentage of each class of wheat which constitutes more than 10 percent of the mixture.

(4) On bulk wheat a copy of the official loading weight certificate.

(5) Such additional proof of exportation as may be required by CCC.

11. Section 483.187 is amended to read as follows:

§ 483.187 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment and which satisfies the exportation requirements of this subpart, shall be determined by deducting from the weight of the wheat (which shall not include the weight of any bags) any dockage indicated on the inspection certificate issued at the time of loading for export.

(Sec. 5, 62 Stat. 1072; 15 U. S. C. 714C. Interpret or apply sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358, 70 Stat. 966; sec. 407, 63 Stat. 1051, 68 Stat. 583, 70 Stat. 6; 7 U. S. C. 1641, 1642; 7 U. S. C. 1427)

Issued this 28th day of January 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

The appendix to the regulations is amended to read as follows:

APPENDIX—NOTICE TO EXPORTERS

The Department of Commerce, Bureau of Foreign Commerce (BFC) pursuant to the regulations under the Export Control Act of 1949, prohibits the exportation or re-exportation by anyone of any commodities under this program to Macao, Hong Kong, the Soviet Bloc, or Communist-controlled areas of the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, except under license issued by the U. S. Department of Commerce, Bureau of Foreign Commerce. These regulations further require that persons exporting, in the form acquired or in a processed form, under general license to friendly countries, commodities which are obtained directly or indirectly from the Commodity Credit Corporation (CCC) or commodities which are in substitution for commodities so obtained from CCC or commodities which are subsidized for export by CCC either through cash payment or payments in kind file with the Collector of Customs (in addition to any copies required for other purposes) one copy of the Shipper's Export Declaration for forwarding to BFC and send to BFC, Washington 25, D. C., one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading), for each shipment, regardless of value, involving sales of cotton textiles, other than cotton waste, of $10,000 or more and involving sale of all other commodities, including cotton waste, of $100,000 or more: *Provided*, That copies of the Shipper's Export Declaration and the Bill of Lading for BFC are not required to be submitted covering any shipments to Group O countries of cotton textiles other than cotton waste.

In the case of commodities purchased from CCC, or commodities being exported as "substitute" for such commodities, the $100,000 figure applies to the sales contract between the CCC and the U. S. purchaser. For commodities being exported under CCC Export subsidy programs, the $10,000 figure for cotton textiles (other than cotton waste) and the $100,000 figure for all other commodities (including cotton waste) apply to the sale contract between the U. S. seller and the foreign purchaser. Each of the documents for BFC must bear the notation "FC–2610" in the upper right-hand corner. The Bill of Lading for BFC must also bear the number of the corresponding Shipper's Export Declaration and the CCC identification number (CCC sales contract number or CCC subsidy registration number).

For all exportations of commodities covered by the program announcement, instrument or document which this Notice accompanies, the following statement is required to be placed on all copies of the Shipper's Export Declaration, all copies of the Bill of Lading and all copies of the commercial invoice to the foreign purchaser:

"U. S. law prohibits disposition of these commodities to the Soviet Bloc, Communist China, North Korea, Communist-controlled areas of Vietnam and Laos, Macao, or Hong Kong, except as authorized by the U. S."

The U. S. Commerce Department export control regulations also require that exporters, in or in connection with their contracts with foreign purchasers, where the contract involves $10,000 or more and exportation is to be made to a Group R country, obtain from the foreign purchaser a written acknowledgment of his understanding of (1) U. S. Commerce Department prohibitions (Comprehensive Export Schedule, Sections 371.4 and 371.8) against sale or resale for re-export of said commodities or any part thereof, without express Commerce Department authorization, to Macao, Hong Kong, the Soviet Bloc, a Communist-controlled area in the Far East including Communist China, North Korea and Communist-controlled areas of Vietnam and Laos, and (2) the sanction or denial of future U. S. export privileges that may be imposed against any foreign purchaser for violation of the Commerce Department regulations. Exporters who have a continuing and regular relationship with a foreign purchaser may obtain a blanket acknowledgment from such purchaser covering all transactions involving surplus agricultural commodities and manufacturers thereof purchased from CCC or subsidized for export by that agency.

Where commodities are to be exported by a party other than the original purchaser of the commodities from the CCC the original purchaser should inform the exporter in writing of the requirement, for (1) obtaining the signed acgnowledgment from the foreign purchaser, and (2) for submitting the additional copy of the Shipper's Export Declaration and the Bill of Lading.

[F. R. Doc. 57–776; Filed, Jan. 31, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 103, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 914.403 (Navel Orange Regulation 103, 22 F. R. 521) are hereby amended to read as follows:

(i) District 1: 623,700 cartons;
(ii) District 2: 300,300 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 29, 1957.

[SEAL] ELDON E. SHAW,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57–773; Filed, Jan. 31, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Civil Aeronautics Manual 1, Suppl. 1.]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

FABRICATION INSPECTION SYSTEM

A new § 1.55–3 is added to require manufacturers to establish a fabrication inspection system within six months from the date of initial production of replacement or modification parts to assure that such parts are in conformity with the design data and safe for installation on type certificated products. Standards for the inspection system are also set forth.

Proposed rules were published in 21 F. R. 8820, on November 14, 1956. All interested persons have been afforded an opportunity to submit written views, data or argument and consideration has been given to all relevant data presented.

Accordingly, a new § 1.55–3 is added to read as follows:

§ 1.55–3 *Fabrication inspection system (CAA rules which apply to § 1.55).* Section 1.55 requires the manufacturer of replacement or modification parts to comply with § 1.15 (d) and thereby establish an inspection system. Persons manufacturing replacement or modification parts for sale shall establish within six months from the date of initial production of the parts and thereafter maintain a fabrication inspection system to assure that such parts are in conformity with the design data and safe for installation on type certificated products.

(a) *Inspection system standards.* The inspection system shall provide assurance for the following, where appropriate:

(1) That all incoming materials used in the finished part are as specified in the design data.

(2) That all incoming material is properly identified when physical and chemical properties cannot otherwise be readily and accurately determined.

(3) That all materials subject to damage and deterioration are suitably stored and adequately protected.

(4) That all processes affecting quality and safety of the finished product are accomplished in accordance with acceptable specifications.

(5) That parts in process are inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved.

(6) That current design drawings are readily available to manufacturing and inspection personnel, and used when necessary.

(7) That major changes to the basic design are adequately controlled and approved before being incorporated in the finished part.

(8) That rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part.

(9) That inspection records are maintained, identified with the completed part, where practicable, and retained in the manufacturer's file for a period of at least two years after the part has been completed.

(Sec. 205, 52 Stat. 984 as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009 as amended; 49 U. S. C. 551, 553)

This supplement shall become effective February 25, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–752; Filed, Jan. 31, 1957; 8:46 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.309]

PART 40—DIPLOMATIC VISAS UNDER THE IMMIGRATION AND NATIONALITY ACT

MISCELLANEOUS AMENDMENTS

Part 40, Chapter I, Title 22 of the Code of Federal Regulations, is hereby amended in the following respects:

1. Paragraph (e) of § 40.1 *Definitions,* is amended to read as follows:

(e) "Equivalent of a diplomatic passport" means (1) a national passport, other than a specifically described diplomatic passport, which is issued by a foreign government to which the bearer owes allegiance and which indicates the career diplomatic or consular status of the bearer, the issuing government being one which does not issue diplomatic passports to its career diplomatic and consular officers, or (2) a national passport, other than a specifically described diplomatic passport, which is in the possession of a nonimmigrant who is an accredited official of a foreign government or a member of his immediate family, and who is within the purview of section 212 (d) (8) of the act, or (3) such other passport as may be acceptable to the Secretary of State in individual cases.

2. Section 40.7 *Application for diplomatic visa* is amended by the addition of the following paragraph at the end thereof:

(e) *Exemption from fingerprint requirement.* Every alien who is eligible to apply for and who receives a diplomatic visa on a diplomatic passport or on the equivalent of a diplomatic passport shall be exempt from the fingerprint requirement.

3. Paragraph (d) of § 40.10 *Procedure in issuing diplomatic visas* is revoked and paragraph (e) of § 40.10 is redesignated paragraph (d).

The regulations contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: January 25, 1957.

ROBERT F. CARTWRIGHT,
Acting Administrator, Bureau of Security and Consular Affairs, Department of State.

[F. R. Doc. 57–764; Filed, Jan. 31, 1957; 8:49 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6224]

PART 250—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

PART 251—IMPORTATION OF DISTILLED SPIRITS, WINES AND BEER

RECORDS AND REPORTS

On September 28, 1956, a notice of proposed rule making with respect to amendments of 26 CFR Parts 250 and 251 was published in the FEDERAL REGISTER (21 F. R. 7452). The purposes of the proposed amendments as set forth in the notice are (a) to simplify record-keeping and reporting requirements, and (b) to delete the detailed listing of various tax rates.

In accordance with the notice, interested parties were afforded an opportunity to submit written data, views, or arguments pertaining thereto. No written comments were received within the 30-day period prescribed. Accordingly, the amendments so published are hereby adopted.

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days after

the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; U. S. C. 7805)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

RALPH KELLY,
Commissioner of Customs.

Approved: January 29, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

In order (a) to simplify recordkeeping and reporting requirements, and (b) to delete the detailed listing of various tax rates, 26 CFR Parts 250 and 251 are amended as follows:

PARAGRAPH 1. 26 CFR Part 250, "Liquors and Articles from Puerto Rico and the Virgin Islands," is amended as follows:

(A) Section 250.127 is amended to read:

§ 250.127 *Report of red strip stamps used.* The insular internal revenue agent will record and report the use of red strip stamps on taxpaid spirits bottled for sale to tourists in Puerto Rico as provided in § 250.146.

(B) Section 250.146, and the headnote thereto, is amended to read as follows:

§ 250.146 *Record and report of red strip stamps.* Insular internal revenue agents having custody of red strip stamps will keep a daily record, by denomination, of red strip stamps received, used, mutilated, unaccounted for, destroyed, and on hand at the beginning and end of the day. No form is prescribed for the daily records but such records shall be retained to support the monthly report. At the close of the month, or within 10 days thereafter, the insular internal revenue agent will prepare a report, in quadruplicate, of the strip stamps received and used during the month on Form 2260, properly modified. The agent will retain one copy and forward three copies to the treasurer; the treasurer will retain one copy, forward one copy to the United States Internal Revenue Service office, and one copy to the assistant regional commissioner.

(68A Stat. 602; 26 U. S. C. 5008)

(C) Subpart H is amended to read as follows:

SUBPART H—RECORDS AND REPORTS OF LIQUORS FROM PUERTO RICO

§ 250.163 *General requirements.* Except as provided in § 250.164, every person, other than a tourist, bringing liquors into the United States from Puerto Rico shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided*, That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 250.164 *Proprietors of taxpaid premises.* Transactions involving the bringing of liquors into the United States from Puerto Rico by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and proprietors of taxpaid bottling houses and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

PROCUREMENT OF FORMS

§ 250.165 *Forms to be provided by users at own expense.* Forms 52A, 52B, and 338 shall be purchased by users from commercial printers and must be in the form prescribed: *Provided*, That, with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

(D) The title of Subpart N is amended to read, "Records and reports of liquors from the Virgin Islands".

(E) Section 250.274, and the headnote thereto, is amended to read as follows:

§ 250.274 *General requirements.* Except as provided in § 250.275, every person, other than a tourist, bringing liquors into the United States from the Virgin Islands shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided*, That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(68A Stat. 619; 26 U. S. C. 5114)

(F) Section 250.275 and the headnote thereto is amended to read as follows:

§ 250.275 *Proprietors of taxpaid premises.* Transactions involving the bringing of liquors into the United States from the Virgin Islands by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and proprietors of taxpaid bottling houses and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

(G) Section 250.276 is revoked.
(H) Section 250.277 is revoked.
(I) Section 250.278 is revoked.
(J) Section 250.279 is revoked.
(K) Section 250.280 is revoked.
(L) Section 250.281 and the undesignated centerhead immediately preceding that section are revoked.
(M) Section 250.282 is revoked.
(N) Section 250.283 is revoked.
(O) Section 250.284 is amended as follows:

(1) By striking from the first sentence the phrase "Form 52 F, Record 52, and".

(2) By striking from the first sentence the phrase: ": *Provided, further*, That where the form is printed in book form (including loose-leaf books), the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form."

PAR. 2. 26 CFR Part 251, "Importation of Distilled Spirits, Wines, and Beer," is amended as follows:

(A) Section 251.40 is amended as follows:

(1) By striking from the first sentence the phrase "of $10.50 per" and inserting in lieu thereof the phrase "prescribed by law on each".

(2) By striking the last sentence.

(B) Section 251.41 is amended as follows:

(1) By striking from the first sentence the phrase "of $10.50 per wine gallon" and inserting in lieu thereof the phrase "prescribed by law on each wine gallon,".

(2) By striking the last sentence.

(C) Section 251.42 is amended as follows:

(1) By placing the phrase "including imitation, substandard, or artificial wine, and compounds sold as wine, having not in excess of 24 percent of alcohol by volume" in the first sentence within parenthesis.

(2) By striking from the first sentence the phrase "rates shown below, such taxes to be" and inserting in lieu thereof the phrase "rates prescribed by law; such tax to be".

(3) By inserting in the third sentence, which begins "Fractions of less", immediately after the phrase "converted to the next", the word "full".

(4) By striking paragraphs (a), (b), (c), (d), and (e).

(5) By striking the paragraph designation only from paragraph (f).

(D) Section 251.45 is amended as follows:

(1) By striking from the first sentence the phrase "an internal revenue tax of $9.00" and inserting in lieu thereof the phrase "the internal revenue tax prescribed by section 5051, I. R. C.,".

(2) By striking the second sentence, which begins "On and after".

(E) Subpart I is amended to read as follows:

SUBPART I—IMPORTER'S RECORDS AND REPORTS

RECORD AND REPORT OF RED STRIP STAMPS

§ 251.130 *Daily record, part I, Form 96.* Importers shall keep a daily record on part I of Form 96 of red strip stamps procured and used. A separate page in single copy is required for each denomination of stamps.

(68A Stat. 612, 619; 26 U. S. C. 5008, 5114)

§ 251.131 *Monthly report, parts II and III, Form 96.* At the close of the month, importers shall prepare parts II and III of Form 96, in triplicate, reporting on part II the red strip stamps procured and used during the month, and on part III the stamps shipped abroad to importer's agents. On or before the 10th day of the succeeding month, one copy shall be forwarded to the assistant regional commissioner of the region in which the business of the importer is conducted, and one copy shall be forwarded to the collector of customs who approved the importer's requisitions. The remaining copy shall be retained for filing in accordance with § 251.136.

(68A Stat. 602; 26 U. S. C. 5008)

§ 251.132 *Separate record for each place of business.* Where an importer has more than one place of business, a separate record on part I of Form 96 shall be maintained on the premises of each place of business. A separate monthly report (parts II and III) shall also be rendered for each place of business. Where an agent procures stamps for several importers, the agent shall keep a separate record for each importer on part I of Form 96 of all stamps sent abroad or retained on his premises for the account of the importer. Separate monthly reports (parts II and III) shall be rendered by the agent in the name of each importer to the assistant regional commissioner of the region in which the stamps are procured.

(68A Stat. 602, 681; 26 U. S. C. 5008, 5555)

RECORD AND REPORT OF IMPORTED LIQUORS

§ 251.133 *General requirements.* Except as provided in § 251.134, every importer who imports distilled spirits, wines, or beer shall keep records and render reports of the physical receipt and disposition of such liquors in accordance with Part 194 ("Liquor Dealers") of this chapter: *Provided*, That regardless of who takes actual physical possession of the liquors at the time of their release from customs custody, the records and reports of the person actually responsible for such release shall reflect the transaction. Records and reports will not be required under this part with respect of liquors while in customs custody.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 251.134 *Proprietors of taxpaid premises.* Importing operations conducted by proprietors of industrial alcohol plants or bonded warehouses, registered distilleries, fruit distilleries, and internal revenue bonded warehouses operating taxpaid premises, and proprietors of taxpaid bottling houses and rectifying plants shall be recorded and reported in accordance with the regulations governing the operations of each such premises.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 251.135 *Forms to be provided by users at own expense.* Forms 52A, 52B, and 338 shall be provided by importers at their own expense, but must be in the form prescribed: *Provided*, That with the approval of the Director, Alcohol and Tobacco Tax Division, they may be modified to adapt their use to tabulating or other mechanical equipment.

(68A Stat. 618, 619, 681; 26 U. S. C. 5112, 5114, 5555)

FILING AND RETENTION OF RECORDS AND REPORTS

§ 251.136 *Filing.* If the importer maintains looseleaf records of receipt or disposition, one legible copy of each such record shall be marked or stamped "Government File Copy", and shall be filed not later than the close of the business day next succeeding that on which the transaction occurred. All records required by this part and legible copies of all reports submitted to the assistant regional commissioner shall be filed separately, chronologically, and in numerical sequence within each date, at the importer's place of business to which they relate: *Provided*, That upon application, the assistant regional commissioner may authorize the files, or any individual file, to be maintained at other premises under control of the importer, if he finds that such maintenance will not delay the timely filing of any document, or cause undue inconvenience to internal revenue officers desiring to examine such files. Supporting documents, such as consignors' invoices, delivery receipts, bills of lading, etc., or exact copies thereof, may be filed in accordance with the importer's customary practice. Documents supporting records of disposition shall have noted thereon the serial numbers of the records of disposition to which they refer.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

§ 251.137 *Retention.* All records prescribed by this part, documents or copies of documents supporting such records, and file copies of reports submitted to the assistant regional commissioner shall be preserved for a period of not less than two years, and during such period shall be available, during business hours, for inspection and the taking of abstracts therefrom by internal revenue officers. Any records, or copies thereof, containing any of the information required by this part to be prepared, wherever kept, shall also be made available for such inspection and the taking of abstracts therefrom.

(68A Stat. 619, 681; 26 U. S. C. 5114, 5555)

[F. R. Doc. 57-767; Filed, Jan. 31, 1957; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTRACT

Subchapter B—Aircraft

PART 824—AIR FORCE PARTICIPATION IN CEREMONIES, CELEBRATIONS, AND EXHIBITIONS

AIR FORCE PARTICIPATION IN PUBLIC EVENTS

1. In Subchapter B, Part 824, containing §§ 824.1 to 824.10 is rescinded.

2. In Part 804, §§ 804.101 to 804.107 are added as follows:

Sec.
804.101 Purpose.
804.102 Policy.
804.103 Use of personnel.
804.104 Equipment.
804.105 Use of aircraft.
804.106 Specifications for insurance.
804.107 Exceptions.

AUTHORITY: §§ 804.101 to 804.107 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 190-5, January 11, 1957.

§ 804.101 *Purpose.* Sections 804.101 to 804.107 govern Air Force participation in public exhibitions, demonstrations, ceremonies, and other similar events.

§ 804.102 *Policy.* (a) Participation in public events is considered essential, to satisfy public interest, keep the public informed on Air Force preparedness, stimulate patriotic spirit, aid community relations, and otherwise further public understanding of the Air Force.

(b) In general, the cost of Air Force participation in public events will not be borne by the USAF, except the pay of military personnel and small incidental expenses for activities of a local nature in areas adjacent to a base or other unit. Transportation and operating costs of equipment used, costs of transportation of personnel, housing and standard per diem allowances, and all other costs, when the activity is beyond the post, camp, base or station area, will be borne by the civil organization sponsoring the activity unless an exception is made by the Secretary of Defense.

(c) No provision of §§ 804.101 to 804.107 authorizes the release, compromise, or downgrading of classified equipment or performance data. Upon the occasion of an "Open House", commanders will insure the safeguarding of classified equipment and/or areas containing such equipment.

(d) Participation must not directly or indirectly benefit or appear to benefit any private individual, commercial venture, sect, or political or fraternal group.

(e) From such participation no monetary gain shall accrue to any individual or organization, except that which is to be used in the interest of the general public or a bona fide philanthropy.

(f) Except as otherwise indicated in §§ 804.101 to 804.107, the Secretary of Defense retains the authority to approve:

(1) All public participation in the Washington, D. C. area.

(2) All events of national or international significance.

(3) All events of more than local significance involving two or more of the Services.

(4) Parachute jumps and equipment drops, except as regularly scheduled training programs on Armed Forces installations.

§ 804.103 *Use of personnel.* Authority for utilization of personnel is delegated to all major commands and may be further delegated. Air Force personnel may participate in parades, demonstrations, public rallies and exhibitions, and the like:

(a) When such participation is an appropriate part of official occasions attended by senior officers of the government in the performance of official duties.

(b) When these events are sponsored by bona fide veterans' organizations.

(c) In support of fund drives for officially recognized Armed Forces relief agencies or charitable organizations.

(d) In support of athletic contests involving one or more Armed Forces teams.

(e) In connection with recruiting activities.

(f) The use of USAF Bands is governed by §§ 808.1 to 808.4 of this subchapter.

§ 804.104 *Equipment.* Authority for the presentation of USAF equipment, displays, and exhibits, other than operable aircraft at public occasions, is delegated to major air commands.

(a) In events of local nature, involving community relations, recruiting, and public information, public liability and property damage insurance is not required.

(b) For any other occasion, the sponsor will be required to provide an adequate public liability and property damage insurance applicable to such Air Force equipment as may be on display.

§ 804.105 *Use of aircraft.* Aircraft participation is considered to be the in-flight demonstration or static display of one or more aircraft in connection with a public event. Insofar as practicable, flying time devoted to aerial demonstrations will be utilized for flying proficiency or training purposes. Types of participation and their requirements are defined as follows:

(a) *Class I (flyover).* Aircraft depart a USAF installation and return without landing at the site of the event.

(1) Approving authority for Class I participation on Armed Forces Day, Memorial Day, Independence Day, and Veterans Day only is delegated to major commanders and may be further delegated, if desired.

(2) Requirements: No aerobatics or competitive speed runs will be flown. No public liability and property damage insurance is required. Sponsor is not required to defray fuel or per diem expenses.

(3) Authorized occasions for this class are:

(i) Civic sponsored local celebrations of national holidays, specifically Armed Forces Day, Memorial Day, Independence Day, and Veterans Day.

(ii) Memorial services for deceased nationally recognized military or government figures.

(iii) Celebrations or receptions of prominent representatives of foreign governments.

(iv) National conventions of bona fide veterans' organizations.

(v) Occasions which are primarily designed to encourage the advancement of aviation and are of more than local interest and importance.

(b) *Class II (major air show).* Aircraft depart home bases as necessary to arrive before the event, participate as practicable, refuel as necessary, and are based at other than home station for duration of the event.

(1) Approving authority is retained by the Department of Defense. The civilian requestor for such participation may be advised to direct his request to the Department of Defense, Office of Public Information and Special Activities.

(2) Requirements: Transportation and operating costs of equipment used, costs of transportation of personnel, housing, and standard per diem allowances, and all other costs will be borne by the sponsor of the occasion unless an exception is made by the Secretary of Defense.

(3) Authorized occasions for this class are those which are primarily designed to encourage or promote the advancement of aviation and are of national or international significance.

(c) *Class III (open house).* Aircraft are demonstrated as practicable for public audiences on a government-owned or leased installation. Demonstration consists of aircraft under the command and jurisdiction of the headquarters approving the open house. (The phrase "government-owned or leased installations" is considered to include Air Force units operating from a municipal or county airport.)

(1) Approving authority is delegated to major commands and may be further delegated if desired.

(2) Requirements: Open house may be utilized at the discretion of approving authority to the best interests of the USAF.

(3) Authorized or suitable occasions are those that the approving authority determines to be in the interest of the Air Force.

(4) Headquarters USAF will monitor open house activities only on occasions of national or international significance.

(d) *Class IV (minor show).* Aircraft depart home station, arrive at destination before the event, remain on static display, and depart after the event to return to home station.

(1) Approving authority is delegated to major commands for participation on Armed Forces Day, Memorial Day, Independence Day, and Veterans Day only.

(2) Requirements: Sponsor must defray the expenses of suitable hotel accommodations, meals, and transportation of all personnel involved. Sponsor must provide public liability and property damage insurance as prescribed in § 804.106, to safeguard the U. S. Government from any claims arising as a result of the participation.

(3) Suitable occasions for Class IV participation are those primarily designed to encourage or promote the advancement of aviation, such as airport dedications, or to support recruiting or major programs of other Federal agencies, including civic sponsored local celebrations of Armed Forces Day, Memorial Day, Independence Day, and Veterans Day.

§ 804.106 *Specifications for insurance*—(a) *Participation not requiring insurance.* (1) Demonstration flights conducted at installations owned or leased by the United States Government.

(2) Flight of aircraft to and from place of exhibition.

(3) Class I demonstrations (flyover).

(4) Class III demonstrations (open house).

(b) *Participation requiring insurance.* (1) Class II (major shows).

(2) Class IV (minor shows).

(c) *Kind of insurance required*—(1) *Type.* A public liability insurance policy and, when circumstances require, property damage insurance will be considered adequate coverage.

(2) *Amount.* Public liability insurance to the extent of $50,000/$500,000 for personal injury or death, $250,000 for property damage is considered adequate coverage for normal participation. Where grandstands or other mass gathering places are to be utilized for spectators at an air show, the amounts should be increased to $100,000/$2,500,000 for personal injury or death. Should any air show be performed near an area of exceptionally high real estate values, property damage insurance should be increased proportionately.

(d) *Extent of coverage.* The insurance policy must state clearly the intent to cover accidents caused by or resulting from the maintenance, use, or operation of aircraft or equipment material, owned by the United States Government and officers or employees of the United States Government acting within the scope of their employment. The policy should name the United States Government as co-insured with the sponsor and contain essentially the same elements as the following indorsement:

SAMPLE INDORSEMENT

(1) The coverage provided by this policy shall extend to any loss from liability imposed by law for any and all bodily injuries (or death resulting therefrom, including loss of services) to persons, or damage to, or destruction of property of every description (including loss of use thereof) caused by, arising out of, or resulting from the participation, operation, use, maintenance, or presence in or at the ----------, of any aircraft, equipment, or materiel of any description owned by the United States Government, or caused by, arising out of, or resulting from any action or nonaction of the United States Government, its officers and employees acting within the scope of their office or employment.

(2) The coverage provided by this policy shall extend continuously from the first moment of arrival of the first aircraft, or piece of equipment or materiel of any description owned by the United States Government, at any place or places reasonably or necessarily incident to participation in ----------, ---------- until the last moment of departure from said place or places of the last of said aircraft, equipment or materiel, and shall extend continuously during the presence at said place or places of the United States Government, its officers or employees, acting within the scope of their employment.

(3) The coverage provided by this policy shall not extend to any liability for loss or account of bodily injury (or death therefrom, including loss of services) of any officer or employee of the United States Government acting within the scope of his office or employment or to any liability for loss on account of any damage to or destruction of any aircraft, equipment, or materiel of any description owned by the United States Government.

(4) It is understood and agreed that the immunity to suit the United States Government, its officers or employees acting within the scope of their office or employment, shall not constitute a bar to recovery nor be pleaded as such in defense of any suit against the United States Government, its officers, or employees, or by the underwriters when defending such suits in their behalf.

(e) *Submission of policy.* The insurance policy must be submitted through channels to Headquarters USAF, Attention, SAFIS, at least 35 days prior to date of the event.

§ 804.107 *Exceptions.* In unusual circumstances exceptions to the rules in §§ 804.101 to 804.107 may be made by Headquarters USAF. Requests for such exceptions will be submitted through channels to the Director of Information Services, Office of the Secretary of the Air Force, Washington 25, D. C.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-744; Filed, Jan. 31, 1957; 8:45 a. m.]

Subchapter F—Reserve Forces

PART 861—OFFICERS' RESERVE

PART 866—SEPARATION OF PERSONNEL FROM U. S. AIR FORCE RESERVE

SEPARATION OF OFFICERS OF THE AIR FORCE RESERVE

1. In Part 861, §§ 861.851 to 861.858 (Reappointment of U. S. Air Force Reserve Officers) are revoked.

2. In Subchapter F, Part 866—Separation of Personnel from U. S. Air Force Reserve, containing §§ 866.1 to 866.3, is revoked.

3. In Part 861, new §§ 861.851 to 861.872 are added as follows:

Sec.
861.851 General.
861.852 Termination or vacation of appointment.
861.853 Reasons for discharge.
861.854 Completion of obligated service.
861.855 Age.
861.856 General officers who cease to occupy positions for which appointed.
861.857 Officers who cease to occupy position as Adjutant General or Assistant Adjutant General.
861.858 Second lieutenants not qualified for promotion.
861.859 Removal from recommended list for promotion.
861.860 Failure of selection for promotion.
861.861 Elimination for length of service.
861.862 Excessive numbers of officers in active status in any grade.
861.863 Failure to participate in reserve training.
861.864 Failure to reply to official correspondence or inability to locate.
861.865 Elimination from inactive status list.
861.866 Minor children.
861.867 Physical disability.
861.868 Entrance or service in an Armed Force of a foreign country.
861.869 Accepting civil employment with foreign governments.
861.870 Loss of nationality.
861.871 Chaplains.
861.872 Disposition boards.

AUTHORITY: §§ 861.851 to 861.872 issued under R. S. 161, sec. 203, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 3062, 3209, 8781, 8782, 8784, 8786, 9021, 70A Stat. 493, 500, 542, 543, 544, 558; 10 U. S. C. 3062, 3209, 8781, 8782, 8784, 8786, 9021.

DERIVATION: AFR 45-41, May 31, 1956.

§ 861.851 *General.*—(a) *To whom.* Applicable §§ 861.851 to 861.871 apply to all Air Force Reserve commissioned officer members not serving on extended active duty as officers, and all Air Force Reserve warrant officers not serving on extended active duty as warrant officers.

(b) *Policy.* Membership in the Air Force Reserve is not an inherent right of any individual. It is a privilege and confers upon an individual an obligation to serve in the active military service in the event of mobilization or emergency or at such other times as the national security may require. An officer who is not qualified or is unable to properly fulfill his obligation to serve may be separated from the service. An officer whose separation is effected for any of the reasons outlined in §§ 861.851 to 861.872 ceases to be a Reserve officer of the Air Force. Separation for these reasons will also operate to terminate all temporary appointments which he holds in the United States Air Force without component. Separation effected for any of the reasons outlined in §§ 861.852 to 861.870 will be honorable and an Honorable Discharge Certificate (DD Form 256AF) will be issued.

(c) *Definitions*—(1) *Officer.* Unless otherwise indicated, a commissioned or warrant officer.

(2) *Probationary officer.* A commissioned officer who has not completed 3 years of Federal commissioned service in any of the Armed Forces or a warrant officer who has not completed 3 years of Federal service in a warrant officer status since acceptance of initial appointment as a Reserve warrant officer of the Air Force.

(3) *Nonprobationary officer.* A commissioned officer who has completed 3 or more years of Federal commissioned service in any of the Armed Forces or a warrant officer who has completed 3 or more years of Federal service in a warrant officer status since acceptance of initial appointment as a Reserve warrant officer of the Air Force.

(4) *Reserve of the Air Force.* The common Federal status possessed by members of the Air Force Reserve and the Air National Guard of the United States.

(5) *Reserve components.* The Air Force Reserve and the Air National Guard of the United States.

(6) *Extended active duty.* Any tour of active duty, other than active duty for training, performed in the Federal service by a member of a Reserve component. Extended active duty may be further defined as the only tour in which strength accountability changes from the Reserve to the active establishment.

(7) *Active military service.* A general term applied to all active duty with the active establishment without regard to duration or purpose.

(8) *Active status.* The status of all Reservists except those on the Inactive Status List and those in the Retired Reserve.

(9) *Discharge.* Termination by administrative action of all appointments in the United States Air Force.

(10) *Separation from the service.* A general term including discharge, vacation or termination of appointment, or drop from the rolls of the Air Force. The terms "separation from the service" and "separation" as used in §§ 861.851 to 861.872 are synonymous.

(11) *Air Reserve Records Center.* That part of Headquarters, Continental Air Command, located at 3800 York Street, Denver 5, Colorado.

(12) *Grade.* Unless otherwise specified, the officer's permanent grade as a Reserve officer of the Air Force.

(13) *Promotion or promoted.* Unless otherwise specified, refers to the appointment of an officer in the next higher permanent grade as a Reserve officer of the Air Force.

(14) *Promotion service.* Means:

(i) Service in an active status in current grade as a Reserve officer of the Air Force.

(ii) All service in an active status after June 25, 1950, and before July 1, 1955.

(*a*) During which an officer was eligible for permanent promotion on the basis of service in a higher temporary grade, or

(*b*) In an equivalent or higher permanent grade in the same or another service, including service in a federally recognized commissioned status in the Army and Air National Guard.

(iii) No period of service authorized under subdivision (ii) of this subparagraph may be counted more than once for promotion purposes.

(15) *Recommended list of promotion.* A list of those officers recommended by selection boards for promotion to the next higher grades.

(16) *Total years of service.* All periods of time that an officer has:

(i) Held an appointment as a commissioned officer in any of the Armed Forces of the United States, without component or in any component thereof;

(ii) Held an appointment as a commissioned officer in the federally recognized National Guard before June 15, 1933, or held a federally recognized commissioned status therein;

(iii) Has been credited with under section 201, Reserve Officer Personnel Act of 1954, as amended (68 Stat. 1150; 50 U. S. C. Supp. III, 1191). No period of time may be credited more than once in the computation of total years of service.

(d) *Retention of officers to qualify for retirement.* (1) An officer who on the date established for his separation for any of the reasons outlined in §§ 861.857 to 861.862:

(i) Has been or is entitled to be credited with 18 or more but less than 19 years of satisfactory Federal service for retired pay purposes under Title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948, as

amended, section 8966 of Title 10, United States Code will not, without his consent, be discharged before the date on which he is credited with 20 years of such satisfactory Federal service or the third anniversary of his established date of discharge, whichever is earlier.

(ii) Has been or is entitled to be credited with 19 or more but less than 20 years of satisfactory Federal service for retired pay purposes as outlined in subdivision (i) of this subparagraph will not, without his consent, be discharged before the date on which he is credited with 20 years of such satisfactory Federal service or the second anniversary of his established date of discharge, whichever is earlier.

(2) The discharge of a warrant officer who on November 1, 1954, was a male warrant officer of a Reserve component of the Armed Forces and who, upon attaining the age of 62, has completed less than 20 years of satisfactory Federal service for retired pay purposes under Title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, section 8966 of Title 10, United States Code, may be deferred by the Secretary of the Air Force until he completes 20 years of such satisfactory Federal service, but not later than 60 days after the date on which he attains the age of 64.

(3) The discharge of a warrant officer who on November 1, 1954, was a female warrant officer of a Reserve component of the Armed Forces and who upon attaining the age of 55 has completed less than 20 years of satisfactory Federal service for retired pay purposes under Title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, section 8966 of Title 10, United States Code, may be deferred by the Secretary of the Air Force until she completes 20 years of such satisfactory Federal service, but not later than 60 days after the date on which she attains the age of 60.

(e) *Service obligations.* Current laws under certain conditions impose upon individuals a liability for training or service in the Armed Forces of the United States or, as used in §§ 861.851 to 861.872, a "service obligation." Service obligations apply only to male personnel. Service obligations under current laws are described in §§ 864.31 to 864.39. Officers who have a service obligation under section 651 of Title 10, United States Code, or under any other provision of law, are not relieved of that obligation by separation from their appointments as Reserve officers of the Air Force to enter some other military status such as enlistment, induction, or appointment in the same or another Armed Force. They will be relieved of their service obligations if their separation is the result of punitive action, is under other than honorable conditions, or is effected for cause. Additionally current law provides for the special registration, classification, and induction of persons qualified in medical, dental, and veterinarian categories, who have not reached the age of 50 at the time of registration, in the following order or priority.

(1) *Priority I.* Those persons who participated as students in the Army specialized training program or similar programs administered by the Navy, and those persons who were deferred from service during World War II to pursue a course of instruction leading to education in one of the above categories, who have had less than 90 days of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service (exclusive of time spent in postgraduate training).

(2) *Priority II.* Those persons who participated as students in the Army specialized training program or similar programs administered by the Navy, and those persons who were deferred from service during World War II to pursue a course of instruction leading to education in one of the above categories, who have had 90 days or more but less than 17 months of active duty in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service (exclusive of time spent in postgraduate training).

(3) *Priority III.* Those persons who did not have active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service after September 16, 1940.

(4) *Priority IV.* Those persons not included in priorities I and II who have had active service in the Army, the Air Force, the Navy, the Marine Corps, the Coast Guard, or the Public Health Service after September 16, 1940.

§ 861.852 *Termination or vacation of appointment*—(a) *Policy.* With a few exceptions, no person may be a member of more than one Reserve component at the same time under existing law. Additionally, other conditions may exist or arise, such as when an officer voluntarily accepts or enters into an incompatible status, which will operate to terminate or vacate his appointment as a Reserve of the Air Force. The reasons outlined in this section or similar reasons will operate to terminate or vacate the officer's appointment as a Reserve of the Air Force.

(b) *Automatic termination of appointment.* (1) The appointment of a Reserve officer who has declined to accept an indefinite term appointment, or who failed to respond to a tender of an indefinite appointment, will automatically terminate on the expiration date of his appointment unless sooner terminated under applicable directives.

(2) The death of an officer will be reported. All military personnel should report to the nearest Air Force authority the death of any officer not serving on extended active duty which may come to their attention.

(c) *Termination of appointment—incompatible status.* (1) the appointment of any commissioned officer as a Reserve of the Air Force will be terminated when he enlists or accepts appointment as a warrant officer for service in the Air Force Reserve.

(2) The appointment of any commissioned officer as a Reserve of the Air Force will be terminated when he enlists or accepts appointment as a warrant officer for service in the Air National Guard of the United States.

(3) The appointment of any warrant officer as a Reserve of the Air Force will be terminated when he enlists for service in the Air Force Reserve or the Air National Guard of the United States.

(4) The appointment of any officer as a Reserve of the Air Force will be terminated when he is inducted, or enlists or accepts appointment, in the United States Army, Navy, Marine Corps, Coast Guard, Public Health Service, or Coast and Geodetic Survey, or in any component thereof, or when he accepts appointment for entrance into any of the service academies.

(i) An officer, except an officer of the Retired Reserve, who is not on orders to report for extended active duty or active duty for training, may apply for appointment as a commissioned or warrant officer or for enlistment in another service or any component thereof without jeopardizing his current status provided that a conditional release from his status as a Reserve officer of the Air Force is obtained. Upon approval of a request for conditional release, the Commander, Continental Air Command, will advise the officer in writing that appropriate action will be taken to announce the termination of his appointments in the United States Air Force upon receipt of documentary evidence from the gaining service of the date the officer enlisted or accepted appointment in the other service or in any component thereof.

(ii) Upon receipt of documentary evidence from the gaining service that an officer has been inducted, has enlisted, or accepted appointment in any of the services outlined in subparagraph (4) of this paragraph or in any component thereof, action will be taken to announce termination of the officer's appointments in the United States Air Force effective as of the date immediately preceding date of induction, enlistment, or acceptance of appointment in gaining service. If the officer has unfulfilled service obligations the letter of notification will also contain a statement that the records of the officer show, that as of the date his appointments in the United States Air Force were terminated, he had completed (years, months, and days) service toward fulfillment of his service obligations as outlined in § 861.851 (e). It will also contain a statement that termination of his appointments in the United States Air Force under this section does not constitute fulfillment of his service obligations. A copy of the letter of notification with a copy of the orders announcing the officer's separation will be forwarded to the gaining service.

(d) *Vacation of appointment.* (1) Acceptance of an appointment as a commissioned officer in the Regular Air Force or of an appointment in a different Reserve commissioned grade automatically vacates any appointment currently held as a Reserve commissioned officer of the Air Force.

(2) Acceptance of an appointment as a warrant officer in the Regular Air Force or of an appointment in a different Reserve warrant officer grade automatically vacates any appointment currently held as a Reserve warrant officer of the Air Force.

(3) Acceptance of an appointment as a commissioned officer in the Regular Air Force or of an appointment as a Reserve commissioned officer of the Air Force automatically vacates any appointment currently held as a Reserve warrant officer of the Air Force.

(4) Officers of the Air Force Reserve who become federally recognized officers of the Air National Guard in the same grade in which they are appointed as Reserve officers of the Air Force cease to be members of the Air Force Reserve but they are not separated from their appointments as Reserve officers of the Air Force. Officers of the Air Force Reserve who are found qualified for Federal recognition in the Air National Guard in a grade other than the grade in which they are currently appointed as Reserve officers of the Air Force upon acceptance of new appointments as Reserve officers of the Air Force and extension of Federal recognition in the latter grade, automatically vacate their prior appointments as Reserve officers of the Air Force and also cease to be members of the Air Force Reserve.

§ 861.853 *Reasons for discharge.* Any officer, including an officer who has a service obligation as outlined in § 861.851 (e) unless otherwise indicated, whose retention in the Air Force Reserve becomes incompatible or inconsistent with the best interest of the Air Force will be discharged. Additionally, current legislation provides that officers will be mandatorily discharged from the service when certain conditions as outlined therein are met. Also, other conditions may exist or arise which will require that they be discharged from the service. The reasons outlined in §§ 861.853 to 861.871, or similar reasons, will warrant consideration for discharge.

§ 861.854 *Completion of obligated service.* Officers with Reserve service obligations will be discharged upon completion of their obligated periods of service as outlined in § 861.851 (e) provided that:

(a) They are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply.

(b) They are not qualified for assignment within another training category of the Air Force Reserve as outlined in §§ 861.1 to 861.14 or they are qualified but fail to request such assignment.

(c) They do not possess special qualification which would warrant their retention in the Air Force Reserve and placement in or retention on the Inactive Status List as prescribed in §§ 861.1 to 861.14.

§ 861.855 *Age.* Except as otherwise indicated in paragraph (c) of this section, officers will be discharged as outlined in this section on the last day of the month in which they attain ages for grades indicated, provided that they are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply.

(a) *Male commissioned officers.*

	Age
(1) Brigadier general and below	60
(2) Major general	62

(b) *Female commissioned officers.*

	Age
(1) WAF	60
(2) Nurses and Women's Medical Specialists (Effective July 1, 1960):	
(i) Captain and below (30 days after the last day of the month in which she attains age)	50
(ii) Major and above (30 days after the last day of the month in which she attains age)	55

(c) *Warrant Officers (except as indicated in § 861.851 (d) (2) and (3)).*

	Age
(1) Male (60 days after attaining)	62
(2) Female (60 days after attaining)	55

§ 861.856 *General officers who cease to occupy positions for which appointed.* An officer who was appointed to the grade of major general or brigadier general to fill a vacancy as outlined in section 517 (a), Reserve Officer Personnel Act, (68 Stat. 1177; 50 U. S. C. Supp. III 1347), or any other provision of law, who ceases to occupy that position, will within 30 days thereafter, be discharged provided that:

(a) He is not assigned to fill a comparable position of the same or higher grade, as determined by the Secretary of the Air Force.

(b) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(c) He is ineligible for transfer to the Inactive Status List or he is eligible but fails to elect such transfer.

An officer in this category upon his application, if qualified, will be appointed as a Reserve officer in the grade held by him as a Reserve officer before his appointment in a general officer grade, and be credited with the amount of promotion service in the grade in which appointed equal to the amount of promotion service with which he has been credited in that grade and in any higher grade.

§ 861.857 *Officers who cease to occupy position as Adjutant General or Assistant Adjutant General.* An officer who was federally recognized in the Air National Guard of a State or Territory or the District of Columbia solely by reason of his appointment as an Adjutant General or Assistant Adjutant General, whose Federal recognition is withdrawn because he ceases to occupy that position, becomes a member of the Air Force Reserve. He will be discharged within 30 days after the date on which he ceases to occupy the position of Adjutant General or Assistant Adjutant General provided that he is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply. An officer in this category upon his application, if qualified, will be appointed as a Reserve officer in the grade held by him as a Reserve officer immediately before his appointment as an Adjutant General or an Assistant Adjutant General and will be credited with the amount of promotion service in the grade in which appointed equal to the amount of promotion service with which he has been credited in that grade and in any higher grade.

§ 861.858 *Second lieutenants not qualified for promotion.* (a) Subject to the limitations contained in paragraph (d) (1) of § 861.851, each officer of the Air Force Reserve in the grade of second lieutenant who completes 3 years of promotion service in grade and is found not qualified for promotion will be discharged within 90 days after he completes 3 years of promotion service in the grade of second lieutenant, provided that he has no unfulfilled service obligations as outlined in § 861.851 (e).

(b) An officer of the Air National Guard of the United States in the grade of second lieutenant whose Federal recognition is withdrawn because he is not appointed in or promoted to the grade of first lieutenant by the Governor or other appropriate authority of a State, a Territory, or the District of Columbia, becomes a member of the Air Force Reserve and the provisions of paragraph (a) of this section apply.

§ 861.859 *Removal from recommended list for promotion*—(a) *Commissioned officers.* An officer in the grade of first lieutenant, captain, or major who is recommended by a selection board for promotion but is not promoted because the President declines to appoint him in the next higher grade will be considered for promotion by the next appropriate selection board. If he is not recommended for promotion by the next selection board or if he is recommended but the President again declines to appoint him in the next higher grade, he will be considered to have twice failed of selection for promotion. Subject to the limitations contained in paragraph (d) (1) of § 861.851, he will be discharged 1 year and 90 days after the date on which he would have been promoted if the President had not declined to appoint him in the higher grade for the first time, provided that—

(1) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(2) He has no unfulfilled service obligations as outlined in § 861.851 (e).

(b) *Warrant officers.* A warrant officer who is recommended for promotion by a selection board but is not promoted because his name is removed from the list by the Secretary of the Air Force will be considered for promotion by the next ensuing selection board. A warrant officer who is not recommended for promotion by the next selection board or who is recommended but his name is again removed from the list by the Secretary of the Air Force will be considered to have twice failed of selection for promotion. Subject to the limitations contained in paragraph (d) (1) of § 861.851, he will be discharged 60 days after the date of his second failure of promotion provided that—

(1) He is eligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(2) He has no unfulfilled service obligations as outlined in § 861.851 (e).

§ 861.860 *Failure of selection for promotion—*(a) *Commissioned officers.* A Reserve officer in the grade of first lieutenant, a Reserve officer in the grade of captain except female officers designated as nurses or women medical specialists, and a Reserve officer in the grade of major except female officers designated as nurses and women medical specialists or appointed a WAF, who is considered for promotion by a selection board for the first time and is not recommended for promotion to the next higher grade or who for the first time is examined and found not qualified for Federal recognition in the next higher grade becomes a "Deferred Officer." Subject to the limitations contained in paragraph (d) (1) of § 861.851, a deferred officer will be discharged under the following conditions:

(1) A member of the Air Force Reserve who is again considered for promotion by a selection board and is not recommended for promotion to the next higher grade will be discharged 1 year and 90 days after the date on which he would have been promoted if he had been recommended for promotion by the first selection board which considered him, provided that:

(i) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(ii) He has no unfulfilled service obligations as outlined in § 861.851 (e).

(2) A member of the Air National Guard of the United States who is a deferred officer by reason of having been considered for promotion by a selection board for the first time and not recommended for promotion to the next higher grade, whose Federal recognition is withdrawn because he is again considered for promotion by a selection board and not recommended for promotion to the next higher grade, becomes a member of the Air Force Reserve and the provisions of subparagraph (1) of this paragraph will apply.

(3) A member of the Air National Guard of the United States who is a deferred officer by reason of having been for the first time examined and found not qualified for Federal recognition in the next higher grade, whose Federal recognition is withdrawn because he is subsequently considered for promotion by a selection board and not recommended for promotion to the next higher grade, becomes a member of the Air Force Reserve. He will be discharged within 90 days after the date upon which the report of the selection board is approved by the Secretary of the Air Force, provided that:

(i) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(ii) He has no unfulfilled service obligations as outlined in § 861.851 (e).

(4) A member of the Air National Guard of the United States who is a deferred officer by reason of having been considered for promotion by a selection board for the first time and not recommended for promotion to the next higher grade, whose Federal recognition is withdrawn because he is subsequently examined and found not qualified for Federal recognition in the next higher grade, becomes a member of the Air Force Reserve. He will be discharged within 90 days after the date upon which the report of the Federal recognition board is approved by the Secretary of the Air Force, provided that:

(i) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(ii) He has no unfulfilled service obligations as outlined in § 861.851 (e).

(5) A member of the Air National Guard of the United States who is a deferred officer by reason of having been for the first time examined and found not qualified for Federal recognition in the next higher grade, whose Federal recognition is withdrawn because he is again examined and found not qualified for Federal recognition in the next higher grade, becomes a member of the Air Force Reserve and the provisions of subparagraph (4) of this paragraph will apply.

(b) *Warrant officers.* A warrant officer member of the Air Force Reserve who is considered for promotion by a selection board for the first time and is not recommended for promotion to the next higher grade becomes a "Deferred Warrant Officer." Subject to the limitations contained in paragraph (d) (1) of § 861.851, a deferred warrant officer who is again considered for promotion by a selection board and is not recommended for promotion to the next higher grade will be discharged 60 days after the date of his second failure of promotion, provided that:

(1) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(2) He has no unfulfilled service obligations as outlined in § 861.851 (e).

§ 861.861 *Elimination for length of service.* Subject to the limitations contained in paragraph (d) (1) of § 861.851, each officer in an active status who completes the total years of service and/or service in grade prescribed by law for his elimination will be discharged as follows:

(a) Effective July 1, 1960, each officer in an active status in the following grades will be discharged 30 days after the date upon which he completes the following total years of service or on the fifth anniversary of the date of his appointment in the grade in which serving, whichever is later, provided that he is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply:

Grade	Total years of service	Years in grade
Major general	35	5 (major general).
Brigadier general on recommended list for promotion to general).	35	5 (from date of promotion to major general).
Brigadier general not on recommended list for promotion.	30	5 (brigadier general).
Colonel on recommended list for promotion to brigadier general).	30	5 (from date of promotion to brigadier general).
Colonel not on recommended list for promotion.	30	5 (colonel).
Lieutenant colonel on recommended list for promotion to colonel.	30	5 (from date of promotion to colonel).

An officer in the grade of major general or brigadier general may, in the discretion of the Secretary of the Air Force, be retained in an active status but not beyond the date upon which he attains the maximum age prescribed for the discharge of an officer in his grade as specified in § 861.855. Not more than 10 officers in each grade may be retained at any one time.

(b) Effective July 1, 1960, each officer in an active status in the grade of first lieutenant, captain, major, and each lieutenant colonel whose name is not on a recommended list for promotion to the grade of colonel, will be discharged 30 days after the date upon which he completes 28 total years of service provided that:

(1) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(2) He has no unfulfilled service obligations as outlined in § 861.851 (e).

(c) Effective July 1, 1960, each WAF officer in an active status in the grade of lieutenant colonel or in the grade of major whose name is on a recommended list for promotion to the grade of lieutenant colonel, will be discharged 30 days after the date upon which she completes 28 total years of service, provided that she is ineligible for transfer to the Retired Reserve or she is eligible but fails to apply. A WAF officer in the grade of lieutenant colonel may, in the discretion of the Secretary of the Air Force, be retained in an active status but not beyond 30 days after the date upon which she completes 30 total years of service.

(d) Effective July 1, 1960, each WAF officer in an active status in the grade of major whose name is not on a recommended list for promotion to lieutenant colonel and each such officer in a grade below major, will be discharged 30 days after the date upon which she completes 25 total years of service provided that she is ineligible for transfer to the Retired Reserve or she is eligible but fails to apply.

§ 861.862 *Excessive numbers of officers in active status in any grade.* Whenever the Secretary of the Air Force considers that there is an excessive number of officers in an active status in any grade who have completed at least 20 total years of service or at least 20 years of satisfactory Federal service for retired pay purposes under title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended pursuant to sections 101, 670, 1001, 1331–1337, 1401, 8966 of Title 10, United States Code, he may convene a board to consider all officers of that grade in an active status who have completed the above service. Unless otherwise directed by the Secretary of the Air Force, and subject to the limitations contained in paragraph (d) (1) of § 861.851, an officer who is recommended by the board for removal from an active status will be discharged, provided that:

(a) He is ineligible for transfer to the Retired Reserve or he is eligible but fails to apply.

(b) He is ineligible for assignment to the Inactive Status List Reserve Section or he is eligible but fails to elect such assignment.

§ 861.863 *Failure to participate in Reserve training.* Subject to the limitations contained in paragraph (d) (1) of § 861.851, officers in an active status who fail to meet prescribed qualifications for retention as outlined in §§ 861.1 to 861.14 will be discharged, provided that:

(a) They are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply.

(b) They do not possess minimum professional qualifications of a designated Air Force Specialty which will be required for utilization in a future mobilization warranting their retention in the Air Force Reserve and assignment to the Inactive Status List Reserve Section as prescribed in §§ 861.1 to 861.14.

(c) They have no unfulfilled service obligations as outlined in § 861.851 (e).

§ 861.864 *Failure to reply to official correspondence or inability to locate.* An officer who fails to reply to official correspondence or who cannot be located after a reasonable effort on the part of appropriate commanders will be discharged, provided that he has no unfulfilled service obligation as outlined in § 861.851 (e). When correspondence to which a reply is required is mailed to an officer and no reply is received within such reasonable time limits as local conditions may warrant, or if the correspondence is returned by postal authorities because of inability to locate the addressee, the following action will be taken:

(a) The last address reported by the officer as his permanent mailing address will be verified and the correspondence or a follow-up, as appropriate, will be mailed by registered mail, with return receipt requested to be signed only by addressee, to the verified address.

(b) If the correspondence is again returned by postal authorities because of inability to locate the addressee, local civil authorities or other persons who might reasonably be expected to assist in locating the officer may be contacted, if such action is deemed appropriate.

(c) When the officer fails to reply to correspondence within 30 days from the date of delivery, as indicated by the signed registry receipt, or when he cannot be located after reasonable efforts have been made as outlined in paragraph (b) of this section, a complete detailed report will be forwarded by the initiating organization commander to the Air Reserve Records Center.

§ 861.865 *Elimination from inactive status list.* Officers, other than those retired as airmen after 20 years' active Federal service, will not be retained on the Inactive Status List when it is determined that further retention would be of no benefit to the Air Force. Officers in this category will be discharged when it is determined from a review of their records that they are no longer proficient in their specialties or that their specialties are no longer considered for utilization in a future mobilization, provided that—

(a) They are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply.

(b) They are not qualified for assignment to another training category or they are eligible but fail to request such assignment as outlined in §§ 861.1 to 861.14.

§ 861.866 *Minor children.* (a) Except as indicated in paragraph (b) of this section, a female officer who is the parent by birth or adoption of a child under 18 years of age and has personal or legal custody of such child; is the stepparent of a child under 18 years of age and the child is within the household of the woman for a period of more than 30 days a year; or who has or assumes personal custody of any child under 18 years of age, will be discharged, provided that she is ineligible for transfer to the Retired Reserve or she is eligible but fails to apply.

(b) A female officer will not be discharged under this section on the basis of circumstances which existed at the time of and did not then render her ineligible to apply for or to accept initial appointment in a Reserve component of the Armed Forces. Procurement directives after August 15, 1950, have precluded the appointment of females with minor children as Reserves of the Air Force. However, if an officer in this category becomes the parent or stepparent of a child or assumes personal custody of a child under 18 years of age under the circumstances outlined in paragraph (a) of this section, after August 15, 1950, she will be discharged, provided that she is ineligible for transfer to the Retired Reserve or she is eligible but fails to apply.

§ 861.867 *Physical disability.* Officers who are found by competent military medical authorities or authorized civilian medical authorities to be permanently medically disqualified for active military service or for active military service with a waiver will be discharged provided that they are ineligible for transfer to the Retired Reserve or they are eligible but fail to apply for such transfer.

§ 861.868 *Entrance or service in an Armed Force of a foreign country.* An officer who enters or serves in the armed forces of a foreign country may be discharged, if before such entry or service, he fails to obtain written authority for such entry or service from the Secretary of State and the Secretary of Defense.

§ 861.869 *Accepting civil employment with foreign governments.* An officer who accepts civil employment with any foreign government or any concern which is controlled in whole or in part by a foreign government may be discharged when—

(a) He has not obtained prior written approval of the Secretary of the Air Force as provided in section 1032 of Title 10, United States Code.

(b) He continues such employment after the Secretary of the Air Force has revoked his prior written approval.

§ 861.870 *Loss of nationality.* Any officer who is a national of the United States, whether by birth or by naturalization, who loses such nationality for any of the reasons outlined in the Immigration and Nationality Act, as amended (66 Stat. 166; 8 U. S. C. 1101) or any other provision of law, will be discharged.

§ 861.871 *Chaplains.* A chaplain whose ecclesiastical indorsement is withdrawn is no longer eligible to serve in the capacity of a chaplain. The officer will be discharged under this section unless conditions warrant consideration for separation action under AFR 45–40, (Discharge of Officers from the Air Force Reserve by reason of Conduct or Efficiency).

§ 861.872 *Disposition boards—*(a) *Policy.* Nonprobationary officers will not be discharged for any of the reasons outlined in §§ 861.862 to 861.870 except pursuant to the approved recommendation of a board of officers, hereafter referred to as "Disposition Board or Boards," convened by competent authority. If the officer concerned elects to tender his resignation in lieu of Board action under §§ 861.851 to 861.872 action will be taken.

(b) *Rights of respondent.* Each nonprobationary officer, hereinafter referred to as "Respondent," whose case is presented to a Disposition Board for consideration, will have the following rights:

(1) *Personal appearance or representation.* Respondent may appear in person, with or without counsel, or be represented by counsel in his absence at all open proceedings of the Board. However, he will not be reimbursed for expenses incident to his appearance, except that, upon his request, the Commander, Continental Air Command, will furnish invitational travel orders and furnish fund citation thereon for his appearance before the Board. When invitational travel orders are issued, they will direct that military air transportation will be used if available. Only where such transportation is not available will the respondent be authorized travel by commercial transportation. No per diem will be authorized. He will not be reimbursed for expenses incident to the appearance or assistance of civilian counsel to include military personnel not serving in the active military service. He may have military counsel at Government expense provided that such counsel is serving on extended active duty. He may have military counsel of his choice if such counsel is serving on extended active duty and is determined to be reasonably available by the major air commander concerned.

(2) *Challenge voting members.* Respondent may challenge for cause only any voting member of the Disposition Board.

(3) *Witnesses.* Respondent may request the appearance before the Board of any witness whose testimony he believes to be pertinent to his case specifying in his request the type of information the witness can provide. His request will be honored by the Board if the witness is considered to be reasonably available and his testimony can add materially to the case. Respondent will not be reimbursed for expenses incident to the appearance or assistance of civilian witnesses, to include military personnel not serving in the active military service. He or his counsel may question any wit-

nesses appearing before the Board considering his case.

(d) *Submit to examination.* Respondent may or may not submit to examination by the Board. Article 31, UCMJ, will be read and explained to him and he will be advised that all the rights granted thereby are extended to him. If he then desires to submit to examination or make a statement under oath, he will be sworn. If he does not desire to make a sworn statement, he may make an unsworn statement in mitigation or extenuation of the reasons for discharge. This statement may be oral or in writing or both. It may be made by the respondent or his counsel or both. In the event that the respondent elects to make an unsworn statement, he will not thereby subject himself to examination by the Board.

(e) *Submission of evidence.* Respondent, whether present or not, may submit any answer, deposition, sworn or unsworn statement, certificate, affidavit, or stipulation for consideration by the Board. He may also, at any time before the Board convenes or during the proceedings, submit a written brief concerning the whole or any phase of his case.

(f) *Retirement or resignation.* Respondent may, at any time before the time that the findings and recommendations of the Disposition Board are approved:

(1) Apply for retirement, if eligible (title II or title III, Army and Air Force Vitalization and Retirement Equalization Act of 1948), pursuant to sections 101, 676, 1001, 1331–1337, 1401, 8966 or Title 10, United States Code, or

(2) Apply for transfer to the Retired Reserve if eligible, or

(3) Tender his resignation in lieu of further action under §§ 861.851 to 861.872.

However, the Board once convened will continue until his tender of resignation or application for retirement or transfer to the Retired Reserve is approved, or until the resultant findings and recommendations of the Board have been approved by competent authority, whichever occurs first.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-745; Filed, Jan. 31, 1957; 8:45 a. m.]

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

In § 862.10 paragraph (a) (4) is revised and a new paragraph (d) is added, a new paragraph (e) is added to § 862.13, paragraph (b) of § 862.14 is revised and paragraph (b) (1) of § 862.18 is revised as follows:

§ 862.10 *Additional requirements.* (a) Each cadet accepted for enrollment in the advanced course:

* * * * *

(4) Must sign a deferment agreement as set forth in § 862.80. The professor of air science must make certain that cadets understand that the language in the deferment agreement and the category agreement (1056 series of AF Forms) does not conflict. Rather, the former quotes a statute and the latter a contractual agreement.

* * * * *

(d) Persons who are or ever have been conscientious objectors will not be formally enrolled in the advanced course.

§ 862.13 *Informally enrolled cadets.* * * *

(e) At certain selected institutions, highly qualified female students who desire and are accepted for concurrent enlistment in the Reserve of the Air Force and informal enrollment in the advanced AFROTC program are permitted to pursue the AFROTC course of instruction. They will be enrolled for the specific purpose of undertaking instruction in military subjects in preparation for appointment as Reserve officers of the Air Force. AF Form 1056d, "WAF–ROTC Agreement," will be used for the enrollment of these students.

§ 862.14 *Credit for previous military training.* * * *

(b) On the basis of previous honorable active service (other than six-month active duty for training) in the Air Force, Army, Navy, Marine Corps, or Coast Guard, a cadet may request a waiver of the basic course, or any portion thereof, as a requirement for entrance into the advanced course. The professor of air science may then waive so much of the basic course as he considers equivalent to the active service training, provided that he does not waive any portion which the cadet can complete prior to entrance into the advanced course. To satisfy entrance requirements for the advanced course, veterans entering an institution at freshman or sophomore level who desire a commission through AFROTC will be required to take in phase with nonveteran contemporaries the portion of the basic program which remains.

§ 862.18 *Discharge.* * * *

(b) *From advanced course.* (1) The professor of air science may discharge a cadet from the advanced course. Each such discharge, except those which are directed by Headquarters USAF, must receive the concurrence of the head of the institution or his designated representative.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 8540, 9382–9384, 9386, 9387, 70A Stat. 527, 568, 569, 570; 10 U. S. C. 8540, 9382–9384, 9386, 9387) [AFR 45–48A, Sept. 12, 1956]

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-746; Filed, Jan. 31, 1957; 8:45 a. m.]

PART 864—ENLISTED RESERVE

VOLUNTARY ENTRY ON EXTENDED ACTIVE DUTY (EAD)

In Part 864, § 864.54 is revised to read as follows:

§ 864.54 *Submission of applications.* Reservists are responsible for the accuracy of all information furnished on their applications for EAD. If any of the information changes after submission of the application, they must report this in writing to the commander to whom the data was originally sent. Reservists cannot withdraw applications after EAD orders have been issued. All personnel will use AF Form 125, Application for Extended Active Duty with the United States Air Force, to apply for EAD.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interprets or applies sec. 672, 70A Stat. 27; 10 U. S. C. 672) [AFR 45–21A, Aug. 22, 1956]

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-747; Filed, Jan. 31, 1957; 8:45 a. m.]

Subchapter G—Personnel

PART 878—DECORATIONS AND AWARDS

ACCOLADES, GOLD STAR LAPEL BUTTONS, CERTIFICATES AND FAVORABLE COMMUNICATIONS

In Part 878, §§ 878.86 to 878.91 are rescinded and the following substituted therefor:

Sec.
878.86 Purpose.
878.87 Accolades.
878.88 Gold star lapel buttons.
878.89 Certificates of honorable service.
878.90 Favorable communications.

AUTHORITY: §§ 878.86 to 878.90 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 2–4, 61 Stat. 710, as amended; 36 U. S. C. 182a–182d.

SOURCE: AFR 30–9, December 12, 1956.

§ 878.86 *Purpose.* Sections 878.86 to 878.90 prescribe the procedures for awarding accolades, certificates, lapel buttons and favorable communications to military personnel or their next of kin for honorable or commendable service.

§ 878.87 *Accolades.* An accolade is special recognition in the form of a scroll signed by the President of the United States. It is presented to the next of kin of members of the Armed Forces who die in line of duty during military operations. It is also presented to the next of kin of United States civilians who die overseas or as a result of injury or disease contracted while serving in civilian jobs with the Armed Forces during periods of military operations. For Air Force personnel, accolades are prepared and mailed to the next of kin by Headquarters USAF.

§ 878.88 *Gold star lapel buttons.* This lapel button is made up of a gold star one-fourth inch in diameter mounted on a purple disc three-fourths inch in diameter. The star is surrounded by a wreath of gold laurel leaves five-eights inch in diameter. The opposite side bears the inscription, "United States of America, Act of Congress, August 1947," and has space for engraving the recipient's initials. It has either a pin or clutch type fastening device.

(a) *To whom awarded.* The Gold Star Lapel Button is awarded to widows, widowers, parents and certain other relatives of members of the United States Armed Forces who lost their lives in the armed services of the United States during World War I (April 6, 1917 to March 3, 1921); World War II (September 8, 1939 to July 25, 1947 at 12 o'clock noon); Korean Operation (June 27, 1950 to July 27, 1954). It also may be awarded to the next of kin of members who lose their lives during any future war or period of armed hostilities in which the United States may be engaged.

(1) *Initial issue (without cost).* One Gold Star Lapel Button is furnished without cost to the widow or widower (re-married or not), and to each parent (mother, father, stepmother, stepfather, mother through adoption, father through adoption and foster parents who stood in loco parentis).

(2) *Initial issue (at cost).* One button is furnished, at cost, to each child, brother, sister, half-brother, half-sister, step-child and adopted child.

(3) *Replacements.* Relatives may obtain, at cost, replacements for Gold Star Lapel Buttons that have been lost, destroyed or rendered unfit for use through no fault or neglect of the persons to whom they were furnished.

(4) *Source of supply.* Gold Star Lapel Buttons, either the initial issue or replacement, may be obtained by writing to the Director, Air Force Records Center, Defense Military Personnel Records Center, 9700 Page Avenue, St. Louis 14, Missouri.

(b) *Penalty for fraudulent use.* Section 4 of the act of August 1, 1947, as amended (61 Stat. 710; 36 U. S. C. 182d) provides that: "Whoever shall (1) wear, display on his person, or otherwise use as an insignia, any Gold Star Lapel Button issued to another person under the provisions of law; (2) falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or aid in falsely making, forging or counterfeiting any lapel button authorized by the law; or (3) sell or bring into the United States, or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited lapel button, shall be fined not more than $1,000 or imprisoned not more than two years, or both."

§ 878.89 *Certificates of honorable service.* These certificates are testimonials of honest and faithful service which are awarded by Headquarters USAF to the next of kin of those who die in line of duty while honorably serving in the Air Force.

§ 878.90 *Favorable communications.* A favorable communication is any letter, memorandum or similar communication which cites some unusual achievement or service that does not meet the requirements for awarding a decoration. A favorable communication will not be used as the sole basis for initiating a commendation for a decoration, but will not preclude recommending a decoration later which covers all or part of the cited period of service. The favorable communication will not be used:

(a) When the person's effectiveness report can adequately reflect the recognition;

(b) When the information contained will require the communication to become classified;

(c) To cite past achievements or service. (The provisions of this paragraph will not be used retroactively as the basis for processing any favorable communications issued in the past.)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-748; Filed, Jan. 31, 1957; 8:45 a. m.]

PART 881—PERSONNEL REVIEW BOARDS

AIR FORCE DISABILITY REVIEW BOARD

In Part 881, paragraph (b) of § 881.36 is revised to read as follows:

§ 881.36 *Disposition proceedings.* * * *

(b) Normally, all records of the proceedings of the Review Board will be without classification. Upon written request from the applicant, a copy of the proceedings of the Review Board, less any exhibits which may be impractical to reproduce, will be furnished by the custodian of the master personnel records. In cases where there is possible harm to the mental health of the applicant, a copy of the proceedings of the Review Board will be furnished to the guardian or legal representative upon written request. The copy of the proceedings furnished will include as a minimum the following:

(1) A copy of the order appointing the Review Board.

(2) The findings of the retiring board or physical evaluation board affirmed.

(3) The findings of the retiring board or physical evaluation board reversed.

(4) The findings of the Review Board.

(5) The conclusions which were made by the Review Board. Subject to the foregoing restrictions and upon request of the applicant or, in cases where there is possible harm to the mental health of the applicant, upon request of the guardian or legal representative, the custodian of the master personnel records will make available for inspection a record of the proceedings of any case reviewed by the Review Board.

(R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply secs. 301, 302, 58 Stat 266, 267, as amended; 38 U. S. C. 693h, 693i) [AFR 36–29B, Aug. 16, 1956]

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-749; Filed, Jan. 31, 1957; 8:46 a. m.]

PART 887—APPOINTMENT OF OFFICER PERSONNEL

APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

(VETERINARY AND MEDICAL SERVICE OFFICERS)

In Part 887, §§ 887.151 to 887.156 are revised to read as follows:

Sec.
887.151 Purpose.
887.152 Policy.
887.153 Definitions.
887.154 Grade determination.
887.155 Eligibility.
887.156 Periods.
887.157 Application.

AUTHORITY: §§ 887.151 to 887.157 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 70 Stat. 582.

DERIVATION: AFR 36–31, September 13, 1956.

§ 887.151 *Purpose.* Sections 887.151 to 887.157 establish the eligibility requirements and the procedure for application and appointment of commissioned officers (male and female) in the Regular Air Force with a view to designation for the performance of veterinary and medical service duties. Selection for such appointment will be based upon professional background and experience.

§ 887.152 *Policy.* The policy of the Air Force is to conduct an orderly build-up of the Regular Air Force toward authorized officer strength. This build-up will be accomplished by tendering Regular Air Force appointments in the grades of second lieutenant through lieutenant colonel to those persons who possess officer qualities, ability, and experience required by the Air Force. Vacancies exist in the Regular officer structure in promotion list service groups. Accordingly, applications will be considered for existing vacancies in promotion list service groups. At the time of appointment, any person, who would be entitled to a permanent grade in the Regular Air Force which is higher than the temporary or Reserve grade in which serving on active duty, is not eligible for appointment under §§ 887.151 to 887.157; this determination will be made by Headquarters USAF. Final selections of applicants will be accomplished by a board of officers at Headquarters USAF. Those applicants considered best qualified to meet the requirements of the Air Force will be selected. Such factors as manner of performance, breadth of experience, type of assignments, technical competence, and any substantiated derogatory information will be evaluated. The recommendations of the Headquarters USAF selection board will be final.

§ 878.88 *Gold star lapel buttons.* This lapel button is made up of a gold star one-fourth inch in diameter mounted on a purple disc three-fourths inch in diameter. The star is surrounded by a wreath of gold laurel leaves five-eighths inch in diameter. The opposite side bears the inscription, "United States of America, Act of Congress, August 1947," and has space for engraving the recipient's initials. It has either a pin or clutch type fastening device.

(a) *To whom awarded.* The Gold Star Lapel Button is awarded to widows, widowers, parents and certain other relatives of members of the United States Armed Forces who lost their lives in the armed services of the United States during World War I (April 6, 1917 to March 3, 1921); World War II (September 8, 1939 to July 25, 1947 at 12 o'clock noon); Korean Operation (June 27, 1950 to July 27, 1954). It also may be awarded to the next of kin of members who lose their lives during any future war or period of armed hostilities in which the United States may be engaged.

(1) *Initial issue (without cost).* One Gold Star Lapel Button is furnished without cost to the widow or widower (re-married or not), and to each parent (mother, father, stepmother, stepfather, mother through adoption, father through adoption and foster parents who stood in loco parentis).

(2) *Initial issue (at cost).* One button is furnished, at cost, to each child, brother, sister, half-brother, half-sister, step-child and adopted child.

(3) *Replacements.* Relatives may obtain, at cost, replacements for Gold Star Lapel Buttons that have been lost, destroyed or rendered unfit for use through no fault or neglect of the persons to whom they were furnished.

(4) *Source of supply.* Gold Star Lapel Buttons, either the initial issue or replacement, may be obtained by writing to the Director, Air Force Records Center, Defense Military Personnel

in line of duty while honorably serving in the Air Force.

§ 878.90 *Favorable communications.* A favorable communication is any letter, memorandum or similar communication which cites some unusual achievement or service that does not meet the requirements for awarding a decoration. A favorable communication will not be used as the sole basis for initiating a commendation for a decoration, but will not preclude recommending a decoration later which covers all or part of the cited period of service. The favorable communication will not be used:

(a) When the person's effectiveness report can adequately reflect the recognition;

(b) When the information contained will require the communication to become classified;

(c) To cite past achievements or service. (The provisions of this paragraph will not be used retroactively as the basis for processing any favorable communications issued in the past.)

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-748; Filed, Jan. 31, 1957; 8:45 a. m.]

PART 881—PERSONNEL REVIEW BOARDS

AIR FORCE DISABILITY REVIEW BOARD

In Part 881, paragraph (b) of § 881.36 is revised to read as follows:

§ 881.36 *Disposition proceedings.* * * *

(b) Normally, all records of the proceedings of the Review Board will be without classification. Upon written request from the applicant, a copy of the proceedings of the Review Board, less any exhibits which may be impractical to reproduce, will be furnished by the custodian of the master personnel rec-

U. S. C. 693h, 693i) [AFR 36-29B, Aug. 16, 1956]

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57-749; Filed, Jan. 31, 1957; 8:46 a. m.]

PART 887—APPOINTMENT OF OFFICER PERSONNEL

APPOINTMENT OF OFFICERS IN THE REGULAR AIR FORCE

(VETERINARY AND MEDICAL SERVICE OFFICERS)

In Part 887, §§ 887.151 to 887.156 are revised to read as follows:

Sec.
887.151 Purpose.
887.152 Policy.
887.153 Definitions.
887.154 Grade determination.
887.155 Eligibility.
887.156 Periods.
887.157 Application.

AUTHORITY: §§ 887.151 to 887.157 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply 70 Stat. 582.

DERIVATION: AFR 36-31, September 13, 1956.

§ 887.151 *Purpose.* Sections 887.151 to 887.157 establish the eligibility requirements and the procedure for application and appointment of commissioned officers (male and female) in the Regular Air Force with a view to designation for the performance of veterinary and medical service duties. Selection for such appointment will be based upon professional background and experience.

§ 887.152 *Policy.* The policy of the Air Force is to conduct an orderly build-up of the Regular Air Force toward authorized officer strength. This build-up will be accomplished by tendering Reg-

However, the President may remove from the recommended list the name of any officer who has been selected for appointment by Headquarters USAF selection board, but who, in his opinion, is not qualified for appointment.

§ 887.153 *Definitions*—(a) *Organization commander.* The commander of the organization to which the applicant is actually assigned for administrative purposes.

(b) *Test control officer.* The officer responsible for administering personnel research tests.

(c) *Major air commander.* The commander responsible for the operation and administration of any organization designated a major air command who reports directly to the Chief of Staff, USAF.

(d) *Regular officer selection test.* The Air Force Personnel Research Test 423 for a male or Air Force Personnel Research Test 424 for a female is used to measure certain qualities which are important to success as a commissioned officer.

(e) *Headquarters USAF.* Refers to the Director of Personnel Procurement and Training, Headquarters USAF, attention: AFPTR–P–3A, Washington 25, D. C.

(f) *Promotion list service credit.* That credit awarded for the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, and eligibility for promotion.

(g) *Special effectiveness report.* That special USAF Officer Effectiveness Report (AF Form 77) furnished by the applicant's commander and submitted as part of the application for a Regular Air Force appointment.

§ 887.154 *Grade determination*—(a) *Service credit.* (1) For the purpose of determining grade, position on a promotion list, seniority in his grade in the Regular Air Force, eligibility for promotion, and mandatory retirement or elimination under the Officer Personnel Act of 1947, as amended pursuant to section 8296 of Title 10, United States Code, a person appointed under §§ 887.151 to 887.157 will be credited at the time of his appointment with the active Federal commissioned service in the Armed Forces that he performed after becoming 21 years of age and before his appointment. In addition and for the same purposes, a person may be credited by Headquarters USAF with not more than 2 years of constructive service.

(2) Each person appointed with a view to designation for the performance of duty as a veterinary officer will be credited at the time of his appointment, in addition to the service with which he is credited under subparagraph (1) of this paragraph, and for the purposes of determining grade, position on the promotion list, seniority in Regular grade, and eligibility for promotion, with 2 years of service.

(3) A person appointed with a view to designation as a medical service officer, and who, at the time of appointment holds a degree of doctor of philosophy or a comparable degree in a science allied to medicine, so recognized by the Surgeon General, USAF, will be credited at the time of his appointment, in addition to the service with which he is credited under subparagraph (1) of this paragraph, and for the same purposes, with 3 years of service.

(b) *Permanent grades.* (1) Based on promotion list service credit as outlined in paragraph (a) of this section, commissioned grade of appointment will be as follows:

Promotion list service credit:	Grade
Less than 3 years	Second lieutenant.
3 but less than 7 years.	First lieutenant.
7 but less than 14 years.	Captain.
14 but less than 21 years	Major.
21 or more years	Lieutenant colonel.

Notwithstanding any other provision of law, no person, who was a cadet at the United States Air Force Academy or the United States Military Academy, or a midshipman at the United States Naval Academy, may be originally appointed in a commissioned grade in the Regular Air Force before the date on which his classmates at that Academy are graduated and appointed as officers. No person, who was enrolled at, but did not graduate from, an Academy, may be credited, upon appointment as a commissioned officer of the Regular Air Force, with longer service than that credited to any member of his class at that Academy whose service in the Air Force, or in the Army and the Air Force has been continuous since graduation.

(2) To prevent loss of seniority among newly appointed Regular officers and to eliminate a delay in promoting those Regular officers already on the promotion list, the appointment of an officer, who is within 6 months of becoming eligible for appointment in the next higher grade in the Regular Air Force at the time of selection, will be delayed until after the date on which he completes the necessary service for appointment in the next higher grade.

(3) The name of each person appointed under §§ 887.151 to 887.157 will be placed on the promotion list immediately below the most junior officer of the same grade who has the same or next greater amount of service credit, and will be awarded the appropriate date of rank in permanent grade.

(c) *Temporary grade.* Appointment in the Regular Air Force will not affect grade or date of rank in temporary grade held by appointee. A Reserve of the Air Force commission or Regular warrant officer appointment will be vacated on the day before the date of execution of oath of office as a Regular Air Force officer. An officer accepting a Regular Air Force appointment, who is serving in his Reserve of the Air Force grade equivalent to or higher than his Regular Air Force grade, will be tendered a temporary United States Air Force appointment in the equivalent or higher grade with no change in current active duty date of rank.

§ 887.155 *Eligibility.* Each person applying under §§ 887.151 to 887.157 must meet the eligibility requirements contained in paragraphs (a) through (g) of this section. Waivers are not authorized except as provided for in paragraphs (b) and (c) (4) of this section.

(a) *Current status.* An applicant must hold a valid appointment as a Reserve of the Air Force officer or USAF temporary officer and must be serving as a commissioned officer in the active military service, and currently designated to perform medical service or veterinary duties pursuant to sections 8067, 8211, 8296, 8574 of Title 10, United States Code. In the event that an officer's established date of separation occurs before receipt of appointment, he may apply for indefinite active duty status, or, he may, upon approval of his organization commander, sign a specified period of time contract extending his date of separation until June 30, 1958, unless sooner released from extended active duty for the convenience of the Government. A person, released from active duty for any reason after submission of application, will no longer be considered for a Regular Air Force appointment.

(b) *Age.* At time of appointment, a person may not exceed the age of 30 by more than the number of years, months, and days he has served on active duty as a commissioned officer in the Armed Forces of the United States after attaining the age of 21. The Secretary of the Air Force may waive the above age limitation when, in his opinion, there is an inadequate number of officers with the required qualifications; but no person may be appointed if he is above the age which would permit him to complete 20 years of active Federal commissioned service before he attains his 55th birthday. Therefore, any person, who could complete a total of 20 years' active Federal commissioned service before reaching his 55th birthday may apply.

(c) *Education*—(1) *Veterinary.* Each applicant must be a graduate of a veterinary school acceptable to the Surgeon General, USAF, and legally authorized to confer the degree of Doctor of Veterinary Medicine, or its equivalent.

(2) *Medical service officers.* While not mandatory, a baccalaureate degree or higher degree in business or hospital administration, engineering, management, or its related fields or in the sciences, is desirable. An applicant must have been granted a minimum of 60 semester hours (90 quarter hours) credit toward a baccalaureate degree from a college or university listed by the Office of Education, Department of Health, Education and Welfare, in part 3 of the Education Directory, Higher Education published annually, or Accredited Higher Institutions, as having either:

(i) Nationwide accreditation.

(ii) Regional accreditation.

(iii) Accreditation by a national professional association.

(iv) Unconditional admission to the graduate school of a State university, or

(v) Full transfer credit to a State university.

(3) An applicant whose credits are from a college or university which does not meet the criteria outlined in subparagraph (2) of this paragraph will be considered as meeting the educational requirement, provided that he obtains a written statement from any nationally or regionally accredited college or university, indicating that a sufficient number of his credits are acceptable for admission to at least full junior standing.

(4) An applicant may request, in writing, waiver of the requirements in subparagraphs (2) and (3) of this paragraph. Such waiver will be subject to final approval by Headquarters USAF.

(d) *Citizenship.* An applicant must be a citizen of the United States. An applicant who is not a citizen by birth must furnish a certificate by an officer, notary public, or any other person authorized by law to administer oaths, giving the following information:

I certify that I have this date seen the original Certificate of Citizenship Number ----------(or certified copy of court order establishing citizenship) stating that ----------
(Full name)
was admitted to United States citizenship by the ------- Court of----------,
(District or county)
---------- on ----------
(State) (Date)
The following person was named in the certificate as a minor child: ----------
(Full name)
age ----------.

NOTE: Facsimiles or copies, photographic or otherwise, will not be made of naturalization certificates under any circumstances. Act of 25 June 1948 (62 Stat. 767; 18 U. S. C. 1426 (h)) provides that "whoever, without lawful authority, prints, photographs, makes or executes any print or impression in the likeness of a certificate of arrival, declaration of intention to become a citizen, or certificate of naturalization or citizenship, or any part thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

(e) *Medical.* An applicant must be medically qualified. Standard Form 88, "Report of Medical Examination," and Standard Form 89, "Report of Medical History," will not be submitted with the application, but will be requested before appointment.

(f) *Background.* An applicant must be of such background, character, and reputation to insure that his appointment into the Regular Air Force would be clearly consistent with the interests of the Air Force. Each applicant selected for appointment must be the subject of a favorable National Agency Check before the date of official tender of appointment. Any person, who is or has been a conscientious objector, may not be commissioned in the Regular Air Force.

(g) *Dependents.* A male applicant is not restricted with regard to dependents. However, a female applicant, who is the parent by birth or adoption of a child under 18 years of age of whom she has personal or legal custody; is the stepparent of a child under 18 years of age and the child is within her household for a period of more than 30 days a year; or has or assumes personal custody of any child under 18 years of age, may not be appointed.

§ 887.156 *Periods*—(a) *Probationary period.* The appointment of any person under §§ 887.151 to 887.157 is probationary for 3 years and may be revoked by the Secretary of the Air Force at any time before the third anniversary of the acceptance of such appointment.

(b) *Application period.* An application may be submitted during the period October 15, 1956, to March 14, 1957. An application submitted after March 14, 1957, will be returned by the organization commander to the applicant. An application submitted under §§ 887.151 to 887.157 will remain valid until a new application period is announced by Headquarters USAF.

§ 887.157 *Application.* An applicant must comply with the following instructions:

(a) *Submitting applications.* The application will be submitted to the applicant's organization commander and will consist of the following completed documents:

(1) Two copies of AF Form 17, "Application for Appointment in the Regular Air Force." Each applicant will plainly mark at the top of the application form "Veterinary or Medical Service Officer."

(2) Original or photostat of authenticated transcripts substantiating education, or, if applicable, a written statement from any nationally or regionally accredited college or university, indicating that a sufficient number of his credits are acceptable for admission to at least full junior standing or a written request for waiver of educational requirement.

(3) Certificate from an officer verifying citizenship by naturalization as required in § 887.155 (d), if applicable.

(4) Five copies of DD Form 398, "Statement of Personal History," and one completed FBI Applicant Fingerprint Card, if applicant has not been the subject of a favorable National Agency Check or complete background investigation during current tour of active duty.

(5) Any other papers or statements considered relevant by the applicant.

(b) *Testing.* Veterinary officers, Medical Service officers with a baccalaureate degree or higher degree in business or hospital administration, engineering, management or related fields, or in the sciences, and officers with 5 or more years of active Federal commissioned service as of December 31, 1957, need not be tested. All other applicants will report for testing at the designated time and place, or make prior arrangements which are satisfactory to the appropriate commander.

(c) *Distinguished graduates.* An applicant, who has been designated a Distinguished Aviation Cadet graduate, Distinguished Officer Candidate graduate, or Distinguished Air Force Reserve Officers Training Corps graduate, should attach to his application a copy of the letter, designating him as such, to insure that special consideration is given for such achievement.

(d) *Change of address.* The military address furnished on the application will be used for contacting an applicant. The applicant must give immediate notice to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR–P–3A, Washington 25, D. C., of any permanent change of address, between submission of application and notification of final action.

(e) *Replying to communications.* An applicant, who does not promptly reply to and/or comply with all communications and instructions regarding his application and testing, will be considered as being no longer interested in a Regular commission and his application will be considered abandoned.

(f) *Returning application.* Application and supporting documents, which are forwarded to Headquarters USAF, will not be returned to an applicant, except as provided for in paragraph (g) of this section.

(g) *Withdrawing application.* A person may withdraw his application at any time before acceptance of a Regular appointment by submitting a written request to the Director of Personnel Procurement and Training, Headquarters USAF, Attention: AFPTR–P–3A, Washington 25, D. C. Application and allied papers will be returned.

(h) *Compromising test questions.* An applicant must not discuss the contents of the Regular Officer Selection Test after its completion. Since officers are selected for Regular appointment on a competitive basis, any applicant who has advance information concerning test questions will be at a decided advantage over all other applicants.

[SEAL] E. E. TORO,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 57–750; Filed, Jan. 31, 1957; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILROAD LESSOR COMPANY ANNUAL REPORT FORM E

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 17th day of January A. D. 1957.

The matter of Annual Reports from lessors to railroad companies being under further consideration, and the changes in existing regulations to be effectuated by this order being only minor changes with respect to the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 being deemed unnecessary:

It is ordered, That the order of February 7, 1955, in the matter of Railway Lessor Company Annual Report Form E, be, and it is hereby, modified and amended with respect to annual reports for the year ended December 31, 1956, and subsequent years, to read as shown below:

It is further ordered, That 49 CFR 120.14, be, and it is hereby, modified and amended to read as follows:

§ 120.14 *Form prescribed for lessors to railroads.* Commencing with the year ended December 31, 1956, and for subsequent years thereafter, until

further orders, all lessors to railroad companies subject to the provisions of section 20, part I, of the Interstate Commerce Act, are required to file under oath annual reports in accordance with Annual Report Form E, Railroad Lessor Companies,[1] which is made a part of this section. Such annual report shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31 of the year following the year to which it relates.

And it is further ordered, That copies of this order and of Annual Report Form E shall be served on all lessors to railroad companies subject to the provisions of section 20, part I, of the Interstate Commerce Act, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913.)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-763; Filed, Jan. 31, 1957; 8:49 a. m.]

[1] Filed as part of original document.

PART 122—MONTHLY OPERATING REPORTS

SUBPART A—RAILROADS

SELECTED INCOME AND BALANCE-SHEET ITEMS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 25th day of October A. D. 1956.

The matter of monthly reports of selected income and balance-sheet items of Class I Railroads being under further consideration, and the changes in existing regulations to be effectuated by this order being only minor changes in the data to be furnished, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a) being deemed unnecessary:

It is ordered, That the order of October 16, 1952, in the matter of monthly reports of selected income and balance-sheet items of Class I steam railways be, and it is hereby modified and amended, with respect to reports for the month ending January 31, 1957, and subsequent months, to read as shown below:

It is further ordered, That 49 CFR 122.2 be, and it is hereby modified and amended to read as shown below:

§ 122.2 *Selected income and balance-sheet items.* Commencing with the month of January 1957, and monthly thereafter until further order, all Class I Railroads, except Class I Switching and Terminal Companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, are hereby required to file monthly reports of selected income and balance-sheet items in accordance with form of report IBS, which is attached hereto and made a part of this section. Such monthly reports shall be filed, in duplicate, in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., within 45 days after the end of the month to which they relate.

And it is further ordered, That copies of this order and of the attached form shall be served on all Class I Railroads, except Class I Switching and Terminal Companies, subject to the provisions of section 20, Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

NOTE: The reporting requirements of this order and of report form IBS attached hereto have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942, as indicated on the form.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-762; Filed, Jan. 31, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 301]

PROCEDURE AND ADMINISTRATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. These proposed regulations relate to the administrative provisions under chapter 77 of Subtitle F of the Internal Revenue Code of 1954. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

MISCELLANEOUS PROVISIONS

Sec.
301.7501 Statutory provisions; liability for taxes withheld or collected.
301.7502 Statutory provisions; timely mailing treated as timely filing.
301.7502-1 Timely mailing treated as timely filing.
301.7503 Statutory provisions; time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.
301.7503-1 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.
301.7504 Statutory provisions; fractional parts of a dollar.
301.7505 Statutory provisions; sale of personal property purchased by the United States.
301.7505-1 Sale of personal property purchased by the United States.
301.7506 Statutory provisions; administration of real estate acquired by the United States.
301.7506-1 Administration of real estate acquired by the United States.
301.7507 Statutory provisions; exemption of insolvent banks from tax.
301.7507-1 Banks and trust companies covered.
301.7507-2 Scope of section generally.
301.7507-3 Segregated or transferred assets.
301.7507-4 Unsegregated assets.
301.7507-5 Earnings.
301.7507-6 Abatement and refund.
301.7507-7 Establishment of immunity.
301.7507-8 Procedure during immunity.
301.7507-9 Termination of immunity.
301.7507-10 Collection of tax after termination of immunity.
301.7507-11 Exception of employment taxes.
301.7508 Statutory provisions; time for performing certain acts postponed by reason of war.
301.7509 Statutory provisions; expenditures incurred by the Post Office Department.
301.7510 Statutory provisions; exemption from tax of domestic goods purchased for the United States.
301.7510-1 Exemption from tax of domestic goods purchased for the United States.
301.7511 Statutory provisions; exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

MISCELLANEOUS PROVISIONS

§ 301.7501 *Statutory provisions; liability for taxes withheld or collected.*

SEC. 7501. *Liability for taxes withheld or collected*—(a) *General rule.* Whenever any person is required to collect or withhold any internal revenue tax from any other person and to pay over such tax to the United States, the amount of tax so collected or withheld shall be held to be a special fund in trust for the United States. The amount of such fund shall be assessed, collected, and paid in the same manner and subject to the same provisions and limitations (including penalties) as are applicable with respect to the taxes from which such fund arose.

(b) *Penalties.* For penalties applicable to violations of this section, see sections 6672 and 7202.

§ 301.7502 *Statutory provisions; timely mailing treated as timely filing.*

SEC. 7502. *Timely mailing treated as timely filing*—(a) *General rule.* If any claim, statement, or other document (other than a return or other document required under authority of chapter 61), required to be filed within a prescribed period or on or before a prescribed date under authority of any provision of the internal revenue laws is, after such period or such date, delivered by United States mail to the agency, officer, or office with which such claim, statement, or other document is required to be filed, the date of the United States postmark stamped on the cover in which such claim, statement, or other document is mailed shall be deemed to be the date of delivery. This subsection shall apply only if the postmark date falls within the prescribed period or on or before the prescribed date for the filing of the claim, statement, or other document, determined with regard to any extension granted for such filing, and only if the claim, statement, or other document was, within the prescribed time, deposited in the mail in the United States in an envelope or other appropriate wrapper, postage prepaid, properly addressed to the agency, office, or officer with which the claim, statement, or other document is required to be filed.

(b) *Stamp machine.* This setcion shall apply in the case of postmarks not made by the United States Post Office only if and to the extent provided by regulations prescribed by the Secretary or his delegate.

(c) *Registered mail.* If any such claim, statement, or other document is sent by United States registered mail, such registration shall be prima facie evidence that the claim, statement, or other document was delivered to the agency, office, or officer to which addressed, and the date of registration shall be deemed the postmark date.

(d) *Exception.* This section shall not apply with respect to the filing of a document in any court other than the Tax Court.

§ 301.7502-1 *Timely mailing treated as timely filing*—(a) *General rule.* Section 7502 provides that, if the requirements of such section are met, a document shall be deemed to be filed on the date of the postmark stamped on the cover in which such document was mailed. Thus, if the cover containing such document bears a timely postmark, the document will be considered filed timely although it is received after the last date, or the last day of the period, prescribed for filing such document. Section 7502 does not apply to the payment of any tax. Section 7502 is applicable only to those documents which come within the definition of such term provided by paragraph (b) of this section and only if the document is mailed in accordance with paragraph (c) of this section and is delivered in accordance with paragraph (d) of this section.

(b) *Document defined.* (1) The term "document", as used in this section, means any claim, statement, or other document required to be filed within a prescribed period or on or before a prescribed date under authority of any provision of the internal revenue laws, except as provided in the following subdivisions of this subparagraph:

(i) The term does not include any return required under authority of any internal revenue law or any other document required under authority of chapter 61. Thus, for example, such term does not include the income tax returns required by section 6012, the declarations of estimated income tax by individuals and corporations required by sections 6015 and 6016, and the estate tax and gift tax returns required by sections 6018 and 6019. Nor does the term include any return required under authority of subtitle E, relating to alcohol, tobacco, and certain other excise taxes.

(ii) The term does not include any document filed in any court other than the Tax Court, but the term does include any document filed with the Tax Court, including a petition for redetermination of a deficiency and a petition for review of a decision of the Tax Court.

(iii) The term does not include any document which is required to be filed with a bank or other depositary pursuant to section 6302 (c).

(2) A return may contain, or have attached to it, a statement which sets forth an election under the internal revenue laws. In such a case, section 7502 is applicable to the statement if the conditions of such section are met, although it does not apply to the return. Moreover, in the case of certain taxes, a return may constitute a claim for refund or credit. In such a case, section 7502 is applicable to the claim for refund or credit if the conditions of such section are met, irrespective of whether the claim is also a return.

(c) *Mailing requirements.* (1) Section 7502 is not applicable unless the document is mailed in accordance with the following requirements:

(i) The document must be contained in an envelope or other appropriate wrapper, properly addressed to the agency, officer, or office with which the document is required to be filed.

(ii) The document must be deposited in the mail in the United States with sufficient postage prepaid. For this purpose, a document is deposited in the mail in the United States when it is deposited with the domestic mail service of the United States Post Office. The domestic mail service of the United States Post Office, as defined by the postal regulations, includes mail transmitted within, among, and between the United States, its Territory and possessions, and Army-Air Force (APO) and Navy (FPO) post offices (see 39 CFR 2.1). Section 7502 does not apply to any document which is deposited with the mail service of any other country.

(iii) (*a*) If the postmark on the envelope or wrapper is made by the United States Post Office, such postmark must bear a date on or before the last date, or the last day of the period, prescribed for filing the document. If the postmark does not bear a date on or before the last date, or the last day of the period, prescribed for filing the document, the document will be considered not to be filed timely, regardless of when the document is deposited in the mail. Accordingly, the sender who relies upon the applicability of section 7502 assumes the risk that the postmark will bear a date on or before the last date, or the last day of the period, prescribed for filing the document, but see subparagraph (2) of this paragraph with respect to the use of registered mail to avoid this risk. If the postmark on the envelope or wrapper is not legible, the person who is required to file the document has the burden of proving the time when the postmark was made.

(*b*) If the postmark on the envelope or wrapper is made other than by the United States Post Office, (*1*) the postmark so made must bear a date on or before the last date, or the last day of the period, prescribed for filing the document, and (*2*) the document must be received by the agency, officer, or office with which it is required to be filed not later than the time when a document contained in an envelope or other appropriate wrapper which is properly addressed and mailed and sent by the same class of mail would ordinarily be received if it were postmarked at the same point of origin by the United States Post Office on the last date, or the last day of the period, prescribed for filing the document. If the envelope has a postmark made by the United States Post Office in addition to the postmark not so made, the postmark which was not made by the United States Post Office shall be disregarded, and whether the envelope was mailed in accordance with this subdivision shall be determined solely by applying the rule of (*a*) of this subdivision.

(2) If the document is sent by United States registered mail, the date of registration of the document shall be treated as the postmark date. Accordingly, the risk that the document will not be postmarked on the day that it is deposited in the mail may be overcome by the use of registered mail.

(3) As used in this section, the term "the last date, or the last day of the period, prescribed for filing the document" includes any extension of time granted for such filing. When the last date, or the last day of the period, prescribed for filing the document falls on a Saturday, Sunday or legal holiday, section 7503 is also applicable, so that, in applying the rules of this paragraph, the next succeeding day which is not a Saturday, Sunday, or legal holiday shall be treated as the last date, or the last day of the period, prescribed for filing the document.

(d) *Delivery.* (1) Section 7502 is not applicable unless the document is delivered by United States mail to the agency, officer, or office with which it is required to be filed. However, if the document is sent by registered mail, proof that the document was properly registered and that the envelope or wrapper was properly addressed to such agency, officer, or office shall constitute prima facie evidence that the document was delivered to such agency, officer, or office.

(2) Section 7502 is applicable only when the document is delivered after the last date, or the last day of the period, prescribed for filing the document. However, section 7502 is also applicable when a claim for credit or refund is delivered after the last day of the period specified in section 322 (b) (2) of the Internal Revenue Code of 1939 or in any other corresponding provision of

law relating to the limit on the amount of credit or refund that is allowable. For example, taxpayer A was required to file his income tax return for 1953 on or before March 15, 1954, but he secured an extension until June 15, 1954 to file such return. His return was filed on June 15, 1954, but no tax was paid at such time because the tax liability disclosed by the return had been completely satisfied by the income tax that had been withheld on his wages and by the payments of estimated tax. On March 14, 1957, A mailed in accordance with the requirements of this section a claim for refund of a portion of his 1953 tax. The envelope containing the claim was postmarked on such day, but it was not delivered to the district director's office until March 18, 1957. Under section 322 (b) (1) of the Internal Revenue Code of 1939, A's claim for refund is timely if filed within three years from June 15, 1954. However, as a result of the limitation of section 322 (b) (2) of the 1939 Code, if his claim is not filed within three years after March 15, 1954, the date on which he is deemed under section 322 (e) of the 1939 Code to have paid his 1953 tax, he is not entitled to any refund. Thus, since A's claim for refund was mailed in accordance with the requirements of this section and was delivered after the last day of the period specified in such section 322 (b) (2), section 7502 is applicable, and the claim is deemed to have been filed on March 14, 1957.

(e) *Applicability.* Section 7502 and this section are applicable with respect to any document which is mailed and delivered in accordance with the requirements of this section and which is mailed in an envelope having a postmark bearing a date after August 16, 1954, irrespective of whether the postmark is made by the United States Post Office, and irrespective of whether the tax to which the document pertains is imposed by the Internal Revenue Code of 1954 or a prior internal revenue law.

§ 301.7503 *Statutory provisions; time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.*

SEC. 7503. *Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.* When the last day prescribed under authority of the internal revenue laws for performing any act falls on Saturday, Sunday, or a legal holiday, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday, or a legal holiday. For purposes of this section, the last day for the performance of any act shall be determined by including any authorized extension of time; the term "legal holiday" means a legal holiday in the District of Columbia; and in the case of any return, statement, or other document required to be filed, or any other act required under authority of the internal revenue laws to be performed, at any office of the Secretary or his delegate, or at any other office of the United States or any agency thereof, located outside the District of Columbia but within an internal revenue district, the term "legal holiday" also means a Statewide legal holiday in the State where such office is located.

§ 301.7503–1 *Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday*—(a) *In general.* Section 7503 provides that when the last day prescribed under authority of any internal revenue law for the performance of any act falls on a Saturday, Sunday, or legal holiday, such act shall be considered performed timely if performed on the next succeeding day which is not a Saturday, Sunday, or legal holiday. For this purpose, any authorized extension of time shall be included in determining the last day for performance of any act. Section 7503 is applicable only in case an act is required under authority of any internal revenue law to be performed on or before a prescribed date or within a prescribed period. For example, if the 2-year period allowed by section 6532 (a) (1) to bring a suit for refund of any internal revenue tax expires on Thursday, November 22, 1956 (Thanksgiving Day), the suit will be timely if filed on Friday, November 23, 1956, in the Court of Claims, or in a district court. Section 7503 applies to acts to be performed by the taxpayer (such as, the filing of any return of, and the payment of, any income, estate, or gift tax; the filing of a petition with the Tax Court for redetermination of a deficiency, or for review of a decision rendered by such Court; the filing of a claim for credit or refund of any tax) and acts to be performed by the Commissioner or a district director (such as, the giving of any notice with respect to, or making any demand for the payment of, any tax; the assessment or collection of any tax).

(b) *Legal holidays.* (1) For the purpose of section 7503, the term "legal holiday" includes the legal holidays in the District of Columbia. Such legal holidays are—

(i) January 1, New Year's Day (D. C. Code, Title 28, sec. 616),

(ii) January 20, when such day is Inauguration Day (D. C. Code, Title 28, sec. 616),

(iii) February 22, Washington's Birthday (D. C. Code, Title 28, sec. 616),

(iv) May 30, Memorial Day (D. C. Code, Title 28, sec. 616),

(v) July 4, Independence Day (D. C. Code, Title 28, sec. 616),

(vi) First Monday in September, Labor Day (5 U. S. C. 87),

(vii) November 11, Veterans' Day (5 U. S. C. 87a, as amended),

(viii) Fourth Thursday in November, Thanksgiving Day (5 U. S. C. 87b), and

(ix) December 25, Christmas Day (D. C. Code Title 28, sec. 616).

When a legal holiday in the District of Columbia falls on a Sunday, the next day is a legal holiday in the District of Columbia (see D. C. Code, Title 28, sec. 616).

(2) In the case of any return, statement, or other document required to be filed, or any other act required under the authority of the internal revenue laws to be performed, at any office of the Internal Revenue Service, or any other office or agency of the United States, located outside the District of Columbia, but within an internal revenue district, the term "legal holiday" includes, in addition to the legal holidays enumerated in subparagraph (1) of this paragraph, any State-wide legal holiday of the State where the act is required to be performed. If the act is performed in accordance with law at an office of the Internal Revenue Service or any other office or agency of the United States located in a Territory or possession of the United States, the term "legal holiday" includes, in addition to the legal holidays described in subparagraph (1) of this paragraph, any legal holiday which is recognized throughout the Territory or possession in which the office is located. Accordingly, if a resident of Alaska files his return with the District Director at Seattle, Washington, the extension provided by section 7503 is applicable in case the last day for filing the return is a legal holiday in the District of Columbia or in the State of Washington. However, if he files his return with an office of the Internal Revenue Service located in Alaska, such extension is applicable in case the last day for filing the return is a legal holiday in the District of Columbia or in Alaska.

(c) *Applicability.* Section 7503 and this section are applicable in any case when the last day prescribed under authority of any internal revenue law for the performance of any act falls on a Saturday, Sunday, or legal holiday, which occurs after August 16, 1954, irrespective of whether the tax in connection with which the act is required to be performed is imposed by this title or a prior internal revenue law.

§ 301.7504 *Statutory provisions; fractional parts of a dollar.*

SEC. 7504. *Fractional parts of a dollar.* The Secretary or his delegate may by regulations provide that in the allowance of any amount as a credit or refund, or in the collection of any amount as a deficiency or underpayment, of any tax imposed by this title, a fractional part of a dollar shall be disregarded, unless it amounts to 50 cents or more, in which case it shall be increased to 1 dollar.

§ 301.7505 *Statutory provisions; sale of personal property purchased by the United States.*

SEC. 7505. *Sale of personal property purchased by the United States*—(a) *Sale.* Any personal property purchased by the United States under the authority of section 6335 (e) (relating to purchase for the account of the United States of property sold under levy) may be sold by the Secretary or his delegate in accordance with such regulations as may be prescribed by the Secretary or his delegate.

(b) *Accounting.* In case of the resale of such property, the proceeds of the sale shall be paid into the Treasury as internal revenue collections, and there shall be rendered a distinct account of all charges incurred in such sales.

§ 301.7505–1 *Sale of personal property purchased by the United States*—(a) *Sale*—(1) *In general.* Any personal property (except bonds, notes, checks, and other securities) purchased by the United States under the authority of section 6335 (e) (relating to purchase for the account of the United States of property sold under levy) or the corresponding provisions of prior law may be sold by the district director who purchased such property for the United States. United States Savings Bonds shall not be sold by the district director but shall be transferred to the Division of Loans and Currency, Treasury Department, for redemption. Other bonds, notes, checks, and other securities shall be disposed of in accordance with instructions issued by the Commissioner.

(2) *Time, place, manner, and terms of sale.* The time, place, manner, and terms of sale of personal property purchased for the United States shall be as follows:

(i) *Time, notice, and place of sale.* The property may be sold at any time after it has been purchased by the United States. A public notice of sale shall be posted at the post office nearest the place of sale and in at least two other public places. The notice shall specify the property to be sold and the time, place, manner, and conditions of sale. In addition, the district director may use such other methods of advertising as he believes will result in obtaining the highest price for the property. The place of sale shall be within the internal revenue district where the property was originally purchased for the United States. However, if the district director believes that a substantially higher price may be obtained, the sale may be held outside his district.

(ii) *Rejection of bids and adjournment of sale.* The internal revenue officer conducting the sale reserves the right to reject any and all bids and withdraw the property from the sale. When it appears to the internal revenue officer conducting the sale that an adjournment of the sale will best serve the interest of the United States, he may order the sale adjourned from time to time. If the sale is adjourned for more than 30 days in the aggregate, public notice of the sale must again be given in accordance with subdivision (i) of this subparagraph.

(iii) *Liquidated damages.* The notice shall state whether, in the case of default in payment of the bid price, any amount deposited with the United States will be retained as liquidated damages. In case liquidated damages are provided, the amount thereof shall not exceed $200.

(3) *Agreement to bid.* The district director may, before giving notice of sale, solicit offers from prospective bidders and enter into agreements with such persons that they will bid at least a specified amount in case the property is offered for sale. In such cases, the district director may also require such persons to make deposits to secure the performance of their agreements. Any such deposit, but not more than $200, shall be retained as liquidated damages in case such person fails to bid the specified amount and the property is not sold for as much as the amount specified in such agreement.

(4) *Terms of payment.* The property shall be offered for sale upon whichever of the following terms is fixed by the district director in the public notice of sale—

(i) Payment in full upon acceptance of the highest bid, without regard to the amount of such bid, or

(ii) If the aggregate price of all property purchased by a successful bidder at the sale is more than $200, an initial payment of $200 or 20 percent of the purchase price, whichever is the greater, and payment of the balance (including all costs incurred for the protection or preservation of the property subsequent to the sale and prior to final payment) within a specified period, not to exceed one month from the date of the sale.

(5) *Method of sale.* The property may be sold either—

(i) At public auction, at which open competitive bids shall be received, or

(ii) At public sale under sealed bids.

(6) *Sales under sealed bids.* The following rules, in addition to the other rules provided in this paragraph, shall be applicable to public sales under sealed bids:

(i) *Invitation to bidders.* Bids shall be solicited through a public notice of sale.

(ii) *Form for use by bidders.* A bid shall be submitted on a form which will be furnished by the district director upon request. The form shall be completed in accordance with the instructions thereon.

(iii) *Remittance with bid.* If the total bid is $200 or less, the full amount of the bid shall be submitted therewith. If the total bid is more than $200, 20 percent of such bid or $200, whichever is greater, shall be submitted therewith. Such remittance shall be by a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order.

(iv) *Time for receiving and opening bids.* Each bid shall be submitted in a securely sealed envelope. The bidder shall indicate in the upper left hand corner of the envelope his name and address and the time and place of sale as announced in the public notice of sale. A bid will not be considered unless it is received by the internal revenue officer conducting the sale prior to the opening of the bids. The bids will be opened at the time and place stated in the notice of sale, or at the time fixed in the announcement of the adjournment of the sale.

(v) *Consideration of bids.* The internal revenue officer conducting the sale shall have the right to waive any technical defects in a bid. After the opening, examination, and consideration of all bids, the internal revenue officer conducting the sale shall announce the amount of the highest bid or bids and the name of the successful bidder or bidders, unless in the opinion of the officer a higher price can be obtained for the property than has been bid. In the event the highest bids are equal in amount (and unless in the opinion of the internal revenue officer conducting the sale a higher price can be obtained for the property than has been bid), the officer shall determine the successful bidder by drawing lots. Any remittance submitted in connection with an unsuccessful bid shall be returned to the bidder at the conclusion of the sale.

(vi) *Withdrawal of bids.* A bid may be withdrawn on written or telegraphic request received from the bidder prior to the time fixed for opening the bids. A technical defect in a bid confers no right on the bidder for the withdrawal of his bid after it has been opened.

(7) *Payment of bid price.* All payments for property sold pursuant to this section shall be made by cash or by a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order. If payment in full is required upon acceptance of the highest bid, the payment shall be made at such time. If payment in full is not made at such time, the internal revenue officer conducting the sale may forthwith proceed again to sell the property in the manner provided in subparagraph (5) of this paragraph. If deferred payment is permitted, the initial payment shall be made upon acceptance of the bid, and the balance shall be paid on or before the date fixed for payment thereof. Any remittance submitted with a successful sealed bid shall be applied toward the purchase price.

(8) *Delivery and removal of personal property.* The risk of loss is on the purchaser of the property upon acceptance of his bid. Possession of any property shall not be delivered to the purchaser until the purchase price has been paid in full. If payment of part of the purchase price for the property is deferred, the United States will retain possession of such property as security for the payment of the balance of the purchase price and, as agent for the purchaser, will cause the property to be cared for until the purchase price has been paid in full or the sale is declared null and void for failure to make full payment of the purchase price. In such case, all charges and expenses incurred in caring for the property after acceptance of the bid shall be borne by the purchaser.

(9) *Certificate of sale.* The internal revenue officer conducting the sale shall issue a certificate of sale to the purchaser upon payment in full of the purchase price.

(b) *Accounting.* In case of the resale of such property, the proceeds of the sale shall be paid into the Treasury as internal revenue collections, and there shall be rendered by the district director a distinct account of all charges incurred in such sale. For additional accounting rules, see section 7809 and the instructions thereunder.

§ 301.7506. *Statutory provisions; administration of real estate acquired by the United States.*

SEC. 7506. *Administration of real estate acquired by the United States*—(a) *Person charged with.* The Secretary or his delegate shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage or other security for the payment of such debts, and of all trusts created for the use of the United

States in payment of such debts due them.

(b) *Sale.* The Secretary or his delegate, may, at public sale, and upon not less than 20 days' notice, sell and dispose of any real estate owned or held by the United States as aforesaid.

(c) *Lease.* Until such sale, the Secretary or his delegate may lease such real estate owned as aforesaid on such terms and for such period as the Secretary or his delegate shall deem proper.

(d) *Release to debtor.* In cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of 1 percent per month, to the United States, within 2 years from the date of the acquisition of such real estate, it shall be lawful for the Secretary or his delegate to release by deed or otherwise convey such real estate to the debtor from whom it was taken, or to his heirs or other legal representatives.

§ 301.7506–1 *Administration of real estate acquired by the United States*—(a) *Persons charged with.* The district director for the internal revenue district in which the property is situated shall have charge of all real estate which is or shall become the property of the United States by judgment of forfeiture under the internal revenue laws, or which has been or shall be assigned, set off, or conveyed by purchase or otherwise to the United States in payment of debts or penalties arising under the laws relating to internal revenue, or which has been or shall be vested in the United States by mortgage, or other security for the payment of such debts, or which has been or shall be purchased for the United States under section 6335 (e) or under a corresponding provision of prior law, and of all trusts created for the use of the United States in payment of such debts due the United States.

(b) *Sale.* The district director for the internal revenue district in which the property is situated may sell any real estate owned or held by the United States as aforesaid, subject to the following rules—

(1) *Property purchased at sale under levy.* If the property was acquired as a result of being declared purchased for the United States at a sale under section 6335, relating to sale of seized property, the property shall not be sold until after the expiration of one year after such sale under levy.

(2) *Notice of sale.* A notice of sale shall be published in some newspaper published or generally circulated within the county where the property is situated, or a notice shall be posted at the post office nearest the place where the property is situated and in at least two other public places. The notice shall specify the property to be sold and the time, place, manner and conditions of sale. In addition, the district director may use other methods of advertising and of giving notice of sale if he believes such method will enhance the possibility of obtaining a higher price for the property.

(3) *Time and place of sale.* The time of the sale shall be not less than 20 days from the date of giving public notice of sale under subparagraph (2) of this paragraph. The place of sale shall be within the county where the property is situated. However, if the district director believes a substantially better price may be obtained, he may hold the sale outside such county.

(4) *Rejection of bids and adjournment of sale.* The internal revenue officer conducting the sale reserves the right to reject any and all bids and withdraw the property from the sale. When it appears to the internal revenue officer conducting the sale that an adjournment of the sale will best serve the interest of the United States, he may order the sale adjourned from time to time. If the sale is adjourned for more than 30 days in the aggregate, public notice of the sale must be given again in accordance with subparagraph (2) of this paragraph.

(5) *Liquidated damages.* The notice shall state whether, in the case of default in payment of the bid price, any amount deposited with the United States will be retained as liquidated damages. In case liquidated damages are provided, the amount thereof shall not exceed $200.

(6) *Agreement to bid.* The district director may, before giving notice of sale, solicit offers from prospective bidders and enter into agreements with such persons that they will bid at least a specified amount in case the property is offered for sale. In such cases, the district director may also require such persons to make deposits to secure the performance of their agreements. Any such deposit, but not more than $200, shall be retained as liquidated damages in case such person fails to bid the specified amount and the property is not sold for as much as the amount specified in such agreement.

(7) *Terms.* The property shall be offered for sale upon whichever of the following terms is fixed by the district director in the public notice of sale:

(i) Payment in full upon acceptance of the highest bid, or

(ii) If the price of the property purchased by a successful bidder at the sale is more than $200, an initial payment of $200 or 20 percent of the purchase price, whichever is the greater, and payment of the balance within a specified period, not to exceed one month from the date of the sale.

(8) *Method of sale.* The property may be sold either—

(i) At public auction, at which open competitive bids shall be received, or

(ii) At public sale under sealed bids.

(9) *Sales under sealed bids.* The following rules, in addition to the other rules provided in this paragraph, shall be applicable at public sales under sealed bids:

(i) *Invitation to bidders.* Bids shall be solicited through a public notice of sale.

(ii) *Form for use by bidders.* A bid shall be submitted on a form which will be furnished by the district director upon request. The form shall be completed in accordance with the instructions thereon.

(iii) *Remittance with bid.* If the total bid is $200 or less, the full amount of the bid shall be submitted therewith. If the total bid is more than $200, 20 percent of such bid or $200, whichever is greater, shall be submitted therewith. Such remittance shall be by a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order.

(iv) *Time for receiving and opening bids.* Each bid shall be submitted in a securely sealed envelope. The bidder shall indicate in the upper left hand corner of the envelope his name and address and the time and place of sale as announced in the public notice of sale. A bid shall not be considered unless it is received by the internal revenue officer conducting the sale prior to the opening of the bids. The bids will be opened at the time and place stated in the notice of sale, or at the time fixed in the announcement of the adjournment of the sale.

(v) *Consideration of bids.* The internal revenue officer conducting the sale shall have the right to waive any technical defects in a bid. After the opening, examination, and consideration of all bids, the internal revenue officer conducting the sale shall announce the amount of the highest bid or bids and the name of the successful bidder or bidders, unless in the opinion of the officer a higher price can be obtained for the property than has been bid. In the event the highest bids are equal in amount (and unless in the opinion of the internal revenue officer conducting the sale a higher price can be obtained for the property than has been bid), the officer shall determine the successful bidder by drawing lots. Any remittance submitted in connection with an unsuccessful bid shall be returned to the bidder at the conclusion of the sale.

(vi) *Withdrawal of bids.* A bid may be withdrawn on written or telegraphic request received from the bidder prior to the time fixed for opening the bids. A technical defect in a bid confers no right on the bidder for the withdrawal of his bid after it has been opened.

(10) *Payment of bid price.* All payments for property sold pursuant to this section shall be made by cash or by a certified, cashier's, or treasurer's check drawn on any bank or trust company incorporated under the laws of the United States or under the laws of any State, Territory, or possession of the United States, or by a United States postal, bank, express, or telegraph money order. If payment in full is required upon acceptance of the highest bid, the payment shall be made at such time. If payment in full is not made at such time, the internal revenue officer conducting the sale may forthwith proceed again to sell the property in the manner provided in subparagraph (8) of this paragraph. If deferred payment is permitted, the initial payment shall be made upon acceptance of the bid, and the balance shall be paid on or before the date fixed for payment thereof. Any remittance submitted with a successful sealed bid shall be applied toward the purchase price.

(11) *Deed.* Upon payment in full of the purchase price, the district director shall execute a quitclaim deed to the purchaser.

(c) *Lease.* Until real estate is sold, the district director for the internal revenue district in which the property is situated may, in accordance with instructions issued by the Commissioner, lease such property.

(d) *Release to debtor.* In cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon (at the rate of one percent per month), to the United States within two years from the date of the acquisition of such real estate, the district director for the internal revenue district in which the property is located may release by deed or otherwise convey such real estate to the debtor from whom it was taken, or to his heirs or other legal representatives. If property is declared purchased by the United States under section 6335, then, for the purpose of this paragraph, the date of such declaration shall be deemed to be the date of acquisition of such real estate.

(e) *Accounting.* The district director for the internal revenue district in which the property is situated shall, in accordance with section 7809 and the instructions thereunder, account for the proceeds of all sales or leases of the property and all expenses connected with the maintenance, sale, or lease of the property.

(f) *Authority of Commissioner.* Notwithstanding the other paragraphs of this section, the Commissioner may, when he deems it advisable, take charge of and assume responsibility for any real estate to which this section is applicable. In such case, the Commissioner will notify in writing the district director for the internal revenue district in which the property is situated. In any case where a single parcel of real estate is situated in more than one internal revenue district, the Commissioner may designate in writing a district director who shall have charge of and be responsible for the entire property.

§ 301.7507 *Statutory provisions; exemption of insolvent banks from tax.*

SEC. 7507. *Exemption of insolvent banks from tax*—(a) *Assets in general.* Whenever and after any bank or trust company, a substantial portion of the business of which consists of receiving deposits and making loans and discounts, has ceased to do business by reason of insolvency or bankruptcy, no tax shall be assessed or collected, or paid into the Treasury of the United States, on account of such bank or trust company, which shall diminish the assets thereof necessary for the full payment of all its depositors; and such tax shall be abated from such national banks as are found by the Comptroller of the Currency to be insolvent; and the Secretary or his delegate, when the facts shall appear to him, is authorized to remit so much of the said tax against any such insolvent banks and trust companies organized under State law as shall be found to affect the claims of their depositors.

(b) *Segregated assets; earnings.* Whenever any bank or trust company, a substantial portion of the business of which consists of receiving deposits and making loans and discounts, has been released or discharged from its liability to its depositors for any part of their claims against it, and such depositors have accepted, in lieu thereof, a lien upon subsequent earnings of such bank or trust company, or claims against assets segregated by such bank or trust company or against assets transferred from it to an individual or corporate trustee or agent, no tax shall be assessed or collected or paid into the Treasury of the United States, on account of such bank or trust company, such individual or corporate trustee or such agent, which shall diminish the assets thereof which are available for the payment of such depositor claims and which are necessary for the full payment thereof. The term "agent", as used in this subsection, shall be deemed to include a corporation acting as a liquidating agent.

(c) *Refund; reassessment; statutes of limitation.* (1) Any such tax collected shall be deemed to be erroneously collected, and shall be refunded subject to all provisions and limitations of law, so far as applicable, relating to the refunding of taxes.

(2) Any tax, the assessment, collection, or payment of which is barred under subsection (a), or any such tax which has been abated or remitted after May 28, 1938, shall be assessed or reassessed whenever it shall appear that payment of the tax will not diminish the assets as aforesaid.

(3) Any tax, the assessment, collection, or payment of which is barred under subsection (b), or any such tax which has been refunded after May 28, 1938, shall be assessed or reassessed after full payment of such claims of depositors to the extent of the remaining assets segregated or transferred as described in subsection (b).

(4) The running of the statute of limitations on the making of assessment and collection shall be suspended during, and for 90 days beyond, the period for which, pursuant to this section, assessment or collection may not be made, and a tax may be reassessed as provided in paragraphs (2) and (3) of this subsection and collected, during the time within which had there been no abatement, collection might have been made.

(d) *Exception of employment taxes.* This section shall not apply to any tax imposed by chapter 21 or chapter 23.

§ 301.7507–1 *Banks and trust companies covered.* (a) Section 7507 applies to any national bank, or bank or trust company organized under State law, a substantial portion of the business of which consists of receiving deposits and making loans and discounts, and which has—

(1) Ceased to do business by reason of insolvency or bankruptcy, or

(2) Been released or discharged from its liability to its depositors for any part of their deposit claims, and the depositors have accepted in lieu thereof a lien upon its subsequent earnings or claims against its assets either (i) segregated and held by it for benefit of the depositors or (ii) transferred to an individual or corporate trustee or agent who liquidates, holds or operates the assets for the benefit of the depositors.

(b) As used in the regulations under section 7507:

(1) The term "bank", unless otherwise indicated by the context, means any national bank, or bank or trust company organized under State law, within the scope of such section.

(2) The terms "statute of limitations" and "limitations" mean all applicable provisions of law (including section 7507) which impose, change, or affect the limitations, conditions, or requirements relative to the allowance of refunds and abatements or the assessment or collection of tax, as the case may be.

(3) The term "segregated assets" includes transferred or trusteed assets, or assets set aside or earmarked, to all or a portion of which, or the proceeds of which, the depositors are absolutely or conditionally entitled.

§ 301.7507–2 *Scope of section generally*—(a) *Purpose.* Section 7507 is intended to assist depositors of a bank which had ceased to do business by reason of insolvency to recover their deposits, by prohibiting collection of taxes of the bank which would diminish the assets necessary for payment of its depositors and also assist depositors of banks which are in financial difficulties but which, in certain conditions, continue in business.

(b) *Requisites of application.* In order that section 7507 shall operate in a case where the bank continues business it is necessary that the depositors shall agree to accept, in lieu of all or a part of their deposit claims as such, claims against segregated assets, or a lien upon subsequent earnings of the bank, or both. When such an agreement exists, no tax diminishing such assets or earnings, or both, otherwise available and necessary for payment of depositors, may be collected therefrom. If, under such an agreement, the depositors have the right also to look to the unsegregated assets of the bank for recovery, in whole or in part, the unsegregated assets are likewise, until they exceed the amount of the depositors' claims chargeable thereto, unavailable for tax collection. Any tax of such a bank, or part of any tax, which is once uncollectible under section 7507, cannot thereafter be collected except from any residue of segregated assets remaining after claims of depositors against such assets have been paid.

(c) *Interest.* For the purposes of section 7507, depositors' claims include bona fide interest, either on the deposits as such, or on the claims accepted in lieu of deposits as such.

(d) *Limitations on immunity.* Section 7507 is not primarily intended for the relief of banks as such. It does not prevent tax collection, from assets not necessary, or not available, for payment of depositors, from a bank within section 7507 (a), at any time within the statute of limitations. In other words, the immunity of such a bank is not complete, but ceases whenever, within the statutory period for collection, it becomes possible to make collection without diminishing assets necessary for payment of depositors. In the case of a bank within section 7507 (b), any immunity to which the bank is entitled is absolute except as to segregated assets. Any tax coming within such immunity may never be collected. With respect to segregated assets, such a bank is subject to the same rule as a bank within section 7507 (a), that is to say, after

claims of depositors against segregated assets have been paid, any surplus is subject, within the statute of limitations, to collection of any tax, due at any time, the collection of which was suspended by the section. The section is not for the relief of creditors other than depositors, although it may incidentally operate for their benefit. See §§ 301.7507–4 and 301.7507–9 (b).

§ 301.7507–3 *Segregated or transferred assets*—(a) *In general.* In a case involving segregated or transferred assets, it is not necessary, for application of section 7507, that the assets shall technically constitute a trust fund. It is sufficient that segregated assets be definitely separated from other assets of the bank and that transferred assets be definitely separated both from other assets of the bank and from other assets held or owned by the trustee or agent to whom assets of the bank have been transferred; that the bank be wholly or partially released from liability for repayment of deposits as such; and that the depositors have claims against the separated assets. Any excess of separated assets over the amount necessary for payment of such depositors will be available for tax collection after full payment of depositors' claims under the agreement against such assets. But see § 301.7507–9 (a).

(b) *Corporate transferees.* Where the segregated assets are transferred to a separate corporate trustee or corporate agent, the assets and earnings therefrom are within the protection of the section, until full payment of depositors' claims against such assets and earnings, no matter by whom the stock of such corporation is held, and no matter whether the assets be liquidated or operated or held for benefit of the depositors.

§ 301.7507–4 *Unsegregated assets*—(a) *Depositors' claims against assets.* (1) Claims of depositors, to the extent that they are to be satisfied out of segregated assets, will not be considered in determining the availability of unsegregated assets for tax collection. If depositors have agreed to accept payment out of segregated assets only, collection of tax from unsegregated assets will not diminish the assets available and necessary for payment of the depositors' claims. Thus, it may be possible to collect taxes from the unsegregated assets of a bank although the segregated assets are immune under the section.

(2) If the unsegregated assets of the bank are subject to any portion of the depositors' claims, such unsegregated assets will be within the immunity of the section only to the extent necessary to satisfy the claims to which such assets are subject. Taxes will still be collectible from the unsegregated assets to the extent of the amount by which the total value of such assets exceeds the liability to depositors to be satisfied therefrom. Therefore, if, for example, in the case of a bank having a tax liability, not previously immune under the section, of $50,000, the deposit claims against the bank are in the amount of $75,000, and the assets available for satisfaction of deposit claims amount to $100,000, the $50,000 tax is collectible to the extent of the $25,000 excess of assets over deposit claims. Collection is not to be postponed until the full amount of the tax is collectible.

(b) *Depositors' claims against earnings.* Even though under a bona fide agreement a bank has been released from depositors' claims as to unsegregated assets, if all or a portion of its earnings are subject to depositors' claims, all assets the earnings from which, in whole or part, are charged with the payment of depositors' claims, will be immune from tax collection. But see § 301.7507–5 (a).

§ 301.7507–5 *Earnings*—(a) *Availability for tax collection.* Earnings of a bank within section 7507 (b), whether from segregated or unsegregated assets, which are necessary for, applicable to, and actually used for, payment of depositors' claims under an agreement, are within the immunity of the section. If only a portion or percentage of income from segregated or unsegregated assets is available and necessary for payment of depositors' claims, the remaining income is available for tax collection. Earnings of the bank's first fiscal year ending after the making of the agreement not applicable to payment of depositors will be assumed to be applicable for collection of any tax due prior or subsequent to execution of the agreement. Earnings of subsequent fiscal periods from unsegregated assets not applicable to depositors' claims will be assumed to be applicable to payment of taxes as to which immunity under the section has not previously attached. Earnings from segregated assets are available for collection of tax, whether previously uncollectible under the section or not, after depositors' claims against such assets have been paid in full. See §§ 301.7507–3 (a) and 301.7507–9 (a).

(b) *Tax computation.* The fact that earnings of a given year may be wholly or partly unavailable under section 7507 for collection of taxes does not exempt the income for that year, or any part thereof, from tax liability. The section affects collectibility only, and is not concerned with taxability. Accordingly, the taxpayer's income tax return shall correctly compute the tax liability, even though in the opinion of the taxpayer it is immune from tax collection under the section. The tax shall be determined with respect to the entire gross income and not merely with respect to the portion of the earnings out of which tax may be collected. As to establishment of immunity from tax collection see § 301.7507–7.

Example. (1) An agreement, executed in the year 1954 between a bank and its depositors, provides (1) that certain assets are to be segregated for the benefit of the depositors who have waived (as claims against unsegregated assets of the bank) a percentage of their deposits; (2) that 40 percent of the bank's net earnings, for years beginning with 1954, from unsegregated assets, shall be paid to the depositors until the portion of their claims waived with respect to unsegregated assets of the bank has been paid; and (3) that the unsegregated assets shall not be subject to depositors' claims. The net income of the bank for the calendar year 1954 is $10,000, $4,000 produced by the segregated, and $6,000 produced by the unsegregated assets. Such amount shall be considered the net earnings for the purposes of section 7507 in computing the portion of the earnings to be paid to depositors. The bank has an outstanding tax liability for prior years of $7,000. The income tax liability of the bank for 1954 is 30 percent of $10,000, or $3,000, making a total outstanding tax liability of $10,000. The portion of the earnings of the bank for 1954 remaining after provision for depositors is $3,600 ($6,000 less 40 percent thereof, or $2,400). It will be assumed that of the total outstanding tax liability of $10,000, $3,600 may be assessed and collected, leaving $6,400 to be collected from any excess of the segregated assets after claims of depositors against such segregated assets have been paid in full. No part of the $6,400 immune from collection from 1954 earnings may be collected thereafter from unsegregated assets of the bank or earnings therefrom, so that except for any possible surplus of the segregated assets the $6,400 is uncollectible.

(2) In the year 1955, the earnings are again $10,000, $4,000 from segregated and $6,000 from unsegregated assets, as in 1954. However, the return filed shows income of $5,000 and a tax liability of $1,500. An investigation shows the true income to be $10,000, on which the tax is $3,000. The full $3,000 will be assumed to be collectible. The $600 difference between $3,600 (the excess of earnings from unsegregated assets over the amount going to the depositors), and the $3,000 tax for 1955, is not available for collection of the tax for prior years, which became immune as described above, but may be available for collection of tax for subsequent years.

(c) No significance attaches to the selection of the years 1954 and 1955 in the example set forth in paragraph (b) of this section. The rules indicated by the example are equally applicable to subsequent or prior years not excluded by limitations.

§ 301.7507–6 *Abatement and refund.* (a) An assessment or collection, no matter when made, if contrary to section 7507, is subject to abatement or refund within the applicable statutory period of limitations.

(b) Collection from a bank within section 7507 (b) which diminishes assets necessary for payment of depositors, if made prior to agreement with depositors, is not contrary to the section, and affords no ground for refund.

(c) Any abatement or refund is subject to existing statutory periods of limitation, which periods are not suspended or extended by section 7507. In order to secure a refund of any taxes paid for any taxable year during the period of immunity the bank must file claim therefor.

§ 301.7507–7 *Establishment of immunity.* (a) The mere allegation of insolvency, or that depositors have claims against segregated or other assets or earnings, will not of itself secure immunity from tax collection. It must be affirmatively established to the satisfaction of the district director that collection of tax will be contrary to section 7507. See also § 301.7507–8.

(b) Any claim, by a bank, or immunity under section 7507 (b), shall be supported by a statement, under oath or affirmation, which shall show: (1) The total of depositors' claims outstanding, and (2) separately and in detail, the amount of each of the following, and the amount of depositors' claims properly chargeable against each: (i) Segregated or transferred assets; (ii) unsegregated assets; (iii) estimated future average annual earnings and profits; (iv) amount collectible from shareholders; and (v) any other resources available for payment of depositors' claims. The detail shall show the full amount of depositors' claims chargeable against each of the items in subdivisions (i) to (v), inclusive, of this paragraph even though part or all of the amount chargeable against a particular item is also chargeable against some other item or items. There shall also be filed a copy of any agreement between the bank and its depositors, and any other agreement or document bearing on the claim of immunity. The statement shall show the basis, as "book", "market", etc., of valuation of the assets.

§ 301.7507–8 *Procedure during immunity*—(a) *Statements to be filed.* As long as complete or partial immunity is claimed, a bank within section 7507 (b) shall file with each income tax return a statement as required by § 301.7507–7, in duplicate, and shall also file such additional statements as the district director may require. Whether or not additional statements shall be required, and the frequency thereof, will depend on the circumstances, including the financial status and apparent prospects of the bank, and the time which is available for assessment and collection. If a copy of an agreement or document has once been filed, a copy of the same agreement or document need not again be filed with a subsequent statement, if it is shown by the subsequent statement, when and where and with what return the copy was filed. In case of amendment a copy of the amendment must be filed with the return for the taxable year in which the amendment is made.

(b) *Failure to file.* Failure of a bank to file any required statement will be treated as indicating that the bank is not entitled to immunity.

§ 301.7507–9 *Termination of immunity*—(a) *In general.* (1) In the case of a bank within section 7507 (a), immunity will end whenever, and to the extent that, taxes may be assessed and collected, within the applicable limitation periods as extended by section 7507, without diminishing the assets available and necessary for payment of depositors. Immunity of a bank within section 7507 (b) is terminated, as to segregated assets, whenever claims of depositors against such assets have been paid in full. See § 301.7507–3. As to segregated assets, the termination of immunity is complete, and any balance remaining after payment of depositors is available, within statutory limitations, for collection of tax due at any time. However, taxes of the bank will be collectible from segregated assets only to the extent that the bank has a legal or equitable interest therein. Assets as to which there has been a complete conveyance for benefit of depositors, and the bank has bona fide been divested of all legal and equitable interest, are not available for collection of the bank's tax liability.

(2) As to unsegregated assets of a bank within section 7507 (b), immunity terminates only as to taxes thereafter becoming due. When taxes are once immune from collection, the immunity as to unsegregated assets is absolute. But see § 301.7507–4 (a).

(b) *General creditors.* While the immunity from tax collection is for protection of depositors, and not for benefit of general creditors, in some cases the immunity will not end until the assets are sufficient to cover indebtedness of creditors generally. This situation will exist where under applicable law the claims of general creditors are on a parity with those of depositors, so that to pay depositors in full it is necessary to pay all creditors in full.

(c) *Shareholder liability.* In determining the sufficiency of the assets to satisfy the depositors' claims, shareholders' liability to the extent collectible shall be treated as available assets. See § 301.7507–7.

(d) *Deposit insurance.* Deposit insurance payable to depositors shall not be treated as an asset of the bank and shall be disregarded in determining the sufficiency of the assets to meet the claims of depositors.

(e) *Notice by bank.* A bank within section 7507 (b), upon termination of immunity with respect to (1) earnings, (2) segregated or transferred assets, or (3) unsegregated assets, shall immediately notify the district director of internal revenue for the internal revenue district in which the taxpayer's returns were filed of such termination of immunity. See § 301.7507–8 (b).

(f) *Payment by bank.* As immunity terminates with respect to any assets, it will be the duty of the bank, without notice from the district director of internal revenue, to make payment of taxes collectible from such assets.

§ 301.7507–10 *Collection of tax after termination of immunity.* If, in the case of a bank within section 7507 (b), segregated assets (including earnings therefrom), in excess of those necessary for payment of outstanding deposits become available, such excess of segregated assets shall be applied toward satisfaction of accumulated outstanding taxes previously immune under the section, and not barred by the statute of limitations. But see § 301.7507–3. Where sufficient segregated or unsegregated assets are available, statutory interest shall be collected with the tax. When unsegregated assets or earnings therefrom previously immune become available for tax collection, they will be available only for collection of taxes (including interest and other additions) becoming due after immunity ceases. See the example in § 301.7507–5 (b).

§ 301.7507–11 *Exception of employment taxes.* The immunity granted by section 7507 does not apply to taxes imposed by chapter 21 or chapter 23.

§ 301.7508 *Statutory provisions; time for performing certain acts postponed by reason of war.*

SEC. 7508. *Time for performing certain acts postponed by reason of war*—(a) *Time to be disregarded.* In the case of an individual serving in the Armed Forces of the United States, or serving in support of such Armed Forces, in an area designated by the President of the United States by Executive order as a "combat zone" for purposes of section 112, at any time during the period designated by the President by Executive order as the period of combatant activities in such zone for purposes of such section, or hospitalized outside the States of the Union and the District of Columbia as a result of injury received while serving in such an area during such time, the period of service in such area, plus the period of continuous hospitalization outside the States of the Union and the District of Columbia attributable to such injury, and the next 180 days thereafter, shall be disregarded in determining, under the internal revenue laws, in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual—

(1) Whether any of the following acts was performed within the time prescribed therefor:

(A) Filing any return of income, estate, or gift tax (except income tax withheld at source and income tax imposed by subtitle C or any law superseded thereby);

(B) Payment of any income, estate, or gift tax (except income tax withheld at source and income tax imposed by subtitle C or any law superseded thereby) or any installment thereof or of any other liability to the United States in respect thereof;

(C) Filing a petition with the Tax Court for redetermination of a deficiency, or for review of a decision rendered by the Tax Court;

(D) Allowance of a credit or refund of any tax;

(E) Filing a claim for credit or refund of any tax;

(F) Bringing suit upon any such claim for credit or refund;

(G) Assessment of any tax;

(H) Giving or making any notice or demand for the payment of any tax, or with respect to any liability to the United States in respect of any tax;

(I) Collection, by the Secretary or his delegate, by levy or otherwise, of the amount of any liability in respect of any tax,

(J) Bringing suit by the United States, or any officer on its behalf, in respect of any liability in respect of any tax; and

(K) Any other act required or permitted under the internal revenue laws specified in regulations prescribed under this section by the Secretary or his delegate:

(2) The amount of any credit or refund (including interest).

(b) *Exceptions*—(1) *Tax in jeopardy; bankruptcy and receiverships; and transferred assets.* Notwithstanding the provisions of subsection (a), any action or proceeding authorized by section 6851 (regardless of the taxable year for which the tax arose), chapter 70, or 71, as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun, or prosecuted. In any other case in which the Secretary or his delegate determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (a) shall not operate to stay collection of such amount by levy or otherwise as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this paragraph the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (a). In any case to which this paragraph relates, if the Secretary or his delegate is required to give any notice or to make any demand upon any person, such requirement shall be deemed to be satisfied

if the notice or demand is prepared and signed, in any case in which the address of such person last known to the Secretary or his delegate is in an area for which United States post offices under instructions of the Postmaster General are not, by reason of the combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) *Action taken before ascertainment of right to benefits.* The assessment or collection of any internal revenue tax or of any liability to the United States in respect of any internal revenue tax, or any action or proceeding by or on behalf of the United States in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of subsection (a), unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (a).

§ 301.7509 *Statutory provisions; expenditures incurred by the Post Office Department.*

SEC. 7509. *Expenditures incurred by the Post Office Department.* The Postmaster General or his delegate shall at least once a month transfer to the Treasury of the United States, together with the receipts required to be deposited under section 6803 (a), a statement of the additional expenditures in the District of Columbia and elsewhere incurred by the Post Office Department in performing the duties, if any, imposed upon such Department with respect to chapter 21, relating to the tax under the Federal Insurance Contributions Act, and the Secretary or his delegate shall be authorized and directed to advance from time to time to the credit of the Post Office Department, from appropriations made for the collection of the taxes imposed by chapter 21, such sums as may be required for such additional expenditures incurred by the Post Office Department.

§ 301.7510 *Statutory provisions; exemption from tax of domestic goods purchased for the United States.*

SEC. 7510. *Exemption from tax of domestic goods purchased for the United States.* The privilege existing by provision of law on December 1, 1873, or thereafter of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, shall be extended, under such regulations as the Secretary or his delegate may prescribe, to all articles of domestic production which are subject to tax by the provisions of this title.

§ 301.7510–1 *Exemption from tax of domestic goods purchased for the United States.* For regulations under section 7510 with respect to Tobacco Taxes, see the regulations under Part 295 of this chapter, Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for Use of the United States.

§ 301.7511 *Statutory provisions; exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles.*

SEC. 7511. *Exemption of consular officers and employees of foreign states from payment of internal revenue taxes on imported articles*—(a) *Rule of exemption.* No internal revenue tax shall be imposed with respect to articles imported by a consular officer of a foreign state or by an employee of a consulate of a foreign state, whether such articles accompany the officer or employee to his post in the United States, its insular possessions, or the Panama Canal Zone, or are imported by him at any time during the exercise of his functions therein, if—

(1) such officer or employee is a national of the state appointing him and not engaged in any profession, business, or trade within the territory specified in this subsection;

(2) the articles are imported by the officer or employee for his personal or official use and

(3) the foreign state grants an equivalent exemption to corresponding officers or employees of the Government of the United States stationed in such foreign state.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign states which grant an equivalent exemption to the consular officers or employees of the Government of the United States stationed in such foreign states.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws.* (a) *General rules.* Except as otherwise provided in any section of this title—

* * * * *

(6) *Subtitle F.*

(A) *General rule.* The provisions of subtitle F (including chapter 77, relating to miscellaneous provisions) shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. * * *

(C) *Taxes imposed under the 1939 Code.* After the date of enactment of this title the following provisions of subtitle F shall apply to the taxes imposed by the Internal Revenue Code of 1939, notwithstanding any contrary provisions of such code:

* * * * *

(v) Chapter 77, relating to miscellaneous provisions, except that section 7502 shall apply only if the mailing occurs after the date of enactment of this title, and section 7503 shall apply only if the last date referred to therein occurs after the date of enactment of this title. * * *

[F. R. Doc. 57-768; Filed, Jan. 31, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 13]

ORGANIZATION AND FUNCTIONS

CHANGES IN ADDRESSES OF AIRPORT DISTRICT OFFICES

In accordance with the public information requirements of the Administrative Procedure Act, the Organization and Functions of the Civil Aeronautics Administration, section 21 (b) is amended to include a new address and also the following changes of addresses of Airport District Offices:

1. Region 2 Atlanta, Ga., 50 Seventh Street NE., as published on April 10, 1954, 19 F. R. 2100 is changed to 900 Peachtree Street NE., Atlanta 9, Ga.

2. Region 3 Kansas City, Mo., Federal Office Bldg., 911 Walnut Street, as published on May 11, 1954, 19 F. R. 2706 is changed to 720 Delaware Street, Kansas City 6, Mo.

3. Region 4 Los Angeles, Calif., 5651 West Manchester Avenue, as published on May 11, 1954, 19 F. R. 2706, after March 1, 1957, will serve the southern California area, south of Fresno.

Oakland, Calif.—A new Airport District Office will be opened on March 1, 1957, at International Terminal Building, Metropolitan Oakland International Airport, to serve the northern California area, Fresno and north.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-751; Filed, Jan. 31, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

COMPREHENSIVE PROGRAMS FOR WATER POLLUTION CONTROL TREATMENT WORKS NEEDS OF STATES, MUNICIPALITIES, INTERSTATE AND INTERMUNICIPAL AGENCIES

AMENDMENT OF LIST OF LOCATIONS

Notice is hereby given that the list of locations of treatment works needs, included in comprehensive programs prepared or developed pursuant to section 2 of the Federal Water Pollution Control Act (70 Stat. 498, 33 U. S. C. 466a), which was published at 21 F. R. 8670 on November 9, 1956, is hereby revised as set forth below. This list may be further revised from time to time by the Surgeon General of the Public Health Service. Copies of such comprehensive programs are available for inspection at the regional offices of the Department of Health, Education, and Welfare.

Dated: January 14, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: January 28, 1957.

M. B. FOLSOM,
Secretary.

ARKANSAS

Add:
Hot Springs (Stokes Creek).

CALIFORNIA

Add:
Ukiah Valley Sanitation District.
Upland.
Visalia.

CALIFORNIA—Continued

Change:
Anselmo (under Ross Valley Sanitary District No. 1) to San Anselmo.
Laguna to Laguna Beach.

COLORADO

Add:
Evergreen Sanitation District.
North College Avenue Sanitation District.
Change:
Little S. D. #21 to Littleton S. D. #21.
Mead to Mead Sanitation District.

FLORIDA

Add:
Bartow.
Belle Glade.
Belleview.
Bushnell.
Cocoa.
Cocoa Beach.
De Funiak Springs.
Fort Lauderdale.
Hawthorne.
Long Key Sewer System (including Pass-A-Grille).
Naples.
Niceville.
Santa Rosa Island Authority.

INDIANA

Add:
Palmyra.
Seelyville.
Yorktown.

IOWA

Add:
Clarence.
Cleve.
Coralville.
Crestwood.
Dakota City.
Epworth.
Floyd.
Halbur.
Iowa Falls.
Irwin.
Jewell.
New Albin.
Ollie.
Oskaloosa.
Spencer.
Spirit Lake.
Waverly.
Webster City.
Webster County Home.
Whiting.
Winthrop.

KANSAS

Add:
Mission Township Sewer Districts Nos. 1 and 2 (Johnson County).
Rose Hill.

KENTUCKY

Add:
Campbell and Kenton Counties Sanitary District No. 1.

LOUISIANA

Add:
Alexandria.
Crowley.
Eunice.
Franklin.
Jennings.
Lafayette.
Metairie.
Minden.
Natchitoches.
New Iberia.
Oakdale.
Opelousas.
Pineville.
Plaquemine.
Rayne.
Ruston.
Thibodaux.
Villa Platte.

MARYLAND

Add:
Centreville.

MICHIGAN

Add:
Carleton.
Decatur.
Olivet.
Perry.
Port Sanilac.
Vernon.

MINNESOTA

Add:
Alden.
Fairbault.
Mahtomedi.
Mankato.
New London.
Newport.
Northrup.
St. Cloud.
Sauk Centre.
Upsala.
Wood Lake.
Wyckoff.
Change:
Minneapolis-St. Louis San. Dist. to Minneapolis-St. Paul San. Dist.

MISSISSIPPI

Add:
Lyon.

MISSOURI

Add:
Caruthersville.
New Madrid.
Trenton.
Wellsville.

MONTANA

Add:
Medicine Lake.
Delete:
Dixon Indian Agency.

NEBRASKA

Add:
Bartlett.
Bertrand.
Campbell.
Clarks.
Elk Creek.
Elmwood.
Juniata.
Nickerson.
Plainview.
Sargent.
Weeping Water.

NEW MEXICO

Add:
Las Vegas.

NORTH CAROLINA

Add:
Henderson.

NORTH DAKOTA

Add:
Dodge.
Makoti.
Starkweather.

OKLAHOMA

Add:
Marietta.
Omulgee.
Pryor Creek.
Sand Springs.
Sapula.
Delete:
R. S. Indian School.

OREGON

Add:
Albany.
Astoria.
Aurora.
Banks.
Bay City.
Butte Falls.
Cascade Locks.
Coburg.
Echo.
Falls City.
Gaston.
Gates.

OREGON—Continued

Add:
Gearhart.
Halsey.
Hammond.
Hubbard.
Jefferson.
Joseph.
Lexington.
Long Creek.
Madras.
Manzanita.
Mitchell.
Mount Vernon.
North Powder.
Port Orford.
Prairie City.
Redmond.
Rogue River.
Scio.
Sisters.
Troutdale.
Tualatin.
Turner.
Yamhill.

SOUTH DAKOTA

Add:
Alaska.
Armour.
Eagle Butte.
Kadoka.
Mound City.
Spearfish.
Tripp.
Viborg.

TENNESSEE

Change:
Red Bank to Red Bank-White Oak.

TEXAS

Add:
Alpine.
Ballinger.
Big Spring.
Brady.
Brownwood.
Coleman.
Colorado City.
Dallas.
Halton City.
Mineral Wells.
San Marcos.
San Angelo.
Texarkana.
Waxahachie.

VIRGINIA

Add:
Virginia Beach.
Winchester.

WASHINGTON

Add:
Auburn.
Bellingham.
Buckley.
Clarkston.
Colfax.
College Place.
Des Moines.
East Mercer Island.
Forks.
Goldendale.
Grand Coulee.
Grandview.
Issaquah.
Kelso.
Kennewick.
Lind.
Longview.
Lynden.
McCleary.
Malden.
Morton.
Northport.
Oakville.
Olympia.
Omak.
Pacific.
Pacific Beach S. D.
Pasco.
Poulsbo.

WASHINGTON—Continued

Add:
Pullman.
Puyallup.
Quincy.
Reardon.
Rosalia.
Roy.
Seelye S. D.
Shelton.
Tonasket.
Walla Walla.
Westport.
Winlock.
Winslow.
Woodland.
Change:
Bellevue to Bellevue Sewer District.

WISCONSIN

Add:
Clayton.
Dresser.
Garden Village.
Hales Corner.

[F. R. Doc. 57-758; Filed, Jan. 31, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6726]

AMESBURY ELECTRIC LIGHT CO. ET AL.

NOTICE OF APPLICATION

JANUARY 28, 1957.

In the matter of, Amesbury Electric Light Company, Essex County Electric Company, Haverhill Electric Company, Lawrence Electric Company, The Lowell Electric Light Corporation, New England Power Company, Docket No. E-6726.

Take notice that on January 22, 1957, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Amesbury Electric Light Company of Amesbury, Massachusetts (hereinafter referred to as "Amesbury"), Essex County Electric Company of Salem, Massachusetts (hereinafter referred to as "Essex"), Haverhill Electric Company of Haverhill, Massachusetts (hereinafter referred to as "Haverhill"), Lawrence Electric Company of Lawrence, Massachusetts (hereinafter referred to as "Lawrence"), The Lowell Electric Light Corporation of Lowell, Massachusetts (hereinafter referred to as "Lowell"), and New England Power Company of Boston, Massachusetts (hereinafter referred to as "NEPCO"). All of the foregoing Applicants are corporations organized under the laws of the State of Massachusetts. NEPCO is also authorized to do business as a foreign corporation in the States of New Hampshire and Vermont. Applicants seek an order authorizing the merger of Amesbury, Haverhill, Lawrence and Lowell with and into Essex and the transfer, following said merger, of certain 23 KV property from NEPCO to Essex. Essex proposes to issue its capital stock in exchange for capital stock of Amesbury, Haverhill, Lawrence and Lowell. The transfer of the 23 KV property from NEPCO to Essex will be made at the net book value thereof. As a result of the merger Essex will acquire all of the facilities of Amesbury, Haverhill, Lawrence and Lowell, consisting principally of distribution facilities which Essex will continue to use in its distribution of electricity. Essex will also acquire certain generating plants owned by Amesbury, Haverhill, Lawrence and Lowell and continue to use said generating plants on the same basis as now used by such Applicants. The 23 KV property which will be transferred from NEPCO to Essex will be used by Essex for delivery of electricity from NEPCO's high tension system to distribution areas of the enlarged Essex territory. Effective upon consummation of the proposed merger and transfer of said 23 KV property the separate wholesale contracts covering purchases of electric energy from NEPCO by Essex, Haverhill, Lawrence and Lowell and the wholesale contract covering purchases of electric energy from Haverhill by Amesbury will be cancelled, and a single contract covering purchases by the enlarged Essex Company from NEPCO will be substituted. No changes will be made in the basic rates as a result of the new contract, but Applicants state that the new contract would result in a decrease in the cost of electric energy to Essex which may amount to approximately $63,000 annually. Essex will succeed to various other contracts of the merging companies, without changes of substance, including contracts with NEPCO for the sale of electric energy generated at the steam plants of the merging companies, the contract of Lawrence for the sale of electric energy to Granite State Electric Company and the contracts for the sale of electric energy by various of the merging companies to others for resale.

Any person desiring to be heard or make any protest with reference to said application should on or before the 20th day of February 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-756; Filed, Jan. 31, 1957; 8:47 a. m.]

[Docket No. G-2858 etc.]

WUNDERLICH DEVELOPMENT CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 28, 1957.

In the matters of Wunderlich Development Company, Docket No. G-2858; The Blackwell Oil & Gas Company, Docket No. G-3267; Kentucky Ohio Gas Company, Docket No. G-3324; Raymond L. Christman, Docket No. G-3564; Wallace Harrison, Docket No. G-3584; Union Oil and Gas Corporation of Louisiana, Docket No. G-3635; August Erickson, et al., Docket No. G-4122; Western Natural Gas Company, Docket No. G-4544; Monsanto Chemical Company, Docket No. G-6036; Monsanto Chemical Company, Docket No. G-6037; Monsanto Chemical Company, Docket No. G-6038; Monsanto Chemical Company, Docket No. G-6039; Monsanto Chemical Company, Docket No. G-6040; Monsanto Chemical Company, Docket No. G-6041; Monsanto Chemical Company, Docket No. G-6042; Monsanto Chemical Company, Docket No. G-6043; Phillips Drilling Corporation, Docket No. G-6[illegible]; B. H. Putnam, Operator, Docket [illegible]; G-6882; C. W. Alexander, Docket [illegible]; G-6932; United Producing Company, Inc., Docket No. G-7230; Murphy [illegible] Company of Oklahoma, Inc., Docket [illegible]; G-7480; Kenwood Oil Company, Docket No. G-7752; Schermerhorn Oil Corporation and J. Hiram Moore, Docket [illegible]; G-7753.

Take notice that the persons hereinabove captioned (Applicants), filed, hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant in each docket sells natural gas in interstate commerce from production of certain leases, units or acreage located in the area hereinafter designated to the respective purchasers as indicated for resale.

On March 12, 1956, the Applicant in Docket No. G-3267 submitted information indicating that all gas delivered to Cimarron Gas Company, Consolidated Gas Utilities, Oklahoma Natural Gas Company, Sunray Mid-Continent Oil Corporation and Lone Star Gas Company is sold and consumed within the state wherein it is produced.

Docket Number; Name of Applicant; Source of Gas; Purchaser

G-2858; Wunderlich Development Company; Vernon Field, Kay County, Oklahoma; Cities Service Gas Company.

G-3267; The Blackwell Oil & Gas Company; Milner and Williamson Leases, Haynesville Field, Claiborne Parish, Louisiana; Louisiana Nevada Transit Company.

Furneaux Lease, Panhandle Field, Gray County, Texas; Phillips Petroleum Company.

Broyles Field, Payne County, Oklahoma; Cimarron Gas Company.

Cushing Field, Payne County, Oklahoma; Consolidated Gas Utilities.

East Ingalls Field, Payne County, Oklahoma; Oklahoma Natural Gas Company.

Allen Field, Seminole County, Oklahoma; Sunray Mid-Continent Oil Corporation.

Opelika Field, Henderson County, Texas; Lone Star Gas Company.

G-3324 as amended 12-17-54; Kentucky Ohio Gas Company; Saltlick Field, Floyd County, Kentucky; Southeastern Gas Company (formerly Hamilton Gas Corporation).

G-3564; Raymond L. Christman; Benezette Township, Elk County, Pennsylvania; New York State Natural Gas Corporation.

G-3584; Wallace Harrison; North Lansing Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

G-3635 as amended 6-16-55 and 9-11-56; Union Oil and Gas Corporation of Louisiana (formerly Union Sulphur and Oil Corporation);[1] Lake Arthur, Welsh and Woodlawn Fields, Jefferson Davis Parish, Louisiana; Texas Gas Transmission Corporation (successor to Louisiana Natural Gas Corporation and Texas Northern Gas Corporation).

[1] Agent for Stanolind Oil and Gas Company, Tidewater Oil Company, W. V. Conover, D. D. Feldman Oil and Gas, Walter Calcasieu Properties and Bates and Cornell.

G-4122; August Erickson, et al.;[2] South Hallsville Field, Rusk County, Texas; Arkansas Louisiana Gas Company.

G-4544; Western Natural Gas Company; St. Charles, Black Jack, San Antonio Bay and St. Charles Bay Fields, Aransas and Calhoun Counties, Texas; Transcontinental Gas Pipe Line Corporation.

Mission Valley, West Mission Valley, Arneckeville and Thomaston Fields, Victoria and DeWitt Counties, Texas; Transcontinental Gas Pipe Line Corporation.

Coquat, Goebel, Oakville, Clayton, Albert West, Harris and Kittie West Fields, Live Oak County, Texas; Transcontinental Gas Pipe Line Corporation.

G-6036 as amended 10-13-55; Monsanto Chemical Company;[2] Dollarhide Field, Andrews County, Texas; El Paso Natural Gas Company.

G-6037 as amended 10-13-55; Monsanto Chemical Company;[2] Placedo Field, Victoria County, Texas; Tennessee Gas Transmission Company.

G-6038 as amended 10-13-55; Monsanto Chemical Company;[2] Southwest Production V-17 Unit, Hico-Knowles and North Ruston Fields, Lincoln Parish, Louisiana; Texas Eastern Transmission Corporation.

G-6039 as amended 10-13-55; Monsanto Chemical Company;[2] Southwest Production V-7 Unit, Hico-Knowles and North Ruston Fields, Lincoln Parish, Louisiana; Texas Eastern Transmission Corporation.

G-6040 as amended 10-13-55; Monsanto Chemical Company;[2] Delhi, West Delhi and Big Creek Fields, Franklin, Madison and Richland Parishes, Louisiana; Texas Eastern Transmission Corporation.

G-6041 as amended 10-13-55; Monsanto Chemical Company;[2] Mayfield-Gooden Unit, Hico-Knowles Field, Lincoln Parish, Louisiana; Mississippi River Fuel Corporation.

G-6042 as amended 10-13-55; Monsanto Chemical Company;[2] B-11 Unit, Hico-Knowles Field, Lincoln Parish, Louisiana; Mississippi River Fuel Corporation.

G-6043 as amended 10-13-55; Monsanto Chemical Company;[2] Bryceland Field, Bienville Parish, Louisiana; Texas Eastern Transmission Corporation.

G-6609; Phillips Drilling Corporation; La Gloria Area, Jim Wells and Brooks Counties, Texas; Texas Illinois Natural Gas Pipeline Company.

G-6882; B. H. Putnam, Operator; Reedsville Area of Putnam Gas Field, Meigs County, Ohio; The Ohio Fuel Gas Company.

G-6932; C. W. Alexander; Pistol Ridge Field, Pearl River County, Mississippi; United Gas Pipe Line Company.

G-7230 as amended 2-7-55; United Producing Company, Inc.,[4] Hugoton Field, Texas County, Oklahoma; Northern Natural Gas Company.

G-7480; Murphy Oil Company of Oklahoma, Inc.; Doyle Pool, Stephens County, Oklahoma; Lone Star Gas Company.

G-7752 as amended 9-19-55 and 1-30-56; Kenwood Oil Company; Eumont Field, Lea County, New Mexico; Permian Basin Pipeline Company.

G-7753 as amended 9-19-55 and 1-30-56; Schermerhorn Oil Corporation and J. Hiram Moore; Eumont Field, Lea County, New Mexico; Permian Basin Pipeline Company; Langley-Mattix Field, Lea County, New Mexico; El Paso Natural Gas Company.

[2] Paul R. Walker, Morris B. White and S. L. Florsheim, Jr.

[3] Formerly Lion Oil Company.

[4] Supplement filed February 7, 1955, in Docket No. G-7230, states that Applicant operates five wells; Columbian Fuel Corporation owns a 50-percent interest in one of these wells, and Coltexo Corporation owns a 50-percent interest in another of these wells.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 11, 1957. Failure of any party to appear at and participate in the hearings shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-753; Filed, Jan. 31, 1957; 8:47 a. m.]

[Docket No. G-11777]

SUNRAY MID-CONTINENT OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Sunray Mid-Continent Oil Company (Sunray) on December 26, 1954 tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated December 19, 1956.

Purchaser: Texas Eastern Transmission Corporation.

Rate schedule designation: Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 122.

Effective date:[1] January 26, 1957.

In support of the proposed increase, Sunray cites the rate provisions of its contract and states that the proposed rate is just and reasonable and not greater than the market value of the gas.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Sunray, if later.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until June 26, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 25, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-754; Filed, Jan. 31, 1957; 8:47 a. m.]

[Docket No. G-11778]

J. C. TRAHAN DRILLING CONTRACTOR, INC., ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

J. C. Trahan Drilling Contractor, Inc. (Operator) et al., (Trahan) on December 26, 1956, submitted for filing a proposed change in rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following filing:

Description: Notice of change dated December 19, 1956.

Purchaser: Texas Eastern Transmission Corporation.

Rate Schedule Designation: Supplement No. 3 to Trahan's FPC Gas Rate Schedule No. 2.

Proposed Effective Date:[1] January 26, 1957.

In support of the proposed increased rate Trehan states that the increase arises out of the provisions of a contract, that the rate accords with the fair market value of the gas, and that the proposal is commensurate with the rising costs of labor, services and material needed for operation and development.

The proposed increased rate and charge designated above has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 26, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 25, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-755; Filed, Jan. 31, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7762]

COMPLAINT FILED BY ANITA HERMAN

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether General Rule 5 of the tariff rules of Northwest Airlines, Inc. and Capital Airlines, Inc. contained in Local and Joint Passenger Rules Tariff No. PR-1, C. A. B. No. 4, issued by M. F. Redfern, Agent, in effect on May 4, 1947, was unlawful.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned for February 25, 1957, has been postponed and will be held on April 11, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., January 28, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-777; Filed, Jan. 31, 1957; 8:52 a. m.]

[Docket No. 8457]

P. G. TAYLOR PROPRIETARY, LTD.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of P. G. Taylor Proprietary, Ltd. for a temporary foreign air carrier permit under Section 402 of the Civil Aeronautics Act for service between Sydney, Australia and Honolulu, Territory of Hawaii.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on February 8, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., January 29, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-778; Filed, Jan. 31, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1059]

GAS INDUSTRIES FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION FROM PROVISIONS OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JANUARY 28, 1957.

Notice is hereby given that Gas Industries Fund, Inc. ("Gas Industries"), a registered open-end diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act the proposed purchase by Gas Industries of not more than 5,000 Units each consisting of $100 principal amount of Debentures and five shares of common stock to be issued by Trans-Canada Pipe Lines, Limited ("Trans-Canada"), a Canadian corporation, during the existence of the underwriting syndicate mentioned below.

The application states that The First Boston Corporation ("First Boston") expects to be among a group of principal underwriters which plans to sell by public offering $80,000,000 principal amount of ____ percent Subordinated Debentures due 1976 and 4,000,000 common shares (par value $1 per share) of Trans-Canada to be offered in units as stated above; that James H. Orr, a director of Gas Industries, is also a director of, and therefore an affiliated person of, First Boston; and that Gas Industries considers it desirable to be in a position to purchase not more than 5,000 units during the public offering.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person, unless the Commission by order upon application grants an exemption therefrom. The application states that since a director of Gas Industries is an affiliated person of an investment banking organization which is part of the principal underwriting group, the proposed purchase is subject to the provisions of section 10 (f).

It is represented that the directors of Gas Industries have authorized the purchase by Gas Industries of not exceeding 5,000 of the above described units from underwriters or members of the selling group, if any, other than First Boston, except to the extent that First Boston might be included if a purchase were to be made from the representative of the principal underwriters for the account of the several underwriters.

Trans-Canada proposes to own or to lease and to operate a natural gas pipeline system for the purchase, transportation and sale of natural gas. Its general area of operation extends from the Province of Alberta across the Province of Saskatchewan, Manitoba and Ontario and through a portion of the Province of Quebec to Montreal, Canada.

The application states that if Gas Industries were to purchase the 5,000 Units it would acquire approximately .97 percent of the total comtemplated offering, and assuming a purchase price of $100 per Unit (the proposed maximum offering price set forth in the preliminary prospectus of Trans-Canada), the aggregate purchase price would represent an investment of $780,000 or approximately 1.3 percent of the total assets of Gas Industries as of December 31, 1956.

It is represented that the proposed purchase by Gas Industries is consistent with its stated investment policies.

Notice is further given that any interested person may, not later than February 11, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-757; Filed, Jan. 31, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after the expiration of the required thirty days notice or the effective date proposed by Trahan, if later.

UNITED STATES TARIFF COMMISSION

[Investigation 54]

CERTAIN COTTON CLOTH (GINGHAMS, ETC.)

INVESTIGATION DISCONTINUED AND DISMISSED

Notice is hereby given that the United States Tariff Commission, on January 29, 1957, ordered that Investigation No. 54 under section 7 of the Trade Agreements Extension Act of 1951, as amended, instituted by the Commission on June 12, 1956 (21 F. R. 4262), be discontinued and dismissed.

Issued January 29, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-771; Filed, Jan. 31, 1957; 8:51 a. m.]

[Investigation 57]

SPRING CLOTHESPINS

NOTICE OF PUBLIC HEARING

The United States Tariff Commission announces a public hearing, to begin at 10 a. m., e. d. s. t., on May 7, 1957, in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D. C., in connection with Investigation No. 57 under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted January 2, 1957, with respect to spring clothespins. Public notice of the investigation was published in 22 F. R. 156.

Requests to appear at hearing. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the above-mentioned hearing. Such parties desiring to appear at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of hearing.

Issued January 29, 1957.

By order of the United States Tariff Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-770; Filed, Jan. 31, 1957; 8:51 a. m.]

[Investigation 58]

BICYCLES

INVESTIGATION INSTITUTED AND INSPECTION OF APPLICATION

Investigation instituted. Upon application of the Bicycle Manufacturers Association of America, New York, N. Y., received January 11, 1957, the United States Tariff Commission, on the 28th day of January 1957, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether bicycles provided for in paragraph 371 of the Tariff Act of 1930 are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

Inspection of application. The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D. C., and at the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: January 29, 1957.

By order of the United States Tariff Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-769; Filed, Jan. 31, 1957; 8:51 a. m.]

VIOLINS AND VIOLAS

"ESCAPE CLAUSE" REPORT

JANUARY 29, 1957.

The Tariff Commission today submitted a report to the President of its finding and conclusion in the "escape clause" investigation No. 55 made under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to violins and violas dutiable under paragraph 1541 (b) of the Tariff Act of 1930. These instruments were subject to the following compound rates of duty, pursuant to a concession, granted in the General Agreement on Tariffs and Trade, that became effective on April 21, 1948:

Violins and violas of all sizes, wholly or partly manufactured or assembled, made after the year 1800:	
Valued at less than $50 each	$1.25 each plus 30 percent ad valorem.
Valued at $50 or more but less than $100 each	$1.25 each plus 25 percent ad valorem.
Valued at $100 or more each	$1.25 each plus 17½ percent ad valorem.

Pursuant to an additional concession granted in the General Agreement on Tariffs and Trade, the rate of duty on all violins and violas provided for in paragraph 1541 (b), regardless of value, became 62½ cents each plus 17½ percent ad valorem, effective June 6, 1951. This is the rate now in effect.

The Commission found (Commissioners Schreiber and Sutton dissenting) that imports of the aforementioned instruments valued not over $25 each are being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products. The Commission also found that in order to remedy this serious injury, it is necessary that the duty on such violins and violas valued not over $25 each be increased to $1.875 each plus 52.5 per centum ad valorem.

Copies of the Commission's report, which includes majority and minority views, are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, 8th and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-772; Filed, Jan. 31, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 29, 1957.

Protests to the granting of an application must be prepared in accordapce with rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33205: *Portable houses—Onawa, Iowa, to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on wooden portable houses, poultry or livestock, milk and pump, hog feeders, cribs and bins, wooden, portable, less than carloads from Onawa, Iowa to specified points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes.

FSA No. 33206: *Commodity rates from and to Kelsa, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, except coal and coke, carloads, and less than carloads between Kelsa, Va., on the one hand, and points in the United States and Canada, on the other, to extent rates are in effect between Grundy, Va., and the same points.

Grounds for relief: Carrier competition and circuitous routes to a newly established station.

FSA No. 33207: *Rubber tires—Elkhart and Mishawaka, Ind., to southern points.* Filed by The St. Louis-San Francisco Railway Company, for itself and on behalf of interested rail carriers. Rates on pneumatic rubber tires and parts, carloads from Elkhart and Mishawaka, Ind., to specified points in southern territory.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33208: *Grain and products—Moberly, Mo., to Texas ports.* Filed by The Wabash Railroad Company, Agent, for interested rail carriers. Rates on grain and grain products, carloads from Moberly, Mo., to Beaumont, Corpus Christi, Galveston, Houston, Port Arthur, and Texas City, Tex., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 16 to Wabash Railroad Company's tariff I. C. C. 7752.

FSA No. 33209: *Petroleum products—Montana to western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on refined oil, liquefied petroleum gas, coal spraying oil, asphalt, distillate fuel oil and residual fuel oils, tank-car loads from Billings, East Billings, Laurel, and Great Falls, Mont., to specified points in Iowa, Michigan, Minnesota, and Wisconsin.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 39 to Agent Prueter's tariff I. C. C. 1575.

FSA No. 33210: *Automobiles—Detroit, Mich., to Montana points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on automobiles, set up or automobile chassis, set up, carloads from Detroit, Mich., to Judith Gap and Lewistown, Mont.

Grounds for relief: Circuitous routes.

Tariff: Supplement 39 to Agent Prueter's tariff I. C. C. 1575,

FSA No. 33211: *Phosphate rock—Texas points to southwestern, western trunk line, and official territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on phosphate rock and superphosphate, defluorinated, carloads from Houston and Texas City, Tex., to points in southwestern, western trunk line, official (including Illinois), territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 23 to Agent Kratzmeir's tariff I. C. C. 4076.

FSA No. 33212: *Malt liquors—Illinois and Wisconsin points to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, carloads from Joliet, and Thornton, Ill., and Burlington, Wis., to Memphis, Tenn.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33213: *Directories—Chicago, Ill., to Cleveland, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on telephone directories, carloads from Chicago, Ill., and specified points in the Chicago district grouped with Chicago to Cleveland, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 7 to Chesapeake and Ohio Railway Company's tariff I. C. C. 13473.

FSA No. 33214: *Motor fuel compound from Dowling, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on motor fuel anti-knock compound, tank-car loads from Dowling, Tex., to Chicago, Ill., and Kansas City, Mo.-Kans.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 287 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33215: *Cotton—Texas to interstate destinations.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton, carloads from specified points in Texas in the Rio Grande Valley and points intermediate thereto to specified points in southwestern, southern, official, Illinois, and western trunk line territories, and Canada.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Supplement 107 to Agent Kratzmeir's tariff I. C. C. 4014. Supplement 81 to Agent J. F. Brown's tariff I. C. C. 789.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-759; Filed, Jan. 31, 1957; 8:48 a. m.]

[No. MC-C-2066]

SAFEWAY TRUCK LINES, INC.

COMMODITY RATES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 23d day of January, A. D. 1957.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rate and charges, applicable on interstate or foreign commerce of various commodities, subject to various minimum weights, between points in Central Territory, on the one hand, and, on the other, points in Middle Atlantic and New England Territories, as set forth in:

Safeway Truck Lines, Inc.:
MF-I. C. C. No. 40;
On page 19, Item 330;
On page 20, Item 400;
On page 22, Item 490;
On page 24, Item 540;
On page 26, Item 590;
On page 27, Item 600;
On page 28, Items 680 and 690;
On page 29, Items 750 and 790, in full, and in Item 760 the 236-cent rate;
On page 30, Items 820, 840, 880, 890 and 910;
On page 31, In Item 950, the rate from Yonkers, N. Y., and Item 960, in full;
On page 32, Item 980;
On page 34, in Item 1130, the rate between Chicago, Ill., and New York, N. Y.;
On page 35, in Item 1150, the rates between Chicago, Ill., and New York, Syracuse, and Utica, N. Y.; and in Item 1160, the 169-cent rates;
On page 36, Items 1240 and 1250;
On page 37, Items 1300, 1320 and 1330;
On page 38, in Item 1380, the 120-cent rates; and in Item 1390, all rates except to Poughkeepsie, N. Y.;
On page 39, Item 1430; and
On page 40, Items 1480, 1490, 1500, 1[illegible] and 1530;
Supplement No. 19 to MF-I. C. C. No. [illegible]
On page 6, in Item 390-A, the 114-cent [illegible]
On page 10, in Item 560-B, the 111-[illegible] rate between Chicago, Ill., and New Y[illegible] N. Y.;
On page 11, Item 595-A;
On page 14, Item 810-A;
On page 15, Item 970-A; in full; and [illegible] Item 990-A, the rates to Chicago, Ill., Cincinnati, Cleveland, and Columbus, Ohio, Indianapolis, Ind., and St. Louis, Mo.;
On page 17, Item 1260-A, in full; in Item 1110-A, the 115-cent rate; and in Item 1[illegible] A, the 114-cent rate; and
On page 18, in Item 1520-A, the 153-cent rate;
Supplement No. 22 to MF-I. C. C. No. 40;
On page 5, in Item 1010-C, the 126-cent rate; and
On page 6, in Item 1360-B, the 114-cent rate;
Supplement No. 25 to MF-I. C. C. No. 39;
On page 9, in Item 146-C, the rates to New York, N. Y.;
MF-I. C. C. No. 39 (Lee Brothers, Inc., series);
On page 12, Item 335; and
On page 25, Item 705;
Supplement No. 26 to MF-I. C. C. No. 39 (Lee Brothers, Inc., series);
On page 6, in Item 356-A, the 109-cent rate;
On page 7, in Item 420-D, the rates between Chicago, Ill., and Poughkeepsie, N. Y.;
On page 9, in Item 507-A, the 398-cent rate to New York, N. Y.; and
On page 15, Item 518;

It appearing, that upon consideration of the tariff schedules and protests thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be and it is hereby, instituted, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; and that a copy of this order be forthwith served upon the said respondents; and that a copy of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-760; Filed, Jan. 31, 1957; 8:48 a. m.]

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TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS: TEXAS

On January 4, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

TEXAS

County:	Average value
Comal	$40,000
Guadalupe	40,000
Knox	40,000
McLennan	30,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated: January 28, 1957.

[SEAL] K. H. HANSEN, *Administrator, Farmers Home Administration.*

[F. R. Doc. 57-789; Filed, Feb. 1, 1957; 8:47 a. m.]

Subchapter C—Operating Loans

[FHA Instructions 441.1 and 441.2]

PART 341—POLICIES AND AUTHORITIES

The heading of Subchapter C, "Production and Subsistence Loans," Title 6, Code of Federal Regulations, is changed to "Operating Loans." Part 341 of said Subchapter is divided into Subpart A, "Operating Loans to Full-Time Family-Type Farmers," and Subpart B, "Operating Loans to Part-Time Farmers," and is revised to read as follows:

Subpart A—Operating Loans to Full-Time Family-Type Farmers

Sec.
341.1 General.
341.2 Objectives.
341.3 Supervisory assistance.
341.4 Relationship with other types of Farmers Home Administration loans.
341.5 Eligibility.
341.6 Certification by applicant.
341.7 Certification by County Committee.
341.8 Loan purposes.
341.9 Rates and terms.
341.10 Security policies.
341.11 Land tenure.
341.12 Loan limitations and requirements.
341.13 Loan approval.

Subpart B—Operating Loans to Part-Time Farmers

341.21 General.
341.22 Objectives.
341.23 Supervisory assistance.
341.24 Relationship with other types of Farmers Home Administration loans.
341.25 Eligibility.
341.26 Certification by the applicant.
341.27 Certification by the County Committee.
341.28 Loan purposes.
341.29 Rates and terms.
341.30 Security policies.
341.31 Land tenure.
341.32 Loan limitations and requirements.
341.33 Loan approval.
341.34 Special authority to alter eligibility requirements.

AUTHORITY: §§ 341.1 to 341.34 issued under sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interpret or apply sec. 21, 70 Stat. 802, sec. 44, 60 Stat. 1068; 7 U. S. C. 1007, 1018.

SUBPART A—OPERATING LOANS TO FULL-TIME FAMILY-TYPE FARMERS

§ 341.1 *General.* (a) This subpart prescribes the policies and authorities for making Operating loans to full-time operators of family-type farms as authorized under Title II of the Bankhead-Jones Farm Tenant Act. The terms "full-time operator" and "family-type farm" as used in this subpart are defined in § 341.5.

(b) Preference will be given to eligible veteran applicants in making Operating loans. However, there is no difference in the eligibility and loan requirements for veterans and nonveterans.

§ 341.2 *Objectives.* The objectives of Operating loans to full-time family-type farmers and stockmen are to assist them to become established successfully in a sound, well-balanced system of farming

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or stock raising and to make full and efficient use of their land and labor resources. These objectives will be accomplished through the extension of credit and supervisory assistance.

§ 341.3 *Supervisory assistance.* Full-time family-type farmers obtaining Operating loans will receive supervisory assistance to the extent necessary to assure that the objectives outlined in § 341.2 are accomplished and that the interests of the Government are protected.

(a) Borrowers who receive initial Operating loans, except those whose loans are scheduled for payment in full from the income received from the first year's operations, will receive assistance in developing Long-Time and Annual Farm and Home Plans, keeping records, and analyzing their farm and home business. In addition, these borrowers will receive farm and home visits to assist them in carrying out their Farm and Home Plans. Such borrowers who receive subsequent loans will receive the same type of plans and other supervisory assistance even though the subsequent loan may be scheduled for repayment from the year's operations for which such loan is made.

(b) Borrowers who receive initial Operating loans scheduled for payment in full from the first year's operations will receive assistance in developing Annual Farm and Home Plans for the period for which the loan is made. They will also receive such additional supervisory assistance as is necessary to accomplish the objectives of the loan, including farm and home visits and assistance in keeping farm and home records. Subsequent loans to such borrowers will be based on the same type of plan and other supervisory assistance. However, if such a borrower receives a subsequent loan which is not scheduled for payment in full from income to be received from the crop year's operations for which the loan is made, such borrower will receive assistance in developing long-time and annual plans and other supervisory assistance as provided in paragraph (a) of this section.

§ 341.4 *Relationship with other types of Farmers Home Administration loans*—(a) *Real Estate loans.* Generally real estate improvements needed on the farm of an applicant should be obtained through a Real Estate loan. Operating loans for the improvement of real estate may be made only for the limited purposes and under the conditions prescribed in § 341.8.

(b) *Production Emergency loans.* Initial Operating loans will not be made to applicants in areas designated for Production Emergency loans when the credit needed is primarily for annual operating expenses and can be scheduled for payment in full from the first year's operations, provided such applicant's credit needs can be met adequately with such emergency loans.

(c) *Special Livestock loans.* Initial Operating loans will not be made to applicants who are also receiving initial Special Livestock loans. However, when a borrower already indebted for a Special Livestock loan needs additional credit for purposes which cannot be met with a subsequent Special Livestock loan, an Operating loan may be made provided all of the Operating loan requirements can be fully met.

§ 341.5 *Eligibility*—(a) *Applicant.* In order to be eligible for a loan, the applicant must—

(1) Be a citizen of the United States.

(2) Possess legal capacity to contract for the loan.

(3) Be unable to obtain sufficient credit to finance his actual needs at rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near his community for loans of similar size and character. Real estate equity should be considered along with the other resources of an applicant in determining the availability of credit from private and cooperative sources.

(4) Be able to meet his major needs for operating credit within the indebtedness limitation prescribed in § 341.12, except for the financing of special enterprises such as some livestock feeding operations, and sugar beets where financing on a contractual or equally definite basis is available.

(5) Be an individual who possesses the character, ability, and industry necessary to carry out successfully the proposed farming operations and who will endeavor honestly to carry out the undertakings and obligations required of him in connection with the loan.

(6) Have had farm experience or training sufficient to indicate reasonable prospects of conducting successful family-type farming operations. He may be an individual who has recently been engaged in farming, and whose background and normal means of livelihood in the past have been farming, but who may not have farmed during the past few years.

(7) After the loan is made, be the operator of a family-type farm as an owner or tenant.

(8) Derive, after the loan is made, the major portion of his income from farming or stock raising and spend the major portion of his time in carrying on his farming or stock raising operations. Under this policy, an applicant who will be seasonably employed off the farm during the early years of his loans may qualify for assistance. However, a loan will not be made to an applicant who will carry on a type of farming which will require substantial income from other employment during the term of the loan or to an applicant who will be regularly employed off the farm. Payments to a veteran for pensionable disabilities and other veterans' benefits will not be considered in determining whether an applicant will derive the major portion of his income from farming operations.

(b) *Farm.* Operating loans to full-time family-type farmers are limited to individuals who, after the loan is made, will own or have available under satisfactory tenure arrangements a family-type farm suitable for carrying on a successful full-time farming operation. A family-type farm is defined as a farm that is of sufficient size and productivity to furnish income that will enable a farm family to have a reasonable standard of living, pay operating expenses including maintenance of necessary livestock, farm and home equipment, and land and buildings, pay their debts, and have a reasonable reserve to meet unforeseen emergencies; for which the management is furnished by the operator and his immediate family; and for which the labor is furnished primarily by such operator and family except during seasonal peak-load periods. It is not intended to include in this definition farms which require large amounts of seasonal hired labor.

§ 341.6 *Certification by applicant.* Before an application for an Operating loan is considered, the applicant must certify in writing on Form FHA–49, "Certifications—Operating Loan," that he is a citizen of the United States and that sufficient credit to meet his actual needs for the designated crop year is not available to him at rates (but not exceeding the rate of five percent per annum) and terms for loans of similar size and character prevailing in or near the community where he resides. The applicant also must agree to abide by the other provisions set forth in Form FHA–49.

§ 341.7 *Certification by County Committee.* Before an Operating loan is approved, the County Committee must certify in writing on Form FHA–49 at a Committee meeting that the applicant is eligible to receive a loan under the provisions of Title II of the Bankhead-Jones Farm Tenant Act; that credit sufficient in amount to finance the actual needs of the applicant is not available to him at the rates (but not exceeding the rate of five percent per annum) and terms prevailing in or near the community in which the applicant resides for loans of similar size and character from commercial banks, cooperative lending agencies, or from any other responsible source; and that in the opinion of the Committee, the applicant will honestly endeavor to carry out the undertakings and obligations required of him. In addition, the County Committee will establish the maximum amount of credit which may be extended, under the certification, to meet the actual needs of the applicant during the crop year indicated. The County Committee will observe the eligibility requirements in § 341.5 in determining each applicant's eligibility. This consideration will be based on information furnished by the County Supervisor, the personal knowledge of the Committeemen, and, if necessary, on information gathered in an investigation by the Committee, including an interview with the applicant family or a visit to the farm.

(a) The maximum amount of credit established by the County Committee will represent the ceiling for the total of all Operating loans which may be made to the applicant during the designated crop year under the County Committee certification. It will not necessarily represent the amount which actually will be loaned.

(b) It is intended that County Committees will have some latitude in determining the crop year(s) for which credit may be extended.

(c) If it is found, after an applicant has been certified as eligible, that a different farm will be operated or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances if a loan is to be made.

§ 341.8 *Loan purposes.* (a) Operating loans may be made for—

(1) The purchase of necessary livestock, farm equipment, and other farm needs. This includes the purchase of bulk milk tanks and pipeline milkers, provided the applicant is obtaining an Operating loan for other purposes, and such equipment can be made subject to a chattel lien under the state law. These purposes do not include the purchase of passenger automobiles.

(2) The purchase of feed, seed, fertilizer, insecticides, farm supplies, and equipment repairs, and to meet other essential farm operating expenses, including the payment of social security taxes in connection with hired labor.

(3) The payment of customary and equitable charges for the use of farm buildings, pasture land, grazing permits, and cash rent for crop and hay land for not more than one year in advance, provided:

(i) The applicant is obligated under a written lease to pay in advance the amount to be loaned for such purpose.

(ii) The terms of the lease provide the applicant with reasonably secure and satisfactory tenure.

(4) The payment of bills that were incurred for annual recurring operating expenses in connection with the production of livestock, livestock products, and crops that are to be harvested or marketed during the crop year for which the loan is being made. This does not authorize the payment of bills incurred in connection with crops, livestock, or livestock products that have been lost, destroyed, or disposed of prior to loan approval.

(5) The payment of taxes due or about to become due on real and personal property, water or drainage charges or assessments, premiums for insurance on real and personal property, and not more than a year's interest, calculated at a rate not to exceed that which is reasonable and customary for the area, that is due or about to become due on debts secured by liens on livestock, farm equipment, and farm real estate owed to other creditors. Loans will be made for these purposes only if arrangements cannot be made to pay such expenses as future income becomes available. However, loan funds will not be used to pay taxes or insurance premiums in connection with real estate securing Farmers Home Administration loans other than Operating loans.

(6) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance and expenses for medical care. Applicants must, however, within the limits of their resources, plan and carry on adequate food production and conservation programs. Normally, family subsistence needs should be met from income. However, in justifiable cases, such as those in which the income will not be received by the time that family subsistence needs must be met, loan funds may be used for these purposes if no other satisfactory arrangements can be made.

(7) The purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself on the farm in a reasonably satisfactory manner; provided, such expenses cannot be met from cash on hand or on terms which the family could reasonably be expected to meet as income becomes available.

(8) Acquiring memberships in farm purchasing and marketing and farm-service-type cooperative associations. However, loan funds will not be used to purchase memberships in production cooperatives, participate in any land purchasing or land leasing program, purchase memberships for the purpose of establishing control by the Farmers Home Administration in any type of cooperative, or furnish a majority of the associations' capital requirements.

(9) The payment of debts secured by liens on livestock, farm equipment, and harvested feed and the payment of unsecured debts incurred for the acquisition of livestock and farm equipment when such action is necessary to enable the applicant to continue his farming operations on a sound basis, or prevent a split line of credit between the Farmers Home Administration and another creditor(s) in connection with a basic livestock herd or flock, provided the property involved is essential to the applicant's farming operations and is of the type and quality needed, and the amount refinanced does not exceed the fair market value of the property on which the indebtedness is owed as shown by an appraisal report on such property made by the county supervisory personnel and included in the docket. When unsecured debts are to be refinanced, as provided in this subparagraph, the applicant will be required to sign a statement to be inserted on, or attached to, the appraisal report referred to above showing that the debt for which refinancing is requested was incurred to acquire the livestock or farm equipment described therein. When the payment of debts under this subparagraph is involved, the creditor will be contacted, in person when practicable, to discuss the applicant's credit needs in order to ascertain if the refinancing is necessary and in line with Farmers Home Administration policies. Since the primary objective of loans made under this Subpart is the making of adjustments and improvements in applicant's farming operations, it is expected that the major portion of the funds available for loans will be used for such purposes. It is recognized, however, that some farmers because of conditions such as drought and price-cost readjustments are unable to make the required payments on their debts from income, are being required to dispose of chattels which are necessary to continue successfully their farming operations, or are otherwise so hard pressed by their creditors that their farming operations will be seriously affected. Therefore, loans may be made in cases in which the primary purpose of the loan is the refinancing of the debts referred to in this subparagraph, provided the requirements of the proviso in the first sentence of this subparagraph are met and the loan can be made on a sound basis. It is not intended, however, that the Farmers Home Administration will refinance the bad loans of other lenders or supplant other sources of credit.

(10) The construction of necessary farm buildings, making essential repairs and improvements to existing farm buildings, and purchasing equipment and paying other costs incident to establishing or improving a farmstead water supply, provided not more than $1,000 may be advanced to a borrower for any or all such purposes during any fiscal year, and subject to the limitations in paragraph (b) of this section.

(11) The purchase of fencing material, provided not more than $500 may be advanced to a borrower for such purpose during any fiscal year, and subject to the limitations in paragraph (b) of this section.

(12) The establishment and improvement of pastures and hay crops, the construction of terraces, waterways, and farm ponds, the clearing, leveling, and drainage of land, and the payment for other approved soil and water conservation and improvement measures, provided not more than $1,000 may be advanced to a borrower for any or all such purposes during any fiscal year, and subject to the limitations in paragraph (b) of this section.

(b) The use of Operating loan funds for real estate improvements authorized in subparagraph (10), (11), and (12) of paragraph (a) of this section is subject to the following limitations:

(1) It is not intended that these authorities will be used to make substantial real estate improvements by advancing funds year after year.

(2) Before an Operating loan is made for such real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and a determination made that such real estate improvements cannot be provided practicably through Farm Ownership or Farm Housing loans, that the land improvements and water development credit needs are not of such substantial amounts that a Soil and Water Conservation loan should be made, that the farm can be developed to the extent that a sound farm and home program can be established on the farm within the prescribed operating loan limitations, taking into consideration the applicant's need for additional operating credit during the period of development, and that the applicant will be able to pay his Operating loans within the prescribed payment period.

(3) Generally, additional real estate improvements needed on the farm of a Farmers Home Administration Real Estate loan borrower should be obtained through a Real Estate loan. However, when the development costs are small in relation to the real estate investment and can be provided under the policies hereinbefore set forth in this Subpart, Operating loan funds may be used for this purpose provided the loan approval official determines that:

(i) In the case of a Farm Ownership borrower, the sum of the unpaid balance on the Farm Ownership loan, any other indebtedness secured by liens on the real estate, plus the amount of the Operating loan being used for real estate improvements will not exceed the Farm Ownership loan limitations with respect to the value of the farm as certified by the County Committee.

(ii) In the case of a Farm Housing or Soil and Water Conservation borrower whose loan is secured by real estate, the unpaid balance on the Farm Housing or Soil and Water Conservation loan, any other indebtedness secured by liens on the real estate, plus the amount of the Operating loan funds being used for real estate purposes do not exceed the normal market value of the farm as determined by the County Committee.

(4) Operating loan funds may not be used to finance real estate improvements which are included in the original Farm Development Plan.

(5) Operating loans may not be made to a tenant to finance real estate improvements unless he has a written lease for a sufficient period of time and under terms that will enable him to obtain reasonable returns on his investment. In addition, the lease in such case must provide for compensating the tenant for any unexhausted value of the improvement upon termination of the lease. In cases involving tenant applications, the landlord, applicant, and County Supervisor must thoroughly discuss and agree to the proposed improvements. In the case of an owner-operator it must be determined before funds are advanced for real estate improvements that he will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

§ 341.9 *Rates and terms.* Interest will be charged at the rate of 5 percent per annum on all Operating loans. Interest will accrue from the date of the loan check on outstanding principal only and will not be compounded. Loans will be scheduled for payment as follows:

(a) Payments of principal on Operating loans will be scheduled in accordance with the borrower's reasonable ability to pay, determined by an analysis of his farm and home operations as reflected in his Farm and Home Plans except that payments must be in more than token amounts. Except as provided in paragraph (b) of this section, principal payments on such loans will be scheduled at least annually, unless it is determined that income sufficient to meet the initial payment will not be received within 12 months from the date of the loan check, in which case the initial payment may be scheduled on a date coinciding with the date the income is to be received, but not beyond 18 months from the date of the loan check, and at least one payment will be scheduled during each 12-month period thereafter. In no event will any payment be scheduled later than seven years from the date of the loan check.

(1) Advances for annual recurring operating expenses will be scheduled for payment when the principal income from the year's operations normally would be received.

(2) Advances for such purposes as seeding permanent-type legumes and grasses and for basic soil treatment may be scheduled for payment over a period consistent with the applicant's payment ability, but in no event longer than the expected life of the seeding or treatment.

(3) Advances to purchase or produce feed for productive livestock, or livestock to be fed for the market, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(4) Advances for purposes other than those enumerated in subparagraphs (1), (2), and (3) of this paragraph will be scheduled for payment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the farm and home operations. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance. Where the conditions warrant such action, principal payments may be varied in amount from year to year. For example, when a livestock enterprise is being expanded as the feed and pasture program is developed, a graduated payment schedule could be used if necessary. In connection with subsequent loans for such purposes, it is necessary to consider payment schedules established previously for outstanding loans in order to assure a realistic over-all payment schedule within the limits prescribed above. In no case, however, should the late installments on a loan be scheduled in larger amounts than can be met from anticipated income.

(b) When it is anticipated that income will not be received early enough to pay the minimum initial principal payment required in accordance with the provisions of paragraph (a) of this section, plus interest, part or all of such payment, including advances for operating expenses, may be deferred in the situations indicated in subparagraphs (1) and (2) of this paragraph but not beyond the end of the second full crop year following the date of the loan. If a loan is made during a crop year and sufficient time remains in that year for the applicant to realize substantial benefits from the year's operations, the crop year during which the loan was made will be considered as the first full crop year. The amount of the initial principal installment scheduled for payment will be based upon the applicant's anticipated ability to pay, taking into consideration the fact that the interest which has accrued will fall due concurrently with each principal installment. Deferments may be approved only in the following situations:

(1) A major farm reorganization is planned and a relatively large amount of credit is being advanced to provide operating capital, or

(2) Substantial amounts of credit are being advanced for pasture development, fencing, and other land improvements, and a longer repayment period is needed for paying advances for these purposes, along with advances for capital purchases.

§ 341.10 *Security policies.* (a) The full amount of each loan will be secured as follows:

(1) *Crops.* By a first lien on the applicant's crops, or his share of the crops if he is a share tenant, which are growing or to be grown by him, subject only to

(i) The landlord's lien on the crops for reasonable cash or privilege rent for the current year;

(ii) The real estate mortgagee's lien or real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, provided such installment is reasonable when related to the normal rental charges for similar farms in the area;

(iii) The lien of another creditor on a particular crop(s) for advances made or to be made by him to produce such crop(s) provided no advance will be made by the Farmers Home Administration in connection with such crop(s).

NOTE: If a landlord, real estate morgagee, or real estate purchase contract holder has a lien on the applicant's crops for advances made or to be made, supplies furnished or to be furnished, past due rent, or amounts owing in connection with the purchase of the real estate other than for the current year's reasonable installment, he will be required to subordinate such lien whether it exists by statute, lease, chattel mortgage, conditional sales contract, vendor's lien, land purchase contract, or other contract. Any other creditor will also be required to subordinate such lien he has on such crop(s) except as provided in subdivision (iii) of this subparagraph.

(2) *Livestock and farm equipment purchased or refinanced.* By a first lien on all livestock and farm equipment purchased or refinanced with the proceeds of the loan, except that liens will not be taken on poultry kept primarily for family-living purposes, on small equipment and tools, or on household goods and equipment.

(3) *Other livestock and farm equipment of security value.* By a lien on the other livestock and farm equipment of security value owned by the applicant at the time the loan is approved, except that liens will not be taken on poultry kept primarily for family-living purposes, on small equipment and tools, on household goods and equipment, or on passenger automobiles subject to:

(i) The existing liens of the landlord, real estate mortgagee, or purchase contract holder on such property for amounts owed at the time the loan is approved, and for rent or installments on real estate which may become due in the future. Therefore, if such existing liens secure advances to be made or supplies to be furnished, the lienholder will be required to subordinate his lien for these purposes, whether it exists by statute, lease, chattel mortgage, conditional sales contract, vendor's lien, land purchase contract, or other contract.

(ii) The existing liens of creditors other than those specified in subdivision (i) of this subparagraph.

(4) *Liens and assignments to protect the government's interests in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below in subdivisions (i) and (ii) of this subparagraph.

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken, provided it is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose; and prior lien holders sign Form FHA–916, Agreement—Special Livestock Loan, or similar form approved by the Attorney in Charge, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed in this subpart. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA–916 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the live-

stock fed, or from livestock products, an assignment of such income will be taken provided the owner or purchaser of the livestock or livestock products accepts in writing the assignment. The form for use in obtaining such assignments will be approved by the Attorney in Charge. When the borrower's compensation under the livestock share lease, share agreement, or contract is livestock increase, the applicant will be required to agree in writing at the time the loan is made to give a first lien on such increase as soon as an effective lien can be taken, unless an after-acquired property clause in an existing lien instrument will provide such a first lien.

(5) *Assignments of crop insurance.* Borrowers having insurance on cash crops from which payments may be received will be required to give written assignments to the Farmers Home Administration of the proceeds of such insurance. If such insurance is to be obtained at a later date, an agreement will be reached with the borrower to give an assignment when the insurance is obtained. However, an assignment is not required in cases where a crop insurance policy contains a standard mortgage clause naming the Farmers Home Administration as mortgagee.

(6) *Assignments of proceeds from sale of agricultural products.* When loans are made to finance dairy or commercial egg enterprises from which payments are expected, assignments will be taken on the milk or egg income to assist in obtaining regular payments as income is received whenever it is possible to obtain an agreement from the purchaser to honor the assignments. Assignments of proceeds from the sale of other agricultural products or agricultural income, including wool incentive payments, will be taken when necessary to protect the interest of the Government and can be obtained.

(b) *Property insurance.* (1) Applicants obtaining Operating loans should be encouraged to carry insurance on their livestock, equipment, feed, seed, and other property necessary to afford them adequate protection against substantial losses from the common hazards existing in an area such as fire, lightning, and wind. It is especially desirable that insurance be obtained by applicants who obtain large loans and have considerable livestock, equipment, feed, and seed which are housed over an extended period. Such insurance may be obtained from any insurance company properly authorized to do business in the area.

(2) The hazards and risks to which security for Operating loans is subject vary substantially within and between States. Insurance coverage for security property, therefore, will not be made a general requirement in connection with the making of all Operating loans. However, loan approval officials may require individual borrowers to obtain suitable insurance as provided in Form FHA–30. --, "Crop and Chattel Mortgage," as a prerequisite to loan approval when such action is deemed necessary.

(3) When insurance is required as a loan approval condition or otherwise is carried by the borrower on property serving as security for an Operating loan, a mortgage clause will be attached to or printed in the policy in accordance with the principles outlined in Part 306 of this chapter.

(c) State Directors may require, on a State or other basis, because of State statutes or types of leases, land purchase contracts, and real estate mortgages, that as a condition to making Operating loans, the holders of such instruments subordinate their interests in whole or in part so that the Government can obtain the required security.

(d) Lien searches will be obtained in accordance with the provisions of Part 342 of this chapter to determine that the Government will have the required security.

§ 341.11 *Land tenure.* Good land tenure is essential in building a sound and successful farming business. Applicants will, therefore, be required to make satisfactory arrangements for the use of sufficient land of the quality necessary for carrying on an approved system of farming on a sound and practical basis. The tenure policies set forth below in this section will be followed by Farmers Home Administration officials in the making and approving of loans.

(a) *Tenant operators.* (1) Before a loan is made the tenant, the landlord, and the County Supervisor must understand the terms and conditions of the tenure arrangements. These understandings can best be reached through discussions, preferably on the farm, and such discussions will be held whenever possible except when no significant adjustments and improvements are to be made in the farming operations. In any event the understanding will include how the farm will be operated; the manner in which the planned adjustments and improvements will be financed; the distribution of income and expenses and other contributions by the tenant or the landlord; agreement on any pertinent long-time planning aspects of the case; and any other factors affecting the tenure relationship.

(2) Ordinarily, loans will not be made unless the applicant obtains a satisfactory written lease. However, when for good reason an applicant cannot obtain a written lease on part or all of the land he expects to operate, the loan may be approved, provided the County Supervisor determines that the understanding existing between the tenant and landlord are definite and the rental terms are satisfactory with respect to each tract of land; and the lack of a written lease will not likely jeopardize the applicant's farming operations.

(b) *Owner operators.* Before loans are made to owner-operators, the terms existing with respect to any real estate indebtedness owing will be ascertained and a determination will be made as to whether the applicant's proposed farming operations will enable him to meet the required payments on the real estate indebtedness as well as being sound in other respects, and the applicant will have reasonably secure tenure on the farm under the terms of the real estate mortgage or purchase contract.

§ 341.12 *Loan limitations and requirements.* The following loan requirements and limitations will be observed in making Operating loans;

(a) The amount of each loan will be limited to the needs of the applicant and his ability to pay. Normally, these needs can be met within a total outstanding principal indebtedness of $10,000. However, when the credit needs of an individual applicant exceeds this amount, because of the type of farming operation which he proposes to carry out or unusual operating needs, loans may be made which would result in an indebtedness in excess of $10,000, but in no case may a loan be made which would cause the total principal balance outstanding to exceed $20,000. In addition, the aggregate of the portion of the loans made in any fiscal year which increases the borrower's indebtedness above $10,000 may not exceed 10 percent of the appropriation for such loans for that year.

(b) No loan may be made to an applicant who has been indebted for loans made under Title II of the Bankhead-Jones Farm Tenant Act for seven consecutive years until all of his indebtedness under such loans has been liquidated by payment in full or debt settlement except as provided in paragraph (c) of this section. Normally, it is expected that a borrower will not need further Farmers Home Administration Operating loans after the 7-year period of continuous indebtedness.

(c) In individual cases in which the borrower has reached the 7-year continuous indebtedness limitation, and applies for additional credit, the County Committee will review thoroughly the borrower's past operations, present and future credit needs, and repayment ability. If it is determined by the County Committee and the loan approval official that the borrower is unable to pay his indebtedness as originally scheduled; that such inability was due to causes beyond the borrower's control, such as adverse weather, crop or livestock disease or pestilence, sickness, fire, reduction in acreage allotments, unfavorable price-cost relationships, or other economic factors occurring during the 7-year period of continuous indebtedness; that with an extension of the present indebtedness as provided herein and with additional Operating loans, the borrower will be able to accomplish the objectives of the loan and pay his indebtedness in full; that all junior lien holders will agree in writing to the proposed extension; and that the borrower meets the other requirements for the loan, the borrower's existing indebtedness or any installment thereof may be extended for a period not beyond 10 years from the debt limitation control date and during such extended period additional loans may be made to him.

(1) The installment(s) being extended will be scheduled for payment in line with the borrower's ability to pay, taking into consideration the other debts owed the Farmers Home Administration, provided:

(i) The installment(s) being extended will be scheduled for payment within 10 years from the debt limitation control date.

(ii) No installment of any existing note falling due after 10 years from the debt limitation control date may be extended as to date or changed as to amount.

(d) Loan funds may not be used to pay debts owed by the applicant to the Farmers Home Administration, or to make principal or interest payments on such debts. Loans may not be made for the purchase of real estate or for making principal payments on real estate already purchased. Among other things, this precludes the making of loans for the purpose of making down payments on Farm Ownership farms, for replacing livestock and equipment sold primarily for the purpose of obtaining funds with which to make such down payments, and for the refinancing of debts incurred for that purpose.

(e) Loans will not be made for the purchase of livestock or payment of debts on livestock which will result in split lines of credit between the Farmers Home Administration and other creditors in connection with a particular livestock herd or flock.

(f) A joint loan may be made to husband and wife, mother and son, or father and son, living together as a family and operating jointly the same farm unit. No other joint loans may be made. When joint loans are made, both individuals will execute the application, certification, loan authorization, notes, mortgages, and other documents required in connection with the making and closing of the loan.

(g) Separate loans may be made to eligible individuals who are engaged jointly in farming, provided not more than two individuals are interested in the operation; the security requirements contained in § 341.10 are met; and the operations provide the equivalent of a family-type operation for each applicant family. If a loan is made to only one such individual, it will be secured by a first lien on his interest in the crops and chattels and the other individual will be required to execute the mortgage with him so as to disclaim any interest in the security property offered by the applicant. If a loan is made to each of the two individuals, the security instruments for each will be executed by both, or a joint mortgage may be taken.

(h) Before a loan can be made to an applicant for whom debts have been settled pursuant to Part 364 of this chapter, or where a settlement under such subpart is contemplated, it must appear conclusively that the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, that the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed, and that the borrower's operations will be sound and afford him a reasonable prospect of paying the loan and meeting his other obligations. Loans in such cases must be submitted to the National Office for review prior to approval.

(i) Loans will not be made to finance unproven types of farming enterprises in an area.

§ 341.13 *Loan approval—(a) Administrative determinations and responsibilities.* When an applicant has been certified by the County Committee as eligible to receive a loan in accordance with § 341.7, the loan approval official will determine administratively whether the applicant meets the requirements prescribed in § 341.5 and the other requirements for a loan. The loan approval official will determine that the applicant is eligible for assistance, that the applicant has satisfactory tenure arrangements, that the Long-Time Farm and Home Plan, where required, provides for a proper organization of the farm business, that the improvements and practices essential to successful farm and home operations have been planned, that the proposed operations are financially sound, that the amount of the loan and the purposes for which the funds are to be used are consistent with the family's needs and are for authorized purposes, that the loan can be paid in accordance with the payments scheduled, that the security requirements can be met, that the certifications required of the applicant and County Committee have been made, and that the loan meets all other Farmers Home Administration requirements.

(b) *Authority.* State Directors are hereby authorized to approve loans to eligible applicants subject to applicable policies and provisions contained in this subpart and Part 342 of this chapter, provided no loan may be approved which will result in an applicant becoming indebted in excess of $15,000 principal for loans made under Title II of the Bankhead-Jones Farm Tenant Act. A loan which will result in an applicant's total principal indebtedness under this title exceeding $15,000, but not exceeding $20,000, may also be approved by the State Director after prior review by the National Office. In order to provide for any unforeseen need for credit and protect the Government's interest, ordinarily, it is necessary for a reasonable margin to be maintained between the maximum indebtedness limitation and the amount loaned to an applicant.

(1) State Directors are hereby authorized to redelegate to qualified State Office employees, County Supervisors, and GS–7 Assistant County Supervisors, authority to approve loans, provided that County Supervisors and GS–7 Assistant County Supervisors may not be authorized to approve loans which will result in an applicant becoming indebted in excess of $10,000 principal for loans made under Title II of the Bankhead-Jones Farm Tenant Act and for Emergency Loans under Part 381 of this chapter.

(2) A debt limitation control date is established for each borrower. This date will be used in determining the continuous indebtedness limitation by the loan approval official.

SUBPART B—OPERATING LOANS TO PART-TIME FARMERS

§ 341.21 *General.* (a) This subpart prescribes the policies and authorities for making Operating loans to part-time farmers including operators of less than family-type farms as authorized under Title II of the Bankhead-Jones Farm Tenant Act, as amended.

(b) Preference will be given to eligible veteran applicants in making loans to part-time farmers.

§ 341.22 *Objectives.* The primary objective of Operating loans to part-time farmers and stockmen is to enable established bona fide part-time farmers who reside in areas designated for the Rural Development Program to more fully utilize their land and labor resources in order to make needed improvements in their living conditions and economic situation. Some part-time farmers in other areas also will qualify for loans under this subpart. This objective will be accomplished through the extension of credit and supervisory assistance.

§ 341.23 *Supervisory assistance.* Borrowers will receive supervisory assistance to the extent necessary to assure that the objectives outlined in § 341.22 are accomplished and that the interests of the Government are protected. Borrowers who are conducting part-time farming operations will receive assistance in developing an Annual Farm and Home Plan for the first full crop year and such additional assistance as is necessary to accomplish the objectives of the loan. Subsequent loans to such borrowers will be based on the same type of plans and other supervisory assistance. Even though annual plans are not developed in subsequent years, the County Supervisor will continue to service the outstanding loan to the extent necessary to assure that security property is being maintained properly, acceptable farming practices are being followed, and the maturities on Farmers Home Administration debts and any debts secured by prior liens are being paid when due.

§ 341.24 *Relationship with other types of Farmers Home Administration loans.* Operating loans to part-time farmers will bear the same relationship to other types of Farmers Home Administration loans as provided in § 341.4.

§ 341.25 *Eligibility—(a) Applicant.* In order to be eligible for a loan, the applicant must:

(1) Meet the same eligibility requirements as specified in subparagraphs (1), (2), (3), (4), and (5) of § 341.5 (a).

(2) Be an established bona fide farm operator at the time he applies for a loan and be an individual who has historically resided on a farm and depended on farm income for his livelihood. This means that to be eligible the applicant must have resided on a farm and depended on farm income for his livelihood a substantial portion of his life. Applicants who are spending a major portion of their time during the year in off-farm employment are not considered bona fide farmers and, therefore, are not eligible. Veterans will meet the same eligibility requiremetns as nonveterans except that a veteran recently returned from military service will not be required to be established as a bona fide farm operator at the time he applies for assistance.

(3) Have had farm experience or training sufficient to indicate reasonable prospects of conducting successful part-time farming operations.

(4) Need assistance to make improvements in his farming operations which cannot be provided from his income and resources so as to improve his general economic situation and living conditions.

(b) *Farm.* Operating loans to part-time farmers will be limited to individuals whose farms are of such size and productive capacity that they will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income which, together with income from other sources, including pensions in the case of disabled veterans, is sufficient to meet farm operating and family living expenses and provide for necessary capital replacements, meet payments on the Farmers Home Administration indebtedness, meet payments on any other indebtedness, and provide a reasonable reserve for emergencies. Such farms may be either less than family-type units or family-type units on which the applicant will carry on a type of farming that will require substantial income from other employment during the term of the loan.

(c) *Off-farm employment.* It must be determined that off-farm income will be reasonably certain to materialize in the amount anticipated, taking into consideration the nature of the proposed employment and the actual employment for the past two or three years, if any, and that the time required for the off-farm work, together with that required for the farm is possible of accomplishment by the applicant and his immediate family, taking into consideration seasonal peakload periods and any provision for hired labor during such peakload periods.

§ 341.26 *Certification by the applicant.* Part-time farmers applying for Operating loans will make the same certification as provided in § 341.6.

§ 341.27 *Certification by the County Committee.* The certification by the County Committee for part-time farmers applying for Operating loans and the information furnished the County Committee by the County Supervisor concerning such applicants will be the same as provided in § 341.7, except that the County Supervisor will also provide, and the County Committee will consider, specific information concerning the applicant's off-farm employment and the eligibility requirements prescribed in subparagraphs (2), (3), and (4) of § 341.25. This information concerning off-farm employment will include employment history, place of employment, extent of employment and when it will be performed, and amount of off-farm income anticipated.

§ 341.28 *Loan purposes.* Operating loans to part-time farmers may be made for the same purpose as prescribed in § 341.8.

§ 341.29 *Rates and terms.* The rates and terms for Operating loans to part-time farmers are the same as prescribed in § 341.9.

§ 341.30 *Security policies.* The security policies for Operating loans to part-time farmers are the same as prescribed in § 341.10.

§ 341.31 *Land tenure.* Tenure requirements for Operating loans to part-time farmers are the same as prescribed in § 341.11.

§ 341.32 *Loan limitations and requirements.* Loan limitations and requirements for Operating loans to part-time farmers are the same as prescribed in § 341.12. However, loans will not be made to finance the applicant's off-farm employment. This prohibits the making of Operating loans for such purposes as the purchase of equipment, construction or repair of buildings, or providing operating expenses in connection with the off-farm employment.

§ 341.33 *Loan approval.* State Directors are hereby authorized to approve loans to eligible part-time farmer applicants and to redelegate such authority in the same amounts and under the same conditions as prescribed in § 341.13. In addition, the loan approval official must determine that the applicant's proposed operations are financially sound, taking into consideration the anticipated gross income from farming and other sources. Ordinarily, farm income available for debt payment should be sufficient to meet the required payments on the loan. However, under some circumstances such as when major improvements are being made in the farming operations, and the income resulting from these improvements will be delayed, it may be necessary to look to the off-farm income for payment. In such cases it must be determined that the off-farm income will be available in sufficient amounts to meet the payments expected from this source at the proper time, and the applicant will cooperate in making the required payments from off-farm income.

§ 341.34 *Special authority to alter eligibility requirements.* If a State Director determines that the credit needs in an area designated under the Rural Development Program cannot be satisfactorily met under the eligibility requirements contained in this subpart, the Administrator may make exceptions to administrative eligibility requirements.

Dated: January 29, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-790; Filed, Feb. 1, 1957; 8:47 a. m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 CCC Peanut Bulletin 721 (Peanuts 56)-1, Amdt. 1]

PART 446—PEANUTS

SUBPART—1956 CROP PEANUT PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation (hereinafter referred to as "CCC") with respect to the 1956 crop Peanut Price Support Program (21 F. R. 5982) are amended as provided herein. The period for making loans in the Virginia-Carolina producing area has been extended from January 31, 1957 to March 1, 1957. The 7 percent allowance for damaged kernels in No. 2 shelled peanuts eligible for sale to CCC is revised to include kernels having minor defects. CCC may purchase, at reduced prices, peanuts having percentages of kernels, which pass through the prescribed screen, in excess of the 6 percent tolerance in the U. S. grades for No. 2 peanuts.

The regulations in § 446.801 to 446.832, inclusive, are hereby amended as specified below:

1. Paragraph (b) of § 446.802 is amended to read as follows:

(b) *Time.* Loans will be made through January 31, 1957, except that in the Virginia-Carolina area loans will be made through March 1, 1957. All loans will mature on May 31, 1957, or such earlier date as may be specified by CCC: *Provided, however,* That CCC may extend the maturity date beyond May 31, 1957. All farm storage loan documents must be dated and delivered to the county office on or before January 31, 1957, except that in the Virginia-Carolina area all farm storage loan documents must be dated and delivered to the county office on or before March 1, 1957. Warehouse receipts for peanuts delivered to the association operating under an agreement with CCC must be dated not later than January 31, 1957, except that in the Virginia-Carolina area warehouse receipts must be dated not later than March 1, 1957. All warehouse receipts must have been issued within two business days after the peanuts were received in the warehouse.

2. Paragraph (a) of § 446.821 is amended to read as follows:

§ 446.821 *Eligibility requirements for No. 2 peanuts.* No. 2 peanuts of any type offered to CCC must:

(a) Meet the standards for U. S. No. 2 peanuts in the United States Standards for shelled peanuts of such type issued by the U. S. Department of Agriculture, Agricultural Marketing Service, effective July 31, 1956: *Provided, however,* That such peanuts shall contain 7 percent or less damaged kernels and kernels with minor defects, 9 percent or less moisture, 2 percent or less foreign material, and 10 percent or less sound peanuts and portions of peanuts which will pass through the screen prescribed for such type.

3. Paragraph (a) of § 446.828 is amended to read as follows:

§ 446.828 *Payment for No. 2 peanuts.* (a) The price per pound net weight of No. 2 peanuts purchased by CCC shall be as follows:

[Cents per pound]

No. 2 peanuts containing damage and kernels with minor defects of—	Percentage of sound peanuts and portions of peanuts which will pass through the prescribed screen				
	6 percent	7 percent	8 percent	9 percent	10 percent
1 percent	15.50	15.25	15.00	14.50	14.00
2 percent	15.25	15.00	14.75	14.25	13.75
3 percent	15.00	14.75	14.50	14.00	13.50
4 percent	14.50	14.25	14.00	13.50	13.00
5 percent	13.00	13.35	13.10	12.60	12.10
6 percent	12.50	12.25	12.00	11.50	11.00
7 percent	10.50	10.25	10.00	9.50	9.00

The terms "damage", "minor defects" and "prescribed screen" have the meanings assigned in the United States Standards for shelled peanuts of the type being purchased by CCC, issued by the U. S. Department of Agriculture, Agricultural Marketing Service, effective July 31, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; sec. 201, 68 Stat. 899; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 31st day of January 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-827; Filed, Feb. 1, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

[Amdt. 1]

PART 5—DETERMINATION OF PARITY PRICES

CIGAR BINDER TOBACCO, CIGAR FILLER AND BINDER TOBACCO, AND PIMIENTOS

The regulations of the Secretary of Agriculture with respect to the determination of parity prices (21 F. R. 761) are amended as hereinafter specified in order to designate cigar filler and binder tobacco, types 42-44 and 53-55, and cigar binder tobacco, types 51-52, as separate commodities for the purpose of computing parity prices and to delete pimientos from the list of commodities for which parity prices are calculated.

1. The paragraph of § 5.2 headed "Basic Commodities" is amended to read as follows:

Extra long staple cotton and the following types of tobacco: Flue-cured, types 11-14; fired-cured, types 21-24; burley, type 31; dark air-cured, types 35-36; sun-cured, type 37; Pennsylvania seedleaf, type 41; cigar filler and binder, types 42-44 and 53-55; Puerto Rican filler, type 46 (price refers to year of harvest); and cigar binder, types 51-52.

2. The paragraph of § 5.2 headed "Vegetables for Processing" is amended by deleting "pimientos."

3. The paragraph of § 5.4 headed "Basic Commodities" is amended to read as follows:

Wheat; corn; American upland cotton; extra long staple cotton; rice; peanuts; [1] and the following types of tobacco: flue-cured, types 11-14; fire-cured, types 21-24; burley, type 31; Maryland, type 32; dark air-cured, types 35-36; sun-cured, type 37; Pennsylvania seedleaf, type 41; cigar filler and binder, types 42-44 and 53-55; Puerto Rican filler, type 46; and cigar binder, types 51-52.

4. The paragraph of § 5.4 headed "Vegetables for Processing" is amended by deleting pimientos."

(Sec. 301, 52 Stat. 38, as amended; 7 U. S. C. 1301)

Done at Washington, D. C., this 30th day of January 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-810; Filed, Feb. 1, 1957; 8:50 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 613, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—EUROPEAN CHAFER

REVISION OF ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER EUROPEAN CHAFER QUARANTINE AND REGULATIONS

On December 5, 1956, there was published in the FEDERAL REGISTER (21 F. R. 9612), under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to a proposed revision of 7 CFR 301.77-2a. After due consideration of all relevant matters presented, and pursuant to § 301.77-2 of the regulations supplemental to the European chafer quarantine (7 CFR 301.77-2), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), 7 CFR 301.77-2a is hereby revised to read as follows:

§ 301.77-2a *Administrative instructions designating regulated areas under the European chafer quarantine and regulations.* Infestations of the European chafer have been determined to exist in the counties and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such counties and other civil divisions, and parts thereof, are hereby designated as European chafer regulated areas within the meaning of the provisions in this subpart:

CONNECTICUT

New Haven County. That area, comprising part of the town of Meriden, included within a circle having a 1-mile radius and center at the intersection of Wilber Cross Parkway (Connecticut Route 15) and U. S. Highway 5.

NEW YORK

Chemung County. That area, comprising part of the city of Elmira, bounded by a line beginning at the intersection of Bonview Street and Ogden Avenue, proceeding south on Ogden Avenue to Roe Avenue, thence east on Roe Avenue to Bridgman Street, thence south on Bridgman Street to Washington Avenue, thence west on Washington Avenue to Hoffman Street and continuing west of Hoffman Street approximately 2,400 feet, thence northerly approximately 2,800 feet, thence easterly approximately 1,600 feet and continuing east on Bonview Street to the point of beginning.

Erie County. That area, comprising part of the city of Buffalo, bounded by a line beginning at the intersection of Delaware Avenue and Humboldt Parkway, proceeding southeast on Humboldt Parkway to East Delavan Avenue, thence west on East and West Delavan Avenues to Delaware Avenue, and thence northerly on Delaware Avenue to the point of beginning.

Monroe County. The entire county.

Niagara County. That area, comprising part of the city of Niagara Falls, included within a circle having a ½-mile radius and center at the intersection of College and Highland Avenues.

Onondaga County. Towns of Cicero, Clay, De Witt, Geddes, and Salina, and the city of Syracuse.

Ontario County. Towns of Canandaigua, Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps, Seneca, and Victor, and the cities of Canandaigua and Geneva.

Oswego County. Town of Minetto.

Seneca County. Towns of Junius and Tyre.

Wayne County. The entire county.

WEST VIRGINIA

Hampshire County. District of Bloomery and town of Capon Bridge.

These administrative instructions shall become effective February 2, 1957, when they shall supersede administrative instructions effective September 1, 1955.

This revision of administrative instructions adds to the regulated area in New York all previously unregulated parts of the city of Syracuse and the town of Salina, as well as the entire towns of Cicero, Clay, De Witt, and Geddes in Onondaga County and the town of Minetto in Oswego County.

These instructions should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of European chafers. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the instructions effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 29th day of January 1957.

[SEAL] E. D. BURGESS,
Chief,
Plant Pest Control Branch.

[F. R. Doc. 57-808; Filed, Feb. 1, 1957; 8:49 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 867.9]

PART 867—WAGES; SUGARCANE: PUERTO RICO

1957 AND SUBSEQUENT CALENDAR YEARS

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in San Juan, Puerto

Rico, on October 25 and 26, 1956, the following determination is hereby issued:

§ 867.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Puerto Rico during 1957 and subsequent calendar years*—(a) *Requirements.* A producer of sugarcane in Puerto Rico shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane during 1957 and subsequent calendar years shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full and in cash for all such work the wages required by existing legal obligations, whether such obligations resulted from an agreement (such as an agreement between the producer and worker by labor union agreement or otherwise) or were created by statute.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugarcane grown on the farm for the extraction of sugar or liquid sugar: *Provided*, That such requirements shall not apply to any person engaged in such work with respect to sugarcane grown on acreage in excess of the proportionate share for the farm, which is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico, (herein referred to as "Area Office") acceptable and adequate proof which satisfies the Area Office that the work performed was related solely to such sugarcane.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugarcane, including, but not limited to, carpenters, electricians, masons, mechanics, welders, and other maintenance and repairmen.

(d) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(e) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall arrange for such investigations as it deems necessary and, the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

(f) *Effective period.* The provisions of this section shall be effective as of January 1, 1957, and shall remain in effect until amended, superseded, or terminated.

Statement of bases and considerations—(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane in Puerto Rico during 1957 and subsequent calendar years, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *Wage determination.* This determination differs from the 1956 wage determination in that fair and reasonable wages for 1957 and subsequent calendar years are to be as agreed upon between the producer and the worker. Specific rates for each worker classification are not provided as in the prior determination. This determination also provides that workers who are not directly connected with the production, cultivation, or harvesting of sugarcane are excluded; that the fair wage provisions are not applicable with respect to sugarcane grown in excess of the proportionate share for the farm if such sugarcane is marketed or processed for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed; and that the determination will remain in effect until amended, superseded, or terminated, instead of being applicable to a specific calendar year.

A public hearing was held in San Juan, Puerto Rico, on October 25 and 26, 1956, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable wage rates for the calendar year 1957. The representative of the Grower-Processor Committee recommended that the wage determination for the calendar year 1957 be the same as the 1956 determination, notwithstanding the action taken by the Legislature of Puerto Rico in establishing wage rates for sugarcane workers. Two producer representatives recommended that the definition for field flooders and irrigators be the same as set forth in the 1955 determination. Another producer representative recommended that the determination continue to provide for the use of piecework rates.

A representative of a local labor organization recommended that the Secretary refrain from determining any wages for the year 1957 or for subsequent years, and delegate his authority to fix such wages to the Legislature of Puerto Rico. A representative of another labor union recommended that the piecework provision be eliminated from the determination, that growers producing sugarcane yielding less than 500 tons of sugar pay the same wages as established by the Minimum Wage Act of Puerto Rico; that growers producing more than 500 tons of sugar pay wages that would yield a minimum of $1,400 per year; that arts and trades workers be included in the determination; and that a maximum 7-hour day be determined for the operations of digging and cleaning ditches, cleaning cane, spraying, and planting of cane with picks.

Consideration has been given to the recommendations made at the public hearing, to the returns, costs, and profits of sugarcane producers obtained by a survey conducted by the Department in a recent year and restated for the current year in terms of price and production conditions likely to prevail, to information obtained as a result of investigations and to other pertinent factors.

The Legislature of Puerto Rico enacted the "Minimum Wage Act of Puerto Rico" effective June 26, 1956, which regulates wages in all industries, including agriculture. The declared policies, among others, as stated in the law are to (1) step up the development of agriculture, industry and business in Puerto Rico, and (2) maintain the necessary flexibility in the fixing of minimum wages so as to insure for the workers the highest wage that economic conditions of the industry will permit. The law provides that the minimum wages fixed pursuant to such law shall be revised at least once every two years. Minimum rates for sugarcane workers which have been fixed by the Puerto Rican law are the same as those in the 1956 wage determination for most classifications of workers when the average price of raw sugar is less than $5.80 per hundredweight; when the average price of raw sugar is $5.80 or more per hundredweight the rates are approximately five percent higher for unskilled workers and from 14 to 18 percent higher for skilled workers. The law also establishes wage rates for other classifications of workers which were not covered by the 1956 wage determination.

The rates fixed by the Puerto Rican law are as high as or higher than those indicated for the calendar year 1957 by the application of the standards customarily considered in establishing fair and reasonable wages under the act. Accordingly, no specific rates have been established by this determination. However, to meet the requirements of the act the producer must have paid to the worker in full the wages required by existing legal obligations, regardless of whether such obligations resulted from an agreement (such as a labor union agreement) or were created by statute.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

The wage requirements of this determination are not applicable to sugarcane grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the Area Office that such sugarcane is marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. During the last two or three years quantities of nonquota sugar have been imported into the United States for use as livestock feed. This sugar has been marketed at price levels substantially below the price levels which prevailed for quota sugar. The use of sugar for livestock feed is a further development to find alternative uses for sugar. Section 212 of the act specifies that the quota provisions of Title II are not applicable to sugar imported or produced in the United States for this purpose.

In view of the acreage restrictions in effect for domestic sugar-producing areas in recent years, some domestic producers appeared to be interested in the production of sugar for livestock feed or for the production of livestock feed so as to cushion the impact of restrictions whenever it became necessary to reduce production and to allow domestic areas to participate in the market for livestock feed with foreign areas. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugarcane in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugarcane in excess of the proportionate share for the farm is not eligible for payments under the act. Prior to this amendment, the wage requirements were applicable to all sugarcane grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for such payment.

Inasmuch as the Minimum Wage Act of Puerto Rico is on a continuing basis, this determination is issued effective January 1, 1957, to remain in effect until amended, superseded, or terminated. However, the Department will periodically survey, analyze conditions, and hold hearings as may be necessary to insure that workers continue to receive the protection afforded by the wage provisions of the act.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 29th day of January 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-786; Filed, Feb. 1, 1957; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 104]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.404 *Navel Orange Regulation 104*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on January 31, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at at 12:01 a. m., P. s. t., February 3, 1957, and ending at 12:01 a. m., P. s. t., February 10, 1957, is hereby fixed as follows:

(i) District 1: 554,400 cartons;
(ii) District 2: 277,200 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 1, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-860; Filed, Feb. 1, 1957; 11:19 a. m.]

[Grapefruit Reg. 257]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.827 *Grapefruit Regulation 257*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 29, 1957; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this chapter); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., February 4, 1957, and ending at 12:01 a. m., e. s. t., February 18, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3\frac{15}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this chapter).

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided,* That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3\frac{9}{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this chapter).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 30, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-805; Filed, Feb. 1, 1957; 8:49 a. m.]

[Tangerine Reg. 185]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.828 *Tangerine Regulation 185*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on January 29, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this chapter).

(2) During the period beginning at 12:01 a. m., e. s. t., February 4, 1957, and ending at 12:01 a. m., e. s. t., February 18, 1957 no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2\frac{25}{32}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this chapter).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 30, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-806; Filed, Feb. 1, 1957; 8:49 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11374]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

In the matter of amendment of Parts 7 and 8 of the Commission's rules and to delete the frequencies 6240 kc and 6455 kc and to make the frequency 4372.4 kc available on a full-time basis for ship and coast stations using radio-telephony on the Mississippi River and connecting inland waterways (except the Great Lakes).

The Commission's order in the above-entitled docket released January 18, 1957 (FCC 57-68, 21 F. R. 498), is corrected by deleting "by the continued use of these frequencies" from paragraph (e), so that paragraph (e) reads as follows:

(e) whether the utility of a maritime mobile band would be seriously impaired by an accumulation of this and other multiple low power out of band operations, both domestic and international; and

Released: January 24, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-793; Filed, Feb. 1, 1957; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

RAILROAD ANNUAL REPORT FORM C

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 17th day of January A. D. 1957.

The matter of annual reports of line-haul and switching and terminal railroad companies of class II being under further consideration, and the changes to be effectuated by this order being minor changes in the data to be furnished resulting principally from changes in the classification of railroads and from revision in the numbering of accounts in the Commission's Uniform System of Accounts for railroad companies, rule-making procedures under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a) being deemed unnecessary:

It is ordered, That the order of February 4, 1955, in the matter Steam Railway Annual Report Form C, be, and is hereby modified and amended with respect to annual reports for the year ended December 31, 1956, and subsequent years, to read as shown below:

It is further ordered, That 49 CFR 120.12, be, and it is hereby modified and amended to read as follows:

§ 120.12 *Form prescribed for class II railroads.* Commencing with the year ended December 31, 1956, and for subsequent years thereafter, until further order, all line-haul and switching and terminal railroad companies of class II subject to the provisions of section 20, part I of the Interstate Commerce Act, are required to file annual reports in accordance with Railroad Annual Report Form C,[1] which is made a part of this section. Such annual report shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington 25, D. C., on or before March 31, of the year following the year to which it relates.

And it is further ordered, That copies of this order and of Annual Report Form C shall be served on all line-haul and switching and terminal railroad companies of class II, subject to the provisions of section 20, part I, of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator or assignee of any such railroad, and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-792; Filed, Feb. 1, 1957; 8:47 a. m.]

[1] Filed as part of original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amendment 184]

PART 608—RESTRICTED AREAS

RESTRICTED AREA ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.20, the Sailor Creek, Idaho, area (R–254 formerly D–254), published on July 16, 1949, in 14 F. R. 4290, is amended by changing the "Controlling Agency" column to read: "Mountain Home Air Force Base, Idaho."

2. In § 608.45, the Boardman, Oregon, area (R–251), amended on November 2, 1955, in 20 F. R. 8211, is further amended by changing the "Time of Designation" column to read: "Continuous."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 7, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-779; Filed, Feb. 1, 1957; 8:45 a. m.]

[Amdt. 233]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Boston, Mass.; Logan Airport, elevation 19'; facility SBRAZ, identification BOS; Procedure No. 1, Amendment No. 6, effective date, Feb. 23, 1957; supersedes Amendment No. 5, dated July 8, 1954

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Peabody FM (final)	BOS-LFR	Direct	800	T-dn%	300-1	300-1	200-½	#1,000' per minimum required, but runway is 10,012' long.
				C-dn	*500-1	600-1	600-1½	*600-1 required when circling W of airport.
				S-dn 22L#	400-1	600-1	600-1½	Procedure turn W side of course, 031° outbound, 211° inbound, 1,500' within 10 miles.
				A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 800'.
								Course and distance, facility to airport, 234—1.0.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1 mile, make a climbing left turn to 1,500' on E course of Boston LFR, or (when directed by ATC) climb to 1,800' on SW course of Boston LFR within 10 miles.
								NOTE: Procedure turn does not provide standard clearance over 599' tower 5.2 miles WNW of Boston LFR. 600' circling minimums do not provide standard clearance over 370' stack 1.2 miles SW of airport. 1,349' WBZ-TV tower to 10.5 miles WSW of airport.
								%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
								Major changes: Departure restriction added.

New York, N. Y.; International Airport, elevation 12' facility SMRA, identification IDL; Procedure No. 1, Amendment No. 8, effective date, Feb. 23, 1957; supersedes Amendment No. 7, dated Dec. 8, 1956

Scotland MHW or Intersection.	IDL-LFR (final)	042—10.4	700	T-dn	300-1	300-1	200-½	Procedure turn E side SW course, 222° outbound, 042° inbound, 1,200' within 10 miles.
				C-dn	400-1	500-1	500-1½	Minimum altitude over facility on final approach course, 700'.
				S-dn-4	400-1	400-1	400-1	Course and distance, facility to airport, 040—2.5.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.5 miles, climb to at least 500' on NE course, make a climbing right turn to 1,500' on 130° intersecting SW course of the Mitchel LFR and proceed to the Long Beach Intersection. Contact IDL approach control for further instructions.
								CAUTION: Circling and straight-in landing minimums do not provide standard obstruction clearance over airport control tower and stack 278' 1.7 miles SSE of runway 1R.
								Major changes: Missed approach revised.

San Angelo, Tex.; Mathis Airport, elevation 1,915'; facility BMRLZ, identification SJT; Procedure No. 1, Amendment No. 7, effective date, Feb. 23, 1957; supersedes Amendment No. 6, dated June 9, 1956

San Angelo VOR	SJT-LFR	Direct	3,000	T-dn	300-1	300-1	200-½	Procedure turn N side E course, 060° outbound, 240° inbound, 3,200' within 10 miles. Beyond 10 miles not authorized.
				C-dn	400-1	500-1	500-1½	Minimum Altitude over facility on final approach course, 2,500'.
				S-dn-21-27	400-1	400-1	400-1	Course and distance, facility to airport, 240—5.6.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5.6 miles, climb to 3,600' on W course of LFR within 20 miles.
								NOTE: Not approved for ADF approach.

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Albuquerque, N. Mex.; Kirtland AFB-MUN, elevation 5,352'; facility BVOR, identification ABQ; Procedure No. 1, Amendment No. 3, effective date, Feb. 23, 1957; supersedes Amendment No. 2, dated May 27, 1954

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
ABQ LFR	ABQ-VOR	Direct	8,000	T-dn	300-1	300-1	200-½	Procedure turn N side of course, 258° outbound, 078° inbound, 8,000' within 10 miles (nonstandard due to danger area).
				C-dn	500-1½	500-1½	500-1½	Minimum altitude over facility on final approach course, 6,700'.
				C-n	500-2	500-2	500-2	Course and distance, facility to airport, 078—8.9.
				S-d-8	500-1	500-1	500-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 8.9 miles, turn right and climb to 10,000' on R-256 within 20 miles.
				S-n-8	500-2	500-2	500-2	
				A-dn	800-2	800-2	800-2	CAUTION: Landing minimums do not provide standard clearance over 6,000', tower 1 mile NE of airport.

Midland, Tex.; Air Terminal Airport, elevation 2,867'; facility BVOR, identification MAF; Procedure No. 1, Amendment No. 5, effective date, Feb. 23, 1957; supersedes Amendment No. 4, dated June 16, 1956

Midland LFR	MAF-VOR	Direct	4,200	T-dn	300-1	300-1	*200-½	Procedure turn E side of course, 360° outbound, 180° inbound, 4,000' within 10 miles. Beyond 10 miles not authorized.
				C-dn	400-1	500-1	500-1½	Minimum altitude over facility on final approach course, 3,500'.
				S-dn-16R	400-1	400-1	400-1	Course and distance, facility to airport, 180—3.6.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.6 miles, climb to 4,000' on R-150 within 20 miles.

*300-1 required on runway 16L and 34R.

San Angelo, Tex.; Mathis Airport, elevation 1,915'; facility BVOR, identification SJT; Procedure No. 1, Amendment No. 4, effective date, Feb. 23, 1957; supersedes Amendment No. 3, dated June 9, 1956

San Angelo LFR	SJT-VOR	Direct	3,000	T-dn	300-1	300-1	200-½	Procedure turn N side of course, 061° outbound, 241° inbound, 3,400' within 10 miles. Beyond 10 miles not authorized.
				C-dn	400-1	500-1	500-1½	Minimum altitude over facility on final approach course, 2,500'.
				S-dn-21	400-1	400-1	400-1	Course and distance, facility to airport, 234—1.8.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.8 miles, climb to 3,600' on R-234 within 20 miles.
								Major changes: Limits procedure turn distance. Raises missed approach altitude.

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Boston, Mass.; Logan Airport, elevation 19'; facility BVOR, identification BOS; Procedure No. TerVOR-4R, Amendment No. 2, effective date, Feb. 23, 1957; supersedes Amendment No. 1, dated Aug. 6, 1954

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Bedford HW	BOS-VOR	Direct	1,700	T-dn%	300-1	300-1	200-½	All fixes may be determined and supplemented by surveillance radar.
Boston LFR	BOS-VOR	Direct	1,500	C-dn	700-1	700-1	700-1½	%Except where radar vectoring is used, and when weather is 1000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
Squantum LFR	BOS-VOR	Direct	1,500	S-dn-4	700-1	700-1	700-1	Procedure turn E side of course, 237° outbound, 057° inbound, 1,800' within 10 miles of Dorchester Intersection.
Radar terminal area transition altitudes:				A-dn	800-2	800-2	800-2	Minimum altitude over Dorchester Intersection on final approach 1,300'; over BOS-VOR 700'.
All directions		Within 25 miles	1,800					Course and distance, breakoff point to approach end runway 4R, 035—0.87.
Between SW and NW courses of BOS LFR.		6-25 miles	2,300					Dorchester Intersection: Intersection R-237 BOS and NW course Squantum LFR.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile of BOS-VOR, climb to 1,300' on R-029 within 10 miles, or when requested by ATC, climb to 1,500' on R-100 within 10 miles.
								CAUTION: 1,349' TV tower 10.5 miles WSW of airport.

Boston, Mass.; Logan Airport, elevation 19'; facility BVOR, identification BOS; Procedure No. TerVOR-22L, Amendment No. 2, effective date, Feb. 23, 1957; supersedes Amendment No. 1, dated Aug. 6, 1954

Bedford HW	BOS-VOR	Direct	1,700	T-dn%	300-1	300-1	200-½	All fixes may be determined and supplemented by surveillance radar.
Boston LFR	BOS-VOR	Direct	1,500	C-dn	700-1	700-1	700-1½	%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runway 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
Squantum LFR	BOS-VOR	Direct	1,500	S-dn-22L	700-1	700-1	700-1	Procedure turn W side of course, 016° outboard, 196° inboard, 1,700' within 10 miles.
Radar terminal area transition altitudes:				A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 700'.
All directions		Within 25 miles	1,800					Course and distance, breakoff point to approach end runway 22L, 215—0.87.
Between SW and NW courses of BOS LFR.		6-25 miles	2,300					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile, climb to 1,800' on R-215 within 10 miles, or when directed by ATC, climb to 1,500' on R-100 within 10 miles.
								CAUTION: 1,349' TV tower 10.5 miles WSW of airport.

Boston, Mass.; Logan Airport, elevation 19'; facility BVOR, identification BOS; Procedure No. TerVOR-27, Amendment No. 2, effective date, Feb. 23, 1957; supersedes Amentment No. 1, dated Aug. 6, 1954

Bedford HW	BOS-LFR	Direct	1,700	T-dn%	300-1	300-1	200-½	All fixes may be determined and supplemented by surveillance radar.
Boston FLR	BOS-VOR	Direct	1,500	C-dn	600-1	600-1	600-1½	%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
Squantum LFR	BOS-VOR	Direct	1,500	S-dn-27	600-1	600-1	600-1	Procedure turn N side of course, 086° outbound, 266° inbound, 1,300' within 10 miles.
Radar terminal area transition altitudes:				A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 600'.
All directions		Within 25 miles	1,800					Course and distance, breakoff point to approach end runway 27, 272—0.52.
Between SW and NW courses of BOS LFR.		6-25 miles	2,300					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile, make a left climbing turn to 1,800' on R-215 within 10 miles, or when directed by ATC, climb to 1,500' on R-100 within 10 miles.
								CAUTION: 1,349' TV tower 10.5 miles WSW of airport. 600' circling minimums do not provide standard clearance over 370' stack SW of airport.

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Boston, Mass.; Logan Airport, elevation 19'; facility BVOR, identification BOS; Procedure No. TerVOR-33, Amendment No. 2, effective date, Feb. 23, 1957; supersedes Amendment No. 1, dated Aug. 6, 1954

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Bedford HW	BOS-VOR	Direct	1,700	T-dn%	300-1	300-1	200-½	All fixes may be determined and supplemented by surveillance radar.
Boston LFR	BOS-VOR	Direct	1,500	C-dn	#500-1	600-1	600-1½	%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
Squantum LFR	BOS-VOR	Direct	1,500	S-dn-33	500-1	500-1	500-1	Procedure turn E side of course, 159° outbound, 339° inbound, 1,500' within 10 miles of Hull Intersection.
Intersection R-159 BOS and SE course SQT LFR.	Hull Intersection (final)	Direct	1,000	A-dn	800-2	800-2	800-2	Minimum altitude over Hull Intersection on final approach 1,000'; over BOS-VOR 500'.
Radar terminal area transition altitudes:								Course and distance, breakoff point to approach end runway 33, 330—0.32.
All directions		Within 25 miles	1,800					Hull Intersection: Intersection R-159 BOS and NE course Squantum LFR.
Between SW and NW courses of BOS LFR.		6-25 miles	2,300					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile of BOS-VOR, make a left climbing turn to 1,800' on R-215 within 10 miles, or when directed by ATC, climb to 1,300' on R-029 within 10 miles.
								CAUTION: 1,349' TV tower 10.5 miles WSW of airport. 600' circling minimums do not provide standard clearance over 370' stack SW of airport.
								#600-1 required when circling W of airport.

New York, N. Y.; International Airport, elevation 12'; facility VOR, identification IDL; Procedure No. TerVOR-1, Amendment No. 3, effective date, Feb. 23, 1957; supersedes Amendment No. 2, dated Dec. 8, 1956

Idlewild LFR	IDL-VOR	Direct	1,500	T-dn	300-1	300-1	200-½	Terminal area radar transition altitudes: All directions 2,500' within 25 miles, E of the NE-SW course of the LaGuardia LFR, 1,500' within 15 miles.
LaGuardia LFR	IDL-VOR	Direct	1,500	C-dn	600-1	600-1	600-1½	Procedure turn E side of course, 185° outbound, 005° inbound, 1,300' within 10 miles of Edgemere Intersection.
New Rochelle Radiobeacon	IDL-VOR	Direct	1,500	S-dn-1	600-1	600-1	600-1	Minimum altitude over facility on final approach course, 1,300' over Edgemere Intersection. 600' over VOR.
Glen Cove Radiobeacon	IDL-VOR	Direct	1,500	A-dn	800-2	800-2	800-2	Course and distance, breakoff point to approach end runway 1, 013—1.1.
Mitchel LFR	IDL-VOR	Direct	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile, make a right climbing turn to 1,500' on 130° intersecting the SW course Mitchel LFR and proceed to the Long Beach Intersection. Contact Idlewild approach control for further instructions.
Paterson Radiobeacon	IDL-VOR	Direct	2,500					Major changes: Missed approach revised.
Scotland MH	Edgemere Intersection	Direct	1,300					

New York, N. Y.; International Airport, elevation 12'; facility VOR, identification IDL; Procedure No. TerVOR-4, Amendment No. 3, effective date, Feb. 23, 1957; supersedes Amendment No. 2, dated Dec. 8, 1956

Idlewild LFR	IDL-VOR	Direct	1,800	T-dn	300-1	300-1	200-½	Terminal area radar transition altitudes: All directions 2,500' within 25 miles, E of the NE-SW course of the LaGuardia LFR, 1,500' within 15 miles.
LaGuardia LFR	IDL-VOR	Direct	1,500	C-dn	600-1	600-1	600-1½	Procedure turn E side of course, 240° outbound, 060° inbound, 1,300' within 10 miles.
New Rochelle MHW	IDL-VOR	Direct	1,500	S-dn-4	600-1	600-1	600-1	Minimum altitude over facility on final approach course, 600'.
Glen Cove MHW	IDL-VOR	Direct	1,500	A-dn	800-2	800-2	800-2	Course and distance, breakoff point to approach end runway 4, 043—0.6.
Mitchel LFR	IDL-VOR	Direct	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile, make a right climbing turn to 1,500' on 130° intersecting the SW course Mitchel LFR and proceed to the Long Beach Intersection. Contact Idlewild approach control for further instructions.
Paterson MHW	IDL-VOR	Direct	2,500					CAUTION: Straight-in landing minimums do not provide standard clearance over 278' stack 1.7 miles SSE of airport.
Scotland MHW	IDL-VOR	Direct	1,500					Major changes: Missed approach revised.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Albany, N. Y.; Albany Airport, elevation 288'; facility ILS, identification IALB; Procedure No. 2, Amendment Original, effective date, Feb. 23, 1957

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Coxsackie FM	Delmar FM (final)	Direct	1,700	T-dn	300-1	300-1	200-½	Procedure turn E side S course, 191° outbound, 011° inbound, 2,200' within 10 miles of Delmar FM.
Albany LFR	Delmar FM	Direct	2,200	C-dn	500-1	600-1	600-1½	No glide slope. Minimum altitude over Delmar FM on final approach 1,700'.
Albany VOR	Delmar FM	Direct	2,200	S-dn-1	400-1	400-1	400-1	Course and distance to runway 1,011—4.7.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles of Delmar FM, climb to 3,000' on N course ILS within 20 miles, or when directed by ATC, climb to 3,000' on W course Albany LFR within 20 miles.
								AIR CARRIER NOTE: 300-1 required for all takeoffs on runways 10, 28, 15 and 33.
Boston, Mass.; Logan Airport, elevation 19'; facility ILS-IBOS, identification LOM-BO; Procedure No. 1, Amendment No. 7, Combination ILS-ADF; effective date, Feb. 23, 1957; supersedes Amendment No. 6, dated Aug. 4, 1956								
Boston LFR	LOM	Direct	1,800	T-dn%	300-1	300-1	200-½	**Final authorized after interception of final approach course inbound.
East Boston Intersection	LOM	Direct	1,500	C-dn ILS	*500-1	600-1	600-1½	#400-3/4 required with glide slope inoperative.
Franklin Intersection	ILS SW course or bearing 035° to LOM.**	085—12.4	1,800	ADF	600-1	600-1	600-1½	*600-1 required when circling W of airport.
Bedford MHW	LOM	Direct	2,300	S-dn ILS 4R	#200-½	#200-½	#200-½	@Except 2,300' when more than 6 miles from airport between SW and NW courses of BOS LFR.
Radar terminal area transitions.	Radar site	Within 25 miles	@1,800	ADF 4L-R	600-1	600-1	600-1	%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
				A-dn ILS	600-2	600-2	600-2	Procedure turn E side S course, 215° outbound, 035° inbound, 1,800' within 10 miles.
				ADF	800-2	800-2	800-2	Minimum altitude at glide slope intersection, inbound, 1,800' ILS. Minimum altitude over LOM inbound final—1,300' ADF.
								Altitude of glide slope and distance to approach end of runway at OM, 1,775—5.6 to point of touchdown; at MM, 270—0.8 to point of touchdown.
								CAUTION: ILS point of touchdown approximately 3,500' in from approach end of runway pavement to allow clearance of ship channel. ADF straight-in and all circling minimums do not provide standard clearance over 370' stack SW of airport. 1,349' TV tower 10.5 miles WSW of airport.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5.6 miles after passing LOM (ADF), climb to 1,300' on NE course ILS or course 035° from LOM within 15 miles or (when directed by ATC) make a climbing right turn to 1,500' on E course Boston LFR.
								All fixes may be determined and supplemented by surveillance radar.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Boston, Mass.; Logan Airport, elevation 19'; facility ILS, identification IBOS; Procedure No.2, Amendment No. 5, effective date, Feb. 23, 1957; supersedes Amendment No. 4, dated Mar. 24, 1956

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Peabody Intersection	5.0 surveillance fix@	Direct	1,300	T-dn%	300-1	300-1	200-½	@ or E course Bedford ILS.
Peabody Intersection	5.0 surveillance fix (final)@	Direct	800	C-dn*	500-1	600-1	600-1½	**Except 2,300' when more than 6 miles from airport between SW and NW courses of BOS LFR.
Radar terminal area transitions.	Radar site	Within 25 miles	**1,800	S-dn-22L	#400-1	#400-1	#400-1	All fixes may be determined and supplemented by surveillance radar.
				A-dn	800-2	800-2	800-2	*800-1 required when circling W of airport.
								#Maintain 500' until after passing the Boston LFR.
								%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to turning toward 1,349' WBZ-TV tower.
								Procedure turn W side N course 035° outbound, 215° inbound, 1,500' within 15 miles of Boston LFR.
								No glide slope or markers. 800' over 5 miles surveillance fix or E course BED ILS. Distance to runway 22L, 3.9 miles.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5 miles after passing surveillance fix, climb to 1,800' on SW course Boston ILS within 10 miles of the airport.
								CAUTION: Circling minimums do not provide standard clearance over 370' stack SW of airport. 1,349' TV tower 10.5 miles WSW of airport.
New York, N. Y.; International Airport, elevation 12'; facility ILS, identification IDL; Procedure No. 1, Amendment No. 11, effective date, Feb. 23, 1957; supersedes Amendment No. 10, dated Dec. 8, 1956. OM continuous dashes (OM at IDL LFR site).								
Scotland Intersection	OM (final)	Direct	1,000	T-dn	300-1	300-1	200-½	Procedure turn S side SW course ILS, 223° outbound, 043° inbound, 1,200' within 10 miles of OM.
Colts Neck VOR via R-063	ILS SW course	Direct	1,400	C-dn	400-1	500-1	500-1½	Minimum altitude at glide slope intersection inbound, 1,000'.
Radar terminal area transitions.	All directions	Within 25 miles	2,500	S-dn-4	200-½	200-½	200-½	Altitude of glide slope and distance to approach end of runway at OM, 770—2.4; at MM, 230—.5.
				A-dn	600-2	600-2	600-2	
	E of NE-SW course of LGA-LFR.	15 miles	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on NE course ILS, make a climbing right turn to 1,500' on 130°, intersecting SW course Mitchel LFR and proceed to the Long Beach intersection. Contact Idlewild approach control for further instructions.
								CAUTION: Circling landing minimums do not provide standard clearance over airport control tower and stack 278' 1.7 miles SSE runway 1R.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Logan Airport, elevation 19′; facility ILS, identification IBOS; Procedure No.2, Amendment No. 5, effective date, Feb. 23, 1957; supersedes Amendment No. 4, dated Mar. 24, 1956

Transition			Ceiling and visibility minimums				Notes
To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
				65 knots or less	More than 65 knots		
0 surveillance fix@	Direct	1,300	T-dn%	300-1	300-1	200-½	@ or E course Bedford ILS.
0 surveillance fix (final)@	Direct	800	C-dn*	500-1	600-1	600-1½	**Except 2,300′ when more than 6 miles from airport between SW and NW courses of BOS LFR.
adar site	Within 25 miles	**1,800	S-dn-22L	#400-1	#400-1	#400-1	All fixes may be determined and supplemented by surveillance radar.
			A-dn	800-2	800-2	800-2	*600-1 required when circling W of airport.
							#Maintain 500′ until after passing the Boston LFR.
							%Except where radar vectoring is used, and when weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000′ prior to turning toward 1,349′ WBZ-TV tower.
							Procedure turn W side N course 035° outbound, 215° inbound, 1,500′ within 15 miles of Boston LFR.
							No glide slope or markers. 800′ over 5 miles surveillance fix or E course BED ILS. Distance to runway 22L, 3.9 miles.
							If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5 miles after passing surveillance fix, climb to 1,800′ on SW course Boston ILS within 10 miles of the airport.
							CAUTION: Circling minimums do not provide standard clearance over 370′ stack SW of airport. 1,349′ TV tower 10.5 miles WSW of airport.

irport, elevation 12′; facility ILS, identification IDL; Procedure No. 1, Amendment No. 11, effective date, Feb. 23, 1957; supersedes Amendment No. 10, dated Dec. 8, 1956. OM continuous dashes

M (final)	Direct	1,000	T-dn	300-1	300-1	200-½	Procedure turn S side SW course ILS, 223° outbound, 043° inbound, 1,200′ within 10 miles of OM.
LS SW course	Direct	1,400	C-dn	400-1	500-1	500-1½	Minimum altitude at glide slope intersection inbound, 1,000′.
ll directions	Within 25 miles	2,500	S-dn-4	200-½	200-½	200-½	Altitude of glide slope and distance to approach end of runway at OM, 770—2.4; at MM, 230—.5.
			A-dn	600-2	600-2	600-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500′ on NE course ILS, make a climbing right turn to 1,500′ on 130°, intersecting SW course Mitchel LFR and proceed to the Long Beach intersection. Contact Idlewild approach control for further instructions.
of NE-SW course of LGA-LFR.	15 miles	1,500					CAUTION: Circling landing minimums do not provide standard clearance over airport control tower and stack 278′ 1.7 miles SSE runway 1R.

6. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Boston, Mass.; Logan Airport, elevation 19'; facility and identification, Logan Radar; Procedure No. 1, Amendment No. 6, effective date, Feb. 23, 1957; supersedes Amendment No. 5, dated Feb. 9, 1957

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
				Precision approach				
All directions	Radar site	Within 25 miles	###1, 800	C-dn 4R	*500-1	600-1	600-1½	###Except 2,300' when more than 6 miles from airport between NW and SW course Boston LFR.
				S-dn 4R	200-½	200-½	200-½	#CAUTION: Standard clearance not provided over 370' stack SW of airport. 1,349' TV tower, 10.5 miles WSW of airport.
				A-dn 4R	600-2	600-2	600-2	*600-1 required when circling W of airport.
				Surveillance approach				**4L, 4R, 15. ***22L, 22R. ##27, 33.
				T-dn%-all	300-1	300-1	200-½	%Except where radar vectoring is used, and weather is 1,000-3 or below, departures from runway 27 make left or right turn as soon as practicable, and departures from runways 22 and 33 climb straight ahead to at least 1,000' prior to proceeding toward 1,349' WBZ-TV tower.
				S or C-dn**	700-1	700-1	700-1½	
				C-dn***#	600-1	600-1	600-1½	
				S-dn***#	600-1	600-1	600-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1,300' on the N course of the Boston LFR within 8 miles. Alternate missed approach when requested by ATC: climb to 1,500' on E course of the Boston LFR within 10 miles.
				C-dn##	*500-1	600-1	600-1½	
				S-dn##	500-1	500-1	500-1	
				A-dn-all	800-2	800-2	800-2	

New York, N. Y.; International Airport, elevation 12'; facility and identification, Idlewild Radar; Procedure No. 1, Amendment No. 7, effective date, Feb. 23, 1957; supersedes Amendment No. 6, dated Dec. 8, 1956

				Precision approach				
All directions	Radar site	Within 25 miles	2, 500	T-dn	300-1	300-1	200-½	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 500' on heading of 043°, make a climbing right turn to 1,500' on 130° intersecting SW course Mitchel LFR and proceed to the Long Beach Intersection. Contact Idlewild approach control for further instructions.
E of NE-SW course of LGA-LFR.	Radar site	Within 15 miles	1, 500	C-dn	400-1	500-1	500-1½	
				S-dn-4	200-½	200-½	200-½	
				A-dn	600-2	600-2	600-2	CAUTION: Ceiling minimums do not provide standard clearance over 278' stack 1.7 miles SSE of runway 4R and 165' airport control tower.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-512; Filed, Feb. 1, 1957; 8:45 a. m.]

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PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 973]

[Docket No. AO–178–A9]

MILK IN THE MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be conducted at the North American Life and Casualty Building, 1750 Hennepin Avenue, Minneapolis 3, Minnesota, beginning at 10:00 a. m., c. s. t., on February 6, 1957, for the purpose of receiving evidence with respect to the proposed amendments set forth below, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area (7 CFR Part 973) and with respect to economic conditions which relate thereto. These proposed amendments have not been approved by the Secretary of Agriculture.

Proposed by the Twin City Milk Producers Association:

Proposal No. 1: Revise § 973.5 to read as follows:

"Handler" means (a) any person in his capacity as the operator of a pool plant; (b) any person in his capacity as the operator of a plant which receives its supply of milk from pool plants and at which milk is processed or packaged and disposed of as Class I within the marketing area; (c) any person in his capacity as the operator of a non-pool plant from which Class I milk is disposed of in the marketing area on routes. This definition shall not apply to a governmentally owned and operated institution which disposes of Class I milk solely for its own premises or to its own facilities.

Proposal No. 2: Revise § 973.7 to read as follows:

"Producer" means any person, other than a producer-handler, who, in conformity with the requirements of appropriate Health Authority, produces milk which is received as Grade A milk at an approved pool plant from the farm of such producer, or which is caused by a handler to be diverted to a non-pool plant as Class I as defined in § 973.41.

Proposal No. 3: Add new definition to read as follows:

"Producer for other markets" means any person whose milk is received by a handler at a pool plant during November through June from a farm which was caused by a handler, who controls the marketing of such person's milk, to be received as non-pool milk at any time during the preceding months of July through October: *Provided,* This shall not apply to any person who was a producer-handler or a new producer.

Proposal No. 4: Revise § 973.8 to read as follows:

§ 973.8 "Pool plant" means any plant meeting the conditions of paragraph (a) or (b) of this section, except a plant granted exemption pursuant to § 973.62:

(a) A plant in which milk is processed or packaged and from which not less than 15 percent of its total disposition of Class I milk during the month is made within the marketing area on routes: *Provided,* That the total quantity of Class I milk disposed of from such plant during the month either inside or outside the marketing area, is equal to 40 percent or more of the total supply of Grade A received at the plant from dairy farmers and from other plants in any of the months of January through June, or to 60 percent or more of such total supply in any of the months of July through December; or

(b) (1) Any plant from which during any month an amount of milk or butterfat equal to 50 percent or more of its dairy farm supply of Grade A milk or butterfat for such month is delivered to a pool plant(s) described in paragraph (a) of this section: *Provided,* That if during each of the months of July through October 50 percent or more of its dairy farm supply of Grade A milk for such month is delivered from such plant to a pool plant(s) described in paragraph (a) of this section, it shall be designated as a pool plant through the following June 30th;

(2) In the case of producers whose milk was received at a plant (which had qualified as a pool plant pursuant to this paragraph the preceding months of July, August, September and October) on or more than 45 days during the months of April, May, and June, which is caused to be delivered directly to a pool plant(s) described in paragraph (a) of this section during any of the following months of July, August, September, or October, the milk of such producers for the purposes of this paragraph shall be considered as having been received at the plant at which it was received during April, May, and June, and as having been shipped from thence to the plant described in paragraph (a) of this section. Such change in routing of milk shall be evidenced by listing the producers of such milk on the payroll report submitted pursuant to § 973.32 for each plant involved and by appropriate notation on the respective reports, receipts and utilization submitted pursuant to § 973.30.

(3) In the case of a handler or cooperative owning and operating two or more plants, then such plants may retain their pool status on a system basis of qualification but any new pool plant owned and operated by the handler or cooperative must qualify on an individual plant basis during the first qualifying months of July, August, September, and October, before it can be included into the system.

Proposal No. 5: Revise § 973.9 to read as follows:

"Nonpool plant" means (a) any plant other than a pool plant in which milk is processed or packaged and from which milk is distributed in fluid form, or (b) any plant other than a pool plant in which milk is processed into a dairy product.

Proposal No. 6: Delete § 973.14 in its entirety and substitute the word "month" for the words "delivery period" wherever they appear in the order.

Proposal No. 7: Revise § 973.15 to read as follows:

"Producer milk" or "milk received from producers" means milk produced by one or more producers as defined in § 973.7.

Proposal No. 8: Revise § 973.16 to read as follows:

"Other source milk" means all skim milk and butterfat other than that skim milk and butterfat (a) contained in producer milk received, and (b) received from pool plants.

Proposal No. 9: Revise § 973.30 (a) by adding the following proviso after the words "Market Administrator": *"Provided,* That any handler qualifying or retaining pool status under the system basis as outlined in paragraph (c) of § 973.8 may furnish reports required in this section on the system instead of individual plants."

Proposal No. 10: Revise § 973.30 (a) (1) to read as follows:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production), producer-handlers, pool plants and other source milk (including milk other than Grade A and milk from producers for other markets) and the sources thereof.

Proposal No. 11: Add the following as § 973.30 (c):

(c) Dual operations within one building and including operations within separate buildings on the same premises with connecting doorways, hallways, or pipelines, etc., shall be considered as one unit for reporting and verification under §§ 973.32, 973.33, 973.34, and 973.40 through 973.45.

Proposal No. 12: Revise § 973.41 (a) to read as follows:

Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk (including reconstituted skim milk), concentrated milk, buttermilk, flavored

milk drinks (except sterilized milk or milk drinks in metal hermetically sealed containers), cream (sweet or sour, including mixtures of cream and milk or skim milk containing less butterfat than the legal standard for cream), all producer milk diverted to non-pool plants, and all skim milk and butterfat not specifically accounted for pursuant to paragraph (b) of this section; and

Proposal No. 13: Revise § 973.43 (a) and (d) to read as follows:

Skim milk or butterfat transferred in fluid form as milk, skim milk, or cream, by a handler, shall be classified as follows:

(a) As Class I milk if transferred from one pool plant to the pool plant of another handler, unless utilization in Class II is mutually indicated to the market administrator in the report submitted by both handlers for the month in which such transfer occurred, but in no event shall the amount classified in either class exceed the total use in such class by the transferee handler: *Provided*, That if either or both handlers have received other source milk, the milk so transferred shall be classified at both plants so as to return the higher class utilization to producer milk.

* * * * *

(d) As Class I milk if transferred in the form of milk, skim milk, or transferred in the form of cream in consumer packages, and as Class I if transferred in the form of cream in bulk to a purchaser whose plant is located more than 100 miles from the marketing area.

Proposal No. 14: Revise § 973.44 to include the following proviso at the end thereof: "*Provided*, That when condensed milk or nonfat dry skim milk is used to fortify any Class I product, the pounds thereof to be accounted for as Class I shall be equivalent to the pounds of milk or skim milk used in production of condensed milk or powder."

Proposal No. 15: Revise § 973.53 to read as follows:

Subject to the differentials provided in § 973.55 and § 973.56 (a) the price for Class I milk shall be the basic price computed pursuant to § 973.51, plus 70 cents for the months of December through June; plus $1.10 for July through October; plus $1.00 for November: *Provided*, That the current supply-demand ratio shall be compared to the supply demand ratio for the same two months of the pervious year and the difference determined. The Class I utilization (milk and milk equivalent of cream sales) for the current month of the previous year shall be increased or decreased by a like amount to get the adjusted Class I utilization for the current month. For each full percent that the adjusted Class I utilization is above 80 or below 70 for July through November and above 70 or below 60 for December through June, the Class I price shall be increased or decreased 1 cent.

Proposal No. 16: Revise § 973.55 for clarification:

(a) With respect to milk received as producer milk at a pool plant and which is classified as Class I milk, the price per hundredweight computed pursuant to § 973.50 (a) shall be reduced by the amount indicated below for the distance that such plant is located from the Minnesota Transfer Viaduct over University Avenue in St. Paul. Such deduction shall be based on the airline mileage as computed by the market administrator.

Location of Plant and Amount of Deduction	Cents
0 to 15 miles	0
15 to 20 miles	8
20 to 30 miles	10
30 to 40 miles	12
40 to 50 miles	14
50 to 60 miles	15
60 to 70 miles	16
70 miles or over	[1] 17

[1] Plus an additional 1 cent for each 10 miles or fraction thereof in excess of 80 miles.

Proposal No. 17: Revise § 973.62 to read as follows:

§ 973.62 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk in another marketing area regulated by another milk marketing order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts and utilization of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports in accordance with § 973.33.

(b) If the price which such handler is required to pay under the other order to which he is subject for skim milk and butterfat which are classified as Class I milk under this subpart, is less than the price provided by this subpart, such handler, on or before the 10th day after the end of the month in which a bill is rendered, shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this order and its value as determined pursuant to the other order to which he is subject.

Proposal No. 18: Delete § 973.63 in its entirety.

Proposal No. 19: Add new section to read as follows:

§ 973.65 *Butterfat in skim milk.* A handler may claim, for classification purposes pursuant to §§ 973.40 through 973.45 butterfat in skim milk disposed of to others or used in the manufacture of milk products by including the butterfat content of such skim milk in his report for the month filed pursuant to § 973.30 (a) or by giving prior notification to the market administrator of his desire to do so. In the event that a handler does not have adequate records of the butterfat content of such skim milk, the market administrator shall use 0.065 percent as the butterfat content per hundredweight of such skim milk: *Provided*, That if the handler desires to discontinue accounting for butterfat in skim milk, or after discontinuing the account therefor desires to again account for the same, he may do so by notifying the market administrator in writing at least 30 days prior to the first day of the month during which such change shall become effective.

Proposal No. 20: Revise § 973.80 (a) to read as follows:

(a) To a cooperative association which is a handler on or before the 10th day after the end of the month in which the skim milk or butterfat was received at not less than the applicable class prices for all skim milk and butterfat received from such cooperative association or caused by it to be delivered to such handler directly from the producers' farms, less the amount of payment made pursuant to paragraph (c) of this section.

Proposal No. 21: Add the following as paragraphs (c) and (d) of § 973.80:

(c) On or before the 20th day of the month in which skim milk and butterfat was received, to a cooperative association which is a handler for skim milk and butterfat which was purchased or received from such cooperative association and for skim milk and butterfat which such cooperative association caused to be delivered directly from producers' farms to the plant of such handler during the first 15 days of such month at the value of such skim milk or butterfat based on the Class I price of the previous month. If such payment is not made, five percent interest shall be added from the 20th day of the month until payment is received.

(d) A bargaining cooperative may collect the uniform price for its members' milk from handler, but the handler shall be responsible to the pool at the class values.

Proposed by the Baldwin Cooperative Creamery et al.

Proposal No. 22: Amend §§ 973.7, 973.8, 973.9, 973.16, 973.41 (a) to the effect that producer milk may be diverted to a non-pool plant during the months of July through November.

Proposal No. 23: Amend § 973.8 (3) to read as follows:

(3) From the effective date hereof until July 1, 1957, in the case of the following listed pool plants, owning and operating two or more plants, such plants may retain their pool status on a system or individual basis of qualification, but any new plant owned and operated by any of the following listed pool plants must qualify on the individual basis during the first qualifying months of July, August, September and October of 1957 before it can be included into the system, with said plants listed as follows:

Baldwin Cooperative Creamery, Baldwin, Wis.
Buffalo Cooperative Creamery, Buffalo, Minn.
Butternut Cooperative Creamery, Luck, Wis.
Ellsworth Cooperative Creamery, Ellsworth, Wis.
Rock Ridge Cooperative Creamery, Dresser, Wis.
Twin City Milk Producers Association, Anoka, Minn.
Twin City Milk Producers Association, Elk River, Minn.
Twin City Milk Producers Association, Farmington, Minn.
Twin City Milk Producers Association, Lake Elmo, Minn.
Twin City Milk Producers Association, Minneapolis, Minn.
Twin City Milk Producers Association, Northfield, Minn.
Twin City Milk Producers Association, River Falls, Wis.
Twin City Milk Producers Association, Watertown, Minn.
Wisconsin Cooperative Dairies, Inc., Menomonie, Wis.
Farmers Cooperative Creamery, Clear Lake, Wis.

Proposal No. 24: Amend §§ 973.30 and 973.45 and all other relevant sections of Order No. 73, to the effect that the overage and shrinkage shall be allocated on a pro rata basis between the producer milk and nonproducer milk on the basis of receipts, provided such total receipts are within one building for which approval has not been granted for a separate operation.

Proposal No. 25: Amend §§ 973.32, 973.33, 973.34, and 973.40 through 973.45 and all other relevant sections, to the effect that, for the purposes of reporting, verification, accounting and paying, dual operations within one building and including operations within separate buildings on the same premises with connecting doorways, hallways or pipelines, etc. shall be considered as separate units for all these purposes, if the plant facilities are in fact separate, whether physically by walls, etc. or my means of proper control through the health authority having jurisdiction for the approval of the milk.

Proposal No. 26: Eliminate §973.52 and amend §§ 973.53, 973.54 and such other sections as to eliminate the effect of the supply-demand adjuster from the order.

Proposed by the Boyceville Farmers Cooperative Creamery Association et al.

Proposal No. 27: Revise § 973.8 to include all plants within a radius of 100 miles of the Minnesota Transfer Viaduct over University Avenue in St. Paul, Minnesota, that dispose of Grade A milk.

Proposed by the Dairy Division, Agricultural Marketing Service.

Proposal No. 28: Amend § 973.22 (g) to read as follows:

(g) On or before the 5th working day of each delivery period, * * *

Proposal No. 29: Review § 973.43 (c) for clarification.

Proposal No. 30: Review base computation provisions in relation to proposals hereinbefore set forth regarding pool plant qualification and milk diversions.

Proposal No. 31: Make such other changes as may be required to make the entire marketing agreement and order conform with any amendment(s) thereto that may result from this hearing.

Copies of this notice of hearing and of the aforesaid tentative marketing agreement and order may be obtained from the market administrator, Room 307, 1750 Hennepin Avenue, Minneapolis 3, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: January 30, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-807; Filed, Feb. 1, 1957; 8:49 a. m.]

Agricultural Research Service

[9 CFR Parts 16, 17, 18 and 28]

Meat Inspection Regulations

Notice of Proposed Amendments

Notice is hereby given in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that pursuant to the authority conferred by the Meat Inspection Act, as amended and extended (21 U. S. C. 71–96) and section 306 (b) of the Tariff Act of 1930 (19 U. S. C. 1306 (b)), it is proposed to amend §§ 16.13, 17.2, 17.8, 17.9, and 18.7 and Part 28 of the Meat Inspection Regulations (9 CFR 16.13, 17.2, 17.8, 17.9 and 18.7 and Part 28, as amended) as follows:

1. Section 16.13 (e) would be amended to read:

(e) When approved antioxidants are added to unsmoked dry sausage in casings, the product shall be legibly and conspicuously marked in an approved manner to show the presence and the percentage amount of such ingredients.

2. Section 17.2 (b) (2) would be amended by deleting the reference to "dried skim milk" and substituting therefor a reference to "nonfat dry milk", and by deleting the last proviso and the last sentence in said subparagraph.

3. Section 17.8 (c) (18), (19) and (20) would be deleted.

4. Section 17.8 (c) (25) would be amended to read:

(25) No rendered edible animal fat or mixture of fats containing rendered edible animal fat shall contain added water, except that puff pastry shortening and oleomargarine may contain water within the limits prescribed under Part 28 of this subchapter.

5. Section 17.8 (c) (50) would be amended by changing the first sentence therein to read: "The terms 'Animal Fat' and 'Meat Fat' may be used synonymously to identify rendered fats obtained from cattle, sheep, swine, or goats in the name of product and ingredient statement for meat food products."

6. Section 17.8 (c) (55) would be amended by deleting therefrom the phrases "Chopped Ham," and "Chopped Ham With Natural Juices,".

7. The heading and the first sentence in § 17.9 would be amended to read, respectively:

§ 17.9 *Labeling product prepared with artificial coloring, artificial flavoring, antioxidant or preservative.* Product which bears or contains any artificial coloring, artificial flavoring, antioxidant, or preservative as permitted under Parts 1 through 29 of this subchapter shall bear labeling stating that fact.

8. Section 17.9 (d) would be amended to read:

(d) When an antioxidant is added to product as permitted under Parts 1 through 29 of this subchapter there shall appear on the label in prominent letters and contiguous to the name of the product, a statement showing that fact and identifying the antioxidant and the percentage amount, except as otherwise provided in Part 28 of this subchapter.

9. The heading of § 18.7 would be amended to read: "*Use in preparation of meat food products of chemicals, antioxidants, coloring matter, flavorings, water, ice, cereal, vegetable starch, nonfat dry milk, etc.*"

10. Section 18.7 (d) would be amended by changing the word "preservatives" to "antioxidants" and the phrase "a preservative" to "an antioxidant" wherever they appear therein and the introductory portion of paragraph (d) would be amended to read: "With appropriate declaration, as provided in Parts 17 and 28 of this subchapter, the following antioxidants may be added, in the amounts indicated, to rendered animal fat or a combination of such fat and vegetable fat."

11. Part 28 would be amended by adding the following sections:

§ 28.4 *Lard; identity; optional ingredients; labeling.* (a) Lard is the plastic food which is prepared by rendering fresh, clean, sound, fatty tissues of hogs by an approved process. Such tissues do not include bones, detached skin, head skin, ears, tails, organs, windpipes, large blood vessels, scrap fat, skimmings, settlings, pressings, and similar material, and are reasonably free from muscle tissue and blood.

(b) Lard may contain one or more of the following optional ingredients:

(1) Lard stearine;
(2) Hydrogenated lard;
(3) Monoglycerides and/or diglycerides;
(4) Lecithin;
(5) Artificial coloring;
(6) The following antioxidants (singly or in combination, and with or without an acceptable solvent) in amounts not to exceed those specified in § 18.7 of this subchapter:
(i) Resin guaiac;
(ii) Nordihydroguaiaretic acid;
(iii) Tocopherols;
(iv) Lecithin;
(v) Butylated hydroxyanisole;
(vi) Butylated hydroxytoluene;
(vii) Propyl gallate;
(viii) Citric acid;
(ix) Phosphoric acid;
(x) Monoisopropyl citrate.

(c) (1) The label shall bear the name "Lard".

(2) When fresh leaf fat, to the exclusion of other fats, is used the label may bear the name "Leaf Lard".

(3) The type of rendering may be specified on the label in connection with the name of product such as "Prime Steam", "Dry Rendered", or "Open Kettle Rendered", as the case may be.

(4) When any ingredient named under one of the following specified subparagraphs of paragraph (b) of this section is used, the label shall bear the appropriate statement set forth after such specified subparagraph.

(i) Subparagraph (3): "Monoglycerides Added" or "Diglycerides Added", or "Mono and Diglycerides Added", as the case may be;

(ii) Subparagraph (4): "Lecithin Added";

(iii) Subparagraph (5): "Artificially Colored";

(iv) Subparagraph (6): "Antioxidant Added to Retard Rancidity" or "Antioxidants Added to Retard Rancidity", as the case may be.

(5) Whenever the name "Lard" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in subparagraph (4) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed or other graphic matter.

§ 28.5 *Rendered pork fat; identity; optional ingredients; labeling.* (a) Rendered pork fat is the plastic food, other than lard, which is prepared by rendering, by an approved process, clean, sound, fatty tissues of hogs with or without other parts of carcasses or edible organs of such hogs (except stomachs, bones from the head, and bones from cured or cooked pork). The tissues are usually fresh but may be cured, cooked or otherwise prepared, and may consist in part of meat food products which are derived exclusively from pork.

(b) Rendered pork fat may contain one or more of the following optional ingredients:

(1) Rendered pork fat stearine;
(2) Hydrogenated rendered pork fat;
(3) Lard stearine;
(4) Hydrogenated lard or lard;
(5) Monoglycerides and/or diglycerides;
(6) Lecithin;
(7) Artificial coloring;
(8) The following antioxidants (singly or in combination, and with or without an acceptable solvent) in amounts not to exceed those specified in § 18.7 of this subchapter:
(i) Resin guaiac;
(ii) Nordihydroguaiaretic acid;
(iii) Tocopherols;
(iv) Lecithin;
(v) Butylated hydroxyanisole;
(vi) Butylated hydroxytoluene;
(vii) Propyl gallate;
(viii) Citric acid;
(ix) Phosphoric acid;
(x) Monoisopropyl citrate.

(c) (1) The label shall bear the name "Rendered Pork Fat".

(2) The type of rendering may be specified on the label in connection with the name of product such as "Steam Rendered", "Dry Rendered", or "Open Kettle Rendered", as the case may be.

(3) When any ingredient named under one of the following specified subparagraphs of paragraph (b) of this section is used, the label shall bear the appropriate statement set forth after such specified subparagraph:

(i) Subparagraph (5): "Monoglycerides Added" or "Diglycerides Added", or "Mono and Diglycerides Added" as the case may be.

(ii) Subparagraph (6): "Lecithin Added";

(iii) Subparagraph (7): "Artificially Colored";

(iv) Subparagraph (8): "Antioxidant Added to Retard Rancidity" or "Antioxidants Added to Retard Rancidity", as the case may be.

(4) Whenever the name "Rendered Pork Fat" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in subparagraph (3) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed or other graphic matter.

§ 28.6 *Shortening containing meat fats; identity; optional ingredients; labeling.* (a) Shortening containing meat fats is the plastic food which is prepared in accordance with the provisions contained in subparagraph (1), (2), (3), or (4) of this paragraph.

(1) A mixture of two or more rendered fats or oils, or stearines derived therefrom (any or all of which may be deodorized and/or hydrogenated), of cattle, sheep, swine or goats.

(2) A mixture of one or more rendered fats or oils, or stearines derived therefrom (any or all of which may be deodorized and/or hydrogenated), of cattle, sheep, swine or goats, and one or more vegetable food fats or oils, or stearines derived therefrom (any or all of which may be deodorized and/or hydrogenated).

(3) A mixture of two or more rendered fats or oils, or stearines derived therefrom (any or all of which may be deodorized and/or hydrogenated), of cattle, sheep, swine or goats; and salt, and not more than 10 percent water.

(4) A mixture of one or more rendered fats or oils, or stearines derived therefrom (any or all of which may be deodorized and/or hydrogenated), of cattle, sheep, swine or goats, and one or more vegetable food fats or oils, or stearines derived therefrom (any or all of which may be deodorized and/or hydrogenated); and salt; and not more than 10 percent water.

(b) Shortening may contain one or more of the following optional ingredients:

(1) Monoglycerides and/or diglycerides;
(2) Lecithin;
(3) Lipids;
(4) Artificial coloring;
(5) The artificial flavoring diacetyl in product that has not been artificially colored;
(6) The following antioxidants (singly or in combination, and with or without an acceptable solvent) in amounts not to exceed those specified in § 18.7 of this subchapter;
(i) Resin guaiac;
(ii) Nordihydroguaiaretic acid;
(iii) Tocopherols;
(iv) Lecithin;
(v) Butylated hydroxyanisole;
(vi) Butylated hydroxytoluene;
(vii) Propyl gallate;
(viii) Citric acid;
(ix) Phosphoric acid;
(x) Monoisopropyl citrate.

(c) (1) When shortening is prepared in accordance with one of the following specified subparagraphs of paragraph (a) of this section, the label shall bear one of the statements set forth after such specified subparagraph:

(i) Subparagraph (1): "Shortening Prepared with Meat Fats" or "Shortening Made with Meat Fats" or "Shortening Prepared with Animal Fats" or "Shortening Made with Animal Fats";

(ii) Subparagraph (2): "Shortening Prepared with Meat Fat and Vegetable Fat" or "Shortening Prepared with Vegetable Fat and Meat Fat" or "Shortening Made with Meat Fat and Vegetable Fat" or "Shortening Made with Vegetable Fat and Meat Fat" or "Shortening Prepared with Animal Fat and Vegetable Fat" or "Shortening Prepared with Vegetable Fat and Animal Fat" or "Shortening Made with Animal Fat and Vegetable Fat" or "Shortening Made with Vegetable Fat and Animal Fat" or "Shortening Made with Animal and Vegetable Fat" or "Shortening Made with Vegetable and Animal Fat";

(iii) Subparagraph (3): "Puff Paste Shortening Prepared with Meat Fats" or "Puff Paste Shortening Made with Meat Fats" or "Puff Paste Shortening Prepared with Animal Fats" or "Puff Paste Shortening Made with Animal Fats";

(iv) Subparagraph (4): "Puff Paste Shortening Prepared with Meat Fat and Vegetable Fat" or "Puff Paste Shortening Prepared with Vegetable Fat and Meat Fat" or "Puff Paste Shortening Made with Meat Fat and Vegetable Fat" or "Puff Paste Shortening Made with Vegetable Fat and Meat Fat" or "Puff Paste Shortening Prepared with Animal Fat and Vegetable Fat" or "Puff Paste Shortening Prepared with Vegetable Fat and Animal Fat" or "Puff Paste Shortening Made with Animal Fat and Vegetable Fat" or "Puff Paste Shortening Made with Vegetable Fat and Animal Fat" or "Puff Paste Shortening Made with Animal and Vegetable Fat" or "Puff Paste Shortening Made with Vegetable and Animal Fat".

(2) When any ingredient named under one of the following specified subparagraphs of paragraph (b) of this section is used, the label shall bear the statement set forth after such specified subparagraph:

(i) Subparagraph (1): "Monoglycerides Added", or "Diglycerides Added", or "Mono and Diglycerides Added", as the case may be;

(ii) Subparagraph (2): "Lecithin Added";

(iii) Subparagraph (3): "Lipids Added";

(iv) Subparagraph (4): "Artificially Colored";

(v) Subparagraph (5): "Artificially Flavored" or "Artificial Flavoring Added";

(vi) Subparagraph (6): "Antioxidant Added to Retard Rancidity" or "Antioxidants Added to Retard Rancidity", as the case may be.

(3) If two or more of the optional ingredients named in subparagraphs (1), (2), (3) and (5) of paragraph (b) of this section are used, the word "Added" need appear only once at the end of the statement of such ingredients.

(4) Whenever the term "Shortening" is featured on the label so conspicuously as to be easily seen under customary conditions of purchase, the statements prescribed in subparagraphs (1), (2) and (3) of this paragraph shall immediately and conspicuously precede or follow such term without intervening written, printed or other graphic matter.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Chief, Meat Inspection Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C. within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C. this 30th day of January 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service, Department of Agriculture.

[F. R. Doc. 57-809; Filed, Feb. 1, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Order 551, Amdt. 28]

FORT BERTHOLD SEGREGATED FUND

DELEGATION OF AUTHORITY RELATIVE TO FUNCTIONS RELATING TO FUNDS AND FISCAL MATTERS

JANUARY 25, 1957.

Order No. 551, as amended by addition of a new section under the heading, *Functions Relating to Funds and Fiscal Matters*, to read as follows:

SEC. 268 *Fort Berthold Segregated Fund.* The approval of expenditures of segregated shares and the approval of expenditure plans submitted by adult Indians, including the authority to require any segregated share of a member to be used to pay a debt that is owed by such person to the Tribes or the United States, pursuant to the act of June 4, 1956 (70 Stat. 228). This authority shall not be redelegated.

[SEAL] GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-738; Filed, Feb. 1, 1957; 8:45 a. m.]

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 28, 1957.

The University of Alaska has filed an application, Serial No. Anchorage 028185, for the withdrawal of the lands described below, from all forms of appropriation including mining and mineral leasing. The applicant desires the land for a scientific research center.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

U. S. Survey 2391:
Lot P-2, O-1, O-2,
Lot L, N.
U. S. Survey 3404 (approval pending), all.

Containing 25.86 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-802; Filed, Feb. 1, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JANUARY 1957 MONTHLY SALES LIST AMENDMENT

The price listing for the Commodity Credit Corporation Monthly Sales List for January 1957 is amended, effective January 9, 1957, as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), by the addition of the following:

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Butter (in carloads only) as available.	Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 62.5 cents per pound. Domestic, restricted use: Under De-111 and supplements. For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound. Export, unrestricted use: Under LD-7, 39 cents per pound.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1053; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: January 29, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice-President, Commodity Credit Corporation.

[F. R. Doc. 57-787; Filed, Feb. 1, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11825, 11826; FCC 57M-81]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of O. L. Nelms, d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek, d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construction permits for new television stations.

The Hearing Examiner having under consideration a motion for postponement filed on January 25, 1957, by Victoria Television Company, requesting that further proceedings in the above-entitled case be postponed for a period of 30 days in order to permit the applicants to negotiate a possible merger;

It appearing, that counsel for Alkek Television Company and for the Broadcast Bureau have informally consented to an immediate consideration and grant of such motion; and good cause has been shown for the grant thereof;

It is ordered, This 25th day of January 1957, that the motion be and it is hereby granted and the time for exchange of exhibits, presently scheduled for January 25, 1957, be and it is hereby extended to February 25, 1957, and the further pre-hearing conference, presently scheduled for February 4, 1957, be and it is hereby extended to March 6, 1957, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-794; Filed, Feb. 1, 1957; 8:47 a. m.]

[Docket Nos. 11836, 11837; FCC 57M-86]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

ORDER REOPENING HEARING AND SCHEDULING CONFERENCE

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham d/b as Plainview Radio, Plainview, Texas, Docket No. 11836, File No. BP-10200;

Troyce H. Harrell & Kermit S. Ashby d/b as Star of the Plains Broadcasting Company, Slaton, Texas, Docket No. 11837, File No. BP-10499; for construction permits.

Pursuant to the Commission's order of January 10, 1957, granting a petition by Plainview Radio, filed on October 29, 1956, to enlarge the issues in the above-entitled proceeding by the addition of three new issues listed therein: *It is ordered*, This 28th day of January 1957, that the record of hearing in the said proceeding, which was closed on December 28, 1956, is hereby reopened for further hearing; that a hearing conference in the said proceeding is hereby scheduled to be held at 10:00 o'clock a. m., on Monday, February 4, 1957, in the offices of this Commission, Washington, D. C., for the purpose of establishing procedures conducive to the expedition of the further hearing therein, to be scheduled at a later date; and that the Proposed Findings of Fact and Conclusions on the present hearing record, now scheduled to be filed by the parties to the said proceeding on or before February 4, 1957, shall not be filed until a date to be fixed subsequent to the termination of the further hearing therein, for the filing of such Proposed Findings and Conclusions on the entire record.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-795; Filed, Feb. 1, 1957; 8:47 a. m.]

[Docket No. 11882; FCC 57M-88]

OREGON RADIO, INC. (KSLM)

ORDER CONTINUING HEARING

In re application of Oregon Radio, Incorporated (KSLM), Salem, Oregon, Docket No. 11882, File No. BP-10272; for construction permit.

The Hearing Examiner having under consideration a motion for continuance filed by the applicant on January 22, 1957;

It appearing that the hearing is now scheduled to commence on February 20, 1957, but the applicant proposes to take certain measurements in an effort to resolve a question of interference and such measurements cannot be taken during the winter months owing to the conditions which would exist along the radial in question; and

It further appearing that no objection has been expressed by other parties to this proceeding;

It is ordered, This 29th day of January 1957, that the motion for continuance of Oregon Radio, Incorporated, is granted and the hearing is continued from February 20 to May 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-796; Filed, Feb. 1, 1957; 8:47 a. m.]

[Docket No. 11886; FCC 57M-94]

VOLUSIA COUNTY BROADCASTING CORP.

NOTICE OF PRE-HEARING CONFERENCE

In re application of Volusia County Broadcasting Corporation, Daytona Beach, Florida, Docket No. 11886, File No. BP-10396; for construction permit.

Notice is hereby given that a pre-hearing conference in the above-entitled proceeding is scheduled to be held at 10:00 o'clock a. m., on Tuesday, February 12, 1957, in the offices of this Commission, Washington, D. C.

Dated: January 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-797; Filed, Feb. 1, 1957; 8:47 a. m.]

[Docket No. 11900; FCC 57M-95]

MACKAY RADIO AND TELEGRAPH CO., INC.

NOTICE OF PRE-HEARING CONFERENCE

In re application of Mackay Radio and Telegraph Company, Inc., Docket No. 11900; revision of Tariff F. C. C. No. 37 to broaden offer of tieline connections for telex users.

Notice is hereby given that a pre-hearing conference in the above-entitled proceeding is scheduled to be held at 9:00 o'clock a. m., on Friday, February 1, 1957, in the offices of this Commission, Washington, D. C.

Dated: January 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-798; Filed, Feb. 1, 1957; 8:48 a. m.]

[Docket Nos. 11915, 11916; FCC 57M-87]

JOHN S. CHAVEZ ET AL.

ORDER SCHEDULING HEARING

In re applications of John S. Chavez, Raul G. Amaya, Guadalupe Caballero, Salvador Villareal and Gabriel S. Chavez, Ysleta, Texas, Docket No. 11915, File No. BP-10639; Robert L. Howsam, El Paso, Texas, Docket No. 11916, File No. BP-10681; for construction permits.

It is ordered, This 28th day of January 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 19, 1957, in Washington, D. C.

Released: January 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-799; Filed, Feb. 1, 1957; 8:48 a. m.]

[Docket Nos. 11917 etc.; FCC 57M-70]

INDEPENDENT BROADCASTERS ET AL.

ORDER SCHEDULING HEARING

In re applications of C. E. Wilson and P. D. Jackson, d/b as Independent Broadcasters, Redding, California, Docket No. 11917, File No. BP-10613; Donnelly C. Reeves, John E. Griffin and A. Judson Sturtevant, Jr., d/b as Placer Broadcasters, Auburn, California, Docket No. 11918, File No. BP-10560; Charles Everett Halstead, Jr., tr/as Golden State Broadcasters, Auburn, California, Docket No. 11919, File No. BP-10714; for construction permits.

It is ordered, This 25th day of January 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 12, 1957, in Washington, D. C.

Released: January 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-800; Filed, Feb. 1, 1957; 8:48 a. m.]

[Docket Nos. 11920, 11921; FCC 57M-90]

JANE A. ROBERTS AND BELLEVUE BROADCASTERS

ORDER SCHEDULING HEARING

In re applications of Jane A. Roberts, Bothell, Washington, Docket No. 11920, File No. BP-10383; F. Kemper Freeman and Florence G. Hayes d/b as Bellevue Broadcasters, Bellevue, Washington, Docket No. 11921, File No. BP-10564; for construction permits.

It is ordered, this 25th day of January 1957, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 26, 1957, in Washington, D. C.

Released: January 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-801; Filed, Feb. 1, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6720]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

JANUARY 29, 1957.

Take notice that on January 22, 1957, an application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Montana-Dakota Utilities Co. ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing Applicant to merge or consolidate facilities by taking over, operating and acquiring the utility properties to be constructed by or for Dakotas Electric Cooperative, Inc. (hereinafter referred to as "Cooperative") to consist of an electric substation at Glenham, South Dakota, and to assume upon purchase of the facilities, referred to above, a note in the face amount of $870,000 evidencing the indebtedness of Cooperative to the United States of America in connection with the construction of said facilities. Applicant will construct or cause to be constructed the Glenham substation, which will be conveyed to and become the property of the Cooperative and will be subjected to the Cooperative's mortgage securing its obligations to the United States. The Cooperative will issue its note to the United States in the face amount of $870,000, and the funds to be received by the Cooperative from the United States in connection with such note will be used to reimburse Applicant for the cost of the substation. The note will be dated September 28, 1956, will bear interest at 2 percent per annum, have an interest accumulation period of two years, and will be payable in equal quarterly installments of principal and interest thereafter for 35 years after the date of the note. Applicant will operate the Glenham substation as an integral part of its Dakota Electric system and will make such payments to the Cooperative to meet its payments on the note and at a later date will purchase the substation.

Any person desiring to be heard or make any protst with reference to said application should on or before February 20, 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-781; Filed, Feb. 1, 1957; 8:45 a. m.]

[Docket Nos. G-11141, G-11159]

TRANSCONTINENTAL GAS PIPE LINE CORP., AND PURE OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 29, 1957.

Take notice that on September 26, 1956, Transcontinental Gas Pipe Line Corporation (Transco) filed in Docket No. G-11141 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct, install, and operate certain facilities in Vermilion Parish, Louisiana, which together with their estimated costs are as follows:

265 H. P. Gueydan Booster Station, Gueydan Field	$128,000
Gueydan—S. E. Gueydan Purchase Meter Station on the proposed 6-inch pipeline	19,000
6.65 miles of 6-inch Gueydan Lateral from Transco's existing 18-inch main line Louisiana Lateral to a point of connection with the proposed Booster Station	203,000
2.69 miles of 4-inch pipeline from S. E. Gueydan Field to the proposed Booster Station	58,000
Total direct cost	408,000
Overhead, interest, etc	42,000
Total estimated cost	450,000

Transco states that the costs of facilities are to be financed by cash on hand.

Also take notice that on September 28, 1956, The Pure Oil Company (Pure) filed in Docket No. G-11159 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to sell gas in interstate commerce to Transco from the Gueydan and Southeast Gueydan Fields, Vermilion Parish, Louisiana, pursuant to a 20-year gas sales precedent agreement between Transco and Pure dated August 29, 1956.

Both applications are on file with the Commission and open for public inspection.

Pure states that the gas to be supplied by it will come from two producing wells in the Southeast Gueydan gas field and from 12 wells in the Gueydan oil field, both in Vermilion Parish, Louisiana. Delivery to Transco from the Southeast Gueydan Field is to be 3,300 Mcf per day (minimum) to 4,500 Mcf per day (maximum). Delivery of gas from the 12 wells, on leases owned or controlled by Pure, in the Gueydan oil field is to be 300 Mcf per day (minimum) to 1,000 Mcf per day (maximum).

Transco alleges that deliveries to it from both fields will be made at its proposed meter station which will be on the proposed 6-inch line, and from this point and line the gas will be commingled with other gas in Transco's 18-inch main lateral line and will enter the 30-inch main line at Station No. 5.

Transco also alleges that no new or additional services are proposed as a result of the installation of facilities by which the additional supply is to be made available to the system.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 26, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-782; Filed, Feb. 1, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3847]

CANADIAN COLLIERIES (DUNSMUIR), LTD.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY OF HEARING

JANUARY 28, 1957.

In the matter of Canadian Collieries (Dunsmuir), Ltd., Common Stock, $3 Par Value, File No. 1-3847.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The listing application was approved by the American Stock Exchange on February 2, 1955 and registration became effective on or about March 10, 1955 by lapse of the usual 30-day waiting period. The stock was never admitted to dealings on said Exchange by reason of the Commission's question of the estimation in Form 10 of the amount of oil reserves. On December 1, 1955 the Company sold its oil properties and its Board of Directors is of the opinion that with this sale and consequent change in nature of business it is no longer in the best interests of the Company and its stockholders to continue the listing on the American Stock Exchange.

Upon receipt of a request, on or before February 15, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing

on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-783; Filed, Feb. 1, 1957; 8:46 a. m.]

[File No. 1-3851]

SOUTHERN PRODUCTION CO., INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JANUARY 29, 1957.

In the matter of Southern Production Company, Inc., Common Stock, File No. 1-3851.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

Stockholders at a special meeting held October 11, 1956 proposed a sale of assets and complete liquidation of the Company. The sale is reported to have been consummated on November 1, 1956. An initial liquidating dividend of $34 in cash and 0.2114 share of Southern Natural Gas Company common stock per Southern Production Company share was paid November 16, 1956. Dealings on the applicant Exchange were suspended before the opening of the trading session on January 2, 1957. The last sale in 1956, ex-distribution, was reported by the press at 2½.

Upon receipt of a request, on or before February 15, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-785; Filed, Feb. 1, 1957; 8:46 a. m.]

[File No. 70-3546]

PUBLIC SERVICE CO. OF OKLAHOMA

ORDER GRANTING APPLICATION REGARDING THE ISSUANCE AND SALE AT COMPETITIVE BIDDING OF NEW BONDS

JANUARY 29, 1957.

Public Service Company of Oklahoma ("Oklahoma"), a public utility subsidiary of Central and Southwest Corporation, a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, regarding the following proposed transactions:

Oklahoma proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $12,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), Series F, to be dated February 1, 1957, and to mature February 1, 1987. The New Bonds will be issued under and secured by an Indenture of Mortgage, dated July 1, 1945, between Oklahoma and The First National Bank and Trust Company of Tulsa, as Trustee, as amended by indentures supplemental thereto and to be further amended by a proposed Supplemental Indenture to be dated February 1, 1957. The interest rate on the New Bonds (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid Oklahoma for the New Bonds, which price shall be not less than 97.25 percent and not more than 102.75 percent of the principal amount thereof, will be determined by the competitive bidding.

The net proceeds (after expenses and exclusive of accrued interest) to be received from the issuance and sale of the New Bonds will be used by the company to pay for a part of the cost of additions, extensions and improvements to its electric utility properties and for the payment or prepayment of short-term bank debt of the company incurred and to be incurred for that purpose. Such bank debt aggregated $6,000,000 at December 10, 1956, and may be increased by about $6,000,000 prior to the receipt by the company of the proceeds of the bonds. It is further stated that Oklahoma's construction expenditures for the calendar years 1957 and 1958 are presently estimated at about $26,200,000 and $24,800,000, respectively.

The issuance of the new bonds have been authorized by the Corporation Commission of the State of Oklahoma and no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Fees and expenses payable by the company in connection with the issuance and sale of the new bonds are estimated as follows:

Securities and Exchange Commission, filing fee	$1,200
Federal original issue stamp tax	12,000
Printing of registration statement, prospectus, bidding documents, supplemental indenture, and other documents	7,000
Preparation of bonds	2,700
Accountants' fees (Arthur Andersen & Co.)	1,500
Trustee's fees (The First National Bank and Trust Co. of Tulsa)	6,000
Recordation of supplemental indenture	1,000
Reimbursement of underwriters for expenses and counsel fees in connection with qualification or registration under State securities laws	600
Fees of Middle West Service Co., Chicago, Ill.	5,000
Counsel fees (Stevenson, Dendtler, Bailey & McCabe, Chicago, Ill., and T. M. Markley, Tulsa, Okla.)	[1] 6,000
Miscellaneous expenses, including traveling, telephone, etc.	1,000
Total	44,000

[1] Portion of annual retainer fee estimated to be allocable to the proposed bond financing. No allocation is made in respect of any part of the salary paid to T. M. Markley, an employee and general counsel of the company.

The legal fee and out-of-pocket expenses of Messrs. Isham, Lincoln & Beale, Chicago, Illinois, who have been selected by the Company to act as counsel for the successful bidder or bidders for the bonds, are estimated at not to exceed $6,000 and $250, respectively. Such fee and expenses are to be paid by the successful bidder or bidders.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13361) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application as amended should be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application as amended be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-784; Filed, Feb. 1, 1957; 8:46 a. m.]

UNITED STATES TARIFF COMMISSION

STRAIGHT (DRESSMAKERS' OR COMMON) PINS

"ESCAPE CLAUSE" REPORT

JANUARY 30, 1957.

The Tariff Commission today made public its report to the President in "escape clause" investigation No. 52 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to straight (dressmakers' or common) pins dutiable under paragraph 350 of the Tariff Act of 1930. Such pins were originally dutiable under the Tariff Act of 1930 at 35 percent ad valorem. They are now subject to a duty of 20 percent ad valorem, which rate became effective January 1, 1948, as a result of a concession granted in the General Agreement on Tariffs and Trade.

The Commission found (Commissioners Schreiber and Sutton dissenting) that straight (dressmakers' or common) pins are being imported into the United States in such increased quantities, both actual and relative, as to threaten serious injury to the domestic industry producing like or directly competitive articles. The Commission also found that in order to prevent such serious injury, it is necessary that the duty on such pins be increased to 35 percent ad valorem.

Copies of the Commission's report, which includes majority and minority views, are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, 8th and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-803; Filed, Feb. 1, 1957; 8:48 a. m.]

SAFETY PINS

"ESCAPE CLAUSE" REPORT

JANUARY 30, 1957.

The Tariff Commission today made public its report to the President in "escape clause" investigation No. 53 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to safety pins dutiable under paragraph 350 of the Tariff Act of 1930. Such pins were originally dutiable under the Tariff Act of 1930 at 35 percent ad valorem. They are now subject to a duty of 22½ percent ad valorem, which rate became effective April 21, 1948, as a result of a concession granted in the General Agreement on Tariffs and Trade.

The Commission found (Commissioners Schreiber and Sutton dissenting) that safety pins are being imported into the United States in such increased quantities, both actual and relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive articles. The Commission also found that in order to remedy this serious injury, it is necessary that the duty on such pins be increased to 35 percent ad valorem.

Copies of the Commission's report, which includes majority and minority views, are available upon request as long as the limited supply lasts. Address requests to the United States Tariff Commission, 8th and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-804; Filed, Feb. 1, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 12]

ORGANIZATION AND FUNCTIONS

CHANGES IN ADDRESSES OF AIRPORT DISTRICT OFFICES

Correction

Federal Register Document 57-751, published on page 678 of the issue for Friday, February 1, 1957, should be designated "Amdt. 12", as set forth above.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 30, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33216: *Rubber tires from Alabama and Tennessee to Manchester, N. H.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on tires, artificial, guayule, natural, neoprene, or synthetic rubber, pneumatic and parts, carloads, from Gadsden, Gaird, and Tuscaloosa, Ala., and Memphis, Tenn., to Manchester, N. H.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 12 to Agent C. A. Spaninger's I. C. C. 1539.

FSA No. 33217: *Lumber from Leivasy, W. Va., to North Carolina points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, carloads, from Leivasy, W. Va., to Greensboro, Mount Airy, Ramseur, Sanford, and Siler City, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 146 to Agent C. A. Spaninger's I. C. C. 1297.

FSA No. 33218: *Hides, pelts and skins from lower Mississippi River Crossings to Taunton, Mass.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on hides, pelts, skins, not dressed nor tanned, namely: Cattle, calf, goat, hog, and sheep, green salted or pickled, carloads, from Baton Rouge and New Orleans, La., Natchez, Miss., and Memphis, Tenn., to Taunton, Mass.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33219: *Newsprint and ground wood paper to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on newsprint and ground wood paper, carloads from Madawaska, Millinocket, and East Millinocket, Maine, to Memphis, Tenn.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-791; Filed Feb, 1, 1957; 8:47 a. m.]

[No. MC-C-2072]

RATES AND CHARGES ON SHOE DRESSING FROM BROOKLYN, N. Y. AND CRANFORD, N. J. TO ATLANTA, GA.

FIRST SUPPLEMENTAL ORDER

At a session of the Interstate Commerce Commission, Appellate Division 2, held at its office in Washington, D. C., on the 23rd day of January A. D. 1957.

In the original order in this proceeding, the Commission, Appellate Division 2, upon its own motion, entered upon an investigation concerning rates, and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, of shoe dressing or blacking from Brooklyn, N. Y. and Cranford, N. J. to Atlanta, Ga., as set forth in schedules of Motor Carrier Traffic Association, Inc., Agent, and Southern Motor Carriers Rate Conference, Agent;

It appearing, that the following schedules contain rates and charges, and rules, regulations and practices affecting such rates and charges, applying on shoe dressing or blacking from Brooklyn, N. Y. and Cranford, N. J. to Chamblee, Ga.:

Southern Motor Carriers Rate Conference, Agent: In Supplement 56 to MF-I. C. C. No. 804, on page 83 thereof, Indexes 24334 and 24335;

or as the same may be amended or reissued:

It further appearing, that upon consideration of the tariff schedules shown in the foregoing, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That this investigation be, and it is hereby, broadened, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in schedules designated herein, or as the same may be amended or reissued, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Appellate Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-761; Filed, Jan. 31, 1957; 8:48 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 62—INTERNATIONAL COTTON CALIBRATION STANDARDS PROGRAM

Pursuant to authority contained in the Agricultural Marketing Act of 1946, as amended (60 Stat. 1087, as amended; 7 U. S. C. 1621 et seq.), the regulations enumerated below are hereby promulgated to be effective upon publication in the FEDERAL REGISTER.

The purpose of these regulations is to explain briefly the organization and purpose of the International Cotton Calibration Standards Program and to set forth the availability and purchase prices of calibration cottons prepared pursuant to the program.

The regulations are as follows:

Sec.
62.1 Organization of program.
62.2 Objectives of program.
62.3 Calibration cottons; availability; costs.

AUTHORITY: §§ 62.1 to 62.3 issued under sec. 205, 60 Stat. 1090; 7 U. S. C. 1624.

§ 62.1 *Organization of program.* The International Cotton Calibration Standards Program is conducted under the auspices of the American Society for Testing Materials and sponsored by the following organizations: American Cotton Manufacturers' Institute, American Cotton Shippers' Association, International Federation of Cotton and Allied Textile Industries, National Cotton Council of America, and United States Department of Agriculture.

§ 62.2 *Objectives of program.* The program has for its principal objective the providing of the mechanism by means of which any laboratory doing cotton fiber testing may calibrate its instruments or otherwise adjust its level of test results to a standard level, thereby facilitating the use of more precise methods for evaluating quality in connection with domestic as well as international trade in cotton. A secondary objective is to provide data as a basis for establishing practical tolerances for routine test results.

§ 62.3 *Calibration cottons; availability; costs.* (a) International Standard Calibration Cottons with standard test results for fiber strength by the Pressley flat-bundle method at zero gauge and for fiber fineness and maturity in combination by the Micronaire method, as determined in accordance with standard procedures of the American Society for Testing Materials by laboratories designated by the sponsoring organizations of the International Cotton Calibration Standards Program, are available as follows: Calibration Cotton A—weak and coarse fiber; Calibration Cotton B—average fiber strength and fineness; and Calibration Cotton C—strong and fine fiber.

(b) The cost of Calibration Cotton A, Calibration Cotton B, or Calibration Cotton C shall be as follows: $5.00 per one-half pound sample, delivered by surface transportation, for shipments within or outside the United States; or $5.50 per one-half pound sample, delivered by air parcel post, for shipments within the United States; or $6.00 per one-half pound sample, delivered by air parcel post, for shipments outside the United States. A check sample of ginned cotton lint with no value indicated will be furnished with each order for calibration cotton. Detailed instructions for the use of these calibration cottons and check samples will be furnished with each order filled.

(c) Each order for International Standard Calibration Cottons should be addressed to the Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and should be accompanied by a check, draft, or money order payable to "Agricultural Marketing Service, USDA," in an amount to cover the cost of the cottons requested.

These regulations briefly explain the International Cotton Calibration Standards Program and the calibration cottons available under this program. The regulations require no preparation on the part of any members of the public. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice of rule making and other public procedure are impracticable, unnecessary, and contrary to the public interest,

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FEDERAL REGISTER

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and good cause is found for making these regulations effective upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 30th day of January 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-820; Filed, Feb. 4, 1957; 8:46 a. m.]

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fourth Rev., Supp. 3]

PART 301—DOMESTIC QUARANTINE NOTICES
SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR 301.76–2a (21 F. R. 9199), effective November 27, 1956, as amended effective December 13, 1956 and January 18, 1957 (21 F. R. 9936, 22 F. R. 365), are hereby amended in the following respects:

a. The designation as regulated areas of the following premises, included in the list contained in paragraph (a) of such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

C. H. Espy (town property), 1089 B Avenue, Yuma.
International Market (Jimmy Ng), 106 Main Street, Somerton.
Pablo Franco Ranch, 1764 Avenue B, Yuma.

CALIFORNIA

Frank Augusta Ranch, Route 2, Box 25, Brawley.
Ed Seigel property, located at Avenue 256, Sec. 19, T. 19 S., R. 27 E., M. D. B. & M. Mail address Box 772, Lindsay.

b. The following premises are added to the list, contained in paragraph (a) of such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Cornelius Livestock Company property, 5102 East Washington, Phoenix.
Phoenix Indian School property, 4100 Rhoads Circle, Phoenix.
Western Feed Mills property, Box 270, Mesa.

CALIFORNIA

Newman Seed Company property, 202 East Main Street, El Centro.
Southwest Flaxseed Association property, East Q and ¼ mile north of Road 22, Holtville. Mail address Imperial.
Wheeler Farms property, Sec. 30, T. 32 S., R. 28 E., M. D. B. & M. Mail address Route 1, Box 860, Bakersfield.

c. The following premises are added to the list, contained in paragraph (b) of such instructions, of premises in which infestations of the khapra beetle have been determined to exist. The portion of the following premises in which live khapra beetles were found has received the approved fumigation treatment, but these premises must continue under frequent observation and inspection for a period of one year following fumigation before a determination can be made as to the adequacy of such treatment to eradicate the khapra beetle in and upon such premises. During this period regulated articles may be moved from the premises only in accordance with the regulations in this subpart.

CALIFORNIA

Snyder's Termite Control property, 4428 Magnolia Avenue, Riverside.

This amendment shall become effective February 5, 1957.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

As an informative item, the amendment also segregates certain regulated premises in California where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and which are consequently in a somewhat different category than untreated premises.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 31st day of January 1957.

[SEAL] E. D. BURGESS,
Chief, Plant Pest Control Branch.

[F. R. Doc. 57-824; Filed, Feb. 4, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C42 PROPELLER FEATHERING HOSE ASSEMBLIES (RUBBER AND WIRE BRAID CONSTRUCTION)

Minimum performance standards for propeller feathering hose assemblies which are to be used in civil aircraft of the United States are defined in the new regulation § 514.40 (TSO–C42).

Section 514.40 appeared as a notice of proposed rule making in 21 F. R. 9431–9432 on December 1, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 514.40 is added under Subpart B of this part to read as follows:

§ 514.40 *Propeller feathering hose assemblies (rubber and wire braid construction)–TSO–C42*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for propeller feathering hose assemblies of the following types which are to be used in civil aircraft of the United States:

(i) Type 1 (pressure line) hose assemblies which are intended to be used in the line connecting the feathering pump outlet to the propeller governor.

(ii) Type 2 (supply line "fire-resistant") hose assemblies which are intended to be used in the line connecting the oil supply to the feathering pump where this entire line is located aft of the firewall.

(iii) Type 3 (supply line "fireproof") hose assemblies which are intended to be used in the line connecting the oil supply to the feathering pump where this line is located wholly or in part forward of the firewall.

New models of propeller feathering hose assemblies manufactured for use in civil aircraft on or after March 1, 1957, shall meet the "performance" section of Military Specification MIL–H–8795 (ASG) dated January 6, 1956,[1] or MIL–H–8790

[1] Copies of these specifications may be obtained by addressing a request to the Commanding General, Air Materiel Command, Wright-Patterson Air Force Base, Dayton, Ohio.

dated August 22, 1956,' with the following exception and shall also meet the appropriate fire test requirements listed below.

(2) *Exception.* The hydraulic impulse test requirements in MIL–H–8795 (ASG) and MIL–H–8790 need not be met for the purposes of this section.

(3) *Pressure line (type 1) hose assembly fire test*—(i) *Test setup and flame requirements.* (*a*) For the purpose of this test, a length of hose five times the outside diameter or longer shall be subjected to a flame of the size and temperature specified in (*d*) and (*e*) of this subdivision while the hose is in a horizontal position. The entire end fitting shall also be subjected to this flame.

(*b*) The hose assembly shall be installed horizontally in the test setup in such a manner that it includes at least one full 90° bend so that the pressure existing inside the hose will exert an axial force on the end fitting equal to the inside area of the hose multiplied by the internal pressure.

(*c*) During the test the end fitting which is subjected to flame shall be vibrated at the rate of 2,000 cycles per minute through a total amplitude of not less than ⅛ inch, i. e., a displacement of 1/16 inch on each side of the neutral position.

(*d*) The flame temperature shall be 2,000° F., plus or minus 50° F. as measured within ¼ inch of the surface of the hose and end fitting at the point nearest the flame. Suitable shielded thermocouples or equivalent temperature measuring devices shall be used for measuring the flame temperature. A sufficient number of these shall be used to assure that the specified temperature exists at least along the entire end fitting and along the hose for a distance of not less than three times its outside diameter.

(*e*) The flame diameter shall not be less than three times the maximum diameter of the hose or three times the maximum diameter of the end fitting (whichever is greater). The length of the flame shall be such that it extends beyond the end fitting and hose when they are in place during the test, for a distance of not less than three times the maximum diameter of the hose or three times the maximum diameter of the end fitting, whichever is greater.

(*f*) During the test SAE 20 oil or equivalent shall be circulated through the hose assembly, and the oil shall enter the hose assembly at a temperature of not less than 200° F.

NOTE: Items (*d*) and (*e*) of this subdivision, concerning flame size and distribution, will be revised in accordance with agreements reached with the SAE A–3 Flame Test Subcommittee, when its study of this problem is completed.

(ii) *Fire test procedure*—(*a*) *Part I.*

Pressure: 150 psi (minimum).
Oil flow rate: 1.3 quarts/minute (maximum).
Duration: 4 minutes, 30 seconds.

(*b*) *Part II (which shall immediately follow Part I).*

Pressure: 1,650 psi (minimum).
Oil flow rate: 14 quarts/minute (maximum; any lower flow rate is acceptable).
Duration: 30 seconds.

(iii) *Criteria for acceptability.* The hose assembly under test shall be considered acceptable if it complies with these test conditions without evidence of leakage.

(4) *Supply line "fire-resistant" (type 2) hose assembly fire test*—(i) *Test setup and flame requirements.* Same as subdivision (i) of subparagraph (3) of this paragraph.

(ii) *Fire test procedure.*

Pressure: 30 psi (minimum).
Oil flow rate: 1.3 quarts/minute (maximum).
Duration: 5 minutes.

(iii) *Criteria for acceptability.* Same as subdivision (iii) of subparagraph (3) of this paragraph.

(5) *Supply line "fireproof" (type 3) hose assembly fire test*—(i) *Test setup and flame requirements.* Same as subdivision (i) of subparagraph (3) of this paragraph.

(ii) *Fire test procedure.* Test shall be conducted as described in subdivision (ii) of subparagraph (4) of this paragraph except that upon completion thereof test shall be extended for an additional 10 minutes, making the total duration 15 minutes.

(iii) *Criteria for acceptability.* Same as subdivision (iii) of subparagraph (3) of this paragraph.

(b) *Marking.* The following marking is required in lieu of that specified in § 514.3:

(1) Name or trademark of the manufacturer responsible for compliance with this TSO.

(2) Model designation.

(3) Date of manufacture.

(4) Applicable TSO number, followed immediately by "Type Number" (as "Type 1", etc.). This identification must be legibly stamped on a steel (or other fireproof material) band securely affixed to the hose assembly.

(c) *Effective date.* March 1, 1957

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57–811; Filed, Feb. 4, 1957; 8:45 a. m.]

[Amdt. 185]

PART 608—RESTRICTED AREAS

RESTRICTED AREA ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of Section 4 of the Administrative Procedure Act is not required. Part 608 is amended as follows:

1. In § 608.25, the Fort Campbell (formerly called Camp Campbell), Kentucky, area (R–63) amended on May 19, 1956 in 21 F. R. 3309, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 36°44'00'', longitude 87°40'00''; to latitude 36°39'17'', longitude 87°40'00''; to latitude 36°39'17'', longitude 87°29'38''; to latitude 36°41'00'', longitude 87°27'30''; to latitude 36°32'00'', longitude 87°23'00''; to latitude 36°32'00'', longitude 87°50'00''; to latitude 36°44'00'', longitude 87°50'00''; to latitude 36°44'00'', longitude 87°40'00''; to point of beginning".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on February 5, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57–812; Filed, Feb. 4, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 203—HEAT AND POWER

INTERNAL COMBUSTION ENGINE FUELS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on this schedule is unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. This schedule is effective from the date of publication in the FEDERAL REGISTER.

1. The schedule in § 203.501 *Internal combustion engine fuels,* is amended by the revision of item (e) to read as follows:

Item	Description	Fee
203.501e..	Measurement of physical properties of primary reference fuels for octane number determination.	$60

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 3, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
Director, National Bureau of Standards.

Approved:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57–813; Filed, Feb. 4, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54296]

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 20—DISPOSITION OF UNCLAIMED AND ABANDONED MERCHANDISE

WITHDRAWALS FOR TRANSPORTATION AND SURPLUS PROCEEDS OF SALE

In the case of a withdrawal of alcoholic beverages from warehouse for transportation, the liquidation of the entry at the port of rewarehousing is dependent upon the receipt of certain detailed information from the port of withdrawal. Two extra copies of customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit, are desirable in such cases for the use of the collector at the port of withdrawal in furnishing the port of destination with such information. Also, at the present time certain provisions relating to establishing the right of a claimant to surplus proceeds of merchandise sold at public auction are in need of clarification. Therefore, the customs regulations are amended as follows:

1. Section 18.16 (a) is amended by inserting the following after the third sentence: "In the case of alcoholic beverages, two extra copies will be required for use in furnishing the duty statement to the collector at destination."

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 557, 46 Stat. 744, as amended; 19 U. S. C. 1557)

2. The first sentence of § 20.6 (g) is amended by substituting "in accordance with § 24.25 of this chapter" for "by due proof of his right to make entry for the merchandise".

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies secs. 491, 493, 46 Stat. 726, as amended, 727; 19 U. S. C. 1491, 1493)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: January 23, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57–832; Filed, Feb. 4, 1957; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 657—TOBACCO INDUSTRY IN PUERTO RICO

On September 27, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 468 (21 F. R. 7411) appointed, convened, and gave notice of the hearing of Industry Committee No. 25–C for the Tobacco Industry in Puerto Rico. The Committee was directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in the Tobacco Industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of this Committee are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective February 21st, 1957, Part 657 of Title 29, Code of Federal Regulations, is hereby amended to read as follows:

Sec.
657.1 Definition of the industry.
657.2 Wage rates.
657.3 Notices.

AUTHORITY: §§ 657.1 to 657.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 657.1 *Definition of the industry.* The tobacco industry in Puerto Rico, to which this part shall apply, is defined as follows: The processing of leaf tobacco including, but without limitation, the grading, fermenting, stemming, chopping, packing, storing, drying, and handling of tobacco; and the manufacture of cigarettes, cigars, cheroots, little cigars, snuff, chewing tobacco, and smoking tobacco.

§ 657.2 *Wage rates.* (a) Wages at a rate of not less than 36 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the Puerto Rican cigar filler tobacco processing classification which is defined as the processing of Puerto Rican cigar filler type tobacco, including, but without limitation, the grading, fermenting, stemming, packing, storing, drying, and handling of such tobacco prior to its use in the manufacture of cigars or other finished tobacco products: *Provided, however,* That the shredding, chopping, threshing, or stemming of such tobacco by machine and operations immediately incidental thereto shall not be included in this definition.

(b) Wages at a rate of not less than 75 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the machine threshing classification, which is defined as the shredding, chopping, or threshing of all types of tobacco by machine and operations immediately incidental thereto.

(c) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the tobacco industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined to include all products and activities in the tobacco industry in Puerto Rico, as defined in § 657.1, except products and activities included in the Puerto Rican cigar filler tobacco processing classification or in the machine threshing classification, as defined in paragraphs (a) and (b), respectively, of this section.

§ 657.3 *Notices.* Every employer subject to the provisions of § 657.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 657.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 30th day of January 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57–843; Filed, Feb. 4, 1957; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

Subchapter C—Personnel

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

ACTION ON MEDICAL REPORTS OF PERIODIC PHYSICAL EXAMINATIONS OF PARTIES ON THE TEMPORARY DISABILITY RETIRED LIST

1. Section 725.16 (e) is revised to read as follows:

(e) *Action on medical reports of periodic physical examinations of parties on the Temporary Disability Retired List.* Upon receipt of a report of a periodic physical examination of a party on the temporary disability retired list, forwarded pursuant to § 725.23, the Physical Review Council shall evaluate such report. If less than five years have elapsed since the date of the placement of the name of the party on the temporary disability retired list and the Council considers that no change in the status of the party is indicated, no action shall be taken on such report. If the Council considers that a change in the status is indicated, or if the period of five years from the date of the placement of the name of the party on the temporary disability retired list will soon terminate, the Council shall refer the case to a physical evaluation board for re-evaluation. In the event, however, the Council determines from the report that the party concerned is physically fit to perform the duties of his rank, grade, or rating and the party concerned has indicated a desire to be found physically fit for the performance of his duties, the case may be referred directly to the Secretary of the Navy for his action thereon without consideration by a physical evaluation board. In addition, upon agreement by the members of the Council that the report of a periodic physical examination together with other records in

the files of the Navy Department forms sufficient basis for recommended findings on a case, the case may be referred directly to the Secretary of the Navy for his action thereon without consideration by a physical evaluation board. This latter action, however, shall not be taken by the Council unless the party concerned or his representative has been notified of the Council's proposed findings and the party or his representative has stated in writing that the party does not demand a hearing before a physical evaluation board or, if approval of the Council's proposed findings would result in the party's permanent retirement for physical disability ratable at seventy-five percent or more, has failed to demand such a hearing within five days, exclusive of Sundays and holidays, after receipt of the notification.

(Sec. 413, 63 Stat. 824; 37 U. S. C. 283)

By direction of the Secretary of the Navy.

Dated: January 28, 1957.

[SEAL] P. A. WALKER,
Captain, U. S. Navy, Deputy and Assistant Judge Advocate General of the Navy.

[F. R. Doc. 57-816; Filed, Feb. 4, 1957; 8:46 a. m.]

Chapter XVI—Selective Service System

[Amdt. 72]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

RECONSIDERATION AND APPEAL OF DETERMINATION OF AVAILABILITY

The Selective Service Regulations are hereby amended as follows:

1. Paragraph (a) of § 1690.15 is amended to read as follows:

§ 1690.15 *Reconsideration and redetermination of local board of reservist's availability and category.* (a) Except as otherwise provided in § 1690.18, the local board may at any time reconsider and redetermine the reservist's availability for order to active duty and his category if such action is based upon facts not considered when such availability and category were previously determined under the provisions of this part which facts would justify changing the previous determination of the reservist's availability and category.

2. Paragraph (e) of § 1690.16 is amended to read as follows:

§ 1690.16 *Appeal to appeal board.* • • •

(e) The local board may permit any person described in subparagraphs (3), (4), and (5) of paragraph (b) of this section to appeal even though the period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the period provided for in paragraph (d) of this section. If an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Standby Reserve Questionnaire (SSS Form No. 80).

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interprets or applies sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendments to the Selective Service Regulations shall become effective upon filing with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

JANUARY 31, 1957.

[F. R. Doc. 57-841; Filed, Feb. 4, 1957; 8:51 a. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

MERCHANT SHIP ANCHORAGES; PACIFIC ENTRANCE

Pursuant to the authority vested in the Governor by § 4.11 of Part 4 of Title 35, Code of Federal Regulations, as adopted by Canal Zone Order 30, January 6, 1953 (18 F. R. 280) and by § 4.17, as so adopted, and amended by Canal Zone Order 45, September 27, 1956 (21 F. R. 7618), paragraph (c) of § 4.18 of Part 4 of Title 35 is hereby amended to read as follows:

§ 4.18 *Merchant ship anchorages.* • • •

(c) *Pacific entrance.* An area bounded as follows: Beginning at a point in position 8°51'50" N., 79°30'00" W., marked by a lighted, whistle buoy which is painted with alternating black and white vertical stripes and which shows short-long flashing white light every 8 seconds, i. e., light 0.4 second, eclipse 0.4 second, light 1.6 seconds, eclipse 5.6 seconds; thence due east to longitude 79°26'00" W.; thence due north to latitude 8°54'31" N.; thence due west toward Flamenco Island Light to a point 8°54'31" N., 79°30'46" W.; thence southwestward touching the northwest corner of San Jose Rock to position 8°53'27" N., 79°31'23" W., marked by canal-entrance lighted buoy No. 2; thence southeastward to the point of beginning.

(Sec. 5, 37 Stat. 562, as amended; 2 CZ Code 9, 48 U. S. C. 1318. E. O. 9746, 11 F. R. 7329, 3 CFR, 1946 Supp.)

Issued at Balboa Heights, Canal Zone, January 24, 1957.

[SEAL] W. E. POTTER,
Governor.

[F. R. Doc. 57-817; Filed, Feb. 4, 1957; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

MOUNTAIN CLIMBING

Section 1.14 entitled *Mountain summit climbing*, is amended to read as follows:

§ 1.14 *Mountain climbing.* (a) In Mount McKinley, Mount Rainier, and Grand Teton National Parks, mountain climbing shall be undertaken only with the permission of the Superintendent.

(b) In Devils Tower National Monument, the climbing of Devils Tower beyond the talus slope or above the shelf or bench at the base of the definite columns, where such shelf or bench is present, shall be undertaken only with the permission of the Superintendent.

(c) In Mount Rushmore National Memorial, climbing beyond the toe of the talus slope shall be undertaken only with the permission of the Superintendent.

(d) In Rocky Mountain National Park, climbing in that area on the east face of Longs Peak, known as the Diamond, shall be undertaken only with the permission of the Superintendent.

(e) The Superintendent shall not grant permission under paragraph (a) or (b) or (c) or (d) of this section until he is satisfied that all members of the party are properly clothed, equipped, and shod, are qualified physically and through previous experience to make the climb, and that the necessary supplies are carried.

(f) No individual will be permitted to start a solo climb or continue to climb alone on Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park, or Devils Tower, or beyond the toe of the talus slope in Mount Rushmore National Memorial, or on the Diamond area on Longs Peak in Rocky Mountain National Park.

(g) While the Government assumes no responsibility in connection with any kind of accident to mountain-climbing parties, all persons starting to climb Mount McKinley, Mount Rainier, or any major peak in Grand Teton National Park or Devils Tower, or beyond the toe of the talus slope in Mount Rushmore National Memorial, or on the Diamond area on Longs Peak in Rocky Mountain National Park, shall fill out an information blank furnished by the Superintendent and shall report to him upon return.

(h) When the Superintendent deems such action necessary, he may prohibit all mountain climbing in the areas referred to in paragraphs (a), (b), (c), or (d) of this section.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

January 29, 1957.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 57-814; Filed, Feb. 4, 1957; 8:45 a. m.]

PART 21—HOT SPRINGS NATIONAL PARK; BATHHOUSE REGULATIONS

FEDERAL REGISTRATION BOARD

Paragraph (a) of § 21.4, entitled *Federal Registration Board, officers*, is amended to read as follows:

(a) An advisory and examining board, designated as "The Hot Springs National Park Federal Registration Board," shall be appointed by the Secretary. The board shall consist of six members, five of whom shall be members of the Garland County Hot Springs Medical Society, and one the Superintendent of Hot Springs National Park. The Superintendent shall act as secretary of the board. The functions of the board shall be to advise the Superintendent concerning the use of the waters of Hot Springs National Park and to examine and approve, in proper cases, applicants for registration.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

January 29, 1957.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 57-815; Filed, Feb. 4, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 9-7; FCC 57-112]

PART 9—AVIATION SERVICES

FREQUENCY AVAILABLE TO AIRCRAFT RADIO STATIONS FOR COMMUNICATION WITH USAF RADAR ADVISORY FACILITIES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1957:

The Commission having under consideration the amendment of Part 9, Aviation Services, to make the frequency 133.20 Mc available to aircraft radio stations for communication with USAF radar advisory facilities; and

It appearing that on December 13, 1956, Air Defense Command Headquarters issued a regulation (ADC Reg. 55-51) setting forth procedures whereby aircraft in flight may be advised of the presence of serious storm areas observed by air defense radar facilities on the ground; and

It further appearing that by telegram dated January 15, 1957, ADC Headquarters authorized the Civil Aeronautics Administration to publish information notifying civil aircraft operators that the military frequency 133.20 Mc is available for use in contacting ADC radar facilities to obtain radar advisory service; and

It further appearing that use of the radar advisory service available under the terms of ADC Reg. 55-51 would be of substantial benefit to civil aviation as a means of vectoring flights around observed storm areas; and

It further appearing, that the public interest would be served by allowing existing aircraft radio station licensees to commence operation on the frequency 133.20 Mc on the effective date of this Order without requiring application for, and issuance of, modified licenses specifying the new frequency; and

It further appearing that issuance of Notice of Proposed Rule Making pursuant to section 4 (a) of the Administrative Procedure Act would unnecessarily delay the timely adoption of the amendment herein ordered and would not therefore serve the public interest; and

It further appearing that since the amendment herein ordered imposes no new requirement on any applicant or licensee, but rather makes available to civil aviation a new frequency, the use of which is directly related to the safety of life and property in the air, this order may be made effective without delay in accordance with section 4 (c) of the Administrative Procedure Act; and

It further appearing that authority for issuance of this order is contained in sections 303 (b), (c) and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective immediately, § 9.312 of the Commission's rules governing Aviation Services is amended as set forth below; and

It is further ordered, That persons holding valid aircraft radio station licenses on the effective date of this Order, and whose licenses specify transmitting equipment capable of operating on the frequency 133.20 Mc, are authorized, for the remainder of their license terms, to communicate with USAF radar advisory facilities without first obtaining modification of license to add such frequency.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: January 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 9, rules governing Aviation Services, as follows:

Add new paragraph (o) to § 9.312, to read as follows:

(o) 133.20 megacycles: This frequency is available to aircraft for communication with USAF radar facilities for the purpose of obtaining weather advisory service.

[F. R. Doc. 57-834; Filed, Feb. 4, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 225]

WAREHOUSING OF DISTILLED SPIRITS

CONSOLIDATION OF PACKAGED SPIRITS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

In order to provide (a) that packaged neutral spirits which have been consolidated in a warehouse tank may thereafter be handled in the same manner as neutral spirits stored in bulk, (b) that packaged distilled spirits other than neutral spirits, may, if homogeneous and produced in the same distilling season be consolidated in a warehouse tank and thereafter be handled in the same manner as other spirits in bulk, except that they may be repackaged only for immediate withdrawal from bond, and (c) that packaged distilled spirits, if homogeneous, may be consolidated in a warehouse tank and a portion thereof transferred to a customs manufacturing bonded warehouse, the remaining spirits to be immediately taxpaid or, if eligible, bottled in bond, 26 CFR Part 225 is amended as follows:

PARAGRAPH 1. The title of Subpart Q is amended to read "Receipt Of Spirits In Warehouse".

PAR. 2. The undesignated centerhead "Deposit In Storage Tanks" immediately preceding § 225.370 is revoked.

PAR. 3. Section 225.370 is amended to read as follows:

§ 225.370 *General.* Distilled spirits may be received in any container for deposit in any internal revenue bonded warehouse from a registered distillery, fruit distillery, or another internal revenue bonded warehouse if such container is approved for the transfer of the spirits by the regulations governing the operations of the consignor premises.

(68A Stat. 633, 634, 639, 645, 647; 26 U. S. C. 5193, 5194, 5215, 5242, 5246)

PAR. 4. The undesignated centerhead "Receipts By Pipeline, Tank Car, And

Tank Truck" is inserted immediately following § 225.370.

PAR. 5. Section 225.371 is amended to read as follows:

§ 225.371 *Deposit in tanks.* Distilled spirits received by pipeline must be deposited in tanks in the warehouse. Distilled spirits received in tank cars and tank trucks must also be deposited in such tanks, unless the tank car or tank truck in which the spirits are received is run within the warehouse building for storage.

(68A Stat. 633, 634, 639, 645; 26 U. S. C. 5193, 5194, 5215, 5242)

PAR. 6. Section 225.372 is revoked.

PAR. 7. Section 225.373 is amended by changing the first sentence to read, "The receipt of spirits by pipeline at a bonded warehouse will be under the supervision of the storekeeper-gauger in charge of the warehouse.".

PAR. 8. Section 225.375 is revoked.

PAR. 9. Section 225.377 is amended as follows:

(A) By striking the phrase "spirits of 190 degrees or more of proof, produced during" and inserting in lieu thereof the phrase "spirits produced at 190 degrees or more of proof during".

(B) By amending the citation following § 225.377 to read "(sec. 205, 49 Stat. 981 as amended, 68A Stat. 616, 634; 27 U. S. C. 205, 26 U. S. C. 5082, 5194)".

PAR. 10. Section 225.382 is amended as follows:

(A) By striking the fifth and sixth sentences, which begin, "Where the spirits are less than" and "Where the spirits are 160 degrees", respectively.

(B) By striking from the last sentence the phrase "pending taxpayment or further transfer in bond".

(C) By amending the citation following § 225.382 to read "(68A Stat. 599, 604, 633, 634, 647; 26 U. S. C. 5006, 5011, 5193, 5194, 5245)".

PAR. 11. Section 225.400 is amended by changing (d) to read:

(d) In storage tanks in any warehouse if the distilled spirits were received in tank cars or tank trucks or by pipeline, or were consolidated from casks or packages under subpart R: *Provided*, That tanks for the storage of vodka must be metal, porcelain, glass, or paraffin-lined; and

PAR. 12. Section 225.402 is amended to read as follows:

§ 225.402 *Storage in tank cars or tank trucks.* Where spirits are received in tank cars or tank trucks for storage in bond, the spirits shall be transferred to warehouse storage tanks or the tank cars or tank trucks must be stored in the warehouse.

PAR. 13. Section 225.408 is amended by striking the fourth sentence, which begins, "Spirits of less".

PAR. 14. Section 225.411 is amended by striking the word "All" and inserting in lieu thereof the words "Except as provided in § 225.417f, all".

PAR. 15. The undesignated centerhead "Consolidation Of Packages" immediately preceding § 225.417a is changed to read "Consolidation Of Packaged Spirits".

PAR. 16. Section 225.417a is amended as follows:

(A) By changing the headnote to read "Authorized consolidation of neutral spirits.".

(B) By striking from the first sentence the words "Spirits distilled at 190 degrees of proof or more, whether or not such proof is subsequently reduced," and inserting in lieu thereof the words "Neutral spirits (spirits produced at 190 degrees of proof or more, whether or not such proof is subsequently reduced) distilled".

(C) By inserting in the last sentence, immediately after the words "Such spirits may be", the words "stored in storage tanks or may be".

PAR. 17. By inserting, immediately following § 225.417a, the following new section:

§ 225.417a–1 *Authorized consolidation of other spirits.* Packages of spirits distilled at less than 190 degrees of proof from the same class of materials, at approximately the same proof, by the same distiller at the same distillery, during the same distilling season and year, and differing in periods of storage (a) not more than 6 months in the case of spirits stored in bond more than 2 years, (b) not more than 60 days in the case of spirits stored in bond more than 1 year and not more than 2 years, or (c) not more than 30 days in the case of spirits stored in bond 1 year or less, and stored in the same kind of cooperage under approximately the same conditions, and which are homogeneous according to the standards of identity established under the Federal Alcohol Administration Act, may, with the prior approval of the storekeeper-gauger in charge, be dumped and consolidated in a warehouse tank for storage therein, or for removal by pipeline, tank car, or tank truck to another internal revenue bonded warehouse, as provided in this subpart. Such spirits may be withdrawn from bond for any purpose for which the packaged spirits could have been withdrawn, but may not be repackaged for any purpose except immediate withdrawal from bond.

PAR. 18. Section 225.417b is amended as follows:

(A) By striking from the headnote the words "of packages".

(B) By changing the first sentence to read, "The proprietor of an internal revenue bonded warehouse who desires to consolidate packaged spirits must provide suitable space and equipment for such operations.".

(C) By adding at the end of the second sentence the words "for dumping and consolidating".

(D) By striking from the last sentence the word "presented" and inserting in lieu thereof the word "prevented".

PAR. 19. Section 225.417c is amended to read as follows:

§ 225.417c *Application for consolidation.* When it is desired to consolidate distilled spirits contained in packages, application for such consolidation must be made to the storekeeper-gauger in charge by the proprietor of the warehouse. The application must be submitted on Form 2323, in triplicate. All information required by the form shall be shown. Where the warehouseman desires to repackage consolidated neutral spirits and to subsequently withdraw such spirits on the original gauge of the consolidated packages, he shall note on all copies of the application "Withdrawn on original gauge". Each application shall be given a serial number, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. The application may be approved only where suitable space and equipment are provided and internal revenue officers are available for necessary supervision. If the storekeeper-gauger approves the application he will return one copy marked "Approved" to the proprietor, and retain the remaining two copies.

PAR. 20. Section 225.417d is amended as follows:

(A) By striking the first two sentences and inserting in lieu thereof the following new sentence: "When packages authorized by the approved application to be consolidated have been removed to that portion of the warehouse where the spirits are to be consolidated, the storekeeper-gauger will examine them, and will detain any package bearing evidence of unusual loss that cannot be satisfactorily explained, or of tampering, pending further investigation in acordance with the applicable provisions of §§ 225.480 to 225.495."

(B) By striking from the third sentence the words "does not bear such evidence" and inserting in lieu thereof the words "has not been detained by him."

(C) By changing the fourth sentence, which begins "All packages", to read, "All packages must be drained and thoroughly rinsed: *Provided*, That, in the case of neutral spirits, if any of the packages are to be refilled as consolidated packages, they need not be rinsed.".

(D) By striking from the proviso in the sixth sentence, which begins "Immediately upon", the words "if any such packages are to be used for containers for" and inserting in lieu thereof the words "in the case of neutral spirits, if any such packages are to be use for containers for the".

(E) By striking from the proviso in the sixth sentence the word "filing" and inserting in lieu thereof the word "filling".

(F) By changing the seventh sentence, which begins "Spirits in the", to read "When spirits in the consolidation tank are to be repackaged for immediate withdrawal from bond, or, in the case of neutral spirits, for withdrawal on the filling gauge at some future date, the contents of the tank shall be adjusted to a whole degree of proof by the proprietor.".

(G) By striking from the last sentence the words "The storekeeper-gauger shall then verify the" and inserting in lieu thereof the words "In all cases the storekeeper-gauger shall determine the".

PAR. 21. By inserting, immediately following § 225.417d, the following new section:

§ 225.417d–1 *Determining date of original entry.* Where packages of spirits are dumped and consolidated, the date of original entry of the oldest spirits in each individual lot so consolidated shall become the date of original entry of all the spirits in that particular lot, for the purpose of determining the period of storage in bond.

PAR. 22. Section 225.417e is amended as follows:

(A) The headnote is amended by adding at the end thereof the words "of neutral spirits".

(B) The first sentence is changed to read, "When neutral spirits are to be drawn from a tank into packages, the storekeeper-gauger shall unlock the necessary outlet valves.".

(C) The second sentence is amended by inserting, immediately after the words "on his application" in the proviso, the words ", Form 2323,".

(D) By striking the eighth sentence, which begins, "Tanks must", and inserting in lieu thereof a new sentence reading, "If spirits remain in the tank at the completion of repackaging, the procedure prescribed in § 225.417f–1 shall be followed.".

(E) The eleventh sentence, which begins, "Losses of spirits", is amended by striking the words "the application" and inserting in lieu thereof "Form 2323", and by adding at the end of the sentence the words "plus the quantity of any spirits remaining in the tank".

(F) The last sentence is amended by striking the words, "Upon completion of the gauging of the packages and the preparation of the gauge forms, one copy of the approved application and one copy of the Form 1520 covering the details of the repackaging", and inserting in lieu thereof the words "On completion of the gauging of the packages and the preparation of the gauge forms, one copy of Form 2323 and one copy of each Form 1520 covering the consolidated neutral spirits."

PAR. 23. By inserting, immediately following § 225.417f, the following new section:

§ 225.417f–1 *Consolidated spirits held in storage tanks.* When consolidated spirits are to be stored in the tank in which consolidated, or be transferred to another tank for storage, the warehouseman shall, at the completion of consolidation or the completion of packaging operations if any portion of the spirits are repackaged, carefully gauge the spirits in the tank and enter all details thereof on Form 1520, in triplicate, noting on such form the date of the original entry for deposit of the oldest and the youngest spirits mingled in the tank and the kind of cooperage in which the spirits were stored. Transfer of consolidated spirits from the consolidation tank to a storage tank, or from one storage tank to another, may be made on application to, and under the supervision of, the storekeeper-gauger, who will note the number of the storage tank on the Form 1520 covering the spirits. It will not be necessary to completely empty a storage tank containing consolidated neutral spirits before making additional deposits of consolidated neutral spirits therein; however, spirits may not be deposited and withdrawn from the tank simultaneously, and any consolidated neutral spirits which are added to the tank must be homogeneous with the consolidated neutral spirits already in the tank. Each lot of consolidated neutral spirits deposited in a storage tank shall retain its date of original entry, determined as prescribed in § 225.417d–1, for the purpose of determining the period of storage in bond, and withdrawals from a storage tank containing more than one lot of consolidated neutral spirits shall be considered to be made on a first-in, first-out basis. Warehouse tanks containing consolidated spirits other than neutral spirits must be emptied before another lot of consolidated spirits may be deposited therein. Forms 1520 will be disposed of as provided in § 225.417e.

PAR. 24. By changing § 225.417g to read as follows:

§ 225.417g *Withdrawal of consolidated spirits.* Distilled spirits which have been consolidated under authority of § 225.417a or § 225.417a–1 may be withdrawn from bond for any purpose for which the packaged spirits could have been withdrawn before consolidation. When the proprietor desires to withdraw such consolidated spirits, application therefor will be prepared in the same manner as for the withdrawal of any other spirits, and the withdrawal shall be made in accordance with the applicable provisions of this part. Form 1520 covering the withdrawal gauge of such spirits shall be noted to show the kind of cooperage in which the spirits were originally stored, the date of consolidation, and the dates of original entry of the oldest and the youngest spirits in the lot.

PAR. 25. Section 225.424 is amended by adding at the end thereof the following new sentences: "Where packaged distilled spirits are consolidated and stored in a warehouse storage tank as authorized in § 225.417a or § 225.417a–1, each lot shall retain its date of original entry, determined as provided in § 225.417d–1, for the purpose of determining the period of storage in bond and, if more than one lot of neutral spirits consolidated pursuant to § 225.417a is placed in the same tank, withdrawals shall be considered to be made on a first-in, first-out basis. Where spirits of different dates of production in the same distilling season are mingled at the time of bottling, or brandies of different dates of production are blended under the provisions of section 5023, I. R. C., the bonded period of storage for such spirits or brandies will begin to run from the date of the original entry for deposit of the oldest spirits or brandies so mingled."

PAR. 26. Section 225.428 is amended by striking therefrom the last sentence.

PAR. 27. Section 225.560 is amended as follows:

(A) By changing the headnote to read, "Authorized withdrawals.".

(B) By striking the word "section" and inserting in lieu thereof the word "part".

(C) By striking from item (a) the word "Upon" and inserting in lieu thereof the word "on".

(D) By amending the citation following § 225.560 to read "(68A Stat. 633, 634, 640, 645, 647, 661, 667, 679, 900; 26 U. S. C. 5193, 5194, 5215, 5243, 5244, 5246, 5247, 5331, 5373, 5522, 7510)".

PAR. 28. Section 225.561 is amended as follows:

(A) By striking from paragraph (e) the word "storage".

(B) By striking from paragraph (f) (1) the words "from storage or gauging tanks".

(C) By striking from paragraph (f) (2) the words "from storage or gauging tanks in a warehouse".

(D) By striking from paragraph (f) (3) the words "from storage or gauging tanks".

(E) By striking from the end of paragraph (f) (4) the word "or".

(F) By inserting after paragraph (f) (5) a new item reading, "or (6) from gauging tanks to a contiguous internal revenue bonded warehouse;".

PAR. 29. Section 225.581 is amended as follows:

(A) By adding to the end of the headnote the words "or approval of withdrawal papers.".

(B) By changing the word "upon" wherever it appears in the headnote and in the section, to read "on".

(C) By striking the words "or regauged" from both sentences.

PAR. 30. Section 225.601 is amended by striking from the first sentence the words "Except where spirits are to be withdrawn in packages filled from warehouse storage tanks at the time of withdrawal," and inserting in lieu thereof "Where spirits are to be taxpaid in packages filled from the warehouse tanks at the time of withdrawal, Form 1520 will be prepared by the storekeeper-gauger, as provided in § 225.602. In all other instances".

PAR. 31. Section 225.602 is amended as follows:

(A) By striking from the tenth sentence, which begins, "If the spirits", the word "storage" and inserting in lieu thereof the word "warehouse".

(B) By striking from the tenth sentence the word "upon" and inserting in lieu thereof the word "on".

(C) By striking from the eleventh sentence the words "gauge and proof of distillation.", and inserting in lieu thereof the words "gauge, the proof of distillation, and, in the case of consolidated spirits other than neutral spirits, the date of original entry for deposit of the youngest spirits in the lot.".

(D) By amending the citation following § 225.602 to read "(68A Stat. 633, 634, 647, 649; 26 U. S. C. 5193, 5194, 5244, 5245, 5250)".

PAR. 32. Section 225.730 is amended as follows:

(A) By striking the word "or" immediately preceding (e).

(B) By striking the period at the end of the section and inserting in lieu thereof"; or (f) by pipeline where the warehouses are contiguous.".

PAR. 33. By revoking § 225.731.

PAR. 34. By inserting, immediately preceding § 225.732, the following new section:

§ 225.731a *Preparation of Form 1520 covering gauge of consolidated spirits.* Whenever consolidated spirits are gauged for transfer between warehouses, the Form 1520 reporting such gauge shall be noted to show (a) the kind of cooperage in which the spirits were originally stored, (b) the date of original entry of the oldest spirits in the lot, (c) the date of original entry of the youngest spirits in the lot, and (d) the date of consolidation.

PAR. 35. Section 225.733 is amended as follows:

(A) By striking from the second sentence, which begins, "The applicant", the words "transferred in any one truck, railroad car, or other vehicle" and inserting in lieu thereof the words "transferred by pipeline, or at any one time in any one truck, railroad car, or other vehicle,".

(B) By striking from the third sentence the words "on part 1 of" and inserting in lieu thereof the words "in his application on".

(C) By inserting immediately after the fourth sentence, which begins, "The name of", the following new sentence: "If the applicant desires packaged spirits to be dumped and consolidated prior to transfer, he shall so state in his application on Form 236."

PAR. 36 Section 225.737 is amended as follows:

(A) By changing the headnote to read, "Transfers in previously filled tank cars and tank trucks.".

(B) By striking from the third sentence, which begins, "Upon receipt of", the word "Upon" and inserting in lieu thereof the word "On".

(C) By amending the citation following § 225.737 to read "(68A Stat. 633, 634, 647; 26 U. S. C. 5193, 5194, 5246)".

PAR. 37. Section 225.738 is amended as follows:

(A) By changing the headnote to read "Transfers from warehouse tanks.".

(B) By striking the first sentence and inserting in lieu thereof the following sentence: "When the proprietor desires to transfer spirits (1) in packages (neutral spirits only), (2) in tank cars, or (3) in tank trucks, to be filled from warehouse tanks or by pipeline from such tanks, he will deliver a copy of Form 236 with a complete description of the spirits to the storekeeper-gauger in charge of the warehouse.".

(C) By striking the second sentence and inserting in lieu thereof the following new sentences: "On receipt of the Form 236, the spirits designated to be transferred will be drawn into packages, gauged (as provided in § 225.407 or § 225.417e, as the case may be), marked, and branded, or run into a gauging tank and gauged by the storekeeper-gauger. Where the transfer is to be made in the tank car or tank truck, the spirits will be conveyed by pipeline into a tank car or tank truck constructed and marked as provided in this subpart."

(D) By striking from the fifth sentence, which begins, "The storekeeper-gauger", the words "execute on the six copies of Form 236 the description of the packages, tank cars, or tank trucks" and inserting in lieu thereof the words "execute on all copies of Form 236 the description of the spirits".

(E) By amending the citation following § 225.738 to read "(68A Stat. 633, 634, 647; 26 U. S. C. 5193, 5194, 5246)".

PAR. 38. Section 225.739 is amended as follows:

(A) By striking the words "two or more distilleries or" and inserting in lieu thereof the words "two or more distilleries, or (except in the case of neutral spirits consolidated as authorized in § 225.417a)".

(B) By striking the word "storage" and inserting in lieu thereof the word "warehouse".

(C) By amending the citation following § 225.739 to read "(49 Stat. 981 as amended; 68A Stat. 616, 633, 634; 27 U. S. C. 205; 26 U. S. C. 5082, 5193, 5194)".

PAR. 39. Section 225.752 is amended as follows:

(A) By striking from the third sentence, which begins, "If the applicant", the words "on part 1 of" and inserting in lieu thereof the words "in his application on".

(B) By inserting immediately following the fourth sentence, which begins "The name of", a new sentence reading, "If the applicant desires packaged spirits to be dumped and consolidated prior to transfer, he shall so state in his application on Form 236."

PAR. 40. Section 225.754 is amended as follows:

(A) By striking from the first sentence the word "storage".

(B) By striking from the fourth sentence, which begins, "If spirits", the words "storage tanks, they will be drawn into packages or" and inserting in lieu thereof the words "warehouse tanks, they may be drawn into packages, if eligible, or".

PAR. 41. By inserting, immediately after § 225.876, the following new section:

§ 225.876a *Mingling in gauging tank of spirits intended for transfer.* Distilled spirits which conform to the limitations of § 225.809 may be mingled in a warehouse gauging tank preparatory to transfer in bond to a customs manufacturing bonded warehouse in approved containers. If the entire contents of the gauging tank are not so transferred, the spirits remaining in the tank must be immediately taxpaid, or, if eligible, bottled in bond.

PAR. 42. Section 225.111 is amended as follows:

(A) By inserting in the third sentence, which begins, "The total original", a comma immediately after the words "Form 1513".

(B) By inserting in the third sentence, immediately after the words "into packages" the words "or deposited in warehouse tanks for storage".

PAR. 43. Section 225.1140 is amended by striking the third, fourth, and fifth sentences.

[F. R. Doc. 57-833; Filed, Feb. 4, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 27]

COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service is considering the amendment, as hereinafter stated, of the regulations in 7 CFR Part 27, as amended, pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863).

The primary purposes of the proposed amendments are to (1) clarify the definition of reginned cotton, (2) provide that effective April 1, 1957, all samples classed by the Service for cotton futures purposes shall become the property of the Government, and (3) adjust the fees charged for classification and Micronaire determination of samples.

The proposed amendments are as follows:

1. Section 27.28 would be amended to read:

§ 27.28 *Disposition of samples.* Samples representing bales for classification or Micronaire determination, which come into the custody of the Department of Agriculture on or after April 1, 1957, shall become the property of the Department after classification or Micronaire determination and shall be disposed of in accordance with the property regulations of the Department. Samples in the custody of the Department of Agriculture on March 31, 1957, representing bales which are covered by outstanding cotton class certificates issued pursuant to this subpart, will be retained by the Department until the certificates are surrendered for cancellation and will then be made available to the persons who surrender the certificates for cancellation.

2. Section 27.38 (d) would be amended to read:

(d) *Reginned cotton.* Cotton that has passed through the ginning process, including baling, more than once, or cotton that, after having been ginned and baled, has been subjected to a cleaning process and then rebaled.

3. Section 27.80 would be amended to read:

§ 27.80 *Fees; classification and Micronaire determination.* For the initial classification, review of classification, Micronaire determination, and certification of cotton pursuant to this subpart, whether such cotton be tenderable or not, the person requesting these services shall pay fees as follows: (a) If the same request covers initial classification, review of classification, and Micronaire determination, and only the review of classification and Micronaire determination results are to be certified on cotton class certificates covering the cotton involved, the entire fee shall be 60 cents per bale; or (b) under all other conditions the fee for initial classification and certification shall be 25 cents per bale, the fee for review of classification and certification shall be 50 cents per bale, and the fee for Micronaire determination and certification shall be 25 cents per bale.

4. Sections 27.82 and 27.86 and the reference to § 27.82 in § 27.85 would be deleted.

5. Sections 27.14, 27.39, 27.62, 27.69 and 27.70 would be amended to permit the filing of requests for review of classification at the same time as requests for initial classification and Micronaire determination and for the certification in such cases of the results of the review and the Micronaire determination only.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than February 20, 1957.

Done at Washington, D. C., this 30th day of January 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-819; Filed, Feb. 4, 1957; 8:46 a. m.]

[7 CFR Part 58]

GRADING, INSPECTION, SAMPLING, GRADE LABELING AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE AND OTHER MANUFACTURED OR PROCESSED DAIRY PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of amendments to the regulations governing the grading, inspection, sampling, grade labeling and supervision of packaging butter, cheese and other manufactured or processed dairy products (7 CFR Part 58) issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The proposed amendments provide, under § 58.45 *Fees for laboratory analyses*, for a slight reduction in fees for certain laboratory tests, and also for certain additional laboratory tests not now included in the regulations. The purpose of the slight reduction in charges is to bring certain fees more nearly in line with laboratory operating expense. The additional tests included provide a fee structure for certain specific laboratory tests.

All persons who desire to submit written data, views or arguments in connection with this amendment should file the same in triplicate with the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2977, South Building, Washington 25, D. C., not later than 15 days after publication hereof in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Change § 58.45 *Fees for laboratory analyses*, as follows:

In paragraph (a) *Dry Milk, dry whey*, change one item as follows:

Moisture	1. 50

In paragraph (b) *Evaporated milk*, change one item as follows:

Fat	2. 00

In paragraph (c) *Sweetened condensed milk*, change one item as follows:

Fat	2. 00

In paragraph (d) *Natural cheese*, change to read as follows:

Moisture	2. 00
Moisture in duplicate	3. 00
Moisture in duplicate and fat (dry basis) complete	5. 00
Fat (dry basis) single sample	4. 00
Fat (dry basis) for each additional sample in the same shipment	3. 00

In paragraph (e) *Process cheese*, change to read as follows:

Moisture	2. 00
Moisture and fat (dry basis) complete	4. 00

In paragraph (f) *Butter Oil (milk fat)*, change one item as follows:

Fat	2. 00

In paragraph (g) *Butter*, change to read as follows:

Salt	.50
Moisture	1. 50
Fat	2. 00
Complete Kohman analysis, single sample	3. 50
Complete Kohman analysis (for each additional sample in same shipment	2. 50

Add the following items to paragraph (i) *Ice cream:*

Fat	2. 00
Total solids	1. 50
Bacteriological plate count	1. 50
Coliform (presumptive)	1. 50
Net weight	.50

Add the following items to paragraph (j) *Fluid milk:*

Fat (Babcock)	1. 00
Milk solids not fat	1. 50
Bacteriological plate count	1. 50
Bacteriological direct count	1. 50
Cryoscope test for added water	1. 50
Coliform (presumptive)	1. 50

(60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 30th day of January 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-821; Filed, Feb. 4, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 221]

COMPANIA COMERCIAL COLON, S. A. AND JAIME GINARD

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Compania Comercial Colon, S. A. and Jaime Ginard, Av. Juarez 64, Mexico 1, D. F., Mexico, respondents, Case No. 221.

The respondents, Compania Comercial Colon, S. A. and Jaime Ginard, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, and regulations promulgated thereunder. They duly appeared herein and demanded an oral hearing. Said hearing was held by the Compliance Commissioner and he has filed his report and recommendation.

Now, after reading the entire record and considering the report of the Compliance Commissioner, I hereby make the following findings of fact.

1. At all times hereinafter mentioned, Compania Comercial Colon, S. A. was engaged, in Mexico City, Mexico, in the business of importing used rails from the United States, and Jaime Ginard was its president. It is still so engaged. For all practical purposes, Ginard and Compania Comercial Colon, S. A. are one and wherever reference is hereinafter made to Ginard, such reference includes also Compania Comercial Colon, S. A.

2. Prior to September 13, 1951 and until and following April 1952, National Production Authority, Department of Commerce, Order M-64 provided that no person might deliver or receive used rails except in accordance with written authorization of that agency unless such rails were to be delivered to a person for track-laying purposes.

3. On September 13, 1951, and at all times hereinafter mentioned, in accordance with the policy of NPA, the Office of International Trade (now the Bureau of Foreign Commerce) did not issue validated licenses to export used rails to Mexico for rerolling purposes, but did allow exportations of such rails for relaying purposes.

4. On September 17, 1951, Richard Nathan Corporation, an exporter engaged in business in the City of New York, submitted to the OIT an application for a license to export to Ginard in Mexico material described by it as relaying rails and, in support of said application, the Richard Nathan Corporation represented and stated to the OIT

that Ginard intended to use such rails for relaying purposes.

5. At about the time of the submission of that application, and while it was pending, Ginard had obtained an order for rerolling rails from a rolling mill in Mexico City, Mexico, transmitted said order to Richard Nathan Corporation and supported it with a letter of credit providing for the delivery of 1,000 tons of used rails for rerolling purposes to said rolling mill in Mexico City, Mexico.

6. While said application was pending, the Richard Nathan Corporation and Ginard entered into an arrangement for the purpose of utilizing the license which might be granted upon the said application then pending, pursuant to which arrangement Ginard caused the letter of credit to be amended so that his firm was named therein as the firm designated to receive the rails and so that the words describing the rails as rails for rerolling purposes were omitted.

7. Upon the representations and statements contained in and submitted in connection with the application by the Richard Nathan Corporation, the OIT issued to it an export license authorizing the exportation of used rails for relaying purposes to the consignee named therein.

8. The Richard Nathan Corporation thereafter utilized said license to effecuate the exportation from the United States of used rails by executing and stating or causing to be stated in export declarations filed at the time of such exportations that the rails being exported were relaying rails, that the ultimate consignee was Ginard's firm, which was named in the export license and that the exportations were being made under the authority of such license.

9. Ginard, at all times involved, knew that export licenses were not being granted at the time involved for rails to be used for rerolling purposes.

10. After the said rails arrived in Mexico, in accordance with the arrangement made by Ginard, the bank which opened the letters of credit, instead of delivering the rails to Ginard, caused them to be delivered to the rolling mill which had originally been named in the letters of credit as the purchaser of the rails and they were thereafter used by said rolling mill for rerolling in its steel mill.

And, from the foregoing, I conclude that Ginard, contrary to the terms and conditions of an export license, and with full knowledge thereof, caused commodities exported from the United States to be delivered to a party not therein named and for a purpose not therein authorized and, thereby, effected a change of party named in export control documents and participated in the violation of export control regulations, all in violation of §§ 381.3 (a), 381.3 (b) (2), and 384.2 (a) then in effect.

In his report, the Compliance Commissioner said,

> Ginard is an active used steel broker in Mexico. Not only does he import steel from the United States in his own name, but he arranges transactions whereby importations are made in the names of customers obtained by him. * * * Any denial of export privileges by reason of his conduct herein is bound to cause him large financial loss, measured only by the length of the period of denial. NPA Order M64 was promulgated at a time when rerolling rails were scarce and sorely needed by the steel mills of this country. It was an order necessary for the protection of our economy. Any violation thereof necessarily had an adverse effect on our economy. In the case involving the Richard Nathan Corporation, on the consent of that corporation and by reason of particular circumstances advanced in support thereof, an order denying export privileges for thirty days was imposed on the Richard Nathan Corporation and Geiger. The violations by Ginard involve the same rails and are almost parallel with the violations by Richard Nathan Corporation.
>
> However, even though I take into consideration that what Ginard did was upon the suggestion of Richard Nathan Corporation, the special circumstances which resulted in leniency towards Richard Nathan Corporation do not appear in this case. Moreover, Ginard did not rely upon any representations or assurances from Richard Nathan Corporation that what was being done was in conformance with American regulations. He knew, of his own knowledge, that rails, at the time involved, could not be exported from the United States if their intended use was for rerolling purposes. With this knowledge and having made arrangements to sell the rails to a rerolling mill, he, nevertheless, provided Richard Nathan Corporation with the means whereby that corporation was enabled to export the rails from the United States as relaying rails. Moreover, Ginard did not avail himself of the consent procedure, which was made known to him, but he chose instead to put the Government to the expense of a fully litigated hearing. Considering all this, but taking into consideration also the present business which Ginard will lose and the time lapse since the violations were committed, it is my recommendation that he be denied export privileges for a period of two months from the date of the order to be entered herein.

Now, after reading the entire record and having concluded that the recommendation of the Compliance Commissioner is fair and just, and being of the opinion that the action hereinafter provided is necessary to achieve effective enforcement of the law:

It is hereby ordered:

I. All outstanding validated export licenses in which Compania Comercial Colon, S. A. or Jaime Ginard appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. For a period of two months following the date hereof, the respondents Compania Comercial Colon, S. A. and Jaime Ginard are hereby suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by either of said respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the said respondents, Compania Comercial Colon, S. A. and Jaime Ginard, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when either respondent, Compania Comercial Colon, S. A. or Jaime Ginard, is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have an interest of any kind or nature, direct or indirect.

Dated: January 30, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-831; Filed, Feb. 4, 1957; 8:49 a. m.]

Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8196, between Matson Navigation Company and Hamburg-American Line, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to European Continental sea ports, with transshipment at ports on the Pacific Coast of the United States; and

(2) Agreement No. 8198, between Matson Navigation Company and North German Lloyd, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to European Continental sea ports, with transshipment at ports on the Pacific Coast of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 30, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-826; Filed, Feb. 4, 1957; 8:47 a. m.]

Office of the Secretary

[Appeals Board Docket No. FC-24 and B. F. C. Case 189]

MERCHANT PARTNERS (HOME & OVERSEAS) LTD. AND N. V. HANDELMAATSCHAPPIJ J. SMITS IMPORT-EXPORT

APPEALS BOARD DECISION

In the matter of Merchant Partners (Home & Overseas) Ltd., John J. Driscoll, 2 Castle Court, Burchin Lane, London EC3, England, Appeals Board Docket No. FC-24; N. V. Handelmaatschappij J. Smits Import-Export, J. Smits, Molstraat 1, Rotterdam, Holland, B. F. C. Case No. 189.

Upon reading the transcript of the hearing held in Washington, D. C., August 3d, 4th, and 5th, 1954, by Paul M. Greene, Compliance Commissioner, together with the exhibits introduced into evidence at said hearing; the report and recommendation dated September 27, 1954, of said Commissioner to John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce; the Order Revoking Licenses and Denying Export Privileges, dated October 28, 1954, issued by said John C. Borton thereon; and upon reading the letter of appeal of appellant, J. J. Driscoll, (hereinafter referred to as Driscoll) dated November 14, 1954, and the letter of appeal dated January 15, 1955 of appellant, N. V. Handelmaatschappij J. Smits Import-Export, (hereinafter referred to as Smits); and upon oral arguments by counsel for the Bureau of Foreign Commerce and appellant Smits before the Appeals Board in Washington, D. C., January 11, 1957, upon appeal from said Order Revoking Licenses and Denying Export Privileges,

The Appeals Board finds as follows:

(1) That an Order Revoking Licenses and Denying Export Privileges as to both Driscoll and Smits was justified by the evidence;

(2) That the provisions of the Order Revoking Licenses and Denying Export Privileges, dated October 28, 1954, while generally appropriate in view of the nature of the acts of the appellants and the need for elimination of fraud and misrepresentation in dealings which involve the administration of export controls, can, in part, be modified in this instance;

(3) That Driscoll and Smits have now been denied export privileges under the order of October 28, 1954 for a period of two years and three months;

(4) That Driscoll and Smits, upon appeal, have made a showing that clemency is appropriate in their cases;

(5) That, as to Driscoll, the period during which he has been denied export privileges is now sufficient in the light of his explanations to the Board, and in the light of the minor scale of the international trade operations in which he was engaged prior to the suspension order and in which he will probably engage in the future;

(6) That, as to Smits, the period during which he has been denied export privileges is now sufficient in the light of his explanations to the Board, but that Smits played a more substantial role in the transaction which was the subject of the order appealed from, and is engaged in more extensive international trade operations, so that certain conditions upon his relief are called for.

Now therefore, it is ordered that:

(1) As to Driscoll, the Order Revoking Licenses and Denying Export Privileges, dated October 28, 1954, be and hereby is sustained and confirmed in all respects except that the period during which the suspension of privileges thereunder shall be effective be and hereby is modified so that said period of suspension will terminate as of the date of issuance of this order, rather than continuing for the duration of export controls.

(2) As to Smits, the Order Revoking Licenses and Denying Export Privileges, dated October 28, 1954, be and hereby is sustained and confirmed in all respects except that the period during which the suspension of privileges thereunder shall be effective be and hereby is modified so that, as of the date of issuance of this order, said period of suspension will terminate as to shipments from the United States of commodities not on the United States Positive List and which at the time of shipment are exportable under the authority of general licenses established by the Bureau of Foreign Commerce, but not as to shipments of Positive List Commodities under validated or general licenses or any other commodities shipped under validated licenses: *Provided, however,* That for a period of twelve months after the date of issuance of this order, the Director, Office of Export Supply, Bureau of Foreign Commerce, may summarily issue an order reinstating and making fully effective the order of October 28, 1954 for the remainder of said period of twelve months at any time that, in his opinion, Smits violates any orders or regulations of the Bureau of Foreign Commerce or Director, Office of Export Supply, relating to export control, without prejudice to such other or additional action as may be deemed proper by reason of such new violation: *And further provided,* That, as to shipments of Positive List Commodities under validated or general licenses or any other commodities shipped under validated licenses, nothing in this order shall be construed as preventing Smits from applying to the Director, Office of Export Supply, for further modification as may be deemed appropriate in the discretion of said Director.

(3) Except as to the modifications provided for herein, the appeals of the appellants be and hereby are denied.

GRISWOLD FORBES,
Deputy Chairman,
Appeals Board.

JANUARY 29, 1957.

[F. R. Doc. 57-830; Filed, Feb. 4, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[61417]

FLORIDA

NOTICE OF FILING OF PLATS OF SURVEY

JANUARY 31, 1957.

Notice is given that the plats of original survey of the following described lands, accepted September 16, 1955, will be officially filed in the Bureau of Land Management, effective at 10:00 a. m. on the 35th day after the date of this notice:

TALLAHASSEE MERIDIAN, FLORIDA

T. 66 S., R. 27 E.,
Sec. 34, Lot 5, containing 1.36 acres.
T. 66 S., R. 28 E.,
Sec. 27, Lot 5, containing 0.59 acre.
T. 67 S., R. 25 E.,
Sec. 25, Lot 2, containing 0.26 acre.
T. 67 S., R. 28 E.,
Sec. 2, Lot 3, containing 5.11 acres,
Lot 4, containing 1.05 acres.

The plats of survey represent the survey of certain islands which were not included in the original plats of survey of the above-mentioned townships.

Available information indicates that the islands or keys are situated in the lower Florida Key area, in the general vicinity of Boca Chica, Summerland and Sugarloaf Keys. They are of sandy shell and marl formation, ranging in elevation from 1 to 3 feet above mean high tide. Each island contains a scattered growth of tropical vegetation and small trees. The island described as Lot 5, sec. 34, T. 66 S., R. 27 E., adjoins U. S. Highway No. 1. The other islands are surrounded by open waters, access to which is only by small boat, and lying off the mainland shores from ¼ to 1 mile distant.

Lot 5 sec. 27, T. 66 S., R. 28 E., has been withdrawn pending inclusion in the proposed Key Deer Refuge. Lot 2 sec. 25, T. 67 S., R. 25 E., has been withdrawn and reserved permanently by the Navy Department. Lot 4, sec. 2, T. 67 S., R. 28 E., is privately owned land.

Inquiries concerning these lands shall be addressed to the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-842; Filed, Feb. 4, 1957; 8:51 a. m.]

Office of the Secretary

WILLIAM SIMON

NOTICE OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

JANUARY 30, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

1. Name of appointee: William Simon.
2. Name of employing agency: Department of the Interior, Office of the Solicitor.
3. Title of the appointee's position: Legal Consultant.
4. Name of the appointee's private employer: Howrey & Simon, Washington, D. C.
5. Date of appointment: January 2, 1957.

The statement of "financial interests" for the above appointee is set forth below.

THOMAS H. TELLIER,
Personnel Officer.

APPOINTMENT AS WOC CONSULTANT

JANUARY 4, 1957.

Pursuant to Section 302 of Executive Order 10647 issued by the President November 28, 1955, and my appointment as a WOC Consultant to the Solicitor of your Department, I furnish you herewith the following information:

(a) I have no private employer or employers. I am a partner in the law firm of Howrey & Simon with offices at 1300 Connecticut Avenue, Washington, D. C. Our firm specializes in antitrust work and the very great bulk of the matters we are now handling for clients relate to the antitrust laws. Our clients include a number of oil companies, including both companies engaged in domestic oil operations and companies engaged in foreign oil operations.

(b) (1) I am not, and have not within sixty days preceding my appointment, been an officer or a director of any corporation.

(2) The corporations in which I own stock, bonds, or have any other financial interest, or have had within the sixty days preceding my appointment, or in which my wife owns any such interests acquired with funds provided by me, and the nature of such interest is as follows:

100 shares common stock, Standard Oil Company of Indiana.
100 shares common stock, General Motors Corporation.
100 shares common stock, Shell Trading and Transport Company.
25 shares common stock, Bethlehem Steel Company.
50 shares common stock, Clark Equipment Company.
50 shares common stock, General Portland Cement Company.
26 shares common stock, Gulf Oil Corporation.
25 shares common stock Inland Steel Company.
55 shares common stock, Shell Oil Company.
50 shares common stock, The Texas Company.
25 shares common stock, United States Steel Corporation.
8 shares old common stock, Missouri-Pacific Railroad.
1 share common stock, Standard Oil Company (New Jersey).

(3) I am, and have been since July 1, 1956, a partner in the law firm of Howrey & Simon with offices at 1300 Connecticut Avenue, Washington, D. C. Our firm specializes in antitrust work and the very great bulk of the matters we are now handling for clients relate to the antitrust laws. Our clients include a number of oil companies, including both companies engaged in domestic oil operations and companies engaged in foreign oil operations.

(4) I do not now, and have not within sixty days preceding my appointment, owned any businesses or any interest in any business other than as stated above.

WILLIAM SIMON.

[F. R. Doc. 57-828; Filed, Feb. 4, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11621, 11892; FCC 57M-93]

LAS VEGAS BROADCASTERS, INC. (KLAS) AND PALM SPRINGS BROADCASTING CORP. (KCMJ)

ORDER CONTINUING HEARING CONFERENCE

In re applications of Las Vegas Broadcasters, Inc. (KLAS), Las Vegas, Nevada; Docket No. 11621, File No. BP-8528; Palm Springs Broadcasting Corp. (KCMJ), Palm Springs, California; Docket No. 11892, File No. BP-10359; for construction permits.

The Hearing Examiner having under consideration a joint motion, filed on January 28, 1957, on behalf of Las Vegas Broadcasters, Inc. (KLAS), and Palm Springs Broadcasting Corp. (KCMJ), applicants in the above-entitled proceeding, requesting that the pre-hearing conference therein now scheduled to be held on February 1, 1957, be continued for a period of thirty days; and

It appearing that sufficient good cause has been set forth in the said motion to warrant a grant of the relief requested therein; and

It further appearing that the Chief of the Commission's Broadcast Bureau, the only other party to the proceeding, has consented to immediate consideration of the said motion and favorable action thereon;

It is ordered, This 29th day of January 1957, that the above motion be, and it is hereby, granted, and that the pre-hearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, March 1, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-835; Filed, Feb. 4, 1957; 8:50 a. m.]

[Docket Nos. 11763, 11764; FCC 57-92]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of J. E. Willis, Lafayette, Indiana; Docket No. 11763, File No. BP-10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana; Docket No. 11764, File No. BP-10460; for construction permits.

1. The Commission has under consideration (1) a petition to enlarge the issues filed by J. E. Willis on July 30, 1956; (2) answer thereto filed by Crawfordsville Broadcasters, Inc. on August 9, 1956; (3) comment and opposition to petition to enlarge filed by the Broadcast Bureau on August 16, 1956; (4) response to Crawfordsville's answer to petition to enlarge and reply to the Broadcast Bureau's comment and opposition to petition to enlarge filed by J. E. Willis on August 23, 1956; (5) a supplemental response to answer to petition to enlarge filed by J. E. Willis on October 30, 1956; and (6) an opposition to supplemental response filed by Crawfordsville on November 7, 1956.

2. J. E. Willis (hereinafter referred to as Willis) and Crawfordsville Broadcasters, Inc. (hereinafter referred to as Crawfordsville) have filed mutually exclusive applications for construction permits for a standard broadcast station to operate on 1410 kilocycles with power of one kilowatt, directional antenna, daytime only. Willis would operate at Lafayette, Indiana, and Crawfordsville at Crawfordsville, Indiana. J. E. Willis urges in the petition that the issues be enlarged to include the following issues:

(a) To determine whether a grant of the application of Crawfordsville may be made consistent with the provisions of § 3.35 of the Commission's rules on multiple ownership.

(b) To determine whether Crawfordsville has made, or will be able to make, arrangements to obtain and use the site specified in its application and, if so, the cost of obtaining such site and the cost of preparing the property for use.

(c) To determine the circumstances surrounding the filing of the application of Crawfordsville in which it specified such site in an abandoned brickyard north of Crawfordsville and east of Highway #43 and, in the light of these circumstances, whether applicant has acted in good faith.

(d) To determine whether Crawfordsville is financially qualified to construct and operate the proposed station.

3. The issue under (a) above is requested because O. E. Richardson, sole owner of WFAM, Inc., the licensee of Stations WASK and WFAM-TV in Lafayette, Indiana, owns 25 percent of the stock, and is a director, of Crawfordsville. In support, Willis includes an engineering exhibit showing that the WASK 2 mv/m contour would overlap the Crawfordsville 2 mv/m contour by a distance of approximately 15 miles and that the 0.5 mv/m contours of WASK and the proposed operation of Crawfordsville would substantially overlap each other. Crawfordsville maintains in opposition (1) that the City of Lafayette is approximately thirty miles north of Crawfordsville, and that though there might be some overlap with the service contours of the proposed Crawfordsville station, the same would occur only during the daylight hours; (2) that neither Station WASK nor the proposed Crawfordsville station renders or would render a primary service to the city in which the other is located, and that Station WASK renders a different type of program service than that which is proposed for the Crawfordsville station; (3) that numerous other broadcast services are available in the so-called overlap areas; and (4) that Mr. Richardson is not an officer of Crawfordsville and is in no position to control the proposed station, nor will he play a substantial part in the day-to-day operation thereof. The Commission, in light of the substantial amount of overlap in question, and Mr. Richardson's position as sole owner of WFAM, Inc., as well as substantial stockholder and director of Crawfordsville, is of the view that the issues should be enlarged by adding the aforementioned issue (a).

4. The issues requested under (b), (c) and (d) above concern the availability and adequacy of the transmitter site as proposed in the Crawfordsville application and their effect on the good faith and financial qualifications of Crawfordsville. With respect to the question whether Crawfordsville has an "option or legal right" to its proposed site, petitioner submitted, with a supplemental pleading, a document which purports to be a photostatic copy of a contract under the terms of which a Crawfordsville realty company (Clements Smith Corporation) is authorized by a third party to sell the real estate which had been proposed by Crawfordsville as the site for their station. This document is dated May 21, 1956, and purports to grant to Clements Smith Corporation the right to sell for three months the property therein described for $10,500. On the other hand, Crawfordsville submitted with its "Answer to Petition for Enlargement of Issues" a copy of an "option for lease," dated December 30, 1955, which purports to grant an option to rent to Crawfordsville for 20 years 6½ acres of a 22 acre plot at $90.00/month;[1] the option to be exercised by lessee "within six months of date which an engineering survey shall be made to determine if said tract will meet the technical requirements." Willis states that this option has now expired. Crawfordsville claims that the language with respect to the date upon which an engineering survey shall be made was intended to mean that the option would be good if exercised within six months from date of the grant of the application.

5. Crawfordsville, in its application, submitted a photograph of its proposed site which shows that the proposed towers would be located in an area where there is apparently a pit, several buildings and trees. On the photograph, there is a note which states "buildings on site abandoned and to be razed." Thus, it is conceivable that a considerable amount of work would be required in preparing the property for the installation of the proposed station. The applicant did not set forth in the application where funds, if necessary, would originate for the preparation of its site, but now submits affidavits from the lessors which state that it is their intention to lease the property in such condition to Crawfordsville that they could erect any building or buildings without additional cost for clearing and grading. Willis filed with its petition a copy of a letter from a construction company in which it is stated that the estimated cost of preparing the land for use would be $8,000. Willis claims that the road to the proposed site is accessible only by an unused private road 0.9 of a mile long which would be unusable during periods of heavy snow and muddy weather. An affidavit from the Auditor of Montgomery County is attached to the petition which states this road is not under county maintenance. Crawfordsville answered with another affidavit from owner indicating that the road would be provided and maintained by the lessors.

6. In view of the statements and counter-statements thus made by the two parties to this proceeding, the Commission is unable, on the basis of pleadings before it, to resolve the allegations made by Willis and is of the view that the issues should be enlarged to permit an inquiry into issues (b), (c) and (d).

7. On the basis of the foregoing, *It is ordered*, This 30th day of January, 1957, That the petition of J. E. Willis for Enlargement of Issues in the above-entitled case is hereby granted: *And it is further ordered*, That the Commission's Order of July 5, 1956 (FCC 56-620, Mimeo No. 33098) is amended by renumbering present issue number 5 as number 9 and by adding four new issues 5, 6, 7 and 8 to read as follows:

5. To determine whether a grant of the application of Crawfordsville may be made consistent with the provisions of § 3.35 of the Commission's rules on multiple ownership.

6. To determine whether Crawfordsville has made, or will be able to make, arrangements to obtain and use the site specified in its application and, if so, the cost of obtaining such site and the cost of preparing the property for use.

7. To determine the circumstances surrounding the filing of the application of Crawfordsville in which it specified a transmitter site in an abandoned brickyard north of Crawfordsville and east of Highway #43 and, in the light of these circumstances whether applicant has acted in good faith.

8. To determine whether Crawfordsville is financially qualified to construct and operate the proposed station.

Released: January 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-836; Filed, Feb. 4, 1957; 8:50 a. m.]

[1] The Crawfordsville application showed the price of acquiring real estate as $4,000.

[Docket No. 11923; FCC 57-99]

KAISER HAWAIIAN VILLAGE TELEVISION, INC.

MEMORANDUM OPINION AND ORDER SCHEDULING ORAL ARGUMENT

In re application of Kaiser Hawaiian Village Television, Inc., Honolulu, Hawaii (KHVH-TV); Docket No. 11923, File No. BPCT-2217; for construction permit for a new television broadcast station.

1. The Commission has before it for consideration a "Petition Protesting Grant and for Reconsideration or Rehearing" filed on January 4, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Television Corporation of America (protestant), licensee of Television Broadcast Station KULA-TV, Honolulu, Hawaii, directed against the Commission's action of December 5, 1956, granting without hearing the above-captioned application of Kaiser Hawaiian Village Television, Inc. (Kaiser), for a permit to construct a new television broadcast station to operate on Channel 13 in Honolulu, Hawaii; an "Opposition of Kaiser Hawaiian Village Television, Inc. to Petition Protesting Grant and for Reconsideration or Rehearing", filed on January 4, 1957; and protestant's reply to opposition filed on January 17, 1957.

2. The protestant claims standing as a "party in interest" and "a person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended, as the licensee of an existing television broadcast station in Honolulu. It requests that the Commission reconsider its action on December 5, 1956, set aside the grant and designate Kaiser's application for hearing; or, pending a hearing and decision on its protest, postpone the effective date of the grant.

3. The protestant contends that the Kaiser grant "* * * threatens serious deleterious economic effects upon it" inasmuch as the area proposed to be served by Kaiser is presently served by three operating television stations in Honolulu (including that of protestant), and that the economic resources of the area will not support four television stations. In support of its contention, protestant states that of the three operating television stations in Honolulu, only one is being operated by the original parties; that of the three, two are operating at a loss and if the third one is operating profitably, its profit is insignificant. The protestant further points out that Honolulu is listed as the 117th television market in the United States; that available statistics, assuming them to be correct, indicate that the percentage of television homes in relation to population is considerably higher in Honolulu then the average in the United States; that, therefore, the possibility of an increase in television homes is remote; that most current television revenue figures, those for the year 1955, show that Honolulu has the second highest dollar television revenue for each home, indicating that the revenue ceiling, if not reached, is close to being reached; that the Commission's files will disclose that

certain communities having a greater television set count than Honolulu's have been unable to support a fourth television station; that there are only three television networks at present; that operation of a television station without a network affiliation is difficult; that Kaiser will so have to operate since all three Honolulu stations are affiliated; that if Kaiser were to secure an affiliation, it would necessarily result in a loss of network affiliation by one of the three existing stations and its eventual economic destruction; and that financial losses which the existing stations would incur as a result of the operation of the additional station would cause the operators of said stations, if able to continue operating, so to curtail their operations as to injure the public interest because of necessary impairment of the quality of programs.

4. The protestant requests that the above-captioned application be designated for hearing upon the following specified issues:

(1) To determine whether the Honolulu market will provide sufficient revenues to the proposed television station so as to permit the applicant to adequately serve the public.

(2) To determine whether the advertising potential of the Honolulu market is such as may indicate that all four stations, the three existing stations and the proposed, or three, or two, or one of the stations will go under with the result that the listening public, or a portion of the listening public, will be left without adequate service.

(3) To determine whether the advertising potential of the Honolulu market is so slight that by a division of the field the petitioner's station, the applicant's proposed operation, and/or one and/or more of the other two existing television stations will be compelled to render inadequate service.

(4) To determine whether the grant of such application would result in depriving the public of the service of the petitioner's station or the proposed operation of the applicant, or both, or would result in depriving the public of the service of one or both of the other existing television stations in Honolulu.

(5) To determine whether the applicant is financially qualified to construct, own and operate the proposed station if economic support is not available.

(6) To determine, in the light of the evidence adduced with respect to the foregoing issues, whether the public interest, convenience or necessity require that the Commission's action of December 5, 1956, granting the above entitled application should be vacated.

5. In its Opposition, Kaiser concedes the protestant's standing under sections 309 (c) and 405 of the Communications Act, but asks that the petition for reconsideration be denied, and that the protest be designated for oral argument pursuant to section 309 (c) to determine whether the facts alleged, even if true, would constitute grounds for setting aside the grant. Kaiser contends that the public interest requires that its construction permit remain in effect pending disposition of the protest. In support of the request for oral argument, Kaiser argues that the only issue presented is whether the grant of its application would result in depriving the public of the service of one of the existing Honolulu television stations because of the alleged inability of the community to support four TV stations. Kaiser states that proposed issue (1) is directed to its ability to obtain sufficient revenues, but that no facts are alleged with respect to its ability to compete for revenue; that issue (2) is directed at the ability of any station to survive if a 4th station is added, though no facts are alleged indicating that 3 stations will not survive; that issue (3) is directed to the advertising potential of the Honolulu market, though no supporting facts have been alleged as to the size of that potential, and the protestant merely drew speculative comparisons with other markets not shown to be comparable; that issue (4) is repetitive of issue (2); that issue (5) is directed to Kaiser's financial qualifications, although no allegations of fact are made as to its financial qualifications. Kaiser contends, therefore, that the protest should be disposed of by oral argument, since the well pleaded facts as alleged, even if true, would not militate against the grant. In reliance upon FCC v. Sanders Bros. Radio Station, 309 U. S. 470, Kaiser argues that the Commission is not empowered to grant or withhold authorizations on the basis of the effect upon competition. Kaiser alleges further that it is not the Commission's function to insulate weak, poorly-run stations from the effects of competition from better stations; that the Commission cannot regulate programming, charges for time, size of staff or any of the factors which affect the economic success of the broadcaster; that the Commission cannot determine with certainty whether in a given market stations are making or losing money, or whether success or failure results from market characteristics or management actions; that the Commission cannot reliably determine market potential; that Kaiser is prepared to test its ideas competitively in the market place; and that, should it develop that Honolulu will only support 3 stations, Kaiser intends to assure that it is one of the survivors.

6. With respect to protestant's request for a stay of the effective date of the grant pending disposition, of the petition, Kaiser urges that a stay would not be in the public interest because the service it will provide is not merely a duplication of existing services, but a service not now available in Honolulu. This alleged new service consists of MGM and Warner Brothers feature films. Additionally, Kaiser proposes intensive live local news coverage, which it will film in color.

7. Inasmuch as the protestant is the licensee of Television Broadcast Station KULA-TV, Honolulu, Hawaii, and has alleged that it will be financially injured by the grant in question, we find the protestant to be a "party in interest" and "a person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405, respectively, of the Communications Act. T. E. Allen and Sons, Inc., 9 Pike and Fischer RR, 197; FCC v. Sanders Bros. Radio Station, 309 U. S. 470, 9 Pike and Fischer RR 2008. We find further that the protestant has specified with particularity, within the meaning of section 309 (c), sufficient facts upon which it relies in support of its protest. A hearing is therefore necessary. The initial question to be determined is the type of hearing required with respect to the issues specified.

8. In substance, the issues specified concern the ability of the Honolulu market to provide sufficient economic support to permit the operation of four television broadcast stations. The protestant's position is that the Honolulu market will not support four such stations; that the addition of a fourth station may cause one, two or all stations to fail or, at least, to curtail their programs so severely that the public interest will suffer. Thus, the protestant contends that a determination of these "economic issues" is required because the alleged deterioration of the program services involved is a public interest consideration. In this respect, the Commission pointed out in Voice of Cullman, 6 Pike and Fischer RR 161, that an initial economic injury sustained as a result of competition might be readily overcome by a resourceful licensee and, that in any event, degradation of program service was not a necessary consequence of economic injury since "quality of program service cannot be measured by cost alone." We believe, further, that the Communications Act contemplates the free entry into the broadcasting field by persons legally, technically, financially and otherwise qualified to construct and operate stations even where competition from such stations might have an adverse economic effect upon existing stations or other mass media; and that as a matter of policy, the competitive effect a new station may have on existing stations is not a factor to be considered by the Commission in determining whether a new operation is in the public interest, FCC v. Sanders Bros., supra. We have recently reasserted these principles in WWSW, Inc., 14 Pike and Fischer RR 492, Perry County Broadcasting Company, FCC 56–1031, Docket No. 11852, adopted October 24, 1956, and Richard F. Lewis, Jr., Inc, of Mount Jackson, Virginia, FCC 56–1055, Docket No. 11852, adopted October 31, 1956. Consequently, the Commission is of the view that even if the protestant's "economic injury" facts were proven, no grounds are presented for setting aside the grant in question. Accordingly, oral argument will be held on the issues specified by the protestant as on demurrer.

9. We turn now to the question of whether we should stay the effective date of our grant of the above-captioned application. In this connection, section 309 (c) of the Communications Act provides that—

> • • • Pending hearing and decision [of cases arising under this statute] the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

10. Kaiser argues that the service it is proposing is not merely additional service, but a new type of programing not now available in Honolulu which will satisfy a particular public need. Although the Commission does not question the quality of the feature films proposed to be shown or the representations with respect to added local news coverage, we believe that, in view of the fact that there are three operating television stations in Honolulu, we cannot make an affirmative finding that the public interest requires that this grant remain in effect. Accordingly, the effective date of the Commission's action here in question will be postponed to the effective date of the Commission's decision in the proceeding hereinafter ordered.

11. In view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission; that the petition for reconsideration herein is granted to the extent provided for below and is denied in all other respects; and that pursuant to section 309 (c) of the Communications Act of 1934, as amended, oral argument be held before the Commission en banc, commencing at 10:00 a. m. on February 12, 1957, on the question whether, if the facts alleged in the protest were proven, grounds have been presented for setting aside the grant of said application;

It is further ordered, That Television Corporation of America and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein, and that—

(1) The parties intending to participate in the oral argument shall file their appearances not later than February 5, 1957;

(2) The parties to the proceeding shall have until the date of oral argument to file briefs or memoranda of law.

Adopted: January 30, 1957.

Released: January 30, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–837; Filed, Feb. 4, 1957; 8:50 a. m.]

[Docket No. 11924; FCC 57–101]

BELOIT BROADCASTERS, INC. (WBEL)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Beloit Broadcasters, Incorporated (WBEL), Beloit, Wisconsin; Docket No. 11924, File No. BP–10521; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January, 1957;

The Commission having under consideration the above-captioned application of Beloit Broadcasters, Incorporated, for a construction permit to change the directional antenna system of Station WBEL, Beloit, Wisconsin, and to increase hours of operation from daytime only to unlimited time; to operate on the presently assigned frequency of 1380 kilocycles with a power of 5 kilowatts; and a request of Beloit Broadcasters, Incorporated, for a waiver of § 3.28 (c) of the Commission's rules;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate WBEL as proposed, but that nighttime interference to the proposed operation from Station KWK, St. Louis, Missouri (1380 kc, 5 kw, DA–N, U) would affect more than 10 percent of the population within its normally protected primary service area; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated October 8, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that, in a reply dated October 31, 1956, the applicant requested a waiver of § 3.28 (c) of the Commission's rules; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-captioned application and the grounds advanced in support of the request for waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WBEL as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference received, the proposal of WBEL would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That to avail itself of the opportunity to be heard, Beloit Broadcasters, Incorporated, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–838; Filed, Feb. 4, 1957; 8:50 a. m.]

[Docket Nos. 11925, 11926; FCC 57–102]

NORTHWEST BROADCASTERS, INC., AND REV. HALDANE JAMES DUFF

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northwest Broadcasters, Inc., Bellevue, Washington; Docket No. 11925, File No. BP–10521; Rev. Haldane James Duff, Seattle, Washington; Docket No. 11926, File No. BP–10638; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January, 1957;

The Commission having under consideration the above-captioned applications of Northwest Broadcasters, Inc. and the Reverend Haldane James Duff, each for a construction permit for a new standard broadcast station to operate on 1540 kilocycles with powers of one kilowatt and 10 kilowatts, respectively, directional antenna, unlimited time, at Bellevue and Seattle, Washington, respectively;

It appearing that both applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference and that the nighttime interference which would be received by the proposed operation of the Reverend Haldane James Duff would result in a loss of population which would be excessive under § 3.28 (c) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated October 8, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Reverend Haldane James Duff has requested a waiver of § 3.28 (c) of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act

of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availibility of other primary service to such areas and populations.

2. To determine, whether, because of the interference which would be received by the proposed operation of the Reverend Haldane James Duff, his proposed operation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Northwest Broadcasters, Inc., and the Reverend Haldane James Duff, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: January 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-839; Filed, Feb. 4, 1957; 8:50 a. m.]

[Docket No. 11927; FCC 57-113]

Q BROADCASTING CO.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Q Broadcasting Company, Phoenix, Arizona; Docket No. 11927, File No. BP-10178; for construction permit.

1. The Commission has before it for consideration a "Protest, Petition for Reconsideration, and Request for other Appropriate Relief" filed on January 4, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Poole Broadcasting Company (hereinafter sometimes referred to as Poole), and directed against the Commission's action of December 5, 1956, in granting without a hearing the above-captioned application of the Q Broadcasting Company (hereinafter sometimes referred to as Q Broadcasting or Q) for a construction permit for a new standard broadcast station to operate on 740 kilocycles with a power of 1 kilowatt, directional antenna, daytime only, at Phoenix, Arizona.[1]

2. Poole claims to be a "party in interest" or "person aggrieved or whose interests are adversely affected" within the meaning of sections 309 (c) and 405 of the act, respectively, because it had ready and available for immediate timely filing with the Commission an application for the facility granted Q Broadcasting but did not file it for the sole reason that it had reached an agreement with Q Broadcasting to merge interests and that under the doctrine of the Ashbacker case, 326 U. S. 327, its application would have been entitled to a comparative hearing with the application of Q Broadcasting. The protestant also states that it believes the agreement to be enforceable in court but that should it be mistaken, "it is manifest that [it] was deprived of its right to a comparative hearing by the misrepresentations and trickery of Q and its principals." Poole asserts that if the agreement is valid, and may be ordered effectuated, it stands in the position of a minority stockholder and is entitled to be heard under the decisions of the Commission and the Court of Appeals in the WGMS case (Smith v. F. C. C., No. 13,571), and that if the agreement only gives Poole an option to buy stock in Q Broadcasting, then it has standing under Granik, et al, v. F. C. C., 234 F. (2d) 682; 13 Pike and Fischer RR 2185.

3. As noted above, the Commission on December 5, 1956 granted the application of Q Broadcasting for a new standard broadcast station to operate on 740 kilocycles with a power of 1 kilowatt at Phoenix, Arizona. The application was originally mutually exclusive with an application of David M. Segal for the same facilities, and the applicants were so notified by letter of October 8, 1956. In the same letter Q Broadcasting was notified, among other things, of an apparent lack of financial qualifications and the possibility of objectionable interference to Radio Station KBIG, Avalon, California, licensed to Poole. On November 1, 1956, Segal voluntarily dismissed his application.

4. In the subject protest, Poole alleges, in general, that substantially prior to the Commission's letter of October 8, 1956, it had made a decision to file an application in Phoenix, Arizona, for 740 kilocycles; that by on or about November 20, 1956, it had ready and available for immediate filing with the Commission its application for said facility meeting all pertinent requirements of the Commission; that before that time it undertook to explore with Q Broadcasting the possibility of reaching some kind of mutually satisfactory agreement for merging their interests; that in furtherance of this aim, on or about October 26, 1956, Cliff Gill, an officer and director of Poole, and Frank Barc, Jr., president and majority stockholder of Q Broadcasting met in Phoenix, Arizona to discuss various merger possibilities; that Barc was then advised of Poole's intention to file a competing application and of Poole's willingness to join forces with Q Broadcasting and thus aid it in meeting the Commission's objection to Q's financial qualifications by providing Q with the funds necessary for the construction and operation of the proposed station; that Barc expressed definite interest in a merger and later informed Gill by telephone that the minority stockholders were willing to go along with his recommendation which would lead to a merger of the Poole and Q interests; that an offer for the purchase of a stock interest in Q was made by Poole and accepted by Barc in principle; that subsequent to this discussion a meeting was held in Washington, D. C., on November 16, 1956, in the offices of Poole's attorneys at which meeting Gill, Q Broadcasting's attorney, and Poole's attorneys participated; that an oral agreement was reached; that Barc through telephonic communication with his attorney approved the agreement; that it was understood that the filing of the Poole application was unnecessary; that such forbearance was specifically conditioned upon the agreement between Poole and Q Broadcasting; that Q Broadcasting's attorney was to prepare a formal written agreement embodying the oral agreement, for submission to the Commission as an amendement to Q's pending application; that in order to insure that the Commission would be advised of the changes affecting the applicant, Q's attorney, at the request of Poole, advised the Commission in a letter dated November 23, 1956, that an amendment was forthcoming;[2] that the formal agreement was prepared by Q's attorney and sent to the parties for signatures; that on December 4, 1956, Barc told Mr. Poole by telephone that signed copies of the agreement were being placed in the mail that night and was in turn advised that the copies signed by Poole were already in the mail; that the next day, December 5, 1956, the Commission granted the Q Broadcasting application; that in the period between the oral agreement and the Commission's action, all material for the amendment, other than the formal written signed agreement, had been forwarded to Q's Washington counsel; that immediately after issuance of the construction permit by the Commission, Washington counsel for Poole and Q agreed that the agreement which had been reached by the parties would be brought to the attention of the Commission by means of an immediate filing of an ownership report and amendment; that repeated efforts on the part of Q's attorney and Poole's attorney to contact Barc to ascertain the whereabouts of the signed document proved fruitless; and that on December 19, 1956, Poole's attorney was advised by Q's Phoenix counsel, that Q did not intend to live up to the agreement.

5. The protestant further alleges, in substance, that the actions of Mr. Barc, majority stockholder of Q, go to Q's qualifications to be a licensee; that the Commission's processes have deliberately been misused; that while Q appeared to be taking necessary steps to advise the Commission of the existence of the agreement and had advised the Commission of the pendency of an amendment, Q's position now is to conceal the very existence of such agreement from the Commission; that the Commission must therefore reconsider the qualifications of Q as a prospective licensee, especially in view of Barc's actions, since the Court stated in the Granik Case, supra, "Good faith and fair dealing bear upon the public interest."; that at the time the Commission made the grant it was not fully apprised of the negotiations preceding the oral agreement, of the terms of the agreement, and of its effect upon the make-up of the applicant and its proposal to the Commission; that it is evident these facts are presently being deliberately concealed from the Commission by Q and its principals; that the financial qualifications of Q are to be questioned, since the statement in Q Broadcasting's application that Barc would pay $9,000 for 90 shares of stock subscribed for by him, is directly contradictory to Poole's information that this stock would be issued to Barc by Q for promotional and similar services, and would not be paid for in cash; and that the precarious financial condition of Q has been rendered more difficult in view of the legal and other expenses required by the pendency of the protest and petition, and by the probable damages which are likely to be assessed against Q and Barc as a result of court action by Poole based on the above stated facts.

6. Poole requests that the Commission, on its own motion, set aside or postpone the effective date of the grant to Q and investigate the qualifications of Q and Barc to be a licensee; that the Commission, pursuant to the provisions of section 405 of the Communications Act of 1934, as amended, reconsider its action of December 5, 1956, granting a construction permit to Q, and set aside such grant; or that the Commission, pursuant to section 309 (c) of the Communications Act, grant the protest of Poole and (a) set aside or postpone the effective date of its December 5, 1956 action granting the application of Q for a construction permit, (b) designate said application for hearing upon the issues hereinbelow set forth, and such other issues as the Commission may adopt; and (c) make Protestant, Poole Broadcasting Company, a party to said proceeding.

7. More than thirty days having now elapsed since the grant of the Q application,[3] Poole's request that the Commission on its own motion, pursuant to section 1.726 (c) of the Commission's rules, vacate the grant and investigate the qualifications of Q and Barc may not be granted.[4] Nor do we find any necessity for such action in this case, since the public interest may be fully protected by a hearing on the protest, which we find to be in order.

8. Poole asserts that it has standing as a "party in interest" within the meaning of section 309 (c) of the Communications Act and as a "person aggrieved" by the grant of the Q application within the meaning of section 405 of the act on two grounds: (1) as an applicant by reason of the facts that it was ready, willing and able to file a competing application at any time prior to the grant and refrained from doing so only because of the agreement with Q and the misrepresentations of Q and its principals; and (2) as a stockholder, or at least the holder of an option to purchase stock, in Q by virtue of a contract. We agree that Poole has the necessary standing, at least by reason of a combination of the grounds asserted. We have many times held that the filing of a conflicting application after a grant has been made does not give standing to protest the grant, but that protestant's application must have been pending at the time of the grant. Polan Industries, 8 Pike and Fischer RR398; Chief Pontiac Broadcasting Co., 9 Pike and Fischer RR 413. We do not impeach those holdings, but find them inapplicable here. In none of those cases was there any allegation that the failure to file a timely application was due to misrepresentations by the grantee. And, if the allegations in the protest are accepted as true, it seems to us that, insofar as Q Broadcasting is concerned; the present case should be considered as if a competing application had been timely filed. Moreover, there is the additional feature that the alleged misrepresentations are interconnected with the refusal to comply with an oral agreement which, though reduced to writing, was never formally executed. This oral contract may not generate the same contract rights as the written contract involved in Granik v. FCC, 234 F. (2d) 682, 13 Pike and Fischer RR 2185. And since we have been consistently of the view that the validity and enforceability of contracts should more appropriately be determined by the courts, we are not disposed to make any such determination here. For our purposes here in determining standing to protest, it is sufficient to acknowledge that in view of the various exceptions to the principle that oral contracts are not enforceable, especially the effect of part performance, estoppel or a memorandum in writing, it is not possible for us to say with any degree of certainty that an appropriate court would not find the alleged contract to be valid and enforceable. Therefore, in the peculiar combination of circumstances present in this case, it appears to us that Poole has suffered injury, or incurred the likelihood of injury, above that of a member of the general public, and that it has standing as a party in interest or a person aggrieved by the grant to Q Broadcasting.[5]

9. The Commission also finds that Poole has satisfied the requirement of section 309 (c) of specifying with particularity the facts relied upon to show that the grant in question was improperly made or would otherwise not be in the public interest. It follows, therefore, that there must be a hearing on the issues presented. Since the protestant has knowledge of the circumstances surrounding the discussions, negotiations and alleged contract, it is the person best suited to present all the facts of the case to the Commission. Therefore, while we are including the protestant's proposed issues in the hearing ordered herein, we are not adopting these issues, and the burden of proceeding with the introduction of evidence and the burden of proof on these issues shall be on the protestant.

10. On the basis of the facts before us, we are unable to conclude that the subject grant should remain in effect during the pendency of the hearing hereinafter ordered.

11. *Accordingly, it is ordered*, That the subject Protest, Petition for Reconsideration and Request for Other Appropriate Relief is granted to the extent provided for below and is denied in all other respects; that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-captioned application is postponed pending final determination by the Commission in the hearing described below; and that the above-captioned application is designated for evidentiary hearing at the offices of the Commission in Washington, D. C., on the following issues:

1. To determine all of the facts and circumstances concerning the oral and written agreement between Q, and the stockholders of Q, with Poole, and specifically; (a) the date on which said oral agreement was reached; (b) the terms of such oral agreement; (c) the circumstances surrounding the written agreement; (d) the terms of the written agreement; and (e) the failure to disclose to the Commission, and the present effort to withhold from the Commission, the facts concerning such oral and written agreement.

2. To determine: (a) whether Q wrongfully and wilfully misled Poole into not filing a competing application on 740 kc at Phoenix, Arizona; and (b) whether Poole did in fact have ready for

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[1] In a letter dated January 14, 1957, and received in the Commission on January 15, 1957, counsel for the grantee advised that a "reply will be forthcoming within the next week or ten days". As of January 28, 1957, a reply has not been received in the Commission.

[2] This letter had not been associated with the application nor called to the attention of the Commission when the application was granted on December 5, 1956.

[3] It is to be noted that the pleading under consideration was not filed with the Commission until January 4, 1957, the thirtieth day after the grant.

[4] That is not to say, however, that the Commission could not on its own motion, prior to issuance of a license pursuant to section 319 (c) of the Communications Act, consider new matter, bearing on the qualifications of a permittee, coming to its attention after a grant of a construction permit and take appropriate action. See also section 312 of the act.

[5] It is to be noted that, even if Poole's standing should be denied, the matters raised in the petition could be the subject of inquiry in later proceedings on an order to show cause why the construction permit should not be revoked or in a hearing on the license application. See Footnote 4, supra. Clearly it is in the public interest, as well as the interests of both Q and Poole, that such inquiry be held at the earliest possible date. A hearing on the protest affords the opportunity for such inquiry.

filing, a mutually exclusive application for the use of said frequency in Phoenix.

3. To determine whether in the light of (a) the failure to disclose to the Commission, and the effort to withhold information from the Commission, concerning the agreement between Q and Poole; and (b) the effort of Q and its stockholders to violate the terms of such agreement; and (c) the misuse of the Commission's processes with respect to the above; Q and its stockholders possess the requisite character and other qualifications to become a permittee or licensee of a radio station.

4. To determine whether in the light of all of the evidence the grant to Q was improperly made, particularly in view of the requirements of the Communications Act, and the requirements established by the Supreme Court in Ashbacker v. F. C. C., concerning the need for comparative consideration of mutually exclusive applications.

5. To determine whether Q, without the financial support of Poole as incorporated in said agreement between Poole and Q, is financially qualified to construct and operate the proposed station.

It is further ordered, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the issues shall be on the protestant;

It is further ordered, That the protestant and the Chief of the Broadcast Bureau are made parties to the proceeding herein and that:

1. The hearing on the above issues is to commence at a time and place and before an Examiner to be specified in a subsequent order; and

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

3. The appearances by the parties intending to participate in the above hearing shall be filed not later than February 15, 1957.

Adopted: January 30, 1957.

Released: January 31, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-840; Filed, Feb. 4, 1957; 8:50 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

NEGOTIATIONS RESULTING FROM CANADIAN DESIRE TO RENEGOTIATE TARIFF CONCESSION ON POTATOES IN GENERAL AGREEMENT ON TARIFFS AND TRADE

SUBMISSION OF INFORMATION

Submission of information to the Committee for Reciprocity Information:

Closing date for applications to appear at hearing February 27, 1957.

Closing date for submission of briefs by persons making application to appear at the hearing February 27, 1957.

Closing date for submission of briefs for persons not desiring to be heard March 6, 1957.

Public hearings open March 6, 1957.

The Government of Canada intends to renegotiate, with a view to its upward modification, the Canadian concession on potatoes contained in item 83 in Part I of Schedule V (Geneva—1947) to the General Agreement on Tariffs and Trade (61 Stat. (pt. 5) A396). The United States will participate in such renegotiations, which will be carried out under the procedures provided for in the Declaration on the Continued Application of Schedules, of March 10, 1955 (Treaties and Other International Agreements Series 3438).

Interested persons are invited to submit their views with regard to the anticipated effect on United States trade of modification of this concession on potatoes, or with regard to products on which the United States might request new or further tariff concessions from Canada as compensation to the United States for such modification of the Canadian concession. Views may also be submitted with regard to possible upward modification, or withdrawal, of United States tariff concessions in Part I of any Schedule XX to the General Agreement, including the concessions on potatoes (items 771, Schedule XX (Geneva—1947), 61 Stat. (pt. 5) A1244 and A1245).

Should the United States modify a rate of duty provided for in Part I of Schedule XX, such modification might involve a modification also of the rate or the margin of preference applicable to the product of Cuba, other than the modification of a rate specified in Part II of any Schedule XX.

No concession involving reduction in duties or other import restrictions of the United States, or continuance of existing customs or excise treatment of an article not now included in any Schedule XX to the General Agreement, will be granted by the United States pursuant to this notice.

The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the proposed renegotiations shall be submitted to the Committee for Reciprocity Information not later than February 27, 1957. The application must indicate the product or products on which the individual or groups desire to be heard and an estimate of the time required for oral presentation. All persons who make application to be heard shall also submit to the Committee their views in writing in regard to the foregoing proposal not later than February 27, 1957. Written statements of persons who do not desire to be heard shall be submitted not later than March 6, 1957. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statements, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 10:00 a. m., March 6, 1957, in the hearing room in the Tariff Commission Building, Eighth and E Streets NW., Washington 25, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

By direction of the Committee for Reciprocity Information this 4th day of February 1957.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 57-904; Filed, Feb. 4, 1957; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3554]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

NOTICE OF PROPOSED ISSUE AND SALE OF ADDITIONAL COMMON STOCK BY PARENT COMPANY PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND PROPOSED CHARTER AMENDMENT AND ISSUE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY TO PARENT COMPANY

JANUARY 30, 1957.

The West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary The Potomac Edison Company ("Potomac"), a registered subholding company, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9, 10, and 12 thereof and Rules U-43, U-44, and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

Issue and sale of additional common stock by Electric. Electric proposes to issue and sell, through an underwritten rights offering to its stockholders, 528,000 additional shares of its Common Stock (at the rate of 1 share for each 16 shares held on the record date), and in this connection to issue transferable warrants to such stockholders. The warrants will be issued on February 27 to stockholders of record at the close of business on February 26, 1957, and will expire on March 14, 1957. No fractional shares will be issued. The subscription agent will endeavor, to the extent practicable, to purchase any number of rights (up to 15) required to complete any subscription, and to sell any excess rights (up to 15) not required to complete a subscription.

Charges for this service (other than transfer taxes) will be paid by Electric.

Electric proposes on or about February 19, 1957, publicly to invite bids from prospective underwriters for the underwriting of said offering, such underwriters to name the amount of compensation, if any, to be paid by Electric to them for their services and agreement to purchase, at the subscription price, any shares not subscribed for as a result of the offering to the stockholders and also the shares, if any, purchased by Electric in connection with its stabilizing activities referred to below. It is proposed that the bids will be submitted before 12 o'clock noon on February 26, 1957.

The price per share at which Electric proposes to offer the additional Common Stock to its common stockholders and the unsubscribed stock to the underwriters will be determined by Electric. Prospective underwriters will be notified of the price per share as so determined not later than 4 o'clock p. m. on the day prior to the day for the submission of bids. Such price will be not more than the last reported sale price on the New York Stock Exchange and not less than 85 percent of such last reported sale price.

Electric proposes, if it considers the same necessary or desirable, to effect transactions to stabilize or maintain the price of its Common Stock for the purpose of facilitating the offering and distribution of the additional Common Stock. In connection therewith Electric may, during the period commencing with the third full business day prior to the time for the submission of bids and continuing until the acceptance of a bid, purchase not in excess of 52,800 shares of its Common Stock through regular brokerage channels.

The underwriters will pay to Electric 50 percent of any excess over $1.50 per share above the subscription price on shares sold before April 14, 1957. Any shares not sold prior to that date shall be deemed to have been sold at the mean of the high and low prices on April 12.

Electric will use the net proceeds from its proposed sale of Common Stock to purchase additional common stock from its subsidiary companies in the aggregate amount of about $13,400,000. The subsidiaries will use such funds together with other cash resources and the proceeds from the issue in 1957 of about $34,000,000 of senior securities, to finance their construction programs during 1957 and 1958, estimated at $101,500,000.

Electric's fees and expenses in connection with the issuance and sale of its additional Common Stock, other than the compensation to be paid to the underwriters, are estimated as follows:

Independent accountants	$20,000
Counsel fee—Sullivan & Cromwell	8,500
Printing prospectuses, warrants, stock certificates, etc	17,500
Transfer Agent and Registrar	25,000
Subscription Agent	42,000
Federal stamp tax	4,000
New York Stock Exchange Listing fee	1,325
Registration fee	1,743
Miscellaneous	4,932
Total	125,000

Amendment of charter and issue and sale of additional common stock by Potomac, and pledge of such stock by Electric. Potomac, a Maryland corporation, which now has outstanding 775,000 shares of Common Stock, all of which are owned by Electric, proposes to amend its Charter to increase its authorized Common Stock from 800,000 to 1,500,000 shares without nominal or par value; and thereafter, on or before June 30, 1957, to issue and sell to Electric 100,000 additional shares of such stock for $2,000,000 cash. Potomac will use the funds for the construction programs of itself and its subsidiaries, or to reimburse its treasury for expenditures in connection therewith.

Upon acquisition of the additional Common Stock of Potomac, Electric proposes to pledge same with Chemical Corn Exchange Bank, Trustee under the Trust Indenture dated as of September 1, 1949, securing Electric's 3½ percent Sinking Fund Collateral Trust Bonds, in accordance with the requirements of said Indenture.

Potomac's fees and expenses in connection with its charter amendment and the issuance and sale of its additional Common Stock are estimated at $3,350, including Federal stamp taxes $3,000, legal fees $150, and miscelaneous $200.

It is stated that prior authorization of the Maryland Public Service Commission is required for the issue and sale of the additional Common Stock by Electric, and for the issue and sale of the additional Common Stock by Potomac and its acquisition by Electric; that authorization of the Interstate Commerce Commission may also be required for the issue and sale of Common Stock by Potomac, which owns and operates a railway tie-line between Frederick and Thurmont, Maryland; that appropriate applications have been filed with such commissions; that no further approvals by regulatory commissions, other than this Commission, are required.

Notice is further given that any interested person may, not later than February 15, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as now amended or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the Rules and Regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-818; Filed, Feb. 4, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 120]

OKLAHOMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about January 23, 1957, because of the disastrous effects of a tornado, damage resulted to residences and business property located in certain areas in the State of Oklahoma;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the County of Sequoyah (including any areas adjacent to said County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 1114 Commerce Street, Dallas 2, Tex.

Small Business Administration Branch Office, Bankers Service Life Building, Room 616, 114 North Broadway, Oklahoma City, Okla.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1957.

Dated: January 24, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-825; Filed, Feb. 4, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. MC-C-2086]

SAFEWAY TRUCK LINES, INC.

COMMODITY RATES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 23rd day of January A. D. 1957.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rate and charges, applicable on interstate or foreign commerce of various commodities, subject to various minimum weights, between points in Central Territory, on the one hand, and, on the other, points in Middle Atlantic and New England Territories, as set forth in:

SAFEWAY TRUCK LINES, INC.:
MF-1. C. C. No. 40;

On page 19, Item 330;
On page 20, Item 400;
On page 22, Item 430;
On page 24, Item 540;
On page 26, Item 590;
On page 27, Item 600;
On Page 28, Items 680 and 690;
On page 29, Items 750 and 790, in full, and in Item 760 the 236 cent rate;
On page 30, Items 820, 840, 880, 890 and 910;
On page 31, in Item 950, the rate from Yonker, N. Y., and Item 960, in full;
On page 32, Item 980;
On page 34, in Item 1130, the rate between Chicago, Ill. and New York, N. Y.;
On page 35, in Item 1150, the rates between Chicago, Ill. and New York, Syracuse and Utica, N. Y.; and in Item 1160, the 169 cent rates;
On page 36, Items 1240 and 1250;
On page 37, Items 1300, 1320 and 1330;
On page 38, in Item 1380, the 120 cent rates; and in Item 1390, all rates except to Poughkeepsie, N. Y.;
On page 39, Item 1410 and 1430; and
On page 40, Items 1480, 1490, 1500, 1510 and 1530;
Supplement No. 19 to MF–I. C. C. No. 40;
On page 6, in Item 390–A, the 114 cent rate;
On page 10, in Item 560–B, the 111 cent rate between Chicago, Ill. and New York, N. Y.;
On page 11, Item 595–A;
On page 14, Item 810–A;
On page 15, Item 970–A; in full; and in Item 990–A, the rates to Chicago, Ill., Cincinnati, Cleveland and Columbus, Ohio, Indianapolis, Ind. and St. Louis, Mo.;
On page 17, Item 1260–A, in full; in Item 1110–A, the 115 cent rate; and in Item 1470–A, the 114 cent rate; and
On page 18, in Item 1520–A, the 153 cent rate;
Supplement No. 22 to MF–I. C. C. No. 40;
On page 5, in Item 1010–C, the 128 cent rate; and
On page 6, in Item 1360–B, the 114 cent rate;
Supplement No. 25 to MF–I. C. C. No. 29;
On page 9, in Item 146-C, the rates to New York, N. Y.;
MF–I. C. C. No. 39 (LEE BROTHERS, INC., series);
On page 12, Item 335; and
On page 25, Item 705;
Supplement No. 26 to MF–I. C. C. No. 39 (LEE BROTHERS, INC., series);
On page 6, in Item 356–A, the 109 cent rate;
On page 7, in Item 420–D, the rates between Chicago, Ill. and Poughkeepsie, N. Y.;
On page 9, in Item 507–A, the 398 cent rate to New York, N. Y.; and
On page 15, Item 518;

It appearing that upon consideration of the tariff schedules and protests thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be and it is hereby, instituted, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; and that a copy of this order be forthwith served upon the said respondents; and that a copy of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-829; Filed, Feb. 4, 1957; 8:48 a. m.]

UNIVERSITY
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1934

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 22 NUMBER 25

Washington, Wednesday, February 6, 1957

TITLE 3—THE PRESIDENT

PROCLAMATION 3169

DORCHESTER DAY, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS February 3, 1957, marks the fourteenth anniversary of the sinking of the Army transport *Dorchester* by enemy action off the coast of Greenland; and

WHEREAS four Army chaplains—a Methodist minister, a minister of the Reformed Church, a Roman Catholic priest, and a Jewish rabbi—led those on board the vessel in prayer, and gave their own lifejackets to others, creating a saga of faith and heroism that will long remain an inspiration to all who believe in God and love their country; and

WHEREAS the Distinguished Service Cross, for services beyond the call of duty, was awarded posthumously to each of these four men of religion, George L. Fox, of Gilman, Vermont, Methodist; Alexander D. Goode, of York, Pennsylvania, Jewish; Clark V. Poling, of Schenectady, New York, Reformed Church in America; and John P. Washington, of Newark, New Jersey, Roman Catholic; and

WHEREAS the Congress, by House Concurrent Resolution 90, agreed to by the Senate on January 30, 1957, has set apart the third day of February 1957 as a day dedicated to the memory of these four chaplains, and of other brave men who died on the *Dorchester*:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct the appropriate officials to arrange for the display of the flag of the United States on all Government buildings on Dorchester Day, February 3, 1957; and I call upon the people of the United States to observe that day in churches, or other suitable places, with appropriate ceremonies, in commemoration of the heroic conduct and the deaths of the four chaplains and other brave men who lost their lives in the sinking of the *Dorchester*.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this second day of February in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-953; Filed, Feb. 5, 1957; 10:41 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.1]

PART 331—POLICIES AND AUTHORITIES

SPECIAL AUTHORITY TO ALTER ELIGIBILITY REQUIREMENTS

A new § 331.14a is added to Part 331, Title 6, Code of Federal Regulations (21 F. R. 10441) to authorize administrative changes in eligibility requirements for applicants in areas designated under the Rural Development Program and to read as follows:

§ 331.14a *Special authority to alter eligibility requirements.* If a State Director determines that the credit needs in an area designated under the Rural Development Program cannot be satisfactorily met under the eligibility requirements contained in this part, the Administrator may make exceptions to administrative eligibility requirements.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 1, 2, 3, 60 Stat. 1072, 1073, 1074, as amended, Pub. Law 878, 84th Cong.; 7 U. S. C. 1001, 1002, 1003)

Dated: January 31, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-862; Filed, Feb. 5, 1957; 8:47 a. m.]

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FEDERAL REGISTER

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TO
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TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

PART 16—MARKING, BRANDING, AND IDENTIFYING PRODUCTS

PART 17—LABELING

PART 27—IMPORTED PRODUCTS

APPROVAL OF LABELING MATERIAL FOR MEATS, MEAT BYPRODUCTS, AND MEAT FOOD PRODUCTS OFFERED FOR IMPORTATION INTO THE UNITED STATES; DECLARATION OF POLICY

Parts 16, 17 and 27 of the Meat Inspection Regulations (9 CFR Parts 16, 17 and 27, as amended) issued pursuant to the Meat Inspection Act, as amended and extended (21 U. S. C. 71 et seq.) and paragraphs 306 (b) and (c) of the Tariff Act of 1930 (19 U. S. C. 1306 (b) and (c)) prescribe various requirements for labeling meats, meat byproducts, and meat food products offered for importation into the United States and require approval by the Department of labeling used in connection therewith.

Amendments to the regulations changing the labeling requirements for certain products and merchandising practices resulting in label design changes have made most labels approved prior to July 1, 1950, obsolete.

Accordingly approvals prior to July 1, 1950, of labeling material for imported meats, meat byproducts, and meat food products are hereby cancelled effective April 1, 1957. Any person who proposes to use labeling material, for meats, meat byproducts, or meat food products to be imported into the United States on or after April 1, 1957, which was approved prior to July 1, 1950, and has not since been reapproved, must submit such labeling material to the Chief of the Meat Inspection Branch for approval under the regulations currently in effect.

(Ch. 2907, 34 Stat. 1264, sec. 306, 46 Stat. 689; 19 U. S. C. 1306; 21 U. S. C. 89)

Done at Washington, D. C., this 1st day of February 1957.

[SEAL] A. R. MILLER,
Chief, Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture.

[F. R. Doc. 57-861; Filed, Feb. 5, 1957; 8:47 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6625]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARKET TIRE CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.70 *Fictitious or misleading guarantees;* § 13.140 *Old, reclaimed or reused as new;* § 13.155 *Prices:* Bait; discount savings; exaggerated as regular and customary; retail or selling as wholesale, jobbing, factory distributors', etc., or discounted; § 13.175 *Quality of product or service;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Market Tire Company (Bethesda, Md.) et al., Docket 6625, January 25, 1957]

In the Matter of Market Tire Company, a Corporation and David Lawson and Allan Bratman, Individually and as Officers of said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two corporations and their common officers selling new and used automobile and truck tires in Washington, D. C., and Bethesda, Md., with using bait advertising in newspapers and other false claims as to prices, savings and discounts, guarantees, and quality; and false representations that certain older tires—most of them no longer manufactured—were "Factory Fresh" or "1956" stock.

Following entry of an agreement containing consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which on January 25 became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Market Tire Co. of Southeast, Inc., a corporation, respondent Market Tire Co. of Maryland, Inc., a corporation, and their officers, respondents David Lawson and Allan Bratman, individually and as officers of said corporations, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of new and used automobile and truck tires or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from—

1. Representing, directly or by implication, that said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. Representing, directly or by implication, that a specified brand of tire is being offered for sale at a featured price, unless such is the case;

3. Using the term "list price" to designate, describe, or refer to manufacturer's list price, without disclosing that it is the manufacturer's list price, on tires other than those which have been bona fide regularly sold and offered for sale at such "list price" by respondents in the usual and normal course of business;

4. Representing, directly or by implication, that specific savings or discounts are afforded a purchaser upon the purchase of tires when such purported savings or discounts do not take into account the trade-in if such be required in the sale of such tires;

5. Representing that tires are "Factory Fresh" or the stock of any particular year, unless such is the case;

6. Representing that "Take-off" or "Changeover" tires are new;

7. Representing, directly or by implication, that any merchandise sold or offered for sale by respondents is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

8. Representing, directly or by implication, that a specified tire is of a certain kind, line, quality, or level when such tire is of a different kind, line, quality, or level;

9. Representing, directly or by implication, that respondents' usual or customary price of any merchandise is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of respondents' business.

It is further ordered, That since the parties have been improperly designated in the complaint, in order to make the pleadings conform to the agreement for a consent order to cease and desist, the complaint herein be, and the same hereby is, amended to make Market Tire Company of Southeast, Inc., a Maryland corporation, Market Tire Company of Maryland, Inc., a Maryland corporation, and Allan Bratman and David Lawson, individually and as officers of said corporations, parties respondent.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents Market Tire Company of Southeast, Inc., a corporation, and Market Tire Company of Maryland, Inc., a corporation, and respondents David Lawson and Allan Bratman, individually and as officers of said corporate respondents, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 25, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-864; Filed, Feb. 5, 1957; 8:48 a. m.]

[Docket 6626]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BEN HUNDLEY

Subpart—*Advertising falsely or misleadingly:* § 13.130 *Manufacture or preparation;* § 13.140 *Old, reclaimed, or reused as new;* § 13.155 *Prices:* Bait; discount savings; retail or selling as wholesale, jobbing factory distributors', etc., or discounted; § 13.175 *Quality of product or service;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hiram B. Hundley trading as Ben Hundley, Washington, D. C., Docket 6626, January 16, 1957]

In the Matter of Hiram B. Hundley, an Individual, Trading and Doing Business as Ben Hundley

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a seller of new and used automobile and truck tires in Washington, D. C., with using bait advertising and other false claims in newspapers as to prices, values, and savings, and false representations that tires actually no longer manufactured were "Factory Fresh", of "1955" or "1956" stock, and that certain others were "Factory Reconditioned".

Following entry of an agreement containing consent order to cease and desist, the hearing examiner made his initial decision and order to cease and desist which became on January 16 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Hiram B. Hundley, an individual, trading and doing business as Ben Hundley, or trading and doing business under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of new and used automobile and truck tires or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from—

1. Representing, directly or by implication, that said merchandise is offered for sale when such offer is not a bona fide offer to sell the merchandise so offered;

2. Representing, directly or by implication, that a specified brand of tire is being offered for sale at a featured price, unless such is the case;

3. Using the term "list price" to designate, describe, or refer to manufacturer's list price, without disclosing that it is the manufacturer's list price, on tires other than those which have been bona fide regularly sold and offered for sale at such "list price" by respondent in his usual and normal course of business;

4. Representing, directly or by implication, that specific savings or discounts are afforded a purchaser upon the purchase of tires when such purported saving or discounts do not take into account the trade-in if such be required in the sale of such tires;

5. Representing that tires are "Factory Fresh" or the stock of any particular year, unless such is the case;

6. Representing that any used tires are "Factory Reconditioned" when in fact such work has not been done by a factory or a manufacturing plant;

7. Representing that "Take-off" or "Changeover" tires are new;

8. Representing, directly or by implication, that any merchandise sold or offered for sale by respondent is guaranteed, unless the nature and extent of the guarantee and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed;

9. Representing, directly or by implication, that respondent's usual or custo-

mary price of any merchandise is in excess of the price at which said merchandise is regularly and customarily sold in the normal course of respondent's business.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Hiram B. Hundley, an individual, trading and doing business as Ben Hundley, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: January 16, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-863; Filed, Feb. 5, 1957; 8:48 a. m.]

[Docket 6260]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

C. G. OPTICAL CO. AND BENJAMIN D. RITHOLZ

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, C. G. Optical Company et al., Chicago, Ill., Docket 6260, January 16, 1957]

In the Matter of C. G. Optical Company, a Corporation, and Benjamin D. Ritholz, Individually

The complaint in this case charged a corporation and its sole owner—engaged in Chicago in selling eyeglasses, and as an inducement to such sale sending to those answering his advertisements for their home use in the measurement of the face and nose, devices designated "Self-Test Opto-meter" or "Home Eye Tester"—with representing falsely in advertisements in newspapers and periodicals and by circulars and form letters and in explanatory literature and directions accompanying the eye-testing kit sent to those requesting it, that the eyeglasses made pursuant to the results of tests of the eyes made by recipients' use of said devices would correct the defects in vision of all persons.

Following entry of a stipulation for a consent order between the parties, the hearing examiner made his initial decision which was adopted by the Commission. Subsequently, on motion of respondent, the Commission vacated the initial decision and its order and remanded the case to the hearing examiner for further proceeding.

At a hearing, respondents' counsel withdrew their answers previously filed and made an oral answer admitting all the allegations of the complaint. In addition they offered in evidence certain circulars purporting to show a change in respondents' representations which had been in use for six months prior to the hearing. Further proceeding was waived except the filing of proposed findings and conclusions.

On this basis, the hearing examiner again made his initial decision and order to cease and desist. The Commission, after hearing the matter on respondents' appeal therefrom, on January 18 denied the appeal and adopted as its own the findings, conclusions, and order contained in the initial decision.

The order to cease and desist is as follows:

It is ordered, That respondents, C. G. Optical Company, a corporation, and its officers, and respondent Benjamin D. Ritholz, individually, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of eyeglasses, do forthwith cease and desist from—

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that the eyeglasses sold by respondents, made pursuant to the results of tests of the eyes using respondents' devices, will correct, or are capable of correcting, defects in vision of persons unless expressly limited to those persons approximately forty years of age and older who do not have astigmatism or diseases of the eye and who require only simple magnifying or reducing lenses.

2. Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of their eyeglasses in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains the representation prohibited in paragraph 1 hereof.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in the initial decision.

Issued: January 18, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-865; Filed, Feb. 5, 1957; 8:48 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 172-A; Docket No. R-129]

PART 11—ANNUAL CHARGES

ORDER GRANTING REDUCTION IN ANNUAL ADMINISTRATIVE CHARGES FOR CERTAIN SPECIFIED YEARS

Pursuant to Public Law 278, approved August 15, 1953 (67 Stat. 587), the Commission by its Order No. 172 issued April 28, 1954 amended Part 11 of Subchapter B of its Regulations under the Federal Power Act (18 CFR, Part 11) by the addition of § 11.28 thereunder so as to entitle a State or municipal licensee to a reduction in the amount of the annual charges fixed under a license heretofore or hereafter issued for a major project to the extent of thirty percent of the net amount of the charges assessed for the purpose of reimbursing the United States for the cost of administration of Part I of the Federal Power Act as reduced by any exemption that may be granted pursuant to section 10 (e) of the Act. The amendment was made retroactively effective from and after January 1, 1954.

Subsequently, the Commission granted a rehearing on and stay of its Order No. 172. Pre-hearing conferences before a Commission examiner on the issues involved were held on February 2 and December 4, 1956, in which all parties herein participated, including Commission staff counsel. The conferences resulted in an agreement by all the parties in this proceeding including staff counsel as follows:

(1) It is agreed that the representatives of the licensees which are parties to this proceeding and the Commission's staff recommend that the Commission reduce the annual charges to all State and municipal licensees by 65 percent of the annual charges assessed under such licenses for reimbursing the United States for the costs of administration of Part I of the Federal Power Act for calendar years 1953, 1954, 1955 and 1956, without prejudice to the position to be taken thereafter by any of the parties or by the staff in the future;

(2) It is agreed that it is also recommended that the present proceeding be continued, including the hearing ordered by the Commission, for the purpose of fixing the annual administrative charges to be paid by State and municipal licensees for the calendar years subsequent to the calendar year 1956.

The occasion for the recommendation contained in subparagraph (1) above was the fact that during the years specified State and municipal licensees had not been billed nor had they made remittance of any charges owing for those years for the costs of administration of Part I of the Federal Power Act, and it was felt that some disposition should be made of those obligations without further delay. We believe the agreement to be the most appropriate and practical means of disposing of the matter at this time insofar as past uncollected charges are concerned.

The Commission finds: It is both desirable and in the public interest to adopt the recommendations above set out; to grant the aforementioned reduction of 65 percent with respect to the annual charges assessed under State and municipal licenses for reimbursing the United States for the costs of administration of Part I of the Federal Power Act for the four years involved, and to continue for further hearing the present proceeding for the purpose of fixing the annual administrative charges to be paid by State and municipal licensees for the calendar years subsequent to the calendar year 1956, as hereinafter provided.

The Commission orders:

(A) The annual charges specified in the major licenses issued to all States and municipalities for reimbursing the United States for the costs of administration of Part I of the Federal Power Act for the calendar years 1953, 1954, 1955 and 1956 are reduced by 65 percent, without prejudice to the position to be taken hereafter by any of the parties to this proceeding or by the staff.

(B) This proceeding shall continue including the hearing in progress pursuant to our order issued August 30, 1954, for the purpose of fixing the annual administrative charges to be paid by State and municipal licensees for the calendar years subsequent to the calendar year 1956.

Issued: January 31, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57-878; Filed, Feb. 5, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 29, 1957.

The notice of proposed withdrawal and reservation of land as applied for by the United States Department of Agriculture, published in the FEDERAL REGISTER of January 23, 1957 (F. R. Doc. 57-428; 22 F. R. 452) is corrected as to the location of the proposed withdrawal for the Hub Ranger Station Administrative Site. The description of the land for this facility is as follows:

UINTAH SPECIAL MERIDIAN, UTAH

UINTAH NATIONAL FOREST

T. 2 S., R. 12 W.,
Sec. 28: SE¼NE¼NE¼, E½SW¼NE¼NE¼, N½SE¼NE¼, N½NE¼SW¼NE¼, NW¼NW¼SW¼NE¼.

Total area, 42.5 acres.

EVAN L. RASMUSSEN, *Acting State Supervisor.*

[F. R. Doc. 57-859; Filed, Feb. 5, 1957; 8:47 a. m.]

[Classification Order 519]

CALIFORNIA

SMALL TRACT OPENING

JANUARY 29, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands totalling 160 acres in San Diego County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 15 S., R. 8 E.,
Sec. 19, SW¼.

Containing 160 acres, subdivided into 32 small tracts, of which 20 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described land by this order segregates it from all appropriations, including location under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The land is located in the southwestern part of Carrizo Valley, which lies approximately 38 miles southeast of Julian, California, and approximately the same distance northwest of El Centro, California. A fair graded dirt road, the Imperial Highway, passes through the northeast portion of the land. The major portion of the land is situated on a sandy knoll called Egg Mountain. Its topography is irregular and rolling with steep slopes along the west and east sides and rather gentle to moderate slopes on the north and south lines of the land. Carrizo Creek cuts by the southeast corner of the land.

The soil is gravelly sand to coarse sand, loose in the upper horizon, and the surface is covered by scattered cobbles and boulders. The vegetation is desert shrub type, consisting of creosote bush, sages, cholla cactus, ocotillo, and scattered annual grasses.

Domestic water supply may be obtained from underground sources by drilling of wells. An electric power line passes near the area.

4. The land will be leased and sold in rectangular tracts of 5 acres each, more or less, 330 x 660 feet in size, and described as aliquot parts of the section. The appraised value of each tract is $150, and the advance rental for three years is $30. The tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as described below. Such rights-of-way may be utilized by the Federal or State Governments, or the County or municipality to which it is situated, or by any agency thereof.

33 feet along the interior boundary of the north, south, and west lines of SW¼, the east line of W½W½SW¼, the west line of E½W½SW¼, the east line of W½E½SW¼, and the west line of E½E½SW¼.

All minerals in the land will be reserved to the United States.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price listed above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The residence must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive properly finished materials. Adequate disposal and sanitary facilities must be installed. Conventional concrete foundations or concrete slab foundations are acceptable. Concrete piers are not acceptable as foundations.

8. The land is now open to filing of drawing entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not aply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., June 5, 1957, a drawing will be held on that date or shortly thereafter. Any

person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to January 29, 1957, will be granted the preference right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning this land shall be addressed to Manager, Land Office, 5th Floor Bartlett Building, 215 West Seventh Street, Los Angeles 14, California.

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57–877; Filed, Feb. 5, 1957; 8:49 a. m.]

[Document 17]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT

Correction

In Federal Register Document 57–187, published at page 224 of the issue for Thursday, January 10, 1957, the table under paragraph 1 is corrected as follows: The entry for DA–885, under the column headed "Type of restoration", should read "Under applicable public land laws."

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER, CALIFORNIA NO. 506

Correction

In Federal Register Document 57–218, published at page 245 of the issue for Friday, January 11, 1957, the land description under paragraph 1 is corrected as follows: Under "T. 33 N., R. 9 W.", sec. 17 should read: "Sec. 17, NW¼, N½NE¼, SW¼NE¼, N½N½SW¼".

DEPARTMENT OF COMMERCE

Federal Maritime Board

STONE FORWARDING CO., INC., AND H. S. THIELEN

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8199 between Stone Forwarding Co., Inc., Houston, Texas, and H. S. Thielen, Lake Charles, Louisiana, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: January 31, 1957.

By order of the Federal Maritime Board.

[SEAL] GEORGE A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–846; Filed, Feb. 5, 1957; 8:45 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

HARRY S. ROBINSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of 24 January 1957 in my financial interests as reported in the FEDERAL REGISTER, August 25, 1956.

A. Deletions: Hamilton-Ferro Company, Cincinnati, Ohio as Director and Stockholder.
B. Additions: None.

Dated: January 24, 1957.

HARRY S. ROBINSON.

[F. R. Doc. 57–844; Filed, Feb. 5, 1957; 8:45 a. m.]

CLAUDE S. LAWSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 25, 1957, in my financial interests as reported in the FEDERAL REGISTER, August 25, 1956.

A. Deletions: Servo Mechanism—Stockholder.
B. Additions: No change.

Dated: January 25, 1957.

C. S. LAWSON.

[F. R. Doc. 57–845; Filed, Feb. 5, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue the construction permit set forth below unless within 15 days after the publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is annexed a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed reactor and the principal factors considered in reviewing the application for a license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Notice is also hereby given that if the Commission issues the construction permit the Commission may without further prior public notice convert the construction permit to Class 104 licenses authorizing operation of the reactors if it is found that the reactors have been constructed in accordance with the specifications contained in the application, as amended, and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission that the granting of such licenses would not be in accordance with the provisions of the act. Such licenses would be substantially similar to license R–6 issued to Aerojet-General Nucleonics on October 19, 1956, authorizing operation of the AGN–201 reactor which has been designated as Serial No. 100.

Construction permit. Aerojet-General Nucleonics, San Ramon, California, (hereinafter "AGN") on September 11, 1956, filed an application, Docket No. F–32, for Class 104 licenses, defined in § 50.21 of Part 50, Title 10, Chapter I, CFR, to construct and operate three nuclear reactors designated as Model AGN–201, serial numbers 101, 102 and 103. Supplements to the application were filed on October 2, 1956, December 3, 1956 and January 14, 1957. The three reactors will be designated herein as "the reactors."

Based on the information submitted by AGN in its application and supplements thereto, the Atomic Energy Commission (hereinafter "the Commission") has found that—

A. The reactors will be utilization facilities as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. The reactors will be useful in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. AGN is financially qualified to construct and operate the reactors in accordance with the regulations contained in Title 10, Chapter I, CFR.

D. AGN is technically qualified to design and construct the reactors.

E. AGN has submitted sufficient information to provide reasonable assurance that the reactors can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to AGN will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to AGN to construct the reactors as utilization facilities. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

1. The earliest and latest completion dates of each reactor shall be as set forth below. The term "completion date" as used herein means the date on which construction of the reactor is completed except for introduction of the fuel material.

AGN Serial No.;	*Earliest Completion Date;* *Latest Completion Date*
101;	February 20, 1957; June 15, 1957.
102;	February 20, 1957; June 15, 1957.
103;	February 20, 1957; June 15, 1957.

2. The site proposed for the location of the reactors is the location in San Ramon, Contra Costa County, California, specified in the "Reactor Hazards Evaluation Report and Site Survey for the AGN–201 Nuclear Reactor" submitted by AGN in conjunction with Docket No. F–15.

3. The reactors are self-contained research reactors designed to operate at a power level of 100 milliwatts, using uranium enriched in the isotope uranium 235 as fuel, and designated as AGN–201. The reactors shall be constructed in accordance with the design set forth in the application and documents incorporated therein by reference.

Upon completion (as provided in Paragraph "1" above) of the construction of each facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to AGN pursuant to section 104c of the act, which license shall expire 20 years after the date of this construction permit. Separate licenses may be issued upon the completion of each reactor, construction of which is authorized herein.

Dated at Washington, D. C., this 1st day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

MEMORANDUM

PART I—DESCRIPTION OF THE PROPOSED REACTORS

The AGN–201 reactor is a small research reactor designed to operate at a maximum power of 100 milliwatts and corresponding flux of about 4.5×10^4 neutrons per square cm. per sec. The excess reactivity will be limited to 0.19 percent which would yield a minimum period of 15 seconds. The temperature coefficient of reactivity is calculated to be -3.6×10^{-4} per ° C.

The core of the reactor will consist of UO_2 embedded in radiation stabilized polyethylene which serves as the moderator. The uranium is enriched 20 percent in the isotope U-235 and the critical mass will be between 550 and 700 g. U-235. The core will be made up of a series of discs, about 10" dia. and of varying thickness. The top section of the core will contain approximately half of the fuel. There will be a space at the top for core expansion and fission product gas accumulation. The bottom section contains the remaining fuel discs. It is held in place by a supporting mechanism hanging from the fuse link described below. In addition, the bottom section contains the safety and control rod thimbles. The core, including part of the graphite reflector, is enclosed in an aluminum tank which serves as the primary gas-tight container.

The reflector is 20 cm. of high-density graphite on all sides of the core. Holes are provided for safety and control rods, glory hole and the four access ports. The core and reflector are surrounded by a 10 cm. lead shield. Over the top lead shield is a tank which may be filled with water for shielding or with graphite when a thermal column is desired. All of the above components are enclosed in a steel tank which serves as a secondary gas-tight container.

The steel tank is surrounded on all sides by a fast neutron water shield tank which contains boric acid dissolved in water.

There are two safety rods and two control rods. The rods are made of the same UO_2 impregnated polyethylene as used in the core. Thus, reactivity is increased as the rods are inserted into the core. The two safety rods and the coarse control rod when fully loaded control about 1.6 percent reactivity each. The reactivity may be reduced by replacing some of the fuel discs with pure polyethylene discs. The rods are inserted one at a time at the rate of 0.46 cm/sec., corresponding to a reactivity change 3×10^{-4} per second for each safety rod and the coarse control rod. The fine control rod may be driven in at a slower speed.

The safety system is "fail-safe," in that a scram signal or power failure will open the holding magnets allowing the safety and coarse control rods to be accelerated downward and out of the core by both gravity and spring loading. The total withdrawal time is 150 milliseconds. The fine control rod is designed to control too little reactivity to be of practical value in a scram; consequently on receipt of a scram signal it is driven out of the core by its DC reversible motor at the rate of 0.46 cm/sec. When the reactor is shut down all rods are out of the core. Interlocks prevent locking of the safety rods unless the control rods are down, and the control rods cannot be moved in unless the safety rods are cocked (completely inserted in the core).

The fuse is an additional safety feature consisting of polystyrene impregnated with twice as much U-235 per unit volume as the core contains. It supports the bottom half of the reactor core and a section of the reflector. The higher loading density results in a higher rate of heat generation in the fuse than in the core, so that in the event of a power excursion the fuse will melt causing the lower part of the core to drop to the bottom of the core tank.

This separation of the core results in a reduction in reactivity of from 5 to 10 per cent.

The instrumentation comprises three neutron sensitive monitors (two linear and one logarithmic) determining power and flux levels and the period. Sensitrol relays have low and high-level scram contacts which require that the monitors respond to the Ra-Be startup neutron source before the reactor can be put into operation, and which will scram the reactor any time the associated monitors fail to detect neutrons. The logarithmic monitor is equipped with a differentiating circuit; if the period is less than about three seconds, a fourth Sensitrol relay is tripped, scramming the reactor. The reactor is equipped with an earthquake scram assembly. Scrams also result from low water level, low water temperature or power failure.

The core and reactor tanks will be tested prior to loading for adequate gas-tightness by the halogen-type leak detecting method.

PART II—HAZARDS EVALUATION

The AGN–201 reactor operates at 100 milliwatts. Consequently, there will be an insignificant inventory of fission products in the reactor. Substantially all of the fission products that are produced will be retained in the solid core materials even in the event of the accident described below. However, some of the gaseous fission products may diffuse out of the UO_2–polyethylene matrix, but these will be retained in the sealed aluminum primary container which, in turn, is surrounded by the steel secondary container.

The temperature coefficient of reactivity was calculated by the applicant to be -3.6×10^{-4} per ° C. They also calculated that heat would flow rapidly from the UO_2 particles into the polyethylene. If 2 percent reactivity were inserted instantaneously (which seems impossible since only 0.2 percent is ever available above cold clean critical) into the reactor, it is stated by the applicant that the period would be about 10 milliseconds. These calculations are reasonable for a reactor of this design.

The applicant's calculations further show that the resultant power excursion of 1.7 MW-seconds would be terminated in about 204 milliseconds and would be self-limiting because of core expansion due to temperature rise. The temperature would rise about 110° C. at the center of the core, and the average temperature of the core would rise about 71° C. Polyethylene does not melt below 200° C. We agree that such a postulated accident is unlikely, and that in the event of such an accident, it is expected that the fission products would be kept within the core and primary and secondary containers.

The safety features of the control system and instrumentation, including the safety fuse system, are designed to shut down the reactor in the event of malfunction of equipment or personnel error.

We agree with the applicant's statement that normally, personnel next to the reactor (operating at 100 milliwatts) will receive a maximum gamma dose of about 0.2 millirem per hour or 8 mr/week. Even in the event of the highly improbable 1.7 MW-second accident described above, the total dose to a person standing next to the reactor would be about 1 rem.

For an extreme case such as a combined scram circuit failure, loss of shield water and the 1.7 MW-second excursion, a person next to the reactor would receive an exposure of about 200–300 rem of fast neutrons. Although an exposure of this magnitude

would be received, this accident is due to the compounding of so many very slightly probable events that it is, in our opinion, barely conceivable. In view of these considerations we believe that the reactor should present no unacceptable hazard to operating personnel or to the public either during normal operation or during a conceivable accident.

Summary. Important safety features of the reactor include the low power (100 milliwatts) of the reactor and insignificant fission product inventory, the small (0.19 percent) excess reactivity, strong negative temperature coeficient (-3.6×10^{-4}), adequate containment, well-planned control system and instrumentation, and acceptable hazards relative to the maximum credible accident.

It may be concluded that there is reasonable assurance that the AGN-201 reactor as designed can be constructed and operated at the proposed San Ramon, California, site without undue risk to the health and safety of the public.

In arriving at this conclusion, cognizance has been taken of the fact that an AGN Model 201 reactor, Serial No. 100, has been operated without incident by AGN pursuant to License R-6 issued October 19, 1956.

Operational tests on this reactor have proven the validity of preliminary calculations, shown that the control mechanisms function as described, and that the shielding attenuates the radiation from the core to within the tolerance set out in 10 CFR Part 20.

TECHNICAL QUALIFICATIONS

AGN has expanded its technical staff from that available to it at the time of its application in Docket No. F-15 for authorization to construct the AGN-201 reactor presently operated by it pursuant to License R-6. It now employs over forty personnel including some eighteen with technical degrees, one being a PhD and eleven others having Masters degrees. Of those having Masters degrees, five have majored in reactor engineering. Eight other of its employees have been trained in reactor engineering.

FINANCIAL QUALIFICATIONS OF APPLICANT

AGN is a subsidiary of Aerojet-General Corporation (AGC) which in turn is a subsidiary of The General Tire & Rubber Company. AGC has assumed financial responsibility for the production of the three AGN-201 type nuclear reactors, serial numbers 101, 102 and 103. Upon the basis of the evidence in these proceedings, including the assumption of financial responsibility by AGC, it has been concluded that AGN is financially qualified to carry out the proposed activities in accordance with the requirements of the Commission regulations.

PART V—CONCLUSIONS

Based on the above considerations, it is concluded that—

a. There is reasonable assurance that the facilities proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

Dated at Washington, D. C., this 1st day of February 1957.

For the Division of Civilian Application.

FRANK K. PITTMAN,
Acting Director.

[F. R. Doc. 57-883; Filed, Feb. 5, 1957; 8:51 a. m.]

[Docket No. F-35]

AMF ATOMICS, INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on February 1, 1957, issued a license to AMF Atomics, Inc., New York, New York, authorizing the export of a 10-kilowatt pool-type demonstration reactor to the Ministry of Education, Kingdom of the Netherlands, to be erected at the International Exhibition "Het Atoom", Amsterdam.

Dated at Washington, D. C., this 1st day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Acting Director,
Division of Civilian Application.

[F. R. Doc. 57-884; Filed, Feb. 5, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11848]

COLORADO-WYOMING GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING HEARING

On January 2, 1957, Colorado-Wyoming Gas Company (Colorado-Wyoming) tendered for filing Sixth Revised Sheet No. 4 and Fifth Revised Sheet No. 7 [1] of Colorado-Wyoming's FPC Gas Tariff, Original Volume No. 1, and proposed an effective date of February 1, 1957, for such proposed changes in its tariff which would increase its rates on jurisdictional business in the amount of approximately $783,000.

In support of such proposed increased rates, Colorado-Wyoming states, among other reasons, that it purchases 99 percent of its gas from Colorado Interstate Gas Company, which, on December 17, 1956, filed a proposed increase in rates which will materially affect Colorado-Wyoming's cost of gas. This item alone is represented to constitute more than three-fourths of Colorado-Wyoming's entire cost of service. In addition, Colorado-Wyoming states that it has sustained an increase in material and labor costs, as well as an increase in cost of money. The statistical support submitted by Colorado-Wyoming reflects the incurrence of additional debt during 1956 of $950,000, at 4 percent interest, owing to Public Service Company of Colorado, which owns 100 percent of the stock of Colorado-Wyoming. Approximately 86 percent of total jurisdictional sales of gas made by Colorado-Wyoming are to Public Service Company of Colorado and another subsidiary of the latter, Cheyenne Light, Fuel and Power Company, Cheyenne, Wyoming.

Colorado-Wyoming requests the allowance of a 6¾ percent rate of return but adds that: "If it becomes necessary to take a position relative to rate of return in any hearings in respect of this matter, * * * (Colorado-Wyoming) respectfully reserves the right to request and support a higher figure." In addition to the foregoing items, Colorado-Wyoming proposes changes in previously adopted methods of determining cost allocation, working capital, plant account and depreciation.

The increased rates and charges proposed in Sixth Revised Sheet No. 4 and Fifth Revised Sheet No. 7 of Colorado-Wyoming's FPC Gas Tariff have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of the rates, charges, classifications, and services of Colorado-Wyoming's FPC Gas Tariffs and contracts related thereto, as proposed to be amended by Sixth Revised Sheet No. 4 and Fifth Revised Sheet No. 7, and that said proposed Sixth Revised Sheet No. 4 be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held, at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Colorado-Wyoming Gas Company's FPC Gas Tariffs, and contracts related thereto, as proposed to be amended by Sixth Revised Sheet No. 4 and Fifth Revised Sheet No. 7.

(B) Pending such hearing and decision thereon, Colorado-Wyoming Gas Company's proposed Sixth Revised Sheet No. 4 to its FPC Gas Tariff, Original Volume No. 1, is hereby suspended and the use thereof deferred until July 1, 1957, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: January 31, 1957.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-847; Filed, Feb. 5, 1957; 8:45 a. m.]

[Docket No. G-11851]

WARREN PETROLEUM CORP. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Warren Petroleum Corporation (Operator) et al., (Warren) on December 31, 1956, submitted for filing a proposed change in rate schedule for a sale of natural gas, subject to the jurisdiction of the Commission. The proposed change is contained in the following filing:

Description: Notice of change dated December 27, 1956.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 1.

Effective date: [1] January 31, 1957.

In support of the increased rate, Warren states that the increase is a result of arms length bargaining; it is an inseparable part of the contract and is necessary to protect the sellers against the diminishing purchasing power of the dollar. Warren also submitted two costs of service studies for the year ended June 30, 1956, including a 9 percent return. One study excludes the gas volumes and costs attributable to royalty interest and the other study includes royalty volumes and costs.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred, as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Warren's FPC Gas Rate Schedule No. 1; and, pending such hearing and decision thereon, said supplement be, and it is hereby suspended, and the use thereof deferred until February 1, 1957 and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 30, 1957.

By the Commission.[2]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 57-848; Filed, Feb. 5, 1957; 8:45 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Warren, if later.

[2] Commissioner Digby dissenting.

[1] Special interruptible industrial service.

[Docket No. G-10396 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER RECONVENING HEARING

In the matters of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket No. G-10400; Panhandle Eastern Pipe Line Company, Docket No. G-11061.

The hearing in the above matters was recessed by the Presiding Examiner on November 16, 1956, to a date to be fixed by further order of the Commission.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that the public hearing in the above proceedings heretofore recessed on November 16, 1956, be reconvened at the time and place hereinafter ordered.

The Commission orders: The public hearing in these proceedings be reconvened on February 19, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: January 31, 1957.

By the Commission.

LEON M. FUQUAY,
Secretary.

[SEAL]

[F. R. Doc. 57-849; Filed, Feb. 5, 1957; 8:45 a. m.]

[Docket No. G-11849]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Phillips Petroleum Company (Phillips) on January 3, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated January 2, 1957.

Purchaser: Permian Basin Pipe Line Company.

Rate schedule designation: Supplement No. 21 to Phillips' FPC Gas Rate Schedule No. 18.

Effective Date: [1] February 8, 1957.

In support of the proposed increase, Phillips states that it is part of the arms length bargained-for contract, and that it is unfair to deny the proposed increase during the later life of the gas sales contract after having previously delivered gas at an earlier lower price. Phillips further states that it has an overall deficiency in revenues from gas sales operations and that only by the procedure of applications for increases in rates, in accordance with the Mobile case, 350 U. S. 332, can this deficiency be overcome.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until July 8, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 31, 1957.

By the Commission.[2]

LEON M. FUQUAY,
Secretary.

[SEAL]

[F. R. Doc. 57-850; Filed, Feb. 5, 1957; 8:45 a. m.]

[Docket No. G-11844]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Atlantic Refining Company (Atlantic), on January 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated January 2, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Atlantic's FPC Gas Rate Schedule No. 57.

Effective date: [1] February 15, 1957.

Atlantic's proposed rate change is based on a favored-nations clause in its contract with Texas Gas which, by its terms, would be operative on the date on which Union Oil and Gas Corporation of Louisiana commences collection of increased rates under its contract with

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Phillips, if later.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Atlantic, if later.

Texas Gas (see order issued December 7, 1956, in Docket No. G–11563 which suspends Union's proposed increase to February 15, 1957, and thereafter until made effective in accordance with the Natural Gas Act). Atlantic urges that, if its proposed increase is suspended, that the suspension period be less than the permissible period of five months.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 31, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57–851; Filed, Feb. 5, 1957; 8:45 a. m.]

[Docket No. G–11845]

SUPERIOR OIL CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Superior Oil Company (Operator), et al. (Superior), on January 7, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increase rate and charge, is contained in the following designated filing:

Description: Notice of Change dated January 4, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 13.

Effective date:[1] February 15, 1957.

Superior's proposed rate change is based on a favored-nations clause in its contract with Texas Gas which, by its terms, will be operative on the date on which Union Oil and Gas Corporation of Louisiana commences collection of increased rates under its contract with Texas Gas (see order issued December 7, 1956, in Docket No. G–11563 which suspends Union's proposed increase from January 1 to February 15, 1957).

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be susupended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 31, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57–852; Filed, Feb. 5, 1957; 8:46 a. m.]

[Docket No. G–11846]

GEORGE C. MCGHEE ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

George C. McGhee (Operator), et al. (McGhee); on January 2, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change dated January 2, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 4 to McGhee's FPC Gas Rate Schedule No. 1.

Effective date:[1] February 2, 1957.

McGhee's proposed rate change is based on a favored-nations clause in its contract with Texas Gas which, by its terms, has purportedly become operative by the rate for a new sale to Texas Gas by Gulf Refining Company of natural gas produced in the South Bell City Field, Calcasieu Parish, Louisiana.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 2, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 31, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57–853; Filed, Feb. 5, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Superior, if later.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by McGhee, if later.

[Docket No. G–11847]

GULF REFINING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Gulf Refining Company (Gulf), on January 4, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated November 28, 1956.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Gulf's FPC Gas Rate Schedule No. 8.

Effective date:[1] February 4, 1957.

Gulf's proposed rate change is based on a favored-nations clause in its contract with Texas Gas which by its terms has purportedly become operative by the rate for a new sale to Texas Gas by Gulf Refining Company of natural gas produced in the South Bell City Field, Calcasieu Parish, Louisiana.

The increased rate and charge so proposed has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 4, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: January 31, 1957.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 57–854; Filed, Feb. 5, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Gulf, if later.

CIVIL AERONAUTICS BOARD

[Docket Nos. 8475, 8148]

GREATER BALTIMORE COMMITTEE, INC.

NOTICE OF CHANGE OF DATE OF PREHEARING CONFERENCE

Notice is hereby given that the date of the Prehearing Conference in the above-entitled investigation heretofore assigned to be held on February 7, 1957, has been changed. The Prehearing Conference will be held on February 15, 1957, at 10:00 a. m., e. s. t., in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., February 1, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57–880; Filed, Feb. 5, 1957; 8:50 a. m.]

[Docket No. 7725]

NORTHWEST AIRLINES, INC.; NORTHWEST PERMANENT CERTIFICATION CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Northwest Airlines, Inc., for amendment of its temporary certificate of public convenience and necessity authorizing trans-Pacific operations so as to provide for unlimited duration of said authorization for its operations between Seattle, Portland, Anchorage, and Tokyo.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 21, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 31, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57–881; Filed, Feb. 5, 1957; 8:50 a. m.]

[Docket No. 5031 et al.]

PAN AMERICAN WORLD AIRWAYS, INC.; REOPENED TRANS-PACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Pan American World Airways, Inc., for authority to operate between Los Angeles, San Francisco, Portland, and Seattle and points in the Far East, via the so-called Great Circle Route.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 20, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 31, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57–882; Filed, Feb. 5, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 150]

MOTOR CARRIER APPLICATIONS

FEBRUARY 1, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 531 (Sub No. 75), filed November 30, 1956, YOUNGER BROTHERS, INC., P. O. Box 14287, 4904 Griggs Rd., Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petrocarbon chemicals, including but not limited to isopropyl alcohol and methyl ethyl ketone*, in bulk, in tank vehicles, from Baton Rouge, La. and Good Hope, La., and points within ten (10) miles of each, to points in Texas. Applicant is authorized to transport petroleum and petroleum products in Texas, Louisiana, and Arkansas.

HEARING: March 27, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 32.

No. MC 531 (Sub No. 76) (Revision), filed November 30, 1956, published at page 324 of the FEDERAL REGISTER issue of January 16, 1957. YOUNGER BROTHERS, INC., P. O. Box 14287, 4904 Griggs Rd., Houston, Tex. Applicant's representative: Ewell H. Muse, Jr., 415 Perry Brooks Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Drilling fluids*, in vacuum tank vehicles,

between points in New Mexico, Colorado, Utah, and Arizona. The revision herein deletes from the previous notice that portion of the description of the manner in which the commodities sought are proposed to be transported, reading: "*requiring the use of vacuum tank equipment.*"

HEARING: Remains as assigned February 26, 1957, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Examiner James C. Cheseldine.

No. MC 2229 (Sub No. 82), filed December 3, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, Dallas, Tex. Applicant's representative: Reagan Sayers, Century Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and Port Arthur, Tex., over Texas Highway 73, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations (a) between Beaumont, Tex., and Houston, Tex., over U. S. Highway 90, and (b) between Beaumont, Tex., and Port Arthur, Tex., over U. S. Highway 69 and Texas Highway 347. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

HEARING: March 22, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 2229 (Sub No. 83), filed December 3 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, Dallas, Tex. Applicant's representative: Reagan Sayers, Century Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Silsbee, Tex., and junction U. S. Highway 69 and Texas Highway 327, over Texas Highway 327, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations (a) between Beaumont, Tex., and Tenaha, Tex., over U. S. Highway 96, and (b) between Lufkin Tex., and junction U. S. Highways 69 and 96, over U. S. Highway 69. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

HEARING: March 26, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 2986 (Sub No. 18), filed January 11, 1957, INDIANAPOLIS & SOUTHERN MOTOR EXPRESS, INCORPORATED, P. O. Box 491, Vincennes, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., from Terre Haute over Indiana Highway 63 to junction Indiana Highway 48, thence over Indiana Highway 48 to junction U. S. Highway 41, and return over the same route, serving all intermediate points, including Fairbanks, Ind., and points within eight (8) miles of Fairbanks, Ind., as intermediate or off-route points, including but not limited to the plant site of the Indiana-Michigan Electric Company, located west of Fairbanks, Ind., and the properties of the Ayrshire Collieries Corporation, located in Curry Township of Sullivan County, Ind. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

NOTE: Applicant proposes to serve junction Indiana Highway 48 and U. S. Highway 41 as a point of joinder only.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 9942 (Sub No. 11), filed January 28, 1957, HALL FREIGHT LINES, INC., 12–18 College Street, Danville, Ill. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and Fairbanks, Ind., over Indiana Highway 63, serving the plant site of the Indiana-Michigan Electric Company located west of Fairbanks, Ind., and the Properties of the Ayrshire Collieries Corporation located in Curry Township, Sullivan County, Ind., as off-route points. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 10761 (Sub No. 64), filed January 22, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 N. Waterman Ave., Detroit 9, Mich. Applicant's representative: Howell Ellis, 520 Illinois Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Indiana-Michigan Electric Company plant, located on the Wabash River approximately four (4) miles west of Indiana Highway 63, and points within the properties of Ayrshire Collieries Corporation, located in Curry Township, Sullivan County, Ind., as off-route points in connection with applicant's authorized regular route operations (1) between St. Louis, Mo., and Indianapolis, Ind., and (2) between St. Louis, Mo., and Cleveland, Ohio, over U. S. Highway 40. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 24211 (Sub No. 6), (Amended) filed January 9, 1957, published in FEDERAL REGISTER issue of January 30, 1957, AL SCANNAVINO, doing business as AL SCANNAVINO TRUCKING CO., 5463 Cherokee Lane, Stockton, Calif. Applicant's representative: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed cake* and *cottonseed pellets*, from Kingsburg and Corcoran, Calif., to points in Nevada. Applicant is authorized to transport grain and beans, feed, and wine, between specified points in California.

HEARING: Remains as assigned March 25, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 78.

No. MC 30319 (Sub No. 76), filed November 1, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, a corporation, 810 North San Jacinto St., P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *air freight* having a prior or subseqdent movement by air, but excluding articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Corsicana, Tex., and Palestine, Tex., over U. S. Highway 287, serving the intermediate points of Tennessee Colony and Cayuga, Tex.; (2) between Tennessee Colony, Tex., and Athens, Tex., from Tennessee Colony over Farm-to-Market Road 321 to junction Texas Highway 19 at Montalba, Tex., thence over Texas Highway 19 to Athens, and return over the same route, serving the intermediate point of Montalba, Tex.; and (3) between Montalba, Tex., and Palestine, Tex., over Texas Highway 19, serving no intermediate points. Applicant is authorized to conduct operations in Louisiana and Texas.

NOTE: Applicant states that it is presently rendering service to and from the termini of Corsicana, Palestine and Athens, Tex., and it is not the desire or intent of applicant to serve any new or additional points except the three intermediate small communities of Tennessee Colony, Cayuga, and Montalba, Tex., all of which are off-rail.

HEARING: March 18, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 35628 (Sub No. 202), filed January 22, 1957, INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, serving the site of the Clayton & Lambert Manufacturing Company plant located near Buckner, Ky., as an off-route point in connection with applicant's authorized regular route operations to and from Louisville, Ky.

HEARING: March 6, 1957, at the Department of Motor Transportation, State Office Bldg., Frankfort, Ky., before Joint Board No. 105.

No. MC 35628 (Sub No. 203), filed January 22, 1957, INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation, 134 Grandville, S. W., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, between Terre Haute, Ind. and junction Indiana Highway 48 and U. S. Highway 41: from Terre Haute over Indiana Highway 63 to junction with Indiana Highway 48, thence over Indiana Highway 48 to junction with U. S. Highway 41, and return over the same route, serving the intermediate point of Fairbanks, Ind., and points within 8 miles of Fairbanks as off-route points. Applicant is authorized to conduct operations in Illinois, Iowa, Kentucky, Indiana, Michigan, Maryland, Massachusetts, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Wisconsin, and the District of Columbia.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 41432 (Sub No. 73), filed December 31, 1956, EAST TEXAS MOTOR FREIGHT LINES, a Corporation, 623 North Washington Street, Dallas 10, Tex. Applicant's representative: Rollo E. Kidwell, 305 Empire Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, transporting: *Ammunition*, (explosives, incendiary, or gas, smoke or tear producing), also *manufactured, ingredients and component parts* of ammunition, and *general commodities* except those of unusual value and except Class A and B explosives (other than ammunition as specified above), and except livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and Port Arthur, Tex., over Texas Highway 73, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Beaumont, Tex., and Houston, Tex.; between Houston, Tex., and New Boston, Tex.; and between Fort Worth, Tex., and Port Arthur, Tex. Applicant is authorized to transport similar commodities in Arkansas, Illinois, Missouri, Tennessee, and Texas.

HEARING: March 22, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 95540 (Sub No. 285), filed January 22, 1957, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's representative: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Moultrie and Thomasville, Ga., to points in Virginia. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 27, 1957, at the Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 109761 (Sub No. 7), (Correction 1 and Amendment 2), CARL SUBLER TRUCKING, INC., 906 Magnolia Ave., Auburndale, Fla., published page 9085, issue of November 21, 1956, and republished page 9621, issue of December 5, 1956. That part of the notice of filing pertaining to the commodities sought to be transported was not clear due to typographical error. Also, since such notice the application was amended. Correctly stated and as amended this portion reads: For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats and sausage, cooked, cured, or preserved, with or without cereals or vegetable ingredients*, in packages, cans, or glass in boxes; *soups*, canned or in packages, and *gelatin* and *animal fat shortening* in cans, packages, barrels, or drums, none of which move under refrigeration, from Austin, Minn. and Owatonna, Minn. and points within ten miles of each, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee; *empty containers or other such incidental facilities* (not specified) used in transporting the above-named commodities on return. Hearing on the application as republished was held on January 8, 1957. This further publication necessary to give notice of the authority sought as amended. Any interested party may by appropriate petition request a further hearing within thirty (30) days from the date of this publication.

No. MC 110315 (Sub No. 4), filed January 18, 1957, FELTS TRANSPORT CORPORATION, P. O. Box 69, Galax, Va. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Hugheston, W. Va. to points in Alleghany, Tazewell, Giles, Washington, Russell, Smyth, Montgomery, and Roanoke Counties, Va. Applicant is authorized to transport the named commodities from Friendship, N. C. and Charleston and Boomer, W. Va. to Peterstown, W. Va. and specified counties in Virginia.

HEARING: March 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 245.

No. MC 111159 (Sub No. 34) correction, MILLER PETROLEUM TRANSPORTERS, LTD., Jackson, Miss. Applicant's representative: Phineas Stevens, Suite 900 Milner Bldg., P. O. Box 141, Jackson, Miss. That portion of the notice of filing published at page 331 of the FEDERAL REGISTER issue of January 16, 1957, reading: Sterling, La., was in error. The correct name of the town proposed to be served is: Sterlington, La.

HEARING: Remains assigned February 25, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Examiner Robert A. Joyner.

No. MC 114737 (Sub No. 4), filed November 1, 1956, O. A. WOODY, doing business as O. & A. FILM LINES, 1310 Avenue G, Lubbock, Tex. Applicant's representative: W. D. Benson, Jr., Suite 1105, Great Plains Life Bldg., Lubbock, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motion picture film, theatre supplies, materials and equipment, newspapers*, and *magazines*, (1) between Dallas and San Antonio, Tex., and points in Texas on or bounded by a line beginning at the New Mexico-Texas State line (near Farwell, Tex.), and extending along U. S. Highway 84 to Sweetwater, Tex., thence southerly along Texas Highway 70 to junction U. S. Highway 277, thence along U. S. Highway 277 to San Angelo, Tex., thence along U. S. Highway 67 to Barnhart, Tex., thence along Texas Highway 163 to Ozona, Tex., thence westerly along U. S. Highway 290 to junction U. S. Highway 80 (east of Kent, Tex.), and thence along U. S. Highway 80 (through El Paso, Tex.) to the New Mexico-Texas State line (near Anthony, N. Mex.-Tex.), on the one hand, and, on the other, points in Curry, DeBaca, Roosevelt, Lincoln, Chaves, Dona Ana, Otero, Eddy and Lea Counties, N. Mex., and Baird and Merkel, Tex.; (2) between Dallas and San Antonio, Tex., on the one hand, and, on the other, Baird and Merkel, Tex., and points in that part of Texas as described immediately above; and (3) between Oklahoma City, Okla., on the one hand, and, on the other, points in that part of Texas on and north of a line beginning at the New Mexico-Texas State line and extending along U. S. Highway 84 to junction U. S. Highway 62 and thence along U. S. Highway 62 to the Texas-Oklahoma State line, including points on the indicated portions of the highways specified, except Hereford and Amarillo, Tex. Applicant is authorized to conduct operations in Texas, New Mexico and Oklahoma City, Okla.

NOTE: Applicant proposes to tack the above-described operations to its authorized operations in Certificate MC 114737 (Sub (No. 2), dated May 22, 1956; applicant does not seek duplication; if application is granted, will request cancellation of any duplicating authority; purpose of applica-

tion is to extend applicant's operations by including additional commodities herein sought and additional points of San Antonio, Merkel and Baird, Tex., as more fully set forth in the application.

HEARING: March 21, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 210.

No. MC 116301, filed November 13, 1956, ABODE TRANSFER & STORAGE CO., INC., 512 Meadows Bldg., Dallas, Tex. Applicant's representative: R. B. Cortez, 512 Meadows Bldg., Dallas, Tex. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities* (as more fully described in the application), except Class A and B explosives, commodities requiring refrigeration, and livestock, over the following regular routes: (1) between Dallas, Tex., and Laredo, Tex., from Dallas over U. S. Highway 77 to Hillsboro, thence over U. S. Highway 81 to San Antonio, thence over U. S. Highway 81 to Laredo, and return over the same route, serving the intermediate point of San Antonio and the off-route point of Rockwall; (2) between Houston, Tex., and Laredo, Tex., from Houston over U. S. Highway 90 to San Antonio, thence over U. S. Highway 81 to Laredo, and return over the same route, serving the intermediate point of San Antonio, (3) between Houston, Tex., and Laredo, Tex., from Houston over U. S. Highway 59 to Laredo, and return over the same route, serving no intermediate points; (4) between Houston, Tex., and Laredo, Tex., from Houston over U. S. Highway 59 to Victoria, thence over U. S. Highway 77 to Sinton, thence over U. S. Highway 181 to Corpus Christi, thence over Texas Highway 44 to Freer, thence over U. S. Highway 59 to Laredo, and return over the same route, serving the intermediate point of Corpus Christi; and over the following irregular routes: (1) *Oil field equipment and machinery*, with a 4,000 pound minimum shipment, between Laredo, Texas and points in Texas; (2) *Household goods*, as defined by the Commission, *new and used furniture and fixtures*, with a 1,000 pound minimum, between Laredo, Texas and points in Texas.

NOTE: Above operations will be conducted for import and export through Laredo, Texas.

HEARING: March 25, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 116303, filed November 13, 1956, FIVE STAR TRANSFER & TERMINAL WAREHOUSE, INC., 8015 Sovereign, Dallas, Tex. Applicant's representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, as described by the Commission, and *damaged shipments thereof*, and *household goods* as defined by the Commission, (1) between points in Texas, Oklahoma, and Louisiana, and (2) between points in Texas, Arkansas, and Oklahoma.

HEARING: March 11, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Lucian A. Jackson.

No. MC 116303 (Sub No. 1), filed November 21, 1956, FIVE STAR TRANSFER & TERMINAL WAREHOUSE, INC., 8015 Sovereign, Dallas, Tex. Applicant's representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, as described by the Commission, and *damaged shipments thereof*, and *household goods*, as defined by the Commission, between points in Texas, New Mexico, Kansas, Missouri, Colorado, Arizona, Tennessee, Illinois, Wisconsin, Ohio, and Indiana.

HEARING: March 12, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Lucian A. Jackson.

MOTOR CARRIER OF PASSENGERS

No. MC 3647 (Sub No. 208), filed January 14, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, express, newspapers and baggage of passengers*, in the same vehicle with passengers, (1) between Greystone Park (Parsippany-Troy Hills), N. J., and Irvington, N. J., from Greystone Park State Hospital, Parsippany-Troy Hills, N. J., over Central Avenue to junction Stiles Avenue, Morris Plains, N. J., thence over Stiles Avenue to junction of Glenbrook Road, thence over Glenbrook Road to junction of Speedwell Avenue (U. S. Highway 202), thence over Speedwell Avenue to junction of Park Place to junction of Park Place West, in Morristown, N. J., thence over Park Place West to junction of Park place South, thence over Park Place South to junction of Park Place East, thence over Park Place East to junction of Morris Street, thence over Morris Street to junction of Washington Avenue, thence over Washington Avenue to junction of Normandy Parkway, thence over Normandy Parkway to junction of New Jersey Highway 24, Morris Township, N. J., thence over New Jersey Highway 24 through Convent, Madison, Chatham, Summit, Millburn and Springfield to the junction of Millburn Avenue, Springfield, N. J., thence over Millburn Avenue through Millburn to junction of Springfield Avenue (New Jersey Highway 24), Maplewood, N. J., thence over Springfield Avenue through Maplewood to junction of Irvington Bus Terminal, Irvington, N. J., returning over the same route to junction of Millburn Avenue and Essex Street, Millburn, N. J., thence over Essex Street to junction of Millburn Avenue, Millburn, N. J., thence over the same route to junction of Morris Street and Park Place North, Morristown, N. J., thence over Park Place North to junction of Speedwell Avenue (U. S. Highway 202), Morristown, N. J., and thence over the same route named above, serving all intermediate points, (2) beginning and ending at Morris Plains, N. J., from junction of Glenbrook Road and Mountain Way, Morris Plains, N. J., thence over Mountain Way to junction of Grannis Drive, thence over Grannis Drive to junction of Speedwell Avenue (U. S. Highway 202), thence over Speedwell Avenue (U. S. Highway 202) to junction of Glenbrook Road, Morris Plains, N. J., and return over the same route, serving all intermediate points, (3) beginning and ending at Morristown, N. J., from junction of Park Place South-Park Place East and South Street (New Jersey Highway 24), Morristown, N. J., thence over South Street (New Jersey Highway 24) to junction of Madison Avenue (New Jersey Highway 24) thence over Madison Avenue to junction of Normandy Parkway and New Jersey Highway 24, Morris Township, N. J., and return over the same route, serving all intermediate points, (4) beginning and ending at Madison, N. J., from junction of New Jersey Highway 24 and Elm Street, Madison, N. J., thence over Elm Street to junction of Park Avenue, thence over Park Avenue to junction of New Jersey Highway 24, Madison, N. J., and return over the same route, serving all intermediate points, (5) between Summit, N. J., and Springfield, N. J., from junction of New Jersey Highway 24 and River Road, Summit, N. J., thence over River Road to junction of Morris Avenue, thence over Morris Avenue to junction of Broad Street, thence over Broad Street to junction of Morris Avenue, Springfield, N. J., thence over Morris Avenue to junction of New Jersey Highway 24 and Millburn Avenue, Springfield, N. J., and return over the same route, serving all intermediate points, (6) between Springfield, N. J., and Millburn, N. J., from junction New Jersey Highway 24 and Millburn Avenue, Springfield, N. J., thence over New Jersey Highway 24 to junction of Main Street, Springfield, N. J., thence over Main Street to junction of Millburn Avenue, Millburn, N. J., returning from junction of Essex Street and Main Street, Millburn, N. J., thence over Main Street to junction of New Jersey Highway 24, Springfield, N. J., thence over New Jersey Highway 24 to junction of Millburn Avenue, Springfield, N. J., serving all intermediate points, and (7) between Springfield, N. J., and Newark, N. J., from junction of New Jersey Highway 24 and Main Street, Springfield, N. J., thence over New Jersey Highway 24 to junction of New Jersey Highway 82, thence over New Jersey Highway 82 to junction of U. S. Highway 22, Union, N. J., thence over U. S. Highway 22 to junction of U. S. Highway 1, Newark, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New Jersey and New York.

HEARING: March 18, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 109780 (Sub No. 47), filed November 28, 1956, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. Applicant's representative: Alfred Crager, 315 Continental Avenue, Dallas, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between junction New U. S. Highway 67 and Texas Highway 205, approximately one and one-half (1½) miles south of Rockwall, Tex., and Royse City, Tex., a distance of approximately eight (8) miles over New U. S. Highway 67, serving no intermediate points. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Utah.

NOTE: Applicant is authorized to transport *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Dallas, Tex., and Greenville, Tex., over U. S. Highway 67, serving all intermediate points. It is the desire of applicant to route through direct service over the New U. S. Highway 67, over the points indicated, but it is also desired to maintain rights for the performance of local service over the old U. S. Highway 67, through Rockwall, Fate and Royse City, Tex., and points intermediate thereto. Applicant further states that New U. S. Highway 67 has been cut through, beginning at a point one and one-half (1½) miles from Rockwall and extending to Royse City, and such highway is of the modern super-highway type. The towns of Rockwall, Fate, and Royse City are situated a short distance from the metropolitan part of Dallas and many persons live in these communities who commute between their homes and Dallas. Applicant desires, therefor, to maintain the local service to accommodate these passengers by the use of old U. S. Highway 67, which will become a state maintained road of the farm-to-market type, and it is desired in addition to operate through schedules of the applicant over the New U. S. Highway 67.

HEARING: March 26, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 111978 (Sub No. 4), filed January 3, 1957, EDWARD DAVIS, doing business as BLACK AND WHITE TRANSIT COMPANY, Grundy, Va. Applicant's representative: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between the Kentucky-Virginia State line and junction Virginia Secondary Highway 609 and U. S. Highway 460, from the Kentucky-Virginia State line over Virginia Highway 80 to junction Virginia Secondary Highway 609, near Breaks, Va., thence over Virginia Secondary Highway 609 to junction U. S. Highway 460, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kentucky and Virginia.

HEARING: March 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 108.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub No. 70), filed January 14, 1957, SHIPLEY TRANSFER, INC., 534 Main St., Reisterstown, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Latex*, in bulk, in tank vehicles, from Dover, Del., and points within fifteen (15) miles of Dover, to Alexandria Bay, N. Y., restricted in traffic destined to Ontario, Canada, Baltimore, Md., Chicago, Ill., Columbia, S. C., Detroit, Mich., Fairfax, Ala., LaGrange, Ga., Minneapolis, Minn., New Brunswick, N. J., New York, N. Y., Philadelphia, Pa., Quakertown, Pa., Secaucus, N. J., and points in Massachusetts, with elimination of any duplication. Applicant is authorized to conduct operations in Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, Pennsylvania, New York, New Jersey, Virginia, North Carolina, Ohio, Indiana, Michigan, Missouri and Wisconsin.

No. MC 66562 (Sub No. 1332), filed January 22, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's representative: William H. Marx, 219 E. 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Spokane, Wash., and Wallace, Idaho, over U. S. Highway 10, serving the intermediate points of Dishman, Wash., and Coeur d'Alene and Kellogg, Idaho. Applicant is authorized to conduct operations throughout the United States.

No. MC 104724 (Sub No. 10), filed January 23, 1957, SUPERIOR TRUCKING COMPANY, INC., 520 Bedford Place NE., Atlanta, Ga. Applicant's representative: Reuben G. Crimm, Eight-O-Five Peachtree Street Bldg., Atlanta 8, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Advertising matter*, when in mixed shipments with *malt beverages*, from Atlanta, Ga., to points in Alabama, Florida, North Carolina, South Carolina and to Chattanooga, Lawrenceburg, Shelbyville, Cookeville, Harriman, Johnson City, Knoxville and Nashville, Tenn. Applicant is authorized to transport malt beverages in Georgia, Alabama, Tennessee, Florida, North Carolina, and South Carolina.

NOTE: Applicant states that it presently holds a permit as a contract carrier to transport malt beverages from Atlanta, Ga., to the above destination points, and the instant application is sought solely to permit applicant to move advertising matter in mixed shipments with the malt beverages already authorized, and no extension of authority is sought. Applicant is authorized to conduct operations under Certificate No. MC 106644. Section 210 may be involved.

No. MC 107158 (Sub No. 7), filed November 19, 1956, DENNIS TRUCK LINE, INC., 4622 South Bishop St., Chicago, Ill. Applicant's representative: Franklin R. Overmyer, Harris Trust Bldg., 111 West Monroe St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, between Cleves, Ohio (a part of the Cincinnati, Ohio, Commercial Zone as defined by the Commission), and junction U. S. Highway 52 and Kilby Road: from Cleves over U. S. Highway 50 to junction with Kilby Road, and thence over Kilby Road to junction with U. S. Highway 52, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Chicago, Ill. and Cincinnati, Ohio via U. S. Highway 41 to Kent, Ind., and U. S. Highway 52 via Indianapolis to Cincinnati.

No. MC 114346 (Sub No. 5), filed September 10, 1956, published in the FEDERAL REGISTER of October 10, 1956, TRANS-CARIBBEAN MOTOR TRANSPORT, Pier 2, Municipal Docks, Miami 32, Fla. Applicant's representative: Allan F. Wholstetter, 1518 K. Street NW., Washington 5, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *General commodities, including Class A and B explosives, household goods as defined by the Commission, those requiring refrigeration, commodities in bulk, and those requiring special equipment*, but excluding commodities of unusual value, in pick-up and delivery service, between points within the Commercial Zone of Jacksonville, Fla. The above service is restricted to traffic moving to and from territories and possessions of the United States.

NOTE: The hearing previously assigned was cancelled upon the filing of verified statements on behalf of applicant.

No. MC 116373 (Sub No. 1), filed January 23, 1957, HENRY HYMAN, doing business as MODERN TRUCKING COMPANY, 1 W 19th St., New York, N. Y. Applicant's representative: Charles H. Trayford, 155 E. 40th St., New York 16, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toys* and *games*, in packages, between the plant site of General Sportcraft Co., Ltd. in Bergenfield, N. J., on the one hand, and, on the other, points in the New York, N. Y., Commercial Zone, as defined by the Commission.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6007, published in the June 29, 1955, issue of the FEDERAL REGISTER on page 4610. Application filed January 28, 1957, for temporary authority under section 210a (b).

No. MC-F 6264, published in the May 16, 1956, issue of the FEDERAL REGISTER on page 3245. Petition filed January 28, 1957, for reopening and grant of supplemental authority. Additional authority proposed to be transferred to RED BALL,

MOTOR FREIGHT, INC.: That portion of Certificate No. MC 61440 Sub 68, issued November 30, 1955, to LEE WAY MOTOR FREIGHT, INC., covering the transportation of *government-owned compressed gas trailers*, loaded with compressed gas (other than liquefied petroleum gas) or empty, as a *common carrier* over regular routes between Amarillo, Tex., and Clovis, N. Mex., serving certain intermediate and off-route points.

No. MC–F 6497. Authority sought for control and merger by UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane, Wash., of the operating rights and property of APPLE CITY TRANSFER CO., INC., West 1741 Eleventh Avenue, Spokane, Wash., and for acquisition by JOHN MANLOWE, also of Spokane, of control of such rights and property through the transaction. Applicant's representative: John Manlowe, President, United Truck Lines, Inc., East 915 Springfield Avenue, Spokane 2, Wash. Operating rights sought to be controlled and merged: *Paper*, as a *common carrier* over a regular route between Seattle, Wash., and Oroville, Wash., serving the intermediate points of Omak, Okanogan, and Tonasket, Wash.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Wenatchee, Wash., and points within three miles of Wenatchee; *household goods*, as defined by the Commission, between Wenatchee, Wash., on the one hand, and, on the other, points in Washington and Oregon; *sugar*, between Wenatchee, Wash., on the one hand, and, on the other, points in Chelan, Okanogan, and Grant Counties, Wash.; *orchard spray* and *spray materials*, between Wenatchee, Wash., on the one hand, and, on the other, points in Washington. UNITED TRUCK LINES, INC., is authorized to operate as a *common carrier* in Washington, Oregon, Montana and Idaho. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6498. Authority sought for purchase by ALLEN E. KROBLIN, INC., Sumner, Iowa, of the operating rights of DAIRY DESPATCH, 180 East 6th Street, Dubuque, Iowa, and for acquisition by ALLEN E. KROBLIN and MILDRED KROBLIN, both of Sumner, of control of such rights through the purchase. Applicant's representative: William B. Mooney, First National Bank Bldg., Waverly, Iowa. Operating rights sought to be transferred: *The commodities classified as dairy products* in the appendix to the report in *Modification of Permits—Packing House Products*, 46 M. C. C. 23, as a *common carrier* over irregular routes from points in that part of Iowa on and east of U. S. Highway 71 from the Iowa-Minnesota State line to junction Iowa Highway 92, and on and north of Iowa Highway 92 from said junction to the Iowa-Illinois State line, to Dubuque, Calmar, Charles City, Iowa Falls, and Manchester, Iowa. Vendee is authorized to operate as a *common carrier* in Iowa, Illinois, Wisconsin, Minnesota and Indiana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6500. Authority sought for control by PHILANDER COOKE, 19 Middletown Avenue, North Haven, Conn., of HERCULES TRUCKING CO., INC., P. O. Box 2693, Elmwood Station, Providence, R. I. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, Conn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Providence, R. I., and Boston, Mass., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between Providence, R. I., on the one hand, and, on the other, points in Bristol, Kent, and Providence Counties, R. I.; *automatic sprinkling apparatus, humidifying, and air conditioning apparatus*, and *pipes, valves, fittings, tools, accessories*, and *materials* used in the installation of such apparatus between Cranston and Providence, R. I., on the one hand, and, on the other, points in Massachusetts and those in that part of Connecticut east of Connecticut Highway 10, including points on the highway specified; *heating apparatus*, and *boilers, radiators, pipes, fittings, grates, tools*, and *materials* used in the installation of such apparatus between Cambridge and Westfield, Mass., on the one hand, and, on the other, points in Rhode Island; *shoe manufacturing machinery*, between Providence, R. I., and Beverly, Mass. PHILANDER COOKE, doing business as COOKE'S EXPRESS COMPANY, is authorized to operate as a *common carrier* in Connecticut, Massachusetts and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MCF 6501. Authority sought for purchase by PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Dravosburg, Pa., of the operating rights of FREDERICK VEADER, doing business as V & G TRUCKING, 175 Williams Street, Chelsea, Mass., and for acquisition by F. T. HILLER, 2211 Jenny Lind Street, McKeesport, Pa., of control of such rights through the purchase. Applicants' representative: Leonard Boreman, 1124 Frick Bldg., Pittsburgh 19, Pa. Operating rights sought to be transferred: *Steel rolls*, as a *common carrier* over irregular routes between Lawrence, Mass., and Ansonia, Conn.; *machinery*, between Lawrence and North Andover, Mass., on the one hand, and, on the other, points in Pennsylvania, New York and North Carolina. Vendee is authorized to operate as a *common carrier* in New York, Massachusetts, New Jersey, Rhode Island, Connecticut, Pennsylvania, Ohio and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6502. Authority sought for purchase by RUSSELL GILLILAND and MAURICE GILLILAND, doing business as GILLILAND TRANSFER COMPANY, 21 Sheridan Street, Fremont, Mich., of the operating rights and property of H. E. JENSEN, 110 East Broadway, Scottville, Mich. Applicants' representative: Kit Clardy, 712 Olds Tower, Lansing, Mich. Operating rights sought to be transferred: *Agricultural commodities*, as a *common carrier* over regular and irregular routes from points in Mason County, Mich., to Chicago, Ill., serving all intermediate points; *feed, agricultural commodities*, and *empty fruit containers*, from Chicago, Ill., to points in Mason County, Mich., serving all intermediate points; *agricultural commodities* and *household goods* as defined by the Commission, over irregular routes between Chicago, Ill., on the one hand, and, on the other, certain points in Michigan; *unmanufactured agricultural commodities*, from points in Oceana County, Mich., to points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission; *feed* and *fertilizer*, from Chicago and Chicago Heights, Ill., to certain points in Michigan, and from points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission, except Chicago, Ill., to certain points in Michigan; *cheese* and *butter*, from Fountain, Mich., to Chicago, Ill.; *salt*, in truckloads, as a *contract carrier* over irregular routes, from Manistee, Mich., to points in Indiana and Illinois. Vendee is authorized to operate as a *common carrier* in Michigan, Missouri, Kentucky, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, New York and West Virginia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–856; Filed, Feb. 5, 1957; 8:46 a. m.]

ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK, BUSINESS AND FUNCTIONS

AMENDMENT OF MINUTES

JANUARY 25, 1957.

The Organization Minutes of the Interstate Commerce Commission relating to the organization of divisions and boards and assignment of work, business and functions of the Interstate Commerce Commission, pursuant to section 17 of the Interstate Commerce Act as amended, effective July 17, 1956 (21 F. R. 6310), as amended (21 F. R. 7927, 9000) have been further amended, effective immediately:

1. Paragraphs (g), (h), (i), and (k) of Item 4.2 *Division One—Motor Carrier Division*, are amended to read as follows:

(g) Sections 206, 207, and 208, relating to certificates of public convenience and necessity.

(h) Section 209, relating to permits.

(i) Section 210, relating to dual operations.

(k) Section 211, relating to brokerage licenses.

2. Item 7.4 *Motor Carrier Board*, delete paragraph (a) and reletter paragraphs (b), (c), (d), (e) and (f) as paragraphs (a), (b), (c), (d) and (e), respectively; in new paragraph (a) in the last sentence change the reference to "Item 7.4 (f)" to read "Item 7.4 (e)". As thus corrected paragraph (a) reads as follows:

(a) Section 210a (a), relating to applications for temporary authority for service by common or contract carriers by motor vehicle, except applications involving broad questions of policy; matters following the issuance of an order or requirement of the Commission or a Division thereof; matters in which a related question is already before the Commission or a Division; and applications received as a result of strikes which allegedly disrupt transportation in the areas involved, provided that any initial grant of temporary authority by the Motor Carrier Board shall be limited to a period not exceeding 60 days, but may be continued by the Board, upon consideration of an appropriate petition, for a further period, not to exceed an aggregate of 180 days. Matters herein excepted from the Board's jurisdiction shall be certified to Division 1 under Item 7.4 (e).

3. Item 8.5 under *Rehearings and further proceedings* is amended by substituting therein reference to "Item 7.4 (a)" in lieu of reference to "Item 7.4 (b)". As thus amended, Item 8.5 reads as follows:

8.5 Division One is hereby designated as an appellate division to which applications or petitions for reconsideration or review of any order, action, or requirement of the Motor Carrier Board shall be assigned or referred for disposition, (except as otherwise provided in Item 7.4 (a),) and the decisions or orders of the appellate division shall be administratively final and not subject to review by the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–855; Filed, Feb. 5, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[24FW–1046]

DANCU CHEMICAL CO.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 31, 1957.

I. DanCu Chemical Co., an Oklahoma Corporation, having filed with this Commission on August 7, 1956, a notification on Form 1–A relating to a proposed offering of 18,000 shares of its $10.00 par value Class "B" Common Voting Stock at $10.00 per share, and 9,000 shares of its $10.00 par value 6 Percent Cumulative Convertible Class "B" Preferred Stock (each share convertible into one share of Class "B" Common Stock) at $10.00 per share, and an additional 9,000 shares of the Class "B" Common Voting Stock reserved to cover the conversion privileges of the Class "B" Preferred Stock, all for an aggregate offering price of $270,000.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with and that by reason of the provisions of Rule 216 (b) (4) (ii) thereunder the exemption provided by Regulation A is not available for this notification filed by DanCu Chemical Co. and the offering proposed to be made thereunder, for the reason that heretofore on December 20, 1956 the Commission entered an order against DanCu Chemical Co. temporarily suspending the Regulation A exemption with respect to a prior notification filed by the company, which said suspension order is still in full force and effect.

III. *It is therefore ordered*, Pursuant to Rule 216 (b) (4) (ii) and Rule 223 (a) (5) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS, *Secretary.*

[F. R. Doc. 57–857; Filed, Feb. 5, 1957; 8:47 a.m.]

[File No. 812–1062]

TRI-CONTINENTAL CORP. ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE FOR SUCH SECURITIES

FEBRUARY 1, 1957.

In the matter of Tri-Continental Corporation, Tri-Continental Financial Corporation, Broad Street Investing Corporation, Whitehall Fund, Inc.; File No. 812–1062.

Notice is hereby given that Tri-Continental Corporation ("Tri-Continental"), a registered closed-end diversified investment company, Tri-Continental Financial Corporation ("Financial"), a registered closed-end non-diversified investment company, Broad Street Investing Corporation ("Broad Street") and Whitehall Fund, Inc. ("Whitehall"), registered open-end diversified investment companies, have filed a joint application pursuant to the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) of the act, the proposed purchase by the applicants of an aggregate of not to exceed $4,900,000 principal amount of ____ percent Convertible Subordinated Debentures due 1987 of Phillips Petroleum Company ("Phillips").

The application makes the following representations:

Phillips proposes to offer to the holders of its Common Stock of record at the close of business on February 7, 1957, rights to subscribe for the Debentures at the rate of $100 principal amount of Debentures for each 20 shares of Common Stock then held of record. Among the principal underwriters named or to be named in the Registration Statement filed with the Commission under the Securities Act of 1933 is Clark, Dodge & Co. David McAlpin, a limited partner in the firm of Clark, Dodge & Co., is a director of each of the Applicants. None of the other principal underwriters of the Debentures is affiliated with any of the Applicants.

After the Registration Statement has become effective and the price and other terms of such Subscription Offer have been made public, the Applicants may respectively determine to purchase the following maximum principal amounts of Debentures:

Applicant:	*Maximum principal amount of debentures which may be purchased*
Tri-Continental	$2,000,000
Financial	2,000,000
Broad Street	750,000
Whitehall	150,000

Such purchases, if made, may be made (a) from any underwriter of the Debentures or from any dealer or broker or other person selling the Debentures and will be made at the price or prices at which the Debentures are being offered to the general public, or (b) through the exercise of Rights which will be purchased at a price or prices at which the Rights are being quoted on the New York Stock Exchange at the time of purchase. The underwriter or dealer or other person selling the Debentures or the Rights to the respective Applicants will receive the same discounts or commissions in connection therewith as in the case of sales of Debentures or Rights to the general public. No purchase will be made by any of the Applicants from Clark, Dodge & Co., but in the event that purchases are made from the managing underwriter selling for group account, sales made to the Applicants by such managing underwriter may accrue to the benefit of Clark, Dodge & Co. in proportion to its participation in the group.

Tri-Continental, which presently owns 52,000 shares of Common Stock of Phillips, and Broad Street, which presently owns 12,000 shares of Common Stock of Phillips, may respectively determine to exercise the Rights which will be issued to them as stockholders. The exercise of these Rights which would result in Tri-Continental acquiring an additional $260,000 principal amount of Debentures and Broad Street acquiring an additional $60,000 principal amount of Debentures, are exempt from the pro-

hibition of section 10 (f), referred to hereinafter, pursuant to Rule N-10F-2.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since a partner of Clark, Dodge & Co., a participant in the underwriting group, is a director of each of the Applicants, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any security or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Since purchases may be made from the managing underwriter which purchases may accrue to the benefit of Clark, Dodge & Co., the transactions in this respect would come within the prohibitions of section 17 (a) unless an exemption therefrom is granted pursuant to section 17 (b).

The decision by each Applicant to purchase any of the Debentures, if made, will be based upon the opinion of the management of such Applicant that the purchase of such Debentures at the price or prices then existing, will constitute a good investment for such Applicant. The application also states that the requested exemption is consistent with Applicants' investment policies and with the protection of investors; that the terms of the proposed transactions, including the consideration to be paid and received are reasonable and fair and do not involve overreaching on the part of any person concerned; and that the proposed transactions are consistent with the general purposes of the act.

Notice is further given that any interested person may, not later than February 13, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-879; Filed, Feb. 5, 1957; 8:49 a. m.]

[File No. 24D-1402]

URAINBOW, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JANUARY 31, 1957.

I. Urainbow, Inc. (hereinafter referred to as the "issuer"), 908 Kearns Building, Salt Lake City, Utah, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, filed with the Commission on August 31, 1954, a notification on Form 1-A and an offering circular, and subsequently filed amendments, relating to a proposed offering of 2,000,000 shares of 2 cents par value common stock at 15 cents per share.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The issuer failed to file a report on Form 2-A within the time period required by Rule 224 of Regulation A.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in that:

1. The address appearing on the issuer's offering circular is no longer accurate.

2. Mr. N. J. Nielson, listed as a member of the Board of Directors in the offering circular, is deceased and has been replaced by Mr. Barney Amundson.

3. The offering circular fails to indicate that the underwriting agreement between the issuer and the Austin B. Smith Brokerage Co. was terminated on or about December 15, 1954.

4. Item 3 of the notification states that the issuer issued and sold 3,971,125 shares of its unregistered common stock within one year prior to the date of filing the notification to persons who had agreed to take the stock for investment purposes and not for purposes of resale or distribution, whereas Messrs. Val S. Scoville, Secretary-Treasurer of the issuer, and N. J. Nielson distributed a large portion of their stock within a short period of time after the acquisition of such stock and prior to the date the notification was filed.

5. The offering circular discloses that the issuer has a lease on fourteen unpatented lode mining claims located in Mohave County, Arizona, entitled the "Hack Canyon Property," whereas the lease has been terminated by the lessors and the issuer no longer has such property.

6. The offering circular fails to disclose that the issuer was in litigation over the validity of the lease on the Hack Canyon property for many months.

C. The use of the offering circular without disclosure of the aforementioned facts would and did operate as a fraud and deceit upon the purchasers of such securities.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-858; Filed, Feb. 5, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ELSA BECK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Elsa Beck, nee Schwarz, Budapest, Hungary; Claim No. 48079; Vesting Order No. 592. Four pictures, executed by Mrs. Elsa Beck-Schwarz, acquired pursuant to Vesting Order No. 592 as part of the Felleky Collection (more commonly known as the Hungarian Reference Library) which was in the custody of the Hungarian National Museum and described as follows: Afternoon Coffee (oil painting), Peasant Cottage (water color drawing), Snowy Garden (water color drawing), and Returning by Moonlight (water color drawing).

The above described pictures are presently located in the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-867; Filed, Feb. 5, 1957; 8:48 a. m.]

TAIICHI THOMAS ASAMI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Taiichi Thomas Asami, Tokyo, Japan; Claim No. 57978; Vesting Order No. 7814; $2,000.00 in the Treasury of the United States.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-866; Filed, Feb. 5, 1957; 8:48 a. m.]

WILLIAM DEUSCHLE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

William Deuschle, Brooklyn, New York, Claim No. 63611; $309.40 in the Treasury of the United States.

Luise Ege, Mineola, New York, Claim No. 63612; $309.40 in the Treasury of the United States.

Alberto Deuschle, Rio Grande de Sul, Brazil, Claim No. 63613; $309.40 in the Treasury of the United States.

Vesting Order Nos. 10180 and 11314.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-868; Filed, Feb. 5, 1957; 8:48 a. m.]

HAIMO GOEDECKE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Haimo Goedecke, Wehr/Baden, Germany, Claim No. 62552; Vesting Orders Nos. 17975 and 17978; $3,013.80 in the Treasury of the United States.

Certificates numbers CO 5070 and CO 5079 for 26 and 40 shares, respectively, of Central Public Utility Corporation voting trust certificates for $1.00 par value common stock, presently in the possession of the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-869; Filed, Feb. 5, 1957; 8:48 a. m.]

ALAN PERCY GRAVES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alan Percy Graves, Geneva, Switzerland; Claim No. 58483; Vesting Order No. 13865; $3,481.00 in the Treasury of the United States.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-870; Filed, Feb. 5, 1957; 8:48 a. m.]

MERCEDES HUNTINGTON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mercedes Huntington, Florence, Italy; Claim No. 46625; Vesting Order No. 1389; all right, title, interest and claim of any kind or character whatsoever of Mercedes Huntington, also known as Mercedes H. Pasetti, in and to a trust created under the will of Annie Oakes Huntington, deceased, which is presently in the process of administration by Boston Safe Deposit and Trust Company of Boston, Massachusetts, Trustee, acting under the judicial supervision of the Probate Court, Oxford County, Maine.

Dated at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-871; Filed, Feb. 5, 1957; 8:48 a. m.]

HILDE KOPLENIG

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hilde Koplenig, nee Oppenheim; Vienna, Austria; Claim No. 63220; Vesting Order No. 4860; all right, title, interest and claim of any kind or character whatsoever, of Hilde Koplenig nee Oppenheim in and to the trusts created under the will of Max Lobl, deceased, presently in the process of administration by Herbert A. Mosaler, as Trustee, acting under the judicial supervision of the Surrogate's Court, Bronx County, State of New York.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-872; Filed, Feb. 5, 1957; 8:49 a. m.]

SANDOR LINDENFELD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mr. Sandor Lindenfeld, c/o Mrs. Therese Pollack, Vienna, I., Kollnerhofgasse 3-14,

Austria; Claim No. 40099; Vesting Order No. 5166; $960.00 in the Treasury of the United States.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-873; Filed, Feb. 5, 1957; 8:49 a. m.]

GINO LEVI BASEVI ET AL.

AMENDMENT TO NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Notice of Intention to Return Vested Property hereinafter described to Enrica Levi, nee Basevi and Gabriella Zamorani, nee Basevi was published in the FEDERAL REGISTER on October 25, 1955 (20 F. R. 8029). Subsequent to the publication of the Notice, this Office was advised that Enrica Levi, nee Basevi died intestate and left surviving as sole heirs her children, Gino Levi Basevi and Gabriella Montalcini Levi. Consequently, the Notice of Intention to Return Vested Property published on October 25, 1955 (20 F. R. 8029) is amended to read as follows:

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimants, Claim No., Property, and Location

Gino Levi Basevi and Gabriella Montalcini Levi, Rapallo (Genoa), Italy, Gabriella Zamorani, nee Basevi, Rome, Italy; Claim No. 39677; Vesting Order No. 2785; $264.35 in the Treasury of the United States; one-half thereof to Gabriella Zamorani, nee Basevi, and one-fourth thereof each to Gino Levi Basevi and Gabriella Montalcini Levi.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-876; Filed, Feb. 5, 1957; 8:49 a. m.]

MARINE INSURANCE CO., LTD.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The Marine Insurance Company, Ltd., 159 Leadenhall Street, London, E. C. 3, England; Claim No. 44074; Vesting Order No. 6895; $332.22 in the Treasury of the United States.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-874; Filed, Feb. 5, 1957; 8:49 a. m.]

FRIEDRICH TIMMERMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Friedrich Timmermann, 2 Nollendorf Strasse, Berlin, W30, Germany; Claim No. 43995; Vesting Order No. 13223; $176.45 in the Treasury of the United States.

Executed at Washington, D. C., on January 30, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-875; Filed, Feb. 5, 1957; 8:49 a. m.]

FEDERAL REGISTER

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Washington, Thursday, February 7, 1957

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TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 945.302 *Limitation of shipments*—(a) *Findings.* (1) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001, et seq.) in that: The time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient because the handling of tomatoes grown in the production area is in progress. More orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the handling of tomatoes in the manner set forth below on and after the effective date of this section. Compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date. Reasonable time is permitted under the circumstances for such preparation. The Florida Tomato Committee held an open meeting on January 31, 1957, after giving due notice thereof, to consider supply and market conditions for Florida tomatoes and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held. The provisions of this section, including its effective time, are those recommended by the committee. Information concerning such provisions and effective time has been disseminated among handlers of such tomatoes.

(b) *Order.* (1) During the period from February 7, 1957, through March 9, 1957, no person shall handle for shipment outside the production area:

(i) Any tomatoes which are "turning" or of greater maturity unless such tomatoes are of a diameter greater than 2⅛ inches (size 7x7 and larger), and meet the requirements of 85 percent U. S. No. 1, or better, grade; or

(ii) Any tomatoes which are of less maturity than "turning" unless such tomatoes are of a diameter greater than 2⅛ inches (size 7 x 7 and larger) and meet the requirements of U. S. Combination, or better, grade except that tomatoes of less maturity than "turning" which are of a diameter greater than 2$^{26}/_{32}$ inches (size 6 x 7 and larger) may be handled if they meet the requirements of the U. S. No. 2, or better, grade.

(2) During the period from February 7, 1957, through March 9, 1957, no person shall handle for shipment outside the production area:

(i) Any tomatoes which are "turning" or of greater maturity unless such tomatoes are shipped in 8-pound or less, 10-pound, or 20-pound containers, the one-half field crate, or the 60-pound field box; and

(ii) Any tomatoes which are of a lesser maturity than "turning" unless such tomatoes are shipped in a 30-pound container or in any of the containers set forth in subparagraph (4) of this paragraph.

(3) During the period from February 7, 1957, through June 30, 1957, no person shall handle for shipment outside the

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FEDERAL REGISTER

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TO
CODE OF FEDERAL
REGULATIONS

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Container usual description	Carrier container number	Inside dimensions	Cubic contents	Maximum net weight of tomatoes permitted
		Inches	*Inches*	*Pounds*
60-pound field box	None	11 x 11 x 22¼	2892	62
60-pound wire-bound crate	4015	11⅜₁₆ x 11⅜₁₆ x 18¾	2672	62
60-pound tomato lug (corrugated)	[1] 23104	19¼ x 13¾ x 12¾	3263	62
50-pound duo pack	[1] 50	11 x 10¾ x 19	2247	51⅔
50-pound full telescope	None	10⅞₁₆ x 10¾ x 18⅜₁₆	2083	51⅔
40-pound 2-piece cardboard box	1915	10 x 9 x 19⅞	1728	41⅓
40-pound ½ RSC vent stitliner	7007	12⅜₁₆ x 8 x 18⅞	1822	41⅓
40-pound bulge pack tomato box	[1] SJ 27	10 x 8⅞ x 19¾	1753	41⅓
34-pound tomato lug box	1040	6⅜₁₆ x 13½ x 15⅞	1353	35.12

[1] Manufacturer's number.

(ii) To allow for variations incident to proper packing, not more than a total of ten percent of the aforesaid containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(5) During the period February 7, 1957, through June 30, 1957, no person shall handle for shipment outside the production area any tomatoes unless such tomatoes are inspected and certified pursuant to the provisions of § 945.60.

(6) For purposes of this section, § 945.140, relating to truck shipments of tomatoes grown in Florida, issued May 2, 1956, and effective May 5, 1956 (21 F. R. 3000), shall continue in effect. The said rule is as follows: "In case of the transportation by truck outside of the production area of any tomatoes which are required to be inspected and certified as complying with any applicable requirements under this part, such tomatoes shall be accompanied by, and made available for examination at any time upon request, a copy of the appropriate inspection certificate or a copy of the appropriate transfer clearance receipt (Form FV-418) issued by the Federal-State Inspection Service, the official inspection agency for this program, showing that such tomatoes have been so inspected and certified."

(7) For purposes of this section, each person subject thereto may handle, pursuant to § 945.53, up to, but not to exceed 300 pounds of tomatoes per day without regard to the requirements of this part, but this exception shall not apply to any portion of a shipment of over 300 pounds of tomatoes.

(8) For purposes of this section, any lot of tomatoes containing more than ten (10) percent of "turning" tomatoes shall be classified as "turning" tomatoes.

(9) The terms "turning", "U. S. No. 1", "U. S. Combination", and "U. S. No. 2" shall have the same meaning assigned these terms in the United States Standards for Fresh Tomatoes (21 F. R. 9559). "Turning" means that there is at least a definite break in color to yellow or pink at the blossom end but not more than one-half of the surface, in the aggregate, is yellow or pink.

(10) The provisions of § 945.302 (21 F. R. 8534), which was issued on November 2, 1956, are hereby terminated, effective as of the effective time of this section.

production area any tomatoes of less maturity than "turning":

(i) Unless they are packed within one of the following ranges of diameter (expressed in terms of minimum and maximum):

Size arrangements	*Diameter (inches)*
7 x 7	Over 2⅛ to 2²⁵/₃₂, inclusive.
6 x 7	Over 2²⁵/₃₂ to 2¹³/₃₂, inclusive.

(ii) Such tomatoes of less maturity than "turning" shall be packed separately for each size range;

(iii) To allow for variations incident to proper sizing not more than a total of ten (10) percent, by count, of such tomatoes in any lot may be either smaller than the specified minimum diameter or larger than the specified maximum diameter;

(iv) Tomatoes larger than 2¹⁷/₃₂ inches diameter may be shipped without regard to the aforesaid pack requirements;

(v) The requirements of this subparagraph shall not be applicable to "turning" tomatoes and tomatoes having a greater degree of maturity.

(4) During the period from February 7, 1957, through June 30, 1957, no person shall handle for shipment outside the production area any tomatoes packed in the following containers:

(i) Unless the net weight of such tomatoes in each such container does not exceed the maximum net weight set forth for each such container;

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 4, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-918; Filed, Feb. 6, 1957; 8:50 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146c, 146e; 21 F. R. 8492, 9192) are amended as indicated below:

1. In § 146a.67 *Procaine penicillin in streptomycin sulfate solution* • • •, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by inserting after the words "18 months" a comma and the words "or 24 months, or 36 months".

2. Section 146c.204 *Chlortetracycline hydrochloride capsules* • • • is amended as follows:

a. Paragraph (a) *Standards of identity* • • • is amended by inserting in the second sentence, immediately after the words "not more than 3 percent if it contains tetracycline", the parenthetical phrase "(not more than 9 percent if it contains sodium metaphosphate as a buffer substance)".

b. Paragraph (c) *Labeling* is amended by changing subparagraph (1) (iv) to read as follows:

(iv) The statement "Expiration date ——————," the blank being filled in with one of the following dates after the month during which the batch was certified:

(*a*) If chlortetracycline hydrochloride is used, 60 months;

(*b*) If tetracycline hydrochloride is used, 48 months;

(*c*) If tetracycline is used, 36 months;

(*d*) If it contains one or more vitamin substances, analgesic substances, antihistaminics, or caffeine, and does not contain tetracycline phosphate complex or sodium metaphosphate, 24 months;

(*e*) If tetracycline phosphate complex is used or if it contains sodium metaphosphate, 18 months:

Provided, however, That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

3. In § 146e.417 *Powder bacitracin methylene disalicylate and streptomycin sulfate oral veterinary*, subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "12 months" to read "24 months".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463 as amended; 21 U. S. C. 357)

Dated: February 1, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F. R. Doc. 57-887; Filed, Feb. 6, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1386]

[Washington 02169]

WASHINGTON

RESERVING PUBLIC LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS WHITE PASS RECREATION AREA

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gifford Pinchot and Snoqualmie National Forests in Washington, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the

Forest Service, Department of Agriculture, as the White Pass Recreation Area:

WILLAMETTE MERIDIAN

T. 13 N., R. 11 E. (unsurveyed),
Sec. 1, S½;
Sec. 2, S½;
Sec. 11, N½, N½S½;
Sec. 12, N½, N½S½.

The areas described aggregate 1,600 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 1, 1957.

[F. R. Doc. 57-888; Filed, Feb. 6, 1957; 8:45 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 17—CONDITIONS APPLICABLE TO PARCELS ADDRESSED TO CERTAIN MILITARY POST OFFICES OVERSEAS

PART 111—POSTAL UNION MAIL

MISCELLANEOUS AMENDMENTS

1. In § 17.1 *Conditions applicable to parcels addressed to certain military post offices overseas*, amend the table of military APOs by striking therefrom A. P. O. No. 377.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

2. In § 111.2 *Specific categories*, (21 F. R. 9120), make the following changes in paragraph (d) (2):

1. In subdivision (ii) delete Ecuador from the listing of countries contained therein.

2. In subdivision (iii) insert Ecuador, in proper order, in the listing of countries contained therein.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-899; Filed, Feb. 6, 1957; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

In the matter of postponement of the effectiveness of a portion of the order.

Upon consideration of the record in the above-entitled proceeding and of an order of the United States District Court for the Southern District of Indiana in the case of Sheldon A. Key, Trustee for Hancock Trucking, Inc., Debtor in Reorganization v. United States, staying the effective date of the Commission's order of November 23, 1956, insofar as said order makes effective § 207.4 (a) (3) of its regulations promulgated therein, for a period of 60 days:

It is ordered, That the part of the Commission's order making effective § 207.4 (a) (3) of its regulations promulgated in this proceeding be, and it is hereby, modified so as to postpone the effective date of § 207.4 (a) (3) until April 2, 1957.

(40 Stat. 546, as amended; 49 U. S. C. 304)

Dated at Washington, D. C., this 1st day of February A. D., 1957.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-905; Filed, Feb. 6, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

U. S. STANDARDS FOR GRADES OF CONCENTRATED GRAPEFRUIT JUICE FOR MANUFACTURING [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Concentrated Grapefruit Juice for Manufacturing pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). This issuance, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION, AND GRADES

Sec.
52.3481 Product description.
52.3482 Grades of concentrated grapefruit juice for manufacturing.

FILL OF CONTAINER

52.3483 Recommended fill of container.

FACTORS OF QUALITY

52.3484 Ascertaining the grade.
52.3485 Ascertaining the rating for the factors which are scored.
52.3486 Color.
52.3487 Defects.
52.3488 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.3489 Explanation of terms and analyses.

SCORE SHEET

52.3490 Score sheet for concentrated grapefruit juice for manufacturing.

AUTHORITY: §§ 52.3481 to 52.3490 issued under sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 1624.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

PRODUCT DESCRIPTION, AND GRADES

§ 52.3481 *Product description.* "Concentrated grapefruit juice for manufacturing" is the concentrated product obtained from sound, mature grapefruit (Citrus paradisi). The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated grapefruit juice is processed in accordance with good commercial practice; and may or may not require processing by heat, subsequent refrigeration, or freezing to assure preservation of the product but is not the product known as "frozen concentrated grapefruit juice." The finished product does not contain any additives except that cold-pressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(a) The Brix value of the finished concentrate shall comply with the following for the dilution factors indicated:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 3	37.5	40.1
1 plus 4	44.5	46.2
1 plus 5	52.7	54.0
1 plus 6	59.6	61.2

(b) Concentrated grapefruit juice for manufacturing of other dilution factors than "1 plus 3" to "1 plus 6," as indicated in paragraph (a) of this section, shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 10.5 degrees.

§ 52.3482 *Grades of concentrated grapefruit juice for manufacturing.* (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated grapefruit juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C for Manufacturing" or "U. S. Standard for Manufacturing" is the quality of concentrated grapefruit juice which shows no serious

gelation, reconstitutes properly, and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard for Manufacturing" is the quality of concentrated grapefruit juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

FILL OF CONTAINER

§ 52.3483 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated grapefruit juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.3484 *Ascertaining the grade*—(a) *General.* The grade of concentrated grapefruit juice for manufacturing is ascertained by examining the concentrate and the reconstituted juice; and in addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.*
(i) Degree of gelation.
(ii) Faculty of reconstituting properly.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.3485 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.3486 *Color*—(a) *(A-Mfg.) classification.* Concentrated grapefruit juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is reasonably bright and typical of properly processed and properly concentrated grapefruit juice and is practically free from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good color a score of 14 to 16 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be only fairly bright and is typical of concentrated grapefruit juice that is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(c) *(SStd-Mfg.) classification.* Concentrated grapefruit juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.3487 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from juice cells and pulp and from seeds or portions thereof, dark specks, and other defects in the reconstituted juice.

(b) *(A-Mfg.) classification.* Concentrated grapefruit juice of which the reconstituted juice is practicaly free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not materially detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of ⅛ inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of ⅛ inch in diameter as do not materially detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not more than slightly objectionable.

(c) *(C-Mfg.) classification.* If the reconstituted juice is fairly free from defects a score of 28 to 33 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not seriously detract from the appearance or drinking quality of the juice;

(2) Not more than 12 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of ⅛ inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of ⅛ inch in diameter as do not seriously detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not materially objectionable.

(d) *(SStd-Mfg.) classification.* Concentrated grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3488 *Flavor*—(a) *(A-Mfg.) classification.* Concentrated grapefruit juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated grapefruit juice from properly processed and concentrated grapefruit juice; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score in this classification the ratio of the Brix value to acid shall be not less than 5.5 to 1.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good flavor a score of 28 to 33 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated grapefruit juice, which flavor may be slightly caramelized or slightly oxidized or may possess traces of terpene, but is free from off-flavors of any kind. To score in this classification the ratio of the Brix value to acid shall be not less than 5 to 1.

(c) *(SStd-Mfg.) classification.* If the concentrated grapefruit juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.3489 *Explanation of terms and analyses*—(a) *Reconstituted juice.* "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the concentrated grapefruit juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated grapefruit juice 6 parts by volume of water are added to produce a reconstituted juice. In the absence of any declared dilution factor the product is diluted with water to a Brix of between 10.5 and 11.5 degrees. Distilled water is used in reconstituting the product for testing flavor.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be

definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix value.* "Brix value" is the refractometric sucrose value determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists," and to which the applicable correction for acid is added:

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE [1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid anhydrous (percent, by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1939.

(e) *Free and suspended pulp.* "Free and suspended pulp" means particles of membrane, core, peel and other similar extraneous material that settle out on centrifuging by the following method:

(1) Skim floating fruit cells and pulp from the sample of reconstituted juice, and

(2) Fill graduated centrifuge tubes, of a capacity of 50 ml., with the skimmed reconstituted grapefruit juice and place in a suitable centrifuge. Adjust the speed according to diameter, as indicated in Table II, and centrifuge for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE II

Diameter (inches)	Approximate revolutions per minute	Diameter (inches)	Approximate revolutions per minute
10	1,609	15½	1,292
10⅛	1,570	16	1,271
11	1,534	16½	1,252
11½	1,500	17	1,234
12	1,468	17½	1,216
12⅛	1,438	18	1,199
13	1,410	18½	1,182
13½	1,384	19	1,167
14	1,359	19½	1,152
14½	1,336	20	1,137
15	1,313		

§ 52.3490 *Score sheet for concentrated grapefruit juice for manufacturing.*

Size and kind of container	
Container mark or identification	
Label (including reconstitution factor)	
Liquid measure (fluid ounces)	
Net weight	
Brix value of concentrate (corrected for acid)	
Anhydrous citric acid in concentrate (percent by weight)	
Brix value to acid ratio	
Reconstitutes properly: (Yes) (No)	

Factors		Score points	
Color	20	(A-Mfg.)	17–20
		(C-Mfg.)	[1] 14–16
		(SStd-Mfg.)	[1] 0–13
Defects	40	(A-Mfg.)	34–40
		(C-Mfg.)	[1] 28–33
		(SStd-Mfg.)	[1] 0–27
Flavor	40	(A-Mfg.)	34–40
		(C-Mfg.)	[1] 28–33
		(SStd-Mfg.)	[1] 0–27
Total score	100		

Grade for manufacturing

[1] Indicates limiting rule.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Service.

[F. R. Doc. 57-823; Filed, Feb. 6, 1957; 8:45 a. m.]

[7 CFR Part 1011]

[AO-277]

IRISH POTATOES GROWN IN NEW JERSEY

DETERMINATION ON BASIS OF RESULTS OF REFERENDUM ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Hightstown, New Jersey, on May 21–25, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 2631), upon proposed Marketing Agreement No. 129 and Order No. 111, regulating the handling of Irish potatoes grown in the State of New Jersey. The recommended decision (21 F. R. 7723) of the Acting Deputy Administrator, Agricultural Marketing Service, and the decision (21 F. R. 9596) of the Assistant Secretary of Agriculture setting forth the proposed marketing agreement and order were published in the FEDERAL REGISTER on October 10, 1956, and December 5, 1956, respectively. The Assistant Secretary also issued an order (21 F. R. 9911) directing that a referendum be conducted among producers of Irish potatoes grown in New Jersey to determine whether the requisite majority of such producers favor or approve issuance of the proposed marketing agreement and order.

It is hereby determined, on the basis of the results of the referendum conducted pursuant to the aforesaid referendum order, that the issuance of proposed Marketing Agreement No. 129 and Order No. 111, regulating the handling of Irish potatoes grown in New Jersey, is not approved or favored (a) by at least two-thirds of the producers of Irish potatoes who participated in such referendum and who, during the determined representative period (January 1, 1956 to November 1, 1956), were engaged, within the State of New Jersey, in the production for market of Irish potatoes grown therein, or (b) by producers of Irish potatoes who participated in the aforesaid referendum and who, during the aforesaid representative period of January 1, 1956 to November 1, 1956, produced for market at least two-thirds of the volume of Irish potatoes produced for market within the State of New Jersey during such period.

It is hereby further determined that the proposed marketing agreement and order set forth in the Assistant Secretary's decision of November 29, 1956 (21 F. R. 9596), will not be made effective.

Done at Washington, D. C., this 4th day of February 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-917; Filed, Feb. 6, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11896; FCC 57-106]

STANDARD BROADCAST STATIONS

ORDER EXTENDING TIME FOR FILING COMMENTS

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 30th day of January 1957;

2. The Commission has before it for consideration a request for a 30-day extension of time in which to file comments in this proceeding. In support of their request petitioners assert that the proposal to delete § 3.182 (c) of the rules has legal engineering and public interest ramifications; that at least 50 or 60 Class III stations presently provide "primary service" beyond their "normally protected" 2.5 and 4.0 mv/m contours; that they have reason to believe that in some instances such stations may provide the only "primary" nighttime service to a given area and that the proposed deletion of § 3.182 (c) raises a serious question whether such stations would have standing to develop pertinent facts in an evidentiary hearing. Petitioners further assert that in order that comments filed in this proceeding may be supported by competent engineering studies additional time is needed to prepare appropriate data.

3. The Commission has concluded that the public interest would be served by extending the time for filing reply comments in the above-entitled proceeding.

4. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from February 1, 1957 to March 4, 1957 and the time for filing reply comments is extended to March 15, 1957.

Released: February 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-916; Filed, Feb. 6, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 158]

NATIONAL REINSURANCE CORP.

TERMINATION OF AUTHORITY TO QUALIFY AS A REINSURING COMPANY ONLY ON FEDERAL BONDS

FEBRUARY 1, 1957.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to National Reinsurance Corporation, New York, New York, under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223, to qualify as a reinsuring company only on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, has been terminated effective midnight December 31, 1956.

The Reinsurance Corporation of New York, a New York corporation, holds a certificate of authority from the Secretary of the Treasury as a reinsuring company only on bonds in favor of the United States. Pursuant to the Reinsurance Agreement executed by The Reinsurance Corporation of New York and National Reinsurance Corporation on November 2, 1956, effective 12:01 a. m., July 1, 1956, which agreement was approved by the Deputy Superintendent of Insurance of the State of New York, National Reinsurance Corporation reinsured with The Reinsurance Corporation of New York, as of 12:01 a. m., July 1, 1956, all liabilities and obligations of National Reinsurance Corporation under and in respect of any and all policies, contracts, agreements, treaties, certificates, binders, records and undertakings of reinsurance to which National Reinsurance Corporation is or has been a party, whether entered into prior to, on or after the effective date, and The Reinsurance Corporation of New York accepted, assumed and agreed to pay as a direct obligor, as though named as the reinsurer in the original instruments, all liabilities and obligations of National Reinsurance Corporation under and in respect of any and all such reinsurance contracts. A copy of the Reinsurance Agreement is on file in the Treasury.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-909; Filed, Feb. 6, 1957; 8:48 a. m.]

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 159]

SUN INSURANCE OFFICE LTD.

ACCEPTABLE REINSURING COMPANY ON FEDERAL BONDS

FEBRUARY 4, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $659,000.00 has been established for the company.

Sun Insurance Office Limited, London, England (U. S. Office, New York, N. Y.)

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-910; Filed, Feb. 6, 1957; 8:48 a. m.]

Fiscal Service, Bureau of the Public Debt

[1957 Dept. Circular 923]

3⅜ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A–1958

OFFERING OF CERTIFICATES

FEBRUARY 4, 1957.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for certificates of indebtedness of the United States, designated 3⅜ percent Treasury Certificates of Indebtedness of Series A–1958, in exchange for 2⅜ percent Treasury Certificates of Indebtedness of Series A–1957, maturing February 15, 1957, 2⅞ percent Treasury Notes of Series A–1957, maturing March 15, 1957, or 1½ percent Treasury Notes of Series EA–1957, maturing April 1, 1957. Exchanges will be made par for par in the case of the certificates maturing February 15, and at par with an adjustment of interest as of February 15 in the case of the notes maturing March 15 and April 1. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on February 4 through February 5 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing certificates and holders of the notes maturing March 15 are also offered the privilege of exchanging all or any part of such securities for 3½ percent Treasury Notes of Series A–1960, which offering is set forth in Department Circular No. 984, issued simultaneously with this circular.

II. *Description of certificates.* 1. The certificates will be dated February 15, 1957, and will bear interest from that date at the rate of 3⅜ percent per annum, payable on a semiannual basis on August 15, 1957 and February 14, 1958. They will mature February 14, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before February 15, 1957, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A–1957, maturing February 15, 1957, Treasury Notes of Series A–1957, maturing March 15, 1957, or Treasury Notes of Series EA–1957, maturing April 1, 1957, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the maturing certificates surrendered will be paid following acceptance of the certificates. Coupons dated March 15, 1957, must be attached to the notes of Series A–1957 when surrendered, and accrued interest from September 15, 1956, to February 15, 1957 ($12.15124 per $1,000) will be paid to subscribers following acceptance of the notes. Coupons dated April 1, 1957, must be attached to the notes of Series EA–1957 when surrendered, and accrued interest from October 1, 1956, to February 15, 1957 ($5.6456 per $1,000) will be paid to subscribers following acceptance of the notes.

V. *General Provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment

notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57-911; Filed, Feb. 6, 1957; 8:49 a. m.]

[1957 Dept. Circular 984]

3½ PERCENT TREASURY NOTES OF SERIES A-1960

OFFERING OF NOTES

FEBRUARY 4, 1957.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for notes of the United States, designated 3½ percent Treasury Notes of Series A-1960, in exchange for 2⅝ percent Treasury Certificates of Indebtedness of Series A-1957, maturing February 15, 1957, or 2⅞ percent Treasury Notes of Series A-1957, maturing March 15, 1957. Exchanges will be made par for par in the case of the certificates and at par with an adjustment of interest as of February 15 in the case of the notes. The amount of the offering under this circular will be limited to the amount of maturing certificates and notes tendered in exchange and accepted. The books will be open only on February 4 through February 5 for the receipt of subscriptions for this issue.

2. In addition to the offering under this circular, holders of the maturing certificates and notes are also offered the privilege of exchanging all or any part of such securities for 3⅜ percent Treasury Certificates of Indebtedness of Series A-1958, which offering is set forth in Department Circular No. 983, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated February 15, 1957, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on November 15, 1957, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1960, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for notes allotted hereunder must be made on or before February 15, 1957, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series A-1957, maturing February 15, 1957, or Treasury Notes of Series A-1957, maturing March 15, 1957, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the maturing certificates surrendered will be paid following acceptance of the certificates. Coupons dated March 15, 1957, must be attached to the notes of Series A-1957 when surrendered, and accrued interest from September 15, 1956, to February 15, 1957 ($12.15124 per $1,000) will be paid to subscribers following acceptance of the notes.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57-912; Filed, Feb. 6, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 024166]

MONTANA

NOTICE OF FILINGS OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 30, 1957.

Plats of survey of the lands described below will be officially filed in the Land Office at Billings, Montana, effective at 10:00 a. m. on March 7, 1957.

MONTANA PRINCIPAL MERIDIAN

T. 7 N., R. 51 E.,
Sec. 13: Lot 3;
Sec. 14: Lots 8 and 9;
Sec. 23: Lot 3;
Sec. 24: Lots 7 and 8.
Area surveyed: 128.57 acres.
Plat of survey accepted April 22, 1955.

The above described land is an island in the Powder River in eastern Montana, approximately 25 miles above the mouth of the river. It was not included when the original survey was made for this township. The island supports a good stand of native grasses and cottonwood trees, and is used for winter grazing and feeding area for local ranches. The island has no agricultural value, due to its periodic flooding and dissected surface.

T. 21 N., R. 58 E.,
Sec. 26: Lot 7;
Sec. 27: Lots 7 and 8.
Area surveyed: 82.71 acres.
Plat of survey accepted April 22, 1955.

The above described land is an island in the Yellowstone River approximately eight miles southwest of Sidney, Montana. It was omitted from the original survey for this township. This island has a dissected surface and supports a heavy stand of brush and cottonwood trees. It does not have an agricultural value due to these surface characteristics and the difficult access presented by the island's location in the middle of the river. It has no recreational value due to lack of demand and dangerous access. It is now used for grazing.

T. 1 S., R. 26 E.,
Sec. 2: Lot 12;
Sec. 11: Lots 9 and 10.
Area surveyed: 55.92 acres.
Plat of survey accepted September 21, 1955.

The above described land is an island in the Yellowstone River, opposite Josephine Park in Billings, Montana. The island was not included in the original survey of this township. It is now covered with a heavy growth of cottonwood trees and brush and is used for grazing purposes. The island is subject to flooding and due to this flooding tendency and difficult access presented by the river, the land has no value for industrial or agricultural purposes. It is not suitable for recreational use due to its dangerous access. The island is used for grazing during periods of low water when the island is accessible to livestock.

No application for these lands will be allowed under the homestead, desert-land small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands in the foregoing townships are hereby opened for filing of applications in accordance with the following:

a. Applications under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 7, 1957 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. June 6, 1957 will be governed by the time of filing.

3. All valid applications under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on June 6, 1957, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

THEO E. ANHDER,
Manager, Land Office.

[F. R. Doc. 57-890; Filed, Feb. 6, 1957; 8:46 a. m.]

[Nevada 044850]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JANUARY 21, 1957.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 33 N., R. 40 E.,
Sec. 29, NW¼ containing 160 acres more or less.

2. The lands described are located in Nevada Grazing District No. 2 and are situated about 17 miles south of Golconda, Nevada. They occupy a portion of the floor of Pumpernickel Valley. Topography is flat with a vegetative cover consisting of sagebrush, cheat grass and shadscale. There is no known water supply for their irrigation on a permanent basis and it is doubtful that these lands could be favorably classified for entry under the agricultural disposal acts.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposal until they have been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on February 26, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 28, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on May 28, 1957 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on May 28, 1957, will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a. m., May 28, 1957.

5. Inquiries concerning these lands shall be addressed to the Manager, Nevada Land Office, P. O. Box 1551, Reno, Nevada.

JAMES E. KEOGH, Jr.,
Manager, Land Office.

[F. R. Doc. 57-891; Filed, Feb. 6, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 29, 1957.

The U. S. Fish and Wildlife Service has filed an application, Serial No. Sacramento 051740, for the withdrawal of the lands described below, from all forms of appropriation except mineral leasing under the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185). The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the Copco Lake Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, 4th and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 48 N., R. 4 W., M. D. B & M.,
Sec. 34, SW¼NE¼, SE¼NW¼, SE¼SE¼, W½SE¼.

The area described contains 200 acres of public land in Siskiyou County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-892; Filed, Feb. 6, 1957; 8:46 a. m.]

[Document III]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT; CORRECTION

JANUARY 31, 1957.

Document III of the California State Office, dated September 29, 1954, and published October 7, 1954, 19 F. R. 6482, is hereby amended by deleting paragraph 5 which reads as follows: "This restoration, being made in furtherance of an indemnity State selection under the act of February 28, 1891 (26 Stat. 796; 43 U. S. C. 851), is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others." and inserting in lieu thereof the following:

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of such applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 8, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 7, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on June 7, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on June 7, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-893; Filed, Feb. 6, 1957; 8:46 a. m.]

[California 496]

CALIFORNIA

SMALL TRACT CLASSIFICATION ORDER

JANUARY 31, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the tracts of public land in Butte County, California, described below, for lease and sale for residence purposes only:

T. 20 N., R. 6 E., M. D. M.,
Sec. 29, S½N½.

The lands comprise 64 small tracts and contain a total of 160 acres. Seven applications from persons entitled to preference under 43 CFR 257.5 (a) have been filed on the land.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are accessible from Feather Falls via asphalt-paved road which passes through the SW¼NE¼. Several dirt roads also pass through the lands. The lands are located approximately 3 miles southwest of Feather Falls and 20 miles northeast of Oroville.

The lands involved are moderately sloping to rolling. The elevation ranges from 1,750 to 2,250 feet above sea level.

The vegetation consists of an interspersion of scattered young timber, live and black oak woodland and ceanothus-manzanita brush.

There are two or three small springs on the land and domestic water could be developed easily from wells.

4. The lands will be leased and sold in tracts of 2½ acres each, more or less, approximately 330 x 330 feet in size, and described as aliquot parts of the section. The tracts will be subject to all existing rights-of-way. Rights-of-way, 50 feet in width, for street and road purposes and for public utilities will be reserved along the north boundaries of the S½S½S½N½ and S½N½S½N½. All minerals in the lands will be reserved to the United States.

5. Leases will be issued to qualified applicants for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. The appraised value of the tracts is $200.00 each. The annual rental is $10.00 per tract, payable in advance for the full lease period. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above providing that during the period of their leases they either (a) construct the improvements specified in paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet the following standards:

The dwelling house must be suitable for year-round use, on a permanent foundation and with a minimum of 400 square feet of floor space. It must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete cement slab, or masonry foundations are acceptable. Concrete piers are not acceptable as foundations.

8. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Land Office, California Fruit Building, Room 1000, 4th and J Streets, Sacramento 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., June 7, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

9. All valid applications filed prior to January 31, 1957, will be granted the preference right provided for by 43 CFR 257.5 (a).

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, California Fruit Building, Room 1000, 4th and J Streets, Sacramento 14, California.

JEAN M. F. DUBOIS,
Acting Officer in Charge,
Northern Field Group,
Sacramento, California.

[F. R. Doc. 57-894; Filed, Feb. 6, 1957; 8:46 a. m.]

Bureau of Reclamation

NEWLANDS PROJECT, NEVADA

ORDER OF REVOCATION

NOVEMBER 10, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of December 10, 1920, insofar as said order affects the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, NEVADA

T. 19 N., R. 20 E.,
Sec. 12: N½, N½S½ and SE¼SE¼.

The above areas aggregate 520.00 acres.

(Sgd.) E. G. NIELSEN,
Assistant Commissioner.

[70175]

FEBRUARY 1, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located in the vicinity of Reno, Nevada. The topography is extremely rough and mountainous containing numerous rocks of assorted sizes and is entirely unsuitable for agricultural purposes. They have a very sparse vegetative cover consisting chiefly of cheat grass and annual weeds. The lands are within Nevada Grazing District No. 3.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 9, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 8, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on June 8, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been opened to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on June 8, 1957.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

EDWARD WOOZLEY,
Director,
Bureau of Land Management.

[F. R. Doc. 57-895; Filed, Feb. 6, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 5636]

VIRGINIA

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Virginia 11AH Rockingham	$710,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-919; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5637]

WISCONSIN

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Wisconsin 41P Vernon	$180,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-920; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5638]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Ad-

ministrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 70T Hamilton	$165,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-921; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5639]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Pennsylvania 25N Adams	$900,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-922; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5640]

TENNESSEE

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 19X Rutherford	$935,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-923; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5641]

TENNESSEE

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Tennessee 32H Hickman	$675,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-924; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5642]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 48M Mecklenburg	$365,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-925; Filed, Feb. 6, 1957; 8:50 a. m.]

[Administrative Order 5643]

MISSISSIPPI

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 36X Marion	$690,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-926; Filed, Feb. 6, 1957; 8:51 a. m.]

[Administrative Order 5644]

IOWA

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 71R Buchanan	$525,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-927; Filed, Feb. 6, 1957; 8:51 a. m.]

[Administrative Order 5645]

ARIZONA

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arizona 13H Navajo	$880,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-928; Filed, Feb. 6, 1957; 8:51 a. m.]

[Administrative Order 5646]

IDAHO

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Idaho 23D Custer	$434,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-929; Filed, Feb. 6, 1957; 8:51 a. m.]

[Administrative Order 5647]

GEORGIA

LOAN ANNOUNCEMENT

JANUARY 2, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 99K McIntosh	$210,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-930; Filed, Feb. 6, 1957; 8:51 a. m.]

[Administrative Order 5648]

FLORIDA

LOAN ANNOUNCEMENT

JANUARY 10, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Florida 29M Gadsden	$1,450,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-931; Filed, Feb. 6, 1957; 8:51 a. m.]

[Administrative Order 5649]

MONTANA

LOAN ANNOUNCEMENT

JANUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Montana 25L Sheridan	$1,526,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-932; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative Order 5650]

MICHIGAN

LOAN ANNOUNCEMENT

JANUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 28AD Presque Isle	$400,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-933; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative Order 5651]

MINNESOTA

AMENDMENT TO LOAN ANNOUNCEMENT

JANUARY 14, 1957.

Inasmuch as Anoka Electric Cooperative has transferred certain of its properties and assets to East Central Electric Association, and East Central Electric Association has assumed in part the indebtedness to United States of America, of Anoka Electric Cooperative, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend—

(a) Administrative Order No. 1045, dated April 17, 1946, by changing the project designation appearing therein as "Minnesota 48N Anoka" in the amount of $202,000 to read "Minnesota 48N Anoka" in the amount of $185,615.46 and "Minnesota 1TP1 Kanabec (Minnesota 48N Anoka)" in the amount of $16,384.54.

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-934; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative Order 5652]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 14P Pitt	$150,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-935; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative order 5653]

COLORADO

LOAN ANNOUNCEMENT

JANUARY 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Colorado 38M Yuma	$922,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-936; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative Order 5654]

GEORGIA

LOAN ANNOUNCEMENT

JANUARY 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Georgia 84T Cobb	$165,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-937; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative Order 5655]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Texas 104T Mitchell	$711,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-938; Filed, Feb. 6, 1957; 8:52 a. m.]

[Administrative Order 5656]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 10AB Haywood	$50,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-939; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5657]

WASHINGTON

LOAN ANNOUNCEMENT

JANUARY 17, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 36M Adams	$1,240,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-940; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5658]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JANUARY 17, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 21V Lancaster	$365,000

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-941; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5659]

INDIANA

AMENDMENT OF LOAN ANNOUNCEMENT

JANUARY 17, 1957.

I hereby amend—(a) Administrative Order No. 4959, dated April 26, 1955, by reducing the loan of $50,000 therein made for "Indiana 27P Decatur" by $45,000 so that the reduced loan shall be $5,000.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-942; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5660]

MINNESOTA

AMENDMENT OF LOAN ANNOUNCEMENT

JANUARY 22, 1957.

Inasmuch as The Rural Cooperative Power Association has transferred certain of its properties and assets to East Central Electric Association, and East Central Electric Association has assumed in part the indebtedness to United States of America, of The Rural Cooperative Power Association, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend—

(a) Administrative Order No. 363, dated June 21, 1939, by changing the project designation appearing therein as "Minnesota R9070G1 Hennepin" in the amount of $500,000 to read "Minnesota R9070G1 Hennepin" in the amount of $491,128 and "Minnesota 1TP2 Kanabec (Minnesota R9070G1 Hennepin)" in the amount of $8,872; and

(b) Administrative Order No. 1045, dated April 17, 1946, by changing the project designation appearing therein as "Minnesota 70G Hennepin" in the amount of $1,151,500 to read "Minnesota 70G Hennepin" in the amount of $1,134,468.84 and "Minnesota 1TP3 Kanabec (Minnesota 70G Hennepin)" in the amount of $17,031.16.

[SEAL] FRED H. STRONG,
Acting Administrator.

[F. R. Doc. 57-943; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5661]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 23, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 60U Lynn	$416,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-944; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5662]

FLORIDA

LOAN ANNOUNCEMENT

JANUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Florida 16W Sumter	$935,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-945; Filed, Feb. 6, 1957; 8:53 a. m.]

[Administrative Order 5663]

GEORGIA

LOAN ANNOUNCEMENT

JANUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Georgia 8M Wilkes	$385,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-946; Filed, Feb. 6, 1957; 8:54 a. m.]

[Administrative Order 5664]

KANSAS

LOAN ANNOUNCEMENT

JANUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 29K Republic	$375,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-947; Filed, Feb. 6, 1957; 8:54 a. m.]

[Administrative Order 5665]

TEXAS

LOAN ANNOUNCEMENT

JANUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 41Y Panola	$250,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-948; Filed, Feb. 6, 1957; 8:54 a. m.]

[Administrative Order 5666]

NEW MEXICO

LOAN ANNOUNCEMENT

JANUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
New Mexico 14K Mora	$50,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-949; Filed, Feb. 6, 1957; 8:54 a. m.]

[Administrative Order 5667]

KANSAS

LOAN ANNOUNCEMENT

JANUARY 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Kansas 27 "T" Morris	$855,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-950; Filed, Feb. 6, 1957; 8:54 a. m.]

[Administrative Order 5668]

MONTANA

LOAN ANNOUNCEMENT

JANUARY 29, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Montana 13N Flathead	$755,000

[SEAL] R. G. ZOOK,
Acting Administrator.

[F. R. Doc. 57-951; Filed, Feb. 6, 1957; 8:54 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, 10 percent of the total number of factory production workers were authorized for employment.

B. C. J. Corp., 5 John Street, Carbondale, Pa.; effective 1-20-57 to 1-19-58 (children's dresses).

Big Ace Corp., Athens, Ga.; effective 1-11-57 to 1-10-58 (overalls, dungarees).

C & J Manufacturing Co., Eastman, Ga.; effective 1-11-57 to 1-10-58 (boys' dress and sport shirts).

Cambria Dress Manufacturing Co., Inc., Corner Walter and Johnson Streets, Nanty-Glo, Cambria Co., Pa.; effective 1-14-57 to 1-13-58 (dresses).

Custom Underwear Manufacturing Co., 10th and Spring Streets, Reading, Pa.; effective 1-8-57 to 1-7-58 (knitted outerwear for children).

Devil Dog Manufacturing Co., Inc., Wendell, N. C.; effective 1-8-57 to 1-7-58 (ladies' and children's dungarees).

Eileen Hope, Inc., Liverpool, Pa.; effective 1-14-57 to 1-13-58; 10 learners (ladies' dresses and blouses).

Forest City Manufacturing Co., Staunton, Ill.; effective 1-19-57 to 1-18-58; 10 learners (junior and misses dresses).

Forest City Manufacturing Co., Virden, Ill.; effective 1-18-57 to 1-17-58; 10 learners (junior and women's dresses).

Horse Cave Manufacturing Co., Horse Cave, Ky.; effective 1-20-57 to 1-19-58 (sport jackets and trousers).

Huggins Garment Co., Inc., Due West, S. C.; effective 1-26-57 to 1-25-58 (men's sport and utility shirts).

F. Jacobson and Sons, Inc., 127 Arch Street, Albany, N. Y.; effective 1-14-57 to 1-13-58 (men's shirts and pajamas).

F. Jacobson and Sons, Inc., Jay and River Streets, Troy, N. Y.; effective 1-11-57 to 1-10-58 (men's shirts).

Kane Manufacturing Co., Inc., Leitchfield, Ky.; effective 1-8-57 to 1-7-58 (sport jackets).

Kane Manufacturing Co., Morgantown, Ky.; effective 1-15-57 to 1-14-58 (jackets).

Kinston Shirt Co., Kinston, N. C.; effective 1-9-57 to 1-8-58; 10 percent of the total number of factory production workers engaged in the production of men's shirts and pajamas (men's shirts and pajamas).

L & H Shirt Co., Cochran, Ga.; effective 1-10-57 to 1-9-58 (boys' dress and sport shirts).

The H. D. Lee Co., Inc., 600 East State Street, Trenton, N. J.; effective 1-9-57 to 1-8-58 (men's work clothing).

Leitchfield Manufacturing Co., Inc., Leitchfield, Ky.; effective 1-11-57 to 1-10-58 (dress slacks).

McKenzie Pajama Corp., McKenzie, Tenn.; effective 1-17-57 to 1-16-58 (pajamas).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa; effective 1-8-57 to 1-7-58; 10 percent of the total number of factory production workers engaged in the manufacture of woven lingerie (ladies' lingerie).

Mount Airy Pants Factory, Mount Airy, Md.; effective 1-23-57 to 1-22-58 (cotton pants).

National Sportswear Co., 139 Main Street, Reedsburg, Wis.; effective 1-8-57 to 1-7-58; five learners (learners may not be employed at special minimum wages in the production of separate skirts) (blouses and slacks).

Pella Manufacturing Corp., 707 East Third Street, Pella, Iowa; effective 1-14-57 to 1-13-58; five learners (overalls and dungarees).

Powellville Pants Factory, Powellville, Md.; effective 1-27-57 to 1-26-58 (cotton pants).

Publix Shirt Corp., Hazleton, Pa.; effective 1-23-57 to 1-22-58 (men's and boys' dress and sport shirts).

Rhea Manufacturing Co., Bainbridge Division, Bainbridge, Ga.; effective 1-11-57 to 1-10-58 (learners may not be employed at special minimum wage rates in the production of separate skirts) (misses' sportswear).

Salant and Salant, Inc., First Street, Lawrenceburg, Tenn.; effective 1-20-57 to 1-19-58 (cotton work shirts).

Samsons Manufacturing Corp., 501 East Caswell Street, Kinston, N. C.; effective 1-22-57 to 1-21-58 (men's sport shirts).

Schoolhouse Togs, Inc., Route 1, Rockport, Maine; effective 1-14-57 to 1-13-58; four learners (infants', children's, and ladies' wear).

Southland Manufacturing Co., Inc., Benson, N. C.; effective 1-25-57 to 1-24-58 (men's and boys' sport shirts).

Levi Strauss & Co., Warsaw, Va.; effective 1-11-57 to 1-10-58 (men's cotton work trousers).

Twin City Manufacturing Co., Twin City, Ga.; effective 1-24-57 to 1-23-58 (men's sport and dress shirts).

Watson-Scott Co., Thomasville, Ga.; effective 1-20-57 to 1-19-58; eight learners (industrial uniforms).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Alexis, Inc., 1225 South Chestnut Street, Gainesville, Ga.; effective 1-10-57 to 7-9-57; 25 learners (infants' wear).

C & J Manufacturing Co., Eastman, Ga.; effective 1-11-57 to 7-10-57; 25 learners (boys' dress and sport shirts).

Cambria Dress Manufacturing Co., Inc., Corner Walter and Johnson Street, Nanty-Glo, Cambria County, Pa.; effective 1-14-57 to 7-13-57; 10 learners (dresses).

Lorch Manufacturing Co., West, Tex.; effective 1-14-57 to 7-13-57; five learners (learners may not be employed at special minimum wage rates in the production of separate skirts) (ladies' and misses dresses).

Pinewood Manufacturing Corp., Pinewood, S. C., effective 1-14-57 to 7-13-57; 25 learners (children's dresses).

Williamson-Dickie Manufacturing Co., Eagle Pass, Tex.; effective 1-8-57 to 7-7-57; 20 learners (dungarees).

Williamson-Dickie Manufacturing Co., Uvalde, Tex.; effective 1-8-57 to 7-7-57; 10 learners (men's shirts and jackets).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

John H. Swisher & Son, Inc., Waycross, Ga.; effective 1-23-57 to 1-22-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of cigar machine operating and cigar packing (cigars retailing for more than 6 cents), each 320 hours; and cigar packing (cigars retailing for 6 cents or less), and machine stripping each for 160 hours; all at 80 cents per hour.

John H. Swisher & Sons, Inc., 501 East 16th Street, Jacksonville, Fla.; effective 1-14-57 to 1-13-58; 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of cigar machine operating and cigar packing (cigars selling for over 6 cents), each for 320 hours; and cigar packing (cigars retailing for 6 cents or less), and machine stripping each 160 hours; all at 80 cents per hour.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Boss Manufacturing Co., 109 North Baylor Street, Breckenridge, Tex.; effective 1-10-57 to 1-9-58; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Quitman Hosiery Mills, Inc., Quitman, Miss.; effective 1-10-57 to 5-18-58; 40 learners for plant expansion purposes (full-fashioned).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

West Iowa Telephone Co., Sutherland, Iowa; effective 1-14-57 to 1-13-58.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

G. C. Lingerie Co., Inc., Town Creek, Ala.; effective 1-11-57 to 7-10-57; 25 learners for plant expansion purposes (nightgowns).

Mode O'Day Corp., 840 12th Street NW., Mason City, Iowa; effective 1-8-57 to 1-7-58; 5 percent of the total number of factory production workers engaged in the manufacture of lingerie made from purchased knitted fabric for normal labor turnover purposes (ladies' lingerie).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Dentex Shoe Corp., 1300 Willow Spring Road, Denton, Tex.; effective 1-9-57 to 1-8-58; 10 percent of total number of factory production workers for normal labor turnover purposes (loafers).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Blue Anchor, Inc., Olive Hill, Ky.; effective 1-10-57 to 7-9-57; five learners for normal labor turnover purposes to be engaged in

the production of cloth caps, in the occupation of sewing machine operator for a learning period of 240 hours, at 85 cents per hour (caps).

Glen L. Evans, Inc., 506 Paynter Avenue, Caldwell, Idaho; effective 1–14–57 to 7–13–57; 10 percent of total number of factory production workers for normal labor turnover purposes in the ocupation of fly tier, for a learning period of 480 hours, at 80 cents an hour for the first 240 hours and 85 cents per hour for the remaining 240 hours (artificial lures).

Rawlings Manufacturing Co., Willow Springs Division, Willow Springs, Mo.; effective 1–15–57 to 7–14–57; 50 learners for plant expansion purposes in the occupations and for the learning periods as follows: Hand stitching of baseballs and softballs, 400 hours; sewing machine operator, and hand leather cutter each 320 hours; die and clicker machine operator, 160 hours. All at 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining hours of the authorized learning period (miscellaneous athletic equipment, softballs, mitts, gloves, etc.).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of January 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57–896; Filed, Feb. 6, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

ARTHUR W. WINSTON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Arthur W. Winston.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: January 29, 1957.
4. Title of position: Consultant.
5. Name of private employer: Dow Chemical Company, Midland, Michigan.

CARLTON HAYWARD,
Director of Personnel.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Dow Chemical Company.
Bank deposits.

Dated: January 29, 1957.

ARTHUR W. WINSTON, Sr.

[F. R. Doc. 57–885; Filed, Feb. 6, 1957; 8:45 a. m.]

FRANK R. BAILEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 5, 1955, 20 F. R. 8937; March 15, 1956, 21 F. R. 1665 and August 15, 1956, 21 F. R. 6098.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 1, 1957.

Dated: February 1, 1957.

FRANK R. BAILEY.

[F. R. Doc. 57–886; Filed, Feb. 6, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2202]

BRUCE L. CODDING

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

FEBRUARY 1, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Bruce L. Codding, of Covelo, California, for preliminary permit for proposed water power Project No. 2202, known as Castle Peak Project, to be located on Middle and North Forks of Eel River; Hulls Creek, a tributary of North Fork of Eel River; and Short Creek, a tributary of Middle Fork of Eel River, in Mendocino and Trinity Counties, California, affecting lands of the United States within and outside of Mendocino National Forest, and Indian lands within Round Valley Indian Reservation. The proposed project would consist of Dam No. 1, below the junction of three forks of the Middle Fork of Eel River, a tunnel about six miles long, a penstock and Powerhouse No. 1, on Hulls Creek, of about 7,500 Kw installed capacity; Dam No. 2 on Hulls Creek and immediately below its junction with Hulls Valley Creek, creating the main reservoir with a capacity of about 218,000 acre-feet, from which water would be diverted by tunnel or conduit to a penstock and Powerhouse No. 2 on Short Creek, of about 20,000 Kw installed capacity; and Dam No. 3 across Short Creek, about two miles below Powerhouse No. 2, creating a reservoir with a capacity of about 16,000 acre-feet, to be used for irrigation and flow regulation purposes. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 29, 1957. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57–897; Filed, Feb. 6, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50–48]

LORETZ & CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on January 17, 1957, Loretz & Company, 108 West Sixth Street, Los Angeles, California, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a 500-watt solution-type nuclear reactor to Atomenergikommissionen (Atomic Energy Commission), Christiansborg, Copenhagen, Denmark. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 31st day of January 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director, Division of Civilian Application.

[F. R. Doc. 57–913; Filed, Feb. 6, 1957; 8:49 a. m.]

[Docket No. 50–50]

ATOMICS INTERNATIONAL, A DIVISION OF NORTH AMERICAN AVIATION, INC.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on January 24, 1957, Atomics International, a Division of North American Aviation, Inc., Canoga Park, California, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a 5-watt, solution-type nuclear reactor which is to be located at the company's Vanowen Facility, Canoga Park, California. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 30th day of January 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director, Division of Civilian Application.

[F. R. Doc. 57–914; Filed, Feb. 6, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5773 et al.]

REOPENED BONANZA RENEWAL CASE

NOTICE OF ORAL ARGUMENT

In the matter of the Bonanza Renewal Case as reopened for further hearing.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 27, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 1, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–952; Filed, Feb. 6, 1957; 8:54 a. m.]

FEDERAL RESERVE SYSTEM

MARINE MIDLAND CORP.

ORDER APPROVING APPLICATION TO ACQUIRE STOCK OF LAKE SHORE NATIONAL BANK OF DUNKIRK

The above matter having come before the Board on the application of Marine Midland Corporation, Buffalo, New York, dated August 6, 1956, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by Marine Midland Corporation of direct ownership of 2,000 shares of a total of 2,000 voting shares of The Lake Shore National Bank of Dunkirk, Dunkirk, New York, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

It is hereby ordered, That the said application be and hereby is granted and the acquisition by Marine Midland Corporation of 2,000 voting shares of The Lake Shore National Bank of Dunkirk, Dunkirk, New York, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: January 31, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57–898; Filed, Feb. 6, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–2172]

IDEA, INC.

NOTICE OF AND ORDER FOR HEARING

FEBRUARY 1, 1957.

Idea, Inc., P. O. Box 2, Silver Springs, Nevada, filed with the Commission on September 30, 1955, a Notification on Form 1-A and an Offering Circular relative to an offering of 200,000 shares of its Class A Stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on December 20, 1956, issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A for Idea, Inc., and afforded to any person having an interest therein an opportunity to request a hearing pursuant to Rule 223.

The Commission having received a written request for a hearing from Warren H. Barlow, President of Idea, Inc., and deeming it necessary and appropriate to determine whether to vacate the aforesaid temporary suspension order or to enter an order permanently suspending the exemption,

It is hereby ordered, That a hearing under Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, be held on February 25, 1957, at 10:00 a. m., P. s. t., at Room 332, Pacific Building, 821 Market Street, San Francisco, California, for the purpose of taking evidence with respect to the following specified matters and questions without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the matters set forth in section II of the aforesaid order of December 20, 1956, are true, and

B. Whether the temporary suspension order of December 20, 1956 against Idea, Inc. should be vacated or made permanent.

It is further ordered, That Sidney L. Feiler or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933 as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Idea, Inc., P. O. Box 2, Silver Springs, Nevada, and that notice of the entering of this order shall be given to all other persons by general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission, 425 Second Street, NW., Washington 25, D. C. on or before February 18, 1957 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–900; Filed, Feb. 6, 1957; 8:47 a. m.]

[File No. 1–3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 1, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Great Sweet Grass Oils Limited, File No. 1–3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8–K and Form 10–K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10–K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8–K report for the month of December, 1955, and the Form 10–K report for the fiscal year ended December 31, 1955 were false and misleading in additional re-

spects set forth in said order. On January 23, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from January 24, 1957 to February 2, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from February 3, 1957 to February 12, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-901; Filed, Feb. 6, 1957; 8:47 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 1, 1957.

In the matter of trading on the American Stock Exchange in the 20-cent par value capital stock of Kroy Oils Limited, File No. 1-3679.

I. The 20-cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On January 23, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from January 24, 1957 to February 2, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from February 3, 1957 to February 12, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-902; Filed, Feb. 6, 1957; 8:47 a. m.]

[File No. 24NY-4001]

AUTOMATIC GARAGE CORPORATION OF NEW YORK

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 1, 1957.

I. Automatic Garage Corporation of New York (herein called "Automatic"), a Delaware company, 120-44 Queens Boulevard, Kew Gardens, New York, filed with the Commission on May 2, 1955, a notification and offering circular, and subsequently filed amendments thereto, relating to a proposed public offering of 300,000 shares of its $0.10 par value common stock to be offered at $1 per share or $300,000, in the aggregate without the services of an underwriter, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in that—

1. The securities were offered in jurisdictions not named in the Notification as required by Item 1 thereof.

2. The issuer failed to file reports of sales as required by Rule 224 of Regulation A.

B. That the offering circular dated June 1, 1955 and filed as part of the Notification, contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading particularly in that—

1. The statement in the offering circular under "The Corporation" to the effect that Automatic held the exclusive franchise for the Greater New York City area to employ and use the Park-O-Mat automatic car positioner, as well as the right to reenfranchise other users of the device in this area, whereas Automatic has never had such right, title, interest in said positioner or inventions; and

2. The statement that James T. DeWitt conveyed the franchise to Automatic Garage Corporation of New York whereas no such franchise was conveyed;

C. That the offering of securities by the issuer would and did operate as a fraud and deceit upon the purchasers; and

III. That Automatic Garage Corporation of New York was permanently enjoined on September 5, 1956 by the Supreme Court of the State of New York from offering and/or selling its securities in the State of New York.

IV. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-903; Filed, Feb. 6, 1957; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

HATTERS' FUR

REPORT TO THE PRESIDENT

FEBRUARY 4, 1957.

The Tariff Commission today submitted a report to the President on the developments in the trade in hatters' fur since the modification on February 9, 1952, of the trade-agreement concession thereon granted in the General Agreement on Tariffs and Trade (GATT). This report was made pursuant to paragraph 1 of Executive Order 10401 of October 14, 1952 (17 F. R. 9125). That order prescribes procedures for the periodic review of escape-clause actions with a view to determining whether a concession that was modified or withdrawn may be restored in whole or in part without causing or threatening serious injury to the domestic industry concerned. If an informal review under paragraph 1 indicates that conditions have so change as to warrant it, a formal investigation (including a public hearing) to determine the facts is made under paragraph 2 of the order. The present report is the fourth report on hatters' fur under paragraph 1 of Executive Order 10401.

The Commission advised the President that the conditions of competition with respect to imported and domestic hatters' fur have not so changed during the past year as to warrant the institution of a formal investigation under the provisions of paragraph 2 of Executive Order 10401.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-915; Filed, Feb. 6, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32089]

CALIFORNIA

INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2 held at its office in Washington, D. C., on the 23d day of January A. D. 1957.

It appearing that a petition dated December 13, 1956, has been filed on behalf of the Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from and between points in the State of California, in interstate and intrastate commerce, averring that in Ex Parte No. 196, Increased Freight Rates, 1956, 298 I. C. C. 279, the Commission authorized carriers, subject to the Interstate Commerce Act, parties thereto, to make certain increases in their rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing that the petitioners allege that the Public Utilities Commission of California, by its order dated December 11, 1956, has refused to authorize or permit petitioners to establish for the intrastate transportation upon their railroads in California increases in freight rates and charges corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in the proceeding above cited which refusal causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of California;

And it further appearing that the Public Utilities Commission of California on January 9, 1957, filed an answer to petitioners' petition:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of California, for the intrastate transportation of property, made or imposed by authority of the State of California, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in Ex Parte No. 196, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, with the exception of certain commodity and class rates as shown in Appendix A below, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of California, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents, and that the State of California be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State, and to the Public Utilities Commission of California at San Francisco, Calif.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2:

[SEAL] HAROLD D. MCCOY, *Secretary.*

APPENDIX A

COMMODITY AND CLASS RATES WHICH PETITIONERS, FOR COMPETITIVE AND OTHER REASONS, DO NOT DESIRE TO INCREASE AS THE RESULT OF ITS PETITION DATED DECEMBER 13, 1956

(1) Commodity rates on refined petroleum products in tank cars, taking Column 1-A rates in Pacific Southcoast Freight Bureau Tariff No. 252-D, and now referenced "(X)";

(2) Class and commodity rates now in Pacific Southcoast Freight Bureau Tariff No. 255-F;

(3) The following rates, charges and provisions of Pacific Southcoast Freight Bureau Tariff No. 294;

Item 180, paragraph (b) only;

Items 210, 270, 710, 730, 740 and 760;

All class rates in Section 1 of said tariff;

Items 1700 to 1723, inclusive; 1725; 1730 to 1834, inclusive; 1840, 1850, 1860, 1870 to 1900, inclusive; 1920 to 1955, inclusive; 1970, except rate of 61½ cents; 1980, 1990, 2010, 2030 to 2055, inclusive; 2060, except rate of 48½ cents; 2070 to 2090, inclusive; 2095; 2100; 2110; 2120; 2130, and 2140.

[F. R. Doc. 57-906; Filed, Feb. 6, 1957; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 78]

RAILROADS SERVING KENTUCKY

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, railroads serving the State of Kentucky are unable to operate and transport traffic routed over their lines because of flood conditions.

It is ordered, That:

(a) Rerouting traffic. The railroads serving the State of Kentucky, and their connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers. The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 2:00 p. m., January 30, 1957.

(g) Expiration date. This order shall expire at 11:59 p. m., February 9, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 30, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-907; Filed, Feb. 6, 1957; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 79]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Nashville, Chattanooga and St. Louis Railway, because of high water, is unable to transport traffic routed over its lines between Hobbs Island and Guntersville.

It is ordered, That:

(a) Rerouting NC&StL traffic. The Nashville, Chattanooga and St. Louis Railway is hereby authorized to reroute or divert traffic moving on its lines, routed via its car ferry, over any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 6:00 p. m., January 30, 1957.

(g) Expiration date. This order shall expire at 11:59 p. m., February 11, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., January 30, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-908; Filed, Feb. 6, 1957; 8:48 a. m.]

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10697

TARIFF OF UNITED STATES FOREIGN SERVICE FEES

By virtue of and pursuant to the authority vested in me by section 1745 of the Revised Statutes of the United States, as amended, (22 U. S. C. 1201), it is ordered as follows:

SECTION 1. Officers of the Foreign Service of the United States shall charge and collect for official services performed abroad fees as prescribed in the following schedule, designated as the Tariff of Fees, Foreign Service of the United States of America.

TARIFF OF FEES

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

Item	Nature of service	Fee
	PASSPORT AND CITIZENSHIP SERVICES	
1	Execution of application for passport—no exceptions (22 USC 214)	$1.00
2	Examination of passport application executed before a foreign official	1.00
3	Issuance of passport (22 SC 214)	9.00
4	Renewal of passport (22 USC 217a)	5.00
5	Issuance of certificate or card of identity and registration, or card of identification for use on the Mexican border	1.00
6	Issuance or renewal of passport—	
	(a) to officers or employees of the United States proceeding abroad or returning to the United States in the discharge of their official duties, or members of their immediate families (22 USC 214)	No fee
	(b) to seamen when employed as such on American vessels (22 USC 214)	No fee
	(c) to widows, children, parents, brothers, and sisters of American soldiers, sailors, or marines buried abroad, whose journey is for the purpose of visiting graves of such soldiers, sailors, or marines (22 USC 214)	No fee
7	Amendment of passport	No fee
8	Verification of passport	No fee
9	Execution of application for registration	No fee
10	Execution of affidavit in regard to American birth in connection with application for registration or for passport	No fee
11	Administering the oath of allegiance to a native-born American woman who lost her citizenship solely by marriage to an alien	No fee
12	For a certified copy of executed form of repatriation of a native-born American woman—	
	(a) whose marital status with an alien terminated prior to January 13, 1941	5.00
	(b) under sec. 324 of the Immigration and Nationality Act (8 USC 1436)	5.00
13	Completion of birth and death reports in number of copies prescribed by regulations. (Charge under item 75 below, for any additional copies made and furnished, as well as under item 47 or 48 below if certification is furnished of the correctness thereof.)—	
	(a) report of birth of American citizen including the furnishing of one copy to the parents	No fee
	(b) report of death of American citizen and sending of one copy each to legal representative and to closest known relative or relatives	No fee
14	Certificate of witness to marriage in quadruplicate—no exceptions. (Charge under item 75 below for any additional copies made and furnished, as well as under item 47 or 48 below if certification is furnished of the correctness thereof.)	3.00
	(Item numbers 15 through 19 vacant)	
	VISA SERVICES FOR ALIENS	
20	Furnishing and verification of application for immigrant visa, including duplicate copy (8 USC 1354)	5.00
21	Issuance of each immigrant visa (8 USC 1351)	20.00
22	Furnishing and verification of application and issuance of nonimmigrant visa	(1)
23	Furnishing and verification of application and issuance of nonimmigrant visa to alien proceeding solely in transit to and from the headquarters district of the United Nations under the provisions of section 11 of the Agreement between the United Nations and the United States of America regarding the headquarters of the United Nations (61 Stat. 756)	No fee
24	Visa of alien crew list	2.00
25	Supplemental visa of alien crew list	No fee
	(Item numbers 26 through 29 vacant)	
	SERVICES RELATING TO VESSELS AND SEAMEN	
30	Noting marine protest, when required by a master of a foreign or an undocumented vessel	5.00
31	Extending marine protest, when required by master of a foreign or an undocumented vessel... If it exceeds 200 words, for every additional 100 words or fraction thereof	10.00 1.00

[1] Fees prescribed in Appendix C, Visa Handbook of Department of State, as amended from time to time.

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TO
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TARIFF OF FEES—Continued

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA—Continued

Item	Nature of service	Fee
	NOTARIAL SERVICES AND AUTHENTICATIONS—continued	
58	Services under this heading NOTARIAL SERVICES AND AUTHENTICATIONS, unless designated "no exceptions", when rendered—	
	(a) in connection with the execution of forms or documents required by or to be presented to any department or agency of the Federal Government.	No fee
	(b) in connection with the assignment and transfer of United States bonds or other Federal official obligations or the execution of powers of attorney therefor or to collect interest thereon.	No fee
	(c) to claimants and beneficiaries and their witnesses, in connection with Federal, State, and municipal allotment, pension, retirement, insurance, medical, compensation, or like benefits.	No fee
	(d) in connection with the execution of tax returns for filing with the Federal or State Governments or political subdivisions thereof. Services in connection with tax returns, used in any primary, general, or other public elections in the United States or in territories under their jurisdiction.	No fee
	(e) to American citizens, while outside of the United States, in connection with the execution of ballots to be used in any primary, general, or other public elections in the United States or in territories under their jurisdiction.	No fee
	(f) for official non-commercial use by a foreign government or by an international agency of which the Government of the United States is a member.	No fee
59	Services under this heading NOTARIAL SERVICES AND AUTHENTICATIONS, unless designated "no exceptions", when rendered—	
	(a) for those engaged in the transaction of official business of the Government of the United States while abroad. (This includes members of the armed forces of the United States and any civilian employee of the Government of the United States, but does not include services rendered in their behalf in connection with transactions of a private nature.)	No fee
	(b) to an official of a foreign government in circumstances where furnishing the service is an appropriate or reciprocal courtesy.	No fee
	(Item numbers 60 through 64 vacant)	
	SERVICES RELATING TO TAKING OF EVIDENCE	
65	In taking depositions or executing commissions to take testimony (for additional hourly charge to be added for service of officer when rendered outside of the Foreign Service office, see section 3 (a) (3) and section 6 of this Order concerning expenses incurred in performance of services outside of office)—	
	(a) for the services of the diplomatic or consular officer, including completion by him of caption, introductory statement and certificate (likewise including interpreting and reduction to writing or typewriting where these are done personally by the officer), for the first hour or fraction thereof.	$15.00
	(b) for the services of the diplomatic or consular officer, as above, for each additional hour or fraction thereof.	10.00
	(c) for the services, if required, of a staff member of the Foreign Service post as interpreter, per hour or fraction thereof.	4.00
	(d) stenographic and typing service when supplied by the Foreign Service post, for each 100 words or fraction thereof (charge additionally under item 75 for extra copies, if requested).	1.00
66	Providing seal and certificate for return of letters rogatory executed by foreign officials.	5.00
	(Item numbers 67 through 69 vacant)	
	DECEDENTS' ESTATES	
70	Taking into possession under 22 USC 1175 the personal estate of any citizen who shall die within the limits of his consular district, inventorying, selling, and finally disposing thereof according to law, for each $100 of the inventoried value of the estate.	2.00
71	Service as described under item 70 above, when performed in the case of a deceased officer or employee of the United States.	No fee
72	Placing or removal of official seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative of estate, or other authorized person, securities and other instruments not negotiable (or not negotiable) by the consular officer, or other effects, or proceeds of sale thereof, which have come into the consular officer's custody but the estate has not been in the consular officer's custody but has been delivered to him by officials merely for forwarding to the United States; or for the release to the legal representative or other authorized person in the country of personal effects where no prescribed services other than taking possession and inventorying have been performed.	No fee
	(Item numbers 73 and 74 vacant)	

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TARIFF OF FEES—Continued

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA—Continued

Item	Nature of service	Fee
	SERVICES RELATING TO VESSELS AND SEAMEN—continued	
32	Protest of master against charterers or freighters, when required by master of a foreign or an undocumented vessel.	$5.00
33	Shipment or discharge of seaman on undocumented vessel, each seaman.	2.00
34	Recording of bill of sale of vessel purchased abroad and taking of application for provisional certificate of registry or certificate of American ownership.	5.00
35	Investigation and issuance of provisional certificate of registry or certificate of American ownership.	10.00
	(Item numbers 36 through 44 vacant)	
	NOTARIAL SERVICES AND AUTHENTICATIONS	
45	Administering an oath and certificate thereof.	2.50
46	Taking the acknowledgment of the execution of a document, and certificate thereof.	2.50
47	Certifying under official seal that a copy or extract made from the post's or the Department of State's records is a true copy. (Fees for copying, if required, are an additional charge under item 75.)	1.00
48	Certifying to official character of a foreign notary or other official (i. e., authenticating a document).	2.50
49	Administering oaths, taking acknowledgments, or supplying authentications, in connection with application for letters patent or registration of trade marks, or with the assignment or transfer of rights thereunder—no exceptions.	2.50
50	Administering an oath and certificate thereof for petition for nonquota, temporary worker nonimmigrant, or preference quota status—no exceptions.	2.50
51	Administering oaths of taking acknowledgments, or authenticating the signatures of foreign officials, in connection with applications for wages and effects of deceased seamen of the American merchant marine (46 USC 597)—no exceptions.	2.50
	(Item numbers 52 through 54 vacant)	
55	Noting of a bill of exchange or promissory note for want of acceptance or payment, certifying to protest, and giving notice to drawer and endorsers when requested to do so. (In addition to protest fee, charge under item 81 for time spent outside the consular office in presenting the instrument for acceptance or payment by the drawee or maker.)	5.00
	(Item numbers 56 and 57 vacant)	

TARIFF OF FEES—Continued

FOREIGN SERVICE OF THE UNITED STATES OF AMERICA—Continued

Item	Nature of service	Fee
	DECEDENTS' ESTATES—continued	
75	Copies made by typewriter (letter-size, double-spaced page or equivalent), photostat or otherwise—	
	(a) a copy or extract thereof, single page	$1.50
	(b) for each additional copy of the first page, for 25 copies or less; for each copy of the second page, for 25 copies or less; and for each copy of each additional page, for 25 copies or less	.50
	(c) for each copy in excess of the 25 copies of each page	.20
	(This fee does not apply to such customary activities as issuance of copies of records (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.)	
76	Recording unofficial documents in the Miscellaneous Record Book, if by hand-copying—	
	(a) for the first 200 words or fraction thereof	5.00
	(b) and for each additional 100 words or fraction thereof	2.00
77	Recording unofficial documents in the Miscellaneous Record Book, if typewritten or by other mechanical process—	
	(a) for the first two pages or less	5.00
	(b) for each additional page	1.00
	(Item numbers 78 through 82 vacant)	
	EXEMPTION FOR FEDERAL AGENCIES AND CORPORATIONS	
83	Any and all services (unless above designated "no exceptions") performed for the official use of the Government of the United States or of any corporation in which the Federal Government or its representative shall own the entire outstanding capital stock	No fee
	(Item number 84 vacant)	
	SERVICES RENDERED OUTSIDE OF OFFICE	
85	Additional fee for services of officer under the above headings PASSPORT AND CITIZENSHIP SERVICES, VISA SERVICES FOR ALIENS, NOTARIAL SERVICES AND AUTHENTICATIONS, and SERVICES RELATING TO TAKING OF EVIDENCE, when rendered elsewhere than at a Foreign Service office at the request of the interested parties, for each hour or fraction thereof	4.00

SEC. 2. No fees other than those prescribed in the foregoing Tariff of Fees, or fees prescribed by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad.

SEC. 3. All fees shall be collected in the coin of the United States or at its representative value in exchange.

SEC. 4. All fees shall be paid in advance: *Provided*, That in case the service is performed elsewhere than at a Foreign Service office, or in case the amount to be charged cannot be determined until the service is performed, the amount of the fee shall be carefully estimated, and the estimated amount of the fee shall be deposited with the officer before the service is performed, subject to refundment of any sum in excess of the amount chargeable under the foregoing Tariff of Fees.

SEC. 5. Notwithstanding section 1 of this order, no fees prescribed in the foregoing Tariff of Fees shall be charged or collected by consular officers for official services to American vessels and seamen. The term "American vessels" as used herein shall not include undocumented American vessels; and the fees prescribed in the said Tariff of Fees shall be charged and collected for official services performed for such undocumented vessels.

SEC. 6. In addition to the fees prescribed in the said Tariff of Fees, transportation and other incidental costs actually and necessarily incurred by officers of the Foreign Service performing services elsewhere than at a Foreign Service office, shall be collected from the persons requesting the performance of such services. Such collections shall not be considered as part of the official fees but shall be recorded as deposit funds and accounted for as such, with full identifying data on vouchers and records, including the number, date, and nature of the service in connection with which the expenses are incurred, and the names of the interested parties.

SEC. 7. To the extent that they have not heretofore been revoked or superseded, Executive Orders No. 7968 of September 3, 1938, No. 8297 of December 4, 1939, No. 9303 of February 11, 1943, No. 9407 of December 17, 1943, No. 9507 of December 20, 1944, No. 9591 of July 21, 1945, No. 9767 of August 9, 1946, No. 10,473 of July 22, 1953, and No. 10,639 of October 10, 1955 are hereby revoked; and all other prior Executive Orders inconsistent with this Order are hereby amended accordingly.

SEC. 8. This Order shall become effective on March 1, 1957.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 6, 1957.

[F. R. Doc. 57-1028; Filed, Feb. 7, 1957; 9:31 a. m.]

RULES AND REGULATIONS

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 28—COTTON STANDARDS

SUBPART A—REGULATIONS

COTTON LINTERS; CORRECTION

Federal Register Document 56-5197, published on page 4847 of the issue of June 30, 1956 is hereby amended by changing the effective date in the second paragraph from July 1, 1957, to July 1, 1956. The correct effective date of July 1, 1956 was shown elsewhere in the same document.

Done at Washington, D. C., this 5th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-954; Filed, Feb. 7, 1957; 8:45 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Grapefruit Reg. 113]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.374 *Grapefruit Regulation 113*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than February 10, 1957. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1956, and will so continue until February 10, 1957; the recommendation and supporting information for continued regulation subsequent to February 9, 1957, were promptly submitted to the Department after such recommendation was made by the Administrative Committee on January 31, 1957; the provisions of this regulation, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., February 10, 1957, and ending at 12:01 a. m., P. s. t., March 17, 1957, no handler shall ship—

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 1/16 inches in diameter or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 3/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than 3 1/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 1/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 3/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 3/16 inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925–51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated February 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-990; Filed, Feb. 7, 1957; 8:51 a. m.]

PART 1002—MILK IN GREATER WHEELING MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER, AS AMENDED, REGULATING HANDLING

Correction

In F. R. Document 57-775, appearing in the issue for Thursday, January 31, 1957, at page 636, in line 4 of the paragraph which begins *"It is therefore ordered"*, the date "February 27" should read "February 1957".

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-1]

PART 60—AIR TRAFFIC RULES

PILOT VIGILANCE AND RESTRICTIONS ON FLIGHT TESTING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of February 1957.

Part 60 of the Civil Air Regulations sets forth the Air Traffic Rules which are applicable to all aircraft. These rules contain provisions prohibiting both civil and military aircraft from being flown in any unusual maneuvers over congested areas or on civil airways and prescribe certain minimum altitudes for the protection of persons or property on the ground. Although there are no specific provisions in Part 60 dealing with flight testing, all civil aircraft for which an airworthiness certificate has not yet been issued are prohibited from flying over thickly populated areas or large gatherings of people by limitations set forth in special test flight authorizations issued by the Administrator. Military aircraft, however, are not subject to these specific limitations.

The problems arising from the flight testing of production and experimental aircraft have long been the subject of considerable attention on the part of the Government. In 1947 an extensive study was undertaken by the civil and military agencies concerned, with a view toward determining the safeguards which should be applied to prevent the creating of a public hazard. At that time it was agreed that it would be impracticable to relocate aircraft manufacturing establishments outside highly populated areas but that the flight testing of production and experimental aircraft should be accomplished in sparsely settled areas and in airspace of relatively light traffic density. Although considerable effort has been made to insure that flight testing activity is in fact conducted under circumstances in which hazard to persons on the ground or to other aircraft in flight will not result, the recent collision of aircraft undergoing certain tests in flight necessitates the immediate promulgation of amendments to Part 60 which will reduce the possibility of mid-air collision and further enhance the safety of persons or property on the ground.

These amendments herein adopted prohibit the flight testing of aircraft unless such flight test is conducted (1) over open water or sparsely populated areas having light air traffic and approved by the Administrator, or (2) within a flight test area designated by the Administrator. This regulation also provides that all flight tests are to be conducted in accordance with such traffic rules which the Administrator may from time to time prescribe.

In order to achieve the above mentioned objectives, we are including within the term "flight tests," the operation of all aircraft in flight for the purpose of testing, observing, or measuring the performance of an aircraft, airframe, powerplant, or propeller after its manufacture or major alteration, except for take-off, landing and operation to and from the area authorized for such flight tests.

In addition to the regulatory change dealing with flight testing, the Board is also concerned with the problems relating to flight operations requiring more than normal preoccupation with cockpit duties. In order to stress the importance of vigilance on the part of the pilot to observe and avoid other air traffic, the regulation amends § 60.12 (c) by calling attention to the fact that lack of vigilance due to more than normal preoccupation with cockpit duties may constitute careless or reckless operation of aircraft.

For the reasons stated above, it is the opinion of the Board that a situation exists requiring immediate action in respect to safety in air commerce and that notice and public procedure hereon are impracticable and contrary to the public interest, and the Board finds that good cause exists for making this amendment effective on less than 30 days' notice.

Interested persons desiring to present written data setting forth their views with respect to the rules herein adopted are requested to submit such matter to the Board on or before March 22, 1957. All communications so received will be considered by the Board and the rules herein adopted will be reconsidered fully in the light of the comments submitted.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective February 20, 1957.

1. By amending paragraph (c) of the note under § 60.12 to read as follows:

§ 60.12 *Careless or reckless operation.* * * *

(c) Lack of vigilance by the pilot to observe and avoid other air traffic. In this respect, the pilot must clear his position prior to starting any maneuver, either on the

ground or in flight. Furthermore, flight activities requiring such crew preoccupation with cockpit duties as to prevent adequate vigilance outside the cockpit for the purpose of collision avoidance shall be evidence of careless or reckless operation unless some provision is made which adequately compensates for such reduced degree of vigilance such as use of a competent observer in the aircraft, a chase aircraft, or other appropriate arrangements.

2. By adding a new § 60.24 and a note to read as follows:

§ 60.24 *Flight test.* No person shall flight test an aircraft unless such flight test is conducted (a) over open water or sparsely populated areas having light air traffic and approved by the Administrator, or (b) within a flight test area designated by the Administrator. All flight tests shall be conducted in accordance with such traffic rules as the Administrator may from time to time prescribe.

NOTE: It should be recognized that any flight operation that requires more than normal preoccupation with cockpit duties may result in careless or reckless operation of aircraft. See Example (c) under § 60.12.

3. By adding a new definition to § 60.60 to read as follows:

§ 60.60 *Definitions.* • • •

Flight test. "Flight test" means the operation of aircraft in flight for the purpose of testing, observing, or measuring the performance of an aircraft, airframe, powerplant, or propeller after its manufacture or major alteration (as defined in Part 18 of this subchapter), except for take-off, landing and operation to and from the area authorized for such flight tests.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 1005, 52 Stat. 1007, 1023, as amended; 49 U. S. C. 551, 645)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1010; Filed, Feb. 7, 1957; 8:53 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs.; Amdt. 25 [1]]

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 371—GENERAL LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

MISCELLANEOUS AMENDMENTS

1. Section 371.2 *General provisions*, paragraph (b) *Use of general license symbol* is amended to read as follows:

[1] This amendment was published in Current Export Bulletin No. 779, dated January 31, 1957.

(b) *Use of general license symbol—(1) Symbol on shipper's export declaration.* A person exporting any commodity or technical data pursuant to any general license established in this part or Part 385 of this subchapter shall enter on the Shipper's Export Declaration, when the Declaration is required, the designation or symbol of the general license authorizing the exportation.

Example. If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the Declaration the symbol GUS to indicate that the exportation is licensed.

(2) *Symbol on mail shipments.* (i) In the case of exportations by mail, except as provided in subdivision (ii) of this subparagraph, the designation or symbol of the general license shall be entered also on the address side of the wrapper of the parcel and shall be followed by the phrase "Export License Not Required." The use of such designation or symbol and the above phrase shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

(ii) The general license designation or symbol and the above phrase is not required on the wrapper (*a*) when technical data are exported by a United States Government agency under the provisions of general license GTDP or GTDS, or (*b*) when noncommercial shipments of publications or technical data are exported via first class mail under the provisions of general license GTDP or GTDS by other than a business concern, e. g., private person not engaged in business, philanthropic organization, non-profit scientific society, etc.

2. Section 371.8 *General license GRO; shipments of non-Positive List commodities*, paragraph (b) *Surplus agricultural commodities and manufactures thereof*, subparagraph (2) *Exportations* is amended by adding a footnote reference in the heading thereof and the following footnote:

[1] Until April 3, 1957, shipments of surplus agricultural commodities under general license GRO continue to require a destination control statement on the Shipper's Export Declaration, Bill of Lading, and commercial invoice (see § 379.10 (c) (1) (iii) for form of statement). On and after April, 3, 1957, the export documents covering such shipments shall include the applicable destination control statement set forth in § 379.10 (c).

3. Section 371.10 *General license GLV; shipments of limited value* is amended to read as follows:

§ 371.10 *General License GLV; shipments of limited value*—(a) *Purpose and symbol.* A general license designated GLV is hereby established, authorizing the exportation from the United States of shipments within certain specific dollar-value limits.

(b) *Definitions and interpretations.* The following definitions and interpretations are applicable to this section:

(1) "Net value" means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(2) "One importer" is interpreted as follows: For exportation under the provisions of this section, not more than the amount authorized under this general license may be exported in a single shipment from a designated exporter to a designated consignee or to an intermediate consignee even though such shipment is to be forwarded to one or more ultimate consignees.

(3) "Commodity" means a commodity under the export control jurisdiction of the Department of Commerce. Commodities licensed by agencies other than the Department of Commerce may not be exported under the provisions of this general license (see § 370.4 of this subchapter).

(4) "Single shipment" means the shipment of all commodities which move at the same time from one exporter to one importer on the same exporting carrier, except that not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one importer.

(c) *Evasion of "single shipment" provisions.* Shipments designed as a device to evade the requirement of a validated export license are prohibited. Such devices include, but are not limited to, (1) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (2) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits but which have a combined value in excess thereof.

(d) *Positive List commodities.* Commodities included on the Positive List of Commodities (§ 399.1 of this subchapter) may be exported in a single shipment under this general license to all destinations, except Hong Kong, Macao, and Subgroup A countries (see § 371.3 (a)), as follows:

(1) *R destinations.* RO or R commodities classified in a single entry on the Positive List may be exported to Group R destinations, provided that the net value of the shipment is within the dollar-value limit specified in the column headed "GLV Dollar Value Limits."

(2) *O destinations.* RO commodities classified in a single entry on the Positive List may be exported to Group O destinations, provided that the net value of the shipment is within the dollar-value limit specified in the column headed "GLV Dollar Value Limits" (including those limits specified as "none"), or $500, whichever is higher, unless the commodity is identified by the symbol "G" in the column headed "Commodity Lists." Where the commodity is identified by the symbol "G", the commodity may be exported only within the dollar-value limit specified in the column headed "GLV Dollar Value Limits."

(3) *Special provisions for Mexico—(i) Limitations on commodities under quantitative quotas.* Commodities subject to quantitative quotas which have been announced in Current Export Bulletins and which are being exported to Mexico by or on behalf of the same exporter to or for the account of the same ultimate consignee are restricted to one "single shipment" (as defined in paragraph (b) of this section) per calendar week when such exports are transported otherwise than by common carrier or by mail.

(ii) *Certification required.* The Shipper's Export Declaration covering any exportation to Mexico which is authorized by general license GLV but which is restricted by the terms of subdivision (i) of this subparagraph shall contain the following additional certification:

The undersigned certifies to the Department of Commerce that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of General License GLV by the undersigned exporter to the consignee named herein during the current calendar week.

(Signed)

(iii) *Hardship or emergency cases.* In any case where the Collector determines that the limitations in subdivision (i) of this subparagraph would create an undue hardship, or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license; provided that the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

(iv) *Collectors authorized to limit shipments.* The Collector of Customs is authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever he shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading the Export Regulations:

NOTE: *R Commodities.* R commodities may be exported to Group O destinations without dollar-value limit under the provisions of general license GO (§371.7).

(e) *Non-Positive List Commodities.* Commodities which are not included on the Positive List of Commodities (§399.1 of this subchapter) may be exported in a single shipment to Hong Kong under the provisions of this general license, provided that for each Schedule B number the net value of commodities classified thereunder does not exceed $25.

NOTE: 1. *General license GRO.* Commodities not included on the Positive List of Commodities may be exported to any destination, except Hong Kong, Macao, and Subgroup A destinations, without dollar-value limit under the provisions of general license GRO (§ 371.8).

2. *General license GHK.* Certain specified non-Positive List commodities may be exported to Hong Kong in unrestricted quantities under the provisions of general license GHK (§ 371.23).

(f) *Use of other general licenses not restricted.* The provisions of this section shall not be construed as limiting the use of any other general license specifically authorized.

4. Section 371.22 *General license GHS; goods exported to Hong Kong as trade samples* is deleted.

5. Section 371.23 *General license GHK; shipments of certain commodities to Hong Kong*, paragraph (a) *Scope* is amended by adding a footnote reference at the end of the first sentence thereof and the following footnote:

[1] Single shipments of all non-Positive List commodities may be made to Hong Kong under the provisions of general license GLV if the quantity classified under a single Schedule B number is valued at $25 or less (see § 371.10).

6. Section 372.12 *Reexportation from country of destination* is amended in the following particulars:

a. Paragraph (c) *Reexportations* is amended by deleting therefrom the reference to general license GHS.

b. A new paragraph (d) is added to read as follows:

(d) *Trieste, Italy, and Yugoslavia.* For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore, a reexportation authorization issued by the Bureau of Foreign Commerce which permits reexportation to Italy automatically includes the area of Trieste under Italian civil administration, and similarly an authorization issued by the Bureau of Foreign Commerce which permits reexportation to Yugoslavia automatically includes the area of Trieste under Yugoslav civil administration.

7. Section 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*, paragraph (a) (1) (ii) *Countries* is amended by adding the following after "Italy": "(including the area of Trieste under Italian civil administration)".

8. Section 373.5 *Licensing policy for agricultural commodities and manufactures thereof* is amended to read as follows:

§ 373.5 *Licensing policy for agricultural commodities and manufactures thereof covering shipments to Subgroup A destinations*—(a) *Subsidized commodities.* It is the general policy of the Bureau of Foreign Commerce to deny applications for validated licenses to export, or authority to reexport, agricultural commodities and manufactures thereof to any Subgroup A destination, except Poland, where the proposed shipment (1) consists of any commodity which is acquired directly or indirectly from the Commodity Credit Corporation, whether in the form acquired or in processed form; (2) consists of any commodity which is shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; and (3) is subsidized for export by the Commodity Credit Corporation either by cash payments or by payments in kind.

(b) *Non-subsidized commodities—(1) Exports from the United States.* License applications covering proposed shipments of agricultural commodities and manufactures thereof destined to Eastern European countries of the Soviet Bloc, other than Poland, may be considered for approval, if approval would not be in conflict with the policy stated in paragraph (a) of this section. (See paragraph (c) of this section for shipments to Poland). Such license applications submitted to the Bureau of Foreign Commerce shall contain the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify (1) that the commodities covered by this application have not been and will not be obtained directly or indirectly from Commodity Credit Corporation stocks; (2) that the commodities will not be shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (3) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

NOTE: See § 371.8 for exportations under general license GRO of surplus agricultural commodities and manufactures thereof.

(2) *Reexportations.* Requests for authority to reexport agricultural commodities and manufactures thereof to Eastern European countries of the Soviet Bloc, other than Poland, may be considered for approval, (i) if approval would not be in conflict with the policy stated in paragraph (a) of this section or (ii) if the commodities had not been exported from the United States under either the Mutual Security Program or the foreign currency, barter, or other Public Law 480 program. Such requests shall be submitted by letter to the Bureau of Foreign Commerce by the United States exporter and shall contain the following certification:

I (We) certify (1) that none of these commodities was exported from the United States under either the Mutual Security Program, or the foreign currency, barter, or other Public Law 480 program; (2) that the commodities covered by this request for authority to reexport have not been obtained directly or indirectly from Commodity Credit Corporation stocks; (3) that the commodities were not shipped in substitution for a commodity acquired directly or indirectly from the Commodity Credit Corporation under an export disposal program; or (4) that if the exportation is eligible for a subsidy under a Commodity Credit Corporation export disposal program for surplus agricultural commodities, such subsidy has not been and will not be claimed or obtained.

(c) *Shipments to Poland—(1) Exports from the United States.* Applications covering agricultural commodities and manufactures thereof, including commodities mentioned in paragraph (a) of this section, for export to Poland may be considered for approval. Arrangements acceptable to the Commodity Credit Corporation must have been made for cash payment upon delivery in U. S. currency at world market prices (i. e., not less than the Commodity Credit Corporation export prices) (i) for all commodities being exported which were acquired directly or indirectly from the Commodity Credit Corporation and (ii) for all commodities acquired from the Commodity Credit Corporation for which substitute commodities are being exported. All applications for export licenses covering agricultural commodities

and manufactures thereof for export to Poland shall be accompanied by the following certification in the space entitled "Additional Information" or on an attachment thereto:

I (We) certify that arrangements acceptable to Commodity Credit Corporation have been made for cash payment upon delivery in U. S. currency at world market prices (1) for all commodities covered by this application which were acquired directly or indirectly from Commodity Credit Corporation and (2) for all commodities acquired from Commodity Credit Corporation for which substitute commodities covered by this application are being exported.

(2) *Reexportation.* Requests for authority to reexport agricultural commodities and manufactures thereof to Poland may also be considered for approval. Such requests shall be submitted by letter to the Bureau of Foreign Commerce by the United States exporter who shall accompany the request with the following certification:

I (We) certify (1) that none of these commodities was exported from the United States under either the Mutual Security Program or the foreign currency, barter or other Public Law 480 program; and (2) that payment has been made to the Commodity Credit Corporation in U. S. currency at world market prices for (a) all commodities covered by this request which were acquired directly or indirectly from the Commodity Credit Corporation and (b) all commodities acquired from the Commodity Credit Corporation for which any of the commodities covered by this request were exported in substitution therefor.

9. Section 373.65 *Ultimate consignee and purchaser statements* is amended in the following particulars:

a. Paragraph (b) *Statements required from ultimate consignee and purchaser* is amended to read as follows:

(b) *Statements required from ultimate consignee and purchaser*—(1) *General.* The applicant shall furnish an original or copy of a statement from the ultimate consignee and purchaser named in the application, certifying to certain facts relating to the proposed transaction. This statement is required by the Bureau of Foreign Commerce to make certain that foreign consignees and purchasers are fully aware of their responsibility not only for the representations made to the Bureau of Foreign Commerce, but also for the proper disposition of the licensed commodities only in those foreign countries where the Bureau of Foreign Commerce has authorized disposition. In addition, the requirement curtails the time-consuming supplementary inquiries by the Bureau of Foreign Commerce which otherwise often may be necessary.

(2) *Signature by ultimate consignee.* This statement must be manually signed by the ultimate consignee (the person abroad who is actually to receive the material for the designated end use), or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement may be located in the United States or in a foreign country; his official title shall be included with his signature.

(3) *Signature by purchaser.* If the purchaser (the person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee) named in the export license application is a different person from the named ultimate consignee, the purchaser must either sign the statement executed by the ultimate consignee, or the applicant must also attach to the application an additional statement executed by the purchaser. This statement from the purchaser shall meet the same requirements of signature, etc., as are stated in subparagraph (2) of this paragraph for the ultimate consignee, and it must cover the same subject matter as required from the ultimate consignee in subsequent paragraphs of this section. The purchaser's statement may be a single transaction statement or a multiple transactions statement and shall be completed in accordance with the procedure described in paragraph (c) of this section.

(4) *Alterations.* No corrections, additions, or alterations to a consignee or purchaser statement may be made by the applicant for an export license after the statement has been signed by the consignee or purchaser. If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser.

(5) *Amendments to statements.* Where a consignee or purchaser statement (Form FC–842 or FC–843) is on file in the Bureau of Foreign Commerce an amendment to the statement may be submitted in the form of an additional Form FC–842 or FC–843, a wire or cable, or a copy of the wire or cable from the ultimate consignee. Sufficient identifying information shall be submitted with the amendment to permit the Bureau of Foreign Commerce to identify the amendment with the statement on file in the Bureau of Foreign Commerce, such as: Form number (Form FC–842 or FC–843); name of consignee or purchaser and date of signing; Bureau of Foreign Commerce Case No. of the license application with which the statement was submitted to the Bureau of Foreign Commerce; applicant's reference number, etc.

(6) *Applications filed without statements.* An application not supported by a statement (where required) from the ultimate consignee or purchaser will be returned without action to the applicant. However, an applicant who can show to the satisfaction of the Bureau of Foreign Commerce that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Bureau of Foreign Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement and the application will receive consideration for approval.

(7) *30-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries or for Group O countries under the TL licensing procedure need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statements during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee, ultimate destination, and the end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and consignee, or other documents received from the consignee.

b. Paragraph (c) *Information required in consignee statements,* subparagraph (1) *General,* subdivision (iii) is amended by amending (*i*) and adding a new (*j*) to read as follows:

(*i*) A certification by the consignee and/or purchaser, as defined in subparagraphs (2) and (3) of paragraph (b) of this section, that the facts contained in the statement are true and correct to the best of their knowledge and belief; a certification by the consignee and/or purchaser that they will promptly send a supplemental statement to the United States exporter (or the foreign distributor in the case of a Foreign Distribution license) of any change of facts or intentions set forth in their statement which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which they propose to dispose of contrary to the representations made in the statement, or contrary to the limitations on countries of distribution which may be received on the bill of lading, commercial invoice or other comparable documents, they will notify the United States exporter and secure approval of the Bureau of Foreign Commerce through the United States exporter prior to such disposition.

(*j*) The applicable information described below should be submitted to the Bureau of Foreign Commerce by the applicant for the export license or the duly authorized agent of the applicant in those instances where the consignee or purchaser statement (Form FC–842 or FC–843) contains corrections, additions or alterations. Statements which do not contain this information may be returned to the applicant for clarification.

(*1*) Where the statement contains changes which appeared on the statement at the time of receipt from the ultimate consignee or purchaser, the following certification may be attached to the statement:

I (We) certify that no corrections, additions or alterations were made on the attached Form (FC–842) (FC–843) by me (us) after the form was signed by the (ultimate consignee) (purchaser).

(2) Where the statement has been partially or completely filled in by the applicant or his agent prior to signing by the ultimate consignee or purchaser, the "Assistance in Preparing Statement" space on Forms FC–842 or FC–843 (Item 8) shall show the name of the person assisting in the preparation of the statement. If in so assisting, corrections, additions or alterations are made on the form, the applicant shall submit a statement to the Bureau of Foreign Commerce, when the form is filed, setting forth the changes made and the reason(s) for making the changes in addition to the preceding certification.

(3) Where the statement contains changes made by the applicant or his duly authorized agent after the statement was signed by the ultimate consignee or purchaser, a statement by the applicant stating that the changes were made after the Statement was signed by the ultimate consignee or purchaser and setting forth the changes and the reason for making the changes shall accompany the Form FC–842 or FC–843.

10. Section 373.70 *Yugoslavia,* paragraph (a) *End-use certificate requirement* is amended by adding after "Yugoslavia" the following: "(including the area of Trieste under Yugoslav civil administration)".

11. Section 373.71 *Supplement 1; Time schedules for submission of applications to export certain Positive List commodities* of Subpart E is renumbered § 373.81 and a new § 373.71 is added to read as follows:

§ 373.71 *Trieste.* For export control purposes the destination "Italy" includes the area of Trieste under Italian civil administration, and the destination "Yugoslavia" includes the area of Trieste under Yugoslav civil administration. Therefore Applications for Export Licenses (Form FC–419), which make reference to Trieste, shall also specify which of the following areas is referred to:

(a) The area of Trieste under Italian civil administration.

(b) The area of Trieste under Yugoslav civil administration.

12. Section 379.1 *General export clearance requirements,* paragraph (b) *Exportations by mail,* subparagraph (2) *Shipments under a general license* is amended to read as follows:

(2) *Shipments under a general license*—(i) *Declaration required.* The sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Shipper's Export Declaration for each commercial mail shipment made under a general license from one business concern to another business concern when the shipment consists of a commodity(ies) valued at $25 or more.[1] Exportation by mail of technical data under a general license does not require the submission of a Declaration.

[1] This rule is also contained in the regulations issued by the Bureau of the Census.

(ii) *Symbol on Declaration.* In preparing the Declaration for presentation to the Postmaster the sender shall place on the form the designation or symbol of the general license under which the commodity(ies) is being exported.

(iii) *Symbol on parcel.* On mail shipments under a general license, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper of the parcel, followed by the phrase "Export License Not Required," except (*a*) when technical data are exported by a United States Government agency under the provisions of general license GTDP or GTDS, or (*b*) when non-commercial shipments of technical data are exported via first class mail under the provisions of general license GTDP or GTDS by other than a business concern. The general license symbol and the phrase will constitute a certification by the sender to the Postmaster and to the Bureau of Foreign Commerce that a validated license is not required for the shipment.

This amendment shall become effective as of January 31, 1957, except that parts 6, 7, and 11 shall become effective as of March 18, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57–965; Filed, Feb. 7, 1957; 8:47 a. m.]

[8th Gen. Rev. of Export Regs.; Amdt. P.L. 7[1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The following entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

Dept. of Commerce Schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
548098	Carbon or graphite products (natural and artificial): Artificial graphite products, n. e. c., in block, brick, plate, or rod form, smallest dimension 2 inches or over. (Specify by name, size and boron content in parts per million.) (3) [9]	Lb.	MINL	100	RO
	Scrap, except tin plated and terne plated scrap (report scrap containing one percent or more tungsten in 664581, and 5 percent or more cobalt in 664526) (see § 399.2, Interpretations 10 and 12).				
601010	Melting steel scrap (No. 1 heavy and No. 2) [4]	S. ton	STEE 19	100	RO
601010	Baled sheet melting scrap (including detinned, semi-detinned, or rusted tin-plated scrap).[4]	S. ton	STEE 19	100	RO
601050	Borings, shovelings, and turnings (steel melting scrap).[4]	S. ton	STEE 19	100	RO
601070	Iron scrap [4]	S. ton	STEE 19	100	RO
601090	Other scrap (including detinned, semi-detinned, or rusted tin-plated scrap) (specify type).[4]	S. ton	STEE 19	100	RO
601170	Other rerolling material. (2) [4]	S. ton	STEE	100	RO
	Cobalt:				
664526	Cobalt dental alloys. (1) [10]	Lb.	MINL	100	RO
	Other industrial chemicals:				
839900	Lime borate (report crude lime (calcium) borate (e. g., Colemanite, Ulexite) in 836220). (10) [4]	Lb.	SALT	100	RO

[4] The letter "A" is added in the column headed "Commodity Lists," indicating that the commodity is subject to the IC/DV procedure (see § 373.2), effective Mar. 18, 1957.

[9] The letter "B" is added in the column headed "Commodity Lists," indicating that the commodity is subject to DL restrictions (see § 374.2), and is excepted from the Time Limit licensing procedure (see Part 377), effective Mar. 4, 1957.

[10] The letter "E" is added in the column headed "Commodity Lists," indicating that the commodity may be exported under the Periodic Requirements licensing procedure (see Part 376).

[9] The commodity description is revised without substantive change.

This part of the amendment shall become effective as of January 31, 1957, unless otherwise indicated in the footnotes.

2. Section 399.2 *Appendix B—Commodity interpretations* is amended by adding a new interpretation to read as follows:

INTERPRETATION 16: METAL ROLLING MILLS

A rolling mill is defined, for export control purposes, as a line of rolling mill stands and accessory equipment, beginning with the first approach table and ending with the last run-out table or coiler which follows the final change in size or dimension of the metal being processed. A rolling mill rolls ferrous or non-ferrous metals (a) from cast ingots or slabs into semi-fabricated or finished rolled products or (b) from semi-finished products into such rolled products as structural shapes, miscellaneous shapes, plates, pipe skelp, sheet strip, bars, rods, tubes, pipes, etc. It may be a reversing or non-reversing or a continuous or semi-continuous mill. It may be designed for either hot or cold rolling, for producing either welded or seamless tubes and pipes, or for such special operations as temper rolling (skin pass) or simultaneous surface and side rolling (universal mill).

When a complete rolling mill is being exported, either in one shipment or in a series of partial shipments, most but not all of the equipment required for this mill is correctly reported under Schedule B No. 744800, "Rolling mill machines and specially fabricated parts, n. e. c." Some of the individual units are classified elsewhere in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported

[1] This amendment was published in Current Export Bulletin No. 779, dated January 31, 1957.

from the United States, and are never correctly reported under Schedule B No. 744800, even though exported as part of a complete mill. In this latter category are such individual units as furnaces and shears.

There is also a group of specially designed parts and accessories for a rolling mill which are classified elsewhere in Schedule B. These items, however, are classified under Schedule B No. 744800 when exported as part of a complete mill, but must be reported under their own Schedule B number when exported as spare or replacement parts. Examples of this type equipment are electric motors and electric, electronic and/or hydraulic control devices.

Another group of specially designed parts and accessories for a rolling mill includes all items which are not classified elsewhere in Schedule B. These items are correctly reported under Schedule B No. 744800 when being exported either as part of a complete mill or as spare or replacement parts. They include roll stands, work rolls, back-up rolls, approach tables, run-out tables, manipulators, edgers, up coilers, down coilers, tension and pay-off reels, levelers, straighteners, cooling bed and quenching equipment, and centralized high pressure lubricators.

Equipment for the further processing of the metal product after it has come from the rolling mill as defined above should not be classified under Schedule B No. 744800, even though exported with the mill. Examples of this type equipment are tinplate lines, galvanizing lines, electroplating lines, annealing furnaces, etc. In addition, other equipment used with a rolling mill but not as part of the mill as defined above is never classified under Schedule B No. 744800, even though exported with the mill. Examples of this type equipment are electric generators, roll grinders, and other machine tools.

Since the examples given in the above paragraphs are not all-inclusive, the exporter should, in addition to following the guide lines set forth above, carefully check both the Schedule B and the Positive List of Commodities before entering a Schedule B number on an export license application or on a Shipper's Export Declaration for a particular item he plans to export for use in or with a rolling mill.

This part of the amendment shall become effective as of January 31, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-966; Filed, Feb. 7, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF MONURON (3-(P-CHLOROPHENYL)-1,1-DIMETHYLUREA)

A petition was filed with the Food and Drug Administration requesting an increase in the tolerance for residues of monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) in or on asparagus from 1 part per million to 7 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the increased tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 2614, 5046) are amended by changing § 120.108 to read as follows:

§ 120.108 *Tolerances for residues of monuron (3-(p-chlorophenyl)-1,1-dimethylurea).* Tolerances for residues of monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) are established in or on raw agricultural commodities as follows:

(a) 7 parts per million in or on asparagus.

(b) 1 part per million in or on citrus citron, cottonseed, grapefruit, grapes, kumquats, lemons, limes, onions (dry bulbs only), oranges, pineapple, spinach, sugarcane, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: February 4, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-987; Filed, Feb. 7, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

VALIDATION OF AND AMENDMENTS TO REGISTRATION

Part 203, Chapter II, Title 22, of the Code of Federal Regulations is hereby amended as follows:

1. Section 203.4 is amended to read as follows:

§ 203.4 *Validation of registration.* Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the United States Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 203.6. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

2. Section 203.5 is amended to read as follows:

§ 203.5 *Amendments to registration.* A registrant's certificate of registration shall be amended whenever a material change is made in the registrant's organization, its purposes or governing personnel. The application for amendment shall be supported by a resolution of the controlling body or other evidence certified by an authorized official. Notice of amendment of certificates will be published in the FEDERAL REGISTER.

The foregoing amendments to §§ 203.4 and 203.5 shall become effective upon the date they are filed with the FEDERAL REGISTER.

(Sec. 521, 68 Stat. 855; 22 U. S. C. 1781)

JOHN B. HOLLISTER,
Director.

FEBRUARY 2, 1957.

[F. R. Doc. 57-962; Filed, Feb. 7, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS

The following amendments to § 56.5–6 of this Part 56 have been authorized by the Secretary of Defense and the Surgeon General of the Public Health Service, who has been delegated the authority for this program by the Secretary of Health, Education, and Welfare:

Section 56.5–6 (e) is amended by (1) substituting the word "physician's" for the word "total" in the fourth sentence, and (2) ending the fifth sentence with the word "allowances.", and deleting the clause which follows.

Section 56.5–6 (e), as revised, reads as follows:

§ 56.5–6 *Charges.* • • •

(e) When a patient is treated for injury other than as an inpatient in a hospital, in accordance with § 56.5–3 (d) (3), the payments made shall be in accordance with the local schedules of allowances. Payments not to exceed a maximum of $75.00, except as provided for under § 56.5–3 (d) (1) (iv) (d), are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e. g., a cast room. The patient shall pay the first $15.00 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15.00) by the patient. The Government shall pay for all costs in excess of $15.00, as authorized in the local schedules of allowances. However, payment by the Government for laboratory tests and pathology and radiology examination shall not exceed the $75.00 maximum, except as provided for under § 56.5–3 (d) (1) (iv) (d).

(70 Stat. 250)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-988; Filed, Feb. 7, 1957; 8:51 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

DELAY FROM ENTRY ON EXTENDED ACTIVE DUTY OF AIR FORCE ROTC GRADUATES

1. In Part 868, §§ 868.1 to 868.21 (Delay in Orders to Active Duty) are revoked.

2. In Part 862, new §§ 862.90 to 862.96 are added as follows:

Sec.
862.90 Purpose.
862.91 Entry on extended active duty.
862.92 Policy.
862.93 Reserve status.
862.94 Criteria for delay.
862.95 Application for delay.
862.96 Delay and appeal boards.

AUTHORITY: §§ 862.90 to 862.96 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended, 5 U. S. C. 22, 171a. Interpret or apply sec. 102, 68 Stat. 1149, sec. 2, 69 Stat. 598, as amended, secs. 101, 276, 651, 671, 1033, 1034, 3202, 8441, 70A Stat. 3, 13, 27, 80, 172, 521; 50 U. S. C. 1181, 925, 10 U. S. C. 101, 276, 651, 671, 1033, 1034, 3202, 8441.

SOURCE: AFR 45–26, July 26, 1956.

§ 862.90 *Purpose.* (a) Sections 862.90 to 862.96 provide guidance in the orderly entry on extended active duty of Air Force ROTC graduates and to outline delay criteria..

(b) The Commander, Continental Air Command, and the Commander, Air University will be guided by §§ 862.90 to 862.96 in administering Air Force ROTC graduates and cadets.

(c) The professors of air science will insure that each Air Force ROTC cadet is thoroughly briefed before appointment on the information contained in §§ 862.90 to 862.96.

(d) Category C delays will be monitored by the Commander, Air University.

§ 862.91 *Entry on extended active duty of Air Force ROTC graduates.* All nonprior service graduates of Air Force ROTC and those prior service graduates enrolled in category I, IA, II or III (see §§ 862.1 to 862.20), will enter on extended active duty within one year from the date of appointment as Reserve officers of the Air Force, unless granted a delay under §§ 862.90 to 862.96. The Commander, Continental Air Command, is responsible for ordering all Air Force ROTC graduates into the active military service. The professors of air science will inform each Air Force ROTC graduate, before his graduation and/or appointment, as to the approximate date he will be required to report for extended active duty. Except for officers granted delays under § 862.94, Air Force Reserve officers scheduled for entry on extended active duty may participate in Reserve training programs in an assigned status if their tentatively scheduled date of entry on extended active duty is at least 6 months after the effective date of such Reserve assignment. Those officers whose retainability is less than 6 months, or those officers delayed under § 862.94, should be encouraged to participate in training activities on an unassigned basis. These officers will be advised that any period of active duty for training performed during their inactive duty reserve assignment will not affect the length of their required extended active duty tour.

§ 862.92 *Policy.* Initial delays will be granted for the minimum period appropriate, but will not exceed 6 months. Granting extensions of delay periods is authorized whenever warranted within the limits set forth in §§ 862.90 to 862.96. However, a stricter application of the criteria for granting initial delays will be made in evaluating requests for extensions of hardship delay. Professors of air science will exercise wide latitude in considering the wishes of Air Force ROTC graduates in recommending the tentative date of entry on extended active duty. Although a delay may be granted so that the graduate does not enter on extended active duty within one year from date of appointment, he will not be eligible for 6 months' active duty for training and 7½ years of Ready Reserve duty. An Air Force ROTC graduate will not apply for delay until he has received notice of the tentative date he is to enter on extended active duty.

§ 862.93 *Reserve status.* Graduates of the Air Force ROTC, immediately upon appointment as commissioned officers of the Air Force Reserve, are designated as Ready Reservists. They retain this status until they have completed their obligated period of extended active duty, unless mandatorily designated Standby Reservists.

§ 862.94 *Criteria for delay.* Air Force ROTC graduates who meet the following criteria may be considered for delay:

(a) *Category C, "student".* (1) Air Force ROTC graduates appointed or enrolled as cadets in Air Science III or IV on or before April 30, 1956, may, upon graduation and appointment, be delayed from entry on extended active duty until they complete the academic work required for the award of a graduate degree, including bachelor of laws, or a degree in medicine, dentistry, veterinary medicine, or allied health specialties. Additional delay for completion of thesis or dissertation will not be granted. Delay may be granted provided that the student has been accepted for admission to, or enrolled in, graduate school within one year from date of appointment for a full-time course of instruction leading to the award of a graduate degree. If the course has commenced, the graduate school must certify that the student is currently meeting the degree requirements and is expected to attain the degree. Additional delay, not to exceed one year, in 6-month increments, from date of award of the graduate degree, may be granted, in order to meet state licensing requirements.

(2) Air Force ROTC cadets initially enrolled in Air Science III on/or after May 1, 1956, may upon graduation and appointment, be delayed from entry on extended active duty only for a sufficient period after appointment to complete the academic work required for the award of a master's degree, normally awarded after one year of graduate study. Additional delay for completion of thesis or dissertation will not be granted. Delay will not be granted for any degree other than a master's degree, except for Rhodes or Fulbright scholars who will be permitted to complete the terms of the scholarship award. Delay may be granted provided that the student has been accepted for admission to, or enrolled in, a graduate school for the first class (summer school excluded) commencing after his appointment for a full-time course of instruction leading to the award of a master's degree. If the course has commenced, the student must have entered upon the course and the graduate school must certify that he is currently meeting the degree requirements and is expected to attain the degree. Notwithstanding other provisions of this subparagraph, Air Force ROTC graduates enrolled or accepted for enrollment in a recognized theological or divinity school and preparing for the ministry will not be ordered to extended active duty regardless of the date of appointment until they have been ordained or graduated from the seminary or withdraw from study.

(b) *Category D, "extreme unforeseen personal hardship."* Air Force ROTC graduates whose entry on extended active duty would cause extreme unforeseen personal hardship to his dependents, greater than that which the dependents of other Reservists ordered to extended active duty can be expected to experience, may be granted a delay. Documentary evidence must support requests submitted on the basis of hardship. Personal hardship will be limited to death, serious illness, or serious injury to members of the Reservist's immediate

from the United States, and are never correctly reported under Schedule B No. 744800, even though exported as part of a complete mill. In this latter category are such individual units as furnaces and shears.

There is also a group of specially designed parts and accessories for a rolling mill which are classified elsewhere in Schedule B. These items, however, are classified under Schedule B No. 744800 when exported as part of a complete mill, but must be reported under their own Schedule B number when exported as spare or replacement parts. Examples of this type equipment are electric motors and electric, electronic and/or hydraulic control devices.

Another group of specially designed parts and accessories for a rolling mill includes all items which are not classified elsewhere in Schedule B. These items are correctly reported under Schedule B No. 744800 when being exported either as part of a complete mill or as spare or replacement parts. They include roll stands, work rolls, back-up rolls, approach tables, run-out tables, manipulators, edgers, up coilers, down coilers, tension and pay-off reels, levelers, straighteners, cooling bed and quenching equipment, and centralized high pressure lubricators.

Equipment for the further processing of the metal product after it has come from the rolling mill as defined above should not be classified under Schedule B No. 744800, even though exported with the mill. Examples of this type equipment are tinplate lines, galvanizing lines, electroplating lines, annealing furnaces, etc. In addition, other equipment used with a rolling mill but not as part of the mill as defined above is never classified under Schedule B No. 744800, even though exported with the mill. Examples of this type equipment are electric generators, roll grinders, and other machine tools.

Since the examples given in the above paragraphs are not all-inclusive, the exporter should, in addition to following the guide lines set forth above, carefully check both the Schedule B and the Positive List of Commodities before entering a Schedule B number on an export license application or on a Shipper's Export Declaration for a particular item he plans to export for use in or with a rolling mill.

This part of the amendment shall become effective as of January 31, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-966; Filed, Feb. 7, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF MONURON (3-(*p*-CHLOROPHENYL)-1,1-DIMETHYLUREA)

A petition was filed with the Food and Drug Administration requesting an increase in the tolerance for residues of monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) in or on asparagus from 1 part per million to 7 parts per million.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which the increased tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 2614, 5046) are amended by changing § 120.108 to read as follows:

§ 120.108 *Tolerances for residues of monuron (3-(p-chlorophenyl)-1,1-dimethylurea).* Tolerances for residues of monuron (3-(*p*-chlorophenyl)-1,1-dimethylurea) are established in or on raw agricultural commodities as follows:

(a) 7 parts per million in or on asparagus.

(b) 1 part per million in or on citrus citron, cottonseed, grapefruit, grapes, kumquats, lemons, limes, onions (dry bulbs only), oranges, pineapple, spinach, sugarcane, tangelos, tangerines.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: February 4, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-987; Filed, Feb. 7, 1957; 8:51 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter II—International Cooperation Administration, Department of State

PART 203—REGISTRATION OF AGENCIES FOR VOLUNTARY FOREIGN AID

VALIDATION OF AND AMENDMENTS TO REGISTRATION

Part 203, Chapter II, Title 22, of the Code of Federal Regulations is hereby amended as follows:

1. Section 203.4 is amended to read as follows:

§ 203.4 *Validation of registration.* Certificates of registration will be issued by the Committee to applicants which fulfill the requirements set forth in § 203.3 and upon the finding of the Committee that the general purposes to be served are of a character and fulfill a need that justify appeals for voluntary support, warrant the cooperation of the United States Government, and otherwise are deemed to serve the public interest. Such certificates may be withheld, in the discretion of the Committee, until an initial program has been recorded under the terms set forth in § 203.6. Notice of issuance of certificates will be published in the FEDERAL REGISTER.

2. Section 203.5 is amended to read as follows:

§ 203.5 *Amendments to registration.* A registrant's certificate of registration shall be amended whenever a material change is made in the registrant's organization, its purposes or governing personnel. The application for amendment shall be supported by a resolution of the controlling body or other evidence certified by an authorized official. Notice of amendment of certificates will be published in the FEDERAL REGISTER.

The foregoing amendments to §§ 203.4 and 203.5 shall become effective upon the date they are filed with the FEDERAL REGISTER.

(Sec. 521, 68 Stat. 855; 22 U. S. C. 1781)

JOHN B. HOLLISTER,
Director.

FEBRUARY 2, 1957.

[F. R. Doc. 57-962; Filed, Feb. 7, 1957; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

MISCELLANEOUS AMENDMENTS

The following amendments to § 56.5–6 of this Part 56 have been authorized by the Secretary of Defense and the Surgeon General of the Public Health Service, who has been delegated the authority for this program by the Secretary of Health, Education, and Welfare:

Section 56.5–6 (e) is amended by (1) substituting the word "physician's" for the word "total" in the fourth sentence, and (2) ending the fifth sentence with the word "allowances.", and deleting the clause which follows.

Section 56.5–6 (e), as revised, reads as follows:

§ 56.5–6 *Charges.* • • •

(e) When a patient is treated for injury other than as an inpatient in a hospital, in accordance with § 56.5–3 (d) (3), the payments made shall be in accordance with the local schedules of allowances. Payments not to exceed a maximum of $75.00, except as provided for under § 56.5–3 (d) (1) (iv) (d), are also authorized for laboratory tests, pathology and radiology examinations provided they are procedures performed by or authorized by the attending physician or surgeon. Payment of charges is also authorized for use of hospital outpatient facilities required for the treatment of the injury, e. g., a cast room. The patient shall pay the first $15.00 of the physician's charges for each different cause or accident for which treatment and services are rendered, except that multiple injuries to the same person resulting from a single accident shall be considered as one injury for payment of the maximum required fee ($15.00) by the patient. The Government shall pay for all costs in excess of $15.00, as authorized in the local schedules of allowances. However, payment by the Government for laboratory tests and pathology and radiology examination shall not exceed the $75.00 maximum, except as provided for under § 56.5–3 (d) (1) (iv) (d).

(70 Stat. 250)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-988; Filed, Feb. 7, 1957; 8:51 a. m.]

Chapter VII—Department of the Air Force

Subchapter F—Reserve Forces

PART 862—AIR FORCE RESERVE OFFICERS' TRAINING CORPS

DELAY FROM ENTRY ON EXTENDED ACTIVE DUTY OF AIR FORCE ROTC GRADUATES

1. In Part 868, §§ 868.1 to 868.21 (Delay in Orders to Active Duty) are revoked.

2. In Part 862, new §§ 862.90 to 862.96 are added as follows:

Sec.
862.90 Purpose.
862.91 Entry on extended active duty.
862.92 Policy.
862.93 Reserve status.
862.94 Criteria for delay.
862.95 Application for delay.
862.96 Delay and appeal boards.

AUTHORITY: §§ 862.90 to 862.96 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended, 5 U. S. C. 22, 171a. Interpret or apply sec. 102, 68 Stat. 1149, sec. 2, 69 Stat. 598, as amended, secs. 101, 276, 651, 671, 1033, 1034, 3202, 8441, 70A Stat. 3, 13, 27, 80, 172, 521; 50 U. S. C. 1181, 925, 10 U. S. C. 101, 276, 651, 671, 1033, 1034, 3202, 8441.

SOURCE: AFR 45–26, July 26, 1956.

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(b) The Commander, Continental Air Command, and the Commander, Air University will be guided by §§ 862.90 to 862.96 in administering Air Force ROTC graduates and cadets.

(c) The professors of air science will insure that each Air Force ROTC cadet is thoroughly briefed before appointment on the information contained in §§ 862.90 to 862.96.

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(2) Air Force ROTC cadets initially enrolled in Air Science III on/or after May 1, 1956, may upon graduation and appointment, be delayed from entry on extended active duty only for a sufficient period after appointment to complete the academic work required for the award of a master's degree, normally awarded after one year of graduate study. Additional delay for completion of thesis or dissertation will not be granted. Delay will not be granted for any degree other than a master's degree, except for Rhodes or Fulbright scholars who will be permitted to complete the terms of the scholarship award. Delay may be granted provided that the student has been accepted for admission to, or enrolled in, a graduate school for the first class (summer school excluded) commencing after his appointment for a full-time course of instruction leading to the award of a master's degree. If the course has commenced, the student must have entered upon the course and the graduate school must certify that he is currently meeting the degree requirements and is expected to attain the degree. Notwithstanding other provisions of this subparagraph, Air Force ROTC graduates enrolled or accepted for enrollment in a recognized theological or divinity school and preparing for the ministry will not be ordered to extended active duty regardless of the date of appointment until they have been ordained or graduated from the seminary or withdraw from study.

(b) *Category D, "extreme unforeseen personal hardship."* Air Force ROTC graduates whose entry on extended active duty would cause extreme unforeseen personal hardship to his dependents, greater than that which the dependents of other Reservists ordered to extended active duty can be expected to experience, may be granted a delay. Documentary evidence must support requests submitted on the basis of hardship. Personal hardship will be limited to death, serious illness, or serious injury to members of the Reservist's immediate

family. It will not include any other hardship such as business, community, or personal finances. As used here, the term "immediate family" includes spouse, child, mother or father, brother or sister, or any person who stands in loco parentis to the Reservist.

§ 862.95 *Application for delay.* The applicant must initiate a request for delay and forward it to the Air Reserve Records Center, Continental Air Command, 3800 York Street, Denver 5, Colorado, together with documentary evidence substantiating the request.

§ 862.96 *Establishing delay and appeals boards*—(a) *Delay board.* The Commander, Continental Air Command, will establish a delay board, consisting of at least one officer and necessary clerical assistants to consider and make determinations on requests for delay. An officer selected for the board will be a field grade officer whenever possible. Classification officers, personnel officers, and technical personnel will be used to assist the delay board in those instances warranting such representation.

(b) *Appeal board.* Headquarters USAF will establish an appeal board, consisting of at least three Air Force officers who possess broad and diversified experience. The primary function of the board will be to review, on appeal, the decision of the delay board on requests for delay. Appeals from decisions of the delay board will be addressed to the delay board which will gather all documentary evidence submitted with the original request and forward it, together with the appeal, to the Director of Military Personnel, Headquarters USAF, Washington 25, D. C., for review and determination. Appeals will not be forwarded by the individual concerned direct to Headquarters USAF.

[SEAL] CHARLES M. MCDERMOTT,
Colonel, U. S. Air Force,
Acting Air Adjutant General.

[F. R. Doc. 57-955; Filed, Feb. 7, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

Correction

In Federal Register Document 56-8782, published at page 8320 in the issue dated October 31, 1956, § 8.2 (c) (2) (iii) should read as follows:

(iii) The introductory text and subdivisions (i) and (ii) of this subparagraph shall not apply to applications for insurance under section 620 of the act which are made on or after January 1, 1957.

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 70]

MINERAL LANDS; COAL PERMITS AND LEASES AND LICENSES FOR FREE USE OF COAL

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 1 to 19, inclusive, of the act of October 20, 1914 (38 Stat. 741, et seq. 48 U. S. C. 432-438, 438a, 439-452) as amended, it is proposed to amend certain sections of the coal regulations approved September 15, 1952, as amended September 7, 1955. The proposed amendment of the sections is set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment of the sections to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 4, 1957.

Sections 70.9, 70.13, 70.14 and 70.17 are amended; the text of § 70.24 is redesignated as paragraph (a) of that section and a new paragraph (b) is added thereto; § 70.25 is amended by adding new paragraphs (d) and (e) thereto, to read as follows:

§ 70.9 *Lease bond.* A compliance bond, in no event less than $1,000, with approved corporate surety (Form 4-1113), or the lessee's personal bond in similar amount (Form 4-1114), will be required prior to the issuance of a lease. Personal bonds must be accompanied by negotiable Federal securities in the amount of the bond. If the amount of the bond is fixed at $1,000, the lessee may, instead, furnish a bond on Form 4-1113 with two qualified individual sureties. Each surety must execute a statement showing that he is worth in real property not exempt from execution double the amount of the bond, over and above his just debts and liabilities, and that he is either a resident of the same State or Territory and the United States Judicial District as the principal on the bond, or of the Territory and the Judicial District in which the lands involved are located. There must also be furnished a certificate by a judge or clerk of a court of record, a United States Attorney, a United States Commisisoner, or United States postmaster, as to the identity, signature, and financial competency of the sureties. All bonds furnished with individual sureties will be examined every two years or at any other time when found advisable, and the principal on the bond will be required to furnish new statements of justification by the sureties and a new certificate of financial competency, and if such sureties are unable to qualify additional security will be required. The statement of justification required to be furnished by the sureties, and the certificate of competency should be on Form 4-215.

§ 70.13 *Notice of lease offer.* Notice of offer of lands or deposits for lease will be by publication once a week for four consecutive weeks, or for such other period as may be deemed advisable, in a newspaper of general circulation, published in the Territory of Alaska. The notice will show the time and place of sale, whether the sale will be at public auction or by sealed bids, the description of the land and the place where a detailed statement of the terms and conditions of the lease offer and the obligations of the successful bidder to pay for publication of that notice may be obtained. A copy of the notice will be posted in the appropriate land office during the period of publication. The detailed statement will set forth the terms and conditions of the sale, including the manner in which bids may be submitted, and statements (a) that the successful bidder will be required, prior to the issuance of a lease, to pay his proportionate share of the total cost of publication of the notice of lease offer, and that the successful bidder's share shall be that proportion of the total advertising cost, that the number of parcels of land awarded to him bears to the number of parcels for which high bidders are declared, and (b) that the Government reserves the right to reject any and all bids. If the sale is by public auction, the statement of terms and conditions of the sale will also specify that sealed bids will be accepted. If any bid be rejected, the deposit will be returned. The commission of any act of intimidation of bidders, or the combination of bidders to hinder or prevent biding is unlawful. See 18 U. S. C. 1860.

§ 70.14 *Sale; bidding requirements; action by successful bidder.* (a) When the sale is by public auction, before bidding is commenced by those persons present, the Manager or other officer conducting the sale will open and read to those persons the sealed bids received on or before the time set in the notice of lease offer. The successful bidder at a sale by public auction must on the day of sale deposit with the Manager or other officer conducting the sale and each bidder at a sale by sealed bid must submit with his bid, the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount bid by him and a statement over the bidder's own signature with respect to citizenship and interests held, similar to that prescribed in § 70.11 (a) (2), (3) and (b).

(b) Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the authorized officer, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. If the land is surveyed, four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 70.13, and file a bond as required by § 70.9. The lease will be dated as of the first day of the month following its issuance unless the successful bidder requests that it be dated as of the first day of the month of issuance. If the land is unsurveyed, the successful bidder will not be required to comply with the requirements of this subsection until the land has been surveyed and the plat of such survey accepted and officially filed. Such survey will be at the expense of the Government. If the bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Alaska Coal Leasing Act. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, there must be furnished satisfactory evidence such as specified in § 70.24 (b), in order that the Manager of the appropriate land office may determine to whom the lease may be issued.

§ 70.17 *Relinquishment of lease.* Upon a satisfactory showing that the public interest will not be impaired, the lessee may surrender the entire lease or any legal subdivision thereof. A relinquishment must be filed in duplicate in the appropriate land office. Upon its acceptance it shall be effective as of the date it is filed, subject to the continued obligation of the lessee and his surety to make payment of all accrued rentals and royalties and to provide for the preservation of any mines or productive works or permanent improvements on the leased lands in accordance with the regulations and terms of the lease.

§ 70.24 *Reward for discovery.* (a) • • •

(b) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 70.11 (a) (2) and (3), except where the heir or devisee is a minor in which case the statement should be signed by the executor or administrator in behalf of the heir or devisee and be accompanied by evidence that the executor or administrator is authorized to sign the statement.

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 70.11 (a) (2) and (3), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee and be accompanied by evidence that he is authorized to sign in behalf of the minor.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 70.11 (a) (2) and (3).

§ 70.25 *Transfers, including subleases.* • • •

(d) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(e) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 70.24 (b).

[F. R. Doc. 57-960; Filed, Feb. 7, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED FRUITS AND CANNED FRUIT JUICES

NOTICE EXTENDING TIME IN WHICH TO FILE VIEWS AND COMMENTS ON PROPOSALS TO ESTABLISH DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN TYPES OF ORANGE JUICE

A request has been received for a further extension of the date for filing views and comments upon the proposal to establish definitions and standards of identity for certain types of orange juice, which was published in the FEDERAL REGISTER of November 6, 1956 (21 F. R. 8511). The time for filing such comments was previously extended to January 31, 1957, by a notice published in the FEDERAL REGISTER on December 7, 1956 (21 F. R. 9726).

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996; 21 F. R. 6581), the Commissioner of Food and Drugs hereby extends until March 5, 1957, the time for filing views and comments upon the proposals to adopt definitions and standards of identity for orange juice, fresh orange juice; stabilized orange juice, processed orange juice; and reconstituted orange juice.

Dated: February 1, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F. R. Doc. 57-957; Filed, Feb. 7, 1957; 8:46 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ALDRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Shell Chemical Corporation, 460 Park Avenue, New York, New York, proposing the establishment of a tolerance of 0.25 part per million for residues of aldrin in or on the following raw agricultural commodities: Carrots, horseradish, parsnips, radishes, salsify roots.

The analytical methods proposed in the petition for determining residues of aldrin are:

1. Microbioassay of Insecticides With Special Reference to Aldrin and Dieldrin, by Sun and Sun. Journal of Economic Entomology, Volume 45, page 26 (February 1952).

2. Chemical Determination of Aldrin in Crop Materials, by O'Donnell et al., Agricultural and Food Chemistry, Volume 2, page 573 (May 26, 1954).

3. Chemical Determination of Dieldrin in Crop Materials, by O'Donnell et al., Agricultural and Food Chemistry, Volume 3, page 9 (1955).

Dated: February 4, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner
of Food and Drugs.

[F. R. Doc. 57-986; Filed, Feb. 7, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS [1]

INSPECTION AND CERTIFICATION; PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the amendment, as herein proposed, of existing regulations (7 CFR 52.1—52.87) governing the inspection and certification of processed fruits and vegetables, processed products thereof, and certain other processed food products issued pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed changes involve new definitions concerning sampling, the deletion of existing tables of sampling rates and the substitution therefor of sampling plans to indicate the number of sample units to be selected for inspection and, in some instances, the number of deviations from certain quality, condition, or contractual requirements that may be permitted when determining the acceptability of a lot of processed food products for a grade, specification, or contract.

The proposed changes also include a procedure for establishing the grade of a lot of processed food products when the basis for inspection includes the quality requirements of an appropriate United States standard for grades of the product and such standards now provide for a scoring system in ascertaining the grade of a sample unit. The proposed procedure to be included in the aforementioned regulations would supersede the procedures outlined in many United States standards for grades of processed food products concerning tolerances for certification of officially drawn samples and it is contemplated that provisions for such procedures set forth in the individual standards will be deleted.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revisions in the regulations governing inspection and certification are as follows:

1. Delete subparagraph (2) of paragraph (o) of § 52.3 *Terms defined*, and insert in lieu thereof the following:

(2) For the purpose of sampling and determining the grade or compliance with a specification, "Lot" means each pile of containers of the same size and type containing a processed product of the same type and style which is separated from other piles in the same warehouse, but containers in the same pile bearing an identification mark different from other containers in that pile may be deemed to be a separate lot.

2. Delete paragraph (u) of § 52.3 *Terms defined*, and insert in lieu thereof the following:

(u) "Sample" and "sample unit" have the following meanings:

(1) "Sample" means any number of sample units of a product to be used for inspection.

(2) "Sample unit" means a single container and/or its entire contents, a single portion of the contents of a container or other unit of commodity, a composite mixture of a single type, size, or style of a single commodity packed in a single-size container, or other unit, as may be designated by the Administrator.

3. Delete § 52.13 *Basis of inspection* and insert in lieu thereof the following:

§ 52.13 *Basis of inspection and grade or compliance determination.* (a) Inspection service shall be performed on the basis of the appropriate United States standards for grades of processed products, Federal, Military, Veterans Administration or other government agency specifications, written contract specifications, or any written specification or instruction which is approved by the Administrator.

(b) Unless otherwise approved by the Administrator compliance with such grade standards, specifications, or instructions shall be determined by evaluating the product, or sample, in accordance with the requirements of such standards, specifications, or instructions: *Provided*, That when inspection for quality is based on any United States grade standard which contains a scoring system the grade to be assigned to a lot is the grade indicated by the average of the total scores of the sample units: *Provided further*, That:

(1) Such sample complies with the applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act;

(2) Such sample complies with the product description;

(3) Such sample meets the indicated grade with respect to factors of quality which are not rated by score points; and

(4) With respect to those factors of quality which are rated by score points, each of the following requirements is met:

(i) None of the sample units falls more than one grade below the indicated grade because of any quality factor to which a limiting rule applies;

(ii) None of the sample units falls more than 4 score points below the minimum score for the indicated grade; and

(iii) The number of sample units that are deviants does not exceed the applicable acceptance number indicated in the sampling plans contained in § 52.38. A "deviant," as used in this section, means a sample unit that falls into the next grade below the indicated grade but does not score more than 4 points below the minimum score for the indicated grade.

(5) If any of the provisions contained in subparagraphs (3) and (4) of this paragraph are not met the grade is determined by considering such provisions in connection with succeedingly lower grades until the grade of the lot, if assignable, is established.

4. Delete § 52.38 *Sampling rates for officially drawn samples* including Tables I, II, III, IV, V, VI, and VII and insert in lieu thereof the following:

§ 52.38 *Sampling plans and acceptance levels.* (a) Unless otherwise approved by the Administrator, each inspector and each licensed sampler shall select from each lot the exact number of sample units indicated for the lot size in either the following applicable single sampling plans or the appropriate multiple sampling plan: *Provided*, That—

(1) He may, in his discretion, select the exact number of sample units indicated for any one of the larger-size lots provided for in the selected sampling plan, or

(2) If, in the conduct of continuous or other in-plant inspection, the sample is examined before the lot size is known and the number of sample units exceeds the prescribed minimum sample size for such lot, but does not equal any one of the prescribed larger sample sizes, the following procedure may be used to determine whether the lot meets any specific requirement:

(i) If the number of deviants (or deviations when so specified) in the irregular sample does not exceed the acceptance number prescribed for the next smaller sample size, the lot meets the requirement.

(ii) If the number of deviants (or deviations when so specified) in the irregular sample equals the acceptance number prescribed for the next larger sample size, additional sample units shall be selected to increase the sample to the next larger prescribed sample size.

(iii) If the number of deviants (or deviations when so specified) in the irregular sample exceeds the acceptance number prescribed for the next larger sample size, the lot fails to meet the requirement.

(b) Unless otherwise approved by the Administrator, the acceptance numbers prescribed in the sampling plans in this section shall be the maximum number of deviants (or deviations when so specified) permitted in a sample. As used in this section, "deviation" means any variation in a sample unit from a specific grade or specification requirement that is specifically defined as such in these regulations, any grade standard, specification, or other document used as a basis for inspection; "deviant" means any sample unit affected by one or more deviations.

(c) Sampling plans referred to in this section are contained in Tables I, II, III, IV, V, VI, and VII which follow. For processed products not included in these tables, the minimum sample size shall be the exact number of sample units prescribed in the table, container group, and lot size that, as determined by the inspector, most closely resembles the product, type, container size, and amount of product to be sampled.

[1] Among such other processed food products are the following: Honey; molasses, except for stockfeed; nuts and nut products, except oil; sugar (cane, beet and maple); sirups (blended), sirups, except from grain; marine food products, except oil.

SINGLE SAMPLING PLANS AND ACCEPTANCE LEVELS

TABLE I—CANNED OR SIMILARLY PROCESSED FRUITS, VEGETABLES, FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARATED

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of less volume than that of a No. 300 size can (300 x 407).	3,000 or less	3,001-14,400	14,401-48,000	48,001-96,000	96,001-156,000	156,001-228,000	228,001-300,000	300,001-420,000	Over 420,000.
GROUP 2									
Any type of container of a volume equal to or exceeding that of a No. 300 size can, but not exceeding that of a No. 3 cylinder size can (400 x 700).	2,400 or less	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 3									
Any type of container of a volume exceeding that of a No. 3 cylinder size can, but not exceeding that of a No. 12 size can (603 x 812).	1,200 or less	1,201-7,200	7,201-15,000	15,001-24,000	24,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container of a volume exceeding that of a No. 12 size can, but not exceeding that of a 5-gallon container.	48 or less	49-400	401-1,200	1,201-2,000	2,001-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container of a volume exceeding that of a 5-gallon container.	16 or less	17-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units). [2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table VI of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VII of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 2 pounds of product. When determined by the inspector that a 2-pound sample unit is inadequate, a larger sample unit may be substituted.

TABLE II—FROZEN OR SIMILARLY PROCESSED FRUITS, VEGETABLES, FISHERY PRODUCTS, AND PRODUCTS THEREOF CONTAINING UNITS OF SUCH SIZE AND CHARACTER AS TO BE READILY SEPARATED

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	2,400 or less	2,401-12,000	12,001-24,000	24,001-48,000	48,001-72,000	72,001-108,000	108,001-168,000	168,001-240,000	Over 240,000.
GROUP 2									
Any type of container over 1 pound but not over 4 pounds net weight.	1,800 or less	1,801-7,200	7,201-18,000	18,001-36,000	36,001-60,000	60,001-96,000	96,001-132,000	132,001-168,000	Over 168,000.
GROUP 3									
Any type of container over 4 pounds but not over 10 pounds net weight.	900 or less	901-3,600	3,601-10,800	10,801-18,000	18,001-36,000	36,001-60,000	60,001-84,000	84,001-120,000	Over 120,000.
GROUP 4									
Any type of container over 10 pounds but not over 100 pounds net weight.	48 or less	49-400	401-1,200	1,201-2,000	2,001-3,600	3,601-8,000	8,001-16,000	16,001-28,000	Over 28,000.
GROUP 5									
Any type of container over 100 pounds net weight.	16 or less	17-80	81-200	201-400	401-800	801-1,200	1,201-2,000	2,001-3,200	Over 3,200.
	Single sampling plans [1]								
Sample size (number of sample units). [2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table VI of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VII of this section.

[2] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. Groups 4 and 5—approximately 3 pounds of product. When determined by the inspector that a 3-pound sample unit is inadequate, a larger sample unit or 1 or more containers and their entire contents may be substituted for 1 or more sample units of 3 pounds.

TABLE III—CANNED, FROZEN, OR OTHERWISE PROCESSED FRUITS, VEGETABLES, RELATED PRODUCTS, AND PRODUCTS THEREOF OF A COMMINUTED, FLUID AND HOMOGENEOUS STATE

Container size group [1]	Lot size (number of containers)								
GROUP 1									
Any type of container of 12 ounces or less.	5,400 or less	5,401–21,600	21,601–62,400	62,401–112,000	112,001–174,000	174,001–240,000	240,001–360,000	360,001–480,000	Over 480,000.
GROUP 2									
Any type of container over 12 ounces but not over 60 ounces.	3,600 or less	3,601–14,400	14,401–31,200	31,201–62,400	62,401–108,000	108,001–144,000	144,001–192,000	192,001–240,000	Over 240,000.
GROUP 3									
Any type of container over 60 ounces but not over 160 ounces.	1,800 or less	1,801–8,400	8,401–18,000	18,001–36,000	36,001–60,000	60,001–96,000	96,001–132,000	132,001–168,000	Over 168,000.
GROUP 4									
Any type of container over 160 ounces but not over 10 gallons or 100 pounds whichever is applicable.	72 or less	73–300	301–1,600	1,601–3,200	3,201–8,000	8,001–16,000	16,001–24,000	24,001–32,000	Over 32,000.
GROUP 5									
Any type of container over 10 gallons or 100 pounds whichever is applicable.	16 or less	17–80	81–200	201–400	401–800	801–1,200	1,201–2,000	2,001–3,200	Over 3,200.
Single sampling plans [2]									
Sample size (number of sample units).[3]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] Ounces pertain to either fluid ounces of volume or avoirdupois ounces of net weight whichever is applicable for the product involved.

[2] For extension of the single sample sizes beyond 72 sample units, refer to table VI of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VII of this section.

[3] The sample units for the various container size groups are as follows: Groups 1, 2, and 3—1 container and its entire contents. A smaller sample unit may be substituted in group 3 at the inspector's discretion. Groups 4 and 5—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

TABLE IV—DEHYDRATED (LOW-MOISTURE) FRUITS AND VEGETABLES

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	1,800 or less	1,801–7,200	7,201–18,000	18,001–36,000	36,001–60,000	60,001–96,000	96,001–132,000	132,001–168,000	Over 168,000.
GROUP 2									
Any type of container over 1 pound but not over 6 pounds net weight.	900 or less	901–3,600	3,601–10,800	10,801–18,000	18,001–36,000	36,001–60,000	60,001–84,000	84,001–120,000	Over 120,000.
GROUP 3									
Any type of container over 6 pounds but not over 20 pounds net weight.	400 or less	401–800	801–1,600	1,601–3,000	3,001–15,000	15,001–24,000	24,001–36,000	36,001–60,000	Over 60,000.
GROUP 4									
Any type of container over 20 pounds but not over 100 pounds net weight.	48 or less	49–400	401–1,200	1,201–2,000	2,001–3,600	3,601–8,000	8,001–16,000	16,001–28,000	Over 28,000.
GROUP 5									
Any type of container over 100 pounds net weight.	16 or less	17–80	81–200	201–400	401–800	801–1,200	1,201–2,000	2,001–3,200	Over 3,200.
Single sampling plans [1]									
Sample size (number of sample units) [2]	3	6	13	21	29	38	48	60	72
Acceptance number	0	1	2	3	4	5	6	7	8

[1] For extension of the single sample sizes beyond 72 sample units, refer to table VI of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VII of this section.

[2] The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Groups 2, 3, 4, and 5—1 container and its entire contents or a smaller sample unit when determined by the inspector to be adequate.

TABLE V—DRIED FRUIT

Container size group	Lot size (number of containers)								
GROUP 1									
Any type of container of 1 pound or less net weight.	2,400 or less	2,401–12,000	12,001–24,000	24,001–48,000	48,001–72,000	72,001–108,000	108,001–168,000	168,001–240,000	Over 240,000.
GROUP 2									
Any type of container ovhr 1 pound but not over 5 pounds net weight.	1,800 or less	1,801–7,200	7,201–18,000	18,001–36,000	36,001–60,000	60,001–96,000	96,001–132,000	132,001–168,000	Over 168,000.
GROUP 3									
Any type of container over 5 pounds but less than 20 pounds net weight.	100 or less	101–300	301–2,500	2,501–6,000	6,001–12,000	12,001–24,000	24,001–36,000	36,001–60,000	Over 60,000.
GROUP 4									
Any type of container equal to or exceeding 20 pounds but not over 100 pounds net weight.	48 or less	49–200	201–1,200	1,201–2,000	2,001–3,600	3,601–8,000	8,001–16,000	16,001–28,000	Over 28,000.
GROUP 5									
Any type of container over 100 pounds net weight.	16 or less	17–80	81–200	201–400	401–800	801–1,200	1,201–2,000	2,001–3,200	Over 3,200.
Single sampling plans [1]									
Sample size (number of sample units.) [2] [3]	3	6	13	21	29	38	48	60	72

[1] For extension of the single sample sizes beyond 72 sample units, refer to table VI of this section; for multiple sampling plans comparable to the various single sampling plans refer to table VII of this section.

[2] The sample units for the various container size groups are as follows: Group 1—1 container and its entire contents. Group 2—1 container and its entire contents or a smaller sample unit of 16 ounces of product or more when determined by the inspector to be adequate. Groups 3, 4, and 5—approximately 16 ounces of product. When determined by the inspector that a 16-ounce sample unit is inadequate, a larger sample unit may be substituted.

[3] In no case, shall the total of all the sample units selected yield less than 100 figs or 200 fig slices; 20 ounces of raisins; 25 ounces of dates; or 56 ounces of other dried fruit.

TABLE VI—SINGLE SAMPLING PLANS FOR USE IN INCREASING SAMPLE SIZE BEYOND 72 SAMPLE UNITS

Sample size, n	84	96	108	120	132	144	156	168	180	192	204	216	230	244	258	272	286	300	314	328	342	356	370	384	400
Acceptance numbers, c	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33

MULTIPLE SAMPLING PLANS [1] [2]

TABLE VII—MULTIPLE SAMPLING PLANS COMPARABLE TO THE INDICATED SINGLE SAMPLING PLANS

Single sample size, n	6	13	21	29	38	48	60	72
Acceptance numbers, c	1	2	3	4	5	6	7	8
Cumulative sample sizes, n_1, and acceptance numbers, c, and rejection numbers, r, for multiple sampling.	n_1 c r 4 0 2 6 0 2 8 1 2	n_1 c r 8 0 3 10 0 3 12 1 3 14 2 3	n_1 c r 10 0 3 14 1 4 18 1 4 22 2 5 26 4 5	n_1 c r 12 0 4 16 0 4 20 1 5 24 2 5 28 3 6 32 3 6 36 5 6	n_1 c r 14 0 4 20 0 5 26 1 6 32 2 6 38 3 7 44 6 7	n_1 c r 16 0 4 24 1 5 32 2 6 40 3 8 48 4 8 56 7 8	n_1 c r 18 0 5 28 1 6 38 2 7 48 3 8 58 4 8 68 8 9	n_1 c r 22 0 5 32 1 7 42 2 8 52 3 9 62 5 10 72 6 10 82 9 10

[1] The above multiple sampling plans may be used in lieu of the single sampling plans listed at the heading of each column.

[2] The last number in each n_1 column is the total number of sample units that may berequired for multiple sampling. However, it is possible to complete inspectiou with less sample units if the number of deviants (or deviations when so specified) does not exceed the acceptance number; or equals or exceeds the rejection number for the appropriate sample size.

5. Delete the following sections from the indicated United States Standards: § 52.2172 of the United States Standards for Grades of Canned Apples (18 F. R. 8073); § 52.311 of the United States Standards for Grades of Canned Apple Juice (18 F. R. 7921); § 52.342 of the United States Standards for Grades of Canned Applesauce (18 F. R. 7922); § 52.422 of the United States Standards for Grades of Canned Dried Beans (18 F. R. 7927); § 52.454 of the United States Standards for Grades of Canned Green Beans and Canned Wax Beans (18 F. R. 7929); § 52.483 of the United States Standards for Grades of Canned Lima Beans (18 F. R. 7933); § 52.534 of the United States Standards for Grades of Canned Beets (18 F. R. 7937); § 52.563 of the United States Standards for Grades of Canned Blackberries and Other Similar Berries, such as Boysenberries, Dewberries, and Loganberries (18 F. R. 7940); § 52.592 of the United States Standards for Grades of Canned Blueberries (18 F. R. 7942); § 52.685 of the United States Standards for Grades of Canned Carrots (18 F. R. 7949); § 52.7981 of the United States Standards for Grades of Canned Red Sour (tart) Pitted Cherries (18 F. R. 7957); § 52.835 of the United States Standards for Grades of Canned Sweet Cherries (18 F. R. 7960); § 52.7963 of the United States Standards for Grades of Canned Cream Style Corn (18 F. R. 862); § 52.881 of the United States Standards for Grades of Canned Whole Kernel (or Whole Grain) Corn (18 F. R. 7965); § 52.962 of the United States Standards for Grades of Canned Cranberry Sauce (18 F. R. 7970); § 52.2201 of the United States Standards for Grades of Chili Sauce (18 F. R. 8075); § 52.1063 of the United States Standards for Grades of Canned Fruit Cocktail (18 F. R. 7980); § 52.1091 of the United States Standards for Grades of Fruit Jelly (18 F. R. 7983); § 52.1122 of the United States Standards for Grades of Fruit Preserves (or Jams) (18 F. R. 7984) (21 F. R. 2611); § 52.1153 of the United States Standards for Grades of Canned Grapefruit (18 F. R. 7987) (19 F. R. 324); § 52.1202 of the United States Standards for Grades of Canned Grapefruit Juice (19 F. R. 6023); § 52.1292 of the United States Standards for Grades of Canned Blended Grapefruit and Orange Juice (19 F. R. 6025); § 52.1263 of the United States Standards for Grade of Canned Grapefruit and Orange for Salad (18 F. R. 7995); § 52.1352 of the United States Standards for Grades of Canned Grape Juice (18 F. R. 8002); § 52.1494 of the United States Standards for Grades of Canned Mushrooms (18 F. R. 8011); § 52.1561 of the United States Standards for Grades of Canned Orange Juice (21 F. R. 983); § 52.2261 of the United States Standards for Grades of Canned Concentrated Orange Juice (18 F. R. 8078); § 52.2230

of the United States Standards for Grades of Concentrated Orange Juice for Manufacturing (18 F. R. 8076); § 52.1464 of the United States Standards for Grades of Orange Marmalade (18 F. R. 8009); § 52.1626 of the United States Standards for Grades of Canned Pears (18 F. R. 8019); § 52.2293 of the United States Standards for Grades of Canned Peas (20 F. R. 3252); § 52.1650 of the United States Standards for Grades of Canned Field Peas and Canned Black-Eye Peas (18 F. R. 8027); § 52.1698 of the United States Standards for Grades of Cucumber Pickles (19 F. R. 1695); § 52.2693 of the United States Standards for Grades of Canned Pimientos (20 F. R. 5091); § 52.1724 of the United States Standards for Grades of Canned Pineapple (18 F. R. 8033); § 52.1770 of the United States Standards for Grades of Canned Pineapple Juice (18 F. R. 8040); § 52.1795 of the United States Standards for Grades of Canned Plums (18 F. R. 8041); § 52.1823 of the United States Standards for Grades of Canned White Potatoes (18 F. R. 8044); § 52.2750 of the United States Standards for Grades of Canned Pumpkin and Canned Squash (21 F. R. 829); § 52.1910 of the United States Standards for Grades of Canned Spinach (18 F. R. 8053); § 52.2055 of the United States Standards for Grades of Canned Sweetpotatoes (18 F. R. 8065); § 52.2081 of the United States Standards for Grades of Canned Tangerine Juice (18 F. R. 8067); § 52.2940 of the United States Standards for Grades of Concentrated Tangerine Juice for Manufacturing (20 F. R. 7281); § 52.2111 of the United States Standards for Grades of Tomato Catsup (18 F. R. 8069); § 52.2380 of the United States Standards for Grades of Tomato Sauce (19 F. R. 2061); § 52.2351 of the United States Standards for Grades of Dehydrated (Low Moisture) Apples (20 F. R. 8142); § 52.3031 of the United States Standards for Grades of Dehydrated Grapefruit Juice (21 F. R. 1065); § 52.2990 of the United States Standards for Grades of Dehydrated Orange Juice (21 F. R. 604); § 52.370 of the United States Standards for Grades of Frozen Apples (19 F. R. 2157); § 52.392 of the United States Standards for Grades of Frozen Asparagus (18 F. R. 7925); § 52.2330 of the United States Standards for Grades of Frozen Green Beans and Frozen Wax Beans (19 F. R. 3293); § 52.508 of the United States Standards for Grades of Frozen Lima Beans (20 F. R. 5051); § 52.619 of the United States Standards for Grades of Frozen Blueberries (18 F. R. 7944) (20 F. R. 3096); § 52.640 of the United States Standards for Grades of Frozen Broccoli (18 F. R. 7945); § 52.658 of the United States Standards for Grades of Frozen Brussels Sprouts (18 F. R. 7947); § 52.710 of the United States Standards for Grades of Frozen Diced Carrots (18 F. R. 7951); § 52.728 of the United States Standards for Grades of Frozen Cauliflower (18 F. R. 7953); § 52.808 of the United States Standards for Grades of Frozen Red Sour (tart) Pitted Cherries (18 F. R. 7958); § 52.939 of the United States Standards for Grades of Frozen Corn-on-the-Cob (18 F. R. 7969); § 52.919 of the United States Standards for Grades of Frozen Whole Kernel (or Whole Grain) Corn (18 F. R. 7967); § 52.3150 of the United States Standards for Grades of Frozen Fried Fish Sticks (21 F. R. 5475); § 52.1179 of the United States Standards for Grades of Frozen Grapefruit (18 F. R. 7989); § 52.1231 of the United States Standards for Grades of Frozen Concentrated Grapefruit Juice (21 F. R. 9284); § 52.1322 of the United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice (18 F. R. 7999); § 52.1380 of the United States Standards for Grades of Frozen Leafy Greens (18 F. R. 8003); § 52.1431 of the United States Standards for Grades of Frozen Concentrate for Lemonade (18 F. R. 8007); § 52.2531 of the United States Standards for Grades of Frozen Concentrate for Limeade (20 F. R. 2747) (21 F. R. 5713); § 52.1520 of the United States Standards for Grades of Frozen Okra (18 F. R. 8013); § 52.1591 of the United States Standards for Grades of Frozen Concentrated Orange Juice (20 F. R. 8207); § 52.2509 of the United States Standards for Grades of Frozen Peas and Carrots (20 F. R. 1010); § 52.1669 of the United States Standards for Grades of Frozen Field Peas and Frozen Black-Eye Peas (18 F. R. 8028); § 52.3011 of the United States Standards for Grades of Frozen Sweet Peppers (21 F. R. 6857); § 52.1750 of the United States Standards for Grades of Frozen Pineapple (18 F. R. 8037); § 52.2921 of the United States Standards for Grades of Frozen Plums (21 F. R. 781); § 52.2399 of the United States Standards for Grades of Frozen French Fried Potatoes (19 F. R. 6723); § 52.1885 of the United States Standards for Grades of Frozen Raspberries (18 F. R. 8050); § 52.1929 of the United States Standards for Grades of Frozen Spinach (18 F. R. 8055); § 52.1949 of the United States Standards for Grades of Frozen Cooked Squash (18 F. R. 8056); § 52.1969 of the United States Standards for Grades of Frozen Squash (Summer Type) (18 F. R. 8058); § 52.1992 of the United States Standards for Grades of Frozen Strawberries (20 F. R. 1580); § 52.2021 of the United States Standards for Grades of Frozen Succotash (18 F. R. 8063); § 52.2141 of the United States Standards for Grades of Frozen Mixed Vegetables (19 F. R. 2340); § 52.1403 of the United States Standards for Grades of Extracted Honey (18 F. R. 8005); § 52.753 of the United States Standards for Grades of Sulfured Cherries (18 F. R. 7954); § 52.1540 of the United States Standards for Grades of Olive Oil (18 F. R. 8014); § 52.2432 of the United States Standards for Grades of Peeled Potatoes (19 F. R. 2647).

It is also contemplated that the aforementioned proposed amended provisions of the regulations governing inspection of processed fruits and vegetables, processed products thereof, and certain other processed food products will also apply, in lieu of any present tolerance provisions for certification of officially drawn samples contained therein, to the following United States Standards which are in current use, but which have not been published in the FEDERAL REGISTER: Tentative United States Standards for Grades of Apple Butter; United States Standards for Grades of Canned Apricots; United States Standards for Grades of canned Asparagus; United States Standards for Grades of Canned Kadota Figs; Tentative United States Standards for Grades of Canned Fruits for Salad; United States Standards for Grades of Canned Concentrated Grapefruit Juice; Tentative United States Standards for Grades of Canned Lemon Juice; Tentative United States Standards for Grades of Canned Okra; Tentative United States Standards for Grades of Green Olives; Tentative United States Standards for Grades of Canned Ripe Olives; United States Standards for Grades of Canned Freestone Peaches; United States Standards for Grades of Canned Yellow Clingstone Peaches; United States Standards for Grades of Peanut Butter; Tentative United States Standards for Grades of Canned Dried Prunes; Tentative United States Standards for Grades of Canned Red Raspberries; Tentative United States Standards for Grades of Canned Sauerkraut; United States Standards for Grades of Barreled or Bulk Sauerkraut; United States Standards for Grades of Canned Tomatoes; United States Standards for Grades of Tomato Juice (Canned or Bottled); Tentative United States Standards for Grades of Canned Tomato Paste; United States Standards for Grades of Canned Tomato Puree (Tomato Pulp); Tentative United States Standards for Grades of Frozen Apricots; United States Standards for Grades of Frozen Berries; Tentative United States Standards for Grades of Frozen Sweet Cherries; Tentative United States Standards for Grades of Frozen Peaches; Tentative United States Standards for Grades of Frozen Peas; Tentative United States Standards for Grades of Frozen Rhubarb.

Dated: January 30, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-822; Filed, Feb. 7, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54299]

TUNA FISH

TARIFF RATE QUOTA

FEBRUARY 4, 1957.

Pursuant to the President's Proclamation No. 3128 of March 16, 1956 (T. D. 54051), it has been determined that 45,460,000 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1957 at the rate of 12½ per centum ad valorem under paragraph 718 (b), Tariff Act of 1930, as modified. Any tuna classifiable under paragraph 718 (b) of the tariff act which is entered, or withdrawn, for consumption during the current calendar year in excess of this quota will be dutiable at the full rate of 25 per centum ad valorem.

The above quota is based on the indicated United States pack of canned tuna for the calendar year 1956 as reported by the United States Fish and Wildlife Service on the basis of preliminary data assembled by that Service. It is subject to possible change on the basis of complete data.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-974; Filed, Feb. 7, 1957; 8:49 a. m.]

DEPARTMENT OF DEFENSE

Office of the Secretary of the Air Force

HERMAN W. BEVIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions:
None.
B. Additions:
Grumman Aircraft Engineering Corporation.
Socony Mobil Oil Company, Inc.

REFERENCE: FEDERAL REGISTER dated August 11, 1956, 6046.

This statement is made of Herman W. Bevis.

Dated: January 11, 1957.

HERMAN W. BEVIS.

[F. R. Doc. 57-969; Filed, Feb. 7, 1957; 8:48 a. m.]

RALPH E. CROSS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions:
Yellow Manufacturing Acceptance Corp.
Gulf Interstate Gas Company.
Canadian Fund, Inc.
Texas Illinois Natural Gas Pipeline.
Prophet Company.
Fidelity Phenix Fire Insurance Company.
Monsanto Chemical Company.
New York State Thruway.
B. Additions:
Utica Community School District No. 1.
International Business Machine Corp.
Ellicott Ellington Towns of Etc., New York.
Adrian City School District.
Union Carbide and Carbon Corp.
Continental Insurance Co.

REFERENCE: FEDERAL REGISTER dated August 11, 1956, 6047.

This statement is made of Ralph E. Cross.

Dated: February 1, 1957.

RALPH E. CROSS.

[F. R. Doc. 57-970; Filed, Feb. 7, 1957; 8:48 a. m.]

JOHN B. INGLIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions:
Hercules Motors Company.
B. Additions:
None.

REFERENCE: FEDERAL REGISTER dated August 11, 1956, 6047.

This statement is made by John B. Inglis.

Dated: January 17, 1957.

JOHN B. INGLIS.

[F. R. Doc. 57-971; Filed, Feb. 7, 1957; 8:48 a. m.]

JOHN W. MCEACHREN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions:
Scudder, Stevens & Clark Stock Fund.
Pine Street Fund.
B. Additions:
None.

REFERENCE: FEDERAL REGISTER dated August 11, 1956, 6047.

This statement is made of John W. McEachren.

Dated: January 17, 1957.

JOHN W. MCEACHREN.

[F. R. Doc. 57-972; Filed, Feb. 7, 1957; 8:48 a. m.]

ROBERT M. TRUEBLOOD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6), of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests.

A. Deletions:
Thomas Industries, Inc.
B. Additions:
Touche, Niven, Bailey & Smart.[1]

REFERENCE: FEDERAL REGISTER dated August 11, 1956, 6047.

This statement is made of Robert M. Trueblood.

Dated: January 12, 1957.

ROBERT M. TRUEBLOOD.

[F. R. Doc. 57-973; Filed, Feb. 7, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JANUARY 31, 1957.

The United States Forest Service has filed an application, Serial No. Nevada 044346, for the withdrawal of the lands described below, from location and entry under the General Mining Laws subject to existing valid claims. The applicant desires the land for a recreation area and administrative sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are within the Humboldt National Forest and are described below:

[1] I have been a partner in Touche, Niven, Bailey & Smart since the first time I filed this report. However, it would appear that there may have been an error in the interpretation of my April 18 report and that conceivably you could have deleted from your records this affiliation which still continues.

MT. DIABLO MERIDIAN, NEVADA

Jack Creek Administrative Site:
T. 42 N., R. 53 E.,
Sec. 19: SW¼ Lot 7, Lot 8, Lot 11, NW¼ Lot 12;
Sec. 30, NW¼ Lot 2.
Acreage: 110, more or less.
Sand Creek Administrative Site:
T. 46 N., R. 55 E.,
Sec. 9: NW¼SE¼, SW¼SE¼.
Acreage: 80, more or less.
Salmon Creek Administrative Site:
T. 47 N., R. 54 E., unsurveyed,
Sec. 14, E½NE¼SW¼, NW¼SE¼.
Acreage: 60, more or less.
Gold Creek Administrative Site:
T. 45 N., R. 56 E.,
Sec. 29: S½SW¼SE¼;
Sec. 32: W½NE¼, SE¼NE¼NE¼NW¼, E½SE¼NE¼NW¼, NE¼NE¼SE¼NW¼, S½NE¼SE¼NW¼, SE¼SE¼NW¼, N½NW¼SE¼, N½S½NW¼SE¼, N½NW¼NE¼SE¼, SW¼NW¼NE¼SE¼, SE¼NE¼, S½NE¼NE¼.
Acreage: 222.5 more or less.
Mountain City R. S. Administrative Site:
T. 45 N., R. 53 E.,
Sec. 13. SE¼SE¼SE¼;
Sec. 24: NE¼, E½NW¼, N½NE¼SW¼, N½N½SE¼.
T. 45 N., R. 54 E., unsurveyed,
Sec. 18: SW¼, W½SW¼SE¼, NW¼SE¼, SW¼NE¼, SE¼NW¼, W½SW¼NW¼;
Sec. 19: NW¼NW¼, N½SW¼NW¼, SW¼SW¼NW¼, unpatented portions of NE¼NW¼ and NW¼NW¼SW¼.
Acreage: 750, more or less.

This area includes pastures which are used in conjunction with wintering the pack and saddle stock used on the Humboldt National Forest.

"76" Creek Administrative Site:
T. 44 N., R. 58 E.
Sec. 6: E½SE¼NW¼, SW¼NE¼.
Acreage: 60, more or less.
Klondyke Administrative Site:
T. 47 N., R. 57 E.,
Sec. 22: N½SW¼SW¼, N½S½, SE¼SW¼.
Acreage: 220, more or less.
Mahoney Ranger Station Administrative Site:
T. 48 N., R. 58 E.
Sec. 8: NE¼, SE¼;
Sec. 5: SE¼SE¼;
Sec. 4: SW¼SW¼;
Sec. 9: W½W½, S½S½NE¼, N½SE¼, NE¼NE¼SW¼, E½NW¼ (All of Sec. 9 subject to Sec. 24, Act of 6/10/20 Power Site Class. No. 237, Nev. No. 5 "F" 8/13/29).
Acreage: 770 more or less.

This area includes summer pasture necessary for pack and saddle stock used in the Administration of the Jarbidge Ranger District.

Green Mountain Administrative Site:
T. 28 N., R. 57 E., unsurveyed,
Sec. 2: SE¼SE¼.
Acreage: 40, more or less.
Terrace Administrative Site:
T. 32 N., R. 59 E.,
Sec. 19: E½ Lot 14, W½ Lot 15;
Sec. 30: W½ Lot 1, E½ Lot 2, All lots 6 & 7.
Acreage: 160, more or less.
Lamoille Canyon Administrative Site:
T. 32 N., R. 58 E.,
Sec. 16: NE¼.
Acreage: 160, more or less.
Ackler Creek Administrative Site:
T. 36 N., R. 60 E.,
Sec. 14: NE¼NE¼SE¼.
Acreage: 10, more or less.
Martin Creek Administrative Site:
T. 44 N., R. 39 E.,
Sec. 13: S½SE¼SW¼;
Sec. 24: NE¼NW¼, NW¼NW¼, N½SW¼NW¼.
Acreage: 120, more or less.
Pole Creek Guard Station Administrative Site:
T. 46 N., R. 59 E.,
Sec. 13: SE¼NE¼, S½SW¼NE¼, S½NE¼NE¼, N½N½SE¼.
T. 46 N., R. 60 E.,
Sec. 18: Lots 1 and 2.
Acreage: 202.41, more or less.
Mary's River Pasture Administrative Site:
T. 44 N., R. 58 E.,
Sec. 23: W½SW¼NE¼, W½NW¼SE¼, NE¼SW¼, SE¼NW¼.
Acreage: 120, more or less.
Camp Creek Pasture Administrative Site:
T. 45 N., R. 59 E.,
Sec. 2: Lot 2.
Acreage: 34.56, more or less.
South Fork Administrative Site:
T. 31 N., R. 57 E.
Sec. 27: NE¼SW¼, W½NW¼SE¼.
Acreage: 60, more or less.
Ruby Administrative Site:
T. 33 N., R. 60 E.,
Sec. 20: Lots 1 and 4.
Acreage: 78.85, more or less.
Groundhog Administrative Site:
T. 46 N., R. 40 E.,
Sec. 25: SW¼SE¼;
Sec. 36: NW¼NE¼.
Acreage: 80, more or less.
Public Service Site No. 1:
T. 44 N., R. 52 E.,
Sec. 21: NW¼, NW¼SW¼, W½NE¼SW¼, W½E½NE¼SW¼, SW¼NE¼ except that portion of SW¼NE¼ containing Entry 541, Mineral Survey 59.
Acreage: 270, more or less.
Wildhorse Crossing Forest Camp Recreation Area:
T. 44 N., R. 54 E., unsurveyed.
Sec. 9: SW¼NE¼, NW¼SE¼.
Acreage: 80, more or less.
Telephone Creek Campground Recreation Area:
T. 46 N., R. 55 E.,
Sec. 34: N½SW¼.
Acreage: 80, more or less.
Jarbidge Campground (No. 1) Recreation Area:
T. 46 N., R. 58 E.,
Sec. 21: E½W½SW¼, W½E½SW¼.
Acreage: 80, more or less.
Jarbidge Campground (No. 2) Recreation Area:
T. 46 N., R. 58 E.,
Sec. 28: E½W½SW¼, W½E½SW¼.
Acreage: 80, more or less.
Lamoille Canyon Recreation Area:
T. 32 N., R. 58 E.,
Sec. 14: SW¼, SW¼SE¼, S½SE¼SE¼;
Sec. 23: N½NE¼.
Acreage: 300, more or less.
Lamoille Canyon Picnic Recreation Area:
T. 32 N., R. 58 E.,
Sec. 6: Lots 1 & 2.
Acreage: 80, more or less.
Angel Lake Recreation Area:
T. 36 N., R. 61 E.,
Sec. 4: S½SE¼.
Acreage: 80, more or less.

E. R. GREENSLET,
State Supervisor.

[F. R. Doc. 57-889; Filed, Feb. 7, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 1, 1957.

The U. S. Fish and Wildlife Service has filed an application, Serial No. Sacramento 047465, for the withdrawal of the lands described below, from all forms of appropriation except mineral leasing under the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185). The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the Honey Lake Waterfowl Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, 4th and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 28 N., R. 14 E.,
Sec. 13, Lots 1, 2 and 3;
Sec. 14, Lots 1, 2, 3 and 4;
Sec. 15, Lot 1 and NE¼NW¼.

The area described contains approximately 185.18 acres of public land in Lassen County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-958; Filed, Feb. 7, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEB. 1, 1957.

The U. S. Fish and Wildlife Service has filed an application, Serial No. Sacramento 051741, for the withdrawal of the lands described below, from all forms of appropriation except mineral leasing under the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185). The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the Madeline Reservoir Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, 4th and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

T. 37 N., R. 14 E., M. D. B. & M.,
Sec. 15, SW¼NE¼, SE¼NW¼.
T. 38 N., R. 13 E., M. D. B. & M.,
Sec. 25, SW¼SE¼, N½SE¼.
T. 38 N., R. 14 E., M. D. B. & M.,
Sec. 29, NE¼, E½NW¼, N½SE¼, SE¼SE¼;
Sec. 30, Lots 1 and 2, E½NW¼;
Sec. 31, Lots 3 and 4, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 32, S½SW¼, S½SE¼;
Sec. 33, NW¼, NW¼SW¼.

The area described contains approximately 1,361.32 acres of public land in Lassen County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-959; Filed, Feb. 7, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 806]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASE IN RATES

NOTICE OF INVESTIGATION AND OF HEARING

On February 1, 1957, the Board entered the following order amending its order of January 25, 1957, in this proceeding:

The following order in this proceeding dated January 25, 1957, and served on January 28, 1957, is hereby amended to include additional items as marked in italics.

It appearing that there have been filed with the Federal Maritime Board, by the following carriers and conference, various tariffs naming increases in commodity rates from, to and between Pacific west coast ports and Atlantic and Gulf coast ports on the one hand and ports in the Hawaiian Islands on the other, effective as shown:

Matson Navigation Company Freight Tariff No. 1-M, F. M. B. F-No. 69, effective January 26, 1957;

Matson Navigation Company Freight Tariff No. 2-O, F. M. B. F-No. 70, effective January 26, 1957;

Matson Navigation Company Freight Tariff No. 3-L, F. M. B. F-No. 71, effective January 26, 1957;

Hawaiian Steamship Company Limited, Freight Tariff No. 1, F. M. B. F-No. 1, effective February 2, 1957;

Pacific Transport Lines, Inc., Freight Tariff No. 7, F. M. B. F-No. 7, Sections I and II thereof, effective February 1, 1957;

Waterman Steamship Corporation, Freight Tariff No. 2-E, F. M. B. F-No. 8, effective February 13, 1957; and

Atlantic and Gulf/Hawaii Conference, A. E. King, Agent, loose-leaf Freight Tariff No. 11, F. M. B. F-No. 17, effective January 26, 1957.

It further appearing that said tariffs name increases in rates over the applicable rates presently in effect;

It further appearing that the Board is of the opinion that the proposed rates should be made the subject of a public investigation and hearing to determine whether the said proposed rates are just and reasonable and otherwise lawful under section 18 of the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, as amended; and

It further appearing that the Board being of the opinion that the effective date of the said tariffs should be suspended, pending investigation;

It is ordered, That the Board enter upon a hearing concerning the reasonableness and lawfulness of the rates, charges, regulations and practices stated in said tariffs;

It is further ordered, That the operation of said tariffs be, and they are hereby suspended and that the use of the rates, charges, regulations and practices therein stated be, and they are hereby deferred until May 26, 1957, unless otherwise authorized by the Board;

It is further ordered, That no change shall be made in the rates, charges, regulations, and practices hereby deferred until this investigation and suspension or any extension thereof has expired, unless otherwise authorized by special permission of the Board;

It is further ordered, That there shall be filed immediately with the Board by the Matson Navigation Company, Hawaiian Steamship Company, Limited, Pacific Transport Lines, Inc., Waterman Steamship Corporation, and Atlantic and Gulf/Hawaii Conference, A. E. King, Agent, consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date; shall reproduce the portion of this order wherein the suspended tariffs are described; shall state that tariffs are suspended and that the rates, charges, regulations and practices therein stated may not be used until the 26th day of May, 1957 unless otherwise authorized by special permission of the Board; and that the rates, charges, regulations and practices hereby deferred may not be changed during the period of suspension or any extension thereof, unless otherwise authorized by special permission of the Board;

It is further ordered, That copies of this order shall be filed with said tariffs in the office of the Federal Maritime Board: that a copy hereof shall be forthwith served upon the American President Lines, Ltd., Hawaiian Steamship Company, Limited; Isthmian Lines, Inc.; Lykes Bros. Steamship Company, Ltd.; Matson Navigation Company; The Oceanic Steamship Company; Pacific Transport Lines, Inc.; United States Lines Company; Waterman Steamship Corporation, Young Brothers Limited, *States Marine Corporation of Delaware*, and the Atlantic and Gulf/Hawaii Conference, A. E. King, Agent; and said agent and carriers be, and they are hereby, made respondents in this proceeding; and that protestants, agent and carriers be duly notified of the time and place of the hearing herein ordered and that notice of such hearing be published in the FEDERAL REGISTER.

It is further ordered, That this order amends order entered in this proceeding on the 25th day of January 1957.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before Examiner C. W. Robinson of the Board's Hearing Examiners' Office at San Francisco, California, beginning at 10 o'clock a. m., March 11, 1957. The location of the hearing room will be announced later. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before February 21, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

On February 1, 1957, the Board entered the following two (2) supplemental orders in this proceeding:

FIRST SUPPLEMENTAL ORDER

It appearing, that petitions have been filed with the Federal Maritime Board for or on behalf of the following carriers and conference, in which relief is sought to depart from the terms of rule 20 (c) of Tariff Circular No. 3 in order to publish certain interim increases in the rates continued in effect as a result of the order of suspension dated January 25, 1957 in Docket No. 808:

American President Lines, Ltd.
Isthmian Lines, Inc.
Lykes Bros. Steamship Company, Ltd.
Matson Navigation Company
The Oceanic Steamship Company
Pacific Transport Lines, Inc.
States Marine Corporation of Delaware
United States Lines Company
Waterman Steamship Corporation
Young Brothers Limited
Atlantic and Gulf/Hawaii Conference, A. E. King, Agent;

It further appearing, that the petitioners seek to establish the said increases on less than statutory notice in new schedules which will supersede the rates otherwise continued in effect as a result of the aforesaid suspension;

It further appearing, that the aforesaid petitioners are in immediate need of additional revenues to offset increased cost of operation and that without such additional revenues some or all of the carriers involved will incur financial loss or at best will receive a return which is inadequate for the maintenance of efficient common carrier service in this trade;

It further appearing that the interim tariffs will name rates that are lower than the rates under suspension and that good cause exists for granting special permission to publish the interim adjustment on 5 days' notice;

It further appearing that the board is of the opinion that the amended order in Docket No. 808 should be modified to permit the establishment of the interim schedules;

It is ordered, That (a) Special Permission Application No. 8, filed by Neil S. Laidlaw, Publishing Agent for Matson Navigation Company, American President Lines, Ltd., and Oceanic Steamship Company, to publish Matson Navigation Company's freight tariffs FMB-F Nos. 73 and 74, be and it is hereby granted under Special Permission No. 3603 on not less than five day's notice;

(b) Special Permission Application No. 9, filed by Neil S. Laidlaw, Publishing Agent for Matson Navigation Company, Isthmian Lines, Inc., and United States Lines (American Pioneer Line) to publish Matson Navigation Company's freight tariff FMB-F No. 75, be and it is hereby granted under Special Permission No. 3605 on not less than five days' notice;

(c) Special Permission Application No. 2, filed by J. J. Sullivan, Acting Secretary, Atlantic and Gulf/Hawaii Conference, for and on behalf of American President Lines, Ltd., Isthmian Lines, Inc., Lykes Bros. Steamship Company, Ltd., Matson Navigation Com-

pany, United States Lines (American Pioneer Line), The Oceanic Steamship Company, and States Marine Corporation of Delaware, to publish Atlantic & Gulf/Hawaii Conference tariff FMB F-No. 18, be and it is hereby granted under Special Permission No. 3604 on not less than five days' notice; and

(d) Special Permission Application No. 1, filed by Tom Killefer, authorized representative for Pacific Transport Lines, Inc., to publish consecutively numbered supplement to freight tariff FMB-F No. 6, containing interim changes in sections I and II of said tariff, be and it is hereby granted under Special Permission No. 3606 on not less than 5 days' notice;

It is further ordered, That the said proposed schedules shall contain a notation that they will expire May 26, 1957, unless sooner cancelled, changed, or extended by further order of the Board;

It is further ordered, That these Special Permissions do not modify any of the provisions of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, nor waive any of the Board's published rules relative to the construction and filing of tariff schedules, except as indicated herein;

It is further ordered, That this order shall be without prejudice to the proceedings herein directed to the question whether the proposed rate changes, or any part thereof, suspended by our prior order herein of January 25, 1957, are just and reasonable and otherwise lawful; and

It is further ordered, That this order supplement the order entered in this proceeding on January 25, 1957, as amended by order dated February 1, 1957.

SECOND SUPPLEMENTAL ORDER

It appearing, that petition has been filed with the Federal Maritime Board by the Hawaiian Steamship Company, Ltd., in which relief is sought to depart from the terms of rule 20 (c) of the Board's Tariff Circular No. 3 in order to publish a supplement to petitioner's tariff FMB-F No. 1, which tariff is under suspension by order of the Board in Docket No. 808;

It further appearing, that petitioner seeks to publish the aforesaid supplement as an emergency measure in order to have rates, rules, regulations and charges on file with the Board and in effect on or about February 5, 1957, which is the announced sailing date of petitioner's inaugural sailing;

It further appearing, that petitioner seeks to publish the emergency rates, rules, regulations and charges on a basis identical to the rates, rules, regulations and charges named in Matson Navigation Company Tariffs FMB-F Nos. 66 and 67;

It further appearing, that petitioner desires to direct the cancellation of the aforesaid emergency supplement by a subsequent schedule which will name interim rates as authorized by the Board in supplemental order in Docket No. 808 with respect to carriers listed therein;

It further appearing, that the interim tariff aforesaid will name rates, rules, regulations and charges which are lower than the rates, rules, regulations and charges named in petitioner's tariff FMB-F. No. 1 which tariff is under suspension in Docket No. 808;

It further appearing, that good cause exists for granting petitioner special permission on one day's notice to publish the emergency supplement to petitioner's Tariff FMB-F. No. 1; and

It further appearing, that good cause exists for granting petitioner special permission on five days' notice to publish a new tariff of interim rates which will supersede the provision of Supplement No. 1 to petitioner's tariff F. M. B. F-No. 1;

It is ordered, That Special Permission Application No. 2 filed by Joseph A. Klausner, Vice President, Hawaiian Steamship Company, Limited, to publish consecutively numbered supplements to freight tariff FMB-F. No. 1, naming emergency rates, rules, regulations and charges identical to those published in Matson Navigation Company Tariffs FMB-F Nos. 66 and 67, be granted on one day's notice under Special Permission No. 3607;

It is further ordered, That Special Permission Application No. 2, filed by Joseph A. Klausner, Vice President, Hawaiian Steamship Company, Ltd., to publish a new tariff naming interim rates, rules, regulations and charges identical to those published in Matson Navigation Company Tariffs FMB-F. Nos. 73 and 74, which new tariff of petitioner will direct the cancellation of Hawaiian Steamship Company Tariff FMB-F. No. 1, as amended, be and it is hereby granted on not less than five days' notice under Special Permission No. 3608.

It is further ordered, That the new tariff authorized for publication by Special Permission No. 3608 shall contain a notation that it will expire May 26, 1957, unless sooner cancelled, changed or extended by further order of the Board;

It is further ordered, That these Special Permissions do not modify any of the provisions of the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended, nor waive any of the Board's published rules relative to the construction and filing of tariff schedules, except as indicated herein;

It is further ordered, That this order shall be without prejudice to the proceedings herein directed to the question whether the proposed rate changes, or any part thereof, suspended by our prior order herein of January 25, 1957, are just and reasonable and otherwise lawful; and

It is further ordered, That this order supplement the order entered in this proceeding on January 25, 1957, as amended by order dated February 1, 1957.

Dated: February 5, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-989; Filed, Feb. 7, 1957; 8:51 a. m.]

Office of the Secretary

[Appeals Board Docket No. FC-40]

AMERICAUTO

APPEALS BOARD DECISION

In the matter of Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France.

A temporary order was issued which, among other things, denied United States export privileges to the above-named appellant on October 4, 1956 (21 F. R. 7703), and the term thereof was extended to January 28, 1957 by a further order issued December 4, 1956 (21 F. R. 9794), and again extended by a further order issued January 28, 1957 (22 F. R. 643). The original order, as extended, is the subject of this appeal.

Following an oral hearing on the record before the Appeals Board, the record in this matter has been carefully examined and due weight has been given to the written statements from the appellant in support of his appeal.

The Board finds that, up to this point, the temporary suspension order, as extended, from which this appeal is made, has been properly imposed and extended to protect the national interest of the United States.

Therefore, it is ordered, That:

1. The appeal be and hereby is denied, provided however, that nothing in this decision shall be construed as precluding the appellant from appealing any further extension of the temporary suspension order beyond that which has already been made.

GRISWOLD FORBES,
Deputy Chairman, Appeals Board.

FEBRUARY 1, 1957.

[F. R. Doc. 57-967; Filed, Feb. 7, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-51]

FOSTER WHEELER CORP.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on January 25, 1957, Foster Wheeler Corporation, 165 Broadway, New York, New York, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a 5-megawatt, tank-type nuclear reactor to the Danish Atomic Energy Commission, Christiansborg, Copenhagen, Denmark. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C. this 1st day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-956; Filed Feb. 7, 1957; 8:45 a. m.]

[Docket No. 50-49]

AEROJET GENERAL NUCLEONICS

NOTICE OF APPLICATION AND PROPOSED ISSUANCE OF AMENDMENT TO LICENSE AUTHORIZING TRANSFER OF REACTOR TO PHILADELPHIA, PA. AND OPERATION IN CONVENTION HALL

Please take notice that Aerojet General Nucleonics on January 22, 1957, filed an application for authorization (a) to transfer its Model AGN-201 type nuclear reactor, Serial No. 101, from its San Ramon, California plant to Philadelphia, Pennsylvania, (b) to operate the reactor as an exhibit in Convention Hall during the period March 6, 1957 to March 15, 1957, inclusive, and (c) subsequent to such operation to return the core to San Ramon, California, and to transfer the reactor without core to Catholic University, Washington, D. C., for storage by AGN. The reactor proposed to be so transferred and operated is one of the three for which AGN seeks a license in Docket No. F-32. Notice of the proposed issuance of a construction permit and the facility licenses in Docket No. F-32 has been published in the FEDERAL REGISTER, 22 F. R. 742.

Please take further notice that if the Atomic Energy Commission issues the license in Docket No. F-32 referred to above, the AEC proposes to amend such license substantially as set forth below unless within 15 days after publication of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

There is annexed a Memorandum submitted by the Division of Civilian Application which summarizes the principal factors considered in reviewing the application. A copy of the application is on file in the Atomic Energy Commission Public Document Room, located at 1717 H Street NW., Washington, D. C.

Amendment to license. 1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby amends the license issued to Aerojet-General Nucleonics (herein referred to as "AGN") for the operation of AGN-201 reactor, Serial No. 101 (hereinafter referred to as the "reactor"), in the following respects:

(a) AGN is authorized to transfer the reactor from AGN's plant in San Ramon, California, to Convention Hall, Philadelphia, Pennsylvania;

(b) AGN is authorized to operate the reactor at the site designated in its application in Convention Hall as an exhibit during the period of the Atomic Exposition and Nuclear Congress, March 6 to March 15, 1957, inclusive;

(c) AGN is authorized thereafter to return the core of the reactor to its plant at San Ramon, California, and to transfer the reactor, without core, to a site at Catholic University, Washington, D.C., for storage by AGN;

(d) AGN shall transfer the reactor to Philadelphia, operate the reactor in Convention Hall, return the core to San Ramon, California, and transfer the reactor without core to the site at Catholic University, Washington, D. C., in accordance with the procedures described in its application filed January 22, 1957, and amendment thereto filed January 28, 1957;

(e) Material irradiated in the reactor shall not be distributed to any person except as authorized in or pursuant to the regulations contained in 10 CFR Part 30, "Licensing of Byproduct Material"; and

(f) The reactor core shall for purposes of transportation be packaged and labeled in accordance with the procedures specified in the application, and the regulations contained in 10 CFR Part 20, "Standards for Protection Against Radiation" and in accordance with applicable regulations of other Federal Agencies.

2. Nothing contained in this amendment shall relieve AGN from compliance with any of the provisions contained or incorporated in the license issued to it for the AGN-201 reactor, Serial No. 101.

Dated at Washington, D. C., this 6th day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

MEMORANDUM

The AGN-201 reactor is a small research reactor designed by Aerojet-General Nucleonics (AGN) to operate at a maximum power of 100 milliwatts. One reactor of the type has been constructed and is presently operating at the AGN site in Sam Ramon, California, pursuant to License R-6 issued October 19, 1956.

A complete description of the reactor and a hazards analysis concerning the reactor are contained in various license applications which have been submitted by AGN (Docket Nos. F-15, F-32 and F-44). A summary of the reactor description and detailed discussion of the hazards analysis of the AGN-201 type reactor have been incorporated in a memorandum accompanying the Notice of Proposed Issuance of Construction Permit for three additional reactors of the same type in Docket No. F-32.

AGN now proposes to transfer an AGN-201 reactor to the Atomic Exposition and Nuclear Congress in Philadelphia, Pennsylvania, to exhibit it during the period March 6 to March 15, 1957, and then to return the core to San Ramon and place the reactor in storage at Catholic University, Washington, D. C. AGN estimates that approximately 10,000 delegates and visitors will view the reactor at the Philadelphia site.

PROCEDURE FOR TRANSPORTING NUCLEAR COMPONENT

Prior to transporting the reactor the top six core discs and the fuel discs from the control and safety rod capsules will be removed from the core and placed in a gas-tight steel vessel, held in a birdcage (a container which isolates special nuclear material to preclude concentration of a critical mass). The total amount of U-235 in this vessel will be approximately 350 grams. The remainder of the core material, containing approximately 300 grams U-235, will be left sealed inside the core tank.

It is stated in the application that both the birdcage and the core tank will be placed in containers labeled in conformance with Part 72 of ICC Regulations. In addition it is provided in the accompanying proposed amendment that the packaging as well as labeling shall be in conformance with applicable regulations of other Federal Agencies. The 10 millicurie radium-beryllium source will be placed in a shielded and fireproof container and similarly labeled. The three containers will be escorted by AGN personnel from San Ramon, California, to Philadelphia, Pennsylvania. Upon arrival at Convention Hall the material will be stored in a locked and guarded room until the fuel and source are placed in the reactor vessel at Convention Hall. The same procedures will be followed in packaging and transporting the material back to San Ramon as were employed in shipping the material to Philadelphia.

The procedures for shipping the special nuclear material and the source are reasonable, and it is concluded that there will be no undue risk to the health and safety of the public in these operations.

DESCRIPTION OF SITE, CONVENTION HALL, PHILADELPHIA, PENNSYLVANIA

The reactor is to be located in Exhibit Space No. 270 in the Grand Exhibition Hall of Convention Hall. The building is constructed with brick walls 24 feet high, a 4½ inch concrete floor pad and a wood truss roof. The 20 x 30 foot exhibit area will be surrounded by a chain guard rail; an inner chain guard rail will surround the control console. A guard stationed at the entrance to the exhibit area will restrict entrance to AGN personnel and such others who are specifically invited into the exhibit area by AGN. A maximum of two visitors will be permitted in the area at any one time. Access to the control console will be limited to a licensed operator at all times. The exhibit area will be supervised by AGN personnel at all times when Convention Hall is open to the public, and will be guarded by members of a qualified protection service during other times.

PLANS FOR DEMONSTRATION OF REACTOR

AGN's plans for operating the reactor at the Atomic Exposition and Nuclear Congress include: (1) bringing the reactor to power approximately 10 times each day, (2) irradiation of samples of polyethylene, polystyrene and aluminum, and (3) irradiation of silver contained in dimes, to illustrate neutron activation. The application states that none of the dimes will be given to the public until the activity is within permissible limits specified in 10 CFR Part 20. The accompanying proposed amendment provides that material irradiated in the reactor shall not be distributed to any person except as authorized in or pursuant to the regulations contained in 10 CFR Part 30.

HAZARDS ANALYSIS

The hazards and safety factors associated with this reactor were discussed in the memorandum accompanying the Notice of Proposed Issuance of Construction Permit in Docket No. F-32. That memorandum is incorporated herein by reference.

CONCLUSION

From a consideration of the problems involved it is concluded that there is reasonable assurance that the reactor may be operated at the proposed site in Convention Hall, Philadelphia, Pennsylvania, in accordance with described procedures without undue risk to the health and safety of the public.

Dated at Washington, D. C., this 6th day of February, 1957.

For the Division of Civilian Application,

H. L. PRICE,
Director.

[F. R. Doc. 57-1016; Filed, Feb. 7, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2105]

PACIFIC GAS AND ELECTRIC CO. AND BELDEN PROJECT

NOTICE OF LAND WITHDRAWAL; CALIFORNIA

FEBRUARY 1, 1957.

Under the date of June 25, 1952, this Commission gave notice to the Bureau of Land Management of withdrawal of approximately 153.40 acres of land of the United States by the filing on May 14, 1952, of an application for license by the Pacific Gas and Electric Company, 245 Market Street, San Francisco 6, California, docketed as Project No. 2108, which under Federal Power Commission's order issued January 24, 1955, combined Projects Nos. 616, 1352 and 2108 and included all under Project No. 2105.

On December 18, 1956, the Pacific Gas and Electric Company, Licensee, filed in the office of this Commission an application for amendment of plans for project No. 2105, requiring a modification of the project boundaries to include additional lands necessary for location of certain project works within the following described land.

MOUNT DIABLO MERIDIAN, CALIFORNIA

All in T. 26 N., R. 7 E.,
Parcel "A" embracing portions of:
Sec. 26, 9.18 acres of S½SE¼.
Parcel "B" embracing portions of:
Sec. 35, 9.18 acres of Lot 1, SE¼NW¼.
Parcel "C" embracing portions of:
Sec. 26, 74.95 acres of Lot 7, SE¼SW¼, W½SE¼;
Sec. 27, 4.28 acres of SE¼SE¼;
Sec. 34, 104.93 acres of Lot 1, W½NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 35, 21.77 acres of Lots 1, and 2, NW¼NE¼.

Conformable to the provision of section 24 of the act of June 10, 1920, as amended, notice is hereby given that all lands lying within the revised project boundary within the aforesaid subdivisions, as shown on revised map designated (FPC No. 2105) Exhibit K–2 filed in the office of the Federal Power Commission on May 14, 1952, revised December 7, 1956, to show additional area needed for construction, material sites and operations of the Belden Project, and refiled December 18, 1956, are from said date of refiling, reserved from all forms of disposal under the Laws of the United States until otherwise directed by the Commission or by Congress.

The additional area reserved by the filing of this application is approximately 224.29 acres, all within the Plumas National Forest, and all of which have been previously reserved in connection with either earlier applications for this project, Project 1297 or in Power Site Classification No. 179.

Copies of revised exhibit "K–2" map (FPC No. 2105) have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] JOSEPH H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 57-961; Filed, Feb. 7, 1957; 8:46 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DELEGATIONS OF FINAL AUTHORITY

MISCELLANEOUS AMENDMENTS

Section II, *Delegations of final authority* (21 F. R. 8961), is amended as follows:

Paragraph D4 is amended to read as follows:

4. To execute contracts and amendments thereto for materials, equipment, supplies, and services other than personal services; to order the publication of advertisements in accordance with General Accounting Office General Regulation No. 109, Revised; to issue Government Bills of Lading (Standard Form 1103); to execute or approve contracts for the sale or transportation of personal property; and to execute Certificates of Release (Standard Form 97) in connection with the disposition of motor vehicles.

Assistant Directors for Management.
Chiefs of the Project Fiscal Management Sections.
General Supply Officers.
Special Field Representative.
General Housing Managers.
Housing Managers.
Assistant Housing Managers.
Management Aides.

Paragraph E5 is amended as follows:

a. Effective October 1, 1956, by adding "Insurance Specialist" to the list of officials designated therein.

b. Effective November 1, 1956, by adding "Insurance-Taxation Officers" to the list of officials designated therein.

The following corrections should be made in Paragraph E7:

Line 6: The word "eversionary" should be changed to read "reversionary".

Line 20: A semicolon should be inserted after the word instruments.

Date approved: January 31, 1957.

CHARLES E. SLUSSER,
Commissioner.

[F. R. Doc. 57-963; Filed, Feb. 7, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

COLORADO AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 1, 1953, that a major disaster occasioned by drought existed in the State of Colorado; and the President determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following countries were determined on January 29, 1957, to be affected by the above-mentioned major disasters:

Colorado: La Plata, Archuleta.
Texas: Terry.

Done at Washington, D. C., this 5th day of February, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-991; Filed, Feb. 7, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8488]

SLICK AIRWAYS, INC., AND FLYING TIGER LINE, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of Slick Airways, Inc., Sales Agency Agreements, CAB No. 2333, et al., and The Flying Tiger Line, Inc., Sales Agency Agreements, CAB No. 5742, et al.

At the instruction of the Board, notice is hereby given that a prehearing conference in the above-entitled docket is assigned to be held on March 5, 1957, at 10 a. m., e. s. t., in Room 4827, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., February 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-992; Filed, Feb. 7, 1957; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 5, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33220: *Lumber—Pacific Coast to eastern defined points.* Filed by W. J. Prueter; Agent, for interested rail carriers. Rates on lumber and related articles, from Pacific Coast points in Alberta, British Columbia, California, Idaho, Montana, Oregon, and Washington, also Juneau, Alaska to points in Arkansas, Illinois, Iowa, Kansas, Louisiana, and Missouri.

Grounds for relief: Grouping at destinations and circuitous routes.

Tariff: Supplement 15 to Agent Prueter's tariff I. C. C. 1581.

FSA No. 33221: *Scrap iron and steel—Michigan points to Adrian, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and steel, not copper clad, (having value for remelting purposes only), straight or mixed carloads from Flint, Holly, North Flint, and Saginaw, Mich., to Adrian, Mich.

Grounds for relief: Intrastate competition and circuitous interstate routes.

FSA No. 33222: *Proportional rates on newsprint to Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on newsprint paper, carloads from upper Mississippi River crossings on traffic originating in eastern Canada to specified destinations in Texas.

Grounds for relief: Equalization of combination rates and circuitous routes.

Tariffs: Supplement 53 to Agent Kratzmeir's tariff I. C. C. 4204 and three other schedules.

FSA No. 33223: *Trailer-on-flat-car service between official and southwestern territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars between points in Delaware, District of Columbia, Maryland, New Jersey, New York, and eastern Pennsylvania, on one hand and points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 16 to Agent Kratzmeir's tariff I. C. C. 4213.

FSA No. 33224: *Asbestos wallboard—Cincinnati, Ohio to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on asbestos wallboard, carloads from Cincinnati, Ohio to Houston, Tex.

Grounds for relief: Carrier competition and circuitous routes.

Tariff: Supplement 185 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 33225—*Cheese—Greenville, Tenn., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cheese, carloads from Greenville, Tenn., to points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 11 to Agent Spaninger's tariff I. C. C. 1527.

FSA No. 33226: *Aluminum articles between points in official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on finished aluminum articles, carloads, as more fully described in exhibit 1 of the application, from, to and between points in official territory, including Illinois, southern Wisconsin, and extended zone C in Wisconsin.

Grounds for relief: Short-line distance formula, motor truck competition and circuitous routes.

Tariff: Agent H. R. Hinsch's tariff I. C. C. 4764.

FSA No. 33227: *Sulphuric acid to Oklahoma and Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from St. Louis, Mo., East St. Louis, Ill., Bartlesville and Tulsa, Okla., and specified points in Louisiana and Texas to Sand Springs, Okla., and Borger and Etter, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 195 to Agent Kratzmeir's tariff I. C. C. 4109 and two other tariffs.

FSA No. 33228: *Sulphuric acid—El Dorado, Ark., to Odessa, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid tank-car loads from El Dorado, Ark., to Odessa, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 54 to Agent Kratzmeir's tariff I. C. C. 4204.

FSA No. 33229: *Newsprint paper—Calhoun, Tenn., to the Southwest.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads from Calhoun, Tenn., to points in southwestern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Agent Spaninger's tariff I. C. C. 1576.

FSA No. 332231: *Vegetable oils—Southern ports to Kankakee, Ill.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on vegetable oils, carloads from Southern ports (on import traffic) to Kankakee, Ill.

Grounds for relief: Port competition, port relations and circuitous routes.

Tariff: Supplement 99 to Agent Engdahl's tariff I. C. C. 126.

AGGREGATE-OF-INTERMEDIATES

FSA No. 33230: *Cast iron pressure Pipe—South to Lynchburg and Roanoke, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads from points in southern territory to Lynchburg and Roanoke, Va.

Grounds for relief: Maintenance of present rates from and to above points without observing same as factors in constructing lower combination to points beyond in official territory.

Tariff: Suplement 109 to Agent Spaninger's tariff I. C. C. 1374.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-968; Filed, Feb. 7, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2-11751]

GULF SULPHUR CORP.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

FEBRUARY 4, 1957.

Notice is hereby given that Gulf Sulphur Corporation (Company) has filed an application under section 310(b)(1)(ii) of the Trust Indenture Act of 1939 (Act) for a finding by the Commission that trusteeship of The Chase Manhattan Bank under an Indenture dated as of July 1, 1955 (1955 Indenture) which was heretofore qualified under the act, and trusteeship by The Chase Manhattan Bank under a proposed indenture to be dated as of December 15, 1956 (1956 Indenture) not to be qualified under the act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1955 Indenture and the 1956 Indenture.

Section 310 (b) of the act, which is embodied in section 9.08 of the 1955 Indenture, provides, in part, that if an indenture trustee under an indenture qualified under the act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is trustee under more than one indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that—

1. It proposes to issue $750,000 principal amount of the company's 6 percent Series C Convertible Debentures under the 1956 Indenture. The Chase Manhattan Bank would be the Trustee. The fifteen purchasers of these Debentures would take for investment rather than distribution. The 1956 Indenture is therefore exempt from qualification under the act by virtue of section 304 (c).

2. The 1955 Indenture provided for the issuance of $3,000,000 principal amount of the company's 5 percent Series A Convertible Debentures and $1,500,000 principal amount of its Series B Convertible Debentures. This Indenture was qualified under the act.

3. Both Indentures are wholly unsecured.

4. Aside from differences as to amounts, dates, interest rates, redemption prices and other procedural differences, most of the provisions of the two Indentures are alike.

5. The company is not in default under either Indenture.

6. The differences between the 1955 Indenture and the 1956 Indenture are not likely to involve a conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after February 22, 1957, unless, prior thereto, a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the act. Any interested person may, not later than February 20, 1957, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-981; Filed, Feb. 7, 1957; 8:50 a. m.]

[File No. 7-1841]

OWENS-ILLINOIS GLASS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 4, 1957.

In the matter of application by the Midwest Stock Exchange for unlisted trading privileges in Owens-Illinois Glass

Company, Common Stock; File No. 7–1841.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 9, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–979; Filed, Feb. 7, 1957; 8:49 a. m.]

[File No. 7–1842]

BABCOCK & WILCOX CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 4, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Babcock & Wilcox Company, Capital Stock; File No. 7–1842.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 19, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–980; Filed, Feb. 7, 1957; 8:49 a. m.]

[File No. 70–3501]

PUBLIC SERVICE CO. OF OKLAHOMA

ORDER EXTENDING TIME FOR CARRYING OUT PROPOSED TRANSACTIONS

The Commission, by its Order (Holding Company Act Release No. 13328, December 5, 1956), permitted a declaration to become effective, under the Public Utility Holding Company Act of 1935 ("act"), regarding a proposal by Public Service Company of Oklahoma ("Public Service") to enter into an amended gas fuel purchase contract with Transok Pipe Line Company. The period during which the proposed transactions shall be, carried out expires today pursuant to Rule U-24 (c) (1) of the rules and regulations promulgated under the act.

Public Service has requested an extension of the period during which said transactions may be consummated.

The Commission having considered said request, and deeming it appropriate to grant such request to the extent of extending the period for sixty days.

It is hereby ordered, That the period during which Public Service may enter into the amended gas fuel purchase contract with Transok Pipe Line Company be, and it hereby is, extended to April 5, 1957.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–982; Filed, Feb. 7, 1957; 8:50 a. m.]

[File No. 24D–1328]

ZENITH URANIUM AND MINING CORP.

ORDER VACATING ORDER OF SUSPENSION

I. Zenith Uranium and Mining Corporation of 351 South Street, Salt Lake City, Utah, filed July 12, 1954 with the Commission a notification on Form 1–A relating to a proposed public offering of 300,000 shares of its common stock, 1 cent par value, at $1 a share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission on December 13, 1955 ordered that the conditional exemption under Regulation A be temporarily suspended on the ground that the issuer failed to comply with a requirement of Regulation A by failing to file semi-annual reports of stock sales and on the additional ground that its underwriter, Daniel M. Sheehan, Jr., d/b/a Sheehan & Company, consented to the entry of an order in the United States District Court for the District of Massachusetts permanently enjoining him from further violations of the provisions of the Securities Exchange Act of 1934 and in particular section 17 in connection with the purchase or sale of any security.

III. It appears that no sales have been made nor will be made by the issuer, promoters, their agents, servants, employees, attorneys or their assigns; that pursuant to the underwriting agreement, contractual relationship between Zenith Uranium and Mining Corporation and Sheehan & Company, its underwriter, terminated on November 10, 1954; that no shares of stock were ever printed and, accordingly, no shares were ever physically delivered to anyone; that the issuer has abandoned plans for a public offering of its securities either pursuant to Regulation A or the registration provisions of the 1933 Act and to this end had caused said corporation to be dissolved. It also appears that there are no outstanding liabilities of the issuer and that the issuer considers it has no legal obligation to anyone to deliver any shares; that the mining claims, being the sole asset of the issuer, were retransferred out of the corporation and that no one has any claim to any shares of the issuer; that the injunctive action taken against the underwriter did not arise out of any transactions which the underwriter had by, for or with the issuer; and that the issuer has filed the necessary 2–A forms.

IV. It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order of suspension as aforesaid no longer exists:

It is ordered, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order of suspension be and it hereby is vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–983; Filed, Feb. 7, 1957; 8:50 a. m.]

[File No. 1–3131]

UNION CHEMICAL & MATERIALS CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 4, 1957.

In the matter of Union Chemical & Materials Corporation, Common Stock; File No. 1–3131.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2–1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the Pittsburgh Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The applicant no longer has any offices or business operations in Pittsburgh. The volume for the stock on the Pittsburgh Stock Exchange is negligible and does not warrant the expenses of continued listing thereon. The stock will remain listed on the New York Stock Exchange.

Upon receipt of a request, on or before February 19, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–984; Filed, Feb. 7, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AGATHE KOSS-ROSENQUIST

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Dr. Agathe Koss-Rosenquist, Lindaustrasse, Bad Ischl, Austria; Claim No. 61929; Vesting Order No. 17809; $309.37 in the Treasury of the United States:

1—$500.00 Czechoslovak State Loan of 1922 secured external SFGB 8 percent reduced to 6 percent Series B due 10–1–52 extended to 10–1–60 with various coupons attached-stamped. Bond No. D 40, presently in the custody of Safekeeping Department of the Federal Reserve Bank of New York.

Executed at Washington, D. C., on January 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–977; Filed, Feb. 7, 1957; 8:49 a. m.]

W. J. S. VAN DER SCHEER-VAN LUTTERVELT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. W. J. S. van der Scheer-van Luttervelt, executrix under the last will and testament of Maarten Reuchlin, deceased; Rotterdam, The Netherlands; Claim No. 41850; Vesting Order No. 248; $647.53 in the Treasury of the United States.

Executed at Washington, D. C., on January 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–975; Filed, Feb. 7, 1957; 8:49 a. m.]

HILDA WINKELBAUER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Hilda Winkelbauer, Paula Gorsky, Christian Kain and Alfred Kain, all of Vienna, Austria; Claim No. 44964; Vesting Order No. 1852; $1,929.57 in the Treasury of the United States; one-third (⅓) thereof each to Hilda Winkelbauer and Paula Gorsky; one-twelfth (1/12) thereof to Christian Kain, and one-fourth (¼) thereof to Alfred Kain.

Executed at Washington, D. C., on January 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–976; Filed, Feb. 7, 1957; 8:49 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF HENRIETTE KALKER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

(Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below.)

The state of the Netherlands for the benefit of—

Mrs. Henriette Kalker, Mrs. Annette and Harry Heilbut, Charles, Mrs. Hedwig, Robert and Hans van Messel, Mrs. Ann Broekman, Mrs. Teuntje de Heer, Mrs. Henriette Wertheim and Bertha Cohen, L. S. Claim No. 18, $2,704.09.

Mrs. W. J. de Vries, F. and I. E. Bogen, C. J. Frank, J. Asscher, J. Elza, J. S., Ch., Maurits, Malie, A. A. and B. de Leeuw, S. Mogendorff, J. R. van Kreveld, A. Wittenberg and S. F. Bijlsma, L. S. Claim No. 161, Union Pacific Railroad Company 4/4% Bond No. 89336, in the principal amount of $1,000.

Lehman & Co., L. S. Claim No. 567, Southern Railway Company 4/5% Bond No. 51201, in the principal amount of $1,000.

Fritz and Julius Schopflocher, L. S. Claim No. 663, $1,000.00.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on January 31, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57–978; Filed, Feb. 7, 1957; 8:49 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. S–7–3]

CERTAIN EXPANSION BRACELETS AND PARTS THEREOF

NOTICE OF SUSPENDED ACTION ON COMPLAINTS

FEBRUARY 5, 1957.

On February 4, 1957, the Tariff Commission suspended action, pending the outcome of certain patent litigation, on complaints under section 337 of the Tariff Act of 1930 filed by Speidel Corporation, 70 Ship Street, Providence, Rhode Island, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign expansion bracelets and parts thereof. Notice of receipt of the complaints was issued by the Commission on October 30, 1956 (21 F. R. 8473).

The action of the Commission was based in part on the fact that certain of the patents involved in the complaints are the subject of pending patent suits in the Federal Courts.

I certify that the above action was taken by the United States Tariff Commission on February 4, 1957.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57–985; Filed, Feb. 7, 1957; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 28

Washington, Saturday, February 9, 1957

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

UNIVERSITY OF MICHIGAN

FEB 1? 1957

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.310]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following February 9, 1957, paragraph (c) is amended by the deletion of the following:

Colombo, Ceylon.
Israel, all posts except Haifa and Tel Aviv and the Israel-held sector of Jerusalem.
Luanda, Angola.

2. Effective as of the beginning of the first pay period following September 22, 1956, paragraph (a) is amended by the addition of the following:

Nha Trang, Viet-Nam.

3. Effective as of the beginning of the first pay period following November 17, 1956, paragraph (a) is amended by the addition of the following:

Little Carter Cay, British West Indies.

4. Effective as of the beginning of the first pay period following February 9, 1957, paragraph (c) is amended by the addition of the following:

Ceylon, all posts.

5. Effective as of the beginning of the first pay period following February 9, 1957, paragraph (d) is amended by the addition of the following:

Luanda, Angola.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: January 31, 1957.

For the Secretary of State.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 57-1000; Filed, Feb. 8, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ASPARAGUS [1]

On April 3, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2245) regarding a proposed revision of United States Standards for Grades of Canned Asparagus.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Asparagus are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

Sec.
52.2541 Identity.
52.2542 Styles of canned asparagus.
52.2543 Grades of canned asparagus.
52.2544 Types of canned asparagus.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.2545 Recommended fill of container.
52.2546 Recommended minimum drained weight.
52.2547 Compliance with recommended minimum drained weights.

SIZE (DIAMETER) OF SPEARS, TIPS, AND POINTS

52.2548 Size (diameter) of spears, tips, and points in canned asparagus.
52.2549 Compliance with single size recommendations.

FACTORS OF QUALITY

52.2550 Ascertaining the grade.
52.2551 Ascertaining the rating for the factors which are scored.
52.2552 Liquor.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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TO
CODE OF FEDERAL
REGULATIONS

Revised as of January 1, 1956
($4.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY: §§ 52.2541 to 52.2558 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

§ 52.2541 *Identity.* "Canned asparagus" means the canned product prepared from clean, sound, succulent shoots of the asparagus plant prepared and processed in accordance with good commercial practice as such product is defined in the standard of identity for canned asparagus (§ 51.990 of this chapter, 20 F. R. 9621-9622) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2542 *Styles of canned asparagus.* (a) "Spears" (stalks), which may be peeled or unpeeled, is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is 3¾ inches or more in length.

(b) "Tips" is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is less than 3¾ inches but not less than 2¾ inches in length.

(c) "Points" is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is less than 2¾ inches in length.

(d) "Cut spears" (cut stalks) is the style of canned asparagus that consists of shoots cut transversely into pieces. The recommended minimum percent, by count, of heads in cut spears is given in Table No. 1 of this section.

TABLE NO. 1

RECOMMENDED MINIMUM PERCENT, BY COUNT, OF HEADS IN CUT SPEARS

Length of units:	*Percent, by count, of heads*
1¼ inches or less	15
Over 1¼ inches	20

(e) "Bottom cuts" or "cuts—tips removed" is the style of canned asparagus that consists of portions of shoots with heads removed that are cut transversely into pieces.

(f) "Mixed" is the style of canned asparagus consisting of two or more of the foregoing styles.

§ 52.2543 *Grades of canned asparagus.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned asparagus that possesses a good flavor; that possesses a clear liquor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 85 points: *Provided,* That the canned asparagus may possess a fairly clear liquor and a fairly good color if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned asparagus that possesses a fairly good flavor; that possesses a fairly clear liquor; that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of canned asparagus that fails to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.2544 *Types of canned asparagus.* The type of canned asparagus is not incorporated in the grades of the processed product, since the type of canned asparagus is not a factor of quality for the purpose of these grades. The type of asparagus may be designated in accordance with the following requirements:

(a) "Green" (all green) consists of units of canned asparagus which are typical green, light green, or yellowish green in color.

(b) "Green tipped" consists of canned asparagus spears, tips, and points, of which one-half or more of the unit measured from the tip end is green, light green, or yellowish green in color.

(c) "Green tipped and white" consists of (1) spears, tips, and points of canned asparagus which are typical white or yellowish white in color, and may have green, light green, or yellowish green heads, and the green color may extend to not more than one-half of the length of the stalk measured from the tip end and (2) green tipped and white spears, tips, and points, when cut into units, may consist of a mixture of typical white, yellowish white, green, light green, or yellowish green units.

(d) "White" consists of units of canned asparagus which are typical white or yellowish white in color.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.2545 *Recommended fill of container.* The recommended fill of container for canned asparagus is not incorporated in the grades of the processed product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned asparagus be filled as full as practicable with asparagus without impairment of quality.

§ 52.2546 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. 2 are not incorporated in the grades of the processed product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned asparagus is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter, inclining the sieve to facilitate drainage, and allow to drain for two minutes. The drained weight is the weight of the sieve and the asparagus less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.2547 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weight for canned asparagus is determined by averaging the drained weights of all of the containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meet the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all of the containers which are representative of the lot does not fall below the minimum recommended drained weight.

TABLE No. 2

RECOMMENDED MINIMUM DRAINED WEIGHT (IN OUNCES) OF ASPARAGUS

Container size or designation	Container dimensions (inches) water capacity (ounces avoirdupois)		Spears, tips, points (small, medium, large, and blends of these sizes)		Spears, tips, and points (extra large, colossal, giant, or blends including these sizes)		Cut spears, bottom cuts or cuts—tips removed (all sizes)	
	Diameter	Height	Green tipped and white	Green and green tipped	Green tipped and white	Green and green tipped	Green tipped and white	Green
8 oz. tall	2 1/16	3 1/16	5 1/4	5	5 1/4	5	5	4 3/4
8 oz. jar	8.5 oz.		5 1/4	5	5 1/4	5	5	4 3/4
No. 1 picnic	2 1/16	4	7	6 1/4	6 1/2	6	6 1/2	6
12Z	2 1/16	4 7/16	8	7 1/2	7 3/4	7 1/4	7 3/4	w7 1/4
No. 300	3	4 3/16	9 1/2	8 3/4	9	8	9	8 1/2
No. 300 x 409	3	4 9/16	9 3/4	9	9 3/4	8 3/4	9 3/4	8 3/4
No. 300 cylinder	3	5 5/16		11		10 1/2		
No. 1 tall	3 1/16	4 13/16	10 3/4	9 3/4	10 1/2	9 3/4	10 3/4	9 1/2
No. 303	3 3/16	4 5/16	10 3/4	9 3/4	10 1/2	9 3/4	10 3/4	9 3/4
No. 303 jar	17.8 oz.		10 3/4	9 3/4	10 1/2	9 3/4	10 3/4	9 3/4
No. 2	3 7/16	4 9/16	13 1/2	12 1/4	12 3/4	11 3/4	12 3/4	11 3/4
No. 2½ (round)	4 1/16	4 13/16	19 1/2	17 3/4	18 1/2	17 1/4	18 1/2	16 1/4
No. 2½ jar	29.5 oz.		19 1/4	17 1/2	18 1/4	17	18 1/2	16 3/4
No. 5 squat	6 3/16	4 5/16	43	39	41	38	42	38
No. 10	6 3/16	7	64 1/2	63	64 1/2	60 3/4	64 1/2	60 3/4
13½Z	14.5 oz.		8 3/4	8	8 1/4	7 1/2		

SIZE (DIAMETER) OF SPEARS, TIPS, AND POINTS

§ 52.2548 *Size (diameter) of spears, tips, and points in canned asparagus.* The size (diameter) of asparagus spears, tips, and points in canned asparagus is determined by measuring the largest diameter across the base at right angles to the longitudinal axis of the unit. Units compressed in processing should be restored to their approximate original contour before sizing. Asparagus spears longer than 5 inches are measured at a point 5 inches from the top of the spear. Units 5 inches in length and less are measured at the base or largest cut end of the unit.

§ 52.2549 *Compliance with single size recommendations.* Canned asparagus spears, tips, and points will be considered as meeting a designated size when not more than 20 percent, by count, of all the units are of the next size smaller or the next size larger than the diameter range of the particular size designation.

TABLE No. 3

SIZES (DIAMETER) OF ASPARAGUS SPEARS, TIPS, AND POINTS IN CANNED ASPARAGUS

Word designation	Diameter (16ths of inch)
Small	Approximately 5/16.
Medium	5/16 to 9/16.
Large	9/16 to 13/16.
Extra Large or Mammoth	13/16 to 17/16.
Colossal	17/16 to 19/16.
Giant	19/16 and over.
Blend of Sizes	A mixture of two or more of the foregoing sizes.

FACTORS OF QUALITY

§ 52.2550 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor.

(2) *Factors rated by score points.* (i) The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Liquor	10
Color	20
Defects	30
Character	40
Total Score	100

(ii) "Good flavor" means that the product has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(iii) "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2551 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is rated by score points are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each such factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2552 *Liquor*—(a) *(A) classification.* Canned asparagus that possesses a clear liquor may be given a score of 9 or 10 points. "Clear liquor" means that the liquor may possess a typical yellow or green color and is fairly free from suspended material and sediment.

(b) *(C) classification.* If the canned asparagus possesses a fairly clear liquor a score of 7 or 8 points may be given. "Fairly clear liquor" means that the liquor may be cloudy but not excessively cloudy or may possess an accumulation of sediment which may be slightly gray or slightly brown but is not seriously objectionable and is not off color.

(c) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (that is a limiting rule).

§ 52.2553 *Color*—(a) *General.* The color of asparagus in canned asparagus is based on the type and style of asparagus and the characteristic and predominant color of the units.

(b) *(A) classification.* Canned asparagus that possesses a good color may be given a score of 17 to 20 points. "Good color" has the following meanings with respect to the following types and styles of canned asparagus:

(1) *Spears, tips, or points*—(i) *Green.* The units possess a good, characteristic, green, light green, or yellowish green color typical of well developed asparagus, and the bottom portion of not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess typical white or yellowish white color not to exceed one-eighth of the length of the unit.

(ii) *Green tipped.* The units possess a good, characteristic, green, light green, or yellowish green color with typical white or yellowish white color at the base ends, typical of well developed asparagus; and not more than 20 percent, by count, of the units may possess typical white or yellowish white color in excess of one-half of the length of the unit or may be all green.

(iii) *Green tipped and white.* The units possess a good, characteristic, white or yellowish white color, and may possess green, light green, or yellowish green heads and adjacent areas, typical of well developed asparagus, and not more than 20 percent, by count, of the units may possess green, light green, or yellowish green heads and adjacent areas exceeding one-half of the length of the unit.

(iv) *White.* The units possess a good, characteristic, white or yellowish white color typical of well developed asparagus, and not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess green, light green, or yellowish green heads and adjacent areas not to exceed one-half of the length of the unit.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed*—(i) *Green.* The units possess a good, characteristic, green, light green, or yellowish green color typical of well developed asparagus, and not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess typical white or yellowish white color not to exceed one-eighth of the length of the unit.

(ii) *Green tipped.* The units possess a good, characteristic, green, light green, or yellowish green color with typical white or yellowish white color at the base ends, typical of well developed asparagus; and not more than 20 percent, by count, of the units may possess typical white or yellowish white color in excess of one-half of the length of the unit or may be all green.

(iii) *Green tipped and white.* The units possess a good, characteristic, white or yellowish white color, and may possess green, light green, or yellowish green heads and adjacent areas, typical of well developed asparagus, and not more than 20 percent, by count, of the units may possess green, light green, or yellowish green heads and adjacent areas exceeding one-half of the length of the unit.

(iv) *White.* The units possess a good, characteristic, white or yellowish white color typical of well developed asparagus, and not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess green, light green, or yellowish green heads and adjacent areas not to exceed one-half of the length of the unit.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* (i) *Green.* The units possess a fairly good, characteristic, green, light green, or yellowish green color typical of fairly well developed asparagus and not more than 20 percent, by count, of the units may be green and white or white: *Provided,* That not more than 5 percent, by count, of all the units may be white.

(ii) *Green tipped and white or white.* The units possess a fairly good, characteristic color typical of fairly well developed green tipped and white or white asparagus.

(d) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section or is definitely off color may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2554 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit or silt, loose material, shattered heads, poorly cut units, damaged units, and seriously damaged units.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Loose material" means shattered asparagus material and cut or broken pieces which are less than three-eighth inch in length.

(3) "Shattered head" means any unit with the asparagus head broken or shattered to the extent that the appearance is seriously affected.

(4) "Misshapen" means any spear, tip, or point that is badly crooked, or any unit that is seriously affected in appearance by doubles or other malformations.

(5) "Poorly cut" means a unit that has a very ragged, stringy, or frayed edge or edges, or a unit that is partially cut, or is cut at an angle of less than approximately 45 degrees.

(6) "Damaged" means damaged by discoloration, mechanical injury, or damaged by other means to the extent that the appearance or edibility of the unit is materially affected.

(7) "Seriously damaged" means damaged to such an extent that the appearance or edibility of the unit is seriously affected.

(b) *(A) classification.* Canned asparagus that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that no grit or silt may be present that affects the appearance or edibility of the product; that loose material may be present that does not materially affect the appearance of the product; and that with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* There may be present with respect to green and green tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 15 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 3 percent, by count, of the units may be seriously damaged, or one unit in a single container may be seriously damaged if such unit exceeds the allowance of 3 percent: *Provided,* That in all of the containers comprising the sample such damaged units do not exceed an average of 3 percent, by count, of the total number of units.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* There may be present for the applicable style not more than 10 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 2 percent, by count, of the units may be seriously damaged or one unit in a single container may be seriously damaged if such unit exceeds the allowance of 2 percent: *Provided,* That in all of the containers comprising the sample such damaged units do not exceed an average of 2 percent, by count, of the total number of units.

(c) *(C) classification.* If the canned asparagus is fairly free from defects, a score of 21 to 24 points may be given. Canned asparagus that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that not more than a trace of grit or silt may be present that affects the appearance or edibility of the product; that loose material may be present that does not seriously affect the appearance of the product; and that with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* There may be present with respect to green and green tipped types not more than 20 percent, and with respect to green tipped and white and white types not more than 30 percent, by count, of units with shattered heads, misshapen units, and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 10 percent, by count, of the units may be seriously damaged, or one unit in a single container may be seriously damaged if such unit exceeds the allowance of 10 percent: *Provided,* That in all of the containers comprising the sample such damaged units do not exceed an average of 10 percent, by count, of the total number of units.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* There may be present for the applicable style not more than 20 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 7 percent, by count, of all the units may be seriously damaged.

(d) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2555 *Character*—(a) *General.* The factor of character refers to the degree of development of the head and bracts and to the tenderness and texture of the unit.

(1) "Well developed" means that the appearance of the head is not materially affected by a seedy appearance, and is practically compact.

(2) "Fairly well developed" means that the head may show a seedy appearance over the surface of the head and the head and bracts may be elongated but not so developed or elongated as to give a definitely spread or branching appearance.

(b) *(A) classification.* Canned asparagus that possesses a good character may be given a score of 34 to 40 points. "Good character" has the following meanings with respect to the following styles and types of canned asparagus:

(1) *Spears, tips, and points.* Not less than 85 percent, by count, of the heads are well developed; and the remaining units are at least fairly well developed, and with respect to green and green tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 20 percent, by count, of the units, or one unit in a container if such unit exceeds the allowances provided for the respective type, may be tough.

(2) *Cut spears and mixed.* Not less than 50 percent, by count, of the heads are well developed, and the remainder are at least fairly well developed, and with respect to green and green tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 20 percent, by count, of the units may be tough.

(3) *Bottom cuts or cuts—tips removed.* With respect to green and green tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 33⅓ percent, by count, of the units may be tough.

(c) *(C) classification.* If the canned asparagus possesses a fairly good character, a score of 28 to 33 points may be given. Canned asparagus that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles and types of canned asparagus:

(1) *Spears, tips, and points.* Not less than 90 percent, by count, of the heads are at least fairly well developed, and the remaining units may fail to meet the requirements for fairly well developed heads, and with respect to green and green tipped types not more than 25 percent, and with respect to green tipped and white and white types not more than 50 percent, by count, of the units may be tough.

(2) *Cut spears and mixed.* Not less than 90 percent, by count, of all the heads are at least fairly well developed, and the remainder may fail to meet the requirements for fairly well developed heads, and with respect to green and green tipped types not more than 25 percent, and with respect to green tipped and white and white types not more than 50 percent, by count, of the units may be tough.

(3) *Bottom cuts or cuts—tips removed.* With respect to green and green tipped types not more than 25 percent, and with respect to green tipped and white and white types not more than 50 percent, by count, of the units may be tough.

(d) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND EXPLANATIONS.

§ 52.2556 *Definitions and explanations of terms*—(a) *Head.* Head in cut spears means the tip and which has been cut from an asparagus shoot which is ⅝ inch or more in length with respect to the green type and which is ⅜ inch or more length with respect to green tipped and white and white types, or the upper portion of a spear which possesses a substantial amount of head material which has been cut from near the tip end and which is approximately the same length as the other cut units.

(b) *Unit.* Unit means any individual portion of an asparagus shoot ⅜ inch or more in length in canned asparagus.

(c) *Percent, by count, of heads.* Percent, by count, of heads means the percent determined by averaging the percent, by count, of heads in all of the containers comprising the sample.

(d) *Tough unit*—(1) *Spears, tips, and points.* Tough unit means a unit which is not cut through in 5 seconds or less when tested by means of the fiberometer and which possesses fibrous material which is materially objectionable upon eating. When tested by means of the fiberometer the test is made at a point 1 inch from the cut end with respect to the green type and at a point 1½ inches from the cut end with respect to the green tipped type, and at the midpoint of the unit with respect to the green tipped and white and white types.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed, containing cut spears and bottom cuts or cuts—tips removed.* Tough unit means a unit which possesses fibrous material which is materially objectionable upon eating.

(e) *Asparagus fiberometer.* The cutting wire of the fiberometer shall be 0.031 inch diameter stainless steel wire and is mounted in a metal frame having an overall weight of 3 pounds avoirdupois. The slots in the block supporting the asparagus unit to be tested shall be not less than 0.039 inch nor more than 0.042 inch in width.

LOT CERTIFICATION TOLERANCES

§ 52.2557 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned asparagus the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points, (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2558 *Score sheet for canned asparagus.*

Number, size, and kind of container	
Label	
Container mark or identification	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
Type	
Style	
Size or sizes (Spears, tips, and points)	
Length of cut	
Heads (cut) (percent, by count)	

Factors		Score points	
Liquor	10	(A)	9–10
		(C)	7–8
		(SStd.)	‡0–6
Color	20	(A)	17–20
		(C)	14–16
		(SStd.)	‡0–13
Defects	30	(A)	25–30
		(C)	‡21–24
		(SStd.)	‡0–20
Character	40	(A)	34–40
		(C)	‡28–33
		(SStd.)	‡0–27
Total score	100		

Flavor (A, C, or SStd.)	
Grade	

‡ Indicates limiting rule.

The United States Standards for Grades of Canned Asparagus (which is the fifth issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Canned Asparagus which have been in effect since May 1, 1945.

Dated: February 6, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-1017; Filed, Feb. 8, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

Subchapter A—Marketing Orders

[Navel Orange Reg. 104, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 914.404 (Navel Orange Regulation 104, 22 F. R. 695) are hereby amended to read as follows:

(i) District 1: 600,600 cartons;

(ii) District 2: 346,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 6, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1009; Filed, Feb. 8, 1957; 8:49 a. m.]

Subchapter B—Prohibition of Imported Commodities

PART 1065—TOMATOES

IMPORT RESTRICTIONS

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), the following restrictions are hereby imposed on all importations of tomatoes into the United States:

§ 1065.2 *Tomato Regulation No. 2*—(a) *Import restrictions.* During the period from February 14, 1957, to March 9, 1957, both dates inclusive, and subject to Part 1060 of this subchapter (19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import:

(1) Any tomatoes which are "turning" or of greater maturity unless such tomatoes are of a diameter greater than 2⅛ inches, and meet the requirements of 85 percent U. S. No. 1, or better, grade; or

(2) Any tomatoes which are of less maturity than "turning" unless such tomatoes are of a diameter greater than 2⅛ inches and meet the requirements of U. S. Combination, or better, grade except that tomatoes of less maturity than "turning" which are of a diameter greater than $2\frac{9}{32}$ inches may be handled if they meet the requirements of the U. S. No. 2, or better, grade.

(b) *Lot classification.* For purposes of this regulation, any lot of tomatoes containing more than ten (10) percent of "turning" tomatoes shall be classified as "turning" tomatoes.

(c) *Minimum quantities.* Any importation which, in the aggregate, does not exceed 300 pounds may be imported without regard to the provisions of paragraph (a) of this section.

(d) *Plant quarantine.* No provisions of this section shall supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(e) *Inspection and certification.* (1) The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is hereby designated, pursuant to § 1060.4 (a) of this subchapter, as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of tomatoes that are imported, or to be imported into the United States under the provisions of section 8e of the act.

(2) Inspection and certification by the Federal or the Federal-State Inspection Service of each lot of imported tomatoes is required pursuant to § 1060.3 of this subchapter and this section. Each such lot shall be made available and accessible for inspection. Such inspection and certification will be made available in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 5 of this title; 21 F. R. 9553). Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers of uninspected and uncertified tomatoes should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports; Office; Advance Notice

All Texas points; W. T. McNabb, 222 McClendon Building, 305 East Jackson Street, P. O. Box 111, Harlingen, Tex. (Tel. Garfield 3-5644); 1 day.

All Arizona points; R. H. Bertelson, Room 202, Trust Building, 305 American Avenue, P. O. Box 1646, Nogales, Ariz. (Tel. 484); 1 day.

All California points; Carley D. Williams, 284 Wholesale Terminal Building, 784 South Central Avenue, Los Angeles 21, Calif. (Tel. Vandike 8756); 3 days.

All Florida points; Lloyd W. Boney, Room 4, Dade County Growers Market, 1200 Northwest 21st Terrace, Miami 42, Fla. (Tel. Franklin 1-6932); 3 days.

All other points; E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS United States Department of Agriculture, Washington 25, D. C. (Tel. Republic 7-4142 Ext. 5870); 3 days.

(3) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(4) The inspections performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The name of the importer (consignee);

(iv) The commodity inspected;

(v) The quantity of the commodity covered by the certificate;

(vi) The principal identifying marks on the containers;

(vii) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(viii) The following statement, if the facts warrant: Meets U. S. Import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(6) The following shipping point tolerances, applicable to the U. S. No. 1, the U. S. Combination, and the U. S. No. 2 grades, respectively, shall apply to all inspections performed on tomatoes prior to or upon entry into the United States:

(i) *U. S. No. 1.* "At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing very serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay";

(ii) *U. S. Combination.* "At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing very serious damage, and including in this latter amount not more than 1 percent for tomatoes which are soft or affected by decay";

(ii) *U. S. Combination.* "At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay;" and

(iii) *U. S. No. 2.* "At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided,* That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay."

(f) *Definitions.* (1) The terms "U. S. No. 1", "U. S. Combination", "U. S. No. 2", and "turning" shall have the same meaning assigned these terms in the United States Standards for Fresh Tomatoes (21 F. R. 9559). "Turning" means that there is at least a definite break in color to yellow or pink at the blossom end but not more than one-half of the surface, in the aggregate, is yellow or pink.

(2) All other terms have the same meaning as when used in Part 1060 of this subchapter applicable to the importation of listed commodities.

It is hereby found that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same regulations will be in effect on February 7, 1957, on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.303; 22 F. R. 757); (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this tomato import regulation; (v) such notice is hereby determined, under the circumstances, to be reasonable; and (vi) the regulations hereby established for tomatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies Sec. 401; 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: February 6, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1021; Filed, Feb. 8, 1957; 8:50 a. m.]

[Navel Orange Reg. 105]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.405 *Navel Orange Regulation 105*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 7, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 10, 1957, and ending at 12:01 a. m., P. s. t., February 17, 1957, is hereby fixed as follows:

(i) District 1: 508,200 cartons;
(ii) District 2: 415,800 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 8, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1087; Filed, Feb. 8, 1957; 11:41 a. m.]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

EDITORIAL NOTE: In Federal Register Document 57-918, published at page 757 of the issue for Thursday, February 7, 1957, "§ 945.302" should be designated "§ 945.303".

[Lemon Reg. 673]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.780 *Lemon Regulation 673*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 6, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 10, 1957, and ending at 12:01 a. m., P. s. t., February 17, 1957, is hereby fixed as follows:

(i) District 1: 13,950 cartons;
(ii) District 2: 162,750 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 7, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1068; Filed, Feb. 8, 1957; 8:56 a. m.]

[957.315, Amdt. 2]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order, as amended. The provisions of paragraph (b) (1) and (5) of § 957.315, as amended, (21 F. R. 7480, 9165) are hereby amended to read as follows:

(1) During the period from February 21, 1957, to May 31, 1957, both dates inclusive, no handler shall ship potatoes of any variety unless such potatoes are generally "fairly clean", which means that at least 90 percent of such potatoes are "fairly clean", and in addition

(i) If they are of the Kennebec variety such potatoes meet the requirements of U. S. No. 2, or better, grade, 2 inches minimum diameter or 4 ounces minimum weight,

(ii) If they are of the red skinned varieties, such potatoes meet the requirements of the U. S. No. 2, or better grade, 1⅞ inches minimum diameter, and

(iii) If they are of any other variety, such potatoes (*a*) meet the requirements of the U. S. No. 2, or better, grade, 6 ounces minimum weight, or (*b*) meet the requirements of the U. S. No. 1, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight,

as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 through 51.1559 of this title), including the tolerances set forth therein.

* * * * *

(5) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) As certified seed potatoes; (ii) export: *Provided,* That no handler shall ship potatoes for export which do not meet the requirements of the U. S. No. 2, or better grade, 1½ inches minimum diameter; (iii) canning, freezing, dehydration or manufacture or conversion into starch, flour, meal, or alcohol; (iv) charity; and (v) potato chipping: *Provided,* That shipments of potatoes for potato chipping shall meet the requirements of U. S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 6, 1957, to become effective February 11, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-1055; Filed, Feb. 8, 1957; 8:56 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 12]

PART 73—SCABIES IN CATTLE

AREAS QUARANTINED BECAUSE OF SCABIES

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0 of Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations (21 F. R. 9244, 10265, 10471), is hereby further amended to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious, and communicable disease, and Bent, Crowley, Las Animas, Otero, and Prowers Counties are hereby quarantined because of said disease.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment includes Prowers County, Colorado, within the areas quarantined because of scabies in cattle. Part 73, as amended, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, contains the regulations pertaining to the interstate movement of cattle from such quarantined areas.

The amendment imposes certain further restrictions necessary to prevent the spread of scabies in cattle, and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, sec. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C. this 5th day of February 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator, Agricultural Research Service.

[F. R. Doc. 57-1023; Filed, Feb. 8, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 43-4]

PART 43—GENERAL OPERATION RULES

VFR MINIMUMS WITHIN A CONTROL ZONE FOR FLIGHTS ISSUED A TRAFFIC CLEARANCE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of February 1957.

Part 60 of the Civil Air Regulations contains the air traffic rules governing the operation of aircraft. Section 60.31 currently authorizes air traffic control to permit flight within a control zone when the flight and ground visibility are below the specified three-mile minimum. This provision was intended to permit a pilot to fly from a control zone to an area outside of controlled airspace in which the visibility minimum for VFR flight is one mile. Part 43 prohibits a pilot from flying an aircraft under instrument flight rules unless he holds a valid instrument rating issued by the Administrator and unless he satisfies certain recent flight experience requirements.

It has come to the Board's attention that some pilots who are not rated to fly their aircraft solely by reference to instruments were obtaining a traffic clearance and flying through solid overcast or in conditions of restricted visibility and, consequently, were a hazard to themselves and others. In order to clarify the Board's intention that such flights not be conducted, certain amendments to the Civil Air Regulations were proposed in Draft Release 56-7, (21 F. R. 1748) "VFR minimums within a Control Zone for Flights Issued a Traffic Clearance." The foregoing draft release proposed to establish in Part 60 specific weather minimums below which VFR flight could not be conducted. In addition, amendments to §§ 43.65 and 43.68 (d) of Part 43 were proposed to make it clear that these sections are intended to prohibit a non-instrument-rated pilot, as well as an instrument-rated pilot who has not met the recent experience requirements for instrument flight, from operating aircraft in weather conditions

below the minimums prescribed in Part 60 for VFR flight.

Interested persons have been afforded an opportunity to participate in the making of these amendments (21 F. R. 1748), and due consideration has been given to all relevant matters.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective March 15, 1957.

1. By amending § 43.65 to read as follows:

§ 43.65 *Instrument flight limitations.* No person shall pilot an aircraft under instrument flight rules or in weather conditions less than the minimums prescribed for flight under visual flight rules unless he holds a currently effective instrument rating issued by the Administrator.

2. By amending the first sentence of paragraph (d) of § 43.68 by inserting after the word "rules" and before the word "unless" the words "or in weather conditions less than the minimums prescribed for flight under visual flight rules".

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interprets or applies secs. 601, 602, 610, 52 Stat. 1007, 1008, 1012, as amended; 49 U. S. C. 551, 552, 560)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1053; Filed, Feb. 8, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 60-2]

PART 60—AIR TRAFFIC RULES

VISUAL FLIGHT RULE (VFR) MINIMUMS WITHIN CONTROL ZONES FOR FLIGHTS WITH TRAFFIC CLEARANCE, AND SPEED CONTROL AND COMMUNICATION RULES IN HIGH DENSITY AIR TRAFFIC ZONES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 6th day of February 1957.

Part 60 of the Civil Air Regulations contains the visibility and distance from cloud minimums for VFR flights within a control zone. Where a traffic clearance has been issued, an aircraft may be operated at lower minimums than when one is not issued; however, current regulations do not specify what the reduced visibility and distance from cloud minimums shall be when such air traffic clearance is issued. The Board proposed to clarify this situation in Draft Release 56-7 (21 F. R. 1748).

The requirements of Part 60 for VFR flights in control zones do not distinguish between control zones of varying traffic densities. In order to determine whether special limitations should be applied in Part 60 for areas in the vicinity of airports having unusually high traffic densities, Special Civil Air Regulation SR-408A was promulgated by the Board. This special regulation delegated to the Administrator sufficient authority to permit him to designate a "high density air traffic zone" in the Washington, D. C. area and to establish special operating rules in the zone on a temporary basis. These special rules were designed to facilitate movement of traffic in the zone under VFR conditions in a safer and more efficient manner. SR-408A terminated on July 31, 1956. As a result of the experience gained under SR-408A, a notice of proposed rule making was published as Draft Release 56-22 (21 F. R. 6302), "Speed Control and Communication Rules for Certain High Density Airports," which contained proposals for the addition to Part 60 of certain provisions especially applicable to high density areas.

Certain matters set forth in Draft Releases 56-7 and 56-22 were, pursuant to notice, the subject of oral argument before the Board on January 14, 1957.

The objective of Draft Release 56-7 was to establish specific visibility and distance from cloud minimums below which VFR flight in a control zone would be prohibited. It was proposed to establish one mile as the visibility minimum for a VFR flight in a control zone (one-half mile exception if the restriction to visibility were of a local nature) and to require that all VFR flights remain "clear of clouds."

The views expressed by the interested parties, both in written comment and oral argument, varied from the belief that the weather minimums proposed by the Board were unnecessarily and unduly restrictive, particularly with respect to general aviation, to the belief that the Board's proposal did not go far enough in the way of imposing restrictions on VFR flight within control zones.

After careful consideration of all of the views expressed on this subject, the Board has concluded that with one minor exception the proposal as contained in Draft Release 56-7 is not unduly burdensome and is necessary in the interest of safety. In fact, the Board has already established by regulation the principle that in uncontrolled airspace a minimum of one-mile visibility is necessary in order that a VFR pilot may properly control the attitude and flight path of his aircraft by visual observation of the ground, and that he may be able to avoid collision with terrain or surface obstacles. The same objective is sought by the proposed visibility minimum in control zones.

The Board also proposed to prescribe a visibility minimum for helicopter operations. However, upon evaluation of the views expressed in regard to this proposal, the excellent safety record of helicopter operations, and the unique flight characteristics of helicopters, the Board is of the opinion that safety considerations do not require the application of separate visibility minimums to helicopters at this time.

The objective of Draft Release 56-22, "Speed Control and Communication Rules for Certain High Density Airports," was to delegate to the Administrator the authority to designate a High Density Air Traffic Zone in which a speed limit and two-way radio communications would be required.

The comments made with respect to the proposed speed-limit rule indicated an almost unanimous agreement that such a rule would enhance the safety of flight operations in a high density zone.

With respect to the two-way radio communication requirement, it is found that there is agreement on the need for a rapid exchange of intelligence between the airport traffic control tower and all pilots in order to accomplish a safe and efficient movement of traffic at a high density airport; however, there is a divergence of views as to the extent of the area in which the two-way radio requirement would be applicable. It is the view of some that the communication requirements should apply to the entire zone, while others believe the rule should apply only to those aircraft taking off or landing at the high density airport. It appears unlikely that the Administrator will be able to control all the VFR traffic within such a zone or, in fact, even handle effectively the volume of communications which such requirement would create. Accordingly, it appears advisable at this time to require communication with the appropriate traffic control facility from aircraft engaged in VFR flight only when the pilot intends to take-off or land at or fly within the traffic pattern of designated airports within the high density zone.

Interested persons have been afforded an opportunity to participate in the making of these amendments (21 F. R 1748 and 21 F. R. 6302), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60 as amended) effective March 15, 1957.

1. By amending § 60.18 by adding a new paragraph (f) to read as follows:

§ 60.18 *Operation on and in the vicinity of an airport.* • • •

(f) *High density air traffic zone.* In any area not above 3,000 feet above the surface in which the Administrator finds that the volume of traffic is such as to adversely affect safety, he shall designate such airspace as a high density air traffic zone in which the following rules shall apply:

(1) *Speed.* No person shall operate an aircraft within a high density air traffic zone at a speed in excess of 180 mph or 160 knots indicated airspeed unless operational limitations for a particular aircraft require greater airspeeds, in which case the aircraft shall not be flown in excess of the minimum speed consistent with the safe operational limitations of the aircraft.

(2) *Communications requirements.* No person shall take off or land an aircraft at or enter the traffic pattern of a designated high density airport unless radio communication with the appropriate air traffic control facility has been established: *Provided,* That an aircraft not equipped with functioning two-way radio may be operated to or from an airport located within the zone if prior authorization from the appropriate airport traffic control tower has been given.

2. By amending § 60.30 (a) (1) and (2) and by adding a note thereafter to read as follows:

§ 60.30 *Ceiling and distance from clouds.* • • •

(a) *Within control zones.* (1) Unless a clearance has been obtained from air traffic control, aircraft shall not be flown beneath the ceiling when the ceiling is less than 1,000 feet; or closer than 500 feet vertically under, 1,000 feet vertically over, or 2,000 feet horizontally from any cloud formation.

(2) When operating in accordance with a clearance issued by air traffic control, aircraft shall remain clear of clouds.

NOTE: With respect to this section, an air traffic clearance obtained under these provisions does not consitute authority for the pilot to deviate from § 60.17 or any other applicable provision of the Civil Air Regulations.

3. By amending § 60.31 (a) and (b) to read as follows:

§ 60.31 *Visibility—(a) Ground visibility within control zones.* (1) Unless a clearance has been obtained from air traffic control, a pilot shall not take off or land an aircraft at an airport within a control zone or enter the traffic patter of such an airport when the ground visability is less than 3 miles.

(2) When operating in accordance with a clearance issued by air traffic control, a pilot shall not take off or land an aircraft, other than a helicopter, at an airport when the ground visibility is less than one mile: *Provided,* That where a local surface restriction to visibility exists, such as smoke, dust, or blowing snow or sand, the minimum visibility is one-half mile, if all turns after take-off and prior to landing and all flight beyond one mile from the airport boundary can be accomplished above or outside the area so restricted.

(b) *Flight visibility within control zones.* (1) Unless a clearance has been obtained from air traffic control, a pilot shall not operate an aircraft in flight within a control zone when the flight visibility is less than 3 miles.

(2) When operating in accordance with a clearance issued by air traffic control, a pilot shall not operate an aircraft, other than a helicopter, within a control zone when the flight visibility is less than one mile: *Provided,* That such aircraft may take off or land at an airport within a control zone or enter the traffic pattern of such an airport when the minimum visibility is one-half mile due to a local surface restriction such as smoke, dust, or blowing snow or sand, if all turns after takeoff and prior to landing and all flight beyond one mile from the airport boundary can be accomplished above or outside the area so restricted.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board:

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1054; Filed, Feb. 8, 1957; 8:52 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54302]

PART 6—AIR COMMERCE REGULATIONS

CHANGE IN NAME OF MILLER MUNICIPAL AIRPORT, MC ALLEN, TEX.

The official name of the Miller Municipal Airport, McAllen, Texas, which was designated as an international airport (airport of entry for civil aircraft) by Treasury Decision 54142, has been changed to "Miller International Airport."

Section 6.13, Customs Regulations, is hereby amended by substituting "Miller International Airport" for "Miller Municipal Airport" opposite "McAllen, Texas."

(R. S. 161, sec. 7, 44 Stat. 572, as amended; 5 U. S. C. 22, 49 U. S. C. 177)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: February 6, 1957.

David W. Kendall, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-1074; Filed, Feb. 8, 1957; 11:02 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

Section 292a.20 *Late charge provision* is hereby revoked as follows:

§ 292a.20 *Late charge provision.* [Revoked]

(Sec. 807, 69 Stat. 651; 12 U. S. C. 1748f)

Issued at Washington, D. C., February 4, 1957.

[SEAL] NORMAN P. MASON, *Federal Housing Commissioner.*

[F. R. Doc. 57-1015; Filed, Feb. 8, 1957; 8:49 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter G—Defense Contract Financing

[AR 715-6, NAVEXOS P-1006, AFR 173-133]

PART 82—DEFENSE CONTRACT FINANCING REGULATIONS

Part 82 is revised to read as follows:

Sec.
82.1 Scope.
82.2 Application.
82.3 Implementation.

Subpart A—Introduction

82.4 Scope of subpart.
82.5 Guaranteed loans; authority.
82.6 Guaranteed loans; description.
82.7 Advance payments; authority.
82.8 Advance payments; description.
82.9 Progress payments; authority.
82.10 Progress payments; description.

Subpart B—Basic Policies

82.11 Scope of subpart.
82.12 General.
82.13 Purpose of contract financing.
82.14 Facilities expansion.
82.15 Financial responsibility of contractors.
82.16 Coordination before contract award.
82.17 Relation of loan guarantees, progress payments, or advance payments to new procurement-financing not a handicap.
82.18 Report of adverse developments.
82.19 Small business; general.
82.20 Timely action.
82.21 Acceleration of payments.

Subpart C—Guaranteed Loans

82.22 Scope of subpart.
82.23 Federal Reserve Banks.
82.24 Board of Governors of the Federal Reserve System.
82.25 Procedure on application of a private financing institution.
82.26 Loan guarantees to Federal Reserve Banks.
82.26-1 Other Government agencies.
82.27 Loan guarantees for terminated contracts.
82.28 Guaranteeing agency.
82.28-1 Effective on preponderance, of progress payments or denial of Certificate of Eligibility.
82.28-2 Shifting of preponderance.
82.29 100 percent guarantees.
82.30 Asset formula.
82.31 Amount and maturity of guaranteed loans.
82.32 Assignments of claims under contracts.
82.33 Other collateral security.
82.34 Contract surety bonds in relation of loan guarantees.
82.35 Other borrowings.
82.36 Certificate of Eligibility.
82.37 Procedure for Certificate of Eligibility.

Subpart D—Advance Payments

82.38 Scope of subpart.
82.39 Negotiated contracts.
82.39-1 Formally advertised contracts.
82.40 Security provisions.
82.41 General limitation on authority.
82.42 Uses of advance payments.
82.43 Types of contracts that may have advance payments.
82.44 Application for advance payment.
82.45 Action by contracting officer.
82.46 Security and covenants.
82.47 Advance payments in addition to progress payments.
82.48 Forms of contract provisions and supplemental agreements.
82.48-1 Forms of agreement for special bank account.
82.48-2 Advance payment provisions.

Subpart E—Progress Payments Based on Costs

82.49 Scope.
82.49-1 References.
82.49-2 Exclusions.
82.49-3 Contract coverage.
82.50 Standards.
82.51 Percentage or stage of completion.
82.52 Accounting system and controls.
82.53 Information required.
82.54 Indefinite quantity contracts.
82.54-1 Administration.
82.55 Advance payments.
82.56 Formal advertising.

Sec.

82.57 Use of progress payments by contractors.
82.58 Definitions.
82.58–1 Progress payments.
82.58–2 Customary progress payments.
82.58–3 Unusual progress payments.
82.58–4 Costs.
82.58–5 Incurred costs.
82.58–6 Unliquidated progress payments.
82.58–7 Contract price.
82.58–8 Amendments, supplements and modifications.
82.58–9 Stronger and larger contractors.
82.58–10 Deviation.
82.59 Contract clauses.
82.59–1 Total costs clause.
82.59–2 Direct labor and material costs clause.
82.59–3 Schedule provision for progress payments to subcontractors.
82.60 General instructions for progress payment clauses.
82.60–1 Contracting officer.
82.60–2 Variation in percentages.
82.60–3 Total cost basis; percentage other than 75 percent.
82.60–4 Limited cost basis; other percentages.
82.60–5 Cost basis less than direct labor and material costs.
82.60–6 Other protective provisions.
82.60–7 Liquidation percentages.
82.61 Subcontracts.
82.61–1 Subcontractor progress payments.
82.61–2 Adaptation of uniform clause for subcontracts.
82.62 Letter contracts.
82.63 Transition.
82.63–1 Separate contracts.
82.63–2 Existing indefinite quantity contracts.
82.63–3 Supplements, amendments and modifications; when new clause not required.
82.63–4 Supplements, amendments and modifications; gradual operation of new clause.
82.63–5 Supplements, amendments and modifications concerning progress payments.
82.64 Contract financing office clearance.
82.65 Coordination.
82.65–1 Control lists.
82.65–2 Hold-up lists.
82.66 Contractor's request.
82.67 Audit.
82.68 Administration; general.
82.69 Adjustments; retroactive price reduction; refunds.
82.70 Maximum unliquidated amount.
82.71 Suspension or reduction of payments, general.
82.71–1 Failure to comply with contract.
82.71–2 Unsatisfactory financial condition.
82.71–3 Excessive inventory.
82.71–4 Delinquency in payment of costs of performance.
82.71–5 Fair value of undelivered work.
82.71–6 Erroneous cost estimates.
82.72 Report of adverse developments.
82.73 Government title.
82.73–1 Loss, theft, destruction or damage.
82.73–2 Government-furnished property.
82.73–3 Special tooling.
82.73–4 Termination for convenience of the Government.
82.73–5 Scrap; excess property.
82.74 Interpretations.

Appendix 1—DoD Directive 7800.1, Defense Contract Financing Policy.
Appendix 2—DoD Directive 7800.4, Defense Contract Financing Policy; Small Business Concerns.
Appendix 3—DoD Directive 7800.2, Defense Contract Financing Policy.
Appendix 4—DoD Directive 7830.1, Defense Contract Financing Policy; Advance Payments.
Appendix 5—Defense Supply Contract Financing; Progress Payments Based on Costs.
Appendix 6—V-Loan Guarantee Agreement.

AUTHORITY: §§ 82.1 to 82.74 issued under sec. 5, 40 Stat. 415, as amended, sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 5, 2154. Interpret or apply R. S. 3648, as amended, 37 Stat. 32, sec. 201, 55 Stat. 839, as amended, sec. 5, 62 Stat. 23, sec. 301, 64 Stat. 800, as amended, secs. 2307, 7521, 70A Stat. 131, 464; 31 U. S. C. 529, 34 U. S. C. 582, 50 U. S. C. App. 611, 41 U. S. C. 154, 50 U. S. C. App. 2091, 10 U. S. C. 2307, 7521, E. O. 10210, 16 F. R. 1049, 3 CFR, 1951 Supp., E. O. 10480, 18 F. R. 4939, 3 CFR, 1953 Supp.

§ 82.1 *Scope.* This part, issued jointly by the Department of the Army, Department of the Navy, and Department of the Air Force, covers the financing of contracts and subcontracts for the national defense. It is applicable to the financing of all types of contracts, except as provided in § 82.49–2.

§ 82.2 *Application.* This part supersedes all regulations, directives, procedures, and instructions inconsistent herewith. All references to the superseded joint regulations in existing documents shall be deemed to be references to this part.

§ 82.3 *Implementation.* The content of this part shall be distributed promptly to all personnel concerned with procurement and with contract financing, including Contracting Officers, for information and compliance. Copies of all implementing regulations, directives, procedures, and instructions, as issued from time to time within the Military Departments, at all levels, shall be furnished promptly to the Army Comptroller, in the Department of the Army, the Assistant Comptroller, Accounting and Finance, in the Department of the Navy, and the Deputy for Contract Financing to the Assistant Secretary (Financial Management) in the Department of the Air Force, with an additional copy to be forwarded by those contract financing offices, respectively, to the Assistant Secretary of Defense (Comptroller). Changes and additions for this part will be developed within the Contract Finance Committee, in the manner contemplated by Department of Defense Directive No. 7800.1 (Appendix 1), or subsequent revisions thereof.

SUBPART A—INTRODUCTION

§ 82.4 *Scope of subpart.* This subpart describes the methods of contract financing by guaranteed loans, advance payments and progress payments, and states basic authority.

§ 82.5 *Guaranteed loans; authority.* (a) Under Section 301 (a) of the Defense Production Act of 1950, as amended, and section 301 of Executive Order No. 10480, the Department of the Army, the Department of the Navy, and the Department of the Air Force, among others, are designated as "guaranteeing agencies", and authorized by section 302 (a) of Executive Order No. 10480 "to guarantee in whole or in part any public or private financing institution (including any Federal Reserve Bank), by commitment to purchase, agreement to share losses, or otherwise, against loss of principal or interest on any loan * * * which may be made by such financing institution for the purpose of financing any contractor, subcontractor, or other person in connection with the performance of any contract or other operation deemed by the guaranteeing agency to be necessary to expedite production and deliveries or services under Government contracts for the procurement of materials or the performance of services for the national defense, or for the purpose of financing any contractor, subcontractor, or other person in connection with or in contemplation of the termination, in the interest of the United States, of any contract made for the national defense."

(b) As defined in section 702 (d) of the Defense Production Act of 1950, as amended, "the term 'national defense' means programs for military and atomic energy production or construction, military assistance to any foreign nation, stockpiling, and directly related activity".

§ 82.6 *Guaranteed loans, description.* Guaranteed loans, usually called "V-loans," are essentially the same as other loans made by financing institutions without guarantee, except that under a standard form of guarantee agreement the guaranteeing agency is obligated on demand of the lender to purchase a stated percentage of the loan and to share losses in the amount of the guaranteed percentage. Guaranteed loans afford an especially convenient medium for financing borrowers who hold subcontracts, or numerous prime contracts, or prime contracts with several contracting agencies. Funds are disbursed and collected by the lending institution, and its personnel administer the loan. Government funds are not involved except for purchases of the guaranteed portion of loans or settlement of losses.

§ 82.7 *Advance payments; authority.* Advance payments on negotiated contracts are authorized in accordance with the provisions of 10 U. S. C. 2307. Advance payments on all contracts, including those contracts awarded on competitive bids after formal advertising, are authorized pursuant to the First War Powers Act, 1941, as amended, Executive Order No. 10210, and regulations issued thereunder. Navy advance payments for salvage operations are also authorized by 10 U. S. C. 7364.

§ 82.8 *Advance payments; description.* Advance payments are advances of money, made by the Government to a contractor prior to, in anticipation of, and for the purpose of complete performance under a contract or contracts. Advance payments are made only to prime contractors. They are expected to be liquidated from payments due to the contractor incident to performance of contracts. Since they are not measured by performance, they differ from partial, progress, or other payments made because of and on the basis of performance or part performance of a contract. Advance payments may be made to prime contractors for the purpose of making sub-advances to subcontractors.

§ 82.9 *Progress payments; authority.* The authority to make progress payments is subject to the provisions of section 3648, Revised Statutes, 31 U. S. C. 529.

§ 82.10 *Progress payments; description.* The term "progress payments", as used herein, signifies payments made as work progresses under a contract, upon the basis of costs incurred, of percentage of completion accomplished, or of a particular stage of completion. As used in this part this term does not include payments for partial deliveries accepted by the Government under a contract, or partial payments on contract termination claims.

SUBPART B—BASIC POLICIES

§ 82.11 *Scope of subpart.* This subpart sets forth basic policies applicable to guaranteed loans, advance payments, and progress payments. Policies and procedures more particularly pertaining to the specific methods of contract financing are contained in the subparts of this part relating to each method of financing.

§ 82.12 *General.* Basic defense contract financing policy is stated in Department of Defense Directives 7800.1, 7800.4, 7800.2, 7830.1, and 7840.1, all annexed hereto and made a part hereof as Appendixes 1–5, inclusive.

§ 82.13 *Purpose of contract financing.* The providing of funds for payment of expenses of performance of contracts is an essential element of defense production. Contract financing is to be regarded as a useful working tool that may be used to the benefit of the Government, for aiding procurement by expediting performance of defense contracts and subcontracts. The contract financing system makes possible production in volume that could not be accomplished otherwise. Prudent contract financing supports procurement and production and fosters the small business policy by providing necessary funds to supplement other funds available to contractors for contract performance.

§ 82.14 *Facilities expansion.* As stated in Appendix 3, guaranteed loans will be established primarily for working capital purposes and the guarantee authority will not be used for loans for facilities expansion. Since advance payments and progress payments should be self-liquidating from contract performance, they are not used to finance fixed asset acquisitions for contractor ownership. These limitations are not intended to apply to contracts under which facilities are being acquired for Government ownership.

§ 82.15 *Financial responsibility of contractors.* Financial difficulties encountered by contractors and subcontractors may (a) disrupt production schedules, (b) cause wastage of manpower and materials, and (c) if connected with guaranteed loans, advance payments, or progress payments, result in monetary loss to the Government. Also, if financial crises occur in the course of a contractor's production, the need for continued production may make guaranteed loans or advance payments imperative for continuance of such production, even though monetary losses may be likely under the circumstances. In order to reduce these hazards so far as possible, contracts should be entered into only with those potential contractors meeting the requirements of § 1.307 or § 2.406 of Subchapter A of this chapter, and who have the financial capacity or credit (giving due regard to the availability of progress payments, guaranteed loans, and advance payments), technical skill, management competence, and plant capacity and facilities (including subcontracting capacity) reasonably to assure their ability to perform their contracts in accordance with their terms. Care should also be taken to the extent practicable to avoid the placement of additional contracts or subcontracts with contractors in situations where additional contracts will overload the contractor's production capacity, overextend his financial resources and credit, and thus tend to interfere with timely performance of contracts on hand, and create need for additional contract financing arrangements, which may be impossible to establish on a prudent basis. In all cases, whether involving formal advertising or negotiation, it must be determined that the contractor is financially and otherwise able to perform the contract. In addition, consideration must be given to the judgment, skill, and integrity of the potential contractor, and to his reputation and experience, including prior work of a similar nature done by him, and the other factors set forth in § 1.307, § 2.406, or § 3.101 of Subchapter A of this chapter, as appropriate. Persons placing subcontracts, at all levels of subcontracting, should be encouraged to apply these standards in placing subcontracts.

§ 82.16 *Coordination before contract award.* For effective application of the principles stated in § 82.15, each purchasing office should be staffed with and use the services of persons qualified and competent to evaluate credit and financial problems, or each Contracting Officer should have available within his procuring activity, and should use the services of persons so qualified and competent to evaluate credit and financial problems. Among other things, the duties of such persons would be to arrange, prior to contract awards, and so far as practicable, prior to subcontract arrangements, that financing for performance of contemplated contracts and subcontracts is reasonably assured prior to or contemporaneously with the making of contracts. In those exceptional cases where there is substantial doubt that a prospective contractor has the financial capacity or credit resources essential to the performance of the contemplated contract, the interested procuring activity, after having determined that no satisfactory alternative sources of supply are readily available on terms equally as favorable to the Government, should, prior to placement of the contract, consult with the appropriate contract financing office of the interested Department, to determine whether financing can prudently be arranged. These contract financing offices are the Army Comptroller, in the Department of the Army, the Assistant Comptroller, Accounting and Finance, in the Department of the Navy, and the Deputy for Contract Financing to the Assistant Secretary (Financial Management), of the Air Force. In such consultation it should be resolved, if placement of the contract is deemed beneficial to the interests of the Government, whether and by what means financing should be provided.

§ 82.17 *Relation of loan guarantees, progress payments, or advance payments to new procurement; financing not a handicap.* In all cases, whether involving formal advertising or negotiation, the need for advance payments or for progress payments or for a guaranteed loan (with reasonable percentage of guarantee) shall not be treated as a handicap in awarding contracts to those qualified contractors who are deemed competent and capable of satisfactory performance (§ 1.307, § 2.406 of Subchapter A, and §§ 82.15 and 82.16). The ability of the contractor to perform the contract, including the availability of money or credit necessary for performance, must be reasonably assured in all cases. Within established policy, awards which are otherwise proper must not be deterred by the necessity for providing reasonable contract financing. A contractor deemed reliable, competent, capable, and otherwise responsible, must not be regarded as any less responsible by reason of the need for reasonable contract financing provided or guaranteed by a military department. In selection of an appropriate method for provision of funds, contractors will not be expected to seek or obtain loans or credit from agencies of the Government outside the Department of Defense.

§ 82.18 *Report of adverse developments.* When materially adverse developments concerning a borrower having a guaranteed loan, or concerning a contractor having advance payments or progress payments, become known to a procuring activity, pertinent facts should be reported by the procuring activity to the contract financing office of the Department principally concerned with the contract financing, so that timely appropriate protective or remedial action may be taken by coordinated action of all concerned. When there are reasons to doubt the prudence of continuing progress payments in cases involving performance difficulties or financial deterioration, decision must be made promptly and with proper regard to the harmful effects of delay on the continued operation of the contractors concerned.

§ 82.19 *Small business; general.* Immediate and continuing attention must be given at all levels to insure that constructive measures will be taken to facilitate and accelerate necessary contract financing assistance to small suppliers. Every reasonable effort must be made to assist small suppliers in the resolution of their problems relative to the financing of contract performance, as well as to assist them in understanding and complying with the requirements of per-

formance as to payment forms, inspection and cost accounting.

§ 82.20 *Timely action.* In connection with requests for provision of progress payments, advance payments, or loan guarantees, there must be timely action, no unwarranted delay, and no hesitation to make proper contract financing provisions.

§ 82.21 *Acceleration of payments.* Payments must be made promptly on all contracts when due. It is of continuing importance that there be acceleration of all proper payments earned by contractors, including progress payments.

SUBPART C—GUARANTEED LOANS

§ 82.22 *Scope of subpart.* This subpart covers the policies, organization, and procedure particularly applicable to guaranteed loans. It reflects the development of the guaranteed loan program by indicating uniform practices that are being applied pursuant to Appendixes 1, 2 and 3.

§ 82.23 *Federal Reserve Banks.* Under section 302 (b) of Executive Order No. 10480, pursuant to section 301 (b) of the Defense Production Act of 1950, as amended, each Federal Reserve Bank is designated and authorized to act, on behalf of each guaranteeing agency, as fiscal agent of the United States in the making of contracts of guarantee and in otherwise carrying out the purposes of section 301 of the Defense Production Act of 1950, as amended, in respect of private financing institutions. Pursuant to Regulation V of the Board of Governors of the Federal Reserve System, any private financing institution may submit to the Federal Reserve Bank of its district an application for guarantee of a loan or credit. This application is in substantially standard form, as approved by the Board of Governors of the Federal Reserve System, after consultation with the guaranteeing agencies. Forms of application, and information and guidance concerning applications, are available at all Federal Reserve Banks.

§ 82.24 *Board of Governors of the Federal Reserve System.* Under section 302 (c) of Executive Order No. 10480, all actions and operations of Federal Reserve Banks, as fiscal agents, are subject to the supervision of the Board of Governors of the Federal Reserve System (hereinafter referred to as "Federal Reserve Board"). The Federal Reserve Board is authorized, after consultation with the heads of the guaranteeing agencies, (a) to prescribe such regulations governing the actions and operations of fiscal agents as it may deem necessary, (b) to prescribe, either specifically or by maximum limits or otherwise, rates of interest, guarantee and commitment fees, and other charges which may be made in connection with loans, discounts, advances, or commitments guaranteed by the guaranteeing agencies through such fiscal agents, and (c) to prescribe regulations governing the forms and procedures (which shall be uniform to the extent practicable) to be utilized in connection with such guarantees.

§ 82.25 *Procedure on application of a private financing institution.* A defense contractor or subcontractor (at any level) or supplier, who requires operating funds may apply to the private financing institution selected by him, for the necessary loan or revolving credit, and furnish necessary information to the financing institution. If the financing institution is willing to extend credit, but considers Government guarantee necessary, it may file application for guarantee with the Federal Reserve Bank of its district. The Federal Reserve Bank promptly submits copy of the application to the Federal Reserve Board listing defense contracts, for transmittal to the interested guaranteeing agency, so that determination may be made as to eligibility of the prospective borrower. For the purpose of expediting, the Federal Reserve Bank may also, pursuant to general instructions of the guaranteeing agencies, submit schedules of defense contracts to the interested Contracting Officers, who are expected at once to take appropriate steps for determination of eligibility, and to submit their findings and report, including Certificate of Eligibility where appropriate, to the designated central procurement office, or contract financing office as the case may be, within the guaranteeing agency. Concurrently with the process for determination of eligibility, the Federal Reserve Bank makes any necessary credit investigation, to the extent and in the manner that it considers investigation or verification appropriate to supplement information furnished by the applicant financing institution, all with a view to expediting necessary defense financing in such a way as to afford the best reasonable protection against monetary loss. The report and recommendation of the Federal Reserve Bank are sent to the Federal Reserve Board, which transmits them to the interested guaranteeing agency, in Washington. If the application is approved, on such terms and conditions as may be deemed appropriate by the responsible officer or official within the guaranteeing agency, the guaranteeing agency then authorizes the Federal Reserve Bank, by standard form of authorization transmitted through the Federal Reserve Board, to execute and deliver to the financing institution a standard form of guarantee agreement (of which sample copy is attached hereto, as Appendix 6 [1]), with the terms and conditions approved for the particular case. The Federal Reserve Bank, as fiscal agent for the guaranteeing agency, then issues the guarantee to the financing institution, which makes the loan. Substantially the same procedure may be followed on application for guarantee of loans to be made to a potential defense contractor who is actively negotiating or bidding for defense business, except that the guarantee is not authorized until the prospective defense contract has been executed.

§ 82.26 *Loan guarantees to Federal Reserve Banks.* The Defense Production Act of 1950, as amended, and Executive Order No. 10480 also authorize guarantees for loans made or participated in by Federal Reserve Banks. The procedure outlined in § 82.25 applies also to loan guarantees where a Federal Reserve Bank is making or participating in the loan, except that in such cases the interested Federal Reserve Bank, as a financing institution, does not act as fiscal agent, and when approved, the guarantee agreement is executed by an official of the guaranteeing agency.

§ 82.26–1 *Other Government agencies.* Loan guarantees are not issued to other departments or agencies of the Government.

§ 82.27 *Loan guarantees for terminated contracts.* (a) Guaranteed loans ordinarily provide for financing based on the borrower's recoverable investment in defense production contracts, including those contracts which have been terminated for the convenience of the Government. Guaranteed loans may also be established after total or partial termination of contracts for the convenience of the Government, or before such termination when it is known that termination of particular contracts for the convenience of the Government is about to occur. Such guaranteed loans are expected to provide necessary financing pending termination settlements and payments, and also to provide any funds necessary for continuing performance of defense production contracts that are eligible for financing under the guaranteed loan.

(b) The procedure on applications for such guarantees will be substantially the same as that outlined in § 82.25, except that Certificates of Eligibility (§§ 82.36 and 82.37) will not be required for contracts which have been wholly terminated, nor for the terminated portion of contracts which have been partially terminated. It is of course expected that necessary precautions, appropriate to the circumstances of individual cases, will be taken, as in other cases, to avoid losses and to cause such loans to be self-liquidating from the proceeds of defense production contracts. This type of loan guarantee, intended primarily for contract termination financing, is not provided before the imminence of particular contract terminations, for the reasons outlined in § 82.35 (c). Further reasons include the difficulty of determining whether contract terminations will occur in the future and will require guaranteed loan financing, and the expense and administrative burden that would be involved in establishing commitments which may in fact never be used.

§ 82.28 *Guaranteeing agency.* The guaranteeing agencies which have been designated under Section 301 of the Defense Production Act of 1950, as amended, are the Departments of the Army, Navy, Air Force, Agriculture, Commerce and Interior, General Services Administration, and Atomic Energy Commission. All of the guaranteeing agencies have concurred in the following policy:

Where a prospective borrower under a V-loan has defense contracts or subcontracts

[1] Filed as part of the original document.

in which more than one of the guaranteeing agencies are interested, the guaranteeing agency in such case will in general be that agency which, as of the time of the application for the guarantee, has the preponderance of interest in such contracts and subcontracts on the basis of the dollar amount of the prospective borrower's unfilled and unpaid balances of such contracts and subcontracts and estimated claims under terminated contracts (exclusive of contracts with advance payments, if such advance payments are not to be liquidated by the proposed guaranteed loan). If the application is approved and a guarantee agreement is executed on behalf of such agency having the preponderance of interest, that agency will bear all losses and expenses and receive all revenues under such guarantee without allocation to other agencies of the Government.

In this connection, among the Military Departments, single service procurement contracts are deemed those of the purchasing department.

§ 82.28–1 *Effect on preponderance, of progress payments or denial of Certificate of Eligibility.* Among the Military Departments, the determination of preponderance of interest, under § 82.28, is made without regard to the existence of progress payments on particular contracts, and without regard to the issuance or nonissuance of Certificates of Eligibility on particular contracts.

§ 82.28–2 *Shifting of preponderance.* During the course of a guaranteed loan, preponderance of interest in the borrower's defense production contracts may shift from one of the Military Departments, as guaranteeing agency, to another Military Department. When such preponderance has shifted materially so that substantial preponderance is in one of the Military Departments other than the guaranteeing agency, action on requests for increases in the amount of guaranteed loans, and on requests for extensions of maturity for a period of more than six months, will ordinarily be taken by the Military Department then having such preponderance of interest. However, in the above situation, action will be taken by the Military Department which has guaranteed the loan, if the loan is in distress, with fairly foreseeable losses, and the requested extension or increase is for the purpose of orderly liquidation of the loan in a manner designed to reduce the amount of the loss. If such a loan is not in distress, and losses are not fairly foreseeable, and the greater part of the borrower's defense production contracts are determined to be eligible for a continuing guaranteed loan, and the circumstances of the case are such that favorable action would have been taken by the then guaranteeing agency if it had remained preponderantly interested in the borrower's defense production contracts, similar favorable action will be taken by the Military Department then having such preponderance of interest. In these cases, while new application for guarantee is required, the file of the contract financing office which has authorized the existing guarantee will be transferred to the contract financing office of the Military Department then having preponderant interest in the case, and the information to be submitted with the application need only be current financial information, data concerning the borrower's defense production contracts, and other pertinent facts concerning the borrower and its operations, to the extent necessary to supplement and bring up to date the information previously furnished to the guarantor. In order not to disturb or impair any security for the existing loan, and for the convenience of all concerned, it is preferable that the new guarantee merely replace the former guarantee, with appropriate recitals as to cancellation of the former guarantee, and with appropriate revision of the existing loan agreement and of such collateral security instruments as may require revision.

§ 82.29 *100 percent guarantees.* It is the policy of the guaranteeing agencies that 100 percent guarantees shall be limited to the greatest extent compatible with the requirements of the national defense. Applications for 100 percent guarantees will be approved only in cases in which the guaranteeing agency determines that the circumstances are exceptional, that the operations of the borrower are vital to the national defense, and that no other suitable means of financing are available.

§ 82.30 *Asset formula.* It is the policy of the guaranteeing agencies that borrowings under guaranteed loans made primarily for working capital purposes should be limited, in accordance with an asset formula, to amounts which do not exceed specified percentages (90 percent or less) of the borrower's investment in defense production contracts. The formula may include all items for which the borrower would be entitled to payment on performance or termination of defense contracts, but would not include any amounts (for which no work has been done nor expenditures made by the borrower) to become due as the result of later performance under the borrower's contracts. However, any such asset formula would be subject to relaxation in appropriate cases to the extent and for the time actually necessary for contract performance where the contractor's working capital and credit are inadequate. This "asset formula" does not include "cash collateral" or bank deposit balances.

§ 82.31 *Amount and maturity of guaranteed loans.* (a) Subject to the limitations of the asset formula (§ 82.30), the maximum amount of guaranteed credit in individual cases, and the maturity date of guaranteed loans or credits, are fixed to conform reasonably to the borrower's financing requirements for defense production contracts on hand at the time of application for guarantee. If additional defense production contracts are entered into after the application and before authorization of a guarantee, to such extent as to require increase in the maximum amount, or longer maturity for the requested guaranteed loan, adjustments may be made to provide for the borrower's additional financing requirements. Also, guarantee agreements for existing guaranteed loans may be amended, on submission of pertinent information and Federal Reserve Bank report to the guaranteeing agency concerned, to provide financing for defense production contracts entered into by the borrower during the term of the guaranteed loan.

(b) Also, within the limits of the applicable loan formula and ceiling amount, there is generally no objection to inclusion in the borrowing base, of assets under defense production contracts entered into after the date of the guarantee agreement. However, in exceptionally weak cases, and in the cases of guaranteed loans established for financing only one or a small number of contracts, it is the practice to require that financing of relatively substantial additional defense contracts under existing guaranteed loans be done only with the consent of the guarantor.

§ 82.32 *Assignments of claims under contracts.* (a) Assignments of claims under the borrower's defense production contracts are generally required, including assignment of proceeds of such contracts entered into after issuance of the guarantee if after acquired contracts are eligible for financing under the guaranteed loan in a given case. However, assignments need not be required in particular cases, (1) where the borrower's financial condition is so strong as to cause assignments of any contracts to be considered not necessary for the protection of the loan, or, (2) where incident to assignment of major contracts it is considered not necessary for the protection of the loan to require initial assignment of relatively small contracts, or, (3) where the large number of contracts of the borrower for small dollar amounts, would cause the making and administration of contract assignments to be unduly burdensome and inconvenient so long as not deemed essential for the protection of the loan.

(b) It is required, as standard practice, that defense production contracts, not theretofore assigned, will be assigned whenever requested by the guarantor or the financing institution.

(c) Subcontracts and purchase orders issued to subcontractors are not considered acceptable for financing under guaranteed loans if and so long as the issuer of the subcontracts or purchase orders (1) reserves the privilege of making payments directly to the assignor or to the assignor and assignee jointly after notice of the assignment, or (2) reserves the right to reduce or set off assigned proceeds under defense production contracts by reason of claims against the borrower arising after notice of assignment and independently of defense production contracts under which the borrower is the seller.

§ 82.33 *Other collateral security.* Ordinarily, mortgages on fixed assets are not required, but they are required where considered essential to protect the Government. Liens or other security arrangements pertaining to inventories are also seldom required, except when desired by financing institutions or in exceptional circumstances when deemed necessary to protect the Government. Depending upon the circumstances of individual cases, endorsements, guarantees, subordinations, and stand-bys of

other indebtedness, and other special security devices are required when deemed necessary for the protection of the Government.

§ 82.34 *Contract surety bonds in relation to loan guarantees.* (a) In most jurisdictions, upon default by a contractor and performance of the surety's obligations, the surety's right of subrogation gives to the surety, ahead of a financing institution which had made a loan for contract performance, prior claim to payments made on the bonded contract after default, and in performance of its obligations the surety also has the benefit of materials on hand that have been paid for by the contractor, even though progress on the contract before default has been financed by loans from the financing institution.

(b) Because of the foregoing, on loan guarantees in connection with prime contracts, the guarantor's loss on the loan, payable to the financing institution, may serve to take away from the Government the benefit of performance of the surety's obligations on its bond; and in subcontract cases the loan may serve to benefit the surety at the expense of the financing institution and guarantor.

(c) Except to the extent that surety bonds are required by law, bonds are generally not required. Yet it may sometimes be necessary to rely upon a contractor whose capacity to perform is so doubtful that a bond is required for the protection of the Government. The guarantee of a loan to a contractor of such doubtful capacity to perform necessarily involves unusual risks of monetary loss. Contract surety bonds, and guaranteed loans for financing bonded contracts are regarded as fundamentally incompatible unless the interests of the surety are subordinated in favor of the guaranteed loan.

(d) In order to maintain the advantages of performance bonds existing in favor of the Government on prime contracts, in cases where the Government contract or contracts covered by surety bonds are substantial in relation to the contractor's total backlog of defense production contracts or where the amount of the bond is substantial in relation to the contractor's net worth, applications for loan guarantees are approved only if the surety or sureties on the bonds involved will subordinate their rights and claims in favor of the guaranteed loan.

(e) In cases involving relatively substantial subcontracts covered by surety bonds, approval of an application for loan guarantee will also be contingent upon the establishment of a reasonable allocation agreement between the surety or sureties and the financing institution, which would have the effect of giving the financing institution the benefit, with regard to payments to be made on the contract, of that portion of its loans fairly attributable to expenditures made under the bonded subcontracts prior to notice of default.

§ 82.35 *Other borrowings.* (a) Since V-loans are generally measured, and limited by, stated percentages of the borrower's investment in defense production operations and terminated defense contracts, it is evident that borrowings outside the guarantee may be necessary in some cases to support the borrower's non-defense activities. It has been recognized in practice, that while prohibition of borrowings outside the guaranteed loan is preferable where practicable in a given V-loan case, such other borrowings should be permitted when necessary.

(b) However, in cases where borrowings outside the V-loan are not prohibited, some restrictions on unguaranteed borrowings appear necessary for protection of the Government interest. These include reasonable limitations on the amount of, and collateral security for, such unguaranteed borrowings, and usually a provision that collateral security, if any, for such unguaranteed loans made by the same financing institutions should also be secondary collateral for the V-loan.

(c) If a credit is to be guaranteed under section 301 of the Defense Production Act, in circumstances where there may be borrowings either under or outside the guarantee, the guaranteed credit, having been established, and being susceptible to use at any time, should be utilized first and fully, and not reserved as free insurance pending such time and circumstances as may make its use convenient to the financing institution. It has therefore been determined, in line with the practice developed toward the end of the past war, that for those cases in which borrowings outside the V-loan are not prohibited, it should be required uniformly that other borrowings outside the V-loan may be incurred and remain outstanding without the consent of the financing institution and the guarantor only when the V-loan is being used to the full extent permitted by the V-loan agreement. Appropriate certificates of the borrower, in the same form as those used to measure the amount that may be outstanding under the V-loan, but submitted at intervals not longer than 30 days, could be used to determine when there may be borrowings outstanding outside the V-loan.

(d) It is of course recognized that appropriate exceptions will have to be made in individual cases to permit the continuation of outstanding term loans, to permit future unguaranteed term loans for expansion of facilities, and to permit continuance of such financing as may be necessary to supplement a V-loan.

§ 82.36 *Certificate of Eligibility.* (a) The Certificates of Eligibility, and supporting data, furnished by principally interested procuring activities, are the basis for the ultimate findings, incident to authorization or approval of loan guarantees, that the case meets the requirements of section 301 of the Defense Production Act of 1950, as amended, and of section 302 of Executive Order No. 10480.

(b) In its present form this certificate includes findings that the materials or services involved are deemed essential to the national defense, that (except for small-business concerns) these cannot be procured readily from an alternative source without prejudice to the national defense, and that the contractor has the technical ability and the required facilities to perform. It is required that supporting data be contained in or accompany the certificate. It has been provided on the approved form of certificate, as the standard for guidance in considering issuance of Certificates of Eligibility, that—

> This is not intended as a statement that there is absolutely no alternative source other than this contractor. The certification is founded on practical considerations. These considerations include the urgency of supply schedules, technical and plant capacity and unwillingness of other suppliers, time and expense involved in reletting all or parts of contracts (including expense of terminations for convenience, and delays incident to future determinations of default), comparative prices, effect of interruptions of established subcontracting arrangements, and other pertinent practical factors.

§ 82.37 *Procedure for Certificate of Eligibility.* (a) It is important that the processing of Certificates of Eligibility be accomplished expeditiously. It is necessary that there be application of uniform and consistent standards in determining eligibility.

(b) As indicated in § 82.36 (b), the determination in the Certificate of Eligibility is based upon giving full weight to practical considerations. It is also intended that in determining whether the materials or services can be procured readily from an alternative source without prejudice to the national defense, due consideration will be given to the effect of the use of alternative sources on the established major policies affecting procurement, such as those relating to the mobilization base, and industrial dispersal. If the reletting of contracts with other sources would involve conflict with any of such policies, such reletting in conflict with any such policy should be deemed prejudicial to the national defense. Also, in considering the practicability of alternative sources, in addition to the considerations outlined above, regard should be given to the question whether such potential alternate sources would require Government financing by progress payments, or advance payments, or Government supported financing by means of a guaranteed loan. If such financing would be required for alternative sources, such alternate sources may be fairly considered not "readily available" within the meaning of the Certificate of Eligibility.

(c) Ordinarily, if Certificate of Eligibility is not issued by the interested procuring activity, it does not follow that the contract involved will be terminated unless the contractor is in default to the extent that termination for default is considered desirable, or unless it has been determined that the contractor will be unable to perform his contract. Thus, in determining whether alternate sources are readily available without prejudice to the national defense, consideration should be given to the effect on supply schedules, and costs to the Government, if the contractor should default at a later date and be unable to perform by reason of inadequate financing.

(d) In determining eligibility of small-business concerns, the factor of ready availability of alternative sources will not be considered, and the paragraph of the form of Certificate of Eligibility pertaining to alternative sources will be deleted in cases of small-business concerns. In such cases the fact that the particular items or services involved are being procured under or pursuant to a contract of a Military Department is considered adequate to support and require the finding that the materials or services involved are deemed essential to the national defense. However, this does not mean that the Certificate of Eligibility should be provided automatically for small-business concerns, or that any less care and diligence should be exercised for determining eligibility for small-business cases than for other cases. See paragraph (e) of this section.

(e) It is necessary in all cases, whether or not involving a small-business concern, that, in considering issuance of a Certificate of Eligibility, emphasis be placed on the factors of the contractor's technical ability, management competence and reliability, plant capacity and facilities, and generally on his ability to perform satisfactorily if adequate financing is provided. If these factors are not favorable, Certificate of Eligibility should not be issued. See Appendix 2.

(f) With regard to contracts existing at the time of request for Certificate of Eligibility, the percentage of guarantee requested by a financing institution is not a factor to be considered in connection with issuance of the Certificate.

(g) In all cases, the supporting data furnished to the contract financing office should be sufficient to support the findings made in the Certificate of Eligibility. This data should contain available information pertinent to the matter of ability to perform satisfactorily, including known information as to past performance, and available information on the relation of the contractor's operations to supply schedules, and available pertinent information on other practical factors such as comparative prices and the time and expense that would be involved if reletting the contracts should become necessary. All of this information, including particularly an indication as to whether or not the contractor is considered an important source for materials or services, is necessary and important for consideration by the contract financing offices in determining the ultimate question whether, on their evaluation of all the circumstances of particular cases (including the contractor's financial condition and financial record), the authorization of a guarantee would be prudent and in the best interests of the Government. When Certificate of Eligibility is not furnished, the facts and reasons leading to declination of the certificate should be furnished.

(h) In those cases of subcontracts, where the prospective borrower is financially weak in relation to the financial condition of his defense contract customer, and the interests of the Government would be fostered by the making of progress payments to the subcontractor by his customer, it is appropriate that steps be taken, by coordinated effort of the procuring activity and the contract financing office, to arrange to the extent practicable for such progress payments to the subcontractor by his customer. By such means, in appropriate cases, the guaranteed loan may become unnecessary, or necessary in lesser amount, and the risks of loss are borne wholly or partly by the prime contractor or subcontractor responsible for selection of the prospective borrower as his subcontractor.

(i) If materially adverse information of any character concerning the prospective borrower is known to a procuring activity, such materially adverse information should be fully reported to the interested contract financing office. However, procuring activities are not expected to make any special investigation of the prospective borrower's financial condition in connection with applications for loan guarantees, as reports concerning financial condition of prospective borrowers are made by the Federal Reserve Banks.

(j) When Certificates of Eligibility are requested within a Department, or by one Department from another Department, reply will be made as promptly as possible, on a priority basis, as delays in financing may retard contract performance. Ordinarily, requests for Certificates of Eligibility, and pertinent data, will be made only with respect to those contracts deemed of material consequence under the circumstances of particular cases.

(k) In cases involving several contracts or subcontracts, including contracts or subcontracts relatively minor in relation to dollar amounts of other contracts involved, the processing of Certificates of Eligibility should not be delayed pending determinations concerning the relatively minor contracts. When any office within a procuring activity has on hand information concerning the substantial preponderance of amount of contracts with which it is concerned, its action concerning the Certificate of Eligibility should be completed without awaiting information on which to make determinations or recommendations concerning minor contracts. Basically, in situations involving numerous contracts, the determination as to eligibility should be founded upon the need of the prospective borrower's operation in the defense production program, and if his operation is considered necessary for performance of a substantial preponderance of his contracts, it should usually be unnecessary to make determinations concerning the eligibility of any particular minor contracts.

(l) When a Contracting Officer or other person within a procuring activity responsible for processing requests for Certificates of Eligibility has reason to believe that an application for loan guarantee has been filed or is about to be filed, relating to a contract or subcontract within his cognizance, he should, without awaiting request for Certificate of Elibility or request for information bearing on issuance of a Certificate of Eligibility, initiate the completion and transmittal of such information and certificate to the appropriate office within his Department, for forwarding to the contract financing office within the Department.

SUBPART D—ADVANCE PAYMENTS

§ 82.38 *Scope of subpart.* This subpart covers policy and procedure for advance payments under prime contracts. It is to be applied in conformity to the basic policies stated in Appendixes 1–4 inclusive, annexed to this part. In addition to this subpart, other portions of this part are applicable to advance payments, specifically, §§ 82.1, 82.2, 82.3, 82.4, 82.7, 82.8, and all of Subpart B of this part.

§ 82.39 *Negotiated contracts.* Pursuant to the authority of Title 10, U. S. Code, section 2307, advance payments under negotiated contracts may be made, with the approval of the Under Secretary or the Assistant Secretary concerned, in any amount not exceeding the contract price and upon such terms as the parties shall agree, provided—

(a) The contractor gives adequate security;

(b) Provision for advance payments is in the public interest or in the interest of the national defense, as determined by the Under Secretary or Assistant Secretary concerned; and

(c) Provision for advance payments is necessary for the procurement of the property or services under the contract, as determined by the Under Secretary or the Assistant Secretary concerned.

§ 82.39–1 *Formally advertised contracts.* Advance payments are made on formally advertised contracts pursuant to the First War Powers Act, 1941, as amended, and Executive Order No. 10210. See Appendixes 2 and 4.

§ 82.40 *Security provisions.* The advance payment agreement under 10 U. S. C. 2307 (as well as under the First War Powers Act, 1941, as amended, as provided in Appendix 4) should provide for deposit of all payments into special bank accounts and should include suitable covenants to protect the Government's interest. Advance payments under such authorizations should be limited to the contractor's financial needs, and withdrawals from the special bank accounts provided therefor should be closely supervised. The terms governing advance payments should include as security, in addition to or in lieu of the requirements for an advance payment bond or other security, provision for a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited, and upon such of the material and other property acquired for performance of the contract, as the parties shall agree.

§ 82.41 *General limitation on authority.* In all cases advance payments shall not be authorized unless no other contractor is readily available without prejudice to the national defense to furnish the desired supplies or services, upon terms satisfactory to the Department, without provision for advance

payments. For guidance, see §§ 82.36 (b), 82.37 (b) and (c), 82.42, and Appendix 2.

§ 82.42 *Uses of advance payments.* Advance payments are last in the general order of preferences stated in Appendix 1. However, as provided in Appendix 4, it is not necessary to give consideration to availability of other means of financing, or to use of the contractor's own working capital to the extent possible, in connection with (a) nonprofit contracts with nonprofit educational or research institutions for experimental, research, and development work, or (b) contracts solely for the management and operation of Government-owned plants. Subject to the provisions of this part, advance payments are considered useful and appropriate for, (1), contracts for acquisition of facilities at cost, for Government ownership, (2), contracts involving operations so remote from a financing institution that the financing institution could not be expected to provide suitable administration of a guaranteed loan, (3), contracts of such highly classified nature that the Department considers it undesirable for national security to permit assignment of claims under the contract, (4), rare but essential contracts of those contractors, unusually weak or overextended financially, in those cases in which performance may be better fostered and risks of financial loss most effectively minimized by very close control of funds and supervision of performance by personnel of the Department concerned, (5), contracts for the financing of which a financing institution will not assume a reasonable portion of the risks under a guaranteed loan, and (6), exceptional cases in which the utilization of advance payments will be more beneficial to the interests of the Government than any other available method of financing. Circumstances will occur, especially on contracts with small-business concerns, in which advance payments will be more beneficial to the interests of the Government and more suitable to the situation of the contractor than other methods of contract financing. If, incident to a bid or proposal, or after award of a contract, an otherwise qualified contractor is found to require advance payments, there should be no hestitation in recommending to higher authority that advance payments be established.

§ 82.43 *Types of contracts that may have advance payments.* Advance payments may be made on any approved type of contract, as defined in § 1.201–6 of Subchapter A of this chapter.

§ 82.44 *Application for advance payment.* The contractor's application for advance payment, whether incident to the making of a contract or by way of amendment or supplemental agreement for advance payments under an existing contract, may be in the form of a letter request or other writing. The application should refer to the contract under which advance payments are requested, and should include or be accompanied by, such of the following as may be appropriate under the circumstances of the case for full understanding of the propriety and reasonable necessity of advance payments, for evaluation of the contractor's ability to perform its contracts and to repay the contemplated advances, and for informed judgment with regard to the terms, conditions and protective provisions that will be appropriate and prudent for the protection of the Government.

(a) Balance sheet and profit and loss statement for the most recent fiscal year prepared and certified by an independent public accountant (including his comments, if any), and, if available, similar financial data for the two previous years; also latest available interim balance sheet and profit and loss statement of the current fiscal year. If audit reports are not available, then corresponding statements should be submitted, certified by an authorized officer, partner, or individual proprietor as truly and fully setting forth the financial condition and operating results of the applicant; also, if a proprietorship or partnership, personal financial statement of proprietor or partners;

(b) Appropriate explanation and schedules to indicate (1), aging and collectibility of accounts and notes receivable, (2), obsolescence of inventory and method of valuing inventory, (3), adequacy of reserves for depreciation, (4), aging of accounts and notes payable, including schedule of major creditors and interest rates and other charges, if any, (5), mortgages, liens, pledges, assignments, conditional sales, hypothecations and other encumbrances or security arrangements, if any, (6), analysis of surplus, (7), contingent liabilities (and liabilities not shown in the financial statements), if any, including those on endorsements, guarantees, warranties, surety bonds, tax assessments or deficiences, renegotiation, and material litigation pending or threatened, (8), existing credit or financing arrangements, and (9), such other facts as may be appropriate for adequate disclosure and understanding of the contractor's financial condition;

(c) Schedule of insurance maintained and to be maintained, especially as to inventories;

(d) Schedule of principal contracts and orders on hand, showing defense orders and civilian orders separately, and also indicating bids outstanding and contemplated, and explanation concerning contracts under negotiation, in addition to the contract under which advance payments are requested;

(e) Cash forecast, showing estimated disbursements and receipts for the period in which the requested advance payment is expected to be outstanding;

(f) Schedule of leases, deferred purchase arrangements, and patent or royalty arrangements, outlining terms, and indicating relationship, if any, of lessors or vendors to the applicant;

(g) Statement of compensation payable to each officer, partner, proprietor, and principal executive, and to each key employee receiving comparable compensation, including bonus, commission, and profit-sharing arrangements, together with similar data for the past two years;

(h) Statement of all affiliates of the contractor, showing financial interests of the contractor in affiliates and of affiliates in the contractor, and also mutual officers, directors, and major stockholders or owners, and disclosing character and amount of business transactions with affiliates; also, if a corporation, list of major stockholders, and shares held;

(i) Summary history of contractor and its principal management personnel, indicating particularly any past insolvencies of the applicant or a predecessor or of the officers, partners, or proprietors;

(j) Proposed amount of advance payments, and maximum percentage of contract price to be advanced;

(k) Name and address of bank suggested as depository for the advance payment special account; and

(l) Except for contracts mentioned in § 82.42 (a) and (b), of description of efforts made to obtain private financing, including guaranteed loan.

§ 82.45 *Action by contracting officer.* After such investigation as may be appropriate, and analysis of the request and information submitted by the contractor, the Contracting Officer should transmit to the appropriate office within his Department, in original and such number of copies as may be required within the Department—

(a) The request and information furnished by the contractor;

(b) Report of investigation, including past dealings with the contractor, and comment on the character and responsibility of the contractor, technical ability, and plant capacity;

(c) Date and identifying symbol of the approval of the award, citation of the appropriation available, type of contract, dollar amount of contract, the items to be supplied, and schedule of deliveries or performance, status of performance and deliveries if any, contemplated profit or fee, and copy of contract if available;

(d) Proposed advance payment contract provisions or supplemental agreement, including proposed security provisions, unless those are to be provided by the contract financing office;

(e) Certificate that (1), the required materials or services are essential to the national defense, and (2), cannot be procured readily from an alternative source without prejudice to the national defense, upon terms satisfactory to the Department, without provision for advance payments;

(f) The determination and findings mentioned in paragraphs §§ 82.39 (b) and (c), unless those are to be provided by the contract financing office;

(g) Recommendation that the advance payment be approved;

(h) Justification of proposal, if any, for waiver of interest charge (see Appendix 4); and

(i) If the Contracting Officer determines that the requested advance payment should be disapproved, the contractor's request, information submitted, report of investigation (if any), and statement of reasons for adverse determination should be sent forward to the Army Comptroller, in the Department of the Army, to the Assistant Comptroller, Accounting and Finance, in the Department of the Navy, and to the Deputy for Contract Financing to the Assistant Secretary (Financial Management) of the Air Force. This information may be useful in connection with existing or prospective arrangements for other financing.

§ 82.46 *Security and covenants.* Because of the variations in circumstances of individual cases, no fixed rule can be prescribed for determining adequacy of security in a particular case. The minimum security will be that required by the provisions of approved contract forms, supplemented by such further provisions and arrangements, if any, as may be considered appropriate for the protection of the Government under the circumstances of each case. Advance payment bonds usually will not be required. When and to the extent deemed necessary and appropriate, special security provisions will be required, such as, for example, personal or corporate endorsements or guarantees, pledges of collateral, subordination or stand-by of other indebtedness, and controls or limitations on profit distributions, salaries, bonuses or commissions, rentals and royalties, capital expenditures, creation of liens, debt retirement or stock retirement, and creation of additional obligations.

§ 82.47 *Advance payments in addition to progress payments.* Where necessary and in accordance with this part, advance payments may be authorized in addition to progress payments on the same contract.

§ 82.48 *Forms of contract provisions and supplemental agreements.* The approved forms for agreement covering advance payment special bank accounts, and approved forms of advance payment contract provisions and supplemental agreements for use in connection with the several types of approved contracts are set out below. Variations from the approved forms of contract provisions for advance payments should be made only when necessary in exceptional circumstances, with the approval of the person having authority to approve the particular advance payment contract involved.

§ 82.48–1 *Forms of agreement for special bank account.* For all advance payments substantially the following form of agreement will be used for the special bank account or accounts:

AGREEMENT FOR SPECIAL BANK ACCOUNT

Agreement entered into this _____ day of _____, 195__, between the United States of America, hereinafter called the Government, represented by the Contracting Officer executing this Agreement, _____, a corporation under the laws of the State of _____, hereinafter called the Contractor, and _____, a banking corporation under the laws of _____, located at _____, hereinafter called the Bank.

RECITALS

(a) Under date of _____, 195__, the Government and the Contractor entered into Contract(s) No. _____, or a Supplemental Agreement thereto, providing for the making of advance payments to the Contractor. Copy of such advance payment provisions has been furnished to the Bank.

(b) Said Contract or Supplemental Agreement requires that amounts advanced to the Contractor thereunder be deposited in a Special Bank Account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act, creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U. S. C. 264), separate from the Contractor's general or other funds; and, the Bank being such a bank, the parties are agreeable to so depositing said amounts with the Bank.

(c) This Special Bank Account shall be designated

"_____
(Name of contractor)
_____ Special Bank Account."
(Department)

COVENANTS

In consideration of the foregoing, and for other good and valuable considerations, it is agreed that:

(1) The Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the Contractor, which lien shall be superior to any lien or claim of the Bank with respect to such account.

(2) The Bank will be bound by the provisions of said contract or contracts relating to the deposit and withdrawal of funds in the above Special Bank Account, but shall not be responsible for the application of funds withdrawn from said account. After receipt by the Bank of written directions from the Contracting Officer, or from the Administering Office designated in the advance payment contract mentioned above, or from the duly authorized representative of the Contracting Officer or the Administering Office, the Bank shall act thereon and shall be under no liability to any party hereto for any action taken in accordance with the said written directions. Any written directions received by the Bank through the Contracting Officer upon Department of the _____ stationery and purporting to be signed by, or by the direction of _____ or his duly authorized representative, shall, in so far as the rights, duties and liabilities of the Bank are concerned, be conclusively deemed to have been properly issued and filed with the Bank by the Department of the _____.

(3) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to such Special Bank Account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of this Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify _____
_____
(Administering office)

In witness whereof the parties hereto have caused this Agreement to be executed as of the day and year first above written.

_____
(Signatures and official titles)

§ 82.48–2 *Advance payment provisions.* Approved contract provisions for advance payments, with directions for use where appropriate, follow:

(1) *Amount of Advance.* At the request of the Contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment, or advance payments from time to time, to the Contractor. No advance payment shall be made (i) without the approval of the office administering the advance payments (hereinafter called the "Administering Office" and designated in paragraph (14) (d) below) as to the financial necessity therefor; (ii) in an amount which together with all advance payments theretofore made, shall exceed the amount stated in paragraph (14) (a) below; (iii) without a properly certified invoice or invoices.

(2) *Special Bank Account.* Until all advance payments made hereunder, and interest charges, are liquidated and the Administering Office approves in writing the release of any funds due and payable to the Contractor, all advance payments and all other payments under the contract shall be made by check payable to the Contractor and be marked for deposit only in a Special Bank Account with the bank designated in paragraph (14) (b) below. No part of the funds in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be made only by check of the Contractor countersigned on behalf of the Government by the Contracting Officer, or such other person or persons as he may designate in writing (hereinafter called the "Countersigning Agent").

[*When considered not reasonably necessary for the protection of the Government, the countersignature requirement may be waived for contractors who are financially strong, with good performance records and good past experience with regard to contract cost disallowances. In such cases, the following sentence may be added to paragraph (2)*]:

Until otherwise determined by the Administering Office, countersignature on behalf of the Government will not be required.

(3) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for direct materials, direct labor, and administrative and overhead expenses required for the purposes of this contract (including, without limitation, payments incident to termination for the convenience of the Government) and properly allocable thereto in accordance with generally accepted accounting principles (subject to any applicable provision of Subchapter A, Part 15 Section XV of the Armed Services Procurement Regulation), or for the purpose of reimbursing the Contractor for such payments, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

[*In the case of a cost reimbursement contract, insert the following paragraph instead of paragraph (3:*]

(3) *Use of Funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for items of allowable cost as defined in Article_____of this contract, or to reimburse the Contractor for such items of allowable cost, and for such other purposes as the Administering Office may approve in writing. Any interpretation required as to the proper use of funds shall be made in writing by the Administering Office.

(4) *Return of Funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Administering Office, the Contractor shall repay to the Government such part of the unliquidated balance of advance payments as shall in the opinion of the Administering Office be in excess of current requirements, or (when added to total advances previously made and

liquidated) in excess of the amount, percentage of the contract price or estimated cost as the case may be, specified in paragraph 14 (a). In the event the Contractor fails to repay such part of the unliquidated balance of advance payments when so requested by the Administering Office, all or any part thereof may be withdrawn from the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and applied in reduction of advance payments then outstanding hereunder.

(5) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder and interest charges, if any, shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments and interest charges are equal to (____ percent) of the stated contract price of $_____, or such lesser amount to which the contract price may have been reduced, plus (i) increases, if any (not resulting from any provisions for price redetermination or escalation), in the above stated contract price not exceeding, in the aggregate $_____ (*Insert here not more than 10 percent of stated contract price above*) and (ii) all increases in contract price resulting from any provision for price redetermination or escalation, the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments and interest charges until such advance payments and interest charges shall have been fully liquidated. If upon completion or termination of the contract all advance payments and interest charges have not been fully liquidated, the balances thereof shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

[*The percentage stated above should not be more than 95 percent. In appropriate cases, where more rapid liquidation is desirable, the following sentence may be inserted at the beginning of paragraph (5), with the same percentage specified as that stated in paragraph 14 (a)*]:

To liquidate the principal amount of any advance payment made to the Contractor hereunder, there shall be deductions of ____ percent from any and all payments made by the Government under the contracts involved.

[*In case of a cost reimbursement contract, insert the following paragraph*]:

(5) *Liquidation.* If not otherwise liquidated, the advance payments made hereunder and interest charges, if any, shall be liquidated as herein provided. When the sum of all payments under this contract, other than advance payments, plus the unliquidated amount of advance payments and interest charges are equal to the total estimated cost of $_____ for the work under this contract (not including fixed fee, if any), or such lesser amount to which the total estimated cost under this contract may have been reduced, plus increases, if any, in this total estimated cost not exceeding, in the aggregate, $_____, (*Insert not more than 10 percent of estimated costs stated above*) (including without limitation, reimbursable costs incident to termination for the convenience of the Government as estimated by the Contracting Officer), the Government shall thereafter withhold further payments to the Contractor and apply the amounts withheld against the Contractor's obligation to repay such advance payments and interest charges, until such advance payments and interest charges shall have been fully liquidated. If upon completion or termination of the contract all advance payments and interest charges have not been fully liquidated, the balances thereof shall be deducted from any sums otherwise due or which may become due to the Contractor from the Government, and any deficiency shall be paid by the Contractor to the Government upon demand.

(6) *Interest Charge.* If required in paragraph (14) (c) below and at the rate therein specified, the Contractor shall pay interest to the Government upon the daily unliquidated balance of advance payments made under this contract. If the full amount of such interest is not paid by deduction or otherwise upon the completion or termination of this contract, the deficiency shall be paid by the Contractor to the Government upon demand. Interest at the rate specified in paragraph (14) (c) shall be computed at the end of each calendar month on the average daily balance of the principal of the advance payments outstanding. In determining such balance, (1) charges on account of the advance payments to the Contractor shall be made as of the date of the checks therefor, and (2), credits arising from deductions from payments to the Contractor shall be made as of the date of issue of the checks for such payments. [*For cost reimbursement contracts, use, instead of (2) above: (2) credits resulting from deductions from cost reimbursements shall be made upon the approval of the vouchers by the Disbursing Officer, as of the dates respectively upon which the Contractor presents to the Contracting Officer or his duly authorized representative full and accurate data for the preparation of each such voucher, which data shall as to each such voucher be certified by the Contracting Officer or his duly authorized representative.*] Also, in determining such balance, credits arising from cash repayments to the Government by the Contractor shall be made as of the date the checks therefor are received by the Disbursing Officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments otherwise due to the Contractor under the contracts on which advance payments have been made. [*For cost-plus-fixed-fee contracts, use the following, instead of the next preceding sentence: As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee which may be made to the Contractor from time to time under this Contract.*] In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the contract price or fixed fee as the case may be. The interest shall not be compounded, and shall, subject to the provisions of paragraph (11) hereof, cease to acrue with respect to each contract upon which advance payments are outstanding hereunder, upon termination of such contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

(7) *Bank Agreement.* Before an advance payment is made hereunder, the Contractor shall transmit to the Administering Office, in the form prescribed by such office, an Agreement in triplicate from the bank in which the Special Bank Account is established, clearly setting forth the special character of the account and the responsibilities of the bank thereunder. Wherever possible, such bank shall be a member bank of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U. S. C. 264).

(8) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payments made hereunder together with interest charges thereon.

(9) *Lien on Property Under Contract.* Any and all advance payments made under this contract, together with interest charges thereon, shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract and on all material and other property acquired for or allocated to the performance of this contract, except to the extent that the Government by virtue of any other provision of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify by marking or segregation all property which is subject to a lien in favor of the Government by virtue of any provision of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on its books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the contractor's termination claim, is applied in reduction of advance payments then outstanding hereunder.

(10) *Insurance.* The Contractor represents and warrants that it is now maintaining with responsible insurance carriers, (i) insurance upon its own plant and equipment against fire and other hazards to the extent that like properties are usually insured by others operating plants and properties of similar character in the same general locality; (ii) adequate insurance against liability on account of damage to persons or property; and (iii) adequate insurance under all applicable workmen's compensation laws. The Contractor agrees that, until work under this contract has been completed and all advance payments made hereunder had been liquidated, it will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, sub-assemblies, supplies, equipment and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificates with respect to its insurance as the Administering Office may from time to time require.

(11) *Default Provisions.* Upon the happening of any of the following events of default, (i) termination of this contract by reason of fault of the Contractor (ii) a finding by the Administering Office that the Contractor (a) has failed to observe any of the covenants, conditions or warranties of these provisions or has failed to comply with any material provision of this contract, or (b) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, or (c) has allocated inventory to this contract substantially exceeding reasonable requirements, or (d) is delinquent in payment of taxes or of the costs of performance of this contract in the ordinary course of business; (iii) appointment of a trustee, receiver or liquidator for all or a substantial part of the Contractor's property, or institution of bankruptcy, reorganization, arrangement or liquidation proceedings by or against the Contractor; (iv) service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account; or (v) the commission of an act of bankruptcy; the Government, without limiting any rights which it may otherwise have, may, in its discretion and upon written notice to the Contractor, withhold further withdrawals from the Special Bank Account and withhold further payments on this contract. Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances; (a) withdraw all or any part of the balance in the Special Bank Account by checks payable to the Treasurer of the United States signed solely by the Countersigning Agent and apply such amounts in reduction of advance payments then outstanding hereunder and in reduction of any other claims of the Government against the Contractor; (b) charge interest on advance payments outstanding during the period of any such event of default at the rate of six percent (6%) per annum; (c) demand immediate repayment of the unliquidated balance of advance payments hereunder; or (d) take possession of and, with or without advertisement, sell at public sale at which the Government may be the purchaser, or at a private sale, all or any part of the property on which the Government has a lien under this contract and, after deducting any expenses incident to such sale, apply the net proceeds of such sale in reduction of the unliquidated balance of advance payments hereunder and in reduction of any other claims of the Government against the Contractor.

(12) *Prohibition Against Assignment.* Notwithstanding any other provision of this contract, the Contractor shall not transfer, pledge, or otherwise assign this contract, or any interest therein, or any claim arising thereunder, to any party or parties, bank, trust company or other financing institution.

(13) *Information—Access to Records.* The Contractor shall furnish to the Administering Office signed or certified balance sheets and profit and loss statements monthly, or at such other intervals as may be required, together with a monthly report on the operation of the Special Bank Account in prescribed form, and such other information concerning the operation of the Contractor's business as may be requested. The Contractor shall afford to authorized representatives of the Government proper facilities for inspection and audit of the Contractor's books, records and accounts.

(14) *Designations and Determinations.* (a) Amount. The aggregate amount of the advance payments to be made hereunder (less the aggregate amounts repaid or withdrawn pursuant to paragraph (4)) shall not exceed $_____, or _____ percent of the contract price (which is now $_____), as it may be amended, whichever shall be the smaller. [*For cost reimbursement contracts, insert the following:*] (a) Amount. The aggregate amount of the advance payments to be made hereunder (less the aggregate amounts repaid or withdrawn pursuant to paragraph (4)) shall not exceed $_____, or ____ percent of the estimated cost of this contract (exclusive of the Contractor's fixed fee), as such cost may be amended from time to time, whichever shall be the smaller.

(b) Depository. The bank designated for the deposit of payments made hereunder shall be _____.

(c) Interest Charge. Interest shall be charged in the manner provided herein at the rate of five percent per annum. (*In the case of advance payments made without interest, insert the following:*)

No interest shall be charged for advance payments made hereunder, except as provided for in paragraph (11) (b). The Contractor shall charge interest at the rate of five percent per annum on sub-advances or down payments to subcontractors, and such interest will be credited to the account of the Government. However, interest need not be charged on sub-advances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

(d) Administering Office. The office administering advance payments is designated as _____.

(15) *Other Security.* The terms of this contract shall be considered adequate security for advance payments hereunder, except that if at any time the Administering Office deems the security furnished by the Contractor to be inadequate, the Contractor shall furnish such additional security as may be satisfactory to the Administering Office, to the extent that such additional security is available.

(16) *Representations and Warranties.* To induce the making of the advance payments, the Contractor represents and warrants that:

(a) The balance sheet, the profit and loss statement and any other supporting financial statements, heretofore furnished to the Administering Office, fairly reflect the financial condition of the Contractor at the date shown on said balance sheet and the results of the operation for the period covered by the profit and loss statement, and since said date there has been no materially adverse change in the financial condition of the Contractor.

(b) No litigation or proceedings are presently pending or threatened against the Contractor, except as shown in the above statements.

(c) The Contractor, apart from liability resulting from the renegotiation of defense production contracts, has no contingent liabilities not provided for or disclosed in the financial statements furnished to the Administering Office.

(d) None of the provisions herein contravenes or is in conflict with the authority under which the Contractor is doing business or with the provision of any existing indenture or agreement of the Contractor.

(e) The Contractor has the power to enter into this contract and accept advance payments hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(f) None of the assets of the Contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent, and except as shown in the financial statements furnished by the Contractor to the Administering Office. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(g) All information furnished by the Contractor to the Administering Office in connection with each request for advance payments is true and correct.

(h) These representations and warranties shall be continuing, and shall be deemed to have been repeated by the submission of each invoice for advance payments.

(17) *Sub-advances.* Substantially the following provision should be included in the contract when sub-advances are contemplated:

Subject to the prior written approval of the Administering Office, funds from the Special Bank Account may be used by the Contractor to make advance payments or down payments to subcontractors and materialmen in advance of performance by the subcontractor or materialman. Such sub-advances shall not exceed _____ percent of the subcontract price or estimated cost as the case may be, and the subcontractors or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is required by the Administering Office, covenants in subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the sub-advance, with Government lien thereon, and providing for a Government lien, paramount to all other liens, on all property under such subcontract, and imposing upon the subcontractor and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplementary hereto) between the Government, the Contractor and the Bank, may be considered as adequate security for such sub-advance.

(18) *Covenants.* The following are examples of some special protective provisions (subject to modification to adapt to the circumstances of individual cases) that may be utilized when and to the extent deemed appropriate in particular cases.

During the period of time that advance payments may be made hereunder, and so long as any such advance payments remain unliquidated, the Contractor shall not, without the prior written consent of the Administering Office—

(a) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the contractor now owned or hereafter acquired by it, or permit any pre-existing mortgages, liens, or other encumbrances to remain on or attach to any assets of the Contractor which are allocated to the performance of this contract and with respect to which the Government has a lien hereunder;

(b) Sell, assign, transfer or otherwise dispose of accounts receivable, notes or claims for money due or to become due;

(c) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of its capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the Administering Office incident to the establishment of these advance payment provisions;

(d) Sell, convey or lease all or a substantial part of its assets;

(e) Acquire for value the stock or other securities of any corporation, municipality, or Governmental authority, except direct obligations of the United States;

(f) Make any advance or loan to or incur any liability as guarantor, surety, or accommodation endorser for any other firm, person, or corporation;

(g) Permit a writ of attachment or any similar process to be issued against its property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process;

(h) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to its directors, officers, or key employees in excess of existing rates of pay-

ments or of rates provided in existing agreements in connection with which notice has been given to the Administering Office, or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder, or employ any person at a rate of compensation in excess of $-------- per annum;

(i) Make any substantial change in management, ownership, or control of the corporation;

(j) Merge or consolidate with any other firm or corporation, change the type of its business or engage in any transaction outside the ordinary course of its business as presently conducted;

(k) Deposit any of its funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation;

(l) Create or incur indebtedness for borrowed money or advances other than advances to be made hereunder, except as specified herein;

(m) Make or covenant itself to make capital expenditures exceeding in the aggregate $----------;

(n) Permit its net current assets, calculated in accordance with generally accepted accounting principles, to become less than $-a-------; or

(o) Make any payments on account of the obligations listed below, except in the manner and to the extent herein provided.

SUBPART E—PROGRESS PAYMENTS BASED ON COSTS

§ 82.49 *Scope.* This subpart provides uniform policies, procedures and forms for progress payments based on costs. Appendixes 1, 2, 3 and 5 to this part apply to this subpart E.

§ 82.49–1 *References.* Sections 82.1, 82.2, 82.3, 82.4, 82.9, 82.10, 82.11–82.18, inclusive, and 82.37 (g), and Appendixes 1, 2 and 3, apply to all progress payments, whether based on costs or on a percentage or stage of completion.

§ 82.49–2 *Exclusions.* This subpart does not apply to (a) cost-reimbursement type contracts or (b) contracts for construction (as defined in § 10.101–6 of Subchapter A), or for shipbuilding or ship conversion, alteration or repair, when such contracts provide for progress payments based on a percentage or stage of completion.

§ 82.49–3 *Contract coverage.* Except as provided in § 82.49–2, this subpart applies to all contracts (as defined in § 1.201–6 of subchapter A) providing for progress payments.

§ 82.50 *Standards.* Basic standards for progress payments are stated in Appendixes 2 and 5. These standards apply to all new procurement, and also to all changes concerning progress payments (§ 82.63–5). Parts III and V of Appendix 5 also apply to existing contracts, whenever consistent therewith. See also § 82.17, and particularly paragraphs (A), (B) and (C) of Part III of Appendix 2.

§ 82.51 *Percentage or stage of completion.* Progress payments based on a percentage or stage of completion will be confined to contracts for construction (as defined in § 10.101–6 of subchapter A of this chapter), shipbuilding and ship conversion, alteration or repair. For all other contracts, including any separate contracts for engines, machinery, equipment or other components for ships, the only types of progress payment provisions will be those based on costs, as authorized herein. However, on existing contracts which provide for progress payments based on a percentage or stage of completion, it is not required that provision for progress payments based on costs be substituted in connection with future amendments, supplements or modifications, if such substitution is found impracticable. (See § 82.63–1.)

§ 82.52 *Accounting system and controls.* The contractor's accounting system and controls must be adequate for the proper administration of progress payments. If the contractor's accounting system and controls have been found (by experience or by one of the military audit agencies) to be sufficient and reliable for segregation and accumulation of contract costs, no further examination should be necessary so long as the efficiency and reliability of the contractor's system and controls are maintained. In all doubtful cases, including contracts with contractors with whom a military audit agency has had no experience within the next preceding twelve months, the adequacy of the contractor's accounting system and controls shall be determined, and any necessary changes accomplished, before inclusion of a progress payment clause in a contract. For this purpose, the services of the military audit agencies should be utilized to the greatest extent practicable.

§ 82.53 *Information required.* The information required to support a contract provision for progress payments is that which is found necessary under the circumstances of each case to establish that the case complies with this Subpart E of this part, including the standards of the applicable one of Part III or Part IV of Appendix 5. See also, § 82.15 and § 1.307 of Subchapter A.

§ 82.54 *Indefinite quantity contracts.* For indefinite quantity contracts, contemplating requisitions, delivery orders, work orders, task orders, job orders or their equivalent, if the contractor meets all other requirements for customary progress payments (Appendix 5), the decision as to whether progress payments come within the customary category will depend upon estimates of the amount of work expected to be done, and the production lead time expected to be necessary for the major part of the work anticipated. In these cases, provision for progress payments in the indefinite quantity contract may be deemed customary if the amounts involved, and the production lead time, will result in the substantial equivalent of the customary progress payment described in Appendix 5. The standards for unusual progress payments govern when progress payments are not of the customary type.

§ 82.54–1 *Administration.* When progress payments are provided in the cases mentioned in § 82.54, such as indefinite quantity contracts for overhaul or maintenance, (a) the contract price is deemed to be the total of the amount of requisitions, delivery orders, work orders, task orders or their equivalent issued under the basic contract, (b) costs for progress payment purposes are the costs allocable to all such requisitions, etc., and (c) payments and liquidations will be handled in the same way as if all such requisitions, etc. constituted work under a single fixed price type contract.

§ 82.55 *Advance payments.* When advance payments and progress payments are authorized in the same contract, progress payment percentages will not exceed 90 percent of direct labor and material costs or 75 percent of total costs, whichever may be applicable.

§ 82.56 *Formal advertising.* Whenever, incident to formal advertising, the Contracting Officer considers (a) that the period between the beginning of work and the required first production delivery will exceed six months, or (b) that progress payments will be useful or necessary by reason of unusual circumstances that will involve substantial accumulation of pre-delivery costs that may have a material impact on a contractor's working funds (including but not limited to substantial small business set-asides expected to involve a relatively large pre-delivery accumulation of materials, purchased parts or components) the invitations for bids shall state that upon written request by the prospective contractor a progress payment clause (to be included in the invitations for bids or identified by appropriate reference therein, and to be the appropriate one of the contract clauses at 75 percent of total costs or 90 percent of costs of direct labor and material) will be included in the contract at the time of award. These invitations for bids providing for progress payments shall also state that bids including requests for progress payments will be evaluated on an equal basis with those not including requests for progress payments.

§ 82.56–1 The standards and procedure prescribed by the first two paragraphs of Part IV of Appendix 5 will not apply to the cases mentioned in § 82.56.

§ 82.57 *Use of progress payments by Contractors.* It is expected that the contractor will use the progress payments made by the Government, or equivalent amounts of money, to pay the costs incurred in the performance of the contract under which progress payments are made.

§ 82.58 *Definitions.* As used herein, the following terms have the meanings set forth below.

§ 82.58–1 *Progress payments.* See § 82.10. The term "progress payments" must be distinguished from "partial payments". The term "partial payments" describes only (1) payments for partial deliveries accepted by the Government under a contract, or (2) partial payments on contract termination claims.

§ 82.58–2 *Customary progress payments.* See Part III of Appendix 5.

§ 82.58–3 *Unusual progress payments.* See Part IV of Appendix 5.

§ 82.58–4 *Costs.* Costs include all expenses of contract performance which are reasonable, allocable to the contract, consistent with sound and generally accepted accounting principles and practices, and not excluded by the contract. The term "costs" includes "incurred costs" when the contractor is not delinquent in payment of costs of contract performance in the ordinary course of business. It may also include incurred costs, after such delinquency, to the extent provided in § 82.71–4.

§ 82.58–5 *Incurred costs.* Incurred costs are those costs identified through the use of the accrual method of accounting and reporting. As to invoices, incurred costs include only invoices for completed work to which the prime contractor has acquired title, for materials delivered (to which the prime contractor has acquired title), for services rendered, and for costs billed under cost reimbursement or time and material subcontracts for work to which the prime contractor has acquired title, and paid invoices for progress payments to subcontractors (when such progress payments are specifically provided for by the prime contract), all properly recorded on the books of the contractor and identified with the contract. Costs incurred include costs of direct labor, direct material, and direct services identified with and necessary for the performance of the contract, and also all properly allocated and allowable overhead (indirect) costs as shown by the books of the contractor.

§ 82.58–6 *Unliquidated progress payments.* Unliquidated progress payments are the aggregate sum of all progress payments made, less the aggregate sum of amounts applied to reduce progress payments.

§ 82.58–7 *Contract price.* The term contract price means the total amount fixed by the contract (other than any portion of the contract specifically providing for cost reimbursement only), as amended, to be paid for complete performance of the contract. If the contract provides for escalation or for redetermination of price, this term means the initial price until changed and not the ceiling price. If the contract is of the incentive type, this term means the initial or target price until changed, and not the ceiling or maximum price. For letter contracts and similar preliminary contractual instruments, this term means the maximum expenditure authorized by the contract, as amended.

§ 82.58–8 *Amendments, supplements and modifications.* The terms "amendment", "supplement", and "modification" are used interchangeably, and wherever one of these terms is used it includes the others. The terms "separate new contracts", and "separate contracts", as used herein, do not include "amendments".

§ 82.58–9 *Stronger and larger contractors.* The term "stronger and larger contractors", as used in the last sentence of Part III of Appendix 5, does not include small business concerns.

§ 82.58–10 *Deviation.* The term "deviation" means (a) any change, addition to, or deletion from the contract clauses and certificate forms required by this Subpart E, (b) any contract provision, outside the progress payment clause, which would have the effect of altering or changing the effect of the progress payment clauses provided herein, and (c) any variation from this part.

§ 82.59 *Contract clauses.* Except as otherwise provided in § 82.63 one of the following progress payments clauses shall be used whenever progress payments are to be made to a contractor based upon a percentage of costs, whether or not the contract schedule provides for reimbursement of progress payments to subcontractors. (See § 82.59–3.)

§ 82.59–1 *Total costs clause.*

Progress Payments. Progress payments shall be made to the Contractor as work progresses, from time to time upon request, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 75 percent of the amount of the Contractor's total costs incurred under this contract plus (ii) to the extent, if any, provided in the Schedule, the amount of the progress payments made by the Contractor to its subcontractors and remaining unliquidated; all less the sum of previous progress payments.

(2) The Contractor's total costs shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 75 percent of the costs mentioned in (a) (1) (i), above, plus any unliquidated progress payments mentioned in item (a) (1) (ii) above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or, (ii) 75 percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

(4) The aggregate amount of progress payments made shall not exceed 75 percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination For Convenience of the Government", all progress payments shall be liquidated by deducting from any payment under this contract, other than advance or progress, the amount of unliquidated progress payments, or 75 percent[1] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after recalculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly.

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, (v) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract, or (vi) is realizing less profit than the estimated profit used for establishing a liquidation percentage in paragraph (b), if that liquidation percentage is less than the percentage stated in paragraph (a) (1).

(d) *Title.* When any progress payment is made under this contract, title to all parts; materials; inventories; work in process; special tooling as defined in the clause of this contract entitled "Special Tooling"; nondurable (i. e., non capital) tools, jigs, dies, fixtures, molds, patterns, taps, gauges, test equipment, and other similar manufacturing aids not included within the definition of special tooling in such "Special Tooling" clause; and drawings and technical data (to the extent delivery thereof to the Government is required by other provisions of this contract); theretofore acquired or produced by the Contractor and allocated or properly chargeable to this contract under sound and generally accepted accounting principles and practices shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor and allocated or properly chargeable to this contract as aforesaid shall forthwith vest in the Government upon said acquisition, production or allocation. Notwithstanding that title to property is in the Government through the operation of this clause, the handling and disposition of such property shall be determined by the applicable provisions of this contract such as: the Default clause and paragraph (h) of this clause; Termination for Convenience of the Government clause; and the Special Tooling clause. Current production scrap may be sold by the Contractor without approval of the Contracting Officer and the proceeds shall be credited against the costs of contract performance. With the consent of the Contracting Officer and on terms approved by him, the Contractor may acquire or dispose of property to which title is vested in the Government pursuant to this clause, and in that event, the costs allocable to the property so transferred from this contract shall be eliminated from the costs of contract performance and the Contractor shall repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred. Upon completion of performance of all the obligations of the Contractor under this contract, including liquidation of all progress payments hereunder, title to all property (or the proceeds thereof) which had not been delivered to and accepted by the Government under this contract or which had not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the

[1] For lower percentage for this paragraph, see Part IV of Appendix 2.

Government under this clause shall vest in the Contractor. The provisions of this contract referring to or defining liability for Government-furnished property shall not apply to property to which the Government shall have acquired title solely by virtue of the provisions of this clause.

(e) *Risk of Loss.* Except to the extent that the Government shall have otherwise expressly assumed the risk of loss of property title to which vests in the Government pursuant to this clause, in the event of the loss, theft or destruction of or damage to any such property before its delivery to and acceptance by the Government, the Contractor shall bear the risk of loss and shall repay the Government an amount equal to the unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property.

(f) *Control of Costs and Property.* The Contractor shall maintain an accounting system and controls adequate for the proper administration of this clause.

(g) *Reports—Access to Records.* Insofar as pertinent to the administration of this clause, the Contractor will (i) furnish promptly such relevant reports, certificates, financial statements, and other information as may be reasonably requested by the Contracting Officer, and (ii) give the Government reasonable opportunity to examine and verify its books, records and accounts.

(h) *Special Provisions Regarding Default.* If this contract is terminated pursuant to the clause entitled "Default", (i) the Contractor shall, upon demand, pay to the Government the amount of unliquidated progress payments and (ii) with respect to all property as to which the Government elects not to require delivery under the clause entitled "Default", title shall vest in the Contractor upon full liquidation of progress payments, and the Government shall be liable for no payment except as provided by the "Default" clause.

(i) *Reservations of Rights.* The rights and remedies of the Government provided in this clause shall not be exclusive, and are in addition to any other rights and remedies provided by law or under this contract. No payment, or vesting of title pursuant to this clause, shall excuse the Contractor from performance of its obligations under this contract, nor constitute a waiver of any of the rights and remedies of the parties under this contract. No delay or failure of the Government in exercising any right, power or privilege under this clause shall affect any such right, power or privilege, nor shall any single or partial exercise thereof preclude or impair any further exercise thereof or the exercise of any other right, power or privilege of the Government.

§ 82.59–2 *Direct labor and materials cost clause.*

Progress Payments. Progress payments shall be made to the Contractor as work progresses, from time to time upon request, in amounts approved by the Contracting Officer upon the following terms and conditions:

(a) *Computation of Amounts.* (1) Unless a smaller amount is requested, each progress payment shall be (i) 90 percent of the amount of the Contractor's costs incurred of direct labor and material[1] only under this contract plus (ii) to the extent, if any, provided in the Schedule, the amount of progress payments made by the Contractor to its subcontractors and remaining unliquidated; all less the sum of previous progress payments.

(2) The Contractor's costs above-mentioned shall be reasonable, allocable to this contract, and consistent with sound and generally accepted accounting principles and practices. However, such costs shall not include (i) any costs incurred by subcontractors or suppliers, or, (ii) any payments or amounts payable to subcontractors or suppliers, except for completed work (including partial deliveries) to which the Contractor has acquired title, and except for amounts paid or payable under cost-reimbursement or time and material subcontracts for work to which the Contractor has acquired title, or, (iii) costs ordinarily capitalized and subject to depreciation or amortization except for the properly depreciated or amortized portion of such costs.

(3) The amount of unliquidated progress payments shall not exceed the lesser of (i) 90 percent of the costs mentioned in (a) (1) (i), above, plus any unliquidated progress payments mentioned in (a) (1) (ii), above, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (ii) ____ percent of the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments. [*For percentage here and in (a) (4), see the first bracketed instruction in (b), below.*]

(4) The aggregate amount of progress payments made shall not exceed ____ percent of the total contract price.

(5) If at any time a progress payment or the unliquidated progress payments exceed the amount permitted by this paragraph (a), the Contractor shall pay the amount of such excess to the Government upon demand.

(b) *Liquidation.* Except as provided in the clause entitled "Termination For Convenience of The Government", all progress payments shall be liquidated by deducting from any payment under the contract, other than advance or progress, the amount of unliquidated progress payments, or ____ per cent [*insert a percentage which is to 90 per cent as the amount of estimated costs forming the basis for progress payments is to the amount of the estimated total costs*] of the gross amount invoiced, whichever is less. Repayment to the Government required by a retroactive price reduction will be made after recalculating liquidations and payments on past invoices at the reduced prices and adjusting the unliquidated progress payments accordingly. [*For percentage for this paragraph, lower than the percentage computed pursuant to the above instruction and Part III of Appendix 5, see Part IV of Appendix 2.*]

(c) *Reduction or Suspension.* The Contracting Officer may reduce or suspend progress payments, or liquidate them at a rate higher than the percentage stated in (b) above, or both, whenever he finds upon substantial evidence that the Contractor (i) has failed to comply with any material requirement of this contract, (ii) has so failed to make progress, or is in such unsatisfactory financial condition, as to endanger performance of this contract, (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, (iv) is incurring costs, whether or not of the kinds eligible for progress payments under paragraph (a) (1) above, which are higher than the respective estimated costs used for establishing the liquidation percentage in paragraph (b) above, (v) is delinquent in payment of the costs of performance of this contract in the ordinary course of business, or (vi) has so failed to make progress that the unliquidated progress payments exceed the fair value of the work accomplished on the undelivered portion of this contract.

(d) *Title.* (Same as paragraph (d) of "Total Costs" clause.)

(e) *Risk of Loss.* (Same as paragraph (e) of "Total Costs" clause.)

(f) *Control of Costs and Property.* (Same as paragraph (f) of "Total Costs" clause.)

(g) *Reports—Access to Records.* (Same as paragraph (g) of "Total Costs" clause.)

(h) *Special Provisions Regarding Default.* (Same as paragraph (h) of "Total Costs" clause.)

(i) *Reservations of Rights.* (Same as paragraph (i) of "Total Costs" clause.)

§ 82.59–3 *Schedule provision for progress payments to subcontractor.* Where it has been determined (see § 82.61) that the contractor shall be reimbursed for progress payments made to subcontractors, the following language shall be inserted in the Schedule of the contract, in connection with the use of one of the progress payment clauses set forth in §§ 82.59–1 and 82.59–2.

PROGRESS PAYMENTS TO SUBCONTRACTORS

(a) The Contractor shall be reimbursed in accordance with the clause entitled "Progress Payments" for all of the progress payments made by the Contractor to subcontractors under subcontract progress payment provisions which (i) are substantially similar to and as favorable to the Government as that clause (and no more favorable to the subcontractor than that clause is to the Contractor), and (ii) make all rights of the subcontractor with respect to all property to which the Government has title pursuant to the subcontract, subordinate to the rights of the Government to require delivery of such property to it in the event of default by the Contractor under this contract or in the event of the bankruptcy or insolvency of the subcontractor.

(b) The Government agrees that any proceeds received by it from property to which it has acquired title by virtue of such provisions in any subcontract shall be applied to reduce the amount of unliquidated progress payments made by the Government to the Contractor under this contract. In the event the Contractor fully liquidates such progress payments made by the Government to it hereunder and there are progress payments to any subcontractors which are unliquidated, the Contractor shall be subrogated to all the Government's rights by virtue of such provisions in the subcontract or subcontracts involved as if all such rights had been thereupon assigned and transferred to the Contractor.

§ 82.60 *General instructions for progress payment clauses.* The instructions below apply to the clauses required by § 82.59 and set forth in §§ 82.59–1 and 82.59–2.

§ 82.60–1 *Contracting Officer.* The term "Contracting Officer" as used in this subpart means the Contracting Officer as defined in § 1.205–1 of subchapter A.

§ 82.60–2 *Variation in percentages.* The percentages stated in paragraph (a) (1) (i) of the clauses in §§ 82.59–1 and 82.59–2 are the normal percentages for the customary progress payments authorized by Part III of Appendix 5. Higher percentages may be provided in the manner and to the extent authorized by Part IV of Appendix 5. Lower percentages may be used in (a) (1) (i) of §§ 82.59–1 and 82.59–2 when agreed, and will be used for unusual progress payments when found adequate in accordance with the standards set forth in Part IV of Appendix 5.

§ 82.60–3 *Total cost basis; percentage other than 75 percent.* If a percentage other than 75 percent is specified in (a) (1) (i) of the total costs clause set forth in § 82.59–1, the percentage actually specified in (a) (1) (i) of the progress payment clause of the contract shall also be specified in (a) (3) (i), (a) (3) (ii), (a) (4) and (b) of the progress payment clause. (As to (b), see Part IV of Appendix 2.)

§ 82.60–4 *Limited cost basis; other percentages.* When the progress payment clause set forth in § 82.59–2 is used, the percentage actually specified in (a) (1) (i) of the progress payment clause of the contract will also be specified in (a) (3) (i). The percentage to be specified in (a) (3) (ii), (a) (4), and (b) of that clause will be computed in the manner provided in Part III of Appendix 5, except that a percentage higher than the percentage so computed may be specified in paragraph (b) if agreed. Subject to this exception permitting use of a higher percentage in (b) (or a lower percentage in (b) established pursuant to Part IV of Appendix 2), the percentage to be specified in (a) (3) (ii), (a) (4), and (b) will thus be a percentage which is to the percentage stated in (a) (1) as the amount of estimated costs forming the basis for progress payments is to the amount of estimated total costs of performance of the undelivered portion of the contract. This same principle will apply if a narrower cost basis, more limited than the cost basis stated in § 82.59–2, is utilized for progress payments. (See § 82.60–4.)

§ 82.60–5 *Cost basis less than direct labor and material costs.* Instead of the direct labor and material cost basis provided in § 82.59–2, a narrower and more limited cost basis for progress payments may be utilized for that clause, such as direct labor only, direct material only, or direct labor or material costs applicable only to certain specified items, or specified direct costs other than direct labor or material costs. Appropriate changes will be made in (a) (1) (i) of the clause set forth in § 82.59–2 when such a narrower and more limited cost basis is to be used. For example, if eligible costs are to be limited to direct material costs, the words "labor and" should be deleted from (a) (1) (i); or, if eligible costs are to be limited to direct labor costs, the words "and material" should be deleted from (a) (1) (i).

§ 82.60–6 *Other protective provisions.* When deemed reasonably necessary for the protection of the Government, the clauses set forth in §§ 82.59–1 and 82.59–2 may be supplemented by additional protective provisions, such as personal or corporate guarantees, subordinations or stand-bys of indebtedness, special bank accounts, and other protective covenants of the kinds outlined in item 18 of § 82.48–2.

§ 82.60–7 *Liquidation percentages.* (a) Liquidation percentages shall conform to Part III of Appendix 5 except as authorized by Part IV of Appendix 2.

(b) In the application of paragraphs A and B of Part IV of Appendix 2, when progress payments are at the rate of 75 percent of all costs, the minimum liquidation percentage of 70 percent would not apply if the estimated profit rate is less than 7.3 percent of total costs. If, for example, the estimated profit rate is 5 percent of total costs, the minimum liquidation percentage permitted by Part IV of Appendix 2 would be approximately 71.5 percent. At this 5 percent profit rate, assuming (1) price $105, (2) costs $100, and (3) progress payments $75, this minimum liquidation rate of 71.5 percent would be necessary for recovery of the $75 or progress payments from the $105 delivery billing (75÷105=71.5 percent, and 0.715× $105=$75.07). The same principles are applicable when, pursuant to paragraph C of Part IV of Appendix 2, a liquidation rate lower than the 70 percent minimum is to be established. For example, assuming an established profit rate of 8 percent of total costs of items for which final prices have been established, the minimum liquidation rate for those items would be 69.5 percent when progress payments are at the rate of 75 percent of total costs. Assuming, (1) fixed price $108, (2) costs $100, and (3) progress payments $75, the calculation would be: 75÷108=0.6944, and (rounding this upward to 0.695), 0.695×$108= $75.06.

(c) Part III of Appendix 5 provides the standards, and gives an example, for establishing the minimum liquidation percentage when progress payments are to be at 90 percent of costs of direct labor and material (or lesser percentages of more limited costs). In the application of paragraphs A and B of Part IV of Appendix 2, when progress payments are at the rate of 90 percent of costs of direct labor and material, examples of the minimum liquidation rates are—

(1) When costs of direct labor and material are 70 percent of total costs, and the profit rate is 5 percent of total costs, the minimum liquidation percentage would be 60 percent. Assuming price $105, costs $100, costs of direct labor and material $70, and progress payments $63, then 63÷105=60 percent. Application of the 60 percent liquidation percentage to the delivery price of $105 recovers the $63 of progress payments.

(2) On assumptions the same as example (1), above, except that costs of direct labor and material are computed at 80 percent of total costs ($80 of the total costs of $100), so that progress payments on the item are $72 (90 percent of $80), the minimum liquidation percentage would be 68.6 percent (72÷105=68.6 percent, i. e., 68.57 percent rounded upward to 68.6 percent). Application of this 68.6 percent liquidation percentage to the delivery price of $105 recovers $72.03 against the $72 of progress payments.

(d) In line with the standards set for progress payments based on 75 percent of all costs, calculation of minimum liquidation rates pursuant to paragraphs A and B of Part IV of Appendix 2, when progress payments are at 90 percent (or lesser percentage) of costs of direct labor and material (or costs more limited), will not take into account any amount of profit that exceeds 7.3 percent of total costs. Thus, on example (1) next above, (assuming profit rate of 7.3 percent of costs or any greater rate), the minimum liquidation percentage would be 58.72 percent (63÷107.3=58.72 percent).

§ 82.61 *Subcontracts.* Progress payments to subcontractors may be included in the base for progress payments to prime contractors only when provision therefor is made in the prime contract Schedule, in the manner set forth in § 82.59–3. Except as provided below, this provision may be included in the Schedule of the prime contract only if the contractor agrees in writing that its progress payments to subcontractors, to be included in the base for progress payments pursuant to this Schedule provision and paragraph (a) of §§ 82.59–1 or 82.59–2, will be limited to those subcontracts in which there is expected to be a long "lead time", approximating six months or more between the beginning of work and the first delivery, for subcontractors which in the opinion of the prime contractor meet the standards for customary progress payments outlined in Part III of Appendix 5. However, this limitation does not apply to subcontracts providing for "unusual" progress payments on prime contracts as described in Part IV of Appendix 5, when the inclusion of such unusual progress payments on the subcontracts has been approved in the manner set forth in Part IV of Appendix 5.

§ 82.61–1 *Subcontractor progress payments.* When provision is made in the contract Schedule for inclusion of unliquidated progress payments made to subcontractors, the percentage for reimbursement on account of progress payments made to subcontractors will ordinarily be stated at 100 percent, i. e. "all". However, in the discretion of the Contracting Officer, a percentage less than 100 percent may be specified in this provision of the Schedule. When a percentage less than 100 percent is so specified, this lesser percentage will control the amount of progress payments to be made pursuant to (a) (1) (ii) of §§ 82.59–1 and 82.59–2 and the maximum limit on unliquidated progress payments on account of unliquidated progress payments to subcontractors under (a) (3) (i) of §§ 82.59–1 and 82.59–2.

§ 82.61–2 *Adaptation of uniform clause for subcontracts.* Contracting Officers are not required to review or approve subcontracts merely because they provide for progress payments. However, they shall check and review subcontracts providing for progress payments to the extent appropriate in the ordinary course of administration of the progress payment clause of prime contracts. The duty rests on the prime contractor to see to it that its subcontracts providing for progress payments, to be included in the base for progress payments pursuant to the Schedule provisions set forth in § 82.59–3, conform to these provisions of the contract Schedule (§ 82.59–3). In adapting the clauses set forth in §§ 82.59–1, 82.59–2 and 82.59–3 for use in subcontracts, to conform to § 82.59–3, the subcontract progress payment clause should have appropriate changes to reflect the position of the prime contractor as purchaser and of the subcontractor as vendor, and to indicate that the progress

[1] Strike out "labor and" or "and material" if progress payments are limited to single direct cost.

payments under the subcontract are being made and administered by the prime contractor. However, the title provision of the progress payment clause of the subcontract shall provide for the vesting of title directly in the Government, as set forth in §§ 82.59–1 (d) and 82.59–2 (d), and the subcontract will not substitute the prime contractor for the Government as the holder of title under that paragraph of the subcontract. In that title paragraph of the subcontract, reference to the prime contractor should, however, be substituted for the word "Government" in the parenthetical expression concerning drawings and technical data, and also in the second sentence of the paragraph. In the subcontract counterpart of §§ 82.59–1 (g) and 82.59–2 (g) entitled "Reports—Access to Records" the references to "Contracting Officer" and "Government" should not be deleted, but may in each case be expanded so as to refer to the "Contracting Officer or the prime contractor", (§§ 82.59–1 (g) (i), 82.59–2 (g) (i)) and to the "Government or the prime contractor" (§§ 82.59–1 (g) (ii), 82.59–2 (g) (ii)). With regard to the subcontract counterpart of the "Special Provisions Regarding Default" (§§ 82.59–1 (h), 82.59–2 (h)) only the substance of the first three lines of that paragraph (with reference to the prime contractor substituted for "Government"), is required for conformity to the provisions of § 82.59–3.

§ 82.62 *Letter Contracts.* When progress payments are to be made under letter contracts or similar preliminary contractual instruments, incorporation of one of the clauses set forth in §§ 82.59–1 and 82.59–2 is required except as follows:

(a) Section 82.59–1 (a) (4) or § 82.59–2 (a) (4) will be replaced by a provision limiting the aggregrate amount of progress payments made under the letter contract to a stated amount, not exceeding 75 percent of the maximum liability of the Government under the letter contract (or such lesser percentage as may be applicable in accordance with the last two sentences of § 82.60–4 if the clause set out in § 82.59–2 is to be used). Separate limits may be prescribed for separate specified parts of the work.

(b) Until unit delivery billing prices are specified, § 82.59–1 (b) or § 82.59–2 (b), concerning liquidation will not be operative, and will be supplemented by the additional provision set out below:

Progress payments made hereunder shall be liquidated in the following manner, unless previously liquidated pursuant to paragraph (b):

(1) If this letter contract shall be superseded by a fixed price-type contract (Part 3, Subpart D), unliquidated progress payments made hereunder shall be liquidated by deducting the amount thereof from the first progress or other payments which shall be made under such contract.

(2) If this letter contract shall be superseded by a cost-reimbursement type contract, progress payments made hereunder shall be liquidated by deducting the unliquidated amount thereof from the first payments which shall be made under such cost-reimbursement contract.

(3) If this letter contract shall not be superseded by a contract calling for the furnishing of all or part of the articles or services covered hereby, unliquidated progress payments made hereunder shall be liquidated by deducting the amount thereof from the amount payable under the provisions of the Termination clause for this letter contract.

(4) If this letter contract shall in part be terminated and shall in part be superseded by a contract, the unliquidated progress payments made hereunder shall be allocated by the Government for the purpose of liquidation to the terminated portion of the letter contract and to the superseding contract in such proportions as the Government shall deem to be equitable, and the part of such progress payments allocated to each shall be liquidated in accordance with the applicable provisions of subdivisions (1), (2) and (3) of this paragraph.

(5) If the method of liquidating progress payments provided above shall not result in the full liquidation thereof, the Contractor shall forthwith pay the unliquidated balance to the Government upon demand.

(c) Any superseding definitive contract will contain appropriate provisions, carried forward from the letter contract, for liquidation of progress payments made under the preliminary instrument. When the superseding contract provides for progress payments, the progress payment clause will be supplemented by further provision as follows:

The costs, previous progress payments, aggregate progress payments, and unliquidated progress payments, mentioned in paragraph (a) of this progress payments clause, include the costs incurred and progress payments made under the letter contract which has been superseded by this contract.

§ 82.63 *Transition.* Contracts in existence on the effective date of this Subpart E will continue to be administered in accordance with their provisions and the regulations in this part. The transition to uniform use of a progress payment clause set out in this part (§ 82.59) will be accomplished in an orderly and reasonable manner and as promptly as practicable, as set forth below.

§ 82.63–1 *Separate contracts.* To the greatest extent feasible, procurement effected after the effective date of this part, and involving the establishment or continuation of progress payments, will be accomplished by separate new contracts rather than by amendments of existing contracts. Separate new contracts (including definitive contracts superseding existing letter contracts and instruments effecting new procurement under existing basic or master agreements) that are entered into within 60 days after the effective date of this Subpart E need not use a clause set forth in § 82.59 if tentative agreement has been reached concerning a progress payment clause based on costs and conforming to Appendix 5.

§ 82.63–2 *Existing indefinite quantity contracts.* During the specified term of existing indefinite quantity contracts (not including any extension of such term) existing progress payment provisions conforming to Appendix 5 with regard to progress payment percentage and rate of liquidation (or with liquidation as authorized by Part IV of Appendix 2) do not need to be replaced, incident to new procurement under such contracts, by a clause set forth in § 82.59.

§ 82.63–3 *Supplements, amendments and modifications; when new clause not required.* When it is found necessary to effect new procurement by amendment of a contract (see § 82.63–1) already providing for progress payments based on costs, rather than by a separate contract, it is not required that the amendment include a clause set forth in § 82.59 if the progress payment clause already in the contract provides for progress payments not exceeding 75 percent of total costs or 90 percent of direct labor and material costs and also provides for liquidation conforming to Part III of Appendix 5 or Part IV of Appendix 2. However, in these cases, a clause set out in § 82.59 should be substituted for the existing progress payment clause whenever feasible.

§ 82.63–4 *Supplements, amendments and modifications; gradual operation of new clause.* (a) When a contract provides for progress payments at rates exceeding 90 percent of direct labor and material costs or exceeding 75 percent of total costs, and it is found necessary to accomplish additional procurement by an amendment rather than by a separate new contract (see § 82.63–1), the amendment should, whenever reasonable and practicable, substitute a clause set forth in § 82.59 for the progress payment clause of the contract, so as to limit all future progress payments on the entire contract to 75 percent of future total costs or 90 percent of future costs of direct labor and materials. When such substitution is made, substantially the following provision should be added:

For the purposes of paragraph (a) (1) of this clause, (i) progress payments made or to be made to the contractor on progress billings submitted to the Government on or before the date of this amendment (in the total amount of $--------), shall be excluded in computing the "sum of previous progress payments" and (ii) costs (and progress payments to subcontractors) (in the total amount of $--------), relating to the progress payments so excluded shall also be excluded in computing costs (and progress payments to subcontractors) eligible for progress payments under this amendment. The amount of progress payments unliquidated at the date of this amendment ($--------), and the amount of progress payments included in progress billings pending at the date of this amendment ($--------), aggregating ($--------), shall be liquidated at the rate of -- percent instead of the percentage stated in paragraph (b) of this clause. Paragraphs (a) (3) and (b) of this clause shall not apply until liquidation of the aggregate amount of progress payments made or billed at the date of this amendment. Paragraph (a) (4) does not apply.

The expression "(and progress payments to subcontractors)" will be deleted if not applicable. Billings for progress payments pending at the date of the amendment will be paid in accordance with the progress payment clause in effect before the amendment. The rate for liquidation of unliquidated progress payments outstanding and to be outstanding pursuant to progress billings pending at the date of the amendment will be specified in accordance with the principles stated in Part III of Appendix 5 and Part IV of Appendix 2.

(b) When, in the circumstances described in paragraph (a) of this section, it is not reasonable and practicable to substitute a clause set forth in § 82.59 so as to limit all future progress payments on the entire contract to 75 percent of costs or 90 percent of costs of direct labor and material as the case may be, the amendment (incorporating a clause set forth in § 82.59, with percentages as specified in Appendix 5 and Appendix 2) ordinarily will provide for segregation of costs attributable to work under the amendment, segregation of payments under the amendment, and administration of progress payments under the amendment on the same basis as if the amendment were a separate new contract. However, when it is found that it will be expensive or otherwise impracticable to separate costs of deliveries attributable to the amendment from those attributable to the other portion of the contract, the amendment will provide for one or the other of the arrangements described in paragraphs (c) and (d) of this section.

(c) When the last sentence of paragraph (b) of this section, is applicable (and paragraph (d) of this section, is not applied), the amendment will include a clause set forth in § 82.59 (with percentages conforming to Appendix 5 and Appendix 2), with provision that it will become operative as herein provided. The amendment will provide for continuation of progress payments pursuant to the existing progress payment clause and for their liquidation pursuant to Part III of Appendix 5 or Part IV of Appendix 2, until (1) the aggregate amount of progress payments made under the contract, including progress payments previously made, equals (2) the aggregate amount of progress payments that would have been made at the previously established rates if the contract had continued without this amendment (less reductions from time to time to reflect decreases in anticipated total progress payments, resulting from any partial termination of the contract), and (3) when the amount described in item (1), above, equals the amount described in item (2), above, future progress payments will be governed by the progress payment clause included in the amendment, except that liquidation of the amount of unliquidated progress payments then outstanding will continue at the higher rate required to conform to Appendix 5 or Appendix 2 until liquidation of such amount, and (a) (4) (§§ 82.59–1 (a) (4), 82.59–2 (a) (4)) will not apply.

(d) When the last sentence of paragraph (b) of this section, is applicable (and paragraph (c) of this section, is not applied), the amendment will substitute a clause set forth in § 82.59 instead of the existing progress payment provision, but with the percentage specified for future progress payments being a weighted average percentage arrived at by dividing the amount described in item (1), below, into the amount described in item (2), below (and with the special liquidation provision described in item (3), below):

(1) The total of all future costs, eligible for progress payments, expected to be incurred for performance of the contract and this amendment.

(2) The sum of (i) the total of all future costs, eligible for progress payments, that would have been incurred for performance of the contract without this amendment (not including costs expected to be incurred on account of this amendment) multiplied by the percentage for progress payments theretofore specified in the contract, and (ii) the total of all future costs, eligible for progress payments, expected to be incurred solely on account of this amendment, multiplied by not more than 75 percent (or by not more than 90 percent if eligible costs are limited to direct labor and material).

(3) When such substitution is made, special provision will be added to require that (1) the unliquidated progress payments outstanding at the date of the amendment (and any progress payments made thereafter on progress billings pending at the date of the amendment) will be liquidated in the manner outlined in Part III of Appendix 5 or Part IV of Appendix 2, e. g., at 90 percent of delivery billings if those progress payments had been made at 90 percent of costs, or at percentages authorized by Part IV of Appendix 2, and (2) that liquidation at the percentage specified in the progress payment clause substituted by the amendment will begin when liquidation at the higher rate mentioned in item (1), next above, has been accomplished.

§ 82.63–5 *Supplements, amendments and modifications concerning progress payments.* Amendments, supplements, and modifications of existing contracts which increase the rate or percentage of progress payments, or enlarge the base for progress payments, or reduce the rate of liquidation of progress payments, or make new provision for progress payments shall conform to these regulations and in particular to § 82.59.

§ 82.64 *Contract financing office clearance.* The following types of provisions for progress payments require submission through channels and prior approval by the contract financing office (§ 82.16):

(a) Those involving progress payments at rates exceeding 90 percent of direct labor and material costs or exceeding 75 percent of total costs, except as authorized by § 82.63–4;

(b) Those involving deviations, as defined in § 82.58–10;

(c) Those exceptional cases, involving unusual risks, described in § 82.16;

(d) Those involving contractors as to whom it is known that within the preceding twelve months (1) request for advance payments has been denied for financial reasons by the contract financing office, or (2) application for guarantee of a loan to the contractor or for increase or extension of maturity of a guaranteed loan, has been disapproved for financial reasons, or (3) an approved application for guarantee of a loan or for advance payment to the contractor has lapsed or has been withdrawn; and

(e) Those involving contractors named on the consolidated list of contractors indebted to the United States, commonly known as the "Hold-Up List".

§ 82.65 *Coordination.* The coordination described in the third paragraph of Part IV of Appendix 5 is required for all cases mentioned in paragraphs (a) and (b) of § 82.64.

§ 82.65–1 *Control lists.* To give effect to § 82.64 (d), pertinent information will be exchanged between the several contract financing offices, and distributed through normal channels to Contracting Officers.

§ 82.65–2 *Hold-up list.* To give effect to § 82.64 (e), and for other proper purposes, the "Hold-Up List" there mentioned will be distributed through normal channels to Contracting Officers.

§ 82.66 *Contractor's Request.* All invoices for progress payments on contracts containing the progress payment clause set out in § 82.59 (with or without the modifications authorized by § 82.63–4), and on contracts containing any deviation from that clause approved pursuant to §§ 82.64 and 82.65, will be supported by the contractor's request in the following form,[1] with any supporting information that may be reasonably required. This form of request will also be utilized as soon as practicable (unless incompatible with contract provisions) in connection with progress payments based on costs under existing contracts and other contracts (§§ 82.63–1, 82.63–2, 82.63–3) not containing one of the progress payment clauses set out in § 82.59. The use of this form is subject to the instructions which will be included on reproductions of the form.

§ 82.67 *Audit.* For the making of progress payments, principal reliance will be placed on the adequacy of the contractor's accounting system and controls (§ 82.52) and on the reliability of the contractor's certificates. To conserve administrative effort, hold down expense, and promote prompt payment of proper progress billings, audit before the making of progress payments will be kept to the minimum necessary for the protection of the interests of the Government. Pre-audit, that is, audit before the making of a progress payment, will be limited to those situations in which there is reason to question the reliability or accuracy of the contractor's certificate, or reason to believe that the contract will involve a loss. Post-review or post-audit will be made when considered desirable by the Contracting Officer to determine the validity of any progress payment made on the contractor's certifications.

§ 82.68 *Administration; general.* Progress payment clauses cannot be self-executing, and require careful administration to insure against over-payments and losses. It is necessary for adequate supervision of progress payments that the administering office keep itself informed concerning the contractor's overall operations and financial condition, since difficulties encountered and losses suffered in operations outside the partic-

[1] Filed as part of original document.

ular progress payment contract may affect adversely the performance of that contract and the liquidation of the progress payments. For contracts with those contractors whose financial condition is doubtful or not strong in relation to progress payments outstanding or to be outstanding, or whose management is of doubtful capacity or whose accounting controls are found by experience to be weak, or who are encountering substantial difficulties in performance, full information concerning both the progress under the contracts involved (including the status of subcontracts), and concerning the contractor's other operations and financial condition, should be obtained and analyzed at frequent intervals, with a view to the better protection of the interest of the Government and the taking of such action as may be proper to make contract performance more certain. If there is reason to doubt only minor elements of the costs involved in a progress billing, only the doubtful amounts should be withheld, subject to later adjustment, and the amount clearly due should be paid without awaiting resolution of the differences. So far as practicable in each case, all cost problems, particularly those involving indirect costs, of a kind likely to create disagreements in future administration of the contract, should be identified and resolved at the inception of the contract. See further, the second paragraph of Part V of Appendix 5.

§ 82.69 *Adjustments; retroactive price reduction; refunds.* When a retroactive price reduction has been made effective, i. e., by supplemental agreement or by unilateral determination pursuant to the price redetermination provision of the contract, the last sentence of §§ 82.59–1 (b) and 82.59–2 (b) requires adjustments so that the amount of unliquidated progress payments and the amounts paid or payable for supplies or services accepted will give effect to the price reduction. In this situation, the retroactive price reduction means that too much has been paid or billed for deliveries, and that from those delivery billings too much has been applied as a reduction of the unliquidated progress payment balance. The necessary adjustments would be (a) recomputation of total cash delivery payments on the basis of the reduced billing price resulting from the retroactive price reduction, and repayment by the contractor of the difference between the total recomputed payments and the total cash delivery payments that had been made, and (b) increase of the unliquidated progress payment balance by the excess of the total amounts previously applied to reduce the unliquidated progress payment balance over the amounts that would have been applied to reduce the unliquidated progress payment balance if the reduced delivery prices had been in effect from the date from which the redetermination is applicable. This same principle of upward adjustment of the unliquidated progress payment balance is also applicable in connection with interim refunds made by contractors pursuant to the provisions of incentive and price redetermination contracts, and in connection with voluntary refunds on such contracts.

§ 82.70 *Maximum unliquidated amount.* In all cases where the contract price is sufficient to cover all costs of complete performance, and liquidation of progress payments is effected in accordance with § 82.59–1 (b) or § 82.59–2 (b), the amount of unliquidated progress payments will never exceed the maximum limit provided by § 82.59–1 (a) (3) (i) or § 82.59–2 (a) (3) (i), unless liquidation percentages have been based on cost estimates that are less than actual costs. In such cases, if the contract involves a profit to the contractor, the actual unliquidated progress payment amount will always be less than the maximum limit stated in §§ 82.59–1 (a) (3) (i) and 82.59–2 (a) (3) (i) after the first delivery payment unless liquidation percentages have been based on cost estimates that are less than actual costs. So long as performance is satisfactory and there is no reason to believe that the contract will involve a loss to the contractor or that a liquidation rate fixed pursuant to Part IV of Appendix 2 or § 82.59–2 (b) is too low, there will be no need or reason to verify the relationship of the amount of unliquidated progress payments to the maximum limit prescribed by §§ 82.59–1 (a) (3) (i) and 82.59–2 (a) (3) (i). However, when the rate or quality of performance is unsatisfactory, or the rate of rejections is unduly high, or there is excessive wastage or spoilage, or it appears that unduly low costs have been attributed by the contractor to delivered items, or a loss to the contractor is otherwise indicated, or that the liquidation rate is too low, careful examination should be made to determine whether or not the unliquidated progress payments exceed the maxmium amount permitted by § 82.59–1 (a) (3) (i) or § 82.59–2 (a) (3) (i). The services of the cognizant audit agency should be utilized to the fullest extent available, together with the services of qualified cost analysis and engineering personnel as required. See § 82.66, Section III, General Instructions,[1] above, and § 82.71–6.

§ 82.71 *Suspension or reduction of payments; general.* For standards to be followed, see the third paragraph of Part V of Appendix 5. Sections 82.59–1 (c) and 82.59–2 (c) provide that progress payments may be suspended or their rate of liquidation may be increased, whenever any of the circumstances there described are found to exist. The rights reserved to the Government by those paragraphs are for the purpose of protecting the interests of the Government, fostering satisfactory contract performance, and guarding against overpayments and losses. Those paragraphs will be administered with these purposes in mind. Action taken pursuant to those paragraphs will be fair and reasonable under the circumstances of particular cases, and supported by substantial evidence. Findings made under those paragraphs will be in writing.

[1] DD Form 1195—filed as part of original document.

§ 82.71–1 *Failure to comply with contract.* Except for the purpose of correcting overpayments or obtaining amounts due from the contractor, action will not be taken pursuant to § 82.59–1 (c) (i) or § 82.59–2 (c) (i) for failure to comply with a requirement of the contract, if such failure has resulted solely from causes beyond the control and without the fault or negligence of the contractor. For examples of such causes, see paragraph (b) of the Default clause in § 7.103–11 (b) of Subchapter A of this chapter. Compliance with the material requirements of the contract, within the meaning of §§ 82.59–1 (c) (i) and 82.59–2 (c) (i) includes compliance with all provisions of the progress payment clause.

§ 82.71–2 *Unsatisfactory financial condition.* If unsatisfactory financial condition, or failure to make progress, endangering contract performance, as described in § 82.59–1 (c) (ii) or § 82.59–2 (c) (ii), is found to exist, arrangements reasonably assuring contract completion without loss to the Government will be required in connection with the making of further progress payments and the making of other payments so long as progress payments are unliquidated. Within the meaning of §§ 82.59–1 (c) (ii) and 82.59–2 (c) (ii), performance of the contract includes full liquidation of progress payments. Further payments will be withheld so long as any progress payments remain unliquidated, only upon full consideration of all pertinent facts, and upon concluding that further payments will serve to increase the probable loss to the Government.

§ 82.71–3 *Excessive inventory.* When inventory allocated to the contract is found substantially to exceed reasonable requirements (§§ 82.59–1 (c) (iii) and 82.59–2 (c) (iii)), the simplest form of adjustment to correct or avoid overpayment will be to eliminate the costs of such excess inventory from the costs shown in item 7 [1] of the contractor's request set out in § 82.66. If that is not regarded as sufficient in a particular case, or if the adjustment in item 7 of the request will not accomplish full correction, additional deductions, to the extent necessary for the correction, should be made, to liquidate progress payments, incident to billings for payments other than progress payments. Transfer of such excess inventory from the contract should also be required. The expression "reasonable requirements" includes a reasonable accumulation of inventory for future use to assure continuity of operations.

§ 82.71–4 *Delinquency in payment of costs of performance.* The contractor's delinquency in payment of costs of contract performance in the ordinary course of business (§ 82.59–1 (c) (iv) or § 82.59–2 (c) (v)) may be an indication of unsatisfactory financial condition or other circumstances endangering contract performance and involving probability of loss to the Government. If such delinquency is not connected with poor financial condition that is so unsatisfactory as to endanger contract performance or to involve reasonably foreseeable loss to the Government, further progress payments and other payments will not necessarily be denied to protect the unliquidated progress payments and minimize risks of additional losses, and payments may be continued at the contract rate, or in reduced amounts, in connection with appropriate arrangements to (a) cure the contractor's delinquencies in payment of his costs of contract performance, (b) avoid further delinquencies, and (c) reasonably assure completion of the contract without loss to the Government. (See also, § 82.71–3.) Amounts claimed by subcontractors, suppliers and others, but disputed in good faith by the contractor, should not be considered delinquent until determined due by a court (or by arbitration if applicable). However, any such disputed amounts shall be excluded from costs of performance so long as they are disputed.

§ 82.71–5 *Fair value of undelivered work.* In connection with determining the relation of the amount of unliquidated progress payments to the fair value of the work accomplished on the undelivered portion of the contract (§ 82.59–1 (c) (v) or § 82.59–2 (c) (vi)) the principles stated in § 82.70 are applicable. In determining action, if any, to be taken, the Contracting Officer (utilizing available audit, engineering, inspection, and cost analyst services) will give full consideration to the degree of completion of contract performance, the quality and amount of work performed on the undelivered portion of the contract, the amount of work remaining to be done and the estimated costs of completion of performance, and the amount remaining unpaid under the contract. If the Contracting Officer finds that the fair value of the work done under the undelivered portion of the contract, in relation to the contract price, is less than the unliquidated progress payments, his actions will be governed by the principles stated in §§ 82.71–2 and 82.71–4. This fair value could not exceed the contract price of undelivered work under the contract, less the estimated total future costs of completion of the contract. When this fair value is found to be less than the amount of the unliquidated progress payments, all further payments on the contract will be controlled in such a manner as to hold the unliquidated progress payments within the fair value of the work done on the undelivered portion of the contract. See also, § 82.73–1.

§ 82.71–6 *Erroneous costs estimates.* When liquidation percentages (§§ 82.59–1 (b) and 82.59–2 (b)) lower than those called for by Part III of Appendix 5 are established pursuant to Part IV of Appendix 2, it may occur that actual costs and future costs of performance are higher than the estimated costs used to establish liquidation rates. In such cases (§§ 82.59–1 (c) (vi) and 82.59–2 (c) (iv)) appropriate increase of the liquidation percentage will be necessary to adjust for any underliquidation that may have occurred, to bring the amount of unliquidated progress payments within the limits of § 82.59–1 (a) (3) or § 82.59–2 (a) (3), and to assure the adequacy of future liquidations. Increase of the liquidation percentage will also become necessary even though Part IV of Appendix 2 has not been applied in fixing the liquidation percentage, when progress payments are based on costs of direct labor and material only (§ 82.59–2) or any limited cost base (§ 82.60–5), and actual costs forming the base for progress payments are higher than the estimated eligible costs used in establishing the liquidation percentage.

§ 82.72 *Report of adverse developments.* The required reports of adverse developments (§ 82.18) will include report of remedial or protective action taken or proposed. However, the filing of such reports shall not relieve the personnel responsible for administration of the contract from taking such action as is deemed proper, prudent, and beneficial to the Government.

§ 82.73 *Government title.* Since the clauses in § 82.59 give the Government title to all of the materials, work in process, and finished goods under contracts after the making of progress payments thereon, care should be taken to assure, to the extent reasonably necessary, that the title to the Government will be free of all encumbrances. The procedure in this respect will necessarily vary with the particular circumstances of individual cases. Ordinarily, in the absence of reason to believe that the Government title may be subject to encumbrance, the contractor's certificate will be relied on. If any arrangements or conditions are found that would impair the contractor's right of disposition of the property affected by the progress payments, appropriate arrangements should be made to establish and protect the Government title. The existence of any such encumbrance is a violation of the contractor's obligations under the contract.

§ 82.73–1 *Loss, theft, destruction or damage.* Sections 82.59–1 (e) and 82.59–2 (e) are not intended to apply to normal spoilage. The risk of loss as to property affected by the progress payment clause is on the contractor, except to the extent that by some special provision of the contract (such as that relating to aircraft in the open) the Government shall have expressly assumed the risk of loss. Such express assumption of risk by the Government is not made in the progress payment clause, the default clause, or the termination clause. Because of problems of administering the contract, especially those connected with property responsibility and inventory control, the risk of loss on property to which the Government holds title because of progress payments must be on the contractor to the same extent that it would be if the contractor held title to the property. This risk of loss carries with it the accompanying duty to repay to the Government the amount of unliquidated progress payments based on costs allocable to lost, stolen, or destroyed property or to the damaged portion of the property. If the Government has expressly assumed particular risks of loss, then, to the extent of such express assumption of risk by the Government, the contractor would not be obligated to repay to the Government the amount of unliquidated progress payments based on costs allocable to such lost, stolen, destroyed or damaged property. See, however, §§ 82.59–1 (c) (v) and 82.59–2 (c) (vi), as to future payments on the contract after such loss, damage, theft or destruction.

§ 82.73–2 *Government-furnished property.* Contract provisions referring to or defining liability for Government-furnished property do not apply to property to which the Government shall have acquired title solely pursuant to the provisions of the progress payment clause (§ 82.59–1 (d) or § 82.59–2 (d)). Property to which the Government has acquired title solely pursuant to the progress payment clause is not subject to Appendixes B and C of the Armed Services Procurement Regulation (§§ 30.2 and 30.3 of subchapter A of this chapter).

§ 82.73–3 *Special tooling.* When the contractor furnishes special tooling, as defined in § 13.101–5 of subchapter A of this chapter, pursuant to a special tooling clause (§ 13.504 of subchapter A of this chapter), and such special tooling is not to be delivered to the Government as an end item under the contract, the handling and disposition of such special tooling will be governed by the special tooling clause of the contract, even though title to such special tooling is held by the Government pursuant to the progress payment clause of the contract.

§ 82.73–4 *Termination for convenience of the Government.* After the giving of notice of termination under contract provision for termination for the convenience of the Government, the property to which the Government has title pursuant to the progress payment clause and which is a part of termination inventory will be acquired or disposed of in accordance with the provisions of the termination clause of the contract and of applicable laws and regulations. The acquisition or disposition of such termination inventory shall be governed by the termination clause, even though title to all or a portion of such inventory is in the Government pursuant to the progress payment clause of the contract.

§ 82.73–5 *Scrap; excess property.* (a) In the course of proper performance of contracts, contractors are permitted to sell or otherwise dispose of current production scrap in the ordinary course of business, notwithstanding the Government's title under the progress payment clause. Permission of the Contracting Officer for such disposal of scrap is not required. With the permission of the Contracting Officer and on terms approved by him, contractors may also acquire or dispose of materials, inventories, or work in process to which the Government has acquired title pursuant to the progress payment clause of the contract, including transfer of such property to other work of the contractor. Proceeds of scrap disposal will be credited against the costs of contract performance. Costs allocable to property, other than scrap, so transferred from the contract will be eliminated

from the costs of contract performance, and the contractor shall be required to repay to the Government (by cash or credit memorandum) an amount equal to the unliquidated progress payments allocable to the property so transferred from the contract.

(b) When (1) the contractor has completed all work called for by the contract, and (2) such work has been delivered to and accepted by the Government, and (3) progress payments made under the contract have been fully liquidated, and (4) the contractor has fully performed all its obligations under the contract (including the making of any payments to which the Government may be entitled under the contract, and including compliance with any other provisions of the contract, such as the termination clause or the special tooling clause or the Government-furnished property clause), any excess property remaining is to be regarded as having not been allocated or properly chargeable to the contract under sound and generally accepted accounting principles and practices, and thus outside the scope of the progress payment clause which would have vested title in the Government. Accordingly, the contractor holds title to such excess property and may deal with it as he desires.

§ 82.74 *Interpretations.* It is important that this part and the clauses set forth herein be applied fairly and uniformly for all contractors. When a serious question of interpretation or application of this part arises within a procuring activity, and is regarded as being of general importance, if the circumstances reasonably permit the obtaining of an advance opinion on the question from departmental headquarters, the question should be presented, through procurement channels, to the procurement policy office of the department primarily interested, namely the Deputy Chief of Staff for Logistics, Office of Naval Material or Deputy Chief of Staff Materiel. If the circumstances do not reasonably permit request for advance opinion, report of an interpretation made (if regarded as important and of general interest for uniform application or interpretation of this part) should be made to the appropriate one of the procurement policy offices mentioned. Those offices are expected to take appropriate and timely action to obtain the views of interested offices of the other departments, including the contract financing offices (§ 82.16). When questions submitted are considered to be of importance in the general interest of uniformity and of fair and effective administration of this part, appropriate revision of this part will be considered in the manner outlined in § 82.3. In periods between any amendments of this part, it is contemplated that information on important interpretations of general interest, reported to or made at departmental headquarters, will be made available to procuring activities for dissemination to interested purchasing offices.

APPENDIX 1

[DoD Directive 7800.1, 30 October 1953]

DEFENSE CONTRACT FINANCING POLICY

References: (a) Memorandum dated 14 October 1950, from the Deputy Secretary of Defense, Subject: Defense Contract Financing Policy; (b) Joint Regulations (SR 715–35–5; NAVEXOS P–1006; AFR 173–133), dated 17 March 1952, Subject: Defense Contract Financing.

I. *Purpose.* The purpose of this directive, in additoin to the purpose stated below, is to revise reference (a) in order to (1) conform to Section 301 (a) of the Defense Production Act of 1950, as amended by Section 4 of the Defense Production Act Amendments of 1953, (2) revise the order of general preferences for forms of contract financing so as to place guaranteed loans ahead of progress payments, (3) eliminate mention of the Munitions Board and to make appropriate references to the Assistant Secretary of Defense (Supply and Logistics) instead of the Munitions Board, and (4) delete references to "direct loans".

II. *Cancellation.* Reference (a) is canceled.

III. *Policy.* The purpose of this directive is to establish basic contract financing policy for the Department of Defense to assure proper uniformity in policies, procedures, and forms, and to provide for application of the fundamental management principle of internal check and balance.

The term "financing" as used in this directive covers government guaranteed loans, advance payments, and progress payments (not including partial payments for delivery of one or more completed units called for under a contract) necessary for both performance and termination purposes, to the extent authorized by law (insofar as progress payments are concerned, it is contemplated that contract financing officers will participate in the development of appropriate standard contract provisions designed to avoid undue risk to the Government and would participate only in specific cases involving unusual financial arrangements and conditions).

Financing must support procurement and should be designed to aid not impede essential procurement, but should be so administered as to avoid the risk of monetary loss to the Government to the extent compatible with aiding essential procurement. To this end:

a. In terms of organization, the financing function should be separated from the procurement function, but close cooperation between the procurement and financing functions should be preserved at all times.

b. Procuring activities in placing contracts must give due regard to the financial capabilities of the supplier.

c. Government financing for production or services should be provided only if, and to the extent, reasonably required for prompt and efficient performance of government contracts and subcontracts.

d. Financing through guaranteed loans or advance payments may be made available to a supplier in cases where (1) the production or service is essential and (2) no alternative source is readily available without prejudice to the national defense. However, in connection with applications for guarantees of loans to be made to small-business concerns, and in connection with increases or extensions of maturities of guaranteed loans made to small-business concerns, and if they otherwise qualify, the factor of ready availability of alternative sources will not be considered, and the statement that the contracts or subcontracts involved cover materials or services which cannot be procured readily from an alternative source without prejudice to the national defense will be omitted from the Certificate of Eligibility.

e. It is recognized that adequate protection against the financial impact of termination of government contracts and subcontracts should encourage suppliers to invest their own funds in performance under such contracts and that financing for termination purposes will be an important aid to ultimate reconversion of industry to peacetime activities. Accordingly, termination financing may be made available, with appropriate protection of the Government's interest, either in connection with or independently of performance financing.

f. If a disagreement arises between the financing office and the interested procurement activity in any department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to and resolved in the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the Department concerned.

When financing through loans or advance payments is requested, the interested procuring activity shall certify that the case meets the requirements set forth in d above, and shall accompany such certification with adequate supporting data pertinent to the case.

Uniform financing policies and, so far as practicable, uniform procedures and standard forms are to be used by the Military Departments and, to the extent mutually agreed upon by the Military Departments, facilities and personnel are to be used in common. In formulating such policies, procedures, and forms, due regard shall be given to the desirability of following, so far as consistent with present circumstances, the policies and procedures developed during World War II.

In determining what form of financing shall be recommended or made available to suppliers, the following order of preference should generally be observed, recognizing that there may be valid exceptions in specific cases or classes of cases:

a. Private financing (without governmental guarantee).

b. Guaranteed loans (with financing institutions participating to an extent appropriate to the risk involved).

c. Progress payments.

d. Advance payments.

The responsibility for insuring uniform administration of financing in accordance with this directive shall be in the Assistant Secretary of Defense (Comptroller). Specific cases need not be referred to the Office of the Assistant Secretary (Comptroller), unless policy or important procedural problems are involved, and the day-to-day financing operations shall be the responsibility of the Military Departments.

Responsibility for financing in each Department shall be in the Under or Assistant Secretary responsible for the comptroller function, with the focal point of such activities at departmental headquarters although contract financing offices may be established at the operational level determined by that Department.

There shall be a Contract Finance Committee composed of a representative of the Assistant Secretary of Defense (Comptroller) as Chairman, a representative of the Assistant Secretary of Defense (Supply and Logistics) and two representatives of each Military Department (one representing procurement and one representing the contract finance office), which Committee shall meet upon call by the Chairman, upon his own initiative or when requested by a member of the Committee. This Committee shall advise and assist the Assistant Secretary of Defense (Comptroller) in assuring proper and uniform application of policies and the development of procedures and forms, and may from time to time recommend to the Secretary of Defense through the Assistant Secretary of Defense (Comptroller) and the Assistant Secretary of Defense (Supply and Logistics) such further policy directives on the subject of financing as may appear desirable. For matters involving guaranteed loans, a representative of the Board of Governors of the Federal Reserve System may be invited to meet with the Committee. The Committee also may from time to time secure the advice of representatives of other branches of the Government and other persons and may invite such representatives and persons to its meetings.

The policies stated herein are effective immediately, and all departments and agencies concerned are directed to initiate action immediately to conform thereto. Appropriate conforming changes will be made in reference (b) and in the procedures of the Military Departments.

C. E. WILSON,
Secretary of Defense.

APPENDIX 2

[DoD Directive 7800.4, November 16, 1956]

DEFENSE CONTRACT FINANCING POLICY—SMALL BUSINESS CONCERNS

References: (a) Department of Defense Directive No. 7800.1, dated 30 October 1953, Subject: Defense Contract Financing Policy; (b) Department of Defense Directive No. 7840.1, dated 22 April 1954, Subject: Defense Supply Contract Financing—Progress Payments Based on Costs; (c) Department of Defense Directive No. 7830.1, dated May 31, 1956, Subject: Defense Contract Financing Policy—Advance Payments; (d) Joint Regulations (SR 715–35–5; NAVEXOS P–1006; AFR 173–133), dated 17 March 1952, Subject: Defense Contract Financing.

I. *Purpose.* It is the purpose of this directive (1) to insure that the need for advance or progress payments by contractors will not be treated as a handicap in awarding contracts, (2) to facilitate and accelerate the making of progress payments requested by small suppliers under Government contracts, (3) to emphasize the usefulness and desirability of providing proper contract financing assistance to small-business concerns, and (4) to supplement the above references for these purposes.

II. *Contract awards—Financing not a Handicap.* Prudent contract financing supports procurement and production and fosters the small-business policy by providing necessary funds to supplement other funds available to contractors for contract performance.

The need for advance payments or for progress payments or for a guaranteed loan (with reasonable percentage of guarantee) shall not be treated as a handicap in awarding contracts to those qualified contractors who are deemed competent and capable of satisfactory performance (ASPR 1–307; ASPR 2–406; paragraphs 204–205 of reference (d)). The ability of the contractor to perform the contract, including the availability of money or credit necessary for performance, must be reasonably assured in all cases. Within established policy, awards which are otherwise proper must not be deterred by the necessity for providing reasonable contract financing. A contractor deemed reliable, competent, capable and otherwise responsible, must not be regarded as any less responsible by reason of the need for reasonable contract financing provided or guaranteed by a military department. In selection of an appropriate method for provision of funds, contractors will not be expected to seek or obtain loans or credit from agencies of the Government outside the Department of Defense.

III. *Progress Payments.* A. Reference (b) contemplates that provision for the customary progress payments described in its Part III, subject to the standards and limitations therein provided, will be made as a matter of course when requested by contractors who are known (from experience or adequate pre-award investigation) to be reliable, competent, capable of satisfactory performance, in satisfactory financial condition, and to have an adequate accounting system and controls. The long "lead time" or preparatory period in these cases, normally approximating six months or more between the beginning of work and the first delivery, and the accompanying pre-delivery expenditures that may have a material impact on the contractor's working funds, are regarded as making this type of progress payment "reasonably necessary" within the meaning of reference (a), and as making the general preference for private financing, including guaranteed loans, not applicable to this class of cases. Hence, such customary progress payments will be provided in contracts upon request, subject to the limitation provided by Part III of reference (b), for discouragement of progress payments on relatively small negotiated contracts of the stronger and larger contractors who are not small-business concerns. If a small-business concern, and the contract involved, meet the standards for customary progress payments (Part III of reference (b)) the smallness of the contract shall not deter the making of provision for customary progress payments to such small-business concerns.

B. Requests for proposals shall state that contract provision for progress payments will be made in conformity with regulations.

C. Requests for proposals and invitations for bids shall specify that the need for advance or progress payments conforming to regulations will not be considered as a handicap or adverse factor in the award of contracts. (When invitations for bids do not provide for progress payments, the words "or progress" will be deleted from the statement required by this Part III. C.)

D. Whenever, incident to formal advertising, the Contracting Officer considers (1) that the period between the beginning of work and the required first production delivery will exceed six months, or (2) that progress payments will be useful or necessary by reason of unusual circumstances that will involve substantial accumulation of pre-delivery costs that may have a material impact on a contractor's working funds (including but not limited to substantial small business setasides expected to involve a relatively large pre-delivery accumulation of materials, purchased parts or components) the invitations for bids shall state that upon written request by the prospective contractor a progress payment clause (to be included in the invitations for bids or identified by appropriate reference therein, and to be the appropriate one of the contract clauses at 75 per cent of total costs or 90 percent of costs of direct labor and material) will be included in the contract at the time of award. These invitations for bids providing for progress payments shall also state that bids including requests for progress payments will be evaluated on an equal basis with those not including requests for progress payments.

E. The standards and procedure prescribed by the first two paragraphs of Part IV of reference (b) will not apply to the cases mentioned in paragraph D of this Part III, next above.

F. In connection with requests for provision of progress payments, or advance payments, there must be timely action, no unwarranted delay, and no hesitation to make proper contract financing provisions.

IV. *Progress Payment Liquidation.* A. The method for liquidation of progress payments prescribed by Part III of reference (b) will not apply if, at the inception of a contract (on the basis of satisfactory cost estimates) or thereafter by amendment (based on satisfactory data on cost experience and estimated future costs) the parties shall agree on a percentage rate of liquidation which will (1) effect liquidation of the amount of progress payments involved in each invoice from which liquidation of progress payments is to be made (i. e., recovery of the portion of costs for which progress payments have been made), (2) permit payment to the contractor of not more than the cost of items delivered and accepted (less allocable progress payments) and his earned profit on those items, and (3) insure that unliquidated progress payments will not exceed the percentage specified in the contract, of the costs forming the base for progress payments, applicable only to that portion of the contract which has not been delivered, accepted and invoiced.

B. However, when progress payments are to be made at 75 percent of the total costs, this percentage for liquidation of progress payments, lower than that prescribed by reference (b) to the extent appropriate, shall not be fixed at a rate less than 70 percent except as provided in C, below. If the progress payment percentage of total costs is less than 75 percent, comparable relationship between the progress payment percentage and the above minimum liquidation percentage shall be maintained. Similar principles as to minimum liquidation percentages shall be applied when progress payments are to be made at 90 percent of the costs of direct labor and material, or on a more limited cost base, or at lesser percentages of limited costs.

C. With regard only to items for which final prices have been established under contracts, progress payment liquidation percentages conforming to the standards stated in A, above, but less than the minimum liquidation percentages stated and outlined in B, above (e. g., less than 70 percent when progress payments are based on 75 percent of total costs) may be established by amendment of contracts upon submission of satisfactory information by the contractor showing separately (1) the cost of items that have been delivered, accepted and invoiced, (2) the cost of work not delivered, accepted and invoiced, (3) the estimated costs of completion, and (4) an applicable profit on the items for which final prices have been established that is higher than the amount of profit permitted to be released by application of the progress payment liquidation percentage then specified in the contract.

D. Reference (b) is hereby revised as set forth above. Liquidation percentage rates as described herein, less than those prescribed by reference (b), will not be established initially or by amendment except on the basis of satisfactory cost data and estimates furnished by the contractor. Contracts may be amended to reduce the liquidation rate not more frequently than once in each period of twelve months.

V. *Advance Payments.* Circumstances will occur, especially on contracts with small-business concerns, in which advance payments will be more beneficial to the interests of the Government and more suitable to the situation of the contractor than other methods of contract financing (paragraph 404 of reference (d)). If, incident to a bid or proposal, or after award of a contract, an otherwise qualified contractor is found to require advance payments, there should be no hesitation in recommending to higher authority that advance payments be established.

VI. *Acceleration of Payments.* Payments must be made promptly on all contracts when due. It is of continuing importance that there be acceleration of all proper payments earned by contractors, including progress payments. When there are reasons to doubt the prudence of continuing progress payments in cases involving performance difficulties or financial deterioration, decision must be made promptly and with proper regard to the harmful effects of delay on the continued operation of the contractors concerned.

VII. *Small Business—General.* Immediate and continuing attention must be given

at all levels to insure that constructive measures will be taken to facilitate and accelerate necessary contract financing assistance to small suppliers. Every reasonable effort must be made to assist small suppliers in the resolution of their problems relative to the financing of contract performance, as well as to assist them in understanding and complying with the requirements of performance as to payment forms, inspection and cost accounting.

VIII. *Effective Date.* This directive shall be made effective within 30 days after the date of issuance.

C. E. WILSON,
Secretary of Defense.

APPENDIX 3

[DoD Directive 7800.2, 12 March 1954]

DEFENSE CONTRACT FINANCING POLICY

Reference: (a) Memorandum from the Deputy Secretary of Defense, dated February 1, 1951.

I. *Purpose.* The purpose of this directive is to revise reference (a), and to apply its principle to all contract financing.

II. *Cancellation.* Reference (a) is canceled.

III. *Policy.* Guaranteed loans under Section 301 of the Defense Production Act of 1950, as amended, will be used primarily for working capital purposes. Such guarantee authority will not be used for loans for facilities expansion.

It is not the intent of this directive, however, to preclude guarantees in cases in which a relatively small part of the loan might be used for facilities expansion of a minor or incidental nature; provided, that the borrower's financial condition is such that the facilities expansion will not delay or impair repayment of a guaranteed loan which would be granted on a commercial banking basis.

Since advance payments and progress payments should be self-liquidating from contract performance, they also will not be used to finance fixed asset acquisitions for contractor ownership.

These limitations are not intended to apply to contracts under which facilities are being acquired for Government ownership.

C. E. WILSON,
Secretary of Defense.

APPENDIX 4

[DoD Directive 7830.1, May 31, 1956]

DEFENSE CONTRACT FINANCING POLICY—ADVANCE PAYMENTS

References: (a) Department of Defense Directive No. 7800.1, dated 30 October 1953, Subject: Defense Contract Financing Policy; (b) Department of Defense Directive No. 7830.1, dated 7 November 1951, with attachment, Subject: Defense Contract Financing Policy—Advance Payments; (c) Department of Defense Directive No. 7830.3, dated 8 May 1952, Subject: Defense Contract Financing Policy—Advance Payments.

I. *Purpose.* It is the purpose of this directive to revise and combine references (b) and (c), and (1) eliminate the requirement for interest charge on advance payments on contracts for the management and operation of Government-owned plants, (2) increase the interest rate on new interest-bearing advance payment provisions to 5 percent, and (3) conform the records clause requirement for advance payments under Title II of the First War Powers Act to the general records clause requirement under that Act.

II. *Scope.* This directive supplements reference (a). It applies to all advance payments hereafter authorized, whether pursuant to the Armed Services Procurement Act of 1947, as amended, the First War Powers Act, 1941, as amended, or pursuant to any other legislation except Section 602 of the Defense Appropriation Act, 1956 (P. L. 157, 83d Congress, 69 Stat. 314).

III. *Policy.* A. Advance payments should be used sparingly and care should be taken to see that advances outstanding are sufficient for but do not exceed the actual reasonable requirements for the contracts. The amount of the advance payment in any case should be based upon an analysis of the cash flow required under the contract, and as a general rule should not exceed the interim cash needs arising during the reimbursement cycle.

Generally, except for (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, and (2) contracts solely for the management and operation of Government-owned plants, advance payments should not be authorized unless no other means of adequate financing is available to the contractor, and the amount of the authorization is predicated upon use of the contractor's own working capital to the extent possible.

B. The advance payment agreement should provide for deposit of all payments into special bank accounts and should include suitable covenants to protect the Government's interest. Advance payments under such authorizations should be limited to the contractor's financial needs, and withdrawals from the special bank accounts provided therefor should be closely supervised. The terms governing advance payments should include as security, in addition to or in lieu of the requirements for an advance payment bond or other security, provision for a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited, and upon the material and other property acquired for performance of the contract.

C. Interest will be charged on all advance payments hereafter authorized, at the rate of 5 percent per annum on the unliquidated balance; provided, however, advance payments may be approved without interest when in connection with nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, or on contracts solely for the management and operation of Government-owned plants, or, in unusual cases when specifically authorized by the Under or Assistant Secretary responsible for the comptroller function. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, will be treated as ordinary profit contracts requiring interest on advance payments.

Contracts with interest-free advance payments, hereafter authorized, should provide that the contractor will charge interest at the rate of 5 percent per annum on sub-advances or down payments to subcontractors, and that interest charged on such sub-advances or down payments will be credited to the account of the Government. However, interest need not be charged on sub-advances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

D. Except as provided in Part IV, below, the responsibility and authority for making determinations and findings with respect to advance payments, and in each case for approval of contract provisions for advance payments, or for approval of the terms and conditions thereof, shall be in the Under or Assistant Secretary responsible for the comptroller function in each military department. The Government may not be committed, in any manner, directly or indirectly, to make an advance payment without the approval of the Under or Assistant Secretary responsible for the comptroller function (or in appropriate cases, of the persons to whom advance payment approval authority has been delegated in accordance with Part IV), and no procurement involving advance payments may become final until such approval is obtained.

E. If a disagreement arises between the contract financing office and the interested procurement activity in any department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to and resolved in the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the department concerned.

F. Each department shall submit reports of financing activities at such times and in such form as may be prescribed by the Assistant Secretary of Defense (Comptroller).

IV. *First War Powers Act, as amended.* Pursuant to the First War Powers Act, 1941, as amended, and Executive Order No. 10210 of February 2, 1951, the Department of the Army, the Department of the Navy, and the Department of the Air Force are authorized to make advance payments under contracts heretofore or hereafter made, without regard to other provisions of law relating to contracts, including advance payments under contracts awarded on competitive bids after formal advertising, and to amend such contracts to provide for advance payments.

All contracts and amendments to contracts providing for advance payments made under the authority of the above-cited Act and Executive Order shall—

1. Make reference to the Act and the Executive Order;

2. Include a finding that the national defense is facilitated thereby; and

3. Include the clause for "Examination of Records" required under that Act or the clause set forth in ASPR 7–104.15.

Complete data shall be maintained by each department as to all contracts and amendments to contracts relating to advance payments made pursuant to the above-cited Act and Executive Order.

Pursuant to the above-cited Act and Executive Order, the authority in each case to approve contract provisions for advance payments, or to authorize the terms and conditions thereof, may be delegated within each department to the Under or Assistant Secretary responsible for the comptroller function, with power of redelegation under such Under or Assistant Secretary no further than, to the Comptroller of the Army (and an alternate within his office) in the Department of the Army, to the Assistant Comptroller, Accounting and Finance (and an alternate within his office) in the Department of the Navy, and to the Deputy for Contract Financing to the Assistant Secretary (Financial Management) of the Air Force (and an alternate responsible to such Deputy for Contract Financing).

V. *Effective Date—Cancellations.* This directive is effective 30 days from the date hereof, and may be applied from the date of issuance. It cancels references (b) and (c), but does not affect existing delegations of authority made pursuant to them.

C. E. WILSON,
Secretary of Defense.

APPENDIX 5

[DoD Directive 7840.1, 22 April 1954]

DEFENSE SUPPLY CONTRACT FINANCING—PROGRESS PAYMENTS BASED ON COSTS

References: (a) Department of Defense Directive No. 7800.1, dated 30 October 1953, Subject: Defense Contract Financing Policy; (b) Department of Defense Directive No. 7840.1, dated 15 February 1954, Subject: Defense Supply Contract Financing—Progress Payments Based on Costs.

I. *Purpose.* It is the purpose of this directive to clarify certain questions that have arisen under references (a) and (b), with particular regard to the general order of preference for forms of financing stated in reference (a), the requirement of references (a) and (b) that Government financing be provided only when reasonably necessary, and the provision of reference (b) that progress payments should be only supplementary to private financing, including guaranteed loans.

II. *Cancellation.* Reference (b) is canceled.

III. *Standards for Customary Progress Payments Based on Costs.* It is not and has not been the policy of the Department of Defense that the proper use of progress payments should be stopped or unreasonably curtailed. Progress payments are sometimes necessary and useful to supplement the working funds available to defense contractors of all sizes. It should seldom be necessary for progress payments based on costs to exceed 90 percent of direct labor and material costs, or 75 percent of total costs, of the work done under the undelivered portion of the contract.

Certain types of production contracts involve a long "lead time" or preparatory period, normally approximating six months or more between the beginning of work and the first delivery, and may require contractor's pre-delivery expenditures that will have a material impact on the contractor's working funds. Familiar examples include, among others, contracts for aircraft, engines, complex items of electrical or electronics equipment, heavy handling equipment, production machines and equipment, tanks and other items of heavy ordnance.

Progress payments have been traditional and customary on this class of contracts, on the basis of not more than 75 percent of total costs or 90 percent of direct labor and material costs, of the work done under the undelivered portion of the contract. Higher percentages have been provided in recent years. Such higher percentages, for future procurement, will be regarded as unusual, and not within the category of customary progress payments.

When requested by contractors who are known (from experience or adequate pre-award investigation) to be reliable, competent, and capable of satisfactory performance, to have an adequate accounting system and controls, and to be in satisfactory financial condition, provision for progress payments up to but not exceeding the percentages and bases specified above, in the class of contracts described above, is regarded as reasonably necessary within the meaning of reference (a). In such cases it is not necessary to require projections of cash receipts and expenditures or other demonstration of actual reasonable need for progress payments. To this extent, for this class of contracts, the general preference for private financing, including guaranteed loans (reference (a)), does not apply.

When costs other than for direct labor and material are in the base for progress payments, the percentage of the contract price of delivered items to be applied for liquidation of progress payments will be not less than the percentage of costs upon which progress payments are based, e. g., when progress payments are based on 75 percent of all cost, liquidation will be at a rate not less than 75 percent of the contract price of separate items as they are delivered. When progress payments are based on 90 percent (or specified lesser percentage) of the costs of direct labor and material, the rate of liquidation of progress payments will be not less than 90 percent (or the specified lesser percentage) of the percentage of estimated total costs represented by the estimated costs of direct labor and material. Thus, for example, if the base for progress payments is 90 percent of the costs of direct labor and material, and if estimated costs of direct labor and material are 70 percent of total estimated costs, liquidation will be at a rate not less than 63 percent (90×70) of the contract price of separate items as they are delivered.

This directive is applicable to all contracts of the class described above, whether such contracts are large or small, and to all contractors regardless of the size of the contractor. However, in order to minimize administrative effort and expense, progress payments will be discouraged on relatively small contracts of the stronger and larger contractors, e. g., contracts for less than $1,000,000, unless the circumstances of a group of such contracts, for contemporaneous performance, make such contracts the approximate equivalent of a larger contract that would have a material impact on the contractor's working funds.

IV. *Standards for Unusual Progress Payments Based on Costs.* Progress payments based on costs, other than progress payments of the class and within the limits set forth in part III of this directive, above, will be regarded as unusual, and will require special approval. This is deemed necessary for the purpose of minimizing risks, and in order to establish and maintain the greatest practicable uniformity with regard to such progress payments within and among the military departments. Any contractor seeking provision for progress payments that is "usually", within the meaning of this directive, will be required to demonstrate fully his actual need therefor, with due regard to the preference for private financing, including guaranteed loans (reference (a)). Requests for "unusual" progress payments shall be approved only under exceptional circumstances and must have the specific approval of the head of a procuring activity (ASPR 1–201.4) or of a general or flag officer designated for that purpose.

Such cases must involve a preparatory period requiring contractor's pre-delivery expenditures that are large in relation to the contract price and in relation to the contractor's working capital and credit. Contract provisions for progress payments in this category will be only supplementary to private financing, including guaranteed loans, in amounts necessary for contract performance. The percentage rates and cost bases for progress payments on new procurement in this category will be determined on a minimum basis commensurate with the contractor's production schedule requirements and minimum inventory lead time, with due regard to the contractor's projected cash needs, cash resources and their planned application.

For the time being, all requests involving progress payments at rates exceeding 90 percent of direct labor and material costs or exceeding 75 percent of total costs, if regarded favorably by the head of a procuring activity (ASPR 1–201.4) or by a specially designated general or flag officer within a procuring activity, will be forwarded, with supporting information, for approval of a designated office or person at departmental headquarters of the military department directly concerned. Such office or person may be the contract financing office at departmental headquarters (reference (a)), or such person or persons, located at departmental headquarters and responsible to the Under or Assistant Secretary responsible for the comptroller function, as may be designated for this purpose by such Under or Assistant Secretary. Such requests, before approval, will be coordinated speedily with representatives of the other military departments and of the Assistant Secretary of Defense (Comptroller). When approval is given by the contract financing office, or other designated representative of the Under or Assistant Secretary above-mentioned, such approval will ordinarily extend to future contracts with the same contractor, so that resubmission of future similar requests for unusual progress payments to that contractor need not be required unless so indicated on the initial approval or thereafter required by the approving authority after review of the contractor's current condition and circumstances.

V. *General Considerations.* Progress payments require careful administration to insure against overpayments and losses. In all cases the physical progress of the work should be evaluated periodically to assure that the progress payments are fairly supported by the value of the work actually accomplished on the undelivered portion of the contract in conformity with the contract requirements. Also, the unliquidated progress payments should not be permitted to exceed the percentage specified in the contract, of the costs forming the base for progress payments, applicable only to the partially finished undelivered portion of the contract.

The extent of supervision required, whether for loss prevention or for avoidance of overpayments, should vary inversely with the experience, performance record, reliability, quality of management, and financial strength of contractors, and with the adequacy of their accounting system and controls. Review should be of a kind and degree that will be sufficient, consistent with the circumstances of individual cases, to provide timely knowledge of circumstances that would adversely affect contract performance and the liquidation of progress payments, and timely opportunity for any action that may be appropriate for the protection of the Government. Particular care must be taken to assure that the unpaid balance of the contract price will be adequate to cover the anticipated cost of completion, or that the contractor has adequate resources to complete the contract if the unpaid balance of the contract price is inadequate to cover costs of completion.

In the process of reviewing individual progress payments already existing or hereafter established, action to reduce or slow down progress payments or to increase liquidation rates (unless justified on other grounds, such as overpayments or unsatisfactory performance) should be consistent with contract provisions, and never taken precipitately or arbitrarily. Any such reduction of progress payments on active contracts (other than normal liquidation pursuant to the contract) should be effected only after notice to and discussion with the contractor, and after full exploration of the contractor's financial condition, existing or available credit arrangements, projected cash requirements, effect of progress payment reduction on the contractor's operations, and generally on the equities of the particular situation. Where contract performance is satisfactory, and there is neither overpayment nor anticipated loss proper progress payments, adequately verified, will be paid promptly when earned and billed in accordance with contract provisions, even though the terms of the particular contract may make the payment discretionary rather than mandatory, and such proper payments will not be held up or denied because of the contractor's lack of need for the payment.

The standards set forth and referred to in this directive are equally applicable to situations where it is contemplated that contracts will provide for progress payments based on progress payments made by a prime contractor to a subcontractor. However, when progress payments have been made by a prime contractor to a subcontractor pursuant to the provisions of the applicable prime contract and subcontract, the progress payment to the prime contractor to reimburse him for such progress payment to the subcontractor may include the full amount of

his progress payment made to the subcontractor when so provided by the prime contract.

Cost reimbursement contracts will not be used as a means or for the purpose of avoiding the standards applicable to progress payments.

Progress payments measured by a percentage of physical completion will not be used as a substitute for progress payments based on costs, in situations where progress payments are ordinarily based on costs.

VI. *Effective Date.* This directive is effective upon issuance. It has equal application to production contracts and to contracts for research and development. It applies to new contracts involving progress payments based on costs, to new supplements or amendments increasing quantities under existing contracts, and to any amendments or supplements providing for progress payments based on costs under any contracts not presently providing for progress payments. Part V, above, is also applicable to existing contracts, whenever consistent therewith. Copies of this directive will be distributed promptly by the military departments to all personnel concerned with the making of contract provisions for progress payments based on costs, or with the administration of such progress payments. It is contemplated that additional directives will deal more comprehensively with progress payments, particularly progress payments based on percentages of physical completion.

C. E. WILSON,
Secretary of Defense.

APPENDIX 6

V-LOAN GUARANTEE AGREEMENT

NOTE: A sample copy of this form has been filed with the Federal Register Division as part of the original document.

The Joint Regulations AR 715-6, NAVEXOS P-1006, AFR 173-133 "Defense Contract Financing Regulations" as prepared by the Contract Finance Committee are hereby approved for publication and implementation.

ROBERT D. KING,
Deputy Assistant Secretary of the Army (Financial Management).
WILLIAM B. FRANKE,
Assistant Secretary of the Navy (Financial Management).
LYLE S. GARLOCK,
Assistant Secretary of the Air Force (Financial Management).

DECEMBER 17, 1956.

[F. R. Doc. 57-964; Filed, Feb. 8, 1957; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter F—Personnel

PART 577—MEDICAL AND DENTAL ATTENDANCE

PERSONS ELIGIBLE TO RECEIVE CARE

Section 577.15 is revised to read as follows:

§ 577.15 *Persons eligible to receive medical care at Army medical treatment facilities*—(a) *General*—(1) *Purpose.* This section establishes the policy governing the authorization for medical and dental care of certain categories of personnel at Army medical treatment facilities and prescribes the extent of treatment authorized thereat.

(2) *Applicability.* This section is applicable to all commands of the Army establishment.

(b) *Definitions.* For the purpose of this section, the following definitions apply:

(1) *Uniformed services.* The Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, the Commissioned Corps of the Coast and Geodetic Survey, and the Commissioned Corps of the Public Health Service.

(2) *Member of a uniformed service.* A person appointed enlisted, inducted, called, ordered, or conscripted in a uniformed service who is serving on active duty or active duty for training.

(3) *Retired member of a uniformed service.* A member or former member of a uniformed service who is entitled to retired, retirement, retainer, or equivalent pay as a result of service in a uniformed service, other than a member or former member entitled to retired or retirement pay under Title 10, United States Code, sections 1331-1337 (formerly Title III of the Army and Air Force Vitalization and Retirement Equalization Act of 1948), who has served less than 8 years on full-time duty in the active military service other than active duty for training.

(4) *Elective medical and surgical treatment.* Medical or surgical care that is desired or requested by the patient which, in the opinion of the cognizant medical authority, is not medically indicated, for example, surgery solely for cosmetic purposes.

(5) *Dental care.* As used in this section, medical care will include dental care unless otherwise specified.

(6) *Domiciliary care.* Care which is normally given in a nursing home, convalescent home, or similar institution to a patient who requires personal care rather than active and definitive treatment in a hospital for an acute medical or surgical condition. It includes but is not limited to nursing care required as a result of old age or chronic disease.

(c) *Authorization.* Authorization for medical care is under the jurisdiction of the commanding officer of the medical or separate dental treatment facility concerned. Persons requesting treatment will be required to furnish positive identification satisfactory to the commanding officer concerning their eligibility for medical care.

(d) *General restrictions*—(1) *General.* Medical care and related adjuncts thereto furnished nonmilitary personnel will not exceed the care furnished members of a uniformed service or interfere with the primary mission to furnish care to members of a uniformed service.

(2) *Availability of facilities.* The furnishing of medical care to other than members of a uniformed service serving on active duty or active duty for training and retired members placed on the temporary disability retired list who require hospitalization in connection with the conduct of periodic physical examinations will be subject to the availability of space and facilities, and the capabilities of the professional staff. Civilian employees of the Army, Navy, Air Force, and Office of Secretary of Defense (not beneficiaries of the Bureau of Employees' Compensation), and persons who contribute to accomplishment of oversea commander's mission (paragraph (x) (1) of this section) will be furnished medical care subject to the availability of facilities only in the absence of adequate civilian medical facilities as determined by the appropriate major commander. Nonmilitary personnel should not undertake travel to an Army medical treatment facility without first ascertaining whether and when accommodations will be available. When personnel are furnished medical care subject to the availability of facilities and subsequent to admission it is determined that the care required is beyond the normal capabilities of the facility, transfer to other uniformed services or Federal medical treatment facilities will be accomplished. When the required treatment can be readily afforded by the admitting facility by utilizing resources, monetary or otherwise, available to the commanding officer, treatment may be provided at the facility.

(3) *Dental care.* Dental care for personnel listed in paragraphs (k), (l) (1) and (2), (m), (r) and (s) (1) (vii) of this section will be limited to emergency dental treatment for the relief of pain or acute septic conditions, or for dental conditions associated with serious illness requiring hospitalization. Such dental care will not include the provision of prosthetic dental appliances or permanent restorations.

(4) *Domiciliary care.* Admission of persons requiring merely domiciliary care is not authorized.

(5) *Elective medical and surgical treatment.* Elective medical and surgical treatment is not authorized except for personnel listed in paragraph (e) of this section.

(6) *Spectacles for nonmilitary personnel and nationals of foreign governments except Canadian personnel*—(i) *Outside the continental United States.* Spectacles may be furnished to those nonmilitary personnel listed in paragraphs (l) (1) and (2), (v), and (w) (2) of this section when, in the opinion of the commanding officer of the medical treatment facility concerned, they are required to enable the patient to perform adequately his assigned duties, and when return to the continental United States for medical reasons would otherwise result, provided spectacles are not available through commercial sources. The first condition cited above is not applicable to dependents of personnel who are included in the above referenced paragraphs.

(ii) *Inside the continental United States.* Spectacles may be furnished to those nationals of foreign governments listed in paragraphs (s) (1) (i) through (vi) of this section when, in the opinion of the commanding officer of the medical treatment facility concerned, they are required to enable the patient to perform adequately his assigned duties, and when return to their home country for medical reasons would otherwise result, provided spectacles are not available through commercial sources. The first condition

cited above is not applicable to dependents of personnel who are included in paragraph (s) (1) (i) through (vi) of this section.

(e) *Members of a uniformed service serving on active duty or active duty for training pursuant to a call or order that does not specify a period of 30 days or less*—(1) *Members of the Army, Navy, Air Force, and Marine Corps.* Male or female members, including officers, warrant officers, enlisted personnel, prisoners, aviation cadets, professors and cadets of the United States Military Academy, midshipmen of the United States Naval Academy, and cadets of the United States Air Force Academy.

(2) *Members of the Coast Guard, and the Commissioned Corps of the Coast and Geodetic Survey and the Commissioned Corps of the Public Health Service.* Officers, commissioned warant officers, cadets and enlisted personel of the Coast Guard, commissioned officers of the Coast and Geodetic Survey, and commissioned officers of the Public Health Service.

(f) *Reserve components and National Guard on active duty or training pursuant to a call or order that specifies a period of 30 days or less*—(1) *Army Reserve and Army National Guard.* For conditions under which members of the Army Reserve and officers, warrant officers, and enlisted men of the federally recognized Army National Guard of the several States, Territories, and the District of Columbia, and the Army National Guard of the United States are provided medical care, the provisions of paragraphs 11 and 12, AR 40-101 (Administrative regulations pertaining to medical care), respectively, apply.

(2) *Navy and Marine Corps.* Navy and Marine Corps reservists provided that any personnel in this category will be transferred to a Naval medical treatment facility prior to termination of such duty if there is a possibility that continuation of hospitalization may be necessary subsequent to termination of such duty and if the condition of the patient permits transfer.

(3) *Air Force Reserve and Air Force National Guard.* The provisions of paragraphs 11 and 12, AR 40-101, respectively, concerning conditions under which members of the Army Reserve and Army National Guard are provided medical care are applicable to members of the Air Force Reserve, Air Force National Guard, and Air Force National Guard of the United States, except that such care is not furnished at the expense of Army Medical Service funds.

(4) *Personal injury in line of duty.* Prosthetic devices, prosthetic dental appliances, hearing aids, spectacles, orthopedic footwear, and routine dental treatment will be furnished the personnel listed in subparagraphs (1), (2), and (3) of this paragraph, for conditions which are disabling and the result of personal injury suffered or disease contracted in line of duty. Dental care for other conditions will be limited to emergency treatment.

(g) *Reserve Officers' Training Corps.* Prosthetic devices, prosthetic dental appliances, and routine dental treatment will be furnished members of the Army, Naval, and Air Force Reserve Officers' Training Corps only for conditions which are disabling and the result of personal injury suffered or disease contracted in line of duty. Dental care for other conditions will be limited to emergency treatment.

(h) *Retired members of a uniformed service retired for other than physical disability.* All retired members of a uniformed service retired for other than physical disability.

(i) *Retired members of a uniformed service retired for physical disability*—(1) *Temporary disability retired list (periodic physical examinations).* Retired members placed on the temporary disability retired list who require hospitalization in connection with the conduct of periodic physical examinations.

(2) *Temporary or permanent retirement (less than 20 years of active duty).* Retired members temporarily or permanently retired for physical disability or receiving disability retirement pay, with less than 20 years of active duty, except, hospitalization for the following chronic conditions: chronic arthritis, malignancy, psychiatric or neuropsychiatric disorder, neurological disabilities, poliomyelitis with disability residuals and degenerative disease of the nervous system, severe injuries to the nervous system including quadriplegia, hemiplegia, and paraplegia, tuberculosis, blindness and deafness requiring definitive rehabilitation, and major amputees. Hospitalization for the above conditions is the responsibility of the Administrator of Veterans' Affairs.

(3) *Temporary or permanent retirement (20 years or more of active duty).* Retired members temporarily or permanently retired for physical disability or receiving disability retirement pay, with 20 years or more of active duty, except those with blindness, neuropsychiatric or psychiatric disorders, and tuberculosis whose hospitalization is the responsibility of the Administrator of Veterans' Affairs.

(4) *Treatment for other chronic conditions and outpatient care.* All retired members of a uniformed service retired for disability are authorized hospitalization for treatment of chronic conditions, other than those listed in subparagraph (2) and (3) of this paragraph, and for outpatient care regardless of the nature of the illness for which required.

(5) *Emergency Officers' Retired List.* Members on the Emergency Officers' Retired List who are entitled to retired pay for physical disability.

(j) *Selective Service.* Emergency medical care including hospitalization for registrants who suffer illness or injury while acting under orders issued by or under the authority of the Director of Selective Service.

(k) *Public Health Service.* The following beneficiaries of the Public Health Service upon representation of written authorization as indicated in subparagraphs (1), (2), (3) and (4) of this paragraph. If a beneficiary is furnished medical care in an emergency without the required written authorization, it is the responsibility of the commanding officer of the Army medical treatment facility to obtain proper written authorization from the medical officer in charge of the nearest Public Health Service medical care facility or in the case of Indians from the medical officer in charge of the Indian Health Area Office or the Alaska Native Health Service, Public Health Service, Juneau, Alaska, as soon as possible.

(1) *Coast and Geodetic Survey.* Ships' officers and members of crews of vessels of the Coast and Geodetic Survey will be provided medical care as follows:

(i) *Authorization for inpatient care in continental United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* Authorization for beneficiaries will be prepared on Form PHS 894 (HD), and signed by the officer in charge of a Public Health Service medical care facility. If the emergency is such that it is not possible to procure this authorization on Form PHS 894 (HD), authorization may be by letter signed by an officer of the same service as the patient; or, if no officer is available, by letter signed by the patient himself. Such authorizing letter, whether signed by an officer or by the patient, will show the patient's full name, organization, serial number, grade, and diagnosis (if known), and will state that he is on active duty. It will also state the reason for medical care by Army medical treatment facilities (instead of Public Health Service facilities).

(ii) *Authorization for emergency outpatient care in continental United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* Beneficiaries may be furnished outpatient care only in an emergency when immediate care is necessary. Authorization for such emergency outpatient care will be as indicated in that portion of subdivision (i) of this subparagraph which pertains to emergencies.

(iii) *Authorization for medical care (inpatient and outpatient) outside the United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* In such oversea areas, beneficiaries will be furnished medical care on written authorization prepared and signed as indicated in subdivision (i) of this subparagraph.

(2) *American seamen.* American seamen in the continental United States, its Territories, possessions, and the Commonwealth of Puerto Rico to include seamen aboard privately owned and operated vessels of United States registry, and also vessels owned and operated by the United States Government; active enrollees in the United States Maritime Service; and members of the Merchant Marine Cadet Corps will be provided medical care as follows:

(i) *Authorization for inpatient care in continental United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* Authorization for beneficiaries will be prepared on Form PHS 894 (HD) and signed by the officer in charge of a Public Health Service medical care facility. When, in case of genuine emergency, it is necessary to admit a patient prior to obtaining written authorization, the commanding of-

ficer of the Army medical treatment facility will telephone or telegraph the nearest Public Health Service Station as soon as possible, giving all available information respecting the patient's status as a Public Health Service beneficiary, in order that the case may be investigated with a view to issuance of the required Form PHS 894 (HD); or with regard to Maritime Service enrollees, if more practicable, obtain written authorization from the responsible officer of the Maritime Service Station, Merchant Marine Cadet Corps school, or State Maritime Academy.

(ii) *Authorization for emergency outpatient care in continental United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* Beneficiaries may be furnished outpatient care only in emergency when immediate treatment is necessary. The commanding officer of the Army medical treatment facility will take the action indicated in subdivision (i) of this subparagraph, with a view to procuring authorization.

(iii) *Authorization for medical care (inpatient and outpatient) outside the United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* In such oversea areas, the personnel listed in the opening portion of this subparagraph are not entitled to treatment at the expense of Public Health Service funds.

(3) *Public Health Service civilian employees in the field service.* Public Health Service civilian employees in the field service when injured or taken sick in line of duty (except when entitled to treatment at the expense of the Bureau of Employees' Compensation).

(i) *Authorization for inpatient and emergency outpatient care in continental United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* Authorization for medical care will be as indicated in subparagraph (2) (i) and (ii) of this paragraph.

(ii) *Authorization for medical care (inpatient and outpatient) outside the United States, its Territories, possessions, and the Commonwealth of Puerto Rico.* Any necessary medical care may be furnished at the expense of Public Health Service funds on written authorization of the employee's superior officer. The authorization will show the patient's full name, organization, grade, and diagnosis (if known), and will give other identifying data (such as "civilian employee, field service, PHS"). It will also state that the employee is on active duty.

(4) *Enrolled Indians (or members of Indian tribes) in the continental United States, and Indians, Eskimos, and Aleuts in Alaska*—(i) *Enrolled Indians (or members of Indian tribes) in the continental United States.* A letter of authorization for medical care will be prepared and signed by the medical officer in charge of an Indian Health Area Office. When, in case of genuine emergency, it is necessary to admit a patient prior to obtaining written authorization, the commanding officer of the Army medical treatment facility will telephone or telegraph the nearest Indian Health Area Office as soon as possible, giving all available information respecting the patient's status as a Public Health Service beneficiary, in order that the case may be investigated with a view to issuance of the required letter of authorization.

(ii) *Indians, Eskimos, and Aleuts in Alaska.* Authorization for medical care will be as indicated in subdivision (i) of this subparagraph except that the authorization will be signed by the Alaska Native Health Service, Public Health Service, Juneau, Alaska.

(5) *Dental care.* In addition to the dental care provided under the conditions outlined in paragraph (d) (3) of this section, in overseas areas (other than United States possessions and the Commonwealth of Puerto Rico) such complete dental service is authorized as the Army dental officer considers necessary pending the time of the patient's return to the continental United States, to a United States possession, or to the Commonwealth of Puerto Rico.

(l) *Foreign service personnel and their dependents.* The following officers and employees of the State Department, Agriculture Department, International Cooperation Administration and the United States Information Agency (hereinafter referred to as foreign service personnel), and their dependents upon presentation of prior written authorization as indicated in subparagraphs (1) (i), (2) (i), and (3) of this paragraph. If medical care is furnished in an emergency without the required written authorization, it is the responsibility of the commanding officer of the Army medical treatment facility concerned to obtain proper written authorization as soon as possible from the appropriate individual or officer as indicated in subparagraphs (1) (i), (2) (i), and (3) of this paragraph. The term "dependents of foreign service personnel" will be construed to mean those individuals included in the definition of the term "dependent" appearing in §§ 577.60 to 577.70, in addition, a mother, sister, or daughter of a male officer or employee, regardless of age, or dependency, who acts as the official hostess for an officer or employee who has no wife residing with him at the post.

(1) *Foreign service personnel and their dependents who are beneficiaries of the State Department, Agriculture Department, International Cooperation Administration, or the United States Information Agency outside the continental United States.* Foreign service personnel and their dependents, who are beneficiaries of the above agencies may be furnished the services covered in subdivisions (i) and (ii) of this subparagraph under the provisions of section 941 (a) and (b), respectively, of the Foreign Service Act of 1946, as amended. Foreign service personnel and their dependents who are beneficiaries of the above agencies may be furnished the services covered in subdivision (iii) of this subparagraph under the provisions of section 943, Foreign Service Act of 1946, as amended.

(i) *Inpatient care.* Authorization for foreign service personnel will be prepared by the individual's superior officer, or, if there is no superior officer, by the individual himself. The authorization will show the individual's full name, the diagnosis, if known, and will state that the individual is a citizen of the United States on duty abroad in the foreign service employment of the State Department, Agriculture Department, International Cooperation Administration, or the United States Information Agency, naming the type of service and the place of duty (such as "clerk, State Department, Tokyo"). In the case of dependents, authorization will be prepared by the immediate superior officer of the dependent's principal, or, if there is no immediate superior officer, by the principal himself. The authorization will show the dependent's full name, the diagnosis, if known, and will state that the principal is residing abroad with his or her principal. It will give also the full name and relationship of the dependent's principal, with the statement that the principal is a citizen of the United States on duty abroad in the foreign service employment of the State Department, Agriculture Department, International Cooperation Administration, or the United States Information Agency, giving the place and type of employment. In either case, the authorization for inpatient care will also state that the individual is entitled to inpatient care at the expense of the State Deparment, Agriculture Department, International Cooperation Administration, or the United States Information Agency under the provisions of section 941, Foreign Service Act of 1946.

(ii) *Outpatient treatment.* Outpatient treatment at the expense of the above agencies is authorized only when treatment is furnished for a condition which results in hospitalization or treatment required for post-hospitalization followup, in which case report will be made to the Surgeon General on DD Form 7A (Report of Treatment Furnished Pay Patient; Outpatient Treatment Furnished (Part B)). All other outpatient treatment furnished will be at the expense of the individual patient and collection will be made locally from the individual.

(iii) *Physical examination and immunizations.* Physical examinations including periodic physical examinations (usually biennial) and immunizations necessary in connection with such examinations may be furnished upon presentation of authorization completed as indicated in subdivision (i) of this subparagraph. In addition, the authorization will include the nature of the service desired, the reason therefor and contain the statement that the individual is entitled to these services at the expense of one of the above agencies. Copy in triplicate of the proper physical examination form will be inclosed with the authorization showing in detail thereon the exact extent of the physical examination required (i. e., all procedures in connection therewith). When immunizations are requested in addition to physical examinations, the type of each immunization will be stated specifically.

(iv) *Adjuncts.* Prosthetic devices and hearing aids will not be furnished.

(2) *Foreign service personnel and their dependents (not beneficiaries of the State Department, Agriculture Department, International Cooperation Administration, or the United States Information Agency) outside the continental United States.* Foreign service personnel (not beneficiaries of the above agencies) who are citizens of the United States on duty abroad and their dependents when domiciled abroad with their principals.

(i) *Inpatient care.* Authorization for the foreign service personnel listed in the opening portion of this subparagraph will be prepared as indicated in subparagraph (1) (i) of this paragraph, except that it will state that medical care will be at the expense of the individual patient.

(ii) *Outpatient treatment.* All out patient treatment will be at the expense of the individual patient and collection will be made locally from the individual.

(3) *Foreign service personnel and their dependents who are beneficiaries of the State Department, Agriculture Department, International Cooperation Administration, and the United States Information Agency inside the continental United States.* Foreign service personnel and their dependents who are beneficiaries of the above agencies may be furnished the services outlined in subdivisions (i), (ii) and (iii) of this subparagraph, respectively, under the provisions of section 943 of the Foreign Service Act of 1946, as amended.

(i) *Preemployment physical examinations and immunizations.* Preemployment physical examinations and immunizations of applicants for appointment as officers or employees in the foreign service of the State Department, Agriculture Department, International Cooperation Administration, or the United States Information Agency, together with immunizations necessary in connection with such examinations.

(ii) *Periodic physical examinations.* Periodic physical examinations (usually biennial) of foreign service personnel of the above agencies who are on duty or leave in the continental United States.

(iii) *Physical examinations and immunizations.* Physical examinations and immunizations necessary in connection with such examinations and immunizations in addition to physical examinations for dependents of foreign service personnel of the above agencies.

Authorization for the service covered in subdivisions (i), (ii), and (iii) of this subparagraph will be prepared by the Department of State, Department of Agriculture, International Cooperation Administration, or the United States Information Agency. The authorization will give the full name of the examinee, stating the nature of the service desired and the reason therefor. Copy in triplicate of the proper physical examination form will be inclosed with the authorization, showing in detail thereon the exact extent of the physical examination required (i. e., all procedures in connection therewith). When immunizations are requested (in addition to physical examinations), the type of each immunization will be stated specifically. For instructions concerning the disposition of physical examination forms and the authorizations for physical examinations and immunizations, the provisions of subparagraph (1) (iii) of this paragraph will apply.

(4) *Evacuation from Army medical treatment facilities overseas and extent of medical care in the continental United States.* Those foreign service personnel and their dependents listed in subparagraphs (1) and (2) of this paragraph who are hospitalized in Army medical treatment facilities overseas, whose condition would require retention in such hospital for a prolonged period of time, may be evacuated to the continental United States through Army medical evacuation channels as soon as transfer is possible without detriment to the patient. No dependent will be evacuated to the continental United States who is not a citizen of the United States. Prior to evacuation, the medical treatment facility commander concerned in the case of foreign service personnel will obtain the concurrence of the nearest State Department, Agriculture Department, International Cooperation Administration, or the United States Information Agency office or installation (whichever is applicable). In the event the nearest office or installation referred to above is not the office of employment of the foreign service persons, the nearest office or installation will obtain the necessary concurrence from the foreign service person's superior.

(m) *United States Soldiers' Home.* Members of the United States Soldiers' Home within the continental United States.

(n) *Applicants for enlistment and registrants.* Applicants for enlistment and registrants while under military control whose physical fitness for military service cannot be determined without hospital study for a period not to exceed three days. In addition, applicants for enlistment who suffer acute illnesses and injuries while awaiting or undergoing enlistment processing at recruiting main stations or at Armed Forces Examining Stations may be furnished emergency medical care including hospitalization.

(o) *Prisoners*—(1) *Prisoners of war and internees.* Prisoners of war, persons interned by the Army, and other persons in military custody or confinement. Prosthetic devices, prosthetic dental appliances, and spectacles will be furnished prisoners of war as required by the Geneva Convention of 1929.

(2) *Prisoners (punitive discharge executed) hospitalized beyond expiration date of sentence.* Prisoners of Army and Air Force (punitive discharge executed) may be hospitalized beyond expiration date of sentence until disposition can be made to some other medical facility.

(p) *Female personnel of the Armed Forces (separated)*—(1) *General.* Female personnel of the Armed Forces separated under honorable conditions because of pregnancy, or who, although separated under honorable conditions for reasons other than pregnancy, are shown by the record of terminal physical examination to have been pregnant at the time of separation.

(2) *Application.* Female personnel of the Army who desire maternity care will request it in writing at the time of their separation. Requests will be addressed through the commanding officer of the installation where separation is accomplished to the surgeon of the Army area in which they plan to live following separation. Requests will include forwarding address and a copy of separation orders. The indorsement by the commanding officer of the installation, where separation is accomplished, will indicate eligibility for maternity care and any pertinent data as to status of pregnancy.

(3) *Extent.* The extent of maternity care for female personnel referred to in subparagraph (1) of this paragraph includes prenatal care, hospitalization, confinement, and postnatal care either in a hospital or as an outpatient for 6 weeks following delivery.

(4) *Newborn infants.* No charge is made for newborn infant patients while the mother is a patient in the medical treatment facility. In those cases where the mother is discharged from the medical treatment facility and it is necessary for the infant to remain as a patient or where the infant is readmitted as an individual patient, charges will be made at the rates prescribed for the mother in each case. If newborn infant patients require medical care subsequent to the postnatal 6 weeks' period, disposition will be made to private, welfare, State, or Federal agencies.

(q) *Individuals requiring medical evaluation.* Individuals who require medical evaluation in connection with consideration of their case by the Army Board for Correction of Military Records.

(r) *Season (not beneficiaries of the Bureau of Employees' Compensation).* Civilian seamen in the service of vessels operated by the Department of the Army or the Military Sea Transportation Service listed in subparagraphs (1) and (2) of this paragraph, are still in the service of a vessel, although not on board and not engaged in their duties, as long as they are under the power and jurisdiction of competent Department of the Army or Military Sea Transportation Service authorities. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as Bureau of Employees' Compensation beneficiaries.

(1) *Civilian seamen in the service of vessels operated by the Department of the Army.* For a reasonable time. Those entitled to care by the Public Health Service will be furnished medical care only when facilities of that service are not available except in emergencies. Authorization for such care will be granted upon presentation of a certificate from master or other appropriate administrative authority which may be dispensed with only in emergencies.

(2) *Civilian seamen in the service of vessels operated by the Military Sea Transportation Service.* For a reasonable time. Those entitled to care by the Public Health Service will be furnished medical care only when facilities of that service or Naval facilities are not available except in emergencies. Authorization for such care will be granted upon presentation by the seaman concerned of a duly executed Bureau of Employees' Compensation Form CA–16 (Request for Treatment of Injury Under the United

States Employees' Compensation Act). In cases where immediate treatment is required and the employee concerned does not have the required Form CA–16, the nearest Military Sea Transportation Service command will be requested to submit a duly executed Form CA–16.

(3) *American seamen.* American seamen to include both officers and members of the crew outside the United States, its Territories, possessions, and the Commonwealth of Puerto Rico. This category includes seamen aboard ships of United States Registry such as those aboard Department of Defense time-chartered vessels of commercial operators; those aboard time-chartered vessels other than time-chartered vessels referred to above in emergency to save life or prevent undue suffering; and those on privately owned and operated vessels. A seaman, whose condition would require retention in an Army medical treatment facility for a prolonged period of time may be evacuated through Army medical evacuation channels as soon as transfer without detriment to the patient is possible, when lack of transportation facilities prevents evacuation through the local ship's agent. No seamen in the service of a vessel of foreign registry will be evacuated to the continental United States.

(s) *Nationals of foreign governments, excluding specific categories of Canadian personnel listed in paragraph (t) of this section.* (1) Nationals of foreign governments within the continental United States to include the following:

(i) Foreign military personnel in the attaché system carried on the current "Diplomatic List" (Blue), published by the State Department.

(ii) Foreign military personnel assigned or attached to United States military units for duty or training; foreign military personnel on foreign government military or supply missions accredited to and recognized by one of the military departments.

(iii) Foreign military personnel on duty in the United States at the invitation of the Secretary of Defense or one of the military departments.

(iv) Foreign military personnel accredited to joint United States defense boards or commissions, or assigned to full-time duty with the North Atlantic Treaty Organization when stationed in the United States.

(v) Military Assistance Program (MAP) trainees assigned or attached to United States military units within the continental United States for training.

(vi) Civilian Mutual Assistance Program (MAP) trainees assigned or attached to United States military units within the continental United States for training.

(vii) Dependents of personnel listed above when they are residing with their principals, except dependents of civilian MAP trainees.

(viii) Foreign personnel covered in agreements entered into by the Secretary of Defense or one of the military departments to include but not limited to United Nations Force personnel of foreign governments who provide military assistance to the United Nations effort in Korea.

(ix) Other foreign personnel under exceptional circumstances.

(2) The following policies will govern the furnishing of medical care to nationals of foreign governments (hereinafter referred to as foreign personnel):

(i) Inpatient care will be limited to cases which, in the judgment of the commanding officer of the medical treatment facility concerned will be benefited by hospitalization for a reasonable time but not in excess of 90 days. Those patients requiring merely domiciliary care or suffering from chronic conditions (e. g., tuberculosis, mental diseases, degenerative neurological diseases), will be admitted only in case of extreme necessity, where such admissions will save life or prevent undue suffering.

(ii) MAP trainees who have been selected by their country for training in the United States are presumed to be in good physical condition and free from communicable diseases as a prerequisite to selection. If upon arrival in the United States, it is discovered that the trainee cannot qualify for training by reason of physical and/or mental disability, and will require more than nominal medical treatment before entering training, the trainee will be returned to his country immediately or as soon thereafter as his condition permits travel. When the trainee is disabled after starting his training, and, in the opinion of the commanding officer of the medical treatment facility concerned in consultation with the commanding officer of the training facility concerned, such disability will prevent continuation of the training for a period in excess of 90 days, the trainee will be returned to his home country as soon as his condition permits travel.

(iii) The extent of medical care to be furnished foreign personnel covered in agreements entered into by the Secretary of Defense or one of the military departments will be in accordance with this section and that authorized in the specific agreement. Any question concerning extent of medical care authorized concerning eligibility of any foreign personnel for medical care under specific agreement with another government will be refered to The Surgeon General, Department of the Army, Washington 25, D. C.

(iv) The transfer of foreign personnel between oversea commands and the continental United States solely for the purpose of providing medical care in Army medical treatment facilities is not authorized, except under unusual circumstances as determined by the Secretary of the Army.

(3) Oversea commanders will determine those categories of foreign personnel who may be authorized medical care outside the continental United States. Medical care will be extended only when adequate facilities are available and when medical care cannot be obtained by foreign personnel from medical units of their own country. Type and method of reimbursement will be effected in the same manner as prescribed for the continental United States.

(t) *Canadian personnel.* Canadian military personnel who are assigned to duty within the continental United States, or on an authorized pass or leave of absence from such duty station in the continental United States, and who fall within the categories of personnel outlined in paragraph (s) (1) (i) through (v) of this section, may receive medical care. Medical care is also authorized for their dependents who are living with their principals in the continental United States during the period of such assignment. The extent of medical care furnished at Army medical treatment facilities to these Canadian military personnel and their dependents will be comparable in all respects to that which is authorized for members of uniformed service and their dependents. Prompt payment of subsistence and dependent care charges is the personal responsibility of the Canadian military member concerned.

(1) The provisions of paragraph (s) (2) (ii) of this section apply to Canadian military personnel referred to in this paragraph.

(2) In addition, the provisions of paragraph (s) (3) of this section apply in oversea areas to Canadian military personnel and their dependents referred to in this paragraph.

(u) *Red Cross and other officially recognized welfare workers and their dependents, and certain civilian students*—(1) *Red Cross and other officially recognized welfare workers.* Red Cross and other officially recognized welfare workers on duty with a uniformed service inside and outside the continental United States.

(2) *Dependents of Red Cross and other officially recognized welfare workers.* Dependents of such persons outside the continental United States if actually residing with the principal.

(3) *Civilian students.* Student nurses, student dietitians, and student occupational therapists under the same conditions and on the same basis as medical care is provided Red Cross personnel.

(v) *Operations analysts, scientific consultants, and technical observers.* Operations analysts, scientific consultants, and technical observers officially accredited as such by the Department of the Army when accompanying the Army in the field outside the continental United States.

(w) *Civilian employees*—(1) *Civilian employees inside and outside the continental United States (those authorized health services under Public Law 658, 79th Congress, 1946).* The physical examinations referred to below will normally be furnished on an outpatient basis.

(i) *Civilian employees of the Army.* Civilian employees of the Army including civilian seamen in the service of vessels operated by the Department of the Army, directly employed by the Federal Government and paid from appropriated or industrial funds are authorized to receive treatment of on-the-job illness, injury, and dental conditions requiring emergency attention, and preemployment and other physical examinations without charge under the Occupational Health Service of the Army.

(ii) *Civilian employees of the Navy, Air Force, and Marines, and other Federal departments and agencies.* Civilian employees of the Navy, Air Force, and Marines, and other Federal Departments and agencies paid from appropriated funds are authorized to receive those referred to in subdivision (i) of this subparagraph under the Occupational Health Service of the Army. No charge will be made for outpatient services furnished civilian employees of the Marines, Navy, and Air Force. Charges for such outpatient services furnished civilian employees of other Federal departments and agencies will be at the prescribed outpatient rate.

(2) *Civilian employees of the Army, Navy, Air Force, and Office of Secretary of Defense (not beneficiaries of the Bureau of Employees' Compensation).* Civilian employees of the Army, Navy, Air Force, and Office of Secretary of Defense paid from either appropriated or nonappropriated funds, and their dependents (including librarians and service club personnel) outside the continental United States and at remote military installations in the continental United States. Charges for inpatient care will be at the reciprocal rate for the applicable fiscal year, except in those oversea areas and remote areas within the continental United States where the Secretary of the Army has authorized the special interim per diem-rate.

(3) *Civilian employees of cost-plus-a-fixed-fee contractors of the Department of the Army.* Medical care may be furnished only outside the continental United States.

(4) *Civilian employees of all Federal agencies.* Physical examinations in connection with disability retirement may be furnished civilian employees of all Federal agencies without charge when such examinations are requested by authorized representatives of the United States Civil Service Commission in the administration of the Civil Service Retirement Act, except that when hospitalization is necessary to the proper conduct of those examinations subsistence charges will be collected locally from the individual concerned.

(x) *Persons who contribute to accomplishment of oversea commander's mission*—(1) *General.* Persons who contribute to the accomplishment of the oversea commander's mission and for whom medical care is deemed essential by the oversea commander concerned in the accomplishment of his mission. The reciprocal rate or the outpatient rate, whichever is applicable, will apply except as indicated in subparagraph (2) of this paragraph.

(2) *Civilian religious leaders or religious groups and others.* Civilian religious leaders or religious groups, celebrities and entertainers, athletic clinic instructors, and representatives of the USO, other social agencies and educational institutions, and persons in similar status providing direct service to the United States Forces, who have obtained official invitational orders from the Office, Secretary of Defense, or from one of the military dependents, to visit oversea military commands may be furnished emergency hospitalization and medical treatment without charge, except that charges for subsistence will be collected locally from the individual when hospitalized.

(y) *Designee of the Secretary of the Army.* Designees of the Secretary of the Army, when furnished medical care in Army medical treatment facilities, will be charged the reciprocal rate or the outpatient rate, whichever is applicable, unless specifically otherwise authorized by the Secretary of the Army. In the event the Secretary of the Army authorizes the furnishing of hospitalization with no reimbursement therefor, a charge for subsistence will be made to the individual. In unusual or extraordinary circumstances the Secretary of the Army may waive subsistence charges.

(z) *Indigent and nonindigent civilians.* Indigent and nonindigent civilians in extreme necessity to save life or prevent undue suffering.

[AR 40–108, 31 December 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–993; Filed, Feb. 8, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

[Docket No. AO–247–A4]

MILK IN UPSTATE MICHIGAN MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park Place Hotel, Traverse City, Michigan, beginning at 10 a. m., local time, February 26, 1957. The public hearing is for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Upstate Michigan marketing area (7 CFR 916.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The proposals relating to the enlargement of the Upstate Michigan marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the Act if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the Act.

Proposed by Michigan Milk Producers' Association:

1. In § 916.8 delete the words "fluid milk plant" and substitute the words "pool plant".

2. Add the following as § 916.16:

§ 916.16 *Pool plant.* A pool plant is a fluid milk plant which utilizes 50 percent or more of its producer receipts in Class I sales on routes inside or outside of the marketing area or supplies a substantial volume of its receipts to such a plant.

3. Review seasonal pricing of Class I and also Class II and III prices.

4. Add the following as § 916.63 (This amendment also proposed by the Borden Company):

§ 916.63 *Handler operating a plant which is not a pool plant.* Each handler who operates a plant which is not a pool plant during the month shall pay to the market administrator for the producer equalization fund, on or before the 25th day after the end of such month any amount resulting from the following computation:

(a) Compute an amount equal to the net pool obligation which would be computed pursuant to § 916.60 for milk received from dairy farmers at such plant for such month if such handler operated pool plant;

(b) Deduct the gross payments, inclusive of any premiums but exclusive of deductions, made by the handler to dairy farmers for milk received at such plant during such month;

(c) Divide the remainder, if any, by the number of hundredweights of milk received from dairy farmers and utilized for Class I purposes: *Provided,* That in no event shall the resulting amount per hundredweight exceed the difference between the Class I and Class II prices; and

(d) Multiply the amount per hundredweight determined pursuant to paragraph (c) of this section by the number of hundredweights of Class I milk disposed of from such plant in the marketing area.

5. Substitute the following for § 916.60:

§ 916.60 *Value of producer milk.* The value of producer milk received during the month by each handler shall be a sum of money computed by the Market Administrator by multiplying by the applicable class price, adjusted pursuant to § 916.53, the total combined hundredweight of skim milk and butterfat received from producers allocated to each class pursuant to § 916.46 and § 916.47, adding together the resulting amounts, and if such handler has a utilization greater than has been accounted for as received from all sources, add an amount computed by multiplying any such excess utilization classified pursuant to § 916.46 and § 916.47 by the applicable class price.

6. Substitute the following for § 916.61:

§ 916.61 *Computation of the uniform price.* For each month, the Market Administrator shall compute the 3.5 percent value of producer milk by—

(a) Combining into one total the individual values of milk of all handlers computed pursuant to § 916.60, adjusted by any charges or credits pursuant to § 916.75 (a) and (b);

(b) Adding, if the weighted average butterfat test of all producer milk represented in paragraph (a) of this section is more than 3.5 percent, or subtracting, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the difference of such average butterfat test from 3.5 percent by the butterfat differential provided in § 916.71 multiplied by 10;

(c) Add an amount equal to the total value of the location differential pursuant to § 916.72;

(d) Adding not less than one half of the unobligated balance in the producer equalization fund;

(e) Dividing the resulting amount by the hundredweight of milk received from producers; and

(f) Subtracting not less than 6 cents or more than 7 cents. The result shall be known as the uniform price for producer milk of 3.5 percent butterfat content.

7. Substitute the following for § 916.62:

§ 916.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing for such month:

(a) The amount and value of his producer milk in each class;

(b) The uniform price computed pursuant to § 916.61 and the butterfat differential computed pursuant to § 916.71;

(c) The amount to be paid by such handler pursuant to § 916.72 and § 916.73; and

(d) The amount due such handler from the producer-equalization fund or the amount to be paid by such handler to the producer-equalization fund, as the case may be.

8. Delete "16th", in § 916.70 (b) (1) and substitute "15th".

9. Add the following as § 916.78:

§ 916.78 *Producer-equalization fund.* The market administrator shall establish and maintain a separate fund, known as the "producer-equalization fund" into which he shall deposit all payments received pursuant to paragraph (a) of this section and out of which he shall make all payments pursuant to paragraph (b) of this section.

(a) *Payments to the producer-equalization fund.* On or before the 13th day after the end of each month, each handler whose value of milk is required to be computed pursuant to § 916.60 shall pay to the market administrator any amount by which such value for such month is greater than the minimum amount required to be paid by him pursuant to § 916.70.

(b) *Payments out of the producer-equalization fund.* On or before the 14th day after the end of each month, the market administrator shall pay to each handler any amount by which the value of milk for such handler for the month pursuant to § 916.60 is less than the total minimum amount required to be paid by him pursuant to § 916.70, less any unpaid obligations of such handler to the market administrafor pursuant to paragraph (a) of this section: *Provided*, That if the balance in the producer-equalization fund is insufficient to make all payments to all such handlers pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds become available.

Proposed by the Borden Company:

10. Amend § 916.6 to read as follows:

§ 916.6 *Pool plant.* "Pool plant" means a plant (except one which is exempted pursuant to § 916.101) from which either (a) 20 percent or more of the total milk received at such plant during the month is disposed of in the marketing area as Class I other than to another pool plant, or (b) 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to a pool plant(s) as described in paragraph (a) of this section.

11. Amend § 916.7 to read as follows:

§ 916.7 *Handler.* "Handler" means: (a) A person who operated a pool plant or a plant in which milk is pasteurized or packaged and from which Class I milk is disposed of in the marketing area.

(b) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) of this section, which is diverted to a non-handler for the account of the association.

12. Amend § 916.73 to read as follows:

§ 916.73 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 13th day after the end of each month five cents per hundreweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and to other source milk which is sold in the marketing area as Class I:

Proposed by Lakeside Dairy:

13. Amend § 916.5 to include all of Wexford County and Missaukee and Roscomon Counties.

Proposed by Dairyland Cooperative Creamery Company:

14. Amend § 916.6 to read:

§ 916.6 *Pool Plant.* "Pool plant" means a plant from which either (a) 30 percent or more of the total milk received at such plant during the month (with the exception of the months of July and August) is disposed of in the marketing area as Class I other than to another pool plant: *Provided*, That the total quantity distributed on all routes operated inside or outside the marketing area is equal to 50 percent or more of producer receipts, or (b) 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to a pool plant(s) as described in paragraph (a) of this section.

Proposed by Gabler Dairy:

15. In § 916.82 change "200 points" to "100 points".

Proposed by the Dairy Division, Agricultural Marketing Service:

16. Provide for the classification and accounting for month end inventories of fluid milk products as Class II milk, subject to an additional charge if allocated to Class I utilization in the following month.

17. Add a new § 916.54 as follows:

§ 916.54 *Use of equivalent price.* If for any reason a price quotation required by this order for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

18. Make such changes as may be required to make the entire order, as amended, conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 916 East Front Street, Traverse City, Michigan, or the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 6th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1019; Filed, Feb. 8, 1957; 8:50 a. m.]

[7 CFR Part 967]

[Docket No. AO-170-A10]

MILK IN SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at South Bend, Indiana, on August 14–15, 1956, pursuant to notice thereof which was issued on August 9, 1956, (21 F. R. 5970).

The material issues of record related to:

1. The classification and pricing of milk used in making cottage cheese. (Proposals 1 and 6.)

2. A revision of the transfer provisions. (Proposal 2).

3. A revision of the list of condenseries appearing in the basic formula. (Proposal No. 4).

4. Elimination of the butter-cheese portion of the basic formula. (Proposal No. 5).

5. The price level for Class I milk, including the supply-demand adjustment. (Proposal No. 7.)

6. Classification and pricing of butterfat used for making butter. (Proposals 11 and 12.)

7. Conforming changes (Proposal No. 13.)

In addition to the foregoing issues, certain other matters were referred to in Proposals 3, 8, 9 and 10 of the hearing notice. They were either abandoned or not specifically supported at the hearing. These proposals included a revision of the allocation provisions, the placing of a limitation on diversions of milk to nonregulated plants, and a new Class III classification and price. It is concluded that no further action with respect to these matters should be taken on the basis of this hearing.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based upon evidence in the record of the hearing:

1. A new classification and price for milk used to produce cottage cheese should be established.

Producers proposed to establish a separate classification and price for milk used to produce cottage cheese. They supported their proposal on the basis that a new classification and price are necessary to reflect the additional cost to producers of supplying milk of the quality required by the health departments of the marketing area for use in cottage cheese.

One unregulated plant operator testified at the hearing in opposition to the proposed price increase but on questioning stated the opinion that producers should receive more money for Grade A milk used in dairy products than for ungraded milk. This operator has a plant near South Bend in which ice cream, ice cream mix, and cottage cheese are manufactured. Approximately 25 percent of the cottage cheese production of his plant is sold in the South Bend-LaPorte marketing area. It was stated that milk received from the reserve supplies of regulated handlers would provide the necessary Grade A milk for the cottage cheese that he sells in the marketing area. This operator at present receives no ungraded milk in his plant.

The South Bend-LaPorte marketing area is comprised of the cities of South Bend, LaPorte, Mishawaka, and Michigan City, Indiana. Recently, the cities of South Bend, LaPorte and Michigan City adopted similar milk ordinances to become effective January 1, 1957. Under these ordinances all cottage cheese sold within each of these cities must be produced from Grade A milk. Some cottage cheese which heretofore has been sold in the market has been made from dry curd produced from ungraded milk. This practice will be prohibited under the new ordinances.

Beginning January 1, 1957, cottage cheese disposed of in a large portion of the marketing area must be made from milk meeting the same inspection requirements as that for fluid disposition. Cottage cheese will provide a regular, year-round outlet for inspected milk (skim milk and butterfat) and under this circumstance should not be considered a distress outlet for Class I reserves. It is important and economically sound that milk for this use should contribute to the increased cost of obtaining the year-round supply of Grade A milk necessary for all purposes which require this type of supply. Producers should receive a price differential over manufacturing milk prices to compensate for the higher costs of producing Grade A milk. The expansion of producer receipts to supply all the milk needed for cottage cheese would reduce returns to producers unduly if the present classification and pricing provisions were retained in the order. Therefore, it is concluded that a new Class II milk classification should be established for producer milk used to produce cottage cheese. Present Class II milk other than milk for cottage cheese should be redesignated Class III milk without a change in the price formula. The testimony and findings concerning an appropriate price level for milk used for cottage cheese are discussed below.

Proponents proposed a price formula for skim milk used to produce cottage cheese as follows: the prevailing price per pound of spray process nonfat dry milk for human consumption (Chicago area manufacturing plants), minus 3.2 cents, multiplied by 8.5. The 3.2 cent deduction was revised from 2.0 cents at the hearing. They contended that the price of Grade A skim milk for cottage cheese should not be less than the cost of its equivalent in nonfat dry milk of Grade A quality which might be secured from alternative sources. Producers explained that the deduction of 3.2 cents represented an adjustment to the price of nonfat dry milk to offset the costs to handlers of such operations as receiving and cooling and field work expense; the loss on butterfat separated from milk used to produce cottage cheese; and hauling charges for reserve butterfat moved to manufacturing plants. The total handling costs, amounting to 28.6 cents per hundredweight, suggested by producers were represented as the average handling costs for fifteen plants operated by the producers' association in the Chicago milkshed. The deduction of 3.2 cents was suggested after allowance also for the differential in price per pound usually received for nonfat dry milk of Grade A quality. The factor "8.5" represents the suggested yield of nonfat dry milk from a hundred pounds of skim milk.

Producers suggested further at the hearing that butterfat used to cream cottage cheese be priced at the present order price for Class II butterfat.

The expression of the South Bend-LaPorte Class II price in terms of a differential over the basic formula price will recognize an additional value for Grade A milk used for cottage cheese over the level of manufacturing prices and also will enable the price of skim milk to fluctuate with prices for manufacturing milk. Milk used to produce cottage cheese and that contained in fluid cream, among other products, is classified and priced as Class II milk under the Chicago order, on a price level above that for manufacturing uses such as butter, nonfat dry milk, cheese and evaporated milk. At the present time, the minimum price for butterfat in Class I milk under the South Bend-LaPorte order is aligned with the minimum price for butterfat in Class II milk under the Chicago order. The annual average price in 1955 for Class I butterfat was approximately 8 cents per pound over the manufacturing level of prices. The price of butterfat in Class II milk (new) should be in close alignment with the price of Class II butterfat (cream) under the Chicago order since butterfat at this price is available to Chicago handlers with fluid milk plants serving the South Bend-LaPorte marketing area. By using the Class I butterfat price to price Class II butterfat also the supply-demand adjustment will apply to the Class II butterfat price in the same manner as it applies to the Class I butterfat price. Therefore, it is concluded that the price of milk used to produce cottage cheese should be the basic formula price plus 70 cents for the months of August through February, and 45 cents for the months of March through July. Such Class II price differentials take into account the competitive influence originating in the Chicago market and also follow the seasonal pattern of pricing provided under the South Bend-LaPorte

order. After deducting the value of 3.5 pounds of butterfat in Class II milk at the proposed level, there would result a residual price for skim milk used in cottage cheese averaging, on the basis of 1955 data, approximately 32 cents above the price for skim milk for manufactured milk products included in the class to be redesignated as Class III milk. In view of the conclusion that a portion of the added value of milk for cottage cheese should be attributed to the butterfat, it is further concluded that the proposed formula adapts itself to the present over-all plan for skim milk and butterfat pricing more readily than the type of formula proposed by producers.

2. The transfer provisions should be modified only in conformity with the revised plan for the classification of milk.

Producers proposed that the transfer provisions be modified so that producer milk transferred or diverted from a regulated plant and then transshipped by an unregulated plant to a second unregulated plant without being received at the first unregulated plant would be classified on the basis of the utilization of such milk at the second unregulated plant. In addition, the transferred or diverted milk would be required to be commingled with receipts of other milk or cream at the unregulated plant where actually received, or the handler would not be allowed to claim Class II product utilization.

The producers' proposal to amend the transfer provisions in this manner is based on the allegation that certain quantities of milk which have been transferred or diverted by handlers, and classified as Class II at an unregulated plant, were not actually received at such plant. Presumably such milk, in unknown quantities, was moved to a second unregulated plant where it was used or disposed of for bottling purposes.

At the present time, the order provides that milk transferred or diverted from a regulated plant to an unregulated plant may be classified Class II if the respective parties involved in the transfer or diversion mutually indicate that such milk was utilized in Class II. The order requires the market administrator to check the records of the unregulated plant in order to determine whether the milk moved to the unregulated plant was received at such plant and an amount of milk at least equivalent to such transfer was so utilized in the plant.

The main purpose of allowing a Class II classification on milk transferred or diverted from regulated to unregulated plants in this market has been to facilitate the movement of reserve milk to plants where manufacturing facilities are available. In this connection, it has been considered important that a certain degree of flexibility be maintained in the provisions governing the disposition of reserve milk. Stringent transfer provisions could enhance the difficulties of the small volume handlers in disposing of minor quantities of reserve milk. The testimony does not reveal specific instances of abuse of these provisions. Moreover, the present order transfer provisions recognize the difficult administrative task of ascertaining the particular use of each hundred-weight of producer milk moved to an unregulated plant. There are administrative limitations involved in accounting for specific "lots" of transferred or diverted milk according to its actual, or physical, disposition at the unregulated plant. It does not appear that the problem complained of warrants the additional administrative difficulties involved in accounting for specific "lots" of milk.

For these reasons it is concluded that the proposed modification of the transfer provision should not be adopted.

3. The list of condenseries used in computing the basic formula price should be revised.

The list of condenseries, the pay-prices of which are used in connection with price formulas under the order, should include only those plants which are currently operating, and for which producer pay-prices are reported. The last revision of the list, in December 1953 (18 F. R. 8671), deleted the names of the Borden Company plants at Black Creek and Greenville, Wisconsin, and the Carnation Company at Jefferson, Wisconsin. Official notice is taken of the termination of operations at the Pet Milk Company Hudson, Michigan. In addition, the Carnation Company plants at Berlin and Chilton, Wisconsin, have terminated operations. The names of the following plants therefore should be deleted from the list appearing in § 967.50 (a): Carnation Company, Berlin, Wisconsin, Carnation Company, Chilton, Wisconsin, and Pet Milk Company, Hudson, Michigan. For convenience, the full list as revised is incorporated in the order amendments included in this decision.

4. The butter-cheese portion of the basic price formula should be deleted.

Producers proposed that the "condensery-code" price formula be deleted as a basic price formula. Handlers presented no opposition testimony to this proposal.

The basic price formula employs market prices for Chicago Grade A butter and Wisconsin State Brand Cheddar Cheese. In the present order, the basic formula price for any month is the highest price resulting from three formula prices, reflecting the values of milk used for condensing, for making butter and cheese, and for making butter and nonfat dry milk. The condensery-code price formula is one of the three. It reflects the value of milk used for butter and cheese.

This component of the basic price formula has not had significant effect in the South Bend order during the past several years. During the entire period January 1952 through June 1956, the butter-cheese component of the basic price formula was never sufficiently high in any month to be used as a basis of pricing Class I milk.

The necessity of appropriate alignment of South Bend milk prices with those established under the Chicago order is recognized. The record of this hearing contains ample evidence in this respect. The condensery-code price formula has already been deleted from the basic price formula of the Chicago order. In order to preserve further the alignment of prices under Orders No. 67 and 41, it is concluded that the condensery-code price formula should be deleted from Order No. 67.

5. No change should be made in the Class I price differential. Non-substantive changes in the language of the supply-demand adjuster should be adopted.

The major producers' cooperative supplying milk to regulated handlers proposed that the Class I milk price differential, which is added to the basic formula price, be changed to $1.30 for each month of the year. The Class I milk price differentials now provided in the order are $1.30 for the months of August through December, $1.10 for January and February, and 90 cents for the remaining months of the year. The annual monthly average of these differentials is $1.10.

The proposal to establish a Class I differential of $1.30 for each month was based on the following: (1) Production costs have increased, (2) the proposed price increase would not result in an undesirable price alignment with surrounding markets, (3) the base-excess plan eliminates the need for seasonal differentials, and (4) the price increase proposed is moderate and will not increase production.

The proposal was not supported on the basis of a need to increase the supply of milk for the market, but rather to increase returns to producers on the volume of milk currently being produced. The elimination of seasonal differentials was urged on the basis that the present base-excess plan is sufficient incentive for producers to establish a pattern of uniform milk production throughout the year.

Producers' proposal would have the effect of increasing the annual level of the Class I milk price. The present stated Class I differentials average $1.10 on an annual basis. This level of Class I price differentials (not including plus or minus supply-demand adjustments) has been provided for in Order No. 67 since November 1, 1952. Immediately prior to that date the annual average Class I differential was approximately 85 cents per hundredweight.

Between 1952 and 1955 Class I sales increased 33 percent, with the largest annual increase occurring in 1955. During this 4-year period receipts of producer milk increased 39 percent. This increase in total producer receipts is due to two important factors: (1) the 27 percent increase in production per farm, and (2) a 9 percent increase in producer numbers in this period.

During the first 6 months of 1956 production continued to increase, being up 18 percent over the corresponding months of the year before. Also, producer numbers increased 5 percent in the same period. Class I sales, during the first 6 months of 1956 increased 12 percent over the same period a year ago. The increase in producer receipts represents a somewhat greater volume of milk than the increase in Class I sales since the Class I sales total is less than total producer receipts. The fall and winter months are normally the months of relatively low milk production in the South Bend-LaPorte market. In the fall of 1955, the monthly percentages of producer milk utilized as Class I milk were as follows:

August	77.9	November	83.4
September	79.4	December	81.5
October	79.0		

It is concluded from the above that market supplies have responded adequately to the price levels (as modified by the supply-demand adjuster in response to changing conditions) which have prevailed during recent years. Supplies of producer milk at the present time serve to fulfill Class I milk requirements. It is concluded that an increase in the annual level of the Class I price should not be adopted.

The amount of seasonal variation in Class I price differentials was reduced with the amendment of December 1, 1954, which also made effective a base-excess plan of distributing returns to producers. Official notice is taken of the decision of the Secretary issued November 24, 1954, which supported such amendment. It was found appropriate at that time to establish a seasonal pattern of fixed differentials which would align prices closer with the Class I prices paid by handlers in surrounding marketing areas. While it was generally acknowledged that the adoption of the base-excess plan diminishes the need for seasonal variation in the Class I price, it was further recognized by interested parties that it is necessary, under present conditions, to have some seasonal change in the differentials in order to keep the price in this market competitive throughout the year with prices in areas with adjoining or overlapping milksheds. Of these, Chicago is the most important.

It is significant, too, that a substantial proportion of the fluid milk distributed within the South Bend-LaPorte marketing area originates in plants regulated and priced by the Chicago order. Although there has been marked improvement in the seasonal variation of producer deliveries during the past several months, and it is possible that further improvement would result from the elimination of seasonal pricing in conjunction with the base plan, the Class I price must remain competitive with the Chicago price as well as with prices in other surrounding areas in which regulated handlers distribute considerable quantities of Class I milk. The current hearing did not develop information on which to conclude that there is less need to maintain the South Bend-LaPorte and Chicago Class I prices in close relationship than was the case at the time the present price schedule was adopted.

It is concluded that the present seasonal differences in Class I price differentials should be retained.

Producers proposed that the present language of the supply-demand provision be modified to state that the adjustment in price (increase or decrease) will in each instance be the same as that resulting from action of the supply-demand adjuster contained in the Chicago order. The proposal was supported primarily on the basis that any modification of the Chicago supply-demand provision automatically should have a corresponding result under the South Bend-LaPorte order without the necessity of a hearing. Handlers expressed no opposition to this proposal.

The language of the present South Bend-LaPorte supply-demand adjustment provision has been revised on several occasions in order that it might be kept the same as the comparable provisions of Order No. 41 for Chicago. The data currently used to compute the adjustment are Chicago supply-sales data, not those of the South Bend-LaPorte market. Since it has been indicated that prices in the two markets should be closely aligned, it would be appropriate to adopt the proposed language in the South Bend-LaPorte order. This would not change the substantive effect of the present supply-demand provision but would obviate the necessity of modifying language in the South Bend-LaPorte order whenever the Chicago supply-demand provision might be amended. Should it become desirable to provide different supply-demand adjusters in the respective markets, a separate hearing on this order could be proposed to consider such an action. It is concluded that the proposal concerning the language of the supply-demand adjustment provision should be adopted.

6. A separate classification and price for butterfat used in churning butter should not be adopted.

Handlers proposed that butterfat used in churning butter should have a separate classification, and be priced the same as 92-score butter on the Chicago market.

In supporting the proposal, handlers testified that in 1955, an average of 24,000 pounds of butterfat per month was used for churning operations, usually in unregulated plants. For the first six months of 1956, approximately 31,000 pounds of butterfat per month were used in this manner. Much of such butterfat was churned on a custom basis, presumably returned as butter to regulated handlers for sale to their customers. Handlers contended that they lose 5 to 10 cents per pound on such butterfat, i. e., the difference between the South Bend-LaPorte Class II butterfat price and their sale price to butter manufacturing plants.

The proposal is intended to relieve handlers of losses incurred by them in the disposition of butterfat for churning. They argued that producers should assume a portion of these losses since the handlers have had to accept more butterfat than actually needed in procuring a sufficient quantity of milk for fluid disposition. However, it was conceded by proponents that there is opportunity in the over-all operation of a fluid milk business to recover whatever losses are incurred whether in the cream department or elsewhere.

It was further argued that the adoption of the proposal would encourage producers to deliver milk of lower butterfat content, in closer conformance with the consumer demand for products of lower butterfat content.

Producers contended that cream for churning can be sold at the present Class II butterfat price and that to adopt the proposal would shift to producers the losses resulting from poor sales outlets.

At the present time, butterfat used for churning butter is classified in Class II and priced accordingly. The Class II price for butterfat is computed by adding 20 percent to the Chicago 92-score butter price and then multiplying by 1,000. This has resulted in annual average Class II butterfat prices per hundredweight in 1952, 1953, 1954 and 1955 of $87, $79, $72 and $69, respectively. During that period, the proposal would have resulted in annual average prices for butterfat used for butter of $72, $66, $60 and $57, representing a significant reduction from the present level.

A large portion of the reserve quantity of butterfat in the market is utilized in ice cream and ice cream mix, and not necessarily utilized for churning. Approximately 84 percent of the total Class II butterfat during the 18 months prior to the hearing was utilized in products yielding higher returns to handlers than butterfat for churning. Approximately 16 percent of the Class II butterfat during this period was disposed of for churning. The latter quantity is equivalent to less than one percent of the total butterfat in producer milk. Recognizing that reserves are necessary for a handler to conduct a fluid milk operation, the small quantity of butterfat which is disposed of for churning may not be considered burdensome. It is concluded that a separate classification and pricing for butterfat used for churning should not be adopted.

7. Other changes in the order involve the redesignation of paragraph references to conform with recommendations contained herein to amend the classification and pricing provisions of the order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed find-

ings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Recommended marketing agreement and amendments to the order. The following amendments to the order, as amended, regulating the handling of milk in the South Bend-LaPorte, Indiana, marketing area are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out (the recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended):

1. In § 967.22 (l) (1) delete the phrase "pursuant to § 967.51" and substitute "pursuant to §§ 967.51 through 967.53".

2. Delete § 967.41 and substitute the following:

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk solids; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b) of this section, and in subparagraphs (1), (2), (3) and (4) of this paragraph; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

3. Delete § 967.44 and substitute the following:

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization in another class is matually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided*, That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2) or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2) or (3) unless (1) the transferor handler claims use in another class on the basis of utilization in the unapproved plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

4. In § 967.45 delete the phrase "in Class I milk and Class II milk" and substitute "in each class".

5. In § 967.46 (c) delete the phrase "pursuant to § 967.41 (b) (7), in series beginning with Class II milk" and substitute therefor the phrase "pursuant to § 967.41 (c) (7), in series beginning with Class III milk".

6. In § 967.46 (e) delete the phrase "with Class II milk" and substitute therefor the following "with Class III milk".

7. Delete that portion of § 967.50 preceding paragraph (a) thereof and substitute therefor the following:

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for the delivery period shall be the higher of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a) and (b) of this section:

8. Delete the list of plants and locations appearing in § 967.50 (a) and substitute therefor the following:

Present operator:	*Location*
Borden Co	Mount Pleasant, Mich.
Borden Co	New London, Wis.
Borden Co	Orfordville, Wis.
Carnation Co	Oconomowoc, Wis.
Carnation Co	Richland Center, Wis.
Carnation Co	Sparta, Mich.
Pet Milk Co	Belleville, Wis.
Pet Milk Co	Coopersville, Mich.
Pet Milk Co	New Glarus, Wis.
Pet Milk Co	Wayland, Mich.
White House Milk Co	Manitowoc, Wis.
White House Milk Co	West Bend, Wis.

9. Delete § 967.50 (b) in its entirety.

10. Redesignate § 967.50 (c) as § 967.50 (b).

11. Delete the proviso in § 967.51 (a) and substitute therefor the following: "*Provided*, That such Class I price differential shall be increased or decreased, respectively, by the supply-demand adjustment computed under Federal Order No. 41 regulating the handling of milk in the Chicago, Illinois, marketing area."

12. In § 967.51 (b) delete the reference to ."§ 967.50 (c) (2)" and substitute therefor the reference "§ 967.50 (b) (2)."

13. In § 967.51 (b) delete the reference to "§ 967.50 (c)" and substitute therefor the reference "§ 967.50 (b)."

14. Delete § 967.51 (d) in its entirety.

15. Delete § 967.52 and substitute therefor the following:

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk), the following amount for the delivery period indicated: August, September, October, November, December, January and February, $0.70; all others $0.45.

(b) The amount computed pursuant to § 967.51 (b) shall be the price of butterfat in Class II milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount specified in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class II milk: *Provided*, That in no event shall the price of skim milk pursuant to this paragraph be less than the price computed pursuant to § 967.53 (b).

16. Add a new § 967.53 as follows:

§ 967.53 *Class III milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class III milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class III milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

17. Delete § 967.71 (e) (1) and substitute therefor the following:

(1) Compute the total value on a 3.5 percent butterfat basis of excess milk included in the computations pursuant to paragraph (a) of this section by multiplying the hundredweight of such excess milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.5 percent butterfat content, and multiplying the hundredweight of such excess milk in excess of such Class III milk in series by the price for Class II milk and Class I milk, respectively, of 3.5 percent butterfat content, and adding together the resulting amounts.

18. In § 967.80 (b) delete the phrase "Class I milk and Class II milk" and substitute therefor the following "Class I milk, Class II milk and Class III milk."

Filed at Washington, D. C., this 6th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1018; Filed, Feb. 8, 1957; 8:50 a. m.]

[7 CFR Part 997]

FILBERTS GROWN IN OREGON AND WASHINGTON

PROPOSED ADMINISTRATIVE RULE FOR OBTAINING CANDIDATES IN CONNECTION WITH NOMINATION ELECTIONS FOR CERTAIN MEMBERS AND ALTERNATE MEMBERS OF FILBERT CONTROL BOARD

Notice is hereby given that the Department is considering the issuance of the administrative rule herein set forth pursuant to the provisions of Marketing Agreement No. 115, as amended, and Marketing Order No. 97, as amended (7 CFR Part 997), regulating the handling of filberts grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Prior to final issuance of such rule, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and which are received not later than the close of business on the 7th day after publication of this notice in the FEDERAL REGISTER, except that if such day should fall on a holiday, Saturday, or Sunday, such submission may be received by the Director not later than the close of business on the next following workday.

Section 997.32(b) of the aforesaid marketing agreement and order, as amended, provides for the submission, by petition, prior to February 10th of each fiscal year, of names of grower candidates to represent growers who market their production through other than cooperative handlers for inclusion with ballots to be used in voting for nominees for positions on the Filbert Control Board. It is further provided in such section that, if the Secretary should determine that the aforementioned procedure is unsatisfactory to the growers involved because it is too difficult to administer, it does not result in the names of a sufficient number of qualified candidates being submitted with the ballots, or it should be changed for other reasons, he may change this procedure through the formulation and issuance of superseding regulations.

Experience up to this time has indicated that a reasonably adequate number of such candidates for balloting purposes has not been obtained through the petition method. In the circumstances, this Department is considering issuance of the following supplemental procedure.

§ 997.432 *Nominations.* Whenever petitions submitted pursuant to § 997.32 (b) fail to result in submission of at least twice as many names as there are positions to be filled, the Board shall request County Agricultural Agents in all filbert producing counties which produced an average of at least 10 percent of the total production in the area of production during the preceding year, to recommend a qualified grower for each position to be included on the ballot.

Dated: February 6, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1020; Filed, Feb. 8, 1957; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

WIND RIVER IRRIGATION PROJECT, WYOMING

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404, 79th Congress, 60 Stat. 238) and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 583; 25 U. S. C. 383; 39 Stat. 142; and 45 Stat. 210; 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 351, Amendment No. 1, 16 F. R. 5454-7), notice is hereby given of intention to modify the notice published in the FEDERAL REGISTER under date of January 8, 1957, § 130.95 of Title 25, dealing with irrigable lands of the Wind River Irrigation Project to read as follows:

In compliance with the provisions of the acts of August 1, 1914 and March 7, 1928 (39 Stat. 583, 25 U. S. C. 385; 45 Stat. 210; 25 U. S. C. 387), the notice published under date of January 8, 1957, is hereby modified to read: Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to the Area Director, Bureau of Indian Affairs, Billings, Montana, within forty-four (44) days from the date of publication of this notice of intention to modify in the daily issue of the FEDERAL REGISTER.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57-996; Filed, Feb. 8, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

PENICILLIN AND PENICILLIN-CONTAINING DRUGS INTENDED FOR USE BY THE INTRAMAMMARY ROUTE

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, on his own initiative, and in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507 (f), 59 Stat. 463, as amended; 21 U. S. C. 357 (f)) and under authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1696) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing

Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposals set forth below. Written views and comments should be filed in quintuplicate.

It is proposed to amend all the regulations relating to penicillin and penicillin-containing drugs (21 CFR Parts 146a, 146b, 146c, 146d, 146e) to establish 100,000 units of penicillin as the maximum single dose in those preparations intended for use in the treatment of mastitis in milk-producing animals and administered by the intramammary route.

The proposed amendments are based on the following facts that have come to the attention of the Food and Drug Administration:

1. Substantial quantities of penicillin are used in the treatment of mastitis in milk-producing animals by the intramammary route of administration. If the milk from animals so treated is consumed too soon after the last treatment, it will contain penicillin residues. Notwithstanding the fact that since 1951 § 3.25 of Title 21 of the Code of Federal Regulations has required the labeling of such drugs to bear the statement, "Important: Milk from treated segments of udders should be discarded or used for purposes other than human consumption for at least 72 hours after the last treatment," significant quantities of penicillin are present in the Nation's milk supply. This has been confirmed by three nationwide surveys conducted by the Food and Drug Administration in which samples of market milk were collected and tested for penicillin.

2. In collaboration with representatives of the Food and Drug Administration, these results were reviewed by more than 30 of the country's medical authorities in the fields of antibiotic therapy, allergy, and pediatrics. It was the consensus that these concentrations of penicillin in milk might possibly cause allergic reactions in those consumers that are extremely sensitive to the drug.

3. When penicillin preparations specifically intended for use in the treatment of mastitis by intramammary infusion were first certified in 1947, it was shown that repeated doses of 25,000 units for each infected segment of the udder were effective in the treatment of those infections caused by penicillin-sensitive microorganisms. Since that time, this dose has been gradually increased by some manufacturers of these preparations to 1,500,000 units. There is no evidence that these massive doses increase the clinical efficiency of the drug. Furthermore, the time required for penicillin to be eliminated from the milk of animals treated with these large doses is longer than with smaller doses.

4. The proposed amendment may not eliminate penicillin from the milk supply. If it does not, consideration will be given to prohibiting the use of penicillin in any amount in preparations intended for treatment of mastitis by the intramammary route.

Dated: February 5, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-994; Filed, Feb. 8, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ALAMOSA AUCTION ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Alamosa Auction, Alamosa, Colo.
Cortez Sale Barn, Cortez, Colo.
Craig Livestock Auction, Craig, Colo.
Delta Sales Yard, Delta, Colo.
Alsbury's Sales Pavilion, Glenwood Springs, Colo.
Grand Junction Livestock Auction, Grand Junction, Colo.
Valley Livestock Auction Co., Grand Junction, Colo.
H. & G. Livestock Commission Co., Montrose, Colo.
McCanless-Hess Livestock Commission Co., Pueblo, Colo.
Rifle Sales Yard, Rifle, Colo.
Salida Livestock Commission Co., Inc., Salida, Colo.
Trinidad Livestock Commission Co., Trinidad, Colo.
Yampa Valley Livestock Sales, Steamboat Springs, Colo.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of February 1957.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-1022; Filed, Feb. 8, 1957; 8:51 a. m.]

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEES FOR ALABAMA, FLORIDA, GEORGIA AND MISSISSIPPI

The Allotment and Marketing Quota Regulations for Peanuts of the 1957 and subsequent crops (21 F. R. 9370, 9760), issued pursuant to the allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281-1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein redelegations of authority vested in the Agricultural Stabilization and Conservation State Committees by the regulations referred to above which have been made for the 1957 crop of peanuts by such committees in the States listed. The following sets forth the sections of the regulations containing the authority being redelegated and the persons to whom the authority has been redelegated.

ALABAMA

Section 729.828—To B. L. Collins, State Administrative Officer.

FLORIDA

Sections 729.811 (p) (5), 729.818, 729.820 (a), 729.822 (a) and 729.855—To the State Administrative Officer or the person acting in such capacity.

Sections 729.817 (b) (5) and 729.828—To the State Administrative Officer or the person acting in such capacity and to District Farmer Fieldmen.

GEORGIA

Sections 729.811 (p) (5), 729.811 (ff) (5), 729.820 (a), 729.822 (a) and 729.849 (b)—To the State Administrative Officer or the person acting in such capacity and to the Program Specialist in charge of peanut allotment and marketing quota work.

Sections 729.818 and 729.828—To the State Administrative Officer or the person acting in such capacity, Program Specialists engaged in peanut allotment and marketing quota work, District Farmer Fieldmen and District Farmer Fieldmen Trainees.

Section 729.849 (c)—To the State Administrative Officer or the person acting in such capacity.

MISSISSIPPI

Sections 729.817, 729.818, 729.819, 729.820, 729.824, 729.827, 729.853, 729.855 and 729.857—To the State Administrative Officer or the person acting in such capacity.

Sections 729.822 and 729.828—To the State Administrative Officer or the person acting in such capacity, the Program Specialist in charge of peanut allotment and marketing quota work and District Farmer Fieldmen.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361-368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90 as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361-1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C. this 5th day of February 1957.

[SEAL] CLARENCE L. MILLER,
Acting Administrator, Commodity Stabilization Service.

[F. R. Doc. 57-1025; Filed, Feb. 8, 1957; 8:51 a. m.]

DESIGNATION OF REPRESENTATIVES OF SECRETARY OF AGRICULTURE

Pursuant to the authority vested in the Administrator of the Commodity Stabilization Service by the Secretary of Agriculture (19 F. R. 77), the Chairman and the Administrative Officer of every Agricultural Stabilization and Conservation State Committee are each hereby designated a Representative of the Secretary of Agriculture with authority to execute in the name of the United States Department of Agriculture, contracts, agreements, or other documents relating to the procurement, handling, payment, and related services for section 32 programs as authorized by program directives issued to Commodity Stabilization Service pursuant to the Memorandum of Understanding Between Agricultural Marketing Service and Commodity Stabilization Service. (See Commodity Stabilization Service Instruction 114-3.) Such authority shall be exercised with respect to commodities or functions which have been assigned to his respective Agricultural Stabilization and Conservation State Committee. The authority herein conferred may be exercised by any person who is serving in such position in an acting capacity.

Effective date: January 2, 1957.

Issued this 5th day of February 1957.

[SEAL] WALTER C. BERGER,
Administrator, Commodity Stabilization Service.

[F. R. Doc. 57-1052; Filed, Feb. 8, 1957; 8:51 a. m.]

Commodity Stabilization Service and Commodity Credit Corporation

APPOINTMENT OF COMMODITY CREDIT CORPORATION CONTRACTING OFFICERS

Pursuant to the authority vested in the Executive Vice President, Commodity Credit Corporation, by the by-laws of the Commodity Credit Corporation, the Chairman and the Administrative Officer of every Agricultural Stabilization and Conservation State Committee are each hereby appointed a contracting officer of the Commodity Credit Corporation with authority to execute in the name of the Corporation contracts, agreements, or other documents or any amendments or supplements thereto under authorized programs of Commodity Credit Corporation and with respect to commodities or functions which shall have been assigned to his respective Agricultural Stabilization and Conservation State Committee.

The authority herein delegated shall be exercised in conformity with the by-laws, regulations, and programs of Commodity Credit Corporation and the policies adopted by the Board of Directors of the Commodity Credit Corporation. The authority herein conferred may be exercised by any person who is serving in such position in an acting capacity.

Effective date: January 2, 1957.

Issued this 5th day of February 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President, Commodity Credit Corporation.

[F. R. Doc. 57-1024; Filed, Feb. 8, 1957; 8:51 a. m.]

HAWAIIAN SUGARCANE

NOTICE OF HEARING ON PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq), notice is hereby given that a public hearing will be held as follows:

At Hilo, on the Island of Hawaii, in the Auditorium of the Hilo Electric Light Company, Limited, on Kilauea Avenue, on March 26, 1957, at 9:30 a. m.

The purpose of the hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301 (c) (2) of said act, fair and reasonable prices for the 1957 crop of Hawaiian sugarcane to be paid, under either purchase or toll agreement, by producers who process sugarcane grown by other producers and who apply for payments under the said act.

The hearing after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to the foregoing matter.

Lawrence Myers, L. C. Holm, A. A. Greenwood, and Will N. King are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 6th day of February 1957.

[SEAL] THOS. H. ALLEN,
Acting Director, Sugar Division.

[F. R. Doc. 57-1026; Filed, Feb. 8, 1957; 8:51 a. m.]

Office of the Secretary

KANSAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following area was determined on January 31, 1957, to be affected by the above-mentioned major disaster:

KANSAS

Nine townships in Pottawatomie County: Green, Pottawatomie, Union, Center, St. Clare, Emmett, Louisville, and those parts of Blue and St. George Townships north of the new Highway 24.

Done at Washington, D. C., this 6th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1027; Filed, Feb. 8, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[61418]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 5, 1957.

1. Notice is given that the plat original survey of the following described lands accepted August 18, 1954 will be officially filed in this office, effective at 10:00 a. m., on the 35th day after the date of this notice:

TALLAHASSEE MERIDIAN, FLORIDA

T. 42 S., R. 21 E.,
Sec. 23, Lot 4, containing 2.05 acres;
Sec. 25, Lot 1, containing 2.34 acres;
Sec. 34, Lot 1, containing 6.83 acres; Lot 2, containing 1.17 acres;
Sec. 35, Lot 1, containing 0.31 acres; Lot 2, containing 7.54 acres.

2. This plat represents the survey of islands in the waters of Charlotte Harbor which were not included in the original survey of the township.

3. By Executive Order No. 958 of October 23, 1908, all unsurveyed islands in above-mentioned township were with-

drawn for the Island Bay Reservation, name changed to Island Bay National Wildlife Refuge by Proclamation No. 2416 of July 27, 1940.

4. Anyone having a valid settlement or right to any of the lands initiated prior to the date of withdrawal of the land should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public land law setting forth all facts relevant thereto.

5. All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-997; Filed, Feb. 8, 1957; 8:46 a. m.]

Office of the Secretary

REID BRAZELL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

FEBRUARY 5, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Reid Brazell.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

Title of the appointee's position: Consultant.

Name of the appointee's private employer: None.

Date of appointment: January 7, 1957.

The statement of "financial interests" for the above appointee is set forth below.

THOMAS H. TELLIER,
Personnel Officer.

Statement of Financial Interest

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporations of which I am, or had been within 60 days preceding my appointment, on January 7, 1957, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director.

Leonard Refineries, Inc.
Leonard Oil, Inc.
Meridian Drilling Co.
WFYC, Inc.
First State Bank of Alma, Mich.
West Park Development, Inc.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests.

Leonard Refineries, Inc.
Leonard Oil, Inc.
Meridian Drilling Co.
WFYC, Inc.
First State Bank of Alma, Mich.
West Park Development, Inc.
Hiawatha Oil and Gas Co.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment.

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment.

None.

REID BRAZELL.

JANUARY 24, 1957.

[F. R. Doc. 57-998; Filed, Feb. 8, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. M-77]

PRUDENTIAL STEAMSHIP CORP. ET AL.

NOTICE OF HEARING ON APPLICATIONS TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Pub. Law 591, 81st Cong., 50 U. S. C. App. 1738), on February 25, 1957, at 9:30 a. m., in the offices of the Federal Maritime Board in the New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the applications of:

(1) Prudential Steamship Corporation to bareboat charter ten (10) Liberty-type vessels to be used in trade between the United States and Japan and other foreign countries, principally as bulk carriers of iron and steel scrap;

(2) Polarus Steamship Co., Inc., to bareboat charter ten (10) Liberty-type vessels to be used in trade from the United States to Japan and other foreign destinations principally in the transportation of scrap iron and pig iron and related steel products;

(3) West Coast Steamship Company to bareboat charter five (5) Liberty-type vessels for the carriage of government-sponsored bulk cargoes of grain and/or coal from U. S. ports to Japan, Korea, and Formosa, together with such other cargoes and between such other ports as may be approved by the Maritime Administrator; and

(4) Paroh Steamship Company to bareboat charter two (2) Liberty-type vessels for the carriage of government-sponsored bulk cargoes from U. S. Atlantic and Gulf ports to Continental, Mediterranean, and Far Eastern ports, and from U. S. Pacific ports to Korea, Japan, India, and Pakistan, and wherever government-sponsored foreign aid cargoes are destined.

The purpose of the hearing is to receive evidence with respect to whether the services for which such vessels are proposed to be chartered are required in the public interest and are not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such services. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the applications will be given an opportunity to be heard if present, and applications from qualified applicants to bareboat charter additional vessels for offshore employment which are received by the close of business on February 21, 1957, will be considered in the proceedings.

An Examiner from the Hearing Examiner's Office will preside at the hearing, and oral argument may be had at the conclusion of the receipt of evidence in lieu of briefs. An initial decision will be issued. The time for filing exceptions thereto is hereby restricted to seven (7) days, and no replies to exceptions will be received.

By order of the Federal Maritime Board.

Dated: February 7, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1029; Filed, Feb. 8, 1957; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, 10 percent of the total number of factory production workers were authorized for employment.

American Apparel Co., Inc., Roodhouse, Ill.; effective 1-16-57 to 1-15-58; five learners (Women's, misses' and juniors' dresses).

American Apparel Co., Inc., White Hall, Ill.; effective 1-16-57 to 1-15-58 (Women's, misses', and juniors' dresses).

Blue Bell, Inc., 626 South Elm Street, West Lee and Fuller Streets, Greensboro, N. C.; effective 1-21-57 to 1-20-58 (misses' and girls' shorts).

Calloway Manufacturing Co., Second and Poplar Streets, Murray, Ky.; effective 1-21-57 to 1-20-58 (men's work trousers).

Cambria Dress Manufacturing Co., Inc., Corner of Walter and Johnson Streets; effective 1-14-57 to 1-13-58; 10 learners (dresses).

Campus Shirt Co., 130 East South Street, Barnesville, Ohio; effective 1-23-57 to 1-22-58 (men's and boys' sport shirts).

Carole Industries, Inc., Rutherfordton, N. C.; effective 1-28-57 to 1-27-58 (ladies' and misses' woven pajamas).

Centre Manufacturing Co., Inc., Centre, Ala.; effective 1-16-57 to 1-15-58 (men's and boys' apparel).

Chickadee Dress Co., Inc.; 835 East Fourth Street, Bethlehem, Pa.; effective 1-18-57 to 1-17-58; 10 learners (ladies' dresses).

City Shirt Co., 19-21 West Vine Street, Mahanoy City, Pa.; effective 2-1-57 to 1-31-58 (sport and uniform shirts).

Elsing Manufacturing Co., South on Highway 69, McAlester, Okla.; effective 1-17-57 to 1-16-58; five learners. Learners may not be employed at special minimum wages in the production of separate skirts (women's blouses, dresses).

Hanover Shirt Co., Inc., Ashland, Va.; effective 1-27-57 to 1-26-58 (men's cotton flannel sport shirts).

Hebron Pants Factory, Hebron, Md.; effective 2-4-57 to 2-3-58 (cotton work pants).

Huggins Garment Co., Inc., Donalds, S. C.; effective 1-9-57 to 1-28-58 (men's sport and utility shirts).

Morgan Shirt Co., Inc., Morgantown, W. Va.; effective 1-17-57 to 1-16-58 (ladies' mantailored blouses).

Philip Rothenberg & Co., Inc., Shellenberger Plant, McAlisterville, Pa.; effective 1-18-57 to 1-17-58 (dress and sport shirts).

Tennessee Overall Co., 401 North Atlantic Street, Tullahoma, Tenn.; effective 1-23-57 to 1-22-58; 10 learners (men's cotton work pants).

True Loom Manufacturing Co., Inc., Lafayette, Tenn.; effective 2-15-57 to 2-14-58 (men's sport shirts).

Willards Shirt Co., Willards, Md.; effective 1-29-57 to 1-28-58 (cotton work shirts).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Centre Manufacturing Co., Inc., Centre, Ala.; effective 1-16-57 to 7-15-57; 75 learners (men's and boys' apparel).

Harriet Shirt Co., Inc., Exmore, Va.; effective 1-17-57 to 7-16-57; 15 learners (boys' shirts and pajamas).

International Latex Corp., Manchester, Ga.; effective 1-18-57 to 4-14-57; 130 learners (infants' wear and brassieres).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Knoxville Glove Co., 819 McGhee Street, Knoxville, Tenn.; effective 1-15-57 to 1-14-58; 10 percent of the total number of machine stitchers, for normal labor turnover purposes (cotton, Jersey and leather-palm work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Acme Hosiery Dye Works, Inc., Pulaski, Va.; effective 1-25-57 to 1-24-58; 5 percent of total number of factory production workers for normal labor turnover purposes (full fashioned).

Durham Hosiery Mills, Plant No. 14, 109 South Corcoran Street, Durham, N. C.; effective 1-25-57 to 1-24-58; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned).

Koury Hosiery Mills, Inc., 1247 South Park Avenue, Burlington, N. C.; effective 1-18-57 to 1-17-58; five learners for normal labor turnover purposes (seamless).

Parkdale Hosiery Mill, Catawba, N. C.; effective 1-18-57 to 1-17-58; five learners for normal labor turnover purposes (seamless).

Virginia Maid Hosiery Mills, Inc., Pulaski, Va.; effective 1-25-57 to 1-24-58; 5 percent of total number of factory production workers for normal labor turnover purposes (full fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Reverie Lingerie, Inc., Hillsboro, N. C.; effective 2-1-57 to 1-31-58; five learners for normal labor turnover purposes (ladies' and children's nylon and rayon underwear).

Shadowline, Inc., Morganton, N. C.; effective 1-15-57 to 1-14-58; five percent of total number of factory production workers for normal labor turnover purposes (panties, pettiskirts, gowns, etc).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

B. E. Cole Co., Beal & Lynn St., Norway, Maine; effective 1-18-57 to 1-17-58; 10 percent of total number of factory production workers for normal labor turnover purposes (women's novelty shoes).

Columbia Novelty Slipper Co., Hazleton, Pa.; effective 1-17-57 to 1-16-58; 10 percent of total number of factory production workers for normal labor turnover purposes.

Francine Shoe Co., Beal Street, Norway, Maine; effective 1-18-57 to 1-17-58; 10 percent of total number of factory production workers for normal labor turnover.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Palm Beach Co., Blackville, S. C., effective 1-21-57 to 1-20-58; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's summer clothing and slacks).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Newbury Park Academy, Newbury Park, Calif.; effective 1-14-57 to 8-31-57; 10 student workers to be employed in the broom industry, in the occupations of broom maker, sorter, winder, stitcher, and related skilled and semiskilled occupations; each for a learning period of 360 hours at rates of 80 cents an hour for the first 180 hours and 85 cents an hour for the remaining 180 hours.

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 25th day of January 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-999; Filed, Feb. 8, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10326, etc.]

SUNRAY-MIDCONTINENT OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 4, 1957.

In the matters of Sunray-Midcontinent Oil Company, Docket Nos. G-10326, G-10370, G-10532; Phillips Petroleum Company, Docket No. G-10329; Southland Royalty Company, Docket No. G-10330; Austral Oil Exploration Company, Inc., Operator, Docket No. G-10338; Ralph Sutton, et al., Docket No. G-10340; Colorado Oil and Gas Corporation, Docket Nos. G-10348; G-10545; Texas Gulf Producing Company, Docket No. G-10355; W. E. Bakke, Docket No. G-10356; United States Smelting Refining and Mining Company, Docket No. G-10362; P. R. Rutherford, Operator, et al., Docket No. G-10363; Panola Trading Company, Inc., Docket No. G-10365; J. C. Trahan, Drilling Contractor, Inc., Docket No. G-10372; Harold E. Mott, Agent, et al., Docket No. G-10374; Anderson-Prichard Oil Corporation, Docket Nos. G-10384, G-10519, G-10624; C. H. Lyons, Jr., et al., Docket No. G-10385; Walker Gas Company, Docket No. G-10387; Champlin Refining Company, Docket No. G-10389; Smith and Turner, A Partnership, Docket No. G-10391; Buffalo Oil Company, Docket No. G-10397; Jake L. Hamon, Docket No. G-10401; Shawver-Armour, Inc., Operator, et al., Docket No. G-10404; Alton Coats and Olin Gas Transmission Corporation, Docket No. G-10408; Moran and Company, Docket No. G-10410; James Donoghue, Operator, et al., Docket No. G-10411; Gulf Natural Gas Corporation, Operator, Docket No. G-10415; United Carbon Company, Inc. (Maryland), Docket No. G-10416; Bel Oil Corporation, Docket No. G-10417; Greenbrier Oil Company, Operator, et al., Docket No. G-10419; Amerada Petroleum Corporation, Docket Nos. G-10428, G-10432, G-10433, G-10505; West Virginia Production Company, Docket Nos. G-10429, G-10430; H. F. Sears, Docket No. G-10431; Edgar W. White, Docket No. G-10444; Midstates Oil Corporation, Docket Nos. G-10445, G-10468; Schermerhorn Oil Corporation, Kenwood Oil Company and J. Hiram Moore, Docket No. G-10448; Sinclair Oil and Gas Company, et al., Docket No. G-10456; Howard Drew, Docket No. G-10457; Schermerhorn Oil Corporation and Kenwood Oil Company, Docket No. G-10459; The Chicago Corporation, Operator, et al., Docket No. G-10461; Paul F. Barnhart, Docket No. G-10462; Paul F. Barnhart, et al., Docket No. G-10463; Petroleum, Inc., Operator,

Docket No. G–10474; Delhi-Taylor Oil Corporation, Docket No. G–10475; Shell Oil Company, Docket Nos. G–10477, G–10479; United Producing Company, Inc., Docket Nos. G–10478, G–10523; Sun Oil Company (Gulf Coast Division), Docket No. G–10480; Honolulu Oil Corporation, Docket No. G–10484; Trans-Tex Drilling Company, Docket No. G–10485; Weldon H. Littell, Docket No. G–10487; Bachus Oil Company, et al., Docket No. G–10488; C. B. Webster, Docket No. G–10489; Makin Drilling Company, Docket Nos. G–10491, G–10644; Appalachian Sulphides, Inc., Docket No. G–10495; Sinclair Oil and Gas Company, Docket Nos. G–10502, G–10567; The Atlantic Refining Company, Docket No. G–10503; Phillips Petroleum Company, Operator, Docket No. G–10504; A. J. Kirkpatrick Gas Company, George W. Miller, et al., Docket No. G–10508; Monsanto Chemical Company, Docket No. G–10509; Harper Oil Company, Operator, Docket No. G–10514; Apache Oil Corporation, Docket No. G–10516; R. Olsen, Docket No. G–10518; General Petroleum Corporation, Docket No. G–10525; The Superior Oil Company, Docket No. G–10526; J. Paul Ratliff, Jr., Operator, Docket No. G–10534; Standard Oil Company of Texas, Docket No. G–10536; J. R. Meeker, Docket No. G–10541; Tidewater Oil Company, Docket No. G–10542; Kilroy Company of Texas, Inc., Operator, et al., Docket No. G–10543; The Texas Company, Docket No. G–10547; Trigood Oil Company, Docket No. G–10560; Northeast Blanco Development Corporation and K. E. McAfee, Docket No. G–10682; Excelsior Oil Corporation, Docket Nos. G–10932, G–10933; C. A. Brian, Operator, Docket No. G–10990; Continental Oil Company, Docket No. G–11518.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell or propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No. G–; Location of Field; and Buyer

10326; Carthage Field, Panola County, Texas; Arkansas Louisiana Gas Company.

10329; Leases comprising approximately 5,884.39 acres in the Stiles Field, Reagan County, Texas; Permian Basin Pipe Line Company.

10330; Stiles Field, Reagan County, Texas; Phillips Petroleum Company.

10338; Marie Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

10340; Acreage in Union District, Ritchie County, West Virginia; Carnegie Natural Gas Company.

10348; Keyes Field, Cimarron County, Oklahoma; Colorado Interstate Gas Company.

10355; Clear Creek Field, Beauregard and Allen Parishes, Louisiana; Trunkline Gas Company.

10356; Benedum-Spraberry Field, Upton County, Texas; El Paso Natural Gas Company.

10362; Ignacio Field, La Plata County, Colorado; El Paso Natural Gas Company.

10363; Headlee Field, Ector and Midland Counties, Texas; El Paso Natural Gas Company.

10365; Waskom Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

10370; Greenwood (Sparks) Field, Stanton County, Kansas; Colorado Interstate Gas Company.

10372; South Hallsville Field, Harrison County, Texas; Texas Eastern Transmission Corporation.

10374; Vannoy Field, Gilmer County, West Virginia; Equitable Gas Company.

10384; 160 acres, Windham "B" Lease, Upton County, Texas; El Paso Natural Gas Company.

10385; South Hallsville Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

10387; Acreage in Oceana District, Wyoming County, West Virginia; Hope Natural Gas Company.

10389; Medicine Lodge Field, Barber County, Kansas; Cities Service Gas Company.

10391; Carthage Field, Panola County, Texas; United Gas Pipe Line Company.

10397; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

10401; Flores Field Area, Starr County, Texas; Tennessee Gas Transmission Company.

10404; Brumley Field, Sedgwick County, Kansas; Cities Service Gas Company.

10406; Bethany Field, Panola County, Texas; Tennessee Gas Transmission Company.

10410; Indian Fork Court House District, Lewis County, West Virginia; Equitable Gas Company.

10411; Certain leases in Meade County, Kansas; Panhandle Eastern Pipe Line Company.

10415; Pine Island Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

10416; Northwest Eva Field, Texas County, Oklahoma; Colorado Interstate Gas Company.

10417; Clear Creek Field, Beauregard and Allen Parishes, Louisiana; Trunkline Gas Company.

10419; Drinkard Field, Lea County, New Mexico; El Paso Natural Gas Company.

10428; Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.

10429; Acreage in Sheridan District, Calhoun County, West Virginia; Hope Natural Gas Company.

10430; Acreage in Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

10431; West Panhandle Field, Hutchinson County, Texas; Colorado Interstate Gas Company.

10432; 5,120 acres in Jicarilla Apache Area, Rio Arriba County, New Mexico; El Paso Natural Gas Company.

10433; 14,400 acres in Jicarilla Apache Area, Rio Arriba County, New Mexico; El Paso Natural Gas Company.

10444; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

10445; Elysian Field Area, Harrison and Panola Counties, Texas; United Gas Pipe Line Company.

10446; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

10456; East Call Field, Newton County, Texas; Texas Eastern Transmission Corporation.

10457; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

10459; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

10461; Carthage Field, Panola County, Texas; Tennessee Gas Transmission Company.

10462, 10463; Spraberry Trend Area, Upton and Reagan Counties, Texas; El Paso Natural Gas Company.

10468; Bethany-Longstreet Area, Caddo and De Soto Parishes, Louisiana; Texas Eastern Transmission Corporation.

10474; Hugoton Gas Field, Finney County, Kansas; Northern Natural Gas Company.

10475; San Ramon Field, Hidalgo County, Texas; Tennessee Gas Transmission Company.

10477; North Government Wells Field, Duval County, Texas; Tennessee Gas Transmission Company.

10478; Bernstein-Hitchland Field, Hansford County, Texas; Panhandle Eastern Pipe Line Company.

10479; La Copita Field, Starr County, Texas; Tennessee Gas Transmission Company.

10480; South Crowley Field, Acadia Parish, Louisiana; Tennessee Gas Transmission Company.

10484; Texas Hugoton Field, Hansford and Ochiltree Counties, Texas; Northern Natural Gas Company.

10485; Darley Field, Bienville and Claiborne Parishes, Louisiana; Arkansas Louisiana Gas Company.

10487; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

10488; Driftwood Pool, Barber County, Kansas; Cities Service Gas Company.

10489; Clear Creek Field, Beauregard Parish, Louisiana; Trunkline Gas Company.

10491; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

10495; Piceance Creek Unit Area, Rio Blanco County, Colorado; Pacific Northwest Pipeline Corporation.

10502; Divide Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10503; Eumont Field, Lea County, New Mexico; Warren Petroleum Corporation.

10504; Lewisburg Field, Acadia and St. Landry Parishes, Louisiana; American Louisiana Pipe Line Company.

10505; Carthage Field, Gregg and Rusk Counties, Texas; Texas Eastern Transmission Corporation.

10508; Stewarts Creek, Gilmore County, West Virginia; Equitable Gas Company.

10509; North Ruston Field, Lincoln Parish, Louisiana; Arkansas Louisiana Gas Company.

10514; Drinkard Field, Lea County, New Mexico; El Paso Natural Gas Company.

10516; Acreage in Kay County, Oklahoma; Consolidated Gas Utilities Corporation.

10518; Crosby-Devonian Pool, Lea County, New Mexico; El Paso Natural Gas Company.

10519; Langlie-Mattix Field, Lea County, New Mexico; El Paso Natural Gas Company.

10523; Greenwood (Sparks) Field, Stanton County, Kansas; Colorado Interstate Gas Company.

10525; Hogsback Unit Area, Sublette and Lincoln Counties, Wyoming; Pacific Northwest Pipeline Corporation.

10526; Herrera Field, Nueces County, Texas; Tennessee Gas Transmission Company.

10532; Leslie Field, Meade County, Kansas; West Beaver Panhandle Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

10534; Blocker Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

10536; Fusselman Field, Pecos County, Texas; El Paso Natural Gas Company.

10541; Clayton Field, Live Oak County, Texas; Texas Eastern Transmission Corporation.

10542; West George West Field, Live Oak County, Texas; Texas Eastern Transmission Corporation.

10543; Aldine Field, Harris County, Texas; Texas Eastern Transmission Corporation.

10545; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

10547; Piedre Lumbre Field, Duval County, Texas; Tennessee Gas Transmission Company.

10560; Divide Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10567; North Johnson Hill Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10624; 320 acres, R. S. Windham "A" Lease, and 160 acres, Windham "B" Lease, Upton County, Texas; El Paso Natural Gas Company.

10644; Eumont Field, Lea County, New Mexico; El Paso Natural Gas Company.

10682; Northeast Blanco Unit, San Juan and Rio Arriba Counties, New Mexico; El Paso Natural Gas Company.

10932, 10933; Atwood East and Coyote Fields, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10990; Bethany Field, Panola and Harrison Counties, Texas; United Gas Pipe Line Company.

11518; Slick-Wilcox Field, De Witt and Goliad Counties, Texas; United Gas Pipe Line Company.

These matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 5, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for applicants to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1001; Filed, Feb. 8, 1957; 8:47 a. m.]

[Docket Nos. G–6511, G–7735]

RAVENCLIFFS DEVELOPMENT CO. AND H. E. SCHWARTZ, ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 5, 1957.

Take notice that Ravencliffs Development Company and H. E. Schwartz, et al.[1] (Applicants) filed on November 29, 1954, and December 2, 1954, respectively, applications for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Ravencliffs Development Company produces natural gas from leases in the Slab Fork and Oceana Districts, Wyoming County, and Slab Fork District, Raleigh County, West Virginia, which it sells to Amere Gas Utilities Company for transportation in interstate commerce for resale.

H. E. Schwartz, et al., produces natural gas from the East Panhandle Field, Gray County, Texas, which they sell to Phillips Petroleum Company for transportation in interstate commerce for resale.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 6, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1002; Filed, Feb. 8, 1957; 8:47 a. m.]

[Docket No. G–11882]

AMERADA PETROLEUM CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Amerada Petroleum Corporation (Amerada), on January 10, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change dated January 7, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 4 to Amerada's FPC Gas Rate Schedule No. 9.

Effective date:[1] February 15, 1957.

Amerada's proposed rate change is based on a favored-nations clause in its contract with Texas Gas which, by its terms, will be operative on the date on which Union Oil and Gas Corporation of Louisiana commences collection of increased rates under its contract with Texas Gas (see order issued December 7, 1956, in docket No. G–11563 which suspends Union's proposed increase from January 1 to February 15, 1957).

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 5, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1003; Filed, Feb. 8, 1957; 8:48 a. m.]

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[1] The application in Docket No. G–7735 states that H. E. Schwartz, Operator, is filing for himself and D. E. Williams, Jim Tripplehorn and A. D. McNamara.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Amerada, if later.

[Docket No. G-11883]

AMERADA PETROLEUM CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Amerada Petroleum Corporation (Amerada), on January 7, 1957, tendered for filing several proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change dated January 2, 3 and 4, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designations: Supplement No. 8 to Amerada's FPC Gas Rate Schedule No. 11; Supplement No. 3 to Amerada's FPC Gas Rate Schedule No. 12; Supplement No. 5 to Amerada's FPC Gas Rate Schedule No. 13.

Effective date: [1] February 6, 1957.

Amerada's proposed rate changes are based on favored-nations clauses in its contracts with Texas Gas which, by their terms, have purportedly become operative by the rate for a new sale to Texas Gas by Gulf Refining Company in the South Bell City Field, Calcasieu Parish, Louisiana.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until July 6, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 5, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1004; Filed, Feb. 8, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Amerada, if later.

[Docket No. G-11884]

SOHIO PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sohio Petroleum Company (Sohio), on January 7, 1957, tendered for filing several proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Notices of change, undated.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designations: Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 24; Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 14; Supplement No. 3 to Sohio's FPC Gas Rate Schedule No. 16; Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 21.

Effective date: [1] February 6, 1957.

Sohio's proposed rate changes are based on favored-nations clauses in its contracts with Texas Gas which, by their terms, have purportedly become operative by the rate for a new sale to Texas Gas by Gulf Refining Company in the South Bell City Field, Calcasieu Parish, Louisiana.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended and the use thereof deferred until July 6, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 5, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1005; Filed, Feb. 8, 1957; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sohio, if later.

OFFICE OF DEFENSE MOBILIZATION

J. R. KILLIAN, JR.

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: I now own stock in the British Petroleum Company Limited.

This amends statement previously published in the FEDERAL REGISTER, August 16, 1956 (21 F. R. 6152).

Dated: January 29, 1957.

J. R. KILLIAN, Jr.

[F. R. Doc. 57-1011; Filed, Feb. 8, 1957; 8:49 a. m.]

DETLEV W. BRONK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Addition: Protein Foundation, trustee.

This amends statement previously published in the FEDERAL REGISTER, August 1, 1956 (21 F. R. 5948).

Dated: January 29, 1957.

DETLEV W. BRONK.

[F. R. Doc. 57-1012; Filed, Feb. 8, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 54-169]

MARKET STREET RAILWAY CO.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES FOR SERVICES AND OVER FINAL DISTRIBUTION

FEBRUARY 5, 1957.

By order dated May 13, 1953 (Holding Company Act Release No. 11906) the Commission approved Step II, as amended, of a plan of liquidation, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), filed by Market Street Railway Company ("Market Street"), formerly a non-utility subsidiary of Standard Gas and Electric Company, a registered holding company. Step II, as amended, among other things, proposed that Market Street would, after satisfying its liabilities, distribute its remaining assets on a pro rata basis to the holders of its then outstanding prior preference stock. In the order of May 13, 1953, the Commission reserved jurisdiction with respect to (a) any future distribution to be made by Market Street to its prior preference stockholders and (b) the payment of any fees and expenses.

Market Street has advised the Commission that there are no outstanding claims against it other than those that are current and after making provision for the satisfaction of its current liabilities and for the payment of the sum of $500 for services performed by Edward E. Laufer as an officer of Market Street and the sum of $2,513 for legal services performed and to be performed through final dissolution of the corporation by Douglass Newman, there remains $40,664.75 for final distribution to stockholders holding 116,185 shares or at the rate of 35¢ per share. Such distribution will be payable from cash on hand.

The Commission having considered (a) the proposed payments of fees and expenses for services rendered and to be rendered and finding that such amounts are reasonable and for necessary services and (b) the proposed final distribution to stockholders in the light of the applicable standards of the act and deeming it appropriate that the jurisdiction heretofore reserved with respect to such distribution should be released:

It is ordered, Pursuant to section 11 (e) and the other applicable sections of the act, that the transactions proposed herein be, and the same hereby are, approved and that the jurisdiction heretofore reserved with respect thereto be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1008; Filed, Feb. 8, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FEBRUARY 6, 1957.

FSA No. 33232: *Substituted service—Motor-Rail-Motor, Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for named motor carriers and The Pennsylvania Railroad Company. Rates on various commodities loaded in highway motor-truck trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., Cincinnati and Cleveland, Ohio, Detroit, Mich., Indianapolis, Ind., and Louisville, Ky., on one hand, and Baltimore, Md., on the other; also between Cincinnati, Detroit, and Louisville, on one hand, and Kearny, N. J., and Philadelphia, Pa., on the other.

Grounds for relief: Motor-truck competition.

Tariff: The Eastern Central Motor Carriers Association, Inc., tariff I. C. C. No. 14.

FSA No. 33233: *Fibreboard boxes—Omaha, Nebr., to Minnesota.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on boxes, fibreboard, carloads, as more fully described in the application, from Omaha, Nebr., to Albert Lea, Mankato, Miloma, and Waterville, Minn.,

Grounds for relief: Circuitous routes.

Tariff: Supplement 78 to Agent Prueter's tariff I. C. C. A-4038.

FSA No. 33234: *Caustic soda to points in Tennessee territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Baton Rouge and North Baton Rouge, La., to Boyce, Calhoun, Chattanooga, Lowland and North Chattanooga, Tenn., from Calvert, Ky., Memphis, Tenn., and McIntosh, Ala., to Lowland, Tenn.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Supplement 187 to Agent Spaninger's I. C. C. 1295. Supplement 31 to Agent Spaninger's I. C. C. 1526. Supplement 33 to Agent Spaninger's I. C. C. 1548.

FSA No. 33235: *Pig iron—South to Kansas and Missouri.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on pig iron and related articles, carloads from specified producing points in Alabama and Tennessee to Kansas City, Clinton, Harrisonville, and Springfield, Mo., and Kansas City, Kans.

Grounds for relief: Circuitous routes.

Tariff: Supplement 78 to Agent C. A. Spaninger's I. C. C. 1420.

FSA No. 33236: *Salt—Jefferson Island, La., to Anniston, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on mine run salt, carloads from Jefferson Island, La., to Annison, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 85 to Agent Kratzmeir's I. C. C. 3903.

FSA No. 33237: *Paper winding cores—From and to western trunk-line territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cores, printing paper winding, old and used, iron or steel, carloads, as more fully described in the application, from specified points in Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming to specified points in Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, and Wisconsin, also Manitoba and Ontario, Canada.

Grounds for relief: Carrier competition and circuitous routes.

Tariffs: Supplement 42 to Agent Prueter's I. C. C. A-4082. Supplement 13 to Agent Prueter's I. C. C. A-4094.

FSA No. 33238: *Cresylic acid—Oklahoma and Texas to Roxana, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads, from Tulsa, Okla., Houston, Tex., and other specified points in Texas to Roxana, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 196 to Agent Kratzmeir's I. C. C. 4109. Supplement 289 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 33239: *Trailer-on-flat-car-service—Between central territory and southwestern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on commodities moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars between specified points in central territory and specified points in southwestern territory, and from specified points in central territory to specified points in southwestern territory.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 18 to Agent Kratzmeir's tariff I. C. C. 4196.

FSA No. 33240: *Caustic soda—Calvert, Ky., to Foley, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Calvert, Ky., to Foley, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 33 to Agent Spaninger's tariff I. C. C. 1548.

FSA No. 33241: *Sulphuric acid between points in western trunk-line territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on acid, sulphuric, and acid, sulphuric, spent, tank-car loads between points in western trunk line territory, and from Wichita, Kans., to stations in western trunk line territory described in exhibit 2 of the application.

Grounds for relief: Short-line distance formula, motor tank truck competition, and circuitous routes.

Tariff: Supplement 16 to Agent Prueter's tariff I. C. C. A-4164.

FSA No. 33242: *Trailer-on-flat-car-service, Chicago, Ill., to Texas points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on candy or confectionery, in stated minimum quantities, loaded in highway trailers and transported on railroad flat cars from Chicago, Ill., to Dallas, Fort Worth, Galveston, and Houston, Tex.

Grounds for relief: Short-line distance formula, motor truck competition, and circuitous routes.

Tariff: Supplement 32 to Agent Kratzmeir's tariff I. C. C. 4181.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-1006; Filed, Feb. 8, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

TOMMASO RICCARDO LUZZATI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Tommaso Riccardo Luzzati, Siena, Italy, Claim No. 45719, Vesting Order No. 201, property described in Vesting Order No. 201 (8 F. R. 625, January 18, 1943), relating to United States Letters Patent No. 2,252,467.

Executed at Washington, D. C., on February 5, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1013; Filed, Feb. 8, 1957; 8:49 a. m.]

JOHANNA VAN DER GRAAF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johanna van der Graaf, 22 Voorstraat, Lekkerkerk, The Netherlands, Claim No. 59833, Vesting Order No. 17840, $125 in the Treasury of the United States; and 10 shares of 10 cents par value capital stock of Keta Gas and Oil Corporation and 7 shares of $5 par value comon stock of Swan Finch Oil Corporation, presently in the custody of the Federal Reserve Bank, New York, New York.

Executed at Washington, D. C., on February 5, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1014; Filed, Feb. 8, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 29

Washington, Tuesday, February 12, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN

FEB 15 1957

MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10698

AMENDMENT OF EXECUTIVE ORDER NO. 10648,[1] RESTORING CERTAIN PORTIONS OF THE FORT RUGER MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS by Executive Order No. 10648 of December 8, 1955, certain lands at Kapahulu, Honolulu, Island of Oahu, Territory of Hawaii, were, subject to certain limitations, restored to the possession, use, and control of the Territory of Hawaii; and

WHEREAS the descriptions of course 17 of Parcel 2 and course 2 of Parcel 3 as set forth in Part I of the said order and the descriptions of course 5 of Tract 1–A and course 11 of Tract 1–C as set forth in Part III of the said order are erroneous; and

WHEREAS it is deemed desirable and in the public interest that the said errors in description be corrected:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

1. The description of the said course 17 of Parcel 2 is amended to read:

17. 221° 08' 50" 841.34 feet along reservation boundary to the point of beginning; and containing an area of 35.553 acres.

2. The description of the said course 2 of Parcel 3 is amended to read:

2. 359° 00' 00" 191.08 feet along Parcel 6;

3. The description of the said course 5 of Tract 1–A is amended to read:

5. 217° 18' 00" 1366.18 feet along Makapuu Avenue to the point of beginning; and containing an area of 51.628 acres.

4. The description of the said course 11 of Tract 1–C is amended to read:

11. 153° 08' 40" 361.60 feet along Diamond Head Reservoir Lot (restored to the Territory by Executive Order No. 6468, dated November 29, 1933);

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 8, 1957.

[F. R. Doc. 57–1099; Filed, Feb. 8, 1957; 2:48 p. m.]

[1] 20 F. R. 9287; 3 CFR, 1955 Supp., p. 101.

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1957–58 MARKETING YEAR

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1957 CROP

The regulations contained in § 730.807 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, including the amendments to section 301 of that act which are contained in section 502 of the Agricultural Act of 1956. These amendments provide definitions for county and farm normal yields as follows:

(D) "Normal yield" for any county, in the case of rice, shall be the average yield per acre of rice for the county during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

(E) "Normal yield" for any farm, in the case of rice, shall be the average yield per acre of rice for the farm during the five calendar years immediately preceding the year for which such normal yield is determined, adjusted for abnormal weather conditions and for trends in yields. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations issued by the Secretary, taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available.

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calcu-

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

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TO
CODE OF FEDERAL
REGULATIONS

Revised as of January 1, 1956
($4.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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lating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for 1957 and the determination of county normal yields thereunder, public notice (21 F. R. 7025) was given in accordance with the provisions of the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining thereto which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

Section 730.807 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1957 crop of rice determined thereunder.

§ 730.807 *County normal yields for 1957 crop rice*—(a) *Regulations.* County normal yields for 1957 crop rice shall be determined by computing the average yield per planted acre of rice for each county producing rice during the years 1952 through 1956, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be made as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the 5-year (1952–56) average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the 5-year (1952–56) average yield, 125 per centum of such average yield shall be substituted therefor. The adjustment for trends in yields shall be made by computing the simple average of (1) the average yield per planted acre of rice for the county during the 5 calendar years 1952–56, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the average yield per planted acre of rice for the county during the 2 calendar years 1955 and 1956, similarly adjusted.

(b) *Proclamation of county normal yields.* County normal yields for 1957 crop rice, determined in accordance with paragraph (a) of this section, are as follows:

ARKANSAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Arkansas	2,968	Cross	2,686
Ashley	2,670	Dallas	2,608
Chicot	2,705	Desha	2,622
Clark	2,746	Drew	2,674
Clay	2,662	Faulkner	2,692
Conway	2,587	Grant	2,551
Craighead	2,860	Greene	2,698
Crittenden	2,814	Hot Spring	2,598
Independence	2,582	Mississippi	2,734
Jackson	2,789	Monroe	2,740
Jefferson	2,580	Perry	2,348
Lafayette	2,146	Phillips	2,685
Lawrence	2,688	Poinsett	2,836
Lee	2,834	Pulaski	2,831
Lincoln	2,544	Randolph	2,680
Little River	2,191	St. Francis	2,746
Lonoke	2,826	White	2,738
Miller	2,344	Woodruff	2,772

CALIFORNIA

County	Normal yield (pounds)	County	Normal yield (pounds)
Butte	3,646	Riverside	2,052
Colusa	3,514	Sacramento	3,400
Fresno	3,258	San Joaquin	2,894
Glenn	3,420	Solano	2,924
Imperial	1,414	Stanislaus	3,515
Kern	2,765	Sutter	3,470
Kings	1,926	Tulare	1,904
Madera	3,310	Yola	3,105
Merced	2,772	Yuba	2,750
Placer	3,244		

FLORIDA

Palm Beach	1,296

ILLINOIS

Adams	2,888

LOUISIANA

County	Normal yield (pounds)	County	Normal yield (pounds)
Acadia	2,608	Lafourche	2,238
Allen	2,514	Madison	2,940
Ascension	2,631	Morehouse	3,160
Assumption	2,534	Plaquemines	2,438
Avoyelles	2,660	Rapides	2,604
Beauregard	1,990	Richland	2,920
Bossier	2,682	St. Charles	2,368
Calcasieu	2,193	St. James	2,464
Cameron	2,524	St. John the Baptist	2,858
Concordia	2,912	St. Landry	2,578
East Carroll	3,322	St. Martin	2,872
Evangeline	2,548	St. Mary	2,541
Franklin	2,591	St. Tammany	2,008
Grant	2,623	Tensas	3,051
Iberia	2,500	Terrebonne	2,262
Iberville	2,724	Vermilion	2,517
Jefferson Davis	2,610	West Carroll	3,138
Lafayette	2,675		

MISSISSIPPI

County	Normal yield (pounds)	County	Normal yield (pounds)
Bolivar	2,679	Quitman	2,738
Coahoma	2,672	Sharkey	2,664
De Soto	2,767	Sunflower	2,638
Hancock	1,076	Tallahatchie	2,783
Humphreys	2,632	Tate	2,534
Issaquena	2,546	Tunica	2,798
Leflore	2,781	Washington	2,670
Panola	2,710		

MISSOURI

County	Normal yield (pounds)	County	Normal yield (pounds)
Butler	3,382	New Madrid	1,735
Dunklin	3,992	Pemiscot	3,016
Lewis	2,950	Ripley	2,356
Lincoln	3,170	Scott	3,466
Marion	2,788	St. Charles	3,542
Mississippi	1,602	Stoddard	2,534

NORTH CAROLINA

Hyde	2,095

OKLAHOMA

McCurtain	2,346

SOUTH CAROLINA

County	Normal yield (pounds)	County	Normal yield (pounds)
Berkeley	1,962	Georgetown	1,212
Charleston	1,252	Horry	1,940
Colleton	1,269	Jasper	1,690

TENNESSEE

County	Normal yield (pounds)	County	Normal yield (pounds)
Dyer	1,934	Lauderdale	2,908
Fayette	1,963		

TEXAS

County	Normal yield (pounds)	County	Normal yield (pounds)
Austin	2,961	Lavaca	2,828
Bowie	2,530	Liberty	2,628
Brazoria	2,699	Matagorda	2,936
Calhoun	2,715	Nilam	2,800
Chambers	2,534	Newton	2,896
Colorado	3,011	Orange	2,472
Fort Bend	2,823	Polk	2,398
Galveston	2,586	San Jacinto	2,414
Hardin	2,797	Victoria	2,937
Harris	2,898	Walker	2,719
Jackson	3,060	Waller	2,956
Jasper	2,472	Washington	3,070
Jefferson	2,550	Wharton	2,944

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies sec. 301, 52 Stat. 38, as amended, 70 Stat. 212; 7 U. S. C. 1301)

Done at Washington, D. C., this 6th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1056; Filed, Feb. 11, 1957; 8:47 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 868.9]

PART 868—SUGARCANE; VIRGIN ISLANDS

CALENDAR YEAR 1957

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 30, 1956, the following determination is hereby issued.

§ 868.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in the Virgin Islands during the calendar year 1957*—(a) *Requirements.* A producer of sugarcane in the Virgin Islands shall be deemed to have complied with the wage provisions of the act during the calendar year 1957 if all persons employed on the farm in the production, cultivation, or harvesting of sugarcane shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the date of publication of this determination in the FEDERAL REGISTER not less than the following:

(i) *Basic time rates.* The basic rates per hour for the first 8 hours of work performed in any 24-hour period shall be as follows:

Class of worker:	Basic rate per hour
A—Operators of mechanical loaders	$0.65
B—Operators of tractors and trucks	.50
C—Chemical sprayers	.43
D—All others	.40

(ii) *Apprentice operators of mechanical loaders and tractors.* For a learner or apprentice the hourly wage rate for Class A work in subdivision (i) of this subparagraph may be reduced by not more than 15 cents per hour, and the hourly rate for Class B work in subdivision (i) of this subparagraph may be reduced by not more than 10 cents per hour: *Provided,* That the training period for such workers shall not exceed six work-weeks and: *Provided further,* That the employer shall have available for examination by the local supervisor of the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico (herein referred to as "Area Office"), a certification of learner or apprentice status as required by applicable Municipal or Territorial laws or regulations.

(iii) *Handicapped workers.* For an individual whose productive capacity is impaired by age or physical or mental deficiency the hourly wage rates provided under subdivision (i) of this subparagraph may be decreased by not more than one-third: *Provided,* That the employer shall have available for examination by the local supervisor of the Area Office, a certification of individual worker impairment as required by applicable Municipal or Territorial laws or regulations.

(iv) *Overtime.* Persons employed in excess of 8 hours in any 24-hour period or in excess of 44 hours in any one week shall be paid for the overtime work at a rate not less than one and one-half times the applicable hourly rate provided in subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That this provision shall be inapplicable to workers who are employed under extraordinary emergencies as defined in applicable Municipal or Territorial laws or regulations.

(v) *Piecework rates.* If work is performed on a piecework basis, the rate shall be as agreed upon between the producer and the worker: *Provided,* That the hourly rate of earnings for each worker employed on piecework during each pay period (such pay period not to be in excess of two weeks) shall average for the time involved not less than the applicable hourly rate provided under subdivisions (i), (ii), (iii), and (iv) of this subparagraph.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals, or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the Area Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at that office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the Area Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The Area Office shall make such investigation as it deems necessary and shall notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the Area Office is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the Area Office; otherwise, such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act is concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of sugarcane during the calendar year 1957, as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricutural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugarcane, and cost of production), and the differences in conditions among various producing areas.

(c) *1957 wage determination.* The 1957 wage determination continues unchanged the provisions of the 1956 wage determination except that the basis for determining the minimum hourly guarantee of earnings for workers employed on a piecework basis is specified as a payroll period not to exceed two weeks. The provision relating to certifications for apprentice and handicapped workers has been modified to meet the provisions of existing Territorial legislation.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 30, 1956 at which interested persons presented testimony with respect to fair and reasonable wage rates for the calendar year 1957.

A representative of the federally-owned Virgin Islands Corporation, the largest sugarcane producer in the Virgin Islands, recommended that there be no change in the 1957 determination from that effective for 1956. The witness submitted a copy of the corporation's financial statement for the fiscal year ending June 30, 1956, which indicated that the corporation made a small profit on its sugarcane growing operations. However, he drew attention to the substantial losses incurred in the corporation's overall sugar operations and stated that under the circumstances there appeared to be no justification for increasing wages at this time. He called attention to the passage by the Legislature of the Virgin Islands of a wage and hour law establishing a 40 cent per hour minimum wage for agricultural labor, and stated that while wages presently being paid to field workers by the corporation are the highest in the West Indies, recruitment of labor in St. Croix continues to be a difficult and serious problem. He said that because of the scarcity of field workers it has not been possible to carry out all of the field operations that should be done and that there is almost a complete lack of skilled and semi-skilled labor for the operation of farm machinery and for supervisory positions. The witness stated that it will again be necessary to import 400 British West Indian laborers for harvesting the 1957 crop.

A representative of the local labor union recommended increasing the minimum wages for agricultural field workers from 40 cents to 50 cents per hour because these workers have not had an increase in wages since 1952. The witness stated that the cost of certain items which the workers must purchase, particularly food items, has increased since 1952.

A representative of the St. Croix Sugarcane Industries, Inc. recommended that the wage provisions of the 1956 fair wage determination be continued for 1957. The witness stated that his operations relating to sugar production have been moderately profitable, but only because they are carried out in conjunction with other enterprises. He also stated that he has to import labor for harvesting his sugarcane.

Consideration has been given to the recommendations made at the hearing, to the economic position of producers and workers and to other pertinent factors. Available data indicate the losses of the Virgin Islands Corporation continue to be substantial and that there is little likelihood of marked improvement during 1957.

Previous determinations provided that where workers are paid on a piecework basis the hourly earnings of each worker for the time involved on each separate unit of work were to be not less than the applicable hourly rate specified for similar work. This determination specifies that the hourly rate of earnings of each worker employed on piecework are to be determined on the basis of a payroll period not in excess of two weeks. This change will provide a more equitable and practicable basis on which to calculate the earnings of such workers.

During 1956 the Virgin Islands Legislature enacted a new minimum wage law which specifies a minimum wage rate for unskilled agricultural workers at 40 cents per hour. This act also continues in effect an ordinance of the St. Croix Municipal Council which specifies minimum wage rates for semi-skilled and skilled worker classifications, until such time as industry committees are formed under the new legislation. These industry committees will subsequently issue mandatory decrees fixing minimum wage rates and other standards in each of the industries in the Virgin Islands.

The wage rates specified in this determination conform to those provided by local legislation even though they are higher than the wage rates indicated by the standards customarily considered in wage determinations under the Sugar Act. Producers must pay to the worker in full the wages required by existing legal obligations, regardless of whether such obligations resulted from an agreement (such as a labor union agreement) or were created by statute.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies Sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 6th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57-1057; Filed, Feb. 11, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

MODIFICATION OF FREE, RESERVE, AND SURPLUS PERCENTAGES FOR 1956-57 CROP YEAR

Pursuant to the applicable provisions of Marketing Agreement No. 109 and Marketing Order No. 89, as amended (20 F. R. 6435; 21 F. R. 8182), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as the "order," effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et sec.), hereinafter referred to as the "act," an implementing order (§ 989.211; 21 F. R. 8142) was issued on October 18, 1956, designating the percentages of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1956 and ending August 31, 1957, which shall be free tonnage, reserve tonnage, and surplus tonnage, respectively. It is hereby found that the application of the present volume regulation to raisins acquired by handlers on and after the effective time of this document will not tend to effectuate the declared policy of the act and that such percentages should be modified with respect thereto as set forth hereinafter.

The aforementioned existing volume regulation (expressed in terms of free, reserve, and surplus percentages) prescribes 100 percent free, 0 percent reserve, and 0 percent surplus for all varietal types of raisins other than natural (sun-dried) Thompson Seedless, and, for the varietal type last referred to, a free percentage of 73 percent, a reserve percentage of 10 percent, and a surplus percentage of 17 percent. In making the aforementioned finding, consideration was given to the fact that not only would the estimated season average grower return for all 1956 crop raisins exceed the estimated season average parity prices for raisins, but also that the estimated season average grower return for raisins of the natural (sun-dried) Thompson Seedless varietal type would exceed the equivalent parity price for such raisins. In addition, the situation is such that the prices of raisins in export outlets, to which surplus raisins have been allocated, are now equivalent to those prevailing for free tonnage raisins in Western Hemisphere outlets and hence are attracting free tonnage. Therefore, there is no reason for imposing any volume withholding requirements on any raisins acquired by handlers on and after the effective time of this document. In this connection, it is intended that appropriate action will be taken promptly as required with respect to reserve and surplus pool tonnage raisins now being held for the account of the committee which were set aside in connection with acquisitions of raisins by handlers prior to the effective time of this amendment.

Accordingly, it is hereby ordered that the provisions of § 989.211 of the aforesaid implementing order (21 F. R. 8142) be amended, effective as of the date of the publication of this document in the FEDERAL REGISTER, as follows:

Change the period at the end of said § 989.211 to a colon and add, immediately thereafter, the following: ": *Provided,* That, for any raisins of any and all varietal types (including the natural (sun-dried) Thompson Seedless varietal type) which are acquired on and after February 12, 1957, such percentages shall be as follows: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent."

The actions taken herein shall not be deemed to have any of the following effects with respect to any acts or transactions under the order which took place prior to the effective time of this document: (a) Affect or waive any right, duty, obligation, or liability which arose in connection with any provision of the order or any implementing order or regulation issued thereunder; (b) release or extinguish any violation of the order or any implementing order or regulation issued thereunder; or (c) affect or impair any right or remedies of the United States of America, the Secretary of Agriculture of the United States, the Raisin Administrative Committee, or any other person with respect to any such right, duty, obligation or liability under the order or of any implementing order or regulation issued thereunder.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary and contrary to the public interest. It has now been determined that the estimated season average price for raisins of the 1956–57 crop year will be above parity, and the continuance of volume withholding requirements on any and all raisins acquired by handlers on and after the effective time of this document would not be in accordance with the provisions of the order and the act. Prompt action of the present nature is required in order to obviate the accumulation of additional pooled tonnage from further acquisitions. Time does not permit such action to be preceded by the aforementioned rule making actions. The demand and supply situation is such that it is urgent that all subsequent acquisitions of raisins be made available immediately to meet market demands. This action will serve to relieve handlers who are now covered under the order from certain restrictions as to future acquisitions which are now in effect and they should need no advance notice of said action.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated February 7, 1957, to become effective as of the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-1069; Filed, Feb. 11, 1957; 8:49 a. m.]

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[NSCP-2101, Supp. 1]

PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART G—1957

APPEALS

Pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and

the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, the 1957 Naval Stores Conservation Program, approved July 20, 1956 (21 F. R. 5611), is amended by changing § 1106.830 to read as follows:

§ 1106.830 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the Regional Forester in writing to review the recommendation or determination of the Program Supervisor in any matter affecting the right to or the amount of his Federal cost-shares with respect to the producer's turpentine farm. The Regional Forester shall notify the producer of his decision in writing within 60 days after the submission of the appeal. If the producer is dissatisfied with the decision of the Regional Forester he may, within 15 days after the decision is forwarded to or made available to him, request the Chief of the Forest Service to review the case and render his decision, which shall be final.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 223; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 7th day of February 1957.

[SEAL] E. L. PETERSON,
Acting Secretary of Agriculture.

[F. R. Doc. 57-1067; Filed, Feb. 11, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 10]

PART 406—CERTIFICATION PROCEDURES

SUBPART C—DENIAL OF CERTIFICATES

DENIAL OF AIRMAN, AIRCRAFT, AIR CARRIER, AIR NAVIGATION, OR AIR AGENCY CERTIFICATE

Section 406.32 of this part provides for appeal of orders denying issuance or renewal of certificates. As the right of judicial review is set forth in section 1006 of the Civil Aeronautics Act of 1938, § 406.32 of this part is unnecessary and should be revoked.

This amendment does not affect the rights nor does it impose any additional burden upon interested persons, thus no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act; therefore, compliance is unnecessary and is not required.

Section 406.32 is revoked.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 405. Interprets or applies sec. 1006, 52 Stat. 1024, as amended; 49 U. S. C. 646)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1034; Filed, Feb. 11, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

PART 208—FLOOD CONTROL REGULATIONS

ST. MARYS FALLS CANAL, MICHIGAN, AND JAMESTOWN DAM AND RESERVOIR, NORTH DAKOTA

1. In § 207.440 (v), appearing at 22 F. R. 401, January 19, 1957, the phrase "dock winches" is corrected to read "deck winches".

2. Pursuant to the applicable provisions of sections 7 and 9 of the Act of Congress approved December 22, 1944 (58 Stat. 890, 891; 33 U. S. C. 709), the following regulations of § 208.50 are hereby prescribed to govern the use of storage capacity for flood control purposes in Jamestown Reservoir on the James River, Stutsman County, North Dakota, and the operation of Jamestown Dam for flood control purposes.

§ 208.50 *Jamestown Dam and Reservoir, James River, Stutsman County, North Dakota.* The Bureau of Reclamation, Department of the Interior, represented by its appropriate Regional Director, hereinafter referred to as the Regional Director, shall operate Jamestown Dam and Reservoir in the interest of flood control as follows:

(a) The flood control storage of the lake or reservoir which initially amounts to 200,000 acre-feet between elevation 1429.8 m. s. l. and elevation 1454.0 m. s. l. shall be regulated for flood control on the James River below the dam to effect the release of water through the river outlet works (having a capacity of 2,075 c. f. s. at elevation 1429.8 m. s. l.) as stated in the following: From the beginning of spring runoff to October 1, releases will be progressively increased, as the flood storage space is filled, and will be kept at the highest rate practicable without unduly contributing to seriously damaging stages on the James River (presently estimated as 11.8 feet on the Jamestown gage and 8.3 feet on the LaMoure gage) or, prior to mid-June, causing undue prolongation of flooding which may have resulted despite the control afforded by Jamestown Reservoir; from October 1 through November 15 releases will be maintained as necessary to evacuate the flood control pool to elevation 1,429.8 by midnight of November 15 providing that such releases will not cause the river to exceed significant damage level in the Jamestown area (presently estimated as about 11.8 feet on the Jamestown gage); from November 15 to the beginning of spring runoff releases will be made as necessary to keep the pool evacuated to elevation 1,429.8 providing that such releases will not cause Jamestown Flows to exceed 100 c. f. s.

(b) The District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, hereinafter referred to as the District Engineer, shall issue the necessary instructions to the Regional Director for achievement of flood control below the dam during flood periods and whenever the reservoir may contain impounded water in the flood control storage zone; and the District Engineer shall also issue special directions, if desirable, on the basis of flood conditions at the time, to the Regional Director for temporary modification of the provisions for flood control contained in paragraph (a) of this section. Oral instructions from the District Engineer to the Regional Director shall be confirmed in writing under the date of the day issued.

(c) The discharge characteristics of the river regulation outlet works (capable of discharging 2,750 c. f. s. at elevation 1454.0) shall be maintained in accordance with the construction plans (Bureau of Reclamation Specifications No. DC–3656).

(d) Whenever the reservoir level reaches or exceeds elevation 1429.8 or flood discharges appear imminent, the Regional Director shall report at once to the District Engineer by telephone, telegraph, or radio, and as requested thereafter until the reservoir level falls to elevation 1429.8 or below and flood discharges cease.

(e) Proposed schedules of conservation pool releases and storage changes, if available, and current operating data shall be provided to the District Engineer by the Regional Director. These data shall be tabulated daily and shall include such items as: reservoir elevation, reservoir storage, inflow, discharge, and pertinent available hydrologic data.

(f) Releases made in accordance with the regulations of this section are subject to the condition that releases shall not be made at rates or in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damages or inconsistent with the safe routing of the spillway design flood.

(g) All elevations stated in this section are at the Jamestown Dam and Reservoir and are referred to a datum giving 1454.0 as the elevation of the spillway crest on Jamestown Dam.

[Regs., January 22, 1957, ENGWE] (Secs. 7 and 9, 58 Stat. 890, 891; 33 U. S. C. 709)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 57-1033; Filed, Feb. 11, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESSARIES FOR INTRACERVICAL AND INTRAUTERINE USE

Under the authority vested in the Secretary of Health, Education and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and pursuant to the provisions of the Administrative Procedure Act (sec. 3, 60 Stat. 237, 238; 5 U. S. C. 1002), the following statement of policy is issued:

§ 3.49 *Pessaries for intracervical and intrauterine use.* (a) Because of the limited evidence previously available concerning the hazards attending the use of interacervical and intrauterine pessaries, the shipment of such devices within the jurisdiction of the Federal Food, Drug, and Cosmetic Act, with labeling limiting them to sale only on prescription, has not been subjected to regulatory proceedings. A recent survey shows that it is now the consensus of medical opinion among experts qualified by scientific training and experience to evaluate the safety of such devices that stem-type and wing-type intracervical and intrauterine pessaries are too dangerous for use under any form of labeling and serve no useful purpose. This opinion is particularly applicable to pessaries offered or intended for contraceptive use. These views do not apply to those pessaries, made with hollow tubes, intended solely for use when necessary to maintain drainage from the uterine cavity.

(b) On the basis of this consensus of expert opinion and the supporting evidence of many known injuries, the Food and Drug Administration concludes that stem-type and wing-type intracervical and intrauterine pessaries are dangerous to health, and regardless of their labeling, may be shown to be misbranded within the meaning of sections 502 (f) (1) and (2) and 502 (j) of the Federal Food, Drug, and Cosmetic Act. It is recommended that distributors of these devices remove them from the interstate market at once. Regulatory action may be instituted in connection with any such devices found within the jurisdiction of the act.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: January 31, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-995; Filed, Feb. 11, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 905, 906]

[Docket Nos. AO–209–A9 and AO–A9]

MILK IN OKLAHOMA METROPOLITAN MARKETING AREA (PRESENTLY OKLAHOMA CITY AND TULSA-MUSKOGEE MARKETING AREAS)

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and a proposed order amending the orders, as amended, regulating the handling of milk in the Oklahoma City and Tulsa-Muskogee marketing areas, which was issued January 16, 1957 (22 F. R. 405), is hereby extended to February 15, 1957.

Dated: February 7, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1071; Filed, Feb. 11, 1957; 8:49 a. m.]

[7 CFR Part 928]

[Docket No. AO-227-A7-R01]

MILK IN NEOSHO VALLEY, MARKETING AREA

NOTICE OF REOPENING OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given that the public hearing held at Pittsburg, Kansas, on May 15, 1956, on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Neosho Valley, marketing area, notice of which was issued on May 3, 1956 (21 F. R. 3082) will be reopened at the Besse Hotel, American Room, Pittsburg, Kansas, beginning at 10 a. m., local time, February 25, 1957.

Producers have requested that the hearing be reopened for a reconsideration of the changes which have occurred in economic and marketing conditions since the original hearing. The producers' proposal to reconsider the type of pooling arrangement affects other related provisions of the order which include, but are not limited to §§ 928.7, 928.62, 928.71, 928.72, 928.92, 928.93, and 928.94.

The purpose of the reopened hearing is to afford interested parties an opportunity to introduce additional evidence on any or all of the original proposals or on any appropriate modifications of such proposals.

Neither the original proposals nor the one involved in the request to reopen the hearing have received the approval of the Secretary.

The proposed amendments are as follows:

By the K. M. O. Milk Producers Association:

The K. M. O. Association requests that the hearing held on Federal Order No. 28, in Pittsburg, Kansas, May 15, 1956, be reopened at the earliest possible date.

Changing marketing conditions which will seriously affect the pooling arrangements proposed at that time have occurred. Specifically, bulk tank development is rapidly changing procurement procedures which will seriously complicate the proposed pooling arrangements and perhaps make an individual plant pooling arrangement nearly impossible to function properly.

By the Dairy Division:

§ 928.59 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Copies of this notice of reopening of hearing, and the order now in effect, may be procured from the Market Administrator, 523½ North Broadway, Pittsburg, Kansas, or the Hearing Clerk, Room 1'-, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 7th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1070; Filed, Feb. 11, 1957; 8:49 a. m.]

FEDERAL HOME LOAN BANK BOARD

[24 CFR Part 145]

[No. 10,433]

LIBERALIZING DECLARATION OF EARNINGS

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 6, 1957.

Resolved that pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1) it is hereby proposed that, pursuant to section 5, 48 Stat. 132, as amended (12 U. S. C. 1464), Part 145 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 145) be amended by amendments the substance of which are as follows:

By adding a new section immediately following § 145.1–1 to be numbered 145.1–2 and to read as follows:

§ 145.1–2 *Quarterly distribution of earnings by Charter N or K (rev.) Federal associations upon resolution of*

board of directors. (a) A Federal savings and loan association shall close its books as of June 30 and December 31 of each year, or as of the last business day of each June and December; and shall, at each of such dates, make such credits to its reserves and to its undivided profits account, and shall make such distribution of the remainder of its earnings, as are provided by such association's charter: *Provided,* That, a Federal association which has a charter in the form of Charter N or Charter K (rev.) and has its home office in a State, district, or territory where building and loan or savings and loan associations, homestead associations, cooperative banks, or mutual savings banks, are authorized or permitted by the laws of such State, district, or territory to distribute earnings quarterly, may, following adoption by its board of directors of the following resolution, distribute earnings as of March 31, June 30, September 30, and December 31 of each year, or as of the last business day of each March, June, September, and December, after providing as of March 31 and September 30 for the payment of expenses, and for the pro rata portion of credits to reserves required by section 10 of Charter N and Charter K (rev.) for the six-month period ending on June 30 and December 31, respectively, next succeeding:

Be it resolved, that the association shall distribute net earnings (as defined in section 10 of the Charter) as of March 31, June 30, September 30 and December 31 of each year, in accordance with, and subject to, the provisions of § 145.1–2 of the Rules and Regulations for the Federal Savings and Loan System (24 CFR 145.1–2).

Provided further, That immediately after the adoption of such resolution a copy thereof certified as follows, shall be sent to the Director, Division of Supervision, Federal Home Loan Bank Board, Washington 25, D. C., and to the President of the Federal Home Loan Bank in the district in which said Federal association is located:

The undersigned, by its secretary, hereby certifies that the above resolution was adopted at a meeting of the board of directors duly called, and held on ----------, ----, 19----.

In witness whereof, the secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ---- day of ----, 19----.

---------- Federal Savings and Loan Association.

By ----------

[CORPORATE SEAL]

(b) In the event the resolution providing for quarterly distribution of earnings is subsequently rescinded, a certified copy of such resolution of rescission shall immediately, upon adoption, be sent to the aforesaid Director, Division of Supervision and President of the Federal Home Loan Bank.

(c) As used in this section, the term "State, district, or territory" includes Puerto Rico, Guam, and the Virgin Islands.

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments as to whether said proposed amendment should be adopted, should be modified and adopted as modified, or should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., not later than the close of business on March 15, 1957, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 57-1064; Filed, Feb. 11, 1957; 8:48 a. m.]

[24 CFR Part 146]

[No. 10,427]

MERGER, DISSOLUTION, REORGANIZATION AND CONVERSION OF FEDERAL SAVINGS AND LOAN ASSOCIATIONS

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 5, 1957.

Resolved that Federal Home Loan Bank Board Resolution No. 10,151, dated November 7, 1956, published in the FEDERAL REGISTER on November 10, 1956 (21 F. R. 8777), is hereby amended to read as follows:

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), it is hereby proposed that, pursuant to section 5, 48 Stat. 132, as amended (12 U. S. C. 1464), Part 146 of the rules and regulations for the Federal Savings and Loan System (24 CFR Part 146) be amended by an amendment the substance of which is as follows:

Part 146 of the rules and regulations for the Federal Savings and Loan System is hereby amended by amending the heading of said part to read "Merger, Dissolution, Reorganization, and Conversion" and by adding to said part a new § 146.5 and to read as follows:

§ 146.5 *Conversion from Federal to State charter under last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act of 1933.* The following minimum requirements are hereby prescribed for approvals pursuant to the last paragraph of subsection (i) of section 5 of the Home Owners' Loan Act of 1933, as amended:

(a) The conversion shall be effected in accordance with a plan approved by the Board.

(b) The plan shall be submitted to the Board prior to the giving of notice as hereinafter provided.

(c) The association shall give formal notice of a special meeting called to vote on the plan, which notice shall set forth the terms of the plan, the rights of the members, and such other matters as the Board may require.

(d) The plan shall be approved by a vote of not less than two-thirds in withdrawal value of the outstanding shares of the association and not less than two-thirds in number of the votes cast at the meeting aforesaid.

(e) In the event that guaranty or permanent stock or other similar stock is provided for in the plan, the plan shall contain provisions which, in the judgment of the Board, are adequate to assure that each shareholder of record at such date as the plan shall fix with the approval of the Board will be entitled to receive, without any payment, a withdrawable account or accounts in the converted association equal in withdrawal value to the withdrawal value of such shareholder's account or accounts in the Federal association plus (1) an amount of such stock (including scrip for any fractional shares) equal to that proportion of the total amount of such stock which the withdrawal value of such shareholder's account or accounts in the Federal association bears to the total withdrawal value of all accounts in such association or (2), at the option of such shareholder, the full equivalent in cash of the value of such shareholder's interest in the excess of the net assets of the Federal association over the withdrawal value of all accounts in such association, as determined by the Board at the expense of the association. The amount of such stock shall be as required by the Board and shall be at least equal to the minimum amount required by or under the laws of the State. Such scrip shall be issued with such provision for redemption, liquidation, or other disposition thereof as the Board may require.

(f) The plan shall include appropriate provisions to prevent reduction of the Federal insurance reserve as a result of action under the plan.

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments on the following subjects and issues: (1) Whether said proposed amendment should be adopted as proposed; (2) whether said proposed amendment should be modified and adopted as modified; (3) whether said proposed amendment should be rejected. All such written data, views, or arguments must be received through the mail or otherwise at the Office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than March 15, 1957, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] HARRY W. CAULSEN, *Secretary.*

[F. R. Doc. 57-1063; Filed, Feb. 11, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 74]

YUMA PROJECT, ARIZONA-CALIFORNIA VALLEY AND RESERVATION DIVISIONS

PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PRIVATE LANDS

JANUARY 21, 1957.

1. *Private lands for which water will be available.* In pursuance of the act of June 17, 1902 (32 Stat. 388), and acts amendatory thereof or supplementary thereto, notice is hereby given that upon proper water-right application being made therefor, water will be furnished under the Valley and Reservation Divisions of the Yuma Project, during calendar year 1957 and thereafter, for the following described private lands:

VALLEY DIVISION

GILA AND SALT RIVER BASE AND MERIDIAN, ARIZONA

Township 9 South, Range 24 West

Section	Description	Irrigable acreage
31	Lot 2	34.1
	Lot 3	31.0
	Lot 6	.5
	Lot 9	14.5
	Township 10 South, Range 25 West	
13	SW¼NW¼ [1]	31.8
	NW¼SW¼ [1]	23.0
	SW¼SW¼	17.5
	Township 11 South, Range 25 West	
1	NE¼NW¼ [1]	32.2
	SE¼NW¼	21.0

[1] Excluding those portions presently covered by approved water-right applications.

RESERVATION DIVISION

SAN BERNARDINO BASE AND MERIDIAN, CALIFORNIA

Township 16 South, Range 22 East

Section	Description	Irrigable acreage
27	NE¼SW¼	35.0
	NE¼SE¼	26.1
	NW¼SE¼	39.9
	SW¼SE¼	3.8
	SE¼SE¼	13.3

Farm Unit Plats showing the lands described are on file in the office of the Project Manager, Yuma Projects Office, Yuma, Arizona, and in the Land and Survey Office, Bureau of Land Management, at Phoenix, Arizona, and in the Land Office, Los Angeles, California.

2. *Limit of area for which water right may be secured.* The maximum acreage of land in private ownership for which water-right application may be made shall be 160 acres of irrigable land for each landowner.

3. *Application for water rights.* All water-right applications must be made to the Project Manager, Yuma Projects Office, Bureau of Reclamation, Yuma, Arizona, upon forms provided for that purpose, and may be made on or after the date of this notice.

4. *Construction and other charges on the Valley Division.* The lands in the Valley Division covered by this notice are affected by contracts between the United States of America and Yuma County Water Users' Association, dated May 31, 1906, and February 5, 1931, respectively, copies of which are available for inspection at the office of the Project Manager, Bureau of Reclamation, Yuma, Arizona. Under said contracts, the Association has undertaken the collection and guaranteed to the United States the payment of the following charges which are applicable to each irrigable acre of land on the Valley Division covered by this notice: a construction charge of $85.00 and operation and maintenance charges as determined by the Secretary of the Interior. Such construction charge shall become due and payable to the United States in thirty equal annual installments as follows: $2.93 at the time of filing water-right application, and $2.83 on each December 1 thereafter until all of said construction charge has been paid in full. The estimated annual cost, as determined by the Secretary of the Interior, of operating and maintaining certain irrigation and drainage works and other appurtenant structures utilized for the benefit of lands in the Valley Division, for each calendar year, is payable by the Association to the United States semiannually in advance, the first half thereof being due and payable on or before January 1 of each year and the second half thereof on or before July 1 of each year. Operation and maintenance of other irrigation and drainage works and appurtenant structures were transferred to the Association by contract dated June 15, 1951. Shareholders of the Association are subject to assessments levied by the Association to provide revenues to meet its obligations and expenses. At the time of filing water-right application the landowner will be required to present evidence, satisfactory to the Project Manager, that he is a member of said Association and owns stock in said Association issued with reference to the lands covered by said application, or that application by him for membership in the Association and for the issuance of such stock has been approved by the Association, and that he has paid all charges and/or assessments levied by the Association with respect to said lands.

5. *Construction and other charges on the Reservation Division.* The lands in the Reservation Division covered by this notice are subject to the following charges: a construction charge of $76.00 per irrigable acre and operation and maintenance charges as determined by the Secretary of the Interior. The said construction charge of $76.00 per irrigable acre shall become due and payable to the United States as follows: an initial payment of five percentum of said charges shall be made at the time of filing water-right application, and the remainder of said charges shall be paid in fifteen annual installments, the first five of which shall each be five percentum of said charges, and the remaining ten installments each seven percentum thereof. The first of said fifteen annual installments shall become due and payable December 1 of the fifth calendar year after the initial installment and subsequent installments shall become due and payable on December 1 of each year thereafter. Operation and maintenance charges covering the annual cost of operating and maintaining irrigation and drainage works and other appurtenant structures for the benefit of lands in the Reservation Division shall be payable in such amounts and at such times as may be announced by the United States by public notice.

6. *Increased construction charge in certain cases.* In all cases where water-right application for the lands described in Section 1 hereof shall not be made within one year from the date of this notice, the construction charge for such land shall be increased five percentum each year until such application is made and an initial installment is paid.

7. *Place and manner of payment of charges.* Payment of charges made under the terms of said contract dated February 5, 1931, between the United States and the Yuma County Water Users' Association shall be remitted to Secretary-Manager, Yuma County Water Users' Association, Yuma, Arizona, and those not made under the provisions of such contract shall be payable to Agent-Cashier, Bureau of Reclamation, Yuma, Arizona.

8. *Exclusion of lands by action of Colorado River.* Every water-right application shall contain the following provisions:

The applicant hereby releases the United States from any and all claims for loss or damages on account of (1) the exclusion of said lands or any part thereof from the irrigable lands of said project, or (2) the failure to supply water for the irrigation of any part of the lands hereinbefore described when such exclusion or failure is due to (a) the destruction by flood, erosion, encroachment, or other action of the Colorado River, of the levees erected by the Bureau of Reclamation along the banks of said river, or (b) a change in the location of said levees when such change is considered necessary by the proper officials of the United States to prevent the destruction of said levees from the said causes. Lands so excluded shall be relieved from payment of all construction and of operation and maintenance charges which otherwise would thereafter become due from the lands so excluded, but construction and operation and maintenance charges theretofore paid on lands so excluded shall be retained by the United States.

W. H. TAYLOR, *Regional Director.*

[F. R. Doc. 57-1062; Filed, Feb. 11, 1957; 8:48 a. m.]

Office of the Secretary

GLENN E. NIELSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

FEBRUARY 5, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER.

Name of appointee: Glenn E. Nielson.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's private employer: Husky Oil Company, Cody, Wyoming.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on January 7, 1957.

THOMAS H. TELLIER,
Personnel Officer.

Statement of Financial Interests

1. The names of companies of which I am, or have been within 60 days preceding my appointment, on January 7, 1957, as Consultant, Office of Oil and Gas, United States Department of the Interior, an officer or director, are as follows:

Husky Oil Company.
Trans-Tex Drilling Company.
H. Earl Clack Inc.
Gate City Steel, Inc.—Omaha.
Gate City Steel, Inc.—Boise.
Gate City Steel, Inc.—Denver.
Israel-American Oil Corporation.
Husky Oil & Refining Ltd. (Now Canadian Husky Oil Ltd.).
Canadian Husky Oil Ltd.
Northern Natural Gas Company Ltd.
Cody Enterprise.
Argus Petroleum Corporation.
Marmara Corporation.
Mountain States Drilling Co., Inc.
Northern Natural Gas Company.
Peace River Glass Company Ltd.

2. The names of corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds or other financial interests, are as follows:

Husky Oil Company.
Husky Oil & Refining Ltd.
Canadian Husky Oil Company.
Cody Enterprise.
Mountain States Drilling Co. Inc.
Northern Natural Gas Company.
Peace River Glass Company Ltd.

3. The names of partnerships in which I am associated, or have been associated within 60 days preceding my appointment, are as follows:

Cedar Mountain Lodge Ltd.

4. The names of other businesses which I own, or owned within 60 days preceding my appointment, are as follows:

Nielson Ranches.

Dated: January 11, 1957.

GLENN E. NIELSON.

[F. R. Doc. 57-1037; Filed, Feb. 11, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8427]

MIAMI AIRLINE, INC., R. W. DUFF AND EFFIE VIRGINIA DUFF, ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that a hearing in the above-entitled proceeding now assigned for February 8, 1957, is hereby postponed indefinitely.

Dated at Washington, D. C., February 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1072; Filed, Feb. 11, 1957; 8:49 a. m.]

[Docket No. 8445]

COMPANIA NACIONAL DE TURISMO AEREO "CINTA LIMITADA"

NOTICE OF HEARING

In the matter of the application of Compania Nacional de Turismo Aereo "Cinta Limitada" for an amendment of its foreign air carrier permit authorizing (a) designation of New York, New York, as a coterminal point with Miami, Florida, on applicant's route between Chile and the United States; and (b) the transportation of mail, in addition to persons and property, over said route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 801 of said act, that a hearing in the above-entitled proceeding is assigned to be held on February 18, 1957, at 10 a. m., e. s. t., in Room 1032, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Dated at Washington, D. C., February 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1073; Filed, Feb. 11, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

AMERICAUTO AND A. C. I., S. A.

ORDER EXTENDING TEMPORARY ORDER DENYING EXPORT PRIVILEGES

In the matter of: Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France; A. C. I., S. A., also known as Automobile Commerciale International, 1 rue de Rive, Geneva, Switzerland, Respondents.

An order was heretofore issued which, among other things, denied United States export privileges to the above-named respondents (21 F. R. 7703) and the term thereof was extended to January 28, 1957, by a further order issued December 4, 1956 (21 F. R. 9749). An appeal from such order filed by respondents Jacques Bensa and Americauto was heard by the Appeals Board for the Department of Commerce on January 22, 1957. On January 28, 1957, an order was issued extending the temporary order of October 4, 1956 to the extent that it denied United States export privileges to Jacques Bensa, doing business as Americauto, and to A. C. I., S. A., also known as Automobile Commerciale International, for a period of five days beyond the date when the Appeals Board for the Department of Commerce will have rendered its decision on the appeal by Jacques Bensa and Americauto.

The Appeals Board on February 1, 1957, having issued an order denying the appeal of Jacques Bensa, doing business as Americauto, the Bureau of Foreign Commerce Investigation Staff has now applied for a further order to extend the expiration date of the temporary order as it affects the above-named individual companies for an additional period of thirty (30) days from February 6, 1957. This application was considered by the Compliance Commissioner, who has recommended that the application be granted to the extent hereinafter provided.

Now after reading the recommendation of the Compliance Commissioner and considering the entire record herein, and sufficient cause appearing therefor: *It is hereby ordered:*

That the order of October 4, 1956, as extended by orders dated December 4, 1956 and January 28, 1957, to the extent that it denied U. S. export privileges to Jacques Bensa, doing business as Americauto, and to A. C. I., also known as Automobile Commerciale Internationale, is hereby extended for thirty (30) days from the date hereof.

Dated: February 6, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-1058; Filed, Feb. 11, 1957; 8:48 a. m.]

Federal Maritime Board

ALASKA STEAMSHIP CO. ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8173-1, between Alaska Steamship Company, Garrison Fast Freight, Inc. and Consolidated Freightways, Inc. provides for the modification of Agreement No. 8173 by substituting Consolidated Freightways, Inc. as a party in place of Garrison Fast Freight, Inc., and the incorporation of the agreement between Garrison and Consolidated that the former will not compete with the latter in the business of transporting freight to, from or within the Territory of Alaska or the Yukon Territory of Canada for a period of ten years. Agreement No. 8173 between Alaska and Garrison covers the transportation of cargo in trailers and refrigerated vans between Seattle, Washington, and inland points in Alaska, via Seward or Valdez, Alaska.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 6, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1030; Filed, Feb. 11, 1957; 8:45 a. m.]

FREDERIC HENJES, JR., INC. AND H. E. SCHURIG & CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8202 between Frederic Henjes, Jr., Inc., New York, New York, and H. E. Schurig & Co., Inc., Houston, Texas, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 6, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1031; Filed, Feb. 11, 1957; 8:45 a. m.]

Maritime Administration

CALIFORNIA PORTS/FAR EAST

ESSENTIALITY AND U. S. FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 29 CONCLUSIONS AND DETERMINATIONS

Notice is hereby given that on January 30, 1957, the Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, found and determined that the Trade Route No. 29 conclusions and determinations as published in the FEDERAL REGISTER issue of August 30, 1955 (20 F. R. 6361, 21 F. R. 2113) should be amended by adding the following sentence at the end of paragraph 3: "The combination vessel 'President Hoover' (ex-'Panama') is a suitable vessel for operation on Trade Route No. 29 for an interim period of about four years pending construction and introduction into service of a new passenger liner suitable for long range operation."

Any person, firm or corporation having any interest in the foregoing who desires to offer comments and views thereon should submit same in writing to the Secretary, Maritime Administration, Department of Commerce, Washington 25, D. C., within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER. The Maritime Administrator will consider these comments and views and take such action with respect thereto as in his discretion he deems warranted.

Dated: February 7, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1032; Filed, Feb. 11, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11554; FCC 57M-112]

PERRY COUNTY BROADCASTING CO. (WWOW)

ORDER CONTINUING HEARING

In re application of Claude P. Stephens and Frank L. Jones, d/b as Perry County Broadcasting Company (WWOW), Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

The Hearing Examiner having under consideration a "Joint Petition for Continuance" filed by counsel for applicant and protestant in this proceeding on February 5, 1957;

It appearing, that counsel for the Broadcast Bureau, the only other participant, has no objection to a grant of the relief requested and has consented to the immediate consideration of the pleading; and

It further appearing, that good cause has been shown for the continuance "for a period of at least sixty days," as flood conditions have affected the business offices, business operations, and records of the principals and some of the witnesses involved in the hearings, thus necessitating a period of reorintation;

It is ordered, This 6th day of February 1957, that the hearing now scheduled for February 14, is rescheduled for Monday, April 15, 1957, at 10 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1059; Filed, Feb. 11, 1957; 8:48 a. m.]

[Docket No. 11786-11788; FCC 57M-113]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re application of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

The Hearing Examiner having under consideration a "motion for continuance" filed by counsel for James W. Miller on February 5, 1957;

It appearing, that counsel for the other two applicants and the Broadcast Bureau have no objection to the relief requested in the motion;

It is ordered, This 6th day of February 1957, that the motion is granted, and that:

(1) The date for the exchange of data among the engineers (Tr. 17) is extended from February 5, 1957 to February 26, 1957.

(2) The date for the informal engineering conference (Tr. 17) is continued from February 20 to no later than March 13, 1957.

(3) The date for the exchange of affirmative written cases is extended from March 1 to March 25, 1957.

(4) The date for the further conference is continued from March 13 to April 3, 1957.

(5) The date for the beginning of the evidentiary hearing is continued from April 1 to April 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1060; Filed, Feb. 11, 1957; 8:48 a. m.]

[Docket Nos. 11883, 11884; FCC 57M-97]

COLLIER ELECTRIC CO. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER SCHEDULING CONFERENCE AND CONTINUING HEARING

In the matter of the applications of Collier Electric Company, Docket No. 11883, File Nos. 1541/1542/1543-C1-P-56, and American Telephone and Telegraph Company, Docket No. 11884, File Nos. 163/164/165-C1-P-57; for construction permits for point-to-point microwave relay stations at Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska.

Upon oral request of counsel for Collier Electric Company, an applicant in the above-entitled proceeding: *It is ordered,* This 29th day of January 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10 a. m., February 15, 1957, and the hearing herein presently scheduled for February 18, 1957, is continued to a date to be hereinafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1061; Filed, Feb. 11, 1957; 8:48 a. m.]

[Docket Nos. 11858, 11859; FCC 57M-110]

KEN-SELL, INC. AND FLORIDA KEYS BROADCASTING CORP.

ORDER CONTINUING HEARING

In re applications of Ken-Sell, Inc., Key West, Florida, Docket No. 11858, File No. BP-10242; Florida Keys Broadcasting Corporation, Key West, Florida, Docket No. 11859, File No. BP-10603; for construction permits.

It appearing that the Examiner's work schedule will not permit the above-entitled case to be heard on the date now set;

It is ordered, This 5th day of February 1957, on the Examiner's own motion, that hearing in the above-entitled matter now scheduled for February 13, 1957 is continued to a date to be determined later.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1038; Filed, Feb. 11, 1957; 8:46 a. m.]

[Docket Nos. 11883, 11884; FCC 57M-106]

COLLIER ELECTRIC CO. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the Matter of the applications of Collier Electric Company, Docket No. 11883, File Nos. 1541/1542/1543-C1-P-56, and American Telephone and Telegraph Company, Docket No. 11884, File Nos. 163/164/165-C1-P-57; for construction permits for point-to-point microwave relay stations at Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska.

It is ordered, This 5th day of February 1957, on the Hearing Examiner's own motion, that the hearing herein presently continued without date, be, and the same is hereby, set for February 25, 1957, commencing at 10 o'clock a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1039; Filed, Feb. 11, 1957; 8:46 a. m.]

[Docket Nos. 11888, 11889; FCC 57M-107]

JEFFERSON COUNTY BROADCASTING CO. AND KERMIT F. TRACY

ORDER CONTINUING HEARING

In re applications of Louis Alford, Phillip D. Brady and Albert Mack Smith, d/b as Jefferson County Broadcasting Company, Pine Bluff, Arkansas, Docket No. 11888, File No. BP-10528; Kermit F. Tracy, Fordyce, Arkansas, Docket No. 11889, File No. BP-10691; for construction permits.

On January 29, 1957 Kermit F. Tracy filed a Motion for Continuance of Hearing;

It appearing that all other participants have consented to grant of the motion;

It is ordered, This 5th day of February 1957, that hearing in the above-entitled matter now scheduled for February 19, 1957 is continued to March 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1040; Filed, Feb. 11, 1957; 8:46 a. m.]

[Docket No. 11900; FCC 57M-105]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER CONTINUING HEARING

In the matter of Mackay Radio and Telegraph Company, Inc., Docket No. 11900; Revision of Tariff F. C. C. No. 37 to broaden offer of tieline connections for telex users.

Pursuant to a verbal request made by counsel for Mackay Radio and Telegraph Company, Inc., during the course of a pre-hearing conference in the above-entitled proceeding, held in the offices of this Commission on Friday, February 1, 1957, to which consent was given by all of the other parties to the said proceeding, the date for the hearing therein, now scheduled to commence on Friday, February 15, 1957, is hereby continued until 10 o'clock a. m., on Monday, February 18, 1957, in the offices of this Commission, Washington, D. C.

Dated this 4th day of February 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1041; Filed, Feb. 11, 1957; 8:46 a. m.]

[Docket No. 11924; FCC 57M-103]

BELOIT BROADCASTERS, INC. (WBEL)

ORDER SCHEDULING HEARING

In re application of Beloit Broadcasters, Incorporated (WBEL), Beloit, Wisconsin, Docket No. 11924, File No. BP-10531; for construction permit.

It is ordered, This 4th day of February 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 2, 1957, in Washington, D. C.

Released: February 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1042; Filed, Feb. 11, 1957; 8:46 a. m.]

[Canadian Change List 108]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JANUARY 14, 1957.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, Proposed changes and Corrections in Assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power	Antenna	Schedule	Class	Expected date of change or commencement of operation
CKAC	Montreal, Quebec	730 kilocycles 50 kw	DA-1	U	II	Oct. 15, 1957 (PO: 730 kc 10 kw D/5 kw N ND).
CKWX	Vancouver, British Columbia	1130 kilocycles 50 kw	DA-N	U	I-B	Oct. 15, 1957 (PO: 980 kc 5 kw DA-1).
CKSA	Lloydminster, Alberta	1150 kilocycles 1 kw	DA-2	U	III	Assignment of call letters.
CFAM	Altona, Manitoba	1290 kilocycles 1 kw	DA-1	U	III	Assignment of call letters.
CHUC	Port Hope, Ontario	1500 kilocycles 1 kw	DA-D	D	II	Assignment of call letters.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1045; Filed, Feb. 11, 1957; 8:46 a. m.]

[Docket Nos. 11925, 11926; FCC M-102]

NORTHWEST BROADCASTERS, INC. AND REV. HALDANE JAMES DUFF

ORDER SCHEDULING HEARING

In re applications of Northwest Broadcasters, Inc., Bellevue, Washington, Docket No. 11925, File No. BP-10521; Rev. Haldane James Duff, Seattle, Washington, Docket No. 11926, File No. BP-10638; for construction permits.

It is ordered, This 4th day of February 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 26, 1957, in Washington, D. C.

Released: February 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1043; Filed, Feb. 11, 1957; 8:46 a. m.]

[Docket No. 11927; FCC 57M-104]

Q BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Q Broadcasting Company, Phoenix, Arizona, Docket No. 11927, File No. BP-10178; for construction permit.

It is ordered, This 4th day of February 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 4, 1957, in Washington, D. C.

Released: February 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1044; Filed, Feb. 11, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9916]

CITY OF CENTRAL CITY, KENTUCKY

NOTICE OF APPLICATION

FEBRUARY 5, 1957.

Take notice that City of Central City, Kentucky (Applicant), a Kentucky municipal corporation with address at Central City, Kentucky, filed an application on January 24, 1956 as amended and supplemented on April 23, October 10, October 30, November 9 and December 10, 1956, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its natural gas transportation facilities with Applicant's proposed natural gas system and to sell natural gas to Applicant for resale and distribution to customers in Central City, South Carrolton, Bremen, Sacramento and Rumsey, Kentucky and environs and to customers located along Applicant's proposed lateral transmission line as hereinafter described, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to have constructed, own and operate: (1) At an estimated cost of $280,875, approximately 3.1 miles of 6-inch lateral transmission line extending southeasterly from a point of interconnection with Texas Gas' 26-inch transmission line, located near Kentucky Highway No. 136 and about 2.5 miles northwest of Calhoun, Kentucky, at which point a regulator station will be located, to Rumsey or thereabouts which line then reduces to 4 inches and continues in the same general direction for approximately 22.3 miles through or near Sacramento, Bremen, South Carrolton to Central City, (2) distribution systems together with regulating facilities in Rumsey, Sacramento, Bremen, South Carrolton and Central City at estimated costs of $10,390, $14,305, $8,775, $8,575, and $154,805 respectively, and (3) facilities along the lateral line at an estimated cost of $10,000.

The total estimated cost (including contingencies, interest, fiscal, engineering and legal fees) of the foregoing project is $600,000 which will be financed by Applicant through the sale of revenue bonds.

The latest estimated annual gas requirements and peak day gas requirements of the aforesaid proposed system in Mcf at 15.025 psia for the first three years of operation are as follows:

Year	Peak day	Annual
1	852	85,800
2	1,443	147,550
3	2,023 (2,064 @ 14.73)	212,050

Texas Gas filed on March 2, 1956 a request for an extension of time within which to file an Answer to the aforesaid application. This request was subsequently granted by Notice issued March 16, 1956. Thereafter, Texas Gas timely filed on April 23, 1956, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an answer to the aforesaid application wherein it states that it has no objection to rendering the service requested by Applicant; Provided: (1) That Applicant establishes the economic feasibility of its project to the satisfaction of the Commission; (2) that Texas Gas be not obligated to render the proposed service until completion of its facilities authorized in Docket No. G-10062; (3) that the maximum daily delivery obligation of Texas Gas to Applicant does not exceed 2,495 M. c. f. at 15.025 psia (2,545 Mcf at 14.73 psia); (4) that the facilities of Applicant necessary to receive, transport, and distribute the gas as proposed are completed not later than June 1, 1957; and (5) that Applicant executes a service agreement acceptable to Texas Gas within 45 days after the issuance of any Commission order authorizing the requested service to be effective upon the commencement of deliveries.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1046; Filed, Feb. 11, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

PROCUREMENT OF UTILITY SERVICES (POWER, GAS, WATER)

AMENDMENT TO STATEMENT OF AREAS OF UNDERSTANDING BETWEEN THE DEPARTMENT OF DEFENSE AND THE GENERAL SERVICES ADMINISTRATION

On November 2, 1950, the Secretary of Defense and the Administrator of General Services concluded an agreement for Area of Understanding with respect to the respective obligations of their departments or agencies in connection with various matters pertaining to the procurement of public utility services (power, gas, water) and with respect to representation before regulatory agencies (15 F. R. 8227).

By further agreement it is desired to amend paragraph 2f of the agreement of November 2, 1950, to read as follows:

1. Utility services required by the Department of Defense activities in localities within an area where these services are or may become available under a General Services Administration area contract shall be procured thereunder. In those instances, however, where the service demands of a military activity justify negotiation of special rates or service conditions departing from the published tariffs of the utility, separate negotiations may be undertaken by the Department of Defense for appropriate special contracts. Such special contracts shall be reported to the General Services Administration upon execution.

Accordingly, the Area of Understanding is so modified effective this date.

Dated: January 19, 1957.

For the Secretary of Defense.

PERKINS MCGUIRE,
Assistant Secretary of Defense, (Supply and Logistics).

Dated: January 10, 1957.

F. G. FLOETE,
Administrator of General Services.

[F. R. Doc. 57-1108; Filed, Feb. 11, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF-1901]

CHEMICAL AND FIBRE ASSOCIATES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 6, 1957.

I. Chemical and Fibre Associates, Inc., 139 North Virginia Street, Reno, Nevada, filed with the Commission on April 16, 1954, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 8,750 shares of its $10 common capital stock at $10 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed since the 5th day of April 1955, to file 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1048; Filed, Feb. 11, 1957; 8:47 a. m.]

[File No. 24SF-1924]

ARIZONA CHEESE & CATTLE CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 6, 1957.

I. Arizona Cheese & Cattle Company, Inc., 312 W. Lynwood Street, Phoenix, Arizona, filed with the Commission on June 11, 1954, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 100 5 percent convertible debentures, at $500 per debenture, 5,000 shares of 6 percent convertible preferred stock, $10 par, at $10 per share, and 5,300 shares of $10 par common stock at $10 per share, for a total issue of $153,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file 2-A reports of sales as required by Rule 224 under Regulation A since the 15th day of February 1955, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1049; Filed, Feb. 11, 1957; 8:47 a. m.]

[File No. 24SF-2041]

KWIK-FIZZ

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 6, 1957.

I. Kwik-Fizz, a California corporation, 3 Morlan Place, Arcadia, California, filed with the Commission on March 14, 1955, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 200,000 shares, $1 par, at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file any 2-A reports of sales as required by Rule 224 under Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1050; Filed, Feb. 11, 1957; 8:47 a. m.]

[File No. 24SF-2132]

AMALGAMATED AMERICAN OIL INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 6, 1957.

I. Amalgamated American Oil, Incorporated, 108 S. Third Street, Las Vegas, Nevada, 800 N. Broadway, Santa Ana, California, and 541 S. Spring Street, Los Angeles, California, filed with the Commission on August 8, 1955 a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 300,000 shares of its $1 par value common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A thereunder.

II. The Commission has cause to believe that the terms and conditions of Regulation A have not been complied with by the subject corporation in that it has failed to file any Form 2-A reports of sales as required by Rule 224 under Regulation A and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own notion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1051; Filed, Feb. 11, 1957; 8:47 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 58]

BICYCLES

INVESTIGATION AND PUBLIC HEARING

A public hearing will be held by the United States Tariff Commission in the Hearing Room, Tariff Commission Building, 8th and E Streets, N. W., Washington, D. C., beginning at 10 a. m., e. s. t., on April 9, 1957, in Investigation No. 58 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to bicycles described in the notice of the institution of this investigation which was previously given (22 F. R. 683).

Requests to appear. All parties interested will be given an opportunity to be present, to produce evidence, and to be heard at the hearing. Parties desiring to appear at this public hearing should notify the Secretary of the Tariff Commission in writing at its office in Washington, D. C., at least three days in advance of the date set for the hearing.

Issued: February 7, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-1065; Filed, Feb. 11, 1957; 8:48 a. m.]

WHISKEY

INVESTIGATION INSTITUTED

Pursuant to a resolution approved by the Committee on Finance of the United States Senate on February 6, 1957, the United States Tariff Commission, on the 7th day of February 1957, instituted an investigation under the provisions of section 332 of the Tariff Act of 1930, as amended, of the whiskey industry of the United States.

The resolution directs the Commission to report the results of its investigation to the Senate Finance Committee and to set forth in the report the facts affecting the relative competitive position of foreign-owned and domestically-owned whiskey distilleries, including the impact of trade practices, methods of distribution, and imports on American-owned distilleries.

A public hearing at which all interested parties will be given opportunity to be present, to produce evidence, and to be heard will be held in connection with this investigation. The time and place of such hearing will be announced at a future date.

Issued: February 7, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57-1066; Filed, Feb. 11, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 63]

EASTERN TANK CARRIERS

AGREEMENT

FEBRUARY 7, 1957.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: February 4, 1957, by: John C. Wisener, Jr., Attorney-in-Fact, 624 Schaff Bldg., 1505 Race Street, Philadelphia 2, Pa.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, ratings, classifications, rules, regulations and practices governing the transportation of commodities, in bulk, in tank vehicles in interstate or foreign commerce between points in official and southern territories, also points in Texas, Kansas, Missouri, Iowa, and Minnesota, and procedures for the joint initiation, consideration, and establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-1047; Filed Feb. 11, 1957; 8:46 a. m.]

FEDERAL REGISTER

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Washington, Wednesday, February 13, 1957

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FEB 20 1957

MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE[1]

On October 19, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 8059) regarding a proposed revision of the United States Standards for Grades of Canned Pineapple (7 CFR 52.1711—52.1725). The provisions of the following standards are the same as those contained in the notice except for changes in Table II, and in degrees of trimming in § 52.1724 as applicable to Grade B sliced pineapple and the scoring of half sliced pineapple.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Pineapple are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.):

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1711 Product description.
52.1712 Styles of canned pineapple.
52.1713 Grades of canned pineapple.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.1714 Liquid media and Brix measurements for canned pineapple.
52.1715 Fill of container for canned crushed pineapple.
52.1716 Recommended fill of container for other than canned crushed pineapple.
52.1717 Drained weights for canned crushed pineapple.
52.1718 Recommended minimum drained weights for canned pineapple other than canned crushed pineapple.

COUNT AND SIZE SLICES AND HALF SLICES

52.1719 Recommended counts and sizes of slices and half slices.

FACTORS OF QUALITY

52.1720 Ascertaining the grade.
52.1721 Ascertaining the rating for the factors which are scored.
52.1722 Color.
52.1723 Uniformity of size and shape.
52.1724 Absence of defects.
52.1725 Character.

LOT CERTIFICATION TOLERANCES

52.1726 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1727 Score sheet for canned pineapple.

AUTHORITY: §§ 52.1711 to 52.1727 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1711 *Product description.* "Canned pineapple" means canned pineapple as such product is defined in the standard of identity for canned pineapple (21 CFR 27.50) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1712 *Styles of canned pineapple.*—(a) *Sliced, slices.* "Sliced" or "slices" consist of whole circular slices cut across the axis of the peeled, cored fruit cylinders.

(b) *Half sliced, half slices.* "Half sliced" or "half slices" consist of semicircular halves of slices. A unit that is approximately one-half slice is considered to be a half slice.

(c) *Broken sliced, broken slices.* "Broken sliced" or "broken slices" consist of arc-shaped portions cut or broken from slices, which portions are not uniform in size or shape.

(d) *Tidbits.* "Tidbits" consist of sectors cut from slices. Tidbits are reason-

(Continued on p. 877)

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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GENERAL INDEX
TO
CODE OF FEDERAL
REGULATIONS

Revised as of January 1, 1956
($4.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ably uniform in size and shape; they are predominantly from 5/16-inch to 1/2-inch thick; and, except for an occasional unit, each sector is not larger than one-sixth of the slice from which cut. Tidbits are considered "small tidbits" or "large tidbits" if they conform to the following approximate dimensions:

(1) *Small tidbits.*

Length of outside arc	More than 5/8 inch but not more than 3/4 inch.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length (measured along the radius from the inside arc to the outside arc).	More than 1 1/16 inch but not more than 1 1/4 inches.

(2) *Large tidbits.*

Length of outside arc	More than 3/4 inch but not more than 2 inches.
Thickness	More than 5/16 inch but not more than 1/2 inch.
Length (measured along the radius from the inside arc to the outside arc).	More than 1 1/16 inch but not more than 1 3/4 inches.

(e) *Chunks.* "Chunks" consist of short, thick pieces cut from thick slices or from peeled, cored fruit. Chunks may or may not be symmetrical or uniform in shape and size. Predominantly, the units have a thickness greater than 1/2-inch, a width greater than 9/16-inch, but a longest dimension (along any edge) not greater than 1 1/2 inches. Chunks which are symmetrical are considered "symmetrical chunks."

(f) *Cubes, diced.* "Cubes" or "diced" consist of cube-shaped pieces cut from slices or from peeled, cored fruit. Except for an occasional unit, the longest dimension (along any edge) of each unit is not greater than 9/16-inch.

(g) *Spears, fingers.* "Spears" or "fingers" consist of long, slender pieces cut parallel to the core axis from peeled, cored fruit cylinders. The units are not larger than one-sixth of the cylinder from which they are cut, and they are not less than 2 1/2 inches long.

(h) *Crushed.* "Crushed" consists of shredded or finely cut pieces of fruit flesh.

§ 52.1713 *Grades of canned pineapple.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a good color; that is practically uniform in size and shape for the applicable style; that is practically free from defects; that possesses a good character; that possesses a good flavor and odor; that is not excessively tart; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a reasonably good color; that is reasonably uniform in size and shape for the applicable style; that is reasonably free from defects; that possesses a reasonably good character; that possesses a fairly good flavor and odor; that is not excessively tart; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of half sliced or broken sliced canned pineapple that possesses a good, reasonably good, or fairly good color; that, in the style of half slices, is practically uniform, reasonably uniform, or fairly uniform in size and shape; that, in the style of broken slices, is not uniform in size and shape; that is practically free, reasonably free, or fairly free from defects; that possesses a good, reasonably good, or fairly good character; that possesses a good or fairly good flavor and odor; that is not excessively tart; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "Substandard" is the quality of canned pineapple that fails to meet the applicable requirements of U. S. Grade A or U. S. Fancy, U. S. Grade B or U. S. Choice, or U. S. Grade C or U. S. Standard and is the quality of canned pineapple that may or may not meet the minimum standard of quality for canned pineapple issued pursuant to the Federal Food, Drug, and Cosmetic Act. Canned pineapple that is excessively tart is also "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality—Excessively tart."

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.1714 *Liquid media and Brix measurements for canned pineapple.* "Cut-out" requirements for liquid media in canned pineapple are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurements, as applicable, for the respective designations are as follows:

(1) *All styles other than crushed canned pineapple.*

Designations	*Brix measurement*
"Extra-heavy sirup"	22° or more but not more than 35°.
"Heavy sirup"	18° or more but less than 22°.
"Light sirup"	14° or more but less than 18°.
"In water"	Packed in water.
"In pineapple juice" or "In unsweetened pineapple juice".	Packed in pineapple juice.
"In clarified juice"	Packed in clarified juice.

(2) *Crushed canned pineapple.*

Designations	*Brix measurement*
"Extra-heavy sirup" or "Extra heavily sweetened".	22° or more but not more than 35°.
"Heavy sirup" or "Heavily sweetened".	18° or more but less than 22°.
"Light sirup" or "Lightly sweetened".	14° or more but less than 18°.
"Unsweetened" or "In pineapple juice".	Packed in pineapple juice.
"In clarified juice"	Packed in clarified juice.

§ 52.1715 *Fill of container for canned crushed pineapple.* The standard of fill of container for canned crushed pineapple is a fill of not less than 90 percent of the total capacity of the container. Canned crushed pineapple that does not meet this requirement is "Below Standard in Fill."

§ 52.1716 *Recommended fill of container for other than canned crushed pineapple.* The recommended fill of container for canned pineapple is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of canned pineapple of all styles other than crushed style be as full of pineapple as practicable without impairment of quality and that the product and packing medium occupy not less than 90 percent of the volume of the container.

§ 52.1717 *Drained weights for canned crushed pineapple.* (a) *General.* Minimum drained weights for canned crushed pineapple are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades; however, minimum drained weights for canned crushed pineapple other than "heavy pack" or "solid pack" are a standard of quality, and minimum drained weights for canned crushed "heavy pack" and "solid-pack" pineapple are a standard of identity, under the Federal Food, Drug, and Cosmetic Act. Canned crushed pineapple other than "heavy pack" or "solid pack" which is less than 63 percent of the net weight of the contents of the container is:

Below Standard in Quality.
Good Food—Not High Grade.
(or)
Below Standard in Quality.
Contains excess liquid.

(b) *Method for ascertaining the drained weight of canned crushed pineapple.* Pour the contents of the can on a round sieve made with No. 8 woven-wire cloth complying with the specifications for such cloth in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards. Use a sieve 8 inches in diameter for containers of less than 3 pounds net contents and a sieve 12 inches in diameter for larger containers. Incline the sieve, without shifting the contents, to facilitate draining. Allow to drain for 2 minutes from the time the contents of the container are poured on the sieve. Immediately transfer the drained pineapple to a clean, dry, tared pan by inverting the sieve over the pan in one moderately rapid motion, and determine the weight of the drained pineapple.

TABLE I—MINIMUM DRAINED WEIGHTS FOR CANNED CRUSHED PINEAPPLE

	Other than "heavy pack" or "solid pack"	"Heavy pack" crushed	"Solid pack" crushed
Any container size	Drained fruit: Not less than 63 percent by weight of contents	Drained fruit: Not less than 73 percent but less than 78 percent by weight of contents	Drained fruit: Not less than 78 percent by weight of contents

§ 52.1718 *Recommended minimum drained weights for canned pineapple other than canned crushed pineapple—*(a) *General.* The minimum drained weight recommendations for the various styles of canned pineapple in Table II or Table III are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(b) *Method for ascertaining drained weight in canned pineapple other than canned crushed pineapple.* The drained weight of canned pineapple other than canned crushed pineapple is determined by emptying the contents of the container upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and pineapple less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

(c) *Compliance with recommended drained weights in canned pineapple other than canned crushed pineapple.* Compliance with the recommended drained weights for canned pineapple other than canned crushed pineapple is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(1) The average of the drained weights from all of the containers meets the recommended drained weight;

(2) One-half or more of the containers meet the recommended drained weight; and

(3) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR SLICES, HALF SLICES, AND BROKEN SLICES

Container designation	Container size overall dimensions		Slices	Half slices	Broken slices
	Width	Height			
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 9/16	4	----	----
No. 1 Flat	3 7/16	2 4/16	5 1/4	5	----
No. 1¼	4 1/16	2 7-3/16	9 1/4	9	----
No. 1 Tall	3 1/16	4 1 9/16	10 3/4	----	----
No. 2	3 5/16	4 5/16	12 3/4	12 1/2	12 1/4
No. 2½	4 1/16	4 1/16	18 1/4	18	18
No. 10	6 5/16	7	61 1/2	----	62 1/4

TABLE III—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CHUNKS, CUBES, SPEARS, AND TIDBITS

Container designation	Container size, overall dimensions		Chunks	Cubes	Spears	Tidbits
	Width	Height				
	Inches	*Inches*	*Ounces*	*Ounces*	*Ounces*	*Ounces*
300 x 204	3	2 5/16	4	----	----	4
No. 1 Flat	3 5/16	2 4/16	5	----	----	5
8 Z Tall	2 15/16	3 4/16	5	----	----	5
211 Cylinder	2 5/16	4 5/16	7 3/4	----	8 1/4	7 3/4
No. 1¼	4 5/16	2 7-3/16	9 1/4	9 1/4	----	9 1/4
No. 2	3 5/16	4 5/16	12 3/4	12 3/4	12 3/4	12 3/4
No. 2½	4 5/16	4 1/16	18 1/4	18 1/4	18 1/4	18 1/4
No. 10	6 5/16	7	65 3/4	71 1/4	----	65 3/4

COUNT AND SIZE OF SLICES AND HALF SLICES

§ 52.1719 *Recommended counts and sizes of slices and half slices.* The recommended minimum number of slices and half slices, together with the recommended approximate thickness and approximate diameter for the respective counts per container, are shown in Table IV for the most common container sizes for these styles. Compliance with the recommended minimum slices in No. 10 cans only is ascertained by averaging the slices from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations: *Provided*, That in any single container the count of slices in "Small" slices, that average approximately 57 to 60 count, shall be not less than 54; in "Small" slices, that average approximately 64 count, shall be not less than 60; in "Medium" slices shall be not less than 48; and in "Large" slices shall be not less than 27.

TABLE IV

Container designation	Slices minimum per can	Half slices minimum per can	Approximate thickness of slices and half slices	Approximate diameter of slices and half slices	Approximate diameter of core holes (inches)	Size of slice designation
			Inches	*Inches*		
No. 1 Tall	10	----	5/16	2½	1 inch	Small.
300 x 204	4	----	5/16	2½	1 3/16 to 1 3/8	
No. 10	64	----	5/16	2½	1 inch	
No. 10	57	----	5/16	2½	1 3/16 to 1 3/8	
No. 1 Flat	4	8	5/16	2 15/16	1 3/16 to 1 3/8	Medium.
No. 2	10	20	5/16	2 15/16	1 3/16 to 1 3/8	
No. 10	50	----	5/16	3½	1 3/16 to 1 3/8	
No. 1¼	4	8	7/16	3½	1 3/16 to 1 3/8	Large.
No. 2½	8	16	7/16	3½	1 3/16 to 1 3/8	
No. 10	28	----	7/16	3½	1 3/16 to 1 3/8	

FACTORS OF QUALITY

§ 52.1720 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points in canned pineapple.* (i) Flavor and odor;

(ii) Tartness.

(2) *Factors rated by score points in canned pineapple.*

The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	30
(ii) Uniformity of size and shape	30
(iii) Absence of defects	30
(iv) Character	10
Total score	100

(b) *Definition of flavor and odor—*(1) *Good flavor and odor.* "Good flavor and odor" means that the canned pineapple possesses a distinct and normal flavor for the variety; is characteristic of properly ripened and properly matured pineapple that has been properly prepared and processed; and is free from objectionable flavors and objectionable odors of any kind.

(2) *Fairly good flavor and odor.* "Fairly good flavor and odor" means that the canned pineapple may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

(c) *Definition of tartness; excessively tart.* "Excessively tart" means that more than 1.35 grams of acid, calculated as anhydrous citric acid, is present in 100 milliliters of the pineapple liquid as defined and determined in accordance with paragraphs (d) and (e) of this section.

(d) *Definition of acid.* "Acid", in all styles of canned pineapple, means grams of acid, calculated as anhydrous citric acid, as contained in 100 milliliters of the liquid drained from the product 15 days or more after the pineapple is canned.

(e) *Method for determination of acidity.* Total acidity of the drained liquid is determined by the following method:

(1) Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask.

(2) Add 25 milliliters of freshly boiled, distilled water and 0.3 milliliter of 1-percent phenolphthalein solution.

(3) Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration.

(4) Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid.

§ 52.1721 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.1722 *Color—*(a) *(A) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a good color may be given a score of 27 to 30 points. Half sliced or broken sliced canned pineapple that scores 27 to 30 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the color of the pineapple units or mass is bright and is characteristic of properly ripened and properly matured pineapple of similar varietal characteristics; and that there may be slight variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present: *Provided*, That such variations do not materially affect the appearance of the product.

(b) *(B) classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a reasonably good color may be given a score of 24 to 26 points. Half sliced or broken sliced canned pineapple that scores 24 to 26 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); and other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the color of the pineapple units or mass may be no more than slightly dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units, within each unit, or within the mass, and that white radiating streaks may be present: *Provided*, That such variations do not seriously affect the appearance of the product.

(c) *(C) classification.* Half sliced or broken sliced canned pineapple that possesses a fairly good color may be given a score of 21 to 23 points. Half sliced or broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color of the pineapple units may be dull but is characteristic of properly matured pineapple of similar varietal characteristics; and that there may be marked variations in shades of such characteristic color in the units or within each unit or white radiating streaks may be present which variations may seriously affect the appearance of the product.

(d) *(SStd) classification.* Canned pineapple that for any reason is off color or that fails to meet the applicable requirements of paragraph (b) or (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1723 *Uniformity of size and shape—*(a) *General.* The factor of uniformity of size and shape is not based on any detailed requirements and is not scored for the style of crushed pineapple; the other three factors (color, absence of defects, and character) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score for canned crushed pineapple.

(b) *Radial axis.* "Radial axis" in the case of slices and half slices means the measurement along the radius from the inside arc to the outside arc.

(c) *Length.* In the case of tidbits and chunks, "length" means the measurement along the radius from the inside arc to the outside arc; and in the case of spears, "length" means the longitudinal measurement of the spear.

(d) *Sieve with 5/16-inch square openings.* "Sieve with 5/16-inch square openings" means the meshes of a sieve designated as 5/16-inch in Table I of "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the United States Department of Commerce, National Bureau of Standards.

(e) *(A) classification.* Sliced, half sliced, tidbits, chunks, cubes, or spears of canned pineapple that are practically uniform in size and shape may be given a score of 18 to 20 points. Half sliced canned pineapple that scores 18 to 20 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Practically uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than 1/16 inch.

(ii) The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than 3/32 inch.

(iii) The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than 1/8 inch.

(iv) The drained weight of the largest slice is not more than 1.4 times the weight of the smallest slice.

(2) *Small tidbits.* (i) Not more than 7½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than ¾ inch but not more than ¾ inch.
Thickness	More than 5/16 inch but not more than ½ inch.
Length	More than 1 5/16 inch but not more than 1¼ inches.

(ii) Not more than 7½ percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(3) *Large tidbits.* (i) Not more than 7½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than ¾ inch but not more than 1¾ inches.
Thickness	More than 5/16 inch but not more than ½ inch.
Length	More than 1 5/16 inch but not more than 1¼ inches.

(ii) Not more than 7½ percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(4) *Chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not more than 10 percent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(5) *Symmetrical chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not less than an aggregate of 90 percent of the drained weight consists of pieces weighing 3/16 ounce or more each and exceed at least one of the following dimensions:

Length of outside arc	5/16 inch.
Thickness	½ inch.
Length	1 5/16 inch.

(6) *Cubes.* Not more than an aggregate of 10 percent of the drained weight may consist of:

(i) units of such size that they pass through the meshes of a sieve with 5/16-inch square openings; and

(ii) Pieces weighing more than 3/32 ounce each.

(7) *Spears.* (i) The units are of substantially equal length.

(ii) Not more than 10 percent, by count, of the units or not more than one unit in a container of less than 10 units, may be less than ¾ inch or more than 1¾ inches in the longest edge dimension other than the longitudinal measurement of the spear.

(iii) The drained weight of the largest spear is not more than 1.4 times the weight of the smallest spear.

(8) *Half sliced.* (i) The diameter of the half slice with the longest diameter does not exceed the diameter of the half slice with the shortest diameter by more than 1/16 inch.

(ii) The thickness of the half slice with the widest thickness at the circumference does not exceed the thickness of the half slice with the most narrow thickness at the circumference by more than 3/32 inch.

(iii) The drained weight of the largest half slice is not more than 1.75 times the weight of the smallest half slice (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(f) (*B*) *classification.* Sliced, half sliced, tidbits, chunks, cubes, or spears of canned pineapple that are reasonably uniform in size and shape may be given a score of 16 or 17 points. Half sliced canned pineapple that scores 16 or 17 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably uniform in size and shape" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) The diameter of the slice with the longest diameter does not exceed the diameter of the slice with the shortest diameter by more than 1/8 inch.

(ii) The thickness of the slice with the widest thickness at the circumference does not exceed the thickness of the slice with the most narrow thickness at the circumference by more than 1/8 inch.

(iii) The maximum radial axis of any slice does not exceed the minimum radial axis of the same slice by more than ¼ inch.

(iv) The drained weight of the largest slice is not more than 1.4 times the weight of the smallest slice.

(2) *Small tidbits.* (i) Not more than 12½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc.	More than 3/8 inch but not more than ¾ inch.
Thickness	More than 5/16 inch but not more than ½ inch.
Length	More than 11/16 inch but not more than 1¼ inches.

(ii) Not more than 15 percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(3) *Large tidbits.* (i) Not more than 12½ percent of the drained weight may consist of units which may fail to conform to any one or more of the following dimensions:

Length of outside arc	More than ¾ inch but not more than 1¾ inches.
Thickness	More than 5/16 inch but not more than ½ inch.
Length (measured along the radius).	More than 11/16 inch but not more than 1¼ inches.

(ii) Not more than 15 percent of the drained weight may consist of units each of which weighs less than three-fourths as much as the average weight of all the untrimmed tidbits.

(4) *Chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not more than 15 percent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(5) *Symmetrical chunks.* (i) None of the units may have a longest dimension (along any edge) greater than 1½ inches.

(ii) Not less than 80 percent of the drained weight may consist of units which exceed at least one of the following dimensions:

Length of outside arc	9/16 inch.
Thickness	½ inch.
Length	11/16 inch.

(iii) Not more than 15 percent of the drained weight consists of pieces weighing less than 3/16 ounce each.

(6) *Cubes.* (i) Not more than 10 percent of the drained weight may consist of units of such size that they pass through the meshes of a sieve with 5/16-inch square openings.

(ii) Not more than 15 percent of the drained weight may consist of pieces weighing more than 3/32-ounce each.

(7) *Spears.* (i) The units are of reasonably uniform length.

(ii) Not more than 20 percent, by count, of the units or not more than one unit in a container of less than 5 units, may be less than ¾ inch or more than 1¾ inches in the longest edge dimension other than the longitudinal measurement of the spear.

(iii) The drained weight of the largest spear is not more than 1.4 times the weight of the smallest spear.

(8) *Half sliced.* (i) The diameter of the half slice with the longest diameter does not exceed the diameter of the half slice with the shortest diameter by more than 1/8 inch.

(ii) The thickness of the half slice with the widest thickness at the circumference does not exceed the thickness of the half slice with the most narrow thickness at the circumference by more than 1/8 inch.

(iii) The drained weight of the largest half slice is not more than 1.75 times the weight of the smallest half slice (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(g) (*C*) *classification.* Half sliced canned pineapple that is fairly uniform in size and shape and broken sliced canned pineapple that is not uniform in size and shape may be given a score of 14 or 15 points. Half sliced and broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule).

(1) "Fairly uniform in size and shape" for half sliced canned pineapple means that the units fail to meet the requirements of paragraph (e) (8) (i) and (ii) of this section or of paragraph (f) (8) (i) and (ii) of this section, but the drained weight of the largest half slice is not more than 1.75 times the weight of the smallest half slice (except for an occasional broken piece due to splitting or an occasional whole slice not quite completely cut through).

(2) "Not uniform in size and shape" for broken sliced canned pineapple means that:

(i) Not more than 10 percent of the drained weight may consist of pieces having an arc of less than 90°;

(ii) Not more than 5 percent of the drained weight may consist of: (*a*) Pieces that measure in thickness less than 5/16 inch or more than 1 inch; or (*b*) pieces that measure less than ¾ inch in width as measured from the outer edge to the inner edge; and

(iii) Not more than 5 percent of the drained weight may consist of broken slices having an outside diameter differing by as much as ⅜ inch from that of those present in greatest proportion by weight.

(h) (*SStd*) *classification.* Canned pineapple of the applicable styles which fail to meet in some respects paragraph (e), (f), or (g) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and, for the applicable styles, may also be "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality" for the following reasons:

(1) *Slices.* "Mixed sizes" for failure to comply with paragraph (e) (1) (iv) or (f) (1) (iv) of this section.

(2) *Tidbits.* "Mixed sizes" for failure to comply with paragraph (f) (2) (ii) or (3) (ii) of this section.

(3) *Chunks.* "Irregular small pieces" for failure to comply with paragraph (f) (4) (ii) of this section.

(4) *Cubes.* "Irregular small pieces" for failure to comply with paragraph (f) (6) (i) of this section; or "mixed sizes" for failure to comply with paragraph (f) (6) (ii) of this section.

(5) *Spears.* "Mixed sizes" for failure to comply with paragraph (e) (7) (iii) or (f) (7) (iii) of this section.

(6) *Half sliced.* "Mixed sizes" for failure to comply with paragraph (e) (8) (iii) or (f) (8) (iii) of this section.

(7) *Broken sliced.* "Small broken pieces" or "thick broken pieces," as the case may be, for failure to comply with paragraph (g) (2) (i) or (ii) of this section; or "mixed sizes" for failure to comply with paragraph (g) (2) (iii) of this section.

§ 52.1724 *Absence of defects—(a) General.* The factor of absence of defects refers, for the applicable style, to the degree of freedom from trimmed units, blemished units, mashed units; and from any other defects including specks, in crushed style, that cannot be weighed which detract from the appearance or edibility of the product.

(b) *Definitions of defects—(1) Insignificantly trimmed.* "Insignificantly trimmed" means any trimming that is noticeable but of lesser degree than slightly trimmed.

(2) *Slightly trimmed.* In slices or half slices, "slightly trimmed" means that the portion trimmed away approximates 3 percent to not more than 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming materially affects the normal circular shape of the outer or inner edge of the unit.

(3) *Excessively trimmed.* (i) In slices or half slices, "excessively trimmed" means that the portion trimmed away exceeds 5 percent of the apparent physical bulk of the perfectly formed unit and if such trimming destroys the normal circular shape of the outer or inner edge of the unit.

(ii) In broken slices, spears, or tidbits, "excessively trimmed" means that the normal shape of the unit is destroyed by trimming.

(4) *Blemishes—(i) "Blemishes" (or "blemished").* "Blemishes" (or "blemished") include:

(*a*) Any of the following, if in excess of 1/16 inch in the longest dimension on the exposed surface of the unit: Eyes, pieces of shell, brown spots.

(*b*) Deep fruit eyes.

(*c*) Bruised portions.

(*d*) Other abnormalities that it is possible to detect in good commercial practice before sealing in the containers.

(ii) *Serious blemishes.* "Serious blemishes" (or "seriously blemished") means that the blemish seriously affects the appearance or edibility of the unit.

(iii) *Blemishes in crushed pineapple.* In crushed pineapple, each fragment of crushed pineapple bearing a blemish is segregated and the aggregate weight of such fragments is used to ascertain compliance with the allowances.

(5) *Mashed.* A "mashed" unit in the styles of sliced, half sliced, broken sliced, spears, chunks, and tidbits means a unit that has lost its normal shape as evidenced by marks of mechanical injury.

A unit that has lost its normal shape because of ripeness and which bears no mark of mechanical injury shall not be considered as mashed.

(c) (*A*) *classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that is practically free from defects may be given a score of 18 to 20 points. Half sliced or broken sliced canned pineapple that scores 18 to 20 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Practically free from defects" means that the canned pineapple is practically free from any defects not specifically mentioned including specks, in crushed style, that cannot be weighed that affect the appearance or edibility of the product; and, in addition, has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) Not more than occasional unit may be insignificantly or slightly trimmed, but none may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 5 percent of the total number of units; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(2) *Tidbits.* (i) Not more than 5 percent of the drained weight may consist of units that are excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; but not more than 2½ percent, by count, may be seriously blemished; and

(iii) Not more than 3 of the units in containers of less than 150 units, or not more than 2 percent of the units in containers of 150 or more, may be mashed.

(3) *Chunks.* (i) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; but not more than 2½ percent, by count, may be seriously blemished; and

(ii) Not more than 3 of the units in container of less than 70 units, or not more than 5 percent of the units in containers of 70 units or more, may be mashed.

(4) *Cubes.* (i) Not more than a total of 2 percent of the drained weight may be blemished or seriously blemished; but not more than 1 percent of the drained weight may be seriously blemished.

(5) *Spears.* (i) Not more than an occasional unit may be insignificantly or slightly trimmed, but none may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 5 percent of the total number of units; and

(iii) Not more than one unit per container may be mashed.

(6) *Crushed.* (i) Not more than ½ percent of the drained weight may consist of fragments bearing blemishes, including seriously blemished fragments.

(7) *Half sliced.* (i) Not more than an occasional unit may be insignificantly or slightly trimmed, but none may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 5 percent of the total number of units; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(8) *Broken sliced.* (i) Not more than 5 percent, by count, of the units may be excessively trimmed;

(ii) Not more than a total of 5 percent, by count, of the units may be blemished or seriously blemished; and

(iii) Not more than 5 percent, by count, of the units may be mashed.

(d) (*B*) *classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that is reasonably free from defects may be given a score of 16 or 17 points. Half sliced or broken sliced canned pineapple that scores 16 or 17 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); and other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned pineapple is reasonably free from any defects not specifically mentioned including specks, in crushed style, that cannot be weighed that affect the appearance or edibility of the product; and, in addition, has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced.* (i) Not more than a total of 20 percent, by count, of the units may be slightly or excessively trimmed: *Provided,* That not more than 7½ percent, by count, of the units may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed; and in any container having more than 10 units but not more than 27 units, two units may be excessively trimmed;

(ii) Not more than 12½ percent, by count, of the units may be blemished, but in any container having not more than 5 units, one unit may be blemished; in containers having more than 5 units but not more than 10 units, two units may be blemished; and in containers having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(2) *Tidbits.* (i) Not more than 15 percent of the drained weight may consist of units that are excessively trimmed;

(ii) Not more than a total of 12½ percent, by count, of the units may be blemished or seriously blemished; but not more than 6¼ percent, by count, may be seriously blemished; and

(iii) Not more than 3 of the units in containers of less than 150 units, or not more than 2 percent of the units in containers of 150 units or more, may be mashed.

(3) *Chunks.* (i) Not more than a total of 12½ percent, by count, of the units may be blemished or seriously blemished, but not more than 6¼ percent, by count, may be seriously blemished; and

(ii) Not more than 3 of the units in containers of less than 70 units, or not

more than 5 percent of the units in containers of 70 units or more, may be mashed.

(4) *Cubes.* (i) Not more than a total of 12½ percent, by count, of the units may be blemished or seriously blemished, but not more than 6¼ percent, by count, may be seriously blemished.

(5) *Spears.* (i) Not more than a total of 20 percent, by count, of the units may be insignificantly, slightly, or excessively trimmed; but not more than 15 percent, by count, of the units may be excessively trimmed.

(ii) Not more than 12½ percent, by count, of the units may be blemished, but in any container having not more than 5 units, one unit may be blemished; in containers having more than 5 units but not more than 10 units, two units may be blemished; and in containers having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than one unit per container may be mashed.

(6) *Crushed.* (i) Not more than 1¼ percent of the drained weight may consist of fragments bearing blemishes, including seriously blemished fragments.

(7) *Half sliced.* (i) Not more than a total of 20 percent, by count, of the units may be slightly or excessively trimmed: *Provided,* That not more than 7½ percent, by count, of the units may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed; and in any container having more than 10 units but not more than 27 units, two units may be excessively trimmed;

(ii) Not more than a total of 8 percent, by count, of the units may be blemished or seriously blemished; or one unit in a container is permitted to be blemished or seriously blemished if such unit exceeds the allowance of 8 percent, by count: *Provided,* That in all containers comprising the sample such blemished units do not exceed an average of 8 percent of the total number of units; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(8) *Broken sliced.* (i) Not more than 10 percent, by count, of the units may be excessively trimmed;

(ii) Not more than 8 percent, by count, of the units may be blemished or seriously blemished; and

(iii) Not more than 5 percent, by count, of the units may be mashed.

(e) (*C*) *classification.* Half sliced or broken sliced canned pineapple that is fairly free from defects may be given a score of 14 or 15 points. Half sliced or broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade *C* or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that half sliced or broken sliced canned pineapple is fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product; and, in addition, has the following meanings with respect to, and applies only to, the following styles:

(1) *Half sliced.* (i) Not more than 7½ percent, by count, of the units may be excessively trimmed, but in any container having not more than 10 units, one unit may be excessively trimmed; and in any container having more than 10 units but not more than 27 units, two units may be excessively trimmed;

(ii) Not more than 12½ percent, by count, of the units may be blemished but in any container having not more than 5 units, one unit may be blemished; in containers having more than 5 units but not more than 10 units, two units may be blemished; and in containers having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than one unit in containers of 25 units or less, and not more than 3 units in containers of more than 25 units, may be mashed.

(2) *Broken sliced.* (i) Not more than 15 percent, by count, of the units may be excessively trimmed;

(ii) Not more than 12½ percent, by count, of the units may be blemished but in any container having more than 10 units but not more than 32 units, four units may be blemished; and

(iii) Not more than 5 percent, by count, of the units may be mashed.

(f) (*SStd*) *classification.* Canned pineapple of the applicable styles which fail to meet in some respects paragraph (c), (d), or (e) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule); and, for the applicable styles, may also be "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality" for the following reasons:

(1) *Sliced.* (i) "Excessively trimmed" for failure to comply in part with paragraph (d) (1) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (d) (1) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (1) (iii) or (d) (1) (iii) of this section.

(2) *Tidbits.* (i) "Excessively trimmed" for failure to comply with paragraph (d) (2) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply in part with paragraph (d) (2) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (2) (iii) or (d) (2) (iii) of this section.

(3) *Chunks.* (i) "Blemished" or "contains blemished pieces" for failure to comply in part with paragraph (d) (3) (i) of this section; or

(ii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (3) (ii) or (d) (3) (ii) of this section.

(4) *Cubes.* (i) "Blemished" or "contains blemished pieces" for failure to comply in part with paragraph (d) (4) (i) of this section.

(5) *Spears.* (i) "Excessively trimmed" for failure to comply in part with paragraph (d) (5) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (d) (5) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (5) (iii) or (d) (5) (iii) of this section.

(6) *Crushed.* (i) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (d) (6) (i) of this section.

(7) *Half sliced.* (i) "Excessively trimmed" for failure to comply in part with paragraph (d) (7) (i) or with (e) (1) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (e) (1) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units"[1] for failure to comply with paragraph (c) (7) (iii) or (d) (7) (iii) or (e) (1) (iii) of this section.

(8) *Broken sliced.* (i) "Excessively trimmed" for failure to comply with paragraph (e) (2) (i) of this section;

(ii) "Blemished" or "contains blemished pieces" for failure to comply with paragraph (e) (2) (ii) of this section; or

(iii) "Mashed units" or "contains mashed units" for failure to comply with paragraph (c) (8) (iii) or (d) (8) (iii) or (e) (2) (iii) of this section.

§ 52.1725 *Character*—(a) *General.* The factor of character refers to the degree of ripeness and maturity, the texture of the fruit, and the degree of freedom from core material.

(b) *Ascertaining proportion of core.* "Core" means core material which may be definitely identified as hard and characteristic of the center structure of pineapple. In ascertaining the proportion of core, identify and separate any core material cleanly from each of the units in the container, weigh the aggregate of such core material, and calculate the weight of the core material in relation to the drained fruit.

(c) (*A*) *classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a good character may be given a score of 27 to 30 points. Half sliced or broken sliced canned pineapple that scores 27 to 30 points shall not be graded above U. S. Grade *C* or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Good character" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced; half sliced; broken sliced.* The units are of practically uniform ripeness, are at least reasonably firm with the fruitlets appearing as a compact structure, are reasonably free from porosity; and not more than 0.4 ounce of core is contained in 1 pound of drained fruit.

(2) *Tidbits; cubes; spears; crushed.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units are reasonably free from porosity; and not more than 0.4 ounce of core is contained in 1 pound of drained fruit.

(3) *Chunks.* The units are of practically uniform ripeness, the fruitlets appear as a compact structure, the units

are reasonably free from porosity, and the units are practically free from any core material.

(d) (*B*) *classification.* Sliced, half sliced, broken sliced, tidbits, chunks, cubes, spears, or crushed canned pineapple that possesses a reasonably good character may be given a score of 24 to 26 points. Half sliced or broken sliced canned pineapple that scores 24 to 26 points shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule); and other styles of canned pineapple that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned pineapple:

(1) *Sliced; half sliced; broken sliced.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the slices are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(2) *Tidbits; cubes; spears; crushed.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(3) *Chunks.* The units are of reasonably uniform ripeness, the fruitlets are reasonably compact in structure, the units are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(e) (*C*) *classification.* Half sliced or broken sliced canned pineapple that possesses a fairly good character may be given a score of 21 to 23 points. Half sliced or broken sliced canned pineapple that scores in this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meaning with respect to, and applies only to, the following styles:

(1) *Half sliced; broken sliced.* The units are of fairly uniform ripeness, the fruitlets are fairly compact in structure, the units are fairly free from porosity; and not more than 1.1 ounces of core is contained in 1 pound of drained fruit.

(f) (*SStd*) *classification.* Canned pineapple that fails to meet the applicable requirements of paragraph (d) or (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Any style of canned pineapple in which more than 1.1 ounces of core is contained in 1 pound of drained fruit is also "Below Standard in Quality—Good Food—Not High Grade" or "Below Standard in Quality—Poorly cored" or "Below Standard in Quality—Excessive core."

LOT CERTIFICATION TOLERANCES

§ 52.1726 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pineapple the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1727 *Score sheet for canned pineapple.*

Size and kind of container	
Container mark or identification	
Label	
Net weight (ounces)	
Vacuum (inches)	
Drained weight (ounces)	
( ) Heavy pack. ( ) Solid pack.	
Acidity (gm/100 ml.)	
Brix measurement	
Sirup designation (Extra heavy, heavy, etc.)	
Style	
Count ( ) Slices. ( ) Half slices. ( ) Spears	

Factors	Score points		
Color	30	(A)	[2] 27–30
		(B)	[2] 24–26
		(C)	[2] 21–23
		(SStd)	[1] 0–20
Uniformity of size and shape	20	(A)	[2] 18–20
		(B)	[2] 16–17
		(C)	[2] 14–15
		(SStd)	[1] 0–13
Absence of defects	20	(A)	[2] 18–20
		(B)	[2] 16–17
		(C)	[2] 14–15
		(SStd)	[1] 0–13
Character	30	(A)	[2] 27–30
		(B)	[2] 24–26
		(C)	21–23
		(SStd)	[1] 0–20
Total score	100		

Proper acidity ( ) Yes. ( ) No	
Flavor and odor ( ) Good. ( ) Fairly good. ( ) Off.	
Grade	

[1] Limiting rule.
[2] Partial limiting rule.
[3] Half slices, broken slices only.

The United States Standards for Grades of Canned Pineapple (which is the fourth issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Pineapple (7 CFR 52.1711—52.1725) which have been in effect since January 27, 1950.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: February 8, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57–1089; Filed, Feb. 12, 1957; 8:48 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED PINEAPPLE JUICE[1]

On October 19, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 8066) regarding a proposed revision of the United States Standards for Grades of Canned Pineapple Juice (7 CFR 52.1761—52.1771). The provisions of the following standards are the same as those published in the notice.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Canned Pineapple Juice are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1761 Product description.
52.1762 Styles of canned pineapple juice.
52.1763 Grades of canned pineapple juice.

FILL OF CONTAINER

52.1764 Fill of container.

FACTORS OF QUALITY

52.1765 Ascertaining the grade.
52.1766 Ascertaining the rating for the factors which are scored.
52.1767 Color.
52.1768 Absence of defects.
52.1769 Flavor.

EXPLANATIONS AND METHODS OF ANALYSES

52.1770 Explanation of terms and analyses.

LOT CERTIFICATION TOLERANCES

52.1771 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1772 Score sheet for canned pineapple juice.

AUTHORITY: §§ 52.1761 to 52.1772 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1761 *Product description.* "Canned pineapple juice" means such product as defined in the standard of identity for canned pineapple juice (21 CFR 27.54) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.1762 *Styles of canned pineapple juice.* (a) Style I, Unsweetened.
(b) Style II, Sugar added.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.1763 *Grades of canned pineapple juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned pineapple juice that possesses a very good color, is practically free from defects, possesses a very good flavor, and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned pineapple juice that possesses a good color, is fairly free from defects, possesses a good flavor, and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned pineapple juice that fails to meet the requirements of U. S. Grade C or U. S. Standard; and is the quality of canned pineapple juice that may or may not meet the minimum standard of quality for canned pineapple juice issued pursuant to the Federal Food, Drug, and Cosmetic Act.

FILL OF CONTAINER

§ 52.1764 *Fill of container.* The standard of fill of container for canned pineapple juice is a fill of not less than 90 percent of the total capacity of the container. Canned pineapple juice that does not meet this requirement is "Below Standard in Fill."

FACTORS OF QUALITY

§ 52.1765 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors rated by score points in canned pineapple juice.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

	Points
(i) Color	20
(ii) Absence of defects	40
(iii) Flavor	40
Total score	100

§ 52.1766 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1767 *Color*—(a) (*A*) *classification.* Canned pineapple juice that possesses a very good color may be given a score of 17 to 20 points. "Very good color" means that the canned pineapple juice possesses a bright, typical color characteristic of canned pineapple juice made from freshly pressed pineapple juice from properly matured and properly ripened pineapple, and which pineapple juice has been properly processed.

(b) (*C*) *classification.* If the canned pineapple juice possesses a good color, a score of 14 to 16 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good color" means that the canned pineapple juice possesses a characteristic color which may be slightly dull or may be light amber but is not off color.

(c) (*SStd*) *classification.* Canned pineapple juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1768 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from specks and other objectionable particles and to the quantity of finely divided "insoluble solids" that may be present.

(b) (*A*) *classification.* Canned pineapple juice that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that the canned pineapple juice does not contain specks or other objectionable particles that affect the appearance or palatability of the juice and that the canned pineapple juice may contain not less than 5 percent nor more than 26 percent finely divided "insoluble solids" when determined in accordance with the method outlined in this subpart.

(c) (*C*) *classification.* If the canned pineapple juice is fairly free from defects, a score of 28 to 33 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned pineapple juice may contain specks or other objectionable particles that do not materially affect the appearance or palatability of the juice and that the canned pineapple juice may contain not less than 5 percent nor more than 30 percent finely divided "insoluble solids" when determined in accordance with the method outlined in this subpart.

(d) (*SStd*) *classification.* Canned pineapple juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned pineapple juice that contains less than 5 percent or more than 30 percent finely divided "insoluble solids," when determined in accordance with the method outlined in this subpart, is also "Below Standard in Quality—Good Food—Not High Grade."

§ 52.1769 *Flavor*—(a) (*A*) *classification.* Canned pineapple juice that possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means a fine, distinct canned pineapple juice flavor, characteristic of canned pineapple juice made from properly matured and properly ripened pineapple, and which pineapple juice is free from any caramelized flavor and that the canned pineapple juice meets the following requirements:

(1) *Brix.* Not less than 12.0 degrees.

(2) *Acid.* Not more than 1.10 grams of acid per 100 milliliters of the juice.

(3) *Brix-acid ratio.* Not less than 12 to 1.

(b) (*C*) *classification.* If the canned pineapple juice possesses a good flavor, a score of 28 to 33 points may be given. Canned pineapple juice that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Good flavor" means a good, normal canned pineapple juice flavor that may be slightly caramelized but is free from objectionable flavor or off flavor of any kind and that the canned pineapple juice meets the following requirements:

(1) *Brix.* Not less than 10.5 degrees.

(2) *Acid.* Not more than 1.35 grams of acid per 100 milliliters of the juice.

(3) *Brix-acid ratio.* Not less than 12 to 1.

(c) (*SStd*) *classification.* If the canned pineapple juice fails to meet the requirements of paragraph (b) of this section, if the canned pineapple juice has the flavor of fruit not properly matured or not properly ripened, or if the canned pineapple juice is definitely unpalatable, a score of 0 to 27 points may be given. Canned pineapple juice that falls into this classification shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned pineapple juice that fails to meet any one of the requirements of paragraph (b) of this section with respect to Brix or Acid or Brix-acid ratio is also "Below Standard in Quality—Good Food—Not High Grade."

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1770 *Explanation of terms and analyses*—(a) *Brix.* "Brix" in canned pineapple juice means the soluble solids content as determined by the method prescribed in the "Official Methods of Analysis of the Association of Official Agricultural Chemists," "Solids—By Means of Spindle—Official."

(b) *Acid.* "Acid" in canned pineapple juice means the grams of acid, calculated as anhydrous citric acid, contained in 100 milliliters of the juice. Total acidity of the juice is determined by the following method:

(i) Measure with a pipette 10 milliliters of the unfiltered drained liquid into a 250-milliliter Erlenmeyer flask.

(2) Add 25 milliliters of freshly boiled, distilled water and 0.3 milliliter of 1-percent phenolphthalein solution.

(3) Titrate with one-tenth normal sodium hydroxide solution to a faint, permanently pink coloration.

(4) Multiply the number of milliliters of one-tenth normal sodium hydroxide required by 0.064 to calculate the number of grams of anhydrous citric acid per 100 milliliters of drained liquid.

(c) Finely divided "insoluble solids". The quantity of "finely divided 'insoluble solids' " is determined as follows:

(i) Measure 50 milliliters of thoroughly stirred pineapple juice into a cone-shaped graduated tube of the long-cone type, measuring approximately 4 3/16 inches from tip to top calibration and having a capacity of 50 milliliters.

(ii) Place the tube in a suitable centrifuge, the approximate speed of which is related to diameter of swing in accordance with Table I of this subpart. The word "diameter" means the over-all distance between the tips of opposing centrifuge tubes in operating position.

(iii) The milliliter reading at the top of the layer of "insoluble solids," after centrifuging 3 minutes, is multiplied by two to obtain the percentage of "insoluble solids."

TABLE I

Diameter:	Approximate revolutions per minute
10 inches	1,609
10½ inches	1,570
11 inches	1,534
11½ inches	1,500
12 inches	1,468
12½ inches	1,438
13 inches	1,410
13½ inches	1,384
14 inches	1,359
14½ inches	1,336
15 inches	1,313
15½ inches	1,292
16 inches	1,271
16½ inches	1,252
17 inches	1,234
17½ inches	1,216
18 inches	1,199
18½ inches	1,182
19 inches	1,167
19½ inches	1,152
20 inches	1,137

LOT CERTIFICATION TOLERANCES

§ 52.1771 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned pineapple juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1772 *Score sheet for canned pineapple juice.*

Size and kind of container			
Container mark or identification			
Label			
Liquid measure (Fl. ounces)			
Vacuum (inches)			
Brix measurement (° Brix)			
Acid (anhydrous citric: grams/100 ml.)			
Brix-acid ratio			
Insoluble solids (%)			

Factors		Score points	
Color	20	(A)	17-20
		(C) [1]	14-16
		(SStd) [1]	0-13
Absence of defects	40	(A)	34-40
		(C) [1]	28-33
		(SStd) [1]	0-27
Flavor	40	(A)	34-40
		(C) [1]	28-33
		(SStd) [1]	0-27
Total score	100		
Grade			

[1] Indicates limiting rule.

The United States Standards for Grades of Canned Pineapple Juice (which is the third issue) contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Canned Pineapple Juice (7 CFR 52.1761—52.1771) which have been in effect since February 17, 1950.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: February 8, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator, Marketing Services.

[F. R. Doc. 57-1088; Filed, Feb. 12, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[945.303 Amdt. 1]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Order, as amended. The provisions of § 945.303 (b) (2) (22 F. R. 757) are hereby amended by deleting all of such subparagraph. Subparagraphs (3), (4), (5), (6), (7), (8), (9) and (10) of § 945.303 (b) are hereby renumbered, respectively, (2), (3), (4), (5), (6), (7), (8), and (9).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 7, 1957, to become effective February 7, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division.

[F. R. Doc. 57-1090; Filed, Feb. 12, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40-2]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

TRAINING PROGRAMS AND PROFICIENCY CHECKS; USE OF AIRCRAFT SIMULATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of February 1957.

Part 40 of the Civil Air Regulations currently requires certain pilot proficiency checks to be accomplished twice a year by each pilot serving as pilot in command in air carrier service. The objective of these checks is to insure that the pilot maintains a high standard of proficiency in the piloting and navigation of the airplane types to be flown by him. The proficiency checks must be given by an authorized representative of the Administrator of Civil Aeronautics or a check pilot of the carrier concerned. In addition to the normal airplane maneuvers, these checks include certain

critical maneuvers which are encountered from time to time in air carrier service such as take-offs and landings with inoperative engines, missed approaches, instrument letdowns, and various emergency procedures.

The Administrator, with the approval of the Board, has for several years approved many maneuvers required in the proficiency checks to be accomplished in synthetic trainers which accurately simulate the flight characteristics and the performance of the aircraft, to which a pilot is assigned, through all ranges of normal and emergency operations. This approval has been based in part upon an air carrier's use of the synthetic trainer in its pilot training program, and the pilot's satisfactory demonstration in actual flight of ability to perform at least 4 basic maneuvers, as follows: Flight at minimum speeds, approach to lowest approved minimums, landing under circling approach conditions, and simulated engine failure(s) during take-off.

The Board foresees, however, that the increasing complexity of aircraft, with concomitant need for devices to simulate the flight characteristics of large modern transport aircraft, will be further accentuated as turbo-prop and turbo-jet aircraft are procured. As a result, more intensive training of pilots and crews will be necessary to insure that they are proficient in the operation of these larger and faster aircraft with their corresponding new operating problems, and this training can be accomplished only at considerably increased costs. In anticipation of this problem, certain carriers are preparing to acquire simulators before the aircraft are put into service. This action is predicated on the assumption that essential training can be conducted in part in aircraft simulators more effectively, safely, and economically than in an aircraft, and with considerable saving in time.

The fundamental characteristics of the aircraft simulators in use and under consideration should be made clear in order that interested persons will clearly understand the nature of the device the Board is discussing in this amendment. The Board has in mind that the aircraft simulator shall be a full scale mock-up of the cockpit interior of a particular type aircraft with normal crew stations, plus accommodations for necessary additional persons such as check airmen, instructors, or observers. It shall also include suitable course and altitude recorders. It shall be capable of accurately reproducing the engine and flight performance, control loading, instrument indication, and control movements of the specific model aircraft during the execution of all normal and anticipated emergency maneuvers. Of great importance is the requirement that the device shall be designed to permit presentation of malfunction of aircraft, aircraft engines, propellers, appliances, systems, and other components, and appropriate procedures to cope with such emergencies. Capabilities, as outlined above, will permit intensive training and checking in normal and abnormal flight conditions, various flight procedures, navigational problems, and essential crew coordination.

Accordingly, the Board published on June 13, 1956, (21 F. R. 4294) a notice of proposed rule making as Civil Air Regulations Draft Release No. 56–16 "Training Programs and Proficiency Checks (Use of Aircraft Simulators)" in which certain proposals were made with respect to the use of aircraft simulators. The Board indicated that it was of the opinion that the advantages of the trainers were so apparent that their controlled introduction into air carrier training procedures on a wider basis was in the public interest and should be encouraged. In summary, the Board found that aircraft simulators have been proven as a valuable aid in improving the effectiveness of pilot training for instrument and equipment proficiency. The promise of further improvement in training is, in fact, so great that it appears desirable to reduce the number of in-flight proficiency checks that pilots are required to take. Simulators are particularly suited to instruction in and practice of numerous emergency procedures which cannot satisfactorily be accomplished in flight, and permit special emphasis on the coordination of crew duties; they offer a laboratory for experimentation in techniques and procedures which might be time-consuming or hazardous in flight; they will permit training to be conducted with more safety as a result of the reduction of frequency of aircraft operations under simulated emergency conditions; their use will result in the reduction of traffic congestion and noise in large terminal areas; and they will reduce substantially the total cost of pilot training programs.

The board also indicated that, in determining the most appropriate method to realize the full possibilities of aircraft simulators, it could not lose cognizance of its responsibility to assure the highest degree of safety in air transportation even while taking this opportunity to encourage sound technical and economic development of air carrier operations. It is the Board's opinion, therefore, that the broadened use of aircraft simulators in air carrier training programs should be permitted in accordance with these basic principles:

A. The use of simulators shall be permissive with the air carriers.

B. The air carrier shall be required to show that the aircraft simulator meets prescribed standards and shall establish within its training program an approved course of training in such an aircraft simulator. It is anticipated that the training shall consist of at least several hours covering all items currently contained in the flight proficiency checks.

C. When a pilot in command satisfactorily completes each 12 months an approved course of training in an aircraft simulator which the air carrier shows meets the prescribed standards, each such pilot need accomplish only one proficiency check in flight each 12 months.

D. The Board shall review the experience gained under these regulations to determine the effectiveness of the procedures permitted thereby.

In response to Draft Release No. 56–16, the Board received from interested persons comment favorable to the Board's basic objective of permitting broadened use of aircraft simulators by air carriers. There was, however, some diversity of opinion with respect to the specific proposals to amend the operating parts. In the Board's proposal the major change from current practice was to substitute an approved simulator course for one of the two proficiency checks required to be accomplished in flight annually. Certain air carrier spokesmen indicated that they considered this an improper mixing of the training and checking functions, and stated that the regulation should simply permit the accomplishment of one of the required checks in a simulator. Furthermore, these persons also considered that it was not necessary for the Administrator to approve a particular portion of an air carrier's training program (i. e., simulator curriculum). On the other hand, pilot spokesmen expressed concern that successful utilization of aircraft simulators would be realized only through very close supervision by the Administrator, with review by the pilots, of procedures and qualifications of instructors and check personnel.

In Draft Release No. 56–16, the Board also asked for separate comment with respect to the desirability of including in the Civil Air Regulations certain specific standards for aircraft simulator equipment (Draft Release No. 56–16, Appendix A) which would be used as a basis for approval by the Administrator.

The Board has carefully studied the various views presented and is of the opinion that, at least in the initial stages of expanded simulator use by air carriers, the Administrator should approve the aircraft simulator training program of each air carrier. This procedure will be consistent with the present policy whereby the Administrator makes rules, compliance with which is mandatory, for the conduct of the proficiency checks required by the Civil Air Regulations. The Board will, however, review the experience gained under this regulation and propose any changes which, in the light of such experience, may be in the public interest.

The Board is also of the opinion, in view of the comment received, and other information, that the detailed description of the systems or conditions being simulated, and the degree of simulation, should not be prescribed in the Civil Air Regulations but should be controlled by the Administrator through the medium of the appropriate Civil Aeronautics Manual. The Board considers, however, that the broad, basic standards which describe the characteristics and function of an acceptable aircraft simulator should be included in the regulations.

Interested persons have been afforded an oportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective March 15, 1957.

By amending § 40.302 (b) by adding a new subparagraph (3) to read as follows:

§ 40.302 *Pilot checks.* • • •

(b) *Proficiency check.* • • •

(3) Subsequent to the initial pilot proficiency check, a pilot in command need accomplish in flight only one of the proficiency checks required by subparagraph (1) of this paragraph during each 12 months if he satisfactorily completes within such 12 months an approved course of training in an aircraft simulator. The interval between completion of the proficiency check in flight and the simulator training course shall be not less than 4 or more than 8 months. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph:

(i) The simulator shall represent a full-scale mock-up of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(iii) In response to control movement by a flight crew member, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in aircraft configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, take-off, landing, normal flight, unusual attitudes, navigation problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunction of aircraft engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigation aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(vii) Other aircraft systems and components shall be simulated to the extent found necessary by the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

Adopted: February 8, 1957.

Effective: March 15, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1109; Filed, Feb. 12, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 41–9]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

TRAINING PROGRAMS AND PROFICIENCY CHECKS; USE OF AIRCRAFT SIMULATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of February 1957.

Part 41 of the Civil Air Regulations currently requires certain pilot proficiency checks to be accomplished twice a year by each pilot serving as pilot in command in air carrier service. The objective of these checks is to insure that the pilot maintains a high standard of proficiency in the piloting and navigation of the airplane types to be flown by him. The proficiency checks must be given by an authorized representative of the Administrator of Civil Aeronautics or a check pilot of the carrier concerned. In addition to the normal airplane maneuvers, these checks include certain critical maneuvers which are encountered from time to time in air carrier service such as take-offs and landings with inoperative engines, missed approaches, instrument letdowns, and various emergency procedures.

The Administrator, with the approval of the Board, has for several years approved many maneuvers required in the proficiency checks to be accomplished in synthetic trainers which accurately simulate the flight characteristics and the performance of the aircraft, to which a pilot is assigned; through all ranges of normal and emergency operations. This approval has been based in part upon an air carrier's use of the synthetic trainer in its pilot training program, and the pilot's satisfactory demonstration in actual flight of ability to perform at least 4 basic maneuvers, as follows: Flight at minimum speeds, approach to lowest approved minimums, landing under circling approach conditions, and simulated engine failure(s) during take-off.

The Board foresees, however, that the increasing complexity of aircraft, with concomitant need for devices to simulate the flight characteristics of large modern transport aircraft, will be further accentuated as turbo-prop and turbo-jet aircraft are procured. As a result, more intensive training of pilots and crews will be necessary to insure that they are proficient in the operation of these larger and faster aircraft with their corresponding new operating problems, and this training can be accomplished only at considerably increased costs. In anticipation of this problem, certain carriers are preparing to acquire simulators before the aircraft are put into service. This action is predicated on the assumption that essential training can be conducted in part in aircraft simulators more effectively, safely, and economically than in an aircraft, and with considerable saving in time.

The fundamental characteristics of the aircraft simulators in use and under consideration should be made clear in order that interested persons will clearly understand the nature of the device the Board is discussing in this amendment. The Board has in mind that the aircraft simulator shall be a full scale mock-up of the cockpit interior of a particular type aircraft with normal crew stations, plus accommodations for necessary additional persons such as check airmen, instructors, or observers. It shall also include suitable course and altitude recorders. It shall be capable of accurately reproducing the engine and flight performance, control loading, instrument indication, and control movements of the specific model aircraft during the execution of all normal and anticipated emergency maneuvers. Of great importance is the requirement that the device shall be designed to permit presentation of malfunction of aircraft, aircraft engines, propellers, appliances, systems, and other components, and appropriate procedures to cope with such emergencies. Capabilities, as outlined above, will permit intensive training and checking in normal and abnormal flight conditions, various flight procedures, navigational problems, and essential crew coordination.

Accordingly, the Board published on June 13, 1956 (21 F. R. 4294), a notice of proposed rule making as Civil Air Regulations Draft Release No. 56–16 "Training Programs and Proficiency Checks (Use of Aircraft Simulators)" in which certain proposals were made with respect to the use of aircraft simulators. The Board indicated that it was of the opinion that the advantages of the trainers were so apparent that their controlled introduction into air carrier training procedures on a wider basis was in the public interest and should be encouraged. In summary, the Board found that aircraft simulators have been proven as a valuable aid in improving the effectiveness of pilot training for instrument and equipment proficiency. The promise of further improvement in training is, in fact, so great that it appears desirable to reduce the number of in-flight proficiency checks that pilots are required to take. Simulators are particularly suited to instruction in and practice of numerous emergency procedures which cannot satisfactorily be accomplished in flight, and permit special emphasis on the coordination of crew duties; they offer a laboratory for experimentation in techniques and procedures which might be time-consuming or hazardous in flight; they will permit training to be conducted with more safety as a result of the reduction of frequency of aircraft operations under simulated emergency

conditions; their use will result in the reduction of traffic congestion and noise in large terminal areas; and they will reduce substantially the total cost of pilot training programs.

The Board also indicated that, in determining the most appropriate method to realize the full possibilities of aircraft simulators, it could not lose cognizance of its responsibility to assure the highest degree of safety in air transportation even while taking this opportunity to encourage sound technical and economic development of air carrier operations. It is the Board's opinion, therefore, that the broadened use of aircraft simulators in air carrier training programs should be permitted in accordance with these basic principles:

A. The use of simulators shall be permissive with the air carriers.

B. The air carrier shall be required to show that the aircraft simulator meets prescribed standards and shall establish within its training program an approved course of training in such an aircraft simulator. It is anticipated that the training shall consist of at least several hours covering all items currently contained in the flight proficiency checks.

C. When a pilot in command satisfactorily completes each 12 months an approved course of training in an aircraft simulator which the air carrier shows meets the prescribed standards, each such pilot need accomplish only one proficiency check in flight each 12 months.

D. The Board shall review the experience gained under these regulations to determine the effectiveness of the procedures permitted thereby.

In response to Draft Release No. 56–16, the Board received from interested persons comment favorable to the Board's basic objective of permitting broadened use of aircraft simulators by air carriers. There was, however, some diversity of opinion with respect to the specific proposals to amend the operating parts. In the Board's proposal the major change from current practice was to substitute an approved simulator course for one of the two proficiency checks required to be accomplished in flight annually. Certain air carrier spokesmen indicated that they considered this an improper mixing of the training and checking functions, and stated that the regulation should simply permit the accomplishment of one of the required checks in a simulator. Furthermore, these persons also considered that it was not necessary for the Administrator to approve a particular portion of an air carrier's training program (i. e., simulator curriculum). On the other hand, pilot spokesmen expressed concern that successful utilization of aircraft simulators would be realized only through very close supervision by the Administrator, with review by the pilots, of procedures and qualifications of instructors and check personnel.

In Draft Release No. 56–16, the Board also asked for separate comment with respect to the desirability of including in the Civil Air Regulations certain specific standards for aircraft simulator equipment (Draft Release No. 56–16, Appendix A) which would be used as a basis for approval by the Administrator.

The Board has carefully studied the various views presented and is of the opinion that, at least in the initial stages of expanded simulator use by air carriers, the Administrator should approve the aircraft simulator training program of each air carrier. This procedure will be consistent with the present policy whereby the Administrator makes rules, compliance with which is mandatory, for the conduct of the proficiency checks required by the Civil Air Regulations. The Board will, however, review the experience gained under this regulation and propose any changes which, in the light of such experience, may be in the public interest.

The Board is also of the opinion, in view of the comment received and other information, that the detailed description of the systems or conditions being simulated, and the degree of simulation, should not be prescribed in the Civil Air Regulations, but should be controlled by the Administrator through the medium of the appropriate Civil Aeronautics Manual. The Board considers, however, that the broad, basic standards which describe the characteristics and function of an acceptable aircraft simulator should be included in the regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR Part 41, as amended) effective March 15, 1957.

By amending § 41.53 by designating the existing paragraph as paragraph (a) and adding a new paragraph (b) to read as follows:

§ 41.53 *Periodic flight checks and instruction.* • • •

(b) Subsequent to the initial pilot proficiency check, a pilot in command need accomplish in flight only one of the proficiency checks required by paragraph (a) of this section during each 12 months if he satisfactorily completes within such 12 months an approved course of training in an aircraft simulator. The interval between completion of the proficiency check in flight and the simulator training course shall be not less than 4 nor more than 8 months. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subparagraphs (1) through (7) of this paragraph:

(1) The simulator shall represent a full-scale mock-up of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(2) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(3) In response to control movement by a flight crew member, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in aircraft configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(4) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, take-off, landing, normal flight, unusual attitudes, navigation problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunction of aircraft engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(5) Suitable course and altitude recorders shall be included.

(6) Communication and navigation aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(7) Other aircraft systems and components shall be simulated to the extent found necessary by the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

Adopted: February 8, 1957.

Effective March 15, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1110; Filed, Feb. 12, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 42-8]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

TRAINING PROGRAMS AND PROFICIENCY CHECKS, USE OF AIRCRAFT SIMULATORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 8th day of February 1957.

Part 42 of the Civil Air Regulations currently requires certain pilot proficiency checks to be accomplished twice a year by each pilot serving as pilot in command in air carrier service. The objective of these checks is to insure that the pilot maintains a high standard of proficiency in the piloting and navigation of the airplane types to be flown by him. The proficiency checks must be given by an authorized representative of the Administrator of Civil Aeronautics or a check pilot of the carrier concerned.

In addition to the normal airplane maneuvers, these checks include certain critical maneuvers which are encountered from time to time in air carrier service such as take-offs and landings with inoperative engines, missed approaches, instrument letdowns, and various emergency procedures.

The Administrator, with the approval of the Board, has for several years approved many maneuvers required in the proficiency checks to be accomplished in synthetic trainers which accurately simulate the flight characteristics and the performance of the aircraft, to which a pilot is assigned, through all ranges of normal and emergency operations. This approval has been based in part upon an air carrier's use of the synthetic trainer in its pilot training program, and the pilot's satisfactory demonstration in actual flight of ability to perform at least 4 basic maneuvers, as follows: Flight at minimum speeds, approach to lowest approved minimums, landing under circling approach conditions, and simulated engine failure(s) during take-off.

The Board foresees, however, that the increasing complexity of aircraft with concomitant need for devices to simulate the flight characteristics of large modern transport aircraft, will be further accentuated as turbo-prop and turbo-jet aircraft are procured. As a result, more intensive training of pilots and crews will be necessary to insure that they are proficient in the operation of these larger and faster aricraft with their corresponding new operating problems, and this training can be accomplished only at considerably increased costs. In anticipation of this problem, certain carriers are preparing to acquire simulators before the aircraft are put into service. This action is predicated on the assumption that essential training can be conducted in part in aircraft simulators more effectively, safely, and economically than in an aircraft, and with considerable saving in time.

The fundamental characteristics of the aircraft simulators in use and under consideration should be made clear in order that interested persons will clearly understand the nature of the device the Board is discussing in this amendment. The Board has in mind that the aircraft simulator shall be a full scale mock-up of the cockpit interior of a particular type aircraft with normal crew stations, plus accommodations for necessary additional persons such as check airmen, instructors, or observers. It shall also include suitable course and altitude recorders. It shall be capable of accurately reproducing the engine and flight performance, control loading, instrument indication, and control movements of the specific model aircraft during the execution of all normal and anticipated emergency maneuvers. Of great importance is the requirement that the device shall be designed to permit presentation of malfunction of aircraft, aircraft engines, propellers, appliances, systems, and other components, and appropriate procedures to cope with such emergencies. Capabilities, at outlined above, will permit intensive training and checking in normal and abnormal flight conditions, various flight procedures, navigational problems, and essential crew coordination.

Accordingly, the Board published on June 13, 1956 (21 F. R. 4294), a notice of proposed rule making as Civil Air Regulations Draft Release No. 56–16 "Training Programs and Proficiency Checks (Use of Aircraft Simulators)" in which certain proposals were made with respect to the use of aircraft simulators. The Board indicated that it was of the opinion that the advantages of the trainers were so apparent that their controlled introduction into air carrier training procedures on a wider basis was in the public interest and should be encouraged. In summary, the Board found that aircraft simulators have been proven as a valuable aid in improving the effectiveness of pilot training for instrument and equipment proficiency. The promise of further improvement in training is, in fact, so great that it appears desirable to reduce the number of in-flight proficiency checks that pilots are required to take. Simulators are particularly suited to instruction in and practice of numerous emergency procedures which cannot satisfactorily be accomplished in flight, and permit special emphasis on the coordination of crew duties; they offer a laboratory for experimentation in techniques and procedures which might be time-consuming or hazardous in flight; they will permit training to be conducted with more safety as a result of the reduction of frequency of aircraft operations under simulated emergency conditions; their use will result in the reduction of traffic congestion and noise in large terminal areas; and they will reduce substantially the total cost of pilot training programs.

The Board also indicated that, in determining the most appropriate method to realize the full possibilities of aircraft simulators, it could not lose cognizance of its responsibility to assure the highest degree of safety in air transportation even while taking this opportunity to encourage sound technical and economic development of air carrier operations. It is the Board's opinion, therefore, that the broadened use of aircraft simulators in air carrier training programs should be permitted in accordance with these basic principles:

A. The use of simulators shall be permissive with the air carriers.

B. The air carrier shall be required to show that the aircraft simulator meets prescribed standards and shall establish within its training program an approved course of training in such an aircraft simulator. It is anticipated that the training shall consist of at least several hours covering all items currently contained in the flight proficiency checks.

C. When a pilot in command satisfactorily completes each 12 months an approved course of training in an aircraft simulator which the air carrier shows meets the prescribed standards, each such pilot need accomplish only one proficiency check in flight each 12 months.

D. The Board shall review the experience gained under these regulations to determine the effectiveness of the procedures permitted thereby.

In response to Draft Release No. 56–16, the Board received from interested persons comment favorable to the Board's basic objective of permitting broadened use of aircraft simulators by air carriers. There was, however, some diversity of opinion with respect to the specific proposals to amend the operating parts. In the Board's proposal the major change from current practice was to substitute an approved simulator course for one of the two proficiency checks required to be accomplished in flight annually. Certain air carrier spokesmen indicated that they considered this an improper mixing of the training and checking functions, and stated that the regulation should simply permit the accomplishment of one of the required checks in a simulator. Furthermore, these persons also considered that it was not necessary for the Administrator to approve a particular portion of an air carrier's training program (i. e., simulator curriculum). On the other hand, pilot spokesmen expressed concern that successful utilization of aircraft simulators would be realized only through very close supervision by the Administrator, with review by the pilots, of procedures and qualifications of instructors and check personnel.

In Draft Release No. 56–16, the Board also asked for separate comment with respect to the desirability of including in the Civil Air Regulations certain specific standards for aircraft simulator equipment (Draft Release No. 56–16, Appendix A) which would be used as a basis for approval by the Administrator.

The Board has carefully studied the various views presented and is of the opinion that, at least in the initial stages of expanded simulator use by air carriers, the Administrator should approve the aircraft simulator training program of each air carrier. This procedure will be consistent with the present policy whereby the Administrator makes rules, compliance with which is mandatory, for the conduct of the proficiency checks required by the Civil Air Regulations. The Board will, however, review the experience gained under this regulation and propose any changes which, in the light of such experience, may be in the public interest.

The Board is also of the opinion, in view of the comment received, and other information, that the detailed description of the systems or conditions being simulated, and the degree of simulation, should not be prescribed in the Civil Air Regulations but should be controlled by the Administrator through the medium of the appropriate Civil Aeronautics Manual. The Board considers, however, that the broad, basic standards which describe the characteristics and function of an acceptable aircraft simulator should be included in the regulations.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends

Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective March 15, 1957.

By amending § 42.44 (a) by adding a new subparagraph (4) to read as follows:

§ 42.44 *Recent flight experience requirements for flight crew members.* * * *

(a) *Pilots.* * * *

(4) Subsequent to the initial pilot equipment and instrument checks required by subparagraphs (2) and (3), respectively, of this paragraph, a pilot in command need accomplish in flight within each 12 months only one of the required equipment checks and only one of the required instrument checks, if he satisfactorily completes within such 12 months an approved course of training in an aircraft simulator. The interval between completion of the proficiency check in flight and the simulator training course shall be not less than 4 nor more than 8 months. The air carrier shall show that the flight characteristics, performance, instrument reaction, and control loadings of the applicable aircraft are accurately simulated in the aircraft simulator through all ranges of normal and emergency operations in accordance with subdivisions (i) through (vii) of this subparagraph:

(i) The simulator shall represent a full-scale mock-up of the cockpit interior, including normal flight crew stations and accommodations for the instructor or check airman.

(ii) The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust normally encountered in flight. The effect of changes in airplane attitude, power, drag, altitude, temperature, gross weight, center of gravity location, and configuration shall be included.

(iii) In response to control movement by a flight crew member, all instrument indications involved in the simulation of the applicable airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control forces shall correspond to the rate of change which would occur on the applicable airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in aircraft configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(iv) Through the medium of instrument indication, it shall be possible to use the simulator for the training and checking of a pilot in the operational use of controls and instruments on the applicable airplane model during the simulated execution of ground operation, take-off, landing, normal flight, unusual attitudes, navigation problems, and instrument approach procedures. In addition, the simulator shall be designed so that malfunction of aircraft engines, propellers, and primary systems may be presented and corrective action taken by the crew to cope with such emergencies.

(v) Suitable course and altitude recorders shall be included.

(vi) Communication and navigation aids of the applicable airplane shall be simulated for on-the-ground and in-flight operations.

(vii) Other aircraft systems and components shall be simulated to the extent found necessary by the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs 601, 52 Stat. 1007, as amended, 49 U. S. C. 551)

Adopted: February 8, 1957.

Effective: March 15, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57-1111; Filed, Feb. 12, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6560]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

STEPHEN F. WHITMAN & SON, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a):

§ 13.725 *Cumulative quantity discounts and schedules;*

§ 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Stephen F. Whitman & Son, Inc., Philadelphia, Pa., Docket 6560, Jan. 18, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Philadelphia manufacturer of assorted chocolates and confections, including its prestige "Whitman's Sampler" package, with nationwide distribution, with discriminating in price in violation of section 2 (a) of the Robinson-Patman Act through use of an annual cumulative quantity discount system under which individual outlets of chain retail stores were allowed discounts based on the aggregate annual purchases of the entire chain, thus qualifying them for the maximum 10 percent discount, while many independents, selling a greater quantity than the individual outlets with which they competed, got no discount at all or at best no more than 2, 3, or 4 percent.

Following entry of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became, on January 18, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Stephen F. Whitman & Son, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the sale and distribution of its assorted chocolates and confections, or any other related products, in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

Discriminating in price by means of an annual cumulative quantity discount system, or by using the combined purchases of the various outlets of a chain or group purchaser as a basis for determining any such discount, or by any other means, which results in selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with a purchaser paying the higher price in the resale of any of respondent's products of like grade and quality, when such discount results in a discrimination in price.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: January 31, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-1085; Filed, Feb. 12, 1957; 8:47 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 9—COLOR CERTIFICATION

PART 85—SEAFOOD INSPECTION

PART 130—NEW DRUGS

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 164—CERTIFICATION OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

PART 290—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL IMPORT MILK ACT

AMENDMENTS ESTABLISHING UNIFORM PERIODS OF TIME FOR WHICH SPECIFIED RECORDS MUST BE KEPT

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701, 52 Stat. 1055; 21 U. S. C. 371), and the Federal Import Milk Act (sec. 3, 44 Stat. 1102; 21 U. S. C. 143), and delegated to the Commissioner of Food and Drugs (20 F. R. 1996; 21 F. R. 6581), the following amendments are ordered:

1a. In § 1.13 *Food; exemptions from labeling requirements,* paragraph (b) (2) is amended to read as follows:

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such food in such establishment as will insure, if such specifications are followed, that such food will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such food from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

b. In § 1.107 *Drugs and devices; exemptions,* paragraph (a) (2) is amended to read as follows:

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such drug or device in such establishment as will insure, if such specifications are followed, that such drug or device will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such drug or device from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

c. In § 1.204 *Cosmetic; labeling requirements; exemptions,* paragraph (a) (2) is amended to read as follows:

(2) In case such person is not such operator, such shipment or delivery is made to such establishment under a written agreement, signed by and containing the post-office addresses of such person and such operator, and containing such specifications for the processing, labeling, or repacking, as the case may be, of such cosmetic in such establishment as will insure, if such specifications are followed, that such cosmetic will not be adulterated or misbranded within the meaning of the act upon completion of such processing, labeling, or repacking. Such person and such operator shall each keep a copy of such agreement until 2 years after the final shipment or delivery of such cosmetic from such establishment, and shall make such copies available for inspection at any reasonable hour to any officer or employee of the Department who requests them.

2. In § 9.12 *Records of distribution,* paragraph (a) is amended to read as follows:

(a) The person to whom a certificate is issued shall keep complete records showing the disposal of all the coal-tar color from the batch covered by such certificate. Upon the request of any officer or employee of the Food and Drug Administration, or of any other officer or employee of the United States acting on behalf of the Secretary of Health, Education, and Welfare, such person, at all reasonable hours until at least 2 years after disposal of all such color, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such color on hand and otherwise to check the correctness of such records.

3a. In § 85.9 *Processing* (Subpart A—Inspection of Processed Shrimp), paragraph (g) is amended to read as follows:

(g) The packer shall keep for at least 2 years all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

b. In § 85.24 *Processing* (Subpart B—Inspection of Canned Oysters), paragraph (e) is amended to read as follows:

(e) The packer shall keep for at least 2 years all shipping records covering shipments from each lot, and upon request shall furnish such records to any inspector of the Administration.

4. In § 130.3 *New drugs for investigational use* * * *, paragraphs (a) (4) and (b) (5) are amended to read as follows:

(a) * * *

(4) Such person retains in his files the statement referred to in subparagraph (3) of this paragraph, together with complete records showing the date, quantity, and batch or code mark (if any) of each such shipment and delivery, until 2 years after a new-drug application becomes effective for such drug, or if an application does not become effective, until 2 years after shipment and delivery of such drug for investigational use is discontinued. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (3) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

* * * * *

(b) * * *

(5) Such importer retains in his files the statement referred to in subparagraph (4) of this paragraph, together with complete records showing the date, quantity, and batch or code mark (if any) of each such shipment and delivery and the disposition thereof until 2 years after a new-drug application becomes effective for such drug, or if an application does not become effective, until 2 years after disposition by such importer of all lots of such drug to which such statements and records relate. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (4) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

5. Section 146.1 *Definitions and interpretations* is amended by adding the following new paragraph:

(y) At the option of the person having control of records required to be kept by any sections in this part, photostatic or other permanent reproductions may be substituted for such records after the first 2 years of the holding period.

6. In § 164.8 *Records of distribution,* paragraph (b) is amended to read as follows:

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Secretary, the person to whom a certificate is issued, at all reasonable hours within 2 years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

7. Section 290.17 is amended to read as follows:

§ 290.17 *Pasteurization; equipment and methods.* All dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States shall employ adequate pasteurization machinery of a type easily cleaned and of sanitary construction capable of holding every portion of the milk or cream at the required temperature for the required time. Such pasteurizing machinery shall be properly equipped with accurate time and temperature recording devices, which shall be kept at all times in good working order. The temperature at the time of heating and holding must invariably be recorded on thermograph charts, initialed, numbered, and dated by the official having jurisdiction over such farms and plants. All thermograph charts shall be held for a period of 2 years unless within that period they have been examined and released by such authorized agents as are designated by the Secretary.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the purpose of the order is to relieve present requirements of the regulations by shortening the time for which some records must be kept, by allowing substitution of reproductions of other records after the initial 2-year holding period, by specifying with particularity the period of time for which other records must be kept, and by making uniform, so far as practicable, the length of time for which records must be kept under the Federal Food, Drug, and Cosmetic Act and the Federal Import Milk Act.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 3, 44 Stat. 1102; 21 U. S. C. 143)

Dated: February 4, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1077; Filed, Feb. 12, 1957; 8:45 a. m.]

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

ORDER ACTING ON PROPOSAL TO ADOPT DEFINITION AND STANDARD OF IDENTITY AND STANDARDS OF FILL OF CONTAINER FOR CANNED TUNA FISH

In the matter of adopting a definition and standard of identity and standards of fill of container for canned tuna fish:

A notice of proposed rule making was published in the FEDERAL REGISTER of August 28, 1956 (21 F. R. 6492), setting forth a proposal to adopt a definition and standard of identity and standards of fill of container for canned tuna fish. Comments and suggestions were received from a number of interested persons. After due consideration of the comments and suggestions received, the information furnished by the petitioner, and other relevant and reliable information, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt, with minor modifications, the proposed definitions and standards of identity and fill of container for canned tuna fish published in the FEDERAL REGISTER of August 28, 1956 (supra).

Therefore, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended 70 Stat. 919; 21 U. S. C. 341, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996; 21 F. R. 6581): *It is ordered,* That the following new part be added to Chapter I.

Sec.

37.1 Canned tuna; definition and standard of identity; label statement of optional ingredients.

37.3 Canned tuna; fill of container; label statement of substandard fill.

AUTHORITY: §§ 37.1 and 37.3 issued under sec. 701, 52 Stat. 1055 as amended; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046; 21 U. S. C. 341.

§ 37.1 *Canned tuna; definition and standard of identity; label statement of optional ingredients.* (a) Canned tuna is the food consisting of processed flesh of fish of the species enumerated in paragraph (b) of this section, prepared in one of the optional forms of pack specified in paragraph (c) of this section, conforming to one of the color designations specified in paragraph (d) of this section, in one of the optional packing media specified in paragraph (e) of this section, and may contain one or more of the seasonings and flavorings specified in paragraph (f) of this section. It is packed in hermetically sealed containers and so processed by heat as to prevent spoilage. It is labeled in accordance with the provisions of paragraph (h) of this section.

(b) The fish included in the class known as tuna fish are:

Thunnus thynnus	Bluefin tuna.[1]
Thunnus maccoyii	Southern bluefin tuna.[1]
Thunnus orientalis	Oriental tuna.[2]
Thunnus germo	Albacore.[3]
Parathunnus mebachi	Big-eyed tuna.[4]
Neothunnus macropterus.	Yellowfin tuna.[2]
Neothunnus rarus	Northern bluefin tuna.[2]
Katsuwonus pelamis	Skipjack.[2]
Euthynnus alletteratus	Little tunny.[2]
Euthynnus lineatus	Little tunny.[2]
Euthynnus yaito	Kawakawa.[2]

[1] "A Comparison of the Bluefin Tunas, Genus Thunnus, from New England, Australia, and California," by H. C. Godsil and Edwin K. Holmberg, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 77 (1950).

[2] "Contributions to the Comparative Study of the So-called Scombroid Fishes," by Kamakichi Kishinouye, Journal of the College of Agriculture, Imperial University of Tokyo, Vol. VIII, No. 3 (1923).

[3] "A Systematic Study of the Pacific Tunas," by H. C. Godsil and Robert D. Byers, State of California, Department of Natural Resources, Division of Fish and Game, Bureau of Marine Fisheries, Fish Bulletin No. 60 (1944).

[4] "A Descriptive Study of Certain Tuna-Like Fishes," by H. C. Godsil, State of California, Department of Fish and Game, Fish Bulletin No. 97.

The description of each species will be found in the text to which reference is made.

(c) The optional forms of processed tuna consist of loins and other striated muscular tissue of the fish. The loin is the longitudinal quarter of the great lateral muscle freed from skin, scales, visible blood clots, bones, gills, viscera, and from the nonstriated part of such muscle, which part (known anatomically as the median superficial muscle), is highly vascular in structure, dark in color because of retained blood, and granular in form. Canned tuna is prepared in one of the following forms of pack, the identity of which is determined in accordance with the methods prescribed in § 37.3 (b).

(1) Solid or solid pack consists of loins freed from any surface tissue discolored by diffused hemolyzed blood, cut in transverse segments to which no free fragments are added. In containers of 1 pound or less of net contents, such segments are cut in lengths suitable for packing in one layer. In containers of more than 1 pound net contents, such segments may be cut in lengths suitable for packing in one or more layers of equal thickness. Segments are placed in the can with the planes of their transverse cut ends parallel to the ends of the can. A piece of a segment may be added if necessary to fill a container. The proportion of free flakes broken from loins in the canning operation shall not exceed 18 percent.

(2) Chunk, chunks, chunk style consists of a mixture of pieces of tuna in which the original muscle structure is retained. The pieces may vary in size, but not less than 50 percent of the weight of the pressed contents of a container is retained on a ½-inch-mesh screen.

(3) Flake or flakes consist of a mixture of pieces of tuna in which more than 50 percent of the weight of the pressed contents of the container will pass through a ½-inch-mesh screen, but in which the muscular structure of the flesh is retained.

(4) Grated consists of a mixture of particles of tuna that have been reduced to uniform size, that will pass through a ½-inch-mesh screen, and in which the particles are discrete and do not comprise a paste.

(5) Any of the specified forms of pack of canned tuna may be smoked. Canned smoked tuna shall be labeled in accordance with the provisions of paragraph (h) (5) of this section.

(d) Canned tuna, in any of the forms of pack specified in paragraph (c) of this section, falls within one of the following color designations, measured by visual comparison with matte surface neutral reflectance standards corresponding to the specified Munsell units of value, determined in accordance with paragraph (g) of this section.

(1) *White.* This color designation is limited to the species Thunnus germo (albacore), and is not darker than Munsell value 6.3.

(2) *Light.* This color designation includes any tuna not darker than Munsell value 5.3.

(3) *Dark.* This color designation includes all tuna darker than Munsell value 5.3.

(4) *Blended.* This color designation may be applied only to tuna flakes specified in paragraph (c) (3) of this section, consisting of a mixture of tuna flakes of which not less than 20 percent by weight meet the color standard for either white tuna or light tuna, and the remainder of which fall within the color standard for dark tuna. The color designation for blended tuna is determined in accordance with paragraph (g) of this section.

(e) Canned tuna is packed in one of the following optional packing media:

(1) Any edible vegetable oil other than olive oil, or any mixture of such oils not containing olive oil.

(2) Olive oil.

(3) Water.

(f) Canned tuna may be seasoned or flavored with one or more of the following:

(1) Salt.

(2) Purified monosodium glutamate.

(3) Hydrolyzed protein.

(4) Hydrolyzed protein with reduced monosodium glutamate content.

(5) Spices or spice oils or spice extracts.

(6) Vegetable broth in an amount not in excess of 5 percent of the volume capacity of the container, such broth to consist of a minimum of 0.5 percent by weight of vegetable extractives and to be prepared from two or more of the following vegetables: Beans, cabbage, carrots, celery, garlic, onions, parsley, peas, potatoes, green bell peppers, bell peppers, spinach, and tomatoes.

(7) Garlic.

(g) For determination of the color designations specified in paragraph (d) of this section, the following method shall be used: Recombine the separations of pressed cake resulting from the method prescribed in § 37.3 (b). Pass the combined portions through a sieve fitted with woven-wire cloth of ¼-inch mesh which complies with the specifications for such wire cloth set forth in "Standard Specifications for Sieves," published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. Mix the sieved material and place a sufficient quantity into a 307 x 113 size container (bearing a top seam and having a false bottom approximately ½-inch deep and painted flat black inside and outside) so that after tamping and smoothing the surface of the sample the material will be ⅛-inch to ¼-inch below the top of the container. Within 10 minutes after sieving through the ¼-inch mesh woven-wire cloth, determine the Munsell value of sample surface.

(1) Determine the Munsell value of the sample surface so prepared. The following method may be used, employing an optical comparator, consisting of a lens and prism system which brings two beams of light, reflected from equal areas of sample surface and standard surface, respectively, together, within an eyepiece, so as to show an equally divided optical field. The scanned areas of sample and standard surface are not smaller than 2 square inches. Light reaching the eye is rendered sufficiently diffuse, by design of eyepiece and comparator, so that detail of the sample surface will remain undefined, to a degree such as to avoid visual confusion in observation of a match of over-all intensity of reflected light. The eyepiece contains a color filter centering at a wavelength between 550 mμ and 560 mμ. The filter does not pass appreciable visible radiation of wavelengths below 540 mμ or above 570 mμ. The passed wavelength band is of a monochromaticity sufficient to cause a sample and a neutral standard of equal reflectance to appear of the same hue. The comparator is rigidly mounted on a vertical stand attached to a base in which arrangement is provided for securely and accurately positioning two cans of size 307 x 113 in the two fields of view. Mounted on the base are two shaded lamps, which direct the center of their beams of light at about a 45° angle to the plane of the sample and standard surfaces. The lamps are so positioned that light from one bears mainly upon the sample surface and light from the other mainly on the standard surface, and are so placed in relation to sample and standard that no shadows, as from the can rims, appear in the fields of view. The lamps are strong enough to furnish adequate and convenient illumination through eyepiece and filter. Means is provided to alter the light intensity of one lamp in relation to the other, as may conveniently be achieved by using a 100-watt tungsten filament bulb in one lamp and using, in the other, a similar 150-watt bulb connected with the power source through a suitable rheostat. The stand is equipped with nonglossy black curtains on the side of the observer, to exclude variation in extraneous light reflected from the person of the observer.

(2) To adjust the comparator, place a pair of matte surface standards of Munsell value 5.3, mounted as described in subparagraph (4) of this paragraph, in position in the comparator base, and adjust the intensity of the variable lamp until the two halves of the optical field, viewed through the eyepiece, are of equal brightness. Then remove one of the standards and replace it with the prepared sample. Without altering any other adjustment, observe through the eyepiece whether the sample appears lighter or darker than the standard. In case of examination of albacore designated "white," conduct the procedure using standards of Munsell value 6.3.

(3) The standards with which comparisons are made are essentially neutral matte-finish standards, equivalent in luminous reflectance of light of 555 mμ wavelength to 33.7 percent of the luminous reflectance of magnesium oxide (for Munsell value 6.3) and 22.6 percent of the luminous reflectance of magnesium oxide (for Munsell value 5.3), as given by the relationship between Munsell value and luminous reflectance derived by a subcommittee of the Optical Society of America and published in the "Journal of the Optical Society of America," Volume 33, page 406 (1943).

(4) These standards shall be cut in circles 3¼ inches in diameter and shall be mounted in 307 x 113 size containers, bearing a top seam and painted flat black inside and outside, so that the surfaces of the standards are 3/16 inch below the top of the containers in which they are mounted.

(5) In the case of blended tuna, the foregoing method shall be varied by first separating the tuna flakes of the two different colors before passing them through the ¼-inch mesh sieve, then proceeding with each portion separately for the determination of its color value, employing, if necessary, a sample container with false bottom greater than ½ inch deep.

(h) (1) The specified names of the canned tuna for which definitions and standards of identity are prescribed by this section, except where water is the packing medium or where the tuna is smoked, are formed by combining the designation of form of pack with the color designation of the tuna; for example, "Solid pack white tuna," "Grated dark tuna," etc. In the case of blended tuna, there shall be used both applicable color designations of the blended flakes, in precedence determined in accordance with the predominating portion found in the container; for example, "Blended white and dark tuna flakes," "Blended dark and light tuna flakes."

(2) The specified name of canned tuna when water is used as the packing medium is formed as described in subparagraph (1) of this paragraph, followed by the words "in water"; for example, "Grated light tuna in water."

(3) When the packing medium is vegetable oil or olive oil, the label shall bear the name of the optional packing medium used, as specified in paragraph (e) of this section, preceded by the word "in" or the words "packed in." In case of the optional ingredient specified in paragraph (e) (1) of this section, the name or names of the oil used may be stated, or the general term "vegetable oil" may be used.

(4) In case solid pack tuna is packed in olive oil, the designation "Tonno" may also appear.

(5) In case any of the specified forms of canned tuna are smoked, the word "smoked" shall appear as a part of the name on the label; for example, "Smoked light tuna flakes."

(6) Where the canned tuna contains one or more of the ingredients listed in paragraph (f) of this section, the label shall bear the statement "Seasoned with _____," the blank being filled in with the name or names of the ingredient or ingredients used, except that if the ingredient designated in paragraph (f) (6) of this section is used the blank shall be filled with the term "vegetable broth"; and if the ingredient designated in paragraph (f) (5) of this section is used alone, the label may alternatively bear either the statement "spiced" or the statement "with added spice"; and if salt is the only seasoning ingredient used the label may alternatively bear any of the statements "salted," "with added salt," "salt added."

(7) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the names of the optional ingredients used as specified by subparagraphs (3) and (6) of this paragraph shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the common name of the species of tuna fish used may so intervene, but the species name "albacore" may be employed only for canned tuna of that species which meets the color designation "white," as prescribed by paragraph (d) (1) of this section.

§ 37.3 *Canned tuna; fill of container; label statement of substandard fill.* (a) The standard of fill of container for canned tuna is a fill such that the average weight of the pressed cake from 24 cans, as determined by the method prescribed by paragraph (b) of this section, is not less than the minimum value specified for the corresponding can size and form of tuna ingredient in the following table:

I. Can size and form of tuna ingredient	II. Minimum value for weights of pressed cake (average of 24 cans)
	Ounces
211 x 109:	
Solid	2.25
Chunks	1.98
Flakes	1.98
Grated	2.00
307 x 113:	
Solid	4.47
Chunks	3.92
Flakes	3.92
Grated	3.96
401 x 206:	
Solid	8.76
Chunks	7.68
Flakes	7.68
Grated	7.76
603 x 408:	
Solid	43.2
Chunks	37.9
Flakes	37.9
Grated	38.3

If the can size in question is not listed, calculate the value for column II as follows: From the list select as the comparable can size that one having nearest the water capacity of the can size in question, multiply the value listed in column II for the same form of tuna ingredient by the water capacity of the can size in question and divide by the water capacity of the comparable can size. Water capacities are determined by the general method provided in § 10.2 (a) of this chapter. For the purposes of this section, cans of dimensions 211 x 109 shall be deemed to have a water capacity at 68° F. of 3.55 avoirdupois ounces of water; cans of dimensions 307 x 113, a water capacity of 7.05 avoirdupois ounces of water; cans of dimensions 401 x 206, a water capacity of 13.80 avoirdupois ounces of water; and cans of dimensions 603 x 408, a water capacity of 68.15 avoirdupois ounces of water.

(b) The methods referred to in paragraph (a) of this section for determining the weight of the pressed cake and referred to in § 37.1 (c) (1) for determining the percent of free flakes and the percent of pieces that pass through a ½-inch-mesh sieve are as follows:

(1) Have each of the 24 cans and contents at a temperature of 75° F. within ±5° F. Test each can in turn as follows:

(2) Cut out the top of the can (code end), using a can opener that does not remove nor distort the double seam.

(3) With the cut top held on the can contents, invert the can, and drain the free liquid by gentle finger pressure on the cut lid so that most of the free liquid drains from the can.

(4) With the cut lid still in place, cut out the bottom of the can with the can opener, then turn the can upright and remove the cut can top (code end). Scrape off any adhering tuna particles into the tuna mass in the can.

(5) Place the proper size of press cylinder as provided in paragraph (c) (1) of this section in a horizontal position on a table; then, using the cut bottom of the can as a pusher, gently force the can contents from the can into the cylinder so that the flat side of the can contents lies in contact with the bottom of the cylinder. Remove the bottom of the can that was used as the pusher and scrape any adhering particles from the can body and bottom of the can, and put them in the cylinder.

(6) Place the cylinder plunger on top of the can contents in the cylinder. Remove the eyebolt and put the cylinder and plunger in position on the press (paragraph (c) (3) of this section).

(7) Begin the operation of the press, and as soon as liquid is observed coming from the cylinder start timing the operation. Apply pressure to the plunger slowly and at a uniform rate, so that a full minute is used to reach a pressure of 384 pounds per square inch of plunger face in contact with the can contents. Hold this pressure for 1 additional minute and then release the pressure and disengage the plunger from the press shaft. Tip the press cylinder so that any free liquid is drained out.

(8) Remove press cylinder with plunger from the press, insert eyebolt in plunger and withdraw it from the cylinder. Loosen the pressed cake from the cylinder with a thin blade and remove the entire pressed cake as gently as possible, to keep the mass in a single cake during this operation. Place the pressed cake and any pieces that adhered to the plunger and cylinder in a tared receiving pan and determine the weight of the pressed material.

(9) For cans larger than 401 x 206, cut out the top of the can and drain off free liquid from the can contents as in operations described in subparagraphs (2) and (3) of this paragraph. Determine the gross weight of the can and remaining contents. Using a tared core cutter as provided for in paragraph (c) (2) of this section, cut vertically a core of the drained material in the can. Determine the weight of the core. With a thin spatula transfer the core to the pressing cylinder for 401 x 206 cans. Determine the weight of the pressed cake as in the operations described in subparagraphs (5) through (8) of this paragraph. Remove the remaining drained contents of the can, reserving the contents for the determination of free flakes (subparagraph (11) of this paragraph), weigh the empty can, and calculate the weight of the total drained material. Calculate the weight of pressed cake on the entire can basis by multiplying the weight of the pressed cake of the core by the ratio of the weight of the drained contents of the can to the weight of the core before pressing.

(10) Repeat the determination of weight of pressed cake on the remainder of the 24 cans and determine the average weight of pressed cake for the purpose of paragraph (a) of this section.

(11) Determination of free flakes: If the optional form of tuna ingredient is solid pack, determine the percent of free flakes. Any flakes resulting from the operations described in this subparagraph or in other parts of this paragraph are to be weighed as free flakes. Only fragments that were broken in the canning procedure are considered to be free flakes. If the can is of such size that its entire drained contents were pressed as described in subparagraphs (1) to (8), inclusive, of this paragraph, examine the pressed cake carefully for free flakes. Using a spatula, scrape free flakes gently from the outside of the cake. Weigh the aggregate free flakes that were broken from the loin segments in the canning procedure and calculate their percentage of the total weight of pressed cake. If the can is of such size that a core was cut for pressing as described in subparagraph (9) of this paragraph, make the examination for free flakes on a weighed portion of the drained material remaining after the core was removed. The weight of the portion examined should approximately equal the weight of the core before pressing. Calculate the weight of the free flakes that were broken from the loins in the canning procedure as a percentage of the weight of the portion examined.

(12) Determination of particle size: If the optional form of tuna ingredient is chunks, flakes, or grated, the press-cake resulting from the operations described in subparagraphs (1) to (9), inclusive, of this paragraph is gently separated by hand, care being taken to avoid breaking the pieces. The separated pieces are evenly distributed over the top sieve of the screen separation equipment described in paragraph (c) (4) of this section. Beginning with the top sieve, lift and drop each sieve by its open edge three times. Each time, the open edge of the sieve is lifted the full distance permitted by the device. Combine and weigh the material remaining on the three top sieves (1½-inch, 1-inch, ½-inch screens), and determine the combined percentage retention by weight in relation to the total weight of the pressed cake.

(c) (1) The press cylinder and plunger referred to in paragraph (b) of this section are made of stainless steel. The press cylinders are made with a lip to facilitate drainage of the liquid. Plungers have a threaded center hole, about half as deep as the thickness of the plunger, for receiving a ringbolt to assist in removing the plunger from the press cylinder. Dimensions for press cylinders and plungers are as follows:

For can size 211 x 109

Press cylinder:
Inside depth, approximately 3¾ inches.
Inside diameter, 2.593 inches.
Wall thickness, approximately ⅜ inch.
Plunger:
Thickness, approximately 1 inch.
Diameter, 2.568 inches.

For can size 307 x 113

Press cylinder:
Inside depth, approximately 4 inches.
Inside diameter, 3.344 inches.
Wall thickness, approximately ⅜ inch.
Plunger:
Thickness, approximately 1¼ inches.
Diameter, 3.319 inches.

For can size 401 x 206

Press cylinder:
Inside depth, approximately 4⅛ inches.
Inside diameter, 3.969 inches.
Wall thickness, approximately ½ inch.
Plunger:
Thickness, approximately 1¼ inches.
Diameter, 3.944 inches.

For can sizes where the diameter is greater than 401, the core cutter described in subparagraph (2) of this paragraph shall be used and the resulting core pressed in the press cylinder for can size 401 x 206. For can sizes differing from those specified in this subparagraph, special press cylinders and plungers may be used. Special press cylinders have inside diameters 1/10-inch less than the outside diameters, at the double seam, for the can sizes for which the cylinders are used; plunger diameters are 0.025-inch less than the inside diameters of the press cylinders.

(2) The core cutter referred to in paragraphs (b) (9) and (11) and subparagraph (1) of this paragraph is made from a previously sealed 300 x 407 can. The cover, including the top seam, is cut out. The edge is smoothed and sharpened. A small hole to permit passage of air is made in the bottom.

(3) The hydraulic press referred to in paragraph (b) (6) to (10), inclusive, of this section is made by so mounting a hydraulic jack in a strong frame that it will press horizontally against the center of the plunger in the press cylinder used. The frame is so braced that it does not change shape when pressure is applied. The gauge on the hydraulic jack is so calibrated that it will indicate, for the plunger being used, when the plunger is pressing against the contents of the press cylinder with a pressure of 384 pounds per square inch of plunger face.

(4) The sieving device referred to in paragraph (b) (12) of this section consists of three sieves, each approximately 1 foot square, loosely mounted, one above the other, in a metal frame. The mesh in the top sieve complies with the specifications for 1½-inch woven-wire cloth as set forth in "Standard Specifications for Sieves," as published March 1, 1940, in L. C. 584 of the U. S. Department of Commerce, National Bureau of Standards. The meshes in the sieves below comply with similar specifications for 1-inch and ½-inch woven-wire cloth as set forth in the same publication. The sides of each sieve are formed, in a raised rim, from ¾-inch x ⅛-inch metal strap. The frame has tracks made of ⅜-inch angle metal to support each sieve under each side. The tracks are so positioned as to permit each sieve a free vertical travel of 1¾ inches.

(d) If canned tuna falls below the applicable standard of fill of container prescribed in paragraph (a) of this section, the label shall bear the general statement of substandard fill provided in § 10.3 (b) of this chapter, in the manner and form therein specified.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing on the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. The definition and standard of identity (§ 37.1) promulgated by this order shall become effective one year after its publication in the FEDERAL REGISTER, and the standard of fill of container (§ 37.3) promulgated by this order shall become effective 90 days after its publication in the FEDERAL REGISTER, except in each case any provisions that may be stayed by the filing of exceptions thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Dated: February 7, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1079; Filed, Feb. 12, 1957; 8:46 a. m.]

PART 164—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

CERTIFICATION OF MASTER LOTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 506, 701, 52 Stat. 1055, as amended 70 Stat. 919; 55 Stat. 851; 21 U. S. C. 356, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of batches of drugs composed wholly or partly of insulin (21 CFR Part 164) are amended as indicated below:

1. In § 164.1 *Definitions and interpretations of terms*, paragraph (h) is amended to read as follows:

(h) Except as provided in § 164.3 (c), the term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of:

* * * * *

2. Section 164.3 *Certifications* is amended by redesignating paragraph (c) as (d) and inserting a new paragraph (c) between paragraph (b) and redesignated paragraph (d), as follows:

(c) Upon the request of the manufacturer, the Commissioner shall certify as a "batch" a master lot, which has been approved in accordance with § 164.2 (j), as safe and efficacious for use in preparation of an insulin-containing drug, subject to the conditions on the effectiveness of such certifications as are set forth in § 164.4 (a) (1) and (b) (5).

3. In § 164.4 *Conditions on the effectiveness of certificates*, paragraph (b) is amended by changing the period at the end of subparagraph (4) to "; or" and adding the following new subparagraph:

(5) With respect to a master lot of insulin, 5 years after date of issue if the master lot is a solution, or 10 years after date of issue if the master lot is a solid.

4. Section 164.10 *Fees* is amended by changing paragraph (b) (1) (ii) to read as follows:

(ii) $25 if the master lot or mixture has been previously certified by the Commissioner in accordance with § 164.3 (c).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, since it provides relief of the affected industry from a prohibition of section 502 (k) of the Federal Food, Drug, and Cosmetic Act by providing for the certification of an article of commerce, namely, master lots of insulin, as defined in § 164.1 (g) of the regulations providing for the certification of insulin.

Effective date. This order shall become effective on the thirtieth day following the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 502, 506, 52 Stat. 851; 21 U. S. C. 352, 356)

Dated: February 7, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1078; Filed, Feb. 12, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 2—DISPOSITION OF ATOMIC ENERGY COMMISSION PROPERTIES

FINDING OF REASONABLE POSSIBILITY OF DISPOSAL OF REAL PROPERTY AT RICHLAND, WASH.

§ 2.2 *Finding of reasonable possibility of disposal of real property at Richland, Washington.* Pursuant to section 51 of the Atomic Energy Community Act of 1955 (69 Stat. 476, 42 U. S. C. 2341), and Executive Order 10657, approved February 14, 1956, and after consultations with the Atomic Energy Commission, I hereby find that there is a reasonable possibility that the Government-owned real property at Richland, Washington, can be disposed of in accordance with the provisions of Chapter 5 of the said Atomic Energy Community Act of 1955.

(Sec. 111, 69 Stat. 483, 42 U. S. C. 2305. E. O. 10657, 21 F. R. 1063. Interprets or applies sec. 51, 69 Stat. 476; 42 U. S. C. 2341)

Effective as of the 11th day of February 1957.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57-1152; Filed, Feb. 12, 1957; 8:55 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 526—INDUSTRIES OF A SEASONAL NATURE

SUBSTITUTION OF COON CERTIFIED CONCRETE FOR NORTH MOUNTAIN CRUSHED STONE CO.

The determination that the northern branch of the crushed stone industry is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063; 29 U. S. C. 207 (b) (3)) issued on July 8, 1940 (5 F. R. 2526), was enlarged on September 24, 1940 (5 F. R. 3770) to include the plant of North Mountain Crushed Stone Company in Luzerne County, Pennsylvania. The ownership of this plant has, since that time, been transferred to a firm doing business as Coon Certified Concrete.

Notice was published in the FEDERAL REGISTER on November 15, 1956 (21 F. R. 8891), that a prima facie case had been shown for amending the determination by substituting Coon Certified Concrete for North Mountain Crushed Stone Com-

pany. Interested persons were given 15 days from such date to file objections and requests for hearing on this preliminary determination.

No objection or request for hearing has been received within the said 15 days.

Accordingly, I find that the ownership of the plant of North Mountain Crushed Stone Company has been transferred to the firm of Coon Certified Concrete and pursuant to authority contained in section 7 (b) (3) of the Fair Labor Standards Act of 1938 (52 Stat. 1063, as amended; 29 U. S. C. 207 (b) (3)), and General Order No. 45–A (15 F. R. 3290), the order of September 24, 1940, and supplemental determination No. 7 for this industry as contained in § 526.101 (29 CFR Part 526), is hereby amended by substituting such plant of Coon Certified Concrete for that of North Mountain Crushed Stone Company.

(Sec. 7, 52 Stat. 1063, as amended; 29 U. S. C. 207)

This determination shall become effective 30 days after publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 7th day of February 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-1105; Filed, Feb. 12, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1387]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE BUREAU OF PUBLIC ROADS AS ADMINISTRATIVE SITES. PARTIALLY REVOKING EXECUTIVE ORDER NO. 5582 OF MARCH 8, 1931

By virtue of the authority vested in the President by section 2380 of the Revised Statutes (43 U. S. C. 711), section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn as follows and reserved for use of the Bureau of Public Roads, Department of Commerce, as administrative sites:

[Fairbanks 012347]

a. From sale or disposal:

A tract of land adjoining the present Alaska Road Commission administrative site contained in U. S. Survey 2778, located on the Richardson Highway at Big Delta, described as follows:

Beginning at corner No. 1, U. S. Survey No. 2778, thence N. 74° 53' E., 150.02 feet;

On a curve to the right, with a radius of 5,579.58 feet, long chord bearing and distance being S. 11°04'57" E., 204.36 feet to a point which is 150 feet left and at right angle from P. C. Station 2064 +15.6 Richardson Highway;

S. 10°02' E., 468.97 feet;

S. 79°58' W., 153.18 feet to corner No. 2, U. S. Survey 2778;

N. 10°02' W., 660.00 feet to point of beginning.

The tract described, containing 2.34 acres, is a portion of the lands withdrawn for townsite purposes by Public Land Order No. 808 of February 27, 1952.

[Anchorage 020553]

b. From all forms of appropriation under the public land laws, including the mining and mineral-leasing laws:

SEWARD MERIDIAN

T. 20 N., R. 8 E.,
Sec. 28, SW¼NE¼ and E½SE¼NW¼.

The areas described aggregate 60 acres.

2. Public Land Order No. 808 of February 27, 1952, is hereby modified to the extent necessary to permit the use of the lands in paragraph 1 (a) by the Bureau of Public Roads, Department of Commerce. Executive Order No. 5582 of March 8, 1931, which reserved lands for purposes of investigation, examination, and classification, is hereby revoked so far as it affects the lands described in paragraph 1 (b) of this order.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 7, 1957.

[F. R. Doc. 57-1080; Filed, Feb. 12, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 325]

DESTRUCTION OF RECORDS OF CARRIERS BY WATER

NOTICE OF PROPOSED RULE MAKING

JANUARY 31, 1957.

Notice is hereby given pursuant to provisions of section 4 (a) of the Administrative Procedure Act that revised regulations to govern the destruction of records of carriers by water which are set forth below in tentative form are to be prescribed by the Commission. Any interested person may on or before March 1, 1957 file with the Commission's Secretary written views or arguments to be considered in this connection, and may request oral argument thereon. After consideration of representations so received and with such changes as may seem warranted because of them, an order will be entered making the revised regulations effective after due notice to carriers which will be subject thereto.

The proposed revised regulations are to be issued under authority contained in sections 313 (g) and 317 (d) of the Interstate Commerce Act, as amended (54 Stat. 944, 948; 49 U. S. C. 913, 917).

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY,
Secretary.

§ 325.1 *Introduction.* The regulations in this part specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that it shall be installed if its purpose is otherwise being adequately served. Compliance with the regulations in this part will not exempt a carrier from statutory requirements, other than provisions of the Interstate Commerce Act, for retention of records or documents for periods longer than those prescribed in this part.

§ 325.2 *Authority to destroy records.* (a) *General authority.* Carriers by water may destroy records or documents named or described in the regulations in this part after they have been preserved for the prescribed periods of time. Permanent records are those which may not be destroyed without special authority.

(b) *Special authority.* A carrier proposing to destroy records or documents which are not named or described in the regulations in this part, or which if named or described have not been retained for the period required by the regulations, may request special authority to destroy them. Applications for such special authority shall describe in detail the records or documents to be destroyed and shall explain why their continued retention is unnecessary.

§ 325.3 *Photographic copies.* (a) Certain records and documents may be preserved on microfilm and the film retained in lieu of the original record or document, subject to the following limitations:

(1) The records listed in § 325.7 with a permanent retention period may not be destroyed after being photographed for preservation unless special authority is first secured as provided in § 325.2 (b).

(2) All records and documents listed in § 325.7 other than those excluded in subparagraph (1) of this paragraph, may be destroyed after they have been suitably photographed for preservation.

(b) To be acceptable in lieu of original records, photographic copies must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read, or reproduce such photographic copies. Photographic copies shall be preserved until the end of the period prescribed for the original records or documents.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

§ 325.4 *Supervision of destruction.* Within six months after the effective date of the regulations in this part or within six months after becoming subject to this provision, each carrier shall appoint an officer or other responsible employee to supervise the destruction of records and documents. Such appointment shall be by formal corporate act or, if the carrier is not incorporated, by such formal act as would be necessary to execute a contract binding on the carrier.

§ 325.5 *Record of destroyed records.* The supervising officer or other designated employee shall maintain a record of all carrier records and documents which have been destroyed pursuant to the regulations in this part, except those the retention of which is optional with the carrier. The record shall be available for inspection in the office of the supervising officer and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of someone not subject to the carrier's control, then the record shall include a statement of the relevant circumstances.

§ 325.6 *Carriers going out of business.* The records and documents relating to operations of a carrier subject to the regulations in this part may be destroyed without regard to the prescribed periods of retention after carrier status is abandoned for purposes of the Interstate Commerce Act: *Provided however,* (a) If the carrier is a corporation being dissolved by act of the authority which created it, the records may not be destroyed until dissolution is otherwise complete, and (b) if the carrier is not incorporated or is being kept alive for purposes other than carrier operations, records relating to former carrier operations may not be destroyed until all transactions relating to such operations are completed.

§ 325.7 *Prescribed periods of retention.* The following list describes the purpose for which a record is necessary and the prescribed periods shall be observed even if a record by some other name serves the described purpose. If identical copies of the same document serve more than one such described purpose, only one copy is required to be retained by the regulations in this part.

Item	Description of Records, etc.	Period to be retained
	GENERAL AND FINANCIAL	
1	Minute books of directors', executive committee's, stockholders', and other meetings.	Permanent.
2	Code and cipher books, file copies of	Permanent.
3	Capital stock records:	
	(a) Capital stock ledger	Permanent.
	(b) Capital stock certificates, records of or stubs of	Permanent.
	NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Stock transfer register	Permanent.
	(d) Memoranda and bills of sale or of transfer of capital stock	2 years.
	(e) Capital stock subscription notices and requests for allotment	1 year.
	(f) Canceled capital stock certificates. (See item 6.)	
4	Long-term debt records:	
	(a) Registers of bonds and certificates	Permanent.
	(b) Records or stubs of bonds and certificates	Permanent.
	NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of three years.	
	(c) Memoranda and bills of sale or of transfer of registered bonds and certificates.	2 years.
	(d) Records of interest coupons paid and unpaid	3 years after payment.
	(e) Funded debt subscription notices and requests for allotment	1 year.
	(f) Canceled or unissued bonds, and certificates, and paid interest coupons. (See item 6.)	
5	Corporate elections:	
	(a) Proxies of holders of voting securities	2 years.
	(b) Lists of holders of voting securities presented at meetings	6 years.
	(c) Qualification oaths of judges of election	Optional.
	(d) Qualification oaths of directors	Optional.
	(e) Ballots cast and tabulations of vote	2 years.
	(f) Judges' reports of election results	2 years.
6	Retired stock certificates, bonds, notes, interest coupons, receiver's and trustee's certificates, and temporary certificates; taken up and canceled.	Optional.
7	Ledgers:	
	(a) General and auxiliary ledgers and indexes thereto, except as provided for elsewhere in these regulations.	Permanent.
	(b) Trial balance sheets of general and auxiliary ledgers	4 years.
8	Record of securities owned, in treasury, or with custodians	Permanent.
9	General and auxiliary journals	Permanent.
10	General and auxiliary cash books, except cash books at agencies provided for in item 97 (a).	Permanent.
	NOTE: If any receipts or payments are entered in the aggregate in the general cash book and are detailed only on loose sheets, such loose sheets constitute an auxiliary cash book when no other permanent record of the items thereon is made.	
11	(a) General journal entries	Permanent.
	(b) Supporting papers not otherwise provided for	6 years.
12	Records summarizing the results of auxiliary (outside) or holding company operations for entry in general books.	6 years.
	NOTE: Ledgers, journals, abstracts, reports, vouchers, tickets, etc., shall be retained for the same periods as are provided for similar documents elsewhere in these regulations.	
13	Corporate identity:	
	(a) Incorporation and other historical records	Permanent.
	(b) Charters and franchises with supporting details	Until legally required to release.
14	Contracts and agreements:	
	(a) Contracts, leases, and agreements	3 years after expiration or cancelation.
	(b) Card or book records of contracts, leases, and agreements made, and expirations and renewals.	3 years after expiration o cancelation.
15	(a) Tax records, copies of schedules and returns to taxing authorities for tax purposes.	6 years.
	(b) Records of appeals, tax bills, and statements	6 years after settlement.
16	Copies of applications to and authorities from regulating bodies for the issuance of stocks, bonds, and other securities.	Permanent.
17	Records of expired or canceled fidelity and indemnity bonds, including the bonds.	3 years.
18	Insurance records:	
	(a) Records pertaining to the payment of insurance premiums and to insurance recoveries.	3 years.
	(b) Inspectors' reports of condition of insured property	2 years.
	(c) Insurance policies	Optional.
	(d) Schedules of risks covered by self insurance	3 years.
19	Treasurer's records:	
	(a) Statements from depositaries of funds received, disbursed, and transferred.	3 years.
	(b) Daily or other periodical statements of the receipt and disbursement of funds. (See note under item 10.)	3 years.
	(c) Ledgers, journals, and other records of outstanding vouchers, checks, drafts, etc., issued and not presented.	3 years.
	(d) Bank deposit books, and stubs, ledgers, or records of checks	Optional.
	(e) Copies of deposit slips	Optional.
20	Miscellaneous records pertaining to agents' accounts:	
	(a) General office records or ledgers of agents' accounts showing debits and credits from various sources.	6 years.
	(b) General office records relating to extension of credit for transportation and other charges.	2 years after discontinuance of credit arrangement.
	(c) Statements of corrections in agents' accounts	3 years.
21	Reports of examinations, audits, and transfers by special accountants, traveling auditors, time inspectors, weight inspectors, etc., and supporting papers.	3 years.
22	Records pertaining to verification of treasurer's cash or securities.	2 years.
	REVENUES	
30	Freight revenue records:	
	(a) Details of settlements with agents and others, and with carriers.	6 years.
	(b) Record of unsettled freight bills, freight bills in suspense, etc.	1 year after disposition.
	(c) Tracers and supporting papers concerning unsettled freight bills.	Until settled.
31	Passenger revenue records:	
	(a) Details of settlements with agents and others, and with other carriers.	6 years.
	(b) Records and reports of passenger associations and bureaus.	3 years.
32	Line service revenue records, other than freight and passenger revenues, detailing settlements with agents and others, and with other carriers.	3 years.
33	Records of revenues from operations other than line service, detailing settlements with agents and others, and with other carriers.	3 years.
34	Cash fare collection journals, ledgers, and records.	2 years.

Item	Description of Records, etc.	Period to be retained
	TRAFFIC	
60	Tariffs and other rate authorities: (a) Tariffs, classifications, division sheets, and related circulars affecting the transportation of persons or property, in the general files of the traffic or other department in which the complete official file is maintained. (b) Tariffs, classifications, division sheets, and related circulars in other departments and at agencies, if copies of the same issues are preserved in tariffs, etc., are preserved in the general files referred to in item 60a. (c) Special or reduced rate orders, and supporting papers, covering the involvement of passengers. (d) Tariffs, and receipts from agents and others for tariffs, classifications, division sheets, and related circulars. (e) Copies of concurrences and powers of attorney filed with the Interstate Commerce Commission and with other regulating bodies. (f) Written requests on carrier from persons and companies for quotations of rates and copies of carrier's quotations. (g) Authorities for the transportation of property, free or at reduced rates, and supporting correspondence. (h) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and related circulars affecting the transportation of persons or property.	2 years after expiration or cancelation. Optional after expiration or cancelation. 2 years after expiration or cancelation. Optional. 2 years after cancelation. Optional. 3 years. 3 years after cancelation of tariff, etc.
61	Diversion of freight: (a) Records pertaining to the diversion or reconsignment of freight. (b) Records, letters, and correspondence in connection with diversions or reconsignments.	2 years. 2 years.
62	Ticket records: (a) Copies of orders on printing houses for ticket stock. (b) Record of ticket stock received, issued, and destroyed. (c) Requisitions and receipts for tickets and cash fare receipts furnished agent, purser, and stewards. (d) Used and canceled passenger tickets, chair tickets, stateroom tickets, meal tickets or checks, prepaid orders for same tickets, and storage checks; the reports of which, showing their sale or issue, have been audited. (See item 80b.) (e) Unissued or unused tickets if a complete record is kept in accordance with item 62d. (f) Inventories of tickets in hands of agents. (g) Records and reports of tickets redeemed.	2 years. 2 years. 2 years. Optional. 2 years. 2 years.
	PURCHASES AND STORES	
70	Bids, offers, copies of orders and correspondence pertaining to the purchase or sale of material and supplies.	3 years.
71	Material and supplies: (a) Records of material and supplies on hand and detail papers of inventories. (b) Records and reports of material and supplies received and issued. (c) Requisitions and receipts for material and supplies issued, the totals of which have been transcribed into other records for retention.	3 years. 3 years. 1 year.
	TRANSPORTATION	
80	Passes and free tickets: (a) Copies of orders on printing houses for pass stock. (b) Records of pass stock received, distributed, and destroyed. (c) Requests for passes; copies or stubs of requests for passes, and receipts for same. (d) Records of passes issued. (e) Records of passes received from other carriers. (f) Stubs of trip passes. (g) Pass identification slips. (h) Records of annual or term passes honored. (i) Records of free passenger-fare tickets collected. (j) Void passes and free passenger-fare tickets issued. (k) Records of free passenger-fare tickets issued. (l) Pursers' and stewards' reports of passes collected or honored. (m) Reports of trip passes issued.	1 year. 1 year. 3 years. 3 years. 3 years. 3 years. 1 year. 1 year. 1 year. 3 years. 1 year. 1 year.
81	Pursers' and stewards' reports: (a) Reports of cash collections. (b) Reports of cash collections if not transcribed to records covered by item 34.	Optional. 2 years.
	(c) Reports of tickets collected or honored and of passengers carried. (d) Reports of passes collected or honored. (See item 80l.) (e) Reports of baggage handled. (f) Reports of freight and other traffic handled. (g) Balance sheets and supporting papers.	2 years. 2 years. 2 years. 2 years.
82	Operating department records pertaining to the movement of ships, lighters, and barges.	3 years.
	EXPENDITURES	
40	Labor distributions and summaries: (a) Records showing the detailed distribution of labor expenditures charged to all accounts, including memoranda and memorandum recapitulation sheets, except as otherwise provided in item 43. (b) Work orders, job tickets, and other papers covering the application of labor, the details of which have been transcribed into other records for retention.	4 years. 2 years.
41	Payroll records: (a) Payrolls and summaries. (b) Receipts and memoranda pertaining to deductions from payrolls. (c) Records of wages, salaries, certificates issued for wages, discharge tickets, time tickets, and other evidences of earnings or services rendered by employees, except as otherwise provided in item 40. (d) Canceled pay checks drawn in favor of "bearer" in payment of wages for which receipt is shown on payrolls or other records retained by carrier.	6 years. Optional. 3 years. Optional.
42	Material distributions and summaries: (a) Records, such as cards, sheets, other records and memoranda showing the detailed distribution of labor, material, supplies, and supplies chargeable to all accounts, including memorandum recapitulation sheets. (b) Work orders, job tickets, and other papers covering the application of labor and of materials and supplies, the details of which have been transcribed into other records for retention.	4 years. 2 years.
43	Vouchers: (a) Register of audited vouchers payable and indexes thereto. (b) Paid drafts, paid checks, and receipts for cash paid out, except as otherwise provided in item 50c. (c) All vouchers or accounts payable and supporting papers. (See item 45). (d) Stubs of bank check books. (e) Lists containing authorities for payment of specific vouchers. (f) Records of drafts issued by claim agents, terminal and station agents, and others. (g) Record or index of vouchers to be made, with notations of dates of issue.	15 years. 10 years. 6 years. 3 years. 2 years. 1 year. Optional.
44	Bills collectible: (a) Register of bills collectible (or accounts receivable bills) and indexes thereto. (b) Copies of bills issued for collection, and supporting papers which do not accompany the original bills. (c) Copies of detailed receipts for rental of vessels to others under charter, contract, or oral agreement. (d) Periodical statements of unsettled accounts, except trial balance sheets. (e) Record or index of bills to be issued, with notations of dates of issue.	15 years. 4 years. 2 years after expiration of agreement. Optional. Optional.
45	Real estate and equipment records: (a) Deeds and contracts. (b) Records and memoranda of the cost or the inventory value of real property and equipment. (c) Records and memoranda showing in detail all the items pertaining to expenditures for real property and equipment. (d) Records and memoranda pertaining to depreciation, retirements, and replacements of equipment and other property; also historical records of equipment and other property. (e) Receipted pay checks, certificates issued for wages, time tickets, and other evidences of payment for services rendered by employees in connection with real property and equipment, if full information concerning other records retained to support the distribution of the charge is shown on payrolls or other records retained in accordance with reference to item 40c.	Permanent. Permanent. Permanent but only 3 years if transferred to permanent records. Permanent. 2 years.
46	Special authorities for expenditures: (a) Estimates and special authorities for expenditures for maintenance and improvement. (b) Detail records and memoranda pertaining to such estimates, if summarized in records covered by item 46a.	Optional if expenditures are detailed in permanent records. Optional.
	CLAIMS	
50	Claim records: (a) Claim register, card or book indexes, and other records in connection with loss and damage, personal injury, fire, and other claims. (b) Correspondence, loss and damage, personal injury, fire, and other claims, and others for particulars in respect to claims. (c) All papers substantiating overcharge and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. (See item 43b.) (d) Claim jackets if all information thereon appears in records covered by item 50b.	6 years. 6 years. 3 years after settlement or rejection. Optional.
51	Claim investigation records: (a) Reports and statements regarding personal injuries, when not necessary to support claims or vouchers. (b) Tracers, reports, and other records pertaining to unclaimed, over, short, damaged, and refused freight, when not necessary to support claims.	3 years. 1 year.
52	Road orders incident to disposal of damaged, refused, and unclaimed freight.	3 years.

Item	Description of Records, etc.	Period to be retained
	TRANSPORTATION—continued	
83	Ship records: (a) Ship's log. (b) Ship's articles. (c) Passenger and room list. (d) Correspondence in connection with reservations. (e) Accident reports. (f) Pursers' and stewards' berth and chair checks.	Permanent. 6 years. 6 years. 1 year. 3 years. Optional.
	AGENCIES	
90	Freight records: (a) Reports of freight forwarded and received. (b) Transfer records of freight received from and delivered to connecting carriers. (c) Records of freight received and freight delivered.	3 years. 3 years. 3 years.
91	Freight waybills and freight bills: (a) Original local waybills and freight bills, and audited copies thereof. (b) Original interline waybills and freight bills received from other carriers. (c) Copies of all interline waybills and freight bills made to other carriers. (d) Copies of interline waybills moving between points on other lines to which the carrier is intermediate. (e) Reports of undercharges and overcharges (correction notices). (f) Company freight waybills. (g) Copies of waybills and freight bills furnished to joint traffic associations, bureaus, and similar agencies, if such copies contain no information other than that appearing on the original waybills and freight bills or in other records. (h) Memoranda or slips on which are listed waybills and freight bills sent to the audit office, if such memoranda or slips are not used in auditing the accounts.	2 years. 2 years. 2 years. 2 years. 2 years. 2 years. Optional.
92	Bills of lading and releases: (a) Copies of bills of lading. (b) Shippers' order-notify bills of lading taken up and canceled. (c) Contracts covering transportation and storage risks of carriers. (d) Shipping tickets. (e) Dray tickets.	2 years. 2 years. 4 years. 2 years. 2 years.
93	Baggage records: (a) Baggage waybills and manifests. (b) Records of baggage handled. (c) Used and canceled baggage checks (not excess baggage). (d) Excess baggage checks (including c. o. d.), excess baggage book coupons, and excess baggage permits; the reports of which have been audited. (e) Record of baggage check stock received, issued, or destroyed. (f) Unused baggage checks, if record is kept in accordance with item 93e. (g) Receipts from agents, pursers, stewards, baggage masters, and others; for valuable letters and packages.	2 years. 2 years. Optional. Optional. 2 years. Optional. Optional.
94	Agents' reports: (a) Reports of ticket sales. (b) Baggage reports. (c) Reports of miscellaneous collections.	2 years. 2 years. 2 years.
95	Remittances: Agents', pursers', and stewards' remittance slips, bank deposit slips, and supporting papers, not provided for elsewhere.	2 years.
96	Agents' balance sheets and supporting papers.	3 years.
97	Other records at stations, wharf offices, pursers' and stewards' offices, and other agencies: (a) Cash books. (b) All others.	6 years. 3 years.
98	Instructions to agents and others: (a) Books and circulars of instructions to agents and others in the general file of the department in which the complete official file is maintained. (b) Surplus copies of books and circulars of instructions and copies in other departments and at agencies, if copies of the same issues are preserved in the general file referred to in item 98a.	3 years after expiration or cancellation. Optional.
99	Duplicate copies of reports, records, and documents retained in agency files, the retention of which is not provided for elsewhere.	Optional.
	STATISTICS	
100	Reports to Interstate Commerce Commission and other regulating bodies: (a) Annual financial, operating, and statistical reports, file copies of, and supporting records and papers. NOTE: If the figures for the above-mentioned reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and should be retained accordingly. (b) Periodical reports of operating revenues, expenses, and income, file copies of, and supporting records and papers. (c) Accident reports, file copies of, and supporting records and papers.	6 years. 3 years. 3 years.
101	Annual reports or statements to stockholders, file copies of.	Permanent.
102	Statistical statements, statistical records, and supporting papers showing tonnage, revenues, and expenses not covered by item 100.	3 years.
103	Reports of tonnage, revenue, and receipts used only for preparing statements of estimated revenues or expenses or the movement of traffic.	Optional.
104	Tabulating cards used in the compilation of statistics and other data, when the results are transcribed to other records covered by these regulations.	1 year.
111	Audit reports of public accountants.	3 years.
112	Duplicate copies of records and documents listed in these regulations, if all information on such duplicates is contained on the originals or other copies retained.	Optional.
113	Records of employees, including applications for employment, reports and certificates of examinations, service records, efficiency tests, employees' rosters, and other similar records.	1 year.
114	Provident department records, such as employees' relief, hospital, insurance, and savings departments, other than records pertaining to the receipt and disbursement of funds. NOTE: The records pertaining to the receipt and disbursement of funds must be retained for the same periods as are provided for similar records in item 19b.	1 year.
115	Data relating to records destroyed.	Permanent.
116	Correspondence and records thereof relating to the subjects listed in these regulations, not otherwise provided for.	For the period prescribed for the record to which the correspondence relates.

[F. R. Doc. 57-1094; Filed, Feb. 12, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Department of the Army

RALPH M. BESSE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of January 26, 1957 in my financial interests as reported in the FEDERAL REGISTER, August 25, 1956.

A. Deletions: None.

B. Additions: Prince Marine Drilling & Exploration Co.—stockholder. Steel Improvement & Forge Co.—stockholder.

Dated: January 26, 1957.

RALPH M. BESSE.

[F. R. Doc. 57-1075; Filed, Feb. 12, 1957; 8:45 a. m.]

BENJAMIN B. MATHIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1957, in my financial interests as reported in the FEDERAL REGISTER, August 15, 1956.

A. Deletions: Holyoke Water Power, Black Sivals, Bryson, New England Gas & Electric, Kennametal Inc., Hancock Bank.

B. Additions: None.

Dated: February 1, 1957.

BENJAMIN B. MATHIS.

[F. R. Doc. 57-1076; Filed, Feb. 12, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATIONS OF LANDS

The Bureau of Land Management has filed an application, Serial No. Fairbanks 010504, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but not including the mineral leasing law nor the Materials Act. The applicant desires the land for public recreation purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objec-

tions in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOON LAKE CAMPGROUND

Unsurveyed land located near milepost 1338, Alaska Highway, Latitude 63°23' N., Longitude 143°30' W., more particularly described as follows:

Beginning at a point on the centerline of the Alaska Highway at milepost 1338;
Thence southeasterly along the centerline of the Alaska Highway 4.4 chains;
Thence N. 16° E. 16.60 chains to MC 3 located at high water line of Moon Lake;
Thence by meander of lake shore,
S. 73° W. 0.71 chains,
N. 84° W. 1.55 chains,
N. 78° W. 2.16 chains,
N. 72° W. 2.96 chains,
N. 62° W. 2.86 chains to MC 4,
Thence S. 16° W. 16.15 chains to a point on the centerline of the Alaska Highway;
Thence southeasterly along the centerline of said highway 5.6 chains to the point of beginning.
The tract as described contains 14.85 acres.

RETREAT CAMPGROUND

Unsurveyed land located between Steese Highway and Chatanika River, Longitude 147°16' West, Latitude 65°11'49'' North, more particularly described as follows:

Beginning at a point on the centerline of the Steese Highway 2½ chains easterly of Milepost 36;
Thence northerly at right angles to said centerline 100 feet to Corner 1 which bears N. 50° 30' E. 3.98 chains from Milepost 36;
Thence,
N. 70° 30' W. 10.00 chains;
N. 60° W. 3.35 chains;
N. 20° W. 1.80 chains to left limit Chatanika River;
Thence by meander upstream:
N. 70° 30' E. 1.29 chains;
N. 68° E. 1.35 chains;
N. 72° E. 1.58 chains;
N. 46° E. 9.00 chains;
N. 59° E. 4.12 chains;
N. 66° E. 1.03 chains;
S. 86° E. 1.84 chains;
S. 89° E. 1.67 chains;
S. 75° E. 1.87 chains;
S. 76° E. 2.36 chains;
S. 65° E. 1.73 chains;
S. 63° E. 1.49 chains;
S. 60° 30' E. 1.05 chains to meander corner;
Thence S. 8° E. 13.39 chains to a point on the centerline of the Steese Highway;
Thence S. 82° W. along the centerline of said highway 15.18 chains to the point of beginning.
The tract as described contains 34.3 acres.

CHATANIKA RIVER BRIDGE CAMPGROUND

Unsurveyed land located on the west side of the Steese Highway at the Chatanika River bridge, Longitude 147°15' West, Latitude 65°12' North, more particularly described as follows:

Beginning at a point on the centerline of the Steese Highway at the north end of the Chatanika River bridge,
Thence N. 29° W. along the centerline of said Highway 10 chains;
Thence West 10 chains;
Thence South 8.72 chains to the right limit or north bank of the Chatanika River;
Thence East 14.8 chains along said bank to the point of beginning.
The tract as described contains 9.4 acres.

MILE 47 STEESE CAMPGROUND

Unsurveyed land near Milepost 47 Steese Highway between the highway and Chatanika River, Longitude 146°58' West, Latitude 65°13'30'' North, more particularly described as follows:

Beginning at a point from which Milepost 47, Steese Highway bears N. 75° 30' E. 13.20 chains,
Thence South 2.30 chains to high water line of Chatanika River
Thence by meander westerly along river—West, 0.50 chains.
N. 42° W. 1.51 chains, West 2.26 chains,
S. 29° 30' W. 1.23 chains,
S. 61° 30' W. 2.25 chains,
S. 41° W. 1.50 chains,
S. 62° W. 2.43 chains,
N. 33° W. 1.42 chains,
N. 53° W. 5.40 chains,
N. 80° 30' W. 2.00 chains,
S. 80° 30' W. 2.00 chains to MC 2,
Thence North 5.70 chains,
E. 9.38 chains,
S. 53° 30' E. 6.65 chains,
S. 75° E. 2.60 chains,
N. 80° E. 1.15 chains to point of beginning.
The tract as described contains 7.8 acres.

TOLOVANA CAMPGROUND

Unsurveyed land located at Elliot Highway crossing of Tolovana River, Longitude 148°17' West, Latitude 65°10' North, more particularly described as follows:

Beginning at a point on the centerline of the Elliot Highway at the south end of the bridge crossing of the Tolovana River; thence southerly along said centerline 9.68 chains;
S. 61° W. 5.95 chains;
N. 28° 30' W. 19.50 chains;
N. 70° 30' E. 7.20 chains to a point on the centerline of the Elliot Highway;
Thence southerly along said centerline 6.05 chains to the point of beginning.
The tract as described contains 8.8 acres.

BEDROCK CREEK CAMPGROUND

Unsurveyed land along Steese Highway near Central at Bedrock Creek, Longitude 145°03' West, Latitude 65°35' North, more particularly described as follows:

Beginning at a point on the centerline of the Steese Highway at its crossing of Bedrock Creek;
S. 53° W. along said centerline 7.02 chains,
N. 23° W. 20.80 chains,
N. 67° E. 17.70 chains,
S. 23° E. 18.39 chains to a point on the centerline of the Steese Highway;
Thence southwesterly along the centerline of said Highway approximately 11 chains to the point of beginning.
The tract as described contains 15.4 acres.

DEADMAN LAKE CAMPGROUND

Unsurveyed land near Milepost 1250, Alaska Highway, Longitude 141°30' West, Latitude 62°53' North, more particularly described as follows:

Beginning at point of mean high water Deadman Lake;
Thence N. 45° E. 8.00 chains to point from which milepost 1250 Alaska Highway bears S. 65° E. 1.33 miles;
Thence N. 45° W. 20.00 chains;
Thence S. 45° W. 8.00 chains to point on Deadman Lake;
Thence by meander southeasterly along lakeshore approximately 21.00 chains to point of beginning.
The tract as described contains 20 acres.

TOK RIVER CAMPGROUND

Unsurveyed land located at crossing of the Alaska Highway over the Tok River, Longitude 142°59' W., Latitude 63°20'12'' N., more particularly described as follows:

Beginning at center of E. end of Tok River Bridge on Alaska Highway, thence:
S. 75° 45' E. 5 chains along centerline of Highway.
N. 10° 15' E. 5.4 chains to bank of Tok River
Thence by meander:
N. 81° W. 5.8 chains,
N. 88° W. 1.17 chains,
S. 75° W. 0.41 chains,
S. 37° 30' W. 0.91 chains,
S. 16° W. 4 chains
S. 75° 45' E. 3 chains parallel to centerline of Alaska Highway to point of beginning.
The tract as described contains 4.1 acres.

CLEARWATER CAMPGROUND

Unsurveyed land located on Clearwater Creek Longitude 145°32' W., Latitude 64°03'30'' N. in the vicinity of Big Delta, more particularly described as follows:

Beginning at Station 0 (also corner No. 1 U. S. Survey No. 2840).
Thence North 5 chains to Station 1,
Thence East 19 chains to Station 2,
Thence South 23 chains parallel with portion of west boundary RR. Remington Trade and Manufacturing Site, Fairbanks No. 010433 to Station 3,
Thence West 22.38 chains to Station 4,
Thence N. 12.03 chains to Station 5 (also Corner 2, U. S. Survey No. 2840).
Thence N. 29° 30' E. 6.86 chains to point of beginning.
The tract as described contains 48.14 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-1100; Filed, Feb. 12, 1957; 8:50 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Air Force has filed an application, Serial No. Fairbanks 014046, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining and mineral leasing laws. The applicant desires the land for radio station purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

FAIRBANKS MERIDIAN

That portion of the W½ of the W½ of Section 32, Township 1 North, Range 1 West described by metes and bounds as follows:

Starting at the common corner of Sections 30, 29, 31, and 32 thence 900 feet south following the section line between Sections 32 and 31 to the point of beginning.
Thence 1,000 feet east on a line parallel to the Section line between Sections 29 and 32.
Thence 2,400 feet south following a line parallel to the Section line common to Sections 31 and 32.
Thence 1,000 feet west on a line parallel to the Section line common to Sections 29 and 32.
Thence 2,400 feet north following the section line common to Sections 31 and 32 to the point of beginning.
The area described contains approximately 55.1 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-1101; Filed, Feb. 12, 1957; 8:51 a. m.

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, 10 percent of the total number of factory production workers were authorized for employment.

Barnesville Manufacturing Co., Inc., 315–319 South Gardner Street., Barnesville, Ohio; effective 1–28–57 to 1–27–58 (ladies' pajamas).

Belton Shirt Co., Inc., Belton, S. C.; effective 1–23–57 to 1–22–58 (men's sport shirts).

Chetopa Manufacturing Co., Inc., Chetopa, Kans.; effective 1–23–57 to 1–22–58 (work pants, waistband overalls).

Eastwill Sportswear Co., Inc., Greenwood, S. C.; effective 2–2–57 to 2–1–58 (men's sport shirts).

The Garment Manufacturing Co., Inc., Hicks Street, Lawrenceville, Va.; effective 2–6–57 to 2–5–58; five learners (children's wearing apparel).

Hollywood Maxwell Co., East Union Street, Minden, La.; effective 1–25–57 to 1–24–58; 10 learners (brassieres).

L'Attice Elastic Foundations, Inc., 81 Fair Street, Hackensack, N. J., effective 1–22–57 to 1–21–58; four learners (brassieres and girdles).

Maury Manufacturing Co., Inc., P. O. Box 31, Mt. Pleasant, Tenn.; effective 1–25–57 to 1–24–58 (sport shirts).

Meyers & Son Manufacturing Co., Inc., Corner First and Jefferson Streets, Madison, Ind., effective 2–1–57 to 10–2–57 (men's one piece work suits) (replacement certificate).

Modelrite Dress Co., 147 Chestnut Street, Dunmore, Pa.; effective 1–28–57 to 1–27–58; 10 learners (women's dresses, housecoats).

N & W Industries, Inc., 736 South President Street, Jackson, Miss., effective 2–9–57 to 2–8–58 (work pants and shirts).

Orangeburg Garment Co., Inc., Walhalla, S. C.; effective 2–3–57 to 2–2–58 (cotton wash dresses and housecoats).

Reliance Manufacturing Co., Plantation Factory, Montgomery, Ala.; effective 2–19–57 to 2–18–58 (dungarees, hobby jeans, khaki).

Reliance Manufacturing Co., Freedom Factory, Edwards St. at Tuscon Ave., Hattiesburg, Miss.; effective 2–12–57 to 2–11–58 (men's and boys' pajamas).

Reliance Factory, Factory No. 20, Slater, Mo.; effective 1–26–57 to 1–25–58 (men's and boys' sport shirts).

Rival Dress Co., Inc., 110 West Blaine Street, McAdoo, Pa.; effective 2–7–57 to 2–6–58 (ladies cotton dresses).

The Roswell Co., Roswell, Ga.; effective 2–7–57 to 2–6–58 (men's work pants).

Williamson-Dickie Manufacturing Co., P. O. Box 448, Uvalde, Tex.; effective 2–5–57 to 2–4–58 (men's shirts, jackets).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Moryart Shirt Manufacturing Co., Inc., 838 County Club, Prescott, Ariz.; effective 1–28–57 to 7–27–57; 40 learners (men's sport shirts).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 1–25–57 to 7–24–57; five learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (dresses, blouses, etc.).

Wilson Bros., 1008 West Sample Street, South Bend, Ind.; effective 1–25–57 to 7–24–57; 50 learners for plant expansion purposes engaged in the manufacture of shirts and pajamas only (sport shirts, pajamas, dress shirts).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Barber Hosiery Mills, Inc., 1078 S. Main St., Mount Airy, N. C.; effective 1–25–57 to 1–24–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Belmont Hosiery Mills, Inc., Belmont, N. C.; effective 2–1–57 to 1–31–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Belmont Knitting Co., Belmont, N. C.; effective 1–30–57 to 1–29–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 1–25–57 to 1–24–58; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Chatham Knitting Mills, Inc., Chatham, Va.; effective 1–23–57 to 1–22–58; two learners for normal labor turnover purposes (knitted outerwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Doro Apparel Corp., Pottsville Street, Wiconisco, Pa.; effective 1–29–57 to 7–28–57; not less than 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of five learners for normal labor turnover purposes (belts, shoulder pads).

Haspel, Inc., Tylertown, Miss.; effective 1–28–57 to 7–27–57; not less than 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final pressing and hand sewing; authorizing the employment of 50 learners for plant expansion purposes (men's and boys' summer suits).

Maderic Mica Co., Rumney, N. H.; effective 1–25–57 to 7–24–57; not less than 80 cents an hour for the first 160 hours and 85 cents an hour for the remaining 160 hours of the 320-hour learning period, for the occupation of mica trimmer; authorizing the employment of five learners for plant expansion purposes (trimmed mica of strategic grade).

Palm Beach Co., Danville, Ky.; effective 2–1–57 to 7–31–57; not less than 85 cents an hour for the first 280 hours and 90 cents an hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, final presser and sewer; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes (men's coats).

Studio Quilting Service, 7438 West Harrison Street, Forest Park, Ill.; effective 1–29–57 to 7–28–57; not less than 85 cents an hour for the 240-hour learning period, for the occupation of sewing machine operator; authorizing the employment of two learners for normal labor turnover purposes (quilting service).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Barry Corp., 263 Carpenter Road (Interior), Hato Rey, P. R.; effective 1–10–57 to 3–16–57; not less than 51 cents an hour for the first 240 hours and 59 cents an hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 10 learners for supplemental expansion purposes (fabric gloves).

Caribe Aircraft Radio Corp., P. O. Box 578, Coamo, P. R.; effective 1–14–57 to 7–13–57; not less than 65 cents an hour for the first 240 hours and 75 cents an hour for the second 240 hours of the 480-hour learning period, for the occupation of assembly of electronic equipment; authorizing the employment of 50 learners for expansion purposes (electronic equipment).

Fajardo Knitting Mills, Inc., P. O. Box 261, Fajardo, P. R.; effective 12–3–56 to 6–2–57; not less than 58 cents an hour for the first 240 hours and 68 cents for the remaining 240 hours of the 480-hour learning period, for the occupations of hand fashioning knitting and machine operator; not less than 56 cents an hour for the first 160 hours and 68 cents for the remaining 160 hours of the 320-hour learning period, for the occupation of hand finishers; authorizing the employment of 40 learners for expansion purposes (sweaters).

High Fidelity Inc., Mirasol Street, Ponce Playa, P. R.; effective 12–19–56 to 6–18–57; not less than 60 cents an hour for the first 160 hours and 70 cents for the remaining 160 hours of the 320-hour learning period,

for the occupation of press operators; not less than 60 cents an hour for a maximum of 160 hours, for the occupations of spreader, edging and finishing, quality inspector, blenders; not less than 60 cents an hour for the first 240 hours and 70 cents for the remaining 240 hours of the 480-hour learning period, for the occupation of stampers maintenance; authorizing the employment of 18 learners for expansion purposes (phonograph records).

Hilo Manufacturing Corp., P. O. Box 458, Morovis, P. R.; effective 1–14–57 to 7–13–57; not less than 42½ cents an hour for a maximum of 240 hours, for the occupations of winding, ply twisting, ply winding, authorizing the employment of 5 learners for normal labor turnover purposes (yarn).

Island Knitting Mills, Inc., P. O. Box 423, San Lorenzo, P. R.; effective 1–16–57 to 7–15–57; not less than 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours of the 480-hour learning periods, for the occupations of loopers, knitters, toppers; not less than 58 cents an hour for the first 160 hours and 68 cents for the remaining 160 hours of the 320-hour learning period, for the occupation of machine stitchers; authorizing the employment of 25 learners for expansion purposes (ladies' full-fashioned sweaters).

Island Rubber Corp., Catano, P. R.; effective 1–14–57 to 7–13–57; not less than 42½ cents an hour for a maximum of 240 hours for the occupations of covering machine operators, yarn winding operators, coning machine operators, doffing; authorizing the employment of 30 learners for expansion purposes (rubber thread and synthetic yarns).

Kirk-Wing Co., P. O. Box 458, Vega Baja, P. R.; effective 1–7–57 to 12–2–57; not less than 75 cents an hour for the first 240 hours and 88 cents for the remaining 240 hours of the 480-hour learning period, for the occupations of screw machine man, plating room man; authorizing the employment of 4 learners for normal turnover purposes (screw machine products, electroplating and anodizing) (replacement certificate).

Knitco Inc., Toa Alta, P. R.; effective 1–1–57 to 6–30–57; not less than 58 cents an hour for the first 240 hours and 68 cents an hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitters, loopers, toppers, cutters; not less than 58 cents an hour for the first 160 hours and 68 cents for the remaining 160 hours of the 320-hour learning period, for the occupations of machine stitchers, pressers; authorizing the employment of 32 learners for expansion purposes (sweaters).

Pan American Products Corp., Long Building, Matadero Road, Puerto Nuevo, San Juan, P. R.; effective 1–3–57 to 7–2–57; not less than 60 cents an hour for the first 240 hours and 70 cents for the remaining 240 hours of the 480-hour learning period, for the occupations of coiling machine, rounding, circular spring; authorizing the employment of 30 learners for expansion purposes (wire fillers for ventilated cushions).

Rio Manufacturing Corp., State Road 838, Box 23–K, Rio Piedras, P. R.; effective 1–21–57 to 6–2–57; not less than 68 cents an hour for the first 240 hours and 80 cents an hour for the remaining 240 hours of the 480-hour learning period; for the occupations of grinders; crimpers, spotters, silver welders, punch press operators; authorizing the employment of 5 learners for normal labor turnover purposes (fishing tackle hardware).

Stadium Manufacturing Co. of P. R., Inc., P. O. Box 116, Villalba, P. R.; effective 1–21–57 to 7–20–57; not less than 45 cents an hour for the first 240 hours and 50 cents an hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 25 learners for expansion purposes (men's pajamas).

Testor Balsa Co., Bayamon-Catano Road, Bayamon, P. R.; effective 1–14–57 to 7–13–57; not less than 40 cents an hour for the first 240 hours and 45 cents for the remaining 240 hours of the 480-hour learning period; for the occupations of sanders, double cut off, jigsawyers, slicers, inspectors, table sawyers; authorizing the employment of 10 learners for expansion purposes (virgin balsa wood for the hobby industry).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 1st day of February 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57–1081; Filed, Feb. 12, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 808]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASE IN RATES

NOTICE OF INVESTIGATION AND OF HEARING

Correction

In F. R. Document 57–989, appearing in the issue for Friday, February 8, 1957, at page 797, the Docket No. given as 806 is corrected to read 808 as set forth above.

CIVIL AERONAUTICS BOARD

[Docket No. 6346 et al.]

REOPENED CHARLESTON, WEST VIRGINIA-COLUMBUS, OHIO CASE

NOTICE OF HEARING

In the matter of an investigation of the need for air service between Charleston, W. Va., and Columbus, Ohio.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 19, 1957, at 9:00 a. m., e. s. t., in Room 5132, Department of Commerce Building, Constitution Avenue between Fourteenth and Fifteenth Streets, Northwest, Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., February 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1112; Filed, Feb. 12, 1957; 8:53 a. m.]

[Docket No. 8179]

AIR SERVICES, INC.

NOTICE OF HEARING

In the matter of Air Services, Inc., enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on February 20, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., February 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1113; Filed, Feb. 12, 1957; 8:53 a. m.]

[Docket No. 8040]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Transportes Aereos Nacionales, S. A., under section 402 of the Civil Aeronautics Act of 1938, as amended, for extension or renewal of its foreign air carrier permit between the coterminal points Tegucigalpa and San Pedro Sula, Honduras; an intermediate point or points in Honduras; the intermediate point Belize, British Honduras; and the terminal point Miami, Florida.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 6, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1114; Filed, Feb. 12, 1957; 8:53 a. m.]

[Docket No. 7626]

INTRA-MAR SHIPPING CORP., ET AL. ENFORCEMENT CASE

NOTICE OF ORAL ARGUMENT

In the matter of Intra-Mar Shipping Corp., Intra-Mar Agency, Inc., Intra-Mar Transport Corp., Intra-Mar Shipping (Colombia Ltda., Ernest R. Binder, Ernest Seiler, and Southern Air Transport, Inc., enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on February 27, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1115; Filed, Feb. 12, 1957; 8:53 a. m.]

[Docket No. 5773 et al.]

REOPENED BONANZA RENEWAL CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

In the matter of the Bonanza Renewal Case as reopened for further hearing.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding now assigned for February 27 has been postponed to March 13, 1957, 10:00 a. m., e. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., February 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1116; Filed, Feb. 12, 1957; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

FEBRUARY 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in February under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3⅛ percent per annum.

For periods over 6 months up to and including 18 months, 4⅛ percent per annum.

For periods over 18 months up to and including 36 months, 4⅞ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

FEBRUARY 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service or judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy Products	Domestic: Prices (except for restricted use) apply "in store" at storage locations of products. Domestic: Price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate, except that no deduction for freight will be made if the "in store" location and the delivery point named in offer are in the same city. Export: Prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate. Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
Butter (in carloads only), as available.	Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 62.5 cents per pound. Domestic, restricted use: Under Da–111 and supplements. For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound. Export, unrestricted use: Under LD–7. 39 cents per pound.
Nonfat dry milk (in carloads only), spray—roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade— In barrels and drums—17.0 cents per pound. In bags—16.15 cents per pound. Roller process, U. S. Extra Grade— In barrels and drums—15.25 cents per pound. In bags—14.40 cents per pound. Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD–14 and supplements. In barrels and drums—11.5 cents per pound. In bags—10.65 cents per pound. Export, unrestricted use: Under LD–5 and amendments. Spray process, U. S. Extra Grade— In barrels and drums 9.9 cents per pound. In bags—9.05 cents per pound. Roller process, U. S. Extra Grade— In barrels and drums 8.15 cents per pound. In bags—7.55 cents per pound. Export, restricted use (animal and poultry feed): Under LD–23 and amendment. Roller process—Competitive bid on not more than 7 million pounds. Bids received each week (by close of business on Friday) will be considered for acceptance on the first business day of the following week.
Cheddar cheese—cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only) 152 million pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound. Export: Under LD–5 and amendments. 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7, as amended, in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement CN–RX–2 (Revision 1) and NO–C–8, as amended.
Cotton, extra long staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO–C–6, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Export: Competitive bid and under the terms and conditions of Announcement NO–C–6, as amended. Catalogs for upland and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 50 (1955) as amended. Available Dallas CSS Commodity Office.
Wool, sborn, 62 million pounds	Domestic or export: Limited quantities (not more than 6¼ million pounds in February) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the 1956 applicable loan rate, plus (1) 33 cents per bushel if received by truck, or (2) 28 cents per bushel if received by rail or barge. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW $2.59. Minneapolis, No. 1 DNS $2.62. Kansas City, No. 1 HW $2.59. Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1956 county loan rate plus (1) 33 cents per bushel if received by truck, or (2) 28 cents per bushel if received by rail or barge. The minimum price for all spring wheat, including durum, will be basis loan rate point of production; if point of production not determinable, basis Minneapolis.

See footnotes at end of table.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Wheat, bulk	Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[3] Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Chicago, and Portland only.
Corn, bulk	Domestic: Commercial corn-producing area: Market price, basis in store,[1] but not less than the 1956 applicable loan rate basis point of production plus 20 cents per bushel. Examples of the foregoing minimum price per bushel, including average paid-in freight: Chicago, No. 3 yellow, $1.89. Minneapolis, No. 3 yellow, $1.90. Kansas City, No. 3 yellow, $1.88. Portland, No. 3 yellow, $2.05. Noncommercial corn-producing area: Market price basis in store,[1] but not less than 121 percent of the applicable 1956 loan rate, plus 20 cents per bushel. Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn is also available at the above offices. Export: Competitive bid basis as announced by the Portland and Chicago CSS Commodity Offices.
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the 1956 applicable loan rate basis point of production plus 15 cents per bushel. Examples of the foregoing minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, $0.93. Minneapolis, No. 3 oats or better, $0.88. Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[2]
Barley, bulk	Domestic: Market price basis in store,[1] but not less than the 1956 applicable loan rate plus (1) 24 cents per bushel if received by truck, or (2) 21 cents per bushel if received by rail or barge. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis No. 2 barley, $1.45 Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[2]
Rye, bulk	Domestic: Market price, basis in store [1] but not less than the 1956 applicable loan rate, plus (1) 28 cents per bushel if received by truck, or (2) 23 cents per bushel if received by rail or barge. Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis No. 2 or better, $1.73 Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices. Export: Competitive bid as announced by the Chicago and Portland CSS Commodity Offices.[2]
Grain sorghums, bulk	Domestic: Market price, basis in store,[1] but not less than the 1956 applicable loan rate plus (1) 48 cents per cwt. if received by truck, or (2) 39 cents per cwt. if received by rail or barge. Example of the foregoing minimum price per cwt. (exrail or barge): Kansas City No. 2 or better, $2.81. Available Dallas, Portland, and Kansas City CSS Commodity Offices. Export: Competitive bid as announced by Dallas and Portland CSS Commodity Offices.[2]
Rice, milled (as available)	Domestic: For feed, other brokens: Competitive bid under DL-BR-1/56 as announced by Dallas CSS Commodity Office. Unrestricted use and for export, other brokens: Competitive bid under DL-BR-1/56. (Minimum price, $6.01 per cwt. in sacks, $5.86 bulk) as announced by Dallas CSS Commodity Office. Special export: Competitive bid on U. S. No. 5 or better under DL-MR-400 as announced by Dallas CSS Commodity Office.[2]
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Special export on "as is" basis: Competitive bid under terms and conditions of DL-MR-53 as announced by Dallas CSS Commodity Office. Domestic or export: Offer and acceptance, "as is" in the stated quantities on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (revised) and supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga. Special export: Competitive bid for not to exceed 49,000 drums of rosin "as is", in storage, subject to Announcement TB-21 (revised) and supplements thereto.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 (revised) and supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

[3] Sales of grains other than wheat made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427; sec. 208, 63 Stat. 901)

Issued: February 7, 1957.

[SEAL]

CLARENCE L. MILLER,
Acting Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-1091; Filed, Feb. 12, 1957; 8:48 a. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

CONSULTATIONS WITH CERTAIN CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING QUANTITATIVE RESTRICTIONS ON IMPORTS FOR BALANCE-OF-PAYMENTS REASONS IMPOSED UNDER ARTICLE XII OF THE GENERAL AGREEMENT

SUBMISSION OF INFORMATION TO THE COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for submission of written statements: March 29, 1957 regarding certain contracting parties, and July 31, 1957 regarding certain other contracting parties.

The Contracting Parties to the General Agreement on Tariffs and Trade intend to enter into consultations wtih certain contracting parties to the General Agreement which are applying import restrictions under Article XII of said Agreement (61 Stat. (pt. 5) A34). Article XII relates to the use by a contracting party of quantitative import restrictions to safeguard its external financial position and balance-of-payments, but these restrictions must be progressively relaxed as conditions improve and must be eliminated altogether when conditions no longer justify their use.

The consultations, to be conducted in Geneva, will begin in June 1957 with the following contracting parties: Sweden, Denmark, Italy, Kingdom of the Netherlands, Norway, Greece, Austria, Germany, and France, and in October 1957 with the following contracting parties: Turkey, Finland, Brazil, Australia, Union of South Africa, Japan, United Kingdom, Federation of Rhodesia and Nyasaland, Ceylon, Pakistan and New Zealand. Such consultations will take place separately with each contracting party.

The consultations will afford the opportunity for the contracting parties to review with each consulting contracting party its financial situation and, in this context, to discuss the possibilities for further relaxation of the level of import restrictions and the moderation of particular policies and practices that have proved especially burdensome for the exporters of other countries. The discussions will cover four principal topics: (1) The present and prospective foreign exchange position of the country; (2) the means that might be used to correct the country's foreign exchange difficulties and make it possible to relax or eliminate its import restrictions; (3) the country's system of import restrictions and its administration; (4) the effects of the country's import restrictions on the trade of other countries and on its own industries (which are incidentally afforded protection by the restrictions maintained for foreign exchange reasons).

American traders, business firms, labor organizations and other individuals or associations which have an interest in export trade to one or more of the consulting countries may, as a result of their own experience, have information pertinent to topics 3 and 4 above, that will be useful to the United States Government. Accordingly, the United States Government desires to supplement its preparations for the consultations by obtaining information and views from interested persons relevant to the matters covered in topics 3 and 4.

The following list includes examples of the type of information that interested persons may wish to furnish in response to this invitation:

1. Information indicating discrimination in the treatment of goods available from the United States as compared with the treatment afforded similar goods from other countries with convertible currencies;

2. Information indicating that trade is being restrained by complex or arbitrary licensing procedures or lack of adequate information available to traders regarding import regulations;

3. Information indicating that reasonable access to a traditional foreign market has not been restored for a particular commodity even though the country concerned has substantially relaxed its restrictions on imports in general;

4. Information indicating that the long-standing application of import restrictions by a country on a particular product has been accompanied by the growth of uneconomic output of that product within the country;

5. Information indicating that loss of foreign markets as a result of import restrictions has been responsible for a contraction of production or employment in an industry in the United States.

In order to enable adequate consideration of views and information submitted, it is requested that all responses be submitted by March 29, 1957 regarding those countries expected to consult in June, 1957 and by July 31, 1957 for those consulting in October, 1957. Any additional information coming to the attention of the trade after these dates may be submitted to the Committee and it will be considered to the extent time permits.

All communications on this matter, in fifteen copies, should be addressed to: The Secretary, Committee for Reciprocity Information, Tariff Commission Building, Washington, D. C. Views may be submitted in confidence, if desired. If any interested party considers that his views cannot be adequately expressed to the Committee for Reciprocity Information in a written statement, consideration will be given to a request for oral presentation before the Committee for Reciprocity Information.

By direction of the Committee for Reciprocity Information this 12th day of February 1957.

EDWARD YARDLEY,
Secretary, Committee for
Reciprocity Information.

[F. R. Doc. 57-1175; Filed, Feb. 12, 1957; 12:01 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9281]

WESTERN NATURAL GAS CO.

ORDER CONVENING HEARING

By its order issued in this proceeding on January 27, 1956, the Commission instituted an investigation of respondent, Western Natural Gas Company, under the provisions of the Natural Gas Act to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential. In its said order, the Commission provided that a hearing be held in this proceeding upon a date to be fixed by further order.

This proceeding is one of sixteen complaint cases simultaneously filed under the provisions of section 5 (a) of the Natural Gas Act. In each such proceeding, by order issued January 27, 1956, the Commission initiated a general investigation of the jurisdictional rates of respondent.

Actual field investigations in these cases have been commenced by the staff. To aid in expediting and supplementing these investigations, some of the respondents in these sixteen proceedings, including respondent here, entered into a cooperative effort at the suggestion of the staff to brief and analyze all independent producer rate schedules on file with the Commission through June 30, 1956, covering all areas in the United States, except the Appalachian area, where the coverage will be representative but not complete. The objective of this cooperative effort is to make field-price data available for verification and sponsorship by the staff and other parties in interest.

The task of compiling such data has been under way for some time, but its proportions are such as to make it now appear that it cannot be concluded until around April 1, 1957. It is manifestly desirable that these data be available to all parties, including the staff, before the staff completes its presentation in this case. It is likewise desirable that all of these cases go forward as expeditiously as circumstances permit. Since the status of the staff investigation here will permit it, we have, therefore, determined to order the commencement of hearings in this proceeding at this time to enable the staff to present its evidence with respect to cost of service and to form and level of rates, and to permit cross-examination with respect thereto. Further hearings to afford the staff an opportunity to present field-price evidence and to afford respondent and other parties hereto an opportunity to present evidence shall be deferred pending further order of the Commission.

The Commission orders:

(A) A public hearing be held on March 11, 1957, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved and the issues presented in this proceeding as more particularly set forth in the Commission's order instituting investigation herein issued on January 27, 1956.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 6, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1062; Filed, Feb. 12, 1957; 8:47 a. m.]

[Docket No. G-9291 etc.]

SINCLAIR OIL & GAS CO. ET AL.

ORDER AMENDING ORDER INSTITUTING INVESTIGATION, CONSOLIDATING PROCEEDINGS, AND FIXING DATE OF HEARING

In the matters of Sinclair Oil & Gas Company, et al., Docket Nos. G-9291 and G-9292; Sinclair Oil & Gas Company, et al., Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293, G-11343, G-11344, and G-11345.

By order issued January 27, 1956, in the proceedings in Docket Nos. G-9291 and G-9292, the Commission instituted an investigation of Sinclair Oil & Gas Company (Sinclair) for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by the respondent, Sinclair, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential. The said order of January 27, 1956, provided, inter alia, that a public hearing be held in these proceedings upon a date to be fixed by further order of the Commission.

The proceedings in Docket Nos. G-9291 and G-9292 are included in the sixteen complaint cases simultaneously filed under the provisions of section 5 (a) of the Natural Gas Act. In each such proceeding, by order issued January 27, 1956, the Commission initiated a general investigation of the jurisdictional rates of respondent.

Actual field investigations in these cases have been commenced by the staff. To aid in expediting and supplementing these investigations, some of the respondents in these sixteen proceedings, including respondent here, entered into a cooperative effort at the suggestion of the staff to brief and analyze all independent producer rate schedules on file with the Commission through June 30,

1956, covering all areas in the United States, except the Appalachian area, where the coverage will be representative but not complete. The objective of this cooperative effort is to make field-price data available for verification and sponsorship by the staff and other parties in interest.

The task of compiling such data has been under way for some time, but its proportions are such as to make it now appear that it cannot be concluded until around April 1, 1957. It is manifestly desirable that these data be avilable to all parties, including the staff, before the staff completes its presentation in this case. It is likewise desirable that all of these cases go forward as expeditiously as circumstances permit. Since the status of the staff investigation here will permit it, we have, therefore, determined to order the commencement of hearings in this proceeding at this time to enable the staff to present its evidence with respect to cost of service and to form and level of rates and to permit cross-examination with respect thefeto. Further hearings to afford the staff an opportunity to present field-price evidence and to afford respondent and other parties hereto an opportunity to present evidence shall be deferred pending further order of the Commission.

The Commission's records show that certain gas rate schedules on file with the Commission, namely, Sinclair, et al., FPC Gas Rate Schedule Nos. 60 through 75 and 82, are filed on behalf of four co-owner independent producers, Sinclair, H. D. S. Eastern Corporation, Alban Oil & Gas Corporation, and Fifty-First Street Associates, Inc., each of which is a signatory to each of said rate schedules.

In each of the eight other proceedings hereinabove designated [1] the Commission has heretofore issued its order suspending proposed increases in rates and charges for sales of natural gas in interstate commerce by either Sinclair or Sinclair, et al.,[2] for resale. The sales and deliveries of gas involved in the eight designated suspension dockets are made to Frank C. Henderson Trust No. 2, Elizabeth P. Henderson Trust No. 2, Natural Gas Pipeline Company of America, Phillips Petroleum Company, and Texas Eastern Transmission Corporation. Such sales and deliveries of gas by Sinclair and Sinclair, et al., embrace questions of law and fact interrelated with those inherent in the matters involved and the issues presented in the proceedings in Docket Nos. G-9291 and G-9292.

The Commission finds:

(1) It is appropriate in the premises, in order to effectuate the purposes of the Natural Gas Act and to aid in the enforcement of the provisions thereof, that the order instituting investigation of respondent, Sinclair Oil & Gas Company, issued in the proceedings in Docket Nos. G-9291 and G-9292 on January 27, 1956, be amended to include as respondents those signatory party sellers heretofore designated who participate as co-owners with Sinclair in sales of natural gas in interstate commerce for resale.

(2) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate all of the above-designated proceedings for the purpose of hearing.

The Commission orders:

(A) Paragraphs (A) and (B) of the Order Instituting Investigation in the proceedings in Docket Nos. G-9291 and G-9292, issued on January 27, 1956, be and the same are hereby amended to read as follows:

(A) An investigation of respondents, Sinclair Oil & Gas Company, H. D. S. Eastern Corporation, Alban Oil & Gas Corporation, and Fifty-First Street Associates, Inc., be and it hereby is instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by such respondents, any of the rates, charges, or classifications demanded, observed, charged, or collected; or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

(B) If the Commission, after a hearing has been had, shall find that any of the respondents' rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including, particularly, sections 4, 5, 14, 15, and 16 thereof, and the Commission's rules and regulations (18 CFR Chapter I), the proceedings in the above-designated Docket Nos. G-9291, G-9292, G-9716, G-9717, G-9718, G-10011, G-10293, G-11343, G-11344, and G-11345 be and the same hereby are consolidated for the purpose of hearing.

(C) A public hearing be held commencing February 25, 1957, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings designated in paragraph (B) above.

(D) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 6, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1083; Filed, Feb. 12, 1957; 8:47 a. m.]

[1] Docket Nos. G-9716, G-9717, G-9718, G-10011, G-10293, G-11343, G-11344, and G-11345.

[2] H. D. S. Eastern Corporation, Alban Oil & Gas Corporation, and Fifty-First Street Associates, Inc.

[Docket Nos. G-11277, G-1188 and G-1[illegible]]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF MOTION TO AMEND CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND DATE OF HEARING

FEBRUARY 6, 1957.

Take notice that Tennessee Gas Transmission Company (Tennessee) a Delaware corporation with its principal place of business at Commerce Building, Houston, Texas, on October 23, 1956 filed an application for a certificate of public convenience and necessity seeking authorization to increase the volume deliverable to the municipality of Holly Springs, Mississippi. Although the application was filed and has been designated as an original application, in conformity with its title, as docket No. G-11277,[1] it is, in effect, a motion to amend the authorizations heretofore granted by the Commision and it is being so treated and handled.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7, 15 and 16 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the 26th day of February 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application; *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 18, 1957. Failure of any party to appear at and participate in the hearing shall be deemed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1084; Filed, Feb. 12, 1957; 8:47 a. m.]

[Docket Nos. G-10426, G-10446]

PACIFIC NORTHWEST PIPELINE CORP. AND MOUNTAIN FUEL SUPPLY CO.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 6, 1957.

Upon consideration of the motion filed February 5, 1957 by Pacific Northwest Pipeline Corporation for continuance of the hearing now scheduled for February 12, 1957 in the above-designated matters;

[1] Notice of application as an original application was published in the FEDERAL REGISTER (21 F. R. 10321) on December 22, 1956.

Notice is hereby given that the hearing in these matters is postponed to commence at 10 a. m., e. s. t., April 15, 1957, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1096; Filed, Feb. 12, 1957; 8:50 a. m.]

[Docket No. G-11907]

TIDEWATER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Tidewater Oil Company (Tidewater) on January 16, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated January 14, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 9 to Tidewater's FPC Gas Rate Schedule No. 37.

Effective date: [1] February 15, 1957.

In support of the proposed increase, Tidewater states that the contract was negotiated after arms length bargaining and that the favored nations provision contained within the contract protects the seller who executes a long term contract by enabling the seller to receive the benefit of any increase in the commodity value of his gas reserves during the term of the contract.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in section 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until July 16, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Tidewater, if later.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 7, 1957.

By the Commission:

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1097; Filed, Feb. 12, 1957; 8:50 a. m.]

[Docket No. G-11906]

HASSIE HUNT TRUST

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Hassie Hunt Trust (Hunt) on January 11, 1957 tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 5 to Hunt's FPC Gas Rate Schedule No. 8.

Effective date: [1] February 15, 1957.

In support of the proposed increase, Hunt states that the contract is an entirety and the various provisions regarding price provide for only one complete payment for all of the gas intended to be delivered. Hunt further states that the contract was negotiated after arms length bargaining, and that the favored nations provision contained within the contract protects the seller who executes a long term contract by enabling a seller to receive the benefit of any increase in the commodity value of his gas reserves during the term of the contract.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR, Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until July 15, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 7, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1098; Filed, Feb. 12, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the thirty days notice, or the effective date proposed by Hunt, if later.

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DIRECTOR, ADMINISTRATIVE MANAGEMENT, REGION II (PHILADELPHIA)

REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Director, Administrative Management, Region II, Philadelphia, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate, any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C., 1952 ed. and Sup. I 1450-1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F. R. 9303-5 (Dec. 29, 1954); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, 20 F. R. 556 (Jan. 25, 1955)

This delegation supersedes the delegation effective February 15, 1955 (20 F. R. 1231, February 26, 1955).

Effective as of the 30th day of December 1956.

[SEAL] DAVID M. WALKER, *Regional Administrator, Region II.*

[F. R. Doc. 57-1106; Filed, Feb. 12, 1957; 8:52 a. m.]

DIRECTOR, ADMINISTRATIVE MANAGEMENT, REGION II AND ADMINISTRATIVE CLERK, REGION II (PHILADELPHIA)

REDELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS WITH RESPECT TO ADMINISTRATIVE MATTERS

The Director, Administrative Management, Region II (Philadelphia, Pennsylvania), Housing and Home Finance Agency, is hereby authorized, and the Administrative Clerk in such Region is hereby authorized, to take the following action with respect to administrative matters within such Region:

Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c; Delegation of Authority effective August 14, 1953 (18 F. R. 6812); continuation of delegations of authority effective December 23, 1954 (19 F. R. 9305)

This delegation supersedes the delegation effective February 28, 1956 (21 F. R. 1918, March 28, 1956).

Effective as of the 30th day of December 1956.

[SEAL] DAVID M. WALKER,
Regional Administrator,
Region II.

[F. R. Doc. 57-1107; Filed, Feb. 12, 1957; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 151]

MOTOR CARRIER APPLICATIONS

FEBRUARY 8, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 200 (Sub No. 191), filed December 26, 1956, RISS & COMPANY, INC., Riss Bldg., 15 West Tenth St., Kansas City, Mo. Applicant's representative: Ivan E. Moody, same address as applicant. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant near Darrowville (Summit County), Ohio, as an off-route point in connection with applicant's authorized regular route operations (1) between Cleveland, Ohio and Deerfield, Ohio, over Ohio Highway 14 and (2) between Lodi, Ohio and Ebensburg, Pa., over U. S. Highway 224. Applicant is authorized to conduct operations in Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia, and the District of Columbia.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 2130 (Sub No. 50), filed December 17, 1956, COUCH MOTOR LINES, INC., 1401 Abbie St., Shreveport, La. Applicant's representative: Robert L. Garrett, Commercial Bldg., Shreveport, La. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment, (1) between Memphis, Tenn., and applicant's authorized regular and alternate route operations, serving all points on U. S. Highway 61 south of Baton Rouge, La., to the New Orleans, La., Commercial Zone as defined by the Commission, being approximately one (1) mile west of the Jefferson-St. Charles parish line, which crosses U. S. Highway 61, and all points within five (5) miles of each side of said highway as intermediate and off-route points; and (2) between Baton Rouge, La., and points in the New Orleans, La., Commercial Zone as defined by the Commission, as follows: from Baton Rouge over U. S. Highway 190, across the Mississippi River bridge to junction Louisiana Highway 1, thence over Louisiana Highway 1 via Port Allen, La., to Donaldsonville, La., thence over Louisiana Highway 18 to the boundary of the New Orleans, La., Commercial Zone as defined by the Commission, being the St. Charles-Jefferson parish line (formerly Louisiana Highway 30 from Baton Rouge to the New Orleans, La., Commercial Zone boundary), serving all intermediate points, and points within five (5) miles on each side of said route as off-route points. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee, and Virginia.

NOTE: Applicant states that by the instant application it seeks to eliminate the restriction reflected in Certificate No. MC 2130, sheet 8, and Certificate No. MC 2130 (Sub No. 45), as to the authority east and south of Baton Rouge, La., on the two routes hereinabove described and points within five (5) miles of each side of said routes or highways, to the boundary of the New Orleans, La., Commercial Zone as now defined by the Commission, which Commercial Zone boundary crosses both highways and routes. The operations proposed would be on applicant's authorized regular and alternate route operations in Arkansas, Louisiana, Mississippi, and Tennessee.

HEARING: March 27, 1957, at the Jung Hotel, New Orleans, La., before Examiner Allen W. Hagerty.

No. MC 2589 (Sub No. 15), filed January 28, 1957, C. A. B. Y. TRANSPORTATION COMPANY, a Corporation, 3141 St. Clair Avenue, Cleveland, Ohio. Applicant's representative: Milton C. Portmann, Union Commerce Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, serving the site of the new Euclid Division Plant of the General Motors Corporation located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Rochester, N. Y., and between Cleveland, Ohio, and Youngstown, Ohio. Applicant is authorized to transport the commodities specified in New York, Ohio, and Pennsylvania.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117.

No. MC 3027 (Sub No. 5), filed December 13, 1956, EASTERN STATE TRANSPORTATION CO. INC., 1423 West 59th St., Chicago, Ill. Applicant's representative: McCarthy, Witry, Lyon & McCarthy, 111 West Washington St., Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Compressed gases*, in cylinders and in manifold tube semi-trailers, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodity, between Edgewood, Md., and Hillside, N. J., and points within 25 miles of Hillside, and Elkton, Va. Applicant is authorized to conduct operations in Virginia, Maryland, Pennsylvania, New Jersey, New York, Connecticut, and Massachusetts.

HEARING: March 25, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 8989 (Sub No. 165), filed January 23, 1957, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing 4, Mich. Applicant's representative: Albert F. Beasley, Investment Bldg., 15th & K Sts., NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction machinery and equipment*, as described by the Commission, *dumping and hauling vehicles* (off-highway type), and *attachments and parts* of all such machinery, equipment and vehicles moving with the units being transported, in haulaway, towaway or driveaway service, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, (including Melrose Park, Ill.), Libertyville, Ill., and Milwaukee, Wis., and points within 5 miles of each, to points in the United States and the Territory of Alaska. Applicant is authorized to conduct driveaway and truckaway service throughout the United States.

HEARING: March 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 11184 (Sub No. 10), filed January 28, 1957, McDANIEL FREIGHT LINES, INCORPORATED, 414 North Walnut St., Crawfordsville, Ind. Applicant's representative: Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Terre Haute, Ind., and Fairbanks, Ind., from Terre Haute over Indiana Highway 63 to Fairbanks, and return over the same route, serving the plant site of the Indiana-Michigan Electric Company located west of Fairbanks, Ind., and the properties of the Ayrshire Collieries Corporation located in Curry Township of Sullivan County, Ind., as off-route points. Applicant is authorized to transport similar commodities in Indiana.

HEARING: February 26, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 20793 (Sub No. 25), filed January 28, 1957, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Richland Township, Bucks County, Pa., to points in Connecticut on and west of U. S. Highway 5. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: April 2, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 20894 (Sub No. 1) filed January 14, 1957, P. CALLAHAN, INC., 2126 E. Tioga Street, Philadelphia 34, Pa. Applicant's representative: Thomas C. Egan, 1224-32 Philadelphia National Bank Bldg., Philadelphia 7, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the site of the plant of Atlantis Sales Corporation and R. T. French Company in Souderton, Montgomery County, Pa., on the one hand, and, on the other, points in New Jersey and those in the New York, N. Y., Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

HEARING: April 4, 1957, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Charles H. Riegner.

No. MC 24115 (Sub No. 7), filed January 11, 1957, D. H. KESSMAN, Box 95, Hamel, Ill. Applicant's representative: Mack Stephenson, 208 East Adams St., Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vinegar*, in bulk, in tank vehicles, from Danville, Ill., to points in Indiana, Michigan, and Ohio.

Applicant is authorized to transport the same commodity from points within 2 miles of Alton, Ill. (not including Alton), to Terre Haute and Indianapolis, Ind., Bettendorf, Iowa, and St. Louis, Mo.

HEARING: March 25, 1957, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Examiner Mack Myers.

No. MC 28439 (Sub No. 72), filed January 7, 1957, DAILY MOTOR EXPRESS, INC., Pitt & Penn Streets, Carlisle, Pa. Applicant's representative: James E. Wilson, Continental Building, Fourteenth at K Northwest, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Blowers, compressors, condensers, drilling machines*, and *power units*, from Athens, Pa., Phillipsburg, N. J., and Painted Post, N. Y., to points in the United States.

HEARING: March 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 29566 (Sub No. 47), filed January 28, 1957, SOUTHWEST FREIGHT LINES, INC., 1400 Kansas Avenue, Kansas City, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products* and *meat by-products*, as defined by the Commission, from Wichita, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Applicant is authorized to transport the commodities specified in Arkansas and Iowa.

HEARING: April 2, 1957, at the Hotel Lassen, Wichita, Kans., before Examiner Mack Myers.

No. MC 29647 (Sub No. 21), filed January 24, 1957, CHARLTON BROS. TRANSPORTATION COMPANY, INC., 552 Jefferson St., P. O. Box 1097, Hagerstown, Md. Applicant's representative: Spencer T. Money, Mills Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fire brick*, on pallets, *fire brick*, loose, *fire clay*, in sacks, on pallets, *high temperature bonding mortar*, in sacks or drums, on pallets, *plastic fire brick*, in cartons, on pallets, from Jennings, Md., to Chester, Columbia, Fairless, Manheim, Morrisville, Phoenixville and Royersford, Pa., Claymont and Wilmington, Del., and *empty containers or other such incidental facilities* (not specified) used in transporting the specified commodities on return. Applicant is authorized to conduct operations in Maryland, West Virginia, and Pennsylvania.

HEARING: March 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 199.

No. MC 30091 (Sub No. 37), filed January 13, 1957, L. F. MILLER AND F. D. MILLER, Partnership, doing business as MILLER & MILLER MOTOR FREIGHT LINES, 501 Indiana Avenue, (P. O. Box 2370), Wichita Falls, Tex. Applicant's representative: Herbert L. Smith, Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities including Class A and B explosives*, and except commodities of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Hereford, Tex., and Denver, Colo.: from Hereford over Texas Highway 51 to junction with U. S. Highway 87 at or near Hartley, Tex., and thence over U. S. Highway 87 to Denver, and return over the same route, serving the intermediate points of Raton, N. Mex., and Trinidad, Walsenburg, Pueblo and Colorado Springs, Colo. Applicant is authorized to transport similar commodities in Texas and Oklahoma.

HEARING: April 1, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 89. It is contemplated that continued hearings will be held at Plainview or Lubbock, Tex., and at Denver, Colo., upon the completion of the taking of testimony at Dallas.

No. MC 30451 (Sub No. 15), filed January 16, 1957, THE LUPER TRANSPORTATION COMPANY, a corporation, 404 East 21st Street, Wichita, Kans. Applicant's representative: James F. Miller, 500 Board of Trade Building, 10th & Wyandotte, Kansas City 5, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from Wichita, Kans., to Alexandria, Shreveport, and New Orleans, La., and points in the Alexandria, Shreveport, and New Orleans, La., Commercial Zones, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return. Applicant is authorized to conduct operations in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant has irregular route authority in Docket No. MC 30451 (Sub No. 13), dated December 23, 1953, to transport Meats, meat products, and meat by-products, dairy products, and articles distributed by packing houses, from Wichita, Kans., to points in Louisiana, except those in the Alexandria, Shreveport, and New Orleans Commercial Zones, as defined by the Commission. Duplication with present authority to be eliminated.

HEARING: April 1, 1957, at the Hotel Lassen, Wichita, Kans., before Examiner Mack Myers.

No. MC 30837 (Sub No. 212), filed December 13, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor truck seat cabs*, from Springfield, Ohio, to Oshkosh, Wis. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: March 25, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 31600 (Sub No. 416), filed January 14, 1957, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's representative: H. C. Ames, Jr., 216 Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*,

over irregular routes, transporting: *Synthetic latex*, in bulk, in tank vehicles, from Cambridge, Mass., to Chicago, Ill. Applicant is authorized to conduct operations in Massachusetts, New York, and Pennsylvania.

HEARING: March 22, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Charles H. Riegner.

No. MC 37716 (Sub No. 16), filed December 11, 1956, THE C & D MOTOR DELIVERY COMPANY, 1035 Flint Street, Cincinnati 14, Ohio. Applicant's representative: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Cincinnati, Ohio and St. Louis, Mo., from Cincinnati over applicant's authorized regular routes to Brownstown, Ind., thence over U. S. Highway 50 to St. Louis, and return over the same route, serving no intermediate points; (2) between Indianapolis, Ind., and Decatur, Ill., from Indianapolis over U. S. Highway 36 to junction U. S. Highway 150, thence over applicant's authorized regular routes to Decatur, and return over the same route, serving no intermediate points; (3) between Indianapolis, Ind., and Peoria, Ill., from Indianapolis over U. S. Highway 136 to junction U. S. Highway 150, thence over U. S. Highway 150 to Morton, Ill., thence over applicant's authorized regular routes to Peoria, and return over the same route, serving no intermediate points; (4) between Louisville, Ky., and Decatur, Ill., from Louisville over U. S. Highway 150 to junction U. S. Highway 50, thence over U. S. Highway 50 to Flora, Ill., thence over U. S. Highway 45 to Effingham, Ill., thence over Illinois Highway 32 to Sullivan, Ill., thence over Illinois Highway 121 to Decatur, and return over the same route, serving no intermediate points; (5) between Louisville, Ky., and Ashland, Ky., from Louisville over U. S. Highway 60 to Frankfort, Ky., thence over U. S. Highway 421 to Lexington, Ky., thence over U. S. Highway 60 to Ashland, and return over the same route, serving no intermediate points; (6) between Charleston, W. Va., and Dayton, Ohio, from Charleston over West Virginia Highway 17 to junction West Virginia Highway 2, thence over West Virginia Highway 2 to Point Pleasant, W. Va., thence over U. S. Highway 35 to Xenia, Ohio, thence over applicant's authorized regular routes to Dayton, and return over the same route, serving no intermediate points; and (7) between Cincinnati, Ohio and Chattanooga, Tenn., from Cincinnati over U. S. Highway 27 to junction U. S. Highway 70, thence over applicant's authorized regular routes to Chattanooga, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, Ohio, Tennessee, and West Virginia.

NOTE: Duplicating authority to be eliminated.

HEARING: April 8, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 50404 (Sub No. 50), filed January 7, 1957, THE MAXWELL CO., 2200 Glendale-Milford Road, P. O. Box 37, Cincinnati, Ohio. Applicant's representative: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lacquer thinner*, in bulk, in tank vehicles, between points in Greene County, Ohio, on the one hand, and, on the other, points in Delaware and Madison Counties, Ind. Applicant is authorized to transport similar commodities in Indiana and Ohio.

HEARING: April 1, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 60.

No. MC 50404 (Sub No. 51), filed January 7, 1957, THE MAXWELL CO., 2200 Glendale-Milford Road, Cincinnati, Ohio. Applicant's representative: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Resin Plasticizers*, in bulk, in tank vehicles, from Akron, Ohio to points in Clark and Floyd Counties, Ind., and Jefferson County, Ky.

HEARING: April 1, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 208.

No. MC 52657 (Sub No. 498), filed January 30, 1957, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's representative: G. W. Stephens, 121 W. Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, passenger and/or freight, in initial truckaway and driveaway service when moving on U. S. Government Bills of Lading or on commercial bills of lading to be converted to U. S. Government Bills of Lading, from North Tarrytown, N. Y., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 52858 (Sub No. 58), filed January 9, 1957, CONVOY COMPANY, 3900 N. W. Yeon Ave., Portland 10, Oreg. Applicant's representative: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cable reel trailers, pole trailers, logging trailers, reel winders, wire stringers, logging dollies, pole dollies* and *reel dollies*, set up and uncrated, and *parts and accessories thereof* when moving with such shipments, from points in King and Snohomish Counties, Wash., to points in the United States and the Territory of Alaska; (2) *Truck bodies*, and *parts and accessories thereof* when moving therewith, from Seattle, Wash., to points in the United States (except points in Oregon, Washington, Idaho and Montana) and the Territory of Alaska, and *damaged shipments* of the above commodities on return, and *returned shipments* of the above commodities when returned to factory for repair. Applicant is authorized to transport similar commodities in Oregon, Washington, Idaho, and Montana.

HEARING: March 27, 1957, in Room 400, U. S. Court House, 5th & Madison Sts., Seattle, Wash., before Examiner Harold W. Angle.

No. MC 52858 (Sub No. 59), filed January 10, 1957, CONVOY COMPANY, 3900 N. W., Yeon Avenue, Portland 10, Oreg. Applicant's representative: Marvin Handler, 465 California St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Electrically powered industrial carts and trucks, electrically powered golf carts, golf cart trailers, wind burning machine trailers*, and *trailers*, and *parts and accessories therefor* when they accompany shipments thereof, from points in Clatsop County, Oreg., to points in the United States, and *damaged shipments* of the above commodities on return, and *returned shipments* of above commodities for repair. Applicant is authorized to transport trailers in Oregon, Washington, Idaho, Montana, and California.

HEARING: March 26, 1957, at 538 Pittock Block, Portland, Oreg., before Examiner Harold W. Angle.

No. MC 60229 (Sub No. 4), filed December 26, 1956, FERACO, INC., 1131–35 West Dauphin St., Philadelphia 33, Pa. Applicant's representative: Jacob Polin, 314 Old Lancaster Road, Merion, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry bulk commodities*, in dump vehicles, between points in New Jersey, Delaware, Maryland, the District of Columbia, and that part of Pennsylvania in and south and east of Wayne, Susquehanna, Bradford, Sullivan, Lycoming, Clinton, Centre, Mifflin, Juniata, Perry and Franklin Counties, Pa.

HEARING: April 5, 1957, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Charles H. Riegner.

No. MC 63562 (Sub No. 26), filed November 13, 1956, NORTHERN PACIFIC TRANSPORT COMPANY, 176 East Fifth St., St. Paul 1, Minn. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Missoula, Mont., and Portland, Oreg., from Missoula over U. S. Highway 10 to Seattle, Wash., thence over U. S. Highway 99 to Portland, and return over the same route, serving all intermediate points, except Huron and Alberton, Mont., Osburn, Kellogg, Smelteville and Cotaldo, Idaho, Opportunity, Dishman and Moses Lake, Wash.; (2) between Missoula, Mont., and Portland, Oreg., from Missoula over U. S. Highway 10 to the junction of U. S. Highway 10A, thence over U. S. Highway 10A to the junction of Idaho Highway 53, thence over Idaho Highway 53 to the junction of Washington Highway 2H, thence over Washington Highway 2H to Spokane, Wash., thence over U. S. Highway 10 to the junction of U. S. Highway 395, thence over U. S. Highway 395 to Pasco, thence over U. S. Highway 410 to Prosser, thence over Washington Highway 3A to Union Gap, thence over U. S. Highway 410 to Yakima, thence over U. S. Highway 97 to Ellensburg, thence over U. S. Highway 10 to Seattle, Wash., thence over U. S. Highway 99 to Portland, Oreg., and return over the same route, serving all intermediate points, and the off-route points of Richland, Grandview, Sunnyside, Granger, Zillah, Buena, Sawyer, Donald, Selah, Renton, Kent, Auburn, Sumner, Puyallup, Longview and Castle Rock, Wash.; (3) between Toppenish, Wash., and Portland, Oreg., from Toppenish over U. S. Highway 97 to Maryhill, thence over U. S. Highway 830 to Vancouver, thence over U. S. Highway 99 to Portland, and return over the same route, serving no intermediate points, and as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Montana, North Dakota and Washington.

HEARING: March 28, 1957, in Room 400 U. S. Court House, 5th & Madison St., Seattle, Wash., before Examiner Harold W. Angle.

No. MC 66277 (Sub No. 2), filed December 26, 1956, ARROW FREIGHT LINES, INC., 312 Bay Street, Springfield, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *New household furnishings*, and *new furniture*, uncrated, between West Springfield, Mass., and points in Massachusetts within ten miles of West Springfield, on the one hand, and, on the other, points in Rhode Island and Maine. Applicant is authorized to transport the commodities specified in Massachusetts, New Hampshire, New York, New Jersey, and Vermont.

HEARING: March 27, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner Charles H. Riegner.

No. MC 69271 (Sub No. 3), filed December 26, 1956, McARDLE & CASAZZA TRUCKING CO., INC., 374 South Pearl St., Albany, N. Y. Applicant's representative: William D. Traub, 60 East 42nd St., New York 17, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the off-route points of Mechanicville, Schuylerville, Saratoga Springs, and Ballston Spa, N. Y., in connection with applicant's regular-route operations between Albany, N. Y., and Waterford, N. Y., over New York Highway 32, in No. MC 69271.

HEARING: March 21, 1957, at the Federal Building, Albany, N. Y., before Examiner Charles H. Riegner.

No. MC 66900 (Sub No. 17), filed January 28, 1957, HOUFF TRANSFER, INCORPORATED, Weyers Cave, Va. Applicant's representative: Glenn F. Morgan, 1006–1008 Warner Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Pennsylvania on and south of U. S. Highway 22 and on and east of U. S. Highway 111 to points in Virginia within 80 miles of Staunton, Va., including Staunton, but excepting Roanoke, Va. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states as follows: Applicant now holds authority from the above described Pennsylvania area to Staunton, Va., and points within 50 miles of Staunton; also between Staunton and points within 80 miles of Staunton, except Roanoke, Va. The purpose of this application is to remove the need to operate into the 50 mile area when the traffic is moving to points in the 80 mile area. Applicant is presently serving the 80 mile area via the 50 mile area.

HEARING: March 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 89697 (Sub No. 19), filed January 3, 1957, KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Formaldehyde*, in bulk, in tank vehicles, from South Danville, Pa., to Fredericksburg, Va.; and *liquid binding agent for foundry sand molding*, in bulk, in tank vehicles, from Newark, N. J., to Whitehall, Mich.

HEARING: March 28, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 92983 (Sub No. 193), filed January 14, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vodka*, in bulk, in tank vehicles, from Atchinson, Kans., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Applicant is authorized to transport the above commodity in the States of Illinois and Michigan.

HEARING: March 29, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Mack Myers.

No. MC 95789 (Sub No. 1), filed January 25, 1957, ANDY ENGLER, doing business as ANDY ENGLER COAL AND HAULING, Chenot Place, R. D. 2, Belleville, Ill. Applicant's representative: Sam S. Pessin, 208 So. High St., Belleville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sand, stone, gravel*, and *building materials*, between St. Louis, Mo., and points in St. Louis County, Mo., and points in St. Clair and Madison County, Ill.

HEARING: March 18, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 54.

No. MC 99346 (Sub No. 3), filed November 6, 1956, STOMAC MOTOR EXPRESS, INCORPORATED, 2515 7th Avenue, South, Fort Dodge, Iowa. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Des Moines, Iowa and Eagle Grove, Iowa, from Des Moines over Iowa Highway 60 to junction of U. S. Highway 30, thence over U. S. Highway 30 to junction of Iowa Highway 60, thence over Iowa Highway 60 to Webster City, thence over U. S. Highway 20 to junction of Iowa Highway 60, thence over Iowa Highway 60 to Eagle Grove, and return over the same route, serving the intermediate point of Stanhope, and the off-route points of Woolstock, Kamrar and Stratford; (2) between junction of Iowa Highway 3 and U. S. Highway 69 and Goldfield, Iowa, from junction of Iowa Highway 3 and U. S. Highway 69 over Iowa Highway 3 to Goldfield, and return over the same route, serving all intermediate points; (3) between junction Iowa Highway 3 and U. S. Highway 69 and Blairsburg, Iowa, from junction of Iowa Highway 3 and U. S. Highway 69 over U. S. Highway 69 to Blairsburg, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (4) between Mason City, Iowa and Algona, Iowa, from Mason City over U. S. Highway 18 to Algona, and Highway 5 to the junction of Iowa Highway 17, thence over Iowa Highway 17 to Pocahontas, and return over the same route, serving the intermediate points of Manson and Pomeroy, and the off-route points of Palmer and Blanden; (6) between Des Moines, Iowa and Fort Dodge, Iowa, from Des Moines over U. S. Highway 69 to the junction of U. S. Highway 20, thence over U. S. Highway 20 to Fort Dodge, and return over the same route, serving the intermediate points of Ankeny, Huxley, Ames, Blairsburg, Webster City, Highview and Duncombe. RESTRICTION: Points intermediate Des Moines and Ames to be restricted to southbound traffic only from the north; (7) between Fort Dodge, Iowa and Sioux City, Iowa, from Fort Dodge over Iowa Highway 5 to the junction of Iowa Highway 17, thence over Iowa Highway 17 to the junction of Iowa Highway 5, thence over Iowa Highway 5 to junction of U. S. Highway 71, thence over U. S. Highway 71 to the junction of Iowa Highway 5, thence over Iowa Highway 5 to Cherokee, thence over U. S. Highway 59 to the junction of Iowa Highway 5, thence over Iowa Highway 5 to Le Mars, thence over U. S. Highway 75 to Sioux City, and return over the same route, serving the intermediate of off-route points of Manson, Pomeroy, Fonda, Newell, Storm Lake, Cherokee, Sulphur Springs and Laurens; (8) between Des Moines, Iowa and Sioux City, Iowa, from Des Moines over U. S. Highway 69 to the junction of U. S.

Highway 20, thence over U. S. Highway 20 to Sioux City, and return over the same route, serving all intermediate points except those on U. S. Highway 20 between Fort Dodge and Sioux City; (9) between Des Moines, Iowa and Fort Dodge, Iowa, from Des Moines over U. S. Highway 6 to the junction of U. S. Highway 169, thence over U. S. Highway 169 to Fort Dodge, and return over the same route, serving the intermediate or off-route points of Harcourt, Boxholk, Ogden, Roberts, Otho, Leheigh, Burnside, Gowrie, Dayton and Pilot Mound; (10) between Fort Dodge, Iowa and Somers, Iowa, from Fort Dodge over U. S. Highway 20 to the junction of unnumbered highway north of Somers, thence over unnumbered highway to Somers, and return over the same route, serving no intermediate points; (11) between Fort Dodge, Iowa and Algona, Iowa, from Fort Dodge over U. S. Highway 169 to Algona, and return over the same route, serving the intermediate or off-route points of Humboldt, Dakota City, Badger, Hardy, Livermore, Bode, Ottosen, West Bend and Rodman; (12) between Fort Dodge, Iowa and Laurens, Iowa, from Fort Dodge over Iowa Highway 5 to the junction of Iowa Highway 17, thence over Iowa Highway 17 to the junction of Iowa Highway 10, thence over Iowa Highway 10 to Laurens, and return over the same route, serving all intermediate points, and the off-route point of Albert City. No authority requested between Sioux City, Storm Lake and Cherokee, Iowa. (13) between junction of Boone County Road "G" and U. S. Highway 169 and Des Moines, Iowa, from junction of Boone County Road "G" and U. S. Highway 169 over U. S. Highway 169 to the junction of U. S. Highway 64, thence over U. S. Highway 64 to Des Moines, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; (14) between Fort Dodge, Iowa and Algona, Iowa, from Fort Dodge over U. S. Highway 169 to Algona, and return over the same route, serving the intermediate or off-route points of Dakota City and Humboldt; (15) and over the following alternate routes, for operating convenience only, serving no intermediate points, (a) between Des Moines, Iowa and Mason City, Iowa, over U. S. Highway 65; (b) between the junction of U. S. Highway 69 and Iowa Highway 3, and the junction of U. S. Highway 69 and U. S. Highway 18 over U. S. Highway 69; (c) between the junction of U. S. Highway 20 and Iowa Highway 17 and the junction of Iowa Highway 17 and Iowa Highway 5 over Iowa Highway 17; (d) between the junction of Iowa Highway 17 and Iowa Highway 3 and the junction of Iowa Highway 3 and Iowa Highway 60 over Iowa Highway 3; (e) between Laurens, Iowa and Storm Lake, Iowa, over Iowa Highway 10 and U. S. Highway 71; (f) between junction of Iowa Highway 5 and U. S. Highway 59 at Cherokee and the junction of U. S. Highway 20 near Holstein over U. S. Highway 59; (g) between Algona, Iowa and the junctionr of Iowa Highways 10 and 17, over Iowa Highway 17 and U. S. Highway 18; (h) between Humboldt, Iowa and Pocahontas, Iowa over Iowa Highway 3; (i) between Des Moines and Sioux City, Iowa, over Iowa Highways 141 and 25 and U. S. Highway 30; (j) between Ames, Iowa and Ogden, Iowa, over U. S. Highway 30; (k) between Goldfield, Iowa and Humboldt, Iowa, over Iowa Highway 3; (l) between Goldfield, Iowa and Eagle Grove, Iowa, over Iowa Highway 60; (m) between the junction of U. S. Highway 20 and U. S. Highway 71 and junction of U. S. Highway 71 and Iowa Highway 5, over U. S. Highway 71.

NOTE: Applicant states that any repetition in proposed scope of operation requested herein shall not be construed as requesting more than a single operating right. Applicant is authorized to conduct operations in Iowa under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by Certificates held by it and Certificates leased from Brady Motorfrate, Inc.

HEARING: March 29, 1957, at the Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 102616 (Sub No. 632), filed January 24, 1957, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's representative: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Animal and vegetable oils* and *blends of animal and vegetable oils*, in bulk, in tank vehicles, between Baltimore, Md., on the one hand, and, on the other points in Delaware which are more than eighty (80) miles from Philadelphia, Pa., and all points in Pennsylvania, Virginia and the District of Columbia; and (2) *inedible tallow, animal grease* and *animal oils*, between Baltimore, Md., on the one hand, and, on the other, points in Pennsylvania. Applicant is authorized to transport similar commodities in Delaware, Maryland, Pennsylvania, and the District of Columbia.

HEARING: March 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 102972 (Sub No. 5), filed January 22, 1957, CHARLES W. STIMSON, Earlville, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Butter*, (1) From Amber, Anamosa, Andrew, Arlington, Aurora, Balltown, Center Junction, Central City, Elkader, Epworth, Five Points, Garber, Greeley, Guttenberg, Langworthy, Luxemburg, Manchester, Millville, Monticello, New Vienna, Osterdock, Petersburg, Preston, Ryan, Strawberry Point, Volga, Winthrop, Charlotte, Clarence, DeWitt, Lowden, Quasqueton, Rowley, Walker and Wheatland, Iowa, to Dyersville, Iowa; (2) from Amber, Anamosa, Andrew, Arlington, Aurora, Balltown, Center Junction, Central City, Elkader, Epworth, Five Points, Garber, Greeley, Guttenberg, Langworthy, Luxemburg, Manchester, Millville, New Vienna, Osterdock, Petersburg, Preston, Ryan, Strawberry Point, Volga, Winthrop, Charlotte, Clarence, DeWitt, Lowden, Quasqueton, Rowley, Walker and Wheatland, Iowa to Monticello, Iowa; (3) from Amber, Anamosa, Andrew, Arlington, Aurora, Balltown, Center Junction, Central City, Elkader, Epworth, Five Points, Garber, Greeley, Guttenberg, Langworthy, Luxemburg, Manchester, Millville, Monticello, New Vienna, Osterdock, Petersburg, Preston, Ryan, Strawberry Point, Volga, Winthrop, Charlotte, Clarence, DeWitt, Lowden, Quasqueton, Rowley, Walker and Wheatland, Iowa, to Worthington, Iowa. Applicant is authoried to transport butter in Iowa.

HEARING: March 29, 1957, at the U. S. Court Rooms, Dubuque, Iowa, before Joint Board No. 92.

No. MC 103341 (Sub No. 5), filed January 24, 1957, YOUNGBLOOD VAN & STORAGE CO., INC., Hamilton Avenue & 40th Street, Columbus, Ga. Applicant's representative: Allan Watkins, 214 Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *New store fixtures, new office fixtures* and *hospital equipment*, as defined by the Commission, from Columbus, Ga., and Phenix City, Ala., to points in Louisiana, Texas, Oklahoma, Arkansas, Kansas, Missouri, Indiana, Kentucky, Virginia, West Virginia, Illinois, Maryland and the District of Columbia, and *damaged shipments* of the above commodities on return. Applicant is authorized to transport similar commodities in Georgia, Alabama, Florida, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: April 5, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 103993 (Sub No. 84), filed January 22, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, in initial movements, from the plant site of the Casa Manana Corporation in the vicinity of Waycross, Ga., to all points in the United States. Applicant is authorized to transport trailers throughout the United States.

HEARING: April 4, 1957, at Peachtree-Seventh Bldg., 50 Seventh St. NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 103993 (Sub No. 82), filed January 11, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from points in Nebraska, except Fremont, Grand Island, North Bend, Omaha, and Kearney, Nebr., to points in the United States, except Mt. Clemens, Detroit, and Flint, Mich. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 3, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Edward Kobernusz.

No. MC 103993 (Sub No. 83), filed January 22, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's representative: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, in initial movements, from the plant site of the Midway Trailer Corporation in the vicinity of Walnut Ridge, Ark., to points in the United States. Applicant is authorized to transport trailers throughout the United States.

HEARING: March 26, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Allen W. Hagerty.

No. MC 106398 (Sub No. 76), filed January 18, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridian Road, Box 8096 Dawson Station, Tulsa 15, Okla. Applicant's representative: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from the plant site of the Casa Manana Corporation near Waycross, Ga., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 4, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 106398 (Sub No. 77), filed January 18, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridian Road, Box 8096 Dawson Station, Tulsa 15, Okla. Applicant's representative: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from the plant site of the Midway Trailer Corporation near Walnut Ridge, Ark., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 26, 1957, at the U. S. Court Rooms, Little Rock, Ark., before Examiner Allen W. Hagerty.

No. MC 106450 (Sub No. 8), filed January 22, 1957, STANLEY KULENSKI, CHARLES KULENSKI AND EDWARD KULENSKI, doing business as ATLAS MOVING AND STORAGE COMPANY, 17 Wood Street, West Haven, Conn. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture* (uncrated), as defined by the Commission, from Waterbury, Conn., to points in Massachusetts, New Hampshire, Rhode Island, Vermont, and New York, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

HEARING: March 27, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner Charles H. Riegner.

No. MC 106965 (Sub No. 98), filed January 24, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., NE., Washington 17, D. C. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Tennessee and the District of Columbia. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: March 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 107295 (Sub No. 55), filed January 14, 1957, PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's representative: Mack Stepehnson, 208 East Adams St., Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tile* and *slab*, building or roofing, wood or wood fibre and cement or magnesite combined, from points in Clark County, Ark., to points in Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: April 9, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Mack Myers.

No. MC 107515 (Sub No. 249), filed December 28, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue, S. W., Atlanta 10, Ga. Applicant's representative: Allan Watkins, Grant Bldg., Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese, cheese products* and *cheese by-products*, (requiring refrigeration in mechanically refrigerated equipment), from Carthage and Nashville, Tenn., to Plymouth, Wis. Applicant is authorized to transport similar commodities in Mississippi, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Louisiana, Ohio, Wisconsin, and Illinois.

HEARING: March 19, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 107544 (Sub No. 30), filed January 30, 1957, LEMMON TRANSPORT COMPANY, INCORPORATED, P. O. Box 387, Marion, Va. Applicant's representative: Harry C. Ames, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Hugheston, W. Va., to points in Alleghany, Tazewell, Giles, Washington, Russell, Smyth, Montgomery and Roanoke Counties, Va.

NOTE: Applicant holds contract carrier authority in MC 113959. Section 210 may be involved. Applicant is authorized to transport the commodities specified in North Carolina, Tennessee, Virginia, and West Virginia.

HEARING: March 12, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 245.

No. MC 107640 (Sub No. 33), filed January 3, 1957, MIDWEST TRANSFER COMPANY OF ILLINOIS, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials*, and *materials, machinery and supplies* used in the manufacture and distribution of building materials, including returned skids and pallets, between North Judson, Ind., on the one hand, and, on the other, points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is presently authorized to conduct contract operations under Permit No. MC 107640 and sub numbers thereunder. Application pending in No. MC 114021 and Sub No. 1 to change from contract to common. Applicant filed application in No. MC 114021 Sub No. 3 as a common carrier for the same authority as applied for above. Dual operations and common control may be involved.

HEARING: March 20, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Mack Myers.

No. MC 107757 (Sub No. 13), filed January 14, 1957, M. C. SLATER, INC., 1129 Bremen St., St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Bldg., St. Louis 1, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, serving the intermediate point of Morton, Ill., in connection with applicant's regular-route operations between Peoria, Ill., and Lincoln, Ill., over U. S. Highway 150 and Illinois Highway 121. Applicant is authorized to conduct similar operations in Illinois, Indiana, and Missouri.

HEARING: March 19, 1957, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 149.

No. MC 108380 (Sub No. 48), filed January 17, 1957, JOHNSTON'S FUEL LINERS, INC., P. O. Box 112, Newcastle, Wyo. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid gilsonite*, and *liquid gilsonite products and by-products*, in bulk, in tank vehicles, between points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Applicant is authorized to transport petroleum and petroleum products and related commodities between points in the states specified above.

HEARING: March 5, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 109689 (Sub No. 43), filed January 18, 1957, W. S. HATCH CO., a corporation, 643 South 100 West, Woods Cross, Utah. Applicant's representative: Marr, Wilkins, Cannon and Boyle, Continental Bank Bldg., Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals*, and *fertilizer solutions*, in bulk, in tank truck vehicles, from Pocatello, Idaho, and points within 25 miles thereof, to points in Montana, Wyoming, Colorado, Utah, and Nevada. Applicant is authorized to conduct operations in Colorado, Idaho, Montana, Nevada, and Utah.

NOTE: Applicant states it proposes to tack the above authority, if granted, to all authorities granted under MC 109689 and subs thereunder. Duplication with pending and authorized authority to be eliminated.

HEARING: March 18, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Harold W. Angle.

No. MC 109689 (Sub No. 44), filed January 22, 1957, W. S. HATCH CO., a corporation, Woods Cross, Utah. Applicant's representative: Marr, Wilkins, Cannon & Boyle, Continental Bank Building, Salt Lake City, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids, chemicals* and *fertilizer solutions*, in bulk, in tank vehicles, from points in Wyoming to points in Colorado, Utah and Idaho. Applicant is authorized to transport similar commodities in Arizona, Colorado, Idaho, Michigan, Montana, Nevada, and Utah.

HEARING: March 19, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Harold W. Angle.

No. MC 109924 (Sub No. 5), filed December 20, 1956, EASTON MOTOR FREIGHT, INC., Lehigh and Apple Streets, Easton, Pa. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by Department Stores*, from Easton, Pa., to Phillipsburg, N. J., and points in New Jersey within twenty (20) miles of Phillipsburg, N. J., restricted to shipments not exceeding 100 pounds in weight, and *empty containers or other such incidental facilities* (not specified) used in transporting the above specified commodities on return.

HEARING: April 4, 1957, at the Penn Sherwood Hotel, 3900 Chestnut St., Philadelphia, Pa., before Examiner Charles H. Riegner.

No. MC 110505 (Sub No. 29), filed December 5, 1956, RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's representative: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* (rough and finished), from points in Mississippi, Alabama, Georgia, Florida, North Carolina, South Carolina, Louisiana, and Tennessee, to points in Kentucky, Missouri, Ohio, Indiana, Illinois, Iowa, Wisconsin, Michigan and Minnesota, (2) from points in Arkansas, to points in Iowa, Wisconsin, Ohio, Michigan, and Minnesota, and (3) *damaged shipments* on return.

HEARING: March 21, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Mack Myers.

No. MC 111170 (Sub No. 35), filed January 24, 1957, WHEELING PIPE LINE, INC., Box 270, El Dorado, Ark. Applicant's representative: John Paul Jones, 1012 Edway Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Anhydrous ammonia*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Tennessee, Missouri, Oklahoma and Texas; (2) *Aqua ammonia*, in bulk, in tank vehicles, from El Dorado, Ark., to Atlanta, Ga.; (3) *Manufactured nitrogen fertilizers*, in bulk and in bags, in truckloads, from El Dorado, Ark., to points in Mississippi, and Louisiana; (4) *Nitric acid*, in bulk, in tank vehicles, from El Dorado, Ark., to points in Texas, Missouri and Alabama; and (5) *Sulfuric acid*, in bulk, in tank vehicles, from El Dorado and North Little Rock, Ark., to points in Mississippi, Texas and Louisiana. Applicant is authorized to transport anhydrous ammonia in Alabama, Arkansas, Louisiana, Mississippi, Missouri, and Tennessee.

HEARING: March 20, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Allen W. Hagerty.

No. MC 111401 (Sub No. 80), filed January 17, 1957, GROENDYKE TRANSPORT, INC., 2204 North Grand, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, and *empty containers or other such incidental facilities* used in transporting the commodities specified, between points in Texas, on the one hand, and, on the other, points in Missouri. Applicant is authorized to transport similar commodities in Oklahoma, Kansas, Colorado, Texas, New Mexico, Missouri, Louisiana, Mississippi, and Tennessee.

HEARING: March 27, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Mack Myers.

No. MC 111472 (Sub No. 42), filed November 13, 1956, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's representative: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described by the Commission, from Crown Point, Ind., to points in Texas, Louisiana and Florida. Applicant is authorized to conduct operations in all States in the United States except the District of Columbia, Florida, Nevada, North Carolina, and South Carolina.

HEARING: March 22, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 111557 (Sub No. 17), filed January 16, 1957, KARL E. MOMSEN, doing business as MOMSEN TRUCKING CO., Route 71 and 18 North, Spencer, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat byproducts*, from Spencer, Iowa, to Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return. Applicant is authorized to conduct operations in Iowa, Minnesota, and Nebraska.

HEARING: March 27, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Joint Board No. 53.

No. MC 111812 (Sub No. 32), filed January 2, 1957, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packinghouse products* and *commodities used by packing-houses*, as defined by the Commission, (1) from Fort Dodge and Sioux City, Iowa, Omaha and Fremont, Nebr., Huron and Mitchell, S. Dak., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, and New Jersey, and *hooks* and *racks* used in transporting the above commodities on return; (2) from Austin, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, those in New York on and east of a line extending from Oswego to Syracuse via New York Highway 57 and from Syracuse to the New York-Pennsylvania State line via U. S. Highway 11, and those in Pennsylvania on and east of U. S. Highway 15, and *hooks* and *racks* used in transporting the above commodities on return. Applicant is authorized to transport similar commodities in South Dakota, Washington, Oregon, Nevada, California, Minnesota, Nebraska, and Iowa.

HEARING: March 26, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 112028 (Sub No. 2), filed January 28, 1957, CARL HUMM and M. L. CONN, doing business as H. & C. TRANSPORT, R. D. 1, Elizabethtown, Ill. Applicant's representative: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore*, between points in Hardin and Pope Counties, Ill., on the one hand, and, on the other, points in Marshall County, Ky. Applicant is authorized to transport the above commodity in Illinois and Kentucky, under Certificate No. MC 112028, between the origin points indicated in the proposed application on the one hand, and, points in Crittenden, Livingston and Caldwell Counties, Ky., on the other.

HEARING: March 21, 1957, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 156.

No. MC 112076 (Sub No. 3), filed December 31, 1956, LOWELL H. RASMUSSEN, Box 105, Monticello, Utah. Applicant's representative: Lucy Redd, State Exchange Bldg., 345 South State, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium ores* and *vanadium ores*, in bulk, from points in Arizona within a 25-mile radius of the point at Utah Highway 47 on the Utah-Arizona State Line, to mill sites located at Mexican Hat and Monticello, Utah. Applicant is authorized to transport uranium and vanadium ores from points in San Juan County, Utah to Naturita, Durango and Uravan, Colo. and Thompson, Utah.

HEARING: March 20, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Harold W. Angle.

No. MC 112442 (Sub No. 7), filed January 10, 1957, H. L. MANESS, doing business as H. L. MANESS TRUCK LINE, 223 Wisconsin, Neodesha, Kans. Applicant's representative: J. Wm. Townsend, 204–206 Central Bldg., Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry fertilizers*, in packages and in containers, in truck load lots, from Horn, Mo., and points within 20 miles thereof, to points in Kansas, Colorado, and Nebraska.

HEARING: April 3, 1957, at the Hotel Kansan, Topeka, Kans., before Examiner Mack Myers.

No. MC 112497 (Sub No. 84), filed January 24, 1957, HEARIN TANK LINES, INC., 6440 Rawlins St., Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Lemoyne, Ala. and points within five (5) miles thereof, to points in Florida, Georgia, and Mississippi. Applicant is authorized to transport sulphuric acid between specified points in Louisiana, Mississippi, Alabama, Georgia, and Tennessee.

HEARING: March 29, 1957, at the Jung Hotel, New Orleans, La., before Examiner Allen W. Hagerty.

No. MC 113035 (Sub No. 2), filed January 25, 1957, WILBUR LOWDERMILK, Friendsville, Md. Applicant's representative: Peter J. Decker, 917 Grand Avenue, Cumberland, Md. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay* in bulk, from Ohiopyle, Pa., and points within ten (10) miles thereof, to Niles, Ohio. Applicant is authorized to transport *clay* from the above-specified origin points to Jennings, Md., and points within ten miles of Jennings.

HEARING: March 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 113855 (Sub No. 19), filed January 23, 1957, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., North, Fargo, N. Dak. Applicant's representative: Franklin J. Van Osdel, First National Bank Bldg., Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction machinery and equipment*, as described by the Commission, *dumping and hauling vehicles* (off-highway type), and *attachments and parts* of all such machinery, equipment and vehicles moving with the units being transported, in haulaway, towaway or driveaway service, from points in the Chicago, Ill. Commercial Zone as defined by the Commission (including Melrose Park, Ill.), Libertyville, Ill., and Milwaukee, Wis. and points within 5 miles of each, to points in the United States and the Territory of Alaska. Applicant is authorized to transport similar commodities in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North and South Dakota, Nebraska, Iowa, Minnesota, Wisconsin, and Illinois.

HEARING: March 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 113861 (Sub No. 13), filed December 26, 1956, W. H. WOOTEN AND J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Ave., Memphis, Tenn. Applicant's representative: Louis I. Dailey, 2111 Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, *including liquefied petroleum gases*, in bulk, in tank vehicles, from New Madrid, Mo., and points within ten miles thereof, to points in Tennessee, Arkansas, Kentucky, Illinois, Iowa, Indiana, those in Mississippi on and north of U. S. Highway 80, and those in Oklahoma and Kansas on and east of U. S. Highway 77, except those points in Oklahoma, Kansas and Arkansas that are within 200 air-miles of Tulsa, Oklahoma. Applicant is authorized to transport similar commodities in Arkansas, Missouri, Kentucky, Alabama, Tennessee, and Mississippi.

HEARING: March 25, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner Allen W. Hagerty.

No. MC 14021 (Sub No. 3), filed December 3, 1956, MIDWEST TRANSFER COMPANY OF ILLINOIS, a Corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's representative: Charles W. Singer, 1825 Jefferson Place, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, and *materials, machinery and supplies* used in the manufacture and distribution of building materials, *including returned skids and pallets*, between North Judson, Ind., on the one hand, and, on the other, points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Applicant is presently authorized to conduct contract carrier operations under Permit No. MC 107640 and sub numbers thereunder. Application pending in No. MC 114021 and Sub No. 1 to change from contract to common. Applicant filed application in No. MC 107640 Sub No. 33 as a contract carrier for the same authority as applied for above. Dual operations and common control may be involved.

HEARING: March 20, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Mack Myers.

No. MC 114107 (Sub No. 3), filed January 10, 1957, CEMENT TRANSPORT, INC., Kosmosdale, Ky. Applicant's representative: Ollie L. Merchant, 712 Louisville Trust Bldg., Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, in bulk, in tank vehicles, and in packages and in blocks, from Louisville, Ky., to points in Illinois, Indiana, Ohio, and Tennessee, within 180 miles of Louisville.

NOTE: Applicant presently holds Permit No. MC 114107 to transport *Cement*, in bulk, in tank vehicles, and in bags, from Kosmosdale, Ky., to points in Indiana and Ohio within 180 miles of Kosmosdale.

HEARING: March 15, 1957, at the Kentucky Hotel, Louisville, Ky., before Examiner Allen W. Hagerty.

No. MC 114265 (Sub No. 1), filed January 28, 1957, W. C. SHOEMAKER AND RALPH SHOEMAKER, a Partnership, doing business as SHOEMAKER TRUCKING COMPANY, 1318 Jackson, Boise, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, between points in Washington, Oregon, Montana, Idaho, Utah, Nevada and Wyoming. Applicant is authorized to transport lumber from specified points in Oregon to specified points in Idaho.

HEARING: March 25, 1957, at the Federal Bldg., Boise, Idaho, before Examiner Harold W. Angle.

No. MC 114284 (Sub No. 3), filed December 28, 1956, F. GAFFIN, INC., 3108 NW. 49th St., Oklahoma City, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Meats, meat products* and *meat by-products* and (2) *dairy products*, as defined by the Commission, between points in the Commercial Zone of Oklahome City, Okla., on the one hand, and, on the other, El Paso, Texas, and points in New Mexico and Arizona.

NOTE: Applicant is authorized to serve certain specified points in New Mexico, and Oklahoma City, but states that duplicating authority is not sought under this application.

HEARING: April 2, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner Allen W. Hagerty.

No. MC 114364 (Sub No. 23), filed January 28, 1957, WRIGHT MOTOR LINES, INC., 16th and Elm, Rocky Ford, Colo. Applicant's representative: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sugar*, from Layton, Utah, to points in Kansas, and Kansas City, Mo. Applicant is authorized to transport sugar between and from and to specified points in Wyoming, Kansas, Oklahoma, Colorado, Idaho, Utah, Missouri, Texas, New Mexico, and Arkansas.

HEARING: March 20, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Harold W. Angle.

No. MC 114436 (Sub No. 1), filed January 16, 1957, WILLIAM J. HOLMES, doing business as HOLMES OF SOUTHBURY, Old Waterbury Road, Southbury, Conn. Applicant's representative: Hugh M. Joseloff, 410 Asylum St., Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ice cream mix*, in bulk, in tank vehicles, and *whole condensed milk*, in bulk, in tank vehicles, from Canastota, N. Y., to Southbury, Conn. Applicant is authorized to transport milk powder in bags from Canastota, N. Y., to Southbury, Conn.

HEARING: April 2, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 114569 (Sub No. 12), filed January 30, 1957, SHAFFER TRUCKING, INC., Elizabethville, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods, vinegar* and *dry cereal preparations*, (1) from Berryville, Mount Jackson and Winchester, Va., to points in Iowa, Michigan, Minnesota, Missouri and Wisconsin; and (2) from points in Adams and Franklin Counties, Pa., to points in Minnesota and Wisconsin. Applicant is authorized to conduct common carrier operations in Maine, New Hampshire, Pennsylvania, Vermont and West Virginia. Applicant has contract carrier authority in Permit No. MC 55613. Section 210, dual operations, may be involved.

HEARING: March 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 114840 (Sub No. 1), filed October 19, 1956, EUGENE EBY, GLENN EBY AND WAYNE EBY, doing business as EBY BROTHERS, 2622 Regan Street, Boise, Idaho. Applicant's representative: Stephen L. Guice, Room 529 Idaho Bldg., Boise, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Conduits, drain tile, sewer pipe* or *related articles*, clay, concrete or earthen; *conduits, pipe, smoke stacks, tubing*, or *fittings* other than clay, concrete or earthen; and *tanks*, metal, capacity 1,000 gallons or over, from points within Ada County, Idaho to points in Idaho; that part of Washington lying south of a line which runs east and west through Rosalia, Whitman County, Wash., and east of a line which runs north and south through Ellensburg, Kittitas County, Wash.; that part of Oregon lying east of a line which runs north and south through Klamath Falls, Klamath County, Oreg.; that part of Nevada lying north of a line running east and west through Ely, White Pine County, Nev.; that part of Utah lying north of a line running east and west through Farmington, Davis County, Utah; that part of Wyoming lying west of a line running north and south through Rock Springs, Sweetwater County, Wyo.; and that part of Montana lying west of a line running north and south through Livingston Park County, Mont.

HEARING: March 22, 1957, at the Federal Bldg., Boise, Idaho, before Examiner Harold W. Angle.

No. MC 115022 (Sub No. 1), filed July 18, 1955, (REOPENED FOR FURTHER HEARING), CHAMBERLAIN'S TRAILER TRANSPORT, INCORPORATED, 11 Litchfield St., Thomaston, Conn. Applicant's representative: Reubin Kaminsky, 410 Asylum St., Hartford, Conn. For authority to operate as a *common carrier* over irregular routes, transporting: *Used trailers*, designed to be drawn by passenger cars, furnished and unfurnished, by truckaway method, in secondary movements, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York and New Jersey, on the one hand, and, on the other, all points in the United States.

NOTE: Duplicating authority to be eliminated. Applicant is authorized to conduct similar operations in Connecticut, New York, New Jersey, Massachusetts, Rhode Island, New Hampshire, Vermont, Maine and Florida.

FURTHER HEARING: March 25, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner Charles H. Riegner.

No. MC 115212 (Sub No. 2), filed December 26, 1956, H. M. H. MOTOR SERVICE, a corporation, Box 472, Jamesburg, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities*, as are dealt in by women's and children's ready-to-wear apparel stores, and in connection therewith, *supplies and equipment*, used in the conduct of such businesses, between New York, N. Y., on the one hand, and, on the other, points in Tennessee, West Virginia, and Kentucky.

NOTE: Applicant's proposed operations are to be conducted under special and individual contracts or agreements, with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of women's and children's ready-to-wear apparel.

HEARING: March 29, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 115884 (Sub No. 2), filed January 9, 1957, CECIL E. STIERNAGLE, doing business as MOBILE HOME TOWING SERVICE, Albers Trailer Court, R. R. #2, P. O. Box 22, Rantoul, Ill. Applicant's representative: Alfred H. Reichman, 318 North Hickory St., Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, towed by motor vehicles, between points in Champaign and Vermilion Counties, Ill., on the one hand, and, on the other, points in California, Arizona, New Mexico, Texas, Oklahoma, Arkansas, Kansas, Missouri, Indiana, New York, New Jersey, Maryland, and Florida.

HEARING: March 26, 1957, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Examiner Mack Myers.

No. MC 116067 (Sub No. 2), filed January 10, 1957, NEBRASKA SHORT LINE CARRIERS, INC., 901 South 13th St., Lincoln, Nebr. Applicant's representative: J. Max Harding, 901 South 13th St., Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Omaha, Nebr., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. Applicant is authorized to transport similar commodities in the States of Colorado, Illinois, Iowa, Nebraska, Minnesota, and Missouri.

HEARING: April 4, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner Edward Kobernusz.

No. MC 116309 (Sub No. 1), filed November 23, 1956, HOWARD BAER and A. E. SCHMIED, doing business as BAER AND SCHMIED, Morton, Ill. Applicant's representative: Grover C. Hoff, Suite 1121 Ridgely Bldg., Springfield, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *Dairy products*, such as milk, ice cream, milk products, butter, cheese, buttermilk, chocolate milk, ice cream mix, butter fat, yogart, custard mix, margarine, oleomargarine, chocolate drinks, party freeze, cream (all grades), ice cream novelties, eggs, cottage cheese, *fruit flavored drinks, dairy products containers*, and *all commodities usually handled by retail or wholesale dairies*, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, (a) between Peoria, Ill., and Clinton, Iowa, from Peoria over Illinois Highway 88 to Sterling, Ill., thence over U. S. Highway 30 to Clinton, Iowa, and return over the same route, serving no intermediate points; and (b) between St. Louis, Mo., and Peoria, Ill., from St. Louis over U. S. Highway 66 to Lincoln, Ill., thence over Illinois Highway 121 to Morton, Ill., thence over U. S. Highway 150 to Peoria, and return over the same route, serving no intermediate points. (2) *Dairy products containers*, from Clinton, Iowa to St. Louis, Mo., from Clinton over U. S. Highway 67 to St. Louis, serving no intermediate points.

HEARING: March 20, 1957, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 46.

No. MC 116330, filed December 3, 1956, H. E. RODEN, doing business as RODEN TRANSFER, 215 Austin Ave., Sheffield, Ala. Applicant's representative: Howell T. Heflin, 100½ West 6th St., Tuscumbia, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Sheffield, Ala., and a radius of 50 miles thereof, on the one hand, and, on the other, points in Tennessee, Arkansas, Mississippi, Florida, Georgia, Kentucky, South Carolina, and Alabama.

NOTE: Applicant is authorized in MC 113891, as a contract carrier, between points in Alabama, to transport meat, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses. If this application is granted dual operations may be involved.

HEARING: March 22, 1957, at the U. S. Court Rooms, Sheffield, Ala., before Examiner Allen W. Hagerty.

No. MC 116339 (Sub No. 1), filed January 2, 1957, J & M ENTERPRISES, INC., 1640 New Tampa Highway, Lakeland, Fla. Applicant's representative: William P. Tomasello, 120 East Davidson Street, Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed* (a) from Chicago, Ill., Lexington, Ky., and Marshall, Mo., to all points in Florida, Georgia and Alabama; and (b) from Cartersville, Ga., to all points in Alabama and Florida.

HEARING: March 19, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116342, filed December 10, 1956, DOTY & CORYA, INC., 515 Buckeye Street, North Vernon, Ind. Applicant's representative: Kirkwood Yockey, Morris Plan Bldg., Suite 806, 108 East Washington St., Indianapolis 4, Ind. For authority to operat as a *common carrier*, over irregular routes, transporting: *Bituminous materials*, except coal in bulk, in tank vehicles, from Louisville, Ky., Cincinnati, Ohio, and points within five miles thereof, and Lawrenceville, Ill., and points within five miles thereof to points in Indiana and *damaged shipments* of the above commodity on return.

HEARING: March 22, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Mack Myers.

No. MC 116359, filed January 10, 1957, EGYPTIAN TIMBER TRANSPORTS, INC., Railway Exchange Bldg., St. Louis, Mo. Applicant's representative: David Axelrod, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Lumber*, rough or surfaced (No. 3 grade not merchantable, except for dunnage used by steel mills and contractors for bracing and blocking), from points in Missouri, Arkansas, Kentucky, Tennessee, Illinois, Georgia, Alabama, Mississippi, Louisiana, South Carolina, and Florida, to Mt. Vernon, Ill., and to points in Lake, Cook, DePage, Will, Kankakee, Iroquois, Livingston, Grundy, La Salle, Kendall, Kane, McHenry, Boone and DeKalb Counties, Ill. and Lake Porter, La Porte, Starke, Pulaski, Jasper, and Newton Counties, Ind. (2) *Treated wood products* (consisting of cresoted fence posts, barn poles, and rural telephone poles), from Mt. Vernon, Ill. to points in Wisconsin, Iowa, Indiana and the Lower Peninsula of Michigan, and (3) *Uncrated wood posts and poles*, from Hattiesburg, Miss., to Mt. Vernon, Ill.

HEARING: March 20, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116367, filed December 27, 1957, EMIL KLEIN, doing business as MIRO'S EXPRESS, 43–21 161st Street, Flushing, 58, N. Y. Applicant's representative: Edward M. Alfano, 36 West 44th St., New York 36, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Baggage*, between New York, N. Y., and points in Nassau and Westchester Counties, N. Y., on the one hand, and, on the other, points in Delaware, Greene, Ulster and Sullivan Counties, N. Y., Susquehanna and Wayne Counties, Pa., Windham County, Vt., and Somerset County, Maine.

HEARING: April 1, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 116377, filed January 10, 1957, BENNETT M. JOHNSON, doing business as BEN JOHNSON TOWING AND WRECKING SERVICE, 1741 Lyon St., Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Disabled truck tractors and replacements units for same*, between Des Moines, Iowa, on the one hand, and, on the other, points in Nebraska, Minnesota, Illinois, and Missouri.

HEARING: March 29, 1957, at the Federal Office Bldg., 5th & Court Avenues, Des Moines, Iowa, before Examiner Edward Kobernusz.

No. MC 116381, filed January 14, 1957, FRANK TWITCHELL, Route 20, Bridgewater, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lime, tanolin, odorous calf skins, fertilizer stock, chrome shavings*, and *animal hair*, between West Winfield, N. Y., and Bellefont, Reynoldsville, Boyertown, Philadelphia, Pa., Kearney, Newark, and Carteret, N. J., Springfield and Salem, Mass., and Burlington, East Fairfield, and St. Albans, Vt.

HEARING: March 20, 1957, at the Federal Bldg., Syracuse, N. Y., before Examiner Charles H. Riegner.

No. MC 116388, filed January 22, 1957, CLAUDE L. FRANK, Route 2, Westmoreland, Kans. Applicant's representative: Arthur L. Claussen, 303 New England Bldg., Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock feeds* and *poultry feeds*, in bulk, and in packages and containers, from Kansas City, Mo., to points in Morris, Wabaunsee, Riley, Pottawatomie, Marshall, Washington and Geary Counties, Kans.

HEARING: March 22, 1957, at the Hotel Kansan, Topeka, Kans., before Joint Board No. 36.

No. MC 116407, filed January 28, 1957, SAM WOOTEN and BILL WOOTEN, doing business as WOOTEN WHOLESALE CO., Dwarf, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber*, from points in Perry, Knott, Floyd, Letcher, Leslie, Breathitt, Owsley and Mogoffin Counties, Ky., to Cincinnati, Ohio and New Albany, Ind. and (2) *Feed*, from Reading, Ohio, to points in Breathitt, Knott, Letcher, and Perry Counties, Ky.

HEARING: March 15, 1957, at the Kentucky Hotel, Louisville, Ky., before Joint Board No. 208.

No. MC 116408, filed January 30, 1957, BRUNO'S TRUCKING, INC., 454 Westchester Ave., Bronx, N. Y. Applicant's representative: August W. Heckman, 880 Bergen Ave., Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meats*, between Newark, N. J. and New York, N. Y.; *empty containers or other such incidental facilities* (not specified) used in transporting the named commodity, on return.

HEARING: April 3, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 116411, filed January 30, 1957, DAVE KASMOCH, Box 1, Oakmont, Pa. Applicant's representative: Arthur J. Diskin, 924 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lime*, in bulk, in dump trucks or dump trailers, from Strasburg and Oranda, in Shenandoah County, Va., to points in Allegheny County, Pa.

HEARING: March 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 250.

No. MC 116412, filed January 30, 1957, SOUTHWEST BULK HANDLERS, INC., American Bldg., Ada, Okla. Applicant's representative: W. T. Brunson, Leonhardt Bldg., Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry cement*, in bulk in specially constructed tank vehicles, between points in Arkansas, Colorado, Kansas, New Mexico, Oklahoma, and Texas.

HEARING: April 3, 1957, at the Federal Bldg., Oklahoma City, Okla., before Examiner Allen W. Hagerty.

No. MC 116417, filed January 31, 1957, BERNARD KLEIN and EMANUEL KLEIN, a Partnership, doing business as BERNARD'S EXPRESS & TRUCKING, 48–20 30th Street, Long Island City, N. Y. Applicant's representative: Leonard J. Walsh, 1050 Cathedral Avenue, Franklin Square, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toilet paper, facial tissue, paper towels, paper napkins, paper containers, paper plates, sanitary napkins, wrapping paper* and *paper bags*, from Long Island City, N. Y., to points in Nassau and Suffolk Counties, N. Y.; and *returned shipments* of the commodities specified on return movements. RESTRICTION: Applied-for authority to be limited to shipments having a prior movement by rail.

HEARING: April 3, 1957, at 346 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

MOTOR CARRIERS OF PASSENGERS

No. MC 3971 (Sub. No. 6), filed January 30, 1957, CONRAD C. WILSON AND FRED A. WILSON, doing business as ZANE TRANSIT LINES, 1507 Augusta St., Zanesville, Ohio. Applicant's representative: James E. Wilson, Continental Bldg., 14th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes,

transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Athens, Ohio and Huntington, W. Va., from Athens over U. S. Highway 33 to Mason, W. Va., thence over West Virginia Highway 62 to Point Pleasant, W. Va., and thence over West Virginia Highway 2 to Huntington, W. Va., and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in Ohio.

HEARING: April 2, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 61.

No. MC 28680 (Sub No. 9), filed January 11, 1957, JORDAN BUS COMPANY, Jordan Terminal Bldg., Hugo, Okla. Applicant's representative: Joe G. Wolfe, 520 Hales Bldg., Oklahoma City, Okla. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express*, and *mail*, in the same vehicle with passengers, between Oklahoma City, Okla., and Healdton, Okla., from Oklahoma City over U. S. Highway 62–277 to Blanchard, thence over Oklahoma Highway 76 to Lindsay, thence over Oklahoma Highway 76 to junction Oklahoma Highway 29, thence over Oklahoma Highway 29 to the junction of Oklahoma Highway 76, thence over Oklahoma Highway 76 to Healdton, and return over the same route, serving all intermediate points between Blanchard and Healdton, including Blanchard; (2) between Oklahoma City, Okla., and Healdton, Okla., from Oklahoma City over U. S. Highway 62–277 to Blanchard, thence over Oklahoma Highway 76 to Lindsay, thence over Oklahoma Highway 19 to Maysville, thence over Oklahoma Highway 74 to Elmore City, thence over Oklahoma Highway 29 to junction of Oklahoma Highway 76, thence over Oklahoma Highway 76 to Healdton, and return over the same route, serving all intermediate points between Blanchard and Healdton, including Blanchard. Applicant is authorized to perform similar operations in Oklahoma, Texas, and Arkansas.

HEARING: April 1, 1957, at the Federal Bldg., Oklahoma City, Okla., before Joint Board No. 88.

No. MC 29957 (Sub No. 64), filed September 4, 1956 (Correction), CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, P. O. Box 4407, Alexandria, La. Applicant's representative: Grove Stafford, P. O. Box 1711, Alexandria, La. That portion of the notice of filing of the application requesting authority "to junction U. S. Highway 190 near Mandeville, La., thence over U. S. Highway 190 to Covington, La." was in error. The correct route description reads: "to junction Louisiana Highway 25, near Mandeville, La., sometimes called Mandeville Junction, thence over Louisiana Highway 25 to Covington, La."

HEARING: Remains as assigned March 11, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 89221 (Sub No. 3), filed January 22, 1957, JOHN A. ROSSI, FRANK L. ROSSI, ALICE M. ROSSI AND DOMENICK ROSSI, a partnership, doing business as HARFORD MOTOR COACH COMPANY 2739 Greenmount Avenue, Baltimore 18, Md. Applicant's representative: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers, baggage of passengers, express, mail* and *newspapers* in the same vehicle with passengers, (1) between Baltimore, Md., and Cape May, N. J.: From Baltimore, over U. S. Highway 40 to Malaga, N. J., thence over New Jersey Highway 47 to Millville, N. J., thence over New Jersey Highway 49 to Tuckahoe, N. J., thence over New Jersey Highway 50 to its junction with U. S. Highway 9 at Seaville, N. J., thence over Garden State Parkway Interchange Road No. 20 to Garden State Parkway, thence over Garden State Parkway to its junction with U. S. Highway 9 in Lower Township, Cape May County, N. J., thence over U. S. Highway 9 to Cape May, N. J., and return over the same route; and (2) between Burleigh, N. J., and points in Lower Township, Cape May County, N. J.: From the junction of Garden State Parkway Interchange Road No. 6 and Cape May County Road 585 at Burleigh, over Cape May County Road 585 via North Wildwood, Wildwood and Wildwood Crest, to the junction of Cape May County Road 585 and U. S. Highway 9 at Lower Township, Cape May County, N. J., and return over the same route. RESTRICTION: Applied-for authority to be restricted to traffic moving between points on the portions of the highways specified in Maryland and Delaware, on the one hand, and, on the other, points on the portions of the highways specified in New Jersey south and east of, but not including, Malaga, N. J. Applicant is authorized to transport passengers and their baggage in charter operations in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: April 1, 1957, in Room 709, U. S. Appraisers' Stores Bldg., Gay and Lombard Sts., Baltimore, Md., before Joint Board No. 283.

No. MC 99601 (Sub No. 1), filed January 10, 1957, LEE WALL, doing business as SUPERIOR-LINCOLN STAGE LINES, 901 South 13th St., Lincoln, Nebr. Applicant's representative: J. Max Harding, 901 South 13th Street, Lincoln, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Lincoln, Nebr., and Superior, Nebr., from Lincoln over U. S. Highway 77 to the junction of Nebraska Highway 33, thence over Nebraska Highway 33 to Crete, thence over Nebraska Highway 82 to Wilber, thence over Nebraska Highway 41 to the junction of Nebraska Highway 15, thence over Nebraska Highway 15 to Fairbury, thence over Nebraska Highway 3 to the junction of Nebraska Highway 14, thence over Nebraska Highway 14 to Nelson, thence over Nebraska Highway 14 to Superior, and return over the same route, serving all intermediate points; (2) between Fairbury, Nebr., and Beatrice, Nebr., from Fairbury over Nebraska Highway 3 to Beatrice, and return over the same route, serving all intermediate points; (3) between Beatrice, Nebr., and junction of U. S. Highway 77 and Nebraska Highway 33 from Beatrice over U. S. Highway 77 to the junction of U. S. Highway 77 and Nebraska Highway 33, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with Routes 1 and 2 above. RESTRICTION: Applicant shall not transport passengers, baggage of passengers, mail, express, and newspapers (1) solely between Beatrice and Lincoln, Nebr., or (2) solely between points both of which are intermediate between Beatrice and the junction of U. S. Highway 77 and Nebraska Highway 33; or (3) solely between Beatrice or Lincoln, Nebr., on the one hand, and, on the other, points intermediate between Beatrice and the junction of U. S. Highway 77 and Nebraska Highway 33.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity authorizing continuance of interstate operations conducted under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate Certificate on file with this Commission. If and when the instant application is granted, the second proviso filing should be dismissed.

HEARING: March 25, 1957, at the Nebraska State Railway Commission, Capitol Bldg., Lincoln, Nebr., before Joint Board No. 93.

No. MC 114325 (Sub No. 2), filed January 28, 1957, NORTH JERSEY TRANSIT, 1060 Broad St., Newark 2, N. J. Applicant's representative: William Ryan, 1060 Broad St., Newark 2, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, mail, newspapers* and *express packages of freight*, in the same vehicle with passengers, (1) from the "Green", Morristown, N. J. to Morris Avenue to Washington Avenue to Madison Avenue (Route 24), via Madison Avenue (Route 24) to Madison, N. J., via Madison Avenue and Main Street to Main Street, Chatham, N. J., via Main Street (Route 24), Morris Turnpike, thence via Morris Turnpike through Summit-Short Hills, N. J. to junction Route 24 and Millburn Avenue, Millburn, N. J., via Millburn Avenue, through Millburn and Maplewood, N. J. to junction Millburn Avenue and Vaux Hall Road, via Vaux Hall Road through Union, N. J., to junction Vaux Hall Road and Route 22, Union, N. J., via Route 22 to junction Highway U. S. 1 in Newark, N. J., via Highway U. S. 1, to connection with New Jersey Turnpike, Newark, N. J., via New Jersey Turnpike to Lincoln Tunnel Approach, Secaucus, N. J., via underpass, to Lincoln Tunnel, to Manhattan Borough, New York City, N. Y. Also from Chatham, N. J., via Main Street, to River Road, thence via River Road to Morris Avenue to Broad Street, Summit, N. J., via Broad Street to Morris Avenue to junction with Route 24 and Millburn Avenue. Return over same routes from New York City to Morristown, N. J., provided however, that no service is proposed between the junction of Vaux Hall Road and Route 22 in Union, N. J. and New York City, N. Y. (2) Also from junction of Vaux Hall Road, Route 22 and Garden State Parkway to Route S3 thence over S3 to Route 3 to approaches to Lincoln Tunnel underpass and approaches and via Lincoln Tunnel to Manhattan Borough, New York City, N. Y. and return over the said route; (3) In addition to the above authority, in connection with the above-described routes, operations between the junction of New Jersey Turnpike at Interchange 14, Newark, N. J. over the Turnpike extension, Newark Bay Bridge, Jersey City Express Way to the junction with U. S. Highway 1 in Jersey City, N. J. and thence through the Holland Tunnel to Manhattan Borough,, New York City, N. Y., with return over the same route; (4) between the intersection of Broad Street and Springfield Avenue, Summit, N. J., in connection with applicant's other applied-for routes between New York, N. Y. and the territory hereinbefore set forth in New Jersey, via Springfield Avenue, through New Providence, Murray Hill, Berkeley Heights, Gillette, Stirling, Millington, N. J., on Valley Road to its junction with King George Road to Lyons, N. J., and the Veterans Administration Hospital in Lyons, thence to Basking Ridge, N. J., via Route 527, and thence to Bernardsville, N. J. via Route 527 and Route 202 and also unnamed highways, and return over the same routes; namely, from Bernardsville over unnamed highways, Route 202 and 527 to Basking Ridge, thence retracing the aforesaid route above-named to Lyons, thence via Valley Road and Springfield Avenue to its junction with Broad Street, Summit, N. J.; (5) also, operations with closed doors between the junction of Morris Avenue, Route 24, and Broad Street at the intersection of Millburn Avenue, Springfield, N. J., over Route 24 to its junction with Route 22 and thence via Route 22 as above-indicated to New York, N. Y., and return over the same route; (6) The same authority applied for under section (3); namely, the route to downtown New York, N. Y., is also herein applied for under authority applied for under paragraphs (4) and (5) of this prayer of this application; (7) for operating convenience only, it is also proposed that closed door operations be permitted between the junction of Millburn Avenue and Route 24 to junction with Route 22, Union, N. J.

HEARING: March 18, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 3.

No. MC 114820 (Sub No. 1), filed December 26, 1956, JOHN HOELTING AND ROBERT BOENTE, doing business as HOELTING-BOENTE BUS COMPANY, 520 W. Main St., Carlinville, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in charter operations, beginning and ending at Carlinville, Ill., and extending to points in Missouri and Indiana.

HEARING: March 19, 1957, at the U. S. Court Rooms and Federal Bldg., Springfield, Ill., before Joint Board No. 160.

No. MC 116240, filed October 5, 1956, FOSTER WHITEHEAD, doing business as FOSTER'S TRANSPORTATION SERVICE, Y. M. C. A., Freeport, Ill. Applicant's representative: Robert D. Law, 11½ South Galena Avenue, Freeport, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Freeport, Ill., and extending to Janesville and Beloit, Wis., Dubuque, Clinton, and Davenport, Iowa, and to points in Wisconsin, Iowa, and Illinois within one hundred and twenty (120) miles of Freeport, including Joliet, Elgin, Aurora, Rockford, LaSalle, De Kalb, South Beloit, Dixon, Sterling, Wheaton, Glenbard, Chicago and Belvidere, Ill.

NOTE: Applicant proposes to participate in junior high and high school athletic events.

HEARING: March 22, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Edward Kobernusz.

No. MC 116370, filed December 28, 1957, HARRY LEON SILL and ELIZABETH L. SILL, a partnership, R. D. No. 2, Towanda, Pa. Applicant's representative: Andrew S. Moscrip, 306–8 Main Street, Towanda, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip sightseeing tours, in special or charter operations, from points in Bradford County, Pa., except points in the Townships of Athens, Ulster, Litchfield, Smithfield, Sheshequin and Rome, and except the Boroughs of Athens, Sayre, South Waverly and Rome, to New York City, N. Y., and return.

HEARING: March 15, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 42.

No. MC 116385, filed January 17, 1957, ANTHONY S. KASPER, 7900 Pine Ave. Blvd., Niagara Falls, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, limited to not more than 7 passengers in a vehicle not including the driver and not including children under 10 years of age who do not occupy a seat or seats, between points in Niagara County, N. Y., on the one hand, and, on the other, points in New York, including points in New York on the boundary between the United States and Canada at or near Niagara Falls, N. Y.

HEARING: March 19, 1957, at the Hotel Buffalo, Washington and Swann Streets, Buffalo, N. Y., before Examiner Charles H. Riegner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 18257 (Sub No. 2), filed November 20, 1956, THOMAS BURKE AND EDWARD BURKE, doing business as BURKE BROTHERS, 909 Hickory Street, St. Louis, Mo. Applicant's representative: Ernest A. Brooks II, 1310 Ambassador Bldg., St. Louis 1, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Haydite* and *slag*, from points in Madison County, Ill., to St. Louis, Mo., and points in St. Louis and St. Charles Counties, Mo.

NOTE: Applicant is authorized to transport *Coal*, over irregular routes, from points in Illinois within fifty (50) miles of East St. Louis, Ill., to St. Louis, Mo., and points in St. Louis County, Mo.

No. MC 59583 (Sub No. 72), filed January 17, 1957, THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's representative: Clifford E. Sanders, 321 E. Center St., Kingsport, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Greensboro, N. C. and Richmond, Va., from Greensboro over U. S. Highway 421 to junction North Carolina Highway 68, thence over North Carolina Highway 68 to junction U. S. Highway 158, thence over U. S. Highway 158 to junction U. S. Highway 29, thence over U. S. Highway 29 to Danville, Va., thence over U. S. Highway 58 to junction Virginia Highway 304, thence over Virginia Highway 304 to junction U. S. Highway 360, and thence over U. S. Highway 360 to Richmond, Va., and return over the same routes, as an alternate route for operating convenience only, serving no intermediate or off-route points, in connection with applicant's authorized regular route operations between Greensboro and Richmond over U. S. Highways 29, 460, and 60, and Virginia Highway 24. Applicant is authorized to conduct operations in Tennessee, Georgia, New York, New Jersey, Virginia, Pennsylvania, Maryland, Delaware, North Carolina, South Carolina, and the District of Columbia.

No. MC 89369 (Sub No. 9), filed December 26, 1956, JOART TRUCKING CO., 133 Albany St., P. O. Box 332, New Brunswick, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cresylic acid*, in bulk, in tank vehicles, from points in the New York, N. Y. Commercial Zone, as defined by the Commission, and Elizabeth, N. J., to Rotterdam Junction, N. Y., Schenectady, N. Y. and Stratford, Conn.; *returned shipments of cresylic acid* on return. Applicant is authorized to transport liquid commodities between Philadelphia, on the one hand, and, on the other, points in Delaware and New Jersey.

No. MC 109994 (Sub No. 13) (Correction), filed December 5, 1956, published page 204, issue of January 9, 1957.

OREN M. SIZER, doing business as SIZER GRAIN SERVICE, 407 Fourth Avenue, SE., Rochester, Minn. Applicant's representative: Claude J. Jasper, One Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen packing-house by-products* and *frozen poultry by-products* not for human consumption and for animal consumption only, from Omaha, Nebr., Sioux City, Waterloo, Council Bluffs, Des Moines, Cedar Rapids, Atlantic, Estherville, and Fort Dodge, Iowa, St. Joseph, Kansas City, and Anderson, Mo., Denver, Colo., and South St. Paul, St. Paul, St. James, Austin, and Albert Lea, Minn., to points in South Dakota, Minnesota, Wisconsin, the Upper Peninsula of Michigan, and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-designated destination points to the above-specified origin points.

NOTE: The destination points referred to above are restricted to *fur farms*.

No. MC 113533 (Sub No. 10), filed January 30, 1957, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 East Ferry, Detroit, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products* and *meat byproducts*, from North Walpole, N. H., to Marion, Ohio. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island.

No. MC 114046 (Sub No. 3), filed December 6, 1956, LEONARD WEST, 308 Wolcott Avenue, Iron Mountain, Mich. Applicant's representative: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Republic, Mich., and St. Ignace, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to transport similar commodities in and through the States of Michigan, Illinois, Missouri, and Wisconsin.

MOTOR CARRIERS OF PASSENGERS

No. MC 116066 (Sub No. 2), filed November 26, 1956, GEORGE WASHINGTON RICKETTS, R. F. D. 1, Federalsburg, Md. Applicant's representative: Francis W. McInerny, Commonwealth Bldg., 1625 K Street, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special operations, between Bridgeville and Greenwood, Del., and points within five (5) miles of each, on the one hand, and, on the other, Federalsburg, Md., and points within five (5) miles of Federalsburg. Issues originally published in the December 19, 1956, issue of the FEDERAL REGISTER. The hearing previously assigned in the application was cancelled upon the filing of verified statements on behalf of applicant.

No. MC 116338, filed December 6, 1956, GRANT BALL, South Millbrook, N. Y. Applicant's representative: John J. Brady, Jr., 75 State St., Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations beginning and ending at Millbrook, N. Y., and extending to points in Massachusetts, Connecticut, Vermont, Rhode Island, New Hampshire and New Jersey, during the season extending from September 10 to June 15 inclusive.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6494, published in the January 16, 1957, issue of the FEDERAL REGISTER on page 339. Amendment filed February 4, 1957, to show transaction as one for *control and merger* in lieu of *control*. The operating rights set forth in the original publication should be corrected to read: "* * * between La Grange, Ga., on the one hand, and, on the other, points in Alabama, and between La Grange, Ga., on the one hand, and, on the other, points in Georgia."

No. MC-F 6504. Authority sought for purchase by DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., of the operating rights and property of JOHN W. DAHLEN, doing business as DAHLEN TRANSPORT COMPANY, 875 North Prior Avenue, St. Paul, Minn., and for acquisition by JOHN W. DAHLEN and EDNA A. DAHLEN, both of St. Paul, of control of such rights and property through the purchase. Applicant's representatives: Gerald L. Phelps and John R. Sims, Jr., both of Munsey Bldg., Washington 4, D. C. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Clear Lake, Iowa, and points within five miles thereof, to certain points in Minnesota. Vendee holds no authority from this Commission, but JOHN W. DAHLEN and EDNA A. DAHLEN are affiliated with DAHLEN TRANSPORT, INC., which is authorized to operate as a *common carrier* in Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6505. Authority sought for control by BOLIN DRIVE-A-WAY CO., 26400 Lakeland Blvd., Cleveland, Ohio, of CENTRAL CAR CARRIERS, INC., 380 Hopkins Street, Buffalo, N. Y., and for acquisition by GLEN O. BOLIN, RHEA I. BOLIN and MARY E. RICE, all of Cleveland, of control of CENTRAL CAR CARRIERS, INC., through the acquisition by BOLIN DRIVE-A-WAY CO. Applicant's representative: Horace L. Taylor, Vice President and General Manager of Bolin Drive-A-Way Co., 26400 Lakeland Blvd., Cleveland 32, Ohio. Operating rights sought to be controlled: *Automobiles*, in truckaway service, as a *common carrier* over irregular routes, from Buffalo, N. Y., Detroit, Mich., and a point on U. S. Highway 24 just north of Toledo, Ohio, where the Michigan-Ohio State line crosses U. S. Highway 24, to New York, N. Y., and Mamaroneck, N. Y., Stroudsburg and Scranton, Pa., and points within 20 miles of Scranton, and points, in Bergen, Hudson, and Passaic Counties, N. J.; *new automobiles, automobile chassis, automobile bodies*, and *parts and accessories* when moving in connection therewith, and *automobile show equipment and paraphernalia, farm and garden tractors*, and *parts and accessories* when moving in connection therewith, from Willow Run, Washtenaw County, Mich., to certain points in New York, Pennsylvania and New Jersey; *new automobiles*, in secondary movements, in driveaway service, during the season of open navigation on the Great Lakes, from Buffalo, N. Y., to points in Connecticut, Massachusetts, New Jersey, New York, and Vermont; *new automobiles*, in secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from Buffalo, N. Y., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont; *automobiles, trucks, chassis, bodies and display paraphernalia and accessories* when moving in connection therewith, in initial movements, in truckaway and driveaway service, from points in Washtenaw County, Mich., to points in Maine, New Hampshire, and Rhode Island, restricted to traffic originating at points in Washtenaw County, Mich.; *automobiles, trucks, chassis, bodies*, and display paraphernalia and accessories when moving in connection therewith, in secondary movements, in truckaway and driveaway service, from Buffalo, N. Y., to points in Maine, New Hampshire, and Rhode Island, restricted to traffic originating at points in Washtenaw County, Mich.; *new automobiles* and *automobile chassis*, in initial movements, in truckaway and driveaway service, and *new automobile bodies*, and *automobile show equipment and paraphernalia* in connection therewith, from points in Washtenaw County, Mich., to points in Connecticut, Massachusetts, New Jersey, New York, and Vermont, and Philadelphia, Pa., and points within 25 miles of Philadelphia. BOLIN DRIVE-A-WAY CO. is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6506. Authority sought by VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis, Mo., to merge the operating rights and property of COOK TRUCK LINES, INC., 25 East Virginia Avenue, Memphis, Tenn., and for acquisition by ELMER WEILBACHER and C. F. WEILBACHER, both of St. Louis, and LEO A. WEILBACHER, of Columbia, Ill., of control of such rights through the transaction. Applicant's representative: B. W. LaTourette, 1230 Boatmen's Bank Bldg., St. Louis 2, Mo. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Memphis, Tenn., and Nashville, Tenn., Calhoun City, Clarksdale and Meridian, Miss., between Philadelphia, Miss., and New Orleans, La., between Paris, Tenn., and Como and Bruceton, Tenn., between Atwood and Dover, Tenn., and Nashville, Tenn., between Clarksdale, Miss., and Greenville and Jackson, Miss., between Yazoo City, Miss., and Tutwiler, Miss., and between New Orleans, La., and Meridian, Miss., serving certain intermediate and off-route points; numerous alternate routes for operating convenience only; *petroleum and petroleum products in containers*, from New Orleans, La., to Houston, Aberdeen and Centreville, Miss., serving certain intermediate and off-route points; *canned goods*, between Laurel, Miss., and Biloxi, Miss., serving the intermediate point of Gulfport, Miss.; *canned goods, masonite*, and *mason and masonite supplies*, between Laurel, Miss., and Baton Rouge, La., serving the intermediate point of Columbia, Miss., and the off-route points of Bogalusa and Covington, La.; *cotton*, over irregular routes, from Carthage, Newton and Taylorsville, Miss., to New Orleans, La. VIKING FREIGHT COMPANY is authorized to operate as a *common carrier* in Missouri, Illinois, Arkansas, Tennessee, Indiana, Ohio, Kentucky, Oklahoma and Texas. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 57-1095; Filed, Feb. 12, 1957; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 8, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33243: *Newsprint—Mobile, Ala., to Mississippi.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, and newsprint paper winding cores, carloads, in reverse direction, from Mobile, Ala., to Jackson, McComb and Vicksburg, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 66 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33244: *Iron and steel pipe—Milwaukee, Wis., to Superior, Wis.* Filed by W. J. Prueter, Agent, for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Rates on iron and steel pipe and fittings, carloads from Milwaukee, Wis., to Superior, Wis.

Grounds for relief: Circuitous interstate route meeting competition of direct intrastate route.

Tariff: Supplement 134 to Agent Prueter's tariff I. C. C. A-3910.

FSA No. 33245: *Salt—Louisiana and Texas to Mississippi Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on mine run salt, carloads from Anse La Butte, Avery Island, Carla, Jefferson Island, Winnfield, Weeks, La., and Grand Saline, Tex., to Columbus and Whitbury, Miss.

Grounds for relief: Modified market competition at destinations and circuitous routes.

Tariff: Supplement 86 to Agent Kratzmeir's tariff I. C. C. 3903.

FSA No. 33246: *Crude Rubber—Louisiana and Texas to Muskogee, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, viz., artificial synthetic or neoprene, straight or mixed carloads from Baton Rouge, La., Houston and Odessa, Tex., and other specified points in Louisiana and Texas to Muskogee, Okla.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariffs: Supplement 118 to Agent Kratzmeir's tariff I. C. C. 4025. Supplement 27 to Agent Kratzmeir's tariff I. C. C. 4179.

FSA No. 33247: *Concrete slabs between points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on concrete slabs, building or roofing, carloads, as more fully described in the application, between points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1571.

FSA No. 33248: *Clay between points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from and to specified points in southeastern states including Florida.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 58 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33249: *Fullers earth—Florida and Georgia points to Destrehan, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fullers earth, carloads from Jamieson, Magnet Cove and Quincy, Fla., Attapulgus, Faceville, Quality, and Roddenbery, Ga., to Destrehan, La.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 58 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33250: *Canned or preserved foodstuffs between Chesapeake Western Railway Stations and the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on canned or preserved foodstuffs and related articles, carloads between Chesapeake Western Railway stations in Virginia, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1571.

FSA No. 33251: *Liquefied petroleum gas—Kansas to Salt Lake City, Utah.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Hickok, Hugoton, Stano and Ulysses, Kans., to Salt Lake City, Utah.

Grounds for relief: Circuitous routes.

Tariff: Supplement 68 to Agent Kratzmeir's tariff I. C. C. 4066.

FSA No. 33252: *Lime and plaster—Iron range cities to Breckenridge, Minn.* Filed by The Great Northern Railway Company, for itself and on behalf of the Duluth, Missabe and Iron Range Railway Company. Rates on lime, carloads, and stucco or plaster, carloads from Duluth, Steelton (Duluth), Minn., and Superior, Wis., to Breckenridge, Minn.

Grounds for relief: Circuitous routes.

Tariff: Great Northern Railw: y Company's tariff I. C. C. A-8871.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 57-1092; Filed, Feb. 12, 1957; 8:49 a. m.]

[No. 32089 (Sub. No. 1)]

CALIFORNIA INTRASTATE FREIGHT RATES AND CHARGES AS RELATED TO EX PARTE NO. 206 INCREASES

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 31st day of January A. D. 1957.

It appearing that in Ex Parte No. 206, Increased Freight Rates, Eastern and Western Territories, 1956 (decided December 17, 1956) the Commission authorized carriers subject to the Interstate Commerce Act, parties thereto, to make certain emergency increases in their freight rates and charges for interstate application in Eastern and Western Territories and between points in those territories and Southern Territory, and that increases under such authorizations have been made;

It further appearing that a petition dated December 28, 1956, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad, listed in Appendix A thereof, averring that the Public Utilities Commission of California has failed to authorize or permit increases in rates and charges on intrastate traffic upon their railroads in California corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in Ex Parte No. 206, supra, thereby resulting in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable, and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said peti-

OREN M. SIZER, doing business as SIZER GRAIN SERVICE, 407 Fourth Avenue, SE., Rochester, Minn. Applicant's representative: Claude J. Jasper, One Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen packing-house by-products* and *frozen poultry by-products* not for human consumption and for animal consumption only, from Omaha, Nebr., Sioux City, Waterloo, Council Bluffs, Des Moines, Cedar Rapids, Atlantic, Estherville, and Fort Dodge, Iowa, St. Joseph, Kansas City, and Anderson, Mo., Denver, Colo., and South St. Paul, St. Paul, St. James, Austin, and Albert Lea, Minn., to points in South Dakota, Minnesota, Wisconsin, the Upper Peninsula of Michigan, and Illinois, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-designated destination points to the above-specified origin points.

NOTE: The destination points referred to above are restricted to *fur farms*.

No. MC 113533 (Sub No. 10), filed January 30, 1957, L. B. VINCENT GARDELLA, doing business as GARDELLA'S REFRIGERATED EXPRESS, 1951 East Ferry, Detroit, Mich. Applicant's representative: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products* and *meat byproducts*, from North Walpole, N. H., to Marion, Ohio. Applicant is authorized to conduct operations in Connecticut, Massachusetts, Michigan, New Jersey, New York, Pennsylvania, and Rhode Island.

No. MC 114046 (Sub No. 3), filed December 6, 1956, LEONARD WEST, 308 Wolcott Avenue, Iron Mountain, Mich. Applicant's representative: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Republic, Mich., and St. Ignace, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to transport similar commodities in and through the States of Michigan, Illinois, Missouri, and Wisconsin.

MOTOR CARRIERS OF PASSENGERS

No. MC 116066 (Sub No. 2), filed November 26, 1956, GEORGE WASHINGTON RICKETTS, R. F. D. 1, Federalsburg, Md. Applicant's representative: Francis W. McInerny, Commonwealth Bldg., 1625 K Street, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special operations, between Bridgeville and Greenwood, Del., and points within five (5) miles of each, on the one hand, and, on the other, Federalsburg, Md., and points within five (5) miles of Federalsburg. Issues originally published in the December 19, 1956, issue of the FEDERAL REGISTER. The hearing previously assigned in the application was cancelled upon the filing of verified statements on behalf of applicant.

No. MC 116338, filed December 6, 1956, GRANT BALL, South Millbrook, N. Y. Applicant's representative: John J. Brady, Jr., 75 State St., Albany 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round trip charter operations beginning and ending at Millbrook, N. Y., and extending to points in Massachusetts, Connecticut, Vermont, Rhode Island, New Hampshire and New Jersey, during the season extending from September 10 to June 15 inclusive.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6494, published in the January 16, 1957, issue of the FEDERAL REGISTER on page 339. Amendment filed February 4, 1957, to show transaction as one for *control and merger* in lieu of *control*. The operating rights set forth in the original publication should be corrected to read: "* * * between La Grange, Ga., on the one hand, and, on the other, points in Alabama, and between La Grange, Ga., on the one hand, and, on the other, points in Georgia."

No. MC–F 6504. Authority sought for purchase by DAHLEN TRANSPORT OF IOWA, INC., 875 North Prior Avenue, St. Paul, Minn., of the operating rights and property of JOHN W. DAHLEN, doing business as DAHLEN TRANSPORT COMPANY, 875 North Prior Avenue, St. Paul, Minn., and for acquisition by JOHN W. DAHLEN and EDNA A. DAHLEN, both of St. Paul, of control of such rights and property through the purchase. Applicant's representatives: Gerald L. Phelps and John R. Sims, Jr., both of Munsey Bldg., Washington 4, D. C. Operating rights sought to be transferred: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes from Clear Lake, Iowa, and points within five miles thereof, to certain points in Minnesota. Vendee holds no authority from this Commission, but JOHN W. DAHLEN and EDNA A. DAHLEN are affiliated with DAHLEN TRANSPORT, INC., which is authorized to operate as a *common carrier* in Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6505. Authority sought for control by BOLIN DRIVE-A-WAY CO., 26400 Lakeland Blvd., Cleveland, Ohio, of CENTRAL CAR CARRIERS, INC., 380 Hopkins Street, Buffalo, N. Y., and for acquisition by GLEN O. BOLIN, RHEA I. BOLIN and MARY E. RICE, all of Cleveland, of control of CENTRAL CAR CARRIERS, INC., through the acquisition by BOLIN DRIVE-A-WAY CO. Applicant's representative: Horace L. Taylor, Vice President and General Manager of Bolin Drive-A-Way Co., 26400 Lakeland Blvd., Cleveland 32, Ohio. Operating rights sought to be controlled: *Automobiles*, in truckaway service, as a *common carrier* over irregular routes, from Buffalo, N. Y., Detroit, Mich., and a point on U. S. Highway 24 just north of Toledo, Ohio, where the Michigan-Ohio State line crosses U. S. Highway 24, to New York, N. Y., and Mamaroneck, N. Y., Stroudsburg and Scranton, Pa., and points within 20 miles of Scranton, and points, in Bergen, Hudson, and Passaic Counties, N. J.; *new automobiles, automobile chassis, automobile bodies*, and *parts and accessories* when moving in connection therewith, and *automobile show equipment and paraphernalia, farm and garden tractors*, and *parts and accessories* when moving in connection therewith, from Willow Run, Washtenaw County, Mich., to certain points in New York, Pennsylvania and New Jersey; *new automobiles*, in secondary movements, in driveaway service, during the season of open navigation on the Great Lakes, from Buffalo, N. Y., to points in Connecticut, Massachusetts, New Jersey, New York, and Vermont; *new automobiles*, in secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from Buffalo, N. Y., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Vermont; *automobiles, trucks, chassis, bodies and display paraphernalia and accessories* when moving in connection therewith, in initial movements, in truckaway and driveaway service, from points in Washtenaw County, Mich., to points in Maine, New Hampshire, and Rhode Island, restricted to traffic originating at points in Washtenaw County, Mich.; *automobiles, trucks, chassis, bodies*, and display paraphernalia and accessories when moving in connection therewith, in secondary movements, in truckaway and driveaway service, from Buffalo, N. Y., to points in Maine, New Hampshire, and Rhode Island, restricted to traffic originating at points in Washtenaw County, Mich.; *new automobiles* and *automobile chassis*, in initial movements, in truckaway and driveaway service, and *new automobile bodies*, and *automobile show equipment and paraphernalia* in connection therewith, from points in Washtenaw County, Mich., to points in Connecticut, Massachusetts, New Jersey, New York, and Vermont, and Philadelphia, Pa., and points within 25 miles of Philadelphia. BOLIN DRIVE-A-WAY CO. is authorized to operate as a *common carrier* in all States in the United States and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6506. Authority sought by VIKING FREIGHT COMPANY, 614 South Sixth Street, St. Louis, Mo., to merge the operating rights and property of COOK TRUCK LINES, INC., 25 East Virginia Avenue, Memphis, Tenn., and for acquisition by ELMER WEILBACHER and C. F. WEILBACHER, both of St. Louis, and LEO A. WEILBACHER, of Columbia, Ill., of control of such rights through the transaction. Applicant's representative: B. W. LaTourette, 1230 Boatmen's Bank Bldg., St. Louis 2, Mo. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Memphis, Tenn., and Nashville, Tenn., Calhoun City, Clarksdale and Meridian, Miss., between Philadelphia, Miss., and New Orleans, La., between Paris, Tenn., and Como and Bruceton, Tenn., between Atwood and Dover, Tenn., and Nashville, Tenn., between Clarksdale, Miss., and Greenville and Jackson, Miss., between Yazoo City, Miss., and Tutwiler, Miss., and between New Orleans, La., and Meridian, Miss., serving certain intermediate and off-route points; numerous alternate routes for operating convenience only; *petroleum and petroleum products in containers*, from New Orleans, La., to Houston, Aberdeen and Centreville, Miss., serving certain intermediate and off-route points; *canned goods*, between Laurel, Miss., and Biloxi, Miss., serving the intermediate point of Gulfport, Miss.; *canned goods, masonite*, and *mason and masonite supplies*, between Laurel, Miss., and Baton Rouge, La., serving the intermediate point of Columbia, Miss., and the off-route points of Bogalusa and Covington, La.; *cotton*, over irregular routes, from Carthage, Newton and Taylorsville, Miss., to New Orleans, La. VIKING FREIGHT COMPANY is authorized to operate as a *common carrier* in Missouri, Illinois, Arkansas, Tennessee, Indiana, Ohio, Kentucky, Oklahoma and Texas. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 57–1095; Filed, Feb. 12, 1957; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 8, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33243: *Newsprint—Mobile, Ala., to Mississippi.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, and newsprint paper winding cores, carloads, in reverse direction, from Mobile, Ala., to Jackson, McComb and Vicksburg, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 66 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33244: *Iron and steel pipe—Milwaukee, Wis., to Superior, Wis.* Filed by W. J. Prueter, Agent, for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company. Rates on iron and steel pipe and fittings, carloads from Milwaukee, Wis., to Superior, Wis.

Grounds for relief: Circuitous interstate route meeting competition of direct intrastate route.

Tariff: Supplement 134 to Agent Prueter's tariff I. C. C. A–3910.

FSA No. 33245: *Salt—Louisiana and Texas to Mississippi Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on mine run salt, carloads from Anse La Butte, Avery Island, Carla, Jefferson Island, Winnfield, Weeks, La., and Grand Saline, Tex., to Columbus and Whitbury, Miss.

Grounds for relief: Modified market competition at destinations and circuitous routes.

Tariff: Supplement 86 to Agent Kratzmeir's tariff I. C. C. 3903.

FSA No. 33246: *Crude Rubber—Louisiana and Texas to Muskogee, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, viz., artificial synthetic or neoprene, straight or mixed carloads from Baton Rouge, La., Houston and Odessa, Tex., and other specified points in Louisiana and Texas to Muskogee, Okla.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariffs: Supplement 118 to Agent Kratzmeir's tariff I. C. C. 4025. Supplement 27 to Agent Kratzmeir's tariff I. C. C. 4179.

FSA No. 33247: *Concrete slabs between points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on concrete slabs, building or roofing, carloads, as more fully described in the application, between points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1571.

FSA No. 33248: *Clay between points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from and to specified points in southeastern states including Florida.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 58 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33249: *Fullers earth—Florida and Georgia points to Destrehan, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fullers earth, carloads from Jamieson, Magnet Cove and Quincy, Fla., Attapulgus, Faceville, Quality, and Roddenbery, Ga., to Destrehan, La.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 58 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33250: *Canned or preserved foodstuffs between Chesapeake Western Railway Stations and the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on canned or preserved foodstuffs and related articles, carloads between Chesapeake Western Railway stations in Virginia, on the one hand, and points in southern territory, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 2 to Agent Spaninger's tariff I. C. C. 1571.

FSA No. 33251: *Liquefied petroleum gas—Kansas to Salt Lake City, Utah.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Hickok, Hugoton, Stano and Ulysses, Kans., to Salt Lake City, Utah.

Grounds for relief: Circuitous routes.

Tariff: Supplement 68 to Agent Kratzmeir's tariff I. C. C. 4066.

FSA No. 33252: *Lime and plaster—Iron range cities to Breckenridge, Minn.* Filed by The Great Northern Railway Company, for itself and on behalf of the Duluth, Missabe and Iron Range Railway Company. Rates on lime, carloads, and stucco or plaster, carloads from Duluth, Steelton (Duluth), Minn., and Superior, Wis., to Breckenridge, Minn.

Grounds for relief: Circuitous routes.

Tariff: Great Northern Railway Company's tariff I. C. C. A–8871.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary*.

[F. R. Doc. 57–1092; Filed, Feb. 12, 1957; 8:49 a. m.]

[No. 32089 (Sub. No. 1)]

CALIFORNIA INTRASTATE FREIGHT RATES AND CHARGES AS RELATED TO EX PARTE NO. 206 INCREASES

At a Session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 31st day of January A. D. 1957.

It appearing that in Ex Parte No. 206, Increased Freight Rates, Eastern and Western Territories, 1956 (decided December 17, 1956) the Commission authorized carriers subject to the Interstate Commerce Act, parties thereto, to make certain emergency increases in their freight rates and charges for interstate application in Eastern and Western Territories and between points in those territories and Southern Territory, and that increases under such authorizations have been made;

It further appearing that a petition dated December 28, 1956, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad, listed in Appendix A thereof, averring that the Public Utilities Commission of California has failed to authorize or permit increases in rates and charges on intrastate traffic upon their railroads in California corresponding to those authorized by this Commission and made by petitioners for application on interstate traffic in Ex Parte No. 206, supra, thereby resulting in undue and unreasonable advantage, preference and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable, and unjust discrimination against interstate and foreign commerce, in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said peti-

tion rates and charges made or imposed by authority of the State of California;

And it further appearing that the Public Utilities Commission of California on January 17, 1957, filed an answer to petitioners' petition:

It is ordered, That, in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested parties to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of California, for the intrastate transportation of property, made or imposed by authority of the State of California, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by the Commission for interstate traffic in Ex Parte No. 206, supra, any undue or unreasonable advantage, preference, or prejudice, as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce in violation of section 13 of the Interstate Commerce Act, with the exception of certain commodity and class rates as shown in Appendix A set forth below, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum, rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of California, which are subject to the jurisdiction of this Commission, be, and they are hereby, made respondents to this proceeding, that a copy of this order be served upon each of the said respondents, and that the State of California be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State, and to the Public Utilities Commission of California at San Francisco, Calif.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., for public inspection and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2:

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A—COMMODITY AND CLASS RATES WHICH PETITIONERS, FOR COMPETITIVE AND OTHER REASONS, DO NOT DESIRE TO INCREASE AS THE RESULT OF ITS PETITION DATED DECEMBER 28, 1956

(1) Commodity rates on refined petroleum products in tank cars, taking Column 1-A rates in Pacific Southcoast Freight Bureau Tariff No. 252-D, and now referenced "(X)";

(2) Class and commodity rates now in Pacific Southcoast Freight Bureau Tariff No. 255-F;

(3) The following rates, charges and provisions of Pacific Southcoast Freight Bureau Tariff No. 294:

Item 180, paragraph (b) only;
Items 210, 270, 710, 730, 740 and 760;
All class rates in Section 1 of said tariff;
Items 1700 to 1723, inclusive; 1725; 1730 to 1834, inclusive; 1840, 1850, 1860, 1870 to 1900, inclusive; 1920 to 1955, inclusive; 1970, except rate of 61½ cents; 1980, 1990, 2010, 2030 to 2055, inclusive; 2060, except rate of 48½ cents; 2070 to 2090, inclusive; 2095; 2100; 2110; 2120; 2130, and 2140.

[F. R. Doc. 57-1093 Filed, Feb. 12, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3556]

SOUTHERN CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUE AND SALE OF COMMON STOCK BY PARENT, PURSUANT TO RIGHTS OFFERING, AND ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

FEBRUARY 7, 1957.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company; File No. 70-3556.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), and Georgia Power Company ("Georgia"), both public-utility subsidiaries of Southern, have jointly filed an application-declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicants-declarant have designated sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (c), and 12 (f) of the act and Rules U-42, U-43 and U-50 as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Southern proposes to issue and sell 1,507,304 shares of its authorized but unissued common stock, par value $5 per share ("Additional Common Stock"), and to offer to the holders of its outstanding common stock the right to subscribe for such shares on the basis of one share of Additional Common Stock for each 13 shares of common stock held on the record date. Rights to subscribe will be evidenced by transferable registered Subscription Warrants and no fractional shares of Additional Common Stock are to be issued. Southern will provide facilities through its subscription agent so that rights (not exceeding 12) may be sold or purchased.

The offer of the Additional Common Stock will be underwritten. Southern proposes publicly to invite bids and such invitation will request prospective underwriters, among other things, to agree to purchase any shares not subscribed for as a result of the offering to stockholders and to buy shares purchased by Southern, if any, in connection with stabilizing activities referred to below.

The subscription price per share at which the company proposes to offer the Additional Common Stock to its common stockholders and to underwriters will be determined by Southern. Prospective underwriters who have qualified to bid on the shares of Additional Common stock will be notified of the price per share at least 20 hours prior to the time for the submission of bids. Such price will not be more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 15 percent.

Southern proposes, if it considers it necessary or desirable, to effect transactions which stabilize or maintain the market price of its common stock for the purpose of facilitating the offering and distribution of the Additional Common Stock. In connection therewith, Southern may, during the period commencing with the first business day prior to the date when the price per share is to be determined and continuing until the acceptance of a bid for the Additional Common Stock from underwriters, purchase not in excess of 150,730 shares of its stock through regular brokerage channels.

Southern proposes to apply the proceeds from the sale of the Additional Common Stock to the purchase during 1957 at $100 per share of up to 92,500 additional shares of common stock to be issued by Alabama and up to 197,500 additional shares of common stock to be issued by Georgia. Alabama and Georgia propose to use the proceeds from the sales of their stock to provide a portion of the funds required to complete their initial aggregate $2,000,000 investment in the capital stock of Southern Electric Generating Company, to finance improvements, extensions and additions to their respective utility plants, and, in the case of Georgia, to pay off any bank loans of up to $11,000,000 which may be made in connection with its contemplated purchase of the assets of Georgia Power and Light Company and a transmission line of Florida Power Corporation.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the issuance and sale of the Additional Common Stock by Southern. Applications for authorization to issue and sell additional shares of the common stocks of Alabama and Georgia have been made to the Alabama Public Service Commission and the Georgia Public Service Commission which have jurisdiction over the issuance of securities by public utility companies operating in their respective states.

Notice is further given that any interested persons may, not later than February 27, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon.

Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted or permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 57-1086; Filed, Feb. 12, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-156]

KURSCHNER UND RAUCHWARENFABRIK, A. G.

In re: Debt owing to Kurschner und Rauchwarenfabrik, A. G., F-34-1096.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F.R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, N. Y., arising out of an account in the name of Kurschner und Rauchwarenfabrik, A. G., Kiraly Ucca 35, Budapest VII, Hungary, maintained by the aforesaid company together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Kurschner und Rauchwarenfabrik, A. G., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on February 7, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-1102; Filed, Feb. 12, 1957; 8:51 a. m.]

[Vesting Order SA-157]

HUNGARIAN RUBBER GOODS FACTORY LTD.

In re: Debt owing to Hungarian Rubber Goods Factory Ltd. (Ungarische Gummiwaarenfabriks Aktiengesellschaft); F34-1127.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, N. Y., arising out of a deposit account entitled "Hungarian Rubber Goods Factory Ltd.", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungarian Rubber Goods Factory Ltd., Budapest, Hungary, a national of Hungary as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on February 7, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-1103; Filed, Feb. 12, 1957; 8:51 a. m.]

[Vesting Order SA-158]

HUNGARIAN RUBBER GOODS FACTORY LTD.

Re: Debt owing to Hungarian Rubber Goods Factory Ltd. (Ungarische Gummiwaarenfabriks Aktiengesellschaft); F34-1127.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Meyercord Co., Chicago, Illinois, arising out of the licensing of a United States Patent, No. 1,597,602, by Hungarian Rubber Goods Factory Ltd. to Charles F. Traung of San Francisco, California, who subsequently assigned his interest in the agreement to The Meyercord Co., together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungarian Rubber Goods Factory Ltd., Budapest, Hungary, a national of Hungary as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property

described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on February 7, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-1104; Filed, Feb. 12, 1957; 8:51 a. m.]

FEDERAL REGISTER

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MAIN PERIODICAL ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[945.303, Amdt. 2]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

Order, as amended. The provisions of § 945.303 (b) (1) (22 F. R. 757) are hereby amended to read as follows:

(1) During the period from February 11, 1957, through March 9, 1957, no person shall handle any tomatoes for shipment outside the production area unless such tomatoes are of a diameter greater than 2⅛ inches (size 7 x 7 and larger) and meet the requirements of U. S. Combination, or better, grade, except that tomatoes which are of a diameter greater than 2$^{9}/_{32}$ inches (6 x 7 and larger) may be handled if they meet the requirements of the U. S. No. 2, or better, grade.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 11, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-1149; Filed, Feb. 13, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 3]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.102 is amended by changing caption to read: *"Amber civil airway No. 2 (Daggett, Calif., to Point Barrow, Alaska)"*, and by changing all the portion before Good Springs, Nev., nondirectional radio beacon to read: "From the Daggett, Calif., radio range

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 7, Parts 900–959 ($0.50)
Title 18 ($0.50)
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station via the Good Springs, Nev., nondirectional radio beacon;".

2. Section 600.113 *Amber civil airway No. 13 (Washington, D. C., to New York, N. Y.)*, is revoked.

3. Section 600.114 *Amber civil airway No. 14 (Washington, D. C., to New York, N. Y.)*, is revoked.

4. Section 600.115 *Amber civil airway No. 15 (Washington, D. C., to New York, N. Y.)*, is revoked.

5. Section 600.119 *Amber civil airway No. 19 (Washington, D. C., to New York, N. Y.)*, is revoked.

6. Section 600.313 is added to read:

§ 600.313 *Red civil airway No. 113 (Hawaiian Islands).* From the Makapuu Point, Oahu, T. H., nondirectional radio beacon to the intersection of a line bearing 62° True from the Makapuu Point nondirectional radio beacon with the north course of the Maui, T. H., radio range.

7. Section 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.)*, is amended by changing the last sentence to read: "Those portions of this airway between the point of intersection of the Coyle, N. J., omnirange 203° True and the Woodstown, N. J., omnirange 106° True radials and the point of intersection of the Colts Neck, N. J., omnirange 073° True and the Coyle, N. J., omnirange 031° True radials lying more than 3 miles either side of the center line, and those portions in conflict with the Patuxent Restricted Area (R–43) and the Warren Grove Restricted Area (R–26), are excluded."

8. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Lawrenceville, Va., omnirange station; intersection of the Lawrenceville omnirange 035° True and the Flat Rock omnirange 171° True radials, excluding the portion which overlaps the Camp Pickett restricted area (R–44);" to read: "point of intersection of the Raleigh omnirange 008° True and the South Boston, Va., omnirange 081° True radials;"

9. Section 600.6006 *VOR civil airway No. 6 (Oakland, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "Moline, Ill., omnirange station including a south alternate" to read: "Moline, Ill., omnirange station, including an east alternate via the intersection of the Pueblo omnirange 018° True and the Kiowa omnirange 167° True radials;"

10. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)*, is amended by changing all after the Chicago Heights, Ill., omnirange station to read: "Chicago Heights, Ill., omnirange station, including an east alternate via the intersection of the Lafayette omnirange 353° True and the Chicago Heights omnirange 143° True radials; intersection of the Chicago Heights omnirange 356° True and the Milwaukee omnirange 135° True radials; Milwaukee, Wis., omnirange station, including an east alternate via the intersection of the Chicago Heights omnirange 013° True and the Milwaukee omnirange 135° True radials; to the Green Bay, Wis., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB Restricted Area (R–336) and the Tyndall AFB Warning Area (W–337), are excluded daily between sunset and sunrise."

11. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Moline, Ill., omnirange station, including a south alternate;" to read: "Moline, Ill., omnirange station, including a south alternate via the intersection of the Iowa City omnirange 093° True and the Moline omnirange 230° True radials;"

12. Section 600.6009 *VOR civil airway No. 9 (New Orleans, La., to Milwaukee, Wis.)* is amended by changing all after the Naperville, Ill., omnirange station to read: "Naperville, Ill., omnirange station; point of intersection of the Janesville, Wis., omnirange 098° True and the Milwaukee omnirange 192° True radials; to the Milwaukee, Wis., omnirange station, including a west alternatee via the intersection of the Naperville omnirange tion, including a west alternate via the 317° True and the Milwaukee omnirange 207° True radials."

13. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Appleton, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Appleton omnirange 279° True radials; Wheeling, W. Va., omnirange station, including a north alternate via the point of intersection of the Mansfield, Ohio, omnirange 121° True and the Wheeling omnirange 281° True radials;" to read: "Appleton, Ohio, omnirange station, including a north alternate via the intersection of the Dayton omnirange 060° True and the Appleton omnirange 277° True radials; Wheeling, W. Va., omnirange station, including a north alternate via the point of intersection of the Mansfield, Ohio, omnirange 121° True and the Wheeling omnirange 282° True radials;"

14. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "Kiowa, Colo., omnirange station;" to read: "Kiowa, Colo., omnirange station, including an east alternate via the intersection of the Iowa City omnirange 093° True and the Moline omnirange 230° True radials;"

15. Section 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)* is amended by changing the portion which reads: "Minneapolis, Minn., omnirange station, including a south alternate via the intersection of the Redwood Falls omnirange 076° True and the Minneapolis omnirange 194° True radials; Eau Claire, Wis., omnirange station, including a south alternate;" to read: "Minneapolis, Minn., omnirange station; Eau Claire, Wis., omnirange station, including a south alternate from the Redwood Falls omnirange station to the Eau Claire omnirange station via the point of intersection of the Redwood Falls omnirange 076° True and the Minneapolis omnirange 194° True radials;"

16. Section 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.)* is amended by changing the portion which reads: "Dayton, Ohio, omnirange station, including a west alternate via the intersection of the Cincinnati omnirange 004° True and the Dayton omnirange 227° True radials;" to read: "Dayton, Ohio, omnirange station, including a west alternate from the Cincinnati omnirange station to the Dayton omnirange station via the point of intersection of the Cincinnati omnirange 004° True radial with the Dayton ILS localizer southwest course and the point of intersection of the Dayton ILS localizer southwest course with the Dayton omnirange 202° True radial;"

17. Section 600.6063 *VOR civil airway No. 63 (Waco, Tex., to Milwaukee, Wis.)* is amended by changing all after the Burlington; Iowa, omnirange station to read: "Burlington, Iowa, omnirange station; intersection of the Burlington omnirange 015° True and the Janesville omnirange 239° True radials; Janesville, Wis., omnirange station; to the Milwaukee, Wis., omnirange station."

18. Section 600.6075 is amended to read:

§ 600.6075 *VOR civil airway No. 75 (Petersburg, W. Va., to Cleveland, Ohio).* From the point of intersection of the Morgantown, W. Va., omnirange 134° True and the Elkins, W. Va., omnirange 083° True radials via the Morgantown, W. Va., omnirange station; Wheeling, W. Va., omnirange station; to the Cleveland, Ohio, omnirange station.

19. Section 600.6084 is amended to read:

§ 600.6084 *VOR civil airway No. 84 (Shabbona, Ill., to Buffalo, N. Y.).* That airspace over United States territory from the point of intersection of the Moline, Ill., omnirange 068° True and the Wheeling omnirange 238° True radials via the Wheeling, Ill., omnirange station; Pullman, Mich., omnirange station; Lansing, Mich., omnirange station; Selfridge, Mich., omnirange station; London, Ont., omnirange station; to the Buffalo, N. Y., omnirange station.

20. Section 600.6092 *VOR civil airway No. 92 (Chicago, Ill., to Washington, D. C.)* is amended by changing the portion which reads: "From the Chicago Heights, Ill., omnirange station via the Goshen, Ind., omnirange station;" to read: "From the Joliet, Ill., omnirange station via the Chicago Heights, Ill., omnirange station; Goshen, Ind., omnirange station;"

21. Section 600.6093 is amended by changing the caption to read, "*VOR civil airway No. 93 (Baltimore, Md., to Presque Isle, Maine)*" and by changing all before the Allentown, Pa., omnirange station to read: "That airspace over United States territory from the Baltimore, Md., omnirange station via the intersection of the Baltimore omnirange 015° True and Allentown omnirange 228° True radials; Allentown, Pa., omnirange station;"

22. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Alexandria, Minn.)* is amended by changing the portion which reads: "Chicago Heights, Ill., omnirange station; intersection of the Chicago Heights omnirange 342° True and the Janesville omnirange 107° True radials; Janesville, Wis., omnirange station; Lone Rock, Wis., omnirange station, including a west alternate via the intersection of the Janesville omnirange 282° True and the Lone Rock omnirange 161° True radials;" to read: "to the Chicago Heights, Ill., omnirange station. From the point of intersection of the Janesville omnirange 098° True and the Milwaukee, Wis., omnirange 192° True radials via the Janesville, Wis., omnirange station; intersection of the Janesville omnirange 294° True and the Lone Rock omnirange 147° True radials; Lone Rock, Wis., omnirange station;"

23. Section 600.6099 *VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia)* is amended by changing the portion which reads: "intersection of the Newberg omnirange 359° True and the Olympia omnirange 184° True radials;" to read: "intersection of the Newberg omnirange 355° True and the Olympia omnirange 195° True radials;"

24. Section 600.6100 is amended to read:

§ 600.6100 *VOR civil airway No. 100 (North Platte, Nebr., to Detroit, Mich.).* From the North Platte, Nebr., omnirange station via the Sioux City, Iowa, omnirange station; Waterloo, Iowa, omnirange station; intersection of the Waterloo omnirange 097° True and the Polo omnirange 297° True radials; to the Polo, Ill., omnirange station. From the Rockford, Ill., omnirange station via the Wheeling, Ill., omnirange station; intersection of the Wheeling omnirange 063° True and the Keeler omnirange 271° True radials; Keeler, Mich., omnirange station; point of intersection of the Litchfield, Mich., omnirange 050° True and the Salem omnirange 257° True radials; to the Salem, Mich., omnirange station. The portion of this airway below 1900 feet MSL which overlaps the Savanna restricted area (R–498) is excluded.

25. Section 600.6103 is amended to read:

§ 600.6103 *VOR civil airway No. 103 (Greensboro, N. C., to Cleveland, Ohio).* From the Greensboro, N. C., omnirange

station via the Roanoke, Va., terminal omnirange station; Elkins, W. Va., omnirange station; Wheeling, W. Va., omnirange station; point of intersection of the Wheeling omnirange 313° True and the Mansfield, Ohio, omnirange 100° True radials; point of intersection of the Mansfield, Ohio, omnirange 100° True and the Cleveland omnirange 150° True radials; to the Cleveland, Ohio, omnirange station.

26. Section 600.6107 *VOR civil airway No. 107 (Los Angeles, Calif., to Red Bluff, Calif.)* is amended by changing all before the Fillmore, Calif., omnirange station to read: "From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station;"

27. Section 600.6123 is amended to read:

§ 600.6123 *VOR civil airway No. 123 (Washington, D. C., to Wilton, Conn.).* From the Washington, D. C., terminal omnirange station via the Baltimore, Md., LF radio range station; point of intersection of the Baltimore LF radio range north course and the Baltimore, Md., omnirange 045° True radial; point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials; Woodstown, N. J., omnirange station; point of intersection of the Woodstown omnirange 045° True and the Coyle, N. J., omnirange 354° True radials; point of intersection of the Idlewild, N. Y., omnirange 236° True radial and the La Guardia Airport, N. Y., ILS localizer south course; La Guardia Airport, N. Y., ILS localizer; to the Wilton, Conn., omnirange station. The portion of this airway which overlaps the Washington Prohibited Area (P–56) is excluded.

28. Section 600.6129 is amended to read:

§ 600.6129 *VOR civil airway No. 129 (Rockford, Ill., to Eau Claire, Wis.).* From the Rockford, Ill., omnirange station via the intersection of the Rockford omnirange 276° True and the Lone Rock omnirange 183° True radials; Lone Rock, Wis., omnirange station; La Crosse, Wis., omnirange station; to the Eau Claire, Wis., omnirange station.

29. Section 600.6155 is amended to read:

§ 600.6155 *VOR civil airway No. 155 (Raleigh, N. C., to Front Royal, Va.).* From the Raleigh, N. C., omnirange station via the Lawrenceville, Va., omnirange station; intersection of the Lawrenceville omnirange 035° True and the Flat Rock omnirange 171° True radials; Flat Rock, Va., omnirange station; Gordonsville, Va., omnirange station; point of intersection of the Washington, D. C., terminal omnirange 249° True and the Front Royal omnirange 140° True radials; to the Front Royal, Va., omnirange station. The portion of this airway which overlaps the Camp Pickett Restricted Area (R–44) is excluded.

30. Section 600.6171 is amended to read:

§ 600.6171 *VOR civil airway No. 171 (Louisville, Ky., to Lone Rock, Wis.).* From the Louisville, Ky., omnirange station via the Scotland, Ind., omnirange station; Terre Haute, Ind., omnirange station; Peotone, Ill., omnirange station; Joliet, Ill., omnirange station; Rockford, Ill., omnirange station; to the Lone Rock, Wis., omnirange station.

31. Section 600.6172 is amended to read:

§ 600.6172 *VOR civil airway No. 172 (Des Moines, Iowa, to Chicago, Ill.).* From the Des Moines, Iowa, omnirange station via the Cedar Rapids, Iowa, omnirange station; Polo, Ill., omnirange station; to the Chicago, Ill., International (O'Hare) Airport terminal omnirange station.

32. Section 600.6173 is amended to read:

§ 600.6173 *VOR civil airway No. 173 (Springfield, Ill., to Chicago, Ill.).* From the Springfield, Ill., omnirange station via the Roberts, Ill., omnirange station; point of intersection of the Roberts omnirange 008° True and the Joliet, Ill., omnirange 056° True radials; to the Chicago, Ill., Midway Airport terminal omnirange station.

33. Section 600.6177 is amended to read:

§ 600.6177 *VOR civil airway No. 177 (Chicago, Ill., to Janesville, Wis.).* From the Naperville, Ill., omnirange station to the Janesville, Wis., omnirange station.

34. Section 600.6187 *VOR civil airway No. 187 (Chicago, Ill., to Milwaukee, Wis.)* is revoked.

35. Section 600.6191 *VOR civil airway No. 191 (Walnut Ridge, Ark., to Milwaukee, Wis.)*, is amended by changing the portion which reads: "intersection of the Roberts omnirange 012° True and the Chicago Midway Airport terminal omnirange 198° True radials;" to read: "point of intersection of the Roberts omnirange 008° True and the Joliet, Ill., omnirange 056° True radials;"

36. Section 600.6193 is amended to read:

§ 600.6193 *VOR civil airway No. 193 (Fort Wayne, Ind., to Traverse City, Mich.).* From the Fort Wayne, Ind., omnirange station via the Keeler, Mich., omnirange station; Pullman, Mich., omnirange station; Grand Rapids, Mich., ILS outer marker; White Cloud, Mich., omnirange station; to the Traverse City, Mich., LF radio range station.

37. Section 600.6209 is amended to read:

§ 600.6209 *VOR civil airway No. 209 (Los Angeles, Calif., to Paso Robles, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 287° True and the Fillmore omnirange 163° True radials; Fillmore, Calif., omnirange station; to the Paso Robles, Calif., omnirange station.

38. Section 600.6217 is amended to read:

§ 600.6217 *VOR civil airway No. 217 (Chicago, Ill., to Green Bay, Wis.).* From the Chicago, Ill., International (O'Hare) Airport terminal omnirange station via the point of intersection of the Chicago Heights, Ill., omnirange 358° True and the Milwaukee omnirange 135° True radials; point of intersection of the Milwaukee omnirange 135° True radial and the Milwaukee (General Mitchell Field) ILS localizer front course; Milwaukee, Wis. (General Mitchell Field) ILS localizer; intersection of the Milwaukee (General Mitchell Field) ILS localizer back course and the Green Bay omnirange 165° True radial; to the Green Bay, Wis., omnirange station.

39. Section 600.6218 *VOR civil airway No. 218 (Chicago, Ill., to Flint, Mich.)* is amended by changing the portion which reads: "From the point of intersection of the Naperville omnirange 296° True and the Polo, Ill., 085° True radials" to read: "From the point of intersection of the Rockford, Ill., omnirange 132° True and the Naperville, Ill., omnirange 292° True radials."

40. Section 600.6219 *VOR civil airway No. 219 (Janesville, Wis., to Milwaukee, Wis.)* is revoked.

41. Section 600.6233 is amended to read:

§ 600.6233 *VOR civil airway No. 233 (Springfield, Ill., to Cedar Rapids, Iowa).* From the Springfield, Ill., omnirange station via the Peoria, Ill., omnirange station; Bradford, Ill., omnirange station; Moline, Ill., omnirange station; to the Cedar Rapids, Iowa, omnirange station.

42. Section 600.6255 is added to read:

§ 600.6255 *VOR civil airway No. 255 (Burlington, Iowa, to Janesville, Wis.).* From the Burlington, Iowa, omnirange station via the intersection of the Burlington omnirange 034° True and the Moline omnirange 199° True radials; Moline, Ill., omnirange station; Rockford, Ill., omnirange station; to the Janesville, Wis., omnirange station.

43. Section 600.6262 is added to read:

§ 600.6262 *VOR civil airway No. 262 (Bradford, Ill., to Chicago, Ill.).* From the Bradford, Ill., omnirange station via the Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

44. Section 600.6263 is added to read:

§ 600.6263 *VOR civil airway No. 263.* [Unassigned].

45. Section 600.6264 is added to read:

§ 600.6264 *VOR civil airway No. 264 (Ontario, Calif., to Giant Rock, Calif.).* From the Ontario, Calif., omnirange station to the point of intersection of the Ontario omnirange 061° True and the Daggett, Calif., omnirange 160° True radials.

46. Section 600.625 is added to read:

§ 600.6265 *VOR civil airway No. 265.* [Unassigned].

47. Section 600.6266 is added to read:

§ 600.6266 *VOR civil airway No. 266 (South Boston, Va., to Lawrenceville, Va.).* From the South Boston, Va., omnirange station to the Lawrenceville, Va., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., March 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–1118; Filed, Feb. 13, 1957; 8:45 a. m.]

[Amdt. 3]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.102 is amended by changing the caption to read: *"Amber civil airway No. 2 control areas (Daggett, Calif., to Point Barrow, Alaska)."*

2. Section 601.113 *Amber civil airway No. 13 control areas (Washington, D. C., to New York, N. Y.)*, is revoked.

3. Section 601.114 *Amber civil airway No. 14 control areas (Washington, D. C., to New York, N. Y.)*, is revoked.

4. Section 601.115 *Amber civil airway No. 15 control areas (Washington, D. C., to New York, N. Y.)*, is revoked.

5. Section 601.119 *Amber Civil airway No. 19 control areas (Washington, D. C., to New York, N. Y.)*, is revoked.

6. Section 601.313 is added to read:

§ 601.313 *Red civil airway No. 113 control areas (Hawaiian Islands).* All of Red civil airway No. 113.

7. Section 601.1025 is amended to read:

§ 601.1025 *Control area extension (New Orleans, La.).* That airspace in the northwest quadrant of the New Orleans radio range lying within a 35 mile radius of the radio range station; in the southwest quadrant of the radio range bounded on the north by Green civil airway No. 6, on the west by Long. 91°05'00", on the south by Lat. 29°15'00" and on the east by Amber civil airway No. 5; in the southeast quadrant of the radio range bounded on the west by the south course of the New Orleans radio range, on the south and east by the United States shoreline and on the north by Red civil airway No. 30; that airspace northeast of New Orleans bounded by a line beginning at a point on the eastern boundary of Amber civil airway No. 5 at Lat. 31°15'00", thence southeast to Lat. 31°00'00", Long. 89°45'00", thence east to Lat. 31°00'00", Long. 89°00'00", thence north to Lat. 31°15'00", Long. 89°00'00", thence east to Lat. 31°15'00", Long. 88°00'00", thence south along Long. 88°00'00" to the north boundary of Green civil airway No. 6, thence west along the north boundary of Green 6 to Amber civil airway No. 5, thence north along the east boundary of Amber 5 to point of beginning at Lat. 31°15'00", excluding the airspace lying between VOR civil airway No. V–20 and V–20N bounded on the southwest by the northern shoreline of Lake Ponchartrain and on the northeast by the Biloxi, Miss., control area extention.

8. Section 601.1030 *Control area extension (Victorville, Calif.)*, is amended in first portion by changing the words which read: "and on the southeast by Amber civil airway No. 2" to read: "and on the southeast by VOR civil airway No. 21."

9. Section 601.1041 *Control area extension (Boise, Idaho)*, is amended by adding the following portion to present control area extension: "and that airspace northeast of Boise lying within a 25 mile radius of the Boise radio range station bounded on the southwest by Green civil airway No. 10."

10. Section 601.1050 *Control area extension (Bakersfield, Calif.)*, is amended by changing the words which read: "bounded on the northeast by VOR civil airway No. 137" to read: "bounded on the northeast by VOR civil airway No. 165".

11. Section 601.1071 *Control area extension (Burbank, Calif.)*, is amended in first portion by deleting the words which read: "on the southeast by Amber civil airway No. 2".

12. Section 601.1073 is amended to read:

§ 601.1073 *Control area extension (Fresno, Calif.).* The airspace west of Fresno lying within a 35 mile radius of the Fresno Air Terminal bounded on the east by VOR civil airway No. 23; the airspace between Bakersfield-Fresno-Modesto, Calif., bounded on the southwest by VOR civil airway No. 23, on the northwest by VOR civil airway No. 28, and on the northeast and southeast by a line beginning at a point at Lat. 38°20'00", Long. 120°22'00", extending to a point at Lat. 38°20'00", Long. 120°20'00", thence to a point at Lat. 37°50'00", Long. 120°00'00", thence to a point at Lat. 36°00'00", Long. 118°48'00", thence to the Bakersfield, Calif., omnirange station.

13. Section 601.1101 is amended to read:

§ 601.1101 *Control area extension (Madison, Wis.).* That airspace south of Madison bounded on the north by VOR civil airway No. 2, on the southeast by VOR civil airway No. 63 and on the southwest and west by VOR civil airway No. 97.

14. Section 601.1188 is amended to read:

§ 601.1188 *Control area extension (Milwaukee, Wis.).* The airspace within a 20 mile radius of General Mitchell Field, including the airspace south of Milwaukee bounded on the northeast and east by VOR civil airway No. 217, on the south by VOR civil airway 172 and on the west by VOR civil airway No. 9.

15. Section 601.1192 *Control area extension (Merced, Calif.)*, is amended by changing the portion which reads: "on the south by VOR civil airway No. 100," to read: "on the south by VOR civil airway No. 199,".

16. Section 601.1216 *Control area extension (New Orleans, La.)*, is amended by changing the name of the facility "Callender La., nondirectional radio beacon" to read: "Belle Chasse, La., nondirectional radio beacon".

17. Section 601.1237 is amended to read:

§ 601.1237 *Control area extension (Waco, Tex.).* That airspace in the west quadrant of the Waco radio range lying within a 40-nautical mile radius of the radio range station extending clockwise from Amber civil airway No. 4 to Blue civil airway No. 70 excluding the portion which overlaps restricted areas R–219 and R–343.

18. Section 601.1242 *Control area extension (Stockton, Calif.)*, is amended by deleting the words which read: "excluding the portion which overlaps the Antioch restricted area."

19. Section 601.1268 is amended to read:

§ 601.1268 *Control area extension (Sioux Falls, S. Dak.).* That airspace southeast of Sioux Falls within a 15 mile radius of the Sioux Falls omnirange station extending clockwise from the southern boundary of VOR civil airway No. 80 to the eastern boundary of VOR civil airway No. 15; that airspace within a 23 mile radius of the Sioux Falls omnirange station extending from the western boundary of VOR civil airway No. 15 south of Sioux Falls thence clockwise to the northern boundary of VOR civil airway No. 80.

24. Section 601.1418 is added to read:

§ 601.1418 *Control area extension (Hoquiam, Wash.).* That airspace centered on the 234° True radial of the Hoquiam omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Seattle Oceanic Control Area, excluding the portion which conflicts with Warning Area W–460 and excluding the portion above 14,500 feet which lies beneath and which conflicts with restricted area R–241.

21. Section 601.1419 is added to read:

§ 601.1419 *Control area extension (Newport, Oreg.).* That airspace centered on the 237° True radial of the Newport omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the centerline and extending to the eastern boundary of the Seattle Oceanic Control Area, excluding the portion which conflicts with Warning Area W–242.

22. Section 601.1420 is added to read:

§ 601.1420 *Control area extension (North Bend, Oreg.).* That airspace centered on the 239° True radial of the North Bend omnirange, 10 miles in width at the omnirange station with each edge diverging at an angle of 5° with the

centerline and extending to the eastern boundary of the Oceanic Control Area.

23. Section 601.1421 is added to read:

§ 601.1421 *Control area extension (Goldsboro, N. C.).* That airspace within a 25 mile radius of the Seymour-Johnson AFB, Goldsboro, N. C., bounded on the east by VOR civil airway No. 157.

24. Section 601.1984 *Five mile radius zones* is amended by adding the following airport: Goldsboro, N. C.: Seymour-Johnson AFB.

25. Section 601.2037 is amended to read:

§ 601.2037 *San Angelo, Tex., control zone.* Within a 10 mile radius of Mathis Field and within a 5 mile radius of Goodfellow AFB, San Angelo, Tex., within 2 miles either side of the southeast course of the San Angelo radio range extending from the radio range station to a point 10 miles southeast within 2 miles either side of the northeast course of the radio range extending from the radio range station to a point 10 miles northeast, and within 2 miles either side of the 72° True radial of the San Angelo omnirange extending to a point 10 miles northeast of the omnirange station.

26. Section 601.2121 is amended to read:

§ 601.2121 *Rockford, Ill., control zone.* Within a 5 mile radius of the Greater Rockford Airport, within 2 miles either side of a line bearing 182° True extending from the Rockford radio range station to the Greater Rockford Airport, within 2 miles either side of the northwest course of the Rockford radio range extending from the radio range station to a point 10 miles northwest, within 2 miles either side of a line extending from the Greater Rockford Airport through the Rockford nondirectional radio beacon to a point 12 miles south of the nondirectional radio beacon, and within 2 miles either side of the 112° True and 292° True radials of the Rockford omnirange station extending from the 5 mile radius zone to a point 12 miles northwest of the omnirange station.

27. Section 601.4102 is amended by changing the caption to read: "*Amber civil airway No. 2 (Daggett, Calif., to Point Barrow, Alaska).*" and by deleting the reporting point which reads: "The intersection of the southwest course of the Long Beach, Calif., radio range and the south course of the Los Angeles, Calif., radio range;".

28. Section 601.4265 is amended to read:

§ 601.4265 *Red civil airway No. 65 (Los Angeles, Calif., to Hayfield Lake, Calif.).* The intersection of the south course of the Los Angeles, Calif., radio range and the southwest course of the Long Beach, Calif., radio range.

29. Section 601.4313 is added to read:

§ 601.4313 *Red civil airway No. 113 (Hawaiian Islands).* No reporting point designation.

30. Section 601.6019 is amended to read:

§ 601.6019 *VOR civil airway No. 19 control areas (El Paso, Tex., to Great Falls, Mont.).* All of VOR civil airway No. 19 including east alternates.

31. Section 601.6063 is amended to read:

§ 601.6063 *VOR civil airway No. 63 control areas (Waco, Tex., to Milwaukee, Wis.).* All of VOR civil airway No. 63.

32. Section 601.6075 is amended to read:

§ 601.6075 *VOR civil airway No. 75 control areas (Petersburg, West Virginia, to Cleveland, Ohio).* All of VOR civil airway No. 75.

33. Section 601.6084 is amended to read:

§ 601.6084 *VOR civil airway No. 84 control areas (Shabonna, Ill., to Buffalo, N. Y.).* All of VOR civil airway No. 84.

34. Section 601.6093 is amended to read:

§ 601.6093 *VOR civil airway No. 93 control areas (Baltimore, Md., to Presque Isle, Me.).* All of VOR civil airway No. 93.

35. Section 601.6103 is amended to read:

§ 601.6103 *VOR civil airway No. 103 control areas (Greensboro, N. C., to Cleveland, Ohio).* All of VOR civil airway No. 103.

36. Section 601.6123 is amended to read:

§ 601.6123 *VOR civil airway No. 123 control areas (Washington, D. C., to Wilton, Conn.).* All of VOR civil airway No. 123.

37. Section 601.6129 is amended to read:

§ 601.6129 *VOR civil airway No. 129 control areas (Rockford, Ill., to Eau Claire, Wisconsin).* All of VOR civil airway No. 129.

38. Section 601.6155 is amended to read:

§ 601.6155 *VOR civil airway No. 155 control areas (Raleigh, N. C., to Front Royal, Va.).* All of VOR civil airway No. 155.

39. Section 601.6171 is amended to read:

§ 601.6171 *VOR civil airway No. 171 control areas (Louisville, Ky., to Lone Rock, Wis.).* All of VOR civil airway No. 171.

40. Section 601.6172 is amended to read:

§ 601.6172 *VOR civil airway No. 172 control areas (Des Moines, Iowa, to Chicago, Ill.).* All of VOR civil airway No. 172.

41. Section 601.6177 is amended to read:

§ 601.6177 *VOR civil airway No. 177 control areas (Chicago, Ill., to Janesville, Wis.).* All of VOR civil airway No. 177.

42. Section 601.6187 *VOR civil airway No. 187 control areas (Chicago, Ill., to Milwaukee, Wis.)* is revoked.

43. Section 601.6193 is amended to read:

§ 601.6193 *VOR civil airway No. 193 control areas (Fort Wayne, Ind., to Traverse City, Mich.).* All of VOR civil airway No. 193.

44. Section 601.6219 *VOR civil airway No. 219 control areas (Janesville, Wis., to Milwaukee, Wis.)* is revoked.

45. Section 601.6233 is amended to read:

§ 601.6233 *VOR civil airway No. 233 control areas (Springfield, Ill., to Cedar Rapids, Iowa).* All of VOR civil airway No. 233.

46. Section 601.6255 is added to read:

§ 601.6255 *VOR civil airway No. 255 control areas (Burlington, Iowa, to Janesville, Wis.).* All of VOR civil airway No. 255.

47. Section 601.6262 is added to read:

§ 601.6262 *VOR civil airway No. 262 control areas (Bradford, Ill., to Chicago, Ill.).* All of VOR civil airway No. 262.

48. Section 601.6263 is added to read:

§ 601.6263 *VOR civil airway No. 263 control areas.* [Unassigned.]

49. Section 601.6264 is added to read:

§ 601.6264 *VOR civil airway No. 264 control areas (Ontario, Calif., to Giant Rock, Calif.).* All of VOR civil airway No. 264.

50. Section 601.6265 is added to read:

§ 601.6265 *VOR civil airway No. 265 control areas.* [Unassigned.]

51. Section 601.6266 is added to read:

§ 601.6266 *VOR civil airway No. 266 control areas (South Boston, Va., to Lawrenceville, Va.).* All of VOR civil airway No. 266.

52. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Roscoe Intersection: The intersection of the Appleton, Ohio, omnirange 085° True and the Mansfield, Ohio, omnirange 149° True radials.

Annawan Intersection: The intersection of the Iowa City, Iowa, omnirange 093° True radial, the Moline, Ill., omnirange 139° True radial and the Moline, Ill., ILS localiser back course.

Cedar Rapids, Iowa, omnirange station.

Rockford, Ill., omnirange station.

by revoking the following reporting points:

Adamsville Intersection: The intersection of the Appleton, Ohio, omnirange 085° True and the Mansfield, Ohio, omnirange 149° True radials.

Cedar Rapids Intersection: The intersection of the Polo, Ill., omnirange 268° True and the Iowa City, Iowa, omnirange 349° True radials (Cedar Rapids, Iowa, nondirectional radio beacon).

and by changing the following reporting point to read:

New Braunfels Intersection: The intersection of the San Antonio, Tex., omnirange 074° True and the Austin, Tex., omnirange 207° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., March 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1119; Filed, Feb. 13, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54303]

PART 1—CUSTOMS DISTRICTS AND PORTS

EXTENSION OF LIMITS OF CUSTOMS PORT OF PHILADELPHIA, PA.

FEBRUARY 7, 1957.

By virtue of the authority vested in the President by section 1 of the act of August 1, 1914, 38 Stat. 623 (19 U. S. C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR 1951 Supp., Chapter II), the limits of the customs port of entry of Philadelphia, Pennsylvania, the headquarters port of Customs Collection District No. 11 (Philadelphia), comprising the territory within the corporate limits of that city and Camden and Gloucester City, New Jersey, the territory described in Executive Order No. 7840, published in T. D. 49472, and the territory described in T. D. 53738, are hereby further extended to include the territory embracing Darby Township and Folcroft Borough, Delaware County, State of Pennsylvania, effective upon the date of publication of this Treasury decision in the FEDERAL REGISTER.

Section 1.1 (c), Customs Regulations, is amended by deleting "and" preceding "T. D. 53738," and by adding "and T. D. 54303" after that number, within the parentheses, opposite "PHILADELPHIA, PA." in the column headed "Ports of Entry" in District No. 11 (Philadelphia).

(R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended; 19 U. S. C. 1, 2)

[SEAL] DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-1146; Filed, Feb. 13, 1957; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF ETHYLENE OXIDE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of ethylene oxide in or on whole spices.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.151 *Tolerance for residues of ethylene oxide.* A tolerance of 50 parts per million is established for residues of ethylene oxide in or on whole spices.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: February 8, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1148; Filed, Feb. 13, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

FEDERAL POWER COMMISSION

[18 CFR Parts 101, 141]

[Docket No. R-159]

UNIFORM SYSTEM OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND ANNUAL REPORT FORM NO. 1 RESPECTING TREATMENT OF DEFERRED TAXES ON INCOME

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 8, 1957.

1. Notice is hereby given of proposed rule making in the above entitled matters.

2. It is proposed to amend Parts 101 and 141 of the Commission's general rules and regulations (18 CFR, Chapter I, Subchapter C and D, Parts 101 and 141) entitled Uniform System of Accounts Prescribed for Public Utilities and Licensees subject to the Provisions of the Federal Power Act, as well as Annual Report Form No. 1, by adding new Accounts designated as §§ 101.259, 101.259-1, 101.259-2, 101.259-3, as well as §§ 101.507A and 101.507B and adding a Schedule entitled Reserve for Deferred Taxes on Income[1] to Annual Report Form No. 1 (§ 141.1), as shown by the accompanying proposals related to accounting and reporting for Federal income taxes resulting from accelerated amortization and liberalized depreciation.

3. In our notice, in the proceedings designated Docket No. R-126 published in FEDERAL REGISTER, June 27, 1953 (18 F. R. 3698), initial consideration was invited as to proposed amendments pertaining to accounting and reporting for Federal income taxes resulting from accelerated amortization applicable to both natural gas companies and public utilities and licensees. Our order No. 171 in Docket No. R-126, published in FEDERAL REGISTER, April 27, 1950 (19 F. R. 2450), reserved for future disposition the amendments to Uniform System of Accounts Prescribed for Public Utilities and Licensees and Annual Report Form No. 1, pertaining to accounting and reporting of Federal income taxes resulting from accelerated amortization. The accompanying proposals are intended to make such disposition, as well as provide for liberalized depreciation in both the Uniform System of Accounts prescribed for Public Utilities and Licensees and Annual Report Form No. 1.

4. The accompanying amendments to the Commission's Uniform System of Accounts prescribed for Public Utilities and Licensees, and the Schedule to be added to Annual Form No. 1, are proposed to be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 3 (13), 4 (b) and (c), 301 (a), 304 (a), 309 and 311 thereof (49 Stat. 838, 839, 854, 855, 858, 859); (16 U. S. C. 796 (13), 797 (b) and (c), 825c (a), 825c (h) and 825j.)

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., not later than April 1, 1957, data, views, comments, and suggestions, in writing, concerning the proposed accompanying amendments to the Uniform System of Accounts prescribed for Public Utilities and Licensees, and to the Annual Report Form No. 1. An

[1] Filed as part of the original document.

original and nine copies should be filed of any such submittals. The Commission will consider these written submittals before acting upon the proposed amendments.

[SEAL] J. H. GUTRIDE,
Secretary.

§ 101.259 *Reserve for deferred taxes on income.* The subaccounts below are provided for the use of Public Utilities and Licensees which (a) have filed with the Commission, copy of an order of other authorization by a state public service commission having jurisdiction, authorizing accounting for deferred taxes on income, (b) in the absence of necessity of authorization by a state public service commission having jurisdiction, have filed with the Commission a statement of proposed plan of accounting for deferred taxes on income, or (c) which have obtained authorization of the Commission for use of subaccount 259.3 relating to deferred tax accounting other than with respect to accelerated amortization or liberalized depreciation.

§ 101.259–1 *Reserve for deferred taxes on income—accelerated amortization.* (a) This account shall be credited and account 507–A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of accelerated (5-year) amortization of certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code of 1954 (section 124A of previous Internal Revenue Code), as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate service life expectancy for such property.

(b) This account shall be debited and account 507–B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of certified defense facilities instead of nonaccelerated depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to account 507–B shall, in general, represent the effect on taxes payable for the current year of the unavailability of a depreciation deduction for tax purposes, or a reduced amount, with respect to any depreciable property for which accelerated amortization was used in prior years, as compared to the depreciation deduction which otherwise would be available and appropriate for such property, considering its service life expectancy, according to the depreciation method ordinarily used by the utility for similar property in computing depreciation for tax purposes by a nonaccelerated or nonliberalized depreciation method applied over the entire service life of the property.

(c) Records with respect to entries to this account, as described in this section, and the reserve balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the facilities of each certification or authorization for accelerated amortization for tax purposes.

(d) The use of this account and the accounting described in this section are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though accelerated amortization is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any certified defense facilities, the accounting shall not be suspended or discontinued on the property covered by that certificate, without approval of the Commission, and shall be carried out fully as provided by the text of this account.

(e) The utility is restricted in its use of this account to the purposes set forth in this section. It shall not transfer the reserve or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any certified defense facility for which deferred tax accounting has been followed, after retirement of such facility or major part thereof, or expiration of the service life on which the deferred tax calculations were based, shall be reported to the Commission and disposed of as the Commission may authorize or direct.

§ 101.259–2 *Reserve for deferred taxes on income—liberalized depreciation.* (a) This account shall be credited and account 507A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the use of liberalized depreciation in computing such taxes, as permitted by section 167 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes for similar property of the same service life expectancy according to the straight line or other nonliberalized method of depreciation.

(b) This account shall be debited and account 507–B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of liberalized depreciation for income tax purposes, and deferral of taxes in such prior years as described in paragraph (a) of this section. Such debit to this account and credit to account 507–B, shall, in general, represent the effect on taxes payable for the current year of the smaller amount of depreciation permitted for tax purposes for the current year with respect to any depreciable property for which liberalized depreciation was used in prior years, as compared to the depreciation deduction otherwise appropriate and available for similar property of the same service life expectancy according to the straight line or other nonliberalized depreciation method ordinarily used by the utility in computing depreciation for tax purposes.

(c) Records with respect to entries to this account, as decribed in this section, and reserve balance, shall be so maintained as to show the factors of calculation and the separate amounts applicable to the plant balances of each vintage year for each class, group, or unit as to which different liberalized depreciation methods and service life expectancies have been used.

(d) The use of this account and the accounting described in this section are not mandatory for any utility, which in accordance with a consistent policy, elects not to follow deferred tax accounting even though liberalized depreciation is used in computing taxes on income. If, however, deferred tax accounting is initiated with respect to any property the accounting shall not be discontinued on that property, without approval of the Commission, and shall be carried out fully as provided by the text of this account.

(e) The utility is restricted in its use of this account to the purposes set forth in this section. It shall not transfer the reserve or any portion thereof to surplus or make any use thereof except as provided in the text of this account without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to any year's plant additions or subdivisions thereof for which liberalized depreciation accounting has been followed after retirement of said additions or major part thereof, or after expiration of the service life on which the depreciation calculations for tax purposes are based, shall be reported to the Commission and disposed of as the Commission may authorize or direct.

§ 101.259–3 *Reserve for deferred taxes on Income—Other.* (a) This account, when its use has been authorized or directed by the Commission for specific types of tax deferrals shall be credited and account 507–A, Provision for Deferred Taxes on Income, shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of the current use in computing taxes on income of deductions, other than accelerated amortization or liberalized depreciation, which for general accounting purposes will not be fully reflected in the utility's determination of annual net income until subsequent years.

(b) This account, when its use has been authorized or directed by the Commission, shall be debited and account 507–B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of deferral of taxes on income in previous years, as provided by paragraph (a) of this section because of difference in timing for tax purposes of particular income deductions from that recognized by the utility for general accounting purposes, other than with respect to accelerated amortization or liberalized depreciation. Such debit to this account and credit to account 507–B shall, in general, represent the effect on taxes payable in the current year of the smaller deduction permitted for tax purposes as compared to the amount recognized in the utility's general accounts with respect to the item or class of items for which deferred tax accounting by the utility was authorized or directed by the Commission.

(c) Records with respect to entries to this account, as described in this section, and the reserve balance, shall be so maintained as to show the factors of calculation with respect to each annual amount of the item or class of items, other than accelerated amortization or liberalized depreciation, for which tax deferral accounting by the utility is authorized or directed by the Commission.

(d) The utility is restricted in its use of this account to the purposes set forth in this section. It shall not transfer the reserve or any portion thereof to surplus or make any use thereof except as provided in the text of this account, without prior approval of the Commission. Any remaining deferred tax reserve balance with respect to an amount for any prior year's tax deferral, the amortization of which or other recognition in the utility's income accounts has been completed, or other disposition made, shall be reported to the Commission and disposed of as the Commission may authorize or direct.

NOTE: In determining appropriate use of this account as a basis of request to the Commission for authorization of its use, consideration shall be given to the relative importance of the amount involved, and to other items in the utility's accounts where "prepaid tax accounting" may be appropriate such as (a) where the time of taking a deduction in computing taxes on income is such that the tax deduction must be delayed or applied to a series of future years as opposed to earlier recognition of such item in determination of income in the general accounts of the utility, or (b) where inclusion of an income item is required for tax purposes but is to be recognized in whole or in part in the utility's income accounts of a subsequent year or years.

§ 101.507A *Provision for deferred taxes on income.* This account shall be debited and the appropriate subdivision of account 259, Reserve for Deferred Taxes on Income, shall be credited with an amount equal to any deferral of taxes on income as provided by account 259 and the subaccounts thereunder. No entries shall be made to this account which are not provided for by the applicable subaccounts of account 259, Reserve for Deferred Taxes on Income. There shall not be netted against entries required to be made to this account any credit amounts appropriately includible in account 507–B, Credits to Operations Arising from Taxes on Income Deferred in Prior Years—Credit.

§ 101.507B *Credits to operations arising from taxes on income deferred in prior years—credit.* This account shall be credited and the appropriate subaccount of account 259, Reserve for Deferred Taxes, debited with an amount equal to the portion of taxes on income payable for the year that is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by account 259. No entries to this account shall be omitted if required according to the plan of deferred tax accounting as provided by the applicable subdivisions of account 259, Reserve for Deferred Taxes on Income. There shall not be netted against entries required to be made to this account any debit amounts appropriately includible in account 507–A, Provision for Deferred Taxes on Income.

[F. R. Doc. 57–1131; Filed, Feb. 13, 1957; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 146a, 146b, 146c, 146d, 146e]

PENICILLIN AND PENICILLIN-CONTAINING DRUGS INTENDED FOR USE BY THE INTRAMAMMARY ROUTE

NOTICE OF PROPOSED RULE MAKING

Correction

In F. R. Document 57–994, appearing in the issue for Saturday, February 9, 1957, at page 849, make the following change: In paragraph 3, third sentence, the word "efficiency" should read "efficacy".

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957, Supp. 160]

NORTH AMERICAN FIRE AND MARINE REINSURANCE CORP.

TERMINATION OF AUTHORITY TO QUALIFY AS A REINSURING COMPANY ONLY ON FEDERAL BONDS

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to North American Fire and Marine Reinsurance Corporation, New York, New York, under Treasury Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223, to qualify as a reinsuring company only on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, has been terminated effective midnight December 31, 1956.

Pursuant to an Agreement of Merger, effective midnight December 31, 1956, approved by the Insurance Department of the State of New York, December 17, 1956, North American Fire and Marine Reinsurance Corporation was merged into North American Reinsurance Corporation (formerly North American Casualty and Surety Reinsurance Corporation) a New York corporation holding a certificate of authority as an acceptable surety on bonds in favor of the United States. The agreement of Merger provides that as of its effective date all rights, franchises and interests of the two corporations in and to every species of property, real, personal, and mixed, and things in action thereunto belonging, shall be deemed as transferred to and vested in North American Reinsurance Corporation, without any other deed or transfer; and simultaneously therewith North American Reinsurance Corporation shall be deemed to have assumed all of the liabilities of both corporations. It also provides that no action or proceeding pending at the effective date of the Agreement of Merger, to which either of the Corporations may be a party shall be abated or discontinued by reason of this merger, but the same may be prosecuted to final judgment in the same manner as if this merger had not taken place, or the Surviving Corporation may be substituted in place of either of the Corporations in which the action or proceeding may be pending. A copy of the Agreement of Merger, certified by the Deputy Superintendent of Insurance of the State of New York is on file in the Treasury.

An underwriting limitation of $2,049,000.00 has been established for the surviving corporation, North American Reinsurance Corporation.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–1147; Filed, Feb. 13, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE DEPARTMENT OF AIR FORCE

FEBRUARY 6, 1957.

Notice of the proposed withdrawal and reservation of lands for the Department of Air Force in the Fairbanks, Alaska, area, was published in the FEDERAL REGISTER, January 4, 1957, Volume 23, No. 3, Page 123. The area embraced by this application, which is identified by the serial number, Fairbanks 013669, has been amended to read as follows:

SITE LOVE

FAIRBANKS MERIDIAN

Township 2 North, Range 2 West
Section 22: E½NE¼SE¼ and E½SE¼SE¼.
Section 23: S½NE¼NW¼, SW¼NW¼, SE¼NW¼, S½NW¼NE¼, S½NE¼NE¼, SW¼NE¼, SE¼NE¼. All of SE¼. All of SW¼.
Section 24: S½NW¼NW¼, SW¼NW¼, W½SE¼NW¼, NW¼SW¼, SW¼SW¼, W½NE¼SW¼, NW¼SE¼SW¼.
Section 25: NW¼NW¼NW¼.
Section 26: NW¼NW¼, NE¼NW¼, SW¼NW¼, NW¼SE¼NW¼, NW¼NE¼, N½NE¼NE¼.
Section 27: SE¼NE¼, NE¼NE¼NE¼, SE¼NE¼NE¼, SW¼NE¼NE¼, N½NE¼SE¼.

Containing 1,060 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-1122; Filed, Feb. 13, 1957; 8:46 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE DEPARTMENT OF AIR FORCE

FEBRUARY 6, 1957.

Notice of the proposed withdrawal and reservation of lands for the Department of Air Force in the Fairbanks, Alaska area, was published in the FEDERAL REGISTER, January 10, 1957, Volume 22, No. 7, Page 226. The area embraced by this application, which is identified by the serial number, Fairbanks 013668, has been amended to read as follows:

SITE GEORGE

FAIRBANKS MERIDIAN

Township 2 North, Range 1 East
Section 4: S½S½SE¼.
Section 9: E½NW¼, E½SW¼, NE¼, SE¼.
Section 10: SW¼, SW¼NW¼, W½SE¼NW¼, S½NW¼NW¼, NW¼NW¼NW¼.
Section 15: NW¼NW¼, NW¼NE¼NW¼.
Section 16: NW¼, NW¼SW¼, N½NE¼.
Section 17: NE¼SE¼NE¼, S½SE¼NE¼, SE¼SW¼NE¼, E½NW¼SE¼, NE¼SE¼, NE¼SE¼SE¼, W½SE¼SE¼, SW¼SE¼, E½E½SE¼SW¼.
Section 20: NE¼NE¼NE¼NW¼, N½N½NW¼NE¼.

Containing 1,292.50 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-1123; Filed, Feb. 13, 1957; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 1, 1957.

The U. S. Coast Guard has filed an application, Serial No. Anchorage 026916, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing.

The applicant desires the land for dock and warehouse purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

JUNEAU SUB-PORT AREA

Tract "A"

Starting at Corner No. 1 of the Army Engineers Dock boundary.
S. 9° 15' W., 126.50 feet along the Army boundary;
N.81° 43' W., 38.00 feet;
N. 8° 17' E., 79.00 feet;
N. 39° 16' W., 33.51 feet to a point on the Army boundary;
N. 48° 00' E., 71.00 feet along the Army boundary to Corner No. 16 of said boundary;
S. 23° 27' E., 34.50 feet to Corner No. 1, the place of beginning.

The tract as described contained approximately 0.14 acres.

Tract "B"

Beginning at a point of origin, Corner No. 4 of the boundary of the Army Engineers dock; thence N. 66° 40' E., approximately 40 feet to the SW corner of the existing Wharf No. 53 and the Point of Beginning;
Thence N. 23° 20' W., approximately 100 feet to the NW corner of said wharf;
Thence N. 66° 40' E., approximately 478 feet to a point on the boundary of Executive Order No. 9173;
Thence S. 23° 20' E., 60 feet along the boundary of said Executive Order to Corner No. 3 thereof;
Thence S. 66° 40' W., 372 feet along the Executive Order boundary to Corner No. 4 thereof;
Thence S. 23° 20' E., 40 feet along the Executive Order boundary to Corner No. 5 thereof, which is on the Army Engineers Dock boundary;
Thence S. 66° 40' W., approximately 106 feet along the Army Engineers Dock boundary to the point of beginning.

The tract as described contains approximately 0.755 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-1124; Filed, Feb. 13, 1957; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND AND RESERVATION OF LANDS

FEBRUARY 8, 1957.

The Alaska Railroad has filed an application, Serial No. Anchorage 033517, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing but excepting disposal of materials under Materials Act.

The applicant desires the land for tower for microwave communication system.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PORTAGE AREA

A tract of land approximately 3,200 feet long and 720 feet wide, lying easterly of the main tract of The Alaska Railroad near Portage, Alaska, and more specifically described as follows:

Beginning at a point on the easterly side of The Alaska Railroad Reserve, Parcel No. 1, P. L. O. 571 which bears N. 9° 15' W., 600 feet from the northwesterly corner of Parcel No. 2, P. L. O. 571;
Thence northwesterly along the easterly boundary of Parcel No. 1, 1,250 feet to the southeasterly bank of Twentymile River;
Thence northeasterly, along the southeasterly bank of Twentymile River, 2,800 feet, more or less;
Thence S. 49° 21' 15" E., 720 feet, more or less;
Thence S. 40° 38' 45" W., 3,200 feet to the point of beginning.

The tract as described contains 46 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-1125; Filed, Feb. 13, 1957; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 1, 1957.

The Fish and Wildlife Service has filed an application, Serial No. Anchorage 033178, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing laws.

The applicant desires the land for a research station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

JUNEAU AREA

Beginning at corner No. 1, which is identical to Corner No. 7 of U. S. Survey No. 1762.
From Corner No. 1, by metes and bounds,
South 88.62 feet to Corner No. 2;
West 415.38 feet to Corner No. 3;
N. 8° 21' W., 202.67 feet to Corner No. 4;
S. 89° 56' E., 444.81 feet to Corner No. 5;
South 111.38 feet to Corner No. 1, the place of beginning.

The tract as described contains 1.975 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57-1126; Filed, Feb. 13, 1957; 8:47 a. m.]

[Document 17]

CALIFORNIA

RESTORATION ORDER UNDER FEDERAL POWER ACT; CORRECTION

FEBRUARY 8, 1957.

The notice of order providing for opening of public lands pursuant to determinations of the Federal Power Commission, listed under California Document No. 17, published in the FEDERAL REGISTER of Thursday, January 10, 1957, pages 224, 225 and 226 (F. R. Doc. 57-187) is corrected by deleting from paragraph 5b, the sentence, "The land is by this order opened to location under the United States Mining Laws without regard to the act of August 11, 1955, supra, beginning 10 a. m., local time, on May 10, 1957."

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-1127; Filed, Feb. 13, 1957; 8:47 a. m.]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 6, 1957.

Pursuant to Determination No. DA-428 Oregon, of the Federal Power Commission and in accordance with Order No. 541, section 25, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserve No. 170, approved December 10, 1910, Power Site Classification No. 282, approved February 20, 1934, of Power Site Classification No. 381, approved December 20, 1946, are hereby restored to disposition under applicable public land laws subject to the provisions of section 24 of the Federal Power Act of June 20, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; and subject to the condition that in the event the said lands are required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such developments shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees.

WILLAMETTE MERIDIAN, OREGON

T. 2 N., R. 40 E.,
Sec. 12: NE¼, E½NW¼.
T. 2 N., R. 41 E.,
Sec. 18: Lots 1, 2, SE¼NW¼.
Sec. 19: SE¼
Sec. 20: NW¼SW¼.

531.32 acres.

2. The lands described in paragraph 1 shall be subject to application by the State of Oregon for a period of 90 days from the date of publication of the order in the FEDERAL REGISTER for right of way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in paragraph 1.

3. (a) All of the lands except NE¼ Sec. 12, T. 2 N., R. 40 E., and Lot 1, and SE¼NW¼ Sec. 18, T. 2 N., R. 41 E., have been classified for recreational purposes pursuant to the act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), under authority of section 7, of the act of June 28, 1934, as amended. This classification segregates the land from all appropriations including locations under the mining laws.

(b) The lands released from withdrawal by this order and classified for recreational purposes shall not become subject to the initiation of any rights or to any disposition under any other public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, or other appropriate public land laws, with a ninety-one day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. The lands described as NE¼ Sec. 12, T. 2 N., R. 40 E., W. M., Lot 1, SE¼NW¼ Sec. 18, T. 2 N., R. 41 E., W. M., containing 225.53 acres, are approximately one-quarter mile east of the Wallowa River, about 2 miles downstream from Minam, Oregon. They are rough, mountainous, and rocky, with a shallow clay loam freely mixed with rock talus. The vegetative growth consists of scattered timber, browse, and native grasses with value for the grazing of livestock.

5. No application will be allowed under the Homestead, Desert Land, Small Tract, or other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. Any disposition of the land shall be subject to the provisions and conditions of paragraph 1.

6. Subject to any existing valid rights and the requirements of applicable laws, the lands described in paragraph 4, are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; U. S. C. 279-284) as amended, presented prior to 10 a. m. on March 18, 1957, will be considered as simultaneously filed at that hour. Rights under such preference rights filed after that hour and before 10 a. m. on June 17, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10 a. m. on June 17, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been open to entry and location under the United States Mining Laws, pursuant to the act of August 11, 1955, (69 Stat. 683; 30 U. S. C. 621) and applications and offers under the mineral leasing laws.

7. Persons claiming veteran's preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based on settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this order can be found in Title 43 of the Code of Federal Regulations.

8. Inquiry concerning the above lands should be addressed to Manager, Land Office, Bureau of Land Management, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

ELTON M. HATTAN,
Acting State Supervisor.

[F. R. Doc. 57-1128; Filed, Feb. 13, 1957; 8:47 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 6, 1957.

The U. S. Fish and Wildlife Service has filed an application, Serial No. Sacramento 052882, for the withdrawal of the lands described below, from all forms of appropriation except mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681, 43 U. S. C. 1185). The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the Biscar Reservoir Wildlife Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, 4th and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 31 N., R. 14 E.,
Sec. 4;
Sec. 9;
Sec. 10;
Sec. 11;
Sec. 13;
Sec. 24.
T. 31 N., R. 15 E.,
Sec. 17, SE¼SW¼;
Sec. 18, Lots 1–4, incl., W½NE¼, E½NW¼, NE¼SW¼;
Sec. 19, Lots 1–4, incl., SE¼NW¼, E½SW¼, SE¼;
Sec. 20, W½NE¼, E½NW¼, NE¼SW¼, S½SE¼.

The area described contains approximately 4,965.19 acres of public land in Lassen County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57–1129; Filed, Feb. 13, 1957; 8:47 a. m.]

Office of the Secretary

[74439]

UTAH

WITHDRAWING LANDS IN AID OF LEGISLATION

By virtue of the authority vested in the Secretary of the Interior by section 4 of the act of March 3, 1927 (44 Stat. 1347; 25 U. S. C. 398d) and otherwise, it is ordered as follows:

Subject to existing valid rights, including the valid rights of Indians, the public lands in the following-described areas are hereby temporarily withdrawn from all forms of appropriation under the public land laws, including the mining and mineral-leasing laws, in aid of legislation to add such lands to the Navajo Indian Reservation:

SALT LAKE MERIDIAN

T. 38 S., R. 23 E.,
Secs. 13, 14, 15, 17, and 18;
Secs. 20 to 29, inclusive;
Secs. 33, 34, 35.
T. 38 S., R. 24 E.,
Secs. 13, 14, and 15;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.
T. 38 S., R. 25 E.,
Secs. 33, 34, and 35.
T. 39 S., R. 22 E.,
Sec. 13, E½;
Secs. 21, 22, 23, and 24;
Sec. 25, E½.
T. 39 S., R. 23 E.,
Secs. 1, 3, 4, and 5;
Secs. 8 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.
T. 39 S., R. 24 E.,
Sec. 1;
Secs. 3 to 15, inclusive;
Secs. 17 to 31, inclusive;
Secs. 33, 34, and 35.
T. 39 S., R. 25 E.,
Secs. 4, 5, 6, 7, 8, and 18.

The areas described, including both public and nonpublic lands, aggregate approximately 73,600 acres.

FRED A. SEATON,
Secretary of the Interior.

FEBRUARY 8, 1957.

[F. R. Doc. 57–1130; Filed, Feb. 13, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

VALLEY LIVESTOCK COMMISSION CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Valley Livestock Commission Company, Rupert, Idaho.
Fairfield Livestock Commission Company, Fairfield, Iowa.
Kalona Sales Barn, Kalona, Iowa.
Low Moor Sales Company, Low Moor, Iowa.
Wapello Livestock Auction, Wapello, Iowa.
Traer Sales Company, Traer, Iowa.
Bryan Livestock Exchange, Bryan, Texas.
Clifton Livestock Commission Company, Clifton, Texas.
Gatesville Commission Company, Gatesville, Texas.
Mills County Commission Company, Goldthwaite, Texas.
Madison County Livestock Commission Company, Madisonville, Texas.
Ranger Livestock Commission Company, Ranger, Texas.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 8th day of February 1957.

[SEAL] DAVID M. PETTUS,
Acting Director,
Livestock Division,
Agricultural Marketing Service.

[F. R. Doc. 57–1150; Filed, Feb. 13, 1957; 8:52 a. m.]

Office of the Secretary

FARM TENANT-MORTGAGE INSURANCE FUND FARMERS HOME ADMINISTRATION

ASSIGNMENT OF FUNCTIONS

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, section 1400 q of the Acting Secretary's Order dated December 24, 1953 (19 F. R. 77), as amended (21 F. R. 1907), hereby is amended to increase the authority assigned to the Farmers Home Administration to issue notes to the Secretary of the Treasury pursuant to section 13 (b) of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1005c (b)), and to read as follows:

SEC. 1400 *Assignment of functions.*
* * *

q. Authority to issue notes to the Secretary of the Treasury, authorized by sec. 13 (b) of the Bankhead-Jones Farm Tenant Act, as amended (7 U. S. C. 1005c (b)); *Provided,* That the aggregate unpaid principal balance on notes issued and outstanding under this authorization shall not exceed $20,000,000.

Done at Washington, D. C., this 11th day of February, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–1151; Filed, Feb. 13, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

FREDERIC HENJES, JR., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 8203 between Frederic Henjes, Jr., Inc., New York, New York, and J. E. Lowden, San Francisco, California; and

(2) Agreement No. 8204 between Frederic Henjes, Jr., Inc. and Edmond Loeliger, Inc., New Orleans, Louisiana, are cooperative working arrangements under which the parties perform freight forwarding services for each other.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 8, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–1121; Filed, Feb. 13, 1957; 8:46 a. m.]

Office of the Secretary

LEWIS P. FAVORITE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 25, 1956, 21 F. R. 6421–2.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 8, 1957.

Dated: February 11, 1957.

LEWIS P. FAVORITE.

[F. R. Doc. 57–1142; Filed, Feb. 13, 1957; 8:50 a. m.]

LOUIS A. SCHLUETER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8941; March 20, 1956, 21 F. R. 1736–7 and August 15, 1956, 21 F. R. 6098.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 1, 1957.

Dated: February 1, 1957.

LOUIS A. SCHLUETER.

[F. R. Doc. 57–1144; Filed, Feb. 13, 1957; 8:50 a. m.]

ROBERT E. OLIVER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 22, 1956, 21 F. R. 6307.

A. Deletions: Dole Engineering, Fluor Corp., Canadian Chemical & Cellulose.
B. Additions: Great Western Finance, Green River Steel.

This statement is made as of February 6, 1957.

Dated: February 7, 1957.

ROBERT E. OLIVER.

[F. R. Doc. 57–1145; Filed, Feb. 13, 1957; 8:50 a. m.]

RICHARD H. AUE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Richard H. Aue.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: February 5, 1957.

4. Title of position: Director, Communications Equipment Division.

5. Name of private employer: The Ohio Bell Telephone Company, 42 E. Gay Street, Columbus, Ohio.

CARLTON HAYWARD,
Director of Personnel.

JANUARY 24, 1957.

Statement of Financial Interests:

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Ohio Bell Telephone Company
American Telephone and Telegraph Company.
Bank Deposits.

Dated: February 7, 1957.

RICHARD H. AUE.

[F. R. Doc. 57–1143; Filed, Feb. 13, 1957; 8:50 a. m.]

SANDS G. FALK

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of Appointment

1. Name of appointee: Mr. Sands G. Falk.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: February 7, 1957.

4. Title of position: Chief, Castings Branch.

5. Name of private employer: The Falk Corporation, 3001 W. Canal Street, Milwaukee 1, Wisconsin.

NOVEMBER 27, 1956.

CARLTON HAYWARD,
Director of Personnel.

STATEMENT OF FINANCIAL INTERESTS

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Allis Chalmers, American Airlines, American Natural Gas, American Tobacco, Chance Vought Aircraft, Consolidated Sudbury Basin Mines, Continental Can, Du Pont, Eastman Kodak, Falk Corporation, Ford Motor, General Electric, General Public Utilities, Grace, W. R., Heil Co., Northwest Engr., Phillips Petroleum, Royal Dutch Petroleum, Sylvania Electric, Union Carbide, United Asbestos, United Aircraft, United States Steel, Wisconsin Investment Co.
Bank Deposits.

Dated: February 11, 1957.

SANDS G. FALK.

[F. R. Doc. 57–1141; Filed, Feb. 13, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket Nos. F–40, F–41]

AEROJET-GENERAL NUCLEONICS AND AEROJET-GENERAL CORP.

NOTICE OF PROPOSED ISSUANCE OF AMENDMENT TO LICENSE AUTHORIZING TRANSFER OF FACILITY AND ISSUANCE OF LICENSE AUTHORIZING ACQUISITION OF FACILITY

Please take notice that the Atomic Energy Commission proposes to issue (1) the amendment to License R–6 set forth below authorizing transfer of title to the facility referred to therein and (2) a license authorizing acquisition of title to said facility as set forth below unless within 15 days after publication of this notice in the FEDERAL REGISTER a request for formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

Amendment to license providing for transfer of utilization facility (Docket

No. F-40); *Amendment No. 1 to License No. R-6:*

License No. R-6 issued to Aerojet-General Nucleonics on October 19, 1956, is hereby amended to authorize Aerojet-General Nucleonics to transfer title to the reactor to the Aerojet-General Corporation, Azusa, California.

Nothing contained herein shall be deemed to authorize the transfer of possession or use of the reactor, or any right thereto.

Neither this amendment nor the transfer of title to the reactor pursuant to this amendment shall affect the responsibility of Aerojet-General Nucleonics for full compliance with the requirements of License No. R-6.

License for acquisition of utilization facility (Docket No. F-41):

Pursuant to section 104c of the Atomic Energy Act of 1954, as amended, and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Atomic Energy Commission hereby issues this license to Aerojet-General Corporation, Azusa, California, authorizing it to acquire from Areojet-General Nucleonics, San Ramon, California, title to the nuclear reactor subject to license No. R-6 issued on October 19, 1956, to Aerojet-General Nucleonics.

Nothing contained herein shall be deemed to authorize Aerojet-General Corporation to possess or use said nuclear reactor.

This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of the regulations in 10 CFR, Part 50; and is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereinafter in effect.

Dated at Washington, D. C., this 7th day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-1117; Filed, Feb. 13, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11024 etc.]

CONTINENTAL OIL CO. ET AL.

NOTICE OF HEARING

FEBRUARY 8, 1957.

In the matters of Continental Oil Company, Docket No. G-11024; The Atlantic Refining Company, Docket No. G-11034; Cities Service Production Company, Docket No. G-11046; Tidewater Oil Company, Docket No. G-11049.

The persons captioned above, hereinafter collectively referred to as Applicants, filed on September 5, 1956 in Docket No. G-11024, September 7, 1956 in Docket No. G-11034, and September 10, 1956 in Docket Nos. G-11046 and G-11049, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection. Notice of these applications and their consolidation was issued on October 3, 1956 and published in the FEDERAL REGISTER on October 11, 1956 (21 F. R. 7783-84).

Each Applicant proposes to sell natural gas in interstate commerce from production of its 25 percent interest in 5 leases in West Cameron Area, 12 leases in East Cameron Area, and 7 leases in Vermilion Area, all offshore the coast of Cameron and Vermilion Parishes, Louisiana in the Gulf of Mexico, to Tennessee Gas Transmission Company for resale.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 28, 1957, at 10 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1132; Filed, Feb. 13, 1957; 8:46 a. m.]

[Docket No. G-11520]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 8, 1957.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with its principal place of business at Shreveport, Louisiana, filed an application on November 23, 1956, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Mississippi River Fuel Corporation (Mississippi) to establish physical connection of its natural gas facilities with those proposed to be constructed by Applicant, and to sell and deliver to Applicant its natural gas requirements for distribution and resale in the town of Coy, Lonoke County, Arkansas, as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to interconnect its proposed distribution system in Coy with Mississippi's existing 3-inch transmission line which passes through the town of Coy en route to England, Arkansas. Mississippi sells gas to Applicant at present for distribution in England and a number of other communities in Arkansas, all of which, Applicant states, are isolated from its main interstate transmission system.

The town of Coy has a population of approximately 300 and is presently without natural gas service. Applicant estimates its annual and peak day requirements as follows:

Year of service	Annual Mcf	Peak day Mcf
1	8,110	[illegible]
2	10,160	[illegible]
3	11,780	[illegible]
4	12,100	[illegible]
5	12,450	[illegible]

Applicant states that it has been granted an indefinite term franchise for the distribution of natural gas by the town of Coy, and estimates that the cost of its proposed facilities will be $16,300 during the first year of service with a cost of $17,545 at the end of the fifth year. The project will be financed from funds on hand.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 12, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1133; Filed, Feb. 13, 1957; 8:46 a. m.]

[Docket No. E-6727]

MINNESOTA POWER & LIGHT CO.

NOTICE OF APPLICATION

FEBRUARY 8, 1957.

Take notice that on February 1, 1957, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Minnesota Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Minnesota and doing business in the State of Minnesota, with its principal business office at Duluth, Minnesota, seeking an order authorizing the issuance, by competitive bidding, of $12,000,000 principal amount of First Mortgage Bonds to be due 1987. Applicant's schedule calls for inviting bids for the purchase of said bonds on March 4, 1957, and receiving bids on March 11, 1957. If such schedule can be met and Applicant receives a bid acceptable to it and which is approved by the Commission, Applicant would issue said bonds on March 15, 1957, against receipt of the purchase price thereof. The proposed bonds would be issued under Applicant's Mortgage and Deed of Trust.

If, for any reason, Applicant is unable to meet the time schedule hereinbefore stated or if the schedule is met and Applicant receives no bid for the purchase of said bonds acceptable to it and approvable by the Commission, Applicant then would be required to borrow immediately from banks amounts sufficient to meet its obligations on March 15, 1957 and thereafter pending successful completion of financing. Applicant, therefore, also applies to the Commission for authority to borrow from Mellon National Bank and Trust Company, Pittsburgh, Pennsylvania, a principal amount not to exceed $8,000,000 against issuance by Applicant of promissory notes; it being understood that if Applicant issues and sells the bonds proposed above, it would make no bank borrowings in excess of the amounts permitted under section 204 (e) of the Federal Power Act without the Commission's approval. If Applicant is required to borrow from the Mellon Bank, it proposes to issue from time to time on various dates prior to January 1, 1958, and in various amounts, and deliver to said Mellon Bank notes which would aggregate not to exceed $8,000,000 principal amount including the $3,350,000 principal amount of notes to be outstanding at March 1, 1957. The notes Applicant proposes to issue, as described above, would bear interest at the prime commercial bank rate in effect at the time of issue, would be dated as and when funds are required by Applicant, might be prepaid at any time on ten days' notice without penalty, and would mature not later than one year from the date of issue. The proceeds from the financing to be made by Applicant, as proposed above, will be used to meet expenditures in connection with Applicant's construction program.

Any person desiring to be heard or make any protest with reference to said application should on or before the 25th day of February 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1134; Filed, Feb. 13, 1957; 8:48 a. m.]

[Docket No. E-6728]

CONOWINGO POWER CO. AND PHILADELPHIA ELECTRIC CO.

NOTICE OF APPLICATION

FEBRUARY 8, 1957.

Take notice that on February 5, 1957, an application was filed with the Federal Power Commission pursuant to sections 203 and 204 of the Federal Power Act by Conowingo Power Company ("Conowingo") and Philadelphia Electric Company ("PECo"). Conowingo is a corporation organized under laws of the State of Maryland and doing business in said State with its principal business office at Elkton, Maryland. PECo is a corporation organized under the laws of the State of Pennsylvania and doing business in said State with its principal business office at Philadelphia, Pennsylvania. Conowingo and PECo seek an order authorizing the approval of the proposed issuance by Conowingo and of the proposed acquisition by PECo of non-interest bearing promissory notes payable on demand to the order of PECo in an aggregate maximum amount of $1,100,000 to evidence loans of money proposed to be made by PECo to Conowingo. The notes, in varying amounts, will be issued as cash is needed during the period March 1957 through May 1958 to assist Conowingo in financing the construction cost of additions and betterments to its electric utility plant.

Any person desiring to be heard or make any protest with reference to said application should on or before the 1st day of March, 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1135; Filed, Feb. 13, 1957; 8:48 a. m.]

[Docket No. G-9892]

SOUTH GEORGIA NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 8, 1957.

Take notice that South Georgia Natural Gas Company (Applicant), a Georgia corporation with its principal place of business at Thomasville, Georgia, filed an application on January 23, 1956 as supplemented on April 23, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of natural gas facilities to serve three additional industrial interruptible customers as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application now on file with the Commission and open to public inspection.

The following facilities are proposed by Applicant to initiate direct interruptible service: to National Container Corporation (National) for use in its Kraft Mill, located near Clyattville, Georgia; to Waverly Petroleum Products Company (Waverly) for use in its Fuller's Earth Plant presently being constructed near Meigs, Georgia; to Magnet Cove Barium Corporation (Magnet) for use in its Fuller's Earth Plant presently being constructed near Hinson, Florida:

1. A line tap on Applicant's existing 10-inch Albany-Ellaville Line together with approximately 3 miles of 6⅝-inch pipeline running from a point near Clyattville, Georgia, northeasterly from this tap to a proposed meter and regulating station at or near the plant of National.

2. A line tap on Applicant's existing 6-inch Quincy Line together with approximately 500 feet of 2⅜-inch pipe extending from this tap to a proposed meter and regulating station located at or near the Waverly plant.

3. A line tap on Applicant's existing 2-inch Floridin Company lateral near Havana, Florida, together with approximately 1½ miles of 2⅜-inch pipeline extending from this tap in a northerly direction to a proposed meter and regulating station at or near Magnet's plant.

Applicant also requests authority to construct and operate a new compressor station at its point to connection with Southern Natural Gas Company near Salem, Alabama. This proposed station would consist of two portable compressor units of 660 horespower, and would increase Applicant's total system sales capacity from about 25,000 Mcf per day to approximately 44,000 Mcf per day at 500 psig. the minimum delivery pressure to be supplied by Southern, as per contract.

The total cost of the proposed facilities is estimated by Applicant at $425,000 which includes a cost of $305,000 for the new Salem Compressor Station and which, Applicant states, will be financed from funds remaining in its Pipeline Construction Fund which amounts to $200,000; the balance through cash or a short-term loan.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 27, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1136; Filed, Feb. 13, 1957; 8:49 a. m.]

[Docket Nos. G-11082, G-11296]

IROQUOIS GAS CORP. AND NEW YORK STATE NATURAL GAS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 8, 1957.

Take notice that on September 14, 1956, Iroquois Gas Corporation (Iroquois) filed an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon, by sale, a natural gas transmission line in the State of New York, and to discontinue the service rendered by means of said line to New York State Electric and Gas Corporation (New York Electric).

Among other facilities, Iroquois states that it owns and operates a 6-inch natural gas transmission pipeline extending from a connection with the transmission line of New York State Natural Gas Corporation (New York Natural) at the Silver Springs delivery point in the town of Genessee Falls, Wyoming County, New York, eastward through parts of Wyoming and Livingston Counties, New York, to a point near the village of Dansville in Livingston County. Iroquois also states that it now delivers natural gas at wholesale to New York Electric for distribution in Dansville. In addition, several small communities between Genessee Falls and Dansville are pres-

ently served at retail from this Dansville line, through distribution systems owned by Iroquois. Iroquois further states that these facilities, including the distribution systems, are to be sold to New York Electric, who will continue the operations and service now rendered by these facilities, eliminating Iroquois as a middleman.

Iroquois alleges that it presently purchases gas from New York Natural at the Silver Springs delivery point under two separate service agreements. Under a service agreement dated May 13, 1953, Iroquois buys gas for its franchise territory east of the Silver Springs delivery point, namely, the eastern part of Genessee Falls and the area served by the Dansville line, in amounts of 400,000 Mcf per year and 3,000 Mcf per peak day. Purchases for the rest of Iroquois' system, including the western part of Genessee Falls, are made according to the terms of another service agreement dated November 10, 1947, which provides for volumes of gas varying from 2,400 Mcf per day to 6,000 Mcf per day, depending on the month of delivery.

New York Natural has consented to Iroquois' assignment to New York Electric of the service agreement between Iroquois and New York Natural, dated May 13, 1953, and has filed in Docket No. G–11296 for permission to abandon service to Iroquois and serve New York Electric instead. Iroquois, however, will continue to purchase gas from New York Natural for service west of the Silver Springs delivery point, according to the terms of the service agreement dated November 10, 1947.

Iroquois advises that the reason for the proposed sale is that New York Electric has requested a larger supply of gas to meet future needs, which would require additional transmission facilities, and that the investment required for these additional facilities is not economically feasible unless made by the owner of the retail distribution system at Dansville (New York Electric).

The facilities to be transferred will be sold at original cost less accrued depreciation to the time of actual transfer. As of June 30, 1956, Iroquois represents this amount to be $200,925.

In its application filed October 25, 1956, New York Natural requests:

(1) Permission to abandon the sale of natural gas to Iroquois for its Dansville line; and

(2) A certificate of public convenience to render similar service to New York Electric, proposed buyer of said line, for distribution in the same territory.

New York Natural states that it proposes to enter into a service agreement with New York Electric, providing for service in the territory that company will acquire from Iroquois. The proposed service agreement calls for deliveries of 800,000 Mcf annually and 8,000 Mcf on a peak day, whereas the currently effective contract between Iroquois and New York Natural provides for 400,000 Mcf per year and 3,000 Mcf on a peak day.

Both applications are on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 7, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1137; Filed, Feb. 13, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 11, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33253: *Iron and steel pipe—Lone Star, Tex., to Nebraska points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe, welded or seamless, carloads, from Lone Star, Tex., to Beatrice, DeWitt and Lincoln, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 99 to Agent Kratzmeir's tariff I. C. C. 4116.

FSA No. 33254: *Woodpulp—Acme, N. C., to Wisconsin.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads to Acme, N. C., to specified points in Wisconsin.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 33255: *Woodpulp—Rosser, Ga., to southern and official territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Rosser, Ga., to specified points in Illinois, Indiana, Ohio, Virginia, Tennessee and West Virginia.

Grounds for relief: Modified short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 12 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 33256: *Woodpulp—Foley, Fla., to southern and official territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads, from Foley, Fla., to points in Virginia and official territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent Spaninger's tariff I. C. C. 1555.

FSA No. 33257: *Beverages—Illinois and Wisconsin to southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on beverages, flavored or phosphated, noibn, carloads, and mineral water, noibn or plain, concentrated or fortified, carloads from Chicago, Ill., Milwaukee and Waukesha, Wis., to specified points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. 4235.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-1138; Filed, Feb. 13, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-173, 54-191]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

ORDER APPROVING PLAN

FEBRUARY 4, 1957.

In the matters of Standard Gas and Electric Company, File No. 54-191; Philadelphia Company, Standard Gas and Electric Company, File No. 54-173.

Standard Gas and Electric Company ("Standard Gas"), a registered holding company, having filed, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), Step IV, as amended, of a plan ("Standard plan") providing for the liquidation of Standard Gas; and

The Commission having heretofore consolidated the proceeding on the Standard plan with the proceeding (File No. 54-173) relating to a plan and amendments thereto ("Philadelphia plan") providing for the simplification of the corporate structure of Philadelphia Company ("Philadelphia"), a subsidiary of Standard Gas and also a registered holding company; and

Step IV, as amended, of the Standard plan providing, among other things, for (a) the cancellation of certain existing tax cut-off agreements between Philadelphia on the one hand and Duquesne Light Company ("Duquesne"), a public-utility company and its subsidiaries on the other hand and the substitution of a new tax cut-off agreement therefor; and (b) the disposition of all of Standard Gas' indirect, and Philadelphia's direct, interest in Pittsburgh Railways Company ("Railways"), a non-utility subsidiary of Philadelphia, and a substantial part of Standard Gas' indirect and Philadelphia's direct interest in Duquesne; and

Standard Gas having requested that the order of the Commission approving Step IV, as amended, contain recitals in accordance with the meaning and requirements of sections 1081 through 1083 of the Internal Revenue Code and section 4382 (b) (2) thereof; and

Standard Gas having further requested that the Commission, pursuant to section 11 (e) of the act, apply to the United States District Court for the District of Delaware to enforce and carry out the terms and provisions of Step IV, as amended, of the Standard plan; and

Standard Gas and Duquesne having filed a request, as amended, that the Commission modify its prior order entered March 13, 1953, prohibiting any interlocking directors between Standard Gas and Duquesne; and

A public hearing having been duly held after appropriate notice with respect to Step IV, as amended, of the Standard plan, at which hearings all interested persons were afforded an opportunity to be heard, and the Commission having heard oral argument; and

The Commission having considered the entire record in this matter and having this day filed its findings and opinion herein, on the basis of such findings and opinion:

It is ordered, On the basis of the entire record herein and said findings and opinion, pursuant to section 11 (e) and other applicable provisions of the act, that Step IV, as amended, be, and hereby is, approved subject to the terms and conditions contained in Rule U-24 of the general rules and regulations promulgated under the act and to the following additional terms and conditions:

(1) That this order shall not become operative to authorize the consummation of any of the transactions proposed in Step IV, as amended, until the United States District Court for the District of Delaware shall, upon application thereto, enter an order enforcing the terms and provisions of Step IV, as amended.

(2) That Standard Gas and Philadelphia shall pay only such fees and expenses in connection with Step IV, as amended, and the proceedings relating thereto as the Commission may approve on appropriate application made to it.

(3) That jurisdiction be, and hereby is, specifically reserved with respect to:

(a) The selection and composition of the initial board of directors of Duquesne after it shall cease to be a subsidiary of the Standard Shares holding company system;

(b) The supervision of efforts to locate the stockholders to which securities are to be sold or distributed under the provisions of Step IV, as amended;

(c) The appropriateness of the accounting entires to be made by Standard Gas and Philadelphia in recording the transactions incident to the consummation of Step IV of the Standard plan; and

(d) The entertainment of such further proceedings, and the entry of such further orders and the taking of such further action as may be necessary or appropriate in connection with Step IV, as amended, the transactions incident thereto, and the consummation thereof.

It is further ordered, That the request of Standard Gas and Duquesne for modification of the March 13, 1953, order with respect to interlocking directors be, and the same hereby is, denied.

It is further ordered and recited, That all steps and transactions involved in the consummation of Step IV, as amended, of the Standard plan including particularly the transfers, conveyances, issuances, exchanges, sales, expenditures, distributions and receipts hereinafter described and recited in subparagraphs I through VIII below, are hereby authorized and approved and are necessary and appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of Sections 1081 through 1083 of the Internal Revenue Code and section 4382 (b) (2) thereof, the stock and securities and other property to be transferred, conveyed, issued, exchanged, sold, distributed and received upon such transactions, and the expenditures to be made, being specified and itemized as follows:

I. The transfer and distribution by Philadelphia to Standard Gas as the holder of all the common stock of Philadelphia without the surrender by Standard Gas of any of its shares of common stock of Philadelphia of 547,678 shares of common stock of Railways, to be represented by Certificate No. NYU–125 registered in the name of Philadelphia, and of 496,000 shares of common stock of Duquesne, to be represented by Certificate No. PU33 registered in the name of Philadelphia.

II. The amendment of the Certificate of Incorporation of Standard Gas so as to change the par value of its outstanding common stock from $1 per share to 10 cents per share, thereby reducing the capital of Standard Gas from $2,162,607 to $216,260.70, and the issuance by Standard Gas from time to time thereafter of new certificates showing such new par value in exchange for certificates showing the par value of $1 per share.

III. The issuance and distribution by Standard Gas to the holders of its common stock, without surrender by said holders of any of their shares of common stock of Standard Gas, of transferable warrants evidencing the right to purchase whole shares of common stock of Railways on the basis of 1 share of Railways common stock for each 4 shares of Standard Gas common stock held or an aggregate of 540,651.75 shares of said Railways common stock.

IV. The execution and delivery by Standard Gas and Standard Shares of an agreement under which Standard Gas agrees to sell, and Standard Shares agrees to buy 7,026.25 shares of common stock of Railways not offered pursuant to said warrants and all shares of common stock of Railways offered pursuant to said warrants but not purchased by warrant holders.

V. The sale and transfer by Standard Gas, pursuant to said warrants and said agreement with Standard Shares, to the holders of said warrants and to Standard Shares of the entire 547,678 shares of common stock of Railways to be received by it from Philadelphia as above stated, to be represented by Certificates Nos. NYU–245 and NYU–246 registered in the name of Standard Gas or certificates issued against the split-up of the shares represented by said Certificate Nos. NYU–245 and NYU–246.

VI. The transfer and distribution by Standard Gas to the holders of its common stock, without the surrender by the holders of such common stock of Standard Gas of any of their shares of such common stock, of an aggregate of 540,651.75 shares of common stock of Duquesne, in the ratio of ¼ of a share of common stock of Duquesne for each share of common stock of Standard Gas held by such stockholders; said shares of common stock of Duquesne to be distributed by Standard Gas to be represented by Certificate No. NU 493 for 540,652 shares, to be registered in the name of Standard Gas, which, in accordance with Step IV, as amended, are to be transferred to the Distribution Agent referred to in said Step IV, as amended, and held in the form of a certificate or certificates registered in the name of such Distribution Agent or its nominee, the shares to be transferred and distributed by said Agent to holders of common stock of Standard Gas to be represented by certificates issued against, and upon transfer by said Agent or part of the shares represented by, such certificate or certificates so to be registered in the name of said Agent or its nominee, any fraction of a share of common stock of Duquesne distributable to any holder of common stock of Standard Gas to be represented by an Order Form as provided in said Step IV, as amended.

VII. The transfer and delivery by Standard Gas to said Distribution Agent of said 540,652 shares of common stock of Duquesne (to be represented by Certificate No. NU 493 registered in the name of Standard Gas) referred to in subparagraph VI above; the transfer of said certificates for said common stock of Duquesne to and the registration of such stock in the name of said Agent or its nominee; the transfer and delivery by said Agent to the holders of common stock of Standard Gas, subject to acknowledgment by them of receipt of notice to the extent provided in said Step IV, as amended, of said common stock of Duquesne in the ratio of ¼ of a share of Duquesne common stock for each share of common stock of Standard Gas held of record on the distribution record date as provided for by said Step IV, as amended; the issuance and delivery by said Agent to such holders of common stock of Standard Gas, in lieu of any fractional shares of common stock of Duquesne to which they would otherwise be entitled, of Order Forms in respect of fractional shares of Duquesne common stock as provided in said Step

IV, as amended; the transfer of the fractional interests in Duquesne common stock represented by such Order Forms upon the sale thereof by said Agent for the account of the holders of said Order Forms; the transfer and delivery by said Agent to the holders of Standard Gas common stock of shares of common stock of Duquesne to which they are entitled upon presentation (within the period provided in said Step IV, as amended) of Order Forms directing the purchase of the additional fractional interest required to aggregate a full share; the sale, transfer and delivery by said Agent, after the expiration of 30 days from the effective date of the distribution of Duquesne common stock under said Step IV, as amended, of shares of common stock of Duquesne held in respect of fractional interests; and the payment by said Agent to such holders of common stock of Standard Gas, at the time of delivery and transfer by it of shares of common stock of Duquesne as above provided and/or, as to shares of common stock of Duquesne previously held in respect of said Order Forms, after the expiration of 30 days from the effective date of the distribution of Duquesne common stock under Step IV, as amended, of any amounts paid or payable to said Agent as dividends upon the shares so delivered or upon the portions of the shares previously held in respect of said fractional interests, plus their pro rata share, if any, of the proceeds of sale of any shares held for such fractional interests and so sold, less any taxes which may have been imposed or paid thereon.

VIII. The sale, transfer and delivery by said Agent, on or after the cut-off date provided in said Step IV, as amended, of all certificates for shares of common stock of Duquesne then held by such Agent; and the delivery by said Agent of the cash received upon such sale or sales, together with all cash received by said Agent as dividends or otherwise upon any shares of common stock of Duquesne or received by said Agent upon the sale of shares of such common stock held in respect of fractional interests, (1) to Standard Gas or (2) in the event that Standard Gas shall have been liquidated and dissolved, to the Exchange or other Agent provided for by Standard Gas' pending plan for compliance with section 11 (b) of the said act (File No. 54–191) or any amendment thereof for distribution to the holders of common stock of Standard Gas who may be entitled to receive the residual assets of Standard Gas under said plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1139; Filed, Feb. 13, 1957; 8:49 a. m.]

[File No. 70–3550]

NEW ENGLAND POWER CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF BONDS AND SHARES OF COMMON STOCK BY SUBSIDIARY OF A REGISTERED HOLDING COMPANY AND ACQUISITION OF COMMON STOCK FOR CASH BY PARENT REGISTERED HOLDING COMPANY

FEBRUARY 8, 1957.

New England Electric System ("NEES"), a registered holding company and its direct subsidiary New England Power Company ("NEPCO"), a public utility company have filed a joint application and amendments thereto pursuant to sections 6 (b), 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the following proposed transactions:

NEPCO proposes to issue and sell $10,000,000 principal amount of Series G bonds pursuant to the competitive bidding requirements of Rule U-50. The terms and conditions relating to bids provide that each bid shall specify the coupon rate (which shall be a multiple of ⅛ of 1 percent and not in excess of 5 percent) and the price, exclusive of accrued interest, to be paid the company which price shall be not less than the principal amount nor more than 102¾ percent thereof. The new bonds will be issued under an Indenture of Trust and First Mortgage dated as of November 15, 1936, as amended and supplemented and as to be further amended by a Sixth Supplemental Indenture dated as of February 1, 1957.

At the present time NEPCO has outstanding 2,478,468 shares of common stock par value $20 a share having an aggregate par value of $49,569,360. These shares are all owned by NEES. NEPCO proposes to issue and NEES proposes to acquire 142,857 additional shares of common stock of NEPCO for a total cash consideration of $4,999,995 ($35 a share), this amount being $2,142,855 in excess of the aggregate par value of such shares.

The proceeds from the sale of the Series G bonds and from the sale of the additional common stock are to be applied to the payment of short-term note indebtedness incurred by NEPCO for capitalizable expenditures and the balance if any will be used to pay for other capitalizable expenditures or to reimburse NEPCO's treasury therefor.

The total expenses of NEPCO in connection with the issuance and sale of the Series G bonds are estimated not to exceed $60,000 and for the common stock $6,400. The fees and expenses of counsel for the underwriters are estimated at $9,350 and are to be paid by the underwriters.

The proposed issue and sale of securities by NEPCO have been approved by the Massachusetts Department of Public Utilities, the New Hampshire Public Utilities Commission, and the Vermont Public Service Commission. No State commission or Federal commission other than this Commission has jurisdiction in respect of the acquisition of the common stock of NEPCO by NEES.

Due notice having been given of the filing of said application (Holding Company Act Release No. 13362), and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1140; Filed, Feb. 13, 1957; 8:49 a. m.]

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MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (j) (6) of § 6.302 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1212; Filed, Feb. 14, 1957; 8:55 a. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 11—SALES OF AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

SUBPART A—REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF SURPLUS AGRICULTURAL COMMODITIES FOR FOREIGN CURRENCIES

MISCELLANEOUS AMENDMENTS

Basis and purpose of Amendment 1. Section 11.4 (d) (7) of the regulations provides that demurrage and dispatch at point of discharge shall be for the account of the supplier except that the export sales contract may provide that net demurrage at point of discharge shall be for the account of the importer.

The purpose of Amendment 1 is to eliminate the prohibition against the importer earning dispatch in excess of demurrage at point of discharge under export sales contracts where ocean freight is financed as part of the commodity price.

Basis and purpose of Amendment 2. Section 11.7 (b) (3) of the regulations provides that application for reimbursement for supplemental payment under the direct reimbursement method of financing must be made within 180 days from the date of reimbursement for the initial payment by CCC.

The purpose of Amendment 2 is to require that any requests for reimbursement must be submitted to CCC within a period of 210 days after expiration of the specified delivery period or any extension thereof.

Basis and purpose of Amendment 3. Section 11.8 (d) (8) provides that drafts drawn by banking institutions on CCC shall be presented not later than 180 days after expiration of the delivery period specified in the applicable purchase authorization or any extension thereof granted by the Administrator.

The purpose of Amendment 3 is to increase the period of time for presentation to 210 days after expiration of the specified delivery period or any extension thereof.

Basis and purpose of Amendment 4. Section 11.9 (a) provides that drafts drawn on CCC and requests submitted to CCC for reimbursement shall be supported by certain required documents.

The purpose of Amendment 4 is to add a paragraph listing as a required document the signed original of CCC Form 329–3 "Statement of Transmittal of Ocean Bills of Lading".

Basis and purpose of Amendment 5. Section 11.9 (c) of the regulations prescribes the contents of CCC Form 329, "Supplier's Certificate".

The purpose of Amendment 5 is to amend paragraph 6 of the certificate to eliminate the certification that net dispatch earnings are for the account of the supplier, and to provide that information with respect to agents' commissions need not be filled in on any copies of the invoice-and-contract abstract (reverse side of CCC Form 329) furnished by the supplier to the importer.

Basis and purpose of Amendment 6. Section 11.10 (m) provides that banking institutions shall not finance the transaction unless the documentation bears the appropriate purchase authorization number and evidences delivery within the delivery period specified in the purchase authorization.

The purpose of Amendment 6 is to make it clear that the extent of the banking institution's responsibilities with respect to the delivery period specified in the purchase authorization, is to ascertain that the shipping documents evidence delivery within the prescribed period.

The Regulations Governing the Financing of Commercial Sales of Surplus

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 7, Parts 900–959 ($0.50)
Title 18 ($0.50)
Title 21 ($0.50)
Title 26, Parts 1–79 ($0.35)

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Agricultural Commodities for Foreign Currencies (21 F. R. 1431) are hereby amended as follows:

1. Paragraph (d) (7) of § 11.4 *Purchase authorizations* is hereby amended to read as follows:

(7) *Ocean freight financed as part of the commodity price.* Ocean freight will be financed as part of the commodity cost only to the extent specifically provided in the applicable purchase authorization. In the absence of a specific provision in the applicable purchase authorization, the cost of ocean freight will not be financed by CCC as part of the commodity price and must not be covered by the net invoice price. Discharge costs on shipments under any export sales contracts where ocean freight is being financed as part of the commodity price may be for the account of the vessel only when in accordance with trade custom.

2. Paragraph (b) (3) of § 11.7 *Methods of financing* is hereby amended to read as follows:

(3) Unless otherwise specifically provided in the purchase authorization, all requests for reimbursement supported by the required documentation shall be submitted to CCC not later than 210 days after expiration of the delivery period specified in the applicable authorization or any extension thereof granted by the Administrator.

3. Paragraph (d) (8) of § 11.8 *Letters of commitment to banking institutions* is hereby amended to read as follows:

(8) Unless otherwise specifically provided in the letter of commitment, drafts drawn by banking institutions on CCC shall be presented not later than 210 days after expiration of the delivery period specified in the applicable purchase authorization or any extension thereof granted by the Administrator.

4. a. Paragraph (a) of § 11.9 *Documentation* is hereby amended to add a subparagraph (8) to read as follows:

(8) Signed original of CCC Form 329–3 "Statement of Transmittal of Ocean Bills of Lading" showing that two non-negotiable copies (or photostats) of the on-board ocean bill of lading have been forwarded to the Administrator, Foreign Agricultural Service, Washington 25, D. C., as required by § 11.4 (d) (9).

b. Present subparagraph (8) is renumbered subparagraph (9).

5. Paragraph (c) of § 11.9 *Documentation* is hereby amended to read as follows:

(c) The supplier's certificate is as follows:

COMMODITY CREDIT CORPORATION FORM 329
(NOVEMBER 15, 1956)

SUPPLIER'S CERTIFICATE

The supplier hereby acknowledges notice that the sum indicated on the accompanying invoice as claimed to be due and owing under the terms of the underlying contract, is to be paid out of funds made available by the Commodity Credit Corporation under the Agricultural Trade Development and Assistance Act of 1954, as amended, and further certifies and agrees with CCC as follows:

(1) The supplier is entitled under said contract to the payment of the claimed sum, and he will promptly make appropriate refund to the CSS Office named in the purchase authorization for any breach by him of the terms of this certificate.

(2) Payment of damages for breach of said contract and of adjustment refunds arising out of the terms of the contract or the customs of the trade shall be made, in United States dollars, for the account of the party entitled to such payment and, unless otherwise provided in the purchase authorization, shall be remitted to the banking institution to which the supplier presented the documents covering the original transaction.

(3) The supplier is the producer, processor, or exporter of, or a regular dealer in, the commodity, or is the ocean carrier who furnished transportation under said contract, and has not employed any person to obtain said contract under any agreement for a commission, percentage, or contingent fee, except to the extent, if any, of the payment of a commission to a bona fide established commercial or selling agent employed by the supplier as disclosed on the reverse of this form.

(4) The supplier has not given or received and will not give or receive by way of side payment, "kickbacks", or otherwise, any benefit in connection with said contract except as is disclosed on the reverse of this form, or as is the result of the adjustments referred to in paragraph (2) above.

(5) Unless authorized by the applicable purchase authorization, the net invoice price does not contain any amount to cover the cost of ocean freight or insurance.

(6) If the applicable purchase authorization so authorizes and the export sales contract requires payment by the supplier of ocean freight, discharge costs are for the account of the vessel only if in accordance with trade customs.

(7) If the applicable purchase authorization so authorizes and the export sales contract requires payment by the supplier of insurance, the policies of insurance contain a provision requiring the underwriter to notify the CSS Office of any claim paid.

(8) If the supplier is the producer, or processor of a commodity, said contract is not a cost plus-a-percentage-of-cost contract.

(9) On the basis of information obtained from such sources as are available to the supplier, and to the best of his information and belief, the commodity was grown in the United States and, if processed, such processing was performed in the United States. (This certification is not required where the commodities exported were the identical commodities purchased from CCC.)

(10) On the basis of information obtained from such sources as are available to the supplier, and to the best of his information and belief, his sales price is no higher than the maximum specified in the applicable regulations of the U. S. Department of Agriculture or in the purchase authorization.

(11) The supplier has complied with the applicable requirements of said regulations, and has allowed all discounts, including discounts for quantity purchases and prompt payment, customarily allowed his other customers similarly situated.

(12) If the supplier is an ocean carrier, he shall not be deemed to certify to paragraph (2) in the case of c. & f. or c. i. f. transactions or to paragraph (5), (6), (7), (8), (9), (10), and (11) but instead certifies that the rate indicated on the reverse of this form for ocean transportation does not exceed the prevailing rate for similar freight contracts or the rate paid to the supplier for similar services by other customers similarly situated; that address commissions have not and will not be paid; that brokerage commissions in excess of 2½ percent of the freight charged have not and will not be paid; and that the names of all parties participating in the brokerage commission are shown on the charter party.

(13) The supplier has filed in the applicable portions of the invoice-and-contract abstract on the reverse hereof, certifies to the correctness of the information shown therein, and will furnish promptly to the CSS Office, upon request, such additional information in such form as the CSS Office may require concerning price or any other details of the contract.

_____
(Date)

_____
(Name of Supplier)

_____
(Authorized signature)

_____
(Title)

NOTE: Any amendments, deletions of applicable provisions, or substitutions will invalidate this certificate.

Before executing the supplier's certificate, the supplier shall fill in the invoice-and-contract abstract on the reverse side in accordance with the instructions printed on the form. The information required by the abstract is generally as follows:

(1) Invoice information, including the supplier's name and address, the importer's name and address, and detailed billing and shipping data.

(2) Information relating to agents' commissions paid or to be paid. This information with respect to agents' commissions need not be filled in on any copies of CCC Form 329 to be furnished by the supplier to the importer.

(3) Contract and price information expressed in dollars including a reconciliation of the contract and invoice prices applicable.

6. Paragraph (m) of § 11.10 *Responsibilities of banking institutions in connection with letters of commitment issued to them* is amended to read as follows:

(m) Section 11.13 contains provisions concerning use of the purchase authorization number, placement of orders, and delivery dates. Banking institutions financing transactions under letters of commitment are not required to assume responsibility for compliance with this section, but shall not finance the transactions unless the documentation bears the appropriate purchase authorization number and the shipping documents evidence delivery within the delivery period specified in the purchase authorization.

(Sec. 102, 68 Stat. 455; 7 U. S. C. 1702. E. O. 10560, 19 F. R. 5927, 3 CFR, 1954 Supp.)

Effective date. These amendments shall become effective upon publication

in the FEDERAL REGISTER as to purchase authorizations originally issued on and after the date of such publication. Purchase authorizations originally issued prior to such date of publication shall continue to be subject to the provisions of this subpart applicable thereto prior to these amendments unless these amendments are made applicable to such purchase authorizations by amendment or modification of such purchase authorizations.

Done at Washington, D. C., this 12th day of February 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-1177; Filed, Feb. 14, 1957; 8:49 a. m.]

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ASPARAGUS

Correction

In Federal Register Document 57-1017, published at page 805 in the issue for Saturday, February 9, 1957, paragraph (a) of § 52.2556 should read as follows:

§ 52.2556 *Definitions and explanations of terms*—(a) *Head.* Head in cut spears means the tip end which has been cut from an asparagus shoot which is ⅝ inch or more in length with respect to the green type and which is ⅜ inch or more in length with respect to green tipped and white and white types, or the upper portion of a spear which possesses a substantial amount of head material which has been cut from near the tip end and which is approximately the same length as the other cut units.

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[970.303 Amdt. 3]

PART 970—IRISH POTATOES GROWN IN MAINE

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970), regulating the handling of Irish potatoes grown in Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (1) of § 970.303, as amended (21 F. R. 6911, 8232; 22 F. R. 544), are hereby amended by adding the following proviso at the end thereof: ": *Provided*, That beginning on February 18, 1957, potatoes of such long varieties that are in packs of 50 pounds, or more, may be shipped if such potatoes are at least 'fairly clean'."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 12, 1957, to become effective February 18, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-1213; Filed, Feb. 14, 1957; 8:55 a. m.]

[Tomato Reg., Amdt. 1]

PART 1065—TOMATOES

MISCELLANEOUS AMENDMENTS

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), § 1065.2 *Tomato Regulation No. 2* (22 F. R. 811) is hereby amended as follows:

1. Amend paragraph (a) *Import restrictions* to read as follows:

(a) *Import restrictions.* During the period from February 14, 1957, through March 9, 1957, and subject to CFR Part 1060 of this subchapter applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes unless such tomatoes are of a diameter greater than 2⅛ inches and meet the requirements of U. S. Combination, or better, grade except that tomatoes which are of a diameter greater than 2$^{2}/_{32}$ inches may be imported if they meet the requirements of the U. S. No. 2, or better, grade.

2. Delete paragraph (b), and renumber paragraphs (c), (d), (e), and (f) as paragraphs (b), (c), (d), and (e), respectively.

3. Amend newly renumbered paragraph (d) (6) (formerly (e) (6)), to read as follows:

(6) The following shipping point tolerances, applicable to the U. S. Combination, and the U. S. No. 2 grades, respectively, shall apply to all inspections performed on tomatoes prior to or upon entry into the United States:

(i) *U. S. Combination.* "At shipping point (or in shipments from outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of the U. S. No. 2 grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay;" and

(ii) *U. S. No. 2.* "At shipping point (or in shipments from points outside the continental United States when inspected at points of entry) not more than a total of 10 percent, by count, for tomatoes in any lot which fail to meet the requirements of this grade: *Provided*, That not more than one-tenth of this amount, or 1 percent, shall be allowed for tomatoes which are soft or affected by decay."

4. Amend newly renumbered paragraph (e) (1) (formerly (f) (1)) to read as follows:

(e) *Definitions.* (1) The terms "U. S. Combination", and "U. S. No. 2" shall have the same meaning assigned these terms in the United States Standards for Fresh Tomatoes (21 F. R. 9559).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amended import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation mandatory; (ii) the same regulations are now in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.303; 22 F. R. 757, 812); (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) this amendment imposes less severe restrictions on the importation of tomatoes than would be imposed by § 1065.2 Tomato Regulation No. 2 (22 F. R. 811) if it were not amended; and (v) the regulations hereby established for tomatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic tomatoes under the aforesaid marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: February 12, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-1214; Filed, Feb. 14, 1957; 8:55 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

[B. A. I. Order 371, Amdt. 3]

PART 95—SANITARY CONTROL OF ANIMAL BYPRODUCTS (EXCEPT CASINGS), AND HAY AND STRAW, OFFERED FOR ENTRY INTO THE UNITED STATES

IMPORTATION OF CERTAIN CLOTH AND BURLAP FROM RINDERPEST OR FOOT-AND-MOUTH DISEASE COUNTRIES

Pursuant to the authority vested in the Secretary of Agriculture by section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111), § 95.23 of the regulations governing the sanitary control of animal byproducts (except casings), and hay and straw, offered for entry into the United States (9 CFR 95.23) is hereby amended to read as follows:

§ 95.23 *Previously used meat covers; importations permitted subject to restrictions.* Cloth or burlap which has been used to cover fresh or frozen meats originating in any country designated in § 94.1 of this subchapter as a country in which rinderpest or foot-and-mouth disease exists, shall not be imported except under the following conditions:

(a) The cloth or burlap shall be consigned from the coast or border port of arrival to an establishment specifically approved for the purpose by the Chief of the Branch.

(b) The cloth or burlap shall be immediately moved from the coast or border port of arrival, or in case of I. T. or in-bond shipments from the interior port, to the establishment, in railroad cars or trucks, or in vessel compartments, with no other material contained therein, sealed with seals of the Department, which shall not be broken except by inspectors or other persons authorized by the Chief of Branch: *Provided, however*, That upon permission of the Chief of Branch, such cloth or burlap may be stored for a temporary period in approved warehouses at the port of arrival under bond and under the supervision of an inspector.

(c) The material shall be disinfected and otherwise handled at the establishment under the direction of an inspector in a manner approved by the Chief of Branch to guard against the dissemination of foot-and-mouth disease and rinderpest, and the material shall not be removed therefrom, except upon special permission of the Chief of Branch, until all of the conditions and requirements of this section have been complied with.

Previous regulations provided that cloth or burlap used to cover fresh or frozen meats originating in countries where rinderpest or foot-and-mouth disease exists, was prohibited entry into this country. Under this amendment this material may be imported under certain specified restrictions.

This amendment relieves certain restrictions on the importation of cloth and burlap and must be made effective immediately to be of maximum benefit to affected persons. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER. Such notice and hearing are not required by any other statute.

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111)

Done at Washington, D. C., this 11th day of February 1957.

M. R. CLARKSON, *Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 57-1176; Filed, Feb. 14, 1957; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 13]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.102 *Amber Civil Airway 2* is amended to delete:

From San Pedro INT, Calif.; to Long Beach, Calif., LFR; MEA 4,000.

From Long Beach, Calif., LFR; to °La Habra INT, Calif.; MEA 3,000. °10,000—MCA La Habra INT, northeastbound.

From La Habra INT, Calif.; to Fairgrounds INT, Calif. Northeastbound, MEA 12,000; southeastbound MEA 4,000.

From Fairgrounds INT, Calif.; to Daggett, Calif. LFR; MEA 12,000.

Section 610.107 *Amber Civil Airway 7* is amended to read in part:

From Relay INT, Md.; to Lock Raven INT, Md.; MEA 2,000.

Section 610.113 *Amber Civil Airway 13* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md. LFR; MEA 1,500.

From Baltimore, Md., LFR; to INT. N course Baltimore and SW course Philadelphia, LFR; MEA 2,000.

From INT. N course Baltimore and SW course Philadelphia, LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to N. Philadelphia, Pa., LFR; MEA 1,800.

From N. Philadelphia, Pa., LFR; to Newark, N. J., LFR; MEA 1,500.

Section 610.114 *Amber Civil Airway 14* is amended to delete:

From Riverdale, Md., LF/RBN; to Ellicott City INT, Md.; MEA 2,000.

From Ellicott City INT, Md.; to Westminister INT, Md.; MEA 2,000.

From Westminister INT, Md.; to Lancaster, Pa., LF/RBN; MEA 2,000.

From Willow Grove, Pa. LFR; to Belle Mead INT, N. J.; MEA 1,700.

From Belle Mead INT, N. J.; to Chatham, N. J., LF/RBN; MEA 2,000.

Section 610.115 *Amber Civil Airway 15* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md. LFR; to Int. N course Baltimore and SW course Philadelphia, LFR; MEA 2,000.

From Int. N course Baltimore and SW course Philadelphia, LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,800.

From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Idlewild, N. Y., LFR; MEA 1,500.

Section 610.119 *Amber Civil Airway 19* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md., LFR; to Int. N course Baltimore, Md., and SW course Philadelphia, LFR; MEA 2,000.

From Int. N course Baltimore, Md., and SW course Philadelphia, LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,500.

From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.

From Flatbush INT, N. J.; to La Guardia, N. Y. LFR; MEA 2,500.

Section 610.210 *Red Civil Airway 10* is amended to read in part:

From Alvord INT, Tex.; to Dallas, Tex., LFR; MEA 2,200.

Section 610.222 *Red Civil Airway 22* is amended to read in part:

From U. S. Canadian Border; to Buffalo, N. Y., LFR; MEA 2,300.

Section 610.223 *Red Civil Airway 23* is amended to read in part:

From U. S. Canadian Border; to Buffalo, N. Y., LFR; MEA 2,300.

Section 610.313 *Red Civil Airway 113* is added to read:

From Makapuu Pt., T. H., LF/RBN; to Int. 062 T bearing from Makapuu Pt., LF/RBN and N course Maui, LFR; MEA 2,000.

Section 610.1001 *Direct Routes, U. S.* is amended by adding:

From Placerville INT, Calif.; to Sacramento, Calif., VOR; westbound only; MEA 7,000.
From Yosemite INT, Calif.; to Modesto, Calif., VOR; westbound only, MEA 8,000.
From Orange Cove INT, Calif.; to Fresno, Calif., VOR; westbound only, MEA 4,000.

Section 610.6003 *VOR Civil Airway 3* is amended to delete:

From Raleigh-Durham, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.
From Lawrenceville, Va., VOR; to Flat Rock, Va., VOR; MEA 1,500.

Section 610.6003 *VOR Civil Airway 3* is amended to read in part:

From Int. 016 T radial, Washington, D. C., TVOR & 104 T radial, Herndon, Va., VOR; to Hereford INT, Md.; MEA *5,000. *2,000—MOCA.

Section 610.6003 *VOR Civil Airway 3* is amended by adding:

From Raleigh, N. C., VOR; to Chase City INT, Va.; MEA *3,000. *2,000—MOCA.
From Chase City INT, Va.; to Flat Rock, Va., VOR; MEA *2,500. *2,000—MOCA.

Section 610.6006 *VOR Civil Airway 6* is amended to read in part:

From Iowa City, Iowa, VOR, via S alter.: to Moline, Ill., VOR via S alter.; MEA 2,100.
From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.
From Shabbona INT, Ill.; to Sugar Grove INT, Ill.; MEA 2,100.
From Sugar Grove INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6007 *VOR Civil Airway 7* is amended to delete:

From Chicago Heights, Ill., VOR; to City INT, Ill, MEA 2,000.
From City INT, Ill.; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Bristol INT, Wis.; to *Wind Lake INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.
From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

Section 610.6007 *VOR Civil Airway 7* is amended by adding:

From Chicago Hgts., Ill., VOR; to *Bull Head INT, Ill.; MEA 2,500. *2,500—MRA.
From Bull Head INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.
From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.
From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Oakwood INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.
From Chicago Heights, Ill., VOR via E alter.; to Beacon INT, Ill., via E alter.; MEA 2,000.
From Beacon INT, Ill., via E alter.; to *White Fish INT, Ill., via E alter.; MEA 2,500. *3,500—MRA.
From White Fish INT, Ill., via E alter.; to Taylor INT, Ill., via E alter.; MEA *3,500. *2,000—MOCA.
From Taylor INT, Ill., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.
From Racine INT, Wis., via E alter.; to *Oakwood INT, Wis., via E alter.; MEA **3,000. *3,000—MRA. **2,100—MOCA.
From Oakwood INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA **3,000. *3,500—MRA. **2,100—MOCA.
From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter.; MEA 2,300.

Section 610.6008 *VOR Civil Airway 8* is amended to read in part:

From Denver, Colo., VOR via N alter.; to Wiggins INT, Colo., via N alter.; MEA 6,600.
From Wiggins INT, Colo., via N alter.; to Imperial, Nebr., VOR via N alter.; MEA *9,500. *7,000—MOCA.
From Iowa City, Iowa, VOR via S alter.; to Moline, Ill., VOR via S alter.; MEA 2,100.
From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *3,500—MRA.
From Shabbona INT, Ill.; to Sugar Grove INT, Ill.; MEA 2,100.
From Sugar Grove INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6009 *VOR Civil Airway 9* is amended to delete:

From Naperville, Ill., VOR; to Milwaukee, Wis., VOR; MEA 2,500.
From Naperville, Ill., VOR via W alter.: to Woodstock INT, Wis., via W alter.; MEA 2,200.
From Woodstock INT, Wis., via W alter.: to Milwaukee, Wis., VOR via W alter.; MEA 2,400.

Section 610.6009 *VOR Civil Airway 9* is amended by adding:

From Naperville, Ill., VOR; to Dundee INT Ill.; MEA 2,500.
From Dundee INT, Ill.; to Hebron INT, Ill.; MEA *2,500. *2,200—MOCA.
From Hebron INT, Ill.; to Milwaukee, Wis., VOR; MEA *2,500. *2,400 MOCA.
From Naperville, Ill., VOR via W alter.; to *Genoa INT, Ill., via W alter.; MEA 2,200. *2,600—MRA.
From Genoa INT, Ill., via W alter.; to Milwaukee, Wis., VOR via W alter.; MEA 2,600.

Section 610.6010 *VOR Civil Airway 10* is amended to read in part:

From Burlington, Iowa, VOR; to Bradford, Ill., VOR; MEA 2,100.

Section 610.6013 *VOR Civil Airway 13* is amended to read in part:

From Neosho, Mo., VOR; to *Nevada INT, Mo.; MEA 2,700. *3,000—MRA.
From Nevada INT, Mo.; to Butler, Mo., VOR; MEA 2,500.
From Neosho, Mo., VOR via W alter.; to Butler, Mo., VOR via W alter.; MEA 2,700.
From Mason City, Iowa; to Hope INT, Minn.; MEA *4,000. *2,800—MOCA.
From Hope INT, Minn.; to Lakeville INT, Minn.; MEA *4,000. *2,600—MOCA.
From Mason City, Iowa, VOR via W alter.; to *Prior INT, Minn., via W alter.; MEA **4,000. *4,000—MRA. **2,600—MOCA.

Section 610.6015 *VOR Civil Airway 15* is amended to read in part:

From Houston, Tex., VOR; to College Station, Tex., VOR; MEA *2,000. *1,800—MOCA.

Section 610.6018 *VOR Civil Airway 18* is amended to read in part:

From Meridian, Miss., VOR to Warrior INT, Ala.; MEA *3,500. *2,000—MOCA.
From Warrior INT, Ala.; to Abernant INT, Ala.; MEA *3,500. *1,700—MOCA.
From Abernant INT, Ala.; to Anniston, Ala., VOR; MEA 3,000.

Section 610.6019 *VOR Civil Airway 19* is amended by adding:

From Pueblo, Colo., VOR via E alter.; to Kiowa, Colo., VOR via E alter.; MEA 8,100.

Section 610.6026 *VOR Civil Airway 26* is amended to delete:

From Redwood Falls, Minn., VOR via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From Prior INT, Minn., via S alter.; to Minneapolis, Minn., VOR via S alter.; MEA 2,500.
From Minneapolis, Minn., VOR via S alter.; to Eau Claire, Wis., VOR via S alter.; MEA 2,800.

Section 610.6026 *VOR Civil Airway 26* is amended by adding:

From Redwood Falls, Minn., VOR via S alter.; to *Prior INT, Minn., via S alter.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From *Prior INT, Minn., via S alter.; to **Hastings INT, Minn., via S alter.; MEA ***10,500. *10,500—MCA Prior INT, eastbound and westbound. **5,000—MRA. ***2,200—MOCA.
From Hastings INT, Minn., via S alter.; to Martell INT, Wis., via S alter.; MEA *8,000. *2,400—MOCA.
From Martell INT, Wis., via S alter.; to Eau Claire, Wis., VOR via S alter.; MEA 2,600.

Section 610.6030 *VOR Civil Airway 30* is amended to read in part:

From *New Berlin INT, Wis., via S alter.; to ** Oakwood INT, Wis., via S alter.; MEA ***3,000. *3,500—MRA. **3,000—MRA. ***2,100—MOCA.
From Oakwood INT, Wis., via S alter.; to Racine INT, Wis., via S alter.; MEA *3,000. *2,000–MOCA.

Section 610.6038 *VOR Civil Airway 38* is amended to read in part:

From Iowa City, Iowa, VOR; to Buffalo INT, Iowa; MEA 2,100.
From Buffalo INT, Iowa; to *Annawan INT, Ill.; MEA **4,000. *4,000—MRA. **2,100—MOCA.
From Annawan INT, Ill.; to Triumph INT, Ill.; MEA *6,000. *2,000—MOCA.
From Triumph INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.

Section 610.6047 *VOR Civil Airway 47* is amended to read in part:

From Cincinnati, Ohio, VOR; to Camden INT, Ohio; MEA 3,000.
From Camden INT, Ohio; to Englewood INT, Ohio; MEA 2,500.
From Englewood INT, Ohio; to Dayton, Ohio, VOR; MEA 2,300.

Section 610.6062 *VOR Civil Airway 62* is amended to read in part;

From Lubbock, Tex., VOR; to Spur INT, Tex.; MEA *5,700. *4,500—MOCA.
From Spur INT, Tex.; to Abilene, Tex., VOR; MEA *5,300. *3,600—MOCA.

Section 610.6063 *VOR Civil Airway 63* is amended to delete:

From Burlington, Iowa, VOR; to Moline, Ill., VOR; MEA 2,300.
From Moline, Ill., VOR; to Janesville, Wis., VOR via W alter.; MEA 2,200.
From Janesville, Wis., VOR via W alter.; to Milwaukee, Wis., VOR via W alter.; MEA 2,500.

Section 610.6063 *VOR Civil Airway 63* is amended by adding:

From Burlington, Iowa, VOR; to Buffalo INT, Iowa; MEA 2,300.
From Buffalo INT, Iowa; to *Charlotte INT, Iowa; MEA **2,500. *4,000—MCA Charlotte INT, northeastbound. **2,300—MOCA.
From Charlotte INT, Iowa; to Freeport INT, Ill.; MEA *4,000. *2,500—MOCA.
From Freeport INT, Ill.; to Janesville, Wis., VOR; MEA 2,500.

Section 610.6066 *VOR Civil Airway 66* is amended to read in part:

From *San Diego, Calif., VOR; to **El Centro, Calif., VOR; MEA 8,000. *3,000—MCA San Diego VOR, eastbound. **4,000—MCA El Centro VOR, westbound.
From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.
From Jamul, Calif., LF/RBN; to San Diego, Calif., VOR, westbound only; MEA 4,500.

Section 610.6068 *VOR Civil Airway 68* is amended to read in part:

From Hobbs, N. Mex., VOR; to Pipe Line INT, Tex.; MEA 5,300. (Deletes MRA at Pipe Line INT.)

Section 610.6069 *VOR Civil Airway 69* is amended to read in part:

From Shreveport, La., VOR; to *Gordon INT, La.; MEA 1,600. *3,000—MRA.
From Gordon INT, La.; to El Dorado, Ark., VOR; MEA 1,600.

Section 610.6075 *VOR Civil Airway 75* is amended to delete:

From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,000.

Section 610.6076 *VOR Civil Airway 76* is amended to read in part:

From Austin, Tex., VOR; to McDade INT, Tex.; MEA 2,000.
From McDade INT, Tex.; to Sealy INT, Tex.; MEA *3,500. *1,700—MOCA.

Section 610.6084 *VOR Civil Airway 84* is amended to delete:

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Chicago Midway Arpt. Ill., TVOR; MEA 2,000.

Section 610.6084 *VOR Civil Airway 84* is amended to read in part:

From U. S. Canadian Border; to Buffalo, N. Y., VOR; MEA 2,300.

Section 610.6084 *VOR Civil Airway 84* is amended by adding:

From *Shabbona INT, Ill.; to Dundee INT, Ill.; MEA **3,500. *3,500—MRA. **2,200—MOCA.
From Dundee INT, Ill.; to Wheeling, Ill., VOR; MEA 2,200.

Section 610.6092 *VOR Civil Airway 92* is amended to read in part:

From Goshen, Ind., VOR; to Millersburg INT, Ind.; MEA 2,000.
From Millersburg INT, Ind.; to Bryan INT, Ohio; MEA 3,000.
From Millsboro INT, Pa.; to Uniontown, INT, Pa.; MEA 4,000.
From Uniontown INT, Pa.; to Grantsville, Md., VOR; 5,000.

Section 610.6092 *VOR Civil Airway 92* is amended by adding:

Joliet, Ill., VOR; to Chicago Heights, Ill., VOR; MEA 2,300.

Section 610.6093 *VOR Civil Airway 93* is amended to delete:

From Riverdale, Md., LF/RBN; to Baltimore, Md., VOR; MEA 1,600.

Section 610.6097 *VOR Civil Airway 97* is amended to delete:

From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.
From City INT, Ill.; to *Lake Forest INT, Ill. **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to Fox Lake INT, Ill.; MEA *3,600. *2,100—MOCA.
From Fox Lake INT, Ill.; to Woodstock INT, Ill.; MEA *2,500. *2,000—MOCA.
From Woodstock INT, Ill.; to Janesville, Wis., VOR; MEA 2,400.
From Janesville, Wis., VOR; to Lone Rock, Wis., VOR; MEA 3,100.
From Janesville, Wis., VOR via W alter.: to Argyle INT, Wis., via W alter.; MEA 2,200.
From Argyle INT, Wis., via W alter.; to Lone Rock, Wis., VOR via W alter.; MEA 2,400.

Section 610.6097 *VOR Civil Airway 97* is amended to read in part:

From Diamond Bluff INT, Wis.; to *Hastings INT, Minn.; MEA 2,400. *5,000—MRA.
From Hastings INT, Minn.; to Minneapolis, Minn., ILS loc.; MEA 2,400.

Section 610.6097 *VOR Civil Airway 97* is amended by adding:

From Hebron INT, Ill.; to Janesville, Wis., VOR; MEA 2,500.
From Janesville, Wis., VOR; to New Glarus INT, Wis.; MEA 2,200.
From New Glarus INT, Wis.; to Lone Rock, Wis., VOR; MEA 3,100.

Section 610.6099 *VOR Civil Airway 99* is amended to read in part:

From Newberg, Oreg., VOR; to Pittsburg INT, Oreg.; northbound, MEA 5,000; southbound, MEA 4,000.
From Pittsburg INT, Oreg.; to Winlock INT, Wash.; 5,000.
From Winlock INT, Wash.; to Olympia, Wash., VOR; northbound, MEA 4,000; southbound, MEA 5,000.

Section 610.6100 *VOR Civil Airway 100* is amended to read in part:

From Waterloo, Iowa, VOR; to Dubuque INT, Iowa; MEA *6,000. *3,100—MOCA.
From Dubuque INT, Iowa; to Polo, Ill., VOR; MEA *6,000. *2,500—MOCA.

Section 610.6100 *VOR Civil Airway 100* is amended by adding:

From Rockford, Ill., VOR; to Elgin INT, Ill.; MEA 2,500.
From Elgin INT, Ill.; to Wheeling, Ill., VOR; MEA 2,200.

Section 610.6103 *VOR Civil Airway 103* is amended by adding:

From Greensboro, N. C., VOR; to Roanoke, Va., TVOR; MEA 5,600.
From Price INT, Va.; to Greensboro, N. C., VOR; southbound only; MEA 3,000.
From Roanoke, Va., TVOR; to Covington INT, Va.; MEA 6,000.
From Covington INT, Va.; to Elkins, W. Va., VCR; MEA *10,000. *6,700—MOCA.

Section 610.6105 *VOR Civil Airway 105* is amended to read in part:

From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Rock Springs INT, Ariz.; to Phoenix, Ariz., VOR, southeastbound only; MEA 8,500.

Section 610.6107 *VOR Civil Airway 107* is amended to delete:

From *Los Angeles, Calif., VOR; to Fillmore, Calif., VOR; MEA 5,000. *3,000—MCA Los Angeles, VOR, northwestbound.
From Shoreline INT, Calif.; to Los Angeles, Calif., VOR, southeastbound only; MEA 3,000.

Section 610.6107 *VOR Civil Airway 107* is amended by adding:

From Long Beach, Calif., VOR; to *Pt. Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, westbound.
From Pt. Dume INT, Calif.; to *Fillmore, Calif., VOR; MEA 5,000. *9,000—MCA Fillmore VOR, northbound.

Section 610.6126 *VOR Civil Airway 126* is amended to read in part:

From Goshen, Ind., VOR; to Millersburg INT, Ind.; MEA 2,000.
From Millersburg INT, Ind.; to Bryan INT, Ohio; MEA 3,000.

Section 610.6129 *VOR Civil Airway 129* is amended to delete:

From Polo, Ill., VOR; to Argyle INT, Wis.; MEA 2,200.
From Argyle INT, Wis.; to Lone Rock, Wis., VOR; MEA 2,400.

Section 610.6129 *VOR Civil Airway 129* is amended by adding:

From Rockford, Ill., VOR; to *Freeport INT, Ill.; MEA 2,500. *4,000—MCA Freeport INT, northbound.
From Freeport INT, Ill.; to Lone Rock, Wis., VOR; MEA *4,000. *2,400—MOCA.

Section 610.6143 *VOR Civil Airway 143* is amended to read in part:

From Charlotte, N. C., VOR; to Bradley INT, N. C.; MEA *2,500. *2,300—MOCA. (Deletes MRA at Bradley INT.)

Section 610.6149 *VOR Civil Airway 149* is amended to read in part:

From Binghamton, N. Y., VOR; to *Georgetown INT, N. Y.; MEA 3,500. *4,500—MRA.
From Georgetown INT, N. Y.; to Sherrill INT, N. Y.; MEA 3,500.

Section 610.6153 *VOR Civil Airway 153* is amended to read in part:

From Wilkes-Barre, Pa., VOR; to *Sidney INT, N. Y.; MEA 4,000. *4,500—MRA.
From Sidney INT, N. Y.; to *Georgetown INT, N. Y.; MEA **4,500. *4,500—MRA. **3,500—MOCA.
From Georgetown INT, N. Y.; to Syracuse, N. Y., VOR; MEA *4,500. *3,500—MOCA.

Section 610.6155 *VOR Civil Airway 155* is amended by adding:

From Raleigh, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.
From Lawrenceville, Va., VOR; to Flat Rock, Va., VOR; MEA 1,500.
From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,000.

Section 610.6157 *VOR Civil Airway 157* is amended to read in part:

From Lawrenceville, Va., VOR; to Richmond, Va., LFR; MEA 1,500.

Section 610.6161 *VOR Civil Airway 161* is amended to read in part:

From Ft. Worth (Carter) ILS loc.; to Justin INT, Tex.; MEA *2,000. *1,900—MOCA.
From Justin INT, Tex.; to Fox INT, Tex.; MEA *2,500. *2,000—MOCA.
From Fox INT, Tex.; to Ardmore, Okla. VOR; MEA *2,500. *2,400—MOCA.
From Diamond Bluff INT, Wis.; to *Hastings INT, Minn.; MEA 2,400. *5,000—MRA.
From Hastings INT, Minn.; to Minneapolis, Minn., ILS loc.; MEA 2,400.

Section 610.6163 *VOR Civil Airway 163* is amended by adding:

From Ardmore, Okla., VOR; to Oklahoma City, Okla. VOR; MEA 2,700.

From Ardmore, Okla., VOR via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA *3,000. *2,700—MOCA.

Section 610.6163 *VOR Civil Airway 163* is amended to read in part:

From San Antonio, Tex., VOR; to Spring Branch INT, Tex.; MEA *2,700. *2,600—MOCA.

From *Mill INT, Tex.; to Mineral Wells, Tex., VOR; MEA 2,400. *3,500—MRA.

Section 610.6165 *VOR Civil Airway 165* is amended by adding:

From Alhambra INT, Calif.; to Long Beach, Calif., VOR, southbound only; MEA 3,000.

Section 610.6171 *VOR Civil Airway 171* is amended to delete:

From Joliet, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.

From Sycamore INT, Ill.; to Janesville, Wis. VOR; MEA 2,100.

From Janesville, Wis., VOR; to Mendota INT, Wis.; MEA 2,700.

Section 610.6171 *VOR Civil Airway 171* is amended by adding:

From Joliet, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.

From Sycamore INT, Ill.; to *Rockford, Ill. VOR; MEA 2,100. *2,500—MCA Rockford VOR, northwestbound.

From Rockford, Ill., VOR; to New Glarus INT, Wis.; MEA 2,500.

From New Glarus INT, Wis.; to Lone Rock, Wis. VOR; MEA 3,100.

Section 610.6172 *VOR Civil Airway 172* is amended to read:

From Des Moines, Iowa, VOR; to *Monroe INT, Iowa; MEA 2,200. *3,500—MRA.

From Monroe INT, Iowa; to Grinnell INT, Iowa; MEA 2,200.

From Grinnell INT, Iowa; to Cedar Rapids, Iowa, VOR; MEA 2,200.

From Cedar Rapids, Iowa, VOR; to Charlotte INT, Ill.; MEA *2,500. *2,200—MOCA.

From Charlotte INT, Ill.; to Polo, Ill., VOR; MEA 2,200.

From Polo, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.

From Sycamore INT, Ill.; to Chicago (O'Hare), Ill., TVOR; MEA 2,500.

Section 610.6173 *VOR Civil Airway 173* is amended to read in part:

From Roberts, Ill., VOR; to *Manteno INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.

From Manteno INT, Ill.; to Big Run INT, Ill.; MEA *2,500. *2,000—MOCA.

From Big Run INT, Ill.; to Chicago (Midway), Ill., TVOR; MEA 2,100.

Section 610.6177 *VOR Civil Airway 177* is amended to read:

From Naperville, Ill., VOR; to *Genoa INT, Ill.; MEA 2,200. *2,600—MRA.

From Genoa INT, Ill.; to Janesville, Wis., VOR; MEA 2,200.

Section 610.6187 *VOR Civil Airway 187* is amended to delete:

From Chicago Heights, Ill., VOR; to *Bull Head INT, Ill.; MEA 2,500. *2,500—MRA.

From Bull Head INT, Ill.; to *Papi INT, Ill.; MEA 2,500. *2,500—MRA.

From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,500. *4,500—MCA Taylor INT, southbound. **2,000—MOCA.

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.

From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

From New Berlin INT, Wis.; to Milwaukee, Wis. VOR; MEA 2,300.

From Chicago Heights, Ill., VOR via E alter.; to Beacon INT, Ill., via E alter.; MEA 2,000.

From Beacon INT, Ill., via E alter.; to *White Fish INT, Ill., via E alter.; MEA 2,500. *3,500—MRA.

From White Fish INT, Ill., via E alter.; to Taylor INT, Ill., via E alter.; MEA *3,500. *2,000—MRA.

From Taylor INT, Ill., via E alter.; to Racine INT, Wis., via E alter.; MEA *3,000. *2,000—MOCA.

From Racine INT, Wis., via E alter.; to *New Berlin INT, Wis., via E alter.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

From New Berlin INT, Wis., via E alter.; to Milwaukee, Wis., VOR via E alter; MEA 2,300.

Section 610.6191 *VOR Civil Airway 191* is amended to read in part:

From Roberts, Ill., VOR; to *Manteno INT, Ill.; MEA **2,500. *2,500—MRA. **2,000—MOCA.

From Manteno INT, Ill.; to Big Run INT, Ill.; MEA *2,500. *2,000—MOCA.

From Big Run INT, Ill.; to Chicago (Midway), Ill., TVOR; MEA 2,100.

From Racine INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.

From Oakwood INT, Wis.; to *New Berlin INT, Wis.; MEA **3,000. *3,500—MRA. **2,100—MOCA.

Section 610.6193 *VOR Civil Airway 193* is amended by adding:

From Ft. Wayne, Ind., VOR; to Millersburg INT, Ind.; MEA 2,300.

From Millersburg INT, Ind.; to Keeler, Mich., VOR; MEA 2,000.

From Keeler, Mich., VOR; to Pullman, Mich., VOR; MEA 2,100.

Section 610.6194 *VOR Civil Airway 194* is amended to read in part:

From Norwood INT, N. C.; to Highfalls INT, N. C.; MEA *3,500. *1,800—MOCA.

From Highfalls INT, N. C.; to Moncure INT, N. C.; MEA *1,800. *1,400—MOCA.

Section 610.6209 *VOR Civil Airway 209* is amended to read:

From Long Beach, Calif., VOR; to *Pt. Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, westbound.

From Pt. Dume INT, Calif.; to Fillmore, Calif., VOR; MEA 5,000.

From *Fillmore, Calif., VOR; to Reyes INT, Calif., southeastbound; MEA 9,000. northwestbound; MEA 12,500. *10,500—MCA Fillmore VOR, northwestbound.

Section 610.6217 *VOR Civil Airway 217* is amended to delete:

From Naperville, Ill., VOR; to *Lake Forest INT, Ill.; MEA **3,000. *3,500—MRA **2,500—MOCA.

From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.

Bristol INT, Wis.; to Milwaukee, Wis. ILS loc.; MEA 2,000.

Section 610.6217 *VOR Civil Airway 217* is amended by adding:

From Chicago (O'Hare), Ill., TVOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

From Taylor INT, Wis.; to Racine INT, Wis.; MEA *3,000. *2,000—MOCA.

From Racine INT, Wis.; to *Oakwood INT, Wis.; MEA **3,000. *3,000—MRA. **2,100—MOCA.

From Oakwood INT, Wis.; to Milwaukee, Wis., ILS loc.; MEA 2,000.

Section 610.6218 *VOR Civil Airway 218* is amended to read in part:

From Sycamore INT, Ill.; to Naperville, Ill., VOR; MEA 2,000.

Section 610.6219 *VOR Civil Airway 219* is amended to delete:

From Janesville, Wis., VOR; to *New Berlin INT, Wis.; MEA **3,500. *3,500—MRA. **2,400—MOCA.

Section 610.6233 *VOR Civil Airway 233* is amended by adding:

From Moline, Ill., VOR; to Cedar Rapids, Iowa, VOR; MEA 2,200.

Section 610.6255 *VOR Civil Airway 255* is added to read:

From Burlington, Iowa, VOR; to Moline, Ill., VOR; MEA 2,300.

From Moline, Ill., VOR; to Thomson INT, Ill.; MEA 2,200.

From Thomson INT, Ill.; to Rockford, Ill., VOR; MEA 2,500.

From Rockford, Ill., VOR; to Janesville, Wis., VOR; MEA 2,500.

Section 610.6259 *VOR Civil Airway 259* is amended to read in part:

From Charlotte, N. C., VOR; to Maiden INT, N. C.; MEA 3,100.

From *Maiden INT, N. C.; to Tri-City, Tenn., VOR; MEA 8,000. *7,000—MCA Maiden INT, northwestbound.

Section 610.6262 *VOR Civil Airway 262* is added to read:

From Bradford, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.

From Joliet, Ill., VOR; to Chicago (Midway), Ill., TVOR; MEA 2,000.

Section 610.6264 *VOR Civil Airway 264* is added to read:

From *Ontario, Calif., VOR; to **Giant Rock INT, Calif.; MEA 14,000. *10,000—MCA Ontario VOR, eastbound. **14,000—MRA.

Section 610.6266 *VOR Civil Airway 266* is added to read:

From So. Boston, Va., VOR; to Lawrenceville, Va., VOR; MEA 1,800.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective March 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1120; Filed, Feb. 14, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 662—CEMENT INDUSTRY IN PUERTO RICO

PART 700—CLAY AND CLAY PRODUCTS INDUSTRY IN PUERTO RICO

On December 7, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 472 (21 F. R. 9725) appointed, convened and gave notice of the hearings of Industry Committee No. 27-A for the Clay and Clay Products Industry in Puerto Rico and Industry Committee No. 27-B for the Cement Industry in Puerto Rico, among others. Each of these Committees was directed to recommend the minimum rates of wages to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each Committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45-A of the Secretary (15 F. R. 3290), (1) the recommendations of these Committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective March 3, 1957, Parts 700 and 662 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

Sec.
700.1 Definition of the industry.
700.2 Wage rates.
700.3 Notices.

AUTHORITY: §§ 700.1 to 700.3 issued under section 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 700.1 *Definition of the industry.* The clay and clay products industry in Puerto Rico, to which this part shall apply, is defined as follows: The quarrying or other extraction of common clay, shale, kaolin, ball clay, fire clay and other types of clay; and the manufacture of structural clay products, china, pottery, tile, and other ceramic products and refractories.

§ 700.2 *Wage rates.* (a) Wages at a rate of not less than 55 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products industry in Puerto Rico, who is engaged in commerce or in the production of goods for commerce and who is engaged in the vitreous and semi-vitreous china food utensils classification, which is defined as the manufacture of vitreous and semi-vitreous china table and kitchen articles for use in households and hotels, restaurants and other commercial institutions, for preparing, serving or storing food or drink, except that this classification does not include products in the hand-made art pottery classification, as defined herein.

(b) Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the hand-made art pottery classification, which is defined as the manufacture of hand-made art pottery.

(c) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the clay and clay products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the structural clay and miscellaneous clay products classification, which is defined as the manufacture of structural clap products, sanitary ware, and all other products included in the clay and clay products industry, as defined in this part, except those included in the vitreous and semi-vitreous china food utensils classification and the hand-made art pottery classification, as defined herein.

§ 700.3 *Notices.* Every employer subject to the provisions of § 700.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 700.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

PART 662—CEMENT INDUSTRY IN PUERTO RICO

Sec.
662.1 Definition of the industry.
662.2 Wage rate.
662.3 Notices.

AUTHORITY: §§ 662.1 to 662.3 issued under section 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply section 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 662.1 *Definition of the industry.* The cement industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture of hydraulic cement including the extraction of raw materials therefor.

§ 662.2 *Wage rate.* Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the cement industry in Puerto Rico, as defined in § 662.1, who is engaged in commerce or in the production of goods for commerce.

§ 662.3 *Notices.* Every employer subject to the provisions of § 662.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 662.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C. this 11th day of February 1957.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 57-1203; Filed, Feb. 14, 1957; 8:53 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—VETERANS CLAIMS

INITIAL DETERMINATION AND ADJUDICATIVE ACTION

In § 3.123, the introductory paragraph preceding paragraph (a) is amended to read as follows:

§ 3.123 *Initial determinations and adjudicative action under section 31, Public Law 141, 73d Congress, as amended by section 12, Public Law 866, 76th Congress, and under paragraph 4, Part VII, Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A).* Compensation will be payable only when it is determined that the disability or additional disability or death resulted from disease or injury, or an aggravation of an existing disease or injury, suffered as a result of training, hospitalization, medical or surgical treatment, or examination under authority of any of the laws granting monetary or other benefits to World War veterans. The term "hospitalization" as used in this section includes transportation of a patient who is being transported under the auspices, or by order of, the Veterans Administration to or from one of its hospitals (or between hospitals) whether by a Veterans Administration employee or by an agent or contractor engaged by the Veterans Administration. If the disability resulted from transportation while in a hospitalized status, compensation will be payable only where the injury or death proximately resulted from the carelessness, negligence, lack of proper skill, error in judgment, etc., of an employee of the Veterans Administration. The following principles will be observed:

• • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 31, 48 Stat. 526, sec. 12, 54 Stat. 1197, sec. 2, 57 Stat. 43; 38 U. S. C. 501a, 501a-1, ch. 12A)

This regulation is effective February 15, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-1199; Filed, Feb. 14, 1957; 8:53 a. m.]

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEPENDENCY AND INDEMNITY COMPENSATION

Immediately following § 4.421, a new centerhead and §§ 4.430 through 4.436 are added as follows:

BASIC REQUIREMENTS

§ 4.430 *Service-connected deaths on or after January 1, 1957.* Dependency and indemnity compensation is payable upon application therefor, to the widow, children, and parents of a person who dies on or after January 1, 1957:

(a) From disease or injury incurred or aggravated in line of duty while on

active duty or active duty for training; or

(b) From injury incurred or aggravated in line of duty while on inactive duty training; or

(c) From a disability compensable under laws administered by the Veterans Administration.

(Sec. 201, Pub. Law 881, 84th Cong.)

§ 4.431 *Claims*—(a) *General.* Except as provided in paragraphs (c) and (d) (1) of this section, a specific claim on the form prescribed by the Administrator of Veterans Affairs (VA Form VB 8–534 or VB 8–535) must be filed by the widow, child, mother, or father applying for dependency and indemnity compensation or by the claimant for accrued benefits. A claim for dependency and indemnity compensation filed by the widow, child, or parent will also be considered as a claim for any accrued compensation or pension due. See paragraph (d) of this section as to claim for child.

(b) *Informal claims.* An informal claim may be accepted subject to the requirements of § 3.27 of this chapter.

(c) *Claims filed with Social Security Administration.* An application on VA Form VB 8–4182 filed on or after January 1, 1957, with the Social Security Administration shall be considered a claim for dependency and indemnity compensation and to have been received in the Veterans Administration as of the date of receipt in the Social Security Administration. The receipt of such an application (or copy thereof) received in the Veterans Administration shall not preclude a request for any necessary evidence on VA Form VB 8–534 or VB 8–535 or otherwise. (Sec. 601, Pub. Law 881, 84th Cong.)

(d) *Claim for child.* (1) Where a child's entitlement to dependency and indemnity compensation arises by reason of termination of a widow's right to dependency and indemnity compensation, or by reason of attaining the age of 18 years, a claim will be required. See § 4.445 (a) (3) and (d) (1). (Sec. 209 (a), Pub. Law 881, 84th Cong.) The claim may consist of a statement in writing showing an intent to file claim for dependency and indemnity compensation or VA Form VB 8–4183 signed by the child or some person acting as next friend. If claim is made by a statement in writing and VA Form VB 8–4183 is considered necessary, the executed form will be considered evidence required to complete the claim. Where the award to the widow is terminated by reason of her death, a claim for the child which meets the requirements of this subparagraph will be considered a claim for any accrued dependency and indemnity compensation which may be payable.

(2) A claim filed by a widow who does not herself have title will be accepted as a claim for a child or children in her custody named in the claim. In such cases, if a determination of the widow's entitlement will be unduly delayed, and the child or children are in need and their entitlement is established, dependency and indemnity compensation shall be payable to the child or children at the rates specified where there is no widow: *Provided, however,* That if the total rate payable for children where there is no widow is greater than the rate which would be payable to the widow if entitlement were established, the award of dependency and indemnity compensation for the children shall not exceed the rate payable if there were a widow.

(3) When the claim of a widow is disallowed, including disallowance for failure to furnish evidence, and evidence adequate to establish entitlement of a child or children who were named in the widow's claim is furnished within 1 year from the date of request (requested either prior or subsequent to the disallowance of the widow's claim), the award for the child or children will be made as if the disallowed claim had been filed solely on their behalf; otherwise, payments may not be made for the child or children for any period prior to the date of receipt of a new claim (formal or informal).

(e) *Furnishing claim forms*—(1) *General.* Upon receipt of notice of death of a veteran, the appropriate application blank (VA Form VB 8–534 or VB 8–535) will be forwarded for execution by or on behalf of any dependent who has apparent entitlement to dependency and indemnity compensation. If the potential claim involves establishment of foster parentage, VA Form 8–524 will also be sent. If it is not indicated that any person would be entitled to receive dependency and indemnity compensation, but there is payable accrued disability compensation, disability pension, retirement pay, subsistence allowance, readjustment allowance, or education and training allowance, not paid during the veteran's lifetime, VA Form 8–614 or, where appropriate, VA Form VB 8–551, will be forwarded to the preferred claimant.

(2) *Death due to hospital treatment, etc.* The provisions of § 4.0 (b) (3) are applicable.

(3) *Child.* Where it is apparent that a child may be entitled to dependency and indemnity compensation in its own right following termination of a widow's entitlement (e. g., by remarriage or death) or because the child has attained the age of 18 years, and a written statement constituting a claim has not been filed, VA Form VB 8–4183 will be forwarded for execution by or on behalf of any child of record at the latest address shown in the file. The letter transmitting the application will contain notice that unless a claim is filed within 1 year from the date of the contingency on which the child's entitlement is based dependency and indemnity compensation may not be paid for any period prior to date of receipt of claim.

(f) *New and material evidence.* New and material evidence relating to the same factual basis as that of a finally disallowed claim for dependency and indemnity compensation shall be accepted as a claim in determining the commencing date of an award when such evidence or accompanying communication meets the requirements of an informal claim, except that when such new and material evidence results from the correction of the military or naval records of the proper service department by a board for correction of military (or naval) records under section 207 of the Legislative Reorganization Act of 1946, the commencing date of an award of dependency and indemnity compensation shall be the date on which such application was filed with the service department, subject to the requirements of § 4.445 (g).

(Sec. 501 (u), Pub. Law 881, 84th Cong.)

§ 4.431a *Evidence filed with or required by Social Security Administration.* (a) Evidence received in the Social Security Administration support of a claim filed on or after January 1, 1957, for benefits under Title II of the Social Security Act will be considered to have been received in the Veterans Administration as of the date of receipt in Social Security Administration. Where such evidence is needed in a claim for dependency and indemnity compensation, a copy of such evidence (or certification thereof) will be requested from Social Security Administration.

(b) A copy (or certification) of evidence filed in the Veterans Administration in support of a claim for dependency and indemnity compensation will be furnished Social Security Administration upon request from that agency.

(Sec. 601, Pub. Law 881, 84th Cong.)

§ 4.432 *Time limits*—(a) *Notice of time limit for filing evidence.* In the event the claimant's application is not complete at the time of original submission, the Veterans Administration will notify the claimant of the evidence necessary to complete the application and, if such evidence is not received within 1 year from the date of request therefor, dependency and indemnity compensation may not be paid by virtue of that application (par. 1 (a) (2), Part I, Veterans Regulations 2 (d) (38 U. S. C. ch. 12A) and sec. 209 (a) Pub. Law 881, 84th Cong.).

(b) *Failure to furnish claim or notice of time limit.* Failure to furnish a potential claimant any form or information concerning the right to file claim for dependency and indemnity compensation, or to furnish notice of the time limit for the submission of evidence, or to furnish notice of the time limit for the filing of an appeal will not extend the period allowed for these actions.

(c) *Computation of time limit.* In computing the time limit for the filing of claims or evidence requested by the Veterans Administration, the first day of the specified period will be excluded and the last day included. This rule will be applicable in cases in which the time limit expires on a workday. Where, under this rule, the time limit would expire on a nonworkday, the next succeeding workday will be included in the computation.

CROSS REFERENCE: *Appeals.* See §§ 3.328 to 3.333 of this chapter.

§ 4.433 *Service requirements.* Dependency and indemnity compensation is payable under Title II, Public Law 881, 84th Congress, based on service rendered by a "member of a uniformed service" as defined in this section. This definition

is applicable where death occurs on or after January 1, 1957, regardless of the dates when service was rendered.

(a) The term "member of a uniformed service" means a person appointed, enlisted, or inducted in a component of the Army, Navy, Air Force, Marine Corps, or Coast Guard (including a reserve component of a uniformed service), or in one of those services without specification of component, or as a commissioned officer of the Coast and Geodetic Survey or the Regular or Reserve Corps of the Public Health Service, and any person serving in the Army or Air Force under call or conscription. The term includes:

(1) A retired member of any of those services;

(2) A member of the Fleet Reserve or Fleet Marine Corps Reserve;

(3) A cadet at the United States Military Academy, a midshipman at the United States Naval Academy, and a cadet at the United States Coast Guard Academy or United States Air Force Academy;

(4) A member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, when ordered to annual training duty for 14 days or more, and while performing authorized travel to and from that duty; and

(5) Any person who suffers an injury or disease resulting in death while en route to or from, or at, a place for final acceptance or for entry upon active duty in the military or naval service:

(i) Who has been provisionally accepted for such duty; or

(ii) Who, under the Universal Military Training and Service Act, has been selected for active military or naval service; and has been ordered or directed to proceed to such place. The criteria contained in § 3.1 (n) (2) (ii) of this chapter are applicable.

The term does not include a temporary member of the Coast Guard Reserve. (Sec. 102 (2) and 102 (11) (E), Pub. Law 881, 84th Cong.)

(b) "Reserve component of a uniformed service" means:

(1) The Army Reserve,

(2) The Naval Reserve,

(3) The Marine Corps Reserve,

(4) The Air Force Reserve;

(5) The Coast Guard Reserve,

(6) The Reserve Corps of the Public Health Service,

(7) The National Guard of the United States, and

(8) The Air National Guard of the United States.

(Sec. 102 (3), Pub. Law 881, 84th Cong.)

§ 4.434 *Definitions of duty*—(a) *Active duty.* (1) Active duty means:

(i) Full-time duty performed by a member of a uniformed service in the active military or naval service, other than active duty for training,

(ii) Full-time duty as a commissioned officer in the Coast and Geodetic Survey, or in the Regular Corps of the Public Health Service, or in the Reserve Corps of the Public Health Service (other than for training purposes),

(iii) Service as a cadet at the United States Military, Air Force, or Coast Guard Academy, or as a midshipman at the United States Naval Academy, and

(iv) Authorized travel to or from such duty or service.

(Sec. 102 (4), Pub. Law 881, 84th Cong.)

(2) Where an individual is discharged or released on or after January 1, 1957, from a period of active duty, such individual shall be deemed to continue on active duty during the period of time immediately following the date of such discharge or release determined by the Secretary concerned to be required for him to proceed to his home by the most direct route, and in any event, until midnight of the date of such discharge or release (sec. 102 (12), Pub. Law 881, 84th Cong.).

(3) Any person described in § 4.433 (a) (5) who suffers an injury or disease resulting in death while en route to or from, or at, a place for final acceptance or entry upon active duty in the military or naval service shall be deemed to be on active duty when such incident occurs.

(b) *Active duty for training.* Active duty for training means:

(1) Full-time duty performed by a member of a reserve component of a uniformed service in the active military or naval service of the United States for training purposes,

(2) Full-time duty as a commissioned officer in the Reserve Corps of the Public Health Service for training purposes,

(3) Annual training duty performed for a period of 14 days or more by a member of the Reserve Officers' Training Corps, the Naval Reserve Officers' Training Corps, or the Air Force Reserve Officers' Training Corps, and

(4) Authorized travel to or from such duty.

The term does not include duty performed as a temporary member of the Coast Guard Reserve (sec. 102 (5), Pub. Law 881, 84th Cong.).

(c) *Inactive duty training.* Inactive duty training means any of the training, instruction, duty, appropriate duties, or equivalent training, instruction, duty, appropriate duties, or hazardous duty, performed with or without compensation by a member of a reserve component of a uniformed service prescribed by the appropriate Secretary pursuant to section 501 of the Career Compensation Act of 1949 or any other provision of law. The term does not include:

(1) Work or study performed by a member of a reserve component of a uniformed service in connection with correspondence courses of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service.

(2) Attendance at an educational institution in an inactive status under the sponsorship of the Army, Navy, Air Force, Marine Corps, Coast Guard, or Public Health Service, or

(3) Duty performed as a temporary member of the Coast Guard Reserve.

(Sec. 102 (6) (A), Pub. Law 881, 84th Cong.)

(d) *Travel status; training duty (death from injury incurred on or after January 1, 1957).* Any member of a reserve component of a uniformed service:

(1) Who, when authorized or required by competent authority, assumes an obligation to perform active duty for training or inactive duty training; and

(2) Who dies from an injury incurred on or after January 1, 1957, by him while proceeding directly to or returning directly from such active duty for training or inactive duty training, as the case may be;

shall be deemed to have been on active duty for training or inactive duty training, as the case may be. For the purposes of Title II, Public Law 881, 84th Congress, and section 303 of that act, the Veterans Administration will determine whether such member of a reserve component of a uniformed service was so authorized or required to perform such duty, and whether he died from injury so incurred. In making such determinations, there shall be taken into consideration the hour on which the member of a reserve component of a uniformed service began to so proceed or so return; the hour on which he was scheduled to arrive for, or on which he ceased to perform, such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this paragraph, the burden of proof shall be upon the claimant (sec. 102 (6) (B), Pub. Law 881, 84th Cong.).

(e) *National Guard.* A member of the National Guard or Air National Guard of the several States, Territories, or the District of Columbia, when performing training or duty under sections 92, 94, 97, 99, or 113 of the National Defense Act of June 3, 1916, as amended, shall, for the purpose of benefits provided, be considered a member of a reserve component of a uniformed service, and training or duty performed by such a member under those sections of that act shall be considered "active duty for training," or "inactive duty training," as appropriate (sec. 102 (6) (C), Pub. Law 881, 84th Cong.).

§ 4.435 *Character of discharge.* Dependency and indemnity compensation is not payable to the widow, children, or parents of any deceased person who died on or after January 1, 1957, after separation from service unless the deceased person was discharged or released from service under conditions other than dishonorable. See § 3.64 of this chapter as to determination of character of discharge (sec. 209 (c), Pub. Law 881, 84th Cong.).

§ 4.436 *Service connection and line of duty criteria.* The standards and criteria for determining incurrence or aggravation of a disease or injury in line of duty shall be those applicable under disability and death compensation laws administered by the Veterans Administration (sec. 207, Pub. Law 881, 84th Cong.).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 209, Pub. Law 881, 84th Cong.)

This regulation is effective February 15, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-1200; Filed, Feb. 14, 1957; 8:53 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

SHIPMENT OF ETIOLOGIC AGENTS

Notice of proposed rule making having been published in the FEDERAL REGISTER on December 18, 1956 (21 F. R. 10015), and consideration having been given to all relevant matters presented, the amendment to this part set out below is hereby adopted. Such amendment shall become effective 30 days following publication in the FEDERAL REGISTER.

Subpart C—Shipment of Certain Things is amended by adding the following new section:

§ 72.25 *Etiologic agents.* (a) (1) For the purpose of this section, etiologic agent is defined as the causative agent of the following diseases and such others as may be prescribed from time to time by the Surgeon General: Anthrax, botulism, brucellosis, cholera, Colorado tick fever, Coxsackie diseases, diphtheria, encephalitis (arthropod-borne), glanders, leptospirosis, lymphocytic choriomeningitis, melioidosis, meningococcal meningitis, paratyphoid fever, plague, poliomyelitis, Q fever, rabies, relapsing fever, rickettsialpox, Rift Valley fever, Rocky Mountain spotted fever, schistosomiasis, scrub typhus, smallpox, tetanus, tuberculosis, tularemia, typhoid fever, typhus fever, and yellow fever.

(2) The provisions of this section shall not apply to specimens transmitted to laboratories for diagnostic purposes or to finished biological products for human or veterinary use bearing the U. S. Government license number of the manufacturer.

(b) A person shall not knowingly transport or cause to be transported in interstate traffic any etiologic agent unless:

(1) In the case of fluid materials or solid materials other than frozen, the containers of the etiologic agent are watertight and airtight and are enclosed in a second durable watertight and airtight container with the intervening space provided with sufficient absorbent material so placed as to absorb the entire contents in case of breakage, and each such double container is individually enclosed in a shipping container constructed of corrugated cardboard, fiber glass, wood, or other material of equivalent strength.

(2) In the case of frozen materials, the containers of the etiologic agent are watertight and airtight and are enclosed in a second durable watertight and airtight container or surrounded by sufficient absorbent material to absorb the contents in case of breakage; the package contains enough dry ice and sufficient insulation material to insure that the material will remain frozen for at least 24 hours longer than the expected time of delivery of the shipment to the consignee; and the container with its immediate surrounding material, dry ice and insulation is enclosed in a shipping container constructed of corrugated cardboard, fibre glass, wood, or other material of equivalent strength.

(3) (i) The total contents of a shipping container do not exceed one U. S. gallon.

(ii) All containers and closures are so designed and constructed of such materials that they are capable of withstanding without rupture or leakage of contents, all shocks, pressure changes, or other conditions ordinarily incident to transportation handling.

(4) The shipping documents and the manifest accompanying the shipment include statements that the shipment contains infectious material and identifies the etiologic agent involved. The shipment itself shall be appropriately labeled.

(5) The requirements of this paragraph are in addition to and not in lieu of any other packaging or labeling requirements for the interstate shipment of etiologic agents established by the Interstate Commerce Commission and Civil Aeronautics Board.

(c) In event of leakage or other indication of escape of an etiologic agent from a container in interstate traffic, the operator or person in charge of the conveyance or the premises where the leakage or escape occurs shall:

(1) Immediately notify the Surgeon General or his authorized representative.

(2) (i) If leakage or escape occurs on a conveyance, remove the conveyance from service and isolate it as soon as possible. Isolate the affected area until such time as the conveyance can be removed from service.

(ii) If leakage or escape occurs at a terminal, transfer point, or other location not on a conveyance, isolate the area known to be or suspected of being contaminated.

(3) Prevent removal of any luggage, cargo, or other items from the affected area or conveyance unless such removal is necessary for purposes of safety or the preservation of life, health, or property.

(4) Inform all passengers, carrier employees and other persons who were or may have been exposed to contamination or infection, of the hazards thereof and request that such persons remain isolated until appropriate measures can be taken to prevent the transmission of disease. In event any such person departs before appropriate decontamination procedures have been applied, notify the State or local health authorities having jurisdiction.

(5) Obtain names, home addresses and addresses of destination of all persons who may have been exposed to contamination or infection.

(6) Apply appropriate decontamination procedures and other measures as specified by the Surgeon General or his authorized representative.

(7) Except when necessary for purposes of safety or the preservation of life, health or property, or for purposes of decontamination, prevent persons from boarding the conveyance or entering the area until clearance is obtained from the Surgeon General or his authorized representative.

(d) Isolation of the conveyance or affected areas shall be continued pending completion of measures prescribed by the Surgeon General for preventing the spread of disease and until such time as clearance is obtained from the Surgeon General or his authorized representative.

(e) In the event of loss of a shipment of etiologic agents in transit, the carrier shall immediately notify the Surgeon General or his duly authorized representative of such loss and provide him with all available information concerning the nature of the shipment, circumstances surrounding its loss and such other information as he may require.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 361, 58 Stat. 703, 42 U. S. C. 264)

Dated: February 4, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: February 12, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1202; Filed, Feb. 14, 1957; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 225]

WAREHOUSING OF DISTILLED SPIRITS

CONSOLIDATION OF PACKAGED SPIRITS

Correction

In Federal Register Document 57-833, appearing at page 721 of the issue for Tuesday, February 5, 1957, the following change should be made: The section referred to in paragraph 42 should read "225.1111".

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[7 CFR Part 301]

NORTH CAROLINA, SOUTH CAROLINA

NOTICE OF RESUMPTION OF PUBLIC HEARING ON QUARANTINING ON ACCOUNT OF DANGEROUS DISEASE OF CORN AND OTHER CROPS

On January 16, 1957, there was published in the FEDERAL REGISTER (22 F. R. 319) a notice of a public hearing to be held at Washington, D. C., on January 30, 1957, to consider a proposal, under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), to quarantine the States of North Carolina and South Carolina because of the occurrence therein of a dangerous disease of corn and other crops caused by an introduced species of the genus Striga, commonly known as witchweed, and to restrict or prohibit the movement from said States, or from any locations therein designated as infected of (1) witchweed seeds and plants (Striga spp.); (2) soil as such or attached to articles or things; (3) hay; (4) nursery stock and other plants with roots attached; (5) bulbs, corms, tubers, and rhizomes; (6) root crops, the edible parts of which are grown underground; (7) used farm machinery and equipment; (8) construction and maintenance equipment; (9) trucks, wagons, cars, boats, and other means of conveyance; (10) used crates, boxes, bags, and other farm products containers; and (11) other articles of any character whatsoever that present a hazard of spread of witchweed.

A public hearing was begun on January 30, 1957, as aforesaid, and after the introduction of testimony recessed until further notice, in order to permit interested parties to present additional statements.

Notice is hereby given that said public hearing will be resumed before a representative of the Agricultural Research Service in Room 3106, South Agricultural Building, U. S. Department of Agriculture, 12th Street and Independence Avenue, SW., Washington, D. C., at 10:30 a. m., March 5, 1957, at which time any interested person may appear and be heard, either in person or by attorney, on the aforesaid proposal. Any interested person who desires to submit any additional written data, views, or arguments on the proposal may do so by filing the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., on or before March 5, 1957, or with the presiding officer at the hearing.

Done at Washington, D. C., this 12th day of February 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-1215; Filed, Feb. 14, 1957; 8:55 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

(__) Neomycin sulfate preparations meeting all the following conditions:

(i) The neomycin sulfate is prepared with appropriate amounts of a suitable local anesthetic and with or without other drugs in a dosage form suitable for oral use in self-medication as a troche.

(ii) The neomycin sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The neomycin sulfate content does not exceed the equivalent of 5 milligrams of standard neomycin base per troche.

(v) The preparation is labeled with adequate directions for use in minor conditions in which it may be safely used without medical supervision.

(vi) The dosages recommended or suggested in the labeling provide for the use of not more than the equivalent of 5 milligrams of standard neomycin base every 3 hours for not more than 2 days.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Continued use if irritation persists or increases, unless directed by a physician.

(*b*) Use in the presence of fever, headache, nausea, or vomiting, unless directed by a physician, since these usually indicate a serious condition.

(*c*) Use for more than 2 days, unless directed by a physician.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) of this chapter (21 CFR 130.101 (b)), a petition has been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: February 8, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner,
of Food and Drugs.

[F. R. Doc. 57-1178; Filed, Feb. 14, 1957; 8:49 a. m.]

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 130.101 (b); 21 F. R. 5576) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

(16) Tuaminoheptane sulfate (2-aminoheptane sulfate) preparations meeting all the following conditions:

(i) The tuaminoheptane sulfate is prepared, with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per drop.

(iii) The tuaminoheptane sulfate and all other components of the preparation met their professed standards of identity, strength, quality, and purity.

(iv) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(v) The tuaminoheptane sulfate content of the preparation does not exceed 10 milligrams per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion.

(vii) the dosages recommended or suggested in the directions for use do not exceed the equivalent: For adults, 5 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period; for children 1 to 6 years of age, 3 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period; for infants under 1 year of age, 2 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period.

(viii) the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against use of more than 5 doses daily, and against use longer than 4 days unless directed by a physician.

(*b*) A clear warning statement to the effect that frequent use may cause nervousness or sleeplessness, and that individuals with high blood pressure, heart disease, diabetes, or thyroid disease should not use the preparation unless directed by a physician.

The proposed amendment will remove the drug mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (1), (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). The drug was previously limited by a new-drug application to use under professional supervision because the scientific data establishing the toxic potential of the drug and its intended use showed only that it was safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) (21 CFR 130.101 (b); 21 F. R. 5577), a petition has been submitted to remove the prescription restrictions from this drug. Evidence now available through investigation and marketing experience shows that the drug can be safely used by the laity in self-medication if it is used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting the drug to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: February 11, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1201; Filed, Feb. 14, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11897; FCC 57-125]

TELEVISION BROADCAST STATIONS, TABLE OF ASSIGNMENTS; CHATTANOOGA, TENN.-ROME, GA.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Chattanooga, Tenn.-Rome, Ga.).

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of February 1957;

2. The Commission has before it for consideration a petition filed February 1, 1957 by James H. Scarborough requesting the Commission to extend the time for filing comments in the above-entitled proceeding for a period of 30 days.

3. In support of his request petitioner alleges that as an individual and as Manager of the Chamber of Commerce of the City of Rome, Georgia, he is vitally interested in the retention and continuance of a local television station in Rome, that pursuant to a request by the Chamber of Commerce he has undertaken to ascertain by appropriate engineering studies and surveys whether methods can be found for assuring continued operation of a local Rome station and that it has been impossible to complete the necessary studies within the time allowed for filing comments in this proceeding.

4. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing comments in this proceeding.

5. In view of the foregoing: *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended from February 1, 1957 to March 4, 1957, with replies thereto due 10 days thereafter.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1204; Filed, Feb. 14, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

MID BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 7630-4, between the member lines of the Mid Brazil/United States-Canada Freight Conference, modifies the basic conference agreement (No. 7630, as amended) (1) to provide that the failure of a member line to have a sailing for a period of six (6) or more consecutive months, instead of three (3) months as presently provided, shall be regarded as suspension of service for the purpose of determining the right to vote; (2) to provide that the sailing of a vessel of a member line shall constitute resumption of service for restoration of voting rights; and (3) to delete from the agreement the proviso that the Article dealing with the loss of voting rights shall not be effective until after the termination of the national emergency proclaimed by the President under the date of May 27, 1941.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1154; Filed, Feb. 14, 1957; 8:45 a. m.]

NORTH BRAZIL/UNITED STATES-CANADA FREIGHT CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 7640-4, between the member lines of the North Brazil/United States-Canada Freight Conference, modifies the basic conference agreement (No. 7640, as amended) (1) to provide that the failure of a member line to have a sailing for a period of six (6) or more consecutive months, instead of three (3) months as presently provided, shall be regarded as suspension of service for the purpose of determining the right to vote; (2) to provide that the sailing of a vessel of a member line shall constitute resumption of service for restoration of voting rights; and (3) to delete from the agreement the proviso that the Article dealing with the loss of voting rights shall not be effective until after the termination of the national emergency proclaimed by the President under the date of May 27, 1941.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1155; Filed, Feb. 14, 1957; 8:45 a. m.]

RAILWAY EXPRESS AGENCY, INC. AND TRAILER MARINE TRANSPORTATION, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that there has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814), Agreement No. 8197, between Railway Express Agency, Incorporated, and Trailer Marine Transportation, Inc., providing for transportation of express shipments between continental United States and Puerto Rico and the Virgin Islands. Shipments moving northbound, as well as southbound, will be transported from point of origin to point of destination under through bills of lading of Railway Express.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within twenty (20) days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1156; Filed, Feb. 14, 1957; 8:45 a. m.]

AMERICAN EXPORT LINES, INC, ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

Agreement No. 8350, between American Export Lines, Inc., and the carriers comprising Fern-Ville Mediterranean Lines-Fearnley & Eger and A. F. Klaveness & Co. A/S joint service provides for the creation of the Greece-Turkey-Syria Area Westbound Tobacco Conference covering the establishment and maintenance of rates, charges and practices for the transportation of tobacco from Greek, Turkish and Syrian ports to North Atlantic ports of the United States (Hampton Roads/Portland Range).

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 11, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1157; Filed, Feb. 14, 1957; 8:46 a. m.]

[Docket No. 808]

PACIFIC COAST-HAWAII AND ATLANTIC/GULF-HAWAII; GENERAL INCREASE IN RATES

NOTICE OF HEARING

Pursuant to Notice of Investigation and of Hearing in this proceeding, appearing in the FEDERAL REGISTER of February 8, 1957 (22 F. R. 797), the hearing scheduled to begin at 10 o'clock a. m., March 11, 1957, at San Francisco, California, will be held in Room 226-A, Old Mint Building, 5th and Mission Streets.

Dated: February 12, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1198; Filed, Feb. 14, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-8107, G-8108, G-8109]

TEXAS GAS CORP.[1]

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 11, 1957.

Take notice that Texas Gas Corporation (Applicant), a Texas corporation with principal place of business at Houston, Texas, filed on December 9, 1954, in the above-entitled dockets, applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Applicant operates certain natural gas facilities, as hereinafter described, which are necessary to the delivery by Applicant of natural gas sold in interstate commerce to Texas Eastern Transmission Corporation (Texas Eastern) by sellers other than the Applicant.

In Docket No. G-8107, under an agreement dated February 4, 1952, between Applicant and Texas Eastern, Applicant operates facilities for the movement of natural gas from the West Hamshire Field, Jefferson County, Texas, to the transmission lines of Texas Eastern. Such natural gas is purchased by Texas Eastern from Texas Eastern Production Corporation and Applicant processes and dehydrates the gas in its Winnie and Orange County plants for final delivery by Applicant to Texas Eastern.

In Docket No. G-8108, under an agreement dated March 10, 1953, between Applicant and Sun Oil Company, Applicant operates facilities for the movement of natural gas from the North Winnie and Stowell Fields, Chambers and Jefferson Counties, Texas, to the transmission lines of Texas Eastern. Such natural gas is purchased by Texas Eastern from Sun Oil Company and Applicant processes and dehydrates the gas in its Winnie and Orange County plants for final delivery by Applicant (after compression of the Stowell gas) to Texas Eastern. By a separate agreement dated March 10, 1953, between Applicant and Texas Eastern, Applicant is obligated to compress the North Winnie gas purchased by Texas Eastern from Sun Oil Company before delivering such gas to Texas Eastern.

In Docket No. G-8109, under an agreement dated March 17, 1953, between Applicant, Texas Eastern and Phillips Petroleum Company, Applicant operates facilities for the movement of natural gas from the North Port Neches Field, Orange County, Texas, to the transmission lines of Texas Eastern. Such natural gas is purchased by Texas Eastern from Phillips Petroleum Company and Applicant processes and dehydrates the gas in its Orange County plant for final delivery by Applicant to Texas Eastern.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, March 13, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and

[1] Formerly McCarthy Chemical Company.

procedure (18 CFR 1.8 or 1.10) on or before February 26, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1162; Filed, Feb. 14, 1957; 8:47 a. m.]

[Docket No. G-11712]

H. S. COLE, JR., ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES, AMENDMENT

FEBRUARY 5, 1957.

In the Order Suspending Proposed Changes in Rates, issued January 9, 1957, and Published in the FEDERAL REGISTER on January 16, 1957 (22 F. R. 324), under "Rate Schedule Designation" the words "Supplement No. 1 to Cole's FPC Gas Rate Schedule No. 3" should be corrected to read "Supplement No. 2 to Cole's FPC Gas Rate Schedule No. 3."

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1163; Filed, Feb. 14, 1957; 8:47 a. m.]

[Docket No. G-11926]

STANOLIND OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Stanolind Oil & Gas Company (Stanolind), on January 14, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated January 10, 1957.

Purchaser: Mississippi River Fuel Corporation.

Rate Schedule Designation: Supplement No. 6 to Stanolind's FPC Gas Rate Schedule No. 62.

Effective Date: [1] February 14, 1957.

In support of its proposed rate change, Stanolind has stated the increase is a part of the contract with the purchaser and has submitted no cost supporting data for the increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 11, 1957.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1161; Filed, Feb. 14, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Stanolind, if later.

[2] Commissioner Digby dissenting.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11875, 11876; FCC 57M-117]

CHARLES W. DOWDY AND THOMAS D. PICKARD

ORDER CONTINUING HEARING

In re applications of Charles W. Dowdy, Tifton, Georgia, Docket No. 11875, File No. BP-10550; Thomas D. Pickard, Ashburn, Georgia, Docket No. 11876, File No. BP-10785; for construction permits.

The Hearing Examiner having under consideration an oral request from the applicants for a continuance;

It appearing that the hearing is currently scheduled to begin on February 14, 1957; and

It further appearing that the Broadcast Bureau does not oppose the request and that good cause has been shown;

It is ordered, This 8th day of February 1957, that the hearing scheduled for February 14 is continued to March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1205; Filed, Feb. 14, 1957; 8:53 a. m.]

[Docket No. 11885; FCC 57M-116]

MORRISON CAB CO.

ORDER CONTINUING HEARING

In the matter of E. W. Morrison, d/b as Morrison Cab Company, Hammond, Louisiana, Docket No. 11885, order to show cause why the license for taxicab radio station KKC 600 should not be revoked.

The Hearing Examiner having under consideration the motion of the Commission's Safety and Special Radio Services Bureau, filed January 31, 1957, requesting that the hearing in the above-entitled proceeding, which is presently scheduled to commence on February 25, 1957, be continued indefinitely;

It appearing, that sufficient grounds are set forth in support of the motion and that the respondent has not filed opposition thereto;

It is ordered, This 8th day of February 1957, that the motion is granted and that the hearing in the above-entitled proceeding is continued indefinitely.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1206; Filed, Feb. 14, 1957; 8:53 a. m.]

[Docket No. 11899; FCC 57-122]

TELEVISION DIABLO, INC. (KOVR)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING

In re application of Television Diablo, Inc. (KOVR), Stockton, California, Docket No. 11899, File No. BPCT-2187, for construction permit to change transmitter site, etc.

1. On November 8, 1956, the Commission granted the above-captioned application of Television Diablo, Inc. (KOVR), Channel 13, Stockton, California, for a construction permit to change transmitter site, etc. On December 3, 1956, Capital City TV Corporation (Capital City), licensee of television broadcast station KCCC-TV, Channel 40, Sacramento, California, filed its "Protest and Petition for Reconsideration" pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, directed against the Commission's action of November 8, 1956, granting the above-captioned application. The petitioner also requested reconsideration of the Commission's actions of like date returning the application tendered by Capital City for Channel 13 at Stockton, and denying Capital City's petition for comparative consideration of such application with the above-captioned application and with the pending application (BLCT-459) of KOVR for license. On January 2, 1957, the Commission, by Memorandum Opinion and Order (FCC 57-7) found that the protestant was a party in interest, and that it had specified with particularity, as required by section 309 (c) of the Communications Act, the facts upon which it had relied in support of its protest. Accordingly, on the latter date, the Commission postponed the effective date of the grant of the above-captioned application and designated the application for hearing "at a time and place, upon appropriate issues, and pursuant to hearing procedures, to be specified by further order of the Commission."

2. The protestant specifies thirteen issues upon which it requests a hearing. Inasmuch as we have found that the protestant has alleged sufficient facts in support of such issues, we are designating all of the issues specified for a full evidentiary hearing. Issues E, F and G raise questions concerning the loss of service which would allegedly result from the proposed move. Designation of these issues for evidentiary hearing does not constitute a determination by the Commission that the evidence to be adduced in support of these issues is material. Furthermore, the matters raised thereby also bear upon serious questions of law and policy, inter alia, whether the matters raised by these issues are grounds for setting aside the grant. Therefore, the parties should be prepared to address themselves to these matters in the proceeding.

3. Issues I and J, framed in terms of determining the impact of the grant upon operating, authorized or prospective UHF stations, are based upon factual allegations of economic injury to the protestant. The Commission has recently reasserted in WWSW, Inc., 14 Pike & Fischer RR 492, Perry County Broadcasting Company (FCC 56-1031) and Richard F. Lewis, Jr., Inc. (FCC 56-1055) the principles expressed in the Voice of Cullman case (6 Pike & Fischer RR 161), in which we refused a hearing on this type of issue. Therefore, although the Commission is designating these two issues for full evidentiary hearing in order to expedite this proceeding, this should not be construed as a determination that the matters raised by these issues, assuming the facts as alleged are proven, are grounds for setting aside the grant or that the competitive effect of the proposed move on the protestant's station is a relevant consideration.

4. The retention of issue L in the hearing should not be construed as action upon the petition for reconsideration filed by Capital City. That petition, insofar as it requests reconsideration of the Commission's actions returning Capital City's application for Stockton and refusing to afford such application comparative consideration with the above-captioned application and with the pending license application filed by KOVR (BLCT-459), will be treated in a separate Memorandum Opinion and Order at a later date. Capital City's request for reconsideration of the Commission's action granting the above-captioned application has been granted to the extent that a hearing has been ordered on its protest and is denial in all other respects.

5. In view of the foregoing: *It is ordered*, That pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

A. To determine (1) all of the facts and circumstances which led to Television Diablo's proposal herein to change the transmitter site of Station KOVR (TV); (2) those particular facts, circumstances and considerations which led to the selection of the specific site proposed; and (3) whether Television Diablo made a full and complete disclosure of these facts in its application herein, or whether it misrepresented or concealed material facts in connection therewith.

B. To determine all of the facts concerning Television Diablo's plans and intentions with regard to operation in, or identification of Station KOVR with Sacramento and its trade area and, whether Television Diablo made a full and complete disclosure of such facts in its application herein, or whether it misrepresented or concealed material facts in connection therewith.

C. To determine whether Television Diablo, in its various applications and other filings with the Commission, has made full and complete disclosure of, or has misrepresented or concealed material facts with respect to, its plans and intentions to operate KOVR (TV) as a Stockton station.

D. To determine, in the light of the evidence adduced under the foregoing issues, whether Television Diablo possesses the requisite character and other qualifications to be a permittee or licensee of a television broadcast station.

E. To determine the areas and populations which would lose service as a result of the proposed move of transmitter site of Station KOVR (TV), and the other television services available to such areas and populations.

F. To determine whether the operation of KOVR (TV) from the site proposed in the application would result in an increase or decrease of television service to Stockton and to the other areas and communities within the Stockton trade area.

G. To determine whether the change in transmitter site of Station KOVR is intended to, and would result in, closer identity of that station with Stockton and its trade area.

H. To determine whether a grant of the application of Television Diablo would contravene the requirements of § 3.607 of the Commission's rules, the principles of a fair, efficient and equitable distribution of television broadcast facilities specified in section 307 (b) of the act, and the principles upon which the assignment of television broadcast channels has been made by the Commission.

I. To determine whether a grant of the Television Diablo application would impair the ability of operating, authorized, or prospective UHF stations in the Sacramento and Stockton areas to effectively compete with other local TV stations, or whether the public would be deprived of the services of such UHF stations.

J. To determine the need, if any, for the service proposed herein by Television Diablo and whether such need outweighs the injury which might be caused to operating, authorized, or prospective UHF stations in the Sacramento and Stockton areas and to the public in said areas.

K. To determine the nature of the program service which has been rendered by Station KOVR and which is proposed to be rendered under its application, and whether such programming meets the needs and interests of audiences in Stockton and its trade areas.

L. To determine whether the grant to Television Diablo was improperly made, in violation of the requirements of the Communications Act and of the requirements established by the Supreme Court in Ashbacker v. FCC, concerning the need for comparative consideration of copending, mutually exclusive applications.

M. To determine whether, in the light of the facts adduced upon the foregoing issues, the public interests, convenience or necessity would be served by a grant of said application. The Commission is not adopting the issues specified by the protestant; therefore, the burden of proceeding with the introduction of evidence and the burden of proof as to each of the above issues shall be on the protestant.

It is further ordered, That the protestant and the Chief, Broadcast Bureau, are hereby made parties to the proceeding herein, and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on March 4, 1957, before an Examiner to be specified at a later date; and

(b) The appearances by the parties intending to participate in the above hearing shall be filed not later than February 25, 1957.

It is further ordered, That in recognition of the requirement of section 309 (c) that hearing and determination of cases arising thereunder shall be expedited by the Commission, the Examiner is directed to provide for the filing of Proposed Findings of Fact and Conclusions of Law as expeditiously as possible after the close of the hearing herein ordered.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1207; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11928-11930; FCC 57-130]

WASHINGTON BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Washington Broadcasting Company, Manassas, Virginia, Docket No. 11928, File No. BP-10509; O. K. Broadcasting Corporation, Triangle, Virginia, Docket No. 11929, File No. BP-10654; Harold H. Hersch and Edward L. Weaver d/b as Prince William Broadcasting Company, Manassas, Virginia, Docket No. 11930, File No. BP-10849; For construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1957;

The Commission having under consideration the above-captioned applications of the Washington Broadcasting Company, the O. K. Broadcasting Corporation and Harold H. Hersch and Edward L. Weaver, d/b as Prince William Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1460 kilocycles with a power of 500 watts, daytime only, the Washington Broadcasting Company and the Prince William Broadcasting Company specifying Manassas as the station location, the O. K. Broadcasting Corporation specifying Triangle as the station location, both in the State of Virginia;

It appearing, that all of the applicants are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below to operate their proposed stations, but that the proposed operations would result in mutually destructive interference and the proposed operation of the O. K. Broadcasting Corporation would be involved in objectionable interference with Station WOL, Washington, D. C. (1450 kc, 250 w, U); and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated November 9, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that a timely reply was received from each applicant, the Washington Broadcasting Company, also licensee of Station WOL, indicating in its reply that evidence would be offered with respect to the interference which would be caused to Station WOL by the proposed operation of the O. K. Broadcasting Corporation; and

It further appearing, that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the O. K. Broadcasting Corporation would cause interference to Station WOL, Washington, D. C., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Triangle, Virginia proposal or one of the Manassas, Virginia proposals, herein, would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the event that one of the Manassas, Virginia proposals is favored under Issue 3, which of the operations proposed by the Washington Broadcasting Company and the Prince William Broadcasting Company for Manasses, Virginia, would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of the two above-named applicants to own and operate their proposed stations.

(b) The proposals of each of the two above-named applicants with respect to the management and operation of their proposed stations.

(c) The programming service proposed in each of the two above-mentioned applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the Washington Broadcasting Company, the O. K. Broadcasting Corporation and the Prince William Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1208; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11931; FCC 57-131]

ERWAY BROADCASTING CORP. (WAYE)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Erway Broadcasting Corporation (WAYE), Dundalk, Maryland, Docket No. 11931, File No. BML-1679; for modification of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of February 1957;

The Commission having under consideration the above-captioned application of the Erway Broadcasting Corporation for a modification of the license of Station WAYE, Dundalk, Maryland, to change the station designation to Baltimore, Maryland, and to change studio location;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate station WAYE as proposed, but that the proposed operation would not provide a signal of 25 mv/m over all the business and industrial areas of the City of Baltimore nor a signal of 5 mv/m over all the residential area of the city sought to be served as required by §§ 3.182 and 3.188 of the Commission's rules; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated August 31, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that the applicant replied to the Commission's letter on December 10, 1956, and submitted spot measurements purporting to show that the proposed operation would provide adequate coverage to the city sought to be served, but that the measurements submitted do not adequately establish the fact that the proposal will provide the coverage required by the Technical Standards; and

It further appearing, that the commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Comunications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the operation as proposed would be in compliance with the Commission's Rule and Technical Standards with particular reference to adequate coverage of the city sought to be served.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the application would serve the public interest.

It is further ordered, That, to avail itself of the opportunity to be heard, Erway Broadcasting Corporation, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1209; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11932; FCC 57-126]

NEW JERSEY EXCHANGES, INC. (KEC738)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

1. The Commission has before it for consideration (a) a protest and petition for reconsideration filed on January 7, 1957, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Telephone Secretarial Service, Inc. (hereinafter called Protestant), licensee of station KEA263, a two-way facility licensed in the Domestic Public Land Mobile Radio Service at Newark, New Jersey, protesting the Commission's action of December 5, 1956, granting without hearing the above-entitled application of New Jersey Exchanges, Inc. (hereinafter called Applicant) for a construction permit to provide a two-way communications service in the Domestic Public Land Mobile Radio Service in the Ridgewood, New Jersey area; (b) an opposition to the said protest and petition timely filed by Applicant on January 14, 1957; and (c) a reply to the opposition timely filed on January 18, 1957.

2. *Preliminary statement.* On June 13, 1956, Applicant applied for a construction permit for the two-way communications service mentioned in paragraph 1 above. A construction permit was issued on December 5, 1956, and public notice of this action was issued on December 10, 1956 (Report No. 352, Mimeograph #39544). Prior to the grant of the above-captioned application, the Protestant filed an informal opposition thereto on August 29, 1956. A letter dated December 5, 1956, was sent to the Protestant advising it that, although consideration had been given to its opposition, the Applicant's application had been granted without hearing on December 5, 1956.

3. *Protestant's protest.* In support of its protest, Protestant asserts that it is a party in interest within the meaning of section 309 (c) of the Communications Act, since Applicant's transmitter is to be located in Clifton, New Jersey with the control point in Ridgewood, New Jersey, placing the transmitter site "barely 10 miles from that of" Protestant, which site "lies in the heart of the Paterson-Clifton-Passaic area from which Protestant now derives more than one-third of its business"; that about half of Protestant's subscribers and mobile units are closer to Clifton than to Newark; that the community of Ridgewood and the area to the north of Ridgewood is largely residential in character and would not provide Applicant with sufficient customers to operate on the basis proposed; that the Applicant, therefore, must seek his customers from adjacent industrial and commerical centers of Paterson-Clifton-Passaic, in which area a large portion of Protestant's subscribers are located; that Protestant has the capacity to serve subscribers in Ridgewood and surrounding areas "more efficiently and at less cost than" Applicant; that Applicant's proposed service is directly competitive with Protestant's service and Applicant's service would reduce Protestant's revenue and limit its expansion; and that there is no need for a second like service in this area, and a grant of Applicant's application would jeopardize the reliable and efficient service the public now has in this area. Protestant further states that Applicant is not financially qualified; that the proposed service will be inadequate; and that Applicant has made no showing of need for the new facility.

4. Protestant requests that the application be designated for hearing upon the following issues:

(1) To determine whether or not the Applicant is financially qualified to establish and operate the proposed service;

(2) To determine the nature and extent of service proposed by the Applicant, including the rates, charges, practices, classifications, regulations and facilities pertaining thereto;

(3) To determine whether the equipment, staff and facilities proposed by Applicant are adequate to render a satisfactory service to the public;

(4) To determine whether or not there is a public need and demand for the proposed service;

(5) To determine the effect the proposed service would have on the service now rendered to the public in the area involved; and whether the proposed service would impair overall service in the area to the injury of the public;

(6) To determine in the light of the foregoing issues, and any additional issues the Commission may prescribe, whether the public interest, convenience and necessity would be served by a grant of the application.

5. *The opposition to the protest.* Applicant asserts that the protest was filed late, since it was not filed within 30 days of the date of grant of the above-captioned application. Applicant urges that, since section 309 (c) provides that "such grant shall remain subject to protest as hereinafter provided for a period of thirty days", and the protest here was not filed until January 7, 1957, more than 30 days from the date of grant and the mailing of a notice thereof to the Protestant, the protest was filed late. Applicant cites the case of Valley Broadcasting Co. vs. FCC, 237 F. 2d 784, for the proposition that a timely protest under section 309 (c) must be filed within 30 days of the Commission's grant. The remainder of the opposition, in summary, is a general denial of the matters alleged in the protest and urges that Protestant has not stated facts sufficient to show that a grant of the protested construction permit would not be in the public interest. Applicant argues that its grant should not be set aside because it has commenced construction. Applicant also asserts that the petition for reconsideration is defective in non-compliance with § 1.390 (a) of our rules.

6. *Disposition of the plea that the protest was not timely filed.* We must reject, as being without merit, the contention that the instant protest was not timely filed. While the grant of the protested application was made on December 5, 1956, and a notice of such action was also mailed to the Protestant on the same date, the Protestant cannot be charged with actual notice of the event on that date. We do not interpret the 30 day time limitation provided in section 309 (c) to mean that such period is to be computed from the date of the Commission's action granting an authorization. Rather, we have held that the computation of the 30 day period should begin with the date on which the Commission releases its Public Notice of the action taken. Such interpretation will accord an affected party the full 30 day statutory period. (See In re Applications of Salinas Broadcasting Corp., etc., 9 R. R. 192.) Thus, computing the 30 day period from the date of our Public Notice, December 10, 1956, we find that the 30 day period expired on January 9, 1957, and the protest was timely filed. The Valley Broadcasting Co. case, supra, cited by Applicant, is not in point since it was conceded by the parties to that proceeding that the 30 days allowed under section 309 (c) expired on November 21, 1955, and no issue was either presented or decided relative to when the computation of such period should start to run.

7. *Disposition of the protest.* In the light of the fact that Protestant is a licensee of a facility like that proposed by Applicant, which facility, it is alleged, will be in direct competition with that of Protestant, and that Protestant has alleged that economic injury will result from the grant complained of, we are of the view that the Protestant is a party in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended (Sanders vs FCC, 309 U. S. 470).

8. The suggested issue (1) in the protest will be adopted as written; issues (2) and (3) will be combined, since both involve the same subject matter; issues (4) and (5) will be combined and reworded, since both deal with the question of need for the service in the area in question; and issue (6), which is conclusionary in nature, will be rewritten to include the issues set forth hereinafter.

9. We are unable to find any justification for continuing Applicant's grant pending disposition of this case. Our disposition hereof makes further consideration of the petition for reconsideration moot.

10. Accordingly, in the light of our conclusions in paragraphs 7, 8 and 9 above, and in order to carry out the intent of Congress with respect to section 309 (c) of our act;

11. *It is ordered*, That, this matter is designated for hearing upon the following issues:

(a) To determine the nature and extent of service proposed by Applicant, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the nature and extent of service now rendered by Protestant, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(c) To determine the area and population presently covered by the service offered by Protestant.

(d) To determine the area and population to be covered by the service proposed by Applicant.

(e) To determine the need for the proposed service of Applicant, and the nature and extent of any benefits to the

public which will accrue because of Applicant's proposed service.

(f) To determine whether any disadvantages to the public will accrue because of Applicant's proposed service.

(g) To determine whether or not the Applicant is financially qualified to establish and operate the proposed service.

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject application.

12. *It is further ordered*, That, the effective date of the Commission's action of December 5, 1956, granting the above-captioned application is postponed pending a final decision by the Commission with respect to the evidentiary hearing herein provided; and

13. *It is further ordered*, That, the hearing herein, upon the issues specified in paragraph 11 above, shall be held at the Commission's offices in Washington, D. C., on a date, and before an Examiner, to be announced in a subsequent order; and

14. *It is further ordered*, That, the burden of proof on issues (a), (d), (e), (g) and (h) are placed on the applicant, and the burden of proof on issues (b), (c), and (f) are placed on the protestant; and

15. *It is further ordered*, That, the Protestant, and the Chief, Common Carrier Bureau, are made parties to the proceeding herein; and

16. *It is further ordered*, That, the parties desiring to participate herein shall file their appearances not later than February 26, 1957.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1210; Filed, Feb. 14, 1957; 8:54 a. m.]

[Docket No. 11933; FCC 57-135]

WATCHTOWER BIBLE AND TRACT SOCIETY OF NEW YORK, INC., AND TELE-BROADCASTERS OF NEW YORK, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING MATTER FOR ORAL ARGUMENT

In the matter of Watchtower Bible and Tract Society of New York, Inc. (Assignor), and Tele-Broadcasters of New York, Inc. (Assignee), Docket No. 11933, File No. BAL-2434; for consent to the assignment of license of Station WBBR, Brooklyn, New York.

1. The Commission has before it for consideration (a) a "Protest filed on behalf of Charles River Broadcasting Company," filed on January 10, 1957, by Charles River Broadcasting Company, licensee of Stations WCRB and WCRB-FM, Waltham, Massachusetts, and directed against the Commission's action of December 12, 1956 granting without hearing the above-entitled application;[1] (b) separate oppositions thereto filed on January 22, 1957 by Watchtower Bible and Tract Society of New York, Inc., and Tele-Broadcasters of New York, Inc., respectively; (c) a "Protest and Petition for Reconsideration," filed on January 11, 1957, by Debs Memorial Radio Fund, Inc., licensee of Stations WEVD and WEVD-FM, New York, N. Y., and directed against the Commission's grant of the above-entitled application; (d) separate oppositions thereto filed on January 22, 1957 by Watchtower Bible and Tract Society of New York, Inc., and Tele-Broadcasters of New York, Inc., respectively; and (e) a reply to said oppositions filed on January 28, 1957 by Debs Memorial Radio Fund, Inc.

2. The above application requests Commission consent to the proposed assignment of license of Station WBBR, Brooklyn, New York, from Watchtower Bible and Tract Society of New York, Inc., to Tele-Broadcasters of New York, Inc. All of the stock of the assignee is owned by Tele-Broadcasters, Inc., a Delaware corporation. Station WBBR shares the use of its assigned frequency of 1330 kilocycles with Stations WEVD, New York, N. Y., licensed to Debs Memorial Radio Fund, Inc., and WHAZ, Troy, New York, licensed to Rensselaer Polytechnic Institute. Under the licenses of these stations, each is entitled to the following proportion of time on the shared frequency: WEVD 24/35ths; WBBR 2/7ths; and WHAZ 5/100ths. Station WBBR was first licensed on January 31, 1924 and was assigned to a frequency of 1300 kilocycles under the allocation of November 11, 1928, which frequency was shifted to 1330 kilocycles under the NARBA reallocation of March 29, 1941. On October 23, 1947, WCRB was granted a construction permit to operate on 1330 kilocycles with a power of 500 watts, daytime only. This was later raised to one kilowatt, daytime only. Subsequently, Charles River filed an application (BP-8885) to change the facilities of Station WCRB from 1330 kilocycles, one kilowatt, daytime only, to unlimited time, utilizing a directional antenna, day and night. By letter of March 10, 1954, the Commission advised the applicant that the proposed nighttime operation of WCRB would be subject to excessive interference from Stations WEVD, WHAZ and WBBR; that the interference from WBBR would be particularly severe; and that a problem was therefore raised under the Commission's "10% rule" (now § 3.28 (c) of the Commission's rules) which prohibits a grant of a construction permit for facilities which will receive excessive interference. In reply to this letter, the applicant submitted additional engineering data purporting to show that the interference would not be as severe as anticipated by the Commission, and stated that WCRB's program format of fine music warranted a grant despite engineering deficiencies. After consideration of this reply, the Commission granted the application (BP-8885) on June 9, 1954. Prior to the grant of the above-entitled application, pleadings objecting thereto were filed by the protestants herein, Debs Memorial Radio Fund, Inc., and Charles River Broadcasting Company. Said pleadings were given careful consideration by the Commission in connection with its review of the application. However, on the basis of all of the information before it, the Commission found that the public interest would be served by a grant of the above application.

3. In its protest, Charles River alleges, in substance, that it is an aggrieved party who is adversely affected by the grant of the above application; that WCRB suffers electrical interference from WBBR; that the license of WBBR was issued for a non-commercial purpose, religious in policy and educational in content; that the assignment of license of WBBR to Tele-Broadcasters of New York, Inc., allows strict commercial operation of WBBR, not contemplated by the license heretofore granted to said station; that "protestant has been denied a right given to it by law to compete for the right to better use 1330 kilocycles"; and that the instant assignment was a device used by the parties to "circumvent the law," and avoid the necessity of Tele-Broadcasters filing an application for new facilities.

4. In their oppositions to the Charles River protest, the applicants allege, in substance, that Charles River is not a party in interest to the above-entitled proceedings; that under section 310 (b) of the Communications Act, the pendency of the instant application does not give Charles River a right to apply for new or modified facilities on 1330 kc; that the assignor could have at any time operated Station WBBR commercially; that no engineering data has been submitted in support of protestant's claim of electrical interference; and that such claim is not pertinent to an assignment proceeding.

5. In its protest, Debs Memorial Radio Fund, Inc., alleges, in substance, that although it is a non-profit organization, it sells some time on WEVD and seeks and obtains advertising revenues in order to meet expenses incurred in presenting cultural, educational and discussion programs; that heretofore, Station WBBR has been operated by the Watchtower Bible and Tract Society (the governing body of the Jehovah's Witnesses in the United States) on a non-commercial basis; that the assignee, Tele-Broadcasters of New York, Inc., proposes to operate WBBR on a commercial basis, and the station will then compete with WEVD for sales revenue, in addition to competing for news, program sources and talent; that in the past, with Stations WHAZ and WBBR, both being operated on a non-commercial basis, said stations and WEVD have been able to work out a satisfactory agreement for sharing time on their assigned frequency of 1330 kc; that the operation of WBBR by Tele-Broadcasters of New York, Inc., on a commercial basis presents a threat to WEVD's hours of operation because every additional hour of time which Tele-Broadcasters of New York, Inc., can obtain at the expense of WEVD can be used for profit; and that in view of the foregoing, protestant will suffer economic injury and its interests will be adversely affected by the grant of the above-entitled application.

6. Debs further alleges, in substance, that the assignee was not shown to be financially qualified, in that the assignee's parent company, Tele-Broadcasters, Inc., was not shown to be financially qualified to purchase and operate WBBR, and to purchase and operate Station KALI, Pasadena, California, which the Commission recently authorized it to do; that the sale-purchase contract between the assignor and assignee contains a provision to the effect that the balance of the purchase price (which is to be paid by the buyer in quarterly installments over a ten-year period) will become immediately due and payable, in the event that the purchaser surrenders any of the hours presently allocated to WBBR on the shared frequency, which provision, it is alleged, violates the Commission's policies and is contrary to the public interest in that it affords an opportunity for the assignor to coerce and restrict the assignee after the assignment has taken place, and the assignor would thus retain rights in the station's license; that under its proposed program schedule of 33 hours per week, 72.5 percent commercial, the assignee will have available only 23.83 hours per week in which to sell time, and will be compelled to overcommercialize and load those hours with spot announcements in order to meet operating expenses and obligations under the contract of sale; that in view of the fact that WBBR has no prior record of earnings, the Commission should have required the assignee to submit estimated figures of expenses and revenues from the proposed commercial operation of the station; that the grant of the application will be detrimental to the listening public in WEVD's service area, in that the assignee will have an incentive for future raids on WEVD's hours; and that the Commission should have considered the extent to which WEVD's programs would have to be modified or terminated as the result of such raids.

7. Debs further alleges, in substance, that the above-entitled application was filed on the same day as the application (BAPL-119) for Commission consent to the sale of Station WARE, Ware, Massachusetts, by a subsidiary of Tele-Broadcasters, Inc.; that the said applications contained representations to the effect that WARE was being sold in order to obtain funds for the purchase of WBBR; that it was not shown that New York City had any lack of the programming proposed by the assignee for WBBR, and no need of the public was shown to be related to the transaction which was to be accomplished by selling another station; that a question is thus raised as to whether the transactions involve "trafficking in licenses," which would disqualify the applicant; and that the Commission did not adequately consider the pre-grant objections filed by WEVD.

8. In their oppositions to the Debs protest, the applicants allege, in substance, that by reason of the share-time agreement, Station WEVD is unable to compete with Station WBBR since both stations are never on the air at the same time; that Debs has not established with the particularity required by section 309 (c) of the Communications Act that it is a party in interest to the above-entitled proceeding; and that since WBBR has always been authorized to operate commercially, WEVD and WBBR have always been potential "competitors" and this situation will not be changed by the protested assignment. In its reply, Debs urges that it is a party in interest.

9. To establish standing to protest under section 309 (c) of the Communications Act, a protestant must show that it is a "party in interest" to the action protested, within the meaning of said section. The only such showing contained in the protest filed by Charles River consists of the bare conclusionary allegation that Charles River is "an aggrieved party who is adversely affected by the granting of [the above-entitled] assignment of the radio facilities of WBBR * * * ." In our view, this statement does not constitute a showing sufficient to establish the standing required by the statute. To establish standing as a "party in interest," it is incumbent upon the protestant to alleged with particularity facts showing the manner in which the subject assignment will adversely affect it or cause it to be aggrieved. It is true that Charles River has alleged, as a substantive matter, that its standard broadcast station, WCRB, suffers electrical interference from Station WBBR. As is indicated in paragraph "2" herein, the alleged interference has existed since 1954. Charles River has neither alleged nor shown that such interference will be increased or otherwise affected by the grant of the above application. Consequently, upon careful consideration of its protest, we are constrained to conclude that Charles River has failed to show that it is a "party in interest," and we are, therefore, unable to find that it has standing, under section 309 (c) of the Act. In re James Robert Meachem, 12 Pike and Fischer RR 1427; In re A. A. Schmidt, et al., FCC 57-105, decided January 30, 1957.

10. Notwithstanding our findings that Charles River has failed to show standing to protest under section 309 (c) of the Communications Act, in this case as well as in all other instances, the Commission will consider any facts brought to its attention which bear on the question whether its grant was improperly made or would otherwise not be in the public interest. There is, however, no merit to the protestant's contention that the instant assignment of license gives it a right to compete "for the right to better use" the facility being assigned. In fact, section 310 (b) of the Communications Act provides that, "in acting [upon an assignment application] the Commission may not consider whether the public interest, convenience and necessity might be served by the transfer, assignment or disposal of the permit or license to a person other than the proposed transferee or assignee." As to the protestant's claim that the subject assignment is a device to "circumvent the law" by avoiding the necessity of the assignee making application for new facilities, it is clear that, contrary to the protestant's contention, the license currently held by Station WBBR does not differ in character from the license of any other standard broadcast station, and specific provision for the assignment of such licenses is contained in the section of the Communications Act referred to above.

11. Turning to the protest and petition for reconsideration filed by Debs Memorial Radio Fund, Inc., pursuant to sections 309 (c) and 405 of the Communications Act, in light of the facts alleged therein, we find that the protestant is a "party in interest" within the meaning of section 309 (c) of the act, and a "person aggrieved or whose interests are adversely affected" by the Commission's grant of the above-entitled application, within the meaning of section 405 of the act. Granik, et al., v. FCC, 98 U. S. App. D. C., 247, 234 F. 2d 682; FCC v. Sanders, 309 U. S. 470; In re General Times Television Corporation, 13 Pike and Fischer RR 1049; Camden Radio, Inc., v. FCC, 94 U. S. App. D. C., 312, 220 F. 2d 191. We find further that the protestant has specified with particularity the facts upon which it relies to show that the Commission's grant was not in the public interest. In view of these findings, a question is presented as to the type of hearing which is required with respect to the protestant's issues. In this connection, section 309 (c) of the Communications Act of 1934, as amended, provides, in substance, that where a sufficient protest is filed, the Commission

> shall designate the protested application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented.

12. The instant protest contains allegations of fact and conclusions drawn therefrom by the protestant. The facts alleged are, in substance, the same as facts which were alleged in pleadings filed by the protestant prior to the Commission's grant of the above-entitled application. Upon consideration of

[1] On January 14, 1957, the Commission received (a) a letter, dated January 10, 1957, from Richard L. Kaye, Vice President of Charles River Broadcasting Company; and (b) a letter, also dated January 10, 1957, from Theodore Jones, President of Charles River Broadcasting Company. Both letters refer to the "protest" filed by the protestant's attorney and discuss some of the matters referred to in said protest. At the same time, the letters refer to certain new matters. Neither letter bears any indication that it was served upon the applicants or their attorneys, as required by section 309 (c) of the Communications Act. In addition, the letter from Mr. Kaye is unverified. In view of these deficiencies, the Commission is prohibited by the above section of the Communications Act from considering the letters as a part of the formal protest. Nevertheless, we have examined the allegations contained in said letters and we find nothing therein which would change our decision in this case, even if we were free to consider the letters as a part of the protest.

these facts, the Commission then found that a grant of the application would be in the public interest. We have given further careful consideration to the facts alleged in the protest and are not convinced at this point that, even if these facts were proven, grounds are presented for setting aside our grant. As we pointed out in our letter to the protestant, dated December 12, 1956, Commission records fail to indicate the existence of any application or proceeding to enlarge the operating time of WBBR, and the assignee has represented to the Commission that it does not contemplate making any demand upon Station WEVD to relinquish any of the time presently used by it. Consequently, since there is no proposal before us to change the operating time allocated to Stations WEVD and WBBR, there is no occasion at this time for us to conjecture as to the possible effects of such a change. With respect to the financial qualifications of the proposed assignee, information submitted in the application indicates that the assignee will have available to it $70,000 in cash, derived from the sale of Station WARE, Ware, Massachusetts, by Tele-Broadcasters, Inc., which amount would appear to be more than adequate to meet the $30,000 down payment required under the contract of purchase with the assignor, and to provide initial operating capital. Taking into account all of the relevant information available to the Commission, we do not accept the protestant's conclusion that the applicants should have submitted additional financial data beyond that called for by the application form, nor do we accept protestant's conclusion that the purchase of Station KALI, Pasadena, California, by Tele-Broadcasters, Inc., impairs the financial qualifications of Tele-Broadcasters of New York, Inc., to purchase and operate Station WBBR. In addition, we are unable to agree with protestant's conclusions that the assignee will be compelled to over-commercialize Station WBBR; that the contract of sale results in the retention by the assignor of rights in the license of said station; or that the sale of Station WARE, Ware, Massachusetts, to obtain funds to purchase WBBR constitutes "trafficking in licenses." Accordingly, oral argument will be ordered herein as on demurrer.

13. A final question is presented as to whether we should stay the effective date of our grant of the above-entitled application. In this connection, section 309 (c) of the Communications Act provides as follows:

> • • • pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

The applicants herein have made no showing as to why a stay should be denied, and there is no information before us which would indicate that the grant in question is "necessary to the maintenance or conduct of an existing service," or which would warrant us in finding affirmatively that the "public interest requires that the grant remain in effect." Consequently, the effective date of our grant of the above-entitled application must be postponed.

14. In view of the foregoing: *It is ordered*, That, the protest of Charles River Broadcasting Company is dismissed; that the petition for reconsideration filed by Debs Memorial Radio Fund, Inc., under section 405 of the Communications Act is granted to the extent provided for herein and denied in all other respects; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for oral argument at the offices of the Commission in Washington, D. C., on the question whether, if the facts alleged in the protest of Debs Memorial Radio Fund, Inc., were proven, grounds have been presented for setting aside the grant of said application; and that the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the proceedings ordered below.

15. *It is further ordered*, That, Debs Memorial Radio Fund, Inc., and the Chief, Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The oral argument shall commence at 10:00 a. m. on the 25th day of February 1957, and shall be held before the Commission en banc;

(b) The parties intending to participate in the oral argument shall file their appearances not later than the 18th day of February 1957;

(c) The parties to the proceedings have until the date of oral argument to file briefs or memoranda of law.

It is further ordered, That, in the event the assignment herein has been consummated, the parties to the above-entitled application shall have until March 8, 1957 to reassign the license of Station WBBR to Watchtower Bible and Tract Society of New York, Inc.

Adopted: February 6, 1957.

Released: February 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1211; Filed, Feb. 14, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 12, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33256: *Sulphur—New Orleans, La., group to Massachusetts and Pennsylvania.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur (brimstone), other than crude, carloads from New Orleans, La., and grouped origins to North Brookfield, and Taunton, Mass., and Pottsboro, Pa.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33259: *Paving compounds—Between Southern Points and Points in Official Territory.* Filed by St. Louis-San Francisco Railway Company, Agent, for interested rail carriers. Rates on paving and paving joint compounds, carloads (1) between specified points in southern territory including Ohio and Mississippi River Crossings south and east of St. Louis, Mo., and (2) between specified points in southern territory, on the one hand and specified points in Illinois territory, on the other.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33260: *Logs—Myrtle, Va., to High Point, N. C.* Filed by O. W. South, Jr., Agent, for interested carriers. Rates on logs, carloads from Myrtle, Va., to High Point, N. C.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 147 to Agent C. A. Spaninger's tariff I. C. C. 1297.

FSA No. 33261: *Asphalt—Casper and Cody, Wyo., to Utah Points.* Filed by Chicago, Burlington & Quincy Railroad Company, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum, straight or mixed carloads, from Casper and Cody, Wyo., to Salt Lake City, Utah, and other specified points in Utah.

Grounds for relief: Circuitous routes.

Tariff: Supplement 29 to Chicago, Burlington & Quincy Railroad Company's tariff I. C. C. 20402.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1164; Filed, Feb. 14, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8153]

LOS ANGELES AIR SERVICE, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Kirk Kerkorian and Los Angeles Air Service, Inc., for approval of control and interlocking relationships.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on February 26, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1216; Filed, Feb. 14, 1957; 8:55 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ADMINISTRATIVE OFFICER ET AL.; AREA I

NOTICE OF DESIGNATION, AMENDMENT

Effective January 28, 1957, the Federal Register Document No. 56-5244, appearing on page 4934 of Volume 21, Number 128 published July 3, 1956, as amended by Federal Register Document Number 56-6009 appearing on page 5629 of Volume 21, Number 144, published July 26, 1956, is hereby amended to read:

1. Under authority conferred by Director's Order No. 615, June 12, 1956 and Amendments No. 1 dated July 2, 1956 and No. 2 dated October 22, 1956, the Acting Area Administrator and the Area Administrative Officer are authorized to enter into contracts for construction, equipment, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate.

2. Also pursuant to the above order, the following classes of employees of Area 1 are hereby authorized to enter into procurement contracts, with monetary limitations on individual transactions as indicated. Purchases of capitalized equipment will be limited to designated Area office personnel.

	Special purpose leases (buildings)	Equipment rental agreements	4-140 purchase orders	SF-44 purchases	Imprest funds
Acting Area Administrative Officer, Area Property and Supply Officer, and Acting Area Property and Supply Officer	$10,000	$10,000	$10,000	$500	$50
Washington State Supervisor, Calif. State Supervisor, Assistant to the Calif. State Supervisor, and Oregon State Supervisor		500	500	500	50
District Range Managers and District Foresters		500	500	500	50
Manager Land Office, Los Angeles; Assistant Manager Land Office, Los Angeles; Manager Land Office, Sacramento			1 200	50	25
Office Cadastral Engineer, Sacramento			500	500	50
Cadastral Engineers (in field)			500	500	50

[1] To be used only for purchases of routine office supplies from General Services Administration. Such purchases are subject to the availability of California State Office funds, quarterly apportionments, and such other limitation as may be imposed by the State Supervisor.

T. M. TYRRELL,
Acting Area Administrator, Area 1, Bureau of Land Management.

[F. R. Doc. 57-1158, Filed, Feb. 14, 1957; 8:46 a. m.]

[Classification Order No. 109]

[California No. 44]

CALIFORNIA

SMALL TRACT CLASSIFICATION; AMENDMENT

FEBRUARY 5, 1957.

Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby amend Small Tract Classification Order No. 109, California No. 44, dated October 22, 1946, to permit lease and sale of the following described lands for residence and/or business purposes:

MOUNT DIABLO BASE AND MERIDIAN

T. 25 S., R. 43 E.,
Sec. 5, N½SE¼SW¼SE¼, S½SE¼SW¼SE¼.

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-1159; Filed, Feb. 14, 1957; 8:46 a. m.]

[Classification No. 521]

CALIFORNIA

SMALL TRACT CLASSIFICATION

FEBRUARY 5, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 2,267.90 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 9 N., R. 1 W.,
Sec. 19, NE¼, W½, N½SE¼, SW¼SE¼.
Sec. 20, N½SW¼, SE¼.
T. 9 N., R. 2 W.,
Sec. 15, SE¼, SE¼SW¼, SE¼NE¼SW¼, SE¼SW¼SW¼, SE¼NE¼, SE¼SW¼NE¼, E½NE¼NE¼.
Sec. 22, E½, E½NW¼, E½W½NW¼, SW¼SW¼NW¼.
Sec. 23, N½.
Sec. 24, E½, NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to February 5, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge, Southern Field Group, Los Angeles, California.

[F. R. Doc. 57-1160; Filed, Feb. 14, 1957; 8:46 a. m.]

[1] Where the amount involved is in excess of $25,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memoranda of March 2, 1954 and October 17, 1955.

OFFICE OF DEFENSE MOBILIZATION

PHILIP M. POWERS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163 except for addition of Collins Radio.

This amends statement published in the FEDERAL REGISTER, August 29, 1956 (21 F. R. 6524).

Dated: February 1, 1957.

PHILIP N. POWERS.

[F. R. Doc. 57-1180; Filed, Feb. 14, 1957; 8:50 a. m.]

E. D. REEVES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 17, 1956 (21 F. R. 6202).

Dated: February 1, 1957.

E. D. REEVES.

[F. R. Doc. 57-1181; Filed, Feb. 14, 1957; 8:50 a. m.]

WILLIAM WEBSTER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

CHANGES IN INVESTMENTS SINCE LAST SUBMISSION OF FORM ODM-163

Deletions: Consolidated Industries, New Products Research Corp.

Additions: Baird Associates-Atomic Instrument Co., First National Bank of Bel Air, Northeastern Steel Corp., U. S. Leasing Co.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

WILLIAM WEBSTER.

[F. R. Doc. 57-1182; Filed, Feb. 14, 1957; 8:50 a. m.]

RUSSELL C. MCCARTHY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

RUSSELL C. MCCARTHY.

[F. R. Doc. 57-1183; Filed, Feb. 14, 1957; 8:50 a. m.]

PETER HENLE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 17, 1956 (21 F. R. 6202).

Dated: February 1, 1957.

PETER HENLE.

[F. R. Doc. 57-1184; Filed, Feb. 14, 1957; 8:50 a. m.]

THOMAS R. REID

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, September 19, 1956 (21 F. R. 7046).

Dated: February 1, 1957.

THOMAS R. REID.

[F. R. Doc. 57-1185; Filed, Feb. 14, 1957; 8:50 a. m.]

R. CARTER WELLFORD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

R. CARTER WELLFORD.

[F. R. Doc. 57-1186; Filed, Feb. 14, 1957; 8:50 a. m.]

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 16, 1956 (21 F. R. 6152).

Dated: February 1, 1957.

STANLEY RUTTENBERG.

[F. R. Doc. 57-1187; Filed, Feb. 14, 1957; 8:51 a. m.]

CARLTON S. DARGUSCH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

CARLTON S. DARGUSCH.

[F. R. Doc. 57-1188; Filed, Feb. 14, 1957; 8:51 a. m.]

DAVID C. HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 16, 1956 (21 F. R. 6152).

Dated: February 1, 1957.

DAVID C. HOLUB.

[F. R. Doc. 57-1189; Filed, Feb. 14, 1957; 8:51 a. m.]

MAURICE C. WALSH

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

MAURICE C. WALSH.

[F. R. Doc. 57-1190; Filed, Feb. 14, 1957; 8:51 a. m.]

G. R. LESAUVAGE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

G. R. LESAUVAGE.

[F. R. Doc. 57-1191; Filed, Feb. 14, 1957; 8:51 a. m.]

HAROLD S. BLACKMAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

HAROLD S. BLACKMAN.

[F. R. Doc. 57-1192; Filed, Feb. 14, 1957; 8:51 a. m.]

GEOFFREY BAKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 25, 1956 (21 F. R. 6429).

Dated February 1, 1957.

GEOFFREY BAKER.

[F. R. Doc. 57-1193; Filed, Feb. 14, 1957; 8:52 a. m.]

JAMES F. BROWNLEE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Since the last filing of this form on August 1, 1956, I have become a Director of the Spencer Chemical Company, and a stockholder in the General Plywood Corporation.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5949).

Dated: February 1, 1957.

JAMES F. BROWNLEE.

[F. R. Doc. 57-1194; Filed, Feb. 14, 1957; 8:52 a. m.]

CHESTER F. OGDEN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Accessions: Glenn L. Martin.
Deletions: None.

This amends statement previously published in the FEDERAL REGISTER September 14, 1956 (21 F. R. 6965).

Dated: January 1, 1957.

CHESTER F. OGDEN.

[F. R. Doc. 57-1195; Filed, Feb. 14, 1957; 8:52 a. m.]

GORDON B. CARSON

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

GORDON B. CARSON.

[F. R. Doc. 57-1196; Filed, Feb. 14, 1957; 8:52 a. m.]

JAMES H. TAYLOR

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, August 14, 1956 (21 F. R. 6076).

Dated: February 1, 1957.

JAMES H. TAYLOR.

[F. R. Doc. 57-1197; Filed Feb. 14, 1957; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1278]

CALIFORNIA-UTAH PETROLEUM & URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

I. California-Utah Petroleum & Uranium Company, a Utah corporation, 230 Atlas Building, Salt Lake City, Utah, having filed with the Commission on May 28, 1954, a notification on Form 1-A and offering circular, and subsequently having filed amendments thereto relating to an offering of 1,000,000 shares of its 10¢ par value common stock at 10¢ per share for an aggregate of $100,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof, and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in the following respects:

A. The offering circular omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading in that the offering circular fails to disclose the status of assessment work, if any, performed on the company's 217 mining claims. The use of such offering circular without appropriate disclosure in this matter would operate as a fraud and deceit upon the purchasers.

B. The company has failed to file reports of sales on Form 2-A as is required by Rule 224 under Regulation A.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it is hereby, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1165; Filed, Feb. 14, 1957; 8:47 a. m.]

[File No. 7-1843]

AMERICAN CAN CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in American Can Company, Common Stock; File No. 7-1843.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1166; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1844]

BOEING AIRPLANE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Boeing Airplane Company, Common Stock; File No. 7-1844.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1, promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1167; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1845]

COLGATE-PALMOLIVE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Colgate-Palmolive Company, Common Stock; File No. 7-1845.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1168; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1846]

CORN PRODUCTS REFINING CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Corn Products Refining Company, Common Stock; File No. 7-1846.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1169; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1847]

GENERAL DYNAMICS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in General Dynamics Corporation, Common Stock; File No. 7-1847.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1170; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1848]

MONSANTO CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Monsanto Chemical Company, Common Stock; File No. 7-1848.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1171; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1849]

OWENS-ILLINOIS GLASS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Owens-Illinois Glass Company, Common Stock; File No. 7-1849.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1172; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1850]

SPERRY RAND CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Sperry Rand Corporation, Common Stock; File No. 7-1850.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1173; Filed, Feb. 14, 1957; 8:48 a. m.]

[File No. 7-1851]

TEXAS CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 11, 1957.

In the matter of application by the Cincinnati Stock Exchange for Unlisted Trading Privileges in Texas Company, Common Stock; File No. 7-1851.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before February 27, 1957 from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1174; Filed, Feb. 14, 1957; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 33

Washington, Saturday, February 16, 1957

THE NATIONAL ARCHIVES
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FEB 20 1957
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TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT III

The regulations governing the 1956 acreage reserve part of the Soil Bank Program, 21 F. R. 4379, 4847, 5205, 5259, 5685, 5959, 6879, 7611, 7612 and 9365 (hereinafter referred to as "the regulations"), are hereby further supplemented as follows:

1. The regulations are hereby amended to make eligible for participation in the 1956 Acreage Reserve Program producers on farms which received allotments as "new farms", or, in the case of rice, producers who received allotments as "new producers", who have filed 1956 acreage reserve agreements which have been approved by the county committee: *Provided*, That, this supplement shall not be applicable unless the producer in filing the agreement acted in good faith without knowledge that the agreement was contrary to the regulations.

2. The regulations are hereby amended to eliminate the maximum and minimum acreage requirements with respect to producers who have filed 1956 acreage reserve agreements under which they agreed to place in the acreage reserve less than the minimum or more than the maximum acreage specified in § 485.108 of the regulations and whose agreements have been approved by the county committee: *Provided*, That, the requirement that the acreage which may be placed in the acreage reserve may not exceed the farm allotment for the commodity, or, in the case of corn, the farm Soil Bank corn base, shall in no case be eliminated: *And provided further*, That, this supplement shall not be applicable unless the producer in filing the agreement acted in good faith without knowledge that the agreement was contrary to the regulations.

3. With respect to producers specified in 1 and 2 above, the final date for filing 1956 acreage reserve agreements is hereby extended. However, new agreements will not be required to be executed; instead, the existing agreements will be honored, provided such agreements comply with all the other terms and conditions of the regulations.

4. 1956 acreage reserve agreements which are not in conformity with the regulations may be corrected or reformed only in accordance with instructions issued by the Administrator of Commodity Stabilization Service (copies of such instructions will be available in the office of the county committee).

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1230; Filed, Feb. 15, 1957; 8:47 a. m.]

[Amdt. 2]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 Acreage Reserve part of the Soil Bank Program, 21 F. R. 10449, as amended in 22 F. R. 494, are hereby further amended as follows:

1. The following sentence is added at end of § 485.211 (a) (3): "Producers on a farm who wish to participate only if they may place acreage in excess of the applicable maximum acreage specified in subparagraphs (1) or (2) of this paragraph in the program, and who so indicate in writing to the county committee on or before the applicable final date for filing agreements specified in § 485.212 (b), will be permitted to participate in the program under the same circumstances and to the same extent as provided above in this subparagraph."

2. Section 485.212 (b) (4) is amended by adding the following at the end thereof: "If the producers have indi-

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(As of January 1, 1957)

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Title 21 ($0.50)
Title 26, Parts 1–79 ($0.35)

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cated in writing to the county committee their desire to participate if they are permitted to place acreage in the program in excess of the maximum specified in § 485.211 (a) (1) or (2), and the allocation made to the county is sufficient to permit such acreage to be placed in the acreage reserve, the operator shall be notified as specified above in this subparagraph. In order to place such acreage in the acreage reserve, the producers must, except as provided in subparagraph (5) of this paragraph, file an agreement with the county committee not later than ten days after the date that the notice to the operator was postmarked."

3. Section 485.212 (b) (1) (i) and (ii) is amended by deleting the words "of 1954, 1955, or 1956," and inserting in lieu thereof the words "during the period 1947–1956, inclusive,".

4a. Section 485.219 (a) (1) is amended by deleting the words "The operator", in the second sentence and inserting in lieu thereof the words "Any producer", and by deleting the words "operator" in the fourth sentence and inserting in lieu thereof the word "producer."

b. Section 485.219 (a) (2) is amended to read as follows:

(2) In the case of tobacco, any producer may at the time the agreement is filed request in writing a reconsideration of the rate of compensation per acre determined to be applicable to land on the farm which is at least equal to the productivity for such commodity of the average land on the farm normally devoted to the production of such commodity. If a request for reconsideration is not made at the time the agreement is filed, the rate specified in the agreement shall be final.

c. Section 485.219 (b) is amended by deleting the word "operator" wherever it appears and inserting in lieu thereof the word "producer", and by deleting the phrase ", at the aforementioned county office,".

5a. Section 485.226 (a) is amended by adding the following sentence at the end thereof: "A rice producer may not participate in the acreage reserve program if any part of his preliminary producer allotment is voluntarily released pursuant to the provisions of the acreage allotment regulations governing the release and reapportionment of allotments."

b. Section 485.226 (b) is amended by inserting after the word farms in the fifth line the following: "or, in the case of rice, preliminary producer allotments voluntarily released by producers".

6. Appendix 3 to the regulations is amended by changing the county rate of compensation per acre for corn in Mississippi and Wayne Counties, Missouri, from $35.00 and $29.00 to $37.00 and $33.00 respectively.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1232; Filed, Feb. 15, 1957; 8:48 a. m.]

[Amdt. 3]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

AGREEMENT

The regulations governing the 1957 acreage reserve part of the Soil Bank Program 21 F. R. 10449, as amended in 22 F. R. 494 and F. R. Doc. 57-1232, *supra*, (hereinafter referred to as "the regulations") are hereby further amended as provided herein.

Section 485.212 (c) (2) of the regulations provides, in part, that in any case where an agreement for wheat is entered into on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957, (Winter Wheat)", and the farm is entitled to a 1957 allotment for a commodity other than wheat, the producers who signed the agreement may terminate it by filing written notice of such termination with the county committee not later than 15 days after the date of mailing by the county office of notice of the establishment of the last of the 1957 allotments for the farm. Some such agreements were terminated by producers because of their understanding that the option to terminate would expire if not exercised within 15 days following the mailing of a preliminary notice of the farm allotment for corn. The amendment set forth below is for the purpose of giving producers who terminated agreements on the basis of such misunderstanding an opportunity to reinstate their agreements.

Section 485.212 (c) (2) is hereby amended by adding the following at the end thereof: "Any producer who, pursuant to the foregoing provisions of this subparagraph, terminated his agreement not later than 15 days after the date of mailing of the preliminary notice on Form CSS–308 Corn (1957) of the farm allotment for corn may reinstate his agreement by filing a new Form CSS–800–1 within 15 days after the date of mailing by the county office to the farm operator of official notice on Form CSS–308A Corn (1957) of the farm allotment for corn, or within 15 days after the issuance of this amendment, whichever is later, subject to the following conditions:

(i) A producer shall not be eligible to file a new Form CSS–800–1 if action was taken on the farm, subsequent to termination of the original agreement, which would have constituted a violation of the original agreement if it had not been terminated.

(ii) Except for the dates and the correction of any errors, the new Form CSS–800–1 shall in all respects be identical to the original agreement.

(iii) All of the provisions of the regulations which are applicable to agreements on Form CSS–800–1 (Soil Bank), "Acreage Reserve Agreement 1957, (Winter Wheat)", and to agreements entered into before December 20, 1956, shall be applicable to such reinstated agreements. Any provisions of the regulations which are applicable only to agreements entered into on or after December 20, 1956, shall not be applicable to such reinstated agreements."

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1233; Filed, Feb. 15, 1957; 8:48 a. m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

Subchapter B—Export and Domestic Consumption Programs

[Amdt. 1]

PART 518—FRUITS AND BERRIES, DRIED AND PROCESSED

SUBPART A—DATE DIVERSION PAYMENT PROGRAM XMD 29A (1956 MARKETING SEASON)

ELIGIBLE DATES

Section 518.542 (b) is hereby amended to read as follows:

(b) *Eligible dates.* Dates diverted under this program shall: (1) Have been produced in the United States, (2) be whole or pitted, (3) be of the Deglet Noor variety, (4) be not less than U. S. Grade C or U. S. Grade C (Dry) of the United States Standards for Grades of Dates, effective August 26, 1955, and (5) have been purchased, directly or indirectly, from producers who have been paid or will be paid or, if members of a grower marketing cooperative, have been credited or will be credited, not less than four cents per net pound for the dates diverted under this program.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Issued this 12th day of February 1957, to become effective February 13, 1957.

[SEAL] S. R. SMITH,
Representative of the Secretary of Agriculture.

[F. R. Doc. 57-1229; Filed, Feb. 15, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—SWEETPOTATOES

NOTICE OF QUARANTINE

On December 29, 1956, there was published in the FEDERAL REGISTER (21 F. R. 10516) a notice of rule making con-

cerning an amendment of Sweetpotato Quarantine No. 30 (7 CFR 301.30). After due consideration of all relevant matters presented, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Administrator of the Agricultural Research Service hereby amends the said quarantine to read as follows:

§ 301.30 *Notice of quarantine.* (a) The Administrator of the Agricultural Research Service has determined that it is necessary to quarantine Hawaii and Puerto Rico to prevent the spread to other parts of the United States of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.), dangerous insect infestations new to and not widely prevalent or distributed within or throughout the United States, and that it is necessary also to quarantine the Virgin Islands of the United States to prevent the spread to other parts of the United States of the sweetpotato scarabee.

(b) Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after public hearing as required thereunder, the Administrator of the Agricultural Research Service therefore has quarantined Hawaii, Puerto Rico, and the Virgin Islands of the United States to prevent the spread of the sweetpotato scarabee (Euscepes postfasciatus Fairm.) and the sweetpotato stem borer (Omphisa anastomosalis Guen.).

(c) No variety of sweetpotatoes (Ipomoea batatas Poir.) shall be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from Hawaii, Puerto Rico, or the Virgin Islands of the United States into or through any other State, Territory, or District of the United States: *Provided*, That the prohibitions of this section shall not prohibit the movement of sweetpotatoes in either direction between Puerto Rico and the Virgin Islands of the United States; nor prohibit the movement of sweetpotatoes by the United States Department of Agriculture for scientific or experimental purposes; nor prohibit the movement from Puerto Rico or the Virgin Islands of the United States of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such northern ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes under the supervision of an inspector of said Branch either in Puerto Rico or the Virgin Islands of the United States or at the designated port of arrival, in a manner approved by the said Chief; nor prohibit the movement from Hawaii of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such ports of the United States as he may designate in such permit or certificate, conditioned upon the fumigation of such sweetpotatoes in Hawaii under the supervision of an inspector of said Branch, in a manner approved by the said Chief: *Provided further*, That whenever the Chief of the Plant Quarantine Branch shall find that facts exist as to pest risk involved in the movement of sweetpotatoes or any classification thereof to which this subpart applies, making it safe to modify, by making less stringent, the requirements contained therein, he shall set forth and publish such finding in administrative instructions specifying the manner in which the subpart should be made less stringent, whereupon such modification shall become effective. As used in this section, the term "State, Territory, or District of the United States" means "Alaska, Hawaii, Puerto Rico, the Virgin Islands of the United States, or the continental United States."

This amendment shall be effective February 16, 1957, and shall supersede the quarantine effective February 12, 1954.

This amendment is a relieving of restrictions in that it authorizes for the first time the movement from Hawaii of sweetpotatoes which the Chief of the Plant Quarantine Branch may authorize under permit or certificate to such ports of the United States as he may designate in the permit or certificate, provided the sweetpotatoes have been fumigated in Hawaii in an approved manner under the supervision of an inspector of the Plant Quarantine Branch.

Since this amendment relieves restrictions, it is within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after its publication in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 13th day of February 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Services.

[F. R. Doc. 57-1262; Filed, Feb. 15, 1957; 8:57 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 1]

PART 721—CORN

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOCATIONS FOR 1957 CROP

CORN PLANTED FOR WILDLIFE FEED ON A FISH AND WILDLIFE SERVICE FARM

The purpose of this amendment is to modify the definition of "corn acreage" so that the acreage planted to corn under a contract with the fish and Wildlife Service which was not or will not be harvested is excluded when determining "corn acreage" for a farm.

Section 721.811 (o), of the 1957 corn farm acreage allocation regulations is hereby amended by adding at the end thereof the following new sentence: "Any acreage planted to corn for wildlife feed on a Fish and Wildlife Service farm under a written contract which was or will be entered into prior to planting with the Fish and Wildlife Service and which is prior to planting approved by the county and State committees shall be excluded from corn acreage if the acreage of corn is not harvested."

(Sec. 375, 52 Stat. 66, 7 U. S. C. 1375. Interprets or applies secs. 301, 329, 52 Stat. 38, 52; 7 U. S. C. 1301, 1329)

Done at Washington, D. C., this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1234; Filed, Feb. 15, 1957; 8:48 a. m.]

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Sugar Determination 837.2]

PART 837—PUERTO RICO

1956–57 AND SUBSEQUENT CROPS

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, as amended (herein referred to as "act"), the following determination is hereby issued:

§ 837.2 *Sugar commercially recoverable from sugarcane in Puerto Rico for the 1956–57 and subsequent crops.* The amount of sugar commercially recoverable upon which payment under the act may be made with respect to sugarcane of the 1956–57 and each subsequent crop, which is grown on any farm in Puerto Rico and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, shall be the quantity of sugar, 96° basis, not in excess of the corresponding crop proportionate share for the farm as established pursuant to section 302 of the act, which is recoverable from such sugarcane by the mill or mills at which such sugarcane is ground, as determined in accordance with the applicable provisions of the determination of fair and reasonable prices for the corresponding crop issued pursuant to section 301 of the act. The quantity of sugar, 96° basis, for each crop thereby obtained shall be converted to raw value in accordance with section 101 (h) of the act on the basis of the annual average polarization of the sugar produced from sugarcane of each crop by the mill or mills at which such sugarcane is processed.

This determination supersedes, effective with the 1956–57 crop, the "Determination of Sugar Commercially Recoverable from Sugarcane in Puerto Rico" issued February 10, 1945.

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane marketed (or processed by the producer) not in excess of the proportionate share for the farm, are required to establish the amounts of sugar upon which payments under the act may be made. Accordingly, determinations were issued for each of the Puerto Rican sugarcane crops of 1937–38 through 1943–44 and a determination issued on February 10, 1945, was applicable to the 1944–45 and each subsequent crop. For each of the crops 1937–38 through 1943–44, the amount of sugar commercially recoverable was determined by use of the formulas specified in the corresponding crop fair price determination, issued under section 301 (c) (2) of the act as the basis for computing settlements between sugarcane producers and processors. However, since the 1944–45 fair price determination merely extended for such crop the provisions of the 1943–44 determination without repeating the formulas for computing sugar recoverability, the determination of sugar commercially recoverable for the 1944–45 and each succeeding crop continued in effect the formulas contained in the 1943–44 fair price determination.

This determination eliminates the reference to the 1943–44 fair price determination and substitutes therefor a reference to the effective fair price determination for each corresponding crop year. Computing sugar recoveries for any crop in accordance with the currently applicable provisions of the corresponding fair price determination will reflect any changes which may be made effective in this regard for any particular crop. This determination shall apply to the 1956–57 and subsequent crops until revoked or modified.

Accordingly, I hereby find and conclude that the aforestated determination will effectuate the purposes of section 302 (a) of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930 as amended; 7 U. S. C. 1132)

Issued this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1235; Filed, Feb. 15, 1957; 8:49 a. m.]

[Sugar Determination 878.9]

PART 878—SUGARCANE; VIRGIN ISLANDS

FAIR AND REASONABLE PRICES FOR 1957 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence obtained at the public hearing held in Christiansted, St. Croix, Virgin Islands, on October 30, 1956, the following determination is hereby issued:

§ 878.9 *Fair and reasonable prices for the 1957 crop of Virgin Islands sugarcane.* A producer of sugarcane in the Virgin Islands who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1957 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar 96° basis.

(2) "Settlement period" means the two-week period in which sugarcane is delivered by the producer to the processor. The first such period shall start on Monday of the week grinding commences and successive periods shall start at two-week intervals thereafter.

(3) "Average price of raw sugar" means the simple average of the daily spot quotations of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding to each daily quotation the United States duty prevailing on Cuban raw sugar on that day, for the settlement period, except that, if the Director of the Sugar Division determines that for such period such average price does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the average price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "F. O. B. mill price" means the average price of raw sugar less the actual costs incurred for ocean freight and unloading at port of destination, and the sum of .17 cent per pound in lieu of all other selling and delivery expenses.

(5) "Yield of raw sugar" means the yield of raw sugar, 96° basis, per 100 pounds of sugarcane determined for each settlement period in accordance with the following procedure:

(i) A representative sample of not less than six stalks of sugarcane shall be taken from each producer's truckload or partial load and the juice shall be extracted by a laboratory power mill. Correlating factors shall be established between the laboratory power mill juice and the factory crusher juice brix and sucrose not less than once weekly during a continuous 8-hour period. While establishing these correlating factors, the "cush-cush" or juice screenings shall be returned to the milling process at a point after the first crusher, that is, before the second or third or any subsequent mill. The correlating factors then shall be applied to the laboratory mill analysis of brix and sucrose to bring the laboratory mill analysis to the equivalent of factory crusher juice analysis.

(ii) Application shall then be made of the formula, $R=(S-0.3\ B)\ F$, where:

R=Yield of raw sugar.
S=Polarization of the crusher juice obtained from the sugarcane of each producer.
B=Brix of the crusher juice obtained from the sugarcane of each producer.
F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period, from the product of the formula $(S-0.3\ B)$, and the number of hundredweights of sugarcane; and

(b) Divide the pounds of raw sugar, 96° basis, produced during the settlement period at the mill by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

(b) *Payment for sugarcane.* The payment for sugarcane delivered by the producer to the processor during a settlement period shall be calculated on the basis of the f. o. b. mill price for that portion of the raw sugar determined by applying the following applicable percentage to the yield of raw sugar from the producer's sugarcane:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
6.0	59.0
7.0	60.0
8.0	61.0
9.0	62.0
10.0	63.0
11.0	64.0
12.0	65.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(c) *Molasses payment.* The processor shall pay the producer for each 100 pounds of sugarcane delivered an amount computed by applying the following applicable percentage to the net proceeds derived from the sale of blackstrap molasses produced per 100 pounds of sugarcane for the 1957 crop:

Pounds of raw sugar per 100 pounds of sugarcane:	Percentage
6.0	86.0
7.0	80.0
8.0	74.0
9.0	68.0
10.0	62.0
11.0	56.0
12.0	50.0

Intermediate points within the scale are to be interpolated to the nearest one-tenth point. Points below 6 pounds or above 12 pounds of raw sugar are to be in proportion to the immediately preceding interval.

(d) *Transportation allowances to producers.* The processor shall make an allowance to the producer equal to 50 percent of the rate, as agreed upon between the parties, for loading sugarcane at the farm and for its transportation to the mill.

(e) *Reporting requirement.* The processor shall submit in duplicate to the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico, for approval a certified statement of the actual deductions made in determining the f. o. b. mill price of raw sugar and the net proceeds from blackstrap molasses.

(f) *Subterfuge.* The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1957 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall

have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1957 price determination.* The 1957 price determination continues the provisions of the 1956 determination except for a change in the definition of "F. o. b. mill price." This change specifies a fixed deduction in lieu of actual costs for all items of selling and delivery expenses for raw sugar, except ocean freight and unloading at destination.

A public hearing was held in Christiansted, St. Croix, Virgin Islands, on October 30, 1956, at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for the 1957 crop. The witness for the Virgin Islands Corporation stated that the Corporation proposed to purchase and install facilities for the bulk shipment of 1957 crop raw sugar. This witness pointed out that the operation would reduce selling and delivery expenses and would benefit the growers as well as the Corporation. He recommended that in view of this change in the method of shipping sugar, which requires substantial capital investment, that selling and delivery expenses, except ocean freight and unloading of sugar at destination, be fixed at a flat rate of $3.40 per ton of sugar. The witness also recommended that the Corporation be permitted to burn its own cane in carts after it has been weighed, since the burning decreases the amount of trash which would otherwise enter the mill, thereby improving factory operations. He pointed out that it was impractical to reweigh the cane after burning to determine the net weight.

A representative of small growers testified that although there was no objection to the burning of sugarcane, he did not favor the method followed by the Corporation in determining the weight of the cane prior to burning rather than after burning. The witness indicated that an adjustment of ½ to 1 percent in weight should be made on such burned cane. He stated that he was in agreement with the proposal of the Corporation for the establishment of fixed charges covering lighterage and other selling and delivery expenses.

A large grower testified that he was in favor of the Corporation burning its cane and since it was his belief that it was impractical to accurately determine the net weight of the cane burned in carts, an arbitrary adjustment of about 2 percent in weight should be made. The witness stated that he was in favor of the proposed bulk sugar handling operation and that growers should bear their proportionate share of selling and delivery costs.

Consideration has been given to the recommendations made at the public hearing, to the results of investigations, to the financial position of producers and the processor, and to other pertinent factors. Financial reports of the Virgin Islands Corporation, which is the largest grower and only processor of sugarcane in the Islands, show that while a small profit was realized on 1956 sugarcane growing operations, a substantial loss was incurred on milling operations. The net result was that losses for 1956 were substantial, although not as great as losses in recent years. In view of these continuing annual losses on sugar operations, the standards customarily considered in price determinations cannot be applied in the usual manner. However, the sharing relationship specified in this determination provides returns to producers which compare favorably with those obtained by sugarcane producers in other offshore areas.

The recommendation that a fixed deduction for selling and delivery expenses, in lieu of actual expenses, be used in calculating the f. o. b. mill price of raw sugar has been adopted. A fixed rate per pound of sugar is specified in lieu of actual expenses for certain hauling and loading services to be performed by the Corporation in the shipment of bulk sugar and for other selling and delivery expenses. The handling of sugar in bulk is expected to result in a cost savings to the processor. The amount of the fixed rate deduction will benefit growers in comparison to actual selling and delivery expenses incurred on sugar in bags in prior years.

No provision is made in this determination with respect to a determination of the net weight of processors' sugarcane which may be burned in carts. Inasmuch as settlement is customarily made on the weight of sugarcane as delivered it would not appear equitable to make weight adjustments on the processors' sugarcane subsequent to delivery and not make weight adjustments on the sugarcane delivered by other producers. In view of the large number of growers in relation to the amount of cane processed and the expense of making net weight determinations, it does not appear feasible at this time to require a net weight determination on all sugarcane. Since the burning of sugarcane removes substantial quantities of trash which would otherwise be carried into the processing operation and have an adverse effect on sugarcane recoveries, the practice of burning sugarcane should be continued even though it may not be feasible to determine the net weight of sugarcane after it is burned.

Accordingly, I hereby find and conclude that the foregoing price determination is fair and reasonable and will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1236; Filed, Feb. 15, 1957; 8:49 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 106]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.406 *Navel Orange Regulation 106*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 32, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 14, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 17, 1957, and ending at 12:01 a. m., P. s. t., February 24, 1957, is hereby fixed as follows:

(i) District 1: 369,600 cartons;
(ii) District 2: 369,600 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 15, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1324; Filed, Feb. 15, 1957; 11:34 a. m.]

[Orange Reg. 310]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.829 *Orange Regulation 310*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., February 18, 1957, and ending at 12:01 a. m., e. s. t., March 4, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2⅝ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2⅝ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2 13/16 inches in diameter and smaller; or

(iii) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2⅝ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1256; Filed, Feb. 15, 1957; 8:55 a. m.]

[Grapefruit Reg. 258]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.830 *Grapefruit Regulation 258*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recom-

mendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., February 18, 1957, and ending at 12:01 a. m., e. s. t., March 4, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided,* That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1258; Filed, Feb. 15, 1957; 8:56 a. m.]

[Tangerine Reg. 186]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.831 *Tangerine Regulation 186*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., February 18, 1957, and ending at 12:01 a. m., e. s. t., March 4, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 1; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2^{2}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1257; Filed, Feb. 15, 1957; 8:56 a. m.]

[Lemon Reg. 674]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.781 *Lemon Regulation 674*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 13, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 17, 1957, and ending at 12:01 a. m., P. s. t., February 24, 1957, is hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 93,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 14, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1298; Filed, Feb. 15, 1957; 8:58 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

ORDER ACTING ON PROPOSAL TO ADOPT DEFINITION AND STANDARD OF IDENTITY AND STANDARDS OF FILL OF CONTAINER FOR CANNED TUNA FISH

Correction

In F. R. Document 57-1079, of the issue for Wednesday, February 13, 1957, at page 892, make the following insertion in the last line of § 37.1 (f) (6): Preceding the words "bell peppers" insert the word "red".

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 625]

PART 182—INDUSTRIAL ALCOHOL

PART 195—PRODUCTION OF VINEGAR BY THE VAPORIZING PROCESS

PART 198—PRODUCTION OF VOLATILE FRUIT FLAVOR CONCENTRATES

PART 220—PRODUCTION OF DISTILLED SPIRITS

PART 221—PRODUCTION OF BRANDY

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 230—BOTTLING OF TAXPAID SPIRITS

PART 235—RECTIFICATION OF SPIRITS AND WINES

PART 240—WINE

PLATS AND PLANS

In order (a) to include standard reproduction and blueprint paper as a material suitable for preparation of plat and plans sheets, (b) to permit use of the ozalid process in preparation of plats and plans, (c) to provide that other acceptable materials and processes for the preparation of plats and plans may be approved by the Director, Alcohol and Tobacco Tax Division, and (d) to make uniform in the various parts the language and requirements for the preparation of plats and plans, 26 CFR Parts 182, 195, 198, 220, 221, 225, 230, 235, and 240 are amended as follows:

PARAGRAPH 1. 26 CFR Part 182 is amended by changing § 182.207 to read as follows:

§ 182.207 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided,* That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

PAR. 2. 26 CFR Part 195 is amended by changing § 195.96 to read as follows:

§ 195.96 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided,* That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

PAR. 3. 26 CFR Part 198 is amended by changing § 198.96 to read as follows:

§ 198.96 *Preparation.* Every plat and flow plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat and flow plan shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat and flow plan sheets shall be 15 by 20 inches, outside measurement,

with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and flow plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

PAR. 4. 26 CFR Part 220 is amended by changing § 220.211 to read as follows:

§ 220.211 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

(68A Stat. 631; 26 U. S. C. 5178)

PAR. 5. 26 CFR Part 221 is amended by changing § 221.216 to read as follows:

§ 221.216 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

(68A Stat. 631; 26 U. S. C. 5178)

PAR. 6. 26 CFR Part 225 is amended by changing § 225.221 to read as follows:

§ 225.221 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

(68A Stat. 643; 26 U. S. C. 5231)

PAR. 7. 26 CFR Part 230 is amended by changing § 230.96 to read as follows:

§ 230.96 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least one inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

PAR. 8. 26 CFR Part 235 is amended by changing § 235.211 to read as follows:

§ 235.211 *Preparation.* Every plat and plan shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and each sheet of the plat shall show the cardinal points of the compass. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the plat and plan shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. The dimensions of plat and plan sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats and plans shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

PAR. 9. 26 CFR Part 240 is amended by changing § 240.271 to read as follows:

§ 240.271 *Preparation.* The plat of a bonded wine cellar shall be drawn to scale. Each sheet thereof shall bear a distinctive title, enabling ready identification, and shall show the cardinal points of the compass. The minimum scale of any plat shall be not less than 1/50 inch per foot. Each sheet of the plat shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. The dimensions of plat sheets shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing: *Provided*, That the assistant regional commissioner may authorize the use of larger sheets if they are folded to the 15- by 20-inch size and can be filed by the top margin (20-inch dimension) in such a manner that they may be used without removal from the file and will not unfold when the file is suspended in a cabinet. Plats shall be submitted on sheets of tracing cloth, sensitized linen, or standard reproduction or blueprint paper, and may be original drawings, or reproductions made by the "ditto process", the ozalid process, or by lithoprint, if such reproductions are clear and distinct. The Director may approve other materials and methods which he finds are equally acceptable.

Because this Treasury decision is liberalizing in effect and noncontroversial in character, it is hereby found unnecessary to issue the Treasury decision with notice and public procedure thereon under section 4 (a), or subject to the effective date limitation of section 4 (c), of the Administrative Procedure Act, approved June 11, 1946. Accordingly, this Treasury decision shall be effective on the date of publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: February 12, 1957.

DAN THROOP SMITH,
Deputy to the Secretary of the Treasury.

[F. R. Doc. 57-1249; Filed, Feb. 15, 1957; 8:53 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

MISSOURI RIVER

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.596 is hereby prescribed to govern the operation of drawbridges across the Missouri River during the off-navigation season from December 1 to March 1 of each year and § 203.560 (g), is hereby amended to provide for the operation of the Dakota County bridge at Sioux City, Iowa, and the Chicago and North Western Railway Company bridge at Pierre, South Dakota, on advance notice during the navigation season, as follows:

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(g) *Ohio River and Upper Mississippi River.* * * *

(7) Missouri River, Nebr. and Iowa; Dakota County bridge between Sioux City, Iowa, and South Sioux City, Nebr. Between March 2 and November 30, at least 2 hours' advance notice required. Between December 1 and March 1, the regulations in § 203.596 shall govern the operation of this bridge.

(8) Missouri River, S. Dak.; Chicago and North Western Railway Company bridge at Pierre. Between March 2 and November 30, at least 4 hours' advance notice required. Between December 1 and March 1, the regulations in § 203.596 shall govern the operation of this bridge.

§ 203.596 *Missouri River; bridges.* (a) The owners of or agencies controlling drawbridges over the Missouri River will not be required to keep draw tenders in attendance during the winter months from December 1 to March 1.

(b) Whenever a vessel, unable to pass under a closed bridge, desires to pass through the draw during the winter months from December 1 to March 1, at least 24 hours' advance notice of the time opening is required shall be given by telephone or otherwise, to the authorized representative of the owner or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of or agency controlling the bridge shall, if no draw tender is in attendance as above provided, keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can be easily read at any time, a copy of the regulations of this section together with a notice stating exactly how the representative, specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition and the draws opened and closed at least once each month to assure that the machinery is in proper order for satisfactory operation.

[Regs., February 1, 1957, 823.01 (Missouri River)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-1217; Filed, Feb. 15, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1001]

[Docket No. AO-267-A1]

LIMES GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement and Order No. 101 (7 CFR Part 1001), hereinafter referred to as the "order", regulating the handling of limes grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Florida Lime Administrative Committee, the administrative agency established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on December 10, 1956, in the Auditorium, Redlands Farm Labor Camp, Homestead (Modello), Florida, was published in the FEDERAL REGISTER (21 F. R. 9328) on November 29, 1956.

Material issues. The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(1) Permit only a grower or producer having a proprietary interest in 10 or more bearing lime trees to participate in nominations of grower members and alternate members of the committee;

(2) Authorize the committee to hold simultaneous meetings of groups of its members at two or more places through the use of appropriate telephone communication with loud speaker receivers;

(3) Change the time for the preparation and mailing of the annual report to read "as soon as practicable after the close of each fiscal year";

(4) Change the provisions pertaining to assessments and accounting to permit the carryover of surplus assessment funds for use as a reserve to finance certain order operations;

(5) Authorize the committee, when necessary, to exempt from the regulatory, assessment, and inspection provisions of the order, shipments of limes made in furtherance of a marketing research project of the committee;

(6) Authorize the establishment of pack specifications, and of regulations requiring all limes handled to be packed in accordance with such specifications and for the containers to be identified by labels, stamps, or other appropriate means;

(7) Continue to exempt limes shipped under minimum quantity exemption provisions from assessments and inspection, but not from regulation requirements; and

(8) Require handlers, at the request of the committee, to report the destina-

tion, by State, zone, or market area, of each lot of limes handled.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The current definition of "grower" defines such term as any person who produces limes for market and who has a proprietary interest therein. It was proposed to amend the current definition of grower to permit only a grower or producer having a proprietary interest in 10 or more bearing lime trees to participate in the nomination of grower members and alternate members of the committee.

It is concluded from the evidence that it would be in the best interest of commercial growers or producers of Florida limes to amend § 1001.8 *Grower*, of the order, as hereinafter set forth.

It is apparent from the testimony that the industry intends that the local administration of the order primarily should be by the growers who are engaged in the production on a commercial scale of limes for market. It was pointed out that there are thousands of homes in the general area of South Miami and Homestead, Florida, many of which are located on lots subdivided from former lime groves. These homes usually have a few lime trees remaining as backyard plantings, and there are many other homes in both urban and rural areas in Southern Florida where the owners have planted a few lime trees and other subtropical fruit trees in the backyards for ornamental or aesthetic purposes, and for home use of the fruit.

Under the present definition of grower, thousands of these home owners qualify as producers of limes and may participate in nomination meetings if they desire. They far outnumber the recognized commercial producers of limes in the production area. The production of limes by these home owners, however, is insignificant when compared to the total production of limes by all producers. Such home owners have little, if any, financial interest in the commercial production of limes, and, therefore, they are affected very little by the provisions of the marketing agreement and order. Nevertheless, they could, if they should so desire, dominate the program by outvoting recognized commercial lime producers in nomination meetings.

It is not usually the intent of the owners of these so-called "backyard trees" to produce limes for market. This can reasonably be concluded from the fact that a few trees will only yield a small number of bushels of limes a year (estimated in the case of "backyard growers" to be about a bushel per tree per year), and the bearing habit of lime trees is such that limes mature over practically the entire year. Moreover, the owners of these "backyard trees" usually do not cultivate, fertilize, spray, or perform other cultural practices that would be necessary to produce limes of a desired marketable quality. The lime production of the "backyard grower" is intended primarily for home use and possibly occasional gifts to friends.

Furthermore, should the owner of a few lime trees desire to market limes from such trees, he could normally do so free from assessment, regulation, and inspection under the provisions of the marketing agreement and order. Any person is now permitted to handle not in excess of one bushel of limes to any other person during any one day, with a maximum of 10 bushels per week, free from such restrictions. In view of the relatively small production of nine trees, the fact that most are intended for home use, and the further fact that the production of a lime tree extends over a full calendar year, there should seldom be occasion for commercial sales, and such sales should normally be in quantities of a bushel or less. Thus, a "backyard" grower should usually be able to sell from his production, such as to a retailer, free from any of the indicated restrictions, insofar as he is concerned. Of course, sale by any person in excess of the exempted quantities would be subject to regulation.

There was considerable discussion at the hearing as to whether the proposed restricted definition of "grower," insofar as participation in nominations is concerned, should also be made applicable to eligibility for grower member or alternate member representation on the committee. In other words, whether lime growers should be precluded from nominating and the Secretary from selecting, a "backyard" grower to represent them. It was testified, without opposition, that such preclusion need not and should not be extended to such a point. It was stated that such a happening would not normally be expected to occur, but there was a possibility that there might arise a situation of a "backyard" grower who had such outstanding qualifications that his selection to the committee might be most desirable and the growers should not be precluded from nominating him to a position on the committee in that event. It was further testified that the potentially objectionable situation arising from the present definition should be obviated by the proposed restriction with respect to participating in nominations.

Therefore, it is concluded that in view of the foregoing circumstances, it would be in keeping with the best interests of producers and consumers of limes, if producers of 10 or more bearing lime trees, only were permitted to participate in nomination meetings.

(2) The present provisions (§ 1001.30 (b)) of the order pertaining to procedure for holding meetings authorize the committee, in addition to voting at assembled meetings, to vote by telegraph, telephone, or other means of communication, provided, that votes cast in such manner are confirmed promptly in writing. The authority to vote by telephone is necessary to make administratively feasible the operation of the order for Florida limes. The production of limes in Florida is concentrated in two separate districts which are a considerable distance apart. Up to this time, assembled meetings have generally been held at the committee headquarters at Homestead in District 1, which district has seven of the nine members of the committee. This has entailed a considerable hardship on the two members from District 2 in attending such meetings and has, at times, resulted in delay in taking needed actions. The lime industry, like other fresh produce industries, is a dynamic one where climatic, marketing, and other conditions often change or fluctuate rapidly. In order to contribute to orderly marketing and to serve the best interests of lime producers, it must, therefore, be possible for the committee to take prompt action on its regulatory and other functions under this marketing program. Since travel between the two districts for the attendance of meetings requires a great deal of time, telephone voting is particularly necessary after emergency situations such as hurricanes, high winds, or frost damage. Telephone voting, would also be beneficial at times when matters, such as the original issuance or modification of quality or maturity regulations, have to be disposed of between regular assembled meetings of the committee, which are usually held about once a month. The situation is such that telephone meetings of the presently proposed nature should be permitted to be held when the committee deems such type of meetings to be desirable.

It was testified that the present procedure of the committee for telephone voting is inadequate, since it does not permit discussions of or the modifications of any proposal that is put to vote. It was proposed that loud speaker receivers be used with telephones, to permit committee members to meet in two or more designated places, so that each member may participate in discussions and take into consideration any information that other committee members may wish to make known to the entire committee. Such procedure would also permit greater participation of the industry where prompt action by the committee is required, since industry representatives could attend the group meetings and make known to the committee their respective thoughts concerning the matters under consideration. This is, of course, not possible where the present telephone vote is used. In view of the foregoing circumstances, it is concluded that the provisions of the order pertaining to meetings should be amended as hereinafter set forth.

(3) The present provisions (§1001.32) of the order require that the committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy. The provisions further stipulate that the annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations; and (c) any recommendations for changes in the program.

It was testified that since the fiscal year also ends on March 31, in order for the committee to comply with the present deadline, it is forced to include only minimum requirements and some analyses included are necessarily based upon incomplete information and estimates. This is necessitated because

limes are shipped during each month of the year, and limes are still being shipped during March. The committee must also depend on other agencies in the State of Florida for data on shipments and other statistical data, and, therefore, such information is not immediately available to the committee. A complete summary of shipments and other data is not available to the committee until a time later than the close of the fiscal year. It is, therefore, impossible for the committee to prepare and submit a complete report on its functions before the close of the fiscal year.

It is, therefore, concluded that the provisions of the order should be amended as hereinafter set forth to require that annual reports be submitted as soon as practicable after the close of each fiscal year.

(4) Present provisions (§ 1001.42) of the order provide that if, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year, and that any handler may demand payment of such a refund, and the refund shall be paid him. Since handlers may demand and receive payment of excess committee funds at the end of each year, the committee cannot build up a normal operating reserve or contingency fund from which it may draw during periods when income is not adequate to cover expenses.

Although some limes may be picked at any time of the year, the peak lime production and shipment occurs in the late summer and fall. The fiscal year starts on April 1, and, therefore, the committee must operate during April, May, June, and July on very little assessment income. This means, that for all practical purposes, the committee incurs approximately one-third of its yearly expenses before any substantial income is received.

The present provisions of the order authorize the committee to borrow funds not in excess of 10 percent of its estimated yearly expenses and to accept from handlers the payment of assessments in advance. However, the authorization for borrowing is inadequate in view of the expenditures that may be necessary before income is obtained. An operating reserve is an important instrument for the continued effective operation of the order over a period of years. The State of Florida is very susceptible to hurricanes at a time before the major portion of the crop is harvested and to frost damage at the time of bloom and fruit set. The anticipated lime crop for any year may also be reduced by such other factors as high winds not amounting to a hurricane and by drought. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. When the handlers have already made returns to growers, it would be very difficult for them to obtain from such growers the additional funds required to meet the increase in assessment that would be necessary. It would also constitute an extra burden on the industry to increase the assessment rate after disasters such as these have occurred.

Because of the hazards incident to the production of limes, and the difficulties thus expected to be encountered in financing operations of the program during some years, it would be desirable to establish an operating reserve for use during any such year. Evidence presented at the hearing was to the effect that nearly all of the production of limes is marketed year after year by the same handlers and that it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assesssment occasioned by a deficit during a year when the crop is materially reduced. It was testified that the proposed reserve fund should be built up to the desirable amount as rapidly as possible, since a material reduction of the crop could occur at any time. Discretion should be used, however, so as not to impose excessively high assessments. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess assessment funds available at the end of a fiscal year for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal year's expense be provided. It was shown that such an amount should be sufficient to cover any foreseeable need since some income from assessment may be expected during any year. After the reserve has been built up to that amount, excess assessment income should thereafter be returned to the handlers entitled to refunds in accordance with the current provisions of the order. However, in keeping with the need for the reserve fund, whenever any portion of it is used, the full amount withdrawn should be returned to the reserve as soon as assessment income is available for this purpose.

It was also testified that, in addition to the aforementioned uses, the reserve fund should be used, with the approval of the Secretary, to cover costs of liquidation of the program in the event the order is terminated, as well as to cover necessary operational costs, such as for salaries and other necessary expenses, during any period when the order, or any of its provisions, should be suspended. It is possible, of course, that the program may be terminated at the end of a fiscal year, or during a year when the production of limes is relatively light. In such circumstances, it would be burdensome to handlers to require payment of an assessment to cover the liquidation costs. It was advanced at the hearing that all handlers receive benefits from the program's operation and, even if a handler ceases handling limes before the full period of its operation, it would be appropriate and equitable for such handler to share in the expense of liquidation. Should the order provisions be suspended, it is likely such suspension would occur during a period when lime production has been seriously curtailed. It would seem reasonable and proper, therefore, to use the reserve funds to defray any expense of liquidation or any necessary cost of operation during a period of suspension. It is anticipated, of course, that the committee will endeavor to minimize costs in this regard so far as reasonably practicable consistent with the efficient performance of its responsibilities.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. It is apparent, from the evidence of record, that it may not be possible to make an exact distribution of any such funds. Should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

A proposal, incident to the establishment of a reserve, would eliminate the committee's authority to borrow up to 10 percent of estimated expenses and to accept advance payments of assessments from handlers of limes.. However, the industry desires to retain the authority to accept advance payments as a supplementary source of operating funds to cover operating expenses during the early portion of a marketing year. Advances by handlers are entirely voluntary, and the amounts are credited against the subsequent assessment obligations which accrue against them. It is concluded from the testimony introduced in the hearing, that the industry does not desire to retain the committee's authority to borrow funds not to exceed 10 percent of the estimated yearly expenses. It was testified, as heretofore explained, that the borrowing of funds is an inadequate method of financing the committee because of the low limitation and the length of time the committee must function before assessment income is sufficient to cover the costs of operating the program.

In view of the foregoing circumstances, it is, therefore, concluded that the committee's authority to borrow funds should be deleted from the marketing agreement and order and that § 1001.42 thereof should be amended as hereinafter set forth to permit excess assessment to be placed in a reserve and used in the manner heretofore described.

(5) The present provisions (§ 1001.45) of the order provide for the establishment of marketing research and develop-

ment projects designed to assist, improve, or promote the marketing, distribution, and consumption of limes. Present provisions also require that any person who handles limes shall pay the committee his pro rata share of the expenses of the committee based upon the quantity of limes he handles during the fiscal year, that all limes handled shall meet the requirements of regulations applicable to limes in effect at the time of handling, and that each handler who handles limes shall cause each lot of limes to be inspected by the Federal-State Inspection Service and to be certified as meeting applicable requirements of regulations then in effect.

It was testified that the types of marketing research that the committee may desire to engage in in the future would probably involve the experimental handling of limes, and limes handled in such manner because of the nature of the study may not meet the requirements of regulations in effect. The committee presently has no authority to issue exemptions from regulations for marketing research purposes, and, therefore, if the committee desires to engage in a study such as testing various lime shipping containers not permitted to be used under the container regulation then in effect; such regulation would have to be amended to authorize such shipments. The committee may well desire to engage in other experimental shipments of limes such as shipping limes of various stages of maturity or of various grades and packs, some of which may differ from regulation requirements.

Since the limes shipped for experimental purposes may not meet regulation requirements, it was further testified that the committee should also have authority to exempt such shipments from the inspection requirements, when necessary. The certification that limes meet all applicable requirements of regulations in effect obviously could not be obtained for some types of lime shipments under research projects similar to those mentioned. On the other hand, authority to require some types of experimental shipments to meet regulation and inspection requirements is needed since such requirements would, when desirable and necessary, serve as a control, in that the grade, size, quality, or maturity of all limes shipped in connection with the research projects may thereby be held comparable, and the effects of some other variable such as container could be more accurately measured.

Authority should also be provided to exempt, when necessary, shipments of limes from the assessment provisions of the program. It was testified that the committee itself may desire to become a handler of limes shipped for test purposes, and, in such instance, it would merely be a case of "taking money from one pocket and placing it in another." Also, research projects may require considerable cooperation and expense on the part of those handlers cooperating in such studies, and, therefore, the committee does not feel that, in every instance, test shipments should be subject to assessments.

It is, therefore, concluded that the order should be amended, as hereinafter set forth, to permit the committee to exempt shipments of limes for research purposes from any or all of the provisions of §§ 1001.41 (relating to assessments), 1001.52 (relating to regulation), and 1001.55 (relating to inspection and certification). Such authority should be limited, so that such exemptions would be available only when necessary to carry out the particular research project in connection with which the exempted shipment would be made.

(6) The present provisions (§ 1001.52) of the order with respect to the issuance of regulations, provide that the Secretary may, upon recommendation of the committee, regulate essentially in the manner hereinafter specified, the handling of limes. Such regulations may: (1) prohibit during specified periods the handling of limes which do not meet grade, size, and quality (including internal quality and juice content) standards as shall be prescribed; (2) prescribe minimum standards of quality for limes and limit the handling thereof to those meeting such standards; and (3) fix the size, capacity, weight, dimensions, or pack of containers used in the handling of limes.

It was testified that the Secretary, upon recommendation of the committee, should have the additional authority to establish and prescribe pack specifications; and, as an incident to such specifications, the authority to prescribe the grade and designation thereof, type of pack, packing arrangement, and sizes of limes, including tolerances, and require that all limes handled shall be packed in accordance with such pack specifications and shall be identified by appropriate labels, seals, stamps, tags, or other appropriate means of identification (with such specifications marked thereon), affixed to or imprinted on the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service.

Evidence presented at the hearing shows that, prior to the time the order was made effective, it was the general practice of most shippers of limes to pack and ship, under separate house labels, several qualities of limes. That is, the limes handled by a particular shipper, were graded and packed according to house grades which he had adopted as his standards of quality. It was customary to identify the containers of limes so graded with an appropriate label showing designations such as "Extra Fancy," "Fancy," "No. 1," "No. 2," "Choice," or with other meaningful terms. After the order became effective, the shippers of limes generally discontinued the practice of using house specifications for the grading and packing of limes. While this result was not intended under the program operations, the majority of shippers presently grade and pack limes only so as to meet the minimum requirements of regulations effective under the order. Most shippers request inspection from the Federal-State Inspection Service to show only that their limes meet the minimum requirements of the regulations. The pack may contain limes of a "No. 1" or "Combination" grade, but if the minimum requirement of the regulation is "No. 2," the inspection certificate in the majority of cases will show only that the limes meet the minimum requirements of the regulation, because that is the type of inspection generally requested.

Because of the type of inspection requested by lime shippers, the buyers and receivers in the trade are dependent on shippers to inform them as to the grade or quality of limes they purchase. Moreover, even if inspection certificates show the correct grade of each lot of limes, such certificates are not generally available to buyers and receivers because of the size of most lime orders and the method of shipment. A particular lot of limes may be delivered to a number of different dealers located in a number of cities, and it is impossible for one inspection certificate to be available to all of the dealers. Because of the lack of evidence as to the quality of limes offered for sale, a handler may represent to a prospective buyer a quality different than is actually the case. In view of the confusion as to the grade of limes the shippers are quoting for sale, buyers often use the lowest price offered to beat down the price of other shippers they are dealing with. Buyers may state that they can purchase limes meeting regulation requirements at, for example, 25 cents per carton cheaper from another shipper although that shipper may be offering limes which, while meeting the minimum requirements of the regulation, are of a poorer quality. The result is that competition in the marketing of limes has deteriorated to the point that price often has become the major competitive factor. Since shippers now normally are not selling by grade, and, therefore, have no incentive to pay producers according to the quality of limes they deliver, the growers who produce good quality limes are forced to take the same market price as that obtained for poorer quality fruit. It is probable that the long-run effect of such practice on the lime industry will be a lessening of efforts to produce premium quality limes, which would adversely affect demand; and growers returns will tend to be lower than they would be with the proper designation of grades, sizes, and packs, so as to build up the confidence of buyers and the trade.

It was advanced at the hearing that under the present practices, without pack specifications and compulsory labeling, the growers' share of the final selling price of limes may be reduced in another manner. It was alleged that some buyers, under the present conditions, for example, may buy limes equivalent to a "Combination" grade from shippers and represent such limes as being of "No. 1" quality in selling them to retailers. Therefore, the buyer is collecting the price differential for quality that normally should go to the producer. Pack specifications, with labeling as to grades and sizes of limes, should also contribute to enforcement of the regulatory provisions of the marketing agreement and order. It should make it much easier for the committee to ascertain whether certain lots of limes are of the required grade or size if they are required to be labeled.

It was testified that if authorization is provided to establish the pack specification regulations, it should not work any hardship on the handlers of limes to comply with such requirements. Handlers should incur, at the most, the expense of printing new labels or the cost of having pack specifications printed on present supplies of labels. The proponents of the pack specification regulations contemplate that such regulations may be effected by handlers registering with the committee, in accordance with rules and regulations prescribed by it, a label for each pack specification that is prescribed. This would enable handlers to comply with the regulation without any change in the labels currently in use. It was emphasized, however, that this would be in the nature of an experiment and that the purposes of the regulation may not be accomplished through the proposed registration of labels. Thus, authority should be provided to require handlers to identify on such labels the particular pack specification of each lot of limes handled. If this authority were not available, some handlers may attempt to mark their packs of limes with minimum regulation requirements only. This might result in a situation whereby such handlers may claim that the packs are of better quality than marked and force down prices on packs marked with a better grade. Also, the possibility exists under such circumstances that some handlers might offer the better quality as an inducement to purchasers to buy from them. However, in such situations, the producer would receive only the returns for the minimum grade marked on the container, when he actually should receive returns for the better quality.

It was testified that the committee should also have authority, with respect to pack specifications, to regulate Key limes separately from Persian limes. It seems clear that these two types of limes differ enough from each other to make the separate regulation authority necessary for the equitable operation of the regulatory provisions of the program.

In view of the foregoing circumstances, it is, therefore, concluded that the amendment of the order, as hereinafter set forth, to provide for the establishment of pack specification regulations, with corresponding labeling, should tend to establish and maintain orderly marketing conditions for limes.

(7) Present provisions of the marketing agreement and order provide, among other things, that any person may, without regard to the assessment, regulation, and inspection and certification provisions contained in, or issued pursuant to, §§ 1001.41, 1001.52, and 1001.55, handle limes in such minimum quantities or types of shipments, or for such specified purposes as the committee, with the approval of the Secretary, may prescribe. It was proposed in the notice of hearing that all limes so handled should be required to comply with the regulatory provisions of the order, but it was not proposed to make such minimum quantity shipments subject to the assessment and inspection provisions.

Pursuant to the authority contained in existing § 1001.56 the committee, on July 19, 1955, after giving due notice to the industry of its meeting for consideration of the recommendation of rules governing shipments of limes not subject to regulation, recommended, and the Secretary issued, rules exempting shipments of limes in specified minimum quantities from assessment, regulation, and inspection provisions of the order. Subsequently, the committee recommended and the Secretary issued an amendment of such rules, effective September 5, 1956 (21 F. R. 6637). Such amended rules provide that any handler may handle limes totaling not more than one bushel to any one person during any one day exempt from the provisions of §§ 1001.41, 1001.52, and 1001.55: *Provided*, That the total quantity of limes so handled by a handler shall not exceed 10 bushels during any week.

It was alleged at the hearing that the requirement that these exempt shipments must comply with the quality and other restrictions of the regulation issued would be an aid to the enforcement work of the committee in that all limes would then be required to conform to the regulations. However, it was not shown that the proposed requirement could be effectively enforced. In instances where quality regulations are in effect, and the committee in the course of investigations finds a small quantity of limes in a market that fail to conform to the regulation, the handler of such limes easily could claim that he purchased the limes a number of days prior to that time and that, at the time of purchase, they met requirements of then current quality regulations. Since limes tend to deteriorate in distribution channels, it would be extremely difficult, in the absence of inspection, for the committee to determine what the quality of such limes may have been when first handled and thereby refute such claim. It is concluded, therefore, that the proposal should not be adopted.

(8) The committee proposed that the present provisions (§ 1001.60 (a)) of the order, which require that each handler shall furnish specified types of reports at such times as may be designated, should be amended to include information as to the destination, by State, zone, or market area, of each lot of limes handled, and the identification of the carrier transporting such fruit.

At the present time the committee has no available information on the distribution of limes except as to quantities disposed of within the production area and out of such area. Research projects now intended or under way have been seriously handicapped because of the complete absence of distribution information. Such information would be particularly valuable to the committee in carrying out market development type projects where it might be desirable to delineate present markets, so that development activities can be directed toward underdeveloped markets.

The requirement that handlers furnish such information to the committee, upon request, would greatly facilitate the collection of distribution data. It was testified that the requirement will not be a particular burden on lime handlers, since they are already required to submit other information on limes handled. Furthermore, the committee presently has found copies of inspection certificates acceptable, in lieu of other types of reports, since they contain much of the information desired. Should handlers provide the inspection agency with the desired destination information, and it was shown on the inspection certificate, no further report in this regard would be required. However, the authority to require handlers to furnish presently required information and the additional proposed information is needed in the event, at some future time, the inspection certificates are not found to be an acceptable source of such information. The requirement that the handler show only the State, zone, or market area would preclude the handler giving confidential information on the identity of his customers.

It was testified that the term State is intended to include any State within the United States; zone is intended to cover a grouping of States or a designated part of the United States; and market area means, for example, the New York area including metropolitan areas served by the trade located in such market area. But authority should be provided for the implementation of the proposed provision requiring the additional information, in the event the terms State, zone, or market area need further refinement. Such authority is available under the current provision that each handler shall furnish the committee, in such manner and at such times as it may prescribe, such other information as may be necessary to enable the committee to perform its duties with respect to the marketing agreement and order.

In view of the foregoing, it is therefore concluded that subparagraph (3) of paragraph (a) of § 1001.60 *Reports*, should be amended as hereinafter set forth.

General findings. (1) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, will regulate the handling of limes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by

the said marketing agreement, as proposed to be amended, and order, as proposed to be amended, that make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of limes, as defined in said marketing agreement, as proposed to be amended, and order, as proposed to be amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Rulings on proposed findings and conclusions. December 21, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such documents were filed within the prescribed time.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Change the period at the end of § 1001.8 *Grower* to a colon and add the following proviso: "*Provided*, That as used in § 1001.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing lime trees."

2. Delete paragraph (b) of § 1001.30 *Procedure* and substitute therefor the following:

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

3. Delete from § 1001.32 *Annual report* the words "prior to March 31 of each fiscal year" and substitute therefor the words "as soon as practicable after the close of each fiscal year."

4. Delete the last sentence in paragraph (b) of § 1001.41 *Assessments* and substitute therefor the following: "In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance."

5. Delete paragraph (a) of § 1001.42 *Accounting* and insert, in lieu thereof, the following:

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this section, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal year's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

6. Add, after the first sentence in § 1001.45 *Marketing research and development*, the following: "The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of limes from any or all of the requirements contained in, or issued pursuant to, §§ 1001.41, 1001.52, and 1001.55."

7. Add, after subparagraph (3) of paragraph (a) of § 1001.52 *Issuance of regulations*, the following new subparagraph (4).

(4) Establish and prescribe pack specifications for the grading and packing of any variety or varieties of limes and require that all limes handled shall be packed in accordance with such pack specifications, and shall be identified by appropriate labels, seals, stamps, or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of the lot.

8. Amend subparagraph (3) of paragraph (a) of § 1001.60 *Reports* to read as follows:

(3) The date of each such disposition, the destination, by State, zone, or market area, of each lot of limes handled, and identification of the carrier transporting such fruit;

Dated: February 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-1255; Filed, Feb. 15, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11877]

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS (VANCOUVER, WASH.)

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Vancouver, Washington).

1. The Commission has before it for consideration a petition filed February 8, 1957, by Storer Broadcasting Company requesting the Commission to extend the time for filing reply comments in the above-entitled proceeding for a period of 10 days or until February 21, 1957.

2. In support of its request petitioner alleges that the comments of KVAN, Inc. were filed Friday, February 1, 1957 but were not received by petitioner's attorney until Monday, February 4, 1957; that no copies were served upon petitioner at its home office in Miami Beach, Florida; that the comments of KVAN, Inc. raise several engineering and technical questions which will require analysis by petitioner's engineering department at Miami Beach and that, since petitioner's engineering department did not receive the KVAN comments until Wednesday, February 6, 1957, and since further communications between petitioner's Washington counsel and its engineering department at Miami Beach will be necessary before a comprehensive reply can be prepared, it will be impossible to file a reply to the KVAN comments within the time allowed in this proceeding.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding.

4. In view of the foregoing, *It is ordered*, That the time for filing reply comments in the above-entitled proceeding is extended from February 11, 1957 to February 21, 1957.

Adopted: February 13, 1957.

Released: February 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1250; Filed, Feb. 15, 1957; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 125]

LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

NOTICE OF PROPOSAL TO AMEND LABEL STATEMENT REGULATIONS CONCERNING NIACIN AND RIBOFLAVIN

In the matter of amending the regulations prescribing label statements concerning dietary properties of food purporting to be or represented for special dietary uses:

Notice is hereby given that the hereinafter stated proposals to amend the regulations prescribing label statements concerning the dietary properties of foods purporting to be or represented for special dietary uses are made on the initiative of the Commissioner of Food and Drugs pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403 (j), 701; 52 Stat. 1048, 1055, as amended 70 Stat. 919; 21 U. S. C. 343 (j), 371) and delegated by him to the Commissioner of Food and Drugs (20 F. R. 1996, 21 F. R. 6581). All interested persons are invited to present their views in writing regarding these proposals and to submit such comments in quintuplicate prior to the thirtieth day following publication of this notice in the FEDERAL REGISTER. Such comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

The proposals are to amend § 125.3 *Label statements relating to vitamins* in the following respects:

1. To delete the word "or" after the item "Vitamin D" and the parenthetical expression "(vitamin B_2, vitamin G)" following the item "Riboflavin" as they appear in the list in paragraph (a) (1), and to add to this list, after the item "Riboflavin," the words "or Niacin or niacinamide,". As amended, this list will read as follows:

Vitamin A or its precursors,
Vitamin B_1 (thiamine),
Vitamin C (ascorbic acid),
Vitamin D,
Riboflavin, or
Niacin or niacinamide,

2. To change paragraph (b) (5) so that as changed it will read:

(5) For riboflavin, 0.5 milligram for an infant, 0.75 milligram for a child, 1.0 milligram for an adult.

3. To add to paragraph (b) a new subparagraph (6) as follows:

(6) For niacin or niacinamide 2.5 milligrams for an infant, 5.0 milligrams for a child less than 6 years old, 7.5 milligrams for a child 6 or more years old, 10 milligrams for an adult.

Dated: January 18, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1179; Filed, Feb. 15, 1957; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order 477]

SPECIAL INDUSTRY COMMITTEE No. 4 FOR THE VIRGIN ISLANDS

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearing of Industry Committee No. 4 for the Virgin Islands to be composed of the following representatives:

For the public:
James C. Hill, Chairman, Pelham Manor, New York.
Henry W. de Lagarde, St. Thomas, Virgin Islands.
For the employees:
Raymond Pedro, St. Croix, Virgin Islands.
Ithiel Melchior, St. Thomas, Virgin Islands.
For the employers:
Morris F. de Castro, St. Thomas, Virgin Islands.
Gordon Skeoch, St. Croix, Virgin Islands.

I hereby refer to this industry committee the question of the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Virgin Islands who are engaged in commerce or in the production of goods for commerce. The industry committee shall investigate conditions in the industries in the Virgin Islands and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

The committee will meet in executive session to make appropriate decisions concerning its proceedings at 10 a. m. and commence its hearings at 2 p. m. on March 18, 1957, in the Legislative Chamber, Charlotte Amalie, St. Thomas, Virgin Islands. Upon completion of its proceedings on St. Thomas, the committee will adjourn to the Federal Court Room, Christiansted, St. Croix, where the hearing will be resumed at 10 a. m. on March 25, 1957.

In order to reach as rapidly as is economically feasible the objective of the minimum wage of $1.00 an hour prescribed in paragraph (1) of section 6 (a) of the act, the committee will recommend to the Administrator the highest minimum rate or rates of wages which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in each industry in the Virgin Islands and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico and the Virgin Islands. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of these reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearing. The committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

The procedure of this industry committee will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on October 6, 1956 (21 F. R. 7669). As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons shall file a prehearing statement, containing certain specified data, not later than March 8, 1957.

Signed at Washington, D. C., this 11th day of February 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-1253; Filed, Feb. 15, 1957; 8:54 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 523]

CALIFORNIA

SMALL TRACT CLASSIFICATION

FEBRUARY 8, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public land, totaling 40 acres, in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 4 N., R. 1 E.
Sec. 23, SE¼SW¼

2. Classification of the above-described land by this order segregates it from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the land to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to February 8, 1957, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer in Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1219; Filed, Feb. 15, 1957; 8:45 a. m.]

[70865]

MINNESOTA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 12, 1957.

Plats of survey of the lands described below, accepted November 29, 1954, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective at 10:00 a. m., on the 35th day after the date of this notice:

5th Principal Meridian, Minnesota
T. 124 N., R. 30 W., sec. 13, Lot 5
T. 136 N., R. 40 W., sec. 16, Lots 14,15

The plats represent the survey of islands which were not included in the original surveys of the townships.

It is presumed that title to Lots 14 and 15, sec. 16, T. 136 N., R. 40 W., passed to the State of Minnesota, upon the acceptance of the plat of survey, November 29, 1954, under its school land grant made by the act of February 26, 1857 (11 Stat. 166).

No application for Lot 5, Sec. 13, T. 124 N., R. 30 W., may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour specified on the abovementioned effective date, the land in Sec. 13 T. 124 N., R. 30 W., shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-1220; Filed, Feb. 15, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MILK IN GREATER WHEELING, W. VA. MARKETING AREA

DETERMINATION OF SUPPLY-DEMAND ADJUSTMENT

Determination pursuant to § 1002.55 (7 CFR 1002.55) of the order regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area.

Pursuant to the authority delegated to me (19 F. R. 35), I hereby determine the supply-demand adjustment pursuant to § 975.61 (b) (7 CFR 975.61 (b)) of the order regulating the handling of milk in the Cleveland, Ohio, marketing area, to be equivalent to the price adjustment for the corresponding month described in the proviso of § 1002.51 (a) (7 CFR 1002.51 (a)), specifically, the "'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter),", which Order No. 63 is now inoperative.

Done at Washington, D. C., this 13th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator for Marketing Service.

[F. R. Doc. 57-1261; Filed, Feb. 15, 1957; 8:57 a. m.]

MILK IN CLARKSBURG W. VA. MARKETING AREA

DETERMINATION OF SUPPLY-DEMAND ADJUSTMENT

Determination pursuant to § 1009.55 (7 CFR 1009.55) of the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area.

Pursuant to the authority delegated to me (19 F. R. 35), I hereby determine the supply-demand adjustment pursuant to § 975.61 (b) (7 CFR 975.61 (b)) of the order regulating the handling of milk in the Cleveland, Ohio, marketing area, to be equivalent to the price adjustment for the corresponding month described in the proviso of § 1009.51 (a) (7 CFR 1009.51 (a)), specifically, the "'supply-demand adjustment' effective in the calculation of the Class I price for the preceding month under the terms of the order, as amended, regulating the handling of milk in the Stark County, Ohio, marketing area (Order No. 63, Part 963 of this chapter),", which Order No. 63 is now inoperative.

Done at Washington, D. C., this 13th day of February, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator for Marketing Service.

[F. R. Doc. 57-1260; Filed, Feb. 15, 1957; 8:57 a. m.]

Commodity Stabilization Service

SUPPLY OF VALENCIA TYPE PEANUTS FOR 1957–58 MARKETING YEAR

NOTICE OF PROPOSED DETERMINATIONS

Pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), the Secretary of Agriculture is preparing to determine whether the supply of Valencia type peanuts for the 1957–58 marketing year will be insufficient to meet the estimated demand for cleaning and shelling purposes. Section 358 (c) of the act, as amended, reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage allotted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Prior to determining whether the supply of Valencia type peanuts for the 1957–58 marketing year will be insufficient to meet the estimated demand for cleaning and shelling, consideration will be given to any data, views and recommendations relating thereto which are presented at a hearing to be held on March 5, 1957, at 9:30 a. m., e. s. t., Room 2W, Administration Building, U. S. Department of Agriculture, Washington, D. C., or which are submitted in writing to the Director, Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All written submissions must be postmarked not later than March 5, 1957.

Done at Washington, D. C., this 13th day of February, 1957.

[SEAL] CLARENCE L. MILLER,
Associate Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-1263; Filed, Feb. 15, 1957; 8:57 a. m.]

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

NOTICE OF EXTENSION OF GRAZING PERIOD ON CERTAIN LANDS

By an announcement published in 22 F. R. 480, the Secretary of Agriculture, pursuant to section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.214 (c) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449 and 22 F. R. 494, consented to the grazing of land designated as acreage reserve on farms in certain counties named therein for the period from January 1, 1957, through January 31, 1957.

Notice is hereby given that the period for grazing such lands is hereby extended to cover the period from February 1, 1957, through February 28, 1957, or through such earlier date as the producer may be notified in writing by the county Agricultural Stabilization and Conservation Committee.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 12th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1231; Filed, Feb. 15, 1957; 8:48 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54304]

FISH

TARIFF-RATE QUOTA

FEBRUARY 12, 1957.

The tariff-rate quota for the calendar year 1957 on certain fish dutiable under paragraph 717 (b), Tariff Act of 1930, as modified pursuant to the General Agreement on Tariffs and Trade (T. D. 51802).

In accordance with the proviso to item 717 (b) of Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T. D. 51802), it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not specially provided for: Cod, haddock, hake, pollock, cusk, and rosefish, in the three years preceding 1957, calculated in the manner provided for in the cited agreement, was 249,170,904 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1957 at the reduced rate of duty established pursuant to that agreement is, therefore, 37,375,636 pounds.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1248; Filed, Feb. 15, 1957; 8:53 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-13]

BABCOCK & WILCOX CO.

APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on February 1, 1957, The Babcock & Wilcox Company, 161 East 42d Street, New York, New York, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate an addition to its existing critical experiment facility located near Lynchburg, Virginia. The new addition will include a critical experiment assembly room, control room, laboratories, storage vault, sub-assembly room, counting room, shops and offices. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 11th day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-1246; Filed, Feb. 15, 1957; 8:52 a. m.]

[Docket No. 50-52]

BABCOCK & WILCOX CO.

APPLICATION FOR UTILIZATION FACILITY EXPORT LICENSE

Please take notice that on February 1, 1957, The Babcock & Wilcox Company, 161 East 42d Street, New York, New York, filed an application under section 104d of the Atomic Energy Act of 1954 for a license to export a pool-type research reactor to Gesellschaft Fur Kernenergieverwertung In Schiffbau Und Schiffahrt MBH (Society for the Utilization of Nuclear Energy in Shipbuilding & Navigation, Inc.), Hamburg, Germany. A copy of the application is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C. this 11th day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-1247; Filed, Feb. 15, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6428]

NORTHWEST AIRLINES, INC.

TRANS-PACIFIC OPERATIONS; TEMPORARY MAIL RATES; NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled proceeding is assigned to be held on March 1, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue, N. W., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., February 12, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1254; Filed, Feb. 15, 1957; 8:55 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 13]

FLIGHT OPERATIONS AND AIRWORTHINESS DISTRICT OFFICES

FUNCTIONS, LOCATIONS AND SPECIALTIES

In accordance with the public information requirements of the Administrative Procedure Act, the description of Functions and Locations of Field Offices of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish revised titles for district offices formerly entitled Aviation Safety District Offices, to publish revised titles for personnel assigned to such district offices, and to publish revised addresses for certain district offices.

Section 22 as published on September 14, 1954, in 19 F. R. 5957, and as amended on June 27, 1956, in 21 F. R. 4684, is revised to read as follows:

SEC. 22. *Flight Operations and Airworthiness District Offices*—(a) *Functions.* Flight Operations and Airworthiness District Offices, each staffed with a supervisor and inspectors, serve as contact points with the general public and the aviation industry. The offices are responsible for the initial handling of all matters dealing with: aeronautical competency of airmen, air agencies, and air carriers; manufacture, repair, alteration and maintenance of aircraft and components; compliance with rules and standards governing flight operations; investigation of accidents and violations; promotion of safe flying; and maintenance of close liaison with state and local enforcement agencies.

(b) *Locations and specialties.* In the following tables the specialty column includes all specialties found at a particular office location. Although Engineering Flight Test Inspectors are assigned to a few district offices for the purpose of having administrative headquarters, the public can make initial engineering contact at any Flight Operations and Airworthiness District Office.

"(G)" indicates that there is assigned to the office a General Safety Inspector who specializes in flight operations and airworthiness activities relating to: air agencies, general operators (operators of aircraft other than scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross takeoff weight of more than 12,500 pounds, and commercial operators certificated under Part 45 of the Civil Air Regulations); general airmen (all persons who hold or are eligible for airman certificates other than airline transport pilot, airport control tower operator, dispatcher, or aircrewman); and other general aviation activities.

"(C)" indicates that there is assigned to the office an Air Carrier Safety Inspector who specializes in flight operations and airworthiness activities relating to air carrier operations (operations of scheduled air carriers, irregular air carriers operating aircraft having a maximum certificated gross takeoff weight of more than 12,500 pounds, and commercial operators certificated under Part 45 of the Civil Air Regulations); air carrier aircraft in service (aircraft used in air carrier operations described herein); air carrier airmen (persons who hold or are candidates of such certificates as airline transport pilot, airport control tower operator, dispatcher, or aircrewman); and other air carrier matters.

"(M)" indicates that there is assigned to the office a Manufacturing Inspector who specializes in manufacturing inspection, including matters pertaining to the type, production, and original airworthiness inspections of new or modified aircraft, engines, propellers, and components.

"(E)" indicates that there is assigned to the office an Engineering Flight Test Inspector who specializes in rendering engineering assistance in the evaluation of aircraft and equipment designs and redesigns, and in the evaluation of aircraft repairs and alterations.

All inspectors are generally familiar with, and can furnish information and advice on, the flight operations and airworthiness matters outside their area of specialization.

REGION 1

State	City	Location	Mailing address	Specialty
Connecticut	Stratford	Sikorsky Aircraft Corp	Care Sikorsky Aircraft Corp	(M)
	Windsor	181 Broad St	181 Broad St	(M)
District of Columbia	Washington	Hangar 6, Washington National Airport.	Hangar 6, Washington National Airport.	(C)
Kentucky	Louisville	Administration Bldg., Bowman Field.	Administration Bldg., Bowman Field.	(G)
Maine	Portland	Municipal Airport	Municipal Airport	(G)
Maryland	Hagerstown	Fairchild Aircraft Division of Fairchild Engine and Airplane Corp.	Care of Fairchild Aircraft Division of Fairchild Engine and Airplane Corp.	(M)
Massachusetts	Boston	287 East Marginal St	287 East Marginal St., East Boston 28.	(C)
	Norwood	Municipal Airport	Municipal Airport	(G)
	Westfield	Barnes Westfield Airport	P. O. Box 464	(G)
New Jersey	Haddonfield	Echelon Airport	P. O. Box 154	(G)
	Newark	Room 221, Air Mail and Express Terminal, Newark Airport.	Room 221, Air Mail and Express Terminal, Newark Airport.	(C)
	Teterboro	Teterboro Air Terminal	Teterboro Air Terminal	(G) (C)
New York	Albany	Albany Airport, Watervliet	P. O. Box 577, Latham	(G)
	Ithaca	Cornell University Airport	Cornell University Airport	(C)
	New York	Terminal Bldg., La Guardia Field.	P. O. Box 575, La Guardia Airport Station, Flushing 71.	(C)
	New York	Room 102-103, Federal Bldg., International Airport.	Room 102-103, Federal Bldg., International Airport, Jamaica.	(C) (M)
	Lindenhurst	Zahn's Airport, North Wellwood Ave.	Zahn's Airport, North Wellwood Ave.	(G)
	Rochester	Rochester Municipal Airport	Rochester Municipal Airport	(G)
Ohio	Cincinnati	Administration Bldg., Lunken Airport.	Administration Bldg., Lunken Airport.	(G)
	Cleveland	Cleveland Hopkins Airport	Cleveland Hopkins Airport Bldg., 8–21, Cleveland 11.	(G)
	Columbus	Tower Bldg., Port Columbus Airport.	Tower Bldg., Port Columbus Airport.	(G)
	Vandalia	James M. Cox-Dayton Municipal Airport.	P. O. Box 385	(M)
Oklahoma	Tulsa	American Airlines Bldg., Municipal Airport.	P. O. Box 8186	(C)
Pennsylvania	Allentown	Allentown-Bethlehem-Easton Airport.	Allentown-Bethlehem-Easton Airport.	(G)
	Harrisburg	Harrisburg State Airport, New Cumberland.	Harrisburg State Airport, New Cumberland.	(G)
	Pittsburgh	Room 303, Administration Bldg., Greater Pittsburgh Airport.	Room 303, Administration Bldg., Greater Pittsburgh Airport.	(C)
	do	Allegheny County Airport, Dravosburg.	Allegheny County Airport, Dravosburg.	(G)
	Williamsport	Lycoming Division, Aviation Corp.	P. O. Box 928	(M)
Virginia	Alexandria	Beacon Field, 2013 Richmond Highway.	Beacon Field, 2013 Richmond Highway.	(G)
	Richmond	Byrd Field, Sandston	Byrd Field, Sandston	(G)

REGION 2

State	City	Location	Mailing address	Specialty
Alabama	Birmingham	Municipal Airport	Municipal Airport	(G)
Arkansas	Little Rock	Adams Field	R. F. D. 77	(G)
Florida	Jacksonville	Room 221–225, U. S. Post Office and Court House Bldg., 311 West Monroe St.	P. O. Box 1504, Jacksonville 1	(G)
	Miami	International Airport	P. O. Box 226, International Airport Branch, Miami 48.	(C) (G) (M) (E)
	Tampa	Peter O. Knight Airport	P. O. Box 2112	(G)
Georgia	Atlanta	Bldg. No. 5, Municipal Airport.	P. O. Box 738, Municipal Airport.	(C)
	do	3999 Gordon Rd., Fulton County Airport.	3999 Gordon Rd	(G)
Louisiana	New Orleans	New Orleans Airport	P. O. Box 8068, Gentilly Branch, New Orleans Airport.	(G) (C)
	Shreveport	Down Town Airport	Down Town Airport, Shreveport 194.	(G)
Mississippi	Jackson	334 A. A. B. Bldg	P. O. Box 1727	(G)
North Carolina	Charlotte	Room 214, New Terminal Bldg., Municipal Airport.	P. O. Box 598	(G)
	Raleigh	506–507 Commercial Bldg	P. O. Box 1858	(G)
	Winston-Salem	Terminal Bldg., Smith Reynolds Airport.	Terminal Bldg., Smith Reynolds Airport.	(C)
Oklahoma	Bethany	Tulakes Airport	Care of Aero Design and Engineering Co., P. O. Box 118.	(M)
	Oklahoma City	Municipal Airport	P. O. Box 5158, Farley Station.	(G)
	Tulsa	Administration Bldg., Room 107, Municipal Airport.	Administration Bldg., Room 107.	(G) (C)
South Carolina	Columbia	Capital Airport	P. O. Box 368, West Columbia	(G)
Tennessee	Nashville	Berry Field	Berry Field	(C) (G)
	Memphis	2d Floor, Hangar No. 1, Memphis Municipal Airport.	P. O. Box 7097	(G)
Texas	Amarillo	Tradewind Airport	P. O. Box 2306	(G)
	Brownsville	Rio Grande International Airport.	Administration Bldg., Rio Grande International Airport.	(G)
	Dallas	Room 241, Terminal Bldg., Love Field.	Room 241, Terminal Bldg., Love Field.	(G)
	do	Room 207, Administration Bldg., Love Field.	Room 207, Administration Bldg., Love Field.	(C)

REGION 4

State	City	Location	Mailing address	Specialty
Arizona	Phoenix	Sky Harbor Airport	3000 Sky Harbor Blvd., Sky Harbor Airport.	(G)
California	Burbank	Hangar No. 4, Lockheed Air Terminal.	Hangar No. 4, Lockheed Air Terminal.	(C)
	do	Lockheed Aircraft Corp., Plant A–1, Bldg. 19.	Care of Lockheed Aircraft Corp., Plant A–1, Bldg. 19.	(M)
	Fresno	Fresno Air Terminal	P. O. Box 901	(G)
	Long Beach	Administration Bldg., Municipal Airport.	Administration Bldg. Municipal Airport.	(G)
	Los Angeles	5501 West Manchester Ave	P. O. Box 45007, Airport Station.	(G) (C)
	Oakland	Municipal Airport	Airport Station, P. O. Box 97.	(G)
	Ontario	Administration Bldg., Ontario International Airport.	Administration Bldg., Ontario International Airport.	(G)
	Palo Alto	Municipal Airport	P. O. Box 1240	(G)
	Sacramento	Municipal Airport	Municipal Airport	(G)
	San Diego	Administration Bldg., Lindbergh Field.	Administration Bldg., Lindbergh Field.	(G)
	do	Consolidated-Vultee Aircraft Corp., Bldg. 33, Lindbergh Field.	Care of Convair Aircraft Corp., Bldg. 33, Lindbergh Field, San Diego 12.	(M)
	Santa Monica	Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	Chief of Security, Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd.	(M)
	San Francisco	Rm. 404, Terminal Bldg., International Airport.	P. O. Box 7, Airport Branch, South San Francisco.	(C)
	Van Nuys	7550 Hayvenhurst Ave., San Fernando Valley Airport.	7550 Hayvenhurst Ave., San Fernando Valley Airport.	(G)
Colorado	Denver	Chief, Security Office Bldg., Stapleton Airfield.	C.A.A. District Office Bldg., Stapleton Airfield.	(G) (C)
	Fort Collins	Care of Silvair Uranium & Aircraft Co.	P. O. Box 215	(M)
Idaho	Boise	1412 Idaho St.	1412 Idaho St.	(G)
Montana	Billings	208 Stapleton Bldg	P. O. Box 2078	(G)
	Helena	Municipal Airport	P. O. Box 1167	(G)
Nevada	Reno	210 East 2d St., Room 9, Sayler Bldg.	P. O. Box 490	(G)
New Mexico	Albuquerque	2029 Yale Blvd. SE	2029 Yale Blvd. SE	(G)
Oregon	Medford	Municipal Airport	P. O. Box 832	(G)
	Portland	Service Office Bldg., 5410 Northeast Marine Dr.	Service Office Bldg., 5410 Northeast Marine Dr., Portland 13.	(G)
Utah	Salt Lake City	Municipal Airport No. 1	Municipal Airport No. 1, Salt Lake City 3.	(G)
Washington	Seattle	CAA Bldg., Boeing Field	P. O. Box 15, Seattle 8	(G) (M) (C)
	do	Administration Bldg., Field	P. O. Box 17, Seattle 8	(M) (C)
	Spokane	Municipal Airport	P. O. Box 247, Parkwater Station.	(G)
Wyoming	Yakima	2300 West Washington Ave	2300 West Washington Ave	(G)
	Cheyenne	Municipal Airport, 4101 Evans Ave.	Box 2008, Airport Station	(G)

REGION 5

State	City	Location	Mailing address	Specialty
Alaska	Anchorage	Communications Bldg., Merrill Field.	P. O. Box 440	(G)
	do	Anchorage International Airport Terminal Bldg., Ramp Level.	do	(C)
	Fairbanks	Wien Hangar	P. O. Box 510	(C) (G)
	Juneau	Fairbanks Airport, McKinley Bldg.	P. O. Box 2449	(C) (G)

REGION 2—Continued

State	City	Location	Mailing address	Specialty
Texas	Fort Worth	Meacham Field	P. O. Box 1689, Meacham Field.	(G)
	do	Amon Carter Field, Room 213, Terminal Bldg.	P. O. Box 2365	(C)
	Garland	Temco Aircraft Corp., Garland Plant.	P. O. Box 397	(M)
	Hurst	Bell Aircraft Corp	Care Bell Aircraft Corp., P. O. Box 482, Fort Worth.	(M)
	Houston	2d Floor, Old Terminal Bldg., International Airport.	P. O. Box 12387, Houston 17	(C) (G)
	Midland	Midland Air Terminal	P. O. Box 198, Terminal	(G)
	San Antonio	International Airport	371 North Terminal Drive, Room 2, International Airport.	(G) (C)

REGION 3

State	City	Location	Mailing address	Specialty
Illinois	Chicago	5448 South Kildare	5448 South Kildare, Chicago.	(C)
	do	Du Page County Airport, St. Charles.	P. O. Box 337, Du Page County Airport, West Chicago.	(G)
	Springfield	Capital Airport	P. O. Box 197	(G)
Indiana	Indianapolis	Administration Bldg., Weir-Cook Municipal Airport.	Administration Bldg., Weir-Cook Municipal Airport.	(G) (C)
	South Bend	St. Joseph County Airport	St. Joseph County Airport	(G)
Iowa	Cedar Rapids	Administration Bldg., Municipal Airport.	P. O. Box 1907	(G)
	Des Moines	228 Administration Bldg., Municipal Airport.	228 Administration Bldg., Municipal Airport.	(G)
Kansas	Dodge City	Municipal Airport	P. O. Box 580	(G)
	Kansas City	2d and 3d floors, Administration Bldg., Fairfax Airport.	2d and 3d floors, Administration Bldg., Fairfax Airport.	(C) (G)
	Wichita	Third Floor, Tower Bldg., New Municipal Airport	P. O. Box 2497, West Wichita Station, Wichita, 13.	(G)
	do	Beech Aircraft Corp	Care of Beech Aircraft Corp.	(M)
	do	Cessna Aircraft Co	Care of Cessna Aircraft Co.	(M)
	Grand Rapids	Kent County Airport	Kent County Airport	(G)
Michigan	Detroit	Administration Bldg., Detroit-Wayne Major Airport, Inspector.	Administration Bldg., Detroit-Wayne Major Airport, Inspector.	(G)
	Muskegon	Continental Aviation & Engineering Corp.	P. O. Box 338	(M)
Minnesota	Minneapolis	Administration Bldg., Wold-Chamberlain Field.	Box 1, Administration Bldg., Wold-Chamberlain Field, Minneapolis, 22.	(G)
	do	635 34th Ave. South, Wold-Chamberlain Field.	635 34th Ave. South, Wold-Chamberlain Field.	(C)
Missouri	Springfield	Municipal Airport, Route 6	Box 5024, Municipal Airport, Route 6.	(G)
	St. Louis	Administration Bldg., St. Louis Lambert Field.	Box 127, Lambert Field; Box 6127, Lambert Field, St. Louis 21.	(C)
	do	Terminal Bldg., Municipal Airport Union.	P. O. Box 1748	(C)
Nebraska	Lincoln	128 Administration Bldg., Municipal Airport.	P. O. Box 581	(G)
North Dakota	Bismarck	Administration Bldg., Hector Airport.	P. O. Box 805	(G)
	Fargo	Municipal Airport	P. O. Box 1756, Hector Airport.	(G)
South Dakota	Huron	Municipal Airport	P. O. Box 96	(G)
	Rapid City	do	P. O. Box 27	(G)
Wisconsin	Milwaukee	General Mitchell Field	General Mitchell Field, Milwaukee, 7.	(G)
	Wausau	Wausau Municipal Airport	Wausau Municipal Airport	(G)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–1153; Filed, Feb. 15, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-3670]

ED HOLLYFIELD ET AL.

NOTICE OF HEARING

FEBRUARY 12, 1957.

Ed Hollyfield, Eulalie M. Nobles and Adele McFarlane (Applicants), individuals with their principal place of business at 305 Armstrong Building, El Dorado, Arkansas, filed on September 29, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants produce natural gas from the Maggie Patton Unit Well No. 1, Claiborne Parish, Louisiana, which they sell to United Gas Pipe Line Company for resale in interstate commerce.

Due notice of the filing of the application has been given, including publication thereof in the FEDERAL REGISTER on December 14, 1954 (19 F. R. 8548). Said notice fixed January 4, 1955, as the last day for filing protests or petitions for leave to intervene in the above-entitled proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, February 28, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1221; Filed, Feb. 15, 1957; 8:45 a. m.]

[Docket No. G-11406]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 12, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with principal place of business at 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. G-11406 on November 1, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and, to sell and deliver natural gas in interstate commerce on an interruptible basis pursuant to a contract dated August 7, 1956, to the Joint Independent Consolidated School District No. 15 (School District) of Dakota and Scott Counties, Minnesota, for use in the consolidated school located in Dakota County.

The facilities proposed to be constructed and operated by Applicant consist of a side tap, and a measuring and regulating station to be used in delivering gas to the recently completed school, which has dual fuel burning equipment and will use oil as standby fuel. The facilities will be located on Applicant's 24-inch line in Dakota County, near Minneapolis, at a point approximately 1,000 feet east of the school. School District will construct, own and operate the necessary facilities from the outlet of Applicant's measuring station.

Applicant estimates annual sales to School District at 10,100 Mcf and the maximum daily demand at 112 Mcf The application states that the proposed sale will not require any increase in Applicant's delivery capacity and will not adversely affect Applicant's ability to serve the firm requirements of its utility customers.

Applicant has estimated the cost of constructing and installing the necessary facilities required to provide the proposed service at $3,000, which will be financed from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 12, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1222; Filed, Feb. 15, 1957; 8:45 a. m.]

[Project No. 1267]

GREENWOOD COUNTY, S. C.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

FEBRUARY 12, 1957.

Public notice is hereby given that Greenwood County, South Carolina, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 1267, located on the Saluda River in Greenwood, Laurens and Newberry Counties, South Carolina, to show the maximum normal reservoir elevation of 440.0 feet instead of 441.5 feet, to change the annual charge provision to conform to present Commission regulations and for Commission approval and inclusion in the license of certain exhibits showing the project boundary.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 25, 1957: Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1223; Filed, Feb. 15, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11927; FCC 57M-125]

Q BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Q Broadcasting Company, Phoenix, Arizona; Docket No. 11927, File No. BP-10178; for construction permit.

It is ordered, This 12th day of February 1957, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., on Wednesday, February 20, 1957, commencing at 10:00 a. m.

Released: February 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1251; Filed, Feb. 15, 1957; 8:54 a. m.]

[Mexican Change List 199]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JANUARY 23, 1957.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		610 kilocycles				
XECV (new)	Ciudad Valles, San Luis Potosi	1000w D/250 w N	ND	U	IV	June 23, 1957
		600 kilocycles				
XERPM	Mexico, D. F. (change in call letters from XEBZ).	50 kw	DA-2	U	II	Jan. 23, 1957
		960 kilocycles				
XECS	Manzanillo, Colima (change in frequency from 1400 kc—increase daytime power—change time of operation).	1 kw/D/100 w N		U	IV	July 23, 1957
		970 kilocycles				
XEOW	Mazatlan, Sinaloa (now in operation)	1000 w D/250 w N	ND	U	IV	Jan. 23, 1957
XEK	Mexico, D. F. (increase power)	5 kw D/1 kw N	DA-N	U	III	Apr. 23, 1957
		980 kilocycles				
XETV	San Andres Tuxtla, Veracruz (change call letters from XEPA).	250 w		U	IV	Jan. 23, 1957
		1000 kilocycles				
XECV	Ciudad Valles, San Luis Potosi (delete assignment).	1000 w D	ND	D	III	July 23, 1957
		1310 kilocycles				
XEKV (new)	Chihuahua, Chihuahua	1 kw D	ND	U	III	Do.
		1400 kilocycles				
XECS	Manzanillo, Colima (delete assignment—change to 960 kc.).	250 w	ND	U	IV	Do.
		1490 kilocycles				
XEPA	Puebla, Puebla (assignment of call letters).	250 w		U	IV	Jan. 23, 1957
		1590 kilocycles				
XEBZ (new)	Mecoqui, Chihuahua	1 kw D			III	July 23, 1957

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1252; Filed, Feb. 15, 1957; 8:54 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3463]

OHIO POWER CO.

ORDER GRANTING APPLICATION REGARDING ACQUISITION OF COMMON STOCK OF NEWLY FORMED SUBSIDIARY COMPANY

FEBRUARY 12, 1957.

Ohio Power Company ("Ohio"), a public utility subsidiary company of American Gas and Electric Company, a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to sections 9 (a) and 10 of the Public Utility Holding Company Act of 1935 ("act") concerning a proposed transaction which is summarized as follows:

Ohio proposes to acquire 1,000 shares of the capital stock, $1 par value, being all of the capital stock proposed to be issued, of Captina Operating Company ("Captina"), a West Virginia corporation, at a purchase price of $1 per share.

Ohio has entered into a Memorandum Agreement under date of December 20, 1956 with Pittsburgh Consolidation Coal Company ("Pitt"), Olin Mathieson Chemical Corporation ("Olin"), Revere Copper and Brass Incorporated ("Revere") and Wheeling Electric Company ("Wheeling"), providing generally for the construction of what is, initially, to be a three-225,000 KW unit power plant near Cresap, West Virginia. Two units of this plant are to be owned by Olin Revere Generating Corporation ("Generating"), a wholly-owned subsidiary of Olin Revere Metals Corporation ("Metals"), all the voting securities of which are to be jointly owned by Olin and Revere. The other unit is to be owned by Ohio. Generating presently proposes to use its units to supply energy to Metals for the reduction of aluminum, and to Olin for fabrication of aluminum, at facilities to be located near Clarington, Ohio. Generating, if requested, may also deliver energy to Revere at some future time for fabrication of aluminum. In addition, Generating will make excess capacity of its two units available to Ohio in consideration of appropriate demand charges. The Memorandum Agreement further provides that Captina will operate the entire generating plant for Ohio and Generating.

It is presently contemplated that Captina will supervise the operation, on behalf of Ohio and Generating, of the generating plant which is to be known as the Kammer Plant, and that Ohio and Generating will reimburse Captina for all its expenses in its operation of the Kammer Plant in proportion to the power and energy used by each. In addition, Generating will pay Captina a fee of ½ mill per kilowatt hour generated as provided for in the Memorandum Agreement.

No State commission or any Federal commission other than this Commission has jurisdiction over the proposed transaction.

The costs of Federal tax stamps relating to Captina's issuance of 1,000 shares of capital stock, estimated at $1.10, will be paid by Captina. No legal or other fees, commissions or other expenses are to be paid or incurred by Ohio, or any associate company, in connection with the proposed transaction, except that routine services incident to the transaction will be performed by American Gas and Electric Service Corporation, the service corporation for the American Gas and Electric System.

Due notice having been given of the filing of said amended application in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13371) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the rules promulgated thereunder are satisfied, and no adverse findings are necessary; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said amended application be granted forthwith; provided, however, that our action herein should not be construed as relieving Captina of any obligation imposed on it by section 13 of the act:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said amended application be and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1224; Filed, Feb. 15, 1957; 8:46 a. m.]

[File No. 70-3551]

SOUTHERN CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PARTIAL GUARANTEE OF CERTAIN LOANS

FEBRUARY 12, 1957.

The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Pub-

lic Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Southern, subject to obtaining the necessary regulatory approval, has undertaken to execute an agreement to guarantee 8 percent of a proposed borrowing of $15,000,000 by Power Reactor Development Company ("PRDC"). The remaining 92 percent of the borrowing is to be guaranteed by 12 other companies.

PRDC is a non-profit company which is presently engaged in constructing a fast breeder atomic reactor at Lagoona Beach, Michigan, in order to determine the soundness and economy of producing, by means of such a reactor, steam to be used in generating electric energy for public utility service. Southern and its public utility subsidiaries, which are interested in the research and developmental activities of PRDC, have a direct representation in this project through Southern Services, Inc., the mutual service company of the Southern system, which is one of the 21 member companies of PRDC.

In order to make provisions for the financing of its project, PRDC has obtained commitments for contributions totaling $23,540,000 from interested companies including the four public utility subsidiaries of Southern. To secure additional funds PRDC has also made arrangements, as indicated above, for the borrowing of $15,000,000 from five New York banks acting as Trustees for various pension trusts. The Loan Agreement, under which these borrowings are to be effected, conditions the granting of any loans upon their being guaranteed as to principal and interest. Southern and 12 other companies, which are members of PRDC, have accordingly undertaken to enter into a separate Guaranty Agreement with the aforementioned banks which agreement provides for the guarantee by these companies, in specified percentages, of any borrowings by PRDC under the Loan Agreement. Southern desires authority to enter into said Guaranty Agreement and to make the guarantees therein provided for.

The Loan Agreement provides, among other things, that notes shall be issued representing the borrowings and that each note shall be dated as of the date of the borrowing, shall mature on July 1, 1970, and shall bear interest at the rate of 4.35 percent per annum until maturity. PRDC will effect the borrowings at quarterly intervals during 1957 and 1958. Repayments of the loans are to be made by semi-annual payments of $1,000,000 each in the years 1964 to 1969, inclusive, and by two payments of $1,500,000 each in 1970.

It is currently expected that PRDC will be able to meet its liabilities for repayment of principal and interest under the Loan Agreement from its operating revenues or from other resources and without recourse against the guarantors. However, should any payment be required of Southern on account of such guarantee, such payment will not constitute a loan or advance by Southern to PRDC but will be accounted for by Southern as an expense.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

The fees and expenses to be paid by the company in connection with the proposed guarantee are for the compensation of its counsel, Messrs. Winthrop, Stimson, Putnam & Roberts, and it is estimated they will not exceed $1,000.

Due notice having been given of the filing of the declaration in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13366) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the Act and the rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the declaration should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1225; Filed, Feb. 15, 1957; 8:46 a. m.]

[File No. 70-3552]

DELAWARE POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PARTIAL GUARANTEE OF CERTAIN LOANS

FEBRUARY 12, 1957.

Delaware Power & Light Company ("Delaware"), a public utility company and a registered holding company has filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Delaware, subject to obtaining the necessary regulatory approvals, has undertaken to enter into an agreement to guarantee 1.20 percent of a proposed borrowing of $15,000,000 by Power Reactor Development Company ("PRDC"). Similar commitments have been made by 12 other companies for the guarantee of the remaining 98.8 percent of the borrowings. PRDC is a non-profit company which is presently engaged in constructing a fast breeder atomic reactor at Lagoona Beach, Michigan, in order to determine the soundness and economy of producing, by means of such a reactor, steam to be used in generating electric energy for public utility service. Delaware, which is interested in the research and development activities of PRDC, is one of the 21 member companies of PRDC.

In order to make provisions for the financing of its project, PRDC has obtained commitments for contributions totaling $23,540,000 from interested companies including a commitment from Delaware to contribute $300,000 over a five-year period. To secure additional funds, PRDC has also made arrangements as indicated above, for the borrowing of $15,000,000 from five New York banks acting as trustees for various pension trusts. The Loan Agreement under which these borrowings are to be effected, conditions the granting of any loans upon their being guaranteed as to principal and interest. Delaware, 11 other member companies of PRDC, and The Southern Company, a registered holding company, have accordingly undertaken to enter into a separate Guaranty Agreement with the aforementioned banks which agreement provides for the guarantee by these companies, in specified percentages, of any borrowings made by PRDC under the Loan Agreement. Delaware desires authority to enter into said Guaranty Agreement and to make the guarantees therein provided for.

The Loan Agreement provides, among other things, that notes shall be issued representing the borrowings and that each note shall be dated as of the date of the borrowing, shall mature on July 1, 1970, and shall bear interest at the rate of 4.35 percent per annum until maturity. PRDC will effect the borrowings at quarterly intervals during 1957 and 1958. Repayments of the loans are to be made by semi-annual payments of $1,000,000 each in the years 1964 to 1969, inclusive and by two payments of $1,500,000 each in 1970.

It is currently expected that PRDC will be able to meet its liabilities for repayment of principal and interest under the Loan Agreement from its operating revenues or from other resources and without recourse against the guarantors. However, should any payment be required of Delaware on account of such guarantee, such payment will not constitute a loan or advance by Delaware but will be accounted for by Delaware as an expense.

The proposed guarantee by Delaware has been approved by The Public Service Commission of Delaware. No other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

No fees, commissions or expenses will be paid or incurred directly or indirectly in connection with the proposed guarantee.

Due notice having been given of the filing of the declaration in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13365) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that the declaration should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration as amended be, and the same hereby is, permitted to become effective forthwith, subject to

the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1226; Filed, Feb. 15, 1957; 8:46 a. m.]

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 12, 1957.

In the matter of trading on the American Stock Exchange in the 20 cent par value Capital Stock of Kroy Oils Limited, File No. 1-3697.

I. The 20 cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On February 1, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from February 3, 1957, to February 12, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from February 13, 1957 to February 22, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1227; Filed, Feb. 15, 1957; 8:46 a. m.]

[24W-1685]

GUIDON CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 12, 1957.

I. The Guidon Corporation, a Maryland corporation, with principal offices located at Elkton, Maryland, having filed with the Commission on July 6 and 15, 1954, a Notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of 10,000 shares of $10 par common stock at $10 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports:

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1228; Filed, Feb. 15, 1957; 8:46 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 12, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited; File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order

the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1226; Filed, Feb. 15, 1957; 8:46 a. m.]

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 12, 1957.

In the matter of trading on the American Stock Exchange in the 20 cent par value Capital Stock of Kroy Oils Limited, File No. 1-3697.

I. The 20 cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On February 1, 1957, the Commission issued its order summarily suspending trading in said securities on the exchange for a period of ten days from February 13, 1957 to February 22, 1957, inclusive, pursuant to section 19 (a) (4) of the act.

III. The Commission has reason to believe that the current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On February 1, 1957, the Commission issued its order summarily suspending trading in said securities on the exchange for a period of ten days from February 13, 1957 to February 22, 1957, inclusive.

IV. The Commission has reason to believe that the current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On February 1, 1957, the Commission issued its order summarily suspending trading in said securities on the exchange for a period of ten days from February 13, 1957 to February 22, 1957, inclusive.

and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On February 1, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from February 3, 1957 to February 12, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from February 13, 1957, to February 22, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1264; Filed, Feb. 15, 1957; 8:57 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 13, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33262: *Sulphuric acid—LeMoyne, Ala., to Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from LeMoyne, Ala., to Achan, Brewster, Noralyn, North Pauway, Peace Valley Mine, Pierce and Prairie, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 40 to Agent Spaninger's tariff I. C. C. 1357.

FSA No. 33263: *T. O. F. C. service between Illinois, Minnesota, Wisconsin and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities loaded in trailers and transported on railroad flat cars between points in Illinois, Minnesota and Wisconsin, on the one hand, and points in Texas, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 33 to agent Kratzmeir's tariff I. C. C. 4181.

FSA No. 33264: *Crude petrolatum—to Kalamazoo, Mich.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads from specified points in Louisiana, Kansas, Missouri, Oklahoma and Texas to Kalamazoo, Mich.

Grounds for relief: Short-line distance formulas and circuity.

Tariff: Supplement 92 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33265: *Aluminum billets, etc., Texas points to Davenport and Riverdale, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads from Gregory and Point Comfort, Tex., to Davenport and Riverdale, Iowa.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 292 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33266: *Barytes—Arkansas and Missouri to Berwick, La.* Filed by F. C. Kratzmeir, Agent for interested rail carriers. Rates on barite (barytes), carloads from specified points in Arkansas and Missouri to Berwick, La.

Grounds for relief: Maintenance of destination relationships with Morgan City, La., and circuity.

Tariff: Supplement 67 to Agent Kratzmeir's tariff I. C. C. 4092.

FSA No. 33267: *T. O. F. C. service—between official and western territories.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between points in trunk line and central territories, on one hand, and points in western trunk line territory, on the other.

Grounds for relief: Motor truck competition and circuity.

Tariff: Agent Prueter's tariff I. C. C. No. A-4148.

FSA No. 33268: *Fine coal—Western Kentucky mines to Waukegan, Ill.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from western Kentucky coal mines on the Illinois Central Railroad Company to Waukegan, Ill.

Grounds for relief: Circuitous route.

Tariff: Supplement 106 to Illinois Central Railroad Company's tariff I. C. C. E-1869.

FSA No. 33269: *Coal—Alabama mines to Krannert and Yates, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on bituminous coal, carloads, also fine screened bituminous coal, carloads from specified points in Alabama on the Gulf, Mobile and Ohio Railroad Company to Krannert and Yates, Ga.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 36 to Gulf, Mobile and Ohio Railroad Company's tariff I. C. C. 231.

FSA No. 33270: *Cotton linters—from the Southwest to intermediate points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton linters, carloads, from points in southwestern territory to points in Illinois, southern, southwestern and western trunk line territories.

Grounds for relief: Market competition with cotton, carloads, and circuity.

Tariff: Supplement 109 to Agent Kratzmeir's tariff I. C. C. 4014.

FSA No. 33271: *Petroleum products—Warcer, Tenn., to Bryson, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on gasoline, and other petroleum products, carloads from Warcer, Tenn., to Bryson, N. C.

Grounds for relief: truck competition.

Tariff: Supplement 18 to Agent Spaninger's tariff I. C. C. 1561.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-1241; Filed, Feb. 15, 1957; 8:50 a. m.]

FLOYD A. MECHLING

STATEMENT OF APPOINTMENT

Pursuant to subsection 302 (a), Part III, Executive Order No. 10647 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended", the following information is furnished for publication in the FEDERAL REGISTER:

1. Name of appointee: Floyd A. Mechling.

2. Name of employing agency: Interstate Commerce Commission.

3. Date of appointment: January 21, 1957.

4. Title of appointee's position: Consultant.

5. Name of appointee's private employer or employers: A. L. Mechling Barge Lines Inc.

Dated at Washington, D. C. this 6th day of February, 1957.

[SEAL] OWEN CLARKE, *Chairman, Interstate Commerce Commission.*

Statement. Pursuant to subsection 302 (b), Part III, Executive Order No. 10647, dated November 28, 1955 (20 F. R. 8769), "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as Amended", I hereby furnish the following information for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER:

(1) The names of each corporation of which I am, or within sixty days preceding my said appointment have been, an officer or director, are as follows:

A. L. Mechling Barge Lines Inc.
Marine Transit Company.
Mechmar Development Company, Inc.
B. J. Markham, Inc.
Joliet Marine Supply and Repair Service, Inc.

(2) The names of each corporation in which I own, or within sixty days preceding my said appointment have owned, stocks, bonds, or other financial interests, are as follows:

A. L. Mechling Barge Lines Inc.
Marine Transit Company.
Mechmar Development Company, Inc.
B. J. Markham, Inc.
Joliet Marine Supply and Repair Service, Inc.
River-Gulf Terminal Inc.
Olin Mathieson Chemical Corporation.

(3) The names of each partnership of which I am, or within sixty days preceding my said appointment have been, a partner, are as follows:

None.

(4) The names of other businesses in which I own, or within sixty days preceding my said appointment have owned, any similar interest are as follows:

None.

Dated at Joliet, Illinois, this 29th day of January 1957.

FLOYD A. MECHLING.

[F. R. Doc. 57-1242; Filed, Feb. 15, 1957; 8:51 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 121]

KENTUCKY

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about January 29, 1957, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Perry, Harlan, Whitley, Pike, Leslie, Clay, Letcher, Johnson, Breathitt, Martin, Bell, Knox, Knott, Floyd, Lee, Owsley, Jackson, Magoffin, and Estill.

Offices: Small Business Administration Regional Office, Federal Reserve Bank Building, 713 Superior Avenue, Cleveland 1, Ohio; Small Business Administration Branch Office, Federal Building, Suite 413, Sixth and Broadway, Louisville 2, Kentucky.

2. Special field offices to receive and process such applications will be established in Hazard, Barbourville and Pikeville, Kentucky.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1957.

Dated: January 31, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-1238; Filed, Feb. 15, 1957; 8:50 a. m.]

[Declaration of Disaster Area 122]

VIRGINIA

DECLARATION OF DISASTER AREA

Whearas, it has been reported that beginning on or about January 29, 1957, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Virginia;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties: Logan, Mercer, McDowell, Mingo, Webster, Wayne, and Wyoming.

Offices: Small Business Administration Regional Office, 900 N. Lombardy Street, Richmond 20, Virginia; Small Business Administration Branch Office, Embleton Building, Rooms 203-203A and 205, 922 Quarrier Street, Charleston, West Virginia.

2. A special field office to receive and process such applications will be established in Williamson, West Virginia.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1957.

Dated: January 31, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-1240; Filed, Feb. 15, 1957; 8:50 a. m.]

[Declaration of Disaster Area 123]

WEST VIRGINIA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about January 29, 1957, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of West Virigina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to said counties) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties: Wise, Smyth, Russell, Washington, Tazewell, Scott, Dickenson, Bland.

Officers: Small Business Administration Regional Office, 900 N. Lombardy Street, Richmond 20, Virginia; Small Business Administration Branch Office, Embleton Building, 922 Quarrier Street, Charleston, West Virginia.

2. A special field office to receive and process such applications will be established at the American Legion Home, 2201 W. Front Street, Richlands, Virginia.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to July 31, 1957.

Dated: January 31, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-1240; Filed, Feb. 15, 1957; 8:50 a. m.]

will not be accepted subsequent to July 31, 1957.

Dated: January 31, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-1239; Filed, Feb. 15, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

WOLFGANG BACHOFEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Wolfgang Bachofen, Steinerkirchen-Traun, O. Oe., Vienna, Austria; Claim No. 61082, Vesting Order No. 17702; $6,762.39 in the Treasury of the United States.

Executed at Washington, D. C., on February 1, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1243; Filed, Feb. 15, 1957; 8:45 a. m.]

ALBA COLAIUDA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Alba Colaiuda, L'Aquila, Italy; Claim No. 45502, Vesting Order No. 1912; $293.71 in the Treasury of the United States.

Guiseppe Colaiuda, Caracas, Venezuela; Claim No. 45503, Vesting Order No. 1913; $447.79 in the Treasury of the United States.

Guido Colaiuda, L'Aquila, Italy; Claim No. 45504, Vesting Order No. 1996; $290.38 in the Treasury of the United States.

Paolina Colaiuda, L'Aquila, Italy; Claim No. 45505, Vesting Order No. 1997; $284.77 in the Treasury of the United States.

Executed at Washington, D. C., on February 11, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1244; Filed, Feb. 15, 1957; 8:51 a. m.]

UMBERTO ZINZI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Umberto Zinzi, 140 Viale Millizie, Rome, Italy; Claim No. 40978, Vesting Order No. 9693; $322.93 in the Treasury of the United States.

Executed at Washington, D. C., on February 11, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1245; Filed, Feb. 15, 1957; 8:51 a. m.]

Office of the Attorney General

[Order. 142-57]

ESTABLISHMENT OF OFFICE OF ADMINISTRATIVE PROCEDURE

Establishment of Office of Administrative Procedure. 1. There is hereby established in the Department of Justice an Office of Administrative Procedure which shall be a component of and under the administrative supervision of the Office of Legal Counsel.

Director. 2. The Office shall be headed by a Director who will act in an advisory capacity in carrying out the purposes of the Office.

Purposes of the Office. 3. With a view to achieving improvements in administrative procedures within the Executive departments and agencies of the Federal Government, the Office shall:

(a) Carry on continuous studies of the adequacy of the procedures by which Federal departments and agencies determine the rights, duties, and privileges of persons;

(b) Initiate cooperative effort among the departments and agencies and their respective bars to develop and adopt so far as practicable uniform rules of practice and procedure;

(c) Collect and publish facts and statistics concerning the procedures of the departments and agencies;

(d) Assist departments and agencies in the formulation and improvement of their administrative procedures.

Cooperation by Departments and Agencies, the Bar, and other interested persons. 4. The Director, in consultation with the Attorney General, is authorized to make appropriate arrangements for securing the cooperation and advice of representatives of the departments and agencies, the bar, and other interested persons in connection with the performance of his duties.

Reports. 5. The Director shall render an annual report for circulation to the departments and agencies, and such other reports as the Attorney General may from time to time request.

Dated: February 6, 1957.

HERBERT BROWNELL, JR.,
Attorney General.

[F. R. Doc. 57-1237; Filed, Feb. 15, 1957; 8:49 a. m.]

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OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 34

Washington, Tuesday, February 19, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

TREASURY DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (7) of § 6.303 is revoked and paragraph (a) (5) is amended as set out below.

§ 6.303 *Treasury Department*—(a) *Office of the Secretary.* * * *

(5) One Deputy to the Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1267; Filed, Feb. 18, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

EXECUTIVE OFFICE OF THE PRESIDENT

Effective upon publication in the FEDERAL REGISTER, subparagraphs (1) and (6) of paragraph (a) of § 6.315 are revoked and subparagraphs (2) and (5) of paragraph (a) are amended as set out below.

§ 6.315 *Executive Office of the President*—(a) *Bureau of the Budget.* * * *

(2) Three assistant directors.

* * * * *

(5) One private secretary to each of the three assistant directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1268; Filed, Feb. 18, 1957; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

SECURITIES AND EXCHANGE COMMISSION

Effective upon publication in the FEDERAL REGISTER, paragraph (g) is added to § 6.326 as set out below.

§ 6.326 *Securities and Exchange Commission.* * * *

(g) One private secretary to the Executive Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1286; Filed, Feb. 18, 1957; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA EXTENSION
(WILMINGTON, N. C.)

The control area alteration appearing hereinafter has been coordinated with the civil operators involved, the Navy and the Air Force, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required. Part 601 is amended as follows:

1. Section 601.1150 is amended to read:

§ 601.1150 *Control area extension (Wilmington, N. C.).* That area within tangent lines drawn from the circumference of a circle 5 miles in radius centered on the Wilmington, N. C., omnirange station to a circle 25 miles in radius centered on Gateway Intersection (the intersection of the east course of

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 3, 1956 Supp. ($0.40)
Title 26: Parts 80–169 ($0.50)
Parts 183–299 ($0.30)

Previously announced: Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35).

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the Jacksonville, Fla., radio range and a direct line between the Wilmington, N.C., omnirange station and the West Palm Beach, Fla., radio range station) to a circle 5 miles in radius centered on the West Palm Beach, Fla., radio range station, excluding the portion below 2000 feet mean sea level which lies outside the continental limits of the United States.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., February 17, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–1366; Filed, Feb. 18, 1957; 11:02 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF DDT

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances of 7 parts per million for residues of DDT in the fat of cattle, hogs, and sheep.

The tolerance of 7 parts per million for DDT in beef fat was requested to permit feeding of beef cattle with field corn forage that had been treated with DDT for corn-borer control. No tolerance was requested for DDT in or on corn forage, on the basis that it is not moved off the farm and does not come within jurisdiction of the Federal Food, Drug, and Cosmetic Act. The tolerance for DDT in beef fat was requested to permit, in addition, use of DDT in "back rubbers," a device used to combat flies on beef cattle. Evidence in the petition indicates that this tolerance can be met if the above uses are employed according to good agricultural practice. Residues of DDT in the fat can be reduced by placing the animals on feed free of DDT before slaughter.

Residue studies indicate that if beef cattle are fed corn forage on which any DDT applications in addition to the two early cornborer applications have been made, or if they are fed ensilage made from corn treated with DDT, or if they are sprayed with or dipped in DDT, residues of DDT in the beef fat in excess of the 7 parts per million tolerance are likely to result. DDT residues are found in the fat, rather than in muscle tissue of meat animals.

Residue studies have indicated that application of DDT in any manner to the feed of dairy cows or to the dairy cows themselves results in residues of DDT in milk. No tolerance has been established for residues of DDT in milk.

The tolerances of 7 parts per million for DDT in the fat of hogs and sheep were requested to permit the dipping or spraying of these animals to combat certain vermin. Instructions for use in the petition indicate that treated hogs and sheep should be held at least 30 days before slaughter.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2) 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 5717), are amended by changing § 120.147 *Tolerances for residues of DDT* to read as follows:

§ 120.147 *Tolerances for residues of DDT.* Tolerances of 7 parts per million for residues of DDT (a mixture of 1,1,1-trichloro-2,2-*bis* (*p*-chlorophenyl) ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl)-2-(*p*-chlorophenyl) ethane are established in or on the following raw agricultural commodities: The fat of meat from cattle, hogs, and sheep; sweetpotatoes (from postharvest use).

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: February 13, 1957.

[SEAL] JOHN L. HARVEY,
Commissioner of Food and Drugs.

[F. R. Doc. 57–1291; Filed, Feb. 18, 1957; 8:49 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

PART 678—STONE, GLASS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

On December 7, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 472 (21 F. R. 9725) appointed, convened and gave notice of the hearings of Industry Committee No. 27–C for the Stone, Glass, and Related Products Industry in Puerto Rico and Industry Committee No. 27–D for the Construction, Business Service, Motion Picture, and Miscellaneous Industry in Puerto Rico, among others. Each of these Committees was directed to recommend the minimum rates of wages to be paid under section 6 (c) of the act to employees in its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, each Committee filed with the Administrator a report containing its findings with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of these committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective March 7, 1957, Parts 672 and 678 of Title 29, Code of Federal Regulations, are hereby amended to read as follows:

PART 678—STONE, GLASS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Sec.
678.1 Definition of the industry.
678.2 Wage rates.
678.3 Notices.

AUTHORITY: §§ 678.1 to 678.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 678.1 *Definition of the industry.* The stone, glass, and related products industry in Puerto Rico, to which this part shall apply, is defined as follows: The mining, quarrying, or other extraction and the further processing of all minerals (other than clays, metal ores, chemical and fertilizer minerals, coal, petroleum, or natural gases) and the manufacture of products from such minerals, including, but without limitation, glass and glass products; dimension and cut stone; crushed stone, sand and gravel; abrasives; lime, concrete, gypsum, mica, plaster, and asbestos products; and the manufacture of products from bone, horn, ivory, shell, and similar natural materials: *Provided, however,* That the definition shall not include any product or activity included in the button, buckle, and jewelry industry; the chemical, petroleum, rubber, and related products industry; the electrical, instrument, and related products industry; the jewel cutting and polishing industry; the metal, machinery, transportation equipment, and allied products industry; the clay and clay products industry; the cement industry; or the construction, business service, motion picture, and miscellaneous industry, as defined in the wage orders for those industries in Puerto Rico.

§ 678.2 *Wage rates.* (a) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the concrete pipe, glass and glass products, hot asphaltic plant mix, ready-mixed concrete, and concrete block and tile classification, which is defined as the manufacture of concrete pipe or conduit, glass and glass products, hot asphaltic plant mix, ready-mixed concrete, and concrete blocks and tiles.

(b) Wages at a rate of not less than 90 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the abrasive products classification which is defined as the manufacture of abrasive products including abrasive grinding wheels of natural or synthetic materials; abrasive sticks, stones, bricks, paper, and cloth; abrasive grains, natural or manufactured; and buffing and polishing wheels.

(c) Wages at a rate of not less than 62 cents an hour shall be paid under sec-

tion 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the mica classification which is defined as the processing of mica and the manufacture of mica parts for radio, television, and other electronic tubes, or for other products.

(d) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the stone, glass, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification which is defined as all products and activities included in the stone, glass, and related products industry in Puerto Rico, as defined in § 678.1, except those included in the concrete pipe, glass and glass products, hot asphaltic plant mix, ready-mixed concrete, and concrete block and tile classification, the abrasive products classification, and the mica classification, as defined herein.

§ 678.3 *Notices.* Every employer subject to the provisions of § 678.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 678.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

PART 672—CONSTRUCTION, BUSINESS SERVICE, MOTION PICTURE, AND MISCELLANEOUS INDUSTRY IN PUERTO RICO

Sec.
672.1 Definition of the industry.
672.2 Wage rates.
672.3 Notices.

AUTHORITY: §§ 672.1 to 672.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 672.1 *Definition of the industry.* The construction, business service, motion picture, and miscellaneous industry in Puerto Rico, to which this part shall apply, is defined as follows: The design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements; the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer; the production of photographs and blueprints; the production and distribution of motion pictures and all activities incidental thereto; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That the definition shall not include any activity carried on by an establishment primarily engaged in another industry for its own use, or any activity included in the definition of any industry in Puerto Rico for which a wage order has been issued.

§ 672.2 *Wage rates.* (a) Wages at a rate of not less than 70 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the construction classification which is defined as the design, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon buildings, structures, and other improvements; the dismantling, wrecking, or other demolition of buildings, structures, and other improvements: *Provided, however,* That this classification shall not include any activity carried on by an establishment primarily engaged in another industry for its own use.

(b) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the janitorial and custodial service and motion picture classification which is defined as the activity carried on by any business performing office cleaning, floor waxing, other janitorial services, disinfecting and exterminating, custodial and watchman services, and related services to industrial or commercial establishments or to the consumer; and the production and distribution of motion pictures and all activities incidental thereto.

(c) Wages at a rate of not less than $1.00 an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the construction, business service, motion picture, and miscellaneous industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the business service and miscellaneous classification which is defined as the activity carried on by any business or nonprofit enterprise performing real estate, professional, advertising, education or research activities, or engaged in the furnishing of other facilities or services to industrial or commercial establishments or to the consumer, except activities included in the janitorial and custodial service and motion picture classification and the construction classification, as defined herein; and all activities which are not included in the definition of other industries in Puerto Rico for which wage orders have been issued: *Provided, however,* That this classification shall not include any activity within the definition of any industry in Puerto Rico for which a wage order has been issued.

§ 672.3 *Notices.* Every employer subject to the provisions of § 672.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 672.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 13th day of February 1957.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 57-1259; Filed, Feb. 18, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1388]

[71850]

ALASKA

EXCLUDING CERTAIN LANDS FROM TONGASS NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITE

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tract of public land in Alaska, occupied as a homesite, and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, is hereby excluded from the Tongass National Forest, Alaska, and restored, subject to valid existing rights, for purchase as a homesite under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

Homesite No. 809, located on Clover Passage, to be identified as U. S. Survey No. 3524; approximately 3.30 acres; latitude 55°29' N., longitude 131°46' W.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 13, 1957.

[F. R. Doc. 57-1270; Filed, Feb. 18, 1957; 8:45 a. m.]

[Public Land Order 1389]

[Fairbanks 011607]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF BUREAU OF PUBLIC ROADS AS TANGLE LAKES ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Bureau of Public Roads, Department of Commerce, as the Tangle Lakes Administrative Site:

Beginning at a point on the centerline of the Denali Highway, Station 1139 +00 from which B. L. M. Bronze Marker W. C. M. C. 1, Tract 2, Lot 4, U. S. S. 3298 bears S. 7°17' W., 137.6 feet, thence—

S. 72°11' W., 401.1 feet along centerline of Denali Highway, Sta. 1143+01.1;
N. 17°49' W., 150.0 feet;
N. 47°11' E., 1378.54 feet;
S. 42°49' E., 420.0 feet to a point on the left bank of Tangle River;
Southwesterly, 445.0 feet along left bank to its intersection with the north boundary of a 100 foot Denali Highway right of way;
S. 17°49' E., 100.0 feet to center line of Denali Highway;
S. 72°11' W., 660.0 feet along center line to point of beginning.

The tract described contains 12.98 acres.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 13, 1957.

[F. R. Doc. 57-1271; Filed, Feb. 18, 1957; 8:46 a. m.]

[Public Land Order 1390]

ARIZONA

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS RECREATIONAL AREAS

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as recreational areas as indicated:

ARIZONA 05172—GILA AND SALT RIVER MERIDIAN

GILA NATIONAL FOREST

Granville Campground Recreation Area:
T. 3 S., R. 29 E.,
Sec. 8, W½NW¼NE¼, W½SW¼NE¼, W½NW¼SE¼, and E½SE¼NW¼.
The areas described aggregate 80 acres.

ARIZONA 06965

COCONINO NATIONAL FOREST

Lake View Picnic Area:
T. 19 N., R. 9 E.,
Sec. 6, N½NW¼NE¼NW¼ and NE¼NE¼NW¼NW¼.
T. 20 N., R. 9 E.,
Sec. 31, NW¼SW¼SE¼SW¼, S½SW¼SE¼SW¼, S½SW¼SW¼, and S½NW¼SW¼SW¼.
The areas described aggregate 40 acres.
Proposed Recreation Area No. 1:
T. 20 N., R. 8 E.,
Sec. 19, SE¼NE¼SE¼SE¼, NE¼SE¼SE¼SE¼, S½SE¼SE¼SE¼;
Sec. 20, SW¼SW¼SW¼NW¼, E½SW¼SW¼NW¼, SE¼SW¼NW¼, SE¼NE¼SW¼NW¼, W½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼, E½NW¼NW¼SW¼, W½SW½SW¼, NE¼SW¼SW¼, and W½NE¼SW¼;
Sec. 29, W½NW¼NW¼, W½E½NW¼NW¼, NW¼SW¼NW¼, and N½SW¼SW¼NW¼;
Sec. 30, E½NE¼NE¼, SW¼NE¼NE¼, SE¼SE¼NW¼NE¼, SE¼NE¼, NE¼NE¼SW¼NE¼, S½NE¼SW¼NE¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, NE¼NW¼SE¼, N½SE¼NW¼SE¼, E½NW¼NW¼SE¼, NW¼NW¼NW¼SE¼, NW¼NE¼SE¼, and NW¼NE¼NE¼SE¼.
The areas described aggregate 300 acres.
Proposed Recreation Area No. 2:
T. 20 N., R. 8 E.,
Sec. 20, E½SE¼SE¼ and E½SW¼SE¼SE¼;
Sec. 21, S½NW¼SW¼SW¼, SW¼SW¼SW¼, SE¼SW¼SW¼, and S½SW¼SE¼SW¼;
Sec. 28, S½NW¼NE¼, S½NE¼NW¼NE¼, S½NW¼NW¼NE¼, NE¼NW¼, E½NW¼NW¼, N½NW¼NW¼NW¼, S½SW¼NW¼NW¼, W½SW¼NW¼, NE¼SW¼NW¼, N½SE¼SW¼NW¼, NW¼SW¼NE¼, N½NE¼SW¼NE¼, and E½E½SE¼NE¼.
The areas described aggregate 235 acres.
Proposed Recreation Area No. 3:
T. 20 N., R. 8 E.,
Sec. 27, S½NW¼SW¼NW¼, SW¼SW¼NW¼, W½SE¼SW¼NW¼, SE¼SE¼SW¼NW¼, NW¼SW¼, NW¼NW¼NE¼SW¼, S½NW¼NE¼SW¼, SW¼NE¼SW¼, SW¼SE¼NE¼SW¼; SW¼SW¼, and N½SE¼SW¼;
Sec. 28, SW¼NW¼NE¼NE¼, SW¼NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼SE¼NE¼, S½SE¼NE¼, E½NE¼SE¼, E½W½NE¼SE¼, E½SE¼SE¼, and E½NW¼SE¼SE¼;
Sec. 34, NW¼NW¼, NW¼SW¼NW¼, E½SW¼SW¼NW¼, E½SW¼NW¼, NW¼SW¼NE¼NW¼, S½SW¼NE¼NW¼, W½SE¼NW¼, W½E½SE¼NW¼, N½NE¼NW¼SW¼, N½NW¼NE¼SW¼, and NW¼NE¼NE¼SW¼.
The areas described aggregate 367.5 acres.
Proposed Recreation Area No. 4:
T. 19 N., R. 8 E.,
Sec. 1, S½N½NW¼, NW¼SE¼NW¼, SW¼NW¼, and NW¼SW¼.
The area described contains 130 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 13, 1957.

[F. R. Doc. 57-1272; Filed, Feb. 18, 1957; 8:46 a. m.]

[Public Land Order 1391]

UTAH

RESERVING LANDS WITHIN NATIONAL FORESTS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the national forests hereinafter designated, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws or the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites as indicated:

UTAH 012532—UINTA SPECIAL MERIDIAN

UINTA NATIONAL FOREST

West Ford Administrative Site:
T. 1 N., R. 11 W.,
Sec. 29, SW¼SW¼SE¼ and SE¼SE¼SW¼;
Sec. 32, NW¼NW¼NE¼, NE¼NE¼NW¼, W½NE¼NW¼, and E½NW¼NW¼.
The areas described aggregate 80 acres.
Currant Creek Administrative Site:
T. 1 S., R. 11 W.,
Sec. 23, SW¼SW¼SE¼ and SE¼SE¼SW¼;
Sec. 26, W½NW¼NE¼ and E½NE¼NW¼.
The areas described aggregate 60 acres.

UTAH 016603—SALT LAKE MERIDIAN

MANTI-LASAL NATIONAL FOREST

Joe's Valley Administrative Site:
T. 17 S., R. 6 E.,
Sec. 31, lots 5, 6, 11, and 12.
The areas described aggregate 112.12 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

FEBRUARY 13, 1957.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

[F. R. Doc. 57-1273; Filed, Feb. 18, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR ITALIAN TYPE TOMATOES FOR CANNING[1][2]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Italian Type Tomatoes for Canning pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.2976 General.

GRADES

51.2977 U. S. No. 1.
51.2978 U. S. No. 2.

CULLS

51.2979 Culls.

MINIMUM SIZE

51.2980 Minimum size.

DEFINITIONS

51.2981 Firm.
51.2982 Well colored.
51.2983 Fairly well formed.
51.2984 Damage.
51.2985 Fairly well colored.
51.2986 Serious damage.

AUTHORITY: §§ 51.2976 to 51.2986 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2976 *General.* These standards are applicable only to Italian type tomatoes which are to be processed as whole tomatoes.

GRADES

§ 51.2977 *U. S. No. 1.* "U. S. No. 1" consists of tomatoes whic hare firm, well colored, fairly well formed and free from mold and decay and free from damage caused by growth cracks, sunscald, freezing injury, disease, insects or mechanical or other means. (See § 51.2980).

§ 51.2978 *U. S. No. 2.* "U. S. No. 2" consists of tomatoes which are firm, fairly well colored and free from serious damage by any cause. (See § 51.2980).

CULLS

§ 51.2979 *Culls.* "Culls" are tomatoes which fail to meet the requirements of either of the foregoing grades.

MINIMUM SIZE

§ 51.2980 *Minimum size.* The minimum size may be fixed by agreement between buyer and seller. Tomatoes below any specified minimum size shall be classed as culls. Size should be expressed in terms of diameter measured in inches and fractions of inches. Diameter is the greatest dimension of the tomato measured at right angles to a line running from the stem end to the blossom end.

DEFINITIONS

§ 51.2981 *Firm.* "Firm" means that the tomato is not soft, puffy, shriveled or watersoaked.

§ 51.2982 *Well colored.* "Well colored" means that 90 percent or more of the outer surface of the flesh of the tomato has a red color characteristic of a well ripened tomato.

§ 51.2983 *Fairly well formed.* "Fairly well formed" means that the tomato is not decidedly flattened, lop-sided, angular or otherwise decidedly misshapen.

§ 51.2984 *Damage.* "Damage" means any defect which materially affects the edible or processing quality of the tomato. The following shall be considered as damage:

(a) Any defect of the side wall of the tomato which more than slightly affects the appearance of the outer surface or necessitates trimming to the extent that an opening through the wall results; or,

(b) Any defect affecting the stem end or blossom end of the tomato which when removed will cause a loss of more than 5 percent of the total weight of the tomato exclusive of the peel.

§ 51.2985 *Fairly well colored.* "Fairly well colored" means that at least two-thirds of the outer surface of the flesh of the tomato has red color characteristic of a fairly well ripened tomato: *Provided*, That a tomato having a lighter shade of red color shall be considered fairly well colored if it has a sufficient amount of red to be equivalent in color to that of a tomato which has two-thirds of its surface with color characteristic of a fairly well ripened tomato.

§ 51.2986 *Serious damage.* "Serious damage" means any defect which seriously affects the edible or processing quality of the tomato, or which when removed will cause a loss of more than 10 percent of the total weight of the tomato exclusive of the peel.

Dated: February 14, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Dec. 57-1298; Filed, Feb. 18, 1957; 8:50 a. m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] This is the first issue of these standards.

[7 CFR Part 1013]

[Docket No. AO-279]

MILK IN PLATTE VALLEY, NEBR., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Platte Valley, Nebraska, marketing area, which was issued January 24, 1957, (22 F. R. 569), is hereby extended to February 23, 1957.

Dated: February 14, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1300; Filed, Feb. 18, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11798; FCC 57-149]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Bozeman-Helena, Montana).

1. On July 25, 1956, the Commission issued a Notice of Proposed Rule Making in this matter proposing to amend the Television Table of Assignments by shifting Channel 12 from Helena, Montana to Bozeman, Montana, or, alternatively, to shift the educational reservation in Bozeman from VHF Channel 9 to UHF Channel 22. The proposals are summarized as follows:

City	Channel No.	
	Present	Proposed
Bozeman, Mont.	*9, 22−	*9, 12, 22 (or) 9, *22−
Helena, Mont.	10+, 12	10+ (or) 10+, 12

2. Upon its review of the comments submitted by interested parties and further consideration of this matter, the Commission on November 2, 1956, issued a Notice of Further Proposed Rule Making inviting comments on a third proposal to assign a VHF channel to Bozeman by shifting Channel 6 from Butte as follows:

City	Channel No.	
	Delete	Add
Butte, Mont.	6+	28
Bozeman, Mont.		6+

3. Comments have been filed by Peoples Forum of the Air, Inc., opposing the shifting of Channel 12 from Helena to Bozeman; Montana State College and the Joint Council on Educational Television (JCET), opposing the deletion of the educational reservation in Bozeman; and Copper Broadcasting Company (KOPR) and Arthur W. Schwieder, opposing the shifting of Channel 6 from Butte to Bozeman. No comments other than Penn Engineering's original petition were filed supporting any of the proposals.

4. Penn Engineering, in its petition for rule making requesting the shift of Channel 12 from Helena to Bozeman, noted that applications had not then been filed for stations on either Channel 10 or 12 in Helena and represented that it would file an application for a station on Channel 12 if it were shifted to Bozeman. Petitioner alleged that Channel 12 in Bozeman would meet all assignment standards. Penn Engineering submitted that operation on UHF Channel 22 in Bozeman would not be feasible in view of the fact that some 800 VHF-only sets were in the area to receive transmissions of a community antenna system.

5. Peoples Forum of the Air opposes the deletion of Channel 12 from Helena in order to make it available for Bozeman. It notes that although no applications for stations in Helena were on file at the time Penn Engineering's request for rule making was advanced, two applications are now pending for the two VHF channels assigned to Helena. Peoples Forum maintains that Helena should retain both VHF channels in light of its much greater size and importance; that as the State Capital Helena is of primary importance as an origination source for television programs; and that there is a need and demand for two stations in this community. Peoples Forum argues that since Bozeman is situated in a valley and only 800 VHF sets are outstanding in the area, operation on UHF Channel 22 would be feasible.

6. Montana State College and JCET oppose deletion of the educational reservation on Channel 9 in Bozeman. The College, which is the largest public educational institution in Montana, with a student enrollment of 3,200 and a budget of $7,000,000, represents that it plans to apply for an educational station within the next two years. The College has been planning to use Channel 9 in its educational and extension program and urges that the loss of the reservation would seriously affect its ability to fulfill its obligations. Montana State maintains that the extended coverage that would be necessary to reach the greatest number of people in Montana would not be possible on a UHF channel, noting that it plans to build a high-powered station with a transmitter on Old Baldy Mountain where it would be able to serve a major part of the State's population, providing service to the two largest cities, Billings and Great Falls. After a training period during the 1956-57 academic year on a closed circuit basis, the College anticipates filing an application. It presently has on hand several thousand dollars worth of studio equipment and has already spent $35,000 on remodeling and reconstructing its studio facilities.

7. Copper Broadcasting Company and Arthur W. Schwieder oppose the deletion of Channel 6 from Butte in order to make it available in Bozeman. They note that Butte now has one station in operation and that three applications are pending for the remaining VHF channel. They urge that a need and demand for additional service in Butte has been demonstrated and that Butte, with a population of 33,251, is larger than either Helena or Bozeman and that Silver Bow County in which Butte is situated has a population of 42,400 as compared with only 24,540 for Lewis and Clark County (Helena) and 21,902 for Gallatin County (Bozeman).

8. Three proposals have been advanced for obtaining a VHF Channel in Bozeman: shifting Channel 12 from Helena; shifting Channel 6 from Butte, and unreserving educational Channel 9 in Bozeman. Upon a review of the comments submitted in this proceeding and further consideration, we have concluded that the public interest would not be served by the adoption of any of these proposals. Montana State College has demonstrated an active interest in retaining Channel 9 in Bozeman for educational use. It has undertaken preliminary steps for making use of this frequency and has already expended considerable sums in preparation for educational television; and it represents that it will submit an application in the relatively near future. The College has constructed studios and has purchased closed circuit equipment in preparing for future operations. Under these circumstances we do not believe that the educational reservation on Channel 9 in Bozeman should be deleted at this time.

9. At the time we proposed in our Notice of Further Proposed Rule Making to shift Channel 6 from Butte to Bozeman no applications had been submitted for this frequency. However, since that time three applications have been filed. In view of this indication of need and demand for the facility in Butte, which is much greater in size than Bozeman, we do not believe that Channel 6 should be shifted from Butte to Bozeman.

10. Nor do we believe that the public interest would be served by shifting Channel 12 from Helena, the State Capital of Montana, to Bozeman. When Penn Engineering submitted its request for rule making, no applications had been filed for either of the Helena VHF channels. Now, however, there is a need and demand expressed for facilities in Helena as evidenced by applications for both channels. We do not believe that Channel 12 should be deleted from the larger City of Helena in order to make it available for Bozeman.

11. In view of the foregoing: *It is ordered*, That the petition of Penn Engineering Company, Inc., is denied, and this proceeding is terminated.

Adopted: February 13, 1957.

Released: February 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1292; Filed, Feb. 18, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

STONE FORWARDING CO., INC., AND TRANS-MARINE CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8206 between Stone Forwarding Co., Inc., Houston, Texas, and Trans-Marine Co., New Orleans, Louisiana, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 13, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1268; Filed, Feb. 18, 1957; 8:45 a. m.]

LLOYD BRASILEIRO ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8205, between Lloyd Brasileiro (Patrimonio Nacional) and Cia. Argentina de Navegacion Dodero, S. A., Dampskibsselskabet Torm, Flota Mercante del Estado, International Freighting Corporation, Inc., Mississippi Shipping Company, Inc., Moore-McCormack Lines, Inc., The Northern Pan-America Line, A/S, and the parties comprising the following joint services—Brodin Line, Holland Interamerica Line, Ivaran Lines, and the Norton Line, all of which are members of the Brazil/United States-Canada Freight Conference, providing that Lloyd Brasileiro shall be entitled to carry per sailing the average number of bags of coffee per sailing which Brazil exports annually on vessels of all of the member lines of said conference from Paranagua, Santos, Rio de Janeiro, Angra dos Reis and Victoria to United States Atlantic and Gulf ports and Eastern Canadian ports, and setting forth the basis on which Lloyd Brasileiro will be compensated by the other parties to the agreement should its carryings on its first 48 sailings per annum fall below such average. The agreement also sets forth the manner in which any payments due Lloyd Brasileiro and any expense incurred in carrying out the agreement will be contributed by each of the parties. The agreement upon approval will continue in force until March 31, 1957, and from year to year thereafter on the condition that Lloyd Brasileiro remains a member of said conference. The agreement may be terminated by the giving of six months written notice.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 13, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1269; Filed, Feb. 18, 1957; 8:45 a. m.]

Office of the Secretary

HAROLD L. GRAHAM, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1957.

Dated: January 29, 1957.

HAROLD L. GRAHAM, JR.

[F. R. Doc. 57-1265; Filed, Feb. 18, 1957; 8:45 a. m.]

RAY W. IRELAND

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1957.

Dated: February 1, 1957.

R. W. IRELAND.

[F. R. Doc. 57-1266; Filed, Feb. 18, 1957; 8:45 a. m.]

PAUL BUTLER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER.

A. Deletions: None.
B. Additions: Champion Paper Corporation, S. A., Lanair Associates, Inc.

This statement is made as of February 1, 1957.

Dated: February 7, 1957.

PAUL BUTLER.

[F. R. Doc. 57-1267; Filed, Feb. 18, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

JOE HALL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

FEBRUARY 13, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Joe Hall.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Domestic Petroleum Programming Specialist.

The name of the appointee's private employer: Phillips Petroleum Company, Bartlesville, Oklahoma.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on January 24, 1957.

THOMAS H. TELLIER,
Personnel Officer.

Statement of Financial Interests

In accordance with the requirements of section 302 (b) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER:

(1) Names of any corporation of which I am, or had been within 60 days preceding my appointment on January 24, 1957, as Domestic Petroleum Programming Specialist, Office of Oil and Gas, United States Department of the Interior, an officer or director:

None.

(2) Names of any corporations in which I own, or did own within 60 days preceding my appointment, any stocks, bonds, or other financial interests:

Phillips Petroleum Company.

(3) Names of any partnerships in which I am associated, or had been associated within 60 days preceding my appointment:

None.

(4) Names of any other businesses which I own, or owned within 60 days preceding my appointment

None.

Dated: January 31, 1957.

JOE HALL.

[F. R. Doc. 57-1274; Filed, Feb. 18, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

ARKANSAS AND WYOMING

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on February 7, 1957, that a major disaster occasioned by drought existed in the State of Arkansas, and the President determined on October 30, 1956, that a major disaster occasioned by drought existed in the State of Wyoming.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on February 7, 1957, to be affected by the above-mentioned major disasters:

ARKANSAS

Crawford	Polk
Howard	Scott
Little River	Sebastian
Miller	Sevier

WYOMING

Big Horn

That part of Larmie County lying west of Highway 87.

Done at Washington, D. C., this 14th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1301; Filed, Feb. 18, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11836, 11837; FCC 57M-132]

PLAINVIEW RADIO AND STAR OF THE PLAINS BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Earl S. Walden, Homer T. Goodwin and Leroy Durham, d/b as Plainview Radio, Plainview, Texas; Docket No. 11836, File No. BP-10200; Troyce H. Harrell and Kermit S. Ashby, d/b as Star of the Plains Broadcasting Company, Slaton, Texas; Docket No. 11837, File No. BP-10499; for construction permits.

The Hearing Examiner having under consideration a petition, filed on February 13, 1957, on behalf of Progressive Broadcasting Company, respondent in the above-entitled proceeding, requesting that the hearing conference therein now scheduled to be held on February 15, 1957, be continued until February 20, 1957; and

It appearing that sufficient "good cause" has been set forth in the said petition to warrant a grant of the relief requested therein, and that none of the other parties to the said proceeding object to a grant thereof, or to a waiver of § 1.745 of the Commission's rules;

It is ordered, This 13th day of February 1957, that the above petition be, and it is hereby, granted; and that the hearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Wednesday, February 20, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1293; Filed, Feb. 18, 1957; 8:49 a. m.]

[Docket No. 11900; FCC 57M-134]

MACKAY RADIO AND TELEGRAPH CO., INC.

ORDER CONTINUING HEARING

In re application of Mackay Radio and Telegraph Company, Inc.; revision of Tariff F. C. C. No. 37 to broaden offer of tieline connections for telex users.

The Hearing Examiner having under consideration, a letter, dated February 12, 1957, filed on February 13, 1957, on behalf of Mackay Radio and Telegraph Company, Inc., respondent in the above-entitled proceeding, requesting that the hearing therein, now scheduled to be held on February 18, 1957, be postponed until February 26, 1957; and

It appearing that respondent has set forth in the said letter sufficient "good cause" to warrant a grant of the relief requested therein; and

It further appearing that all of the other parties to the said proceeding have indicated they interpose no objections to the requested postponement;

It is ordered, This 13th day of February 1957, that the above request be, and it is hereby, granted, and that the hearing in the above-entitled proceeding is hereby, continued until 10:00 o'clock a. m., on Tuesday, February 26, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1294; Filed, Feb. 18, 1957; 8:49 a. m.]

[Docket No. 11928, etc.; FCC 57M-131]

WASHINGTON BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Washington Broadcasting Company, Manassas, Virginia; Docket No. 11928, File No. BP-10509; O. K. Broadcasting Corporation, Triangle, Virginia; Docket No. 11929, File No. BP-10654; Harold H. Hersch and Edward L. Weaver d/b as Prince William Broadcasting Company, Manassas, Virginia; Docket No. 110930, File No. BP-10849; for construction permits.

It is ordered, This 12th day of February 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 16, 1957, in Washington, D. C.

Released: February 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1295; Filed, Feb. 18, 1957; 8:49 a. m.]

[Docket No. 11931; FCC 57M-129]

ERWAY BROADCASTING CORP. (WAYE)

ORDER SCHEDULING HEARING

In re application of Erway Broadcasting Corporation (WAYE), Dundalk, Maryland; Docket No. 11931; File No. BML-1679; for modification of license.

It is ordered, This 12th day of February 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 9, 1957, in Washington, D. C.

Released: February 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1296; Filed, Feb. 18, 1957; 8:50 a. m.]

[Docket No. 11932; FCC 57M-130]

NEW JERSEY EXCHANGES, INC. (KEC738)

ORDER SCHEDULING HEARING

In the matter of the application of New Jersey Exchanges, Inc. (KEC738); Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

It is ordered, This 12th day of February 1957, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on March 12, 1957, in Washington, D. C.

Released: February 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1297; Filed, Feb. 18, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10326 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

FEBRUARY 13, 1957.

In the matters of Sunray Mid-Continent Oil Company, et al., Docket No. G-10326, et al., Phillips Petroleum Company, Docket No. G-10329.

Notice is hereby given that the application of Phillips Petroleum Company in Docket No. G-10329 in the above consolidated proceeding and scheduled for a hearing on March 5, 1957, at 9:30 a. m., e. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1280; Filed; Feb. 18, 1957; 8:47 a. m.]

[Docket No. G-10396 etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

FEBRUARY 13, 1957.

In the matters of American Louisiana Pipe Line Company, Docket No. G-10396; Gulf Refining Company, Docket No. G-10400; Panhandle Eastern Pipe Line Company, Docket No. G-11061.

Upon consideration of the telegraphic request filed February 7, 1957 by Counsel for American Louisiana Pipe Line Company and the concurrence of Counsel for Natural Gas Distributors, Inc., Milwaukee Gas Light Company, Wisconsin Natural Gas Company, Wisconsin Michigan Power Company, Wisconsin Fuel and Light Company and Madison Gas and Electric Company for postponement of the hearing now scheduled to resume on February 19, 1957 in the above-designated matters, and the objection to said requests filed February 7, 1957 by Counsel for Panhandle Eastern Pipe Line Company;

Notice is hereby given that the hearing in this matter is hereby postponed to be held at 10:00 a. m., e. s. t., on March 5, 1957 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1275; Filed, Feb. 18, 1957; 8:46 a. m.]

[Docket No. G-11129]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 13, 1957.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on September 24, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on filed with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the transportation and delivery in interstate commerce of natural gas to be sold by Applicant on an interruptible basis to Container Corporation of America (Container Corporation) pursuant to a requirements contract dated July 5, 1956 for use as fuel in Container Corporation's pulp and paper mill, presently under construction near Brewton, Alabama, which will manufacture bleached pulp wood for the production of food cartons.

The facilities proposed to be constructed and operated by Applicant consist of:

Approximately 40.1 miles of 8 inch lateral transmission line together with check meter station and sales meter and regulator station extending in a northeasterly direction from points of interconnection with Applicant's existing 12 and 16 inch looped transmission lines in S5, T3S, R4E, Baldwin County, Alabama, to the site of Container Corporation's plant which is located southwest of Brewton in S1, T1N, R9E, Escambia County, Alabama.

The estimated cost of construction of the proposed facilities is $1,140,419 which will be financed out of current working funds. Container Corporation will reimburse Applicant the total cost of the facilities up to $1,400,000 in monthly payments from July 1957 to June 1964. The estimated maximum daily gas requirement of the proposed project at 14.9 psia is 6,000 Mcf and the estimated annual gas requirement of said project for each of the first three full years at 14.9 psia as 1,750,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, March 14, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1281; Filed, Feb. 18, 1957; 8:47 a. m.]

[Docket No. G-11980]

TENNESSEE GAS TRANSMISSION CO.

ORDER SUSPENDING PROPOSED TARIFF AND OTHER REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

Tennessee Gas Transmission Company (Tennessee), on January 14, 1957, pursuant to section 4 of the Natural Gas Act and the Commission's general rules and regulations, particularly Part 154 thereof (18 CFR Part 154), tendered for filing its FPC Gas Tariff, Seventh Revised Volume No. 1, and Third Revised Sheet No. 1 and First Revised Sheets Nos. 10, 11, 25, 36, and 37 to its FPC Gas Tariff, Fourth Revised Volume No. 2. The tariff changes contained in the tendered filing effect a general increase in rates and charges for transportation services and sales in interstate commerce of natural gas for resale for ultimate public consumption, subject to the jurisdiction of the Commission under the Natural Gas Act. Tennessee requests that the increased rates and charges be allowed to become effective as of February 14, 1957.

The tariff changes proposed by Tennessee involve an estimated annual increase in rates and charges approximating $24,077,000, or 12.7 percent, based upon Tennessee's operations during the 12 months ended October 31, 1956, as adjusted, above the rates which were permitted to become effective as of December 15, 1954, subject to an undertaking to assure refund of excess charges, by order of the Commission issued December 28, 1954. Tennessee Gas Transmission Company, Docket No. G-5259. Hearings upon the system cost of service phase of Docket No. G-5259 have been concluded and the matters raised therein are pending before the Presiding Examiner for decision. As yet no hearings have been held on the zoning issue raised in Docket No. G-5259. Tennessee's proposed increase of January 14, 1957, thus, is in addition to the $8,816,000 increase it seeks in Docket No. G-5259.

The proposed rates and charges are based upon claimed increases in salary and wages, taxes, cost of purchased gas, cost of capital and depreciation expense. More specifically, the major adjustments include:

(a) An adjustment of $8,885,011 to Account 100.1, Gas Plant in Service, to reflect the lag in transferring costs to that account from Account 100.3, Construction Work in Progress.

(b) An increase of $1,014,000 in the cost of gas purchased, to reflect asserted changes in supply sources, prices, and volumes, although it appears no adjustment is made for the total quantities of natural gas purchased.

(c) A $540,146 increase in salaries and wages.

(d) An increase in ad valorem taxes of $1,301,213, of which $900,701 appears to be based upon estimates of taxes for the year 1957.

(e) An increase of $4,967,000 annually in depreciation expense, Tennessee proposing an increase in the composite depreciation rate applicable to its properties from 3 percent to 3½ percent, which may in whole or in part be improper.

(f) Return of $47,023,854 based upon a claimed rate of return of 6.6 percent upon an average net rate base of $712,482,639, an amount $4,275,000 in excess of the amount which would be produced by the 6 percent rate of return heretofore consistently claimed by Tennessee in prior rate cases.

(g) Claimed income tax allowance of $35,579,100 of which Federal income taxes are estimated to be $34,932,800 and state income taxes as $646,000 (1.85 percent of Federal income taxes) based upon a rate of return of 6.6 percent and giving effect to a 3½ percent book and tax depreciation rate for transmission properties. If income taxes are computed upon the basis of a 6 percent rate of return and a 3 percent book depreciation rate on transmission properties, giving effect to a 3½ percent tax depreciation rate, it appears that they would be $10,200,000 less than the allowance claimed. Further it appears that the Federal income taxes related to the proposed change in rate of return alone amounts to $4,715,000 and to the proposed change in book depreciation rate of transmission properties amounts to about $5,200,000.

It appears that the bulk of requested increase is attributable to (1) adjustment to purchased gas costs, (2) proposed change in rate of return, and (3) proposed change in book depreciation rate, each of which represents a change from past practices which may not be justified.

Additionally, Tennessee proposed a change in the method it has used in allocating costs between zones. Such change may be unduly discriminatory and preferential. Briefly, the changed method (a) assigns production costs directly on a volume basis; (b) segregates the remaining costs between demand and commodity; (c) assigns one-half of the demand and commodity costs to existing rate zones based upon the relationship of present demand commodity components of revenue (excluding purchased gas costs from the commodity revenues); and (d) assigns the remaining half of the demand and commodity costs to existing rate zones based upon the demand and commodity miles of transportation for all sales made within the zones. As noted previously, the question of appropriate zone rates is pending in Docket No. G-5259.

The increased rates and charges proposed in Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1 and in Third Revised Sheet No. 1 and First Revised Sheets Nos. 10, 11, 25, 36, and 37 to Tennessee's FPC Gas Tariff, Fourth Revised Volume No. 2, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commision finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing pursuant to the authority contained in section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications and services of Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1, and Tennessee's FPC Gas Tariff, Fourth Revised Volume No. 2, as proposed to be amended by Third Revised Sheet No. 1 and First Revised Sheets Nos. 10, 11, 25, 36, and 37, and that said tariff and tariff sheets be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held at a time and place to be fixed by further order of the Commission, concerning the lawfulness of the rates, charges, classifications and services, or any of them, subject to the jurisdiction of the Commission, of Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1, and Tennessee's FPC Gas Tariff, Fourth Revised Volume No. 2, as proposed to be amended by Third Revised Sheet No. 1 and First Revised Sheets Nos. 10, 11, 25, 36, and 37.

(B) Pending such hearing and decision thereon, Tennessee's proposed FPC Gas Tariff, Seventh Revised Volume No. 1, and Third Revised Sheet No. 1, and First Revised Sheets Nos. 10, 11, 25, 36, and 37 of Tennessee's FPC Gas Tariff, Fourth Revised Volume No. 2, be and the same are hereby suspended and their use deferred until July 14, 1957, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: February 13, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1276; Filed, Feb. 18, 1957; 8:46 a. m.]

[Docket No. G-11981]

TENNESSEE NATURAL GAS LINES, INC.

ORDER SUSPENDING REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

On January 15, 1957, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), tendered for filing Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7 to its FPC Gas Tariff, Original Volume No. 1, proposing an annual rate increase of $490,500, based on sales for the year ending December 31, 1956, to Nashville Gas Company, its affiliate and only wholesale customer. The proposed increase is in addition to the increased rates in effect subject to refund under Docket No. G-5472.

Tennessee Natural states that the proposed increase is due principally to the recent filing for a proposed rate increase by Tennessee Gas Transmission Company (Tennessee Gas), its sole supplier, as well as increased plant investment. A rate of return of 6½ percent and associated income taxes are claimed by Tennessee Natural. It requests that the increase become effective concurrently with the effective date requested by Tennessee Gas for its increase, namely, February 14, 1957.

The Commission on February 13, 1957, ordered a hearing in Docket No. G-11980 concerning the lawfulness of the increased rates proposed by Tennessee Gas, and pending such hearing and decision thereon such proposed increased rates have been suspended until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as the proposed rate increase by Tennessee Gas may be made effective in the manner prescribed by the Natural Gas Act. Tennessee Natural proposed rate increase is almost entirely dependent upon and can be supported only by relying upon the effectiveness of the revised rates of its supplier, and should therefore be suspended pending determination of said effectiveness.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications and services contained in Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7, and the said proposed tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15 and 16 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications and services, subject to the jurisdiction of the Commission, contained in Tennessee Natural's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Ninth Revised Sheet No. 4 and Fifth Revised Sheets Nos. 6 and 7.

(B) Pending such hearing and decision thereon, the proposed rates and charges contained in the revised tariff sheets referred to in (A) above hereby are suspended and their use deferred until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 13, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1277; Filed, Feb. 18, 1957; 8:47 a. m.]

[Docket No. G-11982]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) on January 14, 1957, submitted for filing Third Revised Sheet No. 5 and Second Revised No. 10 to its FPC Gas Tariff, First Revised Volume No. 1, proposing increases in

rates and charges aggregating approximately $184,000, or 8 percent per annum, based on estimated sales for the 12-month period ending July 31, 1957. The proposed increases are in addition to the increased rates in effect subject to refund under Docket No. G-5471.

Alabama-Tennessee states that the proposed increases are for the sole purpose of passing on to its wholesale customers their proportional part of the proposed rate increase recently tendered for filing by its sole supplier Tennessee Gas Transmission Company (Tennessee). The data submitted by Alabama-Tennessee in support of its proposed increase indicated that it is in part also based on claimed increases in costs other than purchased gas costs. Alabama-Tennessee also proposes that its tendered filing become effective as of February 14, 1957, or such other date coinciding with the date on which Tennessee's proposed rate increase is permitted to become effective.

By order issued February 13, 1957, in Docket No. G-11980, the Commission has ordered a hearing concerning the lawfulness of the increased rates proposed by Tennessee, and pending such hearing and decision thereon, has suspended and deferred the use of Tennessee's proposed increased rates until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter that such proposed increased rates may be made effective in the manner prescribed by the Natural Gas Act. Alabama-Tennessee's proposed increases are almost entirely dependent upon and can be supported, only by relying upon the effectiveness of the rate increase of its supplier, and should therefore be suspended pending determination of said effectiveness.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Alabama-Tennessee's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Third Revised Sheet No. 5 and Second Revised Sheet No. 10, and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 4, 5, 15, and 16 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, contained in Alabama-Tennessee's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Third Revised Sheet No. 5 and Second Revised Sheet No. 10.

(B) Pending such hearing and decision thereon, Alabama-Tennessee's proposed Third Revised Sheet No. 5 and Second Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1, hereby are suspended, and their use deferred until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 13, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1278; Filed, Feb. 18, 1957; 8:47 a. m.]

[Docket No. G-11983]

LAKE SHORE PIPE LINE CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

Lake Shore Pipe Line Company (Lake Shore) on January 14, 1957, tendered for filing Seventh Revised Sheet No. 4, Ninth Revised Sheet No. 5, Seventh Revised Sheet No. 6, Ninth Revised Sheet No. 7, Fourth Revised Sheet No. 8-B, and First Revised Sheet No. 8-H to its FPC Gas Tariff, Original Volume No. 1, proposing increases in its rates and charges aggregating approximately $192,700, or 11.5 percent per annum based on sales for the year ending December 31, 1956. The proposed increases are in addition to the increased rates in effect subject to refund under Docket No. G-5473.

Lake Shore states that the proposed increases are due primarily to the recent proposed rate increase tendered for filing by its sole supplier, Tennessee Gas Transmission Company (Tennessee). Lake Shore proposes that the tariff changes contained in the tendered filing become effective as of February 14, 1957.

By order issued February 13, 1957, in Docket No. G-11980, the Commission has ordered a hearing concerning the lawfulness of the increased rates proposed by Tennessee, and pending such hearing and decision thereon, has suspended and deferred the use of Tennessee's proposed increased rates until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter that such proposed increased rates may be made effective in the manner prescribed by the Natural Gas Act. Lake Shore's proposed increases can be supported only by relying upon the effectiveness of the rate increase of its supplier, and should therefore be suspended pending determination of said effectiveness.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Lake Shore's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the revised tariff sheets listed above and that said proposed revised tariff sheets and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 4, 5, 15, and 16 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Chapter I), a public hearing be held, at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, contained in Lake Shore's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by the aforementioned revised tariff sheets.

(B) Pending such hearing and decision thereon, Lake Shore's proposed Seventh Revised Sheet No. 4, Ninth Revised Sheet No. 5, Seventh Revised Sheet No. 6, Ninth Revised Sheet No. 7, Fourth Revised Sheet No. 8-B, and First Revised Sheet No. 8-H, to its FPC Gas Tariff, Original Volume No. 1, hereby are suspended and their use deferred until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 13, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1279; Filed, Feb. 18, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8457]

P. G. TAYLOR PROPRIETARY, LTD.

NOTICE OF HEARING

In the matter of the application of P. G. Taylor Proprietary, Ltd., for a temporary foreign air carrier permit under section 402 of the Civil Aeronautics Act for service between Sydney, Australia, and Honolulu, Territory of Hawaii.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 6, 1957, at 10:00 a. m., e. s. t., in Room 5132, Department of Commerce Bldg., Constitution Avenue between Fourteenth and Fifteenth Streets, Northwest, Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., February 14, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-1302; Filed, Feb. 18, 1957; 8:50 a. m.]

[Docket No. 6429]

PAN AMERICAN WORLD AIRWAYS, INC.; TRANS-PACIFIC OPERATIONS, TEMPORARY MAIL RATES

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing on the order to show cause (Order No. E-10935) served January 10, 1957, in the above-entitled proceeding is assigned to be held on February 25, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., February 13, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-1303; Filed, Feb. 18, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 152]

MOTOR CARRIER APPLICATIONS

FEBRUARY 15, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procerural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States Standard Time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 8989 (Sub No. 166), filed February 7, 1957, HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Bldg., 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles, automobiles, trucks, tractors, chassis, buses, cabs, bodies, parts, tools,* and *accessories* moving with motor vehicles, trucks, tractors, chassis, buses, bodies, and cabs, in secondary movements, in truckaway service, between points in Maryland, Virginia, West Virginia, North Carolina, Tennessee, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 28, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 8989 (Sub No. 167), filed February 7, 1957, HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Bldg., 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial motor vehicles, chassis, buses, bodies, cabs, parts, tools,* and *accessories*, moving with motor vehicles, chassis, buses, bodies, and cabs, in initial movements, in truckway service, from Lansing, Mich., to points in Arizona, California, Colorado, Idaho, Iowa, Minnesota, Montana, Nevada, New Mexico, North Carolina, Oregon, South Carolina, Utah, Washington, and Wyoming, and the City of Memphis, Tenn. Applicant is authorized to conduct operations throughout the United States.

HEARING: March 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C. before Examiner William T. Croft.

No. MC 9895 (Sub No. 91), filed February 8, 1957, R. B. "DICK" WILSON, INC., P. O. Box 838, Denver, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid gilsonite,* and *its products and by-products,* in bulk, in tank vehicles, between points in Arizona, Colorado, Wyoming, New Mexico, Utah, Nebraska, Kansas, Oklahoma, and those in South Dakota in and west of Perkins, Meade, Pennington, Washabaugh, and Shannon Counties.

HEARING: March 5, 1957, at the New Customs House, Denver, Colo., before Examiner James C. Cheseldine.

No. MC 47171 (Sub No. 78), filed January 22, 1957, COOPER MOTOR LINES, INC., P. O. Box 2030, 301 Hammet St. Ext., Greenville, S. C. Applicant's attorney: Eugene T. Liipfert, 2001 Massachusetts Ave. NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, in connection with carrier's application in No. MC 47171 (Sub No. 77), whereby it seeks to convert the major portion of its authority to a regular route operation, (1) between the Virginia-North Carolina State Line and Columbus, Ga.; from Gaffney, S. C., over South Carolina Highway 11 to Campobello, S. C., thence over U. S. Highway 176 to Spartanburg, S. C.; from Chesnee, S. C., over U. S. Highway 221 to junction U. S. Highway 221 and South Carolina Highway 72; from Winnsboro, S. C., over South Carolina Highway 34 to Newberry, S. C.; from Liberty, S. C., over U. S. Highway 178 to Pickens, S. C.; from Clemson, S. C., over U. S. Highway 76 to Anderson, S. C.; from Westminster, S. C., over South Carolina Highway 183 to Walhalla, S. C.; from Anderson, S. C., over South Carolina Highway 81 to junction South Carolina Highway 81 and South Carolina Highway 28 near McCormick, S. C.; from Athens, Ga., over U. S. Highway 29 to Atlanta, Ga.; from Atlanta, Ga., over U. S. Highway 278 to Cedartown, Ga., thence over U. S. Highway 27 to Rome, Ga., thence over U. S. Highway 411 to junction U. S. Highway 411 and U. S. Highway 41, thence over U. S. Highway 41 to Atlanta, Ga. (also from junction U. S. Highway 41 and Georgia Highway 3 over Georgia Highway 3 to Atlanta, Ga.); from Atlanta, Ga., over U. S. Highway 41 to Griffin, Ga., thence over U. S. Highway 19 to Butler, Ga., thence over Georgia Highway 96 and U. S. Highway 80, thence over U. S. Highway 80 to Columbus, Ga.; from junction Georgia Highway 85 and Georgia Highway 18 (near Woodbury, Ga.) over Georgia Highway 18 to Greenville, Ga., thence over Georgia Highway 109 to La Grange, Ga.; from Greenville, Ga., over Alternate U. S. Highway 27 to junction Alternate U. S. Highway 27 and Georgia Highway 85; (2) between the Virginia-North Carolina State Line and Albany, Ga.; from junction of U. S. Highway 21 and South Carolina Highway 504 (near Leslie, S. C.) over South Carolina Highway 504 to junction South Carolina Highway 504 and U. S. Highway 521, thence over U. S. Highway 521 to Lancaster, S. C., thence over South Carolina Highway 200 to Winnsboro, S. C., thence over South Carolina Highway 34 to Ridgeway, S. C.; from junction of U. S. Highway 601 and South Carolina Highway 12 (near Lugoff, S. C.) over South Carolina Highway 12 to Columbia, S. C.; from junction South Carolina Highway 3 and South Carolina Highway 4 over South Carolina Highway 4 to Springfield, S. C., thence over South Carolina Highway 39 to Williston, S. C.; from Aiken, S. C., over South Carolina Highway 421 to North Augusta, S. C.; from Macon, Ga., over U. S. Highway 80 to Dublin, Ga.; from Griffin, Ga., over U. S. Highway 41 to junction U. S. Highway 41 and Georgia Highway 18, thence over Georgia Highway 18 to junction Georgia Highway 18 and Georgia Highway 87, thence over Georgia Highway 87 to Macon, Ga.; from Macon, Ga., over U. S. Highway 41 to junction U. S. Highway 41 and Georgia Highway 49, thence over Georgia Highway 49 to Fort Valley, Ga., thence over Georgia Highway 96 to Butler, Ga., thence over U. S. Highway 19 to Albany, Ga.; from junction U. S. Highway 41 and Georgia Highway 49 over U. S. Highway 41 to Cordele, Ga., thence over Georgia Highway 257 to junction Georgia Highway 257 and U. S. Highway 82, thence over U. S. Highway 82 to Albany, Ga.; from Macon, Ga., over Georgia Highway 247 to junction Georgia Highway 247 and Georgia Highway 127, thence over Georgia Highway 127 to Perry, Ga.; from Fort Valley, Ga., over Georgia Highway 49 to Americus, Ga.; from Columbus, Ga., over U. S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U. S. Highway 82 to Albany, Ga.; (3) between the Virginia-North Carolina State Line and Savannah, Ga.; from the Virginia-North Carolina State Line over U. S. Highway 17 to Charleston, S. C.; from junction U. S. Highway 301 and U. S. Highway 158 over U. S. Highway 158 to junction U. S. Highway 158 and U. S. Highway 17; from McColl, S. C., over South Carolina Highway 381 to Clio, S. C., thence over South Carolina Highway 9 to Pageland, S. C., thence

over South Carolina Highway 151 to McBee, S. C.; from Hamer, S. C., over unnumbered highway to Little Rock, S. C., thence over South Carolina Highway 9 to Nichols, S. C., thence over U. S. Highway 76 to Marion, S. C., thence over U. S. Highway 501 to junction U. S. Highway 501 and South Carolina Highway 41A, thence over South Carolina Highway 41A to junction South Carolina Highway 41A and South Carolina Highway 41; from junction U. S. Highway 378 and South Carolina Highway 41 over U. S. Highway 378 to junction U. S. Highway 378 and South Carolina Highway 51, thence over South Carolina Highway 51 to Florence, S. C.; from Hemingway, S. C., over South Carolina Highway 261 to Kingstree, S. C.; from Sumter, S. C., over U. S. Highway 521 to junction U. S. Highway 521 and South Carolina Highway 261 (near Boykin, S. C.), thence over South Carolina Highway 261 to junction South Carolina Highway 261 and U. S. Highway 76; (4) between Spartanburg, S. C., and Rock Hill, S. C.; from junction U. S. Highway 29 and South Carolina Highway 5 over South Carolina Highway 5 (near Blacksburg, S. C.) to Rock Hill, S. C.; (5) between Spartanburg, S. C., and Darlington, S. C.; from Lancaster, S. C., over U. S. Highway 521 to Camden, S. C.; from Union, S. C., over South Carolina Highway 49 to Robat, S. C.; from Darlington, S. C., over South Carolina Highway 340 to junction South Carolina Highway 340 and South Carolina Highway 403, thence over South Carolina Highway 403 to Timmonsville, S. C., thence over South Carolina Highway 53 to junction South Carolina Highway 53 and South Carolina Highway 341, thence over South Carolina Highway 341 to Olanta, S. C., thence over U. S. Highway 301 to Turberville, S. C., thence over South Carolina Highway 58 to Lynchburg, S. C., thence over U. S. Highway 76 to Mayesville, S. C., thence over South Carolina Highway 154 to junction South Carolina Highway 154 and Alternate U. S. Highway 15, thence over U. S. Highway 15A to Elliot, S. C., thence over South Carolina Highway 341 to Bethune, S. C.; from Bishopville, S. C., over U. S. Highway 15 to junction U. S. Highway 15 and unnumbered highway, thence over unnumbered highway to Lamar, S. C.; (6) between Spartanburg, S. C., and Columbia, S. C.; from junction South Carolina Highway 9 and U. S. Highway 176 over U. S. Highway 176 to Union, S. C., thence over South Carolina Highway 215 to Columbia, S. C.; (7) between Greenwood, S. C., and Charleston, S. C.; from Greenwood, S. C., over U. S. Highway 178 to junction U. S. Highway 178 and U. S. Highway 78; (8) between Greenville, S. C., and Augusta, Ga.; from Greenville, S. C., over U. S. Highway 25 to Augusta, Ga.; from Greenwood, S. C., over U. S. Highway 221 to McCormick, S. C.; from Hodges, S. C., over South Carolina Highway 185 to junction South Carolina Highway 185 and South Carolina Highway 203, thence over South Carolina Highway 203 to Abbeville, S. C., thence over South Carolina Highway 28 to Augusta, Ga.; from junction U. S. Highway 29 and South Carolina Highway 20 over South Carolina Highway 20 to Belton, S. C., thence over U. S. Highway 178 to Donalds, S. C., thence over South Carolina Highway 184 to Due West, S. C., thence over South Carolina Highway 20 to Abbeville, S. C.; (9) between McCormick, S. C., and Columbia, S. C.; from McCormick, S. C., over U. S. Highway 378 to Columbia, S. C.; from Saluda, S. C., over South Carolina Highway 39 to Ridge Spring, S. C., thence over South Carolina Highway 23 to Edgefield, S. C.; and return over the same routes, serving the termini and intermediate points on the above-described regular routes in South Carolina and Georgia; the off-route points of Brunson, Cordova, Eastover, Elloree, Eutawville, Furman, Gilbert, Greeleyville, Hampton, Irmo, Jackson, Lando, Miley, Millettville, New Zion, Ninety Six, Pomaria, Rion, Salley, and Wilson, S. C., and those points in South Carolina other than regular route points, north and west of South Carolina Highway 72, restricted to traffic originating and terminating north of the Virginia-North Carolina State Line, or in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort and Jasper Counties, S. C., the intermediate points of Greensboro, Salisbury, Kannapolis, Concord, Charlotte, Gastonia, Rockingham, Rich Square, Rocky Mount, Fuqua-Varina, Lillington, Dunn and Fayetteville, N. C.; and the off-route points of Marion, Morganton, Durham, Roanoke Rapids, Greenville, Snow Hill, Kinston, Smithfield, Warsaw and Clinton, N. C., restricted to traffic originating north of the Virginia-North Carolina State Line; (10) between New York, N. Y., and the Virginia-North Carolina State Line; from Elizabeth, N. J., over New Jersey Highway 27 to Princeton, N. J., thence over New Jersey Highway 539 to junction New Jersey Highway 539 and U. S. Highway 1; from New York, N. Y., over New York Highway 24 to the New York-New Jersey State Line, thence over New Jersey Highway 3 to junction New Jersey Highway 3 and U. S. Highway 46; from junction U. S. Highway 1 and U. S. Highway 46 over U. S. Highway 46 to junction U. S. Highway 46 and New Jersey Highway 23, thence over New Jersey Highway 23 to Montclair, N. J.; from junction New Jersey Highway 3 and New Jersey Highway 17 over New Jersey Highway 17 to Hohokus, N. J.; from junction U. S. Highway 1 and New Jersey Highway 4 over New Jersey Highway 4 to junction New Jersey Highway 4 and New Jersey Highway 17; from New Brunswick, N. J., over New Jersey Highway 18 to junction New Jersey Highway 18 and New Jersey Highway 28, thence over New Jersey Highway 28 to Somerville, N. J.; from South Amboy, N. J., over New Jersey Highway 35 to Asbury Park, N. J., thence over New Jersey Highway 33 to Freehold, N. J., thence over New Jersey Highway 9 to junction New Jersey Highway 9 and U. S. Highway 1; from junction U. S. Highway 1 and New Jersey Highway 501 over New Jersey Highway 501 to junction New Jersey Highway 501 and New Jersey Highway 440, thence over New Jersey Highway 440 to the New Jersey-New York State Line, thence over New York Highway 440 to Staten Island, N. Y.; from junction New Jersey Highway 27 and New Jersey Highway 531 over New Jersey Highway 531 to junction New Jersey Highway 531 and New Jersey Highway 509, thence over New Jersey Highway 509 to junction New Jersey Highway 509 and U. S. Highway 22, thence over U. S. Highway 22 to junction U. S. Highway 22 and U. S. Highway 1; from junction New Jersey Highway 509 and New Jersey Highway 28 over New Jersey Highway 28 to Elizabeth, N. J.; from Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa.; from Philadelphia, Pa., over U. S. Highway 30 to Downington, Pa.; from Washington, D. C., over Virginia Highway 350 to junction Virginia Highway 350 and U. S. Highway 1; from Norfolk, Va., over U. S. Highway 17 to the Virginia-North Carolina State Line, and return over the same routes, serving the intermediate points of New York, N. Y., Trenton and Camden, N. J., Philadelphia and Bristol, Pa., Wilmington and Cheswold, Del., Baltimore, Md., Washington, D. C., Richmond, Norfolk, Suffolk, Fredericksburg, Petersburg, Franklin, South Boston and Danville, Va., and Biglerville and York, Pa., Cumberland, Md., Roanoke, Victoria, Lynchburg, Farmville, Lester Manor, Warrenton, Madison Heights, Culpeper, Smithfield, and Windsor, Va., points in New Jersey and New York within 25 miles of New York, N. Y., and points in Pennsylvania on and south of U. S. Highway 30 within 25 miles of Philadelphia, as off-route points, restricted to traffic moving to and from authorized points in South Carolina or Georgia, and from the above-described points only to authorized points in North Carolina. IRREGULAR ROUTES: (11) between Atlanta, Columbus, Macon, Albany, Augusta, and Savannah, Ga., on the one hand, and, on the other, all points and places in Georgia other than those located on authorized regular routes; (12) between points in Charleston, Georgetown, Horry, Berkeley, Dorchester, Colleton, Beaufort, and Jasper Counties, S. C.

NOTE: This application supplements and is coordinated with application in No. MC 47171 (Sub No. 77) as amended, filed July 3, 1956, and republished in the August 1, 1956 issue at page 5759. Any duplication of authority sought in the applications will be eliminated at the hearing and should be construed as seeking but one operating right. These applications are directly related to and will be processed concurrently with No. MC-F 6330, published in the July 18, 1956 issue at page 5396, Ryder System, Inc.—Control—Cooper Motor Lines, Inc.

HEARING: May 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., on a consolidated record with No. MC-47171 Sub 77 and No. MC-F 6330, before Examiner Robert H. Murphy.

No. MC 54435 (Sub No. 27), filed February 4, 1957, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Blvd., Dearborn, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value. Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of General Motors Corporation Euclid Division, located near Hudson, Ohio, on Ohio Highway 91, as an off-route point in connection with applicant's regular route operations (1) between Cleveland, Ohio, and Akron, Ohio, via U. S. Highway 21 and Ohio Highway 18; (2) between Cleveland, Ohio, and Youngstown, Ohio, via U. S. Highway 422; and (3) to and from Cleveland, Ohio, and the Cleveland, Ohio, Commercial Zone.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 56244 (Sub No. 19), filed February 1, 1957, KUHN TRANSPORTATION COMPANY, INC., R. D. #2, Gardners, Pa. Applicant's attorney: John W. Frame, 603 North Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, and *Vinegar*, from Berryville and Front Royal, Va., to points in Illinois, Indiana, Iowa, Michigan, Missouri and Ohio. Applicant is authorized to transport similar commodities in the States of Maryland, Pennsylvania, Ohio, West Virginia, New Jersey, New York, Illinois, Indiana, Kentucky, and Michigan.

HEARING: March 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 99034 (Sub No. 1), filed February 5, 1957, CALORE EXPRESS CO., INC., 312 Canal Street, Providence, R. I. Applicant's representative: Russell B. Curnett, 49 Weybosset Street, Providence, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat products, meat byproducts*, and *dairy products*, as described by the Commission, from Providence, R. I., to points in Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

HEARING: March 27, 1957, in Room 308, Main Post Office Bldg., Providence, R. I., before Joint Board No. 232.

No. MC 106437 (Sub No. 4), filed January 17, 1957, JULIUS CROLLE, doing business as CROLLE TRUCKING, Dale Road, Wanaque, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Used electrical supplies and equipment*, including but not limited to electric meters and transformers, uncrated, from New York, N. Y., and points in Westchester, Putnam, Orange, Rockland, Suffolk, and Nassau Counties, N. Y., and those in Fairfield, New Haven, Hartford, Litchfield, Conn., to Oak Ridge, N. J., and *used electrical supplies and equipment*, including but not limited to electric meters and transformers, from Oak Ridge, N. J., to points in Hudson and Essex Counties, N. J., and New York, N. Y.

HEARING: March 22, 1957, at 45 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 106621 (Sub No. 19), filed February 9, 1957, MELTON TRANSPORT COMPANY, a Corporation, P. O. Box 1163, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude shale oil*, and *its products and by-products*, in bulk, and *oil shale products and by-products*, in bulk, between points in Colorado, Utah, Idaho, Wyoming, Nebraska, and South Dakota.

HEARING: March 1, 1957, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 107515 (Sub No. 250), filed February 1, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Ave., SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, Grant Bldg., Atlanta, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and packing house products*, as defined by the Commission, (1) from Green Bay, Wis., to points in North Carolina and South Carolina; and (2) from Danville, Ill., to points in North Carolina, South Carolina and Georgia. Applicant is authorized to transport similar commodities in Georgia, Tennessee, North and South Carolina, Florida, Alabama, Mississippi, Louisiana, Wisconsin, Missouri, Texas, Ohio, Minnesota, Iowa, Illinois, Oklahoma, and Kansas.

HEARING: April 1, 1957, at Peachtree-Seventh Bldg., 50 Seventh St. NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 109677 (Sub No. 12), filed February 1, 1957, FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N. Y. Applicant's attorney: Harold G. Hernly, 1624 Eye St. NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Bichromate of Soda*, in bulk, in tank vehicles, from Baltimore, Md., to the ports of entry of Rouses Point, N. Y. and Champlain, N. Y., at or near the International Boundary line between the United States and Canada. Applicant is authorized to transport similar commodities from Glens Falls, N. Y., to the point of entry of Rouses Point, N. Y. on said International Boundary Line.

HEARING: March 22, 1957, at 45 Broadway, New York, N. Y., before Examiner Charles H. Riegner.

No. MC 110190 (Sub No. 42), filed February 5, 1957, PENN-DIXIE LINES, INC., P. O. Box 42, 2000 S. George St., York, Pa. Applicant's attorney: Christian V. Graf, 11 N. Front St., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Virginia and West Virginia to points in Louisiana, Mississippi, and Texas. Applicant is authorized to conduct operations in Pennsylvania, Alabama, Georgia, Florida, Maryland, New Jersey, Louisiana, Mississippi, Texas, and New York.

HEARING: March 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 111940 (Sub No. 15), filed February 8, 1957, SMITH'S TRUCK LINES, P. O. Box 88, Muncy, Pa. Applicant's attorney: Rhoads, Sinon & Reader, State Street Bldg., Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, from points in McKean and Warren Counties, Pa., to points in the Baltimore, Md., Commercial Zone, Pocomoke City, Md., Dover, Milford and Selbyville, Del., and points in the Washington, D. C., Commercial Zone, and *empty containers* used in transporting the above commodities on return. Applicant is authorized to transport similar commodities in Pennsylvania, Maryland, and the District of Columbia.

HEARING: March 27, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

No. MC 112020 (Sub No. 25), filed January 7, 1957, COMMERCIAL OIL TRANSPORT, 1030 Stayton St., Fort Worth, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First Nat'l Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, oils*, and *greases, products and blends thereof*, other than petroleum and petroleum products and blends thereof, in bulk, in tank vehicles, between points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, Texas, Illinois, Indiana, New Mexico, Kentucky, Tennessee, South Dakota, Minnesota, and Wisconsin. Applicant is authorized to transport similar commodities in Louisiana, Arkansas, Oklahoma, Texas, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Michigan, Ohio, New York, Kentucky, and Tennessee.

NOTE: Duplicate authority should be eliminated.

HEARING: April 16, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Gerald F. Colfer.

No. MC 112713 (Sub No. 67), filed December 31, 1956, YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding livestock, household goods as defined by the Commission, and commodities in bulk, between Dallas, Tex., and Beaumont, Tex., from Dallas over U. S. Highway 175 to Jacksonville, Tex., thence over U. S. Highway 69 to Beaumont, and return over the same route, serving no intermediate points, but serving Dallas, Tex., for joinder purposes only, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Dallas, Tex., and Beaumont, Tex., over U. S. Highways 75, 77, 81, and 90. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, Oklahoma, and Texas.

HEARING: April 15, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its

right to participate, before Examiner Gerald F. Colfer.

No. MC 113624 (Sub No. 10), filed February 8, 1957, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, 526 Denahm Bldg., Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Crude shale oil*, and *its products and by-products*, in bulk, and (2) *oil shale products and by-products*, in bulk, between points in Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona.

HEARING: March 1, 1957, at the New Customs House, Denver, Colo., before Examiner James I. Carr.

No. MC 114360 (Sub No. 4), filed February 5, 1957, SOUTHERN EXPRESS CO., a Corporation, 3333 South Cicero Avenue, Cicero, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division plant located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Youngstown, Ohio, over U. S. Highways 62 and 422, and Ohio Highways 8 and 18, and between Cleveland and Montrose, Ohio, over U. S. Highway 21. Applicant is authorized to conduct operations in Illinois, Indiana and Ohio. Under MC–FC 31512 SOUTHERN EXPRESS CO. is leasing operating rights in Certificate No. MC 105801 issued in the name of I. H. Langenderfer and M. M. Langenderfer, doing business as SOUTHERN EXPRESS, to expire December 19, 1957.

HEARING: March 6, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 115186 (Sub No. 2), filed December 12, 1956, RAY E. RAMSEY, doing business as RAMSEY TRUCKING COMPANY, 1 Mile Combes Highway, Box 1065, Harlingen, Tex. Applicant's attorney: Donald A. Hitchcock, 4559 Boyce, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, as more fully described in the application, and *oil, water and gas well equipment outfits and supplies*, as more fully described in the application, from Atlanta, Ga., and Birmingham, Ala., to points in Texas.

HEARING: April 5, 1957, at the Federal Office Bldg., Franklin & Fannin Streets, Houston, Tex., before Examiner Gerald F. Colfer.

No. MC 115841 (Sub No. 14), filed February 1, 1957, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Ave. North, P. O. Box 2169, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods* and *packaged foods*, from points in Delaware, Maryland, New Jersey, Pennsylvania, and those in Accomac and Northampton Counties, Va. to points in Alabama, Kentucky, and Tennessee.

HEARING: March 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 116077 (Sub No. 16), filed December 10, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews, 1020 Brown Bldg., Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles on call and demand service, from points in East Baton Rouge Parish, La., to points in Texas.

HEARING: April 1, 1957, at the Federal Office Bldg., Franklin & Fannin Streets, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 116077 (Sub No. 17), filed December 26, 1956, ROBERTSON TANK LINES, INC., 5700 Polk Ave., P. O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews, Brown Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from West Port Arthur, Tex., to the site of the Colorado Interstate Gas Co., Clayton Compressor Station, near Clayton, New Mexico. Applicant is authorized to transport bulk commodities in tank vehicles (not including commodity here sought) in Louisiana, Arkansas, Mississippi, Oklahoma, and Texas.

HEARING: April 3, 1957, at the Federal Office Bldg., Franklin & Fannin Streets, Houston, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 116353 (Clarifying amendment), filed December 17, 1956, NORMAN E. ADKINS, 2796 Emmons Avenue, Huntington, W. Va., published page 336, issue of FEDERAL REGISTER January 16, 1957. For authority to operate as a *contract carrier*, over irregular route, under special and individual contracts or agreements with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate retail chain and mail order departments stores, the business of which is the sale of *general merchandise, of such merchandise as is dealt in by such stores*, in retail delivery service, from Huntington, W. Va., to points in Lawrence, Gallia, Meigs, and Scioto Counties, Ohio, and Boyd, Carter, Greenup and Lawrence Counties, Ky., and *damaged and defective shipments* of the above-described merchandise, on return.

HEARING: Remains as assigned, March 8, 1957, at U. S. Court Rooms, Charleston, W. Va., before Joint Board No. 62.

No. MC 116372, filed January 4, 1957, ROLAND LOWE ROGERS, Box 644, Jaffrey, N. H. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, in railway express service, moving on express waybills only, between Gardner, Mass., and Peterborough, N. H., from Gardner over Massachusetts Highway 140 to the junction of Massachusetts Highway 12, thence over Massachusetts Highway 12 to Winchendon, Mass., thence over U. S. Highway 202 to Peterborough, N. H., and return over the same route, serving the intermediate points of Rindge and Jaffrey, N. H., and the off-route points of Harrisville, N. H. and Ashburnham, Mass.

NOTE: Applicant states that he is employed by Railway Express Agency, as agent at Jaffrey, N. H.

HEARING: March 28, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 20.

No. MC 116391, filed January 22, 1957, CEMENT TRANSPORTS, INC., 305 Simons Building, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Packaged cement*, from Maryneal, Tex., to points in New Mexico.

HEARING: April 15, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Gerald F. Colfer.

No. MC 116392, filed January 22, 1957, LEONEL PLOURDE, Caribou, Maine. Applicant's representative: George L. Bowles, 402 Clapp Memorial Bldg., Portland, Maine. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Commercial fertilizer*, in bags, and *fertilizer materials*, from North Weymouth, Mass. and Hermone, Maine, to points in Aroostook County, Maine on and north of a line commencing at the International Boundary between the United States and Canada at or near Maple Grove, Maine and extending west along Maine Highway 163 to Ashland, Maine, and on and east of Maine Highway 11 from Ashland to the International Boundary between the United States and Canada.

HEARING: March 29, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 69.

MOTOR CARRIERS OF PASSENGERS

No. MC 1504 (Sub No. 136), filed January 25, 1957, ATLANTIC GREYHOUND CORPORATION, 1100 Kanawha Valley Bldg., Charleston, W. Va. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Ave. NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) between Fort Jackson, S. C., and junction U. S. Highway 76 and unnumbered highway, known as Wildcat Road, from Fort Jackson over South Carolina Highway 760 to junction unnumbered highway, known as Wildcat Road, thence over said Wildcat Road to junction U. S. Highway 76, and return over the same route, serving all intermediate points, and (2) between Fort Jackson, S. C., and junction U. S. Highway 76 and South Carolina Highway 760, over South Carolina Highway 760, serving all intermediate points, together with *MOTION TO DETERMINE* in this proceeding whether applicant's existing authority includes the authority sought and *TO DISMISS THE APPLICATION* upon grounds applicant already has authority sought. Applicant is authorized to conduct operations in Florida, Georgia, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant's attorney states: "Applicant has been conducting the proposed operations for many years and has construed its present authority to include the right to do so. This is a precautionary application to continue to serve Fort Jackson, S. C."

HEARING: April 1, 1957, at the U. S. Court Rooms, Columbia, S. C., before Joint Board No. 177, or if the Joint Board waives its right to participate, before Examiner T. Kinsey Carpenter.

No. MC 95603 (Sub No. 2), filed January 22, 1957, ERNEST T. VOCELL, JR. AND JOSEPH T. VOCELL, doing business as VOCELL BUS COMPANY, Boston Rd., Billerica, Mass. Applicant's representative: Joseph A. Kline, 185 Devonshire St., Boston, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special-service round-trip operations between the points of Winchester, Woburn, Burlington, Billerica, Wilmington, Tewksbury, Lowell, Chelmsford, and Dracut, Mass., on the one hand, and, on the other, the points of Pelham, Derry, Nashua, and Hudson, N. H. Applicant is authorized to conduct operations in Massachusetts and New Hampshire, and states that in regular service it is authorized to serve substantially all the origin points named herein. Applicant further states that these proposed special operations will be limited to passengers participating in Beano and Bingo games.

HEARING: April 1, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 20.

No. MC 99422 (Sub No. 1), filed November 1, 1956, CHARLES A. STURGES, JR., doing business as TRANS-PECOS LINES, P. O. Box 877, Pecos, Tex. Applicant's attorney: Charles D. Mathews, 1020 Brown Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, (1) from Pecos, Tex., to Presidio, Tex., as follows: from Pecos over Texas Highway 17 to Fort Davis, Tex., thence over Texas Highway 118 to Alpine, Tex., thence over U. S. Highway 67, via Marfa, Tex., to Presidio, and return over the same route, serving all intermediate points; and (2) from Odessa, Tex., to Alpine, Tex., as follows: from Odessa over Texas Highway 51 to McCamey, and thence over U. S. Highway 67 to Alpine, and return over the same routes, serving all intermediate points.

NOTE: Applicant is performing operations between Pecos, Tex., and Presidio, Tex., via Fort Davis, Alpine, and Marfa, Tex., over Texas Highways 17 and 118 and U. S. Highway 67, under the second proviso of section 206 (a) under MC 99422, and proposes to cancel the filing upon the granting of the proposed application.

HEARING: March 29, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Lucian A. Jackson.

CLARIFICATION AND CORRECTION

No. MC 115665 (Sub No. 1), REPUBLISHED, filed January 5, 1956, published in March 7, 1956 issue FEDERAL REGISTER, page 1476, F. H. TOMPKINS, JR., doing business as BOX BAR TRANSPORTATION, P. O. Box 31, Aztec, N. Mex. Applicant's attorney: Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes. Through inadvertence the summary of the authority sought in this application was not accurately set forth in the prior publication. The authority sought in the application, as amended February 23, 1956, is:

Water and *hydraulic fracturing fluids*, and *crude oil*, in bulk, in tank vehicles, between points in that part of Utah bounded on the north by the north boundary of Grand and Emery Counties to junction of north Emery County Line with U. S. Highway 50 and 6, thence the area on south and west of U. S. Highway 50 and 6 to its junction with U. S. Highway 89 and that area on and east of U. S. Highway 89 to the Utah-Arizona State line, that portion of Arizona on and east of U. S. Highway 89 and on and north of U. S. Highway 66 to the Arizona-New Mexico State Line, the counties of San Juan, Sandoval, Rio Arriba and McKinley, State of New Mexico, and the counties of Rio Blanco, Garfield, Mesa, Delta, Montrose, Ouray, San Miguel, Dolores, San Juan, Montezuma, Archuleta, Conejos, Costilla, Alamosa, Rio Grande, Mineral, Hinsdale, Saguache, Gunnison, Chaffee, Pitkin, Eagle, Park, Fremont, Custer, Huerfano, Las Animas, Pueblo, Teller, El Paso, and La Plata, State of Colorado.

Division 1 of the Commission in the report of January 4, 1957, authorized the issuance of a certificate to applicant as follows:

Water and *hydraulic fracturing fluids*, in bulk, in tank vehicles, between points in the following described territory: Points in San Juan, Rio Arriba, Sandoval, and McKinley Counties, N. Mex., points in Arizona on and north of U. S. Highway 66 from the New Mexico-Arizona State line through Holbrook to junction with U. S. Highway 89 at a point 4 miles east of Flagstaff, and those on, east and north of U. S. Highway 89 from the aforesaid junction through Marble Canyon to the Arizona-Utah State line, points in Utah on and east of U. S. Highway 89 from the Arizona-Utah State line through Panguitch to Salina, those on, south and east of Utah Highway 10 from Salina through Castle Dale to the northern boundary of Emery County, and those south of the northern boundaries of Emery and Grand Counties, Utah from the aforesaid junction with Utah Highway 10 to the Utah-Colorado State line, and points in Colorado on and south of U. S. Highway 50 from the Utah-Colorado State line through Grand Junction and Gunnison to junction with U. S. Highway 285 at a point 5 miles west of Salida, and those on and west of U. S. Highway 285 from the aforesaid junction through Alamosa to the Colorado-New Mexico State line.

An appropriate certificate will be issued to perform the service authorized by Division 1 after the elapse of 30 days from the date of this publication provided no protests and petitions for further hearing are received during such period.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 37563 (Sub No. 8), filed January 7, 1957, TILLAMOOK-PORTLAND AUTO FREIGHT, INC., 2703 Third St., Tillamook, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Portland, Oreg., and junction of new Oregon Highway 6 and Oregon Highway 6, from Portland over U. S. Highway 26 to junction of new Oregon Highway 6 three miles northwest of North Plains, Oreg., thence over new Oregon Highway 6 to junction with Oregon Highway 6 between Gales Creek and Glenwood, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route between Portland and Tillamook over Oregon Highway 6. Applicant is authorized to transport similar commodities in Oregon.

No. MC 92983 (Sub No. 200), filed February 8, 1957, ELDON MILLER, INC., 330 East Washington St., Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes transporting: *Spent sulphuric acid*, in bulk, in tank vehicles, from Sugar Creek, Mo., to the site of the Sunflower Ordinance Works near De Soto, Kansas. Applicant is authorized to transport similar commodities in Kansas, Missouri, Nebraska, Iowa, Wisconsin, Minnesota, Illinois, Oklahoma, Kentucky, Louisiana, Texas, Mississippi, West Virginia, Ohio, Indiana, Arkansas, Colorado, North and South Dakota, Tennessee, Alabama, and Georgia.

No. MC 102616 (Sub No. 633), filed February 4, 1957, COASTAL TANK LINES, INC., Grantley Rd., York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye St., NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Industrial lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa. to Portsmouth, Ohio. Applicant is authorized to conduct operations in Maryland, Pennsylvania, West Virginia, Delaware, Virginia, New Jersey, New York, Ohio, and the District of Columbia.

No. MC 113312 (Sub No. 6), filed November 5, 1956, LESTER F. MEYER, doing business at PIONEER BULK CARRIERS, 10 Clayton Blvd., Smyrna, Del. Applicant's representative: G. A. Bruestle, S. E. Cor. Broad & Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sul-*

phate of ammonia, in bulk, in dump vehicles, from Bristol, Pa., to Centreville, Md., and Laurel and Smyrna, Del. Issues originally published in the February 13, 1957, issue of the FEDERAL REGISTER. The hearing previously assigned in the application was cancelled upon the filing of verified statements on behalf of applicant.

No. MC 114004 (Sub No. 12) filed January 23, 1957, ARKANSAS TRUCKING CO., INC., P. O. Box 1715, 832 Basline Rd., Little Rock, Ark. Applicant's attorney: Ed E. Ashbaugh, 902 Wallace Bldg., Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers designed to be drawn by passenger automobiles*, in truckaway service, in initial movements, from Camden, Ark. and points within a ten (10) mile radius of Camden, to points in Arizona, California, Connecticut, Idaho, Illinois, Iowa, Maine, Maryland, Massachusetts, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, Wisconsin, Wyoming, and those in Michigan, except Flint, Detroit, and Mt. Clemons, Mich. Applicant is authorized to transport the named commodity from Jacksonville and New Port, Ark. and points within nine miles of Newport to points in the United States.

No. MC 116375, filed January 11, 1957, CHARLES BUCKEL, 1290 I Street, Springfield, Oreg. Applicant's attorney: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from points in Lane and Linn Counties, Oreg., to points in Nevada.

No. MC 116419, filed February 1, 1957, ALBERT CAPONE TRUCKING, INC., 186 Front St., New York 38, N. Y. Applicant's representative: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Record changer machines*, and parts of and *speakers* for record changer machines, and *solder*, from steamship piers in the New York, N. Y. Commercial Zone as defined by the Commission, to plant site of British Industries Corporation, Port Washington, L. I., N. Y.

APPLICATIONS FOR BROKERAGE LICENSE

No. MC 12635 (Sub No. 1), filed November 29, 1956, D. T. O'NEAL, doing business as O'NEAL TRAVEL SERVICE, 812 Olive Street, 286 Arcade Bldg., St. Louis 1, Mo. For a license (BMC 5) authorizing operations as a *broker* at St. Louis, Mo., in arranging for transportation in interstate or foreign commerce, by motor vehicle and by rail service and joint motor vehicle and rail service, of *groups of passengers*, in charter service, in round-trip all expense tours, beginning and ending at St. Louis, Mo., and extending to points in Illinois, Indiana and Missouri.

NOTE: Applicant states he arranges one-day group tours for schools, scouts, clubs and other organizations, and that most of the tours are arranged for school children in the St. Louis, Mo., area and are personally conducted.

No. MC 12653, filed January 7, 1957, STEPHEN J. WILSON, Fort Plain, R. D. #1, N. Y. For a license (BMC 5) authorizing operations as a broker at Fort Plain, N. Y., in arranging for the transportation, in interstate or foreign commerce, by motor vehicle and by joint arrangements between motor and rail lines and/or water carriers, of *passengers* and *groups of passengers* and their *baggage*, in the same vehicle, in special or charter service, in round-trip sightseeing tours, beginning and ending at points in that part of New York State on and east of a line beginning at Clayton, N. Y. on the St. Lawrence River and extending along New York Highway 12 through Utica to Binghamton, and on and north of a line beginning at Binghamton and extending along New York Highway 7 to junction U. S. Highway 20, thence along U. S. Highway 20 to the New York-Massachusetts state line, and extending to points in the United States.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6503. Authority sought for control by OLD DOMINION FREIGHT LINE, 903 Catherine Street, Richmond, Va., of BOTTOMS-FISKE TRUCK LINES, INC., Westchester Drive, High Point, N. C., and for acquisition by L. F. CONGDON, also of Richmond, of control of BOTTOMS-FISKE TRUCK LINES, INC., through the acquisition by OLD DOMINION FREIGHT LINE. Applicant's representative: Francis W. McInerny, 504 Commonwealth Bldg., Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Charlotte, N. C., and Martinsville and Norfolk, Va., between Weldon, N. C., and Emporia, Va., between Durham, N. C., and Murfreesboro, N. C., between Greensboro, N. C., and Franklin, Va., and between Charlotte, N. C., and Greenville, S. C. (the last-named route restricted to truckload lots only), serving certain intermediate and off-route points; alternate route for operating convenience only between High Point, N. C., and Madison, N. C. OLD DOMINION FREIGHT LINE is authorized to operate as a *common carrier* in Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6507. Authority sought for purchase by BRASWELL MOTOR FREIGHT LINES, INC., 201 Raynolds Blvd., El Paso, Texas, of the operating rights of J. V. BRASWELL, doing business as BRASWELL MOTOR FREIGHT LINES, 201 Raynolds Blvd., El Paso, Texas, and for acquisition by J. V. BRASWELL, also of El Paso, of control of such rights through the purchase. Applicants' representatives: T. S. Christopher and M. Ward Bailey, both of 907 Continental Life Bldg., Fort Worth, Texas. Operating rights sought to be transferred: *General commodities*, with certain exceptions excluding household goods and including commodities in bulk, as a *common carrier* over regular routes, between San Antonio, Tex., and Los Angeles, Calif., and between junction Arizona Highways 84 and 87 west of Picacho, and junction U. S. Highway 80 and Arizona Highway 84, east of Gila Bend, serving certain intermediate and off-route points; alternate route for operating convenience only between Las Cruces, N. Mex., and El Paso, Tex.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Dallas, Tex., and El Paso, Tex., between Weatherford, Tex., and Ranger, Tex., between San Antonio, Tex., and Van Horn, Tex., and between Houston, Tex., and San Antonio, Tex., serving certain intermediate and off-route points; alternate routes for operating convenience only between Houston, Tex., and the junction of U. S. Highway 90 and Texas Farm Road 102, about three miles east of Columbus, Tex., and between Dallas, Tex., and Fort Worth, Tex.; *general commodities*, with certain exceptions including neither household goods nor commodities in bulk, between Houston, Tex., and Dallas, Tex., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in California, Arizona, New Mexico, and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6508. Authority sought for purchase by LEWIS CARTAGE LIMITED, 1531 Keele Street, Toronto, Ontario, Canada, of a portion of the operating rights of P. J. GARVEY CARTING & STORAGE, INC., 86 East North Street, Buffalo, N. Y., and for acquisition by HELEN L. MOORE, also of Toronto, of control of such rights through the purchase. Applicants' representative: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in Buffalo, N. Y., and between Buffalo and Depew, N. Y., on the one hand, and, on the other, ports of entry on the boundary of the United States and Canada, at Buffalo and Niagara Falls, N. Y. Vendee is authorized to operate as a *contract carrier* in New York, Pennsylvania, and Ohio. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6509. Authority sought for control by JAMES F. BLACK, 3618 Pulaski Highway, Baltimore, Md., of COLONY MOTOR TRANSPORTATION, 3641 Pulaski Highway, Baltimore, Md., and PARKVILLE TRUCKING CO., INC., 3618 Pulaski Highway, Baltimore, Md. Applicant's representative: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. Operating rights sought to be controlled: (COLONY MOTOR TRANSPORTATION) *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between New York, N. Y., and certain points in New Jersey on the one hand, and, on the other, Philadelphia, Pa., and New York, N. Y., and points in New York within 50 miles of New York, N. Y., and between New York, N. Y., and certain points in New Jersey on the one hand, and, on the other, Providence and Westerly, R. I., New Castle and Wilmington, Del., Baltimore, Md., Washington, D. C., Boston, Mass., and points in Massachusetts within 25 miles of Boston, points in New Jersey and Connecticut, and those in that part of Pennsylvania east of the Susquehanna River. PARKVILLE TRUCKING CO., INC., holds no authority from the Interstate Commerce Commission but has applied, in MC-FC 59517, for the purchase of the following authority issued or authorized to JAMES F. BLACK, doing business as PARKVILLE TRUCKING COMPANY: *Green animal hides, slaughterhouse offal*, and *dead animals* and *empty containers* for the above-specified commodities, as a *common carrier* over irregular routes, between points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and the District of Columbia; *animal hides*, from Baltimore, Md., to Endicott, N. Y.; *chemicals in bulk*, from Baltimore, Md., to Coatesville, Marcus Hook and Philadelphia, Pa., Linden, N. J., and Washington, D. C., and from Linden and Jersey City, N. J., and Marcus Hook and Chester, Pa., to Baltimore, Md.; *sulphuric acid*, in bulk, in tank vehicles, between Baltimore, Md., on the one hand, and, on the other, points on Long Island, N. Y., and points in New Jersey; *glass sand*, in bulk, from Graddelli, N. J., and Cleveland, Ohio, and points within five miles of Cleveland, to Baltimore, Md.; *alum*, in bulk and in burlap bags, between Baltimore, Md., on the one hand, and, on the other, York, Pa., points in Virginia on and east of U. S. Highway 1, all points in Delaware, and those in New Jersey except Warners, N. J.; *salt*, from Ludlowville, Silver Springs and Watkins Glen, N. Y., to points in Delaware, Maryland, Virginia, and the District of Columbia; *alum*, in bulk, from Baltimore, Md., to Batavia, Brockport, Fairport, Leroy, and Westfield, N. Y., and points in Ohio; *hydrofluosilicic acid*, in bulk, in tank vehicles, from Carneys Point, N. J., to Baltimore, Md.; *silica gel catalyst*, in bulk, in covered-hopper vehicles, from Baltimore, Md., to Delaware City, Del., Westville, N. J., and Yorktown, Va. JAMES F. BLACK holds no authority from this Commission except as described above. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6512. Authority sought for purchase by MARION TRUCKING COMPANY, INC., 1620 Factory Avenue, Marion, Ind., of a portion of the operating rights and certain property of KILE'S MOTOR EXPRESS, INC., 28 East Pearl Street, Batesville, Ind., and for acquisition by RALPH MARCUCCILLI and THOMAS MARCUCCILLI, both of Marion, and S. G. WRIGHT, Upland, Ind., of control of such rights and property through the purchase. Applicants' representatives: Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind., Ferdinand Born, 708 Chamber of Commerce Bldg., Indianapolis, Ind., and James E. Wilson, Continental Bldg., 14th at K Streets NW., Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Indianapolis, Ind., and Cincinnati, Ohio, serving all intermediate and certain off-route points; alternate route for operating convenience only between Penntown, Ind., and Cincinnati, Ohio. Vendee is authorized to operate under the second proviso of section 206 (a) (1) of the Interstate Commerce Act as a *common carrier* in the State of Indiana. Application has not been filed for temporary authority under section 210a (b).

NOTE: This application directly related to Form BMC 78 application of MARION TRUCKING COMPANY, INC., Marion, Ind., received February 14, 1957, and assigned Docket No. MC 97183 Sub 10, which will be published in a forthcoming issue of the FEDERAL REGISTER.

No. MC-F 6513. Authority sought for purchase by SANDERS MOTOR FREIGHT, INCORPORATED, 44 Liberty Street, Oakland, Md., of a portion of the operating rights of BOYER TRANSPORTATION COMPANY, INCORPORATED, Knoxville, Md., and for acquisition by FRANCIS W. SANDERS, also of Oakland, of control of such rights through the purchase. Applicants' representative: H. Charles Ephraim, 1001 15th Street NW., Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Petersville, Md., and Washington, D. C., between Washington, D. C., and Petersville, Md., and between Petersville, Md., and Baltimore, Md., serving certain intermediate and off-route points; *milk*, between Knoxville, Md., and junction Virginia Highways 287 and 7, and from Halltown, W. Va., to Washington, D. C., serving certain intermediate and off-route points; *equipment used on dairy farms, empty milk cans*, and *butter*, from Washington, D. C., to Halltown, W. Va., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, over irregular routes between points in that part of Maryland, Virginia, and West Virginia within ten miles of Petersville, Md., including Petersville; *ice, lubricating oil and grease, fruit, fertilizer, agricultural commodities, poultry, livestock, lime, crushed stone, flour, cracker meal, coal, petroleum products*, in containers, *scrap paper, junk metal, furniture, house furnishings, automobile accessories, furniture*, and *bakery products*, from, to or between points and areas, varying with the commodity transported, in West Virginia, Pennsylvania, Maryland, Virginia, New Jersey, Delaware, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in West Virginia, Maryland, Pennsylvania, Virginia and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6515. Authority sought for purchase by THOMAS WOODWORTH, SR., 2110 Lake Street, Kalamazoo, Mich., of the operating rights and property of THOMAS E. GRIFFIN, doing business as GREAT LAKES TRUCKING COMPANY, 855 South Telegraph Road, Monroe, Mich. Applicants' representative: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be transferred: *Wax paper, panel boards*, finished or unfinished, and *raw material used in the manufacture thereof*, as a *contract carrier* over regular routes between Detroit, Mich., and Toledo, Ohio, serving the intermediate point of Monroe, Mich., and off-route points within ten miles of Detroit; *paper* and *paper products*, over irregular routes, between Monroe, Mich., on the one hand, and, on the other, points in Ohio. Vendee holds no authority from the Interstate Commerce Commission, but is affiliated, through stock ownership, with GRAFF TRUCKING COMPANY, INC., which is authorized to operate as a *common carrier* in Michigan, Kentucky, Missouri, Iowa, Ohio, Indiana, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 6511. Authority sought for purchase by THE OHIO BUS LINE COMPANY, Room 451, 309 Vine Street, Cincinnati 2, Ohio, of the operating rights of OXFORD COACH LINES, INC., 119 West High Street, Oxford, Ohio, and for acquisition by THE CINCINNATI TRANSIT COMPANY, also of Cincinnati, of control of such rights through the purchase. Applicants' representative: Ben Gettler, 1505 Fountain Square Bldg., Cincinnati 2, Ohio. Operating rights sought to be transferred: *Passengers and their baggage*, and *newspapers, express* and *mail* in the same vehicle with passengers, as a *common carrier* over regular routes between Oxford, Ohio, and Dayton, Ohio, between junction Oxford State Road and Yankee Road and junction Waneta Avenue and Yankee Road, and between Oxford, Ohio, and Middletown, Ohio, serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Ohio and Indiana. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary*.

[F. R. Doc. 57-1326; Filed, Feb. 18, 1957; 8:49 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 77, Amdt. 1]

ARCADE AND ATTICA RAILROAD CORP.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 77 and good cause appearing therefor:

It is ordered, That Taylor's I. C. C. Order No. 77 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., April 14, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., February 14, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 11, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-1283; Filed, Feb. 18, 1957; 8:48 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 79, Amdt. 1]

NASHVILLE, CHATTANOOGA AND ST. LOUIS RAILWAY

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 79 and good cause appearing therefor:

It is ordered, That: Taylor's I. C. C. Order No. 79 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p. m., February 20, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this amendment shall become effective at 11:59 p. m., February 11, 1957, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., February 8, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-1284; Filed, Feb. 18, 1957; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 14, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33272: *Coal—Illinois, Indiana, and Kentucky mines to Webster City, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads, from mines in Illinois, Indiana and western Kentucky to Webster City, Iowa.

Grounds for relief: Competition with gas and circuitous routes.

Tariff: Supplement 48 to Atchison, Topeka and Santa Fe Railway Company's tariff I. C. C. 14708 and other schedules listed in exhibit 1 of the application.

FSA No. 33273: *Grain—Illinois and Missouri to Norfolk, Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on barley, corn, oats, rye and wheat, carloads from Alton, Ill., other specified points in Illinois and St. Louis, Mo., to Norfolk, Va., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 90 to Agent Hinsch's tariff I. C. C. 4403.

FSA No. 33274: *Starch—Illinois Territory to Southeast.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on starch, in bulk, carloads from specified points in Illinois, Indiana, Iowa, and Missouri to specified ports in Florida, Georgia, and South Carolina.

Grounds for relief: Market competition with imported starch and related commodities and circuitous routes.

Tariff: Supplement 26 to Agent Raasch's tariff I. C. C. 855.

FSA No. 33275: *All freight—Chicago, Ill., and group to Deland Freight Agency, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, in mixed carloads from Chicago, Ill., and group points to Deland Freight Agency, Fla.

Grounds for relief: Motor-truck competition and circuitous routes.

Tariff: Supplement 33 to Agent Raasch's tariff I. C. C. 789.

FSA No. 33276: *All freight—Chicago, Ill., and group to Florida.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and grouped points to Daytona Beach, Melbourne and New Smyrna Beach, Fla.

Grounds for relief: Motor truck competition and circuity.

Tariff Supplement 33 to Agent Raasch's tariff I. C. C. 789.

FSA No. 33277: *All freight—Chicago, Ill., and group to Birmingham, Ala.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, in mixed carloads, from Chicago, Ill., and group to Birmingham, Ala.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 33 to Agent Raasch's tariff I. C. C. 789.

FSA No. 33278: *All freight—From Barrington, Ill., to Southern Points.* Filed by R. G. Raasch, Agent, for interested carriers. Rates on merchandise, in mixed carloads from Barrington, Ill., to Birmingham, Ala., Atlanta, Ga., and Jacksonville, Fla.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Supplement 33 to Agent Raasch's tariff I. C. C. 789.

FSA No. 33279: *Scrap Iron and Steel in Official Territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on scrap iron and steel in carloads of varying minimum weights from specified points in New Jersey and New York to points in Pennsylvania, Ohio, and West Virginia.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent H. R. Hinsch's tariff I. C. C. 4766.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-1282; Filed, Feb. 18, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

OTTO KRATZ ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Otto Kratz, New York, New York, $553.12 in the Treasury of the United States.

Walter Kratz, Louisville, Kentucky, $553.12 in the Treasury of the United States.

Ilse (Kratz) Behr, Louisville, Kentucky, $553.12 in the Treasury of the United States.

Lotte Kratz, London, England, $553.12 in the Treasury of the United States.

Ernst Kratz, Amsterdam, Holland, $553.12 in the Treasury of the United States.

Trude (Levy) Simon, Oruro, Bolivia, $553.12 in the Treasury of the United States.

Paul Kratz, Milan, Italy, $553.12 in the Treasury of the United States.

Claim No. 59011; Vesting Order No. 14476.

Executed at Washington, D. C., on February 12, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1289; Filed, Feb. 18, 1957; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
MAR 19 1957
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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 35

Washington, Wednesday, February 20, 1957

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter I—Determination of Prices

[Sugar Determination 877.9]

PART 877—SUGARCANE: PUERTO RICO

1956–57 CROP

Pursuant to the provisions of section 301 (c) (2) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and due consideration of the evidence presented at the public hearing held in Santurce, Puerto Rico, on October 25 and 26, 1956, the following determination is hereby issued:

§ 877.9 *Fair and reasonable prices for the 1956–57 crop of Puerto Rican sugarcane.* A producer of sugarcane in Puerto Rico who is also a processor of sugarcane (herein referred to as "processor"), shall have paid, or contracted to pay, for sugarcane of the 1956–57 crop grown by other producers and processed by him, in accordance with the following requirements:

(a) *Definitions.* For the purpose of this section, the term:

(1) "Raw sugar" means raw sugar, 96° basis.

(2) "Sugar yield period" means the 2-week, 4-week, or any other period, as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season, except that, in instances where a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period the number of odd days on which grinding occurs prior to the beginning of the sugar yield period shall be added to the next regular full sugar yield period and the number of odd days on which grinding occurs after the ending of the sugar yield period shall be added to the immediately preceding full sugar yield period.

(3) "Price of raw sugar" means the daily spot quotation of raw sugar of the New York Coffee and Sugar Exchange (domestic contract), adjusted to a duty-paid basis by adding the U. S. duty prevailing on Cuban raw sugar, except, that if the Director of the Sugar Division determines that such price does not reflect the true market value of raw sugar, he may designate the price to be effective under this determination, which he determines will reflect the true market value of raw sugar.

(4) "Inferior varieties of sugarcane" means sugarcane of the Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213 and Coimbatore 281 varieties).

(5) "Yield of raw sugar" means the yield of raw sugar, 96° basis, per 100 pounds of net surgarcane determined for the sugar yield period in accordance with the formula set forth in Schedule A set forth below.

(6) "Net sugarcane" means (1) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of 5 percent of the gross weight, or (2) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of 5 percent of such gross weight.

(7) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops, soil, stones and all other extraneous material.

(b) *Payment for sugarcane.* (1) The payment for net sugarcane delivered by the producer (colono) to the processor shall be made as agreed upon by the producer and the processor, either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar. In instances where raw sugar is delivered to the producer, the processor shall deliver such sugar packed in the customary bags or, if delivered in bulk, the processor shall also pay to the producer an allowance per 100 pounds of bulk sugar for non-use of bags equal to the average bag discount sustained by the processor on the processor's own bulk sugar of the 1956–57 corp.

(2) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the payment shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 3, 1956 Supp. ($0.40)
Title 26: Parts 80–169 ($0.50)
Parts 183–299 ($0.30)

Previously announced: Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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Pounds of raw sugar per 100 pounds of net sugarcane:	*Percentage*
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(3) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar less than 9 pounds, the payment shall be not less than the quantity determined by subtracting 3½ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(4) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the simple average price of raw sugar for the period March 1, 1957 through February 28, 1958, converted to an f. o. b. mill price by subtracting the admissible deductions for selling and delivery expenses on raw sugar listed in Schedule B set forth below.

(c) *Molasses payment.* For each ton of net sugarcane delivered, the processor shall pay to the producer an amount equal to the product of (1) 66 percent of the net proceeds per gallon of blackstrap molasses sold of the 1956–57 crop in excess of five cents per gallon, and (2) the average production of blackstrap molasses per ton of net sugarcane of the 1956–57 crop processed at each mill. A processor operating more than one mill may compute the net proceeds on the basis of the average gross proceeds from the sales of molasses produced at all mills operated by such processor. Admissible deductions for selling and delivery expenses to be used in calculating molasses net proceeds are listed in Schedule C set forth below.

(d) *Determination of net sugarcane and sampling charges.* The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: A representative of the processor shall jointly with a representative designated by the producers or producer organizations in any mill area, examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (1) not in excess of 5 percent of the gross weight, or (2) in excess of 5 percent of the gross weight. In the absence of a designated representative of producers in any mill area, the processor representative shall nevertheless make such estimations. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of 5 percent, the gross weight of the sugarcane delivered shall be the net weight. As to the deliveries of sugarcane of any producer estimated to contain quantities of trash in excess of 5 percent, the net weight shall be determined by taking a representative sample within the range of 100 to 200 pounds of the sugarcane from one or more of the deliveries deemed to be representative and separate therefrom all trash. The weight of the trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. If such percentage exceeds 5 percent, that percentage in excess of 5 percent shall be applied to the gross weight of the sugarcane delivery from which the sample was taken to determine the net weight of such sugarcane, and the same percentage shall be applied to the gross weight of other deliveries of sugarcane delivered by that producer during the same day which are estimated to contain a trash content reasonably similar to the delivery from which the sample was taken. The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken to cover the cost of sampling sugarcane and measuring the actual quantity of trash. With respect to the sample taken as provided in this paragraph, the processor may make a separate determination of the weight of soil and stones contained in such sample taken of a producer's sugarcane and may charge the producer 5 cents per ton of net sugarcane delivered during the day which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(e) *Services and allowances to producers.* (1) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1957, free of charge to the producer.

(2) When payment is made to the producer by the delivery of raw sugar, the processor shall share with the producer on a pro rata basis all ocean shipping facilities available to the processor.

(3) Allowances made to producers by the processor for the 1955–56 crop shall be made for the 1956–57 crop at the rates which were effective under comparable conditions in 1955–56; the costs of services which were borne by the processor for the 1955–56 crop, shall be borne for the 1956–57 crop: *Provided*, That nothing in this subparagraph shall be construed as prohibiting modification of practices which may be necessary because of unusual circumstances, any modifications to be subject to approval of the Caribbean Area Agricultural Stabilization and Conservation Office, Santurce, Puerto Rico (herein referred to as the "Area Office").

(f) *Reporting requirements.* (1) The processor shall submit to the Area Office, a list of those producers with whom settlement will be made in cash and those with whom settlement will be made in sugar, together with a statement as to the sugar yield period which will be used during the grinding season.

(2) The processor shall submit in duplicate to the Area Office not later than August 1, 1958, statements verified by a certified public accountant of the deductions made in determining the f. o. b. mill price of sugar and the net proceeds from molasses.

(g) *Compliance date.* The processor shall comply with the provisions of paragraph (d) of this section and shall submit the reports required by paragraph (f) (1) of this section within 15 days after the date this section is published in the FEDERAL REGISTER.

(h) *Subterfuge.* The processor shall not reduce returns to the producer below those determined herein through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1956–57 crop grown by other producers.

(b) *Requirements of the act.* Section 301 (c) (2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

(c) *1956–57 price determination.* The 1956–57 determination differs from the 1955–56 determination in the following major respects: (1) The definition of "sugar yield period" provides that the processor shall elect the period to be used and shall use such period uniformly throughout the season; (2) the processor is required to submit to the Area Office a statement as to the sugar yield period which is being used; (3) the formula for determining "yield of raw sugar" has been restated and a factor has been included which tends to correct the formula for the effects of extraneous material delivered with sugarcane; (4) definitions are included for "net sugarcane" and "trash"; (5) the method is prescribed for determining the quantity of trash delivered with sugarcane and the charges to producers for sampling sugarcane for trash are specified; (6) the processor may, at his option, sample sugarcane for soil and stones and make a charge to producers for such extraneous matter in excess of one percent; (7) in instances where payment for sugarcane is made by the delivery to the producer of raw sugar in bulk, the processor is also required to pay the producer an allowance for nonuse of bags equal to the average bag discount sustained on the sale of the processor's sugar; and (8) the 8.7 cents per hundredweight allowance for certain items of admissible selling and delivery

expenses has been reduced to 7.0 cents on sugar shipped in bulk.

A public hearing was held in Santurce, Puerto Rico on October 25 and 26, 1956 at which interested persons were afforded the opportunity to testify with respect to fair and reasonable prices for 1956–57 crop sugarcane. At this hearing or in a supplemental brief, the representatives of the Puerto Rico Grower-Processor Committee recommended that adjustments be provided for both hand and mechanically loaded sugarcane containing trash in excess of 6 percent; that inasmuch as shipment of sugar in bulk results in savings in handling and delivery expenses, provision be made for the equitable sharing of such savings between the processor and producers; and that there be no change in the sugar yield periods specified in the 1955–56 price determination nor in the provisions of that determination relating to the delivery point of sugarcane.

A representative of one processor recommended that the regulations of the Department of Agriculture and of the Puerto Rican Government, relating to the trash problem, be modified so that they would complement and supplement each other; stated that he did not believe the regulation issued by the Sugar Board of Puerto Rico, relating to penalties on trash delivered with sugarcane, was a solution to the trash problem; and recommended that trash penalties be applied to both mechanically loaded and hand loaded sugarcane. A representative of another processor described the methods followed by his company in sampling sugarcane for trash and recommended that trash penalties apply to both mechanically loaded and hand loaded sugarcane. A representative of a third processor stated that on the basis of 1955 crop operations there was a conflict between rulings of the Sugar Board and provisions of the fair price determination; that the mill had sustained considerable damage to its milling equipment from the rocks and soil delivered with sugarcane; and recommended that restrictive measures be developed to correct the sugarcane trash problem; that such regulations be made equally applicable to hand loaded and mechanically loaded sugarcane; that a trash tolerance of 6 or 7 percent be permitted; and that the sampling of sugarcane for trash be conducted at the mill.

Consideration has been given to the recommendations made at the public hearing, to an analysis of the returns, costs, and profits of processing and producing sugarcane as obtained by a field cost survey for prior years and recast for the 1956–57 crop in terms of price, production, and income conditions likely to prevail, to the results of investigations and to other pertinent factors. An examination of all factors indicates that the basic sharing relationship between producers and the processor as provided in the 1955–56 price determination is equitable for the 1956–57 crop under anticipated conditions. However, this determination contains provisions applicable to (1) the delivery of sugarcane containing excessive quantities of trash; (2) the expenses incident to the shipment of sugar in bulk; and (3) certain other requirements which affect settlement practices.

Prior to 1954, all sugarcane in Puerto Rico was harvested and loaded by hand and the percentage of trash delivered with sugarcane was low and relately uniform. However, in that year one processor began to load sugarcane by mechanical methods. Representatives of the Department at the hearing on fair and reasonable prices, held in Puerto Rico in the fall of 1954, called to the attention of the industry that changing methods of loading could create a problem arising from variable quantities of trash delivered with sugarcane. Industry representatives at that time, because of limited experience with mechanized harvesting operations, apparently were not concerned with the problem and recommended that it not be covered by the 1954–55 determination. In view of the custom of not sampling sugarcane and because of the large number of small growers in Puerto Rico, it was recognized that the institution of compulsory sampling would be a very expensive procedure and that time would be required in which to develop a practical and efficient method to cope with the problem. Moreover, because of limited experience with the trash problem, there was no data upon which to evaluate the effects of trash on sugar recovery, nor to appraise the extent to which adjustments in the settlement formula were necessary to adequately redistribute the over-all yield of sugar when trash and clean cane were ground jointly. It is generally recognized that extraneous material in sugarcane adversely affects the recovery of sugar, although there is some question as to the level at which trash actually has a measurable effect. Therefore, in making adjustments in the sugar yield formula care must be exercised so that such adjustments will not result in inequitable distribution of sugar among the growers and the processor. Accordingly, the Department believed it desirable to proceed cautiously until the industry had had more experience with the problem.

During the next two harvesting seasons other producers began to use mechanical loaders. The Department conducted surveys during 1955 and 1956 for the purpose of determining a feasible method of sampling sugarcane and to determine what adjustments would be appropriate in the sugar yield formula as a result of the introduction of excessive quantities of trash into the milling operations.

In the 1955–56 determination, provision was made for the settlement of sugarcane based upon deductions for the trash content. Information obtained during the last two years indicates that in many instances sugarcane containing excessive quantities of trash had been delivered. Although producers believed that excessive trash was generally attributable to mechanized loading operations, observation has shown that hand loaded sugarcane also contained excessive quantities of trash during those years. There is also evidence that relatively trash-free sugarcane can be delivered regardless of the method of loading, except under extremely wet weather conditions.

Certain growers in one mill area brought to the attention of the Sugar Board of Puerto Rico that mechanically loaded sugarcane containing excessive quantities of trash was affecting the recovery of sugar at the mill, which they believed to be detrimental with respect to the settlement for their sugarcane. In an effort to meet the problem the Sugar Board, pursuant to the Sugar Act of Puerto Rico, issued a ruling which provided for the determination of net weight of mechanically loaded sugarcane containing trash in excess of 5 percent, and for adjusting the settlement formula for calculating the yield of sugar from sugarcane. Determination of the net weight of such sugarcane as specified in the ruling was based upon (1) field samples of sugarcane taken under wet and dry conditions; (2) a tolerance of 5 percent of the gross weight; and (3) an averaging of all trash determinations taken during a settlement period for each producer both above and below the specified tolerance. The ruling further provided that a correction factor be applied to such sugarcane in a manner so as to effect a redistribution of sugar yields between those producers delivering mechanically loaded sugarcane in excess of the tolerance and other producers. Penalties against the producer were also provided in cases where the quantity of soil and stones exceeded one percent of the gross weight of mechanically loaded sugarcane. The above ruling was in effect for the 1954–55 and 1955–56 crops. Since this ruling did not conform with the settlement provisions of the fair price determinations for those crops, some processors were placed in an unfavorable position.

Subsequent to the hearing on fair and reasonable prices for the 1956–57 sugarcane crop, the Department communicated with the Grower-Processor Committee of Puerto Rico by letter, outlining its views generally regarding the actions which it believed should be taken in the 1956–57 crop determination with respect to the problem of trash delivered with sugarcane. The committee has submitted no objections to the proposals as contained in that letter.

The 1956–57 determination requires that settlement with producers be based upon net sugarcane and specifies that representatives of the processor and producers shall examine the deliveries of sugarcane to estimate which deliveries contain quantities of trash of 5 percent or less and which deliveries contain trash in excess of 5 percent. As to the deliveries of any producer estimated to contain quantities of trash of 5 percent or less, the gross weight will be considered to be the net weight. As to the deliveries of any producer estimated to contain quantities of trash in excess of 5 percent, one or more of such deliveries deemed to be representative shall be sampled to determine the actual quantities of trash, and the net weight will be computed by subtracting the weight of trash in excess of 5 percent. The size of the sample has been fixed within the range of 100–200 pounds, as this quantity has been found to be satisfactory for determining the quantities of trash in sugarcane and will not involve excessive costs.

In view of the large number of producers delivering sugarcane to most of the mills and the cost involved in sampling, it does not appear to be feasible to require trash determinations for each load of sugarcane delivered. Therefore, this determination provides that the percentage of trash in excess of 5 percent determined by sampling one or more representative deliveries may be made applicable to all other similar deliveries of the same producer made during the same day. The recommendations for a trash tolerance of more than 5 percent have not been adopted. Experience has shown in other sugarcane-producing areas that to permit any tolerance for extraneous material tends to encourage all producers to deliver sugarcane containing at least as much trash as the tolerance allowed. While it appears desirable ultimately to establish a tolerance for trash below 5 percent, it does not appear feasible at this time to adopt a lower percentage.

Analysis of limited data available indicates that the cost of sampling sugarcane for trash varies widely depending on the quantity of sugarcane sampled and the method of sampling. It is deemed equitable that the producer bear that proportion of the actual cost of sampling up to a stated maximum, which will conform substantially to his share of the sugar recovered from his sugarcane. Accordingly, this determination provides that the processor may charge the producer 66 percent of the actual cost of sampling, but not in excess of $2.64 for each sample.

This determination requires that the processor apply an adjustment factor in the calculation of the sugar yield for sugarcane which contains trash in excess of 5 percent. This correction factor is to vary in relation to the amount of extraneous matter. The adjustment in the sugar yield formula will permit the processor to make a redistribution of sugar yields in accordance with the specific adjustment factors heretofore contained in rulings of the Sugar Board of Puerto Rico. Since more data must be obtained before such adjustments can be determined with the desired degree of accuracy, study of the problem will be continued. The determination also permits the processor at his option, to make a separate determination of the quantity of soil and stones contained in the sample and charge the producer 5 cents per ton of net sugarcane for each 1 percent that the weight of soil and stones is in excess of 1 percent of the gross weight, as provided in the previous ruling of the Sugar Board. Such determination may be made applicable to all other deliveries of the same producer made during that day which are represented by the sample. Representatives of the industry recommended that these provisions be made applicable to the 1956–57 crop.

For many years processors have used a number of sugar yield periods for purposes of making settlements with producers. It is believed that any period adopted will give reasonably equitable results if it is used uniformly throughout the entire crop. This determination permits the use of any period elected by the processor provided such period is used uniformly throughout the season in making settlements with all producers.

In instances where the processor delivers sugar to the producer, rather than making payment in cash for his share of the raw sugar recovered from the sugarcane, such sugar may be either in bags or in bulk. The quoted price for raw sugar is the price for sugar in bags, and the refiner usually realizes income from sale of used bags. In purchasing bulk sugar it is customary for the mainland refiner to make a deduction from the quoted price of raw sugar to compensate for the absence of bags. Accordingly, this determination provides that if settlement with the producer is made by the delivery of raw sugar in bulk, the processor must pay to the producer the average bag discount sustained by the processor on his own bulk sugar of the 1956–57 crop.

It has been the established practice of processors to make certain allowances to producers for the transporting of sugarcane from the farm to the point at which sugarcane is delivered to the mill and to provide certain other services free of charge to producers. This determination provides that the allowances made and services furnished to producers for the 1955–56 crop shall also be made for the 1956–57 crop.

Prior determinations have specified that for the purpose of making settlements with producers in cash, processors may deduct from the market price of sugar those expenses applicable to the selling and delivery of raw sugar. Certain expenses were allowed on the basis of the costs actually incurred by the processor while other expenses have been grouped within a fixed rate allowance of 8.7 cents per hundredweight of raw sugar in lieu of actual expenses. This determination continues the 8.7 cents per hundredweight allowance for sugar which is shipped in bags, but specifies that processors who ship sugar in bulk may charge a fixed allowance of 7 cents per hundredweight. This amount is deemed equitable upon examination of the expenses furnished by those processors who maintain bulk sugar facilities.

After consideration of all factors this determination is considered to be fair and reasonable. Accordingly, I hereby find and conclude that the foregoing price determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 15th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

SCHEDULE A

FORMULA FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

$$R=TI\ (S-0.3B)F$$

where:

R=Yield of raw sugar;

S=Polarization of the crusher juice obtained from the sugarcane of each producer;

B=Brix of the crusher juice obtained from the sugarcane of each producer;

T=Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.90075 for sugarcane which contains an amount of trash in excess of 16 percent of the gross weight of sugarcane.

I=Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P, (where $P=100\ S\div B$), of the crusher juice of sugarcane is equal to 75 or more, the factor, $I=0.9$; or

(b) When the purity, P, (where $P=100S\div B$), of the crusher juice of such sugarcane is less than 75, the factor, $I=0.9-0.02\ (75-P)$;

F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar" for each producer delivering sugarcane during the settlement period from the product of the formula $(S-0.3B)$, the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of the raw sugar, 96° basis, produced during the settlement period at the mill by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses are for those expenses incurred on 1956–57 crop raw sugar which commence with the unstacking of raw sugar in bags or in bulk at the warehouse and include expenses incurred thereafter incidental to the delivery of raw sugar to the purchaser. The deductions are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Freight from warehouse to dock, including covering cars or trucks where necessary;
2. Handling at dock, including unloading and stacking;
3. Wharfage, lighterage, and dock warehousing when incurred as an item separate from wharfage and when necessary in delivery of sugar from warehouse or mill to shipside;
4. Ocean freight, including loading and unloading where freight rate is "free in and free out";
5. Freight demurrage resulting from causes beyond control of the shipper;

and an allowance of 8.7 cents per hundredweight of 96° raw sugar in bags, or 7.0 cents per hundredweight of 96° raw sugar in bulk, in lieu of:

6. Unstacking, tallying and loading at warehouse;
7. Shore risk, marine and war risk insurance;
8. Rebagging and mending sugar bags whenever and wherever incurred;
9. Brokerage or commissions and exchange;
10. Weighing, testing, sampling, mending sugar bags, and taring at destination;
11. All other expenses not itemized herein;

and the following additional expenses incurred during the period January 1, 1958–February 28, 1958;

12. Personal property tax;
13. Storage;
14. Insurance on stored sugar.

When any of the necessary services included in items 1 through 5 and item 13

above are furnished by the processor, costs incurred shall include for each of the services rendered;

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses and vacation expenses properly allocable to such labor;
4. Direct supplies;
5. Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area Office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f. o. b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area Office, may be allowed in lieu of expenses actually incurred.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1958 to the Area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1956–57 crop of Puerto Rican sugarcane.

SCHEDULE C

DEFINITION OF ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in paragraph (c) of the 1956–57 price determination, are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

1. Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;
2. Freight from mill tank to shipside (or to local buyers when such molasses is sold on a delivered price basis);
3. Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;
4. Weighing and testing;
5. Wharfage;
6. Shore risk insurance (limited in coverage from mill to shipside);
7. Freight demurrage resulting from causes beyond the control of the shipper;
8. Insular taxes on molasses produced in Puerto Rico;
9. Brokerage paid to a bona fide broker.

When any of the necessary services included in items through 9 above are furnished by the processor, costs incurred shall include for each of the services rendered:

1. Direct and immediate supervisory labor;
2. Maintenance labor and supplies required for the facilities used;
3. Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;
4. Fuel, energy or direct supplies;
5. Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of cost. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area Office, may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

The following certification shall be made on statements submitted in duplicate not later than August 1, 1958 to the area Office:

CERTIFICATION

I hereby certify that the deductions set forth herein are properly chargeable as deductions for selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1956–57 crop of Puerto Rican sugarcane.

[F. R. Doc. 57-1342; Filed, Feb. 19, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

EXPENSES FOR 1956–57 SEASON; INCREASED EXPENSES WITH RESPECT TO EARLY AND LATE VARIETIES OF PLUMS

On January 25, 1957, notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 501), that consideration was being given to a proposal regarding an increase in expenses pertaining to Early varieties of plums and Late varieties of plums for the 1956–57 fiscal period under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was submitted by the Control Committee (established pursuant to said amended marketing agreement and order): *It is hereby ordered*, That the provisions in paragraph (a) (2) and (3) of § 936.210 *Expenses and rates of assessment for the 1956–57 season* (21 F. R. 4073) be, and hereby are, amended to read as follows:

(2) Early varieties of plums, $20,000.00.

(3) Late varieties of plums, $21,000.00.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 15th day of February, 1957, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1338; Filed, Feb. 19, 1957; 8:50 a. m.]

[957.315 Amdt. 3]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. a. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

b. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of potatoes grown in the production area.

Order, as amended. The provisions of paragraph (b) (1) of § 957.315 (21 F. R. 7480, 9165; 22 F. R. 812) are hereby amended to read as follows:

(1) During the period from February 25, 1957, through June 30, 1957, no handler shall ship potatoes of any variety unless such potatoes (i) are generally "fairly clean," which means that at least 90 percent of such potatoes are "fairly clean" and (ii) meet the requirements of the U. S. No. 2, or better, grade, Size A, 2 inches minimum diameter or 4 ounces minimum weight; as such terms, grades, and sizes are defined in the United States Standards for Potatoes (§§ 51.1540 through 51.1559 of this title), including the tolerances set forth therein: *Provided*, That potatoes of the red skin varieties may be shipped if such potatoes are generally, "fairly clean," as aforesaid, grade at least U. S. No. 2, and are of a size not smaller than 1⅞ inches in diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 15, 1957, to become effective February 25, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-1340; Filed, Feb. 19, 1957; 8:51 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54244]

PART 6—AIR COMMERCE REGULATIONS

ADVANCE NOTICE OF ARRIVAL OF AIRCRAFT

Section 6.2 (b) (1) of the Customs regulations was referred to as § 6.2 (b) in Treasury Decision 54244, published in the FEDERAL REGISTER November 21, 1956 (21 F. R. 9054). The reference to § 6.2 (b) in that Treasury Decision is therefore corrected to read § 6.2 (b) (1).

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1334; Filed, Feb. 19, 1957; 8:50 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 26]

PART 384—GENERAL ORDERS

EXTENSION OF VALIDITY PERIOD OF CERTAIN EXPORT LICENSES

§ 384.4 *Order extending the validity period of licenses expiring November 30, 1956* is amended to read as follows:

§ 384.4 *Extension of validity period of certain export licenses.* In view of the work stoppage at United States ports which began February 12, 1957, the validity period of any outstanding export license which expires on February 28, 1957 is hereby extended until March 31, 1957. In the event the work stoppage continues beyond February 28, 1957, the validity period of any outstanding export license, including such license expiring on February 28, 1957, which expires between February 28, 1957 and the last day of the month during which the work stoppage terminates, is hereby extended to the last day of the month following the month in which the work stoppage terminates.

This amendment shall become effective as of February 19, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-1333; Filed, Feb. 19, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 26]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

This supplement is issued (1) to delete the requirement that the center of gravity limits information be furnished the Washington office for ruling when the center of gravity limits cannot be obtained practically during type tests (this can now be handled in the field) (§ 3.71–1 (c)), (2) to provide the pilot with a needed indication when the trim device is in the neutral position (§ 3.337–3), (3) to assure that a new airplane will have adequate generator capacity when the airplane is equipped for IFR flight under the provisions of Part 43 of this subchapter (§ 3.681–2), and (4) to permit consideration of a bottom fuselage installation for an anticollision light (§ 3.700–3).

1. Section 3.71–1 is amended by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

2. A new § 3.337–3 is added to read as follows:

§ 3.337–3 *Trim device indications (CAA policies which apply to § 3.337).* In addition to providing means to indicate to the pilot the position of the trim device with respect to the range of adjustment, provisions should also be incorporated to indicate when the trimming surfaces are in the neutral position with respect to the primary control surfaces.

3. A new § 3.681–2 is added to read as follows:

§ 3.681–2 *Generator capacity (CAA policies which apply to § 3.681).* When a generator is required,[1] its capacity should be sufficient to supply during flight all probable combinations of continuous loads,[2] with adequate reserve for storage battery charging. In no case should the maximum probable continuous load exceed 80 percent of total generator rating.

4. Section 3.700–3 is amended by inserting the following sentence between the first and second sentences: "If there is no acceptable location on top of the fuselage or tail, a bottom fuselage installation may be considered."

This supplement shall become effective March 15, 1957.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007 as amended, 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-1318; Filed, Feb. 19, 1957; 8:47 a. m.]

[Supp. 42]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

LISTING OF LARGE AIRCRAFT

The use of Form ACA–518A, Operations Specifications—Aircraft Identification, has been discontinued. Form ACA–1014, Operations Specifications, is now being used for the listing of large aircraft utilized by the air carrier.

This revision does not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

Section 42.11–1 is amended by substituting "Form ACA–1014" for "Form ACA–518A" in the first and second sentences.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective February 15, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-1317; Filed, Feb. 19, 1957; 8:47 a. m.]

[Supp. 2]

PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

APPLICATION FOR AUTHORIZATION TO DEVIATE FROM CERTAIN PROVISIONS

In order to avoid confusion between the appendix material relative to the

[1] A generator of adequate capacity is required by § 43.30 (c) (7) of this subchapter for operation under instrument flight rules.

[2] Continuous loads are those which draw current continuously during flight, such as radio equipment and position lights. Occasional intermittent loads (such as landing gear, flaps, or landing lights) are not considered.

Civil Air Regulations, Part 49, and the appendix material relative to Civil Aeronautics Manual 49, § 49.71–3 (a), as published in 21 F. R. 9103, November 22, 1956, is amended by removing the reference to appendix A in the first sentence and the footnote 1.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective February 15, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc 57–1316; Filed, Feb. 19, 1957; 8:46 a. m.]

Subchapter C—Procedural Regulations

[Reg. PR–27]

PART 303—RULES OF PRACTICE IN AIRCRAFT ACCIDENT INQUIRIES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 12th day of February 1957.

The procedures which the Board has followed in aircraft accident inquiries have been in effect for a considerable period of time. The Board has decided to revise its rules of practice in these inquiries to establish a prehearing conference procedure and to permit limited questioning by parties to the investigation as designated by the Presiding Officer. The purpose of this part is to make available to the public this revised information concerning the procedures to be followed by the Board in aircraft accident inquiries.

An aircraft accident inquiry is held solely for the purpose of discovering the facts, conditions, and circumstances concerning an aircraft accident in order to determine the probable cause of the accident and to ascertain the measures which will best tend to prevent similar accidents in the future. Such inquiries are not held for the purpose of determining the rights or liabilities of private parties, and the Board makes no attempt to do so. The procedures followed by the Board in such inquiries are adapted to the special nature of the inquiries.

Since this part is a rule of agency procedure and practice, notice and public procedure are not necessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby promulgates a revised Part 303 of the Procedural Regulations to read as follows, effective February 15, 1957.

Sec.
303.0 Applicability of part.
303.1 Nature of inquiry.
303.2 Institution of inquiry.
303.3 Designation of Presiding Officer.
303.4 Notice of inquiry.
303.5 Investigator-in-Charge.
303.6 Legal Officer.
303.7 Board of Inquiry.

CONDUCT OF INQUIRY

303.11 Powers of Presiding Officer.
303.12 Prehearing conference with parties to the investigation.
303.13 Examination of witnesses.
303.14 Evidence.
303.15 Recommendations by interested persons.
303.16 Stenographic transcript.
303.17 Docket.
303.18 Investigation to remain open.
303.19 Withholding of information.

BOARD REPORT

303.22 Basis of report.
303.23 Supplemental report.

AUTHORITY: §§ 303.0 to 303.23 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 701, 702, 1004, 52 Stat. 1012, as amended, 1013, as amended, 1021, as amended; 49 U. S. C. 581, 582, 644.

§ 303.0 *Applicability of part.* The provisions of this part shall govern all aircraft accident inquiries conducted by the Civil Aeronautics Board under the authority of Title VII of the Civil Aeronautics Act of 1938, as amended, unless otherwise specifically ordered by the Board.

§ 303.1 *Nature of inquiry.* Aircraft accident inquiries are held by the Board as a part of the investigation of accidents involving aircraft in order to determine the facts, conditions, and circumstances relating to each accident and the probable cause thereof and to ascertain measures which will best tend to prevent similar accidents in the future. It is purely a fact-finding procedure, and there are no formal pleadings or issues and no adverse parties and during the course of the hearing no objections to any matter will be entertained from any party to the investigation or any other person. Aircraft accident inquiries are not subject to the provisions of Sections 4, 5, 7, 8, or 10 of the Administrative Procedure Act.

INITIAL PROCEDURE

§ 303.2. *Institution of inquiry.* The Director, Bureau of Safety, shall, on behalf of the Board, order an inquiry into an accident involving aircraft whenever he deems it necessary in the public interest.

§ 303.3 *Designation of Presiding Officer.* The Director, Bureau of Safety, shall designate in writing a Presiding Officer to conduct the inquiry.

§ 303.4 *Notice of inquiry.* The Presiding Officer shall designate a time and place for the inquiry which meets the needs of the Board and gives due consideration to the convenience of the witnesses. The time and place of the inquiry shall be published in the Notices Section of the FEDERAL REGISTER prior to the date of the inquiry, unless such notice is impractical or unnecessary.[1]

§ 303.5 *Investigator-in-Charge.* An employee of the Board shall be designated to serve as the Investigator-in-Charge. It shall be his responsibility to direct the investigation in the field and to serve on the Board of Inquiry.

[1] The Board ordinarily gives personal notice to all known interested persons and also publicizes the inquiry by a press release to aviation trade journals and local newspapers near the scene of the accident.

§ 303.6 *Legal Officer.* A member of the staff of the General Counsel shall be designated by the General Counsel to serve as the Legal Officer. It shall be such Legal Officer's responsibility to serve the Board of Inquiry and to assist and advise the Presiding Officer on such evidentiary and other legal questions as shall arise during the inquiry.

§ 303.7 *Board of Inquiry.* The Board of Inquiry shall be composed of the Presiding Officer, the Investigator-in-Charge, and such other persons as are appointed by the Director, Bureau of Safety. It shall be the duty of the Board of Inquiry to secure in the form of a public record all known facts pertaining to the cause of the accident and the surrounding circumstances and conditions from which corrective action may be formulated.

CONDUCT OF INQUIRY

§ 303.11 *Powers of Presiding Officer.* A Presiding Officer shall have the following powers:

(a) To give notice concerning and hold inquiries;

(b) To adjourn, continue, or postpone inquires;

(c) To administer oaths and affirmations;

(d) To examine witnesses;

(e) To issue subpoenas and to take or cause depositions to be taken in accordance with the provisions of section 1004 of the Civil Aeronautics Act of 1938, as amended;

(f) To rule upon the admissibility of and receive evidence;

(g) To regulate the course of the inquiry;

(h) To dispose of procedural requests or similar matters;

(i) To take any other action necessary or incident to the orderly conduct of such proceedings; and

(j) To designate parties to the investigation.

§ 303.12 *Prehearing conference with parties to the investigation.* The Presiding Officer shall designate as parties to the investigation those persons, government agencies, companies and associations whose employees, functions, activities, or products were involved in the accident, or who participated in the accident investigation. A prehearing conference will be held with such parties to the investigation by the Presiding Officer, the Legal Officer, and such other members of the Board of Inquiry as may be designated by the Presiding Officer, at a convenient time and place. At or before such prehearing conference the parties to the investigation will be furnished with copies of exhibits which it is proposed to receive in evidence at the inquiry, and will also be furnished with copies of statements obtained from witnesses during the investigation or, if such statements are unavailable, a description of their anticipated testimony. At such prehearing conference the parties to the investigation will indicate to the Presiding Officer whether they desire to examine any such witnesses and the intended area and scope of such examination. They will also be given an opportunity to suggest additional witnesses, exhibits or other evidence which, in their view, would be pertinent to the inquiry.

§ 303.13 *Examination of witnesses.* (a) Witnesses will be examined by the Board of Inquiry. Following such examination the parties to the investigation who have indicated at the prehearing conference their desire to examine such witnesses will be given an opportunity to do so. If a party to the investigation who has not indicated at the prehearing conference an intention to examine a witness, desires to do so, he may make a request to the Presiding Officer along with his justification as to why such examination is now deemed necessary. The Presiding Officer will then determine whether to permit examination by such party to the investigation.

(b) Materiality, relevancy and competency of witnesses' testimony, exhibits or physical evidence will not be the subject of objections by a party to the investigation or any other person, but such matters will be controlled by rulings of the Presiding Officer on his own motion. If the examination of a witness by a party to the investigation is interrupted by a ruling of the Presiding Officer, opportunity will be given to show materiality, relevancy or competency of the testimony or evidence sought to be elicited from the witness.

§ 303.14 *Evidence.* The Presiding Officer shall receive all testimony and exhibits which might be of aid in determining the cause of the accident. He may exclude any testimony or exhibits which are not pertinent to the inquiry or which are merely cumulative. He may withold from public disclosure any evidence, pending a final determination by the Board as to whether it is in the public interest to release such evidence.

§ 303.15 *Recommendations by interested persons.* Any person may submit his recommendations as to the proper conclusions to be drawn from the testimony and exhibits submitted at the inquiry. Such recommendations may be submitted by a written brief either at or after the inquiry, provided that the Presiding Officer may in his discretion permit such recommendations to be presented orally at the close of the inquiry. Five copies of such briefs shall be submitted, and they shall be made a part of the docket.

§ 303.16 *Stenographic transcript.* A verbatim report of the inquiry shall be taken. Copies of the transcript may be obtained by any interested person from the official reporter upon payment of the fees fixed therefor.

§ 303.17 *Docket.* The docket of any inquiry shall include the transcript, exhibits, briefs, and all other information concerning the accident which the Board has not ordered to be withheld from the public. A copy of the docket shall be made available to any person for review at the Washington office of the Board. Photostatic copies of exhibits may be obtained from the Chief of the Docket Section upon paying the cost of such copies.

§ 303.18 *Investigation to remain open.* Safety investigations are never officially closed but are kept open for the submission of new and pertinent evidence. If the Director of the Bureau of Safety finds that such evidence is relevant and probative, it may be made a part of the docket, unless the Board orders it to be withheld from public disclosure.

§ 303.19 *Withholding of information.* Any person may make written objection to the public disclosure of information contained in any report or document filed pursuant to this part or the provisions of the Civil Aeronautics Act of 1938, as amended, or of information obtained by the Board pursuant to the provisions of this part or the act, stating the grounds for such objection. Whenever such objection is made, the Board shall order such information withheld from public disclosure when, in its judgment, a disclosure of such information would adversely affect the interests of such person and is not required in the interest of the public.

BOARD REPORT

§ 303.22 *Basis of report.* The Board's report as to the facts, conditions, and circumstances relating to the accident and the probable cause thereof shall be based upon the docket of the inquiry, together with any other information which has come to the attention of the Board and its staff.

§ 303.23 *Supplemental report.* Upon receipt of any newly discovered evidence, the Board, after due consideration, may issue a supplemental report if it finds that such evidence warrants such action.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1345; Filed, Feb. 19, 1957; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 514—TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES

TSO–C30B, AIRCRAFT POSITION LIGHTS

Minimum performance standards for aircraft position lights which are to be used in civil aircraft of the United States are established in the new regulation § 514.41 (TSO–C30b).

Section 514.41 appeared as a notice of proposed rule making in 21 F. R. 9779–9780 on December 11, 1956. All interested persons have been afforded an opportunity to submit written views, data, or argument. No comments were received.

Section 514.41 is added under Subpart B of this part to read as follows:

§ 514.41 *Aircraft position lights—TSO–C30b*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for position lights which are to be used in civil aircraft of the United States.[1] New models of position lights manufactured for installation on civil aircraft on or after March 31, 1957, shall meet the standards set forth in SAE Specification AS271, "Aircraft Position Lights," dated October 15, 1952,[2] with the exception listed in subparagraph (2) of this paragraph. Position lights approved by the Civil Aeronautics Administration prior to March 31, 1957, may continue to be manufactured under the provisions of their original approval.

(2) *Exceptions.* For the purpose of this section only the standards set forth in subsection 3.3 and section 4 (except subsection 4.3.2.3 and 4.7) need be complied with.

(b) *Marking.* In lieu of the marking requirements of paragraph (c) of § 514.3, the minimum lamp candle power or lamp part number shall be shown.

Effective date: March 31, 1957.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57–1315; Filed, Feb. 19, 1957; 8:46 a. m.]

[Amdt. 234]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

[1] The number and types of position lights for each aircraft category are established in Civil Air Regulations Parts 3, 4b, 6, and 7 of this title. In general, air-carrier aircraft use all five types listed in AS271, section 2, while other aircraft are equipped with types I, II, and III only.

[2] Copies may be obtained from the Society of Automotive Engineers, 29 West 39th Street, New York, N. Y.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Amarillo, Tex.; Air Terminal Airport, elevation 3,604'; facility SBRAZ, identification AMA; Procedure No. 1, Amendment No. 9, effective date, Mar. 2, 1957; supersedes Amendment No. 8, dated July 30, 1955

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Amarillo VOR	AMA-LFR	Direct	4,800	T-dn	300–1	300–1	200–½	Procedure turn S side of W course, 257° outbound, 077° inbound, 5,000' within 10 miles. Beyond 10 miles not authorized. Minimum altitude over facility on final approach course, 4,500'. Course and distance, facility to airport, 077—1.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.8 miles, climb to 4,700' on E course or when directed by ATC turn right and climb to 5,000' on SW course within 20 miles.
Soncy Intersection (final)	AMA-LFR	Direct	4,500	C-dn	400–1	500–1	500–1½	
				A-dn	800–2	800–2	800–2	

Amarillo, Tex.; Air Terminal Airport, elevation 3,604'; facility SBRAZ, identification AMA; Procedure No. 2, Amendment No. 9, effective date, Mar. 2, 1957; supersedes Amendment No. 8, dated Jan. 14, 1956

Amarillo VOR	Amarillo LFR	Direct	4,800	T-dn	300–1	300–1	*200–½	Procedure turn S side of E course, 077° outbound, 257° inbound, 4,700' within 10 miles. Minimum altitude over Amarillo Intersection* on final approach course, 4,200'. Course and distance, Amarillo Intersection to airport, 257—4.2. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.2 miles climb to 5,000' on W course within 20 miles, or when directed by ATC, turn right and climb to 4,800' on N course within 20 miles. *Amarillo Intersection is intersection E course Amarillo LFR and radial 147° AMA. NOTE: Procedure authorized only for aircraft equipped to receive Amarillo LFR and Amarillo VOR simultaneously.
Conway Intersection	Amarillo Intersection (final)	Direct	4,200	C-dn	400–1	500–1	500–1½	
				A-dn	800–2	800–2	800–2	

Buffalo, N. Y.; Municipal Airport, elevation 711'; facility SBRAZ, identification BUF; Procedure No. 2, Amendment No. 4, effective date, Mar. 2, 1957; supersedes Amendment No. 3, dated Apr. 1, 1954

Wolcottsville FM	BUF-LFR (final)	Direct	1,300	T-dn	300–1	300–1	200–½	Procedure turn N side NE course, 050° outbound, 230° inbound, 1,800' within 10 miles. Minimum altitude over facility on final approach course, 1,300'. Course and distance, facility to airport, 214—0.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.8 mile, climb to 2,000' on SW course within 20 miles, or when directed by ATC, climb as rapidly as possible to 2,300' on W course within 10 miles. CAUTION: 1,349' TV tower 5 miles WNW of airport.
E Pembroke FM	BUF-LFR	Direct	1,900	C-dn	400–1	500–1	500–1½	
				A-dn	800–2	800–2	800–2	

Buffalo, N. Y.; Municipal Airport, elevation 711'; facility SBRAZ–BUF, identification FM-CQA; Procedure No. 2, Amendment No. 4, effective date, Mar. 2, 1957; supersedes Amendment No. 3, dated Apr. 1, 1954

Angola FM	Cheektowaga FM (final)	Direct	*1,500	T-dn	300–1	300–1	200–½	* Do not descend below 2,000' until 7 miles past Angola FM. (Distance from Angola FM to Cheektowaga FM exceeds standard.) Procedure turn S side SW course, 230° outbound, 050° inbound, 2,000' within 10 miles of Cheektowaga FM. Minimum altitude over Cheektowaga FM on final approach course, 1,500'. Course and distance, Cheektowaga FM to airport, 055—2.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 2.3 miles after passing Cheektowaga FM, climb to 2,000' on NE course within 20 miles or, when directed by ATC, make right climbing turn to 2,100' on E course within 10 miles. CAUTION: 1,349' TV tower 5 miles WNW of airport.
				C-dn	400–1	500–1	500–1½	
				S-dn-5	400–1	400–1	400–1	
				A-dn	800–2	800–2	800–2	

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Dickinson, N. Dak.; Dickinson Airport, elevation 2,589'; facility SBMRAZ, identification DIK; Procedure No. 1, Amendment No. 6, effective date, Mar. 2, 1957; supersedes Amendment No. 5, dated Dec. 22, 1956

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Dickinson VOR	DIK-LFR	Direct	4,000	T-dn	300–1	300–1	200–½	Procedure turn W side N course, 348° outbound, 168° inbound, 4,000' within 10 miles. Minimum altitude over facility on final approach course, 3,500'. Course and distance, facility to airport, 168—1.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.8 miles, climb to 4,000' on S course within 20 miles, then make left turn and return to LFR. AIR CARRIER NOTE: Night takeoffs and landings authorized NW–SE runway only. CAUTION: KDIX tower 3.9 miles, N DIK-LFR 2,751' mean sea level. Tower 2,966' mean sea level 3.5 miles NE of VOR.
				C-d	500–1	600–1	600–1½	
				C-n	500–1½	600–1½	600–1½	
				A-dn	800–2	800–2	800–2	

Grand Marais, Mich.; Grand Marais Airport; facility BRL, identification GMI; Procedure No. 1, Amendment No. 5, effective date, Mar. 2, 1957; supersedes Amendment No. 4, dated Dec. 15, 1956

				T-dn	300–1	300–1	----------	Procedure turn S side W course, 291° outbound, 111° inbound, 2,100' within 10 miles. Minimum altitude over facility on final approach course, 1,600'. Course and distance, facility to airport, 110—3.0. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.0 miles, climb to 2,100' on E course GMI–LFR within 20 miles. NOTE: ADF procedure not authorized. AIR CARRIER NOTE: Sliding scale not authorized.
				C-dn	400–1	500–1	----------	
				S-dn-13	400–1	400–1	----------	
				A-dn	800–2	800–2	----------	

Seattle, Wash.; Seattle-Takoma International Airport, elevation 424'; facility SBRAZ, identification SEA; Procedure No. 3, Amendment No. 2, effective date, Mar. 2, 1957; supersedes Amendment No. 1, dated Apr. 21, 1956

Hobart FM	SEA-LFR	Direct	4,000	T-dn	300–1	300–1	200–½	NOTE: All fixes within 30 miles of Seattle-Tacoma radar may be determined by surveillance radar. Procedure turn W side NW course SEA–LFR, 297° outbound, 117° inbound, 2,000' within 10 miles NW of Harbor Island FM. Not authorized beyond 10 miles. Minimum altitude over Harbor Island FM on final approach course 1,200'; over SEA-VOR 800. Course and distance, from intersection NW course SEA-LFR and R-340 SEA to SEA-VOR, 160—4.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0 mile of SEA-VOR, climb to 2,000' on R-175 SEA within 13 miles. Alternate missed approach: When requested by ATC, turn right, climb to 2,000' on R-225 SEA within 20 miles. CAUTION: Tank 561' mean sea level located immediately NE of airport.
SEA-LOM	SEA-LFR	Direct	2,000	C-dn	500–1	500–1	500–1½	
SEA-VOR	SEA-LFR	Direct	2,000	S-dn-Ry. 16	400–1	400–1	400–1	
Vashon Intersection	SEA-LFR	Direct	2,000	A-dn	800–2	800–2	800–2	
SEA-VOR	Harbor Island FM	Direct	2,000					
SEA-LOM	Harbor Island FM	Direct	2,000					
NEJ-LFR	Harbor Island FM	Direct	2,000					
Radar fix 5 miles NW of Harbor Island FM on NW course SEA-LFR.	Harbor Island FM (final)	Direct	1,500					
Harbor Island FM	International NW course SEA-LFR and R-340 SEA (final).	Direct	1,200					

Seattle, Wash.; Seattle-Takoma International Airport; elevation 424'; facility SBRAZ–SEA, identification ILS–SEA; Procedure No. 4, Amendment No. 1, effective date, Mar. 2, 1957; supersedes Amendment Original, dated Sept. 15, 1956

Hobart FM	SEA-LFR	Direct	4,000	T-dn	300–1	300–1	200–½	All fixes within 30 miles of Seattle-Tacoma radar may be determined by surveillance radar. Procedure turn W side NW course SEA–LFR, 297° outbound, 117° inbound, 2,000' within 10 miles NW of Harbor Island FM. Not authorized beyond 10 miles. Minimum altitude over facility on final approach course, over airport 800'. Course and distance, from intersection NW course SEA–LFR and N course SEA–ILS to airport, 158—4.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.3 miles, after passing intersection NW course SEA–LFR and N course ILS, climb to 2,000' on S course ILS within 8 miles of LOM or, when directed by ATC, turn right, climb to 2,000' on R–225 SEA within 20 miles. CAUTION: Tank 561' mean sea level located immediately NE of airport.
SEA-LOM	SEA-LFR	Direct	2,000	C-dn	500–1	500–1	500–1½	
SEA-VOR	SEA-LFR	Direct	2,000	S-dn-16	400–1	400–1	400–1	
Vashon Intersection	SEA-LFR	Direct	2,000	A-dn	800–2	800–2	800–2	
NEJ-LFR	Harbor Island FM	Direct	2,000					
SEA-LOM	Harbor Island FM	Direct	2,000					
SEA-VOR	Harbor Island FM	Direct	2,000					
Radar fix 5 miles NW of Harbor Island FM on NW course SEA-LFR.	Harbor Island FM (final)	Direct	1,500					
Intersection W course NEJ-LFR and SEA localizer course.	Intersection NW course SEA-LFR and SEA localizer course.	Direct	2,000					
Harbor Island FM	Intersection NW course SEA-LFR and SEA localizer course (final).	Direct	1,200					

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Amarillo, Tex.; Air Terminal Airport, elevation 3,604'; facility BVOR, identification AMA; Procedure No. 1, Amendment No. 4, effective date, Mar. 2, 1957; supersedes Amendment No. 3, dated July 30, 1956

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Amarillo LFR	AMA-VOR	Direct	4,800	T-dn	300-1	300-1	200-½	Procedure turn N side of course, 029° outbound, 209° inbound, 4,900' within 10 miles. Minimum altitude over facility on final approach course, 4,400'. Course and distance, facility to airport, 209—4. If visual contact not established upon decent to authorized landing minimums or if landing not accomplished, within 4 miles, climb to 5,000' on R-209 within 20 miles, or when directed by ATC, turn left, climb to 4,700' on R-075 within 20 miles.
Tradewind MHW	AMA-VOR	Direct	5,000	C-dn	400-1	500-1	500-1½	
				S-dn-21	400-1	400-1	400-1	
				A-dn	800-2	800-2	800-2	
Buffalo, N. Y.; Municipal Airport, elevation 711'; facility VOR-DME, identification BUF; Procedure No. R-107, Amendment No. 4, effective date, Mar. 2, 1957; supersedes Procedure No. 1, Amendment No. 3, dated Jan. 28, 1956								
Varysburg Intersection* via course 335°.	Darien Intersection#	Direct	3,000	T-dn	300-1	300-1	200-½	*Varysburg Intersection: Buffalo VOR R-132 and 15 miles DME. #Darien Intersection: Buffalo VOR R-107 and 8 miles DME. Procedure turn E side of course, 107° outbound, 287° inbound, 2,000' with 10 miles. Procedure turn need not be accomplished with DME. Minimum altitude over facility on final approach course, 1,500'. Course and distance, facility to airport, 287-3.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 3.6 miles, make a 180° right climbing turn to 2,000' on R-107 BUF within 20 miles. CAUTION: 1,349' TV tower 5 miles WNW of airport.
Darien Intersection#	Buffalo VOR	Direct	1,500	C-dn	400-1	500-1	500-1½	
				S-dn-31, 27	400-1	400-1	400-1	
				A-dn	800-2	800-2	800-2	
San Jose, Calif.; San Jose Airport, elevation 62'; facility BVOR, identification AGW; Procedure No. 1, Amendment No. 3, effective date, Mar. 2, 1957; supersedes Amendment No. 2, dated Sept. 24, 1955								
Oakland LFR	AGW-VOR	Direct	3,000	T-dn*	300-1	300-1	300-1	*500-1 required for takeoff, runway 12. NOTE: All transitions to AGW-VOR above 2,000' must descend to 2,000' in 1 minute, left turn holding pattern on R-115 AGW before executing procedure turn. Procedure turn N side course, 295° outbound, 115° inbound, 1,500' within 5 miles. Not authorized beyond 5 miles due to possible conflict with SFO LOM holding pattern. Minimum altitude over facility on final approach course, 1,100'. Course and distance, facility to airport, 115—3.4. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.4 miles, turn right and proceed to the AGW-VOR, climbing to 2,000' on R-120 (300° inbound), then hold SE of AGW-VOR in a 1-minute left turn pattern on R-115 at 2,000'.
San Francisco LFR	AGW-VOR	Direct	2,000	C-dn	600-1	600-1	600-1½	
San Francisco LOM	AGW-VOR	Direct	2,000	A-dn	800-2	800-2	800-2	
Moffett LFR	AGW-VOR	Direct	1,700					
Evergreen FMHW	AGW-VOR	Direct	1,700					
Saratoga Intersection	AGW-VOR	Direct	4,500					
Mission Intersection	AGW-VOR	Direct	3,000					
Intersection R-290 AGW and bearing 360 to Freemont HW.	AGW-VOR (final)	Direct	1,100					

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Amarillo, Tex.; Air Terminal Airport, elevation 3,604'; facility ILS-IAMA, identification LOM-TDW; Procedure No. 1, Amendment 3, Combination ILS-ADF, effective date, Mar. 2, 1957; supersedes Amendment No. 2, dated Aug. 6, 1955

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Amarillo VOR	TDW	Direct	5,000	T-dn	300-1	300-1	200-½	# 400-¾ required when glide slope not utilized. Procedure turn S side of SW course, 209° outbound, 029° inbound, 5,000' within 10 miles. Minimum altitude at G. S. intersection inbound, 5,000' ILS, minimum altitude over LOM inbound final 4,500' ADF. Altitude of G. S. and distance to approach end of runway at OM 4,920—4.1; at MM 3,832—0.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.1 miles after passing LOM (ADF), climb to 4,900' on NE course ILS (029) or, when directed by ATC, climb to 4,700' on E course LFR within 20 miles.
Amarillo LFR	TDW	Direct	5,000	C-dn	400-1	500-1	500-1½	
Soncy Intersection	TDW	Direct	5,000	S-dn-3#:				
Bivins Intersection	TDW	Direct	5,300	ILS	200-½	200-½	200-½	
Panhandle Intersection	TDW	Direct	4,900	ADF	400-1	400-1	400-1	
Conway Intersection	TDW	Direct	4,900	A-dn:				
Ciaudo Intersection	TDW	Direct	4,900	ILS	600-2	600-2	600-2	
Palo Duro Intersection	TDW	Direct	4,900	ADF	800-2	800-2	800-2	
Tower Intersection	TDW	Direct	5,000					
Sam Intersection	TDW	Direct	5,300					
Amarillo, Tex.; Air Terminal Airport, elevation 3,604'; facility ILS-IAMA, identification BVOR-AMA; Procedure No. 2, Amendment No. 1, Combination ILS and VOR, effective date, Mar. 2, 1957; supersedes Amendment Original, dated Nov. 3, 1956								
Amarillo LFR	AMA-VOR	Direct	4,800	T-dn	300-1	300-1	200-½	Procedure turn N side of NE course 029° outbound, 209° inbound, 4,900' within 10 miles of AMA VOR. No glide slope, 4,400' over AMA VOR. 4 miles from VOR to approach end of runway 21. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4 miles, climb to 5,000' on SW course ILS or R-209 or when directed by ATC turn left, climb to 4,700' on R-075 within 20 miles. NOTE: Procedure authorized only for aircraft equipped to receive Amarillo ILS and Amarillo VOR simultaneously.
Tradewind MHW	AMA-VOR	Direct	5,000	C-dn	400-1	500-1	500-1½	
				S-dn-21 ILS	300-1	300-1	300-1	
				A-dn	800-2	800-2	800-2	
Billings, Mont.; Municipal Airport, elevation 3,612'; facility ILS-BIL, identification LOM-BI; Procedure No. 1, Amendment No. 1, effective date, Mar. 2, 1957; supersedes Amendment Original, dated Dec. 15, 1956								
BIL-VOR	LOM	Direct	5,200	T-dn*	300-1	300-1	200-½	*300-1 required for takeoff on all runways except 9-27. #400-1 required with glide slope inoperative. Procedure turn S side of course, 275° outbound, 095° inbound, 5,200' within 10 miles. Not authorized beyond 10 miles. Minimum altitude at G. S. intersection inbound, 5,000' ILS; minimum altitude over LOM inbound final 4,800' ADF. Altitude of G. S. and distance to approach end of runway at OM 4965—4.1 at MM 3815—0.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.1 miles of LOM (ADF) climb to 5,200' on E course BIL-LFR within 20 miles. NOTE: Approach lights not installed. CAUTION: Standard clearance over obstructions not provided on ADF final approach (terrain 3,805' mean sea level at BIL-VOR).
BIL LFR	LOM	Direct	5,200	C-dn	400-1	500-1	500-1½	
Park City FM	LOM	Direct	5,200	S-dn-9#:				
Lavina FM	LOM	Direct	6,000	ILS	300-¾	300-¾	300-¾	
				ADF	400-1	400-1	400-1	
				A-dn:				
				ILS	600-2	600-2	600-2	
				ADF	800-2	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Buffalo, N. Y.; Municipal Airport, elevation 711'; facility ILS, identification BUF; Procedure No. 1, Amendment No. 6, effective date, Mar. 2, 1957; supersedes Amendment No. 5, dated Apr. 1, 1954

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
SW course Buffalo LFR via course 052°.	SW course ILS	Direct	2,000	T-dn	300–1	300–1	200–½	Procedure turn N side NE course 052° outbound, 232° inbound, 1,800' within 10 miles of LOM.
Wolcottsville FM	LOM (final)	Direct	1,800	C-dn	400–1	500–1	500–1½	Minimum altitude at glide slope intersection inbound: 1,800'.
Buffalo VOR	LOM	Direct	1,800	S-dn-23	200–½	200–½	200–½	Altitude of glide slope and distance to approach end of runway at OM—1,750', 3.7; at MM—930', .6.
				A-dn	600–2	600–2	600–2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2,000' on SW course ILS or, when directed by ATC, climb as rapidly as possible to 2,300' on W course Buffalo LFR within 10 miles.
								CAUTION: 1,349' TV tower 5 miles WNW of airport.

Buffalo, N. Y.; Municipal Airport, elevation 711'; facility ILS-BUF, identification FM-CQA; Procedure No. 2, Amendment No. 2, effective date, Mar. 2, 1957; supersedes Amendment No. 1, dated Apr. 1, 1954

SW course Buffalo LFR via course 052°.	SW course ILS	Direct	2,000	T-dn	300–1	300–1	200–½	*Do not descend below 2,000' until 7 miles past Angola FM. (Distance from Angola FM to Cheektowaga FM exceeds standard.)
Angola FM	SW course ILS (final)	Direct	*1,800	C-dn	400–1	500–1	500–1½	Procedure turn S side SW course, 232° outbound, 052° inbound, 2,000' within 10 miles of Cheektowaga FM.
Buffalo VOR	SW course ILS	Direct	2,000	S-dn-5	400–1	400–1	400–1	No glide slope or inarkers; 1,500' over Cheektowaga FM; 2.3 miles from Cheektowaga FM to runway 5.
				A-dn	800–2	800–2	800–2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 2.3 miles after passing Cheektowaga FM, climb to 2,000' on NE course ILS or, when directed by ATC, make a climbing right turn to 2,100' on E course Buffalo LFR within 10 miles.

Charleston, W. Va.; Kanawha County Airport, elevation 981'; facility ILS-CHW, identification LOM-CH; Procedure No. 1, Amendment No. 7, Combination ILS-ADF, effective date, Mar. 2, 1957; supersedes Amendment No. 6, dated Sept 29, 1956

Intersection NE course ILS and bearing 254° to CHW-LFR.	LOM	Direct	2,500	T-dn	300–1	300–1	200–½	Procedure turn N side NE course, 050° outbound, 230° inbound, 2,300' within 10 miles.
CHW-LFR	LOM	Direct	2,500	C-dn	600–1	600–1	600–1½	No glide slope, minimum altitude over LOM inbound final 1,800'.
CHW-VOR	LOM	Direct	2,500	S-dn-23:				Distance to approach end of runway at LOM 4.3, at LMM 0.5.
Gay Intersection	LOM	Direct	2,500	ILS	500–1	500–1	500–1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 4.3 miles after passing LOM (ADF), climb to 2,500' proceeding to Charleston LFR or when directed by ATC climb to 2,500' proceeding to CHW-VOR.
Walnut Grove Intersection	LOM	Direct	2,500	ADF	600–1	600–1	600–1	
Ivydale Intersection	LOM	Direct	2,500	A-dn	800–2	800–2	800–2	NOTE: Provisions for use with inoperative components are not applicable to this procedure.

New York, N. Y.; International Airport, elevation 12'; facility ILS-IDL, identification FM Elmont Procedure No. 2, Amendment No. 6, effective date, Dec. 8, 1956; supersedes Amendment No. 5, dated Feb. 26, 1955

PROCEDURE CANCELED MAR. 2, 1957

New York, N. Y.; International Airport, elevation 12'; facility ILS, identification IWY; Procedure No. 2, Amendment No. 1, effective date, Mar. 2, 1957; supersedes Procedure No. 3 Amendment Original, dated Jan. 16, 1957

Glen Cove Radiobeacon	OM (final)	Direct	1,500	T-dn	300–1	300–1	200–1¼	*400–3/4 required with glide slope inoperative.
Idlewild LFR	OM	Direct	1,500	C-dn	400–1	500–1	500–1½	CAUTION: Circling minimums do not provide standard clearance over the following obstructions: 278' stack 1.7 miles SE runway 4, 185' contact tower on airport.
Mitchel LFR	OM	Direct	1,400	S-dn-22*	200–1½	200–1½	200–1½	Procedure turn E side NE course, 043° outbound, 223° inbound, 1,500' within 10 miles of OM (nonstandard to avoid LaGuardia traffic).
Idlewild VOR	OM	Direct	1,500	A-dn	600–2	600–2	600–2	Minimum altitude at glide slope intersection inbound, 1,500'.
Radar terminal area transition altitudes:								Altitude of glide slope and distance to approach end of runway at OM—1,500'—4.8; at MM 240'—0.6.
All directions		Within 25 miles	2,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1,500' on SW course ILS and proceed to Scotland Intersection. Contact IDL approach control for further instructions.
E of NE/SW course LaGuardia LFR.		Within 15 miles	1,500					

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Syracuse, N. Y.; Hancock Airport, elevation 419'; facility ILS-SYR, identification LOM-SY; Procedure No. 1, Amendment No. 13, Combination ILS-ADF, effective date, Feb. 23, 1957; supersedes Amendment No. 2, dated May 27, 1954

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Syracuse LFR	LOM	Direct	1,900	T-dn*	300–1	300–1	200—1¼	*600–1 required for takeoff to SE.
Syracuse VOR	LOM	Direct	1,900	C-dn	#600–1	700–1	700–1¼	#Standard clearance not provided over 836' radio mast 1.1 mile SE of airport. After interception of localizer course inbound, descent on glide slope to cross the outer marker at 1,535' on final approach is authorized.
Sherrill Intersection via course 310.	E course ILS	Direct	##2,500	S-dn-28:				##Descent to 1,800' authorized after passing Syracuse VOR radial 150°.
				ILS	300–¾	300–¾	300–¾	Procedure turn N side E course, 098° outbound. 278° inbound, 1,600' within 10 miles.
				ADF	#600–1	700–1	700–1	Minimum altitude at G. S. intersection inbound 1,600' ILS, minimum altitude over LOM inbound final 1,100' ADF.
Intersection E course Syracuse LFR and bearing 335° to LOM.	LOM	Direct	1,900	A-dn	800–2	800–2		Altitude of G. S. and distance to approach end of runway at OM 1,535—3.6; at MM 635—0.4.
Intersection S course Syracuse LFR and bearing 045° to LOM.	LOM	Direct	##3,000					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles after passing LOM (ADF), climb to 2,000' on W course ILS or course of 278° from LOM within 20 miles.
Munnsville Intersection via course 328°.	E course ILS	Direct	##3,000					AIR CARRIER NOTE: No reduction in minimums or sliding scale authorized for takeoff to the SE.
Fabius Intersection	LOM	Direct	3,000					

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-780; Filed, Feb. 19, 1957; 8:45 a. m.]

[Amdt. 235]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

College Station, Tex.; Easterwood Airport, elevation 320'; facility BVOR, identification CLL; Procedure No. 1, Amendment Original No. 9, effective date, Mar. 9, 1957

Transition				Ceiling and visibility minimums				Notes
					2-engine or less		More than 2-engine, more than 65 knots	
From—	To—	Course and distance	Minimum altitude (feet)	Condition	65 knots or less	More than 65 knots		
BYT LFR	CLL-VOR	Direct	1,400	T-dn C-dn S-dn-10 A-dn	300-1 500-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Procedure turn S side of course, 278° outbound, 098° inbound, 1,500' within 10 miles. Minimum altitude over facility on final approach course, 900'. Course and distance, facility to airport, 098—2.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 2.5 miles, climb to 1,500' on R-125 within 20 miles of VOR. Major changes: Procedure reinstated.
Hickory, N. C.; Municipal Airport, elevation 1,167'; facility BVOR, identification HKY; Procedure No. 1, Amendment Original, effective date, Mar. 30, 1957								
				T-dn C-dn S-dn-24 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 500-1 800-2	---------- ---------- ---------- ----------	Procedure turn N side of course, 042° outbound, 222° inbound, 3,500' within 10 miles. Minimum altitude over HKY-VOR on final approach course 2,500'. Minimum altitude over FM on final approach course 1,900'.* Course and distance, VOR to airport, 222—10. Course and distance FM to airport, 229—5.0.* If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 10 miles, turn right, climb to 3,500', returning to HKY-VOR on R-222. *If FM not received, descent below 1,900' not authorized.

2. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Long Beach, Calif.; Municipal Airport, elevation 56'; facility and identification, Long Beach Radar; Procedure No. 1, Amendment Original No. 9, effective date, Mar. 9, 1957

Transition												Ceiling and visibility minimums				Notes
										Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt			Condition	65 knots or less	More than 65 knots		
												Surveillance approach				
203	255	5	1,800	10	2,500	15	3,500	20	3,500	----------	----------	T-dn*	300-1	300-1	200-½	Radar terminal area transition altitudes: All bearings are from the radar site with sector azimuths progressing clockwise. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 800' mean sea level, then proceed to San Pedro Intersection continuing climb to minimum of 2,500' mean sea level. CAUTION: Circling minimums do not provide clearance over 500' hill 1 mile S of airport. *300-1 required for takeoff runways 16L, 16R, 25L, 34R. #Runways 7L, 25R, 16R, 30.
255	203	5	1,800	10	2,000	15	3,000	20	3,500			C-dn	500-1	600-1	600-2	
												S-dn#	500-1	500-1	500-1	
												A-dn	800-2	800-2	800-2	

Los Angeles, Calif.; International Airport, elevation 125'; facility and identification, Los Angeles Intersection Radar; Procedure No. 1, Amendment No. 10, effective date, Mar. 9, 1957; supersedes Amendment No. 9, dated July 14, 1956

Transition												Ceiling and visibility minimums				Notes
										Course and distance	Minimum altitude (feet)		2-engine or less		More than 2-engine, more than 65 knots	
From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt			Condition	65 knots or less	More than 65 knots		
												Precision approach				
015	040	5	1,500	10	1,800	15	2,000	20	5,000	----------	----------	S-dn-25L	200-½	200-½	200-½	Radar terminal area transition altitudes: All bearings are from the radar site with sector azimuths progressing clockwise. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2,000' on W course of Los Angeles LFR within 25 miles of LAX LFR. Major changes: Raise small aircraft circling ceiling to 500' because of obstructions. *Runways 25L-R, 7L-R.
040	060	5	1,500	10	1,500	15	2,000	20	3,000	25	3,500	A-dn	600-2	600-2	600-2	
060	085	5	1,500	10	1,500	15	1,500	20	3,000	25	3,500	Surveillance approach				
085	135	5	1,500	10	1,500	15	1,500	20	3,000	25	3,000	T-dn	300-1	300-1	200-½	
135	150	5	1,500	10	1,500	15	2,500	20	3,000	25	4,000	C-dn	500-1	600-1	600-1½	
150	180	5	1,500	10	2,000	15	2,500	20	3,000	25	4,000	S-dn*	400-1	600-1	600-1½	
180	270	5	1,500	10	1,500	15	1,500	20	3,000	25	4,000	A-dn	800-2	800-2	800-2	
270	345	5	1,500	10	2,500	15	3,500	20	5,000	25	5,000					
345	015	5	1,700	10	2,000	15	3,000	20	5,000	25	7,500					

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1035; Filed, Feb. 19, 1957; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

IDENTIFICATION OF DEPENDENTS

The following amendments to § 56.2-2 of this part have been authorized by the Secretary of Defense and the Surgeon General of the Public Health Service, who has been delegated the authority for this program by the Secretary of Health, Education and Welfare:

Section 56.2-2 is amended in the following respects:

1. Paragraph (a) is amended by changing the title of the form DD 1173 to "Uniform Services Identification and Privilege Cards." The paragraph as amended will read as follows:

§ 56.2-2 *Identification of dependents.* (a) Upon an affirmative determination by the Secretary of a uniformed service or his designee that a dependent is eligible for medical care, such dependent will be issued a "Uniformed Services Identification and Privilege Card", DD Form 1173.[1] The DD Form 1173 will serve as the primary means of identifying dependents eligible for medical care.

2. Paragraph (b) (2) (iii) has been amended to read as follows:

(iii) Whenever the cardholder becomes ineligible.

3. Paragraph (b) (3) has been revised to read as follows:

(3) *Expiration date.* The DD Form 1173 shall be effective for the contracted period of service of the sponsor upon whom the entitlement is based in the case of dependents of the uniformed services, or in the case of minors the 21st birthday if it occurs prior to the termination of the service of the sponsor, except that for entitlement to medical care, the provisions of § 56.1-3 (d) (7) will apply. The departments will insure that sponsors are directed to notify the appropriate authority immediately upon any change in status that would terminate or modify the right to any of the benefits for which the card may be used.

4. Paragraph (b) (4) has been revised to read as follows:

[1] Filed as part of original document.

(4) *Dependents listed.* Each dependent, entitled to medical care, will be issued DD Form 1173.

5. In paragraph (b), subparagraph (5) *Family groups* has been deleted and subparagraph (6) has been renumbered subparagraph (5). No change in substance has been made to this subparagraph.

(70 Stat. 250)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57-1304; Filed, Feb. 19, 1957; 8:45 a. m.]

Subchapter N—Transportation

PART 208—TRANSPORTATION OF UNCRATED HOUSEHOLD GOODS BY FREIGHT FORWARDERS

PAYMENT OF TRANSPORTATION AND ACCESSORIAL CHARGES

Part 208 is amended by the addition of a new § 208.10, as follows:

§ 208.10 *Payment of transportation and accessorial charges to forwarders for shipments consigned to storage-in-transit at destination.* (a) The term "forwarder" as used in this section means a freight forwarder which has been duly authorized, under certificate or permit, to operate as such in intrastate or interstate commerce.

(b) The payment of transportation charges from the point of shipment to the destination storage point on shipments of household goods forwarded for account of the Department of the Army, the Department of the Navy (including the Marine Corps), or the Department of the Air Force, and stored in transit for account of the forwarder for ultimate delivery to the consignee or owner may be made upon completion of the transportation to the forwarder's destination storage point and prior to ultimate delivery to the consignee, provided the forwarder hauling the shipment to the destination storage point certifies as follows over the signature of its duly authorized representative—

The household goods described on_____
(Government bill of lading number)
were placed in this forwarder's storage warehouse at _____ _____ on _____
(Destination) (Warehouse) (Date)
and will be permitted to remain there for a period of _____ or such shorter period
(Number of days)
as may meet the consignee's or owner's demands. This forwarder assumes full carrier liability for the shipment during such storage and until delivery to the consignee or owner within the designated storage period.

_____
Signature and title of forwarder's authorized representative, including name of company

(c) The certification required above will be made on the covering Government bill of lading except when there is not sufficient space on the bill of lading for this purpose. In the latter case the certification with reference to the appropriate Government bill of lading number may be made on plain paper and securely attached to said bill of lading.

(d) When transportation charges have been paid as authorized in paragraph (b) of this section, the payment of accessorial charges, if any, accruing against the shipment after delivery into storage may be made upon presentation by the forwarder of a claim therefor on Standard Form No. 1113, which should bear the same bill number as the forwarder's original bill for transportation charges but carrying a letter suffix (Example—No. 12345-*A*). The claims for accessorial charges must identify the bill of lading covering the transportation service, show the basis for the accessorial charges claimed, and be supported by an original Accessorial Services Certificate (DD Form 619) [1] for services rendered at destination, signed by the consignee, showing:

(1) The accessorial services ordered and furnished;

(2) Receipt of the shipment by the consignee or owner; and

(3) Loss of or damage to the shipment, if any (use space captioned "Explanation or Remarks" for this information).

(Sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a)

PERKINS MCGUIRE,
Assistant Secretary of Defense,
(Supply and Logistics).

[F. R. Doc. 57-1305; Filed, Feb. 19, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter C—Drugs

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN OR BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141e, 146, 146a, 146c, 146e; 21 F. R. 7433, 8215) are amended as indicated below:

[1] Filed as part of original document.

1. Section 141e.403 is amended by changing the section headnote and paragraph (a) to read as follows:

§ 141.403 *Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets*—(a) *Potency.* Proceed as directed in § 141.401 (a), except § 141.401 (a) (3), and in lieu of the directions in § 141.401 (a) (1) (iii) proceed as follows: Place a representative sample (usually 5 tablets) in a blending jar and add thereto 125 milliliters of 1 percent phosphate buffer, pH 6.0, except that if it is bacitracin methylene disalicylate add 99 milliliters of an aqueous solution of 2 percent sodium bicarbonate and 1 milliliter of a 10 percent aqueous solution of polysorbate 80. After blending for 1 minute with a high-speed blender, add 125 milliliters of buffer to the blender. Blend again for 1 minute and make the proper estimated dilutions in 1 percent phosphate buffer, pH 6.0. The content of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

2. In § 141e.410, the section headnote and paragraph (a) (1) (i) are amended to read as follows:

§ 141e.410 *Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets*—(a) *Tablets*—(1) *Potency*—(i) *Bacitracin, zinc bacitracin, or bacitracin methylene disalicylate content.* Proceed as directed in § 141e.403 (a). Its content of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate is satisfactory if it contains not less than 85 percent of the number of units per tablet that it is represented to contain.

3. In § 146.26 *Animal feed containing penicillin* * * *, paragraph (b) (5) is amended by adding the following new subdivisions:

(x) Piperazine dihydrochloride, not less than 0.18 percent and not more than 0.55 percent (piperazine base 0.1 percent to 0.3 percent).

(xi) Piperazine phosphate monohydrate, not less than 0.23 percent and not more than 0.70 percent (piperazine base 0.1 percent to 0.3 percent).

(xii) Piperazine sulfate, not less than 0.21 percent and not more than 0.65 percent (piperazine base 0.1 percent to 0.3 percent).

(xiii) di-*N*-Butyl tin dilaurate 0.07 percent, piperazine sulfate 0.12 percent, and phenothiazine 0.29 percent.

4. In § 146a.58 *Penicillin and streptomycin* * * *, subparagraph (1) (iv) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and inserting the following new clause: ", except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section:".

5. In § 146c.231 *Capsules tetracycline and oleandomycin phosphate,* subparagraph (1) of paragraph (a) *Standards of identity* * * * is amended by changing the words "80 milligrams" to read "30 milligrams".

6. Section 146.403 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146e.403 *Bacitracin tablets; zinc bacitracin tablets; bacitracin methylene disalicylate tablets; bacitracin suppositories; zinc bacitracin suppositories (if they are represented for vaginal use); bacitracin implantation pellets; zinc bacitracin implantation pellets (if they are represented for use by implanting under the skin of animals)*—(a) *Standards of identity, strength, quality, and purity.* Bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets are tablets composed of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, with or without kaolin and pectin and with or without one or more suitable and harmless buffer substances, diluents, binders, lubricants, colorings, and flavorings. The potency of each tablet is not less than 1,000 units nor more than 10,000 units. Its moisture content is not more than 5 percent. Unless it is represented to be used for inhalation therapy, the bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (1), (2), and (4), but in no case is its potency less than 30 units per milligram. If it is represented to be used for inhalation therapy, the bacitracin used conforms to the requirements of § 146e.401 (a), except § 146e.401 (a) (2) and (4). The zinc bacitracin used conforms to the requirements of § 146e.418 (a). The bacitracin methylene disalicylate used conforms to the requirements of § 146e.416 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. In paragraph (c) *Labeling,* subparagraph (1) is amended by changing subdivision (iv) to read as indicated below and by adding a new subdivision (v) thereto, as follows:

(iv) If it is implantation pellets or bacitracin methylene disalicylate tablets, the statement "For veterinary use only".

(v) If the batch contains, in addition to bacitracin, zinc bacitracin, or bacitracin methylene disalicylate, one or more of the other active ingredients specified in paragraph (a) of this section, the name and quantity of each such other ingredient in each tablet.

c. Paragraph (c) is further amended by renumbering subparagraph (3) as (4) and inserting a new subparagraph (3), reading as follows, between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if it contains kaolin or pectin, after the name "bacitracin tablets," "zinc bacitracin tablets," or "bacitracin methylene disalicylate tablets," wherever it appears, the words "with _____ (the blank being filled in with the word "kaolin" or "pectin" or the words "kaolin and pectin," in juxtaposition with such name)."

d. In paragraph (d) *Request for certification* * * *, subparagraph (1) is amended to read as follows:

(d) *Requests for certification; sampling.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin, zinc bacitracin, or bacitracin methylene disalicylate used in making such batch was completed, the number of units in each tablet, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

e. Paragraph (d) (2) (ii) is amended to read as follows:

(ii) The bacitracin, zinc bacitracin, or bacitracin methylene disalicylate used in making the batch; potency, toxicity, moisture, pH, and zinc content if it is zinc bacitracin.

f. Paragraph (d) (3) is amended by renumbering subdivision (iv) as (v) and inserting a new subdivision (iv), reading as follows, between subdivision (iii) and renumbered subdivision (v):

(iv) The bacitracin methylene disalicylate used in making the batch; 5 packages containing approximately equal portions of not less than 5 grams each, packaged in accordance with the requirements of § 146e.416 (b).

g. Paragraph (d) (4) is amended to read as follows:

(4) No result referred to in subparagraph (2) (ii) of this paragraph, and no sample referred to in subparagraph (3) (ii), (iii), or (iv) of this paragraph, is required if such result or sample has been previously submitted.

h. In paragraph (e) *Fees,* subparagraph (1) is amended by changing the words "and (iv)" to read "(iv), and (v)".

7. Section 146c.410 is amended as follows:

a. The section headnote, the introduction to paragraph (a), and paragraph (a) (1) are changed to read as follows:

§ 146e.410 *Bacitracin-neomycin tablets; zinc bacitracin-neomycin tablets; bacitracin methylene disalicylate-neomycin tablets.* (a) Bacitracin-neomycin tablets, zinc bacitracin-neomycin tablets, and bacitracin methylene disalicylate-neomycin tablets conform to all requirements and are subject to all procedures prescribed for bacitracin tablets, zinc bacitracin tablets, and bacitracin methylene disalicylate tablets, except that:

(1) Each tablet contains not less than 2,500 units of bacitracin, zinc bacitracin, or bacitracin-methylene disalicylate.

b. Paragraph (a) (3) is changed to read as follows:

(3) In lieu of the labeling prescribed by § 146e.403 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container the number of units of bacitracin, zinc bacitracin, or bacitracin methylene disalicylate and the number of milligrams of neomycin in each tablet of the batch.

c. Paragraph (a) (4) is amended by changing the words "bacitracin or zinc bacitracin" to read "bacitracin, zinc bacitracin" or bacitracin methylene disalicylate".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotics and the drugs specifically enumerated in amendment 3 need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy, provided they comply with all the other conditions specified in the regulations.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357, 371)

Dated: February 13, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Foods and Drugs.

[F. R. Doc. 57-1320; Filed, Feb. 19, 1957; 8:47 a. m.]

Subchapter E—Regulations Under Specific Acts of Congress Other Than the Federal Food, Drug, and Cosmetic Act

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS 1957-1958

Pursuant to the authority of the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U. S. C. 42, 50), the regulations for the enforcement of this act (21 CFR Part 281; 21 F. R. 1317) are amended by changing § 281.19 (a) to read as follows:

§ 281.19 *Tea standards.* (a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 6, 1957, are hereby fixed and established as

the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1957, and ending April 30, 1958:

(1) Formosa Oolong.
(2) Java Black (for all black tea except Formosa and Japan Black and Congou type).
(3) Formosa Black (Formosa Black and Congou type).
(4) Japan Black.
(5) Japan Green.
(6) Canton type (for all Canton types including scented Canton and Canton Oolong).

These standards apply to tea shipped from abroad on or after May 1, 1957. Tea shipped prior to May 1, 1957, will be governed by the standards which became effective May 1, 1956 (21 F. R. 1317).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607; 21 U. S. C. 50. Interprets or applies sec. 2, 41 Stat. 712, 57 Stat. 500; 21 U. S. C. 42)

Dated: February 13, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-1319; Filed, Feb. 19, 1957; 8:47 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11A, Revised Schedule A of February 15, 1957]

M-11A—COPPER AND COPPER-BASE ALLOYS

REVISION OF SCHEDULE A—SET-ASIDE PERCENTAGES

This amendment of Schedule A to BDSA Order M-11A is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment revises Schedule A of BDSA Order M-11A as amended December 18, 1956. It applies to authorized controlled material orders calling for delivery after March 31, 1957 and provides for a new base period for the determination of average shipments against which set-aside percentages are to be applied. Set-aside percentages for copper controlled material products are also revised.

Schedule A to BDSA Order M-11A is hereby amended to read as follows:

SCHEDULE A TO BDSA ORDER M-11A

Set-aside Percentages

(See sec. 6 (f) of BDSA Order M-11A)
Base period—Calendar Year 1955

(See sec. 2 (o) of BDSA Order M-11A)

Product and Percentage for Orders Calling for Delivery After March 31, 1957 [1]	
Brass mill products:	
Unalloyed:	
Plate, sheet, strip, and rolls	6
Rod, bar, shapes, and wire	11
Seamless tube and pipe	3
Alloyed:	
Plate, sheet, strip, and rolls	5
Rod, bar, shapes, and wire	4
Seamless tube and pipe	15
Military ammunition cups and discs	65
Copper wire mill products:	
Copper wire and cable:	
Bare and tinned	8
Weatherproof	8
Magnet wire	8
Insulated building wire	8
Paper and lead power cable	8
Paper and lead telephone cable	8
Asbestos cable	8
Portable and flexible cord and cable	8
Communications wire and cable	8
Copper wire mill products—Continued	
Copper wire and cable—Continued	
Shipboard cable	8
Automotive and aircraft wire and cable	8
Insulated power cable	8
Signal and control cable	8
Coaxial cable	8
Copper-clad steel wire containing over 20 percent copper by weight regardless of end use	8
Copper foundry products	7
Unalloyed copper powder mill products	[2]
Copper-base alloy powder mill products	[2]

[2] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 6 (f) of this order does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended; sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 406; 50 U. S. C. App. 2154)

This revised schedule shall take effect February 15, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57-1307; Filed, Feb. 19, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

CANNED ONIONS [1]

SUBPART—U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Canned Onions pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.). This standard, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 90 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.3041 Product description.
52.3042 Grades of canned onions.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.3043 Recommended fill of container.
52.3044 Recommended minimum drained weight.

SIZE AND COUNT OF CANNED WHOLE ONIONS

52.3045 Size and count of onions.

FACTORS OF QUALITY

52.3046 Ascertaining the grade.
52.3047 Ascertaining the rating for the factors which are scored.
52.3048 Color.
52.3049 Uniformity of size and shape.
52.3050 Defects.
52.3051 Character.

SCORE SHEET

52.3052 Score sheet for canned onions.

AUTHORITY: §§ 52.3041 to 52.3052 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, AND GRADES

§ 52.3041 *Product description.* "Canned onions" means the canned product from properly prepared, clean, sound, succulent bulbs of the onion plant as such product is defined in the Standard of Identity for Canned Onions (21 CFR 52.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.3042 *Grades of canned onions.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned onions that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and shape; that are practically free from defects; that possess a good character; and that score not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned onions that possess similar varietal characteristics; that possess a normal flavor; that possess a fairly good color; that are fairly uniform in size and shape; that are fairly free from defects; that possess a fairly good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of canned onions that fail to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER AND DRAINED WEIGHT

§ 52.3043 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container be filled as full as practicable with onions without impairment of quality and that the product and packing medium occupy not less than 90 percent of the total capacity of the container.

RECOMMENDED MINIMUM DRAINED WEIGHT

§ 52.3044 *Recommended minimum drained weight.* The drained weight recommendations in Table I of this section are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned onions, as the case may be, is determined by emptying the contents of the container upon a No. 8 circular sieve of proper diameter and allowing to drain for two minutes. A sieve 8 inches in diameter is used for No. 2½ size cans (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF CANNED ONIONS

Container size or designation	Maximum headspace allowable (measured from top of double seam)	Sizes of canned onions		
		Tiny	Small	Medium
	16th of an inch	*Ounces*	*Ounces*	*Ounces*
8-ounce tall	7.6	5.0	5.0	5.0
No. 303	9.4	10	10	10
No. 303 glass	9.4	9	9	9
No. 10	13.6	66	65	63

SIZE AND COUNT OF CANNED WHOLE ONIONS

§ 52.3045 *Size and count of onions.* The size and count recommendations in Table II of this section are not incorporated in the grades of the finished product since size and count of onions, as such, are not a factor of quality for purpose of these grades. The size of any onion is determined by measuring the largest diameter through the center transverse to the longitudinal axis of the onions. The word and size designations of the various sizes of whole onions are shown in the table as well as the count range per container for stated container sizes.

TABLE II—SIZE AND COUNT

Container size or designation (metal, unless otherwise stated)	Tiny (⅞" or less)	Small (over ⅞" to and including 1⅜6")	Medium (over 1⅜6" to and including 1½")
8-ounce tall	15 to 20, inclusive	10 to 12, inclusive	
No. 303 and No. 303 glass	30 to 40, inclusive	16 to 25, inclusive	12 to 16, inclusive.
No. 10	200 and over	100 and over	80 to 99, inclusive.

FACTORS OF QUALITY

§ 52.3046 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors which are not scored.* (i) Varietal characteristics.

(ii) Flavor.

(2) *Factors which are scored.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Uniformity of size and shape	30
Defects	30
Character	20
Total score	100

(b) *Normal flavor.* "Normal flavor" means that the product is free from objectionable flavors and objectionable odors of any kind.

§ 52.3047 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.3048 *Color—*(a) *General.* The color of canned onions has reference to the predominating and characteristic color of the exterior surface of the onion bulb.

(b) *(A) classification.* Canned onions that possess a good color may be given a score of 17 to 20 points. "Good color" means that the canned onions possess a reasonably bright, characteristic white color which may include typical greenish areas on the side or around the top end of the bulb; and that not more than 10 percent, by count, of the onions may possess typical greenish areas, which in the aggregate, exceed one-half of the surface area of the bulb.

(c) *(C) classification.* If the canned onions possess a fairly good color a score of 14 to 16 points may be given. Canned onions that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned onions possess a characteristic white color which may include typical greenish areas on the side or around the top end of the bulb; that the product is not materially affected by oxidation, dull grayish white, watery white casts or other discoloration; and that not more than 20 percent, by count, of the onions may possess greenish areas, which in the aggregate, exceed one-half of the surface area of the bulb.

(d) *(SStd.) classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points, and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3049 *Uniformity of size and shape—*(a) *General.* Uniformity of size and shape refers to the degree of variation and shape of canned onions.

(1) "Poorly shaped" means that the onions may be off type, elongated or misshapen but not to the extent that the appearance is seriously affected, and the length of the onion is more than 1.7 times the diameter of the onion.

TABLE III—EQUIVALENT DIMENSIONS FOR POORLY SHAPED ONIONS

Diameter of onion [1]	*Maximum length of onion (inches)* [2]
½ inch	1¼
9/16 inch	1½
⅝ inch	1¾
11/16 inch	1⅞
¾ inch	2
13/16 inch	2 3/16
⅞ inch	2⅜
15/16 inch	2 9/16
1 inch	2 11/16

[1] Diameter is determined by measuring the largest diameter through the center transverse to the longitudinal axis of the onion.

[2] Length is determined by measuring the greatest over-all length of the onion.

(b) *(A) classification.* Canned onions that are practically uniform in size and shape may be given a score of 26 to 30 points. "Practically uniform in size and shape" means that:

(1) In containers with less than 21 units, not more than 10 percent, by count, of the onions are poorly shaped, and the weight of the second largest onion is not more than three times the weight of the second smallest onion.

(2) In containers with 21 or more units, not more than 10 percent by count, of the onions are poorly shaped, and in 95 percent, by count, of the onions that are most uniform in size and shape, the weight of the largest onion is not more than three times the weight of the smallest onion.

(c) *(C) classification.* If the canned onions are fairly uniform in size and shape a score of 21 to 25 points may be

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

given. Canned onions that fail into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly uniform in size and shape" means that:

(1) In containers with less than 21 units, not more than 25 percent, by count, of the onions are poorly shaped, and the weight of the second largest onion is not more than four times the weight of the second smallest onion.

(2) In containers with 21 or more units, not more than 25 percent, by count, of the onions are poorly shaped, and in 95 percent, by count, of the onions that are most uniform in size and shape the weight of the largest onion is not more than four times the weight of the smallest onion.

(d) (*SStd.*) *classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3050 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from blemished units, mechanical damage, loose scales, loose centers, sprouting centers, partial units, and to the trimming of the onion bulb.

(1) "Blemished" means units affected by surface or internal discoloration or blemished by other means to the extent that the appearance or eating quality is materially affected.

(2) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(3) "Mechanical damage" means that the appearance or edibility of the unit is not materially affected by broken scales, excessive gouging, or from broken or crushed units.

(4) "Loose scales" means scales, pieces of scales not attached to a unit.

(5) "Detached center" means the center portion of the onion bulb has become separated.

(6) "Sprouting center" means that the onion has a visible internal yellow sprout.

(7) "Partial unit" means an onion of which less than three-fourths of the apparent size of the bulb is present.

(8) "Well trimmed" means that the top and roots of the bulb have been neatly removed.

(b) (*A*) *classification.* Canned onions that are practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means:

(1) That for approximately each 20 onions there may be present not more than:

(i) Two loose scales, or pieces of scales;

(ii) One detached center;

(iii) One sprouting center, and

(iv) One seed stem.

(2) That at least 95 percent, by count, of the onions are well trimmed; that not more than 10 percent, by count, possess mechanical damage and/or partial units; and that not more than 3 percent, by count, may be blemished: *Provided*, That not more than 1 percent, by count, of all the units may be seriously blemished; or one unit in a single container is permitted to be mechanically damaged, or possess a partial unit, or be blemished, or seriously blemished if such unit exceeds the respective allowances of 10 percent, by count, 3 percent, by count, and 1 percent, by count: *Provided*, That in all of the containers comprising the sample such mechanical damage and/or partial units do not exceed an average of 10 percent, by count, of the total number of units or that such blemished units do not exceed an average of 3 percent, by count, of the total number of units or that such seriously blemished units do not exceed an average of 1 percent, by count, of the total number of units.

(c) (*C*) *classification.* Canned onions that are fairly free from defects may be given a score of 21 to 24 points. Canned onions that fall into this classification shall not be graded above "U. S. Grade C" or "U. S. Standard," regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means:

(1) That for approximately each 10 onions there may be present not more than:

(i) Two loose scales, or pieces of scale;

(ii) One detached center;

(iii) One sprouting center, and

(iv) One seed stem.

(2) That at least 90 percent, by count, of the onions are well trimmed; that not more than 20 percent, by count, possess mechanical damage and/or partial units; and that not more than 5 percent, by count, may be blemished: *Provided*, That not more than 2 percent, by count, of all the units may be seriously blemished; or one unit in a single container is permitted to be mechanically damaged, or possess a partial unit, or be blemished, or seriously blemished if such unit exceeds the respective allowances of 20 percent, by count, 5 percent, by count, and 2 percent, by count: *Provided*, That in all of the containers comprising the sample such mechanical damage and/or partial units do not exceed an average of 20 percent, by count, of the total number of units or that such blemished units do not exceed an average of 5 percent, by count, of the total number of units or that such seriously blemished units do not exceed an average of 2 percent, by count, of the total number of units.

(d) (*SStd.*) *Classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3051 *Character*—(a) *General.* Character has reference to firmness and texture of the onion, and to the tendency to retain their conformation without becoming soft or spongy.

(b) (*A*) *classification.* Canned onions that possess a good character may be given a score of 17 to 20 points. "Good character" means that the onions are reasonably firm, reasonably tender, and not more than 5 percent, by count, are soft or spongy.

(c) (*C*) *classification.* Canned onions that possess a fairly good character may be given a score of 14 to 16 points. Canned onions that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the onions are fairly firm, fairly tender and not more than 20 percent, by count, are soft or spongy.

(d) (*SStd.*) *classification.* Canned onions that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

SCORE SHEET

§ 52.3052 *Score sheet for canned onions.*

Size and kind of container			----
Container mark or identification			----
Label			----
Net weight (ounces)			----
Vacuum (inches)			----
Drained weight (ounces)			----
Style			----
Count (whole)			----
Size (whole)			----
Factors	Score points		
Color	20	(A) 17-20 (C) [1] 14-16 (SStd.) [1] 0-13	
Uniformity of size and shape	30	(A) 26-30 (C) [1] 21-25 (SStd.) [1] 0-20	
Defects	30	(A) 25-30 (C) [1] 21-24 (SStd.) [1] 0-20	
Character	20	(A) 17-20 (C) [1] 14-16 (SStd.) [1] 0-13	
Total score	100		
Grade			----
Flavor			----

[1] Limiting rule.

Dated: February 15, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-1339; Filed, Feb. 19, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[46 CFR Part 281]

[Gen. Order 80]

INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

NON-SUBSIDIZED VOYAGES

In compliance with the provisions of section 4, Administrative Procedure Act, and pursuant to section 204, Merchant Marine Act, 1936, as amended, notice is hereby given that adoption of the regulations hereinafter set forth is contemplated.

All interested persons who desire to submit written comments and suggestions for consideration in connection with the proposed regulations should send them to the Secretary, Maritime Administration, Washington 25, D. C., within thirty (30) days after publication hereof in the FEDERAL REGISTER.

Dated: February 15, 1957.

CLARENCE G. MORSE,
Maritime Administrator.

Part 281—Information and Procedure Required under Operating-Differential Subsidy Agreements, is amended by adding the following new sections and center heading:

NON-SUBSIDIZED VOYAGES

Sec.
281.11 Scope and general comments.
281.12 Application for non-subsidized voyages.
281.13 Hearings.
281.14 Prior authorization.
281.15 Criteria for approval of non-subsidized voyages.
281.16 Conditions to attach in event of approval of application.
281.17 Determinations and questions of interpretation.

AUTHORITY: §§ 281.11 to 281.17 issued under sec. 204, 49 Stat. 1987; 46 U. S. C. 1114. Interpret or apply sec. 606, 49 Stat. 2004; 46 U. S. C. 1176.

§ 281.11 *Scope and general comments.* (a) Except as provided below, §§ 281.11 to 281.17 apply to non-subsidized voyages to be made by a subsidized operator or by a related company, as referred to in Article II–16 of the operating-differential subsidy agreements. Except as provided below it also applies to non-subsidized voyages of subsidized ships.

(b) Sections 281.11 to 281.17 do not apply to (1) non-subsidized voyages specifically authorized by the operating-differential subsidy contract of the operator and non-subsidized voyages by subsidized ships in the subsidized services of the operator, which voyages will be acted on under the provisions of the operator's operating-differential subsidy agreement; or (2) non-subsidized voyages in services that have not been determined to be essential as provided in section 211, Merchant Marine Act, 1936, as amended, by a non-subsidized ship owned by a non-subsidized company related to a subsidized operator.

(c) Sections 281.11 to 281.17 apply to the following categories only to the extent indicated:

(1) Charters to the Military Sea Transportation Service or to a non-subsidized operator—paragraphs (a) and (e) of this section; § § 281.12 (a) (6) and (b); 281.15 (b); 281.16 (a), (b), (c), and (f); and 281.17.

(2) Non-subsidized voyages by non-subsidized ships (other than those excluded under paragraph (b) of this section) in a service where there are no U. S.-flag berth sailings by other operators—paragraphs (a), (e), and (f) of this section; § § 281.12 (a); 281.15; 281.16 (a), (b), (c), (e), and (f); and 281.17.

(3) Ships chartered from the Maritime Administration—§ 281.16.

(d) Except as otherwise determined by the Maritime Administrator, application by a subsidized operator to make a non-subsidized voyage on a route, line or service on which U. S.-flag berth service is maintained but on which the applicant does not maintain a berth operation will not be approved unless the applicant has requested and furnished the written consent of such operator(s) of the U. S.-flag berth service(s). Failure of other operator(s) of U. S.-flag berth service(s) to protest or consent to a non-subsidized voyage within 2 working days, Saturdays, Sundays, and legal holidays excluded (one working day in the case of single voyage charters for the carriage of bulk cargoes) after notification may be interpreted by the Maritime Administrator as consent to such voyage. Such consent will not be required in the event a U. S.-flag berth operator is employing any U. S. Government-owned ship(s) competitively in such route, line, or service under charter pursuant to Public Law 591, 81st Congress.

(e) Responsibility for compliance with §§ 281.11 to 281.17 shall rest on the subsidized operator regardless of whether he is owner, operator, or charterer of the ship involved.

(f) "U. S.-flag berth operator" as used in §§ 281.11 to 281.17 means an operator rendering on the given route, line, or service an exclusively U. S.-flag service maintaining a definite advertised schedule, giving relatively frequent sailings at regular intervals between specific United States ports or range and designated foreign ports or range.

(g) For the purposes of §§ 281.11 to 281.17, competition shall be deemed to exist between the proposed non-subsidized voyage and voyages of other U. S.-flag berth operators in the event the non-subsidized voyage operates in the same route, line, or service as regularly scheduled voyages by such other operators, whether or not the respective itineraries cover identical ports or follow the same order of port calls. Generally, the test will be whether the proposed non-subsidized voyage will provide a service of the type which would be competitive under the considerations of section 605 (c) of the 1936 Act.

§ 281.12 *Application for non-subsidized voyages.* (a) Unless a shorter period is acceptable to the Maritime Administrator, application must be filed not less than five working days, excluding Saturdays, Sundays, and legal holidays, (two working days in the case of single voyage charters for the carriage of bulk cargoes) prior to the date by which the operator requires action thereon, accompanied by the following data:

(1) Name of vessel and date by which decision on application is required.

(2) Statement showing why the voyage is needed, why it will not prejudice other sailings of applicant, and what effect the results will have on the Government's recapture position.

(3) Nature and amounts of anticipated cargo (indicating the approximate amounts of MSTS, bulk commercial and other commercial cargo, separately) on the proposed non-subsidized voyage, outbound and inbound, by principal loading and destination ports. If no inbound cargo is indicated, the operator shall not, in the event of approval of its application, lift inbound cargo unless and until it secures the approval of the Maritime Administration pursuant to an application filed in accordance with the procedure specified in §§ 281.11 to 281.17.

(4) Proposed sailing schedule for the voyage for which approval is requested, including estimated total voyage days.

(5) Pro forma financial results of said voyage including all charges for overhead (showing basis for allocation thereof), depreciation and interest, and all other applicable items.

(6) If the non-subsidized voyage is to be made with a chartered vessel, or if charters are made to MSTS or a non-subsidized operator—name and type of vessel, from whom or to whom chartered, type and period of charter, charter hire rate, range of ports, and other pertinent charter terms.

(b) In the case of charter of a subsidized ship between subsidized operators, the charterer shall furnish the required data, and the owner shall furnish to the Maritime Administration a certification that it will adequately service its subsidized route and meet its contractual sailing requirements without the utilization of the subsidized vessel for the period of proposed charter. Also, in the case of charter of a subsidized ship to MSTS or to a non-subsidized operator, the owner shall furnish the certification described above. The owner shall also file such application as may be required under other provisions of the law or contract, such as where section 805 (a) of the 1936 act is applicable.

§ 281.13 *Hearings.* (a) When in the judgment of the Maritime Administrator it appears that the individual non-subsidized voyages for which approval is requested are forming or tending to form a pattern leading to the establishment of a regular non-subsidized service, or, if in the case where such a non-subsidized service has already been established, it appears that the operator proposes to continue such service indefinitely, the Maritime Administrator may call an informal public hearing prior to making a final decision. Such hearing shall consider evidence respecting adequacy or inadequacy of service and such other evidence as the Maritime Administrator determines is pertinent to the proceedings consistent with his responsibilities under the Merchant Marine Act, 1936, as amended. Such hearing, for advisory purposes only, may be held by the Administrator, or in his discretion, by his designee.

(b) In the event favorable action is taken subsequent to a hearing under § 281.13 (a) authorizing a series of voyages, the findings and determinations of the Maritime Administrator shall be subject to annual review, except that upon presentation of new evidence, the Maritime Administrator may at any time reopen for review and after reasonable notice to the operator may cancel or modify any such authorization. In the event the operator requests permission to continue its non-subsidized operations beyond the period authorized by the Maritime Administrator, the Maritime Administrator shall determine whether or not further hearing on said matter is warranted prior to taking final action upon such request.

(c) In the event an operating-differential subsidy application or a request for an adjustment in the number of sailings under an existing contract is or has been filed by a subsidized operator and is under consideration by the Federal Maritime Board or scheduled for a section 605 (c) hearing, the hearing provisions of these rules and regulations may be waived or suspended by the Maritime Administrator and he may grant such authorizations as he deems appropriate under the circumstances.

§ 281.14 *Prior authorization.* A series of non-subsidized voyages previously authorized by the Maritime Administration may continue under the terms of such authorization but may be set for hearing in the discretion of the Maritime Administrator.

§ 281.15 *Criteria for approval of non-subsidized voyages*—(a) *Service.* Each non-subsidized voyage application must show definite need for the voyage whether or not in addition to the regular sailings maintained by the applicant and that approval of the voyage will not adversely affect applicant's regular sailings.

(b) *Financial results.* Each voyage should show expectation of profit after all proper charges, including overhead, charter hire, depreciation, and interest. However, the Maritime Administrator, in his discretion, may waive or modify this condition.

§ 281.16 *Conditions to attach in event of approval of application.* (a) No subsidy shall be payable with respect to said voyage.

(b) The voyage shall not count toward the operator's compliance with the minimum and maximum sailing requirements of its operating-differential subsidy contract.

(c) The financial results (including overhead, depreciation, interest, and all proper charges) of voyages made in other than the operator's subsidized service with subsidized or non-subsidized ships shall not be included in net earnings from subsidized operations; and the "capital necessarily employed" attributable to the ship(s) performing such operations shall also be excluded from subsidized operations.

(d) The financial results (including overhead, depreciation, interest, and all proper charges) of non-subsidized voyages made by non-subsidized ships in the operator's subsidized service shall be included in net earning from subsidized operations, and the "capital necessarily employed" attributable to the ship(s) performing such operations shall be taken into account as capital necessarily employed in subsidized operations for the period of such voyages; provided, however, the results:

(1) Shall be included in the subsidized operations for recapture and reserve fund purposes if the voyage is partially within the subsidized service and 50 percent or more of the total gross voyage revenue is derived from carrying cargo between ports within the subsidized service, and

(2) Shall be excluded from the subsidized operations for recapture and reserve fund purposes if the voyage is partially within the subsidized service and less than 50 percent of the total gross voyage revenue is derived from carrying cargo between ports within the subsidized service.

(e) The operator shall not advertise non-subsidized voyages outside his subsidized service except (1) for passenger ships, (2) where no established U. S.-flag service exists, or (3) where the voyage is part of a non-subsidized service authorized by the Maritime Administrator. Compliance with the requirements of this section is waived in the event a U. S.-flag berth operator is employing any U. S. Government-owned ship(s) competitively in such route, line, or service under charter pursuant to Public Law 591, 81st Congress.

(f) Without prior written approval of the Maritime Administrator, there shall be no deviation from the terms and conditions of the authorization of the non-subsidized voyage(s). However, the Maritime Administrator may, in his discretion, where unusual circumstances in any particular case so require or where it may be in the mutual interest of the operator and the Government, authorize a departure from or modification of any of the conditions of paragraphs (b) through (e) of this section.

§ 281.17 *Determinations and questions of interpretation.* The decision of the Maritime Administrator shall be final with respect to all determinations and questions of interpretation arising under §§ 281.11 to 281.17.

[F. R. Doc. 57-1336; Filed, Feb. 19, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Amdt. 1]

WYOMING

NOTICE OF ESTABLISHMENT OF AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEES

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that the field organization be published in the FEDERAL REGISTER, and § 711.11 of the Marketing Quota Review Regulations (21 F. R. 9365, 9716), which provides for establishment of areas of venue for marketing quota review committees, notice is hereby given of areas of venue for the State of Wyoming established by the ASC State Committee as follows:

WYOMING

Counties of:

Area I—Converse, Goshen, Laramie, Niobrara, Platte.

Area II—Campbell, Crook, Johnson, Sheridan, Weston.

Area III—Albany, Carbon, Lincoln, Natrona, Sublette, Sweetwater, Teton, Uinta.

Area IV—Big Horn, Fremont, Hot Springs, Park, Washakie.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002. Interprets or applies secs. 361-368, 52 Stat. 36; 7 U. S. C. 1361-1368)

Done at Washington, this 14th day of February 1957.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLARENCE L. MILLER,
Associate Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-1341; Filed, Feb. 19, 1957; 8:51 a. m.]

Office of the Secretary

LOUISIANA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following parishes in the State of Louisiana, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

LOUISIANA

Bienville	Natchitoches
Bossier	Red River
Caddo	Union
Claiborne	Webster
Desoto	Sabine
Lincoln	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named parishes after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 15th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1343; Filed, Feb. 19, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification No. 16]

[B-26194]

COLORADO

SMALL TRACT OPENING

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby open the following described lands, which were classified by Classification Order No. 16, dated May 26, 1956 (21 F. R. 3727) to small tract application by the filing of Veterans' Drawing Entry Cards, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 628a) as amended, and the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 77 W.,
Sec. 7: NE¼NW¼.

Containing 40 acres subdivided into 32 small tracts numbered 1 through 32, inclusive, for reference purposes only. Tracts 10, 12, 13, 15, 18, 20 and 21 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a) and if the applicants comply with the regulations these seven tracts will not be subject to the drawing.

2. The lands are located approximately two miles north of Dillon, Colorado, on the north side of Straight Creek. The topography is gently south-sloping, with rather shallow soil supporting sagebrush, grasses, and some scattered clumps of aspen and coniferous trees. There is no evidence of metallic or non-metallic minerals. The area is accessible in summer on county and private roads leading from State Highway 9 at Dillon, Colorado. Culinary water is not available from any presently developed source. A post office and stores are located in the nearby town of Dillon.

3. Each of the tracts, numbered 1 through 32 for purposes of reference only, contains 1.25 acres more or less and is rectangular in shape, approximately 165' x 330', the long axis running north and south. An unofficial plat showing the location of each tract can be obtained by writing to the Manager, Land Office, Bureau of Land Management, P. O. Box 1018, 357 New Custom House, Denver 1, Colorado. Lease and sale of these tracts will be by aliquot parts of a legal subdivision. The tracts are appraised at $550 each. Advance rental for the three-year lease period is $82.50. The tracts will be subject to all existing rights-of-way of record, and rights-of-way for roads and public utilities in accordance with Title 43 CFR 257.17 (b), will be reserved as described below. Such rights-of-way may be utilized by the Federal Government, or the State or County in which the tracts are located, or by any agency thereof. All minerals will be reserved to the United States.

Reference No.	Legal description 6th P. M. Colorado, T. 5 S., R. 77 W.	Location and width of rights of way
*	*Section 7*	
1	E½NE¼NE¼NE¼NW¼	25 feet along west, south and north sides, 50 feet along east side.
2	W½NE¼NE¼NE¼NW¼	25 feet along all sides.
3	E½NW¼NE¼NE¼NW¼	Do.
4	W½NW¼NE¼NE¼NW¼	Do.
5	E½NE¼NW¼NE¼NW¼	Do.
6	W½NE¼NW¼NE¼NW¼	Do.
7	E½NW¼NW¼NE¼NW¼	Do.
8	W½NW¼NW¼NE¼NW¼	Do.
9	W½SW¼NW¼NE¼NW¼	Do.
[1] 10	E½SW¼NW¼NE¼NW¼	Do.
11	W½SE¼NW¼NE¼NW¼	Do.
[1] 12	E½SE¼NW¼NE¼NW¼	Do.
[1] 13	W½SW¼NE¼NE¼NW¼	Do.
14	E½SW¼NE¼NE¼NW¼	Do.
[1] 15	W½SE¼NE¼NE¼NW¼	Do.
16	E½SE¼NE¼NE¼NW¼	25 feet along west, south and north sides, 50 feet along east side.
17	E½NE¼SE¼NE¼NW¼	Do.
[1] 18	W½NE¼SE¼NE¼NW¼	25 feet along all sides.
19	E½NW¼SE¼NE¼NW¼	Do.
[1] 20	W½NW¼SE¼NE¼NW¼	Do.
[1] 21	E½NE¼SW¼NE¼NW¼	Do.
22	W½NE¼SW¼NE¼NW¼	Do.
23	E½NW¼SW¼NE¼NW¼	Do.
24	W½NW¼SW¼NE¼NW¼	Do.
25	W½SW¼SW¼NE¼NW¼	25 feet along east, north and west sides, 50 feet along south side.
26	E½SW¼SW¼NE¼NW¼	Do.
27	W½SE¼SW¼NE¼NW¼	Do.
28	E½SE¼SW¼NE¼NW¼	Do.
29	W½SW¼SE¼NE¼NW¼	Do.
30	E½SW¼SE¼NE¼NW¼	Do.
31	W½SE¼SE¼NE¼NW¼	Do.
32	E½SE¼SE¼NE¼NW¼	25 feet along north and west sides, 50 feet along south and east sides.

[1] Under application from an individual having statutory preference.

4. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the price indicated above providing that during the period of their leases they comply with the improvement requirements as set forth on this opening order under paragraph 6 and those shown on the reverse side of the offer to lease and lease form 4-776. Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The improvements referred to in paragraph 4 must conform with health, sanitation and construction requirements of local ordinances and must in addition meet the following standards:

(a) Buildings on these tracts shall be constructed of new and substantial materials set on adequate foundations of cement, rocks, cinderblocks or similar materials. Chimneys must be of cement, stone, brick masonry, or of an approved metal type and shall be lined with fire resistant brick or tile except where approved metal types are used.

(b) No shacks of temporary and unsightly nature will be allowed. The use of tar or composition papers for general exterior purposes will not be permitted. No trailers or other portable types of houses will be considered as being part or all of the development requirements.

(c) Each lessee will be required to keep the premises in a neat and orderly condition. Garbage and other refuse must be disposed of by burning in an incinerator or be removed at regular intervals in accordance with local standards and practices.

(d) Only one residence building will be permitted per lot. Buildings other than the residence shall be kept to a minimum.

(e) All residential buildings shall have not less than 500 square feet of floor space.

(f) All Bureau of Land Management regulations and State laws as to fire prevention must be observed. Premises and improvements must be maintained in a fire safe condition at all times. Each lessee will be required to take all reasonable precautions to prevent and suppress forest, brush and grass fires. Debris and inflammable material will be removed or burned in such a manner that adjoining properties as well as their own will not be endangered.

(g) Buildings or other improvements on the lots shall be set back a minimum distance of 20 feet from rights-of-way.

(h) No buildings shall be constructed on areas reserved for rights-of-way as described in the order of classification and terms of the lease.

(i) All residence sites must have adequate sanitary facilities to conform with state, county, and local laws and ordinances. Outdoor toilets must be located a minimum of 50 feet from the building or dwelling. The toilets must be fully enclosed and of substantial construction and contain a pit and cover for the seat.

The depth of the pit shall not be less than 6 feet below ground level. In the case of inside toilets, disposal of waste shall be by means of septic tanks or cesspools.

7. The lands are now open to filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Land Office Manager, Bureau of Land Management, Box 1018, Room 357 New Custom House, Denver, Colorado. Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the above-named official prior to 10:00 a. m., June 4, 1957. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4–776), with instructions as to their execution and return and as to payment of fees and rentals.

8. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

FEBRUARY 11, 1957.

[F. R. Doc. 57–1322; Filed, Feb. 19, 1957; 8:48 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Civil Aeronautics Administration has filed an application, Serial No. Anchorage 024222, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining but excepting mineral leasing and the disposal of materials under the Materials Act.

The applicant desires the land for a Low Frequency r a d i o transmitting station.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EKLUTNA AREA

T. 16 N., R. 1 E., S. M.,
Sec. 19: E½ SE¼ NW¼.
Containing 20 acres.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57–1323; Filed, Feb. 19, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

HARRY F. BOWER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 9, 1955, 20 F. R. 9164; March 20, 1956, 21 F. R. 1736–7; and August 22, 1956, 21 F. R. 6307.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1957.

Dated: February 1, 1957

HARRY F. BOWER.

[F. R. Doc. 57–1309; Filed, Feb. 19, 1957; 8:45 a. m.]

CLYDE B. JENNI

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 22, 1956, 21 F. R. 6307.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 9, 1957.

Dated: February 11, 1957.

CLYDE B. JENNI.

[F. R. Doc. 57–1311; Filed, Feb. 19, 1957; 8:46 a. m.]

VICTOR A. MISCIO

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In acordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of August 31, 1956, 21 F. R. 6586.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 8, 1957.

Dated: February 8, 1957.

VICTOR A. MISCIO.

[F. R. Doc. 57–1313; Filed, Feb. 19, 1957; 8:46 a. m.]

WALLACE H. ADAMSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Wallace H. Adamson.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 30, 1957.

4. Title of position: Chief, Stainless, Hi-Temp Alloy and Tool Steel Branch.

5. Name of private employer: McLouth Steel Corporation, 300 S. Livernois, Detroit, Michigan.

CARLTON HAYWARD,
Director of Personnel.

FEBRUARY 12, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

McLouth Steel Corporation.
W. & T. Cartage Co.
Nickel Rim Co.
Bank Deposits.

Dated: February 12, 1957.

WALLACE H. ADAMSON.

[F. R. Doc. 57–1308; Filed, Feb. 19, 1957; 8:45 a. m.]

CARL O. FRIEND

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Carl O. Friend.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: February 1, 1957.

4. Title of position: Director, Power Equipment Division.

5. Name of private employer: Nordberg Mfg. Company, 3073 So. Chase Avenue, Milwaukee, Wisconsin.

CARLTON HAYWARD,
Director of Personnel.

FEBRUARY 12, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Milwaukee Forge & Machine Company.
Nordberg Manufacturing Company.
Bank Deposits.
Continental Motors, Inc.
Employee Credit Union (Nordberg Mfg. Co.).

Dated: February 12, 1957.

CARL O. FRIEND.

[F. R. Doc. 57–1310; Filed, Feb. 19, 1957; 8:45 a. m.]

HOWARD C. HOLMES

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Howard C. Holmes.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 29, 1957.

4. Title of position: Director, Aluminum & Magnesium Division.

5. Name of private employer: Kaiser Aluminum & Chemical Sales, Inc., 919 North Michigan Avenue, Chicago 11, Illinois.

CARLTON HAYWARD,
Director of Personnel.

DECEMBER 28, 1956.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Kaiser Aluminum and Chemical Corporation.
Dixie Corporation.
Bank Deposits.

Dated: February 14, 1957.

HOWARD C. HOLMES.

[F. R. Doc. 57–1312; Filed, Feb. 19, 1957; 8:46 a. m.]

JOHN S. VANDER HEIDE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. John S. Vander Heide.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: January 23, 1957.

4. Title of position: Special Assistant to the Administrator.

5. Name of private employer: Holland-American Wafer Company, Grand Rapids, Michigan.

CARLTON HAYWARD,
Director of Personnel.

FEBRUARY 12, 1957.

Statement of Financial Interest

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Holland-American Wafer Company.
Heyboer Realty Corporation.
Old Kent Bank.
Michigan Trust Company.
Armour and Company.
Michigan National Bank.
Bank Deposits.

Dated: February 9, 1957.

JOHN S. VANDER HEIDE.

[F. R. Doc. 57–1314; Filed, Feb. 19, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

STATEMENT OF ORGANIZATION AND DELEGATION OF AUTHORITY

The Statement of Organization and Delegations of Authority of the Department (20 F. R. 1996) is amended to read as follows:

PART 1—ORGANIZATION OF THE DEPARTMENT

SECTION 1.10 *Creation of the Department.* The Department of Health, Education, and Welfare was created by Reorganization Plan No. 1 of 1953. Under provisions of the act approved April 1, 1953, (Public Law 13, 83d Congress; 67 Stat. 18), the Plan became effective on April 11, 1953. The Plan abolished the Federal Security Agency, created by Reorganization Plan I, and tranferred all functions of the Federal Security Administrator to the Secretary of Health, Education, and Welfare, and all components of the Agency to the Department.

SEC. 1.20 *Department organization.* (a) The Department consists of the Office of the Secretary and the following operating agencies:

Public Health Service.
Office of Education.
Social Security Administration.
Food and Drug Administration.
Office of Vocational Rehabilitation.
Saint Elizabeths Hospital.

(b) In addition to the above, there are three federally aided corporations which are partially supported by Federal funds and operate to a limited extent under the supervision of the Secretary. These are:

American Printing House for the Blind (Louisville, Ky.).
Gallaudet College (Washington, D. C.).
Howard University (Washington, D. C.).

SEC. 1.30 *Field organization.* (a) The Department's field organization includes the following principal field installations:

9 Department regional offices with OS, PHS, OE, SSA, OVR representatives.
16 Food and drug district offices.
6 SSA–BOASI area offices.
546 SSA–BOASI district offices.
Major PHS field installations:
16 Hospitals. 4 Field centers and Laboratories at:
Atlanta, Georgia (Communicable Disease Center).
Cincinnati, Ohio (Robt. A. Taft Sanitary Eng. Center).
Anchorage, Alaska (Arctic Health Research Center).
Hamilton, Montana (Rocky Mountain Laboratory).
25 Foreign quarantine stations (in U. S. and Possessions).
5 Foreign quarantine stations (in foreign countries).
24 Outpatient clinics.
6 Indian health area and 4 Sub-area offices.
48 Indian and 8 Alaska native hospitals.
20 Indian health centers.

(b) The 546 BOASI District Offices operate under regional office supervision. The other field installations operate under general supervision of the appropriate headquarters offices.

SEC. 1.40 *Regional organization.* (a) The nine Department regions, their boundaries, and regional offices are as follows:

Region I, Boston, Mass.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Region II, New York, N. Y.: Delaware, New Jersey, New York, and Pennsylvania.
Region III, Charlottesville, Va.: District of Columbia, Kentucky, Maryland, North Carolina, Virginia, West Virginia, Puerto Rico, and the Virgin Islands.
Region IV, Atlanta, Ga.: Alabama, Florida, Georgia, Mississippi, South Carolina, and Tennessee.
Region V, Chicago, Ill.: Illinois, Indiana, Michigan, Ohio, and Wisconsin.
Region VI, Kansas City, Mo.: Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota.
Region VII, Dallas, Tex.: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Region VIII, Denver, Colo.: Colorado, Idaho, Montana, Utah, and Wyoming.
Region IX, San Francisco, Calif.: Arizona, California, Nevada, Oregon, Washington, Alaska, Hawaii, and Guam.

(b) Each regional office is headed by a regional director who is the Secretary's representative within the region. The following have representation in the regional office:

Office of the Secretary.
Public Health Service.
Office of Education.
Social Security Administration.
Office of Vocational Rehabilitation.

The regional program representatives are under the general administrative supervision of the regional director but receive technical direction from the appropriate headquarters office or bureau.

PART 2—OFFICE OF THE SECRETARY

SEC. 2.10 *Organization.* The Office of the Secretary, in Washington, shall consist of the following: (See Part 1 of this statement for information regarding Office of the Secretary in the field.)

The Secretary and Under Secretary:
  Special Assistant for Health and Medical Affairs.
  Assistants to the Secretary.
  Director of Publications and Reports.
  Director of Security.
Assistant Secretary (For Legislation):
  Congressional Liaison Office.
Assistant Secretary:
  Director of Field Administration.
  Defense Coordinator.
  Assistant for International Activities.
  Advisor on Special Institutions.
Assistant to the Secretary (For Program Analysis):
  Program Analysis Officer.
  Special Assistant on Federal-State Problems.
  Special Staff on Aging.
General Counsel.
Director of Administration.

SEC. 2.20. *Secretary of Health, Education, and Welfare.*. (a) The Department of Health, Education, and Welfare shall be Administered under the supervision and direction of the Secretary.

(b) The Under Secretary shall perform such duties as the Secretary may prescribe and act as Secretary during the absence or disability of the Secretary or in the event of a vacancy in that office.

SEC. 2.30 *Order of succession.* (a) During the absence or disability of the Secretary and Under Secretary or in the event of a simultaneous vacancy in the offices of Secretary and Under Secretary, the Assistant Secretary who is senior according to date of his commission shall act as Secretary.

(b) During the absence, disability, or vacancy in the Offices of the Secretary, the Under Secretary and both Assistant Secretaries, the General Counsel shall perform all functions and exercise all authority of the Secretary.

SEC. 2.40 *Departmental Council.* The Departmental Council, composed of the following members, assists in providing an improved exchange of information and closer coordination of the activities of the Department.

Secretary.
Under Secretary.
Assistant Secretary.
Assistant Secretary (For Legislation).
Special Assistant for Health and Medical Affairs.
Assistant to the Secretary (For Program Analysis).
Assistants to the Secretary.
Congressional Liaison Officer.
General Counsel.
Director of Administration.
Director of Field Administration.
Surgeon General, Public Health Service.
Commissioner of Education.
Commissioner of Social Security.
Commissioner of Food and Drugs.
Director of Vocational Rehabilitation.
Superintendent of Saint Elizabeths Hospital.

SEC. 2.50 *Reservation of authority.* (a) In addition to the authority expressly reserved in subsequent parts of this statement, the following authority is reserved to the Secretary:

(1) No new division or comparable organizational unit shall be established, abolished, or transferred, and no divisions or comparable organizational units shall be consolidated without the prior approval of the Secretary.

(2) Annual or other reports required to be submitted to the President and the Congress shall be submitted by the Secretary unless otherwise required by law, in which case they shall be submitted through the Secretary.

(3) Regulations shall be approved by the Secretary.

(4) Appointments of officers, employees, and other personnel shall be made by the Secretary in all cases in which such authority has not been specifically delegated.

(5) Authority delegated by the President to the Secretary shall, except as specifically redelegated, be exercised only by the Secretary.

(6) Agreements with Federal, State, and local agencies for the performance of responsibilities delegated to the Department by the Federal Civil Defense Administration Delegation No. 1 (19 F. R. 4546) shall be approved only by the Secretary.

SURPLUS PROPERTY UTILIZATION PROGRAM

SEC. 2-248.10 *Organization.* There shall be in the Office of Field Administration, under the direction and supervision of the Director, Office of Field Administration, a Division of Surplus Property Utilization.

SEC. 2-248.20 *Assignment of responsibilities.* (a) The Chief of the Division of Surplus Property Utilization, under the direction and supervision of the Director, Office of Field Administration, shall be responsible for:

(1) Carrying out the functions, duties, and responsibilities vested in the Secretary of Health, Education, and Welfare by sections 203 (j), 203 (k), and 203 (n) of the Federal Property and Administrative Services Act of 1949, as amended, and by Federal Civil Defense Administration Delegation 5 (21 F. R. 6721) as the same may be amended from time to time, in conformance with the rules, regulations, and circulars issued by the Administrator of General Services and the rules, regulations, and circulars issued, and criteria established, by the Federal Civil Defense Administrator to the extent that they affect such functions, duties, and responsibilities (hereinafter called the Program) of the Secretary of Health, Education, and Welfare; and

(2) The organization, integration, coordination, evaluation, and direction of the Program.

(b) The Division, in carrying out the functions, duties and responsibilities of the Secretary as set forth in (a) (1) above, shall:

(1) Develop, with the approval of the Director of the Office of Field Administration, the policy and planning of all aspects of the Program;

(2) Maintain liaison with the General Services Administration, the Federal Civil Defense Administration, and other interested Federal and State agencies, instrumentalities, organizations, and representatives, in connection with all aspects of the Program;

(3) Develop and promulgate, with the approval of the Director of the Office of Field Administration, instructions and procedures relative to the operation of the Program;

(4) Make determinations and allocations for educational, public health, and civil defense purposes as authorized by section 203 (j) of the act and Federal Civil Defense Administration Delegation 5, and take such action as may be necessary in connection with the assignment, disposal, and utilization of surplus property for educational and public health purposes pursuant to section 203 (k) of the act, except that any action which is required to be taken by the Secretary shall be prepared and submitted for the Secretary's approval; and

(5) Prepare for submission by the Secretary to the Senate and to the House of Representatives the reports required to be made by section 203 (o) of the act.

SEC. 2-249.10 *Delegation of authority; Regional Directors—Real property.* (a) This delegation relates to the disposal and utilization of surplus real property and related personal property for education and public health purposes, pursuant to section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended. Each Regional Director, except the Regional Director in Region VIII, with respect to such property located within his jurisdiction, is authorized:

(1) To execute deeds, contracts of sale, and all instruments incident or corollary to the transfer of land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(2) To execute instruments in modification of previous transfers where the acquisition and improvement cost of the land and improvements thereon involved in the modification action was $150,000 or less;

(3) To execute all instruments with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(4) To execute all instruments relating to the transfer of improvements for removal and use away from the site; and

(5) to execute all modifying or retransfer instruments affecting improvements originally disposed of for removal and use away from the site.

(b) The Regional Director of Region IX, with respect to property located within the states comprising Region VIII, shall exercise the authority as above delegated.

SEC. 2-249.20 *Delegation of authority; Regional Property Coordinators—Real property.* (a) In each region, except for Regions I and VIII, the representative of the program of disposal and utilization of surplus real and related personal property for educational and public health purposes contemplated by section 203 (k) of the Federal Property and Administrative Services Act of 1949, as amended, is the Regional Property Coordinator. The Regional Property Coordinators in Region II and Region IX shall serve as program representatives in Region I and Region VIII, respectively.

(b) Each Regional Property Coordinator, with respect to the disposal for educational and public health purposes of surplus real property and related personal property within his jurisdiction, is authorized:

(1) To request and accept assignments from Federal agencies of

(i) Improvements for removal and use away from the site; and

(ii) Land and improvements thereon where the acquisition and improvement cost of the property was $150,000 or less;

(2) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations incident to the disposal of assigned property described in (b) (1) (i) and (b) (1) (ii) above;

(3) To issue and execute licenses and interim permits affecting assigned property described in (b) (1) (i) and (b) (1) (ii) above;

(4) To execute instruments of transfer relating to property described in (b) (1) (i) above;

(5) To execute instruments necessary to carry out actions incident or corollary to the health or educational transfer of property described in (b) (1) (ii) above;

(6) Except for execution of instruments of conveyance to the educational or health transferee, to take all action with respect to land and improvements thereon where the acquisition and improvement cost exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office; and

(7) Incident to the exercise of the authority hereinbefore provided, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

(c) From the foregoing delegation there is reserved to the Division of Surplus Property Utilization authority to request and accept assignments of property from Federal agencies whose disposal authority is exempted from the provisions of the Federal Property and Administrative Services Act of 1949, as amended, by section 602 (d) thereof.

(d) Each Regional Property Coordinator, with respect to property within his jurisdiction previously disposed of for educational and public health purposes, is authorized:

(1) Consistent with the policies and procedures set forth in applicable regulations of the Department, to make determinations concerning the utilization and the enforcement of compliance with the terms and conditions of disposal of:

(i) Improvements for removal and use away from the site; and

(ii) Land and improvements thereon where the acquisition and improvement cost of the property involved in the current action was $150,000 or less;

(2) To accept voluntary reconveyances and to effect reverter of title to land and improvements located thereon, without regard to acquisition cost;

(3) To report to General Services Administration revested properties excess to program requirements in accordance with applicable regulations;

(4) To take all action with respect to land and improvements thereon where the acquisition and improvement cost of the property involved in the current action exceeded $150,000, where the Division of Surplus Property Utilization specifically authorizes closing of the transaction by the Regional Office;

(5) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph; and

(6) Incident to the exercise of the authority delegated in this paragraph, to receive remittances and performance guarantee deposits and bonds, to request refunds or payments, and to request forfeiture or release of performance bonds.

SEC. 2-249.30 *Delegation of authority; Regional Property Coordinators—Personal property.* (a) In each region, except for Regions I and VIII, the representative of the program of donation of surplus personal property for educational, public health, and civil defense purposes contemplated by section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended, and Federal Civil Defense Administration Delegation 5, is the Regional Property Coordinator. The Regional Property Coordinators in Region II and Region IX shall serve as program representatives in Region I and Region VIII, respectively.

(b) Each Regional Property Coordinator, with respect to the allocation for donation for educational, public health, and civil defense purposes of surplus personal property located within his jurisdiction, is authorized:

(1) To make determinations, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the usability of and need for surplus personal property by educational or health institutions and civil defense organizations;

(2) To allocate surplus personal property and to take all actions necessary to accomplish donation or transfer of property so allocated, consistent with the policies and procedures set forth in applicable regulations of the Department;

(3) To certify and assign individuals designated by State agencies as State representatives for the purpose of screening surplus personal property; and

(4) To execute all instruments, documents, and forms necessary to carry out, or incident to the exercise of, the foregoing authority.

(c) Each Regional Property Coordinator, with respect to personal property located within his jurisdiction and in the possession of State agencies for subsequent donation for educational, public health, and civil defense purposes, is authorized:

(1) To approve sales by State agencies (1) where the acquisition cost of the items listed for sale does not exceed $25,000 and (2) as the Division of Surplus Property Utilization specifically directs; and

(2) To approve destruction or abandonment of property in the custody of State agencies after a determination in writing that the property has no commercial value or that the cost of care and handling would exceed the estimated proceeds from its sale, except that where the acquisition cost of the property was more than $1,000 (estimated if not known), the determination must be approved by the Division of Surplus Property Utilization.

(d) Each Regional Property Coordinator, with respect to personal property located within his jurisdiction previously donated for educational and public health purposes, is authorized:

(1) To make determinations and take actions appropriate thereto, consistent with the policies and procedures set forth in applicable regulations of the Department, concerning the utilization of such property, including retransfer and the enforcement of compliance with terms and conditions which may have been imposed on and which are currently applicable to such property;

(2) To execute instruments necessary to carry out, or incident to the exercise of, the authority delegated in this paragraph;

(3) Incident to the exercise of the authority delegated in this paragraph, to

receive remittances and to request refunds or payments; and

(4) To approve sales, destruction, or abandonment of such property by donees, subject to the same limitations as are set forth in (c) (1) and (2) above.

(e) The authority herein delegated, or any part hereof, may, with the concurrence of the Regional Director, be redelegated in writing by the Regional Property Coordinator to Assistant Regional Property Coordinators or to his other operating or administrative assistants.

OFFICE OF THE GENERAL COUNSEL

SEC. 2-300.10 *Organization.* The Office of the General Counsel, under the supervision of a General Counsel, shall consist of:

Immediate Office of the General Counsel:
  Regional Attorneys.
Division of Food and Drugs.
Division of Legislation.
Division of Old-Age and Survivors Insurance.
Division of Public Health.
Division of Welfare and Education.

SEC. 2-300.20 *General Counsel.* (a) The General Counsel is directly responsible to the Secretary. He serves as special adviser to the Secretary on legal matters in connection with the administration of the Department.

(b) In the absence of disability of the General Counsel the Associate General Counsel shall act for him.

SEC. 2-300.30 *Office of the General Counsel.* (a) The Office of the General Counsel is responsible for:

(1) Furnishing all legal services and advice to the Secretary, Under Secretary, and all offices, branches, or units of the Department in connection with the operations and administration of the Department.

(2) Furnishing legal services and advice on such other matters as may be submitted by the Secretary, the Under Secretary, and any other person authorized by the Secretary to request such service or advice.

(3) Representing the Department in all litigation when such direct representation is authorized by law, and in other cases making and supervising contacts with attorneys responsible for the conduct of such litigation.

(4) Performing all liaison functions in connection with legal matters involving the Department, and formulating or reviewing requests for formal opinions or rulings by the Attorney General and the Comptroller General.

(5) Drafting all proposals for legislation originating in the Department and reviewing all proposed legislation submitted to the Department or to any operating agency of the Department for comment; preparing reports and letters to congressional committees, the Bureau of the Budget, and others on proposed legislation; prescribing procedures to govern the routing and review, within the Department, of material relating to proposed Federal legislation.

(6) Performing all liaison functions with the Division of the Federal Register, National Archives.

(7) Generally supervising all legal activities of the Department and its operating agencies and directing the activities of the legal staff in the field.

(b) The General Counsel is authorized to promulgate such directives, in accordance with established procedures, as are necessary to carry out the responsibilities assigned.

SEC. 2-300.40 *Department Claims Officer.* (a) The Associate General Counsel is hereby designated Department Claims Officer and is authorized to:

(1) As the designee of the Secretary for the purpose, perform the duties and exercise the authority vested in him by the Tort Claims Procedure (Chapter 171, Title 28; USC) (hereinafter referred to as the Statute).

(2) Formulate and prescribe rules, regulations, procedures or instructions for investigating, collecting evidence, reporting, processing, and otherwise handling throughout the Department, claims and situations out of which claims or suits may arise under the Statute, and situations of the character contemplated by the Statute out of which claims or suits by the Government for damage to Government property may arise.

(3) Arrange for the maintenance and control of the necessary files and records of such claims and situations.

(4) Generally direct and coordinate the activities of the operating agencies and offices of the Department in carrying out the provisions of this section.

(5) Designate a person to act for him during periods of temporary absence from his office. Effective December 20, 1955, during a vacancy in the position of Associate General Counsel, the Litigation Specialist and Consultant in the Office of the General Counsel shall exercise the functions of Department Claims Officer.

(b) Any notice or writing, required by sections 2672 and 2675 (b) of the Statute to be served on the Department or on an operating agency or office, may be served on the Associate General Counsel.

(c) The Associate General Counsel shall, as often as he deems proper but not less than once a year, submit to the Secretary a report of his activities pursuant to this section. Such report or reports shall include all of the data required by the Statute to be reported by the Secretary to the Congress and may also include any accident trends, practices, procedures, or other circumstances, including the operation of safety programs, as evidenced by situations and claims which come to his attention in the performance of his duties and which may indicate the need for administrative action.

SEC. 2-300.50 *Certification of documents.* Pursuant to the provisions of section 1601, Title 42, U. S. Code, the Associate General Counsel and the Assistant to the General Counsel are authorized to certify copies of documents on file in the Department and to cause the seal of the Department to be affixed.

OFFICE OF ADMINISTRATION

SEC. 2-500.10 *Organization.* The Office of Administration, under the supervision of a Director of Administration, shall consist of the following:

Office of Financial Management:
  Division of Budget.
  Division of Fiscal Policy and Procedure.
  Division of Internal Audit.
  Accounting Operations Branch.
Office of Management Policy:
  Division of Management Standards.
  Special Projects Staff.
Division of General Services:
  Department Library.
Division of Personnel Management.

SEC. 2-500.20 *Director of Administration.* (a) The Director of Administration shall be directly responsible to the Secretary and Under Secretary. He shall serve as the staff adviser to the Secretary on Department matters involving administrative and financial management.

(b) During the absence or disability of the Director of Administration or in the event of a vacancy in that Office, the Director of Financial Management or the Director of Management Policy as designated by the Director of Administration shall act for him.

SEC. 2-500.30 *Assignment of responsibilities.* (a) The Office of Administration shall be responsible for:

(1) Providing coordination, leadership and guidance to the operating agency heads and their staffs in the development and operation of their administrative and financial management programs.

(2) Analyzing proposed legislation, program plans, and program operations in collaboration with other staff advisers in order to bring to bear, in such planning, responsible administrative and financial management planning and to disclose the fiscal and managerial implications.

(3) Coordinating the formulation of budgetary requirements and evaluating program operations with respect to budgetary requirements and control.

(4) Developing and assisting in the installation of Department-wide programs, policies, standards, services, and procedures in the areas of administrative and financial management.

(5) Providing assistance to constituents and staff organizations throughout the Department—headquarters and field—in the solution of major problems in organization, management, staffing and control.

(6) Providing general direction for a program of internal audit for the purpose of assuring compliance with laws, regulations, policies, procedures, and sound practices as they relate to financial management.

(7) Evaluating internal audits conducted by the constituents, with the approval of the Secretary, and other audit programs including the Grant-in-Aid program, audits of research grants and training grants, and other reviews relating to financial relationship of the Department to others to assure adequacy of coverage, independence of the audit, effectiveness of procedures, and efficiency of results.

(8) Providing administrative and fiscal services to the Office of the Secretary and related organizations and providing selected, centralized common services, including services provided on a fee-for-service basis as authorized by law.

(9) Representing or designating representation for the Department in its relationships with the Bureau of the Budget, Civil Service Commission, Treasury Department, General Accounting Office, General Services Administration, and other Federal agencies which are concerned with Federal policies and practices affecting the administrative and financial management areas, including the interdepartmental committees and boards, intra-agency advisory committees or groups, etc.

SEC. 2-500.40 *Delegations of authority.* Except as specifically delegated or assigned to other officials of the Department (not under the supervision of the Director of Administration) or as reserved elsewhere in this Statement, the Director of Administration is hereby authorized to perform all functions of the Secretary in the field of administrative and financial management.

SEC. 2-500.50 *Reservations of authority.* Annual, deficiency, and supplemental appropriation requests shall be approved by the Secretary prior to submission to the Bureau of the Budget and the Congress.

SEC. 2-500.60 *Redelegation of authority.* (a) In exercising the authority vested by section 2-500.40 the Director of Administration, as he deems appropriate, may:

(1) Redelegate any portion thereof; (such redelegations shall be filed in the Office of Administration in the file maintained for similar redelegations of other offices);

(2) Authorize further redelegations;

(3) Supersede or modify, in whole or in part, in accordance with established procedures, any directives (orders, instructions, delegations, etc.) issued prior to this date by the Secretary or the Federal Security Administrator relating to such subject matter.

PART 4—PUBLIC HEALTH SERVICE

SEC. 4.10 *Organization.* The Public Health Service, which is administered by the Surgeon General under the supervision and direction of the Secretary, shall consist of:

Office of the Surgeon General:
  Immediate Office.
  Division of Finance.
  Division of Administrative Services.
  Division of Personnel.
  Division of Public Health Methods.
Bureau of Medical Services:
  Office of the Chief.
  Division of Administrative Management.
  Division of Dental Resources.
  Division of Foreign Quarantine.
  Division of Hospital and Medical Facilities.
  Division of Indian Health.
    Area Office:
      Aberdeen, South Dakota.
      Portland, Oregon.
      Oklahoma City, Oklahoma.
      Albuquerque, New Mexico.
      Phoenix, Arizona.
      Juneau, Alaska.
  Division of Hospitals.
  Division of Nursing Resources.
Bureau of State Services:
  Office of the Chief.
  Division of General Health Services.
  Division of Special Health Services.
  Division of Sanitary Engineering Services.
  Communicable Disease Center.
  Division of International Health.
  Division of Dental Public Health.
  Public Health Service Regional Organization.
National Institutes of Health:
  Office of the Director.
  National Institute of Allergy and Infectious Diseases.
  National Institute of Arthritis and Metabolic Diseases.
  National Cancer Institute.
  National Institute of Dental Research.
  National Heart Institute.
  National Institute of Mental Health.
  National Institute of Neurological Diseases and Blindness.
  Clinical Center.
  Division of Biologics Standards.
  Division of Business Operations.
  Division of Research Grants.
  Division of Research Services.
National Library of Medicine:
  Acquisition Division.
  Administrative Division.
  Catalog Division.
  History of Medicine Division (Cleveland, Ohio).
  Index Division.
  Reference Division.

SEC. 4.20 *Statement of functions.* Except as provided in sections 2.50 and 4.30 of this statement:

(a) The Surgeon General shall exercise the functions vested in him or the Secretary by:

(1) The Public Health Service Act, as amended.

(2) The Water Pollution Control Act, as amended, including functions vested in the Secretary by the Reorganization Plan No. 16 of 1950, pursuant to Reorganization Plan No. 1 of 1953.

(3) The Defense Housing and Community Facilities and Services Act of 1951, as amended, and Executive Order 10296.

(4) The Act of August 5, 1954 (68 Stat. 674) (Indian Health Program).

(5) The Poliomyelitis Vaccination Assistance Act of 1955, as amended.

(6) The Act of July 14, 1955 (69 Stat. 322) (Air Pollution Program).

(7) FCDA Delegation No. 1 (19 F. R. 4546) regarding civil defense public health responsibilities, subject to the coordination for the Department as a whole by the Assistant Secretary for Federal-State Relations, to:

(i) Plan a national program; develop technical guidance for States; and direct Federal civil-defense activities concerned with research with respect to, and detection, identification, and control of: (a) Communicable diseases in humans, (b) biological warfare against humans, (c) chemical warfare against humans, and (d) other public health hazards.

(ii) Plan, develop, and direct Federal activities concerned with a national program designed to provide Public Health Service reserve professional personnel from support areas to those damaged by enemy attack.

(iii) Plan, develop, and distribute through channels, technical guidance concerning the provision of shelter and other protective measures, designed to minimize injury to personnel and reduce damage to vital functional components of hospitals and of water, sewer, and other public-health facilities.

(iv) Plan a national program, develop technical guidance for States and direct Federal activities concerned with the emergency restoration of community facilities essential to health or functional components thereof for which the Public Health Service normally has regular operating programs.

(v) During a civil defense emergency, employ temporarily additional personnel without regard to the civil service laws as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such departmental administrative policies and procedures as may be issued to govern emergency operations.

(vi) During a civil defense emergency, incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such departmental fiscal policies and procedures as may be issued to govern emergency operations.

(vii) Disseminate such civil defense information as may be approved from time to time by the FCDA.

(8) The Dependents' Medical Care Act (70 Stat. 250) and the regulations issued pursuant to this Act, except where consultation by the Secretary of Health, Education, and Welfare with the Secretary of Defense is required by the Act. (Effective November 5, 1956.)

(b) The Surgeon General shall also exercise:

(1) The functions relating to vital statistics which were transferred to the Secretary by section 2 of Reorganization Plan No. 2 of 1946 pursuant to Reorganization Plan No. 1 of 1953.

(2) The functions relating to Freedmen's Hospital which were transferred to the Secretary by section 11 (b) of Reorganization Plan No. IV pursuant to Reorganization Plan No. 1 of 1953.

(3) The functions vested in him by law not expressly referred to by this chapter.

(c) The Surgeon General is authorized to:

(1) Exercise within the numerical requirements prescribed by the Secretary under section 210 (1) of the Public Health Service Act (42 U. S. C. 211 (1)) for each of the several grades, the further authority vested in the Secretary by said section to determine the numerical requirements for commissioned officers for each grade of each category.

(2) Approve amendments to the Joint Travel Regulations recommended by the Advisory Panel of the Per Diem Travel and Transportation Allowance Committee of the Uniformed Services.

SEC. 4.30, *Limitations on authority.* (a) Except for commissioned officers and fellows designated as provided in section 207 (f) of the Public Health Service Act, appointments of officers and employees shall be made by the Secretary in all cases in which authority to appoint has not been specifically delegated.

(b) No State plan submitted pursuant to section 314 or Title VI of the Public Health Service Act, as amended, shall be finally disapproved without prior consultation and discussion with the Secretary.

(c) No hearing shall be held pursuant to section 314 (i), section 625 (a) or section 632 (a) of the Public Health

Service Act, as amended, without prior consultation and discussion with the Secretary.

(d) Agreements with Howard University affecting the operation and staffing of Freedmen's Hospital shall be signed by the Surgeon General and the President of Howard University and transmitted to the Secretary for approval. Any matters pertaining to such agreements which require the attention of the Secretary shall be presented to the Secretary through the Surgeon General of the Public Health Service or the President of Howard University.

SEC. 4.40. *Delegations of authority.* Authority set forth in section 4.20 may be delegated or redelegated by the Surgeon General to such officials of the Public Health Service as he may deem appropriate. Such delegations and redelegations shall not be promulgated until ten work days after filing in the Office of the Director of Administration, except that during a national emergency, no such waiting period shall be required with regard to functions contained in Item (7) of section 4.20 (a).

PART 6—OFFICE OF EDUCATION

SEC. 6.10 *Organization.* (a) The Office of Education, under the supervision and direction of the Commissioner of Education, shall consist of:

Office of the Commissioner:
- Administrative Management Branch.

Assistant Commissioner for Educational Services (to coordinate educational services:)
- Division of Higher Education.
- Division of International Education.
- Division of State and Local School Systems.
- Division of Vocational Education.
- Laws and Legislation Branch.
- Publications Services Branch.

Assistant Commissioner for Educational Research (to coordinate:)
- Cooperative Research.
- Research and Statistical Services.

Assistant Commissioner for School Assistance in Federally Affected Areas:
- Division of School Assistance in Federally Affected Areas.

(b) The above Divisions and Branches in the Educational Services area shall be admistratively responsible directly to the Commissioner and Deputy Commissioner. The Assistant Commissioner for Educational Services shall be responsible for coordination of the program activities and functions within the Educational Services area.

SEC. 6.20 *Statement of functions.* (a) Except as provided in section 2.50 and 6.30 of this Statement the Commissioner of Education is responsible for:

(1) In accordance with the provisions of section 204 (a) of Reorganization Plan No. 1, functions of the Office of Education transferred by section 201 of that Plan (except those functions transferred to the Secretary by section 6 of Reorganization Plan No. 2 of 1946, pursuant to Reorganization Plan No. 1 of 1953).

(2) Functions vested in the Commissioner of Education by the Act of September 23, 1950 (Public Law 815, 81st Cong., as amended), the Act of September 30, 1950 (Public Law 874, 81st Cong., as amended); the Act of July 26, 1954 (Public Law 530, 83d Cong.); the Act of July 26, 1954 (Public Law 531, 83d Cong.).

(3) Functions as ex officio member of the National Advisory committee on Education, established under the Act of July 26, 1954 (Public Law 532, 83d Cong.).

(4) The following civil defense responsibilities delegated to the Secretary by FCDA Delegation No. 1 (19 F. R. 4546), subject to the coordination for the Department as a whole by the Assistant Secretary for Federal-State Relations to:

(i) Plan, develop, and distribute through appropriate channels, training materials for incorporation in the curricula of schools and colleges throughout the United States in order to integrate the teaching, in all possible courses, of civil defense skills, and knowledge and fundamentals of behavior during emergencies.

(ii) Plan, develop, and distribute through appropriate channels, technical guidance concerning the provision of shelter and other protective measures, designed to minimize injury to personnel and reduce damage to vital functional components of educational institutions.

(iii) Disseminate such civil defense information related to paragraphs (i) and (ii) above as may be approved from time to time by the FCDA.

SEC. 6.30 *Reservation of authority.* (a) No State grant-in-aid funds shall be withheld nor shall any State plan or amendment thereto submitted pursuant to any statute administered by the Office of Education be finally disapproved without prior consultation and discussion with the Secretary.

(b) Notwithstanding the provisions of section 2.50 (a) (6), the Commissioner of Education is authorized to give final approval to agreements with Federal, State, and local agencies for the performance of education responsibilities delegated to the Secretary by the Federal Civil Defense Administration.

SEC. 6.40 *Redelegation of authority.* Authority contained in section 6.20 may be delegated or redelegated by the Commissioner of Education of such officials of the Office of Education as he may deem appropriate. Such delegations or redelegations shall not be promulgated until the expiration of 10 workdays after filing in the office of the Director of Administration.

PART 8—SOCIAL SECURITY ADMINISTRATION

SEC. 8.10 *Organization.* The Social Security Administration which is under the supervision and direction of the Commissioner of Social Security shall consist of:

Office of the Commissioner:
- Division of Program Research.
- Office of Appeals Council.
- Office of the Actuary.

Bureau of Old-Age and Survivors Insurance:
- Division of Program Analysis.
- Division of Claims Policy.
- Division of Management Planning and Services.
- Division of Personnel.
- Division of Training.
- Division of Field Operations.
- Division of Accounting Operations.
- Division of Claims Control.
- Division of Disability Operations.

Bureau of Public Assistance:
- Division of Administration.
- Division of Technical Training.
- Division of Program Operations.
- Division of Program Statistics and Analysis.
- Division of Program Standards and Development.
- Divison of State Administrative and Fiscal Standards.

Children's Bureau:
- Division of Health Services.
- Division of Social Services.
- Division of Juvenile Delinquency Service.
- Division of Research.
- Division of Reports.
- Division of International Cooperation.
- Division of Administrative Services.

Bureau of Federal Credit Unions:
- Division of Program and Reports.
- Division of Field Operations.
- Division of Administrative Services.

SEC. 8.20 *Assignment of responsibilities.* (a) Except as provided in subsection (b) hereof and sections 2.50 and 8.30, the Commissioner of Social Security shall exercise the:

(1) Functions transferred by Reorganization Plan No. 2 of 1946, and Reorganization Plan No. 1 of 1953, to the Secretary from the Social Security Board, the Chairman of the Social Security Board, and the Secretary of Labor, the Chief of the Children's Bureau and the Children's Bureau (except for the functions transferred away by Reorganization Plan No. 2 of 1949, effective August 19, 1949).

(2) Functions vested in the Secretary by Amendments to and relating to the Social Security Act subsequent to July 16, 1946, and Reorganization Plan No. 1 of 1953.

(3) Following civil defense welfare responsibilities delegated to the Secretary by FCDA Delegation No. 1 (19 F. R. 4546), subject to the coordination for the Department as a whole by the Assistant Secretary for Federal-State Relations:

(i) Plan a national program, develop technical guidance for States, and direct Federal activities concerned with financial assistance for the temporary relief or aid of civilians injured or in want as the result of attack.

(ii) Plan, program, and develop technical guidance for the States and direct Federal activities concerned with the acquisition, transportation, and payment for clothing of civilians in want as a result of attack.

(iii) During a civil defense emergency, employ temporarily additional personnel without regard to the civil service laws as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such departmental administrative policies and procedures as may be issued to govern emergency operations.

(iv) During a civil defense emergency, incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such departmental fiscal policies and procedures as may be issued to govern emergency operations.

(v) Disseminate such civil defense information as may be approved from time to time by the Federal Civil Defense Administration.

(b) All duties, powers, and functions relating to the holding of hearings, the rendition of decisions, and the review of decisions in connection with administrative appeals from determinations made under Title II of the Social Security Act, as amended, and affecting benefits, lump sums, wage records or disability determinations, including the administration of oaths and affirmations, the issuance of subpoenas, the examination of witnesses, and the receipt of evidence, and all duties, powers, and functions relating to judicial review of decisions made upon appeal are asisgned to the Office of Appeals Council in the Social Security Administration and shall be exercised by the Appeals Council, its members and referees in accordance with applicable rules and regulations.

(c) The functions currently performed by the Children's Bureau under the Act of April 9, 1912 and under Title V of the Social Security Act, as amended, shall continue to be performed by the Children's Bureau.

(d) The functions, powers, and duties of the Farm Credit Administration under the Federal Credit Union Act, as amended (in U. S. C. title 12, secs. 1751–1772) which were transferred to the Federal Security Agency by the Act of June 29, 1948 (Public Law 813) shall be exercised by the Bureau of Federal Credit Unions under the immediate supervision of a Director and the functions, powers, and duties of the Governor of the Farm Credit Administration under the Federal Credit Union Act, as amended, shall be exercised, as hereinabove provided by the Director.

SEC. 8.30 *Reservation of authority.* (a) The Secretary shall serve as a member of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund. During the absence of the Secretary, the Under Secretary shall serve. During the absence or disability of the Secretary or Under Secretary the Commissioner of Social Security shall represent the Secretary.

(b) Authority conferred by section 4, 218 (g) (2), 404, 505, 515, 1004, or 1404 of the Social Security Act, as amended, shall be exercised only by the Commissioner and Deputy Commissioner of Social Security. The Director, Deputy Director and Assistant Director, Division of Claims Policy of the Bureau of Old-Age and Survivors Insurance, however, may terminate agreements with respect to one or more coverage groups in any case where a State waives the required notice and hearing provided by section 218 (g) (2) of the Social Security Act, as amended, and consents to the removal of the dissolved coverage group or groups from the agreement.

(c) Authority conferred by section 5 (k) (2) of the Railroad Retirement Act of 1937, as amended, shall be exercised only by the Secretary.

(d) Notwithstanding the provisions of section 2.50 (a) (6), the Commissioner of Social Security is authorized to give final approval to agreements with Federal, State, and local agencies for the performance of welfare responsibilities delegated to the Secretary by the Federal Civil Defense Administration.

SEC. 8.40 *Redelegation of authority.* (a) Authority contained in 8.20 (a) above may be redelegated by the Commissioner to such officials, bureaus, or offices of the Social Security Administration as he may deem appropriate except that only the Commissioner or Deputy Commissioner shall execute an agreement under section 218 or 221 (b) of the Social Security Act, as amended. Notwithstanding the foregoing exception, the following officials of the Bureau of Old-Age and Survivors Insurance are authorized, to the extent indicated, to approve modifications of agreements previously entered into pursuant to such sections:

The Director and Deputy Director—sections 218 and 221 (b);

The Assistant Director, Division of Claims Policy—section 218 only; and

The Assistant Director, Division of Disability Operations—section 221 (b) only;

provided that the Office of the General Counsel has found that there is no legal objection to the form or substance of such modifications.

(b) Such redelegations shall not be promulgated until the expiration of 10 work days after filing in the Office of the Director of Administration.

(c) Each Regional Director, and each Regional Representative of the Bureau of Old-Age and Survivors Insurance, is authorized during the period of December 16 through 31st each year to enter into modifications with States within their respective regions which amend previous agreements between the State and the Department of Health, Education, and Welfare pursuant to section 218 of the Social Security Act as amended. Each such modification shall contain the following clause:

It is further agreed that this modification is executed subject to ratification by the Director, Deputy Director, or Assistant Director, Division of Claims Policy, Bureau of Old-Age and Survivors Insurance of the Social Security Administration.

PART 10—FOOD AND DRUG ADMINISTRATION

SEC. 10.10 *Organization.* (a) The Food and Drug Administration, under the supervision and direction of the Commissioner of Food and Drugs, shall consist of:

Office of the Commissioner:
- Division of Administrative Management.
- Division of Federal-State Relations.
- Bureau of Enforcement.
- Bureau of Medicine.
- Bureau of Biological and Physical Sciences.
- Bureau of Field Administration.
- Bureau of Program Planning and Appraisal.

(b) There shall be 16 Food and Drug District Offices which report to the Bureau of Field Administration at headquarters in Washington. These District Offices are located in the following cities:

Atlanta, Ga.	Los Angeles, Calif.
Baltimore, Md.	Minneapolis, Minn.
Boston, Mass.	New Orleans, La.
Buffalo, N. Y.	New York, N. Y.
Chicago, Ill.	Philadelphia, Pa.
Cincinnati, Ohio	St. Louis, Mo.
Denver, Colo.	San Francisco, Calif.
Kansas City, Mo.	Seattle, Wash.

SEC. 10.20 *Assignment of responsibilities.* (a) Except as provided in sections 2.50 and 10.30 the Commissioner of Food and Drugs shall exercise the:

(1) Functions vested in the Secretary and the Department under the Federal Food, Drug, and Cosmetic Act, the Federal Caustic Poison Act, the Import Milk Act, the Filled Milk Act, the Tea Importation Act, pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953.

(2) Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

(3) Following civil defense food and drug responsibilities delegated to the Secretary by FCDA Delegation No. 1 (19 F. R. 4546), subject to the coordination for the Department as a whole by the Assistant Secretary for Federal-State Relations:

(i) Plan a national program, conduct research, develop technical guidance for States, and direct Federal activities designed to meet the extraordinary needs for food and drug inspection and control in attacked areas.

(ii) During a civil defense emergency, employ temporarily additional personnel without regard to the civil service laws as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such Department administrative policies and procedures as may be issued to govern emergency operations.

(iii) During a civil defense emergency, incur such obligations on behalf of the United States as may be required to meet the civil defense requirements of an attack or of an anticipated attack, subject to such Department fiscal policies and procedures as may be issued to govern emergency operations.

(iv) Disseminate such civil defense information as may be approved from time to time by the Federal Civil Defense Administration.

(4) Authority to certify true copies of documents in the files of the Food and Drug Administration and, pursuant to section 1601, Title 42, U. S. C., to cause the seal of the Department to be affixed.

SEC. 10.30 *Reservation of authority.* Notwithstanding the provisions of section 2.50 (a) (4), the Commissioner of Food and Drugs is authorized to promulgate necessary rules and regulations except that final rules and regulations pursuant to sections 507 (f), and 701 (e) (3) of the Federal Food, Drug, and Cosmetic Act, as amended, shall be approved by the Secretary.

SEC. 10.40 *Redelegation of authority.* Authority contained in 10.20 above may be redelegated by the Commissioner to such officials of the Food and Drug Administration and, with the concurrence of the General Counsel, to such officials of the Office of the General Counsel as he may deem appropriate. Such redelegations shall not be promulgated until the expiration of 10 work days after filing in the Office of the Director of Administration.

PART 12—OFFICE OF VOCATIONAL REHABILITATION

SEC. 12.10 *Organization.* The Office of Vocational Rehabilitation which is under the supervision and direction of the Director of Vocational Rehabilitation consists of:

Office of the Director.
Assistant Director for Management Services:
  Division of Budget and Management.
  Division of Administration.
Assistant Director for Program Planning and Evaluation:
  Division of Planning and Evaluation.
  Division of Publications and Reports.
  Division of Research and Special Studies.
Assistant Director for State Administration Development:
  Division of State Administration Development.
  Division of State Plans, Grants, and Surveys.
  Regional Representatives.
Assistant Director for Rehabilitation Services:
  Division of Medical Services and Facilities.
  Division of Services to the Blind.
  Division of General Rehabilitation and Placement Services.
  Division of Training.

SEC. 12.20 *Assignment of responsibilities.* (a) Except as provided in Part 2 and section 12.30 the Director of Vocational Rehabilitation shall exercise the:

(1) Functions under the Vocational Rehabilitation Act, as amended, (29 U. S. C. ch. 4); hereinafter referred to as the act.

(2) Functions under section 9 of the Federal Employees Compensation Act, as amended, (5 U. S. C. 759), transferred to the Secretary by Reorganization Plan No. 1 of 1953.

(3) Functions transferred by Reorganization Plan No. 2 of 1946 and Reorganization Plan No. 1 of 1953, to the Secretary from the Office of Education and Commissioner of Education under the act of June 20, 1936, 49 Stat. 1559 (Randolph-Sheppard Act, 20 U. S. C. ch. 6A).

(4) Authority vested in the Secretary under section 654 (a) and (c) of the Public Health Service Act, as amended, to approve applications and requests relating to rehabilitation facilities. (This paragraph is effective November 1, 1955.)

(5) Function as Chairman of the National Advisory Council on Vocational Rehabilitation established under the act.

(6) Functions vested in the Secretary by amendments to the foregoing statutes enacted subsequent to Reorganization Plan No. 1 of 1953.

SEC. 12.30 *Reservation of authority.* (a) The authority to appoint members to the National Advisory Council on Vocational Rehabilitation shall be exercised only by the Secretary.

(b) Authority to disapprove a State plan or an amendment to a State plan submitted pursuant to the act shall be exercised only by the Secretary.

(c) Authority to disapprove an application for designation as a State licensing agency under the act of June 20, 1936, as amended (Randolph-Sheppard Act, 20 U. S. C. ch. 6A), or to revoke a designation made pursuant to that Act, shall be exercised only by the Secretary.

(d) Except as hereafter specifically authorized, only the Secretary shall exercise the authority conferred by section 5 (c) of the act.

SEC. 12.40 *Redelegation of authority.* Authority contained in 12.20 above may be redelegated by the Director to such officials of the Office of Vocational Rehabilitation as he may deem appropriate. Such redelegations shall not be promulgated until the expiration of 10 work days after filing in the Office of the Director of Administration.

PART 14—SAINT ELIZABETHS HOSPITAL

SEC. 14.10 *Organization.* Saint Elizabeths Hospital shall consist of:

Office of the Superintendent:
  Division of Administration.
  Division of Medical Services.

SEC. 14.20 *Assignment of responsibilities.* (a) Except as provided in section 2.50 the Superintendent of Saint Elizabeths Hospital shall exercise:

(1) All of the function transferred to the Department by section 11 (a), Reorganization Plan No. IV, and Reorganization Plan No. 1 of 1953.

(2) The authority vested in the Secretary to order persons certified by the courts as provided in sections 927 and 928 of the Act of March 3, 1901, as amended (24 D. C. Code, sections 301 and 302), to be confined in Saint Elizabeths Hospital.

SEC. 14.30 *Delegation of authority.* Authority contained in section 14.20 may be redelegated by the Superintendent to such officials of Saint Elizabeths Hospital as he may deem appropriate. Such redelegations shall not be promulgated until 10 days after filing in the Office of the Director of Administration.

Dated: February 1, 1957.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1321; Filed, Feb. 19, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-8]

NORTH CAROLINA STATE COLLEGE

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to North Carolina State College, substantially in the form set forth below unless within fifteen (15) days after filing of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is set forth below a Memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed reactor modification and the principal factors considered in reviewing the application for a license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Construction permit. The North Carolina State College of Agriculture and Engineering of the University of North Carolina (hereinafter "the College") pursuant to Section 50.90 of Part 50, "Licensing of Production and Utilization Facilities", 10 CFR, Chapter I, on December 13, 1956, filed its application for an amendment of its Class 104 License No. R-1 issued on October 1, 1955. The application filed on December 13, 1956, and three amendments filed on January 25, 1957 (hereinafter "the application"), request licenses to modify and operate its nuclear reactor (hereinafter "the reactor").

The Atomic Energy Commission (hereinafter the "Commission") has found that:

A. The College is financially qualified to modify and operate the reactor as modified in accordance with the regulations contained in Title 10, Chapter 1, CFR.

B. The College and Atomics International, a division of North American Aviation, Inc., the contractor selected by the College to design and construct the modified portions of the reactor, are technically qualified to design and construct the modified portions of the reactor.

C. The College has submitted sufficient information to provide reasonable assurance that the reactor can be modified and operated at the proposed location without undue risk to the health and safety of the public; and that any additional information required to complete its application will be supplied.

Pursuant to the Atomic Energy Act of 1954 (hereinafter "the Act") and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to the College authorizing modification of the reactor as described in the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

1. The earliest date for the completion of the modification of the reactor is March 7, 1957. The latest date for completion is June 30, 1957. The term "completion date" as used herein means the date on which modification of the reactor is completed except for the introduction of the fuel material.

2. The utilization facility authorized for modification is the reactor covered by license No. R-1 issued October 1, 1955.

Upon completion (as defined in Paragraph "1" above) of the modification to the reactor in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the modification authorized has been completed in conformity with the application and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue an amendment to license No. R-1 pursuant to section 104c of the act authorizing the College to operate the reactor as modified.

Dated at Washington, D. C. this 15th day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

MEMORANDUM

PART I—INTRODUCTION

On October 1, 1955, facility license No. R-1 was issued to North Carolina State College authorizing the operation of a homogeneous solution type reactor at power levels up to 10 kilowatts. Previously the reactor was operated under a contract with the Commission. The reactor commenced operation during September 1953, and after approximately two years of operation leaks developed in the reactor core tank which necessitated shutdown of the reactor and removal of the core tank.

On December 13, 1956, the College filed an amendment to its license application requesting that its facility license be amended to permit operation of a modified version of the original reactor. The applicant included in the amendment to the license application a technical report which describes the proposed reactor modification and discusses the hazards associated with its operation. There is set forth below our consideration on this information and our analysis of the safety considerations associated with operation of the facility.

PART II—DESCRIPTION OF THE FACILITY

The proposed water-boiler type reactor is a modification of a similar reactor that was operated at the campus site in Raleigh, North Carolina, for approximately two years. Facilities existing from the former reactor will be used almost entirely, except for the core which will be replaced.

The reactor will be used for training students in nuclear science and will operate at thermal powers up to 500 watts. The thermal neutron flux at 500 watts will be 1.5 x 10^{10} neutrons per square centimeter per second. The fuel will be in the form of an aqueous solution of uranyl sulfate, the same as was used in the original research reactor. The first reactor core developed leaks which were thought to be caused by the abnormally high concentration of chloride ion in the fuel solution. Several precautions for preventing corrosion especially that due to high chloride ion concentration will be taken in the design and operation of the new core. Excess reactivity will be limited to 0.36 percent k.

The core tank is fabricated from type 347 stainless steel and has a 1/16-inch wall thickness. It consists of a hemispherical bottom of 5.25 inch radius, a cylindrical shell 10.5 inches in diameter by 9 inches high, and a flat circular cover 1 inch thick. There are seven penetrations in the cover for the control rods, sampling tube, exposure tube, gas inlet and outlet tubes, and thermowell.

During operation the volume above the fuel solution is purged with air to remove accumulated hydrogen, oxygen, and fission product gases. These gases are stored in 55-gallon drums until favorable meteorological conditions prevail for their safe release. The release is made through a 110-foot stack located behind the reactor building.

The proposed reactor as modified will differ from the original research reactor in that it will have no cooling coils, recombiner, pump, or gamma cell.

An aluminum envelope, 1/16 inch thick, surrounds the core tank and serves as a secondary containment vessel. Valves and connections are housed in a gas-tight aluminum box having bulkhead seals at the tube entrances.

The two control rods are composed of hot-pressed boron carbide and are in the shape of 0.907 inch outside diameter hollow cylinders. They are clad inside and out with stainless steel. The control rods enter the reactor core from the top and are attached to the control rod drive mechanism by electromagnets.

Graphite is used as a neutron reflector, and lead and concrete serve as biological shields. The heat generated in the reactor during operation will be dissipated to the surroundings by conduction through the graphite and shielding materials.

The reactor structure is octagonally shaped and is located in the center of an octagonally shaped room. There is 25 feet of clear space between any side of the reactor and the nearest wall of the building. Three wings extend from the central reactor room; a research wing, a student wing, and a control-observation-administrative wing. The control console is separated from the reactor room by a 16-inch-thick water-filled observation window.

The reactor is located in the southern half of the Court of Ceres which is an open quadrangle near the center of the campus. The Court of Ceres is on one of the highest hills in Raleigh.

Four radioactivity monitoring stations are being established at various places on the campus to record any radioactivity that might be released from the stack. The records from these stations will be used to determine safe fission product gas release rates.

PART III—HAZARDS EVALUATION

General considerations. The original research reactor was successfully operated at the existing site for twenty months at power levels up to 10 kilowatts. The proposed modification to the reactor core will be the only major change in the facility, all other details will remain substantially unchanged. The lower power level (500 watts) of the reactor ensures that many of the existing features of the facility such as shielding exclusion provisions, and control systems will be more than adequate for the revised reactor.

Experience gained by the reactor staff during operation of the original reactor will minimize the training and familiarization needed during initial operation with the new core. Although the reactor will be used for training students it will always be operated under the direct supervision of a licensed operator.

Safety considerations. The inherent stability characteristics of a reactor determine the ease of manual operation and the dependence on and requirements of the servomechanism during automatically controlled operation. Delayed neutrons and negative temperature and negative void coefficients of reactivity exert stabilizing influences on reactor operation, whereas positive temperature and void coefficients exert unstabilizing influences.

The overall temperature coefficient of reactivity of the proposed reactor is negative. This tends to make the reactor stable against temperature and reactivity changes. If for any reason there is a slight increase in temperature within the reactor core the effective neutron multiplication factor (a measure of the ability of the reactor to sustain a chain reaction) will decrease, causing the rate of heat production to decrease and thereby tending to offset the original rise in temperature.

An important component of the negative temperature coefficient in most reactors is the heating and consequent expansion of the moderator. In heterogenous reactors a certain time is required for heat to be transferred from the solid fuel to the moderator. Increased heat generation in the fuel is therefore not immediately effective in changing the temperature and density of the moderator. For this reason this component of the negative temperature coefficient is normally known in heterogenous reactors as a "delayed" temperature coefficient. In a homogeneous reactor such as the proposed reactor the fuel is dissolved in the water moderator. Increased heat generation in the fuel is thus able to produce a temperature change in the moderator almost immediately. This component of the temperature coefficient is thus "prompt" in a homogeneous reactor, tending to offset any temperature rise more quickly and thereby further increasing stability.

The void coefficient of the proposed reactor is negative. A negative coefficient helps make a reactor stable against the production of voids in the moderator or reflector. Thus if for any reason a void is formed in the reactor core, the effective neutron multiplication factor of the core will decrease in proportion to the size of the void formed, tending to decrease the power and temperature and hence decrease the rate of void formation. The void coefficient in the proposed reactor is expected to yield a 0.33% negative change in reactivity per 1% void volume.

There are no experimental holes or other penetrations in the body of the core tank, thus eliminating the possibility of leakage of the fuel solution at such points. The seven tubes which pass through the core cover plate are welded to it.

Valves and tube unions are often the chief source of leaks in a fluid system. In the proposed reactor valves and unions are housed in a gas-tight aluminum box. Seals are used at points at which tubes penetrate the box.

A principal difference between the proposed reactor modification and the original reactor is the elimination of the recombiner. In a homogeneous reactor such a device is used to recombine the hydrogen and oxygen formed during operation and prevent any possible burning or explosion of these gases. In the proposed reactor, however, the space above the fuel solution will be continuously purged with air to remove these and any accumulated fission product gases.

Enough purge air is used so that everywhere in the system the hydrogen concentration will at all times be below that necessary for combustion. The purged gases will then be stored in tanks until meteorological conditions are favorable for their safe release. A further decrease in the concentration of fission product gases being released to the atmosphere will be effected by stack dilution which will be maintained by the use of blowers. Such a system is adequate for this reactor because of the low power level and consequent low gas generation rate. The inventory of fission products in the core will remain low due to the low power level (500 watts maximum).

The applicant has stated that releases of fission products from the stack will be made only in amounts which will not produce a hazard to the public under the meteorological conditions prevailing at the time of release. However, prior to operation more specific information concerning the standards for meeting this condition and the criteria for determining what rate of gas release is allowable under any given set of conditions of meteorology and gas concentration is needed for assurance that fission product releases will not be hazardous.

Maximum credible accident. For practically every reactor it is possible to postulate a combination of inadvertent and deliberate actions which could cause mechanical, chemical, or nuclear events to take place with an

energy release sufficiently great to release the radioactive fission products contained in the reactor. The probability that the majority of such potential catastrophic combinations will in fact take place is so small as to make it reasonable to assume that, for all practical purposes, they are not possible. However, for every reactor, there is a condition or combination of conditions which might possibly occur and result in the maximum accident against which the public must be protected by positive means such as isolation or containment. This accident, and the conditions which might be assumed to initiate it, will be dependent upon the specified design and operating conditions of each reactor and must be evaluated on the basis of the best technical judgment for each reactor.

The applicant has investigated the possibility of adding all the excess reactivity available (0.36%k) in the reactor at one time (as a so-called step function) and has concluded that the reactor will shut itself down due to the negative temperature coefficient of reactivity. The total energy released would be less than 1 kilowatt-hour. In this excursion the applicant states, and we agree, there is no release of fission products into the reactor building.

The applicant has calculated the effect of the release of 0.1% of the long-lived isotopes from the reactor and shield by an act of sabotage. Such a release would constitute a lethal hazard to persons in the reactor room but no hazard to those outside. We do not believe that such an act of sabotage is realistic in this case.

Although it is evident that the effects of the accidents analyzed are not hazardous, there is some uncertainity that the stated value of excess reactivity available (0.36%k) is in fact the maximum available under any conditions, and that operational occurrences (for example, the addition of fuel and water to replace burnup and evaporation losses) could not create a condition of greater available reactivity. It is also not clear how the concentration of the fuel in the core will be known and properly maintained under conditions of evaporation and fuel addition. The applicant will have to establish that the operating procedures are adequate to prevent excess reactivity being introduced into the reactor above the limits that will provide assurance that fission products will not be released into the reactor building.

Summary. The primary features relating to the safety of this reactor are:

1. Low power level (less than 500 watts) and hence low fission product inventory.

2. Low hydrogen concentration thus minimizing possible instabilities due to hydrogen-oxygen explosions.

3. Low excess reactivity (0.36%k) above cold clean critical.

4. Tolerable maximum credible accident, i. e., the magnitude of the maximum credible accident appears sufficiently low so as not to endanger the health and safety of the public.

5. Extensive use of existing facilities. Except for the core (which because of the very low power level will have no cooling coils, recombiner, pump or gamma cell) and some minor details, the existing facility will be used.

6. The successful experience in operating the original reactor for over eighteen months at power levels greatly in excess (up to 10 kilowatts) of those contemplated in the proposed reactor.

Although the applicant has presented an analysis of the problem of the formation of combustible mixtures of hydrogen, oxygen, and water vapor, there remains some uncertainty concerning the limits of concentrations which may form combustible mixtures. Prior to operation of the reactor further clarification of these limits and a consideration of them in regard to the proposed reactor system will be necessary. There is reasonable assurance that the applicant can supply the necessary information on these matters. If the information discloses that the system as now designed is inadequate to prevent the formation of combustible mixtures of hydrogen, oxygen, and water vapor, modifications in the system can be made which will assure against their formation. In addition, details of the procedures and standards for setting and maintaining safe fission product release rates and further consideration of the possibility of having excess reactivity available in the reactor beyond the value stated will be necessary before a final evaluation of the safety of operating the reactor can be made.

The application has been reviewed only for the purpose of determining whether there is reasonable assurance, based on information contained in the application and considering the experience which has been gained from previous reactor operation, that the reactor can be modified and operated at the proposed location without undue risk to the health and safety of the public. However, prior to operation it will be necessary to give detailed consideration to the adequacy of those reactor design features and specifications which have been modified, the proposed operating procedures and the use of the reactor in specific types of research and training programs.

PART IV—TECHNICAL QUALIFICATIONS

North Carolina State College initially designed, constructed, and operated its research reactor under contract with the Atomic Energy Commission. Eight of the members on the staff of the College's Physics Department had experience in the design, construction and operation of the reactor. The reactor as initially constructed was operated safely for a period of about twenty months. Atomics International, the contractor, has had experience in the design, construction, and operation of several homogeneous solution type reactors.

PART V—FINANCIAL QUALIFICATIONS

The cost of modification of the North Carolina State College research reactor is estimated to be $15,000 and funds in this amount are available in the College's Physics Department operating budget. Funds for operating the reactor are available through June 1957 and amount to approximately $15,000, and will come from the normal operating budget of the Physics Department plus contractural assistance from the Office of Ordnance Research, the National Science Foundation, and sponsored research. Funds totaling $55,200 for support of the reactor commencing July 1, 1957, have been included in the budget presented to the Advisory Budget Commission of North Carolina. This budget has not yet been approved by the General Assembly of the State of North Carolina, however, the applicant does not anticipate any difficulties in obtaining the funds.

PART VI—CONCLUSIONS

Based upon the above considerations, it is concluded that:

a. There is reasonable assurance that the reactor can be modified as proposed and operated without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

Dated at Washington, D. C., this 15th day of February 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-1344; Filed, Feb. 18, 1957; 1:01 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-322]

ACCIDENT OCCURRING NEAR TULSA, OKLA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 94247, which occurred near Tulsa, Oklahoma, January 6, 1957.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, February 27, 1957, at 9:30 a. m., local time, in the ballroom of the Mayo Hotel, 115 West Fifth Avenue, Tulsa, Oklahoma.

Dated at Washington, D. C., February 13, 1957.

[SEAL] VAN R. O'BRIEN,
Presiding Officer.

[F. R. Doc. 57-1346; Filed, Feb. 19, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11991]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

The Phillips Petroleum Company (Phillips), on January 14, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated January 9, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate Schedule Designation: Supplement No. 10 to Phillips' FPC Gas Rate Schedule No. 202.

Effective Date:[1] February 15, 1957.

Phillips' proposed rate change is based on favored-nations clauses in its contract with Texas Gas Transmission Corporation which, by its terms, has purportedly become operative by the rate for a new sale to Texas Gas Transmission Corporation by Union Oil and Gas Corporation of Louisiana.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Phillips, if later.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until July 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 14, 1957.

By the Commission.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1328; Filed, Feb. 19, 1957; 8:49 a. m.]

[Docket No. G-10626]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 14, 1957.

Take notice that on June 21, 1956, Transcontinental Gas Pipe Line Corporation (Transco) filed at Docket No. G-10626 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities in Texas and Louisiana.

The following facilities are proposed:

(1) One 2,200-horsepower compressor station with appurtenances to be known as Compressor Station No. 21 to be located at Milepost 119.64 on Transco's existing 24-inch main transmission line in Nueces County, Texas.

(2) Installation of 3,550 horsepower of additional compressor facilities at its existing 3,000-horsepower Compressor Station No. 23 located at Milepost 327.26 on Transco's existing 30-inch O. D. main transmission line in Harris County, Texas.

(3) Installation of 5,000 horsepower of additional compressor facilities at the existing 7,500-horsepower Compressor Station No. 24 located at Milepost 467.93 on Transco's existing 30-inch O. D. main transmission line in Beauregard Parish, Louisiana.

(4) Additional facilities to receive additional gas from the Greta Field, Refugio County, Texas, consisting of:

(a) An 880-horsepower booster station to be known as Booster Station No. 45 together with a dehydration unit.

(b) A purchase meter station to be known as Purchase Meter Station No. 2.

(c) Approximately 3.45 miles of 10¾-inch O. D. lateral supply pipeline looping an existing line, to extend from a point at Milepost 173.69 on Transco's existing 24-inch O. D. main transmission line in Refugio County, Texas, to a point of connection with the proposed meter station at (b) above.

(5) An 880-horsepower booster station to be located in Mission Valley Field, Victoria County, Texas, and to be known as Booster Station No. 47.

(6) An 880-horsepower booster station to be located in Luby Field, Nueces County, Texas, to be known as Booster Station No. 46, together with a dehydration unit.

Transco states that the estimated total cost of all the proposed facilities is $4,750,000, which cost is to be temporarily financed by short-term bank loans. Transco plans subsequently to issue bonds to the extent of 60 percent of the cost of the proposed facilities, with the balance to be financed by corporate funds.

Transco also states that the above proposed facilities will enable Transco to protect its dedicated reserves in the Greta Field from drainage by other producers in the field and to utilize fully its contracted gas reserves in the Luby and Petronilla Fields, Nueces County, Texas, and in various fields in De Witt and Victoria Counties, Texas.

Transco will transport the gas to be received through the proposed facilities commingled with its other gas supplies for sale in other states.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1329; Filed, Feb. 19, 1957; 8:49 a. m.]

[Docket No. G-11167]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 14, 1957.

Take notice that The Manufacturers Light and Heat Company, (Applicant), a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 800 Union Trust Building, Pittsburgh 19, Pennsylvania, filed on October 1, 1956, an application and on December 10, 1956, an amendment thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to install and operate certain natural gas facilities and for authority to abandon certain other natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for inspection.

Applicant proposes to install and operate a 5,280 horsepower compressor station to be known as Majorsville Compressor Station in Sandhill District, Marshall County, West Virginia, in order to expand its underground storage operations in the contiguous Majorsville and Heard Storage Fields in Marshall County, West Virginia, and Washington and Green Counties, Pennsylvania, and in connection therewith to abandon and retire the existing 2,500 horsepower, Majorsville Compressor Station in West Finley Township, Washington County, Pennsylvania, located approximately one-half mile from the proposed station.

Applicant alleges that increased volumes of gas for storage to be received from Texas Eastern Transmission Corporation at a pressure of approximately 550 psig will require it to increase its maximum monthly storage input by 875,900 Mcf in July 1957, 736,000 Mcf in July, 1958 and 588,000 Mcf in July 1959. The resulting maximum daily injection rates expected for 1957 and 1958 are 112,500 and 107,500 Mcf respectively. Applicant alleges that 5,428 horespower is required to pump said gas to storage at 1,000 psig discharge pressure on a maximum day of 1957 and 5,079 horsepower on a maximum day of 1958. Applicant estimates that the peak day withdrawal will be 47,000 Mcf in 1957 and 82,400 Mcf in 1958 and 1959.

The estimated cost of the proposed project is $3,588,000, less $724,700 retirements and salvage, which will be financed by The Columbia Gas System, Inc.

No new markets are proposed.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1957, 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power

Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 6, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1330; Filed, Feb. 19, 1957; 8:49 a. m.]

[Docket No. G-10098]

PENNSYLVANIA GAS CO.

NOTICE OF HEARING

FEBRUARY 14, 1957.

The hearing in the above matter to commence on August 1, 1956, was postponed by notice of the Secretary dated July 18, 1956 to a date to be hereafter fixed by further notice and to that end:

Take notice that the hearing in this proceeding be held to commence on March 7, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1331; Filed, Feb. 19, 1957; 8:49 a. m.]

[Docket No. G-11193]

G. N. McDANIEL, JR.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 14, 1957.

Take notice that G. N. Daniel, Jr., doing business as, Power Petroleum Company of 315 West 3d Street, Borger, Texas, filed an application on October 4, 1956, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act (Act), authorizing him to construct and operate certain facilities and to sell natural gas in interstate commerce for resale to Shamrock Oil and Gas Corporation, which gas is produced by Applicant from the Luginbyhl "A" Lease, Hutchinson County, Texas.

The facilities proposed to be constructed and operated consist of 1800 feet of three-inch pipe line extending from the well to Shamrock's facilities. Applicant proposes to deliver 200 Mcf per day at 14.65 psia. through the said facilities to Shamrock in accordance with a contract dated September 27, 1956, on file with the Commission.

Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the 11th day of March, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 28, 1957. Failure of any party to appear at and participate in the hearing shall be deemed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1332; Filed, Feb. 19, 1957; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

DEPUTY URBAN RENEWAL COMMISSIONER ET AL.

DESIGNATION AND ORDER OF PRECEDENCE TO ACT AS URBAN RENEWAL COMMISSIONER

The officers appointed to the following listed positions in the Urban Renewal Administration of the Housing and Home Finance Agency (excluding persons designated to serve in an acting capacity) are hereby designated to act in the place and stead of the Urban Renewal Commissioner, with the title of "Acting Urban Renewal Commissioner" and with all the powers, rights, and duties assigned to the Commissioner, in the event the Commissioner is unable to act by reason of his absence, illness, or other cause, provided that no officer shall serve in such acting capacity unless all other officers whose titles precede his in this designation are unable to act by reason of absence, illness, or other cause:

1. Deputy Urban Renewal Commissioner;
2. Assistant Commissioner for Operations;
3. Assistant Commissioner for Technical Standards and Services;
4. Chief Counsel;
5. Director, Administrative Management Branch;
6. Director, Planning and Engineering Branch.

This order supersedes the order effective November 20, 1956 (21 F. R. 8999) respecting this same subject.

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 20th day of February 1957.

ALBERT M. COLE,
Housing and Home Finance Administrator.

[F. R. Doc. 57-1335; Filed, Feb. 19, 1957; 8:50 a. m.]

INTERNATIONAL COOPERATION ADMINISTRATION

FIRST AID FOR HUNGARY, INC.; COORDINATED HUNGARIAN RELIEF OF THE AMERICAN HUNGARIAN FEDERATION

REGISTER OF VOLUNTARY FOREIGN AID AGENCIES

In accordance with the regulations of the International Cooperation Administration concerning Registration of Agencies for Voluntary Foreign Aid (ICA Regulation 3), 22 CFR Part 203, promulgated pursuant to section 521 of the Mutual Security Act of 1954, as amended, notice is hereby given that a certificate of registration as a voluntary foreign aid agency has been issued by the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration to each of the following agencies:

First Aid for Hungary, Inc., 6 East 65th Street, New York 21, New York.

Coordinated Hungarian Relief of the American Hungarian Federation, 527 Mills Bldg., Washington 6, D. C.

D. A. FITZGERALD,
Acting Director.

FEBRUARY 12, 1957.

[F. R. Doc. 57-1337; Filed, Feb. 19, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 15, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33280: *Plaster and products—Colorado to Utah and Wyoming.* Filed by A. G. Winter, Agent, for interested rail carriers. Rates on plaster, plasterboard, gypsum lath and sheathing, carloads from Adobe and Portland, Colo., to specified points in Utah and Wyoming.

Grounds for relief: Circuitous routes.

Tariff: Supplement 52 to Union Pacific Railroad Company's tariff I. C. C. 5331. Supplement 58 to Agent Winter's tariff I. C. C. 26.

FSA No. 33281: *Aluminum pigs, ingots, etc.—Louisiana to West Virginia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum pigs, ingots, billets, blooms, and slabs, carloads from Chalmette and New Orleans, La., to Parkersburg and Ravenswood Works, W. Va.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 35 to Agent Spaninger's tariff I. C. C. 1509.

FSA No. 33283: *Fertilizer solutions—Illinois points to Florida and Georgia points.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution, and nitrogen fertilizer solution (crude and other than crude), tank-car loads from Chicago and Tuscola, Ill., to Albany, Ga., and Pompano Beach, Fla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 26 to Agent Raasch's tariff I. C. C. 855.

FSA No. 33284: *Newsprint—Alabama and Tennessee points to interstate points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, also newsprint paper winding, old or new in reverse direction, from Childersburg, Coosa Pines, Mobile, Ala., and Calhoun, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 67 to Agent Spaninger's tariff I. C. C. 1406.

FSA No. 33285: *Potash—Carlsbad and Loving, N. M., to Kansas and Missouri points.* Filed by The Atchison, Topeka, & Santa Fe Railway Company, for itself and other interested rail carriers. Rates on potash, carloads from Carlsbad and Loving, N. M., to specified points in Kansas and Missouri.

Grounds for relief: Circuitous routes.

Tariff: Supplement 117 to Atchison, Topeka and Santa Fe Railway Company's tariff I. C. C. 14478.

FSA No. 33286: *Logs—Points in South Carolina to Granite Falls, N. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, native wood, carloads from specified points in South Carolina to Granite Falls, N. C.

Grounds for relief: Destination relationship with Saw Mills, N. C., and circuitous routes.

Tariff: Supplement 149 to Agent Spaninger's tariff I. C. C. 1297.

AGGREGATE-OF-INTERMEDIATES

FSA No. 33282: *Aluminum pigs, ingots, etc.,—Louisiana to West Virginia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum pigs, ingots, billets, blooms and slabs, carloads from Chalmette and New Orleans, La., to Parkersburg and Ravenswood, W. Va.

Grounds for relief: Maintenance of depressed rates without observing same as factors in constructing combination rates.

Tariff: Supplement 35 to Agent Spaninger's tariff I. C. C. 1509.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1325; Filed, Feb. 19, 1957; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

DECEMBER 31, 1956.

Report of purchases under Domestic Purchase Regulation (operating on delegation of authority by Department of Interior under Public Law 733).

Material	Termination date of program	Unit of measure	Total limitation	Interim limitation	Quantity purchases	
					During December	Inception to Dec. 31, 1956
Asbestos	Dec. 31, 1958	Short tons, crude Nos. 1 and 2	2,000	456	134	365
		Short tons, crude No. 3	2,000	456	81	225
Columbium-tantalum	do	Pounds, contained combined pentoxide	250,000	57,176	.184	[1] 0.184
Fluorspar	do	Short tons, acid grade	250,000	57,173	0	0
Tungsten	do	Short ton units, tungsten trioxide	1,250,000	285,872	85,991	271,315

[1] Short dry ton.

Dated: February 13, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-1327; Filed, Feb. 19, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 17734, Amdt.]

UNION INVESTMENT CORP., INC.

In re: Securities Owned by and Debts Owing to Union Investment Corporation, Inc.; F-28-31199.

Vesting Order 17734, executed April 25, 1951, is hereby amended as follows and not otherwise:

By deleting subparagraph 4 (a) of said Vesting Order 17734, and substituting therefor the following:

4 (a). Those certain debts or other obligations, matured or unmatured, evidenced by ten (10) New York Central Railroad 4½ percent Ref. & Imp. Mtge. "A" bonds, due 2013, each of $1,000.00 face value and numbered as follows:

34862	92294	80201
35164	92295	90395
52480	92296	98240
67647		

and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1951, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons.

All other provisions of said Vesting Order 17734 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on February 14, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1306; Filed, Feb. 19, 1957; 8:45 a. m.]

N. V. OCTROOIEN MAATSCHAPPIJ; ACTIVIT (OMA) ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

N. V. Octrooien Maatschappij Activit (OMA), Amsterdam, Holland, Claim No. 42090,

Permutit (Luxembourg) S. A. Luxembourg (Grand Duchy) Claim No. 42779,

Industrieele Maatschappij Activit (IMA) Amsterdam, Holland, Claim No. 31140,

To N. V. Octrooien Maatschappij Activit (OMA):

Property described in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943), relating to United States Letters Patent Nos. 2,171,408; 2,177,910; 2,191,063; 2,198,393; 2,205,635 and 2,221,683.

To Permutit (Luxembourg) S. A.:

$189,808.62 in the Treasury of the United States.

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit (Luxembourg) S. A., by virtue of an agreement dated April 30, 1936 (including all modifications thereof and supplements thereto, including, but without limitation, a supplement dated September 30, 1940) by and between said Permutit (Luxembourg) S. A. and The Permutit Company, which agreement relates among other things to United States Letters Patent Nos. 2,191,063 and 2,205,635, to the extent owned by Permutit (Luxembourg) S. A. immediately prior to the vesting thereof by Vesting Order No. 1454 (8 F. R. 10622, July 28, 1943), specifically reserving to the United States the sum of $47,825.35 representing royalties arising out of war production within the meaning of Paragraph (B) (1) (b) of the Memorandum of Understanding between the Governments of Belgium and Luxembourg

and the Government of the United States dated September 24, 1946.

To Permutit (Luxembourg) S. A., N. V. Octrooien Maatschappij Activit (OMA) and Industrieele Maatschappij Activit (IMA):

All interests and rights created in Permutit (Luxembourg) S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit by virtue of an agreement dated April 30, 1936 (including all modifications thereof and supplements thereto, if any) by and between Permutit (Luxembourg) S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit, which agreement relates among other things to United States Letters Patent Nos. 2,191,063 and 2,205,635, to the extent owned by Permutit (Luxembourg) S. A., Industrieele Maatschappij Activit and Octrooien Maatschappij Activit immediately prior to the vesting thereof by Vesting Order No. 1454, paragraph 5 (b).

Executed at Washington, D. C., on February 13, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-1290; Filed, Feb. 18, 1957; 8:48 a. m.]

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10699

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SENATE COMMITTEE ON GOVERNMENT OPERATIONS

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for the years 1945 to 1957, inclusive, shall, during the Eighty-fifth Congress, be open to inspection by the Senate Committee on Government Operations, or any duly authorized subcommittee thereof, in connection with its studies of the operation of Government activities at all levels with a view to determining the economy and efficiency of the Government, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 19, 1957.

[F. R. Doc. 57-1420; Filed, Feb. 20, 1957; 10:29 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (9) of § 6.314 is revoked and paragraph (a) (14) is added as set out below.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* • • •

(14) One Assistant to the Secretary (for Program Analysis).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1385; Filed, Feb. 20, 1957; 8:52 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Operating Loans

[FHA Instruction 441.3]

PART 342—OPERATING LOAN PROCESSING

MISCELLANEOUS AMENDMENTS

1. Paragraphs (b) and (c) of § 342.2, Title 6, Code of Federal Regulations (22 F. R. 22), are revoked.

2. Section 342.3 (a), Title 6, Code of Federal Regulations (22 F. R. 22), is revised to state the types of loan indebtedness affecting the preparation and submission of the application, and to read as follows:

§ 342.3 *Loan forms and routines*—(a) *Applications for loans.* (1) Applicants who are not indebted for Operating or Production and Subsistence loans will execute Form FHA-197, "Application for FHA Services," in accordance with Part 301, Subpart A, of this chapter.

(2) Applicants who are indebted for Operating or Production and Subsistence loans will not be required to execute Form FHA-197 but will be required to execute Form FHA-49, "Certifications—Operating Loans," in accordance with paragraph (b) of this section. If the financial statement executed by the applicant in connection with his most recent Farmers Home Administration loan does not reflect his current financial situation, a new financial statement will be made on Form FHA-14, "Farm and Home Plan," for use by the County Com-

(Continued on p. 1061)

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 17 ($0.60)

Title 26, Parts 170–182 ($0.35)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 183–299 ($0.30).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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mittee in determining the eligibility of the applicant.

(3) If any debts owed by the applicant to the Farmers Home Administration have been settled for less than payment in full, the loan docket and any related County Office case files will be submitted to the National Office for review prior to approval of the loan.

3. Section 342.6 (a), Title 6, Code of Federal Regulations (22 F. R. 23), is revised to limit the receipt and delivery of loan checks to County Office employees, and to read as follows:

§ 342.6 *Loan closing*—(a) *Check delivery.* Only County Office employees in bonded positions will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly indicating where and when he may expect delivery of the check, or will mail the check to him, or when a supervised bank account is required and the depository bank does not require the applicant's endorsement for deposit, he may deposit the loan check in the supervised bank account and furnish the applicant with a copy of the deposit slip. If the bank will not accept the loan check for deposit in a supervised bank account without the applicant's endorsement, the County Supervisor will retain the check and arrange with the applicant for a time and place for its deposit.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i))

Dated: February 15, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1374; Filed, Feb. 20, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter C—Procedural Regulations

[Reg. No. PR-28]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

MOTIONS TO MODIFY OR QUASH SUBPOENAS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of February 1957.

Section 302.19 (f) of the Board's Rules of Practice in Economic Proceedings presently provides that any person upon whom a subpoena is served may within seven (7) days after service, or at any time prior to the return date thereof, whichever is earlier, file a motion to modify or quash the subpoena. It further provides that if the Board has not acted upon such a motion by the return date, such date shall be stayed pending Board action thereon.

The question has arisen as to whether such a motion to quash a subpoena should be directed to the Examiner or whether it should be acted upon by the Board. It is the Board's view that its proceedings will be expedited and more efficiently processed if motions to quash a subpoena are initially directed to the Examiner and disposed of, by him, in the same manner as all other interlocutory motions are handled. The Board also believes that it is necessary to reserve a discretionary right to review, upon its own initiative, particular adverse rulings made by trial examiners on motions to quash.

Under the present provisions of § 302.19 (a), applications for the issuance of subpoenas must be directed to an Examiner whenever an Examiner has been designated to preside over a proceeding. But, where an Examiner has not yet been assigned to a proceeding or is not available such applications must be directed to the Chief Examiner, who may either act upon them or refer them to a Member of the Board. Subpoenas granted pursuant to the provisions of § 302.19 are issued on an ex parte basis. It is apparent that the Examiner who has initially issued a subpoena will have a greater familiarity with the questions presented in ruling upon a subsequent motion to modify or quash a subpoena than will the Board. In addition, the Board believes that the power to quash subpoenas is an integral part of the power to direct their issuance in the first instance. Accordingly, the Board has decided to amend § 302.19 (f) so as to require motions to modify or quash subpoenas to be filed with the same persons to whom applications for issuance of subpoenas must be directed under § 302.19 (a). Rulings made by Examiners upon such motions to quash may be appealed to the Board only with the consent of the Examiner in accordance with the provisions of § 302.18 (f).

Exercises of the subpoena power, unlike other interlocutory rulings, are judicially enforceable prior to its final decision. Consequently, the Board believes that it is essential to retain jurisdiction over rulings denying motions to quash such subpoenas. Accordingly, the Board has decided to amend § 302.19 (f) so as to retain in extraordinary cases jurisdiction to review rulings made by Examiners concerning such motions, upon its own initiative. This amendment also provides that the Board may, in appropriate cases, order a stay of the return date of subpoenas it has elected to review.

Since this amendment is not a substantive rule but one of agency procedure, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302) as follows, effective February 15, 1957:

1. By amending § 302.19 (f) to read as follows:

(f) Subpoenas issued under this section shall be served upon the person to whom directed in accordance with § 302.8 (b). Any person upon whom a subpoena is served may within seven (7) days after service or at any time prior to the return date thereof, whichever is earlier, file a motion to quash or modify the subpoena with the Examiner designated to preside at the reception of evidence or, in the event an Examiner has not been assigned to a proceeding or the Examiner is not available, to the Chief Examiner for action by himself or by a Member of the Board. If the person to whom the motion to modify or quash the subpoena has been addressed or directed, has not acted upon such a motion by the return date, such date shall be stayed pending his final action thereon. The Board may at any time review, upon its own initiative, the ruling of an Examiner or the Chief Examiner or a member of the Board denying a motion to quash a subpoena. In such cases, the Board may at any time order that the return date of a subpoena which it has elected to review be stayed pending Board action thereon.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 1001, 52 Stat. 1017; 49 U. S. C. 641)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1380; Filed, Feb. 20, 1957; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6270]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BURKLEIGH CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.30 *Composition of goods;* § 13.135 *Nature:* Product or service; § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15

U. S. C. 45) [Cease and desist order, George Dugdale trading as The Burkleigh Company, Towson, Md.; and Foreign Products Corporation et al., East Orange, N. J., Docket 6270, Feb. 9, 1957]

In the Matter of George Dugdale, an Individual Trading as The Burkleigh Company; and Foreign Products Corporation, a Corporation; and Edgar Kirby, Individually and as an Officer of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City importer from England of an alleged soil conditioner and fertilizer designated "Actumus" and a dealer in the product in Towson, Md., with representing falsely in advertising that said product was 100 percent organic humus, activating bacteria which create nitrates and creating fertility in soil, and otherwise misrepresenting its nature, effectiveness, and comparative merits.

Following entry of a consent order disposing of ten of the allegations of false advertising, the remaining four were fully litigated. Thereupon the hearing examiner made his initial decision and order to cease and desist which became on February 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, George Dugdale, an individual, trading as The Burkleigh Company, and his agents, representatives and employees, and Foreign Products Corporation, a corporation, and its officers, and Edgar Kirby, individually and as an officer of said corporation, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce as "commerce" is defined in the act, of the soil conditioner designated as "Actumus" or any other product containing substantially the same ingredients or possessing substantially the same properties, do forthwith cease and desist from representing, directly or by implication:

1. That if poor or depleted soil has reserve stores of any elements necessary for plant growth, Actumus has the selective ability to supply from such stores plant nutrients which may be lacking in the soil.

2. That a balanced supply of plant nutrients is made available at the correct time and speed through the use of Actumus; or that Actumus has any selective propensities with respect to the supply of plant nutrients.

3. That the soil may be organized into specific units through the use of Actumus.

4. That the laws of nature with respect to the supply of organic material or plant growth are in any manner affected by the use of Actumus; or that the use of Actumus assures an adequate supply of organic residue to benefit plant life.

5. That when used as directed the application of Actumus to plants or soil will increase the size of roots to any significant extent.

6. That the use of Actumus will be effective in the removal of weeds.

7. That the application of Actumus to eroded, depleted, or overcropped soil will restore such soil to fertility.

8. That fertilizer does not exist, or that it exists only in the imagination of ignorant people, or that the use of fertilizer is of no benefit to the soil.

9. That one pound of Actumus is equal to half a ton of manure or as effective as sixteen tons of compost; or misrepresenting in any manner the effectiveness of Actumus as compared to manure or compost.

10. That one pound of Actumus will produce 1500 gallons of liquid soil conditioner or that one teaspoonful of Actumus dissolved in twenty gallons of water makes an effective fertilizer or manure.

11. That Actumus is humus or the final and stable end product of conversion of organic matter into humus.

12. That bacteria which create nitrate or other elements necessary for plant growth are activated or made available to plants through the use of Actumus.

13. That Actumus creates or has any effect on the fertility of soil, or acts with increasing effect as a soil conditioner.

14. That Actumus is entirely natural or 100 percent organic, or misrepresenting in any other manner its composition.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 8, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-1363; Filed, Feb. 20, 1957; 8:48 a. m.]

[Docket 6601]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTHFIELD MILLS, INC., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act; § 13.1623 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Northfield Mills, Inc. (Northfield, Vt.), et al., Docket 6601, Feb. 7, 1957]

[1] New.

In the Matter of Northfield Mills, Inc., a Corporation, Lebanon Woolen Mills Corporation, a Corporation, Strathmore Woolen Company, a Corporation, and Bernard Goldfine, Individually and as an Officer of Above Corporations, and Frank H. Bussiere, Bernard Casey, Horace Maxwell Goldfine, and Solomon Goldfine, Individually

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three affiliated New England manufacturers of wool products with mills in Northfield, Vt.; Lebanon, N. H.; and Boston, Mass., respectively, with violating the Wool Products Labeling Act through failing to label certain wool products as required; and through overstating the guanaco content of certain fabrics labeled falsely as "70 percent Guanaco—30 percent Wool * * *", and on labels furnished to purchasers to be attached to garments bearing the false information "* * * a blend of 80 percent Wool—20 percent Guanaco" and by similar false statements made in sales contracts, orders, and correspondence—and entry of an agreement for consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on February 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Northfield Mills, Inc., a corporation, Lebanon Woolen Mills Corporation, a corporation, and Strathmore Woolen Company, a corporation, and their officers, and Bernard Goldfine, individually and as an officer of said corporations, and Horace Maxwell Goldfine, individually, and respondents' respective agents, representatives and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of wool products, as "wool products" are defined in and subject to the Wool Products Labeling Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such wool products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to or place on each of such wool products a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool products, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool products, or of one or more persons engaged in introducing such wool products into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

Provided that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act.

Provided further that nothing contained in this order shall be construed as limiting any applicable provisions of the Wool Products Labeling Act of 1939 or the rules and regulations promulgated thereunder.

It is further ordered, That the respondents Northfield Mills, Inc., a corporation, Strathmore Woolen Company, a corporation, and their officers, and Bernard Goldfine, individually and as an officer of said corporations, and Horace Maxwell Goldfine, individually, and respondents' respective agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of piece goods, or other wool products, do forthwith cease and desist from:

1. Misrepresenting by statements or representations, in contracts, orders, confirmations, or other documents, by correspondence or by any other means, the character or amount of the constituent fibers contained in such products.

2. Furnishing to or placing in the hands of others, for use in designating the fiber content of respondents' fabrics or garments made therefrom, stamps, tags, or labels by means of which said fabrics or garments made therefrom may be falsely or deceptively stamped, tagged, labeled, or otherwise identified as to the character or amount of the constituent fibers contained therein, or in any other respect.

It is further ordered, That the complaint be and the same is hereby dismissed as to the respondents Frank H. Bussiere, Bernard Casey and Solomon Goldfine.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-1364; Filed, Feb. 20, 1957; 8:48 a. m.]

TITLE 23—HIGHWAYS

Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

Sec.

1.1 Definitions.
1.2 Purpose.
1.3 Organization and powers of State highway department.
1.4 Selection and designation of highway systems.
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1.6 Programs of proposed projects.
1.7 Project statements.
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1.9 Project agreements.
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1.12 Labor and employment.
1.13 Highway planning and research projects.
1.14 Railway-highway crossing projects.
1.15 Coordination of airport and highway location.
1.16 Maintenance of projects.
1.17 Traffic signs and signals.
1.18 Diversion of gasoline and motor-vehicle taxes; reduction of apportionment.
1.19 Records and cost keeping.
1.20 Payments.
1.21 Advance of funds.
1.22 Delegation of authority.
1.23 Operating procedures and instructions.
1.24 Public hearings.
1.25 Secondary road plans.
1.26 Application of regulations.

AUTHORITY: §§ 1.1 to 1.26 issued under sec. 18, 42 Stat. 216, as amended; 23 U. S. C. 19.

§ 1.1 *Definitions.* For the purposes of the regulations in this part, the following terms shall be construed, respectively, to mean:

(a) *Act.* The Federal-Aid Road Act of July 11, 1916, and all acts amendatory thereof or supplementary thereto (U. S. C. 23), except those provisions which relate to national forest roads and highways, national park and national park approach roads and parkways, and Indian reservation roads.

(b) *Secretary.* The Secretary of Commerce, Department of Commerce.

(c) *Administrator.* The Federal Highway Administrator, Bureau of Public Roads, Department of Commerce.

(d) *Commissioner.* The Commissioner of Public Roads, Bureau of Public Roads, Department of Commerce.

(e) *State.* The 48 States, District of Columbia, Hawaii, Puerto Rico, and Alaska to the extent that the regulations in this part apply to Alaska under section 107 of the Federal-Aid Highway Act of 1956.

(f) *State highway department.* The department of each State government adequately organized and equipped to exercise all the functions incident to operations under the Federal highway legislation and authorized, by the laws of the State, to make final decisions for the State in all matters relating to, and to enter into, on behalf of the State, all contracts and agreements providing for State-Federal cooperative road projects.

(g) *Latest available Federal census.* The latest available Federal decennial census, except for the establishment of "urban area" boundaries as provided in § 1.5.

(h) *Urban area.* An area including and adjacent to a municipality or other urban place of five thousand or more population as shown by the latest available Federal census.

(i) *Rural areas.* All areas of the State not included in "urban areas."

(j) *1954 secondary road plan.* The plan under which a State requests that the Secretary of Commerce discharge his responsibility relative to certain statutory duties pertaining to secondary roads by receiving and approving a statement certified by the State highway department, all as more fully set forth in, and pursuant to, the second, third, and fourth provisos of section 1 of the Federal-aid Highway Act of 1954.

(k) *Interstate system.* The National System of Interstate and Defense Highways.

§ 1.2 *Purpose.* (a) To establish the pattern for a long-range program of highway development designed for the national and civil defense and to serve the major classes of highway traffic broadly defined as (1) interstate or interregional, (2) intercity or intrastate, (3) rural secondary or farm-to-market, and (4) intra-urban;

(b) To recognize the State highway department as the legal representative of the State including all government subdivisions in the administration of the act within each State;

(c) To provide for a more comprehensive rural-road program through cooperation between the State highway department, the county or other appropriate local road officials, and the Bureau of Public Roads in connection with the Federal-aid secondary systems;

(d) To insure continuity in the direction of expenditures to accomplish the objectives of the long-range program by the selection of road systems and by annual improvement programs of projects lying upon each system;

(e) To create for the purposes of the act "urban areas" which are urban in character and which may include suburban communities outside municipal boundaries and to make provision for aiding the planning and development of arterial highways to serve such areas;

(f) To accelerate the construction of the Federal-aid highway systems and the prompt completion of the Interstate System.

§ 1.3 *Organization and powers of State highway department.* Each State shall maintain at its own expense a State highway department as defined in § 1.1, having adequate powers and suitably equipped and organized to discharge to the satisfaction of the Secretary the duties required by the act and by the regulations in this part. From time to time as the Secretary may determine, there shall be furnished to him, by or on behalf of a State, information concerning: (a) Laws affecting roads and the authority of the State and local officials in

reference to the acquisition of rights-of-way, construction, maintenance, and control of roads; (b) the State highway department, how equipped and organized; (c) constitutional and legislative provisions relative to revenues for the administration, construction, reconstruction, and maintenance of roads; and (d) funds that will be available to meet the State's share of the cost of construction work to be performed and the sources of such funds.

§ 1.4 *Selection and designation of highway systems.* (a) The highway systems designated to become the pattern for the long-range development of adequate highway service shall be so selected as to form an integrated net within each State and with like systems at State boundaries. There is no predetermined time limit for the submission of the full selection of the systems and no fixed maximum for the mileage of the systems other than the specific limitations of the act.

(b) The extent of the overall mileage of the systems as finally approved shall be determined by the ratio of the estimated annual income that will be available from all sources for, and the estimated annual costs of, the maintenance, construction, and reconstruction of the mileage included in the long-range program and shall be so balanced as to permit completion of the initial improvements within a reasonable period of years. The conservation and development of natural resources and of economic and social values, particularly those encouraging desirable land utilization, by providing adequately improved and maintained highways are to be given greater weight in the selection of routes for inclusion in the several systems than is the existing numerical traffic volume.

(c) The highway systems to be selected and designated in accord with the requirements of the act are:

(1) The Interstate System as required by section 7 of the Federal-Aid Highway Act of 1944, as amended by section 108 (1) of the Federal-Aid Highway Act of 1956, including such toll roads, bridges and tunnels as may be approved as part of the Interstate System pursuant to section 113 of the 1956 Act.

(2) The Federal-aid highway system as now constituted and approved, with such revisions as may be approved.

(3) A Federal-aid secondary system as required by the act. The roads selected shall be roads not included in the Federal-aid highway system and shall be exclusively within "rural areas," except that in States which have a population density exceeding 200 per square mile, roads and streets within "urban areas" may be included; and also except for approved extensions of the secondary system within urban areas. The system so selected in cooperation with local road officials shall be submitted to the Administrator in the form required by him and shall be subject to his approval.

(d) An extension of a secondary system into an urban area may be approved where such extension connects the point from which the extension is made with another point on the secondary system outside of the urban area either by direct connection, using the secondary system exclusively, or an indirect connection which uses a portion of another Federal-aid system. Any such extension may be financed only with urban funds. This paragraph does not affect the statutory right of those States which have a population density exceeding 200 per square mile to include in the secondary system roads and streets within urban areas.

(e) All revisions of systems, including transfers from one system to another, are subject to approval by the Administrator. However, approval of revisions of any section of the Interstate System between such control points as may be established, on which section an interstate project has been constructed, or is under actual construction, with Federal-aid funds, will be given only under the most unusual circumstances and conditions, which would clearly justify such approval.

§ 1.5 *Establishment of "urban area" boundaries.* Prior to the inclusion in a proposed program of any project involving funds authorized for urban areas, the boundaries of the particular urban area or areas involved shall be submitted by the State highway department and approved by the Administrator, in accord with the terms of the act. For the purposes of this section, the term "latest available Federal census" as used in the act, shall mean the latest published official census, decennial or special. Projects in urban areas for which the boundaries have been established may be approved prior to the determination of the boundaries of all urban areas within a State.

§ 1.6 *Programs of proposed projects.* Each State highway department shall prepare and submit to the Administrator for approval detailed programs of proposed projects for the utilization of any apportionment of funds made to the State under the provisions of the act. Projects for construction on the Federal-aid secondary system shall be selected and the specifications with respect thereto shall be determined by the State highway department and the appropriate local officials in coperation with each other, subject to approval by the Administrator as provided by the act. These programs shall be in such form and shall be supported by such information as the Administrator may require. Prior to the inclusion in the program of projects lying off the approved systems, the routes of which such projects form an integral part shall be submitted by the State highway department and approved by the Administrator as routes of the appropriate system.

§ 1.7 *Project statements.* (a) The program required by § 1.6 may be accepted as constituting the project statement referred to in the act.

(b) The Administrator shall not authorize the advertisement of any project and shall not concur in the award of any contract for any project until the program which includes such project has been approved.

§ 1.8 *Surveys, plans, specifications, and estimates.* (a) Surveys, plans, specifications, and estimates for all projects shall be prepared by or under the immediate direction of the State highway department and shall show in convenient form and detail the work to be performed and the probable cost thereof, all in conformity with the standards governing form and arrangement prescribed by the Administrator.

(b) (1) The State highway department may utilize the services of well-qualified and suitably equipped engineering organizations of counties, municipalities, or other local subdivisions, acting under its direction, for making surveys, preparing plans, specifications, and estimates, and for supervising the construction of any project. Inasmuch as the act requires each State to maintain at its own expense a State highway department having adequate powers and suitably equipped and organized to discharge the duties required, no part of the cost of maintaining the central office of a State highway department or the central office of any publicly maintained engineering organization which may be utilized by the State shall be paid with Federal funds.

(2) The State highway department may utilize the services of the engineering organizations of the affected railroad companies for railway-highway crossing projects subject to the same limitations as to the general overhead costs.

(3) The services of consulting engineers and private engineering organizations may be utilized on a contract basis for design, preparation of plans, specifications, and estimates, and in special cases for construction engineering other than general supervision, only under one or more of the following circumstances: (i) The work is of unusual character requiring highly specialized knowledge and experience; (ii) it would not be possible to enlarge the staff of personnel available to the State so as to perform the engineering services on the project within a reasonable time; or (iii) the State has a program substantially larger than normal or expected in future years and it desires to employ consulting engineers rather than build up its organization for a comparatively short period.

(c) Until plans, specifications, and estimates for a project or part thereof have been submitted and found satisfactory by the authorized representative of the Administrator, and the State has been so notified, no project or part thereof shall be advertised for contract.

(d) Specifications for individual secondary road projects in those States adopting the 1954 Secondary Road Plan are not subject to approval by the Administrator.

(e) If any part of the cost of a project is to be provided by a county, municipality, or other local subdivision of a State, the State highway department shall determine the official actions to be taken by, and shall enter into such agreements with, the appropriate local officials as the department shall find desirable to safeguard its responsibility under the act for the fulfillment of the project agreement and the continuous maintenance of the project.

§ 1.9 *Project agreement.* (a) A project agreement between the State highway department and the Administrator shall be executed for each project on a form furnished by the Administrator. No payment on any project shall be made by the United States unless and until such agreement has been executed, nor on account of costs incurred prior to authorization by the authorized representative of the Administrator.

(b) Subsequent to execution of the project agreement no change shall be made which will increase the cost of a project to the Federal Government or alter its termini, type, or other conditions except upon agreement with the Administrator.

(c) Agreements for the construction of projects on the Interstate System shall contain clauses relating to use of and access to rights-of-way required by section 112 of the Federal-Aid Highway Act of 1956.

§ 1.10 *Construction and contracts.* (a) Actual construction work shall be performed by contract awarded by competitive bidding under such procedures as may be required by this part and by the operating procedures and instructions issued by the Administrator unless the Administrator shall affirmatively find that under the circumstances relating to a given project some other method is in the public interest. Before any work is undertaken by direct labor, the State highway department shall determine that the organization that is to undertake the work is able and equipped to perform such work at costs which are reasonable and which compare favorably with similar contract work.

(b) No part of the Federal money set aside on account of any project shall be paid until it has been shown to the satisfaction of the Administrator that adequate methods, either advertising or other devices appropriate for the purpose, were employed, prior to the beginning of construction, to insure economy and efficiency in the expenditure of such money. An advertising period of 2 weeks may be accepted, provided a suitable mailing list of contractors is maintained by a State highway department to whom notices of new work are mailed, and public advertisement is inserted at least once a week for 2 weeks in such publications as will insure adequate publicity, the first insertion to be 2 weeks prior to the opening of bids. In case of emergency an advertising period of less than 2 weeks, or another method insuring competitive prices, may be approved.

(c) All contracts for the construction of highways under the act shall require the contractor to furnish all materials entering into the work, except as otherwise authorized by the prior approval of the Administrator. No requirement shall be contained in any contract entered into by any State providing price differentials for, requiring the use of, or otherwise discriminating in favor of materials produced within the State.

(d) No procedure or requirement shall be approved which, in the judgment of the Secretary, is designed or may operate to prevent the submission of a bid by, or the award of a contract to, any responsible contractor, whether resident or nonresident of the State wherein the work is to be performed, such as laws or regulations which require the licensing of a contractor before he may submit a bid or which prohibit the consideration of a bid submitted by a contractor not so licensed, or rules which govern the prequalification of contractors by which the amount of work that may be awarded to a contractor is limited otherwise than by a full and appropriate evaluation of his experience, equipment, financial resources, and performance record.

(e) No contract for any project or part thereof shall be entered into or award therefor made by any State without prior concurrence in such action by the Administrator, and no alteration in the contract subsequently shall be made without the approval of the Administrator. Prior to concurrence by the Administrator in any proposed award of a contract for work financed in whole or in part with funds made available under the Federal-Aid Highway Act of 1954 or subsequent acts, the State shall furnish a sworn statement executed by, or on behalf of, the successful bidder to whom such contract is to be awarded, certifying that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(f) Where bids for a project are received on alternate types of construction, the award of contract shall be made to the responsible bidder submitting the lowest acceptable bid irrespective of type, unless it be satisfactorily shown that it is in the public interest to accept a higher bid.

(g) All contracts for projects under the act shall contain suitable stipulations designed to insure that the contractor shall perform with his own organization work amounting to not less than 50 percent of the combined value of all items of work covered by the contract for each project: *Provided, however,* That any work under the contract which will require highly specialized knowledge, craftsmanship, or equipment not ordinarily available in contracting organizations qualified to bid on the project, may be designated and shown in the advertised specifications as "Specialty Items" and the items so designated may be performed by subcontract without regard to the above limitation.

(h) No part of the money apportioned under the act shall be used, directly or indirectly, to pay or to reimburse a State, county, or local subdivision for the payment of any premium or royalty on any patented or proprietary material, specification, or process for a distinctive type of construction unless purchased or obtained on open actual competitive bidding at the same or less cost than unpatented articles or methods, if any, equally suitable for the same purpose, or unless the State highway department certifies (1) that such material, specification or process is essential for synchronization with existing operating equipment or (2) that no equally suitable alternate exists: *Provided, however,* That patented or proprietary articles or methods of reasonable cost which constitute minor elements of a contract item may be specified and paid for if purchased in competition with one or more equally suitable patented or proprietary articles or methods or if information is included in the advertisement stating the price at which such patented or proprietary articles or methods are available to all contractors. Manufactured patented or proprietary articles which constitute a major part of the cost of a contract item may be specified and paid for if competition is assured with unpatented or nonproprietary articles or between two or more manufactured patented or proprietary articles accepted as equally suitable for the same purpose. Nothing in this section shall be construed as a prohibition against the use of any patented or proprietary material, specification, or process for a distinctive type of construction on relatively short sections of road for experimental purposes.

(i) Construction engineering and inspection charges reimbursable with Federal funds shall be limited to the salaries of individuals directly employed on a project and to other necessary costs incurred in connection with such engineering and inspection.

(j) Federal funds may be used to reimburse the State for the cost of relocation, as defined in section 111 (c) of the Federal-Aid Highway Act of 1956, of publicly, privately or cooperatively owned utility facilities, including railroads, necessitated by the construction of any project. Such reimbursement shall not exceed the regular Federal pro rata share of the cost of such work actually paid by the State or its political subdivisions. When the State submits a project for approval which proposes Federal participation in the cost of relocation of a utility facility located on an existing public highway, right-of-way, it shall certify that payment to the utility does not violate State or local law or a legal contract between the utility and the State or its subdivisions.

(k) The procedures being followed in each State with respect to the award of contracts by competitive bidding shall be designed to bring about the letting of contracts at the lowest cost consonant with capable performance under circumstances permitting a fair and adequate opportunity for the submission of bids. Such procedures shall conform with all pertinent provisions of this part and with all pertinent operating procedures and instructions now or hereafter issued. In the event a review by the Administrator discloses any procedures deemed by him to be contrary to the aforesaid purposes, the provisions of this part, or the operating procedures and instructions, then the Administrator shall require that such procedures shall be changed in order to conform to such purposes, regulations of this part, operating procedures and instructions.

(1) Suitable provisions shall be included in all contracts for projects under the act designed (1) to insure full compliance with all applicable Federal, State and local laws governing safety, health and sanitation, and (2) to require that the contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions, on his own responsibility or as the contracting officer may determine, reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

§ 1.11 *Rights-of-Way.* (a) Federal participation in the cost of rights-of-way acquired by a State or political subdivision thereof shall be restricted to the costs of rights-of-way actually acquired and dedicated for highway purposes subsequent to the date of approval or acceptance of the program which includes the project for which such costs are incurred. Such costs may include costs incurred and paid, pursuant to State law, for damages to property, resulting from the taking of the rights-of-way or construction of the highway. Such costs may include costs for portions of rights-of-way acquired for future highway use. Only such costs that actually result in disbursement from public highway funds of the State or political subdivision thereof shall be eligible for reimbursement. However, reimbursement may be made in proper cases for costs actually incurred in the readjustment, repair, or restoration of facilities or improvements made necessary by reason of the construction of the highway.

(b) Before the Administrator institutes proceedings, at the request of any State, to acquire lands or interests in lands for projects on the Interstate System, the State shall declare and fully explain its inability to acquire such lands or interests in lands or its inability to acquire them with sufficient promptness, shall agree to reimburse to the Federal Government the State's pro rata share of the costs incurred in acquiring such lands or interests in lands, and shall agree to accept such lands or interests in lands thus acquired.

(c) The rights-of-way provided for Federal-aid highway projects shall be held inviolate for public highway purposes. No project shall be accepted as complete until all encroachments have been removed from the rights-of-way. No signs (other than those specified in § 1.17), posters, billboards, automotive service stations or other commercial establishments for serving motor vehicle users, roadside stands, or any other private installations shall be permitted within the right-of-way limits; neither shall any portion of the rights-of-way be used in connection with any private business or undertaking. Exceptions to the provisions of this paragraph may be made under circumstances approved by the Administrator on portions of rights-of-way acquired for future use.

§ 1.12 *Labor and employment.* (a) No convict labor shall be employed and no materials manufactured or produced by convict labor shall be used on any project constructed under the regulations in this part.

(b) The selection of labor to be employed on any work undertaken under the act in each State shall be in conformity with the laws of such State.

(c) All laborers and mechanics employed by contractors or subcontractors on projects on the Interstate System authorized under section 108 of the Federal-Aid Highway Act of 1956 shall be paid wages at rates not less than those prevailing on the same type of work on similar construction in the immediate locality as determined by the Secretary of Labor after consultation with the State highway department in accordance with section 115 of that Act. Such minimum wage rates shall be set out in the advertised specifications, bid proposal, and contract for the project. The published notice to bidders shall contain a statement that the minimum wage rates predetermined by the Secretary of Labor for the project are set out in the advertised specifications and bid proposal, and that such rates will be made a part of the contract covering the project.

(d) The Administrator shall prescribe such procedures as he deems necessary to be followed by the State highway department in order to insure that all laborers and mechanics employed by contractors and subcontractors on any project referred to in paragraph (c) of this section are paid wages at rates not less than those predetermined by the Secretary of Labor and set forth in the contract.

(e) All contracts, except those for the construction of projects referred to under paragraph (c) of this section, shall prescribe the minimum rates of wages for skilled, intermediate, and unskilled labor, as predetermined by the State highway department, which contractors or subcontractors shall pay, and such minimum rates shall be stated in the specifications advertised in the call for bids on the proposed project.

§ 1.13 *Highway planning and research projects.* Each State highway department shall prepare and submit a detailed program of proposed engineering and economic investigations and highway research necessary in connection therewith, showing the amount of Federal and State funds proposed for expenditure on each item thereof. Subject to the approval and project agreement procedure provided for construction projects, not to exceed 1½ percent of the amount apportioned for any year to each State for expenditure on the Federal-aid primary highway system, the Federal-aid secondary highway system, the Federal-aid primary highway system in urban areas, and the Interstate System, respectively, shall be used for highway planning and research projects, and the funds programed for such purposes may be pooled and administered as a single fund for the financing of the various items of work. Pending the submission and approval of the final detailed program, 1½ percent of the amount apportioned for any year to each State for expenditure on each of said Federal-aid systems shall be programed for highway planning and research projects.

§ 1.14 *Railway-highway crossing projects.* (a) Before a project for the elimination of hazards at a railway-highway crossing shall be approved for construction, either (1) an agreement shall have been entered into between the State highway department and the railroad concerned; or (2) an order authorizing the project shall have been issued by the State public utility commission. Such agreement or order shall contain provisions covering construction, maintenance, and railroad contributions relating to the project, which conform to, and are not inconsistent with, the policies, classifications of projects and procedures prescribed by the Administrator.

(b) State laws pursuant to which contributions are imposed upon railroads for the elimination of hazards at railway-highway crossings shall be held not to apply to Federal-aid projects.

§ 1.15 *Coordination of airport and highway location.* Federal highway funds shall not be used for the reconstruction or relocation of any highway giving access to, or closed or impaired by, an airport constructed or extended after December 20, 1944 unless, prior to such construction or extension, the State highway department and the Bureau of Public Roads have concurred with the officials in charge of the airport that the location or extension of such airport and the consequent reconstruction or relocation of the highway are in the public interest.

§ 1.16 *Maintenance of projects.* (a) Maintenance of all projects constructed under the provisions of the act shall be the responsibility of the State except as provided in paragraph (c) of this section and for those projects or portions thereof which may be eliminated from the Federal-aid highway system or from the Federal-aid secondary system through relocation in connection with further improvement of a project. The State highway department, acting under the laws of the State, may provide for the maintenance of Federal-aid projects by agreement with municipal or other local authorities, but the responsibility of the State to maintain such projects satisfactorily remains unchanged under the requirements of section 14 of the Federal Highway Act as amended by section 6 of the Federal-Aid Highway Act of 1950.

(b) A project for which the State highway department proposes to provide maintenance by an agreement with a municipality or a county shall not be approved if any project previously improved with Federal funds under the provisions of the Federal Highway Act, as amended and supplemented, which the said county or other subdivision has agreed to maintain, is not being satisfactorily maintained, or shall not be approved until such previously improved project shall have been placed in a proper condition of maintenance, as determined by the Administrator.

(c) The Administrator shall determine the extent to which Federal-aid funds apportioned to the Territory of Alaska may be expended for maintenance of roads within the system or systems selected and designated pursuant to section 107 (a) of the Federal-Aid Highway Act of 1956.

§ 1.17 *Traffic signs and signals.* All signs and traffic-control devices and other protective structures, whether paid for from Federal or other funds, erected on or in connection with highways or structures on which Federal funds are expended, shall be in conformity with such standards as may be adopted by the American Association of State Highway Officials, approved by the State highway department, and concurred in by the Administrator.

§ 1.18 *Diversion of gasoline and motor-vehicle taxes; reduction of apportionment.* If the Secretary shall find at any time that lesser amounts of the revenues derived from State motor-vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators in any State are required by its laws to be applied to highway purposes than were required to be so applied by the laws of such State on June 18, 1934, he shall take such action as he may deem necessary to comply with the provisions of section 12 of the act of June 18, 1934 (48 Stat. 995), by reducing the first Federal-aid apportionment made to a State after the date of a finding that such State has diverted contrary to the aforesaid act, by an amount not in excess of one-third of the total apportionment to which the State otherwise would be entitled under the Federal-Aid Road Act of 1916, as amended. In any such reduction, each class of apportioned Federal-aid funds; namely, primary, secondary, urban, and interstate, shall bear the same proportionate share of the reduction.

§ 1.19 *Records and cost keeping.* (a) Such records of the cost of construction, of inspection, of tests, and of maintenance done by or on behalf of the State, shall be kept, by or under the direction of the State highway department, as will enable the State to report, upon the request of the Administrator, the amount and nature of the expenditure for these purposes.

(b) The records required by paragraph (a) of this section for each project, together with all supporting documents, shall be retained for a period of three years after the payment of the final voucher, and shall be open at all times to inspection by the Administrator, or his authorized representatives, and copies thereof shall be furnished when requested.

§ 1.20 *Payments.* Vouchers in the form provided by the Administrator and certified as therein prescribed, showing amounts expended on any project and the amount claimed to be due from the Federal Government, shall be submitted by the State highway department to the Bureau of Public Roads, either after completion of the project or as the work progresses.

§ 1.21 *Advance of funds.* If necessary to enable any State highway department to make prompt payments for acquisition of rights-of-way and for construction as it progresses, the Administrator may advance the Federal share of the cost of such acquisition or construction to any State in such manner and subject to such conditions as he may prescribe.

§ 1.22 *Delegation of authority.* The Administrator shall perform the functions vested in the Secretary by the act except for the following: (a) Making regulations; (b) functions reserved to the Secretary by these regulations; (c) apportioning Federal-aid road funds among the States; and (d) functions reserved to the Secretary by internal directives and administrative regulations of the Department. The Administrator may redelegate any power or authority conferred upon him by this section to the Commissioner or to any official or officials of the Bureau of Public Roads as in his judgment will result in economy and efficiency in effectuating the purposes of the act and the regulations in this part.

§ 1.23 *Operating procedures and instructions.* The Administrator is hereby authorized to issue such operating procedures and instructions not in conflict with the act or with the regulations in this part as he may deem necessary for carrying out the provisions and effectuating the purposes of the act and the regulations in this part, and all such operating procedures and instructions issued by him shall be and continue in full force and effect from the date on which issued or made effective until modified or revoked by him.

§ 1.24 *Public hearings.* The Administrator shall prescribe procedures for State highway departments to follow with respect to public hearings on any Federal-aid highway project involving the bypassing of, or going through, any city, town or village, incorporated or unincorporated, pursuant to the provisions of section 116 (c) of the Federal-Aid Highway Act of 1956.

§ 1.25 *1954 Secondary Road Plan.* Any State may come under the 1954 Secondary Road Plan with the approval of the Administrator pursuant to such operating procedures and instructions as the Administrator may from time to time prescribe. Such approval will remain in effect at the discretion of the Administrator. Any State, District, or Territory which comes under the 1954 Secondary Road Plan shall not be subject in connection with secondary road projects to the following sections of this part: §§ 1.8 (a), (b) (3) and (c); 1.10 (a), (b), (c), (d), (e), (f), (g), (h), the last sentence of (j), and (k); 1.12 (b), (c), (d) and (e).

§ 1.26 *Application of regulations.* The regulations in this part shall take effect upon publication in the FEDERAL REGISTER and shall supersede all regulations heretofore in effect for carrying out the provisions of the act.

Dated: February 15, 1957.

Recommended:

B. D. TALLAMY,
Federal Highway Administrator.

Issued:

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-1349; Filed, Feb. 20, 1957; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6225]

PARTS 182, 195, 198, 220, 221, 225, 230, 235, AND 240

PLATS AND PLANS

Correction

In Federal Register Document 57-1249, published at page 979 of the issue for Saturday, February 16, 1957, the Treasury Decision number should read "6225", as set forth above.

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order-VII-6, Supp. 14]

DMO VII-6—EXPANSION GOALS

LIQUID OXYGEN AND LIQUID NITROGEN FOR DEFENSE USE

1. Defense Mobilization Order-VII-6, dated December 3, 1953 (18 F. R. 7878) is supplemented by adding to List III, Open, the following new expansion goal:

Goal No. and title	*Delegate agency*
229 Liquid Oxygen and Liquid Nitrogen for Defense Use.	Commerce.

2. This supplement shall be effective on February 18, 1957.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1347; Filed, Feb. 20, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

SPECIAL ALLOWANCE

Immediately following § 4.480, a new centerhead and the following sections are added as follows:

SPECIAL ALLOWANCE UNDER SECTION 405, PUBLIC LAW 881, 84TH CONGRESS

Sec.
4.485 General.
4.486 Death; service connection.
4.487 Claim.
4.488 Certification from Social Security Administration.

AUTHORITY: §§ 4.485 to 4.488 issued under sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 405, Pub. Law 881, 84th Cong.

§ 4.485 *General.* The provisions of the special allowance regulations under section 405, Public Law 881, 84th Congress, are applicable to the payment of a special allowance by the Veterans Administration to the surviving dependents of a member of a uniformed service who served after September 15, 1940, and who died on or after January 1, 1957, as a result of such service and who was not a fully and currently insured individual under Title II of the Social Security Act.

§ 4.486 *Death; service connection.* (a) The special allowance shall be payable only if the death occurred:

(1) While on active duty, active duty for training, or inactive duty training as a member of a uniformed service (line of duty is not a factor); or

(2) As the result of a disease or injury which was incurred or aggravated in line of duty while on active duty or active duty for training, or an injury which was incurred or aggravated in line of duty while on inactive duty training, as a member of a uniformed service after September 15, 1940, if the veteran was discharged or released from the period of such active duty, active duty for training, or inactive duty training under conditions other than dishonorable.

(b) Where the veteran died after separation from service:

(1) Discharge from service must have been under conditions other than dishonorable as outlined in § 4.435.

(2) Line of duty and service connection will be determined as outlined in § 4.436.

§ 4.487 *Claim.* A claim for dependency and indemnity compensation on VA Form VB 8–534, VB 8–535, VB 8–4182 or VB 8–4183 will be accepted as a claim for the special allowance where it is determined that this benefit is payable or where a specific inquiry concerning entitlement to the special allowance is received.

§ 4.488 *Certification from Social Security Administration.* Payment of the special allowance will be authorized on the basis of a certification from Social Security Administration. Award actions subsequent to the original award, including adjustment and discontinuance, will be made in accordance with new certifications from Social Security Administration.

This regulation is effective February 21, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–1376; Filed, Feb. 20, 1957; 8:51 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte No. MC–43]

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

RENTAL OF EQUIPMENT TO PRIVATE CARRIERS AND SHIPPERS WITHOUT DRIVERS

FEBRUARY 14, 1957.

The Commission has adopted Form BMC 79 "Application for Approval of Contract Carrier Rental Contract under Authority of Section 207.6 (b) of Ex Parte No. MC–43"[1] as the form of application for submitting for approval under § 207.6 (b) rental agreements to rent equipment without drivers to private carriers or shippers. An original and three copies should be filed with the appropriate field representative of the Bureau of Motor Carriers.

Copies of the form are being distributed today to the field offices of the Bureau of Motor Carriers and may be obtained at such offices or by addressing a request therefor to the Interstate Commerce Commission, Bureau of Motor Carriers, Washington 25, D. C.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57–1285; Filed, Feb. 19, 1957; 1:03 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1392]

[58115]

ALASKA

PARTIALLY REVOKING PUBLIC LAND ORDER NO. 794 OF JANUARY 23, 1952, WHICH WITHDREW PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 794 of January 23, 1952, as amended by Public Land Order No. 840 of June 19, 1952, withdrawing public lands in Alaska for use of the Department of the Air Force for military purposes, is hereby revoked so far as it affects the following-described lands:

FAIRBANKS MERIDIAN

T. 2 S., R. 3 E., unsurveyed,
Secs. 1, 2, 11, and 12;
Sec., 14, N½ and W½SW¼;
Sec. 23, W½NW¼;
Sec. 26, S½NW¼ and NE¼NW¼.
T. 2 S., R. 4 E., unsurveyed,
Sec. 6, NW¼ and S½;
Sec. 7;
Sec. 8, SW¼.

The areas described aggregate 4,440 acres.

[1] Filed as part of the original document.

2. In accordance with section 202 (b) of the act of July 28, 1956 (70 Stat. 709; 711) and subject to the requirements of the act, the Territory of Alaska shall be entitled until May 16, 1957, to a preferred right of selection of the lands in connection with its mental health program, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation.

3. Subject to any existing valid rights and the requirements of applicable law, the restored lands are hereby opened to settlement and to filing of such applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands, beginning at 10:00 a. m. on March 23, 1957, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning at 10:00 a. m. on June 22, 1957, any remaining lands will be subject to settlement under these laws by other qualified persons.

b. Applications and selections under the non-mineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 23, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on June 22, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on June 22, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

c. The lands will be open to applications and offers under the mineral-leasing laws, and to location under the United States mining laws beginning at 10:00 a. m. on June 22, 1957.

4. Persons claiming veteran's preference rights under paragraph b (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Fairbanks, Alaska.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

FEBRUARY 15, 1957.

[F. R. Doc. 57–1352; Filed, Feb. 20, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

FORT BELKNAP INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404–79th Congress, 60 Stat. 238), and authority contained in the Acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928 (38 Stat. 383, 25 U. S. C. 385; 39 Stat. 1942; and 43 Stat. 210, 25 U. S. C. 387), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454–7), notice is hereby given of intention to modify § 130.30 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Fort Belknap Indian Irrigation Project to read as follows:

§ 130.30 *Charges.* Pursuant to the provisions of the acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387) the basic annual charges for operation and maintenance against the irrigable lands to which water can be delivered under the constructed works of the Fort Belknap Irrigation Project in Montana are (a) for the Milk River and White Bear Units, including the lands operated as a tribal farming and livestock enterprise, is hereby fixed at $2.65 per acre for the year 1957 and thereafter until further notice, (b) for the Peoples Creek (Hays), Brown, Ereaux and Three-Mile Units, hereby fixed at $2.00 per acre for the year 1957 and thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to, Area Director, U. S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57–1350; Filed, Feb. 20, 1957; 8:45 a. m.]

[25 CFR Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454–7), notice is hereby given of intention to modify §§ 130.16 and 130.17 of Title 25 of the Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts as follows:

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.69 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-nine cents ($1.79) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $3.30 per acre, for the season 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty cents ($2.20) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.20 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of $2.13 per acre foot or fraction thereof.

Interested parties are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or arguments, in writing, to Area Director, U. S. Bureau of Indian Affairs, 804 North 29th Street, Billings, Montana, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57–1351; Filed, Feb. 20, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 933]

[Docket No. AO–85–A3]

ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Correction

In F. R. Doc. 57–544, appearing at page 476 of the issue for Thursday, January 24, 1957, that portion of § 933.53 (a) preceding the proviso should read as follows:

§ 933.53 *Inspection and certification.* (a) Whenever the handling of any variety of a type of fruit is regulated pursuant to § 933.52, each handler who handles any variety of such type of fruit shall, prior thereto, cause each lot of such variety to be inspected by the Federal-State Inspection Service and certified by it as meeting all applicable requirements of such regulation:

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11893]

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS; LONGVIEW-DENTON, TEX.

ORDER EXTENDING TIME FOR FILING COMMENTS

In the matter of amendment of § 3.606 *Table of assignments* governing television broadcast stations (Longview-Denton, Texas).

1. The Commission has before it for consideration a petition filed February 11, 1957, by O. L. Nelms, DB/A Brownwood Television Company, requesting the Commission to extend the time for filing comments in the above-entitled proceeding for a period of two weeks or until February 25, 1957.

2. In support of its request petitioner alleges that the counterproposal of Brown County Broadcasting Company was filed January 30, 1957, but did not come to the attention of the petitioner until February 7, 1957; therefore making it impossible to evaluate the counterproposal and its effects upon petitioner's UHF operation within the time allowed in this proceeding.

3. The Commission is of the view that the public interest, convenience and necessity would be served by extending the time for filing reply comments in this proceeding.

4. In view of the foregoing: *It is ordered*, That the time for filing reply comments in the above-entitled proceeding is extended from February 11, 1957 to February 25, 1957.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1356; Filed, Feb. 20, 1957; 8:46 a. m.]

FEDERAL TRADE COMMISSION

[16 CFR Parts 23, 69, 128, 157, 208]

[File No. 21-515]

TRADE PRACTICE RULES FOR JEWELRY INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Jewelry Industry to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than March 15, 1957. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., e. s. t., March 15, 1957, in the Hotel Biltmore (Rooms 108-19-23), Madison Avenue at Forty-third Street, New York City, to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Rules approved and promulgated by the Commission in this proceeding will supplant rules heretofore promulgated by the Commission for the Educational Jewelry Industry, the Wholesale Jewelry Industry, the Pearl, Cultured Pearl, and Imitation Pearl Industry, the Diamond Industry, and the Catalog Jewelry and Giftware Industry (with respect to jewelry items covered thereby) (16 CFR Parts 69, 128, 208, 23, and 157, respectively), and result in termination of pending proceedings for the establishment of rules relating to use of the terms "Gold," "Karat," and "Solid" in describing articles or parts of articles which are solidly and throughout of an alloy of gold, and rules for the Low and Medium-Priced Jewelry Industry.

The proposed rules as published by the Commission would have application to persons, firms, corporations, or organizations engaged in the manufacture, importation, sale, offering for sale, or distribution of (1) any kind or type of jewelry products; or (2) of unset diamonds, pearls, or cultured pearls, whether finished, semifinished, or in the rough, which are designed for a jewelry, as distinguished from an industrial, use. They do not have application to watches, watch cases, or wrist watch bands.

Issued: February 18, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-1365; Filed, Feb. 20, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 13, 1957.

In exchanges of lands made under the provision of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 12 N., R. 11 W.,
Sec. 3: All;
Sec. 7: W½.
T. 5 S., R. 3 W.,
Sec. 22: NW¼NW¼.
T. 6 S., R. 3 W.,
Sec. 2: E½NE¼, SW¼NE¼.
T. 7 S., R. 3 W.,
Sec. 8: SE¼, SE¼NE¼ (minus 12 acres for road R/W);
Sec. 9: W½SW¼, SW¼NW¼;
Sec. 17: N½.
T. 7 S., R. 6 W.,
Sec. 3: SW¼NW¼;
Sec. 4: SE¼NE¼;
Sec. 13: S½SW¼;
Sec. 24: NW¼, N½SW¼, E½.
T. 15 S., R. 5 W.,
Sec. 34: NW¼NW¼.
T. 17 S., R. 8 W.,
Sec. 17: NW¼;
Sec. 18: NE¼NE¼;
Sec. 21: S½.
T. 18 S., R. 8 W.,
Sec. 9: Lot 2.
T. 18 S., R. 9 W.,
Sec. 12: NE¼NE¼;
Sec. 36: SE¼NW¼.
T. 22 S., R. 6 W.,
Sec. 20: SW¼, S½NW¼;
Sec. 29: W½NW¼.
T. 25 S., R. 9 W.,
Sec. 33: NE¼.
T. 25 S., R. 11 W.,
Sec. 22: W½;
Sec. 24: S½;
Sec. 25: N½;
Sec. 27: E½;
Sec. 28: N½.
T. 26 S., R. 9 W.,
Sec. 6: Lots 1, 2, 3, 4, 5, SW¼NE¼, SE¼NW¼.
T. 33 S., R. 5 W.,
Sec. 4: SE¼SW¼;
Sec. 9: NE¼NW¼.
T. 35 S., R. 13 W.,
Sec. 8: W½.
T. 37 S., R. 5 W.,
Sec. 22: W½NE¼, SE¼NE¼.
T. 15 S., R. 10 E.,
Sec. 10: E½SE¼, NW¼SE¼;
Sec. 11: W½SW¼.
T. 15 S., R. 11 E.,
Sec. 34: E½SE¼;
Sec. 35: N½SW¼, W½NW¼.
T. 23 S., R. 19 E.,
Sec. 28: SE¼, S½SW¼, NE¼SW¼;
Sec. 33: NW¼, NE¼NE¼, N½SW¼, W½NE¼.

The above tracts aggregate 7,119.14 acres.

The tracts described above are widely scattered parcels. The character of the lands is predominantly desert or semi-desert.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on March 21, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 20, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on June 20, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on June 20, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 777, Salt Lake City, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-1353; Filed, Feb. 20, 1957; 8:45 a. m.]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

FEBRUARY 15, 1957.

Pursuant to a determination issued January 17, 1957, Docket No. DA-120-Utah, by the Federal Power Commission, and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes, are hereby restored from the power site classification to the extent necessary to permit the State Highway Commission of Utah to obtain a right-of-way under the act of November 9, 1921 (42 Stat. 212), for a material site, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SALT LAKE MERIDIAN, UTAH

T. 40 S., R. 21 E.,
Sec. 26: NE¼NE¼;
Sec. 27: SE¼SE¼.

These lands are in Utah Grazing District No. 6 and are withdrawn in Power Site Classification No. 219, approved May 13, 1929.

This restoration is limited to the purpose stated above and does not restore the land to disposition under the public land laws, and is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Post Office Box No. 777 or Room 312, Federal Building, Salt Lake City, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57-1354; Filed, Feb. 20, 1957; 8:46 a. m.]

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

FEBRUARY 15, 1957.

The United States Forest Service, Department of Agriculture has filed an application, Serial No. BLM 034316 (SD), for the withdrawal of the land described below, from location and entry under the general mining laws. The applicant desires the land for use as an administrative site.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Pactola Administrative Site:
T. 2 N., R. 5 E.,
Sec. 25: W½W½;
Sec. 26: NE¼, N½SE¼.

Total area 400 acres.

R. D. NIELSON,
State Supervisor.

[F. R. Doc. 57-1355; Filed, Feb. 20, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[363.2]

IMPORTED CARPETING

MARKING OF COUNTRY OF ORIGIN

FEBRUARY 18, 1957.

The Bureau of Customs has ruled that imported carpeting which is to be cut prior to or at the time of sale to ultimate purchasers, unless otherwise excepted from marking pursuant to one or more of the exceptions set forth in section 304 (a) (3) of the Tariff Act of 1930, as amended (19 U. S. C. 304 (a) (3)), shall be legibly and conspicuously marked with the English name of the country of origin at each corner at the beginning of the roll and at each corner at the end of the roll by the use of a tag or other suitable method whereby the name of the country of origin may be seen without the carpeting being unrolled.

Treasury Decision 54191 (1) setting forth certain requirements for the marking of imported carpeting is being revoked.

This requirement applies only to such carpeting entered for consumption or for warehousing after 90 days from the date of publication of an abstract of that decision in the weekly Treasury Decision.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1377; Filed, Feb. 20, 1957; 8:51 a. m.]

[363.2]

IMPORTED WOVEN WIRE CLOTH

MARKING OF COUNTRY OF ORIGIN

FEBRUARY 18, 1957.

The Bureau has ruled that imported woven wire cloth, not otherwise excepted from marking under one of the exceptions set forth in section 304 (a) (3), Tariff Act of 1930, as amended, must be legibly and conspicuously marked with the English name of the country of origin at each corner at the beginning of the roll and at each corner at the end of the

roll by the use of a tag or other suitable method whereby the name of the country of origin may be seen without the woven wire cloth being unrolled. This requirement is to become effective at the expiration of 90 days from the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1378; Filed, Feb. 20, 1957; 8:51 a. m.]

[424.34]

UNFINISHED LATCH NEEDLES

TARIFF CLASSIFICATION

The Bureau by its letter to the collector of customs at St. Albans, Vermont, dated May 23, 1956, ruled that unfinished latch needles are classifiable under the provision for latch needles in paragraph 343, Tariff Act of 1930, as modified, with duty at the rate of $1 per thousand plus 30 percent ad valorem, rather than under the provision for articles of metal, not specially provided for, in paragraph 397, Tariff Act of 1930, as modified, with duty at the rate of 22½ (currently 21) percent ad valorem.

This decision results in the assessment of duty at a rate higher than that which has heretofore been assessed under an established and uniform practice and will be effective only with respect to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-1379; Filed, Feb. 20, 1957; 8:51 a. m.].

DEPARTMENT OF AGRICULTURE

Office of the Secretary

GEORGIA

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Georgia, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

GEORGIA

Berrien	Jenkins
Cook	Screven

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 18th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1384; Filed, Feb. 20, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8229 et al.]

CAPITAL AIRLINES, INC.; CAPITAL FAMILY PLAN CASE

NOTICE OF HEARING

In the matter of the proposal of Capital Airlines, Inc., to permit family fare travel on additional days of the week.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 5, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Ave. NW., Washington, D. C., before Examiner Merritt Ruhlen.

Dated at Washington, D. C., February 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1381; Filed, Feb. 20, 1957; 8:51 a. m.]

[Docket No. 8456 et al.]

CAPITAL AIRLINES, INC.; CAPITAL GROUP STUDENT FARES

NOTICE OF HEARING

In the matter of group student fares proposed by Capital Airlines, Inc.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 5, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Ave., NW., Washington, D. C., before Examiner Merritt Ruhlen.

Dated at Washington, D. C., February 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1382; Filed, Feb. 20, 1957; 8:52 a. m.]

[Docket No. 8501]

BRITISH OVERSEAS AIRWAYS CORP.

NOTICE OF HEARING

In the matter of the application of British Overseas Airways Corporation for amendment of its foreign air carrier permit to engage in foreign air transportation with respect to persons, property and mail, between points in the Bahamas and the co-terminal points Miami and Palm Beach, Florida.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 4, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 18, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1383; Filed, Feb. 20, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11883, 11884; FCC 57M-135]

COLLIER ELECTRIC CO. AND AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER CONTINUING HEARING CONFERENCE

In the matter of the applications of Collier Electric Company, Docket No. 11883, File Nos. 1541/1542/1543-C1-P-56; and American Telephone and Telegraph Company, Docket No. 11884, File Nos. 163/164/165-C1-P-57; for construction permits to point-to-point microwave relay stations at Fort Morgan, Colorado; Sterling, Colorado; and Sidney, Nebraska.

It is ordered, This 14th day of February 1957, on the Hearing Examiner's own motion, that the pre-hearing conference presently scheduled herein for February 15, 1957, be, and the same is hereby, continued to February 18, 1957, commencing at 10:00 o'clock a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1357; Filed, Feb. 20, 1957; 8:46 a. m.]

[Docket Nos. 11934, 11935; FCC 57-146]

TEXAS TECHNOLOGICAL COLLEGE AND C. L. TRIGG

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Texas Technological College, Lubbock, Texas; Docket No. 11934, File No. BPCT-2183; C. L. Trigg, Lubbock, Texas; Docket No. 11935, File No. BPCT-2185; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1957:

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 5 in Lubbock, Texas; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the two applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing that each of the applicants filed timely replies; that Texas Technological College requested an additional sixty days within which to file information relative to its authority to engage in television broadcasting; that the Commission is of the opinion that in the interest of expedition the request for extension should be denied, since leave to amend may be granted for good cause after designation for hearing; and

It further appearing that upon due consideration of the above-captioned applications and the aforementioned replies, the Commission finds that Texas Technological College is financially, technically and otherwise qualified to construct, own and operate a television broadcast station and legally so qualified except as to issue (1) below; that C. L. Trigg is legally, technically, financially and otherwise qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Texas Technological College, and C. L. Trigg are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether Texas Technological College has legal authority to engage in television broadcasting.

(2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television broadcast stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That the above-referenced request of Texas Technological College for an extension of time to file additional information is denied.

It is further ordered, That to avail themselves of the opportunity to be heard, Texas Technological College and C. L. Trigg, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1358; Filed, Feb. 20, 1957; 8:46 a. m.]

[Docket Nos. 11936, 11937; FCC 57-147]

GEORGE A. MAYORAL ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of George A. Mayoral and William Cortada, a partnership, Ponce, Puerto Rico; Docket No. 11936, File No. BPCT-2049; Portorican-American Broadcasting Company, Inc., Ponce, Puerto Rico; Docket No. 11937, File No. BPCT-2228; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 7 in Ponce, Puerto Rico; and

It appearing that the above-captioned applications are mutually exclusive in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above-captioned applications, the amendments filed thereto and the replies to the above letters, the Commission finds that George A. Mayoral and William Cortada, a partnership, are legally, technically and financially qualified to construct, own and operate a television broadcast station and are otherwise qualified except as to Issue "1" below; that Portorican-American Broadcasting Company, Inc., is legally, technically, financially and otherwise qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of George A. Mayoral and William Cortada, a partnership, and Portorican-American Broadcasting Company, Inc., are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine whether a grant of the application of George A. Mayoral and William Cortada would be consistent with the provisions of § 3.636 (a) (1) of the rules, in view of the fact that George A. Mayoral owns one percent of the stock of Supreme Broadcasting Company, Inc., of Puerto Rico, licensee of television broadcast station WORA-TV, Mayaguez, and is Executive Vice President thereof.

(2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, George A. Mayoral and William Cortada, and Portorican-American Broadcasting Co., Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1359; Filed, Feb. 20, 1957; 8:47 a. m.]

[Docket Nos. 11938, 11939; FCC 57-148]

GOLD COAST BROADCASTERS AND GOLD COAST RADIO, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James C. Dean, C. Robert Clark and Charles W. Stone d/b

as Gold Coast Broadcasters, Pompano Beach, Florida; Docket No. 11938, File No. BP-10631; Gold Coast Radio, Inc., Pompano Beach, Florida; Docket No. 11939, File No. BP-10782; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of February 1957;

The Commission having under consideration the above-captioned applications of James C. Dean, C. Robert Clark and Charles W. Stone d/b as Gold Coast Broadcasters and Gold Coast Radio, Inc., each for a construction permit for a new standard broadcast station to operate on 1470 kilocycles with a power of 5 kilowatts, directional antenna, daytime only, at Pompano Beach, Florida;

It appearing that both applicants are legally, technically, financially and otherwise qualified except as may appear from the issues specified below, to operate their proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference and that it has not yet been determined whether either proposed antenna would constitute a hazard to air navigation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated December 4, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether the antenna proposed by either applicant would constitute a hazard to air navigation.

2. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service of each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, Gold Coast Broadcasters and Gold Coast Radio, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: February 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1360; Filed, Feb. 20, 1957; 8:47 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11992]

SUNRAY MID-CONTINENT OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Sunray Mid-Continent Oil Company (Sunray), on January 14, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description. Notice of Change dated January 8, 1957.

Purchaser. Natural Gas Pipeline Company of America.

Rate schedule designation. Supplement No. 2 to Sunray's FPC Gas Rate Schedule No. 114.

Effective date.[1] March 21, 1957.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: February 15, 1957.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1361; Filed, Feb. 20, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sunray, if later.

[Docket Nos. G-10425, G-10842]

PACIFIC NORTHWEST PIPELINE CORP. AND AMERICAN METAL CO. LTD.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that on May 18, 1956, Pacific Northwest Pipeline Corporation (Pacific) filed at Docket No. G-10425 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 6.2 miles of 6⅝-inch O. D. lateral supply pipeline to extend from a point on Pacific's existing 26-inch main transmission line in Mesa County, Colorado, to a point in the Bar-X Field, Grand County, Utah, and Mesa County, Colorado, together with necessary appurtenances. Pacific states that these proposed facilities will enable it to purchase and receive natural gas produced in the Bar-X Field by The American Metal Company, Operator (American Metal). The estimated total cost of the proposed facilities is $134,290, which cost is to be financed from available funds.

On August 1, 1956, American Metal filed at Docket No. G-10842 an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, covering the aforesaid sale of gas to Pacific to be made pursuant to a gas sales contract dated March 29, 1956, between Pacific and American Metal. Said contract's primary term extends to December 31, 1976.

American Metal filed the application at Docket No. G-10842 as the operator of the leases involved. It lists the interest owners, all of whom are seller signatory parties to the said contract, and their respective fractional working interests in the subject acreage, as follows:

American Metal—¼
Climax Molybdenum Company—¼
Frontier Refining Company—½

American Metal states that its facilities consist only of customary lease equipment; proposed deliveries will be made at wellheads.

Pacific will transport the gas received from American Metal, commingled with its other gas supplies for sale in other states.

Pacific alleges that no additional markets are proposed to be served by it other than those previously authorized by the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 18, 1957, at 9:30 a. m. (e. s. t.), in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Issued: February 15, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1362; Filed, Feb. 20, 1957; 8:47 a. m.]

[2] Commissioner Digby dissenting.

SECURITIES AND EXCHANGE COMMISSION

[24W-1961]

PRODUCERS FUEL CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 15, 1957.

I. Producers Fuel Company, a Delaware corporation, with principal offices located at 1111 Keystone Building, Pittsburgh 22, Pennsylvania, having filed with the Commission on July 16 and 23, 1956, a Notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of 60,000 shares of $5 par Capital Stock at $5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect to such Notification in that:

1. The sale, by the predecessor and affiliate of the issuer, of an undetermined amount of securities which were sold within one year prior to the date of filing said Notification, has not been disclosed in item 3 thereof; and

2. The aggregate offering price of the securities proposed to be offered and the securities of the issuer's predecessor and affiliate sold in violation of section 5 (a) of the act within one year prior to the commencement of the proposed offering exceeds the $300,000 limitation prescribed by Rule 217 of Regulation A.

B. That the Offering Circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The leases, and interests therein, which are to be owned by the issuer;

2. The extent of the proven oil and gas reserves on properties covered by such leases;

3. The actual production of oil and gas from such properties; and

4. The oil and gas recovery methods to be employed thereon by the issuer.

C. That the use of said Offering Circular in connection with the offering of the issuer's securities would operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1368; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 70-3501]

PUBLIC SERVICE COMPANY OF OKLAHOMA

NOTICE OF FILING OF SUPPLEMENTAL DECLARATION REGARDING PROPOSAL TO ENTER INTO GAS PURCHASE CONTRACT WITH A NON-AFFILIATE

FEBRUARY 15, 1957.

By order issued December 5, 1956 (Holding Company Act Release No. 13328), the Commission permitted a declaration, as amended, filed by Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Corporation, a registered holding company to become effective pursuant to section 7 of the Public Utility Holding Company Act of 1935. The declaration, as amended, related to a proposal by Public Service to enter into a gas fuel purchase contract with Transok Pipe Line Company ("Transok"), a non-affiliated intrastate natural gas pipe line company. The Commission determined that the provisions of the contract constituted a guaranty by Public Service of certain bonds of Transok.

The gas fuel purchase contract provided, among other things, (a) that upon the breach of any of the terms thereof, Public Service, at the election of, and upon the demand of, the trustee under Transok's bond indenture, was obligated to lease or purchase Transok's pipe line system (as defined in the contract), and, as full payment therefor, to pay, as rental or purchase price, an amount equal to all amounts then or thereafter payable for principal, interest, and otherwise, upon the then outstanding bonds of Transok, such payments to be made to the trustee when and as payable by the terms of the bonds; and (b) that, subject to its ability to make satisfactory financial arrangements, Transok was obligated, upon the request and approval of Public Service, to construct such additional pipe lines and related facilities connecting the pipe line system with Public Service's electric generating stations, or with additional sources of gas supply, as might be necessary to enable Transok to supply the requirements of Public Service's electric generating stations.

At the time of the issuance of the December 5, 1956 order, Transok had constructed its main pipeline system in connection with which it had issued $13,500,000 principal amount of bonds, and it then contemplated the immediate issuance of $1,550,000 principal amount of additional bonds to procure funds for the construction of a pipeline to connect its system with an additional gas supply in Hughes County, Oklahoma.

Notice is hereby given that Public Service has filed a supplemental declaration stating that (a) it is proposed to modify the gas fuel purchase contract to provide that, in the event it is required, because of a breach of the contract, to purchase the Transok pipeline system, it shall pay the trustee under Transok's bond indenture, 90 days after demand by the trustee (or such earlier date as Public Service designates by a 35-day notice) an amount equal to the sum of the unpaid principal of the bonds (as defined in the contract) of Transok then outstanding, plus all premiums and all sums due as accrued interest to the date of payment; and (b) Transok presently contemplates the issuance and sale of $4,000,000 principal amount of additional bonds (including the $1,550,000 of bonds above mentioned) to provide funds for the construction of additional pipelines and related facilities.

The declaration as supplemented further states that no State or Federal

commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may not later than February 28, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such hearing and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may permit the supplemental declaration, as filed or as it may be amended, to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1369; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 70-3555]

CENTRAL AND SOUTH WEST CORP. ET AL

NOTICE OF FILING REGARDING ISSUANCE AND SALE OF COMMON STOCK BY REGISTERED HOLDING COMPANY AND RETIREMENT OF OUTSTANDING NOTES; AND REGARDING ISSUANCE AND SALE TO PARENT OF ADDITIONAL COMMON STOCK BY SUBSIDIARIES

FEBRUARY 15, 1957.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Gas and Electric Company, File No. 70-3555.

Notice is hereby given that Central and South West Corporation ("Central"), a registered holding company, and three of its public utility subsidiaries, Central Power and Light Company ("Power"), Public Service Company of Oklahoma ("Public Service") and Southwestern Gas and Electric Company ("Southwestern"), have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"); and have designated sections 6, 7, 9, 10 and 12 (f) of the act, and Rules U-42, U-43, U-50 and U-100 promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file at the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Central proposes to issue and sell, to or through underwriters or investment bankers who shall have agreed promptly to make a public offering thereof, 600,000 additional shares of its $5 par value common stock, at competitive bidding pursuant to Rule U-50 of the rules and regulations promulgated under the act.

The net proceeds received by Central from the sale of the 600,000 additional shares of common stock will be applied by Central to the prepayment, without premium or penalty, of $7,500,000 principal amount of 3½ percent bank loan notes due March 1, 1958, and to the purchase, at the par value thereof, of additional shares of the common stocks of Power, Public Service and Southwestern of the aggregate par amount of $10,500,000. Any excess of such proceeds over $18,000,000 may be used to purchase additional shares of the common stock of one or more of Central's four principal subsidiaries (subject to further approval of the Commission), or for general corporate purposes.

Public Service proposes to amend its Articles of Incorporation to increase from 4,000,000 to 6,000,000 the number of shares of its authorized $10 par value common stock, of which there are outstanding 3,900,000 shares.

Power, Public Service, and Southwestern, respectively, propose to issue and sell to Central, and Central proposes to acquire for cash, at the par value thereof, additional shares of common stock as follows:

(a) Power, 250,000 shares, par value $10 per share, for $2,500,000;

(b) Public Service, 400,000 shares, par value $10 per share, for $4,000,000;

(c) Southwestern, 400,000 shares, par value $10 per share, for $4,000,000.

Power, Public Service, and Southwestern will use the proceeds received from the issue and sale of their common stocks to finance in part the cost of their construction programs.

The joint application-declaration states that the Corporation Commission of Oklahoma has jurisdiction over the proposed issuance and sale of common stock by Public Service; but that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The estimated fees and expenses to be incurred by Central in connection with the proposed issue and sale of its common stock aggregate $50,000, including counsel fees of Stevenson, Dendtler, Bailey & McCabe of $10,000, fees of local counsel of $800, accountant's fee $5,000, and service company fee of $7,000. The fees and expenses of independent counsel for underwriters are estimated at $7,000 and $500 respectively, and are to be paid by the purchasers of the Central stock. The fees and expenses to be incurred by Central in connection with the acquisition of the subsidiary stocks are estimated at $200.

The fees and expenses to be incurred by the subsidiaries in connection with their proposed issuances and sales of common stock are estimated as follows: Power $3,000; Public Service $25,000 (including $20,000 to the State of Oklahoma as increased capital stock authorization fee); and Southwestern $4,700.

Notice is further given that any interested person may, not later than March 1, 1957, request the Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such hearing and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules U-20 (a) and U-100 thereof, or take such other action as is deemed by it appropriate.

By the Commission:

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1370; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 812-1063]

WISCONSIN FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES FROM AN AFFILIATE

FEBRUARY 15, 1957.

Notice is hereby given that Wisconsin Fund, Inc. ("Wisconsin"), a registered open-end, diversified investment company, has filed an amended application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 17 (a) the purchase by Wisconsin of not to exceed $100,000 principal amount of first mortgage bonds, 4½ percent, due January 1, 1987 of Atlantic City Electric Company from The Milwaukee Company ("Milwaukee"), a registered broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934 and the holder of all the outstanding stock of Wisconsin's investment adviser.

The application states that on January 23, 1957, $10,000,000 principal amount of said bonds of Atlantic City Electric Company were offered to the public through underwriters at a public offering price of 101.656 percent per unit, which included an underwriting discount of .546 percent. Milwaukee purchased $100,000 principal amount of said bonds at the public offering price less a dealers' commission of ⅛ of 1 percent and Wisconsin now proposes to acquire such bonds from Milwaukee at the unit price of 101.656 percent. The entire offering was oversubscribed, and the market price of the bonds on January 28, 1957 was 101¾ paid and 102 asked.

Since Edgar, Ricker & Co. ("Edgar, Ricker"), the investment adviser and manager of Wisconsin is a wholly-owned subsidiary of Milwaukee, Milwaukee is an affiliated person of Wisconsin.

The application states that the fee to be earned by Milwaukee is the same as it would earn on a sale to any buyer and the price to be paid by the Applicant is the same as it would pay regardless of from whom it purchased the bonds, that the consideration is reasonable and fair, and does not involve overreaching on the part of any person concerned.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

It is Wisconsin's policy to invest its funds largely in common stocks, with investments in bonds and preferred stocks made, however, whenever and to the extent deemed advisable. The application states that the decision to purchase the bonds was made by Wisconsin's Investment Committee, which has five members, none of whom is connected with Milwaukee. The Committee, it is stated, deemed the purchase of the bonds desirable because of the high quality of the bonds and the attractive yield of 4.40 percent.

Notice is further given that any interested person may, not later than February 28, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1371; Filed, Feb. 20, 1957; 8:49 a. m.]

[File No. 812-1066]

GAS INDUSTRIES FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

FEBRUARY 15, 1957.

Notice is hereby given that Gas Industries Fund, Inc. ("Applicant"), a registered open-end diversified investment company, has filed an application pursuant to the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the Applicant of not to exceed $600,000 principal amount of 4¼ percent Convertible Subordinated Debentures due 1987 of Phillips Petroleum Company ("Phillips").

Phillips is now offering to the holders of its outstanding common stock rights to subscribe for $171,720,200 aggregate principal amount of the above-mentioned Debentures at the rate of $100 principal amount of Debentures for each 20 shares of common stock held of record on February 7, 1957, such rights to expire on February 25, 1957.

Applicant states that The First Boston Corporation is acting as Representative of and is among a group of underwriters who have agreed to purchase from the Company such of the Debentures as are not subscribed for pursuant to the subscription offers. James H. Orr, one of four directors of the Applicant, is a director, and therefore an affiliated person of The First Boston Corporation.

The directors of Applicant have authorized the purchase by Applicant of not exceeding $600,000 principal amount of the Debentures, subject to market conditions at the time of such purchases at the public offering price, from any of the underwriters or members of the selling group, except that no such purchase shall be made from The First Boston Corporation.

If the Applicant were to purchase the entire $600,000 principal amount of debentures authorized by its Directors, it would acquire approximately .349 percent of the total offering, and assuming a price of 100 percent (the proposed subscription price), the purchase would represent an investment of $600,000 or approximately 1 percent of the total assets of the Applicant as at December 31, 1956.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since a director of The First Boston Corporation, a participant in the underwriting group, is a director of the applicant, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Notice is further given that any interested person may, not later than February 28, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1372; Filed, Feb. 20, 1957; 8:50 a. m.]

[File No. 812-1067]

COLONIAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

FEBRUARY 15, 1957.

Notice is hereby given that The Colonial Fund, Inc. ("Applicant"), a registered open-end diversified investment company, has filed an application pursuant to the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the Applicant of an aggregate of not to exceed $300,000 principal amount of 4¼ percent Convertible Subordinated Debentures due 1987 of Phillips Petroleum Company ("Phillips").

Phillips is now offering to the holders of its outstanding common stock rights to subscribe for $171,720,200 aggregate principal amount of the above-mentioned Debentures at the rate of $100 principal amount of Debentures for each 20 shares of common stock held of record on February 7, 1957, such rights to expire on February 25, 1957. Application states that the First Boston Corporation is acting as Representative of and is among a group of underwriters which also includes Estabrook & Co. and Stone & Webster Securities Corporation, who have agreed to purchase from the Company such of the Debentures as are not subscribed for pursuant to the subscription offers. James H. Orr and Stedman Buttrick, two of the seven directors of Applicant, are a director of The First Boston Corporation and a partner of Estabrook & Co., respectively, investment banking organizations which participate in the underwriting of securities. Russell Robb, one of the three members of the Advisory Board of Applicant is a director of Stone and Webster, Incorporated, of which Stone & Webster Securities Corporation, also an investment banking organization which participates in the underwriting of securities, is a subsidiary.

The directors of Applicant have authorized the purchase by Applicant of not exceeding $300,000 principal amount of Debentures, subject to market conditions of the terms of such purchase, at the public offering price, from any of

the underwriters or members of the selling group except that no such purchase shall be made from the First Boston Corporation, Estabrook & Co. or Stone & Webster Securities Corporation.

If Colonial were to purchase the entire $300,000 principal amount of Debentures authorized by its Directors, it would acquire approximately .175 percent of the total offering, and assuming a price of 100 percent (the proposed subscription price), the purchase would represent an investment of $300,000 or approximately .7 percent of the total assets of Colonial as at December 31, 1956.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Since two of the Directors and one member of the Advisory Board of the Applicant are affiliated persons of the participants in the underwriting group, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Notice is further given that any interested person may, not later than February 28, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1373; Filed, Feb. 20, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Organization Order DTA 2, as amended; Revocation]

ESTABLISHMENT AND FUNCTIONS OF INTER-AGENCY ADVISORY COMMITTEE

REVOCATION

Organization Order DTA 2, as amended (16 F. R. 585, 18 F. R. 4768), is hereby revoked.

(64 Stat. 816; 70 Stat. 409; 50 U. S. C. App. Supp. 2154, 2166 (a); Organization Order DTA-1, as amended June 27, 1955, 15 F. R. 6728, 20 F. R. 4550; 20 F. R. 4780)

This revocation is effective immediately.

Issued at Washington, D. C., this 15th day of February 1957.

[SEAL] KENNETH H. TUGGLE, *Commissioner of the Interstate Commerce Commission.*

[F. R. Doc. 57-1375; Filed, Feb. 20, 1957; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Public Housing Administration

DESCRIPTION OF AGENCY AND PROGRAMS

CERTAIN OFFICES

Section I, Description of Agency and Programs, is amended as follows:

Paragraph D1 is amended to read as follows:

1. The Commissioner is responsible for the administration of all programs of the PHA. In addition to the staff officials enumerated below, the Commissioner has Special Assistants in the fields of defense planning, compliance, labor relations, liaison, and racial relations.

Paragraphs G2, G3, G4, and G7 are amended to read as follows:

2. *Chicago Regional Office.* Illinois, Indiana, Iowa, Kansas (Liquidating Emergency Housing Program only), Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin. Public Housing Administration, Room 2201, 185 North Wabash Avenue, Chicago 1, Illinois.

3. *Fort Worth Regional Office.* Arkansas, Colorado, Kansas (except Liquidating Emergency Housing Program), Louisiana, Missouri, New Mexico, Oklahoma, Texas. Public Housing Administration, Room 2072, 300 West Vickery Boulevard, Fort Worth 4, Texas.

4. *New York Regional Office.* Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Public Housing Administration, 346 Broadway, New York 13, New York.

7. *Washington Regional Office.* Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Public Housing Administration, Washington 25, D. C.

Date approved: February 14, 1957.

[SEAL] JOHN D. CURRIE, *Acting Commissioner.*

[F. R. Doc. 57-1367; Filed, Feb. 20, 1957; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal No. 229]

LIQUID OXYGEN AND LIQUID NITROGEN FOR DEFENSE USE

EXPANSION GOAL

An expansion goal for capacity to produce and deliver liquid oxygen and liquid nitrogen for defense requirements is hereby set at 4,000 million cubic feet year year.

Dated: February 18, 1957.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 57-1348; Filed, Feb. 20, 1957; 8:45 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 37

Washington, Friday, February 22, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

UNIVERSITY OF MICHIGAN FEB 25 1957 MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.224 is amended to read as set out below.

§ 6.224 *United States Information Agency.* (a) Persons formerly employed abroad in the Foreign Service of the United States or as Binational Center Grantees for a period of at least four years for service in executive and administrative positions, or for at least two years for professional positions, in grades GS-9 and above.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-1409; Filed, Feb. 21, 1957; 8:50 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, § 6.302 (a) (13) is amended and § 6.302 (a) (17) is added as set out below.

§ 6.302 *Department of State*—(a) *Office of the Secretary.* • • •

(13) One assistant to the staff assistant.

• • • • • •

(17) One special assistant (Multilateral Affairs).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-1410; Filed, Feb. 21, 1957; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 107]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.407 *Navel Orange Regulation 107*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 20, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 17 ($0.60)

Title 26, Parts 170–182 ($0.35)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 183–299 ($0.30).

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an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., February 24, 1957, and ending at 12:01 a. m., P. s. t., March 3, 1957, is hereby fixed as follows:

(i) District 1: 369,600 cartons;
(ii) District 2: 462,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 21, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1454; Filed, Feb. 21, 1957; 11:20 a. m.]

[Lemon Reg. 675]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.782 *Lemon Regulation 675*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 19, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., February 24, 1957, and ending at 12:01 a. m., P. s. t., March 3, 1957, is hereby fixed as follows:

(i) District 1: 4,650 cartons;
(ii) District 2: 148,800 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 20, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1441; Filed, Feb. 21, 1957; 8:53 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 309, Amdt. 13]

PART 73—SCABIES IN CATTLE

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 73.0, as amended, Part 73, Subchapter C, Chapter I, Title 9, Code of Federal Regulations (21 F. R. 9244, 10265, 10471; 22 F. R. 813), which quarantines certain areas because of scabies, is hereby further amended to read as follows:

§ 73.0 *Notice and quarantine.* Notice is hereby given that cattle in Colorado are affected with scabies, a contagious, infectious, and communicable disease, and the following areas in Colorado are hereby quarantined because of said disease:

(a) Bent County;
(b) Crowley County;
(c) Otero County;
(d) Prowers County; and
(e) The following areas in Las Animas County:

(1) Townships 30, 29, 28, and 27, South, Range 61W;
(2) That portion of Township 26, South, Range 61W, located South of the Las Animas-Pueblo County line;
(3) Townships 30, 29, 28, and 27, South, Range 60W;
(4) That portion of Township 26, South, Range 60W, lying South of the Las Animas-Pueblo County line;
(5) Townships 30, 29, and 28, South, Range 59W;
(6) Townships 30, 29, and 28, South, Range 58W;
(7) Townships 30, 29, and 28, South, Range 57W; and
(8) Townships 30, 29, and 28, South, Range 56W.

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Las Animas County in Colorado from the areas heretofore quarantined because of scabies. Hereafter, the restrictions pertaining to the interstate movement of cattle from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 73, Subchapter C, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from nonquarantined areas, contained in said Part 73, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies sec. 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 112, 113, 117, 120, 123, 125)

Done at Washington, D. C. this 18th day of February 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-1418; Filed, Feb. 21, 1957; 8:52 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 27 [1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following respects:

a. The first two subparagraphs of paragraph (e) *Selenium metal powder, ferroselenium and selenium metal* are amended to read as follows:

(1) *General.* License applications to export selenium metal powder, Schedule B No. 619159, ferroselenium, Schedule B No. 622098, and selenium metal, Schedule B No. 664998, submitted against the quota established for the second quarter of 1957 and thereafter will be considered for approval in accordance with the licensing policy described in subparagraphs (2) and (3) of this paragraph. License applications for these commodities which were submitted during the filing dates December 3 to December 17, 1956, will be considered for approval in accordance with the licensing policy in effect during that period. License applications for these commodities submitted during the filing period February 14–March 8, 1957, will be considered for licensing exclusively to Belgium, Japan, Germany (Federal Republic), Sweden and the United Kingdom.

(2) *Licensing policy.* License applications adequately identifying the end use of the above material as a military end use will receive first consideration in the distribution of the export quota. If there is insufficient export quota to take care of all remaining applications, particular consideration will be given to applications for those countries which normally depend upon the United States to meet a substantial portion of their selenium requirements.

b. Paragraph (f) *Selenium-bearing scrap materials* is deleted.

2. Section 373.56 *Selenium containing chemical compounds, including pigments* is amended by amending paragraphs (a) and (b) to read as follows:

(a) *General.* License applications to export selenium containing chemical compounds, including pigments, Schedule B Nos. 829810, 830980, 839750, 839900 and 842900, submitted against the quota established for the second quarter of 1957 and thereafter will be considered for approval in accordance with the licensing policy described in paragraphs (b) and (c) of this section. License applications for these commodities which were submitted during the filing dates December 3 to December 17, 1956, will be considered for approval in accordance with the licensing policy in effect during that period. License applications for these commodities submitted during the period February 14–March 8, 1957, will be considered for licensing exclusively to Belgium, Japan, Germany (Federal Republic), Sweden and the United Kingdom.

(b) *Licensing policy.* License applications adequately identifying the end use of the above materials as a military end use will receive first consideration in the distribution of the export quota. If there is insufficient export quota to take care of all remaining applications, particular consideration will be given to applications for those countries which normally depend upon the United States to meet a substantial portion of their selenium requirements.

This amendment shall become effective as of February 14, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-1407; Filed, Feb. 21, 1957; 8:50 a. m.]

[1] This amendment was published in Current Export Bulletin No. 780, dated February 14, 1957.

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54309]

PART 14—APPRAISEMENT

EXAMINATION OF MERCHANDISE; PROCEDURE

The cording and sealing of packages designated for examination which are to be removed from the place of unlading for outside examination is being made discretionary with the collector so that it may be dispensed with where it is not considered a necessary precaution. Therefore, § 14.2 (d) of the Customs Regulations is hereby amended by substituting "If the collector deems it necessary" for "Except as prescribed in paragraph (e)" in the first sentence which will then read as follows:

(d) If the collector deems it necessary, the packages shall be corded and sealed by a customs officer before being removed from the place of unlading and a caution notice, customs Form 6087, shall be securely affixed thereto. • • •

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies secs. 488, 499, 46 Stat. 725, 728, as amended; 19 U. S. C. 1488, 1499)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: February 15, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-1408; Filed, Feb. 21, 1957; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter E—Credit to Indians

PART 21—GENERAL CREDIT TO INDIANS

LOANS TO ENCOURAGE INDUSTRY

A new section is added to Part 21 to read as follows:

§ 21.19 *Loans to encourage industry.* Loans may be made to any organization of Indians for use in attracting industries to operate in localities where such use will promote the economic development of Indians. Such loans may be made only to groups of Indians having a form of organization acceptable to the Secretary and at interest rates and under terms and conditions found by the Secretary in the particular case to be in the public interest and conducive to the accomplishment of the purpose intended. No such loans shall be effective until approved by the Secretary.

(Sec. 10, 48 Stat. 986; 25 U. S. C. 470. Interprets or applies secs. 1, 6, 49 Stat. 1250, 1968, 62 Stat. 211, sec. 4, 64 Stat. 45, 25 U. S. C. 473a, 506, 482, 634)

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 18, 1957.

[F. R. Doc. 57-1396; Filed, Feb. 21, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 236]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Procedure No. 1, Amendment No. 12, effective date, Mar. 16, 1957; supersedes Amendment No. 11, dated Feb. 9, 1957

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall correspond with those established for en route operation in the particular area or as set forth below.

Atlantic City, N. J.; Naval Air Station, elevation 70'; facility SBMRLZ, identification NBB; Procedure No. 1, Amendment No. 2, effective date, Mar. 16, 1957; supersedes Amendment No. 1, dated Jan. 1, 1954

From—	Transition: To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2 engine, more than 65 knots	Notes
Austin, Tex.; Mueller Airport, elevation 631'; facility SBMRLZ, identification AUS; Procedure No. 1, Amendment No. 12, effective date, Mar. 16, 1957; supersedes Amendment No. 11, dated Feb. 9, 1957								
Austin VOR	AUS-LFR	Direct	2,000	T-dn*	300-1	300-1	200-½	*300-1 on runways 3-21, 16L-34R, 12L-30R. Procedure turn S side NW course, 298 outbound, 118 inbound, 3,000' within 10 miles. Minimum altitude over facility on final approach course, Austin FM 2,500'—LFR 1,500'. If Austin FM not received, altitude over LFR 2,500'. Course and distance facility to airport, 118–1.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.6 miles, climb to 2,000' on SE course within 20 miles. CAUTION: Tower 2,049' 2.5 miles SW of course, within FM signal zone.
				C-dn	500-1	500-1	500-½	
				A-dn	800-2	800-2	800-2	

2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Fort Smith, Ark.; Municipal Airport, elevation 468'; facility BVOR, identification FSM; Procedure No. 1, Amendment No. 3, effective date, Mar. 16, 1957; supersedes Amendment No. 2, dated Aug. 25, 1956

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Ft Smith Rbn	FSM-VOR	Direct	2,200	T-dn	300-1	300-1	200-½	Procedure turn N side of course, 046 outbound, 226 inbound, 1,900' within 10 miles. Beyond 10 miles not authorized.
				C-d	600-1	600-1	600-1½	Minimum altitude over facility on final approach course, 1,400'.
				C-n	600-2	600-2	600-2	Course and distance, facility to airport, 226–5.3.
				S-d	600-1	600-1	600-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, climb to 1,800 on R-235 within 20 miles.
				S-n-25	600-2	600-2	600-2	CAUTION: 620 MSL unlighted hill 1.5 miles E of airport.
				A-dn	800-2	800-2	800-2	AIR CARRIER NOTE: 300-1 required for takeoff runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo or ferry flights.
La Grange, Ga.; Callaway Airport, elevation 700'; facility BVOR, identification LGC; Procedure No. 1, Amendment Original, effective date, Mar. 16, 1957								
				T-dn	300-1	300-1	200-½	Procedure turn S side of course, 283° outbound, 103° inbound, 2,000' within 10 miles.
				C-d	600-1	600-1	600-1½	Minimum altitude over facility on final approach course, 1,400'.
				C-n	600-2	600-2	600-2	Course and distance, facility to airport, 103—6.8.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles., climb to 2,000' on R-103, turn right and return to LaGrange VOR.
								AIR CARRIER NOTES: No reduction in night landing or takeoff minima authorized.

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Austin, Tex.; Mueller Airport, elevation 631'; facility ILS-IAUS, identification VOR-AUS, NW course ILS; Procedure No. 2, Amendment No. 2, effective date, Mar. 16, 1957; supersedes Amendment No. 1, dated Aug. 29, 1956

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
AUS-VOR	Plateau Intersection	Direct	3,000	T-dn#	300-1	300-1	200-½	#Not less than 300-1 authorized for takeoff on runways 3-21, 16L-34R, and 12L-30R.
Lake Travis Intersection	Plateau Intersection	Direct	2,300	C-dn	400-1	500-1	500-1½	Procedure turn W side NW course, 305° outbound, 125° inbound, 3,000' within 10 miles of Plateau Intersection.
Plateau Intersection	Burnet Intersection (final)	Direct	1,400	S-dn-12	400-1	400-1	400-1	Minimum altitude at Plateau Intersection 2,300', Burnet Intersection 1,400'. Distance, Burnet Intersection to runway 12, 2.4 miles.
				A-dn	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, climb to 2,000' on SE course ILS within 20 miles. When directed by ATC turn left, climb to 2,000' on R-100 within 20 miles.

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Fort Smith, Ark.; Municipal Airport, elevation 460'; facility ILS-1FSM, identification LOM-FS; Procedure No. 1, Amendment No. 4, Combination ILS and ADF, effective date, Mar. 16, 1957; supersedes Amendment No. 3, dated Apr. 13, 1956.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Fort Smith VOR	LOM	Direct	1,600	T-dn	300-1	300-1	200-½	#500-¾ when G. S. not utilized.
				S-d	600-1	600-1	600-1½	##All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.
Intersection E course ILS and 288 bearing to Fort Smith "H".	LOM	Direct	1,600	C-n	600-2	600-2	600-2	Procedure turn N side of course, 073° outbound, 253° inbound, 1,800' within 10 miles. Beyond 10 miles not authorized.
				S-dn-25:				Minimum altitude at G. S. intersection inbound, 1,600' ILS, minimum altitude over LOM inbound final 1,100 ADF.
Intersection E course ILS and R-090 FSM-VOR.	LOM	Direct	1,600	ILS#	300-¾	300-¾	300-¾	Altitude of G. S. and distance to approach end of runway at OM 1530—3.2, at MM 702—0.6.
				ADF	500-1	500-1	500-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing LOM (ADF), climb to 1,800' on course of 253° within 15 miles, or climb to 1,800' on R-235 FSM within 15 miles.
Intersection E course ILS and 343 bearing to Fort Smith "H".	LOM	Direct	1,600	A-dn:				NOTE: No approach lights.
				ILS##	600-2	600-2	600-2	AIR CARRIER NOTE: 300-1 required for takeoff runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in takeoff or landing minima authorized for cargo and ferry flights.
				ADF	800-2	800-2	800-2	CAUTION: Water tower 611' 1 mile W of W end of runway 7.
Fort Smith "H"	LOM	Direct	2,200					
Intersection E course ILS and R-110 FSM.	LOM (final) ILS	Direct	1,600					
Intersection E course ILS and R-110 FSM.	LOM (final) ADF	Direct	1,100					
Fresno Calif.; Air Terminal, elevation 331'; facility ILS-FNO, identification LOM-FN; Procedure No. 1, Amendment No. 6, Combination ILS-ADF, effective date, Mar. 16 1957; supersedes Amendment No. 5, dated Aug. 6, 1955								
FNA-LFR	LOM	Direct	1,700	T-dn	300-1	300-1	200-½	#400-¾ required with glide slope inoperative. 400-1 required when only localizer and either the outer marker or outer compass locator operative.
FNO-VOR	LOM	Direct	1,700	C-dn	500-1	500-1	500-1½	##800-2 alternate landing minimums with any regular component of ILS inoperative.
Bowles Intersection (LFR)	LOM	Direct	1,700	S-dn-29:				Procedure turn S side of course, 109° outbound, 289° inbound, 1,700' within 10 miles of LOM. Beyond 10 miles not authorized. (Nonstandard for more favorable terrain.)
				ILS#	200-½	200-½	200-½	Minimum altitude at G. S. intersection inbound, 1,700' ILS, minimum altitude over LOM inbound final 1,000' ADF.
				ADF	400-1	400-1	400-1	Altitude of G. S. and distance to approach end of runway at OM 1400—3.8, at MM 535—0.6.
Bowles Intersection (VHF)	LOM	Direct	1,700	A-dn:				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles after passing LOM (ADF), climb to 1,800' on course of 289°, turn left and climb to 2,000' on W course of FNO-LFR within 20 miles, or climb to 2,000' on R-270 FNO within 20 miles.
				ILS##	600-2	600-2	600-2	
				ADF	800-2	800-2	800-2	
Greensboro, N. C.; Greensboro-High Point Municipal Airport, elevation 912'; facility ILS-IGSO, identification LOM-GS; Procedure No. 1, Amendment No. 5, Combination ILS and ADF, effective date, Mar. 16, 1957; supersedes Amendment No. 4, dated Jan. 12, 1957								
Greensboro LFR	LOM	Direct	2,000	T-dn	300-1	300-1	200-½	*400-¾ required when glide slope not utilized.
Winston-Salem LFR	LOM	Direct	2,300	C-dn	400-1	500-1	500-1½	Procedure turn N side NW course, 318° outbound, 138° inbound, 2,400' within 10 miles.
Wallburg Intersection	LOM	Direct	2,300	S-dn-14:				Minimum altitude at G. S. intersection inbound, 2,400 ILS; minimum altitude over LOM inbound final 1,800' ADF.
				ILS*	200-½	200-½	200-½	Altitude of G. S. and distance to approach end of runway at OM 2385—4.2, at MM 1140—0.5.
Greensboro VOR	LOM	Direct	2,200	ADF	400-1	400-1	400-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.2 miles LOM (ADF), climb to 2,300' on SE course ILS (138) within 20 miles; when directed by ATC, turn left, climb to 2,300' on NE course LFR within 20 miles.
Thomas Intersection	LOM	Direct	2,300	A-dn:				
				ILS	600-2	600-2	600-2	
				ADF	800-2	800-2	800-2	

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Montgomery, Ala.; Dannelly Field, elevation 219'; facility ILS-1MGM, identification LOM-MG; Procedure No. 1, Amendment No. 1, Combination ILS-ADF, effective date, Mar. 16, 1957; supersedes Amendment Original, dated Apr. 8, 1955

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Maxwell LFR	LOM	Direct	1,500	T-dn	300-1	300-1	200-½
Montgomery VOR	LOM	Direct	1,500	C-dn	400-1	500-1	500-1½
Benton Intersection (LFR) via course ILS	W course ILS (final)	Direct	1,500	S-dn-g; ILS	300-¾	300-¾	200-¾
Craig Intersection (VHF)	LOM (final)	Direct	1,500	ADF	400-1	400-1	400-1
Calhoun Intersection	LOM	Direct	1,500	A-dn; ILS	600-2	600-2	600-2
Booth Intersection	LOM	Direct	1,700	ADF	800-2	800-2	800-2

*400-¾ required if glide slope not utilized.
Procedure turn S side W course, 273° outbound, 093° inbound, 1,700' within 10 miles. Minimum altitude at glide slope intersection inbound, 1,700' ILS; minimum altitude over LOM inbound final—1,000' ADF.
Altitude of glide slope and distance to approach end of runway at OM—1,700'—5.1; at MM—635-0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM (ADF), climb to 1,500' on 171° bearing from LOM to 11-720 MOM within 10 miles.
NOTE: No approach lights.
CAUTION: Tower 987 MSL, 8 miles E.

These procedures shall become effective on the dates indicated on the procedure.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1036; Filed, Feb. 21, 1957; 9:06 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR, AUTOMOBILE FEES

COMMERCIAL PASSENGER-CARRYING VEHICLES, KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK

A new section is added to Part 13, to read as follows:

§ 13.17 *Commercial passenger-carrying vehicles, Kennesaw Mountain National Battlefield Park.* (a) Permits issued by the Superintendent shall be required for the operation of commercial passenger-carrying vehicles, including taxicabs, carrying passengers for hire on the Kennesaw Mountain Road, Kennesaw Mountain National Battlefield Park. The fees for such permits shall be as follows:

(1) Annual permit for the calendar year: $2.50 for each passenger-carrying seat in the vehicle to be operated.

(2) Quarterly permit for a period beginning January 1, April 1, July 1, or October 1: $.65 for each passenger-carrying seat in the vehicle to be operated.

(3) Permit good for one day, 5-passenger vehicle: $1.00.

(4) Permit good for one day, more than 5-passenger vehicle: $2.00.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

FRED A. SEATON,
Secretary of the Interior.

FEBRUARY 15, 1957.

[F. R. Doc. 57-1398; Filed, Feb. 21, 1957; 8:48 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

Subchapter F—Quarantine, Inspection, Licensing

PART 73—BIOLOGIC PRODUCTS

ADDITIONAL STANDARDS; POLIOMYELITIS VACCINE

On November 27, 1956, a notice of proposed rule making with respect to the licensing of biological products was published in the FEDERAL REGISTER (21 F. R. 9227) inviting interested parties to present written views or arguments respecting the proposed amendments, there published, to the additional standards for poliomyelitis vaccine (§§ 73.100 to 73.105, incl.). Notice was also given that in view of the nature of the amendments, it was proposed to make them effective upon final publication.

No comments or objections have been received with respect to an immediately effective date for the proposed amendments or with respect to the proposed changes in § 73.102 (e) and § 73.103 (a). The views and arguments received with respect to the clarification of § 73.104 (e) have been carefully considered. On the basis of these and other considerations, the following amendments are hereby adopted to become effective upon their publication in the FEDERAL REGISTER.

1. Paragraph (e) of § 73.102 is hereby amended by repealing subparagraph (5) of such paragraph and by renumbering subparagraph (6) subparagraph (5).

2. Paragraph (a) of § 73.103 is hereby amended by repealing the last sentence of such paragraph.

3. Paragraph (e) of § 73.104 is hereby amended to read as follows:

(e) *Dating.* The expiration date shall be no more than six months after either the date of manufacture as defined in § 73.78 (a) or the date of issue from cold storage. Such date of issue shall not be more than six months after such date of manufacture, and the product prior to issue shall be kept constantly at a temperature not exceeding 10° C.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 351, 58 Stat. 702; 42 U. S. C. 262)

Issued jointly by:

L. E. BURNEY,
Surgeon General, Public Health Service.

JANUARY 8, 1957.

S. B. HAYS,
Surgeon General of the Army.

JANUARY 11, 1957.

B. W. HOGAN,
Surgeon General of the Navy.

JANUARY 28, 1957.

Approved: February 18, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-1391; Filed, Feb. 21, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1969]

PART 160—GRAZING LEASES

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

MISCELLANEOUS AMENDMENTS

FEBRUARY 16, 1957.

1. Paragraph (a) of § 160.22 is amended to read as follows:

§ 160.22 *Pledge of leases as security for loans; applications for extension of lease by borrower-lessee.* (a) A lease may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may obtain from the authorized officer a written statement concerning the status of the grazing lease and other pertinent information relating thereto. A service charge of $10 will be made for searching the records to furnish such information, except that Federal and State lending agencies shall be exempt from the charge.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

2. Paragraph (a) of § 161.18 is amended to read as follows:

§ 161.18 *Pledge of licenses and permits as security for loans; application for extension of permit term by borrower-permittee.* (a) A license or permit may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the licensee's or permittee's livestock operations. Before making a loan, a lending agency may obtain from the range manager a written statement concerning the status of the grazing license or permit and other pertinent information relating thereto. A service charge of $10 will be made for searching the records to furnish such information, except that Federal and State lending agencies shall be exempt from the charge.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-1392; Filed, Feb. 21, 1957; 8:46 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter A—Policy, Practice and Procedure

[Gen. Order 78]

PART 205—AUDIT APPEALS; POLICY AND PROCEDURE

PART 285—DETERMINATION OF PROFIT IN CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION, RECONDITIONING, OR RECONSTRUCTION OF SHIPS

Referring to F. R Doc. 56-503, appearing in the FEDERAL REGISTER issue of January 20, 1956 (21 F. R. 422), the word "title" contained in paragraph 3 at the end thereof was used and should be changed to read "chapter".

Dated: February 18, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1389; Filed, Feb. 21, 1957; 8:45 a. m.]

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 9, Revised]

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

FILING OF STATEMENTS PURSUANT TO MERCHANT MARINE ACT, 1936

Whereas, notice was published in the FEDERAL REGISTER of August 26, 1955 (20 F. R. 6261), that, pursuant to sections 204 and 807 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114 and 1225), and section 4 of the Administrative Procedure Act (5 U. S. C. 1003), the Maritime Administrator had authorized an informal rule making proceeding in connection with a proposed revision of General Order 9 (46 CFR 222.1), and interested persons were afforded an opportunity to participate in the rule making through submission of written data, views, and arguments, in connection with the proposed revised order, on or before January 1, 1956 (as extended, 20 F. R. 7138, 8200); and

Whereas, the Federal Maritime Board and the Maritime Administrator, after consideration of all relevant matter presented, have revised the proposed rules and forms, and have prescribed them as necessary or appropriate in the public interest; and

Whereas, the basis and purpose of the revised rules is to clarify and simplify the forms of statements required to be filed pursuant to section 807 of the Merchant Marine Act, 1936, as amended;

Now, therefore, it is ordered that § 222.1 (General Order 9, 2 F. R. 1240) is hereby rescinded and superseded by the following new § 222.1, effective 30 days after publication of this order in the FEDERAL REGISTER.

§ 222.1 *Statements required to be filed pursuant to section 807, Merchant Marine Act, 1936*—(a) *Statement of shipbuilder or ship operator.* Every shipbuilder or ship operator holding or applying for a contract under the provisions of the Merchant Marine Act, 1936, as amended, and every subsidiary, affiliate, associate, or holding company of such shipbuilder or ship operator who employs or retains any person (as defined in paragraph (c) of this section) to present, advocate, or oppose, before Congress or any committee thereof, or before the Secretary of Commerce, the Federal Maritime Board, or the Maritime Administration, any matter within the scope of the Shipping Act, 1916, as amended, the Merchant Marine Act, 1920, as amended, the Merchant Marine Act, 1928, as amended, the Intercoastal Shipping Act, 1933, as amended, or the Merchant Marine Act, 1936, as amended, before performance by such person pursuant to such employment or retainer, shall file with the Secretary, Federal Maritime Board/Maritime Administration, a statement containing the information specified in Form MA-807-1. While it is not required that Form MA-807-1 be used, the statement must contain the information required by that form and the information must be arranged in the manner prescribed by that form. Copies of Form MA-807-1 may be obtained from the Secretary, Federal Maritime Board/Maritime Administration. Any changes which may occur in answer to any of the items in the statement shall be reported to the Secretary, Federal Maritime Board/Maritime Administration, within 10 days after such change.

(b) *Statement of person employed or retained.* Every person (as defined in paragraph (c) of this section) employed or retained by any shipbuilder or ship operator holding or applying for a contract under the provisions of the Merchant Marine Act, 1936, as amended, or employed or retained by any subsidiary, affiliate, associate, or holding company of such shipbuilder or ship operator to present, advocate, or oppose, before Congress or any committee thereof, or before the Secretary of Commerce, the Federal Maritime Board, or the Maritime Administration, any matter within the scope of the Shipping Act, 1916, as amended, the Merchant Marine Act, 1920, as amended, the Merchant Marine Act, 1928, as amended, the Intercoastal Shipping Act, 1933, as amended, or the Merchant Marine Act, 1936, as amended, shall file with the Secretary, Federal Maritime Board/Maritime Administration, within 30 days after the close of each calendar month during the period of such retainer or employment, a statement containing the information specified in Form MA-807-2. While it is not required that Form MA-807-2 be used, the statement must contain the information required by that form and the information must be arranged in the manner prescribed by that form. Copies of Form MA-807-2 may be obtained from the Secretary, Federal Maritime Board/Maritime Administration.

(c) *Definition of "person".* For the purpose of this section, the term person is defined as in section 905 (b) of the Merchant Marine Act, 1936.

(d) *Additional information.* The Federal Maritime Board and the Maritime Administrator reserve the right to require the filing of additional information in any given case.

(Secs. 204, 2014, 49 Stat. 1987, as amended, 2014, as amended; 46 U. S. C. 1278, 1225)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Dated: February 18, 1957.

[SEAL] CLARENCE G. MORSE,
Chairman,
Federal Maritime Board,
Maritime Administrator.

[F. R. Doc. 57-1390; Filed, Feb. 21, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 14-1]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

FREQUENCIES FOR COMMUNICATION WITH ACS; DELETION OF PETERSBURG

The Commission having under consideration the desirability of making certain editorial changes in § 14.206 (a) (4) of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's statement of organization, delegations of authority and other information;

It is ordered, This 18th day of February 1957, that effective February 18, 1957, § 14.206 (a) (4) is amended as set forth below.

Released: February 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Having been advised by a letter from the Department of the Army that Alaska Communications System radio station ALB-44 at Petersburg, Territory of Alaska no longer maintains service to Alaska public fixed stations, the Commission is amending § 14.206 (a) (4) of its rules to reflect the deletion of Petersburg therefrom.

Section 14.206 (a) (4) is amended to read as follows:

(4) 2466 for telegraphy and/or telephony; normally for communication with ACS stations located at Wrangell, Naknek and Kotzebue. The use of this frequency shall be coordinated as necessary with use of the frequencies 2450 kc, 2474 kc and 2482 kc by other stations in the Alaska area so as to avoid harmful interference.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154)

[F. R. Doc. 57-1411; Filed, Feb. 21, 1957; 8:51 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR 150]

AHTANUM UNIT; WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

REIMBURSIBLE CONSTRUCTION COSTS

Notice is hereby given of intention to adopt a new regulation, as set forth below, to be designated as Part 150 of Subchapter O—Irrigation Projects; Liens and Sales, Title 25—Indians, Code of Federal Regulations. This part would establish the total construction cost for the Ahtanum Unit, Wapato Indian Irrigation Project, Washington, and prescribe regulations for the collection of construction costs due the Federal Government.

All interested persons are hereby given opportunity to submit their views, data or arguments in writing to the Commissioner, Bureau of Indian Affairs, Department of the Interior, Washington, D. C., within thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Sec.
150.1 Construction costs and assessable acreage.
150.2 Repayment of construction costs.
150.3 Payments.
150.4 Deferment of assessments on lands remaining in Indian ownership.
150.5 Assessments after the Indian title has been extinguished.

AUTHORITY: §§ 150.1 to 150.5 issued under 41 Stat. 409 and 45 Stat. 210; 25 U. S. C. 385.

§ 150.1 *Construction costs and assessable acreage.* The construction program has been completed on the Ahtanum Unit of the Wapato Indian Irrigation Project and the construction costs have been established as $79,833.64. The area benefited by this development has been established at 4,765.2 acres. Under the requirements of the acts of February 14, 1920 (41 Stat. 409) and March 7, 1928 (45 Stat. 210), these costs are to be repaid to the United States Treasury by the owners of the lands benefited.

§ 150.2 *Repayments of construction costs.* The cost per acre under § 150.1 is, therefore, established at $16.7535. Under the provisions of the acts of February 14, 1920 (41 Stat. 409) and March 7, 1928 (45 Stat. 210) and based on forty equal annual payments, the annual per acre assessment is hereby fixed at $0.42 per acre for the year 1957 and each succeeding year until the entire cost for each tract shall have been repaid to the United States Treasury. On those tracts where payments have been made pursuant to Part 141 of this chapter, annual assessments beginning with the year 1957 at the rate of $0.42 per acre will be made until the entire cost of $16.7535 per acre shall have been repaid to the United States Treasury. Landowners may pay at any time the total of the then remaining indebtedness. Under the act of March 10, 1928 (45 Stat. 210) the unpaid charges stand as a lien against the lands until paid.

§ 150.3 *Payments.* Payments are due on December 31 of each year and shall be made to the official in charge of collections for the project.

§ 150.4 *Deferment of assessments on lands remaining in Indian ownership.* In conformity with the act of July 1, 1932 (47 Stat. 564; 25 U. S. C. 386 (a) no assessment shall be made on behalf of construction costs against Indian-owned land within the Project until the Indian title thereto has been extinguished.

§ 150.5 *Assessments after the Indian title has been extinguished.* Indian-owned lands passing to non-Indian ownership shall be assessed for construction costs and the first assessment shall be due on December 31 of the year that Indian title is extinguished. Assessments against this land will be at the annual rate of $0.42 per acre and shall be due as provided in § 150.3, and payable promptly thereafter until the total construction cost of $16.7535 per acre chargeable against the land has been paid in full.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 18, 1957.

[F. R. Doc. 57-1397; Filed, Feb. 21, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1004]

[Docket No. AO-271-A2]

HANDLING OF MILK IN CENTRAL ARIZONA MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Odd Fellows Center, 1325 North 14th Street, Phoenix, Arizona, beginning at 10:00 a. m., m. s. t., on March 12, 1957.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Central Arizona marketing area as presently defined, and to the provisions specified in the proposals hereinafter set forth or to appropriate modifications thereof. These proposals have not received the approval of the Secretary of Agriculture.

Since proposed amendment No. 1 proposes to expand the marketing area to include additional territory in the State of Arizona a hearing will also determine whether the present provisions of Order No. 104, regulating the handling of milk in the Central Arizona marketing area, as amended, in accordance with the proposals set forth below, would tend to effectuate the declared policy of the act as applied to the marketing area as proposed to be expanded, and if not, what modifications are appropriate to effectuate the declared policy of the act. Consideration will also be given to all aspects of Class I pricing.

The amendments to the order (No. 1004), as amended, were proposed as follows:

Proposed by the Arizona Dairymen's League:

1. Amend § 1004.6 of the order to include all of Yuma, Cochise and Greenlee counties in the Central Arizona marketing area.

2. Insert a new § 1004.7 reading as follows:

§ 1004.7 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk under a dairy farm permit or rating issued by the applicable health authority of the marketing area for the production of milk to be used for consumption as milk in the marketing area, on a dairy farm subject to the regular inspection of such authority; which (a) is received directly from the farm at a pool plant, or (b) is caused to be diverted within the limits established pursuant to § 1004.62 by a handler, or a cooperative for the account of such handler or cooperative association, or (c) is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases. This definition shall not include any person with milk received by a handler partially exempted from the provisions of this part pursuant to § 1004.61.

3. Insert a new § 1004.10 reading as follows:

§ 1004.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of a pool plant, or (b) any cooperative association with respect to: (1) Any milk of any producer, which such cooperative causes to be diverted to an approved plant for the account of such cooperative; (2) the milk of any producer delivered to the approved plant of another handler during the same month in which such cooperative association is the handler pursuant to subparagraph (1) of this paragraph with respect to any milk of such producer.

4. Amend § 1004.22 or § 1004.31 to require the market administrator or each handler, except a producer-handler, to furnish to a cooperative, qualified under § 1004.5 of the order, which so requests, a copy of producer-payroll, as defined in § 1004.31 (b) (2) on all members of such cooperative.

5. Delete § 1004.31 (c).

6. Delete (b), (c) and (d) of § 1004.43 and insert in lieu thereof the following:

(b) As Class I milk if transferred to a producer-handler or to a plant of a producer-handler in the form of fluid milk products as designated in § 1004.15; as Class I milk if transferred to a nonpool plant in packaged form;

(c) As Class I milk is transferred or diverted in the form of milk, skim milk, cream, in bulk, to a nonpool plant located more than 250 miles from the pool plant from which transferred by the shortest hard-surfaced highway distance, as determined by the market administrator, except that cream, so transferred may be classified as Class II milk, if (1) the transferring handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1004.30, (2) the handler attaches a tag or label to each container of such cream bearing the words "Grade C Cream for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify the shipment, subject to such verification of alternate utilization as the market administrator may make;

(d) Skim milk and butterfat transferred or diverted in bulk form as milk, skim milk or cream to a nonpool plant located less than 250 miles from the pool plant from which transferred, shall be Class I, unless (1) the transferring or diverting handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred; (2) the operation of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification, in which case the classification of all skim milk and butterfat shall be determined and the skim milk and butterfat so transferred or diverted shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk receipts at such nonpool plant directly from dairy farmers, who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant or markets supplied by such plant.

7. Continue for an additional 18 months the present level of Class I prices contained in § 1004.51 (a).

8. In § 1004.53 *Location differentials to handlers*, delete the paragraph following the rate beginning with the word *"Provided"*.

9. Add as § 1004.62 the following:

§ 1004.62 *Diversion.* (a) Milk diverted for the account of a handler from an approved plant of such handler to a milk plant which is not a pool plant shall be deemed to have been received by such handler at the approved plant from which such milk was diverted.

(b) Milk diverted for the account of a handler from an approved plant of such handler to a pool plant of another handler for not more than five (5) days during the delivery period shall be deemed to have been received by the diverting handler at the approved plant from which such milk was diverted; milk received at a pool plant for more than seven (7) days during the delivery period shall be deemed to have been received at such pool plant by the handler who operates such pool plant;

(c) Milk diverted by a cooperative association that does not operate an approved plant from a pool plant to another milk plant, which is not a pool plant for the account of such cooperative association, shall be deemed to have been received by such cooperative association at a pool plant at the same location as the pool plant from which such milk was diverted.

10. Insert a new § 1004.70 (d) reading as follows:

(d) For any other source milk subtracted from Class I pursuant to § 1004.45 (a) (2) or (b) (2), add an amount equal to the difference between its value at the Class I and the Class II price for the current month, unless the handler can prove to the satisfaction of the market administrator that such other source milk was used only to the extent that producer milk was not available directly from producers.

11. Delete § 1004.71.

12. Amend § 1004.72 so that the excess price shall at no time be less than the Class II price.

13. Amend §§ 1004.90 and 1004.91 (a) to make the base setting period July through November instead of August through November.

14. Add a new paragraph to § 1004.90 reading as follows:

The daily average base of each producer for whom no daily average base may be established pursuant to this paragraph of this section shall be computed by the market administrator for each month until such producer has established a base as follows: (1) multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to this paragraph of this section are to total deliveries of milk in the current month by all producers and divide the result so obtained by 2.

15. Delete § 1004.91 (b) and insert in lieu thereof the following:

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the date of the transfer, provided a written application for such transfer is received by the market administrator, on a form provided by the market administrator, and signed by the base holder, or his heirs, and by the person to whom such base is to be transferred; *Provided*, That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application form signed by all joint holders or their heirs and by the person to whom such base is to be transferred.

16. Insert a new § 1004.91 (c) reading as follows:

(c) If a base is held jointly and such joint holding is terminated, the established base may be split between the joint holders on any basis agreed to in writing by such joint holders and filed with the market administrator during the first months of the base-setting period.

17. Insert a new § 1004.91 (d) reading as follows:

(d) A producer who ceases to deliver milk to a handler for more than thirty (30) consecutive days after the end of the base-setting period shall forfeit his base, except when such producer is off the market as a result of having been temporarily degraded by the local health authority.

Proposed by the Arizona Milk Producers:

18. *Compensatory payment.* When milk is purchased by a handler from an area outside of the Central Arizona milk marketing area and there is sufficient milk within the Central Arizona milk marketing area an appropriate charge should be made.

19. *Base-setting period.* To be a 5-month base-setting period beginning July 1 and extending through November 30.

20. *Twelve-month base payment.* Purchase of milk to be paid from January 1 through December 31 on base established the previous year.

Proposed by The Borden Company, Associated Dairy Products Company of Arizona, Arden Farms Company, Carnation Company, Kruft Jersey Dairy, Shamrock Dairy, Westward Ho Dairy and Coop Dairy, Inc.:

21. *Shrinkage allowances.* The handlers feel that the 2 percent shrinkage allowance should be allowed to the receiving plant when the milk is diverted directly from the ranch to that plant. We feel that the receiving plant should pay the handlers' market administration fee on such diverted milk.

22. *Classes of utilization.* Section 1004.41 be amended by deleting present paragraph (b) (3), and adding in lieu thereof the following:

(3) Disposed of for livestock feed, milk or skim milk dumped after notification to the market administrator;

(a) Add section to read as follows:

The market administrator is delegated authority to classify producer and handler milk upon inspection as Class II, and authorize purchase by a pool plant as pertains to class utilization.

(b) Add section to read as follows:

All nonfat solids added to Class I milk for the purpose of fortification of the nonfat solids content of that milk shall not be considered classified as other source milk, but shall be accounted for on a nonfat basis instead of a skim-equivalent basis.

23. *Availability clause.* Any time that producer receipts are less than 110 percent of Class I usage, the market administrator shall have the authority, within that month, upon investigation of availability of producer milk, to allow importation of other source milk without penalty of reclassification.

Proposed by the Associated Dairy Products Company, The Borden Company, Carnation Company and Westward Ho Dairy:

24. In § 1004.44, delete the lines following the word *"Provided,"* and make such other necessary changes in the order as may be necessary so that powder used for fortification or standardization is not accounted for on a milk equivalent basis.

25. Amend § 1004.41 (b) (2) so that inventory variation rather than ending inventory is classified as Class II.

26. Amend § 1004.53 so that the location differential to handlers applies to all producer milk and not just milk classified as Class I.

Proposed by Jersey Farms Creamery and Sunland Dairy:

27. Amend § 1004.6 to include all of Yuma County in Arizona.

Proposed by the Dairy Division, Agricultural Marketing Service:

28. Make such other changes as may be required to make the entire order conform with any amendments which may result from this hearing.

Copies of this notice of hearing may be procured from the Market Administrator at 96 West Osborn Road, Phoenix, Arizona, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1957, Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1433; Filed, Feb. 21, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[Order 2753, Amdt. 1]

BONNEVILLE POWER ADMINISTRATION

MARKETING OF ELECTRIC POWER AND ENERGY

FEBRUARY 16, 1957.

This amendment supersedes Order No. 2753 (19 F. R. 2145) and is issued for the purpose of including in the list appearing in section 1 three additional sources of electric power and energy—Ice Harbor Dam, Hills Creek Dam and the Roza Division of the Yakima Project. The order as amended reads as follows:

SECTION 1. *Designation as marketing agency.* The Bonneville Power Administration is designated as the agency to market available surplus electric power and energy generated at the sources specified in this section pursuant to the specific statutory authority as to each project.

(a) Bonneville Project, pursuant to the act of August 20, 1937 (50 Stat. 731), as amended;

(b) McNary Dam and Ice Harbor Dam, pursuant to the act of March 2, 1945 (59 Stat. 10);

(c) Hungry Horse Dam, pursuant to the act of June 5, 1944 (58 Stat. 270);

(d) The following sources, pursuant to the act of December 22, 1944 (58 Stat. 887):

Albeni Falls Dam.
Big Cliff Dam.
Chief Joseph Dam.
Detroit Dam.
Dexter Dam.
Lookout Point Dam.
The Dalles Dam.
Hills Creek Dam.

(e) The following sources, pursuant to the Federal Reclamation laws (act of June 17, 1902, 32 Stat. 388, and acts amendatory thereof or supplementary thereto):

Grand Coulee Dam.
Chandler Power Plant, Kennewick Division, Yakima Project.
Roza Power Plant, Roza Division, Yakima Project.

SEC. 2. *Contracts.* The Bonneville Power Administrator may, subject to the applicable statutes, enter into contracts for the sale or interchange of electric power and energy in the performance of the functions assigned by section 1 of this order. The Bonneville Power Administrator may, in writing, redelegate to officers and employees of the Administration the authority granted in this section, and he may authorize written redelegations of such authority.

SEC. 3. *Revocation.* Orders Nos. 1994 (9 F. R. 11966) and 2115 as amended (10 F. R. 14211; 11 F. R. 8830; 17 F. R. 5197; 18 F. R. 2831) are revoked.

(Sec. 2, Reorg. Plan No. 3 of 1950; 5 U. S. C., sec. 133z-15, note)

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-1393; Filed, Feb. 21, 1957; 8:47 a. m.]

[Order 2765, Amdt. 2]

COMMISSIONER OF RECLAMATION

DELEGATION OF AUTHORITY WITH RESPECT TO MARKETING OF ELECTRIC POWER AND ENERGY

FEBRUARY 16, 1957.

Subparagraph (8) of paragraph (a) of section 2, *Limitations*, in Order No. 2765, as amended (19 F. R. 5004, 7417), is amended to include the Roza Division of the Yakima Project. As so amended, subparagraph (8) reads as follows:

(8) Market available surplus electric power and energy generated at: Grand Coulee Dam, Columbia Basin Project; Hungry Horse Dam, Hungry Horse Project; Chandler Power Plant, Kennewick Division, Yakima Project; or Roza Power Plant, Roza Division, Yakima Project;

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., sec. 133z-15, note)

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-1394; Filed, Feb. 21, 1957; 8:47 a. m.]

PIPESTONE NATIONAL MONUMENT, MINNESOTA

ORDER REDEFINING EXTERIOR BOUNDARIES

FEBRUARY 16, 1957.

Whereas, the Pipestone National Monument, comprising 115.86 acres of land in Pipestone County, Minnesota, was established pursuant to the act of August 25, 1937 (50 Stat. 804); and

Whereas, by the act of June 18, 1956 (70 Stat. 290), the Secretary of the Interior is authorized to add not to exceed two hundred and fifty acres of Pipestone School Reserve lands and ten acres of privately owned lands to the Monument and to redefine the exterior boundaries of the Monument to include the lands so transferred and acquired pursuant to the said act; and

Whereas, three tracts of federally owned land hereinbelow described, comprising approximately 156.80 acres of Pipestone School Reserve lands, have been selected for addition to the Monument; and

Whereas, a tract of land, hereinbelow described, comprising nine acres of land, more or less, originally thought to be privately owned has now been determined to be already in federal ownership and may therefore be included in the Monument without further action:

It is ordered, That:

1. Three parcels of Pipestone School Reserve lands, designated as Areas A, B, and C, aggregating 156.80 acres of land, more or less, and more particularly described as:

ALL IN TOWNSHIP 106 NORTH, RANGE 46 WEST, FIFTH PRINCIPAL MERIDIAN

AREA A

All Pipestone School Reserve (formerly Pipestone Indian Reservation) lands lying west of the right-of-way for the Chicago, Rock Island and Pacific Railway in the SW¼ and in the south 1,188 feet of the NW¼ of Section 1, excepting from the parcel thus described the west 198 feet of the north 726 feet, containing approximately 67.25 acres.

AREA B

All Pipestone School Reserve lands lying in Lots 8 and 9 and the south 462 feet of Lot 10 of Section 2, the lands thus described being subject to a right-of-way for the cemetery road lying within the west 66 feet of each of the said lots, a right-of-way for a county road in that portion of said Lot 8 lying within a 33 foot wide strip on the north side of the south line of said Section 2, and a right-of-way for an underground gas pipe line, said area containing approximately 71.25 acres.

AREA C

All Pipestone School Reserve lands lying east of the west line of the right-of-way for the Chicago, Rock Island and Pacific Railway in the SW¼ of Section 1 except the east 33 feet which comprise a right-of-way for Hiawatha Street, the lands thus described being subject to the said right-of-way of the Chicago, Rock Island and Pacific Railway, said area containing approximately 18.30 acres.

are hereby added to the Pipestone National Monument.

2. A parcel of federally owned land described as:

All of that land lying between the south boundary of the Pipestone School Reserve and the south section line of Section 1, Township 106 North, Range 46 West, Fifth Principal Meridian, bounded on the east by the west boundary line of the right-of-way of Hiawatha Street and on the west by the west section line of said Section 1, excluding therefrom that area commonly known as the "Three Maidens", already a part of the Monument, the lands thus described being subject to a right-of-way of the Chicago, Rock Island and Pacific Railway and a right-of-way for a telephone cable, said area containing 9 acres more or less.

is hereby added to the Pipestone National Monument.

3. The exterior boundaries of the Pipestone National Monument are hereby redefined so as to encompass the original Monument area and the lands herein added to the Monument, as follows:

Beginning at the corner common to Sections 1, 2, 11, and 12, Township 106 North, Range 46 West, Fifth Principal Meridian, Minnesota; thence northerly twenty-two and forty-four one-hundredths (22.44) feet along the section line between said Sections 1 and 2 to the southeast corner of Lot 8, Section 2, which is a point on the south boundary of the Pipestone Indian Reservation, established in 1885, and of the Pipestone National Monument, established by act of August 25, 1937 (50 Stat. 804); thence westerly along the south line of said Lot 8, which is identical to the south boundary of said Reservation, to the southwest corner of Lot 8 and of the said Reservation; thence northerly along the west lines of Lots 8, 9, and 10 in said Section 2, which line is identical to the west boundary of said Reservation, to a point four hundred and sixty-two (462.00) feet north of the southwest corner of said Lot 10; thence easterly along a line parallel to the south line of said Lot 10 and the south line of the NW¼ of said Section 1 to a point one hundred and ninety-eight (198.00) feet east of the west line of Section 1; thence northerly along a line parallel to the west line of said Section 1 seven hundred and twenty-six (726.00) feet; thence easterly along a line parallel to the south line of the said NW¼ to a point on the west boundary line of the right-of-way of the Chicago, Rock Island and Pacific Railway; thence southerly along the west boundary line of the said railway right-of-way to the intersection with the south line of the said NW¼; thence easterly along the south line of the said NW¼ to a point thirty-three (33.00) feet west of the southeast corner of the said NW¼, which is a point on the west boundary line of the right-of-way for Hiawatha Street; thence southerly on a line parallel to the east line of the SW¼, which is identical to the west boundary line of the right-of-way for Hiawatha Street, to a point on the south line of said Section 1, thirty-three (33.00) feet west of the southeast corner of the SW¼; thence westerly along the south line of the said Section 1 eight hundred and fifty-one and thirty-five one-hundredths (851.35) feet, more or less, to the intersection with the boundary line of the Pipestone National Monument as established by the act of August 25, 1937, which point is on the east boundary line of an area commonly known as the "Three Maidens"; thence due south along the said Monument boundary line twenty-two and seventy-one one-hundredths (22.71) feet, more or less, to the southeast corner of said "Three Maidens" area; thence due west along the said Monument boundary line one hundred and thirty-seven and two-tenths (137.20) feet to the southwest corner of said "Three Maidens" area; thence due north along the said Monument boundary line twenty-five and eighty-three one-hundredths (25.83) feet, more or less, to the intersection with the south line of said Section 1; thence westerly along the south line of said Section 1, one thousand six-hundred and thirty-eight and four one-hundredths (1638.04) feet, more or less, to the point of beginning; containing two hundred and eighty-two (282) acres more or less.

4. This order shall be published in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-1395; Filed, Feb. 21, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[Gen. Order 91]

BUREAU OF APPRENTICESHIP AND TRAINING

ESTABLISHMENT OF OFFICE

Pursuant to the authority vested in me by the act of March 4, 1913 (37 Stat. 736; 5 U. S. C. 611), R. S. 161 (5 U. S. C. 22); Reorganization Plan No. 6 of 1950 (15 F. R. 3174; 64 Stat. 1263), the act of August 16, 1937 (50 Stat. 664; 29 U. S. C. 50), Executive Order 9617, September 19, 1945 and Executive Order 10366, June 26, 1952, and in order more effectively to perform the functions of improving the working conditions of wage earners of the United States and advancing their opportunity for profitable employment through a program of promoting training for workers in industry and commerce, including apprentices, *It is hereby ordered,* That:

1. There is established in the Department of Labor a Bureau of Apprenticeship and Training to be headed by a Director, appointed by the Secretary of Labor.

2. There is established within the Bureau of Apprenticeship and Training, the Apprenticeship Service and the Training Service, each to be headed by an Executive Director.

3. Subject to the general direction and control of the Secretary of Labor and subject to applicable General Orders and Secretary's Instructions, the Director of the Bureau of Apprenticeship and Training shall:

(a) Develop plans and policies for the promotion of general training, apprenticeship and mobilization training programs and coordinate the activities of the Bureau of Apprenticeship and Training with related activities of other bureaus of the Department and with those of other departments and agencies;

(b) Supervise the administrative and other functions of the Bureau, including the allocation of personnel and responsibilities to the Services.

4. The Bureau of Apprenticeship, together with its functions, personnel and records, is transferred to the Bureau of Apprenticeship and Training. All functions now vested in the Director, Bureau of Apprenticeship, are transferred to the Director, Bureau of Apprenticeship and Training.

5. Subject to the general direction of the Director, (a) The Executive Director of the Apprenticeship Service shall be primarily responsible for planning and programming all Bureau promotion and development activities concerned with training in apprenticeable occupations, including the following:

(1) National industry promotion program for apprenticeship and journeymen training;

(2) State-Federal relations program;

(3) Review, registration and apprenticeship statistics program; and

(b) The Executive Director of the Training Service shall be primarily responsible for planning and programming all Bureau promotion and development activities concerned with industrial training in non-apprenticeable occupations, including the following:

(1) Identification and dissemination of information on training in manufacturing industries;

(2) Identification and dissemination of information on supervisory and clerical training;

(3) Location, collection, analysis and distribution of reference information on training materials, including audio-visual and other promotional aids.

6. This order supersedes all prior orders and instructions of the Secretary of Labor or of any officers of the Department of Labor inconsistent herewith.

JAMES P. MITCHELL,
Secretary of Labor.

DECEMBER 11, 1956.

[F. R. Doc. 57-1399; Filed, Feb. 21, 1957; 8:48 a. m.]

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, 10 percent of the total number of factory production workers were authorized for employment.

Cay Artley Apparel, Inc., 232 Levergood Street, Johnstown, Pa.; effective 2-18-57 to 2-17-58 (women's dresses).

Capitol City Manufacturing Co., Inc., 925 Huger Street, Columbia, S. C.; effective 2-4-57 to 2-3-58 (women's and girls' dresses).

Dickson City Garment Corp., Bowman and Dewey Streets, Dickson City, Pa.; effective 1-31-57 to 1-30-58 (children's dresses).

Ely & Walker Dry Goods Co., Paragould, Ark., effective 1-30-57 to 1-29-58 (boys' sport shirts).

Hartwell Garment Co., Hartwell, Ga.; effective 2-12-57 to 2-11-58 (work pants and shirts).

F. Jacobson & Sons, Inc., Tipton and O'Brien Streets, Seymour, Ind.; effective 2-12-57 to 2-11-58 (men's dress shirts and sport shirts).

Luzerne Outerwear Manufacturing Corp., 87-93 North Canal Street, Shickshinny, Pa.; effective 2-17-57 to 2-16-58 (men's and boys' outerwear).

Lykens Dress Co., South Street, Lykens, Pa., effective 2-3-57 to 2-2-58 (dresses).

Monterey Mills, Monterey, Tenn.; effective 2-3-57 to 2-2-58 (boys' sport shirts).

Oberman Manufacturing Co., Arkadelphia, Ark.; effective 2-2-57 to 2-1-58 (men's and boys' single pants).

Oberman Manufacturing Co., Morrilton, Ark., effective 2-11-57 to 2-10-58 (men's and boys' single pants).

Ottenheimer Bros. Manufacturing Co., Inc., Victory and Second Streets, Little Rock, Ark.; effective 2-12-57 to 2-11-58 (washable dresses, uniforms, etc.).

Piedmont Blouse Co., Inc., Greenboro, N. C.; effective 1-31-57 to 1-30-58; five learners (ladies' and children's woven slips).

Princess Kent, Inc., Main Street, Fort Kent, Maine; effective 1-30-57 to 1-29-58 (children's pajamas).

Reliance Manufacturing Co., Dixie Factory, 100 Ferguson Street, Hattiesburg, Miss.; effective 2-8-57 to 2-7-58 (work shirts and pants).

Samsons Manufacturing Corp., Wilson, N. C.; effective 2-9-57 to 2-8-58 (sport and dress shirts).

Town Manufacturing Co., Inc., 227-29 Lackawanna Avenue, Olyphant, Pa.; effective 2-3-57 to 2-2-58 (ladies' rayon, cotton, and wool dresses).

White Mountain Outerwear Corp., Franklin, N. H.; effective 2-4-57 to 2-3-58; 10 learners (men's and boys' leather jackets).

Williamson-Dickie Manufacturing Co., Bainbridge, Ga.; effective 2-10-57 to 2-9-58 (men's and boys' cotton pants).

Williamstown Dress Co., Inc., West Street and South Alley, Williamstown, Pa.; effective 1-31-57 to 1-30-58 (women's dresses).

Ottenheimer Bros. Manufacturing Co., Inc., Shirt Division, 1000 Spring Street, Little Rock, Ark.; effective 2-12-57 to 2-11-58 (women's, misses', and children's cotton blouses and jackets).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Barnwell Manufacturing Co., Inc., Barnwell, S. C.; effective 1-31-57 to 7-30-57; 50 learners (women's and children's robes, women's aprons).

Blakely Manufacturing Corp., Hwy. #62, Blakely, Ga.; effective 2-4-57 to 8-3-57; 20 learners (washable service garments).

Cluett, Peabody & Co., Inc., Lewistown, Pa.; effective 1-29-57 to 7-28-57; 150 learners (sport shirts, slacks, etc.)

Covington Industries, Inc., Opp, Ala.; effective 2-4-57 to 8-3-57; 75 learners (utility jackets).

Manufacturers' Sportswear, Inc., Meadow at Maple, Scranton, Pa.; effective 1-31-57 to 7-30-57; 20 learners (trousers).

Perry Manufacturing Co., Mt. Airy, N. C.; effective 2-4-57 to 8-3-57; 75 learners (brassieres and sportswear).

Sunbright Manufacturing Co., Inc., Sunbright, Tenn.; effective 1-31-57 to 7-30-57; 35 learners (men's and boys' shirts).

The Warner Bros. Co., Marianna, Fla.; effective 1-31-57 to 7-30-57; 100 learners (corsets and brassieres).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

The S. Frieder & Sons Co., Greensboro, Fla.; effective 1-31-57 to 1-30-58; 10 percent of factory production workers for normal labor turnover purposes.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Amos & Smith Hosiery Co., Pilot Mountain, N. C.; effective 2-10-57 to 2-9-58; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned).

Archer Mills, Inc., 1118 Talbotton Avenue, Columbus, Ga.; effective 2-6-57 to 2-5-58; 5 percent of factory production workers for normal labor turnover purposes (full-fashioned).

Charles H. Bacon Co., Lenoir City, Tenn.; effective 2-13-57 to 2-12-58; 5 percent of factory production workers for normal labor turnover purposes (men's, women's, and children's seamless hosiery).

Overbrook Hosiery Co., Maiden, N. C.; effective 1-30-57 to 1-9-58; five learners for normal labor turnover purposes (seamless).

Terrell Manufacturing Co., Crawford Dr., Dawson, Ga.; effective 2-1-57 to 1-31-58; five learners for normal labor turnover purposes (full-fashioned).

Van Raalte Co., Inc., Franklin, N. C.; effective 1-31-57 to 1-30-58; five learners for normal labor turnover purposes (full-fashioned).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Chambers Co. Telephone Co., Inc., Toll Board, Winnie, Tex.; effective 2-7-57 to 2-6-58.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Marion Rohr Corp., 18 North Main Street, Hornell, N. Y.; effective 1-31-57 to 7-30-57; 25 learners for plant expansion purposes (ladies' underwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Delfiner Bros., Inc., 121 North Seventh Street, Philadelphia, Pa.; effective 1-30-57 to 7-29-57; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of four learners for normal labor turnover purposes (canvas coat fronts).

Siegel Rothschild Gans Bros. Corp., 27 South Paca Street, Baltimore, Md.; effective 2-4-57 to 8-3-57; not less than 85 cents per hour for a maximum of 320 hours for the occupations of umbrella sewer, machine; and umbrella tipper, hand; authorizing the employment of six learners for normal labor turnover purposes (umbrellas).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

American Coil, Inc., Fajardo, P. R.; effective 1-21-57 to 6-2-57; not less than 60 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of If's, chokes and peaking winding; authorizing the employment of 10 learners for expansion purposes (peaking, chokes, and "If" coils) (replacement certificate).

Columbia Manufacturing Co., San Lorenzo, P. R.; effective 1-21-57 to 7-20-57; not less than 75 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of straightening, inspection sand blast—washing, degrease-color, induction brazing slot milling, and thread rolling; authorizing the employment of 10 learners for expansion purposes (metal cutting tools).

Modular Systems, Inc., Fajardo, P. R.; effective 1-21-57 to 6-2-57; not less than 60 cents per hour for the first 240 hours and 70 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of module assembler, silk screeners, component assembler, silver solderer, water noeth sprayer, printed circuit etcher, module tester, and furnace operator; authorizing the employment of 100 learners for expansion purposes (modules and printed board circuits) (replacement certificate).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 8th day of February 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-1400; Filed, Feb. 21, 1957; 8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11685 etc.; FCC 57M-137]

POLK RADIO, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE

In re applications of Polk Radio, Incorporated, Lakeland, Florida, Docket No. 11685, File No. BP-10136; Duane R. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; E. D. Covington, Jr., Winter Garden, Florida, Docket No. 11813, File No. BP-10571, for construction permits.

A pre-hearing conference will be held in the above-entitled matter on February 21, 1957, at 10:00 a. m., at the offices of the Commission, Washington, D. C.

The purpose of the conference will be to further discuss hearing on the issue added to the proceeding by the Commission in its Memorandum Opinion and Order adopted January 2, 1957, and released January 4, 1957.

Dated: February 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1412; Filed, Feb. 21, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-2858 etc.]

WUNDERLICH DEVELOPMENT CO. ET AL.

NOTICE OF SEVERANCE AND POSTPONEMENT OF HEARING

FEBRUARY 18, 1957.

In the matters of Wunderlich Development Company, Docket Nos. G-2858, et al.; Wallace Harrison, Docket No. G-3584; August Erickson, et al., Docket No. G-4122; Western Natural Gas Company, Docket No. G-4544.

On February 1, 1957, Wallace Harrison filed a letter requesting that his application for a certificate of public convenience and necessity in Docket No. G-3584 be withdrawn because he was under the impression that the Operator had already filed for his sales of gas to Arkansas Louisiana Gas Company.

On February 15, 1957, August Erickson, et al., filed a motion in Docket No. G-4122 requesting that the certificate application filed in that docket be withdrawn for the reason that the Operator, Sam Sklar, Trustee, has amended his application in Docket No. G-4170 so as to include the gas-producing interests held by August Erickson, et al., in the South Hallsville Field, Rusk County, Texas.

On February 4, 1957, Holland-American Petroleum Corporation filed in Docket No. G-11897 a certificate application covering a portion of the acreage also involved in Western Natural Gas Company's certificate application in Docket No. G-4544. In view of the facts stated in Holland-American Petroleum Corporation's application, it appears desirable that the application in Docket No. G-4544 be amended prior to the issuance of a certificate of public convenience and necessity.

Therefore, notice is hereby given that the applications of Wallace Harrison in Docket No. G-3584, of August Erickson, et al., in Docket No. G-4122 and of Western Natural Gas Company in Docket No. G-4544 are hereby severed from the consolidated proceeding In the Matters of Wunderlich Development Company, et al., Docket Nos. G-2858, et al., scheduled for hearing on February 26, 1957, and the hearings in Docket Nos. G-3584, G-4122 and G-4544 are postponed. The hearing in Docket No. G-4544 is hereby postponed to a date to be hereafter fixed by further notice. Prospective hearings in Docket Nos. G-3584 and G-4122 are hereby canceled pending action on the applicants' requests to withdraw their applications.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1403; Filed, Feb. 21, 1957; 8:49 a. m.]

[Docket No. G-7902]

PANHANDLE OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 18, 1957.

Take notice that Panhandle Oil Corporation (Applicant), whose address is 1320 Mercantile Securities Building, Dallas, Texas, filed on December 3, 1954 an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant states that it sells natural gas in interstate commerce from various locations as indicated below:

Field, location, and purchaser

(a) East Panhandle; Gray County, Texas; Coltexo Corporation.

(b) K M A; Wichita County, Texas; Phillips Petroleum Company.

(c) K M A; Wichita County, Texas; Continental Oil Company.

(d) South Bend; Young County, Texas; Nash Gasoline Corporation.

(e) (Not indicated); Young County, Texas; Lone Star Gas Company.

(f) West Ranch; Jackson County, Texas; Magnolia Petroleum Company.

(g) Refugio; Refugio County, Texas; Tennessee Gas Transmission Company.

(h) Refugio; Refugio County, Texas; W. J. Riley.

(i) East White Point; San Patricio County, Texas; Sinclair Oil & Gas Company.

(j) Knolle; Nueces County, Texas; Texas-Illinois Natural Gas Pipeline Company.

(k) Bird Island; Kleberg County, Texas; Houston Natural Gas Co.

(l) Agua Dulce-Stratton; Nueces County, Texas; Nueces Company.

(m) Agua Dulce-Stratton; Nueces County, Texas; Gulf Plains Corporation (now Chicago Corporation).

(n) Agua Dulce-Stratton; Nueces County, Texas; Tennessee Gas Transmission Company.

(o) Falfurrias; Jim Wells County, Texas; La Gloria Oil and Gas Company.

This matter is one that should be disposed of as promptly as possible under

the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 25, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 11, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1401; Filed, Feb. 21, 1957; 8:49 a. m.]

[Docket No. G-10070 etc.]

CONSOLIDATED GAS UTILITIES CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 18, 1957.

In the matters of Consolidated Gas Utilities Corporation, Docket No. G-10070; Russell Cobb, Jr., Docket No. G-10064; Monsanto Chemical Company, Docket No. G-11393.

Take notice that on March 8, 1956, Consolidated Gas Utilities Corporation (Consolidated) filed an application (Docket No. G-10070) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 2.5 miles of 6 inch lateral pipeline to receive natural gas produced by Russell Cobb, Jr., from his wells in the South Hunter Field, Garfield County, Oklahoma.

On March 8, 1956, Russell Cobb, Jr., filed an application supplemented May 9, 1956 (Docket No. G-10064) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act to sell natural gas in interstate commerce to Consolidated for resale.

On October 30, 1956, Monsanto Chemical Company filed its application (Docket No. G-11393) for a certificate of public convenience and necessity pursuant to section 7 above stated authorizing it to sell natural gas to Consolidated in interstate commerce for resale from wells located in the same field as above described.

The estimated overall capital cost of the transportation facilities proposed to be constructed and operated by Consolidated is $29,239, which cost the Applicant, Consolidated, proposes to finance from funds on hand.

The three above-mentioned applications are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 14, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issue presented by such applications: *Provided, however,* That the Commission may after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or to be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 7, 1957. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1402; Filed, Feb. 21, 1957; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

J. B. FISK

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER September 14, 1956 (21 F. R. 6965).

Dated: February 1, 1957.

J. B. FISK.

[F. R. Doc. 57-1386; Filed, Feb. 21, 1957; 8:45 a. m.]

CHARLES E. WAMPLER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additional interests acquired: Reading & Bates Class "A".

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

CHARLES E. WAMPLER.

[F. R. Doc. 57-1387; Filed, Feb. 21, 1957; 8:45 a. m.]

ALBERT J. PHILLIPS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There have been no changes since my statement of August 1, 1956.

This amends statement previously published in the FEDERAL REGISTER August 17, 1956 (21 F. R. 6202).

Dated: February 1, 1957.

ALBERT J. PHILLIPS.

[F. R. Doc. 57-1388; Filed, Feb. 21, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

TILDY DANIOTH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Tildy Danioth, 27 Mutschellenstrasse, Zurich 2, Switzerland; Claim No. 60803; Vesting Order No. 17829; $23.75 in the Treasury of the United States; and 5 shares of $100 par value common capital stock of the Baltimore and Ohio Railroad Company, evidenced by Certificate No. A 430334, presently in the custody of the Federal Reserve Bank, New York, New York.

Executed at Washington, D. C., on February 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1413; Filed, Feb. 21, 1957; 8:51 a. m.]

CHARLOTTE GOLLHOFER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Charlotte Gollhofer, nee Humhal, Vienna, Austria; Claim No. 58765; Vesting Order No. 7892; $372.53 in the Treasury of the United States.

Executed at Washington, D. C., on February 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1414; Filed, Feb. 21, 1957; 8:51 a. m.]

CELESTIN LEON HERBLINE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Celestin Leon Herbline, 5, Impasse Thoreton, Paris 15, France; Claim No. 42246; property described in Vesting Order No. 293 (7 F. R. 9836; November 26, 1942) relating to Patent Application Serial No. 386,560, matured to United States Letters Patent No. 2,369,568.

Property described in Vesting Order No. 666 (8 F. R. 5047; April 17, 1943) relating to United States Letters Patent No. 2,195,171.

Executed at Washington, D. C., on February 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1415; Filed, Feb. 21, 1957; 8:51 a. m.]

ANGELO RICCIUTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angelo Ricciuti, S. Eufemia a Maiella, Pescara, Italy; Claim No. 40346; Vesting Order No. 1185; $850.79 in the Treasury of the United States.

Executed at Washington, D. C., on February 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1416; Filed, Feb. 21, 1957; 8:51 a. m.]

RIV. OFFICINE DI VILLAR PEROSA SOCIETA PER AZIONI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

RIV. Officine di Villar Perosa Societa per Azioni, Torino, Italy; Claim No. 44650; Vesting Orders Nos. 201, 2246 and 27; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patents Nos. 2,265,125 and 2,118,963; Vesting Order No. 2246 (8 F. R. 14020, October 14, 1943), relating to the United States Letters Patent No. 2,197,291 and United States Design Patents Nos. 103,625, 103,626 and 103,627; Vesting Order No. 27 (7 F. R. 4629, June 23, 1942), relating to United States Letters Patent No. 2,174,150.

Executed at Washington, D. C., on February 15, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1417; Filed, Feb. 21, 1957; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 19, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33287: *Sodium products from Midland, Mich., and Suspension Bridge, N. Y., to Cincinnati, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium (soda) and its products, carloads, from Midland, Mich., and Suspension Bridge, N. Y., to Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 10 to Chesapeake and Ohio Railway Company's ICC 13473 and one other tariff.

FSA No. 33288: *Hides, pelts, and skins, from Georgia and Tennessee to Massachusetts and New Jersey.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts, and skins, carloads, from Columbus, Ga., and Powell, Tenn., to Peabody, Mass., and Belleville, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 13 to Agent C. A. Spaninger's ICC 1539.

FSA No. 33289: *Syrup from Illinois territory to southern territory.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on syrup, corn, unmixed (glucose), carloads, from specified points in Illinois territory, including Granite City, Ill., and St. Louis, Mo., to specified points in southern territory.

Grounds for relief: Maintenance of grouping and circuitous routes.

Tariffs: Supplement 27 to Agent R. G. Raasch's ICC 855 and one other tariff.

FSA No. 33290: *Plywood from Alabama and Mississippi to official and western trunk-line territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cativo plywood, carloads, from Bay Minette, Mobile, Ala., and Pascagoula, Miss., to points in official and western trunk-line territories.

Grounds for relief: Short-line distance formula, grouping, and circuitous routes.

Tariffs: Supplement 165 to Agent C. A. Spaninger's ICC 1101 and 3 other tariffs.

FSA No. 33291: *Lumber from southeast to western trunk-line territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads, from origins in Alabama, Florida, Louisiana, and Mississippi, to destinations in western trunk-line territory.

Grounds for relief: Modified short-line distance formula, market competition, grouping, and circuity.

Tariff: Supplement 165 to Agent C. A. Spaninger's ICC 1101.

FSA No. 33292: *All freight from Alabama and Georgia points to eastern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads, from Atlanta, Ga., and group, and Birmingham, Ala., to specified points in trunk-line and New England territories.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 67 to Agent C. A. Spaninger's ICC 1458.

FSA No. 33293: *Artificial rubber from Naugatuck, Conn., to Baton Rouge and New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, carloads, from Naugatuck, Conn., to Baton Rouge and New Orleans, La.

Grounds for relief: Circuitous routes, in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1406; Filed, Feb. 21, 1957; 8:50 a. m.]

[Ex Parte No. 206]

EASTERN AND WESTERN TERRITORIES

INCREASED FREIGHT RATES 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 19th day of February A. D. 1957.

It appearing, that on October 1, 1956, the Commission, acting on a petition filed September 27, 1956, by substantially all of the eastern and western railroads, and certain other railroads, instituted an investigation into and concerning the adequacy of all freight rates and charges of all common carriers by railroad in the United States and into the reasonableness and lawfulness thereof;

It further appearing, that by reports and orders dated December 17, 1956, and February 4, 1957, the Commission authorized certain increases in respondents' freight rates and charges;

It further appearing, that on January 11, 1957, said eastern and western railroads and certain other railroads filed a petition requesting the Commission to authorize an increase of 22 percent in all freight rates and charges within, from, to, and via eastern and western territories, subject to certain provisions, limitations, and exceptions, inclusive of the increases authorized in said report of December 17, 1956, and that by order entered January 16, 1957, permission to file said petition was granted;

It further appearing, that on February 1, 1957, certain southern railroads filed a petition asking that all railroads in southern territory be permitted to increase their freight rates and charges within, from, to, and via that territory, by 15 percent, subject to certain provisions, limitations, and exceptions, inclusive of the increases authorized in said report of February 4, 1957, and suggesting that they be permitted to file verified statements in support of said petition by February 25, 1957, and that opposition and reply verified statements be filed by March 25, 1957, and April 2, 1957, respectively;

It further appearing, that in said order of January 16, 1957, the Commission laid down certain special rules of practice and procedure to govern the further conduct of this proceeding and fixed certain dates for the filing of verified statements, for oral hearings and oral argument, and for the filing of briefs;

And it further appearing, that the petitions enumerated in the appendix attached have been filed with the Commission in which modification of the Commission's orders of December 17, 1956, and January 16, 1957, is requested:

Upon consideration of the said petitions and of the record in the above-entitled proceeding; and good cause appearing therefor:

It is ordered, That the said order of January 16, 1957, be, and it is hereby, modified as follows:

Paragraphs 3 (d) and (e) are modified to provide that the southern railroads, parties to the petition of February 1, 1957, and other persons in support of said petition, shall file their verified statements in the manner provided by the order of January 16, 1957, on or before February 25, 1957. A copy shall be furnished to interested parties upon request addressed to Mr. Prime F. Osborn III, at Room 804 Transportation Building, Washington 6, D. C.

Paragraph 3 (f) is modified to provide that evidence in opposition to all petitioners or evidence which is neither in support of nor in opposition to petitioners must be filed by March 25, 1957, instead of March 16, 1957, one copy to be furnished to Mr. Prime F. Osborn III, Room 804 Transportation Building, Washington 6, D. C., in addition to the 25 copies to be furnished to Mr. Edward A. Kaier, Room 804 Transportation Building, Washington 6, D. C. As thus modified, the due date is the same for filing verified statements in opposition to the proposed increases of all carriers.

Paragraph 3 (g) is modified so as to provide that verified statements in reply must be filed by April 1, 1957.

Paragraph 3 (h) is modified to provide (1) for the presentation of oral testimony in rebuttal, including rebuttal by any party to evidence brought out at the hearings as the result of the cross-examination, and (2) for the presentation of oral testimony of witnesses testifying under subpena pursuant to Rule 56 of the General Rules of Practice.

It is further ordered, That the petitions set forth in the appendix hereto, to the extent indicated above, be, and they are hereby granted, and in all other respects they are denied;

It is further ordered, That the said order of January 16, 1957, except as herein modified, shall continue in full force and effect;

And it is further ordered, That a copy of this order be filed with the Director, Division of the Register, for publication in the FEDERAL REGISTER as notice to interested parties and a copy served upon all parties of record. As modified, the dates covering various phases of the proceeding are as follows:

	Present	Postponed to—
Verified statements of southern railroads and other persons in support thereof		Feb. 25, 1957
Verified statements in opposition to all petitioners	Mar. 16, 1957	Mar. 25, 1957
Reply verified statements	Mar. 30, 1957	Apr. 1, 1957
Hearing at Washington, D. C. (10 o'clock a. m., Office of the Commission, Washington, D. C.) for cross-examination of witnesses, filing verified statements, and for receipt of rebuttal evidence, and for presentation of oral testimony of witnesses testifying under subpena as authorized above.)	Apr. 8, 1957	No change
Hearing at San Francisco, Calif. (10 o'clock a. m., Sheraton Palace Hotel, for cross-examination of witnesses, filing verified statements, and for receipt of rebuttal evidence, and for presentation of oral testimony of witnesses testifying under subpena as authorized above.)	Apr. 17, 1957	No change
Commission oral argument (10 o'clock a. m., Office of the Commission, Washington, D. C.)	May 1, 1957	No change
Memorandum briefs	May 1, 1957	No change

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX

1. Petition dated January 18, 1957, of the Mountain Pacific States Conference of Public Service Commissions.
2. Petition of George A. Hormel & Co., et al., dated Jan. 15, 1957.
3. Petition dated January 17, 1957, of the Public Service Commission of Wyoming.
4. Petition dated January 17, 1957, of the Public Service Commission of Wisconsin.
5. Petition dated January 22, 1957, of the People of the State of California and Public Utilities Commission of said State.
6. Petition dated February 7, 1957, of the National Plant Food Institute and Institute of Shortening and Edible Oils, Inc.
7. Petition dated February 5, 1957, of the Lincoln Electric Company.
8. Petition dated February 11, 1957, of the National Industrial Traffic League.
9. Petition dated February 9, 1957, of the Midwest Association of Railroad and Utilities Commissioners.
10. Petition dated January 18, 1957, of the Long Island Lighting Company.
11. Petition of Dairy Industry Committee, dated February 13, 1957.
12. Motion of General Services Administration and Tennessee Valley Authority.
13. Replies of railroads.

[F. R. Doc. 57-1419; Filed, Feb. 21, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8179]

AIR SERVICES, INC.

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding now assigned to be held on February 20, 1957, is hereby postponed indefinitely.

Dated at Washington, D. C., February 20, 1957.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 57-1442; Filed, Feb. 20, 1957; 5:03 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3554]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK BY PARENT COMPANY PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND CHARTER AMENDMENT BY SUBSIDIARY COMPANY

FEBRUARY 18, 1957.

The West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary The Potomac Edison Company ("Potomac"), a registered subholding company and also a public utility company, have filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 10, 12 (c), and 12 (d) of the act and rules U-42, U-44, and U-50 thereunder regarding, inter alia, the following proposed transactions:

I. *Issue and sale of additional common stock by Electric.* Electric proposes to issue and sell, through an underwritten offering to its stockholders, 528,000 additional shares of its common stock of the par value of $5 per share at the rate of 1 share for each 16 shares held on the record date, and in this connection to issue transferable warrants to such stockholders evidencing their rights to subscribe to the additional shares. The warrants will be issued on or about February 27 to stockholders of record at the close of business on the day before, and will expire on or about March 14, 1957. No fractional shares will be issued. The subscription agent will endeavor, to the extent practicable, to purchase any number of rights (up to 15) required to complete any subscription, and to sell any excess rights (up to 15) not required to complete a subscription. Charges for this service, other than transfer taxes, will be paid by Electric.

At least 6 days prior to entering into any agreement for the issuance or sale of the additional common stock, Electric will publicly invite bids from prospective underwriters for the underwriting of said offering, such bids to state the amount of compensation, if any, to be paid by Electric to them for their agreement to purchase, at the subscription price, any unsubscribed shares and the shares, if any, purchased by Electric in connection with its stabilizing activities referred to hereinafter. It is expected that the submission of such bids will be required before noon on or about February 26, 1957. Through stabilizing transactions in connection with the invitation, Electric may, during the period commencing with the third full business day prior to the time for the submission of bids and continuing until the acceptance of a bid, purchase not in excess of 52,800 shares of its outstanding common stock through regular brokerage channels. The subscription price to stockholders will be fixed by Electric not later than 4 o'clock p. m. on the day prior to the bidding and, when fixed, will be not more than the last reported sale price of Electric's common stock on the New York Stock Exchange and not less than 85 percent of such last reported sale price.

The underwriters will pay to Electric 50 percent of any excess over $1.50 per share above the subscription price on shares sold within 30 days after the expiration of the warrants. Any shares not sold prior to that date shall be deemed to have been sold at the mean of the high and low prices on the day before.

Electric will use the net proceeds from its sale of common stock to purchase additional common stock of its subsidiary companies in the approximate amount of $13,400,000. The subsidiaries will use such funds together with other cash resources and the proceeds from the sale of about $34,000,000 of senior securities, to finance their construction programs during 1957 and 1958, estimated at $101,500,000.

The Maryland Public Service Commission has authorized Electric, a Maryland corporation, to issue and sell the additional common stock as proposed.

Fees and expenses in connection with the issuance and sale of Electric's common stock, other than the compensation to be paid to the underwriters, are estimated at $125,000. Jurisdiction with respect to the fees of the transfer agent, registrar, subscription agent, and all accounting and legal fees will be reserved pending completion of the record.

II. *Charter amendment by Potomac.* Potomac proposes to amend its charter to increase its authorized common stock from 800,000 to 1,500,000 shares without nominal or par value. The proposed increase will provide Potomac with a reasonable amount of authorized but unissued common stock which may be issued for proper corporate purposes, and so will aid the financing of its future capital requirements.

No other regulatory commission has jurisdiction over Potomac's proposed charter amendment.

III. *Further Proposals (as to which jurisdiction will be reserved).* On or before June 30, 1957, Potomac proposes to issue and sell, and Electric proposes to acquire, 100,000 additional shares of Potomac's common stock, without par value, for $2,000,000 cash. Potomac will use these funds for construction purposes or to reimburse its treasury for expenditures in connection therewith.

Electric owns all of the 775,000 outstanding shares of Potomac's common stock. Upon acquisition of the additional shares, Electric proposes to pledge them with Chemical Corn Exchange Bank, Trustee under the Trust Indenture dated as of September 1, 1949, securing Electric's 3½ percent Sinking Fund Collateral Trust Bonds, in accordance with the requirements of said Indenture.

Our final order with respect to the proposed issuance and sale of additional common stock by Potomac, and its purchase and pledge by Electric, must await further orders of authorization by the Maryland Public Service Commission and the Interstate Commerce Commission.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13375), and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the proposed issue and sale of additional common stock by Electric, and with respect to the proposed charter amendment by Potomac, that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended should be granted and permitted to become effective forthwith as to such proposed transactions, subject to the terms and conditions and reservations of jurisdiction hereinafter stated:

It is ordered, Pursuant to rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith with respect to the proposed issuance and sale of additional common stock by Electric, and the proposed charter amendment by Potomac, subject to the terms and conditions prescribed in rules U-50 and U-24, and subject to the reservation of jurisdiction over fees of the transfer agent, registrar, subscription agent, and all legal and accounting fees.

It is further ordered, That jurisdiction be and is hereby reserved with respect to the proposed issuance and sale of additional common stock by Potomac and its acquisition and pledge by Electric.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1404; Filed, Feb. 21, 1957; 8:49 a. m.]

[File No. 70-3534]

NEW ENGLAND ELECTRIC SYSTEM

MEMORANDUM OPINION AND ORDER REOPENING HEARING

FEBRUARY 15, 1957.

A petition has been filed by John F. Cremens, a stockholder of Lynn Gas & Electric Company ("Lynn"), to reopen a hearing held with respect to an application-declaration filed under the Public Utility Holding Company Act of 1935 by New England Electric System ("NEES") regarding its proposed acquisition of the common stock of Lynn through an offer to Lynn stockholders to exchange two shares of common stock of NEES for each share of common stock of Lynn.

We heard oral argument, at which Cremens outlined the nature of the evidentiary matter which he proposes to present, relating principally to the value of certain real estate owned by Lynn, and NEES opposed granting the petition and filed a brief.

We recognize that the reopening of a record after the close of hearings could represent a disruption of orderly and expeditious procedure, ordinarily should be avoided, and should be ordered only for compelling reasons. We have given consideration, among other things, to the fact that although Lynn advised its stockholders of the exchange offer and that it would become effective after its approval by this Commission, Lynn's letter to its stockholders did not inform the stockholders that they might have an opportunity to be heard in proceedings before us with respect to the fairness and other aspects of the proposed exchange offer. Written statements of views were submitted to us by a number of Lynn stockholders, but there was no active representation at the hearings by them

or on their behalf. We have concluded that under the circumstances and in keeping with our policy to accord opportunity for adequate stockholder participation, we shall exercise our discretion to reopen the record so as to extend such opportunity in this instance.

We do not anticipate that the delay of the proceedings entailed in such reopening will be prolonged or will result in any prejudice to any interested person. Upon the conclusion of such reopened hearing, at which all interested persons and particularly any stockholders of Lynn desiring to, will have the opportunity to participate, the record thus completed will be received by us for final disposition free of any further questions respecting the opportunity accorded for such participation.

Accordingly, it is ordered, That the hearing in the foregoing matter be reopened on February 28, 1957 at 10 a. m. at the offices of the Securities and Exchange Commission, 425 Second St., NW., Washington 25, D. C. At that time the hearing room clerk will advise as to the room in which the hearing will be held. Any person desiring to be heard in connection with the foregoing matter shall file with the Secretary of the Commission on or before February 26, 1957, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by registered mail to NEES, Lynn, and the Department of Public Utilities of Massachusetts, and that notice to all other persons shall be given by publication of this memorandum opinion and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the persons appearing on the mailing list of the Commission for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1405; Filed, Feb. 21, 1957; 8:49 a. m.]

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FEDERAL REGISTER

VOLUME 22 NUMBER 38

Washington, Tuesday, February 26, 1957

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 25—FEDERAL EMPLOYEES' PAY REGULATIONS

SALARY RETENTION

Paragraph (c) of § 25.403 is amended and paragraph (d) is added and § 25.411 is added as set out below.

§ 25.403 *Definitions.* • • •

(c) "Reclassification" means any classification action lowering the grade of the employee's position during his incumbency of such position without a material change in duties or responsibilities during the two years immediately preceding the classification action.

(d) "Material change" means either an actual change in duties or responsibilities sufficient in and of itself to warrant a different position grade, or an actual basic change in the nature of the duties or responsibilities although such change is not sufficient to warrant a different grade.

§ 25.411 *Appeals*—(a) *General.* Any employee reduced in grade and compensation by reason of classification action under the Classification Act of 1949, as amended, may appeal to the Civil Service Commission from the administrative determination of his employing agency that he is not entitled to the salary retention benefits of this subpart. This appeal right shall in no way restrict existing appellate rights under Part 22 of this chapter or section 501 (b) of the Classification Act of 1949, as amended.

(b) *Agency notification.* Whenever an agency effects the reduction in grade and compensation of an employee by reason of classification action under the Classification Act of 1949, as amended, such employee shall be advised in writing of the applicability or nonapplicability of the salary retention benefits of this subpart. When it is administratively determined within an agency that an employee is not entitled to the salary retention benefits of this subpart, the agency shall advise the employee in writing of his right to appeal such administrative determination to the Commission as prescribed in this section.

(c) *Time limit.* (1) An appeal under this section may be submitted at any time after the employee's receipt of the administrative determination to deny the salary retention benefits of this subpart, but not later than thirty (30) days after the effective date of the reduction in grade and compensation: *Provided,* That when there is a right to appeal the position classification to the agency under established administrative procedures, the time limit on an appeal under this section shall be not later than thirty (30) days after the final decision by the agency on the administrative position-classification appeal.

(2) The time limit may be extended in the discretion of the Commission upon a showing by the employee that he was not notified of his right of appeal or of the time limitation on such an appeal and was otherwise unaware of that right or that time limitation, or that circumstances beyond his control prevented him from filing the appeal within the prescribed period.

(d) *Where to appeal.* An appeal from an employee whose position is located in the metropolitan area of Washington, D. C., or outside of the continental limits of the United States (except Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands) shall be submitted to the Director, Bureau of Inspections and Classification Audits, U. S. Civil Service Commission, Washington 25, D. C. An appeal from any other employee whose position is located elsewhere shall be submitted to the Director of the appropriate Civil Service region.

(e) *Form and contents of appeal.* The appeal shall be in writing and shall set forth the reasons why the agency's administrative determination is considered erroneous and the reasons why the salary retention benefits are considered applicable. In addition, the appeal shall identify the appellant, the employing agency, and the reclassification action to which the appeal relates.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 17 ($0.60)

Title 26, Parts 170–182 ($0.35)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 183–299 ($0.30).

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(f) *Commission action—initial appeal.* The Commission shall make such inquiry or investigation as it determines to be necessary to ascertain the facts concerning the classification action upon which to base a salary retention decision. The decision of the Commission office that makes the initial adjudication of an appeal filed under this section shall be in writing and copies thereof shall be submitted to the employee, his designated representative, and to the agency concerned. Each decision shall inform the parties of their right of further appeal to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C., within fourteen (14) days after receipt of the initial decision.

(g) *Agency action.* It is mandatory for the agency to take the corrective action recommended by the Director, Bureau of Inspections and Classification Audits or the regional director, unless further appeal is made to the Board of Appeals and Review.

(h) *Commission action—appellate review.* (1) When an employee or employing agency elects to appeal from the decision of the Commission office making the initial adjudication of an appeal under this section, such appeal shall be made to the Board of Appeals and Review, U. S. Civil Service Commission, Washington 25, D. C. (hereinafter referred to as the Board).

(2) Such an appeal must be filed within fourteen (14) days of the date of receipt of the decision of the Commission's initial adjudicating office. This time limit may be extended, in the discretion of the Board, only upon a showing that circumstances beyond the control of the appellant prevented the filing of the appeal within the prescribed period.

(3) The appeal shall be in writing and shall set forth the basis for the appeal.

(4) The Board will review the entire record of the case and all relevant written representations. In its discretion, the Board may afford the parties an opportunity to appear personally and present oral arguments and representations.

(5) The decision of the Board shall be transmitted to the employee, the employee's designated representative, and to the employing agency.

(i) *Finality of decision.* The decision on an appeal to the Board shall be final. There is no further right to appeal. A recommendation for corrective action by the Board is mandatory and must be complied with by the agency. When corrective action is required, the agency shall report to the Board promptly that such action has been taken.

(j) *The Commissioners.* The Commissioners may, in their discretion, when, in their judgment, such action appears warranted by the circumstances, reopen and reconsider any previous decision.

(k) *Special procedures.* (1) A preference eligible employee who elects to appeal a reduction in rank and compensation by reason of classification action under Part 22 of this chapter may not simultaneously prosecute an appeal under this section. In such case, the salary retention appeal provided in this section shall be joined with the appeal provided in Part 22 of this chapter and the case will be processed and adjudicated as a Part 22 appeal.

(2) An employee who elects to appeal a reduction in grade and compensation by reason of classification action under section 501 (b) of the Classification Act of 1949, as amended, within the thirty (30) day time limit prescribed in paragraph (c) of this section may not simultaneously prosecute an appeal under this section. In such case, the salary retention appeal provided in this section shall be joined with the position-classification appeal under section 501 (b) and the case will be processed and adjudicated, as a position-classification appeal: *Provided*, That such joining of appeals will in no case deprive an employee or an employing agency of the right of appellate review of the salary retention issue pursuant to paragraph (h) of this section.

(3) The time limitation prescribed in paragraph (c) of this section is not applicable to any employee who sustains, or has sustained, a reduction in grade and compensation by reason of classification action under the Classification Act of 1949, as amended, between July 1, 1954, and April 28, 1957. Appeals from such employees will be accepted at any time prior to May 28, 1957.

(Sec. 1101, 63 Stat. 971; 5 U. S. C. 1072)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1437; Filed, Feb. 25, 1957; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6645]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FURS BY KENT ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; fictitious marking; usual as reduced, special, etc.; § 13.175 *Quality of product or service.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Using misleading name*—Goods: § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Furs By Kent (York, Pa.) et al., Docket 6645, Feb. 13, 1957]

In the Matter of Furs by Kent, a Corporation, P. Wiest's Sons, a Corporation, and Meyer Kimmelman and Anthony DeRito, Individually and as Officers of Furs by Kent

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two corporations with place of business in York, Pa., with violating the Fur Products Labeling Act through misrepresenting the quality and price of certain fur products on tags and labels, on invoices, and in newspaper advertisements; and through failing in other respects to comply with requirements of the act.

Following entry of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 13 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Furs by Kent, a corporation, and its officers, P. Wiest's Sons, a corporation, and its officers, and Meyer Kimmelman and Anthony DeRito, individually and as officers of Furs by Kent, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Representing on labels attached to fur products, or in any other manner, that certain amounts are the regular and usual prices of fur products when such amounts are in excess of the prices at which such products are usually and customarily sold by respondents in the recent regular course of their business.

2. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

3. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is the fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is the fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

4. Setting forth on labels attached to fur products:

a. Required information in abbreviated form;

b. Non-required information mingled with required information;

c. Required information in handwriting.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth required information in abbreviated form.

3. Failing to show the item number or mark of fur products on the invoices pertaining to such products, as required by rule 40 of the rules and regulations.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale or fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

c. That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact.

2. Represents directly or by implication:

a. That respondents' regular price of any fur product is any amount which is inexcess of the price at which respondents have regularly or customarily sold or offered for sale in good faith, fur products of like grade and quality in the recent regular course of their business;

b. That prices are wholesale prices or below wholesale prices, when such is not a fact.

3. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur products or upon a bona fide compared price at a designated time.

4. Makes representations and pricing claims of the nature referred to in C2 hereof, unless full and adequate records disclosing the facts upon which claims and representations are based are maintained.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-1428; Filed, Feb. 25, 1957; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 141]

PROCEDURE FOR DETERMINATION OF ASSESSMENTS FOR ADDITIONAL CONSTRUCTION COSTS AND FOR COLLECTION THEREOF

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the Act of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, and 45 Stat. 210, as amended August 7, 1956 (60 Stat. 867); 25 U. S. C. 385, 387), notice is hereby given of intention to add a new § 141.4a under Part 141 of Title 25, Code of Federal Regulations, to read as follows:

§ 141.4a *Assessment and collection of additional construction costs.* (a) Upon the competition of the construction of an Indian irrigation project, or unit thereof, subsequent to the determination of the partial per acre construction assessment rate heretofore fixed pursuant to § 141.4, the Secretary of the Interior or his authorized representative shall determine such additional construction cost and distribute that cost on a per acre basis against all of the irrigable lands of the project, or unit thereof, and 1/40th of such per acre additional construction cost thus determined shall be assessed and collected annually from the non-Indian landowner of the project, or unit, thereof. The first installment shall be due and payable on November 15 of the year following the completion of such additional construction work or, if such additional construction work on the project, or unit thereof, has heretofore been completed, and the per acre annual rate determined, the first installment of the additional construction cost to be repaid by such non-Indian landowners shall be due and payable on November 15 of the year following the date of the publication of this order in the FEDERAL REGISTER. This annual per acre rate shall be in addition to, and run concurrently with, the existing per acre construction rate assessed annually under § 141.4.

(b) Project lands in Indian ownership are not subject to assessment for their proportionate share of the per acre construction cost of the project, or unit thereof, until after the Indian title to the land has been extinguished. At that time the total annual per acre assessment rate against non-Indian lands of the project, or unit thereof, shall be assessed against the former Indian lands for each and every acre of irrigable land to which water can be delivered through the project works, beginning on November 15 of the year following the extinguishment of the Indian title to the land and on November 15 of each year thereafter over a forty year period. In cases where the Indian title to project land has heretofore been extinguished, the assessment rate shall be due and payable on November 15 of the year following the publication of this order in the FEDERAL REGISTER.

All interested persons are hereby given opportunity to submit views, data and arguments in writing to the Commissioner, Bureau of Indian Affairs, Washington 25, D. C., within fifteen (15) days from the date of the publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

[F. R. Doc. 57-1422; Filed, Feb. 25, 1957; 8:45 a. m.]

Bureau of Reclamation

[43 CFR Part 404]

WATER APPLICATION, COLUMBIA BASIN PROJECT, WASHINGTON

NOTICE OF PROPOSED RULE MAKING

The Department of the Interior proposes to issue regulations relating to determination of eligibility of farm units to receive water on the Columbia Basin Project, Washington, being constructed and operated by the Bureau of Reclamation.

Under the proposed regulations the owner, or contract purchaser if there is one, of a farm unit on the Columbia Basin Project must personally certify before two witnesses on the application form that he is the owner or contract purchaser of only one farm unit on the project for which water is available. This limitation is pursuant to section 2 (b) (iii) of the Columbia Basin Project Act (16 U. S. C. 835). The execution of this application would be a condition precedent to a determination, by the Project Manager for the Bureau of Reclamation, of the eligibility of the farm unit to receive water during the 1957 irrigation season.

All persons who are interested are invited to submit written comments, suggestions, or objections with respect to the proposed regulations to the Solicitor, Department of the Interior, Washington 25, D. C., or the Project Manager, Bureau of Reclamation, Ephrata, Washington, within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 18, 1957.

PART 404—WATER APPLICATION, COLUMBIA BASIN PROJECT, WASHINGTON

§ 404.1 *Determination of eligibility.* The owner, or contract purchaser if there is one, of a farm unit on the Columbia Basin Project shall furnish the Project Manager of the Bureau of Reclamation as early as practicable an application for water executed by him before two witnesses. The form will be supplied by the Project Manager. The application shall state, unless the applicant is the owner of more than one farm unit eligible for water under the exceptions in subsections 2 (b) (iii) and 2 (b) (iv) of the Columbia Basin Project Act and he has so indicated in writing on the back thereof, that the farm unit is the only farm unit on the project that the applicant owns or is purchasing either in his own name or in the name of another for which water is available. Such statement shall be a condition precedent to a determination by the Project Manager of the eligibility of the farm unit to receive water during the 1957 irrigation season under the provisions of the Columbia Basin Project Act and the recordable contracts.

[F. R. Doc. 57-1451; Filed, Feb. 25, 1957; 8:45 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

FINAL ORDER IN RE ESTABLISHMENT OF A DEFINITION AND STANDARD OF IDENTITY FOR PARTIALLY CREAMED CHEESE[1]

In the matter of establishing a definition and standard of identity for a food to be known as partially creamed cottage cheese:

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 68 Stat. 54, 70 Stat. 919; 21 U. S. C. 341, 371) and upon the basis of substantial evidence received at the public hearing held pursuant to the notice published in the FEDERAL REGISTER (21 F. R. 430, 841), no exceptions to the proposed order published in the FEDERAL REGISTER of January 10, 1957 (22 F. R. 223) having been filed, the following order is promulgated:

Findings of fact.[1] 1. Of the soft uncured cheeses for which standards have been set under the Federal Food, Drug, and Cosmetic Act, cottage cheese is lowest in milk fat content. It normally contains from 1/10 percent to 3/10 percent of milk fat, but it may sometimes have 5/10 percent or slightly more of milk fat, depending upon how closely the skim milk was separated. The standard for cottage cheese limits its moisture content to not more than 80 percent. (R. 56, 71–72, 88, 192; Ex. 14, 16; 21 CFR 19.525)

[1] The citations following each finding of fact refer to the pages of the transcript of testimony and the exhibits received in evidence at the hearing.

2. Creamed cottage cheese is a soft uncured cheese for which a standard has been set under the Federal Food, Drug, and Cosmetic Act. It contains somewhat more milk fat than cottage cheese. Creamed cottage cheese is a composite dairy food made by mixing with cottage cheese a fluid component consisting of pasteurized cream or a pasteurized mixture of cream and milk or skim milk or both. The identity standard for creamed cottage cheese provides that the milk fat furnished by the fluid component shall amount to not less than 4 percent by weight of the finished product and that the finished product contains not more than 80 percent of moisture. Insofar as it can be determined from the record, creamed cottage cheese outsells cottage cheese by a wide margin. (R. 15, 27, 46, 49–51, 54–56, 91–92, 108, 110, 117–118, 151–153; Ex. 7, 14, 15, 16; 21 CFR 19.530)

3. About 1953, there began to appear in the retail markets of California and perhaps other States a soft uncured cheese manufactured in a manner similar to creamed cottage cheese, but which did not meet the milk-fat content requirement of the creamed cottage cheese standard of identity. The fluid component of this cheese differed from the fluid component of creamed cottage cheese in that it consisted largely of concentrated skim milk and was lower in milk fat and higher in nonfat solids. This cheese had a texture, taste, and appearance similar to creamed cottage cheese. Its milk fat content was around 2 percent. (R. 10, 12, 18, 39, 42–43, 49, 73–74, 79–80, 84–86, 89, 92, 94, 98–99, 103, 114, 154–158, 161–162, 165; Ex. 10, 11, 17)

4. In 1955, California and Oregon set standards of identity, under the name "Partially creamed cottage cheese" for the article described in finding 3. The California standard, which was incorporated in a State statute, describes the fluid component as "cream, milk; skim milk, concentrated milk, dried milk, concentrated skim milk, nonfat dry milk solids, or other constituents derived from milk, water." This law further provides: "Such cream or product or mixture is used in such quantity that the milk fat added thereby is not less than 0.5 percent, nor more than 2 percent by weight of the finished partially creamed cottage cheese." The Oregon standard was established as a State regulation. It states that, "Partially Creamed Cottage Cheese is cheese made by the cottage cheese process, the finished product of which shall contain not more than 80 percent moisture and not less than 0.5 percent or more than 2 percent milk fat." The Oregon regulation permits the use of up to 0.5 percent of "wholesome edible stabilizer." It is silent with respect to the fluid component, and its moisture and milk fat requirements might be met without using any fluid component.

The proposal upon which the hearing was held was that the standard for partially creamed cottage cheese adopted by the California legislature should be followed as a basis for the adoption of a definition and standard of identity under the Federal Food, Drug, and Cosmetic Act. Under that proposal a product complying with the standard might be made to which the fluid component would add only ½ percent of milk fat. There was testimony that such a product is manufactured to some extent and is not easily distinguished from a product to which the fluid component added around 1.8 percent milk fat. A product prepared to contain the minimum milk fat required by the proposed standard would be essentially cottage cheese with condensed skim milk. (R. 10, 31–35, 42–44, 47–48, 55–56, 82, 85, 94, 108, 110, 114–115; Ex. 8, 9)

5. Creamed cottage cheese, partially creamed cottage cheese, and cottage cheese with condensed skim milk possess few characteristics by which they can be distinguished from each other by ordinary consumers. Persons who participated in taste tests were unable to tell creamed cottage cheese from a partially creamed cottage cheese containing about 2 percent added milk fat. A product prepared by adding three parts of condensed skim milk to seven parts of cottage cheese was taste-tested, and the results indicated that only about one-half of the tasters could distinguish the cottage cheese with condensed skim milk from creamed cottage cheese. (R. 73–89, 151–157; Ex. 16, 17)

6. Nutritionally, cottage cheese, cottage cheese with condensed skim milk, partially creamed cottage cheese, and creamed cottage cheese are low-fat, low-calorie cheeses. All contain 80 percent or slightly less water. Cottage cheese and cottage cheese with condensed skim milk have about one-half of 1 percent or less of milk fat and approximately 14 percent protein. The caloric value of cottage cheese and cottage cheese with condensed skim milk is about 77 calories per 100 grams. The partially creamed cottage cheese marketed in California at the time of investigation had about 2 percent or less of milk fat and about 14.3 percent of protein and a caloric value of approximately 90 calories per 100 grams. Creamed cottage cheese has slightly more than 4 percent of milk fat and about 13 percent of protein; its caloric value is about 102 calories per 100 grams. There is little evidence in the record from which the significance of these figures as they relate to human diet can be determined. However, there are references to servings of "¼ pound," "½ cup," "3 oz.," and "4 oz." Allowing for two servings, this amounts to about ½ pound daily in the diets of those who eat such cheeses regularly. The difference is caloric value and protein content of creamed cottage cheese and partially creamed cottage cheese, at a daily rate of consumption of ½ pound, would be about 27 calories and 3 grams of protein per day. The differences are too small to be nutritionally significant. (R. 16–17, 51–52, 54–56, 102, 151–152, 173–176, 182–185; Ex. 6, 12–16)

7. Notwitstanding these insignificant differences in caloric and protein content, the sale of partially creamed cottage cheese has been promoted by representations in labeling which emphasize such terms as "slender," "low calories," "low fat," "high protein," "slim," "diet-aid," "calorie controlled," and similar terms so as to exaggerate the small difference in caloric value and protein and milk-fat content between this article and creamed cottage cheese. These representations fail to reveal that partially creamed cottage cheese has a higher milk-fat content and caloric value than cottage cheese. (R. 57–60, 74, 85, 92, 99, 105–108, 131–133, 147–148, 161–163, 193, 196, 199; Ex. 10–13)

8. From the point of view of dairy economics, the constituents of creamed cottage cheese and partially creamed cottage cheese are milk fat, nonfat solids of milk, and water. Of these, milk fat is the most expensive. Partially creamed cottage cheese is cheaper to manufacture than creamed cottage cheese because it is lower in milk-fat content. The two witnesses who testified on this point were agreed that, on the basis of current prices in California, the manufacturing cost for partially creamed cottage cheese is about ½ cent per pound less than for creamed cottage cheese. Yet the prices actually charged by California retail stores show, that, for the samples purchased, partially creamed cottage cheese was priced about 2 cents higher per pound than creamed cottage cheese. This additional cost factor results from the sales promotion based on the claimed lower caloric value and high-protein content. (R. 51, 74–75, 96–97, 110–112, 114, 140–150; Ex. 12–15)

Conclusion. Upon consideration of the whole record and the foregoing findings of fact, it is concluded:

1. That the evidence of record at the hearing does not establish that the promulgation of a regulation setting a definition and standard of identity for partially creamed cottage cheese would promote honesty and fair dealing in the interest of consumers, but on the contrary indicates that such a standard would facilitate the marketing of a product claimed to have low caloric value and higher protein content, when in fact the differences in fat and protein in the new product would be insignificant from a nutrition standpoint.

2. That a standard for cottage cheese with condensed skim milk would seem to be more logical for the uses for which partially creamed cottage cheese has been promoted in California, but the present record does not furnish an adequate basis for adopting a standard for such food.

Wherefore, it is ordered, That the regulations in Part 19, Title 21, of the Code of Federal Regulations be not amended to establish a definition and standard of identity for a food to be known as "partially creamed cottage cheese."

Effective date. No purpose would be served by specifying some future date upon which this order would be declared to become effective, because the order makes no change in regulations. Accordingly, this order is effective upon publication in the FEDERAL REGISTER.

Dated: February 19, 1957.

[SEAL] M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1434; Filed, Feb. 25, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

FREDERIC HENJES, JR., INC., AND R. G. HOBELMANN & CO., INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8201 between Frederic Henjes, Jr., Inc., New York, New York and R. G. Hobelmann & Co., Inc., Baltimore, Maryland, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 19, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1429; Filed, Feb. 25, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-28]

AMF ATOMICS, INC.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission proposes to issue, on Form AEC-250, facility export license XR-4 described below unless within 15 days after publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and upon findings that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with West Germany; and (c) the issuance of an export permit to AMF Atomics will not be inimical to the common defense and security and to the health and safety of the public, the Atomic Energy Commission has issued a license to AMF Atomics, Inc., 261 Madison Avenue, New York 17, N. Y., for the export of a one megawatt pool-type research reactor described in the "Technical Disscussion" accompanying a letter from AMF Atomics, Inc., dated June 29, 1956, and incorporated in its application filed August 20, 1956. The reactor is to be exported to Land Bayern, Federal Republic of Germany and will be erected at the Laboratorium fuer Techniche Physik de Technichen Hochschule Muenchen near Munich, Germany.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the Atomic Energy Act of 1954.

(b) The license will be subject to the right of recapture or control reserved by section 108 of the Atomic Energy Act of 1954, and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the United States Atomic Energy Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on December 31, 1957, unless sooner terminated.

Dated at Washington, D. C., this 18th day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-1421; Filed, Feb. 25, 1957; 8:45 a. m.]

[Docket Nos. 50-53, F-32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATIONS FOR UTILIZATION FACILITY LICENSES

Please take notice that Aerojet-General Nucleonics has filed applications for utilization facility licenses as follows:

Docket No. 50-53, Aerojet-General Nucleonics, San Ramon, California, on February 12, 1957, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate at its San Ramon site twelve nuclear reactors (Serial Nos. 109 through 120) designed to operate at 100 milliwatts and which, after operational tests, are to be sold or leased to properly licensed institutions.

Docket No. F-32, Aerojet-General Nucleonics, San Ramon, California, on February 12, 1957, filed an amendment to its application for a license to construct, possess and operate three 100-milliwatt nuclear reactors at its San Ramon site. Aerojet-General Nucleonics in its amended application requested authorization to operate one of the reactors (Serial No. 103) at a power level of five watts. The applicant plans to retain this reactor at San Ramon for experimentation and tests of the reactor system at power levels up to five watts.

Copies of both applications are available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 19th day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-1436; Filed, Feb. 25, 1957; 8:48 a. m.]

[Docket No. F-26]

LOCKHEED AIRCRAFT CORPORATION

NOTICE OF PROPOSED ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission proposes to issue a construction permit to Lockheed Aircraft Corporation substantially in the form set forth below unless within fifteen (15) days after publication in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is annexed a Memorandum submitted by the Division of Civilian Application which summarizes the principal features of the proposed critical experiments facility and the principal factors considered in reviewing the application for a license. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Construction permit. The Lockheed Aircraft Corporation, (hereinafter "Lockheed") on June 20, 1956, filed its application for a Class 104 license, defined in Section 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, to construct and operate a critical experiments facility (hereinafter "the facility"). On July 20, 1956, and September 26, 1956, Lockheed filed revisions to its license application. The original application together with said revisions is hereinafter referred to as "the application."

The Atomic Energy Commission (hereinafter "the Commission") has found that:

A. The facility will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities."

B. Lockheed proposes to utilize the facility in the conduct of research and development activities of the types specified in Section 31 of the Atomic Energy Act of 1954.

C. Lockheed is financially qualified to construct and operate the reactor in accordance with the regulations contained in the Title 10, Chapter I, CFR.

D. Lockheed is technically qualified to design and construct the reactor.

E. Lockheed has submitted sufficient information to provide reasonable assurance that a facility of the type proposed can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

F. The issuance of a construction permit to Lockheed will not be inimical to the common defense and security and to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 (hereinafter "the Act") and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the commission hereby issues a construction permit to Lockheed to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in Sections 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

A. The earliest date for the completion of the facility is March 31, 1957. The latest date for completion of the facility is September 30, 1957. The term "completion date" as used herein means the date on which construction of the facility is completed except for the introduction of the fuel material for the initial critical experiment.

B. The site proposed for the location of the facility is the location in Palo Alto, California, specified in the application.

C. The type of facility authorized for construction is a critical experiments facility designed primarily for testing reactor cores at near zero power levels.

D. At such time as this construction permit is converted into a license to operate the facility, such license will incorporate—as one of its conditions—a requirement that no critical experiment may be conducted in the facility until a description of the experiment and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

This permit is subject to submittal by Lockheed to the Commission (by proposed amendment of the application) of additional information required to complete its Hazards Summary Report and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the facility in accordance with the specified procedures.

Upon completion (as defined in Paragraph "A" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Lockheed pursuant to section 104c of the act, which license shall expire December 31, 1962.

Dated at Washington, D. C., this 19th day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

MEMORANDUM

PART I—LOCATION AND DESCRIPTION

The Missiles Systems Division of Lockheed Aircraft Corporation has filed an application with the Commission for a license to construct a critical assembly facility at Palo Alto, California. The site of this proposed facility is a 22 acre plot on the Stanford University industrial research property obtained on a long term lease as the location of a permanent research laboratory for Lockheed. The plot, 1,600 feet long and 570 feet wide, lies 2 miles southeast of the Stanford Campus. A series of residences are on the east side of the plot, at a distance of approximately 500–600 feet from the assembly location. In the future other residences and some industrial structures may be built somewhat closer.

This area of California is well known for its earthquake history. For this reason, the proposed structure will be built to the California Code, which requires that structures be able to withstand 0.2g lateral acceleration. Prevailing winds are in the northeast and southwest direction.

The proposed critical assembly building is to be an underground, reinforced concrete structure. It will be 150 feet from the nearest property line, 445 feet from the main research building and 40 feet from the nearest building, the nuclear physics building in which the control room for the critical facility will be located. Except for an entrance tunnel and two small service and storage rooms, the underground building consists only of the assembly room, 45- x 25- x 15-foot (17 feet underground), in which the "critical assembly machine", enclosed in a steel pressure vessel (capable of withstanding 200 psi) 7 feet in diameter and 11½ feet long, is located. All critical experiments will be performed inside this pressure vessel.

The assembly building is to be built in such way that the doors in the entrance tunnel, the penetrations for facilities, etc., will be "leak-tight", though the degree of "leak-tightness" has not been stated. The building will have its own ventilation system with filters and monitoring equipment. The ventilation system will be turned off during critical experiments.

In general plan, critical experiments will be performed by loading respective halves of the fuel material assembly within the "assembly machine", on separate supports having a 2 foot spacing between them, one of which can be moved by remote control toward the other, so that the two halves are joined into one assembly by an operator who is 40 feet away in the above-ground control room. The separated halves are hand loaded to a pre-chosen dimension, the pressure tank is closed, everybody withdraws from the assembly room which is then sealed shut, the ventilation is turned off, and, from a remote point, the two halves are brought together.

When the two halves are joined, a right circular cylinder, having a diameter of approximately 12 inches and a variable height (determined by the particular experiment) will be formed. Several series of experiments are proposed, in which enriched uranium will be used with beryllium as moderator and reflector. Interest will center largely in studies of the critical mass with varying core composition and of temperature coefficient of reactivity up to 500° C. Various types of assemblies will be investigated. In one, for example the core will be composed of fully enriched uranium metal foil interspersed between layers of beryllium metal. A layer of beryllium, 2 inches thick will surround the fuel core in both series. The beryllium reflector, in turn, will be surrounded by quadrant insulation jackets containing heating elements and cooling tubes.

In the core assemblies, safety, shim and control rods (1 each) are vertically positioned along the axis of the cylinder, in a suitably hollowed-out cylindrical channel in the fuel and moderator plates of the assembly. Each rod is composed of the same fuel plus moderator materials as comprise the core. The control-rod is about 1.75-inch diameter, 24 inches long, has a value of about 0.5 percent reactivity, is inserted into the assembly from below, and is coaxial, (inside) both the shim and the safety rod. The shim rod is 5 inches in diameter, with a 1.75-inch axial hole (to accommodate the control rod), 12 inches long, has a reactivity value of about 1 percent, and also is inserted from below; it extends only halfway through the assembly. The safety rod has dimensions and reactivity value similar to those of the shim rod, but is inserted from above into the channel jointly shared with the shim rod. Thus, upon full insertion of all 3 rods, a solid structure of fuel and moderator exists throughout the core cylinder. Complete withdrawal of all rods, leaves a 5-inch axial hole in the assembly and removes about 2½ percent reactivity. Final design will include electromagnetic releases, compressed springs or counter weight withdrawal mechanism, so that, in case of failures automatic rod withdrawal will occur.

PART II—HAZARDS ANALYSES

In conceptual plan, this proposed facility possesses several safety features which have not been customarily provided in critical facilities. The underground, sealed assembly building, and the sealed pressure tank for containing the experiments themselves, constitute distinct assets to the safety of the project, as does the fact that no persons are permitted in the assembly building during performance of critical experiments.

On the other hand, unfavorable aspects derive from certain nuclear and mechanical features of the somewhat unfamiliar material in the core. For example, neutrons in these experiments will not be fully thermalized, hence nuclear behavior will not coincide with that of more familiar thermal neutron systems. It should be noted, however, that limited experience in conducting epi-thermal experiments has indicated no undue problems from the standpoint of safety. Also, if beryllium should be inadvertently vaporized, serious poisoning hazard through ingestion could develop. Work on Be-U alloys is currently in progress and should lead to alloys less susceptible to vaporization than those now available. We believe the safety risk involved in these uncertainties is more than offset by the adequacy of containment provided for this facility.

As in other critical experimentation facilities, the inventory of fission products accumulated during normal operations will be sufficiently small that their accidental release would constitute no hazard outside the assembly building. What must be guarded against is the occurrence of a nuclear excursion which would produce and release hazardous amounts of fission products and, concomitantly, other materials having hazardous amounts of fission products and, concomitantly, other materials having hazardous properties such as, in this case, vaporized beryllium.

The mechanical hydraulic, thermal and electrical systems comprising and controlling the critical assembly machine have not been evaluated to the extent necessary to permit a confident estimate of the magnitude of credible accidents. Nor have we finally determined the nature and sequence of events in a nuclear incident, which would terminate the excursion. Hence, final appraisal of credible accidents which could occur in the facility is not made at this time.

On the other hand it can now be stated with confidence that experiments of the type proposed can be performed with safety in a facility possessing the general features of the one proposed. Hence it can be concluded that details of the facility can be designed and completed in such way that there is reasonable assurance that performance of the proposed experiments will not endanger the health and safety of the public.

Before approval is given to perform any series of experiment, the ones now visualized or others to be proposed in the future, de-

tailed attention will be given by the AEC to insure that adequate provisions are incorporated to prevent release of fission products or other harmful materials to the atmosphere. In particular, the details of the mechanism which would terminate a nuclear excursion, and the amount of energy released during the excursion must be analysed. Further, procedures will be examined to insure that possibilities of inadvertent criticality when the pressure vessel is not closed, e. g., during loading, are guarded against.

PART III—TECHNICAL QUALIFICATIONS

The proposed activities will be conducted by the Missile Systems Division of the Lockheed Aircraft Corporation. The education, training, and experience of the personnel responsible for the design and operation of the facility are considered adequate to insure safe operation.

PART IV—FINANCIAL QUALIFICATIONS

Current assets of Lockheed at December 25, 1955, were $250 million, while Current Liabilities were $165 million, equivalent to a current ratio of 1.5. Sales increased from $237 million in 1951 to $674 million in 1955. In the same period its net profit after taxes increased from $5.8 to $17.3 million. At December 25, 1955, Lockheed had $299 million in total assets of which stockholders' equity represented $98 million or 32.7 percent. Long-term debt matures well into the future and amounted to $30 million or 10 percent of total assets.

PART V—CONCLUSIONS

Based upon the above considerations, it is concluded that:

a. There is reasonable assurance that a facility of the general type proposed can be constructed and operated at the proposed site without undue risk to the health and safety of the public.

b. The applicant is technically and financially qualified to engage in the proposed activities.

Dated at Washington, D. C., this 19th day of February 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57-1435; Filed, Feb. 25, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9111]

F. S. WOODFORD ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 19, 1957.

Take notice that F. S. Woodford, et al. (Applicant), with principal place of business at Harrisville, West Virginia, on July 6, 1955, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission to abandon the sale in interstate commerce to Hope Natural Gas Company of natural gas for resale, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant seeks permission and approval of the Commission to abandon the sale to Hope of natural gas produced from acreage located in Grant District, Ritchie County, West Virginia.

In the application it is represented that pursuant to the terms of its sales contract with Hope, Applicant is to deliver natural gas for the life of the well and for so long as gas is produced therefrom in paying quantities. It is further represented that the volume of gas available for delivery has declined to the point where it is no longer feasible to continue production from the well, and that applicant and Hope entered into a Cancellation Agreement dated June 3, 1955, providing for the termination of the service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1423; Filed, Feb. 25, 1957; 8:45 a. m.]

[Docket No. G-11465]

HUMPHREYS COUNTY UTILITY DISTRICT

NOTICE OF APPLICATION

FEBRUARY 19, 1957.

Take notice that The Humphreys County Utility District, a municipal corporation organized under the laws of Tennessee and located at Waverly, Tennessee, filed on November 13, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application as supplemented on January 14, 1957, for an order directing Tennessee Gas Transmission Company (Tennessee Gas) to establish physical connection of its transportation facilities with the facilities of applicant's proposed natural gas system, and to sell natural gas to applicant for distribution and resale to the public in the area of Humphreys County, Tennessee, all as more fully described in the application on file with the Commission and open to public inspection. Applicant's service area includes the towns of McEwen, Waverly, New Johnsonville, Tennessee City, and rural areas adjacent to its system.

Applicant proposes to construct and operate facilities consisting of a four-inch line extending from Tennessee Gas' transmission pipeline at a point south of Dickson, Tennessee near its crossing of State Highway No. 48 thence northwest along county roads to U. S. Highway No. 70; thence west along said Highway No. 70 to McEwen and Waverly. From Waverly a two-inch line will follow the said highway to New Johnsonville. At the corporate limits of the municipalities to be served, regulating stations will be built and within the service areas will be laid distribution lines to supply present and future potential customers. Customers adjacent to the larger lines will be served directly from transmission facilities.

The estimated total cost of the project is $736,900, which will be financed by Applicant through the sale of revenue bonds. The estimated annual and peak day gas requirements in Mcf for the first 3 years of operations are as follows:

Year	Annual	Peak day
1	94,767	1,211
2	117,076	1,515
3	131,214	1,715

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 8, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1424; Filed, Feb. 25, 1957; 8:45 a. m.]

[Docket Nos. G-9509, G-9592]

FOREST OIL CORP.

NOTICE CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING AND FIXING DATE OF HEARING

FEBRUARY 19, 1957.

By order issued October 19, 1955, in Docket No. G-9509, and by order issued November 2, 1955, in Docket No. G-9592, the Commission suspended and deferred the use of certain increased rates for sales of natural gas by Forest Oil Corporation to United Fuel Gas Company, pending a hearing upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates.

It is appropriate and in the public interest that the proceedings in Docket Nos. G-9509 and G-9592 be consolidated for purposes of hearing.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 14, 15 and 16, and the Commission's rules of practice and procedure, a hearing will be held commencing on March 25, 1957, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1430; Filed, Feb. 25, 1957; 8:47 a. m.]

[Docket No. G-9553 etc.]

H. L. HUNT

NOTICE CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING AND FIXING DATE OF HEARING

FEBRUARY 19, 1957.

In the matters of H. L. Hunt; Docket No. G-9553, Docket No. G-11038, Docket No. G-11069.

By order issued September 30, 1955, in Docket No. G-9553, and by orders issued August 13, 1956, in Docket Nos. G-11038 and G-11069, the Commission suspended and deferred the use of certain increased rates for sales of natural gas by H. L. Hunt to Texas Eastern Transmission Corporation, pending a hearing upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates.

It is appropriate and in the public interest that the proceedings in Docket Nos. G-9553, G-11038, and G-11069 be consolidated for purposes of hearing.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 14, 15 and 16, and the Commission's rules of practice and procedure, a hearing will be held commencing on March 25, 1957, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1431; Filed, Feb. 25, 1957; 8:47 a. m.]

[Docket No. G-9557 etc.]

SUN OIL CO.

NOTICE CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING AND FIXING DATE OF HEARING

FEBRUARY 19, 1957.

In the matters of Sun Oil Company; Docket Nos. G-9557, G-9647, G-11287, G-11288, G-11354 and G-11513.

By order issued October 28, 1955, in Docket No. G-9557, by order issued November 15, 1955, in Docket No. G-9647, by orders issued October 26, 1956, in Docket Nos. G-11287 and G-11288, by order issued October 31, 1956, in Docket No. G-11354, and by order issued November 23, 1956, in Docket No. G-11513, the Commission suspended and deferred the use of certain increased rates for sales of natural gas by Sun Oil Company to United Fuel Gas Company, Texas Eastern Transmission Company, Texas Gas Pipe Line Corporation and Standard Oil Company of Texas, pending a hearing upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates.

It is appropriate and in the public interest that the proceedings in Docket Nos. G-9557, G-9647, G-11287, G-11288, G-11354, and G-11513 be consolidated for purposes of hearing.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 5, 14, 15 and 16, and the Commission's rules of practice and procedure, a hearing will be held commencing on March 25, 1957, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1432; Filed, Feb. 25, 1957; 8:48 a. m.]

[Docket No. G-3501]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 19, 1957.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation with its principal place of business in Bartlesville, Oklahoma, filed on September 27, 1954, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue the sale of natural gas in interstate commerce from the production of its Plymouth Lease in the West Nueces Bay Field, Nueces County, Texas, to United Gas Pipe Line Company for resale, all as more fully represented in the application which is on file with the Commission and open to public inspection.

By an amendment filed on August 29, 1955, to the aforesaid application, Applicant seeks authorization, pursuant to section 7 (b) of the act, to abandon the aforesaid service. The request for such authorization is contained in a letter from Applicant dated August 26, 1955 which was filed on August 29, 1955, as indicated. A certificate of public convenience and necessity has not been issued to date authorizing the aforesaid sale.

In support thereof, Applicant states that its FPC Gas Rate Schedule No. 169 provides in part that all the gas shall be delivered thereunder at a pressure sufficient to enter United's gathering line against the varying working pressures maintained therein and that the well-head pressure of the Plymouth No. 1 well declined continuously until the point was reached that such well was no longer able to produce into United's system and therefore the well was plugged and abandoned on May 5, 1955.

This matter is one that should be disposed of promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1438; Filed, Feb. 25, 1957; 8:48 a. m.]

[Docket No. G-9525]

DAVIS-KELLY OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 19, 1957.

Take notice that Davis-Kelly Oil Company (Applicant), a partnership with its principal place of business in Morgantown, West Virginia, filed on October 21, 1955, an application for permission to abondon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant seeks to abandon the sale of natural gas in interstate commerce to

Hope Natural Gas Company for resale. Such sale was authorized, from production by Applicant on certain acreage located in the Grant District, Ritchie County, West Virginia, by the Commission's order issued July 13, 1955, in Docket No. G–5569.

Applicant states that the sale was for the life of the well or as long as gas was produced in paying or marketable quantities; that the volume of gas available for delivery has declined to the point where it is no longer economically feasible to continue the operation; that the volume of gas delivered during the last month of operation was 5 Mcf; that Hope is willing to terminate this sale; and that Applicant and Hope have entered into a Cancellation Agreement dated September 26, 1955, providing for the termination of this sale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure here provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1439; Filed, Feb. 25, 1957; 8:49 a. m.]

[Docket No. G–10015]

F. KIRK JOHNSON

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 19, 1957.

Take notice that F. Kirk Johnson (Applicant), an individual with his principal place of business in Fort Worth, Texas, filed on February 28, 1956, an application for permission to abandon service pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant seeks to abandon the sale of natural gas in interstate commerce to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) for resale. Such sale of natural gas was authorized pursuant to section 7 (c) of the Natural Gas Act from production from a State Lease located in Frenchman's Creek Field, Logan County, Colorado, by order of the Commission issued March 14, 1955, in Docket No. G–4123.

Applicant states that the only producing well on the aforesaid lease is unable to deliver natural gas against the pressure of Kansas-Nebraska's pipeline system; that this well was making in excess of 5,000 gallons of water and only 50 Mcf of gas per day on its last test; and that the revenues from the sale of such gas is less than the operating expenses incurred in the production thereof.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1440; Filed, Feb. 25, 1957; 8:49 a. m.]

VETERANS ADMINISTRATION

DELEGATION OF AUTHORITY TO AUTHORIZE ALLOWANCES FOR EMPLOYEES WHO ARE NOTARIES PUBLIC

In the Delegations of Authority, a new section 8 is added as follows:

SEC. 8. *Delegation of authority to authorize allowances for Veterans Administration employees who are notaries public.* (a) Employees occupying or acting in the positions designated in paragraph (b) of this section are authorized to designate those employees who are required to serve as notaries public in connection with the performance of official business and to pay an allowance for the costs therefor not to exceed the expense required to be incurred by them in order to obtain their commission from and after January 1, 1955, pursuant to the Notaries Public Expense Act of 1955 (Pub. Law 681, 84th Cong., approved July 11, 1956; 70 Stat. 519).

(b) Designated positions:

Deputy Administrator;
Chief Benefits Director;
Chief Insurance Director;
Chief Medical Director;
General Counsel;
Managers of district offices, regional offices, hospitals, domiciliaries, and centers.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57–1427; Filed, Feb. 25, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–3842].

HAPPY DOLLAR CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

FEBRUARY 19, 1957.

I. Richard Culver Ott as "The Happy Dollar Company", a proposed limited partnership to be formed in the State of New York, having filed with the Commission on November 8, 1954, a Notification on Form 1–A which was thereafter amended, relating to a proposed offering of pre-formation limited partnership interests in an amount not to exceed $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission having been advised that the terms and conditions of said Regulation A have not been complied with in that the issuer has failed to file Form 2–A reports of sales, as required by Rule 224 of Regulation A;

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–1426; Filed, Feb. 25, 1957; 8:46 a. m.]

[File No. 70–3559]

INDIANA & MICHIGAN ELECTRIC CO.

NOTICE OF FILING REGARDING THE ISSUANCE OF SHORT TERM NOTES TO BANKS

FEBRUARY 19, 1957.

Notice is hereby given that Indiana & Michigan Electric Company ("Indiana"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) of the act and Rule U-50 (a) (2) promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed which are summarized as follows:

Indiana has established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time prior to December 31, 1957 not in excess of $16,500,000:

Irving Trust Company, New York, N. Y.	$3,250,000
Mellon National Bank & Trust Co., Pittsburgh, Pa.	3,250,000
Guaranty Trust Co. of New York, New York, N. Y.	3,250,000
First National City Bank of New York, New York, N. Y.	$2,000,000
Manufacturers Trust Co., New York, N. Y.	2,000,000
Continental Illinois National Bank & Trust Co. of Chicago, Chicago, Ill.	1,000,000
Bankers Trust Co., New York, N. Y.	875,000
The Hanover Bank, New York, N. Y.	875,000
	16,500,000

Of the $16,500,000 proposed to be borrowed, Indiana has, as of December 31, 1956, borrowed $5,000,000 and has issued its notes in evidence thereof. This amount and additional borrowings of $5,700,000 will be exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

Indiana now requests approval for additional borrowings under the above line of credit in an amount not to exceed $5,800,000, such borrowings to be evidenced by notes to be dated as of the date of such borrowings and to mature not more than 270 days after the date of issuance. The notes are to bear interest at the then current prime rate, which is presently 4 percent per annum, and may be prepaid from time to time, in whole or in part, without premium.

The proceeds from the issuance of the notes will be used by Indiana to pay part of the costs of its construction program which, it is presently estimated will amount to $35,000,000 in 1957. All of Indiana's notes payable to banks outstanding at the time of its next permanent financing will be paid off from the proceeds of such financing which is presently expected to be effected prior to December 31, 1957.

It is estimated that the expenses to be incurred by Indiana will not exceed $1,000, exclusive of the issuance taxes which may be paid to the State of Indiana. No fees, commissions or other expenses are to be paid except that routine services incident to the proposed transactions will be performed by the service company of the American system.

The application states that the proposed transaction will be expressly authorized by the Public Service Commission of Indiana in which State Indiana is organized and doing business. No other State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any person may, not later than March 6, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as it may hereinafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57–1425; Filed, Feb. 25, 1957; 8:46 a. m.]

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MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3170

PAN AMERICAN DAY AND PAN AMERICAN WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on April 14, 1890, the American Republics founded a bureau for inter-American cooperation which now, as the Pan American Union, is an organ and the general secretariat of the Organization of American States; and

WHEREAS the twenty-one Republics of the Western Hemisphere will celebrate April 14, 1957, the sixty-seventh anniversary of that historic action, as Pan American Day, at the end of a week of commemorative ceremonies; and

WHEREAS the American Republics continue to work together harmoniously in furtherance of their mutual objective of making the Organization of American States an increasingly effective instrument of Hemispheric solidarity; and

WHEREAS they also continue steadfast in their common determination to maintain their freedom and safeguard their peace through active participation in this Organization, which embodies our inter-American system of cooperation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim Sunday, April 14, 1957, as Pan American Day, and the period from April 8 to April 14, 1957, as Pan American Week; and I invite the Governors of the States, Territories, and possessions of the United States of America and the Governor of the Commonwealth of Puerto Rico to issue similar proclamations.

I also urge all our citizens and all interested organizations to join in appropriate observance of Pan American Day and Pan American Week, in testimony of the steadfast friendship which unites the people of the United States with the people of the other American Republics.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twenty-first day of February in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-1525; Filed, Feb. 25, 1957; 4:41 p. m.]

EXECUTIVE ORDER 10700

FURTHER PROVIDING FOR THE OPERATIONS COORDINATING BOARD

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) In order to assist in the effective coordination among certain agencies of certain functions relating to the national security and to provide for the integrated implementation of national security policies by the said agencies, there is hereby established within the structure of the National Security Council the Operations Coordinating Board, hereinafter referred to as the Board, which shall report to the National Security Council.

(b) The Board shall have as members the following: (1) the Under Secretary of State, who shall represent the Secretary of State, (2) the Deputy Secretary of Defense, who shall represent the Secretary of Defense, (3) the Director of Central Intelligence, (4) the Director of the United States Information Agency, (5) the Director of the International Cooperation Administration, and (6) one or more representatives of the President to be designated by the President. The Board shall have a chairman and a vice chairman, each of whom shall be designated by the President from among its members. Each head of agency referred to in items 1 to 5, inclusive, in this subsection may provide for an alternate

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 17 ($0.60)

Title 26, Parts 170–182 ($0.35)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 183–299 ($0.30).

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member who shall serve as a member of the Board in lieu of the regular member representing the agency concerned whenever such regular member is, for reasons beyond his control, unable to attend any meeting of the Board.

(c) The head of any agency (other than any agency represented under section 1 (b) hereof) to which the President from time to time assigns responsibilities for the implementation of national security policies shall assign a representative to serve on the Board when the Board is dealing with subjects bearing directly upon the responsibilities of such head. Each such representative shall be an Under Secretary or corresponding official. Each such head may provide for an alternate representative of his agency who shall attend any meeting of the Board, requiring representation of such agency, in lieu of the representative when the latter is, for reasons beyond his control, unable to attend.

(d) Any alternate member of the Board serving under section 1 (b) of this order, and any representative or alternate representative serving under section 1 (c) of this order, shall, while so serving, have in all respects the same status on the Board as the members of the Board provided for in section 1 (b) hereof.

SEC. 2. The President having approved any national security policy after receiving the advice of the National Security Council thereon, the Board shall (1) whenever the President shall hereafter so direct, advise with the agencies concerned as to (a) their detailed operational planning responsibilities respecting such policy, (b) the coordination of the interdepartmental aspects of the detailed operational plans developed by the agencies to carry out such policy, (c) the timely and coordinated execution of such policy and plans, and (d) the execution of each security action or project so that it shall make its full contribution to the attainment of national security objectives and to the particular climate of opinion the United States is seeking to achieve in the world, and (2) initiate new proposals for action within the framework of national security policies in response to opportunity and changes in the situation. The Board shall perform such other advisory functions as the President may assign to it and shall from time to time make reports to the National Security Council with respect to the carrying out of this order.

SEC. 3. Subject to the provisions of section 101 (c) of the National Security Act of 1947, as amended (50 U. S. C. 402 (c)):

(a) (1) The Board shall have, within the staff of the National Security Council, such staff as may be necessary to assist the Board in the performance of its functions, (2) the said staff of the Board shall be headed by an Executive Officer of the Board, and (3) employees of agencies may, consonant with law, be detailed to the aforesaid staff of the Board.

(b) Members of the staff of the Operations Coordinating Board provided for in Executive Order No. 10483, as amended, who are immediately prior to the taking effect of this order receiving compensation directly out of funds available to the said Board shall be transferred to the staff of the Board referred to in paragraph (a) of this section as of the effective date of this order. The said transfers shall be accomplished in consonance with applicable law, including the last proviso of section 12 of the Veterans Preference Act of 1944, as amended (5 U. S. C. 861).

(c) Appropriate arrangements may be made for the detail to the staff of the Board referred to in paragraph (a) of this section of employees of agencies who are immediately prior to the taking effect of the provisions of this order detailed to the staff of the Operations Coordinating Board provided for in Executive Order No. 10483, as amended.

SEC. 4. As used herein, the word "agency" may be construed to mean any instrumentality of the executive branch of the Government, including any executive department.

SEC. 5. Nothing in this order shall be construed either to confer upon the Board any function with respect to internal security or to abrogate or restrict in any manner any function vested by law in, or assigned pursuant to law to, any agency or head of agency (including the Office of Defense Mobilization and the Director of the Office of Defense Mobilization).

SEC. 6. This order supersedes Executive Order No. 10483 of September 2, 1953, and provisions amendatory thereof contained in other Executive orders (including, to the extent that it relates to the Operations Coordinating Board provided for in Executive Order No. 10483, the proviso of section 303 (b) of Executive Order No. 10610 of May 9, 1955). Subject to the provisions of this order (including the limitations imposed by section 3 hereof), the Board may be deemed to be a continuation of the Operations Coordinating Board provided for in Executive Order No. 10483, as amended.

SEC. 7. The foregoing provisions of this order shall become effective on July 1, 1957, except that if funds appropriated for the National Security Council shall not have become available on that date for the support of the Board in consonance with this order, the said provisions shall become effective on such later date as funds so appropriated become so available.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
February 25, 1957.

[F. R. Doc. 57-1526; Filed, Feb. 25, 1957; 4:41 p. m.]

RULES AND REGULATIONS

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

CLASSIFICATION OF RESERVE CITIES

1. Effective March 1, 1957, § 204.52 is amended to read as follows:

§ 204.52 *Classification of reserve cities.* Acting in accordance with § 204.51, and pursuant to authority conferred upon it by section 11 (e) of the Federal Reserve Act and other provisions of that act, the Board of Governors has taken the following actions to become effective March 1, 1957:

(a) The City of Washington, D. C., and every city except New York and Chicago in which there is situated a Federal Reserve Bank or a branch of a Federal Reserve Bank are hereby continued as reserve cities.

(b) The following cities fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending on June 30, 1956, and, therefore, such cities, in addition to the reserve cities classified as such under paragraph (a) of this section, are hereby continued as reserve cities:

Milwaukee, Wisconsin; Fort Worth, Texas; Indianapolis, Indiana; St. Paul, Minnesota; National City (National Stock Yards), Illinois; Tulsa, Oklahoma; Des Moines, Iowa; and Columbus, Ohio.

(c) The following cities do not fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending June 30, 1956, but a written request for the continuance of each such city as a reserve city was received by the Federal Reserve Bank of the district in which the city is located on or before February 15, 1957, from every member bank having its head office or a branch in such city (exclusive of any member bank in an outlying district in such city permitted by the Board to maintain reduced reserves), together with a certified copy of a resolution of the board of directors of such member bank duly authorizing such request; and, accordingly, in accordance with paragraph (b) (3) of § 204.51, the following cities, in addition to the reserve cities classified as such under paragraphs (a) and (b) of this section, are hereby continued as reserve cities:

Wichita, Kansas; Kansas City, Kansas; Toledo, Ohio; Topeka, Kansas; and Pueblo, Colorado.

(d) The following cities do not fall within the scope of paragraph (b) (2) of § 204.51 based upon official call reports of condition in the two-year period ending June 30, 1956, and written requests for their continuance as reserve cities were not received from all member banks in such cities; and, accordingly, the designation of such cities as reserve cities is hereby terminated:

Cedar Rapids, Iowa, and Sioux City, Iowa.

(e) The Board has deferred, pending further consideration and for a period not exceeding three months from March 1, 1957, the question whether the city of Miami, Florida, will be designated as a reserve city in accordance with § 204.51.

2. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act and the prior publication described in section 4 (c) of such act are impracticable, unnecessary and contrary to the public interest in connection with this action for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262), and especially because such notice, procedure and prior publication would serve no useful purpose.

(Sec. 11 (1), 38 Stat. 262; 12 U. S. C. 248 (1). Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended; 12 U. S. C. 248 (c), (e), 461, 462, 462a–1, 462b, 464, 465)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57–1479; Filed, Feb. 26, 1957; 8:57 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 20–2]

PART 20—PILOT AND INSTRUCTOR CERTIFICATES

EXTENSION OF MANDATORY COMPLIANCE DATE

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 19th day of February 1957.

On August 23, 1956, the Civil Aeronautics Board adopted a revision of Part 20 of the Civil Air Regulations which contains major changes in the requirements for the issuance of student, private, and commercial pilot certificates, and for aircraft, instrument, and instructor ratings. Section 20.2 provides for optional compliance with revised Part 20 until March 1, 1957. At the time of the adoption of the revised part, it was considered that the March 1, 1957, mandatory compliance date would provide sufficient time to enable implementation. However, it has become apparent that unforeseen difficulties in preparing the necessary implementing procedures and instructions make it extremely doubtful that such materials will be available in time for publication in the FEDERAL REGISTER to become effective by March 1, 1957.

In view of the foregoing, the Board is postponing the mandatory compliance date of revised Part 20 to September 1, 1957.

Since this amendment extends the date for compliance and imposes no additional burden on any person, notice and public procedure hereon are unnecessary, and the amendment may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 20 of the Civil Air Regulations (14 CFR Part 20, as amended) effective February 19, 1957.

By amending § 20.2 by deleting the words "March 1, 1957" and inserting in lieu thereof the words "September 1, 1957."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008; 49 U. S. C. 551, 552)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1474; Filed, Feb. 26, 1957; 8:56 a. m.]

[Civil Air Regs., Amdt. 60–3]

PART 60—AIR TRAFFIC RULES

COMMUNICATION RULES IN HIGH DENSITY AIR TRAFFIC ZONES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of February 1957.

On February 6, 1957, the Civil Aeronautics Board adopted Amendment 60–2 which amended § 60.18 of Part 60 of the Civil Air Regulations so as to delegate to the Administrator authority to permit him to designate "high density air traffic zones" within which speed limit and communication rules would become applicable.

With respect to the two-way radio communication requirement, the Board found it advisable to require communication from aircraft engaged in VFR flight only when the pilot intended to take off or land at or fly within the traffic pattern of a designated airport within the high density zone. This intent is clearly outlined in the preamble of Amendment 60–2.

It was also the Board's intent to provide an exception to this rule for aircraft not equipped with two-way radio so that they could operate to and from such a designated high density airport if prior authorization from the airport traffic control tower had been obtained. It appears, however, that the language of the provision in § 60.18 (f) (2) may be construed to require communication from aircraft operating at airports within the zone other than those designated as high density airports.

In order to eliminate ambiguity and make the proviso consistent with the communication rule and the Board's intent, it is considered appropriate to substitute language which clearly relates the proviso to a designated high density airport within the zone.

Since this amendment is of a clarifying nature and does not impose any additional burden on any person, the Board finds that notice and public procedure hereon are unnecessary, and the amendment may be made effective with less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective March 15, 1957.

By amending § 60.18 (f) (2) to read as follows:

§ 60.18. *Operation on and in the vicinity of an airport.* • • •

(f) *High density air traffic zone.* • • •

(2) *Communication requirements.* No person shall take off or land an aircraft at or enter the traffic pattern of a designated high density airport unless radio communication with the appropriate air traffic control facility has been established: *Provided,* That an aircraft not equipped with functioning two-way radio may take off or land at or enter the traffic pattern of such designated airport if prior authorization from the appropriate airport traffic control tower has been given.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

Effective: March 15, 1957.

Adopted: February 20, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1475; Filed, Feb. 26, 1957; 8:56 a. m.]

[Civil Air Regs., Amdt. 60–4]

PART 60—AIR TRAFFIC RULES

PILOT VIGILANCE AND RESTRICTIONS ON FLIGHT TESTING

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 20th day of February 1957.

Part 60 of the Civil Air Regulations sets forth the air traffic rules which are applicable to all aircraft. These rules contain provisions prohibiting both civil and military aircraft from being flown in any unusual maneuvers over congested areas or on civil airways and prescribe certain minimum altitudes for the protection of persons or property on the ground. On February 5, 1957, the Board adopted Civil Air Regulations Amendment 60–1 which added specific provisions dealing with flight testing of aircraft. Section 60.24 of this amendment prohibited the flight testing of aircraft unless such flight test is conducted (1) over open water or sparsely populated areas having light air traffic and approved by the Administrator, or (2) within a flight test area designated by the Administrator. This section also provided that all flight tests are to be conducted in accordance with traffic rules which the Administrator may from time to time prescribe. Amendment 60–1 was to become effective February 20, 1957.

Within the past few days the Board has received complaints from representatives of aircraft manufacturers concerning certain provisions contained in Amendment 60–1. In particular, certain manufacturers have complained that no flight test areas within which flight tests may be conducted in accordance with the provision of § 60.24 have been approved or designated by the Administrator in the Los Angeles area and, accordingly, all flight test activity would be halted in this area on the effective date of this rule. Accordingly, the manufacturers recommend the amendment of Part 60 to eliminate the requirement that flight test areas be approved by the Administrator. Other recommendations have also been made to clarify the provisions of Amendment 60–1. In view of the fact that the largest and most active aircraft manufacturing establishments are located in the Los Angeles area, the absence of approved or designated flight test areas assumes a significance of tremendous proportions. No useful purpose would be served by delineating herein all of the arguments which have been presented to the Board concerning the difficulties experienced in the establishment of flight test areas. It suffices to state that coordination between users of the airspace involved in the Los Angeles area has proved to be especially difficult.

Although the Board, at the time it adopted Amendment 60–1, was concerned with the burden which would fall upon the Administrator in requiring flight test areas to be approved or designated by him, the Administrator assured the Board that the implementation of the program envisioned in this amendment was within the capabilities of the Civil Aeronautics Administration. He continues to hold this view.

The need for complete coordination in the interest of safety of the many conflicting requirements for the use of airspace is apparent. In view of the Administrator's responsibilities with respect to the designation of airspace for special purposes, and in view of the Administrator's assurances with respect to the capabilities of the Civil Aeronautics Administration to effect such coordination, the Board determined that a requirement for approval or designation of test areas was justified. Information received to date indicates that the exercise of this authority by the Administrator in an area such as Los Angeles is fraught with complexity and controversy of a magnitude which might not have been fully appreciated. Clearly, so far as the Los Angeles area is concerned, additional time is required to resolve conflicts in airspace requirements of the many users of airspace in their several high priority operations. The information available to the Board at this time, however, is not sufficient to permit us to conclude that the supervisory role of the Administrator in this matter should not be continued. The Board is advised, for instance, that approval or designation of flight test areas has been carried out effectively in all other areas of the country.

In view of the foregoing, it appears necessary to amend Part 60 further to provide that approval by the Administrator of flight test areas shall not be required before April 15, 1957. However, the prohibition against the conduct of flight tests except over open water or sparsely populated areas having light air traffic shall continue in effect after February 20, 1957. This amendment will provide the Administrator additional time to effect the necessary coordination with aircraft operators and other governmental agencies. In this connection, it is emphasized that this regulation requires the Administrator to approve areas for both civil and military test flights. Because of the complexity and the importance of this problem, the sincere and effective collaboration on the part of all interests, civil and military, is urgently required.

The Board has requested the comment of interested persons with respect to the substance of Amendment 60–1 on or before March 22, 1957. At that time the Board will consider all suggestions which have been received for the modification of the flight test rules of Part 60. With the exception of the requirement for the approval or designation of flight test areas, it does not appear that matters of clarification which have been brought to our attention are so urgent as to require disposition at this time.

For the reasons stated above, the Board finds that notice and public procedure hereon are impracticable and contrary to the public interest, and that good cause exists for making this amendment effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective February 20, 1957, as follows:

Section 60.24 shall be effective on and after February 20, 1957, except that portion of this section which reads "and approved by the Administrator" shall be effective on April 15, 1957.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended, sec. 4, 60 Stat. 238; 49 U. S. C. 551, 5 U. S. C. 1003)

Effective: February 20, 1957.

Adopted: February 20, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1476; Filed, Feb. 26, 1957; 8:56 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 186]

PART 608—RESTRICTED AREAS

PINECASTLE, FLORIDA, AREA; ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.18, the Pinecastle, Florida, area (R–165 and R–340 formerly D–165 and D–340, respectively), published on November 6, 1954 in 19 F. R. 7225 is amended by changing the "Controlling Agency" column to read: "Commander, Fleet Air, Jacksonville, Florida".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 14, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–1443; Filed, Feb. 26, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

REQUIRED SUPERVISION OF PRIVATE MORTGAGORS

In § 232.19, paragraph (g) is amended to read as follows:

§ 232.19 *Required supervision of private mortgagors.* • • •

(g) *Mortgagor's equity investment.* Unless it can be established to the satisfaction of the Commissioner, prior to the final endorsement of the mortgage for insurance, that the mortgagor has an investment in the project, represented by cash expenditures, in an amount equal to 3 percent of the total cost of the project as certified by the mortgagor and approved by the Commissioner, there shall be deposited in a special fund an amount equal to the difference between such 3 percent and the amount of any such investment for necessary expenses incident to the completion of the project. Disbursements from any such fund, prior to three years from the date of the final or initial-final endorsement of the mortgage for insurance, may be made only with the prior written approval of the Commissioner.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interprets or applies sec. 207, 52 Stat. 16, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., February 18, 1957.

NORMAN P. MASON,
Federal Housing Commissioner.

[F. R. Doc. 57–1453; Filed, Feb. 26, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter II—Alaska Game Commission

PART 161—GUIDES

REVOCATION OF PART

Basis and purpose. It having been determined by the Alaska Game Commission that the provisions of Part 161, Title 50, Code of Federal Regulations, governing the employment of hunting guides by nonresidents and aliens and prescribing qualifications for guide licenses, no longer effectually serve the purposes for which they were adopted, and cannot be made fully effective within the limitations of applicable law, the said Part 161 is revoked, effective immediately upon publication of this document in the FEDERAL REGISTER.

(Sec. 10, 43 Stat. 744, as amended; 48 U. S. C. 199)

Issued at Juneau, Alaska, and dated February 19, 1957.

THE ALASKA GAME COMMISSION,
[SEAL] FORBES L. BAKER, *Chairman.*
CLARENCE J. RHODES, *Executive Officer.*
HARRY O. BROWN, *Member.*
ANDREW A. SIMONS, *Member.*
RALPH HALL, *Member.*

[F. R. Doc. 57-1470; Filed, Feb. 26, 1957; 8:55 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293]

HANDLING OF MILK IN WASHINGTON, D. C., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of public hearing to be held in the Cameo Room, second floor of Presidential Arms, 1320 G Street, NW., Washington, D. C., beginning at 10:00 a. m., e. s. t., on April 8, 1957. The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Washington, D. C., marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in such marketing area.

The hearing on the proposed marketing agreement and proposed order is to determine whether, (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce, (2) the issuance of a marketing agreement or order regulating the handling of milk in the area is justified, and (3) the provisions specified in the proposals or some other provisions, appropriate to the terms of the Agricultural Marketing Agreement Act, will best tend to effecuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended. The proposals set forth below have not received the approval of the Secretary of Agriculture and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals and any modifications thereof.

Proposal No. 1: The following marketing agreement and order has been proposed by Maryland and Virginia Milk Producers Association, Inc.:

DEFINITIONS

SECTION 1. *General.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

(b) "Metropolitan Washington Marketing Area" also referred to as the "marketing area," means the territory of the District of Columbia and the counties of Maryland south of a line beginning at the point of entry of the Monocacy River into the Potomac River and the Montgomery County line follow the Montgomery County line northeastward and thence southeastward along the Patuxent River to the northwestern limits of the town of Laurel, follow the western and southern limits of the town of Laurel again to the Patuxent River, follow the Patuxent River southward to Route 214; from this point follow Route 214 to Davidsonville; turn right at Davidsonville on Route 424 and follow to Route 2; from this point follow a line directly eastward to the Chsapeake Bay. The counties in whole or in part south of this line are Montgomery, Prince Georges, Anne Arundel, Charles, Calvert and St. Marys in Maryland. In addition to these counties the following area in Virginia shall constitute a part of the area: Beginning at the junction of the westerly boundary of the Fairfax County Line and the Potomac River; thence southwesterly along the said county line to its junction with Route 50; thence southeasterly on Route 50 to its junction with Road 656; thence southerly on Road 656 to its junction with Route 29; thence from this point in a straight line southeasterly to the junction of Roads 655 and 620; thence easterly on Road 620 to its junction with Route 123; thence southerly on Route 123 to Road 636; thence from this point in a straight line southwesterly from the junction of Road 636 and Route 123 to the junction of Roads 641 and 642 in Prince William County; thence southeasterly along Road 642 to Road 640; thence northeasterly along Road 640 to Road 639; thence easterly along Road 639 to Route 123; thence southeasterly along Route 123 to Route 1; thence cross Route 1 and continue southeasterly along Road 637 to Dawson Beach; thence in a straight line due east to the Potomac River; thence up said river to its junction with the western boundary of the Fairfax County line, the point of beginning.

(c) "Month" means a calendar month.

(d) "Delivery period" means the current marketing period from the first to the last day of each month, both inclusive.

(e) "Producer plant test" means the weighted average butterfat test of all producer milk, received at a pool milk plant during a delivery period, as determined by the market administrator.

(f) "Health Department permit" means a permit issued by the applicable health department for the farm milk production or plant disposition of milk or fluid consumption within the marketing area.

(g) "Weighted average premium" means the result obtained by dividing the total pounds of producer milk delivered at a handler's plant into the total money for premiums which has been arrived at by multiplying each individual producer's total deliveries by the applicable premium rate pursuant to section 55.

(h) "Finished product test" means the average of not less than sixteen separate butterfat tests taken by the market administrator of each milk product processed and/or handled by a handler and any such additional tests as may be acceptable to the market administrator or his designated agent in each delivery period.

SEC. 2. *Persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Market Administrator" means the agency which is described in section 10.

(d) "Dairy farmer" means any person who delivers milk of his own production to a plant.

(e) "Producer" means any dairy farmer, irrespective of whether such dairy farmer is also a handler, who produces milk under an individual health department permit issued by the applicable health department in the area as a result of a farm inspection, whose milk is moved directly from his farm to a pool plant either in individual cans, or by "bulk tank" pick-up provided each such "pick-up" can be individually identified. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant for the account of a handler.

(f) "Handler" means any person who, in a given month, operates a pool plant, or engages in the handling of milk or other fluid milk products which are received at any plants from which fluid milk products are disposed of directly or indirectly in the marketing area.

(g) "Pool-handler" means any handler who receives milk from producers, including his own production, at a pool plant; except as provided in paragraph (i) of this section.

(h) "Buyer-handler" means any handler who operates a bottling or processing plant from which Class I or Class II milk is disposed of in the marketing area or who distributes Class I or Class II milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, who receives no milk from other dairy farmers, and distributes not more than 3,000 gallons as Class I or Class II milk within the marketing area in any calendar month.

(j) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

SEC. 3. *Plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within five miles of the marketing area.

(c) "Country plant" mean any plant which is located beyond five miles of the marketing area.

(d) "Pool plant" means any plant which in a given month meets the requirements set forth in Section 30 for being considered a pool plant.

(e) "Regulated plant" means any pool plant, or any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

(f) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly in cans from dairy farmers, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

SEC. 4. *Milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least 1 percent but less than 18 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight of "half and half."

(b) "Cream" means that portion of milk, containing not less than 18 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 18 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 18 percent.

(d) "Skim milk" means that fluid milk product of milk which remains after the removal of cream, and which contains less than 1 percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers who are not producers;

(2) All fluid milk products, received at a regulated plant from an unregulated plant, up to the total quantity of non-pool milk received at an unregulated plant;

(3) All fluid milk products, after subtracting receipts of the same form of fluid milk products from regulated plants, which are disposed of to consumers in the marketing area from an unregulated plant, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

MARKET ADMINISTRATOR

SEC. 10. *Designation of Market Administrator.* The agency for the administration of this part shall be a market administrator who shall be a person selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

SEC. 11. *Powers of Market Administrator.* The Market Administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate; and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

SEC. 12. *Duties of Market Administrator.* The Market Administrator, in addition to the duties described in other sections of this part, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by section 60, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within fifteen days after the date upon which he is required to perform such acts, has not made reports pursuant to section 35 or made payments pursuant to section 55;

(g) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this part;

(h) On or before the 12th day after each delivery period, report to each cooperative association, which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler.

(i) Check the weight and butterfat test of milk received from producers by each handler each month and report the results to producers or to their cooperative association which makes payment for milk direct to its members. The market administrator may designate an independent agency to check the weight and butterfat test of such receipts by handlers.

CLASSIFICATION

SEC. 15. *Milk to be classified.* All milk and milk products received by each handler shall be classified as Class I milk, Class II milk, or Class III milk. Subject to sections 16 and 17, the classes of utilization shall be as follows:

(a) *Class I milk.* All fluid milk products which are disposed of for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, all milk used to produce concentrated milk and all milk not accounted for in Class II and Class III; and any plant loss pursuant to section 25; and plus or minus any inventory change as the case may be.

(b) *Class II milk.* All fluid milk products which are used in the manufacture of, or disposed of in, bread or bakery products at a bona fide bakery plant,

cottage cheese, pot or baker's cheese, eggnog, cream for fluid consumption and aerated whips; and any plant loss pursuant to section 25.

(c) *Class III milk.* All fluid milk products used or disposed of as ice cream and similar frozen dairy products and mixes, butter, roller or spray non-fat dry milk solids, condensed milk, condensed skim milk, or cheese other than cottage, pot or baker's cheese and any plant loss pursuant to section 25.

SEC. 16. *Transfers.* Fluid milk products moved to another plant from a pool plant shall be classified as follows:

(a) If moved to another regulated plant, they shall be classified as Class I milk up to the total quantity of fluid milk products utilized as Class I milk at the plant to which they were moved. Any excess shall be assigned to the next available lower class.

(b) If moved to an unregulated plant, they shall be classified as Class I milk up to the total quantity of fluid milk products utilized as Class I milk at such plant, and any excess shall be assigned to the next available lower class, unless the following conditions are met:

(1) The transferring handler claims (Class II or) Class III utilization in a product specified in section 15;

(2) The association of producers responsible for marketing the milk which is so transferred has authorized the lower classification by notice given to the market administrator and to the transferring handler at least 24 hours after such transfer;

(3) The operator of the unregulated plant keeps adequate books and records showing the utilization of all fluid milk products received at such plant and the market administrator is permitted to examine such books and records for the purpose of verification; and

(4) The Class I milk, as defined pursuant to section 15 in such unregulated plant does not exceed the receipts of milk during the month from dairy farmers, who the market administrator determines, constitute the regular source of supply for such plant: *Provided*, That any Class I milk in excess of receipts from such dairy farmers shall be assigned to the milk so transferred or diverted.

SEC. 17. *Responsibility of handlers and re-classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers or who causes the milk to be transferred to an unregulated plant, to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) Any milk or milk products shall be re-classified if verification by the market administrator discloses that the original classification was incorrect.

SEC. 20. *Assignment of receipts to classes*—(a) *Pool milk.* (1) Milk received either directly from producers or from another pool plant shall first be assigned to Class I milk.

(2) Milk received in excess of such Class I utilization shall be assigned to Class II milk.

(3) Milk received in excess of Class I and Class II utilization shall be assigned to Class III milk.

(b) *Outside milk.* Outside milk shall first be assigned to Class III milk and then in sequence to Class II milk and to Class I milk.

SEC. 25. *Computation of milk in each class.* For each delivery period the market administrator shall correct for mathematical errors the report submitted by each handler and compute from the corrected report the amount of Class I milk, Class II milk and Class III milk as follows:

(a) Determine the total pounds of milk to be accounted for by adding into one sum the total pounds of milk received from producers and the handlers own farm production and the total pounds of milk and milk products received as outside milk, the total pounds of milk or milk products received from other pool plants and any plant gain determined pursuant to paragraph (e) of this section.

(b) Determine the total pounds of Class I milk as follows:

(1) Convert to pounds each of the products classified as Class I pursuant to section 15 (a),

(2) Multiply the weight of the products computed each by its average finished product butterfat test computed pursuant to Section 1, add together the resulting amounts and divide by the producer plant test.

(3) Add to the resulting amount any amount by which the sum of the quantities computed pursuant to subparagraph (1) of this paragraph exceeds the amount computed pursuant to subparagraph (2) of this paragraph,

(4) Add to this amount any amount computed pursuant to paragraph (e) of this section,

(5) Add to this amount any milk not accounted for in paragraphs (c) and (d) of this section.

(c) Determine the total pounds of Class II milk as follows:

(1) Convert to pounds each of the products classified as Class II pursuant to section 15 (b) and multiply the results obtained each by its average finished product butterfat test, and together the resulting amounts, and divide by the producer plant test,

(2) Add to the resulting amount any amount by which the total product pounds of cream disposed of for consumption as fluid cream and the pounds of cream and skim milk disposed of in cottage, pot or baker's cheese exceeds the amount computed pursuant to subparagraph (1) of this paragraph,

(3) Add any amount computed pursuant to paragraph (e) of this section,

(4) Subtract any amount by which that amount when added to the amount of Class I milk determined pursuant to paragraph (b) of this section exceeds the total pounds of milk received computed pursuant to paragraph (a) of this section.

(d) Determine the total pounds of Class III milk as follows:

(1) Multiply the weight of each of the products of Class III milk by its average butterfat test computed pursuant to section 1, add together the resulting amounts, and divide by the producer plant test,

(2) Add to this amount any amount by which the total product pounds of milk, skim milk, and cream disposed of in Class III products exceeds the amount computed pursuant to subparagraph (1) of this paragraph,

(3) Add any amount computed pursuant to paragraph (e) of this section,

(4) Subtract any amount by which that amount when added to the amount of Class I milk determined pursuant to paragraph (b) of this section and Class II milk determined pursuant to paragraph (c) of this section exceeds the total pounds of milk received computed pursuant to paragraph (a) of this section.

(e) Determine the total pounds of plant loss or plant gain as follows:

(1) Add together the pounds of butterfat contained in Class I, Class II, and Class III milk,

(2) Subtract the total pounds of butterfat thus computed from the total pounds of butterfat received,

(3) Should the result computed pursuant to subparagraph (2) of this paragraph determine that subparagraph (1) of this paragraph be greater than the total pounds of butterfat received, divide this excess by the plant test and add the resulting amount to producer receipts determined pursuant to paragraph (a) of this section and add the excess butterfat determined in subparagraph (2) of this paragraph to the total butterfat receipts as determined in paragraph (a) of this section,

(4) Should the result computed pursuant to subparagraph (2) of this paragraph determine that (1) of this section be less than the total pounds of butterfat received, divide the difference in butterfat pounds by the producer plant test and add to each class as determined in paragraphs (b), (c) and (d) of this section the percentage of this difference in a ratio that each class of milk is to the total of all classes.

SEC. 30. *Determination of pool plant status.* Each receiving plant which is approved by the applicable health department in the area for the sale of milk as fluid milk in the marketing area shall be a pool plant during each month in which it meets the following requirements:

(a) Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products is disposed of as Class I milk in the marketing area, or in which it is operated by an association of producers.

(b) Each country receiving plant shall be a pool plant in any month in which more than 10 percent of its total receipts of fluid milk products is disposed of as Class I milk in the marketing area.

(c) Any country plant which is a pool plant continuously in each of the months of October through March shall be a pool plant continuously for the following months of April through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such six months' period is received by the market administrator before April 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

(d) Each of a handler's plants which is a non-pool receiving plant during any of the months of October through March shall not be a pool plant in any of the following months of April through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through March was in the handler's capacity as a producer-handler.

(e) Each plant which is operated as the plant of a producer-handler shall be a non-pool plant in any month in which it is so operated.

SEC. 35. *Reports of handlers*—(a) *Reports of pool handlers.* On or before the 8th day after the end of each month each pool handler shall, with respect to the fluid milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(1) The receipts of milk at each pool plant from producers, including the quantity, if any, of his own production,

(2) The receipts of fluid milk products at each plant from any other handler,

(3) The receipts of outside milk at each plant,

(4) The respective quantities which were sold, distributed, or used, including sales to other handlers, classified pursuant to section 15.

(b) *Reports of non-pool handlers.* Each non-pool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of that month.

(c) *Reports regarding individual producers.* Within 20 days after a producer moves from one farm to another, or starts or resumes deliveries to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the health department permit number, the date on which the change took place, and the farm and plant locations involved, except where such producer is a member of a cooperative association. In that instance the handler shall only report to the market administrator the name of the producer and the name of the cooperative association.

(d) *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 20 days after the end of the month, his producer payroll for such month, which shall show for each producer;

(1) The daily and total pounds of milk delivered with the average butterfat test and premium rate,

(2) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved. Except that handlers who make payments direct to a cooperative association may submit a copy of their settlement with the association in lieu of the above.

(e) *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movement, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

(f) *Verification of reports.* For the purpose of ascertaining the accuracy of any report made to the market administrator as required by this section or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(1) Verify the information contained in reports submitted in accordance with this section,

(2) Weight, sample, and test milk and milk products,

(3) Make such examination of records, operations, equipment, and facilities as the market administrator deems necessary for the purpose specified in this paragraph.

(g) *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of not less than 3 years to begin at the end of the calendar month to which such books and records pertain. Any handler shall notify the market administrator at least 30 days in advance of his intention to destroy any such records after the three-year period has expired.

(h) *Reports to cooperative associations of producers.* (1) Within 5 days after the end of each delivery period, each handler purchasing milk from a cooperative association of producers, for which such cooperative association collects payment, shall report at each plant, on individual forms acceptable to the cooperative association, for each producer of the cooperative association as follows:

(i) The name, address and code number, if any,

(ii) The individual daily receipts in pounds,

(iii) The average butterfat test,

(iv) The farm and cattle score,

(v) The total pounds of the individual producers in each butterfat test and in each farm and cattle score classification.

(2) Within 8 days after the end of each delivery period, each handler purchasing milk from a cooperative association of producers, for which such cooperative association collects payment, shall report on forms acceptable to such cooperative association:

(i) The utilization and finished product butterfat tests of all producer milk received from the association,

(ii) The receipts, utilization and butterfat tests of all milk and milk products received from other handlers,

(iii) The receipts, utilization and butterfat tests of all other milk and milk products received from all sources other than the association,

(iv) The plant loss or plant gain at each plant,

(v) If the handler so elects he may submit a copy of his report to the market administrator as specified in paragraph (a) of this section.

(i) *Bulk tank records and reporting.* If milk is purchased by a handler from a cooperative association by bulk tank, rather than on an individual producer basis, the following procedure shall be followed:

(1) Each individual bulk tanker shall be identified and weighed on an approved scale and the official record of the weight retained for audit by the market administrator.

(2) A butterfat sample of each individual bulk tanker shall be taken in a manner satisfactory to the market administrator and a part of that sample shall be retained three days for check tests by the market administrator. Any differences or disputes with respect to butterfat tests shall be referred to the market administrator, whose decision will be final.

(3) The handler will collect from each bulk tank driver individual farm tank tickets, showing the name of the producer, the date of pick-up, the measurement of milk in the tank and any other information pertinent and required in order to record properly the amount of milk shipped by each individual producer whose milk is collected in the bulk tank.

(4) The handler shall make this information available to the cooperative association in order that proper accounting can be made to individual shippers on the bulk tanker. The market administrator shall set up such rules and procedures as he deems necessary to account properly for this method of handling milk from producers and his decision shall be final.

SEC. 45. *Determination of class prices.* Each handler shall pay not less than the following basic prices per hundredweight of 3.5 percent milk, subject to adjustments pursuant to provisions of section 55 for milk received from producers and association of producers at a pool plant.

(a) *Basic Class I price.* The basic Class I price shall be determined as follows:

(1) Using the Wholesale Commodity Price Index as reported by the Bureau of Labor Statistics (1947–1949=100) determine the moving average for the six available months prior to the month for the delivery period the price is applicable.

(2) Upon determination of this index the following price schedule shall be used to determine the applicable basic Class I price:

When the index is within:	*The basic Class I price shall be*
132–146	$6.91
117–131	6.51
101–116	6.11
86–100	5.71
72–85	5.31
55–71	4.91

If the index is less than 71 or more than 146 the basic Class I price shall be determined by extending the table at the indicated rate of extension.

(3) In the event the index would indicate the movement from a higher bracket to a lower bracket during any of the months of July through December the price that prevailed in June shall be in effect, or should the index indicate a higher price for any of the months of January through June the price that prevailed in December shall be in effect.

(4) This method of determination of the basic Class I price shall be effective for a period of 18 months from the date this order becomes effective.

(b) *Basic Class II price.* The basic price for Class II milk shall be the sum of the respective values of butterfat and skim milk calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia, Pennsylvania, market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $1.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class II skim value
$0.065 or below	-------
$0.066 to $0.075	$0.07½
$0.076 to $0.085	.15
$0.086 to $0.095	.22½
$0.096 to $0.105	.30
$0.106 to $0.115	.37½
$0.116 to $0.125	.45
$0.126 to $0.135	.52½
$0.136 to $0.145	.60
$0.146 to $0.155	.67½
$0.156 to $0.165	.75
$0.166 to $0.175	.82½
$0.176 to $0.185	.90
$0.186 to $0.195	.97½

(c) *Class III price.* The Class III price shall be the sum of the respective values of butterfat and skim milk calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey, and Pennsylvania only, in the Philadelphia, Pennsylvania, market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class III skim value
$0.105 or below	-------
$0.106 to $0.115	$0.07½
$0.116 to $0.125	.15
$0.126 to $0.135	$0.22½
$0.136 to $0.145	.30
$0.146 to $0.155	.37½
$0.156 to $0.165	.45
$0.166 to $0.175	.52½
$0.176 to $0.185	.60
$0.186 to $0.195	.67½

(d) *Location adjustment to handlers.* For milk which is received from producers at a country plant and classified as Class I and/or Class II milk the price shall be the price effective pursuant to section 45 (a) and (b) less the differential set forth in paragraph (e) of section 55.

SEC. 50. *Determination and announcement of uniform prices*—(a) *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner, the net value of milk which is sold, distributed, or used by each pool handler:

(1) From the handler's total quantity of milk classified pursuant to section 15, subtract all receipts from other pool handlers;

(2) Multiply the remaining quantities of milk in each class by the prices applicable pursuant to section 45;

(3) Add together the resulting value of each class;

(4) Subtract the value obtained by multiplying the quantity of outside milk by the price applicable to paragraph (c) of section 45;

(5) Subtract any amount applicable pursuant to section 55;

(6) Add the value of premiums pursuant to section 55 determined by multiplying the weighted average premium by the total of the Class I and Class II milk pursuant to paragraphs (b) and (c) of section 25;

(7) For the purpose of calculating the pool value of milk for each handler, the market administrator shall convert all receipts not used in computing the producer plant test to milk equivalent at the producer plant test. Any average or shortage, over or under the actual product pounds shall be added or subtracted, as the case may be, from the computation of pool value, by multiplying the difference by the skim value per hundredweight of the class in which actually utilized.

(b) *Computation of the uniform price.* (1) Combine into one total the respective net values of milk, computed pursuant to paragraph (a) of this section, and payments required pursuant to section 55 for each handler from whom the market administrator has received at his office, prior to the 10th day after the end of such month, the reports for such month and the payments required pursuant to section 55 for the preceding month;

(2) Add the amount of unreserved cash in the producer settlement fund;

(3) Subtract the total of all premiums computed pursuant to section 55;

(4) Add or subtract as the case may be, the total value of the butterfat differential applicable pursuant to section 55;

(5) Add the total value of location adjustments determined pursuant to paragraph (d) of section 45;

(6) Divide by the total quantity of pool milk for which a value is determined pursuant to subparagraph (1) of this paragraph; and

(7) Subtract not less than 2 cents nor more than 4 cents for the purpose of retaining a cash balance in connection with the payments set forth in section 55. This result, which is the minimum price for milk containing 3.5 percent butterfat received from producers at city plants, shall be known as the uniform price.

(c) *Seasonal adjustment fund.* The market administrator shall establish and maintain a separate fund known as the seasonal adjustment fund into which he shall deposit all payments made by handlers pursuant to (1) of this paragraph and out of which he shall make all payments pursuant to (2) of this paragraph: *Provided*, That payments due any handler shall be offset by payments due from such handler.

(1) Payments to the fund: On or before the 15th day after the end of each delivery period for April and May, each handler shall deduct from the uniform price announced by the market administrator for each of the months of April and May and shall pay to the market administrator for the account of the seasonal adjustment fund an amount of money equal to 45 cents times the hundredweight of milk received from producers in each of these months.

(2) On or before the 12th day after the end of the delivery periods of July and September, the market administrator shall compute and announce an individual pay-back month seasonal adjustment fund rate by dividing the total monies paid into the fund by two and dividing the two equal amounts by the pounds of producer milk delivered in July and in September which will establish the pay-back rate for each of the two months. On or before the 15th day after the end of the delivery periods of July and September, the market administrator shall pay out of the seasonal adjustment fund to each cooperative association an amount equal to the applicable rate computed pursuant to this paragraph times the hundredweight of milk delivered to handlers during the delivery period by such association of producers who have given authority to such cooperative association to receive payment for their milk, and to each handler, an amount equal to the applicable rate computed pursuant to this paragraph times the hundredweight of milk received during the delivery period from producers other than those producers for whom a cooperative association receives payment.

SEC. 55. *Payment for milk*—(a) *Time and method of payments.* On or before the 14th day after the end of each delivery period, each handler shall make payment for milk delivered by producers to such handler, or milk from producers for which such handler is responsible pursuant to section 17, during each delivery period as follows:

(1) To each producer at not less than the uniform price per hundredweight computed pursuant to section 50 for that quantity of milk received from such producer, or

(2) To a cooperative association for milk which is caused to be delivered to a handler from producers and for which such cooperative association collects payments, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) of this paragraph.

(b) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the producer-settlement fund into which he shall deposit all payments made by handlers pursuant to (1) and (2) of this paragraph and out of which he shall make all payments to handlers pursuant to subparagraphs (1) and (2) of this paragraph.

(1) *Payments to the producer-settlement fund.* On or before the 15th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the total value of the milk received by him pursuant to paragraph (a) of section 50 is greater than the sum of the minimum payments required to be made to producers pursuant to paragraph (a) of this section.

(2) *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler for payment to producers, the amount, if any, by which the total value of milk received by such handler pursuant to paragraph (a) of section 50 is less than the sum of minimum payments required to be made pursuant to paragraph (a) of this section. If, at such time, the balance in the producer-settlement fund is insufficient to make all payments required by this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(c) *Butterfat content of milk received from producers.* In making payment to each producer pursuant to paragraph (a) of this section, each handler shall add to, or subtract from the price, as the case may be, 8 cents per hundredweight for each one-tenth of one percent of butterfat content above or below 3.5 percent. The butterfat content of milk received from producers shall be determined by taking the average of not less than five separate butterfat tests made from fresh samples during the period beginning on the 25th day of the preceding month and ending on the 24th day of the current month; except as provided for bulk tank shippers pursuant to section 35, where it will be the responsibility of the cooperative association to establish the butterfat tests of each individual producer involved. The butterfat content of outside milk shall be determined at the plant where it is received.

(d) *Premiums to be paid by handlers.* In making payments pursuant to this section, handlers shall pay the applicable premium rates set forth in this paragraph for each producer's deliveries on that quantity of milk received from each producer which represented such producer's proportionate share of all producer milk classified as Class I and Class II. The premium rates referred to in this paragraph shall be determined from the following schedule with respect to the cattle scores and farm scores recorded for each producer by the respective health departments issuing permits to sell milk to handlers in the marketing area:

Farm score	With cattle score under 95	With cattle score 95 or over, but under 98	With cattle score 98 or over
	Per hundredweight	*Per hundredweight*	*Per hundredweight*
Under 80	$0.00	$0.00	$0.00
80.0–84.9	.00	.03	.09
85.0–89.9	.02	.08	.14
90.0–94.9	.08	.14	.20
95.0–97.9	.20	.26	.32
Over 97.9	.31	.37	.43

If more than one score has been reported during any month, the simple average of the scores so reported shall be used. Producers who are subject to health department regulations which do not provide for a farm and cattle scoring system shall be considered as having a score of 98 for the purpose of applying premiums under the above schedule.

(e) *Location adjustments to producers.* In making payments pursuant to this section, handlers may deduct 13 cents per hundredweight with respect to milk received from producers at a country plant which has pool plant status pursuant to section 30 (b) and is located more than 35 miles from the milestone in the District of Columbia and 1½ cents additional for each 10 miles in excess of 35 miles from that milestone: *Provided*, That handlers may make such deduction on milk received at such plant by transfer of a truck route to such plant from another pool plant during the first four full delivery periods after such transfer, only if such milk was transferred from a plant at which a similar or greater deduction was permitted. If such milk was transferred from a plant at which no deduction or a smaller deduction was permitted, the smaller deduction or no deduction, as the case may be, must be used in computing payments until four full delivery periods have elapsed from the time of transfer.

(f) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer settlement fund, the market administrator shall debit the handlers' producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the marekt administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

SEC. 60. *Expense of administration.* As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 18th day after the end of each delivery period an amount equal to 2 cents per hundredweight with respect to all milk received by him from all sources except milk received from other handlers, or produced by him, during such delivery period, or such lesser amount, as may be determined by the market administrator, subject to review by the Secreary.

SEC. 61. *Marketing services.* In making payments to producers each handler shall deduct not less than 3 cents nor more than 5 cents per hundredweight, with respect to all milk delivered by each producer who is not a member of an association of producers and shall pay such deductions to the market administrator on or before the 18th day after the end of each delivery period. Such monies shall be expended by the market administrator only in providing for market information to, or for verification of weights, samples, and tests of milk delivered by such producers. The market administrator may contract with an association of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by such producers.

SEC. 62. *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the selection of such handler's pro rata share of the expense of administration of this part.

SEC. 65. *Effective time, suspension, or termination*—(a) *Effective Time.* The provision of this part, or any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to paragraph (b) of this section.

(b) *Suspension or termination.* The Secretary may suspend or terminate this part or any provision of this part whenever he finds that this part or any provision of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 66. *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this part, there are obligations arising under this part, the final accrual or ascertainment of which required further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such other person as the Secretary may designate, shall:

(a) Continue in such capacity until removed by the Secretary.

(b) From time to time, account for all receipts and disbursements, and when so directed by the Secretary shall deliver all funds on hand, together with the

books and records of the market administrator or such person, to such person as the Secretary shall direct.

(c) If so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such persons pursuant thereto.

SEC. 67. *Liquidation after suspension or termination.* Upon suspension or termination of any or all provisions of this part, the market administrator or such person as the Secretary shall designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 68. *Miscellaneous*—(a) *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States or name any bureau or division of the United States Department of Agriculture to act as his agent or representative in connection with any of the provisions hereof.

(b) *Liability.* The liability of handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

(c) *Counterparts of marketing order.* This marketing order may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

Proposal No. 2: The following marketing agreement and order has been proposed by Chestnut Farms Division, National Dairy Products Corporation:

SEC. 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

SEC. 3. *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress or by Executive order to perform the price reporting functions of the United States Department of Agriculture.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

SEC. 5. *Metropolitan Washington Marketing Area.* "Metropolitan Washington Marketing Area", hereinafter called the "Marketing Area", means the City of Washington, District of Columbia; and the territory geographically included within the boundary lines of the counties of Arlington, Fairfax, Prince William, Acconack, Northampton, and the City of Alexandria, all in the State of Virginia; and the counties of Prince Georges, (except the town of Laurel), Charles, St. Marys, Calvert, Montgomery, Talbot, Dorchester, Wicomico, Worcester and Somerset, all in the State of Maryland.

SEC. 6. *Association of producers.* "Association of producers" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

SEC. 7. *Producer-handler.* "Producer-handler" means any person who produces and packages milk from his own farm production, and distributes all or a portion of such milk, not in excess of 25,000 lbs. in any calendar month, within the marketing area, but receives no milk from producers, and receives no milk from other sources than handlers operating pool plants.

SEC. 8. *Approved plant.* "Approved plant" means any milk plant:

(a) Which receives milk from producers who produce milk under dairy farm permits issued by an appropriate health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, or from an approved plant as defined in paragraph (b) of this section, and which is approved by such appropriate health authority for the processing or packaging of milk and from which Class I milk or cream for fluid consumption, concentrated milk for fluid use or eggnog is disposed of during the month in the marketing area on routes or through plant stores located in the marketing area, or

(b) A plant which receives milk from producers who produce milk under dairy farm permits issued by an appropriate health authority duly authorized to administer regulations governing the quality of milk disposed of in the marketing area, which plant is approved by such health authority to furnish milk to an approved plant defined in paragraph (a) of this section, and from which plant milk or cream is shipped during the month to an approved plant described in paragraph (a) of this section.

SEC. 9. *Pool plant.* "Pool plant" means an approved plant which during the current or preceding delivery period.

(a) Disposes of as Class I milk, cream for fluid consumption, concentrated milk for fluid use, and eggnog in the marketing area an amount exceeding 25,000 pounds, or 10 percent of such plant's total receipts of milk from dairy farms and bulk milk or cream from other approved plants, whichever is greater, and also

(b) During the same delivery period disposes of, as Class I milk, cream for fluid consumption, concentrated milk for fluid use, and eggnog in total same amount equal to not less than the applicable percentage of such receipts as follows:

(i) October through March, 50 percent.

(ii) April through September, 40 percent.

Provided, That in the case of a handler who also operates approved plants of the type described in paragraph (a) of section 8 and of the type described in paragraph (b) of that section, the combined receipts and distribution of the multiple plant operation will be applied to the qualification standards of this section for the purpose of determining pool plant status of each such individual plants.

SEC. 10. *Nonpool plant.* "Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

SEC. 11. *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant;

(b) A producer-handler;

(c) A cooperative association with respect to milk diverted for its account pursuant to section 12.

SEC. 12. *Producer.* "Producer" means any person except a producer-handler who produces milk under a dairy farm inspection permit issued to such person by an appropriate health authority having jurisdiction in the marketing area which milk is received at a pool plant: *Provided,* That if such milk is diverted for his account by a handler from a pool plant to a nonpool plant (a) any day during the months of April through September, or (b) on not more than 10 days during the month in any of the other months of the year, the milk so diverted shall be deemed to have been received by the diverting handler at his pool plant.

SEC. 13. *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers or associations of producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in section 12.

SEC. 14. *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form from a producer-handler and from a source other than producers or pool plants, except the receipt of any non-fluid milk products which are not reprocessed or converted to another product in the plant during the month.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by section 88, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation and (3) all other expenses, except those incurred under section 87, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose at his discretion to handlers and producers, unless otherwise directed by the Secretary the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to section 30 or (2) payments pursuant to section 80 and section 84;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers such general statistics and information concerning the operation hereof as are necessary and essential to the proper functioning of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce and notify each handler in writing of the following: (1) On or before the 5th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; (2) on or before the 5th day of each month, the Class II price and the Class III price and the Class II and Class III butterfat differentials, both for the preceding month; and (3) on or before the 10th day after the end of each month, the uniform price, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Reports and receipts of utilization.* On or before the 10th day after the end of each month each handler, except a producer-handler, shall report for each of his approved plants for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to Section 11;

(e) Inventories of fluid milk products on hand at the beginning and end of the month; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

Provided; That any handler may at his option elect to make reports for two accounting periods within the calendar month, for as many as three such months during a calendar year period, provided that the shorter of the two such periods during any such month shall not be less than seven days. With respect to such reports that the handler elects to make for two periods during one calendar month, the handler, on or before the tenth day after the end of each part month accounting period, shall report to the market administrator in the detail and on the form prescribed by the market administrator for each of his approved plants for such two part month periods, as follows:

(a) The quantities of skim milk and butterfat contained in producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to section 11;

(e) Inventories of fluid milk products on hand at the end of each such part month accounting period; and

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area.

SEC. 31. *Other reports.* Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants his producer payroll for such month which shall show for each producer: (i) The total pounds of milk received from such producer or cooperative association, (ii) the days in which milk was received from such producer, if less than a full month, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment to each producer or cooperative association, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk, fluid skim milk or cream at its pool plant, his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such products; and

(3) Such other information with respect to his utilization of butterfat and skim milk necessary and essential to the proper functioning of this part, as is prescribed by the administrator.

SEC. 32. *Records and facilities.* Each handler shall keep accurate records of receipts of utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh; sample and test butterfat content of all milk and milk products handled; (c) verify payments to producers; and (d) make such examinations of operations, equipment, and facilities, as are necessary and essential to the proper administration of this part or any amendments thereto.

SEC. 33. *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8 (c) (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* All skim milk and butterfat which is received within the month

or within each of the two part month accounting periods elected, as the case may be, by a handler and which is required to be reported pursuant to section 30 shall be classified by the market administrator pursuant to the provisions of section 31 through section 36.

SEC. 41. *Classes of utilization.* Subject to the conditions set forth in sections 43 through 44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat disposed of for human consumption as milk, flavored milk, skim milk, flavored skim milk, cultured skim milk, buttermilk, milk in half and half, and all milk not accounted for in Class II and Class III; in inventory of fluid milk products; and shrinkage allocated to Class I pursuant to section 42;

(b) *Class II Milk.* Class II milk shall be all skim milk and butterfat used to produce, or disposed of in, concentrated milk for fluid use, cottage cheese, pot or baker's cheese, eggnog, cream for fluid consumption and in half and half, sour cream, and aerated whips; and any shrinkage allocated to Class II pursuant to section 42;

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat used to produce or disposed of as ice cream and similar frozen dairy products and mixes, butter, roller or spray milk powder products, condensed milk, condensed skim milk, bread or bakery products at a bona fide bakery plant, cheese other than cottage, pot or baker's cheese, livestock feed, skim milk and butterfat dumped after prior notification to the market administrator and opportunity for verification by the market administrator; and shrinkage allocated to Class III pursuant to section 42.

SEC. 42. *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler;

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and other source milk;

(c) Classify in Class III milk the skim milk and butterfat so prorated to other source milk; and

(d) Classify in Class III milk all the skim milk and butterfat in shrinkage prorated to producer milk, but not to exceed 2 percent of the receipts of skim milk and butterfat, respectively, in producer milk. Classify that quantity of shrinkage prorated to producer milk, in excess of 2 percent, among the Class I milk, Class II milk and Class III milk according to the total quantities of milk and skim milk classified in such classes.

SEC. 43. *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be classified as Class I milk, unless the handler who first received such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II or Class III.

SEC. 44. *Transfers.* (a) Skim milk and butterfat when transferred or diverted by a handler from a pool plant to a pool plant of another handler (except a producer-handler) in the form of a fluid milk product shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk or Class III milk in their reports submitted pursuant to section 30 but in no event shall the amount so assigned to Class II and Class III milk exceed the total use in such classes, respectively, by the transferee-handler: And provided, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers.

(b) As Class I milk if transferred to a producer-handler in the form of a fluid milk product.

(c) As Class I milk if diverted or transferred in the form of a fluid milk product to a nonpool plant except that of a producer-handler, unless (1) the handler claims Class II or Class III utilization in his report submitted pursuant to section 30, (2) the operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in such plant during the month in the use indicated in such report: *Provided,* That if upon inspection of the records of such plant it is found that an equivalent amount of skim milk and butterfat was not actually used in such indicated use the remaining pounds shall be classified as Class I milk.

SEC. 45. *Computation of skim milk and butterfat in each class.* For each month or part month accounting period, as the case may be, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant(s) of each handler pursuant to Section 30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk and Class III milk for such handler.

SEC. 46. *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations for the pool plant(s) of each handler for each accounting period shall be the pounds in such class allocated to producer milk received by such handler:

(1) Subtract from the total pounds of skim milk in Class II and Class III milk the pounds of skim milk in shrinkage assigned to Class II and Class III, respectively, pursuant to section 42 (d);

(2) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest price classification, the pounds of skim milk in other source milk received from a plant(s) other than one at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(3) Subtract from the pounds of skim milk remaining in Class II and Class III in series beginning with Class III an amount equal to such remainder, or the pounds obtained by multiplying by 0.10 the pounds of skim milk in producer milk received by the handler, whichever is less;

(4) Subtract from the pounds of skim milk remaining in each class, in series beginning with the lowest priced classification, the pounds of skim milk in other source milk received from a plant(s) at which the handling of milk is fully subject to another marketing agreement or order issued pursuant to the act;

(5) Add to the pounds of skim milk in Class II and Class III milk the pounds of skim milk subtracted pursuant to subparagraph (3) of this paragraph;

(6) Subtract from the remaining pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the accounting period: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class I milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II and Class III, in series, beginning with Class II milk;

(7) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the pool plants of other handlers in such classes pursuant to section 44;

(8) Add to the remaining pounds of skim milk in the specified class the pounds subtracted pursuant to subparagraph (1) of this paragraph; and

(9) If the remaining pounds of skim milk in all classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in each class in series beginning with the lowest price classification.

(b) Butterfat should be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

(c) Add the pounds of skim milk and the pounds of butterfat allocated to the producer milk in each class, respectively, as computed pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

DETERMINATION OF CLASS PRICES

SEC. 50. *Basic formula price to be used in determining Class I price.* The basic formula price for each delivery period to be used in determining the Class I price shall be the higher of the prices computed pursuant to paragraphs (a), (b) and (c) of this section, rounded to the nearest cent.

(a) Determine the arithmetic average of the basic or field prices paid or to be paid per hundredweight of milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or the Department of Agriculture:

Concern and location
Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago, as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator, of the weighted average of carlot prices per pound for non-fat dry milk solids, spray and roller process, respectively, for human consumption f. o. b. manufacturing plants in the Chicago area, as published for the period for the 26th of the immediately preceding month to the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

(c) The price per hundredweight computed as follows:

(1) Multiply by 6 the average wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture for the month;

(2) Add an amount equal to 2.4 times the average weekly prevailing price per pound of "Twins" during the month of the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided,* That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used.

SEC. 51. *Class prices.* Subject to the provisions of section 52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The price per hundredweight for Class I milk for the month shall be the amount set forth below for such month opposite the price range within which the basic formula price for the preceding month falls:

Basic formula price range (dollars per hundredweight):	Amount per hundredweight
2.00 but not more than 2.199	------
2.20 but not more than 2.399	------
2.40 but not more than 2.599	------
2.60 but not more than 2.799	------
2.80 but not more than 2.999	------
3.00 but not more than 3.199	------
3.20 but not more than 3.399	------
3.40 but not more than 3.599	------
3.60 but not more than 3.799	------
3.80 but not more than 3.999	------
and for each additional 20 cents or fraction thereof an additional 20 cents.	

(b) *Class II milk price.* The price per hundredweight for Class II milk shall be the sum of the respective values of skim milk and butterfat calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey in the Philadelphia, Pennsylvania, market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $1.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class II skim value
$0.065 or below	------
$0.066 to $0.075	$0.07½
$0.076 to $0.085	.15
$0.086 to $0.095	.22½
$0.096 to $0.105	.30
$0.106 to $0.115	.37½
$0.116 to $0.125	.45
$0.126 to $0.135	.52½
$0.136 to $0.145	.60
$0.146 to $0.155	.67½
$0.156 to $0.165	.75
$0.166 to $0.175	.82½
$0.176 to $0.185	.90
$0.186 to $0.195	.97½

(c) *Class III milk price.* The price per hundredweight for Class III milk shall be the sum of the respective values of skim milk and butterfat calculated as follows:

(1) *Butterfat.* Add all weekly quotations (using the midpoint of any weekly range as one quotation) per 40-quart can of 40 percent sweet cream approved for Pennsylvania and New Jersey, and Pennsylvania only, in the Philadelphia market, as reported each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00, divide by 33.48, multiply by 3.5.

(2) *Skim milk.* The weighted average selling price, wholesale, at manufacturers' plants, of all spray and roller dried non-fat milk solids for human consumption, as published by the United States Department of Agriculture for the previous month, shall be used in determining the skim value as follows:

Quotation per pound:	Class III skim value
$0.105 or below	------
$0.106 to $0.115	$0.07½
$0.116 to $0.125	.15
$0.126 to $0.135	.22½
$0.136 to $0.145	.30
$0.146 to $0.155	.37½
$0.156 to $0.165	.45
$0.166 to $0.175	.52½
$0.176 to $0.185	.60
$0.186 to $0.195	.67½

SEC. 52. *Location differential to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant located more than 35 to 45 miles from the milestone in the District of Columbia, which is classified as Class I milk, Class II milk and Class III milk, the class prices shall be reduced 17 cents per hundredweight and for each additional 10 miles in excess of 45 miles the prices shall be reduced an additional cent.

SEC. 53. *Butterfat differential.* (a) The Class I price shall be subject to a butterfat differential of 8 cents for each one tenth of one percent variation above or below 3.5 percent butterfat.

(b) The Class II price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.5 percent butterfat, calculated as follows: Divide the butterfat value determined pursuant to section 51 (b) (1) by 35.

(c) The Class III price shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.5 percent butterfat calculated as follows: Divide the butterfat value determined pursuant to section 51 (c) (1) by 35.

APPLICATION OF PROVISIONS

SEC. 60. *Producer-handlers.* Sections 40 through 46, 50 through 53, 60 through 62, 70 through 73, 80 through 88 shall not apply to a producer-handler.

SEC. 61. *Handlers operating nonpool plants.* Sections 42 through 46; 50 through 52; 70 through 73; 80 through 83; 87 through 88 shall not apply to a handler in his capacity as the operator of a non-pool plant, except that such handler shall pay to the market administrator on or before the 12th day after the end of each month for deposit into the Producer-Settlement Fund:

(a) An amount of money computed by multiplying the hundredweight of Class I milk disposed of from his nonpool plant (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by a rate of payment equal to the difference between the Class I price and the Class III price.

(b) An amount of money computed by multiplying the hundredweight of Class II milk disposed of from his nonpool plant (except any nonpool plant subject to the classification and pricing provisions of another order issued pursuant to the act) during the month to retail or wholesale outlets in the marketing area (including deliveries by vendors or sales through plant stores) by a rate equal to the difference between the Class II price and the Class III price.

SEC. 62. *Plants subject to other orders.* In the case of any plant from which the Secretary determines a greater volume of Class I milk is disposed of in another marketing area regulated by another order or a marketing agreement issued pursuant to the act, than in the Metropolitan Washington Marketing Area, the provisions of this subpart shall not apply except the handler operating such plant shall, with respect to his total receipts of skim milk and butterfat at such plant, make reports to the market administrator at such time and in such manner as the market administrator

may require and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SEC. 70. *Net obligation of each handler.* The net obligation of each handler for milk received during each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to section 46 by the applicable class price;

(b) Add together the resulting amount;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to section 46 by the applicable class prices; and

(d) During any delivery period in which the total receipts from all producers is more than 110 percent of the total Class I and Class II utilization at all pool plants, add an amount computed by multiplying the pounds of skim milk and butterfat subtracted from Class I milk pursuant to section 46 (a) (2), and the corresponding paragraph (b) of this section by a rate equal to the difference between the Class I price and the Class III price.

SEC. 71. *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the net obligations computed for all handlers who made the reports prescribed in section 30 for the month and who were not in default of payments pursuant to section 84 for the preceding month;

(b) Add an amount equivalent to the total deductions made pursuant to section 82.

(c) Subtract, if the average butterfat content of producer milk included in these computations is greater than 3.5 percent, or add, if such average butterfat content is less than 3.5 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to section 81 and multiply the resulting figure by the total hundredweight of such milk;

(d) Subtract for each of the months of April and May an amount computed by multiplying the total hundredweight of producer milk included in these computations by 45 cents per hundredweight;

(e) Add an amount representing the cash balance on hand in the Producer-Settlement Fund, less the total amount of contingent obligations to handlers pursuant to section 85 (a), and less the aggregate of the amounts held pursuant to paragraph (c) of this section for payment pursuant to section 85 (b);

(f) Divide the resulting total by the total hundredweight of producer milk included in these computations; and

(g) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for milk of 3.5 percent butterfat received from producers at a handler's pool plant.

PAYMENTS

SEC. 80. *Time and method of payment.* On or before the 15th day after the end of each month, each handler shall pay to each producer or cooperative association from whom he received milk during the month an amount of money representing not less than the total value of such producer milk at the uniform price per hundredweight, subject to the producer butterfat and location differentials, computed pursuant to section 81 and section 82, and less deductions authorized by such producer, and less deductions for marketing services: *Provided*, That, if by such date the handler has not received full payment for such month pursuant to section 85, he may reduce uniformly per hundredweight for all producers his payments pursuant to this section by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

SEC. 81. *Producer butterfat differential.* If any handler has received from any producer, during the month, milk having an average butterfat content other than 3.5 percent, such handler, in making payments pursuant to section 80, shall add to the uniform price for such producer for each one-tenth of one percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of one percent of average butterfat content in milk below 3.5 percent not more than ____ cents per hundredweight.

SEC. 82. *Location differential to producers.* In making payments to producers pursuant to section 80 a handler shall deduct from the uniform price, with respect to all milk physically received from farms, from producers or associations of producers, at a pool plant located 35 to 45 miles from the milestone in the District of Columbia, 17 cents per hundredweight, and for such plants within each additional 10 miles in excess of 45 miles, an additional one cent.

SEC. 83. *Producer-Settlement Fund.* The market administrator shall establish and maintain a separate fund known as the "Producer-Settlement Fund" into which he shall deposit all payments made by handlers pursuant to sections 61, 84, and 86, and out of which he shall make all payments pursuant to sections 85 and 86.

SEC. 84. *Payments to the Producer-Settlement Fund.* On or before the 13th day after the end of each month, each pool plant handler shall pay to the market administrator any amount by which the net obligation of such handler pursuant to section 70 is greater than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials.

SEC. 85. *Payments out of the Producer-Settlement Fund.* (a) On or before the 14th day after the end of each month, the market administrator shall pay to each handler for payment to producers any amount by which the net obligation of such handler pursuant to section 70 is less than an amount computed by multiplying the hundredweight of milk received by him from producers during the month by the uniform price adjusted for the producer butterfat and location differentials: *Provided*, That if the balance in the Producer-Settlement Fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

(b) On or before the 14th day after the end of each of the months of July and September, the market administrator shall pay out of the Producer-Settlement Fund to each producer from whom milk was received by all handlers during the month an amount computed as follows: Divide one-half of the aggregate amount held pursuant to section 71 (c) by the hundredweight of milk received from producers by all handlers during the month and multiplying the resulting amount (computed to the nearest cent per hundredweight) by the milk received from such producers during the month: *Provided*, That the payments under this paragraph to any producer who has given authority to a cooperative association to receive payment for his milk shall be distributed to such cooperative association if the cooperative association requests receipt of such payments.

SEC. 86. *Adjustment of accounts.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the Producer-Settlement Fund, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever such verification discloses that payment is due from the market administrator, pursuant to section 85, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification of the market administrator of the payment by a handler to any producer for milk received by such handler discloses payment of less than is required by section 80, the handler shall pay any amount so due not later than the time of making payments to producers next following such disclosure.

SEC. 87. *Marketing services.* Each handler making payments to producers pursuant to section 80 shall deduct ____ cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from producers, excepting such handler's own farm production, during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of such month. Such moneys shall be used by the market administrator to verify weights, samples and tests of milk received by handlers from such producers during the delivery period, and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an employee of the United States responsible to him.

SEC. 88. *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each delivery period, ____ cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the delivery period of all milk from any source classified as Class I or Class II milk.

SEC. 89. *Termination of obligations.* The provisions of this section shall apply to any obligations under this subpart for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producer(s) or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 90. *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated, pursuant to section 91.

SEC. 91. *Suspension or termination.* Any or all provisions of this subpart, or any amendment to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 92. *Continuing power and duty.* (a) If upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart the final accrual or ascertainment of which requires further acts by any handler, by the market administrator or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged, (2) from time to time account for all receipts and disbursements and, if so directed by the Secretary, deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct, and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant to this subpart.

SEC. 93. *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 100. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

SEC. 101. *Separability of provisions.* If any provision of this subpart, or its application to any person, or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Proposal No. 3: Proposed by Harvey Dairy, Inc.:

DEFINITIONS

Metropolitan Washington Marketing Area. "Metropolitan Washington Marketing Area" hereinafter called "the marketing area," means the territory of the District of Columbia and all or that part of the following counties: Washington County, Frederick County, Howard County, Montgomery County, Prince Georges County, Anne Arundel County, Calvert County, Charles County, St. Marys County in Maryland, that lie southeast, south, and southwest of a line beginning at the point where the Shepherdstown bridge passes over the Potomac River and enters Washington County, Maryland. Follow Maryland Route 34 northeast to Boonsboro, Maryland. Turn right on Alternate U. S. 40 and go southeast through Frederick, Maryland on Alternate U. S. 40 to Ridgeville, Maryland. Thence, south on Maryland Route 27 to where it crosses the Patuxent River. Follow the Patuxent River southeast to its intersection with U. S. Route 29. Then go northeast on U. S. Route 29 to Clarksville, Maryland. Thence southeast on Maryland Route 32 to its intersection with U. S. Route 1. Go north on U. S. Route 1 to Waterloo, Maryland. Thence go southeast on Maryland Route 175 to its intersection with U. S. Route 301. Thence go southwest on U. S. Route 301 to its intersection with Maryland Route 424 at Conways, Maryland. Thence southeast on Maryland Route 424 to its intersection with Maryland Route 2 at Davidsonville, Maryland; from this point follow a line directly eastward to the Chesapeake Bay. In addition the marketing area should

also include the territory in the State of Virginia as set forth in proposal No. 1 submitted by the Maryland and Virginia Milk Producers Association, Inc.

Proposal No. 4: Proposed by Highs Dairy Products Corporation:

Provide that any marketing area covering the Washington, D. C., market include the City of Frederick, Maryland.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 21, 1957, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1472; Filed Feb. 26, 1957; 8:55 a. m.]

[7 CFR Parts 927, 990]

[Docket Nos. AO-71-A-32, AO-284]

MILK IN NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

NOTICE OF RECONVENING OF HEARING

The public hearing held pursuant to the notice of hearing issued on May 18, 1956 (21 F. R. 3527), and supplemental notices issued on May 29, 1956 (21 F. R. 3799), and on August 29, 1956 (21 F. R. 6680), on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area and on a proposed marketing agreement and order regulating the handling of milk in Northern New Jersey was recessed by the Hearing Examiner on January 7, 1957, to reconvene at a date, time and place to be later announced by the issuance of a public notice in accordance with the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900).

Accordingly, notice is hereby given that such public hearing will be reconvened at the Commodore Hotel in New York City at 10:00 a. m., e. s. t., on March 5, 1957.

Issued this 21st day of February 1957.

[SEAL] G. OSMOND HYDE,
Hearing Examiner.

[F. R. Doc. 57-1473; Filed, Feb. 26, 1957; 8:56 a. m.]

[7 CFR Part 1021]

[AO-291]

WATERMELONS GROWN IN FLORIDA, GEORGIA, AND SOUTH CAROLINA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held at the George Washington Hotel, Jacksonville, Florida, starting at 9:30 a. m., e. s. t., April 22, 1957, with respect to a proposed marketing agreement and order authorizing regulation of the handling of watermelons grown in all counties in the State of Florida lying east of the Apalachicola River; all counties in the State of Georgia; and all counties in the State of South Carolina. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of a marketing agreement and order hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the States of Florida, Georgia, and South Carolina, as represented by the Watermelon Growers and Shippers Association and others, requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of watermelons in the proposed production area.

DEFINITIONS

§ 1021.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1021.2 *Act.* "Act means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1021.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1021.4 *Production area.* "Production area" means all counties in the State of Florida lying east of the Apalachicola River; all counties in the State of Georgia; and all counties in the State of South Carolina.

§ 1021.5 *Watermelons.* "Watermelons" means all varieties of watermelons grown within the production area.

§ 1021.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of watermelons owned by another person) who handles watermelons or causes watermelons to be handled.

§ 1021.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place, or have placed, watermelons in the current of commerce within the production area or between the production area and any point outside thereof. The term "handle" or "ship" does not include the sale of unharvested watermelons.

§ 1021.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of watermelons for market.

§ 1021.9 *Eligible producer.* "Eligible producer" means any person who is a producer only or both a producer and handler of watermelons for market, but whose handling of watermelons produced by others constitutes less than 25 percent of the total number of watermelons handled by such person during the preceding fiscal period.

§ 1021.10 *Eligible handler.* "Eligible handler" means any person who is a handler only or any person who is both a handler and a producer of watermelons for market, but whose handling of watermelons produced by others constitutes at least 25 percent of the total number of watermelons handled by such person during the preceding fiscal period.

§ 1021.11 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of watermelons into grades and maturities for market purposes.

§ 1021.12 *Grade.* "Grade" means any one of the established grades of watermelons as defined and set forth in the United States Standards for Watermelons issued by the United States Department of Agriculture (§§ 51.1970 through 51.1981 of this title) or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1021.13 *Maturity.* "Maturity" means various degrees of ripeness for watermelons as established by the committee with the approval of the Secretary.

§ 1021.14 *Varieties.* "Varieties" means and includes all classifications or subdivisions of watermelons according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1021.15 *Committee.* "Committee" means the Southeastern Watermelon Committee, established pursuant to § 1021.22.

§ 1021.16 *Fiscal period.* "Fiscal period" means the period beginning January 1 and ending December 31 following.

§ 1021.17 *District.* "District" means each one of the geographic divisions of the production area initially established pursuant to § 1021.24 or as reestablished pursuant to § 1021.25.

§ 1021.18 *Export.* "Export" means shipment of watermelons beyond the boundaries of continental United States.

COMMITTEE

§ 1021.22 *Establishment and membership.* (a) The Southeastern Watermelon Committee, consisting of 12 members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a producer member or alternate shall be an individual who is an eligible producer in, and a resident of, the district from which selected.

(c) Each person selected as a handler member or alternate shall be an individual who is an eligible handler in, and a resident of, the production area within the State from which selected.

§ 1021.23 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of January 1 and end as of December 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1021.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1—South Florida. The Counties of Manatee, Hardee, Highlands, Okeechobee, Indian River, and all counties lying south thereof in the State of Florida;

District No. 2—Leesburg Area. The Counties of Brevard, Citrus, Hernando, Hillsborough, Lake, Orange, Osceola, Pasco, Pinellas, Polk, Seminole, Sumter, and that portion of Marion County lying south of Florida State Road No. 40.

District No. 3—Gainesville Area. The Counties of Alachua, Bradford, Clay, Dixie, Flagler, Gilchrist, Levy, Putnam, St. Johns, Union, Volusia, and that portion of Marion County lying north of Florida State Road No. 40.

District No. 4—Live Oak Area. All the remaining counties in the State of Florida lying east of the Apalachicola River not included in Districts 1, 2, and 3;

District No. 5—South Georgia. The Counties of Clay, Calhoun, Dougherty, Worth, Turner, Ben Hill, Coffee, Bacon, Pierce, Brantley, Glynn, and all counties lying south thereof in the State of Georgia.

District No. 6—Middle and North Georgia. All counties in the State of Georgia not included in District No. 5;

District No. 7—Allendale Area. The Counties of Aiken, Bamberg, Barnwell, Charleston, Dorchester, and all counties lying south thereof in the State of South Carolina;

District No. 8—Pageland Area. All the remaining counties in the State of South Carolina not included in District No. 7.

§ 1021.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in watermelon acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1021.26 *Selection.* The Secretary shall select initially one producer member of the committee, with his respective alternate, from each district; two handler members, with their respective alternates, from the State of Florida; and one handler member, with his respective alternate, from each of the States of Georgia and South Carolina.

§ 1021.27 *Nomination.* The Secretary may select committee members and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district and a meeting or meetings of handlers shall be held within the production area in each State to nominate committee members and alternates. For nominations to the initial committee the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to November 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates shall be supplied to the Secretary in such manner and form as he may prescribe, not later than December 15 of each year;

(d) Only eligible producers may participate in designating nominees for producer members and alternates and only eligible handlers may participate in designating nominees for handler members and alternates on the committee. In the event a person is engaged in producing watermelons in more than one district or in handling watermelons within the production area in more than one State, such person shall elect the district or State within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts or States within the production area in which a person produces or handles watermelons, each such eligible person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1021.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1021.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1021.24 through 1021.26.

§ 1021.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1021.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district or State involved, or from nominations made in the manner specified in § 1021.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1021.24 through 1021.26.

§ 1021.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for the unexpired term of said member is selected and has qualified.

§ 1021.32 *Procedure.* (a) Nine members of the committee shall be necessary to constitute a quorum and seven concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such meeting shall be promptly confirmed in writing: *Provided,* That when any assembled meeting is held, all votes shall be cast in person.

§ 1021.33 *Expenses and compensation.* Committee members and alternates shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate to be determined by the committee, which rate shall not exceed $10.00 for each full day spent in attending meetings of the committee.

§ 1021.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1021.35 *Duties.* It shall be the duty of the committee:

(a) As soon as practical after the beginning of each term of office to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary information as to its activities including a copy of the minutes of each meeting, and any other available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to watermelons;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures, for, and to make determinations in connection with, issuance of certificates of privilege or exemption or both;

(i) To investigate claims for exemption;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its anticipated expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1021.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of watermelons under regulation handled by him as the first handler thereof during a fiscal period and the total quantity of watermelons handled by all handlers as first handlers thereof during such fiscal period.

§ 1021.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1021.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles watermelons shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all watermelons which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1021.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1021.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) (1) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for the committee operations during such period may be carried over into following periods as a reserve. Such reserve may be used to cover the necessary expenses of liquidation in the event of termination of this part. The reserve may also be used by the committee to finance its operations during any fiscal period prior to the time that assessment income is sufficient to cover expenses or when adverse crop conditions result in insufficient revenue to otherwise maintain the committee and its staff on a reasonable basis—but any reserve funds so used shall be returned to the reserve account as soon as assessment income becomes available for this purpose.

(2) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be returned to the extent practical to the persons from whom such funds were collected. Any residual funds which cannot be so distributed to handlers shall be disposed of in such manner as the Secretary may determine to be appropriate.

RESEARCH AND DEVELOPMENT

§ 1021.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution and consumption of watermelons. The expenses of such projects shall be paid from funds collected pursuant to § 1021.42.

REGULATION

§ 1021.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1021.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping watermelons from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to watermelons. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of watermelons, including prices by grades and quality in wholesale shipping units;

(b) Supply of watermelons by grade and quality in the production area, and in other production areas.

(c) Watermelons on hand in the terminal markets as manifested by supplies en route or on track at the principal markets;

(d) Trend and level of consumer income;

(e) Marketing conditions affecting watermelon prices; and

(f) Other relevant factors.

§ 1021.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 1021.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policies of the act.

§ 1021.52 *Issuance of regulations—(a) Cull regulation.* As soon as practical after the issuance of this subpart, the Secretary, upon committee recommendation, or other available information, shall issue a regulation requiring that no person shall handle watermelons unless such watermelons are (1) mature, and (2) free from whiteheart: *Provided,* That (i) not more than a total of five percent, by count, of the watermelons in the shipment may be watermelons that are not mature, (ii) not more than a total of ten percent, by count, of the watermelons in the shipment (including the watermelons that are not mature) may be watermelons that are not free from whiteheart, and (iii) not more than a total of one percent, by count, of the watermelons in the shipment may be watermelons that are not free from decay.

(b) *Other grade regulations.* In addition to the above cull regulation, the Secretary may limit by regulation the handling of watermelons whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades, or qualities, of any or all varieties of watermelons during any period; or

(2) Limit the handling of particular grades, or qualities, of watermelons differently, for different varieties, for different stages of maturity, for different portions of the production area, for different markets, for different purposes specified in § 1021.54, or any combination of the foregoing, during any period; or

(3) Limit the shipment of watermelons by establishing, in terms of grades, minimum standards of quality and maturity.

(c) During the period from January 1 through May 10 of each year no grade regulation imposing minimum quality restrictions higher than the requirements of paragraph (a) of this section shall be made effective unless the Producer Member from District 1, South Florida, concurs in the committee recommendation therefor.

(d) During the period from May 11 through December 31 of each year, no grade regulation may be made effective which prohibits the shipment of watermelons grading better than U. S. No. 1 with a total tolerance of 15 percent for all defects, of which (1) not more than a total of five percent, by count, of the watermelons in the shipment may be watermelons that are not mature, (2) not more than a total of ten percent, by count, of the watermelons in the shipment (including the watermelons that are not mature) may be watermelons that are not free from whiteheart, and (3) not more than a total of one percent, by count, of the watermelons in the shipment may be watermelons that are not free from decay.

(e) The Secretary may suspend or terminate regulations issued pursuant to this section, limiting the shipment of watermelons from any district or districts of the production area, whenever he determines from recommendations of the committee or from other available information, that the handling of watermelons from such district or districts is virtually complete for the then current season and that subsequent shipments from such district or districts during such season will not be of sufficient volume to warrant continued regulation for the remainder of such season.

(f) The Secretary shall notify the committee of any such regulation, suspension, or termination, and the committee shall give reasonable notice thereof to handlers.

§ 1021.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1021.42, 1021.52, 1021.54, or 1021.60, or any combination thereof.

§ 1021.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1021.42, 1021.52, 1021.53, or 1021.60, or any combination thereof, in order to facilitate shipments of watermelons for the following purposes:

(a) Shipments of watermelons within the production area for the purpose of having such watermelons graded or inspected in the production area;

(b) Shipments of watermelons to auctions within the production area;

(c) Shipments of watermelons for the purpose of having such watermelons manufactured or converted into specified products or by-products;

(d) Shipments of watermelons for seed;

(e) For other purposes which the Secretary may specify.

§ 1021.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent watermelons handled pursuant to § 1021.53 or § 1021.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle watermelons pursuant to §§ 1021.53 and 1021.54; or

(2) Handlers shall obtain inspection provided by § 1021.60, or pay the assessment levied pursuant to § 1021.42, or both, in connection with shipments made under § 1021.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of watermelons affected or to be affected under the provisions of §§ 1021.53 and 1021.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that watermelons handled by him for the purposes stated in §§ 1021.53 and 1021.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of watermelons covered by such applications, the number of such applications denied and certificates granted, the quantity of watermelons handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1021.60 *Inspection and certification.* (a) During any period in which handling of watermelons is regulated pursuant to §§ 1021.42, 1021.52, or 1021.54, or any combination thereof, no handler shall handle watermelons unless such water-

melons are inspected by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 1021.53, or § 1021.54, or both.

(b) The Secretary, pursuant to committee recommendations or other available information, may establish central points within each local producing section at which inspection of watermelons can be provided. Such points shall be based on customary location of inspection points for watermelons transported by rail or by truck, or both, during specific periods of the season, the reasonable convenience of such points to watermelon producers and handlers, the volume of watermelons available for inspection at such points during specified periods in each such locality, the availability of inspectors, and such other relevant factors as the committee, with the approval of the Secretary, may determine. Persons handling watermelons hereunder shall bring such watermelons to central points within each local producing section for inspection and make such watermelons available for inspection.

(c) The committee may recommend and the Secretary may require that any watermelons transported by motor vehicle or by other means shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

(d) The committee may recommend and the Secretary may require that all watermelons inspected in accordance with this section be individually stamped, branded, or marked in some other manner for easy identification of those watermelons which have passed inspection and are covered by an inspection certificate.

(e) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(f) Regrading, resorting, or commingling any lot of watermelons shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle watermelons after they have been regraded, resorted, commingled, or in any way further prepared for market, unless each lot of such watermelons is inspected by an authorized representative of the Federal or Federal-State Inspection Service, or such other inspection service as the Secretary shall designate. The committee, with approval of the Secretary, may provide for waiving inspection requirements on any watermelons in circumstances where it appears reasonably certain that, after regrading, resorting, or commingling such watermelons meet the applicable quality and other standards then in effect.

EXEMPTIONS

§ 1021.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1021.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee that: (a) By reason of a regulation issued pursuant to § 1021.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that (b) the grade, size, or quality of the applicant's watermelons have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of watermelons specified thereon. Such certificate shall be transferred with such watermelons at time of transportation or sale.

§ 1021.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1021.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. The appeal must be taken promptly after such determination by the committee. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a determination concerning the application, which determination shall be final. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1021.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of watermelons covered by such exemption certificates, a record of the amount of watermelons handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1021.70, 1021.71, 1021.72, or 1021.73, or any combination thereof.

REPORTS

§ 1021.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of watermelons received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such watermelons; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the watermelons were handled, together with the destination of each exempted disposition and of all watermelons handled pursuant to §§ 1021.53 and 1021.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the watermelons received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1021.81 *Compliance.* Except as provided in this subpart, no handler shall handle watermelons, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle watermelons except in conformity to the provisions of this subpart.

§ 1021.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1021.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1021.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of watermelons for market: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such watermelons produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1021.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1021.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1021.87 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1021.88 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1021.89 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1021.90 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1021.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1021.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1021.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1021.94 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

[1] Applicable only to the proposed marketing agreement.

§ 1021.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of watermelons in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: February 20, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1455; Filed, Feb. 26, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 235]

[Docket No. 789]

FILING OF FREIGHT RATES IN FOREIGN IMPORT COMMERCE OF THE UNITED STATES

NOTICE OF ORAL ARGUMENT

Whereas, by notice in this proceeding, appearing in the FEDERAL REGISTER of March 15, 1956 (21 F. R. 1656) the Board announced that it had instituted an investigation with respect to the issuance of a proposed rule requiring the filing with the Board of schedules, and all amendments thereto, of all inbound rates, charges, rules, regulations, and practices established, observed, and assessed by all common carriers by water subject to the Shipping Act, 1916, as amended (46 U. S. C. 801 et seq.), and engaged in the foreign import commerce of the United States, including all of its Districts, Territories; and possessions and all persons interested in the proposed rule were given an opportunity to file written statements and comments as to when such schedules should be filed, and

Whereas, by notice appearing in the FEDERAL REGISTER of October 20, 1956 (21 F. R. 8088), the Board, having considered comments received pursuant to the above notice, published the proposed rule in order to give interested persons an opportunity to file written comments and statements with respect to such rule, and

Whereas, consideration has been given to the comments received, including those in which a request was made for a hearing or oral argument,

Now therefore, notice is hereby given that oral argument will be heard by the Board, on March 19, 1957, beginning at 9:30 a. m., in Room 4519 New G. A. O. Building, 441 G Street NW., Washington, D. C., with respect to (1) whether the Board has statutory authority to issue the proposed rule, and (2) any other

question germane to such rule and/or the issuance thereof, on which interested parties may desire to be heard.

All respondents in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington 25, D. C., immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: February 25, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1514; Filed, Feb. 25, 1957; 4:22 p. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 72, 73, 74, 77, 78]

[Notice 29; Docket No. 3666]

TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

JANUARY 25, 1957.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments and the reasons therefor are set forth below.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before February 26, 1957. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(62 Stat. 738, 18 U. S. C. 831-835; 49 Stat. 546, 52 Stat. 1237, 54 Stat. 921, 49 U. S. C. 304)

By the Commision, Division 3.

[SEAL] HAROLD D. McCOY,
Secretary.

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

Amend § 72.5 Commodity List (15 F. R. 8266, 8267, 8269, 8272, Dec. 2, 1950) (21 F. R. 7596, Oct. 4, 1956) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
Change				
Copper arsenite, solid (Scheele's green, cupric green, copper orthoarsenite, Swedish green).	Pois. B	73.364, 73.365	Poison	200 pounds.
Sparklers. See Common fireworks.				
Vinyl chloride, inhibited	F. G	73.302, 73.308, 73.314, 73.315.	Red Gas	300 pounds.
Add				
Dimethylhydrazine, unsymmetrical	F. L	No exemption, 73.145	Red	5 pints.
Explosive cartridges	Expl. A	No exemption, 73.56		Not accepted.
Nitric oxide	Pois. A	No exemption, 73.337	Poison Gas	Not accepted.

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

In § 73.31 amend paragraph (a) table; add footnote 11 to paragraph (a) table; add spec. 109A100AL-W to table 1 to paragraph (g) (9) (21 F. R. 4562, 4563, June 26, 1956) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) • • •

Where these regulations call for specifications Nos.—	These specification containers may also be used subject to the provisions of the following notes—
103 [6] [8] [11] and 103-W [6] [8] [11]	ARA-II [1] [6] [11] III [6] [8] [11] and IV.[6] [8]
103A [6] [11] and 103A-W [6] [11]	ARA-II [1] [6] [11] and III.[6] [8] [11]
103B [6] [11] and 103B-W [6] [11]	ARA-II [6] [11] and III [6] [11] rubber lined.
103C-W	103C.[9]
103D-W, 103E-W, 103A-N-W	See Note 10.
104 [6] [8] [11] and 104-W [6] [8] [11]	ARA-IV [6] [8] [11]
105A100 and 105A100-W	104A [7] and 104A-W.[7]
105A100-AL-W	104A-AL-W.[7]
105A300-W	ARA-V,[3] ICC-105 [3] and 105A300.[3]
105A400-W	105A400.
105A500-W	105A500.
105A600-W	105A600.
106A500 and 106A500-X	ICC-27 tanks mounted on a car and classified as multiunit tank prior to October 1, 1930.[4]
106A800 and 106A800-X	None.
106A800NCI	None.
107A • • •	None.

• • • • • • • • •

[11] Cars built prior to August 31, 1956, equipped with safety vents having frangible rupture discs of 30 p. s. i. may be used. Cars equipped with 30 p. s. i. safety vents may be continued in service but these safety vents may be reset to 45 p. s. i. by changing the frangible disc to one of that rating.

• • • • • • • • •

(g) • • •

(9) • • •

TABLE 1—RETEST PERIODS AND PRESSURES

Classification	See footnote	Tank retests				Safety valve retest years	Interior heater systems retest				Tank test p. s. i.	Safety valve p. s. i.[6]	Safety valve vapor tight p. s. i. minimum	Retest holding time minimum	Test time when lettering is not removed minimum
		Up to 10 years	10 to 22 years	Over 10 years	Over 22 years		Up to 10 years	10 to 22 years	Over 10 years	Over 22 years					
ICC-109A-100AL-W		10		10		5	10		10		100	75	60	10	30

Footnotes remain the same.

• • • • • • • • •

SUBPART B—EXPLOSIVES; DEFINITIONS AND PREPARATION

1. In § 73.53 add paragraph (w) (15 F. R. 8286, Dec. 2, 1950) to read as follows:

§ 73.53 *Definition of class A explosives.* • • •

(w) *Explosive cartridges.* Explosive cartridges are military devices, other than ammunition for cannon without projectiles, consisting of a metal, fiber, or composition casing containing more than 180 grains of a class A explosive Type I as defined herein and fitted with an igniter, primer, or other ignition device.

2. In § 73.56 amend the heading; amend paragraphs (a), (b), and (f) (15 F. R. 8286, Dec. 2, 1950) (21 F. R. 7598, Oct. 4, 1956) to read as follows:

§ 73.56 *Ammunition, projectiles, grenades, bombs, mines, explosive cartridges, and torpedoes.* (a) Detonating fuzes, tracer fuzes, explosive or ignition devices, bouchons, or fuze parts with explosives contained therein must not be assembled in explosive projectiles, grenades, explosive bombs, explosive mines, explosive cartridges, or explosive torpedoes, or included in the same outside package with them unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government or unless of a type approved by the Bureau of Explosives.

(b) Explosive projectiles, explosive torpedoes, explosive mines, explosive bombs, explosive cartridges, or explosive grenades, except as provided in paragraph (c) of this section, must be packed and properly secured in strong wooden or metal boxes.

• • • • • •

(f) Each exterior package or projectile, bomb, or mine must be plainly marked "explosive projectiles," "explosive torpedo," "explosive mine," "explosive bomb," "hand grenades," "rifle grenades," or "explosive cartridges," as the case may be, except that each device need not be so marked when palletized and the palletized units are plainly marked and shipped as carload or truckload shipments.

3. In § 73.65 amend paragraph (e) (3) (19 F. R. 8525, Dec. 14, 1954) to read as follows:

§ 73.65 *High explosives with no liquid explosive ingredient nor any chlorate.* • • •

(e) • • •

(3) Spec. 5B (§ 78.82 of this chapter) metal barrels or drums or Spec. 21A or 21B (§ 78.222 or § 78.223 of this chapter) fiber drums. Authorized only for cyclotrimethylenetrinitramine wet with not less than 10 pounds of water to each 90 pounds of dry material in inside containers which must be bags made of at least 10-ounce cotton duck, rubber or rubberized cloth and securely closed. The dry weight of cyclotrimethylenetrinitramine in one container must not exceed 300 pounds. These bags containing the cyclotrimethylenetrinitramine must then be placed in a rubber bag, rubberized cloth bag or bag made of suitable watertight material which must be securely closed and then placed in the drum. If shipment of cyclotrimethylenetrinitramine is to take place at a time freezing weather is to be anticipated, it must be wet with a mixture of denatured ethyl alcohol or other suitable anti-freeze and water of such proportions that freezing will not occur in transit.

4. In § 73.69 amend paragraph (c) (20 F. R. 4414, June 23, 1955) to read as follows:

§ 73.69 *Detonating fuzes, class A, with or without radioactive components, detonating fuze parts containing an explosive, boosters, bursters, or supplementary charges.* • • •

(c) Each outside package must be plainly marked "DETONATING FUZES, CLASS A EXPLOSIVES—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "DETONATING FUZES, CLASS A EXPLOSIVES, RADIOACTIVE—HANDLE CAREFULLY—DO NOT STORE OR LOAD WITH ANY HIGH EXPLOSIVES," or "BOOSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "BURSTERS (EXPLOSIVE)—HANDLE CAREFULLY," or "SUPPLEMENTARY CHARGES (EXPLOSIVE)—HANDLE CAREFULLY," as the case may be.

• • • • • •

5. In § 73.77 amend paragraph (c) (15 F. R. 8292, Dec. 2, 1950) to read as follows:

§ 73.77 *Pentaerythrite tetranitrate.* • • •

(c) Sufficient outage in outside container must be allowed to prevent rupturing of container in freezing weather, or a mixture of denatured ethyl alcohol or other suitable anti-freeze and water may be used to prevent freezing in transit.

• • • • • •

6. In § 73.79 amend paragraph (c) (21 F. R. 3009, May 5, 1956) to read as follows:

§ 73.79 *Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, Class A.* • • •

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS A EXPLOSIVES" or "IGNITERS, JET THRUST, CLASS A EXPLOSIVES."

• • • • • •

7. In § 73.92 amend the heading, and introductory text of paragraph (a); amend paragraph (c) (21 F. R. 3009, May 5, 1956) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B.* (a) Jet thrust units (jato), class B, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato), class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B, must be packed in outside containers complying with the following specifications:

• • • • • •

(c) Each outside package must be plainly marked "JET THRUST UNITS, CLASS B EXPLOSIVES," "IGNITERS, JET THRUST, CLASS B EXPLOSIVES," or "STARTER CARTRIDGES, JET ENGINE, CLASS B EXPLOSIVES."

• • • • • •

8. In § 73.100 amend paragraph (r) (8) (18 F. R. 3134, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.100) to read as follows:

§ 73.100 *Definitions of class C explosives.* • • •

(r) • • •

(8) Dipped sticks, the pyrotechnic composition of which contains any chlorate or perchlorate shall not exceed 5 grams. Sparklers, the composition of which does not exceed 100 grams each and which contain no magnesium or magnesium and a chlorate or perchlorate, are not subject to the regulations in Parts 71-78 and 197 of this chapter.

• • • • • •

9. In § 73.108 amend the introductory text of paragraph (a); amend paragraph (a) (2) (21 F. R. 7599, Oct. 4, 1956) (15 F. R. 8297, Dec. 2, 1950) to read as follows:

§ 73.108 *Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke pots, and very signal cartridges.* (a) Common fireworks, signal flares, hand signal devices, railway or highway fusees, smoke signals, smoke candles, smoke pots, and very signal cartridges, unless otherwise specifically provided for, must be securely packed in containers complying with the following specifications:

• • • • • •

(2) Spec. 15A, 15B, 16A, or 19A (§§ 78.168, 78.169, 78.185, or 78.190 of this chapter). Wooden boxes. Gross weight not to exceed 100 pounds, except gross weight of 500 pounds is authorized for very signal cartridges only.

• • • • • •

10. In § 73.113 amend paragraph (c) (20 F. R. 4414, June 23, 1955) to read as follows:

§ 73.113 *Detonating fuzes, class C.* • • •

(c) Each outside package must be plainly marked "DETONATING FUZES, CLASS C EXPLOSIVES—HANDLE CAREFULLY."

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.115 amend paragraph (a) (21 F. R. 7599, Oct. 4, 1956) to read as follows:

§ 73.115 *Flammable liquids; definition.* (a) A flammable liquid for the purpose of Parts 71-78 of this chapter is any liquid which gives off flammable vapors (as determined by flash point from Tangliabue's open-cup tester, as used for test of burning oils) at or below a temperature of 80° F.

• • • • • •

2. In § 73.118 amend paragraphs (a) and (b) (21 F. R. 4431, 4432, June 23, 1956) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* (a) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(b) Flammable liquids, except those enumerated in paragraph (c) of this section, in inside containers having a capacity not over 1 pint or 1-6 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

1. In § 73.176 amend paragraph (g) (21 F. R. 364, Jan. 19, 1956) to read as follows:

§ 73.176 *Matches.* • • •

(g) Matches, strike-on-box, book, and card packed in outside fiberboard or wooden boxes are not subject to the regulations in Parts 71–78 and 197 of this chapter.

(1) Matches, strike-on-box, book, and card may be packed in the same outside container with nonflammable articles when packed in outside fiberboard or wooden boxes. Such matches must be compactly packed in tightly closed inside containers or securely wrapped so as to prevent accidental ignition. When so packed, they are exempt from specification packaging, marking, and labeling requirements except when for transportation by carrier by water each outside container shall be marked "BOOK MATCHES," "STRIKE-ON-BOX MATCHES," or "CARD MATCHES," as the case may be. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

2. Amend entire § 73.229 (20 F. R. 950, Feb. 15, 1955) (21 F. R. 365, Jan. 19, 1956) to read as follows:

§ 73.229 *Chlorate and borate mixtures or chlorate and magnesium chloride mixtures.* (a) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing mere than 50 percent chlorate and no other hazardous additives must be packed as follows:

(1) As prescribed in § 73.163.

(b) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing no other hazardous additives and containing less than 50 percent chlorate are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight or highway and packed as follows; shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter:

(1) Tight metal or fiber drums.

(2) Wooden boxes with tight inside metal containers.

(3) Multi-wall paper bags, net weight not over 50 pounds, moisture proof and sift proof, and having a strength capable of withstanding four 4-foot drops onto solid concrete.

(c) Chlorate and borate mixtures or chlorate and magnesium chloride mixtures containing 28 percent or less chlorate and no other hazardous additives, are not subject to the regulations in Parts 71–78 and 197 of this chapter.

3. In § 73.233 add paragraph (a) (4) (17 F. R. 9837, Nov. 1, 1952) to read as follows:

§ 73.233 *Nickel catalyst, finely divided, activated or spent.* (a) • • •

(4) Spec. 17H, 37A, or 37B (§ 78.118, § 78.131, or § 78.132 of this chapter). Metal drums (single-trip).

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. In § 73.247 amend paragraph (a) (6) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(6) Spec. 103A, 103A–W, 105A300–W, 105A400–W, 105A500–W, or 105A600–W (§ 78.266, § 78.281, § 78.286, § 78.287, § 78.288, or § 78.289 of this chapter) tank cars, except that for tin tetrachloride (anhydrous) spec. 105A300–W, 105A400–W, 105A500–W, or 105A600–W tank cars must be used. Benzyl chloride must be stabilized when loaded in unlined tanks.

• • • • • •

2. In § 73.264 amend paragraph (a) (7); amend paragraph (b) (2) (15 F. R. 8317, Dec. 2, 1950) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) • • •

(7) Spec. 5A (§ 78.81 of this chapter). Unlined metal barrels or drums which have been subjected to adequate passification of neutralization process (see Note 1). Authorized only for acid of not less than 60 percent and not more than 80 percent strength and all containers must be filled to not over 80 percent of capacity at 68° F. If containers are washed out with water, they must be repassified before reshipment. (See Notes 1, 2, 3, 4 and 5.)

Notes remain the same.

• • • • • •

(b) • • •

(2) Spec. 105A300–W, 105A400–W, 105,[1] 105A500–W, or ARA–V[1] (§§ 78.286, 78.287, 78.288 of this chapter), tank cars, equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank.

• • • • • •

3. In § 73.266 add paragraph (c) (7) (15 F. R. 8318, Dec. 2, 1950) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(c) • • •

(7) Spec. 6J (§ 78.100 of this chapter). Steel barrels or drums having inside spec. 2S (§ 78.35 of this chapter) polyethylene drums. Gross weight restriction indicated by the gross weight embossment in the steel barrel or drum is waived.

• • • • • •

4. In § 73.271 add paragraph (a) (10); amend paragraph (b) (15 F. R. 8321, Dec. 2, 1950) (16 F. R. 11779, Nov. 21, 1951) to read as follows:

§ 73.271 *Phosphorus, oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) • • •

(10) Spec. 103E–W (§ 78.298 of this chapter). Tank cars made from type 316 stainless steel. Authorized for phosphorus trichloride and thiophosphoryl chloride only.

(b) Phosphorus trichloride and thiophosphoryl chloride may also be shipped in metal barrels or drums, Spec. 5A or 5C (§ 78.81 or § 78.83 of this chapter).

• • • • • •

5. In § 73.272 amend the introductory text of paragraph (f); add paragraph (f) (2) (15 F. R. 8321, Dec. 2, 1950) to read as follows:

§ 73.272 *Sulfuric acid.* • • •

(f) For sulfuric acid of concentrations not to exceed 95 percent (approximately 1.835 specific gravity) (66° Baumé):

• • • • • •

(2) Spec. 1F or 1G (§ 78.10 or § 78.11 of this chapter). Polyethylene carboys in wooden boxes, plywood drums or boxes.

• • • • • •

6. In § 73.289 amend paragraph (a) (2) (21 F. R. 7601, Oct. 4, 1956) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(2) Spec. 103C–W or 103E–W (§ 78.283 or § 78.298 of this chapter). Tank cars. Spec. 103E–W tanks must be of type 316 stainless steel and must be stenciled "FOR FORMIC ACID ONLY."

• • • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

1. In § 73.302 amend paragraph (a) (3) (20 F. R. 8102, Oct. 28, 1955) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) • • •

(3) Inside nonrefillable metal containers charged with a solution of materials and compressed gas or gases, of capacity not exceeding 32 cubic inches. Contents of the container must be nonpoisonous and if flammable as provided in § 73.300 (b) (2), (3), and (4), the flash point, as determined by Bureau of Explosives' Method, must be not less than 20° F. Pressure in the container must not exceed 75 pounds per square inch absolute at 70° F. and the liquid content of the material and gas must not completely fill the container at 130° F. However, if the pressure exceeds 55 pounds per square inch absolute at 70° F., a spec. 2P (§ 78.33 of this chapter) container must be used. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect.

• • • • • •

2. In § 73.306 amend paragraph (b) (1); cancel paragraphs (b) (2), and entire paragraph (d) (20 F. R. 8103, Oct. 28, 1955) (21 F. R. 3011, May 5, 1956) (21 F. R. 7602, Oct. 4, 1956) (21 F. R. 4433, June 23, 1956) (19 F. R. 1279, Mar. 6, 1954) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(b) • • •

(1) Spec. 2P (§ 78.33 of this chapter), inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

(2) [Cancelled.]

• • • • • •

(d) [Cancelled.]

3. In § 73.312 amend paragraphs (a) (1) and (7) (19 F. R. 6269, Sept. 29, 1954) (21 F. R. 7602, 7603, Oct. 4, 1956) to read as follows:

§ 73.312 *Liquefied petroleum gas.* (a) • • •

(1) Spec. 3,[1] 3A, 3AA, 3B, 3E, 4, 4A, 4B, 4BA, 4B240X[1] (see Appendix A to Subpart C of Part 78), 4B240FLW, 4B240ET, 4E, or 9, 25,[1] 26,[1] 38,[1] or 41 (§ 78.36, § 78.37, § 78.38, § 78.42, § 78.48, § 78.49, § 78.50, § 78.51, § 78.54, § 78.55, § 78.68, § 78.63, or § 78.67 of this chapter). Cylinders authorized under § 73.34 (a) to (e) may be used.

No change in Note 1.

• • • • • •

(7) Spec. 2P (§ 78.33 of this chapter). Inside metal containers packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Authorized for liquefied petroleum gas with a gas pressure not over 45 pounds per square inch gauge at 70° F. and 105 pounds per square inch gauge at 130° F. Containers must be equipped with safety devices which will prevent rupture of the containers and dangerous projection of the closing devices when the containers are exposed to the action of fire. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

• • • • • •

4. In § 73.314 amend paragraph (a) and the entire table thereto; amend Notes 8, 11, 12, and 18 to paragraph (a) table; add Note 20 to paragraph (a) table; amend paragraph (b) (19 F. R. 8528, Dec. 14, 1954) (21 F. R. 4565, June 26, 1956) (21 F. R. 7602, Oct. 4, 1956) (20 F. R. 4417, June 23, 1955) (21 F. R. 9357, Nov. 30, 1956) (16 F. R. 9377, Sept. 15, 1951) (19 F. R. 3261, June 3, 1954) to read as follows:

§ 73.314 *Compressed gases in tank cars.* (a) Compressed gases must not be shipped in tank cars except as provided in paragraphs (b) to (f) of this section, § 73.432, and in the following table:

Kind of gas	Maximum permitted filling density Note 1 (percent)	Required type of tank car, Note 2
Anhydrous ammonia	50	ICC–106A500, 106A500X, Note 12.
	57	ICC–105A300–W.
Argon	Note 5	ICC–107A.
Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited.	Notes 3 and 6	ICC–106A500, 106A500X.
		ICC–105A100, 105A100–W, Note 9.
Carbon dioxide, liquefied	Note 10	ICC–105A500–W, 105A600–W, Note 11.
Chlorine	125	ICC–106A500, 106A500X, Note 12.
	125	ICC–105A300–W, Notes 8 and 18.
Crude nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
		ICC–105A100AL–W, 105A300–W, 109A100AL–W, Note 5.
Dichlorodifluoromethane	119	ICC–106A500, 106A500X, 110A500–W, Notes 12 and 19.
	125	ICC–105A300–W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture).	Note 6	ICC–106A500, 106A500X, Note 12.
		ICC–110A500–W.
		ICC–105A300–W.
Dichlorodifluoromethane-dichlorotetrafluoroethane mixture.	119	ICC–106A500, 106A500X, 110A500–W, Notes 12 and 19.
	125	ICC–105A300–W.
Dichlorodifluoromethane - monochlorodifluoromethane mixture.	119	ICC–106A500, 106A500X, 110A500–W, Notes 12 and 19.
	125	ICC–105A300–W.
Dichlorodifluoromethane - monofluorotrichloromethane mixture.	Note 16	ICC–106A500, 106A500X, 110A500–W, Note 12.
		ICC–105A300–W.
Dichlorodifluoromethane - trichloromonofluoromethane-monochlorodifluoromethane mixture.	119	ICC–106A500, 106A500X, 110A500–W, Notes 12 and 19.
	125	ICC–105A300–W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture.	119	ICC–106A500, 106A500X, 110A500–W, Notes 12 and 19.
	125	ICC–105A300–W.
Difluoroethane	79	ICC–106A500, 106A500X, 110A500–W, Note 12.
Difluoromonochloroethane	100	ICC–106A500, 106A500X, 110A500–W, Note 12.
Dimethylamine, anhydrous	59	ICC–106A500, 106A500X.
	62	ICC–105A300–W, Note 9.
Dimethyl ether	59	ICC–106A500, 106A500X.
	62	ICC–105A300–W, Note 9.
Dispersant gas, n. o. s.	Note 16	ICC–106A500, 106A500X, Notes 12 and 19.
		ICC–110A500–W, Note 19.
		ICC–105A300–W, Note 19.
Fertilizer ammoniating solution containing free ammonia.	Note 6	ICC–106A500, 106A500X.
		ICC–105A100AL–W, 105A300–W, 109A100AL–W, Note 5.
Helium	Note 5	ICC–107A.
Hydrogen	Note 5	ICC–107A, Note 7.
Hydrogen sulfide	68	ICC–106A800, 106A800X, Notes 12 and 13.
Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–105A100, 105A100–W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 6	ICC–105A300–W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 6	ICC–105A400–W, Note 9.
Liquid hydrocarbon gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 6	ICC–106A500, 106A500X.
Liquid hydrocarbon gas (pressure not exceeding 450 pounds per square inch at 105° F.).	Note 6	ICC–105A600–W, Note 9.
Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 3	ICC–105A100, 105A100–W, Note 9.
Liquefied petroleum gas (pressure not exceeding 225 pounds per square inch at 105° F.).	Note 3	ICC–105A300–W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 300 pounds per square inch at 105° F.).	Note 3	ICC–105A400–W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 105° F.).	Note 3	ICC–105A500–W, Notes 5 and 9.
Liquefied petroleum gas (pressure not exceeding 375 pounds per square inch at 130° F.).	Note 4	ICC–106A500, 106A500X.
Liquefied petroleum gas (pressure not exceeding 450 pounds per square inch at 105° F.)	Note 3	ICC–105A600–W, Notes 5 and 9.
Methyl chloride	84	ICC–106A500, 106A500X, Note 12.
		ICC–105A300–W, Note 9.
Methyl mercaptan	80	ICC–106A500, 106A500X, Notes 12 and 20.
	82	ICC–105A300–W, Note 9.
Monochlorodifluoromethane	105	ICC–106A500, 106A500X, 110A500–W, Note 12.
	110	ICC–105A300–W.
Monochlorotetrafluoroethane	125	ICC–106A500, 106A500X, 110A500–W, Note 12.
Monomethylamine, anhydrous	60	ICC–106A500, 106A500X.
	62	ICC–105A300–W, Note 9.
Nitrogen	Note 5	ICC–107A.
Nitrogen fertilizer solution	Note 6	ICC–106A500, 106A500X.
		ICC–105A100AL–W, 105A300–W, 109A100AL–W, Note 5.
Nitrogen fertilizer solution (pressure not exceeding 75 pounds per square inch at 105° F.).	Note 6	ICC–105A100AL–W.
Nitrosyl chloride	110	ICC–106A800NCI, Notes 12 and 17.
	124	ICC–105A300–W, Note 15.
Oxygen	Note 5	ICC–107A.
Refrigerant gas, n. o. s.	Note 16	ICC–106A500, 106A500X, Notes 12 and 19.
		ICC–110A500–W, Note 19.
		ICC–105A300–W, Note 19.
Sulfur dioxide	125	ICC–106A500, 106A500X, 110A500–W, Note 12.
		ICC–105A300–W.
Trifluorochloroethylene	115	ICC–106A500, 106A500X, Note 12.
	118	ICC–110A500–W.
Trimethylamine, anhydrous	120	ICC–105A300–W, Note 9.
	57	ICC–106A500, 106A500X.
Vinyl chloride, inhibited (see Note 14)	59	ICC–105A300–W, Note 9.
	84	ICC–106A500, 106A500X, Note 12.
Vinyl methyl ether, inhibited (see Note 14)	57	ICC–105A300–W, Note 9.
	68	ICC–105A100, 105A100–W, 105A300–W, Note 9.

• • • • • •

NOTE 8: For tank cars of other than ICC–106A (§ 78.275 of this chapter) type, used for shipping chlorine, tests prescribed in § 73.31 must be made at intervals of 2 years or

[1] Use of existing tank cars authorized, but new construction not authorized.

[1] Use of existing cylinders authorized, but new construction not authorized.

less and interior pipes of liquid discharge valves must be equipped with check valves of approved design.

• • • • • •

NOTE 11: Before an ICC–105A500W or ICC–105A600W (§§ 78.288 or 78.289 of this chapter) tank car may be used for the transportation of liquefied carbon dioxide, the following requirements must be met: Tank must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot per degree F. differential in temperature per hour; except that the insulation thickness directly over the center sills may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree F. differential in temperature per hour; this reduction is to permit an anchorage which must not exceed seven (7) inches from top of center sills to bottom of tank. Tank must be equipped with one safety valve of approved design set to open at a pressure not exceeding three-fourths of the test pressure of the tank and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of three-fourths of the test pressure of the tank. Tank must be equipped with two (2) pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 pounds per square inch or seven-tenths of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

NOTE 12: Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluorpethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethang-monochlorodifluoromethane mixture, or dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane, dichlorodifluoromethane-monofluorotrichloromethane mixture, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800NCI (§ 78.295 of this chapter), containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 of this chapter, for rail freight-motor vehicle shipments.

• • • • • •

NOTE 18: The maximum quantity of liquefied chlorine gas loaded into tanks mounted on one car structure must not exceed 60,000 pounds. *Provided*, That for single-unit tank car tanks having water weight capacities not less than 86,240 pounds nor over 90,640 pounds, lagged with 4 inches of corkboard, equipped with one or more safety valves set to open at a pressure of 225 pounds per square inch, the total discharge capacity of which must be sufficient to prevent building up of pressure in the tank in excess of 225 pounds per square inch, tank jackets stenciled ICC–105A300W (§ 78.286 of this chapter) and in all other respects constructed and maintained in full compliance with I. C. C. shipping container specification 105A500W (§ 78.288 of this chapter), the quantity of gas loaded into such tanks must be not more than 110,000 pounds nor less than 107,800 pounds.

• • • • • • •

NOTE 20: Container shall not be equipped with safety devices of any description.

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100–W, 105A100AL–W, 105A300AL–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 109A100AL–W (§§ 78.270, 78.285, 78.294, 78.300, 78.286, 78.287, 78.288, 78.289, 78.302 of this chapter), and at 130° F. in any unlagged tank of tank cars of specs. 106A500, 106A500X, 106A800, 106A800X, and 110A500–W (§§ 78.275, 78.276, and 78.293 of this chapter) must not exceed three-fourths times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

No change in Note 1.

• • • • • •

5. In § 73.315 amend paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (2) table (18 F. R. 6780, Oct. 27, 1953) (21 F. R. 3012, May 5, 1956) as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.*

(a) • • •

(1) • • •

Kind of gas	Maximum permitted filling density		Specification container required	
	Percent by weight (see Note 1)	Percent by volume (see par. (f) of this section)	Type (see Note 2)	Minimum design working pressure (p. s. i. g.)
Add				
Vinyl chloride, inhibited	84	See Note 7	MC-330	250

(h) • • •

Kind of gas	Permitted gauging device
Add	
Vinyl chloride, inhibited	None

(i) • • •

(2) • • •

Kind of gas	Minimum start-to-discharge pressure (p. s. i. g.)
Add	
Vinyl chloride, inhibited	250

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Add § 73.337 (15 F. R. 8334, Dec. 2, 1950) to read as follows:

§ 73.337 *Nitric oxide.* (a) Nitric oxide must be packed in specification containers as follows:

(1) Spec. 3A, 3AA, or 3E1800 (§ 78.36, § 78.37, or § 78.42 of this chapter) cylinders designed and marked for a service pressure of 1800 pounds per square inch, or higher, charged to a pressure of not more than 750 pounds per square inch at 70° F. Cylinders must be equipped with a valve of stainless steel and valve seat of material which will not be deteriorated by contact with nitric oxide or nitrogen dioxide. Containers or valves must not be equipped with safety devices of any type. Valve outlets must be sealed by a solid threaded cap or plug and an inert gasketing material.

(2) Spec. 3E1800 (§ 78.42 of this chapter) cylinders must be packed in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "inside containers comply with prescribed specifications".

(3) Spec. 3A and 3AA (§§ 78.36 and 78.37 of this chapter) cylinders must have their valves protected by metal caps securely attached to the cylinders and of sufficient strength to protect the valves from injury during transit, or by packing in strong wooden boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Each outside shipping container must be plainly marked "inside containers comply with prescribed specifications".

• • • • • •

2. In § 73.347 add paragraph (a) (7) (15 F. R. 8335, Dec. 2, 1950) to read as follows:

§ 73.347 *Aniline oil.* (a) • • •

(7) Spec. 12B (§ 78.205 of this chapter). Fiberboard boxes with metal inside containers not over 1 gallon capacity each; not to contain more than 4 such inside containers if their capacity is greater than 5 pints each.

• • • • • •

3. In § 73.377 add paragraph (g), and (h) (21 F. R. 3013, May 5, 1956) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* • • •

(g) Dry mixtures containing more than 2 percent but not exceeding 15 percent by weight of hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a) and (b) of this section, may be packed in specification containers as follows:

(1) Spec. 44B (§ 78.236 of this chapter). Multi-wall paper bags with inside paper bags, spec. 2D (§ 78.23 of this chapter), not over 5 pounds capacity each. Net weight of material in outside container not over 30 pounds each.

(h) Dry mixtures containing more than 2 percent but not exceeding 5 percent by weight of hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, in addition to containers prescribed in paragraphs (a), (b), and (g) of this section, may be packed in specification containers as follows:

(1) Spec. 44D (§ 78.238 of this chapter). Multi-wall paper bags not over 50 pounds net weight each.

4. In § 73.393 amend paragraph (i) (15 F. R. 8340, Dec. 2, 1950) to read as follows:

§ 73.393 *Packing and shielding.* • • •

(i) Liquid radioactive materials Groups I, II or III must, in addition, be packed in tight glass, earthenware, or other suitable inside containers. The inside containers must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and of such nature that its efficiency will not be impaired by chemical reaction with the contents. Where use of shielding is necessary to reduce radiation to limits prescribed by this section, the absorbent cushioning material must be placed within the shield. If the container is packed in a metal container specification 2R (§ 78.34 of this chapter) or other container approved by the Bureau of Explosives, the absorbent cushioning is not required.

SUBPART I—SHIPPING INSTRUCTIONS

In § 73.430 amend paragraph (a); add paragraph (d) (15 F. R. 8343, 8344, Dec. 2, 1950) to read as follows:

§ 73.430 *Certificate.* (a) The shipper offering for transportation by carriers by rail freight, highway, water, or air, any class A or class B explosive and blasting caps or electric blasting caps in any quantity, and any flammable liquid, flammable solid, oxidizing material, corrosive liquid, compressed gas, or poison, requiring labels, or carloads or truckloads requiring placards, as prescribed by Parts 71–78 of this chapter, must show on the shipping order, bill of lading, or other shipping paper, in the lower left-hand corner, the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described, and are packed and marked and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission.

• • • • • •

(d) In lieu of certificate described in paragraph (a) of this section, shipping papers for bulk shipments made in containers owned or controlled by the carrier may have at the option of the shipper the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described and are in proper condition for transportation according to the regulations prescribed by the Interstate Commerce Commission;

and the following certificate over the written or stamped facsimile signature of the carrier or his duly authorized agent:

This is to certify that the above named articles are properly marked and are transported in a proper container which is in proper condition for transportation according to regulations prescribed by the Interstate Commerce Commission.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.526 add paragraph (o) (5) (15 F. R. 8346, Dec. 2, 1950) to read as follows:

§ 74.526 *Loading explosives into cars.* • • •

(o) • • •

(5) Truck body or trailer shall not be equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.

2. In § 74.529 amend paragraph (b) (20 F. R. 8106, Oct. 28, 1955) to read as follows:

§ 74.529 *Cars for class B, explosives.* • • •

(b) Shipments of class B explosives (see §§ 73.88 to 73.94 of this chapter) must be loaded in a closed car or container car which is in good condition, into which sparks cannot enter, and with roof not in danger of taking fire through unprotected decayed wood. These cars do not require the car certificate but must have attached to both sides and both ends the "DANGEROUS" placard prescribed by § 74.552, and the doors if not tight must be stripped to prevent entrance of sparks.

• • • • • •

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 74.538 paragraph (a) chart, amend item 2 in vertical and horizontal columns; amend footnote e to paragraph (a) chart (21 F. R. 9359, 9360, Nov. 30, 1956) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.*

(a) • • •

"2" Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B

• • • • • •

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

• • • • • •

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

In § 74.589 amend paragraphs (h) (8) and (j) (8) to read as follows:

§ 74.589 *Handling cars.* • • •

(h) • • •

(8) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

• • • • • •

(j) • • •

(8) Open-top car when any of the lading protrudes beyond the car ends or when any of the lading extending above the car ends is liable to shift so as to protrude beyond the car ends.

• • • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.819 add paragraph (c) (15 F. R. 8863, Dec. 2, 1950) to read as follows:

§ 77.819 *Certificate.* • • •

(c) In lieu of certificate described in paragraph (a) of this section, shipping papers for shipments made in containers owned or controlled by the carrier may have at the option of the shipper the following certificate over the written or stamped facsimile signature of the shipper or his duly authorized agent:

This is to certify that the above named articles are properly described and are in proper condition for transportation according to the regulations of the Interstate Commerce Commission.

2. In § 77.820 amend paragraph (a) (21 F. R. 9361, Nov. 30, 1956) to read as follows:

§ 77.820 *Waybills, manifests, etc.* (a) The waybill, manifest, dispatch, memorandum receipt, bill of lading, transfer sheet, or interchange record, when prepared for shipments and used for transferring such shipments to a connecting carrier, must properly describe the articles by name as shown in § 72.5 of this chapter, and show the color or kind of label applied. (See § 77.817.)

SUBPART B—LOADING AND UNLOADING

1. In § 77.834 amend paragraph (g) (15 F. R. 8364, Dec. 2, 1950) to read as follows:

§ 77.834 *General requirements.* • • •

(g) *Prevent relative motion between containers.* Containers of explosives, flammable liquids, flammable solids, oxidizing materials, corrosive liquids, acids, compressed gases, and poisonous liquids or gases, must be so braced as to prevent motion thereof relative to the vehicle while in transit. Containers having valves or other fittings must be so loaded that there will be the minimum likelihood of damage thereto during transportation.

• • • • •

2. In § 77.835 amend paragraph (e) (15 F. R. 8365, Dec. 2, 1950) to read as follows:

§ 77.835 *Explosives.* • • •

(e) *No sharp projections inside truck body or trailer.* No truck body or trailer, transporting any kind of explosive, shall have on the interior of the body in which the explosives are contained, any inwardly projecting bolts, screws, nails, or other inwardly projecting parts likely to produce damage to any package or container of explosives during the loading or unloading process or in transit, nor shall any truck body or trailer be equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.

• • • • •

3. In § 77.838 amend paragraph (f) (21 F. R. 4434, June 23, 1956) to read as follows:

§ 77.838 *Flammable solids and oxidizing materials.* • • •

(f) Nitrates listed in § 73.182 (b) of this chapter, must be loaded in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles the lading must be suitably covered. Ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, and guanidine nitrate must not be loaded in all metal vehicles, other than those of aluminum or aluminum alloys, of the closed type. (See § 77.823 (a) (4) and (5).)

4. In § 77.840 amend paragraph (c) (21 F. R. 7604, Oct. 4, 1956) to read as follows:

§ 77.840 *Compressed gases.* • • •

(c) Tanks complying with specification 106A500 or 106A500X (§ 78.275 of this chapter) containing chlorine, anhydrous ammonia, sulfur dioxide, methyl chloride, methyl mercaptan, dichlorodifluoromethane, monochlorodifluoromethane, monochlorotetrafluoroethane, vinyl chloride, inhibited, difluoroethane, difluoromonochloroethane, dispersant gas, n. o. s., refrigerant gas, n. o. s., dichlorodifluoremethane and difluoroethane mixture (constant boiling mixture), dichlorodifluoromethane-monofluorotrichloromethane mixture, trifluorochloroethylene, dichlorodifluoromethane - dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane - monochlorodifluoromethane mixture, or dichlorodifluoromethane - trichloromonofluoromethane-monochlorodifluoromethane mixture; tanks complying with specification 110A 500W (§ 78.293 of this chapter), containing dichlorodifluoromethane, monochlorodifluoromethane - monofluorotrichloromethane mixture, dichlorodifluoromethane-dichlorotetrafluoroethane mixture, dichlorodifluoromethane-trichlorotrifluoroethane mixture, dichlorodifluoromethane-monochlorodifluoromethane mixture, dichlorodifluoromethane-trichlorofluoromethane mixture, dispersant gas, n. o. s., or refrigerant gas, n. o. s.; tanks complying with specification 106A800 or 106A800X (§ 78.276 of this chapter), containing hydrogen sulfide; or tanks complying with specification 106A800 NCI (§ 78.295 of this chapter, containing nitrosyl chloride, may be transported on trucks or semi-trailers only, when securely chocked or clamped thereon to prevent shifting, and provided adequate facilities are present for handling tanks where transfer in transit is necessary. See § 74.560 (b) (1) of this chapter.

• • • • • •

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

In § 77.848 paragraph (a) chart, amend item 2 in vertical and horizontal columns; amend footnote e to paragraph (a) chart (21 F. R. 9362, 9363, Nov. 30, 1956) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.*

(a) • • •

"2" Propellant explosives, class B, jet thrust units (jato) class B, igniters, jet thrust (jato), class B, or starter cartridges, jet engine, class B

• • • • • •

• Does not include nitro carbo nitrate which may be loaded, transported or stored with high explosives or with blasting caps or electric blasting caps, and detonating primers.

• • • • •

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART A—SPECIFICATIONS FOR CARBOYS, JUGS IN TUBS, AND RUBBER DRUMS

1. § 78.1–9 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.1 *Specification 1A; boxed carboys.*

§ 78.1–9 *Tests.* • • •
(b) • • •
(2) • • •

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

2. In § 78.3–9 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.3 *Specification 1C; carboys in kegs.*

§ 78.3–9 *Tests.* • • •
(b) • • •
(2) • • •

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

• • • • • •

3. In § 78.4–8 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.4 *Specification 1D; boxed glass carboys.*

§ 78.4–8 *Tests.* • • •
(b) • • •
(2) • • •

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

• • • • • •

4. In § 78.6–10 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.6 *Specification 1EX; glass carboys in plywood drums.*

§ 78.6–10 *Tests.* • • •
(b) • • •
(2) • • •

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

• • • • • •

5. In § 78.7–8 amend Note 1 to paragraph (b) (2) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.7 *Specification 1E; glass carboys in plywood drums.*

§ 78.7–8 *Tests.* • • •
(b) • • •
(2) • • •

NOTE 1: In instances where 99 or less carboys are in service during either 6-month period of the year it shall be acceptable to test 10 percent of the total but not less than 3 carboys on both the side and bottom swing. If this provision is used, the report of test results must so state.

• • • • • •

SUBPART C—SPECIFICATIONS FOR CYLINDERS

1. In § 78.36–16 amend paragraph (c) (1) (15 F. R. 8382, Dec. 2, 1950) to read as follows:

§ 78.36 *Specification 3A; seamless steel cylinders.*

§ 78.36–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

2. In § 78.37–16 amend paragraph (c) (1) (15 F. R. 8385, Dec. 2, 1950) to read as follows:

§ 78.37 *Specification 3AA; seamless steel cylinders, made of definitely prescribed steels.*

§ 78.37–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

3. In § 78.38–16 amend paragraph (c) (1) (15 F. R. 8387, Dec. 2, 1950) to read as follows:

§ 78.38 *Specification 3B; seamless steel cylinders.*

§ 78.38–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

4. In § 78.39–16 amend paragraph (c) (1) (F. R. 8389, Dec. 2, 1950) to read as follows:

§ 78.39 *Specification 3BN; seamless nickel cylinders.*

§ 78.39–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

5. In § 78.40–16 amend paragraph (c) (1) (15 F. R. 8391, Dec. 2, 1950) to read as follows:

§ 78.40 *Specification 3C; seamless steel cylinders.*

§ 78.40–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

6. § 78.41–16 amend paragraph (c) (1) (15 F. R. 8394, Dec. 2, 1950) to read as follows:

§ 78.41 *Specification 3D; seamless steel cylinders.*

§ 78.41–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

7. In § 78.48–16 amend paragraph (c) (1) (15 F. R. 8397, Dec. 2, 1950) to read as follows:

§ 78.43 *Specification 3A480X; seamless steel cylinders.*

§ 78.43–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

8. In § 78.48–16 amend paragraph (c) (1) (15 F. R. 8399, Dec. 2, 1950) to read as follows:

§ 78.48 *Specification 4; forge welded steel cylinders.*

§ 78.48–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

9. In § 78.49–16 amend paragraph (c) (1) (15 F. R. 8402, Dec. 2, 1950) to read as follows:

§ 78.49 *Specification 4A; forge welded steel cylinders.*

§ 78.49–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

10. In § 78.50–16 amend paragraph (c) (1) (15 F. R. 8404, Dec. 2, 1950) to read as follows:

§ 78.50 *Specification 4B; welded and brazed steel cylinders.*

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent					
	1315[24]	HIS[24]	MAY[24]	NAX-1[24]	COR[24]	NAX-2[24]
Carbon	0.10/0.20	0.12 max	0.12 max	0.20 max	0.12 max	0.20 max.
Manganese	1.10/1.65	0.50/0.90	0.50/1.00	0.45/0.75	0.20/0.50	0.50/1.00.
Phosphorus	0.045 max	0.05/0.12	0.12 max	0.045 max	0.07/0.15	0.045 max.
Sulfur	0.05 max	0.05 max	0.05 max	0.05 max	0.09 max	0.045 max.
Silicon	0.15/0.35	0.15 max	0.10/0.50	0.50/0.90	0.25/0.75	0.50/0.90.
Chromium			0.40/1.00	0.45/0.70	0.50/1.25	
Molybdenum		0.08/0.18				
Zirconium				0.05/0.25		0.04/0.15.
Nickel		0.45/0.75	0.50/1.00		0.55 max	0.50/1.00.
Copper	0.40 max	0.95/1.30	0.20/0.50		0.25/0.55	0.25 max.
Aluminum		0.12/0.27				
Heat treatment authorized	(1)	(1)	(1)	(1)	(2)	(2)
Maximum stress	35,000	35,000	35,000	35,000	35,000	35,000.

Designation	SCX[24]	4017[24]	OTY[24][3]	RDT[24][3]	YOL[24][3]
Carbon	0.20 max	0.13/0.20	0.15 max	0.12 max	0.15 max.
Manganese	0.60/1.00	0.75/1.10	0.90/1.40	0.50/1.00	0.30/0.60.
Phosphorus	0.045 max	0.04 max	0.09/0.135	0.040 max	0.04 max.
Sulfur	0.045 max	0.04 max	0.04 max	0.050 max	0.05 max.
Silicon	0.15/0.30	0.25/0.35	0.10 max		
Chromium	0.15/0.50				
Molybdenum	0.15/0.35	0.25/0.35		0.10/0.20	
Zirconium					
Nickel				0.50/1.20	1.50/2.00.
Copper	0.20/0.50		0.30/0.70	0.50/1.00	0.75/1.25.
Aluminum					
Heat treatment authorized	(1)	(1)	(1)	(1)	(1)
Maximum stress	35,000	35,000	35,000	35,000	35,000.

No change in Notes.

• • • • • •

12. In § 78.52–16 amend paragraph (c) (1) (15 F. R. 8410, Dec. 2, 1950) to read as follows:

§ 78.52 *Specification 4C; welded and brazed steel cylinders.*

§ 78.52–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

13. In § 78.53–9 amend paragraph (b); in § 78.53–15 amend paragraph (e) (1) (15 F. R. 8412, 8413, Dec. 2, 1950) to read as follows:

§ 78.50–16 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

11. In § 78.51–15 amend paragraph (c) (1); in § 78.51–20 amend paragraph (a) and table I thereto (15 F. R. 8406, 8407, Dec. 2, 1950) (20 F. R. 954, Feb. 15, 1955) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51–15 *Physical test.* • • •
(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • • •

§ 78.51–20 *Authorized steel.* (a) Open hearth or electric steel of uniform quantity. The following chemical analyses are authorized. (See footnote 1):

§ 78.53 *Specification 4D; inside containers, welded steel for aircraft use.*

§ 78.53–9 *Wall thickness.* • • •

(b) Calculation for a sphere must be made by the formula:

$$S = \frac{PD}{4tE}$$

where

S = wall stress in pounds per square inch;
P = test pressure prescribed for water jacket test, i. e., at least two times service pressure, in pounds per square inch;
D = outside diameter in inches;
t = minimum wall thickness in inches;
E = 0.85 (provides 85 percent weld efficiency factor which must be applied in the girth weld area and heat affected zones which zone shall extend a distance of 6 times wall thickness from center line of weld);
E = 1.0 (for all other areas).

• • • • • •

§ 78.53–15 *Physical test and specimens for spheres and cylinders.* • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

14. In § 78.54–15 amend paragraph (c) (1) (15 F. R. 8415, Dec. 2, 1950) to read as follows:

§ 78.54 *Specification 4B240–FLW; welded or welded and brazed cylinders with fusion-welded longitudinal seam.*

§ 78.54–15 *Physical test.* • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

15. In § 78.55–14 amend entire paragraph (d); in § 78.55–16 amend paragraph (c) (1) (15 F. R. 8418, Dec. 2, 1950) to read as follows:

§ 78.55 *Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.*

§ 78.55–14 *Hydrostatic test.* • • •

(d) Cylinders must be tested as follows:

(1) At least one cylinder selected at random out of each lot of 200 or less shall be tested as outlined in paragraphs (a), (b), and (c) of this section to at least two times service pressure.

(2) All cylinders not tested as outlined in subparagraph (1) of this paragraph must be examined under pressure of at least two times service pressure and show no defect.

• • • • •

§ 78.55–16 *Physical test.* • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

16. In § 78.56–15 amend paragraph (c) (1) (19 F. R. 1282, Mar. 6, 1954) to read as follows:

§ 78.56 *Specification 4AA480; welded steel cylinders made of definitely prescribed steels.*

§ 78.56–15 *Physical test.* • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

17. In § 78.58–18 amend paragraph (e) (1) (21 F. R. 7609, Oct. 4, 1956) to read as follows:

§ 78.58 *Specification 4DA; inside containers, welded steel for aircraft use.*

§ 78.58–18 *Physical test and specimens for spheres and cylinders.* • • •

(e) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extention under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

18. In § 78.59–14 amend paragraph (c) (1) (15 F. R. 8420, Dec. 2, 1950) to read as follows:

§ 78.59 *Specification 8; steel cylinders with approved porous filling for acetylene.*

§ 78.59–14 *Physical test.* • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

19. In § 78.60–16 amend paragraph (c) (1) (15 F. R. 8423, Dec. 2, 1950) to read as follows:

§ 78.60 *Specification 8AL; steel cylinders with approved porous filling for acetylene.*

§ 78.60–16 *Physical test.* • • •

(c) • • •

(1) The yield strength shall be determined by either the "offset" method or the "extension under load" method as prescribed in ASTM Standard E8–54T.

• • • • •

20. §§ 78.68 to 78.68–20 to read as follows:

§ 78.68 *Specification 4E; welded aluminum cylinders.*

§ 78.68–1 *Compliance.* (a) Required in all details.

§ 78.68–2 *Type, size and service pressure*—(a) *Type and size.* Must be welded seamless drawn shells, not more than two shells, with center circumferential weld; not over 1,000 pounds water capacity (nominal); longitudinal welded seam not authorized. Cylinders or shells closed in by spinning process not authorized.

(b) *Service pressure.*[1] At least 225 to not over 500 pounds per square inch.

§ 78.68–3 *Inspection by whom and where.* (a) By competent inspector; chemical analyses and tests as specified to be made within limits of the United States. Interested inspectors are authorized.

§ 78.68–4 *Duties of inspector.* (a) Inspect all material and reject any material not complying with requirements.

(b) Verify chemical analysis of each lot of material by analysis or by obtaining certified analysis: *Provided,* That a certificate from the manufacturer thereof, giving sufficient data to indicate compliance with requirements, is acceptable when verified by check analysis of samples taken from one aluminum cylinder out of each lot of 200 or less.

(c) Verify compliance of cylinders with all requirements including markings; inspect inside before closing in both ends; verify properties as proper; obtain samples for all tests and check chemical analysis; witness all tests; verify threads by gauge; report volumetric capacity, tare weight (see report form) and wall thickness as approved.

(d) Render complete report (§ 78.68–20) to purchaser; cylinder manufacturer; and the Bureau of Explosives.

§ 78.68–5 *Aluminum.* (a) Shall be of uniform quality. The following chemical analyses are authorized:

TABLE I—AUTHORIZED MATERIALS

Designation	Chemical analysis—limits in percent 5154 [1]
Iron plus silicon	0.45 maximum.
Copper	0.10 maximum.
Manganese	0.10 maximum.
Magnesium	3.1/3.9.
Chromium	0.15/0.35.
Zinc	0.20 maximum.
Titanium	0.20 maximum.
Others, each	0.05 maximum.
Others, total	0.15 maximum.
Aluminum	Remainder.

[1] Analysis shall regularly be made only for the elements specifically mentioned above. If, however, the presence of other elements is indicated in the course of routine analysis, further analysis should be made to determine conformance with the limits specified for other elements.

§ 78.68–6 *Identification of material.* (a) Required; any suitable method that will identify the alloy and manufacturer's lot number.

§ 78.68–7 *Defects.* (a) Material with seams, cracks, laminations or other injurious defects not authorized.

§ 78.68–8 *Manufacture.* (a) By best processes and methods; dirt and foreign particles to be removed as necessary to afford proper inspection; no defect acceptable that is likely to weaken the finished cylinder appreciably; reasonably smooth and uniform surface finish required; all welding must be by the gas shielded arc process.

§ 78.68–9 *Welding.* (a) The attachment to the tops and bottoms only of cylinders by welding of neckrings or flanges, footrings, handles, bosses and pads and valve protection rings is authorized: *Provided,* That such attachments and the portion of the cylinder to which it is attached are made of weldable aluminum alloys.

§ 78.68–10 *Wall thickness.* (a) The minimum wall thickness of the cylinder shall be 0.140 inch. In any case, the minimum wall thickness shall be such that calculated wall stress at twice service pressure shall not exceed the lesser value of either of the following:

(1) 20,000 pounds per square inch.

(2) One-half of the minimum tensile strength of the material as required in § 78.68–15.

(b) Calculation must be made by the formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

S = wall stress in pounds per square inch;
P = minimum test pressure prescribed for water jacket test;
D = outside diameter in inches;
d = inside diameter in inches.

(c) Minimum thickness of heads and bottoms shall not be less than the minimum required thickness of the side wall.

§ 78.68–11 *Opening in cylinder.* (a) All openings must be in the heads or bases.

(b) Each opening in cylinders, except those for safety devices, must be provided with a fitting, boss, or pad, securely attached to cylinder by welding by inert gas shielded arc process or by threads. If threads are used, they must comply with the following:

(1) Threads must be clean-cut, even, without checks and cut to gauge.

(2) Taper threads to be of length not less than as specified for American Standard taper pipe threads.

(3) Straight threads, having at least 4 engaged threads, to have tight fit and calculated shear strength at least 10 times the test pressure of the cylinder; gaskets required, adequate to prevent leakage.

(c) Closure of fitting, boss, or pad must be adequate to prevent leakage.

§ 78.68–12 *Safety devices and protection for valves, safety devices, and other connections if applied.* (a) Must be as required by the Interstate Commerce Commission regulations that apply (See §§ 73.34 (f), 73.124 (a), and 73.301 (f) of this chapter).

§ 78.68–13 *Hydrostatic test.* (a) Each cylinder by water-jacket, or other suitable method, operated so as to obtain accurate data. Pressure gauge must permit reading to accuracy of .1 percent. Expansion gauge must permit reading of total expansion to accuracy either of 1 percent or 0.1 cubic centimeter.

(b) Pressure of 2 times service pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion. Any internal pressure applied previous to the official test must not exceed 90 percent of the test pressure. If, due to failure of the test apparatus, the test pressure cannot be maintained, the test may be repeated at a pressure increased to 10 percent.

(c) Permanent volumetric expansion must not exceed 12 percent of total volumetric expansion at test pressure.

(d) One finished cylinder selected at random out of each lot of 1,000 shall be hydrostatically tested to destruction. Failure shall occur in the side wall and shall not occur at a pressure less than 4 times the service pressure. Inability to meet these requirements shall result in rejection of the lot.

§ 78.68–14 *Flattening test.* (a) Flattening test required between knife edges, wedge shaped, 60° angle, rounded to ½ inch radius; on one section of a cylinder taken at random out of each lot of 200 or less, after hydrostatic test. Sample must show no evidence of cracking when flattened to 6 times wall thickness.

§ 78.68–15 *Physical test.* (a) To determine yield strength, tensile strength, elongation, and reduction of area of material. Required on 2 specimens cut from one cylinder or part thereof taken at random out of each lot of 200 or less.

(b) Specimens must be: Gauge length 8 inches with width not over 1½ inches; or gauge length 2 inches with width not over 1½ inches. The specimen, exclusive of grip ends, must not be flattened. Grip ends may be flattened to within 1 inch of each end of the reduced section. When size of cylinder does not permit securing straight specimens, the specimens may be taken in any location or direction and may be straightened or flattened cold, by pressure only, not by blows; when specimens are so taken and prepared, the inspector's report must show in connection with record of physical test detailed information in regard to such specimens. Heating of specimen for any purpose is not authorized.

(c) The yield strength in tension shall be the stress corresponding to a permanent strain of 0.2 percent of the gauge length.

(1) The yield strength shall be determined by the "offset" method as prescribed in ASTM Standard E8–54T.

(2) Cross-head speed of the testing machine shall not exceed ⅛ inch per minute during yield strength determination.

§ 78.68–16 *Acceptable results for physical tests.* (a) Elongation at least 7 percent for 2 inch gauge length; yield strength not over 80 percent of tensile strength.

§ 78.68–17 *Weld tests.* (a) Reduced section tensile test. A specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, edges shall be parallel for a distance of approximately 2 inches on either side of the weld. The specimen must be fractured in tension. The apparent breaking stress calculated on the minimum wall thickness must be at least equal to 2 times the stress calculated under § 78.68–10 (b), and in addition must have an actual breaking stress of at least 30,000 pounds per square inch. Should this specimen fail to meet the requirements, specimens may be taken from 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

(b) Guided bend test. A bend test specimen shall be cut from the cylinder used for the physical tests specified in § 78.68–15. Specimen shall be taken across the seam, shall be 1½ inches wide, edges shall be parallel and rounded with a file, and back-up strip, if used, shall be removed by machining. The specimen shall be bent to refusal in the guided bend test jig illustrated in § 78.51–22. The root of the weld (inside surface of the cylinder) shall be located away from the ram of the jig. No specimen shall show a crack or other open defect exceeding ⅛ inch in any direction upon completion of the test. Should this specimen fail to meet the requirements, specimens may be taken from each of 2 additional cylinders from the same lot and tested. If either of the latter specimens fails to meet requirements, the entire lot represented shall be rejected.

§ 78.68–18 *Rejected cylinders.* (a) Repair of welded seams is authorized. Acceptable cylinders must pass all prescribed tests.

§ 78.68–19 *Marking.* (a) Marking on each cylinder by stamping plainly and permanently on shoulder, top head, neck or valve protection collar which may be permanently attached to the cylinder and forming an integral part thereof, as follows:

(1) ICC–4E followed by the service pressure (for example, ICC–4E240).

(2) A serial number and an identifying symbol (letters); location of symbol to be just below the serial number. The symbol and numbers must be those of the purchaser, user, or maker. The symbol must be registered with the Bureau of Explosives.

(3) Inspector's official mark, near serial number; date of test (such as 5–50 for May 1950), so placed that date of subsequent test can be easily added.

(4) Size of marks. Shall be at least ¼ inch high.

§ 78.68–20 *Inspector's report.* (a) Required to be clear, legible, and in following form:

(Place) _____
(Date) _____

Gas cylinders

Manufactured for _____ Company
Location at _____
Manufactured by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size ____ inches outside diameter by ____ inches long
Marks stamped into the shoulder of the cylinder are:
Specification ICC _____
Serial numbers _____ to _____ inclusive.
Inspector's mark _____
Identifying symbol (registered) _____
Test date _____
Tare weights (yes or no) _____
Other marks (if any) _____
These cylinders were made by process of _____
_____
The _____ permitted in
(neckrings, footrings, etc.)
§ 78.68–9 were attached by process of _____
_____
The material used was identified by the following _____
numbers _____
The material used was verified as to chemical analysis and record thereof is attached hereto.
All material, such as aluminum plate, was inspected before manufacture and the drawn cylinder shells were inspected before final fabrication and found free from seams, cracks, laminations and other defects which might prove injurious to the strength of the cylinder; the processes of manufacture were found to be efficient and satisfactory.
The cylinder walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.
Hydrostatic tests, flattening tests, tensile tests of material and other tests as prescribed in Specification ICC–4E were made in the presence of the inspector and all material and cylinders accepted were found to be in

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinders; for example ICC–4E240 indicates the service pressure as 240 pounds per square inch.

compliance with the requirements of that specification. Records thereof are attached hereto.

I hereby certify that all of these cylinders proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission specification No. 4E except as follows:

Exceptions: _____

_____

(Signed) _____

Inspector.

(Place) _____

(Date) _____

RECORD OF CHEMICAL ANALYSIS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long.
Made by _____ Company
For _____ Company

NOTE: Any omission of analyses by heats, if authorized, must be accounted for by notation hereon reading "The prescribed certificate of the manufacturer of material has been secured, found satisfactory, and placed on file," or by attaching a copy of the certificate.

Test No.	Check analysis No.	Cylinders represented (Serial Nos.)	Chemical analysis						
			Ma	Ch	Co	Mn	Zi	Ir	Al

The analyses were made by _____

(Signed) _____
(Place) _____
(Date) _____

RECORD OF PHYSICAL TESTS OF MATERIAL FOR CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Test No.	Cylinders represented by test (Serial Nos.)	Yield strength (pounds per square inch)	Tensile strength (pounds per square inch)	Elongation (percent in 8 inches)	Reduction of area (percent)	Flattening test	Burst test (pounds per square inch)

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON CYLINDERS

Numbered _____ to _____ inclusive.
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

Serial numbers of cylinders tested arranged numerically	Actual test pressure (pounds per square inch)	Total expansion (cubic centimeters) [1]	Permanent expansion (cubic centimeters) [1]	Percent ratio of permanent expansion to total expansion [1]	Tare weight (pounds) [2]	Volumetric capacity [3]

NOTE: When specifications require test for only 1 out of each lot of 200 or less cylinders, the check on the others must be indicated by a notation hereon reading, "Each cylinder was subjected to a pressure of _____ pounds per square inch and showed no defect."

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the cylinder by the test pressure, then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include removable cap but state whether with or without valve. These weights must be accurate to a tolerance of 1 percent.

[3] Report approximate maximum and minimum volumetric capacity for the lot.

(Signed)_____

SUBPART D—SPECIFICATIONS FOR METAL BARRELS, DRUMS, KEGS, CASES, TRUNKS AND BOXES

1. Cancel entire § 78.80–4; in § 78.80–7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.80–7 (15 F. R. 8432, Dec. 2, 1950) to read as follows:

§ 78.80 Specification 5; steel barrels or drums.

§ 78.80–4 [Canceled]

§ 78.80–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
13	0.0897	0.0817
14	.0747	.0677
16	.0598	.0533
18	.0478	.0428
20	.0359	.0324
22	.0299	.0269
24	.0239	.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

2. Cancel entire § 78.81–4; in § 78.81–7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.81–7 (15 F. R. 8433, Dec. 2, 1950) to read as follows:

§ 78.81 Specification 5A; steel barrels or drums.

§ 78.81–4 [Canceled]

§ 78.81–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
13	.0897	.0817
14	.0747	.0677
16	.0598	.0533

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

3. Cancel entire § 78.82–4; in § 78.82–7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.82–7 (15 F. R. 8434, Dec. 2, 1950) to read as follows:

§ 78.82 Specification 5B; steel barrels or drums.

§ 78.82–4 [Canceled]

§ 78.82–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
13	0.0897	0.0817
14	.0747	.0677
16	.0598	.0533
18	.0478	.0428
20	.0359	.0324
22	.0299	.0269
24	.0239	.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

4. Cancel entire § 78.83–4; in § 78.83–7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to

§ 78.83–7 (15 F. R. 8435, Dec. 2, 1950) (18 F. R. 5274, Sept. 1, 1953) to read as follows:

§ 78.83 Specification 5C; steel barrels or drums.

§ 78.83–4 [Canceled]

§ 78.83–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
13	0.0897	0.0817
14	.0747	.0677
16	.0598	.0533
18	.0478	.0428
20	.0359	.0324

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

5. Cancel entire § 78.84–4; in § 78.84–7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.84–7 (15 F. R. 8436, Dec. 2, 1950) to read as follows:

§ 78–84 Specification 5D; steel barrels or drums, lined.

§ 78.84–4 [Canceled]

§ 78.84–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
13	.0897	.0817
14	.0747	.0677
16	.0598	.0533

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

6. Cancel entire § 78.85–4; in § 78.85–7 amend paragraph (a) (15 F. R. 8436, 8437, Dec. 2, 1950) to read as follows:

§ 78.85 Specification 5F; steel drums.

§ 78.85–4 [Canceled]

§ 78.85–7 *Gauge and thickness of sheets.* (a) Body and heads shall be of uncoated steel sheets having nominal thickness of 0.0747 inch and minimum thickness of 0.0677 inch, which sheets shall be designated 14 gauge.

7. Cancel entire § 78.87–4; in § 78.87–7 paragraph (a) table, amend the 3d column heading; in § 78.87–7 amend paragraph (b), and add paragraph (c) (15 F. R. 8438, Dec. 2, 1950) to read as follows:

§ 78.87 Specification 5H; steel barrels or drums, lead lined.

§ 78.87–4 [Canceled]

§ 78.87–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
13	.0897	.0817
14	.0747	.0677
16	.0598	.0533

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) Lining required: Of lead, at least 3/32" thick, completely bonded to the steel.

8. Cancel entire § 78.89–4; in § 78.89–6 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.89–6 (15 F. R. 8440, Dec. 2, 1950) to read as follows:

§ 78.89 Specification 5L; steel barrels.

§ 78.89–4 [Canceled]

§ 78.89–6 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
13	.0897	.0817
14	.0747	.0677
16	.0598	.0533

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

(c) *Lining.* Required; of aluminum 99 percent pure; thickness 0.12"; all seams welded. It shall have reasonably good fit in outside drum and be arranged so that extensive movement therein will be prevented.

10. Cancel entire § 78.92–4; amend entire § 78.92–6 (15 F. R. 8442, Dec. 2, 1950) to read as follows:

§ 78.92 Specification 5P; lagged steel drums.

§ 78.92–4 [Canceled]

§ 78.92–6 *Parts and dimensions.* (a) Parts and dimensions as follows:

(1) Steel sheets used for body and head sheets for inside drum must have nominal thickness of at least 0.0747 inch and minimum thickness of 0.0677 inch, uncoated sheets, which shall be designated 14 gauge.

(2) Steel sheets used for body sheets for outside shell must have nominal thickness of at least 0.1046 inch and minimum thickness of 0.0946 inch, uncoated sheets, which shall be designated 12 gauge.

(3) Steel sheets used for head sheets for outside shell must have nominal thickness of at least 0.0747 inch and minimum thickness of 0.0677 inch, uncoated sheets, which shall be designated 12 gauge.

11. Cancel entire § 78.97–4; in § 78.97–5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.97–5 (15 F. R. 8442, Dec. 2, 1950) to read as follows:

§ 78.97 Specification 6A; steel barrels or drums.

§ 78.97–4 [Canceled]

§ 78.97–5 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
13	.0897	.0817
14	.0747	.0677
16	.0598	.0533

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

12. Cancel entire § 78.98–4; in § 78.98–5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to

§ 78.98–5 (15 F. R. 8443, Dec. 2, 1950) to read as follows:

§ 78.98 *Specification 6B; steel barrels or drums.*

§ 78.98–4 [Canceled]

§ 78.98–5 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
13	.0897	.0817
14	.0747	.0677
15	.0673	.0603
16	.0598	.0533
18	.0478	.0428

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

13. Cancel entire § 78.99–4; in § 78.99–5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.99–5 (15 F. R. 8444, Dec. 2, 1950) to read as follows:

§ 78.99 *Specification 6C; steel barrels or drums.*

§ 78.99–4 [Canceled]

§ 78.99–5 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
14	0.0747	0.0677
15	.0673	.0603
16	.0598	.0533
18	.0478	.0428
20	.0359	.0324
22	.0299	.0269

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

14. Cancel entire § 78.100–4; in § 78.100–5 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.100–5 (15 F. R. 8444, 8445, Dec. 2, 1950) to read as follows:

§ 78.100 *Specification 6J; steel barrels and drums.*

§ 78.100–4 [Canceled]

§ 78.100–5 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
15	0.0673	0.0603
16	.0598	.0533
18	.0478	.0428
19	.0418	.0378

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

Marked capacity not over (gallons)	Authorized gross weight (pounds)	Type of container	Minimum thickness, uncoated sheets (gauge)		Rolling hoops		
			Body sheet	Head sheet	Type	Minimum	
						Size (gauge or inch)	Weight (pounds per foot)
55	480	Straight side	18	18	I-bar [1]	¾ x 1¾	1.35

[1] Rolled or swedged-in hoops permitted.

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
18	0.0478	0.0428

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

16. Cancel entire § 78.115–4; in § 78.115–3 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.115–6 (15 F. R. 8447, Dec. 2, 1950) (19 F. R. 6274, Sept. 29, 1954) to read as follows:

§ 78.115 *Specification 17C; steel drums.*

§ 78.115–4 [Canceled]

§ 78.115–6 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
16	0.0598	0.0533
18	.0478	.0428
20	.0359	.0324
24	.0239	.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

17. Cancel entire § 78.116–4; in § 78.116–6 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.116–6 (15 F. R. 8448, Dec. 2, 1950) to read as follows:

§ 78.116 *Specification 17E; steel drums.*

15. Cancel entire § 78.101–4; in § 78.101–5 amend the entire table in paragraph (a); add paragraph (b) to § 78.101–5 (15 F. R. 8445, Dec. 2, 1950) (21 F. R. 675, Jan. 31, 1956) to read as follows:

§ 78.101 *Specification 6K; steel barrels or drums.*

§ 78.101–4 [Canceled]

§ 78.101–5 *Parts and dimensions.* (a) • • •

§ 78.116–4 [Canceled]

§ 78.116–6 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
18	0.0478	0.0428
19	.0418	.0378
20	.0359	.0324
22	.0299	.0269
24	.0239	.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

18. Cancel entire § 78.117–4; in § 78.117–6 amend paragraph (a); in § 78.117–7 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.117–7 (15 F. R. 8449, Dec. 2, 1950) (21 F. R. 7610, Oct. 4, 1956) to read as follows:

§ 78.117 *Specification 17F; steel drums.*

§ 78.117–4 [Canceled]

§ 78.117–6 *Chime reinforcement.* (a) Chime reinforcement required to be not less than 12 gauge (see § 78.117–7 (b)).

§ 78.117–7 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
12	0.1046	0.0946
16	.0598	.0533

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

19. Cancel entire § 78.118–4; in § 78.118–6 paragraph (a) table, amend the 3d column heading; add paragraph (b) to § 78.118–6 (15 F. R. 8450, Dec. 2, 1950) to read as follows:

§ 78.118 *Specification 17H; steel drums.*

§ 78.118–4 [Canceled]

§ 78.118–6 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)		
Body sheet	Head sheet	Removable head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
14	0.0747	0.0677
16	.0598	.0533
18	.0478	.0428
20	.0359	.0324
24	.0239	.0209

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

20. Cancel entire § 78.119–4; in § 78.119–6 amend paragraph (a) and table (15 F. R. 8450, 8451, Dec. 2, 1950) to read as follows:

§ 78.119 *Specification 17X; steel barrels or drums.*

§ 78.119–4 [Canceled]

§ 78.119–6 *Parts and dimensions.* (a) Parts and dimensions as follows:

Marked capacity not over (gallons)	30	55.
Type of container	Straight side	Straight side.
Minimum thickness, uncoated sheets [1]	Body sheet: 19 [2]	Body sheet: 18 [3].
Gauge	Head sheet: 19 [2]	Head sheet: 18 [3].
Type of rolling hoops	Rolled or swedged in hoops	Rolled or swedged in hoops.

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.
[2] 19 gauge steel shall have nominal thickness of 0.0418 inch and minimum thickness of 0.0378 inch.
[3] 18 gauge steel shall have nominal thickness of 0.0478 inch and minimum thickness of 0.0428 inch.

21. Cancel entire § 78.130–4; in § 78.130–5 paragraph (a) table, amend the 5th column heading; add paragraph (b) to § 78.130–5 (15 F. R. 8454, Dec. 2, 1950) (17 F. R. 4298, May 10, 1952) to read as follows:

§ 78.130 *Specification 37K; steel drums.*

§ 78.130–4 [Canceled]

§ 78.130–5 *Parts and dimensions.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
22	0.0299	0.0269

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

22. Cancel entire § 78.131–4; in § 78.131–6 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.131–6 (20 F. R. 4419, June 23, 1955) (21 F. R. 9363, Nov. 30, 1956) to read as follows:

§ 78.131 *Specification 37A; steel drums.*

§ 78.131–4 [Canceled]

§ 78.131–6 *Capacities, weights, type, and gauges.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet [2]	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
22	0.0299	0.0269
24	.0239	.0209
26	.0179	.0159

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

23. Cancel entire § 78.132–4; in § 78.132–6 paragraph (a) table, amend the 4th column heading; add paragraph (b) to § 78.132–6 (20 F. R. 4420, June 23, 1955) to read as follows:

§ 78.132 *Specification 37B; steel drums.*

§ 78.132–4 [Canceled]

§ 78.132–6 *Capacities, weights, type, and gauges.* (a) • • •

Minimum thickness, uncoated sheets (gauge)	
Body sheet [1]	Head sheet

• • • • • • •

(b) Steel sheets of specified gauges shall comply with the following:

Gauge No.	Nominal thickness [1] (inch)	Minimum thickness [1] (inch)
22	0.0299	0.0269
24	.0239	.0209
26	.0179	.0159
28	.0149	.0129

[1] Thickness shall be measured at any point on the sheet not less than ⅜ inch from an edge.

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

In § 78.168–3 amend paragraph (a) (15 F. R. 8460, Dec. 2, 1950) to read as follows:

§ 78.168 *Specification 15A; wooden boxes, nailed.*

§ 78.168–3 *Ends.* (a) One-piece, or equivalent (see § 78.168–5), or cleated as prescribed; joints tongued, grooved, and glued. Style 1 or style 6 boxes may have milled depressions in each end of box for hand-holds, of not more than ⅜ inch in depth and not exceeding one-third of the width of the box, only when ends are of lumber at least ¾ inch in thickness.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

1. § 78.206–7 add paragraph (b); in § 78.206–17 amend the introductory text of paragraph (a), and add paragraph (a) (3) (15 F. R. 8477, Dec. 2, 1950) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.206 *Specification 12C; fiberboard boxes.*

§ 78.206–7 *Tape.* • • •

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.206–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27

pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

§ 78.206–17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraph (1), (2), or (3) of this paragraph.

• • • • •

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.206–7 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

• • • • •

2. In § 78.207–6 add paragraph (b); in § 78.207–17 amend the introductory text of paragraph (a), and add paragraph (a) (3) (15 F. R. 8478, Dec. 2, 1950) (18 F. R. 5277, Sept. 1, 1953) to read as follows:

§ 78.207 *Specifications 12D; fiberboard boxes.*

§ 78.207–6 *Tape.* • • •

(b) Tape for closure of slotted containers complying with the following requirements is authorized when applied as prescribed in § 78.207–17 (a) (3):

(1) Tape must be not less than 3 inches wide and shall be made of two sheets of 100 percent sulfate Kraft each not less than 30 pounds basis weight, reinforced with glass, sisal, or rayon fiber, combined with a laminant of asphalt or other material not affected by temperature extremes any more than would standard 180° to 200° softening point asphalt.

(2) Tape must be reinforced by lengthwise fibers spaced not more than an average of ½ inch apart, and by crosswise fibers spaced not less than an average of 2 per inch except that when a diamond pattern is employed for crosswise reinforcement, the spacing between the parallel sides of the diamond measured in the machine direction must be not more than 1 inch.

(3) Glass or sisal reinforced tape must have a minimum tensile strength in the machine direction of 75 pounds per inch of width and a minimum tensile strength in the cross direction of 45 pounds per inch of width; rayon reinforced tape must have a minimum tensile strength in the machine direction of 57 pounds per inch of width and a minimum tensile strength in the cross direction of 27 pounds per inch of width with elongation not exceeding 15 percent. Tensile tests on the finished product shall be made on a 3-inch width sample.

§ 78.207–17 *Closing for shipment.* (a) Slotted container, by coating with adhesive the entire contact surfaces of closing flaps and fill-in pieces, or as prescribed in subparagraphs (1), (2), or (3) of this paragraph.

• • • • •

(3) For slotted containers only, reinforced tape complying with the requirements of § 78.207–6 (b) is authorized for application over the center seam only. Tape must extend over the ends of box not less than 2½ inches.

• • • • •

SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend the heading of § 78.283–8 (21 F. R. 4593, June 26, 1956) to read as follows:

§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.*

§ 78.283–8 *Manway flange, safety valve flange, and sump flange or other attachments.* • • •

2. In § 78.288–13 amend paragraph (c) (21 F. R. 4603, June 26, 1956) to read as follows:

§ 78.288 *Specification ICC–105A–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.288–13 *Safety valves.* • • •

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set to open at a pressure not exceeding 375 pounds per square inch and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of 375 pounds per square inch. Tanks must also be equipped with two pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 p. s. i. or seven-tenths of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

3. In § 78.289–13 amend paragraph (c) (21 F. R. 4605, June 26, 1956) to read as follows:

§ 78.289 *Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.*

§ 78.289–13 *Safety valves.* • • •

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set to open at a pressure not exceeding 450 pounds per square inch and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of 450 pounds per square inch. Tanks must also be equipped with two pressure-regulating valves of approved design, set to open at a pressure not to exceed 350 p. s. i. or seven-tenths of the test pressure of the tank. Each regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

4. Add §§ 78.302 to 78.302–20 to read as follows:

§ 78.302 *Specification ICC–109A100–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.302–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover.

§ 78.302–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.302–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 495 pounds per square inch.

§ 78.302–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

where

$$t = \frac{Pd}{2SE}$$

t = thickness in inches of thinnest plate;
P = calculated bursting pressure pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch as follows:
ASTM B–178 Alloy 996A = 9,500 psi.
ASTM B–178 Alloy 990A = 11,000 psi.
ASTM B–178 Alloy M1A = 14,000 psi.
ASTM B–178 Alloy GR20A = 25,000 psi.
ASTM B–178 Alloy GS11A = 24,000 psi.
ASTM B–178 Alloy GR40A = 30,000 psi.
E = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head (see § 78.302–7 (b)) shall be determined by the following formula:

$$t = \frac{Pd}{2SE}$$

where

t = thickness of plate in inches;
P = calculated bursting pressure, pounds per square inch;
d = inside diameter in inches;
S = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section);
E = efficiency of welded joint to shell = 100 percent.

(d) Minimum thickness of plates and heads shall not be less than ⅜ inch.

§ 78.302–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.302–6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.302–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on the concave side.

(b) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.302–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.302–9 *Stress relieving.* (a) Not a specification requirement.

§ 78.302–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.302–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of an approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.302–12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, sampling valve and gauging device may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

§ 78.302–13 *Bottom outlets.* (a) Bottom outlet for discharge of lading is prohibited, but tank may be equipped with a bottom washout of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(1) The extreme projection of the bottom washout must be at least 12 inches above top of rail.

(2) Bottom washout nozzle must be of cast, forged or fabricated metal of good weldable quality in conjunction with the metal of the tank, and must be applied by welding.

(3) The bottom washout must be designed and constructed with a double closure each capable of withstanding 100 pounds per square inch test pressure and 75 pounds per square inch working pressure without leakage. The inside or top closure must be such that loss of lading will not occur should the nozzle be broken, and preferably should consist of a plug with a tapered seat so that any tank pressure will effect tight closure independent of means of securing the plug. The outside or bottom closure must be a flange with a test plug not larger than ¾ inch pipe plug. Flange and plug must be chained to prevent loss.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of the bottom washout nozzle at a point immediately below the lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The opening in the tank bottom for the bottom washout nozzle must be reinforced in an approved manner, and the washout nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove.

(6) The closure plug must not project below the "V" groove in the washout nozzle. The closure plug and seat must be readily accessible for repairs, including grinding.

(7) Joints between closures and their seats may be gasketed with suitable material.

§ 78.302–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

(b) The safety valves must be set to open at a pressure not exceeding 75 pounds per square inch. (For tolerance see § 78.302–18 (a)).

§ 78.302–15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and nozzle must be applied by approved means. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.302–16 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.302–17 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.302–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.302–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.302–19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–109A100AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC109A100AL–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraph (3) of this paragraph. This mark must also be stenciled on the tank, or jacket if lagged, immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

§ 78.302–20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties, a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

1. In § 78.325–14 amend paragraph (b) (20 F. R. 8114, Oct. 28, 1955) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100°F.*

§ 78.325–14 *Safety devices.* • • •

(b) *Relief valve capacity.* The required safety relief valves shall be set to close after discharge at a pressure not lower than 25 pounds per square inch gauge (25 psig), and remain closed at all lesser pressures, provided that this requirement shall not be so construed as to forbid the use of vacuum relief valves or of combination safety relief and vacuum relief valves. At a pressure not exceeding 30 pounds per square inch gauge (30 psig) they shall have a discharge capacity not less than that of an unobstructed opening of one square inch (1 sq. in.) for each 35 square feet (35 sq. ft.) of exterior area of the tank or compartment to which they are connected, provided that two or more such valves may be used on the same tank or compartment to obtain the discharge capacity herein required.

• • • • •

2. In § 78.331–12 amend paragraph (b) (18 F. R. 6784, Oct. 27, 1953) to read as follows:

§ 78.331 *Specification MC 311; cargo tanks.*

§ 78.331–12 *Venting, gauging, loading, and air-inlet devices.* • • •

(b) *Gauging, loading and air-inlet devices.* Gauging, loading, and air-inlet devices, including their valves, shall be provided with adequate means for their secure closure, and means shall also be provided for the closing of pipe connections of valves.

Section, Paragraph, and Reason for Amendment

72.5; (a) chart; Provides additions and amendments to keep commodity list on a current basis.

73.31; (a) table, footnote 11; To permit the use of 30 pound safety vents on certain tank cars.

73.31; (g) (9) table 1; To provide for the retesting of spec. 109A100AL–W tank car.

73.53; (w); To define explosive cartridges.

73.56; (a), (b), and (f); To provide for the transportation of explosive cartridges.

73.65; (e) (3); To provide for the use of anti-freeze agents other than alcohol for shipments of cyclotrimethylenetrinitramine.

73.69; (c); To make marking requirements consistent with proper shipping name.

73.77; (c); To provide for the use of anti-freeze agents other than alcohol for shipments of pentaerythrite tetranitrate.

73.79; (c); To make marking requirements consistent with proper shipping name.

73.92; (a); To provide for the transportation of starter cartridges, jet engine.

73.92; (c); To make marking requirements consistent with proper shipping name; to provide marking requirements for starter cartridges, jet engine.

73.100; (r) (8); To exempt sparklers, of certain composition, from the regulations.

73.108; (a) and (a) (2); To clarify the packaging requirements applicable to class C explosives, and to authorize a gross weight of 500 pounds for shipments of Very signal cartridges.

73.113; (c); To make marking requirements consistent with proper shipping name.

73.115; (a); To omit reference to flammable compressed gas within the definition of a flammable liquid.

73.118; (a), (b); To delete reference to pressurized flammable liquids, and to provide exemptions for flammable liquids by rail express.

73.176; (g); Clarifies the exemptions applicable to shipments of certain type matches.

73.229; entire section; Clarifies the packaging requirements for chlorate and borate mixtures or chlorate and magnesium chloride mixtures; provides a manufacturing tolerance for these materials by increasing to 28 percent the maximum percentage exempted from the regulations.

73.233; (a) (4); To authorize specs. 17H, 37A, or 37B drums for the transportation of nickel catalyst.

73.247; (a) (6); To authorize additional tank cars for the transportation of certain corrosive liquids.

73.264; (a) (7); To include reference to note 5.

73.264; (b) (2); To authorize spec. 105A400–W tank car for the transportation of hydrofluoric acid.

73.266; (c) (7); To authorize spec. 2S container inside spec. 6J steel barrel or drum for the transportation of hydrogen peroxide solution in water.

73.271; (a) (10), (b); To authorize spec. 103E–W tank car, and spec. 5C metal barrel or drum for the transportation of phosphorus trichloride and thiophosphoryl chloride.

73.272; (f); Percentage of sulfuric acid is increased to permit a tolerance in concentrations.

73.272; (f) (2); To authorize specs. 1F or 1G polyethylene carboys for the transportation of sulfuric acid.

73.289; (a) (2); To require 103E–W tank cars be made of type 316 stainless steel; to remove the stenciling requirement restricting 103C–W tank car to formic acid only.

73.302; (a) (3); To exempt shipments of a solution of materials and compressed gas or gases from certain requirements of the regulations.

73.306; (b) (1); This paragraph amends the former provisions of (b) (1) which have been included in 73.302 (a) (3).

73.306; (b) (2); The provisions of (b) (2) have been inserted in (b) (1).

73.306; (d); These requirements are canceled in view of the amendment to 73.302 (a) (3).

73.312; (a) (1); To authorize spec. 4E aluminum cylinder, for the transportation of liquefied petroleum gas.

73.312; (a) (7); To provide additional packaging requirements for liquefied petroleum gas in spec. 2P containers.

73.314; (a); Eliminates reference to paragraph (g) which was previously canceled.

73.314; (a) table; Deletes reference to obsolete tank car specifications; requires tank cars transporting liquefied flammable gases to have interior pipes of loading and unloading valves equipped with excess flow valves of approved design; subjects shipments of methyl mercaptan to notes 12 and 20; authorizes specs. 106A500 and 106A500X ton containers for the transportation of butadiene; authorizes specs. 105A100AL–W and 109A100AL–W for certain commodities.

73.314; (a) note 8; Corrects reference to proper section which prescribes tests for tank cars.

73.314; (a) note 11; Deletes reference to obsolete tank car specifications; authorizes a set-to-discharge pressure increase of pressure regulating valves.

73.314; (a) note 12; To authorize the motor vehicle transportation of methyl mercaptan in spec. 106A500 or 106A500X steel tanks.

73.314; (a) note 18; Deletes reference to obsolete tank car specifications.

73.314; (a) note 20; To prohibit safety devices of any description on 106A500 or 106A500X tanks transporting methyl mercaptan.

73.314; (b); To provide maximum pressure limitations for specs. 105A100AL–W and 105A300AL–W tank cars.

73.315; (a) (1) table, (h) table, (i) (2) table; To provide for the transportation of vinyl chloride, inhibited in MC 390 cargo tanks.

73.337; entire section; To provide for the transportation of nitric oxide.

73.347; (a) (7); To authorize spec. 12B fiberboard box as outside container for the transportation of aniline oil.

73.377; (g); To authorize spec. 44B multiwall paper bags for specific concentrations of certain class B poisons, dry mixture.

73.377; (h); To authorize spec. 44D multiwall paper bags for specific concentrations of certain class B poisons, dry mixture.

73.393; (i); To clarify packing requirements for certain liquid radioactive materials when shielding is necessary.

73.430; (a), (d); To provide optional certificate to cover shipments made in cargo tanks or other containers not owned or controlled by the shipper.

74.526; (o) (5); To prohibit fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus on any truck body or trailer containing class A explosives.

74.529; (b); To authorize the use of container cars for the transportation of class B explosives.

74.538; (a) chart; To correct a typographical error; to clarify that nitro carbo nitrate may be loaded or stored with electric blasting caps.

74.589; (h) (8), (j) (8); To permit handling open-top cars with commodities which will not shift beyond car ends, next to cars of explosives.

77.819; (c) To provide optional certificate to cover shipments made in cargo tanks or other containers not owned or controlled by the shipper.

77.820; (a); To make consistent with similar provisions of the regulations.

77.834; (g); To require that containers of explosives as well as all other dangerous articles, must be so braced as to prevent motion thereof, within the vehicle.

77.835; (e); To prohibit the loading of explosives in any truck body or trailer equipped with fuel tanks, lighted heaters, or any automatic heating or refrigerating apparatus.

77.838; (f); To authorize the shipment of certain nitrates in all-metal vehicles made of aluminum or aluminum alloys.

77.840; (c); To authorize the motor vehicle transportation of methyl mercaptan in spec. 106A500 or 106A500X steel tanks.

77.848; (a) chart; To correct a typographical error; to clarify that nitro carbo nitrate may be loaded or stored with electric blasting caps.

78.1–9; (b) (2) note 1; To require the test of spec. 1A carboys on both the side and bottom swing.

78.3–9; (b) (2) note 1; To require the test of spec. 1C carboys on both the side and bottom swing.

78.4–8; (b) (2) note 1; To require the test of spec. 1D carboys on both the side and bottom swing.

78.6–10; (b) (2) note 1; To require the test of spec. 1EX carboys on both the side and bottom swing.

78.7–8; (b) (2) note 1; To require the test of spec. 1E carboys on both the side and bottom swing.

78.36–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3A cylinder.

78.37–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3AA cylinder.

78.38–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3B cylinder.

78.39–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3BN cylinder.

78.40–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3C cylinder.

78.41–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3D cylinder.

78.43–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 3A480X cylinder.

78.48–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4 cylinder.

78.49–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4A cylinder.

78.50–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4B cylinder.

78.51–15; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4BA cylinder.

78.51–20; (a) and table I; To provide for the use of a new alloy steel in spec. 4BA cylinder.

78.52–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4C cylinder.

78.53–9; (b); To make the requirements relating to wall thickness for spec. 4D cylinder consistent with spec. 4DA cylinder.

78.53–15; (e) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4D cylinder.

78.54–15; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4B240FLW cylinder.

78.55–14; (d); To reduce the test pressure to twice the service pressure when spec. 4B240ET cylinder is tested in accordance with the modified test.

78.55–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4B240ET cylinder.

78.56–15; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4AA480 cylinder.

78.58–18; (e) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 4DA cylinder.

78.59–14; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 8 cylinder.

78.60–16; (c) (1); To refer to current ASTM standard for the determination of the yield strength of material in spec. 8AL cylinder.

78.68; entire section; To provide for the construction of new spec. 4E aluminum cylinder.

78.80–4; entire section—78.80–7; (a) table, (b); To bring the table of gauges for spec. 5 drum into conformity with commercial practices.

78.81–4; entire section—78.81–7; (a) table, (b); To bring the table of gauges for spec. 5A drum into conformity with commercial practices.

78.82–4; entire section—78.82–7; (a) table, (b); To bring the table of gauges for spec. 5B drum into conformity with commercial practices.

78.83–4; entire section—78.83–7; (a) table, (b); To bring the table of gauges for spec. 5C drum into conformity with commercial practices.

78.84–4; entire section—78.84–7; (a) table, (b); To bring the table of gauges for spec. 5D drum into conformity with commercial practices.

78.85–4; entire section—78.85–7; (a); To bring gauge requirements for spec. 5F drum into conformity with commercial practices.

78.87–4; entire section—78.87–7; (a) table, (b), (c); To bring the table of gauges for spec. 5H drum into conformity with commercial practices.

78.89–4; entire section—78.89–6; (a) table, (b); To bring the table of gauges for spec. 5L drum into conformity with commercial practices.

78.91–4; entire section—78.91–7; (a) table, (b), (c); To bring the table of gauges for spec. 5X drum into conformity with commercial practices.

78.92–4; entire section—78.92–6; entire section; To bring gauge requirements for spec. 5P drum into conformity with commercial practices.

78.97–4; entire section—78.97–5; (a) table, (b); To bring the table of gauges for spec. 6A drum into conformity with commercial practices.

78.98–4; entire section—78.98–5; (a) table, (b); To bring the table of gauges for spec. 6B drum into conformity with commercial practices.

78.99–4; entire section—78.99–5; (a) table, (b); To bring the table of gauges for spec. 6C drum into conformity with commercial practices.

78.100–4; entire section—78.100–5; (a) table, (b); To bring the table of gauges for spec. 6J drum into conformity with commercial practices.

78.101–4; entire section—78.101–5(a) table, (b); To bring the table of gauges for spec. 6K drum into conformity with commercial practices.

78.115–4; entire section—78.115–6; (a) table, (b); To bring the table of gauges for spec. 17C drum into conformity with commercial practices.

78.116–4; entire section—78.116–6; (a) table, (b); To bring the table of gauges for spec. 17E drum into conformity with commercial practices.

78.117–4; entire section—78.117–6; (a)—78.117–7; (a) table, (b); To bring the table of gauges for spec. 17F drum into conformity with commercial practices.

78.118–4; entire section—78.118–6; (a) table, (b); To bring the table of gauges for spec. 17H drum into conformity with commercial practices.

78.119–4; entire section—78.119–6; (a) table; To bring the table of gauges for spec. 17X drum into conformity with commercial practices.

78.130–4; entire section—78.130–5; (a) table, (b); To bring the table of gauges for spec. 37K drum into conformity with commercial practices.

78.131–4; entire section—78.131–6; (a) table, (b); To bring the table of gauges for spec. 37A drum into conformity with commercial practices.

78.132–4; entire section—78.132–6; (a) table, (b); To bring the table of gauges for spec. 37B drum into conformity with commercial practices.

78.168–3; (a); To provide for milled handholds in spec. 15A wooden box.

78.206–7; (b)—78.206–17; (a), (a) (3); To authorize a reinforced tape closure method for spec. 12C fiberboard box.

78.207–6; (b)—78.207–17; (a), (a) (3); To authorize a reinforced tape closure method for spec. 12D fiberboard box.

78.283–8; heading; To correct a typographical error.

78.288–13; (c); To authorize a set-to-discharge pressure increase of spec. 105A500–W tank cars in liquefied carbon dioxide service.

78.289–13; (c); To authorize a set-to-discharge pressure increase of spec. 105A600–W tank cars in liquefied carbon dioxide service.

78.302; entire section; To provide for the construction of new spec. 109A100AL–W tank car.

78.325–14; (b); To authorize a tolerance increase permitted on safety relief valves for spec. MC 304 cargo tank.

78.331–12; (b); To clarify that means shall be provided for the closing of pipe connections of valves.

[F. R. Doc. 57–1007; Filed, Feb. 26, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 19]

[Docket No. 11895]

CITIZENS RADIO SERVICE

EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of Part 19, Citizens Radio Service, to delete the note in § 19.12.

The Commission having under consideration the petition dated February 14, 1957, filed by Kaar Engineering Corporation in the above-entitled proceeding, requesting an extension of time in which to file comments directed to the Commission's notice of proposed rule making in this Docket;

It appearing, that licensees in the Citizens Radio Service being individuals not organized nationally and thus without formal representation so that all persons interested in this service did not obtain knowledge of the rule making proposal within the time allowed for comment;

It further appearing, that the extension of time would permit development of additional data and that the public interest would be served by an extension;

It is ordered, pursuant to section 0.291 (b) (4), that the time for filing comments in the above-entitled proceeding is hereby extended from January 24, 1957 to March 8, 1957, and that reply comments may be filed within ten days from the extended closing date for original comments.

Adopted: February 19, 1957.

Released: February 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–1480; Filed, Feb. 25, 1957; 2:36 p. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 29]

BUREAU EMPLOYEES

GRANTING OF PERMISSION TO TESTIFY IN ADMINISTRATIVE OR JUDICIAL PROCEEDINGS

Order 551, as amended, is further amended by addition of a new section under the heading Functions Relating to General Matters to read as follows:

SEC. 354. *Testimony of employees.* The granting of permission to Bureau employees to testify in administrative or judicial proceedings pursuant to the provisions of 43 CFR 2.20. This authority shall not be redelegated.

GLENN L. EMMONS,
Commissioner.

FEBRUARY 19, 1957.

[F. R. Doc. 57–1446; Filed, Feb. 26, 1957; 8:46 a. m.]

Bureau of Land Management

[73403]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 21, 1957.

1. Plat of Dependent Resurvey and Extension Survey to include certain lands which were erroneously omitted from the original survey will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective 10:00 a. m., on April 2, 1957, as described below:

TALLAHASSEE MERIDIAN, FLORIDA

T. 3 S., R. 16 W.,
Sec. 11, Lots 1, 2, 3, 4, 5;
Sec. 12, Lot 3;
Sec. 14, Lots 4, 5, 6.

2. The plat represents a retracement and reestablishment of the original subdivisional lines designated to restore all corners on the boundaries of sections 11, 12, 13 and 14 in their original location according to the best available evidence, and the extension survey of lands in sections 11, 12 and 14, which were erroneously omitted from the original survey and not shown upon the plat approved May 22, 1849. The unlotted portion of section 11, as shown on the original plat, is designated as Lot 5, containing 1.57 acres.

3. According to the field notes and as shown by the plat, Lots 1, 3, 4, 5, section 11, Lot 3 section 12, Lots 4, 5, 6, section 14, are principally swamp and only subject to selection by the State of Florida under its swamp land grant.

4. No application may be allowed for Lot 2 section 11, under the homestead or small tract or any other nonmineral public land law unless the land has been classified or valuable or suitable for such type of application or shall be so classified upon consideration of an application.

5. At the hour specified on the above-mentioned effective date, Lot 2 section 11, shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

6. Inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57–1471; Filed, Feb. 26, 1957; 8:55 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR BUREAU OF PUBLIC ROADS

Notice of the proposed withdrawal and reservation of lands for the Bureau of Public Roads in the Fairbanks, Alaska area, was published in the FEDERAL REGISTER, December 6, 1956, Volume 21, No. 236, page 9683. The area embraced by this application which is identified by the serial number, Fairbanks 013138, has been amended to read as follows:

HARDING LAKE AREA

U. S. Survey No. 2285.

Containing 12.00 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57–1447; Filed, Feb. 26, 1957; 8:47 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR BUREAU OF RECLAMATION

Notice of the proposed withdrawal and reservation of lands for the Bureau of Reclamation in the Anchorage, Alaska area, was published in the FEDERAL REGISTER, May 10, 1956, Volume 21, No. 91, page 3127. The area embraced by this application, which is identified by the serial number, Anchorage 031529, has been amended to read as follows:

TRACT B

Tract of land near the Gold Creek Station of the Alaska Railroad, described as follows:

Beginning at a point on the southeasterly boundary line of the 200 foot right-of-way of the Alaska Railroad which point lies S. 63° 52' 30" E., 100 feet from the centerline of the main tract at survey station 11,902 plus 70.9;

Thence N. 26° 07' 30" E., 400.0 feet parallel to, and 100.0 feet from the center line of the main tract to the true point of beginning;

Thence southwesterly identical with the southeasterly boundary line of said right-of-way 500 feet;

Thence southeasterly at right angles to the right-of-way boundary 435 feet;

Thence northeasterly parallel with the right-of-way boundary 500 feet;

Thence northwesterly at right angles to the right-of-way boundary 435 feet to the point of beginning.

Containing approximately 5.0 acres.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57–1448; Filed, Feb. 26, 1957; 8:47 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The U. S. Forest Service has filed an application, Serial No. Anchorage 029820, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including mining and mineral leasing. The applicant desires the land for administrative site purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

JUNEAU SUB-PORT AREA

Beginning at a point N. 49° 00' W., approximately 27.3 feet of Corner No. 15 of P. L. O. 657 on the northwesterly boundary of Executive Order No. 9173 at the intersection with line 14–15 of P. L. O. 657;

Thence along the boundary of P. L. O. 657, N. 49° 00' W. 322.3 feet;

Thence N. 48° 43' E., 163.0 feet;

Thence S. 45° 36' E., 216.0 feet;

Thence S. 44° 24' W., 104.1 feet;

Thence S. 49° 00' E., 91.3 feet to an intersection with the northwesterly boundary of Executive Order No. 9173;

Thence along the northwesterly boundary of Executive Order No. 9173, S. 41° 17' W., 44.8 feet to the Point of Beginning.

Containing 0.89 acres, more or less.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57–1449; Filed, Feb. 26, 1957; 8:48 a. m.]

[74548]

ILLINOIS

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 20, 1957.

1. Plat of survey of the land described below, accepted November 9, 1956, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Washington 25, D. C., effective at 10:00 a. m., on April 1, 1957.

THIRD PRINCIPAL MERIDIAN, ILLINOIS

T. 19 N., R. 7 W.,
Sec. 1, Lot 1.

Containing 47.82 acres.

2. The plat represents the survey of the former island area in the Sangamon River which was not included in the original survey of the township which is represented on the plat of survey approved April 12, 1823.

3. No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

4. At the hour specified on the above-mentioned effective date, the land shall become subject to application, petition, location, or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57–1450; Filed, Feb. 26, 1957; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

KARL-HEINZ SPAETH AND RALUX GESELLSCHAFT FUER ELEKTROTECHNIK, MBH

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Karl-Heinz Spaeth and Ralux Gesellschaft fuer Elektrotechnik, mbH; Roemerstrasse 6, Munich 23, Germany; respondents.

The respondents, Karl-Heinz Spaeth and Ralux Gesellschaft fuer Elektrotechnik mbH, are the subjects of an investigation concerning alleged false representations made to induce the exportation of electronic tubes from the United States and the possible transshipment thereof from a port of intermediate destination; and the Agent in Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to the respondents all export privileges for an indefinite period by reason of their alleged failure and refusal to respond to written interrogatories duly served on them. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR, Chapter III, Subchapter B), and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondents have ordered and caused to be exported from the United States electronic tubes licensed for exportation to Western Germany and that such tubes were diverted to a destination other than Western Germany and finding further that interrogatories were duly served on the respondents and that they, without reasonable cause and without adequate explanation, have failed and refused to answer or furnish written information and documents in response to those interrogatories; and, having concluded (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondents may be prevented from receiving and transshipping commodities exported from the United States; *It is hereby ordered:*

(1) All outstanding validated export licenses in which the respondents appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondents, their successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondents' and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondents, but also to any person, firm, corporation, or business organization with which they now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect until the respondents satisfactorily answer or

furnish written information or documents in response to the interrogatories heretofore served on them or give adequate reason for their failure or refusal to respond, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served on the respondents by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondents may move, at any time prior to the entry of a final order of suspension, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner and they may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C. at the earliest possible date.

Dated: February 21, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-1445; Filed, Feb. 26, 1957; 8:46 a. m.]

Federal Maritime Board

[Docket No. S-57, Sub. No. 2]

STATES MARINE LINES

NOTICE OF EXPANDED HEARING

The public hearing currently being held upon the application of the States Marine Corporation and States Marine Corporation of Delaware (trading as States Marine Lines) for operating-differential subsidy and for written permission under section 805 (a) of the Merchant Marine Act, 1936, as amended, to carry domestic intercoastal cargoes, is hereby expanded to consider an amendment to the application seeking written permission under said section 805 (a) for applicant's subsidiary, Isthmian Lines, Inc., to carry cargoes between United States Atlantic and Gulf ports and Hawaii.

Evidence will be received relevant to whether the applicant or a predecessor in interest was in bona fide operation as a common carrier by water in the domestic intercoastal service described above in 1935 over the routes for which application is made and has so operated since that time, except as to interruptions to service over which the applicant or its predecessor in interest had no control, and if not (a) whether granting such application will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service or (b) would be prejudicial to the objects and policy of the said act.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board accordingly, and should promptly file petitions to intervene in accordance with the Board's rules of practice and procedure.

Dated: February 21, 1957.

By order of the Federal Maritime Board.

GEO A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1457; Filed, Feb. 26, 1957; 8:50 a. m.]

J. R. MICHELS, JR., AND LORETZ & CO.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8188 between J. R. Michels, Jr., Houston, Texas; and Loretz & Company, Los Anglees, California, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 21, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1464; Filed, Feb. 26, 1957; 8:54 a. m.]

CITY OF OAKLAND, CALIF. AND ENCINAL TERMINALS

NOTICE OF AGREEMENT FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8155-1, between the City of Oakland, California, and Encinal Terminals, modifying Agreement No. 8155, to provide that the final detailed physical inventory of cargo on terminal property leased to Encinal under said agreement shall be taken at the earliest practicable date, but in no event later than June 1, 1957, unless said date shall be extended by mutual agreement.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 20, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1444; Filed, Feb. 26, 1957; 8:45 a. m.]

Office of the Secretary

IRVING P. MACAULEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1329.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 13, 1957.

Dated: February 14, 1957.

IRVING P. MACAULEY.

[F. R. Doc. 57-1465; Filed, Feb. 26, 1957; 8:54 a. m.]

KENNETH C. ALLEN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTEREST

Report of Appointment and Statement of Financial Interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Kenneth C. Allen.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: February 14, 1957.

4. Title of position: Chief, Business Research & Analysis Branch.

5. Name of private employer: Jones & Laughlin Steel Corporation, Pittsburgh, Penna.

CARLTON HAYWARD,
Director of Personnel.

JANUARY 24, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Jones & Laughlin Steel Company.
Bank deposits.

Dated: February 14, 1957.

KENNETH C. ALLEN.

[F. R. Doc. 57-1466; Filed, Feb. 26, 1957; 8:54 a. m.]

COURTLANDT F. DENNEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8938; March 23, 1956, 21 F. R. 1809-10 and August 22, 1956, 21 F. R. 6307.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1957.

Dated: February 18, 1957.

COURTLANDT F. DENNEY.

[F. R. Doc. 57-1467; Filed, Feb. 26, 1957; 8:54 a. m.]

JAMES F. REID, SR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1330 and August 22, 1956, 21 F. R. 6307.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 9, 1957.

Dated: February 21, 1957.

JAMES F. REID, Sr.

[F. R. Doc. 57-1468, Filed, Feb. 26, 1957; 8:55 a. m.]

MARVIN S. PLANT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845-6.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of February 15, 1957.

Dated: February 18, 1957.

MARVIN S. PLANT.

[F. R. Doc. 57-1469; Filed, Feb. 26, 1957; 8:55 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7912]

FREE BAGGAGE ALLOWANCES AND EXCESS BAGGAGE CHARGES

NOTICE OF POSTPONEMENT OF HEARING

In the matter of an investigation to determine whether the baggage provisions contained in Rule 16 on 20th Revised Page 30, 35th Revised Page 31, 17th Revised Page 32, 24th Revised Page 33, 2d Revised Page 34-B and 15th Revised Page 35 and excess baggage charges shown in Rule 19 on 4th Revised Page 37 and 4th Revised Page 38 of Agent J. B. Walker's C. A. B. No. 27, including subsequent revisions and reissues thereof, are, or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions and charges.

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned for March 5, 1957, has been postponed and will be held on March 19, 1957, at 10:00 a. m. (eastern standard time) in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., February 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1477; Filed, Feb. 26, 1957; 8:57 a. m.]

[Docket No. 8153]

KIRK KERKORIAN AND LOS ANGELES AIR SERVICE, INC.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of Kirk Kerkorian and Los Angeles Air Service, Inc., for approval of control and interlocking relationships.

Notice is hereby given that the prehearing conference in the above-entitled proceeding heretofore assigned to be held on February 26, 1957, has been postponed and will be held on February 28, 1957, at 11:30 a. m. (eastern standard time) in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., February 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1478; Filed, Feb. 26, 1957; 8:57 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-9611, G-9612, G-11355, G-11356]

SOUTHWEST GAS PRODUCING CO., INC., ET AL.

NOTICE CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING AND FIXING DATE OF HEARING

FEBRUARY 20, 1957.

By orders issued November 2, 1955, in Docket Nos. G-9611 and G-9612, and October 31, 1956, in Docket Nos. G-11355 and G-11356, the Commission suspended and deferred the use of certain increased rates for sales of natural gas by Southwest Gas Producing Company, Inc., et al. to Texas Eastern Transmission Corporation, pending a hearing upon a date to be fixed by notice from the Secretary, concerning the lawfulness of the proposed increased rates.

It is appropriate and in the public interest that the proceedings in Dockets Nos. G-9611, G-9612, G-11355 and G-11356 be consolidated for purposes of hearing.

Take notice that, pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15 and 16 and the Commission's rules of practice and procedure, a public hearing will be held, commencing on April 1, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved and the issues presented in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1452; Filed, Feb. 26, 1957; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 158]

MOTOR CARRIER APPLICATIONS

FEBRUARY 21, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice

of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241 (49 CFR 1.241), September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time, unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2130 (Sub No. 49) and (Sub No. 50) Correction, COUCH MOTOR LINES, INC., Shreveport, La., published in the November 15, 1956, and the February 13, 1957, issues of the FEDERAL REGISTER, respectively, the notices of filing referred to above indicated that applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New York, North Carolina, South Carolina, Tennessee, and Virginia. This portion of the notices was incorrect. Applicant is authorized to conduct operations only in Alabama, Arkansas, Louisiana, Mississippi, and Tennessee.

No. MC 7663 (Sub No. 2), filed September 12, 1956. LAPP EXPRESS CO., INC., 410 East Center St., Medina, N. Y. Applicant's attorney: Samuel V. Gianniny, 25 Exchange St., Rochester 14, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Navy Night Drift Signals, Class B Explosives;* (2) *Navy Depth Charge Markers (Calcium Phosphide), Class C Explosives;* (3) *Army Ordnance Time Fuse, Class C Explosives*, from the town of Murray, Orleans County, N. Y. to railhead in Village of Holley, Town of Murray, Orleans County, N. Y. and to motor carriers' freight terminals in Rochester and Buffalo, N. Y. Issues originally published in FEDERAL REGISTER of September 26, 1956, as above.

HEARING: March 22, 1957, at 45 Broadway, New York, N. Y., before Examiner Howard Hosmer.

No. MC 14021 (Sub No. 3), (Correction) MIDWEST TRANSFER COMPANY OF ILLINOIS, a corporation, 7000 South Pulaski Road, Chicago 29, Ill., published on page 915, issue of February 13, 1957. The docket number was in error. The correct docket number is *MC 114021 (Sub No. 3)*.

No. MC 19227 (Sub No. 59), filed December 31, 1956, LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th St., Miami 42, Fla. Applicant's representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment*, between points in Florida, Alabama and Georgia on the one hand, and, on the other, points in Arizona, California, New Mexico, Oklahoma and Colorado. Applicant is authorized to transport similar commodities in the States of Florida, Alabama, Georgia, South Carolina, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

HEARING: April 15, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 19227 (Sub No. 60), filed December 31, 1956, LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th St., Miami 42, Fla. Applicant's representative: John W. Carlisle, 422 Perry-Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment*, between points in Texas on the one hand, and, on the other, points in Arizona and California. Applicant is authorized to transport similar commodities in the states of Florida, Alabama, Georgia, South Carolina, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia.

HEARING: April 10, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 213), filed December 13, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, Kenosha Auto Transport Corporation, P. O. Box 351, 4519—76th St., Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Parts* and *equipment* for self-propelled street sweepers or street cleaning equipment, from Pomona, Calif., to Chicago, Ill., and Newark, N. J., restricted to shipments of parts and equipment moving with shipments of set-up self-propelled street sweepers.

HEARING: April 2, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 30837 (Sub No. 216), filed February 8, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles* (not including trailers), in initial movements, by driveaway and truckaway methods, from Baltimore, Md., to points in Delaware, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, Virginia and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 30837 (Sub No. 217), filed February 8, 1957, KENOSHA AUTO TRANSPORT CORPORATION, 4519—76th St., Kenosha, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles* (not including trailers), in initial movements, by driveaway and truckaway methods, from North Tarrytown, N. Y., to points in Alabama, Delaware, Indiana, Kentucky, Maine, Massachusetts, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee and West Virginia. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 2, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 36509 (Sub No. 12), filed February 4, 1957, LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Silver bars*, in armored car service, from Selby, Calif., to Oakland and San Francisco, Calif.

HEARING: April 23, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 40007 (Sub No. 49), filed January 14, 1957, RELIABLE TRANSPORTATION COMPANY, a corporation, 4317 Sheila Street, Los Angeles 22, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid, off-color sulphuric acid*, and *impure sulphuric acid*, in bulk, in tank vehicles, from El Segundo, Calif., to Miami, Ariz., and *contaminated shipments* of the above-described commodities, on return. Applicant is authorized to transport similar commodities in California and Nevada.

HEARING: April 4, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 65451 (Sub No. 16), filed November 19, 1956, ALABAMA FREIGHT LINES, a Corporation, 546 West Madison Street, Phoenix, Ariz. Applicant's attorney: James F. Haythornewhite, Luhrs Tower, Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between the Glen Canyon Dam Site located on the Colorado River approximately 15 miles upstream from Marble Canyon, Ariz., near the Utah-Arizona State line, points within 10 miles thereof, townsite and construction sites and supply points located at points on access roads thereto, all of said points in Arizona, on the one hand, and, on the other, points in Arizona, New Mexico, and Texas, which carrier is authorized to serve in regular route operations in Certificates in Nos. MC 65451, MC 65451 (Sub No. 1), MC 65451 (Sub No. 3), MC 65451 (Sub No. 4), MC 65451 (Sub No. 5), and MC 65451 (Sub No. 11). Applicant is authorized to conduct operations in Arizona, New Mexico, and Texas.

HEARING: April 1, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Examiner F. Roy Linn.

No. MC 67500 (Sub No. 3), filed January 11, 1957, NEMIAH GOLDSTEIN AND BERNARD GOLDSTEIN, doing business as BLUE RIDGE TRUCKING COMPANY, 101 S. Lexington Street, Biltmore, N. C. Applicant's attorneys: Williams and Williams, Jackson Bldg., Asheville, N. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route points of Cedar Mountain, Rich Mountain, High Falls and Cascade Lake, N. C., in connection with applicant's authorized regular route operations over U. S. Highway 64. Applicant is authorized to transport similar commodities in North Carolina.

HEARING: April 5, 1957, at the Battery Park Hotel, Asheville, N. C., before Joint Board No. 103.

No. MC 106009 (Sub No. 5), filed February 6, 1957, JOHN AUSTIN EMORY, doing business as CAUSTIC SODA TRANSPORTATION COMPANY, 43 Eola Ave., West Asheville, N. C. Applicant's attorney: Robert R. Williams, Jr., Jackson Bldg., Asheville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from Canton, N. C., to Columbia, S. C. Applicant has regular route authority to transport the same commodity between Canton, N. C., and Lyman, S. C.

HEARING: April 14, 1957, at 10:00 o'clock a. m., United States Standard Time, at the Battery Park Hotel, Asheville, N. C., before Joint Board No. 2.

No. MC 106965 (Sub No. 99), filed February 5, 1957, M. I. O'BOYLE AND SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, N. E., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Pl., N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Jersey City, N. J., to points in Alabama, Delaware, Florida, Georgia, Indiana, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia and the District of Columbia. Applicant is authorized to transport the above-described commodity in Delaware, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: April 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 107227 (Sub No. 44), filed January 14, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, except those designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, moving entirely off their own wheels, from Redwood City, Calif., to points in the United States, and *damaged shipments* of the above-described units on return.

HEARING: April 22, 1957, in Room 226, Old Mint Building, Fifth and Missions Sts., San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 108941 (Sub No. 39), filed December 31, 1956, F. N. RUMBLEY COMPANY, a corporation, 2100 South Van Ness Ave., Fresno, Calif. Applicant's attorney: John G. Lyons, Mills Tower Bldg., San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous Ammonia*, in tank vehicles, from points in California to points in Arizona, Nevada, and Oregon, and ports of entry in California located on the International Boundary between the United States and Mexico. Applicant is authorized to transport the above commodity (when it is a liquid petroleum gas) in a portion of the territory involved in this application, but no duplicating authority is sought.

HEARING: April 3, 1957, at the Federal Building, Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 109835 (Sub No. 5), filed February 11, 1957, BURKS MOTOR FREIGHT LINES, INCORPORATED, 218 Miller St., P. O. Box 1028, Little Rock, Ark. Applicant's attorneys: John Paul Jones, 1012 Edway Bldg., Memphis 3, Tenn., and Thomas L. Robinson, Columbian Mutual Tower Bldg., Memphis, Tenn. For authority to operate as a *common carrier*, over regular routes; transporting: *General commodities, including Class A and B explosives, commodities of unusual value, commodities in bulk, and commodities requiring special equipment*, but excluding household goods as defined by the Commission, (1) between Little Rock, Ark., and Pine Bluff, Ark., from Little Rock over U. S. Highway 65 to Pine Bluff, and return over the same route; (2) between Hazen, Ark., and Pine Bluff, Ark., from Hazen over U. S. Highway 70 to the junction of U. S. Highway 70 and Arkansas Highway 11, thence over Arkansas Highway 11 to Stuttgart, thence over U. S. Highway 79 to Pine Bluff, and return over the same route. Service from Hazen, Ark., over U. S. Highway 70 to the junction of U. S. Highway 70 and Arkansas Highway 11 is for operating convenience only; (3) between Pine Bluff, Ark., and Grand Lake, Ark., (unincorporated), from Pine Bluff, over U. S. Highway 65 to Grand Lake, and return over the same route; (4) between Pine Bluff, Ark., and Warren, Ark., from Pine Bluff over Arkansas Highway 15 to Warren, and return over the same route; (5) between Warren, Ark., and Monticello, Ark., from Warren over Arkansas Highway 4 to Monticello, and return over the same route; (6) between Pine Bluff, Ark., and West Monroe, La., from Pine Bluff over U. S. Highway 65 to junction of U. S. Highway 65 and Arkansas Highway 81, thence over Arkansas Highway 81 to the junction of Arkansas Highway 81 and the Arkansas-Louisiana State line, thence over Louisiana Highway 139 to the junction of Louisiana Highway 139 and U. S. Highway 80, thence over U. S. Highway 80 to West Monroe, and return over the same route. Service from Pine Bluff, Ark., over U. S. Highway 65 to junction of U. S. Highway 65 and Arkansas Highway 81 is for operating convenience only; (7) between McGehee, Ark., and Monroe, La., from McGehee over Arkansas Highway 4 to junction of Arkansas Highway 4 and U. S. Highway 65, which is south of McGehee, thence over U. S. Highway 65 to junction of U. S. Highway 65 and U. S. Highway 165, thence over U. S. Highway 165 to Monroe, and return over the same route. Service over U. S. Highway 65 between the junction of Arkansas Highway 4 and U. S. Highway 65, and junction of U. S. Highway 65, and U. S. Highway 165, is for operating convenience only; (8) between Greenville, Miss., and Bastrop, La., from Greenville over U. S. Highway 82 to Lake Village, thence over U. S. Highway 82 to Crossett, thence over Arkansas Highway 133 to the junction of Arkansas Highway 133 and Arkansas-Louisiana State line, thence over Louisiana Highway 142 to junction of Louisiana Highway 142 and Louisiana Highway 139, thence over Louisiana Highway 139 to Bastrop, and return over the same route. Service over Arkansas Highway 81 between Hamburg, Arkansas and junction of Arkansas Highway 81 and U. S. Highway 82, and service over Louisiana Highway 139 from junction of Louisiana Highway 142 and Louisiana Highway 139 to Bastrop, La., is for operating convenience only; (9) between Sterlington, La., and junction of U. S. Highway 165 and Louisiana Highway 2, from Sterlington over Louisiana Highway 2 to junction Louisiana Highway 2 and U. S. Highway 165, and return over the same route; (10) between Sterlington, La., and junction U. S. Highway 165 and Louisiana Highway 134, for operating convenience only, from Sterlington, La., over Louisiana Highway 553 to junction of Louisiana Highway 553 and Louisiana Highway 134, thence over Louisiana Highway 134 to junction of Louisiana Highway 134 and U. S. Highway 165, and return over the same route. Service authorized here will be for operating convenience only; (11) between Sterlington, La., and junction of U. S. Highway 165 and Louisiana Highway 553, from Sterlington, over Louisiana Highway 553 to junction of U. S. Highway 165 and Louisiana Highway 553, and return over the same route; Service is to be authorized to and from all intermediate points on the above specified routes.

NOTE: Applicant states that the above operating authority substantially duplicates, with some exceptions, the authority which applicant has operated since on or about March 18, 1948 by lease from Strickland Transportation Co., Inc., lessor, pursuant to order of the Commission dated March 18, 1948 in Docket MC-FC 31502. Said operating authority is a portion of the service authorized in Certificate No. MC 59639,

dated June 2, 1947 to Strickland Transportation Co., Inc. Applicant is authorized to transport similar commodities in the States of Arkansas, Louisiana and Mississippi.

HEARING: April 3, 1957, at the Arkansas Public Service Commission, Little Rock, Ark., before Joint Board No. 218.

No. MC 112196 (Sub No. 12), filed December 21, 1956, GEORGE R. MALLORY, doing business as MALLORY TRUCKING COMPANY, P. O. Box 412, Highway 99 and Hunts Lane, Colton, Calif. Applicant's attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from Oro Grande and Crestmore, Calif., and points within five (5) miles of each, to points in Mohave, Yuma, Pima, Pinal, Maricopa, and Yavapai Counties, Ariz. Applicant is authorized to conduct operations in Arizona and California.

NOTE: Applicant is authorized to transport Cement in bulk, from Crestmore and Oro Grande, Calif., to Yuma, Ariz. Duplication with present authority to be eliminated.

HEARING: April 4, 1957, at the Federal Building, Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 114921 (Sub No. 1), filed January 7, 1957, (MRS.) FRANK MURPHY, doing business as MURPHY TRANSPORTATION, 423 South Hewitt St., Los Angeles, Calif. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (and other exceptions as more fully described in the application), (1) between Los Angeles, Calif., (points in Los Angeles area more fully described in application) and the international boundary line between the United States and Mexico near San Ysidro, from Los Angeles over U. S. Highway 101 to San Diego, thence over U. S. Highway 101 to the international boundary line between the United States and Mexico, and return over the same route, serving all intermediate and off-route points on and within 5 miles of either side of U. S. Highway 101, including the points of La Jolla, Pacific Beach, Mission Beach, Ocean Beach and Point Loma; (2) between Los Angeles, Calif., (points in Los Angeles area more fully described in application) and the international boundary line between the United States and Mexico near San Ysidro, from Los Angeles over U. S. Highway 101 to San Diego, thence via ferry from San Diego to North Island, thence over California Highway 75 to the junction of U. S. Highway 101, thence over U. S. Highway 101 to the international boundary line between the United States and Mexico and return over the same route, serving all intermediate and off-route points on and within 5 miles of either side of U. S. Highway 101 and California Highway 75, including the points of North Island, Coronado and Silver Strand; (3) between Los Angeles, Calif., (points in Los Angeles area more fully described in application) and San Diego, Calif., from Los Angeles over U. S. Highway 101 to junction of California Highway 78, thence over California Highway 78 to the junction of U. S. Highway 395, thence over U. S. Highway 395 to San Diego, and return over the same route, serving all intermediate and off-route points on and within 5 miles of either side of U. S. Highways 101 and 395 and California Highway 78. Applicant is authorized to transport similar commodities in California.

HEARING: April 8, 1957, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 115841 (Sub No. 15), filed February 1, 1957, COLONIAL REFRIGERATED TRANSPORTATION, INC., 1201 First Ave., North, Birmingham, Ala. Applicant's attorney: Bennett T. Waites, Jr., 531 Frank Nelson Bldg., Birmingham 3, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities requiring refrigeration in transit* and having prior movement by rail or motor vehicle in interstate commerce, in pool car distribution, between points in Alabama. Applicant is authorized to conduct operations in Alabama, Florida, North Carolina, Delaware, Maryland, Virginia, Georgia, Mississippi, South Carolina, Tennessee, New York, New Jersey, Louisiana, Connecticut, Illinois, Indiana, Kentucky, Maine, Massachusetts, Michigan, Ohio, Pennsylvania, Rhode Island, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 9, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 100.

No. MC 116084 (Sub No. 2), filed January 28, 1957, CAPITOL TANK LINE, INC., 3743 East Florence Avenue, Bell, Calif. Applicant's representative: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Los Angeles County, Calif. and points in Arizona.

HEARING: April 5, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 47, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116316, filed November 19, 1956, ARMORED MOTOR SERVICE OF ARIZONA, INCORPORATED, 527 East Portland, Phoenix, Ariz. Applicant's attorney: Yale McFate, 702 Mayer-Heard Bldg., Phoenix, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coin, currency, securities* and *valuables*, in armored and/or armed guard car service, between points in Arizona.

NOTE: Applicant's second proviso authority in name of individual (MC 99537), has been canceled and superseded by new second proviso filing in name of corporation (MC 116316 Sub No. 1); if and when BMC 78 application is granted, corporation will request dismissal of any second proviso authority held by it.

HEARING: April 1, 1957, at the Arizona Corporation Commission, Phoenix, Ariz., before Joint Board No. 240, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116318 (Sub No. 2), filed January 28, 1957, RAYMOND C. MARONEY, doing business as DECORATOR DELIVERY SERVICE, 1111 North Olive Drive, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture parts* and *new furniture*, in blanket wrap packing, between Venice, Calif., and Zeeland, Mich.

HEARING: April 2, 1957, at the Federal Bldg., Los Angeles, Calif., before Examiner F. Roy Linn.

No. MC 116440, filed February 11, 1957, VAN-PAK, INC., 3401 Harding Road, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Bldg., Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, in specially constructed container or parts in specially constructed semi-trailers, between points in the United States.

PRE-HEARING CONFERENCE: March 20, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Allan E. Borroughs presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed: (1) The issues in the proceeding; (2) The general character of the evidence to be offered by the applicant and protestants; (3) The number of witnesses to be presented and the time required for such presentation by both the applicant and protestants; (4) The time and place at which the hearing or hearings shall be held; and (5) Any other matter by which the hearing and further handling of the application can be expedited or simplified, or the Commission's handling thereof aided.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 211), filed February 6, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's attorney, Frederick M. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express* and *newspapers* in the same vehicle with passengers, (1) between Bound Brook, N. J., and Elizabeth, N. J.: From junction East Main St. and Mountain Ave. in Bound Brook, N. J., over East Main St. to junction Lincoln Blvd., Middlesex, N. J., thence over Lincoln Blvd. to junction South Lincoln Ave., thence over South Lincoln Ave. to junction Bound Brook Road, thence over Bound Brook Road to junction North Ave., Dunellen, N. J., thence over North Ave. to junction West Front St., Plainfield, N. J., thence over West Front St. to junction New St., thence over New St. to junction West 2nd St., thence over West 2nd St. to junction East 2nd St., thence over east 2nd St., to junction Watchung Ave., thence over Watchung Ave. to junction East 5th St., thence over East 5th St., to junction South Ave., thence over South Ave. through Fanwood, N. J., Scotch Plains, N. J., to junction Westfield Plaza, Westfield, N. J., thence over Westfield Plaza (East Broad St.), to junction North Ave. thence over North Ave. to junction Lincoln Ave., Garwood, N. J., thence over Lincoln Ave. to junction South Ave., Cranford, N. J., thence over South Ave. to junction West First Ave., Roselle, N. J., thence over West First Ave. to junction Laurel St., thence over Laurel St. to junction West 2nd Ave. thence over West 2nd Ave. to junction East 2nd Ave., thence over East 2nd Ave. to junction Sheridan Ave., thence over Sheridan Ave. to junction East 3rd Ave., thence over East 3rd Ave. to junction Jersey Ave., Elizabeth, N. J., thence over Jersey Ave. to junction West Jersey St., thence over West Jersey St. to junction East Jersey St., thence over East Jersey St. to junction U. S. Highway 1, Elizabeth, N. J. Return over the same route to junction Watchung Ave. and East 2nd St., Plainfield, N. J., thence over Watchung Ave. to junction East Front St., thence over East Front St. to junction West Front St., thence over West Front St. to junction New St., Plainfield, N. J., thence via the same route to junction East Main St. and East St., Bound Brook, N. J., thence over East St. to junction East Union Ave., thence over East Union Ave. to junction Mountain Ave., thence over Mountain Ave. to junction East Main St., Bound Brook, N. J., serving all intermediate points. (2) Between Bound Brook, N. J., and Middlesex, N. J.: From junction East Union Ave. and East St., Bound Brook, N. J., over East Union Ave. to junction Union Ave., Middlesex, N. J., thence over Union Ave. to junction Beechwood Ave., thence over Beechwood Ave. to junction Grant Ave., thence over Grant Ave. to junction Harris Ave., thence over Harris Ave. to Junction Madison Ave., thence over Madison Ave. to junction Lincoln Blvd., Middlesex, N. J., and return over the same route, serving all intermediate points. (3) Between Plainfield, N. J., and Cranford, N. J.: From junction East 5th St. and Richmond St., Plainfield, N. J., over Richmond St. to junction East 2nd St., thence over East 2nd St. to junction Westfield Ave., Scotch Plains, N. J., thence over Westfield Ave. to junction Plainfield Ave., thence over Plainfield Ave. to junction Brightwood Ave., Westfield, N. J., thence over Brightwood Ave. to junction Prospect St., thence over Prospect St. to junction Newton Place, thence over Newton Place to junction Elm St., thence over Elm St. to junction East Broad St., thence over East Broad St. to junction Westfield Plaza, thence over Westfield Plaza (East Broad St.), to junction South Ave., thence over South Ave. to junction Summit Ave., thence over Summit Ave. to junction Grove St., thence over Grove St. to junction Spruce Ave., Garwood, N. J., thence over Spruce Ave. to junction Center St., thence over Center St. to junction South Ave., thence over South Ave. to junction Lincoln Ave., Cranford, N. J., and return over the same route, serving all intermediate points. (4) Within Elizabeth, N. J.: From junction Jersey Ave. and Elmora Ave., over Elmora Ave. to junction South Elmora Ave. to junction U. S. Highway 1 at Bayway Circle, Elizabeth, N. J., and return over the same route, serving all intermediate points. (5) Between Westfield, N. J., and Garwood, N. J.: From junction South Ave. and Summit Ave., Westfield, N. J., over South Ave. to junction Center St., Garwood, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New York and New Jersey.

HEARING: April 1, 1957, at the New Jersey Board of Public Utility Commissioners State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 114376 (Sub No. 1), filed January 16, 1957, SANTA FE TRANSPORTATION COMPANY, 1100 S. San Pedro St., Los Angeles 21, Calif. Applicant's attorney: R. S. Outlaw, 80 E. Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, and *checked baggage* in separate vehicles, restricted to traffic moving on rail tickets arriving at or departing from Pasadena, Calif. on trains of the Atchison, Topeka and Santa Fe Railway Company, between Long Beach, Calif. and Pasadena, Calif., from applicant's bus depot at First and American Avenues in Long Beach over American Avenue and Long Beach Blvd. to Atlantic Blvd. (California Highway 15), thence over Atlantic Blvd. to Huntington Drive, thence over Huntington Drive to Fair Oaks Ave., thence over Fair Oaks Ave. to Glenarm St., thence over Glenarm St. to Raymond Ave., and thence over Raymond Avenue to the depot of The Atchison, Topeka and Santa Fe Railway Company in Pasadena, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in California.

HEARING: April 9, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 114376 (Sub No. 2), filed January 16, 1957, SANTA FE TRANSPORTATION COMPANY, 1100 S. San Pedro St., Los Angeles 21, Calif. Applicant's attorney: R. S. Outlaw, 80 E. Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and *their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, restricted to traffic moving to or from points beyond Bakersfield or Los Angeles, Calif. and to passengers traveling on railroad tickets having an immediately prior or subsequent movement by rail over the lines of The Atchison, Topeka and Santa Fe Railway Company, between Los Angeles, Calif. and Glendale, Calif., from the junction of Avenue 26 and North Figueroa, the junction of applicant's authorized route, over North Figueroa to York Blvd., thence over York Blvd. to Pasadena Ave., thence over Pasadena Avenue to Mission Street, thence over Mission Street to Fair Oaks Avenue, thence over Fair Oaks Avenue to Glenarm St., thence over Glenarm St. to Raymond Avenue, thence over Raymond Avenue to the Pasadena Depot of The Atchison, Topeka and Santa Fe Railway Company, thence over Raymond Avenue to Colorado St., thence over Colorado St. to applicant's bus depot at Harvard and Orange Streets in Glendale, point of joinder on-applicant's authorized route, and return over the same routes, serving all intermediate points. Applicant is authorized to conduct operations in California.

HEARING: April 9, 1957, at the Federal Bldg., Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 116418, filed January 28, 1957, OSCAR PORTER, doing business as PORTER BUS LINE, 170 Catherine Street, Ahoskie, N. C. Applicant's representative: Vaughan S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, under individual written contracts with particular passengers or groups of passengers for industrial and employment purposes, from Ahoskie, N. C., and points between Ahoskie and Winton, N. C., on U. S. Highway 13, including Winton, to Suffolk, Va.

NOTE: Carrier is authorized to operate as a common carrier, under Certificate No. MC 111805 Sub 2 transporting passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in Hertford County, N. C., and extending to points in Virginia east of a line beginning at the North Carolina-Virginia State line and extending along U. S. Highway 301 through Emporia, Richmond, Bowling Green, and Rosita, Va., to the Potomac River. Applicant should submit evidence at hearing to justify operations as a common and contract carrier under section 210.

HEARING: April 2, 1957, at the Post Office and U. S. Court Rooms, Norfolk, Va., before Joint Board No. 7.

No. MC 116432, filed February 11, 1957, CALVIN LAMONT COMPTON, doing business as CALVIN L. COMPTON, Port Tobacco, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round trip charter operations, beginning and ending at points in Charles County, Md., on and west of U. S. Highway 301, and extending to Washington, D. C., and points in Virginia.

HEARING: March 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

No. MC 34600 (Sub No. 1), filed January 25, 1957, CLIFFORD JAMES and EFFIE JAMES, Copartnership, doing business as CLIFFORD AND EFFIE JAMES, Route 2, Mayville, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, in special vehicles equipped for blower delivery, from points in Erie County, N. Y., to points in Erie,

Crawford, Warren, McKean, Potter, Tioga, Bradford and Susquehanna Counties, Pa. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodity specified, on return. Applicant is authorized to transport among other related commodities, feed from Buffalo, N. Y., to Ludlow, Pa. and points in Warren County, Pa.

No. MC 78400 (Sub No. 6), filed February 1, 1957, JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, AND OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER CO., Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High St., Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gerald, Mo., and Japan, Mo., over Franklin County Highway "H", serving all intermediate points, with authority to tack said authority to that held by applicant under Certificate Nos. MC 78400 and 78400 (Sub No. 3), dated March 28, 1955, and October 19, 1956, respectively, in order to render service between all points now authorized to be served and points herein sought to be authorized to be served. Applicant is authorized to transport the above-specified commodities in Illinois and Missouri.

No. MC 112188 (Sub No. 2), filed January 24, 1957, GEORGE McBREEN, 1841 N. W. 22nd Avenue, Portland, Oreg. Applicant's attorney: John M. Hickson, Failing Bldg., Portland, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *Motion picture films* and *theater advertising matter, motion picture machine parts and accessories*, (1) between Portland, Oreg., and LaGrande, Oreg., from Portland over U. S. Highway 30 to LaGrande, and return over the same route, serving all intermediate points, including but not limited to LaGrande, The Dalles and Hood River, and the off-route points of Union, Hermiston and Umatilla, over U. S. Highway 730 and Oregon Highway 207, also all points within 10 miles of the above routes and points; (2) between Hood River, Oreg., and White Salmon, Wash., from Hood River over the Hood River Toll Bridge (across the Columbia River at Hood River) to Bingen, thence over U. S. Highway 830 to White Salmon, and return over the same route, serving the intermediate point of Bingen; (3) between Hermiston, Oreg., and Goldendale, Wash., from Hermiston over unnumbered highway in a northerly direction to the junction of U. S. Highway 730, thence over U. S. Highway 730 to Umatilla, thence over U. S. Highway 730 to the junction of U. S. Highway 30, thence over U. S. Highway 30 to the junction of U. S. Highway 97, thence over U. S. Highway 97 to Goldendale, Wash., and return over the same route, serving the intermediate point of Umatilla, Oreg. Applicant is authorized to transport similar commodities in Oregon and Washington.

No. MC 113312 (Sub No. 6), filed November 5, 1956, published in the FEDERAL REGISTER of December 27, 1956, at Page 10350, LESTER F. MEYER, doing business as PIONEER BULK CARRIERS, 10 Clayton Blvd., Smyrna, Del. Applicant's representative: G. A. Bruestle, S. E. Cor. Broad & Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphate of ammonia*, in bulk, in dump vehicles, from Bristol, Pa., to Centreville, Md., and Laurel and Smyrna, Del.

NOTE: The hearing previously assigned was cancelled upon the filing of verified statements on behalf of applicant.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240 (49 CFR 1.240), September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6510. Authority sought for purchase by McKAY AND MacLEOD CORP., 7 East Race Street, Salamanca, N. Y., of the operating rights and property of F. D. McKAY, INC., 7 East Race Street, Salamanca, N. Y., and for acquisition by BRUCE MacLEOD, also of Salamanca, of control of such rights and property through the purchase. Applicants' attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be transferred: Operations under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, in the State of New York, covering the transportation of *general commodities*, without exceptions, as a *common carrier* over regular routes between Niagara Falls and Buffalo, between Buffalo and Salamanca, between Jamestown and Binghamton, between Binghamton and Bloomingburg, between Bloomingburg and Newburgh, between Newburgh and Beacon, between Beacon and the junction of New York Highway 9D and U. S. Highway 9, between the junction of New York Highway 9D and U. S. Highway 9 and New York City, between Buffalo and Hamburg, between Hamburg and Salamanca, between Buffalo and East Aurora, between East Aurora and Olean, between the junction of New York Highway 16 and New York Highway 39 and Arcade, between Arcade and Caneadea, between Caneadea and Wellsville, between the junction of New York Highway 16 and New York Highway 408 and Garwoods, between Garwoods and Arkport, between Arkport and Andover, between Dayton and Conewango, between Conwango and the junction of New York Highway 241 and New York Highway 17, between Hornell and Painted Post, and between Hornell and the junction of New York Highway 21 and New York Highway 17, serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in New York, Pennsylvania and New Jersey. Application has not been filed for temporary authority under section 210 (a) (b).

NOTE: MC 80413 Sub 6, filed February 11, 1957, is a matter directly related.

No. MC–F 6514. Authority sought for purchase by RINGLE TRUCK LINES, INC., 601 South Grand Avenue, Fowler, Ind., of a portion of the operating rights of MELVIN TRUCKING CO., 1818 South Washington Street, Peoria, Ill., and for acquisition by GLEN RINGLE, also of Fowler, of control of such rights through the purchase. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South La Salle Street, Chicago 3, Ill., and Robert C. Smith, 512 Illinois Bldg., Indianapolis 4, Ind. Operating rights sought to be transferred: *Dump truck bodies and parts thereof*, and *road building equipment*, as a *common carrier* over irregular routes from Streator, Ill., to St. Louis, Mo., and Indianapolis, Ind.; dump truck bodies, *hydraulic hoists and parts thereof*, and *snow plows and parts thereof*, from Streator, Ill., to Fort Wayne, Ind., Omaha, Nebr., Kansas City, Mo., Minneapolis and St. Paul, Minn., Janesville, Wis., and Cincinnati, Columbus, Toledo, Cleveland, Springfield, and Barnesville, Ohio; *glass containers, glass container caps, corrugated cardboard, fibreboard sheets*, and *containers* and *wooden boxes*, used by glass manufacturing plants, from Streator, Ill., to Kansas City, Kans., Omaha, Nebr., certain points in Wisconsin, certain points in Missouri and certain points in Iowa, from Alton, Ill., to Kansas City, Kans., Kansas City and St. Joseph, Mo., Omaha, Nebr., certain points in Wisconsin and points in Iowa, and from Gas City, Ind., to Kansas City, Kans., Omaha, Nebr., and certain points in Missouri; *glass containers, and glass container caps*, from Muncie, Ind., to Kansas City, Kans., Omaha, Nebr., certain points in Wisconsin, certain points in Missouri, and points in Iowa, from Hillsboro, Ill., to Kansas City, Kans., Omaha, Nebr., points in Illinois and Iowa, certain points in Wisconsin and certain points in Missouri, and from Hillsboro, Ill., to points in Lake County, Ind., moving through Cook or Will Counties, Ill.; *glass and glassware*, from Streator and Alton, Ill., to Milwaukee and Waukesha, Wis.; *glass products*, and incidental thereto, *materials, machinery, equipment*, and *supplies*, used by a glass manufacturing plant, from Streator, Ill., to Hannibal and Cape Girardeau, Mo., certain points in Illinois and certain points in Indiana, from Gas City, Terre Haute and Evansville, Ind., to St. Louis, Hannibal, and Cape Girardeau, Mo., and points in Indiana and Illinois, from Streator, Ill., Gas City, Terre Haute and Evansville, Ind., to certain points in Kentucky and certain points in Iowa, between Streator, Ill., on the one hand, and, on the other, Gas City, Terre Haute, and Evansville, Ind., between Gas City, Ind., on the one hand, and, on the other, Terre Haute and Evansville, Ind., and between Milwaukee, Wis., and Rock Island, Ill. Vendee is authorized to operate as a *contract carrier* in Indiana, Illinois, Ohio, Kentucky, Iowa, Missouri, West Virginia, Wisconsin, Pennsylvania, Nebraska, Tennessee, Alabama, Michigan, Arkansas, Kansas, Minnesota and Mississippi. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6516. Authority sought for purchase by STAR WEST CARTAGE CO., INC., 430 East Wacker Drive, Chicago, Ill., of the operating rights of THE CLOUD EXPRESS COMPANY, 4341 South Emerald Avenue, Chicago, Ill., and for acquisition by GEORGE NELSON, ANTON P. NELSON and CHARLES NELSON, all of Chicago, of control of such rights through the purchase. Applicants' representative: Anton P. Nelson, 430 East Wacker Drive, Chicago, Ill. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, as a *contract carrier* over irregular routes between certain points in Illinois, Indiana, Michigan, and Wisconsin. Vendee is authorized to operate as a *contract carrier* in Illinois and Indiana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6517. Authority sought for purchase by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby Street, Portland, Oreg., of the operating rights and property of ARIZONA EXPRESS, INC., 56 East Fifth Street, Tucson, Ariz. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg., Portland 4, Orgg. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes including routes between Phoenix, Ariz., and Mammoth, Ariz., between Tucson, Ariz., and Mammoth, Ariz., between Oracle Junction, Ariz., and Kelvin, Ariz., between Douglas, Ariz., and Cochise, Ariz., between Cochise, Ariz., and Willcox, Ariz., and between Los Angeles, Calif., and Tucson, Ariz., serving certain intermediate and off-route points; alternate routes for operating convenience only between Gila Bend and Phoenix, Ariz., and between junction Arizona Highways 87 and 387 and junction Arizona Highways 187 and 84. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Utah, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Arizona, Nevada, Illinois, Wyoming and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6518. Authority sought for purchase by J AND L LINES, INC., P. O. Box 611, Winchester, Va., of the operating rights and property of JEFFERSON FREIGHT LINES, INC., 612 East Cork Street, Winchester, Va., and LAMBERT TRANSFER CO., INC., P. O. Box 611, Winchester, Va., and for acquisition by EARL HAINES, also of Winchester, of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 726–734 Investment Bldg., 1511 K Street, N. W., Washington 5, D. C. Operating rights sought to be transferred: (JEFFERSON FREIGHT LINES, INC.) *Fresh meats* and *packinghouse products*, as a *common carrier* over regular routes, between Baltimore, Md., and Harpers Ferry, W. Va., serving certain intermediate and off-route points; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, over irregular routes, from Baltimore, Md., to Winchester, Va.; *general commodities*, with certain exceptions including household goods and commodities in bulk, from Baltimore, Md., to Broadway, Bridgewater, Elkton, Harrisonburg, and Timberville, Va.; *general commodities*, with certain exceptions excluding commodities in bulk and including household goods, between points in Berkeley County, W. Va., on the one hand, and, on the other, points in Frederick County, Va.; *household goods*, as defined by the Commission, between certain points in Virginia, on the one hand, and, on the other, points in West Virginia, Maryland, Delaware, Pennsylvania, New York, and the District of Columbia; *fruit products, pickles, sauerkraut, ice, spray materials, fertilizer, corn, shelled corn, feed, seed, cottonseed meal, peanut meal, livestock, coal, fresh product, fertilizer, spraying materials, fruit, barrel staves, sugar, malt beverages, roofing* in rolls, *glass containers, onions, vinegar, wool, hides, tin cans, canned goods, oils, greases, bottles, glasses, prune juice, supercell, insecticides, fungicides, feed materials, flour, machinery, lumber, tombstone material, butter, eggs, cornmeal, poultry*, and *petroleum products, in containers*, from, to or between points and areas, varying with the commodity transported, in Maryland, West Virginia, Virginia, Pennsylvania, New York, South Carolina, North Carolina, Ohio, Delaware, New Jersey, and the District of Columbia; (LAMBERT TRANSFER CO., INC.) *general commodities*, with certain exceptions including household goods and excluding commodities in bulk, as a *common carrier* over regular routes between Harrisonburg, Va., and Baltimore, Md., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Winchester, Va., and Falls Church, Va., serving certain intermediate and off-route points; several alternate routes for operating convenience only; *oils and greases*, over irregular routes, from Marcus Hook and Philadelphia, Pa., to Woodstock, Mt. Jackson, Harrisonburg, and The Plains, Va.; *linoleum and congoleum floor coverings, felt bases*, and *cement*, from Marcus Hook, Pa., to Woodstock, Va.; *livestock*, from certain points in Virginia to Baltimore, Frederick, and Westminster, Md., and West Chester, Pottstown, York Springs, and Spring City, Pa.; *apples* and *peaches*, from certain points in Virginia to Washington, D. C., Baltimore, Md., Philadelphia, Pa., and New York, N. Y.; *canned goods*, from Westminster and Frederick, Md., to Woodstock, Va.; *coal*, from Tower City, Minersville, and Williamstown, Pa., to Woodstock, Maurertown, Mt. Jackson, New Market, and Edinburg, Va. Vendee holds no authority from the Interstate Commerce Commisiosn. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6519. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak., of the operating rights and property of LEMMON MOTOR EXPRESS, INC., Lemmon, S. Dak., and for acquisition by MILO H. BARBER, also of Rapid City, of control of such rights and property through the purchase. Applicants' attorneys: Lee Reeder and Wentworth E. Griffin, Suite 1010, 1012 Baltimore Bldg., Kansas City, Mo. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over a regular route between Lemmon, S. Dak., and St. Paul, Minn., serving the intermediate point of Minneapolis, Minn.; *household goods*, as defined by the Commission, over irregular routes between Lemmon, S. Dak., on the one hand, and, on the other, points in Minnesota. Vendee is authorized to operate as a *common carrier* in South Dakota, Wyoming, Illinois and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6520. Authority sought for purchase by MOORE'S TRUCKING CO., Stelton Road, New Market, N. J., of the operating rights of SHEPHARD WAREHOUSES, INC., 667 Washington Street, New York, N. Y., and for acquisition by LILLIAN MOORE, also of New Market, of control of such rights through the purchase. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, New York, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes between points in New York, New Jersey and Connecticut within 35 miles of New York, N. Y., including New York, N. Y. Vendee is authorized to operate as a *common carrier* in New Jersey, New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6521. Authority sought for purchase by OLD COLONY TRANSPORTATION CO., INC., 56 Prospect Street, New Bedford, Mass., of the operating rights of LINCOLN MOTOR EXPRESS, INC., (PHILIP STROME, RECEIVER), 73 Washington Street, Salem, Mass., and for acquisition by GEORGE VIGEANT, also of New Bedford, of control of such rights through the purchase. Applicants' representative: George Vigeant, Jr., Vice-President, Old Colony Transportation Co., Inc., 56 Prospect Street, New Bedford, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Boston, Mass., and Beverly, Mass., serving all intermediate and certain off-route points; *groceries, meats*, and *agricultural commodities*, between

Revere, Mass., and Lynn, Mass., and between Salem, Mass., and Beverly, Mass., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, New York, New Jersey and Connecticut. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1456; Filed, Feb. 26, 1957; 8:50 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request 53-DPAV-46 (h)]

CALIFORNIA TRANSPORT CORP. AND FRONTIER REFINING CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY, AS AMENDED

Pursuant to section 708 of the Defense Production Act of 1950 as amended, there are published the following additions to the list of companies which have accepted the request to participate in the voluntary agreement entitled, "Voluntary Agreement Relating to Foreign Petroleum Supply, as Amended," dated May 8, 1956. The request and original list of acceptances were published in 21 F. R. 5703, July 28, 1956; and additional acceptances were published in 21 F. R. 6687, September 5, 1956; 21 F. R. 6964, September 14, 1956; and 21 F. R. 7640, October 4, 1956.

California Transport Corp., 1200 State St., Perth Amboy, N. J.

The Frontier Refining Co., 4040 East Louisiana Ave., Denver 22, Colo.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: February 21, 1957.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 57-1458; Filed, Feb. 26, 1957; 8:51 a. m.]

[ODM (DPA) Request 53A-DPAV-56 (a-1)]

CALIFORNIA TRANSPORT CORP. AND FRONTIER REFINING CO.

ADDITION TO LIST OF COMPANIES ACCEPTING REQUEST TO PARTICIPATE IN AMENDED PLAN OF ACTION UNDER VOLUNTARY AGREEMENT RELATING TO FOREIGN PETROLEUM SUPPLY

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there are published the following additions to the list of companies which have accepted the request to participate in the Plan of Action Under Voluntary Agreement Relating to Foreign Petroleum Supply, dated August 10, 1956, as amended December 3, 1956. The request and original list of acceptances were published in 21 F. R. 10262, December 20, 1956.

California Transport Corp., 1200 State St., Perth Amboy, N. J.

The Frontier Refining Co., 4040 East Louisiana Ave., Denver 22, Colo.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; E. O. 10480, Aug. 14, 1953, 18 F. R. 4939)

Dated: February 21, 1957.

ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 57-1459; Filed, Feb. 26, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2235]

OPERATOR CONSOLIDATED MINES CO.

ORDER AND NOTICE OF HEARING

FEBRUARY 18, 1957.

I. Operator Consolidated Mines Company (hereinafter called "registrant"), a corporation organized and incorporated under the laws of the State of Nevada, filed an application for registration of its common stock, ten cents ($.10) par value, with the San Francisco Mining Exchange ("the Exchange") on October 25, 1935, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 ("the 1934 act") and the rules and regulations adopted by the Commission thereunder, and filed a duplicate original Form 10 with the Commission. The registration of such securities on the Exchange became effective on June 1, 1936.

II. On January 10, 1957, registrant filed with the Commission a current report on Form 8-K, pursuant to section 13 of the 1934 act, for the month of December, 1956. The Commission has reason to believe that the Form 8-K so filed was false and misleading in the following regards:

1. In claiming an exemption from registration under the Securities Act of 1933 ("the 1933 act") for the issuance and sale to California Uranium Mines, Inc. ("California Uranium") of 1,360,000 shares of registrant's common stock, pursuant to an agreement of lease and option of November 27, 1956 which provided for the transfer to registrant by Ajax Tungsten Corporation ("Ajax") of certain interests in various mining claims and equipment in the New Coso Mining District, Inyo County, California. In this regard registrant falsely stated that 1,133,840 shares of said total shares had previously been registered with the Commission under the 1933 act and omitted to state that a public distribution of some or all of said total shares was intended to be made without registration, in violation of the 1933 act.

2. In representing that the property acquired by registrant from Ajax under the agreement was more than adequate consideration for said 1,360,000 shares valued at par, issued by registrant to California Uranium, but also representing that the only consideration to be received by Ajax as seller of the property was $65,000 in cash and minimum monthly production royalties. In this regard the only disclosed consideration paid by California Uranium for said 1,360,000 shares was $15,000 paid by California Uranium to Ajax as a down payment on the said $65,000 to be paid to Ajax on registrant's behalf.

3. In representing that there was no existing or prior relationship whatsoever with registrant between California Uranium or Ajax, directly or indirectly, other than that Archie B. Meiklejohn is Secretary of both registrant and California Uranium.

III. *It is ordered*, That a public hearing, pursuant to section 19 (a) (2) of the 1934 act, be held at 10:00 a. m., P. s. t., on Wednesday, March 13, 1957, at the offices of the Los Angeles Branch office of the Commission, Room 1737, U. S. Post Office and Court House, Los Angeles, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, as set forth in paragraph II above.

It is further ordered, That Mr. William W. Swift is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before March 6, 1957, his application therefor as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1460; Filed, Feb. 26, 1957; 8:52 a. m.]

[File No. 70-3541]

AMERICAN NATURAL GAS CO. AND MICHIGAN CONSOLIDATED GAS CO.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK BY PARENT COMPANY PURSUANT TO UNDERWRITTEN RIGHTS OFFERING, AND CHARTER AMENDMENT BY SUBSIDIARY, AND ISSUE AND SALE OF COMMON STOCK BY SUCH SUBSIDIARY TO PARENT COMPANY

FEBRUARY 20, 1957.

American Natural Gas Company ("American Natural"), a registered holding company, and its subsidiary Michigan Consolidated Gas Company ("Michigan Consolidated") have filed a joint application-declaration and amendments thereto pursuant to sections 6 (a), 6 (b), 7, 10, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder, regarding the following proposed transactions:

I. *American Natural issue of common stock.* On or about February 27, 1957, American Natural proposes to issue to holders of its 4,421,132 outstanding shares of common stock (par value $25 per share) transferable warrants, expiring on or about March 14, 1957, to purchase 442,114 additional shares of its common stock. The warrants will evidence a number of rights equal to the number of shares outstanding, and 10 rights will be required to purchase each share of the additional common stock. The company has arranged for its New York transfer agent, without charge to stockholders, to take orders (subject to the agent's ability to find a seller or purchaser, as the case may be) to buy sufficient rights (not exceeding 9) to permit the holder to purchase one or more full shares, or to sell rights (not exceeding 9) not required to complete a subscription.

Each holder of outstanding shares of American Natural's common stock will also be given the privilege of subscribing at the subscription price for any number of shares of the additional common stock not purchased through the exercise of rights, subject to allotment if sufficient shares are not available to meet the demand. Allotments will be made proportionately to the number of rights exercised, not to the number of shares requested.

Prior to any offering to holders of outstanding shares of its common stock, American Natural proposes, in accordance with the competitive bidding requirements of Rule U-50, publicly to invite bids for the purchase of such shares of additional common stock as shall not be purchased through the exercise of rights or under the conditional purchase privilege.

The price at which the additional common stock will be offered to holders of American Natural common stock, and to be paid by the successful bidders for the unsubscribed shares, will be determined by the company at least 24 hours prior to the time for submission of bids. Such price will be not more than the last reported sale price of American Natural common stock on the New York Stock Exchange at the time the price is so determined, and not less than such last reported sale price less 15 percent.

American Natural may stabilize the price of its common stock for the purpose of facilitating the offering. Such stabilizing transactions, if any, will be effected by the purchase of common stock on the stock exchanges where it is listed or traded, in the open market or otherwise. Such stabilizing activities, if any, will not begin prior to one day before determination of the subscription price, and may be terminated at any time, and in any case not later than one hour after the time fixed for the acceptance of a bid for the purchase of unsubscribed stock. In connection with such stabilizing transactions American Natural will at no time acquire a long position in shares of its common stock in excess of 10 percent of the number of additional shares of common stock being offered. American Natural proposes to sell any shares acquired in stabilizing transactions in ordinary brokerage transactions on the New York Stock Exchange.

II. *Michigan Consolidated amendment of charter and issue of common stock.* Michigan Consolidated, which now has outstanding 5,477,000 shares of 5,500,000 authorized shares of common stock (par value $14 per share), proposes to increase its authorized common stock to 7,700,000 shares by amendment to its Certificate of Incorporation, pursuant to the general corporate laws of the State of Michigan.

Thereafter, Michigan Consolidated proposes to issue and sell to American Natural, and the latter proposes to buy, 1,786,000 shares of Michigan Consolidated's common stock for $25,004,000 in cash, representing the aggregate par value thereof. Funds for this purpose will be provided through the sale by American Natural of the additional shares of its common stock, as aforesaid.

Michigan Consolidated further proposes to pay to American Natural a special cash dividend of $4,998,000 out of its retained earnings (amounting to $9,975,456 at September 30, 1956), and to issue and sell to American Natural, and the latter proposes to buy, an additional 357,600 shares of common stock of Michigan Consolidated for $4,998,000 in cash.

The sale to American Natural of the 1,786,000 additional shares of its common stock for $25,004,000 in cash will provide Michigan Consolidated with funds to repay or reduce short-term loans incurred for construction purposes and to pay construction costs. The payment by Michigan Consolidated to American Natural of the $4,998,000 cash dividend and the concurrent reinvestment of the same amount by American Natural in 357,000 additional shares of Michigan Consolidated's common stock will have the effect of converting this portion of Michigan Consolidated's retained earnings into common stock, assuring a larger permanent common equity for the latter company.

Michigan Consolidated states that during the spring or early summer of 1957 it proposes to issue and sell (pursuant to a later filing with this Commission) from $25,000,000 to $30,000,000 of bonds, the proceeds to be used for construction purposes and to repay any short-term loans then outstanding.

Michigan Public Service Commission, the regulatory commission of the State in which Michigan Consolidated is organized and doing business, has authorized the amendment of the company's charter and its issuance and sale to American Natural of 2,143,000 additional shares of its common stock as herein proposed.

The fees and expenses to be incurred by American Natural in connection with the proposed transactions are estimated at $202,000, including fees for professional services as follows: Accounting, $32,000; legal, $22,000; engineering, $7,500. The fees and expenses to be incurred by Michigan Consolidated are estimated at $82,000, including fees for professional services as follows: Legal, $2,000. The fee of Brown, Wood, Fuller, Caldwell & Ivey, counsel for the prospective underwriters, is estimated at $8,500, and it will be payable by the successful bidders in the event of acceptance of a bid for the underwriting. Supporting data have been filed with respect to the fees of the professional claimants, and the amounts do not apepar to be unreasonable.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13338), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1461; Filed, Feb. 26, 1957; 8:52 a. m.]

[File No. 70-3553]

GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING PROPOSAL TO ISSUE AND SELL ADDITIONAL SHARES OF COMMON STOCK THROUGH SUBSCRIPTION WARRANTS

FEBRUARY 20, 1957.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application-declaration regarding a proposal to issue and sell through subscription warrants 646,850 additional shares of its authorized but unissued common stock. Applicant-declarant has designated sections 6 (a), 7 and 12 (c) of the act, and Rules U-42 and U-50 promulgated thereunder, as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

GPU proposes to offer to the holders of its outstanding common stock rights to subscribe for additional shares of GPU common stock at the rate of one additional share of common stock for each fifteen shares of GPU common stock held of record, at a price which will be not more than the closing price on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire approximately 18 days

after the final date of the mailing of the subscription warrants.

In lieu of issuing rights to record holders of less than fifteen shares, GPU will purchase such rights for cash and remit such cash to said record holders. In addition, GPU will, upon request of initial record holders of warrants, purchase such number of the rights represented thereby as such holders do not desire to exercise. Holders of rights in excess of fifteen but not exactly divisable by fifteen may, upon subscribing for the maximum number of whole shares covered by such rights, subscribe for one additional share without furnishing additional rights, subject to availability to GPU of such additional shares. If additional shares are not available GPU will purchase the excess rights. During the subscription period, and for not more than thirty business days thereafter, stockholders and warrant holders will have the privilege of purchasing from GPU unsubscribed shares to the extent such shares are available for such purpose, at the prevailing market price but not less than the subscription price.

The rights offering will not be underwritten, but GPU will utilize the services of security dealers to solicit the exercise by initial record holders of rights, and to participate in the disposition of shares, if any, not subscribed or otherwise disposed of by GPU under the terms of the rights offering. The price or prices at which such sale of unsubscribed shares will be effected through security dealers will be fixed by GPU at not higher than prevailing market prices plus 30 cents per share, and not less than the subscription price. Fees for the services of security dealers in connection with the rights offering will be fixed by GPU.

In connection with the rights offering GPU may effect stabilization transactions in its common stock or rights, but at no time will GPU acquire a net long position exceeding 64,685 shares.

The net proceeds realized by GPU from the sale of the additional common stock will be applied (a) to repay GPU's outstanding bank loans and (b) to the making of additional investments in GPU's domestic subsidiary companies, or to the reimbursement of GPU's treasury for such investments theretofore made, and for other corporate purposes.

The fees and expenses (other than security dealers' fees) to be incurred by GPU in connection with the proposed transactions are estimated at an aggregate of $190,000, including counsel fees—$15,000; depository agent's fees and expenses—$35,000; clearing agent's fees and expenses—$7,000; accountant's fees—$7,000; and registrar's fees $1,500.

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule U-50 to the extent such rule may be applicable to the sale of unsubscribed shares.

The application-declaration states that no State or Federal regulatory body, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 6, 1957, request of this Commission in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert; or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1462; Filed, Feb. 26. 1957; 8:53 a. m.]

[File Nos. 54-219 and 59-13]

STANDARD SHARES, INC.

ORDER GRANTING REQUEST FOR EXTENSION OF TIME TO CARRY OUT PROVISION OF PLAN

FEBRUARY 20, 1957.

On February 16, 1956, the Commission approved a plan filed by Standard Shares, Inc. ("Shares"), a registered holding company which was formerly named Standard Power & Light Corporation and which is in process of transformation into an investment company, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), which plan proposes, among other things, the disposition of Shares' holdings of common stock of Duquesne Light Company ("Duquesne") to less than 5 percent of the number of shares of such stock outstanding. One of the steps of such disposition is the reduction of such holdings by not less than 100,000 shares by March 12, 1957. (Holding Company Act Release No. 13101). On March 13, 1956, the United States District Court for the District of Delaware approved the Commission's Findings and Opinion and Order on said plan and ordered the enforcement and the carrying out of the terms and provisions of said plan.

In its order of February 16, 1956, the Commission reserved jurisdiction with respect to "entertaining of such further proceedings, entering of such further orders and the taking of such further action as the Commission may deem to be necessary or appropriate in connection with said plan, as amended, transactions a part of or incidental thereto, and the consummation thereof, as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act." In its order of March 13, 1956, the United States District Court for the District of Delaware reserved jurisdiction "to entertain such further proceedings, to make such further findings, to enter such supplemental orders and decrees, to take such further action, and to grant such other and further relief as it may deem appropriate in connection with the Plan, the transactions incident thereto, and the consummation thereof, including the review, if application therefor is duly made, of subsequent orders of the Commission relating to the Plan."

Shares holds 321,000 shares of Duquesne stock of which about 150,000 shares are low cost tax basis shares and expects during April or May, 1957, to acquire 246,500 additional shares of which at least 100,000 shares are to be low cost tax basis shares. Shares states that it has found it impracticable to sell the entire 100,000 shares of low cost tax basis stock except by means of a secondary distribution and registration under the Securities Act of 1933. However, in view of the anticipated acquisition by Shares of the 246,500 additional shares of Duquesne stock, Shares now desires to dispose of approximately 250,000 shares of low cost tax basis Duquesne stock, as promptly as practicable. It, therefore, requests approval of an amendment to its plan extending the time to July 1, 1957, in which it is required to dispose of at least 100,000 shares of Duquesne stock, or such later date as the Commission may fix upon subsequent application. Such extension of time will permit the disposition by Shares of 250,000 shares of Duquesne common stock by means of one secondary distribution and one registration statement under the Securities Act of 1933 and will also permit Shares to retain the Duquesne common stock with a high cost tax basis, a feature asserted to be essential to its long range investment company program.

The Commission having considered the entire record in connection with said request by Shares for an extension of time to comply with its order of February 16, 1956 and finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and deeming it appropriate in the public interest and in the interest of investors to approve said application to amend said plan of Shares:

It is ordered, Pursuant to section 11 (e) and other applicable provisions of the act, that said application to amend said plan be, and the same hereby is, approved, subject to the condition that this order shall not be operative to authorize the requested extension of time for compliance with said order of this Commission until said Court, upon application thereto, enters an order granting such extension of time.

It is further ordered, That jurisdiction be, and it hereby is, reserved to entertain such further proceedings, enter such further orders and to take such further action in connection with said plan, as amended, transactions a part of or incidental thereto, and the consummation thereof, as may be deemed to be necessary or appropriate to effectuate the requirements of section 11 (b) of the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1463; Filed, Feb. 26, 1957; 8:53 a. m.]

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TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter B—Trade Practice Conference Rules

[File No. 21-479]

PART 25—COMBINATION STORM WINDOW AND DOOR INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, together with the industry commitee provision which follows said rules, which have been approved by the Commission in this proceeding, be promulgated as of February 28, 1957.

Statement by the Commission. Trade practice rules for the Combination Storm Window and Door Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the manufacture, sale, or distribution of combination storm windows and doors (see definition of "Industry Products" preceding the rules). According to available information, the aggregate annual sales of industry products at factory level approximate $200,000,000.

Primary objectives of the rules are the maintenance of free and fair competition and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. The rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of rules were instituted pursuant to an industry application. A general trade practice conference was held in New York City on April 24, 1956, at which rules were proposed for Commission consideration. Thereafter, a draft of proposed rules, which included a proposed industry committee provision, was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Washington, D. C., on November 2, 1956, and all matters there presented, or otherwise received in the proceeding were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules and the industry committee provision as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 17 ($0.60)

Title 26, Parts 170–182 ($0.35)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 183–299 ($0.30).

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AUTHORITY: §§ 25.0 to 25.201 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 25.0 *Definitions:* As used in this part, the terms "industry member" and "industry products" shall have the following meanings, respectively:

(a) *Industry member.* Any person, firm, corporation, or organization engaged in the manufacture, sale, or distribution of industry products as hereinafter defined.

(b) *Industry products.* Industry products consist of combination storm windows and doors. The storm windows are designed for permanent attachment and are either the self-storing type or the interchangeable type. The windows basically consist of a frame with channels, and glass (or other transparent material) inserts and screen inserts. The storm doors basically consist of a frame and glass (or other transparent material) inserts and screen inserts.

§ 25.1 *Deception (general).* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to make any representation which, directly or by implication, or through failure adequately to disclose additional relevant information, has the capacity and tendency to deceive purchasers or prospective purchasers in any material respect, including, but not limited to, representations relating to construction, design, model, origin, manufacture, quality, strength, utility, durability, or life expectance, of such products, or the benefits to be derived from the use thereof, or with respect to the need for repair or maintenance of such products or any service or services to be supplied to purchasers or prospective purchasers of the products.

(b) Among the practices inhibited by this section are the following:

(1) Representing that savings in fuel, or reduction in heat loss, will result from the use of storm windows or doors, when such representation is false or misleading in any material respect.

(2) Representing or implying contrary to fact that a building equipped with combination storm windows and/or doors affords positive protection against prowlers, burglars, or other individuals unlawfully attempting entry into such building.

(3) Representing or implying that combination storm windows or doors will not shrink, rot, rust, warp, twist, sag, or otherwise become unserviceable, when such is not the fact.

(4) Representing or implying that the metal portions of storm windows and/or doors are made of "aircraft aluminum," or are of extruded metal, when such is not the fact.

(c) The inhibitions of this section are applicable with respect to every species of advertisement or form of representation, whether in a newspaper or other periodical, telephone directory, sales catalog, sales promotional literature, radio or television broadcast, or other media, or whether in the form of a mark, tag, or label on, affixed to, or accompanying, the product. [Rule 1]

§ 25.2 *Bait advertising.* It is an unfair trade practice for an industry member to offer for sale any industry product when the offer is not a bona fide effort to sell the product so offered.

NOTE: In determining whether there has been a violation of this section, consideration will be given to acts or practices indicating that the offer was not made in good faith for the purpose of selling the advertised product, but was made for the purpose of contacting prospective purchasers and selling them a product or products other than the products offered. Among acts or practices which will be considered in making that determination are the following:

(a) The creation, through the initial offer or advertisement, of a false impression of the grade, quality, make, value, currency of model, size, usability, or origin of the product offered.

(b) The refusal to show, demonstrate, or sell the product offered in accordance with the terms of the offer.

(c) The disparagement, by acts or words, of the product offered.

(d) The showing, demonstrating, and in the event of sale, the delivery, of a product which is unusable or impractical for the purpose represented or implied in the offer.

(e) The refusal, in the event of sale of the product offered, to deliver such product to the buyer within a reasonable time thereafter.

(f) The failure to have available a quantity of the advertised product sufficient to meet reasonably anticipated demands.

It is not necessary that each act or practice set forth be present in order to establish that a particular offer is violative of this section.

[Rule 2]

§ 25.3 *Deceptive pricing.* (a) It is an unfair trade practice for any member of the industry to represent or imply, in advertising or otherwise, that an industry product may be purchased for a specified price when such is not the fact; or that an industry product is being offered for sale at a reduced price when such is not the fact; or otherwise to deceive purchasers or prospective purchasers with respect to the price of products offered for sale.

(b) Among the practices inhibited by this section are:

(1) Representing or implying that a stated price is for a complete functional combination storm window or door when in fact the product so priced is deficient as to parts necessary and usual to the proper functioning and appearance of such combination storm window or door (such as hinges, glass, screening, frames, etc.).

(2) Representing or implying that the price of combination storm windows or doors includes certain services, such as installation, adjustments, weather stripping, etc., or includes parts or accessories such as door closers, grilles, etc., when such is not the fact.

(3) Representing or implying that the selling price of any combination storm window or door has been reduced from what is in fact a fictitious price, or that such price is a reduced or special price when it is in fact the regular selling price of such combination storm window or door, or when over a substantial period of time the alleged "reduced" or "special" price has been the price at which such products customarily have been sold.

(4) Representing or implying that prices applicable only to certain sizes of combination storm windows or doors apply to other or all sizes of such windows or doors.

(5) Making or publishing any false, misleading, or deceptive representation

concerning installment sales contracts to be used in the sale of industry products, the terms or conditions of such contracts, the down payment to be required, the rate of interest or financing cost to be charged, or respecting any other matters relative to such contracts.

(6) Representing or implying, contrary to fact, that combination storm windows or doors may be purchased at factory prices ("factory to you," etc.).

(b) It is also an unfair trade practice to sell, or offer for sale, any combination storm window or door at a price less than the cost thereof to the seller as a "loss leader," used in inducing, and sold only in combination with, the purchase of other merchandise and/or services on which the seller recoups such loss, when this practice has the capacity and tendency or effect of misleading or deceiving the purchasing public. [Rule 3]

§ 25.4 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that any industry product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligations of the guarantor.

(b) It is also an unfair trade practice to use, or cause to be used, any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder.

(c) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 4]

§ 25.5 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 5]

§ 25.6 *Deceptive testimonials or depictions.* It is an unfair trade practice for a member of the industry to use any testimonial of a user of any industry product or of any other person, or to use any picture or depiction thereof, which is false or which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 6]

§ 25.7 *Misrepresenting products as conforming to standard.* It is an unfair trade practice to represent, through advertising or otherwise, that any product of the industry conforms to any standard recognized in or applicable to the industry, when such is not the fact. [Rule 7]

§ 25.8 *Deceptive use of seals.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to use a seal or insignia of any organization without the authorization of that organization, or to use any seal or insignia which is of such form or design, or contains such wording, as to simulate the seals or insignia which are issued by an organization for use with respect to other products, when the use thereof has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

NOTE: Seals of approval used by industry members should identify the organization issuing and/or authorizing the use of the seal. Such seal should be based on adequate inspection and tests of the industry member's products and not otherwise contravene the provisions of § 25.1 relating to deception generally.

[Rule 8]

§ 25.9 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the sale of industry products, to represent, directly or indirectly, that he is a manufacturer of industry products, unless he owns and operates or directly controls a factory wherein such products are made, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 9]

§ 25.10 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect, is an unfair trade practice. [Rule 10]

§ 25.11 *Substitution of products.* It is an unfair trade practice to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by—

(a) Shipping, delivering, or installing industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 11]

§ 25.12 *Misuse of terms "custom built," "made-to-order," etc.* In the sale, offering for sale, or distribution of combination storm windows or doors, it is an unfair trade practice to use the terms "custom built," "made-to-order," or any other words or terms of similar import, as descriptive of any combination storm window or door which has not been made in accordance with specifications as to the size, quality, composition, etc., supplied by or on behalf of the consumer-purchaser prior to the manufacture or assembly of the industry product, as distinguished from a combination storm window or door which is a ready-made or stock product. [Rule 12]

§ 25.13 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 13]

§ 25.14 *Imitation of trade-marks, trade names, etc.* The imitation or simulation of trade-marks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 14]

§ 25.15 *Coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 15]

§ 25.16 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 16]

§ 25.17 *Unfair threats of infringement suits.* The circulation of threats of suit for infringement of patents or trade-marks among customers or prospective customers of competitors, not made in good faith but for the purpose or with the effect of thereby harassing or intimidating such customers or prospective customers, or of unduly hampering, injuring, or pejudicing competitors in their business, is an unfair trade practice. [Rule 17]

§ 25.18 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 18]

§ 25.19 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 19]

§ 25.20 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [1]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 20]

§ 25.21 *Exclusive deals.*[2] It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to lease or make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the lessee or purchaser thereof shall not use or deal in the goods of a competitor or competitors of the lessor or seller, where the effect of such lease, sale or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 21]

§ 25.22 *Prohibited discrimination* [1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of sub-paragraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor.

NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph of this section is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) *Examples of price differential practices.* The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use, and when—

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or

of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see subparagraph (2) of paragraph (a) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see subparagraph (4) of paragraph (a) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see subparagraph (5) of paragraph (a) of this section).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the idustry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: Paragraph (f) of this section is a restatement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section of said act, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4) or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

(g) *Purchases by U. S. Government—Applicability of Robinson-Patman Anti-discrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.)

§ 25.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Promulgated by the Federal Trade Commission February 28, 1957.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-1507; Filed, Feb. 27, 1957; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957 CROP OF RICE

Correction

In Federal Register Document 57-8944, published at page 8423 of the issue for November 3, 1956, the introductory text of § 730.818 should be corrected by changing the word "now" to read "new".

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 997—FILBERTS GROWN IN OREGON AND WASHINGTON

ADMINISTRATION RULE FOR OBTAINING CANDIDATES IN CONJUNCTION WITH NOMINATION ELECTIONS FOR CERTAIN MEMBERS AND ALTERNATE MEMBERS OF FILBERT CONTROL BOARD

Notice of a proposed administrative rule setting forth an alternative method of obtaining candidates for positions on the Filbert Control Board was published in the FEDERAL REGISTER issue of February 9, 1957 (22 F. R. 849). The said Filbert Control Board is the administrative agency for the operation of Marketing Agreement No. 115, as amended, and Marketing Order No. 97, as amended (7 CFR Part 997) regulating the handling of filberts grown in Oregon and Washington, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

In said notice, an opportunity was afforded interested persons to submit written data, views, or arguments relating thereto. No such written communications were received within the period set forth.

Therefore, after consideration of all relevant matters, it is hereby ordered that, on and after the date of publication of this document in the FEDERAL REGISTER, the following administrative rule shall be in effect:

§ 997.432 *Nominations.* Whenever petitions submitted pursuant to § 997.32 (b) fail to result in the submission of at least twice as many names as there are positions to be filled, the Board shall request all County Agricultural Agents in filbert producing counties which produced an average of at least 10 percent of the total production in the area of production during the preceding fiscal year, to recommend a qualified grower for each position to be included on the ballot.

It is hereby found and determined that delaying the effective date of this order later than the date of its publication in the FEDERAL REGISTER is impracticable, unnecessary, and contrary to the public interest (see 5 U. S. C. 1001 et seq.) because the alternate procedure established hereby will be needed to obtain an adequate number of candidates for positions on the Filbert Control Board, a nominee for each position must be elected by growers from among such candidates and submitted to the Secretary by March 20 each year, and the time available on and after the publication of this order in the FEDERAL REGISTER will be necessary to enable nominations to be obtained and submitted to the Secretary by such date.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 25, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 57-1528; Filed, Feb. 27, 1957; 8:58 a. m.]

[Lime Order 3, Amdt. 5]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restriction on the handling of limes.

Order, as amended. The provisions in subparagraph (2) (ii) of paragraph (b) of § 1001.303 (Lime Order 3, as amended; 21 F. R. 5033, 5821, 6159, 7021, 9741) are hereby further amended, for the period from 12:01 a. m., e. s. t., March 1, 1957, to 12:01 a. m., e. s. t., April 1, 1957, so as to permit the handling of large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which grade at least U. S. No. 2 Mixed Color and are of a size not smaller than 1⅝ inches in diameter: *Provided*, That, not to exceed 5 percent, by count, of the limes in any container may be smaller than 1⅝ inches in diameter. Otherwise, the provisions of the aforesaid subparagraph (2) (ii) of paragraph (b) of § 1001.303 shall remain in full force and effect.

As used herein, the term "U. S. No. 2 Mixed Color" shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes (7CFR 51.1001 et. seq.; 18 F. R. 7107).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 26, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-1545; Filed, Feb. 27, 1957; 8:59 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141e—BACITRACIN AND BACITRACIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146e—CERTIFICATION OF BACITRACIN OR BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Correction

In F. R. Doc. 57-1320, appearing at page 1036 of the issue for Wednesday, February 20, 1957, the following changes should be made:

1. In item 1, the section number "§ 141.403" should read "§ 141e.403" and the three references in that section to "§ 141.401" should read "§ 141e.401".

2. In the amendatory language of item 6, "Section 146.403" should read "Section 146e.403".

3. In item 6d, the paragraph heading should read "(d) *Requests for certification; samples.*"

4. Item 7c should read as follows:

c. Paragraph (a) (4) is amended by changing the words "bacitracin or zinc bacitracin" to read "bacitracin, zinc bacitracin, or bacitracin methylene disalicylate".

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter D—Military Reservations and National Cemeteries

PART 553—NATIONAL CEMETERIES

MISCELLANEOUS AMENDMENTS

1. Sections 553.1, 553.2, and 553.5 are revised to read as follows:

§ 553.1 *Administration, control, and supervision*—(a) *General.* The Quartermaster General, under the direction and control of the Assistant Secretary of the Army (Civil-Military Affairs), is responsible for the establishment, development, operation, maintenance, and administration of the National Cemetery System and for the formulation of plans, policies, procedures, and regulations pertaining thereto. See act of September 12, 1950 (64 Stat. 844; 24 U. S. C. 278).

(b) *United States possessions.* The commanding generals, United States Army, Alaska; United States Army, Pacific; and United States Army, Caribbean are charged with the immediate supervision and administration of national cemeteries within their respective areas. These commanders are responsible, under regulations and policies established by The Quartermaster General, for the following functions:

(1) Operation, maintenance, repairs and utilities, including repair of motor vehicles.

(2) Procurement of supplies and equipment (except permanent headstones and grave markers, motor vehicles, and grave decorating flags).

(3) Periodic inspection of national cemetery installations (including annual general inspections).

(4) Employment and administration of personnel.

(5) Property accountability.

(6) Preparation and submission to The Quartermaster General, Attn: Memorial Division, of budgetary data for national cemetery activities and administration of funds made available therefor.

(c) *Federal jurisdiction.* Where the State legislature has given the consent of the State to the purchase of the land which now comprises the national cemetery, the jurisdiction and power of legislation of the United States over national cemeteries will, in all courts and places, be held to be the same as is granted by Article 1, Section 8, Constitution of the United States. See act of July 1, 1870 (16 Stat. 188; 24 U. S. C. 287).

§ 553.2 *Donations*—(a) *Conditional gifts.* The Secretary of the Army is authorized in his discretion to accept, receive, hold, administer, and expend any gift, devise, or bequest of property, real or personal, made on condition that it be used for the benefit of or in connection with, the establishment, operation, maintenance, or administration of any cemetery under the jurisdiction of the Department of the Army. All such proffers of donations or gifts for national cemeteries will be referred to The Quartermaster General, Attn: Memorial Division, for appropriate action.

(b) *Unconditional gifts.* All proffers of donations or gifts which are unconditional will be referred to The Quartermaster General, Attn: Memorial Division, for appropriate action, together with a report setting forth the material facts and the recommendations of the superintendent and supervising commander.

(c) *Policy.* Department of the Army policy is that all proffered donations or gifts may be accepted from legitimate societies and organizations or reputable individuals for beautifying national cemeteries, subject to the following additional provisions:

(1) The name of the Department of the Army is not associated in any manner by the society, organization, or individual with the solicitation of the donation.

(2) Delivery is made to the cemetery, or to such other point designated by the Department of the Army, without expense to the Government.

(3) Installation, placing, or planting is in keeping with the planned development of the cemetery and the donor agrees to the use thereof at any place within the cemetery.

(4) Donor is not permitted to affix to the items donated nor to place in the cemetery or elsewhere on Department of the Army property any commemorative tablet or plaque.

(d) *Tributes to Unknown Soldier.* Approval of drawings, sketches, or plans for and authority for acceptance of plaques, trophies, and other tributes offered for presentation to The Unknown Soldier, Arlington National Cemetery, is the responsibility of The Quartermaster General. Such approval and acceptance are subject to the following restrictions:

(1) Presentation must be from an organization which is nonpartisan and purely patriotic in purpose.

(2) Plaque, trophy, or other tribute will show that it is presented to The Unknown Soldier.

(3) Dimensions of any object approved for acceptance will not occupy an area in the display case greater than 36 square inches.

(4) The design of and inscription on the plaque must be consistent with the sacred purpose and nature of this shrine to The Unknown Soldier.

(5) Only one plaque may be presented by an organization. Separate plaques from subordinate elements of an organization will not be approved.

(6) Requests, accompanied by sketch or plan and description, replica or model of the proposed plaque, must be submitted to The Quartermaster General, Attn: Memorial Division.

§ 553.5 *Interments and disinterments*—(a) *Who may be interred*—(1) *General.* The act of May 14, 1948 (62 Stat. 234; 24 U. S. C. 281) authorizes burial in a national cemetery under such regulations as the Secretary of the Army may prescribe for:

(i) Any member or former member of the Armed Forces of the United States whose last service terminated honorably, by death or otherwise;

(ii) Any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the armed forces of any government allied with the United States during such war, and whose last service terminated honorably, by death or otherwise;

(iii) The wife, husband, widow, widower, minor child and, in the discretion of the Secretary of the Army, unmarried adult child of any of the persons enumerated in subdivisions (i) and (ii) of this subparagraph;

(iv) Persons who were members of the Cabinet of the President of the United States at any time between April 6, 1917 and November 11, 1918.

(2) *Members of Armed Forces of the United States.* Any member or former member of the Armed Forces of the United States whose last service terminated honorably, by death or otherwise, is entitled to burial in a national cemetery (see 24 U. S. C. 281). The Armed Forces include the Army, Navy, Air Force, Marine Corps, and the Coast Guard.

(3) *National Guard.* Members of the National Guard who have been called or drafted into Federal service as provided by the act of August 10, 1956 (70a Stat. 199; 32 U. S. C. 3500 and 32 U. S. C. 3501) are eligible for burial in a national cemetery.

(4) *Members or former members of reserve components of the Armed Forces.* Members or former members of the reserve components who have rendered service on active duty, other than active duty merely for training purposes, are eligible provided their last active service terminated honorably. Membership alone in a reserve component does not constitute service within the meaning of the act of May 14, 1948 (62 Stat. 234; 24 U. S. C. 281).

(5) *Commissioned officers, Coast and Geodetic Survey.* Commissioned officers, United States Coast and Geodetic Survey, who die during and subsequent to the service specified in the following categories and whose last service terminated honorably are eligible for interment in national cemeteries regardless of time of death:

(i) Commissioned officers assigned to areas of immediate military hazard described in the act of December 3, 1942 (56 Stat. 1038; 33 U. S. C. 855a), as amended.

(ii) Commissioned officers serving in the Philippine Islands on December 7, 1941.

(iii) Commissioned officers actually transferred to the Department of the Army or the Department of the Navy under the provisions of the act of May 22, 1917 (40 Stat. 87; 33 U. S. C. 855).

(6) *Public Health Service.* (i) Interment in national cemeteries of the remains of commissioned officers of the United States Public Health Service who were detailed for duty with the Army or Navy during World War I pursuant to the act of July 1, 1902 (32 Stat. 712, 713), as amended, and Executive Order 2571, April 3, 1917, is authorized. See act of April 30, 1956 (46 U. S. C. 654; 70 Stat. 124).

(ii) By virtue of authority granted by section 216, act of July 1, 1944 (58 Stat. 690; 42 U. S. C. 217), Executive Order 9575, June 21, 1945, superseded by Executive Order 10349, April 26, 1952, and as amended by Executive Order 10356, May 29, 1952, Executive Order 10362, June 14, 1952, and Executive Order 10367, June 30, 1952, established the Public Health Service as a military service for the period of World War II and consecutive periods thereafter. Accordingly, all officers of the commissioned corps of the Public Health Service who served at any time during the period December 8, 1941 to, and including, July 3, 1952 and whose services terminated honorably are entitled to burial in national cemeteries regardless of when death occurs.

(7) *Citizens of the United States serving in the armed forces of other allied governments.* Any citizen of the United States who, during any war in which the United States has been or may hereafter be engaged, served in the armed forces of any government allied with the United States during such war, and whose last service terminated honorably, by death or otherwise, is entitled to burial in a national cemetery. Persons to be eligible under this authority must have been citizens of the United States at the time of entering the service of such armed forces and at the time of death. See 24 U. S. C. 281.

(8) *Members of families of service or former service personnel.* (i) The following members of families of personnel listed in subparagraphs (2) through (7) of this paragraph are authorized interment in national cemeteries, provided the remains of such persons may, in the discretion of the Secretary of the Army, be removed from a national cemetery proper and interred in the post section of a national cemetery or in a post cemetery if, upon death, the related member of the armed forces of the United States or allied government is not buried in the same or adjoining gravesite:

(a) *Spouses, widows, and widowers.* (1) The spouses, widows, and widowers of eligible service or former service personnel may be buried in the same grave or in an adjoining (side-by-side) grave if space is available.

(2) Should the death of the non-service-connected spouse occur first, interment may be made upon the execution of a written agreement by the service or former service-connected spouse that he or she will be interred eventually in the same grave or in an adjoining (side-by-side) grave.

(3) When the interment of the non-service-connected widow (widower) is desired, either in the same grave with the service-connected spouse or in an adjoining gravesite which has been reserved, the next of kin or duly authorized representative will be required to submit a written statement that the widow (widower) of the service-connected spouse already buried in the national cemetery has not remarried and is still the legal widow (widower) of the service-connected spouse.

(4) Widows or widowers of members of the Armed Forces of the United States lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action may be buried in the national cemetery of their choice if space is available.

(5) Widows or widowers of members of a group burial interred in a national cemetery may be buried in an adjoining, adjacent, or neighboring grave in the same cemetery.

(6) Divorce of a non-service-connected spouse or remarriage subsequent to interment of the service-connected spouse renders such non-service-connected spouse ineligible for burial in a national cemetery.

(b) *Children.* (1) Minor and, at the discretion of the Secretary of the Army, unmarried adult children ((b) (2) of this subdivision) of any member or former member of the Armed Forces of the United States may be buried in the same grave in which a parent has been or will be interred if space is available therein. Should the death of the child occur prior to that of either of the parents, interment may be made upon the execution of a written agreement by the service-connected parent that he or she will be buried eventually in the same or an adjoining (side-by-side) grave; such agreement to be executed with the understanding that all available space in the occupied grave (space determination will be based upon first burial at depth of 7 feet) must be used for any future family interments, including that of the service-connected parent, before the adjoining grave may be so used. Interment of additional eligible children may be made, prior to the death of the service-connected parent, provided not more than two side-by-side gravesites are used and that adequate space is reserved therein for burial of the service-connected parent.

(2) In the application of this part, the term "unmarried adult children" will be interpreted to include widows, widowers, divorcees, and unmarried persons 21 years of age or over and will be restricted to those who were in fact, up to the time of death, dependent for support upon the service-connected parent or surviving spouse because of physical or mental condition. Should the death of both parents occur prior to that of an unmarried adult child, the latter may be interred in the same grave in which a parent has been interred, provided such adult child was incapable of self-support up to the time of death because of physical or mental condition. The interment of "unmarried adult children" will be made at the discretion of the Secretary of the Army and request for burial of all such persons will be referred to The Quartermaster General, Attn: Memorial Division, for approval. No interment of such cases will be made without prior authorization of The Quartermaster General. A statement of the attending physician must be submitted attesting to the nature of the condition, and the period of time such child was so afflicted or the period for which said physician attended the child for such disability.

(3) The term "child" includes stepchild and adopted child. The term "parent" includes stepparent and parent through adoption. Each case pertaining to the eligibility of such children for burial in a national cemetery will be referred to The Quartermaster General, Attn: Memorial Division, for approval prior to interment. Such cases will include a full statement of pertinent facts to enable The Quartermaster General to make a decision.

(9) *Members of the Cabinet.* Persons who were members of the Cabinet of the President of the United States at any time during the period between April 6, 1917 and November 11, 1918 may be buried in any national cemetery, provided interment is without cost to the United States. See act of May 14, 1948 (62 Stat. 234; 24 U. S. C. 281).

(10) *Confederate veterans.* (i) Veterans who served in the Confederate armies during the Civil War are in certain circumstances entitled to burial in three national cemeteries: Arlington, Virginia; Springfield, Missouri; and Little Rock, Arkansas. See act of August 24, 1912 (37 Stat. 440; 24 U. S. C. 282); act of March 3, 1911 (36 Stat. 1077); act of February 7, 1913 (37 Stat. 663); and act of March 26, 1938 (52 Stat. 117).

(ii) Interments in the Confederate sections at Arlington, Springfield, and Little Rock are restricted to officers and enlisted men who served honorably in the Army or Navy of the Confederate States and their wives or widows under the same regulations and restrictions that govern interments in national cemeteries, except that where an honorable discharge or written parole cannot be produced or the alleged service cannot be verified from the official records, an affidavit of one or more reliable witnesses as to the service of the decedent, when duly attested before an officer authorized to administer oaths, may be accepted as satisfactory proof of such service. Where it becomes necessary to file an affidavit as to honorable service, any request for interment in Springfield must be favorably indorsed by the proper officer or representative of Campbell Camp 488, United Confederate Veterans, Springfield, Missouri.

(b) *Nonburial of persons convicted of certain crimes.* (1) A person otherwise eligible for burial in a national cemetery who is convicted of a crime which results in loss of United States nationality or who is convicted in a Federal, State, or United States military court of a crime, the maximum penalty for which, in the jurisdiction in which convicted, is death or which equals or exceeds 15 years' imprisonment, will not be buried in a national cemetery, except that any person who, subsequent to such conviction serves in the Armed Forces of the United States and whose last service therein is terminated honorably by death or otherwise, may be buried in a national cemetery.

(2) Persons excluded from burial in a national cemetery under the provisions of subparagraph (1) of this paragraph, may be buried in such other military burial ground as the Quartermaster General may select, but no military ceremony will be performed at such burial.

(c) *Utilization and reservation of gravesites.* (1) Not more than a total of two adjoining (side-by-side) gravesites will be used and reserved for the instant and eventual interment of the persons involved in the spouse and parent-child relationship (paragraph (a) (8) of this section), viz: service-connected person, spouse (widow or widower), and children of the service-connected person.

(2) When a service-connected person is interred, an adjoining gravesite may be reserved for the eventual interment of the nonservice-connected spouse, provided space is available and a written request for the gravesite reservation is received. When request for a gravesite reservation is received and an adjoining gravesite is not available, option will be given for:

(i) Interment in the same gravesite with the service-connected spouse.

(ii) Removal at private expense of the remains of the service-connected spouse to a location where two adjoining gravesite locations are available.

(3) No gravesites will be assigned in advance of their requirements for burial purposes. Reservation of a gravesite for the widow of a nonrecoverable member of the Armed Forces of the United States (lost or buried at sea or officially determined to be permanently absent in a status of missing or missing in action) is not authorized. Space in such cases will be assigned as needed.

(4) If it is not possible to make reservation of an adjoining gravesite for the surviving spouse of a member of a group burial, the reservation of an adjacent or neighboring gravesite is authorized.

(5) The Quartermaster General will communicate periodically with surviving nonservice-connected spouses having reservations for the purpose of determining whether it is desired that the reservation remain in force. If it is not possible to obtain a request for continuation of the reservation, such reservation is subject to cancellation. Cancellation of an adjoining gravesite reservation will not preclude burial of the survivor under one of the options shown in subparagraph (2) of this paragraph.

(d) *Burial sections.* (1) Layout plans for burial sections in all national cemeteries will be prepared by The Quartermaster General. Sizes of gravesites will conform to dimensions designated on layout plans prepared by The Quartermaster General.

(2) Burials in unused gravesites in existing established sections of national cemeteries will be in accordance with policies that were in effect for the different categories of decedents at the time the specific section within the cemetery was established.

(3) In all new sections to be developed and in all new cemeteries to be established, interments will be made without distinction as to race and rank. Group interments in new sections will be made in the same section with individual interments. No new separate sections will be established exclusively for group interments.

(4) As the need arises for the use of new sections for burials, such cases will be forwarded to The Quartermaster General, Attn: Memorial Division, for approval. Plans and recommendations for resolving the situation will accompany the request for final decision.

(5) In existing national cemeteries no new post sections will be established and existing post sections will not be expanded. No post sections will be established in new national cemeteries.

(e) *Disinterments.* (1) Interments of eligible remains in national cemeteries are considered to be permanent and final and disinterments will not be permitted except upon approval of The Quartermaster General. Disinterments and removal of remains from a national cemetery will be approved only when next of kin (includes the person who directed the initial interment if still living) give their consent and establish cogent reasons for the disinterment, or in recognition of a court order directing the disinterment.

(2) All requests for authority to disinter remains will be submitted to the Quartermaster General, Attn: Memorial Division, and must state the reason for desiring the disinterment and be accompanied by the following documents:

(i) Notarized affidavits by all close living relatives of the deceased, stating that they interpose no objection to the proposed disinterment. "Close relatives" are defined as widow (widower), parents, adult brothers and sisters, and adult children and will include the person who directed the initial interment, if living.

(ii) A sworn statement, by a person having knowledge thereof, that those who supplied such affidavits comprise all the living close relatives of the deceased.

(3) In lieu of the documents required in subparagraph (2) of this paragraph, an order of a court of competent jurisdiction will be considered.

(4) Any disinterment that may be authorized under this paragraph must be accomplished without expense to the government.

2. In § 553.6 (b), revise subparagraphs (1), (7), (8), and (9) and revoke subparagraph (10), and in § 553.6 (c), add subparagraph (11), as follows:

§ 553.6 *Headstones and monuments.*
• • •

(b) *Inscription on Government headstones.* (1) The inscription on Government headstones furnished for individual graves of members or former members of the Armed Forces (except decedents referred to in subparagraphs (2) and (3) of this paragraph) normally will consist of a religious emblem, name of decedent, State requested by next of kin at time of interment or the State listed as residence, grade, organization (or component if applicable), the war or wars in which service was rendered (if any), the complete dates of birth and death, and also may include any approved decorations. Normally, the highest grade held by decedent and the organization (or component) in which such grade was held will be used unless next of kin desires a particular organization in which a decedent may have served in a lower grade. In the latter case, the organization desired and the highest Federally recognized grade held by decedent in that organization (or component) will be used. "World War II" may be inscribed on the grave markers of all members of the United States Armed Forces who lost their lives while serving in such forces outside the continental United States during the period September 3, 1939 to December 6, 1941, inclusive, and on the grave markers of those who were members of the United States Armed Forces during the period December 7, 1941 to December 31, 1946, inclusive. The word "Korea" may be placed on Government headstones and markers for the graves of those members and former members of the United States Armed Forces who have served within the area or areas of military operation in the Korean Theater between June 27, 1950 and July 27, 1954. Except in cases where replacement headstones are necessary, the inclusion of war service as part of the inscription will be neither retroactive nor effective as to headstones furnished previously.

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(7) Where a headstone or monument has been erected to an individual interred in a national cemetery and the next of kin desires to inscribe thereon the name and appropriate data pertaining to a deceased spouse, parent, son, daughter, brother, or sister whose remains have not been recovered and who would have been eligible on their own status for burial in a national cemetery by reason of honorable military service in the Armed Forces, either of the United States or of any government allied with the United States, during time of war, approval may be given for cutting such inscription, at no expense to the Government, on the headstone or monument.

(8) Inscriptions on headstones marking graves containing group burials will consist of the names of decedents (in alphabetical order), grade, branch of service, and date of death. Names of decedents will be placed to read from left to right when necessary to use more than one column of names.

(9) The alphabetical section letter and grave number will be incised on the reverse side, near the top of the upright headstone. The alphabetical section letter and grave number on flat granite markers and flat marble markers (furnished as replacements) will be incised on the front (face) of the stone in the upper right corner. The alphabetical section letter and grave number of specially designed stones for group burials will be incised on the front (face) of the stone in the lower right corner.

(10) [Revoked.]

(c) *Private monuments, memorials, and commemorative tablets.* • • •

(11) The act of August 27, 1954 (68 Stat. 880), as amended, authorizes the Secretary of the Interior and the Secretary of the Army to set aside, when available, suitable plots in the national cemeteries under their jurisdiction to honor the memory of members of the Armed Forces missing in action or who died or were killed while serving in such Forces, and whose remains have not been identified, have been buried at sea, or have been determined to be nonrecoverable and, under regulations to be jointly prescribed by them, permit the erection of appropriate markers thereon in honor of any such member or group of members. Requests for authority to erect such markers in national cemeteries under the jurisdiction of the Department of the Army will be submitted to The Quartermaster General, Attn: Memorial Division, for consideration and approval. The cost of such markers and the erection thereof must be made from other than Government funds since the Act of August 27, 1954, as amended, does not provide for the appropriation of funds for this purpose.

[AR 290-5, December 26, 1956] (R. S. 161; 5 U. S. C. 22. Interpret or apply R. S. 4870, as amended, 19 Stat. 99, as amended, 52 Stat. 1233, 62 Stat. 234, 1216; 24 U. S. C. 271, 271a, 278, 279b, 281)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-1488; Filed, Feb. 27, 1957; 8:47 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

JAMAICA BAY AND CONNECTING WATERWAYS, N. Y.; INDIAN RIVER, FLA.

1. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.175 (c) governing the operation of the Long Island Railroad bridge across Broad Channel, Jamaica Bay, New York, is hereby revoked, the bridge having been replaced by a fixed bridge, as follows:

§ 203.175 *Jamaica Bay and connecting waterways, New York.* • • •

(c) *Long Island Railroad bridge across Broad Channel at Broad Channel Station.* [Revoked.]

[Regs., Feb. 8, 1957, ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.436 (a) governing the operation of bridges over Indian River at Melbourne, Eau Gallie and Cocoa, Florida, is hereby amended to provide morning and afternoon closed periods of one hour duration, respectively, in lieu of the present half-hour periods, to relieve congestion of highway traffic, as follows:

§ 203.436 *Indian River, Fla.; State Road Department of Florida bridges at Cocoa, Eau Gallie and Melbourne.* (a) Except as provided in paragraphs (b) and (c) of this section the owner of or agency controlling these bridges shall not be required to open the drawspans between the hours of 6:45 a. m. and 7:45 a. m., and 4:30 p. m. and 5:30 p. m., Monday through Friday of each week.

[Regs., Feb. 8, 1957, ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-1489; Filed, Feb. 27, 1957; 8:47 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[Gen. Order 75 (Revised)]

PART 308—WAR RISK INSURANCE

General Order 75 and all supplements and amendments thereto are hereby revised to read as follows:

Title XII of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1281-1294 (Public Law 763, 81st Cong., 64 Stat. 773; Public Law 209, 84th Cong., 69 Stat. 440; Public Law 958, 84th Cong., 70 Stat. 984) authorizes the Secretary of Commerce, with the approval of the President, to provide insurance against loss or damage by war risks whenever it appears to the Secretary that such insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The President, on October 9, 1950, gave the required approval and on December 21, 1950, the Secretary made a finding that, as of any outbreak of war between any of the four great powers (France, Great Britain and/or any of the British Commonwealth of Nations, Union of Soviet Socialist Republics, the United States of America) insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

The Secretary of Commerce delegated authority to the Maritime Administrator to perform the functions vested in the Secretary of Commerce by title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress, except the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary of Commerce. (Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (Amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519.)

The Maritime Administrator is prepared to provide war risk insurance specified in sections 1203 (a), (d), (e) and (f) of Public Law 763, 81st Congress for the interim period between the time commercial insurance, subject to the "Automatic Termination Clauses", is automatically terminated through the operation of such clauses and the time a full wartime insurance program is placed in effect. The following rules and regulations for the underwriting of such interim insurance are promulgated:

Subpart A—General

Sec.
308.1 Eligibility of a vessel and its owner for insurance.
308.2 Change in status of a vessel after interim binders have been issued.
308.3 Applications for insurance and payment of binding fees.
308.4 Period of interim binders if insurance thereunder does not attach.
308.5 Time of attachment of insurance.
308.6 Premiums and payment thereof.
308.7 War risk insurance underwriting agency agreement.

Subpart B—War Risk Hull Insurance

308.100 Amounts of insurance for which application may be made.
308.101 Form of application.
308.102 Issuance of interim binder; its terms and conditions.
308.103 Sums which will be insured under interim binder.
308.104 Additional war risk hull insurance.
308.105 Reporting casualties and filing claims.
308.106 Standard form of war risk hull insurance interim binder.
308.107 Standard form of war risk hull insurance policy.

Subpart C—War Risk Protection and Indemnity Insurance

308.200 Amount of insurance for which application may be made.
308.201 Form of application.
308.202 Issuance of interim binder; its terms and conditions.
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308.205 Standard form of war risk protection and indemnity insurance interim binder.
308.206 Standard form of war risk protection and indemnity insurance policy.

Subpart D—Second Seamen's War Risk Insurance

308.300 Amounts of insurance for which application may be made.
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308.302 Issuance of interim binder; its terms and conditions.
308.303 Sums which will be insured under interim binder.
308.304 Reporting casualties and filing claims.
308.305 Standard form of Second Seamen's war risk interim binder.
308.306 Standard form of Second Seamen's War Risk Policy (1955).

Subpart E—War Risk Builder's Risk Insurance

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308.501 Cargoes on which coverage is available.
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II—OPEN POLICY WAR RISK CARGO INSURANCE

Sec.
308.505 General.
308.506 Application for an open cargo policy.
308.507 Security for payment of premiums.
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308.511 Cancellation of open cargo policy.
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308.515 Payment in event of loss.
308.516 Failure to comply with Clause 21.
308.517 Open cargo policy, Form MA-300.
308.518 Standard optional endorsement No. 1, Form MA-300-A.
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308.522 Collateral deposit fund, letter of transmittal, Form MA-302.
308.523 Application for revision of open cargo policy, Form MA-303.
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308.525 Application for decrease in amount of cash collateral fund, Form MA-305.
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308.530 Letter requesting increase or decrease in amount of surety bond, Form MA-310.
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308.532 Release of surety bond, Form MA-312.
308.533 Closing report, Form MA-313.
308.534 Certificate to be attached to closing report, Form MA-313-A.
308.535 Certificate to be attached to final closing report, Form MA-313-B.
308.536 Declaration where failure to comply with Clause 21 was inadvertent, Form MA-314.
308.537 Effective date of endorsement.

III—FACULTATIVE WAR RISK CARGO INSURANCE

308.538 General.
308.539 Application for a facultative cargo policy.
308.540 Premiums.
308.541 Issuance of a facultative policy.
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308.547 Application for return premium, Form MA-317.

IV—GENERAL

308.548 Standard form of underwriting agency agreement for cargo, Form MA-318.
308.549 Application for appointment of cargo Underwriting Agent, Form MA-319.
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308.551 War Risk insurance clearing agency agreement for cargo.
308.552 Effective date.

AUTHORITY: §§ 308.1 to 308.552 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775; 46 U. S. C. 1114, 1289.

SUBPART A—GENERAL

§ 308.1 *Eligibility of a vessel and its owner for insurance.* (a) A vessel is eligible for interim insurance if it is:

(1) An American vessel as defined in section 1201 (a), Public Law 763, 81st Congress; or

(2) A foreign-flag vessel:

(i) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress; or

(ii) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens; and

(a) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(b) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(c) In a service which, with respect to the vessel to be insured, is determined by the Maritime Administrator to be in the interest of the national defense or the national economy of the United States.

(b) Other foreign-flag vessels will be insured at the sole discretion of the Maritime Administrator but only when engaged in services found by him to be in the interest of the national defense or the national economy of the United States.

§ 308.2 *Change in status of a vessel after interim binders have been issued.* In the event of change in flag or service of a vessel from an eligible status to a status requiring a finding as to eligibility after any interim binders set forth in §§ 308.106, 308.205, and 308.305 have been issued, interim binders covering such a vessel shall cease to be effective unless a statement as required by § 308.3 is submitted and a finding is made that the vessel is eligible for insurance as provided therein before such change occurs. In the event of the sale, demise charter, requisition, confiscation or total loss of a vessel, or any other change in the status thereof, which, by the terms of a binder causes same to terminate, prompt notice shall be given in writing to the underwriting agent that issued the binder.

§ 308.3 *Applications for insurance and payment of binding fees.* Separate applications, in duplicate, shall be filed for war risk hull insurance, war risk protection and indemnity insurance, and Second Seamen's war risk insurance for each vessel to be covered by such insurance. Applications for insurance on a vessel not in category as described in § 308.1 (a) (1), (2) (i), (2) (ii) (a) or (2) (ii) (b) shall be accompanied by a signed statement, in quadruplicate, setting forth the dates of the applications, the forms of insurance applied for, the name of the vessel, its flag, the name of the owner or charterer, the service in which the vessel is engaged and the reason such service should be considered to be in the interest of the national defense or the national economy of the United States, which statement shall be deemed to be a part of each application for insurance filed with respect to the vessel. Applications shall be made to the American War Risk Agency, 99 John Street, New York 38, N. Y., underwriting agent for the Maritime Administrator, in the forms set forth in §§ 308.101, 308.201, and 308.301. Applications and the accompanying statements, if any, shall be signed by the owner or charterer of the vessel unless he has filed with the above Underwriting Agent a written designation of a broker or brokers to act for him, in which case the applications may be signed by the designated broker or brokers. A check payable to the order of "Maritime Adm.—Commerce" for the total amount of all binding fees payable by each applicant shall accompany the applications. Binding fees are not returnable unless applications are rejected.

§ 308.4 *Period of interim binders if insurance thereunder does not attach.* All interim binders shall automatically expire at Midnight September 7, 1957, GMT, unless insurance thereunder has attached prior to that date, or such binders have been extended.

§ 308.5 *Time of attachment of insurance.* The war risk insurance to be provided under this part shall attach at such date and hour as the applicant shall designate, but not earlier than the date and hour commercial war risk insurance terminates by reason of the operation of the "forty-eight hour automatic termination clause", whether or not the vessel was covered by such commercial insurance: *Provided*, That if the designated time of attachment does not follow immediately upon the termination of commercial war risk insurance which covers the vessel until moored in port the owner shall warrant that the vessel is in port and in good safety at the time of the attachment of the risk.

§ 308.6 *Premiums and payment thereof.* Promptly upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative, the rates of premium for insurance under the interim binders will be fixed and the premiums shall be payable within ten days after receipt of notice of the amounts thereof by the assured. If premiums fixed for any interim binders are not paid within that period, such interim binders shall be null and void and of no effect and insurance thereunder shall not have attached unless the Maritime Administrator agrees otherwise. Premiums shall be paid to the underwriting agent that issued the binders by check payable to the order of "Maritime Adm.—Commerce". In the event that it is subsequently determined that insurance under interim binders did not attach, premiums paid will be refunded by the Maritime Administrator.

§ 308.7 *War risk insurance underwriting agency agreement.* The following is the standard form of underwriting agency agreement which will be executed by the Maritime Administrator and domestic insurance companies, or groups of domestic insurance companies authorized to do a marine insurance business in any States of the United States, appointing such companies or groups of companies as Underwriting Agents to issue binders and policies covering hull, protection and indemnity, and Second Seamen's war risk insurance under Subparts B, C, and D of this part:

Form MA-355 (3-56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

UNDERWRITING AGENCY AGREEMENT

This Agreement, made and entered into this ____ day of _____, 195__, by and between the United States of America (herein called the "United States"), acting by the Secretary of Commerce (herein called the "Secretary"), represented by the Maritime Administrator (herein called the "Administrator"), and _____ (herein called the "Underwriting Agent"), having an office for the transaction of business at _____, an association of domestic insurance companies (herein called the "Participating Members"), each of which is authorized to do a marine insurance business in a State of the United States.

WITNESSETH

Whereas, pursuant to title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "act"), the Secretary is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to employ domestic companies or groups of domestic companies authorized to do a marine insurance business in any State of the United States to act as his Underwriting Agent; and

Whereas, the Secretary has delegated authority to the Administrator to perform the functions vested in the Secretary by title XII of the act, except the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary. (Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (Amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519); and

Whereas, the Administrator has determined to employ the Underwriting Agent as an underwriting agent in providing war risk insurance as set forth in paragraphs (a), (c), (d), (e), and (f) of section 1203 of the act upon the terms and conditions herein set forth:

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions herein set forth, the parties hereto agree as follows:

1. *Appointment of agent.* The Administrator hereby authorizes the Underwriting Agent, as an agent acting on behalf of the Administrator and not as an independent contractor, to utilize its offices and facilities to make available the insurance which the Secretary is authorized to provide pursuant to paragraphs (a), (c), (d), (e), and (f) of section 1203 of the act and to perform the functions hereinafter provided for, upon the terms and conditions hereinafter set forth and in accordance with the rules, regulations and instructions which will be issued from time to time to the Underwriting Agent by the Administrator. The Underwriting Agent hereby agrees to utilize its offices and facilities to make such insurance available, as agent for the Administrator, and to perform the functions hereinafter provided for to the best of its ability. The Underwriting Agent may act through its home office, branch offices or agencies which are authorized to write insurance on its behalf.

2. *Duties of agent.* The duties of the Underwriting Agent shall be as follows:

(a) *Receive applications and issue binders and policies.* The Underwriting Agent shall receive applications for insurance, subject to the rates and conditions specified by the Administrator upon forms prescribed by the Administrator. After determining that the applications have been submitted in complete and proper form and are accompanied by remittances in the amount of the premiums required for the insurance applied for, the Underwriting Agent shall countersign binders or policies of insurance, or both binders and policies of insurance, subject to the rules, rates, terms and conditions specified by the Administrator on forms prescribed by the Administrator. The insurer under such policies shall be the United States.

(b) *Keep records.* The Underwriting Agent shall keep a full and complete record of all applications, binders, and policies, and shall also record all premiums, charges or deposits required by the terms of the binders and policies, so that a record may be available at all times to the Administrator, both as to all applications received and all binders and policies issued, and as to all payments made by the assured in connection with such binders and policies.

(c) *Receive money and reports.* The Underwriting Agent shall receive checks made payable to the order of the Maritime Adm.—Commerce for the premiums and charges involved, which checks shall be deposited by the Underwriting Agent in the Federal Reserve Bank nearest to its office, or in such other bank as may be authorized by the Administrator to receive such deposits. The Underwriting Agent shall receive from the bank in which the deposits are made receipts therefor in such number as may be prescribed in instructions to the Underwriting Agent and handle the receipts so received in accordance with such instructions.

(d) *Report monthly.* The Underwriting Agent shall prepare a monthly report, in summary form, of all applications received, and binders and policies issued or cancelled by the Underwriting Agent on a standard form approved by the Administrator, and transmit them, together with receipts for deposits made as above provided, to the Administrator.

(e) *Other reports.* The Underwriting Agent shall prepare and transmit such other reports as may be required by the Administrator.

(f) *Process claims for return premiums.* The Underwriting Agent shall receive from holders of policies issued by such Underwriting Agent any claims for return premiums on a standard form prescribed by the Administrator and shall certify thereon, if such is the fact, that the amounts with respect to which such return is claimed were previously paid and that based upon the statements included in such application by the assured the return premium applied for is payable in accordance with the regulations of the Administrator. Such applications and certifications shall be transmitted promptly to the Administrator.

(g) *Process claims for losses.* The Underwriting Agent shall receive reports of losses on vessels and disbursements (insured pursuant to paragraphs (a) and (c), section 1203 of the act), assemble all pertinent documents and facts relating thereto required to determine the validity of the claims, including the amounts thereof, and submit the same to the Administrator with its recommendation as to payment.

(h) *Help establish advisory committee.* The Underwriting Agent shall, if requested by the Administrator, cooperate with the Administrator to establish and maintain an advisory underwriting committee to consult with and advise the Administrator in connection with specific underwriting problems, subject to the rules, regulations and instructions of the Administrator, and to establish and maintain such other advisory committees as may be deemed necessary from time to time to safeguard the interests of the Administrator, including a loss committee to act as a recipient for information concerning losses and to pass upon any recommendations made by the Underwriting Agent as to losses and payments of claims arising therefrom in excess of an amount to be fixed by the Administrator.

3. *Compensation*—(a) *Fair and reasonable.* The Underwriting Agent shall receive for its services such amount as the Administrator and the Underwriting Agent may, from time to time, agree to be fair and reasonable compensation. In addition to such fair and reasonable compensation, the Underwriting Agent shall receive reimbursement for out-of-pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Underwriting Agent but excluding payments to attorneys unless such employment has been authorized by the Administrator: *Provided, however*, That all such expenditures shall be subject to the review of the Administrator, and further provided that, except as authorized by section 1209 (d) of the act, such expenditures shall not include any fee or other consideration paid to an insurance broker or any person acting in a similar intermediary capacity for services by virtue of his participation in arranging any of such insurance nor include any payment on account of solicitation for or stimulation of such insurance.

(b) *Paid monthly.* A statement of the compensation due to the Underwriting Agent (including reimbursement for out-of-pocket expenses as herein provided) shall be submitted by the Underwriting Agent to the Administrator monthly or at such other intervals as the Administrator may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Underwriting Agent.

(4) *Standard of performance.* In the discharge of its duties and obligations pursuant to this Agreement, the Underwriting Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business and consistent with the highest degree of good faith. It is agreed, however, that the Underwriting Agent shall not be responsible for errors or omissions of agents or employees in whose selection and supervision it has exercised reasonable care, provided, however, that the Underwriting Agent, in any such case, shall have conformed to the standards of performance required hereunder, and provided further, that the Underwriting Agent assumes full and complete responsibility for the disposition of any funds received by it or its agents or employees under and pursuant to this Agreement. The exercise of reasonable care in the selection of agents and employees by the Underwriting Agent shall be deemed to include a determination by the Underwriting Agent that the agents or employees so selected are experienced in the transaction of such phases of the marine insurance business as may be delegated to such agents or employees by the Underwriting Agent.

5. *Writing insurance for own account.* It is understood that the Participating Members of the Association constituting the Underwriting Agent are or may be engaged in writing for their own account war risk insurance, as well as other types of insurance, for the benefit of holders of policies issued by the Underwriting Agent hereunder and of other parties; and it is agreed that such insurance may be written notwithstanding the activities of the Underwriting Agent hereunder on behalf of the Administrator, pursuant to this Agreement.

6. *Books and records*—(a) *Maintained subject to audit.* The Underwriting Agent shall keep books, records and accounts covering the operations and activities under this Agreement which shall be the property of the United States represented by the Administrator and shall be kept separate from those relating to other business of the Underwriting Agent or of the Participating Members thereof, in accordance with regulations made from time to time by the Administrator, and shall at all times be subject to audit and inspection by the Administrator.

(b) *Comptroller General may examine.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Underwriting Agent or of the Participating Members thereof in the performance of and involving transactions related to this Agreement.

7. *Act only as agent.* The Underwriting Agent shall act only in the capacity of agent for the Administrator as principal, in the performance of the functions provided for hereunder. The Underwriting Agent shall have no authority other than as provided in this Agreement and in the rules, regulations and instructions issued to it by the Administrator under and pursuant to this Agreement. The Underwriting Agent may accompany its signature in all binders and policies countersigned by it hereunder with a statement that, in countersigning such binders and policies, it acts solely under the powers conveyed to it by the Administrator and that it does not thereby warrant its authority to accept applications for insurance or its authority to countersign, nor the authority of the Administrator to issue such binders and policies.

8. *Special circumstances*—(a) *Reimbursement of taxes and fees.* In the event that the Underwriting Agent or any Participating Member or Members thereof, after giving notice to the Administrator, shall be compelled to pay to the United States, its territories or possessions, or to any State of the United States or political subdivision thereof, or to any foreign country or political subdivision thereof, any tax (excepting income taxes of every nature) or fee or interest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this Agreement and which would not have been payable except for the activities of the Underwriting Agent or any Member or Members thereof hereunder, the Administrator shall reimburse the Underwriting Agent and any Participating Member or Members therefor and for any special expenses necessarily incurred in connection therewith.

(b) *Indemnification.* If any legal suit or proceeding (whether or not based on negligence) is brought against the Underwriting Agent or any Participating Member or Members thereof on account of anything done or not done, by the Underwriting Agent or any Participating Member or Members thereof or the Administrator, in connection with the issuance or non-issuance or cancellation of insurance or the acceptance or denial of applications for binders or policies of insurance on behalf of the Administrator or the payment or non-payment of claims for loss or return premium arising thereunder (including, without in any way limiting the foregoing, anything done or not done pursuant to any rules, regulations or instructions of the Administrator or anything done or not done in conflict with or because of any limitation on the powers of the Administrator), the Administrator shall, upon due notice and at the expense of the United States, defend any such proceeding. If, in or as a result of any such legal suit or proceeding, the Underwriting Agent or any Participating Member or Members thereof be compelled or required to make any payment or incur any expense, the Administrator shall reimburse

the Underwriting Agent or any Participating Member or Members thereof for the amount thereof; provided always that the Administrator shall not be obligated to make any such reimbursement unless, in connection with the action complained of, the Underwriting Agent shall have complied with the standard of performance required thereunder. In any of the foregoing cases, the Underwriting Agent shall render to the Administrator such reasonable cooperation and assistance as the Administrator may require.

9. *Effective date, amendment, termination.* This Agreement shall become effective as of the date of its execution by the Administrator and shall continue in force until terminated. This Agreement may be terminated, modified or amended at any time by mutual written consent. Once this Agreement becomes effective, it shall continue in force until terminated by mutual written consent or by either party, giving at least thirty (30) days' written notice by registered mail to the other party, stating the effective date and time on which this Agreement shall terminate. Such termination shall not affect the obligations of the parties hereto with respect to any binders or policies of insurance issued or expenditures incurred prior to the effective date of such termination.

10. *No commission or contingent fee.* The Underwriting Agent warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Underwriting Agent for the purpose of securing business. For breach or violation of this warranty the Administrator shall have the right to annul this contract without liability or in his discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

11. *No discrimination.* In connection with the performance of work under this contract, the Underwriting Agent agrees not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder except subcontracts for standard commercial supplies or for raw materials.

12. *No member or delegate.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

13. *Renegotiation.* This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all of the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this contract) shall insert the provisions of this article in each subcontract and purchase order made or issued in carrying out the contract.

Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

14. *Participating Members*—(a) *Indebted to United States.* The Participating Members of the association constituting the Underwriting Agent, severally but not jointly and limited each to its participation therein, shall be indebted to the United States for such amounts as the Secretary is entitled to recover from the Underwriting Agent in accordance with the foregoing provisions and, in the event of failure to pay on demand, the Secretary may bring an action or actions in any court in the United States to recover such amount or amounts from the Participating Members, severally but not jointly, on behalf of the United States.

(b) *Change of shares.* Without cancelling this Agreement, the Participating Members of the association constituting the Underwriting Agent may, upon not less than ten (10) days' prior written notice to the Administrator, change their share of participation by agreement among themselves, including the termination of the interests of one Participating Member and the assumption of its share by one or more of the other Participating Members or by the admission of other eligible domestic insurance companies to membership in the association. Any such change of apportionment or termination of participation shall not relieve any Participating Member of its obligations in respect to matters which occurred prior to any change or termination of its interest. Unless the Underwriting Agent is notified in writing by the Administrator, within ten (10) days after receipt of notice from the Underwriting Agent, that the proposed change in participation or termination or assumption is disapproved, such change shall be understood to be acceptable to the Administrator.

In witness whereof, the parties hereto have duly executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
SECRETARY OF COMMERCE,
By: MARITIME ADMINISTRATOR,

(Maritime Administrator)

(Underwriting Agent)

By: _____

Attest: _____

Attest: _____

Approved as to form: _____

(Assistant General Counsel,
Maritime Administration)

I, _____, certify that I am the duly chosen, qualified, and acting Secretary of _____, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that _____, who signed this Agreement on behalf of said association, was then the duly qualified _____ of said association; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said association by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the lawful powers of this association.

_____

SUBPART B—WAR RISK HULL INSURANCE

§ 308.100 *Amounts of insurance for which application may be made.* An applicant for war risk hull insurance shall state the amount of insurance desired but any payment for damage to or the total or constructive total loss of the vessel will be made as provided in § 308.103.

§ 308.101 *Form of application.* Applications submitted shall be in strict accordance with the following form:

Form MA–183 (Revised 8–56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

APPLICATION FOR WAR RISK HULL INSURANCE

Application is made for War Risk Hull Insurance pursuant to Public Law 763, 81st Congress and in accordance with all provisions of law and subject to all limitations thereof:

Assured _____
Address
Owner _____
Address
Mortgagee, if any, _____
Address
Loss, if any, payable to _____
_____ or order.
On _____ _____
(Vessel's name) (Flag)
_____ _____
(Gross tonnage) (Date built)

Sum to be insured $_____ subject to the provisions of Public Law 958, 84th Congress, 70 Stat. 984.

To attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 43 hours from midnight, G. m. t. of the day on which such outbreak of war occurs,

such insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment, nevertheless should the vessel be at sea on the date of expiration the insurance shall be extended, at a rate to be fixed by the Maritime Administrator, acting for the Secretary of Commerce, until midnight, G. m. t. of the day on which the vessel is moored at the next port to which she proceeds and for twenty-four hours thereafter.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

If application is for insurance on a foreign-flag vessel, indicate category. If in category (b) also indicate applicable subpart. Category ( ) ( ).

(a) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress;

(b) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens and

(i) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its Territories or possessions, or

(ii) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(iii) In a service believed by the concerned owner, charterer, assured and applicant to be in the interest of the national defense or the national economy of the United States.

If this application is for insurance with respect to a foreign-flag vessel not in category (a), (b) (i), or (b) (ii) it shall be accompanied by the statement specified in § 308.3 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations), which statement shall be deemed to be a part of this application.

Binding fee (not returnable unless application is rejected).

$25.00 per vessel, under 500 gross tons.
$100.00 per vessel, 500 gross tons and over.

Check payable to the order of "Maritime Adm.—Commerce" enclosed herewith.

Rate of premium—To be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Dated _____, 195__.
Applicant _____
Binder to be sent to—
Name _____
Address _____
By _____,
Authorized signature.

(Application, in duplicate, to be submitted to the American War Risk Agency, 99 John Street, New York 38, N. Y.)

§ 308.102 *Issuance of interim binder; its terms and conditions.* Upon acceptance of an application, an interim binder in the form set forth in § 308.106 will be issued and there shall be deemed to be incorporated therein by reference, all of the terms, conditions and warranties contained in the standard war risk hull insurance policy set forth in § 308.107, to the same extent as if such policy were made a part of the binder. The binding fee shall be $25.00 per vessel under 500 gross tons and $100.00 per vessel of 500 gross tons or over.

§ 308.103 *Sums which will be insured under interim binder.* The valuation in the policy for damage to or actual or constructive total loss of the vessel insured shall be a stated valuation (exclusive of National Defense features paid for by the Government) determined by the Secretary of Commerce which shall not exceed the amount that would be payable if the vessel had been requisitioned for title under section 902 (a) at the time of the attachment of the insurance under said policy: *Provided, however,* That in the case of a construction-subsidized vessel, for the period of insurance prior to requisition for title or use, the valuation so determined shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the valuation so determined shall not exceed the amount which would be payable under section 802 in the case of requisition for title or use: *Provided further,* That the insured shall have the right within sixty days after the attachment of the insurance under said policy, or within sixty days after determination of such valuation by the Secretary of Commerce, whichever is later, to reject such valuation, and shall pay, at the rate provided for in said policy, premiums upon such asserted valuation as the insured shall specify at the time of rejection, but such asserted valuation shall not operate to the prejudice of the Government in any subsequent action on the policy. In the event of the actual or constructive total loss of the vessel, if the insured has not rejected such valuation the amount of any claim therefor which is adjusted, compromised, settled, adjudged, or paid shall not exceed such stated amount, but if the insured has so rejected such valuation, the insured shall be paid as a tentative advance only, 75 per centum of such valuation so determined by the Secretary of Commerce and shall be entitled to sue the United States in a court having jurisdiction of such claims to recover such valuation as would be equal to the just compensation which such court determines would have been payable if the vessel had been requisitioned for title under section 902 (a) at the time of the attachment of the insurance under said policy: *Provided, however,* That in the case of a construction-subsidized vessel, the valuation determined by the court as such just compensation for any period of insurance prior to actual requisition for title or use of the vessel shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for any period of insurance after actual requisition for use, the valuation determined by the court shall be the amount which would have been payable under section 802 in the case of requisition for title: *And provided further,* That in the event of an election by the insured to reject the stated valuation fixed by the Secretary of Commerce and to sue in the courts, the amount of the judgment will be payable without regard to the limitations contained in the twelfth paragraph under the heading Maritime Activities in title I of the Department of Commerce and Related Agencies Appropriation Act, 1956, in the tenth paragraph under the heading Maritime Activities in title III of the Department of State, Justice, and Commerce, and the United States Information Agency Appropriation Act, 1955, in the eleventh paragraph under the heading "Maritime Activities" in title III of the Department of Justice, State, and Commerce Appropriation Act, 1954, the tenth paragraph under the heading "Operating Differential Subsidies" in title II of the Independent Offices Appropriation Act, 1953, the corresponding paragraphs of the Independent Offices Appropriation Act, 1952, and the Third Supplemental Appropriation Act, 1951, although the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded. In the event of such court determination, premiums under the policy shall be adjusted on the basis of the valuation as finally determined and of the rate provided for in said policy.

§ 308.104 *Additional war risk hull insurance.* Owners or charterers may obtain, on an excess basis, additional war risk hull insurance in such amounts as desired and such insurance shall not inure to the benefit of the Maritime Administrator as underwriter.

§ 308.105 *Reporting casualties and filing claims.* All casualties occurring after insurance under a binder has attached shall be reported promptly to the underwriting agent that issued the binder and all claim documents shall likewise be filed with such underwriting agent, but payment of the amounts due in settlement of claims will be made by the Maritime Administrator.

§ 308.106 *Standard form of war risk hull insurance interim binder.* The following is the standard form of war risk hull insurance interim binder:

Form MA–184 (Revised 8–56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

WAR RISK HULL INSURANCE

INTERIM BINDER NO. WRH–

The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Public Law 763, 81st Congress, against HULL WAR RISKS only, subject to the conditions stated herein:

Assured _____
Loss, if any, payable to _____or order.
On _____ _____
(Vessel's name) (Flag)
_____ _____
(Gross tonnage) (Date built)

Sum, insured _____ dollars ($ _____) for damage to or actual or constructive total loss of the vessel, herein called the stated valuation: *Provided, however,* That in the case of a construction-subsidized vessel, for the period of insurance prior to requisition for title or use, the stated valuation shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for the period of insurance after requisition for use the stated valuation shall not exceed the amount which would be payable under section 802 of the Merchant Marine Act, 1936, as amended, in the case of requisition for title or use: *Provided further,* That the assured shall have the right within sixty days after the attachment of the insurance under the policy, or within sixty days after determination of the stated valuation by the Secretary of Commerce, whichever is later, to reject the stated valuation, and shall pay, at the rate provided for in the policy, premiums upon such asserted valuation as the assured shall specify at the time of rejection, but such asserted valuation shall not operate to the prejudice of the United States in any subsequent action on the policy. In the event of the actual or constructive total loss of the vessel, if the assured has not rejected the stated valuation the amount of any claim therefor which is adjusted, compromised, settled, adjudged, or paid shall not exceed the stated valuation, but if the assured has so rejected the stated valuation, the assured shall be paid as a tentative advance only, 75 per centum of the stated valuation and shall be entitled to sue the United States in a court having jurisdiction of such claims to recover such valuation as would be equal to the just compensation which such court determines would have been payable if the vessel had been requisitioned for title under section 902 (a) at the time of the attachment of the insurance under

the policy: *Provided, however,* That in the case of a construction-subsidized vessel, the valuation determined by the court as such just compensation for any period of insurance prior to actual requisition for title or use of the vessel shall be reduced by such proportion as the amount of construction subsidy paid with respect to the vessel bears to the entire construction cost and capital improvements thereof (excluding the cost of national defense features), and for any period of insurance after actual requisition for use, the valuation determined by the court shall be the amount which would have been payable under section 802 of the Merchant Marine Act, 1936, as amended, in the case of requisition for title: *And provided further,* That in the event of an election by the assured to reject the stated valuation and to sue in the courts, the amount of the judgment will be payable without regard to the limitations contained in the twelfth paragraph under the heading Maritime Activities in title I of the Department of Commerce and Related Agencies Appropriation Act, 1956, in the tenth paragraph under the heading Maritime Activities in title III of the Department of State, Justice, and Commerce, and the United States Information Agency Appropriation Act, 1955, in the eleventh paragraph under the heading "Maritime Activities" in title III of the Department of Justice, State, and Commerce Appropriation Act, 1954, the tenth paragraph under the heading "Operating Differential Subsidies" in title II of the Independent Offices Appropriation Act, 1953, the corresponding paragraphs of the Independent Offices Appropriation Act, 1952, and the Third Supplemental Appropriation Act, 1951, although the excess of any amounts advanced on account of just compensation over the amount of the court judgment will be required to be refunded. In the event of such court determination, premiums under the policy shall be adjusted on the basis of the valuation as finally determined and of the rate provided for in the policy.

Attaching, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

this insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment, nevertheless should the vessel be at sea on the date of expiration the insurance shall be extended, at a rate to be fixed by the Maritime Administrator, acting for the Secretary of Commerce, until midnight, G. m. t. of the day on which the vessel is moored at the next port to which she proceeds and for twenty-four hours thereafter.

Assured to have privilege of deferring attachment by giving written or telegraphic notice to the Underwriting Agent prior to attachment of risk.

This binder shall automatically expire at midnight, September 7, 1957, G. m. t.

Terms and conditions: There shall be deemed to be incorporated herein all of the terms, conditions and warranties contained in the war risk hull insurance policy set forth in § 308.107 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations) but, to the extent there is inconsistency between such policy and this binder, the terms, conditions and warranties of this binder shall prevail.

Warranted that at the date of issuance of this binder and for and during the term of any insurance attaching hereunder the vessel is (1) an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress or (2) a foreign-flag vessel in the category, including the applicable sub-part of category (b), specified in the application pursuant to which this binder was issued, and if, at any time after insurance attaches under this binder, the vessel shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change, without return of binding fee or premium, unless the Maritime Administrator agrees otherwise.

Premium—Rate to be fixed promptly after the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative and premium shall be payable within ten days after receipt of notice of the amount thereof by the assured. If premium is not paid within that period this binder shall be null and void and of no effect and insurance hereunder shall not have attached unless the Maritime Administrator agrees otherwise. Payment shall be made to the Underwriting Agent by check payable to the order of "Maritime Adm.—Commerce."

Privilege is granted to effect, on an excess basis, additional war risk hull insurance, which insurance shall not enure to the benefit of the Maritime Administrator as underwriter.

Claims: Casualties arising after attachment of insurance hereunder shall be reported promptly to the Underwriting Agent and all claim documents shall be likewise filed with such Underwriting Agent but payment of the amounts due in settlement of claims will be made by the Maritime Administrator.

The Underwriting Agent does not, by countersigning this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting, for the Secretary of Commerce.*

Countersigned at New York, N. Y., this ---------- day of 195...

AMERICAN WAR RISK AGENCY,
By----------
Authorized Underwriting agent.

Maritime Administrator.

Not valid unless countersigned by an authorized underwriting agent.

§ 308.107 *Standard form of war risk hull insurance policy.* The following is the standard form of war risk hull insurance policy:

Form MA-240 (3-52)

Policy No. H------

UNITED STATES OF AMERICA

Represented by the Maritime Administrator, acting for the Secretary of Commerce (sometimes hereinafter called the Underwriter), by this policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, does make insurance and cause to be insured: ----------for account of ----------but subject to the following provisions with respect to change of ownership, etc.:

In the event of any change, voluntary or otherwise, in the ownership of the Vessel or if the Vessel be placed under new management or be chartered on a bareboat basis or requisitioned on that basis, then, unless the Underwriter agrees thereto in writing, this Policy shall thereupon become cancelled from time of such change in ownership or management, charter or requisition; provided, however, that in the case of an involuntary temporary transfer by requisition or otherwise, without the prior execution of any written agreement by the Assured, such cancellation shall take place fifteen days after such transfer; and provided further that if the Vessel has cargo on board and has already sailed from her loading port, or is at sea in ballast, such cancellation shall be suspended until arrival at final port of discharge if with cargo or at port of destination if in ballast. This insurance shall not inure to the benefit of any such charterer or transferee of the Vessel, and if a loss payable hereunder should occur between such transfer and such cancellation the Underwriter shall be subrogated to all the rights of the Assured against the transferee, by reason of such transfer, in respect of all or part of such loss as is recoverable from the transferee and in the proportion which the respective amounts insured bear to the insured value. A pro rata daily return of net premium shall be made. The foregoing provisions with respect to cancellation in the event of change in ownership or management, charter or requisition shall apply even in the case of insurance "for account of whom it may concern".

Loss, if any (excepting claims required to be paid to others under the Collision Clause), payable to ---------- or order. Sum Insured Hereunder --------- Dollars, at and from the ------ day of ---------- 19 ----, ---------- time to the ---------- day of ---------- 19----, ---------- time.

Provided, however, Should the Vessel at the expiration of this Policy be at sea, or in distress, or at a port of refuge or of call, she shall, provided previous notice be given to the Underwriter, be held covered at a pro rata monthly premium to her port of destination.

On the Vessel called the ---------- (or by whatsoever name or names the said Vessel is or shall be called).

The said Vessel, for so much as concerns the Assured, by agreement between the Assured and the Underwriter in this Policy, is and shall be valued at as follows:

Hull, tackle, apparel, passenger fittings, equipment, stores, ordnance, munitions, boats and other furniture---------- $------

Boilers, machinery, refrigerating machinery and insulation, motor generators and other electrical machinery, and everything connected therewith ---------- ------ $------

Donkey boilers, winches, cranes, windlasses and steering gear shall be deemed to be a part of the hull and not of the machinery.

Special Conditions and Warranties: Unless physically deleted by the Underwriters, the following warranty shall be paramount and shall supersede and nullify any contrary provision of the Policy:

F. C. & S. CLAUSE

Notwithstanding anything to the contrary contained in the Policy, this insurance is warranted free from any claim for loss, damage or expense caused by or resulting from capture, seizure, arrest, restraint or detainment, or the consequences thereof or of any attempt thereat, or any taking of the Vessel, by requisition or otherwise, whether in time of peace or war and whether lawful or otherwise; also from all consequences of hostilities or warlike operations (whether there be a declaration of war or not), but the foregoing shall not exclude collision, explosion or contact with any fixed or floating object (other than a mine or torpedo), stranding, heavy weather or fire unless caused directly (and independently of the nature of the voyage or service which the vessel concerned or, in the case of a collision, any other vessel involved therein, is performing) by a hostile act by or against a belligerent power, and for the purpose of this warranty "power" includes any authority maintaining naval, military or air forces in association with a power; also warranted free, whether in time of peace or war, from all loss, damage or expense caused by any weapon of war employing atomic fission or radioactive force.

Further warranted free from the consequences of civil war, revolution, rebellion, insurrection, or civil strife arising therefrom, or piracy.

If war risks are hereafter insured by endorsement on the Policy, such endorsement shall supersede the above warranty only to the extent that their terms are inconsistent and only while such war risk endorsement remains in force.

Held covered in case of any breach of warranty as to cargo, trade, locality or date of sailing, provided notice be given and any additional premium required be agreed immediately after receipt of advices of breach or proposed breach by Owners.

The Underwriter to be paid in consideration of this insurance ---------- Dollars being at the rate of ------ per cent.

In event of non-payment of premium thirty days after attachment this Policy may be cancelled by the Underwriter upon five days written notice being given the Assured. Such proportion of the premium, however, as shall have been earned up to the time of such cancellation shall be due and payable; but in the event of Total or Constructive Total Loss occurring prior to cancellation full annual premium shall be deemed earned.

To return—

------ cents percent net for each uncommenced month if it be mutually agreed to cancel this Policy. As follows for each consecutive 30 days the Vessel may be laid up in port, viz:

	Without cargo on board	With cargo on board
1. Under repair.....	—% net.	—% net.
2. Not under repair....	—% net.	—% net.

For the purpose of this clause a Vessel loading or discharging cargo shall be considered as "with cargo on board".

Provided always: (a) that in no case shall a return be allowed when the within named Vessel is lying in a roadstead or in exposed and unprotected waters.

(b) that in the event of a return for special trade, or any other reason, being recoverable, the above rates of return of premium shall be reduced accordingly.

And arrival.

In the event of the Vessel being laid up in port for a period of 30 consecutive days, a part only of which attaches to this Policy, it is hereby agreed that the laying up period, in which either the commencing or ending date of this Policy falls, shall be deemed to run from the first day on which the Vessel is laid up and that on this basis the Underwriter shall pay such proportion of the return due in respect of a full period of 30 days as the number of days attaching hereto bear to thirty.

Additional insurances as follows are permitted:

(a) *Disbursements, managers' commissions, profits or excess or increased value of hull and machinery, and/or similar interests however described, and freight (including chartered freight or anticipated freight) insured for time.* A sum not exceeding in the aggregate 25 percent of the insured value of the Vessel.

(b) *Freight or hire, under contracts for voyage.* A sum not exceeding the gross freight or hire for the current cargo passage and next succeeding cargo passage (such insurance to include, if required, a preliminary and an intermediate ballast passage) plus the charges of insurance. In the case of a voyage charter where payment is made on a time basis, the sum permitted for insurance shall be calculated on the estimated duration of the voyage, subject to the limitation of two cargo passages as laid down herein. Any sum insured under this section shall be reduced as the freight or hire is earned by the gross amount so earned.

(c) *Anticipated freight if the vessel sails in ballast and not under charter.* A sum not exceeding the anticipated gross freight on next cargo passage, such sum to be reasonably estimated on the basis of the current rate of freight at time of insurance, plus the charges of insurance. *Provided, however,* That no insurance shall be permitted under this section if any insurance is affected under section (b).

(d) *Time charter hire or charter hire for series of voyages.* A sum not exceeding 50 percent of the gross hire which is to be earned under the charter in a period not exceeding 18 months. Any sum insured under this section shall be reduced as the hire is earned under the charter by 50 percent of the gross amount so earned but where the charter is for a period exceeding 18 months the sum insured need not be reduced while it does not exceed 50 percent of the gross hire still to be earned under the charter. An insurance under this section may begin on the signing of the charter.

(e) *Premiums.* A sum not exceeding the actual premiums of all interests insured for a period not exceeding 12 months (excluding premiums insured under the foregoing sections but including, if required, the premium or estimated calls on any Protection and Indemnity or War &c. Risk insurance) reducing pro rata monthly.

(f) *Returns of premium.* A sum not exceeding the actual returns which are recoverable subject to "and arrival" under any policy of insurance.

(g) *Insurance irrespective of amount.* Against risks excluded by the F. C. & S. Clause, and risks enumerated in the American Institute War and Strikes Clauses and General Average and Salvage Disbursements.

Warranted that no insurance on any interests enumerated in the foregoing sections (a) to (f), inclusive, in excess of the amounts permitted therein and no insurance subject to P. P. I., F. I. A. or other like term, on any interests whatever excepting those enumerated in section (a), is or shall be effected to operate during the currency of this Policy by or for account of the Assured, Owners, Managers or Mortgagees. Provided always that a breach of this warranty shall not afford the Underwriter any defense to a claim by a Mortgagee who has accepted this Policy without knowledge of such breach.

Beginning the adventure upon the said Vessel, as above, and so shall continue and endure during the period aforesaid, as employment may offer, in port and at sea, in docks, and graving docks and on ways, gridirons and pontoons, at all times, in all places, and on all occasions, services and trades whatsoever and wheresoever, under steam, motor power or sail; with leave to sail or navigate with or without pilots, to go on trial trips and to assist and tow vessels or craft in distress, but if without the approval of the Underwriter the Vessel be towed, except as is customary or when in need of assistance, or undertakes towage or salvage services under a pre-arranged contract made by Owners and/or Charterers, the Assured shall notify the Underwriter immediately and pay an additional premium if required but no such premium shall be required for customary towage by the Vessel in connection with loading and discharging. With liberty to discharge, exchange and take on board goods, specie, passengers and stores, wherever the Vessel may call at or proceed to, and with liberty to carry goods, live cattle, &c., on deck or otherwise.

Touching the Adventures and Perils which the said Underwriter is contented to bear and take upon itself, they are of the Seas, Men-of-War, Fire, Lightning, Earthquake, Enemies, Pirates, Rovers, Assailing Thieves, Jettisons, Letters of Mart and Counter-Mart, Surprisals, Takings at Sea, Arrests, Restraints and Detainments of all Kings, Princes and Peoples, of what nation, condition or quality soever, Barratry of the Master and Mariners and of all other like Perils, Losses and Misfortunes that have or shall come to the Hurt, Detriment or Damage of the said Vessel, &c, or any part thereof; excepting, however, such of the foregoing Perils as may be excluded by provisions elsewhere in the Policy or by endorsement. And in case of any Loss or Misfortune, it shall be lawful and necessary for the Assured, their Factors, Servants and Assigns, to sue, labor and travel for, in, and about the Defense, Safeguard and Recovery of the said Vessel, &c, or any part thereof, without prejudice to this Insurance, to the Charges whereof the Underwriter will contribute its proportion as provided below. And it is expressly declared and agreed that no acts of the Underwriter or Assured in recovering, saving or preserving the property insured shall be considered as a waiver or acceptance of abandonment.

This insurance also specially to cover (subject to the Average Warranty) loss of or damage to the subject matter insured directly caused by the following:

Accidents in loading, discharging or handling cargo, or in bunkering;

Accidents in going on or off, or while on drydocks, graving docks, ways, gridirons or pontoons;

Explosions on shipboard or elsewhere;

Breakdown of motor generators or other electrical machinery and electrical connections thereto, bursting of boilers, breakage of shafts, or any latent defect in the machinery or hull (excluding the cost and expense of replacing or repairing the defective part);

Contact with Aircraft or with any land conveyance;

Negligence of Master, Charterers other than an Assured, Mariners, Engineers or Pilots;

Provided such loss or damage has not resulted from want of due diligence by the Assured, the Owners or Managers of the Vessel, or any of them. Masters, Mates, Engineers, Pilots or Crew not to be considered as part owners within the meaning of this clause should they hold shares in the Vessel.

In the event of accident whereby loss or damage may result in a claim under this Policy, notice shall be given in writing to the Underwriter, where practicable, prior to survey, so that it may appoint its own surveyor if it so desires. The Underwriter shall be entitled to decide the port to which a damaged Vessel shall proceed for docking or repairing (the actual additional expense of the voyage arising from compliance with the Underwriter's requirements being refunded to the Assured) and the Underwriter shall also have a right of veto in connection with the place of repair or repairing firm proposed and whenever the extent of the damage is ascertainable the Underwriter may take or may require to be taken tenders for the repair of such damage. In the event of failure to comply with the conditions of this clause

15 per cent shall be deducted from the amount of the ascertained claim.

In cases where a tender is accepted with the approval of the Underwriter, an allowance shall be made at the rate of 30 percent per annum on the insured value for each day or pro rata for part of a day from the time of the completion of the survey until the acceptance of the tender provided that it be accepted without delay after receipt of the Underwriter's approval.

No allowance shall be made for any time during which the Vessel is loading or discharging cargo or bunkering.

Due credit shall be given against the allowance as above for any amount recovered:

(a) In respect of fuel and stores and wages and maintenance of the Master, Officers and Crew or any member thereof allowed in General or Particular Average:

(b) From third parties in respect of damages for detention and/or loss of profit and/or running expenses;

for the period covered by the tender allowance or any part thereof.

Notwithstanding anything herein contained to the contrary, this policy is warranted free from Particular Average under 3 percent, or unless amounting to $4,850, but nevertheless when the Vessel shall have been stranded, sunk, on fire, or in collision with any other Ship or Vessel, the Underwriter shall pay the damage occasioned thereby, and the expense of sighting the bottom after stranding shall be paid, if reasonably incurred, even if no damage be found.

Grounding in the Panama Canal, Suez Canal or in the Manchester Ship Canal or its connections, or in the River Mersey above Rock Ferry Slip, or in the River Plate (above a line drawn from the North Basin, Buenos Aires, to the mouth of the San Pedro River) or its tributaries, or in the Danube or Demerara Rivers or on the Yenikale Bar, shall not be deemed to be a stranding.

Average payable on each valuation separately or on the whole, without deduction of thirds, new for old, whether the Average be Particular or General.

No claim shall in any case be allowed in respect of scraping or painting the Vessel's bottom.

The warranty and conditions as to Average under 3 percent or unless amounting to $4,850 to be applicable to each voyage as if separately insured, and a voyage shall commence at the Assured's election when the Vessel either begins to load cargo or sails in ballast to a loading port. Such voyage shall continue until the Vessel has made not more than three passages or not more than two passages with cargo (whichever first occurs) and extend further until the Vessel thereafter begins to load cargo or sails (whichever first occurs), but such extension shall not exceed 30 days in port. A passage shall be deemed to be from the commencement of loading at the first port or place of loading until completion of discharge at the last port or place of discharge, or, if the Vessel sails in ballast, from the port or place of departure until arrival at the first port or place thereafter other than a port or place of refuge or a port or place for bunkering only. Each period in port of 30 days in excess of 30 days between passages shall itself constitute a passage for the purposes of this clause. When the Vessel sails in ballast to effect damage repairs such sailing or passage shall be considered part of the previous passage. In calculating whether the 3 percent or $4,850 is reached, Particular Average occurring outside the period covered by this Policy may be added to Particular Average occurring within such period, providing it occur on the same voyage as above defined, but only that portion of the claim arising within the period covered by this Policy shall be recoverable hereon. A voyage shall not be so fixed that it overlaps another voyage on which a claim is made on this or the preceding or succeeding Policy. Particular Average which would be excluded by the terms of this Policy shall not be included in determining whether the 3 percent or $4,850 is reached.

No recovery for a Constructive Total Loss shall be had hereunder unless the expense of recovering and repairing the Vessel shall exceed the insured value.

In ascertaining whether the Vessel is a Constructive Total Loss the insured value shall be taken as the repaired value, and nothing in respect of the damaged or break-up value of the Vessel or wreck shall be taken into account.

In the event of Total or Constructive Total Loss, no claim to be made by the Underwriter for freight, whether notice of abandonment has been given or not.

In no case shall the Underwriter be liable for unrepaired damage in addition to a subsequent Total Loss sustained during the period covered by this Policy.

General Average, Salvage, and Special Charges payable as provided in the contract of affreightment, or failing such provision, or there be no contract of affreightment, payable in accordance with the Laws and Usages of the Port of New York. Provided always that when an adjustment according to the laws and usages of the port of destination is properly demanded by the owners of the cargo, General Average shall be paid in accordance with same.

And it is further agreed that in the event of salvage, towage or other assistance being rendered to the Vessel hereby insured by any Vessel belonging in part or in whole to the same Owners or Charterers, the value of such services (without regard to the common ownership or control of the Vessels) shall be ascertained by arbitration in the manner below provided for under the Collision Clause, and the amount so awarded so far as applicable to the interest hereby insured shall constitute a charge under this Policy.

When the contributory value of the Vessel is greater than the valuation herein the liability of the Underwriter for General Average contribution (except in respect to amount made good to the Vessel) or Salvage shall not exceed that proportion of the total contribution due from the Vessel that the amount insured hereunder bears to the contributory value; and if because of damage for which the Underwriter is liable as Particular Average the value of the Vessel has been reduced for the purpose of contribution, the amount of the Particular Average claim under this Policy shall be deducted from the amount insured hereunder and the Underwriter shall be liable only for the proportion which such net amount bears to the contributory value.

In the event of expenditure under the Sue and Labor Clause, this Policy shall pay the proportion of such expenses that the amount insured hereunder bears to the insured value of the Vessel, or that the amount insured hereunder, less loss and/or damage payable under this Policy, bears to the actual value of the salved property; whichever proportion shall be less.

If claim for total loss is admitted under this Policy and sue and labor expenses have been reasonably incurred in excess of any proceeds realized or value recovered, the amount payable under this Policy will be the proportion of such excess that the amount insured hereunder (without deduction for loss or damage) bears to the insured value or the sound value of the Vessel at the time of the accident, whichever value was greater.

And it is further agreed that if the Vessel hereby insured shall come into collision with any other Ship or Vessel and the Assured or the Charterers or the Surety in consequence of the insured Vessel being at fault shall become liable to pay and shall pay by way of damages to any other person or persons any sum or sums in respect of such collision, the Underwriter will pay the Assured, or the Charterers, or the Surety, whichever shall have paid, such proportion of such sum or sums so paid as its subscription hereto bears to the value of the Vessel hereby insured, provided always that its liability in respect to any one such collision shall not exceed its proportionate part of the value of the Vessel hereby insured. And in cases where the liability of the Vessel has been contested, or proceedings have been taken to limit liability, with the consent in writing of the Underwriter it will also pay a like proportion of the costs which the Assured or Charterers shall thereby incur, or be compelled to pay; but when both Vessels are to blame, then, unless the liability of the Owners or Charterers of one or both such Vessels becomes limited by law, claims under the Collision Clause shall be settled on the principle of Cross-Liabilities as if the Owners or Charterers of each vessel had been compelled to pay to the Owners or Charterers of the other of such Vessels such one-half or other proportion of the latter's damages as may have been properly allowed in ascertaining the balance or sum payable by or to the Assured or Charterers in consequence of such collision; and it is further agreed that the principles involved in this clause shall apply to the case where both Vessels are the property, in part or in whole, of the same Owners or Charterers, all questions of responsibility and amount of liability as between the two Vessels being left to the decision of a single Arbitrator, if the parties can agree upon a single Arbitrator, or failing such agreement, to the decision of Arbitrators, one to be appointed by the Managing Owners or Charterers of both Vessels, and one to be appointed by the Underwriter; the two Arbitrators chosen to choose a third Arbitrator before entering upon the reference, and the decision of such single, or of any two of such three Arbitrators, appointed as above, to be final and binding. Provided always that this clause shall in no case extend to any sum which the Assured, or the Charterers, or the Surety, may become liable to pay or shall pay for removal of obstructions under statutory powers, for injury to harbors, wharves, piers, stages, structures, or any other objects (excepting other Vessels and property thereon), consequent on such collision, or in respect of the cargo, baggage or engagements of the Insured Vessel, or for loss of life, or personal injury. And provided also that in the event of any claim under this clause being made by anyone other than the Owners of the Vessel hereby insured, he shall not be entitled to recover in respect of any liability to which the Owners of the Vessel as such would not be subject, nor to a greater extent than the Owners would be entitled in such event to recover.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this Policy but it shall not be valid unless countersigned by an authorized underwriting agent.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting for the Secretary of Commerce*

Maritime Administrator.

The Underwriting Agent does not, by countersigning this Policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned at ---------- this ----- day of ---------- 195--.

By:

Authorized Underwriting Agent.

FORM MA-240-A (2-52)

UNITED STATES OF AMERICA

HULL WAR RISK AND STRIKES CLAUSES

Endorsement attached to and made part of policy No. ----------. It is agreed that this insurance covers only those risks which would be covered by the attached policy (including running down liability under the Collision Clause) in the absence of the F. C. & S. warranty contained therein but which are excluded by that warranty. This insurance is also subject, however, to the following warranties and additional clauses:

(1) The Adventures and Perils Clause shall be construed as including the risks of piracy, civil war, revolution, rebellion or insurrection or civil strife arising therefrom, floating and/or stationary mines and/or torpedoes whether derelict or not and/or military or naval aircraft and/or other engines of war including missiles from the land and weapons of war employing atomic fission or radioactive force and warlike operations and the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, but excluding arrest, restraint or detainment under customs or quarantine regulations, and similar arrests, restraints or detainments not arising from actual or impending hostilities or sanctions.

(2) This insurance also covers damage to or destruction of the property insured directly caused by strikers, locked out workmen, or persons taking part in labor disturbances or riots or civil commotions or caused by persons acting maliciously, but this paragraph shall not be construed to include or cover any loss, damage or expense caused by or resulting from delay, detention or loss of use.

(3) The Franchise warranty in the attached policy is waived and average shall be payable irrespective of percentage and without deduction of new for old. The provisions of the attached policy with respect to constructive total loss shall apply only to claims arising from physical damage to the insured vessel.

(4) Warranted free of any claim for delay or demurrage and warranted not to abandon in case of capture, seizure or detention, until after condemnation of the property insured.

(5) Warranted free of any claim based upon loss of or frustration of the insured voyage or adventure caused by arrests, restraints or detainments, of kings, princes, or peoples.

(6) Warranted free from any claim arising from capture, seizure, arrest, restraint, detainment, preemption, confiscation or requisition by the Government of the United States or of the country in which the vessel is owned or registered.

(7) Should the vessel be at sea at the natural expiry of this policy, this insurance shall be extended until midnight, G. m. t., of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter, provided notice be given to the Underwriting Agent as soon as practicable and an additional premium paid, if required.

(8) The "Breach of Warranty" clause in the printed policy is deleted.

(9) Warranted no War Risk Insurance in excess of the amount insured herein, whether for hull, machinery, disbursements, or other similar interests however described, exists or will be placed during the currency of this insurance, except as authorized by the Maritime Administrator, acting for the Secretary of Commerce.

(10) Warranted no cancellation except by mutual consent: *Provided, however*, That if the vessel shall be requisitioned by the United States on a basis whereby the United States provides the war risk insurance, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

(11) For the purpose of determining liability under this policy for General Average contribution or Salvage and sue and labor expenses, the sum insured herein, or as stated in any binder of which this policy is a part, shall be deemed to be the "insured value" and the amount payable for the total loss of the vessel shall be deemed to be the "sound value".

SUBPART C—WAR RISK PROTECTION AND INDEMNITY INSURANCE

§ 308.200 *Amount of insurance for which application may be made.* An applicant for war risk protection and indemnity insurance shall state the amount of insurance desired but such amount shall not exceed $250.00 per gross ton of the vessel.

§ 308.201 *Form of application.* Applications submitted shall be in strict accordance with the following form:

Form MA-185 (Revised 12-56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

APPLICATION FOR WAR RISK PROTECTION AND INDEMNITY INSURANCE

Application is made for War Risk Protection and Indemnity Insurance pursuant to Public Law 763, 81st Congress and in accordance with all provisions of law and subject to all limitations thereof:

Assured ----------
Address
Owner ----------
Address
Mortgagee, if any, ----------
Address
Loss, if any, payable to----------or order.
On---------- ----------
(Vessel's name) (Flag)
---------- ----------
(Gross tonnage) (Date built)
Sum to be insured $--------- but not exceeding $250 per gross ton of the vessel.

To attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

such insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment, nevertheless should the vessel be at sea on the date of expiration the insurance shall be extended, at a rate to be fixed by the Maritime Administrator, acting for the Secretary of Commerce, until Midnight, G. m. t. of the day on which the vessel is moored at the next port to which she proceeds and for twenty-four hours thereafter.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

If application is for insurance on a foreign-flag vessel, indicate category. If in category (b) also indicate applicable subpart. Category ( ) ( ).

(a) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress;

(b) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens and

(i) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(ii) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(iii) In a service believed by the concerned owner, charterer, assured and applicant to be in the interest of the national defense or the national economy of the United States.

If this application is for insurance with respect to a foreign-flag vessel not in category (a), (b) (i), or (b) (ii) it shall be accompanied by the statement specified in § 308.3 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations), which statement shall be deemed to be a part of this application. Binding Fee (not returnable unless application is rejected). $25.00.

Check payable to the order of "Maritime Adm.—Commerce" enclosed herewith.

Rate of Premium: To be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Dated ---------- 195---
Applicant ----------
Binder to be sent to—
Name ----------
Address ----------
By ----------,
Authorized signature.

(Application, in duplicate, to be submitted to the American War Risk Agency, 99 John Street, New York 38, N. Y.)

§ 308.202 *Issuance of interim binder; its terms and conditions.* Upon acceptance of an application, an interim binder in the form set forth in § 308.205 will be issued and there shall be deemed to be incorporated therein by reference all of the terms, conditions and warranties contained in the standard war risk protection and indemnity insurance policy set forth in § 308.206 to the same extent as if such policy were made a part of the binder. The binding fee shall be $25.00.

§ 308.203 *Sum which will be insured under interim binder.* The sum insured shall be the amount stated in the application, but not in excess of $250.00 per gross ton of the vessel.

§ 308.204 *Reporting casualties and filing claims.* All casualties occurring after insurance under a binder has attached shall be reported promptly to, and all claim documents filed with, the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C.

§ 308.205 *Standard form of war risk protection and indemnity insurance interim binder.* The following is the standard form of war risk protection and indemnity insurance interim binder:

Form MA–186 (Revised 8–55)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

WAR RISK PROTECTION AND INDEMNITY INSURANCE

INTERIM BINDER NO. WRP & I

The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Public Law 763, 81st Congress, against War Risk Protection and Indemnity liabilities only, subject to the conditions stated herein:

Assured _____
Loss, if any, payable to_____
or order.
On_____ _____
(Vessel's name) (Flag)
_____ _____
(Gross tonnage) (Date built)
Sum insured _____ dollars
($_____) but not exceeding $250 per gross ton of the insured vessel.

Attaching, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

this insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment, nevertheless should the vessel be at sea on the date of expiration the insurance shall be extended, at a rate to be fixed by the Maritime Administrator, acting for the Secretary of Commerce, until midnight, G. m. t. of the day on which the vessel is moored at the next port to which she proceeds and for twenty-four hours thereafter;

Assured to have privilege of deferring attachment by giving written or telegraphic notice to the Underwriting Agent prior to attachment of risk.

This binder shall automatically expire at Midnight September 7, 1957, G. m. t.

Terms and conditions—There shall be deemed to be incorporated herein all of the terms, conditions and warranties contained in the war risk protection and indemnity insurance policy set forth in § 308.206 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations) but, to the extent there is inconsistency between such policy and this binder, the terms, conditions and warranties of this binder shall prevail.

Warranted that at the date of issuance of this binder and for and during the term of any insurance attaching hereunder the vessel is (1) an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress or (2) a foreign-flag vessel in the category, including the applicable sub-part of category (b), specified in the application pursuant to which this binder was issued, and if, at any time after insurance attaches under this binder, the vessel shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change, without return of binding fee or premium, unless the Maritime Administrator agrees otherwise.

Premium—Rate to be fixed promptly after the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative and premium shall be payable within ten days after receipt of notice of the amount thereof by the assured. If premium is not paid within that period this binder shall be null and void and of no effect and insurance hereunder shall not have attached unless the Maritime Administrator agrees otherwise. Payment shall be made to the Underwriting Agent by check payable to the order of "Maritime Adm.—Commerce".

Claims—Casualties arising after the attachment of insurance hereunder shall be reported promptly to the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C., and all claim documents shall likewise be filed with such Division.

The Underwriting Agent does not, by countersigning this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting for the Secretary of Commerce.*
Countersigned at New York, N. Y., this _____ day of 195—.
AMERICAN WAR RISK AGENCY,
By: _____
Authorized Underwriting Agent.
_____
Maritime Administrator.

Not valid unless countersigned by an authorized underwriting agent.

§ 308.206 *Standard form of war risk protection and indemnity insurance policy.* The following is the standard form of war risk protection and indemnity insurance policy:

FORM MA–241 (3–52)

UNITED STATES OF AMERICA

POLICY NO. P. & I. _____

Represented by the Maritime Administrator, acting for the Secretary of Commerce (sometimes hereinafter called the Underwriter), by this policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, and in consideration of the stipulations herein named and of _____ dollars, being premium at the rate of _____, does insure _____ hereinafter called the Assured.

Loss, if any, payable to_____
or order. In the sum of_____
dollars at and from the _____ day of _____, 19____; _____ time until the_____day of _____, 19____, _____time, against the liabilities of the Assured as hereinafter described, and subject to the terms and conditions hereinafter set forth, in respect of the vessel _____
(or by whatsoever other name or names the said vessel is or shall be called).

The Underwriter undertakes to make good to the Assured all such loss and/or damage and/or expense as the Assured shall, as owner of the vessel named herein, have become legally liable to pay and shall pay on account of the liabilities, risks, events and/or happenings herein set forth:

Loss of life, injury and illness. (1) Liability for life salvage, loss of life of, or personal injury to, or illness of, any person, not including, however, unless otherwise agreed by endorsement hereon, liability to an employee (other than a seaman) of the Assured or, in case of his death, to his beneficiaries under any compensation act. Liability hereunder shall also include burial expenses not exceeding $200, where reasonably incurred by the Assured for the burial of any seaman. The term Person as aforesaid shall include any person or, persons carried on the insured vessel.

(a) Insurance hereunder shall not cover any liability under the provisions of Public Law 267, 64th Congress, approved September 7, 1916, as amended, now known as the Federal Employees Compensation Act, or under the provisions of section 2 (c) of Public Law 17, 78th Congress, approved March 24, 1943, as amended.

(b) Insurance hereunder in connection with the handling of cargo for the insured vessel shall commence from the time of receipt by the Assured of the cargo on dock or wharf, or on craft alongside for loading, and shall continue until due delivery thereof from dock or wharf of discharge or until discharge from the insured vessel on to a craft alongside.

Repatriation expenses. (2) Liability for expenses reasonably incurred in necessarily repatriating any member of the crew or any other person employed on board the insured vessel: *Provided, however,* That the Assured shall not be entitled to recover any such expenses incurred by reason of the expiration of the shipping agreement, other than by sea perils, or by the voluntary termination of the agreement. Wages shall be recoverable hereunder only when payable under statutory obligation during unemployment due to the wreck or loss of the insured vessel.

Collision. (3) Liability for loss or damage arising from collision of the insured vessel with another ship or vessel insofar as such liability is excluded from the liabilities insured under the following four-fourths Collision Clause in the United States of America Hull Policy (MA–240): "And it is further agreed that if the Vessel hereby insured shall come into collision with any other Ship or Vessel and the Assured or the Charterers or the Surety in consequence of the insured Vessel being at fault shall become liable to pay and shall pay by way of damages to any other person or persons any sum or sums in respect of such collision, the Underwriter will pay the Assured, or the Charterers, or the Surety, whichever shall have paid, such proportion of such sum or sums so paid as its subscription hereto bears to the value of the Vessel hereby insured, provided always that its liability in respect to any one such collision shall not exceed its proportionate part of the value of the Vessel hereby insured. And in cases where the liability of the Vessel has been contested, or proceedings have been taken to limit liability, with the consent in writing of the Underwriter it will also pay a like proportion of the costs which the Assured or Charterers shall thereby incur, or be compelled to pay; but when both Vessels are to blame, then, unless the liability of the Owners or Charterers of one or both such Vessels becomes limited by law, claims under the Collision Clause shall be settled on the principle of Cross-Liabilities as if the Owners or Charterers of each Vessel had been compelled to pay to the Owners or Charterers of the other of such Vessels such one-half or other proportion of the latter's damages as may have been properly allowed in ascertaining the balance or sum payable by or to the Assured or Charterers in consequence of such collision; and it is further agreed that the principles involved in this clause shall apply to the case where both Vessels are the property, in part or in whole, of the same Owners or Charterers, all questions of responsibility and amount of liability as between the two Vessels being left to the decision of a single Arbitrator, if the parties can agree upon a single Arbitrator, or failing such agreement, to the decision of Arbitrators, one to be appointed by the Managing Owners or Charterers of both Vessels, and one to be appointed by the Underwriter; the two Arbitrators chosen to choose a third Arbitrator before entering upon the reference, and the decision of such single, or of any two of such three Arbitrators, appointed as above, to be final and binding. Provided always that this clause shall in no case extend to any sum which the Assured, or the Charterers, or the Surety, may become liable to pay or shall pay for removal of obstructions under statutory powers, for injury to harbors, wharves, piers, stages, structures, or any other objects (excepting other Vessels and property thereon), consequent on such collision, or in respect of the cargo, baggage or engagements of the Insured Vessel, or for loss of life, or personal injury. And provided also that in the event of any claim under this clause being made by anyone other than the Owners of the Vessel hereby insured, he shall not be entitled to recover in respect of any liability to which the Owners of the Vessel as such would not be subject, nor to a greater extent than the Owners would be entitled in such event to recover."

Provided, however, That insurance hereunder shall not extend to any liability, whether direct or indirect, in respect of the engagements of or the detention or loss of time of the insured vessel.

(a) Claims hereunder shall be settled on the principles of Cross-Liabilities to the same extent only as provided in the four-fourths Collision Clause above mentioned.

(b) Where both vessels are the property, in part or in whole, of the same Owners or Charterers, claims hereunder shall be settled on the basis of the principles set forth in the four-fourths Collision Clause above mentioned.

(c) Claims hereunder shall be separated among the several classes enumerated in this policy and each class shall be subject to the special conditions applicable in respect to such class.

(d) Notwithstanding the foregoing, the Underwriter shall not be liable for any claims hereunder where the various liabilities resulting from such collision, or any of them, have been compromised, settled or adjusted without the written consent of the Underwriter.

Damage caused otherwise than by collision. (4) Liability for loss of or damage to any other vessel or craft, or to property on board such other vessel or craft, caused otherwise than by collision of the insured vessel with another vessel or craft.

(a) Where such other vessel or craft or property on board such other vessel or craft belongs to the Assured, claims hereunder shall be adjusted as if it belonged to a third person; *Provided, however,* That if such vessel, craft or property be insured, the Underwriter shall be liable hereunder only insofar as the loss or damage, but for the insurance herein provided, is not or would not be recoverable by the Assured under such other insurance.

Damage to docks, buoys, etc. (5) Liability for damage to any dock, pier, jetty, bridge, harbor, breakwater, structure, beacon, buoy, lighthouse, cable or to any fixed or movable object or property whatsoever, except another vessel or craft or property on another vessel or craft or on the insured vessel unless elsewhere covered herein.

(a) Where there would be a valid claim hereunder but for the fact that the damaged property belongs to the Assured, the Underwriter shall be liable as if such damaged property belonged to another, but only for the excess over any amount recoverable under any other insurance applicable on the property.

Wreck removal. (6) Liability for costs or expenses of or incidental to the removal of the wreck of the insured vessel if legally liable therefor; *Provided, however,* That:

(a) From such costs and expenses shall be deducted the value of any salvage from or which might have been recovered from the wreck inuring, or which might have inured, to the benefit of the Assured;

(b) The Underwriter shall not be liable for any costs or expenses which would be covered by full insurance under the United States of America Hull Policy (MA–240);

(c) In the event that the wreck of the insured vessel is upon property owned, leased, rented or otherwise occupied by the Assured, the Underwriter shall be liable for any liability for removal of the wreck which would be imposed upon the Assured by law in the absence of contract if the wreck had been upon the property belonging to another, but only for the excess over any amount recoverable under any other insurance applicable thereto.

Cargo. (7) Liability for loss of or damage to or in connection with cargo or other property (except mail or parcel post), including baggage and personal effects of persons other than members of the crew, and not exceeding $100 per person, to be carried, carried or which has been carried on board the insured vessel; *Provided, however,* That no liability shall exist hereunder for:

Specie, bullion, jewelry, etc. (a) Loss, damage or expense incurred in connection with the custody, carriage or delivery of specie, bullion, precious stones, precious metals, jewelry, silks, furs, banknotes, bonds or other negotiable documents, or similar valuable property;

Refrigeration. (b) Loss, damage or expense arising out of or in connection with the care, custody, carriage or delivery of cargo requiring refrigeration, unless the spaces, apparatus, and means used for the care, custody and carriage thereof have been surveyed by a classification or other competent disinterested surveyor under working conditions before the commencement of each round voyage unless otherwise agreed and found in all respects fit, and unless the Underwriter has approved in writing the form of contract under which such cargo is accepted for transportation;

Deviation. (c) Loss, damage or expense arising from any deviation, or proposed deviation, not authorized by the contract of affreightment, known to the Assured in time to insure specifically the liability therefor, unless notice thereof is given to the Underwriter and the Underwriter agrees, in writing, that such insurance is unnecessary;

Stowage in improper spaces. (d) Loss, damage or expense arising with respect to under deck cargo stowed on deck or with respect to cargo stowed in spaces not suitable for its carriage, unless the Assured shall show that every reasonable precaution has been taken by him to prevent such improper stowage;

Misdescription of goods. (e) Loss, damage or expense arising out of or as a result of the issuance of bills of lading which, to the knowledge of the Assured, improperly described the goods or their containers as to condition or quantity;

(f) Loss, damage or expense arising from issuance of clean bills of lading for goods known to be missing, unsound or damaged;

(g) Loss, damage or expense arising from the intentional issuance of bills of lading prior to receipt of the goods described therein, or covering goods not received at all;

(h) Loss, damage or expense arising from delivery of cargo without surrender of order bills of lading;

Freight. (i) Freight on cargo short-delivered, whether or not prepaid or whether or not included in the claim and paid by the Assured: *And provided further,* That:

(j) Liability hereunder shall in no event exceed that which would be imposed by law in the absence of contract;

Protective clauses required in contract of affreightment. (k) Liability hereunder shall be limited to such as would exist if the charter party, bill of lading, or contract of affreightment contained (i) a negligence general average clause in the form hereinafter specified under paragraph (12); (ii) a clause providing that any provision of the charter party, bill of lading, or contract of affreightment to the contrary notwithstanding, the Assured and the insured vessel shall have the benefit of all limitations of and exemptions from liability accorded to the owner or chartered owner of vessels by any statute or rule of law for the time being in force; (iii) such clauses, if any, as are required by law to be stated therein; (iv) and such other protective clauses as are generally in use in the particular trade;

Carriage of Goods by Sea Act. (l) When cargo carried by the insured vessel is under a bill of lading or similar document of title subject or made subject to the Carriage of Goods by Sea Act of the United States or a law of any other country of similar import, liability hereunder shall be limited to such as is imposed by said Act or law, and if the Assured or the insured vessel assumes any greater liability or obligation, either in respect of the valuation of the cargo or in any other respect, then the minimum liabilities and obligations imposed by said Act or law, such greater liability or obligation shall not be covered hereunder;

Limit of $500 per package. (m) When cargo carried by the insured vessel is under a charter party, bill of lading, or contract of affreightment not subject or made subject to the Carriage of Goods by Sea Act of the United States or a law of any other country of similar import, liability hereunder shall be limited to such as would exist if said charter party, bill of lading, or contract of affreightment contained a clause exempting the Assured and the insured vessel from liability for losses arising from unseaworthiness provided that due diligence shall have been exercised to make the vessel seaworthy and properly manned, equipped, and supplied, and a clause limiting the Assured's liability for total loss or damage to goods shipped to $500 per package, or in case of goods not shipped in packages, per customary freight unit, and providing for pro rata adjustment on such basis for partial loss or damage. The provisions of clauses (k), (l) and (m) herein may, however, be waived or altered by the Underwriter on terms agreed in writing;

Oral contract. (n) In the event cargo is carried under an arrangement not reduced to writing, the Underwriter's liability hereunder shall be no greater than if such cargo had been carried under a charter party, bill of lading or contract of affreightment containing the clauses referred to herein;

Assured's own cargo. (o) Where cargo on board the insured vessel is the property of the Assured, such cargo shall be deemed to be carried under a contract containing the protective clauses described in clauses (k), (l) and (m) herein; and such cargo shall be deemed to be fully insured under the usual form of cargo policy, and in case of loss of or damage to such cargo the Assured shall be insured hereunder in respect of such loss or damage only to the extent that he would have been if the cargo had belonged to another, but only in the event and to the extent that the loss or damage would not be recoverable from marine insurers under a cargo policy as above specified;

Transportation on land or on another vessel or craft. (p) No liability shall exist hereunder for any loss, damage or expense in respect of cargo or other property, including baggage and personal effects of persons other than members of the crew, being transported on land or on another vessel or craft;

Cargo on dock. (q) No liability shall exist hereunder for any loss, damage or expense in respect of cargo or other property, including baggage and personal effects of persons other than members of the crew, before loading on or after discharge from the insured vessel caused by flood, tide, windstorm, earthquake, fire, explosion, heat, cold, deterioration, collapse of wharf, leaky shed, theft, or pilferage unless such loss, damage or expense is caused directly by the insured vessel, her master, officers or crew.

Fines and penalties. (8) Liability for fines and penalties for the violation of any laws of the United States, or of any State thereof, or of any foreign country, *Provided, however,* That the Underwriter shall not be liable to indemnify the Assured against any such fines or penalties resulting directly or indirectly from the failure, neglect or fault of the Assured or its managing officers to exercise the highest degree of diligence to prevent a violation of any such laws.

Mutiny, misconduct. (9) Liability for expenses incurred in resisting any unfounded claim by the master or crew or other person employed on board the insured vessel, or in prosecuting such person or persons in case of mutiny or other misconduct; not including, however, costs of successfully defending claims elsewhere protected in this policy.

Quarantine expenses. (10) Liability for extraordinary expenses, incurred in consequence of the outbreak of plague, or other disease on the insured vessel, for disinfection of the vessel or of persons on board, or for quarantine expenses, not being the ordinary expenses of loading or discharging, nor the ordinary wages or provisions of crew or passengers; *Provided, however,* That no liability shall exist hereunder if the vessel be ordered to proceed to a port where it is known that she will be subjected to quarantine.

Putting in expenses. (11) Liability for port charges incurred solely for the purpose of putting into land an injured or sick seaman, and the net loss to the Assured in respect of bunkers, insurance, stores and provisions as the result of the deviation.

Cargo's proportion G/A. (12) Liability for Cargo's proportion of General Average, including special charges, so far as the Assured cannot recover the same from any other source: *Provided, however,* That if the charter party, bill of lading or contract of affreightment does not contain the negligence general average clause quoted below, the Underwriter's liability hereunder shall be limited to such as would exist if such clause were contained therein, viz:

Negligence G/A clause. "In the event of accident, danger, damage or disaster, before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which, or for the consequence of which, the Carrier is not responsible, by statute, contract, or otherwise, the goods, the shipper and the consignee, jointly and severally, shall contribute with the Carrier in general average to the payment of any sacrifices, losses, or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the Carrier, salvage shall be paid for as fully and in the same manner as if such salving ship or ships belonged to strangers."

Expenses and law costs. (13) Liability for costs, charges and expenses reasonably incurred and paid by the Assured in connection with any liability insured under this policy, provided that the Assured shall not be entitled to indemnity for the cost or expense of prosecuting or defending any claim or suit unless the same shall have been incurred with the approval in writing of the Underwriter, or the Underwriter shall be satisfied that such approval could not have been obtained under the circumstances without unreasonable delay, or that the expenses were reasonably and properly incurred. The cost and expense of prosecuting any claim in which the Underwriter shall have an interest by subrogation or otherwise shall be divided between the Assured and the Underwriter in proportion to the amounts which they would have been entitled to receive respectively, if the suit should be successful.

(14) Expenses which the Assured may incur under authorization of the Underwriter in the interest of the Underwriter.

GENERAL CONDITIONS AND LIMITATIONS

Prompt notice of claim. (15) In the event of any happening which may result in loss, damage or expense for which the Underwriter may become liable, prompt notice thereof, on being known to the Assured, shall be given by the Assured to the Underwriter, but failure to give such prompt notice because of wartime emergency conditions shall not prejudice this insurance. The Underwriter shall not be liable for any claim not presented to the Underwriter with proper proofs of loss within twenty-four (24) months after payment by the Assured.

Time for suit. (16) In no event shall suit on any claim be maintainable against the Underwriter unless commenced within twenty-four (24) months after the loss, damage or expenses resulting from liabilities, risks, events, occurrences and expenditures specified under this policy shall have been paid by the Assured.

Settlement of claims. (17) The Assured shall not make any admission of liability, either before or after any occurrence, which may result in a claim for which the Underwriter may be liable. The Assured shall not interfere in any negotiations of the Underwriter for settlement of any legal proceedings in respect of any occurrences for which the Underwriter is liable under this policy: *Provided, however,* That in respect of any occurrence likely to give rise to a claim under this policy, the Assured is obligated to and shall take such steps to protect his and the Underwriter's interests as would reasonably be taken in the absence of this or similar insurance. If the Assured shall fail or refuse to settle any claim as authorised or directed by the Underwriter, the liability of the Underwriter to the Assured shall be limited to the amount for which settlement could have been made or, if the amount is unknown, to the amount which the Underwriter authorized.

Defense of claims. (18) Whenever required by the Underwriter, the Assured shall aid in securing information and evidence and in obtaining witnesses and shall cooperate with the Underwriter in the defense of any claim or suit or in the appeal from any judgment, in respect of any occurrence as hereinbefore provided.

Assumed contractual liability. (19) Unless otherwise agreed by endorsement hereon, the Underwriter's liability shall in no event exceed that which would be imposed on the Assured by law in the absence of contract: *Provided, however,* That the Assured's right of indemnity from the Underwriter shall include any loss, damage or expense covered under the provisions of this policy arising as a result of any contract for the employment of tugs where such contract is one which is substantially similar to those customarily in use or in force during the currency of this policy. The Assured's right of indemnity hereunder shall not include any liability for loss, damage or expense arising from collision between the insured vessel and another vessel or craft, other than liability consequent on such collision, (a) for removal of obstructions under statutory powers, (b) for damage to any dock, pier, jetty, bridge, harbor, breakwater, structure, beacon, buoy, lighthouse, cable or similar structures, (c) in respect of the cargo of the insured vessel and (d) for loss of life, personal injury and illness.

Assignment. (20) No claim or demand against the Underwriter shall be assigned or transferred, and no person, other than a receiver of the property or the estate of the Assured, shall acquire any right against the Underwriter without the express consent of the Underwriter: *Provided, however,* That this shall not affect the rights of any assignee under an assignment made by virtue of any governmental order or decree, in which event such assignee shall have and possess all of the rights of its predecessor in assignment.

Subrogation. (21) The Underwriter shall be subrogated to all the rights which the Assured may have against any other person or entity, in respect of any payment made under this policy, to the extent of such payment, and the Assured shall, upon the request of the Underwriter, execute all documents necessary to secure to the Underwriter such rights.

Double insurance. (22) The Underwriter shall not be liable for any loss or damage against which, but for the insurance hereunder, the Assured is or would be insured under existing insurance excepting as provided in paragraph (1) (a) hereof.

Limitation of liability. (23) If and when the Assured under this policy has any interest other than as an owner or bareboat charterer of the insured vessel, in no event shall the Underwriter be liable hereunder to any greater extent than if such Assured were the owner or bareboat charterer and were entitled to all the rights of limitation to which a shipowner is entitled.

Risks excluded. (24) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for any loss, damage, or expense sustained, directly or indirectly by reason of:

(a) Loss, damage or expense to hull, machinery, equipment or fittings of the insured vessel, including refrigerating apparatus and wireless equipment, whether or not owned by the Assured;

(b) Cancelment or breach of any charter or contract, detention of the vessel, bad debts, insolvency, fraud of agents, loss of freight, passage money, hire, demurrage, or any other loss of revenue;

(c) Any loss, damage, sacrifice, or expense which would be payable under the terms of the United States of America Hull Policy (MA-240), on hull, machinery, etc., whether or not the insured vessel is fully covered by insurance sufficient in amount to pay such loss, damage, sacrifice or expense;

(d) The insured vessel towing any other vessel or craft, unless such towage was to assist such other vessel or craft in distress to a port or place of safety: *Provided, however,* That this exception shall not apply to claims covered under paragraph (1) of this policy;

(e) For any claim for loss of life, personal injury or illness in relation to the handling of cargo where such claim arises under a contract of indemnity between the Assured and his subcontractor.

F. C. and S. Clause. (25) Notwithstanding anything to the contrary contained in this policy, the Underwriter shall not be liable for or in respect of any loss, damage or expense, sustained by reason of capture, seizure, arrest, restraint or detainment, or the consequences thereof or of any attempt thereat; or sustained in consequence of military, naval or air action by force of arms, including mines and torpedoes or other missiles or engines of war, whether of enemy or friendly origin; or sustained in consequence of placing the vessel in jeopardy as an act or measure of war taken in the actual process of a military engagement, including embarking or disembarking troops or material of war in the immediate zone of such engagement; and any such loss, damage and expense shall be excluded from this policy without regard to whether the Assured's liability therefor is based on negligence or otherwise, and whether before or after a declaration of war.

(26) Liability hereunder in respect of any one accident or occurrence is limited to the amount hereby insured.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy but it shall not be valid unless countersigned by an authorised underwriting agent.

UNITED STATES OF AMERICA,
By *Maritime Administrator, acting,*
for the Secretary of Commerce.

Maritime Administrator.

The Underwriting Agent does not, by countersigning this policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned at ---------- this ------ day of ---------- 195--.
By:

Authorized underwriting agent.

Form MA-241-A (3-52)

UNITED STATES OF AMERICA

WAR RISK PROTECTION AND INDEMNITY CLAUSES

Endorsement attached to and made part of Policy No. P. & I -------.

(1) This insurance to cover only the liability of the Assured for those protection and indemnity risks excluded from the Marine Protection and Indemnity Policy, to which these clauses are attached, by the F. C. & S. Clause contained therein.

(2) This insurance also to cover liability of the Assured for (a) strikes, riots and civil commotions and (b) for contractual repatriation expenses of any member of the crew as a result of perils excluded by the aforesaid F. C. & S. Clause.

(3) Claims for which the Underwriter shall be liable under these clauses shall not be subject to any deduction.

(4) The liability of the Underwriter under these clauses in respect of any one accident or series of accidents arising out of the same casualty shall be limited to the sum hereby insured.

(5) In the event of loss or shipwreck of the vessel from any cause prior to the natural expiry of this policy, this insurance shall continue to cover the liability of the Assured to the crew of the insured vessel, subject to its terms and conditions and at an additional premium if so required by the Underwriter, until the crew shall be either discharged or landed at a port or place to which the owners or charterers are obliged to bring them.

(6) Should the vessel be at sea at the natural expiry of this policy, this insurance shall be extended until midnight, G. m. t., of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter provided notice be given to the Underwriter as soon as practicable and an additional premium paid, if required.

(7) Warranted no cancellation except by mutual consent, provided, however, that if the vessel shall be requisitioned by the United States on a basis whereby the United States provides the war risk protection and indemnity insurance, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

(8) Notwithstanding any of the foregoing provisions, all liabilities covered by the Second Seamen's form of policy are excluded from this insurance.

SUBPART D—SECOND SEAMEN'S WAR RISK INSURANCE

§ 308.300 *Amounts of insurance for which application may be made.* An applicant for Second Seamen's war risk insurance shall not state the amount of insurance desired, which shall be as provided in § 308.303.

§ 308.301 *Form of application.* Applications submitted shall be in strict accordance with the following form:

Form MA-187 (Revised 12-56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

APPLICATION FOR SECOND SEAMEN'S WAR RISK INSURANCE

Application is made for Second Seamen's War Risk Insurance (1955) pursuant to Public Law 763, 81st Congress and in accordance with all provisions of law and subject to all limitations thereof:

Assured ----------
Address

Loss, if any, payable in accordance with applicable provisions of Second Seamen's War Risk Policy (1955).

---------- ----------
(Vessel's name) (Flag)

---------- ----------
(Gross tonnage) (Date built)

In the amount specified in the Second Seamen's War Risk Policy (1955) or as modified by shipping articles, collective bargaining agreements or other applicable employment agreements which are in effect upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative. Upon the happening of said event, the number of crew members and modified benefits payable as of that date will immediately be declared to the Underwriting Agent. Any subsequent changes will be likewise declared.

To attach, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

such insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment, nevertheless should the vessel be at sea on the date of expiration the insurance shall be extended, at a rate to be fixed by the Maritime Administrator, acting for the Secretary of Commerce, until Midnight, G. m. t. of the day on which the vessel is moored at the next port to which she proceeds and for twenty-four hours thereafter.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

If application is for insurance on a foreign-flag vessel, indicate category. If in category (b) also indicate applicable sub-part. Category ( ) ( ).

(a) Owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress;

(b) Owned by a foreign corporation, the majority of the stock of which is owned by a citizen or citizens of the United States as defined in section 1201 (d), Public Law 763, 81st Congress or under long-term charter to such a citizen or citizens, and

(i) Regularly loading and/or discharging cargo and/or passengers at a port or ports in the continental United States or its territories or possessions, or

(ii) In a service on a term (not voyage) basis for the sole account of the United States or any department or agency thereof, or

(iii) In a service believed by the concerned owner, charterer, assured and applicant to be in the interest of the national defense or the national economy of the United States.

If this application is for insurance with respect to a foreign-flag vessel not in category (a), (b) (i), or (b) (ii) it shall be accompanied by the statement specified in § 308.3 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations), which statement shall be deemed to be a part of this application. Binding Fee (not returnable unless application is rejected). $75.00.

Check payable to the order of "Maritime Adm.—Commerce" enclosed herewith.

Rate of Premium: To be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Dated ----------, 195--.
Applicant ----------
Binder to be sent to—
Name ----------
Address ----------
By ----------

Authorized Signature.

(Application, in duplicate, to be submitted to the American War Risk Agency, 99 John Street, New York 38, N. Y.)

§ 308.302 *Issuance of interim binder; its terms and conditions.* Upon acceptance of an application, an interim binder in the form set forth in § 308.305 will be issued and there shall be deemed to be incorporated therein by reference all of the terms, conditions and warranties contained in the Second Seamen's War Risk Policy (1955) set forth in § 308.306 to the same extent as if such policy were made a part of the binder. The binding fee shall be $75.00.

§ 308.303 *Sums which will be insured under interim binder.* The sums insured are the amounts specified in the Second Seamen's War Risk Policy (1955) or as modified by shipping articles, collective bargaining agreements or other applicable employment agreements which are in effect upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative. Upon the happening of said event, the number of crew members and modified benefits payable as of that date shall be declared immediately to the underwriting agent that issued the binder. Any subsequent changes shall be likewise declared.

§ 308.304 *Reporting casualties and filing claims.* All casualties occurring after insurance under a binder as attached shall be reported promptly to, and all claim documents filed with, the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C.

§ 308.305 ***Standard form of Second Seamen's war risk interim binder.*** **The following is the standard form of Second Seamen's war risk interim binder:**

Form MA–188 (Revised 8–55)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

SECOND SEAMEN'S WAR RISK INSURANCE (1955)

INTERIM BINDER NO. SSWR

The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, in consideration of the binding fee and premium provided for herein, hereby insures, in accordance with applicable provisions of law and subject to all limitations thereof, particularly Public Law 763, 81st Congress, against Second Seamen's War Risk liabilities only, subject to the conditions stated herein:

Assured_____

Loss, if any, payable in accordance with applicable provisions of Second Seamen's War Risk Policy (1955).

_____ _____
(Vessel's name) (Flag)

_____ _____
(Gross tonnage) (Date built)

Sums insured: The amounts specified in the Second Seamen's War Risk Policy (1955) or as modified by shipping articles, collective bargaining agreements or other applicable employment agreements which are in effect upon the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative. Upon the happening of said event the number of crew members and modified benefits payable as of that date shall immediately be declared to the Underwriting Agent. Any subsequent changes shall be likewise declared and additional premium paid, if required.

Attaching, in the event of outbreak of war between any of the four Great Powers (France, Great Britain and/or any of the British Commonwealth of Nations, the Union of Soviet Socialist Republics, the United States of America).

At and from 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs:

Nevertheless should the vessel:

(A) Be at sea when such outbreak of war occurs, or

(B) Being in a port when such outbreak of war occurs depart therefrom as a measure of safety in respect of an insured peril within 48 hours from midnight, G. m. t., of the day on which such outbreak of war occurs,

this insurance shall not attach until the expiry of 24 hours after midnight, G. m. t., of the day on which the vessel is moored at the next port to which the vessel proceeds.

To: Thirty (30) days from date of attachment, nevertheless should the vessel be at sea on the date of expiration the insurance shall be extended, at a rate to be fixed by the Maritime Administrator, acting for the Secretary of Commerce, until Midnight, G. m. t. of the day on which the vessel is moored at the next port to which she proceeds and for twenty-four hours thereafter;

Assured to have privilege of deferring attachment by giving written or telegraphic notice to the Underwriting Agent prior to attachment of risk.

This binder shall automatically expire at Midnight, September 7, 1957, G. m. t.

Terms and conditions: There shall be deemed to be incorporated herein all of the terms, conditions and warranties contained in the Second Seamen's War Risk Policy (1955) set forth in § 308.306 of Maritime Administration General Order 75 (Part 308, Title 46, Code of Federal Regulations) but, to the extent there is inconsistency between such policy and this binder, the terms, conditions and warranties of this binder shall prevail.

Warranted that at the date of issuance of this binder and for and during the term of any insurance attaching hereunder the vessel is (1) an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress or (2) a foreign-flag vessel in the category, including the applicable sub-part of category (b), specified in the application pursuant to which this binder was issued, and if, at any time after insurance attaches under this binder, the vessel shall cease to come within either (1) or (2) above, this binder and insurance provided hereunder shall automatically terminate at the time of such change, without return of binding fee or premium, unless the Maritime Administrator agrees otherwise.

Premium: Rate to be fixed promptly after the happening of the event causing the "Automatic Termination Clauses" of any war risk policies to become operative and premium shall be payable within ten days after receipt of notice of the amount thereof by the assured. If premium is not paid within that period this binder shall be null and void and of no effect and insurance hereunder shall not have attached unless the Maritime Administrator agrees otherwise. Payment shall be made to the Underwriting Agent by check payable to the order of "Maritime Adm.—Commerce".

Claims: Casualties arising after the attachment of insurance hereunder shall be reported promptly to the Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C., and all claim documents shall likewise be filed with such Division.

The Underwriting Agent does not, by countersigning this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agency by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

UNITED STATES OF AMERICA,
By Maritime Administrator, acting for the Secretary of Commerce.

Countersigned at New York, N. Y., this ------ day of 195__.

AMERICAN WAR RISK AGENCY,
By _____
Authorized Underwriting Agent.

_____
Maritime Administrator.

Not valid unless countersigned by an authorized underwriting agent.

§ 308.306 (a) ***Standard form of Second Seamen's War Risk Policy (1955).*** **The following is the standard form of Second Seamen's War Risk Policy (1955):**

Form MA–242 (8–55)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE, MARITIME ADMINISTRATION

SECOND SEAMEN'S WAR RISK POLICY

(1955 Standard Form)

Crew Life, Disability, Loss of Effects, and Detention — No. SSWR _____ Date _____

Total number of men insured for life and injury _____ for $_____ each
Total amount insured, life or injury_____ $_____ Rate ___% Premium $_____
Total amount insured, personal effects_____ $_____ Rate ___% Premium $_____
Total amount annual wages and emergency wages_ $_____ Rate ___% Premium $_____
Total premium_____ $_____

The United States of America (herein called the "Underwriter"), represented by the Maritime Administrator (herein called "Administrator"), acting for the Secretary of Commerce, in consideration of the payment by _____ (herein, for identification purposes only, called the "Operator") of a premium of $_____, and in accordance with applicable provisions of law and subject to all limitations thereof, particularly title XII, Merchant Marine Act, 1936, as amended, insures the master, officers and crew, as hereinafter set forth, of the vessel _____ (Official No. _____), during the period described herein commencing on or about ____ against loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, and detention (including the occurrence of other situations hereinafter provided), from the perils and causes hereinafter stated, payable in case of claim in funds current in the United States in accordance with the following schedules and as hereinafter stated.

SCHEDULE 1—LOSS OF LIFE

Master, officers and crew, each ------ $5,000

The amount for which each person is covered by this schedule is the principal sum.

SCHEDULE 2—DISABILITY, INCLUDING DISMEMBERMENT AND LOSS OF FUNCTION

For disability proximately caused by the risks and perils insured against herein, and which arises within ninety days from the date of the happening of such risks and perils, and for dismemberment and loss of function caused by the risks and perils insured against herein, and which result from such a disability or otherwise occur within ninety days from the happening of such risks or perils, the Underwriter will pay to the insured the benefits set forth in the stipulations and conditions.

SCHEDULE 3—CREW EFFECTS

For loss of or damage to the personal effects of the master, officers or members of the crew proximately caused by the risks and perils insured against herein, the Underwriter will pay the amount set forth in the Stipulations and Conditions for the loss of or damage to said effects during the entire period of this policy as hereinafter set forth, and for the loss of or damage to effects proximately caused by the risks and perils insured against herein, purchased or otherwise acquired during the policy to replace effects lost or damaged by the risks and perils insured against herein, the Underwriter will pay not exceeding $50.00 for each such loss or damage.

SCHEDULE 4—DETENTION AND REPATRIATION BENEFITS

For detention of the master, officers or members of the crew during the period covered by this policy, and under other situations hereinafter provided, the Underwriter will pay benefits to the insured or for his or their account, as set forth in the stipulations and conditions.

This policy is made and accepted subject to the foregoing and to the following:

STIPULATIONS AND CONDITIONS

Art.
1. Persons insured.
2. Additional insurance.
3. Risks and perils.
4. Period of coverage.
5. Extension of period of coverage.
6. Payment for loss of life.
7. Beneficiaries of insurance for loss of life.
8. (A) Designation and change of beneficiary; (B) continuing designation.
9. Claims.
10. Time for payment of insurance for loss of life.
11. Proof of death.
12. Disability and dismemberment.
13. Physical examination.
14. Personal effects defined.
15. Amount of payment for loss of, or damage to, personal effects.
16. Death of an insured prior to payment for loss of or damage to personal effects.
17. Detention and repatriation benefits.
18. Payment constituting a discharge.
19. Nonassignability.
20. Amount permitted to be paid agents or attorneys.
21. Notice of loss and claim.
22. Limitation of suit.
23. Deviation and change of voyage.
24. "Administrator" defined.
25. Multiple claims against the United States.
26. Amendments and modifications.
27. Payment of premium and cancellation.
28. Extension.

ARTICLE 1. *Persons insured.* The persons insured by this policy are the master, officers and crew of the vessel described on the face of this policy. Except as to merchant seamen, membership in the vessel's gun crew shall not of itself constitute an individual a member of the crew of the vessel, as that phrase is used herein. Any person or persons insured under any other or similar policy, including the Second Seamen's War Risk Policy (1952), insuring against loss of life or disability (including dismemberment and loss of function) or loss of or damage to personal effects or detention (including the occurrence of other situations hereinafter provided) shall not to the extent of such prior coverage, be entitled to coverage under this policy while such other insurance is in force and effect.

ART. 2. *Additional insurance.* In the event that any person is employed as a master or officer or member of the crew of said vessel after the commencement of the voyage, the amount of the premium shall be increased proportionately, provided, however, that the failure to pay such additional premium shall not affect the additional coverage.

ART. 3. *Risks and perils.* The insurance is for loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, and detention (including the occurrence of other situations hereinafter provided) of the insured, directly and proximately caused by risks of war and warlike operations, including capture, seizure, destruction by men-of-war, sabotage, piracy, takings at sea, arrests, restraints and detainments, acts of kings, princes and peoples in the prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, scuttling to prevent capture, aerial bombardment, or, attempts at, or measures taken in defense of, all of the foregoing acts, floating or stationary mines, torpedoes, whether derelict or not, collision caused by failure, in compliance with wartime regulations, of said vessel or any vessel with which she is in collision, to show the usual full peacetime navigation or anchorage lights, stranding caused by the absence of lights, buoys, or similar peacetime aids to navigation consequent upon wartime regulations, stranding caused by the failure of said vessel to employ a pilot in waters where a pilot would ordinarily be employed in peacetime, but in which the employment of a pilot is dispensed with in compliance with military, naval or other governmental orders, or with a view to avoiding imminent enemy attack (for the purposes of the foregoing, the failure to show lights, the absence of lights, buoys, etc., and the failure to employ a pilot shall be presumed to be the cause of the collision or stranding unless the contrary be proved, and stranding shall include sinking consequent upon stranding or contact with any part of the land), collision with another vessel in the same convoy or collision with any military or naval vessel, that is to say, a vessel manned by and under the control of military or naval personnel and designed to be employed primarily in armed combat service, stranding, collision or contact with any external substance (including ice, but excluding water), as a result of deliberately placing the vessel in jeopardy, in compliance with military, naval or other governmental orders in order to avoid imminent enemy attack, or as an act or measure of war taken in the actual process of embarking or disembarking troops or loading or unloading material of war.

The fact that a vessel, or any vessel with which such vessel is in collision, is carrying troops or military or other supplies, or is proceeding to or from a war base, or is manned or operated by military or naval personnel, shall not alone be sufficient to include in this policy any claim which is not included by the foregoing terms of this article.

The insurance is also for loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, and detention (including the occurrence of other situations hereinafter provided) of the insured, directly and proximately resulting from stranding, sinking, or break-up of the vessel, explosion or fire causing loss of or substantial damage to the vessel, or collision by the vessel or contact with any external substance (including ice, but excluding water), irrespective of whether the same are caused by risks of war or warlike operations or by marine risks and perils.

The word "vessel" shall include any waterborne conveyance used to transport the insured to and from the vessel on which he is employed, and shall also include any airborne conveyance used to transport the insured pursuant to instructions or permission of the Maritime Administration or its agents.

ART. 4. *Period of coverage.* The period of coverage for each person covered hereunder is

From the time such person signs the articles or enters into a contract of employment for the voyage of the aforesaid vessel, or, if already on articles for a series of voyages or period of time, from the inception of the aforesaid voyage (i. e., when the vessel is ready to begin the loading of cargo for the aforesaid voyage or to sail in ballast) or, if employed subsequent to the commencement of the voyage, from the time of such employment

Until such person shall be returned to a place within the continental United States, excluding Alaska, including any period of capture or internment,

Unless sooner terminated by desertion, discharge, accepting employment on another vessel for a purpose other than to be repatriated, or the refusal without good cause to return to the continental United States, excluding Alaska, from any place outside thereof, in any of which events the coverage under this policy shall be at an end. (The term "discharge," as used in this paragraph, does not include instances in which the insured leaves the vessel for medical or hospital treatment or for other causes deemed good and sufficient in the opinion of the Administrator.)

ART. 5. *Extension of period of coverage.* If the insured returns to the continental United States, excluding Alaska, on a vessel which touches or stays at a place or places within the continental United States, excluding Alaska, other than the place of termination of the voyage and the vessel thence proceeds to such place of termination, the period of coverage in respect to each person covered hereunder who continues to be on board such vessel is extended to the termination of the voyage.

ART. 6. *Payment for loss of life.* The amount of the payment for loss of life shall be the principal sum stated on the face of this policy, subject, however, to any deductions or additions hereinafter contained.

Payment for loss of life shall be made in a lump sum except that when—

(a) In the opinion of the Administrator conclusive proof of death is not present, or

(b) The insured at the time of designating a beneficiary or beneficiaries requests on the form provided therefor that the amount payable for the loss of life be paid in installments, or

(c) The beneficiary or beneficiaries request in writing that the payment for loss of life be made in installments.

payment for loss of life may, in the discretion of the Administrator, be made in monthly installments not exceeding twenty-four, in which event no interest is to be added or paid. By requesting payment in installments, the insured and the beneficiary or beneficiaries agree on behalf of themselves, their heirs, executors and administrators to be bound by the provisions of paragraph B, article 7 hereof, as well as all other provisions contained herein. The beneficiary or beneficiaries may at any time upon written request obtain a lump sum payment of the entire amount yet unpaid if payment is being made in installments pursuant to the written request of the beneficiary or beneficiaries. If payment has been commenced in installments and the principal sum is not yet exhausted, the Administrator, in his sole discretion and at any time may direct that payment of the balance of the principal sum be paid in a lump sum or in installments of different or varying amounts, provided, however, that all of the principal sum be paid within twenty-four months from the time that the first payment is made.

If any payments are made under article 12 hereof, the total amount of such payments shall be deducted from the amount of the principal sum payable under this policy for loss of life.

If the personal effects of an insured are lost or damaged under circumstances where payment would be due under the terms hereof to said person for such loss or damage and said person either before or after such loss or damage dies, his death being proximately caused by the risks and perils insured against herein, the amount which would have been payable for the loss of or damage to such personal effects had he survived shall be added to the principal sum hereof and shall be payable to the beneficiary of the insurance for loss of life.

ART. 7. *Beneficiaries of insurance for loss of life.* A. The insurance shall be payable only to a lawful widow or widower, child (the latter term including a posthumous child, a child legally adopted by the insured, and, if designated, a child in relation to whom the insured stood in *loco parentis*, and a step-child or acknowledged illegitimate child), parent (including a step-parent, parent by adoption and, if designated, a person who stood in the place of a parent to the insured), brother or sister (including, if

designated, step-brothers or step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption), grandparents, grandchildren, and, if designated, nephews, nieces, aunts or uncles, of the insured.

(1) The insured shall have the right to designate the beneficiary or beneficiaries of the insurance, but only within the classes above provided, and shall, in the manner hereinafter described, at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the above classes. A person or persons so designated shall be known as the primary beneficiary or beneficiaries.

(2) The insured shall have the right also to designate any other person or persons, but only within the above classes, to whom the insurance shall be paid if the beneficiary or beneficiaries designated shall die before the insurance or any portion thereof shall be paid. A person or persons so designated shall be known as the contingent beneficiary or beneficiaries.

(3) If the insured fails to designate a beneficiary or if the beneficiary or beneficiaries, whether primary or contingent, die before the insurance or any portion thereof shall be paid, the insurance will, subject to the provisions of paragraph B hereof, be paid to the beneficiary or beneficiaries within the following classes and in the order named:

(a) If the insured shall be survived by a lawful widow or widower but without any child of him or her surviving, 100 percent to such widow or widower.

(b) If the insured shall be survived by a lawful widow or widower and a child or children of him or her surviving, 50 percent to the widow or widower and 50 percent to the child or children in equal shares.

(c) If the insured shall have no lawful widow or widower of him or her surviving but shall have a child or children of him or her surviving, 100 percent to the child or children in equal shares.

(d) If there shall be no lawful widow or widower or children of the insured of him or her surviving, 100 percent to the parent or parents of the insured in equal shares.

(e) If there shall be no lawful widow or widower, child or parent of him or her surviving, 100 percent to the brothers, sisters, grandparents and grandchildren of the insured in equal shares.

The persons in these classes shall be known as the schedule beneficiaries. As used in this subdivision (3), the term "child" includes a posthumous child and a child legally adopted by the insured, and the term "parent" includes a step-parent and a parent by adoption.

B. The right of any beneficiary to payment of the insurance, or any unpaid installment thereof, shall be conditioned upon his or her being alive to receive payment. No person shall have a vested right to any such insurance or any installment of any such insurance. No insurance shall be paid to the heir or heirs or executors or administrators of the insured or of any beneficiary.

Any insurance or any installment thereof not paid to a primary beneficiary because of his or her death shall be paid to the schedule beneficiary or beneficiaries first or next entitled to priority as hereinabove provided, unless a contingent beneficiary has been designated, in which event payment shall be made to the contingent beneficiary. Any such insurance or any installment thereof not paid to a contingent beneficiary because of his or her death shall be paid to the schedule beneficiary or beneficiaries first or next entitled to priority as hereinabove provided. If, however, the insured has designated more than one primary beneficiary or more than one contingent beneficiary and if such a primary beneficiary or contingent beneficiary dies before the insurance or an installment thereof, to which he or she may otherwise be entitled, is paid, such insurance or installment thereof shall be paid to the surviving primary or contingent beneficiary, as the case may be.

Any payments of insurance made to a person represented by the insured to be within the permitted classes of beneficiaries shall be deemed to have been properly made and to satisfy fully the obligation of the United States under this insurance policy.

ART. 8. A. *Designation and change of beneficiary.* The designation of a beneficiary or the change in a designation of beneficiary shall be in writing upon a form or forms and in a manner prescribed by the Administrator, signed by the insured, witnessed either by the Shipping Commissioner or a licensed officer of the vessel, and shall contain the name, address and relationship of the beneficiary to the insured. No designation of a beneficiary and no change of a beneficiary shall be valid unless the instrument containing the designation or change is received by the Administrator at his office in the General Accounting Office Building, 441 G Street NW., Washington 25, D. C.: *Provided, however,* That the instrument when received shall be considered as valid as of the time of its execution. Whenever it shall appear to the satisfaction of the Administrator that unusual circumstances existed preventing or substantially preventing the designation or change of beneficiary in the manner or form hereinabove set forth and that the interests of justice would be served, he may waive or disregard the failure to comply with such manner and form and recognize as valid an act intended as a designation or a change of beneficiary. The recognition as valid by the Administrator of such an act shall be conclusive and binding upon all persons and payment or payments pursuant thereto shall be a pro tanto discharge of the obligation of the United States under this policy.

B. *Continuing designation.* As to any individual insured under the Second Seamen's War Risk Policy form as amended or changed from time to time, the beneficiary or beneficiaries first designated by such insured to receive the proceeds of the insurance provided by such form shall (subject to the limitations of paragraph B, article 7 hereof), if properly designated, continue to be the beneficiary or beneficiaries of any subsequent insurance provided by such form without further designation unless and until such initial designation is effectively revoked or changed. In the event of an effective revocation unaccompanied by a new designation, the insurance proceeds shall be disposed of in accordance with the provisions of paragraph A, subdivision (3), article 7, hereof. In the event of an effective change of beneficiary or beneficiaries, the new beneficiary or beneficiaries so designated shall for all purposes, including the purposes of this paragraph, be considered as the initial designee or designees, and such designation shall continue to be effective as to all insurance provided by this form of policy until revoked or changed. Subsequent revocations and changes shall for all purposes be treated as would be the preceding revocations or changes, if any.

ART. 9. *Claims.* No claim for insurance for loss of life shall be recognized unless presented in writing to the underwriter. Any payment or payments of the insurance or the installments thereof made prior to the presentation of claim shall be conclusively deemed to have been properly made under this policy and in complete discharge of the obligation of the United States under this policy to the extent thereof.

ART. 10. *Time for payment of insurance for loss of life.* Unless extended by the provisions hereinafter contained, payment of the insurance for loss of life shall be made within ninety days after the death of the insured is established in a manner satisfactory to the Administrator, but payment may be made prior to the expiration of such ninety days at the discretion of the Administrator. The time for payment may be extended without penalty or interest for that period of time consumed by the Administrator in establishing the identity or the location of the beneficiary or beneficiaries, and should any conflicting claims for payment be presented to the Administrator, payment of the insurance may be withheld and the time for payment thereof extended without any penalty or obligation to pay interest until such claims are duly adjudicated or otherwise withdrawn, settled or compromised to the satisfaction of the Administrator.

ART. 11. *Proof of death.* The time and facts of death of any insured shall be established in a manner satisfactory to the Administrator; and his determination of the time and facts of death shall be binding and conclusive against all persons for all purposes of this policy. If, however, payment of a part of the insurance for loss of life has been made and it appears that the insured is alive, payment of the balance of the insurance for loss of life shall not be made, but the payments of insurance in whole or in part theretofore made shall not be recovered, except where such payments were induced by wilful misrepresentation or fraud either by the beneficiary or any other person. The part so paid shall, however, be a discharge to the extent thereof of any other obligation under this policy, including the obligation to pay benefits under article 17 hereof, to the insured or any other person.

ART. 12. *Disability and dismemberment—*
A. *Disability.* "Disability" as that term is used in this policy means incapacity because of injury proximately caused by the risks insured against herein which necessarily and continuously prevents the insured from performing any and every kind of duty pertaining to his occupation at the time of injury.

(1) If an insured suffers disability he shall be paid benefits at the rate of $150 a month, provided, however, that during any part of such period when the insured is hospitalized he shall be paid benefits at the rate of $100 a month, beginning with his return to the continental United States, excluding Alaska, until the Administrator determines that the disability has ceased or until a total of $5,000 is paid, whichever first occurs.

(2) If the Administrator determines at any time during the period such monthly benefits are payable that the insured has received maximum medical treatment for such disability and that such disability is, therefore, permanent in quality (loss of both hands, or both arms, or both feet, or both legs, or both eyes, or combination of any two thereof, will be conclusively presumed by the Administrator to constitute a disability permanent in quality), he shall notify the insured of such facts and the insured shall have the option of

(a) Continuing to receive such monthly benefits at the rate of $150 a month or $100 a month, as the case may be, until the aggregate of all the monthly benefits paid to him both before and after such determination total $5,000, or

(b) Receiving in a lump payment the sum of $5,000 less the total of the monthly benefits paid to him prior to such determination.

(3) In the event the insured elects after such determination to accept payments for such disability under subdivision (2) (a) hereof and if when the total of $5,000 has been paid him as therein provided, the insured claims in writing, and establishes to the satisfaction of the Administrator, that because of the same injury he is incapable of performing, for remuneration or profit, any work or engaging in any business or occupation, then he shall be paid further benefits at the rate of $150 a month or $100 a month, as the case may be, until the Administrator determines such incapacity has ceased or until a total of $2,500 is paid, whichever first occurs.

B. *Dismemberment, including loss of function.* If the Administrator determines that the insured, as a proximate result of the risks insured against herein, has suffered a dismemberment or loss of function of the type set forth below, not, however, amounting to disability which the Administrator determines to be permanent in quality, the Underwriter will pay to the insured additional benefits measured by the following percentages of the principal sum. Such benefits shall be in addition to the benefits paid under subdivision (1), paragraph A hereof, but the aggregate of such benefits for disability, dismemberment, and loss of function shall not exceed the principal sum.

(1)

Member lost:	Percent
(a) Arm	65
(b) Leg	65
(c) Hand	50
(d) Foot	50
(e) Eye	45
(f) Thumb	15
(g) First finger	10
(h) Great toe	9
(i) Second finger	5
(j) Third finger	5
(k) Toe other than great toe	2½
(l) Fourth finger	2½

(m) Loss of hearing: For complete loss of hearing of one ear, 12½ percent; for the complete loss of hearing of both ears, 50 percent.

(n) Phalanges: For loss of more than one phalange of a digit, the same as the loss of the entire digit; for loss of the first phalange one-half the loss of the entire digit.

(o) Amputated arm or leg: For an arm or leg, if amputated at or above the elbow or the knee, the same as for the loss of the arm or leg; if amputated between the elbow and the wrist or the knee and the ankle, the same as for the loss of a hand or foot.

(p) Binocular vision or per centum of vision: For loss of binocular vision or for eighty percent or more of the vision of an eye shall be the same as for loss of the eye.

(q) Two or more digits: for loss or loss of use of two or more digits, or one or more phalanges of two or more digits, or a hand or foot, may be proportioned to the loss of use of the hand or foot occasioned thereby but shall not exceed the payment for loss of a hand or foot.

(r) Total loss of use: for permanent total loss of use of a member shall be the same as for loss of the member.

(s) Partial loss or loss of use: payment for permanent partial loss or loss of use of a member may be for proportionate loss of the member or loss of use of the member.

(t) Disfigurement: proper and equitable payment for serious facial or head disfigurement, not to exceed 50 percent.

(u) Total or partial loss or loss of use of more than one member or parts of members. In any case in which there shall be a loss or loss of use of more than one member or parts of more than one member set forth in subdivision (a) to (t) both inclusive, hereof, but not amounting to permanent total disability, payment shall be made for the loss or loss of use of each such member or part thereof; however, not exceeding the principal sum, and except that where the injury affects only two or more digits of the same hand or foot, subdivision (q) hereof shall apply.

(2) The amount determined by the Administrator to be due the insured for dismemberment or loss of function shall

(a) If $750 or less, be paid the insured in a lump sum as soon as practicable.

(b) If more than $750, be paid, at the option of the insured, in a lump sum or in monthly installments of $150 or $100, as the case may be, beginning with the month next succeeding the last monthly payment made for disability pursuant to the provisions of subdivision (1), paragraph A hereof, or as soon thereafter as is practicable. The insured shall notify the Administrator in writing of the desired method of payment immediately upon receipt of the Administrator's determination that the insured is entitled to payment for dismemberment or loss of function under this paragraph. Should the Administrator not receive such written notice within thirty days, it shall be conclusively presumed that the insured desires payment in a lump sum and the Underwriter will act accordingly.

(3) If the insured elects under subdivision (2) (b) hereof to accept payment for dismemberment or loss of function in monthly installments, the number of installments due shall be increased in number by 10 percent but in no event shall the increase be less than one installment of $150 or $100, as the case may be.

C. *Injury increasing disability.* The Administrator in determining if disability, dismemberment or loss of function exists, or if found to exist, the quality thereof, will not take previous disabilities, dismemberments or losses of function into account. If, however, such previous condition was insured under this Second Seamen's War Risk Policy, the insured shall receive with respect to the two claims an aggregate sum not less than he would have been entitled to under either subdivision (2) and (3) of paragraph A or paragraph B hereof, had the injuries causing both disabilities been received at the same time.

D. Disability shall not include incapacity directly resulting from bodily or mental infirmity or disease of any kind. Nor shall benefits be paid for dismemberment or loss of function directly resulting from bodily or mental infirmity or disease of any kind.

E. If the insured elects after a determination by the Administrator that he is entitled to benefits under either subdivision (2) paragraph A or paragraph B hereof to accept payments for such disability, dismemberment, or loss of function, as the case may be, in installments, and if the insured dies from a cause not insured against herein before he has received the last installment, the remainder which he would have received under such subdivision had he survived shall be paid to the person or persons who would have received his life insurance hereunder, subject, however, to all the conditions, stipulations, and provisions contained in this policy governing the disposition and payment of the insurance for loss of life.

The right of the insured to payment of the benefits provided for herein shall be conditioned upon his or her being alive to receive payment, and benefits shall not be paid to the heirs, executors, or administrators of the insured, or of any other person.

ART. 13. *Physical examination.* The underwriter shall have the right to require an examination of the person of the insured when and so often as it may reasonably require and also the right and opportunity in case of death to make an autopsy where it is not forbidden by law.

ART. 14. *Personal effects defined.* The term "personal effects" includes personal property reasonably necessary or required for use on board the vessel as well as those articles ordinarily or customarily carried on board for the personal use, wear, comfort, or convenience of the insured, either while on board, while in a foreign port, or upon his return to the home port. Articles of apparel, whether used for ornamentation or otherwise, and articles used in the performance of duties on board, are also included. Articles carried for the purpose of business foreign to the actual duties of the insured, or for resale, are excluded.

ART. 15. *Amount of payment for loss of, or damage to, personal effects.*

A. In the event of total loss of, or damage (equivalent to total loss) to the personal effects of any insured, reimbursement for such total loss or damage shall be as follows:

(a) Licensed officer, $500;

(b) Unlicensed crew member, $300;

(c) U. S. Merchant Marine cadet or cadet officer, $300.

If an insured shall establish the loss of a sextant which he carried aboard the vessel, he shall be paid $100 extra. If the insured shall establish the loss of binoculars, which he carried aboard the vessel, he shall be paid $50 extra. A total loss shall be determined without reference to apparel actually worn by the crew member at the time of the loss or damage.

B. In the event of a partial loss of or damage to the personal effects of an insured, he shall be reimbursed for the actual value of such effects lost or damaged to the extent of such loss or damage, but in no event shall the payment for such effects lost or damaged exceed the amount set forth in paragraph A of this article 15 for which total loss or damage is payable.

ART. 16. *Death of an insured prior to payment for loss of or damage to personal effects.* Payment for loss of or damage to personal effects shall be conditioned upon the insured being alive to receive payment, and shall not be payable to his heirs, executors, administrators or assigns, except as provided in article 6 hereof.

ART. 17. *Detention and repatriation benefits.* A. If it is established to the satisfaction of the Administrator, who, for this purpose, may rely on any official information furnished him by any department or agency of the United States Government, that the insured's vessel has been destroyed or abandoned as a result of a risk or peril insured against herein and that the insured has survived such an event and is not detained (in the sense that that term is used in paragraph B, article 17 hereof), monthly benefits shall be paid as hereinafter provided in this paragraph A. Such monthly benefits shall be equal to the monthly basic wage of the insured (including special emergency wage), as shown by the shipping articles signed by the insured or, if not on articles, by the contract of employment entered into by the insured. Such monthly benefits shall be paid from the date of such destruction or abandonment of the vessel, which, for the purposes hereof, shall be the date recognized by the Administrator when the obligation to pay wages under the applicable shipping articles or contract of employment terminated, or which is otherwise fixed by the Administrator as the date of such destruction or abandonment, and shall continue until the insured arrives at a continental port of the United States.

Such monthly benefits shall be paid to the person or persons, if living, to whom the insured's wages are allotted under the applicable shipping articles. Such allottee or allottees shall receive that portion of the monthly benefits which is equal in amount to the insured's monthly wage which has been allotted, provided such latter amount does not exceed the amount of the monthly benefits, and provided further that no payment shall be made to an allottee for any fractional allotment period between the last regular allotment date and date when such monthly benefits terminate. If no such allotment has been made, or if the person to whom the insured has allotted his wages is dead or dies, or if an allotment has been made and the allottee is living but the amount of monthly benefits exceeds the amount which can be paid to such allottee, the benefits or the remainder thereof shall be held by the Administrator for the benefit of the insured until his return to the continental United States, excluding Alaska,

with the right to the Administrator, however, to pay such benefits or the remainder thereof in whole or in part to any person or persons named in subdivision (3), paragraph A, article 7 of these stipulations and conditions (for the purpose of this paragraph the words "widow" and "widower" as used in subdivision (3) shall mean "wife" and "husband" respectively), including the allottee or allottees aforementioned, and such payment when made shall be conclusively presumed to have been made for the account of the insured.

B. If it is established to the satisfaction of the Administrator, who, for this purpose may rely on any official information furnished him by any department or agency of the United States Government, that the insured is detained, either by capture by an enemy of the United States or by internment, but not otherwise, monthly benefits shall be in the same amount or amounts and shall be held or paid in the same manner and for or to the same person or persons as set forth in paragraph A, article 17 hereof. Such monthly benefits shall be paid during such period of detention beginning with the date that the insured suffered such detention as determined by the Administrator.

C. If, in the opinion of the Administrator, it is uncertain—

(1) Whether the insured survived or died as a proximate result of the occurrence of a risk or peril insured against, or

(2) Whether the insured survived or died as a proximate result of the occurrence of an event which may be a risk or peril insured against, but as to which, in the opinion of the Administrator, there is also uncertainty; or

(3) Whether the insured's vessel has been destroyed or abandoned as a proximate result of a risk or peril insured against, although it is certain, in the opinion of the Administrator, that the insured is alive, or

(4) Whether the insured is detained (in the sense that that term is used in paragraph B, article 17 hereof), although it is certain, in the opinion of the Administrator, that the insured is alive,

monthly benefits shall be paid as hereinafter provided in this paragraph C. Such monthly benefits shall be in the same amount or amounts and shall be held or paid in the same manner and for or to the same person or persons as set forth in paragraph A, article 17 hereof. Such monthly benefits shall be paid from the date, as fixed by the Administrator, the insured, if alive, was probably separated from his vessel under any of the respective situations set forth above and shall continue until—

(a) The Administrator determines that the insured is entitled to benefits as provided in paragraph A, article 17 hereof, in which event monthly benefits shall thereafter be paid as provided in paragraph A, Article 17 hereof, or

(b) The Administrator determines that the insured is entitled to benefits as provided under paragraph B, article 17 hereof, in which event monthly benefits shall thereafter be paid as provided in paragraph B, article 17 hereof, or

(c) The death of the insured is established in a manner satisfactory to the Administrator, or

(d) The issuance by the Administrator of certificate of presumptive death of the insured, whichever first occurs, in which event benefits shall cease: *Provided, however*, That if the Administrator determines that at any time after such benefits have ceased the insured is entitled to benefits or has been entitled to benefits as provided in either paragraph A or paragraph B, article 17 hereof, monthly benefits shall thereafter be paid as provided in paragraph A or paragraph B, article 17 hereof, as the case may be, with proper adjustment for the period that the insured was entitled to be paid such benefits prior to the Administrator's determination thereof.

D. If, while the insured is being paid benefits under either paragraph A or B or C, article 17 hereof, the Administrator determines that the insured was not, or is no longer, entitled to benefits under the provisions of such paragraph, then the payment of such benefits shall cease: *Provided*, That, if the Administrator determines the insured is entitled to benefits under the provisions of any other of such paragraphs, the insured shall thereafter be entitled to benefits under the provisions of such paragraph.

E. In no event shall benefits be paid under paragraphs A, B, C, or D, article 17 hereof, beyond three months after the termination of the national emergency shall have been proclaimed by the President or beyond the time that the insured shall either refuse without good cause to return to the continental United States, excluding Alaska, or accept employment on another vessel for a purpose other than to be repatriated.

F. If the insured, upon his return to the United States (excluding Alaska), shall be entitled to receive under paragraph A or B or C, article 17 hereof, benefits exceeding a sum equal to twelve months' basic wage (including special emergency wage), payment of a sum equal to twelve months' basic wage (including special emergency wage) shall be made to the insured forthwith. Any unpaid balance of such benefits shall be paid to the insured in monthly installments equivalent in amount to such monthly benefits until paid in full. In determining the amount which the insured is entitled to receive in a lump sum, as aforesaid, benefits paid to his allottees or to the persons named in subdivision (3), paragraph A, article 7 hereof, shall not be considered. Payments to an allottee or to schedule beneficiaries shall not be made after the date of arrival of the insured at a continental United States port, and all payments thereafter shall be made only to the insured: *Provided, however*, That if the insured dies after his arrival and while he is receiving monthly payments as above set forth, such monthly payments shall thereafter be paid to his allottees or to schedule beneficiaries until paid in full.

G. The right of the insured to be paid benefits or to have benefits paid on his account, under paragraphs A, B, or C, article 17 hereof, shall be conditioned upon the insured being alive during the period such benefits accrued or were paid: *Provided, however*, That benefits payable for the account of the insured to allottees or schedule beneficiaries shall always be paid in full to the date of establishment of death or presumed death of the insured as determined under paragraph C, article 17 hereof. Such benefits under no circumstances shall be paid or considered payable to heirs, executors or administrators of the insured or of any allottee or schedule beneficiary of the insured.

H. The Underwriter agrees that detention and repatriation benefits, as provided under this article 17, shall continue until the insured shall be returned to the port to which the Operator is obligated to return the insured, as shown by the shipping articles signed by the insured or, if not on articles, by the contract of employment entered into by the insured.

ART. 18. *Payment constituting a discharge.* A payment by the Administrator to the person or persons determined by him to be entitled to all or any of the proceeds of this policy shall constitute a pro tanto discharge of the obligations under this policy of the United States of America, the Department of Commerce, and the Maritime Administrator.

ART. 19. *Nonassignability.* Neither this policy nor any part thereof nor any insurance, benefits or allowances payable hereunder shall be assignable.

ART. 20. *Amount permitted to be paid agents or attorneys.* Except in the event of legal proceedings arising under or in connection with this policy, payment to any attorney, agent or any other person acting for or on behalf of an insured, beneficiary or recipient, by such insured or any beneficiary or recipient, for such assistance as may be required in the preparation of the claim, shall not exceed $25 in any one case, except that the Administrator may approve an additional amount in those cases in which he feels the nature of the services rendered warrant it. At any time during the pendency of any litigation arising under or in connection with this policy or whenever a judgment or a decree shall be rendered in an action or proceeding arising under or in connection with this policy for the payment of any insurance, benefits or allowances under this policy, the court in which such action or proceeding is pending or in which a judgment or decree has been rendered may and is requested to allow such fees for the attorney or attorneys of the person or persons who are parties to such action or proceeding or who have obtained a judgment or a decree, as it may determine to be just compensation for the services rendered. Before the payment of any insurance, benefits or allowances hereunder, or any judgment or decree, as aforesaid, the Administrator may require proof to be submitted to him in the form of an affidavit, or in any other manner which to him seems fit, by the insured, the beneficiary, the recipient, or holder of any judgment or decree, or his attorney, agent, or any other person acting for or on their behalf, or any or all of them, that the payment previously or thereafter to be made to such attorney, agent or other person does not exceed the sum herein specified or allowed by the court, as the case may be.

ART. 21. *Notice of loss and claim.* Notice of disability (including dismemberment and loss of function), and claim for payment therefor under this policy shall be given to the Administrator within ninety days after the happening of the event causing the disability (including dismemberment and loss of function), or ninety days after the insured returns to the continental United States, excluding Alaska. Notice of loss of, or damage to, personal effects and claim for payment therefor under this policy shall be given to the Administrator within ninety days after the happening of the event causing the loss, or ninety days after the insured returns to the continental United States, excluding Alaska.

Any insured who is employed on a vessel as an employee of the United States through the Office of National Shipping Authority, Maritime Administration, or successor Office shall comply with applicable rules and regulations pertaining to the filing of claims and administrative allowance or disallowance as prescribed by NSA Order No. 67 (LPR 1), 20 F. R. 2414, or as amended or revised.

ART. 22. *Limitation of suit.* No action or suit upon this policy shall be valid unless commenced within two years from the time the insurance, benefits or allowances conferred by this policy are payable, except that

(a) An action or suit by the insured may be commenced at any time within two years after he returns to the United States or the termination of the national emergency shall have been proclaimed by the President, whichever first occurs, and

(b) The time during which a person, other than the insured, is in enemy occupied territory shall be excluded from the two year period as aforesaid.

Any insured who is employed on a vessel as an employee of the United States through the Office of National Shipping Authority, Maritime Administration, or successor Office shall comply with applicable rules and regulations pertaining to the filing of claims and administrative allowance or disallowance as prescribed by NSA Order No. 67 (LPR 1), 20 F. R. 2414, or as amended or revised.

ART. 23. *Deviation and change of voyage.* This insurance shall not be affected by a deviation or change of voyage of the vessel, except that the Administrator may require the payment of an additional premium.

ART. 24. *"Administrator" defined.* Wherever the term "Administrator" is used in this policy that term shall include the person who is the Maritime Administrator at the time of the issuance of this policy and his successor or successors in office, and such other person or persons employed by the Administrator, the Maritime Administration, the Department of Commerce or the United States of America, to whom the Administrator may delegate duties or powers for the administration of the insurance. Wherever there is mention in this policy of a decision, determination or exercise of discretion by the Administrator, such terms shall include a decision, determination or exercise of discretion of a person or persons to whom the Administrator may delegate such power or powers and shall not be taken to mean that the personal act of the Administrator is required.

ART. 25. *Multiple claims against the United States.* A. It is the intent of the underwriter in the issuance of this policy to avoid providing or paying any benefit or sum of money for any loss, event or occurrence to the extent that legal liability to pay for the same loss, event or occurrence otherwise exists on the part of the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel, and this policy shall be construed to give effect to such intent. By the acceptance of the insurance protection afforded by this policy, by the designation of any beneficiary thereunder or by otherwise acting pursuant to the terms of this policy, the insured, in behalf of himself, his personal and legal representatives, administrators, executors, heirs at law, next of kin, dependents and beneficiaries, acknowledges such intent and agrees to the conditions and provisions of this policy, including specifically those contained in this Article 25. Similarly, any beneficiary or person to whom any benefit or sum of money is paid under the provisions of this policy does, by making claim therefor or by the acceptance thereof, acknowledge such intent and agrees to the conditions and provisions of this policy, including specifically the conditions and provisions of this article 25.

B. If any final judgment or award is obtained by any person against the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel by reason of the loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, or detention (including the occurrence of other situations hereinbefore provided) of the insured but based on a claim or cause of action other than one under this policy, and if such respective loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, or detention (including the occurrence of other situations hereinbefore provided) of such insured, either separately or combined, also constitutes or forms the basis of a claim payable under this policy, the amount which otherwise would have been payable hereunder because of such claim shall be reduced by an amount equal to the amount of such final judgment or award, unless such person, in a form and manner satisfactory to the Administrator, effectively and validly releases or discharges the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the Administrator, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel from their respective obligations under such final judgment or award to the extent of the amount of such claim payable under this policy.

C. The payment and acceptance of any benefit or sum of money under this Policy shall constitute a waiver, release, acceptance, discharge and satisfaction, to the extent of such payment, of any and all claims, causes of actions, judgments or awards against the United States of America, the Department of Commerce, the Maritime Administration, the Administrator, the owner of a vessel under time or bareboat charter to the Maritime Administration, the operator of a vessel owned by the Maritime Administration or under time or bareboat charter to it, or the agent of the Maritime Administration in the operation of such a vessel other than under this policy by arising out of the respective loss of life, disability (including dismemberment and loss of function), loss of or damage to personal effects, or detention (including the occurrence of other situations hereinbefore provided) for which such benefit or sum of money was paid and accepted under this policy.

D. This article 25 shall not apply to claims for wages, maintenance and cure where the right to such items arises under the general maritime law of the United States and not under this policy, but this article 25 shall apply to claims for wages to the extent that the insured, his allottee or any other person who is entitled to receive or has received benefits or sums of money under paragraph A of article 12 hereof.

ART. 26. *Amendments and modifications.* If the Administrator determines that the Second Seamen's War Risk Policy (1955) should be amended and modified to provide for increased hazards and risks undertaken by the masters, officers and crews of vessels of the American Merchant Marine arising from important changes or developments in emergency conditions, or if the Administrator determines that the Second Seamen's War Risk Policy (1955) should be amended and modified to correct injustices or cases of hardship arising under and by virtue of its present terms, the Administrator reserves the right to amend or modify the Second Seamen's War Risk Policy (1955), including this particular policy, in such manner and in such respects as prescribed by him. If the Administrator further determines that it is necessary and proper to make such amendments or modifications retroactive in effect in order to avoid serious inequalities, he reserves the right to make any such amendment or modification applicable to any and all cases or claims arising under the Second Seamen's War Risk Policy (1955), including this particular policy, irrespective of whether benefits have or have not been claimed or paid thereunder, in such manner and in such respects as prescribed by him.

ART. 27. *Payment of premium and cancellation.* A. The Underwriter shall have the right to change the rate of premium for this insurance at any time. Unless the revised rate of premium is accepted in writing by the Operator within fifteen days after receipt by the Operator of notice of the revised rate, this policy shall become null and void and of no effect as of midnight, e. s. t., of the day ending such fifteen-day period, unless the Operator, within such period, dispatches notice to the Maritime Administrator, by telegraph, of his refusal to accept such revised premium rate, in which event premium at the revised rate shall be payable for that portion of the fifteen-day period prior to dispatch of such notice. Upon the receipt by the Maritime Administrator of such notice of nonacceptance, the insurance provided hereunder shall terminate.

B. In the event any premium, either original or additional, which becomes due and payable under this policy, is not paid within thirty days after receipt by the Operator of notice of the amount thereof, this insurance shall become null and void and of no effect as of the commencement of the period for which the premium charge is made, unless the Maritime Administrator agrees otherwise.

C. If the vessel shall be requisitioned by the United States on a basis whereby the United States provides insurance equivalent to that provided hereby, then this insurance shall terminate and pro rata daily return premium shall be paid. In no other event shall there be any return of premium.

ART. 28. *Extension.* Should the vessel be at sea at the natural expiry of this Policy, this insurance shall be extended until midnight, Greenwich Mean Time, of the day on which the vessel is moored at the next port to which she proceeds and 24 hours thereafter, provided, notice be given to the Underwriter as soon as practicable and an additional premium paid, if required.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy but it shall not be valid unless countersigned by an authorized underwriting agent.

UNITED STATES OF AMERICA,
By: Maritime Administrator, Acting for the Secretary of Commerce.

(Maritime Administrator)

The Underwriting Agent does not, by countersigning this policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned this _____ day of _____, 195__.

(Underwriting agent)

By: _____

(b) *Increased Benefits Endorsement.* The following is the standard form of Increased Benefits Endorsement which prescribes the areas in which increased benefits are presently applicable. The areas covered by this endorsement are subject to change.

Form MA-242 (A) (8-55)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

INCREASED BENEFITS ENDORSEMENT

This endorsement is attached to and made a part of Second Seamen's War Risk Policy (1955) No. SSWR _____ issued to _____.

It is hereby understood and agreed that while a vessel covered by this policy is in the following described areas:

Area I. All waters within and bounded by the following lines: beginning at a point on the China Coast at latitude 23° north,

thence east to the intersection with longitude 119° east, thence north-easterly to the intersection of a point at latitude 26°15' north and longitude 121° east and thence west along the 26°15' parallel of north latitude to the China Coast;

Area II. All waters within and bounded by the following lines: beginning at a point on the China Coast at 33° north latitude, thence east to the intersection with longitude 124° east, thence north along 124° east meridian to the China Coast;

Area III. All waters within and bounded by the following lines: beginning at a point on the China Coast at 26°15' north latitude, thence east to the intersection with 121° east longitude, thence north-easterly to a point at the intersection of 30° north latitude and 124° east longitude, thence north to the intersection of 33° north latitude and 124° east longitude and thence west along the 33° parallel of north latitude to the China Coast;

Area IV. All waters within and bounded by the following lines: beginning at a point on the China Coast and 23° north latitude, thence east to 119° east longitude, then north-easterly to 30° north latitude and 124° east longitude, and from 30° north latitude and 124° east longitude southerly to Shokoto Sho, then westerly to Shichisei Seki, and then from Shichisei Seki westerly intersecting at the China Coast 23° north latitude;

And all waters within and bounded by the following lines: beginning at a point on the China Coast at 23° north latitude, thence easterly to a point 22°30' north latitude and 118° east longitude thence westerly to Gap Rock thence due west along the 21°50' line north latitude to the China Coast;

Also within a sixty (60) mile radius of the mouth of the Donnai River or Cape St. Jacques.

the benefits provided thereunder as respects loss of life, disability, dismemberment and loss of functions are increased by 100 percent and with respect to benefits for personal effects of unlicensed personnel from $300 to $500.

Upon knowledge by the insured of a vessel being in such areas, the insured shall, as soon as permissible under Government laws and regulations, furnish the Maritime Administrator with the name of such vessel and the dates of its entry into and departure from such areas.

Nothing herein contained shall vary, alter or extend any provision or condition of the policy other than as above stated.

This endorsement becomes effective with the inception of the policy to which it is attached.

Not valid unless countersigned by a duly authorized agent of the Department.

UNITED STATES OF AMERICA,
By: Maritime Administrator, Acting for the Secretary of Commerce.

(Maritime Administrator)

The Underwriting Agent does not, by countersigning this policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this instrument, but acts solely under the power conveyed to the Underwriting Agent by the agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned this ------ day of ------, 195--.

(Underwriting agent)
By: ----------

SUBPART E—WAR RISK BUILDER'S RISK INSURANCE

§ 308.400 ***Eligibility of a vessel for insurance.*** A vessel is eligible for insurance if it is an American vessel as defined in section 1201 (a) Public Law 763, 81st Congress, being constructed in a shipyard within the continental limits of the United States.

§ 308.401 ***Periods during which a vessel under construction may be insured.*** (a) *Prelaunching period.* This period is from the date and time the first material destined for inclusion as part of the vessel becomes a risk at the shipyard of the builder to the date and time the vessel first becomes water-borne after launching.

(b) *Postlaunching period.* This period is from the date and time the vessel first becomes water-borne after launching to the date and time of delivery of the vessel by the builder.

(c) *Portions of periods.* A vessel may be insured for a portion of either period as cited in paragraph (a) or paragraph (b) of this section at the sole discretion of the Maritime Administrator.

§ 308.402 ***Amounts for which a vessel will be insured.*** (a) *Pre-launching period.* The amount insured during this period will be the cost of material destined for inclusion as a part of the vessel, at risk at the shipyard of the builder plus the cost of labor, other direct charges, overhead, and profit of not exceeding 10 percent, all as determined from the builder's records.

(b) *Postlaunching period.* The amount insured during this period will be (1) an amount not in excess of the difference in amount between the total amount of war risk insurance obtainable from companies authorized to do an insurance business in a State of the United States and the contract price of the vessel plus the cost of materials and equipment furnished by the owner and not included in such contract price, or (2) an amount not in excess of the contract price of the vessel plus the cost of materials and equipment furnished by the owner and not included in the contract price: *Provided,* That no war risk insurance is obtainable from companies authorized to do an insurance business in a State of the United States.

(c) *Maximum liability.* The amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the lower of (1) the amount insured or (2) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable acts of Congress: *Provided,* That the amount payable under paragraph (b) of this section shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorized to pay under any applicable acts of Congress: *And provided further,* That in no event shall the amount of such liability to an insured owner exceed the value of the vessel as determined in accordance with section 802, Merchant Marine Act, 1936, as amended, if the vessel is being built with the aid of a construction-differential subsidy.

§ 308.403 *Application for insurance.* Application for insurance shall be made to the Chief, Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C. The applications shall be signed by all parties to be named as assureds, unless they have filed with the Chief, Division of Insurance, written designations of a broker or brokers to act for them, in which case the applications may be signed by such broker or brokers.

§ 308.404 *Form of application.* Applications submitted shall be in duplicate and in accordance with the following form. Separate applications shall be submitted for each of the coverages, paragraphs (a), and (b) (1) and (2) referred to in § 308.402.

Form MA-282 (12-52)

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION

Application for War Risk Builder's Risk Insurance

Application is made for War Risk Builder's Risk Insurance pursuant to Public Law 763, 81st Congress, and in accordance with all provisions of law and subject to all limitations thereof:

Assured to be ----------
Loss, if any, payable to ----------
---------- or order.

On Hull, Tackle, Apparel, Ordnance, Munitions, Artillery, Engines, Boilers, Machinery, Appurtenances, etc. (including plans, patterns, moulds, etc.). Boats and other Furniture and Fixtures and all material belonging and destined for ----------
----------,
building at ----------

Indicate whether application is for coverage (a), (b) (1) or (b) (2). Coverage -------

Coverage (a). Prelaunching Period

Amount to be insured; the valuation at risk at the shipyard of the builder during the currency of the insurance for which application is made, which shall be the cost of materials plus the cost of labor, other direct charges, overhead, and profit of not exceeding 10 percent, all as determined from the Assured's records and reported monthly.

To attach as of the date and time the first material destined for inclusion as a part of the vessel becomes at risk at the shipyard of the builder and to expire as of the date and time the vessel first becomes water-borne after launching. Both dates and times will be reported to the Underwriter as soon as known to the Assured.

Coverage (b) (1). Post-launching Period, Excess

Amount to be insured $------ on an excess of loss basis, being the excess of $------ primary war risk insurance, which it is represented is the maximum amount of war risk insurance obtainable from companies authorised to do an insurance business in a State of the United States.

The vessel is to be valued at $------, being the contract price of $------ plus $------ for materials and equipment furnished by the owner and not included in the contract price, it being understood that if no amount has been stated for such materials and equipment same will not be insured. To attach as of the date and time the vessel first becomes water-borne after launching and to expire as of the date and time of delivery of the vessel by the builder. Both dates and times will be reported to the Underwriter as soon as known to the Assured.

Coverage (b) (2). Post-launching Period, Primary

Amount to be insured $------, it being represented that no war risk insurance is obtainable from companies authorised to do an insurance business in a State of the United States.

The vessel is to be valued at $------, being the contract price of $------ plus $------ for materials and equipment furnished by the owner and not included in the contract price, it being understood that if no amount has been stated for such materials and equipment same will not be insured.

To attach as of the date and time the vessel first becomes water-borne after launching and to expire as of the date and time of delivery of the vessel by the builder. Both dates and times will be reported to the Underwriter as soon as known to the Assured.

It is further understood that the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the lower of (a) the amount insured or (b) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable Acts of Congress, provided that the amount payable under (b) hereof shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorized to pay under any applicable Acts of Congress, and provided further that in no event shall the amount of such liability to an insured owner exceed the value of the vessel as determined in accordance with Section 802, Merchant Marine Act 1936, as amended, if the vessel is being built with the aid of a construction-differential subsidy.

Terms and conditions: Subject to form of policy prescribed by the Maritime Administrator, acting for the Secretary of Commerce.

Rates of premium to be fixed by the Maritime Administrator, acting for the Secretary of Commerce.

Policy to be sent to:
Name ----------
Address ----------

Dated ---------- 195--.
Applicant ----------
By ----------
(Authorized signature)

§ 308.405 *Issuance of policies; their terms and conditions.* Upon acceptance of an application a policy in the form set forth in § 308.408 will be issued with endorsements MA-283 (A) and MA-283 (D), or MA-283 (B) and MA-283 (D), or MA-283 (C) and MA-283 (D), as appropriate, attached.

§ 308.406 *Premiums and the payment thereof.* For the prelaunching period premium will be charged on the average value at risk during each calendar month or the daily pro rata part thereof for periods of less than one calendar month. For the post-launching period premium will be charged on the amount insured for the full period. Premiums shall be due and payable within thirty days after receipt by the assured of notice of the amount thereof and if not paid within that period the insurance shall become null and void and of no effect from the beginning of the period for which the premium charge is made unless the Maritime Administrator agrees otherwise. Payment shall be made to the Maritime Administration, Department of Commerce, Washington 25, D. C., by check payable to the order of "Maritime Adm.—Commerce."

§ 308.407 *Right of Maritime Administrator to change rate of premium.* The Maritime Administrator acting for the Secretary of Commerce shall have the right to change the rate of premium at any time, and unless the revised rate of premium is accepted in writing by the Assured within fifteen days after receipt by the Assured of notice of the revised rate the policy shall become null and void and of no effect as of midnight, standard time, at the location of the shipyard on the fifteenth day after receipt of said notice. Premium at the revised rate shall be payable for the fifteen day period during which the insurance remained in force unless the Assured, within such period, dispatches notice to the Maritime Administrator by telegraph of his refusal to accept such revised rate of premium, in which event premium at the revised rate shall be payable for that portion of the fifteen day period prior to dispatch of such notice. Upon the dispatch of such notice of non-acceptance the insurance shall ipso facto terminate.

§ 308.408 *Standard form of War Risk Builder's Risk Insurance Policy.* The following is the standard form of War Risk Builder's Risk Insurance policy.

Form MA-283 (12-52)

Policy No. WRBR ----------

UNITED STATES OF AMERICA

Represented by the Maritime Administrator, acting for the Secretary of Commerce (sometimes hereinafter called the Underwriter) by this policy of insurance, in accordance with applicable provisions of law and subject to all limitations thereof, does make insurance and cause to be insured ---------- for account of themselves to the amount of ---------- dollars for the period of time commencing the ---- day of ---------- 19---- ---------- time and ending the ---- day of ---------- 19---- ---------- time or until delivery at ---------- if delivered at an earlier date. In the event of delivery not being effected by the date last above-mentioned, this policy may be extended at additional premium to be fixed by the Maritime Administrator provided notice of the extension be given to the Maritime Administrator prior to that date. In no case shall this insurance extend beyond delivery of the vessel. Loss, if any, payable in funds current in the United States to ---------- or order.

On Hull, Tackle, Apparel, Ordnance, Munitions, Artillery, Engines, Boilers, Machinery, Appurtenances, etc. (including plans, patterns, moulds, etc.) Boats and other Furniture and Fixtures and all material belonging and destined for ---------- building at ---------- as per clauses hereinbelow specified.

The Underwriter to be paid in consideration of this insurance ---------- dollars being at the rate of ------ percent.

The said vessel, etc., including all materials and/or appliances therefor, for so much as concerns the Assured and the Underwriter, is and shall be valued at $---------- (being the contract price of $-------- and $-------- for materials and equipment furnished by the Owner and not included in the contract price), which shall be deemed the insured value of the vessel for the purposes of this insurance. If no amount is stated for materials and equipment furnished by the Owner the Underwriter shall have no liability for loss of or damage thereto.

In the event of loss, the Underwriter shall not be liable for a greater proportion thereof than the amount of this insurance bears to the insured value.

Touching the Adventures and Perils which the said Underwriter is contented to bear and take upon itself they are of the Seas, Men-of-War, Fire, Enemies, Pirates, Rovers, Thieves, Jettisons, Letters of Mart and Counter-Mart, Surprisals, Takings at Sea, Arrests, Restraints and Detainments of all Kings, Princes and Peoples, of what nation, condition or quality soever, Barratry of the Master and Mariners, and of all other like Perils, Losses and Misfortunes that have or shall come to the Hurt, Detriment or Damage of the said Vessel, &c., or any part thereof; excepting, however, such of the foregoing Perils as may be excluded by provisions elsewhere in the Policy or by endorsement. And in case of any loss or misfortune it shall be lawful for the Assured, their factors, servants and assigns, to sue, labor and travel for, in, and about the defense, safeguard and recovery of the said ship, &c., or any part thereof, without prejudice to this insurance; to the charges whereof the said Underwriter will contribute according to the rate and quantity of the sum herein assured. And it is expressly declared and agreed that no acts of the insurer or insured in recovering, saving or preserving the property insured shall be considered as a waiver or acceptance of abandonment. With leave to sail with or without pilots, to tow and be towed, and to assist vessels and/or craft in all situations and to any extent, and to go on trial trips. With liberty to discharge, exchange and take on board goods, specie, passengers, and stores, wherever the Vessel may call at or proceed to, and with liberty to carry goods, live cattle, &c., on deck or otherwise, but warranted free of any claim in respect of deck cargo. Including all risks of docking, undocking, changing docks, or moving in harbour and going on or off gridiron slipways, graving docks and/or pontoon or dry docks as often as may be done during the currency of this Policy. Unless physically deleted by the Underwriter, the following warranty shall be paramount and shall supersede and nullify any contrary provision of the Policy:

F. C. & S. CLAUSE

Notwithstanding anything to the contrary contained in the Policy, this insurance is warranted free from any claim for loss, damage or expense caused by or resulting from capture, seizure, arrest, restraint or detainment, or the consequences thereof or of any attempt thereat, or any taking of the Vessel, by requisition or otherwise, whether in time of peace or war and whether lawful or otherwise; also from all consequences of hostilities or warlike operations (whether there be a declaration of war or not), but the foregoing shall not exclude collision, explosion or contact with any fixed or floating object (other than a mine or torpedo), stranding, heavy weather or fire unless caused directly (and independently of the nature of the voyage or service which the vessel concerned or, in the case of a collision, any other vessel involved therein, is performing) by a hostile act by or against a belligerent power, and for the purpose of this warranty "power" includes any authority maintaining naval, military or air forces in association with a power; also warranted free, whether in time of peace or war, from all loss, damage or expense caused by any weapon of war employing atomic fission or radioactive force. Further warranted free from the consequences of civil war, revolution, rebellion, insurrection, or civil strife arising therefrom, or piracy.

If war risks are hereafter insured by endorsement on the Policy, such endorsement shall supersede the above warranty only to the extent that their terms are inconsistent and only while such war risk endorsement remains in force.

CLAUSES FOR BUILDERS' RISK

This Insurance is also to cover all risks, including fire, while under construction

and/or fitting out, including materials in buildings, workshops, yards and docks of the Assured, or on quays, pontoons, craft, &c., and all risk while in transit to and from the works and/or the vessel wherever she may be lying, also all risks of loss or damage through collapse of supports or ways from any cause whatever, and all risks of launching and breakage of the ways.

This Insurance is also to cover all risks of trial trips, loaded or otherwise, as often as required, and all risks whilst proceeding to and returning from the trial course but warranted that all trials shall be carried out within a distance by water of 100 nautical miles of the place of construction or held covered at a rate to be arranged.

With leave to proceed to and from any wet or dry docks, harbours, ways, cradles, and pontoons during the currency of this policy.

With leave to fire guns and torpedoes but no claim to attach hereto for loss or damage to same or to ship or machinery unless the accident results in the total loss of the Vessel. In case of failure of launch, underwriters to bear all subsequent expenses incurred in completing launch.

Average payable irrespective of percentage, and without deduction of one-third, whether the Average be particular or general.

General Average and Salvage charges as per foreign custom, payable as per foreign statement, and/or per York-Antwerp rules, if required; and in the event of Salvage, towage, or other assistance being rendered to the Vessel hereby insured by any Vessel belonging in part or in whole to the same owners, it is hereby agreed that the value of such services (without regard to the common ownership of the Vessels) shall be ascertained by arbitration in the manner hereinafter provided for under "Collision Clause," and the amount so awarded, so far as applicable to the interest hereby insured, shall constitute a charge under this policy.

In the event of deviation to be held covered at an additional premium to be hereafter arranged.

To cover while building all damage to hull, machinery, apparel, or furniture, caused by settling of the stocks, or failure or breakage of shores, blocking or staging, or of hoisting or other gear, either before or after launching and while fitting out.

It is agreed that any changes of interest in the vessel hereby insured shall terminate the insurance provided by this policy, unless the Maritime Administrator agrees otherwise. And it is expressly declared and agreed that no acts of the Underwriters or Assured, in recovering, saving, or preserving the property insured shall be considered as a waiver or acceptance of abandonment.

This Insurance also specially to cover loss of or damage to the hull or machinery, through negligence of Master, Mariners, Engineers or pilots, or through explosions, bursting of boilers, breakage of shafts, or through any latent defect in the Machinery, or Hull, or from explosions or other causes, arising either on shore or otherwise, causing loss of or injury to the property hereby insured, provided such loss or damage has not resulted from want of due diligence by the Owners of the ship or any of them, or by the Manager, and to cover all risks incidental to steam navigation, or in graving docks.

There shall be no recovery for a constructive total loss under this policy unless the expense of recovering the vessel and restoring her to the condition she was in prior to the loss would exceed her value in that condition, which value shall be determined by applying to the completed contract price, plus the cost of materials and equipment furnished by the Owner and not included in the contract price, if insured hereunder, the percentage of the vessel which was completed on the ways, while being launched or after launching as the case may be at the time of the loss; and no claim for a constructive total loss hereunder shall exceed this policy's proportion of the value so computed, plus this policy's proportion of any damage to material insured hereunder and not yet installed in the vessel, plus any salvage and special charges, and sue and labor expenses.

Nothing in this policy shall be construed to insure against or cover any loss, damage or expense in connection with docks, shipways, tools or any other property of the shipyard not intended to be incorporated in the vessel, excepting temporary supports, scaffolding and similar temporary structures the value of which is included in the contract price of the vessel; provided, nevertheless, that in case of failure of launch, underwriters shall bear all subsequent expenses incurred in completing launch.

COLLISION CLAUSE

And it is further agreed that if the Ship hereby insured shall come into collision with any other Ship or Vessel, and the Assured shall in consequence thereof become liable to pay, and shall pay by way of damages to any other person or persons any sum or sums not exceeding in respect of any one such collision the value of the Ship hereby insured, the Underwriter, will pay the Assured such proportion of such sum or sums so paid as its subscription thereto bears to the completed contract price of the Ship hereby Insured, plus the cost of materials and equipment furnished by the Owner and not included in the contract price, if insured hereunder, and in cases where the liability of the Ship has been contested with the consent, in writing, of a majority of the underwriters on the hull and/or machinery (in amount), it will also pay a like proportion of the costs thereby incurred or paid; but when both Vessels are to blame, then, unless the liability of the owners of one or both of such Vessels becomes limited by law, claims under the Collision Clause shall be settled on the principle of cross liabilities, as if the owners of such Vessels had been compelled to pay to the owners of the other of such Vessels such one-half or other proportion of the latter's damages as may have been properly allowed in ascertaining the balance or sum payable by or to the Assured in consequence of such collision. And it is further agreed that the principles involved in this clause shall apply to the case where both Vessels are the property, in part or in whole, of the same owners, all questions of responsibility and amount of liability as between the two Ships being left to the decision of a single Arbitrator, if the parties can agree upon a single Arbitrator, or failing such agreement, to the decision of Arbitrators, one to be appointed by the managing owners of both Vessels, and one to be appointed by the majority in amount of underwriters interested in each Vessel; the two Arbitrators chosen to choose a third Arbitrator before entering upon the reference. The terms of the Arbitration Act of 1889 to apply to such reference, and the decision of such single, or of any two of such three Arbitrators, appointed as above, to be final and binding.

This clause shall also extend to any sum which the Assured may become liable to pay, or shall pay for removal of obstructions under statutory powers, or for injury to harbors, wharves, piers, stages, and similar structures.

PROTECTION AND INDEMNITY CLAUSE

It is further agreed that if the Assured shall by reason of his interest in the insured Ship become liable to pay and shall pay any sum or sums in respect of any responsibility, claim, demand, damages, and/or expenses arising from or occasioned by any of the following matters or things during the currency of this policy, that is to say:

Loss of or damage to any other ship or boat or goods, merchandise, freight, or other things or interests, whatsoever on board such other ship or boat caused proximately or otherwise by the ship insured in so far as the same is not covered by the running down clause set out above. Loss of or damage to any goods, merchandise, freight or other things or interest, whatsoever other than as aforesaid whether on board the said vessel or not, which may arise from any cause whatever.

Loss of or damage to any harbor,, dock (graving or otherwise), slipway, way, gridiron, pontoon, pier, quay, jetty, stage, buoy, telegraph cable, or other fixed or movable thing whatsoever, or to any goods or property in or on the same, howsoever caused.

Any attempted or actual raising, removal or destruction of the wreck of the insured ship or the cargo thereof, or any neglect or failure to raise, remove, or destroy the same. Any sum or sums for which the Assured may become liable or incur from causes not hereinbefore specified, that are absolutely or conditionally recoverable under the printed forms of Protection and Indemnity policy commonly issued by stock insurance companies in the United States, but excluding loss of life and personal injury.

The Underwriter will pay the Assured such proportion of such sum or sums so paid, or, which may be required to indemnify the Assured for such loss, as its subscription bears to the completed contract price of the ship hereby insured, plus the cost of materials and equipment furnished by the Owner and not included in the contract price, if insured hereunder, and where the liability of the Assured has been contested with the consent in writing of a majority (in amount) of the Underwriters on the ship hereby insured, the Underwriter will also pay a like proportion of the costs which the Assured shall thereby incur or be compelled to pay.

Notwithstanding the foregoing, this policy is:

(A) Warranted free from any claim arising directly or indirectly under Workmen's Compensation or Employers Liability Acts and any other Statutory or Common Law liability in respect of accidents to any person or persons whomsoever.

(B) Warranted free of loss or damage caused by strikers, locked-out workmen or persons taking part in labor disturbances or riots or civil commotions.

(C) Warranted free of loss or damage caused by earthquake.

(D) Warranted free of any consequential damages or claims for loss through delay however caused.

(E) Warranted free from claim for loss or damage to engines, boilers and all other materials while in transport, except in the port at which the vessel is being built.

This policy shall not be vitiated by any unintentional error in description of interest or voyage, provided the same be communicated to Underwriter as soon as known to the Assured, and an additional premium paid if required.

The words "Owner" and "Assured" as used in this policy shall be interpreted to mean either "Builder" or "Owner" or both.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy, but it shall not be valid unless countersigned by or on behalf of the Chief, Division of Insurance, Maritime Administration.

Countersigned at Washington, D. C., this ------ day of 195-----.

UNITED STATES OF AMERICA,
By Maritime Administrator, acting
for the Secretary of Commerce.

Maritime Administrator.

By:

Chief, Division of Insurance.

Form MA-283 (A) (12-52)

CLAUSES FOR BUILDER'S RISK

(Pre-launching Period)

Endorsement attached to and made a part of Policy WRBR -------- issued to ----------

The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

1. The amount insured hereunder shall be the valuation at risk at the shipyard of the builder during the currency of this insurance, which shall be the cost of materials plus the cost of labor, other direct charges, overhead, and profit of not exceeding 10 percent, all as determined from the Assured's records but the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable Acts of Congress, provided that the amount payable hereunder shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorised to pay under any applicable Acts of Congress, and provided further that in no event shall the amount of such liability to an insured owner exceed the value of the vessel as determined in accordance with section 802, Merchant Marine Act, 1936, as amended, if the vessel is being built with the aid of a construction-differential subsidy.

2. The Assured agrees to report to the Underwriter 100% of the valuation at risk and to pay premium on the amount reported.

3. The valuation at risk (as defined above) shall be reported to the Underwriter as follows:

(a) Valuation at risk at the inception of this insurance to be declared as soon as practicable.

(b) Valuation at risk as of the end of each calendar month thereafter to be declared not later than 15 days immediately following.

4. Premium shall be payable monthly at the rate of ------ percent per month. Premium for periods of less than one month shall be payable at the daily pro rata of the monthly rate. The premium for each month or part thereof shall be computed on the average of the last two successive reports. Premium shall be payable thirty days after receipt by the Assured of notice of the amount thereof and payment shall be made by check payable to the order of the "Maritime Adm.–Commerce".

5. Attaching as of the date and time the first material destined for inclusion as a part of the vessel becomes at risk at the shipyard of the builder and expiring as of the date and time the vessel first becomes water-borne after launching. Both dates and times shall be reported to the Underwriter as soon as known to the Assured.

6. The Underwriter shall have the right to change the rate of premium for this insurance at any time. Unless the revised rate of premium is accepted in writing by the Assured within fifteen days after receipt by the Assured of notice of the revised rate, this policy shall thereupon become null and void and of no effect as of Midnight, Standard Time at the location of the shipyard on the fifteenth day after receipt of said notice. Premium at the revised rate shall be payable for the fifteen-day period during which this insurance remained in force unless the Assured, within such period, dispatches notice to the Maritime Administrator, by telegraph of his refusal to accept such revised rate of premium, in which event premium at the revised rate shall be payable for that portion of the fifteen-day period prior to dispatch of such notice. Upon the dispatch of such notice of non-acceptance, the insurance provided hereunder shall ipso facto terminate.

7. Warranted that for and during the term of this policy the vessel is an American vessel as defined in Sec. 1201 (a), Public Law 763, 81st Congress, and if at any time during that term the vessel ceases to be an American vessel as defined in the Act or is requisitioned by the Government of the United States, this policy shall automatically terminate at the time of such change or requisition and daily pro-rata premium shall be payable to the date of termination.

8. In the event any premium, either original or additional, which becomes due and payable under any of the provisions of this endorsement or the policy to which it is attached is not paid within thirty days after receipt by the Assured of notice of the amount therof this insurance shall, notwithstanding any other provision for cancellation, become null and void and of no effect as of the commencement of the period for which the premium charge is made unless the Maritime Administrator agrees otherwise.

9. Warranted, no cancellation except by mutual consent except as provided in Paragraphs 6, 7 and 8 above.

Form MA-283 (B) (12-52)

CLAUSES FOR BUILDER'S RISK

(Post-launching Period—Excess)

Endorsement attached to and made a part of Policy WRBR -------- issued to ----------

The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

1. The amount insured hereunder is $------, being the excess of $------ primary insurance and this insurance to pay only that part of any loss, damage or expense covered hereunder which is in excess of the amount payable under the primary insurance but the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed the lower of (a) the amount insured hereunder or (b) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable Acts of Congress, provided that the amount payable under (b) hereof shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorised to pay under any applicable Acts of Congress, and provided further that in no event shall the amount of such liability to an insured owner exceed the value of the vessel as determined in accordance with Section 802, Merchant Marine Act, 1936, as amended, if the vessel is being built with the aid of a construction-differential subsidy.

2. In the event the primary insurance is cancelled through the operation of any automatic termination clause applicable thereto, the amount insured under the policy to which this endorsement is attached shall, at an additional premium to be fixed by the Maritime Administrator, be automatically increased by the amount of the primary insurance and thereupon insurance under the policy shall become primary insurance and Paragraph 1 of this endorsement shall be deemed to be deleted herefrom and Paragraph 1 of endorsement Form MA-283(O) substituted therefor, all other terms and conditions to remain the same.

3. Whereas the value stated herein is provisional and is based upon the estimated contract price, the parties to this insurance agree that the full value of the subject matter of this insurance, to be ascertained in accordance with the completed contract, shall be the basis of this insurance. Should the value for insurance, determined as above—

(I) Exceed the value stated herein, the Assured agrees to declare to the Underwriter the amount of such excess and to pay premium thereon at the full policy rate, and the Underwriter agrees to accept its proportionate share of the increase, or

(II) Be less than the value stated herein, the sum insured by this policy shall be reduced proportionately and the Underwriter agrees to return premium, at the full policy rate, on the amount by which its line is reduced.

4. Premium shall be payable at the rate of ------ percent. In the event of cancellation of insurance hereunder by reason of early delivery of the vessel to return monthly pro-rata premium for each uncommenced month. Premium shall be payable thirty days after receipt by the Assured of notice of the amount thereof and payment shall be made by check payable to the order of the "Maritime Adm.–Commerce".

5. Attaching as of the date and time the vessel first becomes water-borne after launching and expiring as of the date and time the vessel is delivered by the builder. Both dates and times shall be reported to the Underwriter as soon as known to the Assured.

6. The Underwriter shall have the right to change the rate of premium for this insurance at any time. Unless the revised rate of premium is accepted in writing by the Assured within fifteen days after receipt by the Assured of notice of the revised rate, this policy shall thereupon become null and void and of no effect as of Midnight, Standard Time at the location of the shipyard on the fifteenth day after receipt of said notice. Premium at the revised rate shall be payable for the fifteen-day period during which this insurance remained in force unless the Assured, within such period, dispatches notice to the Maritime Administrator, by telegraph of his refusal to accept such revised premium rate, in which event premium at the revised rate shall be payable for that portion of the fifteen-day period prior to dispatch of such notice. Upon the dispatch of such notice of non-acceptance, the insurance provided hereunder shall ipso facto terminate.

7. Warranted that for and during the term of this policy the vessel is an American vessel as defined in Sec. 1201 (a), Public Law 763, 81st Congress, and if at any time during that term the vessel ceases to be an American vessel as defined in the Act or is requisitioned by the Government of the United States, this policy shall automatically terminate at the time of such change or requisition and daily pro-rata return of premium shall be made.

8. Trial trips held covered at a rate to be fixed by the Maritime Administrator.

9. In the event any premium, either original or additional, which becomes due and payable under any of the provisions of this endorsement or the policy to which it is attached is not paid within thirty days after receipt by the Assured of notice of the amount thereof this insurance shall, notwithstanding any other provision for cancellation, become null and void and of no effect as of the commencement of the period for which the premium charge is made unless the Maritime Administrator agrees otherwise.

10. Warranted, no cancellation except by mutual consent except as provided in Paragraphs 6, 7 and 9 above.

Form MA-283 (C) (12-52)

CLAUSES FOR BUILDER'S RISK

(Post-launching Period—Primary)

Endorsement attached to and made a part of Policy WRBR -------- issued to ----------

The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

1. The amount insured hereunder is $------ but the amount of any claim for damage to or the total or constructive total loss of the vessel adjusted, compromised, settled, adjudged or paid shall not exceed

the lower of (a) the amount insured hereunder or (b) the vessel's fair and reasonable value as determined in accordance with Public Law 763, 81st Congress, and any other applicable Acts of Congress, provided that the amount payable under (b) hereof shall not exceed the maximum sum which the Maritime Administrator, as underwriter, is authorized to pay under any applicable Acts of Congress, and provided further that in no event shall the amount of such liability to an insured owner exceed the value of the vessel as determined in accordance with Section 802, Merchant Marine Act, 1936, as amended, if the vessel is being built with the aid of a construction-differential subsidy.

2. Whereas the value stated herein is provisional and is based upon the estimated contract price, the parties to this insurance agree that the full value of the subject matter of this insurance, to be ascertained in accordance with the completed contract, shall be the basis of this insurance.

Should the value for insurance, determined as above—

(I) Exceed the value stated herein, the Assured agrees to declare to the Underwriter the amount of such excess and to pay premium thereon at the full policy rate, and the Underwriter agrees to accept its proportionate share of the increase, or

(II) Be less than the value stated herein, the sum insured by this policy shall be reduced proportionately and the Underwriter agrees to return premium, at the full policy rate, on the amount by which its line is reduced.

3. Premium shall be payable at the rate of ------ percent. In the event of cancellation of insurance hereunder by reason of early delivery of the vessel to return monthly prorata premium for each uncommenced month. Premium shall be payable thirty days after receipt by the Assured of notice of the amount thereof and payment shall be made by check payable to the order of "Maritime Adm.—Commerce".

4. Attaching as of the date and time the vessel first becomes water-borne after launching and expiring as of the date and time the vessel is delivered by the builder. Both dates and times shall be reported to the Underwriter as soon as known to the Assured.

5. The Underwriter shall have the right to change the rate of premium for this insurance at any time. Unless the revised rate of premium is accepted in writing by the Assured within fifteen days after receipt by the Assured of notice of the revised rate, this policy shall thereupon become null and void and of no effect as of Midnight, Standard Time at the location of the shipyard on the fifteenth day after receipt of said notice. Premium at the revised rate shall be payable for the fifteen-day period during which this insurance remained in force unless the Assured, within such period, dispatches notice to the Maritime Administrator, by telegraph of his refusal to accept such revised premium rate, in which event premium at the revised rate shall be payable for that portion of the fifteen-day period prior to dispatch of such notice. Upon the dispatch of such notice of non-acceptance, the insurance provided hereunder shall ipso facto terminate.

6. Warranted that for and during the term of this policy the vessel is an American vessel as defined in section 1201 (a), Public Law 763, 81st Congress, and if at any time during that term the vessel ceases to be an American vessel as defined in the Act or is requisitioned by the Government of the United States, this policy shall automatically terminate at the time of such change or requisition and daily pro-rata return of premium shall be made.

7. Trial trips held covered at a rate to be fixed by the Maritime Administrator.

8. In the event any premium, either original or additional, which becomes due and payable under any of the provisions of this endorsement or the policy to which it is attached is not paid within thirty days after receipt by the Assured of notice of the amount thereof this insurance shall, notwithstanding any other provision for cancellation, become null and void and of no effect as of the commencement of the period for which the premium charge is made unless the Maritime Administrator agrees otherwise.

9. Warranted, no cancellation except by mutual consent except as provided in Paragraphs 5, 6 and 8 above.

Form MA-283 (D) (12-52)

UNITED STATES OF AMERICA

WAR RISK CLAUSES FOR BUILDER'S RISK

Endorsement attached to and made part of Policy WRBR ------ issued to ----------

It is agreed that this insurance covers only those risks which would be covered by the attached policy (including running down liability under the Collision Clause) in the absence of the F. C. & S. warranty contained therein but which are excluded by that warranty. This insurance is also subject, however, to the following warranties and additional clauses:

1. The Adventures and Perils Clause shall be construed as including the risks of piracy, civil war, revolution, rebellion or insurrection or civil strife arising therefrom, floating and/or stationary mines and/or torpedoes whether derelict or not and/or military or naval aircraft and/or other engines of war including missiles from the land and weapons of war employing atomic fission or radioactive force and warlike operations and the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, but excluding arrest, restraint or detainment under customs or quarantine regulations, and similar arrests, restraints or detainments not arising from actual or impending hostilities or sanctions.

2. The provisions of the attached policy with respect to constructive total loss shall apply only to claims arising from physical damage to the insured vessel.

3. Warranted free from any claim for delay or demurrage and warranted not to abandon in case of capture, seizure or detention, until after condemnation of the property insured.

4. Warranted free from any claim based upon loss of or frustration of the insured voyage or adventure caused by arrests, restraints or detainments, of kings, princes, or peoples.

5. Warranted free from any claim arising from capture, seizure, arrest, restraint, detainment, preemption, confiscation or requisition by the Government of the United States.

§ 308.409 *Reporting casualties and filing claims.* Casualties shall be reported promptly to, and all claim documents filed with, the Chief, Division of Insurance, Maritime Administration, Department of Commerce, Washington 25, D. C.

SUBPART F—WAR RISK CARGO INSURANCE

I—INTRODUCTION

§ 308.500 *Authority.* The Secretary of Commerce delegated authority to the Maritime Administrator to perform the functions vested in the Secretary of Commerce by title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress, except the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary of Commerce. (Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (Amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519.)

§ 308.501 *Cargoes on which coverage is available.* When this order becomes effective as provided in § 308.551, the Maritime Administrator will be prepared to provide marine insurance against loss or damage by the risks of war under approved clauses on shipments of cargoes coming within one or more of the following categories:

(a) Shipped or to be shipped on any American vessel, as defined in section 1201 (a) of the Merchant Marine Act, 1936, as amended;

(b) Shipped or to be shipped on any foreign flag vessels owned by citizens of the United States;

(c) Owned by citizens or residents of the United States, its Territories or possessions;

(d) Imported to, or exported from, the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(e) Sold or purchased by citizens or residents of the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(f) Shipped between ports in the United States, or between ports in the United States and its Territories and possessions, or between ports in such Territories or possessions; and

(g) Shipped or to be shipped on any foreign flag vessels, whether or not owned by citizens of the United States, if such vessels are engaged in transportation in the water-borne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Maritime Administrator to be in the interest of the national defense or the national economy of the United States, when so engaged.

Cargo war risk insurance will be written under either an open policy or a facultative policy in accordance with the provisions of this subpart.

§ 308.502 *Additional insurance.* The assured may place increased value or additional insurance in other markets beyond the amount of insurance provided by the Maritime Administrator, but such insurance must be non-participating with the Maritime Administrator's coverage, and without benefit of salvage or right of contribution.

§ 308.503 *Rate schedules.* Rate schedules published by the Maritime Administrator may be obtained from an underwriting agent. All rate schedules are subject to change by the Maritime Administrator at any time without notice. If no rate is published for a voyage on which war risk coverage is available, the Maritime Administrator will name a rate through an underwriting agent upon application.

§ 308.504 *Definition of territories and possessions.* Whenever reference is made to the territories and possessions of the United States in this subpart or in any supplement thereto or any policy of insurance issued pursuant to the provisions thereof, said territories and possessions shall be deemed to include only the Territory of Alaska, the Territory of the Hawaiian Islands, the Virgin Islands of the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, Wake Island, Midway Islands, and the Panama Canal Zone.

II—OPEN POLICY WAR RISK CARGO INSURANCE

§ 308.505 *General.* The Maritime Administrator is prepared to provide an open cargo war risk insurance policy covering any cargoes described in § 308.501. The policy will be in the standard form of War Risk Open Cargo Policy, Form MA-300, prescribed in § 308.517. All policies will be issued by underwriting agents appointed by the Maritime Administrator. All underwriting agents will be domestic insurance companies authorized to do a marine insurance business in a State of the United States.

§ 308.506 *Application for an open cargo policy.* Application for an Open Cargo Policy shall be made by filing Form MA-301, prescribed in § 308.521, with an underwriting agent of the Maritime Administration. The application shall state the applicant's name and address; the person or persons to whom loss shall be payable; the nature and geographic scope of the shipments to be covered under the policy which shall not be broader than the coverage authorized in § 308.501; the requested effective date, which shall not be earlier than the date of the completion of the requirements for the issuance of the policy; and the basis of valuation to be incorporated in the policy. An applicant may specify one basis of valuation for imports and another for exports, and he may specify different bases of valuation for different commodities or voyages, provided that each basis of valuation specified by the applicant shall define the value by the use of facts which existed prior to the date of the shipment and which are readily ascertainable by either party after the safe arrival br loss of the shipment.

§ 308.507 *Security for payment of premiums.* Clause 21 of the policy requires the assured to maintain with the Maritime Administrator a collateral deposit fund or a surety bond, to secure the payment of the premiums, in an amount which shall at all times exceed the unpaid premiums on all risks which have attached under the policy. The minimum amount of the fund or of the surety bond shall be $1,000. Clause 21 also provides that, within seven (7) days from the time knowledge comes to the assured that the amount of the deposit or the surety bond is insufficient to meet the requirements of Clause 21, the assured shall deposit additional collateral or increase the surety bond in an amount not less than double the amount of such insufficiency, and for a sum which shall be a multiple of $500. If the assured fails to increase the deposit or the surety bond within the seven (7) day period, the policy automatically becomes void at the end of the seven (7) day period except as to risks which have attached prior to that date. The procedure for establishing a collateral deposit fund is prescribed in § 308.509, and the procedure for posting and maintaining a surety bond is prescribed in § 308.510. An application for the issuance of an open cargo policy shall be ineffective unless a collateral deposit fund is established and maintained, or a surety bond is posted and maintained, in accordance with the provisions of this section and §§ 308.509 and 308.510.

§ 308.508 *Issuance of an open cargo policy*—(a) *Time.* The underwriting agent will issue an Open Cargo Policy within fifteen (15) days after the completion by the applicant of the requirements set forth in §§ 308.506 and 308.507 unless the time for issuance is extended by the Maritime Administrator in writing. The underwriting agent may not make any Open Cargo Policy effective with respect to shipments attaching on a date earlier than the date when the application was completed, but he may make it effective on the date of the completion of the application or any date thereafter requested by the applicant.

(b) *Numbering.* Each Open Cargo Policy supplied to the underwriting agent by the Maritime Administrator shall be numbered by the Maritime Administration before it is supplied to the underwriting agent. No two numbers shall be the same. The underwriting agent when issuing the policy shall add at the end of the policy number the agency number assigned to that underwriting agent, and where policies are issued by more than one office of an underwriting agent the issuing office shall also be identified in the policy number. For example, policies issued by an office in New York will be designated by "NY" and policies issued in San Francisco will be designated by "SF" prefixed to the underwriting agent's agency number.

§ 308.509 *Collateral deposit fund*—(a) *Requirements.* An assured electing to use a cash collateral deposit fund pursuant to § 308.507 shall comply with the provisions of this section and Clause 21 of the Open Cargo Policy, Form MA-300, prescribed in § 308.517.

(b) *Cash or Government bonds.* To establish a collateral deposit fund the applicant shall deposit with the underwriting agent a check payable to the order of the "Maritime Adm.-Commerce" for the amount of the fund, or United States Government bonds having a par value at the time of deposit of the amount of the fund, which shall be a multiple of $500 but not less than $1,000, together with a letter of transmittal executed by the applicant on Form MA-302, prescribed in § 308.522. Upon receipt of the deposit, the underwriting agent shall assign a serial number to it and trasmit it to the Comptroller, Maritime Administration, Washington 25, D. C. It is the responsibility of the assured to make sure that this deposit fund is sufficient at all times to cover the premiums payable on all risks which have attached under the policy, so as to prevent the termination of the insurance under the provisions of Clause 21.

(c) *Overdue premiums.* Pursuant to Clause 20, if the assured fails to pay any premium when it becomes due and payable, he thereby breaches the policy and it automatically ceases to insure any shipments which would otherwise have attached after the expiration of fifteen (15) days following the due date of the premium, unless within the fifteen (15) day period the premium has been paid and the assured has otherwise complied with the requirements of the policy, including the filing of the closing report required by Clause 19 and the payment of the reinstatement fee of $25.00 required by Clause 20. If the assured fails to pay the premium within the fifteen (15) day period, the Maritime Administrator may deduct from the assured's collateral deposit fund all amounts due.

(d) *Increase in amount of collateral as required by Clause 21.* If the assured fails to deposit additional collateral in the fund within seven (7) days from the time knowledge comes to the assured that the amount of collateral is insufficient to meet the requirements of Clause 21, the policy shall be void except as to risks which have attached prior to the expiration of the seven (7) day period.

(e) *Changes in amount of collateral.* The assured may increase or decrease the amount of the collateral deposit fund by amounts of not less than $500 or multiples thereof, provided that the amount of the fund shall not be less than the amount required by Clause 21, or the required minimum of $1,000, whichever is greater. The effect of any change in the amount of the collateral deposit shall be the sole responsibility of the assured, and the permission granted by this paragraph to change the amount of collateral in the fund shall in no manner relieve the assured of the responsibility imposed by Clause 21.

(f) *Increase of collateral.* To increase the amount of the collateral on deposit in the fund, the assured shall transmit to the underwriting agent on Form MA-302, prescribed in § 308.522, a check payable to the order of the "Maritime Adm.-Commerce" or United States Government bonds having a par value at the time of deposit of not less than the amount of the requested increase. The increase shall become effective upon the date of the receipt of the application and check or bonds by the underwriting agent as shown on Form MA-302.

(g) *Decrease of collateral.* To decrease the collateral deposit fund, the assured shall file with the underwriting agent an application on Form MA-305, prescribed in § 308.525. The decrease shall become effective upon the date of the receipt of the application by the underwriting agent as shown on Form MA-305.

(h) *Refund of collateral.* Whenever the assured becomes entitled to a refund of the collateral deposit, in whole or in part, by reason of a request for a partial return of such collateral, or the cancellation of the policy and the payment in full of all premiums then or thereafter due, or the waiver by the Maritime Administrator of the requirements of maintaining the collateral deposit fund because the assured is a department or agency of the United States or is acting on behalf of such a department or agency, or the substitution of a surety bond in the place and stead of the collateral deposit fund, as provided in § 308.510 (j), the Maritime Administrator will refund to the assured the amount of the collateral deposit to which the assured is entitled; provided, however, that the repayment of such collateral shall not be made by the Maritime Administrator until the assured has filed a closing report and paid in full all premiums with respect to all shipments which had attached at the time of the receipt by the underwriting agent of the application for the refund, Form MA–305, and a certificate executed in duplicate on Form MA–306, prescribed in § 308.526, and, in the event of the substitution of a surety bond for the collateral deposit fund, the receipt by the underwriting agent of the surety bond properly executed, in accordance with § 308.510.

§ 308.510 *Surety bond*—(a) *Requirements.* An assured electing to post a surety bond pursuant to § 308.507 shall comply with the provisions of this section and Clause 21 of the Open Cargo Policy, Form MA–300, prescribed in § 308.517.

(b) *Amount of bond.* An applicant who wishes to post a surety bond shall deliver to the underwriting agent a surety bond on Form MA–308, prescribed in § 308.528, executed by the assured as principal, and by the surety, in such amount as the assured determines to be necessary to comply with Clause 21. Such amount shall be a multiple of $500 but shall not be less than $1,000. Upon receipt of the surety bond, the underwriting agent shall assign a serial number to it and transmit it to the Comptroller, Maritime Administration, Washington 25, D. C. It is the responsibility of the assured to make sure that the amount of the bond is sufficient at all times to cover the premium payable on all risks which have attached under the policy, so as to prevent the termination of the insurance under the provisions of Clause 21.

(c) *Surety.* The sufficiency of the surety executing the bond shall be subject to approval by the Maritime Administrator. The underwriting agent may accept on behalf of the Maritime Administrator a surety bond executed by a surety named on the United States Treasury Department's approved list of sureties whose bonds are acceptable to the United States Treasury Department to secure obligations due the United States, provided the bond is within the maximum amount for which the surety is so authorized to write bonds as shown by the approved list.

(d) *Overdue premiums.* Pursuant to Clause 20, if the assured fails to pay any premium when it becomes due and payable, he thereby breaches the policy and it automatically ceases to insure any shipments which would otherwise have attached after the expiration of fifteen (15) days following the due date of the premium, unless within the fifteen (15) day period the premium has been paid and the assured has otherwise complied with the requirements of the policy, including the filing of the closing report required by Clause 19 and the payment of the reinstatement fee of $25.00 required by Clause 20. If the assured fails to pay the premium within the fifteen (15) day period, all amounts due shall become a liability collectible under the surety bond and from the assured.

(e) *Increase in amount of bond as required by Clause 21.* If the assured fails to increase the amount of the surety bond within seven (7) days from the time knowledge comes to the assured that the amount of the bond is insufficient to meet the requirements of Clause 21, the policy shall be void except as to risks which have attached prior to the expiration of the seven (7) day period.

(f) *Changes in amount of bond.* The assured may increase or decrease the amount of the surety bond by amounts of not less than $500 or multiples thereof, provided that the amount of the bond shall not be less than the amount required by Clause 21, or the required minimum of $1,000, whichever is greater. The effect of any change in the amount of the bond shall be the sole responsibility of the assured, and the permission granted by this paragraph to change the amount of the bond shall in no manner relieve the assured of the responsibility imposed by Clause 21.

(g) *Increase in amount of bond.* To increase the surety bond the assured shall transmit to the underwriting agent, on Form MA–310, prescribed in § 308.530, an endorsement duly executed by the assured and the surety company on Form MA–311, prescribed in § 308.531. The increase shall become effective upon the date of the receipt of the endorsement by the underwriting agent as shown on Form MA–311.

(h) *Decrease in amount of bond.* To decrease the amount of the bond, the assured shall transmit to the underwriting agent, on Form MA–310, prescribed in § 308.530, an endorsement duly executed by the assured and the surety on Form MA–311, prescribed in § 308.531. The decrease shall become effective upon the date of the receipt of the endorsement by the underwriting agent as shown on Form MA–311, except as to shipments which on that date are known or reported to the assured to be in transit and which have attached under the policy and upon which premium has not been paid in full.

(i) *Termination of bond.* Whenever the assured becomes entitled to a termination of a surety bond by reason of the cancellation of the policy and the payment in full of all premiums then or thereafter due, or the waiver by the Maritime Administrator of the requirements of maintaining the surety bond by an assured which is a department or agency of the United States or is acting on behalf of such a department or agency, or the substitution of a collateral deposit fund in the place or stead of the surety bond, the underwriting agent shall execute a release on Form MA–312, prescribed in § 308.532. The release shall be made effective as of (1) the effective date of the cancellation of the policy when the bond is terminated for that reason, or (2) the date of the Maritime Administrator's directive waiving the requirement of a surety bond when the bond is terminated for that reason, or (3) the effective date of the establishment of a collateral deposit fund when the bond is terminated for that reason.

(j) *Substitution of bond for collateral deposit.* An assured may substitute a surety bond for a collateral deposit fund by delivering to the underwriting agent a surety bond on Form MA–309, prescribed in § 308.529, executed by the assured as principal, and by the surety, in such amount as the assured determines to be necessary to comply with Clause 21. Such amount shall be a multiple of $500, but shall not be less than $1,000. The collateral deposit fund will be refunded to the assured after the bond has been posted, in accordance with the provisions of § 308.509 (h).

§ 308.511 *Cancellation of open cargo policy.* An assured may cancel an Open Cargo Policy by delivering to the underwriting agent, at least fifteen (15) days prior to the requested date of cancellation, an application for cancellation executed by the assured on Form MA–304, prescribed in § 308.524, together with the original policy. The policy shall be cancelled as of the effective date requested in the application, which, unless otherwise agreed by the Maritime Administrator in writing, shall not be a date earlier than fifteen (15) days following the date of the receipt of the application as acknowledged by the underwriting agent on Form MA–304, with respect to all risks that have not attached prior to said effective date. Such cancellation shall not relieve the assured of the obligation to file closing reports with respect to all risks which attached prior to the effective date of the cancellation and to pay all unpaid premiums. Within four (4) months of the effective date of cancellation, unless otherwise agreed by the Maritime Administrator in writing, the assured must file a closing report in duplicate on Form MA–313, prescribed in § 308.533, of all shipments covered by the policy for which closing reports have not been previously filed. The assured shall mark this closing report "Final Closing Report on Cancellation of Policy", and file a certificate on Form MA–313–B, prescribed in § 308.535, executed by the assured in duplicate. Thereafter when all unpaid premiums have been paid, the assured will become entitled to a refund of the collateral deposit, or cancellation of the surety bond in accordance with §§ 308.509 and 308.510. If the assured has lost or mislaid the original policy and is unable to produce it for cancellation, the assured shall execute a letter of indemnity and such other documents as may be required by the Maritime Administrator.

§ 308.512 *Declaration of shipments under open cargo policy*—(a) *Closing report.* The assured must file with the underwriting agent, not later than the twenty-fifth day of each month, a closing report for all inward shipments and a closing report for all outward shipments, and pay the premium and fees, for all shipments covered during the preceding calendar month, as required by Clause 19. Each closing report shall be filed in duplicate on Form MA–313, prescribed in § 308.533, supported by a certificate executed by the assured on Form MA–313–A, prescribed in § 308.534. If the assured has no shipments to report during any calendar month, the closing report, Form MA–313, must nevertheless be filed with one or both of the following statements, depending upon their applicability, noted thereon:

(1) It is certified that no inward shipment coming within the scope of this policy arrived at destination during the preceding calendar month, and that during the preceding calendar month no knowledge has come to the assured of an inward shipment covered under the terms of the policy which will not arrive by reason of loss, frustration or other similar cause.

(2) It is certified that no outward shipment coming within the scope of this policy was made during the preceding calendar month.

Whenever a sea passage is made with respect to cargo covered under the policy by a barge or sailing vessel the assured shall note that fact upon the closing report, unless the Maritime Administrator otherwise agrees. An assured reporting for one calendar month must not include therein a report of a shipment due to be reported in the report for the next succeeding calendar month. Thus, the report of January closing shipments filed in February should not include February closings.

(b) *Inward shipments.* The closing report covering inward shipments shall include (1) all such shipments which have arrived at the port of destination during the preceding calendar month, and (2) all such shipments with respect to which inability to so arrive by reason of loss, frustration, or other similar causes has come to the knowledge of the assured during the preceding calendar month.

(c) *Outward shipments.* The closing report covering outward shipments shall include all such shipments which attached under the policy during the preceding calendar month.

(d) *Definition of inward and outward shipments.* A shipment will be classified as an inward shipment or as an outward shipment by reference to the geographical location of the assured with respect to the movement of the shipment. The address of the assured as stated in the application filed by him for the policy shall be deemed to be the assured's geographical location for the purpose of determining whether the shipment is inward or outward. To illustrate, if an assured has stated in his application that his address is in Hawaii, the assured's shipments of goods from the United States to Hawaii would be classified as inward, and his shipments from Hawaii to the United States would be classified as outward. Any shipments that cannot be classified as inward or outward under this definition shall be treated as inward shipments for the purposes of the declaration.

(e) *Supplemental closing report.* If an assured files a closing report and thereafter discovers that one or more additional shipments should have been included in the report, then, even though the assured has executed the certificate on Form MA–313–A, prescribed in § 308.534, or Form MA–313–B, prescribed in § 308.535, in connection with the closing report, the assured must nevertheless amend the closing report by filing a supplemental closing report supported by an appropriate certificate. The supplemental closing report must be accompanied by a statement in writing signed by the assured giving the reasons for the omission of such shipments from the original closing report. If the Maritime Administrator finds that the failure to file the complete closing report was either inadvertent or unintentional or arose by reason of causes beyond the control of the assured, the otherwise automatic termination of the policy by reason of a breach of the warranty embodied in Clause 20 shall be avoided pursuant to the provisions of Clause 23.

§ 308.513 *Payment of premiums and fees.* The assured must pay the premium, when his closing report is filed, for all shipments shown on his closing report for the preceding month, at the rates prescribed by the Maritime Administrator and in effect (a) on the date of the ocean bill of lading, or (b) if an ocean bill of lading was not issued, on the date of the equivalent shipping document, or (c) if no ocean bill of lading or equivalent shipping document was issued, or if such documents were undated, on the date the goods were laden on the overseas vessel, as required by Clause 19. All payments of premium or fees must be made by check or money order payable to the order of the "Maritime Adm.–Commerce".

§ 308.514 *Return premium.* No premium will be returned to the assured with respect to a shipment of goods that attached under the policy except where there was a declaration of value at variance with Clause 8, or an error in the application of a rate or in the computation of a premium, or the insured goods were short-shipped. An application for the return of a premium shall be made on Form MA–307, prescribed in § 308.527, filed in duplicate with the underwriting agent who will transmit it to the Maritime Administrator for payment.

§ 308.515 *Payment in event of loss.* All claims for losses shall be filed by the assured with the underwriting agent who issued the policy. Such claims must be supported by the customary documents required in connection with war risk insurance claims, together with appropriate declarations as required by Clause 9, and such further data as may now or hereafter be required by the Maritime Administrator.

§ 308.516 *Failure to comply with Clause 21.* (a) If the assured wilfully fails to maintain a collateral deposit fund or a surety bond in an amount sufficient to meet the requirements of Clause 21, the policy becomes void from the date the fund or bond was first insufficient, but, if the assured's failure was inadvertent, the policy may be reinstated when the assured complies with Clause 21, and shows to the satisfaction of the Maritime Administrator that his failure was inadvertent and not wilful. If the failure was in fact inadvertent, the assured shall file a declaration on Form MA–314, prescribed in § 308.536, executed in duplicate, with the underwriting agent within seven (7) days from the time knowledge comes to the assured of the insufficiency of the collateral deposit fund or surety bond unless the time for filing such declaration is extended by permission of the Maritime Administrator. If the space provided in the declaration, Form MA–314, for an explanation of the circumstances by which the assured first had knowledge that the collateral became exceeded is not sufficient, the assured should attach to the declaration a detailed statement and include the same by reference in the declaration.

(b) If any policy becomes void by reason of the failure of the assured to deposit additional collateral or increase the amount of its surety bond under the provisions of Clause 21, the Maritime Administrator reserves the right to refuse to issue another policy to such assured for a period of 90 days.

§ 308.517 *Open cargo policy, Form MA–300.* The following is the standard form of War Risk Open Cargo Policy:

Form MA–300 (7–54)

United States of America

Department of Commerce

Maritime Administration

War Risk Open Cargo Policy No. WROC ----

CLAUSE 1. *Assured.* The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce (herein called the "Underwriter"), in consideration of the premiums as computed and agreed to be paid pursuant to Clause 19, and of the establishment and maintenance of a collateral deposit fund or the posting and maintenance of a surety bond pursuant to Clause 21, and in accordance with applicable provisions of law and subject to all limitations thereof, particularly title XII, Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "Act"), hereby insures ---------- (herein called the "Assured"), against War Risks Only, in accordance with the terms and conditions hereinafter set forth. This policy is issued on behalf of the Underwriter by ---------- (herein called the "Underwriting Agent").

CLAUSE 2. *Loss payable.* Loss, if any, payable, in funds current in the United States of America, to the order of the Assured thirty days after satisfactory proofs of loss and proofs of interest have been filed with the Underwriting Agent.

CLAUSE 3. *Goods insured.* To attach, as provided in clauses 5 and 13, upon all shipments of lawful goods and/or merchandise

consisting principally of ---------- which come within one or more of the following categories, as required by section 1203 (b) of the Act:

(a) Shipped or to be shipped on any American vessel, as defined in section 1201 (a) of the Act;

(b) Shipped or to be shipped on any foreign flag vessel owned by citizens of the United States;

(c) Owned by citizens or residents of the United States, its Territories or possessions;

(d) Imported to, or exported from, the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(e) Sold or purchased by citizens or residents of the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(f) Shipped between ports in the United States, or between ports in the United States and its Territories or possessions, or between ports in such Territories or possessions; and

(g) Shipped or to be shipped on any foreign flag vessels, whether or not owned by citizens of the United States, if such vessels are engaged in transportation of waterborne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Maritime Administrator to be in the interest of the national defense or the national economy of the United States, when so engaged.

CLAUSE 4. *Insurable interest.* To cover all shipments:

(a) *By assured.* Shipped or consigned to, or by, the Assured for his account and risk;

(b) *By others for assured.* Shipped or consigned to, or by, other persons for the account and at the risk of the Assured;

(c) *Sold prior to loading.* Shipped to, by, or at the direction of the Assured and sold by him prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel;

(d) *Sold after attachment of risk.* Shipped to, by, or at the direction of the Assured and sold by the Assured subsequent to the attachment of risk hereunder on terms requiring the Assured to provide war risk insurance to the port of discharge, subject to the condition that in the event of loss the amount collectible shall not exceed the amount which would have been collectible by the Assured if the Assured at the time of loss had retained full interest in the insured goods.

CLAUSE 5. *Attachment.* To attach, as provided in Clause 13, on all shipments made on or after ----------:

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date.

CLAUSE 6. *Conveyance.* By overseas vessels and connecting conveyances.

CLAUSE 7. *Voyages covered.* At and from ---------- to ----------.

CLAUSE 8. *Valuation.* Goods insured hereunder shall be valued at ----------.

CLAUSE 9. *Limits on amount payable for loss*—(a) *Fair market value at commencement of risk.* In the event of loss, the Assured shall file a declaration (under the penalties of perjury) stating that the amount claimed does not exceed the fair market value of the lost or damaged goods at the place and approximate time of the attachment of risk, plus the cost of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods.

(b) *Fair market value at port of arrival.* If it is impossible to determine the fair market value at the place and approximate time of the attachment of risk, as provided in paragraph (a) of this clause, the Assured shall file a declaration (under the penalties of perjury) stating that the amount claimed does not exceed the fair market value at the designated port of arrival on the date of the attachment of risk, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods.

(c) *Purchase price less discount.* If the lost or damaged goods were purchased by the named Assured prior to loading on board the overseas vessel, the Assured shall file a declaration (under the penalties of perjury), in lieu of the declarations provided for in paragraphs (a) and (b) of this clause, stating that the amount claimed does not exceed the actual amount paid or payable to the seller for the goods less all discounts, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods. If Standard Optional Endorsement No. 2, Form MA-300-B, has been executed, and if the lost or damaged goods were purchased by the principal named in Endorsement No. 2, the declaration provided for in this paragraph shall be signed by both the agent and the named principal.

(d) *Sales price less discounts.* If the lost or damaged goods were shipped by, to, or at the difection of the Assured and were sold by the Assured prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel, and which were shipped for the account and at the risk of third persons other than a branch, subsidiary or affiliate of the Assured, the named Assured shall file a declaration (under the penalties of perjury), in lieu of the declarations required by paragraphs (a), (b), or (c) of this clause, stating that the amount claimed does not exceed the actual bona fide sales price less all discounts, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods if such items are not included in the sales price. The claim shall be filed by the named Assured unless otherwise permitted in writings by the Maritime Administrator for good cause shown.

(e) *Criminal Code.* The declarations required to be filed pursuant to this clause shall be subject to the United States Criminal Code which makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

AMERICAN INSTITUTE WAR CLAUSES

CLAUSE 10. *War risks only.* This insurance is only against the risks of capture, seizure, destruction or damage by men-of-war, piracy, takings at sea, arrests, restraints, detainments and other warlike operations and acts of kings, princes and peoples in prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, or civil strife arising therefrom, and including the risks of aerial bombardment, floating or stationary mines and stray or derelict torpedoes and weapons of war employing atomic fission or radioactive force; but excluding claims for delay, deterioration and/or loss of market, and warranted not to abandon (on any ground other than physical damage to ship or cargo) until after condemnation of the property insured.

CLAUSE 11. *Arrests, restraints.* Warranted free from any claim based upon loss of, or frustration of, the insured voyage or adventure caused by arrests, restraints or detainments.

CLAUSE 12. *Commandeering.* This insurance does not cover any loss or damage caused by or resulting from any of the following causes:

(a) Commandeering, preemption, requisition or nationalization by the government (de facto or otherwise) of the country to or from which the goods are insured.

(b) Seizure or destruction under quarantine or custom regulations.

CLAUSE 13. *Period covered.* (a) The insurance against the risks enumerated in Clause 10, except the risks of floating or stationary mines and stray or derelict torpedoes, floating or submerged, referred to in Clause 13 (b) below, shall not attach to the interest hereby insured or to any part thereof—

(1) Prior to being on board an overseas vessel (for the purpose of this Clause 13 an overseas vessel shall be deemed to mean a vessel carrying the interest from one port or place to another where such voyage involves a sea passage by that vessel);

(2) After being discharged overside from an overseas vessel at the final port of discharge;

or

after the expiry of fifteen (15) days counting from midnight of the day of arrival of the overseas vessel at the final port of discharge whichever shall first occur;

(3) After expiry of fifteen (15) days from midnight of the day of arrival of the overseas vessel at an intermediate port or place to discharge the interest for on-carriage from that or any other port or place by another overseas vessel, but shall re-attach as the interest is loaded on the on-carrying overseas vessel. During the said period of fifteen (15) days the insurance remains in force whether the interest is awaiting transit or in transit between the overseas vessels.

(b) The insurance against the risks of floating or stationary mines and stray or derelict torpedoes, floating or submerged, attaches as the interest hereby insured is first loaded on lighter, craft, or vessel after leaving the warehouse at point of shipment in transit for the destination declared hereunder, and ceases to attach as the interest is finally landed from the vessel, craft or lighter prior to delivery to warehouse at such destination.

If the contract of affreightment is terminated at a port or place other than the destination named therein such port or place shall be deemed the final port of discharge for the purpose of this clause.

It is a condition of this insurance that the Assured shall act with reasonable dispatch in all circumstances within their control.

If anything contained in this policy shall be inconsistent with this Clause 13 it shall to the extent of such inconsistency be null and void.

CLAUSE 14. *Deviation.* This insurance shall not be vitiated by deviation, overcarriage, change of voyage, or by any error or unintentional omission in the description of interest, vessel or voyage, provided the same be communicated to the Underwriting Agent as soon as known to the Assured and an additional premium paid if required.

CLAUSE 15. *Sue and labor.* In case of any loss or misfortune, it shall be lawful and necessary to and for the Assured, his or their factors, servants and assigns, to sue, labor and travel for, in and about the defense, safeguard and recovery of the said goods and merchandise, or any part thereof, without prejudice to this insurance; nor shall the acts of the Assured or the Underwriter, in recovering, saving and preserving the property insured, in case of disaster, be considered a waiver or an acceptance of abandonment; and to the charges whereof, the Underwriter will contribute according to the rate and quantity of the sum hereby insured.

CLAUSE 16. *General average.* General Average and Salvage Charges payable according to United States laws and usage and/or as per York-Antwerp Rules (as prescribed in whole or in part) if in accordance with the Contract of Affreightment.

CLAUSE 17. *Collision.* No claim shall be payable hereunder which arises from collision, contact with any fixed or floating object (other than a mine or torpedo), stranding, heavy weather or fire unless caused directly (and independently of the nature of the voyage or service which the vessel concerned or, in the case of a collision, any other vessel involved therein, is performing) by a hostile act by or against a belligerent power; and for the purpose of this paragraph "power" includes any authority maintaining naval, military or air forces in association with a power.

SPECIAL CLAUSES

CLAUSE 18. *Transit interrupted.* If the ordinary course of transit of the goods hereby insured is interrupted or terminated by the shipper, consignee, or Assured or any party acting on their behalf, this insurance shall forthwith terminate.

CLAUSE 19. *Closing report.* It is warranted that not later than the 25th day of each calendar month, the Assured will file with the Underwriting Agent closing reports in the manner and form required by such regulations as may be promulgated by the Maritime Administrator from time to time of all shipments coming within the scope of this policy.

(a) As to inward shipments as defined in section 308.512 of Maritime Administration General Order No. 75 such reports must include

(1) All shipments which have arrived at port of destination during the preceding calendar month, and

(2) All shipments with respect to which inability to so arrive by reason of loss frustration or other similar cause has come to the knowledge of the Assured during the preceding calendar month, and

(b) As to outward shipments as defined in section 308.512 of Maritime Administration General Order 75 which attached under the policy during the preceding calendar month.

And will pay premium thereon at the rate prescribed by the Maritime Administrator and in effect:

(1) On the date of the ocean bill of lading, or

(2) If an ocean bill of lading was not issued, on the date of the equivalent shipping document, or

(3) If no ocean bill of lading or equivalent shipping document was issued, or if such documents were undated, on the date the goods were laden on an overseas vessel.

CLAUSE 20. *Breach of policy.* It is understood and agreed that whenever any premium is not paid when due, or any closing report is not filed as prescribed by Clause 19 hereof, the effect is such that a breach of the policy terms and conditions has been made by the Assured, and the policy automatically ceases to insure any shipment which would otherwise have attached after the expiration of fifteen (15) days following the due date of the premium or closing report, unless within the said fifteen (15) day period, the premium is paid or the closing report as required by Clause 19 hereof is filed with the Underwriting Agent, and a reinstatement fee of Twenty-five ($25) Dollars is paid by check or United States Postal Money Order payable to the Order of the "Maritime Adm.–Commerce", together with the amount of premium due, if any.

CLAUSE 21. *Collateral.* It is warranted that the Assured will at all times maintain with the Maritime Administrator a Collateral Deposit Fund or that in lieu of such Collateral Deposit Fund a Surety Bond in the form prescribed by the Maritime Administrator will be filed with the Underwriting Agent and maintained in full force and effect for the purpose of securing payment of premium hereunder. In the event that the Assured inadvertently fails to maintain such a Collateral Deposit Fund or such a Surety Bond in an amount sufficient so that at all times such amount is in excess of the unpaid premium then or thereafter payable with respect to any or all risks which have attached under the terms of the policy, it shall be a condition of this insurance that unless the Assured shall within seven (7) days from the time such insufficiency comes to the knowledge of the Assured deposit additional collateral or increase the surety bond in an amount not less than double the amount of such insufficiency and for a sum which shall be in even multiples of $500, this policy shall be void at the end of such seven (7) day period except as to risks which shall have attached prior to such voidance of this policy.

Notwithstanding the foregoing, however, if the Maritime Administrator shall determine that the failure of the Assured to maintain a sufficient Collateral Fund or Surety Bond was wilful rather than inadvertent, said policy shall be void from the date said Collateral Fund or Surety Bond was first insufficient to secure the premiums on risks which would otherwise have attached hereunder.

CLAUSE 22. *Books and records.* The Assured warrants and agrees that it will regularly keep books, records and accounts in such manner and form that all information available to the Assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator. The Assured, as often as may be reasonably required, shall exhibit such books, records and accounts to any person designated by the Maritime Administrator, and submit to examinations under oath by any person named by the Maritime Administrator, and subscribe the same.

CLAUSE 23. *Unintentional error.* This insurance shall not be invalidated by any error, or omission in the filing of Closing Reports which is demonstrated to the satisfaction of the Maritime Administrator to have been inadvertent or unintentional, or by any failure to report which is demonstrated to the satisfaction of the Maritime Administrator to have arisen from causes beyond the control of the Assured. The Maritime Administrator, or his representative duly authorized in writing, may waive strict compliance with any warranty or condition of this insurance to the extent that he may determine that it imposes a hardship on any claimant in good faith hereunder which would not be imposed in connection with a policy issued in accordance with commercial practice in the marine insurance business, and to the extent that he may determine that such waiver is not contrary to the provisions of title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress, under which the Policy is issued. In any determination as aforesaid the decision of the Maritime Administrator, or his duly authorized representative, shall be conclusive upon all parties thereto.

CLAUSE 24. *Goods excluded.* This policy does not cover shipments of specie, currency, securities, valuable documents, jewelry, precious stones, gold and silver and other precious metals, nor any articles transported by means of ordinary mail or air-mail or registered mail or parcel post.

CLAUSE 25. *Special coverage.* No shipment of cargo coming within the scope of this policy shall attach hereunder subsequent to the sailing of the carrying vessel from the original port of loading with respect to such cargo. Notwithstanding the foregoing provision an Assured may specially declare to his Underwriting Agent any shipment excluded from coverage by the preceding sentence, in which event insurance shall attach hereunder, if vessel and interest insured is safe in port on date of such declaration, or shall attach upon the safe arrival of vessel and interest insured at first port thereafter, warranted no known or reported loss of or damage to said vessel and interest insured at time of attachment.

CLAUSE 26. *Partial loss.* In case of partial loss by perils insured against, the proportion of loss shall be determined by a separation of the damaged portion of the insured property from the sound and by an agreed estimate (by survey) of the percentage of damage of such portion; or if such agreement is not practicable, then by public sale of such damaged portion for the account of the owner of the property, and by comparison of the amount so realized with the applicable valuation limit provided in Clause 9.

CLAUSE 27. *Labels clause.* In case of damage affecting labels, capsules or wrappers, the Underwriter, if liable therefor under the terms of this policy, shall not be liable for more than an amount sufficient to pay the cost of new labels, capsules or wrappers, and the cost of reconditioning the goods, but in no event shall the Underwriter be liable for more than the insured value of the damaged merchandise.

CLAUSE 28. *Carrier clause.* Warranted that this insurance shall not insure, directly or indirectly, to the benefit of any carrier or bailee.

CLAUSE 29. *Notice of loss.* In the event of loss which may give rise to a claim under this policy, prompt notice must be given to the Underwriting Agent.

CLAUSE 30. *Rules and regulations.* This policy is subject to all rules and regulations pertaining hereto which may now or hereafter from time to time be published in the FEDERAL REGISTER.

CLAUSE 31. *Cancellation.* This policy may be canceled at any time upon 15 days written or telegraphic notice to or by the Assured or 15 days subsequent to the publication of a notice of cancellation in the FEDERAL REGISTER or at such other date as may be mutually agreed: Provided, however, that no such cancellation shall terminate this policy with respect to any shipments which have become a risk under the terms hereof prior to the effective date of such notice.

CLAUSE 32. *Amendments.* This policy may be amended by endorsement attached hereto and executed on behalf of the United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, by a duly authorized Underwriting Agent pursuant to prior written or telegraphic instructions from the Maritime Administrator or by publication of an amendment to the Open Cargo Policy form in the FEDERAL REGISTER. In the latter event

such amendment shall become effective upon the date of the publication of the amendment in the FEDERAL REGISTER or upon such date as may be specified therein: *Provided, however,* That no amendment which is restrictive in effect upon an Assured shall become effective prior to 48 hours after the date of such publication and no such restrictive amendment shall affect any shipments which shall have attached hereunder prior to the effective date of such amendment. In the event that the Assured is unwilling to accept any amendment to this policy, he shall have the option of terminating this policy as of the effective date of such amendment upon written or telegraphic notice to the Maritime Administrator through the Underwriting Agent prior to such effective date.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy, but this policy shall not be valid unless countersigned by an authorized Underwriting Agent.

UNITED STATES OF AMERICA,
By: Maritime Administrator, Acting for the Secretary of Commerce.

Maritime Administrator

The Underwriting Agent does not, by countersigning and issuing this Policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this policy, but acts solely under the power conveyed to the Underwriting Agent by an agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned this ____ day of _____ 195__.

Underwriting Agent

By: _____

Address of Underwriting Agent for receiving notices of loss _____

§ 308.518 *Standard optional endorsement No. 1, Form MA–300–A.* Standard Optional Endorsement No. 1 limits the amount payable for the loss of goods to the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. An Assured may elect to have his Open Cargo Policy endorsed with Standard Optional Endorsement No. 1 applicable (a) on all shipments, or (b) on all outward shipments, or (c) on all inward shipments, or (d) on named commodities except goods sold by the Assured prior to loading on board the overseas vessel and shipped for the account and at the risk of third persons other than a branch subsidiary or affiliate of the Assured. When an Assured has elected to have Standard Optional Endorsement No. 1 made applicable to certain named commodities he may not change to a different basis of valuation for those commodities until after he has given ninety (90) days written notice to the Maritime Administrator through the Underwriting Agent of his election to make the change. Application for Standard Optional Endorsement No. 1 may be made to the Underwriting Agent who is authorized to issue the endorsement without prior approval of the Maritime Administrator. The following is the Standard Form of Optional Endorsement No. 1:

Form MA–300–A (7–54)

United States of America

Department of Commerce

Maritime Administration

Standard Optional Endorsement No. 1

This endorsement is attached to and made a part of War Risk Open Cargo Policy No. WROC ____, issued to: _____. The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

CLAUSE A. *Limits on amount payable for loss.* Clause 9 of the Open Cargo Policy is hereby deleted and the following substituted therefor:

CLAUSE 9. *Limits on amount payable for loss*—(a) *Actual pecuniary loss.* In the event of loss, the Assured shall file a declaration (under the penalties of perjury) stating that the amount claimed does not exceed the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profits arising out of the insured venture. If claim is filed by the Assured named herein on behalf of any other person at interest, the declaration shall include a statement that the amount collectible does not exceed the amount which would have been collectible by the Assured named herein if at the time of the loss the Assured named herein had full interest in the insured goods. If this policy is issued to an agent for account of a principal named herein, both the agent and the named principal shall be required to sign the declaration provided for in this Clause.

(b) *Sales price less discounts.* If the lost or damaged goods were shipped by, to, or at the direction of the Assured and were sold by the Assured prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel, and which were shipped for the account and at the risk of third persons other than a branch, subsidiary or affiliate of the Assured, the named Assured shall file a declaration (under the penalties of perjury), in lieu of the declaration required by paragraph (a) of this clause, stating that the amount claimed does not exceed the actual bona fide sales price less all discounts, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods if such items are not included in the sales price. The claim shall be filed by the named Assured unless otherwise permitted in writing by the Maritime Administrator for good cause shown.

(c) *Criminal code.* The declarations required to be filed pursuant to this Clause shall be subject to the United States Criminal Code which makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

CLAUSE B. *Effective date.* This endorsement shall be effective on all shipments made on or after _____:

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date.

§ 308.519 *Standard optional endorsement No. 2, Form MA–300–B.* Standard Optional Endorsement No. 2 amends the policy to cover shipments made to the Assured or shipped by the Assured as agent for the account and risk of a principal. Application for Standard Optional Endorsement No. 2 may be made to the underwriting agent, who is authorized to issue the endorsement without prior approval of the Maritime Administrator. The following is the Standard Form of Optional Endorsement No. 2:

Form MA–300–B (7–54)

United States of America

Department of Commerce

Maritime Administration

Standard Optional Endorsement No. 2

This endorsement is attached to and made a part of War Risk Open Cargo Policy No. WROC _____, issued to: _____. The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

CLAUSE A. *Agent for principal.* This policy covers all shipments otherwise coming within the scope of this policy but shipped to or consigned to the Assured, or shipped by the Assured, and for the account and risk of _____ (herein called the "Principal"). The Assured warrants that he is a duly authorized agent of the Principal for the purposes of the insured transaction. The Assured warrants that closing reports as provided for by the terms of this policy and by the terms of General Order 75 of the Maritime Administration and supplements thereto will be filed by him with respect to all shipments insured hereunder, and subject to all the conditions and regulations of the Maritime Administrator relating to such reports. In the event of loss, any sums payable under the terms of this policy shall be paid to the order of the Principal. In the event of loss, the Assured acting as agent for the Principal shall file the declarations called for by the terms of this policy, but if the Principal is domiciled in the United States of America, or any possessions or territories thereof as defined in Maritime Administration General Order 75, or any amendments thereto, or maintains regular office or place of business therein, the Principal shall be required to file a similar declaration. In the event of loss the amount collectible hereunder shall not exceed the amount which would have been collectible by the Principal if he were named as the Assured hereunder.

CLAUSE B. *Effective date.* This endorsement shall be effective on all shipments made on or after _____:

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date.

§ 308.520 *Standard optional endorsement No. 3, Form MA–300–C.* Standard Optional Endorsement No. 3 amends the policy to include shipments of diamonds for industrial purposes, or rubies or sapphires, natural or synthetic, used for instruments or watch jewels imported to the Continental United States (excluding Alaska). Application for Standard Optional Endorsement No. 3 may be made to the Underwriting Agent who shall transmit it to the Maritime Administrator for approval or disapproval of the issuance of the endorsement. The following is the Standard Form of Optional Endorsement No. 3:

Form MA–300–C (7–54)

United States of America

Department of Commerce

Maritime Administration

Standard Optional Endorsement No. 3

This endorsement is attached to and made a part of War Risk Open Cargo Policy No. WROC ____, issued to: _____. The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

CLAUSE A. *Precious stones.* Shipments of _____, to the Continental United States (excluding Alaska) are hereby covered, subject to all the terms and conditions of this policy not in conflict herewith. It is warranted by the Assured that the Underwriter shall not be liable for more than two hundred fifty thousand ($250,000) dollars in any event by loss or damage in respect to shipments by any one vessel under the terms of this endorsement. It is further warranted by the Assured that no shipments will attach hereunder until a qualified officer of the overseas vessel has receipted for the goods covered by this endorsement by acknowledging deposit of the same in the safe or strong room of the carrying vessel.

CLAUSE B. *Effective date.* This endorsement shall be effective on all shipments made on or after _____:

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessels on or after said date.

§ 308.521 *Application for open cargo policy, Form MA–301.* The following is the standard form of application for a War Risk Open Cargo Policy:

Form MA–301 (7–54)

United States of America

Department of Commerce

Maritime Administration

Application for War Risk Open Cargo Policy

Application is made for a War Risk Open Cargo Policy of insurance in the standard form prescribed in section 308.517 of General Order 75 of the Maritime Administration, pursuant to title XII, Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress, and in accordance with all provisions of law and subject to all limitations thereof:

1. *Assured.* Assured to be: _____ (Name)

_____ (Number) _____ (Street) _____ (City) _____ (Zone)

_____ (County) _____ (State)

2. *Loss payable.* Loss, if any, to be payable in funds current in the United States of America to the order of the Assured.

3. *Goods insured.* Insurance to cover all shipments of lawful goods or merchandise consisting principally of _____ which come within one or more of the following categories, as required by section 1203 (b) of the Merchant Marine Act, 1936, as amended:

(a) Shipped or to be shipped on any American vessel, as defined in section 1201 (a) of the Act;

(b) Shipped or to be shipped on any foreign flag vessel owned by citizens of the United States;

(c) Owned by citizens or residents of the United States, its Territories or possessions;

(d) Imported to, or exported from, the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(e) Sold or purchased by citizens or residents of the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(f) Shipped between ports in the United States, or between ports in the United States and its Territories or possessions, or between ports in such Territories or possessions; and

(g) Shipped or to be shipped on any foreign flag vessel, whether or not owned by citizens of the United States, if such vessels are engaged in transportation of waterborne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Maritime Administrator to be in the interest of the national defense or the national economy of the United States, when so engaged.

Applicant requests that Optional Endorsement No. 3 be attached to the policy. Yes ☐. No ☐. If "yes" is checked state the reasons for your request and designate the goods to be covered by the endorsement. (The endorsement will not be issued without the written approval of the Martime Administrator.)

---

4. *Insurable interest.* To cover all shipments as indicated below by a check made in the appropriate square:

(a) *By assured.* Shipped or consigned to or by, the Assured for his account and risk. Yes ☐. No ☐.

(b) *By others for assured.* Shipped or consigned to, or by, other persons for the account and at the risk of the Assured. Yes ☐. No ☐.

(c) *Sold prior to loading.* Shipped to, by, or at the direction of the Assured and sold by him prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge will be received by the Assured from the Purchaser prior to loading of the goods on board the overseas vessel. Yes ☐. No ☐.

(d) *Sold after attachment of risk.* Shipped to, by, or at the direction of the Assured and sold by the Assured subsequent to the attachment of risk under the policy on terms requiring the Assured to provide war risk insurance to the port of discharge, subject to the condition that in the event of loss the amount collectible shall not exceed the amount which would have been collectible by the Assured if the Assured at the time of loss had retained full interest in the insured goods. Yes ☐. No ☐.

(e) *Agent for principal.* Shipped to or consigned to the Assured, or shipped by the Assured as Agent for the Account and risk of _____ (Name)

_____ (Number) _____ (Street) _____ (City) _____ (Zone)

_____ (County) _____ (State) as Principal.

Applicant warrants that he is a duly authorized agent of the Principal for the purpose of the insured transaction, and that closing reports as provided for by Clause 19 of the policy and by the terms of General Order 75 of the Maritime Administration and amendments thereof will be filed by him with respect to all shipments insured under the policy. Applicant requests that Standard Optional Endorsement No. 2 be attached to the policy. Yes ☐. No ☐.

5. *Attachment.* To attach, as provided in Clause 13 of the standard form of policy, on all shipments made on or after _____ (which shall not be earlier than the date of the completion of the requirements for the issuance of the policy):

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date.

6. *Conveyance.* By overseas vessels and connection conveyances.

7. *Voyages covered.* At and from _____ to _____

8. *Valuation.* Goods insured under the policy shall be valued at _____. Applicant requests that Standard Optional Endorsement No. 1 be attached to the policy. Yes ☐. No ☐.

9. *Rates of premium.* The rates of premium shall be determined by the Maritime Administrator.

10. *Security for payment of premium.* This application is accompanied by (strike out inapplicable provisions):

(a) Letter of transmittal for a Collateral Deposit Fund with check or United States Government Bonds for $_____.

(b) Surety Bond A, executed by the applicant as principal and _____ (surety company) as surety for $_____.

Dated: _____, 195__

(Applicant)

By: _____

(Title)

This application must be accompanied by either (a) letter of transmittal for a Collateral Deposit Fund with accompanying check, or United States Government Bonds, or (b) Surety. Bond A executed by the Assured as Principal and by the Surety, complying in either case with all applicable provisions of Maritime Administration General Order 75, and supplements thereto.

§ 308.522 *Collateral deposit fund, letter of transmittal, Form MA–302.* The following is the standard form of letter of transmittal for use in establishing a collateral deposit fund:

Form MA–302 (7–54)

Collateral Deposit Fund

Transmittal Letter

Policy No. WROC _____
Amount Enclosed $_____
To: Maritime Administrator,
c/o _____, Underwriting Agent.

Enclosed herewith is *check drawn to the order of the "Maritime Adm.–Commerce" or *United States Government Bond in the above sum to be held by the Maritime Administrator as a collateral deposit fund under the above numbered Open Cargo Policy pursuant to all of the terms and conditions of

---

*Strike out inapplicable words.

said policy, and such additional conditions and regulations as may be promulgated from time to time by the Maritime Administrator and published by the Maritime Administrator in the FEDERAL REGISTER as provided in said policy.

Dated: ----------

(Assured)

By ----------

(Title)

Received on ----------, and collateral sent (Date)

by registered mail to the Comptroller, Maritime Administration, Washington, D. C., on ----------

---

(Underwriting Agent)

By: ----------

§ 308.523 *Application for revision of open cargo policy, Form MA–303.* An application for the revision of an Open Cargo Policy must be filed in duplicate with the Underwriting Agent on the following form:

Form MA–303 (7–54)

United States of America

Department of Commerce

Maritime Administration

Application for Revision of Open Cargo Policy

The Assured hereby requests that the following change be endorsed upon the War Risk Open Cargo Policy No. WROC ---- issued and countersigned by ----------, (Name of Underwriting Agent) effective on all shipments made on or after* ----------:

*This date must not be earlier than the day of receipt of this application by the Underwriting Agent by whom the policy was issued unless otherwise specially authorized in writing by the Maritime Administrator.

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents, dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date: ----------.

(If this form does not contain sufficient space to set forth the desired changes, attach another sheet of paper hereto, and incorporate the same by reference.)

(Assured)

(Address)

By: ----------

(Title)

(Do not use this space)

§ 308.524 *Application for cancellation of open cargo policy, Form MA–304.* The following is the standard form of application for cancellation of an Open Cargo Policy:

Form MA–304 (7–54)

United States of America

Department of Commerce

Maritime Administration

Application for Cancellation of Open Cargo Policy

Please cancel Open Cargo Policy No. WROC ---- effective on shipments made on or after ----------:*

(a) Under ocean bills of lading dated on or after said date, or

*Strike out inapplicable part.

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date.

(Assured)

By: ----------

(Title)

The original Policy No. WROC ---- was received by the Underwriter on ---------- 195--.

(Underwriting Agent)

By: ----------

*NOTE: The effective date of this cancellation must be a date not earlier than 15 days following the receipt of this application for cancellation as acknowledged by the Underwriting Agent unless otherwise agreed by the Maritime Administration in writing.

§ 308.525 *Application for decrease in amount of cash collateral fund, Form MA–305.* The following is the standard form of application for decrease in the amount of the cash collateral deposit fund:

Form MA–305 (7–54)

United States of America

Department of Commerce

Maritime Administration

Application for Decrease in Amount of Cash Collateral Fund

Please decrease the amount of the Collateral Deposit maintained to secure the payment of premiums under Open Cargo Policy No. WROC ---- by refunding $------. The Assured agrees that for all purposes except for the actual repayment of the requested refund, payment shall be considered as made at the date that the Underwriting Agent acknowledges receipt of this request.

Date: ----------

(Assured)

By: ----------

(Title)

Receipt is hereby acknowledged of the application for decrease in amount of Collateral Deposit by the sum of ------ Dollars ($------), this ---- day of ----------, 195--. Actual repayment of money will be made according to the terms and conditions of the Open Cargo Policy and applicable regulations.

(Underwriting Agent)

By: ----------

§ 308.526 *Certificate for repayment of decrease of collateral deposit fund, Form MA–306.* The following is the standard form of certificate for repayment of the amount of the decrease of the collateral deposit fund:

Form MA–306 (7–54)

United States of America

Department of Commerce

Maritime Administration

Certificate for Repayment of Decrease of Collateral Deposit Fund

---

(Name of person certifying)

certifies under the penalties of perjury that:

(He) (She) is an officer, to wit: ----------

(Title)

of the ----------

(Name of Corporation or company)

insured under Open Cargo Policy No. WROC ----

or*

(He) (She) is the assured named in Open Cargo Policy No. WROC ---- and is familiar with all matters pertaining thereto.

That the refund of ------ Dollars ($------) was effected as of the ------ day of ----------, 195--, but has not yet been repaid; that all premiums accrued by reason of the attachment of all known or reported risks covered under Open Cargo Policy No. WROC ---- up to the time of the receipt of Surety Bond B on the ---- day of ----------, 195--, by ----------, the Underwriting Agent, have been paid in full and the unpaid premium accrued by reason of the attachment of any and all known or reported risks since said date and at the date of this certificate is not greater than ------ Dollars ($------), the amount remaining on deposit if payment is made as herein requested.

Date: ----------

NOTE: The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

§ 308.527 *Application for return premium, Form MA–307.* An application for the return of premium must be filed in duplicate with the Underwriting Agent in the following form:

Form MA–307 (7–54)

United States of America

Department of Commerce

Maritime Administration

Application for Return Premium Open Cargo Policy

Do not fill out this space

Premium paid ----------

Checked by Underwriting Agency ----------

Checked by Clearing Organization ----------

Approved by:

Maritime Administrator, Acting for the Secretary of Commerce of the United States of America.

Assured ---------- Policy Number----

Address ---------- Date of Payment--

Underwriting Agent ---

Nature of Cargo----------

INSURANCE DECLARED

Quantity (tons, barrels, bales, etc.)	Amount of insurance	Rate	Premium
Total----------	----------	----	----------

INSURANCE AT RISK

Total----------	----------	----	----------

Return Premium ----------

Remarks: ---------- Application is hereby made for return premium as set forth above.

Date: ----------

(Assured)

By: ----------

(Title)

Certificate

(Name of person certifying)

certifies under penalties of perjury that:

(He) (She) is an officer, to wit: ----------

of the ----------

(Name of Corporation or Company)

insured under Open Cargo Policy No. -----

or*

(He) (She) is the Assured named in Open Cargo Policy No. ------ and is familiar with all matters pertaining thereto; and that the information set forth in said application is in all respects true and correct and is made to induce the Maritime Administrator to return part or all of the premiums heretofore paid by said Assured to said Maritime Administrator for Open Cargo War Risk Insurance. The application is made with full knowledge that the Maritime Administrator will rely on the information set forth therein.

---

*Strike out inapplicable part.

NOTE: The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

§ 308.528 *Surety bond A, Form MA–308.* The following is the Standard Form of Surety Bond A to be used by an Assured who elects to post a surety bond as security for payment of the premiums pursuant to Clause 21 of the policy:

Form MA–308 (7–54)

Surety Bond A

War Risk Open Cargo Policy No. WROC ----

Know all men by these presents, That we ---------- of ----------, as Principal, and ---------- of ----------, as Surety, are held and firmly bound unto the United States of America in the sum of ------ Dollars ($------), to the payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of this obligation is such that whereas ----------, Principal, under application dated ---------- has applied for the issuance of a War Risk Open Cargo Policy by the Maritime Administrator acting for the Secretary of Commerce of the United States of America, and

Whereas, the Maritime Administrator has agreed to accept this bond as a guarantee of the payment of all premiums due and payable under the terms and conditions of the Open Cargo Policy when issued, or endorsements thereto or modifications thereof, whether or not consented to by the Surety.

Now, therefore, if the Principal shall well and truly pay unto the Maritime Administrator acting for the Secretary of Commerce of the United States of America the premiums due under the Policy at the times and in the manner provided therefor in the Policy, then this obligation is to be void; otherwise to remain in full force and effect;

This bond is executed by the Surety, upon the following conditions:

1. If the Principal shall fail to file with the Underwriting Agent of the Maritime Administrator on or before the 25th day of each month during which this bond is in effect, a certified closing report as required by the policy showing the values of all shipments covered under the policy during the preceding calendar month and concurrently therewith pay to the Underwriting Agent the premiums called for by the closing report, then the Underwriting Agent shall so notify the Surety as soon as practicable and, in such event the Surety shall not be liable for any premiums accruing on risks attaching under the Policy subsequent to the date of such notice.

2. This bond may be terminated by either the Principal or the Surety at any time upon fifteen (15) days written or telegraphic notice to the Maritime Administrator, Washington 25, D. C., but such termination shall not affect the liability of the Principal and the Surety hereunder for premiums on risks attaching under the Policy on or prior to expiration of said fifteen (15) days period.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ---- day of ----------, 195--, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(Principal)

By: ----------

Attest ----------

(Surety)

By: ----------

Attest ----------

NOTE: The Maritime Administrator requires the signature by or on behalf of the Assured to appear on this bond.

§ 308.529 *Surety Bond B, Form MA–309.* The following is the Standard Form of Surety Bond B to be used by an Assured who elects to substitute a surety bond for a collateral deposit fund:

Form MA–309 (7–54)

Surety Bond B

War Risk Open Cargo Policy No. WROC ----

Know all men by these presents, That we ---------- of ----------, as Principal, and ---------- of ----------, as Surety, are held and firmly bound unto the United States of America in the sum of ---------- Dollars ($------), to the payment of which we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors and assigns.

The condition of this obligation is such that whereas the Maritime Administrator has issued and delivered to ----------, Principal, on the ---- day of ----------, 195--, that certain War Risk Open Cargo Policy No. WROC -----, and

Whereas, the Maritime Administrator acting for the Secretary of Commerce of the United States of America has agreed to accept this bond as a guarantee of the payment of all premiums due and payable under the terms, and conditions of said Policy or endorsements thereto or modifications therof whether or not consented to by the Surety.

Now, therefore, if the Principal shall well and truly pay unto the Maritime Administrator acting for the Secretary of Commerce of the United States of America the premiums due under the said Policy at the times and in the manner provided therefor in the Policy, then this obligation is to be void; otherwise to remain in full force and effect;

This bond is executed by the Surety, upon the following conditions:

1. If the Principal shall fail to file with the Underwriting Agent of the Maritime Administrator on or before the 25th day of each month during which this bond is in effect, a certified closing report as required by the policy showing the values of all shipments covered under the policy during the preceding calendar month and concurrently therewith pay to the Underwriting Agent the premiums called for by the closing report, then the Underwriting Agent shall so notify the Surety as soon as practicable; and, in such event the Surety shall not be liable for any premiums accruing on risks attaching under the Policy subsequent to date of such notice.

2. This bond may be terminated by either the Principal or the Surety at any time upon fifteen (15) days written or telegraphic notice to the Maritime Administrator, Washington 25, D. C., but such termination shall not affect the liability of the Principal and the Surety hereunder for premiums on risks attaching under the Policy on or prior to expiration of said fifteen (15) days period.

In witness whereof, the above-bounden parties have executed this instrument under their several seals this ---- day of ----------, 195--, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative, pursuant to authority of its governing body.

(Principal)

By: ----------

Attest: ----------

(Surety)

By: ----------

Attest: ----------

NOTE: The Maritime Administrator requires the signature by or on behalf of the Assured to appear on this bond.

§ 308.530 *Letter requesting increase or decrease in amount of surety bond, Form MA–310.* The following is the Standard Form of Letter of Transmittal for use in transmitting to the Underwriting Agent an endorsement increasing or decreasing the amount of the surety bond:

Form MA–310 (7–54)

Letter of Transmittal

Increase or Decrease of Surety Bond

To: Maritime Administrator,
% ----------, Underwriting Agent.

Re: War Risk Open Cargo Policy No. WROC -----.

Dear Sir:

(Increase)* (decrease) is desired in amount of Surety Bond of ----------, Company dated the ---- day of ----------, 195--, in accordance with the terms of the endorsement submitted herewith.

(Assured)

By: ----------

(Title)

§ 308.531 *Endorsement of surety bond increasing or decreasing amount of coverage, Form MA–311.* The following is the Standard Form of Endorsement to be used in increasing or decreasing the amount of a surety bond:

Form MA–311 (7–54)

Surety Bond

Endorsement No. ----

War Risk Open Cargo Policy No. WROC ----

To be attached to and form a part of Surety Bond No. ---- of the ---------- (Surety Company) in the amount of ------ Dollars, ($------).

In consideration of (increase*) (decrease) premium charged for the attached bond, it is understood and agreed as follows:

1. The amount of the attached bond is hereby (increased*) (decreased) from ------ Dollars ($------) to ------ Dollars ($------) as to such and so many of the premiums required to be paid under the Open Cargo Policy No. -----, issued by the Maritime Administrator, acting for the Secretary of Commerce of the United States of America, re-

*Strike out inapplicable word.

ferred to in the attached bond, as accrued after the day, month, year of the receipt of this endorsement as acknowledged below by an Underwriting Agent for the Maritime Administrator acting for the Secretary of Commerce of the United States of America: Provided, That, regardless of the number of changes made in the amount of the attached bond, no amount carried under the attached bond during any period, whether the original amount or any subsequent amount, shall be cumulative with any amount or amounts carried under the attached bond during any other period or periods.

2. The attached bond shall be subject to all its terms, conditions and limitations except as herein expressly modified.

Signed, sealed and dated the ____ day of ---------- 195--.

Attest: ----------

(Principal)

By: ----------

(Surety)

Attest: ----------

(Title)

By: ----------

Receipt of this endorsement is hereby acknowledged subject to the rules and regulations of the Maritime Administrator, acting for the Secretary of Commerce of the United States of America, this ____ day of ----------, 195--, and shall become effective according to its terms as of this date.

(Underwriting Agent)

By: ----------

§ 308.532 *Release of surety bond, Form MA–312.* The following is the Standard Form of Release of Surety bond:

Form MA–312 (7–54)

Release of Surety Bond

War Risk Open Cargo Policy No. WROC ----

Whereas ---------- has made application to the Maritime Administrator, acting for the Secretary of Commerce of the United States of America, for the termination of Bond No. ------ of the ---------- (Surety Company) effective ---------- in accordance with Paragraph 2 of the conditions of said bond.

It is hereby understood and agreed that ---------- (Surety Company) is relieved of any and all liability under Bond No. ------- for premiums or risks attaching after ----------.

Dated at ---------- this ____ day of ---------- 195--.

Maritime Administrator,
Acting for the Secretary of Commerce.

By: ----------

(Underwriting Agent)

By: ----------

§ 308.533 *Closing report, Form MA–313.* The following is the Standard Form of Closing Report which must be filed in duplicate with the Underwriting Agent not later than the 25th day of each month:

Budget Bureau No. 41–R1666
Approval Expires June 30, 1957

Form MA–313
(7–54)

U. S. Department of Commerce
Maritime Administration

Monthly Closing Report

For the month ----------, 19--

NOTE: To be filed in duplicate. This report must be certified as provided on the reverse hereof.

Do Not Use This Space	Check deposited
Rate verified	Date
Premium verified	
Footings verified	
Summary posted	

Assured ----------

Agent's No. ------ Policy No. ---------- Closing Report No. ----- Receipt No. ------

Risk No.	Shipping document		Marks and numbers	Quantity of goods	Type of goods or merchandise	Voyage	Inward shipment arrival date or outward shipment dispatch date	Amount	Rate	Premium	Remarks
	Type	No.									

§ 308.534 *Certificate to be attached to closing report, Form MA–313–A.* The following is the Standard Form of Certificate to be attached to the closing report required to be filed each month:

Form MA–313–A (7–54)

Certificate To Be Attached to Closing Report
War Risk Open Cargo Policy No. WROC ----

(Name of person certifying)

certifies under the penalties of perjury that:

(He) (she) is an officer, to wit: ----------

(Title)

of the ----------

(Name of Corporation or Company)

insured under Open Cargo Policy No. WROC ----

or*

(He) (she) is the assured named in Open Cargo Policy No. WROC ---- and does hereby certify, warrant, represent and affirm on (his*) (her) own behalf and on behalf of said Assured* that the (closing reports*) (set of closing reports), to which this certificate pertains, contains in all respects a true, accurate and complete list of all goods covered under said Open Cargo Policy required to be reported on a closing form by the terms and conditions of said Open Cargo Policy for the calendar month ending ----------, 195--.

The (closing report*) (set of closing reports) is furnished by the Assured and this certificate is made by the Undersigned pursuant to the terms and conditions of the Policy and is furnished by the Assured and by the Undersigned with full knowledge that the Maritime Administrator acting for the Secretary of Commerce will rely thereon, and with the intent and purpose of inducing the Maritime Administrator to rely thereon.

Date ----------

NOTE: The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

§ 308.535 *Certificate to be attached to final closing report, Form MA–313–B.* The following is the Standard Form of Certificate to be attached to the final closing report after cancellation of the policy:

Form MA–313–B (7–54)

Certificate To Be Attached to Final Closing Report

War Risk Open Cargo Policy No. WROC----

(Name of person certifying)

certifies under the penalties of perjury that:

(He) (she) is an officer, to wit: ----------

(Title)

of the ----------

(Name of Corporation or Company)

insured under Open Cargo Policy No. WROC ----

or*

(He) (she) is the Assured named in the Open Cargo Policy No. WROC ---- and does hereby certify, warrant, represent and affirm on (his*) (her) own behalf and on behalf of said Assured* that the information in the "Final Closing Report on Cancellation of the Policy," to which this Certificate pertains, contains in all respects a true, accurate and complete list of all shipment of goods covered by Open Cargo Policy No. WROC ---- made at any time which have not previously been reported; that the check tendered in payment of premium with the "Final Closing Report on Cancellation of Policy" pays in full any and all unpaid premium which at any time became due and payable under that Policy.

This certificate is furnished by the Undersigned pursuant to the terms and conditions of the Policy with the intent and the full knowledge of the Undersigned and the Assured that the Maritime Administrator, acting for the Secretary of Commerce of the United States of America, will rely thereon in authorizing the refund of the collateral deposit maintained by the Assured for securing the payment of premium under the Policy.

Date: ----------

NOTE: The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

§ 308.536 *Declaration where failure to comply with Clause 21 was inadvertent, Form MA–314.* The following is the Standard Form of Declaration to be filed by an Assured if he fails inadvertently to maintain a collateral deposit fund or surety bond in an amount sufficient to meet the requirements of Clause 21 of the Policy:

*Strike out inapplicable word.

Form MA–314 (7–54)

Declaration Where Failure To Comply With Clause 21 Was Inadvertent

War Risk Open Cargo Policy No. WROC ----

(Name of person making declaration)

declares and certifies under the penalties of perjury that:

(He) (she) is an officer, to wit: ----------

(Title)

of the ----------

(Name of Corporation or Company)

insured under Open Cargo Policy No. WROC ----

or*

(He) (she) is the Assured named in the Open Cargo Policy No. WROC ---- and is familiar with all matters pertaining thereto.

1. That on the ____ day of ---------- 195--, the Assured first had knowledge that the amount of collateral deposited pursuant to the terms of said policy was exceeded by the amount of premium due thereunder; that the amount of collateral deposited pursuant to the terms of said policy on that date was $------; that at the date when the collateral became exceeded by the amount of unpaid premium the collateral was for an amount of $------, and the unpaid premium amounted to $------.

2. That under the following circumstances the Assured became aware for the first time that said collateral was insufficient (explain in detail the manner in which the collateral became exceeded): ----------

3. That to the best of the Assured's information and belief the following shipments were made after the date when the collateral first became exceeded and the Assured honestly and in good faith intended said shipments to be covered under the War Risk Open Cargo Policy No. ----------

4. This declaration is furnished by the Assured in order to comply with the provisions of Clause 21 of War Risk Open Cargo Policy and is made by the Undersigned and is furnished by the Assured with full knowledge that the Maritime Administrator will rely on the statements contained therein and is submitted for the purpose of inducing the Maritime Administrator to rely thereon.

Date: ----------

NOTE: The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

§ 308.537 *Effective date of endorsement.* Every endorsement to an Open Cargo Policy shall be made effective upon a future date to be specified in the endorsement. No endorsement may be made retroactive, unless specially authorized by the Maritime Administrator in writing. Each endorsement shall contain a provision in substantially the following form:

Effective date. This endorsement shall be effective on all shipments made on or after ----------:

(a) Under ocean bills of lading dated on or after said date, or

(b) If ocean bills of lading are not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or if such documents are undated, laden on overseas vessel on or after said date.

*Strike out inapplicable part.

III—FACULTATIVE WAR RISK CARGO INSURANCE

§ 308.538 *General.* The Maritime Administrator is prepared to provide facultative war risk insurance policies covering any cargoes described in § 308.501 which are designated by an applicant prior to the attachment of risks, if the applicant does not have an Open Cargo Policy issued by the Maritime Administrator, or if he has a shipment which is not covered by his Open Cargo Policy. However, a person with regular shipments is urged to avail himself of the advantages of the automatic coverage of an Open Cargo Policy. The Maritime Administrator reserves the right to decline to quote rates or bind insurance on shipments of cargo that could be covered by an Open Cargo Policy unless the applicant can show to the satisfaction of the Maritime Administrator that the risk is not one of a series of similar risks forming part of a continual flow of business for the applicant. The policy will be in the standard form of War Risk Facultative Cargo Policy, Form MA–316, prescribed in § 308.545. All policies will be issued by Underwriting Agents appointed by the Maritime Administrator. All Underwriting Agents will be domestic insurance companies authorized to do a marine insurance business in a State of the United States.

§ 308.539 *Application for a facultative cargo policy*—(a) *Preliminary request.* Application for a Facultative Cargo Policy shall be made by filing a preliminary request in writing (including telegram) with an Underwriting Agent of the Maritime Administration, setting forth the following information:

(1) The name and address of the applicant;

(2) The amount of insurance requested;

(3) The commodity and quantity to be insured;

(4) The voyage to be covered;

(5) The name of the vessel upon which the cargo will be shipped, if known, the name of the steamship line, if known, and the date of shipment, if the applicant is submitting the request to bind war risk in writing; for security reasons, if the applicant is submitting the order to bind war risk insurance by telegram, neither the name of the vessel nor the name of the steamship line nor the anticipated date of sailing, should be mentioned. Mentioning such information in a telegram may result in a denial of insurance to the applicant. Any envelope transmitting a letter containing such information should be marked "confidential."

(b) *Binder.* Before the insurance can be bound, the applicant must provide the Underwriting Agent with a properly prepared binder on Form MA–315 prescribed in § 308.544. The binder must be submitted in duplicate, accompanied by check or Money Order payable to the order of the "Maritime Adm.–Commerce" for the full amount of the premium computed on the amount to be insured at the rate set by the Maritime Administrator. Any application for facultative cargo war risk insurance received by an Underwriting Agent later than 4 p. m. (Local War Time) shall be considered the next day's business.

(c) *Optional loss limits clause.* Clause 9 of the standard form of facultative cargo policy, Form MA–316, prescribed in § 308.545, limits the amount payable for loss to (1) the fair market value at the place and approximate time of the attachment of risk, plus the cost of marine insurance, transportation and expenses incident thereto, and war risk insurance with respect to the lost or damaged goods, or (2) if it is impossible to determine the fair market value at place and time of attachment of risk, the fair market value at the designated port of arrival on the date of the attachment of the risk, plus the cost of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods, or (3) if the goods had been purchased prior to loading, the actual amount paid or payable to the seller for the goods less all discounts, plus the cost of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods. In lieu of these loss limits, the Assured by so specifying in his application, and the binder may have attached to the policy when issued Standard Optional Endorsement No. 1–A, Form 316, prescribed in § 308.546, which limits the amount payable for loss to the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profits arising out of the insured venture.

§ 308.540 *Premiums*—(a) *Rates.* Rate Schedules for war risk facultative cargo insurance will be published by the Maritime Administrator from time to time, and may be obtained from an Underwriting Agent. All Rate Schedules are subject to change by the Maritime Administrator without notice. If no rate is published for a voyage on which war risk facultative cargo insurance is available, the Maritime Administrator will name a rate through an Underwriting Agent upon application. Whenever an applicant for war risk facultative cargo insurance receives a definite rate quotation and desires to bind insurance at the quoted rate, an order to bind the insurance in accordance with the procedure set forth in this subpart should be submitted within two business days following the day of quotation accompanied by check or Money Order payable to the order of "Maritime Adm.—Commerce" for the full amount of the premium thereon computed on the amount to be insured at the rate set by the Maritime Administrator, or the quotation will expire. Each cargo war risk insurance policy provided by the Maritime Administrator will be subject to a minimum premium of $----------.

(b) *Return premium.* Where goods are short-shipped the amount of insurance may be reduced by an amount computed by applying to the original amount of insurance the proportion which the quantity of merchandise short-shipped (i. e., bales, barrels, tons, and other designations of quantity) bears to the total quantity of merchandise originally

declared for insurance. Where more than one class of merchandise is insured under one policy (e. g., fuel, oil and gasoline) the reduced amount of insurance must be computed separately on each item. Where the amount of insurance is reduced, the Maritime Administrator will give consideration to requests for proportionate returns of premium. An application for the return of a premium must be submitted to the Underwriting Agent in quadruplicate on Form MA–317, prescribed in § 308.547.

§ 308.541 *Issuance of a facultative policy*—(a) *Binder.* The Underwriting Agent is authorized to issue a facultative policy in Form MA–316, prescribed in § 308.545, when there has been presented to him a properly prepared binder on Form MA–315, prescribed in § 308.544, together with the payment of the premium as required, and such policy shall be issued as soon as possible after the binder form has been presented to the Underwriting Agent. Prior to the issuance of the policy, the Underwriting Agent is authorized to accept the risk on behalf of the Maritime Administrator by signing the binder. The Maritime Administrator will provide each Underwriting Agent with a supply of facultative policies which shall not be valid until countersigned by the Underwriting Agent. The Underwriting Agent shall keep a permanent record of all such policies and the Assured to whom the policy is issued.

(b) *Numbering.* Each Facultative Cargo Policy supplied to the Underwriting Agent by the Maritime Administrator shall be numbered by the Maritime Administration before it is supplied to the Underwriting Agent. No two numbers shall be the same. The Underwriting Agent when issuing the policy shall add at the end of the Policy number the agency number assigned to that Underwriting Agent, and where policies are issued by more than one office of an Underwriting Agent the issuing office shall also be identified in the policy number. For example, the policies issued by an office in New York will be designated "NY" and policies issued in San Francisco will be designated by "SF" prefixed to the Underwriting Agent's agency number.

§ 308.542 *Warranty re thirty-day shipments.* If, after an effective binding of war risk insurance on a shipment of cargo, the assured believes that it will be impossible to comply with the warranty requiring the goods to be shipped and in transit within thirty days from the effective date of binding, such an assured may apply to the Maritime Administrator, through the Underwriting Agent, to modify the warranty. If the Maritime Administrator is satisfied that an extension of time within which the goods are warranted to be shipped and in transit should be granted, he will do so, but additional premium may be charged in the discretion of the Maritime Administrator.

§ 308.543 *Cancellation.* Facultative war risk insurance is not subject to cancellation by the Assured unless the goods are not shipped within thirty days following the effective date of binding, and then only if the policy is returned for cancellation.

§ 308.544 *Facultative binder, Form MA–315.* The following is the standard form of War Risk Facultative Cargo Binder, which must be filled in by the applicant and submitted, in duplicate, to an Underwriting Agent before the insurance can be bound:

Form MA–315 (7–54)

United States of America

Department of Commerce

Maritime Administration

War Risk Facultative Cargo Binder No. WRFC ----

Amount Insured --------. Date -------.
Rate ------%.
Premium $--------.

In consideration of a premium as above, the United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, insures, in accordance with applicable provisions of law, and the terms and provisions of the standard form of War Risk Facultative Cargo Policy, Form MA–316, prescribed in section 308.545 of Maritime Administration General Order 75, published in the FEDERAL REGISTER on ----------, 195--, (-- F. R. --): ----------
(Assured)

Upon lawful goods or merchandise consisting of ---------- which come within one or more of the following categories, as required by section 1203 (b) of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "Act"):

(a) Shipped or to be shipped on any American vessel as defined in section 1201 (a) of the act;

(b) Shipped or to be shipped on any foreign flag vessel owned by citizens of the United States;

(c) Owned by citizens or residents of the United States, its Territories or possessions;

(d) Imported to, or exported from the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(e) Sold or purchased by citizens or residents of the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(f) Shipped between ports in the United States, or between ports in the United States and its Territories or possessions, or between ports in such Territories or possessions; and

(g) Shipped or to be shipped on any foreign flag vessels, whether or not owned by citizens of the United States, if such vessels are engaged in transportation of water-borne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Maritime Administrator to be in the interest of the National defense or the national economy of the United States, when so engaged;

In the sum of ------ Dollars. Per the vessel called the ----
(If vessel not known, specify steamship line, if known)
---------- Voyage from ---------- to port of ----------. Warranted goods shipped and in transit on or before thirty (30) days from effective date of the binding of this risk.

Standard Optional Endorsement No. 1–A (is) (is not) desired.

Any loss payable hereunder shall be payable in funds current in the United States to the order of the Assured upon surrender of this Binder and Policy (if issued) thirty (30) days after full proofs of loss and proofs of interest have been filed with the Underwriting Agent of the Maritime Administrator, acting for the Secretary of Commerce, by whom this binder was issued.

It is (known) (anticipated) that the goods described herein (have been) (will be) shipped from ---------- on ----------.
(For Marks, Numbers, other Identification and Special Conditions.)

(Assured)

By: ----------

Receipt of $---------- covering insurance premium under above binder is hereby acknowledged:

Accepted on behalf of the Maritime Administrator, acting for the Secretary of Commerce of the United States of America.

(Underwriting Agent)

By: ----------

Underwriting Agent's Agency Number ----

The Underwriting Agent does not, by signing this binder or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this binder, but acts solely under the power conveyed to the Underwriting Agent by an agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

NOTE: Binder forms must be printed, typewritten, or mimeographed and submitted in duplicate to the Underwriting Agent, who will retain one copy.

§ 308.545 *Facultative cargo policy, Form MA–316.* The following is the standard form of War Risk Facultative Cargo Policy:

Form MA–316 (7–54)

United States of America

Department of Commerce

Maritime Administration

War Risk Facultative Cargo Policy No. WRFC ----

Amount insured $-------. Date -------.
Rate ------%.
Premium $-------.

CLAUSE 1. *Assured.* The United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce (herein called the "Underwriter"), in consideration of the premiums as shown above, and in accordance with applicable provisions of law and subject to all limitations thereof, particularly title XII, Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "Act"), hereby insures ---------- (herein called the "Assured") against WAR RISKS ONLY, in accordance with the terms and conditions hereinafter set forth. This policy is issued on behalf of the Underwriter by ---------- (herein called the "Underwriting Agent").

CLAUSE 2. *Loss payable.* Loss, if any, payable, in funds current in the United States of America, to the order of the Assured upon surrender of this Policy, thirty days after satisfactory proofs of loss and proofs of interest have been filed with the Underwriting Agent.

CLAUSE 3. *Goods insured.* To attach, as provided in Clauses 5 and 13, upon lawful goods or merchandise consisting of ---------- which come within one or more of the following categories, as required by section 1203 (b) of the Act:

(a) Shipped or to be shipped on any American vessel, as defined in section 1201 (a) of the Act;

(b) Shipped or to be shipped on any foreign flag vessel owned by citizens of the United States;

(c) Owned by citizens or residents of the United States, its Territories or possessions;

(d) Imported to, or exported from, the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(e) Sold or purchased by citizens or residents of the United States, its Territories or possessions, under contracts of sale or purchase by the terms of which the risk of loss by war risks or the obligation to provide insurance against such risks is assumed by or falls upon a citizen or resident of the United States, its Territories or possessions;

(f) Shipped between ports in the United States, or between ports in the United States and its Territories or possessions, or between ports in such Territories or possessions; and

(g) Shipped or to be shipped on any foreign flag vessels, whether or not owned by citizens of the United States, if such vessels are engaged in transportation of waterborne commerce of the United States or in such other transportation by water or such other services as may be deemed by the Maritime Administrator to be in the interest of the national defense or the national economy of the United States, when so engaged.

CLAUSE 4. *Insurable interest.* To cover shipments:

(a) *By assured.* Shipped or consigned to, or by, the Assured for his account and risk;

(b) *By others for Assured.* Shipped or consigned to, or by, other persons for the account and at the risk of the Assured;

(c) *Sold prior to loading.* Shipped to, by, or at the direction of the Assured and sold by him prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel;

(d) *Sold after attachment of risk.* Shipped to, by, or at the direction of the Assured and sold by the Assured subsequent to the attachment of risk hereunder on terms requiring the Assured to provide war risk insurance to the port of discharge, subject to the condition that in the event of loss the amount collectible shall not exceed the amount which would have been collectible by the Assured if the Assured at the time of loss had retained full interest in the insured goods.

CLAUSE 5. *Attachment.* To attach, as provided in Clause 13, on shipments made on or before ----------, and warranted that goods will be shipped and in transit on or before said date. Warranted that the goods insured hereunder have not become waterborne on overseas vessel prior to the date of this insurance, or if waterborne are in good safety in port at day and hour of attachment of risk. Any shipment of cargo excluded from coverage by application of this warranty will automatically attach hereunder as of the time of the arrival of the vessel and interest insured at the next intermediate port in good safety.

CLAUSE 6. *Conveyance.* By overseas vessels and connecting conveyances.

CLAUSE 7. *Voyage covered.* At and from ---------- to ----------.

CLAUSE 8. *Valuation.* Goods insured hereunder shall be valued at ----------.

CLAUSE 9. *Limits on amount payable for loss*—(a) *Fair market value at commencement of risk.* In the event of loss, the Assured shall file a declaration (under the penalties of perjury) stating that the amount claimed does not exceed the fair market value of the lost or damaged goods at the place and approximate time of the attachment of risk, plus the cost of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods.

(b) *Fair market value at port of arrival.* If it is impossible to determine the fair market value at the place and approximate time of the attachment of risk, as provided in paragraph (a) of this clause, the Assured shall file a declaration (under the penalties of perjury) stating that the amount claimed does not exceed the fair market value at the designated port of arrival on the date of the attachment of risk, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods.

(c) *Purchase price less discount.* If the lost or damaged goods were purchased by the named Assured prior to loading on board the overseas vessel, the Assured shall file a declaration (under the penalties of perjury), in lieu of the declarations provided for in paragraphs (a) and (b) of this clause, stating that the amount claimed does not exceed the actual amount paid or payable to the seller for the goods less all discounts, and plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods. If the lost or damaged goods were purchased by a principal for whom the Assured is Agent, the declaration provided for in this paragraph shall be signed by both the agent and the principal.

(d) *Sales price less discounts.* If the lost or damaged goods were shipped by, to, or at the direction of the Assured and were sold by the Assured prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel, and which were shipped for the account and at the risk of third persons other than a branch, subsidiary or affiliate of the Assured, the named Assured shall file a declaration (under the penalties of perjury) in lieu of the declaration required by paragraphs (a), (b) or (c) of this clause, stating that the amount claimed does not exceed the actual bona fide sales price less all discounts, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost or damaged goods if such items are not included in the sales price. The claim shall be filed by the named Assured unless otherwise permitted in writing by the Maritime Administrator for good cause shown.

(e) *Criminal Code.* The declaration required to be filed pursuant to this clause shall be subject to the United States Criminal Code which makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

AMERICAN INSTITUTE WAR CLAUSES

CLAUSE 10. *War risks only.* This insurance is only against the risks of capture, seizure, destruction or damage by men-of-war, piracy, takings at sea, arrests, restraints, detainments and other war-like operations and acts of kings, princes and peoples in prosecution of hostilities or in the application of sanctions under international agreements, whether before or after declaration of war and whether by a belligerent or otherwise, including factions engaged in civil war, revolution, rebellion or insurrection, or civil strife arising therefrom, and including the risks of aerial bombardment, floating or stationary mines and stray or derelict torpedoes and weapons of war employing atomic fission or radioactive force, but excluding claims for delay, deterioration and/or loss of market, and warranted not to abandon (on any ground other than physical damage to ship or cargo) until after condemnation of the property insured.

CLAUSE 11. *Arrests, restraints.* Warranted free from any claim based upon loss of, or frustration of, the insured voyage or adventure caused by arrests, restraints or detainments.

CLAUSE 12. *Commandeering.* This insurance does not cover any loss or damage caused by or resulting from any of the following causes:

(a) Commandeering, preemption, requisition or nationalization by government (de facto or otherwise) of the country to or from which the goods are insured.

(b) Seizure or destruction under quarantine or customs regulations.

CLAUSE 13. *Period covered.* (a) The insurance against the risks enumerated in Clause 10, except the risks of floating or stationary mines and stray or derelict torpedoes, floating or submerged, referred to in Clause 13 (b) below, shall not attach to the interest hereby insured or to any part thereof—

(1) Prior to being on board an overseas Vessel (for the purpose of this Clause 13 an overseas Vessel shall be deemed to mean a Vessel carrying the interest from one port or place to another where such voyage involves a sea passage by that Vessel);

(2) After being discharged overside from an overseas vessel at the final port of discharge,

or

after the expiry of fifteen (15) days counting from midnight of the day of arrival of the overseas vessel at the final port of discharge whichever shall first occur;

(3) After expiry of fifteen (15) days from midnight of the day of arrival of the overseas vessel at an intermediate port or place to discharge the interest for on-carriage from that or any other port or place by another overseas vessel, but shall re-attach as the interest is loaded on the on-carrying overseas vessel. During the said period of fifteen (15) days the insurance remains in force whether the interest is awaiting transit or in transit between the overseas vessels.

(b) The insurance against the risks of floating or stationary mines and stray or derelict torpedoes, floating or submerged, attaches as the interest hereby insured is first loaded on lighter, craft or vessel after leaving the warehouse at point of shipment in transit for the destination declared hereunder, and ceases to attach as the interest is finally landed from the vessel, craft or lighter prior to delivery to warehouse at such destination.

If the contract of affreightment is terminated at a port or place other than the destination named therein such port or place shall be deemed the final port of discharge for the purpose of this Clause.

It is a condition of this insurance that the Assured shall act with reasonable dispatch in all circumstances within their control.

If anything contained in this policy shall be inconsistent with this Clause 13 it shall to the extent of such inconsistency be null and void.

CLAUSE 14. *Deviation.* This insurance shall not be vitiated by deviation, overcarriage, change of voyage, or by any error or unintentional omission in the description

of interest, vessel or voyage, provided the same be communicated to the Underwriting Agent as soon as known to the Assured and an additional premium paid if required.

CLAUSE 15. *Sue and labor.* In case of any loss or misfortune, it shall be lawful and necessary to and for the Assured, his or their factors, servants and assigns, to sue, labor and travel for, in and about the defense, safeguard and recovery of the said goods and merchandise, or any part thereof, without prejudice to this insurance; nor shall the acts of the Assured or the Underwriter, in recovering, saving and preserving the property insured, in case of disaster, be considered a waiver or an acceptance of abandonment; and to the charges whereof, the Underwriter will contribute according to the rate and quantity of the sum hereby insured.

CLAUSE 16. *General average.* General Average and Salvage Charges payable according to United States laws and usage and/or as per Foreign Statement and/or as per York-Antwerp Rules (as prescribed in whole or in part) if in accordance with the Contract of Affreightment.

CLAUSE 17. *Collision.* No claim shall be payable hereunder which arises from collision, contact with any fixed or floating object (other than a mine or torpedo), stranding, heavy weather or fire unless caused directly (and independently of the nature of the voyage or service which the vessel concerned or, in the case of a collision, any other vessel involved therein, is performing) by a hostile act by or against a belligerent power; and for the purpose of this paragraph "power" includes any authority maintaining naval, military or air forces in association with a power.

SPECIAL CLAUSES

CLAUSE 18. *Transit interrupted.* If the ordinary course of transit of the goods hereby insured is interrupted or terminated by the shipper, consignees, or Assured or any party acting on their behalf, this insurance shall forthwith terminate unless otherwise specially agreed by the Maritime Administrator.

CLAUSE 19. *Unintentional error.* This insurance shall not be invalidated by any error, or omission which is demonstrated to the satisfaction of the Maritime Administrator to have been inadvertent or unintentional. The Maritime Administrator or his representative duly authorized in writing, may waive strict compliance with any warranty or condition of this insurance to the extent that he may determine that it imposes a hardship on any claimant in good faith hereunder which would not be imposed in connection with a policy issued in accordance with commercial practice in the marine insurance business, and to the extent that he may determine that such waiver is not contrary to the provisions of title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress, under which the Policy is issued. In any determination as aforesaid the decision of the Maritime Administrator, or his duly authorized representative, shall be conclusive upon all parties thereto.

CLAUSE 20. *Goods excluded.* This policy does not cover shipments of specie, currency, securities, valuable documents, jewelry, precious stones, gold and silver and other precious metals, nor any articles transported by means of ordinary mail or air-mail or registered mail or parcel post.

CLAUSE 21. *Return premium.* No premium will in any case be returned to the Assured except in the event of an error made in the application of a rate or in the computation of a premium, or except in the event the insured goods are not shipped or are short-shipped; notwithstanding the foregoing, whenever goods have been over-insured by reason of an error or otherwise, and such fact is discovered and the material facts and circumstances are presented immediately after discovery of the over-insurance and prior to the time when the overseas vessel reaches the destination port in safety, to the Underwriting Agent, then the Maritime Administrator will give consideration to an application for a return premium and if in his sole discretion the Maritime Administrator is satisfied that the Assured acted in good faith and that the instance is one in which in commercial practice a return premium would be made the Maritime Administrator will grant the appropriate return premium.

CLAUSE 22. *Partial loss.* In case of partial loss by perils insured against, the proportion of loss shall be determined by a separation of the damaged portion of the insured property from the sound and by an agreed estimate (by survey) of the percentage of damage of such portion: or if such agreement is not practicable, then by public sale of such damaged portion for the account of the owner of the property, and by comparison of the amount so realized with the applicable valuation limit provided in Clause 9.

CLAUSE 23. *Labels clause.* In case of damage affecting labels, capsules or wrappers, the Underwriter, if liable therefor under the terms of this policy, shall not be liable for more than an amount sufficient to pay the cost of new labels, capsules or wrappers, and the cost of reconditioning the goods, but in no event shall the Underwriter be liable for more than the insured value of the damaged merchandise.

CLAUSE 24. *Carrier clause.* Warranted that this insurance shall not inure, directly or indirectly, to the benefit of any carrier or bailee.

CLAUSE 25. *Notice of loss.* In the event of loss which may give rise to a claim under the policy, prompt notice must be given to the Underwriting Agent.

CLAUSE 26. *Rules and regulations.* This policy is subject to all rules and regulations pertaining hereto which may now or hereafter from time to time be published in the FEDERAL REGISTER.

CLAUSE 27. *Cancellation.* This policy may not be cancelled by the Assured unless the goods are not shipped within thirty (30) days following the effective date of binding and then only if the policy is returned to the Underwriting Agent for cancellation.

CLAUSE 28. *Amendments.* This policy may be amended by the binder or by endorsement attached hereto and executed on behalf of the United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, by a duly authorized Underwriting Agent pursuant to prior written or telegraphic instructions from the Maritime Administrator.

In witness whereof, the Maritime Administrator, acting for the Secretary of Commerce, has signed this policy, but this policy shall not be valid unless countersigned by an authorized Underwriting Agent.

UNITED STATES OF AMERICA;
By: Maritime Administrator,
Acting for the Secretary
of Commerce.

_____
(Maritime Administrator)

The Underwriting Agent does not, by countersigning and issuing this Policy or in any other manner, warrant its own authority, or the authority of the Maritime Administrator, acting for the Secretary of Commerce, to issue this Policy, but acts solely under the power conveyed to the Underwriting Agent by an Agreement made with the Maritime Administrator, acting for the Secretary of Commerce.

Countersigned this ____ day of _____ 195__. _____ Address for
(Underwriting agent)
Underwriting Agent for receiving notices of loss.

By: _____
_____

Original and duplicate issued—one of which being accomplished, the other to stand null and void.

§ 308.546 *Standard optional endorsement No. 1–A, Form MA–316–A.* Standard Optional Endorsement No. 1–A limits the amount payable for the loss of goods to the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. (Similar provisions for Open Cargo Policies are contained in Standard Optional Endorsement No. 1, Form MA–300–A, prescribed in § 308.518.) Application for Standard Optional Endorsement No. 1–A must be made to the Underwriting Agent at the time application is made for the policy. The Underwriting Agent is authorized to issue the endorsement without prior approval of the Maritime Administrator. The following is the Standard Form of Optional Endorsement No. 1–A:

Form MA–316–A (7–54)

United States of America

Department of Commerce

Maritime Administration

Standard Optional Endorsement No. 1–A

This endorsement is attached to and made a part of War Risk Facultative Cargo Policy No. WRFC ____, issued to _____. The terms and conditions as set forth below shall supersede and nullify the clauses of the policy insofar as such clauses are inconsistent with the clauses set forth below:

CLAUSE A. *Limits on amount payable for loss.* Clause 9 of the Facultative Cargo Policy is hereby deleted and the following substituted therefor:

CLAUSE 9. *Limits on amount payable for loss*—(a) *Actual pecuniary loss.* In the event of loss, the Assured shall file a declaration (under the penalties of perjury) stating that the amount claimed does not exceed the actual bona fide pecuniary loss to the Assured, exclusive of any allowance for anticipated or accrued profit arising out of the insured venture. If claim is filed by the Assured named herein on behalf of any other person at interest, the declaration shall include a statement that the amount collectible does not exceed the amount which would have been collectible by the Assured named herein if at the time of the loss the Assured named herein had full interest in the insured goods. If this policy is issued to an agent for account of a principal named herein, both the agent and the named principal shall be required to sign the declaration.

(b) *Sales price less discount.* In the event of the loss of goods shipped by, to, or at the direction of the Assured and which were sold by the Assured prior to loading on board the overseas vessel (1) on terms requiring the Assured to provide war risk insurance to the port of discharge, or (2) with respect to which written or cabled instructions to provide war risk insurance to the port of discharge have been received by the Assured from the purchaser prior to loading of the goods on board the overseas vessel, and which were shipped for the account and at the risk of third persons other than a branch, subsidiary or affiliate of the Assured, the named Assured shall file a declaration (under the penalties of perjury), in lieu of the declaration, required by paragraph (a) of this Clause, stating that the amount claimed does not exceed the actual bona fide sales price less all discounts, plus the costs of marine insurance, transportation and expenses incidental thereto, and war risk insurance with respect to the lost goods if such items are not included in the sales price. The claim shall be filed by the named Assured unless otherwise permitted in writing by the Maritime Administrator for good cause shown.

(c) *Criminal code.* The declarations required to be filed pursuant to this Clause shall be subject to the United States Criminal Code which makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

§ 308.547 *Application for return premium, Form MA–317.* An application for the return of premium must be filed in duplicate with the Underwriting Agent in the following form:

Form MA–317 (7–54)

United States of America

Department of Commerce

Maritime Administration

Application for Return Premium Facultative Cargo Policy

Do not fill out this space

Premium paid _____
Checked by Underwriting Agency _____
Checked by Clearing Organization _____
Approved by:
_____
Maritime Administrator, Acting for the Secretary of Commerce of the United States of America

Assured _____ Policy Number _____
Address _____
Underwriting Agent _____
Date of Payment _____
Nature of cargo _____
Date Insurance Bound _____

INSURANCE DECLARED

Quantity (tons, barrels, bales, etc.)	Amount of insurance	Rate	Premium
Total			

INSURANCE AT RISK

Total			

Return Premium _____

Remarks: _____

Application is hereby made for return premium as set forth above.

Date: _____

_____
(Assured)

By: _____
_____
(Title)

Certificate

_____
(Name of person certifying)
certifies under penalties of perjury that:
(He) (She) is an officer, to wit: _____
(Title)
of the _____, insured
(Name of Corporation or Company)
under Facultative Cargo Policy No. _____
or*

(He) (She) is the Assured named in Facultative Cargo Policy No. _____ and is familiar with all matters pertaining thereto; and that the information set forth in said application is in all respects true and correct

*Strike out inapplicable part.

and is made to induce the Maritime Administrator to return part or all of the premiums heretofore paid by said Assured to said Maritime Administrator for Facultative Cargo War Risk Insurance. The application is made with full knowledge that the Maritime Administrator will rely on the information set forth therein.

_____

NOTE: The United States Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U. S. C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U. S. C. 287).

Policy hereby endorsed in accordance with foregoing and voucher cleared by Maritime Administration.

Date: _____

Maritime Administrator,
Acting for the Secretary
of Commerce.

By: _____
(Underwriting Agent)

By: _____

IV—GENERAL

§ 308.548 *Standard form of underwriting agency agreement for cargo; Form MA–318.* The following is the standard form of underwriting agency agreement which will be executed by the Maritime Administrator and domestic insurance companies authorized to do a marine insurance business in any State of the United States, appointing such companies as Underwriting Agents to issue war risk cargo policies in accordance with the provision of the agreement and this subpart:

Form MA–318 (7–54)

United States of America

Department of Commerce

Maritime Administration

Underwriting Agency Agreement for Cargo

This Agreement, made and entered into this ____ day of _____, 195__, by and between the United States of America (herein called the "United States"), acting by the Secretary of Commerce (herein called the "Secretary"), represented by the Maritime Administrator (herein called the "Administrator"), and _____ a corporation organized and existing under the laws of _____ and duly authorized to do a marine insurance business in a State of the United States, having an office for the transaction of business at _____ (herein called the "Underwriting Agent").

Witnesseth:

Whereas, pursuant to title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "Act"), the Secretary is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to employ domestic companies or groups of domestic companies authorized to do a marine insurance business in any State of the United States to act as his Underwriting Agent; and

Whereas, the Secretary has delegated authority to the Administrator to perform the functions vested in the Secretary by title XII of the Act, except the authority "to find that insurance adequate to the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary. (Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (Amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519); and

Whereas, the Administrator has determined to employ the Underwriting Agent as an underwriting agent in providing war risk cargo insurance as set forth in section 1203 (b) of the Act upon the terms and conditions herein set forth:

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions herein set forth, the parties hereto agree as follows:

1. *Appointment of agent.* The Administrator hereby authorizes the Underwriting Agent, as an agent acting on behalf of the Administrator and not as an independent contractor, to utilize its offices and facilities to make available the insurance which the Secretary is authorized to provide pursuant to Section 1203 (b) of the Act and to perform the functions hereinafter provided for, upon the terms and conditions hereinafter set forth and in accordance with the rules, regulations and instructions which will be issued from time to time to the Underwriting Agent by the Administrator directly or through any clearing agency appointed by the Administrator. The Underwriting Agent hereby agrees to utilize its offices and facilities to make such insurance available, as agent for the Administrator, and to perform the functions hereinafter provided for to the best of its ability. The Underwriting Agent may act through its home office, branch offices or agencies which are authorized to write insurance on its behalf.

2. *Duties of agent.* The duties of the Underwriting Agent shall be as follows:

(a) *Receive applications and issue binders and policies.* The Underwriting Agent shall receive applications for insurance, covering the class or classes of property and subject to the rates and conditions specified by the Administrator upon forms prescribed by the Administrator. After determining that the applications have been submitted in complete and proper form and are accompanied by remittances in the amount of the premiums required for the insurance applied for, the Underwriting Agent shall countersign binders or policies of insurance, or both binders and policies of insurance, subject to the rules, rates, terms and conditions specified by the Administrator on forms prescribed by the Administrator. The insurer under such policies shall be the United States.

(b) *Keep records.* The Underwriting Agent shall keep a full and complete record of all applications, binders, and policies, and shall also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies, so that a record may be available at all times to the Administrator, both as to all applications received and all binders and policies issued, and as to all collateral deposit funds or surety bonds provided by the assured in connection with such binders and policies.

(c) *Receive money and reports.* The Underwriting Agent shall accept monthly Closing Reports from each open cargo policyholder for transmission to the Administrator or to a clearing agency if one is designated by the Administrator. The Underwriting Agent shall also receive checks drawn to the order of "Maritime Adm.—Commerce" for the premiums and charges involved, which checks shall be deposited by the Underwriting Agent in the Federal Reserve Bank nearest to its office, or in such other bank as may be authorized by the Administrator to receive such deposits. The Underwriting Agent shall receive from the bank in which the deposits are made receipts therefor in such number as may be prescribed in instructions to the Underwriting Agent and handle the receipts so received in accordance with such instructions.

(d) *Report monthly.* The Underwriting Agent shall prepare a monthly report, in summary form, of all Closing Reports and binders and policies issued on standard forms to be approved by the Administrator and transmit them, together with supporting Closing Reports received from Open Cargo policyholders and receipts for deposits made as above provided, to the Administrator or to a clearing agency if one is designated by the Administrator.

(e) *Other reports.* The Underwriting Agent shall prepare and transmit such other reports as may be required by the Administrator.

(f) *Process claims for return premiums.* The Underwriting Agent shall receive from holders of policies issued by such Underwriting Agent any claims for return premiums on a standard form prescribed by the Administrator and shall certify thereon, if such is the fact, that the amounts with respect to which such return is claimed were previously paid and were included in closing reports submitted to the Administrator and that based upon the statements included in such application by the assured the return premium applied for is payable in accordance with the regulations of the Administrator. Such applications and certifications shall be transmitted promptly to the Administrator or to a clearing agency if one is designated by the Administrator.

(g) *Process claims for losses.* The Underwriting Agent shall receive reports of losses, prepare adjustments and vouchers, and other data, required by the Administrator, and submit the same with its recommendation as to whether claims are in order for settlement to the Administrator or to a clearing agency if one is designated by the Administrator.

(h) *Help establish advisory committee.* The Underwriting Agent shall, if requested by the Administrator, cooperate with the Administrator and other Underwriting Agents acting in a similar capacity to establish and maintain an advisory underwriting committee to consult with and advise the Administrator in connection with specific underwriting problems, subject to the rules, regulations and instructions of the Administrator, and to establish and maintain such other advisory committees as may be deemed necessary from time to time to safeguard the interests of the Administrator including a loss committee to act as a recipient for information concerning losses and to pass upon any recommendations made by the Underwriting Agent as to losses and payments of claims arising therefrom.

(i) *Cooperate with clearing agency.* The Underwriting Agent shall if requested by the Administrator cooperate with any clearing agency designated by the Administrator to act on behalf of the Administrator in coordinating and facilitating the issuance of insurance pursuant to Section 1203 (b) of the Act in accordance with terms and conditions agreed upon between the clearing agency and the Administrator and in accordance with the rules, regulations and instructions issued by the Administrator to the clearing agency.

3. *Compensation.* Subject to paragraph 9 of this Agreement:

(a) *Fair and reasonable.* The Underwriting Agent shall receive for its services such amount as the Administrator and the Underwriting Agent may, from time to time, agree to be fair and reasonable compensation. In addition to such fair and reasonable compensation, the Underwriting Agent shall receive reimbursement for out-of-pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Underwriting Agent but excluding payments to attorneys unless such employment has been authorized by the Administrator, provided, however, that all such expenditures shall be subject to the review of the Administrator, and further provided that, except as authorized by Section 1209 (d) of the Act, such expenditures shall not include any fee or other consideration paid to an insurance broker or any person acting in a similar intermediary capacity for services by virtue of his participation in arranging any of such insurance nor include any payment on account of solicitation for or stimulation of such insurance.

(b) *Paid monthly.* A statement of the compensation due to the Underwriting Agent (including reimbursement for out-of-pocket expenses as herein provided) shall be submitted by the Underwriting Agent to the Administrator monthly or at such other intervals as the Administrator may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Underwriting Agent.

4. *Standard of performance.* In the discharge of its duties and obligations pursuant to this Agreement, the Underwriting Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business and consistent with the highest degree of good faith. It is agreed, however, that the Underwriting Agent shall not be responsible for errors or omissions of agents or employees in whose selection and supervision it has exercised reasonable care, provided, however, that the Underwriting Agent, in any such case, shall have conformed to the standards of performance required hereunder, and provided further, that the Underwriting Agent assumes full and complete responsibility for the disposition of any funds received by it or its agents or employees under and pursuant to this Agreement. The exercise of reasonable care in the selection of agents and employees by the Underwriting Agent shall be deemed to include a determination by the Underwriting Agent that the agents or employees so selected are experienced in the transaction of such phases of the marine insurance business as may be delegated to such agents or employees by the Underwriting Agent.

5. *Writing insurance for own account.* It is understood that the Underwriting Agent is or may be engaged in writing for its own account war risk insurance, as well as other types of insurance, for the benefit of holders of policies issued by it hereunder and of other parties; and it is agreed that such insurance may be written notwithstanding the activities of the Underwriting Agent hereunder on behalf of the Administrator, pursuant to this Agreement.

6. *Books and records.*

(a) *Maintained subject to audit.* The Underwriting Agent shall keep books, records and accounts covering the operations and activities under this Agreement which shall be the property of the United States represented by the Administrator and shall be kept separate from those relating to other business of the Underwriting Agent, in accordance with regulations made from time to time by the Administrator, and shall at all time be subject to audit and inspection by the Administrator.

(b) *Comptroller General may examine.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Underwriting Agent in the performance of and involving transactions related to this Agreement.

7. *Acts only as agent.* The Underwriting Agent shall act only in the capacity of agent for the Administrator as principal, in the performance of the functions provided for hereunder. The Underwriting Agent shall have no authority other than as provided in this Agreement and in the rules, regulations and instructions issued to it by the Administrator under and pursuant to this Agreement, directly or through any clearing agency appointed by the Administrator. The Underwriting Agent may accompany its signature in all policies countersigned by it hereunder with a statement that, in countersigning such policies, it acts solely under the powers conveyed to it by the Administrator and that it does not thereby warrant its authority to accept applications for insurance or its authority to countersign, nor the authority of the Administrator to issue such policies.

8. *Special circumstances.*

(a) *Reimbursement of taxes and fees.* In the event that the Underwriting Agent, after giving notice to the Administrator, shall be compelled to pay to the United States, its territories or possessions, or to any state of the United States or political subdivision thereof, or to any foreign country or political subdivision thereof, any tax (excepting incomes taxes of every nature) or fee or interest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this Agreement and which would not have been payable except for the activities of the Underwriting Agent hereunder, the Administrator shall reimburse the Underwriting Agent therefor and for any special expenses necessarily incurred in connection therewith.

(b) *Indemnification.* If any legal suit or proceeding (whether or not based on negligence) is brought against the Underwriting Agent on account of anything done or not done, by the Underwriting Agent, the Administrator or any clearing agency appointed by him, in connection with the issuance or non-issuance of insurance on behalf of the Administrator or the payment or non-payment of claims arising thereunder (including, without in any way limiting the foregoing, anything done or not done pursuant to any rules, regulations, or instructions of the Administrator or anything done or not done in conflict with or because of any limitation on the powers of the Administrator), the Administrator shall, upon due notice and at the expense of the United States, defend any such proceeding. If, in or as a result of any such legal suit or proceeding, the Underwriting Agent be compelled or required to make any payment or incur any expense, the Administrator shall reimburse the Underwriting Agent for the amount thereof; provided always that the Administrator shall not be obligated to make any such reimbursement unless, in connection with the action complained of, the Underwriting Agent shall have complied with the standard of performance required hereunder. In any of the foregoing cases, the Underwriting Agent shall render to the Administrator such reasonable cooperation and assistance as the Administrator may require.

9. *Effective date, amendment, termination.* This Agreement shall become effective as and when the Secretary finds that war risk cargo insurance adequate for the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States. The Underwriting Agent shall not be entitled to receive any compensation or to be reimbursed for any expenditures, as otherwise authorized by paragraph 3 of this Agreement, for services rendered or expenditures incurred prior to the effective date of this Agreement. This Agreement may be terminated, modified or amended at any time by mutual written consent. Once this Agreement becomes effective, it shall continue in force until terminated by mutual written consent or by either party, giving at least thirty (30) days' written notice by registered mail to the other party, stating the effective date and time on which this Agreement shall terminate. Such termination shall not affect the obligations of the parties hereto with respect to any binders or policies of insurance issued or expenditures incurred prior to the effective date of such termination.

10. *No commission or contingent fee.* The Underwriting Agent warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Underwriting Agent for the purpose of securing business. For breach or violation of this warranty the Administrator shall have the right to annul this contract without liability or in his discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

11. *No discrimination.* In connection with the performance of work under this contract, the Underwriting Agent agrees not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder except subcontracts for standard commercial supplies or for raw materials.

12. *No member delegate.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

13. *Renegotiation.* This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all of the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this contract) shall insert the provisions of this article in each subcontract and purchase order made or issued in carrying out the contract.

Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

In witness whereof, the parties hereto have duly executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
Secretary of Commerce
By: Maritime Administrator

Maritime Administrator

Attest:

Underwriting Agent

By: ---

Attest:

Approved as to form:

Assistant General Counsel
Maritime Administration

I, ----------, certify that I am the duly chosen, qualified, and acting Secretary of ----------, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that ----------, who signed this Agreement on behalf of said corporation, was then the duly qualified ---------- of said corporation; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said corporation by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the corporate and lawful powers of this corporation.

[CORPORATE SEAL]

(Where special action of the governing body is not immediately practicable, the following must be signed by the United States Manager, or by the Branch Manager or other similar executive who executes the Agreement.)

I, ----------, certify that I am the -------- of -------- the party to this Agreement referred to therein as the Underwriting Agent; that I personally signed this Agreement on behalf of said corporation, under powers given to me by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the corporate and lawful powers of this corporation.

L. S.

§ 308.549 *Application for appointment of Cargo Underwriting Agent, Form MA–319.* Any domestic insurance company authorized to do a marine insurance business in any State of the United States may apply for appointment as a Cargo Underwriting Agent by sending a letter in the following form to the Maritime Administrator:

Form MA–319 (7–54)

Application for Appointment of Cargo Underwriting Agent

MARITIME ADMINISTRATOR,
Washington 25, D. C.

DEAR SIR:

The undersigned, an insurance company duly admitted to transact the business of marine insurance in the following State or States of the United States, hereby applies for appointment as Underwriting Agent of the Maritime Administrator, to execute and issue binders and open and facultative war risk cargo insurance policies on behalf of the United States of America, represented by the Maritime Administrator, acting for the Secretary of Commerce, and to perform other functions and duties, as are more specifically set forth in the standard form of underwriting agency agreement prescribed by the Maritime Administrator and printed in the FEDERAL REGISTER of the United States on the ---------. In connection with this application, we are transmitting herewith three executed counterparts of an underwriting agency agreement in such standard form.

Dated: ----------

(Applicant)

§ 308.550 *Certificate, Form MA–320—(a) When used.* Wherever any provision of this subpart or any amendment thereto, requires the Assured to make a declaration or certification under the penalties of perjury and the form of the declaration or certificate is not prescribed, the Assured may execute a certificate on Form MA–320–A, prescribed in paragraph (b) of this section if the Assured is an individual, or on Form MA–320–B, prescribed in paragraph (c) of this section if the Assured is a partnership, or on Form MA–320–C, prescribed in paragraph (d) of this section if the Assured is a corporation.

(b) *Individual, Form MA–320–A.* If the Assured is an individual, a certificate in the following form may be used:

Form MA–320–A (7–54)

Certificate

I, individually, under the penalties provided by the Criminal Code of the United States, Title 18, U. S. C., Sections 287 and 1001, certify that the statements hereinabove contained and in any accompanying schedules or reports, have been examined by me and to the best of my knowledge and belief they are true, correct and complete, and are made in good faith for the purpose of inducing the United States of America acting by and through the Maritime Administrator to rely thereon.

(Assured)

(c) *Partnership, Form MA–320–B.* If the Assured is a partnership, a certificate in the following form may be used:

Form MA–320–B (7–54)

Certificate

I, individually, and on behalf of the named policyholder, a partnership for whom I declare I have the power to make this certificate, under the penalties provided by the Criminal Code of the United States, Title 18, U. S. C., Sections 287 and 1001, certify that the statements hereinabove contained and in any accompanying schedules or reports, have been examined by me and to the best of my knowledge and belief they are true, correct and complete, and are made in good faith for the purpose of inducing the United States of America acting by and through the Maritime Administrator to rely thereon.

(Title)

(d) *Corporation, Form MA–320–C.* If the Assured is a corporation, a certificate in the following form may be used:

Form MA–320–C (7–54)

Certificate

I, individually, and on behalf of the named policyholder, a corporation, for whom I declare I have the power to make this certificate, under the penalties provided by the Criminal Code of the United States, Title 18, U. S. C., Sections 287 and 1001, certify that the statements hereinabove contained and in any accompanying schedules or reports, have been examined by me and to the best of my knowledge and belief they are true, correct and complete, and are made in good faith for the purpose of inducing the United States of America, acting by and through the Maritime Administrator, to rely thereon.

(Title)

§ 308.551 *War Risk insurance clearing agency agreement for cargo.* The following is the standard form of clearing agency agreement which will be executed by the Maritime Administrator and domestic insurance companies, or groups of domestic insurance companies authorized to do a marine insurance business in any State of the United States, appointing such companies or groups of companies as clearing agents:

Form MA–321 (3–56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

CLEARING AGENCY AGREEMENT FOR CARGO

This Agreement, made and entered into this ------ day of 195--, by and between the United States of America (herein called the "United States"), acting by the Secretary of Commerce (herein called the "Secretary"), represented by the Maritime Administrator (herein called the "Administrator"), and ----------, (herein

called the "Clearing Agent"), having an office for the transaction of business at ----------, ----------, an association of domestic insurance companies (herein called the "Participating Members"), each of which is authorized to do a marine insurance business in a State of the United States,

WITNESSETH

Whereas, pursuant to title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "Act"), the Secretary is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to employ domestic companies or groups of domestic companies authorized to do a marine insurance business in any State of the United States to act as his underwriting agent; and

Whereas, the Secretary has delegated authority to the Administrator to perform the functions vested in the Secretary by title XII of the act, except the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary, Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519; and

Whereas, the Administrator is prepared, under the authority of section 1209 (d) of the act, to enter into Underwriting Agency Agreements with each of the Participating Members and with other Domestic Companies authorized to do an insurance business in any State of the United States and having facilities similar to the Participating Members (hereinafter collectively called the "Underwriting Agents"), for the purpose of performing certain functions on behalf of the Administrator, including the receipt of applications and countersignature of policies, in connection with the issuance of insurance pursuant to section 1203 (b) of the act; and

Whereas, the Administrator has determined to utilize the services and facilities of ----------, to act as clearing agent to coordinate the issuance of cargo war risk insurance and facilitate the administration of the cargo war risk program by the Administrator;

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. *Appointment of Agent.* The Administrator hereby authorizes the Clearing Agent, as an agent acting on behalf of the Administrator and not as an independent contractor, to utilize its offices and facilities in cooperation with the Underwriting Agents for the purpose of coordinating and facilitating the issuance of cargo war risk insurance pursuant to section 1203 (b) of the act and to perform the functions hereinafter provided for, upon the terms and conditions hereinafter set forth and in accordance with the rules, regulations and instructions which will be issued from time to time by the Administrator to the Clearing Agent. The Clearing Agent hereby agrees to utilize its offices and facilities and to perform the functions hereinafter provided for to the best of its ability on behalf of the Administrator. The Clearing Agent may act through and use the facilities of the ---------- and such other agents as may be approved by the Administrator, to the extent it deems necessary in the performance of its duties hereunder.

2. *Duties of Agent.* The duties of the Clearing Agent shall be as follows:

(a) The Clearing Agent, when and as instructed by the Administrator, shall promptly transmit to the Underwriting Agents all applicable rules, regulations, instructions and information which it receives from the Administrator in connection with the program of insurance authorized by section 1203 (b) of the act. The Clearing Agent shall promptly transmit to the Administrator any notice, demand, request or report submitted to it by the Underwriting Agents for transmission to the Administrator, in accordance with this Agreement and the Underwriting Agency Agreements.

(b) The Clearing Agent, when and as required by the Administrator, shall receive reports from the Underwriting Agents, setting forth in summary form, all applications received, policies issued, invalidated, cancelled, reduced or extended, premiums collected and returned and such other information as the Administrator may from time to time request. The Clearing Agent shall prepare and submit to the Administrator, at such regular intervals as the Administrator may direct, a report on a form approved by the Administrator, combining and summarizing the information which shall have been reported to it by the Underwriting Agents as aforesaid and including such other information as may be reasonably required by the Administrator. The Clearing Agent shall from time to time prepare and submit to the Administrator such other reports and information relating to its activities hereunder as the Administrator may from time to time reasonably request.

(c) The Clearing Agent shall receive from the Underwriting Agents reports and claims of losses submitted to said Agents together with the pertinent documents and recommendations relating thereto which the Underwriting Agents shall have prepared and assembled. The Clearing Agent shall promptly transmit all such reports, documents and recommendations to the Administrator, together with any additional information relating to such claims which the Administrator may reasonably require in determining their eligibility for settlement and payment.

(d) The Clearing Agent shall receive from the Underwriting Agents claims submitted to said Agents for return of all or part of premiums previously collected under policies, if any, providing for return premiums, together with the required certifications of said Agents in connection with such claims. The Clearing Agent shall promptly transmit said claims and certifications to the Administrator, together with any further information which the Administrator may reasonably require in connection therewith.

(e) The Clearing Agent shall maintain a complete, separate system of books of records and accounts covering its operations and activities under this Agreement, including a record of all statements, vouchers and other information received by it from the Underwriting Agents. These books of records and accounts shall be the property of the Administrator. They shall be kept available by the Clearing Agent at all times for audit and inspection by duly authorized representatives of the Administrator and by the Comptroller General of the United States or their duly authorized representatives during the period of this Agreement and up to thirty-six (36) months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the Underwriting Agents.

(f) The Clearing Agent shall receive such periodic statements and vouchers of compensation and other payments claimed by the Underwriting Agents as the Underwriting Agents may be required to submit pursuant to the Underwriting Agency Agreements. The Clearing Agent shall consolidate such statements and vouchers into a single monthly statement of compensation claimed by the Underwriting Agents as of the last day of the month covered by such consolidated statement and shall certify thereon that the amounts set forth therein truly and correctly reflect the statements and vouchers received from the Underwriting Agents. The Clearing Agent shall then submit such consolidated statement to the Administrator, who upon his approval thereof, shall promptly forward to the Clearing Agent his check payable to the order of the Clearing Agent in the total amount of such statement as approved by the Administrator. The Clearing Agent shall thereupon make payments to the order of the individual Underwriting Agents in the respective amounts set forth in the statement as approved by the Administrator.

3. *Compensation*—(a) *Fair and reasonable.* The Clearing Agent shall receive for its services such amount as the Administrator and the Clearing Agent may, from time to time, agree to be fair and reasonable compensation. In addition to such fair and reasonable compensation, the Clearing Agent shall receive reimbursement for out-of-pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Clearing Agent but excluding payments to attorneys unless such employment has been authorized by the Administrator, provided, however, that all such expenditures shall be subject to the review of the Administrator, and further provided that, except as authorized by section 1209 (d) of the act, such expenditures shall not include any fee or other consideration paid to an insurance broker or any person acting in a similar intermediary capacity for services by virtue of his participation in arranging any of such insurance nor include any payment on account of solicitation for or stimulation of such insurance.

(b) *Paid monthly.* A statement of the compensation due to the Clearing Agent (including reimbursement for out-of-pocket expenses as herein provided) shall be submitted by the Clearing Agent to the Administrator monthly or at such other intervals as the Administrator may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Clearing Agent.

4. *Standard of performance.* In the discharge of its duties and obligations pursuant to this Agreement, the Clearing Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business and consistent with the highest degree of good faith. It is agreed, however, that the Clearing Agent shall not be responsible for errors or omissions of agents or employees in whose selection and supervision it has exercised reasonable care, provided, however, that the Clearing Agent, in any such case, shall have conformed to the standards of performance required hereunder, and provided further, that the Clearing Agent assumes full and complete responsibility for the disposition of any funds received by it or its agents or employees under and pursuant to this Agreement. The exercise of reasonable care in the selection of agents and employees by the Clearing Agent shall be deemed to include a determination by the Clearing Agent that the agents or employees so selected are experienced in the transaction of such phases of the marine insurance business as may be delegated to such agents or employees by the Clearing Agent.

5. *Writing insurance for own account.* It is understood that the Participating Members of the Association constituting the Clearing Agent are or may be engaged in writing for their own account war risk insurance, as well as other types of insurance, for the benefit of holders of policies issued by the Clearing Agent hereunder and of other parties; and it is agreed that such insurance may be written notwithstanding the activities of the Clearing Agent hereunder on behalf of the Administrator, pursuant to this Agreement.

6. *Books and records*—(a) *Maintained subject to audit.* The Clearing Agent shall keep books, records and accounts covering the operations and activities under this Agreement which shall be the property of the United States represented by the Administrator and shall be kept separate from those relating to other business of the Clearing Agent or of the Participating Members thereof, in accordance with regulations made from time to time by the Administrator, and shall at all times be subject to audit and inspection by the Administrator.

(b) *Comptroller General may examine.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Clearing Agent or of the Participating Members thereof in the performance of and involving transactions related to this Agreement.

7. *Act only as agent.* The Clearing Agent shall act only in the capacity of agent for the Administrator as principal, in the performance of the functions provided for hereunder. The Clearing Agent shall have no authority other than as provided in this Agreement and in the rules, regulations and instructions issued to it by the Administrator under and pursuant to this Agreement.

8. *Special circumstances*—(a) *Reimbursement of taxes and fees.* In the event that the Clearing Agent or any Participating Member or Members thereof, after giving notice to the Administrator, shall be compelled to pay to the United States, its territories or possessions, or to any State of the United States or political subdivision thereof, or to any foreign country or political subdivision thereof, any tax (excepting income taxes of every nature) or fee or interest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this Agreement and which would not have been payable except for the activities of the Clearing Agent hereunder, the Administrator shall reimburse the Clearing Agent and any Participating Member or Members therefor and for any special expenses necessarily incurred in connection therewith.

(b) *Indemnification.* If any legal suit or proceeding (whether or not based on negligence) is brought against the Clearing Agent or any Participating Member or Members thereof on account of anything done or not done, by the Clearing Agent or any Participating Member or Members thereof or the Administrator, in connection with the issuance or non-issuance or cancellation of insurance on behalf of the Administrator or the payment or non-payment of claims for loss or return premiums arising thereunder (including, without in any way limiting the foregoing, anything done or not done pursuant to any rules, regulations, or instructions of the Administrator or anything done or not done in conflict with or because of any limitation on the powers of the Administrator), the Administrator shall, upon due notice and at the expense of the United States, defend any such proceeding. If, in or as a result of any such legal suit or proceeding, the Clearing Agent or any Participating Member or Members thereof be compelled or required to make any payment or incur any expense, the Administrator shall reimburse the Clearing Agent or any Participating Member or Members thereof for the amount thereof; provided always that the Administrator shall not be obligated to make any such reimbursement unless, in connection with the action complained of, the Clearing Agent shall have complied with the standard of performance required thereunder. In any of the foregoing cases, the Clearing Agent shall render to the Administrator such reasonable cooperation and assistance as the Administrator may require.

9. *Effective date, amendment, termination.* This Agreement shall become effective as of the date of its execution by the Administrator and shall continue in force until terminated. This Agreement may be terminated, modified or amended at any time by mutual written consent. Once this Agreement becomes effective, it shall continue in force until terminated by mutual written consent or by either party, giving at least thirty (30) days' written notice by registered mail to the other party, stating the effective date and time on which this Agreement shall terminate. Such termination shall not affect the obligations of the parties hereto with respect to any binders or policies of insurance issued or expenditures incurred prior to the effective date of such termination.

10. *No commission or contingent fee.* The Clearing Agent warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Clearing Agent for the purpose of securing business. For breach or violation of this warranty the Administrator shall have the right to annul this contract without liability or in his discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

11. *No discrimination.* In connection with the performance of work under this contract, the Clearing Agent agrees not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder except subcontracts for standard commercial supplies or for raw materials.

12. *No member or delegate.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

13. *Renegotiation.* This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all of the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this contract) shall insert the provisions of this article in each subcontract and purchase order made or issued in carrying out the contract.

Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

14. *Participating Members*—(a) *Indebted to United States.* The Participating Members of the association constituting the Clearing Agent, severally but not jointly and limited each to its participation therein, shall be indebted to the United States for such amounts as the Secretary is entitled to recover from the Clearing Agent in accordance with the foregoing provisions and, in the event of failure to pay on demand, the Secretary may bring an action or actions in any court in the United States to recover such amount or amounts from the Participating Members, severally but not jointly, on behalf of the United States.

(b) *Change of shares.* Without cancelling this Agreement, the Participating Members of the association constituting the Clearing Agent may, upon not less than ten (10) days' prior written notice to the Administrator, change their share of participation by agreement among themselves, including the termination of the interests of one Participating Member and the assumption of its share by one or more of the other Participating Members or by the admission of other eligible domestic insurance companies to membership in the association. Any such change of apportionment or termination of participation shall not relieve any Participating Member of its obligations in respect to matters which occurred prior to any change or termination of its interest. Unless the Clearing Agent is notified in writing by the Administrator, within ten (10) days after receipt of notice from the Clearing Agent, that the proposed change in participation or termination or assumption is disapproved, such change shall be understood to be acceptable to the Administrator.

In witness whereof, the parties hereto have duly executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
SECRETARY OF COMMERCE,
By: MARITIME ADMINISTRATOR.

(Maritime Administrator)

(Clearing Agent)

By:

Attest:

Attest:

Approved as to form:

(Assistant General Counsel, Maritime Administration)

I, ----------, certify that I am the duly chosen, qualified, and acting Secretary of ----------, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that ----------, who signed this Agreement on behalf of said association, was then the duly qualified ---------- of said association; that said officer affixed his manual signature to said agreement in his official capacity as said officer for and on behalf of said association by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the lawful powers of this association.

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§ 308.552 *Effective date.* This subpart shall become effective as and when the Secretary of Commerce finds that war risk cargo insurance adequate for the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

By order of the Maritime Administrator.

Dated: February 20, 1957.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1490; Filed, Feb. 27, 1957; 8:47 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter A—Alaska

PART 3—OPERATION OF U. S. M. S. "NORTH STAR" BETWEEN SEATTLE, WASH., AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

There was published in the FEDERAL REGISTER of October 25, 1956 (21 F. R. 8192) notice of intention to revise 25 CFR Part 3 dealing with the operation of the U. S. M. S. "North Star."

All interested persons were given opportunity to submit views, data and arguments within thirty days from the date of such publication. The views, data and arguments received have been considered and the regulations as proposed are adopted as set forth below with the following change: Section 3.9, *Preferential passengers* is amended to include "Public Health Service personnel traveling in behalf of the Indian health program, and their families."

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

Sec.
3.1 Responsibility for operation.
3.2 Transportation of freight for Federal agencies and others.
3.3 Employment of natives.
3.4 Prohibition of trade with natives.
3.5 Passenger rates.
3.6 Private passengers.
3.7 Transportation of children.
3.8 Transportation of Federal employees and their families and natives.
3.9 Preferential passengers.

AUTHORITY: §§ 3.1 to 3.9 issued under R. S. 161; 5 U. S. C. 22.

§ 3.1 *Responsibility for operation.* (a) The Administrative Officer and Special Representative of the Area Director, Juneau Area Office, Bureau of Indian Affairs, with offices in Seattle, Washington, has responsibility for the operation of the ship for the Department of the Interior, Bureau of Indian Affairs, including repair, upkeep, payment of bills and employment of personnel.

(b) Itineraries for each voyage shall be made by the Administrative Officer and Special Representative in consultation with the Area Director of the Bureau of Indian Affairs, Juneau, Alaska. Preference is to be accorded to the work of the Bureau of Indian Affairs. The Area Director is vested with authority to direct the use of the ship to perform special services which may arise and to act in any emergency.

§ 3.2 *Transportation of freight for Federal agencies and others.* (a) All agencies of the Federal Government, including activities of the Bureau of Indian Affairs, Alaskan Natives, cooperatives of Alaskan Natives, business enterprises owned and operated by Alaskan Natives and Federal employees shall be charged for freight, lighterage and longshoring and other terminal charges in accordance with tariff rates and terminal charges established by the Commissioner of Indian Affairs.

(b) Baggage and other personal property of passengers that cannot be readily accommodated in the passengers' staterooms will be manifested as freight and charged for at the established rates.

(c) Commercial freight may be carried between points where adequate service is not provided by commercial vessels. Commercial freight, when carried, shall be prepaid at the same tariff rates established under paragraph (a) of this section.

(d) All freight accepted must be properly manifested, giving the name and address of the consignor and the consignee, and a description of the goods, including gross weight.

(e) Freight will be accepted only on condition that the United States will not be held responsible for any loss, damage or non-delivery.

§ 3.3 *Employment of Natives.* Natives shall be employed on the "North Star" to fill all positions for which they are qualified.

§ 3.4 *Prohibition of trade with Natives.* Officers and members of the crew on the vessel are prohibited from engaging in trade with the Natives.

§ 3.5 *Passenger rates.* Rates for transportation of passengers shall be established by the Commissioner and shall be the same for all passengers, except as provided in § 3.7. Rates shall be on file for public inspection at the Bureau of Indian Affairs offices in Seattle, Washington and Juneau, Alaska.

§ 3.6 *Private passengers.* No private passengers (except Federal employees and their families and Natives of Alaska) shall be transported on the "North Star" between points where adequate services are provided by commercial vessels. Where such commercial vessels are not available, and where accommodations can be furnished on the "North Star" without detriment to Government business, private travelers may be transported at the rates established pursuant to § 3.5.

§ 3.7 *Transportation of children.* The rates established for the transportation of children shall be subject to the following rules:

(a) No charge shall be made for transportation of children under two years of age.

(b) Children who have reached their second birthday, but not their twelfth birthday shall be transported at half the rate established pursuant to § 3.5 for all other passengers.

§ 3.8 *Transportation of Federal employees and their families and Natives.* (a) All agencies of the Federal Government will be billed at the rates established pursuant to § 3.5 for each employee traveling on official business.

(b) When not in official travel status, Federal employees and families of Federal employees will be transported at the rates established pursuant to § 3.5.

(c) Natives of Alaska, who are not indigent, will be charged the same rates as all other passengers.

§ 3.9 *Preferential passengers.* In the booking of passage on the ship, preference shall be given to employees of the Bureau of Indian Affairs and their families, to Natives of Alaska, and to Public Health Service personnel traveling in behalf of the Indian health program, and their families.

[F. R. Doc. 57-1492; Filed, Feb. 27, 1957; 8:48 a. m.]

Subchapter E—Credit to Indians

PART 27—LOANS TO CHIPPEWA INDIAN MARKETING ASSOCIATION

PART 30—AUTHORITY OF COMMISSIONER AND SUPERINTENDENT

REVOCATION OF PARTS

Parts 27 and 30 are hereby revoked.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 20, 1957.

[F. R. Doc. 57-1495; Filed, Feb. 27, 1957; 8:48 a. m.]

Subchapter G—Enrollment and Reallotment of Indians

PART 51—ENROLLMENT OF MENOMINEE INDIANS, WISCONSIN

PART 53—REVISION OF THE ROLL OF THE INDIANS OF CALIFORNIA APPROVED MAY 17, 1933

PART 57—ENROLLMENT OF CONFEDERATED TRIBES OF SILETZ INDIANS

Subchapter U—Records

PART 246—TRANSFER OF RECORDS OF OKLAHOMA INDIAN TRIBES TO OKLAHOMA HISTORICAL SOCIETY

REVOCATION OF PARTS

1. Parts 51, 53, and 57 are hereby revoked.

2. The designation Subchapter U—Records is hereby deleted and Part 246 is hereby revoked.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

[F. R. Doc. 57-1491; Filed, Feb. 27, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

CONVERSION OF CURRENCY

NOTICE OF PROPOSED DESIGNATION OF THE PHILIPPINE ISLANDS AS A QUARTERLY RATE COUNTRY

Notice is hereby given that pursuant to section 522 (c) (1) (B) of the Tariff Act of 1930, as amended by the Customs Simplification Act of 1956 (31 U. S. C. 372 (c) (1) (B)), it is proposed to designate the Philippine Islands as a country whose currency shall be subject to conversion for customs purposes in accordance with the applicable law and regulations at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter beginning April 1, 1956, and each quarter thereafter by amending the list of countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations by adding thereto the "Philippine Islands" effective commencing with April 1, 1957.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the Philippine Islands may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To insure consideration of such communications they must be received in the Bureau of Customs not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: February 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-1559; Filed, Feb. 27, 1957; 8:59 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS; NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENT TO RULES AND REGULATIONS

Pursuant to provisions of § 927.36 of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of a public meeting to be held on March 4, 1957, at 10 a. m., e. s. t., at the Office of the Market Administrator, 205 East Forty-second Street, New York, New York, for consideration of proposed rules and regulations heretofore issued (7 CFR § 927.101 et seq.) pursuant to said order. Interested persons will be afforded an opportunity to participate in the meeting through the submission of written data, views or arguments or to present the same orally. Copies of the said rules and regulations as heretofore issued and of the proposed amendments to be considered at this public meeting may be procured from the Market Administrator.

The proposed amendment to be considered at said public meeting is as follows: By Grandview Dairy, Inc. and Queens Farms Dairy, Inc.

1. Amend § 927.108 as follows:

§ 927.108 *Cultured or flavored milk drink.* "Cultured or flavored milk drink" means a flavored or cultured beverage containing milk or skim milk but not more than 15 percent butterfat, or the mixture from such product is made at any plant. This definition includes but is not limited to the products properly known as buttermilk, chocolate milk, chocolate drink, egg nog and yogurt.

2. Amend § 927.122 as follows:

§ 927.122 *Homogenized mixture.* "Homogenized mixture" means a product which results from homogenizing a mixture containing milk solids, moisture, and sugar (or other sweetening agent) or other ingredients. It shall contain not less than 5.0 percent sugar (or other sweetening agent) or other ingredients, and not less than 5.0 percent moisture. This definition shall be deemed to exclude any product which is included under § 927.108.

Issued at New York, N. Y., this 25th day of February 1957.

[SEAL] C. J. BLANFORD,
Market Administrator.

[F. R. Doc. 57-1580; Filed, Feb. 27, 1957; 9:33 a. m.]

[7 CFR Parts 927, 990]

[Docket Nos. AO-71-A-32; AO-284]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

SUPPLEMENTAL NOTICE OF HEARING

The original notice of hearing in this proceeding was issued on May 18, 1956 (21 F. R. 3527) and supplemental notices of hearing were issued on May 29, 1956 (21 F. R. 3799) and on August 29, 1956 (21 F. R. 6680) on a proposed marketing agreement and order regulating the handling of milk in Northern New Jersey and on proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the New York metropolitan milk marketing area, including proposals designed to provide coordinated regulation of the handling of all milk proposed to be subject to regulation.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is given that the notices heretofore issued are hereby amended to include consideration of whether, on the basis of the entire record in this proceeding, a single marketing agreement and order regulating the handling of milk for a marketing area consisting of all the territory in the States of New York and New Jersey for which regulation has been proposed should be issued and would better effectuate the purposes of the act than two or more separate marketing agreements and orders for such territory. Evidence also will be received (1) with respect to specific terms and provisions of such a single marketing agreement and order and (2) as to whether such a single marketing agreement and order, if issued, should be issued in the form of a new marketing agreement and order or by amending Order No. 27.

It has been proposed by certain producer organizations that the terms and provisions of such a single marketing agreement and order be those presently contained in Order No. 27 except for revision of the definition of marketing area and other appropriate modifications, and except that such terms and provisions should be changed in the following respects:

1. *Pool plant provisions.* (a) Permanent pool plant status shall be limited to those plants which are presently designated under Order No. 27, or are historically related to the Northern New Jersey market, and such status shall be permanently lost if such designation is cancelled either by request of the handler or for failure to meet the requirements with respect to sanitary operation and supplying the market during a shortage. Any other plants would be pool plants only on the basis of supplying fluid milk to the marketing area. Provision shall be made, however, for a handler to replace a plant with permanent status which is closed.

(b) Handlers may request that permanent pool plant designations be withdrawn only in the months immediately prior to the flush season. Order No. 27 presently permits withdrawal of designation by the handler only during and immediately after the flush season.

(c) Provisions for being a pool plant on the basis of supplying fluid milk to the market shall require that any plant in the pool on this basis during April, May or June shall also be a pool plant in any of the nine months of the ensuing period of July through March in which such plant utilized not less than 60 percent of its receipts from producers as fluid milk either inside or outside the marketing area (Class I-A and Class I-B combined).

(d) With respect to pricing provisions for out-of-market milk designed to discourage its being dumped into the pool,

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter A—Alaska

PART 3—OPERATION OF U. S. M. S. "NORTH STAR" BETWEEN SEATTLE, WASH., AND STATIONS OF THE BUREAU OF INDIAN AFFAIRS AND OTHER GOVERNMENT AGENCIES, ALASKA

There was published in the FEDERAL REGISTER of October 25, 1956 (21 F. R. 8192) notice of intention to revise 25 CFR Part 3 dealing with the operation of the U. S. M. S. "North Star."

All interested persons were given opportunity to submit views, data and arguments within thirty days from the date of such publication. The views, data and arguments received have been considered and the regulations as proposed are adopted as set forth below with the following change: Section 3.9, *Preferential passengers* is amended to include "Public Health Service personnel traveling in behalf of the Indian health program, and their families."

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

Sec.
3.1 Responsibility for operation.
3.2 Transportation of freight for Federal agencies and others.
3.3 Employment of natives.
3.4 Prohibition of trade with natives.
3.5 Passenger rates.
3.6 Private passengers.
3.7 Transportation of children.
3.8 Transportation of Federal employees and their families and natives.
3.9 Preferential passengers.

AUTHORITY: §§ 3.1 to 3.9 issued under R. S. 161; 5 U. S. C. 22.

§ 3.1 *Responsibility for operation.* (a) The Administrative Officer and Special Representative of the Area Director, Juneau Area Office, Bureau of Indian Affairs, with offices in Seattle, Washington, has responsibility for the operation of the ship for the Department of the Interior, Bureau of Indian Affairs, including repair, upkeep, payment of bills and employment of personnel.

(b) Itineraries for each voyage shall be made by the Administrative Officer and Special Representative in consultation with the Area Director of the Bureau of Indian Affairs, Juneau, Alaska. Preference is to be accorded to the work of the Bureau of Indian Affairs. The Area Director is vested with authority to direct the use of the ship to perform special services which may arise and to act in any emergency.

§ 3.2 *Transportation of freight for Federal agencies and others.* (a) All agencies of the Federal Government, including activities of the Bureau of Indian Affairs, Alaskan Natives, cooperatives of Alaskan Natives, business enterprises owned and operated by Alaskan Natives and Federal employees shall be charged for freight, lighterage and longshoring and other terminal charges in accordance with tariff rates and terminal charges established by the Commissioner of Indian Affairs.

(b) Baggage and other personal property of passengers that cannot be readily accommodated in the passengers' staterooms will be manifested as freight and charged for at the established rates.

(c) Commercial freight may be carried between points where adequate service is not provided by commercial vessels. Commercial freight, when carried, shall be prepaid at the same tariff rates established under paragraph (a) of this section.

(d) All freight accepted must be properly manifested, giving the name and address of the consignor and the consignee, and a description of the goods, including gross weight.

(e) Freight will be accepted only on condition that the United States will not be held responsible for any loss, damage or non-delivery.

§ 3.3 *Employment of Natives.* Natives shall be employed on the "North Star" to fill all positions for which they are qualified.

§ 3.4 *Prohibition of trade with Natives.* Officers and members of the crew on the vessel are prohibited from engaging in trade with the Natives.

§ 3.5 *Passenger rates.* Rates for transportation of passengers shall be established by the Commissioner and shall be the same for all passengers, except as provided in § 3.7. Rates shall be on file for public inspection at the Bureau of Indian Affairs offices in Seattle, Washington and Juneau, Alaska.

§ 3.6 *Private passengers.* No private passengers (except Federal employees and their families and Natives of Alaska) shall be transported on the "North Star" between points where adequate services are provided by commercial vessels. Where such commercial vessels are not available, and where accommodations can be furnished on the "North Star" without detriment to Government business, private travelers may be transported at the rates established pursuant to § 3.5.

§ 3.7 *Transportation of children.* The rates established for the transportation of children shall be subject to the following rules:

(a) No charge shall be made for transportation of children under two years of age.

(b) Children who have reached their second birthday, but not their twelfth birthday shall be transported at half the rate established pursuant to § 3.5 for all other passengers.

§ 3.8 *Transportation of Federal employees and their families and Natives.*

(a) All agencies of the Federal Government will be billed at the rates established pursuant to § 3.5 for each employee traveling on official business.

(b) When not in official travel status, Federal employees and families of Federal employees will be transported at the rates established pursuant to § 3.5.

(c) Natives of Alaska, who are not indigent, will be charged the same rates as all other passengers.

§ 3.9 *Preferential passengers.* In the booking of passage on the ship, preference shall be given to employees of the Bureau of Indian Affairs and their families, to Natives of Alaska, and to Public Health Service personnel traveling in behalf of the Indian health program, and their families.

[F. R. Doc. 57-1492; Filed, Feb. 27, 1957; 8:48 a. m.]

Subchapter E—Credit to Indians

PART 27—LOANS TO CHIPPEWA INDIAN MARKETING ASSOCIATION

PART 30—AUTHORITY OF COMMISSIONER AND SUPERINTENDENT

REVOCATION OF PARTS

Parts 27 and 30 are hereby revoked.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 20, 1957.

[F. R. Doc. 57-1495; Filed, Feb. 27, 1957; 8:48 a. m.]

Subchapter G—Enrollment and Reallotment of Indians

PART 51—ENROLLMENT OF MENOMINEE INDIANS, WISCONSIN

PART 53—REVISION OF THE ROLL OF THE INDIANS OF CALIFORNIA APPROVED MAY 17, 1933

PART 57—ENROLLMENT OF CONFEDERATED TRIBES OF SILETZ INDIANS

Subchapter U—Records

PART 246—TRANSFER OF RECORDS OF OKLAHOMA INDIAN TRIBES TO OKLAHOMA HISTORICAL SOCIETY

REVOCATION OF PARTS

1. Parts 51, 53, and 57 are hereby revoked.

2. The designation Subchapter U—Records is hereby deleted and Part 246 is hereby revoked.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

[F. R. Doc. 57-1491; Filed, Feb. 27, 1957; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 16]

CONVERSION OF CURRENCY

NOTICE OF PROPOSED DESIGNATION OF THE PHILIPPINE ISLANDS AS A QUARTERLY RATE COUNTRY

Notice is hereby given that pursuant to section 522 (c) (1) (B) of the Tariff Act of 1930, as amended by the Customs Simplification Act of 1956 (31 U. S. C. 372 (c) (1) (B)), it is proposed to designate the Philippine Islands as a country whose currency shall be subject to conversion for customs purposes in accordance with the applicable law and regulations at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter beginning April 1, 1956, and each quarter thereafter by amending the list of countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations by adding thereto the "Philippine Islands" effective commencing with April 1, 1957.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the Philippine Islands may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To insure consideration of such communications they must be received in the Bureau of Customs not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: February 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-1559; Filed, Feb. 27, 1957; 8:59 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS; NOTICE OF PUBLIC MEETING FOR CONSIDERATION OF PROPOSED AMENDMENT TO RULES AND REGULATIONS

Pursuant to provisions of § 927.36 of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), notice is hereby given of a public meeting to be held on March 4, 1957, at 10 a. m., e. s. t., at the Office of the Market Administrator, 205 East Forty-second Street, New York, New York, for consideration of proposed rules and regulations heretofore issued (7 CFR § 927.101 et seq.) pursuant to said order. Interested persons will be afforded an opportunity to participate in the meeting through the submission of written data, views or arguments or to present the same orally. Copies of the said rules and regulations as heretofore issued and of the proposed amendments to be considered at this public meeting may be procured from the Market Administrator.

The proposed amendment to be considered at said public meeting is as follows: By Grandview Dairy, Inc. and Queens Farms Dairy, Inc.

1. Amend § 927.108 as follows:

§ 927.108 *Cultured or flavored milk drink.* "Cultured or flavored milk drink" means a flavored or cultured beverage containing milk or skim milk but not more than 15 percent butterfat, or the mixture from such product is made at any plant. This definition includes but is not limited to the products properly known as buttermilk, chocolate milk, chocolate drink, egg nog and yogurt.

2. Amend § 927.122 as follows:

§ 927.122 *Homogenized mixture.* "Homogenized mixture" means a product which results from homogenizing a mixture containing milk solids, moisture, and sugar (or other sweetening agent) or other ingredients. It shall contain not less than 5.0 percent sugar (or other sweetening agent) or other ingredients, and not less than 5.0 percent moisture. This definition shall be deemed to exclude any product which is included under § 927.108.

Issued at New York, N. Y., this 25th day of February 1957.

[SEAL] C. J. BLANFORD,
Market Administrator.

[F. R. Doc. 57-1560; Filed, Feb. 27, 1957; 9:33 a. m.]

[7 CFR Parts 927, 990]

[Docket Nos. AO-71-A-32; AO-284]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

SUPPLEMENTAL NOTICE OF HEARING

The original notice of hearing in this proceeding was issued on May 18, 1956 (21 F. R. 3527) and supplemental notices of hearing were issued on May 29, 1956 (21 F. R. 3799) and on August 29, 1956 (21 F. R. 6680) on a proposed marketing agreement and order regulating the handling of milk in Northern New Jersey and on proposed amendments to the tentative marketing agreement and to the order as amended regulating the handling of milk in the New York metropolitan milk marketing area, including proposals designed to provide coordinated regulation of the handling of all milk proposed to be subject to regulation.

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is given that the notices heretofore issued are hereby amended to include consideration of whether, on the basis of the entire record in this proceeding, a single marketing agreement and order regulating the handling of milk for a marketing area consisting of all the territory in the States of New York and New Jersey for which regulation has been proposed should be issued and would better effectuate the purposes of the act than two or more separate marketing agreements and orders for such territory. Evidence also will be received (1) with respect to specific terms and provisions of such a single marketing agreement and order and (2) as to whether such a single marketing agreement and order, if issued, should be issued in the form of a new marketing agreement and order or by amending Order No. 27.

It has been proposed by certain producer organizations that the terms and provisions of such a single marketing agreement and order be those presently contained in Order No. 27 except for revision of the definition of marketing area and other appropriate modifications, and except that such terms and provisions should be changed in the following respects:

1. *Pool plant provisions.* (a) Permanent pool plant status shall be limited to those plants which are presently designated under Order No. 27, or are historically related to the Northern New Jersey market, and such status shall be permanently lost if such designation is cancelled either by request of the handler or for failure to meet the requirements with respect to sanitary operation and supplying the market during a shortage. Any other plants would be pool plants only on the basis of supplying fluid milk to the marketing area. Provision shall be made, however, for a handler to replace a plant with permanent status which is closed.

(b) Handlers may request that permanent pool plant designations be withdrawn only in the months immediately prior to the flush season. Order No. 27 presently permits withdrawal of designation by the handler only during and immediately after the flush season.

(c) Provisions for being a pool plant on the basis of supplying fluid milk to the market shall require that any plant in the pool on this basis during April, May or June shall also be a pool plant in any of the nine months of the ensuing period of July through March in which such plant utilized not less than 60 percent of its receipts from producers as fluid milk either inside or outside the marketing area (Class I-A and Class I-B combined).

(d) With respect to pricing provisions for out-of-market milk designed to discourage its being dumped into the pool,

it is proposed that the price for such milk be the Class I–A price plus 10 percent during months (July through December) when other markets have historically called on the New York pool for supplemental supplies.

(These proposals are made with the belief that other proposals, particularly for zone differentials and a base rating plan, will be effective in maintaining a tight pool.)

2. *Direct delivery differential.* A provision for direct differential shall be included and shall be in conformity with the following points:

(a) It shall be paid by the handler rather than out of the pool.

(b) It shall recognize the inherent differences between (1) Metropolitan New York and New Jersey where alternatives to direct delivery receipts are receipts from country plants, and (2) Upstate New York where country plant milk does not constitute a reasonable alternative to direct delivery milk.

(c) It shall recognize the savings in cost of handling milk through one plant rather than two.

(d) It shall recognize the savings in the fixed part of the cost of transporting milk from a country plant to a pasteurizing plant (the variable part being reflected in transportation differentials).

(e) It shall recognize the differences in costs of receiving milk by farm tank pickup and by can delivery.

3. *Base rating plan.* The base rating plan shall be designed more equitably to compensate producers who produce milk in a seasonal pattern more nearly in line with fluid requirements, rather than to limit total production. Accordingly, the proposed base rating plan is one under which:

(a) A new base for each producer is calculated annually on the basis of deliveries to a regulated plant during the months of July through November.

(b) Payment is to be made on established bases during March, April, May, and June following the base forming months.

(c) The price paid for excess milk shall be equivalent to the weighted average price of Class III milk, including butter and cheese.

4. *Transportation differentials.* An arc of basing points shall be established which shall be approximately 15 miles from Columbus Circle in New York and shall include within the arc a large part of the densely populated New York-New Jersey metropolitan area. Under this provision parts of Westchester County will no longer be in the 1–10 mile zone. Plants located in New Jersey will be zoned on the basis of distance to one of the points in New Jersey.

Concerning the rate of transportation differentials, the following is proposed:

(a) Differentials paid by handlers shall directly reflect variable transportation costs for milk of 1.4 cents for each 10 miles. This rate will apply in all zones for Class I–A and I–B milk. The differentials set forth in Order No. 27 shall apply for Class II and Class III milk.

(b) Differentials applied to producer payments for base milk shall be those paid for Class I–A and I–B milk. There shall be no transportation differential applied to producer payments for excess milk. During months when payments are not being made in accordance with the base rating plan, the differentials for plants beyond the 201–210 mile zone shall be such that the decline in price due to the transportation adjustment shall be half way between the present decline and the proposed decline for Class I–A milk.

5. *Special location differential.* A special location differential payable on base milk in those months when payment is made on the basis of established bases, and on all milk in other months shall be included which meets the conditions set forth below:

(a) The amount of differential should decline as the percentage utilization of milk in fluid classes increased, and the differential would increase as the percentage utilization in fluid classes declined.

(b) The rates should decline as the established mileage zones increased, and should taper off to about the 111–120 mile zone beyond which no differential would be paid.

(c) The specific rates shall be as set forth in the following table:

PERCENTAGE UTILIZATION IN CLASS I

Mileage zone	Under 45	45 to 50	50 to 55	55 to 60	60 to 65	65 to 70	70 to 75	75 to 80	Over 80
	8	7	6	5	4	3	2	1	0
1–50	0.64	0.56	0.48	0.40	0.32	0.24	0.16	0.08	0
51–60	.58	.49	.42	.35	.28	.21	.14	.07	0
61–70	.48	.42	.36	.30	.24	.18	.12	.06	0
71–80	.40	.35	.30	.25	.20	.15	.10	.05	0
81–90	.32	.28	.24	.20	.16	.12	.08	.04	0
91–100	.24	.21	.18	.15	.12	.09	.06	.03	0
101–110	.16	.14	.12	.10	.08	.06	.04	.02	0
111–120	.08	.07	.06	.05	.04	.03	.02	.01	0

The entire State of New Jersey shall be considered to be in the 1–50 mile zone.

Dutchess and Columbia Counties, and the eastern halves of Ulster and Greene Counties shall be considered to be in the 81–90 mile zone.

(d) The rates shall be reduced proportionately as receipts of milk qualified for location differentials increase in relation to fluid utilization in the pool.

(e) The zones for location differential purposes shall be based on the location of the farm rather than the plant at which such milk is received.

6. *Cooperative payments.* A provision for cooperative payments for a nearby cooperative shall be in accordance with the following:

(a) Such payments shall be justified independently, and the basis for payments now provided for under Order No. 27 should not be relied upon.

(b) Provision for such payments shall be made in a manner which would not weaken the basis for cooperative payment provisions under Order No. 27.

(c) Provisions shall be made to insure that the specified services will be performed.

(d) This type of payment shall be paid to one cooperative only.

7. *Relating to peripheral milk.* Provisions of Order No. 27 now applicable under which plants become subject to regulation on the basis of fluid sales in the marketing area, and provisions for compensatory payments shall apply except that:

(a) Plants outside the marketing area with a quantity of route sales in the marketing area insufficient to subject the plant to full regulation, but with not less than 60 percent of its receipts from farmers utilized in fluid form (Class I–A and I–B combined), shall have the option of (1) being a pool plant for the month (thus becoming subject to full regulation), or (2) making compensatory payments (at the full rate presently provided under Order No. 27 on fluid sales in the marketing area).

(b) Route sales outside the marketing area from a pool plant shall be priced at the Class I–A level rather than at any higher Class I–B price which might be established for out-of-area sales in connection with proposals under point 2 above.

The above proposals have not received the approval of the Secretary of Agriculture.

Copies of this supplemental notice of hearing may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 26, 1957, Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–1581; Filed, Feb. 27, 1957; 9:33 a. m.]

[7 CFR Part 944]

[Docket No. AO–105–A11]

HANDLING OF MILK IN QUAD CITIES MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Quad Cities marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed marketing agreement and order was formulated, was conducted at Rock Island, Illinois, on June 11–13, 1956, pursuant to notice thereof which was issued on May 15, 1956 (21 F. R. 3291).

The material issues relate to:

(1) Expansion of the marketing area;

(2) Qualifications for attaining pool plant status;

(3) Modification of the producer definition;

(4) Level of the Class I price;

(5) Class II and Class III milk; classification and pricing;

(6) Reduction of the Class I butterfat differential;

(7) The application of location differentials on class prices and in paying producers;

(8) Payments on unpriced milk disposed of in the marketing area from a nonpool plant;

(9) Discontinuing the requirement for making payment on milk distributed in the marketing area by a handler subject to another Federal order;

(10) Allocation of producer milk moved to a nonpool plant for custom bottling;

(11) Utilizing a base and excess plan or a "Louisville plan" for distributing returns to producers;

(12) Requiring a handler making payment to a producer of more than the uniform price to make such payments uniformly to all producers; and

(13) Miscellaneous administrative and conforming changes.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record of hearing:

1. The marketing area as defined in the order should not be changed at this time.

As now set forth in the order the marketing area contains (1) in Iowa: the cities of Davenport, Bettendorf, Clinton, and Commanche, the townships of Davenport, Rockingham, and Pleasant Valley in Scott County, and part of Commanche township (in addition to the city of Commanche) in Clinton County; and (2) in Illinois: the cities of Rock Island, Moline, East Moline, and Silvis, and the Rock Island County townships of South Moline, Moline, Black Hawk, Coal Valley, Hampton, and South Rock Island.

Proposals made by the major producer associations in the market would expand the marketing area to include all the territory within (1) the Iowa counties of Clinton, Scott, Jackson, and Muscatine; and (2) the Illinois counties of Rock Island, Mercer, Carroll, Whiteside, and Lee.

At the hearing, producer organizations abandoned their proposals. However, various handler representatives testified that the area should be enlarged to include the suburban communities adjacent to the various cities in the market and much of the expanse of territory between Clinton and the Quad Cities. In support of their position, handlers cited the population increase in recent years in the suburban communities, the desirability of having a more contiguous marketing area and the fact that no additional handlers would be regulated by the expansion which they proposed.

Testimony in support of enlarging the marketing area was general in nature. Although there might be some justification for enlarging the area, the specific data and relevant statistics which are needed in order to take action on such a proposal were not presented at the hearing. Moreover, while handlers claimed that expansion of the area would not result in the extension of regulation to any handler not now regulated, neither did they show what benefits, if any, would accrue by enlarging the Quad Cities marketing area at this time.

2. The order should be revised to prescribe standards based on association with the market for qualifying a plant as a pool plant. As now provided in the order a pool plant is (a) any plant from which Grade A milk is disposed of on a route or through a plant store in the marketing area, (b) a plant which is owned and operated by a cooperative association and which is located in the marketing area, and (c) a plant which "regularly" disposes of Grade A milk to a pool plant from which milk is distributed in the marketing area.

The basis for determining which plants shall be pool plants under the Quad Cities order, and thereby fully subject to regulation, should be clearly set forth in the order and apply uniformly to all plants, wherever located. Pool plant status should not be determined solely on an occasional shipment of milk to the market, or on approval by a specified health authority. Such a method for determining which plants shall be subject to regulation would not provide a workable basis for administering the order in conjunction with the other provisions recommended in the decision.

Since a marketwide pool, such as is contained in the Quad Cities order, results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his rate of payment to producers will be the same as that of all other handlers in the market. Thus, it is possible that status with respect to the pool may become a determining factor in guiding a handler's operation.

The scope of pooling or the rules for distributing the returns from Class I sales under the order must be such that the differentials over manufacturing milk values paid by users of Class I milk will serve the purpose for which they are intended. Class I milk prices of the order represent a level which exceeds the value of the milk for manufacturing uses by stated amounts. This premium, or differential, over the manufactured milk price is essential as an incentive to producers for producing milk of the quality and volume required by the market. Extra costs are involved in meeting the sanitary requirements relative to the maintenance of a dairy herd for the production of Grade A milk and in providing milk during the fall and winter months when feed and housing costs are high. Extra costs are involved also on farms since milk for fluid use must be handled through sanitary utensils and facilities, refrigerated and marketed promptly.

The extra costs thus involved for Grade A or fluid milk producers must be borne by that share of the milk which is marketed as Class I milk. Excess or "surplus" milk, although an essential part of a fluid milk business, cannot be expected to return more to producers than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products made throughout the country.

Since the production of high quality milk involves extra expenses, it is important that the amount of milk produced under Grade A inspection be no more than the minimum necessary to provide the market with an adequate and dependable supply of quality milk. To encourage more than enough production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk not an essential part of the market supply would result in no extra value to consumers.

One of the primary problems in a marketwide pool is to establish rules which will provide for the sharing of Class I sales (Class I differentials) among the producers who are an essential and regular part of the milk supply for the marketing area.

Class I prices must first be set as nearly as possible at the minimum levels which will encourage the necessary amount of milk production and the resulting returns should be distributed in such a way as to assure the market of the maximum dependable supply of quality milk which can be obtained at these prices. In order to do this, provision is made that equalization of market sales should be only to plants meeting reasonable performance standards with respect to supplying their producer milk to the market.

Performance standards should apply uniformly to all plants. Any plant, regardless of its location, should have equal opportunity to comply with the standards and thereby to participate in the marketwide pool and have its producers share in the Class I sales of the market. Any producer who meets the necessary health department requirements should be permitted, under the order, to sell his milk to plants meeting the standards of qualification. Whether or not plants and producers choose to supply the Quad Cities market will depend on the economic circumstances with which they are confronted, such as prices, transportation costs, and alternative outlets.

Performance standards should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the marketwide equalization. On the other hand, plants only casually, or incidentally, associated with the market should not be subject to complete regulation, nor should they be permitted or

required to equalize their sales with all handlers in the market. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market, then the premiums or differentials paid by users of Class I milk would be dissipated without accomplishing their intended purpose. If a plant were to be qualified and fully regulated merely by making a token shipment of milk or cream into the market for sale as Class I milk, then any milk plant which found itself in a position where it was selling a smaller share of its milk in Class I than the average for all regulated handlers might make such shipment and receive equalization payments from the pool. The only qualification such a plant would be required to meet would be compliance with the necessary health department standards.

The mere circumstance of having obtained health department approval, plus the token shipment of milk, is not sufficient justification for equalizing the sales of such plant with the market. There are many plants having milk of suitable quality for sale in the marketing area which are in no way, or are only incidentally, associated with the market. Different health authorities have jurisdiction in various parts of the marketing area. In the absence of performance standards, approval by any one of these authorities or reciprocal acceptance of permits by them would entitle a plant to participate in the equalization pool. A health officer gives his approval to a plant in terms of sanitary consideration. There is no reason to think that he would make his determination of approval only on the economic bases contemplated by the Agricultural Marketing Agreement Act of 1937. Consequently, the standards appropriate to the act for determining pool plant qualification must be set out in the order.

Since reserve milk is an essential part of any fluid milk business there will always be some excess milk in the plants of handlers supplying other markets. This will be particularly true in the months of flush production. Plants selling primarily to other markets, or plants shipping milk on an opportunity basis to any market where supplies happen to be short, do not represent sources of milk on which the Quad Cities market may depend. If such plants were allowed to sell a token quantity of milk in the marketing area and pool their surplus whenever Class I outlets were not available to them, the result would be that such handlers could gain an advantage in paying producers through receipt of equalization payments from the Quad Cities pool.

The Quad Cities market, however, would gain no advantage from the payment of equalization to such a handler. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

Performance standards must be flexible enough to allow a plant which is primarily associated with the market to maintain its association with the pool under the changing conditions which occur from year to year, and yet not permit the distribution of equalization payments to plants not part of the essential supply. The performance standards herein provided are such that these objectives should be accomplished.

Because of the difference in marketing practices and in demands for supply of milk from distributing plants as related to supply plants, two sets of performance standards have been provided. A "distributing plant" under the order would be defined as a plant in which milk is processed or packaged and from which any fluid milk product (as hereinafter defined) is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area. "Supply plant" would be defined to mean a plant (except a distributing plant) from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant which is qualified as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 15 percent of its milk from producers and other plants during the month as Class I milk on retail or wholesale routes to outlets in the marketing area.

A distributing plant having more than 85 percent of its business outside the marketing area or in other outlets should not be considered as essentially associated with the market. It is not considered advisable to bring such a plant under full regulation because of the minor share of its business which is in the marketing area. Full regulation in such case would not be necessary to accomplish the purposes of the order, and might well place such plant at a competitive disadvantage in relation to its competitors in supplying the unregulated market.

Such a minimum is necessary also to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

It is contemplated that only plants primarily engaged in route distributions of fluid milk products should be qualified as pool plants under this definition. In order to preserve this distinction, a further condition is placed on distributing plants that their total distribution of Class I milk on routes to wholesale or retail outlets, both inside and outside the marketing area, must amount during the month to at least 35 percent of their receipts of milk from dairy farmers and from other plants. Any plant which does not qualify on this basis should be deemed to be primarily a supply plant and its status under the pool should be judged by the standards applied to such plants.

The various plants handling milk for fluid distribution in the marketing area dispose of their milk in such a way as to exceed by a considerable margin the minimum performance standards necessary to qualify as pool plants. There may from time to time be plants supplying milk to the marketing area which would not qualify for pool status. Such plants would be subject to payments hereinafter discussed if they are not fully subject to regulation.

The performance standards for supply plants to qualify for pool plant status should reflect the fact that currently the quantity of milk produced for the Quad Cities market is adequate on an annual basis for the needs of the market. At times, especially during the months of seasonally high production, distributors in the market have not needed all of the milk available from producers in order to keep their Class I outlets fully supplied. In order to assure that all the producers' milk which is pooled with the market will be available for Class I, supply plant standards should be set at levels which require that the milk will be available. However, if conditions in the market should change so that the percentage standards herein recommended are not necessary to assure the availability of such producer milk for Class I sales, the recommended standards should be subject to further review.

Under present circumstances it is concluded that in order to qualify for pool plant status a supply plant should ship to distributing plants at least 35 percent of its receipts of milk from dairy farmers in any month in the form of supplemental supplies of fluid milk products, as hereinafter defined. A supply plant from which a proportionately lesser quantity of milk is disposed of in this manner should not, under the present conditions in the Quad Cities market, be considered as primarily associated with the regulated market.

It is recognized that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance provisions should not force milk to be transported to distributing plants in the summertime in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. The proposed standards require that a supply plant provide distributing plants with milk to the extent of 50 percent of its producer milk receipts during the period of September through November to maintain automatic pool status for the months of March through June.

Any distributing plant or supply plant which does not meet the standards for a pool plant should be required to file reports and submit to audits by the market administrator to verify the status of such plant.

A finding is made elsewhere in this decision (Issue No. 9) that when milk distributed in the marketing area is from plants which dispose of a major portion of their receipts in another regulated area and which are fully subject to the classification, pricing and pooling provisions of another Federal milk marketing order, it is not necessary to extend full regulation under this order to such plants. To do so would subject such plants to duplicate regulation. However, in order that the market administrator may be fully apprised of the continuing status of such a plant, the operator thereof should, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

A proposal at the hearing would define as a "reload point" a location at which milk received at producers' farms in a tank truck is transferred to another truck for delivery to a milk plant and would give the status of a plant location to the reload point. Such a provision, besides being of doubtful value for the Quad Cities market, would tend to make unnecessarily complex the application of the pool plant provisions herein recommended. Accordingly, the proposal made regarding a reload point is denied.

3. Producer should be defined as any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the other months.

As now provided in the order, to qualify as a producer a dairy farmer must ship to a pool plant and have the approval of the health authority of a municipality in the marketing area or meet the requirements for "Illinois Grade A". Once a person has qualified as a producer his production may be diverted from a pool plant to a nonpool plant at any time during the year and for any period of time. In effect, it is now possible for a dairy farmer to be a producer under the order even though his milk is delivered continuously to a nonpool plant.

Findings are made elsewhere in this decision justifying the establishment of pool plant qualifications based on standards of association with the market and for requiring compensatory payments on unpriced milk received at a pool plant or distributed in the marketing area from a nonpool plant. Accordingly, the producer definition in the order should be revised so as to complement these other provisions.

Whether a farmer qualifies as a producer under the order is based on whether the plant to which he ships is qualified as a pool plant. Under the pool plant definition herein proposed, a plant's qualification as a pool plant is determined on the basis of a minimum specified percentage of the milk received at such plant being distributed as Class I in the marketing area or, in the case of a supply plant, on the basis of a minimum specified percentage of its milk receipts having been shipped to a distributing plant which is a pool plant. If a handler were permitted to divert producer milk in any month and for any length of time to a nonpool plant as now permitted in the order, it would be extremely difficult, if not impossible, to effectuate properly the intent of the pool plant provisions and the provisions relative to payments on unpriced milk.

When producer milk is not needed in the market for Class I purposes the movement of such milk to nonpool plants for manufacturing purposes should be facilitated. Allowing for unlimited diversion only during those months when reserve supplies of milk are heaviest will contribute to this end. Unlimited diversion is neither necessary nor desirable during the months of the year when milk of producers regularly associated with the market is needed to supply the Class I needs of the market. It is necessary, however, to provide for limited diversion during such months to enable handlers to divert producer milk on such occasions as week-ends or holidays when milk is not needed in the market for Class I purposes.

Provision should be made so that milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the months of flush production and with respect to not more than one-half of the days on which milk was delivered from a farm during any of the other months and still retain producer status under the order. As heretofore provided in the order, diverted milk shall be deemed to have been received at the plant from which it was diverted.

Several of the proposals made at the hearing would require that only those dairy farmers who are under the inspection of specified health authorities would be eligible to qualify as producers under the order. One such proposal would revise the present provision of the order so that a shipper under "Illinois Grade A" inspection could not qualify as a producer. Another proposal would revise the scope of the producer definition to include dairy farmers meeting the standards for Grade A of the State of Iowa Health Department. The limitations that would be imposed by designating specified health jurisdictions which shall have the authority to determine which milk shall be subject to regulation under the Quad Cities order would be incompatible with the various other provisions contained in the attached order. The proposals with respect to such limitations are hereby denied.

4. The Class I price should be related directly to the Chicago order Class I price and be fixed each month at the level of the Chicago Class I price plus 20 cents.

The order currently provides that the Class I price shall be the higher of either (a) the Class II price for the preceding month plus a differential of 75 cents for May and June, 95 cents December through April, and $1.15 July through November; or (b) the Chicago order Class I price plus 20 cents.

The Chicago milkshed is one of the principal milk production areas in the United States. At various times throughout the year, especially during the months of low production, milk from this area is shipped great distances to many markets throughout the country. The Chicago order Class I price is used extensively as a recognized price quotation both locally and nationally. It is not uncommon to fix Class I prices in a market on the basis of the price in a major milk marketing area, such as Chicago, or on the basis of obtaining alternative sources of supply from such major market.

Portions of the production area for the Quad Cities and Chicago markets overlap and producers in such localities may shift from one market to the other. Likewise, handlers in the Quad Cities market compete in some localities with handlers under the Chicago order as well as with handlers regulated by other Federal milk marketing orders. In order to insure the maintenance of an adequate supply of milk for the Quad Cities market, it is necessary that an appropriate alignment of prices between markets prevail and that the level of such prices be equitable among handlers whose sales area overlap but who are regulated by different orders.

For June 1956, the Quad Cities order Class I price of $4.34 (Chicago Class I price plus 20 cents) was 59 cents above the price obtained by using the other alternative Class I formula (based on the Quad Cities Class II price for the preceding months). In March 1956, the most recent month for which the Class I price was that based on the Class II price, it was 9 cents above the formula which uses the Chicago Class I price. In the 54 months from January 1952 through June 1956, the Chicago Class I price plus 20 cents averaged $4.31 and was used in 44 months as the Quad Cities order Class I price. The alternative formula based on the Quad Cities order Class II price averaged $4.21 and was used in 10 months as the Class I price.

The Class II price under the Quad Cities order, which is based on the prices paid by local manufacturing plants for ungraded milk, is a measure of the value of milk for manufacturing locally. The Chicago order, on the other hand, does not use the prices paid by these local manufacturing plants to arrive at its Class I price, but uses instead a "basic formula price" which reflects the value of milk for manufacturing purposes nationally. Such a basic formula price is utilized widely in determining Class I

prices in many of the other Federal order markets. As such, it may be expected to be a most appropriate determinant for use in establishing the Class I price each month in the Quad Cities market, especially since handlers in this market must compete in various localities with handlers whose Class I prices are fixed by other orders. Unless handlers regulated by the Quad Cities order are able to anticipate and project the prices they will be required to pay for Class I milk in relation to recognized and established price quotations used in major markets, they will be at a disadvantage with handlers from other markets in competing for Class I sales beyond the confines of the marketing area. Determining the Quad Cities order Class I price on a direct relationship with the Chicago order Class I price and deleting the provision for the alternative Class I formula which uses the prices paid by local manufacturing plants (i. e. the Class II price) will provide a more economically sound basis for determining the Quad Cities order Class I price and thereby contribute toward insuring the maintenance of orderly and stable marketing conditions.

A proposal made by producers would maintain the two alternative formulas now used in arriving at the Class I price and would fix the differential over the Class II price at $1.15 throughout the year, a rate 15 cents more annually than the order now provides. In connection with their request for discontinuing seasonal pricing, producers proposed the incorporation of a "Louisville plan" provision in the order (Issue No. 11). Such a plan provides for setting aside a portion of the payments made by handlers for producer milk received in the spring months of heavy production for distribution to producers for milk produced in the fall months.

Seasonal pricing of Class I milk is provided in the nearby Federal order markets. Quad Cities order handlers must compete with handlers under such other orders in various localities in the procurement of supplies and in the sale of Class I milk. It would be impracticable to eliminate seasonal pricing in the Quad Cities order when the other regulated nearby markets retain such seasonal pricing.

Currently, supplies of milk for the Quad Cities market in relation to its Class I needs are adequate. Producer deliveries of 101.5 million pounds of milk in the first five months of 1956 were 12 million pounds, or 14 percent, above that for the corresponding months of 1955. Class I disposition of 53.3 million pounds in the same 1956 period increased by 3 million pounds, or 6 percent, over the previous year.

Producers cited as their principal reasons for requesting a higher Class I price, (1) rising production costs, and (2) declining uniform prices resulting from larger volumes of milk being pooled. The fact of increasing supplies in relation to Class I sales in this market is adequate proof that Class I prices should not be increased at this time. Accordingly, the proposal to increase the level of the Class I price is denied.

5. Class II milk should include all the butterfat and skim milk heretofore defined as Class II and Class III milk.

As now provided in the order, Class II milk includes all skim milk and butterfat (a) used to produce evaporated milk, condensed milk, ice cream, ice cream mixes, frozen desserts, yogurt, aerated cream products, cottage cheese and any other milk product not specifically mentioned as a Class I or Class III disposition, and (b) disposed of to wholesale bakeries, candy manufacturers, or soup companies. Class III milk is skim milk and butterfat (a) used to produce butter, cheddar cheese, animal feed, casein, and non-fat dry milk solids, and (b) in shrinkage up to 2 percent of the milk received from producers and shrinkage in other source milk.

The Class II price under the order is the average of the prices paid by 7 nearby manufacturing plants (6 in Illinois and 1 in Iowa), for milk received from dairy farmers from the 16th day of the preceding month to the 15th day of the current month. The Class III price is the higher of the prices obtained from two separate formulas which use as their basis (a) the price of "Cheddars" on the Wisconsin Cheese Exchange, and (b) the 92-score Chicago butter price and the price of non-fat dry milk solids, f. o. b. manufacturing plants in the Chicago area.

The amount by which the Class II price exceeds the Class III price varies from month to month. On infrequent occasions, the Class III price has exceeded the Class II price. From 1952 through 1955 the average Class II price of $3.20 was 13 cents above that for Class III. The May 1956 Class II and Class III prices were $3.00 and $2.84, respectively.

The skim milk and butterfat components of Class II and Class III milk are priced by adjusting the announced prices, which are on a 3.5 percent butterfat basis, by their respective butterfat differentials. The Class II butterfat differential is obtained by multiplying the Chicago butter price for the month by 0.120 and that for Class III is calculated by subtracting 6 cents from Chicago butter price, and multiplying the resultant value by 0.120. The Class III butterfat differential for May 1956 was equivalent to 0.108 times the Chicago butter price.

The average difference between the Class II and Class III butterfat differentials from 1952 through 1955 was 0.8 cents per point. The spread of 0.7 cents per point between the May 1956 Class II and Class III butterfat differentials of 7.1 and 6.4 cents, respectively, is equivalent to 7 cents per pound of butterfat and 24.5 cents per hundredweight of 3.5 percent milk. Since the announced Class II price for May 1956 exceeded the Class III price by less than 24.5 cents, the skim classified in Class II was priced at a lesser rate than the skim milk in Class III—51.5 cents compared to 62.4 cents per hundredweight. For 1955 the Class II skim milk price under the order averaged 56.5 cents and that for Class III 63.7 cents.

Various proposals were made to revise the order with respect to assigning different proportionate values to the skim milk and butterfat in Class II and Class III milk. Producers proposed that a separate classification be established for skim milk utilized in the manufacture of cottage cheese and that such skim be priced 25 cents per hundredweight above the skim utilized in Class II. Another proposal would fix the price of skim milk in Class II utilizations at not less than the equivalent of the Class II price for skim milk. There were no proposals to raise the over-all level of the Class II price, but both producer and handler representatives testified that some upward adjustment should be made in the level of the Class III price.

Utilization of pooled milk in Class III is highest in the spring months of heavy production. Of the 8.2 million pounds of producer milk classified in Class III in 1955, 5.2 million pounds, or 63 percent, were thus classified in the months of April, May and June. Although Class III represented only 4 percent of the volume of milk pooled in 1955, the pounds of butterfat in Class III was 17.5 percent of the total butterfat classified.

Revising the Class III price in accordance with some of the proposals made at the hearing would result in its being higher than the Class II price much of the time. It was not established, however, that milk utilized for Class III purposes in the lower valued outlets, such as butter and cheese, could find ready markets throughout the year at a significantly increased price level.

It is recognized that some milk in excess of Class I requirements is necessary to maintain an adequate supply of fluid milk for the market on an annual basis. The price for such milk should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into manufacturing products. Moreover, the price for such excess milk should not be so unreasonably high as to impede or preclude its acceptance at the usually available outlets or so as not to be competitive with milk for manufacturing purposes from alternative sources of supply.

The utilization of skim milk for manufacturing purposes in the Quad Cities market is predominantly in the higher valued manufacturing products, such as cottage cheese. Skim milk thus utilized has heretofore been classified as Class II. As indicated above, however, producers have been receiving a lesser price for such skim than for skim utilized in the production of nonfat dry milk solids (Class III).

Health authorities in the marketing area do not require that skim milk utilized in other than Class I products be obtained from milk or milk products from approved Grade A sources. The prices received by handlers in the Quad Cities market for such products as skim milk powder is established on the basis of quotations at nationally recognized exchanges for trading. Prices thus established are not quoted on the basis of whether a manufactured milk product is made from Grade A or ungraded milk. This is also true with respect to skim milk utilized in the manufacture of cottage cheese, one of the major dispositions of skim milk in the Quad Cities market.

Handlers in the market who distribute cottage cheese over a wide geographic area compete with handlers selling cottage cheese made from ungraded milk. If the price of skim milk utilized in the manufacture of cottage cheese were raised 25 cents per hundredweight, as proposed, it could result in skim milk from ungraded sources displacing pooled skim in such outlets. Moreover, in supplying the various retail or wholesale outlets both inside and outside the marketing area, handlers utilizing pooled skim milk in the manufacture of cottage cheese would be at an economic disadvantage with competitors using ungraded skim milk in the manufacturing of cottage cheese.

The value of skim milk for manufacturing purposes in the Quad Cities area, irrespective of its source, is above the Class II value of skim milk now provided in the order. During May 1956, when the Class II value of skim milk under the order was 51.5 cents, the Kraft Food Company at one of its nearby plants was paying 90 cents per hundredweight for skim milk. While it was not established that an unlimited market for skim milk would be available at 90 cents per hundredweight, or at a similar level, evidence at the hearing indicated that the proportion of the Class II price now assigned to skim milk results in a price below the market value in the area for skim milk from graded or ungraded milk.

Since skim milk from any source may be used in the various dispositions heretofore contained in Class II or Class III, it is concluded that the price of skim milk in all such dispositions should be fixed at the same level and be classified in Class II.

In reapportioning the Class II price between the skim milk and butterfat thus classified, in conjunction with combining Class II and Class III milk into one class, it is necessary to fix a price for butterfat which will, insofar as is practicable, return the highest price obtainable to producers for such butterfat and at the same time be sufficiently competitive with butterfat from alternative sources of supply so as to maintain a ready and dependable market for excess butterfat throughout the year. This will be best effectuated by pricing butterfat in producer milk classified in Class II at 115 percent of the Chicago butter price in the months of July through March and at 110 percent of the Chicago butter price in April, May and June.

Historically, utilization of butterfat in the manufacture of butter and American type Cheddar cheese in the Quad Cities market has been greatest in the months of heavy production. During these months the lower butterfat differential herein provided (about 3 cents per pound of butterfat less than in other months and about 1.2 cents per pound of butterfat above the Class III price for butterfat now in the order) will facilitate the movement of butterfat in the reserve supplies of milk to manufacturing outlets and thereby eliminate the potentialities of unstable marketing conditions which milk without a market tends to create. In other months of the year the butterfat value of 115 percent of the Chicago butter price should be high enough so as not to give an unnatural incentive to the movement of butterfat to the manufacture of butter and Cheddar cheese at the expense of preferred outlets such as for condensed milk and frozen desserts. Moreover, at a rate of 115 percent of the Chicago butter price during the months of July through March, the cost of butterfat in the Quad Cities market will be competitive with butterfat from alternative sources of supply.

The pricing of skim milk which would be obtained in reapportionment of the Class II price between skim milk and butterfat as herein recommended would be 13 and 5 cents per hundredweight, respectively, above the Class II and Class III prices for skim milk now provided in the order. This change together with that applicable to the assignment of a lower proportionate value of the Class II price to the butterfat classified therein gives recognition to the value of skim milk and butterfat for manufacturing purposes in the Quad Cities area and will be helpful in maintaining stability in the market.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. It has been the practice under the Quad Cities order to classify in the lowest class (usually Class III) the differences by which the volume of butterfat and skim milk in fluid milk products at the end of the month exceed the inventory at the beginning of the month. This practice of classifying inventory variations in the lowest price class should be continued and provision therefor should be clearly set forth in the order.

The accounting procedure will be facilitated by providing that month-end inventories of all fluid milk products be classified in Class II milk, regardless of whether such products are held in bulk or in packages. Inventories of such products on hand will then be subtracted under the allocation procedure from any available Class II milk in the following month. The higher use value of any fluid milk products in inventory which are allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of products designated as Class I milk on hand at a pool plant at the beginning of any month during which such plant becomes a pool plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

6. The rate of the Class I butterfat differential should be changed. The differential is now computed by multiplying the average of the daily quotations for 92-score butter at Chicago for the preceding month by 0.140. As provided herein, the factor of 0.140 would be replaced by 0.125.

The Class I butterfat differential in the Quad Cities order is high in relation to the Class I butterfat differential in other markets. As an example, under the Chicago order (with which market Quad Cities handlers have overlapping supply and sales areas) handlers pay a butterfat differential on Class I milk approximating the Chicago 92-score butter price times 0.120.

The high Class I butterfat differential, it was claimed, has been one of the principal reasons for the rapid and continuing decline in the proportion of butterfat contained in the Class I disposition in the market. This decrease of butterfat in Class I utilizations is reflected in the declining fluid cream sales and in a low butterfat content of fluid milk distributed in the market.

A high butterfat differential tends to be a deterrent to increasing the butterfat content of fluid milk products distributed by Quad Cities handlers. The declining proportion of butterfat in the various products in the market is indicated by the average butterfat content of all Class I disposition of 3.75 percent in 1952, 3.63 percent in 1953, 3.60 percent in 1954, and 3.59 percent in 1955.

In the Quad Cities, as in other markets, whole milk in fluid form is the most significant item making up the Class I sales in the market. In May 1956 (the most recent month for which information was available at the hearing) 8.8 of the 10.7 million pounds of the Class I disposition was in the form of whole milk. The average test of this whole milk disposition was 3.425 percent.

The change proposed herein gives recognition to the increasing value of the non-fat solids portion of the milk for fluid purposes in relation to the butterfat portion. The lower rate of the butterfat differential should give some encouragement to the sale of higher fat milk and of cream.

7. It was proposed at the hearing that handlers be allowed a location differential with respect to milk moved from the plant at which it is received from producers to a processing plant. Some of the milk normally supplied to the marketing area is received by handlers at a distance from the plant at which the milk is processed and distributed.

The principal supply plants which are currently pool plants under the order are located at Coggon, Iowa, Mt. Carroll, Illinois, and Manlius, Illinois, and are approximately 95, 62, and 60 miles, respectively, from Rock Island, Illinois, one of the larger cities in the marketing area.

At the present time, all handlers are required to pay the same minimum class prices for milk received from producers regardless of the location of the pool plant at which the milk is received. Consequently, milk received at a supply plant and moved to a plant in the marketing area for processing and packaging may be expected to be more costly to a handler than milk received directly from producers at his processing plant in the marketing area. Likewise, producers delivering milk to supply plants

located at some distance from the marketing area are, in accordance with the present provisions of the order, paid the same uniform price as producers delivering directly to processing plants in the marketing area. On the average, producers shipping to country plants, or supply plants, are significantly closer to the plants to which they deliver than are producers shipping directly to plants in the marketing area. The hauling charges paid by producers shipping to the country plants are less than are paid by producers delivering to marketing area plants and also are below that which the country plant shippers would be required to pay to have milk delivered directly to the marketing area. In effect, therefore, supply plant producers who are farther away from the market receive a better net return for their milk than direct delivery shippers.

Periodically throughout the year, when milk is not needed in the market for fluid use, it is kept at the supply plant in the country for manufacturing purposes. This practice should be encouraged since it is economically more feasible to meet the needs of the market for fluid purposes from those farms or plants nearest the market before bringing in milk from the more distant supply plants. The value of milk to the market for fluid purposes is greater at the location of a plant in the marketing area which packages it for distribution than at a country plant in the production area from which milk must be moved to the city plant for processing and packaging. Recognition in the order, through the medium of a location differential, should be given to this difference in value.

So as to be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. However, to the extent that milk is received elsewhere from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward in the case of a plant which assumes the cost of hauling milk to the marketing area.

Producers proposed that the Class I price at a pool plant be reduced 2.5 cents for each 15 miles or fraction thereof that such plant is more than 40 miles from the city hall of Rock Island, Illinois. This rate is somewhat below the actual cost of hauling milk by tank truck. Testimony at the hearing indicated a cost of 14 cents per hundredweight for hauling milk in a 35,000 pound capacity tanker the 62 miles from Mt. Carroll to Rock Island. A rate of 12 cents per hundredweight was paid for moving milk in a 21,500 pound tanker over the 60 mile route from Manlius to Rock Island. The rate charged for a haul of 60 miles by the Dairyland Transport Corporation, Springfield, Missouri, a company specializing in hauling milk and milk products in tank trucks, is 13 cents per hundredweight.

The various supply plants now associated with the Quad Cities market are in some instances located much nearer to other markets. The plant at Coggon, Iowa, for example, which is about 95 miles from Rock Island, is less than 25 miles from Cedar Rapids. It was emphasized at the hearing that the location differential should not be established at so high a rate that milk from these plants, which are now under the order, would be lost to other markets.

Producers admitted that the location differential proposed would not generally cover the full cost of bringing milk into the market. In justification of this, they stated that too large an adjustment would affect adversely returns to producers delivering to the supply plants in relation to the price in adjoining markets.

It is customary in both regulated and unregulated markets for handlers to pay producers delivering milk to country receiving stations a lesser price per hundredweight than is paid producers delivering directly to bottling plants. To the extent that this represents a lower price because of the location of the milk, such difference in value should be recognized under the order. It is concluded, therefore, that the Class I price should be reduced by 10 cents for the first 65 miles and by 1.5 cents for each additional 10 miles or fraction thereof with respect to producer milk received at a plant which is not less than 50 miles from a central place in the primary center of consumption in the marketing area. Rock Island, Illinois, is such a place in the Quad Cities marketing area.

The location differential herein recommended is economically sound and will be equitable to all handlers wherever located. The proposed rates are representative of the cost of hauling milk by an efficient means to the market.

Prices paid producers supplying plants to which location differentials apply should be reduced to reflect the lower value of such milk f. o. b. the point to which delivered.

No adjustment should be made in the Class II price because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any difference in value associated with location.

After a handler receives milk for Class II use, he should be expected to handle and dispose of the milk in the most advantageous possible manner. Prices paid producers for such milk should not be made dependent upon the method employed by the handler in disposing of such milk. To do otherwise would remove part of the incentive for keeping handling costs at a minimum. To insure that milk will not be moved unnecessarily at the expense of producers under the marketwide pool, the order should contain a provision to determine whether milk transferred between plants may receive the location differential credit. This should provide that any milk transferred be assigned to any Class II use remaining in the transferee plant after a maximum assignment of 5 percent of the direct producer receipts to Class II milk at such plant.

8. The order should provide that payments be made into the producer settlement fund with respect to milk not priced under the order which is allocated to Class I milk in a pool plant.

Receipts of milk in excess of actual Class I disposition is necessary to operate a fluid milk business. Because of seasonal fluctuations in production not matched by seasonal changes in consumption, this excess is particularly large in certain months of the year. Such excess or reserve milk is surplus to the fluid operation, and can be marketed only in manufactured form in competition with products made from ungraded milk. Thus, such reserve milk yields a considerably lower return than is necessary to sustain graded milk production for the Quad Cities market. Likewise, it yields a lower price than would be necessary to purchase graded milk on a regular basis in other supply areas and pay the cost of transportation to the marketing area.

The existence of this reserve Grade A milk, which must be marketed at a lower price, is the primary cause of the instability which may affect all fluid milk markets. If a handler is able to use milk he purchases at Class II prices for Class I use, he stands to gain advantage, but in so doing he demoralizes the Class I market price.

An important function of the order is to insure that the position of handlers paying producers a Class I price for fluid milk will not be undermined by other handlers using the market's excess or surplus producer milk for Class I use. It is equally important that the Class I market be protected from the use of seasonal or other excess milk from other markets as well as from its own surplus. If the order failed to provide such protection, a handler could curtail purchases of producer milk to his own advantage and secure low cost reserve supplies from other markets for Class I use.

Seasonal supplies are easily and cheaply acquired during the months of flush production when most markets are receiving milk greatly in excess of their current fluid needs. If adjacent milksheds dispose of seasonal surplus in each other's Class I markets, the result will soon be market chaos, particularly in the spring months. Class I prices would be demoralized and the rate of milk production for both markets on a permanent basis would be seriously impaired. Such marketing conditions would be contrary to the stated purpose of the act. It is necessary, therefore, in order to insure the effectiveness of the classified pricing program and to promote orderly marketing, that some measure be taken to remove the incentive which handlers have to acquire unpriced milk and undermine the Class I pricing structure.

One possible alternative would be to extend price regulation in accordance with order provisions to all milk plants which supply milk either directly or indirectly to the Quad Cities market. This alternative is both economically and administratively unacceptable within the framework of the order. It would open the market pool to anyone who supplied merely a token quantity of milk to a plant serving the marketing area. The objections to such distribution of pooled funds was discussed earlier in the decision in connection with the recommendations for standards of pool participation.

Such regulation would have the further disadvantage of being cumbersome, expensive, difficult to enforce, and it would interfere with the acquisition of needed supplemental milk supplies for the market. It would not be possible or desirable to limit the number of plants or area from which milk might be purchased. However, in order to bring such plants under regulation, it would be necessary to establish individually tailored transfer and allocation rules according to the various plant locations, markets and supplies. Milk would have to be accounted for in its disposition from these plants to its various destinations and uses to determine classification. Also, it would be necessary to ascertain sources of supply other than receipts directly from farmers and determine what priority should be given such supplies in the allocation of Class I milk. In the case of a plant which made an incidental shipment of milk, perhaps at the end of the month, or in the case of such items as storage cream, additional complications would be involved. Earlier inventories as well as sales would have to be ascertained and classified. Classification might depend upon transactions made in the past concerning which adequate records were not kept. Producer prices would be fixed for milk already purchased and sold. Required record keeping and auditing problems would be greatly multiplied with such regulation.

It is concluded that it is not feasible to price all milk which may enter the market and that provision is necessary in the order which will insure against the displacement of producer milk by such unpriced milk for the purpose of cost advantage. There is no choice as to what type of provision can be used for this purpose. The only alternative available under the order is to levy a charge against unpriced milk used in Class I to whatever extent is necessary to remove the advantage there may be in using such milk instead of priced milk from producers.

Several problems are involved in formulating the provisions for any charge or payment designed to bring about the removal of the advantage of using unregulated milk. The rate of payment for this purpose must not be so low that it will permit a handler to have temporary or permanent advantage through sale of unpriced milk as Class I in the marketing area. It should not be so high that it will penalize suppliers of unpriced milk who offer milk needed by the market and who are not in a position of gaining an unfair advantage by such sale of milk. The payment must be provided for in a manner which is administratively feasible and which does not bring about unjustified administrative inconvenience or expense.

One method of setting the rate of payment would be to ascertain the actual cost to the regulated handler of milk which he purchases from unregulated plants and charge as a compensation payment any amount by which the Class I price exceeded the cost of the unregulated milk used in Class I. Such a scheme is not sound from the standpoint of administrative feasibility and it would not necessarily remove the advantage in using unregulated milk even though it were feasible. Rates at which milk sales are billed may not represent actual cost to the purchaser. In the case of a firm which owns or controls pool plants under the proposed order as well as unregulated plants, the rate of payment from one plant to another, if any were made, would have little or no significance.

If such a provision were to be adopted, the billing rate might be deliberately set in each instance at a level which would avoid any payments without regard to the value of the milk. Thus, the intended effect of this provision might be circumvented by merely adjusting the bookkeeping procedure.

A handler having no unregulated plants would no doubt find it possible to arrange a billing price on purchased milk which would avoid any compensatory payments. If a handler had the choice of paying money to the marketwide pool or to a person from whom he was buying milk, he would probably choose the latter. A kick-back arrangement or offsetting purchase and sale might readily be arranged, perhaps through a third party. Since the billing price for milk would be self-serving figure for both parties to the transaction, it would be virtually impossible to ascertain that it represented the true cost to the purchaser.

If the stated purchase price were a true cost, it would still not fulfill the purpose of removing the advantage to unregulated milk to base compensation payments on the difference between such price and the Class I price. Sales of priced milk between regulated handlers ordinarily take place at the class price plus a handling charge. This handling charge varies according to circumstances, but represents a payment to the receiver of the milk to offset his purchasing and receiving costs, such as dumping, weighing, testing, and cooling the milk, paying producers, and other costs of doing business. The cost of receiving the milk in bulk form is somewhat less than receiving it from producers. Thus, in order to remove the advantage to unregulated milk, it would be necessary to provide that the cost of bulk unregulated milk be somewhat more than the Class I price. It would be exceedingly difficult to determine what this rate should be, particularly in the case of products such as condensed skim milk and cream, where the allocation of additional processing costs among more than one end product is involved. This scheme for removing the advantage in using unregulated milk is rejected for these reasons.

Another suggested method is to determine the price actually paid dairy farmers by the unregulated milk dealer who first received the milk, and base the compensation payment thereon. This method has several shortcomings. The various payment plans which are used in paying farmers for milk would make the determination of pay rates to individual farmers an exceedingly difficult task. For example, unregulated milk dealers may use varying rates of butterfat differentials, different types of base rating plans, or payments based on volume of deliveries. Various devices such as these for paying farmers often make it impossible to determine actual rate of payment per hundredweight of milk. In this case as with bulk milk purchases stated prices are often illusory. The cost of the milk itself may be modified by unrealistic charges for various items of supplies and services. A milk dealer affected by such a provision might increase his producer price and increase hauling rates an offsetting amount. Whatever payment plan an unregulated milk dealer may use is a matter of his own choice and it can be changed readily. Pricing or paying arrangements he may have with farmers are not subject to regulation. Calculation of compensation payments according to this suggestion would give any affected dealer special incentive to resort to these special payment plans suggested here or others he might devise for purposes of evading payments.

The further problem of establishing the rate of payment to be required would in itself preclude use of the actual cost of the milk purchased from farmers by unregulated handlers as a basis for calculating the payment to be required. If a payment were to be required on the unregulated milk based on the difference between prices paid farmers and some other price, the unregulated handler could avoid payments by increasing his prices to farmers. This would give an unregulated handler the advantage over regulated handlers in that a regulated handler has no choice as to what he is required to pay producers nor how this money is to be distributed. Likewise, it would enable unregulated suppliers to dispose of Class I milk in the marketing area with no obligation to equalize such sales with other suppliers of the market.

Even though the rate of payment to producers for all milk might be known, it would still be impossible to ascertain the rate of payment on that portion of the milk disposed of in the marketing area. Since milk marketed outside the marketing area would represent most of the total supply in the unregulated plant, it would be necessary to determine payment for milk marketed to the various outlets. When handlers have both surplus as well as Class I milk in their plants, it is not realistic to assume that the purchase price for milk for each use is the same.

It has been suggested that in order to overcome this objection the plant of the unregulated handler be subject to audit and that the rate of compensation payment be based on the difference between the average utilization value at order prices in the unregulated plant and the average rate of payment to producers.

This method would not remove the entire advantage of selling surplus milk as Class I in the marketing area. This method has not only the disadvantages associated with other schemes which assume the determination of actual pay rates to producers, but it would involve, in the case of the Quad Cities market, an extremely complicated and administratively impractical system of accounting and determination in such plants. The unregulated plants which are potential sources of supply of supplemental milk and milk products are numerous and widely scattered. Determination of utilization value in these plants would involve the same complications and administrative expense and difficulties as discussed earlier which would be involved in complete regulation of such plants. To make the detailed accounting necessary to establish classification, such unregulated dealers would need to maintain the same detailed records as wholly regulated handlers.

An alternative method for determining the rate of compensation payments would be to base the rate of payment on the difference between blend prices prevailing in an area and the Class I price. This method has been suggested because it is assumed that unregulated handlers will be forced by competition to pay farmers approximately average blend prices. While this approach eliminates the need for attempting to determine actual pay rates, it could not be used without modification and still prevent the displacement of regulated milk with surplus milk from other markets at all times throughout the year. Unregulated plants, as well as regulated plants, may have some surplus milk at all times and particularly during the seasons of flush production. As a result, prices paid farmers are, in fact, blend prices made up of returns from the sale of milk in Class I outlets, as well as sales to the surplus market. If an unregulated plant were in a position to sell its surplus milk for Class I use in the marketing area and maintain its regular Class I outlets, it would have a competitive advantage over regulated handlers who found it necessary to dispose of part of their milk as surplus.

None of these suggestions presents an acceptable approach to the problem of compensation payments to be applied to other source milk allocated to Class I in pool plants. It is necessary, therefore, to resort to a different procedure. The only sound method of dealing with this problem is one based on a recognition of the economics involved as they affect producers and handlers. This approach resolves itself primarily into a question of market values of milk.

Fully regulated handlers under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. Milk supplies are larger in spring and summer than in fall and winter, and because of relatively constant sales of fluid milk, the excess increased production must be marketed largely as manufactured products. This outlet represents the opportunity cost of the surplus milk since it is the highest price at which the milk can otherwise be sold. It is this opportunity cost or value of such milk which would be effective in determining the price at which the unregulated plant would sell such milk.

Since considerable volumes of Grade A milk must be disposed of as surplus by various unregulated plants from which the Quad Cities market may obtain milk, it is evident that handlers under the order could obtain such milk at prices reflecting its value as surplus milk. In short, the actual value of seasonal or reserve milk is not the blend price paid to dairy farmers but rather the price which can be obtained for it in the market when disposed of as surplus milk.

Therefore, for the months of December through June, during which period surplus milk may be available in substantial volumes to the Quad Cities market from nonpool sources, the compensation payment on the receipts of other source fluid milk products which are allocated to Class I milk should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the Quad Cities order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Quad Cities area.

During the months of July through November the milk supplies for the Quad Cities market tend to be shorter than in other months of the year. It is not likely that other source fluid milk products will be available to the market at surplus prices. The compensation payment during these months should be the difference between the marketing area uniform price to producers and the Class I price adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply of milk and the demand for milk in the Quad Cities market during the July through November period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months according to the changes in the demand for and the price of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper. Therefore, in order to equalize costs of milk the rate of compensation payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be shorter, it is to be expected that the cost of unregulated milk will increase. Under these circumstances, the rate of compensation payment will be correspondingly less.

In some instances there will be no and in all cases insignificant transportation charges per hundredweight experienced by handlers on other source milk used in the form of concentrated milk products under the skim milk equivalent basis of accounting provided for in the order. For this reason, other source milk from such products should be considered to be from a source at the location of the pool plant where it is used. In other words, the compensation payment on such other source milk derived from concentrated products, such as condensed milk or nonfat dry milk solids, which is allocated to Class I milk will be equal to the difference between the market area Class I price and the corresponding uniform blend price or Class II price, as the case may be. By following this procedure, other source milk derived from Grade A manufactured products which may be made from producer milk in handlers' plants or purchased from outside sources will be subject to identical reclassification charges. This will remove to the greatest extent that it is administratively possible, any advantage there may be utilizing the products from unregulated sources for producer milk.

By choosing a rate of compensation payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to the others in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as is administratively possible. No handler is given the clear opportunity to gain an unfair advantage over his competitors which otherwise would exist. However, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk. This follows from the fact that the measure of the compensation payment is an objective one and does not depend upon the particular price which the handler paid for the other source milk.

As indicated elsewhere in this decision, the process of marketwide pooling creates special incentive for milk to come into the market to gain certain advantages. Such milk would not be associated with the market in the absence of regulation.

The act requires that prices fixed under the order for milk purchased from producers or associations of producers be uniform as to all handlers, subject only to usual adjustments, such as those for butterfat content and location of the milk. The only prices fixed under the order are those for producer milk, and it is hereby determined that they are uniform as required by the act. Class prices for pool milk under the order are for raw milk as received from farmers, f. o. b. the loading platform at the plant where first received.

In calculating the payments on other source milk the Class I price must relate to and be fixed as of the point where the milk is received from farmers at the first receiving plant, so as to be properly comparable with the minimum Class I price for producer milk at the level of marketing. No allowance should be made for subsequent handling costs and profits in this farm level comparison between producer and other source milk because such costs and profits attach at stages of marketing subsequent to the basing point to which minimum Class I prices for producer milk refer. They are in no way regulated by the order with respect to producer milk. Neither the act nor the proposed order contemplates, authorizes or provides for the regulation of subsequent handling charges or profits or the establishment of uniform resale prices between handlers, whether the milk be from producers or other sources.

The compensation payments herein provided are not only incidental, but necessary to sustain the classification and pricing of milk according to its use in the market. The rates of payment specified are those which are necessary and appropriate to accomplish this purpose.

The rate of payment recommended will tend to remove the competitive advantage for unpriced milk, and will avoid displacement of producer milk for reasons of cost. However, if experience proves that milk is available to handlers in the future at prices different than those now indicated, or that such payments otherwise interfere with the purposes of the order, then it will be necessary to reconsider the rate of compensation payment on the basis of that experience.

In addition to that other source milk which would enter the marketing area through pool plants, some nonpool milk may be distributed within the marketing area from nonpool plants. It would not be possible to stabilize the market under the classified pricing program if distribution in the marketing area of unpriced milk from nonpool plants without compensation payments were allowed. Such milk should be classified and priced the same as unpriced milk distributed through any other channels.

Handlers distributing such unpriced milk in the marketing area from nonpool distributing plants have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. Such milk may be purchased and distributed in the marketing area. In addition, however, the operator of the nonpool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by supplying contract business such as hospitals and defense establishments. With surplus outlets as the alternative, and no compensation payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A nonpool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The nonpool plant might sell up to 15 percent of its milk into the marketing area as Class I without becoming subject to regulation. To allow a nonpool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensation payments would mean that such plant would have a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions.

It is considered inappropriate also to subject a plant to full regulation if only a small share of its milk is sold in the marketing area. Such regulation might place a plant of this kind at a distinct disadvantage in relation to its unregulated competition. In some cases, a nonpool plant may be disposing of a larger share of its milk as Class I than the average utilization for the market. In such cases, the compensation payments herein provided might cost the handler less than the equalization payments such plant would pay into the marketwide pool if fully regulated as a pool plant. In these instances, the sale of small quantities of milk in the marketing area would be more likely to take place under the compensation payment provisions herein provided than if full regulation were extended to all plants.

The rate of compensation payment provided for nonpool plants making distribution directly in the marketing area, therefore, should be the same as that for pool plants which obtain and use unpriced milk in Class I. Moreover, the administrative feasibility of any other method of levying compensation payments is substantially the same as that described in the case of unpriced milk distributed in the marketing area by pool plants.

Any funds collected in the form of compensatory payments should be added to the producer-settlement fund. It is the purpose of the order to insure that a sufficient and dependable supply of quality milk be available for Class I needs of the market. To the extent that Class I sales are displaced through the disposition of surplus milk from unpriced sources, producers stand to lose income from the sale of milk to the market which they are expected to supply. This loss of income would mean that the prices contemplated under the order would not be realized by producers. As a result, production might suffer, in which case consumers would stand to lose because of the disappearance of milk supplies from the regular and dependable sources which have provided milk to the market on a year-round basis. Otherwise, Class I prices would have to be increased to offset the loss of income to producers. There is no alternative source of dependable milk supplies which would cost consumers less over a period of time than the milk supplied by the regular producers. Thus, there is justification in terms of overall benefit to the market for returning to producers the difference between the value of such milk at its opportunity cost, which would otherwise be its value to the seller, and the Class I price. There is no alternative disposition of funds from compensation payments under the authority of the act other than that herein provided.

It is necessary that the order specify the handler who is obligated to make the compensation payments. If the unpriced milk is distributed in the marketing area from a nonpool plant, the operator of such plant should make the payment. In the case of supplemental milk received at pool plants from unpriced sources, either the buying or selling plant might be assessed. From the standpoint of the economics involved, it would make no difference, since the amount of payment would be the same in both cases.

From the standpoint of administration and enforcement, it would be much easier and simpler for the regulated plant to make the payment. The market administrator has regular dealings with the pool plant handler. Such handler would be expected to know and understand the terms and provisions of the order. He is the handler who assumes the responsibility for distributing the milk in the regulated market. Whether or not a compensation payment would be required would depend upon the application of the allocation provisions of the order to the pool plant of the receiving handler.

The seller, on the other hand, would not be aware until later whether a compensation payment would be required, and might not even know at the time of the sale, particularly if the sale took place through a broker, whether or not his milk would be moved to a regulated market for disposition. If enforcement proceedings were to be required, it would be more convenient and logical to bring the case to court in the area of the regulated market where the problem arose.

The compensation payments herein provided will not prohibit the marketing of milk nor limit the marketing of milk products from any production area of the United States. The rate of payment required would be uniform for all plants similarly situated with respect to their location in relation to the marketing area.

The quantity of milk and milk products which may be sold in any regulated market is dependent at least to some extent upon the price fixed under the order for the particular class of utilization. Such influence should not be construed, however, as a limitation of the type precluded under the act. No price can be fixed without influencing, to some extent, the quantity of milk and milk products which may be sold from either regulated or unregulated sources. No quantitative limitations are imposed in the proposed order on the amounts of unpriced milk which may be disposed of in the marketing area nor does it prohibit such use or any other use of unpriced nonpool milk or milk products. The compensation payment herewith provided will not discriminate against producers by areas, but will provide for equalization of competitive prices by type of transaction with respect to regulated and unregulated milk.

The payment will not deprive suppliers of unpriced milk of a high priced market which they would otherwise enjoy. The alternative sale value of the unpriced milk is recognized, and this value is returned to these sources when sale is made to the Quad Cities market. If marketing facilities and outlets are such that it is

advantageous for nonpool plants to dispose of their surplus milk in the Quad Cities Class I market, under the provisions of the attached order, they may be expected to and undoubtedly will do so, and the returns they receive should be the full surplus value for such milk.

The compensation payment herewith provided has as its primary purpose the elimination of economic incentives for handlers to use unpriced milk to displace minimum priced milk in Class I sales. The rate of payment found to be appropriate for this purpose is one which recognizes general competitive conditions in the purchase and sale of regulated and unregulated milk. It is recognized, however, that general competitive conditions do not prevail in all cases. Each handler is situated differently and each individual transaction is made under different circumstances. It is not possible, however, to adjust prices or payments to individual circumstances or transactions. Such an individual approach would not be administratively or economically feasible. Compensatory payments must therefore be applied at a definite and specified rate applicable to all handlers similary situated. No single rate of payment can be determined, however, which would result in complete equality of cost to all handlers. Consequently, instances will undoubtedly arise which will appear to indicate that the objectives of the compensatory payments are not being achieved in particular cases. In some cases, the payments required may seam harsh.

It is necessary in seeking an overall solution to problems of this nature to adopt provisions which will be reasonable and as liberal as possible, and at the same time will still guarantee the integrity of regulation. To provide inadequate payments would leave the door open to practices which would render the program ineffective. Commerce in milk is entirely at the option of handlers. They are free to complete only those transactions which are most favorable to themselves. Order provisions must recognize this fact. They must recognize, also, that the varying conditions under which milk transactions occur give rise to great complexity and some doubtful circumstances. Where marginal problems arise, they must be resolved in favor of maintaining the integrity under the order, otherwise the advantage may go to unregulated milk with consequent disadvantage to the handlers and producers of regulated milk.

9. The requirement for a compensatory payment on Class I milk disposed on a route in the marketing area by a handler regulated under another Federal order should be discontinued. The payment on such milk is now required when the Class I price under this order is above that of the other Federal order and is made to the producer-settlement fund at the rate of the difference between this order's Class I price and the Class I price under the other Federal order.

In proposing that this provision be deleted from the order proponents contended that if milk is properly priced under the provisions of a Federal order, the addition of transportation costs from the supplying market to the other market equalizes the cost to a point where the receiving handler pays a price that is at least equal to that paid for locally produced milk.

The provision for compensatory payments on other Federal order milk distributed in the marketing area is not needed under current marketing conditions in the Quad Cities market. Provisions, herein recommended, regarding pool plant qualifications and compensatory payments on unpriced milk disposed of in the marketing area, adequately provide an equitable basis for pricing milk at plants regularly associated with the market and those which may make irregular shipments to, or be only incidentally associated with, the market by reason of having a relatively negligible portion of their distribution business in the marketing area.

There is no indication that the relationship of the level of the Class I prices between that in the Quad Cities and other nearby Federally regulated markets is such as to offer handlers under the other orders either an unnatural incentive for the distribution of milk in the Quad Cities market or an advantage over Quad Cities order handlers on such distribution.

In establishing Class I prices in the Quad Cities order consideration is given to the Class I prices in other Federal order markets. This is necessary since Quad Cities handlers compete in various communities outside the marketing area with such handlers. To continue the provision for assessing handlers under other Federal orders for milk sold in the Quad Cities market could give Quad Cities order handlers a significant price advantage over such competitors, which competitors are required to pay prices comparable to that under the Quad Cities order by the orders which regulate them.

10. A proposal was made at the hearing which would permit producer milk to move from a pool plant to a nonpool plant to be packaged and then be returned to the pool plant without, in effect, being considered as having been handled at the nonpool plant.

The purpose of the proposal, described by proponents as custom-bottling, is to allow such handling of milk without its being considered as a receipt of other source milk from a nonpool plant. It was argued that some pool plants in the market are not large enough to support the expensive machines which are needed to package milk in the various sized paper containers and it would be more practicable for them to obtain such packaged milk from nearby nonpool plants.

There is no problem in the market at the present time which the provision to accommodate custom-bottling at a nonpool plant is proposed to remedy. No milk is now being custom-bottled at a nonpool plant for the account of a pool plant under the Quad Cities order. It was not indicated that the proponent handler or any other pool plant operator contemplates such an arrangement in the near future.

Elsewheres in this decision provision is made for discontinuance of the compensatory payment charge on Class I milk disposed on a route in the marketing area by a handler regulated by another Federal order. Also, the provision herein proposed relative to payments on unpriced milk received at a pool plant would not be applicable to milk classified and priced as Class I milk under another Federal milk marketing order.

If there should be any need for a Quad Cities order handler to have milk packaged outside the marketing area, availability of plants under other orders, which are relatively nearby, affords ample opportunity to meet this need. At such plants it would not be impracticable, within the framework of the attached proposed order, to custom-bottle for handlers regulated by the Quad Cities order.

As indicated at the hearing, the custom-bottling proposal was not addressed to any existing market problem and is, admittedly, directed at liberalizing the provisions of the order for situations which may arise in the future. Accordingly, the data submitted at the hearing in connection with the proposal were speculative and, necessarily, incomplete.

In view of the above stated considerations, the proposal to modify the provisions of the order with respect to the movement of milk to an unregulated plant for custom-bottling is hereby denied.

11. The proposal to provide for a base and excess plan for distributing returns to producers was abandoned at the hearing. Instead, producers proposed a fall incentive payment plan (sometimes referred to as "Louisville plan") for distributing returns to producers. As proposed, the Market Administrator would withhold a specified percentage of the value of pooled milk during the spring months of heavy production for distribution to producers during the fall months of low production.

In connection with their proposal for the fall incentive payment plan, producers proposed that the Class I price, which is now adjusted seasonably by varying the Class I differential monthly be superseded by a Class I price which would be fixed throughout the year at the level obtained by using the seasonally higher Class I differential now in the order. Elsewhere in this decision provision is made for continuing to adjust the Class I price seasonally. Since the fall incentive payment plan, as proposed, is predicated on replacing the seasonally adjusted Class I price with a constant Class I differential throughout the year, it would not be practicable to give consideration to providing for a fall incentive payment plan at this time. Accordingly, the proposal to provide for such a plan within the framework of the order is hereby denied.

12. Producers proposed that a handler making payment to a producer at more than the uniform price should make such an additional payment uniformly to all producers.

The Quad Cities order fixes minimum prices which handlers shall pay for milk received from producers. In some instances, handlers pay producers premiums for milk received on bulk tank pickup routes and for milk sold as a special milk such as Guernsey or kosher milk. The order does not in any way restrict producers from bargaining with handlers for such premiums or for any other premiums above order prices.

It was not shown what benefit, if any, would acrue to the market by specifying in the order the conditions under which or the manner in which premiums should be paid to producers. Moreover, there was no evidence that there are currently any abuses of the order which would be corrected by the proposal. Accordingly, the proposal is hereby denied.

13. The entire order should be redrafted to incorporate therein conforming and clarifying changes made necessary by the amendments recommended in this decision.

(a) In connection with the proposed changes designating which persons would be subject to regulation and application of order provisions to them, new or revised definitions are provided in the attached order, including those for: "fluid milk product", "producer milk", "other source milk", "nonpool plant", "handler", and "Chicago butter price". The definitions for "producer", "pool plant", distributing plant", and "supply plant" are discussed elsewhere in this decision.

"Fluid milk product" would mean milk, skim milk, buttermilk, milk drinks (plain or flavored) cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers). The items defined as fluid milk products pursuant to this definition are those products which when disposed of by handlers are considered as Class I milk.

"Producer milk" would mean only that skim milk and butterfat contained in milk received at a pool plant directly from producers or diverted from a pool plant to a nonpool plant in accordance with the conditions prescribed in a producer definition (Issue No. 3).

"Other source milk" would be defined as all skim milk and butterfat contained in fluid milk products utilized by the handler in his operations except milk received from producers, fluid milk products received from other plants, and inventory at the beginning of the month. Thus, other source milk would represent skim milk and butterfat which may not be subject to the pricing provisions of this order. It would include all milk products from plants other than pool plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It would include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the same or a later month.

"Nonpool plant" would mean any milk manufacturing, processing, or bottling plant other than a pool plant.

"Handler" would be defined as any person in his capacity as the operator of one or more distributing or supply plants. The definition would also include a cooperative association in its capacity as the operator of a pool plant or with respect to milk from producers diverted for its account from a pool plant to a nonpool plant.

"Chicago butter price" would represent the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

(b) Reference in the order with respect to the accounting and classification of "emergency milk" should be deleted. In the attached proposed order provision is made in a comprehensive manner for the accounting and classification of all unpriced milk, including that heretofore defined as emergency milk. In view of this, no useful purpose would be served by continuing any reference in the order to emergency milk.

(c) As now provided in the order, a handler receiving milk from producers who are members of a cooperative association which operates a pool plant is required to make payment to the cooperative for such milk at the applicable class prices, and the classification of such milk is deemed to be the same as all other producer milk at the handler's plant. A cooperative association which does not operate a pool plant and which is authorized to collect for its members' milk may collect for producer milk delivered to a pool plant at the uniform price value of such milk.

In connection with the provision for compensatory payments on unpriced milk, which is recommended in this decision, it is determined that the handler of such unpriced milk shall be responsible for remitting such payments to the market administrator. With regard to the provisions herein recommended for basing pool plant status on standards of association with the market, it is possible for a plant to qualify as a pool plant in one month and not in another. In a month when such plant did not qualify as a pool plant, the operator of such plant would be subject to a compensatory payment on the unpriced milk which was delivered in the marketing area from his plant.

It would not be administratively feasible for the market administrator to bill a cooperative association for a compensatory payment charge on unpriced milk due the producer-settlement fund from a handler because it supplies such handler with producer milk. Neither would it be feasible under the Quad Cities order to have a cooperative association collect at the class prices for milk delivered by its producer members to a pool plant, participate in the producer-settlement fund for such milk, and have the operator of the pool plant deal separately with the producer-settlement fund with respect to payments due on unpriced milk. A handler, whose plant did not qualify as a pool plant in any month because of a minimum specified percentage of its receipts from dairy farmers not having been distributed in the marketing area, would be required to make payment directly to the producer-settlement fund on the quantity of Class I milk distributed in the marketing area. This would be required whether or not he customarily paid a cooperative association for milk received from dairy farmers. If the plant of such handler became a pool plant in some months, it would be more practicable and administratively more feasible to have him participate in the producer-settlement fund directly instead of through a cooperative association. It is the operator of a plant who is primarily responsible for any payments on unpriced milk or on other milk which may be due the producer-settlement fund.

In the interest of orderly marketing, it is desirable that a cooperative association be free to market and collect for the milk of its members to the fullest extent that it is so authorized by its members. The effectiveness of a cooperative under the Quad Cities order in marketing the milk of its members would not be impeded whether payment to such cooperative by a handler is at the uniform price or at the class prices in the order.

In view of the considerations stated above, it is concluded that the best interest of the market would be served by holding a handler responsible for dealing with the producer-settlement fund with respect to all milk received at his plant directly from producers and from other sources.

Rulings on proposed findings and conclusions. Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered by the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and com-

mercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, amending the order, as amended. The following order regulating the handling of milk in the Quad Cities marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the proposed amended order.

DEFINITIONS

§ 944.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 944.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 944.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions of the United States Department of Agriculture.

§ 944.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 944.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 944.6 *Quad Cities marketing area.* "Quad Cities marketing area", hereinafter called the "marketing area", means the territory lying within the boundaries of the corporate limits of the City of Clinton, Iowa, and that part of Camanche Township, including the City of Camanche, lying east of sections 2, 11, 14, 23, 26, and 35 all in Clinton County, Iowa; the territory lying within the corporate limits of the cities of Davenport and Bettendorf, Iowa; and Rock Island, Moline, East Moline and Silvis, Illinois; together with the territory lying within the following townships: Davenport, Rockingham, and Pleasant Valley in Scott County, Iowa; and South Moline, Moline, Blackhawk, Coal Valley, Hampton, and South Rock Island in Rock Island County, Illinois.

§ 944.7 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority, which milk is (a) received at a pool plant, or (b) diverted from a pool plant to a nonpool plant for the account of either the operator of the pool plant or a cooperative association (1) any day during the months of April through June, and (2) on not more than one-half the days on which milk was delivered from a farm during any of the months of July through March: *Provided*, That milk diverted pursuant to this section shall be deemed to have been received at the location of the plant from which diverted.

§ 944.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 944.9 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipping during the month to a pool plant qualified pursuant to § 944.10 (a).

§ 944.10 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) and not less than 15 percent of such receipts are so disposed of to such outlets in the marketing area.

(b) A supply plant from which the volume of fluid milk products shipped during the month to pool plants qualified pursuant to paragraph (a) of this section is equal to not less than 35 percent of the Grade A milk received at such plant from dairy farmers during such month: *Provided*, That if such shipments are not less than 50 percent of the receipts of Grade A milk at such plant during the immediately preceding period of September through November, such plant may, upon written application to the market administrator on or before March 1 of any year, be designated as a pool plant for the months of March through June of such year.

(c) A plant which is owned and operated by a cooperative association and which is located in the marketing area.

§ 944.11 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 944.12 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more distributing or supply plants.

(b) A cooperative association which is the operator of a pool plant pursuant to § 944.10 (c).

(c) Any cooperative association with respect to the milk from producers diverted by the association for the account of such association from a pool plant to a nonpool plant.

§ 944.13 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 944.14 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 944.7.

§ 944.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream or any mixture in fluid form of skim milk and cream (except aerated cream products, yogurt, ice cream mix, evaporated or condensed milk, and sterilized products packaged in hermetically sealed containers).

§ 944.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, (2) producer milk, or (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 944.17 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery buttery at Chicago as reported during the month by the Department.

MARKETING ADMINISTRATOR

§ 944.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 944.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 944.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 944.87: (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 944.88, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties.

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate the name of any person who within 10 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 944.30 and 944.31, or payments pursuant to §§ 944.80, 944.84, 944.86, 944.87, and 944.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handler depends, or by such investigation as the market administrator deems necessary;

(i) Prepare and disseminate to the public such statistics and such information as he deems advisable and as do not reveal confidential information;

(j) Publicly announce on or before:

(1) The 5th day of each month, the minimum price for Class I milk pursuant to § 944.50 (a) and the Class I butterfat differential, pursuant to § 944.51 (a) both for the current month; and the minimum price for Class II milk, pursuant to § 944.50 (b), and the Class II butterfat differential, pursuant to § 944.51 (b) both for the preceding month; and

(2) The 10th day after the end of each month the uniform price pursuant to § 944.71 and the producer butterfat differential pursuant to § 944.81; and

(k) On or before the 10th day after the end of each month, report to each cooperative association, which so requests the percentage of the milk caused to be delivered by the cooperative association or its members to the pool plant(s) of each handler during the month, which was utilized in each class. For the purpose of this report, the milk so delivered shall be allocated to each class for each handler in the same ratio as all producer milk received by such handler during the month.

REPORTS, RECORDS AND FACILITIES

§ 944.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month, each handler, except a producer-handler, shall report for such month to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) The quantities of skim milk and butterfat contained in producer milk diverted to nonpool plants pursuant to § 944.7;

(e) Inventories of fluid milk products on hand at the beginning and end of the month;

(f) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement of the disposition of Class I milk outside the marketing area; and

(g) Such other information with respect to his utilization of butterfat and skim milk as the market administrator may prescribe.

§ 944.31 *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

§ 944.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to producers and cooperative associations.

§ 944.33 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 944.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 944.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 944.41 through 944.46.

§ 944.41 *Classes of utilization.* Subject to the conditions set forth in § 944.44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of a fluid milk product (except as provided in paragraph (b) (2) of this section), and (2) not accounted for as Class II milk;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) disposed of to wholesale bakeries, candy manufacturers, soup companies, or for livestock feed; (3) contained in inventory of fluid milk prducts on hand at the end of the month; (4) in shrinkage allocated to receipts of producer milk (except milk diverted to a nonpool plant pursuant to § 944.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively; and (5) in shrinkage of other source milk.

§ 944.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 944.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 944.44 *Transfers.* Skim milk or butterfat disposed of each month from a pool plant shall be classified:

(a) As Class I milk, if transferred in the form of a fluid milk product to the pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers

in their reports submitted for the month to the market administrator pursuant to § 944.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 944.46 and any additional amounts of such skim milk or butterfat shall be classified as Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk of both handlers;

(b) As Class I milk, if transferred to a producer-handler in the form of a fluid milk product; and

(c) As Class I milk, if transferred or diverted in the form of a fluid milk product in bulk to a nonpool plant unless:

(1) The transferring or diverting handler claims classification in Class II milk in a written statement submitted to the market administrator by the operators of both the pool plant and the nonpool plant on or before the 7th day after the end of the month within which such transaction occurred;

(2) The operator of such nonpool plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification; and

(3) An equivalent amount of skim milk and butterfat had been used at the nonpool plant during the month in the indicated utilization.

§ 944.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such products, plus all of the water reasonably associated with such solids in the form of whole milk.

§ 944.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 944.45 the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 944.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which were not subject to the Class I pricing provisions of an order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk other than that received in the form of fluid milk products;

(4) Subtract from the remaining pounds of skim milk in Class II milk an amount equal to such remainder, or the product obtained by multiplying the pounds of skim milk in producer milk by 0.05, whichever is less;

(5) Subtract from the remaining pounds of skim milk in each class in series beginning with Class II milk, the pounds of skim milk in other source milk received in the form of fluid milk products which are subject to the Class I pricing provisions of another order issued pursuant to the act;

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (4) of this paragraph;

(7) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 944.44 (a);

(8) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(9) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II. Any amount of excess so subtracted shall be called "overage".

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 944.50 *Class prices.* Subject to the provisions of §§ 944.51 and 944.52 the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the price for Class I milk established under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, plus 20 cents.

(b) *Class II milk price.* The Class II milk price shall be the average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the period from the 16th day of the preceding month through the 15th day of the current month at the following plants or places for which prices have been reported to the market administrator or to the Department:

Present Operator and Plant Location
Amboy Milk Products Co., Amboy, Ill.
Borden Co., Dixon, Ill.
Borden Co., Sterling, Ill.
Carnation Co., Morrison, Ill.
Carnation Co., Oregon, Ill.
Carnation Co., Waverly, Iowa.
United Milk Products Co., Argo Fay, Ill.

§ 944.51 *Butterfat differentials to handlers.* For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 944.50 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the current month by 0.110 for the months of April, May, and June, and by 0.115 for all other months.

§ 944.52 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 50 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 944.50 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
50 but less than 65	10.0
For each additional 10 miles or fraction thereof additional	1.5

Provided, That for the purpose of calculating the location differential adjustment applicable pursuant to this section, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the transferee-plant after making the calculations prescribed in § 944.46 (a) (5) and the comparable steps in (b) for such plant, such assignment to transferor plants to be made in sequence according to the location differential applicable to each plant, beginning with the plant having the largest differential.

§ 944.53 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 944.60 *Producer-handler.* Sections 944.40 through 944.46, 944.50 through 944.52, 944.70, 944.71, and 944.80 through 944.88, shall not apply to a producer-handler.

§ 944.61 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant is qualified as a pool plant pursuant to § 944.10 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Quad Cities marketing area than in the marketing area regulated pursuant to such other order: *Provided*, That the operator of a distributing plant or a supply plant which is exempt from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 944.30) and allow verification of such reports by the market administrator.

§ 944.62 *Handlers operating nonpool plants.* None of the provisions from §§ 944.44 through 944.52, inclusive, or from §§ 944.70 through 944.85, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 944.63.

§ 944.63 *Rate of payment on unpriced milk.* The rate of payment per hundredweight to be made by handlers on unpriced other source milk allocated to Class I milk shall be any plus amount calculated as follows:

(a) During the months of December through June, subtract from the Class I price adjusted by the Class I butterfat and location differentials applicable at a pool plant of the same location as the nonpool plant supplying such other source milk, the Class II price adjusted by the Class II butterfat differential; and

(b) During the months of July through November subtract from the Class I price f. o. b. such nonpool plant the uniform price to producers adjusted by the Class I butterfat differential.

DETERMINATION OF UNIFORM PRICE

§ 944.70 *Computation of value of milk for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of milk in each class by the applicable class price and add together the resulting amounts;

(b) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 944.46 (a) (9) and the corresponding step of (b) by the applicable class prices;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 944.46 (a) (8) and the corresponding step of (b), whichever is less; and

(d) Add an amount calculated by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 944.46 (a) (2) and (3) and the corresponding step of (b) by the rate of payment on unpriced milk determined pursuant to § 944.63 at the nearest nonpool plant(s) from which an equivalent amount of other source skim milk or butterfat was received: *Provided*, That if the source of any such fluid milk product received at a pool plant is not clearly established, such product shall be considered to have been received from a source at the location of the pool plant where it is classified.

§ 944.71 *Computation of uniform price.* For each of the months the market administrator shall compute a uniform price for producer milk of 3.5 percent butterfat content f. o. b. pool plants located within 50 miles of the City Hall of Rock Island, Illinois, as follows:

(a) Combine into one total the values computed pursuant to § 944.70 for all handlers who made the reports prescribed in § 944.30 for such month, except those in default of payments required pursuant to § 944.84 for the preceding month;

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk represented by the values included under paragraph (a) of this section is less or more, respectively, than 3.5 percent, an amount computed by multiplying such differences by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk;

(c) Add an amount equal to the sum of the location differential deductions to be made pursuant to § 944.82;

(d) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(e) Divide the resulting amount by the total hundredweight of producer milk included in these computations; and

(f) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (e) of this section. The resulting figure shall be the uniform price for producer milk.

PAYMENT FOR MILK

§ 944.80 *Time and method of payment for producer milk.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of each month during which the milk was received, to each producer for milk received from him and for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 944.71, subject to the butterfat differential computed pursuant to § 944.81 and less location differential deductions pursuant to § 944.82.

(b) On or before the 12th day after the end of each month during which the milk was received, to a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payments for its member producers and exercises such authority, an amount equal to the sum of the individual payments otherwise payable to such producers.

§ 944.81 *Butterfat differentials to producers.* The applicable uniform prices to be paid each producer pursuant to § 944.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 3.5 percent, respectively, at the rate determined by multiplying the total pounds of butterfat in the producer milk allocated to Class I and Class II milk during the month pursuant to § 944.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat, and rounding the resultant figure to the nearest one-tenth of a cent.

§ 944.82 *Location differentials to producers.* In making payment pursuant to § 944.80 the uniform price pursuant to § 944.71 for milk which is received from producers at a pool plant located 50 miles or more from the City Hall, Rock Island, Illinois, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Rock Island City Hall (miles):	*Rate per hundredweight (cents)*
50 but less than 65	10.0
For each additional 10 miles or fraction thereof an additional	1.5

§ 944.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 944.62, 944.84 and 944.86, and out of which he shall make all payments to handlers pursuant to §§ 944.85 and 944.86.

§ 944.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of each month, each handler shall pay to the market administrator the amount by which the value of milk for such handler pursuant to § 944.70 for such month exceeds the obligation pursuant to § 944.80 of such handler to producers for milk received during the month.

§ 944.85 *Payments out of the producer-settlement fund.* On or before the 15th day after the end of each month the market administrator shall pay to

each handler the amount by which the obligation, pursuant to § 944.80, of such handler, to producers for milk received during the month exceeds the value of milk for such handler computed pursuant to § 944.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. A handler who has not received the balance of such payments from the market administrator shall not be considered in violation of § 944.80 if he reduces his payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

§ 944.86 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (a) the market administrator from such handler, (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due; and payment thereof shall be made on or before the next date for making payment set forth in the provisions under which such error occurred.

§ 944.87 *Expense of administration.* As his pro rata share of the expense of the administration of the order, each handler shall pay to the market administrator, on or before the 15th day after the end of each month 3 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to butterfat and skim milk contained in (a) producer milk (b) other source milk at a pool plant which is allocated to Class I milk pursuant to § 944.46, and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant not subject to the classification and pricing provisions of another order issued pursuant to the act.

§ 944.88 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 944.80, shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify or establish weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 944.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 944.90 *Effective time.* The provisions of this subpart, or any amendment to this subpart, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 944.91 *Suspension or termination.* The Secretary shall, whenever he finds this subpart, or any provision hereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this subpart or any such provision of this subpart.

§ 944.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations hereunder the final accrual or ascertainment of which require further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 944.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all accounts, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 944.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 944.101 *Separability of provisions.* If any provision of this subpart or its application to any person or circumstance, is held invalid, the application of such provision, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 25th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

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[7 CFR Part 967]

[Docket No. AO-170-A10]

HANDLING OF MILK IN SOUTH BEND-LA PORTE, INDIANA, MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND AMENDED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amended order and marketing agreement regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area, which was issued February 6, 1957 (22 F. R. 844), is hereby extended to March 1, 1957.

Dated: February 21, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1486; Filed, Feb. 27, 1957; 8:46 a. m.]

[7 CFR Part 1014]

[AO-287]

TOMATOES GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937 as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreement and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas on September 24–27, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 6612), upon proposed Marketing Agreement No. 124 and Order No. 114, regulating the handling of tomatoes grown in the Lower Rio Grande Valley in Texas.

On the basis of the evidence introduced at the aforesaid hearing and record thereof, the Acting Deputy Administrator, Agricultural Marketing Service on January 11, 1957, filed with the Hearing Clerk, United States Department of Agriculture the recommended decision in this proceeding. The notice of the filing of such recommended decision affording opportunity to file written exception thereto was published January 16, 1957, in the FEDERAL REGISTER (22 F. R. 301, 452).

Rulings. Within the period provided therefor, exceptions were filed by Sid L. Hardin, Attorney at Law, Edinburg, Texas, in behalf of 213 persons and firms, referred to as opponents, protesting the adoption of a marketing agreement and order program for tomatoes grown in the Lower Rio Grande Valley in Texas. The exceptions except generally to the entire recommended decision of the Acting Deputy Administrator for reasons of economic principles, and excepts specifically to certain findings and conclusions on the basis that they are not supported by evidence in the record. Each point covered in the exceptions filed by the attorney for the opponents was given careful consideration in conjunction with the evidence pertaining thereto in arriving at the findings and conclusions set forth herein.

Two such exceptions question the supporting evidence with respect to the findings and conclusions that the shipment of cull tomatoes has become a common practice since the prohibition of the movement of such quality was discontinued, and that, small sizes of tomatoes in a particular grade are discounted in price from the larger sizes of that particular grade. Testimony at the hearing by proponents (See, for instance, H. R., pp. 906–101, 118–130, and 769–772), also opponents (See, for instance, H. R., pp. 618, 623, and 666–667), establishes a basis for the finding that the shipment of culls has become a common practice. An opponent witness testified (H. R., p. 666) that he shipped one truckload of culls per day during the shipping season to the Washington Market in San Antonio.

Testimony by proponents with respect to prices received (see, for instance, H. R., pp. 132–133, and 506–508) refutes the exception that smaller sizes of tomatoes sell for the same prices as the larger sizes of the same grade. According to such testimony prices varied by grades and by sizes within the grades. Also, the daily market news reports (Exhibit No. 6) substantiate the fact that prices for smaller sizes of tomatoes are lower than for the larger sizes.

Exception was also taken to the finding and conclusion that Dallas and Houston do not readily accept the better grades of tomatoes. Testimony adduced at the hearing (see, for instance, H. R., p. 120) substantiates this finding. Also, an opponent witness testified that he did not sell many U. S. No. 1 or U. S. No. 2 tomatoes in Dallas because the receiver told him he could buy tomatoes cheaper and he also testified that he knew two or three big truckers haul culls to Dallas (see H. R., p. 618).

A number of points raised by the attorney for the opponents are beyond the proper scope of exceptions, but are in the nature of arguments or views. Such arguments and views do not refer to specific findings and conclusions of the recommended decision.

The remainder of the exceptions filed by the attorney for the opponents, are at variance with the findings and conclusions decided upon herein, and they are hereby overruled.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the marketing agreement and order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions:

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority to incur expenses and to levy assessments on shipments;

(d) The authority for the establishment of tomato marketing research and development projects;

(e) The method for limiting the handling of tomatoes grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity;

(g) The methods for authorizing special regulations applicable to the handling of tomatoes for specified purposes or to specified outlets under special regulations that are modifications of, or amendments to, grade, size, and quality regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the marketing agreement and order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 1014.82 through 1014.95 and published in the FEDERAL REGISTER (21 F. R. 6612) on September 1, 1956, which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and record thereof, are as follows:

(1) All tomatoes grown in Cameron, Hidalgo, Starr or Willacy Counties in Texas (customarily referred to as the Lower Rio Grande Valley or more commonly the Lower Valley) which are handled between such production area and any point outside thereof are either in interstate or foreign commerce or directly burden, obstruct, or affect such commerce. The bulk of the Lower Valley tomatoes moves to markets outside of Texas or to markets located in the larger cities in Texas. Such tomatoes are transported by rail and truck principally to Central States, the Northeastern States, and to the Pacific Northwest. Shipments are also made to other parts of the country in lesser quantities, and many shipments are also destined for Canada. There are numerous markets in Texas which receive large quantities

of tomatoes grown in the Lower Valley as well as tomatoes from other areas outside Texas. San Antonio, Houston, and Dallas are the principal tomato markets in Texas. However, smaller quantities are sold in other Texas markets such as Austin, Fort Worth, Corpus Christi, and Amarillo. At the same time Lower Valley tomatoes are being sold and shipped, tomatoes from other producing areas are also being sold in and shipped to the same markets, both in Texas and outside thereof, receiving Lower Valley tomatoes.

Tomatoes grown in the production area compete principally with tomatoes grown in Florida and Mexico. They also compete to some extent with tomatoes grown in other producing areas in Texas, California, and other southern producing areas, such as Alabama and Georgia, since the shipping season for Lower Valley tomatoes overlaps the shipping seasons of such areas. Tomatoes produced in these competing areas compete in the same markets as tomatoes produced in the production area.

Many shipments destined originally for Texas markets are shipped in interstate commerce from such markets. It was testified at the hearing that tomatoes are sold to repackers located in Texas cities and, after ripening and repacking, are oftentimes resold in adjoining States. It was also testified that a large repacker in San Antonio also has a repacking plant in Denver, Colorado. The shipper selling tomatoes to this repacker does not know whether such tomatoes will be transported to San Antonio or Denver. Testimony also shows that tomatoes sold to repackers in Oklahoma are often sold to Texas retailers and are consumed in Texas.

Many rail shipments from the production area are consigned by the shipper to junction points in Texas such as Houston. Before the car reaches the junction point, it is sold and diverted from the junction point to a buyer located in a terminal market, usually outside of Texas.

Any handling of tomatoes grown in the Lower Valley exerts a direct influence upon all handling of tomatoes. The volume of tomatoes from a given producing area, irrespective of whether it is the Lower Valley, Florida, or Mexico, received in a terminal market will have an effect on prices received for other tomatoes offered for sale in that market. Tomato handlers, of course, try to obtain the highest possible return for their commodity. If such handlers expect to stay in business they must keep well informed on market conditions and information, in both out-of-state and Texas markets, and both buyers and sellers use modern means of communications to maintain this close association with market conditions so they can quickly take advantage of a high market.

Texas markets offer shipper opportunities for making sales the same as markets outside of the State. Two handlers who testified at the hearing stated that 30 to 40 percent of their total sales were in Texas markets. Such sales, if advantageous to the shipper, are as eagerly accepted as other advantageous sales, whether made at shipping point or in the consuming markets such as Boston, New York, or Chicago. The tomato market consists in major part of offering, quoting, bargaining, buying or selling tomatoes. Factors influencing this market are numerous. Such factors include the supply of, and demand for, tomatoes in the production area and in competing areas; the available and potential supplies in the production area and in competing areas; the quality of such supplies; the prices quoted by shippers and receivers; and a great variety of other factors which enter into the meeting of minds between buyers and sellers necessary to consummate a sale.

Such factors are considered by the seller at shipping point and the buyer in the terminal market, because factors influencing prices of tomatoes in the production area are soon reflected on prices paid in terminal markets. In turn, factors influencing prices paid in the terminals are soon reflected in prices received at shipping point. An example given at the hearing was that if Cameron County received a hard rain and Hidalgo County did not, buyers would shift to Hidalgo County points and prices there would probably increase because buyers would be bidding higher in order to obtain the available supplies. It was also testified that if a terminal market such as Houston or Dallas is glutted with culls or low quality tomatoes, prices received for good quality tomatoes are reduced so the receivers can compete pricewise with the poorer quality tomatoes. Another example of the intricate, interlocked, and dependent nature of the tomato market involves factors influencing prices in a competing shipping area. If Florida or Mexico suffers from a freeze which materially reduces the supply available for shipment from such area, prices in terminal markets receiving Florida or Mexican tomatoes react quickly. This in turn is reflected in prices received at shipping points in the production area.

The practice of diverting shipments from Houston or other junction points in Texas is also a result of the intricate nature of tomato marketing. If prices are favorable at the junction point the shipment will be sold on such market. However, if another market appears more favorable to the shipper he will have the car diverted to the second market. Because of this practice of diverting rail shipments, the shipper does not always know at the time of shipment where such shipment will be sold. Truck shipments can also be diverted, but such diversion is usually done at the discretion of the trucker rather than the shipper. If a trucker has purchased tomatoes in the production area, he usually heads for a market within Texas or a nearby State. If conditions are unfavorable at such market he oftentimes moves on to the next market. It is impossible to determine in most cases when tomatoes are sold to a trucker whether such tomatoes will be marketed within Texas or an out-of-state market.

The factors influencing the sale and movement of tomatoes make up the market for tomatoes. The interdependence of the markets both within and outside the State directly burdens, obstructs and affects interstate commerce. The factors making up the market for tomatoes constitute commerce which is so inextricably intermingled that all sale and movement of such tomatoes are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce and therefore all such movement and sale of tomatoes grown in the production area should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto.

(2) Lower Valley Texas tomato farmers have received less than parity prices for their early spring crop tomatoes during six of the ten seasons, 1945–46 through 1954–55. They received an average price for early spring crop tomatoes in three of these ten seasons which was in excess of parity, and during one season, 1948–49, they received the equivalent of parity prices. The relationship of prices received by the farmers for Lower Texas Valley tomatoes has been less favorable during the six year period 1950–55 than during the previous four years. During the latter period, season average farm prices for the early spring crop ranged from 75 percent to 112 percent of parity with prices received by farmers being below parity in all but one of the six seasons. In three of these latter seasons the prices received by farmers averaged less than 80 percent of parity.

For the eleven season period 1945–46 through 1955–56 prices to Lower Valley Texas tomato farmers for the late fall crop was below parity in five of the eleven seasons and above parity during the others. During the 1955 fall crop, prices averaged 80 percent of parity and the previous year the average was 87 percent of parity. The previous season, 1953–54, prices were 112 percent of parity, but during the 1952–53 late fall season, Lower Valley Texas tomatoes returned 66 percent of parity to farmers.

Prices to Lower Valley Texas tomato farmers have prevailed at levels below parity during most seasons despite the organized effort of tomato growers, handlers, and public officials to promote better marketing practices that will protect the growers' interests.

In addition to the facts hereby found that prices to Lower Valley Texas tomato farmers have been below parity for the the early spring season during most of the past ten years and for the late fall season during a significant portion of such seasons, it is also found to be a fact that prices for such tomatoes fluctuate widely within seasons. Furthermore prices vary widely for different grades and sizes of such tomatoes. Prices of such tomatoes are affected not only by the total volume of tomatoes available for market at any time but also by the grade, size and quality of such tomatoes being marketed at any given time.

Market reports show that the price of Texas tomatoes fluctuates throughout the season in terminal markets, also at f. o. b. shipping points and such prices in turn are reflected to the prices paid farmers. These facts are substantiated by the expert testimony of growers and shippers in the record. During the 1956 season the price of U. S. No. 1 quality, 6 x 6 and larger, ranged higher than the prices of 6 x 7 same quality. Also prices of size 7 x 7's of the same quality in general were lower than for the two larger sizes. The price of U. S. No. 2, 6 x 6 and larger was in general about one-half the price of the same size of the No. 1 quality while the price of size 6 x 7 was generally less than one-half the price of the same size No. 1 quality and less than one-half the price of U. S. No. 1, 6 x 6's and larger. In general, the same relationships applied between grade and sizes for grower prices with size 6 x 6 and larger No. 1 quality returning higher prices to growers than size 6 x 7 No. 1 quality and considerably higher than size 7 x 7 No. 1 quality. In the same manner, prices of 6 x 6 and larger, U. S. No. 2 grade returned approximately one-half the price of the U. S. No. 1 quality for the same size, while size 6 x 7 No. 2 quality returned less than size 6 x 6 No. 2 quality and returned less than half the price for size 6 x 6 and larger U. S. No. 1. Similar price relationships hold for the 1955 season, as well as for the 1954 and for the 1953 season. During mid-May of the 1955 season, when f. o. b. prices of size 6 x 6 U. S. No. 1 quality ranged from $3.25 to $3.50 per 30 pound lug for mature green tomatoes the price to growers was 2 to 3½ cents per pound. Later in the season when prices were $2.75 to $3.50 f. o. b. per 30-pound lug, 6 x 6 and larger U. S. No. 1 grade, prices to growers were 1½ to 3 cents per pound. The hearing record shows the fact that similar patterns apply to the 1954 season and for the 1953 season.

The sale of cull tomatoes, the same as the sale of better quality tomatoes, has a direct effect upon the prices paid to Lower Valley tomato farmers. Some shippers do not normally sell all cull tomatoes but when such cull tomatoes are sold the prices received are substantially lower than for either No. 1 or No. 2 quality tomatoes, oftentimes returning only a salvage price. At the same time, such cull tomatoes go into commercial markets competing directly with the sale of better quality tomatoes and the sale of such cull tomatoes at the lower prices has an adverse and a depressing effect upon prices received for the better quality tomatoes and, therefore, tends to depress the prices received by growers for their tomatoes. The record shows that one shipper built up a good trade in some markets for U. S. No. 2 tomatoes, but when shipments of cull tomatoes were not prohibited and some of such poor quality tomatoes got into the markets in which the shipper was selling No. 2's, the demand for his No. 2's fell off substantially. The shipment of cull tomatoes has become a common practice since the prohibition of the movement of such quality was discontinued. Some shippers find it difficult to meet competition from cull tomatoes as long as some other shippers are allowed to sell and transport them. The record of hearing provides substantial evidence by expert witnesses that there is no place in the market for cull tomatoes from the Lower Valley and that there should be authority in the marketing order to prevent their resale and transportation because of adverse, depressing effects on prices to farmers for better grades of tomatoes.

It is also found that there is a need for a marketing agreement and order to help the industry develop orderly marketing practices that will tend to prevent abuses from overweight of containers as well as from lack of uniform sizing of tomatoes within different packs. Provision for placing competition on an even basis with respect to size among shippers is a need that will tend to promote orderly marketing of Lower Valley Texas tomatoes and will help to improve prices to farmers.

The record shows that tomato farmers and shippers in the Lower Valley of Texas have no other means of helping to promote and improve marketing conditions for their tomato crop. The need for a marketing agreement and order to assist them in promoting better marketing conditions and in increasing the prices paid to Lower Valley tomato growers for their crop is substantially shown on the basis of the record.

(3) The term "tomatoes" as used in the marketing agreement and order identifies the agricultural commodity referred to therein and distinguishes it from other agricultural commodities. The term "tomatoes" should be defined to mean all varieties of the edible fruit (lycopersicon esculentum) which are commonly referred to as tomatoes in the production area as well as throughout the United States. The definition of tomatoes as set forth in the marketing agreement and order establishes the identity of the agricultural commodity for which regulation is authorized, and establishes the commodity to which the handling activities related thereto are subject to the authority of the marketing agreement and order. Tomatoes therefore, should be defined in the marketing agreement and order to mean all varieties of tomatoes grown in the production area.

The term "production area" should be incorporated in the marketing agreement and order as a means of specifying the area within which tomatoes must be produced before the handling thereof is subject to regulation thereunder. Production area is defined to include all territory in the counties of Cameron, Hidalgo, Starr, and Willacy, in the State of Texas. "Production area", thus defined, contains all of the tomato producing counties in the lower Rio Grande Valley of Texas. Growing and climatic conditions are about the same in the four counties and there are no appreciable or sizeable acreages of tomatoes grown within approximately 150 miles of this area.

There may be minor variations in practices and methods of production, harvesting and marketing tomatoes between counties and within specific counties. Nevertheless, grading and quality standards for commercial sales are the same throughout the production area. The marketing seasons are the same as shown by the tabulation of shipments from the four counties. Each county within the production area has to share and compete in common markets at the same time. Undesirable grades, sizes, qualities and maturities of tomatoes have the same effect in the market on prices paid for Lower Valley tomatoes irrespective of the producing county.

The production area includes four counties which constitute a relatively small area bordered on the south by the Rio Grande River and Mexico on the east by the Gulf of Mexico, and which are separated from other tomato and vegetable producing sections in Texas by non-irrigated range land. The four counties differ from the surrounding counties in that the four counties have been developed for intensive farming of fruits and vegetable crops, including tomatoes, which are grown under irrigation. This section is commonly recognized as a separate and distinct production area by growers and handlers operating there, also by the produce trade in terminal markets and by official publications reporting tomato and other vegetable crops. The production area is so recognized as a distinct entity, commonly referred to as the "Lower Rio Grande Valley", or simply the "Lower Valley", because of the natural barriers of the Gulf, the international border, the insulation of range land, and the separate characteristics of the production and marketing problems encountered there by producers. The customary recognition of the four counties as a production area for tomatoes provides proper basis for the definition of production area.

Highway outlets leading out of the production area are limited to three major highways, two to the north and one to the west. There is no reasonable method or basis of dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the production area constitutes the smallest regional production area that is practical and consistent with carrying out the declared policy of the act, and the production area therefore should be defined as hereinafter set forth.

(4) The terms "handler" and "shipper" are synonymous. They should be defined to identify those persons who handle tomatoes in the manner described and set forth in the definition of "handle". The definition of handler establishes and identifies the persons who are to be subject to the regulations authorized by the marketing agreement and order. Any person who is engaged in the act or acts of handling or shipping tomatoes or who causes tomatoes to be handled or shipped is a handler. Such persons are responsible for the grade, size, quality and maturity of tomatoes delivered to transportation agencies or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce and such persons are handlers.

Common or contract carriers transporting tomatoes which are owned by another person are performing a handling function, but such handling should not be regulated under the

marketing agreement and order because such carriers are not responsible for grade, size, quality and maturity of the tomatoes being transported, neither are they responsible for the introduction of such tomatoes in the stream of interstate commerce. Also, the sole interest of common or contract carriers in such tomatoes is to transport them for a service charge to destinations given by others. The person or persons delivering tomatoes to a common or contract carrier should be responsible for the grade, size, quality and maturity of such tomatoes. Therefore, the term "handler" or "shipper" should be defined to mean any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

The term "handle" is defined in the marketing agreement and order to determine the particular transactions in the marketing of tomatoes, as defined herein, which fall within the authority for regulation under this program. "Handle" and "ship" are interchangeable and their definition should include the acts of selling and of moving, or otherwise transporting, tomatoes between the production area and any points outside thereof.

The great bulk of tomatoes grown in the production area is subjected, either in the field or more usually at packing houses, to grading and packing operations prior to moving to market. The tomatoes are picked by trained crews under the supervision of a grower or of a handler, i. e., packing house operator. After picking, the tomatoes are hauled to the platform of the packing house. Title to the tomatoes is usually transferred from the grower to the handler at this point. The handler takes the field-run tomatoes and runs them through the packing house for washing, grading, sizing, packing and loading. The handler makes sales, either direct to other handlers at shipping point, or to receivers or brokers in terminal markets in metropolitan or other areas outside the State or in the State. Also in some instances tomatoes are consigned to such markets.

The growing of tomatoes in the production area is a producer function and should be construed as an activity of the producer in his capacity as a producer. The harvesting of tomatoes, particularly when harvested by a crew employed by or under management of a packing house operator, also the sale or transportation of tomatoes to a packing house, i. e., to a recognized or registered handler within the production area, for grading and packing, although physically a part of a handling activity, should not be regulated under this program as such tomatoes have not yet been prepared for market. For the bulk of the tomatoes grown in and marketed from the proposed production area, the packing house operator is the handler or the person responsible for preparing the tomatoes for market and for transporting or selling the tomatoes, i. e., placing them in the channels of commerce. Compliance with the regulations which are authorized by the marketing agreement and order can readily be determined by such handler since it is he who determines the grades, sizes, packs and weights to be shipped. Of course, all subsequent handlers of such tomatoes in the production area should also have responsibility for the grade, size, quality and maturity of the tomatoes at the time such persons handle the tomatoes.

It is common practice for producers to sell or deliver their tomatoes to persons having facilities for packing and otherwise preparing the fruit for market, i. e., to persons who are generally recognized as tomato handlers. The producers, in such instances, properly rely on the persons preparing the tomatoes for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Thus, there should be excepted, in such instances, the movements of tomatoes from the fields to the places where the fruit will be prepared for market. It is necessary, however, to limit the scope of this exception in order to insure compliance with the regulations established under the program. Hence, it should be required that the facilities where the tomatoes are to be prepared for market be located within the production area. Otherwise, it would not be practicable for the committee to check effectively on the disposition of the tomatoes delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of tomatoes for market has registered with the committee in accordance with such rules as it may, with the approval of the Secretary, prescribe. Registration would be necessary because some tomatoes are prepared for market in places located at or near tomato fields and it is necessary that the committee have knowledge of these locations for enforcement purposes. It is intended that the committee, under its rules, will register all handler-applicants whom it is reasonable to believe will conduct their packing and handling operations in accordance with the program requirements. It is also intended that all recognized handlers and other prospective handlers desiring to conduct their business in the usual or customary manner will register with the committee in order to enable them to obtain tomatoes without their having to meet program requirements at the time of deliveries by the producers or others.

There are some exceptions to the general rule, as outlined above, concerning handling activities for Lower Valley tomatoes. Some such tomatoes are graded and packed in the field where grown and are moved directly from the field to markets outside the production area by the producer or by truckers who purchase the tomatoes from the producer. Such persons would presumably not normally be registered handlers. However, each such sale or movement within the production area is a handling activity and, as such, makes the producer who sells the tomatoes a handler and subject to rules and regulations issued under the marketing agreement and order, because such actions place the tomatoes in the stream of commerce between the production area and points outside thereof. In like manner, the trucker who transports such tomatoes to market outside the production area also directly affects interstate commerce in tomatoes and, therefore, is subject to the terms and provisions of the marketing order.

It has been a practice in the production area to sell or to ship some tomatoes as they are picked in the field to repacking plants in the State of Texas but outside of the production area. This practice also constitutes "handling" on the part of the producer or seller. If the repacking plant, however, is located within the production area, then the operator of the repacking plant becomes the handler.

The sale or transportation of tomatoes within the production area for consumption within the production area should not be considered a handling activity under the marketing agreement and order. As there are no large population centers within the production area, such shipments are comparatively small and their regulation would be burdensome without any appreciable benefits. Also, the definition of the term "handle" does not include the sale at retail of tomatoes by a person in his capacity as a retailer.

With the exception of the activities which are specifically excluded from the definition of the term handle, all transportation and sales of tomatoes, from the time they are harvested until they move outside of the production area, should therefore be included within the definition of the term "handle."

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the marketing agreement and order. Such terms should be defined for the purpose of designating specifically their applicability in establishing the approximate limitation of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, but also in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be authorized to act in his stead.

The definition of "Act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative. It makes it unnecessary to refer to such citation when used thereafter in the marketing agreement and order.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as when used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of tomatoes within the production area, and who is producing such tomatoes for market. A definition of the term "producer" is necessary for appropriate determinations as to eligibility to vote for, and to serve as, members or alternate members of the committee and for other reasons.

The term should be limited to those who have an ownership interest in tomatoes produced in the production area. It should not include laborers or others who perform work for a fee or for hire in producing tomatoes.

There was considerable discussion during the hearing with respect to the interpretation of the definition of producer particularly as such interpretation would apply to persons eligible to serve as committee members. The problem of determining who is a producer and who is not a producer for the purposes of the marketing agreement and order is affected by numerous credit and financial arrangements currently existing among persons connected with the growing and marketing of tomatoes within the production area.

A producer is any "person" who produces in a proprietory capacity tomatoes for market. Inasmuch as a person is defined as an individual, partnership, corporation, association, or any business unit, each such person establishes a legal entity. Each person or legal entity, whether an individual, partnership, joint venture, or corporation, so engaged in the production of tomatoes for market, should have one voice in selecting committee members and alternates in the district.

The term "producer" should be limited to those who have an ownership interest in the tomatoes which gives them title or authority to pass title to such tomatoes. The person who owns and farms land resulting in his ownership of the tomatoes produced on such land should clearly be considered as the producer of such tomatoes. The same is true with respect to the person who rents and farms land resulting in his ownership of all or a portion of the tomatoes produced thereon. Likewise a person who owns land which he does not farm but as rental for such land obtains the ownership of a portion of the tomatoes produced thereon should be regarded as a producer of that portion received as rent and the tenant on such land should be regarded as a producer of the remaining portion produced on such land. In each of the above situations where the person acquires ownership of all of the particular tomatoes such person regardless of whether he is an individual, partnership, association, corporation or other business unit should be considered as one producer and entitled to one vote. However, in cases where the ownership is divided, that is where one person obtains ownership of only a portion of the particular production and another person obtains ownership of the other portion of such production, such as a landlord-tenant relationship, each such person should be considered as a producer and entitled to one vote. However, in the case of a partnership, the partnership must vote as a unit.

The most common type of partnership appears to be the arrangement whereby one person puts up all or part of the capital and the other contributes machinery or skill, or both. Another arrangement provides that one person is responsible for selling the crop and another in growing and harvesting the tomatoes. Capital, machinery and labor may be contributed in varying degrees by each of the partners. The partnership, however, is an entity and under the definition of "producer" should have only one vote, the same as an individual or corporation. Any action with respect to such an organization regarding voting matters depends, therefore, on the partnership agreement and action by the partners pursuant thereto, irrespective of whether the partnership is composed of individuals, corporations, or combinations thereof.

Persons engaged in tomato growing operations and paid for their services on a wage or per unit of production basis should not have a producer status in the marketing agreement and order if such persons do not have title to any of the tomatoes.

"Grading" or "preparation for market" are interchangeable and means the sorting of tomatoes by hand or mechanical means, or both, so that such tomatoes are separated into grades, sizes, maturities and packs. Such classifications are determined by the handler who directs, in person or through his agent, how and in what number of classes a particular lot of tomatoes should be separated. Grading may vary from an operation performed entirely by hand in which certain tomatoes are picked out when they are being loaded at the field to a production line operation. In the latter method tomatoes are carried by mechanical conveyor through the grading operation. They are first washed and waxed. They are then carried to a series of moving belts and tables where sizes are determined and good quality, as represented by grades, sizes, and maturities, or any combination thereof, is separated from bad. It is in this operation where the tomatoes which should go to preferred price outlets are separated from those going to discounted price outlets. "Grading" or "preparation for market" is an operation which applies to all tomatoes grown in the production area even though the extent to which tomatoes are separated into market classes may vary considerably among the types of outlets.

Definitions of "grade" and "size" are incorporated in the marketing agreement and order to enable persons affected thereby to determine the basis for application of grading and size limitations to the products they handle. "Grade" and "size", the essential terms in which regulations are issued, should be defined as encompassing the meanings assigned to these terms in the official United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture and to modifications or amendments of such standards and to variations of such standards by regulations under the marketing agreement and order. Regulations under the order can then incorporate such terms (grade, size and maturity) with the constant meaning assigned thereto in such standards or in such modified or amended standards. Also, such regulations can vary such terms by prescribing, for example a percentage of grade. Official inspectors are qualified to certify to the grade, size, and maturity of tomatoes grown in the production area under the terms of the aforesaid standards or modification or amendment based thereon.

"Grade" and "size" should also be defined as comprehending the equivalents of the meanings assigned these terms in the official United States Consumer Standards for Fresh Tomatoes issued by the United States Department of Agriculture and to modifications or amendments to such standards and variations of such standards by regulations under the marketing agreement and order. The United States Standards for Fresh Tomatoes are generally used for shipments of tomatoes from the production area. However, with the increase in importance of tube packing in the shipment of "pinks" from the production area the use of the United States Consumer Standards for Fresh Tomatoes may become more customary and they should be available as a basis for regulation under the marketing agreement and order.

"Pack" should be defined as a basis for distinguishing the various units in which tomatoes are prepared for market, and shipped. The term "pack" is commonly used throughout the tomato trade and refers to a combination of factors relating to grade, size, and maturity of tomatoes and frequently to quantity and type of container. For example, U. S. No. 1 grade tomatoes, 6x6's, when put in 60 pound wire bound crates may be referred to as a specific pack. U. S. No. 2, 6x7's, also may be termed as a specific pack and with additional differentiation when packed in lugs or other various types of containers. The term "pack" should mean any pack of tomatoes as set forth in the United States Standards for Fresh Tomatoes and, in addition, it should include any other packs recommended by the committee and approved by the Secretary. Since some Texas tomatoes are "jumble" packed as opposed to the "place pack," the committee should be permitted under its rules and regulations to define and establish such packs in terms of size tolerances, grades allowed, weight of contents, and maturity in their relationship to the unit being marketed, in addition to United States Standard packs as set forth in the official standards.

"Maturity" should be defined as set forth in the marketing agreement and order. Although the bulk of Texas tomatoes are marketed as "mature greens," "pink" and "vine ripened" tomatoes are assuming an important place in the market. The application of different maturity stages to any regulations recommended by the committee would permit a basis for different regulations for mature green tomatoes and for those with a greater degree of maturity. Mature green tomatoes are considered by many handlers as more firm and less susceptible to bruising, growth cracks, and other injury or defects, than are tomatoes shipped as "pinks" or "vine-ripened" which are in later stages of maturity. Inspectors are qualified to inspect and certify for any maturity level which may be recommended by the committee.

The term "container" should be defined in the marketing agreement and

order to mean a box, bag, crate, hamper, basket, package, tube, or any other type of receptacle which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles in which tomatoes are sold or moved to market for which different regulation could be applicable.

The term "varieties" is included in the marketing agreement and order so that the committee may recognize the real differences and characteristics of different varieties and different types of tomatoes, and the differences in types of regulations which might be considered and recommended therefor. The principal variety grown at the present time for the spring deal is the Rutgers. The Grothen Globe is the leading fall crop variety. However, new varieties, such as the Weshaven and the Valiant, which differ in some respects from the aforementioned varieties, are increasing in importance. Also, there is an increase in marketing different types of tomatoes grown in the production area. For example, the "mature greens" are the most important type, but "pinks" and "stemmed" tomatoes are increasing in importance. The means set forth in the definition of varieties is appropriate for determining different varieties or types of tomatoes grown in the production area so that a basis for regulating some and not regulating others may be established.

The definition "committee" is incorporated in the marketing agreement and order to identify the administrative agency which is responsible for assisting the Secretary in the administration of the program. Such committee is authorized by the act and the definition thereof minimizes the use of words in referring to the administrative agency in the marketing agreement and order.

A definition of "fiscal period" should be incorporated in the marketing agreement and order to establish the beginning and ending of a suitable period for fiscal accounting. Such period was set forth in the notice of hearing as "beginning August 1 and ending July 31 following." However, it was testified at the hearing that the orginally proposed beginning and ending dates would not be satisfactory. While two crops of tomatoes are normally produced in the production area, i. e., a fall crop and a spring crop, the regulation of the fall crop does not appear to be likely at any time in the near future. It was also agreed that the fiscal period should begin reasonably near to the time when it is anticipated that active regulation of the commodity will commence in order to insure that collections will be made in adequate amounts to cover the costs of operations so that at the beginning of each season monthly deficits caused by operating costs can be avoided as much as possible. This undesirable result should be avoided by fixing the beginning of the fiscal period reasonably near the beginning of active regulation, which at this time would presumably be the time of the handling of the spring crop. It seemed to be generally agreed that an appropriate time for such period at the present time would be to have it begin on March 1 and end on the last day of the following February and it is concluded that such beginning and ending dates should be the ones adopted for initial use.

However, it is possible that, at some future date, it will be deemed to be desirable to regulate the fall crop. Also, it has happened in some years that shipments from the spring crop are made before March 1. Such shipments are known to have been made as soon as the early part of January. Because of the continuing desirability of starting the fiscal period as close as reasonably practicable to the beginning of active regulation, some latitude should be given for changing the beginning and ending dates to meet changed circumstances, such as those indicated in the two preceding sentences. This latitude would be afforded by the addition of an authorization in the definition for changing of the beginning and ending dates by the Secretary pursuant to the recommendation of the committee.

"District" should be defined in the marketing agreement and order as referring to each of the geographical sections or divisions of the production area either as initially established or as later reestablished in order to provide a basis for the nomination and selection of committee members for regulatory purposes. The proposed division into districts is adequate and equitable, and it provides a practical basis for the purposes for which intended.

"Export" should be defined in the marketing agreement and order as any shipment of tomatoes beyond the boundaries of the continental United States. Separate treatment for export shipments may be necessary because the requirements of certain export markets may differ from those of the domestic market and therefore different or special regulations or even no regulations may be justified with respect to such shipments. It is found from the evidence that Lower Valley tomato producers and handlers customarily consider an important distinction between such export markets as Canada and Mexico. Authority should be provided to permit different regulations for each of these markets, as well as for other markets, as circumstances may warrant. Territories and possessions of the United States should be included under the term "export" because any shipments to such markets would tend to satisfy a different type of demand than domestic shipments.

(b) The marketing agreement and order should provide for the selection by the Secretary of an administrative committee, called the Texas Valley Tomato Committee, composed of nine producer members of whom at least four should be producer-handlers. Establishment of this committee would be desirable and necessary to aid the Secretary in carrying out the declared policy of the act. The establishment of such a committee is authorized by the act. The notice of hearing provided for an administrative committee composed of nine producer members. It was testified that such a number had been generally agreed upon by the industry as being the least number of members which could represent properly all segments of the production area. Because practically all handlers of tomatoes in the Lower Valley are also producers, the proponents did not believe it was necessary to specify that a certain number of committee members should be handlers. However, evidence was introduced at the hearing to the effect that the Committee membership should include producer-handlers so that committee deliberations would be assured of the benefit of the handlers' experience in the marketing of tomatoes and their knowledge of market conditions. While the original proposal, as set forth in the notice of hearing, did not exclude producer-handlers, the evidence was such that the marketing agreement and order should specify that a certain percentage of the membership be producer-handlers to insure that such persons are named to the committee. Testimony as to the desirable number of producer-handler members related both to four and to five. Since the primary purpose of the program is to improve marketing conditions for Lower Valley tomatoes so that farmers' prices will be raised towards parity, the provision that each committee member and alternate must be a producer of such tomatoes and at least four of such members must be producer-handlers, should help to promote the objectives of the act. Inasmuch as alternates serve for their respective members in the event of the absence or disqualification of the latter, it should also be required that at least four of the nine alternate members shall be producer-handlers. This plan of representation should provide adequate and equitable representation of the tomato grower and handler interests in the Lower Valley and such producer-handler representation should help to insure comprehensive coverage of tomato marketing problems.

Each person selected as a member of the committee should be a producer or an officer, or employee of a producer, of tomatoes in the district for which selected, and should also be a resident of the production area. "Producer" is proposed to be defined as meaning any person engaged in a proprietary capacity in the production of tomatoes for market. "Person" is proposed to be defined as meaning an individual, partnership, corporation, association, or any other business unit. In addition to the qualifications for producers, producer-handler members should be persons engaged in packing and shipping tomatoes grown in the production area, or persons who are officers or employees of a producer-handler. It was testified that cooperative associations of tomato producers operate in the area by marketing tomatoes for their grower members. It is appropriate that an officer or employee of such a cooperative will be deemed to be eligible to serve as a producer-handler member or alternate member of the committee. Therefore, the requirement that a producer or producer-handler member of the committee should be a producer or producer-handler or an officer or employee of a producer or a producer-handler should not exclude any qualified individuals from serving on the committee. A person with such qualifications should be intimately acquainted with problems of producing and/or marketing tomatoes grown in the production area and each may be expected to present accurately the problems incident to production or marketing of tomatoes grown in his district. Qualifications for each alternate should obviously be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in committee deliberation.

Each committee member and his respective alternate should serve for a one-year term of office ending as of July 31 and for any additional period needed for the selection and qualification of his successor. Such a term of office is reasonable and will allow the tomato industry to express its approval or disapproval of the committee membership at the end of any season and prior to beginning a new season. August 1 is an appropriate date for the beginning of a term of office because it is between the end of the spring growing season and the beginning of the fall growing season. In addition, no shipments of tomatoes grown in the production area are being made at that time of the year. By beginning the term of office on August 1, each new committee will be authorized to start its term between the end of an old season and the beginning of a new. Committee members and alternates should be selected for the term of office during which they are to serve and until their successors are selected and have qualified in order to insure continuity of committee operation.

Districts should be established to provide a basis for the selection of committee members. The districts as initially established were worked out by the industry and they represent the best basis which could be devised at this time for providing a fair, adequate and equitable representation on the committee.

The proposed production area comprises four counties to be divided into four districts, one for each county. These districts are logical and desirable, because county lines are well defined, and producers and handlers are familiar with such county boundaries. Each person qualified for voting can easily establish the county within which his holdings are located.

The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvement should be made. The guides, as set forth in the marketing agreement and order, which the committee should keep in mind in considering redistricting are appropriate and desirable points of reference that relate directly to the welfare of the tomato industry.

It is practical and equitable that selection of committee members and alternates should be on a geographical basis such as the districts provided for in the marketing agreement and order. Such geographical basis should be, and for purposes of initial membership has been, related to the number of producers in the production of tomatoes within the production area so that a practical basis for establishing equity has been reached.

Procedure for the election of nominees by producers and producer-handlers for membership on the committee should be prescribed in the marketing agreement and order. Such provisions will provide the Secretary with assistance by the tomato industry in selecting members and alternates for the committee. Nomination of prospective members and alternates at meetings of producers and producer-handlers in the respective districts is the customary and practical method of providing the Secretary with the names of persons whom the industry desires to serve on the committee. In order to obtain an indication of the industry's preference for membership on the initial committee, meetings of producers and producer-handlers should be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by the Department. This sponsorship should provide a practical and appropriate means for the industry to express its wishes and preferences with respect to committee membership, inasmuch as no committee would be in existence to assume such responsibility at that time.

Nomination meetings for succeeding members and alternates on the committee should be called by the committee, because it is practical, proper, and appropriate that the responsibility for calling nomination meetings for succeeding members should rest with the committee as the administrative agency for program operations. The committee should also be permitted to utilize the services of other agencies, such as, but not limited to, Extension Service representatives, to assist in conducting such nomination meetings.

It is appropriate and proper that the committee should be required to hold nominations for successor members and alternates not later than June 15th of each year, since the term of office of committee members and alternates is proposed to begin as of August 1 of each year. Nomination meetings for such successor members and alternates should be held in sufficient time to assure that nominations will be forwarded to the Secretary in time for him to make his selections prior to the beginning of each new term of office.

If the committee wishes to hold nomination meetings in connection with other meetings that are conducted on tomatoes in any or all districts, it is appropriate and proper that such nomination meetings may be so held. If on the other hand, the committee wishes to hold separate nomination meetings it is a matter of judgment and responsibility which should properly fall within the judgment of committee members.

At least two nominees should be designated for each position as member and each position as alternate, so that the Secretary will have a choice in making his selections. It is appropriate, and the marketing agreement and order should provide, that producers and producer-shippers voting at such industry meetings may ballot for nominees to indicate the ranking of their choice for each position to be filled. Nomination lists should be supplied to the Secretary not later than July 15, of each year, so that the Secretary may have sufficient time in which to select committee members prior to the beginning of the succeeding term of office.

Only producers and producer-handlers should participate in nominating members and alternates for the committee, because they are the persons who will be concerned with program operations and the persons whom the program will be designed to benefit.

If a person produces tomatoes in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the committee. Any other procedure would give such persons a greater voice than other producers in the nomination of committee members.

Each producer or producer-handler participating in the industry meetings for the election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives. Voting on any other basis would not provide for equitable representation, because it would give producers and producer-handlers with interests in more than one district a greater voice in the election of nominees than such persons operating in only one district. The limitation of each producer's or producer-handler's right to cast one vote on behalf of himself should be construed to mean that one vote may be cast for each position which is to be filled. For example, if there are three members to be nominated from a district and three alternates to be nominated from such district, then each grower should be privileged to cast one vote for each member position and one vote for each alternate position. Such votes should be cast only in the district in which a producer or producer-shipper elects to vote. Each producer or producer-shipper presumably is interested in nominating well qualified prospective members and their interest is to be expressed in the district where they consider their major interest exists. It is presumed also that such producers and producer-handlers are dependent on tomatoes for an important part of their income. It is only fair that each grower should have the same voice in electing each person who will represent his district on the committee.

It is also desirable and necessary that the Secretary should be authorized to fill committee vacancies without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs. This provision is intended to insure continuity in case the industry fails to forward nominations to the Secretary in time for the selection to be made. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operation and to insure that all portions in the production area are equitably represented in the conduct of committee

business. In order that there will be an administrative agency at all times to administer the marketing agreement and order, the Secretary should be authorized to select committee members and alternates without regard to nominations if for any reason nominations are not submitted to him in conformance with the prescribed procedure. Such selection should be on the basis of the representation provided in the marketing agreement and order so that the composition of the committee will continue as prescribed.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary written acceptance of his willingness and intention to serve in such capacity. Such requirement is necessary so that the Secretary will have definite knowledge as to whether or not the position has been filled. In order to prevent excessive delay in obtaining full membership on the committee such acceptance should be filed within 10 days after notification of appointment.

An alternate member should be authorized to act in the place and stead of the member for whom he is an alternate in such member's temporary absence. An alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or the disqualification of the member. Alternates acting in the place and stead of members should continue to act in such capacity until the successor for the member has been selected and has qualified. This would assure continuity of the marketing agreement and order operations, prevent the committee from being without sufficient members to carry on its business, and assure adequate representation from all districts at committee meetings.

At least six of the nine members of the committee should be necessary to constitute a quorum. This would require a two-thirds majority of the committee membership and should provide ample representation from each district. Six concurring votes should also be necessary to pass any committee action at an assembled meeting. Two-thirds majority of the committee membership for a quorum and for approval of any committee action is deemed reasonable and provides a basis for adequately reflecting industry thinking in marketing problems. At assembled meetings all votes should be cast in person so the participating members will have the benefit of the discussion when casting their votes, and also to encourage members to attend assembled meetings.

The committee should have the authority to hold meetings by telephone, telegraph, or other means of communication because marketing conditions affecting tomatoes often change rapidly and it may be necessary for the committee to take speedy action which would be delayed by calling an assembled meeting. Any vote cast at such a meeting should be confirmed promptly in writing in order to provide a written record of the votes so cast. In addition any action taken as a result of a vote at an unassembled meeting should be unanimous, because members will not have the opportunity for discussion at such meetings. If a question should be so controversial that there is not unanimity of opinion, an assembled meeting should be held so the matter can be fully discussed.

Committee members and alternates should be reimbursed for necessary expenses incurred in the performance of services to the committee. Such expenses will necessarily be incurred in attending meetings in connection with the marketing agreement and order, or in performing duties for the committee outside the committee meetings. Such expenses might include travel, meals, hotel accommodations, and similar expenses. In other words, they should include actual expenses reasonably necessary to be incurred in the performance of duties in connection with the marketing agreement and order, but should not include per diem reimbursement for time involved.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are authorized to be granted by the enabling statutory authority and they are necessary for an agency of the character set forth in the marketing agreement and order to function properly.

The committee's proposed duties, as set forth in the marketing agreement and order, are necessary for the discharge of its responsibilities. The duties established for the committee are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the committee will be necessary for the committee to carry out its responsibilities as prescribed in the marketing agreement and order. It should be recognized that these specified duties are not necessarily all inclusive in that it may develop that there are other duties which are incidental to and not inconsistant with the terms and conditions of the marketing agreement and order and which the committee may also need to perform.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary may determine to be appropriate pursuant to the provisions of the marketing agreement and order. Expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments under regulation to the total shipments under regulation by all handlers during a specified fiscal period. Tomatoes grown in the Lower Valley involve two separate crops. In addition to the principal late spring crop, a fall crop is grown which the industry may not wish to regulate during some seasons. In this connection, it was testified that the fall crop has, for various reasons, been diminishing in importance during recent seasons and, at the present time, represents a comparatively small percentage of the total production. It is obvious that, in any season when the fall crop is not regulated, the producers and handlers of that crop would not share in the benefits of the proposed program and that, in such circumstances, it would be inequitable to require the tomatoes from such crop to bear any part of the program expenses. On the other hand, during any fiscal period when the fall crop is regulated, the tomatoes from that crop should bear their proportionate part of the program expenses. It is believed that the indicated objectives for the proration of program expenses could be equitably achieved by imposing assessments only on tomatoes which are shipped under regulation. Under such a method, the fall crop would be assessed only in the event it was regulated. The basis for determination of the ratio of shipments by individual handlers subject to assessments should be based upon the total shipments of regulated tomatoes by first handlers thereof.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the marketing agreement and order for such a period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof. It is desirable that the committee should recommend to the Secretary the rate of assessment designed to bring in during each fiscal period or period of regulation sufficient income to cover expenses incurred by the committee.

The funds to cover the expenses of the committee should be obtained by levying assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies such as the Texas Valley Tomato Committee and the statute also requires that each marketing agreement and order issued pursuant to the act should contain provisions requiring each handler to pay his pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement are suspended, or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be necessary by the committee in each fiscal period. As indicated above, such pro rata share of expenses in the present situation should be equal to the ratio between the total quantity of tomatoes under regulation handled by him as the first handler thereof during the period of regulation and the total quantity of tomatoes under regulation handled by all handlers during the same period. It is necessary that the responsibility for the payment of the assessment on each lot of tomatoes be fixed and it is logical, proper, and equitable to impose such liability on the first handler of such tomatoes. In most instances the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for and obtain inspection, this does not in any way cancel his obligation with respect to the payment of assessments.

Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example assessment rates may apply to carlot shipments or they may be applied to a crate, lug, or to any other unit of shipment commonly used in the marketing of tomatoes grown in the production area. However, such assessments for a fiscal period should be applied on a uniform rate basis.

At any time during, or subsequent to, a given fiscal period the committee should be authorized to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and if he finds that the then current rate of assessment is insufficient to cover committee administration of the marketing agreement and order, he should be authorized to increase the rate of assessment. The marketing agreement and order should authorize the application of such increased rate of assessment to all tomatoes previously handled by first handlers during the specified period so as to avoid inequities among handlers.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the marketing agreement and order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate as well as employees, agents, and other persons working for, or on behalf of, the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority at any time to ask for such accounting. Whenever any person ceases to be a member of the committee he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such person should also be prepared to execute assignments or such other instruments which may be appropriate to vest in his successor or agency or person designated by the Secretary the right to all such property and all claims vested in such person.

Any committee member, however, or any personnel responsible for committee funds or assets should be covered by an appropriate fidelity bond. Such requirement is a common sound business practice that should be followed by the committee and should be required of all persons handling committee funds.

If the committee should recommend that the operations of the marketing agreement and order should be suspended or if no regulation should be in effect for a part or all of the marketing season the committee should be authorized to recommend as a practical measure that one or more of its members or any other person should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports shall be requested by the Secretary at appropriate times such as at the end of each marketing season or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period or at the end of such other period as may be deemed appropriate by reason of suspension or termination. Such refund should be credited to each such handler against the operations of the following fiscal period unless he should demand payment thereof in which event such proportionate refund shall be paid to him.

If and when the committee is required to wind up its affairs upon termination of a marketing agreement and order authorizing such agency, considerable expense is involved in the liquidation process. It is appropriate, therefore, that if funds, which are in excess of those necessary for payment of expenditures during such period, remain at the end of a fiscal period. Some of such funds should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation in the event that the marketing agreement and order are terminated. It is not anticipated that any such reserve will be accumulated in an amount in excess of what might be the reasonable cost of such liquidation action.

Any funds remaining after liquidation has been effected should be refunded to handlers on a pro rata basis. In some cases, however, individual handlers' accounts may be so small it would be impractical because of the costs involved to make such refunds. The committee should be permitted to use funds of such insignificant nature for purposes of liquidation.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes was authorized by amendments to the act in Public Law 690 known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Research projects with respect to market development, transportation, handling methods, containers, and studies on the relative merits of different stages of maturity at which tomatoes are marketed could be of considerable value to the committee, with respect to the recommendation of regulations, and to the industry in general. It was testified at the hearing that the tomato industry in the Lower Rio Grande Valley could improve its methods with respect to grading, packing, shipping, and harvesting, so that the product offered to the consumer will receive better acceptance and thereby increase returns to tomato growers.

As the industry and the committee become more aware of the value of and need for marketing research and development, other projects will undoubtedly be initiated which may not be apparent early in committee operations. Therefore, the committee should have the authority to recommend the establishment of such projects which are in the best interests of tomato marketing, and which will assist, improve, and promote the marketing, distribution, and consumption of Lower Rio Grande Valley tomatoes. The committee should be authorized to engage in or contract for such projects, spend funds for such purpose, and consult and cooperate with other agencies with regard to their establishment. All such projects should receive prior approval by the Secretary in order to insure that such projects properly come within the purview of the indicated statutory authority.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for tomatoes, among other commodities, as will tend to establish parity prices for such tomatoes. The regulation of the handling of tomatoes by grade, size, quality, or maturity as proposed to be authorized in the marketing agreement and order should provide a means of carrying out such policy and is one of the methods authorized by the act (in section 8c (6)) for achieving that objective.

The proposed marketing agreement and order outline certain procedures and methods for the development and institution of marketing policies relating to grade, size, quality, or maturity regulations. Such procedures and methods should provide a practical basis for the committee to obtain appropriate and adequate information relating to tomato marketing problems. A marketing policy is essential each season to provide an overall plan or policy for the committee and the industry with respect to the marketing of tomatoes grown in the area during the marketing season. A marketing policy should indicate to all producers and handlers the general outlook or plan the committee intends to follow in recommending regulations with respect to tomatoes covered by the marketing agreement and order. It would also provide information to handlers so that they may make adequate preparations with respect to anticipated regulations.

In order that the Secretary may carry out effectively his responsibilities in connection with the proposed marketing agreement and order the committee should prepare and submit to the Department of Agriculture a report on each proposed marketing policy statement or

amendments thereof, relating to the marketing of tomatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to, or simultaneous with its initial recommendations for regulations. This should help to give all interested parties maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The factors set forth in the marketing agreement and order which the committee should take into consideration in developing its marketing policy are those commonly and usually taken into account by the industry in its day-to-day evaluation of the market outlook with respect to tomatoes. They are adequate and proper for the intended purposes. Limitation of the handling of poorer grades, off-qualities, and less desirable sizes and maturities of tomatoes grown in the production area should tend to increase prices of more desirable grades, qualities, sizes and maturities and thereby increase returns to producers of such tomatoes. The standards for fresh tomatoes issued by the United States Department of Agriculture would provide a common and acceptable means of determining grades, sizes, qualities, and maturities of tomatoes handled under the marketing agreement and order. Such standards are widely used throughout the area and both producers and shipping point handlers, as well as buyers, are generally acquainted with such standards and commonly use them in their market transactions. Authority should be provided for limiting the grade, size, or quality of tomatoes which may be placed in any given pack or container. Tomatoes affected by numerous serious defects may be of such low market quality that they do not qualify as any established grade under the United States Standards for Fresh Tomatoes. Such low grade tomatoes are officially referred to as "unclassified" and in trade parlance as "culls". Some tomatoes, although qualifying for an official United States grade may be of lower quality than the U. S. No. 1 or better grade, and sell at substantial discount from No. 1 or better grade. Similarly, certain smaller sizes, such as 6 x 7 and 7 x 7, sell at discounts from larger sizes, such as 6 x 6 and larger. The discounted grades and sizes are commonly referred to in the Lower Valley tomato trade as the poorer stock. The limitation of the handling by restricting movement of poorer grades, off-qualities, and less desirable sizes of tomatoes will help to improve orderly marketing conditions for such tomatoes by enhancing the long run demand for, and the competitive position of, tomatoes grown in the production area.

The orderly marketing of tomatoes grown in the production area will be promoted and farmers' returns will tend to be increased toward parity by authorizing regulation of the handling of particular grades, sizes, qualities, or packs of tomatoes differently for different varieties, differently for different stages of maturity, differently for different portions of the production area, differently for different containers, differently for different purposes for which modification or suspension of regulations may be applied, or differently for any combination of these groups during any period.

The hearing record shows that certain markets in Texas, Dallas and Houston in particular, do not readily accept the better grades of tomatoes because of the culls which were commonly sold on such markets. When culls appear in appreciable quantity on such markets terminal market receivers resist buying No. 1 or No. 2 grade tomatoes except at cull prices. Because of these experiences most shippers do not try to sell better grades in these Texas markets.

Farmers' prices for the better grades of tomatoes were much greater than for the poorer grades. The hearing record shows that, in an example offered by a competent witness, farmers received only 42 percent of the U. S. No. 1 price for U. S. No. 2 grades of the same sizes. Returns from culls were so low that they were used for overall operation of the organization. Another shipper testified that last season, according to his records, U. S. No. 2 tomatoes usually returned about 50 percent of the U. S. No. 1 price for tomatoes of the same sizes. Culls were sold at the packing house and usually returned less than five percent of the U. S. No. 1 prices for all sizes, and less than ten percent of the U. S. No. 2 prices.

The marketing agreement and order should include authority for regulating differently for different sizes of tomatoes. Evidence shows there is a variance in the Valley with respect to sizing at the present time. Some shippers, for example, will include some 6x6 size tomatoes in 6x7 packs in order to gain a slight competitive advantage over other shippers. The competing shippers then adopt the same practice or include even larger sizes. This results in a confused market which works to the disadvantage of the tomato industry in the Valley and reduces farmers' tomato prices. A receiver does not know exactly what sizes he will receive especially if he is buying from more than one shipper. This confusion has a depressing effect on the market which is in turn reflected on prices received by growers. Such practices affect growers' prices to a greater extent when growers are selling to shippers on a pack-out basis. For example, a grower receives a lower 6 x 7 price for the proportions of higher priced 6 x 6 tomatoes put into a pack marked and sold as 6 x 7 pack. The record shows that uniform sizing, if required under the marketing agreement and order, should help to restore confidence on the part of buyers with respect to sizes ordered and received, should tend to stabilize the market for particular sizes, and should eliminate the price-depressing factors which adversely affect growers' prices, thereby promoting more orderly marketing and tending to increase farmers' prices toward parity.

Demand for different varieties of tomatoes establishes price preferences for different grades or sizes or both of such varieties. For example, evidence shows the demand for "pink" and for "stemmed" tomatoes differed from the demand for mature greens. Stemmed tomatoes will return more per pound than mature greens and in some cases are generally of poorer quality, when judged by existing United States Standards, then the mature greens, in that they have more exterior defects. New varieties are being tried in the production area particularly with respect to the production of pink or stemmed tomatoes which may require differences in the application of regulations with respect thereto. There are also difference in varieties now grown in the production area. The Grothen Globe is a good example. This variety differs from other varieties, particularly the Rutgers, because it sometimes runs into difficulty in making grade because of shape. The authority to limit the grade and size of Lower Valley tomatoes differently for different varieties or types should include the authority for distinguishing between types of tomatoes as they are marketed. Such various types may include tomatoes with stems on, as distinguished from stemless tomatoes. The difference in market acceptability of such tomatoes, as well as differences involved in physical handling and packing, provides a factual basis for market distinctions which should be recognized in the marketing agreement and order.

Different regulations in terms of different stages of maturity will enable the committee to adjust its recomendations to meet different marketing problems. With the increasing importance of the "packing house pink or vine-ripened deals," repacking operations within the area may increase, which would necessitate consideration by the committee. The preference in Texas markets for more mature fruit than is ordinarily moved to out-of-state outlets is another factual basis for inclusion of this type of authority in the marketing agreement and order.

Unusual weather conditions may arise during the crop year in one portion of the crop area as compared with other portions of such area. This possibility is particularly true with respect to such natural phenomena as hail, wind, and rain storms. Hazards of this nature are obviously beyond the control or reasonable expectation of growers in such localities. Because of these circumstances and to provide equity among producers and handlers as far as regulations under the marketing agreement and order are concerned, authority should be provided for the committee to consider such differences and make appropriate recommendations in that regard and for the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. Any differences in regulations within the production area should be limited to taking care of natural disasters, as above indicated, and appropriate consideration should be given in recommending or issuing any such regulations to the administrative problems that would be involved. Such authority should provide for regulating in any or all portions of the production area or differently for different portions of the production area.

It is contemplated however, that any such relaxation will still require that the tomatoes shipped be the best quality available.

The marketing agreement and order should authorize the regulation of packs and should also authorize different regulations for specific packs. The standard packs, as specified in the United States Standards for Fresh Tomatoes, have been in common use by the Lower Valley tomato industry for years. However, in recent seasons there has been a trend toward "jumble" packs, which are packs without any particular arrangement of individual fruit. The need may arise whereby the committee would desire to establish the kind of packs in which the handling thereof may be permitted. It is presumed that the establishment and definition of such packs, to be set forth in rules and regulations, will spell out the grade and ranges of sizes permitted to be handled in conjunction with specified containers. Certain combinations of grade, size, and containers (which factors constitute packs) should be kept out of specified market channels when so recommended by the committee and limited by order of the Secretary, because of the adverse effect such packs have upon returns received by farmers for the tomatoes. For example, certain grades, sizes, qualities or maturities of tomatoes in certain containers should be withheld from certain outlets because such packs would reach destination in condition tending to demoralize the prices for tomatoes in superior packs and conditions. The committee should be empowered to recommend both maximum and minimum sizes and minimum grades with respect to the handling of certain packs. The marketing agreement and order should authorize different regulations for different packs so that this part of the marketing agreement and order program may help to assist the industry in furthering present merchandising approaches when deemed sound by the committee and when justified by marketing conditions.

The marketing agreement and order should permit regulations differently for different types of containers. The establishment of such regulation is authorized by virtue of an amendment to the act of Public Law 690, known as the Agricultural Act of 1954, enacted by the 83rd Congress. Principal types and sizes of containers in current use for the handling of tomatoes within the production area are the 60-pound wire bound crate, and the 30-pound lug. Other types of containers, such as a 20-pound fiber board box, are used to a lesser extent. A small volume of individual consumer size cartons or tubes containing 3 or 4 tomatoes, which in turn are packed in a master carton, are also being shipped from the production area. Should the use of certain of these containers when moved into commercial market channels be deemed by the committee, with the approval of the Secretary, as having an adverse affect upon returns to growers thereof, then the Secretary should have the power to fix the size, weight, capacity, dimensions or pack of the containers which may be used in the packaging, transportation, sale, shipment, or other handling of such tomatoes. For similar reasons, the committee should be permitted to recommend different regulations for different containers. The committee may determine that certain types of containers should be prohibited if the fruit contained in them is subjected to excessive damage. This would be especially important in the case of shipments of vine ripened tomatoes to interstate markets. The hearing record shows that returns to producers of tomatoes should be more favorable under conditions where the number of containers used is held at the lowest practical minimum. Accordingly, the committee may determine that the standardization of containers would be in the best interests of the industry. Therefore, the provisions relating to container regulations should be included in the marketing agreement and order as set forth.

The marketing agreement and order should authorize different regulations during any period so that the committee and the Secretary may take into account different supply and demand conditions as they may arise and become apparent.

(f) The committee should be authorized to recommend and the Secretary to establish such minimum standards of quality and maturity and such grading and inspection requirements during any and all periods when tomato prices are above parity as will be in the public interest. Some tomatoes are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and time consumed in preparing them. Consumers do not receive proper value for their expenditures for such low quality tomatoes as culls, even when prices are above parity. It is not in the public interest either of the producers, handlers, or of consumers to permit shipments of such poor quality. The shipment of immature or over-ripe tomatoes also tends to disrupt general market conditions for the commodity and the discounted prices received for such immature or over-ripe tomatoes adversely affects grower prices. The marketing agreement and order should authorize the establishment of such minimum standards of quality and maturity as will be in the public interest. It is also necessary that such authority should include grading and inspection requirements so that such minimum standards of quality and maturity may be determined whenever such regulations are in effect.

The committee should have the authority to recommend to the Secretary the establishment of minimum quantities below which handling will be free from regulation. Most shipments of Lower Valley tomatoes are made in carlots or in trucklots. However, some small quantities are moved outside of the production area. Such small quantities constitute only a minor percentage of the total production. Some of these small shipments, such as gifts, are sold to accomodate friends. Problems of inspecting such small lots, or other problems in complying with inspection regulations on such small lots, may make it uneconomical, undesirable, and impracticable to require that such small shipments comply with all the regulations required of the larger commercial shipments. The administrative difficulties in checking upon such shipments to see that they are inspected, or that assessments are paid on them, may be such that it would be impractical for the committee to attempt to do so. However, such shipments should not be allowed to contain culls or other discounted grades and sizes to depress the market on the bulk of commercial sales. It might be necessary to permit the maintenance of one or more regulatory requirements on such minimum quantities while relaxing other regulations applicable to them. It is contemplated, of course, that any such relaxations of regulations would be applied uniformly.

(g) The Secretary, upon the basis of recommendations and information submitted by the committee or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations with respect to the handling of tomatoes for purposes other than disposition in normal domestic fresh markets. The committee should be well qualified because of experience and knowledge of individual members to recommend such modifications, suspensions or terminations as will be in the best interests of the Texas tomato industry, and which will tend to effectuate the declared policies of the act, and the marketing agreement and order. Tomatoes moving to, or sold in, certain outlets such as those specified in § 1014.54 of the marketing agreement and order are usually handled in a different manner. Such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, or different prices are returned, or combinations of such considerations may apply. The marketing agreement and order should provide authority for the committee to give appropriate consideration to the handling of tomatoes for such purposes so that full opportunity may be taken under the program to improve orderly marketing conditions for tomatoes, thereby tending to increase total returns to tomato growers in the production area.

Some export markets accept certain grades, and particularly some sizes, which normally are discounted in some domestic markets. Provision should be made for the modification, suspension, or termination of regulations which may be applied to shipments for export so that this demand can be met when it is in the best interests of growers' returns to do so. For example, many small size tomatoes are exported to Canada. Occasional small shipments of low grades or unclassified tomatoes are made to Mexico. Prohibiting the exportation of such tomatoes would not increase sales of larger size or better quality tomatoes to these two countries. It has been the custom of most Canadian markets to prefer small sizes. The Mexican market for poor quality tomatoes from the production area is small and confined to border cities in Mexico. Differences in levels of consumer income among these outlets and differences in trading customs influence the nature of demand for tomatoes in these export outlets, so that authority for recognizing such differences should be included in the proposed

program. Therefore, the proposed marketing agreement and order should provide authority for regulating exports to Canada differently from domestic shipments, also exports to Mexico, or to any other export outlet, differently than domestic or any other export outlets.

The committee and the Secretary should have authority to give special consideration to tomatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and receivers. Occasional shipments are made from the production area to orphans' homes, hospitals, or similar facilities, and the committee should have the authority to waive some of the requirements in regard to such shipments.

The marketing agreement and order should provide that special consideration be given to the handling of tomatoes going to canning plants or other processing outlets. Shipments of tomatoes to be processed at canning plants are specifically exempted from regulation by the act. However, the committee should have the authority to require handlers making such shipments to give proper evidence that the shipments are going to the canning plant and the tomatoes are actually diverted into that outlet. No other regulation or restriction is implied on tomatoes for canning or processing. Such authority is necessary because occasional shipments of tomatoes from the production area are made to canning plants in Arkansas and other nearby States. It was testified at the hearing that the repacking of tomatoes should not be included under the term processing and that such repacking should not be given the same consideration as shipments made to canneries.

The State Agricultural College, through its Weslaco station which is located within the production area, is conducting various studies with respect to the production and marketing of tomatoes such as the acceptability of varieties, maturities, containers, and market preferences. Many of these studies are conducted with the cooperation of local shippers. Shipments are controlled since they are made under the direction of the station. However, shippers furnish the labor and packing facilities and oftentimes the tomatoes being shipped. The ultimate goal of such studies is to increase returns to the industry by reducing expenses and increasing consumer acceptance. The committee should have the authority to recommend the modification, suspension, or termination of regulations which might interfere with the successful completion of such studies.

The committee should be empowered to provide special treatment through modification, suspension, or terminations of regulations applicable to other special purposes which may develop in the future, and for other purposes which later may be specified by the committee with the approval of the Secretary.

It is appropriate and necessary that the Secretary of Agriculture notify the committee of any regulations or any modifications, suspensions, or terminations of regulations so that the committee will be informed of such actions. It is also proper that the committee after having received from the Secretary notification of regulation should relay such information on to handlers and producers within the production area. If the marketing agreement and order program is to be successful, growers and handlers must be informed of actions taken pursuant to the program.

The authority for modifying, suspending, or terminating, grade, size, quality, assessment, or inspection regulations, should be accompanied by the additional administrative authority for the committee to recommend and the Secretary to prescribe adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments which are necessary and incidental to the proper and efficient administration of the marketing agreement and order. Such safeguards may include, but should not necessarily be limited to, inspection, so that the committee may have an accurate record of the grades, sizes, and qualities of tomatoes shipped to special outlets; application to make such special shipments; requirements for the payment of assessments in connection with such shipments; reports by handlers with respect to the number of such shipments and the amounts of tomatoes shipped; and assurances by purchasers and handlers that the tomatoes are to be used for the purposes designated.

In order to maintain appropriate identification of shipments of tomatoes to special outlets, safeguards authorized in the marketing agreement and order may provide for the issuance of Certificates of Privilege to handlers of such tomatoes and, in addition, may require that such handlers obtain such certificates on all shipments made by them to such special outlets. Certificates of Privilege may be issued by the committee as an indication of the authority for the handler to make such shipments and as a means of identifying specific shipments. The certificates should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations or other available information so that the issuance thereof may be handled in an orderly and efficient manner which can be made known to all handlers. The committee should be authorized to deny or rescind Certificates of Privilege when necessary to prevent abuse of the privileges conferred by such certificates. The committee should have authority to rescind or deny certificates when it finds upon satisfactory evidence that handlers to whom Certificates of Privilege have been issued handled tomatoes contrary to the provisions of the certificates previously issued to them. If the committee rescinds or denies a Certificate of Privilege to any handler, such action should be in terms of a specified period of time. Any handler who might have a Certificate of Privilege rescinded should have the right of appeal to the committee for reconsideration.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed, or any Certificates of Privilege issued by the committee in order that the Secretary may retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith, and the committee should promptly notify all persons affected by any such action.

The committee should maintain records with respect to safeguards and to Certificates of Privilege, and should submit reports thereon to the Secretary when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the marketing agreement and order. Such reports should include the number of applications received, the number granted and denied, the quantity of tomatoes handled under such certificates, the purposes for which issued, and any other information that might be requested.

(h) Inspection and certification of tomatoes grown in the production area is a common and usual practice for the purpose of determining officially the grade, size, quality and maturity of such tomatoes. The Federal Inspection Service is available throughout the entire production area and its inspectors are well qualified to certify upon the basis of the United States Standards for Fresh Tomatoes or the United States Consumer Standards for Fresh Tomatoes. Tomato growers and handlers throughout the production area are acquainted with such service and with the inspection offered on shipments of tomatoes.

Provision should be made in the marketing agreement and order for inspection by the Federal Inspection Service, or such other inspection service as the Secretary may approve, of tomatoes grown in the production area and handled during any period in which such handling of tomatoes is regulated under the program. Such inspection requirements should apply to all tomatoes handled under regulations issued under the marketing agreement and order except when any such handling is relieved from inspection requirements pursuant to § 1014.53 or § 1014.54 of the marketing agreement and order. Inspection establishes a means whereby the handler, the buyer, the committee, the Secretary, and other interested parties may determine whether such tomatoes handled subject to regulations comply with the requirements of any particular grade, size, quality and maturity regulation in effect under the marketing agreement and order. Effective regulation of the handling of tomatoes grown in the production area requires that the grade, size, quality and maturity of each sale or shipment of such tomatoes should be authoritatively established. The provisions for inspection and the certificates which are issued pursuant to inspection offer an appropriate and practical means of establishing and identifying the grade, size, quality and maturity of tomatoes

handled pursuant to the terms and conditions of the marketing agreement and order.

Provision should be made in the marketing agreement and order for authority to inspect tomatoes not only by personnel of the Federal Inspection Service, but also by personnel of such other inspection service as the Secretary may designate so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal inspection is not available. In order to assure that production area tomatoes will not be shipped without inspection in the event the Federal Inspection Service is not available to furnish the service, the Secretary should be authorized to designate an appropriate inspection service to perform the inspection. Thus, there should always be an authoritative means of establishing the grade, size, quality and maturity of tomato shipments.

The requirement that no handler shall handle tomatoes unless each lot of tomatoes is inspected by an authorized inspection service approved under the marketing agreement and order is reasonable and necessary for the proper administration of the program. Such requirement should apply to all tomatoes handled except for those tomatoes which may be relieved of inspection requirements pursuant to § 1014.53 or § 1014.54 or both.

The marking of tomato containers with a number or other appropriate symbol to indicate they are part of a lot which has been inspected is a current practice among many Lower Valley tomato handlers. This marking or identification assists handlers in determining if such tomatoes have been inspected. Authority for making such marking a regulatory requirement, if the committee recommends and the Secretary approves, should be included in the proposed marketing agreement and order as a reasonable and necessary provision incidental to administration of the program.

Responsibility for obtaining inspection should fall primarily on the handler who first handles such tomatoes after they have been prepared for market since such person usually is responsible for the particular grade, size, quality and maturity to be shipped. Identification and certification of such tomatoes are essential to proper administration of the marketing agreement and order to determine whether such shipment accords with the grade, size, quality and maturity requirements issued under such order. The handler who first handles such tomatoes is required to obtain inspection and subsequent handlers may not handle tomatoes unless a properly issued inspection certificate valid under the terms of the marketing agreement and order applies to such shipment. Each handler must bear the responsibility for determining that each of his shipments is inspected. Such requirement is necessary so that the committee can obtain evidence in the form of inspection certificates which it needs to carry its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of regulations issued pursuant to the marketing agreement and order.

Whenever any shipments of tomatoes subject to the terms and provisions of the marketing agreement and order have been prepared for market and inspected but are later dumped from the containers in which they were inspected, such tomatoes lose their identity insofar as the original inspection certificate is concerned and such inspection certificate no longer applies. If any such lot of tomatoes is thereafter repacked, such tomatoes, even though they may have been previously inspected in other containers, must meet regulations issued under the marketing agreement and order. Since the original certificate is no longer valid such tomatoes must be reinspected before they are shipped because it is not possible to determine whether the tomatoes which are being shipped meet the grade, size, or other regulatory requirements of the marketing agreement and order unless they are so inspected and certified. In this way handlers and the committee will be assured that such shipments comply with such regulations. The committee with the approval of the Secretary may provide for the exemption of such inspection requirements on regraded, resorted, or repacked tomatoes in circumstances where it appears reasonably certain that such tomatoes meet the applicable regulations after regrading, resorting and repacking.

The committee with the approval of the Secretary should be authorized to determine the length of time inspection certificates are valid insofar as requirements of the marketing agreement and order are concerned. Such requirement is appropriate and necessary especially with respect to lot inspections which may be administratively desirable to accommodate handlers and truckers because tomatoes are an extremely perishable commodity. It is not feasible and practical for the committee to recognize inspection certificates which may have been issued days previously, since the tomatoes so inspected could have since deteriorated and no longer comply with requirements in effect at the time the final shipment is made.

Copies of inspection certificates issued pursuant to the requirements of the marketing agreement and order should be supplied to the committee promptly by the appropriate inspection service so that such committee may properly discharge its administrative responsibilities under the program.

The committee should have the authority to recommend, and the Secretary to require, that any tomatoes transported by motor vehicle be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated. A large quantity of the tomatoes grown in the production area are trucked from the production area to market. By requiring the operators of such vehicles to surrender copies of inspection certificates applicable to their shipments upon demand to such authority as may be designated, evidence will be readily available that such shipments meet or comply with the requirements of the marketing agreement and order. The evidence indicates that such a requirement is not necessary with respect to other types of shipments, such as by railroad.

(i) Certain hazards are encountered in the production of tomatoes grown in the production area which are beyond the control or reasonable expectation of the producer of such tomatoes. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to permit such applicants to sell their equitable proportion of all shipments from the production area. It is contemplated, however, that such an exemption will require the approved applicant to sell his best quality tomatoes.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of tomatoes in the production area and the information which it will have available in each case, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted tomatoes which each such applicant may sell.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary are necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the agreement and order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the committee for granting of exemptions and of exemptions granted pursuant to each procedure. This is desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to it such reports and information as are needed to perform its functions. It is difficult to anticipate every type of report, or kind of information, which the committee may need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the marketing agreement and order. The standards to be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1014.80 of the agreement and order and such reports should be those necessary for operation of the committee in carrying out the terms and conditions of the marketing agreement and order. Reports furnished to the committee should be submitted in such manner and

at such times as may be designated by it. Such reporting procedures should accord with the need and requirements of the committee which are essential to administration of the marketing order, because changing conditions may warrant changes in the forms and methods of reporting. The Secretary should retain the right to approve, and also to modify, change, or rescind, any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Permissive use of the specified reporting requirements, and verifications of such reports and records by the committee will provide a means for it to check on compliance with and operation of the marketing agreement and order.

Since it is possible that a question might arise with respect to compliance with the marketing agreement and order, each handler should maintain complete records of his handling and disposition of tomatoes for not less than two years subsequent to the termination of each crop year.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classifications and be disclosed to none other than persons authorized by the Secretary.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle tomatoes, the handling of which is prohibited pursuant to the marketing agreement and order, and no handler should be permitted to handle tomatoes except in conformity with the marketing agreement and order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of tomatoes handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of §§ 1014.82 through 1014.92, as published in the FEDERAL REGISTER of September 1, 1956 (21 F. R. 6612), and as hereinafter set forth, are common to marketing agreements and orders now operating. The provisions of §§ 1014.93 through 1014.95, as hereinafter set forth, are also included in other marketing agreements now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, section 8c (6) and (7) of the act, and are necessary to effectuate the other provisions of the marketing agreement and order and to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the marketing agreement and order.

General findings. Upon the basis of evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to tomatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest;

(2) The said marketing agreement and order authorizes regulation of the handling of tomatoes grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes, as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

The marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Tomatoes Grown in the Lower Rio Grande Valley in Texas" and "Order Regulating the Handling of Tomatoes Grown in the Lower Rio Grande Valley of Texas" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached agreement be published in the FEDERAL REGISTER. The regulatory provision of the said marketing agreement and order are identical with those contained in the annexed order which will be published with this decision.

Dated: February 21, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] *Regulating the Handling of Tomatoes Grown in the Lower Rio Grande Valley of Texas*

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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AUTHORITY: §§ 1014.0 to 1014.92 issued pursuant to sec. 5, 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 1014.0 *Findings and determinations.* (a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31 as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Edinburg, Texas, on September 24–27, 1956, upon a proposed marketing agreement and a proposed marketing order regulating the handling of tomatoes grown in the Lower Rio Grande Valley in Texas (Cameron, Hidalgo, Starr, and Willacy Counties). Upon the basis of the evidence introduced at such hearing and the record thereof it is found that:

(1) This order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to tomatoes produced in the production area by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as the prices to the producers thereof, parity prices, and by protecting the interests of the consumer (i) by approaching the level of prices which is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such tomatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such tomatoes as will be in the public interest;

(2) This order authorizes regulation of the handling of tomatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities as specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) This order is limited in its application to the smallest regional production area which is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to different subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) This order prescribes, so far as practicable, such different terms applicable to the different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of tomatoes grown in the production area; and

(5) All handling of tomatoes, as defined in this order, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Order relative to handling. It is, therefore, ordered that, on and after the effective time hereof the handling of tomatoes grown in the Lower Rio Grande Valley in Texas shall be in conformity to and in compliance with the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 1014.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1014.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1014.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1014.4 *Production area.* "Production area" means all territory in the counties of Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

§ 1014.5 *Tomatoes.* "Tomatoes" means all varieties of the edible fruit (lycopersicon esculentum) commonly known as tomatoes and grown within the production area.

§ 1014.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of tomatoes owned by another person) who handles tomatoes or causes tomatoes to be handled.

§ 1014.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place tomatoes in the current of commerce between the production area and any point outside thereof: *Provided,* That such terms will not include the transportation, sale, or delivery of tomatoes by a producer to a handler who is registered as such with the committee.

§ 1014.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of tomatoes for market.

§ 1014.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of tomatoes into grades, sizes, maturities, and packs for market purposes.

§ 1014.10 *Grade and size.* "Grade" means any one of the established grades of tomatoes and "size" means any one of the established sizes of tomatoes as defined and set forth in U. S. Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title) or U. S. Consumer Standards for Fresh Tomatoes (§§ 51.1900 to 51.1913 of this title), both issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon, recommended by the committee and approved by the Secretary.

§ 1014.11 *Pack.* "Pack" means any of the packs of tomatoes as defined and set forth in the United States Standards for Fresh Tomatoes issued by the United States Department of Agriculture (§§ 51.1855 to 51.1876 of this title), or any pack of tomatoes recommended by the committee and approved by the Secretary.

§ 1014.12 *Maturity.* "Maturity" means various degrees of ripeness for tomatoes as established by the committee with approval of the Secretary.

§ 1014.13 *Container.* "Container" means a box, bag, crate, hamper, basket, package, tube, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of tomatoes.

§ 1014.14 *Varieties.* "Varieties" means and includes all classifications, subdivisions, or types of tomatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or recommended by the committee, and approved by the Secretary.

§ 1014.15 *Committee.* "Committee" means the Texas Valley Tomato Committee, established pursuant to § 1014.22.

§ 1014.16 *Fiscal period.* "Fiscal period" means the annual period beginning March 1, and ending on the last day of February of the following year, or such annual beginning and ending dates as may be approved by the Secretary pursuant to recommendations of the committee.

§ 1014.17 *District.* "District" means each of the geographic divisions of the production area initially established pursuant to § 1014.24 or as reestablished pursuant to § 1014.25.

§ 1014.18 *Export.* "Export" means shipment of tomatoes beyond the boundaries of continental United States.

COMMITTEE

§ 1014.22 *Establishment and membership.* (a) The Texas Valley Tomato Committee, consisting of 9 producer members, of whom at least 4 shall be producer-handlers, is hereby established. For each member of the committee there shall be an alternate. At least 4 of the alternate members shall also be producer-handlers.

(b) Each person selected as a committee member or alternate shall be an individual who is a producer, or an officer or an employee of a producer, in the district for which selected and a resident of the production area. An officer or employee of a cooperative association of tomato producers which markets

the tomato production of its members shall be eligible to serve on the committee as a producer-handler member or alternate. In addition the producer-handler representatives shall be handlers in the production area.

§ 1014.23 *Term of office.* (a) The term of office of committee members and their respective alternates shall be for one year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1014.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The County of Cameron in the State of Texas;

District No. 2. The County of Hidalgo in the State of Texas;

District No. 3. The County of Starr in the State of Texas; and

District No. 4. The County of Willacy in the State of Texas.

§ 1014.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in tomato acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1014.26 *Selection.* The Secretary shall select initially three members and their respective alternates from District 1; four members and their respective alternates from District 2; one member and his alternate from District 3; and one member and his alternate from District 4.

§ 1014.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and producer-handlers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to June 15 of each year, after the effective date of this subpart;

(b) At each such meeting at least one nominee shall be designated for each position as member and for each position as alternate member on the committee.

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15, of each year;

(d) Only producers and producer-handlers may participate in designating nominees for members and alternates on the committee. In the event a person is engaged in producing tomatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces tomatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1014.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1014.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1014.24 through 1014.26 inclusive.

§ 1014.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1014.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1014.27. If the name of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1014.24 through 1014.26, inclusive.

§ 1014.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence, or when designated to do so by the member for whom he is an alternate. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1014.32 *Procedure.* (a) Six members of the committee shall be necessary to constitute a quorum and six concurring votes shall be required to pass any motion or approve any committee action. At assembled meetings all votes shall be cast in person.

(b) The committee may meet by telephone, telegraph, or other means of communication and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided*, That at any unassembled meeting unanimous vote of all committee members will be required to approve any action.

§ 1014.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1014.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1014.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) As soon as practicable after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to tomatoes;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemptions;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. A copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1014.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of tomatoes under regulation handled by him as the first handler thereof during a fiscal period and the total quantity of tomatoes under regulation handled by all handlers as first handlers thereof during such fiscal period.

§ 1014.41 *Budget.* As soon as practicable after the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1014.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles tomatoes, which are regulated under this part, shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all tomatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1014.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. An appropriate fidelity bond shall be required for all committee members or personnel responsible for receipt, custody, or disposition of committee funds. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1014.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of such excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; except

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1014.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of tomatoes. The expenses of such projects shall be paid from funds collected pursuant to § 1014.42.

REGULATION

§ 1014.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1014.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in shipping tomatoes from the production area during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new marketing policy because of changes in the demand and supply situation with respect to tomatoes. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of tomatoes, including prices by grades, sizes, and quality in different packs, and such prices by foreign competing areas;

(b) Supply of tomatoes, by grade, size, and quality in the production area, and in other production areas, including foreign competing production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting tomato prices; and

(e) Other relevant factors.

§ 1014.51 *Recommendations for regulations.* The committee, upon complying with the requirements of § 1014.50, may recommend regulations to the Secretary whenever it finds that such regulations as are provided for in this subpart will tend to effectuate the declared policy of the act.

§ 1014.52 *Issuance of regulations.* (a) The Secretary shall limit by regulation the handling of tomatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act.

(b) Such regulation may:

(1) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, or packs of any or all varieties of tomatoes during any period; or

(2) Limit the handling of particular grades, sizes, qualities, or packs of tomatoes differently, for different varieties, for different stages of maturity, for different portions of the production area, for different containers, for different purposes specified in § 1014.54, or any combination of the foregoing, during any period; or

(3) Limit the shipment of tomatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(4) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of tomatoes.

§ 1014.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1014.42, 1014.52, 1014.54, or 1014.60, or any combination thereof.

§ 1014.54 *Handling for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1014.42, 1014.52, 1014.53, or 1014.60, or any combination thereof, in order to facilitate shipments of tomatoes for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing;

(d) For experimental projects; or

(e) For other purposes which may be specified.

§ 1014.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1014.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent tomatoes handled pursuant to §§ 1014.53 or 1014.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege, if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle tomatoes pursuant to §§ 1014.53 and 1014.54; or

(2) Handlers shall obtain inspection provided by § 1014.60, or pay the assessment levied pursuant to § 1014.42, or both, in connection with shipments made under § 1014.54.

(3) Handlers shall obtain Certificates of Privilege from the committee for handling of tomatoes affected or to be affected under the provisions of §§ 1014.53 and 1014.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that tomatoes handled by him for the purposes stated in §§ 1014.53 and 1014.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of tomatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of tomatoes handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1014.60 *Inspection and certification.* (a) During any period in which handling of tomatoes is regulated pursuant to this subpart no handler shall handle tomatoes unless such tomatoes have been inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to §§ 1014.53, or 1014.54, or both. Handlers may be required, upon recommendation of the committee and approval of the Secretary, to mark or indicate on the containers that the tomatoes therein have been inspected.

(b) Regrading, resorting, or repacking any lot of tomatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle tomatoes after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such tomatoes is inspected by an authorized representative of the Federal Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any tomatoes in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such tomatoes meet the applicable quality and other standards then in effect.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When tomatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

(e) The committee may recommend and the Secretary may require that any tomatoes transported by motor vehicle shall be accompanied by a copy of the inspection certificate issued thereon, which certificate shall be surrendered to such authority as may be designated.

EXEMPTIONS

§ 1014.70 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1014.71 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 1014.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's tomatoes have been adversely affected by acts beyond the applicant's control and beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of tomatoes specified thereon. Such certificate shall be transferred with such tomatoes at time of transportation or sale.

§ 1014.72 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

§ 1014.73 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1014.74 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of tomatoes covered by such exemption certificates, a record of the amount of tomatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1014.70, 1014.71, 1014.72, or 1014.73, or any combination thereof.

REPORTS

§ 1014.80 *Reports.* Upon the request of the committee, made with approval of the Secretary, each handler shall furnish to the committee in such manner and at such time as it may prescribe, reports and other information as may be necessary for the committee to perform its duties under this part. In this connection:

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of tomatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such tomatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the tomatoes were handled, together with the destination of each exempted disposition and of all tomatoes handled pursuant to §§ 1014.53 and 1014.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers' identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the tomatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1014.81 *Compliance.* Except as provided in this subpart, no handler shall handle tomatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, or the rules and regulations thereunder, and no handler shall handle tomatoes except in conformity to the provisions of this subpart.

§ 1014.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1014.83 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1014.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production of tomatoes for market: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such tomatoes produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1014.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1014.86 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 1014.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1014.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1014.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1014.90 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1014.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1014.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

Order Directing That a Referendum Be Conducted Among Producers; Designating Agent To Conduct Such Referendum; and Determination of a Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who during the period March 1, 1956, to March 1, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged in the Lower Rio Grande Valley in Texas (Cameron, Hidalgo, Starr, and Willacy Counties), in the production of tomatoes for market to determine whether such producers approve or favor the issuance of an order regulating the handling of tomatoes grown therein; and said order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and Its

Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

E. H. Bixby and E. E. Gallahue, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order may be examined in the office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., and at those places within the production area (i. e., the Counties of Cameron, Hidalgo, Starr and Willacy in the State of Texas) announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of said order may be obtained from any referendum agent and any appointee hereunder.

[F. R. Doc. 57-1485; Filed, Feb. 27, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 211]

[No. MC-C-2078]

USE OF RELOCATED, RENUMBERED, AND ALTERNATE HIGHWAYS, DEVIATION FROM AUTHORIZED ROUTES, AVOIDANCE OF SPECIFIED POINTS OR GATEWAYS, SERVICE AT MILITARY INSTALLATIONS, AND DEADHEADING OF EMPTY VEHICLES BY MOTOR COMMON AND CONTRACT CARRIERS SUBJECT TO INTERSTATE COMMERCE ACT; DEVIATION RULES

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 11, 1957.

Pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) notice is hereby given that effective April 15, 1957, unless otherwise ordered in the interim, the above-entitled rules and regulations promulgated by the Commission's order of June 28, 1955, will be revised to read as indicated and set forth in the attached order which is hereby referred to and made a part hereof.

No oral hearing is contemplated but anyone wishing to do so may by the submission of written data, views, or arguments make representations:

(1) For or against the proposed rules or any of them, or

(2) For or against the retention of any rules whatsoever which allow any deviations merely upon the filing of notice with only implied or informal approval.

The original and 14 copies of any such representations shall be filed with the Commission on or before April 1, 1957.

Notice hereof to the general public shall be given by depositing a copy in the Office of the Secretary of the Commission, for public inspection and by filing a copy with the Director, Division of the Federal Register.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 11th day of February A. D. 1957.

Short title. This order may be referred to and cited as the Commission's Revised Deviation Order of 1957.

The above subject coming on for further consideration, and

It appearing that by order dated June 28, 1955, effective August 12, 1956, the Commission, Division 5, adopted rules and regulations governing deviations by motor carriers holding authority from this Commission from authorized regular routes, or required gateways, and in other instances, and the deadheading of empty vehicles incidental to authorized transportation in interstate or foreign commerce;

And it further appearing that revision of such rules is desirable in the interest of clarification and to enhance their value, and make their application more definite and certain; and good cause therefor appearing:

It is ordered, That the said rules be, and they are hereby revised by deleting the entire context of Part 211, and substituting in lieu thereof the following:

§ 211.1 *Deviations by motor carriers subject to the Interstate Commerce Act from authorized regular routes, or required gateways, and in other instances*—(a) *Applicability of rules.* Subject to all other rules and regulations of the Commission applicable to specific situations or operations, such as the Commission's Regulations Governing the Transportation of Explosives and Other Dangerous Articles (§ 197.1 (d) of this chapter), none of which other rules or regulations is superseded by this part, the rules and regulations in this part are hereby found to be just and reasonable and adopted and made applicable so far as pertinent to the operations within the United States under authority of certificates and permits issued by this Commission, of all motor carriers, except motor carriers of passengers when operating in New York City, N. Y., Rockland, Westchester, and Nassau Counties, N. Y., Fairfield County, Conn., and Passaic, Bergen, Essex, Hudson, Union, Somerset, Middlesex and Monmouth Counties, N. J.

(b) *Definitions.* As used in this part, the following words and terms shall be construed to have meanings as follows:

(1) *Designated highway.* A highway identified for record purposes by a number, letter, or name such as a turnpike, thruway, expressway, freeway, or as an "unnumbered county or state road", or in some other like manner.

(2) *Redesignated highway.* A highway to which there has been assigned a new designation, either number, letter, name, or other identifying reference, in lieu of a designation previously assigned thereto.

(3) *Relocated highway.* A highway which has been constructed in a new location in lieu of an existing highway or a segment or segments thereof, and which is intended to replace such existing highway or a segment or segments thereof for public use.

(4) *Regular service route.* A designated highway or series of highways over which a motor carrier is specifically authorized to operate with provision in the carrier's certificate or permit for service at terminal, intermediate, or off-route points as specified therein, as distinguished from an alternate route as defined in subparagraph (5) of this paragraph. Such regular service route may be described as a single route in a carrier's authority or as two or more routes which are combined by joinder at a common service point or points.

(5) *Alternate route.* A designated highway or series of highways lying wholly within the United States over which a motor carrier may operate in the interest of economy or convenience or to avoid congested areas, dangerous grades, sharp curves, or other hazards on an authorized regular service route, deviating from a point on such authorized regular service route and returning at some other point on the same regular service route.

(6) *By-pass route.* A route designated by proper authority for the general purpose of avoiding traffic congestion in a heavily populated area or areas.

(7) *Detour route.* The highway or highways designated by proper authority for public use while the highway or highways normally used between specified points is, or are, temporarily closed or restricted, as by reduced weight limits, or for repairs or reconstruction, or for any other reason.

(8) *Deviation route.* Any of the facilities used by a motor carrier under authority of this part in lieu of its authorized service route.

(9) *Point of deviation.* The point where a regular-route motor carrier using, or proposing to use, an alternate route, as defined in subparagraph (5) of this paragraph, or other deviation route, under authority of this part, departs from, or proposes to depart from its specifically authorized regular service route.

(10) *Point of return.* The point where a regular-route carrier using, or proposing to use, an alternate route, as defined in subparagraph (5) of this paragraph, or other deviation route, under authority of this part, returns to, or proposes to return to, its specifically authorized regular service route.

(11) *Deadheading empty vehicle.* The movement of empty vehicles from a point where cargo has been delivered back to the carrier's terminal or to another authorized point of service.

(12) *Service point.* A point authorized to be served by a carrier as distinguished from one through which such carrier may operate but without performing any service.

(c) *Authority for deviations by motor carriers from operating authorities in described circumstances.* Subject to the special rules, requirements, and conditions governing particular situations hereinafter stated, and subject also, when reference is made thereto, to the general conditions and requirements set forth in paragraph (d) of this section, motor carriers holding operating authority from this Commission except certain motor carriers of passengers as provided in paragraph (a) of this section, are hereby authorized, in the circumstances hereinafter described, to deviate from

their specifically authorized regular service routes, to avoid operations through specific points or gateways, and otherwise to depart from their specific authority, in the circumstances and to the extent hereinafter stated without obtaining other prior specific authority therefor:

(1) *Redesignated highways.* Where a carrier is authorized to operate over a specified highway and thereafter that highway or a segment thereof without relocation is redesignated, the carrier shall so advise the Commission, by letter, giving sufficient information regarding the old and the new designation, the points between which the highway designation has been changed, and the place or places where such highway is referred to in the carrier's authority, to facilitate appropriate changes in the records of the Commission. The new designation of the highway will be shown in the carrier's certificate or permit when the Commission has occasion to reissue it.

(2) *Relocated highway and abandonment of old highway.* Where a carrier is authorized to operate over a specified highway and thereafter that highway or a segment or segments thereof are relocated, and where the old highway or any segment thereof is no longer maintained for use by the general public, the carrier may operate over such relocated highway or relocated segment or segments under its authority without notice to the Commission of such change, and in so doing may serve as intermediate or off-route points, on, or from, the new highway those points previously authorized to be served as intermediate or off-route points on or from the old highway, provided there is no other change in the service previously rendered in connection with operations over the old highway.

(3) *Relocated highway and maintenance of old highway under new designation.* (i) Where a carrier is authorized to operate over, and to serve points on, a specified highway and thereafter that highway or a segment or segments thereof are relocated but the old highway is maintained for use by the general public under a new designation, the carrier shall not without first obtaining specific authority from the Commission, transfer its operations to the relocated highway or relocated segments thereof but must continue to operate over the old highway and advise the Commission of the change in the designation thereof furnishing the same information as required in connection with subparagraph (1) of this paragraph. The new designation of the highway will be shown in the carrier's certificate or permit when the Commission has occasion to reissue it.

(ii) Where a carrier is authorized to operate over a specified highway but is not authorized to serve any point on such highway and thereafter such highway or a segment or segments thereof are relocated, but the old highway is maintained for use by the public under a new designation, the carrier may, if it so desires, use as its operating route only the new or relocated highway, provided it promptly advises the Commission of such change giving descriptions of the old and the new highways between the points involved and the other information required by subparagraph (1) of this paragraph.

(4) *Highways and streets within commercial zones.* When, pursuant to the order in Ex Parte No. MC 37, Commercial Zones and Terminal Areas dated February 11, 1952, as revised July 9, 1952, a motor carrier of property has the right to serve all points in the commercial zone of a municipality, or all points in a defined territory adjacent to an unincorporated community, by virtue of its holding of authority to serve the municipality or the unincorporated community, the carrier in serving places within such municipality or its commercial zone or within the unincorporated community or authorized territory adjacent thereto may use any highway or street located therein, without notice to the Commission.

(5) *By-pass routes.* Where a by-pass route has been designated to be used for the purpose of avoiding a congested area or areas, a carrier having an authorized route through such area or areas, which desires to use such by-pass route as an alternate route may do so regardless of the comparative length of such route (compare subparagraph (8) (ii) of this paragraph) but subject to the general conditions and requirements set forth in paragraph (d) of this section.

(6) *Bridges, tunnels, and ferries.* Where a new bridge or tunnel has been constructed to replace an old bridge or a ferry, to avoid circuity, or to eliminate a hazardous curve or grade, a regular-route carrier having authority to use the old facility and desiring to use in lieu thereof such new bridge or tunnel and the approaches thereto, may do so, subject to the Commission's Safety Regulations and subject also to the general conditions and requirements set forth in paragraph (d) of this section.

(7) *Detour routes.* When a federal, state, county, or other government official, in the exercise of his powers, temporarily prohibits the use by a carrier of an authorized service route or a segment or segments thereof, or when opperations over a carrier's authorized service route or a segment or segments thereof are temporarily obstructed or rendered unsafe by any cause over which a carrier has no control, or when a highway or a segment thereof which comprises all or any portion of the carrier's authorized regular service route is by appropriate authority made subject to weight or other restrictions which temporarily prevent the operation of the equipment regularly and normally used by the carrier over that route, and when, because of any one or more of the foregoing, a detour route has been officially designated by proper authority for public use in lieu of the closed, obstructed, unsafe, or restricted highway, the carrier may use such officially designated detour route in lieu of the temporarily closed, obstructed, unsafe, or restricted highway, provided (i) that no service is rendered at any point the carrier is not specifically authorized to serve, (ii) that, so far as suitable detour routes are available, the carrier continues to furnish reasonable and adequate service at all points it is authorized to serve, and (iii) that, if use of the detour route will continue for more than 30 days and if the distance over the detour route is less than 90 percent of the distance over the authorized service route, a statement shall be obtained from the governmental authority exercising control over the highways involved and filed by the carrier with the Commission together with a notice in writing of its intent to use such detour route under authority of this subparagraph, which statement shall show (*a*) the nature of the condition which prevents operations over the authorized route, (*b*) the period of time it is anticipated that the service route will not be usable and (*c*) proper identification of the official detour route. Where a detour route is used under the provisions of this subparagraph, the carrier shall discontinue operations over such route and resume operations over its authorized service route immediately upon removal of the condition which necessitated use of the detour route.

(8) *Alternate routes for operating convenience only.* Where a motor carrier is authorized to operate over a regular service route and there is wholly within the United States another highway which extends in the same general direction as such regular service route and affords a reasonably direct and practicable route between any two points on such regular service route, it may, subject to the general conditions and requirements set forth in paragraph (d) of this section, use such other highway as an alternate route for operating convenience only with no service at any intermediate point thereon, and with no service at the termini except as otherwise authorized, in the manner and to the extent, as follows:

(i) *Superhighways as alternate routes.* Where a motor carrier is authorized to operate over a regular service route and there is extending in the same general direction as such service route, and wholly within the United States a so-called superhighway, turnpike, thruway, freeway, or expressway, which is substantially the same in purpose, design, and construction as such highways as the Pennsylvania Turnpike, the New Jersey Turnpike, the Turner (Oklahoma) Turnpike, the West Virginia Turnpike, and the New York Thruway, such superhighway, turnpike, thruway, freeway, or expressway and such additional highways as it may be necessary to use in traveling by the shortest practicable route between the carrier's authorized regular service route and the superhighway, turnpike, thruway, freeway, or expressway may be used as an alternate route between two points on the carrier's regular service route regardless of the distance between the point of deviation and the point of return, and regardless of whether or not such alternate route crosses or intersects any other specifically authorized service or alternate route of the carrier at any place intermediate to the points of deviation and return: *Provided*, That use of the alternate route will not materially change the competitive situation between such carrier and any other.

(ii) *Highways other than superhighways.* Where a motor carrier is authorized to operate over a regular service route and there is extending in the same general direction as such service route and wholly within the United States another highway which is not a so-called superhighway, turnpike, thruway, freeway, or expressway, the carrier may use such other highway as an alternate route for operating convenience only provided that the distance over such alternate route between the points of deviation and return is not less than 90 percent of the distance over the authorized regular service route between the same points and provided further, that the alternate route proposed does not duplicate, or involve operations over any part of any authorized service route described in the carrier's certificate or permit and does not cross or otherwise intersect any authorized service route of the carrier or pass through any authorized off-route point or any part of the commercial zone of any authorized point either off-route or other, except at the points of deviation and return.

For the purpose of this subparagraph:

(*a*) The crossing of another route by overpass or underpass also shall be deemed to be a crossing or an intersection.

(*b*) The prohibition against the inclusion in any alternate route proposed to be used thereunder of any part of any authorized service route of the carrier shall not be deemed to prohibit the inclusion in an alternate route used under this subparagraph of a segment of a specifically authorized alternate route provided the distance over the alternate route used under this subparagraph is computed from point of deviation from a service route to the point of return to the same service route including the embraced segment of the specifically authorized alternate route.

(*c*) The prohibition against the crossing by any alternate route used under this subparagraph of any authorized service route shall not be deemed to prohibit the crossing of a specifically authorized alternate route.

(9) *Deadheading empty vehicles.* A motor carrier may deadhead empty vehicles over any highway which will accomplish a reasonably direct and practicable return of the equipment to a terminal of the carrier or to one of its authorized service points.

(10) *Deviation from regular service route in the transportation of U. S. Mail.* Subject to the general conditions and requirements set forth in paragraph (d) of this paragraph, common and contract carriers of property holding authority to operate over regular routes may, without obtaining prior authority therefor, deviate from their authorized service routes for the purpose of delivering or picking up U. S. Mail, under contract with the Post Office Department, at points within 10 airline miles of authorized service routes and in the course of such deviation, may transport authorized commodities in the same vehicle with mail, provided that no commodity other than mail may be picked up, delivered, or interchanged with another carrier, at any point not specifically authorized.

(11) *Deviations by motor carriers of explosives and other dangerous articles.* Subject to the general conditions and requirements set forth in paragraph (d) of this section:

(i) A regular-route motor carrier of explosives or other dangerous articles in order to avoid streetcar tracks, tunnels, viaducts, dangerous crossings, or places where persons are assembled, may use any practicable route lying wholly within the United States provided that the distance over the route used between the point of deviation and the point of return is not less than 90 percent of the distance over the service route between those points, or if it is less than 90 percent provided the deviation route used is at all points within 10 miles of the authorized place which is bypassed.

(ii) Common carriers of explosives and other dangerous articles operating over either regular or irregular routes, or both, may in the interest of safety interchange shipments or equipment or combine routes or operating rights at any place within ten miles of any point where interchange or joinder is permissible under the existing authorities of the carrier or carriers involved.

(12) *Service at military installations.* (i) If there exists an entrance or gate to a military installation which is within the limits of the authority held by a motor carrier and the carrier with the consent and approval of the officer in charge is openly, lawfully, and regularly (as distinguished from surrepticiously, sporadically, or infrequently) using such entrance or gate in the rendition to or from the installation of (*a*) a general transportation service or (*b*) a specialized or limited service, and if such entrance or gate is by appropriate authority closed, or restricted against particular traffic, or if for some other reason beyond its control, the carrier is unable to continue to use that entrance or gate for the same purpose as in the immediate past it may, subject to the general conditions and requirements set forth in paragraph (d) of this section, use other entrances or gates in continuing to serve the installation in the same manner and in the rendition of the same type of service as was theretofore preformed through the closed or restricted entrance or gate: *Provided*, That in so doing the carrier does not travel more than 20 highway miles over public highways outside the scope of its authority.

(ii) This subparagraph shall not be construed by any carrier as authority for the rendition, through an entrance or gate which is located outside the limits of its authority, of any service which was in fact discontinued prior to the closing or restriction of the authorized gate or entrance, or any service essentially different from that rendered through the gate or entrance located within the limits of its authority immediately prior to the closing or restriction thereof.

(d) *General conditions and requirements.* Where reference is made thereto in any of the foregoing special rules governing particular situations, the following general conditions and requirements shall be applicable and shall be complied with as a condition to the grant of authority herein for the particular deviation:

(1) Any proposed deviation under this part, except one over an alternate route under paragraph (c) (8) of this section, may be instituted by a carrier without prior notice to the Commission.

(2) If a deviation proposed under this part, other than one under paragarph (c) (8) of this section, is to continue for not more than 30 days no notice to the Commission concerning it is required.

(3) If any deviation, other than one over an alternate route under paragraph (c) (8) of this section, is to continue for more than 30 days the carrier shall, not later than one day after the deviation operations are begun, give notice thereof to the Commission and others in the manner provided in subparagraph (5) of this paragraph giving the information therein required.

(4) When an alternate-route deviation under paragraph (c) (8) of this section is proposed the carrier shall give prior notice thereof to the Commission and to others in the manner provided in subparagraph (5) of this paragraph. A summary of such notice will be prepared by the Commission and published in the FEDERAL REGISTER and such deviation shall not under any circumstances be commenced until the elapse of 30 days after the date of such publication and if a protest against any such proposed deviation is filed within such 30-day period the proposed deviation shall not be commenced until the Commission has considered and overruled the protest and found that the proposed deviation meets the requirements of, and is permissible, under this part.

(5) If notice of a deviation proposed under this part is required by either subparagraph (3) or subparagraph (4) of this paragraph, it shall in the case of an irregular-route operation specify the point or points involved, describe the nature of the deviation, and give such other information as may be necessary to establish that the deviation is in fact authorized by this part, and in the case of a regular-route operation it shall contain:

(i) A complete description by highway designations of the carrier's authorized service route between the point of deviation and the point of return;

(ii) A complete description by highway designations of its proposed deviation route between the point of deviation and the point of return;

(iii) A complete description by highway designations of all segments of other specifically authorized service and alternate routes of the carrier adjacent either to the authorized service route from which deviation is to be made or to the proposed deviation route; and

(iv) Where the deviation is subject to a comparative distance limitation, the distance (actual mileage) over any proposed deviation route and also over the authorized regular service route between the points of deviation and return shall be stated. Such distances shall be computed not from municipal or commercial zone limits but from actual junction points of the carrier's specifically authorized service route and the proposed deviation route, whether such junction points be within or without city limits, and shall include that portion of any specifically authorized alternate route which is embraced in any proposed alternate deviation route.

(6) The notice described in subparagraph (5) of this paragraph shall be accompanied by a map on which there shall be shown so much as may be practicable of the information required by that subparagraph and in the case of an alternate-route deviation under paragraph (c) (8) (i) or (ii) of this section, such map must clearly show in different colors the routes involved, including in each instance the official highway designations of the authorized regular service route from which deviation is proposed and other service routes of the carrier, if any, in the area, also the highway designations of the proposed deviation route and other specifically authorized alternate routes, if any, in the area, and the distances (actual mileage) between the points of deviation and return (the actual junctions) over the regular service route from which deviation is proposed and over the deviation route.

(7) The notice of an alternate-route deviation required by subparagraph (4) of this paragraph shall also contain a statement to the effect that the carrier filing it will continue to furnish reasonable and adequate service from and to all authorized points on its regular service route; that it will not serve any intermediate point or points on such deviation route; and that deviation from its authorized regular service route as proposed will not enable it to render a materially different service than that rendered over its regular service route or enable it to engage in transportation between any points between which operation is not practicable over its regular service route because of the circuity or otherwise.

(8) The notice of any deviation required by subparagraph (3) or (4) of this paragraph shall also contain a statement indicating that a copy thereof, accompanied by a map showing the information indicated above, has been served by mail or in person on the following, listed by names and addresses in each instance:

(i) All carriers which, after diligent inquiry, have been found to be competitive with the carrier's proposed operation over the deviation route.

(ii) The State board or official which has jurisdiction over motor carrier regulation in each State in or through which the proposed operations over the deviation route will be conducted.

(iii) The District Director or Directors of the Interstate Commerce Commission for the district in which the carrier is domiciled and for each district in or through which the proposed operations over the deviation route will be conducted.

(9) *Failure to give notice or defective notice.* Where a notice of a deviation or proposed deviation is required by subparagraph (3) or (4) of this paragraph and such notice is not timely filed and served on competing carriers and others as required by subparagraph (8) of this paragraph, any deviation operation begun prior to the actual filing and service of notice is unauthorized and where a notice though filed is defective for want of required information or insufficient service on competing carriers, or for any other reason, it shall be subject to rejection and if rejected any deviation operation covered thereby which has been begun shall immediately be discontinued and shall not be resumed until a sufficient notice has been filed, and served on interested parties as required by subparagraph (8) of this paragraph, and the carrier has been notified by the Commission that the operation may be resumed.

(10) The right to operate over a deviation route which is subject to these general conditions and requirements shall continue only so long as the carrier is performing, when required by this part, reasonable and adequate service over specifically authorized routes, and only so long as the conditions set forth in this rule are observed.

(e) *Protests and replies thereto.* Any person who considers that he is or will be adversely affected by a deviation described or proposed in any notice filed under paragraph (d) of this section, may file at any time a protest against such deviation. Such protest may be in the form of letter but shall contain a recital of facts and information showing protestant's interest and supporting his opinion that the facts and circumstances upon which the right to deviate depends are nonexistent, or have been incorrectly described, or that the carrier filing the deviation notice has not met the applicable conditions and requirements, and shall show that a copy thereof has been furnished to the carrier filing the notice. If such a protest is filed, the carrier which has filed the deviation notice may reply thereto within 20 days, after which the Commission will give due consideration to all facts of record or otherwise available to it in the particular case, including the notice and protest, and will make a determination in accordance therewith.

(f) *Commission may forbid deviation.* The Commission may forbid the commencement of operations over any deviation route under this part, or require discontinuance of such operations already commenced, whenever in its opinion such deviation results in inadequate service over specifically authorized routes, or is unreasonable, undesirable, or otherwise repugnant to the public interest, or is not in harmony with the general purpose and intent of this part.

§ 211.2 *Prior filings.* Motor carriers lawfully utilizing any deviation route or facility or facilities referred to herein pursuant to a prior notice heretofore filed in accordance with the provisions of any prior order heretofore entered under this part shall not be required to file any further notice with the Commission concerning the use of such route, facility, or facilities.

It is further ordered, That this order shall be effective on April 15, 1957, unless otherwise ordered in the interim, and that the revised rules and regulations, herein established shall continue in effect until the further order of the Commission.

Notice of this order shall be given to motor carriers and to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 552, as amended; 553, as amended; 49 U. S. C. 308, 309)

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1531; Filed, Feb. 27, 1957; 8:59 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Public Roads has filed an application, Serial No. Anchorage 033526, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but excluding the mineral leasing laws. The applicant desires the land for an Administrative Site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

EUREKA AREA

From a point beginning at Bureau of Land Management corner Monument S 2926 C–1 on the line of the West Boundary of the Eureka Lodge property;

Thence S. 28° 47' 00" E. 102.4 to the centerline of the Glenn Highway;

Thence along the centerline of the Glenn Highway N. 60° 59' 00" E. 3,624.3 feet;

Thence along the centerline of the Glenn Highway N. 33° 02' 00" E. 2,263.1 feet to Corner No. 1, which is a point on the centerline of the Glenn Highway and the true Point of Beginning;

Thence by metes and bounds:

N. 56° 58' 00" W. 350 feet to corner No. 2;
N. 33° 02' 00" E. 700 feet to corner No. 3;
S. 56° 58' 00" E. 350 feet to corner No. 4 which is a point on the centerline of the Glenn Highway;
S. 33° 02' 00" W. 700 feet along the centerline of said highway to corner No. 1 and the Point of Beginning.

Containing 5.624 acres, more or less.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57–1496; Filed, Feb. 27, 1957; 8:49 a. m.]

ALASKA

SMALL TRACT CLASSIFICATION ORDERS NO. 1 TO 112, INCLUSIVE; GENERAL AMENDMENT

FEBRUARY 19, 1957.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to the authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473) as amended, it is ordered as follows:

1. All competitive Small Tract Classification Order and Amendments issued between February 17, 1948 and July 18, 1956 by the Area Administrator, Area 4, and more recently by the Operations Supervisor, Bureau of Land Management, as follows are hereby amended where applicable to specify that annual rentals for recreation and residence sites shall be 1/20th of the appraised price of the tract with a minimum of $10.00 per tract per year.

Small Tract Classification Orders involved:

1–6, inclusive;
8–17, inclusive;
18 as corrected;
19 and amendment No. 1;
20–27, inclusive;
28, correction and amendments 1 and 2;
29 and amendment No. 1;
30–32, inclusive;
33, as amended;
34–37, inclusive;
38 and amendment No. 1;
39–47, inclusive;
48 as corrected;
49;
50 and amendment No. 1;
51;
53–60, inclusive;
61 and amendment No. 1;
62;
63 and amendment No. 1;
64;
65 as corrected;
66 as corrected;
67–69, inclusive;
70 and amendment No. 1 and 2;
71, as corrected;
72–73, inclusive;
74 and amendment No. 1;
75–76, inclusive;
77 and amendment No. 1;
78–85, inclusive;
86 and amendment No. 1 and 2;
87–112, inclusive.

2. The order shall take effect immediately.

L. T. MAIN,
Acting Operations Supervisor.

[F. R. Doc. 57–1497; Filed, Feb. 27, 1957; 8:49 a. m.]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 19, 1957.

In exchanges of lands made under the provision of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 9 N., R. 13 W.,
Sec. 3: All;
Sec. 9: All;
Sec. 11: All;
Sec. 15: All;
Sec. 17: All;
Sec. 19: All;
Sec. 23: All;
Sec. 25: All;
Sec. 27: All;
Sec. 29: All;
Sec. 31: All;
Sec. 33: All;
Sec. 35: All.
T. 10 N., R. 14 W.,
Sec. 1: All;
Sec. 3: All;
Sec. 5: All.
T. 10 N., R. 16 W.,
Sec. 1: Lots 1, 2, 3, 4, S½N½, SE¼;
Sec. 11: S½, NW¼;
Sec. 13: All;
Sec. 21: E½NW¼NW¼, NW¼NW¼NW¼;
Sec. 27: E½, NW¼.
T. 11 N., R. 12 W.,
Sec. 3: All;
Sec. 9: All;
Sec. 17: All;
Sec. 19: All.
T. 11 N., R. 13 W.,
Sec. 25: All.
T. 11 N., R. 14 W.,
Sec. 25: All;
Sec. 31: E½E½;
Sec. 33: All;
Sec. 35: All.
T. 12 N., R. 12 W.,
Sec. 35: All.
T. 13 N., R. 9 W.,
Sec. 32: W½.
T. 14 N., R. 11 W.,
Sec. 23: E½.
T. 10 S., R. 3 W.,
Sec. 22: E½SE¼.
T. 10 S., R. 4 W.,
Sec. 13: SW¼NW¼;
Sec. 15: SW¼SW¼;
Sec. 22: NW¼, N½NE¼, SW¼NE¼, N½SW¼, NW¼SE¼.
T. 17 S., R. 2 W.,
Sec. 2: E½SE¼;
Sec. 11: SW¼.
T. 17 S., R. 5 W.,
Sec. 11: SE¼SE¼;
Sec. 12: W½SW¼;
Sec. 14: SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 23: W½NE¼.
T. 19 S., R. 9 W.,
Sec. 19: All;
Sec. 20: All;
Sec. 30: All;
Sec. 31: NW¼, N½NE¼.
T. 19 S., R. 10 W.,
Sec. 13: All;
Sec. 14: SE¼NE¼, SE¼, SE¼SW¼;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All.
T. 21 S., R. 17 W.,
Sec. 32: All;
Sec. 36: All.
T. 22 S., R. 6 W.,
Sec. 23: NE¼NW¼.
T. 23 S., R. 8 W.,
Sec. 5: S½;
Sec. 8: E½.
T. 24 S., R. 10 W.,
Sec. 16: SE¼;
Sec. 17: All;
Sec. 32: E½SE¼;
Sec. 33: All.
T. 37 S., R. 5 W.,
Sec. 22: NE¼SW¼.
T. 5 S., R. 22 E.,
Sec. 19: SE¼SW¼.

The above tracts aggregate 28,716.04 acres.

The minerals in the above-described lands were wholly or partly reserved by the grantors or by prior grantors, and any person acquiring any of these lands must accept title subject to such reservations. Information as to any mineral rights reconveyed to the United States is of record in the Land Office, 312 Federal Building, Salt Lake City, Utah.

The tracts described are widely scattered parcels and are desert or semi-desert in character.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on March 27, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 26, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on June 26, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land will be open to location under the United States mining laws, beginning 10:00 a. m. on June 26, 1957, providing locatable minerals have been reconveyed to the United States.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Post Office Box 777, Salt Lake City, Utah.

VAL B. RICHMAN,
State Supervisor.

[F. R. Doc. 57–1498; Filed, Feb. 27, 1957; 8:49 a. m.]

[Montana 024448]

MONTANA

ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS

FEBRUARY 19, 1957.

In an exchange of lands made under the provisions of the act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090), the following described lands have been reconveyed to the United States:

MONTANA PRINCIPAL MERIDIAN

A tract of land comprising 75.23 acres, more or less, situated in the SW¼NW¼, N½SW¼, NW¼SE¼, Sec. 12, T. 9 S., R. 4 E., more particularly described by metes and bounds as follows: Beginning at a point on the west line of said Section 12, 10 chains north of the west ¼ corner thereof, thence S. 62° 26' E., 42.00 chains, thence S. 70° 00' E., 7.25 chains, thence S. 46° 00' E., 2.50 chains, thence S. 38° 00' E., 8.00 chains more or less to the south line of the NW¼SE¼, thence East along the south line of the NW¼SE¼ 9.15 chains more or less to the southeast corner thereof, thence North along the east line of the NW¼SE¼ 20.00 chains more or less to the northeast corner thereof, thence West along the north line of the NW¼SE¼ and the NE¼SW¼ 40.00 chains more or less to the northwest corner of the NE¼SW¼, thence North along the east line of the SW¼NW¼ 20.00 chains more or less to the northeast corner thereof, thence West along the north line of the SW¼NW¼ 20.00 chains more or less to the west line of Section 12, thence South along the west line of Sec. 12, 10.00 chains more or less to the place of beginning.

The area described totals 75.23 acres of public land.

Upon application of this order in the FEDERAL REGISTER, the land described shall be subject to operation of the public land laws relating to National Forests.

The land is within the exterior limits of the Gallatin National Forest, and is therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II or the Korean conflict and others.

Inquiries relating to these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

THEO E. ANHDER,
Manager, Land Office.

[F. R. Doc. 57–1499; Filed, Feb. 27, 1957; 8:50 a. m.]

[Montana 024468]

MONTANA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 21, 1957.

A plat of survey of the land described below will be officially filed in the Land Office at Billings, Montana, effective at 10:00 a. m. on March 29, 1957.

MONTANA PRINCIPAL MERIDIAN

T. 27 N., R. 56 E.
Sec. 3, Lot 14.

Area surveyed: 33.30 acres.
Plat of survey accepted April 6, 1955.

The above described land was formed by accretion along the Missouri River fronting Lot 10, Sec. 3, T. 27 N., R. 56 E., P. M., Montana. The land is level with deep sandy loam and supports a scattered growth of brush and willows. The land is suitable for the production of native forage plants or for limited crop production. The acreage of the area suitable for crop production is not adequate for an economic farming unit unless used in connection with other adjoining or nearby lands.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications and selections in accordance with the following:

Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 29, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 28, 1957, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs "1" and "2" above, presented prior to 10:00 a. m. on June 28, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph "2" above must enclose with their applications proper evidence of military or naval service, preferably a complete photo-copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1245 North 29th Street, Billings, Montana.

THEO E. ANHDER,
Manager, Land Office.

[F. R. Doc. 57–1501; Filed, Feb. 27, 1957; 8:51 a. m.]

[Group 299]

ARIZONA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 18, 1957.

Notice is given that the plat of survey accepted October 31, 1956, of T. 8 S., R. 31 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 8 S., R. 31 E.,
Sec. 32, All.

Within the above-described area are 480 acres of public land.

Available data indicates this land to be rolling, with rocky soil.

Subject to valid existing rights, the State's title attached to the NE¼, Sec. 32, T. 8 S., R. 31 E. upon the acceptance of the plat of survey.

No application for the NW¼, and S½, Sec. 32, T. 8 S., R. 31 E. may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 26, 1957 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 25, 1957, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on June 25, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, U. S. Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 57–1500; Filed, Feb. 27, 1957; 8:51 a. m.]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 14, 1957.

Pursuant to Determination DA–401 Oregon, of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Classification No. 276 of September 5, 1933, are hereby restored to disposition under the public land laws, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

WILLAMETTE MERIDIAN, OREGON

T. 1 N., R. 9 E.,
Sec. 1, Lot 7.

43.50 acres.

2. The public land is located near the West Fork of Hood River within one and one-half miles of Dee, Oregon. The lands are on a fairly steep hillside unsuited for cultivation. The vegetative cover consists of a stand of Douglas fir trees, and underbrush. The land is well-suited for the production of timber and adjoins the Mt. Hood National Forest.

3. No application will be allowed under homestead, desert land, small tract, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. The lands described shall be subject to application by the State of Oregon for a period of 90 days from the date of this order for right-of-way for public highways or as a source of material for construction and maintenance of such highways in accordance with and subject to provisions of section 24, of the Federal Power Act, as amended.

5. Subject to any existing valid rights and the requirements of applicable laws, the lands described in Paragraph 1 are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on March 25, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on June 25, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on June 27, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the mineral leasing laws.

6. Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

7. Inquiries concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

VIRGIL T. HEATH,
State Supervisor.

FEBRUARY 14, 1957.

[F. R. Doc. 57–1502; Filed, Feb. 27, 1957; 8:51 a. m.]

National Park Service

[Order 23]

CERTAIN CHIEFS AND REGIONAL ADMINISTRATIVE OFFICERS

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

FEBRUARY 1, 1957.

SECTION 1. *Chiefs, Western and Eastern Offices, Division of Design and Construction.* The Chiefs, Western and Eastern Offices, Division of Design and Construction, are authorized to execute and approve contracts not in excess of $50,000 for supplies, equipment, or services required to carry out the functions of their offices in conformity with applicable regulations and statutory authority and subject to availability of appropriations.

SEC. 2. *Regional Administrative Officers, Region Four and Five Officers.* The Regional Administrative Officers, Region Four and Five Offices, are authorized to execute and approve contracts not in excess of $50,000 for supplies, equipment or service required to carry out the functions of the Western and Eastern Offices, Division of Design and Construction, respectively, in conformity with applicable regulations and statutory authority and subject to availibility of appropriations.

SEC. 3. *Ratification.* Any action taken by the above-mentioned officials between December 1, 1954, and the date of this order is hereby ratified.

CONRAD L. WIRTH,
Director.

[F. R. Doc. 57–1504; Filed, Feb. 27, 1957; 8:52 a. m.]

[Mount McKinley National Park Order 1]

ASSISTANT SUPERINTENDENT AND ADMINISTRATIVE ASSISTANT

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

FEBRUARY 4, 1957.

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any office or area under the supervision of the Superintendent of Mount McKinley National Park.

SEC. 2. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $10,000 for construction, supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Assistant in behalf of any office or area under the supervision of the Superintendent of Mount McKinley National Park.

(National Park Service Order No. 14, Amendment 9 (22 F. R. 270, January 12, 1957) Amending Paragraph 1 (1) and Region Four Order No. 3, March 8, 1956 (21 F. R. 1494))

DUANE D. JACOBS,
Superintendent, Mount McKinley National Park.

[F. R. Doc. 57–1503; Filed, Feb. 27, 1957; 8:52 a. m.]

Office of the Secretary

[Order No. 2508, Amdt. 18]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO FUNDS AND FISCAL MATTERS

SEC. 11. *Funds and Fiscal Matters of* Order No. 2508, as amended (14 F. R. 258; 16 F. R. 473, 11620; 19 F. R. 34, 4585; 20 F. R. 167) is further amended by addition of a new paragraph to read as follows:

(3) (1) The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, except income from restricted land of heirs or devisees of members of the Five Civilized Tribes, Oklahoma, as security for a loan by any lender.

(2) The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest, and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR Parts 21, 23, and 28.

(3) The release of interests of the United States in any trust or restricted property of an Indian, except land.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 20, 1957.

[F. R. Doc. 57–1494; Filed, Feb. 27, 1957; 8:48 a. m.]

[Order No. 2508, Amdt. 17]

BUREAU OF INDIAN AFFAIRS

DELEGATION OF AUTHORITY WITH RESPECT TO OPERATION OF U. S. M. S. "NORTH STAR"

Order No. 2508, as amended, is further amended by addition of a new section to read as follows:

SEC. 32. *Operation of U. S. M. S. "North Star".* The Commissioner of Indian Affairs may exercise all of the authorities contained in 25 CFR Part 3.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 19, 1957.

[F. R. Doc. 57–1493; Filed, Feb. 27, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KENTUCKY

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a–2 (a)), as amended, it has been determined that in the following counties in the State of Kentucky, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

KENTUCKY

Bell	Lee
Breathitt	Leslie
Clay	Letcher
Floyd	Martin
Harlan	Owsley
Johnson	Perry
Knott	Pike
Knox	Whitley

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after December 31, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 25th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–1529; Filed, Feb. 27, 1957; 8:58 a. m.]

NEBRASKA

DISASTER ASSISTANCE DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, Adams County, Nebraska, was determined on February 15, 1957, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 25th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–1487; Filed, Feb. 27, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11685, etc.; FCC 57M-154]

POLK RADIO, INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Polk Radio, Incorporated, Lakeland, Florida; Docket No. 11685, File No. BP-10136; Duane F. McConnell, Winter Haven, Florida; Docket No. 11686, File No. BP-10400; E. D. Covington, Jr., Winter Garden, Florida; Docket No. 11813, File No. BP-10571; for construction permits.

It appearing that Polk, McConnell and Covington are now engaged in negotiations which, if consummated, will obviate the necessity of further proceedings in the above-entitled matter, and since all participants have consented to the following continuance;

It is ordered, This 21st day of February 1957, that hearing in the above-entitled matter now scheduled for February 26, 1957, is continued to March 26, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1515; Filed, Feb. 27, 1957; 8:55 a. m.]

[Docket No. 11912; FCC 57M-153]

CRAIG SIEGFRIED

NOTICE OF PRE-HEARING CONFERENCE

In re application of Craig Siegfried, Falls City, Nebraska; Docket No. 11912, File No. BP-10265; for construction permit.

Notice is hereby given that a pre-hearing conference will be held in the above-entitled proceeding at 10:00 o'clock a. m., on Monday, March 4, 1957, in the offices of this Commission, Washington, D. C.

Dated this 21st day of February 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1516; Filed, Feb. 27, 1957; 8:55 a. m.]

[Docket No. 11932; FCC 57M-147]

NEW JERSEY EXCHANGES, INC. (KEC738)

NOTICE OF PRE-HEARING CONFERENCE

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

A pre-hearing conference in the above-entitled proceeding will be held on Thursday, February 28, 1957, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

It is so ordered, This the 20th day of February 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1517; Filed, Feb. 27, 1957; 8:55 a. m.]

[Docket Nos. 11934, 11935; FCC 57M-150]

TEXAS TECHNOLOGICAL COLLEGE AND C. L. TRIGG

ORDER SCHEDULING HEARING

In re applications of Texas Technological College, Lubbock, Texas; Docket No. 11934, File No. BPCT-2183; C. L. Trigg, Lubbock, Texas; Docket No. 11935, File No. BPCT-2185; for construction permits for new television stations.

It is ordered, This 21st day of February 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 24, 1957, in Washington, D. C.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1518; Filed, Feb. 27, 1957; 8:56 a. m.]

[Docket Nos. 11936, 11937; FCC 57M-151]

GEORGE A. MAYORAL ET AL.

ORDER SCHEDULING HEARING

In re applications of George A. Mayoral and William Cortada, a partnership; Ponce, Puerto Rico; Docket No. 11936, File No. BPCT-2049; Portorican-American Broadcasting Company, Inc., Ponce, Puerto Rico; Docket No. 11937, File No. BPCT-2228; for construction permits for new television broadcast stations.

It is ordered, This 21st day of February 1957, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 24, 1957, in Washington, D. C.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1519; Filed, Feb. 27, 1957; 8:56 a. m.]

[Docket Nos. 11938, 11939; FCC 57M-152]

GOLD COAST BROADCASTERS AND GOLD COAST RADIO, INC.

ORDER SCHEDULING HEARING

In re applications of James C. Dean, C. Robert Clark and Charles W. Stone, d/b as Gold Coast Broadcasters, Pompano Beach, Florida; Docket No. 11938, File No. BP-10631; Gold Coast Radio, Inc., Pompano Beach, Florida; Docket No. 11939, File No. BP-10782; for Construction permits.

It is ordered, This 21st day of February 1957, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 24, 1957, in Washington, D. C.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1520; Filed, Feb. 27, 1957; 8:56 a. m.]

[Docket Nos. 11858, 11859; FCC 57M-146]

KEN-SELL, INC., AND FLORIDA KEYS BROADCASTING CORP.

NOTICE OF PREHEARING CONFERENCE

In re applications of Ken-Sell, Inc., Key West, Florida; Docket No. 11858, File No. BP-10242; Florida Keys Broadcasting Corporation, Key West, Florida; Docket No. 11859, File No. BP-10603; for construction permits.

A prehearing conference will be held in the above-entitled matter at the offices of the Commission on Thursday, March 7, 1957, at 10:00 a. m.

Dated: February 20, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1481; Filed, Feb. 27, 1957; 8:45 a. m.]

[Docket No. 11878; FCC 57M-140]

MOBILE COMMUNICATIONS

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

A pre-hearing conference will be held in the above-entitled matter at the offices of the Commission on Friday, March 1, 1957, at 10:00 a. m.

Dated: February 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1482; Filed, Feb. 27, 1957; 8:45 a. m.]

[Docket No. 11917 etc.; FCC 57M-145]

INDEPENDENT BROADCASTERS ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of C. E. Wilson and P. D. Jackson, d/b as Independent Broadcasters, Redding, California; Docket No. 11917, File No. BP-10313; Donnelly C. Reeves, John E. Griffin and A. Judson Sturtevant, Jr., d/b as Placer Broadcasters, Auburn, California; Docket No. 11918, File No. BP-10560; Charles Everett Halstead, Jr., tr/as Golden State Broadcasters, Auburn, California; Docket No. 11919, File No. BP-10714; for construction permits.

It is ordered, This 19th day of February, 1957, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 2:00 p. m., Friday, March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1483; Filed, Feb. 27, 1957; 8:45 a. m.]

[Docket Nos. 11920, 11921; FCC 57M-143]

JANE A. ROBERTS AND BELLEVUE BROADCASTERS

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Jane A. Roberts, Bothell, Washington; Docket No. 11920, File No. BP-10383; F. Kemper Freeman and Florence G. Hayes d/b as Bellevue Broadcasters, Bellevue, Washington; Docket No. 11921, File No. BP-10564; for construction permits.

It is ordered, This 19th day of February, 1957, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 2:00 p. m., Friday, March 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1484; Filed, Feb. 27, 1957; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12037]

OHIO OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 21, 1957.

The Ohio Oil Company (Ohio Oil) on January 25, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 4 to Ohio Oil's FPC Gas Rate Schedule No. 15.
Effective date: [1] February 25, 1957.

In support of the proposed increase, Ohio Oil states that the contract was entered into after arm's-length negotiations with consideration given to the volume of gas to be delivered during the contract term, the current and future demanded prices for similar gas, the cost of finding and replacing the gas sold with new gas and the long term commitment.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until July 25, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1505; Filed, Feb. 27, 1957; 8:52 a. m.]

[Docket No. G-12045]

OHIO OIL CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 21, 1957.

The Ohio Oil Company et al., (Ohio Oil) on January 29, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change undated.
Purchaser: Louisiana Nevada Transit Company.
Rate schedule designation: Supplement No. 3 to Ohio Oil's FPC Gas Rate Schedule No. 18.
Effective date: [1] March 1, 1957.

In support of the proposed increase, Ohio Oil cites the contract provision providing for redetermination of the rate every three years based on the weighted average price paid for gas in northern Louisiana during the one-year period preceding the particular three-year period and states that the proposed rate results from such redetermination as of October 26, 1954. Ohio Oil also lists six rate increases in northern Louisiana accepted by the Commission.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until August 1, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1506; Filed, Feb. 27, 1957; 8:52 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 4251 etc.]

GREAT LAKES LOCAL SERVICE INVESTIGATION

NOTICE OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding will be held before Examiner Ferdinand D. Moran at three sessions as follows:

(a) The first to begin on April 23, 1957, at 10 a. m., in the New Lansing

[1] The stated effective date is the first day after expiration of the thirty days' notice, or the effective date proposed by Ohio Oil, if later.

[2] Commissioner Digby dissenting.

[1] The stated effective date is the first day after expiration of the required thirty days notic, or the effective date proposed by Ohio Oil if later.

Civic Center, 505 W. Allegan Street, Lansing, Michigan;

(b) The second to begin April 29, 1957, at 10 a. m., in the Council Chambers, Second Floor, City Hall, Broad and Front Streets, Columbus, Ohio; and

(c) The third to begin May 21, 1957, at 10 a. m. (daylight saving time), in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C.

Dated at Washington, D. C., February 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1530; Filed, Feb. 27, 1957; 8:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3530]

PITTSBURGH RAILWAYS CO.

NOTICE OF FILING OF APPLICATION REGARDING PROPOSED ISSUE AND SALE OF PURCHASE MONEY BOND

FEBRUARY 21, 1957.

Notice is hereby given that Pittsburgh Railways Company ("Pittsburgh"), a non-utility subsidiary of Standard Gas and Electric Company, a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicant designates section 6 (b) of the act as applicable to the proposed transaction.

All interested persons are referred to the application on file in the office of the Commission for a statement of the transaction therein proposed, which is summarized as follows:

Pittsburgh proposes to issue a 15-year purchase money bond in the principal amount of $280,000 and bearing interest at the rate of 4½ percent per annum. The unpaid balance of the bond may be anticipated, without penalty, on any quarter annual payment date. The bond will be issued to Navarro Corporation, a contractor doing business in Pittsburgh, Pennsylvania, as part payment for a garage building being constructed by said contractor and needed by Pittsburgh for storage, servicing and maintenance of its buses and said bond will be secured by a mortgage on said property. Competitive bidding was observed in awarding the construction contract.

The application states that there are no fees or commissions payable on account of the issuance of said bond or mortgage. There are, however, Federal Internal Revenue Documentary Stamps required in the amount of $308 and Pittsburgh has agreed to pay all of the realty transfer taxes involved in the transaction and certain expenses, including attorneys fees, incurred by Navarro Corporation in connection with the transaction estimated not to exceed $12,000. Estimates of said expenses incurred by Navarro Corporation and of the fees and expenses of all counsel, including the fees and expenses of counsel for Navarro, in connection with this transaction will be filed by amendment.

Subject to certain conditions, the Pennsylvania Public Utilities Commission has registered the Securities Certificate of Pittsburgh relating to the issuance of said bond and mortgage.

Notice is further given that any interested person may, not later than March 12, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the application as amended or as it may be further amended, pursuant to the provisions of Rule U-23 promulgated under the act, or the Commission may grant exemption from its rules as provided by Rules U-20 (a) and U-100 thereof, or take such action as may be deemed appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1510; Filed, Feb. 27, 1957; 8:54 a. m.]

[File No. 70-3558]

CENTRAL VERMONT PUBLIC SERVICE CORP.

NOTICE OF FILING OF APPLICATION REGARDING PROPOSED ACQUISITION OF COMMON STOCK OF NEWLY ORGANIZED SUBSIDIARY

FEBRUARY 21, 1957.

Notice is hereby given that Central Vermont Public Service Corporation ("Central Vermont"), an exempt public utility holding-operating company, has filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), an application, regarding a proposal to acquire 1,730 shares (86.50 percent) of the initial issue of the $100 par value common stock of Vermont Electric Power Company, Inc. ("Vepco"), a newly organized electric transmission company. Applicant has designated sections 9 (a) (2) and 10 of the act as applicable to the proposed acquisition.

All interested persons are referred to the application on file at the office of this Commission for a statement of the transactions therein proposed and the reasons therefor, which are summarized as follows:

The State of Vermont, acting through the Public Service Commission of Vermont, has entered into a contract, dated January 25, 1956, with the Power Authority of the State of New York for the purchase of up to 100,000 kw of firm power to be produced by the St. Lawrence River Project ("St. Lawrence Power"), and to be delivered at three points on the New York-Vermont State line.

Approximately 55 percent to 60 percent of the present power requirements of the State of Vermont is produced by generating facilities located within the State. The remainder is purchased from outside sources, a large part of which is purchased from New England Power Company, a subsidiary of New England Electric System, a registered holding company. It is the purpose of the State of Vermont, acting through the Public Service Commission, to distribute the purchased St. Lawrence power equitably among all of the electric distribution companies and agencies operating in the State. To do so will require the construction of new and heavier transmission facilities, to be superimposed upon and supplemented by existing facilities. The cost of such new facilities is presently estimated at between $10,000,000 and $15,000,000, which it is presently contemplated will be financed on a basis of 5 percent minimum and a 15 percent maximum of equity capital.

Central Vermont, Green Mountain Power Corporation ("Green Mountain") and Citizens Utilities Company ("Citizens"), propose, subject to the right of other electric companies who so desire to participate in the ownership thereof, to utilize Vepco, a newly organized company, to construct, own and operate the new transmission facilities, and to enter into a contract with the State of Vermont, acting through the Public Service Commission, to transmit within Vermont the St. Lawrence power from the New York-Vermont State line to the points of delivery to the various electric distribution companies and agencies within Vermont, in accordance with allocations thereof by the Public Service Commission of Vermont.

Initially, Vepco proposes to issue and sell 2,000 shares of its $100 par value common stock to provide funds to enable it to complete engineering studies initiated by Central Vermont and the other participating utilities, to negotiate the transmission contract with the State of Vermont, to conduct negotiations with respect to the financing of Vepco and the sale of debt securities thereof, and the acquisition of materials and supplies requisite for the construction of the new transmission facilities. Of the 2,000 shares to be issued by Vepco, 1,730 shares (86.50 percent), including 7 of the 10 organization shares to be issued to the directors of Vepco are to be acquired by Central Vermont, 178 shares (8.90 percent) by Green Mountain, and 89 shares (4.45 percent) by Citizens.

Central Vermont proposes to enter into a contract with Green Mountain, Citizens and Vepco, which will provide for the purchase by Central Vermont, Green Mountain and Citizens of additional common stock of Vepco in the same proportions as the initial purchase, subject to the provisions permitting other electric distributing companies to participate in the ownership of Vepco. Any such acquisition of additional common stock by Central Vermont will be the subject of a further application and the approval of this Commission.

The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed acquisition of Vepco stock by Central Vermont. It is also stated that the Public Service Commission of Vermont has jurisdiction over the proposed issue and sale of common stock by Vepco, and that an order of that Commission is to be filed herein.

The fees and expenses to be incurred by Central Vermont in connection with the proposed acquisition are estimated at $750 including legal fees and expenses of $500.

Notice is further given that any interested person may, not later than March 13, 1957, request that a hearing be held in respect of the application, stating his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as it may be amended, may be granted, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its Rules, as provided in Rules U-20 (a) and U-100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1508; Filed, Feb. 27, 1957; 8:53 a. m.]

[File No. 70-3563]

PENNSYLVANIA POWER CO. AND OHIO EDISON CO.

NOTICE OF PROPOSED ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY HOLDING COMPANY

FEBRUARY 21, 1957.

Notice is hereby given that Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, and its subsidiary Pennsylvania Power Company ("Pennsylvania"), a public-utility company all of whose outstanding common stock is owned by Ohio, have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a), 10, and 12 (f) of the act and rule U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

Pennsylvania proposes to issue and sell, and Ohio proposes to buy, 70,000 shares of Pennsylvania's authorized and unissued Common Stock (par value $30 per share) for a cash consideration of $2,100,000.

Pennsylvania will apply the proceeds of such sale to construction expenditures or in reimbursement of its treasury therefor. Pennsylvania's 1957 construction expenditures are estimated at $13,000,000, and its cash requirements will also make necessary its issue and sale during 1957 of approximately $7,000,000 principal amount of First Mortgage Bonds, to be made the subject of a later filing.

It is stated that the only other regulatory commission having jurisdiction in the premises is the Pennsylvania Public Utility Commission, the regulatory commission of the State in which Pennsylvania is organized and operating; that such State commission has jurisdiction over the issue and sale of Common Stock by Pennsylvania, and that a copy of its order with respect thereto will be filed by amendment.

The fees and expenses to be incurred in the matter will be paid by Pennsylvania, as follows:

Federal original issue tax	$2,310
State excise tax on increase of stated capital	4,200
Legal fees, Winthrop, Stimson, Putnam & Roberts	1,000
Miscellaneous	200
Total	7,710

Notice is further given that any interested person may, not later than March 11, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1511; Filed, Feb. 27, 1957; 8:54 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 21, 1957.

In the matter of trading on the American Stock Exchange in the 20 cent par value Capital Stock of Kroy Oils Limited, File No. 1-3679.

I. The 20 cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called the "exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On February 12, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from February 13, 1957, to February 22, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a

period of ten days from February 23, 1957, to March 4, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1512; Filed, Feb. 27, 1957; 8:54 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

FEBRUARY 21, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December, 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On February 12, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from February 13, 1957, to February 22, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from February 23, 1957, to March 4, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1513; Filed, Feb. 27, 1957; 8:54 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

NORBERTO SECKEL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Norberto Seckel, Gertrud Engel, Ricardo Seckel, Fernando Friedmann and Francisco Friedmann, all of Santiago, Chile, Claim No. 62906, Vesting Order No. 8711, $220.31 in the Treasury of the United States payable jointly to the claimants.

Executed at Washington, D. C., on February 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1523; Filed, Feb. 27, 1957; 8:57 a. m.]

STATE OF NETHERLANDS FOR THE BENEFIT OF NATHAN VAN GELDERE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: (Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in the securities described below.)

Nathan van Geldere, Anna de Wit, Jansje and Margarethe de Korte, Marianna Zilversmit, Ludwig Knip, Johnny Heilbron, Sara, Abraham and Jacob Blaaser, Jillis de Bruin, Daniel Rietkerk, Carolina Lobstein, Meijer Godschalk and Anna Baer, L. S. Claim No. 422, Cities Service Company 5/58 Debenture No. 21538, in the principal amount of $1,000.

Julius Cohen, L. S. Claim No. 509, $11,307.84.

S. van der Kar, L. S. Claim No. 526, $1,364.47.

Franz Mautner, L. S. Claim No. 596, Kansas City Southern Railway Co. 5/50 Bond No. 861, in the principal amount of $1,000.

David Sanders, Antje Frankfort, Izaak Meijers, Marianna Zilversmit, Geertruida Speelman, Marianne, Charles, Louise and Mary Schielaar, Nasje Sleutelberg, Rosette de Heer and Betje Gozland, L. S. Claim No. 863, $231.60.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on February 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1524; Filed, Feb. 27, 1957; 8:57 a. m.]

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YOUTH FITNESS, PRESIDENT'S COUNCIL ON; change in membership (Executive Order 10704) 2005

CODIFICATION GUIDE, JANUARY–MARCH 1957

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THE NATIONAL ARCHIVES

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MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

RITORIAL SUBDIVISIONS IN PUERTO RICO

ection 331.16 of Title 6, Code of Fed- Regulations (21 F. R. 10441, 10446), mended with respect to areas des- ted as subdivisions in Puerto Rico (1) revoking the designation of the ivisions named Arroyo and Yabucoa, (2) designating the following iden- d subdivisions:

PUERTO RICO

ME OF SUBDIVISION AND MUNICIPALITIES	*Comprising Subdivision*
royo:	Arroyo, Guayama, Patillas, as.
bucoa:	Yabucoa, Maunabo.

41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). erprets or applies sec. 54, 60 Stat. 1071, mended; 7 U. S. C. 1028)

ated: February 25, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1547; Filed, Feb. 28, 1957; 8:46 a. m.]

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS; IOWA

On February 14, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

IOWA

County	*Average value*	*County*	*Average value*
Adair	$29,000	Jefferson	$30,000
Adams	27,000	Johnson	33,000
Allamakee	25,000	Jones	31,000
Appanoose	25,000	Keokuk	30,000
Audubon	30,000	Kossuth	40,000
Benton	38,000	Lee	30,000
Black Hawk	38,000	Linn	33,000
Boone	36,000	Louisa	32,000
Bremer	31,000	Lucas	25,000
Buchanan	30,000	Lyon	35,000
Buena Vista	40,000	Madison	29,000
Butler	34,000	Mahaska	32,000
Calhoun	40,000	Marion	30,000
Carroll	37,000	Marshall	36,000
Cass	34,000	Mills	32,000
Cedar	40,000	Mitchell	32,000
Cerro Gordo	34,000	Monona	36,000
Cherokee	40,000	Monroe	25,000
Chickasaw	27,000	Montgomery	34,000
Clarke	26,000	Muscatine	34,000
Clay	35,000	O'Brien	40,000
Clayton	30,000	Osceola	35,000
Clinton	34,000	Page	34,000
Crawford	36,000	Palo Alto	35,000
Dallas	32,000	Plymouth	38,000
Davis	25,000	Pocahontas	40,000
Decatur	25,000	Polk	34,000
Delaware	30,000	Pottawattamie	34,000
Des Moines	34,000	Poweshiek	36,000
Dickinson	32,000	Ringgold	25,000
Dubuque	30,000	Sac	40,000
Emmet	35,000	Scott	38,000
Fayette	30,000	Shelby	36,000
Floyd	34,000	Sioux	38,000
Franklin	39,000	Story	40,000
Fremont	32,000	Tama	36,000
Greene	38,000	Taylor	28,000
Grundy	40,000	Union	26,000
Guthrie	28,000	Van Buren	25,000
Hamilton	40,000	Wapello	27,000
Hancock	36,000	Warren	29,000
Hardin	40,000	Washington	34,000
Harrison	30,000	Wayne	26,000
Henry	34,000	Webster	40,000
Howard	26,000	Winnebago	32,000
Humboldt	40,000	Winneshiek	27,000
Ida	36,000	Woodbury	36,000
Iowa	36,000	Worth	32,000
Jackson	30,000	Wright	40,000
Jasper	36,000		

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated: February 21, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1546; Filed, Feb. 28, 1957; 8:46 a. m.]

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 9 ($0.70)
Title 20 ($1.00)
Title 39 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 17 ($0.60); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30).

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[Amdt. 4]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

AGREEMENT

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, 22 F. R. 494, 971, 973 and 989, are hereby further amended as provided herein.

Section 485.216 is amended by inserting "(a)" immediately after the heading and by adding a new paragraph (b) at the end thereof reading as follows:

(b) If the amount of compensation shown in an agreement filed on Form CSS–800 (crops other than winter wheat) is incorrect as the result of an error, other than a mistake of judgment in determining the productivity of land, a new agreement shall be entered into showing the correct amount and compensation will be paid accordingly: *Provided*, That a downward adjustment shall not be made if the error is discovered after the producer has acted in reliance on the agreement, provided the producer filed the agreement in good faith without knowledge that the amount was erroneous, and the error was not obvious on the face of the agreement or so substantial as to put the producer on notice that an error had been made and the producer did not otherwise have good reason to know of the error, but in no case shall the rate of compensation per acre for tobacco exceed the applicable maximum rate per acre specified in § 485.217 (a) (2).

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 27th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57–1591; Filed, Feb. 28, 1957; 8:55 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 72—INTERSTATE QUARANTINE

SUBPART J—DRINKING WATER STANDARDS

MISCELLANEOUS AMENDMENTS

Notice of proposed rule making having been published in the FEDERAL REGISTER on October 23, 1956 (21 F. R. 8110) and consideration having been given to all relevant matters presented, the amendments to this subpart set forth below are hereby adopted to become effective on publication in the FEDERAL REGISTER. Postponement of effective date has been found unnecessary in the issuance of this amendment which permits the use of the membrane filter procedure in the examination of water and makes minor changes in the procedures.

1. Section 72.201 (g) is amended to read as follows:

(g) "The coliform group of bacteria" includes all organisms considered in the coliform group as set forth in the Standard Methods for the Examination of Water, Sewage and Industrial Wastes, 10th Edition (1955), prepared and published jointly by the American Public Health Association, American Water Works Association and Federation of Sewage and Industrial Wastes Associations. The procedures [5] set for the determination of bacteria of this group shall be those specified therein for:

(1) The completed test; or

(2) The confirmed test when the liquid confirmatory medium brilliant green bile lactose broth, 2 percent, is used, providing the formation of gas in any amount in this medium during 48 hours of incubation at 35° C. is considered to constitute a positive confirmed test; or

(3) The confirmed test (alternate procedure) when streaking one or more plates of Endo Agar or Eosin Methylene Blue Agar from presumptive positive tubes of Lactose Broth or Lauryl Tryptose Broth. The incubation period for the selected medium shall be 24 hours ±2 hours at 35° C ±0.5°. Some of the colonies on the surface of the selected medium shall be separated by at least 0.5 cm. from one another. A confirmed test is positive when typical nucleated colonies with or without a metallic sheen are present. Any atypical opaque, unnucleated pink colonies are doubtful and the completed test procedure must be applied. If only negative colonies are present on the plate, the confirmed test may be considered negative; or

(4) The membrane filter procedure.

In the use of the Confirmed Test, or Confirmed Test (alternate procedure) it is the responsibility of the individual laboratory to establish beyond reasonable doubt by comparisons with the completed test the value of the Confirmed Test in determining the sanitary quality of water supplies examined.

2. Section 72.201 (i) is amended to read as follows:

(i) "The standard sample" for the bacteriological test shall consist of:

(1) Five (5) standard portions of either:

(i) Ten milliliters (10 ml), or

(ii) One hundred milliliters (100 ml) each.

(2) Not less than fifty milliliters (50 ml), when the membrane filter procedure is used, which shall be filtered through one or more membranes so that the total colony count (coliforms plus noncoliforms) on each filter shall not exceed 400. The use of standard samples larger than fifty milliliters will provide more information than smaller samples, but the total colony count per filter shall not in any case exceed 400.

In any disinfected supply the sample must be freed of any disinfecting agent at the time of its collection.[4]

3. Section 72.203 (b) is amended by revising the language immediately preceding subparagraph (1) as follows:

(b) *Application.* Subparagraphs (1) and (2) of this paragraph shall govern when ten milliliter (10 ml) portions are used, subparagraphs (3) and (4) of this paragraph when one hundred milliliter (100 ml) portions are used and subparagraphs (6) and (7) of this paragraph when the membrane filter procedure is used.[6]

4. Section 72.203 (b) is further amended by addirg at the end thereof the following new subparagraphs (6) and (7):

(6) The arithmetic mean density of all standard samples examined per month by the membrane filter procedure shall not exceed one per one hundred milliliters (1.0/100 ml).

(7) Utilizing the membrane filter procedure, greater than the average number of coliform colonies will occasionally be found in a single standard sample. This shall be permissible: *Provided*, The numbers of coliform colonies per standard sample are not greater than: three (3) per fifty milliliters (50 ml), four (4) per one hundred milliliters (100 ml), seven (7) per 200 milliliters (200 ml), thirteen (13) per five hundred milliliters (500 ml), or twenty-two (22) per one thousand milliters (1,000 ml) in:

(i) Any two (2) consecutive standard samples.

[4] In freeing samples of chlorine or chloramines, the procedures given in the Standards Method for the Examination of Water, Sewage and Industrial Wastes, 10th Edition (1955), shall be followed.

[5] This reference shall apply to all details of technique in the bacteriological examination, including the selection and preparation of apparatus and media, the collection and handling of samples, and the intervals and conditions of storage allowable between collection and examination of the water sample.

[6] It is to be understood that in the examination of any water supply the series of samples for any month must conform to both of the requirements of either subparagraphs (1) and (2), (3) and (4) or (6) and (7) of this paragraph, respectively.

(ii) More than five (5) percent of the standard samples when twenty (20) or more samples have been examined per month.

(iii) One (1) standard sample when less than twenty (20) samples have been examined per month.

Provided further, That when one standard sample shows a larger number of colonies than are permissible under subparagraph (7) of this paragraph daily samples from the same sampling point shall be collected and examined until the results obtained from at least two consecutive samples show the water to be of satisfactory quality.*

5. Footnote 8 to § 72.204 (a) and footnote 9 to § 72.204 (c) are renumbered as footnotes 9 and 10 respectively.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 361, 58 Stat. 703, 42 U. S. C. 264)

Dated: February 15, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: February 21, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1544; Filed, Feb. 28, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. SR-392B]

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

SPECIAL CIVIL AIR REGULATION; FACILITATION OF EXPERIMENTS WITH EXTERIOR LIGHTING SYSTEMS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

Special Civil Air Regulation No. SR-392A adopted June 29, 1955, permits air carriers, subject to the approval of the Administrator, to install and use experimentally, on a limited number of their airplanes, exterior lighting systems which do not conform to the specifications contained in Part 4b of the Civil Air Regulations. The purpose of SR-392A was to permit experimentation on large airplanes while retaining their standard airworthiness certification. Prior to that time such experimentation was conducted either on Government-owned aircraft or on private aircraft limited in operations to the conditions of an experimental certificate.

SR-392A does not extend the permission for experimentation with exterior lights to non-air-carrier aircraft because at the time of its adoption only air carrier operators indicated interest in this activity. Recently, however, new experimental developments in anti-collision light systems have aroused the interest of private and corporate operators to the extent that some of the operators apparently wish to install the new systems on their aircraft for purposes of experimentation. The Board sees no valid reason why operators other than air carriers should not be permitted to participate, if they wish, in experiments intended to improve the effectiveness of aircraft exterior lighting, provided that the number of such aircraft is reasonably limited.

Since future experimentation is to be conducted more widely and by private individuals, the Board believes that conditions should be imposed which will assure that the experimental exterior lights are in fact installed for purposes of bona fide experimentation and that the results of such experimentation become available to the Government and to all other interested persons.

Interested persons have been afforded an opportunity to participate in the making of this regulation (21 F. R. 3388), and due consideration has been given to all relevant matter presented. Since this regulation imposes no additional burden on any person, it may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, effective February 25, 1957.

Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting equipment which does not comply with the relevant specifications contained in the Civil Air Regulations may, subject to the approval of the Administrator, be installed and used on aircraft for the purpose of experimentation intended to improve exterior lighting for a period not to exceed six months: *Provided*, That:

(1) The Administrator may grant approval for additional periods if he finds that the experiments can be reasonably expected to contribute to improvements in exterior lighting;

(2) Not more than 15 aircraft possessing a U. S. certificate of airworthiness may have installed at any one time experimental exterior lighting equipment of one basic type;

(3) The Administrator shall prescribe such conditions and limitations as may be necessary to insure safety and avoid confusion in air navigation;

(4) The person engaged in the operation of the aircraft shall disclose publicly the deviations of the exterior lighting from the relevant specifications contained in the Civil Air Regulations at times and in a manner prescribed by the Administrator; and

(5) Upon application for approval to conduct experimentation with exterior lighting, the applicant shall advise the Administrator of the specific purpose of the experiments to be conducted; and at the conclusion of the approved period of experimentation, he shall advise the Administrator of the detailed results thereof.

This regulation supersedes Special Civil Air Regulation No. SR-392A and shall terminate February 25, 1962, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: February 25, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1572; Filed, Feb. 28, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 3-1]

PART 3—AIRPLANE AIRWORTHINESS: NORMAL, UTILITY, AND ACROBATIC CATEGORIES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The currently effective provisions of Part 3 of the Civil Air Regulations prescribe certain installational requirements for an exterior lighting system consisting of three conventional position lights. Experience with the use of anti-collision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. Although such lights are not required on small airplanes by the currently effective provisions of the operating parts of the Civil Air Regulations, many owners and operators of such airplanes have elected to install anti-collision lights. In the approval of such installations, the Administrator had made applicable the requirements in § 4b.637 of Part 4b of the Civil Air Regulations in view of the fact that there were no specifications in this part.

Recent studies, with respect to the use of anti-collision lights on all types of aircraft, have indicated the need for broadening the specification in § 4b.637 to permit the use of newly developed lights. As a result of these studies, new specifications for anti-collision lights were developed and are being added to Part 3 by this amendment. These specifications are the same as those being incorporated by a concurrent amendment into Part 4b of the Civil Air Regulations. No differentiation is made between the standards in Part 3 and Part 4b in view of the Board's belief that equal conspicuity should be required for all future airplanes.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained emphasize the need for increased conspicuity for newly designed small airplanes. Therefore, concurrently with this amendment, Part 43 of the Civil Air Regulations is being amended to require the use of anti-collision lights on all small airplanes for which application for type certification is made on or after the effective date of this amendment. Such lights will be required to comply with the anti-collision light specifications included in this amendment.

It is not anticipated that this amendment will affect the basis of approval used in the past by the Administrator with respect to the installation of anti-collision lights on small airplanes for which the application for type certification was made prior to the effective date of this amendment. Anti-collision lights which cannot comply with the aforementioned policy of the Administrator may be installed on such older airplanes on a voluntary basis if compliance can be shown with the new specifications in this amendment.

Another change being made by this amendment is the deletion of the specifications for the position light system flasher. This deletion is made in view of the belief that when position lights are used with anti-collision lights, steady lights provide important direction and attitude information whereas flashing lights contribute very little to increased conspicuity or to information on direction and attitude.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these requirements entail more conditions than have been required in the past, experience with them on individual airplanes might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluaiton. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 3 of the Civil Air Regulations (14 CFR Part 3, as amended) effective April 1, 1957.

1. By amending § 3.700 (a) to read as follows:

§ 3.700 *Position light system installation*—(a) *General.* The provisions of §§ 3.700 through 3.703 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (e) of this section.

2. By amending § 3.700 by deleting paragraph (e) and redesignating paragraph (f) as paragraph (e).

3. By adding a new heading and a new § 3.705 to read as follows:

ANTI-COLLISION LIGHT SYSTEM

§ 3.705 *Anti-collision light system.* An airplane to be eligible for night operation shall have installed an anti-collision light system. Such system shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the airplane with due consideration to the physical configuration and the flight characteristics of the airplane. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totaling not more than .03 steradians shall be permissible within a solid angle equal to .15 steradians centered about the longitudinal axis in the rearward direction.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the airplane's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with the specifications of § 3.703 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 3-18. The following relation shall be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
$t_2 - t_1$ = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 3-18—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1573; Filed, Feb. 28, 1957; 8:52 a. m.]

[Civil Air Regs., Amdt. 4b-4]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washintgon, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. The presently effective regulations in Part 4b of the Civil Air Regulations prescribe certain specifications for anti-collision lights and, in addition, require the installation of a position light flasher and prescribe certain specifications for position lights.

The presently effective specifications for anti-collision lights contained in § 4b.637 were established a few years ago. They were based upon conclusions reached from experimentation and studies conducted by both industry and government. The use on a relatively large number of aircraft of lights conforming to these specifications has revealed the need for further modification. Furthermore, during the past year or so experimentation has led to the development of condenser-discharge type lights which appear to have certain advantageous features. The inherent characteristics of such lights, however, do not permit compliance with certain of the specifications presently contained in § 4b.637. The Board considers that both incandescent and condenser-discharge lights have sufficient advantages to permit their use, provided that the design features essential in an effective anti-collision light system are incorporated. Accordingly, § 4b.637 is being amended to include new specifications which establish in more detail the essential features of an anti-collision light and which at the same time are sufficiently broad to permit the use of new lights currently under development.

Experience with anti-collision lights has shown that the relatively high intensity of these lights may have a deleterious effect on the visibility of the position lights, particularly if the latter are flashing. Apparently the flashing of wing and tail position lights, the fuselage lights, and the anti-collision lights is conducive to confusion as regards the direction of flight. Tests have shown that with the presently used system the clearest indication is obtained when, in addition to the flashing anti-collision light, the lighting system is limited to

* When this occurs and when waters of unknown quality are being examined, additional filtrations should be made on volumes ranging downward from the size of the standard sample.

two wing lights and a white tail light, and when these three position lights are on steady. In view of the foregoing, the provisions of § 4b.632 which require fuselage lights, red tail light, and the flasher are being deleted. Concurrently with this amendment, Part 40 of the Civil Air Regulations is being amended to delete the provision for flashing position lights.

These new specifications for anti-collision and position lights will be applicable to all transport category airplanes for which application for type certification is made after the effective date of this amendment. However, the new lighting system may be installed on current airplanes on a voluntary basis.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these requirements entail more conditions than have been required in the past, experience with them on individual airplanes might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluation. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective April 1, 1957.

1. By amending § 4b.632 (a) by deleting the paragraph reference "(f)" and inserting in lieu thereof the paragraph reference "(d)".

2. By amending § 4b.632 by deleting paragraphs (d) and (e) and redesignating paragraph (f) as paragraph (d).

3. By amending § 4b.632 (c) to read as follows:

§ 4b.632 *Position light system installation.* * * *

(c) *Rear position light.* The rear position light shall consist of a white light mounted on the airplane as far aft as practicable. The light shall be of an approved type.

4. By amending § 4b.634 by deleting paragraph (c).

5. By amending Figure 4b–18 by deleting the last line from all columns.

6. By amending Figure 4b–20 by deleting the words "or rear red" from the 5th and 6th titles of the first column.

7. By amending § 4b.637 to read as follows:

§ 4b.637 *Anti-collision light system.* An anti-collision light system shall be installed which shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the airplane with due consideration to the physical configuration and the flight characteristics of the airplane. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians shall be permissible within a solid angle equal to 0.15 steradians centered about the longitudinal axis in the rearward direction.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the airplane's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with the specifications of § 4b.635 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 4b–27. The following relation shall be assumed:

$$I_e=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)};$$

where:

I_e = effective intensity (candles).
$I(t)$ = instantaneous intensity as a function of time.
t_2-t_1 = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 4b–27—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1574; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 6–1]

PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The currently effective provisions of Part 6 of the Civil Air Regulations prescribe certain installational requirements for an exterior lighting system consisting of the three conventional position lights. Experience with the use of anti-collision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. Although such lights are not required on small rotorcraft by the currently effective provisions of the operating parts of the Civil Air Regulations, many owners and operators of such rotorcraft have elected to install anti-collision lights. In the approval of such installations, the Administrator had made applicable the requirements in § 4b.637 of Part 4b of the Civil Air Regulations in view of the fact that there were no specifications in this part.

Recent studies, with respect to the use of anti-collision lights on all types of aircraft, have indicated the need for broadening the specification in § 4b.637 to permit the use of newly developed lights. As a result of these studies, new specifications for anti-collision lights were developed and are being added to Part 6 by this amendment. These specifications are the same as those being incorporated by a concurrent amendment into Part 7 of the Civil Air Regulations. No differentiation is made between the standards in Part 6 and Part 7 in view of the Board's belief that equal conspicuity should be required for all future aircraft.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained emphasize the need for increased conspicuity for newly designed small airplanes. Therefore, concurrently with this amendment, Part 43 of the Civil Air Regulations is being amended to require the use of anti-collision lights on all small rotorcraft for which application for type certification is made on or after the effective date of this amendment. Such lights will be required to comply with the anti-collision light specifications included in this amendment. These specifications will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and flight characteristics of the rotorcraft.

It is not anticipated that this amendment will affect the basis of approval used in the past by the Administrator with respect to the installation of anti-collision lights on small rotorcraft for which the application for type certification was made prior to the effective date of this amendment. Anti-collision lights which cannot comply with the aforementioned policy of the Administrator may be installed on such older rotorcraft on a voluntary basis if compliance can be shown with the new specifications in this amendment.

Another change being made by this amendment is the deletion of the specifications for the position light system flasher. This deletion is made in view of the belief that when position lights are used with anti-collision lights, steady lights provide important direction and attitude information whereas flashing lights contribute very little to increased conspicuity or to information on direction and attitude.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these requirements entail more conditions than have been required in the past, experience with them on individual rotorcraft might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluation. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) effective April 1, 1957.

1. By amending § 6.632 (a) to read as follows:

§ 6.632 *Position light system installation*—(a) *General.* The provisions of §§ 6.632 through 6.635 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (e) of this section.

2. By amending § 6.632 by deleting paragraph (e) and redesignating paragraph (f) as paragraph (e).

3. By adding a new § 6.637 to read as follows:

§ 6.637 *Anti-collision light system.* An airplane to be eligible for night operation shall have installed an anti-collision light system. Such system shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and flight characteristics of the rotorcraft. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the rotorcraft, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians shall be permissible.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the rotorcraft's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with § 6.635 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 6–4. The following relation shall be assumed;

$$I_e=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
t_2-t_1 = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle above or below horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 6–4—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1575; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 7–1]

PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. The presently effective regulations in Part 7 of the Civil Air Regulations require an approved anti-collision light and, in addition, require the installation of a flasher unit in the position light system.

The presently effective specifications for anti-collision lights were established a few years ago. They were based upon conclusions reached from experimentation and studies conducted by both industry and government. The use on a relatively large number of aircraft of lights conforming to these specifications has revealed the need for further modification. Furthermore, during the past year or so experimentation has led to the development of condenser-discharge type lights which appear to have certain advantageous features. The inherent characteristics of such lights, however, do not permit compliance with certain of the present specifications. The Board considers that both incandescent and condenser-discharge lights have sufficient advantages to permit their use, provided that the design features essential in an effective anti-collision light system are incorporated. Accordingly, § 7.637 is being amended to include new specifications which establish in more detail the essential features of an anti-collision light and which at the same time are sufficiently broad to permit the use of new lights currently under development. These specifications will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and flight characteristics of the rotorcraft.

Experience with anti-collision lights has shown that the relatively high intensity of these lights may have a deleterious effect on the visibility of the position lights, particularly if the latter are flashing. Apparently the flashing of forward and rear position lights, the fuselage lights, and the anti-collision lights is conducive to confusion as regards the direction of flight. Tests have shown that with the presently used system the clearest indication is obtained when, in addition to the flashing anti-collision light, the lighting system is limited to two forward lights and a white rear light, and when these three position lights are on steady. In view of the foregoing, the provisions of § 7.632 which require fuselage lights, red tail light, and the flasher are being deleted. Concurrently with this amendment, Part 40 of the Civil Air Regulations is being amended to delete the provision for flashing position lights.

These new specifications for anti-collision and position lights will be applicable to all transport category rotorcraft for which application for type certification is made after the effective date of this amendment. However, the new lighting system may be installed on current rotorcraft on a voluntary basis.

It is considered that these new requirements set forth necessary and sufficient conditions for anti-collision light systems to provide a reasonable level of safety. However, since these require-

ments entail more conditions than have been required in the past, experience with them on individual rotorcraft might indicate the need for future revisions, particularly with respect to light intensities and coverage. Further, as current research and development programs progress, the question of color of the light might need re-evaluation. The Board will consider any necessary changes as might be indicated by future developments.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 7 of the Civil Air Regulations (14 CFR Part 7, as amended) effective April 1, 1957.

1. By amending § 7.632 (a) by deleting the paragraph reference "(f)" and inserting in lieu thereof the paragraph reference "(d)".

2. By amending § 7.632 by deleting paragraphs (d) and (e) and redesignating paragraph (f) as paragraph (d).

3. By amending § 7.632 (c) to read as follows:

§ 7.632 *Position light system installation.* * * *

(c) *Rear position light.* The rear position light shall consist of a white light mounted on the rotorcraft as far aft as practicable. The light shall be of an approved type.

4. By amending § 7.634 by deleting paragraph (c).

5. By amending Figure 7–1 by deleting the last line from all columns.

6. By amending § 7.637 to read as follows:

§ 7.637 *Anti-collision light system.* An anti-collision light system shall be installed which shall consist of one or more approved anti-collision lights so located that the emitted light will not be detrimental to the crew's vision and will not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the rotorcraft with due consideration to the physical configuration and the flight characteristics of the rotorcraft. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the rotorcraft, except that a solid angle or angles of obstructed visibility totaling not more than 0.03 steradians shall be permissible.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 100 cycles per minute. The effective flash frequency shall be the frequency at which the rotorcraft's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source. In overlaps, flash frequencies higher than 100 cycles per minute shall be permissible, except that they shall not be higher than 180 cycles per minute.

(c) *Color.* The color of the anti-collision lights shall be aviation red in accordance with § 7.635 (a).

(d) *Light intensity.* The minimum light intensities in all vertical planes, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 7–4. The following relation shall be assumed:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where:

I_e = effective intensity (candles),
$I(t)$ = instantaneous intensity as a function of time,
$t_2 - t_1$ = flash time interval (seconds).

NOTE: Normally, the maximum value of effective intensity is obtained when t_2 and t_1 are so chosen that the effective intensity is equal to the instantaneous intensity at t_2 and t_1.

Angle below or above horizontal plane	Effective intensity (candles)
0° to 5°	100
5° to 10°	60
10° to 20°	20
20° to 30°	10

FIGURE 7–4—Minimum effective intensities for anti-collision lights.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1576; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 40–3]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of aircraft capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. Recent studies with respect to exterior aircraft lighting indicate a need for the establishment of new specifications in the certification parts of the Civil Air Regulations for anti-collision lights.

Since the anti-collision light is a flashing light and in addition has the added advantage of more concentrated intensities which offer conspicuity at a greater distance, the Board believes that flashing position lights will no longer contribute noticeably to the conspicuity of aircraft. It is believed, however, that with the use of the anti-collision lights now required on all air carrier aircraft it becomes important for the position lights to retain their direction and attitude indicating features and this can best be accomplished by maintaining the position lights steady rather than flashing.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective April 1, 1957.

1. By amending § 40.200 (a) to read as follows:

§ 40.200 *Instruments and equipment for operations at night.* * * *

(a) Position lights;

2. By amending § 40.200 (b) by deleting the following: "After May 31, 1956,".

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1577; Filed, Feb. 28, 1957; 8:53 a. m.]

[Civil Air Regs., Amdt. 43–5]

PART 43—GENERAL OPERATION RULES

POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of February 1957.

The continuing increase in air traffic density and the advent of aircraft capable of appreciably higher speeds than heretofore attained demand further improvement in the exterior lighting of aircraft. Experience with the use of anti-collision lights on large airplanes has shown that a significant increase in the conspicuity of aircraft can be attained with such lights during night operations. The currently effective provisions of Part 43 of the Civil Air Regulations require the installation of an approved anti-collision light only on large aircraft operated at night.

When the Board promulgated regulations requiring anti-collision lights on large aircraft, it indicated that additional study was being given to the possibility of requiring generally similar types of lights for small aircraft. This amendment, which requires anti-collision lights for the night operation of newly certificated small aircraft, reflects the initial results of such additional study by the Board. Experience gained under this amendment along with results of continued studies should provide a basis for possible regulatory action in the future with respect to requiring anti-collision lights on all small aircraft.

In view of the foregoing, and since there are no requirements in the operating parts of the regulations to require small aircraft to install anti-collision lights, the Board is amending § 43.30 (b) (3) to require their use on all small aircraft for which such lights are required in conjunction with their certification, i. e. all small aircraft for which application for type certification is made after the effective date of this amendment.

Since there are no specifications for anti-collision lights in Parts 3 and 6 of the Civil Air Regulations, amendments to these parts are being promulgated concurrently to provide a basis of approval for such lights as are required by this amendment. Aircraft not affected by this amendment may continue to use or install existing approved anti-collision lights or, optionally, may install anti-collision lights conforming with the new specifications in Parts 3 and 6.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 3388), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective April 1, 1957.

By amending § 43.30 (b) (3) to read as follows:

§ 43.30 *Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness certificates.* * * *

(b) *Contact flight rules (night).* * * *

(3) An approved anti-collision light system for aircraft having a maximum certificated weight of more than 12,500 pounds and for all aircraft which are required to have anti-collision light systems installed by the terms of their airworthiness certificate; except that, in the event of failure of any light of such system, the aircraft may continue flight to the next stop where repairs or replacements can be made without undue delay.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective: April 1, 1957.

Adopted: February 25, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–1578; Filed, Feb. 28, 1957; 8:54 a. m.]

[Supp. 22]

PART 60—AIR TRAFFIC RULES

FLIGHT TEST AREAS

This supplement is promulgated to implement new § 60.24 of the Civil Air Regulations adopted by the Civil Aeronautics Board, effective February 20, 1957, and published in 22 F. R. 781–782, February 8, 1957. Under the provisions of this regulation, the Administrator of Civil Aeronautics is authorized to designate or approve flight test areas and adopt necessary air traffic rules governing flight test operations within such flight test areas. This supplement provides for the method of making application to the Administrator of Civil Aeronautics for approval of flight test areas and provides traffic rules for operation of aircraft being flight tested in designated flight test areas.

Because of existing conditions requiring immediate action with respect to safety in air commerce, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and is therefore not required.

The following rules and policies are hereby adopted:

§ 60.24–1 *Approval of flight test areas (CAA policies which apply to § 60.24).* Flight test areas will be approved only over open water or sparsely populated areas where the conduct of tests will be a minimum hazard to persons or property. In approving a flight test area, consideration will be given to such factors as the type of flying, air speeds, altitudes involved, the amount of traffic being operated in the area and any other factors essential to safety.

§ 60.24–2 *Application for approval of flight test area (CAA policies which apply to § 60.24).* Any person may apply for approval of a test area by making application in triplicate by letter addressed to the local district office. The application is to contain the following information:

(a) Aeronautical chart showing geographical boundaries of the area to be used (latitude, longitude, highways, railroads, or similar landmarks, readily discernible from operating altitudes).

(b) Hours during which operations are to be conducted.

(c) Conditions for operating: VFR, ceiling, visibility, altitudes, etc.

§ 60.24–3 *Duration and renewal of test area approval (CAA policies which apply to § 60.24).* (a) Approval of a flight test area will be given for a period of 24 months subject to earlier cancellation where the Administrator finds that changed conditions would not justify original approval. Cancellation will be effective upon receipt of written notice from the Administrator or his representatives.

(b) Approval of a flight test area may be renewed by making application in the form prescribed in § 60.24–2. The renewal request need contain only changes made in the original application. Items unchanged should be incorporated by reference.

§ 60.24–4 *Traffic rules for flight test areas designated by the Administrator (CAA rules which apply to § 60.24).* No person shall flight test an aircraft within an area designated[1] by the Administrator for such purposes except in accordance with the following:

(a) *Filing of flight plan.* A flight plan shall be filed with Air Traffic Control and shall contain at least the following information:

(1) Aircraft identification and type.
(2) Proposed departure time.
(3) Estimated duration of flight.
(4) Altitude or altitudes to be used within the test area.
(5) Proposed time of entry and egress from test area.

(b) *Filing of position reports.* IFR flights (in addition to those reports normally required of IFR operations within controlled airspace), and VFR flights with a functioning two-way radio, shall report actual time of entry and egress of the test area.

(c) *Deviation from flight plan.* No person shall deviate from the provisions of his flight plan unless Air Traffic Control is advised in advance.

NOTE: In addition to special traffic rules or procedures prescribed for operations within approved or designated flight test areas, the provisions of CAR 60 are applicable.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules and policies shall become effective March 1, 1957.

[SEAL] S. A. KEMP, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 57–1583; Filed, Feb. 28, 1957; 8:56 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 237]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

[1] Designated flight test areas are those areas, other than approved flight test areas, which are designated after appropriate hearings are conducted through the Airspace Subcommittee of the Air Coordinating Committee, and may be used by any person in accordance with the rules set forth herein.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
West Point Intersection	POU-LFR (final)	Direct	2,200	T-dn C-dn A-dn	300–1 600–1½ 800–2	---------- ---------- ----------	---------- ---------- ----------	Procedure turn E side S course*, 208° outbound, 028° inbound, 2,700′ within 10 miles. Not authorized beyond 10 miles. Minimum altitude over facility on final approach course, 2,200′. Course and distance, facility to airport, 002–4.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.7 miles, climb to 3,000′ on N course within 20 miles. *Shuttle to 3,000′ on N course within 20 miles. AIR CARRIER NOTE: Use of airport restricted to 65 K or less, 2-engine or less aircraft.

Poughkeepsie, N. Y.; Dutchess County Airport, elevation 166′; facility SBRAZ, identification POU; Procedure No. 1, Amendment No. 8, effective date, Mar. 23, 1957; supersedes Amendment No. 7, dated Aug. 6, 1955

Intersection SW course AUS LFR and N course SRO LFR.	SRO-LFR	Direct	3,000	T-dn C-dn S-dn-17	300–1 500–1 400–1	300–1 500–1 400–1	200–½ 500–1½ 400–1	Procedure turn W side N course, 351° outbound, 171° inbound, 2,000′ within 10 miles. Minimum altitude over facility on final approach course, 1,500′. Course and distance, facility to airport, 167—3.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.6 miles, make right climbing turn, reporting over SRO LFR at 2,000′. Hold at 2,000′ on N course. SRO LFR within 10 miles.
Intersection SW course AUS LFR and W course SRO LFR.	SRO-LFR	Direct	3,000	A-dn	800–2	800–2	800–2	

San Marcos, Tex.; Gary AAF Airport, elevation 596′; facility MRLZW, identification SRO; Procedure No. 1, Amendment Original, effective date, Feb. 23, 1957

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Elizabeth Intersection Lanesville Intersection	Fort Knox RBn Fort Knox RBn	Direct Direct	2,500 2,500	T-dn C-dn S-dn-17 A-dn	300–1 1,000–1 400–1 2,000–3	300–1 1,000–1 400–1 2,000–3	300–1 1,000–1 400–1 2,000–3	Procedure turn W side of course, 352° outbound, 172° inbound, 2,000′ within 10 miles. Minimum altitude over facility on final approach course 1,500′. Course and distance, facility to airport, 172′—2.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.7 miles, climb on a course of 172° to 2,500′, then turn right and return to Fort Knox RBn at 2,500′. Hold S of Fort Knox RBn, left hand, 2 min pattern, contact Standiford approach control for further instructions. NOTE: Procedure not authorized for civil use.

Fort Knox, Ky.; Godman AAF Airport, elevation 753′; facility MA, identification FTK; Procedure No. 1, Amendment Original, effective date, Feb. 23, 1957

ADF STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Chatham MHW Newark LOM Paterson MHW Intersection R-128 CDW and 059 to EB LMM.	EB-LMM EB-LMM EB-LMM EB-LMM (final)	Direct Direct Direct Direct	2,000 1,800 2,000 1,400#	T-dn C-dn A-dn	300–1 1,000–1 1,000–2	300–1 1,000–1 1,000–2	300–1 1,000–1½ 1,000–2	Radar sectors may be utilized to effect the above transitions. Procedure turn W side of course, 239° outbound, 059° inbound, 1,800′ within 10 miles of OM. Minimum altitude over EB LMM on final approach, 1,400′#. #Descent to airport minimums authorized after passing OM; if OM not received maintain 1,400′. Course and distance, OM to airport, 059–4.1. Course and distance, EB-LMM to airport, 059–0.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.5 mile after passing EB-LMM, make a climbing left turn to 2,000′ on ADF course to Paterson MHW.

Teterboro, N. J.; Teterboro Airport, elevation 7; facility LMM, identification EB; Procedure No. 1, Amendment Original, effective date, Jan. 24, 1957

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Daytona Beach, Fla.; Daytona Beach Airport, elevation 34′; facility BVOR, identification DAB; Procedure No. 1, Amendment No. 5, effective date, June 4, 1955; supersedes Amendment No. 4, dated Jan. 5, 1954 PROCEDURE CANCELLED JANUARY 17, 1957, DUE TO SHUTDOWN OF FACILITY FOR RELOCATION PURPOSES.								
Sauvies RBN PDX LFR Stevenson FM Washougal Intersection Woodland FM La Center FM or Intersection	PDX-VOR PDX-VOR PDX-VOR PDX-VOR PDX-VOR PDX-VOR (final)	Direct Direct Direct Direct Direct Direct	3,000 3,000 6,000 3,200 3,000 2,500	T-dn C-d C-n A-dn	300–1 600–1 600–1 800–2	300–1 600–1 600–1 800–2	**200–½ 600–1½ 700–1½ 800–2	**300–1 required on runways 7–25, 11, 2–20. All fixes within 25 miles of Portland radar may be determined by surveillance radar. Procedure turn W side of course, 332° outbound, 152° inbound, 3,000′ within 8 miles. Not authorized beyond 8 miles. Minimum altitude over facility on final approach course, 2,500′. Course and distance, facility to airport, 161—9.1.* If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.1* miles, turn right, climbing to 3,000′ on R-175 within 13 miles. *Descent below 1,000′ MSL not authorized until past PDX-LFR inbound. If PDX-LFR not received, maintain 1,000′ MSL. CAUTION: VOR reception not available over the airport below 450′ MSL.

Portland, Oreg.; Portland International Airport, elevation 23′; facility BVOR, identification PDX; Procedure No. 1, Amendment No. 1, effective date, Mar. 23, 1957; supersedes Amendment Original, dated Oct. 22, 1955

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				*Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
API VOR (ILS only)—via R-040.	Elmhurst Intersection	Direct	2,300	T-dn	300-1	300-1	200-½	Radar transition to final approach course authorized.
API VOR	NW course ILS	Direct	2,300	C-d	@500-1	500-1	500-1½	*500-1 required with glide slope inoperative.
API VOR	LOM	Direct	2,300	C-n	@500-1½	500-1½	500-1½	@On ADF approach or on ILS approach with glide slope inoperative, 400' minimums authorized provided descent below 1,100' MSL not made until past ADF bearing 020/200 MDW LFR.
Intersection NW course ILS and R-051 API.	LOM (final)	Direct	2,300	S-dn-13R @*ILS.	300-¾	300-¾	300-¾	Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from MDW ILS-LOM.
Elmhurst Intersection (ILS only).	LOM (final)	Direct	2,300	S-dn-13R and 13L @ADF.	500-1	500-1	500-1	Information for radar terminal area transition altitudes on Midway Radar procedure.
Elgin Intersection	LOM	Direct	2,500	A-dn ILS	600-2	600-2	600-2	Procedure turn W side of course, 312° outbound, 132° inbound, 2,300' within 10 miles.
				ADF	800-2	800-2	800-2	Minimum altitude at G. S. intersection inbound, 2,300' ILS, minimum altitude over LOM inbound final 1,800' ADF.
Lake Shore Intersection	LOM	Direct	2,500					Altitude of G. S. and distance to approach end of runway at OM 2255—5.1, at MM 868—0.7.
MDW LFR via course 290	NW course ILS	Direct	2,300					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles of LOM (ADF), climb to 2,000' or higher altitude specified by ATC on SE course ILS (132), proceed to Gary Intersection or, if directed by ATC: 1. Make right turn, climb to 2,300' and proceed to EON VOR via R-001. 2. Climb to 2,000' and proceed via SW course MDW LFR to Lansing Intersection.
CGT VOR	MDW LFR	Direct	2,000					
Gary VHF Intersection	MDW LFR	Direct	2,000					

Chicago, Ill.; Midway Airport, elevation 618'; facility ILS-ICHI, identification LOM-CH; Procedure No. 1, Amendment No. 13, Combination ILS-ADF, effective date, Mar. 23, 1957; supersedes Amendment No. 2, dated Apr. 21, 1956

Duluth LFR	LOM	Direct	2,600	T-dn				Procedure turn 268° outbound, 088° inbound, 2,600' within 10 miles.
Duluth VOR	LOM	Direct	2,600	C-d	500-1¼	500-1½	500-1½	Minimum altitude at G. S. interception inbound, 2,600'.
				C-n	500-2	500-2	500-2	Altitude of G. S. and distance to approach end of Runway, at LOM, 2,600'—4.3 miles; at MM, 1,630'—0.7 mile.
				S-d-9	250-1	250-1	250-1	G. S. angle, 2.6°.
				S-n-9	250-1½	250-1½	250-1½	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, turn left to course of 315°, climbing to 3,000' within 20 miles; contact Duluth approach control for further instructions.
				A-dn				NOTE: USAF navigational facility—for military use only.

Duluth, Minn.; Municipal Airport, elevation 1,430'; facility ILS, identification DLH; Procedure No. 1, Amendment Original; effective date, Feb. 23, 1957

Pleasant Isle FM	LOM	Direct	1,500	T-dn*	300-1	300-1	200-½	*Take-off north on runway 1, 700-2, day and night.
				C-dn	500-1	500-1½	500-1½	Procedure turn W side course, 285° outbound, 105° inbound, 1,500' within 5 miles, 2,700' within 10 miles. Not authorized beyond 10 miles.
				S-dn-10	300-½	300-½	300-½	Minimum altitude at G. S. intersection inbound, 1,200'.
				A-dn	600-2	600-2	600-2	Altitude of G. S. and distance to approach end of runway at OM 1,130—3.9, at LFR 704—2.3, at MM 234—0.6.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 4,500' on SE course GST LFR within 20 miles. Alternate missed approach: When directed by ATC, turn right and climb on NW course GST LFR to 3,000' within 10 miles.
								CAUTION: Manuevering N and E of airport not authorized due to high terrain.

Gustavus, Alaska; Gustavus Airport, elevation 28'; facility ILS, identification GST; Procedure No. 1, Amendment No. 3, effective date, Mar. 23, 1957; supersedes Amendment No. 2, dated Oct. 1, 1955

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
PIH VOR	LOM	Direct	7,000	T-dn	300-1	300-1	200-½	Procedure turn N side of NE course, 027° outbound, 207° inbound, 7,000' within 10 miles of PIH-LOM. Not authorized beyond 10 miles.
PIH LFR	LOM	Direct	7,000	C-d	500-1	600-1	600-1½	Minimum altitude at glide slope intersection inbound, 7,000' ILS. Minimum altitude over LOM inbound final—5,800' ADF.
				C-n	500-2	600-2	600-2	Altitude of glide slope and distance to approach end of runway at OM, 5,610'—3.7; at MM, 4,660'—0.6.
				S-dn-21 ILS	300-¾	300-¾	300-¾	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of LOM (ADF), climb to 6,500' on W course PIH-LFR or on R-234 PIH within 20 miles. Alternate missed approach when directed by ATC: turn right and climb to 7,500' on N course of PIH-LFR or on R-335 PIH within 20 miles.
				ADF	500-1	600-1	600-1½	
				A-dn ILS	600-2	600-2	600-2	CAUTION: High terrain SE through SW of airport.
				ADF	800-2	800-2	800-2	

Pocatello, Idaho; Municipal Airport, elevation 4,448'; facility ILS-PIH, identification LOM-PI; Procedure No. 1, Amendment No. 2, Combination ILS-ADF, effective date, Mar. 23, 1957; supersedes Amendment No. 1, dated Dec. 10, 1955

Chatham MHW via course 095	ILS SW course	Direct	2,000	T-dn	300-1	300-1	300-1	*700-1½ required with any component of the ILS inoperative.
Newark LOM via course 348	ILS SW course	Direct	1,800	C-dn	1,000-1	1,000-1½	1,000-1½	Radar vectors may be utilized to effect above transitions.
Paterson MHW	EB-LMM	Direct	2,000	S-dn-6*	500-1	500-1	500-1	Procedure turn W side SW course, 239° outbound, 059° inbound, 1,800' within 10 miles of OM.
Intersection R-128 CDW and SW course ILS.	ILS OM (final)	Direct	1,400	A-dn	1,000-2	1,000-2	1,000-2	Minimum altitude at G. S. intersection inbound 1,400'.
								Altitude of G. S. and distance to approach end of runway at OM 1,360—4.-; at MM 230—0.5.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1,000' on a heading of 059° turn left climb to 2,000' on ADF course to Paterson MHW.

Teterboro, N. J.; Teterboro Airport, elevation 7'; facility ILS, identification TEB; Procedure No. 1, Amendment No. 7, effective date, Mar. 23, 1957; supersedes Amendment No. 6, dated May 21, 1955

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1218; Filed, Feb. 28, 1957; 8:45 a. m.]

[Amdt. 238]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
New York, N. Y.; International Airport, elevation 12'; facility SMRA, identification IDL; Procedure No. 2, Amendment No. 1, effective date, Dec. 8, 1956; supersedes Amendment Original, dated Feb. 1, 1954 PROCEDURE TO BE CANCELLED CONCURRENT WITH THE DECOMMISSIONING OF THE ELMONT FAN MARKER, APPROXIMATELY MARCH 30, 1957.								

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
New Orleans VOR	MSY-LFR	Direct	1,500	T-dn	300-1	300-1	300-1	**Radar control must provide 3 miles lateral or 1,000' vertical separation from 623' and 978' radio towers located 9 miles ESE and 13 miles E of MSY LFR.
Intersection 360 bearing to La Place MHW and W course MSY LFR.	MSY LFR (final)	Direct	900	C-dn	500-1	500-1	500-1½	#Full weather information not available—visibility information only.
Radar terminal area transition altitudes.	New Orleans radar	Within 20 miles	**1,500	A-dn#	NA	NA	NA	Procedure turn S side of course, 272° outbound, 092° inbound, 1,400' within 10 miles. Beyond 10 miles not authorized.
								Minimum altitude over LFR and over Bayou St. John FM, 900'*.
								*If Bayou St. John FM not received, descent below 900' not authorized.
								Course and distance, MSY LFR to airport, 066—9.1.
								Course and distance, Bayou St. John FM to airport 066—2.8.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing Bayou St. John FM, turn right, climb to 1,500' on course of 073° from LFR within 20 miles.
								NOTE: Night operation not authorized runways 8-26 and 4-22.
								AIR CARRIER NOTE: Air carrier use not authorized.
New Orleans, La.; New Orleans Airport, elevation 8'; facility SBRAZ, identification MSY; Procedure No. 1, Amendment No. 2, effective date, Mar. 30, 1957; supersedes Amendment No. 1, dated Feb. 19, 1955								

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Harrisburg VOR	HAR-VOR	Direct	2,800	T-d	500-1	500-1	500-1	Procedure turn S side of course, 288° outbound, 108° inbound, 2,800' within 10 miles.
Harrisburg LOM	HAR-VOR	Direct	2,800	T-n	500-2	500-2	500-2	Minimum altitude over facility on final approach course, 2,000'.
				C-dn	1,200-2	1,200-2	1,200-2	Course and distance, facility to airport, 108—7.5.
				A-dn	1,200-2	1,200-2	1,200-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles, climb to 2,000' on R-115 within 10 miles of VOR.
								AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1,500' or better.
								NOTE: Take-off on Runway 20 not authorized.
Harrisburg, Pa.; State Airport, elevation 347'; facility VOR, identification HAR; Procedure No. 1, Amendment No. 2, effective date Mar. 30, 1957; supersedes Amendment No. 1, dated Apr. 7, 1956								
RFD-LFR	RFD-VOR	Direct	2,500	T-dn	300-1	300-1	700-1½	#After passing R-042 PLL on final approach course inbound from facility—these minimums authorized only if aircraft is equipped with dual omni receivers.
				C-dn	700-1	700-1	700-1½	Procedure turn S side of course, 290° outbound, 110° inbound, 2,500' within 10 miles.
				C-dn#	400-1	500-1	500-1½	Minimum altitude over facility on final approach course, 2,000'.
				S-dn-12	700-1	700-1	700-1	Course and distance, facility to airport, 110°—6.0.
				S-dn-12#	400-1	400-1	400-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make right turn, climb to 2,500' and proceed to RFD VOR, or when directed by ATC: (1) Make right turn, climb to 2,500' and proceed to RFD "H". (2) Make left turn, climb to 2,500' and proceed to RFD LFR.
				A-dn	800-2	800-2	800-2	
Rockford, Ill.; Greater Rockford Airport, elevation 734'; facility BVOR, identification RFD; Procedure No. 1, Amendment Original, effective date, Mar. 14, 1957								

[Amdt. 238]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	

New York, N. Y.; International Airport, elevation 12'; facility SMRA, identification IDL; Procedure No. 2, Amendment No. 1, effective date, Dec. 8, 1956; supersedes Amendment Original, dated Feb. 1, 1954

PROCEDURE TO BE CANCELLED CONCURRENT WITH THE DECOMMISSIONING OF THE ELMONT FAN MARKER, APPROXIMATELY MARCH 30, 1957.

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
New Orleans VOR	MSY–LFR	Direct	1,500	T-dn	300–1	300–1	300–1	**Radar control must provide 3 miles lateral or 1,000' vertical separation from 623' and 978' radio towers located 9 miles ESE and 13 miles E of MSY LFR. #Full weather information not available—visibility information only. Procedure turn S side of course, 272° outbound, 092° inbound, 1,400' within 10 miles. Beyond 10 miles not authorized. Minimum altitude over LFR and over Bayou St. John FM, 900'*. *If Bayou St. John FM not received, descent below 900' not authorized. Course and distance, MSY LFR to airport, 066—9.1. Course and distance, Bayou St. John FM to airport 066—2.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.8 miles after passing Bayou St. John FM, turn right, climb to 1,500' on course of 072° from LFR within 20 miles. NOTE: Night operation not authorized runways 8–26 and 4–22. AIR CARRIER NOTE: Air carrier use not authorized.
Intersection 360 bearing to La Place MHW and W course MSY LFR.	MSY LFR (final)	Direct	900	C-dn	500–1	500–1½	500–1½	
Radar terminal area transition altitudes.	New Orleans radar	Within 20 miles	**1,500	A-dn#	NA	NA	NA	

New Orleans, La.; New Orleans Airport, elevation 8'; facility SBRAZ, identification MSY; Procedure No. 1, Amendment No. 2, effective date, Mar. 30, 1957; supersedes Amendment No. 1, dated Feb. 19, 1955

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Harrisburg VOR	HAR–VOR	Direct	2,800	T-d	500–1	500–1	500–1	Procedure turn S side of course, 288° outbound, 108° inbound, 2,800' within 10 miles. Minimum altitude over facility on final approach course, 2,000'. Course and distance, facility to airport, 108—7.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 7.5 miles, climb to 2,000' on R–115 within 10 miles of VOR. AIR CARRIER NOTE: Landing on Runway 2 authorized only during daylight hours with ceiling of 1,500' or better. NOTE: Take-off on Runway 20 not authorized.
Harrisburg LOM	HAR–VOR	Direct	2,800	T-n	500–2	500–2	500–2	
				C-dn	1,200–2	1,200–2	1,200–2	
				A-dn	1,200–2	1,200–2	1,200–2	

Harrisburg, Pa.; State Airport, elevation 347'; facility VOR, identification HAR; Procedure No. 1, Amendment No. 2, effective date Mar. 30, 1957; supersedes Amendment No. 1, dated Apr. 7, 1956

RFD–LFR	RFD–VOR	Direct	2,500	T-dn	300–1	300–1	700–1½	#After passing R–042 PLL on final approach course inbound from facility—these minimums authorized only if aircraft is equipped with dual omni receivers. Procedure turn S side of course, 290° outbound, 110° inbound, 2,500' within 10 miles. Minimum altitude over facility on final approach course, 2,000'. Course and distance, facility to airport, 110°—6.0. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.0 miles, make right turn, climb to 2,500' and proceed to RFD VOR, or when directed by ATC: (1) Make right turn, climb to 2,500' and proceed to RFD "H". (2) Make left turn, climb to 2,500' and proceed to RFD LFR.
				C-dn	700–1	700–1	700–1½	
				C-dn#	400–1	500–1	500–1½	
				S-dn–12	700–1	700–1	700–1	
				S-dn–12#	400–1	400–1	400–1	
				A-dn	800–2	800–2	800–2	

Rockford, Ill.; Greater Rockford Airport, elevation 734'; facility BVOR, identification RFD; Procedure No. 1, Amendment Original, effective date, Mar. 14, 1957

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Idlewild LFR	IDL-VOR	Direct	1,500	T-dn	300-1	300-1	200-½	Terminal Area Radar Transition Altitudes: all directions 2,500′ within 25 miles; E of the NE-SW course of the LaGuardia LFR, 1,500′ within 15 miles.
LaGuardia LFR	IDL-VOR	Direct	1,500	C-dn	500-1	500-1	500-1½	Procedure turn #E side of course, 034° outbound, 214° inbound, 1,500′ within 10 miles.
Intersection R-034 IDL and NW course HEM LFR.	IDL-VOR (final)	Direct	1,000	S-dn-22	400-1	400-1	400-1	#Procedure turn conducted E to avoid LaGuardia traffic.
				A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 1,000′ over ILS OM #2, 400′ over VOR.
Glen Cove MHW	IDL-VOR	Direct	1,500					Course and distance, breakoff point to approach end runway 22, 223—0.4.
Mitchel LFR	IDL-VOR	Direct	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1,500′ on R-223 and proceed to Scotland intersection. Contact Idlewild Approach Control.
Scotland MHW	IDL-VOR	Direct	1,500					CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278′ stack 1.7 miles SSE of airport. Straight-in landing minimums do not provide standard clearance over 290′ tank 4½ miles NE of the airport.

New York, N. Y.; International Airport, elevation 12′; facility VOR, identification IDL; Procedure No. TerVOR-22, Amendment No. 3, effective date, Mar. 30, 1957; supersedes Amendment No. 2, dated Dec. 6, 1956

Idlewild LFR	IDL-VOR	Direct	1,500	T-dn	300-1	300-1	200-½	Procedure turn #E side of course, 052° outbound, 232° inbound, 1,500′ within 10 miles.
LaGuardia LFR	IDL-VOR	Direct	1,500	C-dn	500-1	500-1	500-1½	#Procedure turn conducted E to avoid LaGuardia traffic.
Intersection R-052 IDL and NW course HEM LFR.	IDL-VOR (final)	Direct	1,000	S-dn-25L	400-1	400-1	400-1	Course and distance, breakoff point to approach end runway 25L, 253—0.8.
				A-dn	800-2	800-2	800-2	Minimum altitude over facility on final approach course, 1,000′ over ILS OM #2, 400′ over VOR.
Glen Cove MHW	IDL-VOR	Direct	1,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, climb to 1,500 on R-223 and proceed to Scotland intersection. Contact IDL Approach Control for further instructions.
Mitchel LFR	IDL-VOR	Direct	1,500					CAUTION: Circling minimums do not provide standard clearance over airport control tower and 278′ stack 1.7 miles SSE of airport.
Scotland MHW	IDL-VOR	Direct	1,500					NOTE: Straight-in landing minimums do not provide standard clearance over 290′ tank 4½ miles NE of the airport.

New York, N. Y.; International Airport, elevation 12′; facility VOR, identification IDL; Procedure No. TerVOR-25L, Amendment No. 3, effective date, Mar. 30, 1957; supersedes Amendment No. 2, dated Dec. 8, 1956

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
EUG-LFR	LOM	Direct	2,000	T-dn	300-1	300-1	200-½	Procedure turn E side N course, 338° outbound, 158° inbound, 2,000′ within 10 miles. Not authorized beyond 10 miles. (Nonstandard due to terrain.)
EUG-VOR	LOM	Direct	2,000	C-dn	500-1	500-1½	500-1½	Minimum altitude at G. S. intersection inbound 2,000 ILS, minimum altitude over LOM inbound final 1,500 ADF.
Cottage Grove FM (via course 320.	S course ILS	Direct	3,100	S-dn-16 ILS	300-¾	400-1	400-1	Altitude of G. S. and distance to approach end of runway at OM 1570—4.0, at MM 550—0.6.
				ADF	400-1	400-1	400-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, after passing LOM (ADF) turn right and climb to 2,000′ on N course of EUG-LFR within 10 miles, or climb to 2,000′ on R-355 within 10 miles.
				A-dn ILS	600-2	600-2	600-2	
				ADF	800-2	800-2	800-2	

Eugene, Oreg.; Mahlon Sweet Airport, elevation 365′; facility ILS-I-EUG, identification LOM-EU; Procedure No. 1, Amendment No. 1F, Combination ILS-ADF, effective date, Mar. 30, 1957; supersedes Amendment No. 10, dated Oct. 29, 1955

Fort Smith VOR	LOM	Direct	1,600	T-dn	300-1	300-1	200-½	#500-¾ when G. S. not utilized.
Intersection E course ILS and 288° bearing to Fort Smith "H".	LOM	Direct	1,600	C-d	600-1	600-1	600-1½	##All installed components of the ILS must be operating otherwise alternate minima of 800-2 apply.
				C-n	600-2	600-2	600-2	Procedure turn N side of course, 073° outbound, 253° inbound, 1,800′ within 10 miles. Beyond 10 miles NA.
Intersection E course ILS and R 090° FSM VOR.	LOM	Direct	1,600	S-dn-25# ILS	300-¾	300-¾	300-¾	Minimum altitude at G. S. intersection inbound, 1,600 ILS, minimum altitude over LOM inbound final 1,100 ADF.
Intersection E course ILS and 343° bearing to Fort Smith "H".	LOM	Direct	1,600	ADF	500-1	500-1	500-1	Altitude of G. S. and distance to approach end of runway at OM 1530—3.2, at MM 702—0.6.
				A-dn ##ILS	600-2	600-2	600-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing LOM (ADF) climb to 1,800′ on course of 253 within 15 miles, or climb to 1,800′ on R-235 FSM within 15 miles.
Fort Smith "H"	LOM	Direct	2,200	ADF	800-2	800-2	800-2	NOTE: No approach lights.
Intersection E course ILS and R-110 FSM.	LOM (final)-ILS	Direct	1,600					AIR CARRIER NOTE: 300-1 required for T. O. Runways 1-19. No reduction in landing minima authorized by application of sliding scale, or for local weather conditions. No reduction in take-off or landing minima authorized for cargo and ferry flights.
Intersection E course ILS and R-110 FSM.	LOM (final)-ADF	Direct	1,100					CAUTION: Water tower 611′ 1 mile W of W end of Runway 7.

Fort Smith, Ark.; Municipal Airport, elevation 460′; facility ILS-IBSM, identification LOM-FS; Procedure No. 1, Amendment No. 7, Combination ILS-ADF; effective date, Mar. 17, 1957; supersedes Amendment No. 4, dated Mar. 16, 1957

Harrisburg LFR	LOM	Direct	2,700	T-d	500-1	500-1	500-1	Procedure turn S side W course, 259° outbound, 079° inbound, 2,700 within 10 miles.
Harrisburg VOR	LOM	Direct	2,700	T-n	500-2	500-2	500-2	Minimum altitude over LOM 2,700′. No glide slope. Distance to approach end of runway at OM 7.1, at MM 1.8.
New Kingstown FM	LOM	Direct	2,700	S-d-8	600-1½	600-1½	600-1½	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2,500′ on 079° course from LOM within 15 miles.
				S-n-8	1,000-2	1,000-2	1,000-2	AIR CARRIER NOTES: Landing on Runway 2 authorized only during daylight hours with ceiling 1,500′ or better.
				C-dn	1,000-2	1,000-2	1,000-2	NOTE: Take-off on Runway 20 not authorized.
				A-dn	1,000-2	1,000-2	1,000-2	NOTE: ADF approach not authorized.
								CAUTION: Circling minimums do not provide standard clearance over 1,136′ ridge and tower 1.6 miles S of airport.
								CAUTION: Nonstandard instrument landing system. Approaches not authorized with any commissioned component inoperative.

Harrisburg, Pa.; State Airport, elevation 374′; facility ILS, identification HAR; Procedure No. 1, Amendment No. 2; effective date, Mar. 30, 1957; supersedes Amendment No. 1, dated June 25, 1955.

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1532; Filed, Feb. 28, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 27—COTTON CLASSIFICATION UNDER COTTON FUTURES LEGISLATION

MISCELLANEOUS AMENDMENTS

On February 5, 1957, a notice of proposed rule making was published in the FEDERAL REGISTER (22 F. R. 724) regarding the proposed amendment of §§ 27.14, 27.28, 27.38, 27.39, 27.62, 27.69, 27.70, 27.80, 27.82, 27.85, and 27.86, of the regulations in 7 CFR Part 27, as amended, relating to cotton classification, pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C. 4863).

After consideration of all relevant matters presented pursuant to the notice, said regulations are amended, as hereinafter stated, effective April 1, 1957, pursuant to authority contained in section 4863 of the Internal Revenue Code cited above.

The primary purposes of the amendments are to (1) provide that effective April 1, 1957, all samples classed by the Agricultural Marketing Service for cotton futures purposes shall become the property of the Government, and (2) adjust the fees charged for classification and Micronaire determination of samples.

The amendments are as follows:

1. Section 27.14 is amended to read:

§ 27.14 *Filing of classification and Micronaire determination requests.* Requests for classification shall be filed with the chairman of the board of cotton examiners through the exchange inspection agency at the point where the cotton is sampled and shall be transmitted to the chairman by the exchange inspection agency in accordance with procedure approved by the Administrator or his representative. If there is no board of cotton examiners at the point where the cotton is sampled, requests shall be filed through a supervisor of cotton inspection or the exchange inspection agency at such point, or at some other place designated in particular cases by the Administrator. Requests for classification shall be filed within 30 days after sampling and before classification of the samples. The applicant may file a request for a review of classification as part of the request for classification. The applicant may file a request for Micronaire determination as part of the request for classification or may file a request for such determination, in a form prescribed by the Service within 7 business days following the date of the first certification of the cotton involved, provided this service has not been previously performed on such cotton, and the request is made prior to delivery of the cotton on a section 4863 contract. Requests for Micronaire determinations may also be filed as provided in §§ 27.62 and 27.63.

2. Section 27.28 is amended to read:

§ 27.28 *Disposition of samples.* Samples representing bales for classification or Micronaire determination, which come into the custody of the Department of Agriculture on or after April 1, 1957, shall become the property of the Department after classification or Micronaire determination and shall be disposed of in accordance with the property regulations of the Department. Samples in the custody of the Department of Agriculture on March 31, 1957, representing bales which are covered by outstanding cotton class certificates issued pursuant to this subpart, will be retained by the Department until the certificates are surrendered for cancellation and will then be made available to the persons who surrender the certificates for cancellation.

3. Section 27.39 is amended to read:

§ 27.39 *Issuance of certificates.* Except as otherwise provided in this paragraph as soon as practicable after the classification of cotton has been completed by a board of cotton examiners the board shall issue a cotton class certificate showing the results of such classification. Each certificate shall bear the date of its issuance and the name of the chairman of the board that classified the cotton. The certificate shall show the identification of the cotton according to the information in the possession of the board, the classification of the cotton according to its grade and length of staple and such other facts as the Administrator may require. As soon as practicable after the Micronaire determination of cotton has been completed by an authorized employee of the Cotton Division, upon request under this subpart, the results of such determination will be certified by the board of cotton examiners or by the Appeal Board of Review Examiners on the classification certificate for the cotton, with the date of issuance of the Micronaire determination, the name of the certifying officer, and such other facts as the Administrator may require. When a request is made for a review of classification and a Micronaire determination, at the same time as the request for initial classification, the board of cotton examiners shall notify the Appeal Board of Review Examiners of the results of the classification and the latter will review the classification and make the Micronaire determination, and notify the Board of Cotton Examiners of the results. The latter will issue a cotton class certificate over the signature of the chairman of the Appeal Board of Review Examiners, showing the results of the review classification (but not the initial classification), the Micronaire determination, the date of issuance of the certificate, and such other facts as the Administrator may require. The certificate of classification and Micronaire determination may be placed directly upon the warehouse receipt covering the cotton involved. The board of cotton examiners or the Appeal Board of Review Examiners may authorize an officer of the Service located at another point to certify the results of any classification or Micronaire determination upon the basis of information furnished by such board, notwithstanding any other provisions of this section.

4. Section 27.62 is amended to read:

§ 27.62 *Conditions for review of classification and for incidental Micronaire determination for original applicant.* The person for whom the classification of cotton has been or is to be performed under this subpart may have a review of such classification by filing a written application therefor before the delivery of such cotton on a section 4863 contract and not later than the expiration of the seventh business day following the date of the first certification of the cotton involved. Such written application may be made at the same time as the request for initial classification. The written application may also include a request for Micronaire determination of the cotton if this service has not been previously performed.

5. Section 27.69 is amended to read:

§ 27.69 *Classification review; notations on certificate.* When a review of classification is made after the issuance of a cotton class certificate, the results of the review classification, the date of issuance of the review classification results, and the signature of the chairman of the Appeal Board of Review Examiners shall be entered on the cotton class certificate. Thereupon the certificate shall be returned to the person who requested the review.

6. Sections 27.70, 27.82, and 27.86 are deleted in their entirety.

7. Section 27.80 is amended to read:

§ 27.80 *Fees; classification and Micronaire determination.* For the initial classification, review of classification, Micronaire determination, and certification of cotton pursuant to this subpart, whether such cotton be tenderable or not, the person requesting these services shall pay fees as follows: (a) If the same request covers initial classification, review of classification, and Micronaire determination, and only the review of classification and Micronaire determination results are to be certified on cotton class certificates covering the cotton involved, the entire fee shall be 60 cents per bale; or (b) under all other conditions the fee for initial classification and certification shall be 25 cents per bale, the fee for review of classification and certification shall be 50 cents per bale, and the fee for Micronaire determination and certification shall be 25 cents per bale.

8. Section 27.85 is amended by deleting the words "or § 27.82."

The foregoing amendments shall become effective April 1, 1957.

(Sec. 4863, 68A Stat. 582; 26 U. S. C. 4863)

Done at Washington, D. C., this 26th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 57-1569; Filed, Feb. 28, 1957; 8:52 a. m.]

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

FEES FOR LABORATORY ANALYSES

A notice of proposed amendment to the regulations governing the grading and inspection of dairy products (7 CFR Part 58) was published in the FEDERAL REGISTER on February 5, 1957 (22 F. R. 725) and afforded interested persons the opportunity to submit written data, views or arguments in connection therewith. The amendment hereinafter promulgated is pursuant to authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.). The amendment provides under § 58.45 *Fees for laboratory analyses*, for a slight reduction in fees for certain laboratory tests and sets forth specific fees for certain additional laboratory tests not now included in the regulations.

After consideration of all relevant material presented and the notice of rule making, the amendment hereafter set forth is hereby promulgated to become effective April 1, 1957.

The amendment is as follows:

Change § 58.45 *Fees for laboratory analyses*, as follows:

In paragraph (a) *Dry milk, dry whey*, change one item as follows:

Moisture	1.50

Add the following item:

Bacteriological direct count	1.50

In paragraph (b) *Evaporated milk*, change one item as follows:

Fat	2.00

In paragraph (c) *Sweetened condensed milk*, change one item as follows:

Fat	2.00

In paragraph (d) *Natural cheese*, change to read as follows:

Moisture	2.00
Moisture in duplicate	3.00
Moisture in duplicate and fat (dry basis) complete	5.00
Fat (dry basis) single sample	4.00
Fat (dry basis) for each additional sample in the same shipment	3.00

In paragraph (e) *Process cheese*, change to read as follows:

Moisture	2.00
Moisture and fat (dry basis) complete	4.00

In paragraph (f) *Butter oil (milk fat)*, change one item as follows:

Fat	2.00

In paragraph (g) *Butter*, change to read as follows:

Salt	.50
Moisture	1.50
Fat	2.00
Complete Kohman analysis, single sample	3.50
Complete Kohman analysis (for each additional sample in same shipment	2.50

Add the following items to paragraph (h) *Bacteriological analyses and other specified determinations with respect to individual tests for one factor:*

Phosphatase test	1.00
Storch test	1.00

Include a new paragraph (i) *Ice cream* with items as follows:

Fat	2.00
Total solids	1.50
Bacteriological plate count	1.50
Coliform (presumptive)	1.50
Net weight	.50

Include a new paragraph (j) *Fluid milk* with items as follows:

Fat (Babcock)	1.00
Milk solids not fat	1.50
Bacteriological plate count	1.50
Bacteriological direct count	1.50
Cryoscope test for added water	1.50
Coliform (presumptive)	1.50

(60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C. this 26th day of February 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1570; Filed, Feb. 28, 1957; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6226]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

On October 12, 1956, notice of proposed rule making with respect to regulations under subchapter E, part I (relating to accounting periods), of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 7798). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted as set forth below, subject to the following changes:

PARAGRAPH 1. Section 1.441–1 (b) (3) is revised.

PAR. 2. The first sentence in § 1.441–2 (a) is revised by deleting "section 441 (c)" and inserting in lieu thereof "section 441 (f)".

PAR. 3. The second sentence in § 1.441–2 (b) (1) is revised by inserting the phrase "to the computation of tax" following the word "apply".

PAR. 4. Section 1.441–2 (c) (3) (iii) is revised by deleting the words "last occurs" and inserting in lieu thereof the word "falls".

PAR. 5. The third sentence in § 1.441–2 (c) (5) is revised by inserting the words "is not a separate taxable year but" following the words "such short period".

PAR. 6. Section 1.441–2 (d) is revised.

PAR. 7. The fourth sentence in § 1.442–1 (a) (1) is revised.

PAR. 8. Section 1.442–1 (b) is revised.

PAR. 9. Section 1.442–1 (c) (2) (i) is revised.

PAR. 10. Section 1.442–1 (c) (2) (iv) is revised.

PAR. 11. A new subparagraph (v) is inserted in paragraph (c) of § 1.442–1, after subdivision (iv) of subparagraph (2) of that paragraph.

PAR. 12. Section 1.442–1 (d) is revised.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: February 26, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

The regulations set forth below are hereby prescribed under sections 441, 442, and 443 of the Internal Revenue Code of 1954. Except as otherwise stated in the regulations, the rules are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

Sec.
1.441 Statutory provisions; period for computation of taxable income.
1.441–1 Period for computation of taxable income.
1.441–2 Election of year consisting of 52–53 weeks.
1.442 Statutory provisions; change of annual accounting period.
1.442–1 Change of annual accounting period.
1.443 Statutory provisions; returns for a period of less than 12 months.
1.443–1 Returns for periods of less than 12 months.

AUTHORITY: §§ 1.441 to 1.443–1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

ACCOUNTING PERIODS AND METHODS OF ACCOUNTING

ACCOUNTING PERIODS

§ 1.441 *Statutory provisions; period for computation of taxable income.*

SEC. 441. *Period for computation of taxable income*—(a) *Computation of taxable income.* Taxable income shall be computed on the basis of the taxpayer's taxable year.

(b) *Taxable year.* For purposes of this subtitle, the term "taxable year" means—

(1) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(2) The calendar year, if subsection (g) applies; or

(3) The period for which the return is made, if a return is made for a period of less than 12 months.

(c) *Annual accounting period.* For purposes of this subtitle, the term "annual accounting period" means the annual period on the basis of which the taxpayer regularly computes his income in keeping his books.

(d) *Calendar year.* For purposes of this subtitle, the term "calendar year" means a period of 12 months ending on December 31.

(e) *Fiscal year.* For purposes of this subtitle, the term "fiscal year" means a period of 12 months ending on the last day of any month other than December. In the case of any taxpayer who has made the election provided by subsection (f), the term means the annual period (varying from 52 to 53 weeks) so elected.

(f) *Election of year consisting of 52–53 weeks*—(1) *General rule.* A taxpayer who, in keeping his books, regularly computes his income on the basis of an annual period which varies from 52 to 53 weeks and ends always on the same day of the week and ends always—

(A) On whatever date such same day of the week last occurs in a calendar month, or

(B) On whatever date such same day of the week falls which is nearest to the last day of a calendar month,

may (in accordance with the regulations prescribed under paragraph (3)) elect to

compute his taxable income for purposes of this subtitle on the basis of such annual period. This paragraph shall apply to taxable years ending after the date of the enactment of this title.

(2) *Special rules for 52–53-week year*—(A) *Effective dates.* In any case in which the effective date or the applicability of any provision of this title is expressed in terms of taxable years beginning or ending with reference to a specified date which is the first or last day of a month, a taxable year described in paragraph (1) shall (except for purposes of the computation under section 21) be treated—

(i) As beginning with the first day of the calendar month beginning nearest to the first day of such taxable year, or

(ii) As ending with the last day of the calendar month ending nearest to the last day of such taxable year,

as the case may be.

(B) *Change in accounting period.* In the case of a change from or to a taxable year described in paragraph (1)—

(i) If such change results in a short period (within the meaning of section 443) of 359 days or more, or of less than 7 days, section 443 (b) (relating to alternative tax computation) shall not apply;

(ii) If such change results in a short period of less than 7 days, such short period shall, for purposes of this subtitle, be added to and deemed a part of the following taxable year; and

(iii) If such change results in a short period to which subsection (b) of section 443 applies, the taxable income for such short period shall be placed on an annual basis for purposes of such subsection by multiplying such income by 365 and dividing the result by the number of days in the short period, and the tax shall be the same part of the tax computed on the annual basis as the number of days in the short period is of 365 days.

(3) *Regulations.* The Secretary or his delegate shall prescribe such regulations as he deems necessary for the application of this subsection.

(g) *No books kept; no accounting period.* Except as provided in section 443 (relating to returns for periods of less than 12 months), the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period; or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year.

§ 1.441–1 *Period for computation of taxable income*—(a) *Computation of taxable income.* Taxable income shall be computed and a return shall be made for a period known as the "taxable year." For rules relating to methods of accounting, the taxable year for which items of gross income are included and deductions are taken, inventories, and adjustments, see sections 446 to 482, inclusive, and the regulations thereunder.

(b) *Taxable year.* (1) The term "taxable year" means—

(i) The taxpayer's annual accounting period, if it is a calendar year or a fiscal year;

(ii) The calendar year, if section 441 (g) (relating to taxpayers who keep no books or have no accounting period) applies; or

(iii) The period for which the return is made, if the return is made under section 443 for a period of less than 12 months, referred to as a "short period."

(2) A taxable year may not cover a period of more than 12 calendar months except in the case of a 52–53-week taxable year. See § 1.441–2.

(3) A new taxpayer in his first return may adopt any taxable year which meets the requirements of section 441 and this section without obtaining prior approval. The first taxable year of a new taxpayer must be adopted on or before the time prescribed by law (not including extensions) for the filing of the return for such taxable year. However, for rules applicable to the adoption of a taxable year by a partnership, see § 1.442–1 (b) (2), section 706 (b), and § 1.706–1 (b). For rules applicable to the taxable year of a member of an affiliated group which makes a consolidated return, see §§ 1.1502–14 and 1.442–1 (d).

(4) After a taxpayer has adopted a calendar or a fiscal year, he must use it in computing his taxable income and making his returns for all subsequent years unless prior approval is obtained from the Commissioner to make a change or unless a change is otherwise permitted under the internal revenue laws or regulations. See section 442 and § 1.442–1. For rules applicable to changes in taxable years of partners and partnerships, see also section 706 (b) and § 1.706–1 (b).

(c) *Annual accounting period.* The term "annual accounting period" means the annual period (calendar year or fiscal year) on the basis of which the taxpayer regularly computes his income in keeping his books.

(d) *Calendar year.* The term "calendar year" means a period of 12 months ending on December 31. A taxpayer who has not established a fiscal year must make his return on the basis of a calendar year.

(e) *Fiscal year.* (1) The term "fiscal year" means—

(i) A period of 12 months ending on the last day of any month other than December, or

(ii) The 52–53-week annual accounting period, if such period has been elected by the taxpayer.

(2) A fiscal year will be recognized only if it is established as the annual accounting period of the taxpayer and only if the books of the taxpayer are kept in accordance with such fiscal year.

(f) *Election of year consisting of 52–53 weeks.* For rules relating to the 52–53-week taxable year, see § 1.441–2.

(g) *No books kept; no accounting period.* Except in the case of a short period under section 443, the taxpayer's taxable year shall be the calendar year if—

(1) The taxpayer keeps no books;

(2) The taxpayer does not have an annual accounting period (as defined in section 441 (c) and paragraph (c) of this section); or

(3) The taxpayer has an annual accounting period, but such period does not qualify as a fiscal year (as defined in section 441 (e) and paragraph (e) of this section).

For the purposes of subparagraph (1) of this paragraph, the keeping of books does not require that records be bound. Records which are sufficient to reflect income adequately and clearly on the basis of an annual accounting period will be regarded as the keeping of books. A taxpayer whose taxable year is required to be a calendar year under section 441 (g) and this paragraph may not adopt a fiscal year without obtaining prior approval from the Commissioner since such adoption is treated as a change of annual accounting period. See section 442 and § 1.442–1 (a) (2).

§ 1.441–2 *Election of year consisting of 52–53 weeks*—(a) *General rule.* Section 441 (f) provides, in general, that a taxpayer may elect to compute his taxable income on the basis of a fiscal year which—

(1) Varies from 52 to 53 weeks.

(2) Ends always on the same day of the week, and

(3) Ends always on—

(i) Whatever date this same day of the week last occurs in a calendar month, or

(ii) Whatever date this same day of the week falls which is nearest to the last day of the calendar month.

For example, if the taxpayer elects a taxable year ending always on the last Saturday in November, then for the year 1956, the taxable year would end on November 24, 1956. On the other hand, if the taxpayer had elected a taxable year ending always on the Saturday nearest to the end of November, then for the year 1956, the taxable year would end on December 1, 1956. Thus, in the case of a taxable year described in (3) (i), the year will always end within the month and may end on the last day of the month, or as many as six days before the end of the month. In the case of a taxable year described in (3) (ii), the year may end on the last day of the month, or as many as three days before or three days after the last day of the month.

(b) *Application of effective dates.* (1) For the purpose of determining the effective date for the applicability of any provision of this title which is expressed in terms of taxable years beginning or ending with reference to the first or last day of a specified calendar month, including the time for filing returns and other documents, paying tax, or performing other acts, a 52–53-week taxable year is deemed to begin on the first day of the calendar month beginning nearest to the first day of the 52–53-week taxable year, and is deemed to end or close on the last day of the calendar month ending nearest to the last day of the 52–53-week taxable year, as the case may be. The preceding sentence does not apply to the computation of the tax if subparagraph (2) of this paragraph, relating to the computation under section 21 of the effect of changes in rates of tax during a taxable year, applies. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume that an income tax provision is applicable to taxable years beginning on or after January 1, 1957. For that purpose, a 52–53-week taxable year beginning on any day within the period December 26, 1956, to January 4, 1957, inclusive, shall be treated as beginning on January 1, 1957.

Example (2). Assume that an income tax provision requires that a return must be filed on or before the 15th day of the third month following the close of the taxable year. For that purpose, a 52–53-week taxable year ending on any day during the period May 25 to June 3, inclusive, shall be treated as ending on May 31, the last day of the month ending nearest to the last day of the taxable year, and the return, therefore, must be made on or before August 15.

(2) If a change in the rate of tax is effective during a 52–53-week taxable year (other than on the first day of such year as determined under subparagraph (1) of this paragraph), the tax for the 52–53-week taxable year shall be computed in accordance with section 21, relating to effect of changes, and the regulations thereunder. For the purpose of the computation under section 21, the determination of the number of days in the period before the change, and in the period on and after the change, is to be made without regard to the provisions of subparagraph (1) of this paragraph. The provisions of this subparagraph may be illustrated by the following examples:

Example (1). Assume a change in the rate of tax is effective for taxable years beginning after June 30, 1956. For a 52–53-week taxable year beginning on Wednesday, November 2, 1955, the tax must be computed on the basis of the old rates for the actual number of days, from November 2, 1955, to June 30, 1956, inclusive, and on the basis of the new rates for the actual number of days from July 1, 1956, to Tuesday, October 30, 1956, inclusive.

Example (2). Assume a change in the rate of tax for taxable years beginning after June 30. For this purpose, a 52–53-week taxable year beginning on any of the days from June 25 to July 4, inclusive, is treated as beginning on July 1. Therefore, no computation under section 21 will be required for such year because of the change in rate.

(c) *Adoption of or change to or from 52–53-week taxable year.* (1) A new taxpayer may adopt the 52–53-week taxable year for his first taxable year if he keeps his books and computes his income on that basis, or if he conforms his books accordingly in closing them. The taxpayer must thereafter keep his books and report his income on the basis of the 52–53-week taxable year so adopted unless prior approval for a change is obtained from the Commissioner. See subparagraph (4) of this paragraph. The taxpayer shall file with his return for his first taxable year a statement containing the information required in subparagraph (3) of this paragraph. A newly-formed partnership may adopt a 52–53-week taxable year without the permission of the Commissioner only if such a year ends either with reference to the same month in which the taxable years of all its principal partners end or with reference to the month of December. See § 1.706–1 (b) (1).

(2) A taxpayer, including a partnership, may change to a 52–53-week taxable year without the permission of the Commissioner if the 52–53-week taxable year ends with reference to the end of the same calendar month as that in which the former taxable year ended, and if the taxpayer keeps his books and computes his income for the year of change on the basis of such 52–53-week taxable year, or if he conforms his books accordingly in closing them. The taxpayer must continue to keep his books and compute his income on the basis of such 52–53-week taxable year unless prior approval for a change is obtained. See subparagraph (4) of this paragraph. The taxpayer shall indicate his election to change to such 52–53-week taxable year by a statement filed with his return for the first taxable year for which the election is made. This statement shall contain the information required in subparagraph (3) of this paragraph.

(3) The statement referred to in subparagraphs (1) and (2) of this paragraph shall contain the following information:

(i) The calendar month with reference to which the new 52–53-week taxable year ends;

(ii) The day of the week on which the 52–53-week taxable year always will end; and

(iii) Whether the 52–53-week taxable year will always end on (*a*) the date on which such day of the week falls in the calendar month, or (*b*) on the date on which such day of the week last occurs which is nearest to the last day of such calendar month.

(4) Where a taxpayer wishes to change to a 52–53-week taxable year and, in addition, wishes to change the month with reference to which the taxable year ends, or where a taxpayer wishes to change from a 52–53-week taxable year, he must obtain prior approval from the Commissioner, as provided in section 442 and § 1.442–1.

(5) If a change from or to a 52–53-week taxable year results in a short period (within the meaning of section 443) of 359 days or more, or six days or less, the tax computation under section 443 (b) shall not apply. If the short period is 359 days or more, it shall be treated as a full taxable year. If the short period is six days or less, such short period is not a separate taxable year but shall be added to and deemed a part of the following taxable year. (In the case of a change from or to a 52–53-week taxable year not involving a change of the month with reference to which the taxable year ends, the tax computation under section 443 (b) does not apply since the short period will always be 359 days or more, or six days or less.) In the case of a short period which is more than six days, but less than 359 days, taxable income for the short period shall be placed on an annual basis for the purpose of section 443 (b) by multiplying such income by 365 and dividing the result by the number of days in the short period. In such case, the tax for the short period shall be the same part of the tax computed on such income placed on an annual basis as the number of days in the short period is of 365 days (unless section 443 (b) (2) and § 1.443–1 (b) (2), relating to the alternative tax computation, apply). For adjustment in deduction for personal exemption, see section 443 (c) and § 1.443–1 (b) (1) (v).

(6) The provisions of subparagraph (5) are illustrated by the following examples:

Example (1). A taxpayer having a fiscal year ending April 30 elects for years beginning after April 30, 1955, a 52–53-week taxable year ending on the last Saturday in April. This election involves a short period of 364 days, from May 1, 1955, to April 28, 1956, inclusive. Since this short period is 359 days or more, it is not placed on an annual basis and is treated as a full taxable year.

Example (2). Assume the same conditions as in example (1), except that the taxpayer elects for years beginning after April 30, 1955, a taxable year ending on the Tuesday nearest to April 30. This election involves a short period of three days, from May 1 to May 3, 1955. Since this short period is less than seven days, tax is not separately computed for it. This short period is added to and deemed part of the following 52-week taxable year which would otherwise begin on May 4, 1955, and end on May 1, 1956. Thus, that taxable year is deemed to begin on May 1, 1955, and end on May 1, 1956.

(d) *Computation of taxable income.* The principles of section 451, relating to the taxable year for inclusion of items of gross income, and section 461, relating to the taxable year for taking deductions, are generally applicable to 52–53-week taxable years. Thus, items of income and deductions are determined on the basis of a 52–53-week taxable year, except that such items may be determined as though the 52–53-week taxable year were a taxable year consisting of 12 calendar months if such practice is consistently followed by the taxpayer and if income is clearly reflected thereby. In the case of depreciation, unless some other practice is consistently followed, the allowance shall be determined as though the 52–53-week year were a taxable year consisting of 12 calendar months. Amortization deductions for the taxable year shall be determined as though the 52–53-week year were a taxable year consisting of 12 calendar months.

(e) *Taxable years beginning before January 1, 1954, and ending after August 16, 1954.* Pursuant to section 7851 (a) (1) (C), the regulations prescribed in this section relating to taxable years consisting of 52–53 weeks, shall also apply to taxable years beginning before January 1, 1954, and ending after August 16, 1954, which years are subject to the Internal Revenue Code of 1939.

§ 1.442 *Statutory provisions; change of annual accounting period.*

SEC. 442. *Change of annual accounting period.* If a taxpayer changes his annual accounting period, the new accounting period shall become the taxpayer's taxable year only if the change is approved by the Secretary or his delegate. For purposes of this subtitle, if a taxpayer to whom section 441 (g) applies adopts an annual accounting period (as defined in section 441 (c)) other than a calendar year, the taxpayer shall be treated as having changed his annual accounting period.

§ 1.442–1 (a) *Change of annual accounting period*—(1) *In general.* If a taxpayer wishes to change his annual accounting period (as defined in section 441 (c)) and adopt a new taxable year (as defined in section 441 (b)), he must obtain prior approval from the Commissioner by application, as provided in paragraph (b) of this section, or the change must be authorized under the Income Tax Regulations. A new taxpayer who adopts an annual accounting period as provided in section 441 and

§§ 1.441–1 or 1.441–2 need not secure the permission of the Commissioner under section 442 and this section. However, see subparagraph (2) of this paragraph. For adoption of and changes to or from a 52–53-week taxable year, see section 441 (f) and § 1.441–2; for adoption of and changes in the taxable years of partners and partnerships, see paragraph (b) (2) of this section, section 706 (b) and § 1.706–1 (b); for special rules relating to certain corporations, subsidiary corporations, and newly married couples, see paragraphs (c), (d), and (e), respectively, of this section.

(2) *Taxpayers to whom section 441 (g) applies.* Section 441 (g) provides that if a taxpayer keeps no books, does not have an annual accounting period, or has an accounting period which does not meet the requirements for a fiscal year, his taxable year shall be the calendar year. If section 441 (g) applies to a taxpayer, the adoption of a fiscal year will be treated as a change in his annual accounting period under section 442. Therefore, such fiscal year can become the taxpayer's taxable year only with the approval of the Commissioner. Approval of any such change will be denied unless the taxpayer agrees in his application to establish and maintain accurate records of his taxable income for the short period involved in the change and for the fiscal year proposed. The keeping of records which adequately and clearly reflect income for the taxable year constitutes the keeping of books within the meaning of section 441 (g) and § 1.441–1 (g).

(b) *Prior approval of the Commissioner*—(1) *In general.* In order to secure prior approval of a change of a taxpayer's annual accounting period, the taxpayer must file an application on Form 1128 with the Commissioner of Internal Revenue, Washington 25, D. C., on or before the last day of the month following the close of the short period for which a return is required to effect the change of accounting period. In general, a change of annual accounting period will be approved where the taxpayer establishes a substantial business purpose for making the change. In determining whether a taxpayer has established a substantial business purpose for making the change, consideration will be given to all the facts and circumstances relating to the change, including the tax consequences resulting therefrom. If the effect of the change is to defer a substantial portion of the taxpayer's income, or to shift a substantial portion of deductions, from one-year to another so as to reduce substantially the tax liability of the taxpayer, the change will ordinarily not be approved. Further, approval will ordinarily be denied if the effect of the change is to cause a similar deferral or shifting in the case of another taxpayer, such as a partner, beneficiary, etc., so as to reduce substantially such other taxpayer's tax liability. In addition, a change will ordinarily not be approved if the short period resulting from the change is one in which there is a net operating loss. Among the non-tax factors that will be considered in determining whether a substantial business purpose has been established is the effect of the change on the taxpayer's annual cycle of business activity. However, even though a substantial business purpose is not established, the Commissioner in appropriate cases may permit a husband and wife to change his or her taxable year in order to secure the benefits of section 2 (relating to tax in case of joint return). See paragraph (e) of this section for special rule for newly married couples.

(2) *Partnerships and partners.* (i) A newly-formed partnership may adopt a taxable year which is the same as the taxable year of all its principal partners (or is the same taxable year to which its principal partners who do not have such taxable year concurrently change) without securing prior approval from the Commissioner. If all its principal partners are not on the same taxable year, a newly-formed partnership may adopt a calendar year without securing prior approval from the Commissioner. If a newly-formed partnership wishes to adopt a taxable year that does not qualify under the preceding two sentences, the adoption of such year requires the prior approval of the Commissioner in accordance with section 706 (b) (1) and § 1.706–1 (b). An existing partnership may change its taxable year without securing prior approval from the Commissioner if all its principal partners have the same taxable year to which the partnership changes, or if all its principal partners who do not have such a taxable year concurrently change to such taxable year. In any other case, an existing partnership may not change its taxable year unless it secures the prior approval of the Commissioner in accordance with paragraph (b) (1) of this section and section 706 (b) (1) and § 1.706–1 (b).

(ii) A partner may change his taxable year only if he secures the prior approval of the Commissioner in accordance with paragraph (b) (1) of this section.

(c) *Special rule for certain corporations.* (1) A corporation may change its annual accounting period without the prior approval of the Commissioner if all the conditions in subparagraph (2) of this paragraph are met, and if the corporation files a statement with the district director of internal revenue with whom the returns of the corporation are filed at or before the time (including extensions) for filing the return for the short period required by such change. This statement shall indicate that the corporation is changing its annual accounting period under § 1.442–1 (c) and shall contain information indicating that all of the conditions in subparagraph (2) of this paragraph have been met.

(2) The provisions of this paragraph do not apply unless all of the following conditions are met:

(i) The corporation has not changed its annual accounting period at any time within the ten calendar years ending with the calendar year which includes the beginning of the short period required to effect the change of annual accounting period;

(ii) The short period required to effect the change of annual accounting period is not a taxable year in which the corporation has a net operating loss as defined in section 172;

(iii) The taxable income of the corporation for the short period required to effect the change of annual accounting period is, if placed on an annual basis (see § 1.443–1 (b) (1) (i) and (ii)), 80 percent or more of the taxable income of the corporation for the taxable year immediately preceding such short period; and

(iv) If a corporation had a special status (described in the following sentence) either for the short period or for the taxable year immediately preceding such short period, it must have the same special status for both the short period and such taxable year. For the purpose of the preceding sentence, special status includes only: a personal holding company, a foreign personal holding company, a corporation which is an exempt organization, a foreign corporation not engaged in trade or business within the United States, a Western Hemisphere trade corporation, and a China Trade Act corporation.

(3) If the Commissioner finds upon examination of the returns that the corporation, because of subsequent adjustments in establishing tax liability, did not in fact meet all the conditions in subparagraph (2) of this paragraph, the statement filed under subparagraph (1) of this paragraph shall be considered as a timely application for permission to change the corporation's annual accounting period to the taxable year indicated in the statement.

(d) *Special rule for change of annual accounting period by subsidiary corporation.* A subsidiary corporation which is required to change its annual accounting period under § 1.1502–14, relating to the accounting period of an affiliated group which files a consolidated income tax return, may do so by filing Form 1128 with the district director with whom the consolidated return is filed. Such form shall be filed in accordance with that section. See also §§ 1.1502–13 (h) and 1.1502–32.

(e) *Special rule for newly married couples.* (1) A newly married husband or wife may change his or her annual accounting period in order to adopt the annual accounting period of the other spouse so that a joint return may be filed for the first or second taxable year of such spouse ending after the date of marriage, provided that the newly married husband or wife adopting the annual accounting period of the other spouse files a return for the short period required by such change on or before the 15th day of the 4th month following the close of such short period. See section 443 and the regulations thereunder. (If the due date for any such short-period return occurs before the date of marriage, the first taxable year of the other spouse ending after the date of marriage cannot be adopted under this paragraph.) The short-period return shall contain a statement that it is filed under authority of § 1.442–1 (e). For a change of annual accounting period by a husband or wife which does not qualify under this subparagraph, see paragraph (b) of this section.

(2) The provisions of this paragraph may be illustrated by the following example:

Example. H & W marry on September 25, 1956. H is on a fiscal year ending June 30, and W is on a calendar year. H wishes to change to a calendar year in order to file joint returns with W. W's first taxable year after marriage ends on December 31, 1956. H may not change to a calendar year for 1956 since, under § 1.442–1 (e), he would have had to file a return for the short period from July 1 to December 31, 1955, by April 15, 1956. Since the date of marriage occurred subsequent to this due date, the return could not be filed under § 1.442–1 (e). Therefore, H cannot change to a calendar year for 1956. However, H may change to a calendar year for 1957 by filing a return under § 1.442–1 (e) by April 15, 1957, for the short period from July 1 to December 31, 1956. If H files such a return, H and W may file a joint return for calendar year 1957 (which is W's second taxable year ending after the date of marriage).

(f) *Effective date.* The provisions of this section (other than paragraph (e) thereof) are effective for any change of annual accounting period where the last day of the short period to effect the change ends on or after the date the regulations under section 442 are published in the FEDERAL REGISTER.

§ 1.443 *Statutory provisions; returns for a period of less than 12 months.*

SEC. 443 *Returns for a period of less than 12 months*—(a) *Returns for short period.* A return for a period of less than 12 months (referred to in this section as "short period") shall be made under any of the following circumstances:

(1) *Change of annual accounting period.* When the taxpayer, with the approval of the Secretary or his delegate, changes his annual accounting period. In such a case, the return shall be made for the short period beginning on the day after the close of the former taxable year and ending at the close of the day before the day designated as the first day of the new taxable year.

(2) *Taxpayer not in existence for entire taxable year.* When the taxpayer is in existence during only part of what would otherwise be his taxable year.

(3) *Termination of taxable year for jeopardy.* When the Secretary or his delegate terminates the taxpayer's taxable year under section 6851 (relating to tax in jeopardy).

(b) *Computation of tax on change of annual accounting period*—(1) *General rule.* If a return is made under paragraph (1) of subsection (a), the taxable income for the short period shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. The tax shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months.

(2) *Exception*—(A) *Computation based on 12-month period.* If the taxpayer applies for the benefits of this paragraph and establishes the amount of his taxable income for the 12-month period described in subparagraph (B), computed as if that period were a taxable year and under the law applicable to that year, then the tax for the short period, computed under paragraph (1), shall be reduced to the greater of the following:

(i) An amount which bears the same ratio to the tax computed on the taxable income for the 12-month period as the taxable income computed on the basis of the short period bears to the taxable income for the 12-month period; or

(ii) The tax computed on the taxable income for the short period without placing the taxable income on an annual basis.

The taxpayer (other than a taxpayer to whom subparagraph (B) (ii) applies) shall compute the tax and file his return without the application of this paragraph.

(B) *12-month period.* The 12-month period referred to in subparagraph (A) shall be—

(i) The period of 12 months beginning on the first day of the short period, or

(ii) The period of 12 months ending at the close of the last day of the short period, if at the end of the 12 months referred to in clause (i) the taxpayer is not in existence or (if a corporation) has theretofore disposed of substantially all of its assets.

(C) *Application for benefits.* Application for the benefits of this paragraph shall be made in such manner and at such time as the regulations prescribed under subparagraph (D) may require; except that the time so prescribed shall not be later than the time (including extensions) for filing the return for the first taxable year which ends on or after the day which is 12 months after the first day of the short period. Such application, in case the return was filed without regard to this paragraph, shall be considered a claim for credit or refund with respect to the amount by which the tax is reduced under this paragraph.

(D) *Regulations.* The Secretary or his delegate shall prescribe such regulations as he deems necessary for the application of this paragraph.

(c) *Adjustment in deduction for personal exemption.* In the case of a taxpayer other than a corporation, if a return is made for a short period by reason of subsection (a) (1) and if the tax is not computed under subsection (b) (2), then the exemptions allowed as a deduction under section 151 (and any deduction in lieu thereof) shall be reduced to amounts which bear the same ratio to the full exemptions as the number of months in the short period bears to 12.

(d) *Cross references.* For inapplicability of subsection (b) in computing—

(1) Accumulated earnings tax, see section 536.

(2) Personal holding company tax, see section 546.

(3) Undistributed foreign personal holding-company income, see section 557.

(4) The taxable income of a regulated investment company, see section 852 (b) (2) (E).

§ 1.443–1 *Returns for periods of less than 12 months*—(a) *Returns for short period.* A return for a short period, that is, for a taxable year consisting of a period of less than 12 months, shall be made under any of the following circumstances:

(1) *Change of annual accounting period.* In the case of a change in the annual accounting period of a taxpayer, a separate return must be filed for the short period of less than 12 months beginning with the day following the close of the old taxable year and ending with the day preceding the first day of the new taxable year. However, such a return is not required for a short period of six days or less, or 359 days or more, resulting from a change from or to a 52–53-week taxable year. See section 441 (f) and § 1.441–2. The computation of the tax for a short period required to effect a change of annual accounting period is described in paragraph (b) of this section. In general, a return for a short period resulting from a change of annual accounting period shall be filed and the tax paid within the time prescribed for filing a return for a taxable year of 12 months ending on the last day of the short period. For a subsidiary corporation required to change its annual accounting period under § 1.1502–14, see §§ 1.1502–13, 1.1502–32, and 1.442–1 (d).

(2) *Taxpayer not in existence for entire taxable year.* If a taxpayer is not in existence for the entire taxable year, a return is required for the short period during which the taxpayer was in existence. For example, a corporation organized on August 1 and adopting the calendar year as its annual accounting period is required to file a return for the short period from August 1 to December 31, and returns for each calendar year thereafter. Similarly, a dissolving corporation which files its returns for the calendar year is required to file a return for the short period from January 1 to the date it goes out of existence. Income for the short period is not required to be annualized if the taxpayer is not in existence for the entire taxable year, and, in the case of a taxpayer other than a corporation, the deduction under section 151 for personal exemptions (or deductions in lieu thereof) need not be reduced under section 443 (c). In general, the requirements with respect to the filing of returns and the payment of tax for a short period where the taxpayer has not been in existence for the entire taxable year are the same as for the filing of a return and the payment of tax for a taxable year of 12 months ending on the last day of the short period. Although the return of a decedent is a return for the short period beginning with the first day of his last taxable year and ending with the date of his death, the filing of a return and the payment of tax for a decedent may be made as though the decedent had lived throughout his last taxable year.

(3) *Termination of taxable year for jeopardy.* A return must be filed for a short period resulting from the termination by the Commissioner of a taxpayer's taxable year for jeopardy. See section 6851 and the regulations thereunder.

(b) *Computation of tax for short period on change of annual accounting period*—(1) *General rule.* (i) If a return is made for a short period resulting from a change of annual accounting period, the taxable income for the short period shall be placed on an annual basis by multiplying such income by 12 and dividing the result by the number of months in the short period. Unless section 443 (b) (2) and subparagraph (2) of this paragraph apply, the tax for the short period shall be the same part of the tax computed on the annual basis as the number of months in the short period is of 12 months.

(ii) If a return is made for a short period of more than 6 days, but less than 359 days, resulting from a change from or to a 52–53-week taxable year, the taxable income for the short period shall be annualized and the tax computed on a daily basis, as provided in section 441 (f) (2) (B) (iii) and § 1.441–2 (c) (5).

(iii) For method of computation of income for a short period in the case of a subsidiary corporation required to change its annual accounting period to conform to that of its parent, see §§ 1.1502–32 and 1.1502–14.

(iv) An individual taxpayer making a return for a short period resulting from a change of annual accounting period is not allowed to take the standard deduction provided in section 141 in computing his taxable income for the short period. See section 142 (b) (3).

(v) In computing the taxable income of a taxpayer other than a corporation for a short period (which income is to be annualized in order to determine the tax under section 443 (b) (1)) the personal exemptions allowed individuals under section 151 (and any deductions allowed other taxpayers in lieu thereof, such as the deduction under section 642 (b)) shall be reduced to an amount which bears the same ratio to the full amount of the exemptions as the number of months in the short period bears to 12. In the case of the taxable income for a short period resulting from a change from or to a 52–53-week taxable year to which section 441 (f) (2) (B) (iii) applies, the computation required by the preceding sentence shall be made on a daily basis, that is, the deduction for personal exemptions (or any deduction in lieu thereof) shall be reduced to an amount which bears the same ratio to the full deduction as the number of days in the short period bears to 365.

(vi) If the amount of a credit against the tax (for example, the credits allowable under sections 34 and 35 for dividends received and for partially tax-exempt interest, respectively) is dependent upon the amount of any item of income or deduction, such credit shall be computed upon the amount of the item annualized separately in accordance with the foregoing rules. The credit so computed shall be treated as a credit against the tax computed on the basis of the annualized taxable income. In any case in which a limitation on the amount of a credit is based upon taxable income, taxable income shall mean the taxable income computed on the annualized basis.

(vii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). A taxpayer with one dependent who has been granted permission under section 442 to change his annual accounting period files a return for the short period of 10 months ending October 31, 1956. He has income and deductions as follows:

Income	
Interest income	$10,000.00
Partially tax-exempt interest with respect to which a credit is allowable under section 35	500.00
Dividends to which sections 34 and 116 are applicable	750.00
	11,250.00
Deductions	
Real estate taxes	200.00
2 personal exemptions at $600 on an annual basis	1,200.00
The tax for the 10-month period is computed as follows:	
Total income as above	$11,250.00
Less:	
Exclusion for dividends received	$50.00
2 personal exemptions ($1,200×10/12)	1,000.00
Real estate taxes	200.00
	1,250.00
Taxable income for 10-month period before annualizing	10,000.00
Taxable income annualized (10,000×12/10)	12,000.00
Tax on $12,000 before credits	3,400.00
Deduct credits:	
Dividends received for 10-month period	$750.00
Less: Excluded portion	50.00
Included in gross income	700.00
Dividend income annualized ($700×12/10)	840.00
Credit (4 percent of $840)	$33.60
Partially tax-exempt interest included in gross income for 10-month period	500.00
Partially tax-exempt interest (annualized) ($500×12/10)	600.00
Credit (3 percent of $600)	18.00
	51.60
Tax on $12,000 (after credits)	3,348.40
Tax for 10-month period ($3,348.40×10/12)	2,790.33

Example (2). The X Corporation makes a return for the one-month period ending September 30, 1956, because of a change in annual accounting period permitted under section 442. Income and expenses for the short period are as follows:

Gross operating income	$126,000
Business expenses	130,000
Net loss from operations	(4,000)
Dividends received from taxable domestic corporations	$30,000
Gross income for short period before annualizing	26,000
Dividends received deduction (85 percent of $30,000, but not in excess of 85 percent of $26,000)	22,100
Taxable income for short period before annualizing	3,900
Taxable income annualized ($3,900×12)	$46,800
Tax on annual basis:	
$46,800 at 52 percent	$24,336
Less surtax exemption	5,500
	18,836
Tax for 1-month period ($18,836×1/12)	1,570

Example (3). The Y Corporation makes a return for the six-month period ending June 30, 1957, because of a change in annual accounting period permitted under section 442. Income for the short period is as follows:

Taxable income exclusive of net long-term capital gain	$40,000
Net long-term capital gain	10,000
Taxable income for short period before annualizing	50,000
Taxable income annualized ($50,000×12/6)	100,000
Regular tax computation	
Taxable income annualized	100,000
Tax on annual basis:	
$100,000 at 52 percent	$52,000
Less surtax exemption	5,500
	46,500
Tax for 6-month period ($46,500×6/12)	23,250
Alternative tax computation	
Taxable income annualized	100,000
Less annualized capital gain ($10,000×12/6)	20,000
Annualized taxable income subject to partial tax	80,000
Partial tax on annual basis	
$80,000 at 52 percent	$41,600
Less surtax exemption	5,500
	36,100
25 percent of annualized capital gain ($20,000)	5,000
Alternative tax on annual basis	41,100
Alternative tax for 6-month period ($41,100×6/12)	20,550

Since the alternative tax of $20,550 is less than the tax computed in the regular manner ($23,250), the corporation's tax for the 6-month short period is $20,550.

(2) *Exception: computation based on 12-month period.* (i) A taxpayer whose tax would otherwise be computed under section 443 (b) (1) (or section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year) for the short period resulting from a change of annual accounting period may apply to the district director to have his tax computed under the provisions of section 443 (b) (2) and this subparagraph. If such application is made, as provided in subdivision (v) of this subparagraph, and if the taxpayer establishes the amount of his taxable income for the 12-month period described in subdivision (ii) of this subparagraph, then the tax for the short period shall be the greater of the following—

(*a*) An amount which bears the same ratio to the tax computed on the taxable income which the taxpayer has established for the 12-month period as the taxable income computed on the basis of the short period bears to the taxable income for such 12-month period; or

(*b*) The tax computed on the taxable income for the short period without placing the taxable income on an annual basis.

However, if the tax computed under section 443 (b) (2) and this subparagraph is not less than the tax for the short period computed under section 443 (b) (1) (or section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52–53-week taxable year), then section 443 (b) (2) and this subparagraph do not apply.

(ii) The term "12-month period" referred to in subdivision (i) of this subparagraph means the 12-month period beginning on the first day of the short period. However, if the taxpayer is not in existence at the end of such 12-month period, or if the taxpayer is a corporation which has disposed of substantially all of its assets before the end of such 12-month period, the term "12-month period" means the 12-month period ending at the close of the last day of the short period. For the purposes of the preceding sentence, a corporation which has ceased business and distributed so much of the assets used in its business that it cannot resume its customary operations with the remaining assets, will be considered to have disposed of substantially all of its assets. In the case of a change from a 52–53-week taxable year, the term "12-month period" means the period of 52 or 53 weeks (depending on the taxpayer's 52–53-week taxable year) beginning on the first day of the short period.

(iii) (*a*) The taxable income for the 12-month period is computed under the same provisions of law as are applicable to the short period and is computed as if the 12-month period were an actual annual accounting period of the taxpayer. All items which fall in such 12-month period must be included even if they are extraordinary in amount or of an unusual nature. If the taxpayer is a member of a partnership, his taxable income for the 12-month period shall include his distributive share of partnership income for any taxable year of the partnership ending within or with such 12-month period, but no amount shall be included with respect to a taxable year of the partnership ending before or after such 12-month period. If any other item partially applicable to such 12-month period can be determined only at the end of a taxable year which includes only part of the 12-month period, the taxpayer, subject to review by the Commissioner, shall apportion such item to the 12-month period in such manner as will most clearly reflect income for the 12-month period.

(*b*) In the case of a taxpayer permitted or required to use inventories, the cost of goods sold during a part of the 12-month period included in a taxable year shall be considered, unless a more exact determination is available, as such part of the cost of goods sold during the entire taxable year as the gross receipts from sales for such part of the 12-month period is of the gross receipts from sales for the entire taxable year. For example, the 12-month period of a corporation engaged in the sale of merchandise, which has a short period from January 1, 1956, to September 30, 1956, is the calendar year 1956. The three-month period, October 1, 1956, to December 31, 1956, is part of the taxpayer's taxable year ending September 30, 1957. The cost of goods sold during the three-month period, October 1, 1956, to December 31, 1956, is such part of the cost of goods sold during the entire fiscal year ending September 30, 1957, as the gross receipts from sales for such three-month period are of the gross receipts from sales for the entire fiscal year.

(*c*) The Commissioner may, in granting permission to a taxpayer to change his annual accounting period, require, as a condition to permitting the change, that the taxpayer must take a closing inventory upon the last day of the 12-month period if he wishes to obtain the benefits of section 443 (b) (2). Such closing inventory will be used only for the purposes of section 443 (b) (2), and the taxpayer will not be required to use such inventory in computing the taxable income for the taxable year in which such inventory is taken.

(iv) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). The taxpayer in example (1) under paragraph (b) (1) establishes his taxable income for the 12-month period from January 1, 1956, to December 31, 1956. The taxpayer has a short period of 10 months, from January 1, 1956, to October 31, 1956. The taxpayer files an application in accordance with subdivision (v) of this subparagraph to compute his tax under section 443 (b) (2). The taxpayer's income and deductions for the 12-month period, as so established, follow:

Income	
Interest income	$11,000
Partially tax-exempt interest with respect to which a credit is allowable under section 35	600
Dividends to which sections 34 and 116 are applicable	850
	12,450
Deductions	
Real estate taxes	200
2 personal exemptions at $600	1,200
Tax computation for short period under section 443 (b) (2) (A) (i)	
Total income as above	12,450
Less:	
Exclusion for dividends received	$50
Personal exemptions	1,200
Deduction for taxes	200
	1,450
Taxable income for 12-month period	11,000
Tax before credits	3,020
Credit for partially tax-exempt interest (3 percent of $600)	$18
Credit for dividends received (4 percent of ($850−50))	32
	50
Tax under section 443 (b) (2) (A) (i) for 12-month period	2,970
Taxable income for 10-month short period from example (1) of paragraph (b) (1) before annualizing	10,000
Tax for short period under section 443 (b) (2) (A) (i) ($2,970×$10,000 (taxable income for short period)/$11,000 (taxable income for 12-month period))	2,700
Tax computation for short period under section 443 (b) (2) (A) (ii)	
Total income for 10-month short period	$11,250
Less:	
Exclusion for dividends received	$50
2 personal exemptions	1,200
Real estate taxes	200
	1,450
Taxable income for short period without annualizing and without proration of personal exemptions	9,800
Tax before credits	2,572
Less credits:	
Partially tax-exempt interest (3 percent of $500)	$15
Dividends received (4 percent of ($750−50))	28
	43
Tax for short period under section 443 (b) (2) (A) (ii)	2,529

The tax of $2,700 computed under section 443 (b) (2) (A) (i) is greater than the tax of $2,529, computed under section 443 (b) (2) (A) (ii), and is, therefore, the tax under section 443 (b) (2). Since the tax of $2,700 (computed under section 443 (b) (2)) is less than the tax of $2,790.33 (computed under section 443 (b) (1)) on the annualized income of the short period (see example (1) of paragraph (b) (1)), the taxpayer's tax for the 10-month short period is $2,700.

Example (2). Assume the same facts as in example (1) of this subdivision, except that, during the month of November 1956, the taxpayer suffered a casualty loss of $5,000. The tax computation for the short period under section 443 (b) (2) would be as follows:

Tax computation for short period under section 443 (b) (2) (A) (i)	
Taxable income for 12-month period from example (1)	$11,000
Less: Casualty loss	5,000
Taxable income for 12-month period	6,000
Tax before credits	$1,360
Credits from example (1)	50
Tax under section 443 (b) (2) (A) (i) for 12-month period	1,310
Tax for short period ($1,310×$10,000/$6,000) under section 443 (b) (2) (A) (i)	2,183
Tax computation for short period under section 443 (b) (2) (A) (ii)	
Total income for the short period	$11,250
Less:	
Exclusion for dividends received	$50
2 personal exemptions	1,200
Real estate taxes	200
	1,450
Taxable income for short period without annualizing and without proration of personal exemptions	9,800
Tax before credits	2,572
Less credits:	
Partially tax-exempt interest (3 percent of $500)	$15
Dividends received (4 percent of $750 −50))	28
	43
Tax for short period under section 443 (b) (2) (A) (ii)	2,529

The tax of $2,529, computed under section 443 (b) (2) (A) (ii) is greater than the tax

of $2,183 computed under section 443 (b) (2) (A) (i) and is, therefore, the tax under section 443 (b) (2). Since this tax is less than the tax of $2,790.33, computed under section 443 (b) (1) (see example (1) of paragraph (b) (1)), the taxpayer's tax for the 10-month short period is $2,529.

(v) (a) A taxpayer who wishes to compute his tax for a short period resulting from a change of annual accounting period under section 443 (b) (2) must make an application therefor. Except as provided in subdivision (b), the taxpayer shall first file his return for the short period and compute his tax under section 443 (b) (1). The application for the benefits of section 443 (b) (2) shall subsequently be made in the form of a claim for credit or refund. The claim shall set forth the computation of the taxable income and the tax thereon for the 12-month period and must be filed not later than the time (including extensions) prescribed for filing the return for the taxpayer's first taxable year which ends on or after the day which is 12 months after the beginning of the short period. For example, assume that a taxpayer changes his annual accounting period from the calendar year to a fiscal year ending September 30, and files a return for the short period from January 1, 1956, to September 30, 1956. His application for the benefits of section 443 (b) (2) must be filed not later than the time prescribed for filing his return for his first taxable year which ends on or after the last day of December 1956, the twelfth month after the beginning of the short period. Thus, the taxpayer must file his application not later than the time prescribed for filing the return for his fiscal year ending September 30, 1957. If he obtains an extension of time for filing the return for such fiscal year, he may file his application during the period of such extension. If the district director determines that the taxpayer has established the amount of his taxable income for the 12-month period, any excess of the tax paid for the short period over the tax computed under section 443 (b) (2) will be credited or refunded to the taxpayer in the same manner as in the case of an overpayment.

(b) If at the time the return for the short period is filed, the taxpayer is able to determine that the 12-month period ending with the close of the short period (see section 443 (b) (2) (B) (ii) and subparagraph (2) (ii) of this paragraph) will be used in the computations under section 443 (b) (2), then the tax on the return for the short period may be determined under the provisions of section 443 (b) (2). In such case, a return covering the 12-month period shall be attached to the return for the short period as a part thereof, and the return and attachment will then be considered as an application for the benefits of section 443 (b) (2).

(c) *Adjustment in deduction for personal exemption.* For adjustment in the deduction for personal exemptions in computing the tax for a short period resulting from a change of annual accounting period under section 443 (b) (1) (or under section 441 (f) (2) (B) (iii) in the case of certain changes from or to a 52-53-week taxable year), see paragraph (b) (1) (v) of this section.

(d) *Cross references.* For inapplicability of section 443 (b) and paragraph (b) of this section in computing—

(1) Accumulated earnings tax, see section 536 and the regulations thereunder;

(2) Personal holding company tax, see section 546 and the regulations thereunder;

(3) Undistributed foreign personal holding company income, see section 557 and the regulations thereunder; and

(4) The taxable income of a regulated investment company, see section 882 (b) (2) (E) and the regulations thereunder.

[F. R. Doc. 57-1579; Filed, Feb. 27, 1957; 8:59 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

EXEMPTION OF COMMON CARRIERS BY WATER

Section 1453.3 (d) (2) *Fiscal years ending on or after December 31, 1953,* is amended by deleting, in subdivision (i) thereof, the words "January 1, 1956", and inserting in lieu thereof the words "January 1, 1957".

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. 1219)

Dated: February 26, 1957.

THOMAS COGGESHALL,
Chairman.

[F. R. Doc. 57-1568; Filed, Feb. 28, 1957; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter L—Mineral Lands

[Circular 1970]

PART 185—GENERAL MINING REGULATIONS

ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS OF THE UNITED STATES CLASSIFIED OR KNOWN TO BE VALUABLE FOR COAL

On pages 7454 to 7456, inclusive, of the FEDERAL REGISTER for September 28, 1956 there was published a notice of proposed regulations to implement the act of August 11, 1955 (69 Stat. 679; 30 U. S. C. 521-531). Interested persons were allowed 30 days in which to submit written comments, suggestions or objections with respect to the proposed regulations. No comments, suggestions or objections to the proposed regulations have been received. Therefore, the proposed regulations are hereby adopted without change, except that the sections have been renumbered 185.140 to 185.152, inclusive, and the cross references to these sections have been renumbered accordingly.

FRED G. AANDAHL,
Acting Secretary of the Interior.

FEBRUARY 21, 1957.

Part 185 is amended by adding thereto the following sections.

ENTRY AND LOCATION OF SOURCE MATERIAL UPON PUBLIC LANDS VALUABLE FOR COAL

Sec.
185.140 Purpose and authority.
185.141 Public lands known or classified as coal land, containing source material opened to location; exception.
185.142 Copy of Notice of Location to be filed in appropriate County Recorder's office, Land Office, and posted on the claim.
185.143 Claimant to report annually to Mining Supervisor, Geological Survey.
185.144 Mineral patents subject to recording and payment requirements to contain reservation of leasable minerals.
185.145 Mineral patents not to include lignite; exception.
185.146 Lodes do not include extralateral rights.
185.147 Source material not in leasing minerals, right to remove lignite, filing of description.
185.148 Entryman or owner or an assignee thereof of lands patented with coal reservation entitled to exclusive right to locate source material; exception.
185.149 Holder of coal lease entitled to exclusive right to locate source material; exception.
185.150 Definitions.
185.151 Expiration of act; exception.
185.152 Appeals.

AUTHORITY: §§ 185.140 to 185.152 issued under R. S. 2478, sec. 8, 69 Stat. 679; 48 U. S. C. 1201, 30 U. S. C. 541g.

§ 185.140 *Purpose and authority.* The act of August 11, 1955 (69 Stat. 679) was enacted:

To provide for entry and location, on discovery of a valuable source material, upon public lands of the United States, classified as or known to be valuable for coal, and for other purposes.

The regulations in this part are intended to implement those parts of the act which require action by the Department of the Interior.

§ 185.141 *Public lands known or classified as coal land, containing source material opened to location; exception.* The act in section 1 provides in part as follows:

That, subject to the conditions and provisions of this act and to any valid intervening rights acquired under the laws of the United States, public lands of the United States classified as or known to be valuable for coal subject to disposition under the mineral leasing laws and which are open to location and entry subject to the conditions and provisions of the act of August 13, 1954 (68 Stat. 708), unless embraced within a coal prospecting permit or lease, shall also be open to location and entry under the mining laws of the United States upon the discovery of a valuable source material occurring within any seam, bed, or deposit of lignite in such lands.

§ 185.142 *Copy of Notice of Location to be filed in appropriate County Recorder's office, Land Office, and posted on the claim.* (a) The act in section 1 provides in part as follows:

• • • a copy of the notice of any mining location made for source material occurring in any such bed, seam, or deposit, shall be filed for record in the land office of the Bureau of Land Management for the State in which the claim is situated within ninety days after the date of its location.

(b) The act in section 2 provides as to mining claims located prior to May 25, 1955:

That the locator or locators of such a mining claim shall, not later than one hundred and eighty days from and after the date of this Act, post on the claim and file for record in the office where the notice or certificate of location is of record, an amended notice of the mining location stating that such amended notice is filed pursuant to the provisions of this Act and for the purpose of obtaining the benefits thereof; and that a copy of said amended notice is, within the said one-hundred-and-eighty-day period, filed in the land office of the Bureau of Land Management for the State in which the mining location is situated • • •[1]

(c) The act in section 3 provides in part as follows:

• • • upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(d) Any location notice filed under the above-quoted sections should clearly state that the claim was located for uranium or other source material contained in a bed, seam, or deposit of lignite pursuant to the act of August 11, 1955 (69 Stat. 679). The notice should describe the lands included therein by subdivision, section, township and range, if covered by a public land survey, for a placer claim, and if unsurveyed, or if the location is a lode claim, by a metes and bounds description tied to a corner of the public land survey, or to a mineral monument.

§ 185.143 *Claimant to report annually to Mining Supervisor, Geological Survey.* (a) The act in section 1 provides in part as follows:

That the claimant to any such mining location shall report annually to the Mining Supervisor of the Geological Survey the amount of lignite mined or stripped in the recovery of such valuable source material during each calendar year and tender payment to him of 10 cents per ton thereon • • • subject to the recording and payment requirements • • •

(b) Payments shall be by check, draft or money order, payable to the United States Geological Survey, accompanied by a report of the tons of lignite mined or stripped, whether disposed of or not, in recovering the source material as defined in § 185.147. Each report should show the name of the claim, identify the location, the calendar year for which payment is made and address of claimant. A suggested form of report as shown in Appendix A to the regulations in this part may be used for this purpose.

(c) Tonnage reports and remittances for claims in Montana, North Dakota, South Dakota, and Northern Wyoming should be sent to the Regional Mining Supervisor, U. S. Geological Survey, Billings, Montana. As to claims in other states, the address of the Regional Mining Supervisor may be obtained from the Director, U. S. Geological Survey, Washington 25, D. C.

[1] In this connection, the Land Office for North Dakota and South Dakota is located at Billings, Montana; that for Nebraska at Cheyenne, Wyoming; and that for Arkansas, Florida, Louisiana, and Mississippi, at Washington 25, D. C.

§ 185.144 *Mineral patents subject to recording and payment requirements to contain reservation of leasable minerals.* (a) The act in section 1 provides in part as follows:

Any mineral patents issued hereunder shall be made subject to the recording and payment requirements of this section and shall contain a reservation to the United States of all Leasing Act minerals owned by the United States other than lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of such material.

(b) Under this section, all debts due the United States on account of coal mined under the location must be paid, before a patent will issue.

§ 185.145 *Mineral patents not to include lignite; exception.* (a) The act in section 1 provides in part as follows:

Mining claims located and mineral patents issued under the provisions of this Act shall not include rights to lignite not containing valuable source material except to the extent it may be necessary to mine or strip such lignite in order to mine the source material • • •

(b) The reservation of leasing act minerals including lignite that do not contain valuable source material which will be inserted in every patent issued under the act, will be subject to the right of the patentee to remove such lignite when necessary to mine source material subject to the provisions of the act.

§ 185.146 *Lodes do not include extralateral rights.* (a) The act in section 1 provides in part as follows:

• • • lode claims, shall not include extralateral rights.

(b) The act in section 2 provides in part as follows:

That no extralateral rights shall attach to any mining location validated under this section.

(c) The right of all locators under the act are therefore limited to the extraction of unreserved minerals within the exterior boundaries of the claim extended vertically downward.

§ 185.147 *Source material not in leasing minerals, right to remove lignite, filing of description.* (a) The act in section 3 provides in part as follows:

SEC. 3. Subject to the provisos of section 2 of this Act, any mining location made under the mining laws of the United States, including the Act of August 13, 1954, on lands of the character described in section 1 of this Act, except locations made for lands within the exterior boundaries of a prior coal prospecting permit or lease, if based upon a discovery of valuable source material in deposits other than deposits of Leasing Act minerals, shall include the right to mine, remove, and dispose of lignite containing valuable source material and lignite necessary to be stripped or mined in the recovery of source material contained in lignite, subject to the reporting and payment requirements of section 1 of this Act, and subject to the provisions of the Atomic Energy Act of 1954, upon filing in the land office designated in section 1 hereof, an adequate description of his claim or claims containing such lignite.

(b) For description under this section, see § 185.142 (d).

(c) The act in section 3 also provides in part as follows:

That nothing in this section shall be construed to limit or restrict the rights acquired by virtue of a mining claim heretofore or hereafter located, under the 1872 mining act, as amended, or to impose any additional obligation with respect to mining and removal of source material which does not occur within any seam, bed, or deposit of lignite.

(d) Under these provisions, as to locations which were made under the act of August 13, 1954, at a time when the land was known to contain lignite and was not then in a coal permit or lease, or application for permit or lease, the locator would have a right to mine the lignite containing source material and to mine other lignite only after he had complied with the reporting and payment provisions of section 1 of the act with respect thereto. The owner of such a location, who chooses not to comply with these payment and reporting requirements, may mine and remove any mining law minerals in the location, except such minerals contained in lignite, under authority of the act of August 13, 1954. If such a locator damages or destroys any lignite in connection with his mining operations his liability therefor to the United States will be determined under applicable laws. A location made solely under the 1872 Mining Act would not be subject to the provisions of either the August 13, 1954 Act, or of this act, but unless made upon land not then known to contain lignite it would be invalid.

§ 185.148 *Entryman or owner or an assignee thereof of lands patented with coal reservation entitled to exclusive right to locate source material; exception.* (a) The act in section 4 provides as follows:

The entryman or owner of any land or the assignee of rights therein, including lands granted to States, with respect to which the coal deposits have been reserved to the United States pursuant to the provisions of the act of March 3, 1909 (35 Stat. 844), or the act of June 22, 1910 (36 Stat. 583), excepting lands embraced within a coal prospecting permit or lease, upon the discovery of valuable source material in lignite situated within such entered, granted, or patented lands, who, except for the reservation of coal to the United States would have the right to mine and remove such source material, shall have the exclusive right to mine, remove, and dispose of lignite containing such source material and lignite necessary to be stripped or mined in the recovery of such material, subject to the reporting and payment requirements of section 1 of this act, and subject to the provisions of the Atomic Energy Act of 1954, upon filing in the land office designated in section 1 hereof, an adequate description sufficient to identify the land containing such lignite.

(b) The description under this section should be by the legal subdivision of the public land survey which contains the deposits.

§ 185.149 *Holder of coal lease entitled to exclusive right to locate source mate-*

rial; exception. (a) The act in section 5 provides as follows:

The holder of coal leases issued under the provisions of the mineral leasing laws, including the Act of August 7, 1947 (61 Stat. 913), prior to the date of this Act, or thereafter if based upon a prospecting permit issued prior to that date, upon the discovery during the term of such lease of valuable source material in any bed or deposit of lignite situated within the leased lands, shall have the exclusive right to locate such source material under the provisions of this Act but the mining and disposal of such source material shall be subect to the operating provisions of the lease and to the provisions of the Atomic Energy Act of 1954: *Provided*, That the provisions of this section shall not apply to coal prospecting permits or leases on lands embraced within entered, granted, or patented lands described in section 4 of this Act.[2]

(b) The coal lessee for lands not entered, granted, or patented, who desires to obtain the benefits of this section must make a mining location and comply with the act and these regulations with respect thereto, and must also comply with the operating regulations (30 CFR Part 211).

§ 185.150 *Definitions.* (a) The act in section 6 provides in part as follows:

• • • "lignite" shall mean coal classified as ASTM designation: D 388-38, according to the standards established in the American Society for Testing Materials on Coal and Coke under standard specifications for Classification of coals by Rank, contained in public-land deposits considered as valuable under the coal-land classification standards established by the Secretary of the Interior and prescribed in section 30, Code of Federal Regulations, part 201; and "source material" shall mean uranium, thorium, or any other material which is determined by the Atomic Energy Commission pursuant to the provisions of section 61 of the Atomic Energy Act of 1954 to be source material.

(b) The act applies only to deposits of coal coming within the definition set out in the above quotation from the act, and other types of coal deposits are not subject to location under the act, even though found to contain source material.

§ 185.151 *Expiration of act; exception.* (a) The act in section 10 provides as follows:

Twenty years after the effective date of this act, all lands subject to the provisions of section 1 shall be withdrawn from all forms of entry under this act. All claims made pursuant to the provisions of this act shall expire at that time, except for (1) claims for which patent has already been issued, and (2) claims on which application for patent has already been made and on which patent is subsequently issued: *Provided*, That, if the President shall so provide by Executive Order, the provisions of this section shall not become effective until thirty years after the effective date of this act.

(b) Under this section, no location will be recognized on and after a date 20 years after the date of the act or the expiration of any extension of such period by the President, unless prior to that date an application for a patent has been filed and no patent will issue for any such claim in the absence of evidence of full compliance with the law made prior to that date.

§ 185.152 *Appeals.* A party aggrieved by any official action taken pursuant to this part may appeal from the decision of any subordinate official to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior pursuant to the rules of practice (Part 221 of this chapter).

APPENDIX A

Name of Claim
BLM Serial No.
Located in Sec. __, T. __, R.
County
State

REGIONAL MINING SUPERVISOR,
U. S. Geological Survey,
Billings, Montana.

Enclosed is check (draft or money order) payable to the United States Geological Survey for lignite mined or stripped under the above mining claim during the year ending December 31, ____, in accordance with Public Law 357, 84th Congress.

Tons of lignite---------- ----
Payment at 10 cents per ton---- $----
Name----------
Address----------

NOTE: If section, township, and range are not known, claim should be described as shown in the certificate of location.

December 31 ____, in accordance with Public Law 357, 84th Congress.

Tons of lignite---------- ----
Payment at 10 cents per ton---- $----
Name ----------
Address ----------

NOTE: If section, township, and range are not known, claim should be described as shown in the certificate of location.

[F. R. Doc. 57-1533; Filed, Feb. 28, 1957; 8:45 a. m.]

[2] As of August 11, 1955, there were no outstanding coal permits or leases issued under the act of August 7, 1947, in areas containing lignite as defined in the act of August 11, 1955, subject to the mining laws. Consequently, reference to the act of August 7, 1947 will not result in any mining claims being made for source material on acquired lands.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11870; FCC 57-175]

[Rules Amdt. 16-12]

PART 16—LAND TRANSPORTATION RADIO SERVICE

RAILROAD RADIO SERVICE

In the matter of amendment of §§ 16.351 (a) and 16.352 (b) of the rules governing the Railroad Radio Service.

1. On November 13, 1956, the Commission released a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on November 16, 1956, (21 F. R. 8952) in accordance with the provisions of section 4 (a) of the Administrative Procedure Act. The purpose of the amendments under consideration is to provide communications for the land motor vehicles of railroad common carriers engaged in the pickup, delivery or transfer between stations of property shipped, continued in, or destined for shipment by such railroad common carriers; to amend § 16.351 (a) to preclude a possible interpretation that this section includes persons other than railroad common carriers; and to delete the special protection afforded by § 16.352 (b) to the frequencies 159.57, 159.81, 160.11, 161.01, 161.31 and 161.67 Mc.

2. The period in which interested persons were afforded an opportunity to submit comments thereto has expired. Comments in support of the Commission's proposal have been filed by the Association of American Railroads, the Railway Express Agency, Inc. and the Union Pacific Railroad Company. Comments in opposition to the above-mentioned proposal have been filed by the Villiage of Richfield, Minnesota, and by the Counties of Winnebago, Brown, Oconto, Kewanee and Milwaukee in Wisconsin.

3. The gravamen of the comments objecting to the Commission's proposal is that the additional use of the frequencies involved by the primary user will make the frequencies less available for secondary users, such as the Highway Maintenance Radio Service. They contend that "in view of the great amount of interference Highway Departments are experiencing, which the Federal Communications Commission attributes to radio signals from the upper layer of the ionosphere, some extraordinary measures will be necessary to insure continuance of highway radiocommunications." They believe that "the public interest will be better served by Highway Departments having adequate radiocommunications facilities than by the convenience of a local pickup and delivery organization." For these reasons, they suggest "that the railway express service of the railroads be allocated a third priority to the frequencies involved."

4. The Commission agrees with the reply comments filed by the Railway Express Agency, Inc., that these objections are without merit since the 152-162 Mc frequencies allocated to the Railroad Radio Service are made available to the Public Safety Radio Services which includes the Highway Maintenance Radio Service, expressly on a secondary basis and subject to no interference being caused to stations in the Railroad Radio Service, either existing or future. Accordingly, the failure of a secondary user to obtain the use of a frequency may not be used as a lever to block the proposed use by a primary right user of an entire block of frequencies.

5. The objecting comments convey the impression that the frequencies allocated to the Railroad Radio Service are virtually the most important if not the sole source of frequencies on which the operation of Highway Maintenance radio stations must depend, however, such is not the case. The Highway Maintenance Radio Service has been allocated twenty frequencies in the 25-50 Mc band, fourteen of which are in the 46-47 Mc band where the long distance skip interference is much less serious than in lower portions of that band; four 157 Mc frequencies not subject to skip interference allocated primarily to the Maritime Mobile Service but available to the Public Safety Radio Services on a secondary basis; twenty frequencies in the band 453-458 Mc, allocated to the Public Safety Radio Services, are available for Highway Maintenance operations and are likewise not subject to skip interference and are suitable for a substantially increased use by stations in the Highway Maintenance Radio Service. The 157 Mc frequencies made reference to above as primarily allocated to the Maritime Service may not be available to the Village of Richfield and the counties listed above because of their proximity to navigable waters.

6. The amendment under consideration does not enlarge the scope of eligibility in the Railroad Radio Service. In fact, one of the stated purposes of the amendment is to preclude a possible interpretation that § 16.351 (a) includes persons other than railroad common carrier. Although the proposed amendments contain an implicit recognition of the fact that an express agency may be a railroad common carrier, this is consistent with the view taken by the Commission in its action on June 20, 1956 (Public Notice, June 21, 1956: Report No. 149, Non-Broadcast and General Actions) denying the application of the Railway Express Agency, Inc., wherein it was conceded that while the Railway Express Agency, Inc., might come within the scope of the eligibility requirements of the Railroad Radio Service, the proposed use of the frequencies was not provided for by existing rules. The proposed action would remedy that situation by permitting the existing primary user to use the frequencies in a manner more consistent with the requirements of persons presently eligible in the Railroad Radio Service:

7. The Village of Richfield and the counties listed herein, request a delay of thirty to sixty days in the Commission's action on the proposal. However, no compelling reasons are given for such delay nor is any explanation given as to what it would accomplish. In view of the fact that the Commission's Notice of Proposed Rule Making was released on November 13, 1956, and interested persons were given until December 19, 1956, a period of five weeks, to submit comments, the Commission is of the opinion that further delay would serve no useful purpose. The suggestion of the Village of Richfield that the Commission should review the original docket in which the frequencies were allocated to the Railroad Radio Service for the apparent purpose of reallocating such frequencies clearly goes beyond the scope of this proceeding.

8. In view of the foregoing considerations, and pursuant to authority contained in section 4 (i) and 303 of the Communications Act of 1934, as amended: *It is ordered*, That effective April 1, 1957, §§ 16.351 (a) and 16.352 (b) of Part 16 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: February 21, 1957.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amendment of Part 16, Subpart H, rules governing the Railroad Radio Service.

1. Amend subparagraphs (1) and (2) of § 16.351 (a) to read as follows:

(1) Railroad common carriers, including railroad express companies wholly owned by railroad common carriers, which are regularly engaged in the trasportation of passengers or property when such passengers or property are transported over all or part of their route by railroad.

(2) A non-profit organization or association organized for the purpose of furnishing a radiocommunication service solely to railroad common carriers who are actually engaged in the activity set forth under subparagraph (1) of this paragraph.

2. Amend § 16.352 (b) to read as follows:

(b) All frequencies in paragraph (a) of this section may also be assigned to base and mobile stations to be used for communications which are of practical necessity in connection with railroad operation or maintenance, including use in connection with the operation of land motor vehicles engaged in the pickup, delivery, or transfer between stations of property shipped, continued in, or destined for shipment by railroad common carrier; provided interference is not caused to stations authorized under the provisions of paragraph (a) of this section.

[F. R. Doc. 57-1560; Filed, Feb. 28, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 9]

[Docket No. 11942; FCC 57-173]

FREQUENCY ALLOCATIONS AND AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Parts 2 and 9 of the Commission's rules, as shown below, to expand the scope of aeronautical advisory service and to make available an additional frequency. This proposal parallels recommendations contained in the October 9, 1956 report on "Operational/Special Service Communications" by the Radio Technical Commission for Aeronautics.

3. Specifically, it is proposed to amend the rules (a) to make the frequency 123.0 megacycles available for communications between private aircraft and aeronautical advisory stations at landing areas served by airdrome control stations; (b) to expand the scope of aeronautical advisory service to include transmission of communications which pertain to the efficient portal-to-portal transit of which the flight is a portion; and (c) to remove the existing restrictions against use of the frequency 122.8 megacycles by air carrier aircraft weighing less than 10,000 lbs.

4. It is anticipated that expansion of the scope of aeronautical advisory service as proposed herein, would result in a substantial increase in the volume of communications in this service. In order to obtain the most effective frequency utilization and best accomplish the intended purpose of providing communications service at landing areas for the occupants of private aircraft, it is proposed to limit the location of control and dispatch points for any aeronautical advisory station to the landing area served by the station.

5. The proposed amendment is issued under the authority of sections 303 (b), (c), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 1, 1957, written data, views, or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: February 21, 1957.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. It is proposed to amend that portion of § 2.104 (a) (5) pertaining to the frequency band 122.1 Mc through 123.0 Mc to read as follows:

10	11
122.1	Private aircraft.
122.3	Do.
122.5	Do.
122.7	Do.
122.8	Aeronautical Advisory Station.
122.9	Private aircraft.
123.0	Aeronautical Advisory Station.

B. 1. Delete definition of aircarrier aircraft station from § 9.3 and substitute new definition to read as follows:

Aircarrier aircraft station. An aircraft station aboard an aircraft engaged in or essential to, transportation of passengers or cargo for hire. For the purpose of these rules an aircraft weighing less than 10,000 lbs. may be considered at the option of the applicant, as a private aircraft even though actually engaged in aircarrier operations. The election by the applicant will determine the equipment and frequencies to be employed and the regulations applicable to the aircraft radio station.

2. Delete § 9.311 and substitute a new section to read as follows:

§ 9.311 *Scope of service.* Communications by an aircraft station in the aeronautical mobile service shall be limited to the necessities of safe aircraft operation, except as otherwise specifically provided in this part. Normally, contacts with a ground station in the aviation services shall not be attempted unless the aircraft is within the area served by the station.

3. Delete paragraph (e) of § 9.331, substitute a new paragraph (e) and add a new paragraph (f) to read as follows:

(e) 122.8 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations and between private aircraft stations while in flight. Permissible communications are defined in § 9.1004.

(f) 123.0 megacycles, 6A3 emission: Private aircraft stations to aeronautical advisory stations only. Permissible communications are defined in § 9.1004.

4. Delete § 9.1001 and substitute a new section to read as follows:

§ 9.1001 *Special eligibility requirements.* (a) Authorization to operate an aeronautical advisory station using the frequency 122.8 Mc will be issued only to the owner or operator of a landing area not served by an airdrome control station.

(b) Authorization to operate an aeronautical advisory station using the frequency 123.0 Mc will be issued only to the owner or operator of a landing area served by an airdrome control station.

(c) Only one aeronautical advisory station will be authorized at any landing area.

(d) Control points will not be authorized at locations other than the landing area served by the station.

(e) Notwithstanding the provisions of § 9.185 (e), dispatch points shall not be established at locations other than the landing area served by the station.

5. Delete § 9.1002 and substitute a new section to read as follows:

§ 9.1002 *Frequencies available.* 122.8 and 123.0 megacycles, 6A3 emission: For communications with private aircraft stations.

6. Delete § 9.1004 with the exception of the note, and substitute a new section to read as follows:

§ 9.1004 *Scope of service.* (a) At all times when an aeronautical advisory station is in operation, non-public service shall be provided to any private aircraft station upon request and without discrimination.

(b) Aeronautical advisory stations shall not be used for air traffic control purposes.

(c) Communications on the frequency 122.8 Mc shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information; provided, however, that on a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit.

(d) Communications on the frequency 123.0 Mc shall be limited to messages which pertain to the efficient and economical use of private aircraft, insofar as such communications relate to the efficient portal-to-portal transit of which the flight is a portion, such as dispatching, requests for ground transportation and food or lodging required during transit. The frequency 123.0 Mc is not available for civil defense communications.

[F. R. Doc. 57-1561; Filed, Feb. 28, 1957; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[7 CFR Part 814]

1957 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 31[illegible] 7 U. S. C. 1100, Public Law 545, 84th Cong.), and in accordance with the applicable rules of practice and procedure (21 F. R. 4251), the Secretary of Agriculture has, after due notice (21 F. R. 8088) and hearing, found that allotments of the 1957 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to accord all interested persons an equitable opportunity to market sugar, and has established allotments of such quota totaling 450,000 short tons, raw value, to be in effect until allotments of the 1957 sugar quota for the Mainland Cane Sugar Area are prescribed (22 F. R. 5).

Notice is hereby given that a public hearing will be held at New Orleans, Louisiana, in the Robert E. Lee Room of the Monteleone Hotel on March 15, 1957, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1957 among persons who market sugar processed from sugarcane produced in the Mainland Cane Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment, and make or withhold allotment of any such quota in accordance therewith.

In addition, the subject and issues of this hearing also include (1) the manner in which consideration should be given to the statutory factors as provided in section 205 (a) of the act, and (2) provision for the transfer of allotments under circumstances of a succession of interest.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) giving effect to any increase, or decrease, in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of another area; (2) prorating any deficit in the allotment for any allottee; and (3) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 25th day of February 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-1571; Filed, Feb. 28, 1957; 8:52 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH DAKOTA AND SOUTH DAKOTA

DISASTER ASSISTANCE; DESIGNATION OF AREAS FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the States of North Dakota and South Dakota there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-3), as amended, or other responsible sources.

Pursuant to the authority set forth above, such loans may be made to new applicants in the States of North Dakota and South Dakota through June 30, 1957. Thereafter, such loans may be made in the above States only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 26th day of February 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-1548; Filed, Feb. 28, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations. Special certificates authorizing the employment of student-workers as learners in school-operated industries, as provided in Part 527 (29 CFR Part 527), have been issued to the educational institutions listed hereinbelow; the effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Carol Fashion, 48 North Eighth Street, Bangor, Pa.; effective 2-7-57 to 2-6-58; five learners (ladies blouses).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-57 to 2-18-58 (cotton work clothing—pants).

Carwood Manufacturing Co., Cornelia Branch, Cornelia, Ga.; effective 2-19-57 to 2-18-58 (men's work shirts and sport shirts).

Carwood Manufacturing Co., No. 1, Midland Avenue, Monroe, Ga.; effective 2-19-57 to 2-18-58 (men's and boys' work clothing).

Carwood Manufacturing Co., No. 2, Atlanta Highway, Monroe, Ga.; effective 2-19-57 to 2-18-58 (men's and boys' work clothing).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-57 to 2-18-58 (work pants and shirts).

Cordele Uniform Co., 621 11th Avenue, East, Cordele, Ga.; effective 2-11-57 to 2-10-58; 10 learners (men's washable service cotton apparel).

J. Freezer & Son, Inc., Radford, Va.; effective 2-18-57 to 2-17-58 (ladies shirts).

Monleigh Garment Co., Inc., Yadkinville Road, Mocksville, N. C.; effective 2-6-57 to 2-5-58 (ladies' pajamas).

Myersdale Manufacturing Co., Inc., Myersdale, Pa.; effective 2-16-57 to 2-15-58 (men's shirts).

Nash Garment Co., Inc., Nashville, N. C.; effective 2-5-57 to 2-4-58; 10 learners (children's dresses).

J. Olsher & Co., 1100 South Fourth St., Clinton, Ind.; effective 2-11-57 to 2-10-58 (boy's single pants and jackets).

Seneca Sportswear Manufacturing Co., 1234 Bryn Mawr Street, Scranton, Pa.; effective 2-8-57 to 2-7-58; 10 learners (boy's outerwear).

Southeastern Shirt Corp., 110 North Indiana Avenue, LaFollette, Tenn.; effective 2-13-57 to 2-12-58 (dress and sport shirts).

Russell Williams Co., 418-428 West Mahanoy Avenue, Mahandy City, Pa.; effective 2-9-57 to 2-8-58 (ladies' dresses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Haynesville Manufacturing Co., Inc., Haynesville, La.; effective 2-6-57 to 8-5-57; 50 learners for expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Athens Hosiery Mills, Inc., Athens, Tenn.; effective 2-5-57 to 2-4-58; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Altoona Shoe Co., Inc., 201 Cayuga Avenue, Altoona, Pa.; effective 2-24-57 to 2-23-58; 10 percent of factory production workers for normal labor turnover purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following special learner certificate was issued in Hawaii to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Royal Hawaiian Manufacturing Co., Ltd., 1166 Fort Street, Honolulu, Hawaii; effective 2-14-57 to 2-13-58; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 6 learners for normal labor turnover purposes (ladies' sportswear, dresses, swimsuits, etc.).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Elgee, Inc., Km. 3.3 65th Inf. Road, Rio Piedras, P. R.; effective 2-1-57 to 1-31-58; not less than 43 cents per hour for a maximum of 160 hours, for the occupation of stone setting; authorizing the employment of 10 learners for normal labor turnover purposes (combs, barrettes and chignon pins).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 1-28-57 to 1-27-58; not less than 58 cents per hour for the first 240 hours and 68 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of looping; not less than 58 cents per hour for the first 160 hours and 68 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of machine stitching; authorizing the employment of 37 learners for normal labor turnover purposes (sweaters).

Playtex Pan American, Inc., K. 48.1 State Road No. 2, Manati, P. R.; effective 1-28-57 to 7-27-57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operator, cutter and spreader; not less than 45 cents per hour for a maximum of 160 hours, for the occupations of electronic sealing operator, snap machine operator and final inspection; authorizing the employment of 110 learners for expansion purposes (dyper panty, bibs, and dress-eez).

Simmons International, Ltd., 102 Paseo de Covadonga, Puerta de Tierra, P. R.; effective 2-4-57 to 5-3-57; not less than 75 cents per hour for a maximum of 160 hours, for the occupations of mattress closing machine and tufting machine operator; authorizing the employment of one learner for normal labor turnover purposes (mattresses).

Uniforms, Inc., Cayey, P. R.; effective 2-2-57 to 5-18-57; not less than 45 cents per hour for the first 240 hours and 53 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 40 learners for expansion purposes (nurses' and maids' uniforms).

Vega Alta Corp., Vega Alta, P. R.; effective 2-1-57 to 7-31-57; not less than 75 cents per hour for the first 240 hours and 88 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of assembly operator, bench operator, drill press operator, heat treat operator, lapping machine operator, inspection operator, punch press operator, plastic molding operator, auto screw machine and welding machine operator, straightener operator, milling machine operator, apprentice tool maker, and plating operator; authorizing the employment of 50 learners for expansion purposes (electric shavers).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Newbury Park Academy, Newbury Park, Calif.; effective 2-4-57 to 8-31-57; 25 additional student workers to be employed in the broom industry, in the occupations of broom maker, sorter, winder, stitcher and related skilled and semi-skilled occupations; each for a learning period of 360 hours at rates of 80 cents per hour for the first 180 hours and 85 cents per hour for the remaining 180 hours (supplemental certificate).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REG-

ISTER pursuant to the provisions of Part 522.

Each student-worker certificate has been issued upon the employer's representation that the employment of the student-workers at subminimum rates is necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 13th day of February 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-1538; Filed, Feb. 28, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11902; FCC 57-170]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of February 1957;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations, and

It appearing, that notice of proposed rule making (FCC 57-36) setting forth the above amendment was issued by the Commission on January 11, 1957 and was duly published in the FEDERAL REGISTER (22 F. R. 322), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before February 8, 1957; and

It further appearing, that no comments were received either favoring or opposing the proposed amendment;

It further appearing, that the immediate adoption of the proposed amendment would facilitate action on an application (File No. BPH-2162) for a new FM broadcast station in Hagerstown, Maryland to operate on Channel No. 295;

It further appearing, that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

It is ordered, That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to the following listed cities:

General Area	Channels	
	Delete	Add
Hagerstown, Md		295
Cumberland, Md	295	234
Baltimore, Md	294	

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1562; Filed, Feb. 28, 1957; 8:51 a. m.]

[Docket No. 11906; FCC 57M-155]

EAST COAST RADIO CO. (WKLM)

STATEMENT AFTER PRE-HEARING CONFERENCE AND ORDER OF CONTINUANCE

In re application of Harold H. Thoms, Meredith S. Thoms and Matilann S. Thoms, d/b as East Coast Radio Co. (WKLM), Wilmington, North Carolina, Docket No. 11906, File No. BMP-7252; for modification of construction permit.

A pre-hearing conference was held in the above-entitled proceeding on February 25, 1957. Looking toward expeditious disposition of the matter all participants agreed that the following timetable should govern future procedure:

March 25, 1957—Exchange of Exhibits.
April 4, 1957—Hearing.

Accordingly, it is ordered, This 25th day of February 1957, that the date now scheduled for hearing, March 28, 1957, is extended to April 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1563; Filed, Feb. 28, 1957; 8:51 a. m.]

[Docket Nos. 11940, 11941; FCC 57-163]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of February 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Bowling Green, Kentucky; and

It appearing, that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that each of the applicants filed timely replies; and that upon due consideration of the above-captioned applications and the aforementioned replies, the Commission finds that each of the applicants is legally, financially, technically, and otherwise qualified to construct, own and operate a television broadcast station;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Sarkes Tarzian, Inc., and George A. Brown, Jr. are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, to determine on a comparative basis which of the operations proposed in the above-captioned applications would best serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Sarkes Tarzian, Inc. and George A. Brown, Jr., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: February 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1564; Filed, Feb. 28, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[73400]

MICHIGAN

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 25, 1957.

Plat of survey of Blackbird Island, described below, accepted March 23, 1956, will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on April 10, 1957.

MICHIGAN MERIDIAN, MICHIGAN

T. 2 N., R. 10 W.,
Sec. 6, Lot 1.

Containing 1.65 acres.

This plat represents the survey of Blackbird Island in Gun Lake which was not included in the original survey of the township which is represented on the plat approved April 24, 1827.

The island is low and wet, approximately one foot above the water level of Gun Lake, of sandy formation. There is a matted growth of alder, brush and vines on the island, but no trees. The island is principally swamp.

No application for the land may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

At the hour specified on the above-mentioned effective date, the land shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-1534; Filed, Feb. 28, 1957; 8:45 a. m.]

Office of the Secretary

PROPERTY OF CERTAIN TRIBES, BANDS, AND COLONIES OF INDIANS IN UTAH AND OF INDIVIDUAL MEMBERS THEREOF

TERMINATION OF FEDERAL SUPERVISION

Whereas, all Federal restrictions on the property of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe, located in the State of Utah, and of individual members thereof, have been removed, and

Whereas, Congress, by section 17 (a) of the act of September 1, 1954 (Public Law 762, 83d Congress, 68 Stat. 1099, 25 U. S. C. 757), has directed the Secretary of the Interior to publish this Proclamation,

Now, therefore, I, Fred G. Aandahl, Acting Secretary of the Interior, do hereby declare that

1. The Federal trust relationship to the affairs of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe and its members has terminated.

2. Hereafter, all powers of the Secretary of the Interior or other officer of the United States to take, review, or approve any action under the Constitutions or bylaws of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe are terminated, and any powers conferred upon the tribe by such constitution which are inconsistent with the provisions of the act of September 1, 1954, supra, are terminated.

3. The corporate charters issued pursuant to the act of June 18, 1934 (48 Stat. 984), as amended, to the Kanosh Band of Paiute Indians of the Kanosh Reservation, Utah, and ratified by the band on August 15, 1943, and to the Shivwits Band of Paiute Indians of the Shivwits Reservation, Utah, and ratified by the band on August 30, 1941, are revoked.

4. All statutes of the United States which affect Indians because of their status as Indians shall no longer be applicable to the members of said Bands of the Paiute Indian Tribe, and individual members shall not be entitled to any of the services performed by the United States for the Indians because of their status as Indians.

5. All other rights, privileges, immunities and obligations of such bands, and of the members thereof, and all other powers and responsibilities of the Secretary of the Interior, remain unaffected, except as provided in said act of September 1, 1954, to which reference is hereby made for the provisions of Congress concerning the termination of Federal supervision over the affairs and property of such Indian bands and individuals.

In witness whereof, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 21st day of February 1957.

[SEAL] FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. F. Doc. 57-1535; Filed, Feb. 28, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

ATLANTIC (PASSENGER) CONFERENCE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 7840-29, between the member lines of the Atlantic (Passenger) Conference, modifying Annex 1 of the basic conference agreement (7840, as amended) to provide that with respect to members of the American Legion (including women's auxiliary) and their families participating in the American Legion Post-Convention Pilgrimage to Europe, September 1957, one free one-way passage, eastbound or westbound, may be given to a party conductor for each group of 25 or more one-way passengers paying full adult fares (two half-fares count as one adult fare) travelling eastbound prior to October 20, 1957, or westbound prior to December 31, 1957; and one free round-trip passage may be given to a party conductor in accordance with existing rule of the conference to such party conductors, provided the outward sailing date is before October 20, 1957 and return is prior to December 31, 1957. Such free passages are without limitation as to the number of free tickets to such party conductors by any one sailing.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 26, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1549; Filed, Feb. 28, 1957; 8:46 a. m.]

Office of the Secretary

ROBERT L. TURNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 14, 1955, 20 F. R. 9348, April 7, 1956, 21 F. R. 2292 and October 3, 1956, 21 F. R. 7581.

Deletions: Eastern Airlines, Inc.
Additions: Northeast Airlines, Inc.

This statement is made as of February 1, 1957.

Dated: February 19, 1957.

ROBERT L. TURNER.

[F. R. Doc. 57-1550; Filed, Feb. 28, 1957; 8:47 a. m.]

[Dept. Order 109 (Revised)]

BUREAU OF PUBLIC ROADS

ORGANIZATION AND FUNCTIONS

SECTION 1. *Purpose.* This order prescribes the organization and functions of the Bureau of Public Roads.

SEC. 2. *Organization.* 01 The Bureau of Public Roads, a primary organization unit of the Department of Commerce shall be headed by a Federal Highway Administrator appointed by the President by and with the advice and consent of the Senate. The Federal Highway Administrator shall report and be responsible to the Under Secretary of Commerce for Transportation.

02 The Federal Highway Administrator shall be assisted in the operations of the Bureau by a Commissioner of Public Roads, who shall be appointed by the Secretary of Commerce.

03 The Bureau of Public Roads shall be constituted as follows:

The Federal Highway Administrator;
The Commissioner of Public Roads;
Deputy Commissioner;
Assistants to the Commissioner;
The General Counsel;
Assistant Commissioner for Engineering;
Deputy Assistant Commissioner for Engineering;
Assistant Commissioner for Operations;
Deputy Assistant Commissioner for Operations;
Assistant Commissioner for Administration;
Deputy Assistant Commissioner for Administration;
Assistant Commissioner for Research;
Deputy Assistant Commissioner for Research;
Regional Offices; and
District Offices.

04 The following officers, in the order designated, shall perform the functions of the Federal Highway Administrator in the Administrator's absences, sickness or other inability to act.

1. Commissioner of Public Roads;
2. Deputy Commissioner;
3. Assistant Commissioner for Engineering;
4. Assistant Commissioner for Operations;
5. Assistant Commissioner for Administration;
6. Assistant Commissioner for Research; and
7. General Counsel.

SEC. 3. *Delegation of authority.* 01 Pursuant to the authority vested in the Secretary of Commerce by law, the Federal Highway Administrator is hereby authorized to perform the functions vested in the Secretary of Commerce by the Federal-Aid Road Act of 1916 and the Federal Highway Act of 1921 and all acts amendatory thereof or supplementary thereto except the apportionment of Federal-aid road funds among the States and such other functions as the Secretary of Commerce may reserve by directive or administrative regulation of the Department. In addition, the Federal Highway Administrator is designated to exercise the authority of the Secretary of Commerce derived from the Defense Production Act of 1950, as amended, with respect to highway construction and maintenance, regardless of financing, including all rural and urban highways, streets, highway equipment, repair shops, bridges, tunnels, toll road facilities, and appurtenant installations.

02 The Federal Highway Administrator may redelegate any power or authority conferred upon him by this order to any official or officials of the Bureau of Public Roads as in his judgment will result in economy and efficiency in effectuating the purposes of the Federal-aid Highway Acts or the provisions of this order.

SEC. 4. *General functions.* 01 The Bureau of Public Roads shall be responsible for administering Federal legislation providing, (a) for the improvement, in cooperation with the 48 States, the District of Columbia, Hawaii, Alaska, and Puerto Rico, of roads on the Federal-aid primary, secondary, and Interstate highway systems, and the urban extensions of such systems, (b) for the survey and construction, in cooperation with the Forest Service of the Department of Agriculture, of roads on the forest highway system, (c) for the survey and construction of main roads through public lands, (d) for the survey and construction, in cooperation with the Central American Republics, of the Inter-American Highway, (e) for the construction and maintenance of highways in Alaska, and (f) other programs as authorized.

02 The Bureau of Public Roads shall function as the principal road-building agency of the Federal Government and shall cooperate with (1) the U. S. Forest Service, the National Park Service, and other Federal agencies in the construction of roads in national forests, parks, and other Federal areas; (2) the Department of State and other Federal agencies in providing assistance and advice to foreign governments in various phases of highway engineering and administration; and (3) the Secretary of Defense, and such other officials as the President may designate, in the survey, design, and construction of access roads certified as essential to the national defense.

03 The Bureau of Public Roads shall conduct a program of research on all phases of highway improvement and highway transport as a basis for the development of progressive highway engineering and administrative practices.

SEC. 5. *Functions of principal officers.* 01 The Federal Highway Administrator shall plan and promulgate the basic programs and policies of the Bureau of Public Roads and shall coordinate the implementation of the Bureau's programs.

02 The Commissioner of Public Roads shall direct and control the execution of the Bureau's programs, including field operations, in accordance with established policies of the Federal Highway Administrator and the Secretary of Commerce. He shall also prescribe basic rules and regulations for the administration of the Bureau's operations and perform such other functions as the Federal Highway Administrator may assign. The Office of the Commissioner includes the Assistants to the Commissioner who coordinate the special projects of the Bureau as may be assigned.

03 The Deputy Commissioner shall be the principal operating aide to the Commissioner and assist in the direction of operations of the Bureau and shall perform such other functions as the Commissioner may assign.

04 The General Counsel, under the general policy guidance of the General Counsel of the Department of Commerce, serves as the law officer of the Bureau and renders all legal counsel and advice to the Federal Highway Administrator, the Commissioner of Public Roads, heads of program and staff offices including Regional Offices, in all matters pertaining to the functions of the Bureau. He shall direct and supervise all legal work performed by his office.

05 The Assistant Commissioner for Engineering, who shall head the Office of Engineering, participates in the formulation and directs the execution of policy and programs relating to highway programing, design, construction and maintenance for all Federal-aid highway activities authorized under the Federal-aid Highway Acts. These programs include the review and approval of systems, programs, plans and specifications for construction and maintenance of interstate, primary, secondary and urban roads; and certified defense access roads which are constructed through the State highway departments; the review and approval of plans and specifications for bridges and tunnels; the acquisition of rights-of-way; the inspection and approval of construction and maintenance operations; the administration of projects for repair of damage to Federal-aid projects occasioned by disaster other than Civil Defense. The Assistant Commissioner for Engineering supervises the operations of the following divisions: Federal-Aid Systems, Bridges and Tunnels, Construction, Interstate Highways, Maintenance, Primary Highways, Rights of Way, Secondary Highways, and Urban Highways.

06 The Assistant Commissioner for Operations, who shall head the Office of Operations, participates in the formulation and is responsible for the execution of overall Bureau policy and programs affecting (1) Federal highway construction on public lands, including forest highways, roads and trails in national parks, parkways, Indian Reservation roads and bridges; (2) foreign road construction and management, including the preparation of related diplomatic agreements, the organization and staffing of foreign missions, and advisory, design, and construction operations in cooperating foreign countries; and (3) Inter-American highway projects, including the advancement of construction of the Inter-American Highway and the Administration of operating aspects of these projects. In addition, he shall be responsible for the direction and supervision of civil defense activities of the Bureau and for operations under such preparedness programs when so required. The Assistant Commissioner for Operations supervises the operations of the following divisions: Civil Defense, Federal Domain, Foreign, and Inter-American Highway.

07 The Assistant Commissioner for Administration, who shall head the Office of Administration participates in the formulation and directs the execution of fiscal and administrative policies and programs of the Bureau. In this capacity he acts as comptroller of funds appropriated for Federal highway programs and prepares the apportionment of funds to States and Territories participating in the cooperative roads program. The Assistant Commissioner for Administration is also responsible for budgetary planning and the development of supporting accounting and auditing systems; program analysis activities; the direction of management studies and their implementation; all phases of personnel management including personnel training activities; the security program for the Bureau and activities thereunder; and the fulfillment of administrative services needs of the Bureau including space control, procurement of supplies and equipment, records disposal and administrative reporting. The Assistant Commissioner for Administration supervises the operations of the following divisions: Budget and Management, Personnel, Program Analysis, Audits and Accounts, Equipment, Procurement and Transportation, and Office Services.

08 The Assistant Commissioner for Research, who shall head the Office of Research, participates in the formulation and is responsible for the execution of policy and programs relating to highway research and planning independently and in collaboration with the several States, including physical and hydraulics research, highway transport research and financial and administrative research. These functions include the preparation and dissemination of technical data, statistics, and general highway information and the development of legislative requirements to effectively carry out the Bureau's research programs. In addition, he coordinates studies conducted under his supervision involving economic, financial and administrative research covering annual highway costs; equipment operations cost and highway contractors' operations; traffic control; and tax relationships. The Assistant Commissioner for Research supervises the operations of the following divisions: Financial and Administrative Research, Highway Transport, Hydraulics and Drainage, Physical Research, Research Coordination, and Publications and Reports.

SEC. 6. *Field organization.* 01 Field operations of the Bureau are conducted from eleven Regional Offices each headed by a Regional Engineer who reports to the Commissioner of Public Roads. In addition, there is a District Office, staffed by a District Engineer and supporting personnel, in each of the several States within a region. (See Appendix I, set forth below, for location of Regional Offices and areas of jurisdiction.)

02 The Regional Engineer is the field counterpart of the Commissioner of Public Roads and as such is responsible for the designation and improvement of highway systems consistent with the objectives of Federal highway legislation, State and local needs and highway requirements in the public domain. To this end, each Regional Engineer:

(1) Promotes and guides engineering and economic studies and the interpretation and application of the findings of such studies in planning highway systems; reviews highway system designations and proposed modifications; and reviews projects to insure the application of current planning data to highway improvements throughout the region;

(2) Develops and promotes improved and progressive geometric and structural design practices for application to highway improvements throughout the region; provides technical guidance to the district staff, State highway departments and other Federal agencies in connection with complicated and unusual highway design features;

(3) Develops and promotes improved and progressive construction and maintenance practices for application to highway improvements throughout the region; provides technical guidance to the district staff, State highway departments and other Federal agencies in connection with complicated and unusual construction and maintenance problems; and

(4) Administers fiscal and management functions throughout the region, including the preparation of internal budget estimates and budgetary controls, personnel administration, records management, the audit of construction and administrative vouchers, maintenance of fiscal records, and performance of centralized services for the region.

Effective date: January 23, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

APPENDIX I

Regional Offices. The location of the regional offices of the Bureau of Public Roads and the areas over which they have jurisdiction (District Office locations indicated in parenthesis) are as follows:

Region 1, Albany, New York: Maine (Augusta), New Hampshire (Concord), Vermont (Montpelier), Massachusetts (Boston), Connecticut (Hartford), Rhode Island (Providence), New York (Albany) and New Jersey (Trenton).

Region 2, Hagerstown, Maryland: Delaware (Dover), Maryland (Baltimore), Ohio (Columbus), Pennsylvania (Harrisburg), District of Columbia, Virginia (Richmond), West Virginia (Charleston).

Region 3, Atlanta, Georgia: Alabama (Montgomery), Florida (Tallahassee), Georgia (Atlanta), Mississippi (Jackson), Tennessee (Nashville), North Carolina (Raleigh), South Carolina (Columbia), Puerto Rico (San Juan).

Region 4, Chicago, Illinois: Illinois (Springfield), Indiana (Indianapolis), Kentucky (Frankfort), Michigan (Lansing), and Wisconsin (Madison).

Region 5, Kansas City, Missouri: North Dakota (Bismarck), South Dakota (Pierre), Minnesota (St. Paul), Iowa (Ames), Kansas (Topeka), Missouri (Jefferson City), and Nebraska (Lincoln).

Region 6, Fort Worth, Texas: Arkansas (Little Rock), Louisiana (Baton Rouge), Oklahoma (Oklahoma City), and Texas (Austin).

Region 7, San Francisco, California: Arizona (Phoenix), California (Sacramento), Nevada (Carson City), and Hawaii (Honolulu).

Region 8, Portland, Oregon: Montana (Missoula), Oregon (Salem), Idaho (Boise), Washington (Olympia).

Region 9, Denver, Colorado: Colorado (Denver), New Mexico (Sante Fe), Wyoming (Cheyenne), and Utah (Ogden).

Region 10, Juneau, Alaska: Anchorage, Fairbanks, Juneau, Valdez, Nome.

Region 15, Arlington, Virginia: Eastern National Forests and Parks.

[F. R. Doc. 57-1551; Filed, Feb. 28, 1957; 8:48 a. m.]

[Dept. Order 159 (Revised)]

OFFICE OF INTERNATIONAL TRADE FAIRS

ORGANIZATION AND FUNCTIONS

The material appearing in 21 F. R. 3803 of June 2, 1956 is superseded by the following.

SECTION 1. *Purpose.* The purpose of this order is to redefine the organization and functions of the Office of International Trade Fairs.

SEC. 2. *Organization.* 01 The Office of International Trade Fairs is a constituent unit of the Office of the Secretary and is headed by a Director who reports to the Assistant Secretary of Commerce for International Affairs.

02 The Office of International Trade Fairs consists of the following organization units:

1. The Office of the Director—
   Deputy Director.
   Assistant Director.
2. Public Information Staff.
3. Industry Exhibits Division.
4. Research and Program Division.
5. Design Division.
6. Procurement Division.
7. Materials and Traffic Division.
8. Exhibit Operations Division.
9. Project Groups.

03 In order to facilitate design and procurement activities, the Office of International Trade Fairs maintains an office in New York City. An office is also maintained in Paris, France to facilitate economies in warehousing and transportation services.

SEC. 3. *Delegation of authority.* 01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director of the Office of International Trade Fairs shall perform the functions and exercise the power and authorities relating to the promotion of United States international trade, through the medium of international trade fairs, vested in the Secretary of Commerce by the Act of February 14, 1903 (32 Stat. 826), as amended; and in pursuance of the International Cultural Exchange and Participation Act of 1956, Pub. Law 860, 84th Congress, Second Session (70 Stat. 778).

02 The Director of the Office of International Trade Fairs may redelegate any power or authority conferred on him by this order to any officer of the Office of International Trade Fairs to be exercised in accordance with such conditions and limitations as he may prescribe.

SEC. 4. *Objectives and general functions.* The objective of the Office of International Trade Fairs is to demonstrate to peoples of other countries, in a dramatic and effective manner, the excellence of our free enterprise system as reflected in our products and our way of life and to strengthen the ties which unite the United States with other nations by the promotion of the foreign commerce of the United States through the medium of international trade fairs. To this end the Office shall:

1. Coordinate, plan, design, establish, and operate industry-government exhibits at selected international trade fairs abroad for the purpose of displaying official interest in such fairs and of strengthening total United States participation in specific events; and

2. Cooperate with United States business and industry to stimulate a wider use of the international trade fair abroad as a medium for the promotion of commerce and for the maintenance of the prestige of United States industry in foreign markets, and encourage and facilitate the display of American products by individual companies at such international trade fairs.

SEC. 5. *Duties and responsibilities.*

01 The Director is responsible for developing and coordinating the programs, and directing all operations and administrative activities of the Office of International Trade Fairs, including the transfer of personnel to the foreign cities where exhibits are staged.

1. The Deputy Director is the chief operating aide to the Director and shall assist in the direction of the operations of the Office of International Trade Fairs, act for the Director in his absence, and perform such other duties as the Director may assign.

2. The Assistant Director is responsible for the administrative management of the Office, including budget, personnel, contracts, other services and office facilities; secure all necessary administrative services for the Office through the appropriate offices reporting to the Assistant Secretary of Commerce for Administration and the General Counsel's offices; and advises and assists the Director on the operational phases of the program.

02 The Public Information Staff prepares news releases and maintains liaison with the daily and trade press and other media of public communications; and makes available to the public current information on the operations of the Trade Fair Program.

03 The Industry Exhibits Division is responsible for assisting U. S. private industry in the most practical ways of exhibiting at international trade fairs, and increasing and improving the flow of information to private industry about trade fairs toward fulfilling the objective of encouraging greater participation on the part of U. S. industry in trade fairs.

04 The Research and Program Division is responsible for assembling and analyzing all pertinent information necessary for the selection of proper themes and contents for all fairs. To this end the Division shall solicit the advice of country and area specialists in the Commerce, State, Agriculture and other U. S. Government departments, Embassies, USIA Staff and comments and suggestions from businessmen, designers and appropriate private organizations.

05 The Design Division is responsible for advance planning for trade fair designs, recommends to the Director for his consideration exterior and interior building designs, supervises the preparation of specifications and preliminary drawings, ascertains for the Director that design and construction contracts are let well in advance of opening dates of fairs and that work is completed on time and in accordance with specifications.

06 The Procurement Division is responsible for securing exhibits and displays appropriate to the theme of individual trade fairs; procuring through direct contact with industrial and business concerns specific items of equipment necessary for use in any aspect of the U. S. Exhibit by loan, gift or purchase; and participating in disposition actions.

07 The Materials and Traffic Division is responsible for maintaining the necessary control of all property used by the Office at exhibits and arranging for the disposition of such materials at the end of their usefulness to the Program. This Division shall also be responsible for the most expeditious and economic transportation of materials from their source to and from the fair sites at which they will be used and for the proper safeguarding of all equipment and related materials during shipment.

08 The Exhibit Operations Division is composed of the Exhibit Managers and Assistant Exhibit Managers who, being assigned to manage the U. S. Exhibits, go to the city where the fair will be held and assume responsibility for staging the exhibit.

09 Project Groups shall be formed as necessary for effective accomplishment of the Program, which is a succession of individual exhibit projects. To coordinate the effort of all the facilities of the Office toward an optimum result, the Office uses the project system of operation. These Project Groups will generally include a staff member from each Division and have as their responsibility the planning and staging of a specific exhibit.

Effective date: February 11, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-1552; Filed, Feb. 28, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4600 etc.]

LOCKHART OIL COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 25, 1957.

In the matters of Lockhart Oil Company of Texas, Docket No. G-4600;[1] South States Oil & Gas Company, Docket No. G-9897; Lockhart Oil Company of Texas, Docket No. G-9925; L. M. Lockhart, Docket No. G-9926.

Take notice that, on January 26, 1956, Lockhart Oil Company of Texas and L. M. Lockhart filed applications in Docket Nos. G-9925 and G-9926 respectively, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service with respect to their two separate sales previously covered by certificate applications filed in Docket Nos. G-4600 and G-9474.[2] Each party states that by deed dated January 4, 1956, South States Oil & Gas Company has acquired all of the gas properties subject of the certificate applications referred to above and that such acquisition is subject to and dedicated to the gas purchase contracts covering the respective sales to Tennessee Gas Transmission Company and Trunkline Gas Company.

On January 23, 1956, South States Oil & Gas Company, a Texas Corporation with its principal place of business at San Antonio, Texas, filed an application pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to continue the sales and operation of facilities which Lockhart Oil Company of Texas in Docket No. G-9925 and L. M. Lockhart in Docket No. G-9926 seek permission and approval to abandon, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 3, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1521; Filed, Feb. 28, 1957; 8:45 a. m.]

[1] Notice of application and date of hearing in this matter was duly published in the FEDERAL REGISTER on April 19, 1956, in consolidation with Docket No. G-2867, et al. (21 F. R. 2576-2577). The subject docket was severed from the consolidated proceeding by notice of severance and continuance dated May 9, 1956.

[2] A certificate of public convenience and necessity was granted in Docket No. G-9474 by the Commission's order issued October 16, 1956 in Docket No. G-3244, et al.

[Docket No. E-6730]

GEORGIA POWER CO. ET AL.

ORDER INSTITUTING AN INVESTIGATION

FEBRUARY 25, 1957.

In the matter of Georgia Power Company, City Mills Co., Eagle & Phenix Mills Co., U. S. Corps of Engineers; Docket No. E-6730.

The River and Harbor Act of 1946 approved modification of the general plan for the development of the Apalachicola, Chattahoochee, and Flint River system, and authorized construction by the Department of the Army of the Buford project on the Chattahoochee River about 348.5 miles above its mouth and about 35 miles northeast of Atlanta, Georgia. It is our understanding that filling of the Buford reservoir was commenced on February 1, 1956.

There are nine existing hydroelectric developments on the Chattahoochee River downstream from the Buford project. Pertinent information for these projects follows:

Name of plant	River	River (miles)	Owner	Installed capacity (kilowatts)
Morgan Falls	Chattahoochee	312.6	Georgia Power Co	16,800
Langdale	do	194.2	do	4,010
Riverview	do	190.6	do	480
Bartletts Ferry	do	177.9	do	65,000
Goat Rock	do	172.2	do	26,000
North Highlands	do	162.5	do	6,000
City Mills	do	161.2	City Mills Co	180
Eagle & Phenix	do	160.4	Eagle & Phenix Mills Co	4,100
Jim Woodruff	Apalachicola	107.6	Corps of Engineers	30,000

Pursuant to the provisions of section 10 (f) of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by upstream improvements constructed by the United States. The projects mentioned in the preceding paragraph may be directly benefited by reason of the construction and operation by the United States of its upstream Buford project.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above-designated projects located on the Chattahoochee and Apalachicola Rivers downstream from the above-designated headwater improvement constructed by the United States is directly benefited by the construction and operation of such upstream improvement of the United States and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of any non-Federal project so benefited for interest, maintenance and depreciation on such upstream improvement constructed by the United States.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1553; Filed, Feb. 28, 1957; 8:48 a. m.]

[Docket No. G-3545]

MIDSTATES OIL CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 25, 1957.

Take notice that Midstates Oil Corporation (Applicant) having its principal place of business at Tulsa, Oklahoma, filed on September 28, 1954, an application, as supplemented on May 18, 1955, for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue the sale of natural gas in interstate commerce from production in the Southwest Pleasant Valley Field, Logan County, Oklahoma, to Cities Service Gas Company, for resale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

On May 1, 1956, Applicant filed an application in the above proceeding seeking permission, pursuant to section 7 (b) of the Natural Gas Act, to abandon the subject sale to Cities Service Gas Company, stating that the gas reserve is now exhausted and that Applicant is no longer able to render the service for which it sought authorization in its original application in this proceeding.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 3, 1957, at 9:30 a. m. (e. s. t.), in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1554; Filed, Feb. 28, 1957; 8:48 a. m.]

[Docket No. G-11563]

UNION OIL AND GAS CORPORATION OF LOUISIANA

NOTICE OF HEARING

FEBRUARY 25, 1957.

By order issued December 7, 1956, initiating this proceeding, certain proposed changes in rates filed by Union Oil and Gas Corporation of Louisiana were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. This order also provided for hearing concerning the lawfulness of the proposed changes in rates at a date to be fixed by notice from the Secretary of the Commission. The volumes of natural gas involved are purchased by Texas Gas Transmission Corporation.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 15 and 16 thereof, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the changes in rates and charges proposed herein.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1555; Filed, Feb. 28, 1957; 8:49 a. m.]

[Docket No. G-11797]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION

FEBRUARY 25, 1957.

El Paso Natural Gas Company, a Delaware Corporation, with its principal place of business at El Paso, Texas, filed an application on January 25, 1957, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain additional facilities in various places in Texas, Arizona and New Mexico, at an estimated cost of $107,100,000, all as fully described in the application which is on file with the Commission and is open to public inspection. The additional facilities will be operated in conjunction with El Paso's existing facilities and facilities under construction as authorized in FPC Docket Nos. G-8940 and G-10499, for the purpose of delivering to El Paso's existing customers an additional 185 MMcf. (at 14.9 psi) of natural gas per day, for the sale of which authorization is also requested.

Applicant proposes to sell 75 MMcf. per day of the additional gas to Southern California Gas Company and Southern Counties Gas Company of California, 75 MMcf. per day to Pacific Gas & Electric Company, and 35 MMcf. per day to existing customers of Applicant in Arizona, principally in the Yuma, Arizona area.

El Paso proposes to obtain the 185 MMcf. of additional natural gas from the following sources:

40 MMcf. per day of gas-well gas from the Sonora gas pool in Sutton County, Texas.

5 MMcf. per day of gas-well gas from the East Panhandle field in Wheeler County, Texas.

40 MMcf. per day of residue gas from various fields in Borden and Upton counties, Texas, and Lea County, New Mexico.

100 MMcf. per day of gas-well gas from various Pictured Cliffs Fields and the Mesa Verde Field in San Juan and Rio Arriba counties, New Mexico.

Gas for company use and gas lost and unaccounted for in the course of making the proposed deliveries and sales will also be obtained from said sources.

The facilities for which authorization is requested include field facilities and also main line facilities. The field facilities consist of approximately 533 miles of pipeline from 2" to 24" in diameter, 27,850 hp. of compression in new and existing stations, additional gasoline absorption-plant, fractionating-plant, dehydration-plant and recovery-plant capacity; metering and communication facilities; structures and equipment; and additional leases and wells. The additional main line facilities include approximately 216 miles of pipeline, 6⅝" to 34" in diameter; 58,900 hp. of compression in new and existing stations; metering and communication facilities, structures and equipment.

Applicant says that the need for additional gas service in the areas served by the distributing companies to which the additional gas will be delivered is unquestioned.

Petitions and notices to intervene and protests may be filed with the Federal Power Commission, 441 G Street NW, Washington 25, D. C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10) on or before April 1, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1556; Filed, Feb. 28, 1957; 8:49 a. m.]

[Docket No. G-10751]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF HEARING

FEBRUARY 25, 1957.

By order issued July 18, 1956, initiating this proceeding, certain proposed changes in rates filed by Texas Gas Transmission Corporation were suspended and the use thereof deferred pursuant to the provisions of section 4 (e) of the Natural Gas Act. This order also provides for hearing concerning the lawfulness of the proposed changes in rates at a date to be fixed by notice from the Secretary of the Commission.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4, 15 and 16 thereof, and the Commission's rules of practice and procedure, a hearing will be held on April 15, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the changes in rates and charges proposed herein.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1558; Filed, Feb. 28, 1957; 8:49 a. m.]

GENERAL SERVICES ADMINISTRATION

ARTHUR F. JOHNSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interest required by subsection 710 (b) of the Defense Production Act of 1950, as amended, and section 302 (c) of Executive Order 10647:

Name of appointee: Arthur F. Johnson.

Employing agency: General Services Administration, Defense Materials Service.

Date of appointment: June 16, 1955.

Title of position: Consultant.

Name of private employer: Olin Industries, Inc., and Olin Mathieson Chemical Corporation, New York, N. Y.

Changes in the names of any:

(1) Corporations of which I am, or within 60 days preceding my appointment have been an officer or director;

(2) Corporations in which I own or within 60 days preceding my appointment have owned any stocks, bonds, or other financial interests;

(3) Partnerships in which I am, or within 60 days preceding my apointment have been a partner; and

(4) Other businesses in which I own or within 60 days preceding my appointment have owned any similar interests.

Additions

(2) El Paso Natural Gas Co.
(2) Southern Natural Gas Co.

Deletions

(2) All Olin Mathieson Chemical Corporation.
(2) All Phillips Petroleum (acquired and sold since previous report).
(3) El Paso Natural Gas Co. (excepting for 2 shares yet retained).

Dated: February 18, 1957.

ARTHUR F. JOHNSON.

[F. R. Doc. 57-1537; Filed, Feb. 28, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1064]

INSURANCE INVESTORS FUND, INC., AND FIRST SIERRA CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER TEMPORARILY EXEMPTING APPLICANT FROM REQUIREMENTS OF ACT

FEBRUARY 25, 1957.

Notice is hereby given that Insurance Investors Fund, Incorporated ("Fund"), a registered, open-end management company and The First Sierra Corporation ("Sierra"), both of San Francisco, California, have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission temporarily exempting Fund from the provisions of sections 16 (a) and 32 (a), and Sierra from the provisions of section 15 (a), until the annual meeting of stockholders of Fund, scheduled for February 27, 1958.

The application discloses that Fund was organized on August 6, 1956, under the laws of the State of Delaware. The Fund registered on January 11, 1957 under the act and has filed a registration statement under the Securities Act of 1933 covering 50,000 shares of its capital stock; however, it has not yet commenced business operations and it has no stock outstanding. Sierra is registered as a broker-dealer under the Securities Exchange Act of 1934 and proposes to act as principal underwriter and investment adviser of Fund.

Fund proposes to obtain the $100,000 net worth required by section 14 (a) of the act, in accordance with the provisions of subsection (3) thereof, through the sale by Sierra of 5,500 shares of Fund's capital stock to not more than twenty-five persons for a total sales price of $110,000 of which the Fund will receive an aggregate net consideration of $100,320. Sierra will receive $9,680 as a sales commission. After receiving said aggregate net consideration Fund proposes to sell through Sierra as its principal underwriter, additional shares in a public offering, and it is contemplated that Sierra, when permitted by law, will act as investment adviser of Fund pursuant to a written contract containing the terms specified by section 15 (a) of the act. Fund will also retain the services of the accounting firm of Hood and Strong as independent public accountants for the purpose of certifying financial statements to be filed with the Commission.

The By-Laws of Fund provide that the annual meeting of stockholders shall be held on the fourth Tuesday in February of each year. It now appears that Fund will not have issued any stock by February 28, 1957, the scheduled date of the first annual meeting of stockholders. Accordingly, Fund proposes that its stockholders shall act on the following matters at the annual meeting on February 27, 1958, or at such earlier meeting as the Commission may by order direct: (1) To approve the contract between the Fund and Sierra as investment adviser; (2) to elect a Board of Directors of the Fund; and (3) to ratify or reject the selection of Hood and Strong as independent public accountants for Fund.

Section 15 (a) of the act makes it unlawful for a person to act as an investment adviser for a registered investment company, except pursuant to a written contract containing certain specified statutory terms, which has been approved by the vote of a majority of the outstanding voting securities of the registered investment company.

Section 16 (a) of the act requires the directors of a registered investment company to be elected to that office by stockholders at an annual or special meeting and requires such a meeting to be held within 60 days if at any time less than a majority of the directors are so elected by stockholders.

Section 32 (a) of the act requires, among other things, that the selection of an accountant employed by a registered management investment company shall be submitted for ratification or rejection at the next annual meeting of stockholders if such meeting be held.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision of the act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than March 12, 1957 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1539; Filed, Feb. 28, 1957; 8:46 a. m.]

[File No. 812-1061]

ONE HUNDRED FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF SMALL CLOSED-END INVESTMENT COMPANY

FEBRUARY 25, 1957.

Notice is hereby given that the One Hundred Fund, Inc. ("applicant") a corporation organized under the laws of the State of Texas, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N-6D-1 thereunder, for an order of the Commission exempting it from certain provisions of the act. Applicant has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

Such application makes the following representations:

Applicant, a closed-end non-diversified management investment company as defined in the act, was organized on December 31, 1956. Its authorized capital consists of 1,000 shares of $50 par value common stock. The company proposes to offer 800 shares of common stock solely to residents of the State of Texas at a public offering price of $100 per share, or an aggregate of $80,000. The proposed underwriting commission of $5 per share will result in net proceeds to applicant of $76,000. The company has issued 25 shares to directors for $95 per share and has subscriptions for 75 shares at the same price.

Applicant will invest, reinvest and trade in securities or in real estate, or both. The Articles of Incorporation of applicant empower it, with respect to investments in real estate, to purchase, sell and subdivide real property in towns, cities and villages and their suburbs not extending more than two miles beyond their limits, and to purchase oil, gas and mineral leases, royalties and interests. There is no geographical limitation on freedom of action to concentrate its investments in a particular security or class of security, in securities of a particular industry or group of industries, or in the securities of a single issuer or group of issuers, or in real estate. The applicant may invest all or part of its funds in securities or real estate, invest in long-term or short-term debt securities, and may invest or trade with the purpose of realizing either income or short-term or long-term capital gains. Applicant will not purchase commodities or commodities contracts.

Section 6 (d) of the act provides, in substance, that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any order exempting any investment company from any provision of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect to such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted applicant from only the following provisions of the act and the respective rules and regulations promulgated under each of such provisions and that applicant and other persons in their transactions and relations with applicant shall be subject to all other provisions of the act and rules thereunder as though applicant were a registered investment company:

Section 7; section 8 (b), except the requirement to file the information required by items 3, 4, and 5 of Form N-8B-1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a); section 30 (b), except that applicant shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a); provided, that the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may not later than March 8, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1540; Filed, Feb. 28, 1957; 8:46 a. m.]

[File No. 70-3561]

APPALACHIAN ELECTRIC POWER CO. ET AL.

NOTICE OF FILING OF APPLICATION-DECLARATION REGARDING ISSUANCE OF BONDS BY SUBSIDIARY AT COMPETITIVE BIDDING AND CAPITAL CONTRIBUTIONS TO SUBSIDIARY BY PARENT

FEBRUARY 25, 1957.

In the matter of Appalachian Electric Power Company, Kanawha Valley Power Company, American Gas and Electric Company; File No. 70-3561.

Notice is hereby given that American Gas and Electric Company ("American"), a registered holding company, and Appalachian Electric Power Company ("Appalachian") and Kanawha Valley Power Company ("Kanawha"), both public utility subsidiaries of American, have jointly filed an application-

declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (b), 9, 10, and 12 of the act and Rules U-42, U-45, U-46 and U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian proposes to issue and sell at competitive bidding $29,000,000 aggregate principal amount of its First Mortgage Bonds ("New Bonds") __ percent series, to be dated as of March 1, 1957, and to mature March 1, 1987. The interest rate on the New Bonds (which shall be expressed in a multiple of ⅛ of 1 percent) and the price to be paid to Appalachian, which shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof, will be determined by competitive bidding.

American owns all of the 500 authorized and outstanding shares of common stock of Kanawha and had open account advances of $3,174,398 due from Kanawha as of December 31, 1956. It is proposed that, prior to or concurrently with the sale of the New Bonds, American make a capital contribution to Kanawha of its open account advances and thereafter make a capital contribution to Appalachian of the 500 shares of common stock of Kanawha owned by American. The common stock equity of Kanawha thus to be contributed to Appalachian will amount to $3,179,398, plus net income earned by Kanawha between December 31, 1956 and the date of the capital contribution. American also proposes, prior to or concurrently with the sale of the New Bonds, to make a cash capital contribution of $5,000,000 to Appalachian.

It is proposed that after the consummation of the transactions described above, Kanawha may, from time to time as cash is generated by depreciation accruals, pay cash dividends to Appalachian out of the capital surplus arising from the cancellation of its open account advances, such dividends to be treated by Appalachian as a reduction of its investment in Kanawha.

The proceeds of the cash capital contribution and sale of the New Bonds are to be applied by Appalachian, to the extent available, to the prepayment, without premium, of notes payable to banks. As of December 31, 1956, notes payable to banks were outstanding in the amount of $21,500,000, and it is expected that not to exceed $4,500,000 additional principal amount of such notes will be issued, making not in excess of $26,000,000 to be outstanding at the time of the issuance and delivery of the New Bonds. Any remaining proceeds will be added to Appalachian's treasury funds and will be applied to carry forward its present construction program, the cost of which is estimated for the calendar year 1957 to be $56,370,000.

The application-declaration states that various aspects of the proposed transactions will be expressly authorized by the Virginia State Corporation Commission in which state Appalachian is organized and doing business and by the Public Service Commission of West Virginia and by the Tennessee Public Service Commission, in which states Appalachian is qualified to do business. No other State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that the fees and expenses to be paid by the company will aggregate $122,394 including legal fees to Simpson Thacher & Bartlett of $13,500, legal fees to Hunton, Williams, Gay, Moore & Powell of $5,000, and accounting fees to Niles and Niles of $2,500. Legal fees of Winthrop, Stimson, Putnam & Roberts, counsel for the purchasers of the New Bonds, will be paid by such purchasers and such fees are estimated to be $8,100.

Notice is further given that any interested person may, not later than March 11, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1541; Filed, Feb. 28, 1957; 8:45 a. m.]

[File No. 70-3560]

EASTERN UTILITIES ASSOCIATES ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY REGISTERED HOLDING COMPANY AND ITS SUBSIDIARIES PURSUANT TO SUBSCRIPTION OFFER AND PURCHASE BY PARENT OF SUBSIDIARY COMMON STOCKS

FEBRUARY 25, 1957.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company; File No. 70-3560. Notice is hereby given that Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River") have filed with this Commission a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (e) and 12 (f) of the act and Rules U-42 (b) (2), U-43 and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

EUA proposes to issue and offer to the holders of its outstanding common shares 89,322 of its common shares for subscription at a price to be determined by EUA shortly prior to the proposed offering, on the following basis: (a) One new common share for each 12 common shares held of record on a date in March 1957, to be fixed at a later date, and (b) the privilege of subscribing for additional new shares at the same price per common share, subject to allotment on the basis of the primary subscription privilege, and (c) the sale of the unsubscribed shares to underwriters to be selected pursuant to the competitive bidding requirements of Rule U-50.

Pursuant to Amended Reorganization Plan No. 4 of EUA some of its common shares are held by Distribution Agent for exchange for old convertible shares. Rights applicable to these common shares will be sold and the net proceeds held by the Distribution Agent and paid pro rata to the holders of such unexchanged convertible shares upon surrender thereof for exchange.

Blackstone has outstanding 173,234 shares of common stock of which EUA owns 171,804 shares (99.2 percent). Blackstone proposes to offer to the holders of its common stock 10,828 additional shares at $105 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of $1,132,000.

Brockton has outstanding 241,398 shares of common stock of which EUA owns 235,188 shares (97.4 percent). Brockton proposes to offer to the holders of its common stock 18,570 shares at $62 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 13 shares presently held and their sale is expected to provide proceeds of $1,146,000.

Fall River has outstanding 212,000 shares of common stock of which EUA owns 207,338 shares (97.8 percent). Fall River proposes to offer to the holders of its common stock 13,250 shares at $52 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of $684,000.

EUA will purchase its pro rata part of the shares of additional common stock to be issued by Blackstone, Brockton, and Fall River as well as any additional shares not subscribed for by other holders. EUA will use the proceeds of its common stock sale and other funds on hand or to be borrowed from banks for this purpose. Each subsidiary company will apply the proceeds from the sale of its additional common stock to the partial payment of its outstanding short-term bank loans.

EUA states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale of new common shares. The proposed issue and sale of new common stock by Blackstone is subject to the jurisdiction of the Public Utility Administrator, Department of Business Regulation, State of Rhode Island, the State commission of the State in which Blackstone is organized and doing business. The proposed issue and sale of new capital stock by Brockton and Fall River is subject to the Department of Public Utilities of Massachusetts, the State commission of the State in which Brockton and Fall River are respectively organized and doing business.

The fees and expenses in connection with the transactions proposed by EUA are estimated to aggregate $61,500 including legal fees and expenses of $6,200 and accountants' fees and expenses of $1,300. For the Blackstone transactions, the estimate aggregates $5,000 including $1,600 legal fees and expenses, for Brockton $5,000 including legal fees and expenses of $2,300 and for Fall River $4,000, including $1,500 legal fees and expenses. The fees and expenses of the underwriter's counsel to be paid by the underwriters will be supplied by amendment.

Notice is further given that any interested person may, not later than March 11, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1542; Filed, Feb. 28, 1957; 8:45 a. m.]

[File No. 24D-1850]

IOLA URANIUM CORP.

ORDER VACATING ORDER OF SUSPENSION

FEBRUARY 25, 1957.

Iola Uranium Corporation (Iola), a Colorado corporation, 1414 South Michigan Avenue, Chicago 5, Illinois, filed with the Commission on July 26, 1955, a notification on Form 1-A and offering circular, and subsequently filed amendments thereto relating to a proposed public offering of 1,200,000 shares of common stock, 1¢ par value, at 25¢ per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder. Columbia Securities Company (Columbia), No. 1 Equitable Building, Denver, Colorado, was named as principal underwriter of the securities to be offered by Iola.

The Commission on September 6, 1956 ordered that the exemption on which Iola relied under Regulation A, be temporarily suspended for the reasons as stated in the referred to order.

Iola, subsequent to the action temporarily suspending the exemption, submitted a request that said order be vacated and in support thereof has furnished the Commission information that its relationship with its former underwriter, Columbia, was voluntarily terminated by Iola on August 28, 1956 when it first became aware of the indictment of one Arnold L. Kimmes and his connection with Columbia; that only 700 shares of those covered by the filing had been sold on or after August 3, 1956, the date of the Kimmes indictment; that it immediately ceased to offer the securities under its Regulation A filing on August 28, 1956, prior to the issuance of the temporary suspension order; and that no further offering of the securities is now contemplated under the said filing.

It therefore appearing to the Commission that a hearing is not necessary or appropriate in the Public interest or for the protection of investors and that the basis for said temporary order for suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to rule 223 (b) under Regulation A of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order for suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1543; Filed, Feb. 28, 1957; 8:45 a. m.]

[File No. 31-640]

OLIN REVERE METALS CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

FEBRUARY 21, 1957.

Notice is hereby given that Olin Revere Metals Corporation ("Metals"), a Delaware corporation, has filed an application and an amendment thereto pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") requesting an order exempting it, and every subsidiary company as such, from all the provisions of the act, on the ground that Metals is only incidently a holding company, being primarily engaged or interested in one or more businesses other than the business of a public utility company, and not driving directly or indirectly any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company.

The application as amended, which is on file in the offices of the Commission, may be summarized as follows:

Metals was organized in 1956 by Olin Mathieson Chemical Corporation ("Olin") and Revere Copper and Brass Incorporated ("Revere") for the purpose of constructing, owning and operating an integrated group of plants and facilities for the production of primary aluminum. The aluminum will be produced at a reduction plant to be situated near Clarington, Ohio, and will be sold to Olin and Revere in the proportions of 66 percent and 34 percent respectively. The electric power required for operation of the reduction plant will be obtained from electric generating facilities which will be owned by Olin Revere Generating Corporation ("Generating"), a wholly-owned subsidiary of Metals. Generating will come within the definition of an electric utility company as defined in the act, and Metals will come within the definition of a holding company as defined in the act.

Generating's facilities will consist of two units of a three-unit steam-electric generating station being constructed in West Virginia by Ohio Power Company ("Ohio"), a public utility subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company. The third unit will be owned by Ohio and the three units will be operated as a single generating station by an "operating company" which will be a subsidiary of Ohio. The fuel requirements of the generating station will be supplied under a long-term contract by Pittsburgh Consolidation Coal Company ("Pittsburgh"). Electric power for the reduction plant will be delivered over a transmission line to be constructed and owned by Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas.

A Memorandum Agreement relating to the proposed aluminum project and its power supply was executed December 20, 1956 by Olin, Revere, Pittsburgh, Ohio and Wheeling. The agreement, among other things, contains provisions whereby a major portion of Generating's electric capacity will be made available to Metals, Olin and Revere, and a minor portion of this capacity will be made available to Ohio.

Electric energy will be sold by Generating on a cost reimbursement basis. Generating will realize no net income and will pay no dividends to Metals. The only revenue of Metals will be received from the sale of aluminum to Olin and Revere. The aluminum will be priced at an amount which will include the entire over-all "cost" of its production. Metals estimates that its revenue from the sale of aluminum will be approximately $60,000,000 in the first year of operation and will average approximately $70,000,000 per annum during the next four years. The revenue of Generating is estimated at approximately $15,000,000 annually during the first five years of operation of the generating station, and approximately $10,000,000 per annum thereafter.

The total cost of Metals' aluminum project, including the amount which Metals will invest in Generating, is estimated at $231,000,000. Metals will obtain $31,000,000 of this amount by the sale of its common stock and certain other securities to Olin and Revere. An

additional $100,000,000 will be obtained by the sale of 4½ percent First Mortgage Bonds of Metals to twenty institutional investors. The remaining $100,000,000 will be obtained through a five-year borrowing by Metals from ten commercial banks, evidenced by 4¼ percent promissory notes. The cost of the electric generating facilities to be owned by Generating is estimated at $60,000,000. Generating will purchase these facilities with funds obtained through the issuance and sale of capital stock and non-interest bearing Mortgage Notes to Metals.

The outstanding voting securities of Metals will initially be owned in equal amounts by Olin and Revere. Olin and its various subsidiaries are engaged in diversified manufacturing operations and at the end of 1955 had consolidated assets of approximately $622,000,000. For the year 1955 the consolidated net sales and revenues of Olin and subsidiaries were approximately $560,000,000. Revere is engaged in the manufacture of various products composed of copper, brass, bronze and other metals. Revere's total assets at the end of 1955 were approximately $88,000,000 and, for the year 1955, its net sales were approximately $243,000,000.

Olin and Revere will be holding companies as defined in the act. Olin and Revere have been advised by counsel that, upon the filing of the instant application by Metals in good faith, and while such application is pending, Olin and Revere will be exempt from the provisions of the act by virtue of Rule U-10 (a) of the rules and regulations thereunder, and that if the application is granted, Olin and Revere will be exempt thereafter pursuant to said rule.

Notice is further given that any interested person may, not later than March 11, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application as amended which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application as amended may be granted, or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1509; Filed, Feb. 27, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 26, 1957.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33294: *Substituted service—R-W-R, Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent, for interested rail carriers. Rates on various commodities, loaded in highway trailers on railroad flat cars between Indianapolis, Ind., on the one hand, and Pittsburgh, Pa., on the other, on traffic originating at points beyond or destined to points beyond the named points served by motor carriers.

Grounds for relief: Motor truck competition.

Tariff: Central States Motor Freight Bureau, Inc., tariff I. C. C. 27.

FSA No. 33295: *Anhydrous ammonia—Louisiana points to Sheffield, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Lake Charles, Sterlington, and West Lake Charles, La., to Sheffield, Ala.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 193 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33296: *Alcohols—Louisiana points to Texas points:* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on methyl ethyl ketone, other alcohols, and related articles, tank-car loads from Baton Rouge, Good Hope, New Orleans, and North Baton Rouge, La., to Houston, Texas City, and Velasco, Tex.

Grounds for relief: Maintenance of rates from points in the South in excess of lowest combinations by use of proposed rates from and to named points.

Tariff: Supplement 87 to Agent Kratzmeir's tariff I. C. C. 4161.

FSA No. 33297: *Aluminum billets—Arkansas and Texas to Baton Rouge, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, pigs or slabs, carloads from specified points in Arkansas and Texas to Baton Rouge, La.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 11 to Agent Kratzmeir's tariff I. C. C. 4225.

FSA No. 33298: *Cotton linters—Oklahoma points to Texas ports.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton linters, carloads from McAlester and Oklahoma City, Okla., to Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 76 to Agent Kratzmeir's tariff I. C. C. 4029.

FSA No. 33299: *Grain and grain products from and to points in central territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grain and grain products, carloads from origins in central territory to destinations in central territory.

Grounds for relief: Grouping and circuity.

FSA No. 33300: *All freight—New York, N. Y., to Columbus, Ga., and Naples, Fla.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on merchandise (all freight), mixed carloads from New York, N. Y., to Columbus, Ga., and Naples, Fla.

Grounds for relief: Modified short-line distance formula motor-truck (forwarder traffic) competition, and circuitous routes.

Tariff: Supplement 4 to Agent C. W. Boin's tariff I. C. C. A-1119.

FSA No. 33301: *Soda ash—Louisiana points to Coronet, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on soda ash, carloads from Baton Rouge and North Baton Rouge, La., to Coronet, Fla.

Grounds for relief: Barge-truck competition and circuity.

Tariff: Supplement 34 to Agent Spaninger's tariff I. C. C. 1526.

FSA No. 33302: *Sodium phosphates—official territory to Kansas City, Kans.-Mo.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on phosphate of soda, noibn, di-sodium phosphate, and tri-sodium phosphate, carloads from specified points in Delaware, Michigan, New Jersey, Ohio and Pennsylvania to Kansas City, Kans.-Mo.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 46 to Agent C. W. Boin's I. C. C. A-1034. Supplement 150 to Agent H. R. Hinsch's I. C. C. 4238.

FSA No. 33303: *Substituted service—motor-rail-motor-C. & E. I.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago & Eastern Illinois Railroad, and interested motor carriers. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Mitchell, Ill., on the other, also between Chicago and East St. Louis, Ill.

Grounds for relief: Motor-truck competition.

Tariff: Supplement 43 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 33304: *Substituted service—motor-rail-motor, M-K-T-R. R.* Filed by Middlewest Motor Freight Bureau, Agent, for The Missouri-Kansas-Texas Railroad Company, and interested motor carriers. Rates on various commodities, loaded in highway trailers and transported on railroad flat cars from St. Louis, Mo., to Parsons, Kans., and in the reverse direction.

Grounds for relief: Motor truck competition.

Tariff: Supplement 43 to Middlewest Motor Freight Bureau tariff MF-I. C. C. 223.

FSA No. 33305: *Superphosphate—southwest to western trunk-line territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on superphosphate, in bulk, carloads from specified points in Arkansas, Louisiana, Missouri, Oklahoma and Texas to specified points in Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin, also Streator, Ill.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 194 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33306: *Cottonseed oil—Memphis, Tenn., to Cincinnati, Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed and soybean oil, and related oils, carloads from Memphis, Tenn., to Cincinnati, Ohio.

Grounds for relief: Circuitous route.

Tariff: Supplement 16 to Agent C. A. Spaninger's tariff I. C. C. 1551.

FSA No. 33307: *Frozen citrus fruit juices—Florida to western points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on frozen citrus fruit juices and concentrates and related articles, carloads from specified points in Florida to specified points in Iowa, Minnesota, North Dakota, South Dakota and Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes, including routes through higher-rated territory.

Tariff: Supplement 2 to Agent C. A. Spaninger's tariff I. C. C. No. 1578.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-1538: Filed, Feb. 28, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

KATHE HILDEGARD SCHOTT-KEIL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Kathe Hildegard Schott-Keil, The Hague, Holland. Claim No. 60234, Vesting Order No. 17902, $609.64 in the Treasury of the United States.

Executed at Washington, D. C., on February 20, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1566; Filed, Feb. 28, 1957; 8:51 a. m.]

[Vesting Order 17320, Amdt.]

HANS AND ALICE LOUISE HOFFMANN-WALBECK

In re: Bonds owned by Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck. F-28-31115.

Vesting Order 17320, dated February 6, 1951, as amended, is hereby further amended as follows and not otherwise:

By deleting from subparagraph 2 (a) of said Vesting Order 17320, as amended, the bond number "M 7885" and substituting therefor the bond number "M 7785"

All other provisions of said Vesting Order 17320, as amended, and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C. on February 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1567; Filed, Feb. 28, 1957; 8:52 a. m.]

GAUTHIER ROSENSTIEL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Gauthier Rosenstiel, 43, rue de Mulhouse, Nancy (M&M), France. Claim No. 42198, Vesting Order No. 3078, $203.83 in the Treasury of the United States.

Executed at Washington, D. C., on February 18, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1522; Filed, Feb. 27, 1957; 8:57 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 42

Washington, Saturday, March 2, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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MAR 1 1957
MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3171

RED CROSS MONTH, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American National Red Cross continues to demonstrate its capacity to serve as a volunteer relief agency of the American people in matters affecting our communities, the Nation, and the world; and

WHEREAS by act of Congress the American National Red Cross is assigned responsibility in matters of voluntary relief for the armed forces of the United States, and serves as an agent of the American people in mitigating the suffering caused by disaster in this country or abroad; and

WHEREAS, while meeting its responsibilities to the American people, it has, during the past year, extended its assistance to the stricken people of Hungary; and

WHEREAS the Red Cross continues to maintain the largest single program in the Nation for the collection and distribution of blood and blood derivatives, providing approximately two million pints of blood annually for the treatment of the sick and injured; and

WHEREAS the activities of the Junior Red Cross contribute to the development of good citizenship and social responsibility among the youth of our Nation; and

WHEREAS through its programs of First Aid, Water Safety, and Home Nursing, as well as other voluntary community services, the Red Cross helps to safeguard the health of millions of our people:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1957 as Red Cross Month; and I urge all Americans to honor the Red Cross during that month and to support this organization throughout the year to assure the continuing effectiveness of its programs and services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 26th day of February in the year of our Lord nineteen hundred and
[SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 57-1672; Filed, Mar. 1, 1957; 11:30 a. m.]

MEMORANDUM OF FEBRUARY 6, 1957

[1957 RED CROSS CAMPAIGN]

THE WHITE HOUSE,
Washington, February 6, 1957.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Because of its humanitarian purposes, the American Red Cross is close to the hearts of all who are concerned with the welfare of others. Federal employees and military personnel have demonstrated this fact through their splendid record of contributions to the Red Cross.

The need for our generous support of imperative Red Cross services continues. The past year has been a busy and costly one. Disaster expenditures alone were the highest in seventy-five years, and for several months the organization has been engaged in extensive relief operations on behalf of the people of Hungary. The Red Cross must always be kept ready to assume its responsibilities to victims of disaster, to the armed forces, to veterans, and their families, as well as through its safety services, nursing and national blood programs, community and international services.

The 1957 Red Cross Campaign will be conducted during the month of March in accordance with the approved Federal fund-raising policy and program which specifically provides a separate solicitation period for the American National Red Cross in all communities, except those where the Red Cross participates in a local united campaign, as well as

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 9 ($0.70)
Title 20 ($1.00)
Title 39 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 17 ($0.60); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30).

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among military and civilian personnel overseas. It is my desire that officials and employees throughout the Federal establishment cooperate with their respective Red Cross chapters and units and extend their full support to this campaign.

I am confident of a response that will do credit to the Federal service and be an important factor in the success of the Red Cross campaign.

DWIGHT D. EISENHOWER

[F. R. Doc. 57-1673; Filed, Mar. 1, 1957; 11:30 a. m.]

RULES AND REGULATIONS

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective February 15, 1957, the maximum stipend prescribed under § 27.2 for the position listed below is amended as follows:

§ 27.2 *Maximum stipends prescribed.*

* * *

Hospital Administration Residents—Department of Health, Education, and Welfare, Freedmen's Hospital:

Third year approved postgraduate training—$2,600.

(61 Stat. 727; 5 U. S. C. 1051–1058)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1601; Filed, Mar. 1, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 108]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.408 *Navel Orange Regulation 108*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on February 28, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 3, 1957, and ending at 12:01 a. m., P. s. t., March 10, 1957, is hereby fixed as follows:

(i) District 1: 295,680 cartons;
(ii) District 2: 628,320 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 1, 1957.

[SEAL] G. R. GRANGE,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1674; Filed, Mar. 1, 1957; 11:54 a. m.]

[Orange Reg. 311]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.832 *Orange Regulation 311*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the

same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., March 4, 1957, and ending at 12:01 a. m., e. s. t., March 18, 1957, no handler shall ship:

(i) Any oranges, including Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than $2^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $2^{1}/_{16}$ inches in diameter and smaller;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than $3^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are larger than $3^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger; or

(iv) Any Temple oranges, grown in the State of Florida, which are of a size smaller than $2^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1606; Filed, Mar. 1, 1957; 8:51 a. m.]

[Grapefruit Reg. 259]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.833 *Grapefruit Regulation 259*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on February 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., March 4, 1957, and ending at 12:01 a. m., e. s. t., March 18, 1957, no handler shall ship:

(i) Any seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than $3^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iii) Any seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iv) Any seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars; or

(v) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than $3^{6}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1605; Filed, Mar. 1, 1957; 8:51 a. m.]

[Tangerine Reg. 187]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.834 *Tangerine Regulation 187*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on February 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., March 4, 1957, and ending at 12:01 a. m., e. s. t., March 18, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than $2^{2}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 27, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1604; Filed, Mar. 1, 1957; 8:50 a. m.]

PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 942), regulating the handling of milk in the New Orleans, Louisiana, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The seasonal price adjustment provided in § 942.51 (a) does not tend to effectuate the declared policy of the act, for the period March through April, 1957.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reason stated under (a) above and in that:

1. The level of the Class I price was considered at a public hearing at New Orleans, Louisiana, January 28–31, 1957.

2. Issuance of this suspension order as a separate action is necessary in order to reflect current marketing conditions and facilitate, promote and maintain orderly marketing of milk produced for the said marketing area, pending further consideration and action on other issues of said hearing.

3. The effect of this suspension is to eliminate a seasonal price reduction which, in addition to a negative supply-demand adjustment, would result in an excessive price decrease under prevailing marketing conditions; and

4. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately.

It is therefore ordered, That the provisions of § 942.51 (a) of the order which read "the months of March through" be and hereby are suspended for the months March through April, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C 608c)

Done at Washington, D. C., this 28th day of February 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-1644; Filed, Mar. 1, 1957; 8:52 a. m.]

[Lemon Reg. 676]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.783 *Lemon Regulation 676*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on February 27, 1957;

such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 3, 1957, and ending at 12:01 a. m., P. s. t., March 10, 1957, is hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 181,350 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 28, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1651; Filed, Mar. 1, 1957; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approval which has been given to increased interest rates on loans closed through national farm loan associations by the Federal Land Banks of Springfield, Louisville, and New Orleans, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653), is hereby further amended, effective March 1, 1957: by substituting "5½" for "5" in the line with "Springfield" therein; by substituting "5" for "4½" in the line with "Louisville" therein; and by substituting "5" for "4½" in the line with "New Orleans" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] A. T. ESGATE,
Acting Governor, Farm Credit Administration.

[F. R. Doc. 57-1565; Filed, Mar. 1, 1957; 8:45 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 40—CONTROL OF SOURCE MATERIAL

EXEMPTION FOR PERSONS ACQUIRING OR TRANSFERRING SOURCE MATERIAL UNDER CONTRACT WITH AND FOR THE ACCOUNT OF THE COMMISSION

The regulations in Part 40, "Control of Source Material", 10 CFR contain a general license for transfers, deliveries and receipts of possesion of (but not title to) source material by contractors and agents of the Commission, including subcontractors, in the authorized course of their business for the Commission (§ 40.62 (a)). This amendment, which exempts certain AEC contractors from the licensing requirements of Part 40, corresponds to the exemption of AEC contractors from special nuclear material licensing requirements (10 CFR 70.11). As in the case of contractors possessing special nuclear material, the Commission already imposes under the applicable contract appropriate controls to protect against hazards to health and safety or to the common defense and security.

Inasmuch as this amendment is intended to relieve from, rather than to impose, restrictions under regulations currently in effect, the AEC has found that general notice of proposed rulemaking and public procedure thereon are unnecessary and that good cause exists why this amendment should be made effective without the customary period of notice.

Part 40 is amended in the following respects:

1. The following new section is added:

§ 40.12 *Exemption for persons acquiring or transferring source material under contract with and for the account of the Commission.* The regulations in this part do not apply to any person to the extent that such person receives possession of (but not title to) source material owned by the Atomic Energy Commission, or transfers, delivers, or exports such source material, under and in accordance with a contract with and for the account of the Commission. In any such case, such person's obligations with respect to the source material are governed by the applicable contract between such person and the Commission.

2. Paragraph "(a)" of § 40.62 is deleted. Paragraphs "(b)" and "(c)" of § 40.62 are redesignated "(a)" and "(b)" respectively.

Dated at Washington, D. C., this 27th day of February 1957.

(60 Stat. 755-775; 42 U. S. C. 1801-1819)

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-1631; Filed, Feb. 28, 1957; 12:31 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BEAVER DAM CREEK, N. J.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.225 governing the operation of bridges over navigable waters in the State of New Jersey where constant attendance of draw tenders is not required is hereby amended prescribing paragraph (f) (5-a), to govern the operation of Ocean County highway bridge across Beaver Dam Creek, as follows:

§ 203.225 *Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.* • • •

(f) The bridges to which this section applies and the regulations applicable in each case, are as follows:

• • • • • •

(5-a) Beaver Dam Creek; Ocean County highway bridge near Point Pleasant. At all times during January, February, March and December and between 4:00 p. m. and 8:00 a. m., during April, May, October and November, at least 24 hours' advance notice required. At all other times the regulations in § 203.220 shall govern the operation of this bridge.

[Regs., February 14, 1957, 823.01 (Beaver Dam Creek, N. J.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army, The Adjutant General.

[F. R. Doc. 57-1582; Filed, Mar. 1, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MESA VERDE NATIONAL PARK

1. Section 20.39 *Mesa Verde National Park* is amended by the addition of paragraph (b) to read as follows:

(b) *Speed.* (1) The maximum speed of all vehicles on the Entrance Road and on the Ruins Roads up to the beginning of the loop sections is limited to 35 miles per hour.

(2) On the loop sections of the Ruins Roads, and those parts of the Headquarters Area Loop Road for which maximum limits are not prescribed by § 1.42 of this chapter 25 miles per hour, as posted.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 8th day of February 1957.

O. W. CARLSON,
Superintendent, Mesa Verde National Park.

[F. R. Doc. 57-1584; Filed, Mar. 1, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

FINDINGS AND DETERMINATIONS WITH RESPECT TO CONTINUATION IN EFFECT OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR, Part 936), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 6, 1956 (21 F. R. 9661), that a referendum would be conducted among the growers who, during the marketing season beginning on March 1, 1956 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in the State of California, in the production of any fruit (as such term is defined in the amended marketing agreement and order) for shipment in fresh form to determine whether a majority of such growers favor the termination of the amended marketing agreement and order as to any one or more of such fruits.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 19 to 31, 1957, both dates inclusive, it is hereby found and determined that the termination of the said marketing agreement and order, with respect to any of the fruits covered thereby, is not favored by the requisite majority of such growers.

Dated: February 26, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-1589; Filed, Mar. 1, 1957; 8:47 a. m.]

[7 CFR Part 982]

[Docket No. AO-238-A7]

HANDLING OF MILK IN CENTRAL WEST TEXAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED EMERGENCY AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Wooten Hotel, Abilene, Texas, beginning at 10:00 a. m., c. s. t., on March 18, 1957.

Subjects and issues involved in the hearing. This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Central West Texas marketing area. More specifically, consideration will be given to the pricing of Class II milk utilized in the manufacture of Cheddar cheese to determine (1) the extent to which present conditions threaten to disrupt orderly marketing and constitute a threat to the supply of milk for the market, and (2) whether temporary emergency price relief is necessary to promote orderly marketing. The proposed amendment has not received the approval of the Secretary of Agriculture.

Amendment to the order (No. 82) as amended, for the Central West Texas marketing area was proposed by the Central West Texas Milk Producers Association, The Borden Company of Abilene, Texas, and The Borden Company of Midland, Texas, as follows:

Consider amending the Class II price to provide an emergency price for milk utilized in the manufacture of Cheddar cheese.

Copies of this notice of hearing may be obtained from the Market Administrator, P. O. Box 35225, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: February 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1590; Filed, Mar. 1, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

DRUGS AND MEDICINE INDUSTRY

PREVAILING MINIMUM WAGES

This matter is before the Department pursuant to the act of June 20, 1936 (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), known as the Walsh-Healey Public Contracts Act.

The drugs and medicine industry, for the purpose of this hearing, is defined to include the following: Drugs or medical preparations (other than food) intended for internal or external use in the diagnosis, treatment, or prevention of disease in, or to affect the structure or any function of, the body of man or other animals.

Typical products of the industry are: bulk organic and inorganic medicinal chemicals and their derivatives; endocrine products; basic vitamins; active medicinal principles such as alkaloids from botanical drugs and herbs; drugs and medicines in pharmaceutical preparations such as ampules, tablets, capsules, ointments, solutions and suspensions for human and veterinary use, including vitamin preparations and galenicals such as fluid extracts and tinctures; viruses, serums, toxins, and analogous products such as allergenic extracts, and normal serums and plasmas for human or veterinary use; and bacteriological media.

Now, therefore, notice is hereby given that a public hearing will be held on the 2d day of April 1957, beginning at 10 a. m., in Room 1214, United States Department of Labor Building, Fourteenth and Constitution Avenue NW., Washington, D. C., before the Secretary of Labor or a duly assigned Hearing Examiner, at which hearing all interested parties may appear and submit data, views and arguments (1) as to the propriety of the proposed definition of the industry; (2) as to what are the prevailing minimum wages in the industry; (3) as to whether a single determination is appropriate for all the products of the industry; (4) as to whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; (5) as to whether there should be included in any determination for this industry provision for the employment of beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted. Employment and wage data have been prepared in the Department of Labor for consideration at the hearing and will be made available to interested parties upon request.

Persons intending to appear are requested to notify the Administrator of the Wage and Hour and Public Contracts Divisions of their intention in advance of the hearing.

Written statements of position or argument may be filed with the Administrator at any time prior to the date of the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statements as contain factual matter shall be sworn to and will be offered in evidence at the hearing. If objection is made to any such offer, the statement will be received in evidence subject to the objection which will be considered to affect the weight rather than the admissibility of the statement.

The following information is particularly invited with respect to the subject matter of the testimony of each witness, or the sworn statements of persons who cannot appear personally: (1) The identity of any product not now included in the definition of the industry which should be included and of any products now included which should not be included; (2) with respect to the testimony or presentation the number and location of establishments in the industry; (3) the number of workers employed in each such establishment; (4) the minimum

rates paid and the number of workers at each such establishment receiving such rates and the occupations in which they are employed; (5) at each such establishment the minimum wages paid to apprentices or beginners, the scale of wages paid during the apprenticeship or beginner period, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; and (6) the nature and the geographic pattern of competition within this industry.

To the extent possible, data should be submitted in such manner as to permit evaluation thereof on a plant by plant basis.

This hearing shall be conducted pursuant to the rules of practice set forth in Part 203, Subpart C (41 CFR Part 203).

Signed at Washington, D. C., this 27th day of February 1957.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 57-1593; Filed, Mar. 1, 1957; 8:47 a. m.]

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG AND FROM VIETNAM

AVAILABLE CERTIFICATIONS BY THE GOVERNMENTS OF HONG KONG AND VIETNAM

Notice is hereby given that: (1) Certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities: Musical instruments, Chinese-type; theatrical costumes, Chinese-type, and (2) certificates of origin issued by the Ministry of National Economy of the Government of Vietnam under procedures agreed upon between that Government and the Foreign Assets Control are now available with respect to the importation of cassia into the United States directly, or on a through bill of lading, from Vietnam.

[SEAL] ELTING ARNOLD,
Acting Director,
Foreign Assets Control.

[F. R. Doc. 57-1613; Filed, Mar. 1, 1957; 8:51 a. m.]

POST OFFICE DEPARTMENT

MAIL SERVICE TO HUNGARY

Mail service to Hungary, which had been suspended, was resumed recently. (See 22 F. R. 152.)

The Hungarian postal authorities have advised of the following customs regulations for gift parcels:

Exemption from customs duty is granted to items shown in the list on pages Hungary (2) and (3) of the Directory of International Mail, provided the quantities do not exceed the personal needs of the addressee and his family. The Hungarian customs authorities generally consider personal needs to be double the maximum amounts indicated in the list. Articles regarded as exceeding personal needs will be admitted but will be assessed with customs duty.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-1587; Filed, Mar 1, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[18 CFR Part 201]

[Docket No. R-158]

UNIFORM SYSTEM OF ACCOUNTS RESPECTING TREATMENT OF DEFERRED TAXES ON INCOME

NOTICE OF EXTENSION OF TIME

FEBRUARY 25, 1957.

Upon consideration of the request filed February 19, 1957, by American Gas Association for an extension of time for submitting comments in the above-designated matter (22 F. R. 267);

An extension is hereby granted to and including April 1, 1957 within which to submit data, views, comments and suggestions in this matter.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1585; Filed, Mar. 1, 1957; 8:46 a. m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. F-32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that the Atomic Energy Commission on February 23, 1957, issued License R-7 set forth below to Aerojet-General Nucleonics for a 100 milliwatt reactor designated by the applicant as Model AGN-201, Serial No. 101.

[License No. R-7]

LICENSE

I. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Aerojet-General Nucleonics, San Ramon, California (hereinafter referred to as "AGN"),

a. Pursuant to Section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below;

b. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material Regulations," to receive, possess and use up to 700 grams of contained uranium 235 in uranium oxide (UO_2) as fuel for operation of the facility.

c. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of By-Product Material," to possess, but not to separate from the fuel or target materials such by-product material as may be produced from operation of the reactor.

2. This license applies to the nuclear reactor designated by the applicant as Model AGN-201, Serial No. 101 which is owned by AGN and located at San Ramon, California, and described in the application and documents incorporated therein by reference.

3. This license shall be deemed to contain and be subject to the conditions specified in Section 50.54 of Part 50 and Section 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect and to the proposed "Standards for Protection Against Radiation" regulation (10 CFR, Part 20) published in the FEDERAL REGISTER January 29, 1957, until such time as said proposed regulation shall become an effective regulation of the Commission; and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight, February 21, 1977, unless sooner terminated.

Date of issuance: February 23, 1957.

Dated at Washington, D. C., this 23d day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX A

I. *Operating restrictions.* a. AGN shall operate the reactor in accordance with the procedures described in its application and documents incorporated therein by reference.

b. AGN shall not by-pass any control mechanism during the operation of the facility.

c. AGN shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license, AGN shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of AGN as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* AGN shall make a prompt report to the Commission of any unusual operating incident of the reactor.

[F. R. Doc. 57-1608; Filed, Mar. 1, 1957; 8:51 a. m.]

[Docket No. 50-49]

AEROJET-GENERAL NUCLEONICS

NOTICE OF AMENDMENT OF LICENSE

Please take notice that the Atomic Energy Commission on February 26, 1957, issued an amendment to License No. R-7 issued Aerojet-General Nucleonics for a 100 milliwatt reactor designated by the applicant as Model AGN-201, Serial No. 101. The amendment authorizes (1) the transfer of the reactor from San Ramon, California to Philadelphia, Pennsylvania; (2) the operation of the reactor as an exhibit in Convention Hall, Philadelphia; and (3) the return of the reactor core to San Ramon and the transfer of the reactor without core to a site at Catholic University, Washington, D. C. for storage by Aerojet-General Nucleonics. A copy of the amendment is available for public inspection at the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Notice of the proposed issuance of this amendment to license was published in the FEDERAL REGISTER on February 8, 1957, 22 F. R. 798.

Dated at Washington, D. C. this 26th day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-1610; Filed, Mar. 1, 1957; 8:51 a. m.]

[Docket No. F-32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that on February 22, 1957, the Atomic Energy Commission issued a Construction Permit, CPRR-9, to Aerojet-General Nucleonics authorizing the construction of three 100 milliwatt reactors designated by the applicant as Model AGN-201. A copy of the permit is available for public inspection at the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

The construction permit is substantially in the form published under a notice of proposed action in the FEDERAL REGISTER on February 6, 1957, 22 F. R. 742.

Dated at Washington, D. C., this 22d day of February 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-1609; Filed, Mar. 1, 1957; 8:51 a. m.]

[Docket No. 50-54]

UNION CARBIDE NUCLEAR CO.

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on February 15, 1957, Union Carbide Nuclear Company, a Division of Union Carbide Corporation, 30 East 42d Street, New York, New York, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a 5-megawatt, pool-type nuclear reactor to be located in Sterling Forest, Orange County, New York. A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C. this 26th day of February 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-1611; Filed, Mar. 1, 1957; 8:51 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NORTH CAROLINA

DISASTER ASSISTANCE; DESIGNATION OF AREA FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the State of North Carolina there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

Pursuant to the authority set forth above, such loans may be made to new applicants in the State of North Carolina through June 30, 1957. Thereafter, such loans may be made in the State only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 27th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1607; Filed, Mar. 1, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8412]

PAN AMERICAN WORLD AIRWAYS, INC., AND FLYING TIGER LINE, INC.

NOTICE OF HEARING

In the matter of the joint application of Pan American World Airways, Inc., and The Flying Tiger Line Inc. for approval of an agreement under sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 412 of the said act, that a hearing in the above-entitled proceeding is assigned to be held on March 11, 1957, at 10:00 a. m., (eastern standard time) in Room E-210, Temporary Building No. 5, 16th Street and Constiution Avenue NW., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

(1) Whether approval of the agreement will be consistent with the public interest within the meaning of sections 408 and 412 of the Civil Aeronautics Act of 1938, as amended.

(2) Whether the proposed transaction will result in the creation of a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party thereto.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before March 11, 1957, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the authorization requested, interested parties are referred to the joint application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1612; Filed, Mar. 1, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-10326; G-10370 etc.]

SUNRAY MID-CONTINENT OIL CO. ET AL.

NOTICE OF SEVERANCE

FEBRUARY 26, 1957.

Notice is hereby given that the application of Sunray Mid-Continent Oil Company (Applicant) Docket No. G-10326 in the above consolidated proceedings scheduled for hearing on March 5, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1586; Filed, Mar. 1, 1957; 8:46 a. m.]

[Docket No. G-12067]

JOSEPH M. JONES

ORDER SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 26, 1957.

Joseph M. Jones (Operator), et al. (Jones), on January 28, 1957, tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change dated January 28, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 2 to Jones' FPC Gas Rate, Schedule No. 2.

Proposed effective date: [1] February 28, 1957.

Jones' proposed rate change is based on favored-nations clauses in its contract with Texas Gas Transmission Corporation in the North Cankton Field, St. Landry Parish, Louisiana, which, by its terms, has become operative by the rates for initial service to Texas Gas in the South Bell City Field, one such rate being that under Gulf Refining Company FPC Gas Rate Schedule No. 24.

In support of the increase, Jones states that inclusion of the favored-nation clause in the contract, which was negotiated in good faith and at arm's-length, was a major consideration of the sellers in binding themselves to a long-term contract at an initial rate of 8.997 cents per Mcf. Jones further states the sellers require the increased rate as compensation and incentive for further exploration and development.

The proposed increased rate and charge designated above has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until July 28, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1594; Filed, Mar. 1, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Jones, if later.

[Docket No. G-12068]

BRITISH-AMERICAN OIL PRODUCING CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 26, 1957.

The British-American Oil Producing Company (British-American) on January 28, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description: Notice of change, Undated.

Purchaser: Mississippi River Fuel Corporation.

Rate schedule designation: Supplement No. 5 to British-American's FPC Gas Rate Schedule No. 7.

Proposed effective date: [2] March 1, 1957.

In support, British-American states that the increased rate was arrived at by arm's-length bargaining and asserts that the proposed increase is just and reasonable.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 1, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1595; Filed, Mar. 1, 1957; 8:48 a. m.]

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by British-American, if later.

[3] Commissioner Digby dissenting.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 27, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33308: *Fertilizer and Materials From Boston and Lansdale, Pa.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Boston and Lansdale, Pa., to points in southern territory.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 11 to Agent C. W. Boin's tariff I. C. C. A-1075.

FSA No. 33309: *Fertilizer and Materials—Ordill, Ill., to the South.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Ordill, Ill., to points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 11 to Agent C. W. Boin's tariff I. C. C. A-1075.

FSA No. 33310: *Wooden Doors—Western Points to Eastern Points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on doors, solid composition core, faced with veneer made from native wood, and woods of value, carloads from specified points in Iowa, Michigan, Minnesota, Wisconsin, and western Canada to specified points in trunk-line and New England territories and in eastern Canada.

Grounds for relief: Circuitous routes.

Tariff: Agent Prueter's tariff I. C. C. A-4185.

FSA No. 33311: *Asphalt—South Atlantic and Virginia Ports to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid asphalt, tank-car loads from Charleston, S. C., Wilmington, N. C., Savannah and Port Wentworth, Ga., Norfolk and Newport News, Va., to specified points in North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 66 to Alternate Agent J. H. Marque's tariff I. C. C. 424.

FSA No. 33312: *Coffee—Norfolk and Newport News, Va., to Nashville, Tenn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on green coffee, in bags, carloads from Norfolk and Newport News, Va., (import) to Nashville, Tenn.

Grounds for relief: Port competition and circuitous routes.

Tariff: Supplement 28 to Alternate Agent J. H. Marque's tariff I. C. C. 443.

FSA No. 33313: *Caustic Soda—Arkansas, Louisiana and Texas to Champaign, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on caustic soda, in solution, tank-car loads from Baldwin, Ark., Lake Charles and West Lake Charles, La., Corpus Christi and Velasco, Tex., to Champaign, Ill.

Grounds for relief: Market competition and circuity.

Tariffs: Supplement 203 to Agent Kratzmeir's tariff I. C. C. 4087 and two other tariffs.

FSA No. 33314: *Sodium Phosphates—St. Louis, Mo., Group to Brunswick, Ga.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sodium, dj-sodium, and tri-sodium phosphates, noibn, carloads from St. Louis, Mo., and East St. Louis, Ill., to Brunswick, Ga.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33315: *Woodpulp—Southern Points to Northern and Eastern Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from specified points in Louisiana and Mississippi to specified points in Indiana, New York, Ohio and Pennsylvania.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33316: *Fertilizer and Materials—Charleston, W. Va., Group to Southern Points.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Belle, Charleston, and Institute, W. Va., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplements Nos. 11 and 12 to Agent C. W. Boin's tariff I. C. C. A-1075.

FSA No. 33317: *Crude Rubber—Texas to Baton Rouge and New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, artificial, synthetic or neoprene, crude, straight or mixed carloads from Baytown, Borger, Houston and Port Neches, Tex., to Baton Rouge, and North Baton Rouge, La.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 89 to Agent Kratzmeir's tariff I. C. C. 4161.

FSA No. 33318: *Concrete Pipe—Price, Miss., to Southwestern and Western Territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe carloads from Price, Miss., to specified points in southwestern and western trunk-line territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 5 to Agent Spanginger's tariff I. C. C. 1554.

FSA No. 33319: *T. O. F. C. Service Between Missouri and Southwestern Points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class and commodity rates loaded in highway trailers and transported on railroad flat cars between Kansas City, Mo.-Kans., East St. Louis, Ill., and St. Louis, Mo., on one hand, and specified points in Arkansas, Louisiana, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 8 to Agent Kratzmeir's tariff I. C. C. 4233.

FSA No. 33320: *Liquefied Petroleum Gas—Louisiana Points to Southern Territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Egan, Erath and West Erath, La., to points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 113 to Agent Kratzmeir's tariff I. C. C. 4118.

FSA No. 33321: *Commodity Rates From and to Mabley, W. Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities (other than coal and coke), carloads and less-than-carloads between Mabley, W. Va., on the one hand and points in the United States and Canada, on the other.

Grounds for relief: Establishment of new station, carrier competition and circuity.

FSA No. 33322: *Soybean Oil Cake or Meal—Helena, Ark., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soybean oil cake or meal, carloads from Helena, Ark., to New Orleans, La. (shipside).

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-1592; Filed, Mar. 1, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARCEL DEMEULENAERE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Marcel Demeulenaere, Brussels, Belgium, Robert Demeulenaere, New York City, Alfred Demeulenaere, Brussels, Belgium, Irene Demeulenaere, Brussels, Belgium, Paul Demeulenaere, Brussels, Belgium, Jeanne Demeulenaere, Brussels, Belgium, Claim No. 19667, property described in Vesting Order No. 292 (7 F. R. 9836, November 26, 1942) relating to Patent Application Serial No. 287,630 (now United States Letters Patent No. 2,422,186), to the extent that the six claimants were the owners thereof immediately prior to vesting.

Undivided interests in property described in Vesting Order No. 3561 (9 F. R. 5935, May 31, 1944) relating to United States Letters Patent No. 2,282,120, such interests having been created by virtue of an unwritten agreement by and between Marcel Demeulenaere, Robert Demeulenaere, Alfred Demeulenaere, Paul Demeulenaere, Irene Demeulenaere, and Jeanne Demeulenaere, and after an assignment to George de Cuevas of an undivided 2½ percent interest therein, as follows:

Alfred Demeulenaere—13/160.
Paul Demeulenaere—13/160.
Irene Demeulenaere—13/160.
Jeanne Demeulenaere—13/40.

Executed at Washington, D. C., on February 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1602; Filed, Mar. 1, 1957; 8:49 a. m.]

HARRY PAUL ISIDOR SIMON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Harry Paul Isidor Simon, Duisburg-Hamborn, Germany, Claim No. 39541, Vesting Order Nos. 15665 and 16142, $1,846.60 in the Treasury of the United States.

Executed at Washington, D. C., on February 25, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1603; Filed, Mar. 1, 1957; 8:49 a. m.]

OFFICE OF DEFENSE MOBILIZATION

L. GORDON WALKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended:

There has been no change in my financial status since the last ODM-163 was filed out.

This amends statement previously published in the FEDERAL REGISTER September 15, 1956 (21 F. R. 6981).

Dated: February 1, 1957.

L. GORDON WALKER.

[F. R. Doc. 57-1596; Filed, Mar. 1, 1957; 8:48 a. m.]

SHAW LIVERMORE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from statement filed in July 1956.

This amends statement previously published in the FEDERAL REGISTER August 16, 1956 (21 F. R. 6152).

Dated: February 9, 1957.

SHAW LIVERMORE.

[F. R. Doc. 57-1597; Filed, Mar. 1, 1957; 8:48 a. m.]

BENJAMIN CAPLAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: Boni, Watkins, Jason & Co., Columbia Gas.

Deletions: Schenley Industries, Inc.; Dubonnet Wine Corp.; Aeroquip Corp.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5949).

Dated: February 1, 1957.

BENJAMIN CAPLAN.

[F. R. Doc. 57-1598; Filed, Mar. 1, 1957; 8:49 a. m.]

LEROY LUTES

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Deletions: Adams Express, Com. Stock; Hudson Bay Mining, Com. Stock; Seaboard Airline R. R., Com. Stock; U. S. Steel, Com. Stock.

Additions: Union Pacific RR Co., Com. Stock; Petroleum Corp. American, Com. Stock; Hooker Electro Chemical Co., Com. Stock; New York Central RR, Bonds.

Others: No change.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5948).

Dated: February 1, 1957.

LEROY LUTES.

[F. R. Doc. 57-1599; Filed, Mar. 1, 1957; 8:49 a. m.]

JOSEPH D. KEENAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Addition: Nortex Gas & Oil; Associated Laundries.

Sold: Gulf Coast Oil; Oklahoma Miss. Power Dev.

This amends statement previously published in the FEDERAL REGISTER August 8, 1956 (21 F. R. 5949).

Dated: February 1, 1957.

JOSEPH D. KEENAN.

[F. R. Doc. 57-1600; Filed, Mar. 1, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-537]

RIDGEWAY CORP.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

FEBRUARY 26, 1957.

In the matter of Ridgeway Corporation, Capital Stock; File No. 1-537.

New York Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The New York Stock Exchange determined to delist this stock by reason of the sale by the issuer of its assets on April 2, 1956, but deferred action so as to afford the said issuer an opportunity to secure listing on another National Securities Exchange. The stock was suspended from dealings on the New York Stock Exchange before the opening of the trading session on January 28, 1957, upon receipt of advice that it was to be admitted to the list of the American Stock Exchange as of that date.

Upon receipt of a request, on or before March 13, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1588; Filed, Mar. 1, 1957; 8:46 a. m.]

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VOLUME 22 NUMBER 43

Washington, Tuesday, March 5, 1957

THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

UNIVERSITY OF MICHIGAN MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 675, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.782 (Lemon Regulation 675, 22 F. R. 1081) are hereby amended to read as follows:

(ii) District 2: 172,050 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: February 28, 1957.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 57-1650; Filed, Mar. 4, 1957; 8:52 a. m.]

PART 998—MILK IN CORPUS CHRISTI, TEXAS, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISION

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 998), regulating the handling of milk in the Corpus Christi, Texas, marketing area, hereinafter referred to as the "order", it is hereby found that:

(a) The provision of 998.41 (b) (4) which provides for allowable shrinkage of 5 percent with respect to skim milk to be classified as Class II milk only for the months of April, May and June, will not tend to effectuate the declared policy of the act during the month of March 1957.

(b) Notice of proposed rule making public procedure thereon and 30-day prior notice to the effective date hereof are found to be impracticable, unnecessary and contrary to the public interest in that (1) this issue was considered at a public hearing at Edinburg, Texas, January 8-11, 1957, and the issuance of this suspension order as a separate action is necessary in order to reflect current marketing conditions and facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area, pending further consideration and action on other issues of said hearing; (2) this suspension order should be made effective for March 1957, to relieve handlers of hardship with respect to handling the heavy increase in seasonal production of milk in view of the shortage of available maunfacturing facilities; (3) unless such action is taken, some producers, whose milk is needed for the Corpus Christi market most of the year, are faced with the possible loss of a market

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 9 ($0.70)
Title 20 ($1.00)
Title 39 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 17 ($0.60); Title 18 ($0.50); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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for their milk during the flush production season; (4) the request for this suspension order has been made on behalf of handlers and a substantial majority of the producers whose milk is regulated by the order; (5) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (6) the time intervening between the date of this suspension order and its effective date affords persons affected a reasonable time to prepare for its effective date.

It is therefore ordered, That the following provision be and hereby is suspended for the month of March 1957:

In § 998.41 (b) (4) "during the months of April, May and June" and "skim milk and".

(Sec. 4, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 28th day of February 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57–1645; Filed, Mar. 4, 1957; 8:51 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 60—DOMESTIC URANIUM PROGRAMS

URANIUM PROSPECTING PERMITS AND MINING LEASES ON LANDS ADMINISTERED BY FEDERAL AGENCIES WHICH DO NOT HAVE AUTHORITY TO LEASE SUCH LANDS

Notice is hereby given that the following regulations have been adopted by the Atomic Energy Commission, effective upon publication in the FEDERAL REGISTER.

§ 60.9 *Uranium prospecting permits and mining leases on lands administered by Federal agencies which do not have the authority to lease such lands*—(a) *What this section does.* This section provides for the issuance by the United States Atomic Energy Commission of uranium prospecting permits and mining leases covering certain lands of the United States which are not open to the location of mining claims under the United States mining laws and which are not subject to lease for prospecting or mining purposes by the Federal agencies administering such lands or by the Department of the Interior. The program for which provision is made in this section will be administered by the Atomic Energy Commission with the assistance and cooperation of the Bureau of Land Management of the Department of the Interior.

NOTE: Permits or leases will not be issued under this section for lands administered by the United States for national park, monument or wildlife purposes. (See section 67, Public Law 703, 83d Congress.)

(b) *Statutory authority.* The Atomic Energy Act of 1954 (68 Stat. 919) is authority for this section.

(c) *Eligibility of applicants.* Uranium prospecting permits and mining leases under this section will be issued only to (1) citizens of the United States, (2) associations of such citizens, (3) corporations organized under the laws of the United States or of any State or Territory thereof. Uranium prospecting permits and mining leases under this section will not be issued to persons under twenty-one (21) years of age nor to employees of the Commission or the Department of the Interior.

(d) *Applications.* There is no required form of application for a permit or lease under this section but the application should:

(1) Name the Government agency administering the land and, where practicable, the particular unit thereof concerned.

(2) Contain an accurate description of the land.

In the States under the public land rectangular system, if surveyed, the description should be by legal subdivision, section, township, and range; if unsurveyed, by a similar description based upon the premise of its location when surveyed and by courses and distances connected to a corner of the public land rectangular system. In those States not covered by the public land rectangular system, the description should be the description in the deed of conveyance of the tract to the United States, or, if a portion of such tract, by courses and distances connected with an identifiable and established corner of an existing survey recognized by the laws of the State. Upon request, applicant must submit satisfactory evidence that the Government has title to the minerals in said land and the right to their removal.

(3) Include an accurate map or plan of the lands prepared from the survey thereof or other reliable map source, unless the lands are surveyed under the public land system of surveys.

(4) Contain a statement of applicant's name, address and citizenship (if a corporation, the State of incorporation and a statement of the applicant's authority to hold a prospecting permit or mining lease under its corporate powers) and a statement of applicant's interests, direct or indirect, in prospecting permits and mining leases and application for such permits and leases under these regulations for uranium in Federal lands in the same State. No permit or lease will be issued where such interests exceed 1920 acres.

(5) The application shall be filed in triplicate in the land office of the Bureau of Land Management for the State where the land is situated. In States in which there are no land officers applications shall be forwarded to the Director, Bureau of Land Management, Washington 25, D. C., except that applications covering lands in the following States should be forwarded to the land offices named: North and South Dakota, land office at Billings, Montana; Nebraska and Kansas, at Cheyenne, Wyoming; Oklahoma and Texas, at Santa Fe, New Mexico. Applications must be accompanied by a filing fee of $10 which is not returnable.

(e) *Issuance and supervision of permits and leases.* Permits and leases will be executed by the Commission. Although priority in filing an application will normally be the controlling factor where more than one application has been filed for a permit or lease, consideration may be given to equities and right is reserved to offer the lands competitively in appropriate cases. The right is also reserved to refuse to issue a permit or lease or extension thereof. It is the objective under this section to issue permits and leases containing uniform terms and conditions. However, since the lands affected by this section are administred by other Government agencies having responsibilities in connection with the administration of the land, it probably will be necessary to include in particular permits and leases addditional terms and conditions designed to permit the agencies involved to fulfill appropriately their functions and obligations or to refrain from issuing permits or leases or extensions thereof where it is concluded that issuance is contrary to the interests of the United States. The term of each permit or lease and extensions thereof will also be subject to such considerations.

(f) *Prospecting permits terms and conditions.* (1) Prospecting permits will be issued for a period not exceeding two years (see paragraph (e) of this section) and will grant the permittee the right to prospect on the lands described therein to determine the existence of, or workability of, uranium deposits. Only such material may be removed from the land as is necessary to demonstrate the existence of uranium in commercial quantities. The permittee may sell such quantities of uranium-bearing material as may be approved by the Commission.

(2) A prospecting permit may not include more than 1920 acres of land which must be reasonably compact.

(3) Payment of an annual rental of 25 cents per acre of land or fraction thereof covered by the permit will be required. Such rental will be payable annually in advance; payment of the first full year's rental will be required with the filing of the application and the balance of the rental will be payable on or before the first anniversary of the effective date of the permit. Failure to pay such rental when due will result in automatic termination of the permit. The permittee may also be required to furnish a performance bond.

(4) Permits issued under this section may be assigned to those eligible under paragraph (c) of this section, subject to approval of the Commission as to all or any of the lands subject to permit. To procure such approval all instruments of transfer of the permit must be filed at the proper land office of the Bureau of Land Management within 90 days after execution and must contain all of the terms and conditions agreed upon by the parties thereto. The application for approval of assignment must be accompanied by (i) a statement of the proposed assignee setting forth his qualifications to hold a permit and his agreement to be bound by the terms and conditions of the permit, (ii) a filing fee of $10 which is not returnable.

(g) *Extension of permit.* (1) Subject to the provisions of paragraph (e) of this section, a prospecting permit may be extended for one additional term not exceeding two years upon written application made by the permittee and filed in triplicate in the proper land office of the Bureau of Land Management at least 90 days prior to the expiration date of the permit. Such application must be accompanied by a filing fee of $10 which is not returnable, and the third year's rental. In support of application for extension of a prospecting permit, the permittee must show that he has diligently performed prospecting activities on the land during the period for which the permit was issued or that any failure to do so arose from conditions beyond the permittee's control.

(2) Upon failure of the permittee to file an application for extension within the specified period, the permit will expire at the end of its primary term without notice to the permittee and the land will thereupon become subject to new application for prospecting permits.

(h) *Preference right lease; terms and conditions.* (1) Upon discovery of a valuable deposit of uranium by a permittee, subject to paragraph (e) of this section, he shall be entitled to a preference right lease covering any or all of the lands in the permit. (Issuance of a prospecting permit must precede an application for a preference right lease.) An application for a preference right lease must be filed in accordance with paragraph (d) (5) of this section not later than 30 days after the expiration date of the permit and must describe the lands, disclose any change in the information contained in the application for the permit, specify fully the extent and mode of occurrence of the mineral deposit as disclosed by prospecting and show that a valuable deposit of uranium was discovered before the expiration of the permit.

(2) Leases will be issued subject to royalty and rental payments as set forth in subdivisions (i) and (ii) of this subparagraph and to such other terms and conditions for protection of the surface of the land as may be required.

(i) Royalty shall be at the rate of 10 percent of gross receipts, including initial production bonus paid pursuant to § 60.6 (Domestic Uranium Program Circular 6), but exclusive of any haulage and development allowances paid pursuant to §§ 60.5 and 60.5a (Domestic Uranium Program Circular 5, Revised), or equivalent haulage and development allowances from the sale of uranium-bearing ore produced from the leased premises.

(ii) Rental shall be at the rate of $1.50 per acre per year payable annually in advance. Such advance rentals shall be credited on the royalty due from the sale of uranium-bearing ore during that lease year.

(3) A lease issued under this section will be for a term not exceeding 5 years (see paragraph (e) of this section) and will be renewable in the discretion of the Commission as to any and all tracts for not more than 3 additional periods of not exceeding 3 years each upon written application therefor by the lessee at least 90 days prior to the expiration of the lease or any extension thereof. The application for renewal must be accompanied by a filing fee of $10.00 which is not returnable. Renewals may include such revisions of or additions to the lease terms as may be required.

(4) Leases issued under this section will become effective when signed on behalf of the Commission.

(5) A lease or any of the tracts under a lease may be relinquished by the lessee by written notification sent to the proper land office of the Bureau of Land Management subject to continued liability to the United States for any payments then due and subject to compliance with the terms of the lease. Relinquishment shall take effect on the date such notification is received by the Bureau of Land Management, as evidenced by the written acknowledgment of the Bureau of Land Management.

(6) Should the lessee fail to comply with any of the terms and conditions of the lease within 30 days after receipt of written notice specifying such failure and requesting compliance, the Commission shall have the right to terminate the lease.

(7) Leases issued under this section may be assigned to those eligible under paragraph (c) of this section, subject to approval of the Commission as to all or any of the leased tracts. To process such approval, all instruments of transfer of the lease must be filed at the proper land office of the Bureau of Land Management within 90 days after execution and must contain all of the terms and conditions agreed upon by the parties thereto. The application for approval of assignment must be accompanied by (i) a statement of the proposed assignee setting forth his qualifications to hold a lease and his agreement to be bound by the terms and condition of the lease, (ii) a filing fee of $10.00 which is not returnable.

(l) *Initial production bonus.* Leases issued under this section shall provide that leasees otherwise meeting the requirements of § 60.6 (Domestic Uranium Program Circular 6) shall be eligible for initial production bonus payments under that section notwithstanding the reference to properties leased by the Commission in paragraph (g) (3) (vi) thereof.

(j) *Reservation of rights.* The right is reserved to the Commission to revise, modify or terminate these regulations at any time without prejudice to rights of permit holders or lease holders established under existing permits or leases.

(k) *Definition used in this section.* "Commission" means the Atomic Energy Commission created by the Atomic Energy Act of 1954, as amended, or its duly authorized representative.

(l) *Decisions.* The Atomic Energy Commission has duly authorized the Bureau of Land Management to assist it in the administration of this program and, ordinarily, the decisions of the Director of the Bureau of Land Management will be final, but the Atomic Energy Commission may choose to give further consideration to any matter.

(60 Stat. 755–775; 42 U. S. C. 1801–1819)

Dated at Washington, D. C., this 4th day of February 1957.

K. E. FIELDS,
General Manager.

I concur.

Dated at Washington, D. C., this 15th day of February 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57–1649; Filed, Mar. 4, 1957; 9:00 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

TEMPORARY CONTROL AREA ALTERATION; KING COLE, LA.

The control area alteration appearing hereinafter is adopted to meet the requirements of the Department of Defense for a temporary restricted area. The control area alteration has been coordinated with the civil operators, the Army, the Navy and the Air Force through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

Section 601.1006 is amended to read:

§ 601.1006 *Control area extension (Lake Charles, La.).* That airspace within a 40-mile radius of the Lake Charles, La., radio range station excluding the portion which overlaps the Houston (Beaumont-Palacious-Houston) control area extension, and excluding the portion below 3000 feet mean sea level lying within the temporary King Cole Restricted Area.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from 0001 c. s. t. April 1, 1957, to 2400 c. s. t. April 5, 1957. At the end of that period § 601.1006 as designated prior to this temporary amendment shall again become effective.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57–1615; Filed, Mar. 4, 1957; 8:45 a. m.]

[Amdt. 187]

PART 608—RESTRICTED AREAS

TEMPORARY RESTRICTED AREA ALTERATION; KING COLE, LA.

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.26, the King Cole, Temporary Restricted Area; Louisiana, is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
King Cole, Louisiana, temporary restricted area (Beaumont).	"From latitude 30°18'00", longitude 93°36'00"; the SW corner North to latitude 30°35'00", longitude 93°36'00"; thence East to latitude 30°35'00", longitude 93°16'00"; thence South to latitude 30°18'00", longitude 93°16'00"; thence to point of beginning, excluding the Lake Charles AFB Control Zone".	Surface to 3,000 feet.	Continuous.....	Maneuver Director, Camp Polk, Louisiana.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from April 1, 1957 through April 5, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57–1616; Filed, Mar. 4, 1957; 8:45 a. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Order 195; Docket No. R–160]

PART 154—RATE SCHEDULES AND TARIFFS

RATE FILINGS BY INDEPENDENT PRODUCERS; NUMBER OF COPIES

FEBRUARY 27, 1957.

The Commission has under consideration in this proceeding the amendment of § 154.99 of Part 154, Rate Schedules and Tariffs, of its regulations under the Natural Gas Act (18 CFR 154.99) so as to require the filing of three instead of two copies of rate schedules filed by independent producers of natural gas.

These filings are frequently of interest and concern to others than the customers directly affected thereby and the additional copy will be more quickly available for public inspection.

It appears that the amendment to § 154.99, hereinafter adopted, is a matter of procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendment as hereinafter adopted is necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 4 and 16 of the Natural Gas Act (52 Stat. 822, 830, 15 U. S. C. 717c, 717o) orders:

(A) The first sentence of § 154.99 of the regulations under the Natural Gas Act is amended to read as follows:

§ 154.99 *Number of copies; material to be submitted with changes in rate schedules.* Three copies of any rate schedule or part thereof, and material required by § 154.95 to be filed therewith, and Notices of Cancellation or Termination submitted for filing, must be supplied to the Commision. * * *

(B) The amendment herein prescribed shall become effective on April 1, 1957.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1620; Filed, Mar. 4, 1957; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6667]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MONTAMOWER CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.140 *Old, reclaimed, or reused as new;* § 13.155 *Prices:* Exaggerated as regular and customary; usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service;* § 13.190 *Results.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45). [Cease and desist order, The MontaMower Company et al., Traverse City, Mich., Docket 6667, February 14, 1957]

In the Matter of The MontaMower Company, a Corporation; Hubert H. Montague, Gerald T. Montague and Velma Montague Individually and as Officers of Said Corporation; and Herbert B. Montague, Trading as MontaMower Distributing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate manufacturer and the distributor in Traverse City, Mich., of a grass-cutting device designated "MontaMower", with representing falsely in advertisements in magazines, newspapers, etc., often accompanied by misleading pictures, the effectiveness in use and results obtainable from the device, its weed-controlling qualities, comparative merits, the price, savings available to purchasers, and that all the machines were new and made of new and unused parts and materials.

Following entry of an agreement between counsel for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Herbert B. Montague, trading as MontaMower Distributing Company, or operating under any other trade name, and his agents, employees or representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution in commerce (as commerce is defined in the Federal Trade Commission Act) of lawn mowers now designated as "MontaMower" or any other lawn mower or grass-cutting device of substantially similar construction or operation, whether designated by the same or any other name, do forthwith cease and desist from:

1. Representing, directly or by implication, that used or reconditioned lawn mowers, or mowers made in whole or in part of used, second-hand or reconditioned parts or materials, are new or unused, or are made of new or unused parts or materials.

2. Advertising, offering for sale or selling any lawn mowers which have been used, or which contain parts or materials which have been used, without disclosing to the purchaser or potential purchaser, by a clear and conspicuous statement in advertising and sales promotion matter and on the mower and the container in which it is shipped and delivered, that the product is used or not new, or that it contains parts or materials which have been used or which are not new.

3. Representing by words, pictures or any other means;

(a) That the device is non-clogging.

(b) That it affords positive cutting of all grass and lawn weeds, without misses or skips.

(c) That it will cut all grass and all lawn weeds, regardless of height or toughness, or that it will cut grass and weeds left uncut by other mowers.

(d) That it leaves no grass or weeds standing, or that it eliminates the necessity of hand pulling or going back over a lawn with a whipper or other cutting device.

(e) That it trims so completely as to eliminate hand-trimming.

(f) That its use results in the elimination of weeds or the control of weeds, or keeps weeds from going to seed.

(g) That it smoothly, cleanly, evenly or easily cuts a 16-inch swath, or any other width swath, through grass, dandelions or tall weeds, or that it does this as evenly as a pair of keen-edged shears.

(h) That the regular price of the MontaMower is $30, or that the regular price of this or any other product is any amount greater than the amount at which such products are usually and customarily sold in the regular course of business.

(i) That regular prices are special or reduced prices.

(j) That savings to be realized through purchases under so-called special offers are greater than is actually the fact, whether through the use of a fictitious "regular" price or otherwise.

4. Misrepresenting in any other manner the performance of the device, the results obtainable from its use, or its price.

By "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondent, Herbert B. Montague, trading as MontaMower Distributing Company, shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: February 14, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57–1629; Filed, Mar. 4, 1957; 8:48 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 182—INDUSTRIAL ALCOHOL

PART 212—FORMULAS FOR DENATURED ALCOHOL

On August 11, 1956, a notice of proposed rule making, to revise and reissue regulations relating to formulas for denatured alcohol as Part 212, Title 26, Code of Federal Regulations, superseding the appendix to Part 182, Title 26, Code of Federal Regulations, to effect administrative decisions, and to provide for publication of formulas for denatured alcohol as a separate part of the Code of

Federal Regulations, was published in the FEDERAL REGISTER (21 F. R. 6026). After consideration of all relevant matters as were presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted subject to the changes set forth below:

PARAGRAPH 1. Section 212.5 is amended by adding a new paragraph *special industrial solvents* immediately after the close of the last paragraph.

PAR. 2. Section 212.16 is amended by adding new paragraphs (d) and (e) immediately after the close of paragraph (c).

PAR. 3. Section 212.40 is amended by striking the word "pure" from the first sentence.

PAR. 4. Section 212.45 is amended by striking from the first sentence the phrase "Five gallons of ethyl acetate" and inserting in lieu thereof the following "4.26 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 5 gallons of ethyl acetate having an ester content of not less than 85 percent by weight."

PAR. 5. Section 212.48 is amended by striking the parenthetical word (pure) after "Citronella oil, natural" and "Spike lavender oil, natural," striking ", pure" after "Safrol" in the list of oils and substances, and adding thereto "Spearmint oil, terpeneless" immediately following "Spearmint oil, N. F."

PAR. 6. Section 212.53 is amended by striking ", pure" after "Cinchonidine."

PAR. 7. Section 212.59 (a) (3) is amended by striking ", pure" immediately following "Phenyl mercuric benzoate."

PAR. 8. The following sections are renumbered as indicated below:

§ 212.75 is renumbered § 212.77.
§ 212.76 is renumbered § 212.78.
§ 212.77 is renumbered § 212.79.
§ 212.78 is renumbered § 212.80.
§ 212.79 is renumbered § 212.81.
§ 212.80 is renumbered § 212.82.
§ 212.81 is renumbered § 212.83.
§ 212.82 is renumbered § 212.84.
§ 212.83 is renumbered § 212.86.
§ 212.84 is renumbered § 212.87.
§ 212.85 is renumbered § 212.88.
§ 212.86 is renumbered § 212.90.
§ 212.87 is renumbered § 212.91.
§ 212.88 is renumbered § 212.94.
§ 212.89 is renumbered § 212.95.
§ 212.90 is renumbered § 212.96.
§ 212.95 is renumbered § 212.105.
§ 212.100 is renumbered § 212.110.
§ 212.105 is renumbered § 212.115.

PAR. 9. Section 212.69 and renumbered §§ 212.80, 212.81, and 212.88 are amended by striking the parenthetical phrase "(A. S. T. M. D–86–53)" and inserting in lieu thereof the parenthetical phrase "(applicable A. S. T. M. method)".

PAR. 10. Section 212.73 and renumbered §§ 212.78 and 212.83 are amended by striking the parenthetical phrase "(A. S. T. M. D–1078–49–T)" and inserting in lieu thereof the parenthetical phrase "(applicable A. S. T. M. method)".

PAR. 11. Renumbered §§ 212.77 and 212.87 are amended by striking the parenthetical phrase "(A. S. T. M. D–1078–49)" and inserting in lieu thereof the parenthetical phrase "(applicable A. S. T. M. method)".

PAR. 12. Renumbered § 212.80 is amended by adding "*Odor.* Characteristic odor," immediately below the last sentence.

PAR. 13. Renumbered § 212.82 is amended to read as set forth below.

PAR. 14. New §§ 212.75, 212.76, 212.85, 212.89, 212.92, and 212.93 are added as set forth below.

PAR. 15. Renumbered § 212.105 is amended as follows:

a. Amend the heading for the list of product or process and formulas authorized to read "Uses of Specially Denatured Alcohol[1]";

b. In the list of "Product or Process" change the numeral 1 after "Laboratory uses" to the numeral 2 and change the numeral 2 after "Unclassified uses" to the numeral 3;

c. Renumber footnote numbers 1 and 2 to read 2 and 3 respectively; and

d. Insert above renumbered footnote 2:

[1] Other products or processes may be authorized by the Director under § 212.15 (b).

PAR. 16. Renumbered § 212.110 is amended by striking the parenthetical word (pure) after "Citronella oil, natural," "Cinchonidine," "Phenyl mercuric benzoate", "Safrol" and "Spike Lavender oil, natural" in the list of denaturants, and adding thereto "Spearmint oil, terpeneless—S. D. 38–B" immediately following "Spearmint oil, N. F."

PAR. 17. Subpart H in its entirety is amended to read as set forth below.

[SEAL] RUSSELL C. HARRINGTON,
Commissioner of Internal Revenue.

Approved: February 28, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

PART 212—FORMULAS FOR DENATURED ALCOHOL

Preamble. 1. The regulations in this part shall supersede the appendix to 26 CFR Part 182, designated in F. R. Doc. 54–10417 as Appendix A "Completely Denatured Alcohol Formulae", and Appendix B "Specially Denatured Alcohol Formulae"; 19 F. R. 9438, as corrected in 20 F. R. 275.

2. These regulations shall not affect any act done or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the first month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

Subpart A—Scope of Regulations

Sec.
212.1 Formulas for denatured alcohol.
212.2 Forms prescribed.
212.3 Stocks of discontinued formulas.

Subpart B—Definitions

212.5 Meaning of terms.

Subpart C—Completely Denatured Alcohol Formulas

Sec.
212.10 General.
212.11 Formula No. 18.
212.12 Formula No. 19.

Subpart D—Specially Denatured Alcohol Formulas and Authorized Uses

212.15 General.
212.16 Formula No. 1.
212.17 Formula No. 2–B.
212.18 Formula No. 2–C.
212.19 Formula No. 3–A.
212.20 Formula No. 3–B.
212.21 Formula No. 4.
212.22 Formula No. 6–B.
212.23 Formula No. 12–A.
212.24 Formula No. 13–A.
212.25 Formula No. 17.
212.26 Formula No. 18.
212.27 Formula No. 19.
212.28 Formula No. 20.
212.29 Formula No. 22.
212.30 Formula No. 23–A.
212.31 Formula No. 23–F.
212.32 Formula No. 23–H.
212.33 Formula No. 25.
212.34 Formula No. 25–A.
212.35 Formula No. 27.
212.36 Formula No. 27–A.
212.37 Formula No. 27–B.
212.38 Formula No. 28–A.
212.39 Formula No. 29.
212.40 Formula No. 30.
212.41 Formula No. 31–A.
212.42 Formula No. 32.
212.43 Formula No. 33.
212.44 Formula No. 35.
212.45 Formula No. 35–A.
212.46 Formula No. 36.
212.47 Formula No. 37.
212.48 Formula No. 38–B.
212.49 Formula No. 38–C.
212.50 Formula No. 38–D.
212.51 Formula No. 38–F.
212.52 Formula No. 39.
212.53 Formula No. 39–A.
212.54 Formula No. 39–B.
212.55 Formula No. 39–C.
212.56 Formula No. 39–D.
212.57 Formula No. 40.
212.58 Formula No. 40–A.
212.59 Formula No. 42.
212.60 Formula No. 44.
212.61 Formula No. 45.
212.62 Formula No. 46.

Subpart E—Specifications for Denaturants

212.65 General.
212.66 U. S. P. or N. F.
212.67 Acetaldehyde.
212.68 Acetaldol.
212.69 Benzene.
212.70 Bone oil (Dipple's oil).
212.71 Brucine alkaloid.
212.72 *n*-Butyl alcohol.
212.73 *tert.*-Butyl alcohol.
212.74 Chloroform.
212.75 Cinchonidine.
212.76 Citronella oil, natural.
212.77 Diethyl phthalate.
212.78 Ethyl acetate.
212.79 Ethyl ether.
212.80 Gasoline.
212.81 Kerosene.
212.82 Methyl alcohol.
212.83 Methyl isobutyl ketone.
212.84 Nicotine solution.
212.85 Phenyl mercuric benzoate.
212.86 Pyridine bases.
212.87 Pyronate.
212.88 Rubber hydrocarbon solvent.
212.89 Safrol.
212.90 Shellac.
212.91 Sodium (metallic).
212.92 Spearmint oil, terpeneless.
212.93 Spike lavendar oil, natural.
212.94 Sucrose octa acetate.
212.95 Vinegar.
212.96 Wood alcohol.

Subpart F—Uses of Specially Denatured Alcohol

212.105 Listing of products and processes using specially denatured alcohol and formulas authorized therefor.

Subpart G—Denaturants Authorized for Denatured Alcohol

212.110 Listing of denaturants authorized in denatured alcohol.

Subpart H—Weights and Specific Gravity of Specially Denatured Alcohol

212.115 Weights and specific gravity of specially denatured alcohol.

AUTHORITY: §§ 212.1 to 212.215 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

SUBPART A—SCOPE OF REGULATIONS

§ 212.1 *Formulas for denatured alcohol.* The regulations in this part, "Formulas for Denatured Alcohol" relate to formulas used for the denaturation of alcohol. The regulations give formulas for the production of specially and completely denatured alcohol, the specifications for denaturants, a listing of processes and products in which specially denatured alcohol is used and specific formulas authorized for each use, a listing of denaturants and the formulas in which used, and a table of weights of the formulas of specially denatured alcohol. The procedural and substantive requirements relative to the issuance of permits and to the production, disposition, and use of denatured alcohol are prescribed in Part 182 of this chapter.

§ 212.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

§ 212.3 *Stocks of discontinued formulas.* Denaturers or specially denatured alcohol dealers or users having on hand stocks of formulas of specially denatured alcohol no longer authorized by this part may (a) continue to supply or use such stocks in accordance with permits until the stocks are exhausted; (b) otherwise dispose of such stocks in a manner satisfactory to the Director, Alcohol and Tobacco Tax Division pursuant to an approved application; or (c) on approval by the assistant regional commissioner of an application to do so, destroy such stocks under such supervision as the assistant regional commissioner may prescribe.

SUBPART B—DEFINITIONS

§ 212.5 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

Alcohol. "Alcohol" means that substance known as ethyl alcohol, ethanol, hydrated oxide of ethyl, or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more, but does not include the substances commonly known as whisky, brandy, rum, gin, or other spirits, produced at registered distilleries or fruit distilleries under Parts 220 and 221 of this chapter.

Assistant regional commissioner. "Assistant regional commissioner" means the assistant regional commissioner (alcohol and tobacco tax), who is responsible to, and functions under the direction and supervision of, the regional commissioner.

Commissioner. "Commissioner" means the Commissioner of Internal Revenue.

Completely denatured alcohol. "Completely denatured alcohol" means denatured alcohol in which the denaturants are of such a nature that such denatured alcohol may be sold and used within certain limitations without permit and bond.

Denaturant. "Denaturant" means a material which, when added to alcohol in accordance with formulas in this part, destroys its character as a beverage and renders it unfit for liquid medicinal purposes.

Denatured alcohol. "Denatured alcohol" means alcohol to which has been added denaturing material which destroys its character as a beverage and renders it unfit for liquid medicinal purposes.

Director. "Director, Alcohol and Tobacco Tax Division" means the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

Essential oil. "Essential oil" means one of the volatile odoriferous oils found in plants and imparting to the plants odor, and often other characteristic properties, and includes imitation essential oils, aromatic substances, and synthetic oils which possess the denaturing characteristics of essential oils.

Gallon. "Gallon" or "wine gallon" means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

Includes and including. The terms "includes" and "including" when used in this part shall not be deemed to exclude other things otherwise within the meaning.

I. R. C. "I. R. C." means the Internal Revenue Code of 1954.

Manufacturer or user. "Manufacturer" or "user" means a person who holds a permit to use specially denatured alcohol in any process or in the manufacturing of any substance, preparation, or product, including the product obtained by further manufacture or by combination with other materials; who recovers completely or specially denatured alcohol; or who recovers articles containing denatured alcohol.

Proof. "Proof" means the ethyl alcohol content of a liquid at 60° Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

Proprietary solvent. "Proprietary solvent" means a solvent containing more than 25 percent of alcohol by volume which is manufactured with specially denatured alcohol in accordance with a formula approved by the Director and is generally adapted for specific uses.

Regional commissioner. "Regional commissioner" means the regional commissioner of internal revenue in each of the internal revenue regions.

Rubbing alcohol compound. "Rubbing alcohol compound" means any product manufactured with specially denatured alcohol which is represented to be a "rubbing alcohol compound".

Secretary. "Secretary" means the Secretary of the Treasury.

Specially denatured alcohol. "Specially denatured alcohol" means denatured alcohol in which the denaturant or denaturants are of such a nature that such denatured alcohol may be used in a greater number of specified arts and industries than completely denatured alcohol, but, except as otherwise provided in Part 182 of this chapter, may be sold, possessed, and used only pursuant to permit and bond.

Special industrial solvents. "Special industrial solvents" means a proprietary solvent which is manufactured in accordance with authorized special industrial solvent formulations and because of its composition is restricted to industrial and manufacturing uses.

SUBPART C—COMPLETELY DENATURED ALCOHOL FORMULAS

§ 212.10 *General.* Completely denatured alcohol will be denatured in accordance with formulas prescribed in this subpart.

§ 212.11 *Formula No. 18.* To every 100 gallons of ethyl alcohol of not less than 160° proof add:

2.50 gallons of methyl isobutyl ketone;
0.125 gallon of pyronate or a compound similar thereto;
0.50 gallon of acetaldol (b-hydroxybutyraldehyde); and
1.00 gallon kerosene.

§ 212.12 *Formula No. 19.* To every 100 gallons of ethyl alcohol of not less than 160° proof add:

4.0 gallons of methyl isobutyl ketone; and
1.0 gallon of kerosene.

SUBPART D—SPECIALLY DENATURED ALCOHOL FORMULAS AND AUTHORIZED USES

§ 212.15 *General*—(a) *Formulas.* Specially denatured alcohol will be denatured in accordance with formulas prescribed in this subpart. Alcohol of 190, 192, or 200 degrees of proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise authorized by the Director.

(b) *Uses.* Users and manufacturers holding approved Forms 1479–A covering manufacture of products or use in processes no longer authorized for a particular formula may continue such use. The Director may authorize, in his discretion, the use of any formula of specially denatured alcohol for uses not specifically authorized in this part. The code number before each item under "authorized uses" shall be used in reporting the use of specially denatured alcohol.

§ 212.16 *Formula No. 1*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons wood alcohol.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
016. Other coatings.
021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
041. Proprietary solvents (standard formulations).
042. Other solvents and thinners.
043. Special solvents (restricted sale).
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soap and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulphite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals including alkaloids.
345. Processing blood and blood products.
349. Miscellaneous, drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photo-engraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oil.
740. Refrigerating uses.
750. Other fluid uses.
760. Proprietary anti-freeze.

(5) Miscellaneous uses:

900. Specialized uses (unclassified).

(c) *Standard Proprietary Solvents Formulations using S. D. A. No. 1*—(1) *Formulation No. I.*

Specially denatured alcohol formula No. 1	Gallons 100
Ethyl acetate	5
Gasoline	1

(2) *Formulation No. II.*

Specially denatured alcohol formula No. 1	Gallons 100
Denaturing grade wood alcohol	2
Ethyl acetate	1
Gasoline	1

(3) *Formulation No. III.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
Ethyl acetate	1
Gasoline	1

(4) *Formulation No. IV.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
tert-butyl alcohol	2
Gasoline	1

(5) *Formulation No. V.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
Secondary butyl alcohol	2
Gasoline	1

(d) *Special industrial solvents formulations using S. D. A. No. 1*—(1) *Formulation A.*

Specially denatured alcohol formula No. 1	Gallons 100
Isopropyl alcohol	10
Methyl isobutyl ketone	1

(2) *Formulation B.*

Specially denatured alcohol formula No. 1	Gallons 100
Isopropyl alcohol	5
Methyl isobutyl ketone	1
Methyl alcohol	5

(3) *Formulation C.*

Specially denatured alcohol formula No. 1	Gallons 100
Methyl isobutyl ketone	1
Ethyl acetate	5

(e) *Conditions governing use.* Special industrial solvents can be sold only (1) to legitimate industrial users for their own use including the manufacture of products for sale, and (2) to wholesale dealers for resale to such industrial users. Sale of such solvents for distribution through retail channels is prohibited. When special industrial solvents are used in the manufacture of products for sale there shall be added sufficient ingredients to change the character and composition of the solvent and the finished products shall not contain more than 25 percent alcohol by volume. Special industrial solvents must be shipped in containers having a capacity of 80 gallons or more. All such containers shall have affixed thereon a label showing the brand name under which produced and the name and address of the producer, except that in the case of railroad tank car or tank truck shipments the label shall be affixed to the route board of such vehicle. Dealers may not relabel or repackage special industrial solvents under their own brand name. Dealers may not purchase or sell more than 550 gallons of special industrial solvents during a calendar month, except that the assistant regional commissioner may authorize quantities exceeding the above limitation on presentation of satisfactory evidence that there is a legitimate need by such dealers and their customers. Detailed and accurate records of receipts and disposition of special industrial solvents shall be maintained by dealers of such solvents. Industrial users receiving solvents in railroad tank cars or tank trucks shall maintain complete records of the receipt and use thereof. The records prescribed must be kept available for inspection by internal revenue officers at all reasonable hours.

§ 212.17 *Formula No. 2–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon benzene or one-half gallon rubber hydrocarbon solvent.

(b) *Authorized uses*—(1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals, including alkaloids.
349. Miscellaneous drug processing (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

521. Ethyl acetate.
522. Ethyl chloride.
523. Other ethyl esters.
524. Sodium ethylate, anhydrous (for own use only).
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
551. Acetaldehyde.
552. Other aldehydes.
561. Ethyl ether.
562. Other ethers.

571. Ethylene dibromide.
572. Ethylene gas.
573. Xanthates.
575. Drugs and medicinal chemicals.
579. Other chemicals.

(c) *Conditions governing use.* This formula must be used in a closed and continuous system unless it is shown that it is not practical to do so.

§ 212.18 *Formula No. 2–C*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-three pounds, or more, of metallic sodium and either one-half gallon benzene or one-half gallon rubber hydrocarbon solvent.

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

523. Miscellaneous ethyl esters.
524. Sodium ethylate, anhydrous (for own use only).
530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
575. Drugs and medicinal chemicals.
579. Other chemicals.

(c) *Conditions governing use.* This formula must be used in a closed and continuous system unless it is shown that it is not practical to do so.

§ 212.19 *Formula No. 3–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
033. Explosives.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
051. Polishes.
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
141. Shampoos.
142. Soaps and bath preparations.
311. Cellulose compounds (dehydration).
312. Sodium hydrosulfite (dehydration).
315. Other dehydration products.
320. Petroleum products.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous (including manufacture of pills).
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).

470. Theater sprays, incense and room deodorants.
481. Photoengraving and rotogravure dyes and solutions.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).
575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
620. Proprietary heating fuels.
630. Other fuel uses.

(4) As a fluid:

710. Scientific instruments.
720. Brake fluids.
730. Cutting oils.
740. Refrigerating uses.
750. Other fluid uses.

(5) Miscellaneous uses:

810. Laboratory, reagent and pilot plant uses.
900. Specialized uses (unclassified).

§ 212.20 *Formula No. 3–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of pine tar N. F.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
141. Shampoos.
142. Soap and bath preparations.
410. Disinfectants, insecticides, fungicides and other biocides.

§ 212.21 *Formula No. 4*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of the following solution: Five gallons of an aqueous solution containing 40 percent nicotine; and 3.6 av. ounces of methylene blue, N. F.; water sufficient to make 100 gallons.

(b) *Authorized uses.* (1) As a solvent:

460. Tobacco sprays and flavors.

§ 212.22 *Formula No. 6–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One-half gallon pyridine bases.

(b) *Authorized uses.* (1) As a raw material:

523. Miscellaneous ethyl esters.
574. Fulminate of mercury and other detonators.
575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.23 *Formula No. 12–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of benzene.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
351. Processing dyes and intermediates.
352. Processing perfume materials and fixatives.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

523. Miscellaneous ethyl esters.
561. Ethyl ether.
562. Other ethers.
575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.24 *Formula No. 13–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
052. Inks (including meat branding inks).
241. Collodion (U. S. P. or N. F.).
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

523. Miscellaneous ethyl esters.
561. Ethyl ether.
562. Other ethers.
575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.25 *Formula No. 17*—(a) *Formula.* To every 100 gallons of alcohol add:

Five-hundredths (0.05) gallon (6.4 fluid ounces) of bone oil (Dippie's oil).

(b) *Authorized uses.* (1) As a solvent:

344. Processing medicinal chemicals (including alkaloids).
358. Processing other chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

575. Drugs and medicinal chemicals.
579. Other chemicals.

§ 212.26 *Formula No. 18*—(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of vinegar containing not less than 9 percent of acetic acid.

(b) *Authorized uses.* (1) As a raw material:

511. Vinegar.

§ 212.27 *Formula No. 19*—(a) *Formula.* To every 100 gallons of alcohol add:

One hundred gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
034. Cellulose intermediates and industrial collodions.
241. Collodion (U. S. P.).

§ 212.28 *Formula No. 20*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of chloroform.

(b) *Authorized uses.* (1) As a raw material:

579. Miscellaneous chemicals (chloroform).

§ 212.29 *Formula No. 22*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of formaldehyde solution (U. S. P.)

(b) *Authorized uses.* (1) As a solvent:

420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

§ 212.30 *Formula No. 23–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of acetone, N. F.

(b) *Authorized uses.* (1) As a solvent:

011. Cellulose coatings.
012. Synthetic resin coatings.
013. Shellac coatings.
014. Other natural resin coatings.
015. Candy glazes.
016. Other coatings.
032. Transparent sheeting.
034. Cellulose intermediates and industrial collodions.
035. Soldering flux.
036. Adhesives and binders.
042. Solvents and thinners (other than proprietary solvents).
052. Inks (including meat branding inks).
053. Stains (wood, etc.).
111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Body deodorants and deodorant creams.
141. Shampoos.
142. Soaps and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
249. Miscellaneous external pharmaceuticals (U. S. P. or N. F.).
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
420. Embalming fluids and related products.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

(2) As a fluid:

740. Refrigerating uses.
750. Miscellaneous fluid uses.

§ 212.31 *Formula No. 23–F*—(a) *Formula.* To every 100 gallons of alcohol add:

Three pounds of salicylic acid, U. S. P., 1 pound resorcin, U. S. P.; and 1 gallon bergamot oil, N. F., or bay oil, N. F.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).

§ 212.32 *Formula No. 23–H*—(a) *Formula.* To every 100 gallons of alcohol add:

Eight gallons of acetone, N. F. and 1.5 gallons of methyl isobutyl ketone.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
220. Rubbing alcohol compounds.
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).

(c) *Standard Formula for rubbing alcohol compound.*

S. D. A. No. 23–H	103.3 fl. oz.
Sucrose octa-acetate	0.5 av. oz.
Water q. s	1 gal.

All rubbing alcohol compounds or preparations coming under the general classification of rubbing alcohols must be manufactured with specially denatured alcohol Formula No. 23–H according to the above formula except that manufacturers may also add to the formula other odorous or medicinal ingredients provided they are shown in the formula submitted for approval and that the finished product contains 70 percent absolute alcohol by volume.

§ 212.33 *Formula No. 25*—(a) *Formula.* To every 100 gallons of alcohol add:

Twenty pounds of iodine, U. S. P. and 15 pounds of either potassium or sodium iodide U. S. P.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals (U. S. P. or N. F.).

(c) *Formula for Strong Iodine Tincture N. F. (using S. D. A. Formula No. 25).*

Iodine U. S. P	3.50 av. oz.
Potassium iodide U. S. P	4.50 av. oz.
Distilled water	6.40 fl. oz.
S. D. A. Formula No. 25 q. s	128.00 fl. oz.

(d) *Formula for Iodine Tincture U. S. P. (using S. D. A. Formula No. 25).*

Iodine U. S. P	1.0 av. oz. 11.0 gr.
Sodium iodide U. S. P	1.0 av. oz. 431.0 gr.
Distilled water	65.0 fl. oz. 134.0 min.
S. D. A. Formula No. 25 q. s	128.0 fl. oz.

(e) *N. F. and U. S. P. preparations.* In preparation of N. F. and U. S. P. formulas, pursuant to paragraphs (c) and (d) of this section the quantities of iodine and potassium or sodium iodide referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol, and are the quantities that must be added in order that the finished product may comply with the official U. S. P. or N. F. preparation.

§ 212.34 *Formula No. 25–A*—(a) *Formula.* To every 100 gallons of alcohol add:

A solution composed of 20 pounds of iodine, U. S. P., 15 pounds of potassium or sodium iodide U. S. P. and 15 pounds of water.

(b) *Authorized uses.* (1) As a solvent:

230. Tinctures of iodine.
249. Miscellaneous external pharmaceuticals (U. S. P. or N. F.).

(c) *Formula for Strong Iodine Tincture, N. F. (using S. D. A. Formula No. 25–A).*

Iodine U. S. P	6.50 av. oz.
Potassium iodide U. S. P	4.50 av. oz.
Distilled water	4.40 fl. oz.
S. D. A. Formula No. 25–A q. s	128.0 fl. oz.

(d) *Formula for Iodine Tincture, U. S. P. (using S. D. A. Formula No. 25–A).*

Iodine U. S. P	1.0 av. oz. 11.0 gr.
Sodium iodide U. S. P	1.0 av. oz. 431.0 gr.
Distilled water	64.0 fl. oz.
S. D. A. Formula No. 25–A q. s	128.0 fl. oz.

(e) *N. F. and U. S. P. preparations.* In preparation of N. F. and U. S. P. formulas, pursuant to paragraphs (c) and (d) of this section the quantities of iodine and potassium or sodium iodide referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol, and are the quantities that must be added in order that the finished products may comply with the official U. S. P. or N. F. preparations.

§ 212.35 *Formula No. 27*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of rosemary oil, N. F. and 5 pounds of camphor, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

243. Liniments, U. S. P. or N. F.

(c) *Formula for Camphor and Soap Liniment N. F. (using S. D. A. Formula No. 27).*

Hard soap, N. F. dried and granulated or powdered.	8.0 av. oz. 6 gr.
Camphor U. S. P. (small pieces).	2.0 av. oz. 200 gr.
Rosemary oil N. F	185 min.
S. D. A. Formula No. 27	93.75 fl. oz.
Distilled water q. s	128.0 fl. oz.

(d) *N. F. preparation.* In the preparation of N. F. formula pursuant to paragraph (c) of this section the quantities of soap, camphor and oil of rosemary referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol and are the quantities that must be added in order that the finished produce may comply with the official N. F. preparation.

§ 212.36 *Formula No. 27–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five pounds of camphor, U. S. P. and 1 gallon of clove oil, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

210. External pharmaceuticals (not U. S. P. or N. F.).

§ 212.37 *Formula No. 27–B*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of lavender oil, U. S. P., and 100 pounds of medicinal soft soap, U. S. P.

(b) *Authorized uses.* (1) As a solvent.

141. Shampoos.
210. External pharmaceuticals (not U. S. P. or N. F.).
243. Liniments (U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.

(c) *Formula for medicinal soft soap Liniment U. S. P. (using S. D. A. Formula No. 27–B).*

Medicinal soft soap, U. S. P.	81.0 av. oz. 240 gr.
Lavender oil, U. S. P	2.0 fl. oz. 66 min.
S. D. A. Formula No. 27–B q. s	128.0 fl. oz.

(d) *U. S. P. preparation.* In the preparation of U. S. P. formula pursuant to paragraph (c) of this section the quantities of ingredients referred to as separate items in the formula are exclusive of the denaturants in the specially denatured alcohol and are necessary additions in order that the finished product may comply with the official formula.

§ 212.38 *Formula No. 28–A*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of gasoline.

(b) *Authorized uses.* (1) As a fuel:

611. Automobile and supplementary fuels.
612. Airplane and supplementary fuels.
613. Rocket and jet fuels.
690. Proprietary heating fuels.
690. Other fuel uses.

§ 212.39 *Formula No. 29*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of 100 percent acetaldehyde or 5 gallons of an alcohol solution of acetaldehyde containing not less than 20 percent acetaldehyde, or, where approved by the Director, Alcohol and Tobacco Tax Division, as to material and quantity, not less than 6.8 pounds if solid, or 1 gallon if liquid, of any chemical. Where material other than acetaldehyde is proposed to be used the applicant will furnish the Director, Alcohol and Tobacco Tax Division, with specifications and duplicate 8 ounce samples.

(b) *Authorized uses.* (1) As a raw material:

612. Acetic acid.
611. Ethyl acetate.
613. Ethyl chloride.
690. Other ethyl esters.
690. Ethylamines (for rubber processing).
690. Dyes and intermediates (ethylamines).
611. Acetaldehyde.
690. Other aldehydes.
611. Ethyl ether.
690. Other ethers.
611. Ethylene dibromide.
612. Ethylene gas.
690. Xanthates.
690. Drugs and medicinal chemicals.
690. Other chemicals.
690. Synthetic rubber.

(c) *Conditions governing use.* This formula is restricted to processes in which the alcohol loses its identity by being converted into other chemicals.

§ 212.40 *Formula No. 30*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of methyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

021. Cellulose plastics.
022. Non-cellulose plastics.
031. Photographic film and emulsions.
035. Soldering flux.
036. Adhesives and binders.
051. Polishes.
052. Inks.
053. Stains.
142. Soap and bath preparations.
331. Processing pectin.
332. Processing other food products.
341. Processing crude drugs.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
345. Processing blood and blood products.
349. Miscellaneous drug processing (including manufacture of pills).
352. Processing perfume materials and fixatives.
353. Processing photographic chemicals.
358. Processing other chemicals.
359. Processing miscellaneous products.
410. Disinfectants, insecticides, fungicides and other biocides.
430. Sterilizing and preserving solutions.
440. Industrial detergents and soaps.
450. Cleaning solutions (including household detergents).
481. Photoengraving and rotogravure solutions and dyes.
482. Other dye solutions.
485. Miscellaneous solutions (including duplicating fluids).

(2) As a raw material:

575. Drugs and medicinal chemicals.
579. Other chemicals.

(3) As a fluid in:

740. Refrigerating uses.
750. Other fluid uses.

(4) Miscellaneous uses:

810. Laboratory use.

§ 212.41 *Formula No. 31–A*—(a) *Formula.* To every 100 gallons of alcohol add:

One hundred pounds of glycerol, U. S. P. and 20 pounds of hard soap, N. F.

(b) *Authorized uses.* (1) As a solvent:

113. Lotions and creams (hand, face, and body).
131. Tooth paste and tooth powder.
141. Shampoos.

§ 212.42 *Formula No. 32*—(a) *Formula.* To every 100 gallons of alcohol add:

Five gallons of ethyl ether.

(b) *Authorized uses.* (1) As a solvent:

031. Photographic film and emulsions.
052. Inks (including meat branding inks).
241. Collodion (U. S. P.).
332. Processing miscellaneous food products.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
430. Sterilizing and preserving solutions.
481. Photoengraving and rotogravure solutions and dyes.

(2) As a raw material:

522. Ethyl chloride.
523. Other ethyl esters.
561. Ethyl ether.
562. Other ethers.
571. Ethylene dibromide.
572. Ethylene gas.
575. Drugs and medicinal chemicals.
579. Other chemicals.
580. Synthetic rubber.

§ 212.43 *Formula No. 33*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty pounds of methyl violet, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

052. Inks.

(c) *Conditions governing use.* Meat branding inks made with Formula No. 33 do not meet U. S. Department of Agriculture meat inspection specifications for use in federally inspected establishments. Such inks must be made with FD&C Violet No. 1. Specially denatured alcohol Formulas No. 23–A and 32 are authorized for this purpose.

§ 212.44 *Formula No. 35*—(a) *Formula.* To every 100 gallons of alcohol add:

Thirty-five gallons of ethyl acetate.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.

§ 212.45 *Formula No. 35–A*—(a) *Formula.* To every 100 gallons of alcohol add:

4.26 gallons of ethyl acetate having an ester content of 100 percent by weight or the equivalent thereof not to exceed 5 gallons of ethyl acetate with an ester content of not less than 85 percent by weight.

(b) *Authorized uses.* (1) As a solvent:

015. Candy glazes.
331. Processing pectin.
332. Processing other food products.
342. Processing glandular products, vitamins, hormones and yeasts.
343. Processing antibiotics and vaccines.
344. Processing medicinal chemicals (including alkaloids).
349. Miscellaneous drug processing (including manufacture of pills).
358. Processing miscellaneous chemicals.
359. Processing miscellaneous products.

(2) As a raw material:

511. Vinegar.
521. Ethyl acetate.
523. Other ethyl esters.

§ 212.46 *Formula No. 36*—(a) *Formula.* To every 100 gallons of ethyl alcohol add:

Three gallons of strong ammonia solution, U. S. P.

(b) *Authorized uses.* (1) As a raw material:

530. Ethylamines (for rubber processing).
540. Dyes and intermediates (ethylamines).

§ 212.47 *Formula No. 37*—(a) *Formula.* To every 100 gallons of alcohol add:

Forty-five fluid ounces of eucalyptol, U. S. P., 30 av. ounces of thymol, N. F. and 20 av. ounces of menthol, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
131. Dentifrices.
132. Mouth washes.
210. External pharmaceuticals (not U. S. P. or N. F.).
244. Antiseptic solutions (U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

§ 212.48 *Formula No. 38–B*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of any one or a total of 10 pounds of two or more of the oils and substances listed below:

Anethol, U. S. P.
Anise oil, U. S. P.
Bay oil (myrcia oil), N. F.
Benzaldehyde, N. F.
Bergamot oil, N. F.
Bitter almond oil, N. F.
Camphor, U. S. P.
Cedar leaf oil, U. S. P. XIII
Chlorothymol, N. F.
Cinnamic aldehyde, N. F. IX
Cinnamon oil (cassia oil), U. S. P.
Citronella oil, natural
Clove oil, U. S. P.
Coal tar, U. S. P.
Eucalyptol, U. S. P.
Eucalyptus oil, N. F.
Eugenol, U. S. P.
Guaiacol, N. F.
Lavender oil, U. S. P.
Menthol, U. S. P.
Mustard oil, volatile (allyl isothiocyanate), U. S. P. XII.
Peppermint oil, U. S. P.
Phenol, U. S. P.
Phenyl salicylate (salol), N. F.
Pine oil, N. F.
Pine needle oil, dwarf, N. F.
Rosemary oil, N. F.
Safrol
Sassafras oil, N. F.
Spearmint oil, N. F.
Spearmint oil, terpeneless.
Spike lavender oil, natural
Storax, U. S. P.
Thyme oil, N. F.
Thymol, N. F.
Tolu balsam, U. S. P.
Turpentine oil, N. F.
Wintergreen oil (methyl salicylate), U. S. P.

Each ingredient and the amount used to make up the required 10 pounds of denaturants must be stated on Form 1479–A. Where it is shown that none of the above single denaturants or combinations can be used in the manufacture of a particular product, application may be made to use another essential oil or substance having denaturing properties satisfactory to the Director, Alcohol and Tobacco Tax Division. In such case the applicant will furnish the Director, Alcohol and Tobacco Tax Division, with specifications and duplicate 8 ounce samples for examination.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
131. Dentifrices.
132. Mouth washes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
243. Liniments, U. S. P. or N. F.
244. Antiseptic solutions, U. S. P. or N. F.
249. Miscellaneous external pharmaceuticals U. S. P. or N. F.
410. Disinfectants, insecticides, fungicides and other biocides.
430. Sterilizing and preserving solutions.
470. Theater sprays, incense and room deodorants.

§ 212.49 *Formula No. 38–C*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten pounds of menthol, U. S. P., and 1.25 gallons of Formaldehyde solution U. S. P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

§ 212.50 *Formula No. 38–D*—(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half pounds of menthol, U. S. P. and 2.5 gallons of Formaldehyde Solution, U. S. P.

(b) *Authorized uses.* (1) As a solvent:

131. Dentifrices.
132. Mouth washes.

§ 212.51 *Formula No. 38–F*—(a) *Formula.* To every 100 gallons of alcohol add:

(1) Six pounds of boric acid, U. S. P., 1⅓ pounds thymol, N. F., 1⅓ pounds chlorothymol, N. F., and 1⅓ pounds menthol, U. S. P.; or

(2) Seven pounds of boric acid, U. S. P. and a total of 3 pounds of any two or more denaturing materials listed under Formula No. 38–B. The denaturants selected and the amounts must be stated on Form 1479–A.

(b) *Authorized uses.* (1) As a solvent:

132. Mouth washes.
244. Antiseptic solutions (U. S. P. or N. F.).

§ 212.52 *Formula No. 39*—(a) *Formula.* To every 100 gallons of alcohol add:

Nine pounds of sodium salicylate or salicylic acid, U. S. P., 1.25 gallons fluid extract of quassia, N. F. VII and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
121. Perfume and perfume tinctures.
122. Toilet waters and colognes.

§ 212.53 *Formula No. 39–A*—(a) *Formula.* To every 100 gallons of ethyl alcohol add:

Sixty av. ounces of any one of the following alkaloids or salts together with ⅛ gallon of *tert*-butyl alcohol:

Quinine, N. F.
Quinine bisulfate, N. F.
Quinine hydrochloride, U. S. P.
Cinchonidine
Cinchonidine sulfate, N. F. IX.

The denaturant selected must be stated on Form 1479–A.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
122. Toilet waters and colognes.
141. Shampoos.

§ 212.54 *Formula No. 39–B*—(a) *Formula.* To every 100 gallons of alcohol add:

Two and one-half gallons of diethyl phthalate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense and room deodorants.
485. Miscellaneous solutions.

§ 212.55 *Formula No. 39–C*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of diethyl phthalate.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters.
142. Soaps and bath preparations.
470. Theater sprays, incense and room deodorants.
482. Miscellaneous dye solutions (own use only).

(c) *Conditions governing use.* Preparations manufactured with Formula No. 39–C must contain in each gallon of finished product not less than 2 fluid ounces of perfume material (essential oils, isolates, aromatic chemicals, etc.) satisfactory to the Director, Alcohol and Tobacco Tax Division.

§ 212.56 *Formula No. 39–D*—(a) *Formula.* To every 100 gallons of alcohol add:

One gallon of bay oil, N. F. and either 80 av. ounces of quinine sulphate, U. S. P., 80 av. ounces of quinine bisulphate, N. F., or 80 av. ounces of sodium salicylate, U. S. P.

The denaturant selected must be stated on Form 1479–A.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.

§ 212.57 *Formula No. 40*—(a) *Formula.* To every 100 gallons of alcohol add:

Three av. ounces of brucine (alkaloid) or brucine sulfate, N. F. IX and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.

142. Soaps and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
450. Cleaning solutions (including household detergents).
470. Theater sprays, incense and room deodorants.
482. Miscellaneous dye solutions.
485. Miscellaneous solutions.

§ 212.58 *Formula No. 40–A*—(a) *Formula.* To every 100 gallons of alcohol add:

Five pounds of sucrose octa-acetate and ⅛ gallon of *tert*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

111. Hair and scalp preparations.
112. Bay rum.
113. Lotions and creams (hand, face and body).
114. Deodorants (body).
121. Perfumes and perfume tinctures.
122. Toilet waters and colognes.
141. Shampoos.
142. Soap and bath preparations.
210. External pharmaceuticals (not U. S. P. or N. F.).
410. Disinfectants, insecticides, fungicides and other biocides.
470. Theater sprays, incense and room deodorants.
485. Miscellaneous solutions.

§ 212.59 *Formula No. 42*—(a) *Formula.* To every 100 gallons of alcohol add:

(1) Eighty grams of potassium iodide, U. S. P. and 109 grams of red mercuric iodide, N. F.;

(2) Ninety-five grams of thimerosal, N. F.; or

(3) Seventy-six grams of any of the following: phenyl mercuric nitrate, N. F.; phenyl mercuric chloride, N. F. IX or phenyl mercuric benzoate.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

§ 212.60 *Formula No. 44*—(a) *Formula.* To every 100 gallons of alcohol add:

Ten gallons of *n*-butyl alcohol.

(b) *Authorized uses.* (1) As a solvent:

430. Sterilizing and preserving solutions.

§ 212.61 *Formula No. 45*—(a) *Formula.* To every 100 gallons of alcohol add:

Three hundred pound of refined white or orange shellac.

(b) *Authorized uses.* (1) As a solvent:

485. Candy glazes.

§ 212.62 *Formula No. 46*—(a) *Formula.* To every 100 gallons of alcohol add:

Twenty-five fluid ounces of phenol, U. S. P. and 4 fluid ounces of wintergreen oil (methyl salicylate), U. S. P.

(b) *Authorized uses.* (1) As a solvent:

220. An antiseptic, sterilizing and bathing solution having restricted use.

(c) *Conditions governing use.* This formula may be used only by institutions and organizations which are of a semi-public character and engaged in charitable work.

SUBPART E—SPECIFICATIONS FOR DENATURANTS

§ 212.65 *General.* Denaturants prescribed in this part shall comply with the specifications set forth in this subpart: *Provided,* That, in order to meet requirements of national defense or for other valid reason, the Director, Alcohol and Tobacco Tax Division, may authorize variations from such specifications or authorize the use of substitute denaturants where such variation or substitution will not jeopardize the revenue.

§ 212.66 *U. S. P. or N. F.* Denaturing materials and products listed in this part as "U. S. P." or "N. F." shall meet the specifications set forth in the current United States Pharmacopea or National Formulary or the latest volume in which they appeared as official preparations. The designations "U. S. P." and "N. F." shall be considered interchangeable when preparations are transferred from one official publication to the other.

§ 212.67 *Acetaldehyde.*

Aldehyde content (as acetaldehyde). Not less than 95.0 percent by weight.
Color. Colorless.
Odor. Characteristic pungent, fruity odor.
Specific gravity at 15.56°/15.56° C. Not less than 0.7800.

§ 212.68 *Acetaldol.*

Purity. Not less than 90 percent by weight acetaldol as determined by the following method:

Dissolve 15 grams of the acetaldol in distilled water and dilute to 1 liter in a volumetric flask. Transfer 5 ml. of this solution to a 250 ml. glass-stoppered flask containing 25 ml. distilled water. Add 25 ml. of a freshly prepared 1 percent sodium bisulfite solution. Prepare a blank omitting the acetaldol solution. Place the flasks in a dark place away from excessive heat or cold and allow to stand six hours. Remove flasks and titrate free bisulfite with 0.1 N. Iodine solution using starch indicator.

$$\text{Percent acetaldol by weight} = \frac{(\text{ml. blank} - \text{ml. test}) \times 200 \times 0.44}{\text{weight of sample}}$$

Titrations in excess of 100 percent may be obtained if the sample contains appreciable amounts of acetaldehyde.
Specific gravity at 20° C. 1.098 to 1.105.

§ 212.69 *Benzene.*

Distillation range—(Applicable A. S. T. M. method). When 100 ml. of benzene are distilled by this method, not more than 1 ml. should distill below 77° C., and not less than 95 ml. below 85° C.
Odor. Characteristic odor.
Specific gravity at 15.6/15.6° C. 0.875 to 0.886.
Water solubility. When 10 ml. of benzene are shaken with an equal volume of water in a glass-stoppered cylinder, graduated to 0.1 ml., and allowed to stand 5 minutes to separate, the upper layer of liquid shall measure not less than 9.5 ml.

§ 212.70 *Bone oil (Dipple's oil).*

Color. The color shall be a deep brown.
Distillation range. When 100 ml. are distilled in the manner described for wood alcohol, not more than 5.0 ml. should distill below 90° C.
Pyrrol reaction. Prepare a 1.0 percent solution of bone oil in 95 percent alcohol. Prepare a second solution containing 0.025 percent bone oil by diluting 2.50 ml. of the first solution to 100 ml. with 95 percent alcohol. Dip a splinter of pine, previously moistened with concentrated hydrochloric acid, into 10 ml. of the 0.025 percent bone oil solution. After a few minutes the splinter should show a distinct red coloration.
Reaction with mercuric chloride. Add 5 ml. of the 1.0 percent bone oil solution above to 5 ml. of a 2 percent alcoholic solution of mercuric chloride. A turbidity is formed at once which separates into a flocculent precipitate on standing several minutes. Add 5.0 ml. of the 0.025 percent bone oil solution to 5.0 ml. of a 2.0 percent alcoholic solution of mercuric chloride. A faint turbidity appears after several minutes.

§ 212.71 *Brucine alkaloid.*

Identification test. Add a few drops of concentrated nitric acid to about 10 mg. of brucine alkaloid. A vivid red color is produced. Dilute the red solution with a few drops of water and add a few drops of freshly made dilute stannous chloride solution. A reddish purple (violet) color is produced.
Melting point. 178° C. ±1°. Dry the alkaloid in an oven for one hour at 100° C., increase the temperature to 110° and dry to a constant weight before taking melting point.
NOTE: Brucine alkaloid—4 H_2O melts at 105° C. while the anhydrous form melts at 178° C.
Strychnine test. Brucine alkaloid shall be free of strychnine when tested by the method listed under Brucine Sulfate in the National Formulary, 9th Edition.
NOTE: If the brucine contains as much as 0.05 percent strychnine, a clear distinctive violet color, characteristic of strychnine, will be obtained.
Sulfate test. No white precipitate is formed that is not dissolved by hydrochloric acid when several drops of a 1 N barium chloride solution are added to 10 ml. of a solution of the alkaloid.

§ 212.72 *n-Butyl alcohol.*

Acidity (as acetic acid). 0.03 percent by weight maximum.
Color. Colorless.
Dryness at 20° C. Miscible without turbidity with 10 volumes of 60° Bé. gasoline.
Odor. Characteristic odor.
Specific gravity at 20°/20° C. 0.810 to 0.815.

§ 212.73 *tert.-Butyl alcohol.*

Acidity (as acetic acid). 0.003 percent by weight maximum.
Color. Colorless.
Distillation range (Applicable A. S. T. M. method). When 100 ml. of tertiary butyl alcohol are distilled, none should distill below 78° C. and none above 85° C. More than 95 percent should distill between 81°—83° C.
Dryness at 20° C. Miscible without turbidity with 19 volumes of 60° Bé. gasoline.
Freezing point (first needle). Above 20° C.
Identification test. Place 5 drops of a solution containing approximately 0.1 percent tertiary butyl alcohol in ethyl alcohol in a test tube. Add 2 ml. of Denige's reagent. (Dissolve 5 grams of red mercuric oxide in 20 ml. concentrated sulfuric acid. Add this solution to 80 ml. of distilled water, and filter when cool.) Heat the mixture just to the boiling point and remove from the flame. A yellow precipitate forms within a few seconds.
Non volatile matter. Less than 0.005 percent by weight.
Odor. Characteristic odor.
Residual odor after evaporation. None.
Specific gravity at 25°/25° C. 0.780 to 0.786.

§ 212.74 *Chloroform.*

Odor. Characteristic odor.
Specific gravity at 25°/25° C. Not less than 1.400.

§ 212.75 *Cinchonidine.*

Melting point. 208° to 210° C.
Color. White powder.
Taste. Bitter.
Test. A solution of cinchonidine in dilute sulfuric acid shall not have more than a faint blue fluorescence (to distinguish from quinine and quinoidine).

§ 212.76 *Citronella oil, natural*—(a) *Java type:*

Alcohol content (as Geraniol). Not less than 85 percent by weight.
Aldehyde content (as Citronella). Not less than 30 percent by weight.
Refractive index at 20° C. 1.4660 to 1.4745.
Specific gravity at 25°/25° C. 0.875 to 0.893.
Odor. Characteristic odor.

(b) *Ceylon type.*

Alcohol content (as Geraniol). Not less than 55 percent by weight.
Aldehyde content (as Citronella). Not less than 7 percent by weight.
Refractive index at 20° C. 1.4790 to 1.4850.
Specific gravity at 25°/25° C. 0.891 to 0.904.
Odor. Characteristic odor.

§ 212.77 *Diethyl phthalate.*

Color. Colorless.
Distillation range (Applicable A. S. T. M. method). When 100 ml. of diethyl phthalate are distilled by this method none should distill below 290° C. and none above 297° C.
Ester content (as diethyl phthalate). Not less than 99 percent by weight.
NOTE: The sample taken for ester determination should be approximately 0.8 gram. The number of ml. of 0.5N KOH used in saponification multiplied by 0.05555, indicates the grams of ester in the sample taken for assay.
Odor. Practically odorless.
Solubility. Soluble in 2 parts of 60 percent alcohol.
Specific gravity at 25°/25° C. 1.115 to 1.118.

§ 212.78 *Ethyl acetate.*

Acidity (as acetic acid). Not more than 0.015 percent by weight.
Color. Colorless.
Distillation range (Applicable A. S. T. M. method). When 100 ml. of ethyl acetate are distilled by this method none shall distill below 70° C.; not more than 10 ml. shall distill below 72° C., and none above 80° C.
Ester content. Not less than 85 percent by weight.
Odor. Characteristic odor.
Specific gravity at 20°/20° C. Not less than 0.885.

§ 212.79 *Ethyl ether.*

Odor. Characteristic odor.
Specific gravity at 15.56°/15.56° C. Not more than 0.728.

§ 212.80 *Gasoline.*

Distillation range (Applicable A. S. T. M. method). When 100 ml. of gasoline are distilled none shall distill below 90° F. Not more than 5 ml. shall be collected below 140° F., and not less than 50 ml. shall distill below 230° F.
Odor. Characteristic odor.

§ 212.81 *Kerosene.*

Distillation range (Applicable A. S. T. M. method). No distillate should come over below 340° F. and none above 570° F.
Flash point. 115° F. minimum.
Odor. Characteristic odor.

§ 212.82 *Methyl alcohol.*

Specific gravity at 15.56°/15.56° C. 0.810 maximum.

§ 212.83 *Methyl isobutyl ketone.*

Acidity (as acetic acid). 0.02 percent by weight, maximum.
Color. Colorless.
Distillation range (Applicable A. S. T. M. method). No distillate should come over below 111° C. and none above 117° C.
Odor. Characteristic odor.
Specific gravity at 20°/20° C. 0.799 to 0.804.

§ 212.84 *Nicotine solution.*

Composition: Five gallons of an aqueous solution containing 40 percent nicotine; 3.6 av. oz. methylene blue N. F.; water sufficient to make 100 gallons.
Color. One ml. of the nicotine solution (previously agitated in the presence of air) is measured into 100 ml. of water and thoroughly mixed. Fifty ml. of this colored solution is compared, using Nessler tubes, with 50 ml. of a standard color solution containing 5 grams of $CuSO_4 \cdot 5H_2O$, C. P. in 100 ml. of water. The color intensity of the solution tested should be equal to or greater than that of the standard solution.
Nicotine content. The above solution must contain not less than 1.88 percent of nicotine determined by the following process: 20 ml. of the solution are measured into a 500 ml. Kjeldahl flask provided with a suitable bulb tube, 50 ml. of 0.1 N NaOH added and the mixture distilled in a current of steam until the distillate is no longer alkaline (about 500 ml.). The distillate is then titrated with 0.1 N H_2SO_4 using rosolic acid or methyl red as indicator. Not less than 23.2 ml. should be required for neutralization.

§ 212.85 *Phenyl mercuric benzoate.*

Assay (as phenyl mercuric benzoate). Not less than 99.0 percent by weight.
Melting point. Not less than 94° C.

§ 212.86 *Pyridine bases.*

Alkalinity. One ml. of pyridine bases dissolved in 10 ml. of water is titrated with N H_2SO_4 until a drop of the mixture placed upon Congo paper shows a distinct blue border, which soon disappears. A minimum of 9.5 ml. of the acid must be required for the end point. (Congo paper: filter paper treated with 0.1 percent aqueous solution of Congo red and dried.)
Distillation range. 100 ml. of the denaturant are distilled in the same apparatus prescribed for wood alcohol. At least 50 ml. must distill at or below 140° C. and at least 90 ml. below 160° C.
Reactions. Dissolve 1 ml. of pyridine bases in 100 ml. of water. (a) 10 ml. of this solution are treated with 5 ml. of 5 percent aqueous solution of anhydrous fused $CaCl_2$ and the mixture vigorously shaken. An abundant crystalline separation should occur within 10 minutes.
(b) 10 ml. of the pyridine solution mixed with 5 ml. of Nessler's reagent must give a white precipitate.
Water content. 20 ml. of pyridine bases are shaken with 20 ml. of a caustic soda solution having a specific gravity of 1.40 (15.56°/15.56° C.) and the mixture allowed to stand until completely separated into two layers. The amount of the pyridine base layer should be 18.5 ml., minimum.

§ 212.87 *Pyronate.*

Pyronate is a product of the destructive distillation of hardwood meeting the following requirements:
Acidity (as acetic acid). Not more than 0.1 percent by weight, determined as follows:
Add 5.0 ml. sample to 100 ml. distilled water in an Erlenmeyer flask and titrate with 0.1 N NaOH to a bromthymol blue endpoint.
Color. The color shall be no darker than the color produced by 2.0 grams of potassium dichromate in 1 liter of water. The comparison shall be made in 4 oz. oil sample bottles viewed crosswise.
Distillation range (Applicable A. S. T. M. method). When 100 ml. are distilled not more than 5 ml. shall distill below 70° C. and not less than 50 ml. below 160° C., and not less than 90 ml. below 205° C.
NOTE: Any material submitted as pyronate must agree in color, odor, taste and denaturing value with a standard sample furnished by the Alcohol and Tobacco Tax Division, Internal Revenue Service, to chemists authorized to examine samples of denaturants.

§ 212.88 *Rubber hydrocarbon solvent.*

Rubber hydrocarbon solvent is a petroleum derivative:
Distillation range (Applicable A. S. T. M. method). When 10 percent of the sample has been distilled into a graduated receiver, the thermometer shall not read more than 162° F. nor less than 120° F. When 90 percent has been recovered in the receiver the thermometer shall not read more than 250° F.

§ 212.89 *Safrol.*

Congealing point. 10.0° to 11.2° C.
Refractive index at 20° C. 1.5363 to 1.5393.
Specific gravity at 15°/15° C. 1.100 to 1.106.
Odor. Characteristic odor.

§ 212.90 *Shellac (refined).*

Arsenic content. None as determined by the Marsh Method or Gutzeit Method.
Color. White or orange.
Rosin content. None when tested by the following method: Add 20 ml. of absolute alcohol or glacial acetic acid (m. p. 13° to 15° C.) to 2 grams of the shellac and thoroughly dissolve. Add 100 ml. of petroleum ether and mix thoroughly. Add approximately 2 liters of water and separate a portion of the ether layer (at least 50 ml.) and filter if cloudy. Evaporate the petroleum ether and test as follows: Solution A—5 ml. phenol dissolved in 10 ml. carbon tetrachloride. Solution B—1 ml. bromine dissolved in 4 ml. carbon tetrachloride. To the residue obtained above add 2 ml. of Solution A and transfer the mixture to a porcelain spot plate, filling one cavity. Immediately fill an adjacent cavity with Solution B. Cover the plate with a watch glass and observe any color formation in Solution A. A decided purple or deep indigo blue color is an indication of the presence of rosin.

§ 212.91 *Sodium (metallic).*

Color. Silvery-white (metallic luster) when freshly cut.
Identification test. Clean a platinum wire by dipping it in concentrated hydrochloric acid and holding it over a Bunsen burner until the flame is no longer colored. Moisten the wire loop with hydrochloric acid and dip it into the sample. Hold the wire in the Bunsen flame and note the color. Sodium produces a golden yellow flame; not observed when viewed through a cobalt glass.
Purity. Technical grade or better.

§ 212.92 *Spearmint oil, terpeneless.*

Carvone content. Not less than 85 percent by weight.
Refractive index at 20° C. 1.4930 to 1.4960.
Specific gravity at 25°/25° C. 0.949 to 0.956.
Odor. Characteristic odor.

§ 212.93 *Spike lavendar oil, natural.*

Alcohol content (as borneol). Not less than 30 percent by weight.
Esters (as bornyl acetate). Not less than 1.5 percent by weight.
Refractive index at 20° C. 1.4630 to 1.4660.

Specific gravity at 25°/25° C. 0.893 to 0.909.
Odor. Characteristic odor.

§ 212.94 *Sucrose octa-acetate.*

Sucrose octa-acetate is an organic acetylation product occurring as a cream-colored, nonhydroscopic powder, having an intensely bitter taste.
Free acid (as acetic acid). Maximum percentage 0.15 by weight when determined by the following procedure: Dissolve 1.0 gram of sample in 50 ml. of neutralized ethyl alcohol (or SDA No. 30) and titrate with 0.1 N sodium hydroxide using phenolphthalein indicator.

$$\text{Percent acid as acetic acid} = \frac{\text{ml. NaOH used} \times 0.6}{\text{weight of sample}}$$

Insoluble matter. 0.30 percent by weight maximum.
Melting point. Not less than 78.0° C. or more than 84.0° C.
Purity. Sucrose octa-acetate 98% minimum by weight when determined by the following procedure: Transfer a weighed 1.50 gram sample to a 500 ml. Erlenmeyer flask containing 100 ml. of neutral ethyl alcohol (or SDA No. 30) and exactly 50.0 ml. of 0.5 N sodium hydroxide. Reflux for one hour on a steam bath, cool and titrate the excess sodium hydroxide with 0.5 N sulfuric acid using phenolphthalein indicator.

$$\text{Percent sucrose octa-acetate} = \frac{(\text{ml. NaOH} - \text{ml. } H_2SO_4) \times 4.2412}{\text{weight of sample}}$$

§ 212.95 *Vinegar.*

Acidity (as acetic acid). 9.0 percent by weight, minimum.

§ 212.96 *Wood alcohol.*

The wood alcohol submitted must be a partially purified distillate from crude wood alcohol obtained only by the destructive distillation of wood. It may be a blend of those distillation fractions commonly known as the methyl acetone, methyl alcohol, and allyl fractions. This blend shall consist in its entirety of all or portions of each of the fractions.
A mere physical mixture of the essential chemical constituents will not be approved nor will the addition of water subsequent to distillation in order to make the specific gravity conform to the specifications. It is the intent of these specifications that the chemical findings outlined below shall be due only to those impurities or ingredients naturally formed in the course of the destructive distillation of wood and that the extent of the presence of such impurities or ingredients be due entirely to their natural occurrence in the fractions mentioned above.
Acetone. Not less than 10.0 grams nor more than 20.0 grams of acetone and other substances estimated as acetone per 100 ml. of sample when tested by the following method: One ml. of a mixture of 10 ml. wood alcohol and 90 ml. of water is treated with 10 ml. of 2 N sodium hydroxide solution. To this mixture is added, with shaking, 50 ml. of 0.1 N iodine solution. After standing for fifteen minutes the solution is acidified with dilute sulfuric acid. The excess iodine is titrated with 0.1 N sodium thiosulfate solution using 1–2 ml. starch indicator. From 10.3 to 20.7 ml. of 0.1 N iodine solution should be required by the sample. The test should be made at a temperature between 15° and 20° C.
Calculation:
X=grams of acetone in 100 ml. sample.
Y=ml. of 0.1 N iodine solution required.
N=ml. of sample taken for titration.
Then:

$$X = \frac{Y(0.0968)}{N}$$

It is recommended that a blank be run with each test using a solution of 16 grams of acetone, C. P., made up to 100 ml. with absolute methanol. The difference between the known value and the titrated value of the blank is added to the amount of acetone found in the sample.
Color. Not darker than a freshly prepared solution of 2 ml. of 0.1 N iodine diluted to one liter with distilled water.
Distillation range (at 760 mm.). Of a 100 ml. sample taken, 90 ml. or more distillate shall be collected at a temperature not exceeding 75° C. when distilled in the following manner: The sample is placed in a short-necked glass flask of about 200 ml. capacity which is rested on an asbestos plate having a circular opening of 30 mm. in diameter. The neck of this flask is fitted with a fractionating tube 12 mm. in diameter and 170 mm. long and having a bulb just 1 cm. below the side tube which is connected with a Liebig condenser having a water jacket not less than 400 mm. in length. A standardized thermometer is placed in the fractionating tube so that the mercury bulb is suspended in the center of the fractionating bulb. Heat is applied slowly and in such manner that 5 ml. of distillate is collected per minute in a graduated cylinder.
Correction may be made for variations in barometric pressure by allowing 1° C. for each variation of 30 mm. from normal (760 mm.). Thus, at 770 mm., 90 ml. should have distilled at 75.3° C. and at 750 mm., 90 ml. should have distilled at 74.7° C.
Esters (as methyl acetate). Not less than 3 nor more than 10 grams per 100 ml. when determined as follows: Dilute 10 ml. of wood alcohol to 500 ml. with distilled water and agitate until thoroughly mixed. Transfer 100 ml. of this mixture to a 500 ml. flask, neutralize free acid, add 50 ml. excess 0.1 N sodium hydroxide (carbonate free) connect flask with air-cooled condenser about 2 feet in length, heat for two hours on a steam bath, allow to cool and titrate excess alkali with 0.1 N sulfuric acid, using phenolphthalein indicator solution.
Calculation:
M=grams of methyl acetate per 100 ml. of sample.
V=ml. of sample titrated (2 ml. in this case).
B=ml. of 0.1 N sodium hydroxide solution required.
Then

$$M = \frac{B(0.0074) \times 100}{V}$$

Miscibility with water (25° to 30° C.). No distinct separation of an oily layer shall be observed three minutes after mixing with twice its volume of water.
Pyroligneous bodies (by bromine adsorption). It must contain such a quantity of pyroligneous bodies (derived entirely from the methyl acetone, methyl alcohol and allyl fractions) that not less than 14 ml. nor more than 21 ml. shall be required to decolorize a standard solution containing 0.5 gram of bromine prepared as follows: Transfer 12.406 grams of potassium bromide and 3.481 grams of potassium bromate, C. P., (oven dried for 2 hours at 105° C.) to a liter volumetric flask and make up to volume with distilled water. Transfer 50 ml. of this solution containing 0.5 gram of bromine to a 200 ml. glass-stoppered flask, acidify with dilute sulfuric acid (1 to 4) and allow to stand for five minutes. From a burette add the sample of wood alcohol dropwise, not exceeding 5 ml. per minute, until the bromine color disappears. Record the ml. of sample required. The temperature of the mixture should be 20° C.
Specific gravity 15.56°/15.56° C. 0.8198 minimum.
In addition to the above requirements, the wood alcohol must be of such a character as to impart its characteristic odor and taste to the ethyl alcohol with which it is mixed, thereby giving an unmistakable warning of its presence.

SUBPART F—USES OF SPECIALLY DENATURED ALCOHOL

§ 212.105 *Listing of products and processes using specially denatured alcohol and formulas authorized therefore.* This section gives a listing, alphabetically by product or process, of formulas of specially denatured alcohol authorized for use in such products or processing, and a listing of the code numbers assigned thereto.

USES OF SPECIALLY DENATURED ALCOHOL[1]

Product or process	Code No.	Formulas authorized
Acetaldehyde	551	1, 2-B, 29.
Acetic acid	512	1, 2-B, 29.
Adhesives and binders	036	1, 3-A, 23-A, 30.
Aldehydes, miscellaneous	552	1, 2-B, 29.
Alkaloids (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Antibiotics (processing)	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Antifreeze, proprietary	760	1.
Antiseptic, bathing solution (restricted)	220	46.
Antiseptic solutions, U. S. P. or N. F.	244	37, 38-B, 38-F.
Bath preparations	142	1, 3-A, 3-B, 23-A, 30, 38-B, 39-B, 39-C, 40, 40-A.
Bay rum	112	23-A, 37, 39, 39-B, 39-D, 40, 40-A.
Biocides, miscellaneous	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Blood and blood products (processing)	345	1, 3-A, 12-A, 13-A, 23-A, 30.
Brake fluids	720	1, 3-A.
Candy glazes	015	13-A, 23-A, 35, 35-A, 45.
Cellulose coatings	011	1, 23-A.
Cellulose compounds (dehydration)	311	1, 2-B, 3-A.
Cellulose intermediates	034	1, 3-A, 13-A, 19, 23-A.
Chemicals (miscellaneous)	579	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 20, 29, 30, 32.
Cleaning solutions	450	1, 3-A, 23-A, 23-H, 30, 39-B, 40.
Coatings, miscellaneous	016	1, 23-A.
Collodions, industrial	034	1, 3-A, 13-A, 19, 23-A.
Collodions, U. S. P. or N. F.	241	13-A, 19, 32.
Colognes	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Crude drugs (processing)	341	1, 2-B, 3-A, 23-A, 30.
Cutting oils	730	1, 3-A.
Dehydration products, miscellaneous	315	1, 2-B, 3-A.
Dentifrices	131	31-A, 37, 38-B, 38-C, 38-D.
Deodorants (body)	114	23-A, 38-B, 39-B, 39-C, 40, 40-A.
Detergents, household	450	1, 3-A, 23-A, 23-H, 30, 39-B, 40.
Detergents, industrial	440	1, 3-A, 23-A, 30.
Detonators	574	1, 6-B.
Disinfectants	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Drugs and medicinal chemicals	575	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 30, 32.
Drugs, miscellaneous (processing)	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Duplicating fluids	485	1, 3-A, 30.

[1] Other products or processes may be authorized by the Director under § 212.15 (b).

USES OF SPECIALLY DENATURED ALCOHOL [1]—Continued

Product or process	Code No.	Formulas authorized
Dyes and intermediates	540	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Dyes and intermediates (processing)	351	1, 2-B, 3-A, 12-A.
Dye solutions, miscellaneous	482	1, 3-A, 23-A, 30, 39-C, 40.
Embalming fluids, etc	420	1, 3-A, 22, 23-A.
Esters, ethyl (miscellaneous)	523	1, 2-B, 2-C, 3-A, 6-B, 12-A, 13-A, 17, 29, 32, 35-A.
Ether, ethyl	561	1, 2-B, 13-A, 29, 32.
Ethers, miscellaneous	562	1, 2-B, 13-A, 29, 32.
Ethyl acetate	521	1, 2-B, 29, 35-A.
Ethylamines (rubber processing)	530	1, 2-B, 2-C, 3-A, 12-A, 29, 36.
Ethyl chloride	522	1, 2-B, 29, 32.
Ethylene dibromide	571	1, 2-B, 29, 32.
Ethylene gas	572	1, 2-B, 29, 32.
Explosives	033	1, 2-B, 3-A.
External pharmaceuticals (not U. S. P. or N. F.)	210	23-A, 23-F, 23-H, 27-A, 27-B, 37, 38-B, 39-B, 40, 40-A.
External pharmaceuticals, miscellaneous (U. S. P. or N. F.)	249	23-A, 25, 25-A, 38-B.
Fluid uses, miscellaneous	750	1, 3-A, 23-A, 30.
Food products, miscellaneous (processing)	332	1, 2-B, 3-A, 13-A, 23-A, 30, 32, 35-A.
Fuel uses, miscellaneous	630	1, 3-A, 28-A.
Fuels, airplane and supplementary	612	1, 3-A, 28-A.
Fuels, automobile and supplementary	611	1, 3-A, 28-A.
Fuels, proprietary heating	620	1, 3-A, 28-A.
Fuels, rocket and jet	613	1, 3-A, 28-A.
Fungicides	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Glandular products (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Hair and scalp preparations	111	3-B, 23-A, 23-F, 23-H, 37, 38-B, 39, 39-A, 39-B, 39-C, 39-D, 40, 40-A.
Hormones (processing)	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Incense	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Inks	052	1, 3-A, 13-A, 23-A, 30, 32, 33.
Insecticides	410	1, 3-A, 3-B, 23-A, 23-H, 27-B, 30, 37, 38-B, 39-B, 40, 40-A.
Iodine solutions (including U. S. P. and N. F. tinctures).	230	25, 25-A.
Laboratory reagents (for sale)	810	3-A, 30.
Laboratory uses [2]	810	3-A, 30.
Lacquer thinners	042	1, 23-A.
Liniments (U. S. P. or N. F.)	243	27, 27-B, 38-B.
Lotions and creams (body, face, and hand)	113	23-A, 31-A, 37, 38-B, 39-B, 39-C, 40, 40-A.
Medicinal chemicals (processing)	344	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous chemicals (processing)	358	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Miscellaneous products (processing)	359	1, 2-B, 2-C, 3-A, 12-A, 13-A, 17, 23-A, 30, 35-A.
Mouth washes	132	37, 38-B, 38-C, 38-D, 39-F.
Pectin (processing)	331	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Perfume materials (processing)	352	1, 2-B, 3-A, 12-A, 13-A, 30.
Perfumes and perfume tinctures	121	38-B, 39, 39-B, 39-C, 40, 40-A.
Petroleum products	320	1, 2-B, 3-A.
Photoengraving dyes and solutions	481	1, 3-A, 13-A, 30, 32.
Photographic chemicals (processing)	353	1, 3-A, 2-B, 13-A, 30.
Photographic film and emulsions	031	1, 2-B, 3-A, 13-A, 19, 30, 32.
Plastics, cellulose	349	1, 2-B, 3-A, 13-A, 23-A, 30, 35-A.
Plastics, noncellulose	021	1, 2-B, 3-A, 12-A, 13-A, 30.
Polishes	022	1, 2-B, 3-A, 12-A, 13-A, 30.
Preserving solutions	051	1, 3-A, 30.
Proprietary solvents (standard formulas)	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Refrigerating uses	041	1.
Resin coatings, natural	740	1, 3-A, 23-A, 30.
Resin coatings, synthetic	014	1, 23-A.
Room deodorants	012	1, 23-A.
Rotogravure dyes and solutions	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Rubber synthetic	481	1, 3-A, 13-A, 30, 32.
Rubbing alcohol compound	580	29, 32.
Scientific instruments	220	23-H.
Shampoos	710	1, 3-A.
Shellac coatings	141	1, 3-A, 3-B, 23-A, 27-B, 31-A, 38-B, 39-A, 39-B, 40, 40-A.
Soaps, industrial	013	1, 23-A.
Soaps, toilet	440	1, 3-A, 23-A, 30.
Sodium ethylate, anhydrous (restricted)	142	1, 3-A, 3-B, 23-A, 30, 38-B, 39-B, 39-C, 40, 40-A.
Sodium hydrosulfite (dehydration)	524	2-B, 2-C
Soldering flux	312	1, 2-B, 3-A.
Solutions, miscellaneous	035	1, 3-A, 23-A, 30.
Solvents and thinners, miscellaneous	485	1, 3-A, 23-A, 30, 39-B, 40, 40-A.
Solvents, special (restricted sale)	042	1, 23-A.
Stains (wood)	043	1.
Sterilizing solutions	053	1, 3-A, 23-A, 30.
Theater sprays	430	1, 3-A, 12-A, 13-A, 22, 23-A, 30, 32, 37, 38-B, 42, 44.
Tobacco sprays and flavors	470	3-A, 22, 37, 38-B, 39-B, 39-C, 40, 40-A.
Toilet waters	460	4.
Transparent sheetings	122	38-B, 39, 39-A, 39-B, 39-C, 40, 40-A.
Unclassified uses [3]	032	1, 2-B, 3-A, 13-A, 23-A.
Vaccine (processing)	800	1, 3-A.
Vinegar	343	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Vitamins (processing)	511	18, 35-A.
Xanthates	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.
Yeast (processing)	573	1, 2-B, 2-C, 29.
	342	1, 2-B, 3-A, 12-A, 13-A, 23-A, 30, 32, 35-A.

[1] Other products or processes may be authorized by the Director under § 212.15 (b).
[2] Formula No. 3-A and Formula No. 30 are authorized for general laboratory purposes under Code 810. Other formulas may be authorized for laboratory use in connection with specific product development.
[3] Persons desiring other formulas for this use should indicate the fact in the space provided for this purpose on Form 1479-A.

SUBPART G—DENATURANTS AUTHORIZED FOR DENATURED ALCOHOL

§ 212.110 *Listing of denaturants authorized for denatured alcohol.* Following is an alphabetical listing of denaturants authorized for use in denatured alcohol:

DENATURANTS AUTHORIZED FOR COMPLETELY DENATURED ALCOHOL (C. D.) AND SPECIALLY DENATURED ALCOHOL (S. D.)	
Acetaldehyde	S. D. 29
Acetone N. F.	S. D. 23-A; 23-H
Acetaldol	C. D. 18
Almond oil, bitter N. F.	S. D. 38-B
Ammonia solution, strong U. S. P.	S. D. 36
Anethole U. S. P.	S. D. 39
Anise oil U. S. P.	S. D. 39
Bay oil (myrcia oil) N. F.	S. D. 39; 38-B; 39
Benzaldehyde N. F.	S. D. 39
Benzene	S. D. 2-B; 2-C; 15
Bergamot oil N. F.	S. D. 23-F; 39
Bone oil (Dipple's oil)	S. D. 1
Boric acid U. S. P.	S. D. 39
Brucine alkaloid	S. D. 40
Brucine sulfate N. F. IX	S. D. 40
n-Butyl alcohol	S. D. 44
tert-Butyl alcohol	S. D. 39; 39-A; 39-B; 40; 40-A
Camphor U. S. P.	S. D. 27; 27-A; 39
Cedar leaf oil U. S. P. XIII	S. D. 39
Chloroform	S. D. 39
Chlorothymol N. F.	S. D. 38-B; 39
Cinnamon oil (cassia oil) U. S. P.	S. D. 39
Citronella oil, natural	S. D. 39
Cinchonidine	S. D. 39
Cinchonidine sulfate N. F. IX	S. D. 39
Cinnamic aldehyde (cinnamaldehyde) N. F. IX	S. D. 39
Clove oil U. S. P.	S. D. 27-A; 39
Coal tar U. S. P.	S. D. 39
Diethyl phthalate	S. D. 39-B; 39
Ethyl acetate	S. D. 35; 35
Ethyl ether	S. D. 13-A; 19; 39
Eucalyptol U. S. P.	S. D. 27; 39
Eucalyptus oil N. F.	S. D. 39
Eugenol U. S. P.	S. D. 39
Formaldehyde solution U. S. P.	S. D. 39
Gasoline	38-C; 39
Glycerol U. S. P.	S. D. 39
Guaiacol N. F.	S. D. 31
Iodine U. S. P.	S. D. 25; 39
Kerosene	C. D. 18; 39
Lavender oil U. S. P.	S. D. 27-B; 39
Menthol, U. S. P.	S. D. 39; 38-B; 38-C; 38-D; 39
Mercuric iodide, red N. F.	S. D. 40
Methylene blue N. F.	S. D. 40
Methyl alcohol	S. D. 3-A; 39
Methyl isobutyl ketone	C. D. 18; 19; S. D. 39
Methyl violet (methylrosaniline chloride) U. S. P.	S. D. 39
Mustard oil, volatile (allyl isothiocyanate), U. S. P. XII	S. D. 39
Nicotine solution	S. D. 6
Peppermint oil U. S. P.	S. D. 39
Phenol U. S. P.	S. D. 39-B; 40
Phenyl mercuric benzoate	S. D. 40
Phenyl mercuric chloride N. F. IX	S. D. 40
Phenyl mercuric nitrate N. F.	S. D. 40
Phenyl salicylate (salol) N. F.	S. D. 39
Pine needle oil, dwarf N. F.	S. D. 39
Pine oil, N. F.	S. D. 39
Pine tar, N. F.	S. D. 39
Potassium iodide, U. S. P.	S. D. 25; 25-A; 40
Pyridine bases	S. D. 6
Pyronate	C. D. 18
Quassia, fluid extract of, N. F. VII	S. D. 39
Quinine, N. F.	S. D. 39
Quinine bisulfate N. F.	S. D. 39-A; 39
Quinine hydrochloride U. S. P.	S. D. 39
Quinine sulfate U. S. P.	S. D. 39
Resorcin, U. S. P.	S. D. 39
Rosemary oil, N. F.	S. D. 27; 39
Rubber hydrocarbon solvent	S. D. 2-B; 2-C
Safrol	S. D. 39
Salicylic acid, U. S. P.	S. D. 23-F; 39
Sassafras oil, N. F.	S. D. 39
Shellac (refined)	S. D. 40
Sodium iodide, U. S. P.	S. D. 25; 25-A
Sodium, metallic	S. D. 2-C
Sodium salicylate, U. S. P.	S. D. 39; 39
Soap, hard, N. F.	S. D. 31-A
Soap, medicinal soft, U. S. P.	S. D. 27-B
Spearmint oil, N. F.	S. D. 39
Spearmint oil, terpeneless	S. D. 39
Spike lavender oil, natural	S. D. 39
Storax, U. S. P.	S. D. 39
Sucrose octa-acetate	S. D. 40-A
Thimerosal, N. F.	S. D. 40
Thyme oil, N. F.	S. D. 39
Thymol, N. F.	S. D. 37; 38-B; 39
Tolu balsam, U. S. P.	S. D. 38-B
Turpentine oil, N. F.	S. D. 38-B
Vinegar	S. D. 18
Wintergreen oil (methyl salicylate) U. S. P.	S. D. 38-B; 46
Wood alcohol	S. D. 1

SUBPART H—WEIGHTS AND SPECIFIC GRAVITIES OF SPECIALLY DENATURED ALCOHOL

§ 212.115 *Weights and specific gravities of specially denatured alcohol.* The weight of one gallon of each formula of specially denatured alcohol at 15.56° C. (60° F.) is as listed in this section. The specific gravity of each formula of specially denatured alcohol at 15.56° C./15.56° C. (60° F./60° F.) in vacuum is as listed in this section. (Weight of 1 gallon of water at 15.56° C. (60° F.) is 8.32823 pounds in air and 8.33722 pounds in vacuum).

WEIGHTS AND SPECIFIC GRAVITIES OF SPECIALLY DENATURED ALCOHOL

[Slight deviations from this table may occur due to variations in specific gravities of authorized denaturants. Values for 190° proof determined experimentally by National Bureau of Standards. Other values calculated from these gravities.]

SDA formula No.	Finished formula (gal.)	190° proof		192° proof		200° proof	
		Wt./gal. in air	Sp. gr. in vac.	Wt./gal. in air	Sp. gr. in vac.	Wt./gal. in air	Sp. gr. in vac.
1	105.0	6.788	0.8153	6.757	0.8115	6.612	0.7942
2-B	100.5	6.795	.8161	6.762	.8121	6.612	.7941
3-C	99.6					6.959	.8358
3-A	105.0	6.785	.8149	6.753	.8111	6.609	.7938
3-B	101.0	6.810	.8179	6.777	.8140	6.627	.7960
4	100.8	6.823	.8195	6.791	.8156	6.640	.7975
6-B	100.5	6.801	.8169	6.768	.8129	6.618	.7949
12-A	105.0	6.820	.8192	6.789	.8154	6.645	.7981
13-A	109.7	6.740	.8095	6.710	.8059	6.572	.7893
17	100.05	6.795	.8161	6.762	.8121	6.611	.7940
18	195.4	7.802	.9369	7.785	.9349	7.708	.9256
19	197.9	6.468	.7769	6.452	.7749	6.376	.7657
20	104.9	7.062	.8481	7.030	.8443	6.886	.8270
21	109.5	7.037	.8451	7.007	.8415	6.868	.8249
23-A	109.9	6.788	.8153	6.758	.8117	6.621	.7952
23-F	101.5	6.808	.8177	6.776	.8138	6.627	.7959
23-H	109.45	6.785	.8149	6.755	.8113	6.617	.7947
24	100.9	7.080	.8502	7.047	.8463	6.897	.8283
29 [1]	100.9	7.083	.8506	7.050	.8467	6.900	.8287
25-A	102.5	7.119	.8550	7.087	.8511	6.939	.8334
25-A [1]	102.5	7.117	.8548	7.085	.8509	6.938	.8332
27	104.7	6.846	.8222	6.814	.8184	6.670	.8011
27-A	105.2	6.867	.8247	6.835	.8209	6.692	.8037
27-B	112.0	7.027	.8439	6.998	.8404	6.862	.8241
29-A	101.0	6.786	.8150	6.753	.8111	6.603	.7931
30	101.0	6.822	.8194	6.790	.8155	6.640	.7975
32	110.0	6.785	.8149	6.755	.8113	6.617	.7948
31-A	111.5	7.167	.8608	7.138	.8572	7.002	.8409
32	104.8	6.769	.8130	6.737	.8092	6.593	.7919
33	102.9	6.893	.8279	6.861	.8240	6.714	.8064
35	135.0	6.956	.8355	6.933	.8326	6.820	.8191
38-A [1]	105.0	6.817	.8187	6.785	.8149	6.641	.7976
38	102.7	6.837	.8211	6.804	.8172	6.657	.7995
37	100.9	6.794	.8160	6.762	.8121	6.612	.7941
38-B	101.3	6.804	.8172	6.772	.8133	6.622	.7953
38-C	102.6	6.832	.8206	6.800	.8167	6.652	.7990
38-D	102.7	6.863	.8242	6.830	.8203	6.682	.8026
39-F	100.9	6.828	.8201	6.796	.8162	6.646	.7982
39	102.0	6.867	.8247	6.834	.8208	6.686	.8030
39-A	100.5	6.810	.8179	6.777	.8139	6.627	.7959
39-B	102.7	6.857	.8236	6.825	.8197	6.677	.8020
39-C	101.0	6.819	.8189	6.792	.8157	6.642	.7977
39-D	101.3	6.819	.8190	6.787	.8151	6.637	.7971
40	100.1	6.795	.8161	6.762	.8121	6.611	.7940
40-A	100.5	6.815	.8185	6.782	.8145	6.632	.7965
42	100.0	6.797	.8164	6.764	.8124	6.613	.7943
44	110.0	6.790	.8155	6.760	.8119	6.622	.7954
45	129.8	7.545	.9061	7.520	.9030	7.403	.8890
46	100.1	6.805	.8173	6.772	.8133	6.621	.7952

[1] With sodium iodide.
[2] Calculated on the basis of 85 percent ethyl acetate.

[F. R. Doc. 57-1639; Filed, Mar. 4, 1957; 8:50 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6 Supp. 15]

DMO VII-6—EXPANSION GOALS

TRANSFER OF CERTAIN GOALS FROM OPEN TO CLOSED LIST

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876) is supplemented as follows:

The following expansion goals are hereby transferred from List III, Open to List I, Closed:

Goal No.	Title	Delegate agency
20	Chromite, Chemical Grade	Interior.
176	Scientific Instruments	Commerce.
178	Selenium	Interior.
187	Manganese Ore, Battery and Chemical Grades.	Do.
198	Medical Supplies and Equipment.	Commerce.
225	Power Facilities for Military, Atomic Energy and Defense Related Needs.	Interior.

2. This supplement shall be effective on February 28, 1957.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1635; Filed, Mar. 4, 1957; 8:49 a. m.]

[Defense Mobilization Order VII-6, Amdt. 1 to Supp. 3]

DMO VII-6, SUPP. 3—EXPANSION GOALS FOR TAX AMORTIZATION

OIL AND GAS PIPELINES AND PETROLEUM STORAGE FACILITIES

1. Expansion Goal No. 226, dated September 29, 1955 (20 F. R. 7370) is hereby amended to read as follows:

Expansion Goal No. 226, Oil and Gas Pipelines and Petroleum Storage Facilities (Specific Defense Programs) is hereby established for the following purposes:

a. Oil and gas pipelines used solely to supply military installations or AEC projects.

b. Petroleum storage facilities erected solely for military use;

c. Petroleum pipelines and/or petroleum storage facilities which are strategically located and needed to fill a special wartime requirement approved by the Office of Defense Mobilization.

2. This amendment shall take effect immediately.

Dated: February 28, 1957.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1634; Filed, Mar. 4, 1957; 8:49 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[474.83]

CLOTH PIN CUSHIONS DECORATED WITH PARTS OF ARTIFICIAL FLOWERS

NOTICE OF PROSPECTIVE CLASSIFICATION

FEBRUARY 27, 1957.

It appears that certain cloth pin cushions decorated with parts of artifical flowers are properly classifiable according to component material of chief value, for example, if in chief value of cotton plush, under paragraph 909, Tariff Act of 1930, as modified, at the rate of 25 percent ad valorem, if in chief value of wool pile fabric under paragraph 1110, as modified, at the rate of 33 cents per pound and 25 percent ad valorem, if in chief value of rayon pile fabric, other than rayon pile ribbon, under paragraph 1307, as modified, at the rate of 15 cents per pound and 25 percent ad valorem, and so forth.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing practice of classifying cloth pin cushions decorated with parts of artificial flowers under paragraph 1529 (a), as modified, as articles in chief value of yarns, threads, or filaments and in part of ornaments, dutiable at the rate of 45 percent ad valorem, is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct classification of this merchandise which are submitted to the Bureau of Customs, Washington, D. C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 57-1637; Filed, Mar. 4, 1957; 8:49 a. m.]

[TC 433.7]

BICYCLES, COMPLETE WITHOUT ACCESSORIES, AND ACCOMPANYING ARTICLES

TARIFF CLASSIFICATION

FEBRUARY 28, 1957.

On April 26, 1956, there was published in the FEDERAL REGISTER (81 F. R. 2695) an announcement that a correct interpretation of paragraph 371, Tariff Act of 1930, as modified, required certain modifications in the established and uniform practice.

After a thorough consideration of all submissions received as a result of that announcement, including oral representations, the Bureau by a letter addressed to the collector of customs at New York, New York, has ruled that a bicycle "complete without accessories" within the meaning of paragraph 371, as modified, consists of not more than the following:

The mud guards and chain guards.
The frame and fork.
The handle bar and handle bar grips.
The sprocket, chain, cranks and pedals.
The front and rear wheels, including the rims, hubs, axles, and spokes.
The tires and tubes.
The brakes, hand or foot.
Dynamo mechanisms incorporated in hubs.
An assembly consisting of a dynamo mechanism incorporated in the wheel hub, and the related lamp, brackets, and wiring.
Gear shift mechanisms.
The saddle or seat and seat post.
All fittings, bearings, nuts, bolts, washers, and other articles essential to the assembly of the foregoing.

The following articles whether attached at the time of importation or imported in the same shipment for subsequent attachment in the assembly of the bicycle, are comprised within the bicycle entirety, although they are not included in determining the weight of the bicycle "complete without accessories." Such articles are classifiable as a component of the imported bicycle entirety and are subject to the rate applicable to the bicycles "complete without accessories" with which they are imported attached or unattached, provided the articles are to be sold at retail as a component of the bicycle entirety and are not to be sold or distributed separately:

Lamps and lighting sets (other than lamps and lighting sets forming a part of an assembly including a dynamo mechanism incorporated in the wheel hub referred to above) and reflectors.
Bells and horns.
Tool kits and the included tools.
Pumps.
Luggage carriers.
Mirrors, cyclometers and speedometers.
Kickstands or other stands.
Tanks.
Mud flaps.
Toe clips.

In any case in which this ruling will result in the assessment of a higher rate of duty than has been heretofore assessed under an established and uniform practice, it shall only be applied to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] C. A. EMERICK,
Acting Commissioner of Customs.

[F. R. Doc. 57-1661, Filed, Mar 1, 1957; 12:30 p. m.]

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957. Supp. 161]

AMERICAN INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

FEBRUARY 28, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $8,115,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: The American Insurance Company, Newark, New Jersey.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-1638; Filed, Mar. 4, 1957; 8:50 a. m.]

DEPARTMENT OF DEFENSE

Department of the Army

JOHN S. PFEIL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 20, 1957 in my financial interests as reported in the FEDERAL REGISTER, September 15, 1956.

A. Deletions: M. Lowenstein & Sons, Texas Gas Transmission, Craftsman Insurance & Guaranty Trust Co.
B. Additions: Newton-Waltham Bank & Trust Co., Norfolk County Trust Co.

Dated: February 20, 1957.

JOHN S. PFEIL.

[F. R. Doc. 57-1614; Filed, Mar. 4, 1957; 8:45 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[73156]

MINNESOTA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LAND

FEBRUARY 27, 1957.

Plats of survey of islands in Island Lake and Johnson Lake, described below, accepted January 26, 1956, will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on April 15, 1957:

FOURTH PRINCIPAL MERIDIAN, MINNESOTA

T. 49 N., R. 22 W.,
Sec. 18, Lot 8, containing 0.34 acres.
T. 68 N., R. 18 W.,
Sec. 26, Lot 6, containing 0.29 acres;
Sec. 35, Lot 7, containing 8.69 acres;
Sec. 35, Lot 8, containing 3.41 acres.

These surveys were made as an administrative measure to provide legal designation and area for islands omitted in the original surveys.

All of T. 68 N., R. 18 W., was withdrawn by the Act of July 10, 1930, Public Law 539, for protection of lands and water.

No application for the land may be allowed under the homestead or small tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for each type of application or shall be so classified upon consideration of an application.

At the hour specified on the above-mentioned effective date, the land shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91 day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (53 Stat. 717; 43 U. S. C. 279–284), as amended.

All inquiries relating to the land should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-1617; Filed, Mar. 4, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FARMER & RANCHER COMMISSION CO. ET AL.

PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Farmer & Rancher Commission Co., Fort Collins, Colo.
Fort Collins Sales Yard, Fort Collins, Colo.
Anamosa Livestock Auction, Anamosa, Iowa.
Belle Plaine Sales Barn, Belle Plaine, Iowa.
Central City Sales Co., Central City, Iowa.
Colfax Sales Co., Colfax, Iowa.
Lake City Sales Pavilion, Lake City, Iowa.
Bastrop Livestock Auction, Bastrop, La.
Clark Livestock Commission Co., Benton, La.
Red River Livestock Auction, Inc., Coushatta, La.
Farmer and Stockman Auction, Inc., Clarence, La.
Delhi Livestock Auction, Delhi, La.
Grand Cane Livestock Commission Co., Grand Cane, La.
Homer Livestock Auction, Homer, La.
Calhoun Livestock Commission Market, Mansfield, La.
West Monroe Livestock Auction, Inc., West Monroe, La.
Austin Stockyards Corp., Austin, Tex.
Capital Livestock Auction Co., Austin, Tex.
The Heart of Texas Commission Co., Brady, Tex.
Grabow's Livestock Commission Co., Brenham, Tex.
Columbus Livestock Commission Co., Columbus, Tex.
Flatonia Livestock Commission Co., Flatonia, Tex.
Lexington Livestock Commission, Lexington, Tex.
Lockhart Livestock Auction Co. Lockhart, Tex.
Mason Auction Company, Inc., Mason, Tex.
Menard County Commission Co., Menard, Tex.
Producers Livestock Auction Co., San Angelo, Tex.
San Angelo Livestock Auction Co., San Angelo, Tex.
Farmers Livestock Exchange, Schulenburg, Tex.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of February, 1957.

[SEAL] DAVID M. PETTUS,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-1636; Filed, Mar. 4, 1957; 8:49 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 224]

K. BURGI-TOBLER & CO. ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of a compliance proceeding against K. Burgi-Tobler & Co., Karl Burgi-Tobler, Anna Burgi-Tobler, 69 Stampfenbachstrasse, Zurich, Switzerland; Baird Chemical Corporation, 254 W. 31st Street, New York 1, New York; respondents; Case No. 224.

The respondents, K. Burgi-Tobler & Co. and its owners, Karl Burgi-Tobler and Anna Burgi-Tobler (hereafter Burgi-Tobler), and Baird Chemical Corporation (hereafter Baird) being charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, with violations of the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, duly appeared in this proceeding and were represented by counsel and, after admitting the facts as set forth in the charging letters, submitted proposals that a consent order be entered against them as hereinafter set forth; and the Agent-in-Charge, Investigation Staff, having agreed to the same; and upon my having duly considered the evidence in support of the charges and all evidence and data submitted by the respondents in mitigation thereof, and the consent proposals, I hereby make the following findings of fact and, based thereon, the following conclusions of law, with respect to:

A. BURGI-TOBLER

FINDINGS OF FACT

1. At all times hereinafter mentioned, Burgi-Tobler was and still is, engaged in the import and export business in Zurich, Switzerland, and participated in the transactions set forth hereinbelow.

2. Burgi-Tobler purchased from another Swiss company 270 drums (93 metric tons) of caustic soda. Burgi-Tobler then knew that this commodity which it had purchased was being exported from the United States on a bill of lading, dated January 24, 1952, and further knew from said bill of lading that the caustic soda had been licensed by the United States for a West German firm as the ultimate consignee and for ultimate destination West Germany, and that its diversion from West Germany was contrary to United States law. Nevertheless, Burgi-Tobler then knowingly authorized, arranged and effected the transshipment and diversion in February 1952 of said caustic soda from Rotterdam to East Germany, a Soviet bloc destination, without the required knowledge and authorization of the United States Government.[1]

3. Burgi-Tobler received three letters by registered mail from three separate United States export companies, which letters were dated in July 1952, September 1952, and January 1953. These letters, which were sent at the instance of the Bureau of Foreign Commerce, specifically informed Burgi-Tobler that the United States Export Regulations prohibited any foreign party from reexporting, diverting, or transshipping any United States commodities to Soviet bloc destinations, Hong Kong, or Macao, whether they were exported from the United States pursuant to specific validated license or under general license, unless and until specific prior approval was obtained from the Bureau of Foreign Commerce.

4. Notwithstanding the aforesaid specific notification contained in the July 1952 letter, and the specific destination control notice contained on the United States ocean bill of lading that the commodity was licensed by the United States for ultimate destination Switzerland and that its diversion contrary to United States law was prohibited, Burgi-Tobler, without United States knowledge and authorization, knowingly effected the transshipment to a Soviet bloc destination of 250 kilos of pentobarbital sodium priced at $5,125 which was exported to it under general license GRO from the United States in August 1952.

5. In April 1953, Burgi-Tobler submitted to a United States exporter an order to purchase 10 kilograms of bacto-agar, together with a Swiss Government import certificate which certified that Burgi-Tobler had pledged itself to import the commodity into the Swiss customs territory and that any reexportation of the commodity from Switzerland was prohibited. Based thereon, the Bureau of Foreign Commerce issued a validated license authorizing the exportation from the United States of this commodity to Burgi-Tobler as the ultimate consignee, with Switzerland as the country of ultimate destination. This commodity, together with another general license commodity, was exported from the United States in June 1953 under a bill of lading which notified Burgi-Tobler that these commodities were licensed by the United States for ultimate destination Switzerland and that their diversion contrary to United States law was prohibited. Upon the arrival of such commodities at a European port, Burgi-Tobler, without the required notice to and authorization of the United States (and the Swiss Government as to the bacto-agar), knowingly effected their transshipment to a Soviet bloc destination.

6. Notwithstanding its knowledge of the United States Export Regulations referred to in Finding 3 hereinabove, Burgi-Tobler also effected the unlawful transshipment to a Soviet bloc destination of 25 kilograms of calcium fluoride crystals, valued at $9,000, exported under general license GRO from the United States to Burgi-Tobler in October 1953 and January 1954.

7. Notwithstanding the aforesaid notifications concerning the United States Export Regulations referred to in Finding 3 hereinabove, and an additional notification which Burgi-Tobler received in November 1954 from another United

[1] See Order Denying Export Privileges issued against the West German firm, (21 F. R. 5944) August 8, 1956.

States Exporter that a specific United States export license was required before paraffin wax could be lawfully exported from the United States to Poland and Communist China, Burgi-Tobler knowingly and without said authorization effected the unlawful transshipment from Rotterdam to a Soviet bloc destination, Poland, for ultimate shipment to Communist China, of two shipments of paraffin wax, totaling 150 tons, and priced at $37,300, which were exported to it from the United States under general license GRO in December 1954 and January 1955.

8. Burgi-Tobler purchased the 150 metric tons of paraffin wax and an additional 225 tons from respondent Baird. Burgi-Tobler at all times intended to transship the 225 tons of paraffin wax, similar to the prior two shipments, upon their arrival at Rotterdam to a Soviet bloc destination, to fill Burgi-Tobler's contract of sale with its Communist Chinese purchaser.

9. The 225 tons of paraffin wax were loaded on board a vessel which left San Francisco on February 3, 1955. Before the arrival of the vessel in New York City en route to Rotterdam, the Bureau of Foreign Commerce ascertained that the commodity was destined for the unauthorized Soviet bloc destination. In lieu of ordering the unloading of the paraffin wax at New York because of hardship to the carrier, the Bureau of Foreign Commerce, under § 379.11 of the Export Regulations (15 CFR 379.11), ordered the carrier to return said commodity to the United States from Rotterdam, and, upon its return to the United States, the paraffin wax was duly seized by the Collector of Customs and a libel of information was filed in the Eastern District of New York. Burgi-Tobler appeared as the owner-claimant of the paraffin wax in the seizure action. As part of the overall consent proposal made by Burgi-Tobler in this case, the seizure action was settled with Burgi-Tobler's receiving $15,000 out of the proceeds held by the court from the sale by the United States of the paraffin wax. Since Burgi-Tobler had paid its United States supplier, Baird, $56,250 for the 225 tons of paraffin was C&F Rotterdam, Burgi-Tobler suffered a loss of $41,250 with respect to this United States seizure of the shipment of paraffin wax, not including legal fees paid to its attorneys in the United States in connection with said court action.

10. On February 21, 1955, the Bureau of Foreign Commerce issued an Order temporarily denying to Burgi-Tobler, and to all parties related to it, all privileges of participating, directly or indirectly, in any manner, form or capacity, in an exportation of any commodity from the United States to any foreign destination. The Order, effective that date, was to remain in effect until the termination of administrative compliance proceedings then being prepared by the Bureau of Foreign Commerce against Burgi-Tobler. The order specifically denied to Burgi-Tobler among other privileges those of receiving, ordering, buying and selling, United States commodities, as well as their financing and transporting. A copy of the Denial Order was duly delivered to Burgi-Tobler in Switzerland on or about March 7, 1955, and was published in 20 F. R. p. 1188, February 25, 1955.

11. In January 1955, Burgi-Tobler had entered into negotiations with a United States exporter for the sale to Burgi-Tobler of specific culture media. Nevertheless, despite its knowledge of the Denial Order, Burgi-Tobler, on March 21, 1955, placed an order with the United States exporter for the culture media. Burgi-Tobler, at the same time, requested the exporter to consign the goods to a forwarding agent in Antwerp, Belgium, and to send to Burgi-Tobler the original bills of lading, but to invoice another specifically named Swiss company for sale of the goods.

12. The United States exporter then received a letter, dated April 7, 1955, purportedly from the other Swiss company, ordering the same culture media, upon the same terms and conditions as contained in the prior Burgi-Tobler order, with the exception that the original bills of lading were to be transmitted to this other Swiss company. The exporter also later received a letter, dated May 25, 1955, purportedly from this other Swiss company, requesting prompt delivery of the goods.

13. In fact, the two letters of April 7 and May 25, 1955, were prepared and signed with fictitious names by Burgi-Tobler, without the alleged knowledge or consent of the other Swiss firm, on stationery of the other Swiss firm entrusted by it to Burgi-Tobler for other purposes. Burgi-Tobler, knowing that it had been denied United States export privileges, admittedly used the name and stationery of the other Swiss firm in an attempt to obtain the culture media in circumvention of the aforesaid Denial Order of the Bureau of Foreign Commerce.

14. The culture media were exported from the United States under general license GRO on June 2, 1955, under export control documents which did not disclose the name of Burgi-Tobler. The Bureau of Foreign Commerce, acting on information that the goods, unless stopped, would reach Burgi-Tobler in violation of the Denial Order, ordered the export carrier to return them to the United States pursuant to § 379.11 of the Export Regulations (15 CFR 379.11), and, upon their arrival in New York, the goods, for which Burgi-Tobler had paid over $1800, were duly seized by the Collector of Customs.[2]

CONCLUSIONS

1. Burgi-Tobler knowingly concealed material facts, and caused false statements to be made on export control documents, in violation of the Export Regulations then in effect.

2. Burgi-Tobler knowingly disposed of, diverted, transshipped and reexported United States commodities to unauthorized Soviet bloc destinations, and caused and attempted to do such acts, without the required authorization, contrary to the terms of expert control documents and contrary to notifications of prohibitions against such actions, in violation of the Export Regulations then in effect.

3. Burgi-Tobler bought and sold commodities exported from the United States, knowing that with respect thereto, violations of the United States Export Control Law were about to occur, were intended to occur, in violation of the Export Regulations then in effect.

4. Burgi-Tobler knowingly participated, directly and indirectly, in an exportation of commodities from the United States, including the obtaining and using of export control documents and the ordering, buying, financing, and transporting of such commodities, in violation of the Order Temporarily Denying Export Privileges to Burgi-Tobler, dated February 21, 1955, duly issued by the Bureau of Foreign Commerce pursuant to Part 382 of the Export Regulations.

5. Burgi-Tobler knowingly caused, procured and permitted the doing of acts prohibited by the said Order Temporarily Denying Export Privileges, and bought, transported, and financed an exportation from the United States knowing that with respect to such exportation, violations of the said Order Temporarily Denying Export Privileges had occurred and were about to and were intended to occur, and knowingly acted in an attempt to bring about violations of said order, to wit, the receipt, sale, use, and disposal in a foreign country of commodities exported from the United States, in violation of the Export Regulations then in effect.

In addition, I hereby make the following findings of fact and, based thereon, the following conclusions of law, with respect to:

B. BAIRD

FINDINGS OF FACT

1. Baird Chemical Corporation is, and was at the time of these occurrences, an experienced exporter of commodities from the United States, and was familiar with the Bureau of Foreign Commerce Export Regulations.

2. Baird, which was at the time engaged in other export transactions with Burgi-Tobler, received a letter from Burgi-Tobler, dated November 16, 1954, written in German, which referred to another commodity, paraffin wax. In the letter, Burgi-Tobler advised Baird that it had discussed with a Baird representative then in Europe a transaction involving paraffin wax and that Burgi-Tobler was then holding an offer for the sale of such commodity from another named New York exporter. After telling Baird that its representative believed that Baird would not be in a position to submit a more favorably priced quotation, Burgi-Tobler stated in its letter (translated from the German):

> For some time since then, we have corresponded and cabled with the named firm relative to this transaction, and after we have now been enabled to book a firm order from our customer for 150 tons, the firm [other named New York exporter] demands now, all of a sudden, statements regarding the country of ultimate destination, although in the beginning nothing was said about this in the offers of the named firm. On the contrary, it was declared to us that the merchandise would be supplied without export license.
>
> We are not in a position nor willing to make known the final destination and would, therefore, suggest to you that this transaction be consummated by you.

3. Burgi-Tobler did not inform Baird that the other named United States exporter had asked Burgi-Tobler for the country of ultimate destination of the paraffin wax, that Burgi-Tobler had replied that it was Poland, and that Burgi-Tobler had ceased its negotiations with the other exporter when the latter notified Burgi-Tobler that such export for Poland required a validated United States export license, as well as a representation from Burgi-Tobler that the goods were not for Communist China.

4. Upon its receipt of Burgi-Tobler's letter of November 16, 1954, Baird commenced negotiations with Burgi-Tobler concerning the export sale of paraffin wax, without therein at any time asking Burgi-Tobler any questions concerning the destination of the commodity or making to Burgi-Tobler any references concerning United States export licenses or the restrictions upon onshipment contained in the United States Export Regulations. Baird also did not communicate with the other identified United States exporter.

5. These negotiations culminated in Baird's sale and shipment of 150 tons of paraffin wax to Burgi-Tobler, which, upon arrival at a European port, were reshipped by Burgi-Tobler to a Soviet bloc destination for its Communist Chinese customer. Baird also sold to Burgi-Tobler an additional 225 tons of paraffin wax, which shipment, while en route, was stopped and seized by the United States Government.

6. In effecting each of these shipments of paraffin wax, Baird caused to be prepared, and to be authenticated by the Collector of Customs, shipper's export declarations in which Baird, without having any reasonable basis for such belief, represented and certified that the country of ultimate destination was Switzerland, and that such shipments were exportable under general license GRO.

7. Baird's failure, in light of the statements contained in Burgi-Tobler's letter of November 16, 1954, to inquire further of Burgi-Tobler as to the ultimate destination of the paraffin wax in order to ascertain whether such destination was one which required a validated export license, and to prepare properly its shipper's export declarations, was such negligence as to constitute a knowing disregard of the Export Regulations.

CONCLUSIONS

1. Baird knowingly made false and misleading representations and certifications in shipper's export, declarations, which are export control documents, in violation of § 381.5 of the Export Regulations (15 CFR 381.5).

2. Baird knowingly caused and permitted the diversion and transshipment of commodities to unauthorized destinations contrary to the Export Control Law and the regulations issued thereunder, in violation of §§ 381.2 and 381.6 of the Export Regulations (15 CFR 381.2 and 381.6).

In considering the reasonableness of the consent order proposed for Burgi-Tobler, I have taken into consideration, among other things, the fact that it already has been denied by a prior temporary Order all United States export privileges since February 21, 1955, to date, that Burgi-Tobler suffered a considerable financial loss as a result of the United States seizure of the paraffin wax shipment, and certain other mitigating circumstances presented on behalf of Burgi-Tobbler, and I have thereupon decided to accept such consent proposal. The Order issued this day supersedes the temporary suspension Order of February 21, 1955.

I have also accepted the consent proposal applicable to Baird. In so doing, I have considered as mitigation of the violation, among other factors, that Baird's failure to act in this instance was the result of its negligent attention to information in its possession rather than wilful conduct; that this is a case of first impression in which a United States exporter has been held for having failed to question its foreign customer, located in a country to which general license shipments could be made directly, as to the country of ultimate destination, when transshipment, reexportation or diversion from the customer's country was indicated to the exporter; and that Baird has had the practice of making such inquiries of its customers since February 1955 when such requirement was specifically brought to its attention.

Accordingly, being of the opinion that the proposed orders are fair and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. The respondents, for the following periods of time, are hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed:

K. Burgi-Tobler & Co., Karl Burgi-Tobler, Anna Burgi-Tobler—henceforth and for a period of thirty-two months or for the duration of export controls, whichever occurs sooner, except as qualified in Part III hereof;

Baird Chemical Corporation—for three months, not to be effective except as provided in Part IV hereof.

Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denials of export privileges shall extend not only to the respondents and to each of them, but also to any person, firm, corporation, or business organization with which they or any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. The respondents K. Burgi-Tobler & Co., Karl Burgi-Tobler, and Anna Burgi-Tobler, without further order of the Bureau of Foreign Commerce, shall, if export controls are still in effect, have their export privileges restored to them thirty-two (32) months from the date of this order, provided and upon condition that said respondents and related persons and companies have not knowingly during said thirty-two month period violated the terms of this order or the Export Control laws or the regulations or orders issued thereunder.

In the event that the said Burgi-Tobler respondents, or any one of them; or any person or company related to them shall knowingly violate the terms and provisions of this order or the Export Control laws, regulations or orders during the first thirty-two month period, or shall knowingly violate the Export Control laws, regulations or orders thereafter so long as export controls shall be in effect, the Director, Office of Export Supply, or such other official as may at that time be exercising his duties, may, summarily and without prior notice, at such time as he shall determine that such violation has occurred, issue a supplemental order denying for the duration of export controls all export privileges to any such guilty respondent and to the persons and companies related to it, and revoke and cancel all validated export licenses then outstanding to which such person or firm may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondents and related parties shall have the right to hearing and appeal therefrom, as provided in the Export Regulations.

IV. By reason of mitigating circumstances, the denial of export privileges to Baird Chemical Corporation, as set forth in Part I hereof, shall not take effect and shall be suspended entirely for a period of six months from the date hereof, upon condition that, during the said six month period Baird and any related persons and companies have not knowingly violated the Export Control laws, or the regulations or orders issued thereunder. In the event of such violation, the Director, Office of Export Supply, may summarily and without prior notice, at such time as he shall determine that such violation has occurred, issue a supplemental order which may deny to

[2] See Export Denial Order issued against the United States exporter for its participation in this transaction (21 F. R. 6305) August 22, 1956.

said respondent and related persons and companies all export privileges for the three month period which has been held in abeyance, and revoke all validated export licenses to which said respondent and related persons and companies may be a party, without thereby limiting the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, the respondent and related parties shall have the right to hearing and appeal therefrom, as provided in the Export Regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when any respondent or related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: March 1, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-1630; Filed, Mar. 4, 1957; 8:49 a. m.]

Office of the Secretary

WALLACE E. CARROLL

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Wallace E. Carroll.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: February 18, 1957.
4. Title of position: Consultant.
5. Name of private employer: American Gage & Machine Company, Chicago, Illinois.

CARLTON HAYWARD,
Director of Personnel.

FEBRUARY 26, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Gage and Machine Co.
Alpha-Moly Corp.
G. M. Diehl Machine Co.
Affiliated Screw Products.
Bank deposits.

Dated: February 25, 1957.

WALLACE E. CARROLL.

[F. R. Doc. 57-1640; Filed, Mar. 4, 1957; 8:50 a. m.]

JOHN A. CLAUSSEN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608; August 31, 1956, 21 F. R. 6585.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 23, 1957.

Dated: February 25, 1957.

JOHN A. CLAUSSEN.

[F. R. Doc. 57-1641; Filed, Mar. 4, 1957; 8:50 a. m.]

JOSEPH P. CROSBY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 14, 1956, 21 F. R. 1608 and August 31, 1956 21 F. R. 6585-6.

A. Deletions: Van Camp Sea Food, Ohio Oil Company.
B. Additions: M. A. Hanna, Massachusetts Turnpike Authority, Kendall Realty.

This statement is made as of February 24, 1957.

Dated: February 25, 1957.

JOSEPH P. CROSBY.

[F. R. Doc. 57-1642; Filed, Mar. 4, 1957; 8:51 a. m.]

RICHARD V. FORD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of Section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 6, 1956, 21 F. R. 6720.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 24, 1957.

Dated: February 24, 1957.

RICHARD V. FORD.

[F. R. Doc. 57-1643; Filed, Mar. 4, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57M-160]

NEVADA TELECASTING CORP. (KAKJ)

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada; Docket No. 11735.

The Commission having acted on the pleadings which had been pending before it: *It is ordered,* This 26th day of February 1957, that a further prehearing conference is scheduled for Monday, March 11, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1646; Filed, Mar. 4, 1957; 8:51 a. m.]

[Change List 106]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

SEPTEMBER 27, 1956.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

CANADIAN BROADCAST STATIONS

Call letters	Location	Power kw	Antenna	Schedule	Class	Expected date of change or commencement of operation
New	Quesnel, B. C.	*570 kilocycles* 1 kw	DA-2	U	III	E. I. O. Sept. 15, 1957.
New	Wetaskiyin, Alberta	*740 kilocycles* 50 kw	DA-1	U	II	Delete assign.
New	Leduc, Alberta	50 kw	DA-1	U	II	E. I. O. Sept. 15, 1957.
New	Calgary, Alberta	*910 kilocycles* 5 kw	DA-1	U	III	Delete assign.
CJGX	Yorkton, Saskatchewan	*940 kilocycles* 10 kw D/1 kw N	ND	U	II	E. I. O. Sept. 15, 1957.
New	Lloydminster, Alberta	*1150 kilocycles* 1 kw	DA-2	U	III	Do.
CKCV	Quebec, P. Q.	*1280 kilocycles* 5 kw	DA-1	U	III	Do.
New	Altona, Manitoba	*1290 kilocycles* 1 kw	DA-1	U	III	Do.
New	St. James (Wpg.) Manitoba	*1410 kilocycles* 1 kw	DA-1	U	III	Delete assign.
CJMT	Chicoutimi, P. Q.	*1480 kilocycles* 5 kw	DA-1	U	III	Do.
New	Welland, Ontario	*1470 kilocycles* .5 kw	DA	D	III	Do.
New	Burlington, Ontario	*1540 kilocycles* 1 kw	ND	D	III	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1647; Filed, Mar. 4, 1957; 8:52 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-9833, etc.]

UNITED STATES SMELTING REFINING AND MINING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 25, 1957.

In the matters of United States Smelting Refining and Mining Company, G-9833; United States Smelting Refining and Mining Company, G-9834; J. M. Huber Corporation, G-10047; Earlsboro Oil & Gas Company, Inc., Operator, G-10123; General American Oil Company of Texas, G-10137; Johnny Mitchell, Trustee, et al., Christie Mitchell and Mitchell Company, Agent, G-10138; Cities Service Production Company, G-10139; Edwin G. Bradley, G-10141; The Atlantic Refining Company, G-10143; General Petroleum Corporation, G-10145; Tide Water Associated Oil Company, G-10146; Skelly Oil Company, G-10147; Gulf Oil Corporation, G-10148; Clark Fuel Producing Company, G-10150; The Shallow Water Refining Company, G-10152; E. H. Adair, d/b/a E. H. Adair Oil Company, G-10154; Placid Oil Company, G-10156; Charles B. Wrightsman, G-10157; Vaughey and Vaughey, G-10159; Pond Fork Oil and Gas Company, G-10162; Gulf Refining Company, G-10164; Gulf Refining Company, G-10165; The Carter Oil Company, G-10166; General Petroleum Corporation, G-10167; Anderson-Prichard Oil Corporation, G-10168; Hollandsworth Oil Company, Frank Hollandsworth and Clarence Keese, G-10169; Tide Water Associated Oil Company, G-10172; Spartan Drilling Company, G-10175; Shell Oil Company, G-10177; Sinclair Oil & Gas Company, G-10179; The Globe Oil & Refining Company, G-10183; W. Earl Rowe et al., G-10185; United States Smelting Refining and Mining Company, G-10191; Monsanto Chemical Company, G-10192; Cities Service Oil Company, G-10193; H. B. Harkins et al., G-10196; Aurora Gasoline Company et al., G-10199; J. Paul Ratliff, Jr., Operator, G-10205; Gem Oil Company, Operator, G-10206; Northern Natural Gas Producing Company, G-10217; Dorsey S. Pierce Gas Company, G-10218; Rhonda Sue Gas Company, G-10219; McCune Gas Company, Holly Nester, Agent, G-10220; C. B. Westfall et al., G-10224; L. L. Robinson, G-10227; Texas Gulf Producing Company, G-10228; Skelly Oil Company, G-10231; Skelly Oil Company, G-10232; Argo Oil Corporation, G-10233; Weldon O. Winsauer, G-10237; H. H. Osborne, G-10238; H. H. Osborne, G-10239; Simon Herold and A. G. Birdwell, G-10240; Trice Production Company, G-10241; Amerada Petroleum Corporation, G-10243; Amerada Petroleum Corporation, G-10244; Fred Whitaker, G-10247; West Virginia Production Company, G-10248; Kassos Gas Company, G-10249; The Atlantic Refining Company, G-10252; Stanolind Oil and Gas Company, G-10254; N. C. Ginther et al., G-10255; Jewell Moore Hankins and Pauline Haffa, G-10256; Texas Pacific Coal and Oil Company, G-10257; Mound Company et al., G-10258; The Atlantic Refining Company, G-10262; Edwin L. Cox, G-10266; Edwin L. Cox, G-10267; H. L. Pernell and Luther Davis, G-10271; Carrl Oil, G-10273; R. E. Schiefelbein, E. Horner and G. W. Wheeler, G-10278; Keith-Hays Gas Company, G-10279; Sohio Petroleum Company, G-10284; Monsanto Chemical Company, G-10286; Monsanto Chemical Company, G-10287; Toler Gas Company, G-10291; The Atlantic Refining Company, G-10292; The Chicago Corporation, G-10294; Gulf Oil Corporation, G-10295; Ashland Oil & Refining Company, G-10296; Northern Natural Gas Producing Company, G-10299; Gulf Oil Corporation, G-10300; Willian Graham Oil Company, G-10302; The Atlantic Refining Company, G-10306; Eason Oil Company, G-10307; Pipe Line Construction and Drilling Company, G-10309; Lydle and Lowe, G-10310; The Dock Gas Company, G-10311; Moran and Company, G-10313; Post No. 7 Gas Company, Miller, et al., Mosser, et al., G-10315; W. S. Engle Gas Company, Miller, et al., Mosser, et al., G-10316; B. I. Cunningham Oil and Gas Company, G-10317; Shell Oil Company, G-10320; The Carter Oil Company, G-10322; Northern Pump Company, G-10324; Sunray Mid-Continent Oil Company, G-10325; Emby Kaye, G-10498; Leon J. Caine, G-10538.

Take notice that the persons listed below (Applicants) filed in the above-captioned proceedings as hereinafter tabulated separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing each Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant proposes to sell natural gas in interstate commerce from production of certain units, leases, or acreage as tabulated to the purchaser as indicated for resale.

Docket Nos.; Dates Filed; Applicants and Addresses; Sources of Gas; and Purchasers

G-9833; 12-30-55, 4-19-56; United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Mass.; Ignacio (Fruitland-Pictured Cliffs) Field, La Plata County, Colo.; El Paso Natural Gas Company.

G-9834; 12-30-55, 4-19-56; United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Mass.; Ignacio (Dakota-Morrison) Field, La Plata County, Colo.; El Paso Natural Gas Company.

G-10047; 3-5-56, 8-23-56; J. M. Huber Corporation, P. O. Box 831, Borger, Tex.; 640 acre gas unit (#1 Sparks well) and 640 acre Heyen Gas Unit, Greenwood (Sparks) Field, Stanton and Morton Counties, Kans.; Colorado Interstate Gas Company.

G-10123; 3-20-56; Earlsboro Oil & Gas Company, Inc., 2803 First National Building, Oklahoma City, Okla.; Main "A", Kasper "B", Matthiesen "C" and Curby "D" leases, Whiterock Field, Noble County, Okla.; Cities Service Gas Company.

G-10137; 3-22-56; General American Oil Company of Texas Meadows Building, Dallas 2, Tex.; 8 percent interest, Harley Lease, NE4, NE4, S24, T2S, R4W, Stephens County, Okla.; Lone Star Gas Company.

G-10138; 3-22-56, 6-19-56; Johnny Mitchell Trustee, et al.,[1] % Christie, Mitchell and Mitchell Company, 12th Floor, Houston Club Building, Houston 2, Tex.; Enke and South Weesatche Fields, Goliad County, Tex.; Texas

[1] Filed by Christie, Mitchell and Mitchell Company as Agent.

Eastern Transmission Corporation, as assignee of Wilcox Trend Gathering System, Inc.

G–10139; 3–22–56, 9–21–56; Cities Service Production Company, Cities Service Building, Bartlesville, Okla.; 25 percent interest in 11 leases, West Delta Area (Offshore), Plaquemines Parish, La.; Tennessee Gas Transmission Company.

G–10141; 3–22–56; Edwin G. Bradley, 420 Union National Bank Building, Wichita, Kans.; Hayward (Gas Unit) No. 1, Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

G–10143; 3–23–56, 10–24–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; 25 percent interest in 11 leases, West Delta Area (Offshore), Plaquemines Parish, La.; Tennessee Gas Transmission Company.

G–10145; 3–23–56, 4–4–56, 5–31–56; General Petroleum Corporation, 612 South Flower Street, P. O. Box 2122, Terminal Annex, Los Angeles 54, Calif.; Tip Top Unit Area, Sublette County, Wyo.; Pacific Northwest Pipeline Corporation.

G–10146; 3–23–56, 10–8–56; Tidewater Associated Oil Company, P. O. Box 1404, Houston 1, Tex.; 25 percent interest in 11 leases, West Delta Area (Offshore), Plaquemines Parish, La.; Tennessee Gas Transmission Company.

G–10147; 3–23–56; Skelly Oil Company, Box 1650, Tulsa, Okla.; 15 percent interest in Harley lease, Velma Pool, Stephens County, Okla.; Lone Star Gas Company.

G–10148; 3–23–56, 7–19–56, 10–8–56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa.; Various leases, Rhodes Pool, Barber County, Kans.; Cities Service Gas Company.

G–10150; 3–26–56, 3–30–56; Clark Fuel Producing Company, P. O. Box 473, Mission, Tex.; 100 percent interest in W. L. Hart lease and W. R. Jackson lease and 25 percent interest in J. M. Doss lease; Doss (Cecil) and East Coastal Fields Areas, Hidalgo and Starr Counties, Tex.; Tennessee Gas Transmission Company.

G–10152; 3–26–56; The Shallow Water Refining Company, Ward Parkway Bank Building, Kansas City, Mo.; 25 percent interest in Millard B-1 Unit, approx. 25 percent interest in Weldon #1 Unit, Hugoton Field, Finney County, Kans.; Northern Natural Gas Company.

G–10154; 3–26–56; E. H. Adair, d/b/a E. H. Adair Oil Company, 1017 East Second Street, Wichita 7, Kans.; SE4, S29, T34S, R12W, Hardtner Gas Pool, and interests in Sections 13, 14, 19, 23, 24, 25 and 30, T34S, R13W, Barber County, Kans.; Cities Service Gas Company.

G–10156; 3–26–56; Placid Oil Company, 418 Market Street, Shreveport, La.; Approx. 7.28 percent interest in Janie Furrh Pitts Unit No. 1, Bethany Field, Panola County, Tex.; Arkansas-Louisiana Gas Company.

G–10157; 3–26–56; Charles B. Wrightsman, P. O. Box 256, Esperson Building, Houston 2, Tex.; Approx. 8.78 percent interest in SE4, S28, T25S, R37E, Langlie Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–10159; 3–26–56; Vaughey and Vaughey, 1650 Denver Club Building, Denver 2, Colo.; Approx. 160 acre John Nelson lease, North Johnson Hill Field, Logan County Colo.; Kansas-Nebraska Natural Gas Company, Inc.

G–10162; 3–27–56, 8–14–56; Pond Fork Oil and Gas Company, P. O. Box 887, Charleston 23, W. Va.; Approx. 19,800 acres, Holly, Otter, and Birch Districts, Braxton County; Glade District, Webster County; and Hamilton District, Nicholas County, W. Va.; Hope Natural Gas Company.

G–10164; 3–27–56; Gulf Refining Company, P. O. Drawer 2100, Houston 1, Tex.; 6 leases, Timballer Bay Field, LaFourche Parish, La.; Tennessee Gas Transmission Company.

G–10165; 3–27–56; Gulf Refining Company, P. O. Drawer 2100, Houston 1, Tex.; Approx. 9,971 acres, Bully Camp Field, LaFourche Parish, La.; Tennessee Gas Transmission Company.

G–10166; 3–28–56; The Carter Oil Company, P. O. Box 801, Tulsa 2, Okla.; An interest in 360 acres, Hugoton Area, Texas County, Okla.; Kansas-Nebraska Natural Gas Company, Inc.

G–10167; 3–28–56, 4–6–56; General Petroleum Corporation, 612 South Flower Street, P. O. Box 2122, Terminal Annex, Los Angeles 54, Calif.; Interest in 15,360 acres, Piceance Creek Unit Area, Rio Blanco County, Colo.; Pacific Northwest Pipeline Corporation.

G–10168; 3–28–56; Anderson-Prichard Oil Corporation, Liberty Bank Building, Oklahoma City, Okla.; 22.22 percent interest in C. H. Riviere lease, Velma Field, Stephens County, Okla.; Lone Star Gas Company.

G–10169; 3–28–56; Hollandsworth Oil Company, Frank Hollandsworth, and Clarence Keese, P. O. Box 1632, Longview, Tex.; Approx. 674 acre Gooch Gas Unit No. 1–A, Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

G–10172; 3–29–56, 4–18–56; Tide Water Associated Oil Company, P. O. Box 1404, Houston 1, Tex.; Garbade, Dehnert, Penick, White and Nicewander leases, Rock Island Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–10175; 3–29–56; Spartan Drilling Company; G. H. Vaughn, Jr. and J. C. Vaughn, Independent Executors for the Estate of G. H. Vaughn, Deceased; and H. W. Klein, 1120 Mercantile Securities Building, Dallas 1, Tex.; An interest in 480 acres, Pecos Valley Field Area, Pecos County, Tex.; El Paso Natural Gas Company.

G–10177; 3–30–56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; 16 leases, Chesterville Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–10179; 3–30–56; Sinclair Oil & Gas Company, P. O. Box 521, Tulsa 2, Okla.; Merrill and Kolberg Units, San Carlos Field, Hidalgo County, Tex.; Trunkline Gas Company.

G–10183; 4–2–56; The Globe Oil & Refining Company, 301 South Market Street, Wichita, Kans.; Jensen Gas Unit, Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

G–10185; 4–2–56; W. Earl Rowe, T. J. Goad, J. P. Hale, Sue E. Duncan, R. V. Embleton, Jr., P. G. Northrup, Field M. Davis, Joe W. Bates and R. V. Embleton; [2] ⅞ W. Earl Rowe, 1900 Milam Building, San Antonio 5, Tex.; 200 and 400 acre Perez leases, Embleton Field, Jim Wells County Tex.; C. V. Lyman.

G–10185; 4–2–56; W. Earl Rowe, R. V. Embleton, T. J. Goad, J. P. Hale, R. V. Embleton, Jr., and Sue E. Duncan; [2] c/o W. Earl Rowe, 1900 Milam Building, San Antonio 5, Tex.; 400 acre Lenor Perez lease, Embleton Field, Jim Wells County, Tex.; C. V. Lyman.

G–10191; 4–2–56; United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Mass.; S16, T33N, R9W, Ignacio Field, La Plata County, Colo.; El Peso Natural Gas Company.

G–10192; 4–2–56; Monsanto Chemical Company, 519 Lion Oil Building, El Dorado, Ark.; An interest in approx. 412 acres, Sullivan City Field, Starr and Hidalgo Counties, Tex.; Tennessee Gas Transmission Company.

G–10193; 4–2–56; Cities Service Oil Company, Cities Service Building, Bartlesville, Okla.; Oklahoma City Field, via Bodine Gasoline Plant, Oklahoma County, Okla.; Cities Service Gas Company.

G–10196; 4–3–56; H. B. Harkins, W. Carlton Weaver, O. F. Holcombe, Crosswell Investment Co. and Fred L. Sharp; c/o H. B. Harkins, P. O. Box 1490, Alice, Tex.; 5 leases, Yanta Field, Cabeza Creek Area, Goliad, DeWitt and Karnes Counties, Tex.; United Gas Pipe Line Company.

G–10199; 4–3–56, 6–7–56; Aurora Gasoline Company, 15911 Wyoming Avenue, Detroit 38, Mich.; S/2 SE/4 S33, T32S, R11W; E/2 NE/4 S4, T33S, R11W; and W/2 W/2 S3, T33S, R11W; Barber County, Kans.; Cities Service Gas Company.

G–10205; 4–5–56, 1–8–57; J. Paul Re... Jr. 541 East Beach Street, Pass Chris... Miss.; E. E. Bagley and Baldwin Units, ... any Field, Panola County, Tex.; United ... Pipe Line Company.

G–10206; 4–5–56; Gem Oil Company, P. ... Box B, Brush, Colo.; Luft lease, Columbi... Field, Logan County, Colo.; Kansas-Nebra... Natural Gas Company, Inc.

G–10217; 4–9–56; Northern Natural G... Producing Company, 2223 Dodge Str... Omaha 1, Nebr.; Sections 19 and 30, T... R34W, and Section 1, T32S, R35W, Hugo... Gas Field, Seward and Stevens Coun... Kans.; Northern Natural Gas Company.

G–10218; 4–9–56; Dorsey S. Pierce ... Company, Grantsville, W. Va.; Approx. ... acres, Washington District Calhoun Cou... W. Va.; Hope Natural Gas Company.

G–10219; 4–9–56; Rhonda Sue Gas C... pany, Mallory, W. Va.; 2 acres, Triadelph... District, Logan County, W. Va.; Hope Nat... Gas Company.

G–10220; 4–9–56; McCune Gas Compa... Washington District, Calhoun County, ... Va.; 61 acres, Washington District, Calh... County, W. Va.; Hope Natural Gas Compa...

G–10224; 4–9–56; C. B. Westfall, Spe... W. Va.; 16 acre W. T. Hanshaw lease, Ju... son District, Nicholas County, W. Va.; Go... frey L. Cabot, Inc.

G–10227; 4–9–56; L. L. Robinson, Ri... Brewster Building, Shreveport, La.; 2.4 a... in Rice Unit, Greenwood-Waskom Fi... Caddo Parish, La.; United Gas Pipe Li... Company.

G–10228; 4–9–56; Texas Gulf Produc... Company, Esperson Building, Houston, Te... An interest in Piceance Creek Unit Field, ... Blanco County, Colo.; Pacific Northwest P... Line Corporation.

G–10231; 4–9–56; Skelly Oil Company, ... 1650, Tulsa, Okla.; 75 percent interest ... Greene "B" Unit, Guymon-Hugoton Fi... Texas County, Okla.; Kansas-Nebraska N... ural Gas Company, Inc.

G–10232; 4–9–56; Skelly Oil Company, ... 1650, Tulsa, Okla.; 100 percent interest ... Dyer "C" Unit, Section 35, T12N, R1... Moffatt County, Colo.; Mountain Fuel Su... ply Company.

G–10233; 4–9–56; Argo Oil Corporati... 1700 Broadway, Denver, Colo.; Interest ... 15,360 acres, Piceance Creek Unit Area, ... Blanco County, Colo.; Pacific Northwest Pi... Line Corporation.

G–10237; 4–10–56; Weldon O. Winans... 5327 Ashby Street, Houston, Tex.; An inte... in approx. 308 acres, North Mathis Field, ... Patricio County, Tex.; Gas Gathering Co... pany.

G–10238; 4–10–56; H. H. Osborne, P. O. ... 165, Clendenin, W. Va.; Rollins, Young ... Lynch leases, Big Sandy District, Kana... County, W. Va.; South Penn Natural G... Company.

G–10239; 4–10–56; H. H. Osborne, P. O. ... 165, Clendenin, W. Va.; Approx. 35 acre... leases), Falling Rock, Big Sandy Distri... Kanawha County, W. Va.; South Pe... Natural Gas Company.

G–10240; 4–11–56; Simon Herold and A. ... Birdwell, Texas Eastern Building, Shreve... La.; 5.9 acres in Wilbert Unit, Greenw... Waskom Field, Caddo Parish, La.; United G... Pipe Line Company.

G–10241; 4–11–56, 6–29–56; Trice Produ... tion Company, P. O. Box 1471, Longview, Te... 80 acres, Garvin County, Okla.; Lone Star G... Company.

G–10243; 4–11–56; Amerada Petrole... Corporation, P. O. Box 2040, Tulsa 2, Okla... Interest in approx. 640 acres, Ignacio Fi... La Plata County, Colo.; El Paso Natural G... Company.

G–10244; 4–11–56; Amerada Petrole... Corporation, P. O. Box 2040, Tulsa 2, Okla...

[2] Filed by W. Earl Rowe for self and as Agent for others.

[3] Filed by Holly Nester as Agent.

State "D", "F" and "V" leases and J. R. Phillips lease; Permian Basin, Lea County, N. Mex.; Permian Basin Pipeline Company.

G–10247; 4–12–56, 5–21–56, 7–12–56, 7–13–56; Fred Whitaker, P. O. Box 517, Carthage, Tex.; Rock Hill-O. V. Mullins Natural Production Unit, Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

G–10248; 4–12–56; West Virginia Production Company, 179 Summers Street, Charleston, W. Va.; Approx. 821 acres, DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Company.

G–10249; 4–12–56; Kassos Gas Company, Mallory, W. Va.; Virgie Kassos et al. lease, Tridelphia District, Logan County, W. Va.; Hope Natural Gas Company.

G–10252; 4–12–56, 9–6–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; South Hallsville Field, Harrison County, Tex.; Texas Eastern Transmission Corporation.

G–10254; 4–12–56; Stanolind Oil and Gas Company, 211 South Boston Avenue, Tulsa 3, Okla.; An interest in W. P. Leonard Unit, Bentall Field, Bossier Parish, La.; Arkansas Louisiana Gas Company.

G–10255; 4–13–56; N. C. Ginther, H. C. Warren and W. L. Ginther, 1714 Neils Esperson Building, Houston, Tex.; 165.9 acre McNair lease, North Mathis Field, San Patricio County, Tex.; Gas Gathering Company.

G–10256; 4–13–56; Jewell Moore Hankins and Pauline Haffa, 205 West Harvester Street, Pampa, Tex.; 320 acres, West Panhandle Field, Gray County, Tex.; Northern Natural Gas Company.

G–10257; 4–13–56; Texas Pacific Coal and Oil Company, P. O. Box 2110, Fort Worth National Bank Building, Fort Worth, Tex.; NE/4, W/2 and W/2 SE/4; S4, T12S, R33E, Bagley Area, Lea County, N. Mex.; El Paso Natural Gas Company.

G–10258; 4–13–56; Mound Company, Grey-Wolf Drilling Company, Jan Gregory Marechal and J. G. J. Corporation, 2010 South Coast Life Building, Houston, Tex.; Theodule Guillory Gas Unit, Savoy Field, St. Landry Parish, La.; American Louisiana Pipe Line Company.

G–10262; 4–13–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 21, Tex.; Parker #2 lease, Fuhrman Mascho Field, Andrews County, Tex.; Phillips Petroleum Company.

G–10266; 4–16–56; Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.; Approx. 26 percent interest in Burnett "A" Unit, Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

G–10267; 4–16–56; Edwin L. Cox, 2100 Adolphus Tower, Dallas 2, Tex.; Approx. 16 percent int. in O. C. Flowers Gas Unit B–1, approx. 25 percent int. in O. C. Flowers Unit, and approx. 60 percent int. in Essa Todd Gas Unit No. 3, Camrick Southeast Gas Field, Beaver County, Okla.; Natural Gas Pipe Line Company of America.

G–10271; 4–16–56; H. L. Pernell and Luther Davis, Tool Gate, W. Va.; Cabin Run Gas Field, Doddridge County, W. Va.; Carnegie Natural Gas Company.

G–10273; 4–16–56; Carri Oil, 506 Driscoll Building, Corpus Christi, Tex.; East Mathis Field, San Patricio County, Tex.; Gas Gathering Company.

G–10278; 4–18–56; R. E. Schiefelbein, E. Berner and G. W. Wheeler, Majestic Building, San Antonio 5, Tex.; Ed. W. Sullivan lease (3 tracts), Sullivan City Field, Hidalgo County, Tex.; Tennessee Gas Transmission Company.

G–10279; 4–19–56; Keith-Hays Gas Company,[4] Lee District, Calhoun County, W. Va.; Approx. 62 acres, Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–10284; 4–19–56; Sohio Petroleum Company, Skirvin Tower, Oklahoma City, Okla.; Bauer Ranch Field, Jefferson County, Tex.; Texas Gas Corporation.

G–10286; 4–20–56; Monsanto Chemical Company, 519 Lion Oil Building, El Dorado, Ark.; J. P. Graham No. 2 Unit, North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Company.

G–10287; 4–20–56; Monsanto Chemical Company, 519 Lion Oil Building, El Dorado, Ark.; J. E. Hoy Unit, North Ruston Field, Lincoln Parish, La.; Arkansas Louisiana Gas Company.

G–10291; 4–20–56; Toler Gas Company, Box 1, Man, W. Va.; Approx. 2 acres, Big Huff Creek, Tridelphia District, Logan County, W. Va.; Hope Natural Gas Company.

G–10292; 4–20–56, 7–13–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 21, Tex.; V. W. Sheppard State lease, Shafter Lake-San Anders Field; Block 5 lease, Magutex Field; Block 4 lease, McFarland, South (Queen) Field; and Allison Block A–44 lease, Andrews Field; Andrews County, Tex.; Phillips Petroleum Company.

G–10294; 4–23–56; The Chicago Corporation, 5301 Camp Bowie Boulevard, Fort Worth, Tex.; O'Connor lease, Mary Ellen O'Connor Field, Refugio County, Tex.; Tennessee Gas Transmission Company.

G–10295; 4–23–56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa.; Sections 7, 8, 17 and 18, T24N, R5W, South Blanco Pool, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G–10296; 4–23–56; Ashland Oil & Refining Company and Delta Drilling Company, 1409 Winchester Avenue, Ashland, Ky.; F. A. Whitt lease, Alex Barnhill Survey, Coke County, Tex.; Texas Hydrocarbon Company.

G–10299; 4–23–56; Northern Natural Gas Producing Company, 2223 Dodge Street, Omaha 1, Nebr.; Section 9, T32S, R35W and Section 31, T31S, R34W, Hugoton Gas Field, Seward and Stevens Counties, Kans.; Northern Natural Gas Company.

G–10300; 4–23–56; Gulf Oil Corporation, P. O. Box 1166, Pittsburgh 30, Pa.; 18.8 percent interest in Section 5, T1N, R20ECM, Camrick Southeast Gas Pool, Beaver County, Okla.; Natural Gas Pipeline Company of America.

G–10302; 4–23–56; William Graham Oil Company, 1005 East Second Street, Wichita, Kans.; Magnison Unit, part of Sections 2 and 3, T33S, R13W, Barber County, Kans.; Cities Service Gas Company.

G–10306; 4–23–56; The Atlantic Refining Company, P. O. Box 2819, Dallas 1, Tex.; Interest in Coil lease, Crosby Devonian Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–10307; 4–23–56; Eason Oil Company, 1211 Concord Building, Oklahoma City, Okla.; Approx. 840 acres, East Guthrie Lake Field, Logan County, Okla.; Cities Service Gas Company.

G–10309; 4–25–56; Pipe Line Construction and Drilling Company, 503 Charleston National Bank Building, Charleston 1, W. Va.; Approx. 64 acres, Sandridge Field, Apple Farm, Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–10310; 4–25–56; Lydle and Lowe, Grantsville, W. Va.; Approx. 95 acres, Annamoriah Field, Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–10311; 4–25–56; The Dock Gas Company R. F. D. 3, Parkersburg, W. Va.; Approx. 125 acre Ida M. Gibson et vir lease, Murphy District, Ritchie County, W. Va.; Hope Natural Gas Company.

G–10313; 4–25–56; Moran and Company, Box 368, Weston, W. Va.; Approx. 9 acres, Stone Coal Field, Skin Creek District, Lewis County, W. Va.; Cumberland and Allegheny Gas Company.

G–10315; 4–26–56; Post #7 Gas Company,[4] Box 2, Glenville, W. Va.; Approx. 54 acres, Dusk Camp, Braxton County, W. Va.; Hope Natural Gas Company.

G–10316; 4–26–56; W. S. Engle Gas Company,[4] Box, 2, Glenville, W. Va.; Approx. 80 acres, Bull Fork, Gilmer County, W. Va.; Hope Natural Gas Company.

G–10317; 4–26–56; B. I. Cunningham Oil and Gas Company, Smithville, W. Va.; Approx. 38 acres, Road Fork of Leatherbark Creek, Murphy District, Ritchie County, W. Va.; Penova Interests.

G–10320; 4–27–56; Shell Oil Company, 50 West 50th Street, New York 20, N. Y.; 25 percent interest in Stevens B–1 Gas Unit, Hugoton Field, Haskell County, Kans.; Colorado Interstate Gas Company.

G–10322; 4–27–56; The Carter Oil Company, National Bank of Tulsa Building, Tulsa, Okla.; An interest in S31, T6N, R22ECM, Greenough Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

G–10324; 4–30–56; John B. Hawley, Jr., G. A. Kane and G. S. Davidson,[5] ⅝ Northern Pump Company Columbia Heights Post Office, Minneapolis 21, Minn.; Approx. 328 acres, West Cosden Field, Bee County, Tex.; Texas Eastern Transmission Corporation, assignee of Wilcox Trend Gathering System, Inc.

G–10325; 4–30–56; Sunray Mid-Continent Oil Company, P. O. Box 2039, Tulsa, Okla.; An interest in Archie Campbell Unit, Camrick Field, Texas County, Okla.; Natural Gas Pipe Line Company of America.

G–10498; 5–31–56; Emby Kaye, 816 First National Bank Building, Tulsa 3, Okla.; An interest in Humiston 1–31 Unit, Greenough Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

G–10538; 6–8–56; Leon J. Caine, 5501 West Grand Avenue, Chicago 39, Ill.; An interest in Humiston 1–31 Unit, Greenough Pool, Beaver County, Okla.; Panhandle Eastern Pipe Line Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, March 28, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein

[4] Filed by Holly Nester as Agent.

[4] Filed by G. Miller as Agent.

[5] Filed by Northern Pump Company as Agent and Operator.

of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1557; Filed, Mar. 4, 1957; 8:45 a. m.]

[Docket No. G-8921 etc.]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE SEVERING, CONSOLIDATING PROCEEDINGS FOR PURPOSE OF HEARING, AND FIXING DATE OF HEARING

FEBRUARY 26, 1957.

In the matters of Arkansas Fuel Oil Corporation, Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, and G-11290; Arkansas Fuel Oil Corporation (Operator), Docket Nos. G-11311 and G-11327; R. H. Goodrich, Docket Nos. G-8977 and G-9575; W. H. Cocke, Docket Nos. G-8978 and G-9570; C. N. Johnston, et al., Docket Nos. G-9136 and G-9569; John W. Mecom (doing business as Mecom Petroleums), Docket No. G-10357.

The Commission issued orders in the below-designated dockets suspending proposed changes in rates pertaining to sales of natural gas in interstate commerce to United Gas Pipe Line Company, as follows:

Seller; Docket No.; and Order Suspending Rates Issued

Arkansas Fuel Oil Corporation; G-8921; May 18, 1955.
Arkansas Fuel Oil Corporation; G-9571; October 28, 1955.
Humble Oil & Refining Company; G-8925; May 19, 1955.
Humble Oil & Refining Company; G-9574; October 28, 1955.
The Texas Company; G-8969; May 27, 1955.
The Texas Company; G-9576; October 28, 1955.
R. H. Goodrich; G-8977; June 1, 1955.
R. H. Goodrich; G-9575; October 28, 1955.
W. H. Cocke; G-8978; June 1, 1955.
W. H. Cocke; G-9570; October 28, 1955.
Hunt Oil Company; G-9065; June 23, 1955.
Hunt Oil Company, G-9568; October 28, 1955.
C. N. Johnston, et al.; G-9136; July 15, 1955.
C. N. Johnston, et al.; G-9569; October 28, 1955.

By order issued March 2, 1956, the Commission consolidated, fixed date of hearing and specified procedure in the above-docketed suspension proceedings. By Notice of the Secretary, dated March 7, 1956, the hearing scheduled in the March 2, 1956 order was postponed to a date to be fixed by further notice.

The Commission also issued orders in the below-designated dockets suspending certain rates for sales of natural gas in interstate commerce, as follows:

Seller; Docket No.; and Order Suspending Rates Issued

Arkansas Fuel Oil Corporation; G-9386; September 23, 1955.
Arkansas Fuel Oil Corporation; G-9800; December 23, 1955.
Arkansas Fuel Oil Corporation; G-10036; March 5, 1956.
Arkansas Fuel Oil Corporation; G-11289; October 26, 1956.
Arkansas Fuel Oil Corporation; G-11290; October 26, 1956.
Arkansas Fuel Oil Corporation (Operator); G-11311; October 30, 1956.
Arkansas Fuel Oil Corporation (Operator); G-11327; October 30, 1956.
John W. Mecom (d/b/a Mecom Petroleums); G-10357; May 9, 1956.

It is appropriate and in the public interest that the proceedings in Docket Nos. G-8925, G-9574, G-8969, G-9576, G-9065, and G-9568, which have heretofore been consolidated with the proceedings in Docket Nos. G-8921, G-9571, G-8977, G-9575, G-8978, G-9570, G-9136, and G-9569 by the Commission's March 2, 1956 order, be severed from the other proceedings consolidated by that order.

It is also appropriate and in the public interest that the proceedings in Docket Nos. G-9386, G-9800, G-10036, G-11289, G-11290, G-11311, G-11327, and G-10357, be consolidated for purposes of hearing with Docket Nos. G-8921, G-9571, G-8977, G-9575, G-8978, G-9570, G-9136, and G-9569.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 4 and 15, and the Commission's rules of practice and procedure, a hearing be held commencing on April 1, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved, and the issues presented in the above-captioned consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1621; Filed, Mar. 4, 1957; 8:46 a. m.]

[Docket No. G-10332]

SINCLAIR OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 27, 1957.

Take notice that Sinclair Oil & Gas Company (Applicant) a Maine corporation with its principal place of business at Tulsa, Oklahoma, filed on May 1, 1956, an application for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the Application on file with the Commission and open to public inspection.

Applicant seeks to abandon the sale of natural gas in interstate commerce to Cities Service Gas Company (Cities Service) for resale from its Gas Products Plant No. 2, Drumright Field, Creek County, Oklahoma. Such sale was authorized covering the Gas Products Plant No. 2 in Docket No. G-8802 by the Commission's order issued October 26, 1956, in Docket No. G-5524, et al.

Applicant states that at the time the basic contract dated March 9, 1955 was entered into, it was contemplated [illegible] Applicant would have [illegible] amounts of residue gas available for [illegible] to Cities Service, but that because of [illegible] contract reservations of gas to meet [illegible] other commitments, only nominal [illegible] tities have been available to Cities Service (an aggregate on only 77 Mcf [illegible] livered during the month of Sept[illegible] 1955 through January 1956). Moreover, it does not appear that substantially larger amounts will be available to Cities Service in the near future.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 1, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1622; Filed, Mar. 4, 1957; 8:46 a. m.]

[Docket No. E-6731]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

FEBRUARY 27, 1957.

Take notice that on February 21, [illegible] an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance and sale by competitive bidding of 300,000 shares of Common Stock, par value $1.00 per share, and $[illegible] principal amount of First Mortgage Bonds, ------ percent Series due [illegible] The proposed bonds will mature on April 1, 1987. Applicant proposes to use the proceeds from the issue and sale of stock and bonds to discharge its obligations and to apply the balance of the proceeds toward the acquisition of property and the construction of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 18th day of March 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1623; Filed, Mar. 4, 1957; 8:47 a. m.]

[Docket No. G-5965]

HAYS OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 27, 1957.

Take notice that Hays Oil & Gas Company (Applicant), a West Virginia corporation with its principal place of business at Clendenin, West Virginia, filed on November 26, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing it to continue to sell natural gas for resale to Southeastern Gas Company, subject to the jurisdiction of the Commission all as more fully represented in the application, as amended by a letter filed October 15, 1956, on file with the Commission and open to public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, March 8, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1624; Filed, Mar. 4, 1957; 8:47 a. m.]

[Docket No. G-6498]

HUMPHREY BRICK AND TILE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 27, 1957.

Take notice that The Humphrey Brick and Tile Company (Applicant) a Pennsylvania corporation with its principal place of business at Brookville, Pennsylvania, filed on November 29, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to continue to sell natural gas to Jefferson County Gas Company, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open to public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, March 28, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1625; Filed, Mar. 4, 1957; 8:47 a. m.]

[Docket No. G-6718 etc.]

DURHAM GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 27, 1957.

In the matters of Durham Gas Company, Docket No. G-6718; Steer Creek Oil and Gas Company, Docket No. G-6720; Delaney Gas Company, Docket No. G-6722; Wilson Gas Company, Docket No. G-6723; Ruffner Gas Company, Docket No. G-6724; Huddleston Gas Company, Docket No. G-6728; Moss Gas Company, Docket No. G-6730; Litton Gas Company, Docket No. G-6731; Willard H. Erwin, Jr., Docket No. G-6733; D. A. Williams, Docket No. G-9586; Monsanto Chemical Company, Docket No. G-10721.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No. G-; Location of Field; and Buyer

6718, 6724, 6733; Elk District, Kanawha County, West Virginia; United Fuel Gas Company.
6720; Center District, Gilmer County, West Virginia; Godfrey L. Cabot, Inc.
6722 and 6730; Poca District, Kanawha County, West Virginia; United Fuel Gas Company.
6723; Wayne County, West Virginia; United Fuel Gas Company.
6728; Cabin Creek District, Kanawha County, West Virginia; United Fuel Gas Company.
6731; Union and Murphy Districts, Ritchie County; Salt Lick District, Braxton County, West Virginia; Equitable Gas Company. Union District, Ritchie County, West Virginia; South Penn Natural Gas Company. Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.
9586; Eumont Field, Lea County, New Mexico; Permian Basin Pipe Line Company.
10721; Joaquin Field, Panola and Shelby Counties, Texas; United Gas Pipeline Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 1, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 18, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1626; Filed, Mar. 4, 1957; 8:47 a. m.]

[Docket No. G-8969 etc.]

TEXAS CO. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

FEBRUARY 27, 1957.

In the matters of The Texas Company, Docket Nos. G-8969, G-9576, G-9593, G-9596, G-9609, G-9161, G-10884, G-11321, G-11322, G-11323, G-11333; The Texas Company (Operator), et al., Docket No. G-11324; The Texas Company (Operator), et al. Docket No. G-11391.

The above proceedings relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the said related proceedings will be heard on a consolidated record to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on April 8, 1957, at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1627; Filed, Mar. 4, 1957; 8:48 a. m.]

[Docket Nos. G-10792, G-11229]

SOUTHERN PRODUCTION CO., INC., AND SINCLAIR OIL & GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

FEBRUARY 27, 1957.

In the matters of Southern Production Company, Inc., Docket No. G-10792; Sinclair Oil & Gas Company and Southern Production Company, Inc., Docket No. G-11229.

Take notice that Southern Production Company, Inc. (Southern), a Delaware corporation with its principal place of business at Fort Worth, Texas, filed on July 23, 1956, an application in Docket No. G-10792, pursuant to section 7 (c) of the Natural Gas Act, for authority to sell natural gas in interstate commerce to Phillips Petroleum Company from Southern's 1/16th interest in the 490.8 acre Fasken Block CB Unit located in the Magutex Field, Andrews County, Texas, all as more fully described in the application on file with the Commission and open to public inspection.

Take further notice that Sinclair Oil & Gas Company (Sinclair), a Maine corporation with its principal place of business at Tulsa, Oklahoma, and Southern filed on October 12, 1956, a joint application in Docket No. G-11229, pursuant to section 7 of the Natural Gas Act seeking authorization for:

(1) Southern to abandon certain sales of natural gas, pursuant to section 7 (b) of the Natural Gas Act, previously authorized at Docket Nos. G-2583, G-6027, G-6098, G-6212 and G-8722.

(2) Sinclair to continue the above authorized sales, pursuant to section 7 (c) of the Natural Gas Act, in place of Southern.

(3) Sinclair to replace Southern as Applicant in Docket No. G-10792 herein.

The joint application in Docket No. G-11229 states that Southern's stockholders, by vote on October 11, 1956, have adopted a plan previously approved by Southern's Board of Directors, for the complete liquidation of Southern including the sale and transfer to Sinclair of certain of Southern's oil and gas properties which are the subject matter of the certificate applications mentioned in (1) and (3) above. The sale and transfer of such gas and oil properties was scheduled to occur on November 1, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 8, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (ii) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10), on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1628; Filed, Mar. 4, 1957; 8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Report of purchases under Domestic Purchase Regulations December 31, 1956 (pursuant to section 4, Public Law 206, 83d Congress).

Regulation	Termination date	Unit	Quantity		
			Program limitation	Purchases during quarter [1]	Cumulative purchases through end of quarter
Asbestos	10- 1-57	Short tons, crude No. 1 and/or crude No. 2, asbestos.	1,500	0	2,[illegible]
		Short tons, crude No. 3		0	[illegible]
Beryl	6-30-62	Short dry tons, beryl ore	4,500	196	1,[illegible]
Chrome	6-30-59	Long dry tons, chrome ore and/or chrome concentrates.	200,000	11,160	127,[illegible]
Columbium-tantalum	12-31-58	Pounds, contained combined pentoxide.	15,000,000	0	15,603,[illegible]
Manganese:					
Butte-Phillipsburg	6-30-58	Long ton units, recoverable manganese.	6,000,000	327,486	3,261,[illegible]
Deming	6-30-58	do	6,000,000	0	6,215,[illegible]
Wenden	6-30-58	do	6,000,000	0	6,108,[illegible]
Domestic small producers.	1- 1-61	Long ton units, contained manganese.	28,000,000	1,495,258	10,536,[illegible]
Mercury	12-31-57	Flasks, prime virgin mercury	125,000	0	[illegible]
Mica	6-30-62	Short tons, hand-cobbed mica or equivalent.	25,000	708	10,[illegible]
Tungsten	7- 1-58	Short ton units, tungsten trioxide	3,000,000	[2] (18)	2,996,[illegible]

[1] Quantities represent deliveries.
[2] Inventory adjustment.

Dated: February 26, 1957.

FRANKLIN G. FLOETE, *Administrator.*

[F. R. Doc. 57-1652; Filed, Mar. 4, 1957; 8:52 a. m.]

OFFICE OF DEFENSE MOBILIZATION

EMERGENCY FACILITIES DESTROYED OR DAMAGED BY FLOOD DISASTER

TERMINATION OF ACCELERATED TAX AMORTIZATION PROGRAM

Effective April 1, 1957, the issuance of necessity certificates under section 168 of the Internal Revenue Code will be discontinued in connection with the reconstruction, rehabilitation, and replacement of emergency facilities destroyed or damaged by the 1955 floods in the Northeastern United States and on the West Coast of the United States as authorized by section 6 of ODM Regulation 1 of February 2, 1954 (19 F. R. 747, as amended, 20 F. R. 6452). Applications received on or after April 1, 1957, will be denied if the only qualification for the issuance of the certificate is damage to a facility resulting from the 1955 floods.

Dated: February 28, 1957.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 57-1632; Filed, Mar. 4, 1957; 12:05 p. m.]

RESTORATION OF PRODUCTIVE CAPACITY DAMAGED OR DESTROYED BY FLOOD DISASTERS

TERMINATION OF PRIORITIES AND ALLOCATIONS ASSISTANCE

Effective April 1, 1957, the procedure authorized by Supplement 1 to Defense Mobilization Order VII-3 of August 27, 1955 (20 F. R. 6339), to use controls on the distribution and use of materials and facilities to assist in providing materials and facilities for the restoration of productive capacity damaged or destroyed by the major disasters shall not be applicable with respect to the restoration of productive capacity damaged or destroyed by the 1955 flood disasters in the Northeastern United States and on the West Coast of the United States.

Dated: February 28, 1957.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 57-1633; Filed, Mar. 4, 1957; 12:05 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 68-167]

UNION ELECTRIC CO.

NOTICE OF ORDER REGARDING SOLICITATIONS OF PROXIES

FEBRUARY 27, 1957.

The Commission has been informed by Union Electric Company ("Union"), a registered holding company, that it proposes to solicit the proxies of its stockholders in regard to the annual meeting of such stockholders to be held on April 20, 1957. At such meeting Union anticipates a proxy contest and Union desires prior to the meeting to make several solicitations of its stockholders in order to present the position of its management.

Union and certain of its common stockholders have filed with the Commission preliminary solicitation material pursuant to Regulation X-14 promulgated under the Securities Exchange Act of 1934 in anticipation of the soliciting of Union's security holders in connection with the forthcoming annual meeting.

The staff of the Commission has advised the Commission that on the basis of its examination of the preliminary solicitation material referred to above and of other information contained in the Commission's files it is indicated that substantial questions of law and fact are presented by the intended solicitations under the standards of section 12 (e) of the Public Utility Holding Company Act of 1935 ("act").

In view of the foregoing it appears to the Commission that, in addition to compliance with the requirements of the rules of the Commission promulgated under section 12 (e) of the act, for the purpose of expediting solicitation of proxies in ordinary situations, it is appropriate in the public interest and for the protection of investors and consumers to require Union and all other persons desiring to solicit Union's security holders in connection with the company's next annual meeting to comply with the provisions of Rule U-62 under the act.

Wherefore it is ordered and notice is hereby given, That, pending the further order of the Commission, Union and all other persons be, and hereby are, prohibited from soliciting by use of the mails or any other means or instrumentalities of interstate commerce, or otherwise, any proxy, power-of-attorney, consent, or authorization regarding the voting of any security of Union in connection with the annual meeting of Union's stockholders scheduled to be held April 20, 1957, unless pursuant to a declaration, filed under section 12 (e) of the act and Rule U-62 promulgated thereunder, which has become, or shall have been permitted by the Commission to become, effective.

It is further ordered, That the Secretary of the Commission serve copies of this notice and order by registered mail on Union, J. Raymond Dyer, and Nancy Corinne Dyer and that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1648; Filed, Mar. 4, 1957; 8:52 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, not more than 10 percent of the total number of factory production workers were authorized for employment.

Anderson Bros. Consolidated Co's, Inc., Floyd and High Streets, Danville, Va.; effective 3-1-57 to 10-30-57 (coveralls, work pants, work shirts).

Berlin Manufacturing Co., Inc., Berlin, Md.; effective 2-20-57 to 2-19-58; 10 learners (cotton work clothing).

Carl-Lee Trouser Co., Inc., Boston, Ala.; effective 3-1-57 to 9-30-57 (men's slacks).

Champ Trouser Co., Inc., Winfield, Ala.; effective 3-1-57 to 9-30-57 (men's slacks).

Clinton Garment Manufacturing Co., Inc., Clinton, Ky.; effective 2-18-57 to 2-17-58 (men's and boys' parka jackets).

Elder Garment Co., Vandalia, Mo.; effective 3-1-57 to 9-30-57 (dresses).

Fawn Grove Manufacturing Co., Inc., Fawn Grove, Pa.; effective 2-20-57 to 2-19-58 (cotton work clothing).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.; effective 2-20-57 to 2-19-58; 10 learners (dungarees, overalls, coveralls, etc.).

Gateway Manufacturing Co., Masontown, Pa.; effective 2-11-57 to 2-10-58 (ladies' blouses and shorts).

Glassboro Shirt Co., 31 North Main Street, Glassboro, N. J.; effective 2-20-57 to 2-19-58; three learners (children's apparel).

Greer Shirt Corp., Greer, S. C.; effective 2-15-57 to 2-14-58 (sport shirts).

Lennie Lee Manufacturing Co., Inc., 105 Sussex Street, Old Forge, Pa.; effective 2-11-57 to 2-10-58; five learners (blouses).

Lerner-Slone Clothing Corp., 304 East Main Street, Carbondale, Ill.; effective 2-14-57 to 2-13-58 (men's slacks and trousers).

Mover Star of Poplarville, Poplarville, Miss.; effective 2-12-57 to 2-11-58 (women's slips, petticoats, and gowns).

Norway Needlecraft Corp., Norway, Mich.; effective 3-1-57 to 9-30-57; 10 learners for normal labor turnover purposes engaged in the production of women's, misses', and children's woven underwear, nightwear, and negligees (underwear, nightwear, and negligees).

Playcraft Corp., Saltillo, Miss.; effective 2-20-57 to 2-19-58 (sportswear, sun suits, jackets).

Puritan Foundations, Portage, Pa.; effective 2-14-57 to 2-13-58 (brassieres and garter belts).

Reliance Manufacturing Co., Factory No. 42, Blytheville, Ark.; effective 3-1-57 to 11-20-57 (replacement certificate) (sport shirts).

Reliance Manufacturing Co., Factory No. 45, Bonne Terre, Mo.; effective 3-1-57 to 10-30-57 (replacement certificate) (men's and boys' unlined jackets).

Reliance Factory No. 47, Farmington, Mo.; effective 3-15-57 to 3-14-58 (women's and girls' outer shorts and slacks).

Reliance Manufacturing Co., St. James, Mo.; effective 3-1-57 to 2-28-58 (women's dresses).

Reliance Manufacturing Co., No. 48, Thayer, Mo.; effective 3-1-57 to 6-19-57 (replacement certificate) (dresses).

Reliance Manufacturing Co., Factory No. 40, Water Valley, Miss.; effective 3-1-57 to 10-14-57 (replacement certificate) (men's cotton work pants and shirts).

D. F. Rodgers Manufacturing Co., Inc., 10 University Ridge, Greenville, S. C.; effective 2-15-57 to 2-14-58 (dresses).

The Seaford Garment Co., Seaford, Del.; effective 2-18-57 to 2-17-58 (dress shirts).

Texas Dress Corp., Bowie, Tex.; effective 2-14-57 to 2-13-58; 10 learners (learners may not be engaged at special minimum wage rates in the production of separate skirts).

Thornby Manufacturing Co., Thornby, Ala.; effective 2-13-57 to 2-12-58; 10 learners (ladies' blouses).

Wellington Manufacturing Co., Okolona, Miss.; effective 2-15-57 to 2-14-58 (men's dress trousers).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., Ada, Okla.; effective 2-14-57 to 8-13-57; 95 learners (men's and boys' dungarees).

The Johnie Jan Co., Walnut Ridge, Ark.; effective 2-11-57 to 8-10-57; 20 learners (wash frocks).

Piedmont Blouse Co., Inc., 322 South Davie Street, Greensboro, N. C.; effective 2-11-57 to 8-10-57; five learners (ladies' and children's woven cotton slips).

Reliance Manufacturing Co., No. 48, Thayer, Mo.; effective 3-1-57 to 5-22-57; 20 learners (replacement certificate) (dresses).

Salley Manufacturing Co., Salley, S. C.; effective 2-13-57 to 8-12-57; 5 learners (women's slacks and Bermuda shorts).

Thornby Manufacturing Co., Thornby, Ala.; effective 2-13-57 to 8-12-57; 10 learners (ladies' blouses).

Troutman Shirt Co., Mooresville, N. C.; effective 2-15-57 to 8-14-57; 30 learners (work shirts and work pants).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

T. E. Brooks & Co., 31 South Pine Street, Red Lion, Pa.; effective 2-16-57 to 2-15-58; authorizing the employment of three learners for normal labor turnover purposes in the occupation of packing (cigars retailing for more than 6 cents), for 320 hours; and in the occupation of packing (cigars retailing for 6 cents or less) for 160 hours; all at 80 cents an hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Chester H. Roth Co., Inc., Burlington, N. C.; effective 2-14-57 to 2-13-58; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Norway Needlecraft Corp., Norway, Mich.; effective 2-15-57 to 8-14-57; 26 learners for expansion purposes engaged in the production of knitted underwear, nightwear, and negligees (underwear, nightwear, and negligees).

Reliance Manufacturing Co., Houston, Miss., effective 3-1-57 to 10-8-57; 5 percent of the total number of workers engaged in the production of shorts for normal labor turnover purposes (replacement certificate) (men's and boys' shorts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Martinsburg Shoe Co., Inc., 107 Highland Street, Martinsburg, Pa.; effective 2-24-57 to 2-23-58; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 21st day of February 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-1619; Filed, Mar. 4, 1957; 8:46 a. m.]

FEDERAL REGISTER

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MAR 11 1957
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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Warehouse Regulations

PART 101—COTTON WAREHOUSES

PRINTING OF WAREHOUSE RECEIPTS

Pursuant to authority conferred by section 28 of the United States Warehouse Act (7 U. S. C. 268) § 101.19 of the cotton warehouse regulations (7 CFR 101.19) is hereby amended to read as follows:

§ 101.19 *Printing of receipts.* No receipt shall be issued by a licensed warehouseman unless it is (a) in a form prescribed by the Administrator, (b) upon distinctive paper or card stock specified by the Administrator, (c) printed by a printer with whom the United States has a subsisting contract and bond for such printing, and (d) on paper manufactured by and procured from a manufacturer with whom the United States has a subsisting contract and bond for the manufacture of such paper, or on card stock distinctively tinted with fugitive ink by the printer in the manner prescribed by the contract under paragraph (c) of this section.

(Sec. 28, 39 Stat. 490; 7 U. S. C. 268)

The foregoing amendment relieves restrictions by permitting the issuance by cotton warehousemen licensed under the act of warehouse receipts printed on card stock instead of the paper heretofore permitted. Hereafter either may be used in accordance with the regulation. In order to be of maximum benefit to all affected parties, the amendment should be made effective as soon as possible to allow adequate time for printing of the new type of receipts by the beginning of the cotton storage season on August 1. Each warehouseman involved is being notified of the amendment by letter. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice of rule making and other public procedure with respect to the amendment are unnecessary and impracticable and since the amendment relieves restrictions it may be made effective less than 30 days after its publication in the FEDERAL REGISTER.

The foregoing amendment shall become effective on March 6, 1957.

Done at Washington, D. C. this 1st day of March, 1957.

[SEAL] GEORGE A. DICE,
Director,
Special Services Division.

[F. R. Doc. 57-1689; Filed, Mar. 5, 1957; 8:55 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1957 CROP OF WHEAT

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 7, Part 960 to end ($1.25)

Title 26, Part 300 to end, Ch. I, and Title 27 ($1.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30); Title 39 ($0.50).

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AUTHORITY: §§ 728.750 to 728.798 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331–339, 362–368, 372–376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; sec. 106, 70 Stat. 191; 7 U. S. C. 1301, 1331–1340, 1362–1368, 1372–1376.

GENERAL

§ 728.750 *Basis and purpose.* The regulations contained in §§ 728.750 to 728.798, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of wheat as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess wheat by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by wheat producers and handlers; and special provisions and exemptions applicable to farms on which 15 acres or less of wheat are planted, to farms on which the normal production of the wheat acreage is less than 200 bushels, to wheat produced by publicly-owned experiment stations, and to wheat grown on Federal and State Wildlife Refuge Farms. Prior to preparing §§ 728.750 to 728.798 inclusive, public notice (21 F. R. 7025) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the regulations in §§ 728.750 to 728.798 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Since 1957 wheat acreages are now being measured in some sections of the country and since farmers should be informed as soon as possible of these measured acreages and of the final dates by which their wheat acreages in excess of their farm allotments may be adjusted to such allotments, it is hereby found that compliance with the effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations herein shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

§ 728.751 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agriculture Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means according to context, one of the several committees defined as follows:

(1) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service, pursuant to section 8 (b) of the Soil Conservation and Domestic Allotment Act.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act.

(3) "Community committee" means the persons elected within a community as a community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees under section 8 (b) of the Soil Conservation and Domestic Allotment Act.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(h) "Landlord" or "owner" means a person who owns land.

(i) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(j) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(k) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(l) "Producer" or "farmer" means a person who as owner, landlord, tenant, or sharecropper is entitled to all or a share of the 1957 wheat crop or of the proceeds thereof.

(m) "Buyer" means a person who buys wheat.

(n) "Transferee" means a person who acquires wheat from a producer or any other person by barter, exchange or gift.

(o) "Intermediate buyer" means any buyer or transferee who purchases or acquires any wheat prior to the time the wheat so purchased or acquired has been marketed either (1) to a warehouseman, elevator operator, feeder, or processor, or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or elevator operator.

(p) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as a part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land in-

cluded in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(q) "Farm acreage allotment" means the wheat acreage allotment established for the farm under §§ 728.710 through 728.724 as published in the FEDERAL REGISTER under date of March 28, 1956 (21 F. R. 1895), and amendments thereto.

(r) "Wheat cover crop" means the acreage of wheat which does not reach maturity because it is, while still green, turned under, cut off or pastured off, to the extent that wheat will not mature as grain, not later than 30 days prior to the date wheat harvest normally begins in the county or areas within the county as determined by the Secretary upon recommendation of the county and State committees.

In accordance with the foregoing the dates in each county or areas of a county by which the acreage of wheat on the farm must be utilized in the prescribed manner as wheat cover crop are determined to be as follows:

ARKANSAS

May 20, 1957: All counties.

CALIFORNIA

May 1, 1957: Imperial.

May 15, 1957: Fresno, Kern (except for Tehachapi and Tembior Districts), Kings, Madera, Merced, Riverside (Palo Verde Valley), Tulare.

June 1, 1957: Kern (Tehachapi and Tembior Districts), Los Angeles, Mariposa, Nevada, Orange, Placer, Riverside (except for Palo Verde Valley), San Bernardino, San Diego, San Joaquin, Stanislaus, Ventura.

June 15, 1957: Alameda, Amador, Calaveras, El Dorado, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Luis Obispo, San Mateo, Santa Clara, Santa Cruz, Sonoma, Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama, Yola, Yuba, Santa Barbara, Shasta (for Cottonwood and Anderson Districts), Tuolumne.

July 1, 1957: Alpine, Inyo, Mono.

July 15, 1957: Siskiyou (for Shasta Valley), Mendocino.

August 1, 1957: Lassen, Modoc, Plumas, Trinity, Shasta (except for Cottonwood and Anderson Districts), Sierra.

August 15, 1957: Siskiyou (except for Shasta Valley).

COLORADO

June 5, 1957: Baca, Bent, Cheyenne, Crowley, Elbert (all land east of range 63W), Kiowa, Kit Carson, Lincoln, Otero and Prowers.

June 10, 1957: Adams, Arapahoe, Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma.

June 15, 1957: Boulder, Douglas, Elbert (all land west of range 62w), El Paso, Huerfano, Jefferson, Larimer, Las Animas and Pueblo.

June 20, 1957: Custer, Delta, Dolores, Fremont, La Plata, Mesa, Montezuma, Montrose, Ouray and San Miguel.

July 15, 1957: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Eagle, Garfield, Grand, Gunnison, Jackson, Moffat, Park, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache and Teller.

DELAWARE

May 31, 1957: All counties.

GEORGIA

April 25, 1957: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven, and all counties South thereof.

May 10, 1957: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties South to Area I.

May 24, 1957: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties North thereof.

IDAHO

NONIRRIGATED

July 1, 1957: Ada, Canyon, Gem, Owyhee, Payette, Cassia, Lincoln, Minidoka, Washington.

July 15, 1957: Gooding, Jerome, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Jefferson, Blaine, Twin Falls.

August 1, 1957: Adams, Boise, Elmore, Camas, Bear Lake, Butte, Custer, Clark, Fremont, Lemhi, Madison, Teton.

August 15, 1957: Valley.

IRRIGATED

July 1, 1957: Ada, Canyon, Elmore, Gem, Owyhee, Payette, Washington.

July 15, 1957: Cassia, Gooding, Jerome, Lincoln, Minidoka, Bannock, Franklin, Oneida, Power, Twin Falls.

August 1, 1957: Adams, Boise, Blaine, Camas, Bingham, Caribou, Bonneville, Clark, Jefferson.

August 15, 1957: Valley, Bear Lake, Butte, Custer, Fremont, Lemhi, Madison, Teton.

ELEVATION UNDER 3,500 FEET

July 15, 1957: Boundary, Kootenai, Nez Perce.

August 1, 1957: Benewah, Bonner, Clearwater, Idaho, Latah, Lewis.

ELEVATION OVER 3,500 FEET

August 1, 1957: Boundary, Nez Perce.

August 15, 1957: Benewah, Bonner, Clearwater, Idaho, Kootenai, Latah, Lewis.

ILLINOIS

May 25, 1957: Alexander, Bond, Calhoun, Christian, Clark, Clay, Clinton, Coles, Crawford, Cumberland, Douglas, Edgar, Edwards, Effingham, Fayette, Franklin, Gallatin, Green, Hamilton, Hardin, Jackson, Jasper, Jefferson, Jersey, Johnson, Lawrence, Macoupin, Madison, Marion, Massac, Monroe, Montgomery, Morgan, Moultrie, Perry, Pike, Pope, Pulaski, Randolph, Richland, St. Clair, Saline, Sangamon, Scott, Shelby, Union, Wabash, Washington, Wayne, White, Williamson.

June 10, 1957: Adams, Boone, Brown, Bureau, Carroll, Cass, Champaign, Cook, DeKalb, DeWitt, DuPage, Ford, Fulton, Grundy, Hancock, Henderson, Henry, Iriquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Logan, McDonough, McHenry, McLean, Macon, Marshall, Mason, Menard, Mercer, Ogle, Peoria, Platt, Putnam, Rock Island, Schuyler, Stark, Stephenson, Tazewell, Vermillion, Warren, Whiteside, Will, Winnebago, Woodford.

INDIANA

June 1, 1957: Allen, DeKalb, Elkhart, Fulton, Jasper, Kosciusko, La Grange, Lake, La Porte, Marshall, Newton, Noble, Porter, Pulaski, St. Joseph, Starke, Steuben, Whitley.

May 15, 1957: All other counties.

IOWA

WINTER WHEAT

June 1, 1957: All counties.

SPRING WHEAT

June 10, 1957: All counties.

KANSAS

May 20, 1957: Allen, Barber, Bourbon, Butler, Chautauqua, Cherokee, Comanche, Cowley, Crawford, Elk, Greenwood, Harper, Harvey, Kingman, Labette, Montgomery, Neosho, Pratt, Reno, Sedgwick, Sumner, Wilson, Woodson.

May 25, 1957: Anderson, Atchison, Barton, Brown, Chase, Clark, Cloud, Clay, Coffey, Dickinson, Doniphan, Douglas, Edwards, Ellsworth, Ford, Franklin, Geary, Grant, Gray, Haskell, Hodgeman, Jackson, Jefferson, Johnson, Kiowa, Leavenworth, Lincoln, Linn, Lyon, McPherson, Marion, Marshall, Meade, Miami, Morris, Norton, Nemaha, Osage, Osborne, Ottawa, Pawnee, Pottawatomie, Republic, Rice, Riley, Rush, Saline, Seward, Shawnee, Stafford, Stanton, Stevens, Wabaunsee, Washington, Wyandotte.

June 1, 1957: Decatur, Ellis, Finney, Gove, Graham, Greeley, Hamilton, Jewell, Kearny, Lane, Logan, Mitchell, Ness, Norton, Osborne, Phillips, Rooks, Russell, Scott, Sheridan, Smith, Trego, Wallace, Witchita.

June 5, 1957: Cheyenne, Rawlins, Sherman, Thomas.

KENTUCKY

June 10, 1957: All counties.

MARYLAND

May 31, 1957: Anne Arundel, Calvert, Charles, Caroline, Cecil, Dorchester, Kent, Prince Georges, St. Mary's, Somerset, Queen Annes, Talbot, Wicomico, Worcester.

June 10, 1957: Baltimore, Carroll, Frederick, Harford, Howard, Montgomery, Washington.

June 20, 1957: Allegany and Garrett.

MICHIGAN

June 10, 1957: All counties south of and including: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, Huron.

June 15, 1957: All other counties in the lower Peninsula.

June 25, 1957: Upper Peninsula counties.

MINNESOTA

June 30, 1957: All counties.

MISSOURI

June 1, 1957: All counties south of the Missouri River.

June 10, 1957: All counties north of the Missouri River.

MONTANA

WINTER WHEAT

July 11, 1957: All counties.

SPRING WHEAT

July 21, 1957: All counties.

NEBRASKA

June 1, 1957: Adams, Burt, Butler, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Gosper, Hall, Hamilton, Harlan, Jefferson, Johnson, Kearney, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Red Willow, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

June 15, 1957: Antelope, Arthur, Blaine, Boone, Boyd, Brown, Buffalo, Cedar, Chase, Cherry, Custer, Dakota, Dawson, Dixon, Dundy, Garfield, Grant, Greeley, Hayes, Hitchcock, Holt, Hooker, Howard, Keith, Keya Paha, Knox, Lincoln, Logan, Loup, McPherson, Madison, Merrick, Nance, Perkins, Pierce, Platte, Polk, Rock, Sherman, Stanton, Thomas, Valley, Wayne, Wheeler.

June 20, 1957: Banner, Box Butte, Cheyenne, Dawes, Deuel, Garden, Kimball, Morrill, Scotts Bluff, Sheridan, Sioux.

NEW JERSEY

June 1, 1957: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, Salem.

June 8, 1957: Mercer, Middlesex, Monmouth, Somerset, Union.

June 15, 1957: Bergen, Essex, Hunterdon, Morris, Passaic, Sussex, Warren.

NEW MEXICO

May 1, 1957: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

May 15, 1957: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (Area east of Rio Puerco).

June 1, 1957: Colfax, Catron, Harding, Mora, McKinley, Rio Arriba, Sandoval, San Juan, San Miguel, Taos, Union, Valencia (Area west of Rio Puerco).

June 15, 1957: Any area above 7,000 feet elevation.

NEW YORK

June 5, 1957: Nassau, Suffolk.

June 15, 1957: All other counties.

NORTH CAROLINA

May 15, 1957: All counties.

NORTH DAKOTA

July 5, 1957: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, La Moure, Logan, McIntosh, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sioux, Slope, Stark, Stutsman.

July 15, 1957: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Foster, Grand Forks, Griggs, McHenry, McKenzie, McLean, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Steele, Towner, Traill, Walsh, Ward, Wells, Williams.

OHIO

June 11, 1957: All counties.

OKLAHOMA

April 15, 1957: Beckham, Caddo, Comanche, Cotton, Grady, Greer, Harmon, Jackson, Jefferson, Kiowa, Stephens, Tillman, Washita.

May 10, 1957: Beaver, Cimarron, Ellis, Harper, Texas, Woods and Woodward.

April 25, 1957: All other counties.

OREGON

WINTER WHEAT

June 15, 1957: Benton, Clackamas, Linn, Marion, Polk, Washington, Yamhill.

July 1, 1957: Wasco.

July 15, 1957: Baker, Douglas, Jackson, Josephine, Lane, Union.

July 20, 1957: Wallowa.

SPRING WHEAT

July 15, 1957: Benton, Clackamas, Linn, Marion, Polk, Washington, Yamhill.

August 1, 1957: Baker, Douglas, Jackson, Josephine, Lane, Wasco.

August 10, 1957: Union.

August 20, 1957: Wallowa.

ALL WHEAT

June 15, 1957: Clatsop, Columbia, Coos, Curry, Hood River, Lincoln, Multnomah, Tillamook.

July 1, 1957: Gilliam, Morrow, Sherman and Umatilla counties under 2,000 feet elevation, Malheur under 3,000 feet elevation.

July 15, 1957: Grant under 2,000 feet elevation, Harney, Malheur over 3,000 feet elevation.

July 20, 1957: Jefferson (non-irrigated).

July 25, 1957: Gilliam, Morrow and Sherman counties over 2,000 feet elevation.

August 1, 1957: Crook, Deschutes, Jefferson (irrigated), Klamath (non-irrigated), Lake, Umatilla over 2,000 feet elevation, Wheeler.

August 15, 1957: Grant over 2,000 feet elevation, Klamath (irrigated).

PENNSYLVANIA

June 7, 1957: Adams, Bedford, Berks, Bucks, Chester, Cumberland, Dauphin, Delaware, Franklin, Greene, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Mifflin, Montgomery, Northhampton, Perry, Philadelphia, Schuylkill, Washington, York.

June 21, 1957: Allegheny, Armstrong, Beaver, Blair, Bradford, Butler, Cambria, Cameron, Carbon, Centre, Clarion, Clearfield, Clinton, Columbia, Crawford, Elk, Erie, Fayette, Forest, Fulton, Indiana, Jefferson, Lackawanna, Lawrence, Luzerne, Lycoming, McKean, Mercer, Monroe, Montour, Northumberland, Pike, Potter, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Wayne, Westmoreland, Wyoming.

SOUTH CAROLINA

May 15, 1957: All counties.

SOUTH DAKOTA

June 15, 1957: All counties.

TENNESSEE

May 31, 1957: All counties.

TEXAS

April 10, 1957: Brazoria, Calhoun, Chambers, Fort Bend, Galveston, Harris, Jackson, Jefferson, Liberty, Matagorda, Victoria, Wharton.

May 20, 1957: Dallam, Hansford, Hartley, Hutchinson, Lipscomb, Moore, Ochiltree, Sherman.

May 10, 1957: All other counties.

UTAH

June 20, 1957: Box Elder, Cache, Davis, Grand, Juab, Kane, Millard, Salt Lake, San Juan, Sevier, Tooele, Utah, Washington, Weber.

July 1, 1957: Beaver, Carbon, Duchesne, Emery, Iron, Piute, Sanpete, Uintah.

July 10, 1957: Daggett, Garfield, Morgan, Rich, Summit, Wasatch, Wayne.

VIRGINIA

June 15, 1957: Alleghany, Augusta, Bath, Bland, Botetourt, Buchanan, Carroll, Clarke, Craig, Dickenson, Floyd, Frederick, Giles, Grayson, Highland, Lee, Montgomery, Page, Patrick, Pulaski, Roanoke, Rockbridge, Rockingham, Russell, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, Wythe.

June 1, 1957: All other counties.

WASHINGTON

County and area and type of wheat	Dates
Adams:	
Winter wheat	June 30, 1957
Spring wheat	July 20, 1957
Asotin:	
All wheat:	
Areas 1 and 4	July 30, 1957
Area 2	July 1, 1957
Area 3	July 20, 1957
Area 5	Aug. 15, 1957
Benton:	
Winter wheat	June 30, 1957
Spring wheat dryland	June 30, 1957
Spring wheat irrigated	July 15, 1957
Chelan:	
Area A:	
Winter wheat	Aug. 25, 1957
Spring wheat	Sept. 1, 1957
Area B:	
Winter wheat	July 20, 1957
Spring wheat	Aug. 5, 1957
Clallam: All wheat	July 15, 1957
Clark: All wheat	July 20, 1957
Columbia:	
Area 1:	
Winter wheat	June 20, 1957
Spring wheat	June 30, 1957
Area 2:	
Winter wheat	July 5, 1957
Spring wheat	July 15, 1957
Area 3:	
Winter wheat	July 20, 1957
Spring wheat	July 30, 1957
Cowlitz:	
All wheat	July 20, 1957
Douglas:	
Winter wheat	July 15, 1957
Spring wheat	Aug. 10, 1957
Ferry:	
Winter wheat	Aug. 15, 1957
Spring wheat	Sept. 15, 1957
Franklin:	
Winter wheat	June 30, 1957
Spring wheat	July 10, 1957
Garfield—Winter wheat:	
Central Ferry area	June 20, 1957
Dodge, Lower Zumwalt, Lower Ping, Gould City areas	July 1, 1957
Mayview, Upper Ping, Upper Zumwalt, Pataha Flat, Dutch Flat, Lower Alpowa areas	July 15, 1957
Upper Alpowa, Peola, Columbia Center, Scoggin areas	July 30, 1957
Spring Wheat	
Central Ferry area	July 1, 1957
Dodge, Lower Zumwalt, Lower Ping, Gould City areas	July 10, 1957
Mayview, Upper Ping, Upper Zumwalt, Pataha Flat, Dutch Flat, Lower Alpowa areas	July 25, 1957
Upper Alpowa, Peola, Columbia Center, Scoggin areas	Aug. 10, 1957
Grant:	
All areas south of US Highway No. 2 except sub-irrigated areas of Wilson Creek	June 30, 1957
Sub-irrigated areas in Wilson Creek Community	Aug. 10, 1957
All area north of US Highway No. 2	July 15, 1957
Grays Harbor: All wheat	July 15, 1957
Island: All wheat	July 15, 1957
Jefferson: All wheat	July 15, 1957
King: All wheat	July 15, 1957
Kitsap: All wheat	July 15, 1957
Kittitas: All wheat	Aug. 10, 1957
Klickitat:	
West of Rock Creek and west of Goodnoe Hills area:	
Winter wheat	July 10, 1957
Spring wheat	July 30, 1957
Goodnoe Hills area and east of Rock Creek excepting north of area 2 miles south of the dividing line between Townships 4 and 5 in Ranges 19, 20, and 21:	
Winter wheat	June 30, 1957
Spring wheat	July 10, 1957
Area north of line 2 miles south of dividing line between Townships 4 and 5 in Ranges 19, 20, and 21:	
Winter wheat	July 10, 1957
Spring wheat	July 25, 1957
Lewis: All wheat	July 20, 1957
Lincoln:	
North of Highway No. 2 and Davenport-Harrington-Tokio Road East	July 25, 1957
South of Highway No. 2	July 15, 1957
Mason: All wheat	July 1, 1957
Okanogan:	
A, B, H, M Communities:	
Winter wheat	July 10, 1957
Spring wheat	July 30, 1957
C, D, E, F, G, I, J, K, L, N, O Communities:	
Winter wheat	Aug. 1, 1957
Spring wheat	Aug. 20, 1957
Pacific: All wheat	July 15, 1957
Pend Oreille: All wheat	Aug. 15, 1957
Pierce: All wheat	Aug. 1, 1957
San Juan: All wheat	Aug. 15, 1957
Skagit: All wheat	July 15, 1957
Skamania: All wheat	July 15, 1957

WASHINGTON—Continued

County and area and type of wheat	Dates
Spokane:	
Area due west on north boundary of Township 24 to where it intercedes the east boundary of Range 42 and then due south to county line	Aug. 5, 1957
All the remainder of the County	July 20, 1957
Stevens:	
Winter wheat	July 15, 1957
Spring wheat	Aug. 15, 1957
Thurston: All wheat	July 15, 1957
Wahkiakum: All wheat	July 31, 1957
Walla Walla:	
Dryland areas below elevation of airport	July 1, 1957
All other Dryland areas and irrigated section	Aug. 1, 1957
Whatcom: All wheat	July 15, 1957
Whitman:	
Eastern Whitman	July 25, 1957
Western Whitman	July 10, 1957
Yakima:	
Glade and the Moxee Dryland area	June 30, 1957
Central Valley area	July 10, 1957
Upper Valley area	July 30, 1957

WEST VIRGINIA

June 1, 1957: Berkeley, Boone, Cabell, Clay, Jackson, Jefferson, Kanawha, Lincoln, Logan, Mason, McDowell, Mingo, Putnam, Roane, Wayne, Wyoming.

June 10, 1957: Barbour, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Lewis, Marion, Marshall, Mineral, Monongalia, Morgan, Ohio, Pendleton, Pleasants, Ritchie, Taylor, Tyler, Upshur, Wetzel, Wirt, Wood.

June 15, 1957: Fayette, Greenbrier, Mercer, Monroe, Nicholas, Pocahontas, Preston, Raleigh, Randolph, Summers, Tucker, Webster.

WISCONSIN

June 20, 1957: Adams, Buffalo, Columbia, Crawford, Dane, Dodge, Dunn, Eau Claire, Fon du Lac, Grant, Greene, Green Lake, Iowa, Jackson, Jefferson, Juneau, Kenosha, La Crosse, Lafayette, Marquette, Milwaukee, Monroe, Ozaukee, Pepin, Pierce, Portage, Racine, Richland, Rock, St. Croix, Sauk, Trempealeau, Vernon, Walworth, Washington, Waukesha, Waushara, Winnebago.

July 5, 1957: Barron, Brown, Burnett, Calument, Chippewa, Clark, Door, Kewaunee, Langlade, Lincoln, Manitowoc, Marathon, Marinette, Oconto, Oneida, Outagamie, Polk, Price, Rusk, Sawyer, Shawano, Sheboygan, Taylor, Vilas, Washburn, Waupaca, Wood.

July 15, 1957: Ashland, Bayfield, Douglas, Florence, Forest, Iron.

WYOMING

WINTER WHEAT

June 20, 1957: Gashen, Larmie, Platte.

July 5, 1957: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Sheridan, Weston.

July 20, 1957: Big Horn, Fremont, Hot Springs, Park, Washakie.

August 1, 1957: Lincoln, Sublette, Sweetwater, Teton, Uinta.

SPRING WHEAT

June 30, 1957: Goshen, Laramie, Platte.

July 20, 1957: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

August 1, 1957: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

(s) "Wheat mixture" means a mixture of wheat and other small grains (excluding vetch, Austrian winter peas, rough peas, and flax) which contains, when seeded, less than 50 percent by weight of wheat and which when harvested produced less than 50 percent of wheat by weight. An acreage will not be considered as having been devoted to a wheat mixture if the crops other than wheat fail to reach maturity and the wheat is permitted to reach maturity.

(t) "Wheat mixture counties" means counties in which the seeding of wheat mixtures is a normal farming practice determined to be as follows: All counties in the States of Arkansas, Georgia, Kentucky, Minnesota, North Carolina, South Carolina, Tennessee, Virginia and Wisconsin; in the State of Idaho the counties of Ada, Bannock, Bingham, Blaine, Boise, Bonneville, Butte, Camas, Canyon, Caribou, Cassia, Clark, Elmore, Fremont, Gem, Gooding, Jefferson, Jerome, Lincoln, Madison, Minidoka, Oneida, Owyhee, Payette, Power, Teton, Twin Falls and Washington; in the State of Oregon the counties of Benton, Clackamas, Douglas, Lane, Linn, Malheur, Marion, Polk, Washington and Yamhill; and in the State of West Virginia, Monroe County.

(u) "Wheat acreage" means any acreage of seeded wheat, or self seeded (volunteer) wheat which reaches maturity, excluding any acreage (1) of a wheat mixture in wheat-mixture counties, or of a mixture of other grains and wheat in non-wheat-mixture counties which does not contain enough wheat to cause the grain to be graded as "mixed grain" under the Official Grain Standards of the United States (Part 26 of this title), (2) of wheat cover crop, (3) in case of a delayed notice of 1957 acreage of wheat, of unharvested wheat plowed or disced under within 15 days after such notice has been mailed to the operator of the farm, and (4) of unharvested wheat seeded in excess of the allotment which is completely destroyed by some cause beyond the control of the operator prior to (i) 30 days before the date wheat harvest normally begins in the county or areas within the county (as determined under paragraph (r) of this section) or (ii) within 15 days after a delayed notice of the acreage of wheat is mailed to the operator of the farm, unless the operator or his representative indicates in writing to the county office manager that such destroyed seeded acreage under this item (4) should be classified as wheat acreage. Notice of 1957 Acreage of Wheat (Form CSS–597), if practicable, should be mailed to the operator of the farm on which the first inspection shows there is an excess acreage of wheat at least 15 days prior to the date established under paragraph (r) of this section for utilizing wheat acreage as wheat cover crop; however, if for any reason the notice is not so mailed, it shall be mailed as soon thereafter as possible and upon mailing shall be fully effective and construed as a delayed notice under this paragraph. Wheat acreage shall not include any acreage of emmer, spelt, einkorn, Polish wheat and poulard wheat.

(v) "Excess wheat acreage" means the acreage of wheat determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess wheat acreage on any farm on which (1) the wheat acreage does not exceed 15 acres, (2) the farm normal yield times the wheat acreage is less than 200 bushels, (3) the wheat is grown for experimental purposes only by a publicly-owned experiment station, or (4) all the wheat is produced on a Federal or State wildlife refuge farm solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

(w) "Normal yield" means the number of bushels of wheat established as the normal yield per acre for the farm under § 728.753.

(x) "Actual yield" means the number of bushels of wheat determined by dividing the number of bushels of wheat produced on the farm in 1957 by the 1957 wheat acreage on the farm.

(y) "Normal production" of any number of acres means the normal yield of wheat for the farm times such number of acres.

(z) "Actual production" of any number of acres means the actual yield of wheat per acre for the farm times such number of acres.

(aa) "Farm marketing quota" means the wheat marketing quota established under the Act for the farm for the 1958 crop.

(bb) "Farm marketing excess" means the amound of wheat determined for any farm under § 728.759 or § 728.762, whichever is applicable.

(cc) "Marketing year" means the period beginning July 1, 1957, and ending June 30, 1958, both dates inclusive.

(dd) "Market" means to dispose of wheat, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift, or by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or are to be so disposed of.

(1) The term "sale" means any transfer of title to wheat by a producer by any means other than barter, exchange, or gift. The penalty on excess wheat is due regardless of what use is made of the excess wheat.

(2) The terms "barter" and "exchange" mean transfer of title to wheat by a producer in return for wheat or any other commodity, service, or property, in cases where the value of the wheat or such other commodity, service or property is not considered in terms of money or the transfer of title to wheat by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of wheat in lieu of a cash charge for harvesting or milling wheat (commonly called "toll wheat").

(3) The term "gift" means any transfer of title to wheat accompanied by delivery of the wheat by a producer which takes effect immediately and is irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed," "marketing," and "market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(ee) "Penalty" means the penalty provided in paragraph (2) of Public Law

No. 74, 77th Congress, as amended by section 3 of Public Law No. 117, 83rd Congress.

(ff) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

(gg) "State administrative officer" means the person employed to execute the policies of the State committee and to be responsible for the day-to-day operations of the office of the State committee, or the person acting in such capacity.

§ 728.752 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. Such forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 728.753 *Normal yields*—(a) *Farms for which normal yields will be determined.* The county committee will determine a normal yield for each farm for which a farm marketing excess is required to be determined for the 1957 crop for each farm for which it is necessary to establish a normal yield to determine whether the farm falls within the 200 bushel exemption, for each farm for which a request is made to the county committee by the operator prior to seeding, and for each farm as required for the purposes of the provisions of § 728.783 (h) and (i). Determinations of farm normal yields shall be documented in a manner approved by the State committee and such determinations shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of a farm normal yield shall be mailed to a producer until the yield has been approved by or on behalf of the State committee.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield per acre for all of the ten calendar years immediately preceding the calendar year in which the yield is determined are available to the county committee, the normal yield per acre of wheat for the farm shall be determined to be the average of such yields, adjusted for abnormal weather conditions and trends in yields.

(c) *Appraised yields.* If for any year of such 10-year period records of the actual average yield are not available, or there was no actual yield, the normal yield per acre of wheat for the farm shall be appraised by the county committee, taking into consideration abnormal weather conditions during such 10-year period, the normal yield for the county, and the yields in years for which data were available. Where conditions affecting the production of wheat are not uniform within the county and the normal yield for the county is not representative of the normal yield for the farm, the county committee in appraising the normal yield for the farm shall also take into consideration the yields obtained on farms in the same locality which are similar with respect to types of soil, topography, and farming practices associated with the production of wheat.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 728.754 *Identification of farms.* Each farm as operated for the 1957 crop of wheat shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1957 crop of wheat shall be identified by the farm serial number.

§ 728.755 *Measurement of farms.* The county committee shall provide for the measurement of all farms in the county having a 1957 wheat acreage allotment and any other farms in the county on which the committee has reason to believe there is wheat which could be available for harvest in 1957, regardless of its intended use, for the purposes of ascertaining with respect to each of such farms the acreage of wheat and whether such acreage is in excess of the farm wheat acreage allotment for 1957. A farm will be considered as being located in the county in which is located the ASC county office from which the 1957 wheat farm acreage allotment notice was sent to the operator and shall be retained in such status until the next crop year. Measurement shall be made under the general supervision of the county committee in accordance with the following provisions:

(a) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. In addition, upon request of the county committee the State administrative officer may designate an employee of the State committee to serve as a reporter. A reporter may be assisted in the measurement of a farm by another reporter, community, county or State committeeman, county office manager, State committee representative, any employee of the ASC county office when authorized by the county office manager, or any employee of the Department when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. The reporter may request the operator or producer, or his representative, to designate all fields on the farm being utilized for growing wheat and otherwise to assist in measuring the farm. If requested, the operator or producer, or his representative, shall so designate all fields being utilized for growing wheat and may otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer, or his representative.

(b) *Assignment.* The county office manager shall have responsibility for assigning in writing the farms in the county to be measured by a reporter. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to measure the wheat acreage on the farm in which the producer is interested.

(c) *Farm visit.* A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner, his assignment to measure the farm.

(d) *Methods of measurement.* Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain. No other measuring equipment shall be used unless approval in writing is obtained from the Deputy Administrator of Production Adjustment, Commodity Stabilization Service. Any combination of one or more of the foregoing methods may be employed. Measurement shall also be deemed to include an estimate when made in compliance with the provisions of paragraph (e) (1) of this section. The measurement will be entered by the reporter on the Form CSS–578 and filed in the ASC county office. Computations of acreages shall be made by an employee in the ASC county office from the data so obtained and the use of a planimeter or rotometer in connection therewith is authorized.

(e) *Measurement of wheat acreage.* (1) Upon his first visit to the farm for purposes of measurement the reporter assigned thereto shall (i) when there is no wheat acreage reserve agreement for the farm estimate the acreage planted to wheat including volunteer wheat and wheat mixtures in wheat-mixture counties where the total acreage of wheat is obviously less than 10 acres and all producers of wheat on the farm or their authorized representatives indicate on the Form CSS–578 that they will not apply for price support on 1957 wheat produced on the farm; and (ii) in all other cases measure all acreages on which wheat is growing except fields or parts of fields which are identified by the operator or producer as being fields of wheat mixtures in wheat-mixture counties, acreages to be used as cover crop, or volunteer wheat. The acreages of such wheat mixtures, cover crop, and volunteer wheat may be measured, and if not measured shall be estimated.

(2) All farms required to be measured under the provisions of subparagraph (1) (ii) of this paragraph which from such measurement (including estimates, if any) are found to have acreage on which wheat is growing in excess of the 1957 farm wheat acreage allotment shall be revisited by a reporter for the purposes of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any farm on which the first inspection showed a total acreage of wheat not in excess of 15 acres unless a producer on such farm requests measurement and pays the cost thereof by the date specified on Notice of 1957 Acreage of Wheat (Form CSS–597), which date shall coincide with the latest date on which the adjustment may be

made as provided in § 728.751 (u). On this visit all acreage devoted to wheat which has not been adjusted prior to harvest so as not to qualify as wheat acreage in accordance with the regulations in this subpart or which does not qualify as a wheat mixture in wheat-mixture exemption counties shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Prior measurements.* Measurements made prior to the effective date of the regulations in this subpart, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1957 wheat acreage and the wheat acreage in excess of the 1957 farm wheat acreage allotment.

§ 728.756 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the wheat acreage.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.757 *Marketing quotas in effect.* Marketing quotas for the 1957 crop of wheat shall be applicable in the 1957 commercial wheat-producing area which comprises all States in the continental United States except the States of Alabama, Arizona, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, Rhode Island and Vermont. Wheat marketing quotas shall be applicable to all wheat of the 1957 crop in the commercial wheat-producing area notwithstanding that it may be available for marketing prior to the beginning of the marketing year or subsequent to the end of the marketing year. Notwithstanding the inapplicability of wheat marketing quotas outside the 1957 commercial wheat-producing area, the regulations in this subpart shall be applicable to buyers and transferees outside such area.

§ 728.758 *Farm marketing quota.* The farm marketing quota for any farm for the 1957 crop of wheat shall be that number of bushels of wheat produced on the farm less the amount of the farm marketing excess for the farm.

§ 728.759 *Farm marketing excess.* The farm marketing excess for the 1957 crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor: *Provided*, That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 728.760 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1957 wheat crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same date to each other wheat producer on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1957 on the farm for which the notice is given. Each notice shall contain the information necessary in each case to inform the producer as to the basis for the determination set forth in the notice and the effect thereof and shall be on Form MQ–93—Wheat.

§ 728.761 *Farms for which proper notice of 1957 farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 728.760, 728.762, 728.783 and 728.784, the producer shall be so notified by the county committee on Form MQ–93—Wheat and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 728.762, 728.783 and 728.784. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ–93—Wheat with a copy of the determination of the county committee as provided in § 728.762 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 728.762 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1957 on any farm for which there is a farm marketing excess may (1) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1957 on the farm, or (2) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no wheat has been or will be produced in 1957 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section. The date on which the harvesting of wheat is normally substantially completed in the county or area in the county shall be determined by the State committee with the approval of the Secretary, taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The producer must furnish satisfactory proof to the county committee of his actual production. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. The established dates on which wheat harvest is normally substantially completed have been determined as aforesaid as follows:

ARKANSAS

June 25, 1957: All counties.

CALIFORNIA

July 1, 1957: Imperial.
August 15, 1957: Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yola, Yuba.
September 1, 1957: Alameda, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Sonoma.
September 15, 1957: Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mendocino, Mono, Nevada, Placer, Tuolumne.
October 1, 1957: Lassen, Modoc, Plumas, San Luis Obispo, Shasta, Sierra, Siskiyou, Trinity.

COLORADO

August 15, 1957: Larimer, Boulder, Jefferson, El Paso, Pueblo, Huerfano, Las Animas and all counties East thereof.

November 1, 1957: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, Grand, Jackson, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel, Teller.

DELAWARE

August 1, 1957: All counties.

GEORGIA

July 1, 1957: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven and all counties South thereof.
July 15, 1957: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties South to Area I.
August 1, 1957: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties North thereof.

IDAHO

September 1, 1957: Ada, Canyon, Gem, Owyhee, Payette.
September 15, 1957: Washington, Cassia, Gooding, Jerome, Minidoka, Twin Falls.
October 1, 1957: Benewah, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Boise, Elmore, Blaine, Camas, Lincoln, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Clark, Fremont, Jefferson, Lemhi.
October 15, 1957: Bonner, Valley, Bear Lake, Butte, Custer, Madison, Teton.

ILLINOIS

July 31, 1957: All counties.

INDIANA

July 16, 1957: All counties.

IOWA

July 31, 1957: All counties.

KANSAS

July 30, 1957: All counties.

KENTUCKY

August 1, 1957: All counties.

MARYLAND

August 1, 1957: All counties except Garrett and Allegany.
September 1, 1957: Allegany and Garrett.

MICHIGAN

August 15, 1957: All counties south of and including Mason, Lake, Osceola, Clare, Gladwin and Arenac.
August 31, 1957: All other counties including the upper Peninsula.

MINNESOTA

September 2, 1957: All counties.

MISSOURI

July 30, 1957: All counties.

MONTANA

September 16, 1957: All counties.

NEBRASKA

July 20, 1957: Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.
August 1, 1957: All other counties.

NEW JERSEY

July 24, 1957: All counties.

NEW MEXICO

July 15, 1957: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.
August 1, 1957: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (area east of Rio Puerco).
August 15, 1957: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (area west of Rio Puerco).
September 1, 1957: Any area above 7,000 feet elevation.

NEW YORK

August 15, 1957: All counties.

NORTH CAROLINA

July 15, 1957: All counties.

NORTH DAKOTA

October 1, 1957: All counties.

OHIO

July 18, 1957: All counties.

OKLAHOMA

July 1, 1957: For all counties except Beaver, Texas and Cimarron.
July 15, 1957: Beaver, Cimarron and Texas.

OREGON

September 1, 1957: Grant, Malheur, Umatilla.
September 15, 1957: Benton, Clackamas, Columbia, Douglas, Gilliam, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Union, Washington, Yamhill.
September 30, 1957: Wheeler.
October 1, 1957: Crook, Jefferson, Lake, Wasco.
October 15, 1957: Baker.
October 20, 1957: Harney.
November 1, 1957: Wallowa.
November 15, 1957: Deschutes.

PENNSYLVANIA

August 21, 1957: All counties.

SOUTH CAROLINA

July 1, 1957: All counties.

SOUTH DAKOTA

September 1, 1957: All counties.

TENNESSEE

July 31, 1957: All counties.

TEXAS

July 15, 1957: All counties.

UTAH

September 15, 1957: All counties.

VIRGINIA

September 1, 1957: Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Bland, Botetourt, Carroll, Craig, Floyd, Giles, Grayson, Montgomery, Patrick, Pulaski, Roanoke, Wythe, Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Rockbridge, Shenandoah, Warren.
July 20, 1957: All other counties.

WASHINGTON

August 15, 1957: Franklin.
August 31, 1957: Garfield, King.
September 1, 1957: Adams, Clark, Columbia, Cowlitz, East Ferry, Klickitat, Lincoln, Thurston, Walla Walla.
September 10, 1957: Grant, Douglas.
September 15, 1957: Asotin, Benton, Chelan, West Ferry, Spokane, Whitman.
September 20, 1957: Jefferson, Lewis, Mason.
September 30, 1957: Grays Harbor, Pierce, Skagit, Snohomish.
October 1, 1957: Okanogan, Pend Oreille, Yakima, Stevens.
October 15, 1957: Clallam, Island, Kittitas, San Juan, Whatcom.

WEST VIRGINIA

August 15, 1957: All counties.

WISCONSIN

September 1, 1957: All counties.

WYOMING

WINTER WHEAT

July 20, 1957: Goshen, Laramie, Platte.
August 5, 1957: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.
August 20, 1957: Big Horn, Fremont, Hot Springs, Park, Washakie.
September 1, 1957: Lincoln, Sublette, Sweetwater, Teton, Uinta.

SPRING WHEAT

July 30, 1957: Goshen, Laramie, Platte.
August 20, 1957: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.
September 1, 1957: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined on the basis of the relevant facts, including past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county

made as provided in § 728.751 (u). On this visit all acreage devoted to wheat which has not been adjusted prior to harvest so as not to qualify as wheat acreage in accordance with the regulations in this subpart or which does not qualify as a wheat mixture in wheat-mixture exemption counties shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Prior measurements.* Measurements made prior to the effective date of the regulations in this subpart, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1957 wheat acreage and the wheat acreage in excess of the 1957 farm wheat acreage allotment.

§ 728.756 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) the total acreage in cultivation, (d) the farm acreage allotment, and (e) the wheat acreage.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 728.757 *Marketing quotas in effect.* Marketing quotas for the 1957 crop of wheat shall be applicable in the 1957 commercial wheat-producing area which comprises all States in the continental United States except the States of Alabama, Arizona, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, Rhode Island and Vermont. Wheat marketing quotas shall be applicable to all wheat of the 1957 crop in the commercial wheat-producing area notwithstanding that it may be available for marketing prior to the beginning of the marketing year or subsequent to the end of the marketing year. Notwithstanding the inapplicability of wheat marketing quotas outside the 1957 commercial wheat-producing area, the regulations in this subpart shall be applicable to buyers and transferees outside such area.

§ 728.758 *Farm marketing quota.* The farm marketing quota for any farm for the 1957 crop of wheat shall be that number of bushels of wheat produced on the farm less the amount of the farm marketing excess for the farm.

§ 728.759 *Farm marketing excess.* The farm marketing excess for the 1957 crop of wheat for any farm shall be the normal production of the wheat acreage on the farm in excess of the farm acreage allotment therefor: *Provided*, That the farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of wheat on the farm exceeds the normal production of the farm wheat acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 728.760 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1957 wheat crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same date to each other wheat producer on the farm. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1957 on the farm for which the notice is given. Each notice shall contain the information necessary in each case to inform the producer as to the basis for the determination set forth in the notice and the effect thereof and shall be on Form MQ–93—Wheat.

§ 728.761 *Farms for which proper notice of 1957 farm marketing quota and farm marketing excess of wheat was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of wheat established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 728.760, 728.762, 728.783 and 728.784, the producer shall be so notified by the county committee on Form MQ–93—Wheat and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 728.762, 728.783 and 728.784. In the event application for downward adjustment in the farm marketing excess is made by the producer, a revised notice on Form MQ–93—Wheat with a copy of the determination of the county committee as provided in § 728.762 (b) shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers.

§ 728.762 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the wheat produced in 1957 on any farm for which there is a farm marketing excess may (1) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of wheat produced in 1957 on the farm, or (2) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. Notwithstanding the foregoing provisions of this paragraph, whenever the county committee determines that no wheat has been or will be produced in 1957 on a farm with a farm marketing excess, the county committee may adjust the farm marketing excess and notify the operator of such adjustment, as provided in paragraph (b) of this section. The date on which the harvesting of wheat is normally substantially completed in the county or area in the county shall be determined by the State committee with the approval of the Secretary, taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date, or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess wheat acreage for the farm shall be final as to the producers on the farm. The producer must furnish satisfactory proof to the county committee of his actual production. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made. The established dates on which wheat harvest is normally substantially completed have been determined as aforesaid as follows:

ARKANSAS

June 25, 1957: All counties.

CALIFORNIA

July 1, 1957: Imperial.

August 15, 1957: Butte, Colusa, Fresno, Glenn, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yola, Yuba.

September 1, 1957: Alameda, Contra Costa, Lake, Marin, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Sonoma.

September 15, 1957: Alpine, Amador, Calaveras, Del Norte, El Dorado, Humboldt, Inyo, Mariposa, Mendocino, Mono, Nevada, Placer, Tuolumne.

October 1, 1957: Lassen, Modoc, Plumas, San Luis Obispo, Shasta, Sierra, Siskiyou, Trinity.

COLORADO

August 15, 1957: Larimer, Boulder, Jefferson, El Paso, Pueblo, Huerfano, Las Animas and all counties East thereof.

November 1, 1957: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Dolores, Eagle, Fremont, Garfield, Grand, Jackson, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Rio Grande, Routt, Saguache, San Miguel, Teller.

DELAWARE

August 1, 1957: All counties.

GEORGIA

July 1, 1957: Area I—Quitman, Randolph, Terrell, Lee, Crisp, Wilcox, Dodge, Wheeler, Montgomery, Toombs, Candler, Bulloch, Screven and all counties South thereof.

July 15, 1957: Area II—Haralson, Paulding, Cobb, Fulton, Gwinnett, Barrow, Jackson, Madison, Franklin, and all counties South to Area I.

August 1, 1957: Area III—Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, and all counties North thereof.

IDAHO

September 1, 1957: Ada, Canyon, Gem, Owyhee, Payette.

September 15, 1957: Washington, Cassia, Gooding, Jerome, Minidoka, Twin Falls.

October 1, 1957: Benewah, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Adams, Boise, Elmore, Blaine, Camas, Lincoln, Bannock, Bingham, Caribou, Franklin, Oneida, Power, Bonneville, Clark, Fremont, Jefferson, Lemhi.

October 15, 1957: Bonner, Valley, Bear Lake, Butte, Custer, Madison, Teton.

ILLINOIS

July 31, 1957: All counties.

INDIANA

July 16, 1957: All counties.

IOWA

July 31, 1957: All counties.

KANSAS

July 30, 1957: All counties.

KENTUCKY

August 1, 1957: All counties.

MARYLAND

August 1, 1957: All counties except Garrett and Allegany.

September 1, 1957: Allegany and Garrett.

MICHIGAN

August 15, 1957: All counties south of and including Mason, Lake, Osceola, Clare, Gladwin and Arenac.

August 31, 1957: All other counties including the upper Peninsula.

MINNESOTA

September 2, 1957: All counties.

MISSOURI

July 30, 1957: All counties.

MONTANA

September 16, 1957: All counties.

NEBRASKA

July 20, 1957: Burt, Butler, Cass, Clay, Colfax, Cuming, Dodge, Douglas, Fillmore, Gage, Jefferson, Johnson, Lancaster, Nemaha, Nuckolls, Otoe, Pawnee, Richardson, Saline, Sarpy, Saunders, Seward, Thayer, Thurston, Washington, Webster, York.

August 1, 1957: All other counties.

NEW JERSEY

July 24, 1957: All counties.

NEW MEXICO

July 15, 1957: Chaves, Eddy, Hidalgo, Otero, Dona Ana, Grant, Luna, Lea, Sierra.

August 1, 1957: Bernalillo, Curry, De Baca, Guadalupe, Lincoln, Quay, Roosevelt, Santa Fe, Socorro, Torrance, Valencia (area east of Rio Puerco).

August 15, 1957: Colfax, Catron, Sandoval, Harding, Mora, McKinley, Rio Arriba, San Juan, San Miguel, Taos, Union, Valencia (area west of Rio Puerco).

September 1, 1957: Any area above 7,000 feet elevation.

NEW YORK

August 15, 1957: All counties.

NORTH CAROLINA

July 15, 1957: All counties.

NORTH DAKOTA

October 1, 1957: All counties.

OHIO

July 18, 1957: All counties.

OKLAHOMA

July 1, 1957: For all counties except Beaver, Texas and Cimarron.

July 15, 1957: Beaver, Cimarron and Texas.

OREGON

September 1, 1957: Grant, Malheur, Umatilla.

September 15, 1957: Benton, Clackamas, Columbia, Douglas, Gilliam, Jackson, Josephine, Klamath, Lane, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Union, Washington, Yamhill.

September 30, 1957: Wheeler.

October 1, 1957: Crook, Jefferson, Lake, Wasco.

October 15, 1957: Baker.

October 20, 1957: Harney.

November 1, 1957: Wallowa.

November 15, 1957: Deschutes.

PENNSYLVANIA

August 21, 1957: All counties.

SOUTH CAROLINA

July 1, 1957: All counties.

SOUTH DAKOTA

September 1, 1957: All counties.

TENNESSEE

July 31, 1957: All counties.

TEXAS

July 15, 1957: All counties.

UTAH

September 15, 1957: All counties.

VIRGINIA

September 1, 1957: Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington, Wise, Bland, Botetourt, Carroll, Craig, Floyd, Giles, Grayson, Montgomery, Patrick, Pulaski, Roanoke, Wythe, Alleghany, Augusta, Bath, Clarke, Frederick, Highland, Page, Rockingham, Rockbridge, Shenandoah, Warren.

July 20, 1957: All other counties.

WASHINGTON

August 15, 1957: Franklin.

August 31, 1957: Garfield, King.

September 1, 1957: Adams, Clark, Columbia, Cowlitz, East Ferry, Klickitat, Lincoln, Thurston, Walla Walla.

September 10, 1957: Grant, Douglas.

September 15, 1957: Asotin, Benton, Chelan, West Ferry, Spokane, Whitman.

September 20, 1957: Jefferson, Lewis, Mason.

September 30, 1957: Grays Harbor, Pierce, Skagit, Snohomish.

October 1, 1957: Okanogan, Pend Oreille, Yakima, Stevens.

October 15, 1957: Clallam, Island, Kittitas, San Juan, Whatcom.

WEST VIRGINIA

August 15, 1957: All counties.

WISCONSIN

September 1, 1957: All counties.

WYOMING

WINTER WHEAT

July 20, 1957: Goshen, Laramie, Platte.

August 5, 1957: Albany, Campbell, Carbon, Converse, Crook, Johnson, Natrona, Niobrara, Sheridan, Weston.

August 20, 1957: Big Horn, Fremont, Hot Springs, Park, Washakie.

September 1, 1957: Lincoln, Sublette, Sweetwater, Teton, Uinta.

SPRING WHEAT

July 30, 1957: Goshen, Laramie, Platte.

August 20, 1957: Big Horn, Campbell, Converse, Crook, Fremont, Hot Springs, Johnson, Natrona, Niobrara, Park, Sheridan, Washakie, Weston.

September 1, 1957: Albany, Carbon, Lincoln, Sublette, Sweetwater, Teton, Uinta.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production of any farm shall be determined on the basis of the relevant facts, including past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of wheat on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county

committee shall be in writing and shall contain (1) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon the questions of fact, and (3) the determination of the county committee as to the farm marketing quota and farm marketing excess. A revised notice on Form MQ–93—Wheat with a copy of the determination made as aforesaid shall be mailed to the operator of the farm, to the applicant if he is not such operator, and to all other interested producers. All county committee determinations made in connection with applications for adjustment in the farm marketing excess shall be subject to review and revision by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman. No notice of the determination shall be mailed to the operator until the determination has been approved by or on behalf of the State committee.

§ 728.763 *Publication of the farm acreage allotments, marketing quotas, and marketing excesses.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 728.764 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 728.765 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a wheat crop produced on a farm for which a farm marketing quota and farm marketing excess were established, shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of wheat. However, a successor to a deceased producer shall not be personally liable for an unpaid marketing quota penalty incurred by the producer prior to his death, but a suit may be brought to enforce the lien for the penalty against the wheat. If a successor in interest should acquire from a deceased producer wheat subject to the lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor in interest to market the wheat penalty free until the penalty has been satisfied.

§ 728.766 *Review of quotas*—(a) *Right to review by a review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided*, That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (21 F. R. 9365) as issued by the Secretary (Part 711 of this chapter).

(b) *Action by county committee prior to review hearing.* Action shall be taken by the county committee prior to the review hearing in accordance with § 711.14 of the review regulations (21 F. R. 9365).

(c) *Court review.* If a producer is dissatisfied with the determination of the review committee, he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 728.767 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Wheat (1957)) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 728.778 or § 728.779, (3) the farm marketing excess is stored, as provided in § 728.783, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 728.784. Upon request a marketing card will be issued to any wheat producer for a farm outside the commercial wheat-producing area. Marketing cards will be delivered to producers at the office of the county committee, except that if the county committee determines that it would facilitate the effective administration of the Act marketing cards may be mailed to the producers entitled thereto. Each marketing card shall be serially numbered and shall show the names of the State and county and code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the countersignature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the countersignature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if any producer on the farm owes any penalty for 1954, 1955, or 1956 excess wheat, or if determination of the 1957 wheat acreage has not been made and has been prevented by any producer on the farm. A producer shall not be considered to owe any penalty if he has avoided or postponed payment of the penalty through storage of excess wheat in accordance with applicable regulations.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a wheat producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one wheat marketing card need be issued to a producer who has an interest in the wheat crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the wheat crop, and (3) the producer's liability has not been reduced to a proportionate share of any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of wheat in more than one county (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county shall be followed with respect to all such farms, wherever situated, if the county committees of the respective counties or if the State committee determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of wheat, together with any other information deemed necessary to enforce the act.

(c) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify wheat produced on any farm the serial number of which is not entered on the card. A marketing card shall not be used to market any wheat which was not produced on a farm the serial number of which appears on the marketing card.

§ 728.768 *Issuance of marketing certificates.* The county office manager or his designee shall, upon request, issue a marketing certificate, Form MQ–76—Wheat, to any producer (a) who is eligible to receive a marketing card and who desires to market wheat by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (b) whose liability has been reduced to a proportionate share of the entire penalty and discharge in accordance with the provisions of § 728.778 (c), (c) who

is ineligible to receive a marketing card solely because of penalties owed for 1954, 1955, or 1956 excess wheat, or (d) who is ineligible to receive a marketing card solely because of excess wheat produced on another farm as provided in § 728.767 (b). Upon request, a marketing certificate will be issued to any wheat producer outside the commercial wheat-producing area. Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county and the code number thereof and the serial number for the farm, (3) the serial number of the marketing card assigned to the producer for the farm, (4) the signature of the county office manager or his designee, (5) the name of the buyer or transferee, (6) the number of bushels of wheat involved in the transaction, and (7) the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify wheat produced on any farm the serial number of which is not entered on the certificate.

§ 728.769 *Lost, destroyed, or stolen marketing cards, marketing certificates, or soil bank delivery orders*—(a) *Report of loss, destruction, or theft.* In case a marketing card, marketing certificate, or producer's copy of soil bank delivery order (Form CCC–382 or CCC–103) delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able, immediately notify the ASC county office of the following: (1) the name of the operator of the farm for which such marketing card, marketing certificate, or soil bank delivery order was issued; (2) the name of the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued, if someone other than the operator; (3) the serial number of the marketing card, marketing certificate, or soil bank delivery order, and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.

(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card, marketing certificate, or producer's copy of soil bank delivery order was in fact lost, destroyed, or stolen, it shall cause to be cancelled such marketing card, marketing certificate, or producer's copy of soil bank delivery order and instruct the county office manager to give notice to the producer to whom the marketing card, marketing certificate, or soil bank delivery order was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last-known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card, marketing certificate, or soil bank delivery order was issued, it shall cause to be issued to or for him a marketing card, marketing certificate, or producer's copy of soil bank delivery order to replace the lost, destroyed, or stolen marketing card, marketing certificate, or producer's copy of soil bank delivery order. Each marketing card, marketing certificate, or producer's copy of soil bank delivery order issued under this section shall bear across its face in bold letters the word "Duplicate." In case a marketing card, marketing certificate, or producer's copy of soil bank delivery order is cancelled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, elevator operators, or warehousemen who serve the county, or the immediate vicinity of the farm, that the marketing card, marketing certificate, or producer's copy of soil bank delivery order is cancelled and of the issuance of any duplicate. Any person coming into possession of a cancelled marketing card, marketing certificate, or producer's copy of soil bank delivery order shall immediately return it to the ASC county office from which it was issued.

§ 728.770 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 728.769 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "cancelled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the elevator operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing shall be kept among the records of the ASC county office.

IDENTIFICATION OF WHEAT

§ 728.771 *Time and manner of identification.* Each producer of wheat and each intermediate buyer shall, at the time he markets any wheat, identify the wheat, including wheat in a mixture, to the buyer or transferee, in the manner hereinafter provided, as being subject to or not subject to the penalty or the lien for the penalty.

§ 728.772 *Identification by marketing card.* A marketing card (MQ–76—Wheat (1957)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the wheat for which the marketing card was issued may be purchased without the payment of the penalty by him and that such wheat is not subject to the lien for the penalty.

§ 728.773 *Identification by marketing certificate.* A marketing certificate (MQ–94—Wheat), properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer, be evidence that the amount of wheat shown thereon may be purchased without the payment of any penalty by him and that such wheat is not subject to the lien for penalty.

§ 728.774 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Wheat), properly executed by the first intermediate buyer and the producer of the wheat and any subsequent buyer in the manner outlined in §§ 728.787 (d) and 728.788 shall be evidence to any buyer that the wheat covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Wheat shows the serial number of the marketing card, marketing certificate, or soil bank delivery order by which the wheat was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Wheat bears the endorsement "Penalty Satisfied" and the signature and title of a treasurer of a county committee and the date thereof.

§ 728.775 *Wheat identified as subject to the penalty and lien for the penalty.* All wheat marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 728.772, § 728.773, or § 728.774 shall be taken by the buyer thereof as wheat subject to penalty and the lien for the penalty and the buyer of such wheat shall pay the penalty thereon at the rate prescribed in § 728.776. A person other than a producer or intermediate buyer offering wheat sweepings or spillage for sale shall obtain a certification from the elevator opertor, warehouseman, feeder, or processor, or other grain dealer who conducts his business in a manner substantially the same as an elevator operator or warehouseman, stating that the wheat had previously been marketed to the person executing the certificate if such is the fact. Such certification shall be kept as part of the records of the buyer who buys the sweepings or spillage. Any person other than a producer or intermediate buyer offering wheat accumulated from samples taken for grading and testing purposes shall obtain a certification from the grader or tester certifying that the wheat was an accumulation of samples. Such certification shall be kept as part of the records of the buyer who buys the samples. The quantity of wheat obtained by a producer by redemption of Soil Bank Certificates, Form CCC 379, if offered for sale, shall be taken by the buyer as penalty free if identified by the producer's copy of the soil bank delivery order, Form CCC–382 or Form CCC–103 completely filled in by the county committee.

PENALTY

§ 728.776 *Rate of penalty.* The rate of penalty shall be 45 percent of the parity price of wheat as of May 1, 1957.

§ 728.777 *Lien for penalty.* The entire amount of wheat produced in 1957 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with § 728.783, § 728.784, § 728.778, or § 728.779, store the farm marketing excess or deliver it to the Secretary, or until the amount of the penalty is paid.

§ 728.778 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the wheat produced in 1957 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of wheat produced on the farm.

(b) *Time when penalties become due.* The farm marketing excess for any farm shall be regarded as available for marketing and the penalty thereon shall become due at the time any wheat produced on the farm is harvested. Notwithstanding the foregoing, in any event, the amount of the penalty with respect to the farm marketing excess shall become due and be remitted not later than 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated, as determined in accordance with § 728.762 (a), or not later than 30 calendar days after notice of the farm marketing excess of wheat is mailed to the producer as provided in § 728.761: *Provided, however,* That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 728.784 or § 728.761 shall not be remitted: *And provided further,* That the penalty on that amount of the farm marketing excess which is stored pursuant to § 728.783 or § 728.761 shall not be remitted until the time, and to the extent, of any depletion in the amount of wheat so stored not authorized as provided in § 728.783 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made (1) within 60 days after the harvesting of wheat is normally substantially completed in the county or area in the county in which the farm is situated (as established in § 728.762 (a)) or (2) in the case of a delayed notice of the farm marketing excess within 30 days from the date such notice is mailed to him determine his proportionate share of the penalty on the farm marketing excess, if pursuant to the application, the producer establishes the fact that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess in accordance with § 728.783 or § 728.784, that his share of the wheat crop produced on the farm is marketed or disposed of by him separately and that he exercises no control over the marketing or disposition of the shares of the other producers in the wheat crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the wheat produced in 1957 on the farm bears to the total amount of wheat produced in 1957 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 728.783 or § 728.784, stores or delivers to the Secretary the number of bushels required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 728.768 to be used by him only in the marketing of his proportionate share of the wheat crop produced in 1957 on the farm.

§ 728.779 *Payment of penalties by buyer*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any wheat subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Wheat shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Wheat (1957)), marketing certificate (MQ–94—Wheat), or a completed producer's copy of the soil bank delivery order, Form CCC–382 or CCC–103, as prescribed in §§ 728.772, 728.773 and 728.775, except that buyers whose places of business are outside the commercial wheat-producing area need not require identification as aforesaid of wheat produced outside the commercial wheat-producing area. In all cases where such buyer is not satisfied that the wheat was produced outside the commercial wheat-producing area, he should obtain the identification required herein.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys wheat which is subject to the lien for the penalty shall pay the amount of the penalty on each bushel thereof in satisfaction of the lien thereon. Wheat purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Wheat, properly executed by the producer of the wheat and the first intermediate buyer, which show (1) the serial number of marketing card, marketing certificate, or soil bank delivery order by which the wheat covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of a treasurer of the county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the wheat is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any wheat an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the wheat was purchased a receipt for the amount so deducted which shall be, in the case of wheat purchased from the producer by an intermediate buyer, on MQ–95—Wheat, and, in all other cases, on MQ–81—Wheat.

§ 728.780 *Remittance of penalties to the treasurer of the county committee.* The penalty shall be delivered or mailed to the county committee. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Commodity Stabilization Service. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Wheat, the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 728.781 *Deposit of funds.* All funds received in the office of the county committee in connection with penalties for wheat shall be scheduled and transmitted by the treasurer of the county committee on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (herein referred to as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county committee bank account and issue a check in the amount thereof, payable to the order of the Commodity Stabilization Service. The treasurer of the county committee shall make and keep a record of each amount received in the county office, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the wheat in connection with which the funds were remitted.

§ 728.782 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess wheat or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the remainder, if any shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess, or (2) the amount which is in excess of the security required for stored excess wheat and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the wheat, or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the county committee and transmitted by the treasurer of the county committee to the State committee.

§ 728.783 *Storage of farm marketing excess*—(a) *Amount of wheat to be stored.* The number of bushels of wheat in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined, at the time of storage, under § 728.759 or § 728.762, whichever is applicable.

(b) *Kinds of storage—commingling and substitution.* Excess wheat shall be stored either in an elevator or warehouse duly licensed and authorized to issue warehouse receipts under Federal or State laws, hereinafter referred to as "licensed storage," or in any other place adapted to the storage of wheat, hereinafter referred to as "non-licensed storage." Commingling and substitution shall be permissible in the case of licensed storage. In the case of non-licensed storage excess wheat for 1957 or any prior year may with the prior written approval of the county committee be commingled with stored excess wheat from any other year and any or all stored excess wheat of a prior year may be replaced by wheat produced by the same producer in 1957 on the same or any other farm if (1) the county committee gives prior written approval of such replacements; (2) the county committee determines that the 1957 wheat crop is of a quality equal to or better than the wheat of the prior year in storage and for which substitution is to be made; (3) the stored excess of the prior year which is removed from storage is replaced by an equivalent amount of the 1957 crop wheat within 30 days after such removal; and (4) the requirements of this section with respect to furnishing a bond or depositing funds in escrow are complied with. The removal of stored excess wheat of a prior crop from storage without compliance with all conditions precedent or subsequent to such removal shall constitute unauthorized depletion of the storage amount and shall be subject to penalty as provided in § 728.783 (g). Wheat in which the producer has an interest produced on any farm may be stored in any location to postpone the penalty on any excess wheat in which the same producer has an interest, provided the wheat so stored is determined by the county committee, to be of a quality equal to or better than the wheat produced on the farm with the excess. The storage of wheat in non-licensed storage shall be effective only if the producer submits a written statement showing the exact location of the stored wheat by quarter section or other comparable descriptive location in areas where description is not by quarter sections. Excess wheat for any year which was properly stored in non-licensed storage in order to postpone the payment of a penalty or with a view to avoiding such penalty may be moved to licensed storage if, prior to the movement of the wheat, a written request to do so is filed with the county committee and approval of such committee is granted in writing and if the wheat is moved and stored in licensed storage in accordance with paragraph (c) of this section within 15 days after approval is granted. When all requirements for licensed storage have been met in accordance with the foregoing provisions the bond or escrow funds held in connection with the non-licensed storage may be released. The penalty on any stored wheat removed from non-licensed storage without the prior written authorization from the county committee shall be due on such removal. Wheat stored in non-licensed storage shall be subject to inspection at all times by officers or employees of the Department, or members, officers or employees of the appropriate State or county committee.

(c) *Licensed storage; deposit of warehouse receipts in escrow.* The storage of excess wheat in licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective for such purposes only when a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be an endorsed negotiable receipt or a non-negotiable receipt as to which the warehouseman or elevator operator has been notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the wheat covered thereby is to be made under the terms of the deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the wheat is stored shall be and shall remain liable for all charges incident to the storage of the wheat and that the county committee and the United States in no way shall be liable for such charges. Whenever the penalty with respect to wheat covered by the warehouse receipts is paid or otherwise satisfied in accordance with law, the warehouse receipt shall be returned to the person who deposited it.

(d) *Non-licensed storage bonds.* The storage of excess wheat in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when a good and sufficient bond of indemnity, on a form prescribed for the purpose, is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored, or funds are deposited in escrow as hereinafter provided. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the wheat and either by two persons as sureties who are not producers on the farm and who own real property with an unencumbered value of double the principal sum of the bond, exclusive of homestead exemptions, or by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds to the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of the depletion of any amount stored which is not authorized under these regulations, and that if at any time any producer on the farm prevents the inspection of any wheat so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced for any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A new bond covering all excess wheat of the producer stored in non-licensed storage and not covered by funds in escrow shall be required as a condition for commingling wheat or permitting substitution of 1957 wheat for stored excess wheat of prior years. In such case upon approval and acceptance of the new bond the old bond may be released. The bond of indemnity provided for in this paragraph may be waived by the county committee with the approval of the State committee if the excess was produced by a State or State institution or other agency of a State or by a Federal institution or Federal agency: *Provided,* That as a condition of the waiver the head of the State or Federal institution or State or Federal agency shall agree in writing to comply with all the other provisions of these regulations with respect to stored farm marketing excess.

(e) *Non-licensed storage; deposit of funds in escrow.* The storage of excess wheat in non-licensed storage in order to postpone the payment of the penalty or with a view to avoiding such penalty, if a bond is not furnished in compliance with §§ 728.750 to 728.798, shall be effective for such purpose only when an amount of money equal to the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty and the right of inspection during the period of storage. The treasurer of the county committee shall receive all checks, drafts, and money orders subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of wheat stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized and that if at any time any producer on the farm prevents inspection of any wheat so stored, the penalty on the entire amount stored shall be paid forthwith. In case approval is granted to commingle wheat or to substitute 1957 wheat for wheat of prior years there shall be on deposit in escrow, pursuant to the provisions of this paragraph, funds which cover all excess wheat for any year stored by the producer in non-licensed storage pursuant to this section which is not covered by a bond given pursuant to paragraph (d) of this section. Whenever the penalty with respect to wheat covered by funds in escrow is paid or otherwise satisfied in accordance with law the amount of funds covering such wheat shall be released to the person who made the escrow deposit.

(f) *Time of storage.* Storage of wheat in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b) and (c), (d) or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 728.778 (b), or § 728.761, for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess wheat.* The penalty on the amount of excess wheat stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of wheat stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess wheat exceeds the farm marketing excess for the farm as determined in accordance with § 728.762, (2) the amount by which the stored excess wheat exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee determination, (3) the amount of any wheat destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any wheat delivered to the Secretary under the provisions of § 728.784. The penalty on the amount of any unauthorized depletion in the storage amount shall be at the rate applicable to the marketing year in which the stored excess wheat was produced, except that if the storage amounts of two or more crops are commingled or if the storage amount of one crop is replaced by wheat of another crop, as provided in paragraph (b) of this section, the penalty shall be computed first at the rate applicable to the marketing year for the oldest crop involved in the storage amount until the entire penalty for the storage amount of such crop is satisfied and thereafter in turn at the rate applicable to the marketing year for each of the next oldest crops involved in the storage amount until the entire penalty for the storage amount of each such crop is satisfied.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the wheat acreage on any farm for the 1958 or subsequent crop of wheat is less than the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any wheat so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the normal production of the number of acres by which the acreage planted to wheat is less than the farm acreage allotment. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to wheat or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove wheat from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the end of the wheat seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the wheat crop which was or could have been planted on the farm. For the purpose of this paragraph the acreage planted to wheat shall be the wheat acreage on the farm plus the acreage diverted from the production of wheat under the Soil Bank acreage reserve program.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever the actual production of wheat in 1958 or any subsequent year on any farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess wheat in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage without penalty, any wheat so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section exceeds the amount of wheat produced on the farm in that year. The actual production of wheat on the farm shall include in addition to the wheat actually produced on the farm the production of wheat attributed to the Soil Bank acreage reserve for the farm on the basis of the yield used or which could have been used for determining the rate of payment per acre for the acreage reserve program. The amount of wheat which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess wheat from any other crop is authorized to be removed from storage in connection with the farm. The amount of wheat which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess wheat to the extent of their need therefor in accordance with their proportionate shares in the wheat crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of wheat produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove wheat from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the wheat is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the wheat crop on the farm.

§ 728.784 *Delivery of the farm marketing excess to the Secretary—(a) Amount of wheat to be delivered.* The amount of wheat delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined, at the time of delivery, in accordance with § 728.759 or § 728.762, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any wheat tendered to avoid the payment of the penalty. The delivery of the wheat for this purpose shall be effective only when the producers having an interest in the wheat to be so delivered convey to the Secretary all right, title, and interest in and to the wheat by executing a form provided for this purpose, and (1) deliver the wheat to a wheat elevator or warehouse and tender to the treasurer of the county committee, the elevator or warehouse receipts for the amount of the wheat, or (2) if the producer shows to the satisfaction of the county committee that it is impracticable to deliver the wheat to an elevator or warehouse and receive an elevator or warehouse receipt therefor, deliver the wheat at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the wheat so delivered shall be returned to the producer. Insofar as practicable, the wheat so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any wheat which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for the shipment for relief overseas.

(c) *Time of delivery.* Excess wheat may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of wheat is normally substantially completed in the county as determined in accordance with § 728.762 (a), or pursuant to § 728.761. Excess wheat may be delivered to the Secretary after such period only if the excess wheat was stored in accordance with the provisions of § 728.783 (a) through (f) and the wheat has not gone out of condition through any fault of the producer.

§ 728.785 *Refund of penalty, erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty. Any claim filed pursuant to this section shall be made in accordance with regulations prescribed by the Secretary.

§ 728.786 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 728.778 through 728.780. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the Department, which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 728.787 *Records to be kept and reports to be made by warehousemen, elevator operators, feeders, or processors, and buyers other than intermediate buyers—(a) Necessity for records and reports.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives wheat from the producer or intermediate buyer thereof shall in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act: *Provided*, That a warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, whose place of business is outside the commercial wheat-producing area need not keep records of the identification of wheat produced outside the commercial wheat-producing area.

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the wheat or the name and address of the person who acquired the wheat through redemption of a soil bank certificate, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1957)), marketing certificate (MQ–94—Wheat), intermediate buyer's record and report (MQ–95—Wheat), or soil bank delivery order (CCC–382 or CCC–103) by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such person required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Wheat which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with wheat subject to penalty.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, who purchases any wheat from the producer or intermediate buyer thereof which is not identified at the time the wheat is purchased in the manner provided in §§ 728.772, 728.773, 728.744 and 728.775 shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Wheat and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the wheat was purchased or acquired, (2) the date of the transaction, (3) the amount of the wheat, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to penalty was deducted from the price or consideration paid for the wheat. Each record and report on MQ–81—Wheat shall be executed in triplicate. The person who executes MQ–81—Wheat shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with wheat, and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that wheat was not identified by MQ–76—Wheat (1957) as provided in § 728.772, or MQ–94—Wheat as provided in § 728.773, or MQ–95—Wheat as provided in § 728.774, or CCC–382 or CCC–103 as provided in § 728.775 if the serial number of the marketing card, marketing certificate, intermediate buyer's record and report, or soil bank delivery order does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with wheat identified by intermediate buyer's records and reports and soil bank delivery orders.* Whenever wheat is identified by the intermediate buyer's record and report (MQ–95—Wheat) executed in accordance with § 728.788, the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the wheat covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the wheat covered by the record and report. In all other cases, where the warehouseman, elevator operator, feeder or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the wheat covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and

signature, the amount of wheat purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the wheat. The provisions of this paragraph for endorsing the intermediate buyer's record and report when only a portion of the wheat covered by the report is purchased shall also be followed when only a portion of the wheat covered by a soil bank delivery order is purchased.

(e) *Records in connection with wheat identified by marketing certificates.* Whenever wheat is identified by a marketing certificate (MQ–94—Wheat), the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, who purchases the wheat so identified shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted not later than 15 calendar days next succeeding the day on which the wheat was marketed to a warehouseman, elevator operator, feeder, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the wheat was produced.

§ 728.788 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to wheat, the provisions of the act.

(b) *Form of record and report in connection with wheat purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any wheat from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95–Wheat) of the following information: (1) The name and address of the producer from whom the wheat was purchased or acquired (2) the names of the county and State in which the wheat was produced, (3) the date of the transaction, (4) the number of bushels of wheat, (5) the serial number of the marketing card, marketing certificate or soil bank delivery order by which the producer identified the wheat at the time it was marketed, or if the wheat is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the wheat, and (6) the year in which the wheat was harvested. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Wheat. One copy of MQ–95—Wheat so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the wheat. One copy of MQ–95—Wheat so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever wheat is identified by a marketing certificate (MQ–94—Wheat), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Wheat to be delivered to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, who finally acquires the wheat covered by MQ–95—Wheat and marketing certificate MQ–94—Wheat. Whenever the intermediate buyer markets or delivers a portion of the wheat covered by a single MQ–95—Wheat to another and retains a portion of the wheat, the intermediate buyer shall obtain from the person to whom the portion of the wheat is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Wheat showing the name and signature of the person, the number of bushels of wheat marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ–95—Wheat to the warehouseman, elevator operator, feeder, or processor, or the buyer other than an intermediate buyer, to whom all of the remaining of the wheat covered thereby is marketed. When wheat is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Wheat shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer. If all or the remainder of the wheat is not marketed or delivered to a warehouseman, elevator operator, feeder, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Wheat contained in a book have been executed or on December 31, 1957, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Wheat which were retained by him. Books of Form MQ–95—Wheat shall be reissued to any intermediate buyer upon request after December 31, 1957. In the event that the county committee or State committee has reason to do so, any or all intermediate buyers to whom books of Form MQ–95—Wheat were issued after December 31, 1957, may be requested to mail or deliver on or before June 30, 1958, to the treasurer of the county committee from whom the book was obtained, the executed copies and unexecuted sets of Form MQ–95—Wheat.

§ 728.789 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with these regulations, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last-known address, make a report verified as true and correct by affidavit, on MQ–97—Wheat to such committee with respect to all wheat purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of wheat purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the wheat, (b) the date of the transaction, (c) the amount of wheat, (d) the serial number of the marketing card (MQ–76—Wheat (1957), marketing certificate (MQ–94—Wheat), soil bank delivery order CCC–382 or CCC–103), intermediate buyer's record and report (M–95—Wheat), or the report and penalty receipt (MQ–81—Wheat), and (e) the amount of the lien for the penalty or the amount of penalty incurred in conection with the wheat purchased or acquired.

§ 728.790 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 728.787, § 728.788, or § 728.789 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 728.791 *Records to be kept and reports to be made by producers.* Each producer with respect to the 1957 wheat crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to wheat the provisions of the act. Upon written requests of the county committee any producer shall, within 15 days from the date the request was mailed to him file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ–98—Wheat showing for the farm the following information: (a) The total number of bushels of wheat produced thereon in 1957, (b) the name and address of each buyer or transferee of any wheat, (c) the amount of the wheat sold to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the wheat, (e) the amount of wheat of the 1957 crop disposed of other than by sale and the manner of disposition, (f) the amount of wheat of the 1957 crop on hand, and (g) wheat acreage for 1957.

§ 728.792 *Data to be kept confidential.* Except as otherwise provided herein, all data reported to or acquired by the Secretary pursuant to and in the manner provided in the regulations in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agents' offices, and shall not be disclosed to anyone not having an interest in or responsibility for any wheat, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported or acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 728.793 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 728.789 through 728.791, and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in quintuplicate, to the Office of the General Counsel of the Department, which shall have authority to refer such cases for the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 728.794 *Farms on which the wheat acreage is not in excess of 15 acres or on which the normal production of the wheat acreage is less than 200 bushels*—(a) *Conditions of exemption.* A farm marketing quota for wheat for the 1957 crop shall not be applicable to any farm on which the wheat acreage for the 1957 crop is not in excess of 15 acres, or on which the normal production of the 1957 wheat acreage is less than 200 bushels.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 728.767 to 728.770, inclusive.

§ 728.795 *Experimental wheat farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any wheat of the 1957 crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or to wheat produced for experimental purposes only by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the wheat and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the issuance of a marketing card for the farm. The production of foundation, registered or certified seed wheat will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 728.767 to 728.770, inclusive.

§ 728.796 *Wildlife refuge farms.* The penalty shall not apply to the wheat produced on any farm operated by any Federal or State wildlife refuge farm where all the wheat on the farm is produced solely for wildlife feed or seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 728.767 and 728.768, 728. 794 and 728.795 but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the wheat produced on the farm will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 728.797 *Erroneous notice of wheat acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a wheat acreage allotment for the 1957 crop larger than the finally approved acreage allotment and the State and county committees find that the producer, acting solely on the information contained in the erroneous notice, planted an acreage to wheat in excess of the finally approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he overplanted the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to wheat on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for utilization of excess acreage as provided for in § 728.751 (r) or (u) (3) the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of wheat customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of wheat acreage allotment for the farm, such determination shall be subject to review and approval by the State committee before the erroneous allotment is used by the county committee to determine the farm marketing quota and farm marketing excess for the farm.

§ 728.798 *Redelegation of authority.* Any authority delegated to the State committee by §§ 728.750 to 728.798 may be redelegated by the State committee.

Issued this 28th day of February 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 57–1676; Filed, Mar. 5, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 945—TOMATOES GROWN IN FLORIDA

INTERPRETATIVE RULE WITH RESPECT TO MEANING OF "PRODUCER"

Pursuant to the provisions of Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "order," it is hereby found and determined that the issuance of the following interpretative rule for use in determining who shall be eligible to serve as a member or alternate member or to vote in the meetings held for the purpose of electing nominees for member and alternate member positions on the Florida Tomato Committee, the administrative agency for the operation of this program, will tend to effectuate the declared policy of the aforesaid act.

Such rule is as follows:

Interpretative rule with respect to the meaning of "producer". The term "producer" is defined in § 945.8 of the order as being any person engaged in a proprietary capacity in the production of tomatoes for market. Under the definition of "tomatoes" in § 945.5 of the order, such production must have been in the production area. Section 945.22 of the order provides that each person selected as a committee member or alternate must be a producer, or an officer or an employee of a corporate producer. Section 945.27 of the order provides that producers may vote for nominees for members and alternates on the Florida Tomato Committee, the administrative agency established pursuant to said marketing agreement and order.

Section 945.8 of the order defines a person as an individual, partnership, corporation, association, or other business unit. The term "person" is construed to mean the business unit which produces the tomatoes for market.

The prevailing principle which shall apply to the determination of "producer" is who or which interest as a unit, whether an individual, partnership, corporation, association, or any other business unit, has the authority to pass title to the tomatoes grown and made a part of the marketable supply of tomatoes. In other words, the terms shall be limited to those who have an ownership in tomatoes produced in the production area.

"Producer" means any person, as above defined: (1) Who or which owns and farms land resulting in his or its ownership of the tomatoes produced thereon; (2) who or which rents or farms land, resulting in his or its ownership of all or a portion of the

tomatoes produced thereon; or (3) who or which owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the tomatoes produced thereon.

The term "partnership" shall be deemed to include a husband and wife with respect to land, the title to which, or leasehold interest in which, is vested in them as tenants in common, joint tenants, tenants by entirety, or, under community property laws, as community property. The term "partnership" shall also be deemed include individuals, partnerships or corporations which join together by agreement, informal or otherwise, for the purpose of growing tomatoes and which, as a unit, have authority to transfer title to such tomatoes at the time they are harvested or subsequent thereto. The term "partnership" shall also include so-called "joint ventures," wherein one or more parties to the arrangement contributes capital and others contribute labor, management, equipment, or other services, or any variation of such contributions by two or more parties, so that it results in the growing of tomatoes and the authority to transfer title to the tomatoes so produced from that business unit to some other parties in the marketing chain.

Each legal entity, whether an individual, a partnership, a "joint venture," or a corporation, so engaged in the production of tomatoes for market shall have one vote for each position which is to be filled for the district for which he or it is eligible to vote. In the case of a partnership or a "joint venture," such vote shall not be accepted in the absence of unanimous agreement of the respective members. In the case of a corporation, such vote shall be cast pursuant to the authorization of its board of directors.

In the case of a person who owns land which he or it does not farm but, as rental for such land, obtains the ownership of a portion of the tomatoes produced thereon, such person shall be regarded as the producer of that portion and entitled to one vote, and the tenant on such land shall be regarded as the producer of the remaining portion produced on such land and also entitled to one vote.

In order to insure that a person is a "producer" eligible to vote, he must have produced tomatoes for market in a proprietary capacity in the production area during the then current fiscal period, i. e., between August 1 of the previous year and July 31 of the then current year.

It is hereby found that it is unnecessary, impracticable, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER (see 5 U. S. C. 1001 et seq.) for the reason that the necessary information for the formulation of this rule did not become available until February 25, 1957, and said rule is necessary for use and application in nomination meetings to elect nominees for member and alternate member positions on the Florida Tomato Committee to be held on or about March 13, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 1, 1957, to become effective as of the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-1687; Filed, Mar. 5, 1957; 8:54 a. m.]

[945.303, Amdt. 3]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

Findings. (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945) regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impractical, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedures, and postpone the effective date of this amendment later than March 6, 1957, (5 U. S. C. 1001 et seq.) in that: (i) The time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment; (iii) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date; (iv) reasonable time is permitted, under the circumstances, for such preparation; (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area; and (vi) this amendment relieves restrictions on the handling of tomatoes grown in the production area during the period from the effective date hereof until March 9, 1957.

Order, as amended. The provisions of subparagraph (1) of paragraph (b) of § 945.303 (22 F. R. 757, 812, 885, 925) are hereby amended to read as follows:

(1) During the period from March 6, 1957, through June 30, 1957, no person shall handle any tomatoes for shipment outside the production area unless such tomatoes are of a diameter not less than 1⅞ inches (size 7 x 8 and larger).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 5, 1957.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F. R. Doc. 57-1747; Filed, Mar. 5, 1957; 11:18 a. m.]

[Tomato Reg., Amdt. 2]

PART 1065—TOMATOES

IMPORT RESTRICTIONS

Pursuant to the requirement contained in section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), § 1065.2 *Tomato Regulation No. 2*, as amended (22 F. R. 811, 946), is hereby further amended as follows:

1. Amend paragraph (a) *Import restrictions* to read as follows:

(a) *Import restrictions.* During the period from March 6, 1957, through June 30, 1957, and subject to Part 1060 of this chapter applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes unless such tomatoes are of a diameter not less than 1⅞ inches.

2. Delete subparagraph (6) of paragraph (d) and paragraph (e).

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendatory regulation beyond that herein specified (5 U. S. C. 1001 et seq.) in that (i) the requirements established by this amendment import regulation are issued pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 State. 906, 1047, which makes such amended regulation mandatory; (ii) the same regulations will be in effect on domestic shipments of tomatoes under Marketing Agreement No. 125 and Order No. 45 (7 CFR 945.303; 22 F. R. 757, 812, 925, F. R. Doc. 57-1747, *supra*); (iii) compliance with this tomato import regulation should not require any special preparation by importers which cannot be completed by the effective date; (iv) during the period from the effective date hereof until March 9, 1957, this amendment would impose less severe restrictions on the importation of tomatoes than would be imposed by § 1065.2 Tomato Regulation No. 2 (22 F. R. 811, 946) if it were not amended; (v) the regulations hereby established for tomatoes that may be imported into the United States are equivalent or comparable to those imposed upon domestic tomatoes under the aforesaid marketing agreement and order; and (vi) in fixing the effective time of this amended regulation, due consideration and allowance has been given to the time required, in the case of imports of tomatoes, for their transportation and entry into the United States after picking.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies Sec. 401, 68 Stat. 906, 1047; 7 U. S. C. 608e)

Dated: March 5, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1748; Filed, Mar. 5, 1957; 11:18 a. m.]

4. Footnote 4 to § 545.7 (c) is redesignated footnote 5 and amended to read:

⁵ See footnote 4.

5. Section 545.9 is amended to read:

§ 545.9 *Minimum piece rates prescribed by the Administrator.* Pursuant to the provisions of section 6 (a) (2) of the act, each homeworker shall be paid in lieu of the applicable hourly rate established by the wage orders for the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear industry; and the needlework and fabricated textile products industry, not less than the piece rates prescribed in § 545.13 for the operations described therein.

6. Delete footnote 5 to § 545.10 (a).

7. Section 545.13 is amended to read:

§ 545.13 *Piece rates established in accordance with § 545.9.*

SCHEDULE A—PIECE RATES SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY, THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY, AND THE BLOUSE AND NECKWEAR CLASSIFICATION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]

No.	Operation	Women's and children's underwear industry		Children's dress and related products industry	Blouse and neckwear classification, needlework and fabricated textile products industry	Unit of payment
		Silk and synthetic underwear (1)	Cotton underwear (2)	(3)	(4)	
1	Arevilla (seed stitch), close, 3/16" squares,	*Cents* 42.00	*Cents* 37.80	*Cents* 42.00	*Cents* 48.00	Per dozen squares.
2	Arevilla (seed stitch), scattered, 3/16" squares	21.00	18.90	21.00	24.00	Do.
3	Arrows, filled in, 1/4"	10.50	9.45	10.50	12.00	Per dozen.
4	Back stitch on yokes, armholes, etc	[2] 23.33	[2] 21.00	33.33	41.00	Per yard.
5	Basting bias with cord	11.55	10.41	11.55	13.20	Do.
6	Basting darts before sewing	[2] 12.18	[2] 10.97	17.50	20.88	Do.
7	Basting (or fagoting), 3/8" wide	3.15	2.85	3.16	3.61	Do.
8	Basting lace bodice to sewing on lace with solid cord stitch	[2] 7.00	[2] 6.30	10.00	12.00	Do.
9	Basting lace bodice to sewing on lace with solid cord stitch	6.05	5.44	6.05	6.91	Do.
10	Basting waist lines, plackets, and facings, 2 to 3 stitches per inch	[2] 4.38	[2] 3.95	6.26	7.50	Do.
11	Bias piping, joined, double, over 10 stitches per inch	14.00	12.60	14.00	16.00	Do.
12	Bias piping, joined, single, over 10 stitches per inch	17.50	15.75	17.50	20.00	Do.
13	Bias piping, second seam joined double, set flat on garment with running stitch	21.09	18.97	21.09	24.10	Do.
14	Blanket stitch, folding included, 18 stitches per inch	39.67	35.70	39.67	45.34	Do.
15	Buttonhole, hand sewed on with double thread, 2 to 3 stitches	[2] 4.57	[2] 4.11	6.51	7.82	Per dozen.
16	Buttonhole, stamped, 3/4" long	[2] 13.10	[2] 13.68	21.54	25.85	Do.
17	Buttonholes, stamped, 3/4" long	[2] 20.07	[2] 18.06	24.42	29.59	Do.
18	Buttonhole stitch, close	31.50	28.35	31.50	36.00	Per yard.
19	Buttonhole stitch for joining seams	31.50	28.35	31.50	36.00	Do.
20	Cutting twisted, over basting	3.50	3.15	2.50	4.00	Per dozen inches.
21	Cutting material applied over lace with solid cord stitch	4.80	4.32	4.80	5.49	Per yard.
22	Cutting material under lace or at seams, straight outline, following handsewing operation	1.97	1.77	1.97	2.26	Do.
22.1	Cutting material under lace or at seams, straight outline, following machine operations (formerly operation No. 93)	3.15	2.15	2.81	3.38	Do.
23	Dots, baby, not finished off, 2 to 3 stitches	2.92	2.64	2.92	3.34	Per dozen.
24	Dots, medium, not filled in, finished off, 8 to 9 stitches	4.62	4.18	4.62	5.28	Do.
25	Eyelets, up to 1/4" diameter	7.80	7.03	7.80	8.91	Do.
26	Eyelets, 1/4" diameter	14.00	12.60	14.00	16.00	Do.
27	Fagoting, straight lines	43.67	39.33	46.73	53.71	Per yard.
28	Fagoting, twisted lines	24.33	21.90	24.33	28.06	Do.
29	Feather stitch, 12 stitches per inch	23.33	21.00	23.33	26.66	Do.
30	Feather stitch cord	12.28	11.06	12.28	14.03	Do.
31	Flat fell seams, first seam by machine	[2] 13.67	[2] 12.30	19.51	22.42	Do.
32	Flat roll	[2] 10.62	[2] 9.53	15.14	18.17	Do.

See footnotes at end of table.

No.	Operation	Piece rate	Unit of payment
172	After first thread (for example, for hemstitching)	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	
177	After first thread (for example, for hemstitching)	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	

As so revised, the proposed amendment to Part 545 is adopted as set forth below.

Signed at Washington, D. C., this 1st day of March 1957.

NEWELL BROWN,
Administrator.

1. The caption of Part 545 is amended to read: "Part 545—Homeworkers in the Fabric and Leather Glove Industry; the Handkerchief, Square Scarf, and Art Linen Industry; the Children's Dress and Related Products Industry; the Women's and Children's Underwear Industry; and the Needlework and Fabricated Textile Products Industry in Puerto Rico."

2. Section 545.1 is amended to read:

§ 545.1 *Applicability.* The provisions of this part shall apply to persons in activities relating to homeworkers engaged in commerce or in the production of goods for commerce in the fabric and leather glove industry; the handkerchief, square scarf, and art linen industry; the children's dress and related products industry; the women's and children's underwear industry; and the needlework and fabricated textile products industry in Puerto Rico as defined in Parts 715, 716, 717, 718, and 719 of this chapter.

3. Footnote 2 to § 545.3 (a) is amended to read:

² See § 545.13 for the schedule of piece rates prescribed in accordance with § 545.9. As an example of how to state the piece rate schedule designation, if "plain scallops" are to be made on articles in the "children's dress and related products industry," the full piece rate schedule designation would be "Operation 74, Col. 3."

[1] Persons engaged in activities relating to homeworkers in other industries in Puerto Rico are subject to Part 681 of this chapter.

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 545—HOMEWORKERS IN THE FABRIC AND LEATHER GLOVE INDUSTRY; THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY; THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY; THE WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY; AND THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER (22 F. R. 432-436) on January 23, 1957, that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 545, Code of Federal Regulations (29 CFR Part 545). Interested persons were given 30 days in which to submit views, arguments or data on the proposal.

Several comments have been received from interested persons. After consideration of all relevant matter presented, I conclude that the proposal should be adopted except for two items in schedule B numbered 172 and 177, which are revised to read as follows:

SCHEDULE A—PIECE RATES SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY, THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY, AND THE BLOUSE AND NECKWEAR CLASSIFICATION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear industry: Silk and synthetic underwear (1)	Women's and children's underwear industry: Cotton underwear (2)	Children's dress and related products industry (3)	Blouse and neckwear classification, needlework and fabricated textile products industry (4)	Unit of payment
		Cents	*Cents*	*Cents*	*Cents*	
33	French knots, not finished off	1.46	1.31	1.46	1.67	Per dozen.
34	French seams, over 12 stitches per inch	[2] 8.75	[2] 7.89	12.50	15.00	Per yard.
35	French seams, first seam by machine, 9 to 12 stitches per inch.	[2] 5.78	[2] 5.18	8.26	9.90	Do.
36	Furunecos, with tape	52.50	47.25	52.50	60.00	Do.
37	Furunecos, without tape	42.00	37.80	42.00	48.00	Do.
38	Guariquenas	3.50	3.15	3.50	4.00	Per dozen.
39	Half roll (with colored or emb. thread)	11.48	10.34	11.48	13.12	Per yard.
40	Hemming stitch for felling, 2 to 3 stitches per inch.	[2] 6.12	[2] 5.51	8.74	10.50	Do.
41	Hemming stitch for felling cuffs, collars, plackets and waist bands, 8 to 10 stitches per inch.	[2] 15.66	[2] 14.09	22.37	26.85	Do.
42	Hemstitch double (tru-tru), 4 threads in a bundle, thread drawing not included.	43.40	39.06	43.40	49.60	Do.
43	Hemstitch, single, 4 threads in a bundle, thread drawing not included.	22.78	20.53	22.78	26.03	Do.
44	Lace, joined with whipping switch	36.46	32.81	36.46	41.67	Do.
45	Lace, sewed on with hemming stitch or round roll.	17.50	15.75	17.50	20.00	Do.
46	Leaves, open, ¼" long	14.00	12.60	14.00	16.00	Per dozen.
47	Leaves, open ⅜" to ½" long	21.00	18.90	21.00	24.00	Do.
48	Leaves, simple	1.31	1.20	1.50	1.50	Do.
49	Leaves, solid, not finished off, ⅜" long	3.84	3.45	3.84	4.39	Do.
50	Leaves, solid, not finished off, ¼" long	4.67	4.20	4.67	5.34	Do.
51	Leaves, solid, not finished off, ⅜" to ½" long.	7.00	6.30	7.00	8.00	Do.
52	Leaves, solid, finished off, ¾" to ¾" long.	14.00	12.60	14.00	16.00	Do.
53	Loops, knitted, ¼ inch	4.38	3.94	4.38	5.00	Do.
54	Loops, knitted, 1 inch to 1½ inch	7.36	6.62	7.36	8.41	Do.
55	Loops, made with buttonhole stitch	10.50	9.45	10.50	12.00	Do.
56	Mounting fagoting appliques, including pinning and basting to garment, first seam with running stitch, felled seam with hemming stitch.	41.82	37.66	41.82	47.79	Per yard.
57	Overcasting seams	[2] 7.44	[2] 6.70	10.64	12.77	Do.
58	Pasadas, short, 1 inch to 8 inches	----------	3.27	----------	----------	Per dozen pasadas.
59	Patches, sewed on with single point de turc.	69.72	62.74	69.72	79.68	Per yard.
59.1	Patches, rectangular, sewed on with blind stitch, up to 1½".	4.40	3.96	4.40	5.03	Per dozen inches.
59.2	Patches, sewed on with solid cord, cutting and basting included.	68.60	61.74	68.60	78.40	Per yard.
60	Pin stitch, thread drawing not included, 1" squares.	84.00	75.60	84.00	96.00	Per dozen squares.
61	Point de turc, double, with embroidery thread.	34.82	31.36	34.82	39.80	Per yard.
62	Point de turc, plain, with embroidery thread.	20.42	18.36	20.42	23.34	Do.
63	Randa, bundles twisted but not tied, thread drawing not included.	8.75	7.87	8.75	10.00	Do.
64	Randa, Don Gonzales, thread drawing not included.	36.75	33.06	36.75	42.00	Do.
65	Randa, Mexican, tied at center only, thread not included.	10.50	9.45	10.50	12.00	Do.
66	Ribbons, setting ends of	4.80	4.32	4.80	5.48	Per dozen.
67	Rolling armholes and reboques	[2] 17.88	[2] 16.10	25.54	30.65	Per yard.
68	Rose buds, worm stitch, 4 worms. 1 or 2 colors or tones.	10.40	9.36	10.40	11.88	Per dozen.
69	Running stitch on darts, 8 to 10 stitches per inch.	[2] 8.75	[2] 7.89	12.50	15.00	Per yard.
70	Running stitch for felling, very close stitch.	[2] 8.75	[2] 7.89	12.50	15.00	Do.
71	Running stitch on hems up to 1" wide, 12 stitches per inch.	[2] 9.40	[2] 8.45	13.46	16.15	Do.

See footnotes at end of table.

SCHEDULE A—PIECE RATES SCHEDULE FOR THE WOMEN'S AND CHILDREN'S UNDERWEAR INDUSTRY, THE CHILDREN'S DRESS AND RELATED PRODUCTS INDUSTRY, AND THE BLOUSE AND NECKWEAR CLASSIFICATION OF THE NEEDLEWORK AND FABRICATED TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Women's and children's underwear industry: Silk and synthetic underwear (1)	Women's and children's underwear industry: Cotton underwear (2)	Children's dress and related products industry (3)	Blouse and neckwear classification, needlework and fabricated textile products industry (4)	Unit of payment
		Cents	*Cents*	*Cents*	*Cents*	
72	Running stitch on lace	9.29	8.35	9.29	10.61	Per yard.
73	Running stitch for plain sewing	[2] 6.32	[2] 5.69	9.04	10.85	Do.
74	Scallops, plain, cutting included	35.23	31.69	35.23	40.26	Do.
75	Shadow stitch, up to ⅜" wide	67.67	60.90	67.67	77.34	Do.
76	Shell, 4 to 5 stitches per inch	12.00	10.82	12.00	13.71	Do.
77	Shirring, material to be measured before shirring.	7.05	6.35	7.05	8.06	Do.
78	Shirring and basting lace edging, material to be measured after shirring.	8.47	7.64	8.47	9.68	Do.
79	Shirring and setting lace edging with hemming stitch on straight outline, material to be measured after shirring.	15.22	13.70	15.22	17.39	Do.
80	Shoulder straps, set with buttonhole stitch, 14½" x ¾", measured after turning, sewing up to ⅜" at each end at strap.	41.37	37.22	----------	----------	Per dozen straps.
81	Size tickets set with hemming stitch, cutting tickets included.	[2] 7.00	[2] 6.30	10.00	12.00	Per dozen inches.
82	Smocking	.29	.26	.29	.33	Per dozen stitches.
83	Snaps, sewing on, both sides	[2] 7.00	[2] 6.30	10.00	12.00	Per dozen.
84	Solid cord stitch on gores and embroidery.	32.90	29.63	32.90	37.60	Per yard.
85	Solid cord stitch to sew on lace	29.75	26.76	29.75	34.00	Do.
86	Spiders, 4 legs	7.00	6.30	7.00	8.00	Per dozen.
87	Spiders, 8 legs	13.68	12.32	13.68	15.63	Do.
88	Tacks, set for fagoting	3.50	3.16	3.50	4.00	Do.
89	Tucks, stamped, ⅛6" to ¼" wide, up to 6" long.	10.95	9.85	10.95	12.52	Do.
90	Tucks, pin, stamped up to 7" long	11.54	10.38	11.54	13.19	Do.
91	Tucks, pin, unstamped, up to 6" long	14.00	12.60	14.00	16.00	Do.
93	(See operation No. 22.1.)					
94	Turning belts, machine sewn, 29" x ½" measured after turning.	13.02	13.02	11.62	13.95	Per dozen belts.
95	Turning belts, machine sewn 60" x ½", measured after turning.	16.54	16.54	14.77	17.73	Do.
96	Turning shoulder pads, 5¾" long, with an unsewed slit of 1" for turning.	8.45	8.45	7.54	9.05	Per dozen pads.
97	Turning shoulder straps, 14½" x ¾", measured after turning.	25.95	25.95	----------	----------	Per dozen straps.

[1] For definitions of "hand-embroidery," "hand-sewing," and "other operations," and current minimum wage rates, see applicable sections of wage orders.
[2] Piece rate not applicable when operation is performed on a wholly machine made item.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Piece rate (cents)	Unit of payment
99	Arenillas (seed stitch), close, ½" squares	30.00	Per dozen squares.
100	Arenillas (seed stitch), scattered, ½" squares	15.00	Do.
101	Arrows, filled in, ¼" long	7.50	Per dozen.
102	Basting lace for setting with straight sewing stitch	1.43	Per dozen inches.
103	Basting stitch for trimming, forming crosses, etc., 4 stitches per inch	1.25	Do.
103.1	Basting and folding hem on edges up to 1½" hem	.98	Do.
104	Blind hemstitch	5.00	Do.
105	Buttonhole stitch, 16 stitches per inch	5.00	Do.
106	Buttonhole stitch, 24 to 30 stitches per inch	7.50	Do.
107	Chain stitch, 4 stitches per inch	1.25	Do.
108	Chain stitch, 8 stitches per inch	2.50	Do.
109	Cord, solid, on stem	7.83	Do.

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Piece rate (cents)	Unit of payment
110	Cord, twisted, over basting	2.50	Per dozen inches.
111	Cord or embroidery solid, without filling, up to ⅛" thick [2]	7.50	Do.
112	Crouching or flat cord, 4 stitches per inch	1.25	Do.
113	Cross stitch, 6 crosses per inch	5.33	Do.
114	Cut work with buttonhole stitch, 24 to 30 stitches per inch	10.00	Do.
114.1	Daisies, 12 to 15 stitches, with double embroidery thread	7.50	Per dozen
115	Diamonds, filled in, ¼" to ⅜" wide	7.50	Do.
116	Dots, baby, not finished off, 2 to 3 stitches	2.08	Do.
117	Dots, large, not filled in, finished off, 12 stitches	3.75	Do.
118	Dots, large, filled in, finished off, over 12 stitches	7.50	Do.
119	Dots, large, not filled in, finished off, over 12 stitches	5.00	Do.
120	Dots, medium, not filled in, finished off 8 to 9 stitches	3.30	Do.
120.1	Dots, medium, in groups, not finished off, 5 stitches with double embroidery thread.	2.13	Do.
120.2	Dots, medium, in groups, finished off, 5 stitches, with double embroidery thread.	2.83	Do.
121	Embroidery, solid 3/16 to ⅜ thick, averages 28 stitches per inch [3]	10.00	Per dozen inches.
122	Embroidery, solid, straight or diagonal, same as image stitch, filled in, loose.	10.00	Do.
123	Embroidery, solid, straight or diagonal, same as image stitch, not filled in, loose.	7.50	Do.
124	Eyelets, 1/8 diameter	5.58	Per dozen.
125	Feather stitch, 12 stitches per inch	5.56	Per dozen inches.
126	Feather stitch cord	2.93	Do.
127	Flat hems without pasada	5.09	Do.
128	French knots, not finished off	1.05	Per dozen.
128.1	French knots, finished off, with double embroidery thread	2.00	Do.
129	Guariquenas	2.50	Do.
130	Hand or French rolling, 10 stitches or less per inch	7.07	Per 48 inches.
131	Hand or French rolling, 11 stitches or more per inch	8.49	Do.
132	Hand-rolling 1 side of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Only 1 side of each corner is hand-rolled; and the hand-rolling is not longer than 1".	16.67	Per dozen handkerchiefs.
133	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching does not run to the end of either side of any corner; and the space left open for hand-rolling at each side of the corners is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 1 inch on either side of any corner.	33.33	Do.
134	Hand-rolling both sides of a corner; the piece rate shall apply under the following conditions: (a) The machine-stitching runs to the end on 1 side of each corner; and on the other side, the space left open for hand-rolling at the corner is not less than ¼" nor more than 1"; and (b) Both sides of the corners are hand-rolled; but the hand-rolling is not longer than 2 inches on any corner.	41.67	Do.
135	Hemstitch, double (tru-tru), 4 threads in a bundle, thread drawing not included.	10.33	Per dozen inches.
136	Hemstitch, single, 4 threads in a bundle, thread drawing not included	5.43	Do.
137	Initials, simple, with hoops	25.00	Do.
138	Initials, simple, without hoops	15.50	Do.
139	Lace, joined at corners with hemming stitch	7.50	Do.
140	Leaves, simple	.93	Per dozen.
141	Leaves, solid, not finished off, ¼" long	3.33	Do.
142	Leaves, solid, not finished off, ⅜" to ½" long	5.00	Do.
143	Leaves, solid, not finished off, ½" to ¾" long	10.00	Do.
144	Loops, made with worm stitch, ¼"	1.67	Do.
145	Pasadas, 11" x 11" to 14" x 14", linen up to 1,600 count, inclusive	[3] 5.00	Per dozen pasadas.
146	Pasadas, 11" x 11" to 14" x 14", linen 1,700 count and over	[3] 7.00	Do.
147	Pasadas, 15" x 15", linen up to 1,600 count, inclusive	[3] 8.50	Do.
148	Pasadas, 15" x 15", linen 1,700 count and over	[3] 10.50	Do.
149	Pasadas, 16" x 16" to 20" x 20", linen up to 1,400 count inclusive	[3] 12.00	Do.
150	Pasadas, short, 1" to 7", linen up to 1,600 count inclusive	[3] 2.60	Do.
	Pasadas, short:		
151	Cambric, 1" to 10"	5.00	Do.
152	Crash, 1" to 10"	3.75	Do.
153	Cambric, 10½" to 18"	10.00	Do.
154	Crash, 10½" to 18"	7.50	Do.

See footnotes at end of table.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]—Continued

No.	Operation	Piece rate (cents)	Unit of payment
155	Patches, circular, sewed on with hemming stitch, cutting included	5.47	Per dozen inches.
156	Patches, irregular outline, sewed on with hemming stitch, cutting included.	9.83	Do.
156.1	Patches, irregular outline, sewed on with blind stitch, up to inches	7.00	Do.
156.2	Patches, irregular outline, sewed on with blind stitch, over 4 inches	3.56	Do.
157	Patches, rectangular, sewed on with hemming stitch, cutting included	4.49	Do.
158	Pin stitch, thread drawing not included, 1" squares	60.00	Per dozen squares.
159	Randa, Don Diego, thread-drawing not included	11.25	Per dozen inches.
160	Randa, Mexican, tied at center only, thread drawing not included	2.50	Do.
161	Randa, simple, not stitched at either side, thread drawing not included	1.89	Do.
162	Rose buds, worm stitch, 4 worms, 2 colors or tones	7.42	Per dozen.
163	Scallops, plain, cutting included	8.39	Per dozen inches.
164	Shadow stitch, up to ⅜" wide	16.11	Do.
165	Spiders, 4 legs	5.00	Per dozen.
166	Spiders, 8 legs	9.78	Do.

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.
[2] These piece rates have been set on the basis of O. N. T. thread No. 5, corded, which average 28 stitches per inch of solid cord. If corded threads are used which are not so thick, the rate should be increased in proportion to the increase in the number of stitches per inch. If corded thread No. 11 is used, 15 percent must be added to the piece rates established for thread No. 5.
[3] For each additional count of 100, add 1 cent.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO [1]

No.	Operation	Piece rate (cents): (1) Cambric	Piece rate (cents): (2) Crash	Unit of payment
	THREAD DRAWING			
	Art linens, first thread, not coming out at edge:			
167.0	Stamped 1" to 10"	1.79	----------	Per dozen threads.
167.2	Not stamped 1" to 10"	2.23	1.33	Do.
	Art linens, unstamped, first thread, all-around, not coming out at edge:			
167.4	Doilies 12" x 18"	9.99	8.13	Per dozen pieces.
	Napkins:			
167.6	12" x 12"	7.99	6.77	Do.
167.7	15" x 15"	9.99	8.13	Do.
167.8	18" x 18"	11.99	9.39	Do.
	Scarves:			
168.0	17" x 36"	17.64	12.64	Do.
168.1	17" x 45"	20.64	14.20	Do.
168.2	17" x 54"	23.64	15.83	Do.
	Squares:			
168.3	36" x 36"	23.99	15.99	Do.
168.4	45" x 45"	29.97	19.01	Do.
168.5	54" x 54"	35.97	22.21	Do.
	Art linens, unstamped, first thread at one end, coming out at both edges:			
	Towels:			
168.6	9" x 15"	----------	1.26	Do.
168.7	15" x 24"	----------	1.83	Do.
168.8	18" x 30"	----------	2.10	Do.
169	Art linens, after first thread	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.		

[1] For definitions of "hand-embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents)	Unit of payment
	THREAD DRAWING		
	Ladies' handkerchiefs:		
170	First thread around edge, cotton or linen up to 1600 count inclusive.	2.50	Per dozen threads.
171	First thread, inside, cotton or linen, up to 1600, count inclusive.	3.13	Do.
172	After first thread (for example, for hemstitching)	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	
	Men's handkerchiefs:		
173	First thread around edge, linen up to 1500 count, inclusive, 16" x 16" to 20" x 20".	3.75	Do.
174	First thread around edge, linen 1600 count and over, 16" x 16" to 20" x 20".	4.38	Do.
175	First thread, inside, linen up to 1500 count, inclusive, 16" x 16" to 20" x 20".	4.38	Do.
176	First thread, inside, linen 1600 count and over, 16" x 16" to 20" x 20".	5.00	Do.
177	After first thread (for example, for hemstitching)	For second and third threads, 20 percent of rate for first thread; for additional threads, 15 percent of rate for first thread.	

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

[Unit of payment, per dozen]

No.	Operation	Doilies			Napkins			Table scarves			Squares			Tablecloths		
		8" x 16"	10" x 14"	12" x 18"	12" x 12"	15" x 15"	18" x 18"	17" x 36"	17" x 45"	17" x 54"	36" x 36"	45" x 45"	54" x 54"	54" x 72"	72" x 72"	72" x 90"
179	Half roll, cambric and crash, at 2.73 cents per dozen inches	$1.31	$1.31	$1.63	$1.31	$1.63	$1.97	$2.90	$3.39	$3.89	$3.93	$4.92	$5.90	$6.89	$7.87	$8.87
180	Hand or French rolling, 10 stitches or less per inch, cambric and crash, at 1.77 cents per dozen inches	.85	.85	1.07	.85	1.07	1.27	1.87	2.19	2.51	2.56	3.19	3.82	4.46	5.09	5.73
	Hemming stitch over pasada, measuring all around edge:															
181	Cambric at 3.27 cents per dozen inches	1.57	1.57	1.96	1.57	1.96	2.35	3.46	4.05	4.64	4.70	5.88	7.05	8.23	9.41	10.58
182	Crash, at 3.07 cents per dozen inches	1.48	1.48	1.83	1.48	1.83	2.22	3.24	3.79	4.36	4.42	5.53	6.64	7.71	8.82	9.93
	Second seams, for separate borders, measuring all around edge:															
183	Cambric, at 3.27 cents per dozen inches	1.57	1.57	1.96	1.57	1.96	2.35	3.46	4.05	4.64	4.70	5.88	7.05	8.23	9.41	10.58
184	Crash, at 3.07 cents per dozen inches	1.48	1.48	1.83	1.48	1.83	2.22	3.24	3.79	4.36	4.42	5.53	6.64	7.71	8.82	9.93
	Second seams, for separate borders, with French corners, measuring all around edge:															
185	Cambric, at 3.68 cents per dozen inches	1.76	1.76	2.22	1.76	2.22	2.65	3.90	4.57	5.23	5.29	6.64	7.95	9.28	10.58	11.93
186	Crash, at 3.27 cents per dozen inches	1.57	1.57	1.96	1.57	1.96	2.35	3.46	4.05	4.64	4.70	5.88	7.05	8.23	9.41	10.58

[1] For definition of "hand-embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

SCHEDULE B—PIECE RATE SCHEDULE FOR THE HANDKERCHIEF, SQUARE SCARF, AND ART LINEN INDUSTRY IN PUERTO RICO[1]

No.	Operation	Piece rate (cents)	Unit of payment
	SCALLOP CUTTING		
	Hand-cutting machine-embroidered, shallow, curved scallops on handkerchiefs or square scarves:		
187.4	Small, measuring from 3/16" up to, but not including 5/16", along outside edge.	0.26	Per dozen scallops.
187.5	Medium, measuring from 5/16" up to, but not including 7/16", along outside edge.	.33	Do.
187.6	Large, measuring from 7/16" to, and inclusive of, 1¼", along outside edge.	.49	Do.
	NEEDLEPOINT OPERATIONS[1]		
200	Compact florals, figures and landscapes	26.00	Per 1,000 stitches.
201	Scattered florals	28.00	Do.
202	Scattered florals consisting of borders or garlands only	30.00	Do.
203	Combinations of compact center and scattered borders in which the compact portion totals 45 percent or more of the total design.	28.00	Do.
204	Combinations of compact center and scattered borders in which the compact portion totals less than 45 percent of the entire design.	30.00	Do.
205	Two cents (2.0¢) must be added to the above piece rates to cover thumbtack mounting on frame for each piece of canvas. Employers using other methods must set individual rates for mounting and removing canvas in accordance with § 545.10.		

[1] For definitions of "hand embroidery" and "other operations" and current minimum wage rates, see applicable section of wage order.

[1] *Exceptions.* These piece rates do not apply to the following types of needlepoint. For these, and all other varieties of needlepoint not covered by the schedule and definitions, piece rates must be set by employers in accordance with Regulations 545.10.

1. Florals having more than 10,000 stitches.
2. Florals having more than 36 color tones.
3. Figures and landscapes having more than 3,000 stitches.
4. Figures and landscapes having more than 25 color tones.
5. Petit point.
6. Stamped grospoint.

Definitions. 1. A scattered design is one in which 50 percent or more of the component parts, when finished, are separated by spaces of unsewn canvas.

2. A compact design is one in which 50 percent or more of the finished piece contains no spaces of unsewn canvas.

SCHEDULE C—PIECE RATE SCHEDULE FOR THE FABRIC AND LEATHER GLOVE INDUSTRY IN PUERTO RICO[1]

No.	Operation	Ladies' woven or knitted fabric gloves (1)	Leather gloves[2] Ladies' (2)	Leather gloves[2] Men's (3)	Unit of payment
		Cents	*Cents*	*Cents*	
188	Buttons, slip stitches with tape, 1 button per glove			49.500	Per dozen pairs.
189	Buttonholes, stitched in and outside, one buttonhole per glove.			66.000	Do.
190	Crede stitch, 5 to 6 stitches per inch	0.313			Per inch.
191	Egyptian stitch, 5 to 6 stitches per inch		0.453		Do.
192	Feather stitch, 5 to 6 stitches per inch	.375	.569		Do.
193	Large stitch (husky), 5 to 6 stitches per inch		.427	.407	Do.
194	Regular stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.
195	Slip stitch, hem only, 5 to 6 stitches per inch	.159	.292	.292	Do.
196	Slip stitch, reinforcement on slit, 5 to 6 stitches per inch, when sewing has been faced on by machine.		.292	.292	Do.
197	Swagger stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.
198	Whip stitch, 5 to 6 stitches per inch	.246	.427	.407	Do.

[1] Piece rates apply only to hand-sewing operations. For description of operations included under "hand-sewing," see definitions in applicable section of the wage order.

[2] The hourly minimum wage rates applicable to leather gloves are also applicable to combination leather and fabric gloves. However, piece rates for combination leather and fabric gloves must be set by employers in accordance with § 545.10.

(Secs. 8, 11, 52 Stat. 1062, as amended, 1066, as amended; 29 U. S. C. 206, 211)

[F. R. Doc. 57-1683; Filed, Mar. 5, 1957; 8:53 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE AIR FORCE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (4) of § 6.107 is revoked and paragraph (d) (1) is added as set out below.

§ 6.107 *Department of the Air Force.*

* * *

(d) *United States Air Force Academy, Colorado.* (1) Positions of Cadet Hostesses, Instructors in Physical Education, and one Instructor in Music (Choirmaster).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1681; Filed, Mar. 5, 1957; 8:52 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (6) of § 6.302 is amended as set out below.

§ 6.302 *Department of State.* * * *

(b) *Bureau of Inspection, Security and Consular Affairs.* * * *

(6) Deputy Administrator for Refugee Relief.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1682; Filed, Mar. 5, 1957; 8:52 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6471]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ARROW METAL PRODUCTS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.135 *Nature:* Product or service. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition;* § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arrow Metal Products Corporation (Haskell, N. J.) et al., Docket 6471, Feb. 20, 1957]

In the Matter of Arrow Metal Products Corporation, a Corporation, and Awnair Corporation of America, a Corporation, and Alex Levine, James V. Cosman, and Wm. N. Gurtman, Individually and as Officers of Each of Said Corporations

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two corporate manufacturers, with places of business at Haskell and Wayne, N. J., with using the term "Porcenamel" to describe the organic plastic resin finish or coating of their metal awnings, component parts for metal awnings, or enamel-coated metal strips and pieces.

Following hearings in due course, the hearing examiner made his initial decision, including findings of fact, conclusions of law and order to cease and desist, from which respondents appealed. The Commission, having heard the matter, on February 20 rendered its decision denying the appeal and adopting the findings, conclusions, and order contained in the initial decision.

The order to cease and desist is as follows:

It is ordered, That respondents Arrow Metal Products Corporation, a corporation, its officers, Awnair Corporation of America, a corporation, its officers, and Alex Levine, James V. Cosman and Wm. N. Gurtman, individually and as officers of said corporations, and their agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of metal awnings, component parts for metal awnings, or enamel coated metal strips and pieces in commerce, as "commerce" is defined in the act, do forthwith cease and desist from:

Using the term "Porcenamel," or any other word, phrase or term of similar import or meaning implying porcelain enamel, to describe the finish or coating of the aforesaid products or of any other products which are not in fact finished or coated with porcelain enamel.

By "Final Order", report of compliance was required as follows:

It is ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: February 20, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-1668; Filed, Mar. 5, 1957; 8:49 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

SUPPLEMENT I

The regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, as amended in 22 F. R. 494, 971 and 973 are hereby supplemented as follows:

In the case of tobacco, except cigar binder tobacco types 51 and 52, the maximum acreage limitations specified in § 485.211 (a) (2) (v) are hereby removed and acreage up to 100 percent of the farm allotment may be placed in the acreage reserve: *Provided,* That the acreage limitations specified in § 485.211 (a) (2) (v) shall remain applicable in a county with respect to any type of tobacco for which the total of the farm allotments in the county exceeds 2,000 acres if the State and county committees determine that the total acreage likely to be placed in the acreage reserve would exceed 45 percent of the total of such farm allotments and that the placing of such acreage in the acreage reserve

would have a serious adverse effect on the county's farm economy.

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 28th day of February 1957.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1675; Filed, Mar. 5, 1957; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 130—OPERATION AND MAINTENANCE CHARGES

WIND RIVER IRRIGATION PROJECT, WYOMING

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Public Law 404—79th Congress, 60 Stat. 238) and authority contained in the acts of Congress approved August 1, 1914; May 18, 1916; and March 7, 1928, (38 Stat. 583; 25 U. S. C. 383; 39 Stat. 142; and 45 Stat. 210; 25, U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 351, Amendment No. 1; 16 F. R. 5454-7), notice was given of the intention to modify Section 130.95 of Title 25, Code of Federal Regulations dealing with irrigable lands of the Wind River Indian Irrigation Project to read as follows:

§ 130.95 *Charges.* In compliance with the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 45 Stat. 210, 25 U. S. C. 387) the operation and maintenance charges for the lands under the Wind River Irrigation Project, Wyoming, for the calendar year 1957 and subsequent years until further notice, are hereby fixed at $2.60 per acre for the assessable area under the constructed works on the diminished Wind River Project and at $2.50 per acre on the Ceded Wind River Project; except in the case of all irrigable trust patent Indian land which lies within the Ceded Reservation and which is benefited by the Big Bend Drainage District where an additional assessment of $0.45 (45 cents) per acre is hereby fixed.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

Interested persons were thereby given opportunity to participate in the preparation of this modification by submitting their views or arguments, in writing, to the Area Director within 44 days from the date of publication of said notice. A number of objections having been received and after full consideration on the merits having been overruled, the said section is hereby amended and the rate fixed, for the season of 1957 and thereafter until further notice, as stated above.

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57-1656; Filed, Mar. 5, 1957; 8:46 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

MISCELLANEOUS INDIAN IRRIGATION PROJECTS

Order fixing operation and maintenance charges on miscellaneous Indian Irrigation Projects (San Carlos Reservation and San Xavier, Arizona; Miscellaneous Navajo Units, Arizona and New Mexico; Tongue River, Montana; Duck Valley and Pyramid Lake, Nevada; Warm Springs, Oregon).

On December 13, 1956 there was published in the FEDERAL REGISTER (Vol. 21, No. 241, page 9950) a revised notice of intention to amend § 130.105 *Charges*, of Title 25, Code of Federal Reglations, Chapter I, Subchapter L, Part 130, dealing with operation and maintenance assessments against irrigable lands of Miscellaneous Indian Irrigation Projects, by establishing the basic water charge for the Burns Indian Village, Warm Springs Agency, at $12.65 per acre per annum.

Interested persons desiring to participate in formulating the amendment were thereby given opportunity to participate by submitting data or argument within thirty days from the date of publication of the notice to the Area Director, Portland, Oregon. No written or oral communications were received within the period specified. Therefore, § 130.105 is amended to read as follows:

§ 130.105 *Charges.* Pursuant to the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), a part of the reimbursable cost of operating and maintaining the irrigation projects named in this section is apportioned on a per-acre basis against the irrigable lands of the respective projects for the calendar year 1957 and for each succeeding calendar year until further order, in the amounts designated below for each project, and there is assessed against each acre of irrigable land to which water can be delivered through the constructed works of the respective projects, the amounts designated for each project, to be applied in the reimbursement of such apportionments:

Project and agency	*Per acre (per annum)*
Duck Valley, Western Shoshone	$3.60
Miscellaneous Units, Navajo	.50
Pyramid Lake Unit, Carson	5.15
San Carlos Reservation Unit, San Carlos	.50
San Xavier Unit, Sells	1.00
Tongue River Unit, Tongue River	.35
Warm Springs Unit, Warm Springs	2.00
Burns Indian Village, Warm Springs	12.65

(Secs: 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

GLENN L. EMMONS,
Commissioner.

FEBRUARY 28, 1957.

[F. R. Doc. 57-1657; Filed, Mar. 5, 1957; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 188]

PART 608—RESTRICTED AREAS

ALTERATION; TEMPORARY RESTRICTED AREA, SLEDGE HAMMER, LA.

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.26, the Sledge Hammer, Temporary Restricted Area, Louisiana, is added to read:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Sledge hammer, La., temporary restricted area (Beaumont and Shreveport).	"Beginning at latitude 31°47'30", longitude 93°24'30", which is the north boundary of Civil Airway Red 30; thence northeast to latitude 32°01'00", longitude 92°49'30"; thence north-northwest to latitude 32°14'30", longitude 92°53'30"; thence north-northeast to latitude 32°26'30", longitude 92°50'00"; thence easterly along the southern boundary of Civil Airway Red 10 to latitude 32°25'15", longitude 92°29'30"; thence south-southwest to latitude 32°15'00", longitude 92°32'30"; thence south-southeast to latitude 31°51'00", longitude 92°25'00"; thence west-southwest to latitude 31°37'00", longitude 93°02'30", which is the northern boundary of Civil Airway Red 30, thence along the northern boundary of Red 30 to the point of beginning".	Surface to 3,000 feet mean sea level.	Continuous...	Maneuver Director, Camp Polk, La.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from May 20, 1957, through May 24, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-1653; Filed, Mar. 5, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

DEPENDENCY AND INDEMNITY COMPENSATION

Correction

In Federal Register Document 57-1200, published at page 951 of the issue for Friday, February 15, 1957, the first sentence of paragraph (a) of § 4.431a should read: "Evidence received in the Social Security Administration in support of a claim filed on or after January 1, 1957, for benefits under Title II of the Social Security Act will be considered to have been received in the Veterans Administration as of the date of receipt in Social Security Administration."

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter B—Merchant Marine Officers and Seamen

[CGFR 57-10]

PART 10—LICENSING OF OFFICERS AND MOTORBOAT OPERATORS AND REGISTRATION OF STAFF OFFICERS

LICENSE AS MASTER OF RIVER STEAM OR MOTOR VESSELS

The description of service requirements for a license as a master of river steam or motor vessels in 46 CFR 10.05-17 describes the license issued by the United States Coast Guard as an "original" license. Since it is impossible for a license as master of river steam or motor vessels to be on "original" license as defined in 46 CFR 10.02-3, the amendment in this document to 46 CFR 10.05-17 changes the term "original license" to "license."

Because this amendment to 46 CFR 10.05-17 is editorial in nature, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order No. 167-14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 10.05-17 is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 10.05-17 *Master of river steam or motor vessels.* The minimum service required to qualify an applicant for a license as master of steam or motor vessels navigating rivers exclusively is at least 3 years' service in the deck department of steam or motor vessels: *Provided*, That, 1 year of such service shall have been as licensed mate or pilot of steam or motor vessels, and, 1 year shall have been on river steam or motor vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interprets or applies R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438, as amended, 4439, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, sec. 1, 34 Stat. 1411, secs. 1, 2, 3, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, secs. 2, 68 Stat. 484, 675; 46 U. S. C. 391a, 404, 405, 224, 226, 231, 233, 225, 237, 367, 1333, 239b, 198)

Dated: February 28, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-1660; Filed, Mar. 5, 1957; 8:47 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS

Basis and purposes. On the basis of information developed at a series of public hearings held throughout Alaska and in Seattle, Washington, written briefs submitted by the public, scientific data secured by United States Fish and Wildlife Service personnel, and in compliance with the Notice of Intention to Adopt Amendments issued by the Secretary of the Interior on July 12, 1956 (21 F. R. 5375, July 18, 1956) it has been determined that the amendments herein adopted are necessary to permit maximum utilization of the resources, consistent with sound conservation. These provisions shall become effective 30 days after their publication in the FEDERAL REGISTER.

PART 101—DEFINITIONS

1. A new section designated 101.20 is added to read as follows:

§ 101.20 *Depth of net.* The perpendicular distance between cork line and lead line expressed as either linear units of measurement or as a number of meshes, including all of the web of which the net is composed.

2. A new section designated 101.21 is added to read as follows:

§ 101.21 *Trolling.* Taking or attempting to take fish by means of a lure or baited hook attached to a line drawn through the water.

PART 102—GENERAL PROVISIONS

1. Section 102.8 is amended to read as follows:

§ 102.8 *Registration of fishing boats and gear.* Except as hereinafter provided, no boat nor unit of fishing gear shall be used in commercial fishing unless and until it shall have been properly registered with a local representative of the United States Fish and Wildlife Service for the initial registration area of intended operation (as hereinafter defined) in accordance with provisions of this section. Any person desiring to register any boat or unit of fishing gear shall furnish to the said local representative full and complete information as to the size, type, and identity of boat, number of fishermen in crew, description of gear, and the fishery (salmon, herring, crab, etc.) in which such gear and boat is intended to be used. A United States Fish and Wildlife Service registration number shall be assigned to each boat and unit of fishing gear.

(a) Each salmon fishing net, and each boat intended to be used with such net shall be registered not later than 30 calendar days prior to the opening of the fishing season. No salmon fishing net registered for one registration area may thereafter be used in any other registration area during that calendar year, nor may any boat registered to fish for salmon with a net or nets in one registration area be used to fish for salmon with a net or nets in any other registration area during that calendar year: *Provided*, That late registration or transfer of registered nets or boats to another registration area may be permitted by the Administrator of Alaska Commercial Fisheries upon a determination that (1) conservation of the salmon runs will result therefrom, or (2) conservation of the salmon runs will not be adversely affected and such transfer is justified upon the grounds of hardship or for other valid reasons.

(b) All other fishing gear and boats shall be registered for the calendar year at any time prior to use in commercial fishing in the registration area of intended operation. Prior to transfer to another registration area, intention to transfer shall be reported to the area representative of the United States Fish and Wildlife Service: *Provided*, That this section shall not apply to fishing gear or boats used solely in fishing for halibut.

(c) Each registration area shall be assigned a code letter. Registration areas are defined as follows:

Code letter:	*Registration area*
A	Southeastern Alaska area.
D	Yakutat area and Yakataga District of the Bering River-Yakataga area.
E	Prince William Sound area; Copper River area; Bering River-Yakataga area.
H	Cook Inlet area; Resurrection Bay area.
K	Kodiak area.
M	Aleutian Islands area; Alaska Peninsula area; Chignik area.
T	Bristol Bay area; and after July 31, the Northeast district of the Alaska Peninsula area.
Y	Yukon district of the Kotzebue-Yukon-Kuskokwim area.

(d) Evidence of proper registration shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the United States Fish and Wildlife Service or the United States Coast Guard.

(e) Registration plates, when furnished, shall be displayed in a prominent place on the port side of the boat or on the face of the trap.

2. Section 102.9 is amended in text by deleting "a distinctive number, letter or name which shall identify each particular stake net, set net, trap net, pound

net, or fish wheel, such letters and" and substituting in lieu thereof, "the permanently assigned United States Fish and Wildlife Service registration number."

3. Section 102.36a is amended in paragraph (b) by deleting, "except that this requirement shall not apply to tangle nets prior to January 1, 1955."

PART 103—KOTZEBUE-YUKON-KUSKOKWIM AREA

1. Section 103.5 is amended to read as follows:

§ 103.5 *Gear restrictions.* Fishing is prohibited except with gill nets: *Provided*, That in the Yukon district such nets may not have mesh less than 8½ inches stretched measure, and: *Provided further*, That fish wheels may be used in the Yukon and Kuskokwim districts.

PART 104—BRISTOL BAY AREA

1. Section 104.3 is amended in paragraphs (a), (b), (c), (d), and (e) by deleting the last sentence of each paragraph.

2. Section 104.5 is amended in paragraph (a) and the first sentence of text in paragraph (b) to read as follows:

(a) In the period June 24 to July 26, the statutory weekly closed period of 36 hours is extended so as to limit fishing to the number of days per week set out in the following table, wherein the number of days of fishing is governed by the total number of units of gear registered for fishing in the respective districts as of 6 o'clock postmeridian of the Friday immediately preceding the week in which fishing is permitted.

Units of gear by district				Days of fishing per week
Naknek-Kvichak	Nushagak	Egegik	Ugashik	
534	534	227	113	1
382–533	382–533	162–226	83–112	1.5
267–381	267–381	114–161	60–82	2.0
229–266	229–266	97–113	53–59	2.5
191–228	191–228	81–96	45–52	3.0
153–190	153–190	65–80	37–44	3.5
133–152	133–152	57–64	34–36	4.0
132	132	56	33	5.0

(b) "For the purposes of this section, a unit a gear is considered to be one 150-fathom drift gill net as fished from a two-man boat."

3. Section 104.9 is amended in text by deleting "the initials of the operator" and substituting in lieu thereof "the permanent United States Fish and Wildlife Service registration number."

4. Section 104.10 is amended in text by deleting "June 25" and substituting in lieu thereof "June 24" wherever it appears.

5. A new section designated 104.11a is added to read as follows:

§ 104.11a *Operation of salmon gill nets.* In the period from June 24 to July 25: (a) No gill net registered as a set gill net may be used as a drift gill net, nor may any gill net registered as a drift gill net be used as a set net; (b) No fisherman licensed to operate or assist in operating a drift gill net shall operate a set gill net; and no fisherman licensed to operate a set gill net shall operate or assist in operating a drift gill net; (c) During any weekly open fishing period the picking of any gill net shall be deemed to be a part of the fishing operation and shall be performed only on a registered net by the fishermen licensed to operate a particular legal limit of gear.

6. Section 104.50 is amended in text by deleting "June 23" and substituting in lieu thereof "June 22."

PART 105—ALASKA PENINSULA AREA

1. Section 105.2 is amended in paragraphs (d), (e), (f), and (g) to read as follows:

(d) Northwestern: All waters on the north side of the Alaska Peninsula between Lagoon Point and Unimak Pass, excluding Bechevin Bay.

(e) Southwestern: All waters on the south side of the Alaska Peninsula between Cape Pankof light and Kenmore Head, including Bechevin Bay.

(f) Southcentral: All waters south of the Alaska Peninsula between Kenmore Head and the south side of Cape Aliaksin at 160 degrees 45 minutes west longitude, including all of the Shumigan Islands, except Korovin Island.

(g) Southeastern: All waters on the south side of the Alaska Peninsula from a point at 160 degrees 45 minutes west longitude on the south side of Cape Aliaksin to Andronica Island light, thence to the eastern boundary of the area.

2. Section 105.3a is amended to read as follows:

§ 105.3a *Open seasons and gear.* Fishing is prohibited except:

(a) Northeastern district: (1) From 6 o'clock postmeridian September 13 west of the northern entrance to Port Heiden at 57 degrees north latitude, and (2) From August 1 to September 13 with gill nets only, east of the northern entrance to Port Heiden at 57 degrees north latitude.

(b) Bear River district: From 6 o'clock antemeridian June 24 to 6 o'clock postmeridian September 13.

(c) Port Moller district: From 6 o'clock antemeridian June 21 to 6 o'clock postmeridian September 13.

(d) Northwestern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian July 26.

(e) Southwestern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 2, and from 6 o'clock antemeridian August 14 to 6 o'clock postmeridian September 13.

(f) Southcentral district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 2, and from 6 o'clock antemeridian August 14 to 6 o'clock postmeridian September 13.

(g) Southeastern district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 2, and from 6 o'clock antemeridian August 14 to 6 o'clock postmeridian August 23.

(h) Unimak district: From 6 o'clock antemeridian May 27 to 6 o'clock postmeridian August 2, and from 6 o'clock antemeridian August 14 to 6 o'clock postmeridian September 13.

3. Section 105.5 is amended in paragraph (a) to read as follows:

(a) Bear River district: Over and above the provisions of section 102.4, fishing is prohibited in the Bear River district with any unit of gear unless and until it has been registered with a local representative of the United States Fish and Wildlife Service. In the period from June 24 through August 9, fishing shall be governed according to the following table wherein the number of days of fishing is controlled by the number of units of gear registered for fishing in the Bear River district prior to June 20. A fishing day is designated as beginning at 6 o'clock antemeridian of each day and ending at 6 o'clock postmeridian of the same day.

BEAR RIVER TABLE OF EFFORT AND DAYS OF ALLOWABLE FISHING TIME PER WEEK

Fishing days:	*Units of gear*
1	100 and over.
2	80–99.
3	70–79.
4	60–69.
5	Less than 60.

For the purposes of this section, one drift gill net of not more than 200 fathoms in length shall equal 1 unit of gear and one purse seine shall equal 2.9 units of gear. When the allowable fishing time per week is less than 2 days, fishing will commence on Monday at 6 o'clock antemeridian and will be continuous for the entire period. If the allowable fishing time is 2 days to 5 days per week, fishing will begin at 6 o'clock antemeridian Monday and 6 o'clock antemeridian Thursday and continue for one-half of the total time allowed.

4. Section 105.15 is deleted.

5. Section 105.19 is amended in sections (e), (f), (g), and (h), and by adding a new paragraph designated (n) to read as follows:

(e) Canoe Bay, tributary to Pavlof Bay, in the inner bay at all times and in the outer bay after July 16.

(f) All waters of Ozinski (Orzenoi) Bay within 1,000 yards of any salmon stream.

(g) Balboa Bay: All waters of the bay (1) North of a line extending due west from Reef Point, and (2) inside a line in Left Hand Bay from a point at 55 degrees 31 minutes 36 seconds north latitude, 160 degrees 42 minutes 54 seconds west longitude to a point at 55 degrees 33 minutes 12 seconds north latitude, 160 degrees 42 minutes 6 seconds west longitude, after August 2.

(h) Ivanof Bay: Within 1,000 yards of any salmon stream north and east of Road Island.

• • • • •

(n) Clark and Grub Gulch Bays; and Dorenoi Bay inside a line from a point at 55 degrees 38 minutes north latitude, 160 degrees 24 minutes 6 seconds west longitude to a point at 55 degrees 37 minutes 18 seconds north latitude, 160 degrees 22 minutes 30 seconds west longitude, after August 2.

PART 107—CHIGNIK AREA

1. Section 107.1 is amended in text to read as follows: "The Chignik Area is hereby defined to include all waters of Alaska on the south side of the Alaska Peninsula between the southern entrance to Imuya Bay near Kilokak Rocks, and the western point at the entrance to Kuiukta Bay, including adjacent islands."

2. Section 107.2 is amended in paragraphs (a), (b), and (c) to read as follows:

(a) Western district: From 6 o'clock antemeridian July 1 to 6 o'clock postmeridian August 2; and from 6 o'clock antemeridian August 14 to 6 o'clock postmeridian August 23.

(b) Chignik Bay district: From 6 o'clock antemeridian June 17 to 6 o'clock postmeridian August 30.

(c) Eastern district: From 6 o'clock antemeridian July 1 to 6 o'clock postmeridian August 2.

3. Section 107.3 is amended in paragraph (b) to read as follows:

(b) Chignik Bay district: From 6 o'clock postmeridian Monday to 6 o'clock antemeridian Wednesday; from 6 o'clock postmeridian Wednesday to 6 o'clock antemeridian Friday; and from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

4. Section 107.6 is amended in paragraph (b) to read as follows:

(b) The use of purse seines is prohibited except in the Western district, and in the Eastern district east of Cape Kumnik.

5. Sections 107.13 and 107.14 are suspended through December 31, 1957.

6. Section 107.15 is amended in paragraphs (a) and (b), and by adding paragraphs (c), (d), and (e) to read as follows:

(a) Chignik Lagoon: (1) Within a line from a point on the mainland at 56 degrees 18 minutes 00 seconds north latitude, 158 degrees 36 minutes 42 seconds west longitude, to a point on the north side of Chignik Island at approximately 56 degrees 17 minutes 30 seconds north latitude, 158 degrees 34 minutes 54 seconds west longitude, thence to a point on the east side of Chignik Island at 56 degrees 16 minutes 48 seconds north latitude, 158 degrees 34 minutes 38 seconds west longitude, thence to Green Point on the mainland at 56 degrees 16 minutes 44 seconds north latitude, 158 degrees 33 minutes 52 seconds west longitude, and (2) all waters of Mallard Duck Bay inside a line from Green Point to Chignik Island; both effective in 1957 only.

(b) Aniakchak Lagoon: All waters of the lagoon and within 500 yards of the entrance.

(c) Yantarni Lagoon: All waters of the lagoon and within 500 yards of the entrance.

(d) Nakalilok Lagoon: All waters of the lagoon and within 500 yards of the entrance.

(e) Kujulik Bay: All waters in the southwest end of the bay inside a line from a point at approximately 56 degrees 35 minutes 52 seconds north latitude, 157 degrees 59 minutes 00 seconds west longitude, to a point at 56 degrees 34 minutes 00 seconds north latitude, 157 degrees 57 minutes 30 seconds west longitude.

PART 108—KODIAK AREA

1. Section 108.1 is amended in text to read as follows:

§ 108.1 *Definition.* The Kodiak area is hereby defined to include all waters of Alaska from the southern entrance to Imuya Bay near Kilokak Rocks, to Cape Douglas, including Kodiak, Afognak, and adjacent islands.

2. Section 108.2 is amended in headnote to read: "§ 108.2 *Definitions, fishing districts and sections,*" and is also amended in paragraphs (a), (b), and (c), and by adding a new paragraph designated (b–1) to read as follows:

(a) Alitak district: All waters between Cape Trinity and Low Cape.

(1) Moser-Olga Bay section; inside a line from the southernmost point of Miller Island to the southernmost point of High Rock.

(2) Alitak Bay section; all other waters of the district.

(b) Red River district: All waters from Low Cape to Sturgeon Head.

(b–1) Sturgeon River district: All waters from Sturgeon Head to Cape Karluk.

(c) Karluk district: All waters from Cape Karluk to Broken Point.

(1) Inner Karluk section; all waters from Cape Karluk to Cape Uyak.

(2) Uyak Bay section; all waters inside a line from Cape Kuliuk to the Uyak Postoffice.

(3) Outer section; all other waters of the district.

3. Section 108.3 is amended to read as follows:

§ 108.3 *Open seasons, Karluk district.* Fishing is prohibited except from 6 o'clock antemeridian June 3 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28: *Provided*, That fishing is prohibited, (1) Prior to 6 o'clock antemeridian July 8 in the Uyak section, and (2) from 6 o'clock postmeridian July 19 to 6 o'clock antemeridian July 29 in the Inner Karluk section.

4. Section 108.3a is amended to read as follows:

§ 108.3a *Open seasons, Mainland district.* Fishing is prohibited except from 6 o'clock antemeridian July 8 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28.

5. Section 108.3b is amended to read as follows:

§ 108.3b *Open seasons, Afognak district.* Fishing is prohibited except from 6 o'clock antemeridian July 8 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28.

6. Section 108.3c is amended to read as follows:

§ 108.3c *Open seasons, General district.* Fishing is prohibited except from 6 o'clock antemeridian July 8 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28.

7. Section 108.4 is amended to read as follows:

§ 108.4 *Open season, Red River district.* Fishing is prohibited except from 6 o'clock antemeridian July 8 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28.

8. A new section designated 108.4a is added to read as follows:

§ 108.4a *Open seasons, Sturgeon River district.* Fishing is prohibited except from 6 o'clock antemeridian June 3 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28.

9. Section 108.5 is amended to read as follows:

§ 108.5 *Open seasons, Alitak district.* Fishing is prohibited except from 6 o'clock antemeridian July 1 to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28; *Provided*, That in the Alitak Bay section fishing is prohibited prior to 6 o'clock antemeridian July 8.

10. Section 108.5a is amended to read as follows:

§ 108.5a *Open seasons, Uganik district.* Fishing is prohibited except from 6 o'clock antemeridian July 8, to 6 o'clock postmeridian August 13, and from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 28.

11. Section 108.5b is amended to read as follows:

§ 108.5b *Weekly closed period.* Prior to September 5, the weekly closed period is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided*, That after August 1 in the Moser-Olga Bay section of the Alitak district, the weekly closed period is further extended to include the period from 6 o'clock postmeridian Tuesday to 6 o'clock antemeridian Thursday.

12. Section 108.10 is amended to read as follows:

§ 108.10 *Fishing limited, Olga and Moser Bays.* Fishing is prohibited (a) in Olga Bay, except with set or anchored gill nets along the south shore from the latitude of Stockholm Point to a point at 57 degrees 4 minutes 23 seconds north latitude, 154 degrees 6 minutes 38 seconds west longitude, and along the eastern shore from a point at 57 degrees 4 minutes 23 seconds north latitude, 154 degrees 5 minutes 2 seconds west longitude, to a point at 154 degrees west longitude, and along the north shore from a point at 154 degrees 3 minutes west longitude to the latitude of Stockholm Point; and (b) in Moser Bay except with set or anchored gill nets south of a line from 57 degrees 0 minutes 11 seconds north latitude, 154 de-

grees 7 minutes 58 seconds west longitude, to 57 degrees 1 minute 27 seconds north latitude, 154 degrees 8 minutes 32 seconds west longitude.

13. A new section designated 108.16a is added to read as follows:

§ 108.16a *Gear, Sturgeon River district.* Fishing is prohibited in the Sturgeon River district except by purse seines and set or anchored gill nets.

14. Section 108.24 is amended in paragraphs (i) and (s) to read as follows:

(i) Terror Bay: All waters within the bay south of 57 degrees 44 minutes 41 seconds north latitude.

* * * * *

(s) Barling Bay: All waters of the bay.

PART 109—COOK INLET AREA

1. Section 109.2 is amended in text to read as follows:

§ 109.2 *Open seasons.* (a) Northern and North Central districts: (1) From 9 o'clock antemeridian May 27 to 9 o'clock antemeridian June 24 with gill nets only, of which no legal limit shall have more than 35 fathoms of mesh less than 8½ inches stretched measure, (2) From 9 o'clock antemeridian June 24 to 9 o'clock postmeridian August 12, and (3) From 9 o'clock antemeridian August 19 to 9 o'clock postmeridian September 20 with gill nets only.

(b) South Central district: (1) From 9 o'clock antemeridian May 27 to 9 o'clock postmeridian August 12, and (2) From 9 o'clock antemeridian August 19 to 9 o'clock postmeridian September 20 with gill nets only.

(c) Southern district: (1) From 9 o'clock antemeridian May 27 to 9 o'clock postmeridian August 12, and (2) From 9 o'clock antemeridian September 2 to 9 o'clock postmeridian September 10.

(d) Outer district: (1) From 9 o'clock antemeridian July 11 to 9 o'clock antemeridian July 17, and (2) From 9 o'clock antemeridian July 25 to 9 o'clock antemeridian August 7.

2. Section 109.2a is amended in paragraph (a) to read as follows:

(a) (1) In the Northern, North Central, South Central, and Southern districts prior to July 1 from 9 o'clock antemeridian Friday to 9 o'clock antemeridian Monday and from 9 o'clock antemeridian Tuesday to 9 o'clock antemeridian Thursday. In the period July 1 to July 27 inclusive, the number of fishing days per week shall be governed by the total number of units of gear registered for fishing in these districts as of the preceding June 1 in accordance with the following table:

Units of gear:	*Days of fishing per week*
1540	1.0
1290–1539	1.5
1050–1289	2.0
880–1049	2.5
770–879	3.0
700–769	3.5
650–699	4.0
649	5.0

(2) For the purposes of this section, one set of set net gear shall equal 1 unit of gear; one drift gill net shall equal 2 units of gear; one hand trap shall equal 4 units of gear; and one pile trap shall equal 8.5 units of gear.

(3) When the allowable fishing time is one day per week, fishing will be permitted from 9 o'clock antemeridian Monday to 9 o'clock antemeridian Tuesday. When the allowable fishing time is more than one day and less than three days per week, fishing will commence at 9 o'clock antemeridian on Monday and 9 o'clock antemeridian on Thursday, and will be continuous thereafter for one-half of the total fishing time allowed. When the allowable fishing time is three or three and one-half days per week, the fishing time shall be divided into three equal parts starting at 9 o'clock antemeridian on each Monday, Wednesday and Friday. When the allowable fishing time is four days or more per week, fishing will commence at 9 o'clock antemeridian Monday and be continuous thereafter for the total fishing time allowed. As used in this section "day" refers to a period of twenty-four hours.

3. Section 109.6 is amended in the last sentence of text to read as follows: The use of drift gill nets is prohibited in the Northern, Southern and Outer districts.

4. A new section designated 109.7a is added to read as follows:

§ 109.7a *Use of gill nets restricted.* In the period from July 1 to July 27: (a) No gill net registered as a set gill net may be used as a drift gill net, nor may any gill net registered as a drift gill net be used as a set net; (b) No fisherman licensed to operate or assist in operating a drift gill net shall operate a set gill net; and no fisherman licensed to operate a set gill net shall operate or assist in operating a drift gill net; (c) During any weekly open fishing period the picking of any gill net shall be deemed to be a part of the fishing operation and shall be performed only on a registered net by fishermen licensed to operate a particular legal limit of gear.

5. Section 109.8 is amended in text to read as follows: "Each drift gill net in operation shall have a suitable bright red keg, buoy or cluster of floats at each end which shall be plainly and legibly marked with the permanent registration number of the United States Fish and Wildlife Service, as well as the initials of the operator, and bright red double floats shall be attached to the cork line at 25-fathom intervals."

6. Section 109.15e is amended as follows: By deleting from the proviso the words "6 o'clock antemeridian" and substituting in lieu thereof "9 o'clock antemeridian June 24"; by amending paragraph (c), (3) to read as follows:

(3) From 60 degrees 65 minutes 34 seconds north latitude, 150 degrees 44 minutes 13 seconds west longitude to the latitude of Birch Hill at approximately 60 degrees 14 minutes 00 seconds north latitude;

and by adding to paragraph (c) a new subparagraph (4) as follows:

(4) From the latitude of Gray Cliff to the southern boundary of the district at Boulder Point.

7. Section 109.15f is amended in the proviso by deleting "6 o'clock antemeridian June 25" and substituting in lieu thereof "9 o'clock antemeridian June 24", and in paragraph (a) subparagraph (2) to read as follows:

(2) From 60 degrees 45 minutes 55 seconds north latitude, 151 degrees 44 minutes 27 seconds west longitude, to 60 degrees 43 minutes 53 seconds north latitude, 151 degrees 48 minutes 30 seconds west longitude and, from 60 degrees 24 minutes 36 seconds north latitude, 152 degrees 16 minutes 35 seconds west longitude, to 60 degrees 24 minutes 14 seconds north latitude, 152 degrees 15 minutes 23 seconds west longitude.

8. Section 109.15g is revised in paragraphs (a) (1) and (b) (18), and by deleting subparagraphs (19), (20), and (21) of paragraph (b).

(a) * * *

(1) From 60 degrees 16 minutes 17 seconds north latitude, 152 degrees 20 minutes 54 seconds west longitude, to 60 degrees 14 minutes 14 seconds north latitude, 152 degrees 32 minutes 37 seconds west longitude and; from 60 degrees 13 minutes 25 seconds north latitude, 152 degrees 34 minutes 39 seconds west longitude to the latitude of Chisik Island Light.

* * * * *

(b) * * *

(18) From 60 degrees 04 minutes 51 seconds north latitude, 151 degrees 37 minutes 55 seconds west longitude to the latitude of the United States Fish and Wildlife Service marker marking the northern limit of the closed area at the mouth of Ninilchik River.

9. Section 109.15i is deleted.

10. Section 109.16 is amended in paragraph (c) to read as follows:

(c) Kamishak Bay: All waters within one statute mile of any salmon stream.

11. Section 109.25 is amended by adding a new paragraph designated (c) to read as follows:

(c) The float of each crab pot shall be plainly and legibly marked with the permanent United States Fish and Wildlife Service registration number and all pots fished under a single registration shall be consecutively numbered, starting with the number one.

12. Section 109.51a is amended in text to read as follows: "Personal use fishing shall be limited to a take of not to exceed 10 salmon per person per day by hook and line of which not more than two may exceed 16 inches in length."

PART 110—RESURRECTION BAY AREA

1. A new section designated 110.1a is added to read as follows:

§ 110.1a *Definitions, fishing districts.* (a) Eastern district: All waters east of 149 degrees 30 minutes west longitude.

(b) Western district: All waters west of 149 degrees 30 minutes west longitude.

2. Section 110.3 is amended to read as follows:

§ 110.3 *Open seasons.* Fishing is prohibited except (a) Eastern district, from 9 o'clock antemeridian August 1 to 6 o'clock postmeridian September 14, (b) Western district, from:

(1) 9 o'clock antemeridian July 1 to 9 o'clock antemeridian July 17, and

(2) from 9 o'clock antemeridian July 25 to 9 o'clock postmeridian August 8.

3. A new section designated 110.10a is added to read as follows:

§ 110.10a. *Size of beach seines.* No beach seine shall be less than 125 meshes in depth or less than 90 fathoms in length measured on the cork line. For the purpose of determining the depth of seines, measurements will be made on the basis of 3½ inches stretched measure between knots.

4. Section 110.50 is amended to read as follows:

§ 110.50 *Closed waters.* Fishing for, taking or molesting any salmon is prohibited in Bear Creek and Lake, Grouse Creek and Lake, and Salmon Creek, prior to 6 o'clock antemeridian August 15.

5. A new section designated 110.51 is added to read as follows:

§ 110.51 *Bag limit.* Personal use fishing shall be limited to a take of not to exceed 10 salmon per person per day with hook and line, of which not more than two shall exceed 16 inches in length.

PART 111—PRINCE WILLIAM SOUND AREA

1. Section 111.2 is amended to read as follows:

§ 111.2 *Open seasons.* Fishing, except trolling, is prohibited except in (a) Eshamy district from 6 o'clock antemeridian July 10 to 6 o'clock postmeridian August 22, (b) general district, from 6 o'clock antemeridian July 10 to 6 o'clock antemeridian August 10: *Provided*, That the number of purse seines registered prior to June 10 does not exceed 135. Should more than 135 purse seines be registered prior to June 10, the fishing season will be shortened according to the following table.

Number of purse seines:	*Season closing date (6 o'clock antemeridian)*
135 or less	August 10.
136–140	August 9.
141–145	August 8.
146–150	August 7.
151–155	August 6.
156–160	August 5.
161–165	August 3.
166–170	August 2.
171–180	August 1.

2. Section 111.11 is amended as follows: (Notice)—Effective only through December 31, 1957, § 111.11 is amended by deleting paragraphs (b), (f), (g), (h) (l), (i) (2), (j), (k), (n), (p), (q), (r), (s), (t), (u), (v), (w), (y), (aa) and (bb); and revising paragraphs (a), (d), and (z), so that §111.11 as changed reads as follows:

§ 111.11 *Areas open to traps.* (a) Knight Island: From a point on the southeast coast at 60 degrees 10 minutes north latitude southerly to Point Helen.

(c) Bainbridge Island: Within 2,500 feet of a point at 60 degrees 11 minutes 42 seconds north latitude, 148 degrees 2 minutes 32 seconds west longitude.

(d) Chenega Island: Along the southeastern coast from a point 2 statute miles north of Chenega Point to a point 1 statute mile north of Chenega Point.

(e) Mainland Coast within 2,500 feet westerly of a point at 60 degrees 24 minutes 58 seconds north latitude, 147 degrees 57 minutes 50 seconds west longitude.

(h) Western side of Valdez Arm: from 60 degrees 58 minutes 10 seconds north latitude, to 60 degrees 59 minutes 10 seconds north latitude.

(i) Southwest coast of Bligh Island: Within 2,500 feet of a point at 60 degrees 49 minutes 6 seconds north latitude, 146 degrees 48 minutes 55 seconds west longitude.

(l) Within ½ statute mile of Porcupine Point.

(m) Mainland coast, near Knowles Head: Within 2,500 feet of a point at 60 degrees 41 minutes 40 seconds north latitude, 146 degrees 39 minutes 54 seconds west longitude.

(o) From a point on the coast 1 statute mile northwestward of the light at Gravina Point to a point on the coast 2 statute miles northwestward of the light on Gravina Point, making an open area of 1 statute mile.

(x) Montague Island: Along the coast from a point on the south side of MacLeod Harbor at 59 degrees 52 minutes 20 seconds north latitude, 147 degrees, 50 minutes 32 seconds west longitude to a point at 59 degrees 52 minutes 10 seconds north latitude, 147 degrees 51 minutes 32 seconds west longitude.

(z) Western coast of Montague Island: From Point Bazil on the north side of the entrance to Hanning Bay northeasterly along the coast 1 statute mile.

3. Section 111.12 is amended: (1) By revising paragraphs (k) and (w); (2) By adding new paragraphs (aa), (bb), (cc), (dd), and (ee); and (3) By deleting paragraph (x).

(k) (1) Port Valdez: All waters east of 146 degrees 39 minutes 00 seconds west longitude.

(2) East side of Valdez Arm, Jack Bay: All waters east of 146 degrees 35 minutes 32 seconds west longitude, and within 1,000 yards of the terminuses of the two streams on the south shore of the bay.

(3) Valdez Arm, the bay locally known as Sawmill Bay: All waters within 1,000 yards of the terminus of the salmon stream on the west shore of the bay north of the lagoon.

* * * * *

(w) (1) Hinchinbrook Island, Anderson Bay: All waters at the heads of the two bays, inside lines drawn from a point at (1) 60 degrees 28 minutes 00 seconds north latitude, 146 degrees 32 minutes 45 seconds west longitude to a point at 60 degrees 27 minutes 54 seconds north latitude, 146 degrees 31 minutes 50 seconds west longitude, and (2) from a point at 60 degrees 27 minutes 45 seconds north latitude, 146 degrees 29 minutes 00 seconds west longitude to a point at 60 degrees 28 minutes 10 seconds north latitude, 146 degrees 27 minutes 00 seconds west longitude.

(2) Hinchinbrook Island, Hawkins Cutoff: All waters west of a line extending from a point at 60 degrees 27 minutes 15 seconds north latitude, 146 degrees 21 minutes 30 seconds west longitude to a point at 60 degrees 24 minutes 30 seconds north latitude, 146 degrees 19 minutes 30 seconds west longitude.

* * * * *

(aa) Port Gravina, Comfort Cove: All waters within 1,000 yards of the terminus of the stream at the head of the cove.

(bb) (1) Port Fidalgo, Two Moon Bay: All waters within 1,000 yards of the terminus of the stream at the head of the east arm.

(2) Port Fidalgo, Landlock Bay: All waters within 1,000 yards of the terminus of the stream at the head of the bay.

(cc) Wells Bay: All waters within 1,000 yards of the terminus of each of the two streams at the extreme head.

(dd) Port Nellie Juan: All waters within 1,000 yards of the terminuses of the following three streams located at approximately (1) 60 degrees 35 minutes 30 seconds north latitude, 148 degrees 15 minutes 00 seconds west longitude, (2) 60 degrees 34 minutes north latitude, 148 degrees 20 minutes 30 seconds west longitude, and (3) 60 degrees 35 minutes 40 seconds north latitude, 148 degrees 24 minutes west longitude.

(ee) (1) Montague Island, MacLeod Harbor: All waters within 1,000 yards of the terminus of all salmon streams at the head of the bay.

(2) Montague Island, Hanning Bay: All waters within 1,000 yards of the terminus of the stream at the head.

(3) Montague Island, Zaikof Bay: All waters within 1,000 yards of the terminus of the stream on the south shore nearest the head of the bay.

(4) Montague Island, Port Chalmers: All waters east of a line extending from a point at 60 degrees 14 minutes 20 seconds north latitude, 147 degrees 13 minutes 47 seconds west longitude, to a point at 60 degrees 15 minutes 25 seconds north latitude, 147 degrees 10 minutes 47 seconds west longitude.

PART 113—BERING RIVER-YAKATAGA AREA

1. Section 113.1 is amended in text after the word "waters" by adding "of Alaska".

2. Section 113.5 is amended to read as follows:

§ 113.5 *Weekly closed period.* Fishing is prohibited from 6 o'clock antemeridian Saturday to 6 o'clock antemeridian Monday, and from 6 o'clock antemeridian Wednesday to 6 o'clock postmeridian Thursday: *Provided*, That the mid-week closure shall not apply in the Bering River district after August 10.

3. Section 113.8 is amended in paragraph (b) by deleting from the text "or boat".

PART 114—YAKUTAT AREA

1. Section 114.2a is amended in paragraphs (a), (b), and (e) as follows: (a) by deleting "June 1" and substituting in lieu thereof "June 3", paragraph (b) is re-established to read as follows:

(b) Situk-Ahrnklin Inlet: From 6 o'clock antemeridian June 24 to 6 o'clock postmeridian September 30, (e) By deleting "June 17" and substituting in lieu thereof "June 15."

2. Section 114.2b is amended by deleting "March 15" and substituting in lieu thereof "April 15."

3. Section 114.4 is amended to read as follows:

§ 114.4 *Weekly closed periods.* The weekly closed period is extended as follows:

(a) Prior to August 11: From 6 o'clock postmeridian Thursday to 6 o'clock antemeridian Monday, except that the closure on the Alsek River shall be from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

(b) After August 11: From 12 o'clock noon Saturday to 12 o'clock noon Monday.

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

1. Section 115.4a is amended in text by deleting "and Burroughs Bay" and substituting in lieu thereof "Sumner Strait in the vicinity of Red and Salmon Bays, North Clarence Strait in the vicinity of Lake Bay, and the Portland Canal section of the Southern district."

2. Section 115.6d is amended in the headnote to read *"Closed season in outside waters, king salmon,"* and in text by deleting "March 15" and substituting in lieu thereof "April 15."

3. Section 115.6e is amended by deleting the final sentence of text.

4. Section 115.10 is amended in headnote to read *"Special season registration,"* and in text by inserting "or for drift gill net fishing along the northeast shore of Prince of Wales Island," immediately after the words "chum salmon fishing."

5. A new center heading is created designated "PERSONAL USE FISHERY" and a new section designated 115.50 is added thereunder to read as follows:

§ 115.50 *Restrictions on taking king salmon by hook and line.* The taking of king salmon in salt water by hook and line for sport or personal use shall be limited to:

(a) The use of not to exceed one line per person.

(b) A bag limit of fifty pounds and one fish.

(c) Fish over either: (1) 26 inches from tip of snout to fork of tail, or (2) six pounds dressed weight.

PART 116—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

Section 116.12 is deleted.

PART 117—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

1. Section 117.3 is amended in headnote to read *"Open seasons and weekly closed periods,"* and in text by deleting "During these seasons" and substituting in lieu thereof "Except subsequent to August 1 in the Western section."

2. Effective only through December 31, 1957, § 117.11 is amended by deleting paragraphs (a), (b), (c), (g), (h), (i) (2), (j), (l) (1), and (m), and by revising paragraphs (f), (i) (1), (k), and (l) (2).

(f) Chichagof Island: Within 2,500 feet of a point at 58 degrees 16 minutes 26 seconds north latitude, 135 degrees 49 minutes 56 seconds west longitude.

• • • • • •

(i) Pleasant Island: (1) Within 2,500 feet of a point at 58 degrees 20 minutes 11 seconds north latitude, 135 degrees 41 minutes 20 seconds west longitude.

• • • • • •

(k) Mainland: Along the coast on the east side of Excursion Inlet (1) within 2,500 feet of a point at 58 degrees 15 minutes 24 seconds north latitude, 135 degrees 19 minutes 31 seconds west longitude; (2) within 2,500 feet of a point at 58 degrees 14 minutes 13 seconds north latitude, 135 degrees 17 minutes 34 seconds west longitude.

(l) Chichagof Island: Northeast Coast • • • (2) within 2,500 feet of a point at 58 degrees 5 minutes 43 seconds north latitude, 135 degrees 13 minutes 21 seconds west longitude • • •.

PART 118—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

1. Section 118.4 is amended in text by deleting "September 30" and substituting in lieu thereof "October 11."

2. Section 118.5 is amended in text (1) by deleting "August 18" and substituting in lieu thereof "August 17"; (2) by deleting "During this season" and substituting in lieu thereof "Prior to August 15"; and (3) in the proviso by deleting "September 1" and substituting in lieu thereof "September 2"; and by adding "prior to September 25" at the end.

3. Section 118.6 is amended in headnote to read *"Open seasons and weekly closed periods, central and southern sections,"* and in text (1) by deleting "August 18" and substituting in lieu thereof "August 17"; (2) by deleting "During this season" and substituting in lieu thereof "Prior to August 15"; and (3) by deleting "6 o'clock antemeridian" from the proviso and substituting in lieu thereof "12 o'clock noon."

4. A new section designated 118.6a is added to read as follows:

§ 118.6a *Open seasons and weekly closed periods, western section.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 24. Prior to August 20 the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

5. Effective only through December 31, 1957, § 118.16 is amended by deleting paragraphs (a), (b), (c), (d) (1) and (3), (e), (g), (j) (1), (l), (m) (1) and (2); and by revising paragraphs (i), (j) (2) and (5).

(i) Mansfield Peninsula: West coast (1) from 58 degrees 12 minutes north latitude to 58 degrees 10 minutes 45 seconds north latitude; (2) within 2,500 feet of a point at 58 degrees 7 minutes 13 seconds north latitude; and (3) from 58 degrees 9 minutes 30 seconds north latitude to 58 degrees 8 minutes north latitude.

(j) Admiralty Island: West coast • • • (2) within 2,500 feet of a point at 57 degrees 43 minutes 23 seconds north latitude, (5) from 58 degrees 1 minute north latitude to 57 degrees 58 minutes 10 seconds north latitude.

6. Section 118.17 is amended in text in paragraphs (v) and (w) by adding the following proviso: *"Provided,* That this shall not apply to trolling."

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.2a is amended in paragraph (c) to read as follows:

(c) Southern section: All waters south of a line from Point Ellis to Peterson Point.

2. Section 119.3 is amended in headnote to read: *"Open seasons and weekly closed periods,"* and in text in paragraph (a) in the second sentence by deleting (1) "During this season" and substituting in lieu thereof "Prior to September 25"; (2) by deleting "Thursday" and substituting in lieu thereof "Friday"; (3) in paragraph (b) by deleting "and southern"; (4) by deleting "August 18" and substituting in lieu thereof "August 17"; (5) by deleting "During this season", and substituting in lieu thereof "Prior to August 15"; (6) by deleting "6 o'clock antemeridian" from the proviso and substituting in lieu thereof "12 o'clock noon"; and is further amended by adding a new paragraph designated (c) to read as follows:

(c) Southern section: From 6 o'clock antemeridian June 24 to 6 o'clock postmeridian August 24. Prior to August 20 the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

3. A new section designated 119.3a is added to read as follows:

§ 119.3a *Closed area and season, trolling.* Trolling is prohibited during the month of May in Stephens Passage north of Midway Island and in Lynn Canal north of the latitude of Point Retreat and in all contiguous waters.

4. Effective only through December 31, 1957, § 119.9 is amended by deleting paragraphs (b), (c) (1), (e) (1), (f) (1), (2) and (4), (j), (k) (3); and by revising paragraphs (a), (d), (e) (2), (g), and (k) (2) and (4):

(a) Mainland, east side of Stephens Passage: Within 2,500 feet of a point at 57 degrees 35 minutes 49 seconds north latitude, 133 degrees 37 minutes 48 seconds west longitude.

• • • • • •

(d) Mainland, Frederick Sound: (1) Within 2,500 feet of a point at 57 degrees 11 minutes 32 seconds north latitude, 133 degrees 32 minutes 27 seconds west longitude; (2) within 2,500 feet of a point at 57 degrees 10 minutes 52 seconds north latitude, 133 degrees 32 minutes 44 seconds west longitude.

(e) Admiralty Island: Southeast coast • • • (2) within 2,500 feet of a point at 57 degrees 20 minutes 59 seconds north latitude, 133 degrees 52 minutes 53 seconds west longitude.

• • • • • •

(g) Admiralty Island: Southeast coast (1) within 2,500 feet of a point at 57 degrees 5 minutes 18 seconds north latitude, 134 degrees 22 minutes 54 seconds west longitude; (2) within 2,500 feet of a point at 57 degrees 4 minutes 2 seconds north latitude, 134 degrees 25 minutes 20 seconds west longitude; and (3) within 2,500 feet of a point at 57 degrees 3 minutes 38 seconds north latitude, 134 degrees 26 minutes 50 seconds west longitude.

• • • • • •

(k) Kulu Island: Northwest coast • • • (2) within 2,500 feet of a point at 56 degrees 45 minutes 51 seconds north latitude, 134 degrees 23 minutes 30 seconds west longitude; • • • and (4) within 2,500 feet of a point at 56 degrees 51 minutes 39 seconds north latitude, 134 degrees 23 minutes 30 seconds west longitude; and within 2,500 feet of a point at 56 degrees 50 minutes 27 seconds north latitude, 134 degrees 25 minutes 11 seconds west longitude.

5. Section 119.10 is amended in paragraph (a) by changing the period at the end of the text to a comma and adding "except for trolling." And in paragraph (p) to read as follows:

(p) Taku Inlet and River: All waters north of the latitude of the survey marker "Lip," which is approximately three-fourths of a mile south of Taku Point.

6. Section 119.11 is amended in paragraph (a) and by adding a new paragraph designated (e) to read as follows:

(a) Auke Creek, and within 500 yards outside its mouth.

• • • • • •

(e) Stephens Passage, north of Midway Island and in Lynn Canal north of the latitude of Point Retreat and all contiguous waters, exclusive of the Chilkat River and the Taku Inlet-Port Snettisham section during the month of May.

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

1. Section 120.2 is amended by inserting "Hour Point" between "Chichagof Peak" and "Babbler Point."

2. Section 120.3a is amended to read as follows:

§ 120.3a *Weekly closed period.* From May 1 to September 24 inclusive, the weekly closed period is extended to include the period from 12 o'clock noon Thursday to 12 o'clock noon Monday.

PART 121—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

1. Section 121.1 is amended by inserting "Hour Point," between "Babbler Point," and "Chichagof Peak."

2. A new section designated 121.2a is added to read as follows:

§121.2a *Definitions, fishing sections.* (a) Anan section: Ernest Sound, Bradfield Canal, and contiguous waters, excluding Zimovia Strait, northwest of a line from Thorns Point to an unnamed islet at approximately 56 degrees 06 minutes 10 seconds north latitude, 132 degrees 06 minutes west longitude.

(b) General section: All other waters of the district.

3. Section 121.3 is amended to read as follows:

§ 121.3 *Open season, Anan section.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 15 to 6 o'clock postmeridian August 17. Prior to August 15 the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

4. Section 121.4 is amended to read as follows:

§ 121.4 *Open season, General section; exception.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 22 to 6 o'clock postmeridian August 24. Prior to August 20 the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday: *Provided,* That the above prohibitions do not apply to drift gill nets between 125 and 300 fathoms in length with mesh not less than five and one-half inches stretched measure, from 6 o'clock antemeridian June 17 to 6 o'clock postmeridian July 19 in open fishing waters within two miles of the Prince of Wales Island shoreline lying between 56 degrees 16 minutes 30 seconds north latitude on the south and east, and 133 degrees 21 minutes 30 seconds west longitude on the north and west.

(b) General section: All other waters of the district.

5. Effective only through December 31, 1957, § 121.10 is amended by deleting paragraphs (b), (c), (d), (e) (1), (f), (g), and (j) (1); and by revising paragraph (e) (2):

(e) Prince of Wales Island: Northwest coast • • • (2) within 1,500 feet of a point at 56 degrees 20 minutes 41 seconds north latitude, 133 degrees 38 minutes 4 seconds west longitude.

6. Section 121.11 is amended in paragraph (t) by inserting "cutoff" after "Petersburg road."

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT SALMON FISHERIES

1. Section 122.4 is amended in headnote by replacing the period with a semicolon and adding "exception." and by adding a proviso to read: *"Provided,* That the above prohibitions shall not apply to drift gill nets less than 125 fathoms and more than 300 fathoms in length with mesh not less than 5½ inches stretched measure, from 6 o'clock antemeridian June 17 to 6 o'clock postmeridian July 19 in open fishing waters of Kashevarof Passage and Whale Pass lying between Prince of Wales Island and a line extending from Coffman Island successively to Beck Island, Rose Island, the southwest shore of Blashke Island, and the southern extremity of West Island."

2. Section 122.5 is amended to read as follows:

§ 122.5 *Open seasons, Central section.* Fishing is prohibited, except (1) for trolling from 6 o'clock antemeridian April 15 to 6 o'clock postmeridian October 31 and (2) from 6 o'clock antemeridian July 22 to 6 o'clock postmeridian August 26. During the latter season the weekly closed period, except for trolling, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

3. Section 122.5a is amended by deleting "August 29" and substituting in lieu thereof "August 30" and by deleting "6 o'clock antemeridian" from the proviso and substituting in lieu thereof "12 o'clock noon."

Section 122.5b is amended in text by deleting "During these seasons" and substituting in lieu thereof "Prior to August 20."

4. Section 122.6 is amended in text by deleting "Claude Point to Point Lees" and substituting in lieu thereof "Nose Point to Snail Point."

5. Effective only through December 31, 1957, § 122.8 is amended by deleting paragraphs (b), (g), (i), (k) (2), (m) (3), (n), (o), (r) (1) and (3), (t) (2), (u) (1), (w) (2), (cc), (dd), (ff), (ii), (jj), (kk), (ll), (mm), (oo), (pp), (qq), and (ss), and by revising paragraphs (a), (c), (d), (e), (h), (k) (1), (3), (4) and (5), (m) (2), (p), (x), (z), (bb), (ee), and (hh).

(a) Etolin Island: West coast within 2,500 feet of a point at 56 degrees 8 minutes 42 seconds north latitude, 132 degrees 43 minutes 8 seconds west longitude.

• • • • • •

(c) West coast of: (1) Marsh Island, and (2) the northwesternmost island of the Screen Islands group.

(d) East Island: East coast within 2,500 feet of a point at 56 degrees 10 minutes 6 seconds north latitude, 132 degrees 54 minutes 13 seconds west longitude.

(e) Prince of Wales Island: East coast within 2,500 feet of a point at 56 degrees 9 minutes 40 seconds north latitude, 132 degrees 53 minutes 31 seconds west longitude.

• • • • • •

(h) Onslow Island: West coast within 2,500 feet of a point at 55 degrees 52 minutes 27 seconds north latitude, 132 degrees 23 minutes 29 seconds west longitude.

(k) Cleveland Peninsula: West coast (1) within 2,500 feet of a point at 55 degrees 44 minutes 11 seconds north latitude, 132 degrees 15 minutes 45 seconds west longitude; • • • (3) within 2,500 feet of a point at 55 degrees 36 minutes 15 seconds north latitude, 132 degrees 11 minutes 38 seconds west longitude; (4) within (i) 2,500 feet of a point at 55 degrees 33 minutes 33 seconds north latitude, and (ii) within 2,500 feet of a point

at 55 degrees 33 minutes 1 second north latitude; and (5) within 2,500 feet of a point at 55 degrees 30 minutes 45 seconds north latitude, 132 degrees 0 minutes 55 seconds west longitude.

• • • • •

(m) Gravina Island: • • • (2) within (i) 2,500 feet of a point at 55 degrees 18 minutes 48 seconds north latitude, (ii) 2,500 feet of a point at 55 degrees 16 minutes 58 seconds north latitude, (iii) 2,500 feet of a point at 55 degrees 15 minutes 11 seconds north latitude, (iv) 2,500 feet of a point at 55 degrees 13 minutes 43 seconds north latitude, (v) 2,500 feet of a point at 55 degrees 10 minutes 48 seconds north latitude, (vi) 2,500 feet of a point at 55 degrees 10 minutes 0 seconds north latitude, and (vii) within 2,500 feet of a point at 55 degrees 9 minutes 10 seconds north latitude.

• • • • •

(p) Annette Island: Within (1) 2,500 feet of a point at 55 degrees 5 minutes 41 seconds north latitude, and (2) 2,500 feet of a point at 55 degrees 0 minutes 45 seconds north latitude.

• • • • •

(x) Prince of Wales Island: East coast including adjacent rocks, within 2,500 feet of a point at 54 degrees 57 minutes 19 seconds north latitude.

• • • • •

(z) Prince of Wales Island: East coast within 2,500 feet of a point at 54 degrees 50 minutes 8 seconds north latitude, 131 degrees 57 minutes 39 seconds west longitude.

• • • • •

(bb) Prince of Wales Island: East coast within 2,500 feet of a point at 54 degrees 42 minutes 57 seconds north latitude, 132 degrees 0 minutes 38 seconds west longitude.

• • • • •

(ee) Prince of Wales Island: South coast within 2,500 feet of a point at 54 degrees 41 minutes 50 seconds north latitude, 132 degrees 10 minutes west longitude.

• • • • •

(hh) Cleveland Peninsula: Within 2,500 feet of a point at 55 degrees 32 minutes 43 seconds north latitude, 131 degrees 56 minutes 17 seconds west longitude.

6. Section 122.9 is amended

(1) In paragraph (a) by adding the following proviso: "*Provided*, That these closures shall not apply to fishing for chum salmon during any fall season."

(2) In paragraph (c) to read:

(c) Cholmondeley Sound: (1) Kitkun Bay, (2) the canal entering Dora Bay from the south, and (3) all waters west of and including Sunny Cove: *Provided*, That this closure shall not apply to trolling, nor to fishing for chum salmon during any fall season.

(3) By deleting paragraph (f).

(4) In paragraph (t) by adding "except during any fall chum salmon season.

(5) In paragraph (u) by deleting "the latitude of Snail Point" and substituting in lieu thereof "a line from Nose Point to Snail Point".

(6) By deleting paragraph (w).

PART 123—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT SALMON FISHERIES

1. Section 123.3 is amended in the proviso by deleting "6 o'clock antemeridian" and substituting in lieu thereof "12 o'clock noon."

2. Effective only through December 31, 1957, § 123.6 is amended by deleting paragraphs (a), (g), (i), (k), (p), (u) and (v); and by revising paragraphs (d), h), (l), (m), (o), (1), (q), and (t).

(d) San Fernando Island: Northern coast within 2,500 feet of a point at 55 degrees 34 minutes 12 seconds north latitude, 133 degrees 24 minutes 39 seconds west longitude.

• • • • •

(h) Prince of Wales Island: San Christoval Channel within 2,500 feet of a point at 55 degrees 36 minutes 28 seconds north latitude, 133 degrees 21 minutes 30 seconds west longitude.

• • • • •

(l) Prince of Wales Island: Within 2,500 feet of a point at 55 degrees 22 minutes 59 seconds north latitude, 133 degrees 13 minutes 28 seconds west longitude.

(m) Dall Island: Within 1,000 feet of a point at 54 degrees 41 minutes 3 seconds north latitude, 132 degrees 41 minutes 12 seconds west longitude.

• • • • •

(o) Sukwan Island: Southwestern coast (1) within 2,500 feet of a point at 55 degrees 2 minutes 12 seconds north latitude, 132 degrees 53 minutes 28 seconds west longitude;

• • • • •

(q) Prince of Wales Island: South of Point Webster within (1) 2,500 feet of a point at 54 degrees 56 minutes 33 seconds north latitude, 132 degrees 34 minutes 37 seconds west longitude; and (2) within 2,500 feet of a point at 54 degrees 56 minutes north latitude, 132 degrees 33 minutes 11 seconds west longitude.

• • • • •

(t) Heceta Island: Western and southern coast (1) within 2,500 feet of a point at 55 degrees 41 minutes 38 seconds north latitude, 133 degrees 32 minutes 5 seconds west longitude; and (2) within 2,500 feet of a point at 55 degrees 42 minutes 32 seconds north latitude, 133 degrees 35 minutes 28 seconds west longitude.

3. Section 123.7 is amended

(1) In paragraph (a) to read as follows:

(a) Klawak Inlet: All waters east of Klawak and Peratrovich Islands and north of a line connecting the northern extremities of Peratrovich and Wadleigh Islands, including Big Salt Lake.

(2) By deleting paragraph (b).

(3) By creating a new paragraph designated (w) to read as follows:

(w) Shinaku Inlet: All waters north of the latitude of Point Ildefonso.

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

1. A new section designated 124.2a is added to read as follows:

§ 124.2a *Definitions, fishing sections.* (a) Portland Canal section: Portland and Pearse Canals and contiguous waters lying between the Canadian boundary and a line from Akeku Point successively through Male Point, Dark Point, High Point, Tongass Reef light, Kataku Point and Garnet Point and the longitude of Garnet Point.

(b) General section: All waters of the district not included in the Portland Canal section.

2. Section 124.3 is amended to read as follows:

§ 124.3 *Open seasons and weekly closed periods; exceptions.* Fishing, other than trolling, is prohibited except from 6 o'clock antemeridian July 13 to 6 o'clock postmeridian August 17: *Provided*, That drift gill nets may be used (a) in all open waters of the Portland Canal section from 12 o'clock noon June 17 to 6 o'clock antemeridian July 11 and from 6 o'clock antemeridian September 2 to 6 o'clock postmeridian September 30 and (b) north of the latitude of Hidden Point in Portland Canal from 6 o'clock antemeridian July 11 to 6 o'clock postmeridian August 30. During these seasons the weekly closed period, except for trolling and except subsequent to August 14 in the General section, is extended to include the period from 6 o'clock postmeridian Friday to 6 o'clock antemeridian Monday.

3. Section 124.4 is amended to read as follows:

§ 124.4 *Closed season for trolling, South Arm of Behm Canal.* Trolling is prohibited in Behm Canal between a line from Point Sykes to Point Alava, and a line from Point Eva to Cactus Point from 6 o'clock postmeridian April 30 to 6 o'clock antemeridian July 15.

4. Section 124.7a is amended to read as follows:

§ 124.7a *Size of gill nets, Portland Canal Section.* No gill net shall exceed 200 fathoms in length or 60 meshes in depth.

5. Effective only through December 31, 1957, § 124.8 is amended by deleting paragraphs (b) (1), (d), (2), (e), (f), (g), and (q), and by revising paragraphs (c), (d), (1), (g) (2) and (3), and (p).

(c) Revillagigedo Island: Within (1) 2,500 feet of a point at 55 degrees 11 minutes 28 seconds north latitude, 131 degrees 11 minutes 01 second west longitude; (2) 2,500 feet of a point at 55 degrees 12 minutes north latitude, 131 degrees 14 minutes 22 seconds west longitude; (3) 2,500 feet of a point at 55 degrees 13 minutes 34 seconds north latitude, 131 degrees 17 minutes 19 seconds west longitude; (4) 2,500 feet of a point at 55 degrees 14 minutes 45 seconds north latitude, 131 degrees 19 minutes 32 seconds west longitude; and (5) 2,500 feet of a point at 55 degrees 11 minutes 21 seconds north latitude, 131 degrees 12 minutes 44 seconds west longitude.

(d) Mainland Peninsula between Smeaton Bay and Boca de Quadra: Along the coast (1) within 2,500 feet of a point at 55 degrees 11 minutes 15 seconds north latitude, 131 degrees 5 minutes 26 seconds west longitude.

• • • • •

(g) Mainland south of Foggy Bay: • • • (2) within 2,500 feet of a point at 54 degrees 52 minutes 43 seconds north latitude, 130 degrees 57 minutes 19 seconds west longitude; and (3) within 1,000 feet of a point at 54 degrees 47 minutes 32 seconds north latitude, 130 degrees 54 minutes 53 seconds west longitude.

• • • • •

(p) Kanaganut Island: West coast within 2,500 feet of a point at 54 degrees 44 minutes 16 seconds north latitude, 130 degrees 42 minutes 57 seconds west longitude.

6. Section 124.9 is amended by adding the following paragraphs designated (p), (q), and (r) to read as follows:

(p) Ward Cove: All waters within the cove.

(q) South Behm Canal: All waters north of a line from Point Eva to Cactus Point.

(r) Tombstone Bay: All waters within 1,000 yards of the mouth of the stream entering the bay from the northwest.

7. A new center heading designated "Personal Use Fishery" is created and two new sections designated 124.50 and 124.51 are added thereunder to read as follows:

§ 124.50 *Restricted waters.* The taking of salmon for sport, or personal use, shall not exceed a bag limit of two fish and shall be only by means of hook and line, spear or gaff in the waters of:

(a) Ward Cove, Lake and Creek.

(b) Ketchikan Creek and Thomas Basin.

§ 124.51 *Closed waters.* All fishing for sport or personal use is prohibited in salt water in Behm Canal and contiguous bays north of a line from Point Eva to Cactus Point.

Notice. The notice terminating certain closed areas in parts 115 through 124 on December 31, 1956, as published in the FEDERAL REGISTER on March 19, 1956 (21 F. R. 1780), is amended by deleting "1956" and substituting in lieu thereof "1957."

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

HATFIELD CHILSON,
Acting Secretary of the Interior.

FEBRUARY 28, 1957.

[F. R. Doc. 57-1659; Filed, Mar. 5, 1957; 8:47 a. m.]

• • • • [Sec. 1.] section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1952 edition, title 46, sec. 883), is further amended by inserting the following new proviso at the end of the first proviso thereof: "*Provided further*, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt outside the United States, its Territories (not including trust territories), or its possessions shall have the right thereafter to engage in the coastwise trade." • • •

Sec. 4. This act shall be effective from the date of enactment hereof: *Provided, however*, That no vessel shall be deemed to have lost its coastwise privileges hereunder if it is rebuilt under a contract entered into before such date of enactment and if the work of rebuilding is commenced not later than six months after such date of enactment. (Secs. 1 and 4 of the act of July 14, 1956 (secs. 1, 4, 70 Stat. 544; T. D. 54178; 46 U. S. C. 883).)

4. Section 3.28 is amended as follows:

a. Paragraphs (a) and (b) are amended to read as follows:

(a) A vessel may be deemed to be a new vessel in a case in which it has been built entirely of new materials or in a case in which it has been built in whole or in part of old materials taken from another vessel provided no considerable part of the old material used has been left undisturbed or intact without being taken up, refitted, and reset. A vessel may be deemed to have been rebuilt if any considerable part of the hull in its intact condition without having been broken up is built upon or substantially altered.

(b) When a new vessel is constructed in whole or in part of material taken from an old vessel; when an existing vessel is rebuilt; when, in the case of a vessel of more than 500 gross tons, the vessel has been so altered in a foreign shipyard as to lose its privileges as a vessel of the United States (§ 3.29 (a)) or has otherwise been so altered in such a yard as to give rise to a reasonable belief that the vessel may have been rebuilt; or when it is desired, in the case of an unrigged wooden vessel, other than a foreign-built vessel (class 9), that a notation be made in the publication, Merchant Vessels of the United States, as to rebuilding, the owner of the vessel shall submit through the collector at the port where the vessel then is or next arrives thereafter to the Commissioner of Customs a certificate of specifications outlining the work performed on the vessel and describing the extent to which old materials used were taken up, refitted, and reset, or, the extent to which parts of the old hull in its intact condition were used or built upon. The certificate shall be accompanied by accurate sketches or blueprints illustrating the extent of the work performed when such sketches or blueprints are available. Such certificates shall also be accompanied by a certificate of the builder, which shall be on customs Form 1261 if the vessel is claimed to be new. In the case of an unrigged wooden vessel, the shipbuilder, in addition to certifying that the vessel is rebuilt and the date of completion and place of such rebuilding, shall certify that the vessel is sound

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Parts 3, 4]

DOCUMENTATION AND USE OF VESSELS REBUILT ABROAD, REPORTS OF SUCH REBUILDING UPON ENTRY

PROPOSED AMENDMENT OF CUSTOMS REGULATIONS RELATING TO DOCUMENTATION AND USE OF VESSELS REBUILT ABROAD AND REPORTS OF SUCH REBUILDING UPON ENTRY

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that, under the authority cited below, it is proposed to amend §§ 3.2, 3.28, 3.29, 3.30, 3.43, and 4.7 of the Customs regulations, relating to the documentation and use of new and rebuilt vessels and reports upon entry. The proposed amendments are designed to give effect to and to carry out the purposes of the provisions of the act of July 14, 1956 (70 Stat. 544; 46 U. S. C. 883, 883a, 883b; T. D. 54178).

The proposed amendments, in tentative form, are as follows:

1. Section 3.2 is amended by deleting everything in paragraph (c), Class 1, following the footnote reference at the end of the first sentence, so that paragraph (c), Class 1, as amended will read:

Class 1. Any vessel built in the United States and wholly owned by a citizen. [2]

2. Section 3.2 is further amended by deleting the parenthetical matter at the end of paragraph (d), and by inserting a new paragraph (e) reading as follows:

(e) No vessel of classes 1 through 8 above which has acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in or documented under the laws of the United States, and which has thereafter been sold or transferred foreign in whole or in part or placed under foreign registry (§ 3.43) or which, if of more than 500 gross tons, has been rebuilt outside the United States, its territories (not including trust territories), or its possessions after July 13, 1956, or which being of more than 500 gross tons, has been so rebuilt under a contract entered into on or before that date if the work of rebuilding was not commenced within 6 months after July 14, 1956 (§ 3.28),[3] shall have the right thereafter to engage in the coastwise trade. Any document issued to such a vessel shall bear the following notation: As amended by section 27 of the Merchant Marine Act of June 5, 1920, as amended. This vessel shall not engage in the coastwise trade.

(R. S. 4132, as amended, sec. 22, 41 Stat. 977, R. S. 4136, as amended, 4214, as amended, secs. 2, 9, 39 Stat. 729, as amended, 730, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 46 U. S. C. 11, 13, 14, 103, 802, 808, 883, 883a, 883b)

3. A footnote is appended to § 3.2 (e) reading as follows:

and free from rotten or doted wood in its structural parts; that it is properly fastened and calked; and that it is as good as new in strength and seaworthiness. The Commissioner of Customs shall decide whether or not the vessel is to be considered to be new or rebuilt and, if either, that decision shall be reflected on the vessel's marine document.

b. Footnote 17, appended to § 3.28 (b), is deleted.

c. Paragraph (c) is amended by deleting the parenthetical matter at the end thereof. A new paragraph (d) is added reading as following:

(d) No vessel of more than 500 gross tons which has been rebuilt within the meaning of this section outside the United States, its territories (not including trust territories), or its possessions, after July 13, 1956, or which has been so rebuilt under a contract entered into on or before that date if the work of rebuilding was commenced later than 6 months after July 14, 1956, shall be documented for nor engage in the coastwise trade.

(R. S. 4155, as amended, 4179, 37 Stat. 189, R. S. 4319, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 46 U. S. C. 25, 50, 63, 259, 883, 883a, 883b)

6. Section 3.29 (a) is amended by adding the following at the end thereof: "Every such alteration of a vessel of more than 500 gross tons which is effected in a foreign shipyard shall be reported to the collector of customs at the port where the vessel first arrives in the United States in accordance with the provisions of § 3.28 (b) and the master shall submit the statement required by § 4.7 of this chapter."

7. Section 3.30 (b) is amended by deleting the parenthetical matter at the end of the first sentence and by inserting in lieu thereof the following: "(See §§ 3.2, 3.28, 3.42, and 3.43.)"

8. Section 3.43 (f) is amended by substituting "under § 3.2 (e)" for "under Class 1 of § 3.2 (c)."

(R. S. 161, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 27, 41 Stat. 999, as amended, secs. 2, 3, 70 Stat. 544; 5 U. S. C. 22, 46 U. S. C. 2, 3, 883, 883a, 883b)

9. Section 4.7 (b) is amended as follows:

a. Subparagraph (2) is amended by inserting the following new sentence before the last sentence thereof: "If the vessel is of more than 500 gross tons, the declaration shall include a statement that no work in the nature of an alteration or rebuilding within the meaning of the Act of July 14, 1956 (70 Stat. 544), has been effected in any foreign port or place which has not been reported."

b. A new subparagraph (3) is added reading as follows:

(3) The master of every American vessel of more than 500 gross tons which is rebuilt outside the United States, its territories (not including trust territories), or its possessions shall upon the first entry of the vessel at a port of the United States thereafter report the facts and circumstances of the rebuilding of the vessel to the collector of customs at the port of entry. The report shall be accompanied by the papers required under section 3.28 of these regulations. If any such papers are not available at the time such report is made, they shall be produced to the collector concerned as soon thereafter as may be practicable but if they are not presented within 30 days, and if the delay is not explained to the satisfaction of the collector, appropriate penalty action shall be taken charging violations of the provisions of the act of July 14, 1956 (70 Stat. 544)."

10. A footnote is appended to § 4.7 (b) (3) reading as follows:

"• • • [Sec. 1] section 27 of the Merchant Marine Act, 1920, as amended (U. S. C., 1952 edition, title 46, sec. 883), is further amended by inserting the following new proviso at the end of the first proviso thereof: *"Provided further*, That no vessel of more than five hundred gross tons which has acquired the lawful right to engage in the coastwise trade, either by virtue of having been built in or documented under the laws of the United States, and which has later been rebuilt outside the United States, its Territories (not including trust territories), or its possessions shall have the right thereafter to engage in the coastwise trade."

Sec. 2. If any vessel of more than five hundred gross tons documented under the laws of the United States, or last documented under such laws, is rebuilt outside the United States, its Territories (not including trust territories), or its possessions, a report of the circumstances of such rebuilding shall be made to the Secretary of the Treasury upon the first arrival of the vessel thereafter at a port within the customs territory of the United States in accordance with such regulations as the Secretary may prescribe. If the required report is not made, the vessel, together with its tackle, apparel, equipment, and furniture, shall be forfeited, and the master and owner shall each be liable to a penalty of $200. Any penalty or forfeiture incurred under this Act may be remitted or mitigated by the Secretary under the provisions of section 5294 of the Revised Statutes of the United States, as amended (U. S. C., 1952 edition, title 46, sec. 7).

Sec. 3. The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out the purposes of this act.

Sec. 4. This act shall be effective from the date of enactment hereof: *Provided, however*, That no vessel shall be deemed to have lost its coastwise privileges hereunder if it is rebuilt under a contract entered into before such date of enactment and if the work of rebuilding is commenced not later than six months after such date of enactment. (Secs. 1–4, Act of July 14, 1956 (Secs. 1–4, 70 Stat. 544; T. D. 54178; 46 U. S. C. 883, 883a, 883b).)

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 27, 41 Stat. 999, as amended, sec. 624, 46 Stat. 759, secs. 2, 3, 70 Stat. 544; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3, 883, 883a, 883b)

Prior to the issuance of the proposed amendments, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: February 26, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57–1662; Filed, Mar. 5, 1957; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 102]

ALASKA COMMERCIAL FISHERIES

NOTICE OF PROPOSED RULE MAKING

On the basis of experience gained since adoption of the regulations in 1956 governing the movements of salmon net fishing effort, it has been determined that the movement of salmon net fishermen must be controlled separately from that of boats and nets. Accordingly, notice is hereby given that the Assistant Secretary of the Interior proposes to recommend to the Secretary that he adopt, in conformity with section 4 of the Administrative Procedures Act of June 11, 1946 (5 U. S. C. 1003), the regulations as set forth in tentative form below:

1. A new section designated § 102.8a is added to read as follows:

§ 102.8a *License required of salmon net fishermen.* (a) No person shall fish for, assist in fishing for, or be a member of a crew fishing for salmon, for commercial purposes, with any form of net in any of the waters of Alaska without first having obtained a license from a local representative of the United States Fish and Wildlife Service, or any person designated by the Administrator of Alaska Commercial Fisheries to perform specific functions of that Service. Such license shall be valid:

(1) Upon completion of an application on a form furnished for that purpose, and payment of a $5.00 fee.

(2) For the calendar year of issuance.

(3) Within any single registration area (as set forth in § 102.8) of his choice, the code letter of which shall appear on the face of the license, and for no other: *Provided*, That upon request, the Administrator of Alaska Commercial Fisheries may permit the license to be transferred without fee to another registration area for good cause shown, but only after a determination by him, in each case, that such transfer will not jeopardize proper conservation of the salmon runs in the second area. Such transfer, when granted, shall automatically invalidate the license in the previously designated area.

(b) Not more than one license shall be issued to any person during any given calendar year.

(c) Licenses shall be kept immediately available at all times during fishing operations and shall be shown upon request to any authorized representative of the United States Fish and Wildlife Service or of the United States Coast Guard.

NOTE: The above prescribed license is not in lieu of, but is required in addition to, any license required by the Territory of Alaska.

2. Interested persons are invited to participate in this proposed rule making by presenting their views and arguments in writing to the Acting Director of the Bureau of Commercial Fisheries, United States Fish and Wildlife Service, Washington 25, D. C., within 20 days after publication of this notice in the FEDERAL REGISTER.

(Act of June 18, 1926, (44 Stat.) 752; 48 U. S. C. 221 et seq.)

HATFIELD CHILSON,
Acting Secretary of the Interior.

FEBRUARY 28, 1957.

[F. R. Doc. 57–1658; Filed, Mar. 5, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 909]

[Docket No. AO 214–A1]

ALMONDS GROWN IN CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) (hereinafter referred to as the "act"), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Sacramento, California, June 5 and 6, 1956, on proposed amendments to the marketing agreement and order (7 CFR Part 909) regulating the handling of almonds grown in California. Said marketing agreement and order are effective pursuant to the provisions of the act.

Upon the basis of the evidence adduced at the aforementioned hearing and the record thereof, the Deputy Administrator, Marketing Services, Agricultural Marketing Service, United States Department of Agriculture, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Notice of such recommended decision, and opportunity to file written exceptions with respect thereto, was published in the FEDERAL REGISTER of December 4, 1956 (21 F. R. 9569). Certain exceptions to the proposed amended marketing agreement and order were filed by the California Almond Growers Exchange. The last day for filing such exceptions has expired and no other exceptions have been received.

Ruling on exceptions. All exceptions have been considered carefully and fully in conjunction with the hearing record evidence pertaining thereto in arriving at the findings and conclusions hereinafter set forth. To the extent that the findings and conclusions are at variance with any such exception not otherwise specifically ruled upon, such exception is denied.

Findings and conclusions. The material issues and the findings and conclusions of the aforesaid recommended decision (F. R. Doc. 56–9920; 21 F. R. 9569–9581) are hereby approved and adopted as the material issues and the findings and conclusions of this decision as if set forth in full herein, except for the corrections set forth below, and except as they are modified by the findings and conclusions in connection with the exceptions which are hereinafter set forth.

The corrections, which relate to the proposed amended marketing agreement and order, are as follows: 21 F. R. 9575, sixth line of the definition of "Secretary" (§ 909.1), change, "perfom" to "perform"; 21 F. R. 9575, sixth line of the definition of "trade demand," change "salting trade" to "salting trades"; 21 F. R. 9576, seventh line of paragraph (d) "right of the Secretary" of § 909.40, insert a comma between "order" and "regulation" so that the phrase will read "Each and every order, regulation," etc.; 21 F. R. 9580, twentieth and twenty-fourth lines of § 909.68 (a) change "August 1" to "September 1"; and 21 F. R. 9581, seventeenth line of § 909.81 (b) "refunds" change "begining" to "beginning."

The exceptions, and the rulings thereon, are as follows:

(1) In § 909.32 of the proposed amended marketing agreement and order, reference is made to mailing ballots and all necessary voting information to handlers and growers, other than cooperative. It is further provided that the growers should also be mailed the names of persons proposed for nomination on petitions filed with the Board. Since it is intended that names submitted by petition, as well as the ballots and other information, should go only to growers other than those belonging to a cooperative and not to all growers, the word "such," rather than the word "the," should be used in the second word of the phrase "to the growers the name of any person proposed for nomination in a petition signed by 15 such growers," so that it will read "to such growers the name of any person proposed for nomination in a petition signed by 15 such growers." The exception in this connection is hereby granted.

(2) In § 909.40 (c) of the proposed marketing agreement and order it is provided that, when any proposition is submitted for voting by mail or telegram, one dissenting vote or failure to vote shall prevent its adoption by that method. The corresponding provision in this connection which was set forth in the Notice of Hearing, merely provided that such a result would accrue only in the case of an actual dissenting vote. It was testified at the hearing by both of the witnesses who testified in this regard that failure to vote in such a situation should be considered as a dissenting vote. In response to questions as to what would be the situation in case the particular member should be unavailable for voting by mail, such as by reason of absence from home at the time, it was testified that it would be the responsibility of the program manager to get in touch with the respective member's alternate in such a situation with a view to having the alternate member vote. The exception on behalf of the proponent, the California Almond Growers Exchange, is to the effect that, after having given further consideration to this aspect, the failure to vote should not be considered as a negative vote. In view of the fact that the testimony of all witnesses unanimously supported such inclusion in the proposal, it is considered necessary to include such provision in § 909.40. The exception is, therefore, denied.

(3) It is provided in § 909.65 of the proposed amended marketing agreement and order that the containers of almonds withheld as surplus by handlers shall be identified by appropriate seals, stamps, or tags affixed thereto, and that such identification shall not be removed except under the supervision of the Board. The exception filed in this connection was to the effect that there should also be included a prohibition against unauthorized alteration of such an identification. It was testified at the hearing that the prohibition against such alteration should be included in the provisions and the failure to do so was inadvertent. The exception is, therefore, granted and the third sentence of proposed new § 909.50 is reworded to read as follows: "such identification shall not be altered or removed except under the supervision of the Board."

(4) Provision is made in § 909.66 (e) of the proposed amended marketing agreement and order for extending the time for surplus disposition to a date later than September 1. It is necessary and intended that conforming changes be provided for in proposed new §§ 909.67 (disposition by handlers) and 909.68 (disposition by Board) to cover any such extension of time. As suggested in an exception, the following should be added to an appropriate place in proposed § 909.67: "If the date of September 1 specified in § 909.66 (e) is extended, the date of September 1 shall be extended correspondingly." Likewise the following should be added at an appropriate place in proposed § 909.68: "If the date of September 1 specified in § 909.66 (e) is extended, the dates of August 31 and September 1 shall be extended correspondingly."

(5) In § 909.81 (a) of the proposed amended order, provision is made to establish such assessment rate per pound of almonds received by each handler for his own account as the Secretary finds is necessary to provide funds to meet the authorized board expenses and establishes for the crop year. The Secretary would establish the rate by dividing the amount of the approved budget by the estimated size of the crop and rounding the resulting figure for convenient use of handlers and the Board. An exception has been made to this proposal advocating a limit of $\frac{7}{10}$ of a cent per pound on any initial assessment rate but permitting a higher rate if subsequent determination indicates it to be necessary. It was testified by the exceptors that their interest was primarily to limit the budget and implying that the assessment rate limit would accomplish that objective. Exceptor implied that the limitation on the initial assessment rate is important to the Board avoiding pressures for expanded programs involving substantial additional expense when recommending its budget. However, on the basis of past experience in operating the order, budgets could be expanded by 50 to 100 percent within the proposed limitation. It would appear that the suggested rate limit would be unnecessary for future normal crop years. However, it could force reduction of expenditures below prudent

limits in years when the crop is small or could prevent budgeting necessary expenditures in future years under conditions not now fully predictable.

It was agreed in testimony at the hearing that, in practice the assessment rate is fixed after the budget is approved by the Secretary, and in an amount that will produce the income necessary to meet such budgeted expenses. An assessment rate limit should not be established which would preclude adoption of a realistic budget based on variable production levels and the necessary costs of program administration in future years. The Secretary should be free to establish annual budgets necessary and appropriate to carry out the program and to fix such assessment rates, under section 10 of the act. Therefore, the exception is denied.

Marketing agreement and order. Annexed hereto, and made a part hereof, are two documents entitled, respectively, "Marketing Agreement, as amended, Regulating the Handling of Almonds Grown in California" and "Order, as amended, Regulating the Handling of Almonds Grown in California," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The marketing agreement, as amended, and the order, as amended, shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the annexed marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of said agreement, as amended, are identical with those contained in the attached order, as amended, which will be published with this decision.

Dated: March 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order, as Amended,[1] *Regulating the Handling of Almonds Grown in California*

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AUTHORITY: §§ 909.0 to 909.92 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

§ 909.0 *General findings.* (a) The findings hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (15 F. R. 4993) of this marketing agreement and order, and all of said previous findings and determinations are hereby ratified and confirmed, except insofar as such findings and determinations may be in conflict with the findings set forth herein;

(b) The marketing order, as hereby proposed to be amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(c) The marketing order, as hereby proposed to be amended, will be applicable only to persons in the respective classes of industrial and commercial activities specified or necessarily included in the proposals upon which the amendment hearing has been held; and

(d) There are no differences in the production and marketing of almonds in the production area covered by this marketing order, as hereby proposed to be amended, which make necessary different terms applicable to different parts of such area.

It is therefore, ordered, That, on and after the effective date hereof, the handling of almonds grown in California shall be in conformity to, and in compliance with, the terms and conditions of this amended order which are as follows.

DEFINITIONS

§ 909.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or who may be, authorized to perform the duties under this part of the Secretary of Agriculture of the United States.

§ 909.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 62 Stat. 1247; 63 Stat. 282, 1051; 7 U. S. C. 601 et seq.).

§ 909.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 909.4 *Almonds.* "Almonds" means (unless otherwise specified) all varieties of almonds (except bitter almonds), either shelled or unshelled, grown in the State of California.

§ 909.5 *Unshelled almonds.* "Unshelled almonds" means almonds the kernels of which are contained in the shell.

§ 909.6 *Shelled almonds.* "Shelled almonds" means raw or roasted almonds after the shells are removed and includes blanched, diced, sliced, slivered, cut, halved, or broken almonds, or any combination thereof. Additional almond products may be included by the Secretary from time to time upon consideration of a recommendation from the Control Board or other pertinent information.

§ 909.7 *Edible kernel.* "Edible kernel" means a kernel, piece, or particle of almond kernel which is free from serious damage as defined in the effective United States Standards for Shelled Almonds. The specifications for "serious damage" as set forth in said standards may be modified by the Secretary after consideration of a recommendation from the Control Board or other pertinent information.

§ 909.8 *Inedible kernel.* "Inedible kernel" means a kernel, piece, or particle of almond kernel which is not an edible kernel.

§ 909.9 *Kernel weight.* "Kernel weight" means the weight of kernels, including pieces and particles, regardless of whether edible or inedible, contained in any lot of almonds, unshelled or shelled.

§ 909.10 *Almonds received for his own account.* "Almonds received for his own account" means all almonds which are received by a handler (including all almonds of his own production), except those which are received by him for storage or processing for the account of any other person and with respect to which such handler performs no handling function.

§ 909.11 *Area of production.* "Area of production" means the State of California.

§ 909.12 *Grower.* "Grower" is synonymous with "producer" and means any person engaging, in a proprietary capacity, in the commercial production of almonds.

§ 909.13 *Handler.* "Handler" means any person handling almonds during any crop year, except that such term shall not include a grower who sells only almonds of his own production at retail at a roadside stand operated by him.

§ 909.14 *Cooperative handler.* "Cooperative handler" means any handler which is a cooperative marketing association of growers regardless of where or under what laws it may be organized.

§ 909.15 *Almond product.* "Almond product" means any edible preparation other than those included under the definition of "shelled almonds," manufactured entirely or partially from raw shelled almonds, and nut mixtures containing shelled or unshelled almonds.

§ 909.16 *To handle.* "To handle" means to sell, consign, transport, ship (except as a common carrier of almonds owned by another person), or in any other way to put into the channels of trade either within the area of production or from such area to points outside thereof, except that such sales or deliveries by growers to a handler within the area of production shall not be considered as handling.

§ 909.17 *Inspection agency.* "Inspection agency" means the Federal-State Inspection Service or, when specifically designated, the Federal Inspection Service.

§ 909.18 *Settlement weight.* "Settlement weight" means the actual gross weight of any lot of almonds received for his own account by any handler, less adjustments as follows:

(a) For weight of containers,

(b) For excess moisture, and

(c) For trash or other foreign material of any kind.

§ 909.19 *Crop year.* "Crop year" means the 12 months from July 1 to the following June 30 inclusive.

§ 909.20 *Handler carryover.* "Handler carryover" as of any given date means all almonds (except those held as certified surplus) wherever located, then held by handlers for their own accounts (whether or not sold) but not including any almond products.

§ 909.21 *Trade demand.* "Trade demand" means the quantity of almonds (kernel weight basis) which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone.

§ 909.22 *Control Board.* "Control Board" is synonymous with "Board" and means the Almond Control Board established by this subpart.

§ 909.23 *Part and subpart.* "Part" means the order regulating the handling of almonds grown in the State of California, and all rules, regulations, and supplementary orders issued thereunder, and the aforesaid order shall be a "subpart" of such part.

ALMOND CONTROL BOARD

§ 909.30 *Establishment.* A Control Board of ten members, with an alternate member for each such member, is hereby established.

§ 909.31 *Membership representation.* Two members and an alternate for each member shall be selected from nominees submitted by each of the following groups designated in paragraphs (a) through (d) of this section, or from among other qualified persons belonging to such groups; and one member and an alternate member shall be selected from nominees submitted by each of the following groups designated in paragraphs (e) and (f) of this section, or from among other qualified persons belonging to such groups:

(a) The cooperative handlers;

(b) All handlers, other than cooperative handlers;

(c) Those growers who market their almonds through cooperative handlers;

(d) Those growers who market their almonds through other than cooperative handlers;

(e) The group of cooperative handlers or the group of handlers other than cooperative handlers whichever during that part of the then current crop year through March 31 received for their own account more than 50 percent of the almonds delivered by growers, and

(f) Those growers whose almonds were marketed during that period of the then current crop year through March 31, through the handler group specified in paragraph (e) of this section.

§ 909.32 *Nominations.*—(a) *Method.* Nominees for the respective member and alternate member positions shall be chosen by ballot delivered to the Control Board. Nominees chosen as provided herein shall be submitted by the Control Board to the Secretary on or before May 20 of each year together with such related information as he may require. If a nomination for any board member or alternate is not received by the Secretary on or before May 20, he may select such member or alternate from persons belonging to the group to be represented, without nomination. The Control Board shall mail to all handlers and growers, other than cooperative, of record, the required ballots with all necessary voting information, including the names of incumbents willing to accept renomination, and, to such growers the name of any person proposed for nomination in a petition signed by at least 15 such growers and filed with the Board on or before April 20. Distribution of ballots shall be announced by press releases, furnishing pertinent information on balloting, issued by the Control Board through newspapers and other publications having general circulation in the almond producing areas.

(b) *Voting.* (1) Nominees for each member and alternate member position shall be voted upon separately by the group proposing them. The handler or grower group which is determined to be eligible for additional representation pursuant to § 909.31 (e) and (f), respectively, shall nominate such representatives in the same manner prescribed for choosing other nominees.

(2) Each handler may vote for a nominee for each position representing the group to which he belongs. Each handler vote shall be weighted by the quantity of almonds (kernel weight basis computed to the nearest whole ton) handled for his own account through March 31 of the crop year in which nominations are made. The nominee for each position shall be the person receiving the highest weighted vote for the position.

(3) Growers who market their almonds through cooperative handlers shall vote through their respective organizations. Each cooperative shall cast a vote for nominees for each position representing the cooperative grower group and such ballots shall be weighted by the number of growers who are members of, or under contract with, such cooperative. The nominee for each position shall be the person receiving the highest weighted vote for that position.

(4) Growers who market their almonds through other than cooperative handlers shall each have one equal vote. The nominees for each position representing such grower group shall be the person receiving the highest number of votes for that position.

§ 909.33 *Selection and term of office.* Members and their respective alternates shall be selected annually for each group from nominees submitted for that group or from among other qualified persons by the Secretary for a term of one year beginning June 10 and shall serve until their respective successors are selected and qualified.

§ 909.34 *Qualification.* Any person selected as a member or alternate of the

[1] This amended order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing orders have been met.

Control Board, shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative. Any member or alternate who, at the time of his selection, was a member of or employed by a member of the group which nominated him shall, upon ceasing to be such member or employee, become disqualified to serve further and his position on the Control Board shall be deemed vacant.

§ 909.35 *Alternates.* An alternate for a member of the Control Board shall act in the place and stead of such member (a) in his absence, or (b) in the event of his death, removal, resignation or disqualification, until a successor for his unexpired term has been selected and has qualified.

§ 909.36 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected by the Secretary after consideration of recommendations which may be submitted by members of the group for which such vacancy exists, unless such selection is deemed unnecessary by the Secretary.

§ 909.37 *Expenses.* The members of the Control Board shall serve without compensation, but shall be allowed their necessary expenses.

§ 909.38 *Powers.* The Control Board shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 909.39 *Duties.* The Control Board shall have, among other things, the following duties:

(a) To act as intermediary between the Secretary and any handler or grower;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall be subject to examination by the Secretary at any time;

(c) To investigate the growing, shipping, and marketing conditions with respect to almonds and to assemble data in connection therewith;

(d) To furnish to the Secretary such available information as may be deemed pertinent or as he may request;

(e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and fix the bonds of such employees; and

(f) To cause the books of the Control Board to be audited by one or more competent certified public accountants at least once for each crop year, and at such other times as the Control Board may deem necessary or as the Secretary may request; and the report of each such audit shall show, among other things, the receipt and expenditure of funds pursuant hereto; and to file with the Secretary three copies of all audit reports made.

§ 909.40 *Procedure*—(a) *Organization and rules.* The members of the Control Board shall select a chairman from their membership. The Board shall select such other officers and adopt such rules for the conduct of its business as it may deem advisable. The Board shall give to the Secretary or his designated agent and representatives the same notice of meetings of the Control Board as is given to members of the Board.

(b) *Quorum.* All decisions of the Control Board, except where otherwise specifically provided, shall be by a majority vote of the members present. The presence of six members shall be required to constitute a quorum.

(c) *Voting by mail or telegram.* The Control Board may vote by mail or telegram upon written notice to all members, or alternates acting in their place, including in the notice a statement of a reasonable time not to exceed 10 days in which a vote by mail or telegram must be received by the board manager for counting: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the Board. When any proposition is submitted for voting by mail or telegram, one dissenting vote or failure to vote shall prevent its adoption by that method.

(d) *Right of the Secretary.* The members of the Control Board (including successors or alternates), and any agent or employee appointed or employed by the Control Board, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the Control Board shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and, upon such disapproval, shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

SURPLUS CONTROL

§ 909.45 *General.* In order to effectuate the declared policy of the act, no handler shall handle almonds except in accordance with the terms and conditions of this part.

§ 909.46 *Withholding surplus.* When a surplus percentage has been fixed for any crop year, as hereinafter provided, no handler shall handle almonds except on condition that he comply with the requirements in respect to withholding surplus almonds and the prescribed disposition thereof.

§ 909.47 *Method of establishing salable and surplus percentages.* Whenever the Secretary finds, from the recommendations and supporting information supplied by the Control Board or from any other available information, that to designate the percentages of almonds during any crop year which shall be salable almonds and surplus almonds would tend to effectuate the declared policy of the act, he shall designate such percentages. Except as provided in § 909.50 the salable and surplus percentages shall each be applied to the kernel weight of almonds received by a handler for his own account during the crop year. In establishing such salable and surplus percentages, the Secretary shall give consideration to the ratio of estimated trade demand (minus the handler carryover at the beginning of the crop year plus the desirable handler carryover at the end of the crop year) to the estimated production of almonds (all expressed in terms of kernel weight); the recommendation submitted to him by the Control Board; and such other information as he deems appropriate. The total of the salable and surplus percentages established each crop year shall equal 100 percent.

§ 909.48 *Increase of salable percentage.* Upon request filed prior to May 15 by the Control Board or, if the Board should fail to request, by two or more handlers who have handled at least 15 percent of all almonds handled in the preceding crop year, and after findings of fact (based upon a revision of the estimates required under § 909.49 and other pertinent information) that the quantity of salable almonds is not sufficient to satisfy trade demand and desirable carryover requirements for the crop year, the Secretary may increase the salable percentage. Such findings shall be made in the manner specified in § 909.47.

§ 909.49 *Board estimates and recommendations.* To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than August 1, the following estimates (kernel weight basis) and recommendations for the crop year, each of which shall be adopted by the affirmative vote of at least six members:

(a) The quantity of almonds to be produced;

(b) The handler carryover as of July 1;

(c) The desirable handler carryover at the end of the crop year;

(d) The trade demand, taking into consideration anticipated imports, economic conditions and the anticipated market price (within the limitations of the act); and

(e) The recommended salable and surplus percentages to be established.

The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages were considered. If, for any reason, the Board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the views of members with respect to such matters may be submitted to the Secretary who may act on the basis of such reports or other information available to him.

§ 909.50 *Requirement for withholding surplus.* Except as otherwise provided in §§ 909.51 and 909.55, every handler shall withhold from handling a quantity of almonds having a certified surplus kernel weight equal to the surplus percentage of the kernal weight of all almonds such handler receives for his own account during the crop year:

Provided, That any quantity of almonds disposed of in outlets such as animal feed or crushing into oil, in a manner permitting accountability to the Board, and which is not certified surplus, shall not be included in such receipts. Almonds which are withheld in satisfaction of a surplus withholding obligation shall be in suitable containers which may be prescribed by the Control Board, be inspected and certified as required § 909.52, and be identified by appropriate seals or stamps or tags to be furnished by the Board and to be affixed to the containers by the handlers under the direction and supervision of the inspectors or the Control Board. Such identification shall not be altered or removed except under the supervision of the Board. Almonds so withheld shall be set aside and kept for the account of the Control Board and, from the date of withholding and at all times thereafter, shall be kept by the handler available for inspection by the Board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the Control Board they shall be delivered to the Board f. o. b. handler's warehouse or point of storage, except that the Control Board shall not make such demand upon a handler with respect to surplus almonds for which the time for withholding has been deferred pursuant to § 909.53. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

§ 909.51 *Requirements for surplus.* A lot of almonds to be eligible for use in satisfying the surplus obligation of a handler must meet the following requirements, and the weight to be certified and credited as surplus shall be the kernel weight less any inedible kernel weight in excess of three percent of its edible kernel content: (a) The almonds in such lots shall be dry and properly cured and shall not vary widely in grade factors; (b) lots of unshelled almonds shall not have more than 10 percent of the almonds by count affected by adhering hulls (where more than 10 percent of the surface is affected), shall not contain more than 5 percent by weight of loose shells, hulls and other foreign material and shall not contain inedible kernels in excess of 40 percent of the kernel weight; and (c) lots of shelled almonds shall not contain, in the aggregate, more than 15 percent by weight of unshelled almonds and shells, loose hulls, and other foreign material and not more than 40 percent inedible kernels. The kernel content of unshelled almonds shall be included in determining edible and inedible kernel weight. The Secretary upon the recommendation of the Board may modify these requirements or establish additional requirements, including grade requirements for lots of surplus for export or disposition into outlets for human consumption as kernels.

§ 909.52 *Inspection and certification of surplus.* Each handler shall cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation, as soon as practicable after withholding or at such time as the Board may require, to determine that such almonds meet the requirements specified in § 909.51 and to ascertain the kernel weight to be certified. Each handler shall obtain an inspection certificate from the inspection agency and cause a copy of such certificate to be furnished to the Board. The handler shall bear the costs of the inspection and the certificate. The inspection certificate shall show, in addition to such other requirements as the Board may specify, the identity of the handler, the kind and number of containers in the lot and any brands or labels, whether the lot is shelled or unshelled, the variety of almonds in unshelled lots, the certified kernel weight contained in the lot and that it meets the requirements for surplus. Certified lots shall be identified as prescribed in § 909.50. Provisions of this section may be modified by the Secretary upon recommendation of the Board.

§ 909.53 *Deferment of time for withholding surplus and procedure*—(a) *Deferment of time.* Compliance by any handler with the requirements of § 909.50 for withholding surplus shall be deferred to any date desired by the handler, but not later than May 15 of the crop year, upon the voluntary execution and delivery by such handler to the Control Board of a written undertaking that on or prior to the desired date he will have fully satisfied his surplus withholding obligation. Such undertaking shall be secured either by almonds owned by the applying handler and pledged to the Control Board or by a bond or bonds to be filed with and acceptable to the Control Board in the amount or amounts hereinafter specified, conditioned upon full compliance with such undertaking.

(b) *Procedure when almonds are offered as security.* If the applying handler desires to pledge almonds as security, such almonds shall be owned by him free and clear of any and all liens or encumbrances and shall be of a quantity equal to or in excess of the quantity for which deferment is desired, such quantity to be determined pursuant to rules and regulations prescribed by the Control Board with the approval of the Secretary. The applying handler shall execute and deliver to the Control Board appropriate instruments which shall authorize the Board, in case of default, to sell the pledged almonds up to the quantity on which default occurs, as soon as practicable, in the most favorable surplus outlets available, and to remit the proceeds, less board expenses in connection therewith, to the defaulting handler. Pledged almonds in excess of the quantity represented by the default shall be returned to the defaulting handler, who shall be charged with any Board expenses in connection with such excess quantity. The applying handler, in pledging almonds to the Board, shall agree in writing that he will: Store the pledged almonds in bulk storage bins or other containers regularly used by almond handlers, separate and apart from all other almonds; permit inspection of such almonds by the Board or the inspection agency at any time; maintain such almonds insofar as is reasonably practicable in the same condition as when offered as security; store such almonds in a manner that they can be readily identified, weighed, measured, and sampled; and place or cause to be placed on the bins or other containers seals, tags, stamps or other means of identification prescribed by the Control Board, and not remove or permit to be removed such identification except under supervision or direction of the Board.

(c) *Procedure when a bond is offered as security.* (1) If the applying handler desires to furnish a bond as security, such bond shall be provided at the handler's expense, shall be acceptable to the Control Board, with a surety or sureties acceptable to the Board, and shall be in an amount computed by multiplying the pounds of almonds, kernel weight basis, for which deferment is desired by the bonding rate. Such bonding rate shall be computed by the manager of the Control Board and shall be the average (to the nearest half cent) of the current season's opening prices per pound for shelled almonds known as Nonpareil shelled count-to-the-ounce almonds 20/22, 23/25, and 27/30, f. o. b. shipping point, in sacks, of any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the prices of one handler only are involved such average shall be a simple average of such prices. If the prices of two or more handlers are involved for the designated almonds, the simple average price of each such handler shall be weighted by the total quantity of almonds handled by him during the preceding crop year. Handlers whose prices are to be used as aforesaid shall furnish the Board with information necessary to compute the bonding rate. Until the bonding rate can be computed in any new crop year, the bonding rate to be used shall be computed as herein provided on the basis of the most recent price lists of such handlers. In the event the average price so computed from current prices varies by 5 percent or more, from the then current bonding rate, the bonding rate shall be such current average price and the amount of the handler's bond shall be adjusted on the basis of such revised bonding rate. This method of establishing and adjusting the bonding rate may be modified by the Secretary after consideration of a board recommendation.

(2) In case a handler defaults in meeting his deferred surplus obligation, any funds collected by the Board from the bonding company through such default shall be used by the Control Board to purchase from handlers a quantity of almonds, kernel weight basis, up to but not exceeding the quantity on which the

default occurred. Purchases shall be made from almonds with respect to which the surplus obligation has been met, and shall be of grades, varieties or sizes, and in such containers as the Board specifies in consideration of available surplus outlets. Purchases shall be at the lowest prices at which such almonds are offered and if more almonds are offered than required by the Board, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The Control Board shall dispose of the almonds acquired as soon as practicable in the most favorable surplus outlets and shall remit the proceeds from such sales, less board expenses in connection with such transaction, to the defaulting handler.

(3) If any balance of funds collected should remain, after purchases and dispositions are made pursuant to the provision of this subsection in a quantity equal to the defaulted obligation, such balance shall be remitted to the defaulting handler. If for any reason the Board is unable to purchase a quantity of almonds as large as the quantity of surplus in default by the handler, any remaining balance of funds received because of the default less expenses of the Board, shall be remitted to all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such other handlers for the crop years with reference to which the default occurred.

(d) *Effect of satisfaction.* A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected divided by the bonding rate.

§ 909.54 *Payment to handlers for services rendered.* The Control Board may pay handlers for necessary services rendered by them in connection with almonds eventually disposed of directly by the Board as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services in accordance with such schedule of payments and under such conditions as may be established by the Secretary after recommendation of the Control Board.

§ 909.55 *Interhandler transfers.* Any handler may, upon notice to and under the supervision and direction of the Board, transfer almonds or surplus credits to another handler. Any such transfers shall be accounted for in such manner that the surplus obligation and assessments on the combined transactions of the participating handlers shall be fully met and such surplus withholding obligation and assessments may be divided between such handlers in accordance with their arrangements subject to approval of the Control Board.

§ 909.56 *Assistance of Control Board in accounting for surplus.* The Control Board, on written request, may assist handlers in accounting for their surplus obligations and may aid any handler in acquiring almonds to meet any deficiency in his surplus.

§ 909.57 *Application of salable and surplus percentages after end of crop year.* The salable and surplus percentages established for any crop year shall continue in effect with respect to all almonds for which the surplus obligation has not been previously met, which are received for his own account or handled by any handler after the end of such crop year and before salable and surplus percentages are established for the succeeding crop year. After such percentages are established for the new crop year, the withholding requirements for all such almonds theretofore received for his own account or handled during that crop year shall be adjusted to the newly established percentages.

§ 909.58 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.50 and has had the same certified as surplus almonds may exchange therefor, to the extent that such almonds have not been disposed of, a certified kernel weight of other almonds, which he has on hand or which he has acquired, equal to or more than the weight of the almonds withdrawn. Any excess weight may be certified to the handler as additional surplus withheld. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the almonds involved.

§ 909.59 *Adjustment upon increase of salable percentage.* (a) Upon any increase in the salable percentage and corresponding decrease in the surplus percentage, the surplus obligation of each handler for the entire crop year to the effective date of such action shall be computed in accordance with such revised salable and surplus percentages. From the surplus almonds that may have been withheld by him and not yet disposed of, any handler authorized to act and acting as agent of the Board in disposing of surplus pursuant to § 909.66 shall be permitted to select, under the supervision and direction of the Control Board, the particular surplus almonds to be restored to his salable percentage, and such restoration shall be deemed to fulfill the obligation of the Board with respect to such increase.

(b) In the case of handlers who have not been authorized to dispose of their own surpluses, and handlers who have terminated their agencies to dispose of their own surpluses, prior to an increase in the salable percentage, insofar as practicable each such handler shall be permitted to select almonds from his own surplus to be restored to his salable quantity. In the event there are not sufficient surplus almonds held by the Board at the time the salable percentage is increased, to make full restoration, as represented by the increase in the salable percentage, to all such handlers, the restoration to the salable quantities of the respective handlers shall be pro rata on the basis of certified kernel weight poundage of surplus contributed by said handlers during the crop year to the date of increase of the salable percentage: *Provided*, That restoration shall be made in a manner that will result, to the extent practicable, in a comparable percentage of surplus disposition for each such handler and that no handler shall receive almonds in excess of his contribution. Such restoration to the salable quantity shall be deemed to fulfill the obligation of the Board with respect to the increase in the salable percentage.

§ 909.60 *Determination of kernel weight*—(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total kernel weight for any handler at the settlement weight.

(b) *Almonds for which settlement is made on unshelled weight.* Any unshelled almonds for which settlement is made on the basis of unshelled weight shall be included in the total kernel weight for any handler at the settlement weight of such unshelled almonds multiplied by the applicable shelling ratio in accordance with § 909.62.

§ 909.61 *Redetermination of kernel weight.* The Control Board, on the basis of reports by handlers, shall redetermine the kernel weight of almonds received by each handler for his own account during each crop year through each of the following dates: December 31, March 31, and June 30. Such redetermined kernel weight for each handler shall be the basis for computing his surplus obligation for the crop year through such dates, except that adjustment shall be made for almonds on which the obligation has been assumed by another handler. The redetermined kernel weight for each handler as of any date during the crop year shall be his carryover as of that date, plus deliveries of salable almonds (except deliveries, other than certified surplus, to oil mills or animal feed under the supervision of the Board), plus certified surplus for such crop year to that date (whether or not disposed of), minus his carryover at the beginning of the crop year, minus any almonds on which the surplus obligation has been assumed by a previous handler. Weights used in such computation for various classifications of almonds shall be: (a) For unshelled almonds, other than certified surplus, the kernel weight computed by application of shelling ratios authorized pursuant to § 909.62; (b) for unshelled certified as surplus, the certified kernel weight; (c) for shelled almonds other than certified surplus, the net weight; (d) for shelled almonds certified as surplus, the certified kernel weight; and (e) for shelled almonds used in production of almond products, the weight of such almonds.

§ 909.62 *Varietal shelling ratios for unshelled almonds.* (a) The varietal shelling ratios applicable to unshelled almonds for determination of kernel weight are as follows:

Major varieties:	Percent
Nonpareil	60
Jordanolo	60
Ne Plus Ultra	50
IXL	50
Mission	40

Major varieties—Continued	Percent
Drake	40
Peerless	35
Minor varieties:	
King	60
California (California Papershell)	60
Princess	60
Bigelow	55
Harparell	55
Rivers	55
Eureka	54
Klondike	54
Baker	53
Trembath	53
Oakley	52
Silvershell	51
Long IXL	50
Harriott	50
Commercial	49
Frost Proof	49
Smith (Smith's XL)	48
Routier	48
La Marie	48
La Prima	48
Lewelling (Lewelling's Prolific)	47
Proctor	47
Barclay	47
Fairoaks	47
Batham	46
Reams	44
Sellers	43
Marcona	42
Queen	42
Jubilee	42
Walton	41
Gilt Edge	40
Standard	38
Golden State	38
French Langusdoc (Cartagana)	37
Languedoc	37
Hampton	36
Sultana	36
La France	33
Tarragona	33
Philopena	32
Grosse Tender	32
Hardshell	30
Almendro	30
Bidwell	30
Jordan	30
King George	30

(b) Lots of unshelled almonds designated by a handler as unknown or unnamed varieties, or varieties of a name not listed in this section, also lots of mixed varieties (lots containing more than 10 percent by weight of unshelled almonds which differ materially in shape or appearance from the predominant variety in the lot) shall be converted to kernel weight at 60 percent, unless the handler, at his expense, furnishes an inspection certificate applicable to the lot, issued by the inspection agency, showing the kernel weight of the lot. The shelling ratios in this section may be changed by the Secretary, and shelling ratios for other varieties may be specified by him, upon consideration of a Control Board recommendation and other available data.

DISPOSITION OF SURPLUS

§ 909.65 *Prohibition on the handling of surplus.* Except as provided in §§ 909.66 and 909.67 surplus almonds withheld pursuant to the requirements of § 909.50 shall not be handled by any person.

§ 909.66 *Conditions governing disposition of surplus*—(a) *General.* The Control Board shall have power and authority to sell or dispose of any and all surplus almonds withheld upon the best terms and at the highest return obtainable consistent with the ultimate complete disposition of surplus, subject to all conditions of this section.

(b) *Disposition of surplus for export.* Sales of surplus almonds for export to destinations outside the continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone shall be made only on execution of an agreement to prevent sale within or reimportation into the United States; and in case of export to Canada or Mexico, such almonds shall be sold only on the basis of a delivered price, duty paid.

(c) *Exclusion from domestic normal trade channels.* No surplus almonds shall be sold in the United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone other than to governmental agencies or to charitable institutions for charitable purposes, except for diversion into almond oil, almond butter, poultry or animal feed, or into other channels which the Control Board finds are noncompetitive with existing normal markets for almonds, and with proper safeguards in each case to prevent such almonds thereafter entering the channels of trade in such normal markets.

(d) *Time restriction on disposition.* The Control Board shall not dispose of, or authorize the disposition of, more than 50 percent of the surplus almonds prior to May 15 of any crop year unless disposition in excess of 50 percent is made pursuant to paragraph (b) of this section or unless the salable percentage is increased pursuant to § 909.48.

(e) *Disposition after September 1.* Any surplus almonds remaining unsold as of September 1 shall be disposed of by the Board as soon as practicable through the most readily available surplus outlets. The date of September 1 herein specified may be extended to a later date by the Secretary, upon recommendation of the Board or other information.

§ 909.67 *Disposition by handler.* Upon request of a handler, made prior to the delivery by him of any surplus to the Board in any crop year, the Board shall authorize such handler to act as agent of the Board, upon such reasonable terms and conditions as the Board may specify and subject to the conditions of § 909.66 in disposing of the surplus contributed by such handler for that crop year. Any handler who is authorized to dispose of his surplus may, through arrangement with another handler, dispose of such surplus through such other handler or, in lieu of disposition, may acquire credits for surplus disposition from another handler. In the first instance, the second handler shall also be subject to the conditions of § 909.66. It shall be the obligation of any handler authorized to dispose of such surplus to effect disposition thereof in accordance with all applicable requirements and conditions. The proceeds of such disposition shall be retained by the handler making the disposition, except that, in case he disposes of the surplus of another handler, the proceeds from that disposition shall be divided between the two handlers on the basis of a mutual agreement. Such authorization shall expire as of September 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the Board. If the date of September 1 specified in § 909.66 (e) is extended, the date of September 1 shall be extended correspondingly. Any handler who has been authorized to act as agent of the Board in disposing of his surplus may terminate such agency as of April 1 of the particular crop year by giving written notice to the Board to that effect not later than the previous March 20, in which event such handler shall return to the Board, for disposition by it, all surplus almonds remaining in his possession. In case a handler does not terminate his agency as of April 1, he shall be required to continue to serve as such agent until September 1 of the next crop year. The Board shall not terminate such an agency prior to September 1 unless the agent violates the terms and conditions specified by the Board or other provisions of the order. During the period of such agency the Board, as principal, shall not dispose of the surplus contributed by said agent. The Board, with the approval of the Secretary, may prescribe such rules and regulations as are necessary to regulate disposition of surplus almonds including methods for crediting as surplus any salable almonds sold and delivered to surplus outlets.

§ 909.68 *Disposition by the Board*—(a) *Pools.* Surplus from almonds received by handlers for their own accounts during any crop year, other than surplus disposed of by handlers as agents of the Board as authorized in § 909.67, shall be disposed of by the Control Board in three pools as follows: Pool No. 1—surplus delivered to the Board during a crop year up to April 1 and disposed of during that period; Pool No. 2—surplus delivered to the Board from April 1 to August 31, inclusive, and disposed of during that period, including, in addition to deliveries by handlers not acting as agents, deliveries by handlers who terminate their agencies as of April 1, and also any surplus from Pool No. 1 which was not disposed of prior to April 1, but which is disposed of prior to September 1; and Pool No. 3—all surplus held unsold by the Board on September 1, including, in addition to any surplus turned over to it by handlers whose agencies expired on September 1, any surplus from Pool No. 1 and Pool No. 2 which was not disposed of by the Board prior to September 1. If the date of September 1 specified in § 909.66 (e) is extended, the dates of August 31 and September 1 shall be extended correspondingly.

(b) *Expenses.* Direct expenses incurred by the Control Board in the maintenance and disposition of surplus almonds in each respective pool shall be charged against the proceeds of sales of the almonds in that pool.

(c) *Distribution to handlers.* Net proceeds from the disposition of surplus almonds in each of the three pools shall be distributed by the Board to each handler having an interest in that pool in proportion to his relative contribution thereto in terms of certified kernel

weight. In the case of a carryover from one pool to another pool, the Board shall allocate the interests of the appropriate handlers therein on the basis of their respective total deliveries of almonds, in terms of certified kernel weight, to the Board during the pool period in connection with which such carryover first originated.

RECORDS AND REPORTS

§ 909.70 *Records and verification.* Each handler shall keep records which will clearly show the details of his receipts of almonds, withholdings, sales, shipments, inventories, surplus disposition and other pertinent information in respect to his operations pursuant to the provisions of this part. Such records shall be retained by the handler for two years after the end of the crop year to which they apply. Each handler's premises shall be accessible to authorized representatives of the Board and the Secretary for examination and audit of the aforesaid records and for inspection and observation of almonds. The Board shall make such checks of almonds or audits of each handler's records as it deems appropriate or are requested by the Secretary to insure that accurate information as required in this part is being furnished by handlers.

§ 909.71 *Record of receipts.* For the purpose of establishing the surplus obligation and furnishing statistical information to the Control Board necessary for the conduct of its operations, each handler, on receiving almonds for his own account, shall issue to the person from whom so received a receipt therefor. At least two duplicates thereof shall be made at the time of issuance, one of which shall be retained by the handler as a part of his records and the other submitted to the Control Board as hereinafter provided. Such receipts shall be serially numbered and shall accurately show for each lot received, the identity of the handler, the name and address of the person from whom received, the number of containers in the lot, the variety, whether shelled or unshelled, and the settlement weight for each such variety. The character and amount of all adjustments deducted from the gross weight shall be shown with the gross weight on the receipt issued by the handler.

§ 909.72 *Report of receipts.* Each handler receiving almonds for his own account shall tabulate such receipts by varieties and shall submit reports thereof to the Control Board in such form and at such intervals as the Board may prescribe for all receipts issued by him. Such reports shall be accompanied by duplicate copies of the receipts issued pursuant to the provisions of § 909.71 for all almonds included in such report. The Control Board, after checking such reports in such manner as it deems desirable, shall determine in the manner specified in § 909.60 the kernel weight of the almonds so received.

§ 909.73 *Periodic reports.* On or before January 15, and April 15, and July 15 of each crop year, each handler shall file with the Control Board a written report, certified to the Board and to the Secretary by such handler as to its completeness and correctness, showing as of the close of business on December 31, March 31, and June 30, respectively, such information as may be prescribed by the Board for use in redetermination of kernel weight and marketing policy considerations.

§ 909.74 *Other reports.* Upon the request of the Control Board, made with the approval of the Secretary, every handler shall furnish to the Control Board in such manner and at such times as it prescribes (in addition to such other reports as are specifically provided for in this part) such other information as will enable the Control Board to perform its duties and exercise its powers hereunder.

§ 909.75 *Confidential nature of records and reports.* All information contained in handler records made available to the Board or the Secretary, or in reports to the Board, constituting a trade secret or disclosing the trade position, financial condition, or business operations of any handler shall be considered as confidential information. Such information received by the Board, shall be kept in the custody and under the control of one or more employees of the Board, who shall disclose such information to no person except the Secretary.

EXPENSES AND ASSESSMENTS

§ 909.80 *Expenses.* The Control Board is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each crop year, for the maintenance and functioning of the Control Board and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate. The recommendation of the Control Board as to the expenses for each such year, together with all data supporting such recommendation, shall be submitted to the Secretary on or before August 1 of the crop year in connection with which such recommendation is made.

§ 909.81 *Assessment*—(a) *Requirement for payment.* Each handler shall pay to the Control Board on demand by the Board, from time to time, such sum, based on such rate per pound of almonds, kernel weight basis, received by him for his own account (except as to receipts from other handlers on which assessments have been paid) as the Secretary finds is necessary to provide funds to meet the authorized board expenses and establishes for the crop year. Upon redetermination of the kernel weight of almonds received by handlers for their own account as provided in § 909.61, such redetermined kernel weight for each handler, adjusted for receipts on which assessments have been paid, shall be the basis upon which he shall pay assessments. At any time during or after a crop year, the Secretary may increase the rate of assessments to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.80 or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

(b) *Refunds.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations under this part may be used and shall be refunded by the Control Board in accordance with the provisions of this part. Such excess funds may be used by the Control Board during the period of four months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year. The Control Board shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within five months after the beginning of the new crop year, the aforesaid excess to each handler from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective handler bears to the total amount of assessments paid by all handlers during said crop year.

(c) *Disposition of funds upon termination.* Any money collected from assessments hereunder and remaining unexpended in possession of the Control Board upon the termination of this part shall be distributed in such manner as the Secretary may direct.

MISCELLANEOUS PROVISIONS

§ 909.85 *Personal liability.* No member or alternate member of the Control Board, or any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or any other person for errors in judgment, mistakes, or other acts either of commission or omission, as such member, alternate member, agent, or employee, except for acts of dishonesty.

§ 909.86 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 909.87 *Derogation.* Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 909.88 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon its termination except with respect to acts done under and during its existence.

§ 909.89 *Agents.* The Secretary may, by a designation in writing, name any person, including any officer or employee of the United States Government, or name any bureau or division of the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 909.90 *Effective time, suspension, or termination*—(a) *Effective time.* The provisions of this part, as well as any amendments to this part, shall become effective at such time as the Secretary may declare, and shall continue in force until terminated or suspended in one of the ways hereinafter specified in this section.

(b) *Suspension or termination*—(1) *Failure to effectuate policy of act.* The Secretary shall terminate or suspend the operation of any or all of the provisions of this part, whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(2) *When favored by growers.* The Secretary shall terminate the provisions of this part at the end of any crop year whenever he finds that such termination is favored by a majority of the growers of almonds who during the crop year have been engaged in the production for market of almonds in the State of California: *Provided,* That such majority have during such period produced for market more than 50 percent of the volume of such almonds produced for market within said State; but such termination shall be effected only if announced on or before June 1 of the then current crop year.

(3) *If enabling legislation is terminated.* The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination*—(1) *Designation of trustees.* Upon the termination of the provisions of this part, the members of the Control Board then functioning shall continue as joint trustees, for the purpose of liquidating the affairs of the Control Board, of all funds and property then in the possession or under the control of the Board, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) *Duties of trustees.* Said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Control Board and the joint trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the Control Board or the joint trustees pursuant thereto.

(3) *Obligations of persons other than board members and trustees.* Any person to whom funds, property, or claims have been transferred or delivered by the Control Board or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the said Board and upon the said joint trustees.

§ 909.91 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part, or (b) release or extinguish any violation hereof or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person, with respect to any such violation.

§ 909.92 *Amendments.* Amendments to this part may be proposed, from time to time, by any person or by the Control Board.

Order Directing That Referendum Be Conducted Among Producers of Almonds in California; Designating Agents To Conduct Referendum; and Determining the Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1956 through March 31, 1957 (which is hereby determined to be the representative period for the purpose of this referendum), were engaged, in the State of California in growing almonds for market, to determine whether such producers approve or favor the issuance of an amended order regulating the handling of almonds grown in California. Said order, as proposed to be amended, is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. Said referendum shall be conducted as soon as is reasonably practicable after March 31, 1957.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176; 19 F. R. 35), except that subparagraph (5) of paragraph (c) is hereby amended to read: "(5) Make available to cooperative marketing associations and to all producers, except those belonging to cooperative marketing associations which elect to vote for their members, copies of the text of the proposed order on amendments, instructions on voting, and appropriate ballots and other necessary forms," and subparagraph (6) of paragraph (c) is hereby amended by changing the period at the end to a comma and adding immediately thereafter the following: "except those producers belonging to a cooperative association which elects to vote in their stead."

Oscar H. Chapin, Harry J. Krade, and Dehard B. Johnson of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary to conduct said referendum jointly or severally.

Copies of the text of the aforesaid amended order may be obtained or examined in: the Office of the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C.; and the Western Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 701 K Street, Sacramento, California. Additional ballots and other necessary forms and instructions may also be obtained at the aforementioned field office.

[F. R. Doc. 57-1686; Filed, Mar. 5, 1957; 8:54 a. m.]

[7 CFR Part 921]

[Docket No. AO-222-A8]

MILK IN OZARKS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Ozarks marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 7th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order were formulated was conducted at Springfield, Missouri, on September 24 and 25, 1956, pursuant to notice thereof which was issued September 5, 1956 (21 F. R. 6830). The material issues of record related to:

1. Reduction in extent of the marketing area;
2. Modification of the distribution of pooled returns to producers supplying pool plants located in Arkansas by raising the location adjustment and providing a separate utilization adjustment;
3. Limitation on the privilege of diverting milk to nonpool plants;
4. Providing for diversion of bulk milk to other handlers;
5. Modification of the pool plant standards;
6. Redefinition of producer-handler;
7. Prorating shrinkage on transfers of milk in bulk;
8. Revision of the classification of inventory changes;

9. Modification of the class II price; and

10. Administrative changes, involving:

(a) Interest charges on payments due the producer-settlement fund and set-off between accounts.

(b) Clarification of the definition of "other source milk";

(c) Clarification of the classification of reconstituted products,

(d) Class II transfers, and

(e) Reinstatement of the permanent Class I price provisions for the months of April, May, and June.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *Marketing area.* A handler whose plant is located at Harrison, Arkansas, in Boone County, proposed that that county be deleted from the marketing area.

It is apparent, however, that the procurement and distribution of milk in Boone County has become increasingly competitive since this county was included in the marketing area in August 1954. The increased competition includes additional sales by handlers regulated under the Ozarks and Central Arkansas marketing areas, the purchase of supplemental bulk milk by this handler from other handlers regulated under the Ozarks order, and competition in the procurement of milk both from other Ozarks handlers and from handlers regulated under the Central Arkansas order. It is concluded that Boone County should not be deleted from the marketing area.

2. *Distribution of pooled proceeds to Arkansas producers.* The Ozarks Milk Producers Association, a newly formed cooperative representing the majority of Grade A producers delivering to handlers located in the northwest Arkansas counties of the marketing area made several proposals relating to the handling of milk in these four Arkansas counties. At the hearing the Association abandoned its support of the application of these proposals to Boone and Marion Counties and limited its testimony to the two remaining Arkansas counties of Benton and Washington. Since there was no additional testimony by any other interested parties concerning the original proposals as made by the Association, this decision relative to the proposals of the Association shall apply only to Benton and Washington Counties.

One proposal made by the Association would increase the Class I differential for handlers located in Benton and Washington Counties from 15 to 25 cents per hundredweight.

The present 15-cent Class I differential was originally provided to reflect the transportation costs of moving milk from Springfield to Arkansas markets. Approximately one-third of the total Class I sales in the Arkansas section of the marketing area is supplied by regulated handlers located in Springfield. It was contended that the differential is no longer sufficient to offset the transportation cost of so moving milk thus placing Springfield handlers at a competitive disadvantage in the Arkansas section of the marketing area. In adjusting this differential, however, care must be exercised to prevent its being set at too high a level, thus placing Arkansas handlers at a disadvantage.

According to the Dairyland Transport Company's schedule of rates which was submitted in evidence, the cost of transporting bulk milk from Springfield to Fayetteville (the major city in Northwest Arkansas) is 22 cents per hundredweight plus 3 percent Federal tax. However, this hauling rate reflects only the transportation cost of spot shipments of bulk milk. It does not adequately reflect the actual cost of hauling packaged milk on a regularly scheduled basis when the hauling equipment is owned and the activities of the driver controlled by the shipping handler. The cost of hauling milk in this instance would probably be less than the 22 cents as contained in the rate schedule particularly if the handler controlling the hauling facilities considered only the variable cost factors such as fuel and labor and did not associate any of the fixed cost factors such as management to the operation.

By far the greater share of milk moved by Springfield handlers to Arkansas is in packaged form. There was no evidence submitted by proponents of the increased Class I differential to indicate that the 25-cent differential would better serve to reflect the transportation cost of packaged milk. To increase the location differential without substantial evidence that such an increase is warranted would place Arkansas handlers at a competitive disadvantage relative to order handlers located in Springfield, Missouri. It is, therefore, concluded that the present differential should be maintained.

The Arkansas producers also proposed that payments to those producers supplying the plants located in Benton and Washington Counties, Arkansas, be computed on the utilization of milk by these handlers instead of being computed at the marketwide utilization of milk.

The Ozarks order provides for the marketwide pooling of payments by handlers and the payment of a uniform blend price to producers. The usual alternative is to provide for individual-handler pooling, under which the producers supplying milk to each individual handler receive a blend price based on that particular handler's utilization of milk. An important element in deciding whether to adopt marketwide or individual-handler pooling in any market is the degree to which handlers have become specialized in caring for the daily and seasonal reserve of milk. Such specialization has occurred to a major extent in the Ozarks area where a cooperative association of producers manufactures a large volume of the reserve milk and where some handlers receive only such quantities as are needed for bottling purposes. In such circumstances a marketwide pool serves to equalize returns between those producers delivering to high-utilization plants and those delivering to plants which care for the reserve milk. There was no proposal or testimony at the hearing relative to changing from marketwide to individual-handler pooling in the Ozarks market.

In two major respects the marketing of milk in Benton and Washington Counties remains closely interrelated with the marketing of milk in the Missouri portions of the area. Slightly over one-third of the total Class I sales in these counties are made by handlers whose plants are located outside of these counties, the bulk of them by handlers located at Springfield, Missouri. Also, the handlers located in the two Arkansas Counties specialized in bottling to the extent of depending upon other Ozarks handlers for supplementary supplies in the months of lowest production. These facts support the inclusion of Benton and Washington Counties in the Ozarks marketing area. A proposal by one of the Arkansas handlers to delete these counties from the marketing area was not supported at the hearing. The specialization of the Benton and Washington County plants also supports the continuance of marketwide pooling.

The Arkansas producers' request for a utilization differential was based principally on the competition of other markets for locally produced milk. The competitive markets include Tulsa, Oklahoma, and Dallas, Texas. However, this same competition and that from additional markets is active in the Ozarks market as a whole. The Producers Creamery Company operates a supply plant for the Dallas market at Monette and supply plants for the St. Louis market at Lebanon and Cabool and has a substantial number of members who ship directly to Kansas City plants. The Monette plant is also currently receiving milk from approximately 148 shippers located in Northwest Arkansas who are not members of Producers Creamery Company. These competitive markets have not so far jeopardized the adequacy of the supply of milk for the Ozarks market as a whole, nor is there any noticeable downward trend in the supply-sales relationship at the plants located in Penton and Washington Counties.

It is concluded that sales proceeds throughout the entire Ozarks marketing area should continue to be pooled on a marketwide basis.

3. *Diversion of milk to nonpool plants.* The order presently imposes no limits on the time or extent to which producer milk may be diverted to a nonpool plant for the account of any handler (including a cooperative association).

It was proposed by a cooperative association which operates a supply plant that the diversion privilege be limited during the low production months of September through January to not more than 10 days in any of these calendar months. They pointed out that the diversion privilege is primarily intended to promote efficiency in the marketing of milk not needed at the pool plants for bottling purposes. It is frequently possible for excess milk to be hauled directly from the farms to a nonpool plant for manufacturing instead of being physically received at the pool plant and then transferred to a manufacturing plant. Most commonly, these movements occur during the months of flush production. However, diversions may occasionally be necessary during the months of low production to accommodate excess milk during holiday periods or on weekends.

Representatives of bargaining associations which do not operate plant facilities pointed out that they have a special problem in this regard. They wish to be in a position to market their members' milk even during times of temporarily reduced demand. Such associations may need to market their members' milk by diversion to nonpool plants even during the five months of lowest production in the event of nonacceptance by the handler, labor disputes involving the hauling, processing or delivery of milk, or unseasonably high rates of milk production due to abnormal weather or other causes.

It is concluded that the diversion privilege should be limited to 10 days in any of the months of September through January. The 10-day period is sufficiently long to accommodate the types of movement to nonpool plants cited by certain cooperative associations. On the other hand, it will accomplish a desirable limitation of the privilege. The 10 days refers to 10 days' production of milk; bulk tank milk is commonly picked up from farms only on an every-other-day schedule and 10 days' production is included in five deliveries. If more than 10 days' milk is diverted, the dairy farmer would lose his status as a producer during the entire delivery month.

4. *Diversion to other handlers.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

One cooperative association owns and operates insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Recently there has been a very rapid expansion in the number of bulk cooling tanks being installed on the farms and in the number of tank trucks acquired by the cooperative to transport such milk. It is extremely likely that the trend in this direction will continue at a very rapid rate. Other cooperative associations may also become involved in this type of operation.

The transportation of milk from farm to market in insulated tank trucks owned or operated by or under contract to the cooperative association has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by or under contract to the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of or directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances, it is not proper to make the plant operator responsible for the payment to a producer for a given quantity of milk at a particular test when he has no means of verifying such weights and tests. Rather any cooperative association which qualifies as such under § 921.5 of the order should be made the handler for such milk and should be required to account to the pool for it. The cooperative association would be required to charge the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

5. *Modification of the pool plant standards.* It was proposed that the pool plant definitions be amended. The present order provides that an approved plant may be a pool plant if it disposes of at least five percent of producer receipts during the month as Class I in the marketing area; and that a supply plant may be a pool plant if it ships any milk to an approved plant which is a pool plant, and, during specified months has made its milk available to other handlers for Class I disposition.

It was testified that tighter requirements would remove the possibility of plants not normally associated with the Ozarks market from becoming pool plants via token shipments in the case of supply plants or a relatively small sales volume within the area in the case of approved plants.

It is concluded that the present definitions do not adequately define the plants which constitute the regular and dependable supply of fluid milk for the Ozarks market. Only those plants which are operated in such a fashion as to be regular suppliers and distributors should be subject to regulation and entitled to participate in the marketwide pool.

The pool plant definitions should be redrawn to specify in more detail the standards which determine a regular, dependable supply. The standards should recognize the functional differences between the two major types of plants which serve the market. The approved plants from which milk is distributed directly on routes in the marketing area differ substantially in their operations from supply plants which assemble milk and ship it in bulk to approved plants.

An association of producers proposed that higher shipping requirements be required of supply plants new to the market than those required of plants presently associated with the market. However, the standards should, so far as possible, measure a plant's current service to the market rather than past association with it. The standards for new and old plants should be as nearly comparable as possible. The only appropriate variation in the shipping requirements is that they be moderately higher in the flush production months of April, May, and June than in other months of the year.

It is concluded, therefore, that a supply plant may be pooled if it ships 25 percent of its producer receipts during any of the months of April, May, or June, and 20 percent during any other month to an approved plant: *Provided,* That if such plant ships as much as 20 percent of its producer receipts to approved plants during each of the months of September, October, November, and December it shall be a pool plant through the following August.

The 20 percent represents a comparatively small degree of association with the market. The slightly higher, 25 percent, requirement for plants qualifying in April, May, or June reflects the fact that milk supplies at plants primarily associated with other markets in the region are also at a peak in these months. These plants should not be encouraged to join the Ozarks market on a purely temporary basis for the purpose of participating in the equalization account.

A new supply plant desiring to become a permanent part of the Ozarks market would, of course, be most likely to start shipments during the normally short period, and would maintain its status as a pool plant through the following August if it shipped as much as 20 percent of producer receipts to the market during each of the months of September, October, November and December. However, a new supply plant may come on the market in any of the relatively long supply months by shipping the stated percentages to distributing plants.

Producers proposed that the order language which requires a supply plant to inform the market administrator that producer milk is available for Class I distribution in order to assure pool status in all months of the year should be incorporated in the new supply plant provisions. It appears that these offers may have helped to identify a supply plant with the Ozarks market under the present order which enables a supply plant to become a pool plant as a result of shipping "any" milk to the market. However, the new minimum shipping requirements as contained in this decision will serve more specifically to identify a supply plant and hence the offers need not be continued.

The recommended changes in the standards under which supply plants can qualify as pool plants require consideration of corresponding changes in those applying to distributing plants, defined in the order as "approved" plants. Such plants should also demonstrate a significant association with the market and plants which operate primarily as supply plants should not be permitted to qualify by the distribution of a minor sales volume. These objectives can be accomplished by requiring that approved plants must have not less than fifteen percent of producer receipts disposed of as Class I milk within the marketing area in order to qualify as pool plants. There is no evidence that any approved plant under the present order will experience difficulty meeting the new fifteen percent requirement.

6. *Producer-handler.* Under the terms of the present order, a producer-handler is exempt from the pricing and payment provisions. He does not pay the administrative assessment, nor is his own production included in the marketwide utilization pool.

The simplest form of producer-handler, as described at the hearing, is a person who sells only the milk produced on his own farm. Other operations may be carried on by producer-handlers, and the orders should be made more specific with regard to the types of activities which can be followed without terminating a person's status as a producer-handler.

The proponents were particularly concerned that a producer-handler not be allowed to utilize other source milk for Class I purposes. Conceivably, a producer-handler could rely primarily on other source milk, including reconstituted solids, and thereby avoid the pricing and payment provisions of the marketing order. This should not be permitted. It was pointed out at the hearing, however, that a producer-handler should be permitted to purchase Class II products from unregulated sources for distribution on his routes. This permission should be extended to the purchase of other source milk, as well as products, for manufacturing uses.

The producer-handler definition should, therefore, be amended to provide that milk be received from no other dairy farm than the farm(s) of the producer-handler, that he distribute milk in the marketing area, and that he may purchase supplemental milk from Class I use only from regulated handlers.

7. *Shrinkage.* The order presently in effect allows the originally receiving handler a maximum of 2 percent shrinkage prorated between producer receipts and other source receipts. It does not allow any shrinkage to the handler who may receive milk by transfer from the handler who originally received the milk.

A cooperative association proposed that the order be amended to recognize that milk incurs relatively little shrinkage in its receipt and relatively much more in its processing, bottling, and distribution. Testimony indicated that receiving plants experience approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling.

It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phase of milk distribution. One-half of one percent shrinkage should be allowed on that milk which is received at one plant and transferred to another plant for bottling and distribution. The bottling plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from another plant.

The same association also proposed that 2 percent of milk received in form other than milk, skim milk, or cream and disposed of in some form other than milk, skim milk, or cream be included as allowable shrinkage. This would allow shrinkage on the reprocessing or conversion of manufactured products. However there was no evidence in the record as to actual loss experience on such operations. It is concluded, therefore, that this aspect of the proposal should be denied.

8. *Classification of inventory.* The present order provides that inventory variation of milk, skim milk, cream, or any Class I product be considered a Class II utilization. It was proposed that such inventories on hand at the end of the month be classified as Class II, subject to reclassification if utilized in Class I the following month. This proposal should be adopted.

It is essential that some system of classification and allocation be applied to milk in inventory so as to determine the obligation of handlers for producer milk received during the month, but not yet utilized. The order should provide that producer milk from the previous month's closing inventory, which was classified as Class II, have prior claim over other source milk on the Class I utilization for the current month. This can be accomplished in the accounting procedure by considering the opening inventory as a receipt. Under the allocation provisions, the opening inventory would be subtracted from Class II skim milk and butterfat after the subtraction of receipts from other sources. A reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month if opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk the previous month after allocating other source milk and shrinkage. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month.

9. *Class II price.* An operating cooperative association proposed to reduce the butter-powder formula component of the Class II price 6 cents for the flush production months of March through July. At the hearing the proponent expanded his original proposal and requested that the formula be reduced 6 cents during all months. A bargaining cooperative supported the proposal as contained in the notice of hearing but opposed the lowering of the Class II price during the low production period of August through February.

In determining the level of a Class II price, two rough measures set the upper and lower limits of such price. The price should not be so low as to encourage handlers to add Grade A production for manufacturing use. On the other extreme, the price should not be so high as to discourage handlers from processing the normal reserve supply of the market.

Exhibits introduced at the hearing indicate that there has been a steady increase in the volume of Class II milk since the promulgation of the order. Thus it is obvious that the Class II price is not so high as to discourage handlers from accepting the normal surplus of the market. However, the bargaining association testified that in the past it sometimes had difficulty obtaining the order Class II price in flush production months but had not experienced such difficulty in the shorter production months.

In the Ozarks marketing area average daily production in the flush month of this year was approximately 166 percent of the average daily production in the previous short month. Production in the flush month of 1955 was about 161 percent of production in the previous short month. Producers supplying the St. Louis market, however, in the flush months of the same years produced approximately 145 and 150 percent of production in the previous short production month.

The greater flush of milk which must be manufactured in the Ozarks area supports the request that the Ozarks Class II price be reduced to the St. Louis level, at least during the heavier production months. The close alignment between the Ozarks and the St. Louis Class II prices in these months is necessitated by the close proximity of St. Louis supply plants which compete directly with Ozarks handlers for the supplies of milk and in the marketing of manufactured dairy products.

During the shorter production months, however, when the St. Louis market has very little surplus the competitive value of the Ozarks surplus is increased. The testimony of the bargaining cooperative supports this conclusion.

It is therefore concluded that the butter-powder component of the Class II price should be reduced by 6 cents to the same level as is provided in the St. Louis order for the flush months of March through July but should remain at the same level as now contained in the order for the period of August through February.

10. *Administrative provisions*—(a) *Interest and set-off.* The proposal to add one-half of one percent of any amount due the producer settlement fund for each month or any portion thereof that such payment is overdue should be allowed. This interest rate is not a penalty but represents a fair price for the use of producers' money. Charging interest will avoid giving a handler any incentive to retain money temporarily for use in his business after the date on which it is due the fund.

A cooperative association proposed that the market administrator be allowed to deduct from payments due handlers out of the producer-settlement fund, any amounts such handler may owe the market administrator as an adjustment of accounts for marketing services or for expense of administration.

There had been instances during the past year when handlers had received payment from the producer-settlement fund while having balances due the market administrator for marketing services or administration expense. To the extent that a handler is successful in such practices, the market administrator is denied payment for services performed. It is not the intent of the order to guarantee payment to a handler from an account trusted by the administrator when such handler is overdue in his payments to the administrator. It is therefore concluded that the order should be amended to prevent the occurrence of this inequity in the future.

(b) *Other source milk.* The definition of other source milk should be clarified to require accounting for receipts of Class II products only if they are used in a handler's plant to produce another product rather than on the basis of whether or not such receipts are in fluid form. The entire definition should also be rephrased to conform to that in the St. Louis order, since the two orders involve some of the same handlers. No changes in the cost of milk to handlers are involved in these modifications.

(c) *Reconstituted fluid milk products.* The order should provide more specifically for computing all the nonfat solids in Class I items on the basis of skim milk equivalent. This can be accomplished by specifying that the skim milk equivalent of reconstituted fluid milk products be defined as Class I utilization. One type of "reconstituted product" is made by adding condensed skim milk or nonfat dry milk to such Class I items as fluid skim milk, buttermilk, and chocolate drinks. Since such products compete directly with producer milk, the skim milk equivalent should be classified as Class I and has been so considered by the market administrator. Reconstitution of solids in the manufacture of Class II products, such as ice cream, can also affect the quantity of milk in Class I through the allocation process, and solids so used should also be converted to the skim milk equivalent.

(d) *Class II transfers.* Producers proposed that the transfer provisions should be amended to allow under certain conditions Class II transfer or diversion of bulk milk to a nonpool plant located not more than 100 miles from the marketing area. The present order classifies bulk milk so moved to a nonpool plant located more than 50 miles from the area as Class I.

Producers testified that with the advent of bulk milk, it is sometimes more economical to divert producer milk during flush production periods to manufacturing plants which are outside the 50 mile zone but which are nearer to producers' farms than are plants within the fifty-mile zone. Also, finding number 9 of this decision indicates the severe competition between Ozarks and St. Louis order producers for the disposal of surplus milk. Therefore, it is concluded that this proposal should be allowed.

(e) *Class I price.* Effective April 1, 1956, the Class I price was related to the St. Louis Class I price for the months of April, May, and June, instead of being based on a differential over the basic formula price. The phrasing of the amendment inadvertently deleted all reference to Class I prices for these months in the years following 1956. The Class I price provisions for the months of April, May, and June which were in effect prior to April 1, 1956, should be reinstated.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreement and amendment to the order. The following order amending the order, as amended, regulating the handling of milk in the Ozarks marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed here to be further amended.

1. Amend § 921.7 by deleting the words following the semicolon in (b) "which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler" and substituting therefor the following: "which milk is (1) delivered from the farm to a pool plant, or (2) diverted during any of the months of February through August, or to the extent of not more than 10 days' production during any of the months of September through January, by a handler from a pool plant to a nonpool plant for the account of a handler."

2. Revise § 921.8 to read as follows:

§ 921.8 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant or a pool plant;

(b) A cooperative association, with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(c) Any cooperative association with respect to the milk from any producer member of such association which is diverted from a pool plant to a nonpool plant by such cooperative association for its account.

3. Amend § 921.11 to read as follows:

§ 921.11 *Pool plant.* "Pool plant" means:

(a) An approved plant from which not less than 15 percent of its receipts of producer milk during the month is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through vendors or plant stores);

(b) A supply plant from which a quantity of milk equal to at least 25 percent of its supply of milk from producers and from other pool plants is shipped to an approved plant during any of the months of April, May, or June, or 20 percent in any other month: *Provided,* That if such plant shall ship 20 percent or more of such supply to an approved plant during each of the months of September, October, November and December, such plant shall be designated as a pool plant during each of the subsequent months through the following August, unless such plant requests nonpool designation by means of written application to the market administrator; or

(c) Any supply plant which ships any milk to an approved plant which is a pool plant in any month during the period from the effective date hereof through August 31, 1957: *Provided,* That such supply plant shall not be a pool plant for the months of April, May, June, or July, unless such plant makes its milk available to other handlers for distribution as Class I milk in the marketing area. Such milk shall be considered to have been made available if the operator of such plant files with the market administrator on or before the first day of each of the preceding months of August through March a statement offering milk for sale and specifying terms and conditions of sale, including the price or han-

dling charge above the Class I price; such offer to be posted in the market administrator's office.

4. Amend § 921.14 to read as follows:

§ 921.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) receipts during the month in the form of products designated as Class I milk pursuant to § 921.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 921.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

5. Amend § 921.15 to read as follows:

§ 921.15 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a product designated as Class I milk pursuant to § 921.41 (a) does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a product designated as Class I milk pursuant to § 921.41 (a) from pool plants of other handlers.

6. Amend § 921.41 (b) to read as follows:

(b) Class II milk shall be all skim milk and butterfat:

(1) used to produce any product other than those specified as Class I in paragraph (a) of this section;

(2) in inventory of products designated as Class I milk in § 921.41 (a) on hand at the end of the month;

(3) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, directly from producers (except producer milk diverted in producer cans to a nonpool plant pursuant to § 921.7) and pursuant to § 921.8 (b) from cooperative associations, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk tanks from pool plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to the pool plants of other handlers; and

(4) in shrinkage allocated to receipts of other source milk.

7. Amend § 921.42 (b) to read as follows:

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat in the net quantity of producer milk specified in § 921.41 (b) (3) and in other source milk.

8. Amend § 921.45 to read as follows:

§ 921.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

9. Amend § 921.44 (d) by deleting "50" and substituting therefor "100".

10. Amend § 921.46 (a) by renumbering subparagraphs "(5)", "(6)" and "(7)" as "(6)", "(7)" and "(8)", respectively, and adding a new subparagraph (5) as follows:

(5) Subtract from pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 921.41 (a) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory shall exceed the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I.

11. Amend § 921.51 (a) to read as follows:

(a) *Class I milk.* For each of the months of July through March the Class I price shall be the Class I price announced for such month under Order No. 3, as amended, regulating the handling of milk in the St. Louis marketing area, minus 27 cents, and for the months of April, May and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents: *Provided*, That 15 cents shall be added to the price for Class I milk at pool plants located in Benton and Washington Counties, Arkansas.

12. Amend § 921.51 (b) (3) to read as follows:

(b) *Class II milk.* * * *

(3) From the sum of the result arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

13. Amend § 921.70 by deleting paragraph (c) and adding new paragraphs (c) and (d) as follows:

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 921.46 (a) (5) and the corresponding step of § 921.46 (b), whichever is less; and

(d) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 (a) (8) and (b) by the applicable class prices.

14. Amend § 921.80 (a) (2) by deleting the words "pursuant to § 921.89" and substituting therefor the words "pursuant to § 921.87".

15. Amend § 921.84 to read as follows:

§ 921.84 *Payments to the producer-settlement fund.* On or before the twelfth day after the end of each month, each handler shall pay to the market administrator the amount by which the value of the milk received by such handler, as determined pursuant to § 921.76, is greater than the amount computed by multiplying the hundredweight of such handler's milk by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue. Such payment shall be considered to be overdue on the 15th day after the end of the month in which the obligation occurs.

16. Amend § 921.85 by changing the last period to a colon and adding the following proviso: "*And provided further*, That the market administrator may deduct from payments due handlers pursuant to this section any unpaid balance due the market administrator from such handler pursuant to §§ 921.84, 921.86, 921.87 (a) and 921.88."

Issued at Washington, D. C., this 1st day of March 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-1685; Filed, Mar. 5, 1957; 8:53 a. m.]

[7 CFR Part 943]

[Docket No. AO-231-A9]

MILK IN NORTH TEXAS MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Junior Ballroom, Dallas Hotel, 312 South Houston Street, Dallas, Texas, beginning at 10:00 a. m., c. s. t., on March 19, 1957.

Subjects and issues involved in the Hearing. This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the North Texas marketing area and to the provisions specified in the proposals set forth below or to appropriate modifications thereof. Consideration will also be given to whether there exists a threat to orderly marketing conditions

that requires emergency action with respect to the proposals concerning Class I pricing and the issuance of an emergency decision on this matter prior to the issuance of a decision on the other proposals contained herein. These proposals have not received the approval of the Secretary of Agriculture.

The amendments of the order (No. 43), as amended, were proposed as follows:

A. Proposed by the North Texas Producers Association:

1. Amend § 943.10 (c) (1) by changing the provision "75 percent" outlined therein to "50 percent".

2. Amend the proviso of § 943.13 to read as follows: "*Provided*, That if such milk is diverted by a handler for his account from a pool to a nonpool plant any day during the months of January through July and on not more than half of the days of delivery during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which it was diverted. "Producer" shall not include any such person during periods of temporary degrading by such health authority if such health authority notifies the operator of the pool plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval."

3. Amend § 943.17 to read as follows:

§ 943.17 *Producer-handler.* "Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from producers; and

(c) Receives no other source milk, or disposes of less than 100,000 pounds of Class I milk per month to persons other than handlers.

4. Amend § 943.18 to read as follows:

§ 943.18 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of March through June of each year which is not in excess of each producer's daily average base computed pursuant to § 943.80 multiplied by the number of days in such month.

5. Delete § 943.41 (b) (2).

6. Amend § 943.41 (b) (5) and (6) to read as follows:

(5) In shrinkage of producer milk assigned to Class II milk pursuant to § 943.42;

(6) In shrinkage of other source milk assigned to Class II milk pursuant to § 943.42;

7. Delete § 943.42 (b) and substitute therefor the following:

(b) Multiply the pounds of skim milk and butterfat in producer milk and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk, respectively, determined pursuant to paragraph (a) or (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 943.41 (a) and (b) (1), (2), (3), (4) and (7) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk; and

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk.

8. Delete § 943.46 (a) (3) and substitute therefor the following:

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning in Class II milk, the pounds of skim milk in other source milk received during the month in a form other than fluid milk products.

9. Renumber subparagraphs (4), (5), (6), (7), (8), (9) and (10) of § 943.46 (a) as subparagraphs (5), (6), (7), (8), (9), (10) and (11), respectively.

10. Add a new subparagraph in § 943.46 (a) to read as follows:

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk received during the month in the form of fluid milk products which were not subject to the Class I pricing and payment provisions of another order issued pursuant to the act;

11. Amend § 943.51 (a) (1) and (2) to read as follows:

(1) For each month calculate a utilization percentage (to the nearest whole percentage) by dividing the total pounds of milk received from all producers as defined in the orders, as amended, regulating the handling of milk in the Austin-Waco, Central West Texas, Corpus Christi, North Texas, San Antonio, Shreveport, and Texas Panhandle marketing areas during the 12 months ending with the second preceding month by the total pounds of Class I milk (adjusted to eliminate duplications due to interhandler or intermarket transfers) disposed of from plants subject to the pricing and payment provisions of such aforesaid orders during any month of such 12-month period; and

(2) For each percentage that the utilization percentage is less than 120 the Class I price shall be increased 3 cents, and for each percentage that the utilization percentage is more than 120 the Class I price shall be decreased 3 cents.

12. Amend § 943.51 (b) to read as follows:

(b) *Class II milk.* For each of the months of April, May and June the price computed pursuant to § 943.50 (b) less 18 cents or the price computed pursuant to § 943.50 (c), whichever is higher; and for each of the other months of the year, the higher of the prices computed pursuant to § 943.50 (b) or (c); rounded in each case to the nearest one-tenth cent.

13. Delete § 943.70 (c) and substitute therefor the following:

(c) Add the amount computed by multiplying the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 943.46 (a) (9) and the corresponding step of paragraph (b); and

14. Add a new paragraph in § 943.70 to read as follows:

(d) Add the amount computed by multiplying the difference between the applicable Class II price and the applicable Class I price by the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 943.46 (a) (3) and the corresponding step of paragraph (b); and

15. Add a new paragraph in § 943.70 to read as follows:

(e) Add the amount computed by multiplying the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 943.46 (a) (4) and the corresponding step of paragraph (b) by the difference between the applicable Class II price and the Class I price adjusted by the differentials set forth in § 943.52 (a) and § 943.53: *Provided*, That for the purposes of calculating such location differential, if such handler has received other source milk in the form of fluid milk products from two or more nonpool plants, the amount of such skim milk and butterfat so allocated to Class I milk shall be considered to have been received in the plants in sequence according to the smallest location differential applicable.

16. Amend § 943.97 (b) to read as follows:

(b) Milk from producers (including such handler's own production) which is allocated to Class I milk pursuant to § 943.46 (a) and (b).

17. Amend § 943.53 by changing the provision "(7)" contained therein to read "(8)".

18. Amend § 943.70 (b) by changing the reference "§ 943.46 (a) (10)" therein to "§ 943.46 (a) (11)".

B. Proposed by the Producers Creamery Company:

19. Delete all of § 943.51 (a) and substitute in lieu thereof the following:

(a) *Class I milk.* The basic formula price for the preceding month (rounded to the nearest one-tenth cent) plus $2.00 for the months of March through June and plus $2.20 for all other months subject to a supply-demand adjustment of not more than 46 cents computed as follows:

(1) For each month compute a forecast utilization percentage as follows:

(i) Combine into one total the receipts of producer milk in the North Texas, Central West Texas, Austin-Waco, Corpus Christi, and San Antonio marketing orders for the second and third preceding months,

(ii) Combine into one total the gross volume of Class I milk (excluding interhandler transfers, sales by producer-handlers and any intermarket transfers or transactions that would result in the same milk being accounted for as Class I a second time) in the North Texas, Central West Texas, Austin-Waco, Corpus Christi and San Antonio marketing orders for the second and third preceding months, and

(iii) Divide the total arrived at in subdivision (i) of the subparagraph by the total arrived at in subdivision (ii) of

this subparagraph and multiply the result by 100 and round to the nearest whole number. The result shall be known as the forecast utilization percentage.

(2) Compute a trend utilization percentage as follows:

(i) Combine into one total the receipts of producer milk in the North Texas, Central West Texas, Austin-Waco, Corpus Christi and San Antonio marketing orders for the 12-month period ending with the beginning of the preceding month,

(ii) Combine into one total the gross volume of Class I milk (excluding interhandler transfers, sales by producer-handlers and any intermarket transfer or transaction that would result in the same milk being accounted for as Class I a second time) in the North Texas, Central West Texas, Austin-Waco, Corpus Christi and San Antonio marketing orders for the 12-month period ending with the beginning of the preceeding month, and

(iii) Divide the total arrived at in subdivision (i) of this subparagraph by the total arrived at in subdivision (ii) of this subparagraph and multiply by 100 and round to the nearest whole number. The result shall be known as the trend utilization percentage.

(3) Any amount by which the forecast utilization percentage exceeds or is less than the standard forecast utilization percentage specified below, shall be known as plus forecast deviation or minus forecast deviation, respectively.

Delivery period for which calculation applies	Delivery periods used in computation	Percentages	
		Minimum	Maximum
January	October-November	108	110
February	November-December	109	111
March	December-January	113	115
April	January-February	115	118
May	February-March	120	122
June	March-April	124	126
July	April-May	128	130
August	May-June	126	128
September	June-July	118	120
October	July-August	112	114
November	August-September	106	109
December	September-October	105	107

(4) Any amount by which the trend utilization percentage exceeds or is less than 114 percent shall be known as plus trend deviation or minus trend deviation, respectively.

(5) The following amounts shall be added to or subtracted from the Class I price:

(i) For each percentage point of plus forecast deviation subtract 1 cent per hundredweight;

(ii) For each percentage point of minus forecast deviation add 1 cent per hundredweight;

(iii) For each percentage point of plus trend deviation subtract 3 cents per hundredweight; and

(iv) For each percentage point of minus trend deviation add 3 cents per hundredweight.

20. Delete all of § 943.91 (b) and substitute in lieu thereof the following:

(b) In making payments to producers pursuant to § 943.90 (a) or (c) the applicable uniform price pursuant to § 943.72 and the applicable base price pursuant to § 943.73 to be paid for producer milk received at a pool plant located 110 miles or more from the City Hall of Dallas, Texas, by the shortest hard-surfaced highway distance as determined by the market administrator shall be reduced 1.5 cents for each 10 miles or fraction thereof that such plant is located from the Dallas City Hall.

(c) The location adjustment applicable with respect to excess milk shall be computed as follows:

(1) Subtract from the total volume of Class I milk allocated to producer milk pursuant to § 943.46 the total volume of base milk received by all handlers;

(2) Divide the result by the total volume of excess milk received by all handlers; and

(3) Multiply by the rate of location adjustment applicable for base milk received at the same location and round to the nearest cent.

c. Proposed by the Dairy Division:

21. Consider amendment to § 943.32 to provide a separate report by each handler with respect to inventory on hand at the end of the month.

22. Amend § 943.71 (b) by deleting the phrase "not less than one-half of the cash balance on hand in the producer-settlement fund," and substitute therefor "not less than one-fourth of the cash balance on hand in the producer-settlement fund,".

Copies of this notice of hearing may be procured from the Market Administrator at P. O. Box 35225, Airlawn Station, Dallas, Texas, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 1, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-1684; Filed, Mar. 5, 1957; 8:53 a. m.]

[7 CFR Part 1020]

[Docket No. AO-290]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of apricots grown in designated counties in Washington, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Wenatchee, Washington, on January 9–10, 1957, pursuant to a notice thereof which was published December 11, 1956, in the FEDERAL REGISTER (21 F. R. 9774). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Apricot Advisory Committee, Washington State Fruit Commission, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish apricot marketing research and development projects;

(e) The method for regulating shipments of apricots grown in the production area;

(f) The granting of exemptions and the establishment of special regulations for apricots handled in certain types of shipments or for certain specified purposes;

(g) The requirement for inspection and certification of apricots handled;

(h) The establishment of reporting requirements for handlers;

(i) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(j) Additional terms and conditions as set forth in §§ 1020.62 through 1020.71 and published in FEDERAL REGISTER (21 F. R. 9774) on December 11, 1956, which

are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 1020.72 through 1020.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The major part of the crop of apricots produced in the designated counties of Washington comprising the "production area" is shipped in fresh market channels. The bulk of such production moves into the markets of the Midwestern and Northeastern States. Among the more important volume markets are Minneapolis, St. Paul, St. Louis, Chicago, Kansas City, New York, and Detroit. Smaller volumes, but nonetheless important, are marketed on the West Coast. Canada is the most important export market for Washington apricots.

Four States, other than Washington, produce apricots in commercially significant volume. These States are California, Utah, Colorado, and Idaho. During the 10-year period 1945–54, California alone produced approximately 90 percent of total volume, while Washington produced approximately 7.5 percent. During this same period, however, Washington accounted for 31.5 percent of total fresh apricot shipments, and in 1955 for 37.7 percent of such shipments. Ninety percent or more of the California production is commercially processed. The principal Washington variety, the Moorpark, has not proved satisfactory for commercial processing.

Shipment of fresh Washington apricots takes place in July and August. There is an overlapping of shipments from California and Washington during early July, and during most of July and early August apricots from Utah, Colorado, and Idaho compete in the markets with apricots from Washington. Throughout this period, however, Washington apricots constitute about 75 percent to 80 percent of the total supply. About one-fourth of the Washington movement occurs during the latter part of August after shipment from the other apricot producing States has been completed.

Any handling of Washington apricots in fresh market channels exerts an influence on all other handling of such apricots in fresh form. Sellers of such apricots, as of other commodities, endeavor to transact their business so as to secure the highest possible return for the quantities of apricots they have for sale. In effecting these transactions, the seller continually surveys all accessible markets in order to take advantage of the best opportunity to market the fruit. Markets within the State of Washington provide opportunities to dispose of apricots in the same manner as markets within other States, or for export; and the sale of a quantity of Washington apricots in a market within the State of Washington exerts the same influence on all other sales of such apricots as a like quantity sold in a market within another State.

The principal intrastate markets for Washington apricots are located in the cities of Seattle, Tacoma, and Spokane outside the production area. These markets take approximately 20 percent of the apricots marketed fresh each season. If shipments of apricots to markets outside the State of Washington were regulated, while those within the State of Washington were unregulated, growers and handlers would attempt to market within the State all the lower quality apricots which could not be shipped under regulation. Because of such large quantity of low quality apricots sold in markets within the State, prices for apricots in such markets would be depressed below those prevailing in markets outside the State.

The existence of a lower price level for apricots marketed within the State of Washington would tend to depress the prices for apricots sold in interstate markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used in bargaining for apricots to be shipped into other markets, including those outside the State of Washington. As a case in point, there are business concerns who control retail outlets in Seattle, and also in Minneapolis, Minnesota, and these concerns are well aware of the price situation in both markets. Furthermore, with large quantities of poor quality apricots available for sale in markets within the State of Washington, there would be little opportunity to sell in such markets apricots meeting the requirements of the regulations established. The larger quantity of apricots, which would be required to be sold in interstate markets under such circumstances, would also tend to lower the level of prices in the interstate markets.

Itinerant truckers move substantial quantities of apricots mainly to intrastate markets. However, it is normal practice for such persons to sell apricots in the markets where prices are most favorable. It is more than probable that below-grade shipments destined for the Seattle-Tacoma area or to Spokane would be diverted to Portland, Oregon, or to other markets outside the State if prices were more favorable there than in markets within the State of Washington. In fact, it is a customary practice to ship fruit from the production area to Spokane and reship it from there to Idaho, Montana, or to Canada. Under these circumstances, it would be virtually impossible to effect compliance with regulations governing interstate shipments if shipments to markets within the State were unregulated.

Hence, it is concluded that the movement and sale of Washington apricots, whether to a market within the State of Washington or outside thereof, affect prices of all apricots grown in the production area. Therefore, it is hereby found that all handling of such apricots grown in the production area are either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. However, the quantity of apricots handled for consumption within the production area is relatively inconsequential when compared with the total quantity handled; and because of the nearness to the source of supply, it would be administratively impracticable to regulate the handling of apricots for consumption within such area. With this one exception, and except as hereinafter otherwise provided, all handling of apricots grown in the production area should be subject to the authority of the act and of the order.

(2) The production of Washington apricots, though varying considerably from year to year, ranged steadily upward during the 20-year period ending with the 1949 season. During the 5-year periods ending 1934, 1939, 1944, and 1949, average annual production was 5,600, 11,520, 18,080, and 24,900 tons, respectively. In 1950 the trees were severely damaged by cold weather and the crop was only 1,600 tons, and for the 5-year period ending 1954, average annual production was 8,740 tons. By 1955 the orchards had recovered, and 21,000 tons were produced.

Reflecting the wartime demand for food, average on-tree prices per ton for Washington apricots for fresh market in 1943, 1944, and 1945 were $157.00, $95.40, and $96.90, respectively. In 1946, 1947, and 1948, such prices were $64.30, $49.30, and $25.40. In 1949 such price was a minus $8.90 per ton. With the reduction of the crop during the 5-year period ending in 1954, prices increased and prices during such period averaged $88.20 per ton. In 1955 with a crop of 21,000 tons, on-tree returns to growers dropped to $7.00 per ton. This was less than 10 percent of the season average on-tree parity price for Washington apricots.

Some of the recent decline in demand, and consequent difficulty experienced in the marketing of Washington apricots is believed to be due to the post World War II decline in home canning, principally in the Midwest. The principal variety, the Moorpark, has proved to be acceptable for home canning, and for this purpose such apricots were shipped somewhat less mature than would be desirable for eating fresh. With the decline in the demand for apricots for home canning, it is necessary to create increased demand for apricots for fresh consumption. In order to do so it is necessary to place on the market apricots suitable for this purpose.

The importance of the apricot in the economy of the production area was stressed. The economy depends almost entirely on the production and handling of fruits. Pruning, thinning, harvesting, and packing of apricots occur at times when labor and facilities are not being utilized for other fruit crops, and thus the apricot is important to the efficient use of such factors in the total fruit industry.

Prices for apricots generally are high at the beginning of the season, and producers and handlers are anxious to start shipping in order to take advantage of such prices. Under such circumstances, apricots in early shipments often have not been sufficiently mature to give con-

sumers' satisfaction, and it is believed that consumers' dissatisfaction stemming from purchase and consumption of such apricots curtails demand for apricots throughout the remainder of the season. In 1953 the industry was instrumental in having a State maturity law enacted, under which all apricots must move under a permit, issued by the State Inspection Service, certifying that such apricots meet minimum maturity standards. However, it was alleged that this law had not stopped the shipment of immature apricots. No State requirements have been established with respect to uniformity of grade, size, quality, or containers. Handlers who have made a conscientious effort to ship only good quality apricots in an effort to get a fair return for apricots often find that other handlers have shipped apricots of poor grades and smaller sizes and have so depressed the market that fair returns were impossible to obtain. At times, handlers have shipped good quality apricots early in the season while the bulk of the crop was being harvested in the portion of the production area which they serve and have held in storage apricots of less desirable quality and shipped them later to the detriment of the later portions of the production area.

Handlers also have varied the dimensions of containers presumably in order to gain a competitive advantage over others. One of the results of this is that a container with a capacity of 12 pounds net, has displaced, for shipment to distant domestic markets, a 14-pound net container, which is more suitable for packing larger fruit of certain varieties. Under Canadian law the 14-pound container is the only container which may be used in shipping apricots to Canada. Numerous sizes of containers known as "Gypo" containers are used mainly for shipping apricots to nearby markets, including some in Oregon. The difference in dimensions of such containers may be so slight that a smaller container may be substituted for a larger one without customers being aware that it contains 2 or 3 pounds less fruit. The lack of standardized grade, size, quality, and containers has resulted in lack of stability in the marketing of Washington apricots and has tended to alienate buyers and hence to reduce demand and market prices received for Washington apricots.

Prices of Washington apricots and total returns to the growers of such fruit could be augmented by restricting shipments in fresh market channels to apricots of desirable maturity, grade, size, and quality and limiting the containers used in making such shipments. When supplies of apricots are heavy, fruit of inferior grades and qualities, or of undesirable maturity or size, may be sold only at discounts, and, since competition in the marketing of apricots is based to a considerable extent on price, such discount sales tend to depress prices for all apricots being marketed. Restrictions on the shipment of such discounted fruit would, therefore, tend to increase prices for good quality apricots. Moreover, shipments of apricots which are of inferior grade or quality, or of undesirable size or maturity, often do not sell at prices covering even the cash costs of harvesting and marketing. Restrictions on the shipment of such fruit would not only improve the grade, size, and quality of apricots marketed and promote buyer confidence in Washington apricots, but would also improve the average returns to growers by preventing losses incurred through shipment of undesirable fruit. Moreover, the shipment of very poor quality apricots, including culls, immature fruit, extremely small sizes, and deteriorated fruit is rarely ever in the interest of consumers or producers. Apricots of such poor quality are not a value to the consumer because of poor flavor and excessive waste. Shipment of such apricots results in consumer dissatisfaction and destruction of the reputation of quality for Washington apricots. Even when the season average price is above the parity level it is not in the public interest to ship such poor quality apricots.

Restrictions on the size, capacity, dimensions, and pack of containers used in the marketing of Washington apricots would enable buyers and handlers alike to know the exact quantity of apricots covered by prices quoted and thereby tend to increase trade confidence and stability in the marketing of the fruit.

Therefore, it is concluded that the establishment of the order, providing for the regulation of maturity, grade, size, and quality of shipments of Washington apricots, and for the establishment of uniform containers to be used for such shipments, is necessary to effectuate the declared purposes of the act. Also, the establishment and maintenance in effect of minimum standards of quality and maturity, when prices are above the parity level, will effectuate such orderly marketing of Washington apricots as will be in the public interest. The objective under such order is the tailoring of the supply of apricots available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packaged uniformly and be of desirable maturity, grade, size, and quality. Such limitations on shipments of Washington apricots should contribute to the establishment of more orderly marketing conditions for such fruit and tend to increase the demand therefor.

(3) The term "apricots" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all varieties of apricots, as hereinafter defined, classified botanically as Prunus armeniaca. Apricots are readily distinguished from other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute in the receiving markets apricots grown in the production area.

The term "varieties" should be defined in the order, as hereinafter set forth, since it is proposed to provide authority in the order for issuance of separate regulations for different varieties. The principal varieties of apricots grown in the production area are Moorpark, Tilton, Blenheim, Riland, Perfection, and Phelps. Each variety of apricots is a classification or subdivision of Prunus armeniaca and possesses definitive characteristics which serve to distinguish it. Recognition of different varieties of apricots is common throughout the production area and the distributing trade, and there is little likelihood that one variety would be confused with another.

A definition of the term "production area" should be incorporated into the order as a means of delineating the area within which apricots must be grown for the handling thereof to be subject to regulation. Such term should embrace all of the territory within the boundaries of the Counties of Okanogan, Chelan, Douglas, Grant, Yakima, Benton, and Klickitat within the State of Washington. Such area includes the Wenatchee and Yakima valleys within which practically all of the commercial crop of Washington apricots is produced. The apricots produced for market within this area are of the same varieties and are marketed at approximately the same time and compete with each other in the markets. All the apricots shipped to market from the production area are prepared for market in packing facilities located within such area. There are no apricots produced outside the production area and brought into such area for preparation for market. To exclude any portion of the production area as defined would tend to defeat the purposes of the order, in that apricots from any such excluded portion which do not meet regulations applicable to regulated fruit could then be marketed free from regulations and thereby depress the prices of the regulated apricots grown in the remainder of such area. Moreover, apricots produced in such excluded portion would probably have to be brought into the regulated area for preparation for market and this would lead to confusion and difficulty in enforcing regulations. Hence, it is concluded that the production area as hereinafter defined is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined as being synonymous with "shipper" and to identify the persons who handle apricots in the manner described and set forth in the definition of "handle," because such persons are to be subject to the order and regulations authorized thereunder. A handler should include any individual, partnership, corporation, association, or any other business unit which handles apricots. Such persons are responsible, among other things, for the grade, size, quality, and maturity of the apricots they place, or cause to be placed, in the current of commerce between the production area and any point outside thereof whether by delivery to transportation agencies or to the consignees or purchasers of the fruit, or which are transported to market or sold; and such persons should therefore be considered as handlers. However, common or contract carriers of apricots they do not own should not be considered as handlers, even though they transport apricots, for the reason that these agencies transport apricots for a monetary consideration and do not have a proprietary interest in the commodity or any control over the grade, size, quality, or maturity thereof.

The definition of the term "handler" should apply to any person, including a producer, when such person performs any handling activities within the scope of the term "handle." It should include not only the first handler, but each succeeding handler who performs any such handling activities, so as to assure that all such handling of apricots will be in accordance with the order and regulations thereunder. With respect to handlers who conduct their businesses other than as individuals (e. g., firms that have sales managers or packinghouse managers), any handing activities engaged in by employees or officers of such handlers should be construed as handling caused by the principal company, as "handler." Hence, the term "handler" would cover the owner of a firm even though such person does not personally negotiate the sale or transport the apricots.

Such term should also include, in addition to the owner and officers, any other individual of a firm handling apricots who, in a supervisory capacity, is directly responsible for, and consequently causes, the sale or transportation of the commodity. Therefore, a handler would mean any person (except a common or contract carrier of apricots owned by another person) who handles apricots or causes apricots to be handled. In other words, the term "handler" should include not only persons who themselves sell or transport apricots but also those persons who, although they do not themselves sell or transport apricots, nevertheless cause their sale or transportation. All persons coming within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the order so as to assure that all apricots will be properly handled.

The term "handle" should be defined to identify those activities which it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place or continue apricots in commerce from any point in the production area to any point outside thereof. Handling of apricots under the order would begin after the apricots have been removed from the tree and include each of the successive selling or transporting activities. The performance of any one or more of these activities, such as selling, consigning, delivering, or transporting, by any person either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required to limit such handling of apricots to fruit which conforms to the applicable regulations established under the order.

It is common practice for growers to deliver their apricots to persons having facilities for packing and otherwise preparing the fruit for market. The grower, in such instances, properly relies on the person preparing the apricots for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Movement within the production area from the orchard to the place within the production area where the apricots will be prepared for market and activity in connection with such preparation should not be covered as handling subject to regulation. These actions, whenever they are performed, are, of necessity, preliminary to the handling, i. e., selling, consigning, delivering, and transporting of apricots. It would unnecessarily complicate the administration of the program to require persons engaged in the preparation of apricots for market to meet the requirements of regulations prior to such preparation. Therefore, such activties should not be included within the definition of handle.

The record shows that some apricots are sold at the orchard and at packinghouses to persons—itinerant truckers and others—who transport the apricots from such points to markets outside the production area. The selling or delivery of apricots to such persons, and the subsequent movement to points outside the production area, whether within or outside the State, are handling transactions. Any person who engages in any such transaction, whether a grower, packinghouse operator, trucker, or otherwise, should therefore be considered as a handler under the order by virtue of such transaction and subject to any rules and regulations pursuant thereto. Each such person should have the responsibility for assuring himself that the apricots he so handles meet all applicable regulations in effect at the time of handling and that the apricots have been inspected and certified as required under the order. Compliance with regulations which are authorized by the order can readily be determined by the person who is grading or preparing the apricots for market. The primary responsibility for determining that apricots in any shipment conform to applicable regulations should rest with the person who places, or causes to be placed, the apricots in the current of commerce between the production area and any point outside thereof. In most cases, such person will be the one who graded, or at least was responsible for grading or preparing such apricots for market. Of course, all subsequent handlers should also have the responsibility for seeing that any maturity, grade, size, quality, and any other regulations pertaining to such apricots are met at the time such persons handle the apricots. A very small quantity of apricots is handled for consumption within the production area. Such handling directly burdens, obstructs, or affects interstate commerce, as hereinbefore noted. However, the quantity is so small, and the difficulty of enforcing regulations for apricots so marketed would be so great, that such handling of apricots should not be regulated. As all handling of apricots, except as indicated herein and except for the handling of apricots specifically exempted from regulation under the act or the order, directly burdens, obstructs, or affects interstate commerce, it is concluded that the handling of all such apricots, with the exceptions hereinbefore noted, should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Washington Apricot Marketing Committee—the agency which will administer the program locally—are to be maintained. At the present time it is desirable to establish a 12-month period ending March 31 as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of apricots. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, it was testified that for reasons not now apparent it may be desirable at some future time to establish a fiscal period other than one ending March 31, and that authority should be included in the order to provide for such establishment subject to approval of the Secretary pursuant to recommendations of the committee. Therefore, it is concluded that such term should be defined as hereinafter set forth to provide this flexibility.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of

repeating its full name each time it is referred to.

Definitions of "grade" and "size" should be incorporated in the order to provide a basis for expressing grade and size limitations thereunder, and thus to enable persons affected thereby to ascertain the extent and application of grade and size limitations. "Grade" should be defined as any one or more of the established grades of apricots as defined and set forth in (1) "United States Standards for Apricots," issued by the United States Department of Agriculture, effective May 25, 1928, which standards were published in the FEDERAL REGISTER (21 F. R. 9935), or (2) Standards for Apricots issued by the State of Washington, or (3) amendments to any grades set forth in either of such standards, or modifications thereof, or variations based thereon. Such definition would provide the flexibility necessary to cope with the possible variations in apricots due to detrimental effects of weather or other possible hazards affecting the crop. The United States Standards and the Washington State Standards have been used by the Washington apricot industry for a number of years and therefore provide appropriate bases for describing grade limitations.

Sizes of apricots are commonly referred to in the production area by row count, i. e., the number of apricots necessary to pack row-faced across a 10½ inch inside width wooden box or lug. Hence, a 7-row apricot is one having a diameter of 1½ inches measured at right angles to a line drawn from the stem to the blossom end of the fruit. However, it was testified that due to the fact that apricots are shipped other than row-faced in containers, and it is possible to vary the arrangement of the apricots within the row-face of the container, a regulation based on a row-count size would not be as meaningful as one based on minimum diameter. Therefore, it is concluded that the term "size" should be defined in terms of diameter or such other specifications as may be recommended by the committee and approved by the Secretary.

The term "pack" is commonly used throughout the apricot trade and refers to a combination of factors relating to the grade, size, quality, and quantity of apricots in a particular type and size of container and to the arrangement of the apricots within that container. For example, "U. S. No. 1, 6-row, 14-pound faced pack" is considered by the apricot trade as a specific pack. "U. S. No. 1" describes the grade, "6-row" the size, and "14-pound faced," the container, quantity of apricots, and the arrangement of the apricots within the container. Under certain circumstances, it may be desirable to regulate shipments of apricots on the basis of particular grades or sizes, or both, that may be shipped in a specific container or containers and to specify the arrangement of the fruit within the container. Hence, it is concluded that "pack" should be defined as follows: "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of apricots in a particular type and size of container.

The term "grower" should be synonymous with "producer" and should be defined to include, with the exceptions hereinafter noted, any person who is engaged, within the production area, in the production of apricots for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as, a grower or alternate grower member on the Washington Apricot Marketing Committee and for other reasons. In this connection, it was testified that in order to preserve the predominant grower character of the committee it would be necessary to require that any grower who handles apricots shall have produced not less than 51 percent of the apricots handled by him during the previous season to be eligible to vote for grower nominees or to serve as a grower member or grower alternate member of the committee. Each business unit (such as a corporation, partnership, or community property arrangement) engaged in the production of apricots for market should, when voting for nominees for membership on the committee, be entitled to only one vote. The term "grower" should, therefore, be defined in accordance with the foregoing.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of committee members. The districts (i. e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

"Export" should be defined in the order as any shipment of apricots beyond the boundaries of the continental United States. Shipments of apricots to points outside of the continental United States may be of different grades, sizes or qualities than those shipped to domestic markets. This results from different market demands as between domestic and other markets. Different or special regulations, or even no regulations, could, therefore, be made effective when warranted, with respect to such shipments out of the United States.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging, or handling of apricots. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles, in which apricots are sold or moved to market, for which different regulations could be applicable.

(b) It is necessary to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Washington Apricot Marketing Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 12 members, of whom 8 should represent producers and 4 should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently. The foregoing division of the members between producers and handlers would provide suitable producer representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of apricot shipments. Each handler member should be either a handler, an officer, or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless persons were authorized to serve as members of the committee. There are also growers in the production area which are corporations and their officers and employees should be similarly eligible for membership on the committee. Two handler members and 4 grower members should represent each of the two districts. Although volume of production of apricots in District 2 is somewhat greater than in District 1, equal representation on State industry committee is usually provided. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

Each producer or handler member of the committee, and his alternate, should be a producer or handler (or officer or employee of a corporate grower or handler), as the case may be, of apricots in the district for which selected. A person with such qualifications should be intimately acquainted with the problems of producing or marketing apricots grown in such district and may be expected to present accurately the problems incident to the production or handling of apricots grown in that district. The main interest of grower members and alternates should be growing. A grower who also is a handler of apricots should have grown not less than 51 percent of the apricots handled by him during the previous season to be eligible to serve as a grower member or a grower alternate member of the committee. Such provision is necessary to assure that the interests of the majority of the committee are primarily the growing of apricots.

The term of office of committee members and alternates under the proposed program should be for two years beginning on the first day of April and continuing until March 31. This will establish an orderly procedure for changing the membership of the committee.

The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence allow adequate time for the committee to organize and start operating.

Provision is made in the order for staggered terms of office of committee members and alternates. Under this provision one-half of the committee in office on March 31 of each year will continue in office until the next year. The establishment of such staggered terms will provide for more efficient administration of the program, in that members and alternates constituting the new half of the committee membership will benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order; and continuity should contribute materially to the successful administration of the marketing program. However, the terms of office of one-half of the initial committee members and alternates should be from the time of appointment until the following March 31 and of the other half from the time of appointment until the second following March 31. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; and the nomination of prospective members and alternate members at meetings of growers and handlers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee on or before March 1 of each year. Such date is approximately 4 weeks prior to the end of the fiscal period. By having such nomination meetings not later than March 1 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee members. The notice of hearing proposed that nomination meetings be held not later than March 15 of each year. However, it was testified that such nomination meetings should be held in sufficient time to assure that the names of nominees would be before the Secretary in time for him to make his selection of members and alternates prior to the beginning of the new term of office, beginning on April 1. Inasmuch as March 15 would allow approximately only 2 weeks for the committee to prepare and submit nomination lists and for the Secretary to review such nominations and make his selection, it is concluded that such nomination meetings should be held not later than March 1.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial grower and handler committee members and alternates from nominations which may be made by growers and handlers, respectively, or appropriate groups thereof, or from other eligible persons; and the order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

The order should provide that only growers who are present at the nomination meetings, or corporate growers who are represented at such meetings by duly authorized agents, may participate in designating nominees for grower members and alternates, and only handlers present at nomination meetings or corporate handlers represented at such meetings by duly authorized agents may participate in the nomination of handler members and alternates. It should be further provided that any grower who handles apricots may not participate in the selection of grower members and alternates if he did not produce at least 51 percent of the apricots handled by him during the previous season. These restrictions are necessary in order to insure that the interests of each group are properly safeguarded and that the nominee truly reflects the views of the group which he is selected to represent. With respect to the restriction on "grower-handlers" it was testified that such restriction was necessary in order to preserve the predominant grower character of the committee.

It was testified that each grower and handler should have a similar and equitable voice in the election of nominees. Hence, if a person is qualified to vote either as a grower or a handler, he may select the group with which he wishes to participate. Such persons may not vote both as a grower and as a handler because this would enable him to participate in nominations to a greater degree than persons who are growers only or handlers only. Also, each grower and handler should be limited to one vote on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the size of any such person's operation or the number of districts in which he produces or handles apricots. If a grower or handler could cast more than one vote by reason of operating in more than one district, such grower or handler would have an advantage in selecting nominees over growers or handlers operating in only one district. Also, if more than one vote was permitted, there is a possibility that large growers or handlers could dominate the elections by means of their partners, agents, subsidiaries, affiliates, and representatives, and nominate growers and handlers not favored by a majority of growers or of handlers. An eligible grower's or handler's privilege of casting only one vote should be construed to mean that one vote may be cast for each applicable position to be filled.

A grower who produces apricots in both districts should be permitted to select the district in which he will vote. He will thus be able to vote for nominees where he believes his best interest lies. Similarly, a handler, who handles apricots both in District 1 and District 2 of the production area, should be permitted to select either one of such districts in which to vote for nominees.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provisions should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, in that it may develop that

there are other duties which the committee may need to perform.

With respect to the provision set forth in § 1020.31 (m) providing for redistricting and reapportionment of membership on the committee, such provision is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The division of the production area into the two districts set forth in the order is a logical one at the present time from the standpoint of production, and this is the division commonly made by growers, handlers, and State agencies. However, shifts or other changes which may take place in the future due to increased or decreased production cannot be foreseen. Additional land suitable for apricot production is being made available within the production area through irrigation. Decreased acreage may result from damage caused by weather hazards. Therefore it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the order to change the boundaries of districts, change the number of districts, or reapportion the representation on the committee among districts, the committee may so recommend, and the Secretary may take such action.

At least 8 members of the committee, or alternates acting for members, should be present at any meeting in order for the committee to make any decisions; and all decisions of the committee should require a minimum of 7 concurring votes, except when two-thirds of the number of members present is greater than 7, such requirement should be two-thirds of the number of members present. These provisions will assure that all actions of the committee will be considered by at least two-thirds of its membership and approved by a majority of the committee. The order should provide that in the event neither member nor his alternate is unable to attend a meeting, such member or the committee may designate any other alternate member from the same district and group who is not acting as a member to serve in such member's place and stead.

In addition to meetings held where the committee is assembled together in one place, the committee should be authorized to hold simultaneous meetings of its members assembled at two or more designated places wherein provision has been made for communication between all such groups and loud speaker receivers made available so that each member may participate in the discussion and other actions the same as if the committee were assembled in one place. This should encourage attendance at meetings and may possibly facilitate some savings in expense through reduced travel time and distance. Such meeting should be considered as an assembled meeting. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that the members and alternates of the committee may receive compensation for the time spent in attending committee meetings. The order authorizes a maximum of $10.00 per day for this purpose, since the time so spent is usually at financial sacrifice to their personal businesses. While the payment of an amount not to exceed $10.00 per day will not in most cases fully compensate for the time such members and alternates spend away from their personal businesses, there are producers and handlers in the production area who are willing to represent the industry by serving on the committee regardless of the personal sacrifice involved. The order should also provide for reimbursement of actual out-of-pocket reasonable expenses incurred on committee business since it would be unfair to request the members and alternates to pay for such expenses incurred in the interest of all apricot growers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion, may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same compensation and reimbursement that are available to members should also be made available to alternate members when they are so requested and attend such meetings as alternates.

Provision should be made in the order whereby each committee will prepare an annual report prior to the end of each fiscal period. Such reports would provide committee members, the industry, and the Secretary with a record of the annual operations of the program and would provide a means for evaluation of the program and the need for any changes therein.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such other purposes as the Secretary May, pursuant to the provisions of the order, determine to be appropriate. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency, such as the Washington Apricot Marketing Committee, and requires that each marketing program of this nature contain provisions requiring handlers to pay pro rata the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessments should be required even if particular provisions of the order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to all apricots handled by him as the first handler thereof his pro rata share of such expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period. Each handler's share of such expenses should be equal to the ratio between the total quantity of apricots handled by him as the first handler thereof during the applicable fiscal period and the total quantity of apricots so handled by all handlers during the same fiscal period. In this way, payments by handlers of assessments would be proportionate to the respective quantities of apricots handled by each handler and assessments would be levied on the same apricots only once.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. There was no objection offered at the hearing to indicate that any person was opposed to the proposal for the committee to borrow a limited sum of money each fiscal period. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for the repayment of any such loan. In addition, as hereinafter set forth, provision should be made for increasing the rate of assessment in the event it should develop that due to some unforeseen circumstances the assessment income under the then prevailing rate is not sufficient to cover the expenses incurred.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order for such period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover authorized expenses incured by the committee.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a container, ton, or other quantity measurement.

The Secretary should have the authority, at any time during a fiscal period, or thereafter, to increase the rate of assessment when necessary to obtain sufficent funds to cover any later finding by the Secretary relative to the expenses of the committee applicable to such period. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all apricots handled during the particular fiscal period.

Handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season; but, if a handler should demand payment of any such credit, the proportionate refund should be paid to him.

However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses.

The notice of hearing set forth a proposal to authorize the Secretary, upon recommendation of the committee, to establish a reserve fund from excess assessments remaining at the end of a fiscal period. Such fund would be carried over into following periods and used upon termination of the order to liquidate the affairs of the committee. However, it was testified at the hearing that in view of the weather hazards to which production of apricots is subject, as well as the fact that a large proportion of the committee's expenses in any fiscal period will be incurred prior to the time assessment income is available to cover such expense, that the authority for establishment and use of such a reserve fund should be broadened to cover expenses during deficit collection periods such as the pre-season shipping period and during periods of crop failure or near crop failure.

In most years shipment of apricots begins about the middle of July and is completed by the end of August. The fiscal period starts on April 1, and, therefore, the committee must operate during April, May, June, and the first half of July with no current assessment income. The period just prior to the shipping season will be the period of greatest activity as the committee will be surveying the crop and marketing situation, holding meetings to develop a marketing policy and to develop recommendations for regulations. This means that in all probability at least one-half the committee's expenses will ordinarily be incurred before any current fiscal period income is collected.

An operating reserve is an important instrument for the continued effective operation of the order over a period of years. The production area is very susceptible to hail storms just prior to and during the harvesting period, and to frost damage at the time of bloom and fruit set. Severe freezes during the winter often damage trees and reduce the crop in succeeding years. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. When consignee handlers have already made returns to growers, it would be very difficult for them to obtain from such growers the additional funds required to meet the increase in assessment that would be necessary. It would also constitute an extra burden on the industry to increase the assessment rate after disasters such as these have occurred.

Because of the hazards incident to the production of apricots, and the difficulties thus expected to be encountered in financing operations of the program during some years, it would be desirable to establish an operating reserve for use during any such year. Evidence presented at the hearing was to the effect that nearly all of the production of apricots is marketed year after year by the same handlers and that it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. It was testified that the proposed reserve fund should be built up to the desirable amount as rapidly as possible, since a material reduction of the crop could occur at any time. Discretion should be used, however, so as not to impose excessively high assessments. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess assessment funds available at the end of a fiscal period for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expense be provided. It was shown that such an amount should be sufficient to cover any foreseeable need since some income from assessment may be expected during any year. After the reserve has been built up to that amount, excess assessment income should thereafter be returned to the handlers entitled to refunds in accordance with the provisions of the order. However, in keeping with the need for the reserve fund, whenever any portion of it is used, the full amount withdrawn should be returned to the reserve as soon as assessment income is available for this purpose.

The reserve fund should be used, with the approval of the Secretary, to cover costs of liquidation of the program in the event the order is terminated, as well as to cover necessary operational costs, such as for salaries and other necessary expenses, during any period when the order, or any of its provisions, should be suspended. It is possible, of course, that the program may be terminated at the end of a fiscal period, or during a year when the production of apricots is relatively light. In such circumstances, it would be burdensome to handlers to require payment of an assessment to cover the liquidation costs. All handlers receive benefits from the program's operation; and, even if a handler ceases handling apricots before the full time of its operation has expired, it would be appropriate and equitable for such handler to share in the expense of liquidation. Should the order provisions be suspended, it is likely such suspension would occur during a period when apricot production has been seriously curtailed. It would seem reasonable and proper, therefore, to use the reserve funds to defray any expense of liquidation or any necessary cost of operation during a period of suspension. It is anticipated, of course, that the committee will endeavor to minimize costs in this regard as far as reasonably practicable consistent with the efficient performance of its responsibilities.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. It is apparent, from the evidence of record, that it may not be possible to make an exact distribution of any such funds. Should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Funds received by the committee pursuant to the levying of assesments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary

with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as the Secretary may designate. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots.

Through the medium of research investigation, the committee should be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to apricots which would be of value in determining what regulations should be established, in accordance with the act and the order, for the benefit of the apricot industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising and sales and trade promotion projects which are not permitted by the act), to spend assessments funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies such as State universities, and public and private agencies. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for apricots, among other commodities, and will tend to establish parity prices therefor, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirement as will be in the public interest. The regulation of apricot shipments by maturity, grade, size, or quality, or any combination thereof, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of apricot shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of apricots. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for apricots since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions since the beginning of the season are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such maturity, grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for apricots. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the amendment, modification, suspension, or termination of such regulations, as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for apricots. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The maturity, grade, size, and quality of apricots which are shipped at any particular time have a direct effect on returns to growers. It is a fact that poorer grades, and less desirable sizes, of apricots marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of apricots of low grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality apricots.

Evidence presented at the hearing shows that handlers often have shipped in fresh fruit channels immature apricots and apricots of poor grade and quality and of undesirable size. Such apricots may be sold only at discounts, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the prices for the entire crop, for the particular year, below the level which otherwise would have existed if only apricots of suitable maturity, grade, size, and quality, considering the supply and demand conditions for such fruit, had been available in the markets.

The demand for particular grades, sizes, and qualities of apricots varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for apricots are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the apricot crop, and the volume of the available supply for the season as a whole and for any particular period during the season, are important factors which must be considered in establishing regulations. There is generally a sufficient volume of apricots harvested in the production area so that the shipment of only the better grades, sizes, and qualities of apricots to fresh market could fill market demands. Proper maturity is an important factor determining consumer acceptance. Prices for apricots in the production area generally start each season at a high level. This is usually followed by a rapid decline. It was testified that haste to take advantage of high prices early in the season had frequently caused the shipment of immature, excessively small, and poor quality apricots which had resulted in dissatisfaction of consumers; and that such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by maturity, grade, size, quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined is warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the apricot crop will be marketed.

Several different varieties of apricots are grown in the production area. Principal varieties are the Moorpark, Tilton, Blenheim, Riland, Perfection, and Phelps. Each variety of apricots has certain characteristics which serve to distinguish it from other varieties. The differences in characteristics, such as shape, size, color, and maturing characteristics, may make it undesirable to apply the same regulations to all varieties in that under certain circumstances a given regulation may eliminate an excessive proportion of certain varieties from the market. Also, it was testified that differences in demand exist for certain varieties which may make it desirable to recognize such differences in the establishment of regulations. The order should, therefore, provide authority for the issuance of different regulations for different varieties.

The evidence in the record shows that the most practical basis for issuing regulations covering any portion of the production area, other than the entire production area, would be on a district basis. District 1, the Wenatchee area, and District 2, the Yakima area, are separated by a range of mountains, and the centers—i. e., the cities of Wenatchee and Yakima—of the two areas are about 125 miles apart. Apricots produced in each of the districts are prepared for market in the district where produced. Weather conditions vary between the two areas, and detrimental weather may adversely affect the apricot crop in one district while the crop in the other district may not be so affected. Because of these circumstances, and in order to provide equity among growers and handlers, authority should be provided in the order to permit establishment of different regulations in different districts of the production area. It was stated in the notice of hearing and proposed at the hearing that authority should be included to regulate differently for any or all portions of the production area. It was pointed out, however, that such regulations, if established, would be most difficult to enforce, and the primary example given of the need for such regulation was to provide relief for hail damage. Since only those persons who have fruit affected by such damage would have any of such fruit, a regulation could be issued providing increased hail damage tolerance for an entire district even though only portions of such district were affected. Hence, it is concluded that authority to regulate by districts would permit the establishment of such different regulations as are likely to be necessary with respect to apricots produced in different portions of the production area, and such regulations would be more practical from an enforcement standpoint.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of apricots. Some of the containers used in the shipment of apricots are 12- and 14-pound wooden boxes or lugs, with inside dimensions 10½ x 3⅜ x 15 inches and 10½ x 4⅛ x 15 inches, respectively; a four-basket crate with inside dimensions of 16 x 4¾ x 16 inches holding 22 to 24 pounds of fruit net; and a 28-pound lug with inside dimensions 11½ x 7 x 17⅞ inches. The trend in container development has been to smaller and smaller containers. The 12-pound container developed as a variation of the 14-pound container, and a host of containers has developed as variations of the 28-pound lug. Such containers, commonly known in the apricot trade as "Gypo" containers, presumably developed in an attempt to gain a competitive advantage, cause considerable confusion in the buying and selling of apricots. The multiplicity of such containers, and the fact that in many instances they vary so slightly from each other in size and capacity that customers do not realize that the apparent price advantage for a seemingly identical container merely reflects the smaller quantity of fruit, result in disorderly marketing conditions. Standardization of containers to those most suitable for the packing and handling of apricots, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers' returns.

The exercise of the authority to regulate containers, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

The order also should contain authority to regulate the packs of containers. This would assist the apricot industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance trade reputation. Neither the United States grades nor the Washington State grades make any requirement with respect to uniformity of size within containers unless the numerical count is used to describe the apricots in a container. Apricots are generally not sold by numerical count. Most of the apricots for distant shipment are packed row-faced in 12-pound lugs. The number of rows imply the size of apricots, but in the absence of any minimum size or pack requirement there is no guarantee of uniformity of size or pack. Loose packs are generally unlidded containers of apricots of random sizes, which in the absence of requirements as to uniformity of contents, are difficult to describe, cause confusion, and contribute to disorderly marketing conditions. It may be necessary to limit the shipment of apricots to export markets to grades, sizes, packs, or containers which are different from those permitted to be shipped to the domestic market. For example, Canada specifies the containers in which apricots must be packed to be admitted into that country. Moreover, it was testified that the export market has sometimes accepted apricots of sizes which, at the time, it was not profitable to ship to domestic markets.

Under certain circumstances it may be desirable to regulate shipments of apricots differently for containers of different capacities on the basis of the particular grades and sizes which may be packed in such containers. Authority for such flexibility in regulations, included in the order, would tend to effectuate the declared policy of the act.

It is not in the public interest to cease regulation when the season average price of apricots exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both, and such grading and inspection requirements, during any and all periods when the season average price for apricots may be above parity, as well effectuate such orderly marketing of apricots as will be in the public interest. Some apricots do not give consumer satisfaction regardless of the price level. Immature apricots, deteriorated apricots, and apricots of very small sizes are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of insufficiently mature apricots or fruit lacking in the quality necessary to assure delivery in satisfactory condition would cause an adverse buyer reaction and would tend to demoralize the market for later shipments of such fruit. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulation when the season average price is above parity. Hence, the discontinuance of regulations during season when the average price exceeds parity could adversely affect consumers and also result in dissipation of all benefits from the prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. The possible development depends on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality and maturity that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendations of the committee, made after review of the existing conditions that year, or other available information.

(f) The order should provide for the exemption from its provisions of such handling of apricots which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Apricots which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for apricots sold in the domestic and export markets. Hence, apricots handled for such purposes should be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of apricots, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of apricots in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemptions should be in effect.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent apricots handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the apricots moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit for processing even though such apricots do not have to comply with grade, size, quality, and other requirements. These procedures might include such requirements as filing applications for authorization to move apricots in exempted channels and certification by the receiver that such apricots would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(g) Provision should be made in the order requiring all apricots handled, during any period when handling limitations are effective, to be inspected by the Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all apricots handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all apricots handled during the effective period of such regulations. As the handler of apricots is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of apricots handled for inspection and certification and to file a copy of the certificate of inspection with the committee. It was testified that handlers are familiar with the Federal-State Inspection Service and the certification of apricots in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles apricots. In this way, not only will the handler who first ships or handles apricots be required to obtain inspection and certification thereof, but also no subsequent handler may handle apricots unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of apricots previously inspected is regarded, resorted, repackaged, or in any other way subjected to further preparation for market, such apricots should be required to be inspected following such preparation, and certified as meeting the requirements of the applicable regulations before such apricots are handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

(h) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It was testified at the hearing that is was anticipated that most of the information needed by the committee to carry out its functions could be obtained from the required inspection certificates.

However, it was pointed out that it is difficult to anticipate every type or report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request with approval of the Secretary, reports and information as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to apricot shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, none of such reported information may be released other than on a composite basis, and no such release of information should disclose either the identity of handlers or their operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and dispositions of apricots. Such records should be retained for not less than two succeeding years.

(i) Except as provided in the order, no handler should be permitted to handle apricots, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle apricots except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 1020.62 through 1020.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1020.72 through 1020.74, as hereinafter set forth, are also included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 1020.62 *Right of the secretary;* § 1020.63 *Effective time;* § 1020.64 *Termination;* § 1020.65 *Proceedings after termination;* § 1020.66 *Effect of termination or amendment;* § 1020.67 *Duration of immunities;* § 1020.68 *Agents;* § 1020.69 *Derogation;* § 1020.70 *Personal liability;* and § 1020.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading, are as follows: § 1020.72 *Counterparts;* § 1020.73 *Additional parties;* and § 1020.74 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. January 17, 1957, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of apricots grown in the production area in same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of apricots grown in the production area; and

(5) All handling of apricots grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1020.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1020.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1020.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1020.4 *Production area.* "Production area" means all of the territory included within the Counties of Okanogan, Chelan, Douglas, Grant, Yakima, Benton, and Klickitat within the State of Washington.

§ 1020.5 *Apricots.* "Apricots" means all varities of apricots, grown in the production area, classified botanically as Prunus armeniaca.

§ 1020.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Prunus armeniaca.

§ 1020.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1020.8 *Committee.* "Committee" means the Washington Apricot Marketing Committee established pursuant to § 1020.20.

§ 1020.9 *Grade.* "Grade" means any one of the officially established grades of apricots as defined and set forth in:

(a) United States Standards for Apricots (21 F. R. 9935) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for apricots issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 1020.10 *Size.* "Size" means the greatest diameter, measured through the center of the apricot, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 1020.11 *Grower.* "Grower" is synonymous with producer and means any person who produces apricots for market and who has a proprietary interest therein: *Provided*, That a grower who is also a handler must have produced not less than 51 percent of the apricots handled by him during the previous season in order to qualify as a grower under §§ 1020.20, 1020.22, and 1020.23.

§ 1020.12 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting apricots owned by another person) who handles apricots.

§ 1020.13 *Handle.* "Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport apricots or cause the sale, consignment, delivery, or transportation of apricots or in any other way to place apricots, or cause apricots to be placed, in the current of commerce from any point within the production area to any point outside thereof: *Provided*, That the term "handle" shall not include the transportation within the production area of apricots from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such apricots to such packing facility for such preparation.

§ 1020.14 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1020.31 (m):

(a) "District 1" shall include the Counties of Chelan, Okanogan, Douglas, and Grant.

(b) "District 2" shall include the Counties of Yakima, Benton, and Klickitat.

§ 1020.15 *Export.* "Export" means to ship apricots beyond the continental boundaries of the United States.

§ 1020.16 *Pack.* "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of apricots in a particular type and size of container, or any combination thereof.

§ 1020.17 *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of apricots.

ADMINISTRATIVE BODY

§ 1020.20 *Establishment and membership.* There is hereby established a Washington Apricot Marketing Committee consisting of twelve members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Eight of the members and their respective alternates shall be growers or officers or employees of corporate growers. Four of the members and their respective alternates shall be handlers, or officers or employees of corporate handlers. The eight members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the four members of the committee who shall be handlers, or officers or employees of corporate handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates shall be producers of apricots in District 1, and four of the grower members and their respective alternates

[1] The provisions identified with asterisks (***) apply only to the proposed marketing agreement and not to the proposed order.

shall be producers of apricots in District 2. Two of the handler members and their respective alternates shall be handlers of apricots in District 1, and two of the handler members with their respective alternates shall be handlers of apricots in District 2.

§ 1020.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for 2 years beginning April 1 and ending March 31: *Provided*, That the terms of office of one-half the initial members and alternates shall end March 31, 1958. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified. The terms of office of successor members and alternates shall be so determined that one-half of the total committee membership ends each March 31.

§ 1020.22 *Nomination—(a) Initial members.* Nominations for each of the eight initial grower members and four initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified, in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1020.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces apricots. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If qualified, a person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of corporate handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles apricots. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If qualified, a person may vote either as a grower or as a handler but not as both.

§ 1020.23 *Selection.* From the nominations made pursuant to § 1020.22, or from other qualified persons, the Secretary shall select the eight grower members of the committee, the four handler members of the committee, and an alternate for each such member.

§ 1020.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1020.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1020.20.

§ 1020.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1020.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 1020.22 and 1020.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1020.20.

§ 1020.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 1020.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1020.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such times as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to apricots;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in apricot production within the districts and the production area.

§ 1020.32 *Procedure.* (a) Eight members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least 7 members: *Provided*, That when two-thirds of the membership present is greater than 7, such requirement shall be two-thirds of such membership.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all

such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1020.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1020.34 *Annual report.* The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the apricot industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1020.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1020.41.

§ 1020.41 *Assessments.* (a) Each person who first handles apricots shall, with respect to the apricots so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of apricots handled by him as the first handler thereof during the applicable fiscal period and the total quantity of apricots so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all apricots handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 1020.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this section, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal period, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 1020.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of apricots. The expense of such projects shall be paid from funds collected pursuant to § 1020.41.

REGULATIONS

§ 1020.50 *Marketing policy.* (a) Each season prior to making any recommendations pursuant to § 1020.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of apricots within the production area;

(2) The expected general quality and size of apricots in the production area and in other areas;

(3) The expected demand conditions for apricots in different market outlets;

(4) The expected shipments of apricots produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of apricots; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for apricots, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1020.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of apricots in the manner provided in § 1020.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for apricots during the period or periods

when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1020.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of apricots whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of apricots grown in any district or districts of the production area;

(2) Limit the shipment of apricots by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of apricots.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1020.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1020.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of apricots in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1020.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1020.41, 1020.52, and 1020.55, and the regulations issued thereunder, handle apricots (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 1020.41, 1020.52, or 1020.55 with respect to the handling of apricots in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1020.45), as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent apricots handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle apricots pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the apricots will not be used for any purpose not authorized by this section.

§ 1020.55 *Inspection and certification.* Whenever the handling of any variety of apricots is regulated pursuant to § 1020.52, each handler who handles apricots shall, prior thereto, cause such apricots to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for apricots which previously have been so inspected and certified only if such apricots have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such apricots.

REPORTS

§ 1020.60 *Reports.* (a) Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of apricots received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such apricots, and (4) the destination of each such shipment.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the apricots received, and of apricots disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1020.61 *Compliance.* Except as provided herein, no person shall handle apricots, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle apricots except in conformity with the provisions of this part.

§ 1020.62 *Right of the secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1020.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1020.64.

§ 1020.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of apricots for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of apricots produced for market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1020.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1020.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1020.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1020.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1020.69 *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1020.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1020.71 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1020.72 *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. • • •

§ 1020.73 *Additional parties.* After the effective date of this marketing agreement, any handler may become a party to such agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party. • • •

§ 1020.74 *Order with marketing agreement.* Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of apricots in the same manner as is provided for in this agreement. • • •

Dated: March 1, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-1688; Filed, Mar. 5, 1957; 8:55 a. m.]

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

STONE FORWARDING CO. AND LUIGI SERRA, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15, Shipping Act, 1916 (39 Stat. 733; 46 U. S. C. 814):

Agreement No. 8208 between Stone Forwarding Co., Inc., Houston, Texas, and Luigi Serra Inc., New York, New York, is a cooperative working arrangement between the parties under which they perform freight forwarding services for each other.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement, and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: February 28, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1654; Filed, Mar. 5, 1957; 8:45 a. m.]

Office of the Secretary

TEMPORARY DELEGATIONS OF AUTHORITY UNDER REORGANIZATION PLAN NO. 5 OF 1950

REVOCATION OF ORDER

The Secretary of Commerce has now prescribed, in the Manual of Orders, the organization and functions of all primary organization units of the Department affected by Reorganization Plan No. 5 of 1950 together with related delegations of authority. The provisions of Department Order No. 115 (published in 15 F. R. 3198) therefore serve no useful purpose and this order is hereby revoked.

Dated: February 27, 1957.

[SEAL] SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-1655; Filed, Mar. 5, 1957; 8:45 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-13]

BABCOCK & WILCOX CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission proposes to issue a facility license to Babcock & Wilcox Company substantially in the form set forth below as Annex "A" unless within fifteen (15) days after filing of this notice in the FEDERAL REGISTER a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2). There is included and set forth below as Annex "B"

a memorandum submitted by the Division of Civilian Application which summarizes the principal features of the facility and the principal factors considered in reviewing the application for a license. A construction permit authorizing Babcock & Wilcox Company to construct the facility was issued by the Commission on December 9, 1955. For further details see the application for license at the Commission's Public Document Room, 1717 H Street NW., Washington, D. C.

Dated at Washington this 1st day of March 1957.

For the Atomic Energy Commission.

H. L PRICE,
Director,
Division of Civilian Application.

ANNEX "A"

LICENSE

1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission (hereinafter "the Commission") hereby licenses the Babcock & Wilcox Company (hereinafter "B&W").

a. Pursuant to Section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the Act"), and Title 10, CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate as a utilization facility the critical experiments facility (hereinafter referred to as "the facility") designated below;

b. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 70, "Special Nuclear Material", to use in operation of the facility the special nuclear material covered by License No. SNM–32 issued to B&W on August 26, 1956.

c. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of By-Product Material", to possess, but not to separate from the fuel, such special nuclear and by-product material as may be produced from operation of the facility.

2. This license applies to the facility which is owned by B&W and located in Lynchburg, Virginia, and described in B&W's application filed October 27, 1955, and amendments thereto filed on February 23, 1956, and August 20, 1956. The original application together with said amendments is hereinafter referred to as "the application".

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

4. B&W shall not conduct any critical experiments in the facility until a description of the experiments and a Hazards Summary Report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity under this license.

5. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

6. This license is effective as of the date of issuance and shall expire at midnight, December 9, 1955, unless sooner terminated.

For the Atomic Energy Commission.

Director,
Division of Civilian Application.

Date of Issuance----------

APPENDIX "A"

I. *Experiments.*

B&W is authorized to perform the critical experiments described in the application, which are related to the Consolidated Edison Company power reactor. Any changes in the experiments as described in the application must be authorized by the Commission.

II. *Operating Restrictions.*

a. B&W shall operate the facility in accordance with the procedures described in the application.

b. B&W shall not by-pass any control mechanism during the operation of the facility.

c. Prior to the performance of the critical experiments described in the application, B&W shall provide an interlock in the facility control system to prevent withdrawal of control rods concurrently with the addition of water moderator to the core tank containing the fuel assemblies.

III. *Records.*

In addition to those otherwise required under this license, B&W shall keep the following records:

a. Facility operating records.

b. Records containing a description, procedures, and results for each critical experiment performed.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of B&W as measured at the point of such release or discharge.

d. Records of emergency scrams, including reasons for emergency shutdowns.

IV. *Reports.*

B&W shall make a prompt report to the Commission of any unusual operating incident of the facility.

ANNEX "B"

MEMORANDUM

Introduction. The Babcock & Wilcox Company filed on October 27, 1955, an application for a Class 104 license to construct, possess and operate a critical experiment facility to be located near Lynchburg, Virginia. On December 9, 1955, a construction permit was issued to the Babcock & Wilcox Company authorizing construction of the critical experiment facility. On January 15, 1957, representatives of the Commission inspected the facility and determined that it was constructed substantially in accord with the design set forth in the license application.

The Babcock & Wilcox Company filed, as part of its license application, a "Hazards Summary Report" (February 1956) and "Amendments to the Critical Experiments Facility Hazards Evaluation" (August 1956) containing information on the facility as it had been constructed and on the initial critical experiments. There is set forth below our considerations on this information and our analysis of the hazards associated with operation of the facility.

Description of the facility. The Critical Experiment Facility is located approximately 3½ miles east of the outskirts of Lynchburg, Virginia, on a 520-acre tract in Campbell County, Va. It is situated within a loop of the James River, which encloses the site to the southwest, northwest and northeast. The Chesapeake and Ohio Railroad lies between the site and the James River and is 440' distant from the critical facility building at its nearest point. The B&W Fuel Element Fabrication Plant is on the same site and is located 1,200 ft. east of the critical facility.

Prevailing winds generally are toward a quadrant facing directly eastward. Located in this quadrant there are two dwellings within 0.5 mile, seven from 0.5 to 1.0 mile and fifteen from 1.0 to 1.5 miles. Hydrology, geology and seismology introduce no unusual problems.

The critical facility structure comprises a high reinforced concrete bay and a lower wing of conventional construction. The high bay houses the critical assembly, while the low wing houses the vault, sub-assembly room shops, laboratory and offices. The bay area is 35 feet x 25 feet x 45 feet high (10 feet below grade). On three sides the walls are 3 feet thick from ground level to 10 feet above ground level, and on the control room side the wall is 3 feet thick to 20 feet above ground level. For the rest of the height, the walls are 2 feet thick. The roof is 1 foot thick reinforced concrete. Access to the assembly bay is through a 5 foot wide labyrinth corridor. The door in this corridor and the large shielded equipment access door leading to the outside are not designed to be pressure tight, but the entire bay construction is said to permit a leakage of only 2 percent of the bay contents per 24 hours under normal barometric pressure fluctuations.

Description of initial experiments. Experiments to be performed in this facility, for which a license is now sought, are related to and comprise an investigation of the proposed fuel assembly or core of the Consolidated Edison Power Reactor. A total of approximately 275 kilograms of U–235 (contained in uranium enriched to 90 percent U–235) will be used in the experiments The uranium in the form of U_3O_8 will be embedded in polyethylene. Structural members will be of aluminum. The assemblies will normally be operated at fractions of a watt, with occasional operation in the 1 watt and (rarely) in the 1,000 watt range (for short intervals).

Each fuel bundle or element will contain ten plates, each made up of a central plate of aluminum with a plate of thorium bonded to one side and a uranium oxide impregnated polyethylene film bonded to the other. There will be about 480 such bundles in the fully loaded core.

Two safety rods of boron stainless steel, each possessing a 2 percent reactivity value, will be cocked for scram insertion during all operations except when water moderator is being added (see below). There are also two shim rods, 2 percent reactivity each, used to determine rod worth and for other compensation. When water is being circulated or added to the core tank, all four rods will be in the ready position, i. e., with the bottom of each rod more than two feet above the bottom of the core. A fifth rod, possessing a 0.3 percent reactivity value, will serve as a control rod. In no experiments will there be an amount of net excess reactivity greater than 3 percent, hence there will always be enough reactivity available in the four safety and shim rods (total of 8 percent) to scram the reactor even if two of the rods fail to be inserted. In some experiments an additional 17 percent reactivity will be built into the core, and compensated by poison rods permanently bolted in place.

The five safety, shim and control rods are activated by individual hydraulic systems. The maximum withdrawal speed of one rod is 1 ft./min. If more than one rod is withdrawn, the speed of all rods is automatically decreased to the point where if all five rods were to be withdrawn simultaneously, the maximum speed of each rod would be 0.2 ft./min. This withdrawal rate corresponds to a reactivity addition of 0.0004 delta k/k per sec.

One phase of the experimental program is to include determination of critical mass, control rod worth, axial and radial flux traverses, nuclear properties of Th–232, temperature coefficients, Doppler coefficient and void coefficients. Other experiments will be based on the fully loaded and poisoned core, and will include the effect of control rod pattern on flux distribution, search for hot spots, and danger coefficient measurements with actual fuel elements.

Hazards evaluation. For the critical experiments applied for in this facility, no unusual precautions appear necessary with regard to earthquake, storm or flood. Failure of the electrical system will automatically close down operations. No hazards are expected to result from normal operations.

A number of possible minor mishaps and associated hazards were considered by the applicant but it was concluded in each case that the consequences would be less than those from a maximum credible accident which, in turn, was shown to have acceptable consequences of hazard insofar as safety of the public is concerned. Hence, primary attention was devoted to this case.

The maximum credible accident was assumed by the applicant to result from an instantaneous addition of 2 percent excess reactivity, leading to the liberation of 87 Mw-sec of energy. Upon insertion of this amount of excess reactivity, the power would rise until the reactivity is self-compensated by gas formation in the plastic, which would result in creation of voids in the plastic and expulsion of water from the core. This would terminate the incident. The applicant calculated that 4×10^5 curies of fission product activity would be produced as a result of such a nuclear excursion.

We concur in the assumption that no credible accident would exceed the one in which instantaneous addition of 2 percent excess reactivity to the reactor is assumed, and agree that the energy release from such an accident could reasonably be expected to be no more than 87 Mw-sec. We further agree that gas formation and subsequent expulsion of water from the reactor would cause the excursion to terminate and that the order of 4×10^5 curies of fission product activity could be generated by such an incident. We do not believe that the reinforced concrete building housing the critical assembly would be damaged, as a result of the postulated accident, to the extent of decreasing the ability of the building to contain fission products.

The applicant's calculation, in which we concur, has shown that, if none of the fission products were retained by the plastic fuel strips and water in the critical assembly (a more pessimistic assumption), all of the fission products were uniformly dispersed in the atmosphere of the assembly room as gases or non-settling suspensions (an even more unrealistic assumption), if the fission products were released from the building at the rate of 2 percent per 24 hours, and if the weather were such that a steady wind of one meter/sec. were to blow in the direction of the nearest boundary for a period of 50 days during which entire time inversion conditions were to maintain, a person located at the nearest site boundary for this full period of 50 days would receive an integrated dose from the passing cloud of only 86 milliroentgens. It is felt highly unlikely that the several conditions listed above would occur, but the calculations have shown that even if they should, personnel exposure would not exceed that allowed by the Commission's regulation (10 CFR Part 20) for continuous operation.

Pursuant to a review of the applicant's operating procedures we consider it necessary that one change be made in the instrumentation. Namely, that an interlock be provided which prevents withdrawal of control rods concurrently with addition of water moderator to the assembly.

Conclusion. From our review of the applicant's analysis of the hazard aspects of the actual experimental program to be conducted in the facility as constructed; based on our evaluation of the reasonableness of the assumptions made by the applicant in his calculations of maximum potential exposure to the public; and taking into account the various mechanical and operational controls which have been incorporated in the design and operating procedure to decrease the probability of any incident to an acceptably low level; we have concluded that, with the change in instrumentation noted above, there is reasonable assurance that the critical experiments described by the applicant can be conducted in this facility without undue hazard to the health and safety of the public.

Dated: March 1, 1957.

For the Division of Civilian Application.

H. L. PRICE,
Director.

[F. R. Doc. 57–1690; Filed, Mar. 4, 1957; 5:14 p. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–9277, G–9280]

CHAMPLIN OIL & REFINING CO.

ORDER ENLARGING INVESTIGATION AND CONVENING HEARING

FEBRUARY 28, 1957.

By order issued January 27, 1956, under the style "In the Matter of The Chicago Corporation, Docket No. G–9277, The Chicago Corporation, Gulf Plains Corporation, Docket No. G–9280,"[1] the Commission, upon its own motions, instituted investigations under the provisions of the Natural Gas Act, to determine whether with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by those named respondents, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices, or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential. That order further provided that a hearing be held in these proceedings upon a date to be fixed by further order.

As of the close of business on December 31, 1956, The Chicago Corporation and its wholly-owned subsidiary Champlin Refining Company were merged and concurrently therewith The Chicago Corporation, the surviving corporation, changed its name to Champlin Oil & Refining Co. All of the rate schedules heretofore filed with the Commission by Champlin Refining Company have been adopted, ratified and made its own by Champlin Oil & Refining Co., effective at the close of business on December 31, 1956.

Under the circumstances it is appropriate that Champlin Oil & Refining Co. be substituted as respondent for The Chicago Corporation. It is also necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the investigations instituted in the above dockets be enlarged to include the rates, charges, and classifications of the former Champlin Refining Company for or in connection with the sale or transportation of natural gas subject to the jurisdiction of the Commission, to the same extent as if Champlin Refining Company had been separately named as a respondent in the order issued January 27, 1956, herein.

[1] By order issued May 28, 1956, amending the order issued January 27, 1956, Gulf Plains Corporation was deleted as respondent in Docket No. G–9280, and the investigation with respect to that company was terminated, for the reasons stated in that amending order.

The proceedings in these dockets as first instituted are two of sixteen complaint cases simultaneously filed under the provisions of section 5 (a) of the Natural Gas Act. In each such proceeding, by order issued January 27, 1956, the Commission initiated a general investigation of the jurisdictional rates of the respective respondent.

Actual field investigations in these cases have been commenced by the staff. To aid in expediting and supplementing these investigations, some of the respondents in these sixteen proceedings, including respondent here, entered into a cooperative effort at the suggestion of the staff to brief and analyze all independent producer rate schedules on file with the Commission through June 30, 1956, covering all areas in the United States, except the Appalachian area, where the coverage will be representative but not complete. The objective of this cooperative effort is to make field-price data available for verification and sponsorship by the staff and other parties in interest.

The task of compiling such data has been under way for some time, but its proportions are such as to make it now appear that it cannot be concluded until around April 1, 1957. It is manifestly desirable that these data be available to all parties, including the staff, before the staff completes its presentation in this case. It is likewise desirable that all of these cases go forward as expeditiously as circumstances permit. Since the status of the staff investigation here will permit it, we have, therefore, determined to order the commencement of hearings in these proceedings at this time to enable the staff to present its evidence with respect to cost of service and to form and level of rates, and to permit cross-examination with respect thereto. Further hearings to afford the staff an opportunity to present field-price evidence and to afford respondents and other parties hereto an opportunity to present evidence shall be deferred pending further order of the Commission.

The Commission orders:

(A) Champlin Oil & Refining Co., which is the new name of The Chicago Corporation as survivor corporation after the merger with Champlin Refining Company, hereby is substituted for The Chicago Corporation as respondent in these dockets.

(B) The investigation instituted by our order issued January 27, 1956, in these dockets, hereby is enlarged to include the rates, charges, and classifications of the former Champlin Refining Company for or in connection with the sale or transportation of natural gas subject to the jurisdiction of the Commission, to the same extent as if Champlin Refining Company had been separately named as a respondent in the order issued January 27, 1956, in these dockets.

(C) A public hearing be held commencing April 17, 1957, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented

in these proceedings as more particularly set forth in the order instituting investigations issued on January 27, 1956, in these dockets, and as further set forth hereinabove.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1664; Filed, Mar. 5, 1957; 8:48 a. m.]

[Project No. 2009]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

FEBRUARY 23, 1957.

Public notice is hereby given that Virginia Electric and Power Company, Licensee for major Project No. 2009 has filed Exhibit K for Commission approval and inclusion in the license. The exhibit shows as project works, transmission facilities located entirely within the project boundaries, which consist of the 110 KV transformers at the plant and the two 110 KV transmission lines extending 1.6 miles to the Roanoke Rapids Substation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 5, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1665; Filed, Mar. 5, 1957; 8:48 a. m.]

[Docket Nos. G-10054, G-10055]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 27, 1957.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation with its principal place of business in Bartlesville, Oklahoma, filed on March 5, 1956, applications for permission and approval to abandon service, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission all as more fully represented in the applications on file with the Commission, and open to public inspection.

Applicant seeks to abandon the sale of natural gas in interstate commerce to Shamrock Oil and Gas Corporation (Shamrock) for resale from its Luca Lease, Hutchinson County, Texas in docket No. G-10054 and from its Walters Lease, Hutchinson County, and its Ray Ebling Lease, Moore and Hutchinson Counties, Texas in docket No. G-10055. Such sales were authorized covering the Luca and Walters Leases, and its Ray Ebling Lease, in docket Nos. G-3369 and G-3370, respectively, by the Commission's order of September 28, 1956, issued in docket No. G-2605, et al.

Applicant states that the above leases are dedicated to El Paso Natural Gas Company (El Paso) under a contract dated October 13, 1945, but deliveries to El Paso were not effectuated since Applicant's field lines had not been extended thereto at the time said contract was negotiated. Applicant therefore negotiated two short term (three year) contracts with Shamrock dated April 15, 1953, with respect to the sale of gas from the aforementioned leases pending such extension of Applicant's field lines. Applicant further states that the short term contracts with Shamrock have now expired and that deliveries can now be made to El Paso. Applicant seeks herein, permission to abandon the sale to Shamrock under the short term contracts and continue its sale to El Paso under the contract dated October 13, 1945, which has been authorized in Docket No. G-2619 by the Commission's Order issued September 28, 1956, in Docket Nos. G-2605, et al.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 8, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure, under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1666; Filed, Mar. 5, 1957; 8:48 a. m.]

[Project No. 733]

WESTERN COLORADO POWER CO.

NOTICE OF APPLICATION FOR NEW LICENSE

FEBRUARY 27, 1957.

Notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The Western Colorado Power Company, licensee for Project No. 733, for annual license for constructed minor-part project, known as the Ouray power plant, consisting of a rubble masonry diversion dam 71.5 feet high and 70 feet long; a settling tank; steel and wood-stave pipelines with aggregate length of about 6,120 feet; a signal circuit line extending about 6,035 feet between dam and powerhouse; and a powerhouse with installed hydraulic capacity of 1,000 horsepower.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is March 29, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1667; Filed, Mar. 5, 1957; 8:49 a. m.]

[Docket No. G-3895 etc.]

GENERAL AMERICAN OIL COMPANY OF TEXAS AND CRESCENT CORP.

NOTICE OF AMENDMENTS TO APPLICATIONS, SEVERANCE AND DATE OF HEARING

FEBRUARY 28, 1957.

In the matters of General American Oil Company of Texas, Docket No. G-3895; Crescent Corporation,[1] Docket No. G-6126; Crescent Corporation, Docket No. G-9297.

Take notice that:

General American Oil Company of Texas (General American), a Delaware corporation with principal place of business in the Meadows Building, Dallas, Texas, filed on January 17, 1957, in Docket No. G-3895, a first amendment to amended application for certificate of public convenience and necessity and motion for severance, requesting that portions of its amended application, filed November 14, 1955, be withdrawn or severed, as hereinafter indicated. General American had previously substituted the afore-mentioned amended application for a certificate of public convenience and necessity for: (1) Its original application for a certificate of public convenience and necessity filed in Docket No. G-3895 on October 1, 1954, and (2) its first amendments of the original application filed in Docket No. G-3895 on May 27, 1955. The amended application and first amendment thereto seek a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing General American to sell natural gas, as hereinafter tabulated, in interstate commerce from production of certain units, leases or acreage located as hereinafter designated to the purchasers indicated for resale, subject to the jurisdiction of the Commission, all as more fully represented in the amended application and first amendment thereto which are on file with the Commission and open for public inspection.

Crescent Corporation (Crescent), a Delaware corporation with principal place of business at P. O. Box 412, Tulsa 1, Oklahoma, filed on January 11, 1957, in Docket No. G-6126, an amendment of application requesting that portions of its originial application, filed November 26, 1954, be withdrawn as hereinafter indicated. Crescent's application, as amended, seeks a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Crescent to sell natural gas as hereinafter tabulated, in interstate commerce from production of certain leases, units or acreage located as hereinafter designated to the purchasers indicated for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application and amendment thereto which are on file with the Commission and open for public inspection.

On July 1, 1954, Crescent sold its interest in the properties listed in the certificate application in Docket No. G-6126 to General American, and thereafter, on September 2, 1955, Crescent filed, in Docket No. G-9297, an application for permission to abandon, as hereinafter tabulated, the sales and service being rendered as described in Docket No. G-6126, pursuant to section 7 (b) of the Natural Gas Act.

General American's amended certificate application and first amendment thereto in Docket No. G-3895 cover, inter alia, all the sales from the properties acquired from Crescent by General American for which a certificate of public convenience and necessity is required.

Prior to General American's filing of its first amendment to its amended application on January 17, 1957, and Crescent's filing of its amendment to its application on January 11, 1957, due notice of the previous filings by General American and Crescent in Docket Nos. G-3895, G-6126 and G-9297 was given including publication thereof in the FEDERAL REGISTER on December 11, 1956 (21 F. R. 9781–82). Said notice scheduled a hearing in Docket Nos. G-3895, et al., for January 3, 1957. Afterwards, by due notice including publication thereof in the FEDERAL REGISTER on December 15, 1956 (21 F. R. 9999), the hearing to be held on January 3, 1957, was postponed to a date to be fixed thereafter by further notice.

Upon the motion to sever of General American made in its first amendment to its amended application, notice is hereby given that so much of General American's amended application in Docket No. G-3895, particularly subsection 8 of section V thereof, as pertains to a certificate of public convenience and necessity authorizing General American to sell natural gas from the Cotton Valley Field, Webster Parish, Louisiana, to Louisiana Nevada Transit Company and United Gas Pipe Line Company, is hereby severed from the remainder of the amended application in Docket No. G-3895 and postponed to a date to be hereafter fixed by further notice.

The footnotes to the following tabulation indicate those portions of General American's amended application and those portions of Crescent's original application which were withdrawn by the respective amendments filed herein.

Docket Number; Applicant; Authorization Sought; Source of Gas; and Purchaser

G-3895 as amended 11/14/55;[2] General American; Initial Certificate; Perkins Field, Calcasieu Parish, Louisiana; United Gas Pipe Line Company.[3]

G-3895; General American; Initial Certificate; R. L. Bond No. 2, R. P. Bond No. 2, Smith, L. L. Sherman No. 1, J. R. Sherman No. 1, L. T. Waller No. 1, Hutson-Sales No. 1, Camp No. 1, Cadenhead No. 1, Crump No. 1, Morgan No. 1, Mitchiner No. 1, Knox No. 1, T. G. Knox No. 1 and Williamson-Lewis No. 1 Units, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G-3895; General American; Initial Certificate; Delaney No. 1, Burnham No. 1, Tinsley No. 2 and Meadors No. 1 Units, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G-3895; General American; Initial Certificate; H. B. Lewis Unit No. 1, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G-3895; General American; Initial Certificate; R. H. Curry No. 1 Well, Haynesville Field, Claiborne Parish, Louisiana; Arkansas Louisiana Gas Company.

G-3895, General American; Initial Certificate; Panhandle Field, Wheeler County, Texas; Lone Star Gas Company.[4]

G-3895; General American; Initial Certificate; Nona Mills Field (Kountze Area), Hardin County, Texas; Trunkline Gas Company.

G-3895; General American; Initial Certificate; Barnhill Lease, Panhandle Field, Hutchinson County, Texas; Shamrock Oil & Gas Corporation.

G-6126 as amended 1/11/57;[5] Crescent; Initial Certificate; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G-9297; Crescent; Abandonment; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G-3895; General American; Acquisition; Katie Field, Garvin County, Oklahoma; Lone Star Gas Company.

G-6126; Crescent; Initial Certificate; Arneckeville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G-9297; Crescent; Abandonment; Arneckeville Field, Dewitt County, Texas; Texas Eastern Transmission Corporation.

G-3895; General American; Acquisition; Arneckeville Field, DeWitt County, Texas; Texas Eastern Transmission Corporation.

G-6126;[6] Crescent; Initial Certificate; Light Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

G-9297; Crescent; Abandonment; Light Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

G-3895; General American; Acquisition; Light Field, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

G-6126; Crescent; Initial Certificate; Hugoton Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G-9297; Crescent; Abandonment; Hugoton Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G-3895; General American; Acquisition; Hugoton Field, Texas County, Oklahoma; Kansas-Nebraska Natural Gas Company, Inc.

G-6126; Crescent; Initial Certificate; Poca District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G-9297; Crescent; Abandonment; Poca District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G-3895; General American; Acquisition; Poca District, Putnam County, West Virginia; Godfrey L. Cabot, Inc.

G-6126;[7] Crescent; Initial Certificate; West Edmond Pool, Oklahoma County, Oklahoma; Oklahoma Natural Gas Company.

G-9297; Crescent; Abandonment; West Edmond Pool, Oklahoma County, Oklahoma; Oklahoma Natural Gas Company.

G-3895;[8] General American; Acquisition; West Edmond Pool, Oklahoma County, Oklahoma; Cities Service Gas Company.

G-6126;[9] Crescent; Initial Certificate; Wasson Pool, Gaines and Yoakum Counties,

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[1] Formerly Deep Rock Oil Corporation, the corporate name having been changed on July 13, 1955.

[2] All references in this tabulation to General American's application in Docket No. G-3895 relate to the amended application, filed November 14, 1955, as amended by General American's first amendment to amended application, filed January 17, 1957.

[3] Section III, pages 3 and 4 of General American's first amendment to its amended application, filed January 17, 1957, indicates that General American purchased all the assets of North American Oil Consolidated, prior to 1954, and, therefore, sells natural gas to United Gas Pipe Line Company under a contract between North American Oil Consolidated and United Gas Pipe Line Company, executed March 27, 1944.

[4] Section IV, pages 5 and 6 of General American's first amendment to its amended application, filed January 17, 1957, indicates that General American purchased, prior to 1954, this property in Wheeler County, Texas, from San Juan Oil Company which had previously acquired such property from Mudge Oil Company, and, therefore, General American sells gas to Lone Star Gas Company under contracts between Mudge Oil Company and Lone Star Gas Company, executed February 13, 1935 and March 24, 1936.

[5] All references in this tabulation to Crescent's application in Docket No. G-6126 relate to the application as amended on January 11, 1957.

[6] Crescent, by amendment of application, filed Jauary 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from Light Field, Beaver County, Oklahoma, to Panhandle Eastern Pipe Line Company.

[7] Crescent, by amendment of application, filed January 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from West Edmond Pool, Oklahoma County, Oklahoma, to Oklahoma Natural Gas Company.

[8] General American, by first amendment to its amended application, filed January 17, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from West Edmond Pool, Oklahoma County, Oklahoma, to Cities Service Gas Company.

[9] Crescent, by amendment of application, filed January 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from Wasson Pool, Gaines and Yoakum Counties, Texas, to Shell Oil Company and Coltexo Corporation.

Texas: Shell Oil Company and Coltexo Corporation.

G-9297; Crescent; Abandonment; Wasson Pool, Gaines and Yoakum Counties, Texas; Shell Oil Company and Coltexo Corporation.

G-6126; [10] Crescent; Initial Certificate; Southwest Antioch Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-9297; Crescent; Abandonment; Southwest Antioch Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-6126; [11] Crescent; Initial Certificate; Northeast Elmore Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-9297; Crescent; Abandonment; Northeast Elmore Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-6126; [12] Crescent; Initial Certificate; Golden Trend Hart Zone, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-9297; Crescent; Abandonment; Golden Trend Hart Zone, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-6126; [13] Crescent; Initial Certificate; Northeast Purdy Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

G-9297; Crescent; Abandonment; Northeast Purdy Pool, Garvin County, Oklahoma; Warren Petroleum Corporation.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 28, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1679; Filed, Mar. 5, 1957; 8:52 a. m.]

[Docket Nos. G-5929, G-10366]

SOHIO PETROLEUM CO.

NOTICE OF APPLICATION [1] CONSOLIDATING PROCEEDINGS AND DATE OF HEARING

FEBRUARY 28, 1957.

Take notice that Sohio Petroleum Company (Applicant) an Ohio Corporation with its principal place of business at Cleveland, Ohio, filed on May 7, 1956, an application in Docket No. G-10366 for permission and approval to abandon the service for which it seeks authorization to continue, in its application filed on June 2, 1955, in Docket No. G-5929, as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the Applications now on file with the Commission and open to public inspection.

Applicant seeks to abandon the sale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco) for resale from the Washington Field, St. Landry Parish, Louisiana.

Applicant in its application in Docket No. G-10366 states that due to a conservation order of the Department of Conservation of the State of Louisiana, it has ceased deliveries of gas to Transco and that its wells are shut-in for recycling operations.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 8, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1680; Filed, Mar. 5, 1957; 8:52 a. m.]

FEDERAL CIVIL DEFENSE ADMINISTRATION

EXECUTIVE ASSISTANT ADMINISTRATOR ET AL.

DELEGATION OF AUTHORITY WITH RESPECT TO DETERMINATIONS CONCERNING FEDERAL SURPLUS PROPERTY

To determine property not appearing in the "Basic Requirements List" to be usable and necessary for civil defense purposes, and to modify or revise the FCDA "Basic Requirements List".

Pursuant to the authority vested in me by section 203 (j), Federal Property and Administrative Services Act of 1949, as amended (40 U. S. C. 484 (j)); and the Federal Civil Defense Act of 1950, as amended, (50 U. S. C. App. 2251 et seq.), the following described individuals (or their designees) of the Federal Civil Defense Administration are hereby delegated the authority to determine property not appearing in the "Basic Requirements List" under FCDA Advisory Bulletin 202 to be usable and necessary for civil defense purposes, in accordance with the provisions of section 203 (j) of the Federal Property and Administrative Services Act of 1949, as amended:

1. Executive Assistant Administrator:

(a) Determinations involving unit acquisition costs of $250,000 or more.

2. Assistant Administrator, Operations Control Services:

(a) Determinations involving unit acquisition costs from $50,000 to $250,000, and to modify or revise the FCDA "Basic Requirements List" of FCDA Advisory Bulletin 202. This authority may not be redelegated.

(b) Determinations involving unit acquisition costs from $2,500 to $50,000. This authority may be redelegated.

3. Regional Administrators:

(a) Determinations involving unit acquisition costs under $2,500.

The foregoing delegations of authority shall be exercised in accordance with FCDA administrative issuances and regulations governing the Surplus Property Program.

This delegation of authority is effective upon publication in the FEDERAL REGISTER.

[SEAL] VAL PETERSON, *Administrator.*

[F. R. Doc. 57-1663; Filed, Mar. 5, 1957; 8:48 a. m.]

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[10] Crescent, by amendment of application, filed January 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from Southwest Antioch Pool, Garvin County, Oklahoma, to Warren Petroleum Corporation.

[11] Crescent, by amendment of application, filed January 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from Northeast Elmore Pool, Garvin County, Oklahoma, to Warren Petroleum Corporation.

[12] Crescent, by amendment of application, filed January 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from Golden Trend Hart Zone, Garvin County, Oklahoma, to Warren Petroleum Corporation.

[13] Crescent, by amendment of application, filed January 11, 1957, withdrew its request for a certificate of public convenience and necessity authorizing the sale of natural gas produced from Northeast Purdy Pool, Garvin County, Oklahoma, to Warren Petroleum Corporation.

[1] The application in Docket No. G-5929 was duly noticed by publication in the FEDERAL REGISTER November 6, 1956 (21 F. R. 8520).

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3547]

GEORGIA POWER CO.

ORDER APPROVING ACQUISITION OF UTILITY ASSETS, ASSUMPTION OF MORTGAGE INDEBTEDNESS THEREON, AND BANK BORROWINGS TO RAISE BALANCE OF PURCHASE PRICE

FEBRUARY 27, 1957.

Georgia Power Company ("Georgia"), a public utility subsidiary of The Southern Company ("Southern"), a registered holding company, having filed an application pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") and an amendment thereto requesting approval of its acquisition of all the assets, properties and business of Georgia Power and Light Company ("Light") and also a 47.46-mile transmission line ("Tifton line") owned by Light's parent Florida Power Corporation, and in connection therewith, the assumption of the mortgage indebtedness on Light's properties, amounting to $7,705,000, and the issuance and sale of short-term notes to certain banks to raise the balance of the required consideration, estimated at not over $11,000,000; and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having this day issued its Findings and Opinion herein, on the basis of such Findings and Opinion:

It is ordered, That said application as amended be, and hereby is, granted effective forthwith, subject to the terms and conditions prescribed in rule U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the fees and expenses of all counsel.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1669; Filed, Mar. 5, 1957; 8:49 a. m.]

[File No. 70-3462]

STANDARD SHARES, INC.

ORDER AUTHORIZING BANK LOAN AND ACQUISITION OF COMMON STOCK OF SUBSIDIARY

FEBRUARY 28, 1957.

Standard Shares, Inc. ("Standard Shares"), a registered holding company which was formerly named Standard Power and Light Corporation and which is in process of transformation into an investment company, has filed an application-declaration with this Commission, pursuant to sections 6 (a), 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and rule U-43 of the rules and regulations promulgated thereunder, regarding the following proposed transactions:

Standard Shares owns 986,000 shares (45.59 percent) of the outstanding common stock of Standard Gas and Electric Company ("Standard Gas") which in turn owns all of the outstanding common stock of Philadelphia Company ("Philadelphia") which in turn owns 547,678 shares (50.9 percent) of the outstanding common stock of Pittsburgh Railways Company ("Pittsburgh"). Standard Gas and Philadelphia are also registered holding companies and have heretofore been ordered by this Commission to liquidate and dissolve. Pittsburgh is a non-utility subsidiary company engaged in the public transportation service in the City of Pittsburgh and its environs.

The Commission has approved an application filed by Standard Gas under section 11 (e) of the act which proposes certain amendments to Step IV of its plan previously filed with the Commission under said section (Holding Company Act Release No. 13376). Under said Step IV, as amended, Philadelphia, in partial liquidation, will distribute to Standard Gas the 547,678 shares of common stock of Pittsburgh and Standard Gas will distribute to its stockholders warrants to purchase 540,651.75 shares of such stock through a rights offering.

The subscription price for the Pittsburgh common stock will be $6 per share less any dividends paid thereon after October 19, 1956. Standard Shares has agreed to exercise the subscription rights to which it will be entitled under said Step IV and to purchase from Standard Gas at the subscription price any shares not subscribed for or purchased by others during the subscription period. In addition, Standard Shares will purchase at the subscription price the 7,026.25 remaining common shares of Pittsburgh not covered by the subscription offer.

Standard Shares further desires to make such additional purchases of common shares of Pittsburgh, through the purchase and exercise of warrants or otherwise, as may be necessary to increase its holdings thereof to an amount not exceeding approximately 51 percent of the outstanding common stock of Pittsburgh. It will be necessary for Standard Shares to expend approximately $1,500,000 in order to exercise the warrants it will receive on account of its holdings of Standard Gas stock and to acquire from Standard Gas the shares of Pittsburgh common stock not covered by the subscription offer. In addition, Standard Shares' obligation under its agreement to purchase at the subscription price all unsubscribed shares of Pittsburgh stock may require an expenditure of up to $1,765,000. Furthermore, if it becomes necessary for Standard Shares to acquire and exercise warrants or to purchase Pittsburgh stock on the market, a larger sum may have to be expended. The cash necessary to purchase the shares of Pittsburgh common stock will be derived through the issuance of a promissory note in an amount not to exceed $3,500,000 maturing nine months from the issue date and bearing interest at the prime rate of interest for short term commercial loans on the date of issuance. The note is prepayable, without premium, in whole or in part, or at any time and from time to time at the option of Standard Shares, provided such repayment is not made from funds obtained by future borrowings from any other lender. Standard Shares has agreed to pay a commitment fee at the rate of ¼ of 1 percent per annum for a period beginning with the date of this order and ending three months thereafter or the issue date of said note or May 15, 1957, whichever is earlier.

No State commission or Federal commission, other than this Commission, has jurisdiction over the transactions proposed by Standard Shares and the miscellaneous expenses, including printing, postage, telephone and traveling, in connection with the proposed transactions are estimated not to exceed $1,000. The record is incomplete with respect to fees and expenses of all counsel in connection with the application-declaration and jurisdiction will be reserved with respect thereto.

It is requested that the Commission's order herein become effective upon issuance thereof.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13168) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in rule U-24 and to the following reservation of jurisdiction.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the payment of fees and expenses of all counsel in connection with the proposed transactions.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1670; Filed, Mar. 5, 1957; 8:49 a. m.]

[File No. 812-1068]

ADAMS EXPRESS CO. AND AMERICAN INTERNATIONAL CORP.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES FROM AFFILIATES DURING EXISTENCE OF UNDERWRITING SYNDICATE

FEBRUARY 28, 1957.

Notice is hereby given that Adams Express Company ("Adams") and American International Corporation ("American"), affiliated registered closed-end diversified management companies, have filed an application pursuant to section 10 (f) and, as to American, pursuant to section 17 (b) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the

provisions of sections 10 (f) and 17 (a) the proposed purchase by Adams and American from Adamex Securities Corporation ("Adamex"), of convertible Subordinated Debentures due March 1, 1977 ("Debentures"), of Daystrom, Incorporated ("Daystrom"), a New Jersey corporation. Adams owns approximately 70 percent of the outstanding voting securities of American.

The application states that on February 5, 1957, Daystrom filed a registration statement (File No. 2-13069) under the Securities Act of 1933 covering a proposed issue of $8,000,000 of Debentures. The Debentures are to be dated March 1, 1957, with interest payable semi-annually. Among the principal underwriters named or to be named in such registration statement are Adamex, Hallgarten and Co. ("Hallgarten") and R. W. Pressprich and Co. ("Pressprich"). Adamex is a wholly-owned subsidiary of Adams, primarily engaged in the business of underwriting and distributing securities issued by other persons. Maurice Newton, a partner in Hallgarten, and Clinton S. Lutkins, a partner in Pressprich, are members of the Board of Managers of Adams and of the Board of Directors of American. By definition under the Act, Messrs. Newton and Lutkins are affiliated persons of Hallgarten and Pressprich, respectively, and both are affiliated persons of Adams and American. Adamex is also by definition an affiliated person of Adams and American.

Adams, which had total assets as of September 30, 1956 of $95,944,961, may determine to purchase from Adamex not to exceed a principal amount of $180,000 of the Debentures, which is 2.25 percent of the total issue, and American, which had total assets as of September 30, 1956 of $41,613,500, may determine to purchase not to exceed a principal amount of $120,000 of the Debentures, which is 1.5 percent of the total issue. Such purchases will not be made until after Daystrom's registration statement has become effective and the price and other terms of such offering have been made public.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemptiton is consistent with the protection of investors. Since partners of Hallgarten and Pressprich, members of the principal underwriting group, are a manager of Adams and a director for American, respectively, and since Adamex is an affiliate of American, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

Adams and American state in their application that the decision by either of them to purchase any of the debentures, if made, will be based upon the opinion of its management that the purchase of such debentures, at the public offering price, will constitute a good investment for such applicant. The application states that Adams presently owns 3,000 shares (0.41 percent) and American 2,500 shares (0.28 percent) of the common stock of Daystrom. The application also states that Adams and American believe that the requested exemption is consistent with the protection of investors as required by section 10 (f) of the act. American further believes that all the requirements of section 17 (b) of the act are met.

Notice is further given that any interested person may, not later than March 12, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1671; Filed, Mar. 5, 1957; 8:50 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 45

Washington, Thursday, March 7, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN MAR 11 1957 MAIN READING ROOM

TITLE 3—THE PRESIDENT

PROCLAMATION 3172

ARMED FORCES DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the armed forces of the United States manifest our strength and our determination to maintain our national freedom and security; and

WHEREAS members of the active and reserve components of the armed forces of the United States are engaged in programs designed to demonstrate to all the peoples of the world our purpose to uphold and defend the free way of life; and

WHEREAS the year 1957 marks the tenth anniversary of the unification of our armed forces under the National Security Act of 1947; and

WHEREAS it is appropriate that we dedicate one day each year to paying special tribute to the members of our armed forces, and that on such day the armed forces demonstrate to the people of the Nation their operations and capabilities; and

WHEREAS it is also appropriate that the public be invited to visit on that day, within the limits permitted by security requirements, the posts, camps, stations, bases, vessels, armories, reserve centers, and other facilities:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Commander in Chief of the armed forces of the United States, do hereby proclaim the third Saturday of May in 1957 and the third Saturday of May in each succeeding year as Armed Forces Day; and I direct the Secretary of Defense on behalf of the Army, the Navy, and the Air Force, and the Secretary of the Treasury on behalf of the Coast Guard, to mark that day each year with appropriate ceremonies, to arrange for demonstrations and displays at armed-forces installations, to invite participation by representatives of all religious faiths in such ceremonies, in order that the interdependence of the deep and abiding religious faith of Americans and our security may be recognized, and to work hand in hand with civil authorities in arranging other supporting activities. I further direct the Secretary of Defense, as my personal representative, to assume the responsibility for initiating, formulating, and supervising policies and procedures in keeping with this proclamation.

I also invite the Governors of the States, Territories, and possessions of the United States to provide for the observance of Armed Forces Day each year in such manner as will afford an opportunity for the people of the United States to become better acquainted with their armed forces, both active and reserve.

And I call upon my fellow citizens to display the flag of the United States on Armed Forces Day, in recognition of the sacrifice and devotion to duty of the members of the armed forces.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this fifth day of March in the year of our Lord nineteen hundred and [SEAL] fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 57-1806; Filed, Mar. 6, 1957; 11:33 a. m.]

TITLE 7—AGRICULTURE

Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1957, Supp. 2]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1957

STATE FUNDS

Pursuant to the authority vested in the Secretary of Agriculture under sections

(Continued on p. 1429)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 7, Part 960 to end ($1.25)

Title 26, Part 300 to end, Ch. I, and Title 27 ($1.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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7–17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1957, the 1957 National Agricultural Conservation Program, approved July 2, 1956 (21 F. R. 5034), as amended July 18, 1956 (21 F. R. 5480), is further amended as follows:

Section 1101.802 (a) is amended by deleting the allocation of funds and substituting therefor the following:

Alabama	$6,163,000
Alaska	44,000
Arizona	1,566,000
Arkansas	4,890,000
California	5,750,000
Colorado	3,366,000
Connecticut	504,000
Delaware	339,000
Florida	2,710,000
Georgia	7,317,000
Hawaii	188,000
Idaho	1,806,000
Illinois	8,718,000
Indiana	5,659,000
Iowa	9,530,000
Kansas	6,612,000
Kentucky	6,956,000
Louisiana	4,299,000
Maine	972,000
Maryland	1,324,000
Massachusetts	557,000
Michigan	5,064,000
Minnesota	6,131,000
Mississippi	6,568,000
Missouri	9,085,000
Montana	3,524,000
Nebraska	6,385,000
Nevada	373,000
New Hampshire	529,000
New Jersey	736,000
New Mexico	1,919,000
New York	4,803,000
North Carolina	6,515,000
North Dakota	4,622,000
Ohio	5,973,000
Oklahoma	7,468,000
Oregon	2,271,000
Pennsylvania	5,101,000
Puerto Rico	862,000
Rhode Island	85,000
South Carolina	3,577,000
South Dakota	4,814,000
Tennessee	5,353,000
Texas	19,991,000
Utah	1,361,000
Vermont	1,103,000
Virgin Islands	12,000
Virginia	4,504,000
Washington	2,438,000
West Virginia	1,606,000
Wisconsin	5,540,000
Wyoming	2,117,000
Total	210,000,000

(Secs. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7–17, 49 Stat. 1148, as amended, 70 Stat. 233; 16 U. S. C. 590g–590q)

Done at Washington, D. C., this 1st day of March 1957.

[SEAL] E. L. PETERSON, *Assistant Secretary.*

[F. R. Doc. 57-1720; Filed, Mar. 6, 1957; 8:51 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 37—FISH; DEFINITIONS AND STANDARDS OF IDENTITY; STANDARDS OF FILL OF CONTAINER

ORDER EXTENDING TIME IN WHICH TO FILE OBJECTIONS TO ORDER ACTING ON PROPOSAL TO ADOPT DEFINITION AND STANDARD OF IDENTITY AND STANDARDS OF FILL OF CONTAINER FOR CANNED TUNA FISH

A request has been received requesting a 60-day extension of time in which to file objections to the order promulgating a definition and standard of identity and standards of fill of container for canned tuna fish which was published in the FEDERAL REGISTER of February 13, 1957 (22 F. R. 892, 979). The request sets forth reasonable grounds for such extension.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371) and in accordance with the authority delegated to him by the Secretary (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until May 13, 1957, the time for filing objections to the order promulgating a definition and standard of identity and standards of fill of container for canned tuna fish.

Dated: February 28, 1957.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 57-1693; Filed, Mar. 6, 1957; 8:45 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 186—LEASING OF TRIBAL LANDS FOR MINING

PART 195—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA, FOR MINING

ACREAGE LIMITATION

1. Section 186.9 is amended to read as follows:

§ 186.9 *Acreage limitation.* A lessee may acquire more than one lease but no single lease shall be granted for mining purposes on Indian tribal or restricted Indian lands, exclusive of Osage and Quapaw lands, in excess of the following acreage except where the rule of approximation applies:

(a) For oil and gas and all other minerals, except coal, 2,560 acres.

(b) (1) For coal, a lease shall dinarily be limited to 2,560 acres. The

Commissioner may, however, upon application, approve the combining of leases held by one or more lessees, or approve the issuance of a single lease for more than 2,560 acres in a reasonably compact form, if he shall find that the approval of such larger acreage is in the interest of the lessor and is necessary to permit the establishment or construction of thermal electric power plants or other industrial facilities on or near the reservation. He may prescribe provisions in such larger leases to require relinquishment of acreage in the event of failure to construct facilities, or may require advance rental or minimum royalty payments on a part of the acreage as a condition for combining leases or issuance of a single lease in excess of 2,560 acres.

(2) The Commissioner, with the consent of the lessor, may alter, change, or modify the development and producing requirements of the several leases and provide that operations and production on one lease shall be deemed to satisfy the development and producing requirements as to each lease combined.

2. Section 195.10 is amended to read as follows:

§ 195.10 *Lease acreage.* The provisions of § 186.9 of this subchapter, or as hereafter amended, are applicable to leases under this part.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

HATFIELD CHILSON,
Acting Secretary of the Interior.

FEBRUARY 28, 1957.

[F. R. Doc. 57-1695; Filed, Mar. 6, 1957; 8:46 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Treasury

Subchapter K—Security of Vessels

[CGFR 57-6]

PART 121—SPECIAL VALIDATION ENDORSEMENT FOR EMERGENCY SERVICE FOR MERCHANT MARINE PERSONNEL

HOLDERS OF SPECIAL VALIDATION ENDORSEMENT

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest since this amendment of 33 CFR Part 121 is to give effect to Executive Order 10173, as amended, and in the public interest should be placed in effect as soon as possible.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, § 121.09 (b) is amended to read as follows:

(b) If the holder refuses or fails to submit complete replies within 30 days after receipt of the request, the Commandant may issue the written notice provided for in §121.11 (a).

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp.)

Dated: February 18, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-1725; Filed, Mar. 6, 1957; 8:53 a. m.]

Subchapter L—Security of Waterfront Facilities

[CGFR 57-7]

PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

HOLDERS OF COAST GUARD PORT SECURITY CARDS

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest since this amendment of 33 CFR Part 125 is to give effect to Executive Order 10173, as amended, and in the public interest should be placed in effect as soon as possible.

By virtue of the authority vested in me as Commandant, United States Coast Guard by Executive Order 10173, as amended, § 125.33 (b) is amended to read as follows:

(b) If the holder refuses or fails to submit complete replies within 30 days after receipt of the request, the Commandant may issue the written notice provided for in § 125.35 (a).

This amendment shall become effective upon the date of publication in the FEDERAL REGISTER.

(40 Stat. 220, as amended; 50 U. S. C. 191, E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp.)

Dated: February 18, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-1727; Filed, Mar. 6, 1957; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

GRAND TETON NATIONAL PARK; FISHING

1. Subparagraph (4) of paragraph (b) *Fishing*, of § 20.22, *Grand Teton National Park*, is amended to read as follows:

(4) The use or possession of fish eggs or fish for bait is prohibited in all Park waters, except that it shall be permissible to use and have in possession dead fish for use as bait on or along the shores of Jackson Lake. Authorized dealers in bait fish may retain such fish in live condition in containers removed from any fishing waters, but such fish must be dead when sold.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this first day of February 1957.

FRANK R. OBERHANSLEY,
Superintendent, Grand Teton National Park.

[F. R. Doc. 57-1704; Filed, Mar. 6, 1957; 8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 4—INFORMATION ON POSTAL MATTERS

PART 46—RURAL SERVICE

PART 61—MONEY ORDERS

PART 100—POSTAL UNION ARTICLES

MISCELLANEOUS AMENDMENTS

1. Section 4.2 *General postal publications*, is amended to read as follows:

§ 4.2 *General postal publications.* The following postal publications are available from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.:

(a) The Postal Manual contains the regulations and internal instructions governing the operation of the Postal Service. Chapter 1 contains the regulations governing domestic mail service intended to assist the mailing public in obtaining maximum use of this service. Chapter 2 contains corresponding regulations governing the international mail service. ($2 for chapters 1 and 2, together with periodic looseleaf supplements for approximately 1 year.)

(b) Directory of Post Offices contains (1) a list of postal delivery zone offices, (2) an alphabetical list of post offices, (3) a list of post offices arranged alphabetically by States, and (4) a list of Army and Air Force installations. ($8 with binder; $5 without binder. Prices include subscription to looseleaf amendments for an indefinite period.)

(c) Directory of International Mail contains rates and other conditions in detail governing mail to foreign countries, but excludes the information covered in general for all countries in chapter 2 of the Postal Manual. ($5 with binder; $2.50 without binder. Prices include subscription to looseleaf amendments for an indefinite period.)

(d) The Postal Bulletin is issued once a week to transmit timely or transitional instructions and information relating to the Postal service, including philatelic, air mail, money order, parcel post, etc. ($2.25 a year.)

(e) Post Offices by Counties lists all post offices alphabetically by counties within States, post offices where county seat courthouses are located, the number of rural mail boxes served from the various post offices within each county, the number of star route boxes served, and the number of boxes at those post offices which do not have city carrier service. (60 cents a copy.)

(f) Receipts and Classes of Post Offices lists all post offices alphabetically by States and gives their receipts and their class and the salary level of the postmaster. ($1.00 a copy.)

(g) First-Class Post Offices with Named Stations and Branches lists all first-class post offices with branches and named stations arranged alphabetically by States. It includes post office unit numbers and has been prepared for use in mailing parcel post under readjusted size and weight limits. (35 cents a copy.)

(h) Postal Laws is a compilation of all the laws affecting the Post Office Department. It contains all of title 39 of the U. S. Code, as well as pertinent parts of titles 5, 6, 10, 16, 18, 28, 31, and 41. ($1.00 a copy.)

(i) Postage Stamps of the United States, 1847-1955, lists all issues of stamps from the first adhesive stamp, issued in 1847, through the Andrew Mellon Stamp, issued December 20, 1955. It contains an illustration of each stamp and gives detailed information on each stamp as well as miscellaneous historical information on stamps. (75 cents a copy.)

(j) United States Domestic Postage Rates 1789-1956 contains a compilation of United States domestic rates, fees, and charges from March 4, 1789, to September 1, 1956. (45 cents a copy.)

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

2. In § 46.5 *Rural boxes* (21 F. R. 8395), add the following to paragraph (c): "For the purpose of this regulation the name of the publication on the receptacle will not be considered advertising."

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191, 192)

3. In § 61.4 *Lost or damaged money orders* (21 F. R. 8106), amend paragraph (d) to read as follows:

(d) *Payment of duplicate orders.* A duplicate money order is payable only to the payee named thereon or to his endorsee.

(R. S. 161, 396, as amended, 4027; 5 U. S. C. 22, 369, 39 U. S. C. 711)

4. In § 100.1 *Services available and air mail rates*, amend the table of countries as follows:

Opposite "Libya (United Kingdom of)" and under "Special delivery" change X to V.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-1716; Filed, Mar. 6, 1957; 8:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Subchapter A—Alaska

[Circular 1971]

PART 65—HOMESTEADS IN ALASKA

MISCELLANEOUS AMENDMENTS

On pages 9995-9996, inclusive, of the FEDERAL REGISTER of December 15, 1956, there was published a notice of proposed rule making allowing a homesteader settling on unsurveyed public lands in Alaska to make single final proof prior to survey of the lands. Interested persons were given 30 days within which to submit written comments, suggestions or objections with respect to the proposed regulations. No comments or suggestions were submitted within the 30-day period. Consequently, the proposed regulations are hereby adopted without change and are set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

FEBRUARY 28, 1957.

Part 65 is amended as indicated below:

1. Footnote 1 is amended to read as follows:

[1] The homestead laws were extended to Alaska by the act of May 14, 1898 (30 Stat. 409; 48 U. S. C. 371), which was amended by the acts of March 3, 1903 (32 Stat. 1028; 48 U. S. C. 371), July 8, 1916 (39 Stat. 352; 48 U. S. C. 373-375, 378), June 28, 1918 (40 Stat. 632; 48 U. S. C. 373-375, 378), April 13, 1926 (44 Stat. 243; 48 U. S. C. 379, 380, 380a), and July 11, 1956 (70 Stat. 528; 48 U. S. C. 371c and 375).

2. Section 65.3b is revised to read as follows:

§ 65.3b *Failure to file notice.* Unless a notice of the claim is filed within the time prescribed in § 65.3, no credit shall be given for residence and cultivation had prior to the filing of notice or application to make entry, whichever is earliest.

3. The title and text of § 65.8 are amended to read as follows:

§ 65.8 *Applications for entry.* (a) A homestead application must describe the lands desired, if surveyed, according to legal subdivisions as shown by the plat of survey, and, excepting that it must thus conform and that the lands must be contiguous, there is no restriction as to the shape of the tract which may be entered. Where a settlement was made and a location notice posted and filed for record before the extension of the surveys, the application should make reference thereto; it should be stated also to what extent the land applied for is different from that covered by the notice; and the settler may not abandon all of the subdivisions covered by the location unless a showing is made which would justify amendment of his claim.

(b) A homestead application must describe the lands desired, if unsurveyed, by metes and bounds with relation to some natural or permanent monuments, and give the approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. Reference should be made to the serial number of the notice of settlement previously filed. If there has been any material deviation made in the description of the land claimed, a full explanation must be given of the reason for such deviation. A homestead application for unsurveyed lands must be accompanied by the settler's final or commutation homestead proof.

4. Section 65.20 is amended to read as follows:

§ 65.20 *Survey without expense to settler.* The land included in a settlement claim may be surveyed without expense to the settler, provided he submits, within five years from the date of the filing of notice of settlement claim in the land office, an application to enter on Form 4-007 and acceptable final or commuted homestead proof as required by § 65.23.

5. Section 65.21 is amended to read as follows:

§ 65.21 *Survey at expense of settler.* A settler who wishes to secure earlier action in the matter of survey may have a survey made at his own expense by a deputy surveyor appointed by the authorized officer of the Bureau of Land Management.

6. Section 65.22 is amended to read as follows:

§ 65.22 *Application to enter land included in special survey.* After a special survey has been made, in accordance with § 65.21, application to enter should be made as in the case of other settlements on surveyed lands.

7. Paragraph (a) of § 65.23 is amended to read as follows:

§ 65.23 *Submission of proof.* (a) Proof may be submitted without previous notice of intention by publication.

8. Paragraph (a) of § 65.25 is amended to read as follows:

§ 65.25 *Publication and posting.* (a) Where a special survey has been made, the notice of proof must give the survey number of the land, and other information required by § 60.3 of this chapter, and it must be published once a week for nine consecutive weeks, in accordance with § 106.14 of this chapter, at the expense of the applicant, in a newspaper designated by the manager as being one of general circulation nearest the land. Moreover, during the period of publication the entryman must keep a copy of the plat, and of his notice of having made proof, posted in a conspicuous place on the land.

(R. S. 2478, sec. 1, 30 Stat. 409, as amended; 43 U. S. C. 1201, 48 U. S. C. 371)

[F. R. Doc. 57-1699; Filed, Mar. 6, 1957; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 1393]

[71797]

ARIZONA AND NEW MEXICO

PARTIALLY REVOKING DEPARTMENTAL ORDERS OF NOVEMBER 26, 1906, JANUARY 15, 1908, AND JUNE 11, 1908, WHICH RESERVED LANDS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The orders described below, withdrawing public lands in Arizona and New Mexico for use of the Forest Service, Department of Agriculture, as administra-

tive sites, are hereby revoked so far as they affect the lands described:

ARIZONA

(a) The departmental order of January 15, 1908, reserving the following-described lands as the Base Line Administrative Site:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 31 E.,
Sec. 8, an irregular tract comprising 6.07 acres.

(b) The departmental order of June 11, 1908, reserving the following described lands as the Pine Flat Administrative Site:

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 29 E.,
Secs. 3, 4, 9, and 10, an irregular tract comprising 80 acres.

NEW MEXICO

(c) The departmental order of November 26, 1906, reserving the following-described lands as Ranger Stations Nos. 31 and 55:

NEW MEXICO PRINCIPAL MERIDIAN

STATION NO. 31

T. 11 S., R. 20 W.,
Sec. 23, lots 6 and 9 (formerly E½SE¼).

The areas described aggregate 80 acres.

STATION NO. 55

T. 15 S., R. 16 W.,
Sec. 7, lots 1 and 2.

The areas described aggregate 80.93 acres.

2. Lots 1 and 2, sec. 7, T. 15 S., R. 16 W., N. M. P. M., New Mexico, are within Power Site Reserve No. 759 created by the Executive order of November 22, 1924. These lands shall be opened to mining location pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621) on April 5, 1957. Lots 6 and 9, sec. 23, T. 11 S., R. 20 W., N. M. P. M., New Mexico were withdrawn by Public Land Order No. 1119 of April 12, 1955, for use of the Forest Service as the South Western Baptist Association, Inc., Organization Camp (recreation area).

3. The remaining lands, aggregating approximately 86.07 acres, are within the Gila National Forest, Arizona, and shall be opened, subject to any valid existing rights and the requirements of applicable law, to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on February 28, 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-1696; Filed, Mar. 6. 1957; 8:46 a. m.]

[Public Land Order 1394]

ALASKA

WITHDRAWING PUBLIC LANDS FOR RECREATIONAL PURPOSES; PARTIALLY REVOKING PUBLIC LAND ORDERS NO. 802 OF FEBRUARY 5, 1952 AND NO. 891 OF APRIL 15, 1953

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska, which have been classified as chiefly valuable for recreational purposes, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws nor the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U. S. C. 601–604) as amended, and reserved for administration or transfer in accordance with the provisions of the act of May 4, 1956 (70 Stat. 130):

[Fairbanks 012679]

LAKE MINCHUMINA

Lot 1, U. S. Survey No. 3315.

The tract described contains 2.04 acres.

[Anchorage 026810]

NANCY LAKE AREA—SEWARD MERIDIAN

T. 19 N., R. 4 W.,
Sec. 34, lots 4 and 19, S½SW¼NE¼.

The areas described aggregate approximately 63.14 acres.

[Anchorage 026981]

PETER'S CREEK—SEWARD MERIDIAN

T. 15 N., R. 1 W.,
Sec. 5, lots 68, 78 and 79;
Sec. 9, lots 10, 14, NE¼NE¼SE¼, N½SE¼NE¼SE¼, W½SW¼SE¼NE¼SE¼, N½NW¼SE¼SE¼, W½NW¼NE¼SE¼SE¼.

The areas described contain approximately 49.08 acres.

[Anchorage 027659]

TALKEETNA LAKE—SEWARD MERIDIAN

T. 26 N., R. 4 W.,
Sec. 29, that portion of lot 1 which would be described in terms of normal subdivision as NW¼NW¼NW¼ and N½SW¼NW¼NW¼;
Sec. 30, that portion of lot 8 which would be described in terms of normal subdivision as NE¼SE¼NE¼.

The areas described contain approximately 15 acres.

Public Land Orders No. 802 of February 5, 1952 and No. 891 of April 15, 1953, which reserved lands for classification, are hereby revoked so far as they affect lots 68, 78 and 79, sec. 5 and lots 10, 14, NE¼NE¼SE¼, N½SE¼NE¼SE¼, W½SW¼SE¼NE¼SE¼, N½NW¼SE¼SE¼, W½NW¼NE¼SE¼SE¼, sec. 9, T. 15 N., R. 1 W.

HATFIELD CHILSON,
Acting Secretary of the Interior.

FEBRUARY 28, 1957.

[F. R. Doc. 57-1697; Filed, Mar. 6, 1957; 8:46 a. m.]

[Public Land Order 1395]

[71181]

IDAHO

POWER SITE RESTORATION NO. 521; PARTIALLY REVOKING THE EXECUTIVE ORDER OF NOVEMBER 21, 1916, WHICH CREATED POWER SITE RESERVE NO. 565

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of November 21, 1916, creating Power Site Reserve No. 565, as construed by Departmental Interpretation No. 13 of April 22, 1922, is hereby revoked so far as it affects the following-described lands:

BOISE MERIDIAN

T. 9 S., R. 17 E.,
Sec. 34, lots 7, 8, and 9;
Sec. 35, N½N½.

The areas described aggregate 279.19 acres.

2. The lands are located about three miles northerly from Twin Falls, Idaho, on the north side of the Snake River Canyon. They lie in and are adjacent to a fairly large block of Federal land which extends several miles to the west, north, and east. U. S. Highway 93 crosses the lands at approximately the subdivision line between lots 8 and 9. The topography is generally undulating to rolling and beset with numerous large lava outcrops. The vegetation consists mainly of cheat grass and mustard with minor quantities of other annual weeds and grasses. The land is unsuitable for farming because of adverse topography and rock.

3. No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on April 6, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on July 6, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on July 6, 1957, will be considered as simultaneously filed at that hour. Rights under such application and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They also have been open to location under the U. S. mining laws pursuant to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621).

5. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands released from withdrawal by this order shall be subject, until 10:00 a. m., on July 5, 1957, to application by the State of Idaho, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 1, 1957.

[F. R. Doc. 57-1698; Filed, Mar. 6, 1957; 8:47 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 130—FEDERAL ASSISTANCE UNDER THE LIBRARY SERVICES ACT, PUBLIC LAW 597, 84TH CONGRESS, 2D SESSION, TO PROMOTE THE FURTHER EXTENSION BY THE SEVERAL STATES OF PUBLIC LIBRARY SERVICES TO RURAL AREAS WITHOUT SUCH SERVICES OR WITH INADEQUATE SERVICES

REQUIREMENTS FOR PAYMENT

Paragraph (b) of § 130.16 (21 F. R. 9651) is hereby amended so as to modify the requirements of subparagraph (2) thereof as applied to cases where, under the initial State plan, the program for the fiscal year covers a period of less than 12 months.

Section 130.16 (b) as so amended reads as follows:

(b) There will be available for expenditure (1) for all public library services, from State and local sources, in the geographic areas covered by the plan, an amount which will be not less than the total amount spent for such services from such sources in such areas during the fiscal year which ended June 30, 1956, and (2) for public library services under the plan, from State and local sources, in the geographic areas covered by the plan, an amount which will be not less than the total amount spent from such sources in such areas for services of the same type during the fiscal year which ended June 30, 1956: *Provided*, That in any case where payments are being made for the first time under the initial State plan, and the program for the fiscal year in question covers a period of less than 12 months, the requirements of subparagraph (2) of this paragraph may be met if the amounts available for expenditure under the plan are not less than an equivalent fractional portion of the amounts spent during the fiscal year ending June 30, 1956.

(Sec. 8, Pub. Law 597, 84th Cong., sec. 8, 70 Stat. 295)

Dated: February 12, 1957.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: March 1, 1957.

M. B. FOLSOM,
Secretary of Health, Education, and Welfare.

[F. R. Doc. 57-1694; Filed, Mar. 6, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 10, 12, 25, 31–33, 51, 52, 54–57, 61, 70–76, 78, 90, 91, 94, 95, 97, 144, 146, 147, 160]

[CGFR 57-5]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES

The Merchant Marine Council will hold a public hearing on Tuesday, May 7, 1957, commencing at 9:30 a. m., in Room 4120, Coast Guard Headquarters, Thirteenth and E Streets NW., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the navigation and vessel inspection regulations as generally described in Items I to XVI, inclusive, below.

The proposed changes in the navigation and vessel inspection regulations, together with the statutory authority for making such changes, are generally described by subjects in this document. The Merchant Marine Council Public Hearing Agenda (CG–249), dated May 1957, has been prepared. The specific changes proposed and where possible the present and proposed regulations are set forth in comparison form, together with reasons for the changes where necessary, in this Agenda. Copies of this Agenda are mailed to persons and organizations who have expressed a continued interest in the subjects under consideration and have requested that copies be furnished them. Copies of the Agenda will be furnished so long as they are available and requests should be addressed to the Commandant (CMC), United States Coast Guard, Washington 25, D. C. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

Comments on the proposed regulations are invited. Written comments containing constructive criticisms, suggestions, or views are welcomed; however, acknowledgment of the comments received or reasons why the suggested changes were or were not adopted cannot be furnished since personnel is not available to handle the necessary correspondence involved. Each oral or written comment is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the proposed regulation or amendment, it is changed accordingly and after adoption by the Commandant the regulation is published in the FEDERAL REGISTER. Each person who desires to submit written comments, data, or views, in connection with the proposed regulations set forth in the Merchant Marine Council Public Hearing Agenda should submit them so that they will be received prior to April 20, 1957, by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D. C. Comments, data, or views may be presented orally or in writing at the hearing before the Merchant Marine Council on April 23, 1957. In order to insure consideration of comments and to facilitate checking and recording, it is essential that each comment regarding a section or paragraph of the proposed regulations shall be submitted on Form CG–3287, showing the item number, the section number, the proposed change, the reason or basis (if any), and the name, business firm or organization (if any), and the address of the submitter. A small quantity of Form CG–3287 is at-

tached to the Agenda. Additional copies may be obtained upon request from the Commandant (CMC), or from any Coast Guard District Commander.

ITEM I—DECK LICENSES AS MASTER AND CHIEF MATE FOR VESSELS ENGAGED IN OFFSHORE MINERAL AND OIL INDUSTRY

It is proposed to add new requirements to 46 CFR 10.05–5, 10.05–27, and 10.05–45 in order to establish suitable licenses for masters and chief mates of vessels engaged in the offshore mineral and oil industry on the Continental Shelf of the United States. Since 1948 it has been an administrative practice to issue a special limited license as master or chief mate of motor vessels of not more than 300 gross tons engaged in the offshore mineral and oil industry. Basically the requirements are the same as for coastwise licenses which at present are limited to 35 miles offshore. No celestial navigation other than an azimuth of the sun, has been required for this license. The administrative standards established in 1948 for these special deck licenses as master and chief mate were discussed with representatives of the industry through the special 8th Coast Guard District Oil Industry Panel. The proposals are basically those administratively followed since 1948 with certain modifications.

Considerable concern has been shown regarding the professional examination required to obtain these special deck licenses as master and chief mate for motor vessels engaged in the offshore mineral and oil industry. While the terminology used in the proposed regulations may appear to indicate a complex professional examination, this is not necessarily true. The Coast Guard uses a Deck Examination Card File consisting of many questions for the lower grades of licenses which deal with the fundamentals of the subjects listed and which are suitable for examining prospective officers for vessels of less than 300 gross tons. In order to set up equitable and fair standards for these special licenses, it is necessary to take into consideration the present requirements for licenses as master and mate of uninspected motor vessels that have been in effect for the past 15 years. Reasonable standards for these special licenses for inspected vessels engaged in one industry, which will carry freight and passengers for hire, are proposed and are equivalent to the examination standards required for licenses as masters and mates of uninspected towing vessels and fishing vessels. Except for the celestial navigation required for licenses as masters and mates of uninspected vessels, the examinations for officers' licenses for uninspected vessels and the special licenses proposed for masters and chief mates of vessels engaged in offshore mineral and oil vessels are comparable.

The authority to issue regulations with respect to licensing masters and chief mates of vessels engaged in offshore mineral and oil industry is in R. S. 4405, as amended, and 4462, as amended (46 U. S. C. 375, 416). These regulations interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4438–4440, as amended, 4445, as amended, 4447, as amended, sec. 2, 29 Stat. 188, as amended, sec. 1, 3 Stat. 1411, as amended, secs. 7, 17, 54 Stat. 165, 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 68 Stat. 484, and sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 226, 228, 231, 233, 225, 237, 526f, 526p, 1133, 239b, and 50 U. S. C. 198.

ITEM II—LIFEBOATMEN, EXAMINATION AND DEMONSTRATION OF ABILITY

The provisions in R. S. 4488, as amended (46 U. S. C. 481), require lifeboats on all vessels to be commanded by a licensed officer or able seaman and certificated lifeboatmen are required in such numbers as the size of the boat warranted. The primary statutory duty of certificated lifeboatmen is to act as skilled members of the lifeboat's crew. The International Convention for Safety of Life at Sea, 1948, provides that certificated lifeboatmen may be in command of lifeboats. Therefore, the Coast Guard regulations were amended to permit, on vessels engaged in ocean service only, licensed deck officers, able seamen, and certificated lifeboatmen to be in command of lifeboats as provided by the 1948 Safety Convention.

It is proposed to revise 46 CFR 12.10–5 so that the examination syllabus for lifeboatmen will require the applicant to demonstrate his proficiency in command of a lifeboat, as well as being a skilled member of the lifeboat's crew. This change is to insure that all prospective candidates for endorsements as lifeboatmen can perform the functions authorized by their certificates. It is not intended to require present holders of certificates as lifeboatmen or special endorsements on Merchant Mariner's Documents as lifeboatmen to take this examination.

The authority to issue regulations with respect to certificating lifeboatmen is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417a, as amended, 4488, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 481, 367, 1333, and 50 U. S. C. 198.

ITEM III—LICENSE AS FIRST ASSISTANT ENGINEER OF STEAM AND MOTOR VESSELS OF NOT OVER 1,000 HORSEPOWER

It is proposed to amend 46 CFR 10.10–13 and 10.10–15 to permit third assistant engineers with unlimited licenses, who are 21 years of age or over, to be eligible for an examination as first assistant engineer of steam and motor vessels having not over 1,000 horsepower.

The authority to issue regulations with respect to licensing of engineers is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417a, as amended, 4426, as amended, 4427, as amended, 4488, as amended, 4441, as amended, 4445, as amended, 4447, as amended, sec. 2, Stat. 188, as amended, sec. 1, 34 Stat. 1411, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 404, 405, 224, 224a, 225, 229, 231, 233, 225, 237, 367, 247, 1133, and 50 U. S. C. 198.

ITEM IV—DRYDOCKING OF PASSENGER, TANK, CARGO, AND MISCELLANEOUS VESSELS

The present regulations provide that vessels shall be placed in drydock or on a slip-way or hauled out for examination, depending upon their service and type of water in which operated. The present wording permits extensive maximum intervals to occur between the drydockings. Vessels operating in salt waters more than six months in each calendar year are required to be drydocked once in each calendar year, thus permitting nearly two calendar years between drydockings. Vessels operating in salt waters six months or less each calendar year are required to be drydocked once in each two calendar years, thus permitting a singular maximum interval of almost four years. Vessels operating exclusively in fresh water are required to be drydocked at least once in every five calendar years, thus permitting a singular maximum interval of almost ten years. The American Bureau of Shipping requirements for maintenance of class is more restrictive than the present Coast Guard requirements. In order to eliminate the possibility of an unduly long interval between drydocking, it is proposed to amend 46 CFR 31.10–20, 71.50–1, and 91.40–1 so that the maximum interval between any two drydockings shall not exceed 18 months for vessels operating in salt water service for more than six months in a calendar year, or a maximum interval not to exceed three years for vessels operating in salt water service six months or less in a calendar year, and a maximum interval not to exceed five years when the vessel's operations are confined exclusively to fresh water.

The authority for regulations regarding drydocking of passenger, tank, cargo, and miscellaneous vessels is in R. S. 4405, as amended, and 4462, as amended. The tank vessel regulations interpret or apply R. S. 4417a, sec. 3, 68 Stat. 675, 46 U. S. C. 391a, and 50 U. S. C. 198, and E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp. The passenger, cargo, and miscellaneous vessel regulations interpret or apply R. S. 4399, as amended, 4400, as amended, 4417, as amended, 4418, as amended, 4421, as amended, 4423, as amended, 4426, as amended, 4428–4430, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, 49 Stat. 1935, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 1333, 50 U. S. C. 196; E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.

ITEM V—CREW ACCOMMODATIONS ON TANK SHIPS

The requirements for crew accommodations for passenger vessels and cargo and miscellaneous vessels were revised in 1947 so that in computing the number of berths required in the hospital space, persons quartered in rooms for single occupancy were to be excluded. This policy has been applied to tank vessels, but the tank vessel regulations were not amended to reflect this policy. It is, therefore, proposed to amend 46 CFR 32.40–1 so that requirements for hospital accommodations will be identical with similar requirements for passenger vessels and for cargo and miscellaneous vessels. This proposed amendment does not impose any new requirements but rather serves as a relaxation in computing the number of hospital berths required or the number of total crew which may be carried with a given number of installed hospital berths.

The authority for regulations regarding crew accommodations on tank ships is in R. S. 4405, as amended, 4417a, as amended, and 4462, as amended, 46 U. S. C. 375, 391a, 416. These regulations also interpret or apply sec. 3, 68 Stat. 675, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp.

ITEM VI—MARINE ENGINEERING REGULATIONS AND MATERIAL SPECIFICATIONS; MISCELLANEOUS AMENDMENTS

The material specifications prescribed in Part 51 refer to standard specifications issued by the American Society for Testing Materials. It is proposed to amend 46 CFR 51.04–1, 51.07–1, 51.25–1, 51.34–1, 51.46–1, 51.49–1, 51.58–1, 51.61–1, 51.73–1, 51.79–1, so that reference to ASTM specifications which have been superseded will have substituted therefor the new standards issued. The proposed amendment to 46 CFR 51.34–1 will also include the ASTM Specification A106–55T for grade C pipe material for use in marine boilers. This material has been accepted by the ASME Boiler and Pressure Vessel Code Committee for use in construction of boilers and pressure vessels under their code. This pipe material is a special product not normally carried in stock and usually is supplied only on agreement between the manufacturer and the purchaser. The material has limited ductility due to high carbon content and high tensile strength. However, it is felt the material may be safely used in marine boiler design provided its use is limited to the construction of super-heater and economizer headers. Where welding fabrication is employed a preheat of at least 300 degrees F. will be required. To accomplish these changes it is proposed to also amend 46 CFR 52.05–10 and 55.07–1 by adding new requirements governing the use of ASTM Specification A106, grade C pipe material. It is also proposed to amend 46 CFR 52.05–10 by revising Table 52.05–10 (a) by deleting the minimum temperatures of minus 20 degrees F. indicated in the ambient metal temperature range of minus 20 to 650 degrees F., the seventh column heading, and to substitute 650 degrees F. therefor because of the susceptibility of carbon steel to brittle failures when subjected to subzero temperatures.

The current regulations require plan approval of jacket water and lube oil coolers designed for pressures exceeding 15 pounds per square inch. Since these unfired pressure vessels operate at low pressures and temperatures, it is felt that the manufacturer's standard construction may be safely accepted for such services. It is, therefore, proposed to amend 46 CFR 54.01–1 by adding to the classes of unfired pressure vessels not subject to plan approval or inspection, jacket water coolers and lubricating oil coolers containing mediums at or below the pressures and temperatures specified in Table 54.01–1 (c).

It is proposed to eliminate the submission of certain plans which are not considered necessary to the Coast Guard in determining basic safety features of the vessel. The proposed amendment to 46 CFR 55.01–10 regarding plan approval will permit diagrams of enumerated piping systems to be submitted for approval instead of arrangement plans.

The use of plastic pipe and flexible hose on merchant vessels has been requested. This has been permitted by administrative action. It is proposed to amend 46 CFR 55.07–1 by adding requirements regarding plastic pipe and flexible hose. The proposals are intended to be a guide for the industry and the Coast Guard marine inspector in determining the limitations to be imposed on these items.

The present design formulas for piping contained in the marine engineering regulations do not provide for a corrosion allowance for steel or wrought iron pipe. The American Standards Association's Code for Pressure Piping and the American Society for Mechanical Engineers' Power Boiler Code require a corrosion allowance to be added to the minimum pape wall thickness. The American Bureau of Shipping is currently proposing a change in their rules to provide for a corrosion allowance for steel or wrought iron pipe. It is proposed to amend 46 CFR 55.07–5 regarding maximum allowable stresses for piping so that an allowance for corrosion will be considered. It is also proposed to revise this section in order to bring the multiplier factor "M" in Table 55.07–5 (a) into agreement with the American Standards Association's Code for Pressure Piping (B31.1) and the American Society for Mechanical Engineers' Boiler and Unfired Pressure Vessel Code, as well as the rules of the American Bureau of Shipping. The proposed factors will provide a smoother transition from the elastic range to the plastic range. Since the proposed values in the multiplier factor will be lower the minimum required wall thicknesses for piping will be increased slightly although not sufficiently to affect current design of main steam piping. For the range of pipe sizes, pressures and temperatures now being used for marine piping, the increase in wall thickness will be in the order of 1 to 3 percent.

It is proposed to amend 46 CFR 55.07–6 regarding expansion and flexibility of piping, in order to bring the regulations into agreement with the new provisions in the American Standards Association's Code for Pressure Piping covering expansion and flexibility of main steam piping. The proposed regulations will be similar to this Code except that the allowable stresses will be limited to 80 percent of those permitted by the Code. This proposal is consistent with Coast Guard practices followed in connection with the design of main steam piping. It is felt that bending stresses in marine piping may be more severe than that encountered in stationary power plants. The proposed calculations for determining the flexibility in the piping system are based on the stress range concept, i. e., the sum of the hot and cold stresses in the piping system during any one cycle will remain substantially constant.

The markings for certain fittings, such as butt-welding fittings are not being furnished in conformance with Coast Guard marking requirements, but are rather complying with the standards for the valves and fittings industry published by the Manufacturers Standardization Society of the Valves and Fittings Industry in their Specification MSS Standard SP–25. It is proposed to revise the Coast Guard requirements in 46 CFR 55.07–10 governing valves and fittings, by eliminating the special Coast Guard marking requirements and to adopt and require the markings on valves, flanges, and fittings to be in conformance with the standard marking system normally used by the industry, as described in MSS Standard SP–25–1954.

Some misunderstanding has arisen in the use of slip-on flanges for class I or II piping. Since there is no difference in the limitations imposed, it is proposed to amend the text of the regulations referring to Figure 55.07–15 (f3) by removing specific references to classes I and II piping and to have limitations based on diameter size of pipe.

Several fires have occurred on merchant vessels when leaking oil was sprayed or dripped on hot surfaces. It is proposed to amend 46 CFR 55.07–25 by adding a new requirement that piping conveying oil shall be run well away from hot surfaces wherever possible. It is hoped this action will eliminate the cause of fires which have occurred in the past.

The design pressure of shore steam connections and piping is normally based upon the pressure from the normal facility which furnishes the steam. These pressures, however, vary depending upon the source of supply which may be from a shore installation or another vessel. It is, therefore, not possible to determine the maximum pressure to which the shore connections may be subjected. In order to prevent steam pressures exceeding design pressures of the shore steam line by a connection to a vessel, it is proposed to amend 46 CFR 55.10–1 to require the shore steam connection to be fitted with a relief valve set at a pressure not exceeding the design pressure of the piping.

It is proposed to amend 46 CFR 55.10–40 regarding fuel-oil service systems so that only one fuel-oil service pump and one fuel-oil heater will be required for auxiliary boilers having a generating capacity in excess of 3,000 pounds per hour when such boilers are used for non-vital service, such as heating, etc. The pumps for such boilers need not be fitted with discharge strainers.

Objections have been raised against the present requirement prohibiting drains or any openings in the bottom of gasoline fuel tanks. The difficulties in keeping the tank clear of water, rust, and sediment are recognized. It is, there-

fore, proposed to amend 46 CFR 55.10–45 so that openings fitted with threaded plugs or caps may be permitted in gasoline tanks. These openings are for cleaning purposes only.

Misunderstandings concerning the requirements for bilge and ballast piping run through deep tanks have arisen. It is, therefore, proposed to amend 46 CFR 55.07–25 so that the installation requirements will agree with the American Bureau of Shipping rules for similar installations and in order to clarify the intent of the regulations.

The 1948 Convention for the Safety of Life at Sea contains requirements for emergency bilge pump installations for passenger vessels which apply only to passenger vessels engaged on international voyages. The Coast Guard regulations need to be clarified with respect to requirements for passenger vessels having a criterion numeral of 30 or more. It is, therefore, proposed to amend 46 CFR 55.10–30 and Table 55.10–30 (a) so that all passenger vessels on international voyages having a criterion numeral of 30 or more will have one of the power bilge pumps available at all times for use under emergency conditions in which a vessel may be flooded at sea. The reference to requirements for determination of a criterion numeral is corrected to show it is in 46 CFR Part 73 (Passenger Vessels) rather than in 46 CFR Part 46 (Load Lines).

It is proposed to revise the regulations applicable to the ballasting of Great Lakes dry cargo vessels to recognize a long standing industrial practice followed in the operation of those vessels. It is proposed to amend 46 CFR 55.10–65 to permit Great Lakes dry cargo vessels to use hinged covers on the ballast water sounding pipes in lieu of the screw cap or plug required by the present regulations. It is not proposed to change the requirements for vessels operating in other types of waters.

At present the manufacturers of fabricated butt-welded fittings, i. e., fittings with longitudinal welded joints, do not hydrostatically test fittings to insure that the longitudinal welds are of acceptable quality. Therefore, it is proposed to establish standards of quality control under which fabricated welded fittings may be accepted by adding a new regulation designated 46 CFR 56.01–85.

A fabricator of unfired pressure vessels has requested permission to weld separate test plates for longitudinal joints on class I and II pressure vessels. The present requirements state test plates shall be a continuation of and a duplication of the corresponding edges of the longitudinal joint. The current American Society of Mechanical Engineers' Boiler Code allows detached test plates as an alternate method of welding the test plates required for power boiler construction. It is, therefore, proposed to amend 46 CFR 56.05–1 regarding test plates, to permit this alternate method for providing test plates when the same welding procedures are used.

A suggestion has been received regarding vessels having power steering gear to be provided at both the forward and after steering stations with full follow up. This proposal is to avoid confusing the helmsman who may steer the vessel from either station. Similar requirements are contained in paragraph (5) of section 5 of the American Bureau of Shipping Rules. It is, therefore, proposed to amend 46 CFR 57.25–35 to require full follow-up devices on vessels having power steering gear provided at both the forward and after steering stations. It is also proposed to amend 46 CFR 57.25–45 so as to permit steering to be effected from the after steering station by mechanical, electrical, hydraulic, or other approved means. It is proposed to add a new regulation designated 46 CFR 57.25–47 to clarify the requirements regarding the controls to be provided and to clarify the requirements regarding the location of shafting, piping, or electrical cables from the steering stations to the steering gear. It is proposed to amend 46 CFR 57.25–55 regarding special steering apparatus by changing the word "emergency" to the word "auxiliary" when describing special steering apparatus.

A number of explosions have occurred on merchant vessels where separate gas passages to the atmosphere from each boiler were not provided. It is, therefore, proposed to amend 46 CFR 61.05–15 to require that all main and auxiliary boilers shall be fitted with separate gas passages from each boiler.

It is proposed to amend 46 CFR 61.30–5 regarding shop tests on valves and pipe fittings to require welded pipe fittings fabricated with longitudinal joints to be tested as specified in the proposed regulation designated 46 CFR 56.01–85. This change will provide new standards for quality control and shop testing of fabricated pipe fittings.

The regulations with respect to marine engineering and material specifications are issued under R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4417a, 4418, 4421, 4426–4431, 4433, 4434, 4453, 4491, as amended, sec. 14, 29 Stat. 690, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 391a, 392, 399, 404–409, 411, 412, 435, 489, 366, 363, 367, 526p, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM VII—CORK AND BALSA WOOD LIFE PRESERVERS; WITHDRAWAL OF SPECIFICATIONS AND TERMINATIONS OF APPROVALS TO MANUFACTURER

The presently approved types of cork and balsa wood life preservers do not possess equivalent buoyancy or self-righting characteristics, nor are they as comfortable to wear and adjust to the bodies of various wearers as are the other types of approved life preservers filled with kapok or fibrous glass. Persons wearing cork or balsa wood life preservers are more likely to be injured when jumping from a vessel than those wearing kapok or fibrous glass life preservers. Because of the poor self-righting characteristics of the cork and balsa wood types of life preservers and their inability to turn a person seemingly unconscious from a face downward to a face upward position as the kapok and fibrous glass life preservers will do in most cases, there is a reasonable doubt that cork and balsa wood life preservers comply with the requirements in paragraph (b) of Regulation 17, Chapter III, International Convention for Safety of Life at Sea, 1948, which, among other things requires a life jacket shall not be approved by an administration subscribing to the Convention unless "it shall be capable of holding up the head of an unconscious person in the water." The Coast Guard has been aware of the poor performance characteristics of the cork and balsa wood life preservers for a long time. Considerable funds and effort have been expended in attempts to redesign these life preservers to bring their performance up to the level of the approved kapok and fibrous glass types of life preservers. These efforts have not produced the desired results.

It is, therefore, proposed to delete from the regulations the references to specifications for cork and balsa wood life preservers and to cancel the specifications covering the manufacture of these life preservers. All approvals for cork and balsa wood life preservers granted to manufacturers will be terminated as of October 1, 1957. However, existing life preservers approved before this date may be continued in service so long as they are maintained in good condition.

It is proposed to amend 46 CFR 25.25–5, 33.35–15, 75.40–5, and 94.40–5 by deleting references to cork and balsa wood life preserver specifications in 46 CFR Subparts 160.003 and 160.004. Effective October 1, 1957, it is also proposed to cancel the specification in 46 CFR 160.003–1 to 160.003–7, inclusive, for cork life preservers and the specification in 46 CFR 160.004–1 to 160.004–7, inclusive, for balsa wood life preservers.

The authority to issue regulations with respect to life preservers is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4482, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 38 Stat. 428, as amended, secs. 1, 2, 49 Stat. 1544, as amended, secs. 6, 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3, 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM VIII—STRUCTURAL FIRE PROTECTION FOR PASSENGER VESSELS

It is proposed to modify and classify the requirements relating to structural fire protection for passenger vessels. It is proposed to amend 46 CFR 72.02–5 so as to make the structural fire protection requirements applicable to certain spaces that were formerly exempted on the basis of being "open decks." This requirement will not be made retroactive in effect. The reason for this proposal is that partially enclosed spaces can contain the same amount of combustibles as completely enclosed spaces. In addition, the air supply in these partially enclosed spaces cannot be controlled so fire fighting becomes more difficult and the chance of the fire spreading to adjacent spaces is increased. It is also proposed to amend 46 CFR 72.02–5 so as to define the extent to which balconies will be permitted. The reason for the proposal is that present requirements give no indication of the extent to which balconies may be used, which has caused some misunderstandings. These requirements will not be retroactive in effect.

It is proposed to amend 46 CFR 72.05–10 (e) by revising Table 72.05–10 (e) relating to the class of bulkheads required between various spaces. This proposal is a clarification of the intent of the regulations and to show present administrative practice. It is also proposed to revise requirements in 46 CFR 72.05–10 relating to the method of construction of class "B" bulkheads. This change is merely a clarification of the intent of the regulations and to reflect present administrative practice.

It is proposed to amend 46 CFR 72.05–15 relating to the use of combustible veneers so as to remove a contradiction between paragraph (b) and paragraph (d) as presently written. Combustible veneers may not be used in the hidden space above a ceiling.

It is proposed to amend 46 CFR 72.05–30 relating to the requirements for windows to clarify the intent of the regulations and to describe in regulations the administrative practices followed.

It is proposed to amend 46 CFR 72.05–40 regarding heat and refrigeration insulation so as to minimize the amount of combustibles permitted particularly in the hidden spaces above ceilings. The proposed requirements will be more consistent with other requirements dealing with the amount of combustibles permitted in various types of spaces.

It is proposed to amend 46 CFR 72.05–50 regarding automatic fire dampers for main vertical zone bulkhead penetrations so that these requirements will reflect the present administrative practice. It is also intended as a clarification of requirements.

The authority to issue regulations with respect to fire protection for passenger vessels is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1384, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM IX—RECESSED BULKHEADS FOR PASSENGER VESSELS

The inboard damage penetration which has occurred to vessels in several recent casualty cases was in excess of the minimum provided for by the present regulations. Considering the tendency of vessels toward higher speeds, it is reasonable to expect that collisions, when they occur, are certainly not likely to become less severe. Depending upon the arrangement of a vessel's tanks, the extent of damage penetration may or may not be critical in determining the amount of initial GM necessary to prevent excessive heel. It is possible that a vessel designed under present regulations and fully maintaining the GM required thereby would still heel excessively as a result of damage penetration in excess of B/5. It is proposed to provide a more realistic assessment of possible collision penetration than that provided by the present requirements. The proposals are also intended to encourage the avoidance of basically hazardous arrangements of tanks and spaces. It is, therefore, proposed to amend 46 CFR 73.10–45, 73.15–25, and Table 74.10–15 (c) (4) in 46 CFR 74.10–15, by revising requirements regarding damage penetration.

The authority for regulations regarding recessed bulkheads for passenger vessels is in 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 2, 45 Stat. 1493, as amended, sec. 2, 49 Stat. 888, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 85a, 88a, 369, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM X—FIXED FIRE PROTECTION FOR BARGES

The present regulations exempt barges from fire main and fixed extinguishing requirements because barges up to now normally carried too few persons to effectively man a fire-fighting system and/or were towed by a propelled vessel having sufficient fire-fighting equipment to protect the barge. However, recent practices are to have barges used for hotel purposes and housing many people. For such barges it has been an administrative policy to require adequate fire main and fixed fire extinguishing systems. Some of these barges, in addition to the hotel function, are also equipped with varying amounts of machinery which often are equivalent to or in excess of that installed on propelled vessels. Since such barges are intended to be used in locations which may not be adjacent to adequate fire-fighting facilities, it is proposed to amend 46 CFR 76.05–15, 76.05–20, 95.05–5, and 95.05–10 to require adequate fire-fighting facilities on those barges which have accommodations for more than six persons. These barges have fire source potentials comparable to those found on propelled vessels and reasonable fire-fighting facilities are needed. It is also proposed to add a definition of the word "barge" in sections designated 46 CFR 70.10–2 and 90.10–2.

The authority to issue regulations with respect to fixed fire protection requirements for barges is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XI—FIRE PROTECTION EQUIPMENT FOR PASSENGER, CARGO, AND MISCELLANEOUS VESSELS

It is proposed to modify the requirements for carbon dioxide extinguishing systems in 46 CFR Subpart 76.15 for passenger vessels and in 46 CFR Subpart 95.15 for cargo and miscellaneous vessels to permit the installation of the carbon dioxide cylinders in the space protected for small systems and to require warning alarms to be sounded prior to the admission of gas into the space. The proposed requirements are identical for both types of vessels. To accomplish these changes it is proposed to amend 46 CFR 76.15–10, 76.15–20, 76.15–30, 95.15–10, 95.15–20, and 95.15–30.

It is also proposed to amend Table 76.05–1 (a) in 46 CFR 76.05–1 relating to requirements for fixed fire extinguishing systems on passenger vessels in order to permit the omission of sprinkling systems from vehicular decks where the overhead does not exceed 30 feet. The reason for this change is that at present the regulations require a sprinkling system for vehicular deck spaces with overhead regardless of length. It is recognized that with a short overhead the sprinkling system may be of doubtful value.

The authority to issue regulations with respect to fire protection equipment for passenger, cargo, and miscellaneous vessels is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, 4490, as amended, sec. 3, 24 Stat. 129, as amended, 41 Stat. 305, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 2, 54 Stat. 1028, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 482, 483, 363, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XII—MARKINGS ON LIFEBOAT RELEASE GEAR LEVER

One of the major hazards with respect to the handling of lifeboats is the fact that on occasions the release gear lever is accidentally raised with the result that the lifeboat is dropped on the dock or in the water. The accidental dropping of a lifeboat can cause serious injury or death to any person who may be in the lifeboat at the time. The present regulations require that the lifeboat release gear lever shall have a sign reading "Danger—Lever Releases Hooks." A suggestion has been received that a more realistic sign would be "Danger—Lever Drops Boat." It is, therefore, proposed

to revise the specification for mechanical disengaging apparatus to require in the future that the sign on the release gear lever shall read "Danger—Lever Drops Boat" and to amend the various regulations for lifeboats on passenger, cargo, and miscellaneous vessels to have the sign on the lifeboat release gear lever either "Danger—Lever Drops Boat" or "Danger—Lever Releases Hooks." To accomplish these changes it is proposed to amend 46 CFR 78.47–60, 97.37–37, and 160.033–3.

The authority for regulations regarding markings on lifeboat release gear lever is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XIII—STOWAGE OF HEAVY GRAIN IN BULK; VESSELS PARTIALLY LOADED AND SHIFTING TO OTHER PORTS

It is proposed to amend 46 CFR 144.20–40, regarding location of stowage for heavy grain in bulk, by deleting the adjective "grain" in describing cargo so that the location of stowage for heavy grain in bulk will be based on the weight of the total cargo below deck rather than only the total weight of grain cargo below deck.

It is proposed to amend 46 CFR 144.30–1, regarding vessels shifting ports, in order to facilitate the handling of bulk grain cargo between San Francisco, Los Angeles Harbor, and San Diego. It is felt that for such vessels in this area no greater degree of hazard than presently exists will arise by permitting the established practice of permitting partially loaded vessels in certain other ports to carry bulk grain without securing the grain if the grain is covered with dunnage boards placed fore and aft and athwartship.

The authority for the regulations regarding bulk grain cargoes is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417, as amended, sec. 1, 49 Stat. 1544, as amended, and sec. 3, 68 Stat. 675; 46 U. S. C. 391, 367, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XIV—STOWAGE OF BULK ORES ON GENERAL CARGO VESSELS

At the public hearing held on April 24, 1956, the Merchant Marine Council considered as a part of Item IX the proposal regarding establishment of minimum standards for the proper stowage of bulk ore and similar cargoes when carried on general cargo vessels. Considerable controversy arose regarding this proposal and an announcement was published in the FEDERAL REGISTER dated September 6, 1956, that this proposal was withdrawn for further studies. After considering the comments received and other data and statistics available on this subject, it was felt that the proposed regulation considered at the April 24, 1956, public hearing should be presented again. It is, therefore, proposed to add a new regulation designated 46 CFR 97.12–1 which will establish minimum standards for the proper stowage of bulk ore and similar cargoes when carried on general cargo vessels. This proposal is based on casualties which indicate a need for proper stowage of bulk materials.

The authority to issue regulations respecting cargo and miscellaneous vessels is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. The regulations interpret or apply R. S. 4417, as amended, 4418, as amended, 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 367, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

ITEM XV—INSPECTION OF CARGO GEAR ON PASSENGER, CARGO, AND MISCELLANEOUS VESSELS

In recent months problems have arisen with respect to foreign countries accepting the American Bureau of Shipping certificates relating to cargo gear. At the present time the Coast Guard's administrative acceptance of the American Bureau of Shipping certificates of its surveys of cargo gear has not been described formally in the regulations. It is considered highly desirable that this current administrative practice be recognized officially and that the standards applied by the Coast Guard will be understood and be made available for the guidance of all concerned. It is, therefore, proposed to amend 46 CFR 71.25–25 and 91.25–25 by adding a statement that American Bureau of Shipping certificates relating to tests and surveys of cargo gear may be accepted as prima facie evidence of the construction and suitability of such gear. The standards established by the American Bureau of Shipping for cargo gear shall be used.

These regulations regarding inspection of cargo gear on passenger, cargo, and miscellaneous vessels is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4399, 4400, 4417, 4418, 4421, 4423, 4426, 4428–4430, 4433, 4434, 4453, as amended, sec. 14, 29 Stat. 690, secs. 10, 11, 35 Stat. 428, 41 Stat. 305, 49 Stat. 1544, 1935, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 361, 362, 391, 392, 399, 400, 404, 406–408, 411, 412, 435, 366, 395, 396, 363, 367, 660a, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR, 1952 Supp.

ITEM XVI—DANGEROUS CARGO REGULATIONS; MISCELLANEOUS AMENDMENTS

The provisions of R. S. 4472, as amended (46 U. S. C. 170), require that the Coast Guard accept and adopt in its Dangerous Cargo Regulations in 46 CFR Part 146, such definitions, descriptions, descriptive names, classifications, specifications of containers, packing, marking, labeling, and certification of explosives or other dangerous articles or substances to the extent such requirements are or may be established from time to time by the Interstate Commerce Commission insofar as such requirements apply to shippers by common carriers engaged in interstate and foreign commerce by water. The various amendments proposed to the Dangerous Cargo Regulations in 46 CFR Part 146 have been necessitated by corresponding changes made in the regulations of the Interstate Commerce Commission governing land transportation of the same commodities. The provisions of 46 CFR 146.02–19 make these Dangerous Cargo Regulations applicable to all types of carriers. Therefore, proposed amendments applying only to shippers' requirements, upon which the Interstate Commerce Commission has already prescribed regulations in compliance with the Administrative Procedure Act, are not included in this Agenda but will be published as a separate document in the FEDERAL REGISTER. The proposed amendments to 46 CFR Part 146 and 147 contain those provisions for water shipment of new articles of commerce, editorial changes to existing regulations, and revisions to regulations containing other than shippers' requirements.

It is proposed to amend 46 CFR 146.04–5, which is a list of explosives and other dangerous articles and combustible liquids, by adding the shipping names of new articles of commerce and by deleting or editing those items which are no longer in use or have been changed.

The proposed amendment to 46 CFR 146.09–2, regarding the construction of magazines, will authorize the use of ¾" plywood for side and end bulkheads for explosives magazines.

The proposed amendment to 46 CFR 146.10–4, regarding car floats, will provide for transfer of highway vehicles loaded with dangerous material from shore side to an explosive anchorage.

The proposed amendments to the detailed regulations governing explosives clarify requirements pertaining to stowage and dunnaging of containers of explosives and new items are added to the stowage chart and tables. The proposed amendment to 46 CFR 146.20–11, regarding Class C explosives, revises the requirements for Cordeau detonant fuse and by adding new requirements regarding cigarette loads and trick matches, smoke candles, smoke pots, smoke signals, and signal devices, Very signal cartridges and highway or railway fuses designed to produce visible effects for signal purposes and explosive release devices. The proposed amendment to 46 CFR 146.20–27 revises the general requirements for stowage and dunnaging of containers of explosives. The proposed amendment to 46 CFR 146.20–90, changes the stowage and storage chart of explosives and certain dangerous articles by revising the descriptive terminology of Items 2, 7, 9 and 14 of the vertical and horizontal columns.

It is proposed to amend 46 CFR 146.20–100 by adding new requirements regarding initiating explosives to Table A—Classified: Class A; Dangerous Explosives. The proposed amendment to 46 CFR 146.20–200 will add requirements regarding starter cartridges, jet engine, Class B explosives, to Table B—Classification: Class B; less dangerous explosives. It is proposed to amend 46 CFR 146.20–300 by revising the requirements for explosive auto alarms, Cordeau detonant fuse, explosive cable cutters, and common fireworks (hand ship distress signals), in Table C—Classification: Class C; relatively safe explosives.

It is proposed to amend the detailed regulations governing inflammable liquids by revising 46 CFR 146.21–100 to provide for shipment of new materials, such as aluminum triethyl, aluminum trimethyl, methyl dichlorosilane, and pyroforic fuel, which requirements will be added to the Table D—Classification: Inflammable liquids.

It is proposed to amend the detailed regulations governing inflammable solids and oxidizing materials to provide for shipment of chlorate and borate mixtures of less than 28 percent chlorate and to provide for certain exemptions for charcoal. The proposed revision will be made in Table E—Classification: Inflammable solids and oxidizing materials in 46 CFR 146.22–100.

It is proposed to amend 46 CFR 146.23–100, which is Table F—Classification: Corrosive liquids, by adding requirements for new materials, such as chromyl chloride, sodium aluminate, liquid and monochloroacetic acid.

The proposed amendment to the detailed regulations governing compressed gases provide for shipment by water of new materials. It is proposed to amend 46 CFR 146.24–100, which is Table G—Classification: Compresses gases, by adding requirements for new materials, such as pressurized liquid argon, mixtures of dichlorodifluoromethane, pressurized liquid nitrogen, pressurized liquid oxygen and N. O. S. refrigerant gas.

The proposed amendments to the detailed regulations governing hazardous articles will permit shipment of calcium carbide in fiberboard boxes and will provide new requirements for certain metal scrap which has proved hazardous in water transportation. The proposed amendment to 46 CFR 146.27–100, which is Table K—Classification: Hazardous articles, revises stowage requirements for calcium carbide, and adds new requirements for metal borings, shavings, turnings, and cuttings.

It is proposed to amend the regulations governing use of dangerous articles as ships' stores and supplies on board vessels to provide for the carriage of engine starting fluid packaged in containers other than metal cartridges. The proposed amendment to 46 CFR 147.06–3, which is Table S—Classification: Ships' Stores and Supplies of a dangerous nature, changes the requirements for starting fluid, inflammable, in metal containers.

The authority for dangerous cargo regulations in 46 CFR Parts 146 and 147 is in R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. These regulations interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

Dated: February 27, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard,
Commandant.

[F. R. Doc. 57–1726; Filed, Mar. 6, 1957; 8:53 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 903]

[Docket No. AO–10–A22]

MILK IN ST. LOUIS, MISSOURI, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Melbourne Hotel, Grand Avenue and Lindell Blvd., St. Louis, Missouri, beginning at 10:00 a. m., on March 12, 1957, with respect to proposed amendments to the tentative marketing agreement and order, as amended, regulating the handling of milk in the St. Louis, Missouri, marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and order, as amended.

Proposals numbers 5, 6, 7, and 8 refer to standards under which country plants may qualify as pool plants. Any consideration of changes in these provisions may involve corresponding changes in the standards under which city plants may qualify as pool plants. Accordingly, the hearing will be open to the consideration of all portions of the definition of pool plants and to such corollary provisions as the definitions of handler, producer, approved milk and other source milk; and the reporting, classification, pricing and payment provisions relating thereto.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

By Sanitary Milk Producers Association and Producers Creamery Company.

1. Delete § 903.6 (a) and (b) and substitute in lieu thereof the following:

(a) Diverted by a qualified cooperative association for the account of such association from a pool plant to a non-pool plant: *Provided*, That milk so diverted shall be deemed received by the cooperative association at a pool plant at the location of the plant from which diverted: *And provided further*, That before the cooperative can divert milk to a non-pool plant it must offer such milk for sale to handlers in the market for Class I purposes by a written notice stating the terms and conditions of sale.

By Square Deal Milk Producers Association.

2. Delete paragraph (b) of § 903.6 and substitute therefor the following:

(b) Diverted by cooperative association to a non-pool plant for the account of the cooperative association: *Provided*, That any such milk so diverted shall be deemed to have been received by the cooperative association at a pool plant at the location of the plant from which diverted.

3. Consider the definition of producer with respect to deliveries through the bulk tank system and make provision for circumstances where milk in a farm tank pickup truck is delivered to more than one milk plant.

By Sanitary Milk Producers Association and Producers Creamery Company.

4. Delete § 903.8 *Country plant* and substitute in lieu thereof the following:

§ 903.8 *Country plant.* "Country plant" means a plant except a city plant which is qualified as a pool plant pursuant to the proviso in § 903.9 (b) or a plant from which milk or skim milk which may be distributed in the marketing area under a Grade "A" label, is supplied during the month to a plant qualified pursuant to § 903.9 (a). Such plant shall have the building, machinery and equipment necessary for receiving, cooling and storing milk and producer milk must be physically received.

5. Delete all of § 903.9 (b) "pool plant" and substitute in lieu thereof the following:

(b) A city plant or country plant from which no less than 50 percent of its approved milk during the month is shipped to pool plants or distributed on routes to retail or wholesale outlets (including plant stores but not including pool plants or non-pool plants) located in the marketing area: *Provided*, That if a country plant ships to pool plants approved milk equal to at least 75 percent of its producer milk in the months of October and November, and 50 percent in the months of August, September, December and January, such plant shall upon a written application to the Market Administrator on or before January 31st of any year be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to re-establish its qualifications under the terms of this proviso: *And provided further*, That a country plant operated by a qualified milk proocessing cooperative association or by a qualified milk processing cooperative association under an agreement with another qualified milk processing cooperative association may become a pool plant during any month if deliveries to other pool plants equals at least 75 percent of the total milk production of the producer members of the association or associations during October and November and at least 50 percent during December through September.

6. Delete § 903.10.

By Prairie Farms of Southern Illinois.

7. Delete paragraph (b) of § 903.9 and substitute therefor the following:

(b) A country plant from which no less than 50 percent of its approved milk, during the month, is shipped to pool plants or distributed on routes to retail or wholesale outlets (including plant stores, but not including pool plants or nonpool plants) located in the

marketing area: *Provided*, That if a country plant ships to pool plants, approved milk equal to at least 75 percent of its producer milk in October and November and at least 35 percent of such milk in three additional months during the months of August through January, inclusive, such plant shall, upon written application to the market administrator on or before January 31 of any year, be designated as a pool plant until the end of any month during the succeeding August through January period in which the milk of such plant is disposed of in such a way that it becomes impossible for the plant to re-establish its qualification under the terms of this proviso.

8. Delete § 903.10.

By Sanitary Milk Producers Association and Producers Creamery Company.

9. Delete all of § 903.12 and substitute in lieu thereof the following:

§ 903.12 *Handler.* "Handler" means:

(a) Any person in his capacity as an operator of a city plant or a country plant.

(b) A producer handler.

(c) A qualified cooperative association with respect to milk producers diverted for the account of such association from a pool plant to a non-pool plant.

(d) A qualified cooperative association with respect to milk from any member producer as defined in § 903.6 of such association which is transferred from a pool plant to another pool plant by such association for its account: *Provided, however*, That such cooperative association shall notify the Market Administrator in writing of their intentions of becoming the handler for such milk and shall be deemed to be the handler for such milk for the full delivery period. *Provided*, That a cooperative association to become the handler for such milk must otherwise be a handler under this part.

By Prairie Farms of Southern Illinois.

10. Add a new § 903.17 to read as follows:

§ 903.17 *Cooperative association.* "Cooperative association" means any cooperative association of producers, bona fide engaged in marketing producer milk covered by this part or in rendering services for or advancing the interests of the producers of such producer milk.

By Producers Creamery Company.

11. Add the following definition to the section of the order dealing with definitions.

§ 903.__ *Qualified cooperative association.* "Qualified cooperative association" means any cooperative association of producers which the Secretary determines:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, known as the Capper Volstead Act;

(b) To be governed by the principles of one member one vote so as to have its entire activities under the complete control of its members; and

(c) To have and to exercise full authority in the sale of the milk of its members consistent with good marketing practices which will bring about the highest possible utilization of its members' milk.

By Sanitary Milk Producers Association and Producers Creamery Company.

12. Add a new definition as follows:

§ 903.__ *Qualified milk processing cooperative association.* "Qualified milk processing cooperative association" means a qualified cooperative association which operates facilities for receiving, weighing, cooling and shipping Class I milk and for processing milk into Class II products.

13. Add a new definition as follows:

§ 903.__ *Dairy farmers for other markets.* "Dairy farmers for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during March through July from a farm from which the handler, or an affiliate of a handler, or any person who controls or is controlled by the handler, received non-pool milk during any of the preceding months of August through February, except the term shall not include any person who was a producer handler during such August through February period.

14. It is proposed that the following sections of Federal Order No. 3 be changed so that closing inventory of Class I products can be classified as Class II and that the allocation and computation of value sections be revised to conform with such changes.

(a) Section 903.41 (b) (2) be deleted as now written and replaced by the following:

(2) In inventory of milk and milk products designated as Class I milk pursuant to paragraph (a) (1) and (2) of this section on hand at the end of the month.

(b) Section 903.45 (a) (5) be revised as follows:

(5) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 903.41 (a) (1) and (2) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of milk remaining in Class I milk.

(c) Propose that the numbering of present subparagraphs (5), (6) and (7) of § 903.45 (a) be changed to (6), (7) and (8).

(d) Section 903.70 be changed by adding (d) as follows:

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat remaining in Class II after the calculations pursuant to § 903.45 (a) (7) and (b) less amount deducted pursuant to § 903.45 (a) (1) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 903.45 (a) (5) and (b) for the current month, whichever is less.

(The subparagraph numbers referred to above are as proposed to be revised herein.)

By the Dairy Division.

15. It is proposed that § 903.44 be revised so as to make the order more specific in the handling of receipts and utilization of milk products from which some or all of the water has been removed.

By Sanitary Milk Producers Association and Producers Creamery Company.

16. Amend § 903.43 transfers by adding a subparagraph (5) under (c) to read as follows:

(5) Unless the non-pool plant is not packaging Class I products and the non-pool plant is not disposing of bulk milk to other plants having packaging facilities: *Provided*, That this shall not result in the classification of producer milk to Class I in excess of the total amount of Class I distribution or disposition to other plants having packaging facilities from said non-pool plant.

By Prairie Farms of Southern Illinois.

17. Delete § 903.43 and substitute therefore the following:

§ 903.43 *Transfers.* (a) Skim milk and butterfat disposed of from a pool plant to the pool plant of another handler in the form of milk, skim milk or cream shall be Class I milk unless Class II milk is indicated by the operators of both plants in their reports submitted pursuant to § 903.30: *Provided*, That in no event shall the amount so classified as Class II be greater than the amount of producer milk used in such class in the pool plant(s) of the transferee handler after allocating other source milk in such plant(s) in series beginning with the lowest price utilization.

(b) Skim milk and butterfat disposed of in the form of milk, skim milk or cream by transfer or diversion from a pool plant to a non-pool plant shall be Class I milk unless:

(1) The product is transferred or diverted in bulk form or in producer cans;

(2) The transferee-plant is located within 150 airline miles from the City Hall in St. Louis, Missouri, and Class II milk is indicated by the operator of the pool plant in his report submitted pursuant to § 903.30;

(3) The operator of the non-pool plant maintains books and records which are made available for examination upon request by the Market Administrator and which are adequate for the verification of Class II utilization; and

(4) Equivalent amounts of skim milk and butterfat, respectively, were actually utilized in the non-pool plant during the month in the use reported: *Provided*, That if less than equivalent amounts of skim milk and butterfat, respectively, were actually used as reported, the difference shall be classified as Class I milk.

(c) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream, from a pool plant to retail establishments shall be classified as Class I milk; *Provided*, That milk and butterfat contained in milk, skim milk, or cream so disposed of in bulk to retail establishments which, under applicable health regulations, are permitted to receive milk, skim milk, or cream, other than of Grade A quality for Class II uses, shall be classified as Class II milk if so used or disposed of: *And provided further*, That the market administrator is allowed to verify such use or disposition in the retail establishment.

(d) Skim milk and butterfat disposed of in the form of milk, skim milk, or cream by transfer or diversion from a pool plant to a producer-handler shall be classified as Class I milk.

By Co-operative Milk Producers of Missouri.

18. Consider amending § 903.51 (a) (1) by making changes in seasonal premiums to make it more attractive for the producer to level his supply of milk.

By Square Deal Milk Producers Association.

19. In § 903.51 (a) (1), consider the fixing of a Class I price in relation to competing markets and consider changes in the seasonal differentials so as to encourage production more in alignment with the needs of the market.

20. In § 903.51 (a) (2), consider changes in the basic utilization percentage and other supply-demand factors.

By Prairie Farms of Southern Illinois.

21. In § 903.51 (b), change the Class II milk price to an amount equal to the basic formula price less 6 cents for the months of September through February, and compute the Class II price for all other months as follows:

(1) Multiply by 4.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department during the month;

(2) Multiply by 8.2 the weighted average of carlot prices per pound of roller process nonfat dry milk solids, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceeding month through the 25th day of the current month by the Department; and

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

By Co-operative Milk Producers of Missouri.

22. Consider amending § 903.51 (b) to provide a more realistic approach to the price for Class II milk.

By Sanitary Milk Producers Association and Producers Creamery Company.

23. Delete all of § 903.52 location differential to handlers and substitute in lieu thereof the following:

§ 903.52 *Location differential to handlers.* With respect to skim milk and butterfat contained in milk received from producers at a pool plant outside the marketing area which is classified as Class I the price per hundredweight shall be reduced by the amount set forth in the following schedule according to the shortest hard surface road distance from the plant where the milk is received from producers, or the plant from which the milk is diverted to the City Hall in St. Louis.

Mileage:	Allowance (cents)
More than 70 but less than 80 miles	16
More than 80 but less than 90 miles	18
More than 90 but less than 100 miles	20
More than 100 but less than 110 miles	22
For each additional 15 miles or fraction thereof an additional	1

Provided, That for the purpose of calculating such location differentials with respect to approved milk transferred between pool plants, the Class II approved milk remaining in the transferee plant (except skim milk or butterfat in such plant which was subtracted pursuant to § 903.43 (a) (1) and (b)) after deducting therefrom the amount of such milk or an amount equivalent to 0.05 times the approved milk at such plant, whichever is less, shall be assigned to approved milk from other plants in sequence according to the location differential applicable at each plant from which approved milk was received, beginning with the plant having the largest differential, and then to producer milk: *And provided further*, That any approved milk transferred between city plants as Class II milk, which is to be assigned to receipts of approved milk from other plants pursuant to this section, shall be assigned to approved milk received from such other plants by either city plant so as to yield the greatest return to producers.

By the Dairy Division.

4. Add a new provision as follows:

§ 903.54 *Use of equivalent price.* If for any reason a price quotation required by this part for computing class prices or for any other purpose is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

By Square Deal Milk Producers Association.

25. Amend the order so as to provide that all sales made by handlers in other Federal order areas and classified as Class I under Order No. 3 shall be at the Class I price under Order No. 3 or under such other Federal order, whichever is higher.

By Prairie Farms of Southern Illinois.

26. Delete § 903.62 and substitute therefor the following:

§ 903.62 *Handlers operating nonpool plants.* None of the provisions from §§ 903.42 through 903.46, inclusive, or from §§ 903.70 through 903.85, inclusive, shall apply in the case of a handler in his capacity as an operator of a nonpool plant, except that such handler shall, on or before the 25th day after the end of each month pay to the market administrator for deposit into the producer-settlement fund any amount resulting from the following computation:

(a) Compute an amount equal to the value of milk which would be computed pursuant to § 903.70 for milk received from dairy farmers at such plant for such month if such handler operated a pool plant;

(b) Deduct the gross payments, inclusive of any premium but exclusive of deductions, made by the handler to dairy farmers with respect to the milk for which a value is computed pursuant to paragraph (a) of this section:

(c) Divide the remainder, if any, by the number of hundredweights of milk received from such dairy farmers and classified as Class I milk: *Provided*, That in no event shall the resulting amount per hundredweight exceed the difference between the Class I price adjusted by the Class I butterfat and location differentials and the uniform price adjusted by the Class I location differential and by a butterfat differential calculated by multiplying the total volume of producer butterfat in each class during the month by the butterfat differential for each class, dividing the results by the total butterfat in producer milk and rounding the resultant figure to the nearest one-tenth cent.

(d) Multiply the amount per hundredweight determined pursuant to paragraph (c) of this section by the number of hundredweights of Class I milk disposed of from such plant in the marketing area.

By Midwest Dairy Products.

27. Amend § 903.62. Handlers operating non-pool plants, to provide for payment into the producer Settlement Fund, whichever is the lesser amount.

(a) The product of the quantity of milk served by such handlers which was disposed of in the marketing area on routes as Class I milk during the month multiplied by the difference between Class I and Class II price pursuant to the order during April through July and the difference between the price for Class I milk and the uniform price pursuant to the order during August through March, after giving consideration to location differential.

(b) Any plus amount resulting from the following computation; Divide an amount equal to the net pool obligation which would be computed pursuant to § 903.70 for such handler for such month if such handler operated a pool plant by the hundredweight of milk received from approved dairy farmers; deduct the payments per hundredweight of milk made by such handler to approved dairy farmers for milk received during such month: *Provided*, That if such handler has paid dairy farmers by more than one rate, the payments to approved dairy farmers shall be computed at the lowest rates paid for a volume of milk equal to the volume disposed of in the marketing area.

28. Amend § 903.70 (b) (1) deleting "March" and substituting therefor "April"; and § 903.70 (b) (2) deleting "February" and substituting therefor "March".

By Sanitary Milk Producers Association and Producers Creamery Company.

29. Amend § 903.80 *Time and method of payment for producer milk* by amending paragraph (b) and adding a new subparagraph (3) to paragraph (b) as follows:

(b) In the case of a qualified cooperative association which has so requested

any handler in writing, such handler shall make payment to the qualified cooperative association for milk received during the month from the producer members as designated by the Market Administrator of such association as follows:

* * * * *

(3) That to these amounts shall be added one-half of one percent of any amount due the qualified cooperative association or producer pursuant to this section for each month or any portion thereof that such payment is overdue.

30. Amend § 903.82 *Location differentials to producers* by substituting conforming language so that it will provide for the same changes as were proposed for § 903.52 *Location differentials to handlers.*

31. Delete all of § 903.88 *Marketing services* and substitute in lieu thereof the following:

§ 903.88 *Marketing services.* (a) Each handler in making payments to producers pursuant to § 903.80 shall deduct 5 cents per hundredweight or such lesser amount at the Secretary may prescribe with respect to all milk received by such handlers (excluding such handler's own production) from producers during the month and shall pay such deductions to the Market Administrator on or before the 15th day after the end of each month provided that such deduction shall not apply to members of qualified cooperatives, pursuant to this section.

(b) Such monies shall be used by the Market Administrator to verify weights, samples and tests of milk received from such producers and to provide them with market information. Such services shall be performed in whole or in part by the Market Administrator or by an agent engaged by and responsible to him.

By Prairie Farms of Southern Illinois.

32. Make conforming changes throughout the order so that all references to a cooperative association pursuant to § 903.88 (b), such as appears in § 903.12, shall refer in lieu thereof, to § 903.17.

By Square Deal Milk Producers Association.

33. Make such other changes as may be necessary or desirable or required to make the marketing agreement and order for the St. Louis marketing area conform with the amendments thereto that may result from the hearing.

Copies of this notice of hearing and the order, as amended, may be procured from the Market Administrator, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 1st day of March 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,

[F. R. Doc. 57-1722; Filed, Mar. 6, 1957; 8:52 a. m.]

[7 CFR Part 969]

[Docket No. AO-254-A2]

AVOCADOS GROWN IN SOUTH FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), hereinafter referred to as the "order," regulating the handling of avocados grown in South Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the tenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Avocado Administrative Committee, the administrative agency established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held on December 11, 1956, in the Auditorium, Redlands Farm Labor Camp, Homestead (Modello), Florida, was published in the FEDERAL REGISTER (21 F. R. 9383) on November 30, 1956.

Material issues. The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(1) Permit only a grower or producer having a proprietary interest in 10 or more bearing avocado trees to participate in nominations of grower members and alternate members of the committee;

(2) Permit only growers who reside outside the production area to be represented by duly authorized agents in nomination meetings;

(3) Authorize the committee to hold simultaneous meetings of groups of its members at two or more places through the use of appropriate telephone communication with loud speaker receivers;

(4) Change the time for the preparation and mailing of the annual report to read "as soon as practicable after the close of each fiscal year";

(5) Change the provisions pertaining to assessments and accounting to permit the carryover of surplus assessment funds for use as a reserve to finance certain order operations;

(6) Authorize the committee, when necessary, to exempt from the regulatory, assessment, and inspection provisions of the order, shipments of avocados made in furtherance of a marketing research project of the committee;

(7) Authorize the establishment of pack specifications, and of regulations requiring all avocados handled to be packed in accordance with such specifications and for the containers to be identified by labels, stamps, or other appropriate means;

(8) Authorize the establishment of regulations with respect to avocados shipped to destinations within the production area different from those applicable to avocados shipped to destinations outside of such area.

Findings and conclusions. The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) The current definition of "grower" defines such term as any person who produces avocados for market and who has a proprietary interest therein. It was proposed to amend the current definition of grower to permit only a grower or producer having a proprietary interest in 10 or more bearing avocado trees to participate in the nomination of grower members and alternate members of the committee.

It is concluded from the evidence that it would be in the best interest of commercial growers or producers of Florida avocados to amend § 969.8 *Grower,* of the order, as hereinafter set forth.

It is apparent from the testimony that the industry intends that the local administration of the order primarily should be by the growers who are engaged in the production on a commercial scale of avocados for market. It was pointed out that there are thousands of homes in the general area of South Miami and Homestead, Florida, many of which are located on lots subdivided from former avocado groves. These homes usually have a few avocado trees remaining as backyard plantings, and there are many other homes in both urban and rural areas in Southern Florida where the owners have planted a few avocado trees and other subtropical fruit trees in the backyards for ornamental or aesthetic purposes, and for home use of the fruit.

Under the present definition of grower, thousands of these home owners qualify as producers of avocados and may participate in nomination meetings if they desire. They far outnumber the recognized commercial producers of avocados in the production area. The production of avocados by these home owners, however, is insignificant when compared to the total production of avocados by all producers. Such home owners have little, if any, financial interest in the commercial production of avocados, and, therefore, they are affected very little by the provisions of the order. Nevertheless, they could, if they should so desire, dominate the program by outvoting recognized commercial avocado producers in nomination meetings.

It is not usually the intent of the owners of these so-called "backyard trees" to produce avocados for market. This can reasonably be concluded from the fact that a few trees will only yield a small number of bushels of avocados a year (estimated in the case of "backyard growers" to be about 1 to 3 bushels per tree per year). Also, the nature of the avocado is such that all the avocados on a particular tree do not mature at the same time, and the fruit itself matures gradually. Avocados may be held on the tree from 3 to 6 weeks after they reach a stage where they are considered mature enough to be harvested. Furthermore, there are a great number of different varieties of avocados, which bear at different times of the season. It was testified that most homeowners, with a few avocado trees, have more than one variety, so they can have the fruit several months of the year. Moreover, the owners of these "backyard trees" usually do not cultivate, fertilize, spray, or perform other cultural practices that would be necessary to produce avocados of a desired marketable quality. The avocado production of the "backyard grower" is intended primarily for home use and possibly occasional gifts to friends.

Furthermore, should the owner of a few avocado trees desire to market avocados from such trees, he could normally do so free from assessment, regulation, and inspection under the provisions of the order. Any person is now permitted to handle not in excess of 1 bushel of avocados to any other person during any one day, with a maximum of 10 bushels per week, free from such restrictions. In view of the relatively small production of 9 trees, the fact that most are intended for home use, and the further fact that avocados can be held on the tree from 3 to 6 weeks after they reach maturity, there should seldom be occasion for commercial sales, and such sales should normally be in quantities of a bushel or less. Thus, a "backyard" grower should usually be able to sell from his production, such as to a retailer, free from any of the indicated restrictions, insofar as he is concerned. Of course, sale by any person in excess of the exempted quantities would be subject to regulation.

There was considerable discussion at the hearing as to whether the proposed restricted definition of "grower," insofar as participation in nominations is concerned, should also be made applicable to eligibility for grower member or alternate member representation on the committee. In other words, whether avocado growers should be precluded from nominating and the Secretary from selecting, a "backyard" grower to represent them. It was testified, without opposition, that such preclusion need not and should not be extended to such a point. It was stated that such a happening would not normally be expected to occur, but there was a possibility that there might arise a situation of a "backyard" grower who had such outstanding qualifications that his selection to the committee might be most desirable and the growers should not be precluded from nominating him to a position on the committee in that event. It was further testified that the potentially objectionable situation arising from the present definition should be obviated by the proposed restriction with respect to participating in nominations.

Therefore it is concluded that in view of the foregoing circumstances, it would be in keeping with the best interests of producers and consumers of avocados, if producers of 10 or more bearing avocado trees only were permitted to participate in nomination meetings.

(2) The present provisions (§ 969.22 (b) (2)) of the order pertaining to nomination meetings permit growers who are present at such nomination meetings, or who are represented at such meetings by duly authorized agents, to participate in the nomination and election of nominees for grower members and their alternates.

It was proposed, at the hearing, that only growers who reside outside the production area should be permitted to be represented in nomination meetings by agents. It was testified that the authority for growers to be represented at nomination meetings by agents, or the so-called "proxy voting" authority, was intended for owners of avocado groves who qualify as growers and who reside outside the production area. It was estimated that as much as 40 percent of the total production of avocados is owned by persons residing outside the production area, many residing in cities such as Detroit, Cleveland, and New York. It is usually impossible for such owners, because of the great distances from the production area, to attend nomination meetings. Such persons usually place their avocado groves under the care of a grove manager who usually performs all the cultural practices associated with growing avocados and also usually harvests and markets the crop, depositing the returns from the sale of the crop to the account of the owners. These absentee owners have a great financial interest in the Florida avocado industry and, therefore, should be permitted to be represented in nomination meetings.

However, it was testified that the presently permitted voting arrangement was not desirable for the most effective operation of the order, since growers who reside in the production area also are permitted to be represented in nomination meetings by duly authorized agents. This has tended to concentrate the votes in the hands of a few people and has discouraged individual growers with only one vote from attending nomination meetings. In a marketing program of this type, where operations of the order affect the entire Florida avocado industry, it is highly desirable to have as large a representation as possible at such meetings. Therefore, it is concluded that it may not be in the best interests of avocado growers to permit those growers who reside in the production area to be represented by agents in nomination meetings.

It was testified that the majority of avocado growers who reside in the production area probably would have to travel no more than 30 miles to 40 miles to attend nomination meetings, and that most of the growers could attend the meetings if they desire. One witness testified that there are a number of persons who reside in the production area but who have other businesses which either take them away from the area temporarily or keep them busy, so that they may not be able to attend nomination meetings themselves. He stated that many of such persons have an arrangement with a grove manager, who takes care of their avocado planting, similar to the arrangements between managers and persons who reside a great distance from the production area, and he believed that they also should be permitted to be represented by agents in nomination meetings. However, this witness stated that he had no answer as to how the authority to be represented in nomination meetings could be limited only to certain classes of growers residing in the production area.

In view of the foregoing circumstances and the fact that production area growers may attend nomination meetings without hardship, in most instances, it is concluded that § 969.22 (b) (2) (relating to representation at nomination meetings) of the order should be amended as hereinafter set forth.

(3) The present provisions (§ 969.30 (b)) of the order pertaining to procedure for holding meetings authorize the committee, in addition to voting at assembled meetings, to vote by telegraph, telephone, or other means of communication, provided, that votes cast in such manner are confirmed promptly in writing. The authority to vote by telephone is necessary to make administratively feasible the operation of the order for Florida avocados. The production of avocados in Florida is concentrated in two separate districts which are a considerable distance apart. Up to this time, assembled meetings have generally been held at the committee headquarters at Homestead in District 1, which district has seven of the nine members of the committee. This has entailed a considerable hardship on the two members from District 2 in attending such meetings and has, at times, resulted in delay in taking needed actions. The avocado industry, like other fresh produce industries, is a dynamic one where climatic, marketing, and other conditions often change or fluctuate rapidly. In order to contribute to orderly marketing and to serve the best interests of avocado producers, it must, therefore, be possible for the committee to take prompt action on its regulatory and other functions under this marketing program. Since travel between the two districts for the attendance of meetings requires a great deal of time, telephone voting is particularly necessary after emergency situations such as hurricanes, high winds, or frost damage. Telephone voting also could be beneficial at times when matters, such as the original issuance or modification of

quality or maturity regulations, have to be disposed of between regular assembled meetings of the committee, which are usually held about once a month. The situation is such that telephone meetings of the presently proposed nature should be permitted to be held when the committee deems such type of meetings to be desirable.

It was testified that the present procedure of the committee for telephone voting is inadequate, since it does not permit discussions of, or the modifications of, any proposal that is put to vote. It was proposed that loud speaker receivers be used with telephones, to permit committee members to meet in two or more designated places, so that each member may participate in discussions and take into consideration any information that other committee members may wish to make known to the entire committee. Such procedure would also permit greater participation of the industry where prompt action by the committee is required, since industry representatives could attend the group meetings and make known to the committee their respective thoughts concerning the matters under consideration. This is, of course, not possible where the present telephone vote is used. In view of the foregoing circumstances, it is concluded that the provisions of the order pertaining to meetings should be amended as hereinafter set forth.

(4) The present provisions (§ 969.32) of the order require that the committee shall, prior to March 31 of each fiscal year, prepare and mail an annual report to the Secretary and to each handler and grower who requests a copy. The provisions further stipulate that the annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations; and (c) any recommendations for changes in the program.

It was testified that since the fiscal year also ends on March 31, in order for the committee to comply with the present deadline, it is forced to include only minimum requirements, and some analyses included are necessarily based upon incomplete information and estimates. This is necessitated because avocados are shipped during approximately 10 months of the year, and some avocados are still being shipped during March. The committee must depend also on other agencies in the State of Florida for data on shipments and other statistical data, and, therefore, such information is not immediately available to the committee. A complete summary of shipments and other data are not available to the committee until a time later than the close of the fiscal year. It is, therefore, impossible for the committee to prepare and submit a complete report on its functions before the close of the fiscal year.

It is, therefore, concluded that the provisions of the order should be amended as hereinafter set forth to require that annual reports be submitted as soon as practicable after the close of each fiscal year.

(5) Present provisions (§ 969.42) of the order provide that if, at the end of a fiscal year, the assessments collected are in excess of the expenses incurred, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operations of the following fiscal year, and that any handler may demand payment of such a refund, and the refund shall be paid him. Since handlers may demand and receive payment of excess committee funds at the end of each year, the committee cannot build up a normal operating reserve or contingency fund from which it may draw during periods when income is not adequate to cover expenses.

Although some avocados may be picked during any month of the year, except April and May, the peak avocado production and shipment occurs in the late fall and winter. The fiscal year starts on April 1, and, therefore, the committee must operate during April, May, June, July, and August on very little assessment income. This means that, for all practical purposes, the committee incurs nearly one-half of its yearly expenses before any substantial income is received.

The present provisions of the order authorize the committee to borrow funds not in excess of 10 percent of its estimated yearly expenses and to accept from handlers the payment of assessments in advance. However, the authorization for borrowing is inadequate in view of the expenditures that may be necessary before income is obtained. An operating reserve is an important instrument for the continued effective operation of the order over a period of years. The State of Florida is very susceptible to hurricanes at a time before the major portion of the crop is harvested and to frost damage at the time of bloom and fruit set. The anticipated avocado crop for any year may be reduced also by such other factors as high winds not amounting to a hurricane and by drought. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. When the handlers have already made returns to growers, it would be very difficult for them to obtain from such growers the additional funds required to meet the increase in assessment that would be necessary. It also would constitute an extra burden on the industry to increase the assessment rate after disasters such as these have occurred.

Because of the hazards incident to the production of avocados, and the difficulties thus expected to be encountered in financing operations of the program during some years, it would be desirable to establish an operating reserve for use during any such year. Evidence presented at the hearing was to the effect that nearly all of the production of avocados is marketed year after year by the same handlers and that it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. It was testified that the proposed reserve fund should be built up to the desirable amount as rapidly as possible, since a material reduction of the crop could occur at any time. Discretion should be used, however, so as not to impose excessively high assessments. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess assessment funds available at the end of a fiscal year for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal year's expense be provided. It was shown that such an amount should be sufficient to cover any foreseeable need since some income from assessment may be expected during any year. After the reserve has been built up to that amount, excess assessment income should thereafter be returned to the handlers entitled to refunds in accordance with the current provisions of the order. However, in keeping with the need for the reserve fund, whenever any portion of it is used, the full amount withdrawn should be returned to the reserve as soon as assessment income is available for this purpose.

It was testified also that, in addition to the aforementioned uses, the reserve fund should be used, with the approval of the Secretary, to cover costs of liquidation of the program in the event the order is terminated, as well as to cover necessary operational costs, such as for salaries and other necessary expenses, during any period when the order, or any of its provisions, should be suspended. It is possible, of course, that the program may be terminated at the end of a fiscal year, or during a year when the production of avocados is relatively light. In such circumstances, it would be burdensome to handlers to require payment of an assessment to cover the liquidation costs. It was advanced at the hearing that all handlers receive benefits from the program's operation, and, even if a handler ceases handling avocados before the full period of its operation, it would be appropriate and equitable for such handler to share in the expense of liquidation. Should the order provisions be suspended, it is likely such suspension would occur during a period when avocado production has been seriously curtailed. It would seem reasonable and proper, therefore, to use the reserve funds to defray any expense of liquidation or any necessary cost of operation during a period of suspension. It is anticipated, of course, that the committee will endeavor to minimize costs in this regard so far as reasonably practicable consistent with the efficient performance of its responsibilities.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. It is apparent, from the evidence of record, that it may not be possible to make an exact

distribution of any such funds. Should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

A proposal, incident to the establishment of a reserve, would eliminate the committee's authority to borrow up to 10 percent of estimated expenses and to accept advance payments of assessments from handlers of avocados. However, the industry desires to retain the authority to accept advance payments as a supplementary source of operating funds to cover operating expenses during the early portion of a marketing year. Advances by handlers are entirely voluntary, and the amounts are credited against the subsequent assessment obligations which accrue against them. It is concluded from the testimony introduced in the hearing that the industry does not desire to retain the committee's authority to borrow funds not to exceed 10 percent of the estimated yearly expenses. It was testified, as heretofore explained, that the borrowing of funds is an inadequate method of financing the committee because of the low limitation and the length of time the committee must function before assessment income is sufficient to cover the costs of operating the program.

In view of the foregoing circumstances, it is, therefore, concluded that the committee's authority to borrow funds should be deleted from the marketing agreement and order and that § 969.42 thereof should be amended as hereinafter set forth to permit excess assessment to be placed in a reserve and used in the manner heretofore described.

(6) The present provisions (§ 969.45) of the order provide for the establishment of marketing research and development projects designed to assist, improve or promote the marketing, distribution, and consumption of avocados. Present provisions also require that any person who handles avocados shall pay the committee his pro rata share of the expenses of the committee based upon the quantity of avocados he handles during the fiscal year, that all avocados handled shall meet the requirements of regulations applicable to avocados in effect at the time of handling, and that each handler who handles avocados shall cause each lot of avocados to be inspected by the Federal-State Inspection Service and to be certified as meeting applicable requirements of regulations then in effect.

It was testified that the types of marketing research that the committee may desire to engage in in the future probably would involve the experimental handling of avocados, and avocados handled in such manner because of the nature of the study may not meet the requirements of regulations in effect. The committee presently has no authority to issue exemptions from regulations for marketing research purposes, and, therefore, if the committee desires to engage in a study such as testing various avocado shipping containers not permitted to be used under the container regulation then in effect, such regulation would have to be amended to authorize such shipments. The committee may well desire to engage in other experimental shipments of avocados such as shipping avocados of various stages of maturity or of various grades and packs, some of which may differ from regulation requirements.

Since the avocados shipped for experimental purposes may not meet regulation requirements, it was further testified that the committee should have authority also to exempt such shipments from the inspection requirements, when necessary. The certification that avocados meet all applicable requirements of regulations in effect obviously could not be obtained for some types of avocado shipments under research projects similar to those mentioned. On the other hand, authority to require some types of experimental shipments to meet regulation and inspection requirements is needed since such requirements would, when desirable and necessary, serve as a control, in that the grade, size, quality, or maturity of all avocados shipped in connection with the research projects may thereby be held comparable, and the effects of some other variable such as container could be more accurately measured.

Authority should be provided also to exempt, when necessary, shipments of avocados from the assessment provisions of the program. It was testified that the committee itself may desire to become a handler of avocados shipped for test purposes, and, in such instance, it would merely be a case of "taking money from one pocket and placing it in another." Also, research projects may require considerable cooperation and expense on the part of those handlers cooperating in such studies, and, therefore, the committee does not feel that, in every instance, test shipments should be subject to assessments.

It is, therefore, concluded that the order should be amended, as hereinafter set forth, to permit the committee to exempt shipments of avocados for research purposes from any or all of the provisions of §§ 969.41 (relating to assessments), 969.51 (relating to regulation), and 969.54 (relating to inspection and certification). Such authority should be limited, so that such exemptions would be available only when necessary to carry out the particular research project in connection with which the exempted shipment would be made.

(7) The present provisions (§ 969.51) of the order, with respect to the issuance of regulations, provide that the Secretary may, upon recommendation of the committee, regulate essentially in the manner hereinafter specified, the handling of avocados. Such regulations may: (1) Prohibit, prior to such time as shall be specified, the handling of any size or variety of avocados grown in the production area; (2) prohibit the handling of any variety of avocados which do not meet such quality and maturity standards as shall be prescribed; and (3) fix the size, capacity, weight, dimensions, or pack of containers used in the handling of avocados.

It was testified that the Secretary, upon recommendation of the committee, should have the additional authority to establish and prescribe pack specifications; and, as an incident to such specifications, the authority to prescribe the grade and designation thereof, type of pack, packing arrangement, and sizes of avocados, including tolerances, and require that all avocados handled shall be packed in accordance with such pack specifications and shall be identified by appropriate labels, seals, stamps, tags, or other appropriate means of identification (with such specifications marked thereon) affixed to or imprinted on the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service.

Evidence presented at the hearing shows that, prior to the time the order was made effective, it was the general practice of most shippers of avocados to pack and ship, under separate house labels, several qualities of avocados. That is, the avocados handled by a particular shipper were graded and packed according to house grades which he had adopted as his standards of quality. It was customary to identify the containers of avocados so graded with an appropriate label showing designations such as "Extra Fancy," "Fancy," "No. 1," "No. 2," "Choice," or with other meaningful terms. After the order became effective, the shippers of avocados generally discontinued the practice of using house specifications for the grading and packing of avocados. While this result was not intended under the program operations, the majority of shippers presently grade and pack avocados only so as to meet the minimum requirements of regulations effective under the order. Most shippers request inspection from the Federal-State Inspection Service to show only that their avocados meet the minimum requirements of the regulations. The pack may contain avocados of a "No. 1" or "Combination" grade, but if the minimum requirement of the regulation is "No. 2," the inspection certificate in the majority of cases will show only that the avocados meet the minimum requirements of the regulation, because that is the type of inspection generally requested.

Because of the type of inspection requested by avocado shippers, the buyers and receivers in the trade are dependent on shippers to inform them as to the grade or quality of avocados they purchase. Moverover, even if inspection certificates show the correct grade of each lot of avocados, such certificates are not generally available to buyers and receivers because of the size of most avocado orders and the method of shipment. A particular lot of avocados may be delivered to a number of different dealers located in a number of cities, and it is impossible for one inspection certificate to be available to all the dealers. Because of the lack of evidence as to the quality of avocados offered for sale, a handler may represent to a prospective

buyer a quality different than is actually the case. In view of the confusion as to the grade of avocados the shippers are quoting for sale, buyers often use the lowest price offered in order to obtain lower prices from shippers they are dealing with. Buyers may state that they can purchase avocados meeting regulation requirements at, for example, 25 cents per package cheaper from another shipper, although that shipper may be offering avocados which, while meeting the minimum requirements of the regulation, are of a poorer quality. The result is that competition in the marketing of avocados has deteriorated to the point that price often has become the major competitive factor. Since shippers now normally are not selling by grade and, therefore, have no incentive to pay producers according to the quality of avocados they deliver, the growers who produce good quality avocados are forced to take the same market price as that obtained for poorer quality fruit. It is probable that the long-run effect of such practice on the avocado industry will be a lessening of efforts to produce premium quality avocados which would adversely affect demand; and growers' returns will tend to be lower than they would be with the proper designation of grades, sizes, and packs, so as to build up the confidence of buyers and the trade.

It was advanced at the hearing that under the present practices, without pack specifications and compulsory labeling, the growers' share of the final selling price of avocados may be reduced in another manner. It was alleged that some buyers, under the present conditions, for example, may buy avocados equivalent to a "Combination" grade from shippers and represent such avocados as being of "No. 1" quality in selling them to retailers. Therefore, the buyer is collecting the price differential for quality that normally should go to the producer. Pack specifications, with labeling as to grades and sizes of avocados, also should contribute to enforcement of the regulatory provisions of the order. It should make it much easier for the committee to ascertain whether certain lots of avocados are of the required grade or size if they are required to be labeled.

It was testified that if authorization is provided to establish the pack specification regulations, it should not work any hardship on the handlers of avocados to comply with such requirements. Handlers should incur, at the most, the expense of printing new labels or the cost of having pack specifications printed on present supplies of labels. The proponents of the pack specification regulations contemplate that such regulations may be effected by handlers registering with the committee, in accordance with rules and regulations prescribed by it, a label for each pack specification that is prescribed. This would enable handlers to comply with the regulation without any change in the labels currently in use. It was emphasized, however, that this would be in the nature of an experiment and that the purposes of the regulation may not be accomplished through the proposed registration of labels. Thus, authority should be provided to require handlers to identify on such labels the particular pack specification of each lot of avocados handled. If this authority were not available, some handlers may attempt to mark their packs of avocados with minimum regulation requirements only. This might result in a situation whereby such handlers may claim that the packs are of better quality than marked and force down prices on packs marked with a better grade. Also, the possibility exists under such circumstances that some handlers might offer the better quality as an inducement to purchasers to buy from them. However, in such situations, the producer would receive only the returns for the minimum grade marked on the container, when he actually should receive returns for the better quality.

In view of the foregoing circumstances, it is, therefore, concluded that the amendment of the order, as hereinafter set forth to provide for the establishment of pack specification regulations, with corresponding labeling, should tend to establish and maintain orderly marketing conditions for avocados.

(8) The present provisions of the order pertaining to the issuance of regulations do not authorize the establishment of regulations for avocados shipped to destinations within the production area different from those applicable to avocados shipped to destinations outside of such area. It was proposed that the order be amended to authorize the committee to prescribe requirements applicable to the handling of avocados of any variety to destinations within the production area which are different from those applicable to the handling of the same variety to destinations outside the production area.

It was testified, in support of this proposal, that present-day merchandising practices, where a large portion of food is sold in self-service stores, make it necessary for the industry generally to market avocados which have a good external appearance, because avocados must sell themselves. It was contended, however, that this was particularly applicable to the out-of-production area markets and that in the production area, where consumers are more familiar with avocados, they are not so concerned with minor blemishes and scars as they are concerned with internal quality. It was stated that should the regulations permit the marketing of No. 3 grade avocados within the production area only, the other markets could be maintained and growers would obtain some return for about 10 percent to 15 percent of their crop which they otherwise would be unable to market since there are presently no outlets for avocados which do not meet regulation requirements. It was testified further that a much smaller volume of avocados is moving through some of the larger production area markets this season than was moved through such markets in previous seasons. This reduction in volume was alleged to have resulted from the container regulation currently in effect, and, therefore, the handling of avocados in any type of container should be permitted for markets within the production area.

Conversely, it was contended that, before the industry had a marketing order for avocados, it had gone through a period of considerable difficulty in marketing avocados. Handlers many times had been able to sell only a portion of the No. 3 grade avocados available and at a top price of 50 cents to 75 cents per bushel. Since the bushel basket container, when supplied by the handler, costs handlers approximately 40 cents to 50 cents, and since there were also packing and handling costs and the handler's selling charge to deduct, the grower, in such instances, received little or no return for the No. 3 grade avocados the handler was able to sell. Furthermore, it was stated that the practice of marketing large quantities of poorer grade avocados in production area markets such as Miami hurt the grower's income in other ways. The poorer grades displaced some of the better grades of avocados from production area markets, and, therefore, growers lost good local markets for some of their better avocados. Also, those merchants who purchased the poorer grades were able, at times, to offer them at 1 cent to 5 cents each, whereas others purchasing the better quality avocados would have to sell them for at least 10 cents each. The result was that some of the larger chains and produce merchants quit handling avocados in volume, or at least did not push their sale, because they were unwilling to handle poorer quality avocados and, therefore, could not meet the price of some other merchants. The Florida avocado industry, therefore, got lower returns for the avocados sold in local markets, and the local markets did not take as large a volume of avocados as they were potentially able to sell. It was not until after the order was made effective that many of the chains and merchants in the area again resumed the handling of avocados in volume. As to the reduction this season in the volume of avocados being marketed in the production area markets, it was indicated that this has largely resulted from other factors. Avocado production this season is not as great as during the immediately preceding seasons, and, comparatively, prices are relatively high which has tended to hold down purchases somewhat. Also, the crop of avocados this season generally contains more small avocados than is normal. Since the local markets usually prefer the larger sized fruit, there are not as many large avocados available for these markets as in some previous seasons.

It was stated further that should authority be provided to permit the use of any type of container for shipping avocados within the production area, it would be much more difficult to enforce compliance with the regulations applicable to out-of-production area shipments of avocados. Even though the committee in the course of investigations should find a trucker within the production area, but obviously headed out of the area, with avocados in prohibited containers, it would be necessary to follow the truck out of the production area before any enforcement action was undertaken.

It, therefore, is concluded that it would not be in the best interests of the avocado growers to include in the order the authority for the establishment of regulations for avocados shipped to destinations within the production area different from those applicable to avocados shipped to destinations outside of such area, and that this proposed amendment should not be adopted.

General findings. (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, will regulate the handling of avocados grown in South Florida in the same manner as, and are applicable only to persons in the respective classes of commercial and industrial activities specified in, the marketing agreement and order upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the avocados covered thereby.

Rulings on proposed findings and conclusions. January 2, 1957, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such documents were filed within the prescribed time.

Recommended amendments to the marketing agreement and order. The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Change the period at the end of § 969.8 *Grower* to a colon and add the following proviso: "*Provided*, That as used in § 969.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing avocado trees."

2. Delete the first sentence of § 969.22 (b) (2) and substitute therefor the following: "Only growers who are present at such nomination meetings, or who reside outside the production area and are represented at such nomination meetings by duly authorized agents, shall participate in the nomination and election of nominees for grower members and their alternates."

3. Delete paragraph (b) of § 969.30 *Procedure* and substitute therefor the following:

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

4. Delete from § 969.32 *Annual report* the words "prior to March 31 of each fiscal year" and substitute therefor the words "as soon as practicable after the close of each fiscal year."

5. Delete the last sentence in paragraph (b) of § 969.41 *Assessments* and substitute therefor the following: "In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance."

6. Delete paragraph (a) of § 969.42 *Accounting* and insert, in lieu thereof, the following:

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this paragraph, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining a the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal year's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practicable, such funds shall be returned pro rata to the persons from whom such funds were collected.

7. Add, after the first sentence in § 969.45 *Marketing research and development*, the following: "The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of avocados from any or all of the requirements contained in, or issued pursuant to, §§ 969.41, 969.51, and 969.54."

8. Add, after subparagraph (3) of paragraph (a) of § 969.51 *Issuance of regulations*, the following:

(4) Establish and prescribe pack specifications for the grading and packing of any variety or varieties of avocados and require that all avocados handled shall be packed in accordance with such pack specifications, and shall be identified by appropriate labels, seals, stamps, or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of the lot.

Dated: March 1, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-1721; Filed, Mar. 6, 1957; 8:52 a. m.]

[7 CFR Part 1001]

[Docket No. AO-267-A1]

LIMES GROWN IN FLORIDA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead (Modello), Florida, on December 10, 1956, after notice thereof was published in the FEDERAL REGISTER (21 F. R. 9328), on proposed amendments to the marketing agreement and Order No. 101 (7 CFR Part 1001), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of limes grown in Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 13, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his

recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 57-1255; 22 F. R. 981). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 57-1255; 22 F. R. 981) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein, except for the following change: line 5 of proposed new § 1001.42 (a) (2) (22 F. R. 981), change "some of the funds" to read "the funds."

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement Regulating the Handling of Limes Grown in Florida" and "Order Amending the Order Regulating the Handling of Limes Grown in Florida" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders, have been met.

It is hereby ordered, That all of this decision, except the attached agreement amending the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order amending the order which will be published with this decision.

Dated: March 4, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Limes Grown in Florida

§ 1001.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Homestead (Modello), Florida, on December 10, 1956, upon proposed amendments to the Marketing Agreement No. 126 and Order No. 101 (7 CFR Part 1001), regulating the handling of limes grown in Florida. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of limes grown in Florida in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activities specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as hereby amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act;

(4) There are no differences in the production and marketing of limes grown in the production area covered by the said order, as hereby amended, that make necessary different terms and provisions applicable to different parts of such areas; and

(5) All handling of limes, as defined in said order, as hereby amended, is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of limes grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended, as follows:

1. Change the period at the end of § 1001.8 *Grower* to a colon and add the following proviso: "*Provided*, That as used in § 1001.22 the term grower shall include only those who have a proprietary interest in the production of 10 or more bearing lime trees."

2. Delete paragraph (b) of § 1001.30 *Procedure* and substitute therefor the following:

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of telephone communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place.

3. Delete from § 1001.32 *Annual report* the words "prior to March 31 of each fiscal year" and substitute therefor the words "as soon as practicable after the close of each fiscal year."

4. Delete the last sentence in paragraph (b) of § 1001.41 *Assessments* and substitute therefor the following: "In order to provide funds for the administration of the provisions of this part, the committee may accept the payment of assessments in advance."

5. Delete paragraph (a) of § 1001.43 *Accounting* and insert, in lieu thereof, the following:

(a) If, at the end of a fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this paragraph, each person entitled to a proportionate refund of the excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal year which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal year's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal year when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal year, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

6. Add, after the first sentence in § 1001.45 *Marketing research and development*, the following: "The committee may, to the extent necessary to carry out the projects established pursuant to this section, exempt the handling of limes from any or all of the requirements contained in, or issued pursuant to, §§ 1001.41, 1001.52, and 1001.55."

7. Add, after subparagraph (3) of paragraph (a) of § 1001.52 *Issuance of regulations*, the following:

(4) Establish and prescribe pack specifications for the grading and packing of any variety or varieties of limes and require that all limes handled shall be packed in accordance with such pack specifications, and shall be identified by appropriate labels, seals, stamps, or tags, affixed to the containers by the handler under the supervision of the committee or an inspector of the Federal-State Inspection Service, showing the particular pack specifications of the lot.

8. Amend subparagraph (3) of paragraph (a) of § 1001.60 *Reports* to read as follows:

(3) The date of each such disposition, the destination, by State, zone, or market area, of each lot of limes handled, and identification of the carrier transporting such fruit;

Order Directing That a Referendum Be Conducted; Designation of Referendum Agents To Conduct Such Referendum; and Determination of Representative Period

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among the producers who, during the period April 1, 1956, through January 31, 1957 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the State of Florida, excluding the area west of the Suwannee River, in the production of limes for market, to ascertain whether such producers favor the issuance of an order amending Order No. 101 (7 CFR Part 1001), regulating the handling of limes grown in Florida; and said amendatory order is filed simultaneously herewith. M. F. Miller and W. R. Cleveland, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of Order No. 101, of the aforesaid referendum procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

[F. R. Doc. 57-1744; Filed, Mar. 6, 1957; 8:55 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 688, 702, 705, 707, 708, 709]

[Administrative Order 476]

BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY; ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY; STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES, NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201, et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 29-A for the button, jewelry, and lapidary work industry in Puerto Rico, Industry Committee No. 29-B for the artificial flower, decoration, and party favor industry in Puerto Rico and Industry Committee No. 29-C for the straw, hair, and related products industry in Puerto Rico.

Industry Committee No. 29-A is composed of the following representatives:

For the public:
John Perry Horlacher, Chairman, Philadelphia, Pennsylvania.
Mortimer H. Gavin, St. Louis, Missouri.
David M. Helfeld, Rio Piedras, Puerto Rico.
For the employees:
Alex Ball, New York, New York.
Seymour Brandwein, Washington, D. C.
Hipolito Marcano, San Juan, Puerto Rico.
For the employers:
George N. Frankovich, Providence, Rhode Island.
Jose A. Franceschini, San Juan, Puerto Rico.
Max Wolfeld, Guaynabo, Puerto Rico.

For the purpose of this order the button, jewelry, and lapidary work industry in Puerto Rico is defined as follows:

The manufacture from any material of buttons, buckles, jewelry (including rosaries), jewelry findings (including beads), and hair ornaments and accessories; and the processing of natural or synthetic stones for jewelry or industrial use.

Industry Committee No. 29-B is composed of the following representatives:

For the public:
John Perry Horlacher, Chairman, Philadelphia, Pennsylvania.
Mortimer H. Gavin, St. Louis, Missouri.
David M. Helfeld, Rio Piedras, Puerto Rico.
For the employees:
Alex Ball, New York, New York.
Seymour Brandwein, Washington, D. C.
Hipolito Marcano, San Juan, Puerto Rico.
For the employers:
George R. Frankovich, Providence, Rhode Island.
Jose A. Franceschini, San Juan, Puerto Rico.
Samuel S. Berger, Naranjito, Puerto Rico.

For the purpose of this order the artificial flower, decoration, and party favor industry in Puerto Rico is defined as follows:

The manufacture of artificial flowers, buds, berries, foliage, leaves, fruits, plants, stems, and branches, and the manufacture of party favors, and ornaments and decorations for holidays, except those made of molded plastic or metal other than metallic chenille, foil, or tinsel.

Industry Committee No. 29-C is composed of the following representatives:

For the public:
John Perry Horlacher, Chairman, Philadelphia, Pennsylvania.
Mortimer H. Gavin, St. Louis, Missouri.
David M. Helfeld, Rio Piedras, Puerto Rico.
For the employees:
Alex Ball, New York, New York.
Seymour Brandwein, Washington, D. C.
Hipolito Marcano, San Juan, Puerto Rico.
For the employers:
George R. Frankovich, Providence, Rhode Island.
Jose A. Franceschini, San Juan, Puerto Rico.
Fredrick Schultz, Arecibo, Puerto Rico.

For the purpose of this order the straw, hair, and related products industry in Puerto Rico is defined as follows:

The manufacture of all products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however*, That the definition shall not cover products or activities included in the men's and boys' clothing and related products industry, or the children's dress and related products industry as defined in the wage orders for those industries; or in the textile and textile products industry, or the leather, leather goods, shoe, and related products industry as defined in Administrative Order No. 475; or in the artificial flower, decoration, and party favor industry, or the button, jewelry, and lapidary work industry, as defined in Administrative Order No. 476.

I hereby refer to each of the above mentioned industry committees the question of the minimum wage rate or rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 29-A shall commence its hearings on April 8, 1957, at 2:00 p. m., in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearings of Industry Committee No. 29-A, Industry Committees Nos. 29-B, and 29-C shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 29-A will meet at 10:00 a. m., on April 8, 1957, and Industry Committees Nos. 29-B, and 29-C, will meet at an

hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956, (21 F. R. 3678), and October 6, 1956 (21 F. R. 7669). As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file a prehearing statement containing certain specified data, not later than March 29, 1957.

Signed at Washington, D. C., this 2d day of March 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-1746; Filed, Mar. 6, 1957; 8:56 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 2,3-DICHLORO-1,4-NAPHTHOQUINONE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by United States Rubber Company, c/o Arthur Dry, and Dole, 1230 Sixth Avenue, New York, New York, proposing the establishment of a tolerance of 3 parts per million for residues of 2,3-dichloro-1,4-naphthoquinone in or on the following raw agricultural commodities: Apples, peaches.

The analytical method proposed in the petition for determining residues of 2,3-dichloro-1,4-naphthoquinone is a modification of the method proposed by McNew in Phytopathology, Volume [illegible], page 665 (1948).

Dated: February 28, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-1691; Filed, Mar. 6, 1957; 8:45 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ETHYLENE DIBROMIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, requesting the establishment of the following tolerances for residues that result from the use of ethylene dibromide to fumigate soil in connection with the production of the following raw agricultural commodities:

Raw agricultural commodity:	*Proposed tolerance (inorganic bromide (parts per million)*
Beans (green)	[illegible]
Broccoli	[illegible]
Cabbage	[illegible]
Celery	[illegible]
Cucumbers	[illegible]
Eggplant	[illegible]
Lettuce	[illegible]
Melons	[illegible]
Peppers	[illegible]
Potatoes (Irish)	[illegible]
Summer squash	[illegible]
Sweet corn (with or without forage)	[illegible]
Tomatoes	[illegible]

The analytical method set out in the petition is reported in Analytical Edition of Industrial and Engineering Chemistry, Volume 14, pages 1–4, January 15, 1942.

Dated: February 28, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-1692; Filed, Mar. 6, 1957; 8:45 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 07970]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 28, 1957.

In an exchange of lands made in accordance with the terms and provisions of the act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 12 N., R. 36 E.,
Sec. 35, SW¼NW¼.

These lands total 40 acres.

The land lies within Grazing District No. 3, three miles south of Spencer, Idaho, at approximately 5,500 foot elevation. The topography is rolling to level and the lands are non-mineral in character. The soil is sandy loam of igneous origin, generally shallow, containing some rocks and is considered submarginal for crop production. About 20 acres of these lands have been cleared and are covered with cheatgrass and some Russian thistle, the remainder is covered by sagebrush, rabbit brush and wheat grass. There is no known source of water or irrigation water available to these lands.

The land is primarily valuable for grazing and is recommended for retention by the United States in order that it may be used in connection with the stock driveway which serves the surrounding Federal range.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands described herein, are hereby open to filing of applications, selections and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed under the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land and small tract laws by qualified veterans of World War II and, or, the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. on March 5, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraph (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on July 5, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a. m., on July 5, 1957.

Persons claiming veterans preference rights under paragraph a (2) above, must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice, can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Regional Forester, U. S. Forest Service, Federal Building, Missoula, Montana.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-1701; Filed, Mar. 6, 1957; 8:47 a. m.]

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

FEBRUARY 28, 1957.

A plat of survey of the lands described below will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a. m. on April 5, 1957.

BOISE MERIDIAN

T. 21 N., R. 22 E.,
Sec. 6, Lots 15, 16;
Sec. 7, Lots 6, 7.

The areas described aggregate 65.14 acres.

The above lands are comprised of islands locally known as City Park Island, Sterling Price Island, and unnamed islands in section 7, within or adjacent to the city limits of Salmon, Idaho. The Sterling Price Island and the unnamed islands are low islands subject to overflow during high water. The City Park Island is used by the city of Salmon for park purposes.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other non-mineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 2 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on April 5, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on July 5, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on July 5, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL,
Manager, Land Office.

[F. R. Doc. 57-1702; Filed, Mar. 6, 1957; 8:47 a. m.]

OREGON

ORDER PROVIDING FOR RESTORATION OF PUBLIC LANDS FROM POWER SITE CLASSIFICATION

FEBRUARY 25, 1957.

Pursuant to determination DA-442 Oregon, of the Federal Power Commission, and in accordance with Order No. 541, § 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920, (41 Stat. 1075; 16 U. S. C. 818), as amended.

WILLAMETTE MERIDIAN, OREGON

T. 26 S., R. 2 W.,
Sec. 14: SW¼.

160.00 acres

The lands released from this withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284) as amended.

The lands described shall be subject to application by the State of Oregon for a period of 90 days from the date of the publication of this order in the FEDERAL REGISTER for right of way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24, of the Federal Power Act, as amended.

VIRGIL T. HEATH,
State Supervisor.

FEBRUARY 25, 1957.

[F. R. Doc. 57-1700; Filed, Mar. 6, 1957; 8:47 a. m.]

[Serial W-047696]

WYOMING

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

FEBRUARY 28, 1957.

In accordance with order of the Acting Director, Geological Survey, of March 23, 1956, entitled "Power Site Cancellation No. 110" (21 F. R. 2128), which canceled in part Power Site Classification No. 375 approved August 25, 1945, and pursuant to authority delegated to me by the Wyoming State Supervisor, Bureau of Land Management, under Part II of Order of Delegation filed November 21, 1956 (21 F. R. 9147) the following described public lands are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 37 N., R. 94 W.,
Sec. 5, Lots 3, 4, S½NW¼, SW¼, NW¼SE¼;
Sec. 6, Lots 1, 2, 3, 4;
Sec. 29, W½NE¼, SE¼NE¼, NE¼SW¼, NW¼SE¼.
T. 38 N., R. 94 W.,
Sec. 3, W½SW¼;
Sec. 4, Lot 4, SW¼NW¼, NW¼SW¼, NE¼SE¼;
Sec. 5, Lots 1, 2, 3, SE¼NE¼, NE¼SE¼;
Sec. 10, SE¼NE¼, S½NW¼;
Sec. 27, SE¼SW¼, SW¼SE¼;
Sec. 29, SW¼NW¼, N½SW¼;
Sec. 30, Lots 1, 2;
Sec. 31, Lots 3, 4;
Sec. 33, N½N½, SW¼NE¼.
T. 39 N., R. 94 W.,
Sec. 5, S½NE¼;
Sec. 9, SW¼;
Sec. 21, NE¼, N½SE¼, SE¼SE¼;
Sec. 22, SW¼, W½SE¼, NW¼NW¼;
Sec. 27, W½NW¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, W½SE¼;
Sec. 29, S½SE¼;
Sec. 32, NE¼, SW¼, N½SE¼, SW¼SE¼.
T. 40 N., R. 94 W.,
Sec. 31, Lot 1;
Sec. 32, SE¼SW¼.

The areas described total approximately 3535.47 acres of public lands.

1. This land is located one to two miles east of the Boysen Reservoir in the vicinity of Shoshoni, Wyoming. It consists of fair to poor grazing land without available stock water. Both topography and soils are widely varied, and are unsuitable for the production of domestic crops. The vegetation is primarily native grasses, sagebrush, and rabbit brush, with some value for grazing by range livestock.

2. No applications for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

3. The lands described shall be subject to application by the State of Wyoming for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for rights-of-way for public highways or as a source of material for construction and maintenance of such highways.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections, will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (48 Stat. 747; 43 U. S. C. 279–284, as amended) presented prior to 10:00 a. m., local time, on April 5, 1957, will be considered simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., local time, on July 5, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., local time, on July 5, 1957 will be considered as simultaneously filed that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights under paragraph a. (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory perference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. The lands hereinafter described, also included in Power Site Cancellation No. 110, are restored so far as they are withdrawn and reserved for power purposes, but remain in withdrawn status under section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300) providing for the reservation of lands containing water holes or stock driveways.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 38 N., R. 94 W.,
Sec. 28, SW¼SE¼, Public Water Reserve.
Sec. 34, NW¼NE¼, N½NW¼, Stock Driveway.

The areas described total 160 acres of public lands.

7. All of the lands described in this order have been subject to mining location under the act of August 11, 1955 (69 Stat. 681; 30 U. S. C. 621–625) and to applications and offers under the mineral leasing laws.

8. Inquiries concerning the lands described in this order shall be addressed to: Manager, Land Office, Bureau of Land Management, Post Office Box 928, Cheyenne, Wyoming.

EUGENE L. SCHMIDT,
Lands and Minerals Officer.

[F. R. Doc. 57-1703; Filed, Mar. 6, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

Pursuant to authority (19 F. R. 74) delegated to the Administrator, Agricultural Marketing Service, the material appearing at 19 F. R. 35, 6169, and 6904, 20 F. R. 7740, and 21 F. R. 304 and 2678, is hereby revoked and the following is substituted therefor:

ORGANIZATION AND FUNCTIONS

SECTION 1. *General.* The Agricultural Marketing Service, hereinafter referred to as "AMS", was created by the Secretary's Memorandum No. 1320, Supplement 4, of November 2, 1953, under the authority of section 161, Revised Statutes (5 U. S. C. 22), Reorganization Plan No. 2 of 1953 (5 U. S. C. 133z–15), and related authorities. AMS is organized to aid in advancing the orderly and efficient marketing and the effective distribution of products from the Nation's farms. The marketing and distribution functions of the Department are centered in AMS. AMS is also responsible for the coordination of all statistical and related economic analysis work of the Department. The primary functions of AMS include marketing research and development programs relating to the assembly, transportation, storage, handling, packaging, distribution and pricing of farm products, and the structure, financing and organization of domestic markets; economic analysis and statistical programs relating to agricultural prices and income, commodity outlook and situation, food demand and consumption, farm population and rural life, and agricultural history; crop and livestock estimates and reporting programs relating to production, value and utilization of farm crops and livestock and livestock products, and prices received and paid by farmers; marketing services (market news, standardization, inspection, classing, grading) programs contributing to the efficient and orderly marketing of agricultural commodities; freight rate services to assist in obtaining and maintaining equitable transportation rates and services on farm supplies and products; marketing regulatory programs aimed at protecting farmers and others from financial loss resulting from deceptive, careless, and fraudulent marketing practices; school lunch program aimed at improving the health and well-being of the Nation's school children and broadening the market for agricultural food commodities; surplus removal of agricultural commodities and marketing agreement and order programs designed to maintain prices received by farmers and establish and maintain orderly marketing conditions; and assigned civil defense and defense mobilization activities involving planning for processing and distributing foods and fibers under emergency conditions. AMS has also been delegated authority for, and is called upon, to perform certain other services for Federal, State and private agencies, on a reimbursable or advance payment basis. These include, among others, the special school milk program, and administration of section 708 of the National Wool Act of 1954. The central office of AMS is located at Washington, D. C., but a large part of the program activity is carried on through various field offices of the several Washington commodity and functional divisions.

SEC. 2. *The Office of the Administrator*—(a) *The Administrator.* The Administrator is responsible for the general direction and supervision of programs and activities assigned to AMS. He reports to the Assistant Secretary for Marketing and Foreign Agriculture.

(b) *Deputy Administrator, Marketing Research and Statistics.* The Deputy Administrator for Marketing Research and Statistics is responsible for:

(1) Participating with the Administrator in the over-all planning and formulation of all policies, programs and activities of AMS, and

(2) Directing and coordinating the administration of the marketing research and development programs, economic analysis and statistical programs, crop and livestock estimates and reporting programs, assigned civil defense and defense mobilization activities, and other related programs and activities. These programs and activities are carried out by three functional Divisions, the Agricultural Economics, Agricultural Estimates, and Marketing Research Divisions, located at Washington, D. C., and by field State Statistical offices on agricultural estimates and reporting and functional field branch offices on marketing research and development.

(c) *Deputy Administrator, Marketing Services.* The Deputy Administrator for Marketing Services is responsible for:

(1) Participating with the Administrator in the over-all planning and formulation of all policies, programs and activities of AMS, and

(2) Directing and coordinating the administration of the marketing services, freight rate services, marketing regulatory, school lunch, surplus removal, marketing agreements and orders, special school milk, assigned civil defense and defense mobilization activities, and other related programs and activities. These programs and activities are carried out by seven commodity Divisions (Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry and Tobacco), and two functional Divisions (Food Distribution and Special Services), located at Washington, D. C., and by functional field branch offices of these Divisions.

(d) *Assistant Administrator for Management.* The Assistant Administrator for Management under the direction and supervision of the Administrator is responsible for:

(1) Participating with the Administrator, Deputy Administrators, and other key staff members, in the over-all planning and formulation of all policies, programs and activities of AMS, with particular emphasis on the management aspects, and

(2) Directing and coordinating the administration and integration of the over-all management, budget, fiscal, personnel, and administrative services programs necessary to meet the requirements of the marketing and distribution programs and assigned civil defense and defense mobilization activities of AMS. These programs and activities are carried out by the Administrative Services, Budget and Finance, and Personnel Divisions located at Washington, D. C., and by field Area Administrative Divisions.

SEC. 3. *Staff Assistants and Staff Divisions*—(a) *Liaison, Matching Fund Program, State Departments of Agriculture.* This office under the direction and supervision of the Administrator is responsible for:

(1) Providing leadership and consulting services to assist States in the development and execution of matched-funds marketing service projects, under the provisions of the Agricultural Marketing Act of 1946, as amended, and coordinating similar lines of work between States, and

(2) Reviewing and approving such projects proposed by the State Departments of Agriculture, Bureaus of Markets, and similar State agencies.

(b) *Chairman, Outlook and Situation Board.* The Chairman of the Outlook and Situation Board under the direction and supervision of the Administrator is responsible for:

(1) Serving as Chairman of the Outlook and Situation Board, and

(2) Providing for the technical review and approval of all economic Outlook and Situation reports prepared within the Department.

(c) *Statistical Clearance and Standards.* This office under the direction and supervision of the Administrator is responsible for:

(1) Reviewing and clearing all survey plans, reporting requirements, and statistical forms originating in the Department and requiring approval of the Bureau of the Budget.

(2) Providing consulting services on statistical techniques within AMS and to agencies of the Department,

(3) Providing liaison for coordinating statistics within the Department and

(4) Evaluating the merits of alternative statistical methods, developing new methods, advising on the development of methods research projects undertaken within agencies of the Department, and promoting the adoption of improved methods.

(d) *Marketing Information Division.* The Marketing Information Division under the direction and supervision of the Administrator is responsible for planning and administering an information program involving all of the marketing and distribution programs and activities of AMS. In addition to the central office located at Washington, D. C., this program is carried on through area Information offices.

(e) *Program Appraisal and Audit Division.* The Program Appraisal and Audit Division under the direction and supervision of the Administrator is responsible for planning and administering the program appraisal and audit and investigatory services programs necessary to meet the requirements of the over-all programs and activities of AMS. In addition to the central office located at Washington, D. C., this program is carried on through area offices.

SEC. 4. *Marketing Research and Statistics.* The Agricultural Economics, Agricultural Estimates, and Marketing Research Divisions under the direction and supervision of the Deputy Administrator for Marketing Research and Statistics are responsible as follows:

(a) *Agricultural Economics Division.* The Agricultural Economics Division is responsible for:

(1) Planning and administering economic analysis and statistical research and service programs relating to farm prices, demand for and consumption of farm products, agricultural history; farm income, relationships between the farm economy and the national economy, and the economic forces affecting the general levels of demand, prices and income in agriculture; farm population, agricultural labor, levels and standards of living, rural organization, and other

rural problems and trends; and related activities; and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Agricultural Estimates Division.* The Agricultural Estimates Division is responsible for:

(1) Planning and administering crop and livestock estimates and reporting programs including estimates of acreages, yields, production, stocks, value and utilization of farm crops; numbers, production, value and utilization of livestock and livestock products; prices received by farmers for products sold and prices paid for commodities and services bought for living and production; farm employment and wage rates; quantities of various foodstuffs in cold storage; and other aspects of the agricultural economy,

(2) Computing the parity index and determining and publishing parity prices for agricultural commodities,

(3) Administering the Peanut Statistics Act and the Turpentine and Rosin Statistics Act, and

(4) Executing assigned civil defense and defense mobilization activities. The Division Director serves as Chairman of the Crop Reporting Board.

(c) *Marketing Research Division.* The Marketing Research Division is responsible for:

(1) Planning and administering, in cooperation with private, State, and other Federal agencies, agricultural marketing research and development programs authorized by the Agricultural Marketing Act of 1946, as amended, and other legislation, and

(2) Carrying out marketing research relating to distribution and merchandising of agricultural products with emphasis on products in abundant supply and requiring additional outlets; measurement, protection, and improvement of quality of agricultural products as they pass through the marketing system with emphasis on the physiological, biochemical, pathological and entomological problems encountered and on the physical and biological evaluation of quality factors; transportation, wholesaling and retailing, handling and facilities, and market facility planning for agricultural products with emphasis on economic and engineering research; and organization, structure and practices of commodity markets, and informational, statistical and other services needed for the management of market firms, with emphasis on economic and cost analysis research relating to the marketing of specific agricultural commodities; and related activities; and

(3) Executing assigned civil defense and defense mobilization activities.

SEC. 5. *Marketing Services.* The commodity Divisions, consisting of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, and Tobacco Divisions, and the Food Distribution and Special Services Divisions, under the direction and supervision of the Deputy Administrator for Marketing Services, are responsible as follows:

(a) *Cotton Division.* The Cotton Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, classing, grading, and testing), surplus removal, expansion of market outlets, marketing regulatory, and related programs for cotton, cotton linters, cottonseed, cotton products, and other vegetable fibers and related commodities as authorized by Cotton futures provisions of Internal Revenue Code of 1954, U. S. Cotton Standards Act, as amended, Cotton Statistics and Estimates Act, as amended, Section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities, and

(2) Executing assigned civil defense and defense mobilization activities.

(b) *Dairy Division.* The Dairy Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing agreements and orders, surplus removal, expansion of market outlets, and related programs for milk and dairy products as authorized by the Agricultural Marketing Agreement Act of 1937, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities.

(2) Directing market news services on poultry and poultry products, and domestic rabbits, and

(3) Executing assigned civil defense and defense mobilization activities.

(c) *Fruit and Vegetable Division.* The Fruit and Vegetable Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing agreements and orders, marketing regulatory, surplus removal, expansion of market outlets, and related programs for fruits and vegetables, their products and other assigned commodities as authorized by the Standard Container Acts of 1916 and 1928, as amended, Produce Agency Act, as amended, Perishable Agricultural Commodities Act, 1930, as amended, Export Apple and Pear Act, Agricultural Marketing Agreement Act of 1937, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, section 8e of the Agricultural Adjustment Act of 1933, as added August 28, 1954, and amended, Agricultural Marketing Act of 1946, as amended, and other authorities, and

(2) Executing assigned civil defense and defense mobilization activities.

(d) *Grain Division.* The Grain Division is responsible for

(1) Planning and administering marketing services (market news, standardization, inspection, grading, and testing), marketing regulatory, surplus removal, expansion of market outlets, and related programs for grain, grain products, seeds, beans, peas, rice, hay and related commodities as authorized by the U. S. Grain Standards Act, as amended, Federal Seed Act, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities.

(2) Planning and administering market news services on molasses and sugar cane syrups, and

(3) Executing assigned civil defense and defense mobilization activities.

(e) *Livestock Division.* The Livestock Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, grading), marketing regulatory, surplus removal, expansion of market outlets, and related programs for livestock, meat, meat products, wool, mohair, and related commodities as authorized by Packers and Stockyards Act, 1921, as amended, Wool Standards Act, Section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities, and

(2) Executing assigned civil defense and defense mobilization activities.

(f) *Poultry Division.* The Poultry Division is responsible for:

(1) Planning and administering marketing services (standardization, inspection, and grading), surplus removal, expansion of market outlets, and related programs for poultry, poultry products, domestic rabbits, and related commodities as authorized by Section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, Agricultural Marketing Act of 1946, as amended, and other authorities,

(2) Formulating policies for market news service on poultry and poultry products, and domestic rabbits, which are administered by the Dairy Division, and

(3) Executing assigned civil defense and defense mobilization activities.

(g) *Tobacco Division.* The Tobacco Division is responsible for:

(1) Planning and administering marketing services (market news, standardization, inspection, and grading), marketing agreements and orders, marketing regulatory, surplus removal, expansion of market outlets, and related programs for tobacco, tobacco products and by-products, naval stores, and related commodities as authorized by Tobacco Stocks and Standards Act of 1929, as amended, Tobacco Inspection Act, as amended, Tobacco Plant and Seed Exportation Act, Naval Stores Act, Agricultural Marketing Agreement Act of 1937, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, and other authorities, and

(2) Executing assigned civil defense and defense mobilization activities.

(h) *Food Distribution Division.* The Food Distribution Division is responsible for:

(1) Planning and administering food distribution programs including school lunch, special school milk, direct distribution, food trades, food preservation, and related programs as authorized by National School Lunch Act, as amended, section 32 of the Agricultural Adjustment Act of August 24, 1935, as amended, sections 201 (c) and 416 of the Agricultural Act of 1949, as amended, and other authorities, and

(2) Executing civil defense and defense mobilization activities which include acting as food claimant for U. S. civilians, and working with the Federal Civil Defense Administration on problems of emergency food supply and distribution.

(i) *Special Services Division.* The Special Services Division is responsible for:

(1) Administering the U. S. Warehouse Act, as amended.

(2) Administering provisions of Section 201 of the Agricultural Adjustment Act of 1938, Section 203 (j) of the Agricultural Marketing Act of 1946, and certain related authorities covering adjustment in freight rates and services for agricultural products and farm supplies.

(3) Acting for, or assisting on assignment from, the Office of the Administrator in directing and coordinating the planning activities and operations assigned AMS with respect to civil defense and defense mobilization, and

(4) Executing other marketing services programs and activities as assigned.

SEC. 6. *Management Services.* The Administrative Services, Budget and Finance, and Personnel Divisions, and the Area Administrative Divisions, under the direction and supervision of the Assistant Administrator for Management are responsible as follows:

(a) *Administrative Services Division.* The Administrative Services Division is responsible for:

(1) Planning and administering procurement, real and personal property, records, communications, procedure, forms, and related management services programs necessary to meet requirements of the over-all programs and activities of AMS, and

(2) Approving, for administrative feasibility and for conformance with governing rules and regulations, cooperative agreements and related documents, and contracts for research work under the Agricultural Marketing Act of 1946, as amended.

(b) *Budget and Finance Division.* The Budget and Finance Division is responsible for:

(1) Planning and administering the budget, fiscal, and related financial programs necessary to meet requirements of the over-all programs and activities of AMS,

(2) Developing and assisting in establishing required controls with respect to apportionments, obligations, and expenditures of available funds, and

(3) Developing, installing and revising accounting systems, methods and procedures for market administrators and control committees operating under marketing agreements and orders.

(c) *Personnel Division.* The Personnel Division is responsible for planning and administering the organization, classification, wages and salary, employment, employee relations, training, safety, and health phases of a personnel program to meet requirements of the over-all programs and activities of AMS.

(d) *Area Administrative Divisions.* Area Administrative Divisions are responsible for planning and carrying out administrative services, budget, fiscal, and personnel management, and related programs necessary to meet requirements of the over-all programs and activities of AMS within assigned geographic and functional areas.

DELEGATIONS OF AUTHORITY

SEC. 7. *Deputy Administrators.* Under the direction and supervision of the Administrator, the Deputy Administrator, Marketing Research and Statistics, and the Deputy Administrator, Marketing Services, are hereby delegated the authority, severally, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator. The authority herein conferred upon each Deputy Administrator shall be exercised by each of such officers in connection with the programs and activities of AMS assigned now or hereafter to the direction and supervision of the respective Deputy Administrator.

SEC. 8. *Assistant Administrator for Management.* Under the direction and supervision of the Administrator, the Assistant Administrator for Management is hereby delegated the authority to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator, with respect to formulating, directing, coordinating, and integrating the over-all management, budget, fiscal, personnel, and administrative services programs and activities to meet the requirements of AMS.

SEC. 9. *Staff Assistants and Staff Divisions.* Under the direction and supervision of the Administrator, the officers in charge of the Liaison, Matching Fund Program, State Departments of Agriculture, and the Statistical Clearance and Standards offices, the Chairman, Outlook and Situation Board, and Directors of the Marketing Information and the Program Appraisal and Audit Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 10. *Marketing Research and Statistics Divisions.* Under the direction and supervision of the Deputy Administrator, Marketing Research and Statistics, the Directors of the Agricultural Economics, the Agricultural Estimates, and the Marketing Research Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 11. *Marketing Services Divisions.* Under the direction and supervision of the Deputy Administrator, Marketing Services, the Directors of the Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, Poultry, Tobacco, Food Distribution, and the Special Services Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, vested in the Administrator.

SEC. 12. *Management services Divisions.* Under the direction and supervision of the Assistant Administrator for Management, the Directors of the Administrative Services Division, Budget and Finance Division, Personnel Division, and the Area Administrative Divisions, are hereby delegated authority, in connection with the respective functions herein assigned to each of them, to perform all the duties and to exercise all the functions and powers (including the power of redelegation except when specifically prohibited) which are now, or which may hereafter be, delegated or assigned to the Assistant Administrator for Management.

SEC. 13. *Concurrent authority and responsibility to the Administrator.* No delegation or authorization prescribed herein shall preclude the Administrator, either Deputy Administrator, or the Assistant Administrator for Management, from exercising any of the powers or functions or from performing any of the duties conferred herein, and any such delegation or authorization is subject at all times to withdrawal or amendment by the Administrator and, in their respective fields, by either Deputy Administrator, or the Assistant Administrator for Management. The officers to whom authority is delegated herein shall (a) maintain close working relationships with the officers to whom they report, (b) keep them advised with respect to major problems and developments, and (c) discuss with them proposed actions involving major policy questions or other important considerations or questions, including matters involving relationships with other Federal agencies, other agencies of the Department, other Divisions or Offices of AMS, or other Governmental or private organizations or groups.

SEC. 14. *Availability of information and records.* Any person desiring information or to make submittals or requests with respect to the programs and functions of AMS should address his request to: Administrator, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C. or to the Director of the particular Division or Office, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C. The availability of information and records of AMS and its Divisions and Offices is governed by the rules of the Secretary in Subpart A of Part 1, Title 7, Code of Federal Regulations.

SEC. 15. *Other authorizations and delegations.* All actions relating to any

programs or activities affected hereby, and previous delegations of authority with respect to such programs or activities shall remain in effect except as they are inconsistent herewith or are hereafter amended or revoked under proper authority; and nothing herein shall affect the validity of anything heretofore done under previous delegations of authority or assignment of functions. The delegations and authorizations prescribed herein to Divisions and Offices of AMS are subject to such delegations and authorizations as are granted by the AMS instructions and otherwise.

Issued at Washington, D. C., this 4th day of March, 1957 to become effective March 4, 1957.

[SEAL] ORIS V. WELLS,
Administrator.

[F. R. Doc. 57-1745; Filed, Mar. 6, 1957; 8:56 a. m.]

Office of the Secretary

NEBRASKA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on February 21, 1957, to be affected by the above-mentioned major disaster.

NEBRASKA

Pierce.
Wayne.

Done at Washington, D. C., this 1st day of March 1957.

[SEAL] TRUE D. MORSE,
Under Secretary.

[F. R. Doc. 57-1723; Filed, Mar. 6, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8061-1, between American President Lines, Ltd., Lykes Bros. Steamship Company, Inc., Mitsui Steamship Company, Ltd., Prince Line, Ltd., N. V. Stoomvaart Maatschappij "Nederland", Koninklyke Rotterdamsche Lloyd, N. V., N. V. Nederlandsch-Amerikaansche Stoomvaart Maatschappij "Holland-Amerika Lijn", the carriers comprising Barber Fern-Ville Lines, Blue Funnel Line, Hoegh Line, and A. P. Moller-Maersk Line joint services, Isthmian Lines, Inc., and Tri-Coast Steamship Company (formerly Isthmian Steamship Company), modifying approved Agreement No. 8061 to record Isthmian Lines, Inc., as a party in place of Isthmian Steamship Company (now Tri-Coast Steamship Company). Agreement No. 8061 covers an arrangement for the apportionment of the carriage of all rubber originating in Siam (excluding Bangkok local rubber) destined to the United States Atlantic and Gulf ports, whether loaded direct at Siam ports or transhipped by road, rail or otherwise, to vessels of the carriers at ports in Malaya, Kohsichang or Bangkok.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 4, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1724; Filed, Mar. 6, 1957; 8:52 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11288 etc.; FCC 57-190]

PONCE DE LEÓN BROADCASTING CO., INC., ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Ponce de Leon Broadcasting Co., Inc., of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis Pirallo-Castellanos, Mayaguez, Puerto Rico, Docket No. 11811, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11812, File No. BPCT-2159; for construction permits for new television stations.

1. The Commission has before it for consideration (1) a petition filed on October 1, 1956 by Department of Education of Puerto Rico requesting enlargement of issues in the above-entitled proceeding, (2) oppositions to the said petition filed by Ponce de Leon Broadcasting Co., Inc. of Puerto Rico, Sucesion Luis Pirallo-Castellanos, and the Commission's Broadcast Bureau, and (3) replies to the Oppositions filed by Department of Education of Puerto Rico.

2. By order released on September 11, 1956, the Commission designated the above-entitled applications for hearing in a comparative proceeding on issues specified therein, which included inter alia, the standard comparative issue. Petitioner here requests enlargement of this issue to include as subparagraph (d) the following: The areas and populations to be served by the stations proposed by the applicants herein.

Enlargement is also requested to include the following new issues:

(a) To determine whether a grant to Sucesion Luis Pirallo-Castellanos of authority to maintain main sudios outside Mayaguez would be consistent with the provisions of § 3.613 of the Commission's rules.

(b) To determine whether Sucesion Luis Pirallo-Castellanos is financially qualified to construct and operate a television station in Mayaguez as proposed by this applicant.

(c) To determine whether the proposal of Sucesion Luis Pirallo-Castellanos will have an adverse effect upon the operation of Station WAEL (AM) and, if so, the nature and extent thereof and whether, in the light thereof, the Sucesion application should be granted.

3. The request for inclusion of an issue relative to the studio proposal of Sucesion is predicated solely on the fact that the proposed location is 0.6 mile from the city limits and accordingly a waiver of § 3.613 of the Commission's rules has been requested. The proposed studios of the applicants may, under the present issues, be a matter of comparative consideration in this proceeding. Accordingly, petitioner may now introduce any probative evidence available relative to the adequacy, accessibility or other matters which would demonstrate that Sucesion's studio proposal is not consistent with the operation of its proposed station in the public interest. No useful purpose would therefore be served by inclusion of such issue.

4. The request for inclusion of an issue as to the effect upon the operation of Station WAEL (AM) is based on the fact that the Commission has stated that, in the event of a grant of the Sucesion application, it will be subject to the condition that the construction authorized shall have no adverse effect upon the operation of Station WAEL. Petitioner contends that the Commission being of the view that such condition is necessary, there is every reason to include an issue to determine whether such effect will occur and, if so, the extent thereof and whether Sucesion is willing to take steps to correct them. Petitioner however ignores the fact that Sucesion has stated it will accept a grant subject to such condition. The Commission is aware, as pointed out in Sucesion's opposition, that a number of television installations involving more critical engineering considerations in relation to existing AM stations are in operation than that here involved. At the time of determining Sucesion's technical qualifications it was determined that, provided proper steps were taken in installation of the proposed television station, the operation of Station WAEL would remain unaffected. The proposed condition therefore is only to give assurance of such installation by incorporating it as a part of the construction permit that would issue. It should be further noted that the WAEL antenna site is in fact located at a site 3.2 miles from the site proposed by Sucesion. It was the adjacent site to Sucesion's proposal originally specified by WAEL that led the Commission to adopt this condition. Petitioner has made no effort to demonstrate that it could produce probative evidence which would in any manner place in question our determination as to Sucesion's technical qualifications. No useful purpose would therefore be served by inclusion of such issue.

5. Petitioner also asserts that the application of Sucesion, on its face, demonstrates that this applicant is not financially qualified. It is therefore requested that its financial qualifications be placed in issue. Petitioner concedes that Sucesion will have cash available in the amount of $148,900. Total cash requirements for the first year would, as a maximum, be slightly under $220,000. Without regard to estimated revenues, Sucesion shows that it has, in addition to the said sum of $148,900 the following assets: loans and mortgages of approximately $50,000; unmortgaged real estate valued at $37,000; and stocks valued at $73,960 which valuation was accepted in 1952 by the Puerto Rico Government for estate tax purposes. Of the $229,000 total maximum cash requirements however, only $172,708 would be required for Sucesion to build its station and operate for an initial period before revenues could be expected. Thus from the above additional assets totaling $160,960 Sucesion would need only approximately $24,000 for construction and initial operation.

6. Petitioner contends however, that consideration cannot be given to the above additional assets of $160,960 as there has been no definite showing as to the exact amount receivable from the said mortgages and loans or that any of them would be due or callable; that the method of valuation of the $37,000 in real estate has not been shown and that it has not been shown that funds could be realized from the said stocks. Petitioner further contends that the Mayaguez market will not support a commercial television operations as the station presently operating in that city is virtually nothing more than a satellite of a San Juan station. It is therefore asserted that Sucesion cannot expect any substantial revenues after commencement of operations. No other facts are set forth in support of this contention.

7. As petitioner is aware, the Commission required the submission of additional evidence by Sucesion as to its financial qualifications prior to passing thereon. Upon the basis of the identical facts here submitted, it was found to be financially qualified. Nothing new has here been submitted other than an unsupported assertion that the Mayaguez area will not support a commercial television operation. Upon review of the financial showing of Sucesion we therefore adhere to our previous determination that it has shown itself to be financially qualified to construct and operate its proposed station. The request for inclusion of an issue relative to its financial qualifications will accordingly be denied.

8. In support of the request for enlargement of issue to permit a showing of comparative coverage, petitioner sets forth that its proposed station would operate with five times the power proposed by Ponce de Leon Broadcasting Co., would have a higher antenna height and that virtually identical transmitter sites are proposed. The differences in computed Grade A and Grade B contours are also set forth. Petitioner further states that it is prepared to introduce measurements on other television stations in areas of comparable terrain which will establish that there are substantial differences in the populations which would actually receive service from the proposed stations. A number of these measurements were submitted as exhibits.

9. Ponce de Leon Broadcasting Co. and Sucesion oppose inclusion of the proposed coverage issue on the ground that petitioner has not made a preliminary showing that it will be able to offer proof of more than tenuous validity which would overcome or account for the various error factors arising as result of the rough terrain involved. Ponce requests, however, that if such issue be included, the issues be further enlarged to include an overlap issue as to the Department's proposed station and its Station WIPR (formerly WUTV) at San Juan, Puerto Rico. In support of this request an engineering showing was made demonstrating that under computed contours, there would be overlap of the Grade B contours of Station WIPR and petitioner's proposed station. There would also be a very slight area of overlap between the Grade A contour of Station WIPR and the Grade B contour of petitioner's proposal.

10. Our position with reference to comparative coverage as a decisional factor in comparative television proceedings has frequently been set forth and need not here be repeated. In Louis Wasmer, 9 RR 713; Petersburg Television Corporation, 10 RR 537; In Midwestern Broadcasting Co., 13 RR 613. We have not foreclosed consideration of coverage differences. We have however required that petitioners make a preliminary showing that they will be able to offer proof which may overcome or account for the various error factors or that they will be able, by any means, to substantiate the accuracy of the coverage data to be introduced. In Appalachian Broadcasting Corp. et al., 22 FCC Reports 43, 55, we stated that our action there in no manner indicated any change in our views expressed In re Louis Wasmer, 9 RR 713, relative to predictions as to the precise location of field intensity contours of television stations. Neither is our action here to be so construed. We do believe however that petitioner has made a preliminary showing that it will be able to offer proof which may overcome or account for the various error factors and we therefore should afford the opportunity to do so for this limited purpose. The request for enlargement of issues to permit such showing will therefore be granted. We are in no way here determining the validity of the evidence which may thus be shown as a factor for comparative consideration.

11. No useful purpose however would be served by granting the request of Ponce to include an overlap issue as to petitioner's station and Station WIPR. The Department of Education of Puerto Rico here proposes to operate a non-commercial educational television station, although the channel involved is also available for commercial use. Its Station WIPR is a non-commercial educational station. Section 3.636 of the Commission's Rules relative to multiple ownership is specifically stated not to be applicable to non-commercial educational stations. Accordingly the operation proposed herein by Department could in no manner be deemed to be in possible violation of this section of our rules. We were of the view that exemption of non-commercial educational stations from this provision of our rules was in the public interest at the time of its adoption. Nothing has here been presented which would indicate, without regard to the limited extent of such overlap, that consideration should be given it in this proceeding as a factor adverse to grant of Department's application.

Accordingly, it is ordered, That the said petition of Department of Education of Puerto Rico for enlargement of issues is granted to the extent that enlargement of issues is requested to permit a showing of comparative coverage and is denied in all other respects and that the contingent request of Ponce de Leon Broadcasting Co., Inc., for enlargement of issues as requested in its opposition to the said petition is denied.

It is further ordered, That issue 3 set forth in the Commission's order released on September 11, 1956 (adopted on September 5, 1956) designating the above-entitled applications for hearing in a comparative proceeding, is amended to include as part (d) the following: The areas and populations to be served by the stations proposed by the applicants herein.

Adopted: February 27, 1957.

Released: March 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1738; Filed, Mar. 6, 1957; 8:54 a. m.]

[Docket Nos. 11621, 11892; FCC 57M-171]

LAS VEGAS BROADCASTERS, INC. (KLAS), AND PALM SPRINGS BROADCASTING CORP. (KCMJ)

ORDER CONTINUING HEARING CONFERENCE

In re applications of Las Vegas Broadcasters, Inc. (KLAS), Las Vegas, Nevada, Docket No. 11621, File No. BP-8528; Palm Springs Broadcasting Corporation (KCMJ), Palm Springs, California, Docket No. 11892, File No. BP-10359; for construction permits.

The Hearing Examiner having under consideration a joint motion, filed on behalf of Palm Springs Broadcasting Cor-

poration and Las Vegas Broadcasters, Inc., applicants in the above-entitled proceeding, requesting that the prehearing conference therein now scheduled to be held on March 1, 1957, be continued for a period of thirty days; and

It appearing that sufficient "good cause" has been set forth in the said petition to warrant a grant of the relief requested therein; and that counsel for the Chief of the Commission's Broadcast Bureau has consented to immediate favorable action thereon;

It is ordered, This 28th day of February, 1957, that the above petition be, and it is hereby, granted, and that the prehearing conference in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, March 29, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1739; Filed, Mar. 6, 1957; 8:54 a. m.]

[Docket No. 11786 etc.; FCC 57M-165]

WEST SHORE BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Samuel Babbit, Saul Dresner, Leonard Wechsler, Alfred Dresner, Fred Schottland and Robert Gessner, d/b as West Shore Broadcasting Company, Beacon, New York, Docket No. 11786, File No. BP-9821; The Westport Broadcasting Company, Westport, Connecticut, Docket No. 11787, File No. BP-9972; James W. Miller, Milford, Connecticut, Docket No. 11788, File No. BP-10500; for construction permits.

The Hearing Examiner having under consideration a "motion for continuance" filed by counsel for The Westport Broadcasting Company today;

It appearing that counsel for the other two applicants and the Broadcast Bureau have no objection to the relief requested in the motion;

It is ordered, This 27th day of February 1957, that the motion is granted, and that:

(1) The date for the exchange of data among the engineers (Tr. 17) is extended from February 26, 1957 to March 26, 1957.

(2) The date for the informal engineering conference (Tr. 17) is continued from March 13, 1957 to April 12, 1957.

(3) The date for the exchange of affirmative written cases is extended from March 25, 1957 to April 25, 1957.

(4) The date for the further conference is continued from April 3, 1957 to May 3, 1957.

(5) The date for the beginning of the evidentiary hearing is continued from April 22, 1957 to May 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1740; Filed, Mar. 6. 1957; 8:55 a. m.]

[Docket No. 11866]

ALLOCATION OF CERTAIN FREQUENCIES

NOTICE OF HEARING PROCEDURES

In the matter of allocation of frequencies in the bands above 890 Mc; Docket No. 11866.

As indicated in the Preliminary Notice of Hearing, released on November 9, 1956, the Commission intends to conduct a fact finding hearing in this proceeding concerning service allocation needs in that portion of the spectrum above 890 Mc. In response to the Commission's notice, more than 150 parties have filed notices of intention to appear and present evidence at such hearing.

The Commission is, of course, desirous of receiving in evidence all testimony which will be of assistance in resolving the various issues which have been designated. However, the Commission wishes to avoid prolonging the hearing unduly and to prevent, insofar as is possible, the introduction of evidence which will be merely repetitious or cumulative. In order to accomplish this purpose the procedure set forth below will be followed.

All persons desiring to appear and present evidence at the fact finding hearing shall submit on or before March 29, 1957, the name of each proposed witness and a detailed statement setting forth the substance of the evidence, both oral and written, that each such witness proposes to present. The Commission wishes to emphasize that witnesses will not be permitted to testify concerning matters not included in these statements unless expressly requested by the Commission to do so.

Initially these statements will be for the use of the Commission counsel only and will not be made available to other parties to the proceeding. An original and four copies of each such statement should be served on the General Counsel of the Commission, and each should be plainly entitled "Statement of Proposed Evidence for Docket No. 11866."

Based upon these statements it will be determined which witnesses will be invited to testify and what testimony and exhibits they will be asked to present. The Commission wishes to urge that, wherever possible, all members of an industry group or association be represented by an industry spokesman or spokesmen. When an industry is to be represented by an industry spokesman, any member of that industry group who desires to present his own witnesses will be required to show in detail the reasons why such additional representation is necessary, and what the additional evidence will be.

As soon as practicable after March 29, 1957, the Commission will issue a notice designating a firm hearing date. A list of the witnesses selected to testify setting forth the approximate date on which they may expect to appear will also be issued. All such witnesses will be required to submit copies of the actual testimony and exhibits they will present at the hearing prior to the date on which they are scheduled to appear. Details concerning such submissions will be specified in a subsequent notice.

All parties participating in the hearing will be given an opportunity to submit to Commission counsel suggested questions which they desire to be asked of any of the witnesses at the hearing. However, the selection of questions and all of the questioning, will be by the Commission and Commission counsel. After all the evidence has been presented the Commission will determine what further proceedings, if any, will be held in this docket.

Dated: February 28, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1741; Filed, Mar. 6, 1957; 8:55 a. m.]

[Docket Nos. 11915, 11916; FCC 57M-167]

JOHN S. CHAVEZ ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of John S. Chavez, Raul G. Amaya, Guadalupe Caballero, Salvador Villareal and Gabriel S. Chavez, Ysleta, Texas, Docket No. 11915, File No. BP-10639; Robert L. Howsam, El Paso, Texas, Docket No. 11916, File No. BP-10681; for construction permits.

It is ordered, This 28th day of February 1957, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., on Monday, March 11, 1957, commencing at 10:00 a. m.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1742; Filed, Mar. 6, 1957; 8:55 a. m.]

[Docket No. 11927; FCC 57M-170]

Q BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Q Broadcasting Company, Phoenix, Arizona, docket No. 11927, file No. BP-10178; for construction permit.

The Hearing Examiner having under consideration a motion filed on February 28, 1957 by counsel for John Poole Broadcasting Company, Inc., requesting a continuance of the date on which the hearing in the above-entitled matter is to be held, from March 4, 1957 to March 15, 1957; and

It appearing that negotiations are being held among the principals and their attorneys which, if consummated, will result in the disposition of these proceedings without the necessity of a formal hearing; and

It further appearing that all parties have agreed to the above-requested continuance and have waived the requirements of § 1.745 of the Commission's rules:

It is ordered, This 28th day of February 1957, that the hearing in the above-entitled matter now scheduled for March 4, 1957, is continued to March 15, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1743; Filed, Mar. 6, 1957; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12118]

ARKANSAS LOUISIANA GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

MARCH 1, 1957.

Arkansas Louisiana Gas Company (Arkansas Louisiana) on February 1, 1957, tendered for filing Third Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2, proposing an increase in rates of $8,300 annually for sales of residue gas in Ruston Field, Louisiana, to Southwest Gas Producing Company, Inc., (Southwest) under Rate Schedule XFS-3. The proposed increase is in addition to the increased rates of $8,300 in effect under the same rate schedule, subject to refund in Docket No. G-11431.

The proposed increase is based on a contract escalation provision providing that Arkansas Louisiana may apply for future increases if, as and when the prices at which Southwest resells the gas are increased and is related to Southwest's proposed increases to Texas Eastern Transmission Corporation (Texas Eastern) and others which were suspended in Docket Nos. G-11355 and G-11356 until April 1, 1957. Arkansas Louisiana also states that the increase sought is fair and reasonable because the purchaser who will be called on to pay it will have received the same amount of increase from the pipe line to which it resells the gas, and would thereby operate to keep Southwest's margin constant. The proposed increase is from 11.7369 cents per Mcf (which is the increased rate in effect subject to possible refund in Docket No. G-11431) to 11.9420 cents per Mcf, or .2051 cents per Mcf.

Arkansas Louisiana's proposed increases are entirely dependent upon and can be supported only by relying upon the effectiveness of the rate increases of its buyer, Southwest, and should therefore be suspended pending determination of said effectiveness. Upon consideration of the foregoing, and the data and statements submitted in support of the proposed tariff change, it appears that the increased rates proposed by Arkansas Louisiana in its tendered filing have not been shown to be justified and may be unjust, unreasonable, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Arkansas Louisiana's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Third Revised Sheet No. 60, and that said proposed revised tariff sheet and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held, at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, contained in Arkansas Louisiana's FPC Gas Tariff, Original Volume No. 2, as proposed to be amended by Third Revised Sheet No. 60.

(B) Pending such hearing and decision thereon, Arkansas Louisiana's proposed Third Revised Sheet No. 60 to its FPC Gas Tariff, Original Volume No. 2, hereby is suspended, and its use deferred until August 4, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1705; Filed, Mar. 6, 1957; 8:48 a. m.]

[Docket No. G-10200]

NORTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 1, 1957.

Take notice that Northern Natural Gas Company (Applicant), a Delaware corporation with principal office at 2223 Dodge Street, Omaha, Nebraska, filed an application on April 4, 1956, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The facilities proposed to be abandoned by Applicant consist of approximately 16.03 miles of 6⅝ inch O. D. pipe line and appurtenances extending in a westerly direction from a point of connection with Applicant's existing 18 inch transmission line in Rice County, Minnesota, to a point of connection with Applicant's existing main 16 inch transmission line in Le Sueur County, Minnesota.

Applicant states that these facilities were constructed in 1934 as a part of Applicant's 6 inch St. Peter branch line system at an original cost of $74,070.33 for the purpose of providing service to the communities on this system; that the facilities sought to be abandoned are no longer required to render service to these or any other communities because of the construction of other facilities in the area by Applicant in 1939 which are now used to serve such communities and therefore, no abandonment of service will result from the abandonment of the facilities; that the estimated cost of removing and re-conditioning these facilities exceed their re-conditioned value and therefore, Applicant proposes to abandon these facilities in place; that Applicant will incur no removal costs nor realize any salvage value from such abandonment; and that such abandonment will result in savings in operating, maintenance costs and taxes.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, March 25, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1706; Filed, Mar. 6, 1957; 8:48 a. m.]

[Docket No. G-10975]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 1, 1957.

Take notice that Cities Service Gas Company (Applicant) a Delaware cor-

poration with its principal place of business located in Oklahoma City, Oklahoma, filed on August 27, 1956, an application, as supplemented on September 4 and 17, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of facilities subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open for public inspection. The facilities are described as follows:

Approximately 1537 feet of 3" welded gas pipe line, meter setting and appurtenances in the SW¼ of Section 7-T.6S-R.21E, Atchison County, Kansas.

The application recites that the purchaser proposes to utilize the natural gas, to be delivered through the facilities proposed, in dehumidifier units necessary to certain operations of the Department of the Army in Atchison County, Kansas. The estimated peak day demands and annual requirements for the first three years are: peak day, summer 149.2 Mcf—winter 89.5 Mcf; annual 36,479 Mcf. The estimated cost of the proposed facilities is $4,377.00.

Temporary authorization for the construction and operation of the proposed facilities was granted by the Commission on December 14, 1956, without prejudice to final determination.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 16, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request herefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1707; Filed, Mar. 6, 1957; 8:48 a. m.]

[Docket No. G-10761]

TENNESSEE GAS TRANSMISSION CO.[1]

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 1, 1957.

Take notice that Tennessee Gas Transmission Company, Applicant, a Delaware corporation whose address is Commerce Building, Houston, Texas, as operator, filed on July 16, 1956, an application for certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce for resale as indicated below:

(a) To Permian Basin Pipe Line Company (Permian) from the Ellen Weir Lease, Eumont Field, Lea County, New Mexico, pursuant to a 20-year gas sales contract dated January 3, 1955, between Permian and Tennessee Production Company (predecessor in interest to Applicant), et al.

(b) To Phillips Petroleum Company (Phillips) from the W. T. Ford Lease, Fuhrman Mascho Field, Andrews County, Texas pursuant to a 20-year gas sales contract dated February 17, 1956, between Phillips and Applicant.

(c) To Llano Grande Corporation (Llano) from the Gardner Lease, Levelland Field, Cochran County, Texas, pursuant to a contract dated August 1, 1955, between Llano and Applicant.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1708; Filed, Mar. 6, 1957; 8:48 a. m.]

[1] J. Hiram Moore, Carper Drilling Company, John A. Barnett and Ernest A. Hanson are also signatory parties to the contract described in paragraph (a) above.

[Docket No. G-10898]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 1, 1957.

Take notice that Tennessee Gas Transmission Company, Applicant, a Delaware corporation whose address is Commerce Building, Houston, Texas filed on August 10, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas from the Benezette Field, Cameron and Elk Counties, Pennsylvania to Manufacturers Light and Heat Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1709; Filed, Mar. 6, 1957; 8:49 a. m.]

[Docket No. G-10964]

KERR-MCGEE OIL INDUSTRIES, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 1, 1957.

Take notice that Kerr-McGee Oil Industries, Inc., Applicant, a Delaware corporation whose address is 306 North Robinson, Oklahoma City, Oklahoma filed on August 24, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas produced in the Golden Trend Area, Garvin and McClain Counties, Oklahoma to Cities Service Gas Company for transportation in interstate commerce for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1710; Filed, Mar. 6, 1957; 8:49 a. m.]

[Docket No. G-9281]

WESTERN NATURAL GAS CO.

NOTICE OF CONTINUANCE OF HEARING

MARCH 1, 1957.

Notice is hereby given that the hearing in the above-designated matter now scheduled for March 11, 1957, is hereby postponed to 10:00 a. m., e. s. t., on March 18, 1957 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1711; Filed, Mar. 6, 1957; 8:49 a. m.]

[Docket Nos. G-9073, G-9087]

NEW YORK STATE NATURAL GAS CORP. AND TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

FEBRUARY 28, 1957.

In the matters of New York State Natural Gas Corporation, Docket No. G-9073; Tennessee Gas Transmission Company, Docket No. G-9087.

Take notice that New York State Natural Gas Corporation (New York Natural), a New York corporation with principal place of business at 2 Gateway Center, Pittsburgh, Pennsylvania, and Tennessee Gas Transmission Company (Tennessee), a Delaware corporation with principal place of business at the Commerce Building, Houston, Texas, filed in Docket No. G-9073 on June 27, 1955 as amended July 11, 1955 and August 15, 1955 and in Docket No. G-9087 on June 29, 1955, respectively, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing New York Natural and Tennessee (Applicants) to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Tennessee proposes in Docket No. G-9087 to construct and operate a line tap together with a meter and regulator station on its main 24 inch Buffalo-Pittsfield (Mass.) pipe line near the Village of Brookview, New York (east of the Hudson River in the vicinity of Albany), for the purpose of providing a new and additional delivery point for presently authorized volumes of natural gas which are sold by Tennessee to New York Natural for resale. The estimated cost of these facilities is $20,000 which will be financed by Tennessee from cash on hand.

New York Natural proposes in Docket No. G-9073 to construct and operate approximately 8.8 miles of 12-inch transmission pipeline extending in a northerly direction from the above-described tap on Tennessee's line to a point of interconnection with the Albany-Troy distribution system of the Niagara Mohawk Power Corporation (Niagara Mohawk) near the Village of North Greenbush, New York, together with measuring stations at the northern and southern termini of said line.

These facilities will be used for the dual purpose of enabling Niagara Mohawk to receive gas on the east side of the Hudson River (1) for resale in Niagara Mohawk's Albany-Troy distribution area and (2) for distribution in Niagara Mohawk's plant in the City of Hudson, Columbia County, New York, via approximately 22 miles of new 10-inch line proposed to be constructed and operated by Niagara Mohawk at an estimated cost of $830,000 which will extend in a southerly direction from the aforesaid southernmost proposed measuring station of New York Natural to the City of Hudson for the purpose of enabling Niagara Mohawk to convert from the operations of distributing propane air gas to some 3,150 customers in Hudson to the distribution of straight natural gas and to serve an estimated 200 new customers located along its 10-inch line.

The estimated additional natural gas requirements of Niagara Mohawk, i. e., the annual and maximum day gas requirements of Hudson, New York in M. c. f. for the first 5 years of operation after conversion from propane air gas are as follows:

Year	Annual	Maximum day
1956	210,000	1,700
1957	260,000	2,200
1958	300,000	2,600
1959	350,000	3,100
1960	380,000	3,300

The estimated cost of New York Natural's proposed facilities is $414,000 which it proposes to finance out of available company funds and from funds obtained through the issuance of securities to its parent Consolidated Natural Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, April 1, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1712; Filed, Mar. 6, 1957; 8:49 a. m.]

[Docket No. G-12117]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

FEBRUARY 28, 1957.

Sinclair Oil & Gas Company (Sinclair), on January 31, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated February 1, 1957.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 1 to Sinclair's FPC Gas Rate Schedule No. 109.
Effective date: [1] March 3, 1957.

In support of the increase, Sinclair cites the contract purportedly negotiated at arm's length bargaining and also states that, in its opinion, the proposed rate is below the minimum that may be determined as a just and reasonable rate and should be allowed to obtain a return commensurate with risks inherent in the production and gathering of natural gas.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be, and it is hereby suspended and the use thereof deferred until August 3, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1713; Filed, Mar. 6, 1957; 8:49 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Sinclair, if later.

[2] Commissioner Digby dissenting.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2108]

CONSOLIDATED VIRGINIA MINING CO.

ORDER AND NOTICE OF HEARING

FEBRUARY 28, 1957.

I. Consolidated Virginia Mining Company (hereinafter called "registrant"), a corporation organized and incorporated under the laws of the State of Nevada, filed an application for registration of its common stock, $1 par value, with the San Francisco Mining Exchange ("the Exchange") on August 30, 1935, on Form 10, pursuant to section 12 of the Securities Exchange Act of 1934 ("the 1934 act") and the rules and regulations adopted by the Commission thereunder, and filed a duplicate original Form 10 with the Commission on that date. The registration of such securities on the Exchange became effective on June 1, 1936. On January 7, 1955 registrant reduced the par value of its common stock from $1 par value to ten cents ($.10) par value.

II. The Commission has reason to believe that the registrant has failed to comply with the provisions of section 13 of the 1934 act in the following regard:

The registrant has failed to file a current report on Form 8-K furnishing information with respect to the issuance of 12,474,375 shares of its common stock in exchange for substantially all of the 10,000,000 shares of outstanding stock of Hampton Mining Co., a corporation organized and incorporated under the laws of the State of Utah.

III. On June 18, 1956 the registrant filed with the Commission a proxy statement pursuant to Section 14 of the Act and Regulation X-14 adopted thereunder with respect to a special meeting of stockholders to be held July 9, 1956. The Commission has reason to believe that the said proxy statement was false and misleading in the following particulars:

1. In representing to stockholders in connection with soliciting authorization to increase the number of authorized shares from 7,500,000 to 30,000,000 that no particular transaction was pending for the issuance of any such additional authorized shares.

2. In omitting to state that negotiations were pending for the acquisition of Hampton Mining Co. in exchange for a large block of the to-be-authorized shares of registrant and omitting to state the nature and approximate amount of the assets of Hampton Mining Co.

IV. *It is ordered*, That a public hearing, pursuant to section 19 (a) (2) of the 1934 act, be held at 10:00 a. m., P. s. t., on Monday, March 18, 1957, at the offices of the Los Angeles Branch office of the Commission, Room 1737, U. S. Post Office and Court House, Los Angeles, California, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the common stock of registrant on the San Francisco Mining Exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, as set forth in paragraph II above and for making false and misleading statements in a proxy statement filed with the Commission under section 14 of the act and the rules and regulations adopted thereunder, as set forth in paragraph III above.

It is further ordered, That Mr. William W. Swift is hereby designated and assigned as Hearing Officer in this proceeding and is authorized to exercise the powers and perform the duties specified in the rules of practice of the Commission and any other duties which he may be authorized to perform in accordance with law.

Notice of such hearing is hereby given to registrant, the San Francisco Mining Exchange and to any other person or persons whose participation in such proceeding may be necessary or appropriate in the public interest or for the protection of investors. Any such further persons desiring to be heard in such proceeding should file with the Hearing Officer or the Secretary of the Commission on or before March 11, 1957, his application therefore as provided by the rules of practice of the Commission, setting forth therein any of the above matters or issues of fact or law upon which he desires to be heard and any additional issues he deems raised by the aforesaid order.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1718; Filed, Mar. 6, 1957; 8:51 a. m.]

[File No. 70-3501]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER PERMITTING SUPPLEMENTAL DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSAL TO ENTER INTO GAS PURCHASE CONTRACT WITH A NONAFFILIATE

MARCH 1, 1957.

Public Service Company of Oklahoma ("Public Service"), a public utility subsidiary of Central and South West Corporation, a registered holding company, having filed, pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act"), a supplemental declaration and amendments thereto regarding the following transactions:

By order issued December 5, 1956 (Holding Company Act Release No. 13328), the Commission permitted a declaration, as amended, filed by Public Service, to become effective pursuant to section 7 of the act. The declaration, as amended, related to a proposal by Public Service to enter into a gas fuel purchase contract with Transok Pipe Line Company ("Transok"), a nonaffiliated intra-state natural gas pipe line company, which gas purchase contract was determined by the Commission to constitute a guaranty by Public Service of certain bonds of Transok.

The gas fuel purchase contract provided, among other things, (a) that upon the breach of any of the terms thereof, Public Service, at the election of, and upon the demand of, the trustee under Transok's bond indenture, was obligated to lease or purchase Transok's pipe line system (as defined in the contract), and, as full payment therefor, to pay, as rental or purchase price, an amount equal to all amounts then or thereafter payable for principal, interest, and otherwise, upon the then outstanding bonds of Transok, such payments to be made to the trustee when and as payable by the terms of the bonds; and (b) that, subject to its ability to make satisfactory financial arrangements, Transok was obligated, upon the request and approval of Public Service, to construct such additional pipe lines and related facilities connecting the pipe line system with Public Service's electric generating stations, or with additional sources of gas supply, as might be necessary to enable Transok to supply the requirements of Public Service's electric generating stations.

At the time of the issuance of the December 5, 1956 order, Transok had constructed its main pipe line system in connection with which it had issued $13,500,000 principal amount of bonds, and it then contemplated the immediate issuance of $1,550,000 principal amount of additional bonds to procure funds for the construction of a pipe line to connect its system with an additional gas supply in Hughes County, Oklahoma.

Subsequently, Public Service filed a supplemental declaration stating that (a) it is proposed to modify the gas fuel purchase contract to provide that, in the event it is required, because of a breach of contract, to purchase the Transok pipe line system, it shall pay the trustee under Transok's bond indenture, 90 days after demand by the trustee (or such earlier date as Public Service designates by a 35-day notice) an amount equal to the sum of the unpaid principal of the bonds (as defined in the contract) of Transok then outstanding, plus all premiums and all sums due as accrued interest to the date of payment; and (b) Transok presently contemplates the issuance and sale of $4,000,000 principal amount of additional bonds (including the $1,550,000 of bonds above mentioned) to provide funds for the construction of additional pipe lines and related facilities.

The declaration as supplemented further states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of the supplemental declaration having been given

(Holding Company Act Release No. 13384, February 15, 1957) in the manner prescribed by Rule U-23 of the rules and regulations promulgated under the act, and no hearing in respect of the supplemental declaration having been requested of or ordered by the Commission; and

The Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, observing no basis for adverse findings or the imposition of terms and conditions, and deeming it appropriate in the public interest and in the interest of investors and consumers that the supplemental declaration be permitted to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the supplemental declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1717; Filed, Mar. 6, 1957; 8:50 a. m.]

SMALL BUSINESS ADMINISTRATION

Office of the Administrator

[Delegation of Authority 30 (Rev. 3), Amdt. 1]

REGIONAL DIRECTORS

DELEGATION RELATING TO FINANCIAL ASSISTANCE INCLUDING DISASTER LOANS, PROCUREMENT AND TECHNICAL ASSISTANCE, AND ADMINISTRATION

Delegation of Authority No. 30 (Revision 3) is hereby amended by:

A. Deleting subsections 1, 2 and 3 of section IB in their entirety and substituting in lieu thereof:

1. To approve the following types of loans:

(a) Direct business loans in an amount not exceeding $20,000;

(b) Participation business loans in an amount not exceeding $100,000; and

(c) Disaster loans in an amount not exceeding $50,000.

2. To decline the following types of loans:

(a) Direct business loans;

(b) Participation business loans; and

(c) Disaster loans.

3. To approve or decline Limited Loan Participation loans.

B. Deleting the first and second sentences of Part II in their entirety and substituting in lieu thereof: "The specific authority delegated in subsections I B 1 (c) and 2 (c) (each limited to the approval or declination of disaster loans not in excess of $20,000), 3, 10, 27, 28, 29, 30, 32 (a) and 35 may be redelegated. The specific authority delegated in subsections I B 1 (a) and (b), 2 (a) and (b), 4 through 9, 11 through 26, 31, 32 (b), 33, 34, 36, 37, 38 and 39 may not be redelegated except that authority delegated in subsection I B 38 may be delegated to the Branch Offices located in Honolulu, Puerto Rico, and Alaska.

Dated: February 28, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-1719; Filed, Mar. 6, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 154]

MOTOR CARRIER APPLICATIONS

MARCH 1, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1103 (Sub No. 11), filed January 21, 1957, EDWARD KOFMAN, MAX H. KOFMAN, FREDA KOFMAN GAINES, BENJAMIN KOFMAN, AND JOSEPH KOFMAN, doing business as KOFMAN'S, 130 Dumlap St., Bellefonte, Pa. For authority to operate as a common carrier, over irregular routes, transporting: (1) Brass bars and rods, and brass unfinished shapes, and aluminum bars, blanks, stampings, unfinished shapes, extensions, castings, forgings, moldings, rods, scrap, twinings and borings, from Bellefonte, Pa., and points within one mile thereof, to Reedsville, Preston County, and Morgantown, Monongalia County, W. Va. (2) *Brass scrap, copper scrap, rejected and refused brass products, aluminum billets, blooms, ingots, pigs, slabs, borings, scrap and twinings*, from Reedsville, Preston County, and Morgantown, Monongalia County, W. Va., to Bellefonte, Pa., and points within one mile thereof. (3) *Zinc slabs and scraps*, from Spelter, Harrison County, W. Va., to Bellefonte, Pa., and points within one mile thereof. (4) *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application from the above-specified destination points to the above-described origin points. Applicant is authorized to conduct similar operations in Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and the District of Columbia.

HEARING: April 5, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 2754 (Sub No. 8), filed February 14, 1957, NEUENDORF TRANSPORTATION CO., a Corporation, 3244 Atwood Avenue, Madison, Wis. Applicant's representative: Adolph E. Solie, 715 First National Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Wausau, Wis., and Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana and Wisconsin.

NOTE: Applicant states: In response to the applicant's petition the Commission has opened its "grandfather" application in Docket No. MC-2754, to permit applicant an opportunity of presenting additional proof solely with respect to the operations between Wausau, Wis., and Chicago, Ill. This application is being filed out of an excess of caution, for the purpose of establishing public convenience and necessity with respect to said operation, in case the Commission should hold that applicant has not established its right to the Certificate claimed under the "grandfather" clause of the act.

HEARING: April 23, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 3009 (Sub No. 21), filed February 20, 1957, WEST BROTHERS, INC., 706 East Pine St., Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Waynesboro, Miss., and Meridian, Miss., from Waynesboro over U. S. Highway 45 to Meridian, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to transport similar commodities in Mississippi, Louisiana and Alabama.

HEARING: April 17, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 97, or, if the Joint Board waives its right to participate, before Examiner William J. Cave.

No. MC 4405 (Sub No. 286), filed February 15, 1957, DEALERS TRANSIT, INC., 12601 South Torrence Ave., Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Bldg., Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* and *semi-trailers*, other than those designed to be drawn by passenger automobiles, and *trailer chassis*, in initial movements in truckaway and driveaway service, from Cambridge City, Ind. and points within 5 miles of Cambridge City, to points in the United States; *Tractors*, other than farm tractors, in secondary movements in driveaway service, but only when drawing trailers moving in initial movements in driveaway service, from Cambridge City, Ind., and points within 5 miles of Cambridge City, to points in Arizona, Nevada, Oregon and Vermont; and *Truck bodies* and *trailer bodies*, assembled or unassembled, from Cambridge City, Ind. and points within 5 miles of Cambridge City, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: April 19, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 19227 (Sub No. 61), filed January 17, 1957, LEONARD BROS. TRANSFER & STORAGE CO., INC., 2595 Northwest 20th St., Miami 42, Fla. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment* between points in Utah, on the one hand, and, on the other, points in Texas, Alabama and Florida. Applicant is authorized to conduct operations in Florida, Alabama, Georgia, South Carolina, Connecticut, Delaware, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: May 21, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 35628 (Sub No. 204), filed January 22, 1957, INTERSTATE MOTOR FREIGHT SYSTEM, a Corporation 134 Grandville, S. W., Grand Rapids, Mich. Applicant's representative: Leonard D. Verdier, Jr., Michigan Trust Bldg., Grand Rapids 2, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk (except scrap metal in bulk), and those requiring special equipment, serving Owego, N. Y., as an off-route point in connection with applicant's authorized regular route operations between Westfield, N. Y., and New York, N. Y. over New York Highway 17, and between Syracuse, N. Y., and Binghamton, N. Y., over U. S. Highway 11.

HEARING: April 10, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 37716 (Sub No. 16), THE C & D MOTOR DELIVERY COMPANY, 1035 Flint Street, Cincinnati 14, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. (SUPPLEMENT)—By letter dated February 15, 1957, applicant's attorney requests that the application of the above-named carrier, filed December 11, 1956 and republished on Page 910 of the FEDERAL REGISTER, issue of February 13, 1957, be clarified to reflect the proposed routes as alternate routes for operating convenience only.

No. MC 39966 (Sub No. 5), filed January 14, 1957, WILLIAM EDWARD LEARY, doing business as LEARY TRANSPORT, Amston, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel articles*, as defined by the Commission, from Willimantic, Conn., to points in Connecticut, Massachusetts, New Hampshire, New York, Maine, Vermont and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return.

HEARING: April 8, 1957, at the Fulton Bldg., 101-115 Sixth Street, Pittsburgh, Pa., before Examiner Reece Harrison.

No. MC 44947 (Sub No. 13), filed February 20, 1957, DEIOMA TRUCKING CO., P. O. Box 11, East Sparta, Ohio. Applicant's attorney: Noel F. George, 44 East Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick and clay products*, (1) from East Chicago, Hammond, Crawfordsville and Brazil, Ind., to points in Ohio; (2) from Hillsboro Township (Royce Station), N. J. to points in Ohio; (3) from Columbiana and Tuscarawas Counties, Ohio, to points in New Hampshire, Vermont, Maine, Massachusetts, Connecticut and Rhode Island, and *pallets, skids* and *empty containers* used in transporting the above commodities on return. Applicant is authorized to transport similar commodities in Ohio, New York, Michigan, Maryland, Pennsylvania, West Virginia, New Jersey, Delaware, Virginia, Indiana, and the District of Columbia.

HEARING: April 22, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Examiner Reece Harrison.

No. MC 46737 (Sub 31), filed February 14, 1957, GEO F. ALGER COMPANY, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of General Motors Corporation, Euclid Division, on Ohio Highway 91 near Hudson, Ohio as an off-route point in connection with applicant's regular route operations between Cleveland, Ohio and Akron, Ohio. Applicant is authorized to transport similar commodities in Michigan, Illinois, Indiana, and Ohio.

HEARING: April 24, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 49567 (Sub No. 5), filed February 15, 1957, ROY R. GOLDEN AND LEONARD E. GOLDEN, doing business as GOLDEN BROS., 224 E. McClure Street, Kewanee, Ill. Applicant's representative: George S. Mullins, 4704 W. Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coolers, heat exchangers* or *equalizers*, for air, gas or liquids, *feed water heaters*, or *feed water heaters and purifiers combined*, with or without metering attachments or installation accessories, between Kewanee, Ill., and points in Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, Pennsylvania, and Wisconsin.

HEARING: April 15, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 50069 (Sub No. 179), filed November 30, 1956, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Ave., Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vehicle body sealer or sound deadener compound*, (as more fully described in the application), in bulk, in tank vehicles, (1) from Wayne, Mich., to points in Georgia, Illionis, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia and Wisconsin; (2) from points in Bristol Township, Bucks County, Pa., to points in Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Maine, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia. Applicant is authorized to transport petroleum products in Ohio, Michigan, Illinois, Indiana, Pennsylvania, Kentucky, and West Virginia.

HEARING: April 10, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 54435 (Sub No. 28), filed February 14, 1957, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Blvd., Dearborn, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, over the following alternate routes for operating convenience only, with no service at intermediate or off-route points, and serving the termini for the purpose of joinder only: (1) between Bay City, Mich., and junction Michigan Highway 15 and U. S. Highway 10, over Michigan Highway 15; (2) between Saginaw, Mich., and junction Michigan Highway 46 and Michigan Highway 15, over Michigan Highway 46; (3) between junction U. S. Highway 24 and U. S. Highway 31, and junction U. S. Highway 24 and U. S. Highway 66, over U. S. Highway 24. Applicant is authorized to transport similar commodities in Michigan, Ohio, Illinois, Indiana, and Kentucky.

HEARING: April 15, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 59077 (Sub No. 31), filed January 22, 1957, INLAND MOTOR FREIGHT, a Corporation, South 110 Sheridan Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a common carrier, over regular routes, transporting: *General commodities, including Class A, B, and C, explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, other than those requiring specialized handling or rigging because of size or weight, between Spokane, Wash., and Ford, Wash., (1) from Spokane over U. S. Highway 195 to junction U. S. Highway 395, thence over U. S. Highway 395 to Springdale, Wash., thence over Washington Highway 3–J to Ford, and return over the same route, serving no intermediate points; and (2) from Spokane, over U. S. Highway 2 to Reardan, Wash., thence over unnumbered road to junction Washington Highway 3–J, thence over Washington Highway 3–J to Ford, and return over the same route, serving no intermediate points. Applicant is authorized to transport similar commodities in Idaho, Oregon, and Washington.

HEARING: April 16, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 80.

No. MC 60508 (Sub No. 6), filed January 10, 1957, CLYDE H. SIZEMORE, doing business as SIZEMORE TRUCKING COMPANY, Clinton, N. C. Applicant's attorney: James E. Wilson, Continental Bldg., 14th at K, NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, not including plywood and veneer, from Apex, N. C., and points in North Carolina within 100 miles of Apex, and points in Columbus and New Hanover Counties, N. C., to points in New York, New Jersey, Connecticut, Delaware, and those in Pennsylvania west of U. S. Highway 111 extending from the Maryland-Pennsylvania State line to Harrisburg, Pa., and thence from Harrisburg west of U. S. Highway 15 to the Pennsylvania-New York State line. Applicant is authorized to transport similar commodities in North Carolina, Virginia, West Virginia, Maryland, the District of Columbia, and Pennsylvania.

HEARING: April 8, 1957, at the North Carolina Utilities Commission, State Library Bldg., Morgan Street, Raleigh, N. C., before Examiner William J. Cave.

No. MC 60786 (Sub No. 31), filed January 28, 1957, RALPH G. SMITH, INC., 239 E. Market Street, West Chester, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Livestock*, other than ordinary livestock, and in connection therewith, *personal effects of their attendants*, and *supplies and equipment*, including *mascots*, incidental to the care, transportation and exhibition of such livestock, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport similar commodities in the States of Connecticut, Delaware, Florida, Illinois, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states that no duplication of operating authority is sought.

HEARING: April 10, 1957, at the U. S. Court Rooms, Columbia, S. C., before Examiner William J. Cave.

No. MC 61825 (Sub No. 16), filed February 13, 1957, ROY STONE TRANSFER CORPORATION, P. O. Box 385, Collinsville, Va. Applicant's representative: Thaxton Richardson, P. O. Box 612, Greensboro, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Glass*, from Ford City, Creighton, Butler, Arnold, Jeannette, Elwood City and Frisco, Pa., to Bassett and Martinsville, Va. Applicant is authorized to transport glass in West Virginia, Virginia, Ohio, and Kentucky.

HEARING: April 25, 1957, at the U. S. Court Rooms, Greensboro, N. C., before Examiner William J. Cave.

No. MC 67111 (Sub No. 8), filed February 4, 1957, KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. Applicant's representative: David M. Cook, 1006 Chamber of Commerce Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Rochester, Ind., and junction U. S. Highway 31 and Indiana Highway 110, from Rochester over Indiana Highway 25 to junction Indiana Highway 110, thence over Indiana Highway 110 to junction U. S. Highway 31, and return over the same route, serving the intermediate point of Talma, Ind. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: April 17, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 76032 (Sub No. 108), filed January 14, 1957, NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's representative: O. Russell Jones, P. O. Box

1437, Santa Fe, N. Mex. Issues originally published in FEDERAL REGISTER of January 30, 1957.

PRE-HEARING CONFERENCE: March 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Michael B. Driscoll presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed; (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedures to expedite and control the handling of these applications; (3) The practicability and desirability of consolidating all such applications for hearing on a single record; (4) The time and place or places of such hearing or hearings as may be agreed upon; (5) The general character of the evidence to be offered by the applicants and protestants; (6) The number of witnesses to be presented and the time required for such presentations by both applicants and protestants; (7) The practicability of both applicants and protestants submitting in written form their *direct* testimony with respect to: (a) Their present operating authorities, (b) Their corporate organizations if any, ownership, and control, (c) Their financial data, (d) Their equipment, terminals, and other facilities; (8) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (9) Any other matters by which the hearing or hearings and further handling of the applications can be expedited or simplified, or the Commission's handling thereof aided.

No. MC 76564 (Sub No. 58), filed January 22, 1957, HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives* and *commodities in bulk*, but excluding articles of unusual value, household goods as defined by the Commission, and those requiring special equipment, (1) Between Tatum, N. Mex., and Dallas, Tex., as follows: From Tatum over U. S. Highway 380 to junction U. S. Highway 180, thence over U. S. Highway 180 to junction U. S. Highway 80, thence over U. S. Highway 80 to Dallas, and return over the same route, serving all intermediate points between Fort Worth, Tex., and Dallas, Tex., on U. S. Highway 80, and serving points in the Dallas, Tex., Commercial Zone as defined by the Commission and points in the Fort Worth, Tex., Commercial Zone as defined by the Commission, as intermediate and off-route points; (2) between Tatum, N. Mex., and Dallas, Tex., as follows: From Tatum over U. S. Highway 380 to junction Texas Highway 24, thence over Texas Highway 24 to junction Texas Highway 199, thence over Texas Highway 199 to junction U. S. Highway 80, thence over U. S. Highway 80 to Dallas, and return over the same route, serving all intermediate points between Fort Worth, Tex., and Dallas, Tex., on U. S. Highway 80, and serving points in the Dallas, Tex., Commercial Zone as defined by the Commission and points in the Fort Worth, Tex., Commercial Zone as defined by the Commission, as intermediate and off-route points; (3) Between Hobbs, N. Mex., and Dallas, Tex., as follows: From Hobbs over U. S. Highway 180 to junction U. S. Highway 80, thence over U. S. Highway 80 to Dallas, and return over the same route, serving all intermediate points between Fort Worth, Tex., and Dallas, Tex., on U. S. Highway 80, and serving points in the Dallas, Tex., Commercial Zone as defined by the Commission and points in the Fort Worth, Tex., Commercial Zone as defined by the Commission, as intermediate and off-route points; and (4) Between Fort Worth, Tex., and Dallas, Tex., over Texas Highway 183, serving all intermediate points, and serving points in the Dallas, Tex., Commercial Zone, as defined by the Commission and points in the Fort Worth, Tex., Commercial Zone as defined by the Commission, as intermediate and off-route points. Applicant is authorized to conduct operations in New Mexico and Texas.

NOTE: Applicant states that route (4) above is to be operated in conjunction with each of the routes described in (1), (2), and (3) above.

PRE-HEARING CONFERENCE: March 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Michael B. Driscoll presiding. At the pre-hearing conference it is contemplated that the following matters will be discussed; (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedures to expedite and control the handling of these applications; (3) The practicability and desirability of consolidating all such applications for hearing on a single record; (4) The time and place or places of such hearing or hearings as may be agreed upon; (5) The general character of the evidence to be offered by the applicants and protestants; (6) The number of witnesses to be presented and the time required for such presentations by both applicants and protestants; (7) The practicability of both applicants and protestants submitting in written form their *direct* testimony with respect to: (a) Their present operating authorities, (b) Their corporate organizations if any, ownership, and control, (c) Their financial data, (d) Their equipment, terminals, and other facilities; (8) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (9) Any other matters by which the hearing or hearings and further handling of the applications can be expedited or simplified, or the Commission's handling thereof aided.

No. MC 85934 (Sub No. 1), filed January 14, 1957, MICHIGAN TRANSPORTATION COMPANY, 1650 Waterman Avenue, Detroit, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly ash*, in bulk and in bags, between points in Michigan, on the one hand, and, on the other, points in Illinois, Wisconsin, Indiana, Ohio, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee. Applicant is authorized to engage in operations as a contract carrier of specified commodities in Ohio, Michigan, Illinois, and Indiana.

HEARING: April 11, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 87861 (Sub No. 1), filed February 7, 1957, CONTRACTORS TRANSIT, INC., 3770 Grant St., Gary, Ind. Applicant's attorney: Harold J. Bell, 1110–1114 Fletcher Trust Bldg., Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in Indiana and Illinois, on the one hand, and, on the other, points in Iowa and Missouri on and east of U. S. Highway 63 and those in Wisconsin on and south of U. S. Highway 10; and *lime*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity (1) between Gary, Ind., and Montague, Mich., and points within ten (10) miles of each, on the one hand, and, on the other, points in Illinois, Iowa, Missouri, and Wisconsin, and (2) between Montague, Mich., and points within ten miles thereof, on the one hand, and, on the other, points in Indiana. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, and Ohio.

HEARING: April 10, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 91910 (Sub No. 13), filed November 13, 1956, WM. O'DONELL, INC., Route 1, P. O. Box 367, Elkhorn, Wis. Applicant's attorney: William C. Dineen, 341 Empire Bldg., 710 N. Plankinton Ave., Milwaukee 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fluid milk and cream, dairy products, dairy plant equipment and supplies*, and *empty containers or other such incidental facilities*, (not specified) used in transporting the commodities specified, between the plants and distribution centers of Dean Milk Company, located at Delavan and Madison, Wis., Chemung, Rockford, Pecatonica, Belvidere, Huntley and Franklin Park, Ill., Rochester, Ind., Louisville, Ky., Little Rock and Conway, Ark., and Memphis, Tenn.; (2) from Fort Atkinson, Wis., to Louisville, Ky., and points in the Cincinnati, Ohio, Commercial Zone, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois, Wisconsin, Michigan, Missouri, Alabama, Tennessee, Texas, Indiana, Iowa, and Minnesota.

HEARING: April 22, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 95920 (Sub. No. 10), filed February 4, 1957, D. D. SANTRY, doing business as SANTRY TRUCKING COMPANY, 1525 S. W. Alder St., Portland 5, Oreg. Applicant's attorney: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages, malt beverage containers and cartons, bottle openers, advertising matter* and *brewery products* moving incidentally to the movement of malt beverages, from Olympia, Wash., and points within three miles thereof to points in Idaho, and *empty malt beverage containers*, and *damaged, defective and returned shipments of malt beverages* on return. Applicant is authorized to transport similar commodities in Oregon and Washington.

HEARING: April 22, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 81.

No. MC 102616 (Sub No. 631), filed January 24, 1957, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Animal and poultry feed*, in bulk, in tank vehicles and covered hopper-type vehicles, from place of manufacture, from Delmar, Laurel, Seaford, Shelbyville and Wilmington, Del., Baltimore, Frederick and Salisbury, Md., Jamesburg, N. J., Camp Hill, Everson, Lancaster, Pottstown, Lewisburg, Shiremanstown and York, Pa., Portsmouth, Richmond and Roanoke, Va., and points within 5 miles of each, to points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia and the District of Columbia; and (2) *animal and poultry feed*, in bulk, in tank vehicles and covered hopper-type vehicles, between points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia and the District of Columbia. RESTRICTION: Applied-for authority in (2) above to be limited to shipments having a prior movement by rail or water.

HEARING: April 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 102646 (Sub No. 13), filed February 11, 1957, MORGAN TRUCK SERVICE, INC., 430 Adrian St., John Day, Oreg. Applicant's attorney: Earle V. White, 1401 N. W. 19th Ave., Portland 9, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Burns, Oreg. and Winnemucca, Nev., from Burns over Oregon Highway 78 to junction U. S. Highway 95 and thence over U. S. Highway 95 to Winnemucca, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Oregon, Washington, California, and Idaho.

HEARING: April 17, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 297.

No. MC 103880 (Sub No. 174), filed February 13, 1957, PRODUCERS TRANSPORT, INC., 530 Paw Paw, Benton Harbor, Mich. Applicant's attorney: Edward G. Bazelon, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Kankakee, Ill., to points in Minnesota. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, Virginia, West Virginia, and Wisconsin.

HEARING: April 17, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 103993 (Sub No. 78), filed November 19, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from the site of the plant of Stanley Mobile Homes, located approximately four miles west of junction U. S. Highways 30 and 52, near Dixon, Ill., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 8, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 103993 (Sub No. 88), filed February 4, 1957, MORGAN DRIVE-AWAY, INC., 509 Equity Bldg., Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in truckaway service, in initial movements, from points in Oklahoma, except from Tulsa and points within 10 miles thereof, and except from the site of the plant of El Reno Trailers, Inc., located approximately eight miles south of El Reno, to points in the United States, except Mt. Clemens, Detroit and Flint, Mich. Applicant is authorized to transport trailers throughout the United States.

HEARING: April 12, 1957, at the Sheraton-Cadillac Hotel, Detroit, Mich., before Examiner Reece Harrison.

No. MC 106009 (Sub No. 5), filed February 6, 1957 (Correction) JOHN AUSTIN EMORY, doing business as CAUSTIC SODA TRANSPORTATION COMPANY, West Asheville, N. C., published in the FEDERAL REGISTER issue of February 27, 1957. The portion of the notice reading: *HEARING:* April 14, 1957, was in error, the correct date for which the hearing is assigned is April 4 (Fourth) 1957.

No. MC 106398 (Sub No. 79), filed February 4, 1957, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Rd., Tulsa 15, Okla. Mailing address: Box 8096, Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Florida, except Sebring, Clearwater and Lake City, Fla., to points in the United States, except Mt. Clemens, Detroit and Flint, Mich. Applicant is authorized to transport trailers throughout the United States.

HEARING: April 15, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner William J. Cave.

No. MC 106398 (Sub No. 72), filed November 19, 1956, NATIONAL TRAILER CONVOY, INC., 1916 N. Sheridan Road, (P. O. Box 8096 Dawson Station), Tulsa, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. For authority to operate as a common carrier, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway service, from the site of the plant of Stanley Mobile Homes, located approximately four miles west of junction U. S. Highways 30 and 52, near Dixon, Ill., to points in the the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 8, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 106398 (Sub No. 75), filed January 18, 1957, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridian Road, Box 8096 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 3737 North Meridian St., Indianapolis 8, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Momence, Ill., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 106714 (Sub No. 8), filed February 8, 1957, JOHN E. HIGGINS AND JOHN B. HIGGINS, doing business as HIGGINS TRANSPORTATION, 865 E. Kinder St., Richland Center, Wis. Applicant's attorney: Claude J. Jasper, 1 W. Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, in bags and in bulk, from Iowa Falls, Iowa, and Dubuque, Iowa, to points in LaCrosse, Monroe, Juneau, Vernon, Richland, Sauk, Iowa, Dane, Crawford, Rock, Grant, Lafayette, and Green Counties, Wis. Applicant is authorized to transport the named commodities from St. Paul and Minneapolis, Minn., and points within a 15-mile radius thereof to the named destination counties.

HEARING: April 10, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 107743 (Sub No. 2), filed February 8, 1957, GEORGE W. CULLY

AND S. J. CULLY, JR., doing business as CULLY TRUCKING COMPANY, N. 2828 Madelia, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, molding*, and *wooden shingles*, (1) from points in Adams, Benton, Franklin, Grant, Spokane, Stevens and Whitman Counties, Wash., to points in Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho; and (2) between points in Lincoln and Pend Oreille Counties, Wash., and points in Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho. Applicant is authorized to transport lumber, moulding, and wooden shingles from points in Benewah, Bonner, Boundary, Kootenai, Latah and Shoshone Counties, Idaho, to points in Adams, Benton, Franklin, Grant, Spokane, Stevens and Whitman Counties, Wash.

HEARING: April 15, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169.

No. MC 108001 (Sub No. 11), filed February 4, 1957, OHIO TRI-COUNTY TRUCKING COMPANY, a Corporation, 21040 Coolidge Highway, Oak Park 37, Mich. Applicant's representative: William B. Elmer, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Limestone* and *crushed limestone*, between points in Ohio and Michigan. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio. Duplication with present authority to be eliminated.

HEARING: April 15, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 108185 (Sub No. 17), filed February 13, 1957, DIXIE HIGHWAY EXPRESS, INC., 1600 "B" Street, Meridian, Miss. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Meridian, Miss., and Demopolis, Ala., from Meridian over Mississippi Highway 19 to the Mississippi-Alabama State line, thence over Alabama Highway 10 to the junction of Alabama Highway 79, thence over Alabama Highway 79 to the junction of U. S. Highway 43, thence over U. S. Highway 43 to Demopolis, and return over the same route, serving the intermediate points of Butler and Linden, Ala., and the off-route point of Naheola, Ala. Applicant is authorized to transport similar commodities in Alabama, Georgia, Mississippi, and Louisiana.

HEARING: April 15, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 14.

No. MC 109064 (Sub No. 4), filed November 8, 1956, TEX-O-KAN TRANSPORTATION COMPANY, INC., c/o PAUL F. HEALY, PRESIDENT, P. O. Box 4061, Fort Worth, Tex. Applicant's attorney: Joe H. Eidson, Jr., Century Life Bldg., Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, materials, equipment* and *supplies* used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of water and sewerage pipelines, including the stringing and picking up thereof, (1) between points in Oklahoma and Kansas, those in Lea and Eddy Counties, N. Mex., and those in Texas north of a line beginning at El Paso and extending along U. S. Highway 80 to Dallas, thence along U. S. Highway 175 to Jacksonville, and thence along U. S. Highway 79 to the Texas-Louisiana State line, including points on the indicated portions of the highways specified; and (2) between points in that part of Texas on and north of a line beginning at El Paso, and extending along U. S. Highway 80 to Dallas, thence along U. S. Highway 175 to Jacksonville, and thence along U. S. Highway 79 to the Texas-Louisiana State line, on the one hand, and, on the other, points in Colorado, Wyoming, Utah, and Montana.

HEARING: May 20, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 109761 (Sub No. 8), filed February 15, 1957, CARL SUBLER TRUCKING, INC., 906 Magnolia Ave., Auburndale, Fla. Applicant's attorney: Herbert Baker, 50 West Broad St., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned, preserved or prepared milk and milk products*, not requiring refrigeration, from Defiance, Ohio, Nashville, Ill., and points in Wisconsin, to points in Florida. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return. *Canned, preserved or prepared vegetables, vegetable juices, fruits, or fruit juices*, not requiring refrigeration, from points in Florida to points in Wisconsin. *Empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return. Applicant is authorized to transport canned fruit and fruit juices from specified points in Florida to specified points in Michigan, Illinois, Wisconsin, Minnesota, and all points in Indiana.

HEARING: April 11, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 110252 (Sub No. 44), filed February 4, 1957, JAMES J. WILLIAMS, INC., North 1108 Pearl Street, Spokane, Wash. Applicant's attorney: William B. Adams, Pacific Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission, in tank or hopper type vehicles, between points in Washington, on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada located in Idaho and in Washington on and east of U. S. Highway 97.

HEARING: April 15, 1957, at the Davenport Hotel, Spokane, Wash., before Joint Board No. 169.

No. MC 110264 (Sub No. 12), filed January 2, 1957, ALBUQUERQUE PHOENIX EXPRESS, INC., P. O. Box 404, Albuquerque, N. Mex. Issues originally published in FEDERAL REGISTER of January 23, 1957.

PRE-HEARING CONFERENCE: March 18, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., with Examiner Michael B. Driscoll presiding. At the prehearing conference it is contemplated that the following matters will be discussed: (1) The issues generally with a view to their simplification; (2) The possibility and desirability of agreeing upon special procedures to expedite and control the handling of these applications; (3) The practicability and desirability of consolidating all such applications for hearing on a single record; (4) The time and place or places of such hearing or hearings as may be agreed upon; (5) The general character of the evidence to be offered by the applicants and protestants; (6) The number of witnesses to be presented and the time required for such presentations by both applicants and protestants; (7) The practicability of both applicants and protestants submitting in written form their *direct* testimony with respect to: (a) Their present operating authorities, (b) Their corporate organizations if any, ownership, and control, (c) Their financial data, (d) Their equipment terminals, and other facilities; (8) The practicability and desirability of all parties exchanging exhibits covering the immediately above-listed matters in advance of any hearing; (9) Any other matters by which the hearing or hearings and further handling of the applications can be expedited or simplified, or the Commission's handling thereof aided.

No. MC 110525 (Sub No. 326), filed February 9, 1957, CHEMICAL TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, and *acids*, in bulk, in tank vehicles, from points in Hamilton County, Ohio, to points in Illinois, Indiana, and Michigan, and to the United States-Canada International Boundary line at port of entry at Port Huron, Mich., on shipments destined to points in Canada. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 10, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 110611 (Sub No. 2), filed February 7, 1957, RODGER EKLUND, doing business as EKLUND TRUCKING, Peshtigo, Wis. Applicant's attorney: Claude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bricks* and *tile*, from Streator, Ill., to points in the Upper Peninsula of Michigan and points in Oconto, Marinette, Forest and Florence Counties, Wis. Applicant is authorized to transport similar commodities in Michigan and Wisconsin.

HEARING: April 11, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 162.

No. MC 110824 (Sub No. 6), filed January 14, 1957, A. F. POSNIK AND COMPANY, a Corporation, 12300 Visger Rd., Detroit, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Bldg., Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum lubricating oils*, in bulk, in tank vehicles, from Detroit and Flat Rock, Mich., to points on the International Boundary between the United States and Canada at or near Detroit, Mich. Applicant is authorized to transport similar commodities in Ohio, Michigan, and Indiana.

HEARING: April 16, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 163, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 111472 (Sub No. 43), filed January 7, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty St., Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery*, and *farm or industrial tractors*, with or without attachments, from Racine, Wis., to points in Arkansas and Louisiana. Applicant is authorized to transport similar commodities throughout the United States excepting the State of Nevada and the District of Columbia.

HEARING: April 16, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 111472 (Sub No. 44), filed January 14, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tractors*, except truck tractors, and excepting tractors that because of their size or weight require special equipment, with or without attachments (intended to embrace tractors which may have general utility use, and which are not necessarily limited to farm tractors), from Burlington, Iowa, to points in the forty-eight (48) States. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Ohio, and Wisconsin.

HEARING: April 16, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 112020 (Sub No. 27), filed January 30, 1957, COMMERCIAL OIL TRANSPORT, a corporation, 1030 Stayton St., Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First Nat'l Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oils*, other than petroleum, *paint and paint materials, resins*, and *products* and *blends* thereof, in bulk, in tank vehicles, between points in Texas, Louisiana, Minnesota, Iowa, Illinois, Alabama, Oklahoma, Colorado, Kansas, Missouri, Arkansas, Tennessee, and Mississippi, on the one hand, and, on the other, Dallas, Tex., and points within 20 miles thereof. Applicant is authorized to conduct operations in Arkansas, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

HEARING: May 23, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 112020 (Sub No. 28), filed February 5, 1957, COMMERCIAL OIL TRANSPORT, 1030 Stayton St., Fort Worth, Tex. Applicant's attorney: Leroy Hallman, First Nat'l Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and vegetable fats, oils, greases*, and *products and blends thereof*, in bulk, in tank vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Arkansas, Colorado, Delaware, District of Columbia, Florida, Maryland, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Virginia, West Virginia, Wisconsin, New York, Pennsylvania, Georgia, Kansas, South Dakota, Iowa, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, Illinois, Indiana, and Michigan. Applicant is authorized to transport similar commodities in Louisiana, Arkansas, Oklahoma, Texas, Kansas, New York, Missouri, Nebraska, Iowa, Illinois, Indiana, Michigan, Mississippi, Ohio, and Wisconsin.

HEARING: April 18, 1957, at the U. S. District Court Rooms, Memphis, Tenn., before Examiner William J. Cave.

No. MC 112835 (Sub No. 4), filed February 14, 1957, MORRIS H. APPLEBAUM, 6206 North Bernard Street, Chicago 45, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Television tubes, radio tubes and radio sets, television sets, phonographs and recording sets* and *combinations* thereof and *parts of and for such commodities*, between points in Illinois and Indiana, and Charlotte, Mich., on the one hand, and, on the other, points in Pennsylvania, New Jersey, New York, Massachusetts and Connecticut. RESTRICTION: Applied for authority to be restricted in each and every instance to operations performed through Charlotte, Mich. Applicant is authorized to transport similar commodities in Connecticut, Illinois, Massachusetts, Michigan, New Jersey, and New York.

HEARING: April 18, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 113151 (Sub No. 4), filed January 25, 1957, ALPHONSE HINDERMANN, EDWIN HINDERMANN and VINCENT HINDERMANN, doing business as HINDERMANN BROTHERS, Dickeyville, Wis. Applicant's attorney: John T. Porter, 708 First Nat'l. Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock*, and *poultry feed*, from Dubuque and Iowa Falls, Iowa, to points in Crawford, Grant, Iowa and Richland Counties, Wis. Applicant is authorized to transport similar commodities in Iowa, Illinois, and Wisconsin.

NOTE: Applicant states that the proposed application is a duplication in part, of its rights in Certificate No. MC 113151 (Sub No. 1), and requests that such duplication be eliminated by the Commission in the event that part or all of the authority herein requested is granted.

HEARING: April 10, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 113514 (Sub No. 22), filed January 2, 1957, SMITH TRANSIT, INC., (formerly CHEMICAL TRANSPORTS, INC.,) 305 Simons Bldg., 1528 Main St., Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Bldg., Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Nueces County, Tex., to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico and Oklahoma. Applicant is authorized to transport similar commodities in the States of Texas, Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma.

NOTE: Applicant is under common control with Chemical Express (Texas corporation) who holds contract carrier authority in Permit No. 115135 (Sub No. 1) to transport cement from Maryneal, Tex., to points in New Mexico as more fully set forth in instant application. Section 210 (dual operations) may be involved.

HEARING: May 17, 1957, at the Federal Bldg., Corpus Christi, Tex., before Examiner Walter R. Lee.

No. MC 113779 (Sub No. 52), filed January 28, 1957, YORK INTERSTATE TRUCKING, INC., 9820 LaPorte Expressway, P. O. Box 12385, Houston 17, Tex. For authority to operate as a common carrier, over irregular routes, transporting: (1) *Acids* and *chemicals* (not restricted to those as defined by the Commission), in bulk, in manifolded cylinder trailers and tank vehicles, between points in Harris, Jefferson and Orange Counties, Texas, on the one hand, and, on the other, points in Alabama, Arizona, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Nevada, North Carolina, South Carolina, South Dakota, Tennessee (except Kingsport), Utah, Virginia, West Virginia, Wisconsin and Wyoming; and (2) *lubricating oils* and *petroleum wax*, in bulk, in tank vehicles, from points in Harris and Jefferson Counties, Texas, to points in Alabama, Arkansas, Florida, Georgia, Mississippi and Tennessee. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. Any duplication with present authority should be eliminated.

NOTE: Where authority granted duplicates any authority granted in this application, applicant requests the previously granted authority be merged.

HEARING: May 8, 1957, at the Federal Office Bldg., Franklin & Fannin Sts., Houston, Tex., before Examiner Walter R. Lee.

No. MC 113917 (Sub No. 3), filed February 7, 1957, W. W. ORMOND, doing business as W. W. ORMOND TRANSFER CO., Rt. 2, Box 324–H, New Bern, N. C. For authority to operate as a *contract carrier*, over a regular route, transporting: *Meats, meat products* and *meat byproducts, dairy products* and *articles distributed by meat packinghouses*, from New Bern, N. C. to Camp LeJeune, N. C., from New Bern over U. S. Highway 17 to Jacksonville, thence over North Carolina Highway 24 to Camp LeJeune, serving the intermediate point of Jacksonville. Applicant is authorized to transport similar commodities in North Carolina.

HEARING: April 9, 1957, at the North Carolina Utilities Commission State Library Bldg., Morgan Street, Raleigh, N. C., before Joint Board No. 103, or, if the Joint Board waives its right to participate, before Examiner William J. Cave.

No. MC 113974 (Sub No. 6), filed February 19, 1957, PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, Pa. Applicant's attorney: Leonard Boreman, 1124 Frick Bldg., Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Steel* and *steel articles*, from Pittsburgh and Aliquippa, Pa., to points in Connecticut, Massachusetts, and Rhode Island.

NOTE: Applicant states that it is presently authorized to transport steel mill products from Pittsburgh and Aliquippa, Pa., to points in Connecticut, Massachusetts and Rhode Island. No new territory is sought and applicant desires to change its commodity description from steel mill products to steel and steel articles.

HEARING: April 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Bertram E. Stillwell.

No. MC 114969 (Sub No. 8), filed January 31, 1957, PROPANE TRANSPORT, INC., 27 Water Street, Milford, Ohio. Applicant's representative: Leonard D. Slutz, 900 Tri-State Bldg., Cincinnati 2, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from points in Douglas County, Ill., to points in Ohio south and west of a line extending from the Ohio-Indiana State line in an easterly direction along Ohio Highway 47 to Waldo, Ohio, thence south along U. S. Highway 23 to Columbus, Ohio, thence east along U. S. Highway 40 to Zanesville, Ohio, thence southeast along Ohio Highway 77 to the Ohio River at Marietta, Ohio, *except* points in Brown, Clermont, Darke, Franklin, Hamilton, Montgomery, Pike, Union, and Warren Counties, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, and Ohio.

NOTE: Applicant has authority in Certificate No. MC 114969, dated August 8, 1956, to transport *Liquefied petroleum gas*, in bulk, in tank vehicles, from Tuscola, Ill., and points in Illinois within five miles thereof, to points in Brown, Clermont, Darke, Franklin, Hamilton, Montgomery, Pike, Union, and Warren Counties, Ohio.

HEARING: April 18, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 115471 (Sub No. 2), filed February 7, 1957, JOSEPH WALSH, doing business as NORTH AMERICAN TRANSPORT CO., 5216 Perkins Ave., Cleveland, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Compressed gas*, in government-owned tube trailers, from Lakehurst, N. J., to Cleveland, Ohio; *Empty government-owned tube trailers*, from Cleveland, Ohio, to Lakehurst, N. J.

HEARING: April 8, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 115491 (Sub No. 1), filed December 26, 1956, COMMERCIAL CARRIERS CORPORATION, 502 East Bridges Ave., Auburndale, Fla. Applicant's representative: William P. Tomasello, 120 East Davidson St., Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned citrus products*, from points in Florida to points in Texas, Arkansas, Oklahoma, Louisiana, Wisconsin and South Dakota, and Omaha, Nebr., St. Louis, Mo., Kansas City, Kans. and St. Paul and Minneapolis, Minn.

NOTE: Applicant has pending application in No. MC 115491 to transport the same commodity from specified counties in Florida to Tampa, Fla.; also pending application in No. MC–FC 59787 to transfer to it Certificate No. MC 111776 (Sub No. 1), which authorizes transportation of same commodity from specified points in Florida to points in Iowa, Nebraska (except Omaha), Missouri (except St. Louis), Kansas (except Kansas City), and Minnesota (except St. Paul and Minneapolis).

HEARING: April 11, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner William J. Cave.

No. MC 115491 (Sub No. 4), filed February 11, 1957, COMMERCIAL CARRIER CORPORATION, 502 E. Bridges Ave., Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 E. Davidson St., Bartown, Fla. For authority to operate as a *common carrier* over irregular routes, transporting: *Canned goods*, from points in Minnesota to points in Florida, Georgia, Alabama, South Carolina and North Carolina.

HEARING: April 12, 1957, at the U. S. Court Rooms, Tampa, Fla., before Examiner William J. Cave.

No. MC 116062 (Sub No. 5), filed February 8, 1957, CALIFORNIA EXPRESS, INC., 4050 Clarke, Fort Worth, Tex. Applicant's attorney: John W. Carlisle, 422 Perry Brooks Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cottonseed oil* and *vegetable oil*, in bulk, in tank vehicles, from points in Texas and New Mexico to points in Arizona and California.

HEARING: May 27, 1957, at the Baker Hotel, Dallas, Tex., before Examiner Walter R. Lee.

No. MC 116077 (Sub No. 19), filed January 14, 1957, ROBERTSON TANK LINES, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews, Brown Bldg., Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, rendering a call and demand service, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Nueces County, Texas (except Bishop, Texas) to points in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, and Oklahoma. Applicant is authorized to conduct similar operations in Louisiana, Mississippi, Arkansas, Oklahoma, and Texas.

HEARING: May 15, 1957, at the Federal Bldg., Corpus Christi, Tex., before Examiner Walter R. Lee.

No. MC 116304 (Sub No. 1), filed February 8, 1957, LEO J. JEFFREYS, 1306 South Platinum, Deming, N. Mex. Applicant's attorney: A. C. Gonzalez, Jr., El Paso National Bank Bldg., El Paso, Tex. For authority to operate as a *contract carrier*, over regular routes, transporting: *Milk, ice cream* and *dairy products*, (1) from El Paso, Tex., to Carlsbad, N. Mex., from El Paso over U. S. Highway 54 to the junction of New Mexico Highway 83 near Alamogordo, N. Mex., thence over New Mexico Highway 83 to the junction of U. S. Highway 285 at Artesia, N. Mex., thence over U. S. Highway 285 to Carlsbad, and return over U. S. Highway 180 to El Paso, serving all intermediate points; (2) from El Paso, Tex., to Lordsburg, N. Mex., from El Paso over U. S. Highway 80 to the junction of U. S. Highway 260 at Deming, N. Mex., thence over U. S. Highway 260 to the junction of New Mexico Highway 180 at Silver City, N. Mex., thence over New Mexico Highway 180 to Lordsburg, N. Mex., and return over U. S. Highway 80 to El Paso, serving all intermediate points, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return over the above routes.

HEARING: May 6, 1957, at the Hotel Paso Del Norte, El Paso, Tex., before Joint Board No. 33, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116324, filed November 26, 1956, R. W. TAFT AND WILLIAM E. CONWAY, doing business as TAFT & CONWAY, 229 North Superior Avenue, Tomah, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Mobile homes*, from Tomah, Wis., and points within ten miles thereof, including Camp McCoy, to points in Minnesota, Iowa, Illinois, Indiana, Nebraska and Missouri, and *empty containers or other such incidential facilities* (not specified) used in transporting the commodity specified in this application on return.

NOTE: Applicant states he does not intend to haul for commercial manufacturers but will only make an occasional movement for individuals stationed at Camp McCoy and in the immediate vicinity of Tomah, Wis.

HEARING: April 19, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Examiner Richard H. Roberts.

No. MC 116350 (Sub No. 1), filed February 13, 1957, HALL & BARBER, INC., 123 West 8th Street, Cambridge, Ohio. Applicant's attorney: Ralph W. Sanborn, 810 Hartman Bldg., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, and in containers, from points in Washington County, Ohio, to points in West Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return movements.

HEARING: April 23, 1957, in Room 255 New Post Office Bldg., Columbus, Ohio, before Joint Board No. 61, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 116384, filed January 16, 1957, RAYMOND MANKE, ERVIN MANKE, AND WARREN MANKE, doing business as MANKE TRUCKING SERVICE, Rose and Highway 65, Owatonna Minn. Applicant's representative: A. R. Fowler, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Culverts, headwalls, headwall aprons, bands and fittings*, from Minneapolis and St. Paul, Minn., to points in North Dakota and Wisconsin.

HEARING: April 12, 1957, at the Federal Court Building, Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 219.

No. MC 116393, filed January 22, 1957, RAYPEN TRANSPORT, INC., 6011 West Gunnison, Chicago, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ice cream cones, returned shipments*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity, (1) between Chicago, Ill., and points in Wisconsin, Michigan, Ohio, Indiana, Illinois, Missouri, Iowa, Kentucky, West Virginia, and Tennessee; (2) between Chicago, Ill., and points in Washington, Dakota, Anoka, Carver, Scott, Sherburne, Wright, Le Sueur, Rice, Waseca, Steele, Freeborn, Goodhue, Dodge, Mower, Wabasha, Winona, Houston, Fillmore, Olmsted, Blue Earth, and Faribault Counties, Minn.; (3) between Chicago, Ill., and points in Niagara, Erie, Chautauqua, and Cattaraugus Counties, N. Y.; (4) between Chicago, Ill., and points in Erie, Crawford, Mercer, Lawrence, Beaver, Allegheny, and Washington Counties, Pa.; and (5) between Chicago, Ill., and points in Dakota, Thurston, Burt, Washington, Douglas, Saunders, Lancaster, Sarpy, Cass, and Otoe Counties, Nebr.

HEARING: April 15, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Richard H. Roberts.

No. MC 116398, filed January 25, 1957, CLYDE ERION AND LA NORA ERION, doing business as ERION LUMBER & FUEL COMPANY, 9020 North Bradford St., Portland 3, Oreg. Applicant's attorney: Edward F. Doyle, 8527 N. Jersey Street, Portland 3, Oreg. For authority to operate as a *contract carrier*, over a regular route, transporting: *Wood chips*, from Portland, Oreg., to Camas, Wash., from Portland over U. S. Highway 99E to the Interstate Bridge over the Columbia River, thence over the Interstate Bridge to the junction of U. S. Highway 830, thence over U. S. Highway 830 to Camas.

HEARING: April 22, 1957, at 538 Pittock Block, Portland, Oreg., before Joint Board No. 45.

No. MC 116405, filed January 28, 1957, J. C. POOLE, JR., doing business as POOLE MOTOR EXPRESS, P. O. Box 148, Eutaw, Ala. Applicant's attorney: Maurice F. Bishop, 325–329 Frank Nelson Bldg., Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber* and *lumber products including plywood and veneer*, and *beverage bottles and containers*, from points in Fayette, Pickens, Tuscaloosa, Bibb, Greene, Hale, Perry, Marengo, Dallas, Choctaw, Clarke, Wilcox and Monroe Counties, Ala., and Lowndes and Lauderdale Counties, Miss., to points in Indiana, Kentucky, Tennessee, Ohio, Illinois, Missouri, Wisconsin and Michigan; (2) *beverages*, in bottles, cans and kegs, from Chicago and Peoria, Ill., St. Louis, Mo., Evansville and Terre Haute, Ind., Louisville, Ky., Cincinnati, Ohio, Detroit, Mich., Milwaukee, Wis., and Belleville, Ill., to points in Alabama; and (3) *canned vegetables*, from points in Illinois and Wisconsin to points in Greene, Dallas, Montgomery, Hale and Marengo Counties, Ala., points in Lauderdale County, Miss., and points in Troup and Muscogee Counties, Ga.

HEARING: April 22, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Examiner William J. Cave.

No. MC 116409, filed January 30, 1957, BULK CARRIERS, INC., P. O. Box 156, Limestone, Tenn. Applicant's attorney: James E. Wilson, Continental Bldg., 14th and K Sts., NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Spodumene ore*, in bulk, from Kings Mountain, N. C., and points within five (5) miles thereof, to Sunbright, Va., and points within five (5) miles of Sunbright.

HEARING: April 24, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Joint Board No. 221, or, if the Joint Board waives its right to participate, before Examiner William J. Cave.

No. MC 116416, filed January 31, 1957, VIRGIL REES, Milton, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *agricultural lime*, from Alliance, Columbus, Findlay, Greenville, Lewisburg, and Lima, Ohio, and points in Ohio in the Cincinnati Commercial Zone, to points in that part of Indiana bounded by the Indiana-Ohio State line on the east, U. S. Highway 52 on the south, Indiana Highway 3 on the west, and Indiana Highway 26 on the north, serving all points on the portion of the highways specified.

HEARING: April 18, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 116420, filed February 4, 1957, ROY L. McKAIN, doing business as McKAIN PRODUCE COMPANY, 315 North 2nd St., Terre Haute, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *School paste*, in glass, *ink* in bottles, *mucilage* in bottles, from Terre Haute, Ind. to points in Arkansas, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

HEARING: April 17, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Reece Harrison.

No. MC 116421, filed February 1957, ERNEST HOMER WATKINS, 152 Chippewa Lake St., Chippewa Lake, Ohio. Applicant's attorney: William M. Barrett, Broadway Bldg., Lorain, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Foodstuffs*, including *olives, jellies, jams* and *syrups*, and *empty containers* (including bottles), and *packing materials* and *other such incidental facilities* (not specified) used in transporting the commodities specified between Vermilion, Ohio, and points in Michigan, Illinois, Indiana, Ohio, Pennsylvania, New York, New Jersey, Maryland, Delaware, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Alabama, Florida, and the District of Columbia.

NOTE: Carrier states he proposes to transport the commodities specified for the South Shore Packing Corporation and South Shore Sales Company only.

HEARING: April 9, 1957, at the Old Post Office Bldg., Public Square & Superior Ave., Cleveland, Ohio, before Examiner Reece Harrison.

No. MC 116430, filed February 8, 1957, ORVILLE SCHMIDT, 514 South 17th Avenue, Wasau, Wis. Applicant's attorney: Calude J. Jasper, One West Main St., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, in bulk and in bags, and *fertilizer*, from points in Marathon County, Wis., to points in the Upper Peninsula of Michigan.

HEARING: April 11, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 116431, filed February 11, 1957, H. BENAVIDES Y CIA. S. A., Ocampo 163, Reynosa, Tamaulipas, Mexico. Applicant's attorney: H. H. Rankin, Jr., P. O. Box 569, Edinburg, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment*, but excluding commodities of unusual value and Class A and B explosives, (1) from the port of entry at or near Hidalgo, Tex., on the international boundary line between the United States and Mexico to Hidalgo, Texas, over U. S. Highway 281, serving no intermediate points; (2) from the port of entry near Progreso, Tex., on the international boundary line between the United States and Mexico to Pro-

greso, Tex., over Texas Highway 88, serving no intermediate points.

NOTE: Applicant states that it seeks authority to transport general commodities in foreign commerce only.

HEARING: May 13, 1957, at the U. S. Court Rooms, Brownsville, Tex., before Joint Board No. 294, or, if the Joint Board waives its right to participate, before Examiner Walter R. Lee.

No. MC 116435, filed February 14, 1957, CHARLES C. GAY, doing business as GAY TRUCKING COMPANY, P. O. Box 4111, Port Wentworth, Ga. Applicant's attorney: T. Baldwin Martin, 503 First National Bank Bldg., Macon, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ammonium nitrate fertilizer* (pulverized), in bulk, and in bags, from the site of the Southern Nitrogen Company, Inc., plant at Savannah, Ga., and from Port Wentworth, Ga., to points in Florida, Georgia, North Carolina and South Carolina, points in Alabama and Tennessee on and east of U. S. Highway 31, and points on and east of U. S. Highway 31W north of Nashville, Tenn.

HEARING: April 12, 1957, at Peachtree-Seventh Bldg., 50 Seventh St., N. E., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 116445, filed February 13, 1957, LORIN A. WALDRON, 10 Jackson Street, Placerville, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Lumber*, from the plant site of the Kelsey Lumber Co., Kelsey, Calif., to San Francisco, Calif., from the plant site of the Kelsey Lumber Co., Kelsey, over California Highway 93–A to Placerville, Calif., thence over U. S. Highway 50 to Sacramento, Calif., and thence over U. S. Highway 40 to San Francisco, serving no intermediate points.

NOTE: The proposed transportation is to the San Francisco Dock area.

HEARING: April 23, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Sts., San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

MOTOR CARRIERS OF PASSENGERS

No. MC 2353 (Sub No. 8), filed February 20, 1957, MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore 24, Md. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Bldg., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, in seasonal operations between May 15 and September 15 of each year, between Baltimore, Md., and Cape May, N. J.: from Baltimore over U. S. Highway 40 to Malaga, N. J., thence over New Jersey Highway 47 to Millville, N. J., thence over New Jersey Highway 49 to Tuckahoe, N. J., thence over New Jersey Highway 50 to junction with U. S. Highway 9 at Seaville, N. J., thence via connecting road to Garden State Parkway Interchange, thence over Garden State Parkway to junction Garden State Parkway Interchange and New Jersey Highway 585; thence over New Jersey Highway 585 to junction U. S. Highway 9, and thence over U. S. Highway 9 to Cape May, and return over the same route, serving all intermediate points between Baltimore and intermediate points on the route in Maryland, on the one hand, and, on the other, Cape May, N. J., and intermediate points on the route in New Jersey. Applicant is authorized to conduct similar operations between Baltimore, Md., and Atlantic City, N. J., and charter and special operations in Maryland, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: April 22, 1957, in Room 709, U. S. Appraiser's Stores Building, Gay and Lombard Street, Baltimore, Md., before Joint Board No. 283.

No. MC 2880 (Sub No. 13), filed February 1, 1957, SOMERSET BUS CO., INC., Route 22, Mountainside, N. J. Applicant's attorney: Wilmer A. Hill, Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Elizabeth, N. J., and Westfield, N. J.: from junction North Ave. and Newark Ave. in Elizabeth over North Ave. to Hillside, N. J., thence over North Ave. to Elizabeth, thence over North Ave. to junction Elmora Ave., thence over Elmora Ave. to junction Westfield Ave. and return over Elmora Ave. to junction Magie Ave., thence over Magie Ave. to Union, N. J., thence over Magie Ave. to junction Galloping Hill Road, thence over Galloping Hill Road to Kenilworth, N. J., thence over Galloping Hill Road to junction Kenilworth Blvd., thence over Kenilworth Blvd. to Cranford, N. J., thence over Kenilworth Blvd. to Westfield, N. J., thence over Springfield Ave. to junction East Broad St., and thence over East Broad St. to junction North Ave. in Westfield, and return over the same route, serving all intermediate points. Applicant is authorized to conduct similar operations in New York and New Jersey, and charter operations in New Jersey, New York, Pennsylvania, Maryland, and the District of Columbia.

HEARING: April 15, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 3647 (Sub No. 210), filed January 31, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. Applicant's representative: Frederick M. Broadfoot, Assistant General Solicitor, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, in seasonal operations during the authorized racing season of each year, during the months of August, September, and October, at the Atlantic City Race Track, Hamilton Township, N. J., (1) between junction U. S. Highway 30 and Cologne Avenue, Galloway Township, near Germania, N. J., and the entrance of the Atlantic City Race Track in Hamilton Township, N. J., from junction U. S. Highway 30 and Cologne Avenue, Galloway Township over Cologne Avenue to junction Oak Street, thence over Oak Street to the entrance of the Atlantic City Race Track in Hamilton Township, and return over the same route, serving no intermediate points; (2) between junction U. S. Highway 30 and Tilton Road in Galloway Township, N. J., and the entrance of the Atlantic City Race Track in Hamilton Township, N. J., from junction U. S. Highway 30 and Tilton Road in Galloway Township, over Tilton Road to junction Leipzig Avenue, thence over Leipzig Avenue to the entrance of the Atlantic City Race Track in Hamilton Township, and return over the same route, serving no intermediate points; and (3) between junction Cologne Avenue and Oak Street, Galloway Township, N. J., and junction U. S. Highway 322 (Black Horse Pike), N. J., and Cologne Avenue, over Cologne Avenue, serving no intermediate points. Applicant is authorized to conduct similar operations in New Jersey and New York.

NOTE: Applicant states that the season of operation will be during the racing meet at the Atlantic City Race Track which is usually during the months of August, September, and October of each year. However, these dates do fluctuate because of the assignment of racing days to the three tracks in New Jersey. Applicant states that it is only their intention to operate during the racing season at the Atlantic City Race Track.

HEARING: April 12, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

No. MC 3647 (Sub No. 212), filed February 26, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Frederick N. Broadfoot, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, (1) from junction Garden State Parkway at Exit 143A over access road to Washington Ave., thence over Washington Ave. to junction Springfield Ave., and thence over Springfield Ave. to Irvington Bus Terminal, all within the Town of Irvington, N. J., serving all intermediate points; (2) from junction Millburn Ave. and Vaux Hall Road, Millburn, N. J., over Vaux Hall Road to junction U. S. Highway 22 in Union, N. J., and return over the same route, serving all intermediate points; (3) from junction U. S. Highway 22, Garden State Parkway and Morris Ave., Union, N. J., over access roads to Garden State Parkway, thence over Garden State Parkway to join with applicant's existing authority on Garden State Parkway at Exit and Entrance roads 143A in Irvington, N. J., and return over the same route, serving no intermediate points. Applicant is authorized to conduct passenger operations in New York, New Jersey, Washington, D. C., Mount Vernon, Va., and specified points in Pennsylvania.

HEARING: April 8, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Bldg., Raymond Blvd., Newark, N. J., before Joint Board No. 119.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 936 (Sub No. 28), filed February 15, 1957, VALLEY MOTOR LINES, INC., 1107 "D" St., Fresno, Calif. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in California as follows: (1) between Bakersfield and Tulare over U. S. Highway 99; (2) between Famoso and Yettem, from Famoso over an unnumbered highway connecting with U. S. Highway 99 at or near Famoso to junction unnumbered highway and California Highway 65 at or near Ducor, thence over California Highway 65 to junction unnumbered county highway at or near Elderwood, and thence over unnumbered county highway to Yettem; (3) between Visalia and Woodlake, from Visalia over California Highway 198 to Lemoncove, thence approximately one mile to junction California Highway 198 and unnumbered highway, thence over said unnumbered highway to Woodlake; (4) between Tulare and Lindsay over unnumbered highway; (5) between junction of California Highway 198 with U. S. Highway 99 at or near Tipton and junction California Highway 190 and California Highway 65 at or near Porterville over California Highway 190; (6) between Pixley and Terra Bella over unnumbered highway; (7) between Earlimart and Ducor over unnumbered highway; (8) between the junction of unnumbered highway with U. S. Highway 99 approximately three (3) miles north of Delano and Richgrove over said unnumbered highway; (9) between Fresno and Reedley, from Fresno over California Highway 180 to Minkler and thence over Reed Avenue to Reedley; and return over the afore-described same routes, serving all intermediate points, and the off-route points of Oil City, Oildale, Rosedale, Shafter, Wasco, Plano, Porterville, Exeter, Ivanhoe, Farmersville, Woodville, and Sanger, and those points in a territory adjacent to Los Angeles and the Los Angeles Harbor Commercial Zone described as follows: Beginning at the point of the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately two miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Blvd.; northerly along Sepulveda Blvd., to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest Boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Blvd., to U. S. Highway No. 99; northwesterly along U. S. Highway No. 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U. S. Highway No. 60; southwesterly along U. S. Highways Nos. 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way of The Atchison, Topeka & Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U. S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U. S. Highway No. 395; southeasterly along U. S. Highway No. 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shore line of the Pacific Ocean to point of beginning. Applicant is authorized to conduct operations in California.

NOTE: Applicant states that by this application it seeks a certificate of public convenience and necessity from this Commission in lieu of operations conducted under the second proviso of section 206 (a) (1), Interstate Commerce Act, authorized May 8, 1952 in No. MC 936 (Sub No. 23), and cancelled September 21, 1956, pursuant to proceedings in No. MC–F–5054 wherein Consolidated Copperstate Lines, Los Angeles, Calif., was granted control of VALLEY MOTOR LINES, INC.

No. MC 26120 (Sub No. 1), filed January 28, 1957, GEORGE L. HOOKER, Tuscorawas Road, Uhrichsville, Ohio. Applicant's representative: Richard H. Brandon, Hartman Bldg., Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting. *Vitrified clay sewer pipe, vitrified clay sewer pipe fittings, clay products* (except ceramic tile, earthenware and pottery in containers) and *materials* used in the installation of all such commodities, from Uhrichsville, Ohio, and points within 5 miles of Uhrichsville, and from points in Palmyra Township, Portage County, Ohio, to points in Florida. Applicant is authorized to transport similar commodities in Ohio, Pennsylvania, and West Virginia.

No. MC 30605 (Sub No. 91), filed November 23, 1956, THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, Broadway and English Streets, Wichita, Kans. Applicant's representative: The Atchison, Topeka and Santa Fe Railway, R. S. Outlaw, Solicitor, 80 East Jackson Blvd., Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Los Angeles, Calif., and Holbrook, Ariz., over U. S. Highway 66; and between Los Angeles, Calif., and Ash Fork, Ariz., from Los Angeles over U. S. Highway 60 to Wickenburg, Ariz., thence over U. S. Highway 89 to Ash Fork, and return over the same route (also from Los Angeles over U. S. Highway 99 to Indio, Calif., and return), serving all intermediate and off-route points which are stations on the rail lines of the Atchison, Topeka and Santa Fe Railway Company on U. S. Highway 66 between San Bernardino, Calif., including San Bernardino, and Holbrook, Ariz., and on U. S. Highway 60 and U. S. Highway 89 between Blythe, Calif., including Blythe, and Ash Fork, Ariz., except those points sought by applicants through application on Form BMC 44 filed jointly herewith for purchase of the operating rights of Meddock Truck Line, Los Angeles, Calif., under MC 67388 and MC 67388 (Sub Nos. 10 and 12); and (2) Class A and B explosives (except liquid nitroglycerine) between Los Angeles, Calif., and Holbrook, Ariz., over U. S. Highway 66; between Los Angeles, Calif., and Ash Fork, Ariz., from Los Angeles over U. S. Highway 60 to Wickenburg, Ariz., thence over U. S. Highway 89 to Ash Fork, and return over the same route (also from Los Angeles over U. S. Highway 99 to Indio, Calif., and return over the same route), serving all intermediate and off-route points which are stations on the rail lines of the Atchison, Topeka and Santa Fe Railway Company, on U. S. Highway 66 between San Bernardino, Calif., including San Bernardino, and Holbrook, Ariz., and on U. S. Highway 60 and U. S. Highway 89 between Blythe, Calif., including Blythe, and Ash Fork, and the following off-route points which are served by the Atchison, Topeka and Santa Fe Railway Company: Huntington Park, Los Angeles Harbor, Long Beach, Wilmington, San Pedro, Watson

and Arlington, Calif.; and those in the Los Angeles, Calif., commercial zone as defined by the Commission; between Williams, Ariz., and Grand Canyon, Ariz., over Arizona Highway 64, serving all intermediate and off-route points which are stations on the rail lines of The Atchison, Topeka and Santa Fe Railway Company; and between Aguila, Ariz., and Congress Junction, Ariz., over Arizona Highway 71, serving no intermediate points, as an *alternate route*, for operating convenience only, in connection with authority applied for herein between Los Angeles and Wickenburg, RESTRICTION: The service to be performed by the carrier in the transportation of Class A and B explosives to be limited to service which is auxiliary to, or supplemental of, rail service of the railway and carrier shall not serve, or interchange traffic at, any point not a station on a rail line of the railway.

NOTE: Applicant has filed an application on Form BMC 44 to acquire operating rights of Meddock Truck Line, and states the purpose of this application is to obtain authority to serve intermediate and off-route points along the routes of Meddock Truck Line which are stations on the Atchison, Topeka and Santa Fe Railway and which Meddock Truck Line is not authorized to serve. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

No. MC 30887 (Sub No. 71), filed February 1, 1957, SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in tank vehicles, from Baltimore, Md., to Mansfield, Pa.

No. MC 78400 (Sub No. 8), filed February 12, 1957, JOHN MEYER, LEO FLOTTMANN, ROY FLOTTMANN, and OLIN FLOTTMANN, doing business as BEAUFORT TRANSFER CO., Gerald, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plant site of the Kingsford Charcoal Company, approximately six (6) miles southwest of Belle, Mo., and Kansas City, Kans., from the plant site of the Kingsford Charcoal Company, over unnumbered highway to junction Missouri Highway 28, thence over Missouri Highway 28 to junction U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, and return over the same route, serving no intermediate points. Applicant is authorized to transport similar commodities in Illinois and Missouri.

NOTE: Applicants state that they do not, at this time, intend to tack or join the authority herein sought to any authority now held by them under this Commission. Duplication with present authority to be eliminated.

No. MC 94350 (Sub No. 11), filed February 19, 1957, TRANSIT HOMES, INC., 22644 Gratiot Avenue, Kaiser Bldg., East Detroit, Mich. Applicant's attorney: Harold G. Hernly, 1624 Eye Street, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Boca Raton, Fla., to points in the United States. Applicant is authorized to conduct operations to all points in the United States.

No. MC 107002 (Sub No. 108), filed November 28, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, P. O. Box 687, 105 Giuffrias Ave., New Orleans 7, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from New Iberia, La. to points in Mississippi. Applicant is authorized to conduct operations in Louisiana, Mississippi, Texas, Alabama, Georgia, and Tennessee.

No. MC 108158 (Sub No. 44), filed December 26, 1956, MID CONTINENT FREIGHT LINES, INC., 1313 W. Reno, P. O. Drawer 1438, Oklahoma City, Okla. Applicant's attorney: Max G. Morgan, 443–54 American National Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and Mansfield, Ohio, from Chicago over U. S. Highway 41 to junction U. S. Highway 30, thence over U. S. Highway 30 to Delphos, Ohio, thence over U. S. Highway 30–N to Mansfield, and return over the same route, serving no intermediate points, but serving Mansfield, Ohio for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Kansas, Minnesota, Missouri, Ohio, Oklahoma, Texas, and Wisconsin.

NOTE: Applicant states that in order to eliminate any question regarding "tacking" or the usage of highways, it is filing the instant application agreeing that it will surrender any duplication and/or that only a single right shall be received. Applicant further states that the granting of the above service will not change the type or character of service which it is presently rendering and will in no manner affect the competitive situation between the involved points; that a grant of the above route will merely enable it to continue an existing operation between authorized points by a somewhat shorter route and by better highways.

No. MC 109637 (Sub No. 42), filed February 14, 1957, GASOLINE TRANSPORT CO., 4500 Bells Lane, Louisville, Ky. Applicant's attorney: Charles W. Dobbins, 310 West Liberty Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Lawrenceville, Ill., and points within 5 miles thereof, to Chattanooga, Tenn., and points within 10 miles thereof, including Lovell Field. Applicant is authorized to transport similar commodities in Kentucky, Indiana, Illinois and Tennessee.

MOTOR CARRIERS OF PASSENGERS

No. MC 1511 (Sub No. 112), filed February 25, 1957, PACIFIC GREYHOUND LINES, 371 Market St., San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Bradshaw Road Junction, Calif., and Grant Line Road Junction, Calif., from junction Bradshaw Road and U. S. Highway 50 (Bradshaw Road Junction), over Bradshaw Road to Grant Line Road, thence over Grant Line Road to junction U. S. Highway 99 (Grant Line Road Junction), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Sacramento and Placerville, Calif., and between El Paso, Tex., and Portland, Oreg. Applicant is authorized to conduct operations in Texas, Oregon, California, New Mexico, Arizona, and Nevada.

No. MC 1511 (Sub No. 113), filed February 25, 1957, PACIFIC GREYHOUND LINES, 371 Market St., San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby, same address as applicant. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Sacramento, Calif., and Ostrom, Calif., from Sacramento over Garden Highway to junction El Centro Blvd., thence over El Centro Blvd. to Rio Oso, thence over Bear River Road to Pleasant Grove Road to Forty-Mile Road to junction U. S. Highway 99E (Ostrom), and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Sacramento, Calif., and Red Bluff, Calif., over U. S. Highways 99E and 40. Applicant is authorized to conduct operations in Texas, Oregon, California, New Mexico, Arizona, and Nevada.

No. MC 116397, filed January 24, 1957, ALFRED WALLEN, doing business as MISSOURI SOUTHERN COACHES, 215 East Wayne Street, Ironton, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between St. Louis, Mo., and Van Buren, Mo., from St. Louis over U. S. Highway 67 to junction U. S. By-Pass 67, thence over U. S. By-Pass 67 to junction Missouri Highway 21 (Concord Village, formerly designated South Affton), thence over Missouri Highway 21 to junction Missouri Highway 110, thence over Missouri Highway 110 to De Soto, Mo., thence over Jefferson County Highway "N" to junction Missouri Highway 21, thence over Missouri Highway 21 via Ironton, Mo., to junction Missouri Highway 49, thence over Missouri Highway 49 to Piedmont, Mo., thence over Missouri Highway 34 to junction Missouri Highway 21, thence over Missouri Highway 21 to junction U. S. Highway 60, thence over U. S. Highway 60 to Van Buren, and return over the same route, serving intermediate points between Mehlville, Concord Village, West Mattese, Meramec River Bridge, Antonia Road and Missouri Highway 21, Hillsboro, De Soto, Vineland Road, Fertile Junction (Missouri Highways 104 and 21), junction Missouri Highways 47 and 21, Old Mines, Potosi, Caledonia, Belleview, Graniteville, Pilot Knob, Ironton, Arcadia, Hoga, Glover, Chloride, Sabula, Annapolis, Vulcan, Des Arc, Gads Hill, Piedmont, Leeper, Black River Bridge, Wayne and Reynolds County Line, Clearwater Dam Junction, Garwood, and junction Missouri Highway 21 and U. S. Highway 60, including the termini, EXCEPT that no service is sought to be authorized between St. Louis and Mehlville, Mo., or between Mehlville and Concord Village, Mo.

NOTE: Applicant states that he seeks charter coach authority from the above-described regular route points to all points in the United States in interstate commerce. This is not to be interpreted as an application for irregular route authority separately. Applicant intends only to avail himself of the charter coach provisions of section 208 (c) of the Interstate Commerce Act. Applicant further states that the matter was included in the application only for emphasis, and to align the application with the statements of witnesses appended thereto.

APPLICATIONS UNDER SECTIONS 5 AND 210A (B)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6501 (correction) published in the February 6, 1957, issue of the FEDERAL REGISTER on page 752. The following additional authority should have been included: *Used machinery, used store, office, and factory supplies and fixtures, used heating and plumbing equipment*, and *used lumber*, as a *common carrier* over irregular routes between points in Massachusetts, Rhode Island, and New Hampshire; *waste paper, rags, wool sweepings*, and *used metals*, from points in Providence County, R. I., and certain points in New Hampshire to Boston, Mass., and points within 15 miles of Boston; *dodgem boats*, between Amesbury, Mass., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, New Hampshire, Vermont, Maine, Delaware, and Michigan.

No. MC–F 6522. Authority sought by CONSOLIDATED FREIGHTWAYS, INC., 2029 N. W. Quimby, Portland, Oreg., to merge the operating rights and property of BEARDMORE TRANSFER LINE, INC., 118 West Second Avenue, Spokane, Wash. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg., Portland, Oreg. Operating rights sought to be merged: *Structural steel, machinery* (except machinery used in or incidental to mining operations), *machine parts, articles of unusual size, weight, or bulk*, and *materials supplies*, and *equipment* used in or incidental to, road construction, and forestry operations, as a *common carrier*, over irregular routes, between points in Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash., and those in Idaho, Lewis, Nez Perce, Letah, Clearwater, Shoshone, Benewah, Kootenai, Bonner, and boundary Counties, Idaho, on the one hand, and, on the other, points in Washington, Oregon, Idaho, and Montana; *machinery, materials, supplies*, and *equipment*, used in or incidental to mining operations, between points in Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin Counties, Wash., on the one hand, and, on the other, points in Washington, Oregon, Idaho, and Montana, between points in Idaho, Lewis, Nez Perce, Latch, Clearwater, Shoshone, Benewah, Kootenai, Bonner, and Boundary Counties, Idaho, on the one hand, and, on the other, points in Washington and Idaho; *machinery*, which by reason of size or weight requires special equipment, between points in Washington, Oregon, Idaho, and Montana. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Utah, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Arizona, Nevada, Illinois, Wyoming and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6523. Authority sought for control by HOWARD E. LeFEVRE, 171 Riverside Drive, Newark, Ohio, of SERVICE MOTOR FREIGHT, INC., 700 Clements Bridge Road, Barrington, N. J. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place, N. W., Washington, D. C. Operating Rights sought to be controlled: *Corrugated pulpboard containers and sheets*, flat, or folded flat, as a *contract carrier* over irregular routes from Trenton, N. J., to points in Maryland, those in New York, except New York City, and those in Delaware except Wilmington; *pulpboard paper*, from Garwood, N. J., to Baltimore, Md.; *building materials*, except lumber, structural steel, and hardware, between Chester, Pa., on the one hand, and, on the other, certain points in Maryland, certain points in Delaware, certain points in New York, and points in New Jersey and the District of Columbia, and between Philadelphia, Pa., and Camden, N. J., on the one hand, and, on the other, Baltimore Md., points in New Jersey and the District of Columbia, certain points in Pennsylvania, certain points in Delaware, certain points in Maryland, and certain points in New York. HOWARD E. LeFEVRE is not a motor carrier but is principal stockholder of (a) B & L MOTOR FREIGHT, INC., and (b) ATLAS FREIGHT LINES, INC., both *contract carriers* located in Newark, Ohio, which are authorized to operate in (a) Ohio, Pennsylvania, West Virginia, Indiana, Kentucky, New York, Maryland, Illinois, Michigan, Wisconsin, Missouri, Kansas, Delaware, New Jersey, Connecticut, Massachusetts, Rhode Island and the District of Columbia and (b) Ohio, Michigan, New York, Pennsylvania, West Virginia, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, Virginia, Indiana, Kentucky, Tennessee, Wisconsin, Illinois, Missouri and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6524. Authority sought for control and merger by BOWMAN TRANSPORTATION, INC., 1010 Stroud Avenue, East Gadsden, Ala., of the operating rights and property of FULLER MOTOR LINES, INC., 1200 Shull Street, West Columbia, S. C., and for acquisition by RALPH M. BOWMAN, also of East Gadsden, Ala., of control of such rights and property through the transaction. Applicants' attorneys: H. Charles Ephraim, 1001 15th St., N. W., Washington, D. C., and R. J. Reynolds, Jr., 1403 C & S Bank Bldg., Atlanta 3, Ga. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier*, over irregular routes, between points in South Carolina, on the one hand, and, on the other, points in North Carolina. BOWMAN TRANSPORTATION, INC., is authorized to operate as a *common carrier* in Alabama, Tennessee, Georgia, South Carolina, Virginia, Maryland, Florida, North Carolina, Mississippi, Arkansas, Kentucky, Louisiana, Delaware, and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6525. Authority sought for purchase by THURSTON MOTOR LINES, INC., Pender Street Extension, Wilson, N. C., of a portion of the operating rights of UNION STORAGE & WAREHOUSE COMPANY, INC., doing business as NORTH SOUTH LINES, 2501 North Tryon Street, Charlotte, N. C., and for acquisition by D. J. THURSTON, JR., also of Wilson, N. C., of control of such rights through the purchase. Applicants' representative: D. J. Thurston, Jr., P. O. Box 390, Wilson, N. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over irregular routes, between Charlotte, N. C., on the one hand, and, on the other, points in South Carolina; *household goods*, between Charlotte, N. C., on the one hand, and, on the other, points in South Carolina. Vendee is authorized to operate as a *common carrier* in North Carolina, Virginia, Florida, South Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F–6526. Authority sought for purchase by THOMPSON BROS., INC., 1225 6th Street, San Francisco, Calif., of the operating rights and property of MARION GOPCEVIC and LURAH VOUTE, doing business as DODD WAREHOUSE and DRAYAGE COMPANY, 190 Lombard Street, San Francisco, Calif., and for acquisition by JOHN H. KEMP, JR., also of San Francisco, Calif., of control of such rights and property through the purchase. Applicants' attorneys: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif., and John G. Lyons, Mills Tower, San Francisco 4, Calif. Operating rights sought to be transferred: (a) *Quicksilver*, as a *common carrier*, over regular routes, from New Almaden Quicksilver Mines (near Almaden, Calif.) over unnumbered highways to San Jose, Calif., thence over U. S. Highway 101 to San Francisco, Calif., also from San Jose over U. S. Highway 101 to San Francisco, and thence over U. S. Highway 50 to Oakland, Calif., serving the intermediate and off-route points of San Francisco and Alameda, Calif., from New Almaden Quicksilver Mines to San Jose, Calif., as specified above, thence over California Highway 17 to Oakland, Calif., and thence over U. S. Highway 50 to San Francisco, serving the intermediate and off-route points of Alameda and Oakland, Calif., from Sonoma Quicksilver mines, (near Guerneville, Calif., over unnumbered highways to Guerneville, Calif., thence over California Highway 12 via Sebastopol, Calif., to Santa Rosa, Calif., thence over U. S. Highway 101 via Cotati and San Rafael, Calif., to San Francisco, and thence over U. S. Highway 50 to Oakland, from Sonoma Quicksilver Mines to Sebastopol as specified above, thence over unnumbered highway to Cotati, and thence to San Francisco as specified above, serving the intermediate and off-route points of San Francisco and Alameda, and from Sonoma Quicksilver Mines to San Rafael, Calif., as specified above, thence over unnumbered highways and the Richmond-San Rafael Ferry to Richmond, Calif., and thence over U. S. Highway 40 to Oakland, Calif., serving the off-route point of Alameda, Calif.; *bar solder*, from Sacramento, Calif., to the port of San Francisco, Calif., serving no intermediate points; *wooden bed frames*, from Port Chicago, Calif., to the port of San Francisco, Calif., serving no intermediate points; *general commodities*, with certain exceptions including household goods and those requiring refrigeration, over irregular routes, between points in San Francisco County, Calif.; *pears*, in seasonal operation from the 1st day of July to the 31st day of October both inclusive, from Kelseyville and Finley, Calif., to San Francisco, Oakland, Hopland, and Ukiah, Calif.; and (b) operations under the Second Proviso of section 206a (1) in the transportation of *general commodities*, with certain exceptions, as a *common carrier*, in the San Francisco Bay Area as more specifically described in said statement. Vendee is authorized to operate as both a *common* and *contract* carrier in California, and also under the Second Proviso of section 206a (1) in the State of California. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1678; Filed, Mar. 6, 1957; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 4, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33329: *Elbows and pipe—Pacific Coast points to New Orleans, La.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on elbows and pipe, furnace, aluminum, straight or mixed carloads, also flue or vent pipe, boiler, furnace, radiator, stove or water heater, double wall, steel and aluminum, with or without steel or steel and aluminum fittings, in straight or mixed carloads from Pacific coast and intermediate points taking origin rate basis 1 and 4 in tariff named below, to New Orleans, La.

Grounds for relief: Circuitous routes through higher-rated destination groups.

Tariff: Supplement 60 to Agent Prueter's tariff I. C. C. 1574.

FSA No. 33330: *Fruits and vegetables—Pacific coast to Louisiana, Mississippi, and Tennessee points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fruits, including prunes, dried or evaporated, straight or mixed carloads; also fresh frozen berries, fruits and vegetables, in mixed carloads under refrigeration from Pacific coast points and points intermediate thereto taking origin rate basis 1 and 4 in tariff named below to Jackson, Miss., Memphis, Tenn., and New Orleans, La., on frozen berries, fruits and vegetables, and Memphis and New Orleans on dried fruits.

Grounds for relief: Circuitous routes through higher-rated destination groups.

Tariff: Supplement 60 to Agent Prueter's tariff I. C. C. 1574.

FSA No. 33331: *Soda ash—Solvay and Syracuse, N. Y., to Illinois and Missouri.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on soda ash, in bulk in cars, carloads, from Solvay and Syracuse, N. Y., to Chicago, Chicago Heights, Joliet, Alton, Wood River, East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 12 to Agent C. W. Boin's I. C. C. A–1116.

FSA No. 33333: *Iron and steel articles—Buffalo, N. Y., group to points in trunk line territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Buffalo, Black Rock and Suspension Bridge, N. Y., to specified points in Virginia, West Virginia, and Washington, D. C.

Grounds for relief: Circuitous routes over the Chesapeake and Ohio Railway System.

Tariff: Supplement 267 to Agent Hinsch's tariff I. C. C. 3422.

FSA No. 33334: *Stone-College and Pikeville, Tenn., to St. Louis, Mo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on stone, carloads from College and Pikeville, Tenn., to St. Louis, Mo.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33335: *Substituted service-motor-rail-motor-C. & N. W.* Filed by Midwest Haulers, Inc., for itself and the Chicago Great Western Railway Company and Masters Fast Freight, Inc. Rates on freight loaded in highway trailers and transported on railroad flat cars between St. Paul and Minneapolis, Minn., on the one hand, and points in central states, middle Atlantic states, New England and middle west territories, on the other.

Grounds for relief: Motor truck competition.

AGGREGATE-OF-INTERMEDIATES

FSA No. 33332: *Soda Ash-Solvay and Syracuse, N. Y., to Illinois and Missouri.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on soda ash, (other than modified soda-ash), in bulk in cars, carloads from Solvay and Syracuse, N. Y., to Chicago, Chicago Heights, Joliet, Alton, Wood River, East St. Louis, Ill., and St. Louis, Mo.

Grounds for relief: Maintenance of depressed market competitive rates from and to above named points without their use in constructing combination rates to points beyond not faced with same competition.

Tariff: Supplement 12 to Agent C. W. Boin's tariff I. C. C. A–1116.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1714; Filed, Mar. 6, 1957; 8:50 a. m.]

[No. 32076]

ARIZONA INTRASTATE FREIGHT RATES AND CHARGES

NOTICE OF INVESTIGATION AND ASSIGNMENT OF HEARING

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 25th day of February A. D. 1957.

It appearing that a petition dated November 23, 1956, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company; common carriers by railroad operating to, from, and between points in Arizona in intrastate and interstate commerce, averring that in Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695; 276 I. C. C. 9; Ex Parte No. 175, Increased Freight Rates, 1951, 281 I. C. C. 557; 284 I. C. C. 589; 298 I. C. C. 395; and Ex Parte No. 196, Increased Freight Rates 1956, 298 I. C. C. 279, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the Arizona Corporation Commission has refused to authorize or permit them to apply to the transportation of the following commodities moving intrastate by railroad in Arizona increases in freight rates and charges thereon corresponding to those approved for interstate application in the proceedings above cited:

Ores and concentrates.
Manganese ore.
Livestock.
Lime rock.
High explosives.
Cottonseed meal.
Cottonseed cake.

It further appearing, that the petitioners allege that such refusals cause and result in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable, and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

It further appearing that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Arizona;

And it further appearing, that the Arizona Corporation Commission on January 9, 1957, filed a reply to said petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested persons to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Arizona, for the intrastate transportation of property made or imposed by authority of the State of Arizona, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte Nos. 168, 175 and 196, *supra*, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Arizona which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Arizona be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Arizona Corporation Commission at Phoenix, Ariz.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., for public inspection, and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on April 1, 1957, at 9:30 o'clock a. m., U. S. Standard Time, at the offices of the Arizona Corporation Commission, Phoenix, Arizona, before Examiner William J. Sweeney, Jr.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1715; Filed, Mar. 6, 1957; 8:50 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 1, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33323: *Less than carload volume class rates in Official Territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on various commodities moving on less than carload volume class rates between points in official (including Illinois) territory in connection with the Indiana Harbor Belt Railroad Company.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 18 to Agent C. W. Boin's tariff I. C. C. A–1051.

FSA No. 33324: *Gypsum products—From Akron and Wheatland, N. Y.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on gypsum and plaster blocks, planks, slabs and tile, carloads from Akron and Wheatland, N. Y., to specified points in states in southwestern and western trunk-line territories.

Grounds for relief: Modified short-line distance formulas and circuitous routes.

Tariffs: Supplement 47 to Agent C. W. Boin's tariff I. C. C. A–1034 and four other tariffs.

FSA No. 33325: *Sugar (returned shipments) from and to points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, beet or cane, liquid or invert, tank-car loads, and sugar beet or cane in bulk moving in a self-clearing permanently enclosed car, as further described in the application from points in southern, official Illinois, Western trunk-line and southwestern territories to points in southern territory returned to original point of shipment.

Grounds for relief: Carrier competition and circuity.

Tariffs: Supplement 11 to Alternate Agent J. H. Marque's I. C. C. 445 and two other tariffs.

FSA No. 33326: *Fine coal—Southwestern mines to Aladdin and East Waterloo, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fine screened coal, carloads from specified points in Arkansas, Kansas, Missouri, and Oklahoma to Aladdin and East Waterloo, Iowa.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 41 to Agent W. J. Prueter's I. C. C. A–3969. Supplement 141 to Agent F. C. Kratzmeir's I. C. C. 3920.

FSA No. 33327: *Gravel—Cayuga, Ind., to Neoga, Ill.* Filed by R. G. Raasch, Agent, for the New York, Chicago and St. Louis Railroad Company. Rates on gravel, road surfacing, screened, carloads from Cayuga, Ind., to Neoga, Ill.

Grounds for relief: Competition of motor carriers from wayside pits to job sites.

Tariff: Supplement 39 to New York, Chicago and St. Louis Railroad Company's tariff I. C. C. 6210.

FSA No. 33328: *Foreign woods—South Atlantic and Virginia ports to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on lumber, logs, built-up wood, flitches and piling, and veneer of foreign woods, carloads from Charleston, S. C.; Savannah and Port Wentworth, Ga., Morehead City and Wilmington, N. C., Norfolk, Newport News and Richmond, Va., to specified points in North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 178 to Agent C. A. Spaninger's tariff I. C. C. 1369.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1677; Filed, Mar. 5, 1957; 8:51 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MANUFACTURES DE PRODUITS CHIMIQUES DU NORD "ETABLISSEMENTS KUHLMANN"

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Manufactures de Produits Chimiques du Nord "Etablissements Kuhlmann", Paris, France; Claim No. 43899. Property described in Vesting Order No. 293 (7 F. R. 9836, November 26, 1942) relating to U. S. Patent Application Serial Nos. 229,220 (now Patent No. 2,315,220); 336,416 (now Patent No. 2,316,809); 300,233 (now Patent No. 2,320,678); 322,623 (now Patent No. 2,328,465), and 338,782 (now Patent No. 2,352,552), and property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to U. S. Letters Patent Nos. 2,240,341 and 2,250,129. Vesting Orders Nos. 293 and 666.

Executed at Washington, D. C., on February 27, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1728; Filed, Mar. 6, 1957; 8:54 a. m.]

NANNY WUNDERLY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Nanny Wunderly, Zurich, Switzerland; $304.70 in the Treasury of the United States.
Elisabeth Amann, Zurich, Switzerland; $304.70 in the Treasury of the United States.
Margarete Buhler, Zurich, Switzerland; $304.70 in the Treasury of the United States.
Claim No. 59696; Vesting Order No. 9[illegible].

Executed at Washington, D. C., on February 27, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1729; Filed, Mar. 6, 1957; 8:54 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 44

Washington, Friday, March 8, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

GENERAL ACCOUNTING OFFICE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.118 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-1790; Filed, Mar. 7, 1957; 8:55 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter A—General Regulations

[FHA Instruction 410.1]

PART 301—APPLICATIONS

SUBPART B—VETERANS' PREFERENCE

Subpart B in Part 301 of Title 6, Code of Federal Regulations (20 F. R. 2413) is revised to read as follows:

Sec.
301.21 General.
301.22 Persons entitled to veterans' preference.

AUTHORITY: §§ 301.21 and 301.22 issued under R. S. 161, sec. 41 (1), 60 Stat. 1066, sec. 6 (3), 50 Stat. 870, sec. 510 (g), 63 Stat. 493; 5 U. S. C. 22, 7 U. S. C. 1015 (i), 16 U. S. C. 590w, 42 U. S. C. 1480 (g). Interpret or apply sec. 1 (b) (2), 60 Stat. 1073, as amended, sec. 507, 63 Stat. 435, as amended; 7 U. S. C. 1001 (b) (2), 42 U. S. C. 1477.

§ 301.21 *General.* This subpart defines the types of individuals who are entitled to veterans' preference in connection with making Farm Ownership, Farm Housing, Soil and Water Conservation, and Operating loans.

§ 301.22 *Persons entitled to veterans' preference.* Veterans' preference will be extended to any person who applies for a Farm Ownership, Farm Housing, Soil and Water Conservation, or Operating loan, provided the applicant has been discharged or released from the active forces of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard under conditions other than dishonorable, and served in any such forces during (a) the period April 6, 1917, through March 31, 1921, or (b) the period December 7, 1941, through January 31, 1955. For Farm Housing loans, the spouses and children of deceased servicemen also will be given preference. "Deceased servicemen" means men or women who died in service during one of the periods specified in this section.

Dated: March 1, 1957.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1766; Filed, Mar. 7, 1957; 8:49 a. m.]

Subchapter E—Account Servicing

[FHA Instruction 451.1]

PART 361—ROUTINE

SUBPART A—ACCOUNT SERVICING POLICIES

DISTRIBUTION OF COLLECTIONS

Section 361.3 (a) of Title 6, Code of Federal Regulations (20 F. R. 9293), is revised to provide a more equitable distribution of collections received from certain Farmers Home Administration borrowers and amended to read as follows:

§ 361.3 *Distribution of collections when a borrower owes both real estate and other loans to the Farmers Home Administration*—(a) *Collections from income other than from sale of basic chattel security or sale or rental of real estate security.* (1) In those cases where a borrower owes both real estate loans (Farm Ownership, Soil and Water Conservation, including those secured by chattels, Farm Housing, and Other Real Estate) and other Farmers Home Administration loans, including Operating, Production and Subsistence, Emergency and Special Livestock loans, collections received from each crop year's income, other than from the sale of basic chattel

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 7, Part 960 to end ($1.25)

Title 26, Part 300 to end, Ch. I, and Title 27 ($1.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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security or from the sale or rental of real estate security, will be distributed in accordance with the following principles:

(i) First, distribute to other than real estate loans an amount equivalent to any advances for the year's operating expenses.

(ii) Second, distribute to the real estate and other Farmers Home Administration loans in proportion to the approximate amounts due on each for the year. In determining the amounts due for the year on other than real estate loans, deduct an amount equivalent to any advances for the year's operating expenses.

(iii) Third, distribute to the real estate and other Farmers Home Administration loans in proportion to the delinquencies existing on each.

(iv) Fourth, distribute to the real estate and other Farmers Home Administration loans for making advance payments. In making such distribution take into consideration the principal balance outstanding on each, the relative security position of each type of loan, the borrower's wishes and other related circumstances.

(2) In individual cases in which the accounts are out of balance because of improper distribution of collections in the past or in which the interests of the Government cannot be properly protected by distribution of collections as provided above, distribution will be made so as to correct such improper distribution and to protect the Government's interest. However, collections received during the first five years of the Farm Housing loan from section 503 Farm Housing borrowers will be distributed in accordance with §§ 361.101 to 361.104.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100, sec. 1 (4), 68 Stat. 735; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1016 (1), 42 U. S. C. 1480 (g), 40 U. S. C. 422 (c), 16 U. S. C. 590x–3 (a) (7))

Dated: March 4, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57–1765; Filed, Mar. 7, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Director of the Plant Quarantine Division by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR 354.1), administrative instructions (7 CFR 354.2; 21 F. R. 3865) effective June 6, 1956, prescribing the commuted travel time that shall be included in each period of overtime duty are hereby amended to add "Barbers Point Station, T. H. (when served from Barbers Point Station, T. H.)" to the "One Hour" list therein and to add "Barbers Point Station, T. H. (when served from Honolulu, T. H.)" to the "Two Hours" list therein.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Division. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

(64 Stat. 561, 5 U. S. C. 576)

This amendment shall be effective March 8, 1957.

Done at Washington, D. C., this 5th day of March 1957.

[SEAL] E. P. REAGAN,
Director,
Plant Quarantine Division.

[F. R. Doc. 57–1788; Filed, Mar. 7, 1957; 8:54 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

1. Subparagraph (1) of paragraph (b) of § 212.3 *Nonimmigrants not required to present passports, visas, or border-crossing identification cars* is amended to read as follows:

(1) An alien who is being transported by bus, railroad, or air in immediate and continuous transit through the United States directly from one part of Canada to another or from one part of Mexico to another, without stopover, in accordance with the terms of a contract, including a bonding agreement, entered into by the transportation line and the Attorney General under the provisions of section 238 (d) of the act: *Provided*, That at all times such alien is in transit through the United States, and is not aboard an aircraft which is in flight through the United States, he shall be in the custody of an officer of the United States, or in such other custody as may be approved by the Attorney General.

2. Section 212.4 is added to read as follows:

§ 212.4 *Nonimmigrants required to present visas or border-crossing identification cards but not passports.* (a) The provisions of section 212 (a) (26) (A) of the act relating to the requirement of valid passports for nonimmigrants have been waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(1) An alien who is described in section 212 (d) (8) of the act, and who is in possession of a travel document which is valid for at least 30 days from the date of his admission into the United States for his entry into a foreign country.

3. Paragraph (b) of § 212.5 *Nonimmigrants required to present passports but not visas or border-crossing identification cards* is amended by adding a new subparagraph (6) to read as follows:

(6) An alien who is a resident of Greenland and who makes application for admission into the United States.

PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

Section 214k.3 is amended by adding a new paragraph (e) and redesignating existing paragraph (e) as (f) so that when taken with the introductory material paragraphs (e) and (f) will read as follows:

§ 214k.3 *Conditions of admission.* Any alien who applies for admission into the United States under the provisions of Title V of the Agricultural Act of 1949, as amended, and the provisions of this part must:

* * * * * *

(e) At all times carry with him and have in his personal possession the Form I–100 issued to him at the time of his admission, pursuant to § 214k.22 (a); and

(f) Establish to the satisfaction of the examining immigration officer that, if admitted, he will comply with all of the conditions of such admission.

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

The first sentence of § 235a.1 *Application* is amended to read as follows: "Any alien, except a citizen of Canada, Mexico, or islands adjacent to the United States, who entered the United States prior to January 1, 1957, and has been continuously physically present in the United States since that date, shall apply for preexamination on Form I–63 if he intends to apply to a consular officer of the United States in Canada for an immigrant visa and he believes that he will be admissible to the United States under all the provisions of the immigration laws if in possession of an immigrant visa; that he will be able to obtain the prompt issuance of an immigrant visa, and that he is a person of good moral character."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. The first sentence of paragraph (c) *Service* of § 242.1 *Order to show cause and notice of hearing* is amended to read as follows: "Service of the order to show cause shall be made by having a copy delivered to the respondent by an immigration officer or by mailing it to the respondent at his last known address by certified or registered mail, return receipt requested."

2. Paragraph (a) of § 242.17 *Decision of special inquiry officer* is amended to read as follows:

(a) *Contents.* The decision of the special inquiry officer may be oral or written. Except in cases where deportability is determined on the pleadings pursuant to § 242.16 (b), the decision shall include a summary of the evidence and shall set forth findings of fact and conclusions of law as to deportability. Adoption by the special inquiry officer of the factual allegations and charges in the order to show cause shall constitute the setting forth of findings of fact and conclusions of law within the meaning of this paragraph. The decision shall also contain a discussion of the evidence relating to the respondent's eligibility for any discretionary relief requested and the reasons for granting or denying the application. The decision shall be concluded with the order of the special inquiry officer.

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

Section 292.12 is amended to read as follows:

§ 292.12 *Service of decision and other papers.* Except where specific provision is otherwise made in this chapter, whenever a decision, notice or other paper is required to be given or served, it shall be done by personal service, or certified or registered mail upon the person designated in § 292.11.

PART 332—PRELIMINARY INVESTIGATION OF APPLICANTS FOR NATURALIZATION AND WITNESSES

The third sentence of § 332.14 *Notice of proposed recommendation of denial; findings, conclusion, and recommendation* is amended to read as follows: "The notice and a copy of the memorandum shall be sent the petitioner by certified mail, return receipt requested, after review of the recommendation by the regional commissioner, if made, and at least thirty days prior to final hearing."

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

The second sentence of paragraph (a) *Recommendation that petition be denied* of § 335.13 *Notice of recommendation of designated examiner* is amended to read as follows: "The notice shall be sent by certified mail, with return receipt requested, after any review made by the regional commissioner and at least thirty days prior to final hearing."

PART 338—CERTIFICATE OF NATURALIZATION

The fifth sentence of § 338.16 *Correction of certificates* is amended to read as follows: "The district director shall forward such duplicate to the official Service file."

(Sec. 103, 66 Stat. 173)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which relieve restrictions and are clearly advantageous to persons affected thereby, relate to agency procedure.

Dated: February 27, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization.

[F. R. Doc. 57–1618; Filed, Mar. 7, 1957; 8:45 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.311]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANT ALIENS UNDER THE IMMIGRATION AND NATIONALITY ACT

NONIMMIGRANT DOCUMENTARY WAIVERS

Part 41, Chapter I, Title 22 of the Code of Federal Regulations, is amended in the following respects:

1. Subparagraph (1) of paragraph (b) of § 41.6 *Nonimmigrant not required to present passports, visas, or border crossing identification cards,* is amended to read as follows:

(1) An alien who is being transported by bus, railroad, or air in immediate and continuous transit through the United States directly from one part of Canada to another or from one part of Mexico to another, without stopover, in accordance with the terms of a contract, including a bonding agreement, entered into by the transportation line and the Attorney General under the provisions of section 238 (d) of the act: *Provided,* That at all times such alien is in transit through the United States, and is not aboard an aircraft which is in flight through the United States, he shall be in the custody of an officer of the United States, or in such other custody as may be approved by the Attorney General.

2. Paragraph (b) of § 41.7 *Nonimmigrants required to present passports but not visas or border crossing identification cards,* is amended by the addition of the following subparagraph at the end thereof:

(6) An alien who is a resident of Greenland and who makes application for admission into the United States.

3. Part 41 is further amended by redesignating § 41.8 *Nonimmigrants exempted by law or treaty from the requirement of passports, visas, and border crossing identification cards,* as § 41.22, and by the addition of a new section reading as follows:

§ 41.8 *Nonimmigrants required to present visas or border crossing identification cards but not passports.* The provisions of section 212 (a) (26) (A) of the act relating to the requirement of valid passports for nonimmigrants are waived by the Secretary of State and the Attorney General, acting jointly, in pursuance of the authority contained in section 212 (d) (4) (A) of the act, in the individual cases of aliens who fall within the following-described category, which is hereby declared to be an unforeseen emergency within the purview of that section:

(a) An alien who is described in section 212 (d) (8) of the act, and who is in possession of a travel document which is valid for at least thirty days from the date of his admission into the United States for his entry into a foreign country.

The regulation contained in this order shall become effective upon publication in the FEDERAL REGISTER. The provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) relative to notice of proposed rule making and delayed effective date are inapplicable to this order because the regulations contained therein involve foreign affairs functions of the United States.

(Sec. 104, 66 Stat. 174; 8 U. S. C. 1104)

Dated: February 20, 1957.

SCOTT MCLEOD,
Administrator, Bureau of Security and Consular Affairs, Department of State.

Dated: February 27, 1957.

J. M. SWING,
Commissioner of Immigration and Naturalization, Immigration and Naturalization Service, Department of Justice.

[F. R. Doc. 57–1749; Filed, Mar. 7, 1957; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–7 (Revised)]

DMO VII–7—MAINTENANCE OF THE MOBILIZATION BASE (DEPARTMENT OF DEFENSE, ATOMIC ENERGY COMMISSION AND THE MARITIME ADMINISTRATION)

Pursuant to the authority vested in me by Executive Order 10480 of August 14, 1953, Defense Mobilization Order VII–7 as amended (19 F. R. 5395, 7350, 7641, 20 F. R. 5777 and 21 F. R. 197) is hereby revised to read as follows:

1. A sustained state of mobilization production readiness is necessary to place the United States in a defense posture which will enable the nation to defend itself against aggression in peripheral conflicts or general war involving nuclear attack on this country. Therefore, the facilities, machine tools, production equipment, and skilled workers necessary to produce the wartime requirements of the Department of Defense, Atomic Energy Commission, and the Maritime Administration shall be maintained in a state of readiness which will facilitate their immediate use or conversion in time of emergency, with especial emphasis on measures to maximize the probability of continued post-attack production of those items judged to be vital to survival and victory.

2. Selection of the mobilization base:

A. The Department of Defense shall select, for its mobilization base, facilities which produce or are capable of producing critically important military items or components (military class A components used entirely in the production, maintenance, or repair of military items) which meet one of the following:

(1) Those items which would be so urgent to the defense of this country that utmost effort must be exerted to produce them even in case of general war involving severe damage to the facilities necessary to produce these items and the components thereof.

(2) Those items essential to survival and retaliation, maintenance of health, or combat efficiency required to support peripheral war and which meet one or more of the following criteria:

a. Items requiring a long lead-time or long manufacturing cycle.

b. Items currently not in production or which are required in quantities far in excess of peacetime production.

c. Items requiring the conversion of an industry or a number of plants within an industry.

d. Items requiring materials or manufacturing processes essentially different from those in current use.

e. Items for which industry does not have production experience.

Subparagraph (2) above is inclusive of the Department of Defense Preferential Planning List of End Items.

B. In selecting facilities for the Department of Defense mobilization base, consideration shall be given to their vulnerability to nuclear attack, with particular attention to the possibility of (a) minimizing vulnerability of facilities producing "urgent" items under subparagraph (A) (1) above, including the need for dispersal, protective construction, and special security measures to safeguard against sabotage or clandestine attack, and (b) reducing concentration of uncommon critical production facilities so that a productive segment of each critical industry would be likely to survive a nuclear attack.

C. The Atomic Energy Commission and the Maritime Administration, in cooperation with the Office of Defense Mobilization, shall determine the items and facilities which meet the above criteria for their respective programs for maintaining the mobilization base.

3. Maintaining the mobilization base:

A. Facilities selected to produce "urgent" items shall be maintained within limits of existing procurement authority and funds available by the Department of Defense, The Atomic Energy Commission, and the Maritime Administration in the following manners to the maximum practical degree:

(1) Current procurement shall be placed in these facilities to the extent which will maintain them in a state of readiness compatible with the plans of the procuring agency.

(2) Machine tools and production equipment will be installed in these facilities to the extent found necessary by the procuring agency.

(3) Develop and maintain plans for alternate production capacity in case disaster destroys current facilities, such capacity to be located to the maximum extent possible away from highly concentrated industrial areas and major military installations.

B. Other facilities selected as part of the mobilization base, shall be maintained to the fullest extent possible.

(1) Procurement agencies shall integrate current procurement with their industrial mobilization plans to the greatest possible extent with the objective of supporting the mobilization base within authorities and funds available.

(2) Data assembled on essential mobilization suppliers by the industrial mobilization planning of these agencies shall be used in planning current procurement. The policy of using contractors and facilities essential to the mobilization base is considered to be in the best interest of the Government.

(3) Planned producers that are deemed to be a part of the mobilization base will be invited to participate in appropriate current procurement.

(4) Upon expiration of curent procurement contracts in a facility, the procuring agency shall take such of the following actions as are compatible with its plans for maintaining a state of readiness:

a. *Government-owned facilities and tools.* Within the limitations that may be imposed by Congressional appropriations, place government-owned facilities and tools in standby status and establish provisions for their adequate maintenance. This does not preclude the use of government-owned production equipment, on a loan basis, to enable the military departments to meet current production schedules, as provided in DMO–VII–4, Amendment 1.

b. *Privately-owned facilities and government-owned tools.* 1. Arrange with management of privately-owned facilities, wherever possible, to place government-owned tools and production equipment in the status provided by DMO–VII–4, as amended, taking into account the desirability of safe location.

2. Arrange with management, on a voluntary basis, to keep a group of key managers, engineers, and skilled workers familiar with the items planned for mobilization production.

3. Determine the gaps which exist in government-owned packages of tools and production equipment needed to produce mobilization requirements in privately-owned plants. Within the limit of fund availability, plan the procurement of such tools and equipment with priority being given to long lead-time tools and equipment or those not used in general manufacturing. These tools and equipment, when procured, should be placed in the status provided by DMO–VII–4, as amended, taking into account the desirability of safe locations.

4. Determine which government-owned tools and equipment have become obsolete, or which would not be used in event of mobilization, and plan for their disposal in accordance with the provisions of DMO–VII–4, as amended.

4. Achieving production readiness:

A. In order to achieve a capability for maximum production of "urgent" items during the initial phase of war, the following readiness measures shall be taken where advisable for facilities producing such items:

(1) Establishment of emergency production schedules.

(2) Development of a production capability which would function under widespread disruption and damage imposed by enemy attack, including, where necessary:

a. Maintenance of an increased inventory of finished components and related production supplies at assembly plants, or arrangements for alternative supply lines where increased inventories are not feasible.

b. A capability to carry on urgent production without dependence on additional personnel, external sources of power, fuel, and water, or on long-distance communications; with spare replacements for highly vulnerable or unreliable parts of production equipment.

c. Protection of production facilities from enemy sabotage through adequate physical security measures.

d. Protection of personnel from widespread radiological fallout through provisions for decontamination and shelter.

5. Retention of industrial facilities:

A. Industrial properties, owned by the Department of Defense, the Atomic Energy Commission, and the Maritime Administration, shall be retained in the Industrial reserves (National Industrial Reserve, Departmental Industrial Reserve for the Department of Defense)

of the department and agencies to the extent the capacity of said reserves is necessary for the production of defense or defense-supporting end items, materials or components in a mobilization period.

B. Each idle plant in the reserves shall be reviewed annually by the heads of the respective agencies to determine if the capacity of the plant continues necessary for mobilization purposes.

C. Upon the determination by the head of the agency that the capacity of a plant is excess to the mobilization requirements of the agency, immediate steps will be taken to dispose of the plant through existing government channels for surplus disposal. The Office of Defense Mobilization shall be informed by General Services Administration of each proposed surplus action prior to final determination.

6. Establishment of the Defense Facilities Maintenance Board:

A. To provide the necessary coordination and review of the execution of this program, there is hereby established a Defense Facilities Maintenance Board. This Board, under the Chairmanship of the Office of Defense Mobilization, shall be composed of representatives of the Department of Defense and each of the three services, the Department of Commerce, the Atomic Energy Commission, the General Services Administration, and the Small Business Administration, and will perform the following functions:

(1) Recommend to the Director of the Office of Defense Mobilization policy necessary to carry out the mobilization base maintenance program.

(2) Establish the interagency procedure necessary to assure and measure progress in implementing established policy, and advise the Director of the Office of Defense Mobilization on the status of the program.

(3) Make recommendations to the Director of the Office of Defense Mobilization as to additional methods and procedures beyong the authorities of the procuring agencies for assuring the maintenance of both government-owned and privately-owned facilities essential to the mobilization base.

B. The Board may at any time request the Director of the Office of Defense Mobilization to ask the heads of other departments and agencies to designate representatives to meet with the Board on specific problems.

7. The Department of Defense, Atomic Energy Commission, and Maritime Administration shall furnish the Director of the Office of Defense Mobilization with reports on items and facilities for programs under 2.A. and 2.C. above, and with such other periodic and special reports as he may require affecting the maintenance of the mobilization base.

8. This revised order shall take effect on March 6, 1957.

OFFICE OF DEFENSE MOBILIZATION
ARTHUR S. FLEMMING,
Director.

[F. R. Doc. 57-1812; Filed, Mar. 6, 1957; 12:59 p. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

Subchapter D—Tank Vessels

[CGFR 57-8]

PART 38—LIQUEFIED INFLAMMABLE GASES[1]

SCOPE OF REGULATIONS

Notices regarding proposed changes in the navigation and vessel inspection regulations were published in the FEDERAL REGISTER dated March 1, 1956 (21 F. R. 1350-1356), and March 28, 1956 (21 F. R. 1901, 1902), as Items I through XVIII of the Agenda to be considered by the Merchant Marine Council at a public hearing which was held on April 24, 1956, at Washington, D. C. This document is the seventh of a series covering the regulations considered at this public hearing. The first two documents contain dangerous cargo regulations. The third document contains miscellaneous amendments to the vessel inspection regulations. The fourth document contains miscellaneous amendments to the marine engineering and electrical regulations. The fifth document contains amendments to merchant marine personnel regulations. The sixth document deals with access to and release of information from marine safety records.

All the comments, views, and data submitted in connection with the items considered by the Merchant Marine Council at this public hearing have been very helpful to the Coast Guard and are very much appreciated. On the basis of the information received certain proposed regulations were revised and others rejected. With respect to Item III—Transportation of Liquefied Inflammable Gases, no change was made in the proposed regulations. The publication of the change in the FEDERAL REGISTER was delayed, however, until "Tentative Requirements for the Transportation of Liquefied Inflammable Gases at or Near Atmospheric Pressure" were available for public distribution upon request. The change in 46 CFR 38.01-1 will permit the development of initial proposals to permit the transportation of liquefied gases at atmospheric pressure in gravity type cargo tanks. The Commandant will exercise discretionary power to consider and evaluate different methods of shipment which may be proposed by the industry.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 38.01-1 is prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

[1] This heading is amended by changing the word "petroleum" to "inflammable."

§ 38.01-1 *Scope of regulations—TB/ALL.* (a) The regulations in this part contain requirements for the transportation in fixed, independent, pressure-vessel type cargo tanks of liquefied inflammable gases in bulk, except as otherwise provided for in paragraph (b) of this section.

(b) When liquefied inflammable gases are to be transported at their boiling temperatures at or near atmospheric pressure, the Commandant may permit the use of alternate methods of storage if it is shown to his satisfaction that a degree of safety is obtained consistent with the minimum requirements of this part.

(c) The regulations covering the transportation in portable tanks of liquefied inflammable gases are contained in Parts 146 and 147 of Subchapter N (Explosives or Other Dangerous Articles on Board Vessels) of this chapter.

(R. S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U. S. C. 375, 391a, 416. Interprets or applies sec. 3, 68 Stat. 675; 80 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR 1952 Supp.)

Dated March 1, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-1781; Filed, Mar. 7, 1957; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11747; FCC 57-180]

[Rules Amdt. 3-55]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Springfield, Illinois-St. Louis, Missouri).

1. The Commission has before it for consideration the proposals set out in its Notice of Proposed Rule Making issued in this proceeding on June 26, 1956, and subsequent further Notices, for the reallocation of television channels in the Springfield, Illinois, and St. Louis, Missouri, areas. Interested parties have been afforded an opportunity to submit comments directed to the Commission's proposals and to advance counterproposals, and we are now in a position to issue our Report.

2. The Commission last June issued its Report and Order in the general television allocation proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure. At the same time we considered what action might be taken to improve the opportunities for more effective competition among a greater number of stations in individual communities and areas pending a resolution of the long-range program, which will require some years to implement. In furtherance of this interim program a number of rule making proceedings such as the instant one have been initiated proposing channel changes for various communities.

3. With respect to Springfield, the Commission proposed to deintermix the area by shifting VHS Channel 2 from Springfield to St. Louis, Missouri, and to add UHF Channel 39 to Springfield, as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill.	2, 20, *66.	20, 39, *66.
St. Louis, Mo.	4, 5, *9, 11, 30, 36, 42.	2, 4, 5, *9, 11, 30, 36, 42.
Lincoln, Ill.	53.	49.

*Reserved for education.

On July 25, 1956, the Commission issued a Notice of Further Proposed Rule Making in the Springfield proceeding concluding that the public interest would be served by assigning an additional UHF channel to Springfield and proposing to add Channel 26 as a third commercial UHF outlet. Subsequently, on October 12, 1956, the Commission issued a second Notice of Further Proposed Rule Making noting that Channel 36 has been in operation at St. Louis for some time and that there are many TV sets in the hands of the public in the area between St. Louis and Springfield capable of receiving this channel, and inviting parties to comment on a proposal to assign Channel 36 to Springfield by deleting it from St. Louis instead of adding Channel 39 to Springfield. This proposal, it was pointed out, can be accomplished as follows:

City	Channel No.	
	Present	Proposed
Springfield, Ill.	2, 20, *66.	20, 26, 36, *66.
St. Louis, Mo.	4, 5, *9, 11, 30, 36, 42.	2, 4, 5, *9, 11, 20, 42.
Jacksonville, Ill.	29.	49.
Davenport, Iowa-Rock Island-Moline, Ill.	4, 6, *30, 36, 42.	4, 6, *30, 42, 68.

*Reserved for education.

Signal Hill Telecasting Corporation operates Station KFVI on Channel 36 in St. Louis, and the Commission advised that any additional proceedings which may be necessary in order to delete KTVI's present frequency would be instituted at a later date.

4. On November 6, 1956, the Commission issued a Memorandum Opinion and Order in this proceeding with respect to a petition filed by Plains Television Corporation seeking to amend the Commission's proposal to include the assignment of Channel 2 to Terre Haute, Indiana, in addition to St. Louis, as follows:

City	Channel No.	
	Present	Proposed
Terre Haute	10, *57, 63, 78.	2, 10, *57, 63, 78.

*Reserved for education.

The Commission stated that this request should be considered in conjunction with the subject proceeding and that there was no necessity for amending the Notice of Rule Making or for instituting further rule making to incorporate the Terre Haute proposal, and that Plains could fully prosecute the proposal to shift Channel 2 from Springfield to Terre Haute as well as to St. Louis as a counterproposal in the proceeding.

5. In addition to the foregoing proposals, Cape Girardeau Television Company submitted a counterproposal urging that Channel 2 be assigned to Cape Girardeau, Missouri, rather than St. Louis; and Wabash Valley Broadcasting Corporation, operator of Station WTHI-TV on Channel 10 in Terre Haute, submitted a counterproposal urging that Channel 2 be assigned to Salem, Illinois, and Salem, Missouri, instead of St. Louis and Terre Haute.

6. Comments have been filed by interested parties; Plains Television Corporation (WICS) on Channel 20 in Springfield; Prairie Television Company (WTVP) on Channel 17 in Decatur, Illinois; Signal Hill Telecasting Corporation (KTVI) on Channel 36 in St. Louis; Midwest Television, Inc. (WICA) on Channel 3 in Champaign-Urbana, Illinois; American Broadcasting Company; the Joint Council on Educational Television and the City of St. Louis, support the proposal to shift Channel 2 from Springfield to St. Louis. ABC also supports the assignment of Channel 2 to Terre Haute in addition to St. Louis. WMAY-TV, Incorporated, which holds a conditional grant on Channel 2 in Springfield;[1] Sangamon Valley Corporation, unsuccessful applicant for Channel 2, and Cape Girardeau Television Company oppose the Commission's proposal.[2] Cape Girardeau filed comments supporting its own counterproposal to assign Channel 2 to Cape Girardeau. Turner-Farrar Association (WSIL-TV) on Channel 22 in Harrisburg, Illinois, notes that the proposal to assign Channel 2 to Cape Girardeau conflicts with its pending petition to employ Channel 3 in Harrisburg. Reply comments were filed by Plains Television, Signal Hill, St. Louis Amusement Company and St. Louis Telecast, Inc., supporting the proposal to assign Channel 2 from Springfield to St. Louis. American Broadcasting Company filed reply comments supporting the counterproposal to assign Channel 2 to St. Louis and Terre Haute. Cape Girardeau Television Company filed reply comments supporting its proposal to assign Channel 2 to Cape Girardeau. Hirsch Broadcasting Company (KFVS-TV) on Channel 12 in Cape Girardeau filed reply comments opposing the Cape Girardeau counterproposal.

7. In our Report and Order issued last June outlining the proposals for interim action, we noted that because of the widely varying circumstances in individual markets and the numerous factors bearing on the choice of techniques in any individual community or area, it would not be possible to formulate rigid criteria to be supplied to individual cases in order to indicate the course that would best serve the public interest in each community. We did conclude, however, that certain considerations would have a bearing on our decisions in the individual communities, and that in markets with one or more commercial VHF channels, the merits of proposals to eliminate a VHF would depend, in large part, on such factors as:

(1) Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.

(2) Whether one or more UHF stations are operating in the area.

(3) Whether a reasonably high proportion of the sets in use can receive UHF signals.

(4) Whether the terrain is reasonably favorable for UHF coverage.

(5) Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition not get service from any other station.

Similarly, we noted that the desirability of assigning additional VHF channels to communities would depend principally upon:

(1) Whether it is possible to locate the new transmitter so as to meet the minimum transmitter spacings.

(2) Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

(3) Whether the addition of a new VHF assignment would be consistent with the objectives of improving the opportunities for effective competition among a greater number of stations.

The proposals to delete VHF Channel 2 from Springfield and to assign this frequency elsewhere must be considered in the light of these factors.

8. The Springfield area is predominantly UHF in the sense that a number of UHF stations are presently operating there and relatively little VHF service invades the area. Plains Television Corporation operates UHF Station WICS on Channel 20 in Springfield and Prairie Television Company operates UHF Station WTVP on Channel 17 in Decatur, Illinois, some 37 miles from Springfield. Other UHF stations operating in the general area are Station WBLN on Channel

[1] On June 29, 1956, after a comparative hearing, the Commission released a Final Decision granting the application of WMAY-TV, Inc., but providing that "* * * the Commission may without further proceedings, substitute for Channel 2 such other channel as may be assigned to Springfield instead of Channel 2 in the rule making proceedings now pending in Docket No. 11747 and subject to the further condition that no construction shall be commenced under the permit here granted until further order of the Commission to be issued subsequent to the conclusion of Docket No. 11747 by the Commission and the specification by the Commission of either Channel 2 or such other channel as may be substituted for it in Docket No. 11747 as the channel on which WMAY-TV shall operate." Sangamon Valley Television Corporation, 11 RR 783, 814.

[2] The Attorney General of the State of Illinois has also opposed the deletion of Channel 2 from Springfield.

15 in Bloomington, Ill., 56 miles distant,[2a] and WEEK-TV on Channel 43 and WTBH on Channel 17 in Peoria, Illinois, 58 miles away.[3] Midwest Television, Inc., operates VHF Station WICA on Channel 3 in Champaign, Illinois, about 78 miles from Springfield.

9. The UHF character of the Springfield area is further evidenced by the high percentage of TV sets in the area capable of receiving UHF transmissions. The parties agree that virtually all sets in the Springfield area are equipped for UHF. Data in the record for June 1956 indicates that 100 percent of the sets in the Springfield metropolitan area and 99 percent of the sets in Sangamon County, Springfield's home county, are equipped for UHF. Moreover, it appears that all sets now being sold in the Springfield area are equipped for UHF. The parties supporting deintermixture maintain that 87.1 percent of all television homes in the nine-county area surrounding Springfield can presently receive UHF.[4]

10. The flat terrain in the Springfield area is ideally suited for UHF propagation. This Central Illinois farmland contains few hills or other prominent features which might restrict UHF coverage, and we are convinced that UHF can deliver satisfactory service in this area.

11. No viewers will lose existing service by the deletion of Channel 2 from Springfield since no station is presently operating on this frequency. The question remains, however, whether any areas that would receive service from a station on Channel 2 in Springfield would not get service from any other station, i. e., the question of potential "white area." Plains Television, the Springfield UHF operator, submits that only an insignificant number of persons in a small area southeast of Springfield in Fayette and Effingham Counties would not be within the Grade B countour of at least one station if Channel 2 is deleted from Springfield. This "white area" can be estimated to vary from 160 to 350 square miles depending on the assumptions of power and antenna height employed; and the population within this area, centered about 60 miles southeast of Springfield, is estimated to vary from 4,000 to 8,000 persons. However, Plains submits data indicating that there is a 65 percent set saturation in the two counties in which the "white area" is situated. While we are unable to evaluate the quality of service obtained in this area or to determine the type of installation necessary to get service, it is probable that some service is now being provided. The parties supporting deintermixture argue, moreover, that no areas would lack service if the UHF stations employ the authorized maximum power of 5000 kw. They submit that the coverage afforded by UHF stations in the Springfield area operating with such power would be at least comparable to the coverage afforded by a station on Channel 2.

12. WMAY-TV, opposing deintermixture, submits no engineering showing with respect to possible loss of potential service by the deletion of Channel 2 from Springfield. Sangamon Valley refers to a document that it submitted in an earlier proceeding last April, which reaches the conclusion that a "white area" of 499 square miles would result if Channel 2 is not employed in Springfield.[5] Cape Girardeau computes the "white area" that would result from deletion of Channel 2 at 351 square miles, alleging that this area would contain a population of 12,243 persons.[6]

13. Since any computation of the area and population that might lose service by the deletion of Channel 2 from Springfield must be based on so many variables and intangibles and must assume antenna heights and powers to be employed in the future, no precise computation can be made. Moreover, the propagation curves presently available and methods of computation do not permit precise computations of coverage at specific locations. The predictions in the record as to the potential "white area" vary from zero to 499 square miles. Furthermore, it should be emphasized that we are dealing here with potential "white area" not with the deletion of an existing service; and as noted above, some service is presently being provided. In any event, it is expected that only a relatively small area and population would not receive any Grade B service if Channel 2 is not employed in Springfield.

14. The deintermixture proposal for the Springfield area does not contemplate the deletion of Channel 2 from Springfield without its employment elsewhere, and the question of "white area" in Springfield must also be examined from the standpoint of the use of the frequency that can be made in other communities and the areas and populations that might gain their only service from such new use. Although a number of proposals for the reassignment of Channel 2 would merely duplicate VHF channels already assigned, stations employing these frequencies in such communities as St. Louis and Terre Haute would be required to locate their transmitter some distance from the center of the community in order to meet minimum mileage requirements. Accordingly, the new channels would not merely duplicate the service of existing VHF stations but would provide service to areas and population presently not being served by the stations already in the community. The record indicates that if Channel 2 is employed in both St. Louis and Terre Haute, as proposed by some parties, an area of about 308 square miles containing almost 3,000 persons would receive a first Grade B service. If Channel 2 is employed in both Cape Girardeau and Terre Haute, as suggested by another party, an area of about 277 square miles containing 3,225 persons would be expected to receive a first Grade B service. Thus, although deletion of Channel 2 might result in a potential "white area" in the vicinity of Springfield, the use of Channel 2 that can be made in other communities would afford service to "white areas" in other localities.

15. We now turn to the possibilities for the employment of Channel 2 in the event this frequency is deleted from Springfield. The Commission initially proposed that Channel 2 be shifted to St. Louis, but it was later noted that Channel 2 could be employed in Terre Haute as well as St. Louis. Cape Girardeau Television suggests, in the alternative, that Channel 2 be assigned to Cape Girardeau, Missouri, and to Springfield, where it is now assigned, or to Terre Haute. Channel 2 cannot be employed in both St. Louis and Cape Girardeau. Finally, Wabash Valley, a VHF operator in Terre Haute, proposes that Channel 2 be assigned to the communities of Salem, Illinois, and Salem, Missouri.

16. One of the matters that the Commission indicated it would consider in the assignment of additional VHF channels is the possibility of employing the frequency in the new community so that all minimum mileage spacing requirements will be met. The record indicates that all of the proposals for the redeployment of Channel 2 from Springfield either meet the minimum assignment spacing requirements or that transmitter sites are available, in accordance with the Rules, to provide the necessary minimum spacings and afford a principal-city signal over the community to be served. All of the proposals, therefore, meet the Commission's technical requirements for the assignment of television channels.

17. St. Louis ranks as the 9th metropolitan area in the country with a 1950 population of 1,681,281. The population of the City is 856,796. Three commercial VHF channels are now assigned. Stations are operating on Channels 4 and 5 and Channel 11 is involved in a comparative proceeding. An educational station is operating on VHF Channel 9 reserved for the purpose. Three UHF channels are assigned. Station KTVI operates on Channel 36 and an application is pending for Channel 30. No Grade B or better television service from stations in other communities is received. The addition of Channel 2 would represent a fourth commercial VHF outlet. The parties supporting the assignment of Channel 2 to St. Louis submit that this city has a need for a wholly local programming service designed to serve the needs of the area, and contend that a fourth VHF station in St. Louis would provide the area with local program material and would be available for use by local advertisers. Conversely, they maintain that the operation of a VHF station in Springfield would merely eliminate or degrade the service of one or more UHF stations.

18. Terre Haute ranks as the 146th metropolitan area with a 1950 population of 105,160. The city population is 64,214. Three commercial channels, VHF Channel 10 and UHF Channels 63 and 73 are assigned. Wabash Valley operates Station WTHI-TV on Channel 10. No applications have been submitted for the UHF channels. Two VHF channels in other communities, Channel 4 in Bloomington, Indiana, and Channel 3 in Champaign, Illinois, provide Grade B service to the immediate vicinity of Terre Haute. The proposed station on Channel 13 in Indianapolis would provide Grade B service to a part of the city. One UHF station on Channel 24 in Danville, Illinois, also provides some Grade B service to Terre Haute. ABC supports the assignment of Channel 2 to Terre Haute.

19. The 1950 population of Cape Girardeau is 21,578 persons. Three channels are presently assigned, VHF Channel 12 and UHF Channels 18 and 69. Hirsch Broadcasting Company operates Station KFVS-TV on Channel 12. No applications have been filed for the UHF channels. A station on Channel 6 in Paducah, Kentucky would provide Grade B service to Cape Girardeau. Cape Girardeau Television Company urges that Channel 2 should be assigned to this community, pointing out that this assignment can be made by retaining Channel 2 in Springfield or shifting it to Terre Haute. Cape Girardeau submits that unless an additional VHF channel is assigned this community will continue indefinitely to be a one-station market since no use can be expected to be made of the UHF channels.

20. Salem, Illinois, has a 1950 population of 3,611 persons and Salem, Missouri, 6,159 persons. Wabash Valley Broadcasting Corporation, a VHF operator in Terre Haute, proposes that Channel 2 be assigned to both Salem, Illinois, and Salem, Missouri. This proposal would conflict with the assignment of Channel 2 in Terre Haute, St. Louis, and Cape Girardeau. Neither Salem, Illinois, nor Salem, Missouri, has a local television assignment nor receives Grade B service from any stations operating outside the community at this time. Service could be obtained from UHF channels assigned to nearby communities, however. Wabash Valley argues that there is a greater need for the service that would be afforded by stations on Channel 2 in the area surrounding Salem, Illinois, and Salem, Missouri, than in the St. Louis and Terre Haute areas. Wabash Valley alleges that there is no local television service within 70 miles of Salem, Illinois, or within 90 miles of Salem, Missouri; that both communities are situated in important rural areas presently without VHF outlets; that the circulation of VHF sets in the area is "notably high"; that few UHF receivers are presently in the area; and that neither town will receive local service unless VHF channels are assigned. Opponents to the assignment of Channel 2 to these communities argue that it is highly doubtful that any one would attempt to operate television stations in either of these small communities. They point out that other channels are available for this area to provide service, for example, channels are assigned in Centralia, Illinois, 12 miles from Salem, Illinois, and in Rolla, Missouri, 23 miles from Salem, Missouri, and contend that the establishment of stations in small communities such as these would do little to further the Commission's objective of stimulating competition among a greater number of stations.[7]

21. Coverage data for Channel 2 in various combinations is supplied by Cape Girardeau Television, as follows:

Cities	Within interference-free Grade B contour	
	Area in square miles	Population
St. Louis (site west of city)	10,525	1,970,270
Plus Terre Haute	7,542	471,346
Total	18,067	2,441,616
Cape Girardeau	11,100	544,527
Plus Terre Haute	7,723	476,755
Total	18,823	1,021,282
Cape Girardeau	10,000	497,962
Plus Springfield	8,525	535,549
Total	18,525	1,033,511

The foregoing tabulation demonstrates that the various combinations for the use of Channel 2 would all serve substantially the same amount of area. However, with Channel 2 assigned to St. Louis, a greater population would receive service. Cape Girardeau Television argues, however, that its proposal for the assignment of Channel 2 to Cape Girardeau instead of St. Louis would be more efficient since it would provide more service to areas with fewer VHF services. However, much of the area and population within a Cape Girardeau station's Grade B contour already receive service from one or more VHF stations, and the greater majority would receive service from two or more VHF stations.

22. The parties urging deintermixture submit that on the basis of their knowledge of local conditions and the experience encountered by UHF stations in other markets similarly situated, the establishment of a VHF station in Springfield would effectively destroy UHF television in both Springfield and Decatur. Prairie Television, the UHF operator in Decatur, submits in this connection, that the VHF operation on Channel 3 in Champaign has already impaired its ability to compete and to render service in both Decatur proper and other parts of its service area; and it maintains that UHF cannot survive competition from an additional VHF station in this area. The deintermixture proponents submit that if Channel 2 is deleted from Springfield, and Channel 8 from Peoria as proposed in Docket No. 11749, the bulk of the service areas of UHF stations in Springfield and immediate area will be free from VHF competition. Plains Television, the Springfield UHF operator, argues that if the Springfield-Decatur area is deintermixed, effective use can be made of assigned UHF channels, but if Channel 2 remains, the UHF frequencies will be wasted. It points out, on the other hand, that St. Louis and Terre Haute will derive no benefit from their UHF channels since their use is precluded by the operation of local VHF stations as well as VHF service from outside the city. The only practicable means for bringing additional service to these communities, Plains contends, is by the addition of VHF.

23. The opponents to deintermixture submit, on the other hand, that the Springfield area is not one in which UHF service is so clearly predominant that the mere deletion of Channel 2 can create a "UHF island". They argue that Springfield will continue to be an intermixed market since both Springfield and the surrounding area regularly receive VHF Station WCIA-TV on Channel 3 at Champaign and rely upon this station as much or more than UHF Station WICS in Springfield itself. They argue that so long as such a high proportion of Springfield viewers rely on a VHF station, even though situated in a different community, it would not be possible by deleting Channel 2 to create a healthy atmosphere for the growth and development of UHF. Plains Television replies, however, that while the Champaign VHF station does have a substantial audience in Springfield, the UHF station has a greater audience during larger portions of the time. It also argues that complete deintermixture in order to achieve a healthy situation under which UHF can thrive is not required since UHF can, in appropriate cases, compete with VHF signals originating outside the community. The success of UHF stations WICS and WTVP in the Springfield-Decatur area against competition from the single VHF station in Champaign is cited as an indication of the ability of UHF to compete with one outside VHF station in this area. Furthermore, it is noted that much of the service areas of the UHF stations will be free from VHF competition. The proponents of deintermixture assert that UHF has demonstrated that it can survive in the Springfield-Decatur area in competition with the existing VHF station in Champaign, but experience elsewhere makes it clear that UHF cannot survive against multiple VHF competition; and they argue that it is therefore essential that no additional VHF stations commence operation.

24. We have reviewed the record in this proceeding in the light of the factors listed in our Report and Order of last June, and have concluded that the public interest would be served by deleting Channel 2 from Springfield and making

[2a] The Commission was recently notified that WBLN had ceased operation on February 5, 1957, because of financial difficulties, but hoped to return to the air within a month.

[3] The Commission is today issuing a Report and Order in the Peoria TV reallocation proceeding (Doc. 11749) making Peoria an all-UHF community by shifting Channel 8 to Davenport-Rock Island-Moline and by adding UHF Channels 25 and 31 to Peoria.

[4] This high saturation of UHF receivers can be contrasted with the situation in St. Louis, where two VHF stations are operating in addition to one UHF station, and where it is estimated that only 40 percent of the sets are converted for UHF.

[5] This figure is based on the operating power and antenna height of existing stations and assumes a power a 500 kw at an antenna height of 900 feet for the UHF substitute for Channel 2. The propagation curves set out in the rules are employed.

[6] Cape Girardeau's figure is based on the methods set out in Appendix A to the Commission's Report and Order issued last June, as amended by suggestions of the AFCCE.

[7] In light of our conclusions rejecting Wabash Valley's proposal for Salem, as set out below, coverage data with respect to this proposal is not discussed in detail.

it available for assignment elsewhere. The Springfield-Decatur area is now predominantly UHF, the terrain is satisfactory for UHF propagation, the vast majority of sets in the area are capable of receiving UHF transmissions, and a number of UHF stations are actively engaged in providing service to the public. Additional UHF channels in the lower portion of the spectrum are available for assignment to this area, and we are convinced that UHF can provide satisfactory service here. Our experience indicates that the establishment of a VHF station in such an area would seriously detract from the ability of the UHF stations to continue to provide service. While multiple UHF stations will be able to compete effectively in this market, there is great danger that the addition of a VHF channel would destroy effective competition. Moreover, our decision here comports with our action in the Peoria deintermixture case (Docket No. 11749). In that proceeding we have concluded that the public interest would be served by deleting Channel 8 from Peoria. A station on this frequency in Peoria would have provided VHF service to parts of the service areas of UHF stations in the Springfield-Decatur area. Conversely a station on Channel 2 in Springfield would provide VHF service to portions of the area that will be served by UHF stations in Peoria, which the Commission has determined should be all-UHF. We conclude that the deletion of Channel 2 from the Springfied area will enhance the opportunities for more effective competition among a greater number of stations.

25. Furthermore, Channel 2 can be employed effectively in other communities upon its deletion from Springfield. Irrespective of the deintermixture considerations, we find compelling reasons under section 307 (b) of the Communications Act for making Channel 2 available for other communities. Deleting Channel 2 from Springfield makes possible a more effective and efficient utilization of the scarce VHF spectrum, releasing this channel for the purpose of providing multiple services in one larger community and another city of comparable size.

26. Of the various conflicting proposals advanced for the use of Channel 2 upon its deletion from Springfield, we find that the assignment of Channel 2 to both St. Louis and Terre Haute is to be preferred. Wabash Valley has urged that Channel 2 be assigned to Salem, Missouri, and Salem, Illinois, two very small communities presently without local outlets or service. Wabash Valley operates a VHF station in Terre Haute and the proposal for Salem would conflict with the proposal to employ Channel 2 in Terre Haute. No parties have indicated in this proceeding that they would apply for channels in Salem, Missouri, or Salem, Illinois; and there is no indication that communities of such small size can make effective use of these frequencies. We cannot find that the public interest would be served by assigning Channel 2 to these communities, even though they presently have no local outlets or service, especially in light of the need and demand for Channel 2 in other much larger cities.

27. We have left for consideration the proposal of Cape Girardeau Television for the assignment of Channel 2 in Cape Girardeau and Terre Haute and the conflicting proposal to assign Channel 2 to St. Louis and Terre Haute. The St. Louis metropolitan area, 9th in the nation, has over 1,000,000 persons. It now has 3 commercial VHF channels. Cape Girardeau has a population of only about 20,000 and now has one VHF station on the air. We feel that a 4th VHF commercial channel should be assigned to St. Louis before the relatively small city of Cape Girardeau is assigned a second VHF outlet. While a station on Channel 2 in Cape Girardeau would serve a relatively large audience, the great majority of its viewers would also receive service from 2 or more VHF stations. Therefore, in light of the size and importance of St. Louis, we believe the assignment of Channel 2 to this city is required under section 307 (b).

28. Moreover, we must not lose sight of our objective in undertaking the interim program to improve the opportunities for more effective competition among a greater number of stations. We believe this objective can be better achieved by assigning Channel 2 to St. Louis. Both St. Louis and Terre Haute are predominantly VHF areas. Two commercial VHF stations are already operating in St. Louis in addition to an educational VHF station, and a third commercial VHF station is expected to commence operation shortly. Although a UHF station is still operating in the area, this station supports the proposal to add a VHF channel, and indications are that the UHF station could not survive the advent of the third commercial VHF. We believe that more effective competition in St. Louis among a greater number of stations can be achieved by the addition of a VHF channel. In Terre Haute a VHF station is in operation and numerous additional VHF signals invade the area. No applications for the UHF channels assigned to this city are indicated. Making Channel 2 available in Terre Haute would enhance the opportunity for competition among a greater number of stations in Terre Haute as well.

29. We have proposed to substitute UHF Channel 26 and either UHF Channel 36 or 39 to replace Channel 2 in Springfield. We originally proposed Channel 39 but later suggested Channel 36, in light of the significant number of persons in the southern Illinois area between St. Louis and Springfield who had equipped their television sets to receive Channel 36 from St. Louis and would continue to be able to receive Channel 36 if operated in Springfield. Since the advent of an additional commercial VHF station in St. Louis will in all likelihood mean that a station will no longer operate on Channel 36 in St. Louis, the public interest would be served if this frequency could be employed in Springfield in order that some of the viewers who have strip tuners designed for this frequency will continue to get service. While it is not possible on the basis of the record to determine precisely how many viewers within the service area of a station on Channel 36 in Springfield already have receivers equipped for Channel 36, the record does indicate that it is probable that a significant number do have sets so equipped.[8] We find in view of the foregoing that the assignment of Channel 36 in Springfield is to be preferred to Channel 39, and we are therefore assigning Channels 26 and 36 to Springfield.

30. Signal Hill now operates Station KTVI on Channel 36 in St. Louis, and this frequency must be deleted in order to make it available for Springfield. While other UHF channels would be available in St. Louis on which Signal Hill could operate, this solution would require that viewers with strip tuners convert their sets merely for a temporary operation on a UHF channel. In light of our action adding VHF Channel 2 there is little likelihood that operation on UHF channels in St. Louis would be feasible on a regular basis for some time to come, and requiring Signal Hill to switch to another UHF channel would put the public to needless expense. Channel 2 is being added to St. Louis, and this frequency could be made available for Signal Hill, but the record indicates that several parties intend to file applications for Channel 2 in St. Louis; and under the doctrine of the Peoples and Zenith cases,[9] all parties submitting applications for the new frequency in St. Louis would be entitled to comparative consideration. The public interest would be served, however, by enabling Signal Hill to continue to provide a television service in St. Louis on a temporary basis on another frequency until it can be determined who will operate on Channel 2 on a regular basis. Channel 2 is the logical frequency on which Signal Hill should continue to afford St. Louis with a television service in the interim. Signal Hill, and any other interested parties, will be entitled to file applications for regular operation on Channel 2; in the meantime Signal Hill can continue to afford the viewers in the St. Louis area with a television service.

[8] Some of the parties, including WMAY-TV, support the proposed shift of Channel 36 from St. Louis to Springfield, urging that this channel may be assigned in conformity with the rules; that a television station operating on Channel 36 in Springfield would serve a large area which has heretofore been served by KTVI at St. Louis; and that sets which have been converted to receive this channel from St. Louis would be able to receive it at Springfield. The parties conclude that there would be substantial overlap of the existing Grade B contour of KTVI, operating with 417 kw and an antenna height of 590 feet with the Grade B contour of a proposed station in Springfield operating with 1000 kw and an antenna height of 1000 feet since the sum of the two contour ranges would be in excess of the 88 miles separation between St. Louis and Springfield. They contend that the overlap would be even greater if "usable signals" rather than the Grade B contours were taken into account. Cape Girardeau opposes the assignment of Channel 36 to Springfield. It submits that the Grade B contours would not overlap basing its contention on calculations using some of the data contained in the Appendix A of the Report and Order in Docket No. 11532. However, even under the assumptions made by Cape Girardeau, the contours fall short of overlapping by only 4 miles.

[9] Peoples Broadcasting Co. v. U. S., 209 F. 2d 286 (1953), Zenith Radio Corp. v. FCC, 211 F. 2d 629 (1954).

31. In view of the foregoing we will authorize Signal Hill to operate on Channel 2 on a temporary basis pending final action on an application for regular operation on Channel 2 in this city or the issuance of a final decision in a comparative hearing concerning this facility. Signal Hill, under the terms of the temporary authorization, will be required to cease operation upon the commencement of operation by the regular operator on Channel 2. Acceptance of this temporary authorization by Signal Hill shall be deemed as a surrender of any and all existing rights it may have with respect to Channel 36. In authorizing Signal Hill to operate on a temporary basis on Channel 2 as outlined above, we emphasize that in any comparative hearing involving regular operation on Channel 2, no effect whatsoever will be given to any expenditure of funds by Signal Hill pursuant to the temporary authorization, nor will any other preference redound to Signal Hill by virtue of the temporary grant. The extraordinary procedures adopted in this case are necessary solely in light of the particular problems involved in providing a continuing television service to the people of St. Louis. See Peoples Broadcasting Company v. United States, 209 F. 2d 286 (1953). In the event that Signal Hill does not accept the temporary authorization for Channel 2 subject to the conditions described above, Channel 39 will be assigned to Springfield.

32. On February 11, 1956, Cape Girardeau Broadcasting filed a Motion for Oral Argument. Signal Hill filed an opposition to said motion and the movant has replied. All interested parties have had adequate opportunity to present their data, views and arguments with respect to the matters raised in this proceeding by means of written comments and replies. We are not persuaded that oral argument would serve any useful purpose in the determination of the issues presented. Accordingly, Cape Girardeau's request is denied.

33. As noted in footnote 1 above, the Commission on June 29, 1956, released a Final Decision granting the application of WMAY-TV, Inc., but providing the Commission may, without further proceedings, substitute for Channel 2 such other channel as may be assigned to Springfield to replace Channel 2 in this proceeding and the Commission stated that a further order would be issued subsequent to the conclusion of this proceeding. An appropriate order will be issued in the adjudicatory proceeding with respect to this matter in light of our action herein.

34. In view of the foregoing: *It is ordered*, That effective April 15, 1957, § 3.606, Table of Television Channel Assignments, is amended, to read as follows: [10]

City	Channel
Springfield, Ill.	20+, 26−, 36−, *66+.
St. Louis, Mo.	2, 4−, 5−, *9, 11−, 30, 42+.
Jacksonville, Ill.	49−.
Davenport, Iowa-Rock Island-Moline, Ill.	4+, 6+, 8, *30+, 42−, 68.
Terre Haute, Ind.	2+, 10, *57+, 63−, 73+.

[10] The tabulation also reflects the amendment for Davenport-Rock Island-Moline in the Peoria proceeding in Docket No. 11749 by the addition of Channel 8.

35. Authority for the adoption of the amendments is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), 307 (b), and 316 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

36. *It is further ordered*, That effective April 15, 1957, the outstanding authorization of Signal Hill Telecasting Corporation for the operation of Station KTVI on Channel 36 in St. Louis, Missouri, is modified to provide for temporary operation on Channel 2 subject to the following conditions:

(a) Said temporary authorization to expire automatically upon the commencement of operation on Channel 2 in St. Louis by a permittee so authorized by the final action of the Commission on any application or applications for regular operation on Channel 2;

(b) The submission to the Commission by April 1, 1957, of all necessary information on FCC Form No. 301, executed in triplicate, for the preparation of engineering specifications to cover the temporary operation on Channel 2. Said information should be in conformance with or be accompanied by an appropriate request for waiver of the existing rules and regulations of the Commission, including the change in the Table of Television Channel Assignments adopted herein allocating Channel 2 to Terre Haute, Indiana;

(c) Construction looking to a change to Channel 2 not to commence until specifically authorized by the Commission after the information requested in (b) above is submitted;

(d) In the event that Signal Hill is unable to commence operation on Channel 2 pursuant to such temporary authority by the effective date specified above, the Commission will consider a request for continued operation on Channel 36 until such temporary operation on Channel 2 can be commenced, but in no event will such continued operation on Channel 36 be extended beyond the date that a station commences operation on Channel 36 in Springfield, Illinois;

(e) Acceptance of said temporary authorization on Channel 2 shall be deemed as a surrender of any and all rights Signal Hill may have with respect to Channel 36;

(f) In any comparative hearing involving regular operation on Channel 2 in St. Louis no effect whatsoever will be given to any expenditure of funds by Signal Hill pursuant to the temporary authorization, nor will any preference redound to Signal Hill by virtue of the grant of or operation under said temporary authorization;

(g) That Signal Hill advise the Commission in writing by March 15, 1957, whether it accepts the temporary authorization for operation on Channel 2 subject to the conditions described above.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[11]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1730; Filed, Mar. 7, 1957; 8:45 a. m.]

[Docket No. 11749; FCC 57-182]

[Rules Amdt. 3-53]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Peoria, Illinois, Davenport, Iowa-Rock Island-Moline, Illinois.

1. The Commission has before it for consideration the proposals set out in its Notice of Proposed Rule Making (FCC 56-590) released in this proceeding on June 26, 1956, and subsequent further Notices, for the reallocation of television channels in the Peoria and Rock Island, Illinois, areas. Interested parties have been afforded the opportunity of filing comments directed to the proposals and of advancing their own counterproposals, and we are now in a position to issue our Report.

2. The Commission last June issued its Report and Order (FCC 56-587) in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure. Since it will be some years before this long-range program can be implemented, consideration was also given to what interim action might be taken for improving the opportunities for effective competition among a greater number of stations in individual communities. In furtherance of this interim program, rule making proceedings such as the instant one have been initiated proposing changes in channel assignments for several communities throughout the country.

3. With respect to the Peoria area, the Commission proposed to deintermix Peoria by shifting VHF Channel 8 to Rock Island, Illinois, and adding UHF Channel 25 to Peoria, as follows:

City	Channel No.	
	Present	Proposed
Peoria, Ill.	8, 19, *27, 43...	19, 25, *27, 43.
Rock Island, Ill.	(See Davenport, Iowa).	8.
Galesburg, Ill.	40	77.

*Reserved for noncommercial educational use.

[11] Commissioners McConnaughey and Doerfer dissenting in part and concurring in part and issuing statements filed as part of original document; Commissioner Mack dissenting; Commissioner Craven abstaining from voting.

4. On July 23, 1956, the Commission issued a Notice of Further Proposed Rule Making (FCC 56–738) concluding that the public interest would be served by assigning an additional UHF channel to Peoria and proposed that Channel 31 be added in addition to Channel 25. Peoria, under this proposal, would have four commercial UHF outlets and one UHF educational channel, a total of five UHF channels.

5. On September 5, 1956, the Commission released a Notice of Further Proposed Rule Making (FCC 56–821) in the several reallocation proceedings, suggesting offset carrier designations for the proposed assignments. In the Peoria case the following offsets were listed:

City	Channel No.	
	Present	Proposed
Galesburg, Ill.	40−	77.
Peoria, Ill.	8, 19, *37−, 43+	19, 25+, 31+, *37−, 43+.
Rock Island, Ill.	(See Davenport, Iowa).	8.

The Notice pointed out that the assignment of Channel 31+ in Peoria would require a change in the offset carrier requirement of Channel 31 in Milwaukee, Wisconsin, from 31+ to 31−.

6. On November 30, 1956, the Commission released a Memorandum Opinion and Order (FCC 56–1189) concerning petitions filed by WIRL Television Company requesting reconsideration of the Commission's Notice of Proposed Rule Making and a full evidentiary hearing.[1] WIRL's petitions were denied "* * * without prejudice to the Commission's right to consider the contentions thereof in connection with the comments to be filed in [this proceeding]".

7. On November 30, 1956, the Commission released a Memorandum Opinion and Order (FCC 56–1190) denying a Motion filed by WMBD, Inc., requesting that the Commission sever the proposal to assign Channel 31 to Peoria from the rest of the proceeding and move up the time for filing comments with respect to this facet of the case. The Commission concluded, that the proposed channel changes for Peoria were not separate and distinct, but constituted an integral part of its interim reallocation program for this area.

[1] WIRL Television Company is the conditional grantee on Channel 8 in Peoria. On June 29, 1956, after a comparative hearing, the Commission released a Final Decision granting the application of WIRL Television Company, but providing that "* * * the Commission may without further proceedings, substitute for Ch. 8 such other channel as may be assigned to Peoria, Illinois, instead of Channel 8 in the rule making proceedings now pending in Docket No. 11749, and subject to the further condition that no construction shall be commenced under the permit here granted until further order of the Commission to be issued subsequent to the conclusion of Docket No. 11749 by the Commission and specification by the Commission of either Channel 8 or such other channel as may be substituted for it in Docket No. 11749 as the channel on which WIRL Television Company shall operate." WMBD Inc., 11 RR 533, 608.

8. Several parties have submitted counterproposals:

(a) Tele-Views News Company, an Illinois corporation which states that it is a prospective applicant for Channel 8 in the Davenport-Rock Island-Moline area, urges that Channel 8 be shifted from Peoria to the hyphenated area of Davenport-Rock Island-Moline rather than Rock Island alone.[2]

(b) Galesburg Broadcasting Company, Inc., operator of AM Station WGIL in Galesburg, Illinois, urges that Channel 8 be assigned to Galesburg rather than Rock Island.

(c) Central Broadcasting Company, operator of VHF Station WOC–TV on Channel 6 in Davenport, Iowa, requests that in the event Channel 8 is deleted from Peoria, it be assigned to another city in the Peoria area or to a city in South-Central Illinois rather than Rock Island, or that it be reserved for noncommercial educational use in Rock Island.

(d) Turner-Farrar Association, operator of UHF Station WSIL–TV on Channel 22 in Harrisburg, Illinois, requests that Channel 8 be assigned to Harrisburg as well as Rock Island.

9. Comments have been filed by interested parties: West Central Broadcasting Company (WEEK–TV) on Channel 43 and Hilltop Broadcasting Company (WTVH) on Channel 19 in Peoria; American Broadcasting Company, Joint Council on Educational Television; Turner-Farrar Association (WSIL–TV) on Channel 22 in Harrisburg, Illinois; and Tele-Views News Company, Inc., support the proposal for the deletion of Channel 8 from Peoria. WMBD, Inc., unsuccessful applicant for Channel 8 in Peoria, supports that portion of the Commission's proposal which would assign UHF Channel 31 to Peoria. WIRL Television Company (WIRL–TV), conditional grantee on Channel 8 in Peoria,[3] filed comments opposing the deintermixture proposal. Reply comments were submitted by West Central and Hilltop, ABC, Turner-Farrar, Tele-Views, Galesburg, WMBD, Inc., and WRL. In addition, KRNT–TV Company (KRNT–TV) on Chtannel 8 in Des Moines, Iowa, and WKBH Television, Inc. (WKBT), on Channel 8 in La Crosse, Wisconsin, filed reply comments in opposition to the reallocation of Channel 8 to Rock Island.[4]

10. We noted in our Report and Order issued last June, outlining the proposals for interim action, that because of the widely varying circumstances in individual markets, as well as the numerous factors bearing on the choice of techniques in any individual community or area, it would not be possible to formulate rigid criteria to be applied in individual cases in order to indicate the course that would best serve the public interest for each community. We did conclude, however, that certain considerations would have a bearing on our decisions in the individual cities. We stated that in markets with one or more commercial VHF channels, the merits of proposals to eliminate a VHF channel would depend, in large part, on such factors as:

(a) Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.

(b) Whether one or more UHF stations are operating in the area.

(c) Whether a reasonably high proportion of the sets in use can receive UHF signals.

(d) Whether the terrain is reasonably favorable for UHF coverage.

(e) Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

Similarly, we noted that the desirability of assigning additional VHF channels to communities would depend principally upon:

(a) Whether it is possible to locate the new transmitter so as to meet the minimum transmitter spacings.

(b) Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

(c) Whether the addition of a new VHF assignment would be consistent with the objectives of improving the opportunities for effective competition among a greater number of stations.

We must consider the proposals to delete VHF Channel 8 from Peoria and to assign this frequency elsewhere in the light of these factors.

11. Peoria is a predominantly UHF area from the standpoint of operating stations and channel assignments. Several UHF stations are on the air, both in Peoria and the surrounding territory. Stations WEEK–TV on Channel 43 [5] and WTVH on Channel 19 have been operating in Peoria since 1953; and UHF stations are operating in Bloomington, Illinois [5a] (WBLN) on Channel 15 (35 miles from Peoria), Springfield, Illinois [6] (WICS) on Channel 20 (62 miles from Peoria), and Decatur, Illinois (WTVP) on Channel 17 (68 miles from Peoria). The latter three stations, though some distances from Peoria, provide UHF service to substantial portions of the Peoria

[2] Under the Commission's rules channels assigned to two or more cities in combinations are available upon application in any one of the listed cities.

[3] See footnote 1.

[4] The Attorney General of the State of Illinois filed a comment opposing the deletion of Channel 8 from Peoria. Numerous letters, cards and resolutions to the same effect were received from cities, villages, organizations and individuals in the Peoria area. Letters supporting the proposal were submitted by the Mayor of Moline, Illinois, and Radio Station WQUA in Moline.

[5] On February 13, 1957, the Commission granted the application (BPCT–2180) of West Central (WEEK–TV) for a satellite television station on UFH Channel 36 at La Salle, Illinois, approximately 50 miles north of Peoria.

[5a] The Commission was recently notified that WBLN has ceased operations on February 5, 1957, because of financial difficulties, but hoped to return to the air within a month.

[6] In a separate proceeding in Docket No. 11747, the Commission has determined that Springfield should be made an all-UHF community by deleting Channel 2 and substituting UHF Channels 26 and 36.

area. In addition to operating stations, UHF channels are available in the immediate Peoria area; Channel 40 at Galesburg, Channel 69 at Pekin, [6a] Channel 60 at Kewanee, Channel 53 at Lincoln, Channel 21 at White Heath, and Channel 55 at Streater, Illinois. On the other hand, only one VHF channel is assigned to Peoria, Channel 8, which is not in operation; and relatively little VHF service now invades the immediate Peoria area. VHF stations are operating in such cities as Rock Island (74 miles), Davenport, Iowa (75 miles), Champaign, Illinois (81 miles) Quincy, Illinois (109 miles), and Hannibal, Missouri (112 miles). While these stations provide VHF service to parts of the Peoria area, Grade B service over the city of Peoria is not provided, with the possible exception that the Rock Island station on Channel 4, if its transmitter site is shifted, and Channel 8 in Rock Island would provide Grade B service. The record indicates, moreover, that viewers in Peoria watch the two Peoria UHF stations the great bulk of the time.

12. The UHF character of the Peoria area is further illustrated by the high percentage of television sets in the area capable of receiving UHF transmissions. Peoria and the Peoria standard metropolitan area (Peoria and Tazewell Counties) are virtually 100 percent converted for UHF, and the percentage of UHF-equipped sets approaches 100 percent for the entire service area of the operating UHF stations.[7]

13. The record indicates that the terrain in the Peoria area is generally suitable for UHF propagation, and we are confident that UHF can deliver satisfactory service in this area. Except for the relatively small sparsely settled Illinois River Valley, the region is reasonably flat; and the UHF stations maintain that the homes in this Valley already receive satisfactory service. WIRL argues that while close-in coyerage is generally good in clear and unobstructed regions, dead spots are found. We believe, however, that the terrain in the Peoria area is adequate for UHF.

14. No viewers will lose existing service by virtue of the deletion of Channel 8 from Peoria since a station is not presently operating on this frequency. However, the question is posed whether any areas that might receive service from a Channel 8 station in Peoria would get no service from any other station, i. e., whether deletion of Channel 8 will result in a "white area."

15. The Peoria UHF stations have made measurements on UHF Station WEEK–TV (Channel 43) in Peoria and have extrapolated the results to the proposed height and power of the station (360 kw at 1154 feet). On the basis of these measurements they submit that the expected coverage of the UHF station would be greater than that expected for

[6a] On February 13, 1957, the Commission granted a construction permit (BPCT–2223) for a station on Channel 69 in Pekin to Mid-Illinois Television Company.

[7] WIRL does note, however, that a number of counties on the perimeter of the present Peoria UHF service area have very little conversion.

Station WIRL–TV on Channel 8 employing maximum power of 316 kw at 992 feet for all directions but the southeast, and that no areas that would get service from Channel 8 in Peoria would fail to get service if it is deleted. However, WIRL challenges the measurments, noting that no corrections were made for the noise level in the recording field intensity meter. Applying the corrections suggested by the instruction manual for the measuring instrument, WIRL recomputes the field intensities and redraws the field intensity vs. distance curves for the radials measured and concludes that UHF signals in the Peoria area would be above the average of those predicted in the rules out to line of sight, or roughly 37.5 miles, but would be below these values beyond the line of sight, with the rate of decline of the measured signal about 8 db below the predicted for every 10 miles of distance beyond the line of sight. The net result is that the measured distance to the Grade B contour of WEEK–TV with 170 kw power at 546 feet (its present facilities) is 37.7 miles, or very close to the 38 mile figure obtained from the present curves. Projecting these measurements to other heights and powers would produce much smaller distances for Grade B coverage than that claimed by the UHF stations. For example, WIRL submits a figure of 45.7 miles to the Grade B contour of a UHF station using 1000 kw at 1000 feet, while the UHF stations claim 65 mile coverage with 360 kw power at 1154 feet. The results of the recomputation by WIRL appear to be reasonable, as does its method for taking ambient noise into account; and we believe that the UHF coverage in Peoria would probably be considerably less than that claimed on the basis of the measurements.

16. The UHF stations in support of deintermixture, employing the propagation curves set out in the rules, compute the potential "white area" to be 28 square miles containing 710 persons.[8] WIRL, using the same curves, computes the "white area" to be 376 square miles with 28,237 persons. The difference in the results arises from the fact that WIRL used actual operating facilities, with the exception of maximum height and power for the Channel 8 station at Rock Island, and the parties urging deletion of Channel 8 used 1,000 kw power for the UHF stations, including a station on Channel 25 and on 31 in Peoria in place of Channel 8. WIRL in reaching its figure did not take into account any operation on a UHF channel to replace Channel 8. If a station commences operation on either or both Channel 25 or Channel 31 with more height and power than that of the stations already on the air, the "white area" as computed by WIRL would be reduced accordingly; and if a UHF station operates with 1,000 kw at 1,000 feet, it is probable that very little "white area," if any, will result, based on the prediction method set out in the rules. The UHF stations allege that on the basis of the curves in the Rules, a comparison of the area that would be served by WIRL–TV on Channel 8 and Channel 25 from the same site shows the following:

	Radius of Grade B	Total Grade B	Total Grade A
	Miles	*Square miles*	*Square miles*
WIRL (Channel 8) (316 kw., 992')	61. 5–65. 8	8, 040	12, 600
WIRL–TV (Channel 25) (1,000 kw., 992')	58–62	7, 720	11, 280

17. Since any computation of the area and population that might lose potential service by the deletion of Channel 8 from Peoria must of necessity be grounded on so many variables and assumptions, including heights and powers to be employed in the future and additional stations that might take the air, no precise computations can be made. And the problem is made more complex by the fact that the propagation curves presently available and known methods of computation do not lend themselves to precise determinations of coverage at specific locations. This wide latitude in computing coverage is demonstrated by the estimates in the record as to potential "white areas," which range from zero to an area of 376 square miles containing 28,237 persons. We believe the record supports the basis for concluding that a significant number of persons will not lose their only service if Channel 8 is deleted. In light of our action in the Springfield deintermixture case (Docket No. 11747), moreover, it is likely that Springfield UHF stations will improve their facilities and provide service to the possible "white area" south of Peoria.

18. Peoria, with a 1950 standard metropolitan area of over 250,000 and a city population of almost 112,000, ranks as the 77th market nationally. Three commercial channels, VHF Channel 8 and UHF Channels 19 and 43, are allocated. Stations have been operating on the UHF channels for some time, and the purpose of this proceeding is to determine whether a station should be permitted to operate on the VHF channel. The parties urging deintermixture submit that while Peoria's revenue potential is sufficiently large to support three or more stations all in the same band, the advent of a third station on VHF Channel 8 would create an unequal competitive situation which could seriously impair the ability of the UHF stations to provide service, possibly forcing either or both off the air or to cut back severely their service to the public. Our experience in other markets has demonstrated that the establishment of a VHF station in a UHF market such as Peoria generally seriously affects, if not cripples, the ability of the UHF stations to render

[8] The UHF stations contend that only this small rural area would "theoretically" get no service, and that only 5 square miles with 80 persons lies within the Peoria trading area. They argue, in addition, that actual service is being provided in this theoretical "white area" as evidenced by audience surveys, mail counts, etc., and that still more service will be provided in this area with the advent of improved facilities.

service. And since additional VHF channels can not be assigned to Peoria under present allocation standards, the failure of UHF would mean that Peoria might be forced to depend on a single VHF station for local service. This possibility can be obviated by eliminating the VHF channel and equalizing the competitive situation. The assignment of a third and fourth UHF channel to Peoria will enhance the possibility of more effective competition among the networks in the market and of bringing the programs of all three networks to the public. Deintermixture, we feel, would remove any artificial restraint on the establishment of a third or even fourth local station; and the number of stations would be determined solely by what the traffic can bear. We find, therefore, that deleting VHF Channel 8 from Peoria and substituting UHF Channels 25 and 31 will further our interim objective of improving the opportunities for effective competition among a greater number of stations.[9]

19. WIRL argues that effective deintermixture cannot be achieved in Peoria in light of the many VHF signals that will still invade the area despite the deletion of Channel 8. WIRL notes that even assuming deletion of Channel 2 from Springfield as proposed in another proceeding, all but a small portion of the Peoria area will still receive one or more VHF services from VHF stations in Rock Island, Champaign, Quincy and Davenport. WIRL points out that in view of minimum spacing requirements, a station employing Channel 8 in Rock Island will be forced to locate its transmitter southeast of Rock Island towards Peoria and would place a Grade B signal over Peoria. WIRL also notes that Station WHBF–TV on Channel 4 in Rock Island has an application pending to move its transmitter toward Peoria and increase antenna height. Nevertheless, while "complete" deintermixture of the Peoria area would not be achieved by deletion of Channel 8, we do not believe that the reception of VHF signals from relatively distant cities and separate markets will seriously impair UHF in Peoria, even though, as WIRL submits, Rock Island stations on Channels 4 and 8 might provide VHF Grade B service over Peoria. Furthermore, we will afford careful scrutiny to any applications for VHF channels in other cities which may appear to specify transmitter sites unnecessarily close to Peoria. We feel that the Peoria viewers will look to their own local outlets rather than to distant stations whose programs are directed to other markets; and despite the VHF signals that will remain in the area, we are confident that making Peoria an all-UHF market will enable UHF to thrive.

20. In addition to the benefits falling to the Peoria market by virtue of deintermixture, Channel 8 can be released for assignment in another community where, in light of local circumstances, the addition of a VHF outlet might improve the competitive television situation. The Commission has proposed that Channel 8 be shifted to Rock Island as a third commercial VHF outlet for the area. Tele-Views News Company urges that Channel 8 be assigned to Davenport-Rock Island-Moline instead of Rock Island alone; Galesburg Broadcasting Company, Inc. requests that Channel 8 be assigned to Galesburg in place of Rock Island; and Central Broadcasting Company (WOC–TV), a VHF operator in Davenport, urges that Channel 8 be assigned to a city in the Peoria area or South-Central Illinois rather than Rock Island, or that it be reserved for educational use in Rock Island.

21. Although we initially proposed to assign Channel 8 to Rock Island, the VHF channels presently allocated in the area are assigned to Davenport-Rock Island-Moline in combination. We agree with Tele-Views News, that if Channel 8 is assigned in the area, it should be assigned to the hyphenated community. If applications for stations in more than one of the communities to which the channel is assigned are filed, the question of which city should get the station will be determined in an adjudicatory proceeding.

22. Turner-Farrar Association, operator of UHF Station WSIL–TV on Channel 22 in Harrisburg, Illinois, requests that Channel 8 be assigned to Harrisburg as well as Rock Island. However, the allocation of Channel 8 in either Peoria, Rock Island, or Galesburg does not preclude the assignment of Channel 8 to Harrisburg—this community is well over 250 miles from Rock Island. Turner-Farrar's counterproposal for Harrisburg is proposed as an alternative to its proposal to allocate Channel 3 to this community submitted in a Petition for Rule Making filed August 3, 1956, and still pending. Accordingly, since any action we may take in this proceeding in no way affects Turner-Farrar's proposals for Harrisburg, there is no necessity for disposing of this matter in the Peoria proceeding; and consideration will be given to Turner-Farrar's proposals when we take action on its separate petition for rule making.[9a]

23. We must next determine whether Channel 8 in Rock Island, as well as the other communities for which it is proposed, would meet the technical allocation requirements. Since the distance between Rock Island and other communities where Channel 8 is also assigned does not meet the minimum spacing requirements, Channel 8 cannot be allocated to Rock Island unless it appears that a transmitter site is available that would meet minimum spacing requirements and from which spot a minimum signal can be placed over the principal city. We believe the record demonstrates the likelihood that such a site would be available. WIRL contends that in light of the area within which a site must be located to meet minimum spacing requirements, part of the city of Rock Island would be within a "shadow area" and service to Rock Island will be degraded. Similar shadowing, WIRL submits, would be found in Moline, and to a lesser extent in Davenport. However, the record reveals that even though some "shadow areas" would result, the requisite minimum city-grade signal would be placed over the entire city to be served.[10] We conclude that sites would be available for Channel 8 in the Rock Island area that would meet the minimum spacing requirements and would provide city-grade service to Rock Island, Davenport, or Moline. Channel 8 in Galesburg and the cities proposed by WOC–TV would also meet the technical allocation requirements.

24. WKBH Television, Inc., operator of Station WKBT on Channel 8 in La Crosse, Wisconsin, and KRNT–TV Company, operator of Station KRNT–TV on Channel 8 in Des Moines, Iowa, oppose the allocation of Channel 8 to Rock Island, alleging that this assignment will result in destructive interference to substantial portions of their service areas, as well as to other co-channel and adjacent channel stations. Channel 8 in Rock Island would meet all allocation requirements, and § 3.612 of the rules expressly states that television stations are not protected from any interference which may be caused by the grant of a new station in accordance with the allocation standards. The nature and extent of the protection from interference accorded to stations is limited solely to the protection resulting from the minimum assignment and station separation requirements and the rules relating to maximum powers and antenna heights. The contentions of WKBT and KRNT–TV are therefore without merit.

25. WOC–TV, operator of a VHF station in Davenport, opposes the assignment of a third VHF channel in the Davenport area, suggesting that Channel 8 be assigned to a community within a large area, which includes Peoria, or to a community in South-Central Illinois.[11] WOC–TV requests further, that if the Commission concludes that Channel 8 should be assigned to Rock Island, it should be reserved for noncommercial educational use. We find no merit in WOC–TV's proposals. They ignore the objective of the Commission's interim program of improving the opportunity for effective competition among a greater number of stations. Assigning VHF Channel 8 to one of the relatively small cities suggested by WOC–TV or reserving it for education would not further our interim program, and we are therefore rejecting these proposals.

26. Galesburg is a city of 31,425 persons about 40 miles roughly south of Rock Island in the direction of Peoria. No applications have been filed for the one UHF channel assigned. Grade B or better service is provided to Galesburg by the two VHF stations in Rock Island (WHBF–TV) and Davenport (WOC–TV). Galesburg Broadcasting Company submits that the need and desire for local television service cannot be met by UHF and that VHF wide-area coverage is necessary for an economically feasible operation in view of the small size of the market. A station in Galesburg would also provide service to Burlington, Iowa (30,613 persons) about 40 miles from Galesburg. Since Galesburg is so close to Peoria, a station in Galesburg would place a Grade A signal over Peoria.

(1) Cities (over 1,000 population) within Area No. 1: Atlanta, Cambridge, Chillicothe, Delavan, Depue, Earlville, Elmwood, El Paso, Eureka, Farmington, Galesburg, Galva, Henry, Kewanee, Knoxville, Ladd, Lacon, LaSalle, Lincoln, Mackinaw, Marseilles, Mendota, Metamora, Minok, Morton, Mt. Pulaski, Ottawa, Pekin, Peoria, Princeton, Princeville, Roanoke, Seneca, South Peking, Streator, Toluca, Toulon, Washington, Wenona, Wyoming.

(2) Cities (over 2,500 population) within 15 miles of Area No. 1: Abingdon, Bloomington, Canton, Clinton, Decatur, Moline, Monomouth, Morris, Pana, Pontiac, Rock Island, Sycamore, Taylorville.

(3) Cities (over 1,000 population) within Area No. 2: Benton, Centralia, Mt. Vernon, Salem, Sesser, Vandalia.

(4) Cities (over 2,500 population) within 15 miles of Area No. 2: Christopher, DuQuoin, Herrin, Marion, Nolomis, Pana, West Frankfort.

27. In view of all the circumstances, we believe the assignment of Channel 8 to the Rock Island area is to be preferred. The Davenport-Rock Island-Moline metropolitan area, 81st in the nation, has a 1950 population of 234,256. The city populations are: Davenport (74,549), Rock Island (48,710) and Moline (37,397). VHF stations are operating on the two VHF channels assigned: Station WHBF–TV on Channel 4 in Rock Island and Station WOC–TV on Channel 6 in Davenport. No applications have been filed for the two commercial UHF channels assigned or for the UHF educational reservation. No other Grade B VHF signals serve the cities, and no UHF stations are operating in the immediate area. In light of the establishment of VHF in the Rock Island area, there is little likelihood of any UHF activity in the near future. This area must therefore look to the VHF. Channel 8 would represent a third VHF outlet in this major market, and we believe that this assignment is to be preferred to Galesburg in furtherance of our objective of improving effective competition among a greater number of stations.

28. We have reviewed the record in this proceeding with a view to the factors listed in our Report and Order of last June and conclude that the public interest would be served by deleting Channel 8 and assigning UHF Channels 25 and 31 to Peoria, and by adding Channel 8 to Davenport-Rock Island-Moline. The Peoria area is predominantly UHF, the terrain is satisfactory for UHF propagation, the vast majority of sets are equipped for UHF, several UHF stations in the area are providing service to the public, additional UHF channels in the lower portion of the spectrum are available to replace Channel 8, and significant populations would not be without any service if it is deleted. We are confident, therefore, that UHF can provide satisfactory service in Peoria.

29. Peoria is the 77th market with a 1950 standard metropolitan area population of 250,512 and a city population of 111,856. We do not dispute that Peoria may be larger than the Davenport-Rock Island-Moline market, but the assignment of Channel 8 cannot be made in a vacuum purely on the basis of size and importance of the competing markets. The proposals must be examined in the light of all the factors and our interim objective of improving the opportunity for more effective competition among a greater number of stations. This can be achieved in both Peoria and the Rock Island area by shifting Channel 8 from one market to the other. Without a VHF in Peoria, as many stations would be able to operate as the market will support. But the advent of a VHF station will, in all likelihood, result in less effective competition among fewer stations. On the other hand, the Rock Island area is predominantly VHF. There is little chance of additional television service in the area unless a VHF channel is added, and Channel 8 would afford a much-needed third local outlet. We believe that the action we are now taking carries out the mandate of section 307 (b) of the Communications Act in providing a fair, efficient and equitable distribution of television service to the several states and communities by increasing the likelihood of more television service and more local TV outlets in both the Peoria and Rock Island areas. It should be emphasized that in deleting Channel 8 from Peoria our primary purpose is not to ensure the profitable operation of particular UHF licensees. Rather, we wish to ensure more effective competition among a greater number of stations in order that the public in Peoria will be afforded more and better television service.[12]

30. WIRL charges that this proceeding is illegal and improper and reasserts the contentions advanced in its Petition to Reconsider Action In Instituting Proposed Rule Making and Petition for a Full Evidentiary Hearing. WIRL argues that it is a "permittee" entitled to all the protection afforded by sections 303 (f) and 316 (a) of the Communications Act of 1934, as amended. WIRL charges, further, that the issues raised in the proceeding and the type of proof adduced make it essential that an evidentiary hearing be afforded. Finally, WIRL asserts that even if the instant proceeding were appropriate, a full evidentiary hearing would be the only procedural device for developing fully the critical aspects of the proposals. We find these contentions to be without merit. This proceeding concerning the reallocation of television channels constitutes a valid exercise of our rule making process under the Communications Act and the Administrative Procedure Act. See Logansport Broadcasting Corp. v. U. S., 210 F. 2d 24; Peoples Broadcasting Company v. FCC, 209 F. 2d 286. WIRL clearly does not have the status of a permittee within the meaning of sections 303 (f) and 316 (a) of the act. The Commission made clear in the adjudicatory proceeding involving Channel 8 in Peoria (WMBD, Inc., 10 RR 533, 607–608) that although it had arrived at a determination as to which of the two applicants merit the grant, recognition had to be given to the subject rule making proceeding which proposed to reassign Channel 8 to another city. Accordingly, the Commission expressly provided that it may, without further proceedings, substitute for Channel 8 such other channel as may be assigned to Peoria in the subject rule making proceeding. WIRL either accepted the grant subject to these express conditions or did not accept it. Under either of these alternatives no further proceedings need be undertaken to delete Channel 8 from Peoria in light of WIRL's status. Nor do we believe that any further proceedings are necessary or desirable in this case because of the nature of the proceeding. All parties have had an adequate opportunity to present their comments and views to the Commission and we have given them careful and detailed consideration. This normal rule making process is entirely adequate for a determination of the issues, and further proceedings, including evidentiary hearings, would merely serve to delay this matter unnecessarily.

31. As noted above, the Commission on June 29, 1956, released a Final Decision granting the application of WIRL in the Peoria adjudicatory proceeding, but provided that the Commission may, without further proceedings, substitute for Channel 8 such other channel as may be assigned to Peoria in this proceeding to replace Channel 8. The Commission stated that a further order would be issued subsequent to the conclusion of

[9] WMBD, Inc., urges the assignment of UHF Channel 31 to Peoria irrespective of whether Channel 8 is deleted.

[9a] On February 20, 1957, Turner-Farrar filed a Further Petition for Rule Making under separate heading urging the assignment of Channel 8 to Harrisburg as an alternative to its Channel 3 proposal.

[10] Tele-Views prepared four terrain profiles from a site which indicate that certain areas within Rock Island and Moline would be below line-of-sight and would therefore be in a shadow area. The maximum distance below line-of-sight from any point within the city limits would be approximately 100 feet. The 2–10 mile average ground elevation in the direction of the main cities is 737 feet, and the resulting antenna height above average terrain is 1,000 feet. The average distance to the shadowed areas in the three cities from the transmitter site is 16 miles. Using an effective radiated power of 316 kw and an antenna height above average terrain of 1,000 feet, the calculated signal in the city would be 93 dbu. Calculations using accepted methods show that the maximum shadow loss in Davenport, Rock Island and Moline would be 6 db. If this figure were applied to the calculated figure of 93 dbu, the maximum signal expected in this area would be 87 dbu, which is 10 db above the minimum signal required for "city grade" service.

[11] Four tables submitted by WOC–TV show the cities within 15 miles of two areas where Channel 8 could be assigned in conformity with separation requirements and where city-grade service could be provided from suitable transmitter sites.

[12] Our action herein, moreover, comports with our decision in the Springfield deintermixture proceeding (Docket No. 11747). In that case we have concluded that the public interest would be served by deleting Channel 2 from Springfield. A station on this frequency in Springfield would have provided VHF service to parts of the service areas of the UHF stations in Peoria; and conversely a station on Channel 8 in Peoria would provide VHF service to portions of the area that will be served by UHF stations in the Springfield-Decatur area, which the Commission believes should be all-UHF.

this proceeding in light of our action herein. An appropriate order will be issued in the adjudicatory proceeding with respect to this matter.

32. Authority for the adoption of the amendments is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communication Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

33. In view of the foregoing: *It is ordered*, That effective April 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended, insofar as the communities named are concerned as follows: [12]

(a) Amend to read:

City	Channel No.
Galesburg, Ill.	77.
Peoria, Ill.	19, 25+, 31+, *37–, 43+.
Davenport, Iowa-Rock Island-Moline, Ill.	4+, 6+, 8, *30+, 42–, 68.

(b) Change the offset carrier requirement only of the Channel 31+ assignment in Milwaukee, Wisconsin, to Channel 31—.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[14]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1731; Filed, Mar. 7, 1957; 8:45 a. m.]

[Docket No. 11751; FCC 57-178]

[Rules Amdt. 3-56]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Albany-Schenectady-Troy, New York and Vail Mills, New York).

1. The Commission has before it for consideration the proposals set out in its Notice of Proposed Rule Making (FCC 56-592) released in this proceeding on June 26, 1956, for the reallocation of television channels in the Albany-Schenectady-Troy and Vail Mills, New York, areas. Interested parties have been afforded the opportunity of filing comments directed to the Commission's proposals and of advancing counterproposals, and we are now in a position to issue our decision in the matter.

2. The Commission issued its Report and Order (FCC 56-587) last June in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure. Since some years may be required to implement this long-range program, we also considered in that proceeding what interim action might be taken to improve the opportunities for effective competition among a greater number of stations in individual communities. In furtherance of this interim program the instant rule making proceeding and a number of others have been initiated proposing changes in channel assignments for various communities throughout the country.

3. With respect to the Albany-Schenectady-Troy area, the Commission proposed to deintermix this area partially by deleting VHF Channel 10 from Vail Mills and adding UHF Channel 47 to Albany-Schenectady-Troy, New York, as follows: [1]

City	Channel No.	
	Present	Proposed
Albany-Schenectady-Troy, N. Y. Vail Mills, N. Y.	6, *17+, 23–, 35, 41. 10–	6, *17+, 23–, 35, 41, 47.

*Reserved for educational use.

4. Comments and reply comments supporting the Commission's proposal were filed by Van Curler Broadcasting Corporation, the permittee of Station WTRI on Channel 35 at Albany: the American Broadcasting Company, New York, New York; WKNY-TV Corporation, permittee of Station WKNY-TV on Channel 21, Poughkeepsie, New York, and the Joint Council on Educational Television, New York, New York. Hudson Valley Broadcasting Co., Inc., permittee of WCDA on Channel 41 at Albany, filed comments opposing the Commission's proposal.

5. Several parties included counterproposals in their Comments.

(a) Van Curler Broadcasting Corporation, the American Broadcasting Company and WKNY-TV Corporation, permittee of Station WKNY-TV on Channel 21, Poughkeepsie, New York, propose in addition to the deletion of Channel 10 at Vail Mills, that Channel 6 be withdrawn from commercial use in the Albany-Schenectady-Troy area so as to completely deintermix the area. Van Curler suggests that Channel 6 be substituted for the present Channel 17 non-commercial educational reservation at Albany or that Channel 6 be shifted from Schenectady to Syracuse, New York. ABC also suggests that Channel 6 be moved from Schenectady to Syracuse, New York, as an alternative to its proposal in the Elmira proceeding (Docket No. 11758) to allocate Channel 9 to Syracuse. WKNY-TV Corporation endorsed the counterproposal of Van Curler in its Reply Comments. General Electric Company, licensee of Station WRGB on Channel 6 at Schenectady, opposed the deletion of Channel 6 from commercial use in the Albany-Schenectady-Troy area.[2]

(b) Alternatively, ABC also proposed that Channel 8 be shifted from New Haven, Connecticut, to the Albany-Schenectady-Troy area at reduced separations in the event that Channel 10 is not deleted from Vail Mills in order to make the Tri-City area a three station VHF area. Triangle Publications, Inc. (Radio and Television Division), licensee of Station WNHC-TV on Channel 8, New Haven, Connecticut, and Mt. Washington TV, Inc., licensee of Station WMTV on Channel 8, Poland Spring, Maine, filed Reply Comments in opposition to this alternative counterproposal of ABC.

(c) In addition to the foregoing proposals, Mohawk Valley Television, Inc., Fairfield, New York, proposed the "drop-in" of Channel 2 at Utica, New York.[3]

[12] The tabulation also reflects the action taken by the Commission in the Springfield proceeding in Docket No. 11747 assigning Channel 68 to Davenport-Rock Island-Moline in place of Channel 36.

[14] Commissioner Doerfer dissenting; Commissioner Mack dissenting and issuing a statement; filed as part of original document; Commissioner Craven abstaining from voting.

[1] The offset carrier designations were listed in a Notice of Further Proposed Rule Making (FCC 56-821) released September 5, 1956, in the several reallocation proceedings.

[2] General Electric Company also moved to dismiss such of the Comments filed in the proceeding which propose the deletion of Channel 6 from commercial use in Schenectady, claiming that they are beyond the scope of the instant proceeding and that they relate to a matter expressly excluded by the Commission when it instituted the proceeding. We believe that this argument is without merit, and that the motion should be denied. Our Notice of Proposed Rule Making in the instant proceeding, as well as our June, 26, 1956, Report and Order in the general television allocations proceeding in Docket No. 11532, both duly published in the FEDERAL REGISTER, made it clear that our purpose for instituting the instant proceeding was to further our program for improving the television situation in individual communities and areas. The tentative changes in television channel assignments proposed by the Commission in its Notice of Proposed Rule Making for improving the television situation in the Albany-Schenectady-Troy area did not preclude other parties from submitting alternative proposals affecting the same general area for consideration, and, in fact, the Notice invited such proposals. An ample opportunity has been afforded to submit reply comments in opposition to this counterproposal, and we believe the counterproposal in question is properly before us for consideration along with the Commission's proposal and all others filed in the proceeding.

[3] On July 19, 1956, the Commission issued a Memorandum Opinion and Order (FCC 56-748) denying a petition filed by Mohawk Valley, seeking amendment of the Table of Television Assignments so as to assign Channel 2 as a "drop-in" to Fairfield, New York, some 17 miles northeast of Utica, since the mileage separation rules did not then permit the assignment to Utica. The Commission stated that the proposal to add a second VHF channel in the Utica area would tend to inhibit the growth of UHF in that area, contra to the objectives set out in the Report and Order issued last June in Docket 11532, and that since Fairfield is only about 45 miles from the UHF satellite station WCDA at Hagaman, N. Y., and approximately 60 miles from WROW-TV (now WCDA) at Albany, it would conflict with the objective of the Commission's proposal in the instant proceeding. The Commission stated, however, that Mohawk Valley would have a full opportunity to participate in the instant proceeding and to submit its counterproposals.

Copper City Broadcasting Corporation, licensee of Station WKTV on Channel 13 at Utica, filed a reply to the Mohawk Valley comments and counterproposal in which it took no specific position with respect to the proposed assignment of Channel 2 to Utica.

6. In outlining our interim plans for improving the television situation in individual communities and areas in our decision in the general allocation proceeding last June, we noted that the widely varying circumstances in individual markets and the numerous factors bearing on the choice of techniques in any individual community or area made it impossible to formulate rigid criteria which could automatically be applied in individual cases to indicate the course which would best serve the public interest in each community. We concluded, however, that the following considerations would have a bearing on our decisions with respect to proposals to change channel allocations in specific communities or areas:

(a) In markets with one or more commercial VHF assignments, the merits of proposals to eliminate a VHF commercial assignment would depend to a large extent on such factors as: (1) Whether significant numbers of people would lack service as a result of the elimination of the VHF channels; (2) whether one or more UHF stations are operating in the area; (3) whether a reasonably high proportion of the sets in use can receive UHF signals; (4) whether the terrain is reasonably favorable for UHF coverage; and (5) whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

(b) The desirability of assigning a first VHF channel or of adding an additional VHF channel would depend principally upon: (1) whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings; (2) whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned; and (3) whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

7. Accordingly, we have considered the Commission's proposal to delete Channel 10 from Vail Mills, and also the counterproposals relating to the deletion of both Channels 6 and 10, in light of the foregoing factors.

8. The Albany-Schenectady-Troy area may be characterized as a UHF area inasmuch as the preponderance of television channel allocations and operating stations in the area are UHF. Hudson Valley Broadcasting Co., Inc., has been operating UHF Station WCDA (formerly WROW-TV) on Channel 41 at Albany since October 1953. Van Curler Broadcasting Company commenced operation on UHF Station WTRI on Channel 35 in Albany in February of 1954. Operation of WTRI was suspended on January 31, 1955, but WTRI is now back on the air, having resumed operation in June 1956. Hudson Valley also has been operating UHF Station WCDB on Channel 29 at Hagaman, about 20 miles northwest of Schenectady, as a satellite of WCDA since March 1956. Another UHF station, WMGT on Channel 19 at North Adams, Massachusetts, about 35 miles southeast of the Tri-City area, operated from February 1954 to February 27, 1956, when its operation was suspended because of destruction of its tower. On November 29, 1956, its permittee, Greylock Broadcasting Company, was granted an STA to resume operation of WMGT, and on February 6, 1957, the Commission granted an application for voluntary assignment of the construction permit of WMGT to Hudson Valley to operate WMGT as a satellite of WCDA at Albany. Construction permits have also been outstanding for Stations WTVZ, the educational reservation on Channel 17, and for WPTR-TV on Channel 23 at Albany-Schenectady-Troy since July 1952, and June 1953, respectively, but the stations have never been constructed. Another UHF station, WKNY-TV on Channel 21 at Poughkeepsie, about 60 miles south of Albany, is now off the air, having been in operation from April 1954, to July 1956. In addition to the operating and assigned stations on these channels, four vacant UHF channels are available in the general area of Albany, Schenectady and Troy: Channel 59 at Amsterdam, New York, about 12 miles northwest of Schenectady; Channel 39 at Glens Falls, New York, about 45 miles north of Albany; Channel 74 at Bennington, Vermont, about 30 miles northeast of Albany, and Channel 66 at Kingston, New York, about 50 miles south of Albany. Further, five operating UHF stations provide a Grade B signal to portions of the Grade B contours of WRGB or the proposed Channel 10 Vail Mills station. These stations are Stations WWLP on Channel 22 at Springfield, Mass., 83 miles from the Tri-Cities; Station WATR-TV, on Channel 53, Waterbury, Connecticut, 90 miles away; WICC-TV on Channel 43 at Bridgeport, Conn., 113 miles distant; WGTH on Channel 18 at Hartford, Conn., about 90 miles distant, and WKNB-TV on Channel 30 at New Britain, about 90 miles distant. The Grade B signal of WAAB-TV on Channel 20 at Worcester, Mass., some 103 miles from the Tri-Cities, will also be received in portions of the Grade B contours of a Channel 10 or Channel 6 station when it commences operation.

9. Only two VHF channels have been allocated to the Albany-Schenectady-Troy area: Channel 6 to Albany-Schenectady-Troy, on which General Electric Company has operated WRGB at Schenectady commercially since 1947; and Channel 10 at Vail Mills, about 20 miles northwest of Schenectady, which assignment became effective December 16, 1955.[4] The application of Hudson Valley Broadcasting Company (BPCT-2202) for Channel 10 at Vail Mills has been on file since September 19, 1956. No VHF station except Station WRGB now puts a Grade B signal over Albany, Schenectady, or Troy, but nine CHF stations—all over 72 miles from the Tri-City area—provide a Grade B signal to portions of the Grade B contour of a Channel 10 (Vail Mills) station, or to portions of the Grade B contour of Station WRGB on Channel 6 at Schenectady. They are Station WKTV on Channel 13 in Utica, New York, about 72 miles from the Tri-Cities; Station WMUR-TV on Channel 9 at Manchester, New Hampshire, about 120 miles from the Tri-Cities; Stations WSYR-TV on Channel 3 and WHEN-TV on Channel 8 at Syracuse, New York, about 118 miles from the Tri-Cities; WCNY-TV on Channel 7 at Carthage, New York, about 127 miles from the Tri-Cities; WNBF-TV on Channel 12 at Binghamton, New York, about 127 miles from the Tri-Cities, Station WPTZ on Channel 5 at Plattsburg, New York, about 120 miles from the Tri-Cities; and WCAX-TV on Channel 3 at Burlington, Vermont, about 120 miles from the Tri-Cities.

10. The firm entrenchment of UHF in the Tri-Cities area is further indicated by the steady increase in conversions to UHF and by the high percentage of television sets in the area which are capable of receiving UHF transmissions. The record indicates that both the proponents and opponents of partial or complete deintermixture in the Tri-Cities area agree that as of October 1956, approximately 80 percent of the television homes in the urbanized Albany-Schenectady-Troy areas (Albany, Schenectady and Rensselaer Counties, wherein the cities of Albany, Schenectady and Troy are located) had television sets which were equipped to receive UHF transmissions. Van Curler states that conversions to UHF have increased at an average annual rate of more than 25 percent in the three-year period since UHF stations first began operating in the area and that it can be expected that at this rate all or substantially all of the sets in the area will be converted to UHF within a few years. General Electric points out that the American Research Bureau, Inc. reports, upon which the parties will rely for the 80 percent conversion estimate, indicate that the UHF receiver-saturation in all television homes in the urbanized areas of Albany-Schenectady-Troy increased from 51 percent in February 1955 to 66 percent in February 1956 and then to 80 percent in October 1956.

11. The record indicates that the central portion of the Albany-Schenectady-Troy area—which contains the densely populated urbanized areas of Albany, Schenectady and Troy—is in relatively flat terrain and is generally suitable for UHF coverage. The UHF operating stations and the high rate of conversions in these urbanized areas support this conclusion. Although General Electric opposes the deletion of Channel 6 from the Tri-Cities area, it recognizes that the terrain in Albany, Schenectady, and Rennselaer Counties wherein the cities of Albany, Schenectady and Troy are lo-

[4] The effective date of this allocation was stayed by the Court of Appeals on December 9, 1955, and the stay was dissolved on July 9, 1956 (Van Curler B/C Corp., et al. vs. U. S. et al., Case No. 12998, U. S. C. A., D. C.) (14 Pike & Fischer RR 2001).

cated is such that UHF can adequately serve these urbanized areas if Channel 6 is deleted from Schenectady. While the surrounding terrain is rough, hilly and mountainous, we do not agree with the parties opposing the deletion of the VHF assignments in the area that it is an impossible area for UHF. Hudson Valley claims that the poorness of the region for UHF is demonstrated by the fact that the service of its UHF Station WCDA to the northwest in the Schenectady area and within WCDA's Grade A contour was so inadequate that it was compelled to install a satellite operation (WCDB) at Hagaman and that its service to the east in the Troy area is so poor that it plans to operate WMGT at North Adams, Massachusetts, also as a satellite to more adequately serve this area. However, Van Curler points out that the difficulties experienced by WCDA in serving the area do not prove that the area is bad for UHF and that they are understandable in light of the fact that WCDA's antenna is located in the Hudson River Valley rather than at a higher elevation, such as is the antenna of WTRI which is on a mountain and almost 700 feet higher than WCDA's antenna. Van Curler claims that in view of the fact that most of the population in the Tri-Cities area is concentrated in the valleys, UHF stations by locating their antennas at strategic high elevations, can adequately serve the areas where the population is concentrated. As proof of this contention Van Curler points to the results of the comparative measurements which it made on WTRI which indicate that WTRI's measured contours extend over areas including between 80 and 90 percent of the population which would be expected to lie with its predicted contours and to the results of its mail pull studies which show that WTRI's signal is well received in the populated areas throughout most of its predicted Grade B contour and even beyond, and that the areas from which it receives little or no mail response from viewers is confined to mountainous areas where there is little or no population. Van Curler also states that in the event Channel 10 is deleted it plans to go forward with its plans to substantially increase the service area of WTRI by the use of high power and to improve its service by increasing WTRI's broadcast hours from 76 hours per week to 119 hours per week. Van Curler points out that it has already filed an application (BMPCT-4437, filed December 21, 1956) for modification of WTRI's construction permit to permit operation at 1,379 kw instead of 380 kw. While the measurements submitted by General Electric and Van Curler also indicate that the coverage of a VHF station in this terrain is much greater than that of a UHF station and that the coverage of a UHF station in this terrain, even with its antenna located at a high elevation, may be no more than 30 to 50 percent of that predicted by the Rules, we are of the view that the record demonstrates that in this terrain the populous valley areas can be satisfactorily served by UHF and that outlying areas can be reached and UHF service areas enlarged when necessary by the use of such techniques as higher power and antenna heights, satellites, translators, etc.

12. Although no viewers would lose existing service by the deletion of Channel 10 from Vail Mills since no station presently operates on this frequency, the question remains, however, whether any areas that would receive service from a Channel 10 station at Vail Mills would not get service from any other station; i. e., whether the deletion of Channel 10 from Vail Mills would create a "white area". We also have before us the counterproposal advanced herein which requests that Channel 6 at Schenectady, as well as Channel 10 at Vail Mills, be deleted from commercial use in the Albany-Schenectady-Troy area. In addition, therefore, we must explore the question of whether any areas that now receive service from Station WRGB on Channel 6 at Schenectady would lose their only television service if Channel 6 is removed from commercial use in the Tri-City area, and, if so, the extent of the "white areas".

13. Van Curler submits engineering computations—made in accordance with the rules and using authorized powers, antenna heights and locations of existing stations and assuming power of 316 kw and an antenna height of 1,000 feet for a Vail Mills Channel 10 operation—which indicate that only a small area of about 229 square miles more than 70 miles northwest of Albany in the Adirondack Mountains, containing about 1,145 people, would receive no Grade B service from any other station in the event that Channel 10 is deleted. It states that even this small "white" area will disappear entirely in a few years when existing VHF stations in Utica, Plattsburg, New York, or Burlington, Vermont, make increases in their power and antenna height. If, in addition to the deletion of Channel 10 from Vail Mills, Channel 6 is also deleted from commercial use at Schenectady, Van Curler—using the same methods and assumptions and assuming also that a UHF operation with power of 1,000 kw at the presently authorized height (1,020 feet) and location of WRGB will replace Station WRGB—computes the total area which would lose Grade B service to be 1,188 square miles, and the population therein to be 26,995. Van Curler claims, however, that when the UHF stations WMGT at Adams, Massachusetts and WKNY–TV at Poughkeepsie return to the air and existing UHF stations go to maximum facilities, there will be no area which would lose its only Grade B service if both Channels 10 and 6 were deleted from the area.

14. Using similar methods and assumptions as Van Curler, Hudson Valley computes the Grade B "white area" that will exist if Channel 10 is deleted to be 274 square miles containing 765 people, and the Grade B "white area" created by the deletion of both Channels 6 and 10 to be 1,053 square miles containing 7,913 people. Hudson Valley's engineers claim, however, that they believe the "white area" to be much greater than indicated by these figures in light of the fact that measurements taken in similar terrain of both UHF and VHF stations indicate that the UHF contours computed in accordance with the rules are overly optimistic for the rough terrain in this part of New York. While General Electric submitted no computations showing the areas and populations which would lose their only service in the event Channel 6 were to be deleted, on the basis of surveys, it estimates that even if both Stations WMGT at Adams, Massachusetts and WKNY at Poughkeepsie were to resume operation, 120,700 people, or about one-fourth of the total number served by WRGB, would be deprived of all television service if Channel 6 were deleted. This figure of 120,700 is derived from a sample survey of the area outside the three metropolitan counties of Albany-Schenectady-Troy. We are not at all convinced that this is a valid conclusion to be reached from that survey when other results of the survey are examined. For example, a careful examination of all the results of that survey discloses that a substantial number of UHF set owners in the area were not receiving UHF stations at the time of the survey because of some mechanical difficulty associated with their sets, i. e., improper antenna, broken know selector, etc. Such homes have been included in the figure of 120,700, apparently on the assumption that since the UHF portion of these sets was not in good repair at the time of the survey, such homes could not be considered as being able to receive UHF stations. We think that a contrary assumption is not only possible but probable. And on the basis of this assumption, i. e., homes with UHF sets out of adjustment should be considered as being able to receive UHF service, the result of the survey, even assuming its validity in all other respects, would indicate that a substantially smaller number of people than 120,700 might be unable to receive UHF service. More basically however, a serious question is also raised as to the validity of projecting the experience of the existing UHF set owners surveyed in the area to the total population of the area in the event all homes were UHF homes. Neither the survey nor the comments of General Electric cite any reasons for the validity of this projection procedure, and it is merely stated that it has been done on the assumption that "conversion of VHF sets would meet the same degree of success as the present UHF homes have met."

15. Since any computation of the area and population that might gain or lose their only potential and/or present television service by the deletion of Channel 10 or both Channels 10 and 6 from the Tri-Cities area must be based on so many variables and assumptions, including transmitter locations, heights and powers to be employed in the future and additional stations that might go on the air, no conclusive computations as to "white area" can be made. And the problem is made more complex by the fact that the propagation curves presently available and known methods of computation do not lend themselves to precise determinations of coverage at specific locations. We believe the record supports the conclusion that no significant number of persons would lose their only service if

Channel 10 were deleted and that the removal of Channel 6 also—particularly in light of the improvement in facilities of existing UHF stations in the area and the increase in the number of UHF stations which can be expected if this area is deintermixed—would cause no substantial number of persons in the Tri-Cities area to lose their only existing service.

16. The cities of Albany, Schenectady, and Troy, with 1950 city population of 134,995, 91,785 and 72,311, respectively, are in a market which ranks as the 31st in the country with a 1950 metropolitan area population of 514,490. Two VHF channels are allocated in this area, Channel 6 to Albany-Schenectady-Troy, which is occupied by the pre-freeze station WRGB at Schenectady, and Channel 10 at Vail Mills, a small unincorporated community of approximately 250 persons some 20 miles northwest of Schenectady. This allocation was made to Vail Mills in 1955 since the channel could not be allocated to the Tri-Cities in accordance with the minimum mileage separation requirements of the Rules. An application is now pending for Channel 10. In addition, three commercial UHF channels, Channels 23, 35 and 41, and one non-commercial educational channel, Channel 17, are allocated to Albany-Schenectady-Troy. Stations are operating on Channels 35 and 41, and construction permits have been outstanding for some time for Channels 17 and 23. Six other UHF channels have been allocated in the general area, but to date only the UHF satellite station at Hagaman is in operation. Another UHF satellite station, WMBT at North Adams, Massachusetts, is expected to commence operation in the near future, but the four UHF channels allocated to Amsterdam, Glen Falls, Kingston, New York and to Bennington, Vermont, remain unused. Further, WKNY–TV Corporation indicates in its Comments that its UHF operation at Poughkeepsie, New York, which has been off the air since July 25, 1956, would be reactivated if the television situation in the Tri-Cities area is improved. The primary purpose of this proceeding is to determine whether, in the light of all the factors and our interim objective of improving the opportunity for more effective competition among a greater number of stations, the Albany-Schenectady-Troy area should be partially deintermixed by deleting Channel 10 from Vail Mills or, in view of the counterproposals submitted herein, wholly deintermixed, by deleting Channel 6 also from the area or reserving it for educational use.

17. The parties urging deletion of the VHF assignments in the area contend that the opportunities for improved and effective competition in the Tri-Cities area can be met by eliminating the VHF channels assigned to the area or, alternatively, by the assignment of additional VHF channels to the area. They claim, however, that since only two VHF channels may be assigned to the area under present allocation standards whereas many UHF channels are available, the obvious choice should be the deletion of the VHF channels. They assert that experience has shown that UHF stations will not be able to compete effectively in a two station VHF market, and that if Channel 10 is retained at Vail Mills, instead of a minimum of four UHF stations (the two Albany UHF stations and the two UHF satellite stations at Hagaman and Adams, Massachusetts), the area will have but two commercial VHF stations; the UHF frequencies allocated to neighboring communities such as Amsterdam, Glen Falls, Bennington and Kingston, New York, will go to waste, and the public's investment in UHF receivers and converters, as well as the investments of the UHF permittees, will be wasted. If Channel 10 is retained and the UHF stations cease operation, it is also contended that it is unlikely that the UHF educational reservation in the area will ever be used, and that the network program choice now available in the Albany area would be reduced. On the other hand, if Channel 10 is deleted, it is contended that the existing UHF stations in the area will probably continue to operate and UHF set circulation will continue to increase. However, the proponents urge that only by making the Tri-City area all-UHF by deleting both Channels 10 and 6 from the area will it be possible to place all stations on an equal competitive footing and to meet the Commission's objective of providing maximum effective competition among the greatest possible number of stations.

18. In opposition to the deletion of Channel 10 from Vail Mills, Hudson Valley claims that although it is a UHF operator in the Tri-Cities area, it sought the addition of Channel 10 to the area and now urges that this allocation not be disturbed because it believes that the interests of the public can best be served by having a second and competitive VHF service. It contends that if Channel 10 is deleted more than a million people would be deprived of Grade B or better service from a second VHF station, and that since Channel 10 can only be used at Vail Mills this valuable frequency should not be wasted to enhance the competitive status of other grantees. With respect to the counterproposal to delete Channel 6 from Schenectady, General Electric states that there is no evidence that the development of competing television services in the Tri-Cities area was inhibited by the Commission's decision in Docket No. 11238 in November, 1955, to continue the allocation of Channel 6 for commercial use at Schenectady; that there were only two operating stations in the area at that time—VHF Station WRGB and UHF Station (now WCDA) WROW–TV—whereas there are now four—WRGB, and UHF Stations WCDA, WCDB and WTRI. It states further that the comments submitted in the record contain no evidence that the elimination of Channel 6 at Schenectady would result in a greater number of stations in operation beyond the suggestion that the UHF station at Poughkeepsie might return to the air and unsupported expressions of hope that additional UHF stations would be constructed in other outlying communities in that event. In addition, General Electric claims that no evidence has been submitted which supports the conclusion that deletion of Channel 6 from commercial use would result in more effective competition among stations; that service to the public would be enhanced by more competition; or that the service now being rendered in the area suffers from any absence of competition, and it urges that in all these respects, the available evidence requires a contrary conclusion.

19. We have reviewed the record in this proceeding in the light of the factors listed in our Report and Order of last June, and we have concluded that the public interest would be served by deleting Channel 10 from Vail Mills and Channel 6 from Schenectady and making it available for assignment elsewhere. The Tri-Cities area is now predominantly UHF; despite the ruggedness of the terrain, satisfactory service can be provided by UHF since the population is largely concentrated in the valley areas; the percentage of television sets capable of receiving UHF signals is high; several UHF stations are already operating in the area, construction permits are outstanding for a number of UHF stations in the area; and additional UHF channels are available. In our opinion, UHF can provide satisfactorily the multiple services that a market of this size needs. However, our experience in other markets convinces us that the advent of a second VHF station in a UHF market, such as Albany-Schenectady-Troy, would, in all probability, destroy the ability of the existing UHF stations to continue to provide service in the area. Since additional VHF channels cannot be assigned to the area under present allocation standards;* only two VHF channels are allocated to the entire Tri-City market; no VHF channels are allocated to cities closer than 72 miles from the Tri-Cities area, and no VHF stations from without the Tri-Cities area put a Grade B or stronger signal over any of the three principal cities, the failure of UHF in this area would mean that these cities and this important and sizable

* While ABC has proposed herein that VHF Channel 8 be shifted from New Haven, Connecticut, to the Tri-Cities area to provide a third VHF channel in the area in the event that Channel 10 is not deleted from Vail Mills, this proposed assignment admittedly would not comport with the minimum mileage spacing requirements of the Rules. A Channel 8 operation as Schenectady-Albany-Troy would be only 120 miles from the co-channel assignment at Syracuse. We have repeatedly indicated that operations at substandard spacings would not promote efficiency in the use of the limited channels available and have rejected all such proposals (See Memorandum Opinion and Order, FCC 56–1269, Docket 11532, released December 27, 1956). We therefore are rejecting this proposal without further consideration, and, in light thereof, need not consider further the objections raised by Triangle Publications, Inc., licensee of WNHC–TV on Channel 8 at New Haven, and by Mt. Washington TV, Inc., licensee of Station WMTW on Channel 8 at Poland Spring, Maine, to the allocation of Channel 8 in the Albany-Schenectady-Troy area.

market would be dependent upon two television services. By eliminating Channel 10 at Vail Mills, the continued existence of the present services in the area at least can be reasonably assured. However, our experience also indicates that the continued operation of one VHF station in the market will not enhance the potentiality for other UHF stations on the UHF channels allocated to the area and to neighboring communities nor the possibility of more effective competition among a greater number of stations and among the networks. Deletion of both VHF assignments, we believe, is necessary to remove any artifical restraint on the establishment of additional stations in the area and to create a situation whereby the number of stations can be determined solely by what the traffic will bear. We find, therefore, that the deletion of Channel 10 from Vail Mills, and likewise the deletion from commercial use of Channel 6 at Schenectady will further our objective of improving the opportunities for effective competition among a greater number of stations. While some VHF service may be provided to portions of the Tri-Cities area by stations in relatively distant cities and separate markets, we do not believe that UHF in this market will be adversely affected by such VHF signals. We believe that the action we are now taking carries out the mandate of section 307 (b) of the Communications Act by increasing the likelihood of more television service and more local television outlets in the Albany-Schenectady-Troy area. It should be emphasized that in removing Channels 10 and 6 from this area our primary purpose is not to guarantee the profitable operation of particular UHF licensees but to insure more effective competition among a greater number of stations in order that the public in the Tri-Cities area will be afforded more and better television service.

20. In addition to the improved competitive television situation which will result in the Albany-Schenectady-Troy area by virtue of the deletion of both VHF allocations, Channel 6 can be shifted to another community where, in light of local circumstances, the addition of a VHF channel might improve the competitive television situation. Both Van Curler and ABC have submitted counterproposals suggesting that Channel 6 be deleted from Schenectady and shifted to Syracuse to provide that city with a third VHF station which could compete on an equal footing with its two existing VHF stations. As an alternative, Van Curler urged that Channel 6 be reserved for educational purposes at Albany. WKNY–TV Corporation at Poughkeepsie also endorsed these counterproposals. The proposal to assign Channel 6 to Syracuse would comply with the mileage separation requirements of the Rules if a Channel 6 transmitter were located slightly south of Syracuse, but Canada would have to be notified of this assignment inasmuch, as Van Curler indicates, from a transmitter location south of Syracuse (site of WSYR–TV or WHEN–TV) there would be a co-channel separation of but 170.5 miles with Station CBLT, Toronto, Ontario, Canada, and from the center of Syracuse but 167 miles.*

21. We are of the view that the merits of the proposal to shift Channel 6 to Syracuse outweigh the advantages for retaining Channel 6 in the Tri-Cities area for educational use. Two VHF channels are allocated to Syracuse and stations are operating on both channels (Stations WSYR–TV on Channel 3 and Station WHEN–TV on Channel 8). VHF stations at Utica, New York and Binghamton, New York, also provide Grade B service to the city. No UHF stations are operating in Syracuse; few receivers in the Syracuse area are equipped for UHF reception, and while a construction permit has been issued for the UHF educational reservation, Channel 43, the station has never been constructed. In light of the two operating VHF stations in the area and these additional circumstances, we are convinced that Syracuse, the 50th ranking market in the country with a population of 220,583 and a metropolitan area population of 341,719, will remain a two-station market unless a third VHF channel is allocated. We believe therefore that the allocation of Channel 6 to Syracuse will serve the need of this community for more local television outlets and will improve the opportunities for effective competition among a greater number of stations and networks in the Syracuse market.

22. We do not believe that any action should be taken at this time with respect to the counterproposal submitted by Mohawk Valley Television, Inc., for the "drop-in" of Channel 2 at Utica, New York, to provide the Rome-Utica area with a second VHF channel allocation and a second competitive VHF television service. Before taking action on this proposal or any other proposal for further channel reallocations or assignments in the Central New York area and adjacent areas in neighboring states, we intend to study carefully the channel allocation availabilities and needs of this region in light of the action which we are taking concurrently in this case and in the Elmira deintermixture proceeding. However, the action we are now taking does not rule out this proposal nor foreclose it from consideration after our study is completed.

23. For the foregoing reasons, it is the judgment of the Commission that amendment of the Table of Assignments for Television Broadcast Stations (§ 3.606) of the Commission's rules by deleting Channel 10 from Vail Mills, New York; substituting Channel 47 for Channel 6 at Albany-Schenectady-Troy, New York, and assigning Channel 6 to Syracuse would promote the public interest, convenience and necessity. However, General Electric Company has an outstanding license for operation of Station WRGB on Channel 6 at Schenectady, New York. In view of the provisions of sections 303 (f) and 316 of the Communications Act of 1934, as amended, the frequency of Station WRGB could not be changed from Channel 6 to Channel 47 without a hearing, in the absence of the consent of the licensee.

24. *Accordingly, it is ordered*, That General Electric Company is hereby notified of the proposed modification of its authorization to specify operation on Channel 47, and the grounds and reasons therefor, and is directed to show cause why such order of modification should not issue, by filing with the Commission at its offices in Washington, D. C., on or before April 15, 1957, a response stating in detail the reasons why it believes its authorization should not be so modified.

25. An original and 14 copies of the response should be filed, and should indicate whether or not General Electric Company requests a public hearing in the matter and whether it intends to appear at such hearing and present evidence on the matters specified herein and in said response.

26. The failure to file a response by April 15, 1957, shall be deemed a consent by respondent to the modification of its authorization as proposed, and a final order will be issued accordingly, unless in a petition filed at least five days before said date respondent shows good cause why such time should be extended. The failure to indicate in said response that respondent requests a hearing will be deemed a waiver of its right to a hearing.

27. If a response is filed and the right to request a hearing has been waived, the Commission may, depending upon the facts alleged and the proof offered, either call upon General Electric to furnish additional information under oath, designate the matter for hearing on its own motion or issue without further proceedings an order modifying General Electric's license as proposed.

28. *It is further ordered*, That effective April 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended by deleting from the Table, Vail Mills, New York, 10—.

29. Authority for the amendments herein is contained in sections 1, 4 (i and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–1732; Filed, Mar. 7, 1957; 8:45 a. m.]

* In accordance with Section H of the Canadian-United States Television Agreement (TIAS2594), all changes in the Table of Assignments in communities within 250 miles of the U. S.-Canadian border are subject to notification with the opportunity of protest.

[1] Commissioner Doerfer dissenting; Commissioner Mack dissenting and issuing a statement filed as part of original document.

[Docket No. 11757; FCC 57–186]

[Rules Amdt. 3–58]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Evansville, Indiana).

1. The Commission has before it for consideration the proposals set out in its Notice of Proposed Rule Making (FCC 56–598) issued in this proceeding on June 26, 1956, and subsequent further Notices, for the reallocation of television assignments in Evansville so as to change the educational reservation in that city from Channel 56 to Channel 7, as well as related counterproposals discussed hereafter. Interested parties have been afforded an opportunity to submit comments directed to the Commission's proposals and to advance counterproposals, and we are now in a position to issue our Report.

2. The Commission last June issued its Report and Order in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure. At the same time we considered what action might be taken to improve the opportunities for more effective competition among a greater number of stations in individual communities and areas pending a resolution of the long-range program, which will require some years to implement. In furtherance of this interim program a number of rule making proceedings such as the instant one have been initiated proposing channel changes for various communities.

3. With respect to Evansville, the Commission proposed to deintermix Evansville by shifting the educational reservation from UHF Channel 56 to VHF Channel 7, as follows:

City	Channel No.	
	Present	Proposed
Evansville, Ind.	7, 14, 50, *56[1]	*7, 14, 50, 56.

*Reserved for educational use.
[1] On January 30, 1957, the Commission shifted UHF Channel 62 from Evansville to Owensboro, Kentucky, and shifted Channel 14 from Owensboro to Evansville.

4. On October 22, 1956, the Commission issued a Memorandum Opinion and Order (FCC 56–1007) with respect to petitions filed by Mid-America Broadcast Corporation, Senator Robert Humphreys, Governor A. B. Chandler of Kentucky, and Mayor Andrew Broaddus of Louisville, Kentucky, seeking to amend the Commission's Table of Television Assignments so as to shift Channel 7 from Evansville, Indiana, to Louisville, Kentucky, as follows:

City	Channel No.	
	Present	Proposed
Evansville, Ind.	7, 14, 50, *56.	14, 50, *56.
Louisville, Ky.	3, 11, *15, 21, 41, 51.	3, 7, 11, *15, 21, 41, 51.

The Commission stated that this request should be considered in conjunction with the subject proceeding and that there was no necessity for amending the Notice of Rule Making or for instituting further rule making to incorporate the Louisville proposal, and that parties advancing this proposal could fully prosecute it as a counterproposal in this proceeding.

5. In addition to the foregoing proposals, Premier Television, Inc., operator of Station WFIE on Channel 14 in Evansville; and WEHT, Inc., operator of Channel 50 in Henderson, Kentucky, jointly submitted a counterproposal urging that the Commission's proposal for Channel 7 be adopted and that, in addition, Channel 9 at Hatfield, Indiana, be reserved for educational use.

6. On December 3, 1956 the Commission released a Memorandum Opinion and Order (FCC 56–1191) concerning a petition filed by Evansville Television, Inc. (WTVW) requesting withdrawal of the Commission's June 26, 1956, Notice of Proposed Rule Making in this proceeding. WTVW's petition was denied "* * * without prejudice to the Commission's right to consider the contentions thereof in connection with the comments to be filed in [this proceeding]".

7. Comments have been filed by interested parties: Premier Television, Inc. (WFIE) on Channel 14 in Evansville; WEHT, Inc. (WEHT) on Channel 50 in Henderson, Kentucky; the American Broadcasting Company; and the Joint Council on Educational Television all of whom support the Commission's proposal to reserve Channel 7 for educational use or to delete it from Evansville. Evansville Television, Inc. (WTVW) on Channel 7 in Evansville and the Evansville Chamber of Commerce oppose the proposal. Comments favoring the counterproposal to reserve Channel 9 at Hatfield for educational use, in addition to the reservation or deletion of Channel 7 at Evansville, were filed by the permittees of WFIE and WEHT. Parties filing comments favoring the counterproposal to shift Channel 7 to Louisville for use in that city as a commercial channel were Mid-America Broadcasting Corporation, permittee of Station WKLO–TV on Channel 21 (operation suspended) in Louisville; the American Broadcasting Company; Harry Lee Waterfield, Acting Governor of the State of Kentucky; Mayor Andrew Broaddus of Louisville; Robert Humphreys, United States Senator from Kentucky; and Governor A. B. Chandler of Kentucky.[1] Reply comments were submitted by the permittees of WFIE, WEHT and WTVW and by ABC. A joint "Motion to Strike Comments Related to Channel 9 at Hatfield, Indiana" was field by Owensboro On the Air, Inc., and Owensboro Publishing Company, applicants for stations on Channel 9 at Hatfield, Indiana. A "Motion to Strike Reply Comments of Premier Television, Inc., and WEHT, Inc." was filed by WTVW; an opposition to this motion was tendered by WFIE and WEHT, and a reply thereto was filed by the movant.

8. We noted in our Report and Order, issued last June, outlining the proposals for interim action, that because of the widely varying circumstances in individual markets, as well as the numerous factors bearing on the choice of techniques in any individual community or area, it would not be possible to formulate rigid criteria to be applied to individual cases in order to indicate the course that would best serve the public interest in each community. We did conclude, however, that certain considerations would have a bearing on our decisions in the individual cities. We stated that in markets with one or more commercial VHF channels, the merits of proposals to eliminate a VHF channel would depend, in large part, on such factors as:

(1) Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.

(2) Whether one or more UHF stations are operating in the area.

(3) Whether a reasonably high proportion of the sets in use can receive UHF signals.

(4) Whether the terrain is reasonably favorable for UHF coverage.

(5) Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

Similarly, we noted that the desirability of assigning additional VHF channels to communities would depend principally upon:

(1) Whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings.

(2) Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

(3) Whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

We proceed to consider the various proposals and counterproposals relating to Channels 7 and 9 in the light of these factors.

9. The Evansville area is a predominantly UHF area from the standpoint of operating stations and channel assignments. Premier Television, Inc., operates UHF Station WFIE on Channel 14 in Evansville and WEHT, Inc., operates UHF Station WEHT on Channel 50 in Henderson, Kentucky, a city just across the Ohio River from Evansville. Another UHF station operating in the general area is WSIL–TV on Channel 22 in Harrisburg, Illinois, some 56 miles from Evansville. A construction permit is held for Station WRAY–TV on Channel 52 in Princeton, Indiana, about 25

[1] Numerous petitions, resolutions, letters and post cards opposing the deletion or reservation of Channel 7 were received from cities, villages, organizations and individuals in the Evansville-Owensboro area. A number of other communications were received from state and local officials and from organizations and individuals in the Louisville area asking that Channel 7 be allocated to Louisville.

miles from Evansville, which station suspended operations in July 1954. Another construction permit is held for Station WKYT on Channel 62 in Owensboro, Kentucky, about 30 miles from Evansville. In addition to operating stations, 8 UHF channels are available in the Evansville area: Channel 16 in Olney, Illinois, 58 miles from Evansville; Channel 19 in Jasper, Indiana, 42 miles away; Channel 26 in Madisonville, Kentucky, 45 miles away; Channel 31 in Tell City, Indiana, 43 miles away; Channel 38 in Mt. Vernon, Illinois, 75 miles away; Channel 44 in Vincennes, Indiana, 48 miles away; Channel 45 in Princeton, Kentucky, 62 miles away; and Channel 60 in Washington, Indiana, 48 miles away. On the other hand, only two VHF channels are allocated to the entire area within 75 miles of Evansville: Channel 7 in Evansville, on which Station WTVW is now operating; and Channel 9 in Hatfield, Indiana, a community 13 miles from Owensboro and 21 miles from Evansville, which channel is now the subject of a comparative hearing between two competing applicants. No other VHF station put a Grade B or stronger signal over Evansville, and relatively little VHF service now invades the immediate Evansville area. A construction permit is held for, but operation has not yet commenced at, Station WBSD–TV on Channel 6 in Paducah, Kentucky, 85 miles from Evansville. The only other VHF stations which serve any portions of the Grade B contour of WTVW on Channel 7 at Evansville are Stations WAVE–TV and WHAS–TV in Louisville, 98 miles from Evansville; WTRI–TV in Terre Haute, 100 miles from Evansville; WTTV–TV in Bloomington, Indiana, 100 miles from Evansville; and WSM–TV and WLAC–TV in Nashville, Tennessee, 132 miles from Evansville.

10. The UHF character of the Evansville area is further illustrated by the high percentage of television sets in the area capable of receiving the UHF transmissions. Evansville and the Evansville standard metropolitan area (Vanderburgh County) are virtually 100 percent converted to UHF. Data in the record also indicates that over 84 percent of the receivers in Daviess County (Owensboro) can receive UHF signals, and the percentage of UHF-equipped sets approaches that figure in the entire service area of the operating UHF stations.

11. The record indicates that the terrain in the Evansville area is generally smooth and consists chiefly of flat farmlands of southern Illinois, southern Indiana and north-western Kentucky. WFIE and WEHT claim that in the area to the northwest of Evansville, the area where there are the fewest television signals and hence where long-range propagation is most important, the terrain consists almost entirely of smooth farmland. Contrarily, WTVW asserts that the areas now "receiving satisfactory service from Channel 7 contain rugged terrain which is not favorable for UHF transmission", and its consulting engineer mentions that there are "areas of irregular terrain * * * in the vicinity of the Ohio River and east of Evansville." Yet we note that WTVW has nowhere stated the extent of this allegedly "rugged", "irregular" terrain; nor has it asserted that this uneven terrain is within the WTVW Channel 7 Grade B contour.[2] We find nothing in the record before us which demonstrates that the terrain in the Evansville area would provide significant difficulties for UHF propagation.

12. An important question requiring resolution is whether any areas that now receive Station WTVW on Channel 7 in Evansville would lose their only television service if Channel 7 is reserved for education; i. e., whether the reservation of Channel 7 will result in the creation of a "white area." Since counterproposals advanced in this proceeding ask that Channel 7 be shifted to Louisville and used there as a commercial channel, and that Channel 9 in Hatfield be reserved for education, our consideration of the merits of these counterproposals, as well as the Commission's initial proposal, requires that we endeavor to ascertain on the basis of available indications whether any "white areas" will result and, if so, the extent of such "white areas": (1) If only Channel 7 is reserved or deleted, and (2) if both Channels 7 and 9 are reserved or deleted. Further, we should consider whether, if Channel 7 is shifted from Evansville to Louisville, the "white area", if any, which would result in the Evansville area would be partially or completely offset by present "white area" in the Louisville area which, as a result of the channel shift, would receive its first television service.

13. Both WKLO–TV and WTVW computed the "white area" (i. e., the area which could lose its only Grade B or stronger signal) which would result from the reservation or removal of Channel 7 from Evansville and the retention of Channel 9 in Hatfield. WKLO–TV asserts that this "white area" would comprise 154 square miles (population not given); yet WTVW states that the "white area" would constitute 734 square miles with a population of 28,928 persons. Each party's computation was made in accordance with the methods prescribed in our Rules, using presently authorized powers and antenna heights. WKLO–TV, however, took into consideration, as if they were operating stations, two authorized but not operating UHF stations in Princeton, Indiana,[3] and Owensboro, Kentucky; while WTVW did not take into account these UHF authorizations.

14. WFIE and WEHT assert that the "white area" which would result from the reservation or deletion of both Channel 7 at Evansville and Channel 9 at Hatfield would comprise 534 square miles and 23,094 persons. WTVW, on the other hand, contends that this "white area" would be 974 square miles with a population of 90,713. The disparity between these computations, like those discussed in the preceding paragraph, arise primarily from the fact that WFIE and WEHT assumed that the authorized but not operating UHF stations in Princeton and Owensboro were rendering television service, while WTVW did not take these authorizations into account.

15. The UHF stations supporting deintermixture ran field intensity measurements in the three areas which, according to their computations employing the propagation curves set out in the rules, will become "white areas" if both Channels 7 at Evansville and 9 at Hatfield are deleted or reserved for education. These measurements appear to show that some UHF service exists at the present time in these areas. While many of the 161 locations measured apparently do receive a good television picture, others do not. Since coverage at VHF and UHF frequencies is a statistical matter, it is not possible to judge the exact nature of the service unless a sufficiently large sampling is taken, which was not the case with these measurements. Hence, we do not attach decisional significance to these measurements. WFIE and WEHT contend that their UHF coverage has been proved by actual observation and mail response to be 10 to 15 miles in excess of their Grade B contours, as such contours are computed in accordance with the Commission's rules. They further state that they plan to expand their facilities to provide more extensive coverage, and that operation of their stations with 1,000 kw at 1,000 feet would eliminate any "white area" resulting from the reservation or deletion of Channel 7, since coverage of such UHF stations would equal that of an Evansville Channel 7 operation with maximum facilities (316 kw at 1,000 feet).[4]

16. If Channel 7 is moved to Louisville, WKLO–TV asserts that an operation on that channel would provide a first service (i. e., would result in the elimination of present "white areas") to 1,237 square miles or 1,883 square miles, depending upon which of two competing applications for Channel 13 at Bowling Green, Kentucky, is granted.[5] Approximately 56,300 persons reside in the 1,237 square miles "white area" and 75,300 persons in the 1,883 square mile "white area".

17. Since any computation of the areas and populations that might gain or lose their only present and/or potential television service from the Commission's proposal and from any of the counterproposals urged in this proceeding must of necessity be grounded on so many variables and assumptions, including transmitter locations, heights and powers to be employed in the future and additional stations that might sign on the air, no precise computations can be made. And the problem is made more complex by the fact that the propagation curves presently available and known methods of computation do not lend themselves to precise determinations of coverage at specific locations. However, our careful analysis of all the information which is available on this record has led us to the conclusion that if Channel 7 is moved from Evansville to Louisville, the population that will lose its only service (predictions vary from zero to 28,928) will be more than offset by the population that will gain its first service (predictions vary from 56,300 to 75,300). It is also apparent that the population that will lose its only service if Channel 7 is shifted from Evansville to Louisville and if Channel 9 is reserved for education or deleted (predictions vary from 23,094 to 90,713) will be substantially or completely offset by the population that will gain its only service from a Louisville operation on Channel 7.

18. Evansville, the 108th market in the nation, with a 1950 standard metropolitan area population of 160,422 and a city population of 128,636, has been allocated three commercial channels, VHF Channel 7 and UHF Channels 14 and 50. Channel 56, also allocated to Evansville, is an educational reservation. Stations have been operating on the UHF channels for several years. Station WTVW, on Channel 7, signed on the air only during September 1956. Owensboro, Kentucky, and Hatfield, Indiana, are both approximately 30 miles from Evansville. A construction permit is held for Station WKYT on Channel 62 in Owensboro, Kentucky, 30 miles from Evansville; and a comparative hearing is in progress between two applicants for Channel 9 at Hatfield, Indiana, 21 miles from Evansville. The primary purpose of this proceeding is to determine whether the Evansville area, which includes Owensboro and Hatfield, should be wholly or partially deintermixed by either deleting or reserving for education one or both of the VHF channels now allocated to the area. The proponents of deintermixture contend that, based upon experience in larger markets than Evansville, it is an established fact that UHF stations cannot compete successfully with two or more VHF stations in a single market. Thus, they argue that Channel 7 in Evansville and Channel 9 in Hatfield should be removed from competition with UHF stations. They emphasize that there is a potential of 5 UHF stations in the Evansville market, and that more UHF channels are available to communities on the periphery of the region. They argue that, while none of these as yet unused UHF channels would be utilized if the area becomes partially or predominantly VHF, if it is kept free of destructive VHF competition there is an economic potential for use of the UHF channels in these smaller cities surrounding Evansville with the expected availability of better and cheaper film, small market network plans and lower operating costs. WFIE and WEHT allege that, even though they have managed to survive four months of competition from one VHF station, this fact is no yardstick to predict future survival, because only one VHF station is now on the air, although another VHF (Channel 9 in Hatfield) will sign on later. WFIE and WEHT further assert that during the four months that VHF Station WTVW has been on the air, it has operated with a low power, temporary physical plant and without a live network interconnection; and that WTVW has been racked with internal difficulties, transfer of control to new parties and other inter-corporate problems.

19. WTVW contends that the objective of improving the opportunities for effective competition among a greater number of stations would not be accomplished through adoption of the proposal, since WFIE and WEHT are already effectively competing against Station WTVW. WTVW emphasizes that the UHF stations have retained their NBC and CBS affiliations, while WTVW has obtained a less desirable ABC affiliation. WTVW further notes that the proposed reservation or deletion of Channel 7 will not effectively deintermix the Evansville area, because a station on Hatfield Channel 9 will provide Grade B service to most of the Evansville Channel 7 Grade B service area, and since VHF stations in Louisville, Bloomington, Indianapolis, Terre Haute, and Nashville serve parts of the WTVW service area.

20. Our experience in other markets has demonstrated that the continuance of a single VHF station in a UHF market such as Evansville generally seriously affects the ability of the UHF stations to render service; while the advent of a second VHF station in such a market frequently spells the demise of all or most of the UHF service in the area. Since only one VHF channel is assigned to Evansville and only two VHF channels are allocated for the entire Evansville–Owensboro area, since no other VHF stations put a Grade B or stronger signal over Evansville, and since additional VHF channels cannot be assigned to the area under present allocation standards, the failure of UHF would mean that Evansville would be forced to depend upon a single VHF station for local service and would receive only two television services. This possibility can be obviated by eliminating the VHF channels in Evansville and Hatfield and thereby equalizing the competitive situation. The assignment of a third commercial UHF channel to Evansville and of a second UHF channel to Owensboro will enhance the possibility of more effective competition among the networks in these markets and of bringing the programs of all three networks to the public. Deintermixture, we feel, would remove any artificial restraint on the establishment of a third or even a fourth station in the area; and the number of stations would be determined solely by what the traffic will bear. We find, therefore, that the removal of Channel 7 from Evansville, the transfer of Channel 9 from Hatfield to Evansville where it will be reserved for educational use, and the allocation of UHF Channel 31 to Evansville[6] and UHF Channel 56 to Owensboro[7] will further our interim objective of improving the opportunities for effective competition among a greater number of stations. While we recognize that "complete" deintermixture of the area now served by Station WTVW on Channel 7 will not be achieved by these channel changes since some VHF service is provided to the periphery of this area by stations in other cities, we do not believe that the reception of VHF signals from relatively distant cities and separate markets will seriously impair UHF in Evansville and throughout the Evansville trade area. Furthermore, it is noted that much of the service areas of the UHF stations will, as a result of the removal of Channels 7 and 9 from commercial operation in the area, be free from VHF competition.

21. In addition to the benefits falling to the Evansville market by virtue of deintermixture, Channel 7 can be assigned to another community, Louisville, where, in light of local circumstances, the addition of a VHF outlet should improve the competitive television situation. This city has a population of 369,129, and the Louisville standard metropolitan area has a population of 576,900, the 25th market in the nation. Louisville now has two VHF channel assignments with operating stations on both channels. No other VHF station provide a Grade B or stronger signal to Louisville. Although three UHF channels are assigned to Louisville for commercial use and an additional UHF is reserved for education, there are no UHF stations on the air there[8] or in any city closer than Lexington, Kentucky, some 70 miles from Louisville. The parties urging the counterproposal to shift Channel 7 to Louisville assert that there is no chance of additional television service in that predominantly VHF area unless a VHF channel is added, and that Channel 7 would afford a much-needed third local outlet. They assert that a minimum of three fully competitive facilities in each of the major markets in the nation, including Louisville, is required to promote effective local competition and to provide adequate competition between national networks.

22. We must next determine whether Channel 7 in Louisville would meet the technical allocation requirements. Since the distances between the City of Louisville and reference points in other communities where Chanel 7 is also assigned do not meet the mileage separation provisions of our rules, Channel 7 cannot be

[2] WTVW claims "extended service" beyond the WTVW Grade B contour to that station's 316 microvolt per meter contour.

[3] Station WRAY–TV operated on Channel 52 in Princeton from December 10, 1953, to July 15, 1954. The construction permit for this station is still outstanding.

[4] The opponents argue that it would be folly to expect the UHF stations in the Evansville area to increase facilities to maximum power and antenna height, since the resulting increase in service areas of the UHF stations would be in predominantly VHF areas now served by VHF stations in Louisville, Bloomington, Terre Haute, Nashville, and Paducah, where few sets are equipped to receive UHF signals.

[5] In making this determination, WKLO–TV computed the Grade B contours of all stations, using presently authorized powers and antenna heights. The Louisville Channel 7 transmitter site was assumed to be at Big Spring, Kentucky, with 316 kw at 1,500 feet.

[6] The assignment of Channel 31 to Evansville requires its deletion from Tell City, Indiana, and the substitution therefor of Channel 78 in Tell City. No application has been filed for a station in Tell City.

[7] The assignment of Channel 56 to Owensboro requires its deletion from Evansville, where it is now a noncommercial educational reservation. As shown in paragraph 23, infra, Channel 9 is being shifted to Evansville as the educational reservation for that city.

[8] WKLO–TV operated on Channel 21 in Louisville from October 18, 1953 to April 20, 1954.

allocated to Louisville unless it appears that a transmitter site is available that would meet minimum spacing requirements and from which location a minimum "city grade" signal can be placed over Louisville. We believe the record demonstrates that such a site would be available.[9]

23. We have reviewed the record in this proceeding with a view to the factors listed in our Report and Order of June 26, 1956, and conclude that the public interest would be served by deleting Channel 7 and assigning UHF Channel 31 to Evansville, and by adding Channel 7 to Louisville. We also believe that the counterproposal to reserve for education Channel 9, now assigned to Hatfield, Indiana, would serve the public interest, convenience and necessity. However, since Evansville has a population of 128,636 and a metropolitan area population of 160,422, is the seat of several noted educational institutions of higher learning and is the principal educational center in its trade area, we believe that Channel 9 should be reserved for educational use in Evansville rather than in Hatfield. We further conclude that UHF Channel 56, now reserved for education in Evansville, should be unreserved and shifted to Owensboro, Kentucky.[10] The Evansville area (including Owensboro and Hatfield) is predominantly UHF; the terrain is satisfactory for UHF propagation; the vast majority of sets are equipped for UHF; several UHF stations in the area are providing service to the public; and additional UHF channels are available to replace Channels 7 and 9. Further, the population that will lose its only service in the Evansville area will be largely or completely offset by the population that will gain its first service from a Louisville station on Channel 7.

24. We believe that the action we are now taking carries out the mandate of section 307 (b) of the Communications Act, because it will result in the assignment of frequencies so as to provide a more fair, efficient and equitable distribution of television service in both the Evansville and Louisville areas, and will increase the likelihood of more TV service and more local TV outlets in these areas. It should be emphasized that in removing Channel 7 from Evansville and in reserving Channel 9 for education in that city our primary purpose is not to guarantee the profitable operation of particular UHF licensees. Rather, we wish to insure more effective competition among a greater number of stations in order that the public in the Evansville area will be afforded more and better television service.

25. WTVW reasserts the contentions advanced in its petition for withdrawal of the Commission's June 26, 1956, Notice of Proposed Rule Making in this proceeding. WTVW argues that the Commission has arbitrarily, and hence illegally, selected Evansville for deintermixture without having first adopted any reasonable formula for deintermixture to be applied nationwide for the selection of cities to be deintermixed. This contention is without merit. Our June 26, 1956, Report and Order in the general television allocation proceeding (Docket No. 11532) makes abundantly clear the fact that the Commission was embarking upon a longe-range program of research and development looking toward the feasibility and advisability of shifting all or a major part of the television service in this nation to the UHF band. The Report and Order further stated that, since some years will occur before such a long-range program could be implemented, the Commission has deemed it appropriate to initiate action to improve, at the earliest practicable time, the opportunities for effective competition among a greater number of stations in those communities where in our view such action offers the most likelihood of achieving the desired salutary results. Although the Commission on its own motion selected as the subjects of rule making thirteen areas, including the Evansville area, where channel changes appeared to offer the best possibility of furthering our program, we emphasized that these areas would not necessarily be the only ones for which deintermixture proposals would be entertained. On July 19, 1956, the Commission, at the instance of a petitioner, instituted similar rule making in a fourteenth area Columbia, South Carolina. Other rule making petitions seeking deintermixture of other markets are pending and will be considered in due course. Where the proposals embodied in these petitions appear to offer sufficient promise of furthering our program of improving the opportunities for effective competition among a greater number of stations, rule making proceedings will be instituted. It is thus apparent that the Commission has not arbitrarily picked certain communities as the sole subjects of deintermixture proceedings without giving due consideration to the effect that such rule making will have upon the national television allocations structure.

26. WTVW contends that the instant rule making proceeding illegally deprives it of its statutory right to a full adjudicatory-evidentiary hearing, as required by sections 303 (f) and 316 of the Communications Act. It does not do this. This proceeding looks toward a change in § 3.606 of the Commission's rules, the Table of Assignments of television broadcast channels. It thus constitutes a valid exercise of our rule making function in compliance with the Communications Act and the Administrative Procedure Act. See Logansport Broadcasting Corp. v. United States, 210 F. 2d 24; Peoples Broadcasting Company v. FCC, 209 F. 2d 286. The channel changes herein proposed do not in any way eliminate or diminish the substantive right of a broadcast permittee or licensee to a full evidentiary hearing, if one is requested, before its authorization can be modified.

27. WTVW argues that UHF is a technically inferior service at this stage of development due to difficulties of reception, failure of receiver components and additional operating costs; and that it is therefore unfair to deprive Evansville, the principal city of an important industrial and agricultural trade area, of the more efficient and effective service possible on a VHF channel. We do not agree with this contention. The action that we are taking will result in the Evansville area becoming an all-UHF market. Our experience with UHF operations during the past several years convinces us that in UHF-only areas and in areas where the only VHF service is fringe service from distant cities, UHF has proved that it is fully capable of rendering service satisfactory to the general public, and to local and national advertisers who provide the necessary economic support for such stations. In such non-intermixed areas almost all sets are capable of receiving UHF signals, and the UHF stations program to meet the needs of every segment of their diverse audience, including commerce, agriculture, industry and government.

28. Owensboro On the Air, Inc. and Owensboro Publishing Company, applicants for Channel 9 at Hatfield, Indiana have moved to strike the WFIE and WEHT counterproposal that Channel 9 in Hatfield be deleted or reserved for education. The Hatfield applicants assert that this counterproposal is beyond the scope of this proceeding and that any action by the Commission to delete Channel 9 or reserve it for education would violate the provisions for notice prescribed by section 4 of the Administrative Procedure Act. We disagree with this contention. Our June 26, 1956, Notice of Proposed Rule Making stated that the instant proceeding is being conducted in furtherance of our program for improving the opportunities for effective competition among a greater number of stations in specific areas, which program was enunciated in our June 26, 1956, Report and Order in the general television allocations proceeding (Docket No. 11532).[11] Since the need for area deintermixture was treated at some length in the Report and Order, all parties were on notice that the instant proceeding, as well as the other deintermixture proceedings, concern the need for and advisability of area deintermixture. Unquestionably Evansville and Hatfield, being only about 21 miles apart, are in the same general area.[12] The untenability of the Hatfield applicants' motion to strike is further demonstrated by

[9] WKLO-TV has suggested such a site near Big Spring, Kentucky, where a 316 kw operation with a 1,500 foot above average terrain tower would put a "city grade" (77 dbu) signal over all of Louisville. This proposed operation near Big Spring was relied upon by WKLO-TV in its assertion that a Louisville Channel 7 operation would provide a first service to a substantially large present "white area", which determination was discussed in paragraph 16, supra.

[10] It is noted that this reallocation leaves Hatfield without an assignment of its own. Yet since Hatfield is less than 15 miles from Owensboro, pursuant to the provisions of § 3.607 (b) of the rules, applications can be filed for a station in Hatfield on Channel 56.

[11] Both of these June 26, 1956, releases (Notice in this proceeding and the Report and Order in Docket 11532) were duly published in the FEDERAL REGISTER. This constitutes constructive notice of all parties under prevailing statutes.

[12] The record discloses that Station WTVW on Channel 7 in Evansville puts a Grade A signal over Hatfield, and that both of the Hatfield Channel 9 applicants propose to provide Evansville with a Grade A signal.

the fact that the WFIE and WEHT counterproposal to delete or reserve for education Channel 9 was included as an integral part of their initial comments in this proceeding, which comments were filed on December 3, 1956. Reply comments were timely if filed by December 28, 1956. The Channel 9 applicants were thus afforded an ample opportunity to submit comments in opposition to this counterproposal. We need not decide whether these Hatfield applicants had constructive notice of the filing of the WFIE and WEHT counterproposal, since they unquestionably had actual notice of this filing some time prior to December 28, 1956. The Hatfield applicants could not otherwise have filed their motion to strike on that date.

29. On January 15, 1957, Evansville Television, Inc. (WTVW) filed a motion to strike the WFIE and WEHT Reply Comments. WTVW asserts that the WFIE and WEHT field intensity measurement data, and other data relating to programs carried on WFIE and WEHT, submitted in their Reply Comments, constituted new material, were not in reply to anything filed by other parties and hence should have been filed with the WFIE and WEHT original comments. The UHF stations, in their opposition to this motion, assert that their reply comments were filed in specific response to allegations and comments made by WTVW and other parties in their original comments. WTVW also moves to strike as improper and scandalous those portions of the WFIE and WEHT Reply Comments (1) which alleged that the original WTVW comments did not correctly set forth the operating powers of the Evansville UHF stations; and (2) which stated that WTVW erred in summarizing certain station ownership data. The UHF permittees, in their opposition to the motion to strike, assert that the statements made in their Reply Comments about operating powers and station ownership are true and accordingly could not have been improper. We believe that the WTVW motion should be denied. We know of no reason to disbelieve the WFIE and WEHT contention that their field intensity measurements were made to rebut the WFTV contention, urged in that party's original comments, that UHF coverage is inferior to VHF coverage. Further, program data of UHF stations in the Evansville area submitted by WFIE and WEHT in their Reply Comments can reasonably be construed as a valid attempt to answer the criticism levelled at these UHF stations' public service program record by the Evansville Chamber of Commerce in its original comments. Likewise, we believe that WFIE and WEHT sufficiently refuted assertions made in the original WFTV comments in stating that the WTVW comments incorrectly set forth the operating powers of the Evansville UHF stations and erroneously summarized certain station ownership data.

30. For the foregoing reasons, it is the judgment of the Commission that amendment of the Table of Assignments for Television Broadcast Stations (§ 3.606 (b) of the Commission's rules) by shifting Channel 7 from Evansville, Indiana to Louisville, Kentcky; assigning Channel 31 to Evansville; substituting Channel 78 for Channel 31 in Tell City, Indiana; shifting Channel 9 from Hatfield, Indiana, to Evansville where the channel is to be reserved for noncommercial educational use; and by unreserving Channel 56 and shifting it from Evansville to Owensboro, Kentucky would promote the public interest, convenience and necessity. However, Evansville Television, Inc., has an outstanding authorization for operation of Station WTVW on Channel 7 in Evansville. In view of the provisions of sections 303 (f) and 316 of the Communications Act of 1934, as amended, the frequency of Station WTVW could not be changed from Channel 7 to Channel 31 without the consent of the permittee or, absent such consent, a public hearing being first held.

31. *Accordingly, it is ordered,* That effective April 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended in the following respects:

City	Channel	
	Delete	Add
Tell City, Ind.	31—	78
Hatfield, Ind. (delete)	9+	
Evansville, Ind.	*56	9+
Owensboro, Ky.		56—

32. Respondent should file an original and 14 copies of its response, and should indicate therein whether or not it requests a public hearing in the matter and whether it intends to appear at such hearing and present evidence on the matters specified herein and in said response.

33. The failure to file a response by April 15, 1957, shall be deemed a consent by respondent to the modification of its authorization as proposed, and a final order will be issued accordingly, unless in a petition filed at least five days before said date respondent shows good cause why such time should be extended. The failure to indicate in said response that respondent requests a hearing will be deemed a waiver of its right to a hearing.

34. If a response is filed and the right to request a hearing has been waived, the Commission may, depending upon the facts alleged and proof offered, either call upon respondent to furnish additional information under oath, designate the matter for hearing on its own motion or issue without further proceedings an order modifying respondent's authorization as proposed.

35. *It is further ordered,* That effective April 15, 1957, the Table of Assignments contained in § 3.606 of the Commission's rules and regulations is amended in the following respects:

City	Channel No.	
	Present	Proposed
Elmira, N. Y.	9, 18, 24	18, 24, 30
Auburn, N. Y.	37	

36. Authority for the foregoing amendments is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1733; Filed, Mar. 7, 1957; 8:45 a. m.]

[Docket No. 11758; FCC 57-179]

[Rules Amdt. 3-54]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments Television Broadcast Stations (Elmira, New York).

1. The Commission has before it for consideration the proposals set out in its Notice of Proposed Rule Making (FCC-599) released in this proceeding on June 26, 1956, and subsequent further Notices, for the reallocation of television channels in the Elmira, New York area. Interested parties have been afforded the opportunity of filing comments directed to the proposals and of advancing their own counterproposals, and we are now in a position to issue our Report.

2. The Commission on June 26, 1956, issued its Report and Order (FCC 56-587) in the General Television Allocation Proceeding in Docket No. 11532 outlining a long-range program designed to improve the television allocation structure. At the same time we considered what action might be taken to improve the opportunities for more effective competition among a greater number of stations in individual communities and areas pending a resolution of the long-range program, which will require some years to implement. In furtherance of this interim program a number of rule making proceedings such as the instant one have been initiated proposing channel changes for various communities.

3. With respect to the Elmira area, the Commission proposed to deintermix Elmira by deleting VHF Channel 9 from Elmira and by substituting therefor UHF Channel 30, as follows:

[13] Commissioner Doerfer dissenting; Commissioner Mack dissenting and issuing a statement filed as part of original document.

4. On November 30, 1956, the Commission released a Memorandum Opinion and Order (FCC 56-1186) concerning a petition filed by Veterans Broadcasting Company, Inc., an applicant for VHF Channel 9 in Elmira, requesting reconsideration of the Commission's Notice of Proposed Rule Making in this proceeding. The Veterans petition was denied "• • • without prejudice to the Commission's right to consider the contentions thereof in connection with the comments to be filed in [this proceeding]".

5. Two parties have submitted counterproposals:

(a) The American Broadcasting Company proposes adoption of the Commission's proposal and in addition asks that Syracuse be assigned its third VHF channel, as follows:

City	Channel No.	
	Present	Proposed
Elmira, N. Y.	9, 18, 24	18, 24, 30
Auburn, N. Y.	37	
Syracuse, N. Y.	3, 8	3, 7, 9
Carthage-Watertown, N. Y.	7	8

(b) Daniel W. Casey, Sr., et al. d/b as the Syracuse Group, like ABC, requests adoption of the Commission's proposal and also the allocation of a third VHF channel to Syracuse, but by different channel changes, as follows:

City	Channel No.	
	Present	Proposed
Elmira, N. Y.	9, 18, 24	18, 24, 30
Auburn, N. Y.	37	
Syracuse, N. Y.	3, 8	3, 9, 13
Carthage-Watertown, N. Y.	7	8
Utica-Rome, N. Y.	13	7

6. Comments have been filed by interested parties: Central New York Broadcasting Corporation (WSYE-TV) on Channel 18 in Elmira; WBRE-TV, Inc. (WBRE-TV) on Channel 28 and Wyoming Valley Broadcasting Company (WILK-TV) on Channel 34 in Wilkes-Barre, Pennsylvania; and the Joint Council on Educational Television support the proposal for the deletion on Channel 9 from Elmira. WTVE, Inc. (WTVE) on Channel 24 in Elmira, Veterans Broadcasting Company, Inc., and Television Associates of Elmira, Inc., applicants for VHF Channel 9 in Elmira, filed comments opposing the deintermixture proposal. The American Broadcasting Company and Daniel W. Casey, Sr., et al. d/b as the Syracuse Group filed comments favoring their respective counterproposals. Reply comments were submitted by WSYE-TV, WBRE-TV, WILK-TV, WTVE, ABC, the Syracuse Group, Meredith Syracuse Television Corporation (WHEN-TV) on Channel 8 in Syracuse, the Brookway Company (WCNY-TV) on Channel 7 in Carthage, and Mt. Washington Television, Inc. (WNTV) on Channel 8 in Poland Springs, Maine.

7. We noted in our Report and Order, issued last June, outlining the proposals for interim action, that because of the widely varying circumstances in individual markets, as well as the numerous factors bearing on the choice of techniques in any individual community or area, it would not be possible to formulate rigid criteria to be supplied to individual cases in order to indicate the course that would best serve the public interest in each community. We did conclude, however, that certain considerations would have a bearing on our decisions in the individual cities. We stated that in markets with one or more commercial VHF channels, the merits of proposals to eliminate a VHF channel would depend, in large part, on such factors as:

1. Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.

2. Whether one or more UHF stations are operating in the area.

3. Whether a reasonably high proportion of the sets in use can receive UHF signals.

4. Whether the terrain is reasonably favorable for UHF coverage.

5. Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

Similarly, we noted that the desirability of assigning additional VHF channels to communities would depend principally upon:

1. Whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings.

2. Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

3. Whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

We must consider the various proposals and counterproposals relating to Channels 7 and 9 in the light of these factors.

8. Elmira is in the midst of a predominantly UHF area from the standpoint of operating stations and channel assignments. Stations WSYE-TV on Channel 18 and WTVE on Channel 24 are operating in Elmira.[1] In addition, four other UHF stations provide a Grade B or stronger signal to parts of the area which would receive a Grade B signal from an Elmira Channel 9 station (assuming 316 kw at 1,000 feet from a site in the center of Elmira): WARM-TV on Channel 16 and WGBI-TV on Channel 22 in Scranton, 76 miles from Elmira; and WBRE-TV on Channel 28 and WILK-TV on Channel 43 in Wilkes-Barre, 75 miles from Elmira. There are also seven authorized UHF stations which, if operated with the facilities specified in their construction permits, would serve with Grade B or stronger signals, parts of the Elmira Channel 9 Grade B service area, as follows: (1) WCBF on Channel 15 in Rochester, New York, 84 miles from Elmira; (2) WHCU-TV on Channel 20 in Ithaca, New York, 30 miles from Elmira; (3) WRAK-TV on Channel 36 in Williamsport, Pennsylvania, 60 miles from Elmira; (4) WNOK-TV on Channel 38 in Sunbury, Pennsylvania, 85 miles from Elmira; (5) WINR-TV on Channel 40 in Binghamton, New York, 46 miles from Elmira; (6) WTVU on Channel 44 in Scranton, Pennsylvania, 76 miles from Elmira; and (7) WAZL-TV on Channel 63 in Hazelton, Pennsylvania, 93 miles from Elmira.

Two pending applications for UHF stations on Channel 27 in Rochester, New York and on Channel 32 in Lock Haven, Pennsylvania propose to serve parts of the Elmira Channel 9 Grade B service area. In addition, UHF channels are available in twelve cities within 80 miles of Elmira: Channel 33 at Batavia, New York; Channel 72 at Cortland, New York; Channel 50 at Hornell, New York; Channel 54 at Olean, New York; Channel 62 at Oneonta, New York; Channel 31 at Oswego, New York; Channel 70 at Bradford, Pennsylvania; Channel 31 at Dubois, Pennsylvania; Channel 42 at Emporium, Pennsylvania; Channel 74 at Lewiston, Pennsylvania; Channel 66 at Shamokin, Pennsylvania, and Channel 26 at Shinglehouse, Pennsylvania. The only VHF station which puts a Grade B or stronger signal into Elmira is Station WNBF-TV on Channel 12, Binghamton, New York, 45 miles from Elmira. The other VHF stations which serve parts of the area which would be served by a station on Channel 9 in Elmira are Stations WSYR-TV on Channel 3 and WHEN-TV on Channel 8 in Syracuse, 75 miles from Elmira; Station WKTV on Channel 13 in Utica, New York, 107 miles from Elmira; WROC-TV on Channel 5 and WVET-TV/WHEC-TV (share time) on Channel 10 in Rochester, 84 miles from Elmira; and WBEN-TV on Channel 4 in Buffalo, 119 miles from Elmira.

9. The UHF character of the Elmira area is further illustrated by the high percentage of television stations in the area capable of receiving UHF transmissions. The proponents of the Commission's proposal assert that the Elmira area is now approximately 80 percent converted for UHF, and they predict that conversions in and near Elmira should reach almost 100 percent by March 1957. The record further discloses that, as of September 1954, Wilkes-Barre was virtually 100 percent converted to receive UHF signals and Scranton was 85.7 percent converted. The permittees of the UHF stations in Wilkes-Barre further assert that recent listening surveys disclose that in all of the Pennsylvania counties which an Elmira Channel 9 operation would service, except three counties which are geographically closer to Station WNBF-TV in Binghamton than to Scranton or Wilkes-Barre, UHF stations rank first in popularity and receptivity. These Wilkes-Barre operators thus reason that

[1] The Commission was notified that on February 13, 1957, Station WTVE ceased operations "after prolonged financial difficulties". It is noted that WTVE, Inc., permittee of this station, is an applicant for Channel 9 in Elmira and filed comments and reply comments in this proceeding opposing the deintermixture proposal.

UHF conversion is high in each of these northern Pennsylvania counties.

10. The record indicates that the terrain in the Elmira area is generally rough and irregular, the elevation of area within ten miles of Elmira varying between 800 feet and 1,900 feet above mean sea level with narrow valleys and sharp mountain peaks. While even the proponents of the Commission's proposal concede that the Elmira area is hilly and mountainous, they argue that the general public acceptance of UHF stations in the area, particularly the four in Wilkes-Barre and Scranton, demonstrates the fact that UHF stations can and do render satisfactory service in spite of the terrain.

11. No viewers will lose an existing service by virtue of the deletion of Channel 9 from Elmira, since a station is not presently operating on this frequency. However, the question is posed whether any areas that might receive service from a Channel 9 station in Elmira would get no service from any other station, i. e., whether deletion of Channel 9 will result in a "white area."

12. The proponents of the Commission's proposal calculated and compared the Grade B contours of a VHF station on Channel 9 in Elmira with maximum facilities and of a UHF station in Elmira on Channel 30 with 1,000 kw of power and a tower 1,000 feet above average terrain. Both stations were assumed to be located in the center of Elmira. This study shows that only 539 persons who would receive a Grade B signal from the Channel 9 station would not receive a Grade B signal from the Channel 30 station or from any existing or authorized station. These parties thus conclude that only an insignificant number of people would lack service if Channel 30 is substituted for Channel 9 at Elmira.

13. The Elmira Channel 9 applicants submitted an engineering study made in accordance with the Commission's rules. This study shows that a "white area" i. e., an area with no Grade B television service, of 112 square miles (population not given) would result from the substitution of Channel 30 for Channel 9 at Elmira if maximum facilities are assumed for the Channel 9 operation, if a power of 1,000 kw and 1,000 foot antenna are assumed for the Channel 30 operation, and if all authorized stations are considered as if they were operating with the facilities specified in their construction permits. The Channel 9 applicants further assert that if the Commission's proposal is adopted and a Channel 30 station does not operate with 1,000 kw of power and with a 1,000 foot tower, the "white area" would be between 112 square miles and 637 square miles (population not given), depending upon the magnitude of the Channel 30 facilities. These applicants further state that the adoption of the Commission's proposal would result in the creation of a "white area" of 1,413 square miles and a population of 30,681 if only presently operating stations are considered and if it is assumed that a station on Channel 30 would operate with low power and moderate tower height.

14. The proponents of the proposal to delete Channel 9 from Elmira contend that the prediction of the Channel 9 applicants that adoption of the Commission's proposal might create a substantial "white area" fails to take into account specific plans for the improvement of existing facilities and the activation of outstanding UHF construction permits. The proponents of the Commission's proposal argue that the possibility of Channel 9 being permanently assigned to Elmira has served as the chief deterrent to the improvement of the facilities of UHF stations in the area, and that the deletion of Channel 9 will presage continuing improvements in the effective service of the UHF.

15. Since any computation of the area and population that might lose potential service by the deletion of Channel 9 from Elmira must be necessity be grounded on so many variables and assumptions, including heights and powers to be employed in the future and additional stations that might take the air, no precise computations can be made. And the problem is made more complex by the fact that the propagation curves presently available and known methods of computation do not lend themselves to precise determinations of coverage at specific locations. This wide latitude in computing coverage is demonstrated by the estimates in the record as to potential "white areas" from 539 persons (area not given) to an area of 1,413 square miles containing 30,681 persons. We believe the record supports the conclusion that no significant number of persons will lose their only service if Channel 7 is deleted.

16. Elmira, with a population of 49,716, has been allocated three commercial channels, VHF Channel 9 and UHF Channels 18 and 24. Stations are operating on the UHF channels, and the purpose of this proceeding is to determine whether a station should be permitted to operate on the VHF channel. The parties urging deintermixture contend that Elmira and the region surrounding it is an overwhelmingly UHF area at the present time and should be allowed to remain so; that experience in Elmira proves that UHF can be successful and can receive community acceptance in a deintermixed market; that the area will enjoy a significantly greater availability and choice of services if UHF is permitted to survive than if Channel 9 forces multiple existing UHF stations off the air; and that an operation on Channel 9 in Elmira may effectively preclude UHF operations in both Elmira and Binghamton, as well as proving substantially detrimental to the development of UHF service throughout southern New York and north-central Pennsylvania. Our experience in other markets has demonstrated that the establishment of a VHF station in a UHF market such as Elmira generally seriously affects, if not cripples, the ability of the UHF stations to render service. And since additional VHF channels cannot be assigned to Elmira under present allocation standards, the failure of UHF would mean that Elmira and the surrounding area might be forced to depend on a single VHF station for local service. This possibility can be obviated by eliminating the VHF channel and equalizing the competitive situation. The assignment of a third UHF channel to Elmira will enhance the possibility of more effective competition among stations in the market. Deintermixture, we feel, would remove any artificial restraint on the establishment of a third local station, and the number of stations would be determined solely by what the traffic can bear. We find, therefore, that the deletion of VHF Channel 9 from Elmira and the substitution therefor of UHF Channel 30 will further our interim objective of improving the opportunities for effective competition among a greater number of stations.

17. The Channel 9 applicants assert that Station WTVE on UHF Channel 24 in Elmira has not been successful financially and will be unable to continue long the operation of its UHF station,[2] and that if Elmira is to continue to have local television service, it must be on VHF.[3] The proponents of the Commission's proposal assert, in answer to this prediction of the demise of WTVE on Channel 24, that since the permittee of that station is one of those championing the retention of Channel 9 and is an applicant for that channel, WTVE has deliberately been operated on a limited basis without any vigorous or enthusiastic effort to demonstrate that UHF operation in Elmira can be successful. The parties favoring deintermixture further predict that if, after the deletion of Channel 9, WTVE, Inc., should surrender its authorization for Channel 24, other applicants will come forward who will wish to operate on both Channels 24 and 30 in Elmira.

18. In addition to the benefits falling to the Elmira market by virtue of deintermixture, Channel 9 can be released for assignment in another community where, in light of local circumstances, the addition of a VHF outlet might improve the competitive television situation. Both the American Broadcasting Company and Daniel W. Casey, Sr., et al. d/b as the Syracuse Group have submitted counterproposals asking that Channel 9 be deleted from Elmira and that a third VHF channel be allocated to Syracuse. Various VHF channel shifts are proposed in each of these counterproposals. Hence, we must next determine whether these counterproposals would meet the technical allocation requirements of our

[2] WTVE has recently signed off the air. See footnote 1, supra.

[3] The Channel 9 applicants assert that widespread opposition by the public in the Elmira area to the proposal to delete Channel 9 has been demonstrated by the large number of communications to this effect which the Commission has received from local commercial establishments, agricultural, educational, health and fraternal organizations, civic, religious and government groups and individuals. The proponents of the Commission's proposal reply to this contention by arguing that no demonstration has been made that the groups and individuals who have sent communications to the Commission favoring the retention of Channel 9 were objectively informed about the numerous complex factors involved in this proceeding, and that the Elmira group who sparkplugged this writing campaign, the "keep Channel 9 Committee", was dominated (4 out of 5 members) by representatives of the applicants for Channel 9 and hence was a highly partisan group.

rules. The ABC counterproposal to add a third VHF channel to Syracuse by moving Channel 9 from Elmira to Syracuse, by substituting Chanpel 7 for Channel 8 in Syracuse and by substituting Channel 8 for Channel 7 in Carthage admittedly involves substandard mileage separations. Under the ABC counterproposal the Channel 7 facility at Syracuse would be only 125 miles from the co-channel assignment at Buffalo, New York. We believe that this counterproposal should be rejected. It is our view that operations at substandard spacings should not be utilized at this time. See Memorandum Opinion and Order of December 19, 1956 (released December 27, 1956) in Docket No. 11532 (FCC 56–1269).

19. The Syracuse Group's counterproposal to allocate a third VHF channel to Syracuse by changing VHF assignments in that city and in Carthage and Utica-Rome, New York (see paragraph 5, supra, for channel shifts) would meet all minimum mileage separation requirements of our rules. Nevertheless, Meredith Syracuse Television Corporation, operator of Station WHEN-TV on Channel 8 in Syracuse; the Brockway Company, licensee of Station WCNY–TV on Channel 7 in Carthage, New York; and Mt. Washington, TV, Inc., licensee of Station WMTV on Channel 8 in Poland Springs, Maine, oppose the Syracuse Group's counterproposal, alleging that the channel shifts required by it would result in destructive interference to substantial portions of their service areas, as well as to other co-channel and adjacent channel stations. Section 3.612 of our rules expressly states that television stations are not protected from any interference which may be caused by the grant of a new station in full compliance with all of the Commission's allocation requirements. The nature and extent of the protection from interference accorded to stations is limited solely to the protection resulting from the minimum assignment and station separation requirements and the rules relating to maximum powers and antenna heights. The contentions of WHEN–TV, WCNY–TV and WMTV are therefore without merit.

20. The counterproposal of the Syracuse Group, while meeting the Commission's mileage separation requirements, might not prove satisfactory to Canada. With Channel 9 in Syracuse, there would be a co-channel separation of but 169.53 miles with Station CBOFT, Ottawa, Ontario, and but 171.87 miles with Station CBLT, Toronto, Ontario.[4]

21. ABC and the Syracuse Group contend that there is substantial need for a third VHF channel in Syracuse, since there are two operating VHF stations (WSYR–TV on Channel 3 and WHEN–TV on Channel 8), no other VHF channels allocated, no UHF stations and virtually no receivers equipped to receive UHF in the Syracuse area. ABC alleges that it has been unable to obtain a primary affiliation with either of the Syracuse VHF stations and as a result has been severely handicapped in this, the 52nd market in the country. The Syracuse Group contends that the two Syracuse VHF stations serve an area containing approximately 2,500,000 persons and a market with industrial retail sales of almost 3 billion dollars; and that, since both of the existing stations carry heavy network schedules, it is physically impossible for them to present to viewers in the area the variety of programs available from the 3 major networks, film networks, independent film producers and distributors, and from local talent sources.

22. The opponents of the ABC and Syracuse Group counterproposals allege that it is unrealistic to consider Syracuse as if it were an isolated market; that the cities of Syracuse, Utica and Rome are closely linked together geographically[5] and culturally; and that within the Syracuse-Utica-Rome area are 3 VHF stations; the 2 in Syracuse plus Station WKTV on Channel 13 in Utica. These opponents argue that Station WKTV is now received in parts of Syracuse, and could easily render good service to all of Syracuse with the use of fairly simple receiving antennas if the station were to go to maximum authorized power. Meredith Syracuse Television Corporation (WHEN–TV) asserts that the counterproposals should also be denied because of the substantial adverse effect upon competition which would result in the Syracuse-Utica-Rome area. This would be caused, Meredith claims, because of adjacent channel interference limiting Station WHEN–TV's service on Channel 9 and because any station on Channel 7 in Syracuse would be subject to severe restrictions on height and power, while the existing station on Channel 3 (WSYR–TV) would continue to enjoy its inherent advantages of low channel operation. Meredith further asserts that Syracuse should not be awarded a third VHF channel when other larger metropolitan areas, such as Rochester and Albany-Schenectady-Troy, have only two each.

23. In reply to these contentions the Syracuse Group states that there is no support for Meredith's classification of Syracuse-Utica-Rome as one market; that neither the Commission, recognized marketing publications nor national time-buyers consider this as a single market; and that neither Syracuse station provides Grade A service to Utica nor does the Utica station provide Grade A service to Syracuse.

24. We have reviewed the record in this proceeding with a view to the factors listed in our Report and Order of June 26, 1956, and conclude that the public interest would be served by deleting VHF Channel 9 from Elmira and by substituting therefor UHF Channel 30, in accordance with the Commission's proposal. The Elmira area is predominantly UHF; the terrain, while not the best for UHF propagation, is not so severe that UHF cannot serve the area; the vast majority of sets are equipped for UHF, a number of UHF stations in the area are providing service to the public, an additional UHF channel in the lower portion of the spectrum (Channel 30) is available to replace Channel 9, and significant populations would not be without service if it is deleted. We are confident, therefore, that UHF can provide satisfactory service to Elmira.

25. This proposal must be examined in the light of our objective of improving the opportunity for more effective competition among a greater number of stations. This can be achieved by substituting UHF Channel 30 for VHF Channel 9 in Elmira. The advent of a VHF station will, in all likelihood, result in less effective competition among fewer stations. We believe that the action we are now taking carries out the mandate of section 307 (b) of the Communications Act, because it will result in the assignment of frequencies so as to provide a more fair, efficient and equitable distribution of television service in the Elmira area, and will increase the likelihood of more TV service and more local TV outlets in that city and surrounding areas. It should be emphasized that in deleting Channel 9 from Elmira our primary purpose is not to ensure the profitable operation of particular UHF licensees. Rather, we wish to ensure more effective competition among a greater number of stations in order that the public in Elmira and the surrounding area will be afforded more and better television service.

26. We do not believe that any action should be taken in this proceeding on the counterproposals to allocate an additional VHF channel to Syracuse. The action we are now taking does not rule out these proposals; contrarily, it makes VHF Channel 9 available for assignment to some already predominantly VHF market, be it Syracuse or some other. The Report and Order in the Albany-Schenectady-Troy-Vail Mills, New York, deintermixture proceeding (Docket No. 11751), which is being issued concurrently with this decision, indicates that the Commission, on the basis of information now before it, believes that a more satisfactory way to bring a third VHF channel to Syracuse would be to shift Channel 6 from Albany-Schenectady-Troy to Syracuse.

27. Authority for the adoption of the amendments is contained in sections 1, 4 (i) and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r) and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

28. In view of the foregoing: *It is ordered*, That effective April 15, 1957, the Table of Assignments contained in § 3.606, of the Commission's rules and regulations is amended, insofar as the communities named are concerned, as follows:

Amend to read:

City	Channel No.
Elmira, N. Y.	18+, 24–, 30
Auburn, N. Y.	

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307.)

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[6]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–1734; Filed, Mar. 7, 1957; 8:45 a. m.]

[Docket No. 11759; FCC 57–185]

[Rules Amdt. 3–57]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS; TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Fresno-Santa Barbara, California).

1. The Commission has before it for consideration the proposal set out in its Notice of Proposed Rule Making (FCC 56–600) released in this proceeding on June 26, 1956, for the reallocation of television channels in the Fresno and Santa Barbara areas.

2. Last June the Commission issued a Report and Order (FCC 56–587) in the general television allocation proceeding in Docket No. 11532, outlining a long-range program designed to improve the television allocation structure. However, since it will be some years before this long-range program can be fully implemented, consideration was also given to what action might be taken in the interim to improve the opportunities for effective competition among a greater number of stations in individual communities. In furtherance of this interim program, rule making proceedings, such as the instant one, have been initiated proposing changes in channel assignments for several communities throughout the country.

3. The Commission in this proceeding has proposed to make Fresno an all-UHF community by adding UFH Channel 30 and shifting VHF Channel 12 to Santa Barbara, as follows: [1]

City	Channel No.	
	Present	Proposed
Fresno	12+, *18–, 24, 47, 53.	*18–, 24, 3C+, 47, 53.
Madera	30+	59.
Santa Barbara	3–, 20, 26.	3–, 12+, 20, 26.

*Reserved for education.

[1] The offset carrier designations were listed in a Notice of Further Proposed Rule Making (FCC 56–821) released September 5, 1956, in the several reallocation proceedings.

[6] Commissioner Doerfer dissenting; Commissioner Mack dissenting and issuing a statement filed as part of original document.

4. The following counterproposals have been submitted by interested parties:

(a) Bakersfield Broadcasting Company (KBAK–TV) on UHF Channel 29 in Bakersfield, California, proposes that Channel 12 be shifted from Fresno to Bakersfield instead of Santa Barbara.

(b) American Broadcasting Company also suggests that Channel 12 be shifted from Fresno to Bakersfield but urges, in addition, that Channel 8 also be assigned to Bakersfield.

(c) Fred M. Hall, Sidney M. Held and Carroll R. Hauser propose that Channel 12 be shifted from Fresno to Ventura, California instead of Santa Barbara.

(d) S. H. Patterson (KSAN–TV) on Channel 32 in San Francisco urges that in addition to the Commission's proposal, Channel 11 should be assigned to San Francisco by substituting Channel 12 for Channel 11 in San Jose, California.[2]

(e) Capitol Radio Enterprises (KGMS–TV), permittee of UHF Channel 46 in Sacramento, filed a separate petition on August 27, 1956, which proposes that Channel 12 be assigned to Sacramento by substituting Channel 11 for Channel 12 in Chico, California, and Channel 8 for Channel 11 in Yreka, California.[3]

(f) Inland Broadcasting Corporation, Riverside, California, filed a pleading urging that Channel 12 remain in Fresno in order that Channel 12 can be shifted from Tijuana, Mexico, to Riverside or San Bernardino, California, if current private negotiations with Mexican officials for changing the assignments are successful.

5. Comments have been filed by interested parties: McClatchy Broadcasting (KMJ–TV) on UHF Channel 24 in Fresno; O'Neill Broadcasting Company (KJEO) on UHF Channel 47 in Fresno; UHF Telecasting Corporation (KVVG) on UHF Channel 27 in Tulare, California; Channel City Television and Broadcasting Corporation, Santa Barbara, California; and Joint Council on Educational Television support the Commission's proposal for shifting Channel 12 from Fresno to Santa Barbara.[4] Comments supporting their various counterproposals listed above were filed by Bakersfield Broadcasting Company (KBAK–TV), ABC, Fred M. Hall et al., S. H. Patterson (KSAN) and Inland Broadcasting Corporation. Standard Radio and Television Company (KNTV) on Channel 11 in San Jose, filed an opposition to S. H. Patterson's counterproposal for San Francisco and Capital City TV Corporation (KCCC) on UHF Channel 40 in Sacramento, and Sacramento Telecasters, Inc. (KBET–TV) on VHF Channel 10 in Sacramento, filed oppositions to Capitol Radio Enterprises' proposal for Sacramento. California Inland Broadcasting Company (KFRE–TV) on Channel 12 in Fresno; KARM, The George Harm Station, unsuccessful applicant for Channel 12 in Fresno; and Inland Broadcasting Corporation oppose the deletion of Channel 12 from Fresno. Reply comments were filed by McClatchy (KMJ–TV), O'Neill (KJEO), Channel City, California Inland (KFRE–TV), Bakersfield Broadcasting (KBAK–TV), and ABC. KTTV, Inc. (KTTV) on Channel 11 in Los Angeles, and Santa Barbara Broadcasting and Television Corporation (KEYT) on Channel 3 in Santa Barbara, filed Replies opposing the proposal of Inland Broadcasting for Riverside-San Bernardino.[5]

6. We noted in our Report and Order issued last June, outlying the proposals for interim action, that because of the widely varying circumstances in individual markets, as well as the numerous factors bearing on the choice of techniques in any individual community or area, it would not be possible to formulate rigid criteria to indicate the course that would best serve the public interest for each community. We did conclude, however, that certain considerations would have a bearing on our decisions in the individual cities. We explained that in markets with one or more commercial VHF channels, the merits of proposals to eliminate a VHF channel would depend, in large part, on such factors as:

(a) Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.

(b) Whether one or more UHF stations are operating in the area.

[2] On October 10, 1956, S. H. Patterson filed a separate petition advancing an alternative plan for assigning an additional VHF channel, Channel 13, to San Francisco by substituting UHF Channel 19 for VHF Channel 6, which is reserved for education in Sacramento, and substituting Channel 6 for Channel 13 in Stockton, California.

[3] In Docket No. 11795 the Commission substituted Channel 19 for Channel 11 in Yreka.

[4] The following parties filed letters supporting the assignment of Channel 12 to Santa Barbara: Board of Supervisors, Santa Barbara County; Santa Barbara Chamber of Commerce; Santa Barbara City Schools; Santa Barbara County Superintendent of Schools and Santa Barbara Community Chest.

[5] In addition, the following groups filed oppositions to the deletion of Channel 12 from Fresno: Board of Supervisors of the County of Fresno; Fresno County and City Chamber of Commerce; Mt. Whitney Lumber Company "on behalf of the people of Johnsondale, California"; Board of Supervisors of Madera County; Superintendent of Mariposa County Unified School District; District Superintendent of Porterville Union High School and College; Lone Pine, California Lions Club; Lone Pine, California Chamber of Commerce; Board of Supervisors of Mariposa County; Commission of the City of Fresno; Kings County Farm Bureau of Women; President of California Farm Bureau Federation; Comments signed by 102 residents of Coarsegold, California, and its environs; Board of Directors of Tulare County Farm Bureau; Comments signed by 49 residents of Mariposa County; Comments signed by 81 residents in and near Auberry and Big Creek, Calif.; Board of Directors of the Downtown Association of Fresno; Fresno County Farm Bureau; Mariposa County Farm Bureau; Kings County Farm Bureau; Mariposa County Chamber of Commerce; Petition signed by 13 residents of Mariposa, California; Tulare County Cattlemen's Association; Petition signed by 37 residents of Bass Lake Area of Madera County, and Petition signed by 234 residents of the Three Rivers, California, region.

[4] In accordance with Section H of the Canadian-United States Television Agreement (TIAS 2594), all changes in the Table of Assignments in communities within 250 miles of the United States-Canadian border are effected by a procedure of notification with the Canadian Government having the opportunity to object to the proposed changes.

[5] Syracuse is about 45 miles from Utica and 35 miles from Rome, while Utica and Rome are approximately 14 miles apart.

(c) Whether a reasonably high proportion of the sets in use can receive UHF signals.

(d) Whether the terrain is reasonably favorable for UHF coverage.

(e) Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

7. Similarly, we noted that the desirability of assigning additional VHF channels to communities would depend principally upon:

(a) Whether it is possible to locate the new transmitter so as to meet the minimum transmitter spacings.

(b) Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

(c) Whether the addition of a new VHF assignment would be consistent with the objectives of improving the opportunities for effective competition among a greater number of stations.

8. We must consider the various proposals to delete VHF Channel 12 from Fresno and to assign this frequency elsewhere in the light of these factors. Fresno ranks as the 65th standard metropolitan area with a 1950 population of over 275,000. The city population is over 90,000. Four commercial channels, VHF Channel 12 and UHF Channels 24, 47 and 53 are allocated, and UHF Channel 18 is reserved for education. Stations have been operating on UHF Channels 24 and 47 for several years, and a station operated on Channel 53 for a short period but is now off the air. Station KFRE–TV went on the air on Channel 12 last May.[6] The purpose of this proceeding is to determine whether the VHF station should be switched to UHF and Fresno made an all-UHF community, i. e., whether taking into account all of the local circumstances in Fresno, the elimination of Channel 12 would improve the opportunities for effective competition among a greater number of stations.

9. Despite the fact that Station KFRE–TV has been operating on VHF Channel 12 since last May, the Fresno area is predominantly UHF. KFRE–TV is the only VHF station in a wide area, the closest other VHF stations being KERO–TV at Bakersfield (Channel 10) and KSBW–TV at Salinas, both over 100 miles from Fresno. Other than KFRE–TV, no other Grade B or better VHF service is provided to the City of Fresno or to the greater part of the surrounding area. UHF Stations KMJ–TV on Channel 24 and KJEO on Channel 47 have been on the air in Fresno since 1953; and Station KVVG operates on Channel 27 in Tulare, California, some 47 miles from Fresno, serving the City of Fresno and much of the area with a Grade A signal. Station KBID–TV operated in Fresno on Channel 53 for a short period during 1954, but is now off the air. Station KTRB–TV is authorized to operate on Channel 14 in Modesto, California, about 90 miles from Fresno, but has never been on the air. In addition, UHF channels are assigned to a number of communities in the general area: Madera, 18 miles from Fresno; Visalia, 40 miles; Merced, 50 miles; Delano, 72 miles and Bishop, 85 miles.

10. The UHF stations in Fresno went on the air several years before KFRE–TV, the lone VHF station; and virtually all of the television sets in Fresno and the Fresno Standard Metropolitan Area are capable of receiving UHF transmissions. The UHF conversion rate for the nearby Counties of Kern, Kings, Madera, Merced and Tulare is also very high.

11. The Central Valley of California is an area of level terrain, some 250 miles long and averaging 45 miles wide, surrounded by high mountain ranges. The City of Fresno is situated in the San Joaquin Valley, which comprises the southern portion of the Central Valley. Two parallel ranges of mountains, one to the east and one to the west, and a third range to the south, border the San Joaquin Valley. The Valley floor is essentially flat and devoid of natural formations which might impede UHF propagation, and the great bulk of the population in the area reside in the many communities dotting the Valley. The tall mountains close to the Valley floor offer excellent television transmitter sites which keep shadowing effects to a minimum.[7] We find, in view of these circumstances, that the terrain in the Fresno area is well suited for UHF transmissions, and we are confident that UHF can provide good television to the great majority of the people in the Fresno area.

12. We must consider whether the deletion of Channel 12 from Fresno would mean that some areas and persons served by VHF Station KFRE–TV would not get service from any other station, i. e., whether deletion of Channel 12 would result in "white area".

13. The UHF stations urging deintermixture conducted a terrain and field intensity survey of the existing operation of VHF Station KFRE–TV on Channel 12 and UHF Station KJEO on Channel 47 in Fresno. The transmitters of the two stations are only about a quarter of a mile apart and are situated at approximately the same elevation, about 4,000 feet above the valley floor. The measurements, made along four radials, indicate the following:

Radial	Measured distances to Grade A contour	
	Channel 12 (316 kw)	Channel 47 (440 kw)[1]
	Miles	*Miles*
175°	88	77
205°	90	95
265°	93	90
290°	78	77

[1] This is the maximum power in the main lobe, not RMS power.

14. The UHF stations contend, on the basis of their survey, that all of the Fresno trading and market area is now served by UHF with a Grade A or better signal and submit that no "white area" would result from the deletion of Channel 12. They maintain that the only areas served by the Fresno VHF station and not served by the Fresno UHF stations are either in rugged, sparsely settled mountainous regions or in localities which receive better service from other stations closer to them. They also point out that the field strength survey was made with VHF Station KFRE–TV operating at maximum power (316 kw) while UHF station KJEO was operating with only 440 kw, about 10 percent of the 5 megawatt maximum now permitted by the rules.

15. In this connection, the two Fresno UHF stations and KVVG in Tulare have represented that they will seek higher power if Channel 12 is deleted from Fresno.[8] An engineering study based on the rules indicates that these three UHF stations operating with powers of 1,000 kw at their present antenna heights, would place a Grade A signal over the entire San Joaquin Valley, where about 95 percent of the population served by Channel 12 is concentrated, and a Grade B signal over almost all of the area now receiving Grade B service from Channel 12. The study, as conducted by the UHF stations, further indicates that if the three UHF stations operate with maximum power of 5 megawatts at their present antenna heights, Grade B signals would be placed over all of the area now receiving Grade B service from KFRE–TV; and that if KFRE–TV operates with 5 megawatts on UHF Channel 30 rather than Channel 12, it would provide a Grade B signal to 23,500 square miles, including all of the 19,000 square miles within its present Grade B contour.[9]

[6] On January 12, 1956, the Commission released a Memorandum Opinion and Order in the adjudicatory proceeding involving Channel 12 in Fresno (Docket No. 9050) denying a petition of O'Neill Broadcasting Company requesting that final action in the adjudicatory proceeding be held in abeyance until after final determination of all matters pending before the Commission involving reassignment of Channel 12. In this Memorandum Opinion and Order the Commission referred to its Memorandum Opinion and Order and Decision, In re Application of Gulf Coast Broadcasting Company (Docket No. 11559) adopted December 7, 1955. In that document the Commission noted that the issuance of a construction permit cannot operate to negate its rule making power should it subsequently be determined that it is in the public interest to order a station to operate on another channel.

[7] The transmitter of UHF Station KJEO is on a mountain some 4,400 feet above Fresno, and the site of UHF Station KMJ–TV is on another mountain 3,316 feet above Fresno. The transmitter of KVVG, the Tulare UHF station, is 4,700 feet above the Valley floor.

[8] The UHF stations also prepared an engineering study based on the methods prescribed in the rules, using present sites, power and tower heights, which concluded that only 37 persons would receive no service if Channel 12 is deleted and 2,810 persons would receive only one service.

[9] O'Neill Broadcasting Company (KJEO, Channel 47) recently filed an application for a change in transmitter, antenna and power. The application would increase the average power from 178 kw to 380 kw and the proposed substitution of a directional antenna for the present antenna would provide a maximum power of 546 kw in two directions.

16. The opponents of deintermixture contend, but make no engineering showing, that an increase to maximum power by the Fresno and Tulare UHF stations would not eliminate heavy shadowing in the mountainous regions which, they claim, comprise approximately 50% of KFRE–TV's Grade B service area. They urge that "thousands" of people living within this mountainous area would be deprived of their only television service if Channel 12 is deleted.

17. A number of comments were submitted by various groups and organizations in the outlying sectors of the Fresno area opposing the deletion of Channel 12. These parties assert that prior to the advent of KFRE–TV on Channel 12, many persons in the mountainous areas to the east and west of the Central Valley and others in small communities, farms and ranches nesting in foothills between ranges, were unable to obtain television service, but are now able to receive KFRE–TV with reasonable clarity. They argue that if this channel is removed, their only satisfactory service will be lost. The UHF stations contend, on the other hand, that the Fresno and Tulare UHF stations, operating with maximum power, would provide service to as much of the mountainous area as does KFRE–TV; and KJEO represents that if, contrary to its prediction, the increase in powers of the Fresno and Tulare UHF stations do not entirely eliminate any "white areas" in the mountain regions resulting from deletion of Channel 12, it will provide translator or satellite service to any areas where such service would be justified.

18. Any computation of the area and population that might lose service by the deletion of Channel 12 from Fresno must be grounded on so many variables and assumptions, such as powers and heights to be employed in the future and additional stations that might take the air, that no precise computations are feasible. Moreover, the problem is made more complex by the fact that the propagation curves presently available and known methods of computation do not lend themselves to precise determinations of coverage at specific locations. Nevertheless, we believe the record supports the basis for concluding that it is not likely that a significant number of persons will lose their only service if Channel 12 is deleted. The UHF stations in the Fresno area are presently providing good television service over a wide area and have represented to the Commission that their facilities will be improved if Channel 12 is deleted. We are confident, therefore, that deletion of Channel 12 will not result in the creation of any significant "white area."

19. The UHF stations submit that the San Joaquin Valley is presently being well served by the two UHF stations in Fresno and the UHF station in Tulare, and maintain that the area can well support a third Fresno UHF outlet. They urge that if all of the stations in the area operate in the UHF band, all will have an equal chance of surviving, but that the advent of a VHF station has seriously affected the ability of the UHF stations to provide service in the area. They allege that their experience since Stations KFRE–TV began operating on Channel 12 makes it apparent that UHF stations cannot compete on an equitable basis with a VHF station in the Fresno market. Time-buyer resistance to UHF, they state, has been an almost insurmountable obstacle when the VHF station enters the picture; and they submit that if Fresno is not deintermixed by deleting Channel 12, some or even all of the UHF stations in the Valley may succumb. But if the Fresno area is made all UHF, they assert that the public would enjoy a significantly greater choice of services.[9]

20. KFRE–TV argues that Fresno is entitled to a first VHF service since other cities in California of similar size and economic importance have one or more VHF outlets. Confining Fresno to the inferior UHF, they maintain, would discriminate against Fresno and place it at a serious disadvantage. They submit that it would impair the ability of a television station in Fresno to reach remote rural areas whose economic, social and cultural interests are tied to Fresno. They contend that, moreover, effective deintermixture cannot be achieved in the area since a great portion of the area is already blanketed by VHF signals from other cities. Finally, the opponents of deintermixture submit that UHF stations in Fresno can compete with at least one VHF station because the market is large and independent enough to support more than one station.

21. Our experience in other markets has demonstrated that the establishment of a VHF station in a UHF market such as Fresno generally seriously affects the ability of the UHF stations to continue to render service to the public. Since additional VHF channels cannot be assigned to Fresno under existing allocation standards, the demise of UHF would mean that the Fresno area might be forced to depend on a single VHF station for local service. This possibility can be obviated by eliminating the VHF channel and thus equalizing the competitive situation. The assignment of a fourth UHF channel to Fresno in place of VHF Channel 12, we believe, will enhance the possibility of more effective competition among the stations in the area as well as the networks. Such deintermixture would remove any artificial restraint on the establishment of additional local stations: the number of stations would be determined solely by what the Fresno market can support. We therefore believe that deleting VHF Channel 12 from Fresno and substituting UHF Channel 30 will serve the public interest by furthering our interim objective of improving the opportunity for effective competition among a greater number of stations.

22. In addition to the benefits falling to Fresno by virtue of deintermixture, Channel 12 can be released for assignment in another community or communities where, in light of the prevailing circumstances, the addition of a VHF outlet would be likely to improve the television situation. The Commission has proposed that Channel 12 be shifted to Santa Barbara as a second VHF outlet. However, if Channel 12 is deleted from Fresno, it can be assigned to any one of several cities to the south of Fresno and in addition, to any one of at least two cities to the north of Fresno; and, as noted above, several counterproposals have been advanced suggesting various plans for the use of Channel 12 upon its deletion from Fresno.[10]

23. We shall first discuss proposals for employing Channel 12 south of Fresno. As noted, the Commission is proposing to shift Channel 12 to Santa Barbara; Bakersfield Broadcasting Company and American Broadcasting Company [11] propose that Channel 12 be shifted to Bakersfield; and Fred M. Hall et al. propose that Channel 12 be shifted to Ventura. These three proposals—Santa Barbara, Bakersfield, and Ventura—are mutually exclusive since the frequency can be assigned to only one of the cities in compliance with minimum spacings.

24. We must determine at the outset whether Channel 12 in Santa Barbara, Bakersfield, or Ventura would meet the technical allocation requirements. The record indicates that Channel 12 can be allocated to Santa Barbara in accordance with minimum spacing requirements. However, since Santa Barbara is within 250 miles of the United States-Mexican Border, Mexico must be consulted with respect to any reassignment

[9] UHF Station KJEO asserts that since KFRE–TV went on the air on Channel 12, it has not only lost its CBS affiliation to the VHF station but has also lost some $17,000 in monthly business from 24 national and local accounts. KFRE–TV contends, on the other hand, that during December 1956 KJEO had more sponsored half-hour regional and national spot programs that KMJ–TV and KFRE–TV combined; that Station KMJ–TV has carried about the same number of half-hour national and regional spot programs as has KFRE–TV; and that KMJ–TV is still a "must buy" ABC affiliate.

[10] Inland Broadcasting Corporation submitted a document in the proceeding asserting that it proposes to employ Channel 12 in the Riverside-San Bernardino area if this frequency can be shifted from Tijuana. Inland explains that it has begun private negotiations with Mexican officials looking toward the reassignment of this channel, and requests that the Commission not assign Channel 12 to any community that would preclude the use of this frequency in Riverside-San Bernardino. KTTV, Inc. (KTTV) on Channel 11 in Los Angeles and Santa Barbara Broadcasting and Television Corporation (KEYT) on Channel 3 in Santa Barbara oppose Inland's request. The Commission presently has no negotiations underway with Mexico concerning the reallocation of channels in Tijuana. We do not believe that it would be appropriate to withhold action in this proceeding on the speculative and uncertain basis of private negotiations designed to rework television allocations in Mexico. The request of Inland Broadcasting Corporation is therefore rejected.

[11] ABC suggests that Channel 8 be assigned to Bakersfield as well as Channel 12. However, Channel 8 cannot be assigned to Bakersfield in accordance with present minimum spacing requirements, and this proposal must therefore be rejected at the outset.

of channels in Santa Barbara.[12] The distance between Santa Barbara and Tijuana, Baja California, Mexico, where Channel 12 is now assigned, is about 200 miles, well above the 190-mile minimum required for domestic co-channel assignments in this zone; and sites are available to the north of Santa Barbara that would afford greater co-channel spacing. Negotiations with Mexico with respect to the use of Channel 12 in Santa Barbara are underway.

25. The record also indicates that Channel 12 can be employed in Bakersfield and Ventura in accordance with technical allocation standards; but with respect to Ventura, this entails location of a site to meet minimum spacings. Further, since both Bakersfield and Ventura are also within 250 miles of the Mexican border, Mexico would have to be consulted concerning the use of Channel 12 in these cities as well as in Santa Barbara. The distance from Bakersfield to Tijuana is about 225 miles, while Ventura is only about 180 miles from Tijuana.

26. Santa Barbara is the 157th standard metropolitan area, with a population of 98,220. The city has a population of 44,913 persons. Although one VHF channel and 2 UHF channels are assigned, only the VHF channel is in use. The parties supporting the proposal to assign Channel 12 to Santa Barbara urge that it would provide much needed service and would make possible an additional local outlet which could not be provided by UHF. They contend that satisfactory service from stations in other cities is not provided and submit that Santa Barbara needs an additional VHF station in order that it might have a choice of programs of local origination and local expression and receive more network programs, syndicated and film features, and programs of public interest and national importance.

27. Bakersfield is a city of 34,784 persons 105 miles south of Fresno in the San Joaquin Valley. Two channels are presently assigned, VHF Channel 10 on which Station KERO is operating, and UHF Channel 29 on which Station KBAK–TV is operating. ABC and Bakersfield Broadcasting Company (KBAK–TV), the operator on Channel 29, urge the assignment of Channel 12 in Bakersfield. They argue that the Santa Barbara area already receives multiple VHF services from stations in other cities and its own station on Channel 3, while Bakersfield receives no outside service.

28. Ventura is a city of 30,209 persons about 40 miles from the center of Los Angeles, 20 miles south of Santa Barbara. No channels are presently assigned, but 8 or more VHF stations serve Ventura with a Grade B or better signal. Fred M. Hall et al., in urging the assignment of Channel 12 to this community, submit that Ventura needs the facility more than Santa Barbara since the latter already has a VHF station, Ventura County has more households than Santa Barbara County, and the Santa Barbara station does not originate programs from Ventura or elsewhere in Ventura County, nor does it regularly provide residents of the county with any programs of local interest.

29. We believe the record supports the basis for assigning Channel 12 to Santa Barbara rather than Ventura. We do not believe that the assignment of Channel 12 to Ventura, as a first channel in the community, would further our objective of improving the opportunity for effective competition among a greater number of stations. Channel 12 in Ventura would represent an 8th VHF channel in the Los Angeles area. In Santa Barbara Channel 12 will provide a much needed second local outlet for a much larger community. Moreover, an assignment to Santa Barbara would likely be more acceptable to Mexico because of the greater distance to Tijuana.

30. We also believe that the record supports the basis for preferring the assignment of Channel 12 to Santa Barbara over Bakersfield. We feel that this assignment will better serve our objective of fostering effective competition among a greater number of stations in making possible a second local television service to a significantly larger community. Santa Barbara is presently a completely VHF area with no UHF stations in operation or contemplated. This is not the case in Bakersfield where a UHF station is on the air and other UHF stations are operating in the San Joaquin Valley. The addition of a second VHF station in Bakersfield could defeat the purpose of deintermixing the Fresno area by placing an additional VHF signal over part of the area which we believe should be UHF.

31. We recognize that Fresno as the 65th standard metropolitan area in the country is larger than Santa Barbara. The Fresno VHF operator argues, on this basis, that Channel 12 should be retained there. However, television assignments cannot be made purely on the basis of the size and importance of the competing markets: The proposals must be viewed in the light of all factors and particularly with reference to our objective of improving the opportunities for more effective competition among a greater number of stations. We believe that we can improve the television situation in both Fresno and Santa Barbara by shifting Channel 12 from one market to the other. Without a VHF station in Fresno, the market will have as many television stations as it can support; but the continuance of a VHF station will, in all likelihood, mean less effective competition among fewer stations. Santa Barbara, on the other hand, is predominantly VHF. There is little chance of additional television service for the area unless a VHF channel is added, and Channel 12 would afford a much needed additional local outlet. This shift in frequency, we feel, is consistent with the mandate of section 307 (b) of the Communications Act in providing a fair, efficient and equitable distribution of television service to the several States and communities and increasing the likelihood of the establishment of more television service and more local television outlets in both communities.

32. As noted above, in addition to employing Channel 12 in a community to the south of Fresno, various proposals have been advanced suggesting that Channel 12 be assigned to a community to the north of Fresno as well. S. H. Patterson (KSAN–TV), on Channel 32 in San Francisco, urges that additional channel changes should be made so as to assign Channel 11 to San Francisco by substituting Channel 12 for Channel 11 at San Jose, California. Since Standard Radio and Television Company operates Station KNTV on Channel 11 in San Jose, this station would be required to change frequency, and Standard Radio has filed an opposition to the counterproposal.[13]

33. The Patterson proposal for San Francisco conflicts with a proposal filed under separate heading on August 27, 1956, by Capitol Radio Enterprises (KGMS–TV), Sacramento, California. Capitol proposes that Channel 12 be assigned to Sacramento by substituting Channel 11 for Channel 12 in Chico, California. Since the Patterson proposal would assign Channel 12 to San Jose and Capitol would assign this channel in Sacramento, less than 90 miles from San Jose, the Patterson and Capitol proposals are mutually exclusive. Oppositions to Capitol's proposal have been filed by Sacramento Telecasters, Inc. (KBET–TV) on Channel 10 in Sacramento and Capital City TV Corporation (KCCC) on Channel 40 in Sacramento.

34. Although the deletion of Channel 12 from Fresno would make the assignment of this frequency to a community north of Fresno engineeringly feasible, we see no need for reaching a determination on these proposals in this proceeding. As noted, the proposals conflict with other proposals not submitted in this proceeding and raise questions extraneous to this proceeding. We do not believe that we need determine at this time to what city to the north of Fresno, if any, Channel 12 should be assigned if it is deleted from Fresno. If we determine that Channel 12 should be deleted from Fresno, consideration can be given to proposals for employing Channel 12 to the north of Fresno in a separate proceeding.

35. We have reviewed the record in this proceeding, with a view to the factors listed in our Report and Order of last June and conclude that the public interest would be served by deleting Channel 12 from Fresno and assigning Channel 30 and by adding Channel 12 to Santa Barbara. The Fresno area is predominantly UHF, the terrain is satisfactory for UHF propagation, the vast majority of sets are capable of receiving UHF, several UHF stations are providing service in the area, a low UHF channel is available to replace Channel 12, and it is not likely that significant populations would be without any service if it is deleted.

36. For the foregoing reasons it is the Commission's judgment that the television Table of Assignments (§ 3.606) should be amended by shifting Channel 12 from Fresno to Santa Barbara, assigning Channel 30 to Fresno, and substituting Channel 59 for Channel 30 in Madera. However, California Inland Broadcasting Company holds a license for operation of Station KFRE–TV on Channel 12 in Fresno. In view of the provisions of sections 303 (f) and 316 of the Communications Act of 1934, as amended, the frequency of Station KFRE–TV cannot be changed from Channel 12 to Channel 30 without the consent of the licensee or, absent such consent, a public hearing first being held.

37. *Accordingly, it is ordered,* That California Inland Broadcasting Company is hereby notified of the proposed modification of its license to specify operation on Channel 30, and the grounds and reasons therefor, and California Inland is directed to show cause why such order of modification should not issue, by filing with the Commission at its offices in Washington, D. C., on or before April 15, 1957, a response stating in detail the reasons why it believes its license should not be so modified.

38. An original and 14 copies of the response should be filed, and should indicate whether or not California Inland requests a public hearing in the matter and whether it intends to appear at such hearing and present evidence on the matters specified herein and in said response.

39. The failure to file a response by the above specified date shall be deemed a consent by California Inland to the modification of its license as proposed and a final order will be issued accordingly, unless in a petition filed at least 5 days before said date, California Inland shows good cause why such time should be extended. Failure to indicate in its response that California Inland requests a hearing will be deemed a waiver of its right to a hearing.

40. If a response is filed and the right to request a hearing has been waived, the Commission may, depending on the facts alleged and proof offered, either call upon California Inland to furnish additional information under oath, designate the matter for hearing on its own motion or issue without further proceedings an order modifying California Inland's license as proposed.

41. *It is further ordered,* That effective April 15, 1957, the Table of Television Channel Assignments (§ 3.606 of the Commission's rules) is amended by deleting Channel 30+ and adding Channel 59 for Madera, California.

42. Authority for the amendments herein is contained in sections 1, 4 (i), and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h) and (r), and 307 (b) of the Communication Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[14]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–1735; Filed, Mar. 7, 1957; 8:45 a. m.]

[12] TIAS 2366, as amended by TIAS 2654. Agreement Between the United States and Mexico on the Allocation of Television Channels Along the United States-Mexican Border (signed at Mexico June 4 and 25, 1952; entered into force June 25, 1952) (§ 2.601 (a) of the rules).

[13] The KSAN–TV proposal for San Francisco in order to meet all mileage separation requirements assumes a grant of the application of Television Diablo, Inc. (File No. BPCT–2187) to change the transmitter to Station KOVR, Stockton, California. This application was granted November 8, 1956, but a protest was filed and on January 2, 1957, the grant was stayed, and a hearing on the protest is scheduled.

[14] Commissioners Doerfer and Mack dissenting and issuing statements filed as part of original document; Commissioner Craven abstaining from voting.

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 934, 996, 999]

[Docket Nos. AO–14–A25; AO–83–A21; AO–203–A7; AO–204–A7]

MILK IN THE GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASSACHUSETTS, MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED AMENDMENTS TO ORDERS, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and proposed amendments to the orders, as amended, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreements and the proposed orders amending the orders, now in effect, were formulated, was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of petitions filed on behalf of the major cooperative producer groups in the market. Following the receipt of the original petition all interested parties were invited to submit additional proposals.

The public hearing was held in Montpelier, Vermont, on December 3, and in Boston, Massachusetts, on December 4–7, 1956, pursuant to a notice published in the FEDERAL REGISTER on November 1, 1956 (21 F. R. 9069; F. R. Doc. 56–9544). The material issues considered at the hearing were concerned with the following:

1. Limitation of the effect of the supply-demand adjuster of the Class I pricing formula.

2. The level and basis of the Class II price.

3. Elimination of the butter and cheese adjustment and revision of the butterfat differential.

4. Revision of the definition and treatment of producer handlers.

5. Reconsideration of the exempt milk provisions.

6. Revisions of the classification and assignment provisions with reference to milk moving between the four markets.

7. Consideration of an equalization payment under the Boston order on Class I milk received from other Federal order plants.

8. Clarification of pooling status in the case of a plant moving from one regulated market to another.

9. Revision of the distributing plant definition under the Boston order to provide a tolerance to exempt nonpool plants which might accidently dispose of a small volume of milk in the Boston marketing area.

10. Revision of the country plant pooling qualifications under the Merrimack Valley order.

11. Other minor changes.

Findings and conclusions. Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Limitation of the effect of the supply-demand adjuster of the Class I pricing formula.* No change should be made at this time in the Class I pricing formula. Under the present order provisions the Class I price is determined on the basis of an economic type formula which reflects changes in the national commodity price level, in the level of consumer incomes in New England, and in prices which dairy farmers must pay for feed and labor in the conduct of their dairy enterprise. The resulting index is adjusted seasonally and to reflect the current fluid milk supply-demand relationship in the combined markets. All

other things remaining equal, the pricing mechanism is geared to lower the price seasonally 20 percent, or about $1.10 at the present level, in four successive steps between December and May and, conversely, to raise the price 20 percent, or about $1.10 a hundredweight, in four successive steps between June and October. The price is further adjusted upward or downward to reflect the current supply-demand relationship.

During 1956 the effect of the supply-demand adjuster was to lower the Class I price as much as 66 cents in the months of January through June and as little as 22 cents in November and December. Two bargaining cooperatives proposed that the supply-demand adjuster be suspended or amended to prevent it from reducing the price by more than 22 cents for the months of January through April 1957. In support of their proposal proponents pointed out that the feed situation in the area is less favorable than in the same period in the previous year, both in terms of quantity and quality. They further maintained that even in normal winters the cost of producing milk in the months of January through March is as high as in the months of November and December.

It is intended that the Class I price shall be a price which will bring forth a necessary but not excessive, volume of milk to supply the Class I needs of the fluid market throughout the year. The seasonal adjustments are included in the pricing formula to encourage a seasonal pattern of receipts from producers more nearly in line with the Class I demands of the market. It is recognized that cows take at least as much care and feed during the barn feeding months of January, February and March as in the months of November and December. However, November and December are normally the shortest months of production. Starting in January production begins an increase which normally continues into June and then falls off through the month of November. In 1956 producer receipts in the Boston market during the month of June were 150 percent of the receipts during the month of November. Stated another way, November receipts from producers were 66.7 percent of June receipts. The pattern of Class I sales in the market is much more uniform than production. Class I sales in November 1956 were 114 percent of sales in the month of June. The seasonality in pricing is intended to provide encouragement to the producer to produce his annual volume of milk in a pattern which more nearly meets the pattern of consumption in the market.

Whenever the supply-demand adjuster acts to reduce the Class I price, the market has a greater volume of supply than is needed. In the period December 1955 through May 1956, the Class I price per hundredweight in the New England Federal order markets fell $1.76. Five-eighths of this drop was the normal seasonality in pricing and three-eighths was the result of the action of the supply-demand adjuster. Notwithstanding this sharp drop in price, the supply of producer milk in October 1956, the last month for which statistics were available at the time of the hearing, was almost identical with that of October 1955. Official notice is taken of the fact that producer receipts in November 1956 were six percent higher than in November 1955. While there also have been substantial increases in the Class I sales, the supply of milk in the Boston market is still significantly more than that necessary for Class I use.

The fact that the Boston and New York milksheds overlap and producers and plants can, and do, shift from one market to the other, emphasizes the need for close price alignment between the two markets. The Class I price, and the blended price particularly, in 1955 and 1956 have strongly favored the Boston market with the result that in recent months there has been a substantial movement of producers and plants out of the New York pool into the Boston pool. Any increase in the annual level of the Boston price at this time, even though temporary, would further increase the disparity of prices between the two markets and would provide even greater encouragement for the New York producers and plants to shift to the Boston market.

It seems likely that producers proposing restriction on the action of the supply-demand adjuster at this time were primarily motivated by a recollection of the pattern of price movements in the first half of 1956 and that they were attempting to prevent a recurrence of this situation in 1957. Analysis of the statistics in the record indicates that the Class I price during the early part of 1957 will be substantially higher than during the same period of 1956. Official notice is taken of the December 26 announcement by the Boston market administrator of a Class I price for January 1957 of $6.07 per hundredweight which is 64 cents above the price for January 1956. It now seems likely that the Class I price in the months of February through June will be 42 cents higher than the price for the same period in 1956. Under these circumstances, there is no reason to believe that the level of price prevailing in the New England markets will not continue to bring forth at least an adequate supply of milk for the market. Accordingly, the request for restricting the action of the supply-demand adjuster should be denied.

2. *The level and basis of the Class II price.* The alternative Class II pricing formula based on the average U. S. manufacturing milk price should be adjusted to provide an approximate 8-cent increase in the resulting price. This alternative pricing formula should continue to provide the effective Class II price in any month in which no Boston weighted average cream price is reported and in any other month when the resulting price is higher than that computed by use of the weighted average cream price. The adjustment of the reported average U. S. manufacturing milk price to a 3.7 basis should be accomplished by the use of a butterfat differential equal to the New York 92-score butter price as reported by the United States Department of Agriculture, plus 25 percent.

The appropriate price level for Class II milk is that which will move the milk in an orderly manner into dairy products for which outlets are available in the local market and at the same time return to producers the highest practical prices for such milk.

The use of the U. S. manufacturing milk price series based on current price quotations as an alternative Class II pricing component was adopted in the New England orders effective April 1, 1954 and was intended to establish a minimum Class II price under these orders in line with the current prices for milk used in manufacturing in the country as a whole. At the time of this adoption, consideration was also given to the use of the price series reflecting the price of milk utilized in making salted butter and Cheddar cheese and the midwestern condensery pay price. It was concluded at that time that while it would be possible to apply seasonal adjustment factors to either of these two series, the use of the manufacturing milk price series actually reflected prices paid for all manufactured uses and hence, represented a more logical basis for use in the Boston market.

At the time of its adoption, various interests in the market indicated some reservation regarding its use. It is significant that at the current hearing virtually all of the handlers and the organized producer groups who testified on this issue supported the use of the U. S. manufacturing milk price series as a basis of pricing Class II milk. One cooperative association supported the midwestern condensery pay price series. However, the record fails to show any compelling reasons for shifting away from the manufacturing milk price series which holds the confidence of most producers and handlers in the market. It is concluded that greater price stability is provided in relating the Class II price to a series reflecting prices paid at various types of manufacturing milk plants rather than a single type.

Proponents of the proposal to increase the Class II price support the seasonality which is carried in the pricing formula. They take the position, however, that the basic level of price is too low. In support of its position, one large cooperative which is an operating as well as a bargaining association in these markets indicated that it has made attractive earnings from handling Class II milk at its own plants in the past few years. It further testified that proprietary handlers are actively soliciting new producers and taking over the operation of additional plants. The association maintained that this is a compelling reason to conclude that the current price level is too low. In further support of their position, producer proponents pointed out that the Boston Class II price has historically maintained a favorable relationship with the New York Class III price, that the New York Class III price was raised an average of almost 10 cents per hundredweight effective July 1956, and that this had shifted the balance in favor of the New York Class III price.

The operating cooperative associations in the market joined the bargaining cooperatives in their position that an upward adjustment in the Class II price is needed. However, the bargaining cooperatives would increase the price by 10 cents per hundredweight while the operating cooperatives indicated that 3 cents would be more appropriate.

The determination of the appropriate level of surplus pricing which should apply under a given set of circumstances is necessarily a matter of judgment. In appraising the Class II price under the New England orders the experience of the cooperative associations handling Class II milk in the market is necessarily an important criterion. The fact that these cooperatives have found the current price level financially attractive and the fact that proprietary handlers appear to be actively soliciting additional supplies of milk indicates that some upward price adjustment is desirable. Certainly Boston producers located, as they are, close to the large eastern population centers should expect a higher return for Class II milk then the average dairymen distant from markets. At the same time, the juxtaposition of the Boston and New York milksheds necessitates the close alignment of prices between these two markets.

The condensery pay price and the New York Class III price are reported on a 3.5 percent butterfat basis and the comparison of these prices with the Boston price can be made most satisfactorily at this test. Official notice is taken of these reported and announced prices for the months of November and December 1956 which were not available at the time of the hearing. During the years 1954, 1955 and 1956 the Boston Class II price on a 3.5 percent butterfat basis averaged 2 cents, 5 cents, and 7 cents, respectively, over the New York Class III price, not considering the effect of the July 1956 amendment to the New York Class III price. During the same period, the Boston price was 5 cents, 9 cents and 12 cents, respectively, below the midwestern condensery pay price and 9 cents, 8 cents, and 6 cents, respectively, above the U. S. manufacturing milk price.

Under the Class II pricing formula in the New England orders since April 1, 1954, the manufacturing milk price has been the effective Class II pricing component in four of the remaining months of 1954, in seven of the twelve months of 1955, and in nine of the twelve months of 1956. Under such circumstances the role of the manufacturing milk price as a New England pricing mechanism for Class II milk has become increasingly important.

Under the present pricing provisions the adjustment of the reported U. S. manufacturing milk price to a 3.7 percent butterfat basis is accomplished by the direct ratio method. This procedure was adopted because it appeared to approximate most closely the practice followed by the reporting plants. Evidence introduced at this hearing raises some question as to the validity of this position. It appears likely that in actual practice a number of different procedures may be used in adjusting price to a specified fat test. The use of the direct ratio method of adjusting price assigns all of the value to the fat. In this market where skim milk has a significant value, a butterfat differential based on market butter quotations is necessary in order to reflect accurately the separate values of butterfat and skim milk. It is hereinafter proposed that the New York 92-score butter quotation plus 25 percent divided by 10 be used as the butterfat differential in pricing milk to Boston handlers and in the interest of consistency it is concluded that this differential can appropriately be used to adjust the U. S. manufacturing milk price. This differential changes by small amounts the value presently assigned to 3.7 percent milk by using the direct ratio method of adjusting the U. S. manufacturing milk price. On an annual basis it is estimated that the use of the New York butter quotation would raise the Class II price by about one cent, leaving 7 cents of the proposed 8-cent increase to be secured by other means.

The present pricing provisions adjust the U. S. manufacturing price monthly by stated differentials which are intended to encourage handlers to accept the milk in excess of Class I requirements during the months when seasonally excessive supplies normally exist. The seasonality which has existed in the formula has tended to promote the orderly handling of all producer milk and it is not intended that this seasonality should be disturbed. The remaining seven cents of the proposed increase may best be incorporated in the pricing mechanism by increasing the stated monthly adjustments by that amount.

If an increase of 8 cents in the Boston price level, resulting from the recommended application of the U. S. manufacturing milk price, and the July 1956 amendment to the New York Class III price were to be applied retroactively from January 1, 1954, they would have provided virtually identical average prices for Boston Class II milk and New York Class III milk during the three-year period 1954–1956.

Several witnesses at the hearing presented weighted price comparisons which were intended to show on the one hand that the price should be increased at least 10 cents and on the other that a three-cent increase is all that is necessary for alignment of prices between New York and Boston. In this connection, however, figures presented by the operating cooperatives indicate that in 1954–1955 the weighted average price of Class II milk of 3.7 percent butterfat content was two cents above the New York Class III price. Consideration of the effect of the July 1956 New York amendment supports the increase of the U. S. manufacturing milk price component of the Boston Class II formula herein proposed.

The 8-cent increase in the U. S. manufacturing milk price component would have provided a Boston Class II price which was above the U. S. manufacturing milk price by from 12 to 14 cents during this period 1954 through 1956, which is concluded to be an appropriate relationship with prices for milk used in manufacturing in the country as a whole.

Certain handlers at the hearing suggested that sounder pricing would prevail if the use of the Boston weighted cream price as a Class II price determinant was discontinued. They suggested that the Class II pricing formula be adjusted to reflect in returns to producers the average benefit which they received by virtue of the use of the weighted cream price over the past several years. The continuation of the weighted average cream price is premised on the principle that producers should have assurance that in those periods when local cream supplies are considerably below market needs, they will receive a price for their Class II milk commensurate with the handlers' average cost of securing supplemental supplies.

3. *Elimination of the butter and cheese adjustment and revision of the butterfat differentials.* The butter and cheese adjustment, which under the present provisions of the Boston order operates to reduce the value of butterfat used in making butter and cheese during the months of April through July, should be eliminated except when the Class II price is based on the weighted average cream price. When the Class II price in such months is based on the weighted average cream price, milk used in butter and cheese should be priced on the basis of the alternative Class II pricing component derived from the U. S. manufacturing milk price.

Under the present order provisions when the Class II price is based on the U. S. manufacturing milk price the butter and cheese differential is the difference between the Chicago 92-score butter quotation plus 22 percent and the New York 92-score butter quotation plus 20 percent. If the Class II price is based on the weighted average cream price the butter and cheese differential is determined by dividing by 3.7 the fat value of such price and subtracting therefrom a value equal to the New York 92-score butter quotation plus 20 percent.

Certain proponents at the hearing questioned the validity of any butter and cheese adjustment in the Boston order while at the same time the operating cooperatives proposed that the butter and cheese adjustment be extended to all months of the year and that there be no increase in Class II price applicable to milk used in butter and cheese.

New England has historically been a deficit cream market and while in recent years the market has become more nearly self-sufficient there is no indication that supplies are at such levels that it is necessary to facilitate the disposition of milk in butter and cheese. The large eastern population centers should normally provide a ready outlet for butterfat in fluid cream, ice cream and frozen cream and its use in the manufacture of butter and Cheddar type cheese should not be encouraged. The manufacture of these products in New England at the same time that fluid cream is imported to the region from outside areas is an inefficient and uneconomic utilization of butterfat as between regions.

The seasonality in the Class II price is provided in the order to assure a market for all producer milk during the flush months of production and at the same time to provide an incentive to handlers to make milk available when needed for

Class I use in other months of the year. The U. S. manufacturing milk price is a composite price weighted to reflect the prices paid and the proportionate volumes of milk utilized in the various manufacturing uses and, as such, reflects the prices paid for and the proportionate volumes of milk used in butter and cheese. Under the pricing formula this price is seasonally adjusted so that the resulting Class II price during the flush months is below this average manufacturing price. Hence, there is no reason why further adjustment should be made to provide a still lower price for milk used in butter and cheese. As a practical matter the butter and cheese adjustment as presently calculated is of no consequence in these months when the price is based on the manufacturing milk price. During the past three years the differential per pound of fat, exclusive of July 1955 when the weighted average cream price was the Class II price determinant, has averaged approximately one-half of a cent. In July 1955 the adjustment was slightly over 7 cents.

When the Class II price during any of the months of April through July is based on the weighted average cream price it is likely that such price may be somewhat high for milk going in butter and cheese. The existence of a weighted average cream price, of course, is in itself an indication of a short butterfat market and raises a serious question as to whether any butterfat should be manufactured into butter and cheese during such period. Nevertheless, it is concluded that the price for butterfat utilized in butter and cheese in any such month should not reflect the higher butterfat value resulting from the use of the cream price but should continue to be priced on the basis of the U. S. manufacturing price component. It is believed that manufacturers in this market operating such facilities generally would have difficulty in making short-run shifts in their manufacturing operations.

The basis for computing the butterfat differential under the Boston and secondary market orders be revised to provide for the use of a New York 92-score butter quotation rather than the Chicago 92-score butter quotation whenever there is no Boston weighted average cream price.

A producer association proposed a method of determining the alternative butterfat differential from what might be considered the gross butterfat value reflected in the U. S. average manufacturing price. This method has merit in relating the butterfat differential to the value of butterfat in the Class II price, whether determined from cream and powder values or from the U. S. average manufacturing price. However, the method is exceedingly complex. Generally it would yield a differential a little above the level of Chicago butter plus 25 percent.

The Chicago and New York 92-score butter quotations usually maintain a rather close alignment, with the New York quotation running higher by about three-quarters of a cent. Increased by 25 percent this difference amounts to slightly less than a cent a pound of butterfat, or just under a tenth of a cent in terms of the butterfat differential. On an annual basis, use of the New York butter quotation to determine the alternative butterfat differential would produce approximately the same result as the complex method proposed by the producer association. The New York quotation also is recognized as a sound price from which to calculate butterfat values in eastern markets. As previously concluded, however, the price for producer milk utilized in Class II should reflect the higher value resulting from the use of the weighted average cream price, when such price is determined and produces a Class II price above that computed by use of the U. S. manufacturing milk price. Under such circumstances the producer butterfat differential should also reflect the higher value resulting from the use of the cream price.

4. *Revision of definition and treatment of producer-handlers.* No action should be taken on the basis of this record to restrict qualification under the producer-handler definition by the imposition of a maximum distribution volume. Also no change should be made in the treatment of a handler's own farm production. However, the definition of producer-handler should be changed so as to make clear that such a person must operate a processing and packaging plant from which Class I milk is disposed of in the marketing area. Other order changes should be made to provide that receipts in bulk from producer-handlers by pool handlers and buyer-handlers shall be treated as outside milk rather than as producer milk.

The orders now provide that a producer-handler shall be both a handler and dairy farmer and shall receive no milk other than exempt milk from other dairy farmers except producer-handlers. The Boston order further provides that a producer-handler's farm must be located within 80 miles of Boston.

Producer-handlers were exempt from full regulation under the New England orders primarily on the premise that they represented small business operations which were not a serious competitive factor in the market; that the terms of the orders would impose an undue burden of record keeping upon them; and administrative effort in regulation of their operations would be difficult and costly.

Proponents for a change in the producer-handler definition at the hearing made no claim that past operations of producer-handlers have contributed to market instability and they suggested that insofar as possible they did not desire to disturb operations of producer-handlers of long standing.

The situation which apparently prompted the proposal for reconsideration of the treatment of producer-handlers under the New England orders was an announcement by a Springfield handler, whose supply consists solely of fully regulated milk, of his intention to create a large producer-handler operation. However, there is no indication that this can be done practicably. Certainly, on the basis of this record it would be inappropriate to change significantly the impact of regulation on the producer-handlers in the Boston, Merrimack Valley, and Worcester markets because of a special situation currently developing in the Springfield market.

The Boston market in particular has a number of producer-handlers of substantial size who have historically been a part of the market. Adoption of any volume distribution limit which would be of value in controlling the operations of a producer-handler would place these producer-handlers in a fully regulated status and would materially affect their business. Consideration of any substantial change in the orders as they apply to producer-handlers should be more complete than would be possible on the basis of this record.

Basically, the problem outlined by proponents appears to be directly associated with the spread between the blend and the Class I price. If dairy farmers are attempting to get into the distributing business as producer-handlers it is being done to take advantage of the margin between the blend and Class I price and/or the spread which handlers enjoy between producer and resale prices. The solution seemingly lies in better alignment of the blend and Class I prices.

Some producer-handlers who testified at the hearing suggested that the privilege now granted to producer-handlers of delivering their excess milk to the market as producer milk constituted an unfair advantage over regular producers. Since a producer-handler does not share his Class I sales with regular producers, he should not be permitted to dilute the pool with his excess milk and share in the market blend. Accordingly, it is concluded that producer-handlers' bulk milk deliveries to other types of handlers, other than exempt milk, should be treated as outside milk.

Clarification of the producer-handler definition should be made to specifically set forth the requirement that a producer-handler must operate a processing and packaging plant. This is the intent of the present provision and represents the distinguishing difference between the producer-handler and the dairy farmer who delivers exempt milk.

5. *Reconsideration of the exempt milk provisions.* The exempt milk provisions of each order should be revised to exclude milk received in bulk at a regulated plant from a plant not regulated under such order, except under emergency conditions resulting from fire, flood, hurricane or similar extraordinary circumstances. No change should be made in the exempt milk provisions of the respective orders as they apply to receipts from a dairy farmer, except to extend the application to include all fluid milk products other than cream.

The exempt milk provisions were first incorporated in the New England orders to recognize relationships of long standing and permit small dairy farmers with a local market for their own farm production to use regulated plants for their processing and packaging without payment obligations under the orders. Such a dairy farmer's operation was considered similar to that of a producer-handler, except that the latter operated his own plant. Later the provisions were extended to include processing and packaging transactions between regulated and unregulated plants. A principal reason for such extension was to meet emergency conditions which might render the unregulated plant temporarily inoperative.

Until recently the volume of exempt milk handled by Boston pool handlers has been inconsequential. It has been more substantial in the secondary markets, primarily because of the larger proportion of dairy farmers located near the market, with opportunities to engage in retail distribution and because of a number of public and private institutions which maintain dairy herds and use the exempt milk provision to have milk processed and packaged for their own use.

The record indicates that in 1956 a multiple-plant handler began to take advantage of the exempt milk provisions to use a regulated plant for processing and packaging unregulated milk sold outside the marketing area. The record also shows that during the latter part of 1956 another multiple-plant handler began to take advantage of the exempt milk provisions to manipulate blend prices between markets and to relieve local situations which had previously made it necessary for the handler to pay premiums.

The use of regulated plants for processing and packaging milk, under the exempt milk provisions, for disposition in nonfederally regulated areas may provide a loophole by which Class I sales are lost for regulated milk. The orders should not promote practices which may lead to such loss of Class I sales. Accordingly, it is concluded that the application of the exempt milk provisions to receipts of bulk milk from nonfederally regulated plants should be discontinued. The unregulated dealer with inadequate facilities, who relies on other persons for his processing and packaging but desires to remain unregulated may do so by finding another unregulated dealer to perform such operations. In a similar manner multiple-plant handlers with both regulated and unregulated plants should not have the privilege of processing and packaging their unregulated milk in their regulated plants. If they desire to maintain Class I operations outside of the scope of regulation they must adjust their business so that the unregulated milk does not get into the regulated plants.

The exempt milk provisions should not provide the medium whereby multiple-plant handlers operating in two or more of the New England Federal order markets may manipulate blended prices as between orders. If in a handler's opinion undesirable price relationships develop between markets, corrective measures should be sought through amendment of the orders and not by price manipulations involving the abuse of the exempt milk provisions.

It is recognized that catastrophic conditions may render a plant temporarily unusable and a dealer may have to devise an emergency program for handling milk during such situations. It is believed that the orders should not deter handling of milk under such circumstances and accordingly it is proposed that the exempt milk definition should continue to cover movements of milk from an unregulated plant to a regulated plant, for processing and packaging, under such catastrophic conditions. However, the provision should not be applicable in the case of ordinary plant breakdowns or work stoppages, involving situations which are clearly the usual risk of any handler. These are readily distinguishable from extraordinary circumstances which are completely beyond the handler's control.

No change is being recommended with reference to the general application of the exempt milk provisions to dairy farmers. At the hearing proponents proposed that volume limitations similar to those proposed for producer-handlers be applied to exempt milk for dairy farmers. The imposition of volume limitations on producer-handlers is not being recommended on the basis of this hearing and hence it appears inappropriate to impose such limitations on dairy farmers who are not producer-handlers.

The exempt milk provisions should be amended to cover the return of all packaged fluid milk products, other than cream. There appears to be no basic reason for permitting the exempt milk provisions to apply to packaged milk but not to other Class I products.

Elsewhere in this recommended decision it is concluded that producer-handlers' bulk deliveries to other types of handlers, other than of exempt milk, should be treated as outside milk. Parallel treatment would seem to require that any excess milk of those dairy farmers who do not operate plants but who make use of the exempt milk provisions in distributing Class I milk in the marketing area should also be treated as outside milk. However, it must be recognized that a dairy farmer without a plant does not have handler status and is not required to keep records and make reports to the market administrator. The market administrator has no satisfactory means of determining that an individual delivering exempt milk as a dairy farmer did not also deliver additional milk in the status of a producer either to the same handler or to another handler. In any event the volume of milk which might be so delivered is apparently negligible and it is concluded that no change need be made in this regard.

6. *Revision of the classification and assignment provisions with reference to milk moving between the four markets.* The orders should be amended to provide that fluid milk products, other than cream, moved in packaged form from a regulated plant under one of these orders to a regulated plant under another of these orders, or sold directly to consumers in another marketing area regulated under one of these orders, shall be assigned to Class I milk and credited to the market from which it originates.

The several New England orders operating under marketwide pooling arrangement are generally so constructed as to permit free movement of milk between markets. If a handler in one of these markets extends his operations to another federally regulated market such sales should be considered as a part of the fluid milk sales for which producers in his market receive the Class I price. To permit unrestricted competition for sales among handlers, all of whose milk is priced and regulated on a uniform basis, full reciprocity in the movement of packaged milk as between regulated plants in the four markets and on sales direct to consumers in another marketing area should be provided.

The orders should permit free movement of Class I milk in packaged form between regulated markets. Adoption of this principle will permit handlers in the Merrimack Valley, Springfield, or Worcester markets to supply Class I milk in packaged form to Boston regulated plants as well as to regulated plants under the other secondary orders. Such handlers will also be able to make direct sales to consumers in all the other marketing areas and have the Class I sales credited to their own market. Boston handlers already enjoy this privilege in the secondary markets with the exception of sales directly to consumers in the Springfield marketing area. In effect, this amendment will change the emphasis in determining classification of milk moved between regulated markets from sales "directly to consumers" to sales "in packaged form".

Bulk milk will continue to be classified and assigned as heretofore, except that the exempt milk provisions will no longer apply to receipts of such milk from unregulated plants. The classification and assignment provisions of the present orders are clear and well integrated as they relate to bulk milk movements between regulated markets. Packaged milk, on the other hand, will be considered as Class I milk and credited to the market from which it originates.

In view of the recommended difference in treatment between bulk product and packaged product, a definition of the term "packaged fluid milk products" should be included in the order. It is intended that such term include all fluid milk products in any container in which it was delivered to the consumer, regardless of size.

7. *Consideration of an equalization payment under the Boston order on Class I milk received from other Federal order plants.* No provision should be made in the Boston order for equalization payments on milk moved to the Greater Boston marketing area from other federally regulated plants.

It was proposed that a provision similar to that currently provided in each of the secondary market orders be included in the Boston order. Proponents pointed out that Boston milk moving to New York and allocated to Class I under that order may be subject to an equalization payment and accordingly that similar treatment should be provided for New York milk moving to Boston. They further suggested that the procedure for equalizing payments as contained in the secondary market orders seemingly has been effective in offsetting inter-pool zone differential advantages without obstructing free and efficient movement of milk supplies between the several markets.

Under the terms of the various orders, the Secretary establishes prices to re-

flect the use value of the milk, which prices are intended to bring forth an adequate but not excessive supply of milk for the market. Under usual circumstances the difference in prices as between markets reflects only transportation differentials and the local supply-demand situation. It is intended that milk should move freely between markets in response to price differences due to changing supply-demand relationships.

Accordingly, it is concluded that no provision should be made for equalization payments on New York order milk disposed of in the Boston market.

It seems likely that this same principle would be equally applicable among all the New England orders. While the secondary market orders presently contain provisions for equalization payments between federally regulated markets these provisions were not an issue at the hearing and no change should be made on the basis of this record.

8. *Clarification of pooling status in the case of a plant moving from one regulated market to another.* The pool plant provisions of the secondary market orders should be revised to specify clearly under which secondary market order a plant will be pooled in the event that it meets the pooling requirements under more than one of such orders and to assure pool status during the flush months to a country plant which met all of the pooling requirements during the months of October through February but which was actually a pool plant under one of the other orders during any part of this period. In this regard it is concluded that a plant qualifying for pooling under more than one of the secondary market orders in any month should be pooled under that order for the market in which it does the greater volume of its Class I business.

Under the present provisions of each of the secondary market orders a basic requirement for pool status is that the plant not be operated as a pool plant under either the Boston, New York or the other two secondary market orders. Each order also provides minimum shipping requirements which a county plant must meet to qualify for pooling during the October-February period and a plant qualifying in each of the months of October through February may be pooled during the months of March through September without making shipments to the market. Under these provisions it is possible for a plant to qualify for pooling in any one month under more than one order by virtue of its shipments or direct Class I disposition in the marketing area. In such eventuality the orders give no direction for determining under which order the plant should be permitted pool status. While this has not yet become an actual problem, the emphasis on centralized processing and packaging operations and other efficiencies in transportation and distribution make it a strong possibility.

A country plant which continuously meets all the pooling requirements of a particular order should not lose its pooling status in the market in the months of March through September solely by virtue of the fact that its shipments into one of the other marketing areas in one or more months of October through February were greater than into such market where it normally associates.

The proposal made at the hearing would provide a designated priority of pooling for plants qualifying under more than one order. It is concluded that a plant should more properly be pooled under the order for that market in which it disposes of the greater volume of Class I milk.

While the mileage limitation contained in the city plant definitions makes it unlikely that a city plant might qualify under more than one secondary market order it is concluded that the order should provide a basis for ascertaining under which order a plant should be pooled if such situation should occur. Again, the principle of association with the market in which the greater volume of Class I business is done should be controlling.

The changes proposed herein are not intended in any way to change a plant's pooling status relative to the New York or Boston orders.

9. *Revision of the "distributing plant" definition under the Boston order.* The definition of the term "distributing plant" in the Boston order should be revised to provide a tolerance for casual or accidental Class I distribution to consumers in the Boston marketing area by a regulated secondary market order plant, to avoid unintentional pooling of such secondary market plant under the Boston order. Such tolerance should not be applicable to plants which are not regulated by any of the secondary market orders.

The Boston order contains a provision under which a plant can be designated as a nonpool plant, but this provision applies only to nondistributing plants. A handler who wishes to avoid the pooling of any of his plants under the order can do so by requesting nonpool plant designation of such plants by the market administrator. This designation cannot be applicable to any plant from which Class I milk, in the form of milk, was disposed of directly to consumers in the marketing area, because the plant thereby would have met the definition of a "distributing plant". No quantity tolerance of any kind, so far as such direct distribution is concerned, is presently contained in the definition of the term "distributing plant."

The proposal for a small tolerance was made by a handler with multiple plant operations which include regulated plants in both the Boston and secondary market orders as well as unregulated plants. To provide greater operating efficiencies this company centralizes certain packaging operations and as a result packaged milk may move from its secondary market plants to its Boston order plants. If a single quart of such milk, through error, should be delivered to a customer in the Boston marketing area without intermediate movement to a Boston plant, the secondary market plant would very probably become subject to pooling under the Boston order. Such unintentional pooling could bring about a substantial difference in blend prices to producers under the several orders and possibly disrupt orderly marketing in the area.

The proponent requested a two percent tolerance but did not limit his request to secondary market plants. It is concluded that this tolerance should not apply to plants which are not regulated under any of these orders but that it would be appropriate and would give ample protection in the case of regulated plants under the secondary market orders, without invalidating the principle that the Boston order shall have prior claim in pooling any plant doing a significant business in the Boston marketing area.

A handler with a single plant operation must dispose of more than 10 percent of his receipts as Class I milk in the marketing area before becoming fully regulated and therefore it is unlikely that accidental sales in the area will have this result. The multiple plant operator has the privilege of pooling part or all of his operation if he meets this 10 percent requirement and also meets the specified shipping requirements for each plant. On the other hand, each of such a handler's plants can much more readily become a pool plant. If such handler does not choose to pool his entire operation he may file a request for nonpool designation of certain plants. Even if he does file such a request a casual disposition of Class I milk directly to consumers in the marketing area from a plant which was ordinarily an unregulated plant might bring such plant under full regulation. A multiple plant operator is given a considerable amount of freedom in deciding whethor or not to pool his entire operation and he must accept the full responsibility for protecting his unregulated plants from regulation. Ordinarily, a handler maintains unregulated plant status for one or more of his plants because of the financial advantages associated with that status. Hence, the pooling of a plant which is normally an unregulated plant would not adversely affect the pool in the great majority of cases, and would continue to assure uniform pricing among handlers. Therefore, no concession should be granted in the case of unregulated distributing plants to protect their status as unregulated plants.

10. *Revise the country receiving plant qualifications under the Merrimack Valley order.* The pooling provisions under the Merrimack Valley order should be amended to permit a country plant which processes and packages Class I milk for sale in the marketing area to qualify as a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk. The permissive deduction of Class I sales made directly to consumers outside the marketing area before determining utilization for pooling requirements should be deleted. There was no proposal in the notice of hearing to change the 30 percent shipping requirements applicable to the usual country plants and no change should be made in that regard.

Under the present provisions of the order, 30 percent of a country plant's total receipts, after deducting Class I sales direct to consumers outside the marketing area, must be disposed of directly to consumers in the marketing area as Class I milk or be shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk. The order also provides that any country plant which is a pool plant continuously in each of the months of October through February shall be a pool plant continuously for the following months of March through September regardless of the quantity then disposed of in the marketing area. This 30 percent requirement was temporarily reduced by suspension action to 10 percent to protect the pooling status of a plant presently associated with the market, until there could be a review of the pooling requirements at a public hearing.

It was proposed at the hearing that each country receiving plant located within 40 miles of the marketing area, and processing and packaging fluid milk products for distribution direct to consumers and/or through other handlers shall be a pool plant in any month in which the quantity of fluid milk products, other than cream, disposed of in the marketing area as Class I milk, is at least 10 percent of its total receipts of fluid milk products, other than cream. No proposal was made for changing the 30 percent standard as it would apply to the usual type of supply plant. The Manchester Dairy System, proponent of the proposal, is a country plant with processing and packaging facilities. Manchester Dairy System makes substantial Class I sales in packaged form to other regulated handlers in the marketing area. It also makes sales in bulk to such handlers. In addition, it makes sales to unregulated plants and direct sales to consumers outside the marketing area.

The Manchester Dairy System has been continuously associated with the Merrimack Valley market since prior to the inception of Federal regulation of the market. Pooling requirements as they affect Manchester Dairy System have been an issue at several previous hearings and the amendment to the order effective September 1, 1952 which permitted a country plant to deduct Class I sales to consumers outside the marketing area from total receipts prior to the determination of Class I business done in the marketing area was made to facilitate Manchester Dairy System's continued qualification. The suspension order issued September 14, 1956, was also made to assure Manchester continued pooling status pending review of the problem at this hearing.

The difficulties of the Manchester Dairy System in meeting the pooling requirements of the order are primarily centered in the fact that it has no direct distribution in the marketing area but has acted primarily as a servicing agent for other regulated handlers. Business gained in earlier years by acting as a supplier of packaged milk and bulk milk to other regulated handlers has substantially diminished as the distributing handlers have installed their own facilities or have changed to other sources of supply. Up to the present time the Manchester Dairy System has been able to meet the pooling requirements, but its continued ability to do so is problematical.

A country plant, under the definition of that term in the order is any plant which is located beyond 10 miles of the marketing area, and conversely a city plant is a plant located within 10 miles of the marketing area. Under usual circumstances, a country plant is merely a supply plant doing no processing and packaging of milk for fluid distribution whereas a city plant usually does perform such operations and distributes Class I milk in the marketing area. Any country plant, such as that of Manchester Dairy System, whose operations are similar to those of city plants should be permitted to qualify for pooling on a basis similar to that for city plants. However, such a country plant should no longer be permitted to qualify for pooling in the flush months on the basis of its continuous pool plant status during the short season, but should be required to qualify on the basis of Class I distribution in the marketing area in each month in the same manner as city plants.

Question was raised at the hearing as to whether a country plant should be entitled to the zone price differentials applicable to country plants if it is permitted to pool on performance standards similar to those for city plants. The changes herein proposed will in no way affect the cost of transporting milk to the market and the zone price differentials should be equally applicable under the revised standard.

11. *Other changes.* Minor amendments to the Boston order should be made so as to insure that plants, coming under regulation because of the addition of four towns to the marketing area on November 1, 1956, should be eligible for pooling in the 1957 flush season if they continuously meet all of the pooling requirements from that date. The status as producers of dairy farmers delivering to such plants should also be preserved for the 1957 flush season.

The administration assessment provisions of the Merrimack Valley order should be extended so as to apply to handlers' receipts of exempt milk processed at regulated plants. The administrative cost in the verification of such exempt milk is equally as great as that applicable to other milk to which the assessment applies. The recommended change will also provide uniformity of treatment under the New England orders.

General findings. (a) The proposed marketing agreements and the orders, now in effect, and as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreements and orders, as amended, and as hereby proposed to be amended, regulate the handling of milk in the same manner as, and are applicable to persons in the respective classes of industrial and commercial activity, specified in a proposed marketing agreement and order upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the respective marketing areas; and the minimum prices specified in the proposed marketing agreements and in the orders, as amended, and as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in each of said marketing areas, respectively, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of interested parties. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied.

Recommended marketing agreements and orders. The following proposed orders, amending the orders as amended, are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreements are not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed amending orders:

Boston order:

1. Add a new sentence at the end of § 904.2 (d) to read as follows: "With respect to the months of April through June 1957, the term shall not include any dairy farmer from whom the handler's receipts of nonpool milk during the months of July through October 1956 consisted only of milk received at a plant which became subject to this order as a result of the extension of the marketing area to include the towns of Framingham, Natick, Wayland, and Weston."

2. Delete the first sentence of § 904.2 (e) and substitute the following: "'Producer' means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler."

3. Delete § 904.2 (i) and substitute the following:

(i) "Producer-handler" means any dairy farmer who receives milk of his own production only from farms located within 80 miles of the State House in Boston and operates a processing and packaging plant from which Class I milk is disposed of in the marketing area; and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

4. Delete the period at the end of § 904.3 (g) and add the following: ": *Provided*, That in the case of a plant which would lose its pool plant status under another Federal order by meeting the definition of a distributing plant under this order, the term shall apply only if such Class I disposition to consumers in the marketing area exceeds two percent of its total receipts of fluid milk products other than cream."

5. In § 904.4 (g) (1) delete the semicolon at the end of § 904.4 (g) (1) and add the following: "and any fluid milk products, other than cream, and other than milk which meets the definition of exempt milk, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler."

6. In § 904.4 (g) (2) delete the word "and" after the words "emergency milk", and the semicolon (;) after the phrase "pursuant to § 904.27" and add the following: ", and receipts of packaged fluid milk products from any plant which is a regulated plant under the provisions of the Merrimack Valley, Springfield, or Worcester orders;"

7. In § 904.4 (g) (3) insert immediately after the words "Merrimack Valley" the following: ", Springfield"

8. Delete § 904.4 (i) and substitute the following:

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month; or

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of a fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Packaged fluid milk products, other than cream, received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

9. In § 904.4 add a new paragraph (k) to read as follows:

(k) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

10. In § 904.21 (c) delete the word "distributing" as it occurs immediately following the words "each city".

11. In § 904.21 (f) delete the figure "1956" and substitute therefor the figure "1957".

12. Delete § 904.29 (c).

13. In § 904.41 (b) delete the word "solids" following the words "spray process nonfat dry milk".

14. Delete paragraph (d) (1) of § 904.41 and substitute the following:

(1) Adjust the average price for milk for manufacturing purposes, f. o. b. plants United States, as reported on a preliminary basis by the United States Department of Agriculture for the month by subtracting for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.7 percent, an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the United States Department of Agriculture.

15. Revise the table set forth in § 904.41 (d) (2) to read as follows:

Month:	*Amount (cents)*
January	+15
February	+14
March	−03
April	−07
May	−10
June	−09
July	+10
August	+19
September	+16
October	+18
November	+19
December	+19

16. Delete all of § 904.44 and substitute the following:

§ 904.44 *Butter and cheese adjustment.* During the months of April, May, June, and July, in which the Class II price is computed pursuant to § 904.41 (c), the value of a pool handler's milk computed pursuant to § 904.50 shall be reduced by an amount determined as follows:

(a) Subtract from the price computed pursuant to § 904.41 (c) the price computed pursuant to § 904.41 (d) and divide by 3.7. The result is the butter and cheese differential.

(b) Determine the pounds of butterfat in Class II milk received from producers, which was processed into salted butter, Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part skim Cheddar cheese at a plant of the first handler of such butterfat or at a plant of a second person to which such butterfat was moved.

(c) Subtract, such portion of the quantity determined in paragrah (b) of this section as was made into salted butter and disposed of by the handler or such second person in a form other than salted butter.

(d) Multiply the remaining pounds of butterfat determined pursuant to paragraph (c) of this section by the butter and cheese differential determined pursuant to paragraph (a) of this section.

17. In § 904.63 delete the word "Chicago" as it appears immediately following the words "for Grade A (92-score) butter at wholesale in the" and substitute the word "New York".

18. In § 904.65 (a) (1) insert the words "or producer-handler's plant" immediately after the words "unregulated plant".

19. Delete § 904.65 (a) (2) and substitute the following:

(2) On outside milk received at any regulated plant from an unregulated plant or producer-handler's plant located in Maine, the payment shall be at the difference between the price pursuant § 904.40 applicable at the zone location of the Maine plant and the lesser of either the simple average for the month of the lowest minimum semimonthly prices for Class II milk containing 3.7 percent butterfat which are established by the Maine Milk Commission for the market in which such Maine plant is located or the price determined pursuant to § 904.41 applicable at the zone location of such plant.

20. In § 904.65 (a) (3) insert the words "or producer-handler's plant" immediately after the words "unregulated plant" in both instances in which they appear in the subparagraph.

Merrimack Valley Order:

1. Delete the phrase "under the Boston order," as it appears at the end of § 934.2 (d) and substitute therefor the words "under the Boston, Worcester, or Springfield orders."

2. Delete the first sentence of § 934.3 (e) and substitute therefor the following: " 'Producer' means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler."

3. Delete § 934.2 (i) and substitute therefor the following:

(i) "Producer-handler" means any dairy farmer who operates a processing and packaging plant from which Class I milk is disposed of in the marketing area, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers,

4. In § 934.3 (e) change the section references "934.20, 934.21 and 934.22" to read "934.20, 934.21, 934.22 and 934.23".

5. Delete the semicolon at the end of subparagraph (1) of § 934.4 (g) and add the following: "and any fluid milk products, other than cream, and other than milk which meets the definition of exempt milk, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler."

6. In § 934.4 (g) (3) insert a comma (,) immediately following the word "Boston" and add thereafter the word "Springfield".

7. Delete § 934.4 (i) and substitute therefor the following:

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month; or

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Packaged fluid milk products, other than cream, received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

8. In § 934.4 insert a new paragraph (j) as follows:

(j) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

9. Delete § 934.16 (d) and substitute the following:

(d) If moved to a plant subject to the Boston order, or moved in bulk to a plant subject to the Worcester or Springfield orders they shall be classified in the class to which the receipt is assigned under such other order.

10. Renumber § 934.16 (e) as (f) and insert a new paragraph (e) to read as follows:

(e) If moved in packaged form to a plant subject to the Worcester or Springfield orders, they shall be classified as Class I milk.

11. Delete § 934.20 and substitute therefor the following:

§ 934.20 *Basic requirements for pool plant status.* Subject to the provisions of § 934.23, each receiving plant shall be a pool plant in each month in which it meets the applicable requirements of §§ 934.21 or 934.22, together with the following basic requirements.

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

12. Delete § 934.22 and substitute therefor a new § 934.22 to read as follows:

§ 934.22 *Additional requirements for country pool plants.* (a) Any country plant at which fluid milk products regularly are processed and packaged for disposition in the marketing area as Class I milk shall be a pool plant in any month in which at least 10 percent of the plant's total receipts of fluid milk products, other than cream, is disposed of in the marketing area as Class I milk.

(b) Any country plant which does not meet the requirements of paragraph (a) of this section shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of directly to consumers in the marketing area as Class I milk or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(c) Any country plant which meets the pool plant requirements under this order during each of the months of October through February and which is a pool plant under this order or under the Boston, Worcester, or Springfield orders during each of such months except a plant which is a pool plant under paragraph (a) of this section, shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's request for pool plant status for such seven-month period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

13. Add a new § 934.23 to read as follows:

§ 934.23 *Conditions resulting in nonpool plant status.* Any plant shall be a nonpool plant in any month in which any of the following conditions apply:

(a) The plant has the status of a pool plant under the provisions of the Boston, New York, or Worcester orders.

(b) The plant is operated by a handler in his capacity as a producer-handler.

(c) The plant also meets all the applicable pooling requirements of the Springfield order and the combined quantity of Class I milk disposed of in the Springfield marketing area directly to consumers, and of milk shipped to Springfield city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk, exceeds the combined quantity of such disposition and shipments in the Merrimack Valley marketing area.

(d) Except as provided in § 934.22 (b) each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler.

14. In § 934.27 (b) insert after the word "Receipts" the phrase "in bulk".

15. Renumber § 934.27 (c) as (d) and insert a new paragraph (c) to read as follows:

(c) Receipts in packaged form of fluid milk products, other than cream, from regulated plants under the Worcester or Springfield orders shall be assigned to Class I milk.

16. Delete § 934.50 (g).

17. In § 934.72 insert after the words "receipts from his own production" the words "receipts of exempt milk processed at a regulated plant,".

Springfield order:

1. Delete the phrase "under the Boston order" as it appears at the end of § 996.2 (d) and substitute therefor the words "under the Boston, Merrimack Valley, or Worcester orders".

2. Delete the first sentence of § 996.2 (e) and substitute therefor the following: " 'Producer' means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler."

3. Delete § 996.2 (i) and substitute therefor the following:

(i) "Producer-handler" means any dairy farmer who operates a processing and packaging plant from which Class I milk is disposed of in the marketing area, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

4. In § 996.3 (e) change the section references "996.20, 996.21, and 996.22" to read "996.20, 996.21, 996.22 and 996.23".

5. Delete the semicolon at the end of subparagraph (1) of § 996.4 (g) and add the following: "and any fluid milk products, other than cream, and other than milk which meets the definition of exempt milk, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler."

6. In § 996.4 (g) (3) delete the phrase "under the Worcester order" and substitute therefor the words "under the Boston, Merrimack Valley, or Worcester orders".

7. Delete § 996.4 (i) and substitute the following:

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month; or

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Packaged fluid milk products, other than cream, received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

8. In § 996.4 insert a new paragraph (j) as follows:

(j) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

9. In § 996.16 (d) delete the phrase "If moved to a plant subject to the New York, Boston, Merrimack Valley, or Worcester orders" and substitute therefor the phrase "If moved to a plant subject to the New York or Boston orders."

10. Renumber § 996.16 (e) as (f) and insert a new paragraph (e) to read as follows:

(e) If moved to a plant subject to the Merrimack Valley or Worcester orders, they shall be classified in the class to which they are assigned under such other order, except that if moved in packaged form they shall be classified as Class I milk.

11. Delete § 996.20 and substitute therefor the following:

§ 996.20 *Basic requirements for pool plant status.* Subject to the provisions of § 996.23, each receiving plant shall be a pool plant in each month in which it meets the applicable requirements of §§ 996.21 or 996.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issues pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

12. Delete § 996.22 and substitute therefor a new § 996.22 to read as follows:

§ 996.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 30 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which meets the pool plant requirements under this order during each of the months of October through February and which is a pool plant under this order or under the Boston, Merrimack Valley, or Worcester orders during each of such months shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

13. Add a new § 996.23 to read as follows:

§ 996.23 *Conditions resulting in nonpool plant status.* Any plant shall be a nonpool plant in any month in which any of the following conditions apply:

(a) The plant has the status of a pool plant under the provisions of the Boston, New York, or Worcester orders.

(b) The plant is operated by a handler in his capacity as a producer-handler.

(c) The plant also meets all the applicable pooling requirements of the Merrimack Valley order, and the combined quantity of Class I milk disposed in the Merrimack Valley marketing area directly to consumers, and of milk shipped to Merrimack Valley city plants at which more than 50 percent of the total receipts of fluid milk products other than cream is disposed of as Class I milk, exceeds the combined quantity of such disposition and shipments in the Springfield marketing area.

(d) Each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler.

14. In § 996.27 (b) insert after the word "Receipts" the phrase "in bulk".

15. Renumber § 996.27 (c) as (d) and insert a new paragraph (c) to read as follows:

(c) Receipts in packaged form of fluid milk products, other than cream, from regulated plants under the Merrimack Valley or Worcester orders shall be assigned to Class I milk.

Worcester order:

1. Delete the first sentence of § 999.2 (e) and substitute the following: " 'Producer' means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler."

2. Delete § 999.2 (i) and substitute the following:

(i) "Producer-handler" means any dairy farmer who operates a processing and packaging plant from which Class I milk is disposed of in the marketing area, and who receives no milk, other than exempt milk, from other dairy farmers except producer-handlers.

3. In § 999.3 (e) change the section references "999.20, 999.21, and 999.22" to read "999.20, 999.21, 999.22 and 999.23".

4. Delete the semicolon at the end of subparagraph (1) of § 999.4 (g) and add the following: "and any fluid milk products, other than cream, and other than milk which meets the definition of exempt milk, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler."

5. Delete § 999.4 (i) and substitute the following:

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an eqivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month; or

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the handler's control; or

(3) Packaged fluid milk products, other than cream, received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

6. In § 999.4 insert a new paragraph (j) as follows:

(j) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

7. In § 999.16 (d) delete the phrase "If moved to a plant subject to the New York, Boston, Merrimack Valley, or Springfield orders" and substitute therefor the phrase "If moved to a plant subject to the New York or Boston orders".

8. Renumber § 999.16 (e) as (f) and insert a new paragraph (e) to read as follows:

(e) If moved to a plant subject to the Merrimack Valley or Springfield orders, they shall be classified in the class to which they are assigned under such other order, except that if moved in packaged form they shall be classified as Class I milk.

9. Delete § 999.20 and substitute therefor the following:

§ 999.20 *Basic requirements for pool plant status.* Subject to the provisions of § 999.23, each receiving plant shall be a pool plant in each month in which it meets the applicable requirements of §§ 999.21 or 999.22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued pursuant to Chapter 94, sections 16C and 16G, of the Massachusetts General Laws.

(b) The handler operating the plant holds a license which has been issued by the milk inspector of a city or town in the marketing area, pursuant to Chapter 94, section 40, of the Massachusetts General Laws, or a majority of the dairy farmers delivering milk to the plant are approved by such an inspector as sources of supply for milk for sale in his municipality.

10. Delete § 999.22 and substitute therefor a new § 999.22 to read as follows:

§ 999.22 *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which meets the pool plant requirements under this order during each of the months of October through February and which is a pool plant under this part or under the Boston order during each of such months shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven-months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

11. Add a new § 999.23 to read as follows:

§ 999.23 *Conditions resulting in nonpool plant status.* Any plant shall be a nonpool plant in any month in which the following conditions apply:

(a) The plant has the status of a pool plant under the provisions of the Boston or New York orders.

(b) The plant is operated by a handler in his capacity as a producer-handler.

(c) Except as provided in § 999.22 (b), each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler.

12. In § 999.27 (b) insert after the word "Receipts" the phrase "in bulk".

13. Renumber § 999.27 (c) as (d) and insert a new paragraph (c) to read as follows:

(c) Receipts in packaged form of fluid milk products, other than cream, from regulated plants under the Merrimack Valley or Springfield orders shall be assigned to Class I milk.

Issued at Washington, D. C., this 5th day of March 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1787; Filed, Mar. 7, 1957; 8:54 a. m.]

Agricultural Research Service

[9 CFR Part 131]

[Docket No. A016-A5]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF REOPENING OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.) and the rules of practice and procedure governing formulation of Marketing Agreements and Marketing Orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given that the hearing held in Kansas City, Missouri, on July 23, 1956, on proposed amendments to the marketing agreement and to the order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus, pursuant to notice duly published in the FEDERAL REGISTER (21 F. R. 4519), is hereby reopened for the purpose and to the extent hereinafter set forth. The reopened hearing will be held in the United States Courts Building, Court Room of the U. S. Court of Appeals for the Eighth Circuit, Sixth Floor, 811 Grand Avenue, Kansas City, Missouri, on Monday, April 15, 1957, beginning at 10:00 a. m., c. s. t.

The purpose of the reopened hearing is afford interested parties opportunity to submit additional evidence with respect to the proposed provision regarding "bids" contained in Proposal No. 5 of the aforesaid notice of hearing, and the recommended findings, conclusions and proposed order provision with respect thereto issued by the Acting Chief, Animal Inspection and Quarantine Branch, on October 22, 1956 (21 F. R. 8326). Evidence also will be received in regard to the submission by handlers of sealed bids at other than posted prices in response to public invitations to bid issued by Federal or State agencies who are classified as "wholesalers" under the order. The reopened hearing will be confined to evidence on the foregoing issues regarding "bids". Evidence on other issues will not be received.

Copies of this notice of reopening of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington, D. C., or may there be inspected.

Done at Washington, D. C. this 5th day of March 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-1789, Filed, Mar. 7, 1957; 8:54 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[46 CFR Part 235]

[Docket No. 789]

FILING OF FREIGHT RATES IN FOREIGN IMPORT COMMERCE OF THE UNITED STATES

AMENDMENT TO NOTICE OF ORAL ARGUMENT

The notice of oral argument in this docket which was served February 28, 1957 is hereby amended so that the last two paragraphs thereof will read as follows:

Now therefore, notice is hereby given that oral argument will be heard by the Board, on March 19, 1957, beginning at 9:30 a. m., in Room 4519 New G. A. O. Building, 441 G Street NW., Washington, D. C., with respect to (1) whether the Board has statutory authority to issue the proposed rule, and (2) any other question germane to such rule and/or the issuance thereof, on which respondents and other interested persons may desire to be heard.

All respondents and other interested persons in this proceeding are requested to notify the Secretary, Federal Maritime Board, Washington, D. C. immediately whether they will participate in the oral argument and, if so, the amount of time desired for argument.

Dated: March 6, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-1821; Filed, Mar. 8, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11754; FCC 57-184]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Madison, Wisconsin-Rockford, Illinois-Fond du Lac, Wisconsin.

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on June 26, 1956 (FCC 56-595) proposing to change the noncommercial educational assignment at Madison, Wisconsin, from Channel 21 to Channel 3 by making the following changes in the Table of Assignments for Television Broadcast Stations (§ 3.606 of the Commission's rules):

City	Channel No.	
	Present	Proposed
Madison, Wis.	3, *21, 27, 33	*3, 21, 27, 33

*Reserved for educational use.

The Commission also has under consideration (see Memorandum Opinion and Order, released October 22, 1956, FCC 56–1008) a counterproposal submitted by Winnebago Television Corporation, permittee of Station WTVO, operating on Channel 39 at Rockford, Illinois, proposing to shift Channel 3 from Madison to Rockford by making the following changes in the Table of Assignments: [1]

City	Channel No.	
	Present	Proposed
Madison, Wis.	3, *21, 27, 33	*21, 27, 33, 39
Rockford, Ill.	13, 39, *45	3, 13, *45
Fond du Lac, Wis.	54	68

*Reserved for educational use.

2. Comments were filed by the following interested parties: Radio Wisconsin, Inc., permittee of Station WISC–TV, Channel 3 at Madison, and the Wisconsin Committee to Save Existing Rural Television Service opposed any change in the Table of Assignments. Bartell Television Corporation, operator of Station WMTV, Channel 33 at Madison, and the Joint Council on Educational Television supported the change in the educational reservation in Madison to Channel 3 as proposed by the Commission. Monona Broadcasting Company, permittee of Station WKOW–TV, Channel 27 at Madison, also supported the Commission's proposal, and indicated a conditional approval of the counterproposal to shift Channel 3 to Rockford. Winnebago Television Corporation, operator of Station WTVO, Channel 39 at Rockford, Illinois, and the American Broadcasting Company urged that Channel 3 be deleted from Madison and assigned to Rockford.

3. On December 28, 1956, the last day for filing reply comments in this proceeding, the Wisconsin State Radio Council, licensee of Station WHA–TV, a noncommercial educational television station operating on Channel 21 at Madison, filed a pleading captioned as a "Reply" and described in the body thereof as "its reply as to why said respondent's outstanding authorization should not be modified to specify operation on Channel 3 in place of Channel 21." The Council referred to its participation in prior proceedings (Dockets numbered 8736, 8975, 8976, 9175, 11335) as indicating its position to be that it favored VHF over UHF for educational purposes and that it did not object to a shift from Channel 21 to Channel 3 if funds could be procured to cover the expense involved, and stated that it has taken no action to indicate a change in its position. Contending that the pleading was not a reply comment, since it replies to nothing, and that as an original comment it was untimely filed, Radio Wisconsin (WISC–TV) has filed a motion to dismiss the "Reply". We do not see how Radio Wisconsin, of all the parties in this proceeding, could possibly be prejudiced by our consideration of the document. Moreover, we are of the view that the "Reply" of the State Council serves as a basis for evaluation of the conflicting claims by Radio Wisconsin and the proponents of the Commission's proposal as to the use that would be made of Channel 3 for educational purposes if the Commission's proposal should be finalized, and that it therefore should properly be treated as a reply comment in this proceeding.

4. We look upon the "Reply" of the State Council as merely a statement that it would like to shift its operation from Channel 21 to Channel 3 if it could afford the expense involved in the move. This statement, in the context of the circumstances, leads only to the conclusion that it would not be in the public interest to effectuate any change in the Madison educational reservation. Station WHA–TV presently operates with low power (10.7 kw with an antenna height of 230 feet above average terrain) and is on the air only 20 hours per week, 4 hours per day Monday through Friday. There is no indication of any possibility that funds would be available in the reasonably near future for either improvement of the technical facilities or extension of the broadcast day. Indeed, all the indications are to the contrary, since in 1955 the people of Wisconsin overwhelmingly rejected a referendum proposal to establish a statewide educational network. Quite obviously, the operation of Station WHA–TV is a holding operation, with little or no likelihood that the State Radio Council could find the means to convert the station for operation on Channel 3. Thus, since adoption of the Commission's proposal would require the station to cease operation on Channel 21 and operate on Channel 3 or not at all, a change in the authorized assignment could well be the death knell of educational television in Madison. Clearly, the public interest would not be served by further consideration of the proposal, and we shall pass to the consideration of the counterproposal to shift Channel 3 to Rockford.

5. As we noted in our Report and Order of June 26, 1956 (FCC 56–587) in the general television allocation proceeding in Docket No. 11532, because of the widely varying circumstances in individual markets and the numerous factors bearing on the choice of techniques in any individual community or area, it is impossible to formulate rigid criteria in order to indicate the course that would best serve the public interest for each community. We did conclude, however, that certain considerations would have a bearing on our decisions in the individual cities. We stated that in markets with one or more commercial VHF, the merits of proposals to eliminate a VHF commercial assignment would depend to a large extent on such factors as:

1. Whether significant numbers of people would lack service as a result of the elimination of the VHF channel.
2. Whether one or more UHF stations are operating in the area.
3. Whether a reasonably high proportion of the sets in use can receive UHF signals.
4. Whether the terrain is reasonably favorable for UHF coverage.
5. Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

Similarly, we noted that the desirability of assigning additional VHF channels to communities would depend principally upon such factors as:

1. Whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings.
2. Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.
3. Whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

We will consider the proposal to shift Channel 3 to Rockford in the light of those factors.

6. Madison is located in Dane County in the south central part of Wisconsin, is rated as the 102nd market, and has a population of 96,056 and a metropolitan area population of 169,357. There are now operating in Madison one VHF television station and three UHF stations, one of which is non-commercial educational. The VHF station (WISC–TV) commenced operation in June 1956, while the UHF commercial stations (WKOW–TV and WMTV) have been on the air since 1953. It is agreed that about 99 percent of the television sets in Madison and Dane County can receive UHF signals, and only all-channel sets are being sold in the Madison area.

7. No Grade B signals, other than from the local stations, are received in Madison. However, to the east a substantial portion of the service areas of the Madison UHF stations receives Grade B service from VHF stations in Milwaukee, while to the south VHF Station WREX, Rockford, Illinois, provides Grade B service to a substantial area also served by the Madison UHF stations. To the north and west of the city, Grade B contours of the UHF stations are not subjected to any invasion of Grade B signals except for a slight penetration from Station WKBT, La Crosse, Wisconsin. While it is clear that the terrain to the east and southeast of Madison is relatively smooth and favorable for the propagation of UHF signals, the terrain to the north and west is rough and broken. As would normally be expected, and as

[1] As an alternative Winnebago urged in comments filed herein that, if Channel 3 is not assigned to Rockford, the Rockford area be deintermixed by deleting Channel 13. Since no other channel was proposed as a substitute for Channel 13 and no comments supporting this proposal were received, it will not be considered in this proceeding.

field intensity measurements made by the opposing parties show, the attenuation of the UHF signals in these areas is greater than in the area to the east. At the same time, the population in these areas is more scattered and communities that could be expected to support television stations under present conditions are few and far between, as is well demonstrated by the fact that within a triangle bounded by Madison, La Crosse and Dubuque, Iowa, only one commercial allocation has been made, i. e., Channel 15 at Richland Center, population of 4,608, located about 55 miles from both La Crosse and Madison. It is in this area to the north and west of Madison that "white area" would be expected if Channel 3 should be deleted from Madison.

8. Since any computation of the area and population that would lose service by the deletion of Channel 3 from Madison must of necessity be grounded on so many variables and assumptions, including antenna heights and operating powers to be employed in the future and additional stations that might take the air, no precise computations can be made. The problem is made more complex by the fact that the propagation curves presently available and known methods of computation do not lend themselves to precise determinations of coverage at specific locations. Even field intensity measurements are not a complete answer to the problem, since different techniques and methods in the taking of measurements and their analysis can lead to widely varying results. Thus, any computation of "white area" is largely a matter of judgment in which individuals may reasonably differ. This is especially so when, as here, the "white area" calculations are based on a combination of measurements and computations from average propagation curves.

9. All parties agree that WISC–TV has been providing the only Grade B service to an area about 50 miles north of Madison and to another area about 50 miles southwest of the city. But there is a very wide discrepancy between the claims of the opposing parties as to the extent of these areas. The discrepancy results from differences of from 15 to 20 miles in the radii of coverage of one of the UHF stations as measured by the opposing parties. Thus, Monona Broadcasting Company has computed these "white areas" to be a total of 1,163 square miles with a population of 26,629, while Radio Wisconsin (WISC–TV) has computed the "white areas" to be a total of 3,164 square miles with a population of 102,159. Each party concedes that the difference in their results is quite substantial and cannot be explained by normally expected differences in techniques or equipment. Each party has alleged various defects in the method used by the other. However, the principal controversy centers on the respective methods of calibration of the measuring equipment. In our opinion the method used by Monona involves numerous opportunities for misleading results. In any event, since the measured fields of Monona are so much greater than indicated by our rules and by measurements made by others in similar terrain, and since in many instances the measured fields are greater than free-space fields as far as 20 miles from the UHF transmitter, they are in our opinion substantially too high, especially at distances beyond the radio horizon. On the other hand the WISC–TV measurements appear to coincide more closely with the best available data on UHF propagation. Accordingly, in the absence of disinterested measurements we feel warranted in relying to a greater extent on the measurements of WISC–TV.[2]

10. The operation of a station on Channel 3 at Rockford, Illinois, would have no effect upon the "white area" to the north of Madison, which Monona and Winnebago Television Corporation (WTVO), through the same engineer, compute as 684 square miles with a population of 11,644, and which, of course, is estimated to be substantially greater by WISC–TV. As to the "white area" to the southwest of Madison, the proponents of deintermixture contend that this entire area would receive service from a station on Channel 3 at Rockford operating with maximum power and antenna height. On the other hand, WISC–TV estimates that the total white areas, including the area to the north of Madison, would be 1,672 square miles with a population of 59,233 if the Rockford station operated with maximum power and antenna height, and 2,143 square miles with a population of 74,345 if the Rockford station operated with 50 kw power and an antenna height of 650 feet. It is our judgment that the white area would more nearly approximate the calculations by WISC–TV. This judgment is based upon the considerations discussed in paragraph 9 and also upon the fact that terrain to the north and west of Madison is sufficiently rough to result in additional pockets of white area due to shadowing within the Grade B contours of the UHF stations as computed by the parties.

11. In recognition of the "white area" problem, Monona claims that on the basis of its measurements a UHF station operating in Madison with power of 1,000 kw and an antenna height of 1,200 feet would have greater coverage than WISC–TV as presently operating on Channel 3, thus eliminating any "white area" resulting from the deletion of Channel 3,[3] and asserts that, if Madison is deintermixed, it will improve its facilities to the extent indicated, or, in the alternative, will build satellite stations at Dubuque, Iowa and Portage, Wisconsin.[4] It also asserts that in addition it will operate such translators as may be necessary to replace any lost service not otherwise regained. Monona also contends that considerations of loss of service should not be limited to Grade B signals since satisfactory service is received beyond the Grade B contour, and that surveys have shown that in the "white areas" here involved many persons were receiving satisfactory service from one or more stations even before WISC–TV went on the air. Such considerations (service beyond Grade B contours and potential service from new or improved facilities) are by no means immaterial in allocation matters, but the weight to be given to such factors in a particular case will depend upon the evaluation of other more decisive factors, including the effects of the shift of a channel to another area, in this case Rockford.

12. Rockford is located in north central Illinois about 55 miles south of Madison and 79 miles northwest of Chicago. It is rated as the 112th market and has a population of 92,927 and a metropolitan area population of 152,385. It has been allocated and there are now operating one VHF station (WREX–TV) and one UHF station (WTVO). Station WTVO, the only UHF station operating in Northern Illinois, has been on the air since April 1953, while WREX–TV went on the air in September 1953. The only outside station which places a Grade B signal in the city of Rockford is WISC–TV. However, the Grade B service area of WTVO also receives Grade B service in part from VHF stations in Chicago, Milwaukee, Rock Island, and Davenport, Iowa, as well as from the UHF stations in Madison. Winnebago (WTVO) agrees that the conversion of sets for the reception of UHF signals is reasonably satisfactory in Rockford and the area between Rockford and Madison, but alleges that the picture is less favorable in other rural areas.

13. In order to maintain the required mileage separations from the transmitters of existing stations, the transmitter of a station operating on Channel 3 at Rockford would have to be located at some distance from the city in the direction of Madison. If located as far as possible from Madison (43 miles) and operating at the maximum power and height, as proposed by Winnebago, its Grade A contour would be very close to the city of Madison, and its Grade B contour would overlap practically all of the Grade B contours of the Madison UHF stations. Under the Commission's rules the transmitter could be located within 33 miles of Madison, in which event the city of Madison would be within the Grade A contour. If a station operating on Channel 3 at Rockford operated with less than the maximum facilities, it would still provide acceptable service to Madison and its immediate area, and would not fill in as much "white area" to the southwest of the city.

14. A Channel 3 station at Rockford operating at maximum power and height would, according to Winnebago, provide the first Grade B service to an area of 96 square miles with a population of 3,999 to the southeast of Rockford. In view of the much greater

[2] In its reply comments Monona requested that the measurements of WISC–TV and the computations based thereon be stricken from the record. Radio Wisconsin (WISC–TV) opposed this request. As indicated above, we deny Monona's request.

[3] WISC–TV disputes this claim and asserts that on the basis on its measurements a UHF station would have to utilize power far in excess of present maximum in order to fill in the white areas.

[4] In its reply comments Bartell Television Corporation (WMTV) indicated an intention to pursue a similar course of action.

"white area" which would result from the deletion of Channel 3 from Madison (see paragraphs 8 and 9), it cannot be said that there is a greater need for Channel 3 at Rockford than at Madison. Rather, it appears to us that the Madison area with its rougher terrain has the greater need for the longer range propagation afforded by a VHF station, and that, therefore, the continued allocation of Channel 3 to Madison would result in a more "fair, efficient and equitable" distribution of the available facilities pursuant to the mandate of section 307 (b) of the act.[8]

15. Moreover, it does not appear that the proposed shift of Channel 3 would improve the opportunities for effective competition among a greater number of stations. Madison and Rockford are presently treated as separate television markets. Channel 3 at Rockford operating as proposed by Winnebago would provide in the city of Madison what is tantamount to a Grade A signal, while the city does not now receive even a Grade B signal from an outside station. Hence, Madison would not be effectively deintermixed. Indeed, with the VHF competition for network affiliation and national advertising coming from an outside station straddling two markets, there is far more likelihood that one of the three Madison stations would be forced to cease operations than under the present allocations. Neither would the competitive situation at Rockford be improved to the extent claimed by Winnebago. The disparity in coverage between the proposed operation of a Channel 3 station and WREX–TV would be greater than now exists between WREX–TV and WTVO, but to the disadvantage of WREX–TV instead of WTVO. It will not do to say that coverage could then be equalized by improving the facilities of WREX–TV.[9] For this would serve to make the competitive situation at Madison still worse by the introduction of a second strong outside signal. In short, we see far greater probability that at least five commercial stations will continue to operate in the Madison-Rockford area under the present allocations that would be the case if Channel 3 were shifted to Rockford.

16. On February 25, 1957, Winnebago (WTVO, Rockford) filed a petition for leave to file additional comments, suggesting that a change in the transmitter location of Station WCIA, Channel 3, Champaign, Illinois, would permit a Channel 3 station at Rockford to use a transmitter site southwest (instead of northwest) of the city at a distance of 65 to 70 miles (instead of 43 miles) from Madison. Because of the lateness of the request, the petition for permission to file additional comments is denied. We point out, however, that the offered solution would not cure all the deficiencies and would aggravate the "white area" situation to the southwest of Madison.

17. In view of the greater need for a VHF channel in the Madison area and our conviction that a change in assignments would not improve the opportunities for effective competition among a greater number of stations, we conclude that the shift of Channel 3 to Rockford as proposed would be against the public interest. We have also concluded that it would be contrary to the public interest to reserve Channel 3 for educational use at Madison (see paragraph 4).

18. *Accordingly, it is ordered,* That this proceeding be terminated.

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[7]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1737; Filed, Mar. 7, 1957; 8:46 a. m.]

[8] We therefore reject the argument made by Monona in its supplemental comments that section 307 (b) required the shift of Channel 3 to Rockford, and that the instant case was closely analagous to the proposed shift of Channel 2 from Springfield, Illinois to St. Louis, Missouri. Further, we point out that, since Channel 2 had never gone on the air at Springfield, no person will suffer a loss of service previously received, that the loss of potential service is relatively insignificant, and that the gain of new first services resulting from the allocation of Channel 2 to St. Louis and Terre Haute will approximately balance the potential loss. Monona's argument is based largely on the premise that section 307 (b) requires that VHF channels be allocated among the several States in proportion to their respective areas and populations. We consider the premise to be fallacious as ignoring the service that can be rendered by UHF stations. Clearly, in any fair, efficient and equitable distribution of television channels the service to be rendered by UHF stations must be taken into account.

[9] In passing, we note that the present disparity in the coverages of the Rockford stations would disappear if the UHF station should improve its operating facilities.

[47 CFR Part 3]

[Docket No. 11748; FCC 57-181]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments Television Broadcast Stations (Hartford, Connecticut-Providence, Rhode Island).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on June 26, 1956 (FCC 56-589) proposing to shift Channel 3 from Hartford, Connecticut to Providence, Rhode Island, by making the following changes in the Table of Assignments for Television Broadcast Stations (§ 3.606 of the Commission's rules):

City	Channel No.	
	Present	Proposed
Hartford, Conn.	3, 18, *24	18, *24, 61
Meriden, Conn.	65	
Easthampton, Mass.	61	
Providence, R. I.	10, 12, 16, *36	3, 10, 12, 16, *36

*Reserved for educational use.

[7] Commissioners Hyde and Bartley dissenting and issuing statements, filed as part of the original document; Commissioner Lee dissenting.

2. Comments in favor of the proposals were made jointly by New Britain Broadcasting Company (WKNB–TV, Channel 30, New Britain, Connecticut), Hampden - Hampshire Corporation (WHYN–TV, Channel 40, Springfield-Holyoke, Massachusetts), Springfield Television Broadcasting Corporation (WWLP, Channel 22, Springfield, Massachusetts), and Greenfield Television Broadcasting Corporation (WRLP, Channel 32, Greenfield, Massachusetts), and the latter three also filed joint reply comments.[1] Comments in support of the proposal were also filed by the Joint Council on Educational Television (JCET),[2] American Broadcasting Company, Capitol Television Corporation and Intercity Broadcasters, Inc., the last two parties describing themselves as prospective applicants for Channel 3 if it should be assigned to Providence. Comments and reply comments in opposition to the proposal were filed by Travelers Broadcasting Service Corporation, conditional grantee of Station WTIC–TV, Channel 3, Hartford, Connecticut, and WGBH Educational Foundation, licensee of non-commercial education Station WGBH–TV, Channel 2, Boston, Massachusetts.[3] Other parties filed comments and reply comments favoring the proposal insofar as it involved deleting Channel 3 at Hartford, but offered various counterproposals as to the new location of the channel. Thus, Channel 18 of Rhode Island, Inc., permittee of Station WNET (operation suspended), Channel 16, Providence, Rhode Island, has suggested that Channel 3, instead of being assigned to Providence, be assigned to any one of six communities in Rhode Island: Cranston, Warwick, Newport, West Warwick, Westerly, or Narragansett Pier. Salisbury Broadcasting Corporation, licensee of Station WWOR–TV (operation suspended), Channel 14, Worcester, Massachusetts, has proposed that Channel 3 be assigned to Worcester rather than Providence. Bridgeport Broadcasting Company, permittee of Station WICC–TV, Channel 43, Bridgeport, Connecticut, has suggested that Channel 3 be assigned to both Bridgeport and Providence.[4]

3. The Notice of Proposed Rule Making (FCC 56–589) looking to the reallocation of Channel 3 from Hartford to Providence was issued as a part of the interim program of channel assignments announced in the Commission's Report and Order of June 26, 1956 (FCC 56–587) in the general television allocations proceeding in Docket No. 11532. At that

[1] Soon after the filing of original comments the Commission approved the sale of WKNB–TV to the National Broadcasting Company, Inc., which did not file any comments with respect to the Commission's proposal.

[2] In its reply comments JCET withdrew its support of the proposal.

[3] The honorable Abraham Ribicoff, Governor of Connecticut, submitted reply comments in support of the retention of Channel 3 at Hartford.

[4] National Broadcasting Company, Inc. (licensee of Stations WRCV–TV, Ch. 3, Philadelphia, Pa., and WRCA–TV, Channel 4, New York City, N. Y.) filed comments in opposition to the proposed assignment to Bridgeport.

time it seemed to a majority of the Commission that the deintermix proposal[5] merited consideration as a possible solution to some of the problems facing the expansion of television broadcasting in the area, it appearing that it offered reasonable prospect for improving the opportunities for effective competition among a greater number of stations in the southern New England area. Now, after carefully considering the comments submitted by interested parties, a majority of the Commission has reached the conclusion that adoption of the proposal or any of the counterproposals advanced by the parties would not be in the public interest.

4. As was pointed out in the Report and Order of June 26, 1956 (par. 31): "Because of the widely varying circumstances in individual markets and the numerous factors which bear on the choice of techniques in any individual community or area, it is not possible to formulate rigid criteria whose perfunctory application to individual cases will automatically indicate the course which would best serve the public interest in each community." After further extensive consideration of the problem of deintermixture, and even with the assistance of the detailed comments of interested parties in the industry, it is still impossible to point to any rigid criteria as the basis for decision. Hence, the decision in this proceeding has been reached after careful evaluation and application to the situation here presented of the considerations outlined in the Report and Order of June 26, 1956 (par. 31):

In markets with one or more commercial VHF assignments, the merits of proposals to eliminate a VHF commercial assignment would depend to a large extent on such factors as:

1. Whether significant numbers of people would lack service as a result of elimination of the VHF channel.

2. Whether one or more UHF stations are operating in the area.

3. Whether a reasonably high proportion of the sets in use can receive UHF signals.

4. Whether the terrain is reasonably favorable for UHF coverage.

5. Whether, taking into account all the local circumstances, the elimination of a VHF channel would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

The desirability of assigning a first VHF channel or of adding an additional VHF channel would depend principally upon:

1. Whether it is possible to locate the new transmitter so as to meet minimum transmitter spacings.

2. Whether, in cases where it is necessary to move the channel from another city, there is greater need for the channel in the area to which it is proposed to be assigned.

3. Whether the addition of a new VHF assignment would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

5. The area involved in this proceeding lies between the large metropolitan centers of New York City, New York, and Boston, Massachusetts, and is one of the most densely populated sections of the United States. In the area there are many cities with populations of 75,000 or more.[6] However, because of their location and the scarcity of VHF channels, it has not been possible to allocate more than five VHF channels in the entire area: Channel 6 to New Bedford, Massachusetts; Channels 10 and 12 to Providence, Rhode Island; Channel 8 to New Haven, Connecticut; and Channel 3 to Hartford, Connecticut. Such cities as Springfield and Worcester, Massachusetts, and Bridgeport, Connecticut, with large metropolitan areas, have no VHF assignments. It is thus clear that, if the cities in the area are to have locally originating television services, they must depend for the most part on UHF stations.

6. The commercial television assignments at Providence, and there are no other commercial assignments in the State of Rhode Island, are Channels 10, 12, and 16. The VHF Channels (10 and 12) are in use, but the operation of Station WNET on Channel 16 was terminated in July, 1955. There are at present two UHF stations operating in the Hartford-New Britain area: WHCT Channel 18, Hartford, and WKNB–TV, Channel 30, New Britain, now owned by Columbia Broadcasting System, Inc., and National Broadcasting Company, Inc., respectively. Channel 3, the subject of this proceeding, is also assigned to Hartford, but there are no other commercial assignments, either VHF or UHF, for the metropolitan area.[7] The Hartford-New Britain metropolitan area lies in the Connecticut River Valley, which has been defined as an area 100 miles long and extending about 20 miles on each side of the river. This area includes within its confines the metropolitan area of Springfield-Holyoke, Massachusetts. On its borders are such centers as New Haven and Waterbury, Connecticut, Worcester and Adams-Pittsfield, Massachusetts. Two UHF stations are operating in Springfield-Holyoke (WWLP and WHYN–TV), and parts of the area that would be served by a station operating on Channel 3 at Hartford presently receive service from five additional UHF stations: WATR–TV, Waterbury, Connecticut; WICC–TV, Bridgeport, Connecticut; WCDB, Hagaman, New York; and WTRI and WCDA, Albany, New York. An additional UHF service will be provided in the northern part of the Valley when WRLP, Channel 32, Greenfield, Massachusetts, a satellite of WWLP in Springfield, goes on the air. It is also expected that WMGT, Channel 19, Adams, Massachusetts, will resume operations as a "satellite" of WCDA in Albany.[8] The only Grade A VHF signal now received in the Connecticut River Valley is from WNHC–TV, New Haven, Connecticut, and this grade of signal does not reach the Connecticut-Massachusetts border. That station's Grade B contours extends north beyond Springfield, Massachusetts. Other Grade B signals are received in parts of the Valley from the following VHF stations: WRGB, Schenectady, New York; WBZ–TV, Boston, Massachusetts; and WJAR–TV and WPRO–TV, Providence, Rhode Island. None of these Grade B signals reach the Hartford metropolitan area.

7. With the scarcity of VHF signals and the availability of many UHF services, it is naturally to be expected that the percentage of sets converted for the reception of UHF signals is comparatively high in the Connecticut River Valley. Even the opponents of the proposed deletion of Channel 3 from Hartford concede that in and near Hartford more than 93 percent of all television homes can receive UHF signals, and that the conversion rate approaches 100 percent in Hampden County (Springfield-Holyoke), Massachusetts. However, as is also to be expected, the rate of conversion falls off as one leaves the vicinity of Hartford and approaches areas where VHF signals are received. Thus, there is little conversion in New Haven, where a VHF station is on the air, or even in Waterbury and Bridgeport, where UHF stations are operating but service is received from VHF stations in New York City. Areas adjacent to Rhode Island, including the city of New London, which receive service from Providence stations, have little or no conversion.

8. The operation of UHF stations in the Hartford-New Britain and Springfield-Holyoke areas, together with the high conversion rate in those cities and the intervening area, would seem to indicate that UHF stations are capable of providing adequate service to those cities and the immediately surrounding areas. However, those opposing the deintermixture of Hartford contend that, with the exception of a strip of about 15 to 20 miles on each side of the river, the Connecticut River Valley is poorly suited to

[5] The proposal, if adopted, would result in there being three VHF assignments in Providence, and three UHF assignments (and no VHF) in the Hartford-New Britain area.

[6] Included among these are the following (1950 populations in parentheses): in Massachusetts: Worcester (203,000), Springfield (162,000), Fall River (112,000), and New Bedford (109,000); in Rhode Island: Providence (249,000) and Pawtucket (81,000); and in Connecticut: Hartford (177,000), Bridgeport (159,000), New Haven 164,000), Waterbury (104,000) and New Britain (74,000).

[7] In denying requests for the assignment of additional UHF channels to the Hartford area, the Commission said in its Sixth Report and Order (par. 284): "In view of the total spectrum space available for use in the State of Connecticut the Commission is not in a position to grant any further assignments to Hartford for commercial purposes. The assignments we have made permit practically no further assignments in either the VHF or the UHF."

[8] Construction permits are held for the following UHF stations (never on the air unless so indicated) which would, if activated, provide service to parts of the area within the Grade B contour if a Channel 3 station at Hartford: WNLC–TV, New London, WELI–TV, New Haven, and WSTF, Stamford, all in Connecticut; WKNY–TV, Kingston, New York (on the air from April 21, 1954, to July 25, 1956); WPTB–TV, Albany, New York; WAAB, Worcester, Mass.; WWOR–TV, Worcester (on the air from December 4, 1954, to September 5, 1956); and WKNE–TV, Keene, New Hampshire.

UHF reception because of its wooded, rough, hilly terrain. This contention is based, not only on a generally acknowledged characteristic of UHF service, but on field intensity measurements indicating a rapid rate of signal loss at distances beyond 20 miles. Of course, it must be conceded that the terrain in the Connecticut River Valley is not as favorable for UHF reception as the terrain in the vicinity of Springfield or Peoria, Illinois, for example, but we are not convinced that it is as unsuitable as the opponents would have it. The measurements on which they rely were taken at a height of only 10 feet above ground and extrapolated to a height of 30 feet (normal roof-top). We are confident, and measurements taken by the proponents bear us out, that field intensity measurements taken at the normal height of roof-top antennas would show a much more favorable propagation of UHF signals. We also note that because of the comparatively short distances between cities with television stations on the air,[9] long range propagation of television signals is not as necessary in the public interest as it is in other areas of the nation.

9. Even assuming that UHF stations can provide a reasonably adequate service in the Hartford area, there still remains the question whether a significant number of people would lack service as a result of the deletion of Channel 3 from Hartford. Both the proponents and opponents of the proposed deintermixture agree that, if computations of coverage are made in accordance with the Commission's rules, there would be no such "white" areas (without Grade B or better service) resulting from the removal of Channel 3. However, on the basis of field intensity measurements [10] the opponents claim that the removal of Channel 3 would result in a "white" area of about 140 square miles with a population of approximately 56,000 in the State of Connecticut. We do not believe that those measurements are conclusive, since it is entirely possible that extreme shadowing existing at ground levels may disappear at 30 feet, and it is difficult to make a correlation between the signal strength at 10 feet and at 30 feet in cluttered areas. Moreover, the measurements were necessarily taken on a limited number of radials. Hence, on the record before us it is impossible to estimate with any certainty whether a "white" area would exist if Channel 3 were deleted at Hartford, and it would be impossible to remove all doubts in the matter without minutely pin-pointed measurements, which would be impractical, if not impossible, in view of such factors as time and expense. We do believe that the shadow areas depicted by the opponents would not be as severe as claimed, but, in view of the rugged terrain in parts of the Hartford area, we are practically certain that UHF service would not approach the ideal envisioned by the proponents. There are, without doubt, throughout the areas of rougher terrain "pockets" where UHF reception is not satisfactory, as is shown by the low conversion rate in Litchfield and Tolland Counties (adjoining Hartford County on the west and east) where the residents apparently prefer fringe service from VHF stations. A station operating on Channel 3 in Hartford could fill in such "white" areas in Massachusetts as well as Connecticut to a much higher degree than could a UHF station. A Channel 3 station would also be more likely to provide a second service to persons now limited to one television service, either UHF or VHF. The opponents estimate that the Connecticut area so limited would be 884 square miles with a population of 103,037. While for the reasons set out above we do not believe that the number will be as great as estimated, it is our judgment that the number will be substantial in view of the rugged terrain in part of the area.

10. On the other hand, there is no claim and it appears to be the fact that there is no "white" area in Rhode Island. Rather, the entire State already has at least two Grade B services and only an area estimated at 19 square miles is limited to one Grade A service. Providence receives Grade A service from its two local VHF stations and from WBZ–TV, Boston, and will receive another Grade A service when Channel 5 at Boston goes on the air. The only comparable service in the Hartford-New Britain metropolitan area is from its two local UHF stations and station WNHC–TV at New Haven.

11. Hartford is rated as the 27th market and has a population of 177,397 with a metropolitan area population of 358,081. New Britain is considered a separate metropolitan area for census purposes, and the population of the combined metropolitan areas is 505,064. Providence is rated as the 29th market and has a population of 248,674 with a metropolitan area population of 737,203, more than 135,000 of which are in Massachusetts. Hartford and the State of Connecticut are growing at a more rapid rate than are Providence and the State of Rhode Island. Connecticut's population is almost 3 times the population of Rhode Island and is more than 4 times larger in area. Providence and Hartford are the capital cities of their respective States and are so situated that a VHF station in either city could render service to all or substantially all of its respective State.

12. In consideration of the service and lack of service and the relative importance of the respective areas, we cannot say that Providence has a greater need for Channel 3, or that the move to Providence would result in a greater compliance with the requirement of section 307 (b) of the Communications Act for a "fair, efficient and equitable" distribution of television facilities to each of the several States and communities.

13. The foregoing consideration as to the comparative needs of the respective cities would in itself foreclose a shift of Channel 3 from Hartford to Providence. There are, however, additional reasons why the change should not be made. We stated in our Report and Order of June 26, 1956, that one of the principal factors in a decision on adding an additional VHF channel would be whether it was possible to locate the transmitter so as to meet the minimum transmitter spacings. In the allocation of Channel 3 to Providence the critical spacing requirements are the separations from the transmitters of noncommercial educational station WGBH–TV (Channel 2) and commercial station WBZ–TV (Channel 4) at Boston. It is beyond dispute that the transmitter of a station operating on Channel 3 would, under our rules, have to locate so far south of Providence that it could not provide a principal city signal over all or even the greater part of the city. This fact alone would likewise prevent the proposed assignment. Hence, the proponents of the deintermixing of Hartford place greater stress on the counterproposal to assign Channel 3 to any one of several communities in Rhode Island south of Providence.

14. Such an assignment would not in our view make for a "fair, efficient and equitable" distribution of the available facilities any more than would the assignment to Providence. Since the obvious principal purpose of the proposed assignment would be to serve the city of Providence and since it has been our experience that a station in a small city located near a larger city must depend to a great extent upon revenues derived from coverage of the larger city we would feel justified in weighing the comparative needs as we did in the case of Providence. And even looking at the proposed assignment as the first local outlet for one of the Rhode Island communities, for the same reasons that we preferred Hartford over Providence, we are of the view that the mandate of section 307 (b) of the act would be more fully complied with by preferring Hartford or by restoring Channel 3 to New London, Connecticut, where it had been tentatively assigned prior to its assignment to Hartford. Moreover, we do not consider that the assignment of Channel 3 to southern Rhode Island would make for an efficient allocation. The proposed transmitter site would meet the minimum mileage separations, but the line of adjacent channel interference with WGBH–TV (Channel 2) and WBZ–TV (Channel 4) would fall within the limits of the city of Providence or in the thickly settled area immediately adjacent to the northern city limits. Thus, depending upon the selectivity of receivers and other conditions affecting reception, there would be problems with respect to the reception of the Channel 3 signal in the very city the serving of which would be the primary objective of the allocation. For example, a substantial number of the residents of Providence and vicinity may not be able to obtain satisfactory reception of the Channel 3 signal, and other substantial numbers who can receive the signal might be deprived of the service from two Boston stations (WBZ–TV and WGBH–TV) which they have been accustomed to receive. While our rules contemplate that adjacent channel interference will be ignored so long as minimum transmitter spacings are met, we do not believe it would be in the public interest to make the proposed allocation with knowledge that such a substantial portion of the population to be served might be adversely affected by the adjacent channel interference.

15. In view of the basic deficiencies discussed above with respect to the allocation of Channel 3 to Providence or Rhode Island, we deem it unnecessary and inappropriate to make any determination as to whether adoption of the proposal would be consistent with the objective of improving the opportunities for effective competition among a greater number of stations.

16. Hampden-Hampshire Corporation (WHYN–TV, Springfield-Holyoke), Springfield Television Broadcasting Corporation (WWLP, Springfield) and Greenfield Television Broadcasting Corporation (WRLP, Greenfield) have made a joint request that oral argument be held in this proceeding. We have carefully considered the documents filed by the various parties and have found them helpful in our deliberations. We are of the view that oral argument would not be of any substantial assistance in the resolution of the questions presented, and accordingly the request is denied. The same parties on February 21, 1957, filed a request for permission to file supplemental comments, suggesting as a solution to the transmitter spacing problem that WGBH Educational Foundation be ordered to show cause why it should not be required to share the site and tower of WBZ–TV. This change in the transmitter location of Station WGBH–TV, it is alleged, would permit the location of a Channel 3 transmitter sufficiently close to Providence to provide a principal city signal over the entire city. Because of the lateness of the request, and also because the offered solution does not cure all the deficiencies in the proposal, the request for permission to file supplemental comments is denied.

17. There remains for discussion only the counterproposals with respect to the allocation of Channel 3 to Bridgeport, Connecticut, and Worcester, Massachusetts. The Bridgeport proposal is tied in with the proposal to allocate Channel 3 to Providence and would fall with it. Moreover, the allocation of Channel 3 at Bridgeport would involve the necessity of operation with low power and directional antenna and would represent a substantial departure from the minimum co-channel spacing of 170 miles.[11] As we have often indicated, it is our view that such allocations would not serve the public interest at the present time. See Memorandum Opinion and Order of December 19, 1956 (released December 27, 1956) in Docket No. 11532 (FCC 56–1269). We reaffirm that view here.

18. With respect to the proposal to relocate Channel 3 at Worcester, Massachusetts, it, too, presents problems as to a transmitter location. In order to maintain the required separation of 60 miles from adjacent channel station WBZ–TV (Boston), the transmitter of a Channel 3 station would have to be located at a minimum of 31 miles west of the center of Worcester and 28 miles from the nearest city limits. With operation at maximum power and antenna height, it could not provide a principal city signal to any part of Worcester, and would involve adjacent channel interference within the city limits. Clearly, this would not be a permissible allocation. Moreover, the closest available transmitter location to Worcester would be only 27 miles from Hartford and 12 miles from Springfield. It would be closer to Springfield by about 12 miles than would the transmitter of the proposed Channel 3 station at Hartford. Consequently, a Worcester Channel 3 station would place a stronger signal in both Hartford and especially Springfield than it would in Worcester. Under these circumstances the Connecticut River Valley would not be effectively deintermixed.

19. In view of the above considerations we are convinced that the adoption of the Commission's proposal or any of the counterproposals would not serve the public interest, and we conclude therefore that the allocation of Channel 3 to Hartford should remain unchanged.

20. *Accordingly, it is ordered,* That this proceeding be terminated.

Adopted: February 26, 1957.

Released: March 1, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[12]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–1736; Filed, Mar. 7, 1957; 8:46 a. m.]

[9] For example, the distance from Hartford to Springfield is only 26 miles; from Hartford to New Haven, 34 miles; and from Hartford to Waterbury, 23 miles.

[10] As previously indicated, these measurements were made at a height of 10 feet above ground and extrapolated to a height of 30 feet above ground. The proponents made measurements at both 10 feet and 30 feet above ground at some of the same points measured by the opponents, and assert that the dual measurements demonstrate the inaccuracy of the extrapolations. The proponents also contend that the routes chosen for the field surveys were in deep valleys and thus not typical.

[11] It is approximately 140 miles from Bridgeport to the transmitter of WRCV–TV (Ch. 3) in Philadelphia, and only 76 miles from Bridgeport to the proposed location of a Channel 3 station in Rhode Island.

[12] Commissioners McConnaughey, Chairman; and Craven concurring in the result; Commissioners Hyde and Bartley dissenting and issuing statements filed as part of original document, Commissioner Lee dissenting.

NOTICES

DEPARTMENT OF COMMERCE

Federal Maritime Board

PORT OF NEW YORK AUTHORITY AND UNITED PORT SERVICE CO.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

(1) Agreement No. 8185 between The Port of New York Authority and United Port Service Company providing for the leasing of certain lands, structures, fixtures, improvements and other property at Port Newark, Newark, New Jersey, to United Port Service upon completion of certain construction work by The Port Authority, for the purpose of exclusive berthing privileges by the Lessee for vessels of the steamship lines named in said lease for the reception, temporary storage, loading and unloading and handling of passengers, cargo, ships' stores, supplies and gear on or from vessels berthed at said piers, except the backhandling and other handling of lumber which is to be performed by the Port Authority or persons designated by the Port Authority.

(2) Agreement No. 8185–1 modifying Agreement No. 8185 (described above) to provide that United Port Service Company may berth passenger and cargo vessels, other than those of the shipping lines specified in the lease and that the charges for dockage, wharfage, storage, etc., will be at least equal in amount to those set forth in the Port Authority's Schedule of Rates and Charges in effect at that time at Port Newark.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 5, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–1771; Filed, Mar. 7, 1957; 8:50 a. m.]

GRACE LINE, INC., ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814:

(1) Agreement No. 7796–5, between Grace Line, Inc., and Cia. Sud-Ameri-

cana de Vapores (Chilean Line), modifies approved pooling Agreement No. 7796, as amended, by adding coal and dolomite in bulk in shipload quantities to commodities listed in the agreement on which the parties have agreed not to pool southbound earnings. Agreement No. 7796, as amended, covers the trade between U. S. Atlantic ports and Chilean ports; and

(2) Agreement No. 7797–3, between Gulf & South American Steamship Co., Inc., and Cia. Sud-Americana de Vapores (Chilean Line), modifies approved pooling Agreement No. 7797, as amended, by adding coal and dolomite in bulk in shipload quantities to commodities listed in the agreement on which the parties have agreed not to pool earnings. Agreement No. 7797, as amended, covers the trade from U. S. Gulf ports to Chilean ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 5, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57–1769; Filed, Mar. 7, 1957; 8:50 a. m.]

Maritime Administration

TRADE ROUTES NO. 17—U. S. ATLANTIC, GULF AND PACIFIC PORTS/INDONESIA-MALAYA

MODIFICATION OF CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS

Notice is hereby given that on March 1, 1957, the Acting Maritime Administrator, acting pursuant to section 211 of the Merchant Marine Act, 1936, as amended, ordered that "Trade Route No. 17" conclusions and determinations as published in the FEDERAL REGISTER of March 29, 1955 (20 F. R. 1900) be modified to read as follows:

Trade Route No. 17—U. S. Atlantic, Gulf and Pacific Ports/Indonesia-Malaya. Between U. S. Atlantic, Gulf and Pacific ports and ports in Indonesia-Malaya (including Singapore, Sarawak and North Borneo) via the Panama Canal and/or the Suez Canal.

Trade Route No. 17 is reaffirmed as an essential United States foreign trade route and is redescribed as shown above.

It is determined that United States flag sailing requirements are approximately between 8 and 12 freighter sailings per month over the following services:

Service No.	*Approximate monthly sailings*	
1	[1] 1–2	U. S. Atlantic (via Panama Canal) and California to Indonesia-Malaya and return, including Far East ports—Hong Kong and south, en route;
2	[1] 1–2	U. S. Gulf and Atlantic via Suez to Indonesia-Malaya and return;
3	1	U. S. Gulf via Panama Canal and Far East to Indonesia-Malaya and return via California to Pacific Northwest; and
4	1	U. S. Pacific Northwest via Far East to Indonesia-Malaya and return via California to Pacific Northwest; and
	[2] 4–6	Round-the-World eastbound and westbound serving U. S. Atlantic and California/Indonesia-Malaya, originating at U. S. Atlantic.

[1] At least one sailing per month to return over the general track followed on the outbound voyage, with some of the remaining voyages continuing around the world. The sailing requirements for Service No. 1 and Service No. 2 are additive and to the extent that sailings in one service are less than the maximum number indicated for that service, sailings in the other service may be increased commensurately.

[2] The 4–6 sailings are included in the Round-the-World Westbound and Eastbound services determined to be essential by the Maritime Administrator as published in the FEDERAL REGISTER issues of June 22 and October 13, 1955 (20 F. R. 4374 and 20 F. R. 7707) and do not amend or supersede those determinations. The term "round (around) the world" as used herein in connection with sailings and sailing requirements refers to cargo ships sailings and excludes combination (passenger-cargo) ship sailings.

It is determined that C–3 type freighters are suitable for this trade and that for interim operations C–2's and to some extent Victory type freighters are suitable to round out sailing requirements of United States flag lines as a whole. New ships for this trade should have adequate refrigerator and deep tank spaces and should be somewhat superior to the present C–3 type freighters.

Dated: March 5, 1957.

By order of the Maritime Administrator.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57–1770; Filed Mar. 7, 1957; 8:50 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8457]

P. G. TAYLOR PROPRIETARY, LTD.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the application of P. G. Taylor Proprietary, Ltd., for a temporary foreign air carrier permit under section 402 of the Civil Aeronautics Act for service between Sydney, Australia, and Honolulu, Territory of Hawaii.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding, now assigned to be held on March 6, 1957, is hereby postponed to March 14, 1957, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., March 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1793; Filed, Mar. 7, 1957; 8:55 a. m.]

[Docket No. 1705–6]

AIRFREIGHT RATE CASE; MINIMUM RATES FOR AIRFREIGHT FORWARDERS

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on March 27, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 5, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57–1791; Filed, Mar. 7, 1957; 8:55 a. m.]

[Docket No. SA–324]

ACCIDENT OCCURRING AT RIKERS ISLAND, N. Y.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 34954, which occurred at Rikers Island, New York, February 1, 1957.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Tuesday, April 2, 1957, at 10:00 a. m., local time, in the Moderne Room, Belmont Plaza Hotel, Lexington Avenue and 49th Street, New York, New York.

Dated at Washington, D. C., March 4, 1957.

[SEAL] ROBERT W. CHRISP,
Presiding Officer.

[F. R. Doc. 57–1792; Filed, Mar. 7, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11763, 11764; FCC 57M–174]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

NOTICE OF PREHEARING CONFERENCE

In re applications of J. E. Willis, Lafayette, Indiana; Docket No. 11763, File No. BP–10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana; Docket No. 11764, File No. BP–10460; for construction permits.

A pre-hearing conference in the above-entitled matter, looking toward reopening the record for trial of the issues designated by the Commission in its order of January 30, 1957 (FCC 57–92), will be held at the offices of the Commission on Tuesday, March 12, 1957, at 10:00 a. m.

Dated: February 28, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–1783; Filed, Mar. 7, 1957; 8:53 a. m.]

[Docket No. 11871; FCC 57–196]

PRESS WIRELESS, INC. AND WESTERN UNION TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of Press Wireless, Inc., v. The Western Union Telegraph Company, complaint with respect to delays in handling messages specifically routed via Press Wireless.

1. This matter is before us as a result of a Complaint filed by Press Wireless, Inc. (Press Wireless) on November 8, 1956, wherein it is alleged that The Western Union Telegraph Company (Western Union) has permitted unreasonable delays in transferring to the complainant international press messages filed with the defendant specifically routed by the sender via Press Wireless. The complainant also alleges that the employees of the defendant's international cable system obtained from domestic employees of the defendant the names of customers routing press traffic via the complainant and used this information to solicit traffic from customers of the complainant. A copy of the Complaint was served upon the defendant and as required by § 1.577 of our rules the defendant was called upon to satisfy the Complaint or respond thereto by December 14, 1956.

2. In its Answer filed December 14, 1956, Western Union denies the acts complained of, and requests that the Complaint be dismissed. On December 26, 1956 Press Wireless filed a Reply and Petition, to which Petition Western Union filed an Opposition on January 14, 1957.

3. On May 22, 1956, Press Wireless filed an application under section 214 of the Communications Act of 1934, as amended, (File No. T–C–1187) for authority to lease and operate temporary wire facilities between New York, New York and Chicago, Illinois during the Democratic National Convention from August 13, 1956 to August 18, 1956. In support of its application, Press Wireless alleged that experience indicated that press traffic from a hinterland point, filed with another carrier, has been subject to delays, inaccuracies and misroutings, due in large part to the multiple handling to which such traffic is subjected compared to the one handling when such traffic is filed directly with a company specializing in handling the one class of traffic, as does Press Wireless. Western Union objected to the grant of this application, alleging that it had already made all the necessary special arrangements for the handling of press traffic during the convention, that it has long specialized in the handling of press traffic, that its facilities in Chicago would be entirely adequate for the needs of the press, and that Press Wireless would receive service comparable or as satisfactory as that given to the various press associations and newspapers.

4. By Memorandum Opinion and Order adopted July 19, 1956, the Commission denied the complainant's application, and on July 24, 1956, Press Wireless filed a Petition for reconsideration and grant of the application. Western Union filed an Opposition to such Petition on August 1, 1956, to which Press Wireless replied on the same day. The Commission, by Memorandum Opinion and Order adopted August 6, 1956, denied the Petition for reconsideration.

5. In our Memorandum Opinion and Order of July 19, 1956, as well as in our letter to Western Union of the same date, it was suggested that record keeping in both Chicago and New York might be eliminated in order that some of the delays experienced by Press Wireless in the past should not be repeated. It was also requested that Western Union landline employees in Chicago be made aware of the obligation of Western Union landlines not to solicit overseas traffic for its own cable system. In the July 19, 1956, letter to Western Union it was specifically pointed out that it was incumbent upon Western Union to prevent any deviations from its obligations to serve all carriers equally. In this connection Western Union's attention was invited to the penalties provided by law for a willful or knowing failure to live up to such obligations. It was also requested that Western Union reply no later than August 6, 1956, indicating what was being done by it to assure complete impartiality of its employees. In its response of August 3, 1956, Western Union stated that the recording of information at New York would be done while the message was in process of transmission to the international carrier instead of before transmission so that the prompt movement of traffic would be in no way impeded, and that as a result of a conference between headquarters representatives and the general manager of Lake Division, instructions were issued to all landline employees in Chicago telling them to observe strict impartiality toward all international carriers.

6. The Press Wireless Complaint. In its Complaint, Press Wireless makes four principal allegations of fact as follows:

(a) That Western Union permitted substantial and unreasonable delays to occur in the transfers to the complainant of messages specifically routed via the complainant;

(b) That Western Union misrepresented to the Commission the manpower and facilities it would make available for the handling of press traffic during the Democratic National Convention at Chicago;

(c) That Western Union's cable system employees obtained from its domestic landline employees the names of customers specifically routing traffic via the complainant and solicited such customers for their traffic; and

(d) That the complainant suffered damage to its reputation and goodwill and a loss of business because of the defendant Western Union's acts.

7. As examples of the above described alleged delays, the complainant lists all international press messages allegedly filed with the defendant during the Democratic National Convention, specifically routed via the complainant, and shows elapsed times ranging from nineteen minutes to five hours between time of filing with the defendant and subsequent transfer to complainant. It is asserted that the delays on these particular messages violate the express terms of the aforementioned Commission Memorandum Opinion and Order adopted July 19, 1956, as well as the terms of the Commission's letter of that date to Western Union in connection with such proceeding (see paragraph 5 above). Alleging that the above-mentioned Memorandum Opinion and Order was based upon the defendant's representation that it would have adequate facilities and manpower to give adequate service during the Convention, the complainant requests that the Commission independently investigate the extent to which the above mentioned Order and letter were violated, and the extent to which misrepresentations may have been made concerning the facilities and manpower to be used by the defendant at Chicago. In this connection, complainant also requests that defendant preserve the records of all international press messages filed with it since November 1, 1955, so that a comparison may be made of the service furnished by defendant to its own cable division and other international carriers.

8. It is also alleged by the complainant that employees of Western Union's cable system obtained from employees of Western Union's landline system the names of customers filing press traffic with the defendant specifically routed via the complainant, and used that information to solicit such customers for press traffic, all in violation of the International Formula,[1] and sections 202 and 605 of the Communications Act of 1934, as amended.

9. The complainant also alleges that press traffic demands expeditious handling and in most instances loses value

[1] The International Formula was prescribed by the Commission at the time of the merger of Western Union and Postal Telegraph, Inc., in 1943 to insure, among other things, that the single domestic telegraph company which resulted from such merger would treat all international telegraph carriers alike in the pick up and delivery of international telegraph message traffic in the United States. Under the International Formula Press Wireless is entitled to receive from Western Union all traffic specifically routed via Press Wireless, see 10 FCC 184 at pp. 184–185 and 191–192, (1943).

if inordinate delays occur between filing and receipt by the addressee; and that it has established a valuable reputation and goodwill based on its rapid and efficient transmission of press traffic which have been severely damaged by the defendant's alleged delays thereby causing complainant a substantial loss of business.

10. Press Wireless requests that the Commission, after investigation and hearing, order the defendant to cease and desist from continuing the alleged practices. It also requests permission to file a supplemental complaint for damages, interest and counsel fees, upon findings after such investigation and hearing.

11. The Western Union Answer. The defendant denies the four principal allegations of fact contained in the Complaint which are set forth in paragraph 6 above. The defendant further claims it does not have knowledge sufficient to form a belief as to the truth of complainant's allegations with respect to the need for expeditious handling of press traffic, or the effect of delays thereon on complainant's reputation with respect to such matters.

12. The defendant has appended as an exhibit to its Answer a list of all press messages filed with it specifically routed via the complainant at Chicago during the Democratic National Convention, showing elapsed times between filing and transfer to Press Wireless. There appear to be variations between this list and that contained in the Complaint, both as to identification of particular messages, as well as to elapsed times alleged. The purport of the defendant's list is to show that the elapsed times were much less than claimed by the complainant, and that no unreasonable delays occurred.

13. On the basis of all the foregoing the defendant requests that the Complaint be dismissed.

14. The Press Wireless Reply and Petition. In its Reply, the complainant alleges that the Western Union Answer is not responsive with respect to the complainant's allegations regarding the demands of press traffic for expeditious handling, its loss of value if inordinate delays occur between filing and receipt by the addressee, as well as the complainant's allegations with respect to its valuable reputation and goodwill based on its rapid and efficient transmission of press traffic. In the Reply it is also alleged that the Answer contains no analysis of the speed of service given to press traffic routed via defendant's cable system during this period from the same point, and that the exhibit appended to the Answer does not indicate whether the various times shown are Eastern, Central or Pacific, Daylight or Standard.

15. The Reply further contains a Petition that the Commission require that the defendant:

(a) Answer the above described portions of the Complaint;

(b) Amend the exhibit appended to the Answer to show the times of filing and transfer of messages in terms of correct local time;

(c) Submit an accurate analysis of the speed of service given to its own cable system for overseas press traffic originating with the defendant during the Chicago Convention; and

(d) Preserve its records of all international press traffic originating with it from November 1, 1955.

16. The Western Union Opposition. In its Opposition, Western Union alleges that the defendant did not have sufficient knowledge of the press deadlines to enable it to either admit or deny paragraphs 5 and 10 of the Complaint. It indicates that all the times shown on the exhibit appended to the Answer were Central Standard Time. It urges that the complainant's request for an analysis of the speed of service given to the defendant's cable system be denied as being beyond the scope of the pleadings, and also urges denial of the request of the complainant that the defendant preserve records of all international press traffic originating with it since November 1, 1955, because compliance with that request would impose an undue burden and great expense on the defendant.

17. The Press Wireless Petition. As noted above, the complainant's Reply contained a Petition asking that the Commission require the defendant to do various things (see paragraph 15). In its Opposition to the Press Wireless Petition, the defendant states that all times shown on its exhibit appended to its Answer are Central Standard Time, and that the elapsed times indicated thereon are computed solely on that basis. It thus appears that the defendant has satisfied complainant's Petition in that respect.

18. It appears to us that the complainant's request that we require the defendant to preserve its records of all international press traffic originated with the defendant during the Chicago Convention, would be unreasonably burdensome on the defendant. The speed of service in transferring international press traffic originated with the defendant to the complainant is a prime issue in this matter, and a comparison of the speed of that service with that given to press traffic originated with the defendant and routed either via its own cable system or via another international carrier would appear to be pertinent to the determination of the issues raised by the Press Wireless Complaint. However, in order that such comparisons may be made, it does not appear necessary to check the many thousands of international press messages originated with the defendant all over the country since November 1, 1955, but rather that such a check might more reasonably be made from international press messages filed with the defendant during a representative period from representative points. Since the crux of the complaint is the service afforded international press traffic originated with the defendant routed via the complainant during the Chicago Convention, the defendant will be required to preserve its records of all international press traffic originated with it at Chicago, Illinois, during the month of August, 1956. In order that a more recent comparison of service might be obtained, the defendant will also be required to preserve its records of all international press traffic originated with it in New York, New York; Boston, Massachusetts; Chicago, Illinois; San Francisco, California; Washington, D. C.; New Orleans, Louisiana; St. Louis, Missouri; and Los Angeles, California; during the month of January, 1957. This appears to us to be a more reasonable requirement, particularly as there is no indication that anyone would be willing to undertake the task of checking all international press messages originated with the defendant all over the country in the course of more than a year.

19. The request for a more specific answer to those allegations in the Complaint relating to the complainant's alleged valuable reputation and goodwill based on its rapid and efficient transmission of press traffic, and to the demands of press traffic for expeditious handling and loss of value if inordinate delays occur, does not appear proper. These matters, as well as the request for an analysis of the speed of service given by Western Union to its own cable system for overseas press traffic originating with the defendant during the Chicago Convention, do not appear to be matters appropriately handled in the pleadings, but rather are evidentiary matters which should be dealt with in the course of the hearing itself.

20. In view of all of the foregoing we are denying the Press Wireless Petition, except that we are requiring the defendant to preserve international press traffic originating with it in specified cities (see paragraph 18 above.).

21. Request of Press Wireless to file a supplemental complaint for damages, interest and counsel fees. In its Complaint of November 8, 1956, Press Wireless requested permission to file a supplemental complaint for damages, interest and counsel fees, pursuant to Section 1.584 of the Commission's Rules. We are giving Press Wireless leave to file a supplemental complaint in accordance with § 1.584, subject, however, to the provisions of § 1.586 (b) of our rules, that such supplemental complaint must be filed within the statutory period stated in section 415 of the Communications Act of 1934, as amended, which is within one year after the cause of action has accrued.

22. Request of Press Wireless for an independent investigation. In its Complaint of November 8, 1956, Press Wireless also requests that we undertake an independent investigation of our own to determine the extent to which our Memorandum Opinion and Order of July 19, 1956, and our letter to Western Union of the same date have been violated, and the extent to which misrepresentations, if any, were made to the Commission respecting the manpower and facilities to be placed in Chicago by the defendant. It would appear that such matters are in issue in this case, and that information as to the manpower and facilities made available at Chicago by the defendant will be sufficiently developed in the course of the proceedings, so as to make an independent investigation on those points unnecessary.

23. With respect to the allegation that the defendant's cable system employees during the Chicago Convention and at other times and places obtained from domestic employees of the defendant the names of customers routing press traffic via the complainant, and used this information to solicit press traffic from customers of the complainant, complainant fails to mention specific instances wherein this practice occurred, and does not allege this to be a fact, but merely "on information and belief." As such, these allegations do not warrant an independent investigation, and furthermore, as they are also in issue in the instant proceeding, the full facts concerning them will be brought forth during the hearing. Accordingly, we are denying the Press Wireless request for an independent investigation into these matters.

24. Disposition of the matter by formal hearing. Press Wireless has requested that the Commission, after investigation and hearing concerning the alleged unlawful practices of the defendant, enter an Order requesting the defendant to cease and desist from continuing the practices complained of. The Press Wireless request for an independent investigation has been disposed of above (see paragraphs 22 and 23).

25. The complainant has raised several issues of fact in respect to the manner in which the defendant has handled traffic originated with it specifically routed via the complainant, as well as to whether the defendant's cable system employees have solicited customers of the complainant for international press traffic. It seems to us that these issues as well as the other issues raised by the pleadings are sufficiently serious to warrant setting this matter for hearing. Upon consideration of all the facts that will be brought forth at the time of hearing, we shall be in a better position to dispose of the matter.

Accordingly, it is ordered, This 27th day of February 1957 that the Press Wireless, Inc., Petition filed December 26, 1956, is denied; but that The Western Union Telegraph Company is ordered to preserve until further order the originals and all its records of all international press traffic filed with it in Chicago, Illinois, during the month of August 1956, and all originals as well as all its records of all international press traffic filed with it in New York, New York, Boston, Massachuestts, Chicago, Illinois, San Francisco, California, Washington, D. C., New Orleans, Louisiana, St. Louis, Missouri, and Los Angeles, California, during the month of January 1957;

It is further ordered, That, Press Wireless is given leave to file a supplemental complaint for damages, subject to the requirements set forth in § 1.586 (b) of the Commission's rules, that such supplemental complaint must be filed within the statutory period stated in section 415 of the Communications Act of 1934, as amended;

It is further ordered, That the request set forth in the Complaint that the Commission undertake an independent investigation of its own into the extent to which the Commission's Memorandum Opinion and Order of July 19, 1956, and its letter to Western Union of the same date have been violated, and the extent to which misrepresentations, if any, were made to the Commission respecting the manpower and facilities to be placed in Chicago by the defendant, is denied;

It is further ordered, That, pursuant to the provisions of Sections 202, 206, 207, 208, 209, 222, and 605 of the Communications Act of 1934, as amended, a public hearing shall be held at a time and place to be specified in a subsequent order on the substantive issues presented in the Complaint filed by Press Wireless on November 8, 1956, the Answer filed by Western Union on December 14, 1956, and the Reply thereto filed by Press Wireless on December 26, 1956;

It is further ordered, That, without in any way limiting the scope of the hearing on the above-referred-to issues, such hearing shall include the following issues raised by the pleadings:

(a) Whether Western Union has negligently or intentionally or otherwise, caused or permitted delays to occur in the handling and transmission of press traffic filed with it for delivery to Press Wireless for retransmission to foreign countries; and if so, the nature, extent and effect thereof;

(b) Whether any traffic handling practices of Western Union subjected press traffic routed via the complainant to a pattern of delay, and if so, the effect thereof on Press Wireless;

(c) Whether the traffic handling practices of Western Union with respect to press traffic filed with it during the Democratic National Convention at Chicago, August 13, 1956, through August 18, 1956, were contrary to any of the requirements set forth in the Commission's Memorandum Opinion and Order, In re Press Wireless, Inc., July 19, 1956, and the Commission's letter to Western Union of the same date, or any other requirement made pursuant to the Communications Act of 1934, as amended;

(d) Whether Western Union made misrepresentations to the Commission regarding its plans for handling or its ability to handle press traffic at Chicago during the aforesaid Convention; and if so, the nature, extent and effects of such misrepresentations:

(e) Whether, if no misrepresentations were made, Western Union through negligence or deliberate intent or for any other reason subjected press traffic routed via Press Wireless to undue or unnecessary delays;

(f) Whether there is any substantial time difference between the service afforded to press traffic routed via Press Wireless, during the aforesaid Convention at Chicago, or at any other time since November 1955, and that afforded to press traffic routed via Western Union cables and other competing international carriers; and if so, the nature, extent, cause and effects thereof; and

(g) Whether Western Union cable system employees, during the aforesaid Convention, at Chicago or at any other times and places, obtained from the domestic landline employees of the defendant by any means whatever the names of customers routing press traffic via Press Wireless and used this information to solicit press traffic from customers of Press Wireless; and if so, whether this is in violation of sections 202, 222, and 605 of the Communications Act of 1934, as amended, and the provisions of the International Formula.

It is further ordered, That, a copy of this order shall be served on the parties complainant and defendant herein.

Released: March 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1784; Filed, Mar. 7, 1957; 8:53 a. m.]

[Docket No. 11943; FCC 57-196]

PARISH BROADCASTING CORP. (KAPK)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Parish Broadcasting Corporation (KAPK), Minden, Louisiana; Docket 11943, File No. BP-10749; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of February 1957;

The Commission having under consideration the above-captioned application of the Parish Broadcasting Corporation for a construction permit to increase the power of Station KAPK, Minden, Louisiana, from 100 watts to 250 watts and to operate on the presently assigned frequency of 1240 kilocycles, unlimited time;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KAPK as proposed, but that the proposed operation would cause objectionable interference to Station KOCA, Kilgore, Texas (1240 kc, 250 w, U) and would receive interference which may cause a loss in population which would be excessive under section 3.28 (c) of the Commission's rules; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated December 17, 1956, of the aforementioned interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant submitted measurement data on January 24, 1957, purporting to prove that the proposed operation would not be involved in interference with Station KOCA but that the measurements made on Station KOCA toward the proposed operation were made at random points rather than along a straight path in any specified direction and therefore are not acceptable; and that the measurements made on the existing operation of Station KAPK were made for only a distance of 26 miles which, with the conductivity shown on Figure M-3 of the Commission's Technical Standards where applicable, indicate that the proposed operation of KAPK would be involved in interference with Station KOCA; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KAPK as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station KAPK would cause objectionable interference to Station KOCA, Kilgore, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposed operation of KAPK would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-captioned application should be granted.

It is further ordered, That Radio Station KOCA, Inc., licensee of Station KOCA, Kilgore, Texas, is made a party to the proceeding;

It is further ordered, That, to avail themselves of the opportunity to be heard, the Parish Broadcasting Corporation and Radio Station KOCA, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 4, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1785; Filed, Mar. 7, 1957; 8:53 a. m.]

STATEMENT OF DELEGATIONS OF AUTHORITY

EMERGENCY EXEMPTION OF VESSELS

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 27th day of February 1957;

The Commission having under consideration the necessity for amending section 0.292 (b) of the Commission's Statement of Delegations of Authority to authorize the Crief of the Safety & Special Radio Services Bureau or, in his absence, the Acting Chief of the Bureau, to act upon requests filed pursuant to section 383 of the Communications Act of 1934, as amended, for exemption of vessels from the compulsory radio requirements of Title III, Part III of the act under emergency circumstances;

It appearing that such amendment is designed to improve the internal administration of the Commission and will facilitate the prompt and orderly handling of the above described requests;

It further appearing that the amendment herein ordered relates to internal Commission organization and procedure and, therefore, compliance with the public notice and rule making procedures prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is not required;

It further appearing that authority for the proposed amendment is contained in section 5 (d) (1) of the Communications Act of 1934, as amended;

It is ordered, That, effective February 27, 1957 section 0.292 (b) of the Commission's Statement of Delegations of Authority is amended to read as follows:

(b) Applications or requests for exemption, pursuant to the provisions of sections 352 (b) and 383 of the Communications Act, Regulations 5 or 6, Chapter IV of the Safety Convention, or Article 6 of the Great Lakes Agreement.

(1) For emergency and renewal exemption of ships.

(2) For initial exemptions of ships of less than 100 gross tons (except for vessels subject to the Great Lakes Agreement or Title III, Part III of the Act).

(3) For exemption from Title III, Part II of the Act of ships operated in the Gulf of Mexico which participate in oil well drilling operations when the circumstances are substantially the same as those in precedent cases decided by the Commission en banc.

Released: March 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1786; Filed, Mar. 7, 1957; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-11184]

UNITED FUEL GAS CO., AND ATLANTIC SEABOARD CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 4, 1957.

Take notice that on October 2, 1956, United Fuel Gas Company (United) a West Virginia corporation, and a subsidiary of The Columbia Gas System, Inc., (Columbia) and Atlantic Seaboard Corporation (Atlantic) a Delaware corporation, also a subsidiary of Columbia, having their principal place of business at 1700 Mac Corkle Avenue SE., Charleston, West Virginia, filed a joint application and on November 23, 1956, a supplement thereto, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing United to construct and operate certain additional transmission facilities and to exchange natural gas with Atlantic, and authorizing Atlantic to install and operate certain natural gas facilities to enable it to deliver natural gas to United, in accordance with an exchange arrangement (Exhibit M) as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

United proposes to construct and operate approximately 11.1 miles of 12¾-inch gas transmission pipeline (Line PM-83) extending in an easterly direction from United's Beaver Creek Compressor Station to Atlantic's Boldman Compressor Station, together with the construction and operation of the necessary measuring and regulating facilities at the terminus thereof on the premises of Boldman Station and also to install and operate the necessary recording calorimeters, all at a total estimated cost of $535,000. These proposed facilities will be located within Floyd County, Kentucky.

Atlantic seeks authority to install and operate new compressor cylinders and related facilities at its Boldman Compressor Station in Pike County, Kentucky for the purpose of adapting its existing facilities to proposed operational arrangements at an estimated cost of $145,000.

The proposed facilities will be financed by The Columbia Gas System, Inc.

Applicants further request authorization for the exchange and delivery of natural gas between United and Atlantic pursuant to a proposed form of exchange agreement.

United desires to continue to deliver certain volumes of high BTU unprocessed Kentucky gas to its Leach gasoline extraction plant in Boyd County, Kentucky where a profitable extraction of ethane and other heavier hydrocarbons is made. United also delivers certain volumes of this high BTU gas to Union Carbide and Carbon Corporation (Carbide) for further extraction. Both extraction plants, at present, utilize gas that United receives from Kentucky West Virginia Gas Company (Kentucky-West Virginia) at United's Beaver Creek Compressor Station and along United's 20-inch Line P, connecting this station with its Kenova Station and nearby Leach Plant. This high BTU gas is received from Kentucky-West Virginia for the account of Equitable Gas Company (Equitable) under a current exchange agreement between the two parties.

When Kentucky Hydrocarbon Company, the subsidiary formed by Kentucky-West Virginia to manage the new extraction plant, commences operation United will not receive the untreated high BTU gas now transported and processed in its Leach extraction plant and will receive in lieu thereof equal volumes of lower BTU gas under its exchange agreement with Kentucky-West Virginia.

United proposes herein to route the processed Kentucky-West Virginia low BTU gas into Atlantic's system at Boldman through United's existing Beaver-Boldman Line. In exchange for this gas, Atlantic will deliver to United at Boldman certain volumes of high BTU gas which Atlantic now purchases from United, such gas being produced and purchased by United south of Boldman in Kentucky. United will transport this high BTU gas westward through its proposed new Boldman-Beaver line and on into its Leach plant for extraction, thus maintaining profitable operation at Leach. Although Atlantic will be deprived of its high BTU gas, it will receive larger volumes of lower BTU gas from United to compensate for the difference in heat content.

Applicants allege that United presently receives volumes of natural gas of 102,000 to 112,000 Mcf per day at its Kenova Station. Of this volume, United transports up to 100,000 Mcf per day to its Leach extraction plant in Boyd County, Kentucky, for the recovery of hydrocarbons heavier than ethane, bypassing the remaining volumes due to capacity limitations at Leach plant. Following its extraction operations, United delivers approximately 45,000 Mcf per day of the gas treated at Leach plant to Union Carbide & Carbon Corporation (Carbide) for further extraction pursuant to agreement. Carbide has advised United that it does not propose to extend the existing contract, which will expire March 31, 1957. The extraction processes, on an annual basis, currently result in a net credit to United's cost of service of approximately $1,141,000, of which $297,600 is attributable to the operation of the Leach plant alone.

Applicants allege that the proposed project would increase United's cost of service by $119,000 per year, and the net result would be that approximately $178,000 per year would be credited to United's cost of service. Without the proposed project, United estimates a loss at Leach of approximately $77,000 per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 8, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1767; Filed, Mar. 7, 1957; 8:49 a. m.]

[Docket No. G-10956]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION

MARCH 4, 1957.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with its principal place of business in Oklahoma City, Oklahoma, filed on August 22, 1956, an application, and amendment thereto on February 7, 1957, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act authorizing Applicant (a) to construct and operate natural gas facilities and (b) to abandon natural gas facilities and service subject to the jurisdiction of the Commission, all as more fully represented in the application and amendment thereto on file with the Commission and open for public inspection. The facilities to be constructed and operated, and the service and facilities to be abandoned are described as follows:

CONSTRUCTION

ADDITION TO BLACKWELL COMPRESSOR STATION

Construct a 3,600-horsepower addition to Applicant's Blackwell compressor station located in the NW¼ of Section 15, T. 27 N., R. 1 W., Kay County, Oklahoma.

GRABHAM COMPRESSOR STATION TO GLAVIN MEASURING STATION

(a) Construct 41 miles of 30" gas pipe line beginning at the Verdigris River in the NW¼ Section 3, T. 33 S., R. 16 E., Montgomery County, Kansas, and extending northeasterly and northerly to Applicant's Petrolia compressor station located in the NW¼ of Section 32, T. 26 S., R. 18 E., Allen County, Kansas.

(b) Construct 33 miles of 30" gas pipe line beginning at Applicant's Petrolia compressor station in the NW¼ of Section 32, T. 26 S., R. 18 E., Allen County, Kansas, and extending northerly and northeasterly to Applicant's Welda compressor station located in the SE¼ of Section 34, T. 21 S., R. 19 E., Anderson County, Kansas.

(c) Construct 15 miles of 26" gas pipe line beginning at the north terminus of Applicant's existing 26" pipe line in the SW¼ of Section 1, T. 14 S., R. 22 E. and extending northeasterly to Applicant's Glavin measuring station located in the SW¼ of Section 23, T. 12 S., R. 24 E., all in Johnson County, Kansas.

(d) Construct 4 miles of 4" gas pipe line beginning at the easterly terminus of Applicant's existing 8" line located in the NE¼ of Section 22, T. 30 S., R. 16 E. and extending easterly to a point of connection with Applicant's proposed 30" gas pipe line in the NE¼ of Section 20, T. 30 S., R. 17 E., Wilson County, Kansas.

VILAS STORAGE FIELD

Acquire, develop and operate an underground gas storage field, plug and abandon old wells, drill, equip and connect approximately 100 new storage wells and construct storage field pipe lines aggregating 9.6 miles of 26" line, 0.6 miles of 16" line, 1.7 miles of 8" line, 1 mile of 6" line, and 10.6 miles of 4" line, and dehydration facilities for 100,000 Mcf of gas per day in Applicant's proposed Vilas Storage Field located in Townships 27 and 28 South, Range 17 East, Wilson and Neosho Counties, Kansas.

GLAVIN MEASURING STATION TO KANSAS CITY

Construct 6.59 miles of 30" gas pipe line beginning at the northerly terminus of Applicant's 30" gas pipe line near the center of section 13, T. 12 S., 24 E., Johnson County, Kansas, and extending northeasterly to Applicant's 47th Street town border measuring station located in the NE¼ of Section 3, T. 12 S., R. 25 E., Johnson County, Kansas.

OTTAWA-SEDALIA SYSTEM

Construct 10 miles of 20" gas pipe line beginning at Applicant's Ottawa compressor station in the NW¼ of Section 32, T. 16 S., R. 20 E., Franklin County, Kansas, and extending easterly to the NW¼ of Section 25, T. 16 S., R. 21 E., Miami County, Kansas.

SUPERIOR SYSTEM

Construct 6 miles of 12" gas pipe line beginning at the northerly terminus of Applicant's existing 12" pipe line in the SW¼ of Section 4, T. 23 S., R. 5 W. and extending northwesterly to the NE¼ of Section 14, T. 22 S., R. 6 W., Reno County, Kansas.

FACILITIES TO BE RECLAIMED

(a) Reclaim two 16" gas pipel ines totaling 76.53 miles and 0.54 mile of 18" beginning at the Verdigris River in the NW¼ Section 3, T. 33 S., R. 16 E., Montgomery County, Kansas, and extending northeasterly and northerly to Applicant's Petrolia compressor station located in the NW¼ Section 32, T. 26 S., R. 18 E., Allen County, Kansas.

(b) Reclaim two 16" gas pipe lines totaling 65.34 miles, beginning at Applicant's Petrolia compressor station in the NW¼ Section 32, T. 26 S., R. 18 E., Allen County, Kansas, and extending northerly and northeasterly to Applicant's Welda compressor station located in the SE¼ Section 34, T. 21 S., R. 19 E., Anderson County, Kansas.

(c) Reclaim two 16" gas pipe lines totaling 20.60 miles, beginning at the north terminus of Applicant's existing 26" gas pipe line in the SW¼ Section 1, T. 14 S., R. 22 E., and extending northeasterly to Applicant's Glavin Measuring Station located in the SW¼ Section 23, T. 12 S., R. 24 E., Johnson County, Kansas.

(d) Reclaim 4.37 miles of 16" and 2.04 miles of 18" gas pipe line, beginning at the northerly terminus of Applicant's 30" gas pipe line near the center of Section 13 T. 12 S., R. 24 E., Johnson County, Kansas, and extending to Applicant's 47th Street Town Border Measuring Station, located in the NE¼ Section 3, T. 12 S., R. 25 E., Johnson County, Kansas.

(e) Reclaim 10.0 miles of 12" gas pipe line, beginning at Applicant's Ottawa Compressor Station in the NW¼ Section 32, T. 16 S., R. 20 E., Franklin County, Kansas, and extending easterly to the NW¼ Section 25, T. 16 S., R. 21 E., Miami County, Kansas.

(f) Reclaim 6.0 miles of 8" gas pipe line beginning at the northerly terminus of Applicant's existing 12" pipe line in the SW¼ Section 4, T. 23 S., R. 5 W., and extending northwesterly to the NE¼ Section 14, T. 22 S., R. 6 W., Reno County, Kansas.

SERVICE TO BE ABANDONED

Abandon service of natural gas to The Gas Service Company for resale to 72 individual domestic tap customers located on Applicant's facilities to be reclaimed herein between Applicant's Grabham Compressor Station and Glavin Measuring Station.

The application recites the proposed construction and operation, and the proposed reclaim of facilities, and abandonment of service and facilities are required for the primary purpose of meeting Applicant's increase at peak day firm requirements to existing customers. Applicant estimates that the peak day firm demand in the Kansas City Area which is served in part by the portion of its system involved herein will increase from 559,252 Mcf in 1956–57 to 629,314 Mcf by 1959–60, an increase over these years of 70,062 Mcf.

The estimated cost of Applicant's proposals is stated to be $3,893,000.00 less $743,000.00 (the salvage value of reclaimed materials) which will be paid for in part from treasury cash and in part from the proceeds of new issues of first mortgage bonds.

The change in routing of the proposed new facilities, and the proposed reclaiming of facilities will result in abandonment of service to 72 individual domestic top consumers of the Gas Service Company located between the Verdigris River northeast of Grabham Compressor Station and the Glavin Measuring Station.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1957.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1768; Filed, Mar. 7, 1957; 8:49 a. m.]

[Docket No. G–9594 etc.]

TEXAS CO. ET AL.

NOTICE OF CONSOLIDATION OF PROCEEDINGS AND DATE OF HEARING

MARCH 4, 1957.

In the matters of The Texas Company, Docket Nos. G–9594, G–9595; The Texas Company (Operator) et al., Docket No. G–11710.

On February 27, 1957, Notice of Consolidation of Proceedings and Date of Hearing was issued with respect to the Texas Company, Docket Nos. G–8969, G–9576, G–9593, G–9596, G–9609, G–9161, G–10884, G–11321, G–11322, G–11323, and G–11333 and with respect to the Texas Company (Operator), et al., Docket Nos. G–11324 and G–11391.

The captioned proceedings, like those covered in the February 27, 1957, Notice, relate to proposed changes in rates which heretofore have been suspended by order of the Commission, with the provision that a public hearing be held thereon at a date to be fixed by notice from the Secretary.

Take notice that the captioned related proceedings will also be heard on the consolidated record provided for in the previous Notice to the end that they may be disposed of as promptly as possible.

Take further notice that pursuant to the prior orders of the Commission in each of the above proceedings and the Natural Gas Act, particularly sections 4 and 15 thereof, and the Commission's rules of practice and procedure, a public hearing will be held commencing on April 8, 1957, at 10:00 a. m. E. S. T., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters and issues involved in these consolidated proceedings.

Interested State commissioners may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1750; Filed, Mar. 7, 1957; 8:45 a. m.]

[Docket No. G–7448 etc.]

CROW DRILLING CO., INC., AND TRANS-TEX DRILLING CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 4, 1957

In the matters of Crow Drilling Company, Inc., Docket No. G–7448; Crow Drilling Company, Inc., Docket No. G–10451; Trans-Tex Drilling Company, Docket No. G–10452 and G–10490.

Take notice that Crow Drilling Company, Inc., having its pricipal place of business in Shreveport, Louisiana, filed an application on May 21, 1956, in Docket No. G–10451, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon service to United Gas Pipe Line Company covering the production of natural gas from seven wells located in the Greenwood-Waskom Field, Caddo Parish, Louisiana, all producing from the Raluxy Formation, all as more fully described in the application on file with the Commission and open to public inspection.

Simultaneous with the above application for abandonment of service, Trans-Tex Drilling Company filed an application in Docket No. G–10452, pursuant to section 7 (c) of the Natural Gas Act, for authority to continue the service to United Gas Pipe Line Company proposed to be abandoned by Crow Drilling Company in Docket No. G–10451.

On May 28, 1956, Crow Drilling Company, Inc., filed an amendment to its pending application in Docket No. G–7448,[1] requesting that it be permitted to abandon the service for which it had previously sought authorization in its application in Docket No. G–7448, covering the sale of natural gas to Arkansas-Louisiana Gas Company from the A. W. Dunn No. 1 Well, located in the Greenwood-Waskom Field, Caddo Parish, Louisiana, all as more fully described in the amendment filed herein, and now on file with the Commission and open to public inspection.

Simultaneous with the above amendment, Trans-Tex Drilling Company filed an application in Docket No. G–10490, pursuant to section 7 (c) of the Natural Gas Act, for authority to continue the sale sought to be abandoned by Crow Drilling Company, Inc., in Docket No. G–7448. The application is now on file with the Commission and open to public inspection.

The respective applications and amendment herein, state, that Crow Drilling Company sold its interest in the seven Paluxy Wells and the A. W. Dunn No. 1 Well to Trans-Tex Drilling Company, which proposes to continue service to United Gas Pipe Line Company and Arkansas Louisiana pursuant to the existing gas sales contracts previously filed with the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 21, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1751; Filed, Mar. 7, 1957; 8:45 a. m.]

[Docket No. G–9402 etc.]

OIL LEASE OPERATING CO. AND COMMERCIAL PETROLEUM & TRANSPORT CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 4, 1957.

In the matters of Oil Lease Operating Co. (Operator), Docket Nos. G–9402, G–9403, G–9404; Commercial Petroleum & Transport Co., Docket Nos. G–9405, G–9406, G–9407.

Take notice that Commercial Petroleum & Transport Co. (Commercial Petroleum) with its principal place of business in Houston, Texas, filed on September 26, 1955, applications in Docket Nos. G–9405, G–9406 and G–9407, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon natural gas service authorized by the Commission in Docket Nos. G–5986 through G–5988 by order issued May 21, 1956, in the consolidated Docket Nos. G–5974, et al. proceeding, all as more fully described in the applications herein and now on file with the Commission open to public inspection.

On September 26, 1955, Oil Lease Operating Co. (Oil Lease), a Texas corporation with its principal place of business in Houston, Texas, filed application in Docket Nos. G–9402, G–9403 and G–9404 pursuant to section 7 (c) of the Natural Gas Act, for authority to continue the services proposed to be abandoned by Commercial Petroleum in its above-named dockets. The applications of Oil Lease are on file with the Commission and open to public inspection.

Commercial Petroleum states that it was dissolved on May 1, 1955; that it surrendered its charter and discontinued business; that all of its properties, contracts, permits, certificates, rate schedules and other assets, pertaining to its oil and gas properties, were assigned to its former stockholders, consisting of 27 individuals, estates, guardians, and corporations. Commercial Petroleum states further, that such former stockholders entered into a contract in writing with Oil Lease, which authorizes Oil Lease to operate and manage the gas properties which such stockholders acquired in the liquidation of Commercial Petroleum.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–1752; Filed, Mar. 7, 1957; 8:46 a. m.]

[1] The application in Docket No. G–7448 was duly noticed in consolidation with Docket No. G–6366 et al., by publication in the FEDERAL REGISTER on April 26, 1956, 21 F. R. 2707–2708 and subsequently severed from that consolidated proceeding by the Commission's order issued June 25, 1956 in Docket No. G–6366 et al.

SECURITIES AND EXCHANGE COMMISSION

[File No. 1–3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 4, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value capital stock of Great Sweet Grass Oils Limited, File No. 1–3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8–K and Form 10–K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10–K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. In November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8–K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8–K report for the month of December, 1955, and the Form 10–K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On February 21, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from February 23, 1957, to March 4, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from March 5, 1957, to March 14, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1754; Filed, Mar. 7, 1957; 8:46 a. m.]

[File No. 1–3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 4, 1957.

In the matter of trading on the American Stock Exchange in the 20¢ par value

capital stock of Kroy Oils Limited, File No. 1–3679.

I. The 20¢ par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8–K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On February 21, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from February 23, 1957, to March 4, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2–2 thereunder for any broker or dealer to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from March 5, 1957, to March 14, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1755; Filed, Mar. 7, 1957; 8:46 a. m.]

[File No. 70–3555]

CENTRAL AND SOUTH WEST CORP. ET AL.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

MARCH 4, 1957.

In the matter of Central and South West Corporation, Central Power and Light Company, Public Service Company of Oklahoma, Southwestern Gas and Electric Company (File No. 70–3555).

Central and South West Corporation ("Central"), a registered holding company, and three of its public utility subsidiaries, Central Power and Light Company ("Power"), Public Service Company of Oklahoma ("Public Service"), and Southwestern Gas and Electric Company ("Southwestern"), having filed, pursuant to sections 6, 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder, a joint application-declaration and amendments thereto regarding the following proposed transactions:

Central proposes to issue and sell, to or through underwriters or investment bankers who shall have agreed promptly to make a public offering thereof, 600,000 additional shares of its $5 par value common stock, at competitive bidding pursuant to Rule U-50 of the rules and regulations promulgated under the act.

The net proceeds received by Central from the sale of the 600,000 additional shares of common stock will be applied by Central to the prepayment, without premium or penalty, of $7,500,000 principal amount of 3½ percent bank loan notes due March 1, 1958, and to the purchase, at the par value thereof, of additional shares of the common stocks of Power, Public Service and Southwestern of the aggregate par amount of $10,500,000. Any excess of such proceeds over $18,000,000 may be used to purchase additional shares of the common stock of one or more of Central's four principal subsidiaries (subject to further approval of the Commission), or for general corporate purposes.

Public Service proposes to amend its Articles of Incorporation to increase from 4,000,000 to 6,000,000 the number of shares of its authorized $10 par value common stock, of which there are outstanding 3,900,000 shares.

Power, Public Service, and Southwestern, respectively, propose to issue and sell to Central, and Central proposes to acquire for cash, at the par value thereof, additional shares of common stock as follows:

(a) Power, 250,000 shares, per value $10 per share, for $2,500,000;

(b) Public Service, 400,000 shares, par value $10 per share, for $4,000,000;

(c) Southwestern, 400,000 shares, par value $10 per share, for $4,000,000.

Power, Public Service, and Southwestern will use the proceeds received from the issue and sale of their common stocks to finance in part the cost of their construction programs.

The Corporation Commission of Oklahoma has jurisdiction over the proposed issuance and sale of common stock by Public Service. That Commission has authorized the proposed issue and sale of additional common stock by Public Service. No other State or Federal commission, except this Commission, has jurisdiction over the proposed transactions.

The estimated fees and expenses to be incurred by Central in connection with the proposed issue and sale of its common stock aggregate $50,000, including counsel fees of Stevenson, Dendtler, Bailey & McCabe of $10,000, fees of local counsel of $800, accountant's fee $5,000, and service company fee of $7,000. The fees and expenses of independent counsel for underwriters are estimated at $7,000 and $500 respectively, and are to be paid by the purchasers of the Central stock. The fees and expenses to be incurred by Central in connection with the acquisition of the subsidiary stocks are estimated at $200.

The fees and expenses to be incurred by the subsidiaries in connection with their proposed issuances and sales of common stock are estimated as follows: Power $3,000; Public Service $25,000 (including $20,000 to the State of Oklahoma as increased capital stock authorization fee); and Southwestern $4,700.

Due notice of the filing of the joint application-declaration (Holding Company Act Release No. 13385, February 18, 1957) having been given in the manner prescribed by Rule U-23 of the rules and regulations promulgated under the act, and no hearing in respect thereof having been requested of or ordered by the Commission; and

The Commission finding in respect of the joint application-declaration that the applicable provisions of the act and the rules thereunder are satisfied, observing no basis for adverse findings or the imposition of terms and conditions, it appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates hereinabove stated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant and permit to become effective, forthwith, the joint application-declaration, as amended.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the joint application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, forthwith, subject, however, to the terms and conditions specified in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1756; Filed, Mar. 7, 1957; 8:47 a. m.]

[File No. 70–3562]

WORCESTER COUNTY ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF PROPOSED RIGHTS OFFERING BY SUBSIDIARY AND PROPOSAL OF PARENT COMPANY TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS

MARCH 4, 1957.

In the matter of Worcester County Electric Company, New England Electric System, (File No. 70–3562).

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Worcester County Electric Company ("Worcester"), have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") designating sections 6 (a), 6 (b), 9 (a), and 10 of the act and Rules U-42 (b) (2) and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The authorized and outstanding capital stock of Worcester consists of 526,120 common shares (par value $25 per share), of which, as of February 12, 1957, NEES owned 522,533 shares (99.318 percent) and the minority public holders (90 in number) owned 3,587 shares (0.682 percent). Worcester proposes to increase its common capital stock by the issue and sale, for cash, of 87,686 additional shares, offering such shares to its stockholders at a price of $55 per share on the basis of one new share for each six shares held. Rights to subscribe will be evidenced by full and fractional share warrants, exercisable during a subscription period of 21 days. However, only full shares will be issued. NEES proposes to exercise its rights to subscribe for 87,088 full shares of additional stock to which it will be entitled. The minority public holders will be entitled to subscribe for 597 full shares. NEES also proposes to purchase at the end of the subscription period all unsubscribed shares at the subscription price of $55 per share. The subscription price was determined by Worcester's board of directors after consideration of earnings, dividends, and book value of the Worcester common stock and other comparable utility company common stocks.

NEES will use treasury funds for its proposed acquisitions. Worcester will apply the proceeds from the sale of the additional common stock, amounting to $4,822,730, to the discharge of a like amount of promissory notes payable to NEES. Worcester and NEES desire to consummate the proposed issue and sale of additional common stock in order to finance permanently a portion of the capitalizable additions to Worcester's plant through the issuance of equity securities.

The Massachusetts Department of Public Utilities has jurisdiction over the proposed issue and sale of common stock by Worcester. The application-declaration states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and no state commission approval is necessary with respect to the acquisition of securities by NEES.

The expenses to be incurred by Worcester and NEES in connection with the proposed transactions are estimated to aggregate $7,000 and $300, respectively.

Notice is further given that any interested person may, not later than March 18, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1757; Filed, Mar. 7, 1957; 8:47 a. m.]

[File No. 70–3564]

NEW ORLEANS PUBLIC SERVICE, INC.

NOTICE OF PROPOSED ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 4, 1957.

Notice is hereby given that New Orleans Public Service, Inc. ("Company"), a public utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) thereof and Rule U–50 thereunder as applicable to the proposed transaction, which is summarized as follows:

The Company proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $6,000,000 principal amount of First Mortgage Bonds __ percent Series due April 1, 1987. Public invitations for bids will be issued on or about March 21, 1957. Each bid shall specify the coupon rate (which shall be a multiple of ⅛ of 1 percent) to be borne by the Bonds, and the price (exclusive of accrued interest) to be paid to the Company for the Bonds, which price shall be not less than the principal amount of the Bonds and not more than 102¾ percent of such principal amount.

The Bonds will be issued under the Company's Mortgage and Deed of Trust, dated as of July 1, 1944, to the Chase Manhattan Bank and Arthur F. Henning, successor Trustees, as heretofore supplemented and as it will be supplemented by a Fourth Supplemental Indenture to be dated April 1, 1957.

The issuance of the Bonds has been authorized by the City of New Orleans, the regulatory authority of the State in which the Company is organized and doing business.

The net proceeds to be received by the Company from the sale of the Bonds will be applied toward financing its construction program, and, if circumstances warrant, toward partial payment, prior to maturity, of its outstanding nine-month 4 percent bank notes due October 2, 1957.

The Company estimates its fees and expenses to be incurred herein as follows:

Federal stamp tax	$6,600.00
Filing fee, this Commission	616.50
Charges of Trustee	4,000.00
Haskins & Sells, accountants	4,000.00
Printing and engraving	21,500.00
Ebasco Services, Incorporated	5,500.00
Company counsel:	
Chaffe, McCall, Phillips, Burke & Hopkins	2,000.00
Jones, Walker, Waechter, Poitevent & Denegre	2,000.00
Reid & Priest	7,000.00
Miscellaneous (including Blue Sky)	6,933.50
Total	60,150.00

The fee of Beekman & Bogue, counsel for the successful bidders, is estimated at $5,000.

Notice is further given that any interested person may, not later than March 18, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–1758; Filed, Mar. 7, 1957; 8:47 a. m.]

[File No. 70-3566]

WEST PENN POWER CO. AND WEST PENN ELECTRIC CO.

NOTICE OF PROPOSAL BY SUBSIDIARY TO ISSUE AND SELL ADDITIONAL COMMON STOCK

MARCH 4, 1957.

Notice is hereby given that The West Penn Electric Company ("Electric"), a registered holding company, and its public-utility subsidiary, West Penn Power Company ("Power"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9, 10 and 12 thereof and Rules U-43 and U-44 thereunder as applicable to the proposed transactions, which are summarized as follows:

Power has outstanding 3,522,480 shares of Common Stock (without par value) and, pursuant to a rights offering to the holders of such outstanding shares, proposes to issue and sell additional shares sufficient to produce proceeds of approximately $12,000,000.

Electric, which owns 3,346,367 shares (approximately 95 percent) of Power's outstanding Common Stock, has agreed to purchase at the subscription price all of the additional shares not subscribed by the public stockholders. It further proposes to purchase, at a price to be announced when the rights are issued, such rights as are properly assigned and delivered to it before their expiration.

Based on present market conditions, it is estimated that the offering price of the additional Common Stock will be not less than $48 nor more than $53 per share, and that the number of shares will be not more than 251,606 (1 for 14) nor less than 234,832 (1 for 15). On or about March 21, 1956, transferable warrants will be issued to the public holders of record at the close of business on the second full business day prior thereto, evidencing their rights to purchase additional shares at the subscription price stated therein. The rights will expire on or about April 16, 1957. No fractional shares will be issued.

Under the terms of the Trust Indenture, dated as of September 1, 1949, securing its 3½ percent Sinking Fund Collateral Trust Bonds, Electric has covenanted to maintain the Common Stock of Power pledged with the Trustee at 94.6 percent of all the issued and outstanding common stock of Power; and, pursuant to such covenant, Electric proposes to pledge approximately 94.6 percent of the additional shares to be issued by Power with Chemical Corn Exchange Bank, the Indenture Trustee.

Power proposes to use the proceeds from the sale of the additional Common Stock, together with treasury cash and the proceeds from a later (1957) issue of about $20,000,000 of senior securities, in financing the 1957 and 1958 construction requirements of itself and its subsidiaries, estimated at $61,000,000.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the issuance by Power of the additional common stock, and that the order of said commission will be filed by amendment.

Power's expenses herein are estimated as follows:

Price Waterhouse & Co., accountants	$2,000
Sullivan & Cromwell, attorneys	2,500
Printing	3,000
Subscription agent, transfer agent and registrar	1,000
Federal stamp tax	19,000
Registration fee	1,250
Miscellaneous	2,250
Total	31,000

Notice is further given that any interested person may, not later than March 18, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1759; Filed, Mar. 7, 1957; 8:47 a. m.]

[File No. 7-1853]

ATLAS CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 4, 1957.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Atlas Corporation, common stock, File No. 7-1853.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before March 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1760; Filed, Mar. 7, 1957; 8:48 a. m.]

[File No. 7-1854]

BELL AIRCRAFT CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 4, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Bell Aircraft Corporation, common stock, File No. 7-1854.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before March 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1761; Filed, Mar. 7, 1957; 8:48 a. m.]

[File No. 7-1855]

TXL OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 4, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in TXL Oil Corporation, common stock, File No. 7-1855.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before March 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1762; Filed, Mar. 7, 1957; 8:48 a. m.]

[File No. 7-1856]

ALUMINUM LTD.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 4, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Aluminum Limited, Capital Stock, File No. 7-1856.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Pacific Coast Stock Exchanges.

Upon receipt of a request, on or before March 19, 1957, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1763; Filed, Mar. 7, 1957; 8:48 a. m.]

[File No. 7-1857]

COMBUSTION ENGINEERING, INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MARCH 4, 1957.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Combustion Engineering, Inc., capital stock, File No. 7-1857.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before March 19, 1957, from any interested persons, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1764; Filed, Mar. 7, 1957; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

JOSEF ANDREAS BOCKLE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Josef Andreas Bockle, $454.74 in the Treasury of the United States; Agatha (Boekle) Lins, $454.74 in the Treasury of the United States; Martina Stieger, $113.69 in the Treasury of the United States; Regina (Stieger) Lang, $113.69 in the Treasury of the United States; Anna (Stieger) Matt, $113.68 in the Treasury of the United States; Rosina (Stieger) Kochle, $113.68 in the Treasury of the United States; all of Vorarlberg, Austria; Claim Nos. 44692, 44693, 44694 and 44695; Vesting Order No. 4845.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1772; Filed, Mar. 7, 1957; 8:50 a. m.]

R. DRENT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

R. Drent, 231 Hoofdstraat, Hoogeveen, The Netherlands; Claim No. 60658, Vesting Order No. 17915; $125 in the Treasury of the United States; and 10 shares of ten cents par value capital stock of Keta-Gas and Oil Corporation and 7 shares of $5 par value common stock of Swan Finch Oil Corporation, presently in the custody of the Federal Reserve Bank, New York, New York.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1773; Filed, Mar. 7, 1957; 8:50 a. m.]

JØRGINE KAROLINE LOMHOLDT-PEDERSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jørgine Karoline Lomholdt-Pedersen, Charlottenlund, Denmark; Claim No. 62835; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,102,506.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1774; Filed, Mar. 7, 1957; 8:51 a. m.]

EDGAR POHL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Edgar Pohl, Onsabruck, Germany, Claim No. 45768; Vesting Order No. 11914; $5,548.57 in the Treasury of the United States and

An undivided one-third (⅓) interest in and to one $1,000.00 face value 7% Edgewater Club of Southern California (First (Closed) Mortgage Leasehold Sinking Fund Gold Bond, due December 1, 1940, numbered M-122, with June 1, 1928, and s. c. a. and in and to two and one-half (2½) shares of $100.00 par value Class "A" First Preferred capital stock of the Sierra Marble Company, Inc., included in the five shares of said stock evidenced by Certificate No. A-124, registered in the name of Anton Knittel.

The above bond and stock certificate are in the custody of the Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1775; Filed Mar. 7, 1957; 8:51 a. m.]

JACOB S. RABBIE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below.

Jacob S. Rabbie, New York, New York, L. S. Claim No. 670; $1,338.00. Philippine Railway Company 4/37 Bonds Nos. 1595, 3330, 3677, 4334 and 4397, in the principal amount of $1,000 each.

Wilhelmina Prins, The Hague, Holland, L. S. Claim No. 850; Central Pacific Railroad Company 4/49 Bond No. 13521 and Kansas City Southern Railway Company 3/50 Bond No. 15532, all in the principal amount of $1,000 each.

Johannes Suthoff, Leeuwarden, Holland, L. S. Claim No. 854; North American Trust Shares 1953, Ctfs. Nos. 157652 and 168302/3 for 10 shares each.

Jacob S. Rabbie, New York, New York, L. S. Claim No. 670; All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18620 (16 F. R. 11547, November 14, 1951) in and to Southern Railway Company 4/56 Bond No. 40507, in the principal amount of $1,000.

Vesting Orders 18521 and 18620.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1776; Filed, Mar. 7, 1957; 8:51 a. m.]

ROSEMONDE ROSTAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Rosemonde Rostand, 17, Chaussee de la Muette, Paris France, Claim No. 43854; Maurice Rostand, 17 Chaussee de la Muette, Paris, France, Claim No. 43855; Jean Rostand, 29, rue Pradier Ville D'Avray (Seine & Oise), France, Claim No. 43856; $46.07 in the Treasury of the United States, one-third thereof to each claimant.

An undivided one-third (⅓) interest to each in:

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including but not limited to, all monies and amounts by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the book entitled CYRANO DE BERGERAC, by Edmond Rostand, as listed in Exhibit A of Vesting Order No. 3430 (9 F. R. 13768, November 17, 1944), to the extent owned by the claimants immediately prior to the vesting thereof by Vesting Order No. 3430.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1777; Filed, Mar. 7, 1957; 8:52 a. m.]

ILSE RUTH SPITZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ilse Ruth Spitz, Munchen-Gladdbach, Germany, Claim No. 66762, Vesting Order No. 18001; $2,652.24 in the Treasury of the United States.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1778; Filed, Mar. 7, 1957; 8:52 a. m.]

M. VROMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

M. Vroman, Utrecht, The Netherlands, Claim No. 60194, Vesting Order Nos. 17826 and 17915; $250.00 in the Treasury of the United States;

Twenty shares of $0.10 par value common stock of the Keta Gas & Oil Corporation, ten of which shares are represented by Certificate No. CO 72 and ten of which shares are included in those represented by Certificate No. C 124, both of which certificates are registered in the name of the Attorney General; and

Fourteen shares of $5.00 par value common stock of the Swan Finch Oil Corporation, seven of which shares are included in those represented by Certificate No. C 06965 and seven of which shares are included in those represented by Certificate No. C 6556, both of which certificates are registered in the name of the Attorney General.

The above thirty-four (34) shares of stock are held in the Federal Reserve Bank, New York, for safekeeping.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1779; Filed, Mar. 7, 1957; 8:52 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF MRS. C. WERNER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

The State of the Netherlands for the benefit of: (Cash in the Treasury of the United States as noted below and all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to the securities described below.)

Mrs. C. Werner, M. P. S. and J. Ph. H. E. van Lier, L. S. Claim No. 26; $5,597.00. Kansas City Southern Railway Co. 5/50 Bond No. 3407, in the principal amount of $1,000.

Mrs. F., Dr. Albert and Jacob Roos, L. S. Claim No. 220; Cities Service Company 5/69 Debenture No. 37884, in the principal amount of $1,000.

Elizabeth, Helena, Siegmund and Eva Tas, Philip Sondervan, Werner Birnbaum, Maurits Paraira, Heyman, Jacob and Klaartje van Lier, Ella and Henri van Dijk, Regina Loeven, Henriette de Hare Winkelman and Hendrika Noordam, L. S. Claim No. 761; $1,364.47.

Hendrik van Soelen, L. S. Claim No. 778; $3,920.80.

Vesting Order No. 18521.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on February 28, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 57-1780; Filed, Mar. 7, 1957; 8:52 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 5, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 33336: *Paper Winding Cores, From and To Official Territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on newsprint paper winding cores, old and used, carloads (returned to points of origin) from and to points within official (including Illinois) territory, from points in southern and western trunk line territories to points in official (including Illinois) territory to Canada.

Grounds for relief: Carrier competition and circuity.

FSA No. 33337: *Paper Winding Cores to Western and Canadian Points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cores, newsprint paper winding, old or reused, in carloads, as described in the application returned to original points of origin from points in southern, official, Illinois and western trunk line territories to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska and Wisconsin also to points in Manitoba and Ontario, Canada.

Grounds for relief: Carrier competition and circuity.

FSA No. 33338: *Foodstuffs—Southern Ports to Central Territory.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on foodstuffs, canned, preserved, etc., carloads from southern south Atlantic, Florida, and Gulf ports (import traffic) to specified points in Indiana, Ohio, and West Virginia.

Grounds for relief: Port competition and circuitous routes.

Tariff: Supplement 30 to Agent Engdahl's tariff I. C. C. 133.

FSA No. 33339: *Paper Winding Cores Between and to Points in the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper winding cores, new or used, carloads between points in southern territory, and from points in official, including Illinois territory and western trunk line territory to points in southern territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 33340: *Substituted Service—Motor-Rail-Motor, Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for The Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Baltimore, Md. (on traffic originating at, or destined to, points on motor carriers beyond the named points).

Grounds for relief: Motor truck competition.

Tariff: Eastern Central Motor Carriers Association, Inc., Agent, tariff I. C. C. No. 14, Supplement No. 2.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-1753; Filed, Mar. 7, 1957; 8:46 a. m.]

OF MICHIGAN
MAR 11 1957

OF MICHIGAN
MAR 11 1957
MAIN
READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 47

Washington, Saturday, March 9, 1957

TITLE 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter E—Determination of Sugar Commercially Recoverable

[Sugar Determination 833.3]

PART 833—MAINLAND CANE SUGAR AREA

1956 CROP

Pursuant to the provisions of section 302 (a) of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 833.3 *Sugar commercially recoverable from sugarcane in the mainland cane sugar area*—(a) *Definitions.* For the purpose of this section, the terms:

(1) "Trash" means green or dried leaves, loose sugarcane tops, attached sugarcane tops at or above the green-leaf roll, dirt and all other extraneous material.

(2) "Gross weight" means the total weight (short tons) of sugarcane, including trash, as delivered by a producer for processing for sugar production.

(3) "Net weight" means: (i) In Louisiana, the weight obtained by deducting from gross weight, the weight of trash in the sugarcane, as determined in the customary manner, and (ii) in Florida, 96.0 percent of gross weight.

(b) *Recoverable sugar.* For the 1956 crop of sugarcane, the amount of sugar, raw value, commercially recoverable from sugarcane grown on a farm in the mainland cane sugar area and marketed (or processed by the producer) for the extraction of sugar or liquid sugar, from an acreage not in excess of the proportionate share for the farm, shall be obtained by multiplying the net weight of the sugarcane by the hundredweight of sugar, raw value, specified for the average percentage of sucrose in the normal juice of such sugarcane as follows:

(1) *For farms in Louisiana.*

Percentage of sucrose in normal juice: [1]	*Hundredweight of sugar*
8.0	0.901
9.0	1.068
10.0	1.265
11.0	1.442
12.0	1.598
13.0	1.757
14.0	1.919
15.0	2.083
16.0	2.249
17.0	2.418
18.0	2.588

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

(2) *For farms in Florida.*

Percentage of sucrose in normal juice: [1]	*Hundredweight of sugar*
8.0	0.940
9.0	1.112
10.0	1.314
11.0	1.496
12.0	1.657
13.0	1.821
14.0	1.988
15.0	2.157
16.0	2.328
17.0	2.502
18.0	2.677

[1] Sugar recoverable for the intervening tenths of 1 percent shall be calculated by straight interpolation.

(3) *Computation of rates and applicability.* The rates shown in this section represents the simple averages of sugar commercially recoverable at various normal juice sucrose levels for the crop years 1951, 1952, 1953, 1954, and 1955, with required adjustments to conform to net weight of sugarcane, as defined in paragraph (a) of this section. Sugar commercially recoverable for each such year was computed from data shown on the recapitulation of final sugar manufacturing reports for each of such crops in each State under the formula customarily used for the mainland cane sugar area.

This determination supersedes, with respect to the 1956 crop, § 833.2, Determination of Sugar Commercially Recoverable—Mainland Cane Sugar Area, issued October 20, 1949 (14 F. R. 6514) and amended September 15, 1950 (15 F. R. 6285).

STATEMENT OF BASES AND CONSIDERATIONS

Determinations of amounts of sugar commercially recoverable from sugar beets and sugarcane are required under section 302 (a) of the act to establish

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 7, Part 960 to end ($1.25)

Title 26, Part 300 to end, Ch. I, and Title 27 ($1.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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the amounts of sugar upon which payments under the act are made.

The previous determination, as issued on October 20, 1949, and amended September 15, 1950, was effective for the crops of 1949 through 1955. The statement issued in conjunction with it reviewed the bases of the determinations which were effective for the crops of 1937 through 1948. The rates of recoverability set forth in those determinations were computed from the average recoveries obtained at the mills in each State during specified crop years. The determination issued in 1949 provided for the use of moving base periods comprising for each crop the next preceding five crop years.

The recovery rates which were effective for the crop years 1937 through 1947 were computed with respect to the gross weight of sugarcane. With the increased use of machinery in harvesting sugarcane in the latter part of this crop period, the amount of trash in sugarcane increased to such an extent that the determinations issued for the crops of 1948 through 1955 provided for use of the net weight of sugarcane. In Louisiana, it has been customary to make deductions from gross weights of sugarcane for trash based upon samples taken from deliveries made by individual producers. In Florida, sugarcane has been purchased at the Clewiston and Okeelanta mills for a number of years with a standard deduction for trash of 4 percent. No deduction for trash has been made at the Fellsmere mill and, accordingly, the gross weights of sugarcane have been used for that mill area in lieu of net weights. In view of this variation from the general basis, the operators of the Fellsmere mill were requested to make pilot trash determinations on the 1955 crop of sugarcane, in a manner similar to tests conducted on recent crops at the Clewiston and Okeelanta mills. The tests at the Fellsmere mill revealed that the average percentage of trash for the 1955 crop did not differ greatly from the standard deduction made at the other mills. Under these circumstances, it is deemed reasonable and appropriate, beginning with the 1956 crop, to determine net weight of sugarcane at 96 percent of gross weight for all farms in Florida for purposes of Sugar Act payments and to make effective revised recovery rates which reflect the net weight basis. For subsequent consideration of this matter and other problems relating to the tonnage of sugarcane, tests are to be continued at each of the three mills to determine the actual average percentage of trash in sugarcane.

The rates set forth in paragraph (b) (1) and (2) were computed in the same manner as for the crops of 1949 through 1955, except for the adjustments required in using the net weight of sugarcane for the Fellsmere production. This determination also differs from the former one in that several terms are defined in paragraph (a) for clarification purposes. To permit further consideration of the trash problem and other pertinent matters, this determination is made effective for the 1956 crop only.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the purposes of section 302 (a) of the act.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies secs. 302, 303, 304; 61 Stat. 930, as amended, 931; 7 U. S. C. 1132, 1133, 1134)

Issued this 6th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1811; Filed, Mar. 8, 1957; 8:48 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 109]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.409 *Navel Orange Regulation 109*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 7, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 10, 1957, and ending at 12:01 a. m., P. s. t., March 17, 1957, is hereby fixed as follows:

(i) District 1: 323,400 cartons;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 8, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1868; Filed, Mar. 8, 1957; 11:51 a. m.]

[Lemon Reg. 676, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.783 (Lemon Regulation 676, 22 F. R. 1317) are hereby amended to read as follows:

(ii) District 2: 204,600 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 6, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1822; Filed, Mar. 8, 1957; 8:50 a. m.]

[Lemon Reg. 677]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.784 *Lemon Regulation 677*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 6, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 10, 1957, and ending at 12:01 a. m., P. s. t., March 17, 1957, is hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 204,600 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 7, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1859; Filed, Mar. 8, 1957; 9:01 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 4b-5]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

EMERGENCY EVACUATION PROVISIONS

The presently effective emergency evacuation provisions contained in § 4b.362 of Part 4b of the Civil Air Regulations were adopted on November 15, 1951, and were considered appropriate for airplanes which were then in the design stage. Airplanes currently undergoing development are considerably larger in passenger capacity; consequently, the emergency evacuation provisions heretofore effective are considered in need of revision. Furthermore, experience with these requirements indicates a need for additional revision to make them more practicable for application to all airplanes subject to these provisions.

This amendment makes certain changes in the number, size, and location of emergency exits. Also, provision is made for a somewhat greater flexibility of application of these regulations. In addition, this amendment prescribes exit configurations for high-wing airplanes, and provides for evacuation means in case of unplanned ditching in water for all airplanes.

Pursuant to the provisions of § 4b.11 (c) of Part 4b, an applicant for type certification may elect to show compliance with this amendment even though the date of application for type certification was made prior to the effective date of this amendment. However, it is considered that the provisions of § 4b.362 are so interrelated that if the applicant elects to show compliance with any portion of the section, he should be required to show compliance with the entire section.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 7688), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 4b of the Civil Air Regulations (14 CFR Part 4b, as amended) effective April 9, 1957.

1. By amending the introductory paragraph of § 4b.362 to read as follows:

§ 4b.362 *Emergency evacuation.* Crew and passenger areas shall be provided with emergency evacuation means to permit rapid egress in the event of crash landings, whether with the landing gear extended or retracted, taking into account the possibility of the airplane being on fire. If the airplane is divided into separate compartments arranged so that the minimum unobstructed passageway between such compartments is not available as required by paragraph (g) of this section, requirements of this section shall be applied to each compartment independently. Passenger and crew entrances and service doors shall be considered as emergency exits if they meet the applicable requirements of this section.

2. By amending § 4b.362 (a) to read as follows:

§ 4b.362 *Emergency evacuation.* • • •

(a) *Flight crew emergency exits.* Flight crew emergency exits shall be located in the flight crew area, one on each side of the airplane, or, alternatively, a top hatch shall be provided. Such exits shall be of sufficient size and shall be so located as to permit rapid evacuation by the crew. Such exits shall not be required in airplanes having a passenger capacity of 20 or less if the Administrator finds that the proximity of passenger emergency exits to the flight crew area offers a convenient and readily accessible means of evacuation for the flight crew.

3. By amending § 4b.362 (b) to read as follows:

(b) *Passenger emergency exits; type and location.* All required exits shall be in such specific locations as will afford the most effective means of passenger evacuation. The type of exits and their general location shall be as follows:

(1) Type I: A rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than ⅓ the width of the exit. The first Type I exit on each side of the fuselage shall be located in the aft portion of the passenger compartment unless the configuration of the airplane is such that some other location would afford a more effective means of passenger evacuation. All Type I exits shall be floor level exits.

(2) Type II: A rectangular opening of not less than 20 inches wide by 44 inches high, with corner radii not greater than ⅓ the width of the exit. Unless Type I exits are required, one Type II exit on each side of the fuselage shall be located in the aft portion of the passenger compartment except where the configuration of the airplane is such that some other location would afford a more effective means of passenger evacuation. Type II exits shall be floor level exits unless located over the wing in which case they shall have a step-up inside the airplane of not more than 10 inches and a step-down outside the airplane of not more than 17 inches.

(3) Type III: A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than ⅓ the width of the exit, located over the wing with a step-up inside the airplane of not more than 20 inches and a step-down outside the airplane of not more than 27 inches.

(4) Type IV: A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than ⅓ the width of the exit, located over the wing with a step-up inside the airplane of not more than 29 inches and a step-down outside the airplane of not more than 36 inches.

NOTE: Larger openings than those specified in paragraph (b) of this section shall be acceptable, whether or not of rectangular shape, provided that the specified rectangular openings can be inscribed therein, and provided further that the base of the inscribed rectangular opening meets the specified step-up and step-down heights.

4. By amending § 4b.362 (c) to read as follows:

(c) *Passenger emergency exits; number required.* Emergency exits of the type and location prescribed in paragraph (b) of this section shall be accessible to the passengers and shall be provided in accordance with subparagraphs (1) through (5) of this paragraph.

(1) The relation between the passenger seating capacity and the type and number of exits provided on each side of the airplane shall be as follows:

Passenger seating capacity	Emergency exits required on each side of the fuselage			
	Type I	Type II	Type III	Type IV
1 to 19 inclusive	------	------	1	------
20 to 39 inclusive	------	1	------	1
40 to 59 inclusive	1	------	------	1
60 to 79 inclusive	1	------	1	------
80 to 109 inclusive	1	------	1	1
110 to 139 inclusive	2	------	1	------
140 to 179 inclusive	2	------	2	------
180 to 219 inclusive	2	2	------	------

NOTE: Although similar exits and their locations are prescribed for each side of the fuselage, it is not the intent of this regulation to require that the exits necessarily be at locations diametrically opposite each other.

(2) Additional exits shall be provided on airplanes having 220 or more passengers. The additional exits shall provide an effective means of passenger evacuation consistent with the minima provided in the table in subparagraph (1) of this paragraph.

(3) In applying subparagraph (1) of this paragraph, it shall be acceptable to install 2 Type IV exits in lieu of each required Type III exit.

(4) If the Administrator finds that there exist compensating factors in the emergency evacuation means provided, it shall be permissible to increase the passenger seating capacity beyond that shown in subparagraph (1) of this paragraph, except that such increase in seating capacity shall in no case exceed 10 passengers.

(5) On airplanes where the vertical location of the wing does not permit the installation of over-wing exits, an exit the dimensions of which are not less than those prescribed in paragraph (b) (3) of this section shall be installed for each Type III and each Type IV exit required by subparagraph (1) of this paragraph.

5. By amending § 4b.362 (d) to read as follows:

(d) *Ditching emergency exits.* It shall be shown that there is not less than one emergency exit located above the water line for every 35 passengers and at least one such exit per side shall meet the minimum dimensions of the exit specified in paragraph (b) (3) of this section. It shall be permissible to substitute for any side exit an easily accessible overhead hatch of not less than the clear dimensions of the exit specified in paragraph (b) (3) of this section.

6. By amending § 4b.362 (e) (7) by deleting the words, "other than Type IV (see paragraph (b) of this section)" and substituting in lieu thereof the words, "other than exits located over the wing".

7. By amending § 4b.362 (g) by adding the following sentence at the end thereof: "Access shall be provided from the main aisle to all Type III and Type IV exits and such access shall not be obstructed by seats, berths, or other protrusions to an extent which would reduce the effectiveness of the exit, except that minor obstructions shall be permissible if the Administrator finds that compensating factors are present to maintain the effectiveness of the exit."

8. By amending § 4b.362 (h) by adding the following sentence at the end thereof: "For airplanes having a maximum passenger seating capacity of 19 or less, these aisle widths shall not be less than 12 inches wide up to a height above the floor of 25 inches and not less than 20 inches above that height."

(Sec. 205, 52 Stat, 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553)

Effective date: April 19, 1957.

Adopted: March 5, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-1796; Filed, Mar. 8, 1957; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 189]

PART 608—RESTRICTED AREAS

WILMINGTON, OHIO; ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.43, the Wilmington, Ohio, area (R-109), amended on October 31, 1951 in 16 F. R. 11066, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 38°48'30", longitude 83°02'00"; thence West to latitude 38°48'30", longitude 83°15'00"; thence Northwest to latitude 39°06'30", longitude 84°00'00"; thence North to latitude 39°20'00", longitude 84°00'00"; thence Northeast to latitude 39°41'45", longitude 83°32'45"; thence East to latitude 39°41'30", longitude 83°15'00"; thence Southeast to latitude 39°30'00", longitude 83°01'30"; thence South to the point of beginning".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551).

This amendment shall become effective on March 15, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1795; Filed, Mar. 8, 1957; 8:45 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.312]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows effective on the dates indicated:

1. Effective as of the beginning of the first pay period following March 9, 1957, paragraph (a) is amended by the deletion of the following:

Ishigaki Island, Ryukyus.
Miyako Island, Ryukyus.

2. Effective as of the beginning of the first pay period following March 9, 1957, paragraph (b) is amended by the deletion of the following:

Philippines, all posts except Angeles, Baguio City, Cagayan, Cavite (including Sangley Point), Ilagan, Iloilo, Manila and Naga City.

3. Effective as of the beginning of the first pay period following March 9, 1957, paragraph (c) is amended by the deletion of the following:

Iloilo, Philippines.

4. Effective as of the beginning of the first pay period following March 9, 1957, paragraph (b) is amended by the addition of the following:

Cape Makkovik, Canada.
Cut Throat Island, Canada.
Elliston Ridge, Canada.
Fox Harbor, Canada.
La Scie, Canada.
Philippines, all posts except Angeles, Baguio City, Cagayan, Cavite (including Sangley Point), Ilagan, Manila and Naga City.
Spotted Isle, Canada.

5. Effective as of the beginning of the first pay period following December 1, 1956, paragraph (c) is amended by the addition of the following:

Aleppo, Syria.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

Dated: February 28, 1957.

I. W. CARPENTER, Jr.,
Assistant Secretary-Controller.

[F. R. Doc. 57-1813; Filed, Mar. 8, 1957; 8:48 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Rules Amdt. 2-28]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

LAWS, TREATIES, AGREEMENTS AND ARRANGEMENTS RELATING TO RADIO

The Commission having under consideration the desirability of making certain editorial changes in § 2.601 of its rules and regulations; and

It appearing, that the Amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 4th day of March 1957 that, effective March 4, 1957, § 2.601 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: March 5, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 2 is amended by replacing the existing text of § 2.601 with the text below:

§ 2.601 *Laws, Treaties, Agreements and Arrangements Relating to Radio.* (Corrected to March 1, 1957. Unless otherwise indicated, copies of these documents listed below may be obtained from the Government Printing Office, Washington 25, D. C.)

(a) The applicable Federal Laws, International Treaties, Agreements, and Arrangements in force relating to radio and to which the United States of America is a party, are listed below:

Date	Series [1]	Subject
1925	T. S. 724-A	Arrangements between the United States, Great Britain, Canada, and Newfoundland. Effected by exchange of notes signed Sept. and Oct., 1925, providing for the prevention of interference by ships off the coast of these countries with radio broadcasting. Entered into force Oct. 1, 1925. (Not available at the Government Printing Office.)
1928 and 1929	T. S. 767-A	Arrangement between the United States and the Dominion of Canada governing radio communication between private experimental stations. Effected by exchange of notes signed Oct. 2, and Dec. 29, 1928, and Jan. 12, 1929. Entered into force Jan. 1, 1929. This Arrangement is continued by the Arrangement contained in E. A. S. 62. (Not available at the Government Printing Office.)
1929	T. S. 777-A	Arrangement between the United States, Canada, Cuba, and Newfoundland relating to assignment of high frequencies on the North American Continent. Effected by exchange of notes signed at Ottawa on Feb. 26 and 28, 1929. Entered into force Mar. 1, 1929. (Cuba ceased to be a party by virtue of notice to the Canadian Government of Oct. 5, 1933.) Arrangement still in force with respect to the United States and Canada (including Newfoundland). (Not available at the Government Printing Office.)
1934		Communications Act of 1934, as amended.
1934	E. A. S. 62	Arrangement between the United States and the Dominion of Canada relative to radio communications between private experimental stations and between amateur stations. Continues the Arrangement effected by the Arrangement contained in T. S. 767-A. Effected by exchange of notes Apr. 23, and May 2 and 4, 1934. Entered into force on May 4, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 66	Arrangement between the United States and Peru concerning radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Feb. 16, and May 23, 1934. Entered into force May 23, 1934. (Not available at the Government Printing Office.)
1934	E. A. S. 72	Arrangement between the United States and Chile relative to radio communications between amateur stations on behalf of third parties. Effected by exchange of notes signed Aug. 2 and 17, 1934. Entered into force Aug. 17, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 109	Agreement between the United States and Canada relating to the exchange of information concerning issuance of radio licenses. Effected by exchange of notes signed Mar. 2 and 10, Aug. 17, Sept. 8 and 20, Oct. 9, 1937. Entered into force Sept. 8, 1937. This Agreement was largely superseded by the notification procedure established in the NARBA (T. S. 962, E. A. S. 227, and TIAS 1553) and under the Inter-American Radio Communications Convention (T. S. 938). (Not available at the Government Printing Office.)
1937	T. S. 938	Inter-American Radio Communications Convention between the United States and Other Powers. Signed at Havana, Dec. 13, 1937 (First Inter-American Conference). Entered into force Apr. 17, 1939. (Not available at the Government Printing Office.)
1937	T. S. 962	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, Haiti, and Mexico. Signed at Havana, Dec. 13, 1937. Entered into force Mar. 29, 1941. E. A. S. 227 and TIAS 1553 supplement this Agreement. (Not available at the Government Printing Office.)
1938	T. S. 949	Regional Radio Convention between the United States (in behalf of the Canal Zone) and Other Powers. Signed at Guatemala City, Dec. 8, 1938. Entered into force Oct. 8, 1939. (Not available at the Government Printing Office.)
1938	E. A. S. 136	Arrangement between the United States and Canada relative to Radio Broadcasting. Effected by exchange of notes signed Oct. 28, and Dec. 10, 1938. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)
1938	E. A. S. 142	Agreement between the United States and Canada concerning Radio Communications. Effected by exchange of notes signed in June, July, August, September, October, November and December 1938. Entered into force Aug. 1, 1938. (Not available at the Government Printing Office.)
1939	E. A. S. 143	Arrangement between the United States and Canada concerning the Use of Radio for Civil Aeronautical Services. Effected by exchange of notes signed Feb. 20, 1939. Entered into force Feb. 20, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 196	Agreement between the United States and Mexico with regard to Broadcasting. Effected by exchange of notes signed Aug. 24, and 28, 1940. Entered into force Mar. 29, 1941. (Not available at the Government Printing Office.)
1941	E. A. S. 227	Supplementary North American Regional Broadcasting Agreement signed at Washington, D. C., Jan. 30, 1941. Entered into force Mar. 29, 1941. (See T. S. 962 and TIAS 1553.) (Not available at the Government Printing Office.)
1946	TIAS 1527	Agreement between the United States and the Union of Soviet Socialist Republics on Organization of Commercial Radio Teletype Communication Channels. Signed at Moscow, May 24, 1946. Entered into force May 24, 1946. (Not available at the Government Printing Office.)
1946	TIAS 1553	North American Regional Broadcasting (NARBA) Interim Agreement between the United States and Other Governments (Modus Vivendi). Signed at Washington, D. C., Feb. 25, 1946. Entered into force Mar. 29, 1946. (See T. S. 962 and E. A. S. 227.) Amended by an Arrangement between the United States and Canada concerning Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc) (TIAS 1802 which entered into force Apr. 1, 1948). (Not available at the Government Printing Office.)
1947	TIAS 1652	Agreement between the United States and the United Kingdom of Great Britain and Northern Ireland concerning Telecommunication Standardization of Distance Measuring Equipment. Signed at Washington, D. C., Oct. 13, 1947. Entered into force Oct. 13, 1947. (Not available at the Government Printing Office.)
1947	TIAS 1676	Agreement between the United States and the United Nations relative to headquarters of the U. N. Signed at Lake Success, June 26, 1947. Entered into force Nov. 21, 1947, by an exchange of notes between the United States Representative to the United Nations and the Secretary-General of the U. N. (The provisions of this Agreement were also made Public Law 357 of the 80th Congress, approved Aug. 4, 1947.) (Not available at the Government Printing Office.)
1947	TIAS 1736	Agreement between the United States and Canada providing for Frequency Modulation Broadcasting in Channels in the r. f. band 88-108 Mc. Effected by exchange of notes signed at Washington, D. C., Jan. 8, and Oct. 15, 1947. Entered into force Oct. 15, 1947. (Not available at the Government Printing Office.)
1947	----------	Agreement between the United States and the Republic of the Philippines concerning the use of radio facilities in the Philippines. Signed at Manila, Sept. 4, 1947. Entered into force on the date of its signature as a modus vivendi pending ratification by the Senate of the Philippines. (Not available at the Government Printing Office.)
1947	TIAS 1901	International Radio Regulations. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949, except for those Radio Regulations enumerated in Article 47. However, the effective date provisions of the Radio Regulations Article 47 have been superseded by the provisions of the Agreement signed at the Extraordinary Administrative Radio Conference, Geneva, 1951. (This printing contains also the International Telecommunication Convention, Atlantic City, 1947, which is superseded by the International Telecommunication Convention, Buenos Aires, 1952. The printing does not contain the Additional Radio Regulations since the United States is not a party thereto. Copies of the Atlantic City Radio Regulations which include the Additional Radio Regulations, are available only from the International Telecommunication Union, Geneva, Switzerland.) (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

Date	Series [1]	Subject
1956	TIAS 3665	Agreement between the United States and Costa Rica concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Washington, D. C., August 13, and Oct. 10, 1956. Entered into force Oct. 10, 1956.
1956	TIAS 3694	Agreement between the United States and Nicaragua concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Managua Oct. 8, and 16, 1956. Entered into force Oct. 16, 1956.

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

(b) In addition, the United States of America is bound by certain treaties and agreements which are generally considered as superseded because some of the contracting countries other than the United States did not become a party to subsequent treaties and agreements. The United States is, in such instances, bound by the older agreement with respect to its relations with those particular countries. These include the following:

Date	Series [1]	Subject
1912	T. S. 581	International Radiotelegraph Convention. Final Protocol and Service Regulations. Signed at London, July 5, 1912. Entered into force July 1, 1913. (Not available at the Government Printing Office.)
1927	T. S. 767	International Radiotelegraph Convention and General Regulations. Signed at Washington, D. C., Nov. 25, 1927. Entered into force Jan. 1, 1929. (Not available at the Government Printing Office.)
1932	T. S. 867	International Telecommunication Convention, General Radio Regulations annexed to the International Telecommunication Convention. Signed at Madrid Dec. 9, 1932. Entered into force for the United States June 12, 1934. (Not available at the Government Printing Office.)
1937	E. A. S. 200	Inter-American Arrangement concerning Radiocommunications and Annex. Signed at Havana Dec. 13, 1937. Entered into force for the United States July 13, 1938. This Arrangement was replaced by the Inter-American Agreement on Telecommunications signed at Santiago Jan. 26, 1940 (E. A. S. 231). (Not available at the Government Printing Office.)
1938	T. S. 948	General Radio Regulations (Cairo Revision, 1938) and Final Radio Protocol (Cairo Protocol) Supplementary to the International Telecommunication Convention of Madrid, 1932. Superseded by the International Telecommunication Convention of 1947. Entered into force Sept. 1, 1939. (Not available at the Government Printing Office.)
1940	E. A. S. 231	Inter-American Radio Communications Agreement between the United States, Canada, and Other American Republics. (Second Inter-American Radio Conference.) Signed at Santiago Jan. 26, 1940. Entered into force with respect to the United States Jan. 28, 1941. Revised by the Inter-American Radio Agreement signed at Washington, D. C., July 9, 1946. (TIAS 969.) (Not available at the Government Printing Office.)
1947	TIAS 1901	International Telecommunication Convention. Signed at Atlantic City, Oct. 2, 1947. Entered into force Jan. 1, 1949. Superseded by the International Telecommunication Convention signed at Buenos Aires, Dec. 22, 1952 (TIAS 2366). This convention also revises the Radio Regulations and other documents still in force. (Not available at the Government Printing Office.)

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

(c) The following agreements have been signed by the United States and are included because of their importance or of the imminence of their effective dates:

Date	Series [1]	Subject
1950	----------	North American Regional Broadcasting Agreement (NARBA) between the United States, Canada, Cuba, Dominican Republic, United Kingdom of Great Britain and Northern Ireland for the Territories in the North American Region (Bahama Islands, Jamaica, etc.). Signed at Washington, D. C., Nov. 15, 1950. Agreement will enter into force between the United States and Canada with respect to all of the following four countries, in accordance with Part III, paragraph 2 of the agreement: Canada, Cuba, Mexico, and the United States. Subject to ratification procedure in the United States. (Not available at the Government Printing Office. Available from the Department of State, Telecommunications Division, Washington 25, D. C.)

[1] TIAS—Treaties and Other International Acts Series.

Date	Series [1]	Subject
1948	TIAS 1802	Arrangement between the United States and Canada concerning Radio Broadcasting. Engineering Standards Applicable to the Allocation of Standard Broadcasting Stations (540-1600 kc). Signed by exchange of notes signed at Washington, D. C., Dec. 24, 1947, and Apr. 1, 1948. Entered into force Apr. 1, 1948. (Not available at the Government Printing Office.)
1948	TIAS 2485	International Convention for the Safety of Life at Sea and Annexed Regulations. Signed at London June 10, 1948. Entered into force Nov. 19, 1952.
1949	TIAS 2175	Telegraph Regulations (Paris Revision, 1949), annexed to the International Telecommunication Convention and Final Protocol to the Telegraph Regulations. Signed at Paris Aug. 5, 1949. Entered into force with respect to the United States Sept. 26, 1950.
1949	TIAS 2435	Agreement between the United States and Certain British Commonwealth Governments regarding Telecommunications. Signed at London, Aug. 12, 1949. Entered into force Feb. 24, 1950. This Agreement was amended by TIAS 2705 which was signed Oct. 1, 1952.
1949	TIAS 2489	Inter-American Radio Agreement between the United States and Canada and Other American States. (Third Inter-American Radio Conference.) Signed at Washington, D. C., July 9, 1949. Entered into force Apr. 18, 1952, subject to the provisions of Article 12.
1950	TIAS 2432	Arrangement between the United States and Ecuador concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Quito, Mar. 16 and 17, 1950. Entered into force Mar. 17, 1950.
1951	TIAS 2223	Agreement between the United States and Liberia regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Monrovia, Nov. 8, 1950, and Jan. 4, 9, and 10, 1951. Entered into force Jan. 11, 1951.
1951	TIAS 2508	Treaty with Canada relating to Mutual Recognition by the United States and Canada of Certain Radio Station and Operator Licenses issued in either country. Signed at Ottawa, Feb. 8, 1951. Entered into force May 15, 1952. (Not available at the Government Printing Office.)
1951	TIAS 2220	Agreement between the United States and Ceylon concerning the Use of Facilities of Radio Ceylon. Effected by exchange of notes signed at Colombo, May 14 and 19, 1951. Entered into force May 14, 1951.
1951	TIAS 2366	Agreement between the United States and Mexico which assigns Television Frequency Channels to Cities within 250 Miles of the United States-Mexico Border. Effected by exchange of notes signed at Mexico Aug. 10, and Sept. 26, 1951. Entered into force Sept. 26, 1951, and Jan. 26, 1952) is amended by TIAS 2654 which was signed at Mexico City, June 4 and 26, 1952.
1951	TIAS 2439	Agreement between the United States and Cuba concerning the Control of Electromagnetic Radiation. Effected by exchange of notes signed at Havana, Dec. 10 and 18, 1951. Entered into force Dec. 18, 1951.
1951	TIAS 2753	Agreement signed at the Extraordinary Administrative Radio Conference to bring Regulations Annex to Cairo Revision of Frequency Allocations and other provisions of the Radio Regulations, Atlantic City Revision, 1947. Entered into force Mar. 1, 1952. Signed at Geneva, Dec. 3, 1951.
1952	TIAS 2520	Agreement between the United States and Cuba regarding Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Havana, Sept. 17, 1951, and Feb. 27, 1952. Entered into force Feb. 27, 1952. (Not available at the Government Printing Office.)
1952	TIAS 2594	Agreement between the United States and Canada regarding Television Frequency Channels to Cities within 250 miles of the United States-Canada Border. Effected by exchange of notes signed at Ottawa April 23, 1952, and June 23, 1952. Entered into force June 23, 1952. (Not available at the Government Printing Office.)
1952	TIAS 2654	Amendment to TIAS 2366. Amends the Agreement between the United States and Mexico on the Assignment of Television Channels Along the United States-Mexican Border, signed at Mexico City, June 4 and 26, 1952. Entered into force June 26, 1952.
1952	TIAS 2666	Agreement between the United States and Canada for the Purpose of Promoting Safety on the Great Lakes by means of Radio. The Agreement applies to vessels of all countries as provided for in Article 3. Signed at Ottawa, Feb. 21, 1952. Entered into force Nov. 13, 1954. (Not available at the Government Printing Office.)
1952	TIAS 2705	London Revision (1952) of the London Telecommunication Agreement (1949) between the United States and Canada and Certain British Commonwealth Governments. Signed at London Oct. 1, 1952. Entered into force Oct. 1, 1952. This amends the agreement contained in TIAS 2435 signed at London Aug. 12, 1949.
1952	TIAS 2366	International Telecommunication Convention. Signed at Buenos Aires, Dec. 22, 1952. Entered into force with respect to United States and Canada relating to the safety of mobile radio transmitting equipment. Entered into force for the United States at Washington, D. C., Mar. 9 and 17, 1953. Entered into force Mar. 17, 1953.
1953	TIAS 2838	Agreement between the United States and Panama concerning Radio Communications between Amateur Stations on Behalf of Third Parties. Effected by exchange of notes signed at Panama July 10, and Aug. 1, 1956. Entered into force Sept. 1, 1956.
1956	TIAS 3617	

[1] T. S.—Treaty Series. E. A. S.—Executive Agreement Series. TIAS—Treaties and other International Acts Series.

In addition, certain Resolutions and Recommendations were adopted by a number of countries, members of the International Telecommunication Union Reno 7 at Washington, D. C., on July 9, 1946. (Not available at the Government Printing Office. Available from the International Telecommunication Union, Geneva, Switzerland.)

Date	Series[1]	Subject
1957	.....	Agreement between the United States and Mexico on the use of standard band broadcasting channels (535–1605 kc.). Signed at Mexico City, Jan. 30, 1957. Agreement will enter into force immediately subsequent to ratification by the constitutional procedures of each government. Subject to ratification procedure in the United States. (Not available at the Government Printing Office.)

[1] TIAS—Treaties and Other International Acts Series.

(d) **There are, in addition to the foregoing, certain treaties, agreements, or arrangements primarily concerned with matters other than the use of radio but which affect the work of the Federal Communications Commission, insofar as they involve communications. Among the most important of these are the following:**

Date	Series[1]	Subject
1944	TIAS 1591	International Civil Aviation Convention.[2] Signed at Chicago, Dec. 7, 1944. Entered into force Apr. 4, 1947.
1946 to present	.....	ICAO Regional Air Navigation Meetings, Communications Committee Final Reports.[2]
1946	.....	ICAO Communication Division, Second Session, Montreal.[2]
1949	.....	ICAO Communication Division, Third Session, Montreal.[2]
1953	.....	ICAO Communication Division, Fourth Session, Montreal.[2]
1954	.....	ICAO Communication Division, Fifth Session, Montreal.[2]

[1] TIAS—Treaties and Other International Acts Series.
[2] Not available at the Government Printing Office. Available from the Secretary General of ICAO, International Aviation Bldg., 1080 University St., Montreal, Canada.

[F. R. Doc. 57–1782; Filed, Mar. 8, 1957; 8:52 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.113]

PART 51—PASSPORTS

ISSUANCE TO BOY SCOUTS, SCOUTERS, OR OFFICIALS OF BOY SCOUTS OF AMERICA FOR USE IN ATTENDING WORLD JAMBOREE OF BOY SCOUTS IN ENGLAND IN JULY AND AUGUST, 1957

By virtue of and pursuant to the authority vested in me by section 4 of the act of July 14, 1956 (Public Law 707, 84th Cong., 2d sess.), I hereby prescribe the following regulations governing the issuing of passports to Boy Scouts, Scouters, and officials of the Boy Scouts of America who are nationals of the United States for use in attending the World Jamboree of Boy Scouts to be held in England in the months of July and August 1957:

WORLD JAMBOREE OF BOY SCOUTS IN 1957

Sec.
51.171 Application and evidence.
51.172 Consent of parent or guardian.
51.173 Passport to include only one person.
51.174 Restriction upon validity.
51.175 Disposition of passport.
51.176 Statement as to purpose of passport.
51.177 Fee for issue of passport.

AUTHORITY: §§ 51.171 to 51.177 issued under sec. 1, 44 Stat. 887; 22 U. S. C. 211a.

§ 51.171 *Application and evidence.* Any Boy Scout, Scouter, or official of the Boy Scouts of America who is a national of the United States and who desires to attend the World Jamboree to be held in England, 1957, must execute an application for a passport in accordance with this part, comprising rules governing the granting and issuing of passports in the United States prescribed by Executive Order 7856 of March 31, 1938. Such application must be executed before a clerk of a Federal court or a State court authorized, by the act of Congress of October 14, 1940 (54 Stat. 1137; 8 U. S. C. 907), to naturalize aliens or before an agent of the Department of State in Washington, D. C.; New York, New York; Boston, Massachusetts; Chicago, Illinois; New Orleans, Louisiana; San Francisco, California; or Los Angeles, California. In addition to complying with the requirements of such rules, each such Boy Scout, Scouter, or official shall submit to the Department of State a certificate issued by a responsible officer of the National Council, Boy Scouts of America, as to his qualification that he is representing the National Council at the World Jamboree of Boy Scouts. No fee shall be charged by a Federal official for the execution of an application for a passport of such person.

§ 51.172 *Consent of parent or guardian.* The consent of a parent or other guardian of a Boy Scout or Scouter under the age of 21 years will be assumed in the absence of a specific request by the parent or other guardian to the Department that a passport be denied the minor.

§ 51.173 *Passport to include only one person.* A passport, when issued, shall not include any person other than the one who executed the application and who has been certified by the National Council, Boy Scouts of America, as provided for in § 51.171.

§ 51.174 *Restriction upon validity.* Each passport issued under §§ 51.171 to 51.177 shall be restricted in validity to a period not later than October 15, 1957.

§ 51.175 *Disposition of passport.* If a passport is issued to a Boy Scout, Scouter, or official who finds it impracticable to attend the World Jamboree, it should be returned as promptly as possible to the Passport Office, Department of State, for cancellation. It will not thereafter be returned to the person to whom it was issued.

§ 51.176 *Statement as to purpose of passport.* Each passport issued under §§ 51.171 to 51.177 shall bear an appropriate statement as to the purpose for which it is issued.

§ 51.177 *Fee for issue of passport.* No fee shall be charged for the issue of a passport under §§ 51.171 to 51.177.

These regulations will become ineffective on October 16, 1957.

Dated: February 27, 1957.

For the Secretary of State.

LOY W. HENDERSON,
Deputy Under Secretary for Administration.

[F. R. Doc. 57–1814; Filed, Mar. 8, 1957; 8:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter L—Interpretations

PART 45—TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

ADDED INTERPRETATIONS

Part 45, Title II, Federal Coal Mine Safety Act is amended to include the following new sections:

Sec.
45.6 Statutory provisions (sec. 203 (a) (1)).
45.6–1 Drop-bottom cars used for man trips.
45.20–1 Coal-producing shift.
45.40–2 Application of rock dust wet.
45.44–4 Maintenance of permissible equipment.
45.46 Statutory provisions (sec. 209 (g) (1)).
45.46–1 Minimum requirements.
45.46–2 Fire classification.
45.46–3 Efficiency ratings.

AUTHORITY: §§ 45.6 to 45.46–3 issued under sec. 205, 66 Stat. 697; 30 U. S. C. 475.

§ 45.6 *Statutory provisions (sec. 203 (a) (1)).*

If a duly authorized representative of the Bureau, upon making an inspection of a mine as authorized in section 203, finds danger that a mine explosion, mine fire, mine inundation, or man-trip or man-hoist accident will occur in such mine immediately or before the imminence of such danger can be eliminated, he shall also find the extent of the area of such mine throughout which such danger exists. Thereupon he shall immediately make an order requiring the operator of such mine to cause all persons, excepting persons referred to in paragraph (2) of this subsection, to be withdrawn from, and to be debarred from entering, such area. Such findings and order shall contain a detailed description of the conditions which such representative finds cause and constitute such danger, and a description of the area of such mine throughout which persons must be withdrawn and debarred.

§ 45.6–1 *Drop-bottom cars used for man trips.* Failure to provide special locking devices on drop-bottom cars used for transporting men on man trips shall be considered danger that a man-trip accident will occur immediately or before the imminence of such danger can be eliminated, within the meaning of section 203 (a) (1).

§ 45.20–1 *Coal-producing shift.* The term "coal-producing shift" as used in section 203 means any shift during which one or more of the following operations necessary in the production of coal are performed: Cutting, blasting, loading, or the haulage of coal from face areas, regardless of whether or not the coal is dumped at a tipple.

§ 45.40–2 *Application of rock dust wet.* So long as the percentages of incombustible content specified in section 209 (e) (5) are maintained, rock dust applied wet in the following manner shall be considered as compliance with said section: The application of wet rock dust should be limited to rib and roof surfaces in face areas, which means it should not be used on the floor or for redusting mine surfaces outby the immediate face areas. In such applications only limestone or marble dust which meets the specifications contained in section 201 (a) (11) should be used; the application should be at the rate of not less than 3 ounces (weight) of dust per square foot of surface, and should be by a mixture of not more than 6 to 8 gallons of water with 100 pounds of dust, whether by premixed slurry or by mixing at the nozzle of a hose, to assure that the mixture is not too fluid and that sufficient dust adheres to the surfaces. Wet rock-dusting of ribs and roof does not eliminate the necessity for dry rock-dusting the floor, which can be accomplished with shovels or otherwise without creating undesirable dust clouds. Whether or not additional dry rock dust will be required after wet dust dries, depends on certain factors such as the ready dispersibility of the rock dust after drying, and the rate of settling of fine float (coal) dust on surfaces that were dusted wet.

§ 45.44–4 *Maintenance of permissible equipment.* The exception in section 209 (f) (1) of the act permitting the use of nonpermissible electric face equipment in a gasey mine applies also to any permissible electric face equipment that was rendered nonpermissible by alteration of its electrical parts before the effective date of the act or before the mine in which it is used became gassy, whichever is later. Permissible equipment loses its permissibility if it is not maintained in permissible condition or if any change or any rebuilding or repair thereof does not conform with the requirements of §§ 18.36 and 18.37 of this chapter (Bureau of Mines Schedule 2F "Electric Motor-Driven Mine Equipment, Junction Boxes and Other Accessory Equipment" [Revised]).

§ 45.46 *Statutory provisions (sec. 209 (g) (1)).*

Each mine shall be provided with suitable fire-fighting equipment, adequate for the size of the mine.

§ 45.46–1 *Minimum requirements.* The minimum requirements for providing "suitable fire-fighting equipment, adequate for the size of the mine", as these words are used in section 209 (g) (1) of the act, are here set forth with reference to "Class A", "Class B", and "Class C" fires as these terms are defined and explained in §§ 45.46–2 and 45.46–3. It is recognized, however, that fire control standards at some mines may be equivalent or superior to, although not the same as, the standards herein stated. In such instances the fire control system shall be considered as complying with said section 209 (g) (1).

(a) Unless fire extinguishers are carried on portable machines, two fire extinguishing units suitable for Class C fires and at least 240 pounds of rock dust or dry sand shall be located within 600 feet of any point where any mining machine, loading machine, or other self-propelled electrical equipment, except a locomotive, is being operated. Where fire extinguishers are carried on portable machines, only one fire extinguishing unit suitable for Class C fires is required for each machine. Wherever practicable, a chemical fire extinguisher suitable for Class C fires shall be provided on each locomotive.

(b) Unless a belt line is protected by a pipeline paralleling the belt, containing water under pressure, and with outlet valves and sufficient hose so that water will reach any point along the belt line, a fire extinguishing unit suitable for Class C fires, or some other extinguishing agent such as rock dust, dry sand, or water, shall be provided at each belt drive and tailpiece and at intervals of 300 feet along the belt. The joints of an articulated belt system are not considered to be drives or tailpieces for this purpose. Each such supply of rock dust or sand shall be in an amount of at least 240 pounds; and each such supply of water (other than in a parallel pipeline) shall be at least a barrel of water and three pails.

(c) A fire extinguishing unit suitable for Class C fires and another extinguishing agent, such as 240 pounds of rock dust or dry sand, shall be provided at each electrical installation, such as permanent pumping stations, battery-charging stations, and substations, and in shops.

(d) Two fire extinguishing units suitable for Class B fires and at least 240 pounds of rock dust or dry sand shall be provided at each permanent underground oil-storage station. Where 25 gallons or more of oil are stored on a working section, at least 240 pounds of rock dust or dry sand shall be provided.

(e) Rock dust or suitable fire extinguishers shall be immediately available during welding, cutting, or soldering with arc or flame in underground workings in other than a fireproof enclosure.

(f) Unless water lines, equipped with outlet valves at intervals of not more than 500 feet and capable of delivering 50 gallons of water per minute at a nozzle pressure of 50 pounds per square inch, are installed along main and secondary haulage roads and extend to the working sections; and unless 1,000 feet of fire hose with fittings suitable for connection with such water lines are available; two water-tank cars of at least 1,000 gallons capacity each, equipped with a high-pressure pump and not less than 300 feet of fire hose with nozzles, or two portable chemical cars containing or carrying equivalent protection, shall be provided in mines where the underground production is 300 tons or more per shift; provided, that a high-pressure rock-dusting machine fitted with at least 250 feet of hose, with at least 60 sacks of rock dust in good condition near it at all times, may be substituted for one water-tank car or chemical car. These units shall be stationed at strategic locations and ready for use at all times. Where two or more adjacent mines are connected by track, one of the two water tanks or chemical cars required for each mine may be a common unit.

(g) A fire extinguishing unit suitable for Class C fires or a minimum of 240 pounds of rock dust or dry sand shall be provided at each wooden door through which power lines pass.

(h) Unless water is piped to the faces of working places at a pressure and volume such that a hose will deliver at least 50 gallons of water a minute at a nozzle pressure of 50 pounds per square inch, a fire extinguishing unit suitable for Class A fires, or 240 pounds of rock dust or dry sand, or a barrel of water and three pails, shall be available within 600 feet of each working face. One such fire-prevention unit may serve for more than one working face provided it is within the 600-foot limit.

(i) Each underground stable shall be provided either with a water line fitted with a hydrant or hose tap near the entrance and fire hose of a minimum diameter of 1½ inches, long enough to reach the entire length of the stable, and fitted with a ½-inch nozzle; or a 500-gallon truck-mounted water tank stored near the entrance of the stable and provided with 200 feet of 1½-inch fire hose fitted with ½-inch nozzle.

(j) At every mine there shall be available for emergency use the following materials: 5 tons of rock dust, 1,000 board feet of brattice boards, 3 rolls of brattice cloth, 2 hand saws, 25 pounds 8^d nails, 25 pounds 10^d nails, 25 pounds 16^d nails, 3 claw hammers, 25 bags of wood fiber plaster or 10 bags of cement.

(k) Fire extinguishers and all auxiliary equipment shall be maintained in usable operative condition. Chemical fire extinguishers shall be examined every six months.

(l) All chemical fire extinguishers purchased after the date of the publication of these interpretations shall be approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories and carry appropriate labels.

§ 45.46–2 *Fire classification.* It is essential that the fire classification adopted by the National Fire Protection Association be thoroughly understood before an attempt is made to provide fire-fighting facilities; otherwise, fire-fighting equipment is likely to be inadequate and unsuitable. The following explains the N. F. P. A. classifications which have been modified slightly by the Bureau of Mines to permit the use of loaded stream extinguishers on Class C fires except where high voltage is likely to be encountered.

(a) *Class A fires.* Class A fires are defined as those in ordinary solid, combustible materials, such as coal, wood, rubber, textiles, paper, and rubbish. Fires of these materials can be best controlled through the quenching or cooling action of water or solutions containing large proportions of water. Chemical fire extinguishers, such as soda acid, foam, and loaded stream, also can be used success-

fully on fires in this class. Other types of chemical fire extinguishers are somewhat limited in their effectiveness when used on Class A fires. Rock dust and fine sand may be used, but in some instances, such as overhead fires, these agents are difficult to apply.

(b) *Class B fires.* Class B fires are defined as those flammable liquids, such as fuel or lubricating oils, grease, paint, varnish, and lacquer. Blanketing or smothering is essential for fighting this class of fire successfully. Chemical fire extinguishers, such as foam, dry chemical, liquid carbon dioxide, vaporizing liquid, and loaded stream, are suitable for Class B fires. Rock dust or fine sand may be used also. In no case should water be used unless a "spray," "mist," or "fog" nozzle is provided. Class B fires are considered by fire-fighting authorities to be the most difficult to control; they are likely to spread rapidly.

(c) *Class C fires.* Class C fires are defined as those in (live) electrical equipment, such as oil-filled transformers, generators, motors, switch panels, circuit breakers, insulated electrical conductors, and other electrical devices. A nonconducting extinguishing agent is essential for fighting fires of this class. Chemical fire extinguishers, such as liquid carbon dioxide, dry chemical, and vaporizing liquid, are suitable for fires in this class. Rock dust or fine sand may be used also, but either of these—the latter in particular—may damage electrical equipment. Loaded stream extinguishers may be used on Class C fires except where high voltages are likely to be encountered. When the electric circuit has been deenergized, the nonconducting recommendation previously mentioned may be ignored. However, when planning fire-fighting facilities for Class C fire hazards this exception should not be given weight. Where electricity is involved in a fire, it is advisable to deenergize the circuit as soon as possible, because, under certain conditions, a fire cannot be extinguished when a live circuit exists at the seat of the fire.

§ 45.46–3 *Efficiency ratings.* (a) The comparative efficiency ratings of various hand-type fire-fighting facilities commonly used are provided in the following tabulation and should be used in determining the size extinguisher required. The letters A, B, and C indicate suitability according to fire classification, and the numbers represent the quantity needed to provide a fire-fighting unit. The absence of any letter in a rating indicates that the facility should not be used for that particular class of fire or that its efficiency is too limited to be given a rating.

(b) A 12-quart fire pail has a rating of A–5 and a 2½-gallon pump tank has a rating of A–1, indicating that it will take 5 pails of water to equal a 2½-gallon pump tank on a Class A fire. In the case of a 10-pound liquid carbon dioxide extinguisher, having a rating of B–2 and C–1, it will take two of these to provide a fire-fighting unit for a Class B fire, but only one is needed for a Class C fire; this extinguisher can be used on an A fire but its efficiency is too limited to be given a rating for such. For example, a Class A rated extinguisher, in the absence of any other letter, should not be used on a Class B or C fire, but an extinguisher rated for Class B and C fires may be used on a Class A fire—the absence of the letter A in this case indicates that the efficiency for fighting a Class A fire is limited.

TABULATION OF EFFICIENCY RATINGS

Fire pail (water)	12-quart	A–5		
Pump tank (water)	2½ gallons	A–1		
Gas pressure (water)	2½ gallons	A–1		
Loaded stream [1]	1 gallon	A–2	B–4	C–4
Do	1¼ gallons	A–1	B–2	C–2
Do	2½ gallons	A–1	B–1	C–1
Soda acid	1½ gallons	A–2		
Do	2½ gallons	A–1		
Foam	1½ gallons	A–2	B–2	
Do	2½ gallons	A–1	B–1	
Liquid carbon dioxide	5 pounds		B–2	C–2
Do	10 pounds		B–2	C–1
Do	15 pounds		B–1	C–1
Dry chemical	4 pounds		B–2	C–2
Do	10 pounds		B–2	C–1
Do	15 pounds		B–1	C–1
Carbon tetrachloride [2]	1 quart		B–2	C–2
Do	2 quarts		B–2	C–2
Do	1 gallon		B–2	C–1
Do	2 gallons		B–2	C–1
Sand pails	12-quart		B–5	
(Use should be supplemented by other equipment.)				
Rock dust	Suitable for A, B, or C fires (see following note).			

NOTE: Tests to determine the value of rock dust as a fire-extinguishing agent have not been extensive enough to establish a unit value in comparison with accepted standards of the N. F. P. A. Based on the information available, a reasonable value for mine use is that three 80-pound sacks be accepted as one unit for Class A, B, or C fires. A shovel with a long handle will assist greatly in applying the rock dust and reduce loss through waste.

[1] This extinguisher not recommended for use on Class C fires if high voltage is likely to be encountered.

[2] It has never been the policy of the Bureau of Mines to discourage the use of carbon tetrachloride fire extinguishers under all conditions. The Bureau has, however, consistently advised against their use in confined and unventilated places in mines. This type of extinguisher shall not be used where there is likelihood of dangerous concentrations of the fumes and gases evolved passing over workmen. Neither should they be used where there is no ready means of escape for the operator providing he is not properly equipped with respiratory protection.

MARLING J. ANKENY,
Director,
Bureau of Mines.

[F. R. Doc. 57–1798; Filed, Mar. 8, 1957; 8:45 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 112—FEDERAL ASSISTANCE IN CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JUNE 30, 1956

SECOND DEADLINE FOR APPLICATIONS WITH RESPECT TO FUNDS AVAILABLE DURING FISCAL YEAR 1957

Subpart B of Part 112, 45 CFR (21 F. R. 6194, August 17, 1956) issued pursuant to title III of Public Law 815, 81st Congress (64 Stat. 967), as added by Public Law 246, 83d Congress (67 Stat. 522), and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by the 84th Congress by Public Law 382 (69 Stat. 713), Public Law 896 (70 Stat. 908), and Public Law 949 (70 Stat. 968), is hereby amended by adding a new section in order to establish a second deadline date for filing applications with respect to funds available during fiscal year 1957. The new section reads as follows:

§ 112.21 *Second deadline for applications with respect to funds available during fiscal year 1957.* Pursuant to section 303 of title III, June 24, 1957, is fixed as the date on or before which all complete applications for payments to which an applicant may be entitled under title III from funds then available for such purposes shall be filed. Complete applications heretofore filed in compliance with the act since June 30, 1956, and for which funds have not been reserved, shall be considered as filed for the purposes of this section subject to the right of the applicant to modify or amend the same on or before June 24, 1957.

(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

Dated: February 21, 1957.

[SEAL] L. G. DERTHICK,
United States Commissioner of Education.

Approved: March 5, 1957.

M. B. FOLSOM,
Secretary of Health, Education and Welfare.

[F. R. Doc. 57–1819; Filed, Mar. 8, 1957; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR (1954) Part 31]

EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

COLLECTION OF INCOME TAX AT SOURCE ON WAGES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSEL G. HARRINGTON,
Commissioner of Internal Revenue.

The following regulations, relating to collection of income tax at source on wages, are hereby prescribed under chapter 24 of the Internal Revenue Code

of 1954, as amended, and, except as specifically provided otherwise, are applicable with respect to remuneration paid after December 31, 1954:

Sec.
31.3401 (a) Statutory provisions; definitions; wages.
31.3401 (a)–1 Wages.
31.3401 (a)–2 Exclusions from wages.
31.3401 (a) (1) Statutory provisions; definitions; wages; certain remuneration of members of the Armed Forces.
31.3401 (a) (1)–1 Remuneration of members of the Armed Forces of the United States for active service in combat zone or while hospitalized as a result of such service.
31.3401 (a) (2) Statutory provisions; definitions; wages; remuneration paid for agricultural labor.
31.3401 (a) (2)–1 Agricultural labor.
31.3401 (a) (3) Statutory provisions; definitions; wages; remuneration paid for domestic service.
31.3401 (a) (3)–1 Remuneration for domestic service.
31.3401 (a) (4) Statutory provisions; definitions; wages; cash remuneration for service not in the course of employer's trade or business.
31.3401 (a) (4)–1 Cash remuneration for service not in the course of employer's trade or business.
31.3401 (a) (5) Statutory provisions; definitions; wages; remuneration for services for foreign government or international organization.
31.3401 (a) (5)–1 Remuneration for services for foreign government or international organization.
31.3401 (a) (6) Statutory provisions; definitions; wages; remuneration for services of certain nonresident alien individuals.
31.3401 (a) (6)–1 Remuneration for services of certain nonresident alien individuals.
31.3401 (a) (7) Statutory provisions; definitions; wages; remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave at frequent intervals.
31.3401 (a) (7)–1 Remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave the United States at frequent intervals.
31.3401 (a) (8) (A) Statutory provisions; definitions; wages; remuneration paid for services performed by citizens outside the United States.
31.3401 (a) (8) (A)–1 Remuneration for services performed outside the United States by citizens of the United States.
31.3401 (a) (8) (B) Statutory provisions; definitions; wages; remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.
31.3401 (a) (8) (B)–1 Remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.
31.3401 (a) (8) (C) Statutory provisions; definitions; wages; remuneration for services performed in Puerto Rico by citizen of the United States.
31.3401 (a) (8) (C)–1 Remuneration for services performed in Puerto Rico by citizen of the United States.
31.3401 (a) (9) Statutory provisions; definitions; wages; remuneration for services performed by a minister of a church or a member of a religious order.
31.3401 (a) (9)–1 Remuneration for services performed by a minister of a church or a member of a religious order.
31.3401 (a) (10) Statutory provisions; definitions; wages; remuneration for services in the delivery or distribution of newspapers, shopping news, or magazines.
31.3401 (a) (10)–1 Remuneration for services in delivery or distribution of newspapers, shopping news, or magazines.
31.3401 (a) (11) Statutory provisions; definitions; wages; remuneration other than in cash for services not in the course of employer's trade or business.
31.3401 (a) (11)–1 Remuneration other than in cash for service not in the course of employer's trade or business.
31.3401 (a) (12) Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.
31.3401 (a) (12)–1 Payments from or to certain tax-exempt trusts or under or to certain annuity plans.
31.3401 (b) Statutory provisions; definitions; payroll period.
31.3401 (b)–1 Payroll period.
31.3401 (c) Statutory provisions; definitions; employee.
31.3401 (c)–1 Employee.
31.3401 (d) Statutory provisions; definitions; employer.
31.3401 (d)–1 Employer.
31.3401 (e) Statutory provisions; definitions; number of withholding exemptions claimed.
31.3401 (e)–1 Number of withholding exemptions claimed.
31.3402 (a) Statutory provisions; income tax collected at source; requirement of withholding.
31.3402 (a)–1 Requirement of withholding.
31.3402 (b) Statutory provisions; income tax collected at source; percentage method of withholding.
31.3402 (b)–1 Percentage method of withholding.
31.3402 (c) Statutory provisions; income tax collected at source; wage bracket withholding.
31.3402 (c)–1 Wage bracket withholding.
31.3402 (d) Statutory provisions; income tax collected at source; tax paid by recipient.
31.3402 (d)–1 Failure to withhold.
31.3402 (e) Statutory provisions; income tax collected at source; included and excluded wages.
31.3402 (e)–1 Included and excluded wages.
31.3402 (f) (1) Statutory provisions; income tax collected at source; withholding exemptions.
31.3402 (f) (1)–1 Withholding exemptions.
31.3402 (f) (2) Statutory provisions; income tax collected at source; withholding exemptions; exemption certificates.
31.3402 (f) (2)–1 Withholding exemption certificates.
31.3402 (f) (3) Statutory provisions; income tax collected at source; withholding exemptions; when exemption certificate takes effect.
31.3402 (f) (3)–1 When withholding exemption certificate takes effect.
31.3402 (f) (4) Statuory provisions; income tax collected at source; withholding exemptions; period during which exemption certificate remains in effect.
31.3402 (f) (4)–1 Period during which withholding exemption certificate remains in effect.
31.3402 (f) (5) Statutory provisions; income tax collected at source; withholding exemptions; form and contents of exemption certificate.
31.3402 (f) (5)–1 Form and contents of withholding exemption certificate.
31.3402 (g) Statutory provisions; income tax collected at source; overlapping pay periods, and payment by agent or fiduciary.
31.3402 (g)–1 Supplemental wage payments.
31.3402 (g)–2 Wages paid for payroll period of more than one year.
31.3402 (g)–3 Wages paid through an agent, fiduciary, or other person on behalf of two or more employers.
31.3402 (h) Statutory provisions; income tax collected at source; withholding on basis of average wages.
31.3402 (h)–1 Withholding on basis of average wages.
31.3402 (i) Statutory provisions; income tax collected at source; additional withholding.
31.3402 (i)–1 Additional withholding.
31.3402 (j) Statutory provisions; income tax collected at source; noncash remuneration to retail commission salesman.
31.3402 (j)–1 Remuneration other than in cash for service performed by retail commission salesman.
31.3403 Statutory provisions; liability for tax.
31.3403–1 Liability for tax.
31.3404 Statutory provisions; return and payment by governmental employer.
31.3404–1 Return and payment by governmental employer.

SUBPART E—COLLECTION OF INCOME TAX AT SOURCE ON WAGES (CHAPTER 24, INTERNAL REVENUE CODE OF 1954)

§ 31.3401 (a) *Statutory provisions; definitions; wages.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration (other than fees paid to a public official) for services performed by an employee for his employer, including the cash value of all remuneration paid in any medium other than cash; except that such term shall not include remuneration paid—

§ 31.3401 (a)–1 *Wages*—(a) *In general.* (1) The term "wages" means all remuneration for services performed by an employee for his employer unless specifically excepted under section 3401 (a) or excepted under section 3402 (e). See §§ 31.3401 (a) to 31.3401 (a) (12)–1, inclusive, and § 31.3402 (e)–1.

(2) The name by which the remuneration for services is designated is immaterial. Thus, salaries, fees, bonuses, commissions on sales or on insurance premiums, pensions, and retired pay are wages within the meaning of the statute if paid as compensation for services performed by the employee for his employer.

(3) The basis upon which the remuneration is paid is immaterial in determining whether the remuneration constitutes wages. Thus, it may be paid on the basis of piecework, or a percentage of profits; and may be paid hourly, daily, weekly, monthly, or annually.

(4) Generally the medium in which the remuneration is paid is also immaterial. It may be paid in cash or in something other than cash, as for example, stocks, bonds, or other forms of property. (See, however, § 31.3401 (a) (11)–1, relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business.) If services are paid for in a medium other than cash, the fair market value of the thing taken in payment is the amount to be included as wages. If the services were rendered at a stipulated price, in the absence of evidence to the contrary, such price will be presumed to be the fair value of the remuneration received. If a corporation transfers to its employees its own stock as remuneration for services rendered by the employee, the amount of such remunera-

tion is the fair market value of the stock at the time of the transfer.

(5) Remuneration for services, unless such remuneration is specifically excepted by the statute, constitutes wages even though at the time paid the relationship of employer and employee no longer exists between the person in whose employ the services were performed and the individual who performed them.

Example. A is employed by R during the month of January 1955 and is entitled to receive remuneration of $100 for the services performed for R, the employer, during the month. A leaves the employ of R at the close of business on January 31, 1955. On February 15, 1955 (when A is no longer an employee of R), R pays A the remuneration of $100 which was earned for the services performed in January. The $100 is wages within the meaning of the statute.

(b) *Certain specific items*—(1) *Pensions and retirement pay.* (i) In general, pensions and retired pay are wages subject to withholding. However, no withholding is required with respect to amounts paid to an employee upon retirement which are taxable as annuities under the provisions of section 72 or 403. So-called pensions awarded by one to whom no services have been rendered are mere gifts or gratuities and do not constitute wages. Those payments of pensions or other benefits by the Federal Government under Title 38 of the United States Code which are excluded from gross income are not wages subject to withholding.

(ii) Retirement pay for service in the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service is subject to withholding unless such pay is excluded from gross income under section 104 (a) (4), or is taxable as an annuity under the provisions of section 72. Where such retirement pay (not excluded from gross income under section 104 (a) (4) and not taxable as an annuity under the provisions of section 72) is paid to a nonresident alien individual, withholding is required only in the case of such amounts paid to a nonresident alien individual who is a resident of Puerto Rico.

(2) *Traveling and other expenses.* Amounts paid specifically—either as advances or reimbursements—for traveling or other bona fide ordinary and necessary expenses incurred or reasonably expected to be incurred in the business of the employer are not wages and are not subject to withholding. Traveling and other reimbursed expenses must be identified either by making a separate payment or by specifically indicating the separate amounts where both wages and expense allowances are combined in a single payment.

(3) *Vacation allowances.* Amounts of so-called "vacation allowances" paid to an employee constitute wages. Thus, the salary of an employee on vacation, paid notwithstanding his absence from work, constitutes wages.

(4) *Dismissal payments.* Any payments made by an employer to an employee on account of dismissal, that is, involuntary separation from the service of the employer, constitute wages regardless of whether the employer is legally bound by contract, statute, or otherwise to make such payments.

(5) *Deductions by employer from remuneration of an employee.* Any amount deducted by an employer from the remuneration of an employee is considered to be a part of the employee's remuneration and is considered to be paid to the employee as remuneration at the time that the deduction is made. It is immaterial that any act of Congress, or the law of any State or of Puerto Rico, requires or permits such deductions and the payment of the amounts thereof to the United States, a State, a Territory, Puerto Rico, or the District of Columbia, or any political subdivision of any one or more of the foregoing.

(6) *Payment by an employer of employees' tax, or employee's contributions under a State law.* The term "wages" includes the amount paid by an employer on behalf of an employee (without deduction from the remuneration of, or other reimbursement from, the employee) on account of any payment required from an employee under a State unemployment compensation law, or on account of any tax imposed upon the employee by any taxing authority, including the taxes imposed by sections 3101 and 3201.

(7) *Remuneration for services as employee of nonresident alien individual or foreign entity.* The term "wages" includes remuneration for services performed by a citizen or resident of the United States as an employee of a nonresident alien individual, foreign partnership, or foreign corporation whether or not such alien individual or foreign entity is engaged in trade or business within the United States. Any person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States (including Puerto Rico as if a part of the United States), is subject to all the provisions of law and regulations applicable with respect to an employer. See § 31.3401 (d)–1, relating to the term "employer", and § 31.3401 (a) (8) (C)–1, relating to remuneration paid for services performed by a citizen of the United States in Puerto Rico.

(8) *Amounts paid under wage continuation plans*—(i) *Amounts paid before January 1, 1956* • • •.

NOTE: Regulations to be prescribed under this subdivision (i) will conform with the provisions of § 406.207 (1) (26 CFR (1939) 406.207 (1)) of Regulations 120 (26 CFR (1939) Part 406), Collection of Income Tax at Source on Wages, which section was added by Treasury Decision 6128, approved March 25, 1955 (20 F. R. 1973). Regulations 120 were made applicable to the Internal Revenue Code of 1954 by Treasury Decision 6091, signed August 16, 1954 (19 F. R. 5167).

(ii) *Amounts paid after December 31, 1955* • • •.

NOTE: For regulations under this subdivision, see Treasury Decision 6155, approved December 27, 1955 (20 F. R. 10097).

(9) *Value of meals and lodging.* The value of any meals or lodging furnished to an employee by his employer is not subject to withholding if the value of the meals or lodging is excludable from the gross income of the employee. See the Income Tax Regulations (Part 1 of this chapter) under section 119.

(10) *Facilities or privileges.* Ordinarily, facilities or privileges (such as entertainment, medical services, or so-called "courtesy" discounts on purchases), furnished or offered by an employer to his employees generally, are not considered as wages subject to withholding if such facilities or privileges are of relatively small value and are offered or furnished by the employer merely as a means of promoting the health, good will, contentment, or efficiency of his employees.

(11) *Tips or gratuities.* Tips or gratuities paid directly to an employee by a customer of an employer, and not accounted for by the employee to the employer, are not subject to withholding.

(12) *Remuneration for services performed by permanent resident of Virgin Islands*—(i) *Exemption from withholding.* No tax shall be withheld for the United States under chapter 24 from a payment of wages by an employer, including the United States or any agency thereof, to an employee if at the time of payment it is reasonable to believe that the employee will be required to satisfy his income tax obligations with respect to such wages under section 28 (a) of the Revised Organic Act of the Virgin Islands. That section provides that all persons whose permanent residence is in the Virgin Islands "shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the treasury of the Virgin Islands".

(ii) *Claiming exemption.* If the employee furnishes to the employer a statement in duplicate, that he expects to satisfy his income tax obligations under section 28 (a) of the Revised Organic Act of the Virgin Islands with respect to all wages subsequently to be paid to him by the employer during the taxable year to which the statement relates, the employer may, in the absence of information to the contrary, rely on such statement as establishing reasonable belief that the employee will so satisfy his income tax obligations. The employee's statement shall identify the taxable year to which it relates, and both the original and the duplicate copy thereof shall be signed and dated by the employee.

(iii) *Disposition of statement.* The original of the statement shall be retained by the employer. The duplicate copy of the statement shall be sent by the employer to the Director of International Operations, Washington 25, D. C., on or before the last day of the calendar year in which the employer receives the statement from the employee.

(iv) *Applicability of subparagraph.* This subparagraph has no application with respect to any payment of remuneration which is not subject to withholding by reason of any other provision of the regulations in this subpart.

§ 31.3401 (a)–2 *Exclusions from wages*—(a) *In general.* (1) The term "wages" does not include any remuneration for services performed by an employee for his employer which is specifically excepted from wages under section 3401 (a) (see paragraph (b) of this section and §§ 31.3401 (a) (1)–1 to 31.3401 (a) (12)–1, inclusive).

(2) The exception attaches to the remuneration for services performed by an employee and not to the employee as an individual; that is, the exception applies only to the remuneration in an excepted category.

Example. A is an individual who is employed part time by B to perform domestic service in his home (see § 31.3401 (a) (3)–1). A is also employed by C part time to perform services as a clerk in a department store owned by him. While no withholding is required with respect to A's remuneration for services performed in the employ of B (the remuneration being excluded from wages), the exception does not embrace the remuneration for services performed by A in the employ of C and withholding is required with respect to the wages for such services.

(3) For provisions relating to the circumstances under which remuneration which is excepted is nevertheless deemed to be wages, and relating to the circumstances under which remuneration which is not excepted is nevertheless deemed not to be wages, see § 31.3402 (e)–1.

(b) *Fees paid a public official.* (1) Authorized fees paid to public officials such as notaries public, clerks of courts, sheriffs, etc., for services rendered in the performance of their official duties are excepted from wages and hence are not subject to withholding. However, salaries paid such officials by the Government, or by a Government agency or instrumentality, are subject to withholding.

(2) Amounts paid to precinct workers for services performed at election booths in State, county, and municipal elections and fees paid to jurors and witnesses are in the nature of fees paid to public officials and therefore are not subject to withholding.

§ 31.3401 (a) (1) *Statutory provisions; definitions; wages; certain remuneration of members of the Armed Forces.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

(1) For active service as a member of the Armed Forces of the United States performed in a month for which such member is entitled to the benefits of section 112; or

§ 31.3401 (a) (1)–1 *Remuneration of members of the Armed Forces of the United States for active service in combat zone or while hospitalized as a result of such service.* Remuneration paid for active service as a member of the Armed Forces of the United States performed in a month during any part of which such member served in a combat zone (as determined under section 112) or is hospitalized at any place as a result of wounds, disease, or injury incurred while serving in such a combat zone is excepted from wages and is, therefore, not subject to withholding. The exception with respect to hospitalization is applicable, however, only if during all of such month there are combatant activities in some combat zone (as determined under section 112). See the Income Tax Regulations (Part 1 of this chapter) under section 112.

§ 31.3401 (a) (2) *Statutory provisions; definitions; wages; remuneration paid for agricultural labor.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

(2) For agricultural labor (as defined in section 3121 (g)); or

§ 31.3401 (a) (2)–1 *Agricultural labor.* The term "wages" does not include remuneration for services which constitute agricultural labor as defined in section 3121 (g). For regulations relating to the definition of the term "agricultural labor", see § 31.3121 (g)–1 in Subpart B of this part.

§ 31.3401 (a) (3) *Statutory provisions; definitions; wages; remuneration paid for domestic service.*

SEC. 3401. *Definitions*—(a) *Wages.* For purpose of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(3) For domestic service in a private home, local college club, or local chapter of a college fraternity or sorority; or

§ 31.3401 (a) (3)–1 *Remuneration for domestic service*—(a) *In a private home.* (1) Remuneration paid for services of a household nature performed by an employee in or about a private home of the person by whom he is employed is excepted from wages and hence is not subject to withholding. A private home is a fixed place of abode of an individual or family. A separate and distinct dwelling unit maintained by an individual in an apartment house, hotel, or other similar establishment may constitute a private home. If a dwelling house is used primarily as a boarding or lodging house for the purpose of supplying board or lodging to the public as a business enterprise, it is not a private home, and the remuneration paid for services performed therein is not within the exception.

(2) In general, services of a household nature in or about a private home include services performed by cooks, waiters, butlers, housekeepers, governesses, maids, valets, baby sitters, janitors, laundresses, furnacemen, caretakers, handymen, gardeners, footmen, grooms, and chauffeurs of automobiles for family use.

(b) *In a local college club or local chapter of a college fraternity or sorority.* (1) Remuneration paid for services of a household nature performed by an employee in or about the club rooms or house of a local college club or of a local chapter of a college fraternity or sorority by which he is employed is excepted from wages and hence is not subject to withholding. A local college club or local chapter of a college fraternity or sorority does not include an alumni club or chapter. If the club rooms or house of a local college club or local chapter of a college fraternity or sorority is used primarily for the purpose of supplying board or lodging to students or the public as a business enterprise, the remuneration paid for services performed therein is not within the exception.

(2) In general, services of a household nature in or about the club rooms or house of a local college club or local chapter of a college fraternity or sorority include services rendered by cooks, waiters, butlers, maids, janitors, laundresses, furnacemen, handymen, gardeners, housekeepers, and housemothers.

(c) *Remuneration not excepted.* Remuneration paid for services not of a household nature, such as services performed as a private secretary, tutor, or librarian, even though performed in the employer's private home or in a local college club or local chapter of a college fraternity or sorority, is not within the exception. Remuneration paid for services of a household nature is not within the exception if performed in or about rooming or lodging houses, boarding houses, clubs, (except local college clubs), hotels, hospitals, eleemosynary institutions, or commercial offices or establishments.

§ 31.3401 (a) (4) *Statutory provisions; definitions; wages; cash remuneration for service not in the course of employer's trade or business.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

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(4) For service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is $50 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if—

(A) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business; or

(B) Such individual was regularly employed (as determined under subparagraph (A)) by such employer in the performance of such service during the preceding calendar quarter; or

§ 31.3401 (a) (4)–1 *Cash remuneration for service not in the course of employer's trade or business.* (a) Cash remuneration paid for services not in the course of the employer's trade or business performed by an employee for an employer in a calendar quarter is excepted from wages and hence is not subject to withholding unless—

(1) The cash remuneration paid for such services performed by the employee for the employer in the calendar quarter is $50 or more; and

(2) Such employee is regularly employed in the calendar quarter by such employer to perform such services.

Unless the tests set forth in both subparagraphs (1) and (2) of this paragraph are met, cash remuneration for service not in the course of the em-

ployer's trade or business is excluded from wages. (For provisions relating to the exclusion from wages of remuneration paid in any medium other than cash for services not in the course of the employer's trade or business, see § 31.3401 (a) (11)–1.)

(b) The term "services not in the course of the employer's trade or business" includes services that do not promote or advance the trade or business of the employer. As used in this section, the term does not include service not in the course of the employer's trade or business performed on a farm operated for profit or domestic service in a private home, local college club, or local chapter of a college fraternity or sorority. Accordingly, this exception does not apply with respect to remuneration which is excepted from wages under section 3401 (a) (2) or section 3401 (a) (3) (see §§ 31.3401 (a) (2)–1 and 31.3401 (a) (3)–1, respectively). Remuneration paid for service performed for a corporation does not come within the exception.

(c) The test relating to cash remuneration of $50 or more is based on the remuneration earned during a calendar quarter rather than on the remuneration paid in a calendar quarter. However, for purposes of determining whether the test is met, it is also required that the remuneration be paid, although it is immaterial when the remuneration is paid. Furthermore, in determining whether $50 or more has been paid for service not in the course of the employer's trade or business, only cash remuneration for such service shall be taken into account. The term "cash remuneration" includes checks and other monetary media of exchange. Remuneration paid in any other medium, such as lodging, food, or other goods or commodities, is disregarded in determining whether the cash-remuneration test is met.

(d) For purposes of this exception, an individual is deemed to be regularly employed by an employer during a calendar quarter only if—

(1) Such individual performs service not in the course of the employer's trade or business for such employer for some portion of the day on at least 24 days (whether or not consecutive) during such calendar quarter; or

(2) Such individual was regularly employed (as determined under subparagraph (1) of this paragraph) by such employer in the performance of service not in the course of the employer's trade or business during the preceding calendar quarter.

(e) In determining whether an employee has performed service not in the course of the employer's trade or business on at least 24 days during a calendar quarter, there shall be counted as one day—

(1) Any day or portion thereof on which the employee actually performs such service; and

(2) Any day or portion thereof on which the employee does not perform service of the prescribed character but with respect to which cash remuneration is paid or payable to the employee for such service, such as a day on which the employee is sick or on vacation. An employee who on a particular day reports for work and, at the direction of his employer, holds himself in readiness to perform service not in the course of the employer's trade or business shall be considered to be engaged in the actual performance of such service on that day. For purposes of this exception, a day is a continuous period of 24 hours commencing at midnight and ending at midnight.

§ 31.3401 (a) (5) *Statutory provisions; definitions; wages; remuneration for services for foreign government or international organization.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(5) For services by a citizen or resident of the United States for a foreign government or an international organization; or

§ 31.3401 (a) (5)–1 *Remuneration for services for foreign government or international organization*—(a) *Services for foreign government.* (1) Remuneration paid for services performed as an employee of a foreign government is excepted from wages and hence is not subject to withholding. The exception includes not only remuneration paid for services performed by ambassadors, ministers, and other diplomatic officers and employees but also remuneration paid for services performed as a consular or other officer or employee of a foreign government or as a nondiplomatic representative of such a government. However, the exception does not include remuneration for services performed for a corporation created or organized in the United States or under the laws of the United States or any State (including the District of Columbia or the Territory of Alaska or Hawaii) or of Puerto Rico even though such corporation is wholly owned by such a government.

(2) The citizenship or residence of the employee and the place where the services are performed are immaterial for purposes of the exception.

(b) *Services for international organization.* (1) Subject to the provisions of section 1 of the International Organizations Immunities Act, remuneration paid for services performed within or without the United States by an employee for an international organization as defined in section 7701 (a) (18) is excepted from wages and hence is not subject to withholding. The term "employee" as used in the preceding sentence includes not only an employee who is a citizen or resident of the United States but also an employee who is a nonresident alien individual. The term "employee" also includes an officer. An organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act may enjoy the benefits of the exclusion from wages with respect to remuneration paid for services performed for such organization prior to the date of the issuance of such Executive order, if (i) the Executive order does not provide otherwise and (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time such services are performed.

(2) Section 7701 (a) (18) provides as follows:

SEC. 7701. *Definitions.* (a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

* * * * *

(18) *International organization.* The term "international organization" means a public international organization entitled to enjoy privileges, exemptions, and immunities as an international organization under the International Organizations Immunities Act (22 U. S. C. 288–288f).

(3) Section 1 of the International Organizations Immunities Act provides as follows:

SECTION 1. [*International Organizations Immunities Act.*] For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States Participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

§ 31.3401 (a) (6) *Statutory provisions; definitions; wages; remuneration for services of certain nonresident alien individuals.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(6) For services performed by a nonresident alien individual, other than—

(A) A resident of a contiguous country who enters and leaves the United States at frequent intervals; or

(B) A resident of Puerto Rico if such services are performed as an employee of the United States or any agency thereof; or

§ 31.3401 (a) (6)–1 *Remuneration for services of certain nonresident alien individuals.* (a) Except in the case of certain nonresident alien individuals who are residents of Canada, Mexico, or Puerto Rico, remuneration for services performed by nonresident alien individuals does not constitute wages subject to withholding under section 3402. For withholding of income tax on remuneration paid for services performed within the United States in the case of nonresident alien individuals generally, see the Income Tax Regulations (Part 1 of this chapter) under section 1441.

(b) Remuneration paid to nonresident aliens who are residents of a contiguous country (Canada or Mexico) and who enter and leave the United States at frequent intervals is not excepted from wages under section 3401 (a) (6). See, however, § 31.3401 (a) (7)–1, relating to remuneration paid to such nonresident alien individuals when engaged in transportation service.

(c) Remuneration paid to a nonresident alien individual for services performed in Puerto Rico for an employer (other than the United States or any agency thereof) is excepted from wages and hence is not subject to withholding, even though such alien individual is a resident of Puerto Rico at the time when such services are performed. Wages paid for services performed by a nonresident alien individual who is a resident of Puerto Rico are subject to withholding if such services are performed as an employee of the United States or any agency thereof. The place of performance of such services is immaterial, provided such alien individual is a resident of Puerto Rico at the time of performance of the services. Wages representing retirement pay for service in the Armed Forces of the United States, the Coast and Geodetic Survey, or the Public Health Service are subject to withholding, under the limitations specified in § 31.3401 (a)–1 (b) (1) (ii), in the case of an alien resident of Puerto Rico.

§ 31.3401 (a) (7) *Statutory provisions; definitions; wages; remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave the United States at frequent intervals.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(7) For such services, performed by a nonresident alien individual who is a resident of a contiguous country and who enters and leaves the United States at frequent intervals, as may be designated by regulations prescribed by the Secretary or his delegate; or

§ 31.3401 (a) (7)–1 *Remuneration for services performed by nonresident alien individuals who are residents of a contiguous country and who enter and leave the United States at frequent intervals.* (a) Remuneration paid to nonresident aliens who are residents of a contiguous country (Canada or Mexico) and who, in the performance of their duties in transportation service between points in the United States and points in a contiguous country, enter and leave the United States at frequent intervals is excepted from wages and hence is not subject to withholding. This exception applies to personnel engaged in railroad, bus, ferry, steamboat and aircraft services and applies alike whether the employer is a domestic or foreign entity. Thus, the remuneration of a nonresident alien individual who is a resident of Canada and an employee of a domestic railroad, for services as a member of the crew of a train operating between points in Canada and points in the United States, is not subject to withholding under section 3402. The exception, however, has no application to the remuneration of a resident of Canada who, for example, is employed at a fixed point in the United States, such as a factory, store, or office, and who commutes from his home in Canada in the pursuit of his employment within the United States; nor does it apply to the remuneration of an alien employee of a railroad corporation who is on duty within the United States, even though he enters and leaves the United States in reaching his place of employment from his home in a contiguous country.

(b) In order for the exception to apply, the non-resident alien employee must furnish his employer a statement showing the employee's name and address and certifying (1) that he is not a citizen of the United States, (2) that he is a resident of Canada or Mexico, as the case may be, and (3) the approximate period of time during which he has occupied such status. Such statement shall be dated, shall be signed by the employee, and shall contain, or be verified by, a written declaration that it is made under the penalties of perjury. No particular form is prescribed for this statement.

§ 31.3401 (a) (8) (A) *Statutory provisions; definitions; wages; remuneration paid for services performed by citizens outside the United States.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration * * * for services performed by an employee for his employer * * *; except that such term shall not include remuneration paid—

* * * * *

(8) (A) For services for an employer (other than the United States or any agency thereof)—

(i) Performed by a citizen of the United States if, at the time of the payment of such remuneration, it is reasonable to believe that such remuneration will be excluded from gross income under section 911; or

(ii) Performed in a foreign country or in a possession of the United States by such a citizen if, at the time of the payment of such remuneration, the employer is required by the law of any foreign country or possession of the United States to withhold income tax upon such remuneration; or

[Sec. 3401 (a) (8) as amended by act of Aug. 9, 1955, 69 Stat. 617, which added "or in a possession of the United States" and "or possession of the United States" to subparagraph (A) (ii). Effective with respect to remuneration paid on or after August 9, 1955.]

§ 31.3401 (a) (8) (A)–1 *Remuneration for services performed outside the United States by citizens of the United States*—(a) *Remuneration excluded from gross income under section 911*—(1) *Resident of a foreign country.* (i) Remuneration paid for services performed outside the United States for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 911 (a) (1). The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that the remuneration is excludable from gross income under the provisions of section 911 (a) (1).

(ii) If an individual citizen of the United States establishes to the satisfaction of the district director that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received by such individual from sources without the United States (except amounts paid by the United States or any agency thereof) are excluded from gross income under the provisions of section 911 (a) (1), provided that such amounts constitute earned income, as defined in section 911 (b), which is attributable to such uninterrupted period. See the Income Tax Regulations (Part 1 of this chapter) under section 911.

(iii) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed outside the United States during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 911 (a) (1) for each taxable year in respect of which the employee properly executes and furnishes in duplicate to the employer a statement in the following form:

Statement for claiming benefits of Section 911 (a) (1) for calendar year ------ or fiscal year beginning ------ and ending ------.

(A) My name is ---------- My present address is ---------- I am employed by ----------.

(B) My last address in the United States was ---------- The internal revenue district in which I filed my last income tax return is ----------.

(C) I ---------- file my income tax return
(Do or do not)
on the calendar-year basis.

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19--, and ending ----------, 19--.

(E) I am a citizen of the United States.

(F) I have been a bona fide resident of the following foreign country or countries, namely, ----------, for an uninterrupted period which began on ----------, 19--.

(G) I expect to remain a bona fide resident of a foreign country or countries from the date of this statement until the end of the taxable year in respect of which this statement is executed.

(H) On the basis of the facts in my case I have good reason to believe that, with respect to the above period of foreign residence

falling within the taxable year, I will satisfy the bona fide foreign-residence requirement prescribed by section 911 (a) (1) of the Internal Revenue Code of 1954.

(I) I understand that any exemption from withholding of tax permitted by reason of the furnishing of this statement is not a determination by the district director of internal revenue that any remuneration paid to me for any services performed during the taxable year is excludable from gross income under the provisions of section 911 (a) (1).

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ----------, 19--.

(iv) If the employer was entitled to presume for the two consecutive taxable years immediately preceding an employee's current taxable year that such employee's remuneration for services performed outside the United States during such preceding taxable years would be excluded from gross income under the provisions of section 911 (a) (1) (or section 116 (a) (1) of the Internal Revenue Code of 1939), he may, if such employee is residing in a foreign country on the first day of such current taxable year, presume that, in the absence of cause for a reasonable belief to the contrary, the remuneration for services performed outside the United States during such current taxable year will be excluded from gross income under the provisions of section 911 (a) (1) without obtaining from the employee the statement prescribed in subdivision (iii) of this subparagraph.

(2) *Physical presence in a foreign country.* (i) Remuneration paid for services performed outside the United States for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of payment it is reasonable to believe that such remuneration will be excluded from gross income under the provisions of section 911 (a) (2). The reasonable belief contemplated by the statute may be based upon any evidence reasonably sufficient to induce such belief, even though such evidence may be insufficient upon closer examination by the district director or the courts finally to establish that the remuneration is excludable from gross income under the provisions of section 911 (a) (2).

(ii) If an individual citizen of the United States is present in a foreign country or countries during at least 510 full days during any period of 18 consecutive months, amounts received by such individual from sources without the United States (except amounts paid by the United States or any agency thereof) are excluded from gross income under the provisions of section 911 (a) (2), provided that such amounts constitute earned income, as defined in section 911 (b), which is attributable to such period. However, the total amount so excluded from gross income under the provisions of such section may not exceed $20,000 for each taxable year if the 18-month period includes the entire taxable year. If the 18-month period does not include the entire taxable year, the amount excluded from gross income under such section for such taxable year may not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year. See the Income Tax Regulations (Part 1 of this chapter) under section 911.

(iii) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that remuneration for services performed outside the United States during the taxable year, or applicable portion thereof, will be excluded from gross income under the provisions of section 911 (a) (2) for each taxable year in respect of which the employee properly executes and furnishes in duplicate to the employer a statement in the form set forth below. The presumption shall not apply after the total payments made during the taxable year of the employee equal $20,000 or such lesser amount as may be allowable under section 911 (a) (2) on the basis of the facts shown in such statement.

Statement for claiming benefits of Section 911 (a) (2) for calendar year ------ or fiscal year beginning ------ and ending ------:

(A) My name is ----------. My present address is ----------. I am employed by ----------.

(B) My last address in the United States was ----------. The internal revenue district in which I filed my last income tax return is ----------.

(C) I ---------- file my income tax return on the calendar-year basis.
(Do or do not)

(D) I file my income tax return on the basis of the fiscal year beginning ----------, 19--, and ending ----------, 19--.

(E) I am a citizen of the United States.

(F) Except for occasional absences which have not disqualified me for the benefit of section 911 (a) (2) of the Internal Revenue Code of 1954, I have been present in the following foreign country or countries, namely ----------, during the period of time which began on ----------, 19--.

(G) I expect to be present in a foreign country or countries, except for occasional absences not disqualifying me for the benefit of section 911 (a) (2), from the date of this statement until the end of the taxable year in respect of which this statement is executed, or, if not for such period, from the date of this statement until the following date within such taxable year, namely, ----------, 19--.

(H) On the basis of the facts in my case I have good reason to believe that, with respect to the above period of presence in a foreign country or countries falling within the taxable year, I will satisfy the 510 full-day requirement prescribed by section 911 (a) (2).

(I) In the event I become disqualified for the exclusion provided by section 911 (a) (2) in respect of all or part of the above period of presence in a foreign country or countries falling within the taxable year, I will immediately notify my employer, giving sufficient facts to indicate the part, if any, of such period falling within such year in respect of which I am qualified for such exclusion.

(J) I understand that any exemption from withholding of tax permitted by reason of the furnishing of this statement is not a determination by the district director of internal revenue that any remuneration paid to me for any services performed during the taxable year is excludable from gross income under the provisions of section 911 (a) (2).

I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct.

(Signature of taxpayer)

Date: ----------, 19--.

(3) *Disposition of statements for claiming benefits of section 911.* The original of each statement furnished to the employer pursuant to subparagraph (1) (iii) or (2) (iii) of this paragraph shall be transmitted to the district director with the employer's return filed pursuant to the provisions of Subpart G of the regulations in this part for the tax-return period in which such statement is received by the employer. The duplicate copy of each such statement shall be retained by the employer.

(b) *Remuneration subject to withholding of income tax under law of a foreign country or a possession of the United States.* (1) Remuneration paid for services performed in a foreign country or in a possession of the United States for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if at the time of the payment of such remuneration the employer is required by the law of any foreign country or of any possession of the United States to withhold income tax upon such remuneration. This paragraph, insofar as it relates to remuneration paid for services performed in a possession of the United States, applies only with respect to remuneration paid on or after August 9, 1955.

(2) Remuneration is not exempt from withholding under this paragraph if the employer is not required by the law of a foreign country or of a possession of the United States to withhold income tax upon such remuneration. Mere agreements between the employer and the employee whereby the estimated income tax of a foreign country or of a possession of the United States is withheld from the remuneration in anticipation of actual liability under the law of such country or possession will not suffice.

(3) The exemption from withholding provided by this paragraph does not apply by reason of withholding of income tax pursuant to the law of a territory of the United States, of a political subdivision of a possession of the United States, or of a political subdivision of a foreign state.

(4) For provisions relating to remuneration for services performed by a permanent resident of the Virgin Islands, see § 31.3401 (a)–1 (b) (12).

(c) This section has no application to the remuneration paid to a citizen of the United States for services performed outside the United States as an employee of the United States or any agency thereof.

§ 31.3401 (a) (8) (B) *Statutory provisions; definitions; wages; remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(8) (B) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico), if it is reasonable to believe that at least 80 percent of the remuneration to be paid to the employee by such employer during the calendar year will be for such services; or

§ 31.3401 (a) (8) (B)–1 *Remuneration for services performed in possession of the United States (other than Puerto Rico) by citizen of the United States.* (a) Remuneration paid for services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within a possession of the United States (other than Puerto Rico) does not constitute wages and hence is not subject to withholding, if it is reasonable to believe that at least 80 percent of the remuneration to be paid to the empoyee by such employer during the calendar year will be for such services. The reasonable belief contemplated by section 3401 (a) (8) (B) may be based upon any evidence reasonably sufficient to induce such belief.

(b) This section has no application to remuneration paid to a citizen of the United States for services performed in any possession of the United States as an employee of the United States or any agency thereof.

(c) For provisions relating to remuneration for services performed by a permanent resident of the Virgin Islands, see § 31.3401 (a)–1 (b) (12).

§ 31.3401 (a) (8) (C) *Statutory provisions; definitions; wages; remuneration for services performed in Puerto Rico by citizen of the United States.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(8) (C) For services for an employer (other than the United States or any agency thereof) performed by a citizen of the United States within Puerto Rico, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico; or

§ 31.3401 (a) (8) (C)–1 *Remuneration for services performed in Puerto Rico by citizen of the United States.* (a) Remuneration paid for services performed within Puerto Rico for an employer (other than the United States or any agency thereof) by a citizen of the United States does not constitute wages and hence is not subject to withholding, if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of Puerto Rico. The reasonable belief contemplated by section 3401 (a) (8) (C) may be based upon any evidence reasonably sufficient to induce such belief.

(b) The employer may, in the absence of cause for a reasonable belief to the contrary, presume that an employee will be a bona fide resident of Puerto Rico during the entire calendar year—

(1) Unless the employee is known by the employer to have maintained his abode at a place outside Puerto Rico at some time during the current or the preceding calendar year; or

(2) In any case where the employee files with the employer a statement (containing a declaration under the penalties of perjury that such statement is true to the best of the empolyee's knowledge and belief) that such employee has at all times during the current calendar year been a bona fide resident of Puerto Rico and that he intends to remain a bona fide resident of Puerto Rico during the entire remaining portion of such current calendar year.

(c) This section has no application to remuneration paid to a citizen of the United States for services performed in Puerto Rico as an employee of the United States or any agency thereof.

§ 31.3401 (a) (9) *Statutory provisions; definitions; wages, remunernation for services performed by a minister of a church or a member of a religious order.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(9) For services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry or by a member of a religious order in the exercise of duties required by such order; or

§ 31.3401 (a) (9)–1 *Remuneration for services performed by a minister of a church or a member of a religious order*—(a) *In general.* Remuneration paid for services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of his ministry, or by a member of a religious order in the exercise of duties required by such order, is excepted from wages and hence is not subject to withholding.

(b) *Service by a minister in the exercise of his ministry.* Except as provided in paragraph (c) (3) of this section, service performed by a minister in the exercise of his ministry includes the ministration of sacerdotal functions and the conduct of religious worship, and the control, conduct, and maintenance of religious organizations (including the religious boards, societies, and other integral agencies of such organizations), under the authority of a religious body constituting a church or church denomination. The following rules are applicable in determining whether services performed by a minister are performed in the exercise of his ministry:

(1) Whether service performed by a minister constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of the particular religious body constituting his church or church denomination.

(2) Service performed by a minister in the control, conduct, and maintenance of a religious organization relates to directing, managing, or promoting the activities of such organization. Any religious organization is deemed to be under the authority of a religious body constituting a church or church denomination if it is organized and dedicated to carrying out the tenets and principles of a faith in accordance with either the requirements or sanctions governing the creation of institutions of the faith. The term "religious organization" has the same meaning and application as is given to the term for income tax purposes.

(3) (i) If a minister is performing service in the conduct of religious worship or the ministration of sacerdotal functions, such service is in the exercise of his ministry whether or not it is performed for a religious organization.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged to perform service as chaplain at N University. M devotes his entire time to performing his duties as chaplain which include the conduct of religious worship, offering spiritual counsel to the university students, and teaching a class in religion. M is performing service in the exercise of his ministry.

(4) (i) If a minister is performing service for an organization which is operated as an integral agency of a religious organization under the authority of a religious body constituting a church or church denomination, all service performed by the minister in the conduct of religious worship, in the ministration of sacerdotal functions, or in the control, conduct, and maintenance of such organization (see subparagraph (2) of this paragraph) is in the exercise of his ministry.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by the N Religious Board to serve as director of one of its departments. He performs no other service. The N Religious Board is an integral agency of O, a religious organization operating under the authority of a religious body constituting a church denomination. M is performing service in the exercise of his ministry.

(5) (i) If a minister, pursuant to an assignment or designation by a religious body constituting his church, performs service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization, all service performed by him, even though such service may not involve the conduct of religious worship or the ministration of sacerdotal functions, is in the exercise of his ministry.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is assigned by X, the religious body constituting his church, to perform advisory service to Y Company in connection with the publication of a book dealing with the history of M's church denomination. Y is neither a religious organization nor operated as an integral agency of a religious organization. M performs no other service for X or Y. M is performing service in the exercise of his ministry.

(c) *Service by a minister not in the exercise of his ministry.* (1) Section 3401 (a) (9) does not except from wages remuneration for service performed by a duly ordained, commissioned, or licensed minister of a church which is not in the exercise of his ministry.

(2) (i) If a minister is performing service for an organization which is neither a religious organization nor operated as an integral agency of a religious organization and the service is not performed pursuant to an assignment or designation by his ecclesiastical superiors, then only the service performed by him in the conduct of religious worship or the ministration of sacerdotal functions is in the exercise of his ministry. See, however, subparagraph (3) of this paragraph.

(ii) The rule in subdivision (i) of this subparagraph may be illustrated by the following example:

Example. M, a duly ordained minister, is engaged by N University to teach history and mathematics. He performs no other service for N although from time to time he performs marriages and conducts funerals for relatives and friends. N University is neither a religious organization nor operated as an integral agency of a religious organization. M is not performing the service for N pursuant to an assignment or designation by his ecclesiastical superiors. The service performed by M for N University is not in the exercise of his ministry. However, service performed by M in performing marriages and conducting funerals is in the exercise of his ministry.

(3) Service performed by a duly ordained, commissioned, or licensed minister of a church as an employee of the United States, or a State, Territory, or possession of the United States, or the District of Columbia, or a foreign government, or a political subdivision of any of the foregoing, is not considered to be in the exercise of his ministry for purposes of the collection of income tax at source on wages, even though such service may involve the ministration of sacerdotal functions or the conduct of religious worship. Thus, for example, service performed by an individual as a chaplain in the Armed Forces of the United States is considered to be performed by a commissioned officer in his capacity as such, and not by a minister in the exercise of his ministry. Similarly, service performed by an employee of a State as a chaplain in a State prison is considered to be performed by a civil servant of the State and not by a minister in the exercise of his ministry.

(d) *Service in the exercise of duties required by a religious order.* Service performed by a member of a religious order in the exercise of duties required by such order includes all duties required of the member by the order. The nature or extent of such service is immaterial so long as it is a service which he is directed or required to perform by his ecclesiastical superiors.

§ 31.3401 (a) (10) *Statutory provisions; definitions; wages; remuneration for services in the delivery or distribution of newspapers, shopping news, or magazines.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(10) (A) For services performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(B) For services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back; or

§ 31.3401 (a) (10)–1 *Remuneration for services in delivery or distribution of newspapers, shopping news, or magazines.* (a) *Services of individuals under age 18.* Remuneration for services performed by an employee under the age of 18 in the delivery or distribution of newspapers, or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, is excepted from wages and hence is not subject to withholding. Thus, remuneration for services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, is excepted from wages. The remuneration is excepted irrespective of the form or method thereof. Remuneration for incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, is considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(b) *Services of individuals of any age.* Remuneration for services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his remuneration being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, is excepted from wages and hence is not subject to withholding. The remuneration is expected whether or not the employee is guaranteed a minimum amount of remuneration, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the remuneration is excepted without regard to the age of the employee. Remuneration for services performed other than at the time of sale to the ultimate consumer is not within the exception. Thus, remuneration for services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer is not within the exception. However, remuneration for incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, is considered to be within the exception.

§ 31.3401 (a) (11) *Statutory provisions; definitions; wages; remuneration other than in cash for services not in the course of employer's trade or business.*

SEC. 3401. *Definition*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(11) For services in the course of the employer's trade or business, to the extent paid in any medium other than cash; or

§ 31.3401 (a) (11)–1 *Remuneration other than in cash for service not in the course of employer's trade or business.* (a) Remuneration paid in any medium other than cash for services not in the course of the employer's trade or business is excepted from wages and hence is not subject to withholding. Cash remuneration includes checks and other monetary media of exchange. Remuneration paid in any medium other than cash, such as lodging, food, or other goods or commodities, for services not in the course of the employer's trade or business does not constitute wages. Remuneration paid in any medium other than cash for other types of services does not come within this exception from wages. For provisions relating to cash remuneration for service not in the course of employer's trade or business, see § 31.3401 (a) (4)–1.

(b) As used in this section, the term "services not in the course of the employer's trade or business" has the same meaning as when used in § 31.3401 (a) (4)–1.

§ 31.3401 (a) (12) *Statutory provisions; definitions; wages; payments from or to certain tax-exempt trusts or under or to certain annuity plans.*

SEC. 3401. *Definitions*—(a) *Wages.* For purposes of this chapter, the term "wages" means all remuneration • • • for services performed by an employee for his employer • • •; except that such term shall not include remuneration paid—

• • • • •

(12) To, or on behalf of, an employee or his beneficiary—

(A) From or to a trust described in section 401 (a) which is exempt from tax under section 501 (a) at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust; or

(B) Under or to an annuity plan which, at the time of such payment, meets the requirements of section 401 (a) (3), (4), (5), and (6).

§ 31.3401 (a) (12)–1 *Payments from or to certain tax-exempt trusts or under or to certain annuity plans.* The term "wages" does not include—

(a) Any payment made by an employer, on behalf of an employee or his beneficiary, into a trust or annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6); or

(b) Any payment made to, or on behalf of, an employee or his beneficiary from a trust or under an annuity plan, if at the time of such payment the trust is exempt from tax under section 501 (a) as an organization described in section 401 (a) or the annuity plan meets the requirements of section 401 (a) (3), (4), (5), and (6).

A payment made to an employee of a trust described in section 401 (a) which is exempt from tax under section 501 (a) for services rendered as an employee of such trust and not as a beneficiary of the trust is not within this exception from wages.

§ 31.3401 (b) *Statutory provisions; definitions; payroll period.*

SEC. 3401. *Definitions.* • • •

(b) *Payroll period.* For purposes of this chapter, the term "payroll period" means a period for which a payment of wages is ordinarily made to the employee by his employer, and the term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

§ 31.3401 (b)–1 *Payroll period.* (a) The term "payroll period" means the period of service for which a payment of wages is ordinarily made to an employee by his employer. It is immaterial that the wages are not always paid at regular intervals. For example, if an employer ordinarily pays a particular employee for each calendar week at the end of the week, but if for some reason the employee in a given week receives a payment in the middle of the week for the portion of the week already elapsed and receives the remainder at the end of the week, the payroll period is still the calendar week; or if, instead, that employee is sent on a 3-week trip by his employer and receives at the end of the trip a single wage payment for three weeks' services, the payroll period is still the calendar week, and the wage payment shall be treated as though it were three separate weekly wage payments.

(b) For the purpose of section 3402, an employee can have but one payroll period with respect to wages paid by any one employer. Thus, if an employee is paid a regular wage for a weekly payroll period and in addition thereto is paid supplemental wages (for example, bonuses) determined with respect to a different period, the payroll period is the weekly payroll period. For computation of tax on supplemental wage payments, see § 31.3402 (g)–1.

(c) The term "miscellaneous payroll period" means a payroll period other than a daily, weekly, biweekly, semimonthly, monthly, quarterly, semiannual, or annual payroll period.

§ 31.3401 (c) *Statutory provisions; definitions; employee.*

SEC. 3401. *Definitions.* • • •

(c) *Employee.* For purposes of this chapter, the term "employee" includes an officer, employee, or elected official of the United States, a State, Territory, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term "employee" also includes an officer of a corporation.

§ 31.3401 (c)–1 *Employee.* (a) The term "employee" includes every individual performing services if the relationship between him and the person for whom he performs such services is the legal relationship of employer and employee. The term includes officers and employees, whether elected or appointed, of the United States, a State, Territory, Puerto Rico, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing.

(b) Generally the relationship of employer and employee exists when the person for whom services are performed has the right to control and direct the individual who performs the services, not only as to the result to be accomplished by the work but also as to the details and means by which that result is accomplished. That is, an employee is subject to the will and control of the employer not only as to what shall be done but how it shall be done. In this connection, it is not necessary that the employer actually direct or control the manner in which the services are performed; it is sufficient if he has the right to do so. The right to discharge is also an important factor indicating that the person possessing that right is an employer. Other factors characteristic of an employer, but not necessarily present in every case, are the furnishing of tools and the furnishing of a place to work to the individual who performs the services. In general, if an individual is subject to the control or direction of another merely as to the result to be accomplished by the work and not as to the means and methods for accomplishing the result, he is not an employee.

(c) Generally, physicians, lawyers, dentists, veterinarians, contractors, subcontractors, public stenographers, auctioneers, and others who follow an independent trade, business, or profession, in which they offer their services to the public, are not employees.

(d) Whether the relationship of employer and employee exists will in doubtful cases be determined upon an examination of the particular facts of each case.

(e) If the relationship of employer and employee exists, the designation or description of the relationship by the parties as anything other than that of employer and employee is immaterial. Thus, if such relationship exists, it is of no consequence that the employee is designated as a partner, coadventurer, agent, independent contractor, or the like.

(f) All classes or grades of employees are included within the relationship of employer and employee. Thus, superintendents, managers, and other supervisory personnel are employees. Generally, an officer of a corporation is an employee of the corporation. However, an officer of a corporation who as such does not perform any services or performs only minor services and who neither receives nor is entitled to receive, directly or indirectly, any remuneration is not considered to be an employee of the corporation. A director of a corporation in his capacity as such is not an employee of the corporation.

(g) Although an individual may be an employee under this section, his services may be of such a nature, or performed under such circumstances, that the remuneration paid for such services does not constitute wages within the meaning of section 3401 (a).

§ 31.3401 (d) *Statutory provisions; definitions; employer.*

SEC. 3401. *Definitions.* • • •

(d) *Employer.* For purposes of this chapter, the term "employer" means the person for whom an individual performs or performed any service, of whatever nature, as the employee of such person, except that—

(1) If the person for whom the individual performs or performed the services does not have control of the payment of the wages for such services, the term "employer" (except for purposes of subsection (a)) means the person having control of the payment of such wages, and

(2) In the case of a person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, the term "employer" (except for purposes of subsection (a)) means such person.

§ 31.3401 (d)–1 *Employer.* (a) The term "employer" means any person for whom an individual performs or performed any service, of whatever nature, as the employee of such person.

(b) It is not necessary that the services be continuing at the time the wages are paid in order that the status of employer exist. Thus, for purposes of withholding, a person for whom an individual has performed past services for which he is still receiving wages from such person is an "employer."

(c) An employer may be an individual, a corporation, a partnership, a trust, an estate, a joint-stock company, an association, or a syndicate, group, pool, joint venture, or other unincorporated organization, group or entity. A trust or estate, rather than the fiduciary acting for or on behalf of the trust or estate, is generally the employer.

(d) The term "employer" embraces not only individuals and organizations engaged in trade or business, but organizations exempt from income tax, such as religious and charitable organizations, educational institutions, clubs, social organizations and societies, as well as the governments of the United States, the States, Territories, Puerto Rico, and the District of Columbia, including their agencies, instrumentalities, and political subdivisions.

(e) The term "employer" also means (except for the purpose of the definition of "wages") any person paying wages on behalf of a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States (including Puerto Rico as if a part of the United States).

(f) If the person for whom the services are or were performed does not have

legal control of the payment of the wages for such services, the term "employer" means (except for the purpose of the definition of "wages") the person having such control. For example, where wages, such as certain types of pensions or retired pay, are paid by a trust and the person for whom the services were performed has no legal control over the payment of such wages, the trust is the "employer."

(g) It is a basic purpose to centralize in the employer the responsibility for withholding, returning, and paying the tax, and for furnishing the statements required under section 6051 (see Subpart G of the regulations in this part). The two special definitions of the term "employer" in paragraphs (e) and (f) of this section are designed solely to meet unusual situations. They are not intended as a departure from the basic purpose.

§ 31.3401 (e) *Statutory provisions; definitions; number of withholding exemptions claimed.*

SEC. 3401. *Definitions.* • • •

(e) *Number of withholding exemptions claimed.* For purposes of this chapter, the term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 3402 (f), or in effect under the corresponding section of prior law, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero.

§ 31.3401 (e)–1 *Number of withholding exemptions claimed.* (a) The term "number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under section 3402 (f) or in effect under section 1622 (h) of the Internal Revenue Code of 1939. If no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero. The number of withholding exemptions claimed must be taken into account in determining the amount of tax to be deducted and withheld under section 3402, whether the employer computes the tax in accordance with the provisions of subsection (a) or subsection (c) of section 3402.

(b) The employer is not required to ascertain whether or not the number of withholding exemptions claimed is greater than the number of withholding exemptions to which the employee is entitled. If, however, the employer has reason to believe that the number of withholding exemptions claimed by an employee is greater than the number to which such employee is entitled, the district director should be so advised.

(c) As to the number of withholding exemptions to which an employee is entitled, see § 31.3402 (f) (1)–1.

§ 31.3402 (a) *Statutory provisions; income tax collected at source; requirement of withholding.*

SEC. 3402. *Income tax collected at source.*

(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages (except as provided in subsection (j)) a tax equal to 18 percent of the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in subsection (b) (1).

[Sec. 3402 (a) as amended by Act of Aug. 9, 1955, 69 Stat. 605, which added "(except as provided in subsection (j))". Effective only with respect to remuneration paid after August 9, 1955.]

§ 31.3402 (a)–1 *Requirement of withholding.* (a) Section 3402 provides alternative methods, at the election of the employer, for use in computing the income tax to be collected at source on wages. Under the percentage method of withholding (see § 31.3402 (b)–1), the employer is required to deduct and withhold a tax computed in acordance with the provisions of section 3402 (a). Under the wage bracket method of withholding (see § 31.3402 (c)–1), the employer is required to deduct and withhold a tax determined in accordance with the tables provided in section 3402 (c). The employer may elect to use the percentage method in the case of one group of employees and the wage bracket method in the case of another group of employees.

(b) The employer is required to collect the tax by deducting and withholding the amount thereof from the employee's wages as and when paid, either actually or constructively. Wages are constructively paid when they are credited to the account of or set apart for an employee so that they may be drawn upon by him at any time although not then actually reduced to possession. To constitute payment in such a case, the wages must be credited to or set apart for the employee without any substantial limitation or restriction as to the time or manner of payment or condition upon which payment is to be made, and must be made available to him so that they may be drawn upon at any time, and their payment brought within his own control and disposition.

(c) Except as provided in section 3402 (j) (see § 31.3402 (j)–1, relating to noncash remuneration paid to retail commission salesmen), an employer is required to deduct and withhold the tax notwithstanding the wages are paid in something paid in stocks or bonds; see § 31.3401 other than money (for example, wages (a)–1) and to pay over the tax in money. If wages are paid in property other than money, the employer should make necessary arrangements to insure that the amount of the tax required to be withheld is available for payment in money.

(d) For provisions relating to the circumstances under which tax is not required to be deducted and withheld from certain wage payments, see § 31.3401 (a)–1 (b) (8) relating to amounts paid under wage continuation plans.

(e) As a matter of business administration, certain of the mechanical details of the withholding process may be handled by representatives of the employer. Thus, in the case of an employer having branch offices, the branch manager or other representative may actually, as a matter of internal administration, withhold the tax or prepare the statements required under section 6051. Nevertheless, the legal responsibility for withholding, paying, and returning the tax and furnishing such statements rests with the employer. For provisions relating to statements under section 6051, see the regulations under such section in Subpart G of this part.

(f) The amount of any tax withheld and collected by the employer is a special fund in trust for the United States. See section 7501.

§ 31.3402 (b) *Statutory provisions; income tax collected at source; percentage method of withholding.*

SEC. 3402. *Income tax collected at source.* • • • (b) *Percentage method of withholding.* (1) The table referred to in subsection (a) is as follows:

PERCENTAGE METHOD WITHHOLDING TABLE

Payroll period:	Amount of one withholding exemption
Weekly	$13.00
Biweekly	26.00
Semimonthly	28.00
Monthly	56.00
Quarterly	167.00
Semiannual	333.00
Annual	667.00
Daily or miscellaneous (per day of such period)	1.80

(2) If wages are paid with respect to a period which is not a payroll period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowed for a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In any case in which the period, or the time described in paragraph (3), in respect of any wages is less than one week, the Secretary or his delegate, under regulations prescribed by him, may authorize an employer, in computing the tax required to be deducted and withheld, to use the excess of the aggregate of the wages paid to the employee during the calendar week over the withholding exemption allowed by this subsection for a weekly payroll period.

(5) In determining the amount to be deducted and withheld under this subsection, the wages may, at the election of the employer, be computed to the nearest dollar.

§ 31.3402 (b)–1 *Percentage method of withholding*—(a) *In general.* (1) The percentage method of computing the amount of tax to be withheld makes use of the percentage method withholding table contained in section 3402 (b) (1). This table shows with respect to each of the designated payroll periods the amount allowable for one withholding exemption. The amount of the withholding exemption allowable with respect to a particular payroll period depends upon the number of withholding exemptions claimed. The term "payroll period" is defined in section 3401 (b) (see § 31.3401 (b)–1). The term "number of witholding exemptions claimed" is defined in section 3401 (e) (see § 31.3401 (e)–1).

(2) The steps in computing the tax under the percentage method of withholding are summarized as follows:

Step 1. Determine the amount of one withholding exemption for the particular payroll period from the percentage method withholding table.

Step 2. Multiply the amount determined in Step 1 by the number of exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see § 31.3402 (a)).

The result is the amount of tax to be withheld.

Example. During a period in which the rate under the percentage method of withholding is 18 percent, an employee has a weekly payroll period, for which he is paid $75, and has in effect a withholding exemption certificate claiming three withholding exemptions. His employer, using the percentage method, computes the tax to be withheld as follows:

Step 1:	
Amount of one withholding exemption	$13.00
Step 2:	
Multiplied by number of exemptions claimed on Form W–4	×3
Total withholding exemption	39.00
Step 3:	
Total wage payment	75.00
Less amount determined in Step 2	39.00
Balance subject to tax	36.00
Step 4:	
Tax to be withheld (balance multiplied by 0.18)	6.48

(3) For provisions relating to the treatment of wages paid under wage continuation plans and wages paid other than in cash to retail commission salesmen, see §§ 31.3401 (a)–1 (b) (8) and 31.3402 (j)–1, respectively.

(b) *Established payroll periods, other than daily or miscellaneous, as shown in percentage method withholding table.* The amount of one withholding exemption, allowable with respect to each of the established payroll periods contained in the percentage method withholding table, is determined by reference to the line applicable to such payroll period and without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). During 1955 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. C's wages are determined at the rate of $1.20 per hour. During a certain payroll period he works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the applicable withholding exemption is $28, and the amount of two withholding exemptions, or $56, is allowable. Since the amount of the wages paid for the semimonthly payroll period is less than the amount allowed for two withholding exemptions for such period, the employer is not required to withhold any tax.

Example (2). During 1955 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the applicable withholding exemption is $18, and the amount of two withholding exemptions, or $36, is allowable. The balance of $10 is subject to withholding.

(c) *Periods to which the daily or miscellaneous withholding exemption is applicable*—(1) *In general.* The percentage method withholding table shows for a daily or miscellaneous payroll period the amount of one withholding exemption allowable with respect to one day. For the purpose of determining the amount of tax to be withheld with respect to wages paid for a particular miscellaneous payroll period (see § 31.3401 (b)–1 (c)), the amount of one withholding exemption shown in the table for one day of such period and the wages paid for the period must be placed on a comparable basis. The amount of tax to be withheld may be determined by either of the following methods:

(i) Under the first method the following steps are taken:

Step 1. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of days (including Sundays and holidays) in such period.

Step 2. Multiply the amount determined in Step 1 by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see § 31.3402 (a)).

(ii) Under the second method the following steps are taken:

Step 1. Divide the wages paid to the employee for the period by the number of days (including Sundays and holidays) in the period.

Step 2. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the amount determined in Step 1.

Step 4. Multiply the difference by the applicable percentage figure under section 3402 (a) (see § 31.3402 (a)).

Step 5. Multiply the amount determined in Step 4 by the number of days (including Sundays and holidays) in the period.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the withholding exemption allowable with respect to each payment of such wages shall be the exemption allowable for a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. During 1955 an individual is hired by a contractor to perform services in connection with a building project. The number of withholding exemptions claimed by such individual is two. Wages are fixed at the rate of $9 per day, to be paid upon completion of the project. The project is completed during 1955 in 12 consecutive days, at the end of which period the individual is paid wages of $90 for 10 days' services performed during the period. For the purpose of computing the tax amount of the withholding exemption allowable for the 12-day period is $43.20 (12×(2×$1.80)). Tax is required to be withheld with respect to $46.80 ($90 minus $43.20).

(3) *Wages paid without regard to any period.* In the case of wages paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon completion of a sale, the withholding exemption is measured by the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to such employee by such employer in the calendar year, or

(ii) The date on which such individual's employment with such employer began in the calendar year, or

(iii) January 1 of such calendar year, and ending with (and including) the date on which such wages are paid.

Example. On April 2, 1955, A is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1955, A receives a commission of $300. Again, on June 16, 1955, A receives a commission of $400. The amount of the withholding exemption with respect to the commission paid on May 21 is $90 ($1.80×50). With respect to the commission paid on June 16, the amount of the withholding exemption is $46.80 ($1.80×26).

(d) *Period or elapsed time less than one week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than one week, the withholding exemption allowable shall be the exemption allowable for a daily payroll period, or a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period or other period for which such wages are paid. The same rule is applicable in the case of wages paid without regard to a payroll period or other period, where the elapsed time as determined in accordance with the rule prescribed in paragraph (c) of this section is less than 1 week.

Example (1). During 1955 an employee having a daily payroll period is paid wages of $12 per day. The number of withholding exemptions claimed by such employee is one. The amount of each such daily wage payment subject to withholding is $10.20 ($12.00–$1.80).

Example (2). During 1955 an employee works for a certain employer on four consecutive days, for which he is paid wages of $36. The number of withholding exemptions claimed by the employee is two. The amount of the withholding exemption allowable is $14.40 (4×$3.60).

(2) Under certain conditions, if the payroll period, other period, or elapsed time where wages are paid without regard to any period, is less than one week, the employer may, at his election, compute the tax to be withheld as if the aggregate of the wages paid to the employee during the calendar week were paid for a weekly payroll period. Such election may be made by the employer only if he is the only employer for whom the employee works for wages during the calendar week. Any employer electing to

compute the tax upon the excess of the wages paid during the calendar week over the weekly exemption must secure a statement in writing from the employee, stating that he works for wages for such employer only, and that if he should thereafter secure additional employment for wages, he will within 10 days after the beginning of such additional employment, notify such employer of that fact. Such statement shall be signed by the employee and shall contain or be verified by a written declaration that it is made under the penalties of perjury. No particular form is prescribed for the statement.

Example. During 1955 an employee works for a certain employer on four consecutive days, for which he is paid wages of $36. The number of withholding exemptions claimed by the employee is two. The employer elects to use the weekly withholding exemption after securing the proper statement from the employee. In such case, the amount of the withholding exemption allowable is $26 (2×$13).

(3) If such employee secures additional employment for wages, the daily or miscellaneous exemption will take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the thirtieth day following the date on which such employee notifies such employer that he has secured additional employment for wages. After the daily or miscellaneous exemption takes effect the employer may not thereafter use the weekly exemption in computing the amount of tax to be withheld from the wages of such employee.

(4) As used in this paragraph the term "calendar week" means a period of 7 consecutive days beginning with Sunday and ending with Saturday.

(e) *Rounding off of wage payment.* In determining the amount to be deducted and withheld under the percentage method, the last digit of the wage amount may, at the election of the employer, be reduced to zero, or the wage amount may, at the election of the employer, be computed to the nearest dollar. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1.00 Thus, if the weekly wage is $45.37, the employer may, in determining the amount of tax to be deducted and withheld, determine the tax on the basis of a wage payment of $45.30 or on the basis of a wage payment of $45. If the weekly wage is $45.50, the employer may determine the tax to be deducted and withheld on the basis of a wage payment of $46.

§ 31.3402 (c) *Statutory provisions; income tax collected at source; wage bracket withholding.*

SEC. 3402. *Income tax collected at source.* • • • (c) *Wage bracket withholding.* (1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax determined in accordance with the following tables, which shall be in lieu of the tax required to be deducted and withheld under subsection (a):

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
		18% of wages										
$0	$13		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$2.40	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.60	.30	0	0	0	0	0	0	0	0	0
$15	$16	2.80	.50	0	0	0	0	0	0	0	0	0
$16	$17	3.00	.70	0	0	0	0	0	0	0	0	0
$17	$18	3.20	.80	0	0	0	0	0	0	0	0	0
$18	$19	3.30	1.00	0	0	0	0	0	0	0	0	0
$19	$20	3.50	1.20	0	0	0	0	0	0	0	0	0
$20	$21	3.70	1.40	0	0	0	0	0	0	0	0	0
$21	$22	3.90	1.60	0	0	0	0	0	0	0	0	0
$22	$23	4.10	1.70	0	0	0	0	0	0	0	0	0
$23	$24	4.20	1.90	0	0	0	0	0	0	0	0	0
$24	$25	4.40	2.10	0	0	0	0	0	0	0	0	0
$25	$26	4.60	2.30	0	0	0	0	0	0	0	0	0
$26	$27	4.80	2.50	.20	0	0	0	0	0	0	0	0
$27	$28	5.00	2.60	.30	0	0	0	0	0	0	0	0
$28	$29	5.10	2.80	.50	0	0	0	0	0	0	0	0
$29	$30	5.30	3.00	.70	0	0	0	0	0	0	0	0
$30	$31	5.50	3.20	.90	0	0	0	0	0	0	0	0
$31	$32	5.70	3.40	1.10	0	0	0	0	0	0	0	0
$32	$33	5.90	3.50	1.20	0	0	0	0	0	0	0	0
$33	$34	6.00	3.70	1.40	0	0	0	0	0	0	0	0
$34	$35	6.20	3.90	1.60	0	0	0	0	0	0	0	0
$35	$36	6.40	4.10	1.80	0	0	0	0	0	0	0	0
$36	$37	6.60	4.30	2.00	0	0	0	0	0	0	0	0
$37	$38	6.80	4.40	2.10	0	0	0	0	0	0	0	0
$38	$39	6.90	4.60	2.30	0	0	0	0	0	0	0	0
$39	$40	7.10	4.80	2.50	.20	0	0	0	0	0	0	0
$40	$41	7.30	5.00	2.70	.40	0	0	0	0	0	0	0
$41	$42	7.50	5.20	2.90	.50	0	0	0	0	0	0	0
$42	$43	7.70	5.30	3.00	.70	0	0	0	0	0	0	0
$43	$44	7.80	5.50	3.20	.90	0	0	0	0	0	0	0
$44	$45	8.00	5.70	3.40	1.10	0	0	0	0	0	0	0
$45	$46	8.20	5.90	3.60	1.30	0	0	0	0	0	0	0
$46	$47	8.40	6.10	3.80	1.40	0	0	0	0	0	0	0
$47	$48	8.60	6.20	3.90	1.60	0	0	0	0	0	0	0
$48	$49	8.70	6.40	4.10	1.80	0	0	0	0	0	0	0
$49	$50	8.90	6.60	4.30	2.00	0	0	0	0	0	0	0
$50	$51	9.10	6.80	4.50	2.20	0	0	0	0	0	0	0
$51	$52	9.30	7.00	4.70	2.30	0	0	0	0	0	0	0
$52	$53	9.50	7.10	4.80	2.50	.20	0	0	0	0	0	0
$53	$54	9.60	7.30	5.00	2.70	.40	0	0	0	0	0	0
$54	$55	9.80	7.50	5.20	2.90	.60	0	0	0	0	0	0
$55	$56	10.00	7.70	5.40	3.10	.80	0	0	0	0	0	0
$56	$57	10.20	7.90	5.60	3.20	.90	0	0	0	0	0	0
$57	$58	10.40	8.00	5.70	3.40	1.10	0	0	0	0	0	0
$58	$59	10.50	8.20	5.90	3.60	1.30	0	0	0	0	0	0
$59	$60	10.70	8.40	6.10	3.80	1.50	0	0	0	0	0	0
$60	$62	11.00	8.70	6.40	4.10	1.70	0	0	0	0	0	0
$62	$64	11.30	9.00	6.70	4.40	2.10	0	0	0	0	0	0
$64	$66	11.70	9.40	7.10	4.80	2.50	.20	0	0	0	0	0
$66	$68	12.10	9.80	7.40	5.10	2.80	.50	0	0	0	0	0
$68	$70	12.40	10.10	7.80	5.50	3.20	.90	0	0	0	0	0
$70	$72	12.80	10.50	8.20	5.90	3.50	1.20	0	0	0	0	0
$72	$74	13.10	10.80	8.50	6.20	3.90	1.60	0	0	0	0	0
$74	$76	13.50	11.20	8.90	6.60	4.30	2.00	0	0	0	0	0
$76	$78	13.90	11.60	9.20	6.90	4.60	2.30	0	0	0	0	0
$78	$80	14.20	11.90	9.60	7.30	5.00	2.70	.40	0	0	0	0
$80	$82	14.60	12.30	10.00	7.70	5.30	3.00	.70	0	0	0	0
$82	$84	14.90	12.60	10.30	8.00	5.70	3.40	1.10	0	0	0	0
$84	$86	15.30	13.00	10.70	8.40	6.10	3.80	1.50	0	0	0	0
$86	$88	15.70	13.40	11.00	8.70	6.40	4.10	1.80	0	0	0	0
$88	$90	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0	0	0	0
$90	$92	16.40	14.10	11.80	9.50	7.10	4.80	2.50	.20	0	0	0
$92	$94	16.70	14.40	12.10	9.80	7.50	5.20	2.90	.60	0	0	0
$94	$96	17.10	14.80	12.50	10.20	7.90	5.60	3.30	.90	0	0	0
$96	$98	17.50	15.20	12.80	10.50	8.20	5.90	3.60	1.30	0	0	0
$98	$100	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70	0	0	0
$100	$105	18.50	16.10	13.80	11.50	9.20	6.90	4.60	2.30	0	0	0
$105	$110	19.40	17.00	14.70	12.40	10.10	7.80	5.50	3.20	.90	0	0
$110	$115	20.30	17.90	15.60	13.30	11.00	8.70	6.40	4.10	1.80	0	0
$115	$120	21.20	18.80	16.50	14.20	11.90	9.60	7.30	5.00	2.70	.40	0
$120	$125	22.10	19.70	17.40	15.10	12.80	10.50	8.20	5.90	3.60	1.30	0
$125	$130	23.00	20.60	18.30	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0
$130	$135	23.90	21.50	19.20	16.90	14.60	12.30	10.00	7.70	5.40	3.10	.80
$135	$140	24.80	22.40	20.10	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70
$140	$145	25.70	23.30	21.00	18.70	16.40	14.10	11.80	9.50	7.20	4.90	2.60
$145	$150	26.60	24.20	21.90	19.60	17.30	15.00	12.70	10.40	8.10	5.80	3.50
$150	$160	27.90	25.60	23.30	21.00	18.70	16.40	14.10	11.70	9.40	7.10	4.80
$160	$170	29.70	27.40	25.10	22.80	20.50	18.20	15.90	13.50	11.20	8.90	6.60
$170	$180	31.50	29.20	26.90	24.60	22.30	20.00	17.70	15.30	13.00	10.70	8.40
$180	$190	33.30	31.00	28.70	26.40	24.10	21.80	19.50	17.10	14.80	12.50	10.20
$190	$200	35.10	32.80	30.50	28.20	25.90	23.60	21.30	18.90	16.60	14.30	12.00
		18 percent of the excess over $200 plus—										
$200 and over		36.00	33.70	31.40	29.10	26.80	24.50	22.20	19.80	17.50	15.20	12.90

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
		18% of wages										
$0	$26		$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$4.90	.20	0	0	0	0	0	0	0	0	0
$28	$30	5.20	.60	0	0	0	0	0	0	0	0	0
$30	$32	5.60	1.00	0	0	0	0	0	0	0	0	0
$32	$34	5.90	1.30	0	0	0	0	0	0	0	0	0
$34	$36	6.30	1.70	0	0	0	0	0	0	0	0	0
$36	$38	6.70	2.00	0	0	0	0	0	0	0	0	0
$38	$40	7.00	2.40	0	0	0	0	0	0	0	0	0
$40	$42	7.40	2.80	0	0	0	0	0	0	0	0	0
$42	$44	7.70	3.10	0	0	0	0	0	0	0	0	0
$44	$46	8.10	3.50	0	0	0	0	0	0	0	0	0
$46	$48	8.50	3.80	0	0	0	0	0	0	0	0	0
$48	$50	8.80	4.20	0	0	0	0	0	0	0	0	0
$50	$52	9.20	4.60	0	0	0	0	0	0	0	0	0
$52	$54	9.50	4.90	.30	0	0	0	0	0	0	0	0
$54	$56	9.90	5.30	.70	0	0	0	0	0	0	0	0
$56	$58	10.30	5.60	1.00	0	0	0	0	0	0	0	0
$58	$60	10.60	6.00	1.40	0	0	0	0	0	0	0	0
$60	$62	11.00	6.40	1.70	0	0	0	0	0	0	0	0
$62	$64	11.30	6.70	2.10	0	0	0	0	0	0	0	0
$64	$66	11.70	7.10	2.50	0	0	0	0	0	0	0	0
$66	$68	12.10	7.40	2.80	0	0	0	0	0	0	0	0
$68	$70	12.40	7.80	3.20	0	0	0	0	0	0	0	0
$70	$72	12.80	8.20	3.50	0	0	0	0	0	0	0	0
$72	$74	13.10	8.50	3.90	0	0	0	0	0	0	0	0
$74	$76	13.50	8.90	4.30	0	0	0	0	0	0	0	0
$76	$78	13.90	9.20	4.60	0	0	0	0	0	0	0	0
$78	$80	14.20	9.60	5.00	.40	0	0	0	0	0	0	0
$80	$82	14.60	10.00	5.30	.70	0	0	0	0	0	0	0
$82	$84	14.90	10.30	5.70	1.10	0	0	0	0	0	0	0
$84	$86	15.30	10.70	6.10	1.50	0	0	0	0	0	0	0
$86	$88	15.70	11.00	6.40	1.80	0	0	0	0	0	0	0
$88	$90	16.00	11.40	6.80	2.20	0	0	0	0	0	0	0
$90	$92	16.40	11.80	7.10	2.50	0	0	0	0	0	0	0
$92	$94	16.70	12.10	7.50	2.90	0	0	0	0	0	0	0
$94	$96	17.10	12.50	7.90	3.30	0	0	0	0	0	0	0
$96	$98	17.50	12.80	8.20	3.60	0	0	0	0	0	0	0
$98	$100	17.80	13.20	8.60	4.00	0	0	0	0	0	0	0
$100	$102	18.20	13.60	8.90	4.30	0	0	0	0	0	0	0
$102	$104	18.60	13.90	9.30	4.70	.10	0	0	0	0	0	0
$104	$106	18.90	14.30	9.70	5.10	.40	0	0	0	0	0	0
$106	$108	19.30	14.60	10.00	5.40	.80	0	0	0	0	0	0
$108	$110	19.60	15.00	10.40	5.80	1.20	0	0	0	0	0	0
$110	$112	20.00	15.40	10.70	6.10	1.50	0	0	0	0	0	0
$112	$114	20.30	15.70	11.10	6.50	1.90	0	0	0	0	0	0
$114	$116	20.70	16.10	11.50	6.90	2.20	0	0	0	0	0	0
$116	$118	21.10	16.40	11.80	7.20	2.60	0	0	0	0	0	0
$118	$120	21.40	16.80	12.20	7.60	3.00	0	0	0	0	0	0
$120	$124	22.00	17.30	12.70	8.10	3.50	0	0	0	0	0	0
$124	$128	22.70	18.10	13.40	8.80	4.20	0	0	0	0	0	0
$128	$132	23.40	18.80	14.20	9.50	4.80	.30	0	0	0	0	0
$132	$136	24.10	19.50	14.90	10.20	5.70	1.00	0	0	0	0	0
$136	$140	24.80	20.20	15.60	11.00	6.40	1.80	0	0	0	0	0
$140	$144	25.60	20.90	16.30	11.70	7.10	2.50	0	0	0	0	0
$144	$148	26.30	21.70	17.00	12.40	7.80	3.20	0	0	0	0	0
$148	$152	27.00	22.40	17.60	13.20	8.50	3.90	0	0	0	0	0
$152	$156	27.70	23.10	18.50	13.90	9.30	4.60	0	0	0	0	0
$156	$160	28.40	23.80	19.20	14.60	10.00	5.40	.70	0	0	0	0
$160	$164	29.20	24.50	19.90	15.30	10.70	6.10	1.50	0	0	0	0
$164	$168	29.90	25.30	20.60	16.00	11.40	6.80	2.20	0	0	0	0
$168	$172	30.60	26.00	21.40	16.80	12.10	7.50	2.90	0	0	0	0
$172	$176	31.30	26.70	22.10	17.50	12.90	8.20	3.60	0	0	0	0
$176	$180	32.00	27.40	22.80	18.20	13.60	9.00	4.30	0	0	0	0
$180	$184	32.80	28.10	23.50	18.90	14.30	9.70	5.10	.50	0	0	0
$184	$188	33.50	28.90	24.20	19.60	15.00	10.40	5.80	1.20	0	0	0
$188	$192	34.20	29.60	25.00	20.40	15.70	11.10	6.50	1.90	0	0	0
$192	$196	34.90	30.30	25.70	21.10	16.50	11.80	7.20	2.60	0	0	0
$196	$200	35.60	31.00	26.40	21.80	17.20	12.40	7.90	3.30	0	0	0
$200	$210	36.90	32.30	27.70	23.10	18.40	13.80	9.20	4.60	0	0	0
$210	$220	38.70	34.10	29.50	24.90	20.20	15.40	11.00	6.40	1.80	0	0
$220	$230	40.50	35.90	31.30	26.70	22.00	17.40	12.80	8.20	2.60	0	0
$230	$240	42.30	37.70	33.10	28.50	23.80	19.20	14.60	10.00	5.40	.80	0
$240	$250	44.10	39.50	34.90	30.30	25.60	21.00	16.40	11.80	7.20	2.60	0
$250	$260	45.90	41.30	36.70	32.10	27.40	22.80	18.20	13.60	9.00	4.40	0
$260	$270	47.70	43.10	38.50	33.90	29.20	24.60	20.00	15.40	10.80	6.20	1.50
$270	$280	49.50	44.90	40.30	35.70	31.00	26.40	21.80	17.20	12.60	8.00	3.30
$280	$290	51.30	46.70	42.10	37.50	32.80	28.20	23.60	19.00	14.40	9.80	5.10
$290	$300	53.10	48.50	43.90	39.30	34.60	30.00	25.40	20.80	16.20	11.60	6.90
$300	$320	55.80	51.20	46.60	42.00	37.30	32.70	28.10	23.50	18.90	14.30	9.60
$320	$340	59.40	54.80	50.20	45.60	40.90	36.30	31.70	27.10	22.50	17.90	13.20
$340	$360	63.00	58.40	53.80	49.20	44.50	39.90	35.30	30.70	26.10	21.50	16.80
$360	$380	66.60	62.00	57.40	52.80	48.10	43.50	38.90	34.30	29.70	25.10	20.40
$380	$400	70.20	65.60	61.00	56.40	51.70	47.10	42.50	37.90	33.30	28.70	24.00
		18 percent of the excess over $400 plus—										
$400 and over		72.00	67.40	62.80	58.20	53.50	48.90	44.30	39.70	35.10	30.50	25.80

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$5.20	.20	0	0	0	0	0	0	0	0	0
$30	$32	5.60	.60	0	0	0	0	0	0	0	0	0
$32	$34	5.90	.90	0	0	0	0	0	0	0	0	0
$34	$36	6.30	1.30	0	0	0	0	0	0	0	0	0
$36	$38	6.70	1.70	0	0	0	0	0	0	0	0	0
$38	$40	7.00	2.00	0	0	0	0	0	0	0	0	0
$40	$42	7.40	2.40	0	0	0	0	0	0	0	0	0
$42	$44	7.70	2.70	0	0	0	0	0	0	0	0	0
$44	$46	8.10	3.10	0	0	0	0	0	0	0	0	0
$46	$48	8.50	3.50	0	0	0	0	0	0	0	0	0
$48	$50	8.80	3.80	0	0	0	0	0	0	0	0	0
$50	$52	9.20	4.20	0	0	0	0	0	0	0	0	0
$52	$54	9.50	4.50	0	0	0	0	0	0	0	0	0
$54	$56	9.90	4.90	0	0	0	0	0	0	0	0	0
$56	$58	10.30	5.30	.30	0	0	0	0	0	0	0	0
$58	$60	10.60	5.60	.60	0	0	0	0	0	0	0	0
$60	$62	11.00	6.00	1.00	0	0	0	0	0	0	0	0
$62	$64	11.30	6.30	1.30	0	0	0	0	0	0	0	0
$64	$66	11.70	6.70	1.70	0	0	0	0	0	0	0	0
$66	$68	12.10	7.10	2.10	0	0	0	0	0	0	0	0
$68	$70	12.40	7.40	2.40	0	0	0	0	0	0	0	0
$70	$72	12.80	7.80	2.80	0	0	0	0	0	0	0	0
$72	$74	13.10	8.10	3.10	0	0	0	0	0	0	0	0
$74	$76	13.50	8.50	3.50	0	0	0	0	0	0	0	0
$76	$78	13.90	8.90	3.90	0	0	0	0	0	0	0	0
$78	$80	14.20	9.20	4.20	0	0	0	0	0	0	0	0
$80	$82	14.60	9.60	4.60	0	0	0	0	0	0	0	0
$82	$84	14.90	9.90	4.90	0	0	0	0	0	0	0	0
$84	$86	15.30	10.30	5.30	.30	0	0	0	0	0	0	0
$86	$88	15.70	10.70	5.70	.70	0	0	0	0	0	0	0
$88	$90	16.00	11.00	6.00	1.00	0	0	0	0	0	0	0
$90	$92	16.40	11.40	6.40	1.40	0	0	0	0	0	0	0
$92	$94	16.70	11.70	6.70	1.70	0	0	0	0	0	0	0
$94	$96	17.10	12.10	7.10	2.10	0	0	0	0	0	0	0
$96	$98	17.50	12.50	7.50	2.50	0	0	0	0	0	0	0
$98	$100	17.80	12.80	7.80	2.80	0	0	0	0	0	0	0
$100	$102	18.20	13.20	8.20	3.20	0	0	0	0	0	0	0
$102	$104	18.50	13.50	8.50	3.50	0	0	0	0	0	0	0
$104	$106	18.90	13.90	8.90	3.90	0	0	0	0	0	0	0
$106	$108	19.30	14.30	9.30	4.30	0	0	0	0	0	0	0
$108	$110	19.60	14.60	9.60	4.60	0	0	0	0	0	0	0
$110	$112	20.00	15.00	10.00	5.00	0	0	0	0	0	0	0
$112	$114	20.30	15.30	10.30	5.30	.30	0	0	0	0	0	0
$114	$116	20.70	15.70	10.70	5.70	.70	0	0	0	0	0	0
$116	$118	21.10	16.10	11.10	6.10	1.10	0	0	0	0	0	0
$118	$120	21.40	16.40	11.40	6.40	1.40	0	0	0	0	0	0
$120	$124	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0	0
$124	$128	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0	0
$128	$132	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0	0
$132	$136	24.10	19.10	14.10	9.10	4.10	0	0	0	0	0	0
$136	$140	24.80	19.80	14.80	9.80	4.80	0	0	0	0	0	0
$140	$144	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0	0
$144	$148	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0	0
$148	$152	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0
$152	$156	27.70	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0
$156	$160	28.40	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0
$160	$164	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0	0
$164	$168	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0	0
$168	$172	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0
$172	$176	31.30	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0
$176	$180	32.00	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0
$180	$184	32.80	27.80	22.80	17.80	12.80	7.80	2.80	0	0	0	0
$184	$188	33.50	28.50	23.50	18.50	13.50	8.50	3.50	0	0	0	0
$188	$192	34.20	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0
$192	$196	34.90	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0
$196	$200	35.60	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0
$200	$210	36.90	31.90	26.90	21.90	16.90	11.90	6.90	1.90	0	0	0
$210	$220	38.70	33.70	28.70	23.70	18.70	13.70	8.70	3.70	0	0	0
$220	$230	40.50	35.50	30.50	25.50	20.50	15.50	10.50	5.50	.50	0	0
$230	$240	42.30	37.30	32.30	27.30	22.30	17.30	12.30	7.30	2.30	0	0
$240	$250	44.10	39.10	34.10	29.10	24.10	19.10	14.10	9.10	4.10	0	0
$250	$260	45.90	40.90	35.90	30.90	25.90	20.90	15.90	10.90	5.90	.90	0
$260	$270	47.70	42.70	37.70	32.70	27.70	22.70	17.70	12.70	7.70	2.70	0
$270	$280	49.50	44.50	39.50	34.50	29.50	24.50	19.50	14.50	9.50	4.50	0
$280	$290	51.30	46.30	41.30	36.30	31.30	26.30	21.30	16.30	11.30	6.30	1.30
$290	$300	53.10	48.10	43.10	38.10	33.10	28.10	23.10	18.10	13.10	8.10	3.10
$300	$320	55.80	50.80	45.80	40.80	35.80	30.80	25.80	20.80	15.80	10.80	5.80
$320	$340	59.40	54.40	49.40	44.40	39.40	34.40	29.40	24.40	19.40	14.40	9.40
$340	$360	63.00	58.00	53.00	48.00	43.00	38.00	33.00	28.00	23.00	18.00	13.00
$360	$380	66.60	61.60	56.60	51.60	46.60	41.60	36.60	31.60	26.60	21.60	16.60
$380	$400	70.20	65.20	60.20	55.20	50.20	45.20	40.20	35.20	30.20	25.20	20.20
$400	$420	73.80	68.80	63.80	58.80	53.80	48.80	43.80	38.80	33.80	28.80	23.80
$420	$440	77.40	72.40	67.40	62.40	57.40	52.40	47.40	42.40	37.40	32.40	27.40
$440	$460	81.00	76.00	71.00	66.00	61.00	56.00	51.00	46.00	41.00	36.00	31.00
$460	$480	84.60	79.60	74.60	69.60	64.60	59.60	54.60	49.60	44.60	39.60	34.60
$480	$500	88.20	83.20	78.20	73.20	68.20	63.20	58.20	53.20	48.20	43.20	38.20
		18 percent of the excess over $500 plus—										
$500 and over		90.00	85.00	80.00	75.00	70.00	65.00	60.00	55.00	50.00	45.00	40.00

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least	But less than	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$10.40	.40	0	0	0	0	0	0	0	0	0
$60	$64	11.20	1.20	0	0	0	0	0	0	0	0	0
$64	$68	11.90	1.90	0	0	0	0	0	0	0	0	0
$68	$72	12.60	2.60	0	0	0	0	0	0	0	0	0
$72	$76	13.30	3.30	0	0	0	0	0	0	0	0	0
$76	$80	14.00	4.00	0	0	0	0	0	0	0	0	0
$80	$84	14.80	4.80	0	0	0	0	0	0	0	0	0
$84	$88	15.50	5.50	0	0	0	0	0	0	0	0	0
$88	$92	16.20	6.20	0	0	0	0	0	0	0	0	0
$92	$96	16.90	6.90	0	0	0	0	0	0	0	0	0
$96	$100	17.60	7.60	0	0	0	0	0	0	0	0	0
$100	$104	18.40	8.40	0	0	0	0	0	0	0	0	0
$104	$108	19.10	9.10	0	0	0	0	0	0	0	0	0
$108	$112	19.80	9.80	0	0	0	0	0	0	0	0	0
$112	$116	20.50	10.50	.50	0	0	0	0	0	0	0	0
$116	$120	21.20	11.20	1.20	0	0	0	0	0	0	0	0
$120	$124	22.00	12.00	2.00	0	0	0	0	0	0	0	0
$124	$128	22.70	12.70	2.70	0	0	0	0	0	0	0	0
$128	$132	23.40	13.40	3.40	0	0	0	0	0	0	0	0
$132	$136	24.10	14.10	4.10	0	0	0	0	0	0	0	0
$136	$140	24.80	14.80	4.80	0	0	0	0	0	0	0	0
$140	$144	25.60	15.60	5.60	0	0	0	0	0	0	0	0
$144	$148	26.30	16.30	6.30	0	0	0	0	0	0	0	0
$148	$152	27.00	17.00	7.00	0	0	0	0	0	0	0	0
$152	$156	27.70	17.70	7.70	0	0	0	0	0	0	0	0
$156	$160	28.40	18.40	8.40	0	0	0	0	0	0	0	0
$160	$164	29.20	19.20	9.20	0	0	0	0	0	0	0	0
$164	$168	29.90	19.90	9.90	0	0	0	0	0	0	0	0
$168	$172	30.60	20.60	10.60	.60	0	0	0	0	0	0	0
$172	$176	31.30	21.30	11.30	1.30	0	0	0	0	0	0	0
$176	$180	32.00	22.00	12.00	2.00	0	0	0	0	0	0	0
$180	$184	32.80	22.80	12.80	2.80	0	0	0	0	0	0	0
$184	$188	33.50	23.50	13.50	3.50	0	0	0	0	0	0	0
$188	$192	34.20	24.20	14.20	4.20	0	0	0	0	0	0	0
$192	$196	34.90	24.90	14.90	4.90	0	0	0	0	0	0	0
$196	$200	35.60	25.60	15.60	5.60	0	0	0	0	0	0	0
$200	$204	36.40	26.40	16.40	6.40	0	0	0	0	0	0	0
$204	$208	37.10	27.10	17.10	7.10	0	0	0	0	0	0	0
$208	$212	37.80	27.80	17.80	7.80	0	0	0	0	0	0	0
$212	$216	38.50	28.50	18.50	8.50	0	0	0	0	0	0	0
$216	$220	39.20	29.20	19.20	9.20	0	0	0	0	0	0	0
$220	$224	40.00	30.00	20.00	10.00	0	0	0	0	0	0	0
$224	$228	40.70	30.70	20.70	10.70	.70	0	0	0	0	0	0
$228	$232	41.40	31.40	21.40	11.40	1.40	0	0	0	0	0	0
$232	$236	42.10	32.10	22.10	12.10	2.10	0	0	0	0	0	0
$236	$240	42.80	32.80	22.80	12.80	2.80	0	0	0	0	0	0
$240	$244	43.50	33.90	23.90	13.90	3.90	0	0	0	0	0	0
$244	$248	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0	0
$248	$252	46.80	36.80	26.80	16.80	6.80	0	0	0	0	0	0
$252	$256	48.20	38.20	28.20	18.20	8.20	0	0	0	0	0	0
$256	$260	49.70	39.70	29.70	19.70	9.70	0	0	0	0	0	0
$260	$264	51.10	41.10	31.10	21.10	11.10	1.10	0	0	0	0	0
$264	$268	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0	0
$268	$272	54.00	44.00	34.00	24.00	14.00	4.00	0	0	0	0	0
$272	$276	55.40	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0
$276	$280	56.90	46.90	36.90	26.90	16.90	6.90	0	0	0	0	0
$280	$284	58.30	48.30	38.30	28.30	18.30	8.30	0	0	0	0	0
$284	$288	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0	0
$288	$292	61.20	51.20	41.20	31.20	21.20	11.20	1.20	0	0	0	0
$292	$296	62.60	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0
$296	$304	64.10	54.10	44.10	34.10	24.10	14.10	4.10	0	0	0	0
$304	$312	65.50	55.50	45.50	35.50	25.50	15.50	5.50	0	0	0	0
$312	$320	67.00	57.00	47.00	37.00	27.00	17.00	7.00	0	0	0	0
$320	$328	68.40	58.40	48.40	38.40	28.40	18.40	8.40	0	0	0	0
$328	$336	69.80	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0
$336	$344	71.30	61.30	51.30	41.30	31.30	21.30	11.30	1.30	0	0	0
$344	$352	73.80	63.80	53.80	43.80	33.80	23.80	13.80	3.80	0	0	0
$352	$360	77.40	67.40	57.40	47.40	37.40	27.40	17.40	7.40	0	0	0
$360	$368	81.00	71.00	61.00	51.00	41.00	31.00	21.00	11.00	1.00	0	0
$368	$376	84.60	74.60	64.60	54.60	44.60	34.60	24.60	14.60	4.60	0	0
$376	$384	88.20	78.20	68.20	58.20	48.20	38.20	28.20	18.20	8.20	0	0
$384	$392	91.80	81.80	71.80	61.80	51.80	41.80	31.80	21.80	11.80	1.80	0
$392	$400	95.40	85.40	75.40	65.40	55.40	45.40	35.40	25.40	15.40	5.40	0
$400	$420	99.00	89.00	79.00	69.00	59.00	49.00	39.00	29.00	19.00	9.00	0
$420	$440	102.60	92.60	82.60	72.60	62.60	52.60	42.60	32.60	22.60	12.60	2.60
$440	$460	106.20	96.20	86.20	76.20	66.20	56.20	46.20	36.20	26.20	16.20	6.20
$460	$480	111.60	101.60	91.60	81.60	71.60	61.60	51.60	41.60	31.60	21.60	11.60
$480	$500	118.80	108.80	98.80	88.80	78.80	68.80	58.80	48.80	38.80	28.80	18.80
$500	$520	126.00	116.00	106.00	96.00	86.00	76.00	66.00	56.00	46.00	36.00	26.00
$520	$540	133.20	123.20	113.20	103.20	93.20	83.20	73.20	63.20	53.20	43.20	33.20
$540	$560	140.40	130.40	120.40	110.40	100.40	90.40	80.40	70.40	60.40	50.40	40.40
$560	$580	147.60	137.60	127.60	117.60	107.60	97.60	87.60	77.60	67.60	57.60	47.60
$580	$600	154.80	144.80	134.80	124.80	114.80	104.80	94.80	84.80	74.80	64.80	54.80
$600	$640	162.00	152.00	142.00	132.00	122.00	112.00	102.00	92.00	82.00	72.00	62.00
$640	$680	169.20	159.20	149.20	139.20	129.20	119.20	109.20	99.20	89.20	79.20	69.20
$680	$1,000	176.40	166.40	156.40	146.40	136.40	126.40	116.40	106.40	96.40	86.40	76.40
		18 percent of the excess over $1,000 plus—										
$1,000 and over		180.00	170.00	160.00	150.00	140.00	130.00	120.00	110.00	100.00	90.00	80.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
		18% of wages										
$0	$2.00	$0.40	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	.45	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.45	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.45	.15	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.50	.20	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.55	.25	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.60	.30	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.65	.30	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.70	.35	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.75	.40	.10	0	0	0	0	0	0	0	0
$4.25	$4.50	.80	.45	.15	0	0	0	0	0	0	0	0
$4.50	$4.75	.85	.50	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.90	.55	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.90	.60	.25	0	0	0	0	0	0	0	0
$5.25	$5.50	.95	.65	.30	0	0	0	0	0	0	0	0
$5.50	$5.75	1.00	.70	.35	.05	0	0	0	0	0	0	0
$5.75	$6.00	1.05	.75	.40	.05	0	0	0	0	0	0	0
$6.00	$6.25	1.10	.75	.45	.10	0	0	0	0	0	0	0
$6.25	$6.50	1.15	.80	.50	.15	0	0	0	0	0	0	0
$6.50	$6.75	1.20	.85	.55	.20	0	0	0	0	0	0	0
$6.75	$7.00	1.25	.90	.60	.25	0	0	0	0	0	0	0
$7.00	$7.25	1.30	.95	.60	.30	0	0	0	0	0	0	0
$7.25	$7.50	1.35	1.00	.65	.35	0	0	0	0	0	0	0
$7.50	$7.75	1.35	1.05	.70	.40	.05	0	0	0	0	0	0
$7.75	$8.00	1.40	1.10	.75	.45	.10	0	0	0	0	0	0
$8.00	$8.25	1.45	1.15	.80	.50	.15	0	0	0	0	0	0
$8.25	$8.50	1.50	1.20	.85	.50	.20	0	0	0	0	0	0
$8.50	$8.75	1.55	1.20	.90	.55	.25	0	0	0	0	0	0
$8.75	$9.00	1.60	1.25	.95	.60	.30	0	0	0	0	0	0
$9.00	$9.25	1.65	1.30	1.00	.65	.35	0	0	0	0	0	0
$9.25	$9.50	1.70	1.35	1.05	.70	.35	.05	0	0	0	0	0
$9.50	$9.75	1.75	1.40	1.05	.75	.40	.10	0	0	0	0	0
$9.75	$10.00	1.80	1.45	1.10	.80	.45	.15	0	0	0	0	0
$10.00	$10.50	1.85	1.50	1.20	.85	.55	.20	0	0	0	0	0
$10.50	$11.00	1.95	1.60	1.30	.95	.60	.30	0	0	0	0	0
$11.00	$11.50	2.05	1.70	1.35	1.05	.70	.40	.05	0	0	0	0
$11.50	$12.00	2.10	1.80	1.45	1.15	.80	.45	.15	0	0	0	0
$12.00	$12.50	2.20	1.90	1.55	1.20	.90	.55	.25	0	0	0	0
$12.50	$13.00	2.30	1.95	1.65	1.30	1.00	.65	.30	0	0	0	0
$13.00	$13.50	2.40	2.06	1.75	1.40	1.05	.75	.40	.10	0	0	0
$13.50	$14.00	2.50	2.15	1.80	1.50	1.15	.85	.50	.15	0	0	0
$14.00	$14.50	2.55	2.25	1.90	1.60	1.25	.90	.60	.25	0	0	0
$14.50	$15.00	2.65	2.35	2.00	1.65	1.35	1.00	.70	.35	0	0	0
$15.00	$15.50	2.75	2.40	2.10	1.75	1.45	1.10	.75	.45	.10	0	0
$15.50	$16.00	2.85	2.50	2.20	1.85	1.50	1.20	.85	.55	.20	0	0
$16.00	$16.50	2.95	2.60	2.25	1.95	1.60	1.30	.95	.60	.30	0	0
$16.50	$17.00	3.00	2.70	2.35	2.05	1.70	1.35	1.05	.70	.40	.05	0
$17.00	$17.50	3.10	2.80	2.45	2.10	1.80	1.45	1.15	.80	.45	.15	0
$17.50	$18.00	3.20	2.85	2.55	2.20	1.90	1.55	1.20	.90	.55	.25	0
$18.00	$18.50	3.30	2.95	2.65	2.30	1.95	1.65	1.30	1.00	.65	.35	0
$18.50	$19.00	3.40	3.05	2.70	2.40	2.05	1.75	1.40	1.05	.75	.40	.10
$19.00	$19.50	3.45	3.15	2.80	2.50	2.15	1.80	1.50	1.15	.85	.50	.20
$19.50	$20.00	3.55	3.25	2.90	2.55	2.25	1.90	1.60	1.25	.90	.60	.25
$20.00	$21.00	3.70	3.35	3.05	2.70	2.35	2.05	1.70	1.40	1.05	.75	.40
$21.00	$22.00	3.85	3.55	3.20	2.90	2.55	2.25	1.90	1.55	1.25	.90	.60
$22.00	$23.00	4.05	3.70	3.40	3.05	2.75	2.40	2.10	1.75	1.40	1.10	.75
$23.00	$24.00	4.25	3.90	3.55	3.25	2.90	2.60	2.25	1.95	1.60	1.25	.95
$24.00	$25.00	4.40	4.10	3.75	3.40	3.10	2.75	2.45	2.10	1.80	1.45	1.10
$25.00	$26.00	4.60	4.25	3.95	3.60	3.25	2.95	2.60	2.30	1.95	1.65	1.30
$26.00	$27.00	4.75	4.45	4.10	3.80	3.45	3.15	2.80	2.45	2.15	1.80	1.50
$27.00	$28.00	4.95	4.60	4.30	3.95	3.65	3.30	3.00	2.65	2.30	2.00	1.65
$28.00	$29.00	5.15	4.80	4.45	4.15	3.80	3.50	3.15	2.85	2.50	2.15	1.85
$29.00	$30.00	5.30	5.00	4.65	4.30	4.00	3.65	3.35	3.00	2.70	2.35	2.00
		18 percent of the excess over $30 plus—										
$30.00 and over		5.40	5.05	4.75	4.40	4.10	3.75	3.45	3.10	2.75	2.45	2.10

(2) If wages are paid with respect to a period which is not a payroll period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days in the period with respect to which such wages are paid.

(3) In any case in which wages are paid by an employer without regard to any payroll period or other period, the amount to be deducted and withheld shall be that applicable in the case of a miscellaneous payroll period containing a number of days equal to the number of days (including Sundays and holidays) which have elapsed since the date of the last payment of such wages by such employer during the calendar year, or the date of commencement of employment with such employer during such year, or January 1 of such year, whichever is the later.

(4) In any case in which the period, or the time described in paragraph (3) in respect of any wages is less than one week, the Secretary or his delegate, under regulations prescribed by him, may authorize an employer to determine the amount to be deducted and withheld under the tables applicable in the case of a weekly payroll period, in which case the aggregate of the wages paid to the employee during the calendar week shall be considered the weekly wages.

(5) If the wages exceed the highest wage bracket, in determining the amount to be deducted and withheld under this subsection, the wages may, at the election of the employer, be computed to the nearest dollar.

§ 31.3402 (c)–1 *Wage bracket withholding*—(a) *In general.* (1) The employer may elect to use the wage bracket method provided in section 3402 (c) instead of the percentage method with respect to any employee. The tax computed under the wage bracket method shall be in lieu of the tax required to be deducted and withheld under section 3402 (a). Wage bracket withholding tables for weekly, biweekly, semimonthly, monthly, and daily or miscellaneous payroll periods are contained in section 3402 (c).

(2) For provisions relating to the treatment of wages paid under wage continuation plans and wages paid other than in cash to retail commission salesmen, see §§ 31.3401 (a)–1 (b) (8) and 31.3402 (j)–1, respectively.

(b) *Established payroll periods, other than daily or miscellaneous, covered by wage bracket withholding tables.* The wage bracket withholding tables contained in section 3402 (c) for established payroll periods other than daily or miscellaneous should be used in determining the tax to be withheld for any such period without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). During 1955 employee C has a semimonthly payroll period. The number of withholding exemptions claimed by C is two. During a certain payroll period C works only 40 hours and earns $48. Although C worked only 40 hours during the semimonthly payroll period, the wage bracket withholding table for a semimonthly payroll period should be used in determining the tax to be withheld. Under this table it will be found that no tax is required to be withheld from a wage payment of $48 when two withholding exemptions are claimed.

Example (2). During 1955 employee D has a weekly payroll period. The number of withholding exemptions claimed by D is two. D's wages are determined at the rate of $1.20 per hour. During a certain payroll period D works 30 hours and earns $36. Although D worked only 30 hours during the weekly payroll period, the wage bracket withholding table for a weekly payroll period should be used in determining the tax to be withheld. Under this table it will be found that $2.00 is the amount of tax to be withheld from a wage payment of $36 when two withholding exemptions are claimed.

(c) *Periods to which the table for a daily or miscellaneous payroll period is applicable*—(1) *In general.* The table applicable to a daily or miscellaneous payroll period shows the tax on the amount of wages for one day. Where the withholding is computed under the rules applicable to a miscellaneous payroll period, the wages and the amounts shown in the table must be placed on a comparable basis. This may be accomplished by reducing the wages paid for the period to a daily basis by dividing the total wages by the number of days (including Sundays and holidays) in the period. The amount of the tax shown in the table as the tax required to be withheld from the wages, as so reduced to a daily basis, should then be multiplied by the number of days (including Sundays and holidays) in the period.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the amount to be deducted and withheld under the wage bracket method shall be the amount applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. During 1955, an individual is hired by a contractor to perform services in connection with a construction project. The number of withholding exemptions claimed by the individual is two. Wages are fixed at the rate of $9 per day, to be paid upon completion of the project. The project is completed during 1955 in 12 days, at the end of which period the individual is paid wages of $90 for ten days' services performed during the period. Under the wage bracket method the amount to be deducted and withheld from such wages is determined by dividing the amount of the wages ($90) by the number of days in the period (12), the result being $7.50. The amount of tax required to be withheld is determined under the table applicable to a miscellaneous payroll period. Under this table the tax required to be withheld is $8.40 (12×$0.70).

(3) *Wages paid without regard to any period.* If wages are paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon consummation of a sale, the amount of tax to be deducted and withheld shall be determined in the same manner as in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to such employee by such employer in the calendar year, or

(ii) The date on which such individual's employment with such employer began in the calendar year, or

(iii) January 1 of such calendar year, and ending with (and including) the date on which such wages are paid.

Example. On April 2, 1955, A is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. The number of withholding exemptions claimed by A is one. On May 21, 1955, A receives a commission of $300. Again, on June 16, 1955, A receives a commission of $400. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 21, is $37.50, which amount is obtained by multiplying $0.75 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $6 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 16 is $62.40, which amount is obtained by multiplying $2.40 (tax under wage bracket table for a daily or miscellaneous payroll period where wages are at least $15 but less than $15.50 a day) by 26 (number of days elapsed).

(d) *Period or elapsed time less than one week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than one week, the tax to be deducted and withheld under the wage bracket method shall be the amount computed for a daily payroll period, or for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period, or other period, for which such wages are paid. In the case of wages paid without regard to any period, if the elapsed time computed as provided in paragraph (c) of this section is less than 1 week, the same rule is applicable.

Example (1). During 1955 an employee having a daily payroll period is paid wages of $7 per day. The number of withholding exemptions claimed by the employee is one. Under the table applicable to a daily payroll period the amount of tax to be deducted and withheld from each such payment of wages is $0.95.

Example (2). During 1955 an individual is employed for four days, for which he is paid wages of $36. The number of withholding exemptions claimed by him is two. The amount of tax to be deducted and withheld under the wage bracket method is $4.00 (4×$1.00).

(2) If the payroll period, other period, or elapsed time where wages are paid without regard to any period, is less than one week, the employer may, under certain conditions, elect to deduct and withhold the tax determined by the application of the wage table for a weekly payroll period to the aggregate of the wages paid to the employee during the calendar week. The election to use the weekly wage table in such cases is subject to the limitations and conditions prescribed in § 31.3402 (b)–1 (d) with respect to employers using the percentage method in similar cases.

(3) As used in this paragraph the term "calendar week" means a period of seven consecutive days beginning with Sunday and ending with Saturday.

(e) *Rounding off of wage payment.* In determining the amount to be deducted and withheld under the wage bracket method the wages may, at the election of the employer, be computed to the nearest dollar, provided such wages are in excess of the highest wage bracket of the applicable table. For the purpose of the computation to the nearest dollar, the payment of a fractional part of a dollar shall be disregarded unless it amounts to one-half dollar or more, in which case it shall be increased to $1.00. Thus, if the payroll period of an employee is weekly and the wage payment of such employee is $255.49, the employer may compute the tax on the excess over $200 as if the excess were $55 instead $55.49. If the weekly wage payment is $255.50, the employer may, in computing the tax, consider the excess over $200 to be $56 instead of $55.50.

§ 31.3402 (d) *Statutory provisions; income tax collected at source; tax paid by recipient.*

SEC. 3402. *Income tax collected at source.*

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(d) *Tax paid by recipient.* If the employer, in violation of the provisions of this chapter, fails to deduct and withhold the tax under this chapter, and thereafter the tax against which such tax may be credited is paid, the tax so required to be deducted and withheld shall not be collected from the employer; but this subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

§ 31.3402 (d)–1 *Failure to withhold.* If the employer in violation of the provisions of section 3402 fails to deduct and withhold the tax, and thereafter the income tax against which the tax under section 3402 may be credited is paid, the tax under section 3402 shall not be collected from the employer. Such payment does not, however, operate to relieve the employer from liability for penalties or additions to the tax applicable in respect of such failure to deduct and withhold. The employer will not be relieved of his liability for payment of the tax required to be withheld unless he can show that the tax against which the tax under section 3402 may be credited has been paid. See § 31.3403–1, relating to liability for tax.

§ 31.3402 (e) *Statutory provisions; income tax collected at source; included and excluded wages.*

SEC. 3402. *Income tax collected at source*

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(e) *Included and excluded wages.* If the remuneration paid by an employer to an employee for services performed during one-half or more of any payroll period of not more than 31 consecutive days constitutes wages, all the remuneration paid by such employer to such employee for such period shall be deemed to be wages; but if the remuneration paid by an employer to an employee for services performed during more than one-half of any such payroll period does not constitute wages, then none of the remuneration paid by such employer to such employee for such period shall be deemed to be wages.

§ 31.3402 (e)–1 *Included and excluded wages.* (a) If a portion of the remuneration paid by an employer to his employee for services performed during a payroll period of not more than 31 consecutive days constitutes wages, and the remainder does not constitute wages, all the remuneration paid the employee for services performed during such period shall for purposes of withholding be treated alike, that is, either all included as wages or all excluded. The time during which the employee performs services, the remuneration for which under section 3401 (a) constitutes wages, and the time during which he performs services, the remuneration for which under such section does not constitute wages, determine whether all the remuneration for services performed during the payroll period shall be deemed to be included or excluded.

(b) If one-half or more of the employee's time in the employ of a particular employer in a payroll period is spent in performing services the remuneration for which constitutes wages, then all the remuneration paid the employee for services performed in that payroll period shall be deemed to be wages.

(c) If less than one-half of the employee's time in the employ of a particular employer in a payroll period is spent in performing services the remuneration for which constitutes wages, then none of the remuneration paid the employee for services performed in that payroll period shall be deemed to be wages.

(d) The application of the provisions of paragraphs (a), (b), and (c) of this section may be illustrated by the following examples:

Example (1). Employer B, who operates a store and a farm, employs A to perform services in connection with both operations. The remuneration paid A for services on the farm is excepted as remuneration for agricultural labor, and the remuneration for services performed in the store constitutes wages. Employee A is paid on a monthly basis. During a particular month, A works 120 hours on the

farm and 80 hours in the store. None of the remuneration paid by B to A for services performed during the month is deemed to be wages, since the remuneration paid for less than one-half of the services performed during the month constitutes wages. During another month A works 75 hours on the farm and 120 hours in the store. All of the remuneration paid by B to A for services performed during the month is deemed to be wages since the remuneration paid for one-half or more of the services performed during the month constitutes wages.

Example (2). Employee C is employed as a maid by D, a physician, whose home and office are located in the same building. The remuneration paid C for services in the home is excepted as remuneration for domestic service, and the remuneration paid for her services in the office constitutes wages. C is paid on a weekly basis. During a particular week C works 20 hours in the home and 20 hours in the office. All of the remuneration paid D to C for services performed during that week is deemed to be wages, since the remuneration paid for one-half or more of the services performed during the week constitutes wages. During another week C works 22 hours in the home and 15 hours in the office. None of the remuneration paid by D to C for services performed during that week is deemed to be wages, since the remuneration paid for less than one-half of the services performed during the week constitutes wages.

(e) The rules set forth in this section do not apply (1) with respect to any remuneration paid for services performed by an employee for his employer if the periods for which remuneration is paid by the employer vary to the extent that there is no period which constitutes a payroll period within the meaning of section 3401 (b) (see § 31.3401 (b)–1), or (2) with respect to any remuneration paid for services performed by an employee for his employer if the payroll period for which remuneration is paid exceeds 31 consecutive days. In any such case withholding is required with respect to that portion of such remuneration which constitutes wages.

§ 31.3402 (f) (1) *Statutory provisions; income tax collected at source; withholding exemptions.*

SEC. 3402. *Income tax collected at source.*
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(f) *Withholding exemptions*—(1) *In general.* An employee receiving wages shall on any day be entitled to the following withholding exemptions:

(A) An exemption for himself;

(B) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151 (c) (1) (relating to old age) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

(C) One additional exemption for himself if, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151 (d) (1) (relating to the blind) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit;

(D) If the employee is married, any exemption to which his spouse is entitled, or would be entitled if such spouse were an employee receiving wages, under subparagraph (A), (B), or (C), but only if such spouse does not have in effect a withholding exemption certificate claiming such exemption; and

(E) An exemption for each individual with respect to whom, on the basis of facts existing at the beginning of such day, there may reasonably be expected to be allowable an exemption under section 151 (e) for the taxable year under subtitle A in respect of which amounts deducted and withheld under this chapter in the calendar year in which such day falls are allowed as a credit.

§ 31.3402 (f) (1)–1 *Withholding exemptions*—(a) *In general.* (1) An employee receiving wages shall on any day be entitled to withholding exemptions as provided in section 3402 (f) (1). In order to receive the benefit of such exemptions, the employee must file with his employer a withholding exemption certificate as provided in section 3402 (f) (2). See § 31.3402 (f) (2)–1.

(2) The number of exemptions to which an employee is entitled on any day depends upon his status as single or married, upon his status as to old age and blindness, upon the number of his dependents, and, if married, upon the number of exemptions claimed by his spouse.

(b) *Withholding exemptions to which an employee is entitled in respect of himself.* An employee is entitled to one withholding exemption for himself. An employee shall on any day be entitled to an additional withholding exemption for himself if he will have attained the age of 65 before the close of his taxable year which begins in, or with, the calendar year in which such day falls. If the employee is blind, he may claim an additional exemption for blindness. For purposes of claiming a withholding exemption for blindness, an individual shall be considered blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees. For definition of the term "blindness", see section 151 (d) (3).

(c) *Withholding exemptions to which an employee is entitled in respect of his spouse.* (1) A married employee, whose spouse is an employee receiving wages, is entitled to claim any withholding exemption to which his spouse is entitled under paragraph (b) of this section, unless the spouse has in effect a withholding exemption certificate claiming such withholding exemption. A married employee, whose spouse is not an employee receiving wages, is entitled to claim any withholding exemption to which his spouse would be entitled under paragraph (b) of this section if the spouse were an employee receiving wages.

Example (1). Assume that both the husband and wife have attained the age of 65 and are employees receiving wages. Each spouse is entitled under paragraph (b) of this section to claim 2 withholding exemptions in respect of himself or herself. Either spouse may claim, in addition to the withholding exemptions to which he or she is entitled in respect of himself or herself, any withholding exemption to which the other spouse is entitled under such paragraph (b) but does not claim on a withholding exemption certificate.

Example (2). Assume the same facts as in Example (1) except that only the husband is an employee receiving wages. The husband is entitled to claim 4 withholding exemptions, that is, the 2 withholding exemptions to which he is entitled in respect of himself and the 2 withholding exemptions to which his spouse would be entitled under paragraph (b) of this section if she were an employee receiving wages.

(2) In determining the number of withholding exemptions to which an employee is entitled for himself and his spouse on any day, the employee's status as a single person or a married person and, if married, whether a withholding exemption is claimed by his spouse shall be determined as of such day. However, in the case of an employee whose spouse dies in the taxable year of the employee which begins in, or with, the calendar year in which the spouse dies, any withholding exemption which would be allowable to the employee in respect of such spouse, if living and not an employee receiving wages, may be claimed by the employee for that portion of the calendar year which occurs after his spouse's death. For provisions applicable in the case of an employee whose taxable year is not a calendar year, and whose spouse dies in that portion of the calendar year which precedes the first day of the taxable year of the employee which begins in the calendar year, see § 31.3402 (f) (2)–1 (b).

(d) *Withholding exemptions to which an employee is entitled in respect of dependents.* Subject to the limitations stated in this paragraph, an employee shall be entitled on any day to a withholding exemption for each individual who may reasonably be expected to be his dependent for his taxable year beginning in, or with, the calendar year in which such day falls. For purposes of the withholding exemption for an individual who may reasonably be expected to be a dependent, the following rules shall apply:

(1) The determination that an individual may or may not reasonably be expected to be a dependent shall be made on the basis of facts existing at the beginning of the day for which a withholding exemption for such individual is to be claimed. The individual in respect of whom an exemption is claimed by an employee must, on the day in question, be in existence and be within one of the categories listed in section 152 (a), which defines the term "dependent". However, a withholding exemption for a dependent who dies continues for the portion of the calendar year which occurs after the dependent's death, except that, in the case of an employee whose taxable year is not a calendar year, the withholding exemption does not continue for a dependent, within the meaning of section 152 (a) (9) or (10), whose death occurs before the first day of the employee's taxable year beginning in the calendar year of death.

(2) The determination that an individual may or may not reasonably be expected to be a dependent shall be made for the taxable year of the employee in respect of which amounts deducted and withheld in the calendar year in which the day in question falls are allowed as a credit. In general, amounts deducted and withheld during any calendar year are allowed as a credit against the tax imposed by chapter 1 of the Code for the taxable year which begins in, or with, such calendar year. Thus, in order for an employee to be able to claim for a calendar year a withholding exemption with respect to a particular individual as a dependent there must be a reasonable expectation that the employee will be allowed an exemption with respect to such individual under section 151 (e) for his taxable year which begins in, or with, such calendar year.

(3) For the employee to be entitled on any day of the calendar year to a withholding exemption for an individual as a dependent, such individual must on such day—

(i) Be an individual referred to in one of the numbered paragraphs in section 152 (a),

(ii) Reasonably be expected to receive over one-half of his support, within the meaning of section 152, from the employee in the calendar year, and

(iii) Either (*a*) reasonably be expected to receive less than $600 of gross income in the calendar year or (*b*) be a child (son, stepson, daughter, stepdaughter, adopted son, or adopted daughter) of the employee who (1) will not have attained the age of 19 at the close of the calendar year or (2) is a student as defined in section 151.

(4) An employee is not entitled to claim a withholding exemption for an individual otherwise reasonably expected to be a dependent of the employee if such individual is not a citizen of the United States, unless such individual (i) is at any time during the calendar year a resident of the United States, Canada, Mexico, the Canal Zone, or the Republic of Panama, or (ii) is a child of the employee born to him, or legally adopted by him, in the Philippine Islands before January 1, 1956, and the child is a resident of the Republic of the Philippines, and the employee was a member of the Armed Forces of the United States at the time the child was born to him or legally adopted by him.

§ 31.3402 (f) (2) *Statutory provisions; income tax collected at source; withholding exemptions; exemption certificates.*

SEC. 3402. *Income tax collected at source.* • • •

(f) Withholding exemptions—• • •

(2) *Exemption certificates*—(A) *On commencement of employment.* On or before the date of the commencement of employment with an employer, the employee shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled.

(B) *Change of status.* If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by the employee on the withholding exemption certificate then in effect with respect to him, the employee shall within 10 days thereafter furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day. If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is greater than the number of withholding exemptions claimed, the employee may furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which shall in no event exceed the number to which he is entitled on such day.

(C) *Change of status which affects next calendar year.* If on any day during the calendar year the number of withholding exemptions to which the employee will be, or may reasonably be expected to be, entitled at the beginning of his next taxable year under subtitle A is different from the number to which the employee is entitled on such day, the employee shall, in such cases and at such times as the Secretary or his delegate may by regulations prescribe, furnish the employer with a withholding exemption certificate relating to the number of withholding exemptions which he claims with respect to such next taxable year, which shall in no event exceed the number to which he will be, or may reasonably be expected to be, so entitled.

§ 31.3402 (f) (2)–1 *Withholding exemption certificates*—(a) *On commencement of employment.* On or before the date on which an individual commences employment with an employer, the individual shall furnish the employer with a signed withholding exemption certificate relating to the number of withholding exemptions which he claims, which shall in no event exceed the number to which he is entitled. For form and contents of such certificate, see § 31.3402 (f) (5)–1. The employer is required to request a withholding exemption certificate from each employee, but if the employee fails to furnish such certificate, such employee shall be considered as claiming no withholding exemptions.

(b) *Change in exemptions which affects calendar year.* (1) If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is less than the number of withholding exemptions claimed by him on the withholding exemption certificate then in effect, the employee must within 10 days after the change occurs furnish the employer with a new withholding exemption certificate relating to the number of withholding exemptions which the employee then claims, which must in no event exceed the number to which he is entitled on such day. The number of withholding exemptions to which an employee is entitled decreases, for example, for any one of the following reasons:

(i) The employee's wife (or husband) for whom the employee has been claiming a withholding exemption (*a*) is divorced or legally separated from the employee, or (*b*) claims her (or his) own withholding exemption on a separate certificate.

(ii) In the case of an employee whose taxable year is not a calendar year, the employee's wife (or husband) for whom the employee has been claiming a withholding exemption dies in that portion of the calendar year which precedes the first day of the taxable year of the employee which begins in the calendar year in which the spouse dies.

(iii) The employee finds that no exemption for his taxable year which begins in, or with, the current calendar year will be allowable to him under section 151 (e) in respect of an individual claimed as a dependent on the employee's withholding exemption certificate.

(2) If, on any day during the calendar year, the number of withholding exemptions to which the employee is entitled is more than the number of withholding exemptions claimed by him on the withholding exemption certificate then in effect, the employee may furnish the employer with a new withholding exemption certificate on which the employee must in no event claim more than the number of withholding exemptions to which he is entitled on such day.

(c) *Change in exemptions which affects next calendar year.* (1) If, on any day during the calendar year, the number of exemptions to which the employee will be, or may reasonably be expected to be, entitled under section 151 for his taxable year which begins in, or with, the next calendar year is different from the number to which the employee is entitled on such day, the following rules shall be applicable:

(i) If such number is less than the number of withholding exemptions claimed by the employee on a withholding exemption certificate in effect on such day, the employee must, on or before December 1 of the year in which the change occurs, unless such change occurs in December, furnish his employer with a new withholding exemption certificate reflecting the decrease in the number of withholding exemptions. If the changes occurs in December, the new certificate must be furnished within 10 days after the change occurs. The number of exemptions to which an employee is entitled for his taxable year which begins in, or with, the next calendar year decreases, for example, for any of the following reasons:

(*a*) The spouse or a dependent of the employee dies.

(*b*) The employee finds that it is not reasonable to expect that an individual claimed as a dependent on the employee's withholding exemption certificate will qualify as a dependent of the employee for such taxable year.

(ii) If such number is greater than the number of withholding exemptions claimed by the employee on a withholding exemption certificate in effect on such day, the employee may, on or before December 1 of the year in which such change occurs, unless such change occurs in December, furnish his employer with a new withholding exemption certificate reflecting the increase in the number of withholding exemptions. If the change occurs in December, the certificate may be furnished on or after the date on which the change occurs.

(2) Before December 1 of each year, every employer should request each of his employees to file a new withholding extemption certificate for the ensuing calendar year, in the event of change in the employee's exemption status since the filing of his latest certificate.

§ 31.3402 (f) (3) *Statutory provisions; income tax collected at source; withholding exemptions; when exemption certificate takes effect.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(3) *When certificate takes effect*—(A) *First certificate furnished.* A withholding exemption certificate furnished the employer in cases in which no previous such certificate is in effect shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(B) *Furnished to take place of existing certificate.* A withholding exemption certificate furnished the employer in cases in which a previous such certificate is in effect shall take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days from the date on which such certificate is so furnished, except that at the election of the employer such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished; but a certificate furnished pursuant to paragraph (2) (C) shall not take effect, and may not be made effective, with respect to any payment of wages made in the calendar year in which the certificate is furnished. For purposes of this subparagraph the term "status determination date" means January 1 and July 1 of each year.

§ 31.3402 (f) (3)–1 *When withholding exemption certificate takes effect.* (a) A withholding exemption certificate furnished the employer in any case in which no previous withholding exemption certificate is in effect with such employer, shall take effect as of the beginning of the first payroll period ending, or the first payment of wages made without regard to a payroll period, on or after the date on which such certificate is so furnished.

(b) A withholding exemption certificate furnished the employer in any case in which a previous withholding exemption certificate is in effect with such employer shall, except as hereinafter provided, take effect with respect to the first payment of wages made on or after the first status determination date which occurs at least 30 days after the date on which such certificate is so furnished. However, at the election of the employer, except as hereinafter provided, such certificate may be made effective with respect to any payment of wages made on or after the date on which such certificate is so furnished and before such status determination date.

(c) A withholding exemption certificate furnished the employer pursuant to section 3402 (f) (2) (C) (see § 31.3402 (f) (2)–1 (c)) which effects a change for the next calendar year, shall not take effect, and may not be made effective, with respect to the calendar year in which the certificate is furnished.

(d) For purposes of this section the term "status determination date" means January 1 and July 1 of each year.

§ 31.3402 (f) (4) *Statutory provisions; income tax collected at source; withholding exemptions; period during which exemption certificate remains in effect.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(4) *Period during which certificate remains in effect.* A withholding exemption certificate which takes effect under this subsection, or which on December 31, 1954, was in effect under the corresponding subsection of prior law, shall continue in effect with respect to the employer until another such certificate takes effect under this subsection.

§ 31.3402 (f) (4)–1 *Period during which withholding exemption certificate remains in effect.* A withholding exemption certificate which takes effect under section 3402 (f), or which on December 31, 1954, was in effect under section 1622 (h) of the Internal Revenue Code of 1939, shall continue in effect with respect to the employee until another withholding exemption certificate takes effect under section 3402 (f).

§ 31.3402 (f) (5) *Statutory provisions; income tax collected at source; withholding exemptions; form and contents of exemption certificate.*

SEC. 3402. *Income tax collected at source.* • • •

(f) *Withholding exemptions*—• • •

(5) *Form and contents of certificate.* Withholding exemption certificates shall be in such form and contain such information as the Secretary or his delegate may by regulations prescribe.

§ 31.3402 (f) (5)–1 *Form and contents of withholding exemption certificate.* Form W–4 is the form prescribed for the withholding exemption certificate required to be filed under section 3402 (f) (2). See § 31.3402 (f) (2)–1. A withholding exemption certificate on Form W–4 shall be prepared in accordance with the instructions and regulations applicable thereto, and shall set forth fully and clearly the data therein called for. Blank copies of Form W–4 will be supplied employers upon request to the district director. In lieu of the prescribed form of certificate, employers may prepare and use a form the provisions of which are identical with those of the prescribed form.

§ 31.3402 (g) *Statutory provisions; income tax collected at source; overlapping pay periods, and payment by agent or fiduciary.*

SEC. 3402. *Income tax collected at source.* • • •

(g) *Overlapping pay periods, and payment by agent or fiduciary.* If a payment of wages is made to an employee by an employer—

(1) With respect to a payroll period or other period, any part of which is included in a payroll period or other period with respect to which wages are also paid to such employee by such employer, or

(2) Without regard to any payroll period or other period, but on or prior to the expiration of a payroll period or other period with respect to which wages are also paid to such employee by such employer, or

(3) With respect to a period beginning in one and ending in another calendar year, or

(4) Through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays, the wages payable by another employer to such employee, the manner of withholding and the amount to be deducted and withheld under this chapter shall be determined in accordance with regulations prescribed by the Secretary or his delegate under which the withholding exemption allowed to the employee in any calendar year shall approximate the withholding exemption allowable with respect to an annual payroll period.

§ 31.3402 (g)–1 *Supplemental wage payments*—(a) *In general.* (1) An employee's remuneration may consist of wages paid for a payroll period and supplemental wages, such as bonuses, commissions, and overtime pay, paid for the same or a different period, or without regard to a particular period. When such supplemental wages are paid (whether or not at the same time as the regular wages) the amount of the tax required to be withheld under section 3402 (a) (the percentage method) or under section 3402 (c) (the wage bracket method) shall be determined in accordance with this paragraph or paragraph (b) of this section.

(2) The supplemental wages, if paid concurrently with wages for a payroll period, shall be aggregated with the wages paid for such payroll period. If not paid concurrently, the supplemental wages shall be aggregated with the wages paid or to be paid within the same calendar year for the last preceding payroll period or for the current payroll period. The amount of tax to be withheld shall be determined as if the aggregate of the supplemental wages and the regular wages constituted a single wage payment for the regular payroll period.

Example (1). A is employed as a salesman at a monthly salary of $100 plus commissions on sales made during the month. The number of withholding exemptions claimed is one. During January 1955 A earns $275 in commissions, which together with the salary of $100 is paid on February 10, 1955. Under the wage bracket method the amount of the tax required to be withheld is shown in the table applicable to a monthly payroll period. Under this table it will be found that the amount of tax required to be withheld is $57.00.

Example (2). B is employed at a salary of $3,000 per annum paid semimonthly on the 15th day and the last day of each month, plus a bonus and commission determined at the end of each 3-month period. The number of withholding exemptions claimed is four. The bonus and commission for the 3-month period ending on March 31, 1955, amount to $250, which is paid on April 10, 1955. Under the wage bracket method, the amount of tax required to be withheld on the aggregate of the bonus of $250 and the last preceding semimonthly wage payment of $125, or $375, is $46.60. Since tax in the amount of $2.70 was withheld on the semimonthly wage payment of $125, the amount to be withheld on April 10, 1955, is $43.90.

If, however, supplemental wages are paid and tax has been withheld from the employee's regular wages, the employer may determine the tax to be withheld from supplemental wages by using the applicable rate under section 3402 (a) without allowance for exemption and without reference to any regular payment of wages.

(3) For provisions relating to the treatment of wages paid other than in cash to retail commission salesmen, see: § 31.3402 (j)–1.

(b) *Special rule where aggregate withholding exemption exceeds wages paid.* (1) If supplemental wages are paid to an employee during a calendar year for a period which involves two or more consecutive payroll periods, for which other wages also are paid during such calendar year, and the aggregate of such other wages is less than the aggregate of the amounts determined under the table provided in section 3402 (b) (1) as the withholding exemptions applicable for such payroll periods, the amount of the tax required to be withheld on the supplemental wages shall be computed as follows:

Step 1. Determine an average wage for each of such payroll periods by dividing the sum of the supplemental wages and the wages paid for such payroll periods by the number of such payroll periods.

Step 2. Determine a tax for each payroll period as if the amount of the average wage constituted the wages paid for such payroll period.

Step 3. From the sum of the amounts of tax determined in Step 2 subtract the total amount of tax withheld, or to be withheld, from the wages, other than the supplemental wages, for such payroll periods. The remainder, if any, shall constitute the amount of the tax to be withheld upon the supplemental wages.

Example. An employee has a weekly payroll ending on Saturday of each week, the wages for which are paid on Friday of the succeeding week. On the 10th day of each month he is paid a bonus based upon production during the payroll periods for which wages were paid in the preceding month. The employee is paid a weekly wage of $64 on each of the five Fridays occurring in April 1955. On May 10, 1955, the employee is paid a bonus of $125 based upon production during the five payroll periods covered by the wages paid in April. On the date of payment of the bonus, the employee, who is married and has three children, has a withholding exemption certificate in effect claiming five withholding exemptions. The amount of the tax to be withheld from the bonus paid on May 10, 1955, is computed as follows:

Wages paid in April 1955 for 5 payroll periods (5×$64)	$320.00
Bonus paid May 10, 1955	125.00
Aggregate of wages and bonus	445.00
Average wage per payroll period ($445÷5)	89.00
Computation of tax under percentage method: Withholding exemptions (5×$13)	65.00
Remainder subject to tax	24.00
Tax on average wage for 1 week (18 percent of $24)	4.32
Tax on average wage for 5 weeks	21.60
Less: Tax previously withheld on weekly wage payments of $64	None
Tax to be withheld on supplemental wages	21.60
Computation of tax under wage bracket method:	
Tax on $89 wage under weekly wage table ($4.50 per week for 5 weeks)	22.50
Less: Tax previously withheld on weekly wage payments of $64 ($0.20 per week for 5 weeks)	1.00
Tax to be withheld on supplemental wages	21.50

(2) The rules prescribed in this paragraph shall, at the election of the employer, be applied in lieu of the rules prescribed in paragraph (a) of this section except that this paragraph shall not be applicable in any case in which the payroll period of the employee is less than one week.

(c) *Vacation allowances.* Amounts of so-called "vacation allowances" shall be subject to withholding as though they were regular wage payments made for the period covered by the vacation. If the vacation allowance is paid in addition to the regular wage payment for such period, the rules applicable with respect to supplemental wage payments shall apply to such vacation allowance.

§ 31.3402 (g)–2 *Wages paid for payroll period of more than one year.* If wages are paid to an employee for a payroll period of more than one year, for the purpose of determining the amount of tax required to be deducted and withheld in respect of such wages—

(a) Under the percentage method, the amount of the tax shall be determined as if such payroll period constituted an annual payroll period, and

(b) Under the wage bracket method, the amount of the tax shall be determined as if such payroll period constituted a miscellaneous payroll period of 365 days.

§ 31.3402 (g)–3 *Wages paid through an agent, fiduciary, or other person on behalf of two or more employers.* (a) If a payment of wages is made to an employee by an employer through an agent, fiduciary, or other person who also has the control, receipt, custody, or disposal of, or pays the wages payable by another employer to such employee, the amount of the tax required to be withheld on each wage payment made through such agent, fiduciary, or person shall, whether the wages are paid separately on behalf of each employer or paid in a lump sum on behalf of all such employers, be determined upon the aggregate amount of such wage payment or payments in the same manner as if such aggregate amount had been paid by one employer. Hence, under either the percentage method or the wage bracket method the tax shall be determined upon the aggregate amount of the wage payment.

(b) In any such case, each employer shall be liable for the return and payment of a pro rata portion of the tax so determined, such portion to be determined in the ratio which the amount contributed by the particular employer bears to the aggregate of such wages.

(c) For example, three companies maintain a central management agency which carries on the administrative work of the several companies. The central agency organization consists of a staff of clerks, bookkeepers, stenographers, etc., who are the common employees of the three companies. The expenses of the central agency, including wages paid to the foregoing employees, are borne by the several companies in certain agreed proportions. Company X pays 45 percent, Company Y pays 35 percent and Company Z pays 20 percent of such expenses. The amount of the tax required to be withheld on the wages paid to persons employed in the central agency should be determined in accordance with the provisions of this section. In such event, Company X is liable as an employer for the return and payment of 45 percent of the tax required to be withheld, Company Y is liable for the return and payment of 35 percent of the tax and Company Z is liable for the return and payment of 20 percent of the tax. (See § 31.3504–1, relating to acts to be performed by agents.)

§ 31.3402 (h) *Statutory provisions; income tax collected at source; withholding on basis of average wages.*

SEC. 3402. *Income tax collected at source.* • • •

(h) *Withholding on basis of average wages.* The Secretary or his delegate may, under regulations prescribed by him, authorize employers—

(1) To estimate the wages which will be paid to any employee in any quarter of the calendar year,

(2) To determine the amount to be deducted and withheld upon each payment of wages to such employee during such quarter as if the appropriate average of the wages so estimated constituted the actual wages paid, and

(3) To deduct and withhold upon any payment of wages to such employee during such quarter such amount as may be necessary to adjust the amount actually deducted and withheld upon the wages of such employee during such quarter to the amount required to be deducted and withheld during such quarter without regard to this subsection.

§ 31.3402 (h)–1 *Withholding on basis of average wages.* The Commissioner may authorize the employer to withhold the tax under section 3402 on the basis of the employee's average estimated wages, with necessary adjustments, for any quarter. Before using such method the employer must receive authorization from the Commissioner. Applications to use such method must be accompanied by evidence establishing the need for the use of such method.

§ 31.3402 (i) *Statutory provisions; income tax collected at source; additional withholding.*

SEC. 3402. *Income tax collected at source.* • • •

(i) *Additional withholding.* The Secretary or his delegate is authorized by regulations to provide, under such conditions and to such extent as he deems proper, for withholding in addition to that otherwise required under this section in cases in which the employer and the employee agree (in such form as the Secretary or his delegate may by regulations prescribe) to such additional withholding. Such additional withholding shall for all purposes be considered tax required to be deducted and withheld under this chapter.

§ 31.3402 (i)–1 *Additional withholding.* (a) In addition to the tax required to be deducted and withheld in accordance with the provisions of section 3402, the employer and employee may agree that an additional amount shall be withheld from the employee's wages. The agreement shall be in writing and shall be in such form as the employer may prescribe. The agreement shall be effective for such period as the employer and employee mutually agree upon. However, unless the agreement provides for an earlier termination, either the employer, or the employee, by furnishing a written notice to the other, may terminate the agreement effective with respect

to the first payment of wages made on or after the first "status determination date" (January 1 and July 1 of each year) which occurs at least 30 days after the date on which such notice is furnished.

(b) The amount deducted and withheld pursuant to an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under section 3402. All provisions of law and regulations applicable with respect to the tax required to be deducted and withheld under section 3402 shall be applicable with respect to any amount deducted and withheld pursuant to the agreement.

§ 31.3402 (j) *Statutory provisions; income tax collected at source; noncash remuneration to retail commission salesman.*

SEC. 3402. *Income tax collected at source.* * * * (j) *Noncash remuneration to retail commission salesman.* In the case of remuneration paid in any medium other than cash for services performed by an individual as a retail salesman for a person, where the service performed by such individual for such person is ordinarily performed for remuneration solely by way of cash commission an employer shall not be required to deduct or withhold any tax under this subchapter [chapter] with respect to such remuneration, provided that such employer files with the Secretary or his delegate such information with respect to such remuneration as the Secretary or his delegate may by regulation prescribe.

[Sec. 3402 (j) as added by Act of Aug. 9, 1955, 69 Stat. 605, effective with respect to remuneration paid after the date of enactment.]

§ 31.3402 (j)–1 *Remuneration other than in cash for service performed by retail commission salesman*—(a) *In general.* (1) An employer, in computing the amount to be deducted and withheld as tax in accordance with section 3402, may, at his election, disregard any wages paid, after August 9, 1955, in a medium other than cash for services performed for him by an employee if (i) the noncash remuneration is paid for services performed by the employee as a retail commission salesman and (ii) the employer ordinarily pays the employee remuneration solely by way of cash commissions for services performed by him as a retail commission salesman.

(2) Section 3402 (j) and this section are not applicable with respect to noncash wages paid to a retail commission salesman for services performed by him in a capacity other than as such a salesman. Such sections are not applicable with respect to noncash wages paid by an employer to an employee for services performed as a retail commission salesman if the employer ordinarily pays the employee remuneration other than by way of cash commissions for such services. Thus, noncash remuneration may not be disregarded in computing the amount to be deducted and withheld in a case where the employee, for services performed as a retail commission salesman, is paid both a salary and cash commissions on sales, or is ordinarily paid in something other than cash (stocks, bonds, or other forms of property) notwithstanding that the amount of remuneration paid to the employee is measured by sales.

(b) *Retail commission salesman.* For purposes of section 3402 (j) and this section, the term "retail commission salesman" includes an employee who is engaged in the solicitation of orders at retail, that is, from the ultimate consumer, for merchandise or other products offered for sale by his employer. The term does not include an employee salesman engaged in the solicitation on behalf of his employer of orders from wholesalers, retailers, or others, for merchandise for resale. However, if the salesman solicits orders for more than one principal, he is not excluded from the term solely because he solicits orders from wholesalers or retailers on behalf of one or more principals. In such case the salesman may be a retail commission salesman with respect to services performed for one or more principals and not with respect to services performed for his other principals.

(c) *Noncash remuneration.* The term "noncash remuneration" includes remuneration paid in any medium other than cash, such as goods or commodities, stocks, bonds, or other forms of property. The term does not include checks or other monetary media of exchange.

(d) *Cross reference.* For provisions relating to records required to be kept and statements which must be furnished an employee with respect to wage payments, see sections 6001 and 6051 and the regulations thereunder in Subpart G of this part.

§ 31.3403 *Statutory provisions; liability for tax.*

SEC. 3403. *Liability for tax.* The employer shall be liable for the payment of the tax required to be deducted and withheld under this chapter, and shall not be liable to any person for the amount of any such payment.

§ 31.3403–1 *Liability for tax.* Every employer required to deduct and withhold the tax under section 3402 from the wages of an employee is liable for the payment of such tax whether or not it is collected from the employee by the employer. If, for example, the employer deducts less than the correct amount of tax, or if he fails to deduct any part of the tax, he is nevertheless liable for the correct amount of the tax. See, however, § 31.3402 (d)–1. The employer is relieved of liability to any other person for the amount of any such tax withheld and paid to the district director or deposited with a duly designated depositary of the United States.

§ 31.3404 *Statutory provisions; return and payment by governmental employer.*

SEC. 3404. *Return and payment by governmental employer.* If the employer is the United States, or a State, Territory, or political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, the return of the amount deducted and withheld upon any wages may be made by any officer or employee of the United States, or of such State, Territory, or political subdivision, or of the District of Columbia, or of such agency or instrumentality, as the case may be, having control of the payment of such wages, or appropriately designated for that purpose.

§ 31.3404–1 *Return and payment by governmental employer.* If the United States, or a State, Territory, Puerto Rico, or a political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, is an employer required to deduct and withhold tax under chapter 24, the return of the amount deducted and withheld as such tax may be made by the officer or employee having control of the payment of the wages or other officer or employee appropriately designated for that purpose. (For provisions relating to the execution and filing of returns, see Subpart G of the regulations in this part.)

[F. R. Doc. 57–1815; Filed, Mar. 8, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 986]

[Docket No. AO–263]

MILK IN INDIANAPOLIS, IND., MARKETING AREA

DETERMINATION TO TERMINATE PROCEEDINGS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Indianapolis, Indiana, on November 15–19, 1954, pursuant to notice thereof issued on October 28, 1954 (19 F. R. 7085), upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Indianapolis, Indiana, marketing area.

The recommended decision of the Acting Administrator, Agricultural Marketing Service, and the decision of the Assistant Secretary of Agriculture setting forth a proposed marketing agreement, a proposed order, and a referendum order, were issued June 17, 1955 (20 F. R. 4258) and January 30, 1956 (21 F. R. 739), respectively. On February 23, 1956, the Assistant Secretary of Agriculture ordered indefinite postponement of the referendum, (21 F. R. 1292).

In view of the fact that conditions in this market may have changed substantially and much of the evidence in the record of the hearing may be now obsolete, notice is hereby given that no further findings, or conclusions, or proposed marketing agreement, or proposed order regulating the handling of milk in the Indianapolis, Indiana, marketing area will be issued upon the basis of the November 15–19, 1954 hearing record, and that such proceeding is hereby terminated.

It is hereby ordered, That this notice be filed with the Hearing Clerk, United States Department of Agriculture, and be published in the FEDERAL REGISTER.

Issued at Washington, D. C., this 5th day of March 1957.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 57–1807; Filed, Mar. 8, 1957; 8:47 a. m.]

[7 CFR Parts 1002, 1009]

[Docket No. AO–268–A3]

MILK IN GREATER WHEELING AND CLARKSBURG MARKETING AREAS (WEST VIRGINIA-OHIO)

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Hotel Waldo, Pike and Fourth Street, Clarksburg, West Virginia, beginning at 10:00 a. m., e. s. t., March 26, 1957, and in the Hotel Windsor, Main and 12th Street, Wheeling, West Virginia, beginning at 10:00 a. m., e. s. t., March 27, 1957, for the purposes of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as amended, regulating the handling of milk in the Greater Wheeling and Clarksburg marketing areas (7 CFR 1002 and 1009 et seq.). Consideration will be given to the question of whether market conditions, as presented in the record, require emergency action with respect to any amendments deemed necessary as the result of this hearing. The proposed amendments have not received the approval of the Secretary of Agriculture.

Any proposal listed herein may be considered as opening for consideration the amendment of both of the orders in the manner set forth in the proposal, or appropriate modification thereof, unless the proposal is specifically indicated as applying to only one of the orders.

The proposals relative to the enlargement of the Greater Wheeling marketing area raise the issue whether the provisions of the present order (No. 102) would tend to effectuate the declared policy of the act, if they are applied to the marketing area as proposed to be enlarged, and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the act.

Amendments to the orders, as amended, regulating the handling of milk in the Greater Wheeling and Clarksburg marketing areas have been proposed as follows:

By the Snyder-Crogan Dairy:

1. Delete Kingwood, West Virginia, from the marketing area under the Clarksburg order.

By The Woodsfield Ice and Creamery Company:

2. That the Greater Wheeling marketing area be enlarged to include Monroe County, Ohio.

By Ohio Valley Dairy and Products, Inc., and Broughton's Farm Dairy:

3. That the marketing area described in Federal Order No. 102 for the Greater Wheeling marketing area be amended to include all municipalities (including all cities, boroughs and townships) in the County of Guernsey, Ohio, which are not now included in the marketing area, and in addition thereto the township of Union in Muskingum County, Ohio.

By Dairymen's Co-Operative Sales Association:

4. In section 8 of both orders, raise the minimum percentages in Class I for distributing plants to 55 percent in April, May and June, and 65 percent in the other months.

By Clarksburg Dairy and Imperial Ice Cream Division of Fairmont Foods Company:

5. Amend pool plant definition in Clarksburg order (see §§ 1009.7, 1009.8, 1009.9 and 1009.10) to provide that plants to be exempted from full regulation shall be those plants disposing of less than 5 percent of their total fluid product sales or an average during the month of 600 pounds of Class I products per day within the marketing area.

6. Amend § 1009.41 (b) of the Clarksburg order to provide for Class II classification on butterfat contained in milk disposed of as livestock feed.

7. Amend the necessary sections in the Clarksburg order to provide for separate classification and pricing of the skim milk equivalent of concentrated milk products which are added to Class I fluid milk products.

By Dairymen's Co-Operative Sales Association:

8. Clarify provisions of the orders (Nos. 102 and 109) including section 6 of both orders, relating to transfers between handlers and diversion of producers between handlers in each market.

9. Review the Class I pricing so as to establish differentials to insure maintenance of supplies and proper class price relationships between adjacent markets. Increase each Class I differential 35 cents per hundredweight.

10. Consider the adoption of a new supply-demand formula, and to section 51 (a) of both orders, add the following proviso: *"Provided,* That no supply-demand factor shall be operative to reduce the price whenever producers supply less than 115 percent of Class I sales, nor shall any addition be made if producer supply exceeds 145 percent of Class I sales."

By J. D. Anderson, Morgantown, West Virginia:

11. Amend Clarksburg order (No. 109) as follows: Increase Class I prices by eliminating the differential of 45 cents for the months of February and succeeding months and by adding the sum of 45 cents to the base price established for the entire 12-month period.

By Dairymen's Co-Operative Sales Association:

12. Consider a seasonal price plan for Class II milk.

By Clarksburg Dairy and Imperial Ice Cream Division of Fairmont Foods Company:

13. Amend §1009.52 of the Clarksburg order to provide a lower Class II butterfat differential.

By Dairymen's Co-Operative Sales Association:

14. Review location differentials and allocation of direct shipped milk to highest classes.

15. Amend section 19 of both orders to include the months of February and August in the definition of base milk.

16. Provide additional base rules to accomodate cases of disaster and involuntary retirement.

By J. D. Anderson, Morgantown, West Virginia:

17. In § 1009.91 (a), delete "September through December" and substitute "September through February."

Proposed by the Dairy Division, Agricultural Marketing Service:

18. Clarify order language with respect to:

(a) In §§ 1002.19 and 1009.19, definition of base milk is applied to number of days of milk production delivered;

(b) In §§ 1002.54 and 1009.54, the computation of the volume of Class I sales affecting whether compensatory payments are applicable in the month;

(c) In § 1002.71 (c) and § 1009.71 (c), the reference to location differentials;

(d) In § 1002.45 (a) (3) and § 1009.45 (a) (3), allocation of milk from other Federal order plants;

(e) In § 1009.5, spelling of "Weston"; and

(f) In § 1002.41 and § 1009.41, make specific reference to classification of fluid milk products sold to bakeries and other food processors who have no fluid sales.

19. Make such changes as may be required to make the entire marketing agreements and orders conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the orders now in effect may be procured from the Market Administrator, 703 Hawley Building, 1025 Main Street, Wheeling, West Virginia, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 6, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57–1823; Filed, Mar. 8, 1957; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 722]

EXTRA LONG STAPLE COTTON

NOTICE OF FORMULATION OF REGULATIONS RELATING TO DETERMINATION OF FARM MARKETING QUOTA AND FARM MARKETING EXCESS, MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1957 CROP AND 1957–58 MARKETING YEAR

A national marketing quota proclamation for the 1957 crop of extra long staple

cotton was issued by the Secretary of Agriculture on October 15, 1956 (21 F. R. 7931), and the quota was approved by extra long staple cotton producers voting in a referendum on December 11, 1956. Farm acreage allotments for the 1957 crop of extra long staple cotton were established pursuant to sections 344 and 347 (c) of the Agricultural Adjustment Act of 1938, as amended; and notices thereof were mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification of farms; the amount, adjustment and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of extra long staple cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by extra long staple cotton producers, ginners, buyers and others, and other miscellaneous provisions regarding the production and marketing of extra long staple cotton.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1956–57 marketing year (21 F. R. 5173), except that a provision is to be included which will require warehousemen, processors (including compressmen), and common carriers, in conformity with section 373 (a) of the act, to keep available, for examination and inspection, records normally made in connection with the handling of cotton from, for, or on behalf of the producer thereof, until Decmebr 31, 1959, and for such longer period of time as may be requested in writing by the Director of the Cotton Division, Commodity Stabilization Service.

Prior to the issuance of such regulations, consideration will be given to any data, views, or information pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculutre, Washington 25, D. C. All submissions must be postmarked not later than 15 calendar days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. The date of the postmark will be considered as the date of any submission.

Issued this 5th day of March 1957.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-1808; Filed, Mar. 8, 1957; 8:47 a. m.]

[7 CFR Part 722]

UPLAND COTTON

NOTICE OF FORMULATION OF REGULATIONS RELATING TO DETERMINATION OF FARM MARKETING QUOTA AND FARM MARKETING EXCESS, MARKETING, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1957 CROP AND 1957–58 MARKETING YEAR

A national marketing quota proclamation for the 1957 crop of upland cotton was issued by the Secretary of Agriculture on August 30, 1956 (21 F. R. 6691), and the quota was approved by upland cotton producers voting in a referendum on December 11, 1956. Farm acreage allotments for the 1957 crop of upland cotton were established pursuant to section 344 of the Agricultural Adjustment Act of 1938, as amended; and notices thereof were mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the Agriculture Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification of farms; the amount, adjustment and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and marketing certificates; the identification of upland cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by upland cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of upland cotton.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1956–57 marketing year (21 F. R. 5164), except that a provision is to be included which will require warehousemen, processors (including compressmen), and common carriers, in conformity with section 373 (a) of the act, to keep available, for examination and inspection, records normally made in connection with the handling of cotton from, for, or on behalf of the producer thereof, until December 31, 1959, and for such longer period of time as may be requested in writing by the Director of the Cotton Division, Commodity Stabilization Service.

Prior to the issuance of such regulations, consideration will be given to any data, views, or information pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 calendar days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. The date of the postmark will be considered as the date of any submission.

Issued this 5th day of March 1957.

[SEAL] WALTER C. BERGER,
Administrator.

[F. R. Doc. 57-1809; Filed, Mar. 8, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Part 4]

[Order 6]

CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATIONS

OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES AND IONIZING RADIATIONS

In accordance with the procedure governing determinations of hazardous occupations (29 CFR Part 4, Subpart D), an investigation has been conducted into the need for amending Hazardous Occupation Order No. 6 (29 CFR Part 4, § 4.57) for the purpose of controlling the extent of exposure to radiation in the light of current knowledge regarding the hazards of, and maximum permissible exposures to, radiation. The proposed amendment adds a new subdivision (v) to subparagraph (1) of paragraph (a) of § 4.57, for the purpose of incorporating permissible limits into the order. A new subparagraph (2) is added for the purpose of extending coverage of the order to include radiation from sealed sources of radioactivity.

A report of the investigation entitled, "Report of Investigation of the Advisability of Amending Hazardous Occupations Order No. 6" has been submitted. The report recommends that the Order be amended by incorporating the permissible exposure limits recommended by the National Committee on Radiation Protection, and by limiting the permissible exposure of minors to ten percent of the maximum permissible limits. Copies of this report are available to interested persons upon request to the Bureau of Labor Standards, United States Department of Labor, Washington, D. C.

On the basis of such conclusions and pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 (60 Stat. 1095) effective July 16, 1946, it is proposed to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held April 12, 1957, commencing at 10 a. m., in Room No. 5223, United States Department of Labor Building; 14th Street and Constitution Avenue NW., Washington 25, D. C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file a written comment or brief with the Secretary of Labor not later than the day prior to the hearing in order that the same may be made a part of the record at the hearing.

Proposed finding and order:

§ 4.57 *Occupations involving exposure to radioactive substances and to ionizing radiations (Order 6)*—(a) *Finding and declaration of fact.* The following occupations involving exposure to radioactive substances and to ionizing radiations are particularly hazardous and detrimental to health for minors between 16 and 18 years of age:

(1) Any work in any workroom in which (i) radium is stored or used in the manufacture of self-luminous compound, (ii) self-luminous compound is made, processed, or packaged, (iii) self-luminous compound is stored, used, or worked upon, (iv) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged, (v) other radioactive substances are present in the air in average concentrations exceeding 10 percent of the maximum permissable concentrations in the air recommended for occupational exposure by the National Committee on Radiation Protection, as set forth in Table 3 of National Bureau of Standards Handbook number 52, "Maximum Permissible Amounts of Radioisotopes in the Human Body and Maximum Permissible Concentrations in Air and Water", issued March 20, 1953.

(2) Any other work which involves exposure to ionizing radiations in excess of one-tenth the maximum permissible dose recommended by the National Committee on Radiation Protection, as set forth in National Bureau of Standards Handbook number 59, "Permissible Dose from External Sources of Ionizing Radiation", issued September 24, 1954.

(b) *Definitions.* As used in this section:

(1) The term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

(2) The term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling.

(3) The term "ionizing radiations" shall mean alpha and beta particles, electrons, protons, neutrons, gamma and X-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and X-ray.

Signed at Washington, D. C., this 2d day of March 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-1824; Filed, Mar. 8, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEES FOR ARIZONA, LOUISIANA, NORTH CAROLINA, OKLAHOMA, SOUTH CAROLINA AND TEXAS

The Allotment and Marketing Quota Regulations for Peanuts of the 1957 and subsequent crops (21 F. R. 9370, 9760), issued pursuant to the allotment and marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281–1393), provide that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein redelegations of authority vested in the Agricultural Stabilization and Conservation State Committees by the regulations referred to above which have been made for the 1957 crop of peanuts by such committees in the States listed. The following sets forth the sections of the regulations containing the authority being redelegated and the persons to whom the authority has been redelegated.

ARIZONA

Sections 729.821 (a) and 729.829—To Harold E. Box, Program Specialist.

LOUISIANA

Sections 729.819 through 729.822—To C. E. Slack, State Administrative Officer, and J. R. Bath, Program Specialist.

NORTH CAROLINA

Sections 729.821 and 729.828—To A. P. Hassell, Jr., Chief, Administrative Division.

OKLAHOMA

Sections 729.822, 729.828, 729.849 and 729.857—To S. A. Shelby, Chief, Production Adjustment Section, and B. B. Boatman, Program Specialist.

SOUTH CAROLINA

Section 729.828—To Wilder S. Funk, State Administrative Officer, Joseph W. Jenny, Program Specialist (PA), and Carl B. Ringer, Assistant Chief, Administrative Division.

TEXAS

Section 729.828—To H. H. Marshall, Chief, Production Adjustment Section, W. M. Hott, Program Specialist (PA), Paul H. Johnson, Program Specialist (PA), and each District Farmer Fieldman.

Issued at Washington, D. C., this 5th day of March 1957.

[SEAL] WALTER C. BERGER,
Administrator.
Commodity Stabilization Service.

[F. R. Doc. 57-1810; Filed, Mar. 8, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-323]

ACCIDENT OCCURRING NEAR SUNLAND, CALIF.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 8210H and military F-89J, which occurred near Sunland, California, January 31, 1957.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Wednesday, March 20, 1957, at 9:30 a. m., local time, in the Blossom Room of the Hollywood Roosevelt Hotel, Hollywood, California.

Dated at Washington, D. C., March 4, 1957.

[SEAL] THOMAS K. McDILL,
Presiding Officer.

[F. R. Doc. 57-1797; Filed, Mar. 8, 1957; 8:45 a. m.]

[Docket No. 8462]

HACIENDA HOTELS-MOTELS, ROOMS, AND FLIGHT RESERVATIONS, INC. AND J. S. AIRCOACH; ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled matter is assigned to be held on March 19, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., March 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1825; Filed, Mar. 8, 1957; 8:51 a. m.]

[Docket No. 8242]

SHULMAN, INC., INTERLOCK AND CONTROL RELATIONSHIPS

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 11, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., March 6, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1826; Filed, Mar. 8, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

LOUIS F. FRAZZA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of March 20, 1956, 21 F. R. 1737, and September 8, 1956, 21 F. R. 6846.

A. Deletions: None.
B. Additions: None.

This statement is made as of March 5, 1957.

Dated: March 5, 1957.

LOUIS F. FRAZZA.

[F. R. Doc. 57-1801; Filed, Mar. 8, 1957; 8:46 a. m.]

RICHMOND LEWIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 8, 1956, 21 F. R. 6845.

A. Deletions: Burlington Industries.
B. Additions: No changes.

This statement is made as of February 27, 1957.

Dated: February 27, 1957.

RICHMOND LEWIS.

[F. R. Doc 57-1802; Filed, Mar. 8, 1957; 8:46 a. m.]

TERRY B. MARTIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of Section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of February 29, 1956, 21 F. R. 1329; August 22, 1956, 21 F. R. 6307.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of February 15, 1957.

Dated: February 18, 1957.

TERRY B. MARTIN.

[F. R. Doc. 57-1803; Filed, Mar. 8, 1957; 8:46 a. m.]

MARGUERITE M. SAUERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 3, 1956, 21 F. R. 2130 and September 6, 1956, 21 F. R. 6721.

A. Deletions: No change.
B. Additions: Washington Iron and Steel Co., Washington, Pa.

This statement is made as of February 28, 1957.

Dated: March 1, 1957.

MARGUERITE M. SAUERS.

[F. R. Doc. 57-1805; Filed, Mar. 8, 1957; 8:47 a. m.]

AL SERAFIN MINETTI

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Al Serafin Minetti.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: March 1, 1957.
4. Title of position: Consultant.
5. Name of private employer: Harron, Rickard & McCone Company of Northern California, 2070 Bryant Street, San Francisco, California.

CARLTON HAYWARD,
Director of Personnel.

FEBRUARY 8, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Portland General Electric Co.
Pacific Gas and Electric Co.
The Southern Co.
The California Oregon Power Co.
General Motors Corporation.
Arizona Public Service Co.
James Kilburg Corporation.
Harron Rickard & McCone Co. of Northern California.
Bank Deposits.

Dated: March 1, 1957.

AL SERAFIN MINETTI.

[F. R. Doc. 57-1804; Filed, Mar. 8, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3567]

OHIO EDISON CO.

NOTICE OF PROPOSED ACQUISITION OF UTILITY ASSETS

MARCH 5, 1957.

Notice is hereby given that Ohio Edison Company ("Company"), a registered holding company and a public utility company, has filed an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 9 (a) (1) and 10 thereof as applicable to the proposed transaction, which is summarized as follows:

Pursuant to a Sale Agreement dated February 11, 1957, the Company proposes to acquire from the City of Galion, Ohio ("City"), for $2,784, cash, a single-phase 2,400-volt distribution line approximately 1.2 miles long.

The Company presently supplies power at wholesale to City's electric distribution system. The property to be acquired is in close proximity to surrounding rural areas now being served by the Company at retail and will be operated as a part of the Company's integrated system. It is stated that the distribution line presently serves seven customers, with revenue of $1,066.36 for the twelve months ended June 30, 1956, and that the application of the Company's rates will result in a reduction in the bills of such customers.

The Company proposes to record the acquired property on its books on the basis of original cost, actual or estimated, and to dispose of the difference, if any, between the purchase price and such original cost in accordance with the accounting regulations and orders of the Public Utilities Commission of Ohio and the Federal Power Commission, which will have accounting jurisdiction with respect thereto. It is stated that no commission other than this Commission has jurisdiction over the proposed acquisition.

The Company estimates its fees and expenses in connection with the matter at $150.

Notice is further given that any interested person may, not later than March 19, 1957 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for

such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1800; Filed, Mar. 8, 1957; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 6, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33341: *Substituted service-motor-rail-motor, Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., for the Pennsylvania Railroad Company and interested motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cleveland, Ohio, and Philadelphia, Pa., on traffic originating at, or destined to points on motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to the Eastern Central Motor Carriers Association, Inc., Agent, I. C. C. No. 14.

FSA No. 33342: *Substituted service-motor-rail-motor, Erie and N. Y. N. H. & H. Railroads.* Filed by the Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Hammond, Ind., and Boston, Mass. (on traffic originating at, or destined to points on motor carriers beyond the named points).

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, I. C. C. No. 14.

FSA No. 33343: *Substituted service-motor-rail-motor, M-K-T and Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Parsons, Kans., and Kearny, N. J., or Philadelphia, Pa., (on traffic originating at, or destined to, points on motor carriers beyond the named points).

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, I. C. C. No. 14.

FSA No. 33344: *Substituted service-motor-rail-motor, M-K-T and The Pennsylvania Railroad.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Dallas, Ft. Worth, Houston, and San Antonio, Tex., on the one hand, and Kearny, N. J., or Philadelphia, Pa., on the other (on traffic originating at, or destined to points on motor carriers beyond the named points).

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, I. C. C. No. 14.

FSA No. 33345: *Substituted service-motor-rail-motor, N. Y. N. H. & H. and The Pennsylvania Railroads.* Filed by The Eastern Central Motor Carriers Association, Inc., Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between Cleveland, Ohio, and Boston, Mass., (on traffic originating at, or destined to, points on motor carriers beyond the named points).

Grounds for relief: Motor truck competition.

Tariff: Supplement 2 to The Eastern Central Motor Carriers Association, Inc., Agent, I. C. C. No. 14.

FSA No. 33346: *Crude rubber-Baton Rouge and North Baton Rouge, La., to South Bound Brook, N. J.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, carloads from Baton Rouge, and North Baton Rouge, La., to South Bound Brook, N. J.

Ground for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 49 to Alternate Agent J. H. Marque's tariff I. C. C. 442.

FSA No. 33347: *Sulphuric acid, to Nichols, Fla., and Albany, Ga.* Filed F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Lake Charles, West Lake Charles, La., Tulsa, Okla., Baytown, Ft. Worth and Houston, Tex., to Nichols, Fla., and Albany, Ga.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariffs: Supplement 205 to Agent Kratzmeir's tariff I. C. C. 4087 and two other tariffs.

FSA No. 33348: *All commodities to Black Rock and Buffalo, N. Y.* Filed O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Charlotte, Gastonia, N. C., Greenville and Spartanburg, S. C., to Black Rock and Buffalo, N. Y.

Grounds for relief: Circuitous routes.

Tariff: Supplement 68 to Agent Spaninger's tariff I. C. C. 1458.

FSA No. 33349: *Organic ammonia compounds-Hattiesburg, Miss., to Chicago, Ill.* Filed by The St. Louis-San Francisco Railway Company, Agent, for interested rail carriers. Rates on organic ammonia compounds, namely, products of ammoniation of rosin, in drums, carloads from Hattiesburg, Miss., to Chicago, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1799; Filed, Mar. 8, 1957; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-159]

TRACTA-MARIN BUTCULESCU

In re: debt owing to Tracta-Marin Butculescu, F-57-640.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Adams Division, Le-Tourneau-Westinghouse Company, Indianapolis 6, Indiana, in the sum of $2,148.00, arising out of an account payable entitled, "Tracta-Marin Butculescu, Bucharest, Roumania," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Tracta-Marin Butculescu, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Atten-

tion is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-1816; Filed, Mar. 8, 1957; 8:49 a. m.]

[Vesting Order SA-160]

NATIONALS OF HUNGARY

In re: debt owing to Nationals of Hungary, names unknown. F-34-1127.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Amsinck, Sonne & Co., 96 Wall Street, New York, New York, arising out of an account entitled "American Pleda, Inc. H. R. G. Stockholders, c/o Wachtell, Manheim & Grouf, 15 Broad Street, New York, N. Y. Blocked Account," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by a person or persons, names unknown, who are nationals of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-1817; Filed, Mar. 8, 1957; 8:49 a. m.]

[Vesting Order SA-161]

DREHER-HAGGENMACHER ERSTE UNGARISCHE AKTIENBRAUEREI A. G.

In re: debt owing to Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd.; F-34-1005.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled "Dreher-Haggenmacher First Hungarian Breweries, Ltd., % Stephen Danos, P. O. Box 623, New Orleans, Louisiana," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Dreher-Haggenmacher Erste Ungarische Aktienbrauerei A. G., also known as Dreher-Haggenmacher First Hungarian Breweries, Ltd., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-1818; Filed, Mar. 8, 1957; 8:49 a. m.]

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TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

CERTIFICATIONS FOR DEATH GRATUITY PURPOSES

Immediately after § 4.421, a new § 4.422 is added as follows:

§ 4.422 *Certifications for death gratuity purposes*—(a) *Conditions of certification.* For the purposes of Title III, Public Law 881, 84th Congress, a certification as required by paragraph (b) of this section shall be furnished the Secretary concerned in those cases in which a member or former member of a uniformed service dies on or after January 1, 1957, and during the 120-day period which begins on the day following the date of his discharge or release from active duty, active duty for training, or inactive training duty if it is determined by the Veterans Administration that:

(1) Death resulted from (i) disease or injury incurred or aggravated while on such active duty or active duty for training; or (ii) injury incurred or aggravated while on such inactive duty training; and

(2) The deceased person was discharged or released from such service under conditions other than dishonorable. (See § 3.64 of this chapter.)

(b) *Certification to Secretary concerned.* Whenever a determination is made on the basis of a claim for dependency and indemnity compensation that a death occurred under the circumstances outlined in paragraph (a) of this section, the Veterans Administration shall certify that fact to the Secretary concerned; in all other cases the certification will be furnished at the request of the Secretary concerned.

(c) *Service connection.* For the purposes of this section, line of duty is not a factor. The standards, criteria, and procedures for determining incurrence or aggravation of a disease or injury under paragraph (a) of this section are those applicable under disability and death compensation laws administered by the Veterans Administration.

(Sec. 303, Pub. Law 881, 84th Cong.) (Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective March 12, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-1840; Filed, Mar. 11, 1957; 8:48 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 28[1]]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

MISCELLANEOUS AMENDMENTS

1. Section 373.32 *Petroleum products* is amended to read as follows:

§ 373.32 *Petroleum products*—(a) *Application requirements.* (1) An application to export lubricating oils, Schedule B Nos. 503300, 503400, 503510, 503520, 503910, 503920, 508940, 504005, 504030, and 504050, as well as an application to export lubricating greases, Schedule B No. 504100, shall set forth detailed information regarding the proposed end use.

[1] This amendment was published in Current Export Bulletin No. 781, dated March 4, 1957 and Current Export Bulletin No. 782, dated March 8, 1957.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The applicant should identify the end use by the particular industry or government activity (e. g., railroads, marine, motor transportation, other public utility, agricultural machinery, mining, etc.) and, where possible, by specific function (e. g., aviation motors, motor cars, trucks and tractors, Diesel engines, transformers, compressors, open bearings, etc.).

(2) An application to export petroleum products, Schedule B Nos. 501610 through 501640 and 503300 through 505900, in quantities valued at $100.00 or more for each commodity classified under a single entry on the Positive List, to Burma, Cambodia, Ceylon, Federation of Malaya, Hong Kong, India, Laos, Macao, Republic of Indonesia, Singapore, Taiwan, Thailand, and Viet Nam shall be accompanied by a statement attached to the application setting forth the following information:

(i) The quantity of stock the ultimate consignee has on hand (in units of quantity as shown on the Positive List) as of the time the order was placed for each commodity covered by the application;

(ii) The date such order was placed;

(iii) The quantity of each commodity covered by the application (in units of quantity shown on the Positive List) that the ultimate consignee expects to receive from all sources other than the license application within 90 days after such order was placed; and

(iv) The monthly rate of consumption, including resale, by the ultimate consignee of the commodities covered by the application.

(b) *Return of incomplete applications.* Applications which do not contain sufficient detailed information for an exact identification of the commodities involved and complete information regarding the end use will not be considered but will be returned to the applicant without action.

2. Section 373.40 *Iron and steel*, paragraph (d) *Iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090* is amended by renumbering subparagraphs (4) and (5) as (5) and (6) respectively and adding a new subparagraph (4) to read as follows:

(4) *Melting steel scrap.* Consideration will be given to approval of applications for a license to export melting steel scrap, Schedule B No. 601010, to Belgium, the Federal Republic of Germany, France, Italy, Japan, Luxembourg, the Netherlands, and the United Kingdom only in cases where an export order was accepted by the applicant prior to February 19, 1957 or where, prior to February 19, 1957 the applicant has chartered a ship for the purpose of carrying the scrap covered by the license application. In these cases, license applications to export melting steel scrap shall include either or both of the following certifications:

(i) I (We) certify that the melting steel scrap in the quantities described on this license application are being shipped pursuant to an export order accepted by me (us) prior to February 19, 1957.

(ii) I (We) certify that a ship was chartered by me (us) prior to February 19, 1957, for the purpose of carrying the melting steel scrap in quantities described on this license application.

3. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following respects:

a. Paragraph (c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, and copper-base alloy scrap* is amended to read as follows:

(c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, and copper-base alloy scrap*—(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, and anodes and other crude forms, except copperweld rods, Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300 and copper-base alloy scrap (new and old), Schedule B No. 644000, will be considered for approval in accordance with the procedures described in this paragraph.

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) shall be supported by the following information:

(i) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in the "ultimate consignee in foreign country item" on this license application;

or, if the foreign consumer is not the same as that shown in the ultimate consignee in foreign country item:

The name and address of the foreign consumer is _____.

(ii) *Toll or conversion agreements.* The provisions of subdivision (i) of this subparagraph do not apply to an application for a license to export refined copper produced in the United States under a toll or conversion agreement from materials received from foreign sources. In these cases the applicant shall make the following certification on the license application:

I (we) certify that the refined copper described in this license application was produced in the United States under a toll or conversion contract from materials received from foreign sources.

(iii) *Intransit shipments.* The provisions of subdivision (i) of this subparagraph do not apply to an application for a license to export refined copper produced in a foreign country and passing intransit through the United States to a foreign destination. (See § 372.6 of this subchapter for other requirements regarding applications for licenses covering intransit shipments.)

(3) *Copper ores, concentrates, matte and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper shall be supported by the information set forth in subparagraph (2) (i) of this paragraph. A foreign smelter, refiner, or processor may be identified as the consumer of the copper materials included in this paragraph.

(4) *Copper scrap and copper-base alloy scrap.* (i) License applications to export copper scrap (new and old) (containing 40 percent or more copper, Schedule B No. 641300 and copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, shall disclose the foreign consumer as set forth in subparagraph (2) of this paragraph.

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(iii) License applications to export copper-nickel alloy scrap, containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, will be considered for approval only where the scrap is to be exported under a conversion agreement providing that

not less than 90 percent of the nickel content of the copper-nickel alloy scrap exported will be returned to the United States in the form of nickel metal. An applicant for a license to export the copper-nickel alloy scrap described in this subdivision is required to comply with the provisions set forth in paragraph (b) (1) (ii) and (iii) of this section.

(5) *Validity period.* Licenses to export all materials covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on March 4, 1957, would expire on June 30, 1957.

(6) *Amendments to export licenses.* Amendments requesting an extension of the validity period of a license issued under the provisions of this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this subchapter or directly to the Bureau of Foreign Commerce. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

(7) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, shall be submitted in accordance with the time schedules set forth in § 373.81. The provisions of this subparagraph do not apply to the submission of license applications to export "offshore" scrap. Such applications may be submitted at any time.

b. Paragraph (d) *Aluminum scrap (new and old), aluminum remelt ingots, and aluminum metal and alloys in crude form* is amended by deleting subdivision (v) of subparagraph (2) and amending subparagraphs (3) and (4) to read as follows:

(3) *Validity period.* Licenses to export the aluminum commodities covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on March 4, 1957, would expire on June 30, 1957.

(4) *Amendments to export licenses.* Amendments requesting an extension of the validity period of a license issued under the provisions of this paragraph may be submitted to any field office of the Department of Commerce listed in § 380.2 of this subchapter or directly to the Bureau of Foreign Commerce. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

4. Section 373.81 *Supplement 1; time schedules for submission of applications to export certain Positive List commodities* is amended to read as follows:

§ 373.81 *Supplement 1; time schedules for submission of applications to export certain Positive List commodities.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

FIRST AND SECOND QUARTERS OF 1957

Dept. of Commerce Schedule B No.	Commodity	Submission dates: First quarter, 1957	Submission dates: Second quarter, 1957
601170	Rerolling rails [1]	Jan. 2 to Mar. 15, 1957	Apr. 1 to June 14, 1957.
630050	Aluminum scrap (new and old) [2]	Jan. 2 to Mar. 15, 1957	Apr. 1 to June 14, 1957.
630070	Aluminum remelt ingots [2]	*(March 4 to Mar. 21, 1957)	
641300	Copper scrap (new and old) containing 40 percent or more copper.[3]		
644000	Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel.[4] [5]	Jan. 2 to Mar. 1, 1957	(7).
654502	Nickel-copper alloy scrap (including monel scrap).	Jan. 2 to Mar. 15, 1957	Apr. 1 to June 14, 1957.
619159	Selenium powder [1]		
622098	Ferroselenium [1]		
664998	Selenium metal, except selenium-bearing scrap materials.[1]		
829810	Selenium-containing rubber compounding agents not of coal tar origin: accelerators.[6]	Dec. 3 to 17, 1956 **(Feb. 14 to Mar. 8, 1957)	Mar. 15 to Apr. 1, 1957.
830980	Selenous acid (selenious acid) [1]		
839750	Selenium salts of organic compounds [1]		
839900	Selenium salts and compounds, including selenium dioxide.[1]		
842900	Selenium-containing pigments [1]		

[1] See § 373.40(c) for special licensing provisions.
[2] See § 373.41(d) for special licensing provisions.
[3] License applications to export "offshore" copper scrap may be submitted at any time.
[4] See § 373.41(c) for special licensing provisions.
[5] See § 373.41(e) for special licensing provisions.
[6] See § 373.56 for special licensing provisions.
[7] Under open-end quota beginning Mar. 4, 1957. License applications may be submitted at any time.
* Additional filing period.
**Applications will be considered for licensing exclusively to Belgium, Japan, Germany (Federal Republic), Sweden, and the United Kingdom.

NOTES

Return of unused quotas. As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

Where no filing dates are announced. Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c)).

Intransit shipments. Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d)).

5. Section 380.2 *Amendments or alterations of licenses*, paragraph (f) *Where to file*, subparagraph (3) *Amendment requests on which filed offices may not take action* is amended by amending subdivisions (iv) and (vi) to read as follows:

(iv) Requests for amendments, other than extension of the validity period, of a license covering the copper commodities specified in § 373.41 (c) of this subchapter.

(vi) Requests for amendments, other than extension of the validity period of a license covering the aluminum commodities specified in §373.41 (d) of this subchapter.

6. Section 382.51 *Supplement 1; table of compliance orders currently in effect denying export privileges*, paragraph (b) *Table of compliance orders* is amended in the following particulars:

a. The following entries are added:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
American Levant Industrial Co., Inc., 38-32 31st St., Long Island City, N. Y.	(1-10-57)	(7-9-57)*	General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 1-10-57 to 7-9-57.)	22 F. R. 200, 1-15-57.
Compania Comercial Colon, S. A., Av. Juarez 64, Mexico 1, D. F., Mexico.	1-30-57	3-30-57	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 725, 2-5-57.
Ginard, Jaime, d/b/a Compania Comercial Colon, S. A., Av. Juarez 64, Mexico 1, D. F., Mexico.	1-30-57	3-30-57	do	22 F. R. 725, 2-5-57.
Koenig, Karl, 6 Romerstrasse, Munich 23, Germany.	2-21-57	Indefinite	do	22 F. R. 1153, 2-27-57.
Oberfest, Samuel, 75-12 35th Ave., Jackson Heights, Long Island, N. Y.	1-10-57	7-9-57	do	22 F. R. 200, 1-15-57.
Ralux Gesellschaft fuer Elektrotechnik mbH, 6 Romerstrasse, Munich 23, Germany.	2-21-57	Indefinite	do	22 F. R. 1153, 2-27-57.
Schilling Import, Paul, 18 Oberstrasse, Bremen, Germany.	8-3-56	8-2-57	General and validated licenses, all commodities any destination, also exports to Canada. (Firm related to Ernst A. Frick, which see.)	21 F. R. 5944, 8-6-56.
Spaeth, Anneliese, Spaeth, Karl-Heinz, 6 Romerstrasse, Munich 23, Germany.	2-21-57	Indefinite	General and validated licenses, all commodities, any destination, also exports to Canada.	22 F. R. 1153, 2-27-57.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

c. The following entries are deleted:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
Driscoll, John J., Officer of Merchant Partners (Home & Overseas) Ltd., 2 Castle Court, Burchin Lane, London E. C. 3, England. Merchant Partners (Home & Overseas) Ltd., 2 Castle Court, Burchin Lane, London E. C. 3, England.	10-26-54 1-29-57	Duration	(General and validated licenses, all commodities, any destination, also exports to Canada.	[19 F. R. 7197, 11-4-54. 22 F. R. 727, 2-5-57.
	10-26-54 1-29-57	do	do	[19 F. R. 7197, 11-4-54. 22 F. R. 727, 2-5-57.

This amendment shall become effective as of March 4, 1957, except as to Part 1 which shall become effective as of March 8, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR. 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-1842; Filed, Mar. 11, 1957; 8:49 a. m.]

[8th Gen. Rev. of Export Regs., Amdt. P. L. 8 [1]]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

APPENDIX A

Section 399.1 *Appendix A—Positive List of Commodities* is amended by substituting the entries set forth below for entries presently on the Positive List:

Dept. of Commerce schedule B No.	Commodity	Unit	Processing code and related commodity group	GLV dollar value limits	Validated license required
601010	Scrap, except tin plated and terne plated scrap (report scrap containing 1 percent or more tungsten in 664581, and 5 percent or more cobalt in 664526) (see § 399.2, Interpretations 10 and 12): Melting steel (specify tonnage by grade of No. 1 heavy melting steel, No. 2)	S. ton	STEE 19	100	RO(AB)
601040	Balel sheet melting scrap (including delinned, semi-delinned, or rusted tin-plated scrap) (specify tonnage by grade).	S. ton	STEE 19	100	RO(AB)
601050	Borings, shovelings, and turnings (steel melting scrap) (specify by grade)	S. ton	STEE 19	100	RO(AB)
601070	Iron scrap (specify by grade)	S. ton	STEE 19	100	RO(AB)
601090	Other scrap (including delinned, semi-delinned, or rusted tin-plated scrap) (specify type and tonnage by grade).	S. ton	STEE 19	100	RO(AB)

This amendment shall become effective as of March 4, 1957.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-1843; Filed, Mar. 11, 1957; 8:49 a. m.]

[1] This amendment was published in Current Export Bulletin No. 781, dated March 4, 1957.

b. The following entries are amended to read as follows:

Name and address	Effective date of order	Expiration date of order	Export privileges affected	Federal Register citation
A. C. L. S. A., a/k/a Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	3-7-57	General and validated licenses, all commodities, any destination, also exports to Canada.	21 F. R. 7703, 10-9-56. 21 F. R. 9749, 12-8-56. 22 F. R. 643, 1-31-57. 22 F. R. 798, 2-5-57. 22 F. R. 865, 2-12-57.
Americanto, 44 rue Brunel, Paris, France.	10-4-56	3-7-57	do	21 F. R. 7703, 10-9-56. 21 F. R. 9749, 12-8-56. 22 F. R. 643, 1-31-57. 22 F. R. 798, 2-5-57. 22 F. R. 865, 2-12-57.
Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland.	10-4-56	3-7-57	do	21 F. R. 7703, 10-9-56. 21 F. R. 9749, 12-8-56. 22 F. R. 643, 1-31-57. 22 F. R. 798, 2-5-57. 22 F. R. 865, 2-12-57.
Bema, Jacques d/b/a Americanto, 44 rue Brunel, Paris, France.	10-4-56	3-7-57	do	21 F. R. 7703, 10-9-56. 21 F. R. 9749, 12-8-56. 22 F. R. 643, 1-31-57. 22 F. R. 798, 2-5-57. 22 F. R. 865, 2-12-57.
Handelmatschappij J. Smits Import-Export, N. V., Molenstraat 1, Rotterdam, Netherlands.	(10-26-54 1-29-57	Duration	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F. R. 7197, 11-4-54. 22 F. R. 727, 2-5-57.
	(10-26-54 1-29-57	(1-29-58)*	One year probation for shipments of non-Positive List commodities under general licenses.	22 F. R. 727, 2-5-57.
Smits J., Import-Export, N. V., Molenstraat 1, Rotterdam, Netherlands.	(10-26-54 1-29-57	Duration	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F. R. 7197, 11-4-54. 22 F. R. 727, 2-5-57.
	(10-26-54 1-29-57	(1-29-58)*	One year probation for shipments of non-Positive List commodities under general licenses.	22 F. R. 727, 2-5-57.
Smits, J., Officer of N. V. Handelmaatschappij J. Smits Import-Export, Molenstraat 1, Rotterdam, Netherlands.	(10-26-54 1-29-57	Duration	Positive List commodities under validated or general licenses and other commodities under validated licenses, any destination, including Canada.	19 F. R. 7197, 11-4-54. 22 F. R. 727, 2-5-57.
	(10-26-54 1-29-57	(1-29-58)*	One year probation for shipments of non-Positive List commodities under general licenses.	22 F. R. 727, 2-5-57.

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approval which has been given to increased interest rates on loans closed through national farm loan associations by the Federal Land Bank of Berkeley, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318), is hereby further amended, effective March 1, 1957: by substituting "5" for "4½" in the line with "Berkeley" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17; 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57-1831; Filed, Mar. 11, 1957; 8:46 a. m.]

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS: MONTANA

On February 28, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MONTANA

County	Average value	County	Average value
Beaverhead	$40,000	Lake	$40,000
Big Horn	40,000	Lewis and Clark	40,000
Blaine	40,000	Liberty	40,000
Broadwater	40,000	Lincoln	40,000
Carbon	40,000	McCone	40,000
Carter	40,000	Madison	40,000
Cascade	40,000	Meagher	40,000
Chouteau	40,000	Mineral	40,000
Custer	40,000	Missoula	40,000
Daniels	40,000	Musselshell	40,000
Dawson	40,000	Park	40,000
Deer Lodge	40,000	Petroleum	40,000
Fallon	40,000	Phillips	40,000
Fergus	40,000	Pondera	40,000
Flathead	40,000	Powder River	40,000
Gallatin	40,000	Powell	40,000
Garfield	40,000	Prairie	40,000
Glacier	40,000	Ravalli	40,000
Golden Valley	40,000	Richland	40,000
Granite	40,000	Roosevelt	40,000
Hill	40,000	Rosebud	40,000
Jefferson	40,000	Sanders	40,000
Judith Basin	40,000	Sheridan	40,000
		Silver Bow	40,000
		Stillwater	40,000

MONTANA—Continued

County	Average value	County	Average value
Sweet Grass	$40,000	Valley	$40,000
Teton	40,000	Wheatland	40,000
Toole	40,000	Wibaux	40,000
Treasure	40,000	Yellowstone	40,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i))

Dated: March 6, 1957.

[SEAL] DALE H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1835; Filed, Mar. 11, 1957; 8:47 a. m.]

[FHA Instruction 443.3]

PART 333—PROCESSING SUBSEQUENT LOANS

MISCELLANEOUS AMENDMENTS

Section 333.1 (b) (1) and (c) (1) in Title 6, Code of Federal Regulations (21 F. R. 10447), are hereby amended to read as follows:

§ 333.1 *General.* • • •

(b) The subsequent credit needs of a borrower with a direct Farm Ownership loan may be met in one of the following ways, provided the loan is otherwise sound and proper:

(1) A Farm Housing loan may be made to a direct Farm Ownership borrower, except a borrower who is a contract purchaser on a Federal Reclamation Project or a homestead entryman on public lands, if his total additional credit needs can be met with a Farm Housing loan and both loans will not exceed any of the limits that would be applicable if a subsequent direct Farm Ownership loan were being made. When Farm Housing funds are more adequate than Farm Ownership funds, this method of meeting the subsequent credit needs of a direct Farm Ownership borrower should be used whenever possible.

• • • • • •

(c) The subsequent credit needs of a borrower with an insured Farm Ownership loan may be met in one of the following ways, provided the loan is otherwise sound and proper:

(1) A Farm Housing loan may be made to an insured Farm Ownership borrower, except a borrower who is a contract purchaser on a Federal Reclamation Project or a homestead entryman on Public lands, if his total additional credit needs can be met with a Farm Housing loan and both loans will not exceed any of the limits that would be applicable if a subsequent insured Farm Ownership loan were being made. This method of meeting the subsequent credit needs of an insured Farm Ownership borrower should be used whenever possible, unless ample insured funds are available and the County Supervisor has knowledge that the lender desires to make the subsequent insured Farm Ownership loan.

Dated: March 6, 1957.

[SEAL] DALE H. SMITH,
Acting Administrator,
Farmers Home Administration.

[F. R. Doc. 57-1836; Filed, Mar. 11, 1957; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

PART 82—PSITTACOSIS OR ORNITHOSIS IN POULTRY

On July 7, 1956, and December 7, 1956, there were published in the FEDERAL REGISTER (21 F. R. 5065, 9724), notices with respect to a proposed amendment of Subchapter C, Chapter I, Title 9, Code of Federal Regulations, by adding a new Part 82 relating to psittacosis or ornithosis in poultry. After consideration of all relevant material submitted in connection with such notices and pursuant to the provisions of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120–122), said Subchapter C is hereby amended by adding a new Part 82 to read:

SEC.
82.1 Definitions.
82.2 General restrictions.
82.3 Cleaning and disinfecting vehicles, premises, and accessories.

AUTHORITY: §§ 82.1 to 82.3 issued under secs. 1, 2, 32 Stat. 791, 792, as amended, sec. 1, 32 Stat. 791, as amended; 21 U. S. C. 111–113, 120, 121.

§ 82.1 *Definitions.* As used in connection with this part, the following terms shall have the meaning set forth in this section.

(a) *Psittacosis or ornithosis.* The contagious, infectious, and communicable disease of poultry known as psittacosis or ornithosis.

(b) *State.* Any State, Territory, or the District of Columbia.

(c) *Interstate.* From one State to any other State.

(d) *Person.* Any person, company, or corporation.

(e) *Moved.* Shipped, transported or otherwise moved, or delivered or received for movement, by any person.

(f) *Division.* The Animal Disease Eradication Division, Agricultural Research Service, United States Department of Agriculture.

(g) *Federal inspector.* An inspector of the Agricultural Research Service, or the Agricultural Marketing Service, United States Department of Agriculture, responsible for the performance of the function involved.

(h) *State inspector.* An inspector regularly employed in livestock or poultry sanitary work of a State or a political subdivision thereof, who is authorized by such State or political subdivision to perform the function involved.

(i) *Accredited veterinarian.* A veterinarian specifically approved by the United States Department of Agriculture to perform the function involved.

§ 82.2 *General restrictions.* Poultry affected with psittacosis or ornithosis, and carcasses, parts and offal of such poultry, shall not be moved interstate for any purpose.

§ 82.3 *Cleaning and disinfecting vehicles, premises, and accessories.* (a) Railroad cars, boats, trucks, and other vehicles, and yards and other premises, which have contained poultry affected with psittacosis or ornithosis shall be cleaned and disinfected in accordance with the provisions of §§ 71.4 through 71.11 of this subchapter: *Provided, however,* That such vehicles, and yards and other premises, may be cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian: *And provided, further,* That if such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such a vehicle may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(b) Coops, containers, troughs, and other accessories used in the handling of an interstate movement of poultry affected with psittacosis or ornithosis shall be cleaned and disinfected as soon as possible thereafter and before such accessories are moved from the point of unloading. Such cleaning and disinfecting shall be done under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter. If such supervision or proper cleaning and disinfection facilities are not available at the point where the poultry is unloaded, upon permission first received from the Division, such an accessory may be forwarded to a point at which such supervision and facilities are available and there be cleaned and disinfected.

(c) Coops, containers, troughs, and other accessories used in the handling of an intrastate movement of poultry affected with psittacosis or ornithosis shall not be moved interstate until such accessories have been cleaned and disinfected under the supervision of a Federal inspector, a State inspector, or an accredited veterinarian, with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter.

The foregoing amendment shall become effective on the 31st day after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 7th day of March 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-1860; Filed, Mar. 11, 1957; 8:53 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 212—FORMULAS FOR DENATURED ALCOHOL

Correction

In F. R. Doc. 57-1639, appearing on page 1329 of the issue for Tuesday, March 5, 1957, the following change should be made:

In § 212.76 (a) and (b), the parenthetical phrase after the specification "Aldehyde content" should be corrected to read "(as Citronella)".

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 205—REPORTS OF MOTOR CARRIERS

QUARTERLY REPORTS OF PASSENGER REVENUES, EXPENSES, AND STATISTICS

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 22d day of October A. D. 1956.

The matter of the periodical reports to be required of motor carriers being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 926, 49 U. S. C. 320); and,

It appearing, that all Class I common and contract motor carriers of passengers are required by provisions of an order dated November 19, 1952, to file quarterly reports of revenues, expenses, and statistics, and that those provisions should be clarified to secure greater uniformity of compliance; and,

It further appearing, that the clarification is not a change in the substance of the presently effective requirements, so the public rule making requirements of section 4 of the Administrative Procedure Act are deemed unnecessary;

It is ordered, That the order of November 19, 1952, in the matter of quarterly reports from Class I motor carriers of passengers be, and it is hereby, vacated and set aside; and,

It is further ordered, That § 205.11 be amended to read as follows:

§ 205.11 *Quarterly reports of passenger revenues, expenses, and statistics.* Each Class I common and contract motor carrier of passengers subject to the provisions of section 220 of the Interstate Commerce Act, shall file duly verified quarterly reports commencing with the period January 1, 1957, to March 31, 1957 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses, and Statistics—Class I Motor Carriers of Passengers form,[1] including the Report of Man-Hours Paid For and Compensation of Drivers, which is hereby approved and made a part of this section. Each such quarterly report shall be filed, in triplicate, in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304)

Notice. A copy of this order shall be served on each Class I motor carrier of passengers subject to provisions of the Act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C. and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1857; Filed, Mar. 11, 1957; 8:52 a. m.]

PART 205—REPORTS OF MOTOR CARRIERS

QUARTERLY REPORTS OF PROPERTY REVENUES, EXPENSES, AND STATISTICS

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 22d day of October A. D. 1956.

The matter of periodical reports to be required of motor carriers being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 926, 49 U. S. C. 320); and,

It appearing, that all Class I common and contract motor carriers of property are required by provisions of an order dated October 19, 1954, to file quarterly reports of revenues, expenses, and statistics, and that those provisions should be clarified to secure greater uniformity of compliance; and,

It further appearing, that such clarification is not a change in the substance of the presently effective requirements, so the public rule making requirements of section 4 of the Administrative Procedure Act are deemed unnecessary.

It is ordered, That the order of October 19, 1954 in the matter of quarterly reports from Class I motor carriers of property be, and it is hereby, vacated and set aside; and,

It is further ordered, That § 205.12 be amended to read as follows:

§ 205.12 *Quarterly reports of property revenues, expenses, and statistics.* Each Class I common and contract motor carrier of property subject to the provisions of section 220 of the Interstate Commerce Act, shall file duly verified quarterly reports commencing with the period January 1, 1957, to March 31, 1957 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses, and Statistics—Class I Motor Carriers of Property form,[1] including the reporting of total man-hours actually worked by drivers and helpers in Report of Man-Hours Paid For and Compensation of Drivers and Helpers, which is hereby approved and made part of this section. Each such quarterly report shall be filed, in triplicate, in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304)

[1] Filed as part of the original document.

Notice. A copy of this order shall be served on each Class I motor carrier of property subject to provisions of the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C. and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1855; Filed, Mar. 11, 1957; 8:52 a. m.]

PART 205—REPORTS OF MOTOR CARRIERS

QUARTERLY REPORTS OF CLASS II CARRIERS OF PROPERTY

At a session of the Interstate Commerce Commission, division 2, held at its office in Washington, D. C., on the 13th day of December A. D. 1956.

The matter of periodical reports to be required of motor carriers being under consideration pursuant to provisions of section 220 (a) of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 926, 49 U. S. C. 320); and,

It appearing, that those common and contract motor carriers of property which pursuant to an order entered September 27, 1956, will be designated Class II carriers for accounting and reporting purposes effective January 1, 1957, are now and properly should continue to be subject to the requirements for filing quarterly reports of property revenues, expenses, and statistics, so that the provisions hereinafter impose no new or additional requirements on the carriers subject thereto;

It is ordered, That Part 205 be amended by adding thereto the following provision:

§ 205.13 *Quarterly reports of Class II carriers of property.* Each Class II common and contract motor carrier of propertly subject to provisions of the Interstate Commerce Act, as the same are defined for accounting and reporting purposes, shall file duly verified quarterly reports commencing with the period January 1, 1957 to March 31, 1957 (both dates inclusive), in accordance with the Quarterly Report of Revenues, Expenses, and Statistics—Class II Motor Carriers of Property form,[1] including the reporting of total man-hours actually worked by drivers and helpers in Report of Man-Hours Paid For and Compensation of Drivers and Helpers, which is hereby approved and made a part of this section. Each such quarterly report shall be filed, in triplicate, in the office of the Bureau of Motor Carriers, Interstate Commerce Commission, for the District in which the carrier is domiciled, within 30 days after the close of the period to which it relates.

(49 Stat. 546, as amended; 49 U. S. C. 304)

It is further ordered, That a copy of this order shall be served on each Class II common and contract motor carrier of property which is subect to its provisions, and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier, and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1856; Filed, Mar. 11, 1957; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 192]

OIL AND GAS LEASES

AVAILABILITY OF LANDS TO FURTHER LEASE OFFERS WHERE NONCOMPETITIVE LEASE IS CANCELLED, RELINQUISHED OR TERMINATED

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181, et seq.), as amended and supplemented, it is proposed to amend 43 CFR 192.43 (a) as hereinafter set forth.

Interested parties may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendment to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication hereof in the FEDERAL REGISTER.

Dated: March 6, 1957.

HATFIELD CHILSON, *Assistant Secretary of the Interior.*

Paragraph (a) of § 192.43 is amended to read as follows:

§ 192.43 *Availability of lands to further lease offers where noncompetitive lease is cancelled, relinquished or terminated.* (a) Where the lands embraced in a relinquished or cancelled noncompetitive lease are not on the known geologic structure of a producing oil and gas field, and are not withdrawn from leasing, such lands become available for, and subject to, filings of new lease offers immediately upon the notation of the cancellation or relinquishment on the tract book, or, for acquired lands, on the official records relating thereto, of the appropriate land office. If prior to such notation, the lease term would have expired in the absence of the cancellation or relinquishment, the lands shall, upon such expiration of the lease term, become subject to the filing of lease offers even though the notation of the cancellation or relinquishment has not been made on the records. See § 192.120 (f) and (g) for the availability for new filings of lands in a lease for which an application for extension has or has not been timely filed; also, see § 192.161 (a) for the availability for new filings of lands in a lease subject to the automatic termination provisions of the act of July 29, 1954 (68 Stat. 583; 30 U. S. C. 188), for lessee's failure timely to pay the lease rental.

[F. R. Doc. 57-1827; Filed, Mar. 11, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board and Maritime Administration

[46 CFR Part 201]

RULES OF PRACTICE AND PROCEDURE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that pursuant to section 204 of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1114), Reorganization Plan No. 21 of 1950 (3 CFR 173, Supp. 1950), and Department of Commerce Order No. 117 (amended) 18 F. R. 5518, and amendments thereto, the Federal Maritime Board and the Maritime Administration have under consideration certain proposed changes in their present rules of practice and procedure. The present rules are fully set forth in General Order 41, 2d Revision (18 F. R. 3716), as amended (18 F. R. 4598, 19 F. R. 2143, 19 F. R. 5399 and 21 F. R. 4683).

All interested persons may submit written data, views, or arguments to the Secretary, Federal Maritime Board/Maritime Administration, Washington 25, D. C., within thirty (30) days after the publication of this notice in the FEDERAL REGISTER.

The proposed amendments are as follows:

1. Paragraph (a) of § 201.157 *Written evidence* is amended to read:

(a) The use of written statements in lieu of oral testimony may be resorted to where the Examiner in his discretion rules that such procedure is appropriate. The statements shall be in numbered paragraphs, and each party in his rebuttal shall be required to list the paragraphs with which he agrees, those with which he agrees apart from argumentive or procedural matter, and those with which he does not agree, giving an indication of his reasons for not agreeing. Statistical exhibits shall contain a short commentary explaining the conclusions which the offeror draws from the data. Any portion of such testimony which is argumentative shall be excluded. Where written statements are used, copies of the statement and any rebuttal statement shall be furnished to all parties, as shall copies of exhibits. The Examiner shall fix respective dates for the exchange of such written statements and exhibits and of such written rebuttal statements and exhibits in advance of the hearing to enable study by the parties of such testimony. Thereafter the parties shall endeavor to stipulate as many of the facts set forth in the written testimony as they may be able to agree upon. Oral examination of witnesses shall thereafter be confined to facts which remain in controversy, and a reading of the written statements at the hearing will be dispensed with unless the presiding officer otherwise directs.

2. The first sentence of paragraph (a) of § 201.94 *Prehearing conference* is amended to read: "Prior to any hearing the Board or presiding officer may direct all interested parties, by written notice, to attend one or more prehearing conferences for the purpose of considering any settlement under § 201.91, formulating the issues in the proceeding to determine other matters to aid in its disposition."

Dated: March 7, 1957.

By order of the Federal Maritime Board/Maritime Administrator.

GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-1841; Filed, Mar. 11, 1957; 8:49 a. m.]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 6]

[192-34.31]

PORT O' MINOT AIRPORT, MINOT, N. DAK.

PROPOSED DESIGNATION AS INTERNATIONAL AIRPORT

Notice is hereby given that, pursuant to the authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C. 177 (b)), it is proposed to designate the Port o' Minot Airport, Minot, North Dakota, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C. 179 (b)), and it is further proposed to amend § 6.13 of the Customs Regulations by adding thereto the location and name of this airport at the appropriate place.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an international airport may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: March 6, 1957.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 57-1844; Filed, Mar. 11, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

[Docket No. AO-252-A4]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Interested persons may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the seventh day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Jackson, Mississippi, on January 25, 1957 (22 F. R. 417). The material issues of record related to:

1. A revision of the producer-handler definition.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence introduced at the hearing, and the record thereof:

1. *The definition of "producer-handler" should be amended.* The Mississippi Milk Producers' Association proposed that the present definition of producer-handler be amended so as to limit the status of producer-handler to persons whose sole source of supply is their own production.

Testimony in support of the proposal was also submitted by a regulated handler. An unregulated handler and a producer-handler tesified in favor of the proposal, except as it pertained to a proposed specified volume limit on Class I distribution in the marketing area by a producer-handler. Otherwise, no opposition testimony was offered.

The producers' association contended that the present language of the producer-handler definition results in price inequities among producer-handlers who are not regulated by Order No. 87, and handlers who are regulated. Proponents testified that a producer-handler should be exempt from regulation if he bottles and distributes milk only of his own-farm production.

The present producer-handler definition permits a person who bottles and distributes own-farm production to receive milk from a pool plant without relinquishing producer-handler status; but he loses such status if he uses other source milk. Proponents testified that such restriction should be retained in the definition. To do otherwise would afford producer-handlers a decided advantage over fully regulated handlers. It would permit unpriced and reconstituted milk to displace producer milk in the Class I utilization of the market. It would permit a disparity in costs for milk to exist among plants supplying the Central Mississippi market. Such disparity would encourage market instability.

The association maintains that producers who supply pool plants must carry the seasonal surplus for producer-handlers who purchase supplemental milk from such plants.

Producers also suggested a volume limitation for the status of producer-handlers, of 3,440 pounds per day of Class I milk distributed in the marketing area. Distribution of any volume in excess of the proposed limit would disqualify a distributor for producer-handler status. The volume limitation on distribution was one of several ways suggested by proponents to achieve the stated purpose. Presumably, all producer-handlers who bottle and distribute own-farm production at the present time would continue to qualify as producer-handlers if the proposed limitation on volume distribution were adopted. The intent of the proposed order amendments can be achieved without the suggested volume limitation.

There is no evidence that the volume of own-farm production now being distributed by producer-handlers is disrupting marketing conditions in the Central Mississippi area. Rather, the disruptive conditions complained of are due primarily to purchases by producer-handlers of supplemental supplies of milk from pool plants, without pooling all of their Class I utilization. The market instability complained of became acute when certain handlers who had been regulated adjusted their operations to acquire producer-handler status under the order.

The present provisions permit a person who bottles and distributes fluid milk to regulate his purchases of milk in such a way that own-farm production, supplemented by purchases from pool plants is approximately equal to his Class I utilization. Under such circumstances, producers who ship milk to a pool plant carry the entire burden of

[1] Filed as part of the original document.

surplus milk from the producer-handlers operation without sharing in the entire Class I utilization of such plant. In other words, the only producer-handler Class I utilization presently shared by all producers is limited to the quantity of supplemental milk which the producer-handler purchases from a pool plant. If a producer-handler produces all of his own milk needs, he carries his own surplus.

If the present definition, which provided that a producer-handler may not retain his exemption from the pooling requirements of the order and use other source milk were expanded so as to put a similar limit on the use of milk from pool plants, then bottling plants in the Central Mississippi area which have recently acquired producer-handler status would be placed on a more competitive basis with fully regulated milk plants. It would also distribute the burden of surplus milk among producers more equitably.

The proponent suggested that the distributing plant definition be amended to require the operator of such plant to claim producer-handler status if he chose to do so, prior to the monthly date for computing the pool. The market administrator could then verify such status prior to the time for computing the pool and paying producers.

In this connection, it should be noted that the market administrator already has sufficient latitude to request reports from producer-handlers at whatever time he deems it desirable to do so. Consequently, it is unnecessary to change the definition of the distributing plant to achieve the stated objective.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statement of fact, proposed findings and conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order, amending the order, as amended. The following order amending the order, as amended, regulating the handling of milk in the Central Mississippi marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 987.16 and substitute the following:

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

Issued at Washington, D. C., this 7th day of March 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1834; Filed, Mar. 11, 1957; 8:47 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF PROPOSAL TO ESTABLISH TOLERANCE FOR RESIDUES OF ETHYLENE OXIDE IN OR ON COPRA

October 20, 1956, there appeared in the FEDERAL REGISTER (21 F. R. 8089) a notice of filing of a petition by Procter and Gamble Company, Cincinnati, Ohio, proposing the establishment of an exemption from the requirement of a tolerance for residues of ethylene oxide in or on copra. This notice erroneously stated that it was being issued pursuant to section 408 (d) (1) of the Federal Food, Drug, and Cosmetic Act (68 Stat. 512; 21 U. S. C. 346a (d) (1)), whereas the petitioner had requested that the Commissioner of Food and Drugs propose, pursuant to section 408 (e) (68 Stat. 514; 21 U. S. C. 346a (e)) of the act the issuance of an exemption or, in the alternative, a tolerance for ethylene oxide when used as a fumigant for copra.

It appears from the data in the petition that the residues in or on copra from fumigation with ethylene oxide as proposed do not exceed 50 parts per million. These residues in or on copra will not constitute a hazard to health.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (b), (e), 68 Stat. 511, 514; 21 U. S. C. 346a (b), (e)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.29 (a)), it is proposed by the Commissioner of Food and Drugs, in accordance with the request set forth above, that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 22 F. R. 931) be amended by changing § 120.151 to read as follows:

§ 120.151 *Tolerances for residues of ethylene oxide.* A tolerance of 50 parts per million is established for residues of ethylene oxide in or on each of the following raw agricultural commodities: Whole spices, copra.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing ethylene oxide may request, within 30 days from publication of this proposal, that the proposal be referred to an advisory committee in accordance with section 408 (e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Dated: March 5, 1957.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-1833; Filed, Mar. 11, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 688, 702, 705, 707, 708, 709]

[Administrative Order 476]

BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY; ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY; STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Correction

In Federal Register Document 57-1746, published at page 1449 in the issue for Thursday, March 7, 1957, the name of the first representative for the employers for Industry Committee No. 29-A should read "George R. Frankovich, Providence, Rhode Island."

NOTICES

DEPARTMENT OF THE INTERIOR

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK

ESTABLISHMENT

Notice is hereby given that the conditions prescribed in section 1 of the act of Congress approved June 28, 1948 (62 Stat. 1061), as amended October 26, 1951 (65 Stat. 644), and July 10, 1952 (66 Stat. 575; 16 U. S. C., secs. 407m–407s), have been complied with and the Independence National Historical Park, Philadelphia, Pennsylvania, established effective July 4, 1956. Any buildings or other properties within the Park not needed immediately for park purposes shall continue to be administered under the provisions of the said act of October 26, 1951, until they are demolished or devoted to purposes of the Park.

The administration, protection, and development of the Park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., secs. 1–4), as amended and supplemented, and the Historic Sites Act of August 21, 1935 (49 Stat. 666; 16 U. S. C., secs. 461–467).

Dated this 5th day of March 1957.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-1828; Filed, Mar. 11, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

KANSAS AND UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas, and the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas were determined on February 27, 1957, to be affected by the above-mentioned major disasters.

KANSAS

Farmer Township in Wabaunsee County; Burr Oak Township in Doniphan County.

UTAH

BAGGETT COUNTY

That part of Rich County bounded on the south by the second standard parallel north, on the east by the Wyoming line, on the north by Route 3 to its intersection with Route 51 thence east on Route 51 to the Wyoming line, and on the west by the longitudinal meridian 111 degrees 15 minutes.

Done at Washington, D. C., this 6th day of March 1957.

TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1837; Filed, Mar. 11, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

SPENT REACTOR FUELS

COMMISSION SERVICES IN CHEMICAL PROCESSING

This notice concerns the services the Commission renders in providing for chemical processing of spent fuel or blanket materials from nuclear reactors.

1. The Commission will undertake under contracts individually negotiated with persons licensed pursuant to sections 103 or 104 of the act, and possessing spent reactor fuel or blanket materials, to provide for processing of these materials in facilities owned by the Commission. Such processing will include the mechanical, metallurgical, and chemical treatment of these materials to recover the source and special nuclear materials remaining therein, and the storage of resulting wastes.

2. A firm charge for such a service will be part of each contract, subject to escalation in accordance with an appropriate recognized price index. The term of the contracts will be from the respective dates of execution until June 30, 1967. However, each contract will reserve the right to AEC to terminate the agreement, without cost, upon a determination by the Commission that the required services will be commercially available at reasonable prices.

3. The charge for chemical processing will depend upon, among other things, the form, content, and other specifications of the spent fuel or blanket material in question. It will be expressed in terms of a daily charge, fixed by AEC, to apply over the time required to process the fuel in question.

4. The establishment of the firm charge by AEC will be based upon the costs associated with an assumed chemical-processing plant. Copies of the assumed processing-plant design will be available for distribution at an early date. Briefly, the plant consists of "tail-end" (extraction and recovery) equipment capable of handling one (1) ton per day of normal and slightly enriched uranium, but having a reduced capacity for fuels of higher enrichments or high diluent contents, as determined by the criticality and other processing considerations set on the assumed plant. "Head-end" (handling, mechanical treatment, dissolution and feed storage) equipment is designed to handle the variety of fuels for which the contractual arrangement is expected to be requested.

5. The estimated installed cost of the assumed plant, upon which firm daily processing charges will be based, is $20,570,000. The AEC has determined that the total annual cost for the operation of this assumed plant, including waste storage, amortization and allowance for AEC overhead and other intangible expenses is $4,592,000. Based on this estimated annual cost, a daily cost of $15,300 (based on 300 days of operation per year) will be the basis for the charge for those fuels which can be processed in the assumed plant as presently conceived.

6. The individual contracts will provide for (1) a fixed unit charge per gram or kilogram of material delivered for processing, (2) the specifications of the fuel element to be processed and, (3) the batch size or sizes upon which the unit charges are based. In arriving at the unit charge, the following factors will be used:

(a) The daily cost of $15,300 for plant operation (this cost is based on fuel elements which this plant as presently conceived can process. The daily cost applicable to other fuels which the AEC determines involve significantly different costs or additions or modifications to the assumed facility or processes will be established with due consideration for these differences in cost.)

(b) The estimated processing rate for the particular fuel element, which will be determined from the extraction portion of the process flow charts used in establishing the conceptual design.

(c) Batch size determination: (1) For licensees paying use charge: as specified by licensee, provided that licensee will pay use charges until entire batch specified is delivered, plus normal processing period. (2) For licensees not paying use charge: one year's output, or actual batch size discharged, if reactor is discharged less frequently than yearly.

(d) Time required to cover start-up, shutdown, and clean-up of the process system between batches which will be not less than three days nor more than eight days, and will equal the processing time determined under subparagraph 6 (b) and (c), when between these limits.

7. An additional charge to cover process losses will be made at the rate of 1 percent of the value of the government-owned source or special nuclear materials to be processed. Unless waived by the AEC, a use charge on leased source and special nuclear material will also be made to cover the normal processing time after delivery of fuel to the AEC. The charges referred to above apply to processing of irradiated fuels to yield purified nitrate salts of uranium and plutonium. Additional charges, to be established, will be made to cover conversion of these products to forms for which AEC prices have been established.

8. Persons who have contracted with the AEC for these processing services will be credited with the value of government-owned source and special nuclear material contained in the fuel in

accordance with the appropriate AEC price schedules for such materials, less the processing charges as determined in the above manner. The AEC will acquire title, without additional cost, to all waste materials contained in the fuel which were not previously the property of the United States.

9. Additional information may be obtained from the Division of Civilian Application, U. S. Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C.

Dated at Washington, D. C., this 27th day of February 1957.

For the Atomic Energy Commission.

K. E. FIELDS,
General Manager.

[F. R. Doc. 57-1820; Filed, Mar. 7, 1957; 4:53 p. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12153]

NORTHERN NATURAL GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING HEARING

MARCH 6, 1957.

On February 5, 1957, Northern Natural Gas Company (Northern), tendered for filing Second Revised Sheets Nos. 4, 5 and 6, pertaining to Rate Schedule CD-1, Second Revised Sheets Nos. 9, 10 and 11, pertaining to Rate Schedule CD-2, and Second Revised Sheets Nos. 14, 15 and 16, pertaining to Rate Schedule CD-3 to its FPC Gas Tariff, First Revised Volume No. 1. Northern proposes an effective date of March 7, 1957, for such proposed rates which would increase its charges to jurisdictional sales in the amount of $6,467,000.

In support of such proposed increased rates, Northern states, among other reasons, that "* * * as a result of increasing costs, the present rates fail to recover the cost of service notwithstanding added revenues from increased sales." In the design of the rates Northern has proposed that the commodity charges in the demand-commodity form of rate be retained at the level in the existing rates, and Northern has increased the demand charges to provide the required revenue. Northern also proposes the allowance of a 6.25 percent rate of return in lieu of the 6 percent rate of return heretofore accepted in settlement of previous rate increase applications.

The proposed rates and charges are based upon plant estimated to be in service at the end of the "test year", a 6¼ percent rate of return on rate base, increased operating expenses and a cost allocation not in accordance with accepted methods. It also appears that the company has departed from previously established Commission practice with respect to determination of plant in service. Further, the claimed increases in operating expenses, particularly purchased gas costs, are questionable as is the company's estimate of sales during the test period.

The increased rates and charges proposed in the foregoing revised sheets tendered by Northern have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. In addition, protests to the filing have been received from the Kansas Corporation Commission, the City of St. Paul, Minnesota, various individuals, and 19 companies and municipalities distributing gas purchased from Northern.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in Section 4 of such Act, concerning the lawfulness of the rates, charges, classifications and services of Northern's FPC Gas Tariff and contracts related thereto, as proposed to be amended by Second Revised Sheets 4, 5, and 6 pertaining to Rate Schedule CD-1, Second Revised Sheets 9, 10 and 11, pertaining to Rate Schedule CD-2, and Second Revised Sheets 14, 15 and 16, pertaining to Rate Schedule CD-3 and that these foregoing designated Second Revised Sheets be suspended as hereinafter ordered, and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held, at a date later to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications and services contained in Northern Natural Gas Company's FPC Gas Tariff and contracts related thereto, as proposed to be amended by the foregoing tendered Second Revised Sheets,

(B) Pending such hearing and decision thereon, Northern Natural Gas Company's proposed Second Revised Sheets 4, 5 and 6 pertaining to Rate Schedule CD-1, Second Revised Sheets 9, 10 and 11 pertaining to Rate Schedule CD-2, and Second Revised Sheets 14, 15 and 16 pertaining to Rate Schedule CD-3 are hereby suspended and the use thereof deferred until August 8, 1957, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1829; Filed, Mar. 11, 1957; 8:45 a. m.]

[Docket No. G-10469]

HONESDALE GAS CO.

NOTICE OF APPLICATION

MARCH 6, 1957.

Take notice that Honesdale Gas Company (Applicant), a Pennsylvania corporation, having its principal place of business at Honesdale, Pennsylvania, filed on May 24, 1956 an application and on July 23, 1956 and December 4, 1956 supplements thereto, pursuant to section 7 of the Natural Gas Act, for (1) an order under section 7 (a) directing Tennessee Gas Transmission Company (Tennessee) to establish physical connection of its transmission facilities with the proposed facilities of and to sell and deliver natural gas to Applicant for distribution in the Borough of Honesdale, Texas Township, Wayne County, Pennsylvania and the adjacent area; (2) an order issuing a certificate of public convenience and necessity authorizing Applicant to engage in the transportation and sale of natural gas and to undertake the construction, extension and operation of its facilities, all as more fully represented in the Application, which is on file with the Commission and open for public inspection.

Applicant proposes to build a 4-inch O. D. lateral line 5,636 feet in length, connecting its existing distribution system to Tennessee's existing Hebron-Greenwich line. Applicant is presently engaged in distributing propane air gas at retail and proposes to convert its system to natural gas.

Applicant's facilities and operations will be entirely within the State of Pennsylvania.

The total cost of the facilities proposed to be built by Applicant to receive and handle natural gas is estimated at $26,496, including the conversion of customers' appliances, which Applicant proposes to finance with a short term bank loan.

The estimated natural gas requirements for the area are as follows:

	1957	1958	1959	1960
Peak daily demand Feb. 1st (Mcf)	262	339.5	417	494.5
Annual demand (Mcf)	28,900	44,350	48,350	54,200

This matter is one which should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 20, 1957.

[SEAL] J. H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1830; Filed, Mar. 11, 1957; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8494]

COMPANIA PANAMENA DE AVIACION, S. A. (COPA)

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on March 21, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., March 7, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1858; Filed, Mar. 11, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11288 etc.; FCC 57 M-186]

PONCE DE LEON BROADCASTING CO., INC., OF PUERTO RICO

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Ponce De Leon Broadcasting Co., Inc. of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; Sucesion Luis Pirallo-Castellanos, Mayaguez, Puerto Rico, Docket No. 11811, File No. BPCT-2158; Department of Education of Puerto Rico, Mayaguez, Puerto Rico, Docket No. 11812, File No. BPCT-2159; for construction permits for new television stations.

Pursuant to the Commission's Memorandum Opinion and Order in the above-entitled proceeding, adopted February 27, 1957, and released on March 4, 1957, in which it was ordered that Issue No. 3 set forth in the Commission's order released on September 11, 1956, designating the above-entitled applications for hearing in a comparative proceeding, be amended to include as part (d) thereof, an issue involving a determination of the areas and populations to be served by the stations proposed by the applicants herein;

It is ordered, This 5th day of March 1957, (1) That the record in the above-entitled proceeding is hereby reopened for further hearing; and (2) that a hearing conference in the said proceeding, for the purpose of adopting procedures conducive to the expedition of the said further hearing, is hereby scheduled to be held at 2:00 o'clock p. m., on Friday, March 8, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1850; Filed, Mar. 11, 1957; 8:51 a. m.]

[Docket No. 11446 etc; FCC 57M-180]

CERRITOS BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Raymond B. Torian, John W. Doran, and Foster Earl Rutledge, a partnership d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446, File No. BP-8734; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9509; Neil W. Owen and Julia C. Owen a partnership d/b as Palomar Broadcasting Co., Escondido, California, Docket No. 11449, File No. BP-9676; for construction permits.

The Hearing Examiner having under consideration a Petition for Designation of Date for Pre-hearing Conference and for Further Hearing filed February 26, 1957, on behalf of Albert John Williams; and

It appearing that the record in this proceeding was closed on April 2, 1956, that by orders released on April 30 and May 1, 1956, the Commission enlarged and modified the issues and ordered that Consolidated Broadcasting Company, licensee of Station KALI, Pasadena, California "is directed to show cause why its license should not be modified to eliminate overlap between its operation and the operation proposed by Cerritos Broadcasting Company; and that Consolidated Broadcasting Company is made party to the proceeding;" and

It further appearing that no opposition to the above petition has been filed and that the reopening of the hearing record and the granting of the petition as hereinafter ordered will conduce to the orderly dispatch of the Commission's business; now therefore,

It is ordered, This 5th day of March 1957, that the above petition is granted, that the hearing record is reopened, that pursuant to § 1.813 of the Commission's rules the parties or their attorneys are directed to appear at the offices of the Commission in Washington, D. C. for a further prehearing conference at 10:00 a. m. on March 26, 1957, and that the further hearing shall be commenced at 10:00 a. m. on April 17, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1851; Filed, Mar. 11, 1957; 8:51 a. m.]

[Docket No. 11566; FCC 57M-185]

FRANKLIN BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permit.

The Hearing Examiner having under consideration a motion to set date for further hearing filed March 1, 1957, on behalf of Franklin Broadcasting Company, requesting that the further hearing in this proceeding be set at 10:00 a. m. on March 6, 1957; and

It appearing that counsel for the Chief, Broadcast Bureau has informally consented to an immediate consideration and grant of the petition and to the hearing date as hereinafter ordered; now therefore,

It is ordered, This 5th day of March 1957, that the above petition is granted, and that the further hearing in this proceeding shall be commenced at 10:00 a. m. on March 6, 1957, at the offices of the Commission in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1852; Filed, Mar. 11, 1957; 8:51 a. m.]

[Docket No. 11735; FCC 57M-182]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING CONFERENCE

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada, Docket No. 11735.

Counsel for the Broadcast Bureau having orally requested a continuance because of a schedule conflict, and counsel for respondent having no objection:

It is ordered, This 5th day of March 1957, that the further prehearing conference now scheduled for March 11, 1957, is continued to Thursday, March 21, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1853; Filed, Mar. 11, 1957; 8:51 a. m.]

[Docket Nos. 11825, 11826]

VICTORIA TELEVISION CO. AND ALKEK TELEVISION CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of O. L. Nelms, d/b as Victoria Television Company, Victoria, Texas, Docket No. 11825, File No. BPCT-2084; Albert B. Alkek, d/b as Alkek Television Company, Victoria, Texas, Docket No. 11826, File No. BPCT-2109; for construction permits for new television stations.

The Hearing Examiner having under consideration a petition filed on March 4, 1957, by Albert B. Alkek, d/b as Alkek Television Company, requesting (1) that the pre-hearing conference in the above-entitled proceeding presently scheduled for March 6, 1957, be continued until March 11, 1957, at 2 p. m.; and (2) that the hearing proper be commenced immediately at the conclusion of such pre-hearing conference;

It appearing, that the other applicant in this proceeding, O. L. Nelms, d/b as Victoria Television Company, filed a petition on February 25, 1957, to dismiss his application but no action has yet been taken on such petition;

It further appearing, that counsel for Alkek Television Company is involved in another hearing on March 6, 1957; and

It further appearing, that counsel for Victoria Television Company and for the Broadcast Bureau have informally agreed to a waiver of the provisions of § 1.745 of the Commission's rules and consented to a grant of the instant petition;

It is ordered, This 5th day of March 1957, that the petition be and it is hereby granted and the pre-hearing conference presently scheduled for March 6, 1957, be and it is hereby extended to March 11, 1957, at 2 o'clock p. m., and the hearing proper will be commenced at the conclusion of the conference.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1854; Filed, Mar. 11, 1957; 8:51 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 282]

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY REGARDING DISPOSAL OF CERTAIN ADDITIONS AND ALTERATIONS TO FACILITIES OF BETHLEHEM STEEL CO. YARD, SAN PEDRO, CALIF.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (herein referred to as the "act"), authority is hereby delegated to the Secretary of Defense to dispose of the real and related personal property comprising the scrambled facilities at the Bethlehem Steel Company shipyard, San Pedro, California, constructed under Contract NOd-1537, between the United States of America, represented by the Secretary of the Navy, and the Bethlehem Steel Company, having an acquisition cost of $5,132,254, by negotiated sale or otherwise, upon such terms as may be advantageous to the United States: *Provided*, That in the case of a negotiated disposal not less than the appraised fair market value shall be obtained.

2. The authority conferred herein shall be exercised in accordance with the act and regulations of General Services Administration issued pursuant thereto; except, however, that no screening of the property to determine possible need therefor by Federal agencies need be conducted, it having been determined that such screening would serve no useful purpose in view of the dependence of this facility upon other privately-owned property, which must be kept available for purposes of national defense and subject to the National Security Clause.

3. In the case of a negotiated disposal, the Secretary of Defense shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203 (e) of the act, as amended. A copy of each such statement shall be furnished to this Administration.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

5. This delegation shall be effective as of the date hereof.

Dated: March 5, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-1832; Filed, Mar. 11, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3556]

SOUTHERN CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK

MARCH 6, 1957.

In the matter of The Southern Company, Alabama Power Company, Georgia Power Company; File No. 70-3556.

The Southern Company ("Southern"), a registered holding company, and Alabama Power Company ("Alabama"), and Georgia Power Company ("Georgia"), both public-utility subsidiaries of Southern, have jointly filed an application-declaration and amendments thereto pursuant to sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43 and U-50 promulgated thereunder with respect to the following proposed transactions:

Southern proposes to issue and sell 1,507,304 shares of its authorized but unissued common stock, par value $5 per share ("Additional Common Stock"), and to offer to the holders of its outstanding common stock the right to subscribe for such shares on the basis of one share of Additional Common Stock for each 13 shares of common stock held on the record date. Rights to subscribe will be evidenced by transferable registered Subscription Warrants and no fractional shares of Additional Common Stock are to be issued. Southern will provide facilities through its subscription agent so that rights (not exceeding 12) may be sold or purchased.

The offer of the Additional Common Stock will be underwritten. Southern proposes publicly to invite bids and such invitation will request prospective underwriters, among other things, to agree to purchase any shares not subscribed for as a result of the offering to stockholders and to buy shares purchased by Southern, if any, in connection with stabilizing activities referred to below.

The subscription price per share at which the company proposes to offer the Additional Common Stock to its common stockholders and to underwriters will be determined by Southern. Prospective underwriters who have qualified to bid on the shares of Additional Common Stock will be notified of the price per share at least 20 hours prior to the time for the submission of bids. Such price will not be more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 15 percent.

Southern proposes, if it considers it necessary or desirable, to effect transactions which stabilize or maintain the market price of its common stock for the purpose of facilitating the offering and distribution of the Additional Common Stock. In connection therewith, Southern may, during the period commencing with the first business day prior to the date when the price per share is to be determined and continuing until the acceptance of a bid for the Additional Common Stock from underwriters, purchase not in excess of 150,730 shares of its stock through regular brokerage channels.

Southern proposes to apply the proceeds from the sale of the Additional Common Stock to the purchase during 1957 at $100 per share of up to 92,500 additional shares of common stock to be issued by Alabama and up to 197,500 additional shares of common stock to be issued by Georgia. Alabama and Georgia propose to use the proceeds from the sales of their stock to provide a portion of the funds required to complete their initial aggregate $2,000,000 investment in the capital stock of Southern Electric Generating Company, to finance improvements, extensions and additions to their respective utility plants, and, in case of Georgia, to pay off any bank loans of up to $11,000,000 which may be made in connection with its contemplated purchase of the assets of Georgia Power and Light Company and a transmission line of Florida Power Corporation.

The fees and expenses to be incurred in connection with the transactions are estimated as follows:

Federal original issue tax	$15,080
Filing fee, this Commission	3,040
Listing on New York Stock Exchange	3,775
Services of transfer agent and registrar	60,000
Services of warrant agent including preparation and mailing of warrants	158,000
Printing and engraving	76,750
Legal services, Winthrop, Stimson, Putnam & Roberts	12,500
Accounting services, Arthur Andersen & Co	10,000
Services of Southern Services, Inc.	10,000
Miscellaneous, including blue sky expense	9,000
Total	350,145

The expenses to be incurred by Alabama and Georgia will consist of the cost of documentary tax stamps, estimated at $3,500 and $6,990, respectively.

The fee of Reid & Priest, independent counsel to the underwriters, which will be paid by the successful bidders, is estimated at $7,500.

The Alabama Public Service Commission and the Georgia Public Service Commission have authorized the issuances and sales of common stock by Alabama and Georgia, respectively. No other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

Due notice having been given of the filing of said application-declaration in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13379) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and that the estimated fees and expenses are not unreasonable; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1845; Filed, Mar. 11, 1957; 8:50 a. m.]

[File No. 7-1856]

ALUMINIUM LTD.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

Correction

In Federal Register Document 57-1763, published at page 1539 of the issue for Friday, March 8, 1957, the company name should read "Aluminium Ltd." wherever it appears in the heading or text of the document.

[File No. 68-167]

UNION ELECTRIC CO.

NOTICE OF FILING OF DECLARATION AND NOTICE OF AND ORDER FOR HEARING THEREON

MARCH 8, 1957.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company, has filed with this Commission a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 12 (e) of the act and Rule U-62 promulgated thereunder as applicable to the proposed transactions which are summarized as follows:

On February 27, 1957, this Commission issued a notice and order under section 12 (e) of the act (Holding Company Act Release No. 13399) prohibiting Union and all other persons from soliciting any proxy or other form of authorization regarding the voting of any security of Union in connection with the annual meeting of Union's stockholders scheduled to be held April 20, 1957, unless pursuant to a declaration permitted to become effective by order of this Commission. Union has now filed a declaration and amendments thereto pursuant to Rule U-62.

Union states that it proposes to make three solicitations of its stockholders in connection with Union's annual meeting to be held on April 20, 1957. It further states that the initial solicitation material to be sent out will include a notice of the meeting, a proxy statement, a form of proxy and a one page communication entitled "The Union Electric Record of a Decade." According to the filing, in addition to the initial material, it is the present intention of Union's management to include a short statement with the checks for the quarterly dividend on its common stock to be mailed on March 29, 1957, which statement would simultaneously be mailed to preferred stockholders, and, on or about April 5, 1957, to send out a follow up letter and proxy, to be accompanied by a short statement. Copies of such solicitation material have been submitted as part of the aforesaid declaration.

Union states that the cost of soliciting proxies by the management will be borne by the company to the extent permitted by Rule U-65 (b) promulgated under the Act and estimates that such expense will be $22,850. Additional expense, estimated to be $3,950, will be paid by those directors of the company, who are not and who have not been officers or employees of the company, from their personal funds without reimbursement by the company.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the declaration as amended and that such declaration shall not be permitted to become effective except pursuant to the further order of the Commission:

It is ordered, That a hearing on said declaration pursuant to the applicable provisions of the act and the rules of the Commission be held on March 13, 1957 at 10 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington, D. C. On such date the hearing room clerk in room 193 will advise as to where such hearing will be held.

Any person desiring to be heard or otherwise wishing to participate in this proceeding shall prior to the commencement of the hearing file with the hearing officer hereinafter designated a request relative thereto as provided by Rule XVII of the Commission's rules of practice and shall state the reasons for wishing to participate, the nature and extent of his interest in the proceeding, and the issues of fact or law raised by the declaration which he desires to controvert.

The Division of Corporate Regulation has advised the Commission, upon the basis of its examination of the declaration as amended that the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed solicitations are in accordance with the standards of section 12 (e) of the act and Rule U-62 promulgated thereunder, and, specifically, whether it is appropriate in the public interest or for the protection of investors or consumers to permit any solicitation of proxies to be voted in connection with a resolution submitted by a common stockholder of Union which resolution, if approved by Union's stockholders, would authorize Union's Board of Directors to reimburse expenses of any directors who might be elected in opposition to Union's slate of candidates.

(2) Whether the expenses proposed to be expended by Union are appropriate and in accordance with the applicable standards of section 12 (e) of the act and Rule U-65 promulgated thereunder.

(3) Whether all the transactions proposed in Union's declaration are in accordance with the applicable standards of the act, and whether, in the event the declaration should be permitted to become effective, it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms or conditions.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That James G. Ewell or any other hearing officer or hearing officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The hearing officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (e) of the act and to a hearing officer under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission give telegraphic notice of the hearing ordered herein to Union, J. Raymond Dyer and Nancy Corrine Dyer, serve copies of this notice and order by registered mail on such persons and that notice shall be given to all other persons by general release of this Commission, which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this notice and order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1876; Filed, Mar. 8, 1957; 3:26 p. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-162]

POLGAR LEFKOVITS ES FEKETE

In re: Debt owing to Polgar Lefkovits es Fekete; F-34-1640, F-11-228.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the amount of $116.10, being a portion of an account entitled "Rohner Gehrig & Co. Inc., Special Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by

Polgar Lefkovits \es Fekete, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-1846; Filed, Mar. 11, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 7, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33350: *Concrete pressure pipe from Perryman, Md., to points in official territory.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe and fittings, straight or mixed carloads from Perryman, Md., to points in official territory, except northern Illinois, southern Wisconsin, and extended zone C territory in Wisconsin.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 59 to Agent H. R. Hinsch's tariff I. C. C. 4662.

FSA No. 33351: *Green coffee—Baton Rouge and New Orleans, La., to Chaison, Tex.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on green coffee, carloads from Baton Rouge and New Orleans, La., to Chaison, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Brown's tariff I. C. C. 884.

FSA No. 33352: *Liquefied chlorine gas to Federal, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied chlorine gas, carloads from Baton Rouge, North Baton Rouge, La., and Memphis, Tenn., to Federal, Ill.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 222 to Alternate Agent Marque's I. C. C. 417. Supplement 7 to Agent C. A. Spaninger's I. C. C. 1565.

FSA No. 33353: *Building and roofing material—Illinois, Minnesota and Missouri to Wyoming.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on building and roofing material, carloads from specified points in Illinois, Minnesota, and Missouri to specified points in Wyoming.

Grounds for relief: Competition at destinations and circuitous routes.

Tariffs: Supplement 189 to Agent Prueter's tariff I. C. C. A-3748. Supplement 124 to Agent Prueter's tariff I. C. C. A-3991.

FSA No. 33354: *Fertilizer and materials—From Niagara Falls and Port Robinson, Ontario.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Niagara Falls and Port Robinson, Ont., Canada to points in trunk line and New England territories.

Grounds for relief: Modified short-line distance formula, market competition with Niagara Falls, N. Y., and circuitous routes.

Tariff: Supplement 59 to Agent H. R. Hinsch's tariff I. C. C. 4662.

FSA No. 33355: *Phosphate rock—Tennessee points to Erie, Pa.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on phosphate rock, crude, lump, or crude ground or limestone, phosphatic, in bulk, straight carloads, or in bags, straight or mixed carloads, from specified points in Tennessee to Erie, Pa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 28 to Agent C. A. Spaninger's tariff I. C. C. 1386.

FSA No. 33356: *Grain and Products—Texas to New Mexico.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on coarse grains and grain products, carloads from points in Texas as described in the application to points in New Mexico as described in the application.

Grounds for relief: Truck competition, destination relationships with rates to Texas-New Mexico border points in Texas, and circuitous routes.

Tariffs: Supplement 83 to Agent Kratzmeir's tariff I. C. C. 3831 and three other tariffs.

FSA No. 33357: *Cleaning compounds—Baltimore, Md., to Jacksonville, Fla., group.* Filed by O. W. South, Jr., agent for interested rail carriers. Rates on cleaning, scouring, washing compounds, soap noibn, and soap powders, carloads from Baltimore, Md., to Jacksonville, and South Jacksonville, Fla.

Grounds for relief: Competition with all-rail routes and circuity.

Tariff: Supplement 231 to Agent C. A. Spaninger's tariff I. C. C. 754.

FSA No. 33358: *Substituted service, Motor-Rail-Motor, M-K-T R. R.* Filed by Middlewest Motor Freight Bureau, Agent, for The Missouri-Kansas-Texas Railroad Company and interested motor carriers. Rates on freight, less than truckloads, loaded in highway trucks, trailers and semi-trailers and transported on railroad flat cars between Kansas City, Mo., on one hand, and Oklahoma City, and Tulsa, Okla., on the other, on traffic originating at, or destined to, points on applicant motor carriers beyond the named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 44 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1838; Filed, Mar. 11, 1957; 8:48 a. m.]

HOMER C. KING

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated September 6, 1956, and published in the FEDERAL REGISTER September 13, 1956 (21 F. R. 6944):

A. Additions: None.
B. Deletions: None.

Dated: February 26, 1957.

HOMER C. KING.

[F. R. Doc. 57-1839; Filed, Mar. 11, 1957; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 49

Washington, Wednesday, March 13, 1957

UNIVERSITY OF MICHIGAN
MAR 15 1957
MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

[Amdt. 5]

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations governing the 1957 acreage reserve part of the Soil Bank Program (21 F. R. 10449, 22 F. R. 494, 971, 973) are hereby further amended as provided herein.

1. Section 485.211 (a) (3) is amended by deleting that part of the third sentence which precedes the proviso and inserting in lieu thereof the following: "In the case of acreage of any commodity placed in the program under an agreement entered into on Form CSS-800 (crops other than winter wheat), such producers will be permitted to place additional acreage in the program to the extent authorized by the Administrator."

2. Section 485.240 is amended to read as follows:

§ 485.240 *Waiver, termination, and correction of agreements.* (a) The Administrator, in order to prevent undue hardship, may waive the requirements of any provision of the regulations contained herein or in the agreement, or may consent to the termination by the producer of any agreement entered into hereunder, if such waiver or consent to termination is not prohibited by law and if, in his judgment, such action is in the best interests of the program. Any such waiver or consent to termination shall be in writing and shall contain a full statement of the reasons therefor. If the facts or circumstances on which the request for a waiver or consent to termination are based have or are likely to have general applicability, relief may not be given under the provisions of this section but only by an appropriate amendment to these regulations.

(b) 1957 acreage reserve agreements which are not in conformity with the regulations may be corrected only in accordance with instructions issued by the Administrator (copies of such instructions will be available in the office of the county committee).

(Sec. 124, Pub. Law 540, 84th Cong.)

Issued at Washington, D. C., this 8th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1885; Filed, Mar. 12, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Fourth Rev., Supp. 4]

PART 301—DOMESTIC QUARINTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and Administrative Memorandum No. 101.1 of February 21, 1957 issued by the Administrator of the Agricultural Research Service, revised administrative instructions issued as 7 CFR 301.76-2a (21 F. R. 9199), effective November 27, 1956, as amended effective December 13, 1956, January 18, 1957, and February 5, 1957 (21 F. R. 9936, 22 F. R. 365, 717), are hereby amended in the following respects:

a. The designation as regulated areas of the following premises, included in the list contained in paragraph (a) of such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Arlington Cattle Co. (warehouse and mill), Highway 80, Arlington.
Sherrill-LaFollette Fairview Farm, Box 105, Roll.
Wilmer Trussel Farm, General Delivery, Wellton.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CALIFORNIA

W. Harpain property (dairy), 3949 North Barton Avenue, Fresno.

Newman Seed Company property, 202 East Main Street, El Centro.

R. M. Slaton property, Route 3, Box 97, Holtville.

b. The following premises are added to the list, contained in paragraph (a) of such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Arizona Flour Mills, Ninth and Jackson Streets, Phoenix.

Forepaugh Ranch, Box 46, Aguila.

Ted Hazen Ranch, Turner Road, Star Route, Buckeye.

CALIFORNIA

Alvin Immel Ranch, located Oasis Canal, Gate 24, intersection of East O and Road 35, Holtville.

Harry Irish property, located 12 miles south of Maricopa off Highway 399 (Sec. 22, T. 10 N., R. 24 W., S. B. B. & M.). Mail address Box 495, Maricopa.

Kern County Land Company, Stockdale Ranch, located 2 miles west of Bakersfield and 1 mile south of Stockdale Highway. Mail address P. O. Box 380, Bakersfield.

Western Montana Feeding Company property at County Roads West E and No. 22, El Centro. Mail address P. O. Box 1367, El Centro.

Done at Washington, D. C., this 7th day of March 1957.

[SEAL] L. F. CURL,
Acting Director,
Plant Pest Control Division.

[F. R. Doc. 57-1871; Filed, Mar. 12, 1957; 8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 108, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 914.408 (Naval Orange Regulation 108, 22 F. R. 1315) are hereby amended to read as follows:

(i) District 1: 341,880 cartons;
(ii) District 2: 720,720 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 8, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-1869; Filed, Mar. 12, 1957; 8:46 a. m.]

c. The following premises are deleted from the list, contained in paragraph (b) of such instructions, of premises in which infestations of the khapra beetle have been determined to exist, and their designation as regulated areas is hereby revoked, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Acme Bag & Burlap Co., 3200 South Seventh Street, Phoenix.

Delinting & Seed Treating Co., 3100 South Seventh Street, Phoenix.

Valley Feed & Seed, 1918 West Van Buren, Phoenix.

CALIFORNIA

Niland Food Market (store), west side of 200 block, east side of Highway 111, Niland.

Snyder's Termite Control property, 4428 Magnolia Avenue, Riverside.

This amendment shall become effective March 13, 1957.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Director of the Plant Pest Control Division that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

The amendment revokes the designation as regulated areas of certain premises in Arizona and California where the approved fumigation treatment has been applied to the portion of the premises in which live khapra beetles were found and where repeated inspections covering a period of one year have failed to show any recurrence of infestation on the premises.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit the interstate movement, without restriction under the quarantine, of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 565—RELEASE OF AIRPORT PROPERTY FROM RESTRICTIONS OF SURPLUS AIRPORT PROPERTY INSTRUMENTS OF DISPOSAL

DELEGATIONS OF AUTHORITY

(The purpose of this amendment is to delegate authority to Regional Administrators to release electric, water, gas, heating, sewerage, aircraft fuel, and other similar utility systems and the component parts thereof from the terms and conditions of Surplus Property Instruments of Disposal.)

Pursuant to the authority under section 301 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 973, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 401, 451), the Surplus Property Act of 1944 (58 Stat. 765) as amended by the act of July 30, 1947 (61 Stat. 678) and the act of October 1, 1949 (63 Stat. 700), § 565.5 of the regulations of the Administrator of Civil Aeronautics is amended to read as follows:

§ 565.5 *Delegations of authority.* (a) Authority is hereby delegated to the Regional Administrators to:

(1) Execute such instruments of release or correction or other instruments as may be necessary to effect the removal of record of any restriction against use of structures for industrial purposes contained in any instrument of disposal;

(2) Consent to or approve, conditionally or unconditionally, the leasing or use of any real or personal property for other than the airport use or purpose contemplated by the instrument of disposal to which such property is subject, as provided in § 565.4 (g), when in the opinion of the Regional Administrator such property is not needed for such airport use or purpose and the use or the exercise of the rights granted by the lease will not materially and adversely affect the use, operation, maintenance, development, or improvement of the airport;

(3) Execute such instruments of release or correction or other instruments as may be necessary to release from any or all of the terms, conditions, reservations, and restrictions of instruments of disposal, (i) any structures, facilities or items of personal property which, in the opinion of the Regional Administrator, have outlived their useful life or deteriorated beyond economical repair, notwithstanding the performance of such maintenance work by the airport owner as it could reasonably have been expected to perform in maintaining the property in accordance with the applicable instrument of disposal, (ii) any structures or facilities which, in the opinion of the Regional Administrator, must be removed to permit the accomplishment of needed airport improvement or expansion, (iii) any equipment such as machinery, machine tools, and vehicular equipment which, in the opinion of the Regional Administrator, is no longer needed for the purpose for which

it was conveyed or, because of size, type or other reason, is uneconomical to use for the purpose for which it was conveyed, and (iv) any electric, water, gas, heating, sewerage, aircraft fuel and other similar utility system and the component parts thereof when, in the opinion of the Regional Administrator, such system cannot economically be maintained and operated by the airport owner because of the lack of qualified operating personnel or for other reason and the release is necessary to assure accomplishment of the purpose for which the system was conveyed to such owner;

(4) Consent to or approve, conditionally or unconditionally, the conveyance or grant of rights-of-way (easements) and licenses for streets, roadways, utility lines and other pipe, pole and wire lines and drainage and irrigation facilities on, over and under lands subject to an instrument of disposal: *Provided*, That in each case the Regional Administrator first determines that exercise of the rights granted by the right-of-way or license will not adversely and materially interfere with the use, operation, maintenance, development, or improvement of the airport.

(b) Except as set forth in paragraph (a) of this section, all authority contained in Public Law 311 is reserved to the Administrator and will be exercised only by the Administrator.

(Sec. 4, 63 Stat. 700; 50 U. S. C. App. 1622c)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1864; Filed, Mar. 12, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

[Docket No. AO-72-A21]

MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Toledo, Ohio, on July 31–August 2, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 5293), upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Toledo, Ohio, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 24, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 29, 1957 (22 F. R. 556).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues relate to:

(1) An expansion in the marketing area;

(2) Changes in the Class I price differential and a revision of the supply-demand price adjustment factor;

(3) The establishment of a separate class for cottage cheese and the application of the basic formula price to Class II milk;

(4) A provision for premiums for bulk farm tank milk deliveries;

(5) A provision for location adjustments on milk received at country plants;

(6) Provisions for separate pricing of Class I milk disposed of outside the marketing area; and

(7) The revision of a number of definitions and clarification of the order language with respect to the reporting and accounting for milk.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence in the record of hearing:

1. The marketing area should be expanded.

Producers proposed that the present marketing area be extended to cover all of the territory of Monroe County, except the townships of Ash and Berlin; the townships of Riga, Deerfield, Blissfield, Palmyra and Ogden in Lenawee County; all in the State of Michigan; the counties of fulton, Wood and Lucas; the town of Elmore and the townships of Allen and Clay in Ottawa County; the town of Gibsonburg, and the townships of Madison and Woodville in Sandusky County; all in the State of Ohio.

Producers stated that the bulk of the Class I sales in the proposed expanded area are made by regulated handlers and that expansion of the marketing area is necessary (1) to protect the present fluid milk market outlets for producer milk; and (2) to assure that all distributors who compete for sales in this area buy milk on an equal basis.

Certain handlers opposed the extension of the marketing area into Lenawee County, Michigan, in their brief. No testimony was presented by these handlers, including the operator of the principal plant which might be directly affected. Other parties opposed the inclusion in the expanded marketing area of the townships of Exeter, London, Milan, and Dundee in Monroe County, Michigan.

The present marketing area includes the territory within the city limits of Toledo, Ohio, and Monroe, Michigan and fifteen adjoining townships. Seven of these townships are in Lucas County, Ohio, two in Wood County, Ohio, and six in Monroe County, Michigan. These townships comprise only a small portion of the total sales area serviced by handlers subject to regulation under the Toledo order. It is not necessary or feasible to extend the regulation to all areas where handlers may sell some milk.

It is concluded that the marketing area should be expanded to include: all of the territory in Lucas County and in Fulton County; the territory north of the northern boundaries of the townships of Montgomery, Portage, Liberty, Milton (including all of the town of Weston) in Wood County; all of the territory within the townships of Woodville and Madison in Sandusky County; all in the State of Ohio; all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County; and all of the territory in Monroe County except the territory within the township of Ash, Berlin, Exeter, London, Milan, and Dundee; all in the State of Michigan.

The area recommended to be added to the marketing area is contiguous to the present marketing area. Recent expansion in industry and housing of the Toledo metropolitan area has extended into many of the townships recommended to be included and has been accompanied by a substantial increase in population. Toledo regulated handlers have extended their routes to supply the milk requirements of these areas. In each of the townships more than seventy-five percent of the fluid milk sales are supplied by handlers regulated by the Toledo order. Thus, the handling of milk to supply this area is closely identified with that in the present marketing area.

The health requirements for milk produced for fluid consumption in each of the townships recommended to be added to the present marketing area are substantially the same and similar to those in the present marketing area, "Grade A" milk, or the equivalent thereof, is required for milk for fluid consumption by the health departments in all areas.

A substantial portion of the fluid milk sales in Fulton County are made by handlers now regulated under the Toledo order. Some milk is supplied in this area from a plant located at Napoleon, Ohio, and another at New Bremen, Ohio, Neither of these plants is presently subject to regulation. A plant located at Wauseon, the county seat of Fulton County, distributes milk in this area, but is regulated by virtue of sales made within the present marketing area.

The fluid milk requirements for Wood County, Ohio, are supplied primarily by handlers regulated under the Toledo, Cleveland, and Lima orders. Sales by Toledo handlers are more predominant in the territory north of Milton, Liberty, Portage and Montgomery townships while distributors regulated by the Lima order are principal suppliers of the southern portion of the county. The territory south of the northern boundary of these townships should not be included in the marketing area.

More than 85 percent of the fluid milk requirements for the proposed Madison and Woodville townships of Sandusky County, Ohio, are supplied from Toledo plants and a plant located near Woodville which is also subject to the Toledo order. Sales by an unregulated plant, located in Tiffin, Ohio, in Madison and Woodville townships represent approximately eight percent of the total fluid milk sales of this last plant. The milk supply at this plant is procured from local producers at from 15 to 20 cents per hundredweight less than the Toledo marketwide average blend price. No objection was expressed to the extension of the marketing area to include these townships.

The townships of Allen and Clay (including the town of Elmore) in Ottawa County should not be added to the marketing area because there is no health ordinance applying to milk sold for fluid consumption in these townships.

The present marketing area includes that portion of Monroe County, Michigan, within the boundaries of Whiteford, Bedford, Erie, LaSalle, Monroe and Frenchtown townships. The proposal also would include Rasinville, Ida, Summerfield, Milan, London, Exeter and Dundee townships. The major portion of the milk supply for the first three townships is supplied by Toledo handlers while the last four townships are supplied primarily by Detroit regulated handlers. There is no need to extend the Toledo marketing area to include these last four townships.

Recent developments in the procurement and sale of milk centered in Lenawee County, Michigan, is of much concern to producers and threatens to disrupt the orderly marketing of producer milk. A distributing plant located in Palmyra township, Lenawee County, is operated by a handler who operates a pool plant in Toledo. The Palmyra plant is approximately 30 miles from Toledo. Milk is distributed from this plant outside of the present marketing area throughout a considerable portion, if not all of the proposed extended area in Michigan. This milk is sold primarily in competition with milk fully regulated under the Toledo and Detroit orders. Some milk also is disposed of outside of this area.

The Palmyra plant has been operated for a number of years, but it was remodeled and its facilities were expanded in 1954. A portion of the raw milk requirements at this plant is received from a herd maintained by the operator of the plant. Starting in 1956, milk also has been received directly from dairy farmers who deliver their milk in bulk farm pick-up tanks as diverted milk from Toledo. Milk, at times, also is received from a plant located at Defiance, Ohio. Packaged milk and other dairy products are moved from the Toledo plant to the Palmyra plant for disposition.

Because under the present provisions of the order milk transferred or diverted from a Toledo pool plant to an unregulated plant may be assigned to Class II utilization to the extent of such utilization at the nonpool plant, producers contended that it is possible they are not getting the full utilization value of their milk. No Class II operations of any consequence, however, are conducted in the Palmyra plant. The evidence fails to show that significant quantities of producer milk have been classified as Class II milk through diversion or transfer of milk to this plant from the Toledo market. However, because of the proximity of this plant to the Toledo plant and the ease of transfer of milk and milk products between these plants, it is possible that producer milk devoted to Class II uses, such as cottage cheese, butter, ice cream and the like, associated with the over-all milk business of this handler, may be manufactured in the Toledo plant and supplied to the Palmyra plant while at the same time, all of the fluid milk received at the Palmyra plant is disposed of as Class I milk. Thus, the business can be conducted in such a manner that the handler's own production and the other fluid milk which is packaged at the Palmyra plant has an exclusive Class I outlet throughout the year, while producers of milk for the Toledo market bear the cost of maintaining the necessary daily and seasonal reserve supplies of milk associated with the over-all operation of the two plants.

The procurement, handling, and sales of milk in the Palmyra plant and the Toledo pool plant of this handler are conducted primarily in competition with the corresponding operations of handlers under the order. The effective regulation of the handling of milk for the over-all Toledo distribution area, therefore, compels the extension of the marketing area to include the proposed townships in Lenawee County.

Provisions should be made for distributors of milk in the recommended contiguous area to pay the same price for milk used in a given class as that paid by handlers in the presently regulated area. This may be accomplished by extending the marketing area as heretofore stated. This extension of the marketing area is necessary to safeguard and make more effective the classified pricing plan of the order and to insure and promote orderly marketing conditions.

2. The Class I price differential should be increased and the supply-demand provisions should be revised.

Producers proposed that the Class I price differential be modified to reflect a closer and appropriate relationship with the Class I differentials in competing markets, both on an annual level basis and in the seasonal pattern of changes in Class I prices. They also proposed that the supply-demand adjustment provisions of the order be changed to reflect more adequately the present seasonal relationship of producer milk receipts to fluid milk sales.

Handlers under the Toledo order compete in the procurement and sales of milk principally with handlers regulated by the Cleveland, Lima, and Detroit orders. The basic formula price in the Toledo order is similar to that contained in the orders for these neighboring markets. There is considerable difference, however, in the Class I price differentials. On an annual basis, the differentials at the marketing area are $1.43 for Detroit, $1.63 for Cleveland and $1.14 for Toledo. The Class I price under the Lima order is established, through a location adjustment, at 34 cents below the Cleveland Class I price. Part of this difference in Class I differentials reflect the need for drawing milk supplies from greater distances to supply the requirements of the larger consuming centers of Detroit and Cleveland. For example, the Cleveland Class I differential adjusted to plants located at the fringe of the Toledo marketing area is $1.41.

Some of the additional differences in the Class I price differentials, between the Toledo and other markets, have been offset by additions to the Class I price provided by the supply-demand adjuster for the Toledo market and minus adjustments in the Class I prices in the other markets. During the 12-month period, immediately preceding the hearing, July 1955–June 1956, an average of 15 cents per hundredweight was added to the Class I price for Toledo. This compares with a reduction in Cleveland of seven cents and approximately four cents in Detroit during this same period. Based on the supply-demand adjustments under the Toledo order, during the first six months of 1956 and estimates for the remainder of the year, an average of between 20 and 25 cents per hundredweight is expected to be added by supply-demand adjustments for the year 1956.

From 1953 to 1955, the average monthly producer receipts of milk for the Toledo market increased 15 percent as compared with an increase of 16 percent in Class I sales. From 1954 to 1955, receipts increased 7 percent while sales increased almost 10 percent. During the first six months of 1956, receipts of producer milk increased 5 percent over those for the first half of 1955 as compared with an 11 percent increase in fluid milk sales.

One reason for the decline in producer receipts of milk in relation to sales during the past year or so is the stricter en-

forcement by the Toledo Health Department of temperature requirements on milk received from the farm. This has entailed purchase by farmers of additional cooling equipment, and in some cases, remodeling of milk houses to meet these more difficult requirements. For this reason, some producers have shifted from supplying the Toledo market to supplying the other markets.

The annual level of producer milk receipts in relation to sales is relatively low in the Toledo market. In 1955, producer receipts was 1.13 times Class I utilization as compared with 1.36 for Cleveland and 1.37 for Detroit. In addition, during the past two years, the Toledo market has become increasingly short of producer receipts in relation to Class I sales in the fall months. In the September–November period of 1955, producer milk receipts were 2.5 percent short of supplying Class I milk requirements as compared with a shortage of 0.2 percent for the same period a year earlier.

Through the action of the supply-demand adjuster in these markets, Class I prices have tended toward a more reasonable relationship than otherwise would have prevailed. Marketwide averages of blend prices to producers supplying the Toledo market have been relatively favorable in relation to the blend prices in competing markets. Nevertheless, the receipts of producer milk in the Toledo marketing area have not kept pace with increased sales of fluid milk products. Under the present pricing arrangement, however, any increase in producer milk receipts in relation to Class I sales would have the effect of immediately reducing the Toledo Class I price and widening the differnece in Class I prices among the competing markets. The seasonal characteristics of the adjustments under the present supply-demand adjuster have aggravated the problem of differences in Class I prices complained about, particularly by Detroit handlers. Even more important, however, uniform prices to producers would be lowered under the present supply-demand adjuster before an adequate supply of milk is attracted to the market.

The Toledo, Detroit, Cleveland, and Lima markets are affected by common or very similar economic conditions affecting the procurement and sales of fluid milk. Because of the close competitive relationships there should be a reasonable and "normal" alignment of Class I prices over a period of time. It is basic, therefore, that price alignment among these markets be achieved by establishing more similar Class I differentials over basic formula prices. This is not to say that changes in supply-demand relationships in an individual market do not require adjustments in the "normal" or longer term alignment of prices to reflect these changed local conditions. It is only through such adjustments in class prices in the individual markets that the available supplies of milk will be attracted to the different markets in accordance with their needs.

For the above stated reasons, the Class I differential should be increased 25 cents per hundredweight on an annual basis and corresponding adjustments should be made in the supply-demand adjustment provisions of the order. The present seasonal difference in the Class I differential should be maintained until such time as some other method to encourage a production pattern more nearly in accord with sales of fluid milk products is adopted. It is therefore concluded that the following Class I price differential pattern should be adopted:

April, May, and June	$1.00
February, March, and July	1.25
August through January	1.65

The above differentials will result in an average annual Class I price differential of slightly less than $1.39 per hundredweight. As previously stated, the seasonal differences resulting from the supply-demand adjuster should be eliminated. The proposed changes, therefore, will result in somewhat less seasonal movements in the Class I price and smaller differences in Class I prices among the competing markets.

Analysis of the receipts and sales relationships in the Toledo market and the operation of the supply-demand adjuster for the past several years shows the need for revising the supply-demand adjustment factor in the order to modernize the seasonal pattern in the standard utilization percentages. During the past three years, the pattern of producer milk receipts to sales has changed so that receipts in relation to sales are lowest in September as compared with November in former years. The supply-demand adjuster should be revised, therefore, so as to reflect more current seasonality patterns.

Because the Class I differential is being increased as previously discussed, the supply-demand adjuster should not operate until the supply of milk has increased to a more "normal" or desired level in relation to Class I sales.

The present method of determining utilization percentage, based on the receipts of producer milk and sales in the first and second months immediately preceding the month for which prices are announced, should be continued. The supply-demand adjustment factor should become effective when the supply-demand ratio equals or exceeds the standard utilization percentage, as set forth in the following schedule, for each of three successive months (i. e., the supply-demand adjustment will be operative for the third month and for each month thereafter):

Month for which the price is being computed:	*Standard utilization percentage*
January	115
February	123
March	129
April	130
May	130
June	137
July	138
August	127
September	116
October	108
November	105
December	108

The standard utilization percentages heretofore set forth are expressed in terms of the ratio of producer receipts to gross Class I utilization for all pool plants (excluding transfers between pool plants). The current order applies the ratio of Class I utilization to producer milk receipts. Industry representatives more frequently refer to supply-demand relationships on the basis of the former ratios. It is more natural and meaningful to express supply conditions in terms of the relationship of producer milk receipts to Class I sales.

The standard utilization percentages, incorporated herein, provide for an up-to-date seasonal pattern. The schedule was developed through the analysis of relationships during the past two years with allowances for trend in the relationship and with consideration of a need for a 5 percent reserve supply of milk during the two months when receipts are lowest in relation to sales, September and October. Based upon past history, a 5 percent reserve for the months of September and October, is necessary and adequate under present conditions in this market.

It is necessary to make appropriate changes in the present brackets providing monetary adjustments in the Class I price as a result of expressing the utilization percentages as ratios of receipts to sales. The recommended method of expressing the supply-demand ratio results in greater percentage point deviations under a given supply-demand condition than under the present method of computation. Therefore, to accommodate this change without altering the responsiveness of the spuply-demand adjuster, the "no adjustment" deviation bracket should be widened from (+1 or −1) to (+2 or −2) and other minor alterations. Thus, the amount of the supply-demand adjustment should be determined by the following schedule:

If deviation percentage is:	*Supply-demand adjustment in cents is:*
+16 or over	−50
+13 or +14	−40
+10 or +11	−30
+7 or +8	−20
+4 or +5	−10
+2 or −2	0
−4 or −5	+10
−7 or −8	+20
−10 or −11	+30
−13 or −14	+40
−16 or under	+50

Producers' proposal to incorporate separate "contra-seasonal factors" in Class I pricing mechanism should be denied. By continuation of seasonal Class I price differentials, as recommended, contra-seasonal changes in Class I prices are less likely than under more uniform differentials from month-to-month, as proposed by producers. Changes in Class I prices, resulting from the supply-demand adjuster should be permitted to operate regardless of the season of the year. Once supplies and sales are in proper balance, prices should be adjusted as soon as a change in the trend in the relationship of producer milk receipts to fluid milk sales becomes evident. It is essential that price changes be reflected as quickly as possible to bring about appropriate sales and production responses in accordance with changes in the market situation. The adoption of a contra-seasonal provision would partly nullify the effectiveness of the supply-demand adjustment factor.

3. The Class II price should be the basic formula price during the months of July through February.

It was proposed by producers that the order basic formula price be used as the Class II price during each month of the year. At the present time, the Class II price is the average of the basic or field prices announced for 3.5 percent butterfat content milk for the month by three manufacturing plants located in or near the Toledo production area. The order basic formula price is the highest of the average of prices reported by 13 representative midwestern condenseries for 3.5 percent milk and the prices resulting from two formulas applying central market quotations for manufactured products including butter, nonfat dry milk, and cheese.

In recent years, it has been the practice of the manufacturing plants, presently used in computing the Class II price, to pay premiums to farmers above the announced field prices. Such premiums or bonuses are paid to such farmers for using certain equipment and supplies in the production of their milk and for delivering certain minimum volumes of milk per day. Producers supplying the Toledo market unquestionably would meet the requirements for all of such premiums. The premiums paid by these plants amounted to between 30 and 40 cents per hundredweight at the time of the hearing. Such plants are alternative sources of skim milk and butterfat for Class II products made by handlers in their pool plants. The present basis of establishing Class II prices, therefore, fails to reflect the competitive value of producer milk for manufacturing uses or prices in relation to the cost of manufactured products from alternative sources of supply.

Because of a lack of information on the portion of the milk on which the premiums are paid and the delay which would be experienced, it would not be feasible to attempt to use a weighted average price received by all farmers at the local manufacturing plants. The basic formula price provided in the order is more representative of the competitive value of manufacturing milk than the field or basic prices announced by these local plants.

During the months of July 1954 through February 1955, the average field prices announced by the three manufacturing plants was $2.99 per hundredweight as compared with an average of $3.09 for the order basic formula prices. From July 1955 through February 1956, the corresponding figures are $2.99 and $3.08, respectively. During March through June of each year, the difference between the basic formula and local plant prices was greater. Nevertheless, it is during this same period of the year that it is necessary for seasonal reserve supplies of milk from the Toledo market to be moved to the listed or other nearby manufacturing outlets. It is difficult, if not unusual, for handlers or the cooperative association to be able to secure premiums above the field prices announced by these manufacturing plants when it is necessary to dispose of Toledo seasonal reserve supplies of milk. It is possible that the application of the basic formula price as the Class II price, during the season of the year that seasonal reserve supplies must be disposed of to such plants, could very well disrupt the orderly marketing of such milk. It is concluded, therefore, that the adoption of the basic formula price for the pricing of Class II milk should be limited to the months of July through February.

Producers also proposed that skim milk and butterfat used to produce cottage cheese, presently classified as Class II milk, be priced at 30 cents per hundredweight above the basic formula price. Cottage cheese is produced from producer milk in a number of pool plants. Cottage cheese distributed by other pool plants is procured from outside sources. Cottage cheese also is disposed of directly to retail and wholesale outlets by nonpool plants which produce cottage cheese from milk which is not required to be produced under "Grade A" milk or equivalent health standards. Some of the cottage cheese disposed of in the Toledo marketing area is produced from milk which is priced under the Detroit Federal order. The health departments of the various cities and communities in the marketing area do not require cottage cheese to be made from inspected milk. This is also true of milk used for the production of cottage cheese for disposition in the Detroit market. Even though the production of a good quality cottage cheese requires a high quality raw milk, under the prevailing competitive conditions in the Toledo marketing area, producer milk used to produce cottage cheese should be priced at the Class II price the same as milk for other manufacturing uses.

4. The proposal to establish in the order premiums for bulk farm tank milk deliveries should be denied.

Producers proposed that premiums of 15 cents per hundredweight be established in the order for milk from producers using bulk farm tanks. They argued that some producers are being asked to make considerable investments in farm bulk tanks and improved milk house facilities to maintain their market outlets for milk.

The conversion to bulk tank operations in the Toledo area is in its early stage of development. About five percent of the producers supplying the market have farm bulk tanks. Most handlers are paying premiums to producers for bulk tank deliveries on a voluntary basis. Such premiums are about equivalent to the reduction in hauling costs from the farm to the milk plant which is experienced by most producers when they change from "can" to "bulk" shippers.

Bulk tank handling of milk has potentials for increased efficiency, both on the farm and in transportation and handling beyond the farm. The adoption of more efficient methods of producing, transporting, handling or processing milk affords no economic basis for increasing milk prices. The establishment of order price premiums for bulk farm tank milk could be discriminatory in effect to producers who deliver their milk in cans. Order provisions should not be such as to constitute artifical economic incentives, either for expansion or restriction of bulk tank pickup operations. Any premiums to producers for conversion to bulk tank handling can best be resolved on an economic basis in accordance with local conditions by negotiation between producers and handlers. It is therefore concluded, that producers' proposal should be denied.

5. Provision should be made for location adjustments on milk received at pool plants located more than 60 miles from the City Hall in Toledo.

Proposals were made to include location adjustments on producer milk at country pool plants. One proposal would allow location adjustments to handlers on such milk disposed of as Class I milk. Another proposal would permit location adjustments to handlers on all of the producer milk received at country pool plants regardless of its classification.

The handler formally submitting the proposal for location adjustments, operates a distributing plant in Toledo where a substantial portion of the fluid milk requirements for this plant is received directly from producers. This handler also operates plants at Angola, Indiana and at Bluffton, Ohio, where producer milk is handled. These plants are located approximately 80 and 65 miles, respectively, from Toledo. No processing facilities are operated at the Angola plant and nearly all of the milk received at this plant is moved as bulk milk to the Toledo bottling plant. At times, transfers of bulk milk are made to the Bluffton plant. The Bluffton plant has facilities for receiving "Grade A" milk and for the production of condensed milk and spray dried skim milk. Some or all of the milk transferred from the Angola plant to the Bluffton plant, at certain times, is separated into skim milk and cream and moved to the Toledo plant. In the past, milk received at the Bluffton plant directly from Toledo producers has been diverted producer milk from the Toledo distributing plant. The producers supplying all of these plants with milk for the Toledo market hold "Grade A" permits issued by the Toledo Health Department. The Bluffton plant also assembles "Grade A" milk from local producers which is moved regularly to a plant in Mansfield, Ohio, for fluid disposition in Mansfield and Findlay, Ohio. Milk assembled at the Bluffton plant for Mansfield and Findlay is required by the Health Departments to be kept physically separate from the Toledo milk. Separate storage facilities are provided for the Mansfield milk, although the same receiving equipment is used for all of the milk received at this plant. The milk received at the Bluffton plant for the Mansfield and Findlay markets is subject to the pricing and payment provisions of the Federal order for the Lima, Ohio, marketing area.

Because milk is transferred regularly from the Angola plant to the Toledo distributing plant, the Angola plant is subject to full regulation under the Toledo order. The Bluffton plant has not been

subject to regulation under the Toledo order. However, it is quite possible that this plant could be subject to regulation in the future by virtue of transfers of milk, fluid skim milk and fluid cream to the Toledo bottling plant on more than the minimum number of days provided for exemption from regulation under the proposed order. This not only poses the problem of pricing milk at such plants but also the problem of providing appropriate provisions in this order and in other orders for ascertaining which order the handling of milk at such plants will be subject to regulation. This latter problem is discussed further under issue 7 of this decision.

The other proponent of location adjustments operates a distributing plant located in Tiffin, Ohio, from which milk is disposed of in the proposed extended marketing area in Sandusky County, Ohio. This plant is located between 50 and 55 miles from Toledo and about 25 miles from the center of the proposed extended marketing area in Sandusky County. There are other distributing plants which will be subject to regulation which are located within or near the proposed extended marketing area but more than 30 miles from Toledo.

Without a provision for location adjustments in the order, handlers are required to pay for milk received from producers at pool plants located at considerable distances from the marketing area, the same price as that paid for milk received at plants located in or near this consuming area. On the milk received from producers at distant pool plants, the handler assumes the cost of moving the milk from the plant to marketing area distributing plants or in packaged form to retail and wholesale outlets in the marketing area. In contrast, the entire cost of moving milk from farms directly to plants in the marketing area is borne by producers. Therefore, milk at farms or at plants has a progressively lower value to the market as such farms or plants are located farther and farther away from the market. The difference in value is related directly to the cost of transporting the milk from the respective locations to the market. It is economically sound and necessary to recognize such differences in value under the order by providing location adjustments in the pricing of milk at distant pool plants.

It is not necessary or sound, however, to apply location adjustments to milk at plants located within or near this marketing area, if the milk can be handled more economically by hauling it directly from the farm to plants in the marketing area. To do so would permit and even encourage uneconomic handling of the milk supply for the market, primarily at the expense of producers, and at the same time, result in differences in prices at distributing plants similarly situated with respect to the marketing area outlets for their milk.

As previously indicated, the only plant which regularly assembles milk for movement in bulk form to marketing area plants is located approximately 85 miles from Toledo. A substantial portion of the balance of the milk supply for the marketing area originates on farms within a 60-mile radius of Toledo and is moved directly from the farm to plants located in or near the marketing area.

In determining the appropriate application of location adjustments in this market, consideration also should be given to the resulting Class I prices applicable at plants at various locations in the production area as compared with the corresponding prices which would result at such locations under the orders for other markets which compete for the same milk supplies. In areas to the east and south of Toledo, milk is procured in competition with plants regulated under the Cleveland and Lima orders. In the area around Angola, Indiana, competition is experienced with the regulated Fort Wayne, Indiana, and Detroit, Michigan, markets and to the north of the marketing area with the Detroit market.

In view of all of these considerations, it is concluded that location adjustments should not be applied in the pricing of milk at plants which are located less than 60 miles from the City Hall of Toledo. Under present conditions, this would result in identical Class I prices at all distributing plants supplying retail and wholesale outlets in the marketing area.

The schedule of location adjustments proposed by the proponent was patterned after location adjustments contained in the Cleveland order at the time of the hearing. The location adjustments in the Cleveland order were amended since the hearing. These adjustments to handlers on Class I and Class II milk now are made at the rate of 13 cents for plants located 40–60 miles from Cleveland, 20 cents for plants located 61–74 miles distant and an additional two cents for each additional 14 miles that the plant is located from Cleveland. Under the Detroit order, an adjustment of 14 cents is applied to Class I milk in the 34 to 50-mile zone with an additional one cent for each additional 20 miles or fraction thereof that such plant is located from Detroit. No adjustment, however, is applied at distributing plants which are located less than 34 miles from the boundary of the Detroit marketing area. Under both orders, the uniform price to producers is adjusted at the same rate as the location adjustments to handlers on Class I milk. Because all producers supplying the pool plants of a handler share equally in the Class I utilization of such handler, prices paid producers supplying plants to which location differentials apply, should be reduced to reflect the lower value of such milk f. o. b. the plant to which it is delivered.

The proponent handler testified that the cost of hauling tank bulk milk from his Bluffton plant to Toledo, approximates $36 per trip or 15 cents per hundredweight and from Angola to Toledo approximates $45 per trip or 18 cents per hundredweight.

In view of all of these facts, it is concluded that the rate of adjustment under the Toledo order should be 15 cents per hundredweight for milk received at plants located more than 60 but less than 75 miles from the City Hall in Toledo and an additional 2 cents per hundredweight should be allowed for each additional 15 miles or fraction thereof that the pool plant is located from the City Hall. It is expected that the recomended location adjustment to handlers will generally approximate the cost of moving milk from a pool plant to the center of consumption in the marketing area. The Toledo City Hall is an appropriate point from which to measure the distance to the pool plant for the purpose of computing the applicable location differential.

Under present conditions and operating methods, it is likely that location adjustments would apply only to milk received at the pool supply plant located at Angola, Indiana. At other plants located in this general area and which are potential supply plants for the Toledo marketing area, the resulting Class I prices at such locations will be about the same as the levels prevailing for such locations under the orders regulating the handling of milk in the neighboring markets.

No adjustment should be made in the Class II (manufacturing milk) price to handlers because of the location of the plant to which the milk is delivered. There is little difference in the value of milk for manufacturing uses associated with the location of the plant receiving the milk. This is true because of the low cost per hundredweight of milk involved in transporting manufactured products and because of the widespread or national market for such products. The prices paid for ungraded milk received at various sections of the milkshed do not indicate any differences in value associated with location. After a handler receives milk for use in Class II products, he should be expected to handle and dispose of the milk in the manner most advantageous to himself. The prices paid by handlers for such milk should not be dependent upon the method or manner employed by the handler in disposing of the milk. To do otherwise, would remove part of the incentive for keeping marketing cost at a minimum.

To assure that milk will not be moved unnecessarily at the expense of producers, the order should provide a method for determining whether milk transferred between plants may or may not receive a location differential credit. This should be accomplished by assigning the Class I utilization at the transferee plant first to the milk received directly from producers and from plants at which no location differential applies. In view of the fact that distributing plants must carry some reserve supplies of milk to meet day to day variations in receipts of producer milk and sales of fluid milk products, it is reasonable to make some provision in the assignment procedure to accommodate this need for reserve milk. This should be accomplished by assigning to the Class I sales at the transferee plant 95 percent of the direct producer receipts and any balance of Class I sales to transferring plants, in sequence, according to their location beginning with the plant having the smallest location adjustment.

6. Proposals for separate pricing of Class I milk disposed of outside the marketing area should be denied.

The hearing notice included a proposal by two Toledo handlers to price Class I milk disposed of outside the marketing area at prices lower than minimum prices prescribed for in-area Class I sales. No testimony on this proposal was given by the proponent handlers at the hearing and the proposal therefore is denied.

Producers proposed that Class I sales by a Toledo handler within the marketing area governed by another Federal order should be priced at the higher of the prices paid for Class I milk in the two areas involved. Several Detroit handlers, on the other hand, proposed that Class I sales made in any other Federal order area should be priced under the order in which the Class I sales are made. As an alternative, they proposed that Toledo and Detroit Class I pricing should be brought into closer alignment.

Both producers and handlers testified to the effect that the solution to the problems prompting these proposals could be solved satisfactorily by bringing about proper Toledo Class I price alignment with the competing markets. Inasmuch as the conclusions reached with respect to pricing of Class I milk under Issue No. 2 will ameliorate the problem complained of, it is concluded that no further affirmative action is necessary with respect to these proposals at this time.

7. The entire order should be redrafted to change several definitions, add a number of new definitions, add more specificity in the provisions with respect to the reporting and accounting for milk, and to incorporate a number of conforming and clarifying changes throughout the order.

A number of changes should be made in the order to designate more clearly what milk and what plants would be subject to the regulation and the application of the order provisions to them. This can best be done by providing a number of new definitions to set forth the categories of persons, plants, milk and milk products. New definitions should be added for "distributing plant", "supply plant", "pool plant", "nonpool plant", "fluid milk product", "Chicago butter price" and the definitions of "producer", "producer milk", "handler", "producer-handler" and "other source milk" should be modified accordingly.

The term "distributing plant" should include all plants where milk is processed and packaged and from which fluid milk products are disposed of in the marketing area to wholesale and retail stops, including milk disposed of to such outlets through vendors. The term "supply plant" should mean a plant from which milk, skim milk or cream is transferred to a distributing plant.

The term "pool plant" should include all distributing plants and all supply plants which are to be fully subject to regulation under the order and whose receipts of milk from producers will be subject to the pricing and payment provisions of the order. A "pool plant" should be defined to include a distributing plant from which more than 10,000 pounds of fluid milk products are disposed of in the marketing area during the month. The term "pool plant" should also include supply plants from which shipments of milk, skim milk or cream are made to a distributing plant(s) on 15 days or more during any of the months of September through December or during any other month on 7 days or more, as provided by the present order. The present provision should be continued also to exclude from the pool plant definition a supply plant from which no transfers of such products are classified as Class I milk. With the proposed expansion in the marketing area, as heretofore discussed, it is possible that there may be a few plants which would be subject to full regulation under the present definitions of the order even though the sales of milk from such plants in the proposed marketing area are a very minor portion of the total sales in the area. It is not necessary to extend full regulation to the handlers of such milk. This may be accomplished by excluding from full regulation, distributing plants which dispose of 10,000 pounds or less of fluid milk products in the marketing area during the month. In view of the individual handler type pool provided by the order, the 10,000-pound minimum is reasonable in this market.

Provision should be made also for the exclusion under the pool plant definition of supply plants or distributing plants which would be subject to the classification and pricing provisions of another order issued pursuant to the act, if a lesser volume of fluid milk products classified as Class I milk is furnished from such a plant for disposition in the Toledo marketing area than in the marketing area regulated pursuant to such other order. Plants which dispose of fluid milk products in more than one marketing area need not be subject to duplicate regulation to accomplish the the declared purpose of the act. It is reasonable and economically sound to regulate a plant under the order regulating the handling of milk for the marketing area where the largest proportion of the plant's Class I milk is disposed of. This should be determined on the basis of disposition during the current month and each of the immediately preceding three months. The addition of the current month to the three preceding months, which were previously recommended, will provide a standard for order status consistent with the corresponding provisions of orders for nearby regulated markets. The longer period also will reduce the possibility of a plant becoming temporarily subject first to one order and then to another as a result of minor monthly variations or seasonal shifts in sales between regulated markets. Under the provision decided upon, a plant which is subject to another Federal order must supply more milk to the Toledo market than to the other order market for four consecutive months before it will become subject to regulation under the Toledo order.

"Handler" should be defined to include any person who operates a distributing plant or a supply plant. By defining the operators of such plants as handlers, such persons will be required to report to the market administrator with respect to such plants at such time and in such manner as the market administrator finds necessary to establish their status as partially or fully regulated plants and to assemble the necessary market information essential to the proper administration of the order. The foregoing plant definitions will include as fully regulated persons and plants the same persons and the same plants as are now regulated by the order.

The present order in some instances refers to plants operated by a nonhandler. A more explicit term for such references is the term "nonpool plant". Definitions also have been included in the order for "fluid milk product" and "Chicago butter price". The addition of these proposed new definitions is not intended to change the intent of the present order but their application will facilitate the drafting of other order provisions.

Definitions of "producer", "producer milk" and "producer-handler" should be modified to incorporate the necessary references to the other new definitions. Producer-handlers and the milk produced by them should be excluded from the producer and producer milk definitions. Under the present order, milk received from a producer-handler is treated the same as other source milk and this may be accomplished by merely excluding a producer-handler from the producer definition.

Milk is sometimes diverted directly from the farm to nonpool plants. The privilege for handlers to divert milk during the months of seasonally high production facilitates the economical disposal of seasonal reserve supplies. In order to distinguish between the milk of producers who may be temporarily diverted and those who are no longer associated with this market, some limitation on the length of time that milk may be diverted and still be considered as producer milk under the order is desirable. It was previously recommended that unlimited diversion be permitted during the months of March through June and limited to not more than one-third of the days of delivery during any of the months of July through February.

It was pointed out in the exceptions that because of the customary method of handling the milk of certain Toledo producers the recommended limitation on diversion would disrupt the normal method of handling this milk without any advantage and possibly to the disadvantage of producers and the market. This milk frequently is moved directly from the farm to a nonpool plant, converted to skim milk and cream and moved to a Toledo distributing plant. The nonpool plant also serves as a supply plant under another order.

Under the individual handler pool in this market, a diversion limitation serves principally as a basis for determining whether the dairy farmer is to be considered as a producer under this order or in the case in point under another order. It is concluded, therefore, that in order for the milk of a producer to be considered as producer milk in the current month of the period July through

February under the Toledo order, it must be received at a pool plant on at least four days during such month. As provided by the present order, unlimited diversion should be permitted during the months of March through June. In view of the recommendation to include location adjustments in the order, provision should be made to consider milk which is diverted to have been received at a pool plant at the same location as the plant from which it was diverted for the account of a cooperative or a proprietary handler.

The definition of "other source milk" should be modified to clarify its meaning and to specify in the definition that it includes all milk utilized in the operations at a pool plant except producer milk, fluid milk products received from other pool plants and inventory of fluid milk products on hand at the beginning of the month. Other source milk represents all skim milk and butterfat used in a pool plant which is not subject to the pricing provisions of the order during the month. It will include all fluid milk products from plants other than pool plants and all manufactured dairy products from any source which are repackaged, reprocessed or converted into another product in the pool plant during the month. It will include those manufactured products from a pool plant's own production which are reprocessed or converted into another product during the same or a later month.

Some handlers in the market produce condensed milk, nonfat dry milk and other manufactured milk products. Some of these products are reused in the pool plant where produced or are disposed of to other pool plants. Operators of other pool plants may purchase solids from outside sources. Condensed solids or nonfat dry milk may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I milk. There appears to be no reason why one portion of the solids nonfat contained in Class I products should be classified differently from another portion in this market. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product, therefore, should be accounted for as an amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk.

To promote uniformity in the cost of milk among handlers and to effectuate the established principle of allocating current receipts of producer milk to Class I utilization to the fullest extent, the skim milk in other source milk in the form of a manufactured product, likewise, must be accounted for on the basis of the nonfat solids plus the water normally associated with such solids in the form of whole milk. This accounting procedure will have no effect on the net classification of other source milk used in Class II milk products.

The change in definition of other source milk and its application to all manufactured products on a milk equivalent basis, whether such products come from milk from producers or from other sources, necessitates providing that shrinkage be determined on the basis of other source milk received in the form of fluid milk products. The two percent limitation on the amount of shrinkage classified as Class II milk should apply only to other source milk received in the form of fluid milk products the same as that applicable to producer milk. Because skim milk and butterfat is accounted for in Class II milk products on a used-to-produce basis, any shrinkage is included in the amount of skim milk and butterfat reported in the manufactured products used for such manufacturing purposes. Furthermore, to allow unlimited shrinkage on other source milk, both in the form of fluid milk and manufactured products, and limit shrinkage on producer milk, would provide a basis for inequality in the cost of milk among handlers who use other source milk and those who do not. Thus, it is reasonable to preclude this possibility of inequality by the use of other source milk. Furthermore, without such provision, producer milk could be assigned inequitably to a lower classification under circumstances where substantial amounts of milk are unaccounted for and the handler has received other source milk.

By incorporating the proposed definition of other source milk together with conforming changes, the order will be more specific with respect to the method of accounting for such milk. Identical accounting procedures will be followed by all handlers whether or not manufactured products (Class II) which are used in the handler's pool plant are converted from producer milk or purchased from outside sources. The skim milk and butterfat used to produce manufactured products are now and should continue to be considered as disposed of when so utilized and therefore not enter into the monthly classification and allocation procedure again, unless such products are repackaged or reused. Records of sales and stocks of such products, however, must be maintained by the handler to facilitate the auditing program of the market administrator and substantiate current usage of such products. Any other source milk, including that derived from manufactured products will continue to be allocated first to the available Class II utilization. The application of the new definition of other source milk in conjunction with other provisions of the order will provide for the allocation of producer milk to Class I in each month to the fullest extent that producer milk is available from current receipts or beginning inventory of fluid milk products.

Because handlers may have inventories of milk and milk products on hand at the beginning and end of each month, such inventories must enter into the accounting procedure for current receipts and utilization of producer milk. Although the order is silent in this respect inventory variations are classified in Class II milk under current practice. Month-end inventories of fluid milk products whether in bulk or packaged form should continue to be classified as Class II milk. Manufactured milk products (Class II) will not be included in inventory accounting because the skim milk and butterfat used for such products are accounted for in the month when such products are manufactured.

Because handlers frequently use other source milk in their operations, the inventory accounting procedure should provide for producer milk from inventory to have prior claim on Class I utilization over receipts of other source milk in the same manner as current receipts of producer milk. Because inventories of fluid milk items are to be accounted for at the end of the month in Class II milk, as a temporary classification, it is necessary, therefore, to provide a method for handling producer milk in inventory which is allocated to Class I milk in the current month but which the handler accounted for in Class II milk at the end of the preceding month. The higher use value of any fluid milk product from beginning inventory of producer milk which is disposed of as Class I milk should be reflected in returns to producers. Such milk should be priced the same as a current receipt of producer milk. These goals may be accomplished, through the accounting procedure, by considering the opening inventory as a receipt in that month and subtracting such receipt, under the allocation procedure, in series, starting with Class II milk, following the subtraction of other source milk and receipts from other pool plants. To the extent that the opening inventory is allocated to Class I milk and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk in the previous month (after allocating allowable producer milk shrinkage and other source milk), a reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month. This method of accounting for inventory will result in equality in the cost per hundredweight of milk among handlers and returns to producers irrespective of whether or not such milk is from opening inventory or is a current receipt.

By incorporating the proposed changes, receipts of milk will fall within four categories as follows:

(1) Producer milk;
(2) Milk from pool plants;
(3) Inventory of fluid milk products; and
(4) Other source milk.

The order should be changed to incorporate references to these categories of milk. The use of these terms will add a desired degree of specificity to the reporting and accounting procedure of the order.

General findings. (a) The marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the marketing agreement and the order, as amended and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(c) The order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(d) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a producer-handler, as his pro rata share of such expense, two cents per hundredweight, or such amount not exceeding two cents per hundredweight, as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) receipts of producer milk, (b) other source milk at a pool plant which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant, except a plant at which the milk is subject to the classification and pricing provisions of another order issued pursuant to the act.

Order of the Secretary directing the conduct of a referendum; determination of a representative period; and designation of referendum agent. Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area) who, during the month of January 1957, which month is hereby determined to be the representative period for such referendum, were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order, as amended, which is filed herewith.

Fred W. Issler is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 19, 1950 (15 F. R. 5177), such referendum to be completed on or before the 15th day from the date this decision is filed with the Hearing Clerk, United States Department of Agriculture.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 7th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

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AUTHORITY: §§ 930.0 to 930.96 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors,

insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a producer-handler, as his pro rata share of such expense, two cents per hundredweight, or such amount not exceeding two cents per hundredweight, as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) receipts of producer milk, (b) other source milk at a pool plant which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant, except a plant at which the milk is subject to the classification and pricing provisions of another order issued pursuant to the act.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 930.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 930.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

§ 930.3 *Department.* "Department" means the United States Department of Agriculture.

§ 930.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 930.6 *Toledo, Ohio, marketing area.* "Toledo, Ohio, marketing area", called the "marketing area" means all of the territory within the boundaries of Fulton and Lucas Counties; all of the territory within the boundaries of Wood County north of the northern boundaries of the townships of Milton, Liberty, Portage, and Montgomery, including all of the town of Weston; all of the territory within the townships of Woodville and Madison in Sandusky County, all in the State of Ohio; and in the State of Michigan, all of the territory within the boundaries of Monroe County, except that territory within the boundaries of the townships of Ash, Berlin, Exeter, London, Milan, and Dundee; and all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County.

§ 930.7 *Distributing plant.* "Distributing plant" means a plant where milk is processed or packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to a wholesale or retail stop(s), including sales through vendors.

§ 930.8 *Supply plant.* "Supply plant" means a milk plant from which milk, skim milk or cream is transferred to a distributing plant(s).

§ 930.9 *Pool plant.* "Pool plant" means (a) a distributing plant from which more than 10,000 pounds of milk is disposed of in the marketing area during the month and (b) a supply plant during September through December in which shipments of milk, skim milk or cream are made to a plant described pursuant to paragraph (a) of this section on 15 days or more during the month or during any other month on 7 days or more: *Provided*, That a supply plant, which was not a pool plant during the immediately preceding September through December period, shall not be included in this definition during any month in which no such transfers are allocated from Class I milk pursuant to § 930.46.

§ 930.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 930.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk and who holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced if such community requires such permit for milk for disposition as Class I milk therein, which milk is (a) received at a pool plant or (b) diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 930.12.

§ 930.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in the milk received at (a) a pool plant directly from producers or (b) diverted for the account of the operator of a pool plant or a cooperative association from a pool plant to another pool plant or to a nonpool plant: *Provided*, That the milk of a dairy farmer which is diverted at times during any of the months of July through February must be physically received at a pool plant for at least four days during the current month in order to be considered as producer milk during such month. Producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it was diverted.

§ 930.13 *Handler.* "Handler" means (a) any person who operates a distributing plant or a supply plant and (b) any cooperative association with respect to producer milk diverted by it in accordance with the conditions set forth in § 930.12.

§ 930.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 930.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, eggnog, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, and evaporated or condensed milk).

§ 930.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) producer milk, (2) fluid milk products received from other pool plants, and (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 930.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter, at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 930.20 *Designation.* The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 930.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 930.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 930.74;

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 930.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 930.30, or (2) payments pursuant to §§ 930.70, 930.74, 930.75, and 930.77;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.50, and § 930.52, and

(2) On or before the 12th day after the end of such delivery period the uniform price computed pursuant to § 930.61 and the butterfat differential computed pursuant to § 930.72.

REPORTS, RECORDS AND FACILITIES

§ 930.30 *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, for each of his pool plants in the detail and on the forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 930.31 *Other reports.* (a) Each handler, who operates a pool plant, shall report to the market administrator in the detail and on the forms prescribed by the market administrator, on or before the 20th day after the end of each month, his producer payroll for the month which shall show (1) the pounds of producer milk received from each producer and the percentages of butterfat contained therein, (2) the amounts and dates of payments to each producer or cooperative association, and (3) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

(b) Each producer-handler and each handler who operates a supply or distributing plant, not a pool plant, shall report to the market administrator in the detail and on forms prescribed by the market administrator, at such time and in such manner as the market administrator may request.

§ 930.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 930.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 930.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 930.30 shall be classified each month by the market administrator pursuant to the provisions of § 930.41 through § 930.46.

§ 930.41 *Classes of utilization.* Subject to the conditions set forth in § 930.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except for livestock feed), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than a fluid milk product, (2) inventory of fluid milk products on hand at the end of the month, (3) disposed of for livestock feed, and (4) actual plant shrinkage of skim milk and butterfat allocated to producer milk and other source milk in fluid milk products pursuant to § 930.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 930.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant(s); and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of a fluid milk product.

§ 930.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, shall be classified:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 930.30;

(2) The receiving plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 miles from the City Hall of Toledo, Ohio, by the shortest highway distance as determined by the market administrator, unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 930.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of

verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk at such non-pool plant.

(c) As Class I milk if transferred or diverted in bulk in the form of milk or skim milk or cream to a nonpool plant located 250 miles or more from the City Hall at Toledo, Ohio, by shortest highway distance as determined by the market administrator.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonpool plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

§ 930.44 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 930.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 930.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 930.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 930.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 930.43 (a);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 930.50 *Class prices.* Subject to the provisions of §§ 930.52 and 930.53, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at his pool plant during the month:

(a) *Class I milk price.* (1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
April, May, and June	$1.00
February, March, and July	1.25
All others	1.65

(2) The price for Class I milk shall be the amount computed pursuant to subparagraph (1) of this paragraph plus or minus a "supply-demand adjustment" computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided*, That the price shall not be adjusted by the supply-demand adjustment factor until the utilization percentage computed pursuant to subdivision (i) of this subparagraph is equal to or exceeds the standard utilization percentage pursuant to subdivision (ii) of this subparagraph for each of three successive months:

(i) Divide the total receipts of producer milk during the first and second months preceding by the total gross volume of Class I milk (less interhandler transfers) during the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown in this subdivision:

Month for which the price is being computed:	Standard utilization percentage
January	115
February	123
March	129
April	130
May	130
June	137
July	138
August	127
September	116
October	109
November	106
December	108

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is:	Supply-demand adjustment is: (cents)
+16 or over	−50
+13 or +14	−40
+10 or +11	−30
+7 or +8	−20
+4 or +5	−10
+2 or −2	0
−4 or −5	+10
−7 or −8	+20
−10 or −11	+30
−13 or −14	+40
−16 or under	+50

When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be (1) during the months of July through February, the highest of the prices per hundredweight computed pursuant to § 930.51 or subparagraph (2) of this paragraph for the month and (2) during the months of March through June, the average (computed to the nearest tenth of a cent) of the basic or field prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies listed below:

Company and Location

Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

§ 930.51 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to § 930.50 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (b) (2) of § 930.50, or to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price; and

(3) Subtract 34.3 cents.

(c) The price her hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and rolled process, f. o. b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 930.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified, respectively, in any class of utilization, pursuant to § 930.46, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price by 0.125;

(b) *Class II milk.* Multiply the Chicago butter price by 0.120.

§ 930.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 930.50 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15
75 but less than 90	17
For each additional 15 miles or fraction thereof an additional	2.0

Provided, That for the purpose of calculating such location differentials, fluid milk products which are transferred between pool plants shall be assigned to Class I milk to the extent that the gross Class I uitlization at the transferee plant exceeds 95 percent of the receipts of producer milk at such plant, such assignment to transferor plants to be made first to plants at which no location adjustment is applicable and then in sequence according to the location differential applicable at each plant beginning with the plant having the smallest differential.

§ 930.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 930.60 *Computation of net obligation for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the overage deducted from each class pursuant to § 930.46 (a) (5) and the corresponding step of (b) by the applicable class price;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 930.46 (a) (4) and the corresponding step of (b), whichever is less;

(d) Adjust the resulting amount by the sum of money used in adjusting the uniform price for the previous month to the nearest cent, pursuant to § 930.61 (d); and

(e) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator.

§ 930.61 *Computation of uniform price.* For each month, the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 930.60, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.72 and multiply by 10;

(b) Add an amount equal to the total location adjustments to be made pursuant to § 930.73;

(c) Divide the resulting value by the total hundredweight of producer milk received by such handler;

(d) The resulting figure, rounded to the nearest cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content at a pool plant, located less than 60 miles from the City Hall of Toledo, Ohio.

§ 930.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler pursuant to § 930.61 and the butterfat differentials computed pursuant to § 930.72; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 930.74 and 930.75.

PAYMENTS

§ 930.70 *Time and method of final payment.* (a) On or before the 15th day after the end of each month, each handler shall pay each producer for milk received from him during such month, an amount computed at not less than such handler's uniform price per hundredweight pursuant to § 930.61, subject to the butterfat differential computed pursuant to § 930.72 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to § 930.71, (2) location differential deductions pursuant to § 930.73, (3) marketing service deductions pursuant to § 930.75 and (4) proper deductions authorized by such producer.

§ 930.71 *Partial payments.* On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows: *Provided*, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70

(a) Deduct 75 cents from the uniform price for the preceding month for such handler which is applicable at the pool plant where milk is received from such producer.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

§ 930.72 *Producer butterfat differential.* In making payments pursuant to § 930.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential computed as follows: Multiply the Chicago butter price by 0.12 and round to the nearest one-half cent.

§ 930.73 *Location differentials to producers.* In making payment pursuant to § 930.70 the uniform price pursuant to § 930.61 to be paid for milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15.0
75 but less than 90	17.0
For each additional 15 miles or fraction thereof an additional	2.0

§ 930.74 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.22 (d), each handler, except a producer-handler, shall pay the market administrator, on or before the 15th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to receipts during the month of (a) producer milk, (b) other source milk at a pool plant, allocated to Class I milk pursuant to § 930.46 and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant.

§ 930.75 *Deductions for marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers pursuant to § 930.70, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer-members for milk delivered to such handler. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted, to the association, within 15 days after the end of the month. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer authorizing the claimed deduction.

§ 930.76 *Reports to cooperatives.* Upon request the market administrator is authorized to report to any cooperative association qualifying under § 930.75 (b) for each month the amount of butterfat shortage or overage in member milk found in any handler's plant, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage of total butterfat shortage or overage which total receipts of butterfat in member milk is of the total receipts of butterfat in the plant.

§ 930.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts disclose errors resulting in moneys due (a) the market administrator or cooperative associations from such handler, or such handler from the market administrator or cooperative associations pursuant to §§ 930.74 or 930.75, or (b) any producer or cooperative association from such handler pursuant to § 930.70, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 930.80 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 930.9 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Toledo, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current and each of the three months, immediately proceeding: *Provided,* That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 930.81 *Producer-handlers.* Sections 930.50, 930.60, 930.70, 930.74, 930.75, and 930.77 shall not apply to the milk of a producer-handler.

MISCELLANEOUS PROVISIONS

§ 930.90 *Termination of obligations.* (a) The obligations of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 930.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.92 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 930.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 930.94 *Liquidation.* Upon the suspension of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 930.96 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-1870; Filed, Mar. 12, 1957; 8:46 a. m.]

[7 CFR Part 978]

[Docket No. AO-184-A15]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the County Courtroom, Fourth Floor, Davidson County Courthouse, Nashville, Tennessee, beginning at 10:00 a. m., c. s. t., March 21, 1957, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area (7 CFR, 978 et seq.).

In view of the proposal (No. 1) to make a specific change in the supply-demand adjustment, all the supply-demand adjustment provisions of the order are considered to be open for any modification which may be indicated on the record of the hearing.

The proposed amendments have not received the approval of the Secretary of Agriculture.

The following proposals have been made for amending the order:

Proposed by Nashville Milk Producers, Inc.:

1. Suspend the delayed 12-month utilization ratio in the supply-demand adjustment (§ 978.51 (a) (1) (ii)).

2. Amend § 978.60 providing for base-forming months being September through the following January and, further, to provide for making August a free month (neither base-forming nor base and surplus).

3. Amend the order to provide authorization for the market administrator to report each cooperative association, the percentage of member milk used in the various classes by each handler.

4. Amend § 978.41 so as to provide that all shrinkage shall be classified as Class I.

Proposed by Certain Nashville Handlers:

5. Amend § 978.11 by deleting the language "any day during the months of March through August, or on not more than ten days during any other month."

Proposed by the Dairy Division, Agricultural Marketing Service:

6. Clarify the language of the proviso in § 978.43 (a).

7. Make such changes as may be required to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing and of the order now in effect may be procured from the Market Administrator, Presbyterian Building, Room 101, 152 4th Avenue, North, Nashville 3, Tennessee, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: March 8, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 57-1882; Filed, Mar. 12, 1957; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NOTICE EXTENDING TIME IN WHICH TO FILE VIEWS AND COMMENTS ON PROPOSAL TO ADOPT DEFINITION AND STANDARD OF IDENTITY FOR GRATED AMERICAN CHEESE FOOD

Requests have been received for a 30-day extension of time in which to file views and comments on the proposal to adopt a definition and standard of identity for grated American cheese food which was published in the FEDERAL REGISTER of January 29, 1957 (22 F. R. 581). The requests set forth reasonable grounds for such extension.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919; 21 U. S. C. 341, 371), and delegated to him (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until April 3, 1957, the time for filing views and comments upon the proposal to adopt a definition and standard of identity for grated American cheese food.

Dated: March 7, 1957.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 57-1875; Filed, Mar. 12, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 40, 41, 42]

[Draft Release No. 57-3]

DAILY MECHANICAL REPORTS AND MECHANICAL INTERRUPTION SUMMARY REPORTS

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by May 10, 1957. Copies of such communications will be available after May 14, 1957, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Currently effective § 40.509 of Part 40 of the Civil Air Regulations requires operators to submit to the Administrator a detailed report known as a Mechanical Interruption Summary (MIS) Report which in substance contains:

(a) All flight interruptions resulting from known or suspected mechanical difficulties or malfunctions;

(b) The number of engines prematurely removed because of mechanical trouble; and

(c) The number of propeller featherings in flight.

Section 40.508 requires operators to submit daily another report known as a Daily Mechanical Report (DMR) which contains information concerning each failure, malfunctioning, or other defect, regardless of where detected, which may reasonably be expected by the air carrier to cause a serious hazard in the operation of an airplane.

At a joint airline-Government meeting dealing with maintenance questions, it was agreed that that portion of the mechanical interruption summary report required by paragraph (a) of § 40.509 is no longer valuable as a safety evaluation report and, therefore, should be eliminated as a requirement. It was agreed, however, that the information required under paragraphs (b) and (c) of § 40.509 is useful and should be retained. As a result of the aforementioned meeting, the Air Transport Association has requested the deletion of the requirement for submitting mechanical interruption summary reports.

As a result of the review given this request, however, it appears desirable to re-evaluate the reporting requirements of both §§ 40.508 and 40.509 with the view toward eliminating all unnecessary reporting requirements and to consolidate and make more specific those reporting requirements which the Board believes are necessary. Analysis of the provisions in these two sections reveals that the reporting of many mechanical failures and malfunctions detected and corrected on the ground, including premature engine removals, serves little useful purpose since these incidents, once corrected, cannot contribute to future inflight hazards; nor does the knowledge of these incidents contribute substantially to the prevention of future hazards. There are, however, some significant exceptions to this general situation:

(a) Failures, malfunctions, and defects which may have caused or may be reasonably expected to cause fire, significant loss of control or structural strength, or other hazardous conditions; and

(b) Failures the knowledge of which would impel inspection of the carrier's fleet and serve to alert other carriers of unsatisfactory conditions. Items in group (b) above may be in addition to those in group (a).

A study of the DMR's submitted in compliance with § 40.508 showed results similar to those found for the MIS Reports. In the first three months of 1954, for example, a total of more than 350 items was reported by all operators. Of these only 201 or about 57 percent were directly related to flight or ground incidents of a nature the knowledge of which would be useful in the prevention of future inflight incidents or hazards. Furthermore, of this 57 percent, only a fraction of the incidents reported were of the "alert" type which would justify publication in the "Summary of Daily Mechanical Reports." A typical example is the report of an engine feathering because of a rise in oil temperature or a drop in oil pressure from a cause as yet undetermined. While such incidents should be reported, for reasons discussed hereinafter, they have no "alert" value which would enable other operators to take action to prevent the repetition of such incidents in their own equipment.

From the foregoing, it is seen that many man-hours are spent under the present reporting system, both by industry and government, in the processing and study of nonessential information.

On the other hand there are some items directly related to flight safety which are not uniformly reported. Examples of these are:

(a) *Propeller feathering in flight.* Each propeller feathering in flight results in a lowering of the level of safety for the duration of the time the engine is inoperative and is a positive indication of a "failure" of greater or lesser degree. The propeller feathering frequency is an excellent index of the degree to which powerplant reliability has been achieved.

(b) *Failure to feather.* Each case of inability to feather a propeller results in a lowering of the level of safety for the remainder of the flight whether the engine is shut down with the propeller windmilling or power is used. The high drag of a windmilling propeller reduces the performance available in the event the engine is shut down and if power is used on a crippled engine the probability of serious powerplant damage and of fire is enhanced.

In reassessing the provisions of the Civil Air Regulations which deal with daily mechanical reports and mechanical interruption summary reports, consideration was given to the objectives sought in the reporting of the conditions and incidents required in these provisions.

The foremost objective of a reporting system is to warn industry and government of incidents of an "alert" type which may be common to aircraft, systems, or components of the same or similar type. Any failure or malfunction falls into this category when it results in a hazardous condition, or when good maintenance practice dictates the inspection of the fleet to prevent the occurrence of similar incidents in other equipment. Such reporting serves accident prevention in two ways: First, the knowledge of these incidents prompts other operators to take action for the prevention of similar incidents in their own equipment. Second, the statistical record of all such incidents and the related information provide the manufacturer with knowledge which will allow the source of such incidents to be "designed out" of new structures, systems, and components.

A second objective of a reporting system is the determination of the frequency of flight incidents arising from mechanical deficiencies, a knowledge of which would serve to give warning of unsafe operating conditions prior to the occurrence of hazards or accidents.

The final objective is to confine the nature of items to be reported to those directly related to the safety of operations and the number of items within practicable limitations so that complete, accurate, and uniform reporting is assured throughout the industry.

The proposed amendment would rescind § 40.509 in its entirety; however, certain provisions now included in that section would be incorporated into § 40.508. These provisions relate to the reporting of propeller featherings and of "flight terminations"—"flight terminations" meaning those incidents arising from mechanical difficulties which result in accelerate-stops, go-arounds after take-off, and unscheduled and emergency landings.

It is anticipated that this proposal will substantially reduce the number of items required to be reported under currently effective §§ 40.508 and 40.509. For example, the reporting of certain premature engine removals would no longer be required, and the number of failures and malfunctions detected and corrected on the ground which must be reported would be reduced. In addition it is anticipated that there would be a considerable reduction in the number of items published in the DMR summary since many items presently published on a daily basis would either not be reported at all, or would be reported on a semi-monthly basis. Furthermore, in order to insure the highest possible degree of conformity in reporting, the proposed amendment contains more definitive standards to be used by the air carriers in determining when, and in what manner, a particular condition must be reported. This is in contrast to the currently effective § 40.508 which leaves entirely to the air carriers the determination of which mechanical difficulties need be reported.

Since maintenance reporting objectives contemplated for scheduled air carrier operations conducted outside the continental limits of the United States and for all irregular air carrier operations are similar to those proposed herein for scheduled interstate operations, it is proposed to make similar changes in Parts 41 and 42 to reflect the substance of the changes herein.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 40 of the Civil Air Regulations be amended as follows:

1. By deleting § 40.509 in its entirety.

2. By amending § 40.508 to read as follows:

§ 40.508 *Mechanical reports.* (a) The air carrier shall report to the Administrator the first of each type of failure, malfunctioning, or other defect detected in flight or on the ground in an aircraft or component which has caused, or which may be reasonably expected to cause, a fire, a significant loss of control or structural strength, or other hazardous condition, whether or not a similar occurrence has previously been reported by another air carrier. In addition, the air carrier shall report the initiation of a fleet campaign to correct a safety hazard. These reports shall include the information required by paragraph (d) of this section. These reports shall cover a 24-hour period of operation beginning and ending at midnight, and shall be submitted not later than noon of the following working day, or sooner if the seriousness of the incident warrants.

(b) The recurrence of a type of failure, malfunctioning, or other defect previously reported by the air carrier in compliance with paragraph (a) of this section shall be reported semi-monthly to the Administrator not later than the 10th day after the reporting period in which it was detected.

(c) All failures, malfunctionings, or other defects, detected on the runway after the take-off run has started, while airborne, and on the runway prior to termination of the landing run, not reported in compliance with paragraphs (a) and (b) of this section, shall be reported semi-monthly to the Administrator not later than the 10th day after the reporting period in which they were detected. Reports shall include all the information required by paragraph (d) (1) of this section, and, in addition, information concerning the flight regime in which the incident occurred. Incidents which shall be reported in showing compliance with this paragraph shall include, but not be limited to, the following:

(1) Propeller featherings, including automatic, manual, and precautionary featherings; or, in the case of jet-propelled aircraft, engine shutdown or stoppage. Propeller featherings or engine shutdown or stoppage for demonstration or check purposes need not be reported;

(2) Failures of the propeller to feather:

(3) Fire warnings;

(4) Incidents, arising from actual or suspected mechanical difficulties, which result in accelerate-stops, go-arounds after take-off, and unscheduled and emergency landings.

(d) (1) The reports required by paragraphs (a) (b), and (c) of this section shall include the following information:

(i) Type and CAA identification of the aircraft and engine, name or air carrier, and date;

(ii) Nature of incident; e. g., fire, structural failure;

(iii) Procedures effected; e. g., accelerate-stop, go-around after take-off, unscheduled or emergency landing, fuel dumping, use of fire extinguisher;

(iv) Apparent cause of difficulty; e. g., mechanical failure, design deficiency, personnel error;

(v) Corrective action, where appropriate; and

(vi) Brief narrative summary to supply any other pertinent data required for clarification or determination of seriousness.

(2) The reports required by paragraphs (a) and (b) of this section shall include the following information in addition to that prescribed in subparagraph (1) of this paragraph:

(i) Identification of the part and system involved including the type designation, the total service time, the time since overhaul, and the time since inspection of the component involved, as appropriate; and

(ii) Disposition or corrective action; e. g., repaired, replaced, airplane grounded, fleet campaigned.

(3) A report shall not be withheld pending accumulation of all the information specified in this section. When additional information is obtained relative to such incident, it shall be expeditiously submitted as a supplement to the original report, reference being made to the date and place of the first report.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012 as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., March 1, 1957.

By the Bureau of Safety.

[SEAL] OSCAR BAKKE, *Director.*

[F. R. Doc. 57–1897; Filed, Mar. 12, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

PEANUTS

NOTICE OF CLOSING DATES ESTABLISHED BY AGRICULTURAL STABILIZATION AND CONSERVATION STATE COMMITTEES FOR PEANUT-PRODUCING STATES

Sections 729.822 (b) (1), 729.825 (a) and (b) of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760) provide that the Agricultural Stabilization and Conservation State Committees shall, within prescribed limits, establish closing dates for (1) filing applications for new farm allotments, (2) voluntarily releasing acreage which will not be used on the farm for which allotted, and (3) filing applications for increase in allotment from any acreage released by other farmers in the county. Section 3 of the Administrative Procedure Act (5 U. S. C. 1002 (a)) requires that these closing dates be published in the FEDERAL REGISTER. Accordingly there are set forth below the closing dates applicable to the 1957 crop of peanuts which have been established by the State Committees of the peanut-producing States.

I. *Closing dates for filing applications for new farm allotments.* For Florida and New Mexico, January 31, 1957; for Arkansas, February 1, 1957; for Texas, February 8, 1957; and for Alabama, Arizona, California, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee and Virginia, February 15, 1957.

II. *Closing dates for releasing acreage which will not be used on the farm for which allotted.* For Alabama, March 20, 1957; for Florida and Georgia, April 1, 1957; for Virginia, April 15, 1957; for North Carolina, April 30, 1957; for Mississippi, Missouri and South Carolina, May 1, 1957; for New Mexico, May 10, 1957; for Arkansas and California, May 15, 1957; for Oklahoma, May 31, 1957; for Louisiana, June 1, 1957; for Texas, June 7, 1957; and for Arizona and Tennessee, July 1, 1957.

III. *Closing dates for filing applications for increase in allotment from released acreage.* For Alabama, March 20, 1957; for Georgia, April 12, 1957; for Virginia, April 15, 1957; for Florida, April 16, 1957; for North Carolina, May 10, 1957; for Missouri, May 15, 1957; for New Mexico, May 17, 1957; for Mississippi, May 20, 1957; for California and South Carolina, May 31, 1957; for Arkansas, June 1, 1957; for Oklahoma, June 14, 1957; for Louisiana, June 15, 1957; for Texas, June 21, 1957; and for Arizona and Tennessee, July 15, 1957.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, 90 as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C., this 8th day of March 1957.

[SEAL] CLARENCE L. MILLER, *Associate Administrator, Commodity Stabilization Service.*

[F. R. Doc. 57–1886; Filed, Mar. 12, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 31]

FUNCTIONS RELATING TO CREDIT MATTERS

DELEGATION OF AUTHORITY WITH RESPECT TO TRUST OR RESTRICTED LAND

MARCH 7, 1957.

Bureau Order 551, as amended, is further amended by addition of the following new sections under the heading Functions Relating to Credit Matters:

SEC. 134. *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian, except income from restricted land of heirs or

devisees of members of the Five Civilized Tribes, Oklahoma, as security for a loan by any lender.

SEC. 135. *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR 21, 23, and 28.

SEC. 136. *Release of United States interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

W. BARTON GREENWOOD,
Acting Commissioner.

[F. R. Doc. 57-1866; Filed, Mar. 12, 1957; 8:46 a. m.]

[Order 551, Amdt. 30]

FUNCTIONS RELATING TO GENERAL MATTERS

DELEGATION OF AUTHORITY; OPERATION OF U. S. M. S. "NORTH STAR"

MARCH 7, 1957.

Order 551, as amended, is further amended to add a new section under the heading Functions Relating to General Matters, to read as follows:

SEC. 355. *Operation of U. S. M. S. "North Star".* All of the authorities contained in 25 CFR Part 3.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-1865; Filed, Mar. 12, 1957; 8:45 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 1]

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY REGARDING COMPLIANCE WITH AIRPORT OPERATION AGREEMENTS

The purpose of this amendment is to delegate authority to Regional Administrators to release electric, water, gas, heating, sewerage, aircraft fuel, and other similar utility systems and the component parts thereof from the terms and conditions of Surplus Property Instruments of Disposal.

Pursuant to authority under Reorganization Plan No. 5, of 1950 (64 Stat. 1263; 5 U. S. C. 133z-15) and Department of Commerce Department Order 86 (21 F. R. 7027), paragraph 4.4 of the Delegation of Authority Regarding Compliance With Airport Operation Agreements published in the FEDERAL REGISTER April 12, 1956 (21 F. R. 2392), is revised to read as follows:

4.4 *Surplus structures and facilities.* Each Regional Administrator is hereby delegated authority to execute such instruments of release or correction or other instruments as may be necessary to release from any or all of the terms, conditions, reservations, and restrictions of surplus airport property instruments of disposal:

(a) Any structures, facilities or items of personal property which, in the opinion of the Regional Administrator, have outlived their useful life or deteriorated beyond economical repair, notwithstanding the performance of such maintenance work by the airport owner as he could reasonably have been expected to perform in maintaining the property in accordance with the applicable instrument of disposal;

(b) Any structures or facilities which, in the opinion of the Regional Administrator, must be removed to permit the accomplishment of needed airport improvement or expansion;

(c) Any equipment such as machinery, machine tools, and vehicular equipment which, in the opinion of the Regional Administrator, is no longer needed for the purpose for which it was conveyed or, because of size, type or other reason, is uneconomical to use for the purpose for which it was conveyed; and

(d) Any electric, water, gas, heating, sewerage, aircraft fuel and other similar utility system and the component parts thereof when, in the opinion of the Regional Administrator, such system cannot economically be maintained and operated by the owning agency because of the lack of qualified operating personnel or for other reason and the release is necessary to assure accomplishment of the purpose for which the system was conveyed to such agency.

This revision shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-1863; Filed, Mar. 12, 1957; 8:45 a. m.]

Federal Maritime Board

WEAVER BROS., INC., AND COASTWISE LINE

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8207, between Weaver Bros., Inc., and Coastwise Line, covering the transportation of cargo under through bills of lading issued by Weaver Bros., Inc., between United States Pacific Coast ports and points in Alaska, with transhipment at Valdez, Alaska. Coastwise Line will transport the cargo between United States Pacific Coast ports and Valdez, Alaska, and Weaver Bros., Inc., will transport the cargo between Alaskan points of origin or destination and Valdez.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 8, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-1874; Filed, Mar. 12, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-8]

NORTH CAROLINA STATE COLLEGE

ISSUANCE OF CONSTRUCTION PERMIT AUTHORIZING MODIFICATION OF RESEARCH REACTOR

Please take notice that the Atomic Energy Commission on March 6, 1957, issued Construction Permit No. CPRR-10, authorizing North Carolina State College to modify its research reactor. The construction permit is substantially as set forth in the notice of proposed action published in the FEDERAL REGISTER on February 20, 1957, 22 F. R. 1052.

A copy of the construction permit is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 7th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-1861; Filed, Mar. 12, 1957; 8:45 a. m.]

[Docket Nos. F-40, F-41]

AEROJET-GENERAL NUCLEONICS AND AEROJET-GENERAL CORP.

NOTICE OF ISSUANCE OF AMENDMENT TO LICENSE AUTHORIZING TRANSFER OF TITLE TO FACILITY AND LICENSE AUTHORIZING ACQUISITION OF TITLE TO FACILITY

Aerojet-General Nucleonics, Docket No. F-40; Aerojet-General Corporation, Docket No. F-41.

Please take notice that the Atomic Energy Commission on March 7, 1957, amended License No. R-6 to authorize Aerojet-General Nucleonics to transfer to Aerojet-General Corporation title to the reactor designated by them as Model AGN-201, Serial No. 100. On March 7, 1957, License No. R-8 was issued Aerojet-General Corporation authorizing it to acquire title to the reactor.

The amendment to License No. R-6 and License No. R-8 are substantially in the form set forth in the notice of the proposed action published in the FEDERAL REGISTER on February 14, 1957, 22 F. R. 937.

Dated at Washington, D. C., this 7th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-1862; Filed, Mar. 12, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8517]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

NOTICE OF HEARING

In the matter of the application of Swissair, Swiss Air Transport Company Limited, insofar as it seeks authority to serve Lisbon, Portugal, as an intermediate point on its New York-Switzerland route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above entitled matter is assigned to be held on March 14, 1957, at 10 a. m., e. s. t., in Room 5820, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., March 8, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1898; Filed, Mar. 12, 1957; 8:51 a. m.]

[Docket No. 7864]

AIR JORDAN CONTROL BY TRANSOCEAN

NOTICE OF PREHEARING CONFERENCE

In the matter of the application for approval of acquisition of control of Air Jordan by Transocean.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on March 18, 1957, at 10 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., March 8, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1899; Filed, Mar. 12, 1957; 8:51 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11180, 11901; FCC 57M-190]

BILL MATHIS AND GILLESPIE BROADCASTING CO. (KNAF)

ORDER CONTINUING HEARING AND SCHEDULING PREHEARING CONFERENCE

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; Gillespie Broadcasting Company (KNAF), Fredericksburg, Texas, Docket No. 11901, File No. BP-10598; for construction permits.

It is ordered, This 6th day of March 1957, on the Examiner's own motion, that hearing in the above-entitled matter now scheduled for March 18, 1957 is continued to a date to be determined later.

It is further ordered, That a pre-hearing conference will be held on March 18, 1957, at 10:00 a. m. at the offices of the Commission.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1878; Filed, Mar. 12, 1957; 8:47 a. m.]

[Docket No. 11924; FCC 57M-192]

BELOIT BROADCASTERS, INC. (WBEL)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Beloit Broadcasters, Incorporated (WBEL), Beloit, Wisconsin, Docket No. 11924, File No. BP-10531; for construction permit.

It is ordered, This 6th day of March 1957, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., on Friday, March 15, 1957, commencing at 2:00 p. m.

Released: March 7, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1879; Filed, Mar. 12, 1957; 8:48 a. m.]

[Docket Nos. 11940, 11941; FCC 57M-195]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER SCHEDULING HEARING

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPCT-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations (Channel 13).

It is ordered, This 5th day of March 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1957, in Washington, D. C.,

Released: March 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1880; Filed, Mar. 12, 1957; 8:48 a. m.]

[Docket No. 11943; FCC 57M-194]

PARISH BROADCASTING CORP. (KAPK)

ORDER SCHEDULING HEARING

In re application of Parish Broadcasting Corporation (KAPK), Minden, Louisiana, Docket No. 11943, File No. BP-10749; for construction permit.

It is ordered, This 5th day of March 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1957, in Washington, D. C.

Released: March 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1881; Filed, Mar. 12, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-5293, G-9781]

V. F. NEUHAUS ET AL.[1]

NOTICE OF APPLICATIONS AND DATE OF HEARING

March 7, 1957.

Take notice that V. F. Neuhaus (Operator) et al. (Applicant), whose address is First State Bank Building, Mission, Texas, filed an application on November 22, 1954, as amended May 10, 1956, in Docket No. G-5293, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks to abandon the sale of natural gas in interstate commerce, from production in the Vincente Saenz 624 acre unit located in the North Rincon Field, Starr County, Texas, to Sun Oil Company (Sun) for resale.

On December 15, 1955, Applicant filed in Docket No. G-9781 an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, for authority to render the service, proposed to be abandoned in Docket No. G-5293, to Tennessee Gas Transmission Company (Tennessee) for transportation in interstate commerce for resale.

Applicant states that pending negotiation of a long term contract with Tennessee, Sun has been delivering limited quantities of gas purchased from Applicant on a day-to-day basis to Transcontinental Gas Pipe Line Corporation (Transco) at the outlet of Sun's Starr County Plant in Texas. Applicant further states, that the cessation of delivery of the gas produced from the Vicente Saenz Unit to Transco, by Sun, will in no way affect Sun's ability to meet its current obligations to Transco. In addition, Applicant states that the granting of the abandonment application herein would make available to the ultimate consumers additional quantities of gas. In this connection, Applicant states that deliveries of its gas to Tennessee are es-

[1] The applications herein were filed by Applicant, for himself and on behalf of American Liberty Oil Company, The Chicago Corporation (now Champlin Oil & Refining Company) and C. R. Nichols. All are signatory parties to the sales contract involved herein.

timated to average 27,000 Mcf per month, whereas deliveries to Transco have averaged 12,210 Mcf per month.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 10, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1889; Filed, Mar. 12, 1957; 8:49 a. m.]

[Docket No. G-8681 etc.]

DRAPER MOTORS CORP. AND DEAN A. DRAPER

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 7, 1957.

In the matters of Draper Motors Corporation, Docket Nos. G-8681, G-10470, and G-10472; Dean A. Draper, Docket Nos. G-10471 and G-10473.

Take notice that Draper Motors Corporation (Draper Motors), a Michigan corporation with its principal place of business at Royal Oak, Michigan, filed on March 28, 1955, an application in Docket No. G-8681, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing it to sell natural gas in interstate commerce from production in the Hugoton Field, Seward County, Kansas, to Northern Natural Gas Company for resale, all as more fully set forth in the application.

On May 24, 1956, Draper Motors filed applications in Docket Nos. G-10470 and G-10472, for authorization pursuant to section 7 (b) of the Natural Gas Act, to abandon service as follows:

(1) In Docket No. G-10470, to Colorado Interstate Gas Company (Colorado) from six wells located on Beach Units Nos. 1 through 6 in the Hugoton Field, Finney County, Kansas.[1]

(2) In Docket No. G-10472 to Northern Natural Gas Company (Northern) for which certificate authorization was applied for by Draper Motors, as described above and as more fully set forth in the application in Docket No. G-8681[2] in this proceeding.

On May 24, 1956, Dean A. Draper, with his principal place of business at Royal Oak, Michigan, filed applications in Docket Nos. G-10471 and G-10473, pursuant to section 7 (c) of the Natural Gas Act, for authorization to continue the services proposed to be abandoned by Draper Motors in Docket Nos. G-10470 and G-10472, respectively.

The applications herein are on file with the Commission and open to public inspection.

The parties herein state that by two instruments executed January 31, 1956, Draper Motors, now being dissolved, assigned its interests in the leases involved herein to Dean A. Draper.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 11, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 25, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1890; Filed, Mar. 12, 1957; 8:49 a. m.]

[1] A certificate authorizing this sale was issued February 10, 1956, in Docket No. G-8878.

[2] Temporary authorization for this service was granted in Docket No. G-8681 on May 19, 1955.

[Docket No. G-9557 etc.]

SUN OIL CO.

NOTICE OF CONTINUANCE OF HEARING

MARCH 7, 1957.

In the matter of Sun Oil Company, Docket Nos. G-9557, G-9647, G-11287, G-11288, G-11354 and G-11513.

Upon consideration of the motion filed March 4, 1957, for continuance of the hearing now scheduled for March 25, 1957, in the above-designated matter;

Notice is hereby given that said hearing is postponed to be held at 10 a. m., e. d. s. t., on May 13, 1957, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1892; Filed, Mar. 12, 1957; 8:50 a. m.]

[Docket No. G-10325]

SUNRAY MID-CONTINENT OIL CO.[1]

NOTICE OF SEVERANCE

MARCH 7, 1957.

Take notice that the application in the matter of Sunray Mid-Continent Oil Company in Docket No. G-10325 which has been heretofore consolidated with various other applications in a proceeding entitled, In the matters of United States Smelting, Refining & Mining Company, et al., Docket Nos. G-9833 et al., and scheduled to be heard therewith at 9:30 a. m., e. s. t., on Thursday, March 28, 1957, is hereby severed from said consolidated proceeding at the request of Applicant's counsel and continued to a date to be set hereafter by further notice.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1891; Filed, Mar. 12, 1957; 8:50 a. m.]

[1] Proceeding entitled: In the matters of United States Smelting, Refining & Mining Company, et al., Docket Nos. G-9833 et al.

[Docket No. G-10802 etc.]

COLUMBIAN FUEL CORP. AND UNITED PRODUCING CO., INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 7, 1957.

In the matters of Columbian Fuel Corporation, Docket Nos. G-10802, G-11527; United Producing Company, Inc., Docket Nos. G-10803, G-11522.

Take notice that Columbian Fuel Corporation (Columbian), a Delaware corporation with principal place of business at 380 Madison Avenue, New York, New York, and United Producing Company, Inc. (United), a Maryland corporation with principal place of business at United Carbon Building, Charleston, West Virginia (Applicants), filed in Docket Nos. G-10802, G-10803, G-11522 and G-11527 as hereinafter described, pursuant to sections 16 and 7 (c) of the Natural Gas Act (act), petitions to amend the certificates of public convenience and necessity issued in Docket Nos. G-4308, G-4310, G-4314 and G-4328 which authorized the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle) and for certificates of public convenience and necessity authorizing Applicants to render service to Colorado Interstate Gas Company (Colorado Interstate), subject to the jurisdiction of the Commission, all as more fully represented in the petitions and applications which are on file with the Commission and open for public inspection.

Said petitions were filed in Docket Nos. G-11522 and G-11527 as applications for permission and approval to abandon the sale of natural gas to Panhandle pursuant to section 7 (b) of the act.

Columbian requests by its petition filed on November 23, 1956 in Docket No. G-11527, in effect, that the certificates of public convenience and necessity issued to it on November 15, 1955 in Docket Nos. G-4308[1] and G-4310[1] be amended by deleting therefrom the following interests in certain leases covered thereby. Columbian's 50 percent interest in leases K-761, 786, 791, 818, 821, 893, 898, 899, 944; Columbian's 37.5 percent interest in lease K-896, Meade County, Kansas; and Columbian's 50 percent interest in lease P-1755 and in 289 and 291 acres of lease K-791, Beaver County, Oklahoma, all in the Adams Ranch Field. By application filed on July 24, 1956 in Docket No. G-10802, Columbian seeks authorization to sell natural gas in interstate commerce from the aforesaid specified interests to Colorado Interstate for resale.

United requests by its petition filed on November 23, 1956 in Docket No. G-11522, in effect, that the certificates of public convenience and necessity issued to it on November 15, 1955 in Docket Nos. G-4314[1] and G-4328[1] be amended by deleting therefrom interests which are identical to, but separate from, those referred to above in connection with Columbian. By application filed on July 24, 1956 in Docket No. G-10803, United seeks authorization to sell natural gas in interstate commerce from these specified interests to Colorado Interstate for resale.

Applicants Columbian and United state Panhandle has never laid any lines to connect up the few wells located in the Adams Ranch Field; that Applicants have never made deliveries of natural gas to Panhandle under the certificates involved; that the wells located in said field have remained shut-in since they were completed in 1952; and that by amendment dated March 31, 1956 to each of the gas purchase contracts involved, Panhandle has released the aforesaid acreage which was dedicated to it.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, March 26, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 22, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1894; Filed, Mar. 12, 1957; 8:50 a. m.]

[1] Proceeding entitled: In the Matters of Columbian Fuel Corporation et al., Docket Nos. G-4308, et al.

[Docket No. G-12158]

J. RAY MCDERMOTT & CO., INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 7, 1957.

J. Ray McDermott & Company, Inc., (McDermott), on February 5, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing which is proposed to become effective on the date shown:

Description: Notice of Change dated February 1, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 3 to McDermott's FPC Gas Rate Schedule No. 3.

Proposed effective date:[1] March 8, 1957.

McDermott's proposed rate change is based on favored-nations clauses in its contract with Texas Gas Transmission Corporation in the Maxie Field, Acadia Parish, Louisiana, which, by its terms, has become operative by the rates for initial service to Texas Gas in the South Bell City Field, one such rate being that under Gulf Refining Company FPC Gas Rate Schedule No. 24.

McDermott, in support of the increase, states that provisions establishing the increased rate, as well as all other provisions in the contract, were arrived at by arm's-length bargaining, and that such increased rate is fair, just and reasonable. Applicant further submits that the long-term contract resulted from the pricing provisions therein, and to deny the increased rate would be to discriminate against seller.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 8, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1887; Filed, Mar. 12, 1957; 8:49 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by McDermott, if later.

[Docket No. G-12159]

ATLANTIC REFINING CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 7, 1957.

The Atlantic Refining Company (Atlantic) on February 6, 1957, tendered for filing several proposed changes in its presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description: Contract dated October 5, 1956; Supplemental Agreement dated October 31, 1952; Letter dated November 24, 1952; Supplemental Agreement dated July 17, 1953.

Purchaser: United Fuel Gas Company.

Rate schedule designations: Atlantic's FPC Gas Rate Schedule No. 166; Supplement No. 1 to Atlantic's FPC Gas Rate Schedule No. 166; Supplement No. 2 to Atlantic's FPC Gas Rate Schedule No. 166; Supplement No. 3 to Atlantic's FPC Gas Rate Schedule No. 166.

Effective date:[1] March 8, 1957.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and they are each hereby suspended, and the use thereof deferred until April 1, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby shall be changed until this proceeding has been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1888; Filed, Mar. 12, 1957; 8:49 a. m.]

[Docket No. E-6732]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF APPLICATION

MARCH 6, 1957.

Take notice that on February 25, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Black Hills Power and Light Company ("Applicant"), a corporation organized under the laws of the State of South Dakota and doing business in the States of South Dakota and Wyoming, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of 34,352 shares of additional Common Stock of the par value of $1 per share. The number of shares to be issued may be increased in the event of conversion of shares of Applicant's 4.56% Cumulative Preferred Stock in an amount equal to one-eighth of the number of shares of such Preferred Stock converted. Said shares of additional Common Stock will be offered to the holders of the presently outstanding Common Stock pro rata according to their pre-emptive rights, with additional rights to said stockholders to subscribe for any shares not taken upon the exercise of the pre-emptive rights. Applicant proposes to arrange with Dillon, Read & Co., Inc., New York, N. Y., for the underwriting of such shares of the additional Common Stock as the holders may not purchase pursuant to the rights to be issued to them.

Any person desiring to be heard or make any protest with reference to said application should on or before the 22d day of March 1957, file with the Federal Power Commission, Washington 25, D. C. a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-1867; Filed, Mar. 12, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3553]

GENERAL PUBLIC UTILITIES CORP.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUE AND SALE OF ADDITIONAL SHARES OF COMMON STOCK PURSUANT TO RIGHTS OFFERING AND RETIREMENT OF BANK LOAN NOTES

MARCH 7, 1957.

General Public Utilities Corporation ("GPU"), a registered holding company, having filed an application-declaration and amendments thereto, pursuant to sections 6 (a), 7, and 12 (c) of the Public Utility Holding Company Act of 1935 ("act"), and Rule U-50 promulgated thereunder, regarding the following transactions:

GPU proposes to offer to the holders of its outstanding common stock of record March 8, 1957 rights to subscribe for additional shares of GPU common stock at the rate of one additional share of common stock for each fifteen shares of GPU common stock held of record, at a price which will be not more than the closing price on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire approximately 18 days after the final date of the mailing of the subscription warrants.

In lieu of issuing rights to record holders of less than fifteen shares, GPU will purchase such rights for cash and remit such cash to said record holders. In addition, GPU will, upon request of initial record holders of warrants, purchase such number of the rights represented thereby as such holders do not desire to exercise. Holders of rights in excess of fifteen but not exactly divisible by fifteen may, upon subscribing for the maximum number of whole shares covered by such rights, subscribe for one additional share without furnishing additional rights, subject to availability to GPU of such additional shares. If additional shares are not available GPU will purchase the excess rights. During the subscription period, and for not more than thirty business days thereafter, stockholders and warrant holders will have the privilege of purchasing from GPU unsubscribed shares to the extent such shares are available for such purpose, at the prevailing market price but not less than the subscription price.

The rights offering will not be underwritten, but GPU will utilize the services of security dealers to solicit the exercise by initial record holders of rights, and to participate in the disposition of shares, if any, not subscribed or otherwise disposed of by GPU under the terms of the rights offering. The price or prices at which such sale of unsubscribed shares will be effected through security dealers will be fixed by GPU at not higher than prevailing market prices plus 30 cents per share, and not less than the subscription price. GPU will pay to participating security dealers a fee not less than 30 cents nor more than 40 cents per share, for (i) successful solicitation of the exercise of warrants by the initial holders thereof, or (ii) for obtaining purchases of unsubscribed stock by initial warrant holders; and a fee, not less than 40 cents nor more than 55 cents per share, in connection with sales through such dealers, of stock not subscribed for or purchased by initial warrant holders.

In connection with the rights offering GPU may effect stabilization transactions in its common stock or rights, but at no time will GPU acquire a net long position exceeding 64,685 shares.

The net proceeds realized by GPU from the sale of the additional common stock will be applied (a) to repay GPU's outstanding bank loans and (b) to the making of additional investments in GPU's domestic subsidiary companies, or to the reimbursement of GPU's treasury for such investments theretofore made, and for other corporate purposes.

GPU requests that the Commission grant an exemption from the competitive bidding requirements of Rule U-50 to the extent such rule may be applicable to the sale of unsubscribed shares.

No. State or Federal regulatory body, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses (other than security dealers' fees mentioned above) to be incurred by GPU in connection with the proposed transactions are estimated at an aggregate of $190,000, including counsel fees—$15,000; depository agent's fees and expenses—$35,000; clearing agent's fees and expenses—$7,000; accountant's fees—$7,000; and registrar's fees—$1,500.

Due notice of the filing of the application-declaration having been given (Holding Company Act Release No. 13389, February 20, 1957), in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

The Commission finding in respect of the application-declaration, as amended, that the applicable provisions of the act and the rules promulgated thereunder are satisfied, observing no basis for adverse findings or the imposition of terms or conditions, it appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates hereinabove stated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application and permit the declaration, as amended, to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the request of GPU for exemption from the provisions of Rule U-50, to the extent such rule is applicable to the proposed transactions be, and it hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1895; Filed, Mar. 12, 1957; 8:50 a. m.]

[File No. 70-3559]

INDIANA & MICHIGAN ELECTRIC CO.

ORDER GRANTING APPLICATION REGARDING THE ISSUANCE OF SHORT-TERM NOTES TO BANKS

MARCH 7, 1957.

Indiana & Michigan Electric Company ("Indiana"), a public-utility subsidiary of American Gas and Electric Company ("American"), a registered holding company, has filed an application and amendments thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Indiana has established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time prior to December 31, 1957 not in excess of $16,500,000:

Irving Trust Company, New York, N. Y.	$3,250,000
Mellon National Bank & Trust Company, Pittsburgh, Pa.	3,250,000
Guaranty Trust Company of New York, New York, N. Y.	3,250,000
First National City Bank of New York, New York, N. Y.	2,000,000
Manufacturers Trust Company, New York, N. Y.	$2,000,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Illinois	1,000,000
Bankers Trust Company, New York, N. Y.	875,000
The Hanover Bank, New York, N. Y.	875,000
	16,500,000

Of the $16.5 million proposed to be borrowed, Indiana has, as of December 31, 1956, borrowed $5,000,000 and has issued its notes in evidence thereof. This amount and additional borrowings of $5,700,000 will be exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

Indiana now requests approval for additional borrowings under the above line of credit in an amount not to exceed $5,800,000, such borrowings to be evidenced by notes to be dated as of the date of such borrowings and to mature not more than 270 days after the date of issuance. The notes are to bear interest at the then current prime rate, which is presently 4 percent per annum, and may be prepaid from time to time, in whole or in part, without premium.

The proceeds from the issuance of the notes will be used by Indiana to pay part of the costs of its construction program which, it is presently estimated will amount to $35,000,000 in 1957. All of Indiana's notes payable to banks outstanding at the time of its next permanent financing will be paid off from the proceeds of such financing which is presently expected to be effected prior to December 31, 1957. Upon the consummation of the permanent financing it is understood and agreed by Indiana that any authorization granted by this Commission's order, pursuant to this application, shall cease.

It is estimated that the expenses to be incurred by Indiana will not exceed one thousand dollars, including routine services incident to the proposed transaction which will be performed by the service company of the American system. No fees, commissions or other expenses are to be paid in regard to the proposed transaction except issuance taxes which may be paid to the State of Indiana.

The proposed transaction has been expressly authorized by the Public Service Commission of Indiana, the State in which Indiana is organized and doing business. No other State commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13388) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, and that the application as amended should be granted forthwith:

It is ordered, Pursuant to section 6 (b) of the act and Rule U-23 promulgated thereunder, that the application as amended be, and the same hereby is, granted forthwith, subject to the condition that the authorization granted herein shall terminate on December 31, 1957, or at such earlier date as the permanent financing referred to above is consummated and also subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-1896; Filed, Mar. 12, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 155]

MOTOR CARRIER APPLICATIONS

MARCH 8, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 1124 (Sub No. 134), filed February 12, 1957, HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Ave., Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier,* transporting: *General commodities, including Class A and B explosives,* but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those injurious or contaminating to other lading, serving the site of the Wyandotte Chemicals Corporation Chemical Plant located near Geismar, La., approximately 6 miles west of Gonzales, La., (which is located on U. S. Highway 61 approximately 25 miles south of Baton Rouge, La.) as an off-route point in connection with applicant's authorized regular route operations between Baton Rouge and New Orleans, La., over U. S. Highway 61. Applicant is authorized to conduct similar operations in Arkansas, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: April 17, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 2028 (Sub No. 1), filed February 1, 1957, GRAY FLEET TRUCKING CO., INC., 70-74 North Sixth St., New York (Brooklyn), N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier,* over irregular routes, transporting: *Empty*

[1] The stated effective dates is the first day after expiration of the required thirty days' notice, or the effective date proposed by Atlantic, if later.

[2] Commissioner Digby dissenting.

chemical containers, between New York, N. Y., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic Counties, N. J., and points in that part of Middlesex County, N. J., north of the Raritan River, and New Brunswick, N. J.

NOTE: Applicant has authority in Certificate No. MC 2028, dated May 14, 1941, to transport *Heavy industrial chemicals*, between New York, N. Y., on the one hand, and, on the other, New Brunswick, N. J., and points in Bergen, Essex, Hudson, Morris, Somerset, Union, and Passaic Counties, N. J., and that portion of Middlesex County north of the Raritan River.

HEARING: April 26, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 6181 (Sub No. 5), filed March 1, 1957, FRED LERNER, doing business as LERNER, 217 Price St., Hammonton, N. J. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Bldg., 225 S. 15th St., Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned and processed foods* and *bakery products*, from Bridgeton and Cedarville, N. J., and points in Atlantic County, N. J. to points in Delaware, Maryland, New York, Pennsylvania and the District of Columbia, and *commodities as are used in or incidental to the preparation, packing and shipping of the above commodities* on return.

HEARING: April 15, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 8989 (Sub No. 165) (correction), filed January 23, 1957, HOWARD SOBER, INC., 2400 West St. Joseph St., Lansing 4, Mich. Applicant's attorney: Albert F. Beasley, Investment Bldg., 15th & K Sts., NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction machinery and equipment*, as described by the Commission and embraced in Ex Parte MC–45 (61 M. C. C. 209) under "Road construction machinery and equipment" and Appendix VIII thereof, *off-highway type dumping and hauling vehicles, and attachments and parts of all such machinery, equipment and vehicles*, moving with units being transported, in haulaway, towaway, or driveaway service, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, (including Melrose Park, Ill.), Libertyville, Ill., and Milwaukee, Wis., and points within 5 miles of each, to points in the United States and the Territory of Alaska. Applicant is authorized to conduct driveaway and truckaway service throughout the United States.

HEARING: Remains as assigned March 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 9655 (Sub No. 3), filed February 25, 1957, J. R. BUTLER, 1324 N. Webster Ave., Dunmore 10, Pa. Applicant's attorney: Charles L. Casper, Miners National Bank Bldg., Wilkes-Barre, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Store fixtures, counters* and *cases*, from Factoryville, Pa., to points in New Jersey, New York, Connecticut, Ohio, Indiana, and Illinois, and *materials* and *supplies* used or useful in the manufacture of store fixtures and *empty containers or other such incidental facilities* (not specified) used in transporting store fixtures, counters and cases on return.

HEARING: April 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 25518 (Sub No. 12), filed January 14, 1957, JOHN BUNNING (MARY BUNNING, EXECUTRIX AND LEWIS H. BROWN EXECUTOR), doing business as JOHN BUNNING TRANSFER COMPANY, Rialto Theatre Building, 109 Sherman St., Rock Springs, Wyo. Applicant's attorney: John H. Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Contractors' equipment, materials, and supplies*, and *building materials*, as defined by the Commission, but excluding petroleum products, in bulk, in tank vehicles, between points in Utah and points in Sweetwater and Uinta Counties, Wyo. Applicant is authorized to transport similar commodities in the States of Colorado, Kansas, Montana, New Mexico, and Wyoming.

HEARING: March 21, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Joint Board No. 80.

No. MC 32213 (Sub No. 3), filed February 25, 1957, L. R. PORTER, Mitchell, S. Dak. Applicant's attorney: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Minneapolis Minn., to Mitchell, S. Dak., and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified, on return movements.

HEARING: May 3, 1957, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 36165 (Sub No. 4), filed January 14, 1957, HINES TRANSFER, INC., Ellsworth, Wis. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from St. Louis, Mo., to Ellsworth, Wis. *Empty containers* used in transporting the above-described commodities, on return. Applicant is not presently authorized to transport malt beverages.

HEARING: April 22, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner William E. Messer.

No. MC 42329 (Sub No. 130), filed February 28, 1957, HAYES FREIGHT LINES, INC., 628 E. Adams Street, Springfield, Ill. Applicant's attorney: Edward G. Bazelon, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction machinery and equipment*, as described by the Commission, *dumping and hauling vehicles*, (off-highway type), and *attachments* and *parts* of all such machinery, equipment and vehicles moving with the units being transported, in haulaway, towaway, and driveaway service, from points in the Chicago, Ill., Commercial Zone as defined by the Commission (including Melrose Park, Ill.), Libertyville, Ill., and Milwaukee, Wis., and points within five miles of each, to all points in the United States and the Territory of Alaska.

HEARING: March 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 42329 (Sub No. 131), filed February 28, 1957, HAYES FREIGHT LINES, INC., 628 E. Adams Street, Springfield, Ill. Applicant's attorney: Edward G. Bazelon, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Wichita, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia.

HEARING: April 2, 1957, at the Hotel Lassen, Wichita, Kans., before Examiner Mack Myers.

No. MC 52460 (Sub No. 39), filed February 13, 1957, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9518, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic soda*, in bulk, in pressurized tank vehicles, from the site of the Diamond Alkali Company within the U. S. Arsenal grounds near Pine Bluff, Ark., to all points in Oklahoma.

HEARING: April 24, 1957, at the Arkansas Public Service Commission, Little Rock, Ark., before Joint Board No. 217.

No. MC 52752 (Sub No. 9), filed February 19, 1957, WESTERN TRANSPORTATION COMPANY, a Corporation, 1300 West 35th St., Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle St., Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Cook, Lake, Kane, Will, DuPage, Kendall, McHenry, and Kankakee Counties, Ill., as off-route points in connection with applicant's authorized regular route operations to and from Chicago, Ill. in Certificate No. MC 52752.

NOTE: Applicant states that the above authority shall be restircted against transportation of any shipments locally between any two points in the counties specified. Applicant is authorized to transport general commodities, with exceptions, in Iowa and Illinois, including the Chicago, Ill., Commercial Zone as defined by the Commission.

HEARING: May 9, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Joint Board No. 21, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 59759 (Sub No. 6), filed February 11, 1957, FOOD PRODUCTS TRUCKING CO., a corporation, 235 Keats Ave., Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise* as is distributed by a premium stamp redemption center in redemption of stamps, and in connection therewith *equipment, materials*, and *supplies* used in the conduct of such business, under special and individual contracts or agreements, with persons (as defined in section 203 (a) of the Interstate Commerce Act), the business of which is the redemption of premium stamps issued by those who operate retail businesses, from Linden, N. J., to points in Pennsylvania on and east of U. S. Highway 15 and Baltimore, Md., and *returned, refused and rejected shipments of the commodities specified*, as well as *premium stamp books with stamps attached* on return shipments.

HEARING: April 26, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 64828 (Sub No. 8), filed February 4, 1957, JOHN J. GARTLAND, doing business as GARTLAND MOTOR LINES, 17 Parkwood Drive, Poughkeepsie, N. Y. Applicant's attorney: Edward J. Murtaugh, 226 Union St., Poughkeepsie, N. Y. For authority to operate as a *common carrier*, transporting: *Meats, meat products* and *meat by-products, dairy products*, and *articles distributed by meatpacking houses*, as defined by the Commission, serving the intermediate or off-route points of Ohioville, Tillson, Rosendale, Esopus, Ulster Park, Lake Katrine, High Falls, Stone Ridge, Clintondale, Vail's Gate, Glasco, Cornwall, Cornwall-on-Hudson, Cold Springs, Red Oaks Mills, and West Point, N. Y. in connection with applicant's authorized regular route operations (1) from Poughkeepsie, N. Y. to Wallkill, N. Y., (2) from Poughkeepsie, N. Y. to Maybrook, N. Y., and (3) from Poughkeepsie, N. Y., to Saugerties, N. Y. Applicant is authorized to transport similar commodities in New York.

HEARING: April 18, 1957, at the Federal Bldg., Albany, N. Y., before Examiner Alton R. Smith.

No. MC 64932 (Sub No. 226), filed February 18, 1957, ROGERS CARTAGE CO., 1934 S. Wentworth Ave., Chicago 16, Ill. Applicant's attorney: Carl L. Steiner, 39 S. La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Mapleton, Ill. to points in Minnesota, Iowa, Missouri, Ohio, Michigan, Wisconsin, Kentucky, and Indiana. Applicant is authorized to conduct operations in Kentucky, Michigan, Illinois, Indiana, Iowa, Missouri, Ohio, Wisconsin, New Jersey, New York, Pennsylvania, West Virginia, Alabama, Arkansas, Tennessee, Mississippi, Louisiana, Kansas, Oklahoma, Texas, Nebraska, and North Carolina.

HEARING: May 8, 1957, in Room 852, U. S. Custom House, 610 South Canal St., Chicago, Ill., before Examiner William E. Messer.

No. MC66900 (Sub No. 17) (Correction), filed January 28, 1957, HOUFF TRANSFER, INCORPORATED, Weyers Cave, Va. Applicant's representative: Glenn F. Morgan, 1006–1008 Warner Bldg., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from points in that part of Pennsylvania on and south of U. S. Highway 422 and on and east of U. S. Highway 111 to points in Virginia within 80 miles of Staunton, Va., including Staunton, but excepting Roanoke, Va. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states as follows: Applicant now holds authority from the above described Pennsylvania area to Staunton, Va., and points within 50 miles of Staunton; also between Staunton and points within 80 miles of Staunton, except Roanoke, Va. The purpose of this application is to remove the need to operate into the 50 mile area when the traffic is moving to points in the 80 mile area. Applicant is presently serving the 80 mile area via the 50 mile area.

HEARING: Remains as assigned March 21, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner T. Kinsey Carpenter.

No. MC 76490 (Sub No. 1), filed February 21, 1957, CHELMSFORD IDEAL TRUCKING, INC., 15 Groton Road, North Chelmsford, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, such as is used for building, monuments, bridges, curb edging, slopes, and paving blocks, between Acton, Mass., and Westford, Mass., on the one hand, and, on the other, points in Rhode Island, Connecticut, and New York. Applicant is authorized to transport granite and lumber between Chelmsford, Mass., and points in a specified portion of New Hampshire.

HEARING: April 19, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Alton R. Smith.

No. MC 85130 (Sub No. 4), filed February 25, 1957, ANNA BRADLEY, doing business as BRADLEY'S EXPRESS, 76 Water St., Middletown, Conn. Applicant's attorney: Hugh M. Joseloff, 410 Asylum St., Hartford 3, Conn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Thompsonville, Conn., as an off-route point in connection with applicant's authorized regular route operations to and from Hartford, Conn.

NOTE: Applicant states that above authority will be restricted to interchange of freight only. Applicant is authorized to transport similar commodities in Connecticut, New York, New Jersey, and Massachusetts.

HEARING: April 24, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 227, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 97776 (Sub No. 4), filed June 14, 1956, EVERETT A. ROGERS, doing business as ROGERS FREIGHT & TRUCKING SERVICE, Winthrop Ave., Oak Bluffs, Mass. Applicant's attorney: George C. O'Brien, 10 State St., Boston 8, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Falmouth, Mass., and Oak Bluffs, Mass., from Falmouth over Massachusetts Highway 28 to junction unnumbered highway and thence over unnumbered highway to Woods Hole, Mass., thence across Vineyard Sound via ferry to Tisbury, Mass., thence over unnumbered highways to Oak Bluffs, Mass., and return over the same route, serving the intermediate point of Tisbury, Mass. Applicant is authorized to conduct operations in Massachusetts.

CONTINUED HEARING: April 22, 1957, at the New Post Office and Court House Bldg., Boston, Mass., before Joint Board No. 231, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 103654 (Sub No. 39), filed February 27, 1957, SCHIRMER TRANSPORTATION COMPANY, INCORPORATED, 649 Pelham Blvd., St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, as defined by the Commission, from Eau Claire, Wis., and points within 10 miles of Eau Claire, to points in Minnesota and the Upper Peninsula of Michigan. Applicant is authorized to transport similar commodities in Illinois, Indiana, Minnesota, and Wisconsin.

HEARING: April 18, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 282, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 105902 (Sub No. 8), filed February 4, 1957, PENN YAN EXPRESS, INC., 100 West Lake Road, P. O. Box 396, Penn Yan, N. Y. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between New York, N. Y., and points in Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Mon-

mouth, and Ocean Counties, N. J., on the one hand, and, on the other, points in New York (except New York, N. Y., and points within 50 miles thereof).

NOTE: Applicant states the purpose of this application is to remove the restriction contained in MC 105902 (Sub No. 7) which now reads: "* * * in truckload lots, minimum weight 10,000 pounds," and that upon grant of authority sought it is agreeable to the concurrent revocation of its certificate No. MC 105902 (Sub No. 7) issued December 5, 1956, including the specific commodity authority which is unrestricted as to size of shipments as well as the general commodity authority which is restricted as to size of shipments. Duplicating authority should be eliminated. Applicant is authorized to transport similar commodities in Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia.

HEARING: April 25, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 106239 (Sub No. 2), filed January 18, 1957, HENRY OSTERMAN, doing business as KWIK TRUCKING COMPANY, 65-41 Saunders Street (also Rego Park, L. I.), New York, N. Y. For authority to operate as a *contract carrier*, over irregular routes, under special and individual contracts or agreements, with persons (as defined in section 203 (a) of the Interstate Commerce Act) who are engaged in the manufacture and sale of *tires, rubber goods, automobile accessories,* and *automobile parts,* for the transportation of: *Such commodities,* as are dealt in by the above-named persons and *advertising matter* used in connection therewith (more fully described in Appendix F of the application), from Newark, N. J. (including Port Newark) to New York, N. Y. Applicant has authority under Permit No. MC 106239 to transport the commodities involved in this application from New York, N. Y., to Hackensack, Paterson, Passaic, Nutley, Orange, West Orange, East Orange, Newark, Elizabeth, and Perth Amboy, N. J., and *rejected shipments* of the named commodities from the authorized destination points to New York, N. Y. Applicant now seeks to transport the named commodities in this application from Newark N. J. (including Port Newark) to New York, N. Y., which applicant states in effect is a request to amend the commodity description in his Permit to allow transporting the commodities described in the application from Newark, N. J. (including Port Newark) to New York, N. Y., instead of the rejected shipments description now authorized. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: April 25, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 106965 (Sub No. 99), (Correction) filed February 5, 1957, M. I. O'BOYLE AND SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Ave., N. E., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Jersey City, N. J., to points in Alabama, Delaware, Florida, Georgia, Indiana, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to transport the above-described commodity in Delaware, Maryland, North Carolina, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia.

HEARING: Remains as assigned April 1, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Paul Coyle.

No. MC 106977 (Sub No. 16), filed February 13, 1957, T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P. O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Unatex, La., located approximately 6 miles west of Eunice, La., and approximately 1 mile south of U. S. Highway 190, as an off-route point in connection with applicant's authorized regular route operations between Houston, Tex., and New Orleans, La., and between Lake Charles, La., and Monroe, La. Applicant is authorized to transport the commodities specified in Alabama, Louisiana, Mississippi, and Texas.

HEARING: April 18, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 164.

No. MC 107496 (Sub No. 89), filed February 13, 1957, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. Applicant's representative: H. L. Fabritz, same address. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Chippewa and Eau Claire Counties, Wis., to points in the Upper Peninsula of Michigan and Minnesota. Applicant is authorized to transport similar commodities in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: April 18, 1957, at the Federal Court Building, Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 282, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 107496 (Sub No. 91), filed February 25, 1957, RUAN TRANSPORT CORPORATION, 408 S. E. 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Minneapolis and St. Paul, Minn., and points within 10 miles of each, to points in Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Jackson, Eau Claire, La Crosse, Marathon, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Taylor, Trempeleau, Washburn, Wood, Vernon, Crawford, Juneau, Richland, and Sauk Counties, Wis., and points in Sawyer County, Wis., within 100 miles of St. Paul, Minn., and Duluth, Minn., and points in that part of Minnesota on and east of a line beginning at Duluth and extending along U. S. Highway 53 to International Falls, Minn., through Cotton, Virginia and Ray, Minn., excluding points in Cook County, Minn.

NOTE: All duplicating authority should be eliminated. Applicant is authorized to transport the commodities in Illinois, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota and Wisconsin.

HEARING: April 18, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 142, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 108119 (Sub No. 3), filed February 20, 1957, E. L. MURPHY TRUCKING CO., 1924 University Ave., St. Paul, Minn. Applicant's attorney: Donald A. Morken, Eleven Hundred First National-Soo Line Bldg., Minneapolis 2, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *related parts, materials and supplies* not requiring the use of special handling or special equipment when the transportation of such item is incidental to the transportation by applicant of commodities which, by reason of size or weight, require special handling or the use of special equipment, (a) between points in Minnesota; (b) between points in Minnesota, on the one hand, and, on the other, points in Iowa, North Dakota, South Dakota, Wisconsin, Michigan, Ohio, Indiana, Illinois, Missouri, and Montana; (2) *Commodities*, which, because of size or weight, require special handling or the use of special equipment and *related parts, materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which by reason of size or weight require special handling or the use of special equipment, between points in Minnesota, on the one hand, and, on the other, points in the United States, except points in Montana, North Dakota, South Dakota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, and Ohio. Applicant is authorized to transport commodities (as described above) in the States of Minnesota, Montana, Missouri, Illinois, Indiana, Ohio, Michigan, Iowa, North Dakota, South Dakota, and Wisconsin.

HEARING: April 23, 1957, at the Federal Court Bldg., Marquette Ave., South and Third Sts., Minneapolis, Minn., before Examiner William E. Messer.

No. MC 108449 (Sub No. 42), filed February 25, 1957, INDIANHEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, and all derivatives thereof, in bulk, in tank vehicles, from Eau Claire, Wis., and points within 10 miles of Eau Claire, to points in the Upper Peninsula of Michigan and Minnesota. Applicant is authorized to transport similar commodities in Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: April 18, 1957, at the Federal Court Building, Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 282, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 110988 (Sub No. 42), filed February 15, 1957, KAMPO TRANSIT, INC., 200 Cecil St., Neenah, Wis. Applicant's attorney: Adolph E. Solie, 715 First Nat'l. Bank Bldg., Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Illinois on and north of Illinois Highway 17 and those in Indiana located in the Chicago, Ill. Commercial Zone, as defined by the Commission, to points in Wisconsin and those in the Upper Peninsula of Michigan. Applicant is authorized to conduct operations in Wisconsin, Minnesota, Michigan and Illinois.

HEARING: April 15, 1957, at the Hotel Schroeder, Milwaukee, Wis., before Examiner William E. Messer.

No. MC 112324 (Sub No. 2), filed February 7, 1957, P. TOSCANO & SONS MOVING CO., INC., 2049 Utica Avenue, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) from points in New York, New Jersey, Pennsylvania and Connecticut within 100 miles of New York, N. Y., to New York, N. Y., and (2) between New York, N. Y., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, and Connecticut beyond 100 miles from New York, N. Y.

NOTE: Applicant is authorized in Certificate No. MC 112324 to transport *household goods*, as defined by the Commission, over irregular routes, from points in the New York, N. Y., Commercial Zone, as defined by the Commission, to those points in Connecticut, New Jersey, New York, and Pennsylvania which are within 100 miles of New York, N. Y. Applicant states no duplicating authority is sought and that the purpose of this application is to round out applicant's authority which is presently one-way to portions of the four states named, and also to procure return authority.

HEARING: April 30, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 112497 (Sub No. 86), filed February 25, 1957, HEARIN TANK LINES, INC., 6440 Rawlins St., P. O. Box 3096, Baton Rouge, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *asphalt compounds*, in bulk, in tank vehicles, from New Orleans, Destrehan and Norco, La., to points in Union, Morehouse, West Carroll, East Carroll, Lincoln, Ouachita, Richland, Madison, Caldwell, Franklin, Tensas, LaSalle, Catahoula, and Concordia Parishes, La. Applicant is authorized to transport similar commodities in Louisiana, Mississippi, Alabama, Florida, Georgia, and Tennessee.

HEARING: April 18, 1957, at the Jung Hotel, New Orleans, La., before Joint Board No. 28.

No. MC 113855 (Sub No. 19) (correction), filed January 23, 1957, INTERNATIONAL TRANSPORT, INC., 2303 Third Ave., North, Fargo, N. Dak. Applicant's attorney: Franklin J. Van Osdel, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Construction machinery and equipment*, as described and embraced in Ex Parte MC-45 (61 M. C. C. 209) under "Road construction machinery and equipment" and Appendix VIII thereof, *off-highway type dumping and hauling vehicles, and attachments and parts of all such machinery, equipment and vehicles*, moving with units being transported, in haulaway, towaway or driveaway service, from points in the Chicago, Ill. Commercial Zone as defined by the Commission (including Melrose Park, Ill.), Libertyville, Ill., and Milwaukee, Wis. and points within five miles of each, to points in the United States and the Territory of Alaska. Applicant is authorized to transport similar commodities in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North and South Dakota, Nebraska, Iowa, Minnesota, Wisconsin, and Illinois.

HEARING: Remains as assigned March 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 113903 (Sub No. 2), filed February 18, 1957, THEODORE L. FREEMAN and WILLIAM L. CAMPBELL, a partnership, doing business as BROOKINGS LIVESTOCK & TRUCKING CO., P. O. Box 1218, Brookings, Oreg. Applicant's attorney: Wm. P. Ellis, 1102 Equitable Bldg., Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Building materials, (including resin glues in bulk, in tank vehicles)*, in shipments of 20,000 pounds or more, between points in Curry County, Oreg., on the one hand, and, on the other, points in San Francisco, Santa Clara, San Mateo and Contra Costa Counties, Calif., and (2) *soda ash*, in shipments of 20,000 pounds or more, between points in Curry County, Oreg., on the one hand, and, on the other, points in San Francisco County, Calif. Applicant is authorized to transport lumber and building materials in Oregon and California.

HEARING: April 24, 1957, in Room 226, Old Mint Bldg., Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 115279 (Sub No. 2), filed February 5, 1957, MORRIS SHAPIRO, 349 18th Avenue, Paterson, N. J. Applicant's representatives: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including commodities of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in specialized delivery service, restricted to shipments having an immediately prior or immediately subsequent movement by air transportation, between Teterboro Airport and Newark Airport, N. J., and La Guardia and Idlewild Airports, N. Y., on the one hand, and, on the other, points in Fairfield, Hartford, and New Haven Counties, Conn. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: April 29, 1957, at 346 Broadway, New York, N. Y., before Examiner Alton R. Smith.

No. MC 116241 (Sub No. 1), filed January 18, 1957, CLARE GIBBARD AND WENDALL GIBBARD, doing business as GIBBARD BROTHERS ELEVATOR, 505 West Fourth Street, Imlay City, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rough lumber*, from Capac, Mich., and points in that part of Michigan bounded by a line beginning at junction Michigan Highways 46 and 15, near Vassar, Mich., and extending along Michigan Highway 46 to junction U. S. Highway 25, thence in a southerly direction along U. S. Highway 25 to junction Michigan Highway 59, thence along Michigan Highway 59 to junction Michigan Highway 15, thence along Michigan Highway 15 to point of beginning, including points on the indicated portions of the highways specified, to South Bend, Ind.

HEARING: April 16, 1957, at the Olds Hotel, Lansing, Mich., before Joint Board No. 23, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 116395, filed January 23, 1957, D. W. HOLT doing business as JACK HOLT, Box 172, Thomaston, Ala. Applicant's representative: Jno. W. Drinkard, Linden, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Linden, Ala., to Chattanooga, Tenn.

HEARING: April 16, 1957, at the Hotel Thomas Jefferson, Birmingham, Ala., before Joint Board No. 106.

No. MC 116425, filed February 6, 1957, JOHN CODY, doing business as CODY TRUCKING SERVICE, Big Stone City, S. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cheese*, from Big Stone City, S. Dak., to New Ulm, Minn., and *empty containers or other such incidental facilities* (not specified) used in transporting cheese on return.

HEARING: May 3, 1957, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116446, filed February 14, 1957, HAROLD SCHUGEL, 301 North Water St., New Ulm, Minn. Applicant's attorney: Henry N. Somsen, Jr., New Ulm, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Poultry feeds* and *animal feeds*, completed products, and *ingredients of poultry and animal feeds*, such as soybean meal, limestone, calcium and others, between New Ulm, Willmar and Mankato, Minn., on the one hand, and, on the other, Belmond, Alden, and Estherville, Iowa.

HEARING: April 22, 1957, at the Federal Court Building, Marquette Ave., South and Third Sts., Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116451, filed February 15, 1957, GEORGE L. ANDERSEN, 38 Alpine St., Somerville 44, Mass. For authority to operate at a *contract carrier*, over irregular routes, transporting: *Caskets (refinished)*, uncrated, from Somerville, Mass., to points in Maine, New Hampshire, Vermont, Rhode Island and Connecticut.

HEARING: April 19, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Examiner Alton R. Smith.

No. MC 116462, filed February 18, 1957, HERMAN F. IMEL, doing business as IMEL WEST SIDE TRAILER SALES, Rapid City, S. Dak. Applicant's attorney: L. E. Schreyer, Lake Andes, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in secondary movements, by the truckaway method, from Rapid City, S. Dak., and points within 25 miles of Rapid City, to all points in the United States.

HEARING: May 1, 1957, at the Alex Johnson Hotel, Rapid City, S. Dak., before Examiner William E. Messer.

No. MC 116467, filed February 25, 1957, MOFFATT TRUCKING LIMITED, a corporation, 816 Cabell St., London, Ontario, Canada. For authority to operate as a *common carrier*, over a regular route, transporting: *Wood barrel staves and heading*, between Kittanning and Butler, Pa., and the United States-Canada International Boundary line at Buffalo, N. Y., from Kittanning and Butler, Pa., over U. S. Highway 422 to junction U. S. Highway 19, thence over U. S. Highway 19 to junction Pennsylvania Highway 102, thence over Pennsylvania Highway 102 to junction Pennsylvania Highway 98, thence over Pennsylvania Highway 98 to junction Pennsylvania Highway 5, thence over Pennsylvania Highway 5 to the Pennsylvania-New York State line, thence over New York Highway 5 to the United States-Canada International Boundary line at Buffalo, and return over the same route, serving no intermediate points.

HEARING: April 16, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner William T. Croft.

No. MC 116468, filed February 25, 1957, ARNOLD MONRAD, 100 S. Franklin Ave., Sioux Falls, S. Dak. Applicant's attorney: H. Lauren Lewis, Wilson Terminal Bldg., P. O. Box 707, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Milwaukee and La Crosse, Wis., St. Paul, Minn., and Omaha, Nebr., to Sioux Falls and Canton, S. Dak.; and *Beverages*, flavored or phosphated, non-alcoholic, from Shakopee, Minn., to Sioux Falls and Canton, S. Dak., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return movements.

HEARING: May 6, 1957, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Joint Board No. 26, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116470, filed February 25, 1957, NICHOLAS TORO AND MICHAEL J. TORO, doing business as TORO BROTHERS, 71 Palmieri Avenue, New Haven, Conn. Applicant's attorney: Reubin Kaminsky, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Upholstered furniture*, new, uncrated, from New Haven, Conn., to Boston, Mass., Providence, R. I., New York, N. Y.; points in Westchester and Nassau Counties, N. Y.; and points in Union, Essex, Bergen, and Hudson Counties, N. J.

HEARING: April 23, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner Alton R. Smith.

MOTOR CARRIERS OF PASSENGERS

No. MC 1510 (Sub No. 57), filed February 5, 1957, SOUTHWESTERN GREYHOUND LINES, INC., 210 East Ninth St., Fort Worth, Tex. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue, N. W., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers* and their *baggage*, and *newspapers*, *express* and *mail* in the same vehicle with passengers, between Little Rock, Ark., and Fordyce, Ark., over U. S. Highway 167, serving all intermediate points. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

HEARING: April 22, 1957, at the Arkansas Public Service Commission, Little Rock, Ark., before Joint Board 215.

No. MC 69394 (Sub No. 3), filed February 18, 1957, THE GRAY LINE, INC., Hotel Sheraton Plaza, Boston, Mass. Applicant's attorney: Daniel H. Rider, 73 Tremont St., Boston 8, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers*, in special round-trip operations, restricted to the transportation of passengers who at the time are traveling from the designated origin points to the designated destinations and return for the purpose of participating in games commonly referred to as beano and bingo games, beginning and ending at Arlington, Boston, Cambridge, Chelsea, Everett, Malden, Medford, Melrose, Quincy, Revere, Saugus, Somerville, Waltham, Winchester, and Winthrop, Mass., and extending to Derry and Pelham, N. H. Applicant is authorized to conduct operations Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and the District of Columbia.

NOTE: Applicant is authorized and licensed in MC 17127, dated October 27, 1942, to engage in operations as a broker in connection with the transportation of *Passengers and their baggage*, between points in the United States.

HEARING: April 1, 1957, at the New Post Office & Court House Bldg., Boston, Mass., before Joint Board No. 20.

No. MC 116263 (Sub No. 1), filed February 15, 1957, LLOYD T. GEELAN, doing business as YELLOWSTONE TRANSIT COMPANY, P. O. Box 430, Hettinger, N. Dak. Applicant's attorney: Vernon Williams, 217 Western Union Bldg., Aberdeen, S. Dak. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers* and their *baggage*, and *express*, *mail*, and *newspapers* in the same vehicle with passengers, between Miles City, Mont., and Aberdeen, S. Dak., over U. S. Highway 12, serving all intermediate points.

HEARING: April 26, 1957, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 124, or, if the Joint Board waives its right to participate, before Examiner William E. Messer.

No. MC 116418, (Correction) filed January 28, 1957, OSCAR PORTER, doing business as PORTER BUS LINE, 116 Catherine Street, Ahoskie, N. C. Applicant's attorney: Vaughan S. Winborne, Security Bank Bldg., Raleigh, N. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Passengers*, under individual written contracts with particular passengers or groups of passengers for industrial and employment purposes, from Ahoskie, N. C., and points between Ahoskie and Winton, N. C., on U. S. Highway 13, including Winton, to Suffolk, Va., and return over the same route.

NOTE: Carrier is authorized to operate as a common carrier, under Certificate No. MC 111805 (Sub No. 2) transporting passengers and their baggage, in round-trip charter operations, over irregular routes, beginning and ending at points in Hertford County, N. C., and extending to points in Virginia east of a line beginning at the North Carolina-Virginia State line and extending along U. S. Highway 301 through Emporia, Richmond, Bowling Green, and Roslta, Va., to the Potomac River.

HEARING: Remains as assigned April 2, 1957, at the Post-Office and U. S. Court Rooms, Norfolk, Va., before Joint Board No. 7.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 94), filed January 24, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 200 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow* and *animal fats*, in bulk, in tank vehicles, from Ogden, Utah and points within five (5) miles thereof, to Pocatello, Idaho and points within three (3) miles thereof, and *rejected or contaminated shipments* of the above-described commodities on return movements. Applicant is authorized to transport Tallow, in bulk, in tank vehicles, in Idaho, Montana, Oregon, and Washington.

No. MC 50069 (Sub No. 181), filed February 21, 1957, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Ave., Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Slop oil* (a petroleum product), in bulk, in tank vehicles, from points in Union Township, Huntington County, Ind., to Toledo, Ohio.

No. MC 87720 (Sub No. 2), filed February 20, 1957, MAURICE F. BEHRENS, 19 Clarkson Street, Malverne, Long Island, N. Y. Applicant's representative: Edward F. Bowes, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Burlap bagging or cloth*, from New York, N. Y., and Hoboken, Jersey City and Port Newark, N. J., to Flemington, N. J., and *finished burlap cloth* and *burlap and cotton bags*, from Flemington, N. J., to New York, N. Y.

No. MC 101126 (Sub No. 63), filed February 12, 1957, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in covered hopper vehicles, from Cincinnati, Ohio, to Warren, Pa. Applicant is authorized to transport the commodity specified in Illinois, Indiana, Kentucky, Ohio, and Michigan.

MOTOR CARRIERS OF PASSENGERS

No. MC 10622 (Sub No. 3), filed February 11, 1957, YOSEMITE PARK AND CURRY CO., doing business as YOSEMITE TRANSPORTATION SYSTEM, Yosemite National Park, Calif. Applicant's attorney: Robert N. Lowry, One Eleven Sutter St., San Francisco 4, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in a seasonal operation, from July 1 to September 15 of each year, between Brockway, Calif., and the junction of Nevada Highway 28 and U. S. Highway 50, from Brockway over California Highway 28 to the California-Nevada State line, thence over Nevada Highway 28 to the junction of Nevada Highway 28 and U. S. Highway 50 at Spooner's Junction, Nev., and return over the same route, serving all intermediate points.

NOTE: Applicant states the above service is to be restricted to passengers moving to or returning from Yosemite National Park, Calif. Applicant further states that if authority sought herein is granted, applicant seeks to abandon operations over that portion of its presently authorized route as follows: From Tahoe Tavern over California Highway 89 to junction U. S. Highway 50 at Burnetts, Calif., thence over U. S. Highway 50 to junction Nevada Highway 28 at Spooner's Junction. Applicant is authorized to conduct similar operations in California and Nevada.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6527. Authority sought for purchase by SOUTHERN-PLAZA EXPRESS, INC., 1209 Washington Avenue, St. Louis, Mo., of the operating rights of W. G. BURGESS, doing business as RELIABLE MOTOR FREIGHT LINE, P. O. Box 906, 439 South Darlington, Tulsa, Okla., and for acquisition by FIELDING CHILDRESS and COLUMBIA TERMINALS COMPANY, both of St. Louis, of control of such rights through the purchase. Applicants' attorney: Clarence D. Todd, 1825 Jefferson Place, N. W., Washington, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between St. Louis, Mo., and Tulsa, Okla., between Tulsa, Okla., and the junction of Oklahoma Highway 33 and U. S. Highway 66, between Tulsa, Okla., and Pawhuska, Okla., between Owasso, Okla., and Skiatook, Okla., between Joplin, Mo., and Carthage, Mo., and between Oklahoma City, Okla., and Kansas City, Mo., serving certain intermediate and off-route points; alternate routes for operating convenience only between Pawhuska, Okla., and Nowata, Okla., between Joplin, Mo., and Springfield, Mo., and between Joplin Mo., and junctions with U. S. Highway 66 in Oklahoma; *petroleum products*, in containers, from Ponca City, Okla., to Tulsa, Okla., serving no intermediate points; *petroleum products in containers*, over irregular routes, between points in Kansas on and east of U. S. Highway 81, on the one hand, and, on the other, points in Oklahoma on and east of U. S. Highway 77; *pecans*, in the shell, in bags, and *pecan meats*, in boxes, during the season extending from September 1 to March 15, inclusive, of each year, from points in Oklahoma on and east of U. S. Highway 77 to Kansas City and St. Louis, Mo.; *anti-freeze compound, in containers*, from Tallant, Okla., to points in Kansas on and east of U. S. Highway 81. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Tennessee, Kansas, Texas, and Oklahoma. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6528. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Blvd., Chicago 6, Ill., of the operating rights and property of W. B. LOVE, doing business as LOVE TRANSFER, Weston, Mo. Applicants' attorney: Russell B. James, 547 West Jackson Blvd., Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between Weston, Mo., and Kansas City and Atchison, Kans., and from Leavenworth, Kans., to Weston, Mo., serving certain intermediate and off-route points; *general commodities*, with certain exceptions excluding household goods and including Commodities in bulk, between St. Joseph, Mo., and Armour, Mo., serving the intermediate point of Rushville, Mo., and offroute points within five miles of Rushville; *livestock*, from Weston, Mo., to Leavenworth, Kans., serving the intermediate point of Beverly Station, Mo.; *general commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, over irregular routes, between points in Kansas and Missouri within 10 miles of Kansas City, Mo., including Kansas City, Mo.; *general commodities*, except those of unusual value, commodities requiring special equipment, and those injurious or contaminating to other lading, in collection and delivery service, between points in Kansas and Missouri within 10 miles of Kansas City, Mo., including Kansas City, Mo.; *household goods*, as defined by the Commission, and *emigrant movables*, between Weston, Mo., and points within 10 miles of Weston, on the one hand, and, on the other, points in Indiana and Kentucky; *household goods*, as defined by the Commission, between Weston, Mo., and points within 10 miles thereof, on the one hand, and, on the other, points in Kansas; *groceries, ice, fruit, vegetables, building material, tobacco, hogshead material, twine, livestock, feed*, and *agricultural implements*, from, to or between points and areas, varying with the commodity transported, in Kansas, Missouri, Kentucky, and Illinois. Vendee is authorized to operate as a *common carrier* in Colorado, Nebraska, Missouri, Illinois, Iowa, Montana, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6529. Authority sought for lease by CRAWFORD TRANSPORT COMPANY, INCORPORATED, 4901 U. S. Highway 60, Huntington, W. Va., of a portion of the operating rights of DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind., and for acquisition by F. S. CRAWFORD, 1730 Beverly Blvd., Ashland, Ky., S. T. CRAWFORD, JR., 414 Buckley Road, Ashland, Ky., JACK CRAWFORD and ALICE CRAWFORD, both of 3800 Peach Tree Road, Ashland, Ky., of control of such rights through the transaction. Applicants' attorney: J. J. Kuhner, 736 Society for Savings Bldg., Cleveland 14, Ohio. Operating rights sought to be leased: *Trucks and truck chassis*, in initial movements, in truckaway service, as a *common carrier* over irregular routes from Warren Township, Macomb County, Mich., to certain points in Kentucky. Lessee is authorized to operate as a *common carrier* in Michigan, Ohio, Kentucky, North Carolina and West Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6530. Authority sought for purchase by LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., P. O. Box 310, Fremont, Nebr., of the operating rights of DONALD C. BEACH, doing business as FREMONT UNION TRANSFER COMPANY, 200–240 North "H" Street, Fremont, Nebr., and for acquisition by S. N. DRUM and LILLIE O. DRUM, both of Fremont, and ERLE W. FRANCIS, Topeka, Kans., of control of such rights through the purchase. Ap-

plicants' attorney: Loyal G. Kaplan, 924 City National Bank Bldg., Omaha 2, Nebr. Operating rights sought to be transferred: *General commodities*, with certain exceptions including neither household goods nor commodities in bulk, as a *common carrier* over regular routes between Omaha, Nebr., and Norfolk, Nebr., and between Norfolk, Nebr., and Lincoln, Nebr., serving all intermediate points. Vendee is authorized to operate as a *common carrier* in Kansas, New Mexico, Arizona, Texas, California, Colorado, Illinois, Iowa, Minnesota, Missouri, Nebraska, South Dakota, and Nevada. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1873; Filed, Mar. 12, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 784, Amdt.]

AGNES FLEHINGHAUS

In re: Trust u/d of Agnes Flehinghaus, File No. F-28-14545.

Vesting Order No. 784, dated January 29, 1943, is hereby amended by adding to paragraph (2) the following: "The heirs at law, next of kin, distributees and domiciliary representatives of Ernst Flehinghaus (also known as Ernest Flehinghaus), including but not limited to Helene Flehinghaus and Anna Flehinghaus, and their heirs, distributees and domiciliary representatives, excluding, however, any right, title and interest of the widow of Ernst Flehinghaus or of her heirs."

The said Vesting Order No. 784 is also hereby amended by substituting the following for the paragraph beginning with the words "Now, therefore, the Alien Property Custodian":

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim, of any kind or character whatsoever, of Agnes Flehinghaus, Emilie Flehinghaus, Ernst Flehinghaus, Evangelischer Waisenhaus, in Barmen, Rhenish Prussia, Germany, and each of them, and the heirs at law, next of kin, distributees and domiciliary representatives of Ernst Flehinghaus, including but not limited to Helene Flehinghaus and Anna Flehinghaus and their heirs, distributees and domiciliary representatives, excluding, however, any right, title and interest of the widow of Ernst Flehinghaus or of her heirs, distributees or domiciliary representatives, in and to the trust established by deed of trust of Agnes Flehinghaus,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

All other provisions of said Vesting Order No. 784 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-1849; Filed, Mar. 11, 1957; 8:51 a. m.]

[Vesting Order SA-163]

LAJOS MOLNAAR

In re: Debt owing to Lajos Molnaar; F-34-333, F-11-228.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the amount of $5,832.46, being a portion of an account entitled "Rohner Gehrig & Co. Inc., Special Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Lajos Molnaar, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-1847; Filed, Mar. 11, 1957; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

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VOLUME 22 NUMBER 50

Washington, Thursday, March 14, 1957

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MAR 1 1957
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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10701

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE COMMITTEE ON UN-AMERICAN ACTIVITIES, HOUSE OF REPRESENTATIVES

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return for any period to and including 1957, shall, during the Eighty-fifth Congress, be open to inspection by the Committee on Un-American Activities, House of Representatives, or any duly authorized sub-committee thereof, for the purpose of carrying on those investigations authorized by clause 17 of Rule XI of the Rules of the House of Representatives, agreed to January 3, 1957, such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall be effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 12, 1957.

[F. R. Doc. 57-1961; Filed, Mar. 12, 1957; 4:14 p. m.]

EXECUTIVE ORDER 10702

REAR ADMIRAL RICHARD E. BYRD

As a mark of respect to the memory of Rear Admiral Richard E. Byrd, United States Navy, Retired, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 12, 1957.

[F. R. Doc. 57-1994; Filed, Mar. 13, 1957; 9:51 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter D—Warehouse Regulations

AMENDMENT OF REGULATIONS ON RECORDS

Part 101 Cotton Warehouses, Part 102 Grain Warehouses, Part 103 Tobacco Warehouses, Part 104 Wool Warehouses, Part 105 Broomcorn Warehouses, Part 106 Dry Bean Warehouses, Part 107 Nuts Warehouses, Part 108 Sirup Warehouses, Part 109 Dried Fruit Warehouses, Part 110 Canned Food Warehouses, Part 111 Cottonseed Warehouses, Part 112 Cold-Pack Fruit Warehouses, Part 113 Seeds Warehouses, and Part 114 Cherries in Sulphur Dioxide, Brine Warehouses are amended as set forth below.

On January 17, 1957, there was published in the FEDERAL REGISTER (22 F. R. 352) a notice of proposed amendments of the regulations (7 CFR Parts 101 through 114, as amended) for warehouses under the United States Warehouse Act, to change the record keeping requirements thereof. After due consideration of all relevant matters presented, and under the authority of section 28 of the act (7 U. S. C. 268), §§ 101.28, 102.34, 103.28, 104.28 (b), 105.29, 106.30, 107.31, 108.29, 109.34, 110.29, 111.33, 112.29, 113.29, and 114.29 of said regulations are hereby amended

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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by deleting from each of said sections the last sentence therein and inserting in lieu thereof in each instance the following: "Each canceled receipt shall be retained by the warehouseman for a period of six years after December 31 of the year in which the receipt is canceled and for such longer period as may been necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. Canceled receipts shall be arranged by the warehouseman in numerical order and otherwise in such manner as shall be directed, for purposes of audit, by authorized officers or agents of the Department of Agriculture."

(Sec. 28, 39 Stat. 490; 7 U. S. C. 268)

The foregoing amendments shall become effective on April 15, 1957.

Done at Washington, D. C., this 8th day of March 1957.

[SEAL] GEORGE A. DICE,
Director
Special Services Division,
Agricultural Marketing Service.

[F. R. Doc. 57–1923; Filed, Mar. 13, 1957; 8:48 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter L—Interpretations

PART 45—TITLE II, FEDERAL COAL MINE SAFETY ACT OF 1952

Correction

In Federal Register Document 57–1798, published at page 1550 of the issue for Saturday, March 9, 1957, the following changes should be made:

1. In § 45.20–1, "section 203" should read "section 209 (d) (7)".

2. The first sentence of § 45.46–2 (b) should read: "Class B fires are defined as those in flammable liquids, such as fuel or lubricating oils, grease, paint, varnish, and lacquer."

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter B—Bureau of the Public Debt

[Dept. Circ. 906, Amdt. 2]

PART 333—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES J AND K

TERMINATION OF PART

MARCH 7, 1957.

The sale of United States Savings Bonds, Series J and Series K, offered under Treasury Department Circular No. 906, dated April 29, 1952 (31 CFR, Part 333), is hereby terminated effective at the close of business April 30, 1957.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57–1930; Filed, Mar. 13, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 18–1]

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND EQUIPMENT

APPLICABILITY OF PART

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 7th day of March 1957.

Presently effective Part 18 of the Civil Air Regulations contains rules for the performance of maintenance, repair, and alteration of aircraft which are made applicable by § 18.0 thereof to "aircraft for which airworthiness certificates have been issued by the Administrator, or any component thereof." This language suggests that only certificated airmen are authorized to perform maintenance; repairs, and alterations on an aircraft if it has ever been issued an airworthiness certificate, regardless of whether or not such aircraft is ever intended again to be used in air commerce in the United States. Such was not the intent when Part 18 was promulgated and is, in fact, more restrictive than the Civil Aeronautics Act of 1938, as amended.

Therefore, § 18.0 is being amended to establish that the rules for the performance of maintenance, repairs, and alterations on civil aircraft apply to work performed on a civil aircraft, or any of its components, only when the airworthiness certificate issued for the aircraft by the Administrator has not been surrendered or revoked. It will be noted that this amendment to § 18.0 uses the term "certificated aircraft," and defines it in § 18.1 as a civil aircraft for which an airworthiness certificate issued by the Administrator has not been surrendered or revoked.

Section 18.10 of Part 18 requires certificated airmen for the performance of maintenance on a civil aircraft when such aircraft is of current United States registry. This section is amended to make it consistent with the scope of the applicability provisions of § 18.0 as amended herein. As a result of this amendment to § 18.10, if the certificate of airworthiness issued for a civil aircraft has not been surrendered or revoked, only those persons authorized by § 18.10 may perform maintenance, repairs, and alterations on such aircraft or any of its components, regardless of whether the aircraft is currently registered.

The amendments to §§ 18.0 and 18.10 were published in the FEDERAL REGISTER as a notice of proposed rule making (21 F. R. 3905) and circulated for comment on June 4, 1956, as Civil Air Regulations Draft Release No. 56–15. Comment received in response to Draft Release No. 56–15 indicated that some confusion exists with respect to whether preventive maintenance performed by a pilot as authorized under present § 18.10 (c) is required by § 18.11 to be approved before being returned to service. It has been the intent of the Board that preventive maintenance performed as authorized under § 18.10 (c) not be required to be approved before the aircraft or appliance is returned to service. In order to make this intent clear in the rules and, thereby, eliminate any possible confusion which may exist, a clarifying amendment is made herein to § 18.11 (a).

Interested persons have been afforded an opportunity to participate in the making of these amendments, with the exception of the clarifying amendment to § 18.11 (a), and due consideration has been given to all relevant matter presented. Since the amendment to § 18.11 (a) is clarifying in nature and imposes no additional burden on any person, the Board finds that notice and public procedure with respect thereto is unnecessary.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 of the Civil Air Regulations (14 CFR, Part 18, as amended) effective April 11, 1957.

1. By amending § 18.0 to read as follows:

§ 18.0 *Applicability of this part.* This part establishes rules for the performance of maintenance, repairs, and alterations on certificated aircraft or any component thereof.

NOTE: • • •

2. By amending § 18.1 (a) by adding a definition of certificated aircraft to read as follows:

(8a) *Certificated aircraft.* A certificated aircraft is a civil aircraft for which an airworthiness certificate issued by the Administrator has not been surrendered or revoked.

3. By amending the first sentence of § 18.10 to read as follows:

§ 18.10 *Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.* No person shall perform maintenance, preventive maintenance, repairs, or alterations on certificated aircraft coming within the applicability of this part or on any component thereof, except as provided as follows:

• • • • • •

4. By amending the first sentence of § 18.11 (a) to read as follows:

§ 18.11 *Persons authorized to approve maintenance, repairs, and alterations.* • • •

(a) *Maintenance, minor repairs, and minor alterations.* Except for preventive maintenance performed as authorized in § 18.10 (c), which shall not require approval, no airframe, powerplant, propeller, or appliance which has undergone maintenance, minor repair, or minor alteration may be approved and returned to service except by one of the following:

• • • • • •

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 605; 52 Stat. 1007, 1010; 49 U. S. C. 551, 555).

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57–1933; Filed, Mar. 13, 1957; 8:50 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 239]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Concord VOR	CON-LFR	132–5	2,100	T-dn	300–1	300–1	300–1	Procedure turn E side SE course, 164° outbound, 344° inbound, 2,000′ within 10 miles, not authorized beyond 10 miles.
Boscawen FM	CON-LFR	132–12.6	3,000	C-dn	500–1	600–1	600–1½	*Standard obstruction clearance not provided over 1,410′ hill approximately 7 miles E of Concord LFR.
				A-dn	800–2	800–2	800–2	Minimum altitude over facility on final approach course, 1,400′.
								Course and distance, facility to airport, 332—1.8.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.8 miles, climb to 5,000′ on NW course within 20 miles.
								NOTE: ADF approach not authorized.
								AIR CARRIER NOTE: Night operations not authorized on runway 3–21.

Concord, N. H.; Municipal Airport, elevation 345′; facility BMRLZ, identification CON; Procedure No. 1, Amendment No. 6, effective date, Apr. 6, 1957; supersedes Amendment No. 5, dated Apr. 30, 1955

Layton FM	SLC-LFR (final)	Direct	4,900	T-dn*	300–1	300–1	200–½	*500–2 required for take-off Runway 7.
Salt Lake City VOR	SLC-LFR	Direct	7,500	C-dn	500–1	600–1	600–1½	Procedure turn W side N course, 329° outbound, 149° inbound, 7,500′ within 10 miles.
				S-dn-16L	400–1	400–1	400–1	Minimum altitude over facility on final approach course, 4,900′.
				A-dn	800–2	800–2	800–2	Course and distance, facility to airport, 163—2.3.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 11,000′ on W course SLC LFR within 20 miles.
								SHUTTLE: To 10,000′ on N course within 10 miles. All turns W of course.
								CAUTION: 5,000′ terrain 3 miles E of LFR. High terrain 8 miles E of N and S courses, and W of S course of LFR and to S of LFR. 4,541′ radio tower 1.3 miles SE of LFR.

Salt Lake City, Utah; Salt Lake City No. 1 Airport, elevation 4,222′; facility SBRAZ, identification SLC; Procedure No. 1, Amendment No. 5, effective date, Apr. 6, 1957; supersedes Amendment No. 4, dated Dec. 25, 1954

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Hobart FM	SEA-LFR	Direct	4,000	T-dn	300–1	300–1	200–½	NOTE: All fixes within 30 miles of Seattle-Tacoma radar may be determined by surveillance radar.
SEA-LOM	SEA-LFR	Direct	2,000	C-dn	500–1	500–1	500–1½	Procedure turn W side NW course SEA LFR, 297° outbound, 117° inbound, 2,000′ within 10 miles NW of Harbor Isl. FM. Not authorized beyond 10 miles.
SEA-VOR	SEA-LFR	Direct	2,000	S-dn-16	400–1	400–1	400–1	
Vashon Intersection	SEA-LFR	Direct	2,000	A-dn	800–2	800–2	800–2	Minimum altitude over SEA VOR, 800′.
SEA-VOR	Harbor Isl. FM	Direct	2,000					Course and distance, from Intersection NW course SEA-LFR and R-340 SEA to SEA VOR, 160—4.3.
SEA-LOM	Harbor Isl. FM	Direct	2,000					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile of SEA VOR, climb to 2,000′ on R-175 SEA within 13 miles.
NEJ-LFR	Harbor Isl. FM	Direct	2,000					* Alternate missed approach: When requested by ATC, turn right climb to 2,000′ on R-225 SEA within 20 miles.
Radar Fix 5 miles NW of Harbor Isl. FM on NW course SEA-LFR.	Harbor Isl. FM (final)	Direct	1,500					CAUTION: Tank 561′ MSL located immediately NE of airport.
Harbor Isl. FM	Int. NW course SEA-LFR and R-340 SEA (final).	Direct	1,200					

Seattle, Wash.; Seattle-Tacoma International Airport, elevation 424′; facility SBRAZ, identification SEA; Procedure No. 3, Amendment No. 3, effective date, Mar. 3, 1957; supersedes Amendment No. 2, dated Mar. 2, 1957

Verdigris River FM	TUL-LFR (final)	Direct	1,400	T-dn	300–1	300–1	200–½	Procedure turn N side NE course, 052° outbound, 232° inbound, 2,000′ within 10 miles.
Skiatook FM	TUL-LFR	Direct	2,000	C-dn	400–1	500–1	500–1½	Minimum altitude over facility on final approach course, 1,400′.
Tulsa VOR	TUL-LFR	Direct	1,900	A-dn	800–2	800–2	800–2	Course and distance, facility to airport, 219—0.9.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.9 mile, climb to 2,400′ on SW course within 20 miles.
								NOTE: 300–1 required for take-off on Runways 3L, 21R, 17R, and 35L.
								MAJOR CHANGES: Tulsa VOR relocated.

Tulsa, Okla.; Municipal Airport, elevation 674′; facility SBRAZ, identification TUL; Procedure No. 1, Amendment No 13, effective date, Apr. 19, 1957; supersedes Amendment No. 12, dated Oct. 22, 1956

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
				T-dn	500–1½	500–1½	500–1½	Procedure turn E side of course, 185° outbound, 005° inbound, 1,000′ within 10 miles.
				C-dn	500–1½	500–1½	500–1½	Minimum altitude over facility on final approach course, 600′.
				A-dn	800–2	800–2	800–2	Course and distance, facility to airport, 005—1.5.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 1.5 miles, climb to 2,000′ on course of 005° within 20 miles.

Canton Island, Phoenix Islands; Topham Field, elevation 9′; facility HHW, identification CIS; Procedure No. 1, Amendment No. 6, effective date, Apr. 6, 1957; supersedes Amendment No. 5, dated Apr. 21, 1956

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Concord LFR	CON-VOR	Direct	2,500	T-dn	300–1	300–1	300–1	Procedure turn S side of course, 300° outbound, 120° inbound, 2,500′ within 10 miles. Not authorized beyond 10 miles.
				C-dn	600–1	600–1	600–1½	Minimum altitude over facility on final approach course, 1,300′.
				S-dn-12	600–1	600–1	600–1	Course and distance, facility to airport, 120—3.0.
				A-dn	800–2	800–2	800–2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.0 miles, after passing Concord VOR, climb to 2,000′ on R-155 within 15 miles of Concord VOR.
								AIR CARRIER NOTE: Night operations not authorized on Runway 3–21.
Concord, N. H.; Municipal Airport, elevation 345′; facility BVOR, identification CON; Procedure No. 1, Amendment No. 2, effective date, Apr. 6, 1957; supersedes Amendment No. 1, dated Apr. 1, 1954								
Intersection E course MFR LFR and R-351.				T-dn	1,500–1	1,500–1	1,500–1	Procedure turn E side course, 152° outbound, 332° inbound, 8,000′ within 10 miles. Not authorized beyond 10 miles.
				C-d	1,800–1	1,800–1	1,800–1½	Minimum altitude over facility on final approach course, 5,900′.
LMT-VOR	LMT-VOR	Direct	9,000	C-n	1,800–2	1,800–2	1,800–2	Facility on airport.
Klamath Falls LFR	LMT-VOR	Direct	8,000	A-dn	1,800–2	1,800–2	1,800–2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left and climb to 9,000′ on R-161 within 14 miles.
Klamath Falls, Oreg.; Klamath Falls Airport, elevation 4,085′; facility BVOR, identification LMT; Procedure No. 1, Amendment No. 3, effective date, Apr. 6, 1957; supersedes Amendment No. 2, dated Feb. 12, 1957								

4. The very high frequency omnirange distance measuring equipment (VOR/DME) procedures prescribed in § 609.9 are amended to read in part:

VOR-DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Davenport, Iowa; Municipal Airport, elevation 753′; facility and identification BVOR-DME-MLI; Procedure No. VOR-DME-APT, Amendment Original, effective date, Sept. 3, 1955								
PROCEDURE CANCELED APRIL 6, 1957—NO LONGER REQUIRED OPERATIONALLY.								

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
New Brunswick Intersection via course 076°.	ILS course (final)	Direct	1,500	T-dn#	300–1	300–1	200–½	#Runway 4 only: Runway visual range 2,600′ may be utilized in lieu of 200–½ when 200–½ is authorized.
Woodbridge Intersection ILS	LOM (final)	Direct	1,500	C-dn	600–1	600–1	600–1½	*Runway 4 only: 200–½ or runway visual range of 2,600′—provided approaches conducted on the basis of reported runway visual range shall be governed by the following:
Woodbridge Intersection ADF	LOM (final)	Direct	1,000	S-dn-4:				(1) All components of approach lights and high intensity runway lights shall be in normal operation.
Colts Neck VOR via R-352	ILS course (final)	Direct	1,500	ILS	200–½	200–½	200–½	(2) Descent below the authorized landing minimum altitude of 218′ shall not be made unless—
Flatbush Radiobeacon	LOM	Direct	1,500	ADF	600–1	600–1	600–1	(a) Visual contact with the approach lights has been established or
Newark LFR	LOM	Direct	1,500	A-dn:				(b) The aircraft is clear of clouds. 600–1 required with glide slope inoperative.
Chatham Radiobeacon	LOM	Direct	2,000	ILS	600–2	600–2	600–2	Procedure turn W side SW course, 217° outbound, 037° inbound, 1,500′ within 10 miles (Nonstd. due to ATC). Minimum altitude at glide slope intersection inbound: 1,500′ ILS. Minimum altitude over LOM inbound final—1,000 ADF.
Radar transition altitudes S quadrant Newark LFR.	Radar site	Within 15 miles	1,500	ADF	800–2	800–2	800–2	Altitude of glide slope and distance to approach end of runway at OM 1525—4.9; at MM 250—0.6.
Northeast sector from 056° to 090°.	Radar site	Within 20 miles	2,500					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles, climb to 1,000′ on 037 course from LOM, then make left climbing turn to 3,000′ direct to Patterson Radiobeacon or when directed by ATC, make climbing left turn to 2,000′ direct to Chatham Radiobeacon.
All other sectors	Radar site	Within 20 miles	2,000					
Newark, N. J.; Newark Airport, elevation 18′; facility ILS-EWR, identification LOM-EW; Procedure No. 1, Amendment No. 10, Combination ILS-ADF, effective date, Apr. 6, 1957; supersedes Amendment No. 9, dated Dec. 1, 1956								
Woodland FM	SVY	Direct	3,000	T-dn	300–1	300–1	*200–½	All fixes within 25 miles may be determined by surveillance radar. Radar vectoring to final approach localizer course authorized in accordance with procedures approved for surveillance approach.
La Center FM or Intersection	SVY	Direct	3,000	C-d	600–1	600–1	600–1¼	*300–1 required on Runways 7–25, 11, 2–20.
PDX VOR	SVY	Direct	3,000	C-n	600–1	700–1	700–1½	#500–¾ required with glide slope inoperative.
PDX LFR	SVY	Direct	3,000	S-dn-10:				Procedure turn S side of course, 278° outbound, 098° inbound, 3,000′ within 10 miles of SVY-RBN. Not authorized beyond 10 miles.
Willamette FM	SVY	Direct	3,000	ILS#	200–½	200–½	200–½	Minimum altitude at G. S. intersection inbound, 3,000, minimum altitude over OM inbound final 1,600 ADF**.
UBG VOR	SVY	Direct	3,000	ADF	600–1	600–1	600–1	**If OM not received visually and aurally, maintain 1,600′ to LMM, then climb to 3,000′ on S course of PDX-LFR within 10 miles of LFR.
Scappoose Intersection	SVY	Direct	3,000	A-d:				Altitude of G. S. and distance to approach end of runway at SVY 3000—9.4, at OM 1370—3.9, at MM 280—0.6.
				ILS	600–2	600–2	600–2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, after passing LMM (ADF) climb to 1,500′ on course of 098° within 10 miles of LMM; thence make climbing right turn to a heading of 230 proceeding to S course of PDX-LFR at 3,000′ within 12 miles of LFR, or proceed to R-175 PDX at 3,000′ within 18 miles of VOR. Altitude missed approach when directed by ATC: climb to 1,500′ on SE course ILS within 10 miles of LMM, making climbing left turn, proceed direct to PDX-LFR or to PDX-VOR at 3,000′.
				ADF	800–2	800–2	800–2	
				A-n:				
				ILS	600–2	700–2	700–2	
				ADF	800–2	800–2	800–2	
Portland, Oreg.; International Airport, elevation 23′; facility ILS PDX, identification RBn SVY; Procedure No. 1, Amendment No. 7, Combination ILS and ADF, effective date, Apr. 7, 1957; supersedes Amendment No. 6, dated Oct. 29, 1955								

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Salt Lake City LFR	LOM	Direct	6,100	T-dn#	300–1	300–1	200–1½	*Start descent at glide slope intersection, glide slope must be operative for this transition.
Salt Lake City VOR	LOM	Direct	6,100	C-dn	500–1	600–1	600–1½	#500–2 required for take-off Runway 7.
Utah Lake VOR via R-008	ILS S course	Direct	*11,000	S-dn-34L	200–½	200–½	200–½	Procedure turn E or W side of S course, 158° outbound, 338° inbound, 6,100′ within 5 miles of LOM. Beyond 5 miles not authorized. 80 reversal recommended for procedure turn.
				A-dn	600–2	600–2	#600–2	Minimum altitude at glide slope intersection inbound, 6,100′.
								Altitude of glide slope and distance to approach end of runway at Riverton FM, 9340—15; at LOM, 6,028′—5.5; at LMM, 4457—0.6.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles of OM, make a left climbing turn, climb westbound on R-248 SLC or West course SLC LFR, to 11,000′ within 20 miles. Alternate missed approach when directed by ATC, climb northbound on R-329 SLC or North course SLC LFR to 10,000′ within 20 miles.
								NOTE: Aircraft executing missed approach shall not climb above 6,500′ until past SLC VOR or LFR.
								CAUTION: Terrain 11,253′ MSL approximately 8 miles E of localizer course at Riverton FM.
Salt Lake City, Utah; Salt Lake City No. 1 Airport, elevation 4,222′; facility ILS, identification SLC; Procedure No. T1, Amendment No. 13, effective date, Apr. 6, 1957; supersedes Amendment No. 12, dated July 7, 1956								
Syracuse LFR	LOM	Direct	1,900	T-dn*	300–1	300–1	200–½	*600–1 required for take-off to SE.
Syracuse VOR	LOM	Direct	1,900	C-dn	#600–1	700–1	700–1½	#Standard clearance not provided over 836′ radio mast 1.1 miles SE of airport.
Sherrill Intersection via course 310.	E course ILS	Direct	##2,500	S-dn-28: ILS	300–¾	300–¾	300–¾	##After interception of localizer course inbound, descent on glide slope to cross the outer marker at 1,600 on final approach is authorized.
Intersection E course Syracuse LFR and bearing 335° to LOM.	LOM	Direct	1,900	ADF	#600–1	700–1	700–1	###Descent to 1,800′ authorized after passing Syracuse VOR radial 150°.
				A-dn	800–2	800–2	800–2	Procedure turn N side E course, 098° outbound, 278° inbound, 1,600′ within 10 miles
Intersection S course Syracuse LFR and bearing 045° to LOM.	LOM	Direct	###3,000					Minimum altitude at G. S. intersection inbound 1,600 ILS, minimum altitude over LOM inbound final 1,100 ADF.
Munnsville intersection via course 328°.	E course ILS	Direct	##3,000					Altitude of G. S. and distance to approach end of runway at OM 1600—4.1; at MM 610—0.6.
Fabius intersection	LOM	Direct	3,000					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.1 miles after passing LOM (ADF), climb to 2,000′ on W course ILS or course of 278 from LOM within 20 miles.
								AIR CARRIER NOTE: No reduction in minimums or sliding scale authorized for take-off to the SE.
Syracuse N. Y.; Hancock Airport, elevation 419′; facility ILS-SYR, identification LOM-SY; Procedure No. 1, Amendment No. 14, Combination ILS-ADF, effective date, Mar. 13, 1957; supersedes Amendment No. 13, dated Mar. 2, 1957								
Intersection SE course LFR and 250 bearing to.	LOM			T-dn	300–1	300–1	#200–½	#300–1 required on runway 3L, 21R, 17R, 35L.
LOM	LOM	Direct	2,100	C-dn	400–1	500–1	500–1½	*400–¾ required when glide slope not utilized.
TUL VOR	LOM	Direct	2,200	S-dn-35R: ILS*	200–½	200–½	200–½	Procedure turn E side S course, 174° outbound, 354° inbound, 2,400′ within 10 miles. Beyond 10 miles not authorized.
TUL LFR	LOM	Direct	2,200	ADF	400–1	400–1	400–1	Minimum altitude at G. S. intersection inbound, 2,400 ILS, minimum altitude over LOM inbound final 1,900 ADF.
Red Fork FM	LOM	Direct	2,400	A-dn:				
Skiatook FM	LOM	Direct	2,400	ILS	600–2	600–2	600–2	Altitude of G. S. and distance to approach end of runway at OM 2350—5.4, at MM 880—0.5.
Verdigris River FM	LOM	Direct	2,200	ADF	800–2	800–2	800–2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.4 miles after passing LOM (ADF), climb to 1,900 on N course ILS (354) within 20 miles.
Intersection R-201 TUL and S course ILS.	LOM (final—ILS)	Direct	2,400					CAUTION: 1,100′ tower, 2.0 miles NW of LOM.
Intersection R-201 TUL and S course ILS.	LOM (final—ADF)	Direct	1,900					
Tulsa, Okla.; Municipal Airport, elevation 674′; facility ILS-ITUL, identification LOM-TU; Procedure No. 1, Amendment No. 5, Combination ILS and ADF, effective date, Apr. 9, 1957; supersedes Amendment No. 4, dated July 28, 1956								

6. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
058	090		2,500	Precision approach:				Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise.
090	058		2,000	S-dn-4*	200–½	200–½	200–½	%Runways 4–11–29.
				A-dn-4	600–2	600–2	600–2	*Runway 4 only—200½ or runway visual range of 2,600′; provided that approaches conducted on the basis of reported runway visual range shall be governed by the following:
				Surveillance approach:				(1) All components of the approach lights and high intensity runway lights shall be in normal operation and
				T-dn#	300–1	300–1	200–½	(2) descent below the authorized landing minimum altitude of 218′ MSL shall not be made unless—
				C-dn%	600–1	600–1	600–1½	(a) visual contact with the approach lights has been established or
				C-dn-22	900–1	900–1	900–1½	(b) the aircraft is clear of clouds.
				S-dn%	600–1	600–1	600–1	#Runway 4 only—runway visual range of 2,600′ may be utilized in lieu of 200–½ when 200–½ is authorized.
				S-dn-22	900–1	900–1	900–1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished climb to 1,000′ on NE course Newark LFR, then make left climbing turn to 3,000′ direct to Paterson Radiobeacon, or when directed by ATC, make climbing left turn to 2,000′ direct to Chatham Radiobeacon.
				A-dn%	800–2	800–2	800–2	
				A-dn-22	900–2	900–2	900–2	
Newark N. J.; Newark Airport, elevation 18′; facility and identification, Newark Radar; Procedure No. 1, Amendment No. 3, effective date, Apr. 6, 1957; supersedes Amendment No. 7, dated Dec. 1, 1956								

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–1794; Filed, Mar. 13, 1957; 9:32 a.m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 785—HOURS WORKED

PREPARATORY AND CONCLUDING ACTIVITIES

Pursuant to General Order No. 45–A (15 F. R. 3290), and under its authority, Part 785 of Title 29, Code of Federal Regulations is hereby amended as follows:

1. The second and third subparagraphs of paragraph (f) of § 785.3, designated (2) and (3), respectively, are hereby revoked and a new subparagraph (2) is hereby issued to read as follows:

(2) These principles have guided the Administrator in the enforcement of the act. Two cases decided by the United States Supreme Court further illustrate the types of activities which are considered an integral part of the employees' jobs. In one, employees changed their clothes and took showers in a battery plant where the manufacturing process involved the extensive use of caustic and toxic materials.[16] In another case knifemen in a meat pecking plant sharpened their knives before and after their scheduled work day.[17] In both cases the Supreme Court held that these activities are an integral and indispensable part of the employees' principal activities.

2. In § 785.3, the fourth subparagraph of paragraph (f), designated as (4), is hereby redesignated as subparagraph (3).

(52 Stat. 1060, as amended; 29 U. S. C. 201–219)

Signed at Washington, D. C., this 11th day of March 1957.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 57–1932; Filed, Mar. 13, 1957; 8:50 a. m.]

[16] Steiner v. Mitchell, 350 U. S. 247.

[17] Mitchell v. King Packing Co., 350 U. S. 260.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1396]

[Fairbanks 012027]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive

Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Alaska are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and the mineral-leasing laws, and reserved for use of the Department of the Air Force for military purposes:

PARCEL No. 1

Beginning at a point on the bank of an unnamed slough of the Yukon River, said point being S. 78°30' W., 1540 feet from Fort Yukon West Base Azimuth Mark, situated at Latitude 66°33' 39.313" North and Longitude 145°12'34.927" West; thence North 700 feet; thence East 1640 feet; thence North 800 feet; thence East 2580 feet; thence South 2500 feet; thence West 2540 feet more or less, to the right bank of the aforesaid slough; thence northwesterly along the right bank of the slough to the point of beginning.

The area described contains approximately 190 acres.

PARCEL No. 2

Lots 7 and 8, Block 17, and Lot 1, Block 25, of the Fort Yukon Townsite, U. S. Survey No. 2760.

The area described contains 0.66 acre.

It is the intent of this order that the withdrawn minerals in the lands shall remain under the jurisdiction of the Department of the Interior and no disposition shall be made of such minerals except under the applicable public land mining and mineral-leasing laws, and then only after such modification of the provisions of this order as may be necessary to permit such disposition.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

MARCH 8, 1957.

[F. R. Doc. 57-1911; Filed, Mar. 13, 1957; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11891; FCC 57-222]

[Rules Amdt. 5-4]

PART 5—EXPERIMENTAL RADIO SERVICES

CONELRAD

In the matter of amendment to Part 5 of the Commission's rules to effectuate the Commission's CONELRAD plan for the Experimental Radio Services.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of March 1957;

The Commission has before it for consideration its Notice of Proposed Rule Making in the above captioned matter released December 14, 1956.

No formal comments have been filed in this matter.

These amendments to Part 5 of the Commission's rules are promulgated under authority of sections 303 (r) and 606 (c) of the Communications Act as amended and Executive Order 10312 signed by the President December 10, 1951.

Accordingly, it is ordered, That Part 5 of the Commission's rules be amended to include the rules set forth below, effective April 8, 1957, or on such earlier date as the Commission, by subsequent order, may designate.

Released: March 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Subpart G—Conelrad

Sec.
5.301 Scope and objective.
5.302 Alerting.
5.303 Operation during a CONELRAD Radio Alert.
5.304 Special conditions.
5.305 Radio All Clear.
5.306 Tests.
5.307 Record entries.

AUTHORITY: §§ 5.301 to 5.307 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 606, 65 Stat. 4087; 47 U. S. C. 303, 606. E. O. 10312, 16 F. R. 12452; 3 CFR, 1951 Supp.

§ 5.301 *Scope and objective.* (a) This subpart applies to all radio stations licensed by the Federal Communications Commission in the Experimental Radio Services located within the continental United States and is for the purpose of providing for the alerting and operation of radio stations in these services during periods of air attack or imminent threat thereof. (As used in this subpart, the term "licensed by" includes every form of authority issued by the Federal Communications Commission pursuant to which a radio station may be operated, including construction permits, station licenses, temporary authorizations, etc.)

(b) The objective of this subpart is to minimize the navigational aid that an enemy might obtain from the electromagnetic radiations from radio stations in the Experimental Radio Services, while simultaneously providing for a continued radio service under controlled conditions when such operation is essential to the public welfare.

§ 5.302 *Alerting.* (a) Licensees of radio stations in the Experimental Radio Services are responsible for making provisions to receive the CONELRAD Radio Alert and CONELRAD Radio All Clear.

(b) The CONELRAD Radio Alert will be initiated by the Commanding Officer of the Air Division (Defense) or higher military authority.

(c) Experimental Radio Service mobile radio systems, including fixed stations associated therewith and fixed service systems where applicable, may, if desired, be alerted at a single point, normally the control point or the control center. The control point thus receiving the CONELRAD Radio Alert will be responsible for the dissemination of the CONELRAD Radio Alert to all stations integrated into the radio system or systems, and for insuring that all associated stations execute CONELRAD requirements immediately.

(d) The CONELRAD Radio Alert for the Experimental Radio Services may be received by one or more of the methods outlined in this paragraph:

(1) By monitoring any standard, FM or TV broadcast station by aural or automatic means, to receive the CONELRAD Radio Alert.

(2) By monitoring the appropriate distress frequency (500 kc, A2 emissions or 2182 kc, A3 emissions).

(3) By notification of the CONELRAD Radio Alert from an Air Defense Warning Network or extension thereof. If no CONELRAD Radio Alert is transmitted Experimental Radio stations must comply with CONELRAD operating requirements upon receipt of Air Defense Warning Yellow. If neither a CONELRAD Radio Alert nor Air Defense Warning Yellow is received, Experimental radio stations must comply with CONELRAD operating requirements upon receipt of an Air Defense Warning Red.

(4) By notification of the CONELRAD Radio Alert (or Warning Yellow or Warning Red if no CONELRAD Radio Alert is transmitted) by telephone or other means from any point that has received the alert as in subparagraph (1), (2) or (3) of this paragraph.

(5) Radio station licensees desiring to receive the CONELRAD Radio Alert by a means not covered by subparagraph (1), (2), (3) or (4) of this paragraph, may request authority from the Secretary, Federal Communications Commission to receive the Alert in another manner. The request must explain why the methods described in subparagraph (1), (2), (3) or (4) of this paragraph are not suitable and must fully describe the proposed method for receiving the Alert.

NOTE: Every standard, FM and TV broadcast station will be notified of the CONELRAD Radio Alert by telephone calls or by radio broadcasts. Immediately upon receipt of the Radio Alert each standard, FM and TV broadcast station will proceed as follows on its normally assigned frequency:

(i) Discontinue the normal program.

(ii) Cut the transmitter carrier for approximately five seconds. (Sound carrier only for TV stations.)

(iii) Return carrier to the air for approximately five seconds.

(iv) Cut the transmitter carrier for approximately five seconds.

(v) Return carrier to the air.

(vi) Broadcast 1,000 cycle (approximately) steady state tone for fifteen seconds.

(vii) Broadcast the CONELRAD Radio Alert message as follows: "We interrupt our normal program to cooperate in security and Civil Defense measures as requested by the United States Government. This is a CONELRAD Radio Alert. Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast in most areas at 640 and 1240 on your regular radio receiver."

(viii) The CONELRAD Radio Alert message will then be repeated.

(i) through (vi) above is for the purpose of attracting the listener's attention, or, if desired, to operate an automatic alert receiver or warning device. Caution: (i) through (vi) above is a warning that a Radio Alert may follow; the actual Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert message. The CONELRAD Radio Alert message as set forth in (vii) above is worded in a manner suitable for reception by the public; however, the message is also the CONELRAD Radio Alert. When this CONELRAD Radio Alert message is received, all licensees must immediately comply with the CONELRAD operating procedure. The precise CONELRAD Radio Alert message above, will be broadcast only in the event of an actual Alert. In the event of a CONELRAD test or drill, broadcast stations will make an announcement that a test or drill is taking place.

(e) Base, fixed and mobile stations in the Experimental Radio Services not directly receiving the CONELRAD Radio Alert must use caution in returning to the air after an "out of service" period, to insure that a CONELRAD Radio Alert is not in progress before making any transmissions.

§ 5.303 *Operation during a CONELRAD Radio Alert.* (a) Radio stations in the Experimental Radio Services, upon receipt of a CONELRAD Radio Alert, will interrupt any communications in progress, leave the air and maintain radio silence for the duration of the CONELRAD Radio Alert, except for transmissions handled in accordance with the following restrictions unless otherwise ordered by the Federal Communications Commission:

(1) No transmissions shall be made unless they are of an emergency nature affecting the national safety or the safety of people and property.

NOTE: Transmissions involving the relaying of the CONELRAD Radio Alert may be made under the authority of this section. Transmissions not immediately necessary must be withheld until the CONELRAD Radio All Clear is issued.

(2) All transmissions shall be as short as possible and the stations' carrier shall be removed from the air during periods of no message or intelligence transmission.

(3) No station identification shall be given either by announcement of regularly assigned call signals or by announcement of geographical location. If identification is necessary to carry on the service, the use of special identifiers will be authorized.

§ 5.304 *Special conditions.* (a) Licensees of radio stations or systems in the Experimental Radio Services, who for technical or operational reasons, believe that compliance with § 5.303 is not feasible or practicable, may request a waiver of § 5.303. Such requests must be made by letter to the Secretary, Federal Communications Commission stating why § 5.303 cannot be complied with. The Federal Communications Commission upon investigation may modify the CONELRAD operating requirements of the station or system if it is found to be essential to the defense of the nation or the public welfare.

(b) Stations licensed in the Experimental Radio Services which are an integral part of another service may be operated in accordance with the CONELRAD rules for the other service.

§ 5.305 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Radio stations and systems licensed in the Experimental Radio Services may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

§ 5.306 *Tests.* (a) Tests of the CONELRAD alerting and operating systems may be conducted at appropriate intervals. Stations not normally in operation during the period of a test will not be required to take part.

(b) Tests of the CONELRAD operating system will not require Experimental radio stations to close down and will be conducted in a manner that will not interfere with normal transmissions.

(c) Reports of the results of such tests may be required in a form to be prescribed by the Commission.

§ 5.307 *Record entries.* Appropriate entries of all CONELRAD tests and operations shall be made in the station records.

[F. R. Doc. 57-1937; Filed, Mar. 13, 1957; 8:51 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard, Department of the Treasury

[CGFR 57-9]

PART 78—OPERATIONS

RECORDS OF NUMBER OF PASSENGERS CARRIED ON FERRY VESSELS

In Federal Register Document CGFR 56-14 published in the FEDERAL REGISTER dated April 18, 1956 (21 F. R. 2521), the regulations in 46 CFR 78.37-10 were amended to require the master of every vessel to keep a correct count of the passengers received and delivered from day to day and to provide that this information shall be furnished to the Coast Guard when called for. Requests have been received from operators of ferry vessels stating that there was no accurate way of counting the number of passengers actually carried on each trip of a ferry vessel during rush hours. This information had never been reported before to the Coast Guard. Since the number of life preservers carried by ferry vessels is determined by area of passenger deck surface and the number of passengers is not stated on the certificate of inspection, ferry vessels appear to be in a special category with respect to the application of R. S. 4467, as amended (46 U. S. C. 460). The purpose of this amendment is to exempt the master of every certificated ferry vessel from maintaining a record of the correct count of all passengers received and delivered from day to day. In addition a statement is added that this information need not be kept for longer than one year from date of entry.

Because the amendment to 46 CFR 78.37-10 abolishes a requirement for the maintenance of records and describes the retention period required for such information, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), Treasury Department Order No. 167-14, dated November 26, 1954 (19 F. R. 8026), and Treasury Department Order CGFR 56-28, dated July 24, 1956 (21 F. R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment to § 78.37-10 (b) is prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER:

§ 78.37-10 *Official log entries.* • • •

(b) Except as noted in subparagraph (1) of this paragraph, on any vessel where an official log book is not required, the master shall keep a record of the correct count of all the passengers received and delivered from day to day. This record shall be open to inspection by the Coast Guard at all times. The aggregate number of the passengers carried shall be furnished to the Coast Guard whenever requested (R. S. 4467, as amended, 46 U. S. C. 460). The information shall be available for a period of one year after the date to which the records refer.

(1) The provisions of the paragraph shall not apply to ferry vessels.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4453, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, as amended, sec. 3, 66 Stat. 675; 46 U. S. C. 391, 392, 404, 435, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: March 8, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57-1929; Filed, Mar. 13, 1957; 8:50 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

ORDER PERMITTING KILLING OF DEPREDATING COOTS IN AGRICULTURAL AREAS OF CALIFORNIA

Basis and purpose. It has been determined from investigations and observations made by the Fish and Wildlife Service and by the California Department of Fish and Game, that serious agricultural crop depredations are likely to occur because of the large number of coots present in portions of the State of California. It has further been determined that these depredations can best be alleviated by permitting depredating coots to be killed and taken by shooting in any affected area under specific conditions and restrictions. Accordingly, it is ordered as follows:

1 (a) Such coots as are found damaging crops in agricultural areas of California may be killed by shooting with a shotgun only on or over such crops during the period or periods to be announced

in accordance with this order. The facts as to the existence of an emergency condition in any particular area which requires the killing of coots as contemplated herein, the extent of the area and the period of time during which, and the conditions under which, such killing may be permitted shall be ascertained by the Director, Bureau of Sport Fisheries and Wildlife, and announced by him through publication of a notice in the FEDERAL REGISTER and by suitable publication in the areas where the emergency exists, which finding shall be final. Any such period of time during which killing is permitted shall be shortened by similar announcement and publication upon a finding that the particular emergency condition no longer exists.

(b) No period of shooting shall extend beyond May 30, 1957.

(c) Such birds as are killed under the provisions of this order may be used for food but they may not be sold, offered for sale, bartered or shipped for purposes of sale or barter, or be wantonly wasted or destroyed.

(d) This order does not permit the killing of any coots in violation of any State law or regulation. This order and any implementation thereof which may be effected contemplate emergency measures designed to aid in relieving depredations and are not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act, as amended (40 Stat. 755; 16 U. S. C. 704).

(Sec. 3, 40 Stat. 755, as amended, 16 U. S. C. 704)

Since this order is an emergency measure, notice and public procedure thereon are impracticable and it shall become effective immediately.

Issued at Washington, D. C., and dated March 8, 1957.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 57-1902; Filed, Mar. 13, 1957; 8:45 a. m.]

PART 6—MIGRATORY BIRDS

ORDER PERMITTING KILLING OF DEPREDATING AMERICAN MERGANSERS IN WESTERN WASHINGTON

Basis and purpose. It has been determined from investigations and observations made by the Fish and Wildlife Service and the Washington State Department of Game, that the number of American mergansers present in western Washington is such as to constitute a serious threat to the trout populations of certain lakes and streams through depredations by these birds. It has further been determined that these depredations can best be alleviated by permitting depredating American mergansers to be killed and taken by shooting in any affected area under conditions and restrictions designed to prevent impairment of breeding populations. Accordingly, it is ordered as follows:

(a) Such American mergansers as are found depredating on trout populations of the lakes and streams in the State of Washington may be killed by shooting with a shotgun only on or over the effected areas during the period or periods to be announced in accordance with this order. The facts as to the existence of an emergency condition on any particular area which requires the killing of the American mergansers as contemplated herein, the extent of the area and the period of time during which, and the conditions under which, such killing may be permitted shall be ascertained by the Acting Director, Bureau of Sport Fisheries and Wildlife and announced by him through publication of a notice in the FEDERAL REGISTER and by suitable publication in the area where the emergency exists, which finding shall be final. Any such period of time during which killing is permitted shall be shortened by similar announcement and publication upon a finding that the particular emergency condition no longer exists.

(b) No period of shooting shall extend beyond April 10, 1957.

(c) American mergansers killed under the provisions of this order may be used or donated to charitable institutions for food purposes and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes. No such birds may be sold, offered for sale, bartered or shipped for purposes of sale or barter. Any such birds which cannot be used for the purposes stated herein shall be completely destroyed.

(d) This order does not permit the killing of American mergansers in violation of any State law or regulation. This order and any implementation thereof which may be effected contemplate emergency measures designed to aid in relieving depredations and are not to be construed as a reopening or extension of any open hunting season prescribed by regulations promulgated under section 3 of the Migratory Bird Treaty Act, as amended (40 Stat. 755; 16 U. S. C. 704).

(Sec. 3, 40 Stat. 755, as amended, 16 U. S. C. 704)

Since this order is an emergency measure, notice and public procedure thereon are impracticable and it shall become effective immediately.

Issued at Washington, D. C., and dated March 8, 1957.

FRED G. AANDAHL,
Acting Secretary of the Interior.

[F. R. Doc. 57-1903; Filed, Mar. 13, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 980]

[Docket No. AO-182-A7]

MILK IN TOPEKA, KANSAS, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Kansan Hotel, Topeka, Kansas, beginning at 10:00 a. m., local time, March 18, 1957.

The public hearing is for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area (7 CFR 980.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

Amendments to the order, as amended, for the Topeka, Kansas, marketing area have been proposed as follows:

By Shawnee County Milk Producers Association of Topeka, Kansas:

1. Increase Class II price in Topeka market effective April 1 by providing for Class II price under present provisions of Topeka order or under Class II pricing provisions of Kansas City Order No. 13 whichever is higher.

By the Dairy Division:

2. Make such other changes as are necessary to make the order conform to any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, Room 297 Plaza Theatre Building, 231 West 47th St., Kansas City 12, Missouri, or from the Hearing Clerk, Room 112 Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 8th day of March 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-1922; Filed, Mar. 13, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[1499461]

CALIFORNIA

ORDER OPENING PUBLIC LANDS

MARCH 7, 1957.

Public Land Order No. 1274 of March 14, 1956, revoked Executive Order No. 6361 of October 25, 1933, which withdrew lands in California for classification and determination as to the advisability of including them in a National Monument.

Pursuant to the authority delegated by Departmental Order No. 2583 of August 16, 1950, it is ordered that sec. 20, T. 2 S., R. 4 E., S. B. M., which was not restored by Public Land Order No. 1274, is hereby restored in furtherance of a proposed exchange under sec. 8 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting certain preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-1904; Filed, Mar. 13, 1957; 8:45 a. m.]

OREGON

SMALL TRACT CLASSIFICATION AND OPENING NO. 57-2

MARCH 6, 1957.

1. Pursuant to the authority redelegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, the following described reconveyed Coos Bay Wagon Road grant lands totaling 40 acres in Coos County, Oregon, are classified for lease for homesite purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, subject to valid existing rights:

WILLAMETTE MERIDIAN, OREGON

T. 28 S., R. 11 W.,
Sec. 13: NE¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations under the public land laws including the mining and mineral leasing laws. Only eight tracts are by this order opened to leasing under the Small Tract Act, as amended.

3. The tracts available are located along the north bank of the East Fork of the Coquille River approximately one-half mile, by an all season road, from the settlement of Dora. The tracts are approximately 25 miles northeast from Myrtle Point, Oregon. The topography of the tracts is almost level with a slight slope south toward the river, and the elevation is about 150 feet above sea level. The soil is a fine silty clay loam. The vegetative cover consists of small scattered fir and hemlock, large myrtle and maple, and low brush with some poison oak.

Domestic water may be obtained from a small stream on the south side of the river by a pipeline, or from wells. The area is served by a county road. An elementary school and general store are located at the settlement of Dora. The nearest all-purpose marketing center is Myrtle Point, Oregon. The weather is typical of the Oregon coastal area. Precipitation averages 65 inches to 75 inches, with a mild temperature throughout the year. There is no evidence of metallic or nonmetallic minerals.

4. The eight individual tracts have been marked on the ground. They vary in size from 0.50 to 0.70 of an acre. A plat showing the location of each of the tracts and the lotting of them can be secured for $1.00 from the Manager, Land Office, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon; or from the District Forester, Bureau of Land Management, Post Office Building, Coos Bay, Oregon. The annual rental of each tract is $25.00. Rights of way for access to the tracts will be reserved on adjoining public land. The United States reserves for itself, its contractors, and permittees, the right to enter on the leased areas to administer the land for sustained yield timber management purposes under the act of August 28, 1937 (50 Stat. 874; 43 U. S. C. 1181a).

5. Leases will be issued for a term of three years. Advance rental payment for the full tenure of the lease will be required before the issuance of a lease. To maintain their rights under their lease, lessees will be required to construct substantial improvements on their tract within the lease period. Failure to do so will result in nonrenewal of the lease. Leases will be subject to renewal for periods of ten to twenty years provided the lessee complies with the conditions and stipulations contained in the original lease within the periods allowed.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to lease a tract unless they can make a showing satisfactory to the Bureau of Land Management that the lease of another tract is warranted.

7. Upon allowance of an application and before commencement of construction, it is advisable for the lessee to confer with the District Forester concerning plans and specifications of improvements. The improvements referred to in paragraph 5 above must meet the following requirements:

(a) Buildings must be placed on a permanent foundation consisting of concrete, brick, pumice blocks, or stone masonry. Chimneys must be constructed from ground level and shall be constructed of pumice or concrete blocks, bricks, stone masonry, or comparable fire-resistant materials.

(b) All buildings must be constructed in a workmanlike manner of attractive, properly finished materials in harmony with surroundings.

(c) Every dwelling must have floor space of not less than 500 square feet, and have at least two doors as means of access.

(d) All dwellings must be provided with sanitation facilities in accordance with or better than required by the laws of the State of Oregon and local ordinances. Disposal of household wastes shall be through a septic tank constructed in accordance with the rules and regulations of the State Board of Health. Garbage and other waste must be disposed of in fly-proof pits or removed from the areas to an established public sanitary garbage disposal site.

(e) The raising of domestic livestock will not be permitted on a tract.

(f) Buildings may not be constructed less than 15 feet from the boundaries of a tract without permission from the District Forester.

(g) The cutting of commercial timber will not be permitted without authority of the District Forester.

(h) The burning of debris is not permitted during fire season without permission of the State Fire Patrol.

8. The eight tracts shown on the plat filed in the Land Office, Portland, Oregon, and the Bureau of Land Management, District Forester's Office, Post Office Building, Coos Bay, Oregon, are now open to filing of drawing-entry cards (Form 4-775) only by persons entitled to veteran's preference. In brief, persons entitled to such preference are: (a) Honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of the living veteran.

The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty, or to the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, or District Forester, Coos Bay.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the Manager, Land Office, prior to 10:00 a. m., June 7, 1957. A drawing will be held on that date, or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to the entrants in the order in which their names are drawn. All entrants will be notified of the results of the drawing.

Successful drawees will be allowed 15 days from receipt of notice in which to execute the lease forms (Form 4-776) accompanying the notice, in accordance

with instructions and return them with payment of filing fees and rentals.

Any tracts for which lease forms have not been filed and accompanied by the required payments within the 15-day period will immediately thereafter become available to alternate drawees in the order in which their cards were drawn.

9. All valid applications filed prior to February 4, 1957, will be granted preference right provided for by 43 CFR 257.5.

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

RUSSELL E. GETTY,
Acting State Supervisor.

MARCH 6, 1957.

[F. R. Doc. 57-1905; Filed, Mar. 13, 1957; 8:45 a. m.]

WASHINGTON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 8, 1957.

The Secretary of Agriculture (U. S. Forest Service) has filed an application, Serial No. Washington 02319, for the withdrawal of the lands described below, from all forms of appropriation under the mining laws of the United States for the below-described National Forest lands located in the Sultan River Basin, Snohomish County, Washington. The applicant desires the land for the protection of the domestic water supply of the City of Everett and other areas in the aforementioned county.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, at the Land Office, Room 209, Federal Building, Spokane, Washington.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application, subject to prior valid existing rights and existing withdrawals are:

WASHINGTON—WILLAMETTE MERIDIAN

Snoqualmie and/or Mt. Baker National Forest.

T. 29 N., R. 8 E. W. M.,
Sec. 22, S½SE¼, Lot 4;
Sec. 23, Lot 9;
Sec. 25, SW¼NW¼, Lot 3, NW¼SE¼, N½SW¼;
Sec. 26, N½NW¼, SE¼NW¼, Lot 2, SW¼NE¼, Lot 3, NW¼SE¼;
Sec. 27, Lots 1, 2, 3, 4, 5 and 6;
Sec. 28, S½NW¼, NE¼, SW¼;
Sec. 32, E½NE¼.
T. 28 N., R. 9 E. W. M.,
Sec. 3, Lots 1 and 2;
Sec. 12, S½SE¼;
Sec. 13, NW¼NE¼, S½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 23, Lots 1, 2, 7 and 8;
Sec. 24, 1, 2, 3, 4, 5, 6, 7 and 8.
T. 29 N., R. 9 E. W. M.,
Sec. 1, All;
Sec. 2, Lots 1, 2, 3, 4, S½NE¼, S½NW¼;
Sec. 12, SE¼SE¼;
Sec. 20, S½S½;
Sec. 21, Lots 11 and 12, S½SW¼;
Sec. 22, Lots 5, 6, 7 and 8;
Sec. 23, Lots 8, 11, 12, NE¼SE¼, S½SE¼;
Sec. 24, Lots 5, 6, 7, 8 and W½;
Sec. 25, NE¼, N½NW¼;
Sec. 26, N½N½;
Sec. 27, All;
Sec. 28, All;
Sec. 29, N½, N½S½, SW¼SW¼, SE¼SE¼;
Sec. 30, All;
Sec. 31, SE¼NE¼;
Sec. 32, NW¼NW¼;
Sec. 33, Lots 1, 2, SE¼NE¼, NE¼SE¼;
Sec. 34, Lot 4, S½NW¼, N½SW¼, SE¼SW¼, W½SE¼, SE¼SE¼.
T. 30 N., R. 9 E. W. M.,
Sec. 35, SE¼SE¼;
Sec. 36, S½SW¼, SW¼SE¼, Lots 3 and 4.
T. 28 N., R. 10 E. W. M.,
Sec. 1, Lots 4, 5, 6, S½NW¼, SW¼;
Sec. 2, Lots 1, 2, S½NE¼, SE¼;
Sec. 4, Lots 1, 2, SW¼NE¼;
Sec. 5, Lot 4;
Sec. 7, E½, E½SW¼, Lots 3 and 4;
Sec. 8, All;
Sec. 9, All;
Sec. 10, N½, N½S½, SW¼SW¼;
Sec. 11, N½, N½SW¼;
Sec. 12, N½NW¼, SW¼NW¼;
Sec. 17, N½;
Sec. 18, All.
T. 29 N., R. 10 E. W. M.,
Sec. 4, Lot 6, SW¼SW¼;
Sec. 5, Lots 1, 2, 10, 11, SW¼, W½SE¼, SE¼SE¼;
Sec. 6, Lots 1, 2, 3, 4, 5, 6, 7 and 8;
Sec. 7, Lot 4, S½NE¼, NE¼SE¼;
Sec. 9, N½, N½S½, SE¼SE¼;
Sec. 10, SE¼SW¼SW¼, NE¼SE¼SW¼, S½SE¼SW¼, W½SW¼SE¼;
Sec. 15, N½NW¼, NW¼NE¼;
Sec. 17, W½NE¼, NW¼, E½W½SW¼, E½SW¼, NW¼NW¼SE¼;
Sec. 20, W½E½, NW¼, E½SW¼;
Sec. 27, All;
Sec. 34, N½N½, SW¼NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 35, NE¼SW¼NW¼.
T. 30 N., R. 10 E. W. M.,
Sec. 28, Lots 5, 6, E½SW¼;
Sec. 29, Lots 4, 5, 6, 7;
Sec. 30, Lot 7, W½SE¼, SE¼SE¼;
Sec. 31, Lots 1, 2, 3, 4, 5, 6, NE¼, E½W½, NW¼SE¼;
Sec. 32, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, SE¼NE¼, NE¼SE¼;
Sec. 33, Lot 1, NW¼, N½SW¼, SE¼SW¼.

The total area aggregates approximately 17,647.50 acres.

FRED J. WEILER,
State Supervisor.

[F. R. Doc. 57-1906; Filed, Mar. 13, 1957; 8:45 a. m.]

[Document No. 146]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 6, 1957.

The U. S. Forest Service has filed an application Serial No. AR-014372, for the withdrawal of the lands described below, from all forms of appropriation including the general mining laws. The applicant desires the land for development as the Lynx Public Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 13 N., R. 1 W.,
Sec. 8: S½NE¼, SE¼NW¼, SE¼, E½SW¼;
Sec. 9: W½SW¼SW¼;
Sec. 16: W½NW¼NW¼;
Sec. 17: N½NE¼.

The area described totals 480 acres in Prescott National Forest.

E. I. ROWLAND,
State Supervisor.

[F. R. Doc. 57-1907; Filed, Mar. 13, 1957; 8:45 a. m.]

[Serial No. Idaho 07511]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 8, 1957.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), the following-described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 9 N., R. 32 E.,
Sec. 11, S½;
Sec. 12, N½;
Sec. 14, W½NE¼, SW¼, W½SE¼;
Sec. 15, NE¼.

These lands total 1,120 acres.

The described lands are located approximately 25 miles west of Dubois, Idaho, at an elevation of approximately 5,200 feet. The topography is flat, rolling, with a southern exposure. The soil on these lands is generally silty loam, intermingled with small gravel, together with an occasional roundhead boulder. Vegetation is sagebrush grass, intermingled with forage plants such as western bunch grass, cheat grass and squirrel tail. These lands are fully and completely lacking in timber and water, and are alleged to be nonmineral in character.

No application for these lands will be allowed under the Homestead, Desert Land, Small Tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified on consideration of an application. Any application that

is filed will be considered on its individual merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby open to filing of application, selection and location, in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, mentioned below, beginning on the date of this Order. Such applications, selections and offers will be considered as filed under the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract laws by qualified veterans of World War II and, or, the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. on April 13, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right application, filed after that hour and before 10:00 a. m. on July 13, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning at 10:00 a. m. on July 13, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a completed photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57-1908; Filed, Mar. 13, 1957; 8:45 a. m.]

[Nevada 043550]

NEVADA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 6, 1957.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976) the following described lands have been reconveyed to the United States:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 24 E.,
Sec. 3, Lots 1, 2, 6 and 7;
Sec. 11, E½, E½NW¼, Lots 1, 2, 3 and 6;
Sec. 13, W½;
Sec. 23, Lots 1, 6 and 11;
Sec. 25, Lots 1, 2, W½NE¼, W½;
Sec. 35, E½, Lots 1, 4, 5 and 6, E½SW¼.
T. 22 N., R. 24 E.,
Sec. 5, Lots 1 and 2, S½NE¼, Lots 3, 8, 9, 10 and 11, SE¼;
Sec. 9, W¼;
Sec. 9, W½;
Sec. 17, Lot 1;
Sec. 21, NE¼, Lots 1, 2, 7 and 8, E½SE¼;
Sec. 27, N½, N½SW¼, Lot 2, SE¼SW¼, SE¼.
T. 23 N., R. 24 E.,
Sec. 7, All;
Sec. 19, E½, E¼NW¼, Lots 1, 2, 3 and 6;
Sec. 29, W½;
Sec. 31, Lot 1, being all of said Section outside Pyramid Lake Indian Reservation.
T. 24 N., R. 24 E.,
Sec. 9, E½, E½W½;
Sec. 29, NW¼;
Sec. 31, All.
T. 25 N., R. 24 E.,
Sec. 33, S½.
T. 39 N., R. 60 E.,
Sec. 1, S½.
T. 38 N., R. 61 E.,
Sec. 13, SW¼;
Sec. 15, All;
Sec. 23, N½.
T. 40 N., R. 61 E.,
Sec. 19, All;
Sec. 29, SW¼;
Sec. 31, NE¼.
T. 37 N., R. 62 E.,

Sec. 3, N½, except the portion embraced within the boundaries of said N½ of said Section 3 which is included within the following described lands conveyed to Oregon Short Line R. R. Co. by deed dated November 7, 1924:

An irregular tract of land being a part of Lots 1 and 2, NW¼NE¼, NW¼ and NW¼SW¼ of said Section described as follows:

Beginning at a point in the north line of said Section 3, 1477.8 feet west of the northeast corner thereof, said point being also 100 feet northwesterly, measured at right angles from the center line of main track of the Rogerson-Wells Line of the Oregon Short Line Railroad Company; thence South 56°30' West along a line which is 100 feet northwesterly from and parallel to said center line of main track for a distance of 4584 feet, more or less, to a point in the west line of said Section 3; thence South along said West line 1385 feet, more or less, to an intersection with a line which is 80 feet northeasterly from and parallel to the northeasterly line of Blocks J and K of the Townsite of Wells, Nevada; thence southeasterly along said line, being 80 feet northeasterly from and parallel to the northeasterly line of said Blocks J and K for a distance of 767 feet, more or less, to a point in the south line of the said NW¼SW¼ of Section 3; thence East along said South line 626 feet, more or less, to a point which is 530 feet Northeasterly, measured at right angles from the said Northeasterly line of Blocks J and K; thence Northwesterly along a line which is 530 feet northeasterly from and parallel to said Northeasterly line of said Blocks J and K for a distance of 1658 feet, more or less; thence Northerly and Northeasterly along a curve to the right with a radius of 792.3 feet for a distance of 819 feet, more or less, to a point which is 150 feet Southeasterly, measured at right angles from said center line of main tract; thence North 56°30' East along a line which is 150 feet Southeasterly from and parallel to said center line of main track, 4620 feet, more or less, to a point in the North line of said Section 3; thence West along said North line, 449 feet to the point of beginning.

Sec. 3, SE¼.
T. 38 N., R. 62 E.,
Sec. 19, Lots 3 and 4 E½SW¼, SE¼;
Sec. 29, All;
Sec. 33, All;
Sec. 35, All, except a strip of land 100 feet wide containing 14.63 acres conveyed to Oregon. Short Line R. R. Co. by deed dated November 7, 1924.
T. 28 N., R. 29 E.,
Sec. 1, All.
T. 29 N., R. 29 E.,
Sec. 11, All;
Sec. 23, All;
Sec. 35, All.
T. 30 N., R. 29 E.,
Sec. 11, NE¼, S½;
Sec. 23, All;
Sec. 35, All.
T. 27 N., R. 30 E.,
Sec. 9, All;
Sec. 15, SW¼;
Sec. 21, NE¼;
Sec. 23, SW¼;
Sec. 25, All;
Sec. 27, NE¼.
T. 28 N., R. 30 E.,
Sec. 7, All;
Sec. 17, SW¼;
Sec. 19, NE¼;
Sec. 29, All;
Sec. 33, All.
T. 34 N., R. 30 E.,
Sec. 35, All.
T. 34 N., R. 31 E.,
Sec. 31, All;
Sec. 33, All;
Sec. 35, All.
T. 34 N., R. 32 E.,
Sec. 31, All;
Sec. 33, All;
Sec. 35, All.
T. 32 N., R. 33 E.,
Sec. 1, All.
T. 33 N., R. 33 E.,
Sec. 3, SW¼;
Sec. 5, Lots 1 and 2 of NE¼;
Sec. 9, NE¼;
Sec. 11, SW¼;
Sec. 13, SW¼;
Sec. 15, NE¼;
Sec. 23, NE¼;
Sec. 25, N½, SE¼.
T. 34 N., R. 33 E.,
Sec. 31, All;
Sec. 33, SW¼.
T. 32 N., R. 34 E.,
Sec. 5, All.
T. 32 N., R. 40 E.,
Sec. 9, N½, SE¼.
T. 33 N., R. 40 E.,
Sec. 5, All;
Sec. 9, All;
Sec. 21, All;
Sec. 33, All.
T. 34 N., R. 40 E.,
Sec. 3, All;
Sec. 9, All;
Sec. 33, All.

T. 36 N., R. 41 E.,
Sec. 5, Lots 9 and 10;
Sec. 9, NW¼;
Sec. 17, All.
T. 37 N., R. 41 E.,
Sec. 33, All;
Sec. 35, All.
T. 30 N., R. 42 E.,
Sec. 25, SE¼.
T. 37 N., R. 42 E.,
Sec. 3, Lots 3 and 4, S½NW¼;
Sec. 5, SE¼;
Sec. 9, NW¼;
Sec. 17, All;
Sec. 29, All;
Sec. 31, All.
T. 38 N., R. 42 E.,
Sec. 25, SE¼;
Sec. 35, All.
T. 30 N., R. 43 E.,
Sec. 9, SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼;
Sec. 17, SE¼;
Sec. 19, SE¼;
Sec. 21, NW¼;
Sec. 29, Lots 3 and 4, S½NW¼;
Sec. 31, Lots 5, 6, 7 and 8.
T. 31 N., R. 43 E.,
Sec. 25, SE¼.
T. 34 N., R. 43 E.,
Sec. 1, All.
T. 35 N., R. 43 E.,
Sec. 25, SE¼.
T. 38 N., R. 43 E.,
Sec. 27, SW¼;
Sec. 29, All;
Sec. 31, Lots 1 and 2, E½NW¼;
Sec. 33, NE¼;
Sec. 35, All.
T. 31 N., R. 44 E.,
Sec. 1, All;
Sec. 3, SE ¼;
Sec. 9, SE¼;
Sec. 11, NW¼;
Sec. 15, NW¼;
Sec. 17, SE¼;
Sec. 19, E½SE¼;
Sec. 21, NW¼;
Sec. 29, NW¼;
Sec. 31, Lots 1 and 2, E½NW¼.
T. 32 N., R. 44 E.,
Sec. 25, Lots 1 and 2, W½NE¼.
T. 31 N., R. 45 E.,
Sec. 6, All.
T. 32 N., R. 45 E.,
Sec. 30, All;
Sec. 31, All.
T. 31 N., R. 46 E.,
Sec. 31, Lots 1, 2, 3 & 4, E½NW¼, NE¼ SW¼.

2. The areas described above total 48,220 acres of land, more or less. The lands reconveyed and known as the Fernley Trail lands located in Ts. 21, 22, 23, 24 and 25 N., R. 24 E., M. D. M., Nevada extend northerly from Fernley on Highway U. S. 40 and the Southern Pacific Railroad along the eastern boundary of the Pyramid Lake Indian Reservation and along the east shore of Winnemucca Lake to the Northern limits of the railroad grant. A portion of these Fernley Trail lands lies within the Winnemucca Wildlife Refuge. Along the eastern shore of Winnemucca Lake the lands slope gently toward the lake. The soil is a sandy silt and generally rocky. The vegetation is a semi-desert shrub type of low carrying capacity. South of the lake the lands become more rough and barren although certain limited areas produce perennial grass forage. The carrying capacity of these lands is dependent primarily upon seasonal rainfall since the principal forage species are annuals. They are best adapted to grazing by livestock and are not known to be susceptible of cultivation by any means.

The lands reconveyed and known as the Lovelock Trail lands are located in Ts. 28, 29 and 30 N., R. 29 E., M. D. M., and Ts. 27 and 28 N., R. 30 E., M. D. M. These lands extend northerly from a point about 4 miles west of Lovelock, Nevada to the northern limits of the railroad grant and are all located in Pershing County. The lands are generally mountainous, support a semi-desert type of vegetation and are low in value. The lands generally parallel State Highway 48 leading from Lovelock to Vernon and Seven Troughs.

The following lands are known as the West Wells Trail lands and are located in T. 39 N., R. 60 E., Ts. 38 and 40 N., R. 61 E., Ts. 37 and 38 N., R. 62 E., and Ts. 37 and 38 N., R. 63 E., M. D. M., Nevada. These lands are located in Elko County and extend from the vicinity of Wells, Nevada, north and west to the northern limits of the railroad grant. The topography is rolling with some low hills and frequent shallow washes. The soil is a gravelly clay. The vegetative type is big sage and bunch grass with some open areas of dry meadow. The carrying capacity is relatively high and some of the lands are considered for low value crops such as grass hay. Permanent and intermitten streams provide water on some of these lands or it is available on adjoining areas for grazing livestock by the owners of such adjoining lands. The lands are primarily adaptable to the grazing by livestock and are not known to be susceptible of cultivation.

The lands described in 34 N., R. 30 E., T. 34 N., R. 31 E., T. 34 N., R. 32 E., and Ts. 32, 33 and 34 N., R. 33 E., and T. 32 N., R. 34 E., are known as the Imlay Trail lands. They are situated north and east of Imlay which is a town on the Southern Pacific Railroad. The lands are generally mountainous and support a semi-desert type of vegetation and are low in grazing value. The soil is a sandy silt and generally rocky, unsuitable for the production of agricultural crops. Its best use appears to be for the grazing of livestock. The carrying capacity of these lands for livestock is dependent primarily upon seasonal rainfall since there are no known permanent waters for watering purposes other than those on adjoining privately owned lands.

The lands described in Ts. 32, 33 and 34 N., R. 40 E., Ts. 36, 37 N., R. 41 E., T. 38 N., R. 42 E., and T. 38 N., R. 43 E., are known as the Golconda Trail lands and are also situated both north and south of Golconda, which is a town on the Southern Pacific Railroad. The lands are generally mountainous, support a semi-desert type of vegetation and are fairly low in value. The soils range from a clay loam to gravel and the vegetation consists chiefly of sagebrush, shadscale, some perennial grasses and annual weeds. The lands are not adapted to the cultivation of crops and are chiefly used for the grazing of livestock.

The lands described in T. 30 N., R. 42 E., T. 30 N., R. 43 E., T. 31 N., R. 43 E., T. 31 N., R. 44 E., and Ts. 31 and 32 N., R. 45 E., are known as the Battle Mountain Trail lands and are situated southerly from Battle Mountain, which is situated on the Southern Pacific Railroad and on U. S. Highway 40. The trail covered by these lands runs generally south and west from Battle Mountain to the southern limits of the railroad grant. These lands are all located in Lander County, Nevada. The topography is generally rolling to mountainous, soils range from clay loam to gravelly, the vegetation consists of sagebrush, native bunch grass and annual weeds. The carrying capacity varies from poor to good. No permanent waters are known to exist on the lands but intermittent streams and waters owned on adjoining private lands provide water during the grazing periods. The lands are not known to be susceptible of cultivation by any means.

3. No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposal until they have been classified.

4. These lands are not open for location and entry under the general mining laws and mineral leasing laws as the mineral rights have been reserved to former owners.

5. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are opened to filing of applications and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager of the Land Office, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on 4–11–57, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on 7–11–57, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, to 10:00 a. m. on 7–11–57 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph (2) above, must enclose with their applications proper evidence of military or naval seryice, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Nevada Land Office, P. O. Box 1551, Reno, Nevada.

JAMES E. KEOGH, Jr.,
Manager, Land Office.

[F. R. Doc. 57–1909; Filed, Mar. 13, 1957; 8:46 a. m.]

GROUP 295, ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

MARCH 7, 1957.

Notice is given that the plats of survey accepted November 26, 1956 of T. 33 N., R. 15 W., T. 34 N., R. 11 W., T. 34 N., R. 15 W., T. 35 N., R. 15 W., T. 37 N., R. 13 W., T. 38 N., R. 15 W., T. 40 N., R. 11 W., T. 40 N., R. 12 W., and T. 42 N., R. 11 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 33 N., R. 15 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All).
T. 34 N., R. 11 W.,
Sec. 32, All.
T. 34 N., R. 15 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All).
T. 35 N., R. 15 W.,
Sec. 16, All.
T. 37 N., R. 13 W.,
Sec. 16, All;
Sec. 32, All;
Sec. 36, All.
T. 38 N., R. 15 W.,
Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All);
Sec. 16, All.
T. 40 N., R. 11 W.,
Sec. 16, All.
T. 40 N., R. 12 W.,
Sec. 16, All.
T. 42 N., R. 11 W.,
Sec. 31, Lots 1, 2, 3, 4, 5, 6, 7, S½, (All);
Sec. 32, Lots 1, 2, 3, 4, S½, (All);
Sec. 36, Lots 1, 2, 3, 4, S½, (All).

Within the above-described areas are 3,657.50 acres of public lands.

Available data indicates the land in Sec. 2, T. 33 N., R. 15 W., and All Sec. 32, T. 34 N., R. 11 W., has rolling land, with rocky, clay soil. Sec. 2, T. 34 N., R. 15 W. is composed of rolling land, with sandy, gravelly, rocky soil, Sec. 16, T. 35 N., R. 15 W., has rolling land with gravelly and rocky soil; All Secs. 16, 32 and 36, T. 37 N., R. 13 W. have rolling land, with gravelly and rocky soil; All Secs. 2 and 16, T. 38 N., R. 15 W. are composed of rolling land with rocky soil; All Sec. 16, T. 40 N., R. 11 W. has land composed of broken slopes, and rocky, gravelly soil; All Sec. 16, T. 40 N., R. 12 W. has rolling land, with gravelly soil; All Sec. 31, T. 42 N., R. 11 W. has rolling land, with sandy soil; All Sec. 32, T. 42 N., R. 11 W. is mountainous land with rocky soil; and All Sec. 36, T. 42 N., R. 11 W. is composed of rolling land with rocky soil.

Subject to valid existing rights, the State's title attached to the following lands upon the acceptance of the plats of survey: Lots 1, 2, 3, 4, S½NW¼, SE¼ NE¼, and S½, Sec. 2, T. 33 N., R. 15 W., NW¼, W½NE¼, Sec. 32, T. 34 N., R. 11 W., Lot 4, S½NW¼, N½SE¼, and the SW¼SE¼, Sec. 2, T. 34 N., R. 15 W., SE¼NE¼, Sec. 16, T. 35 N., R. 15 W., All Secs. 16, 32 and 36, T. 37 N., R. 13 W., Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2, All Sec. 16, T. 38 N., R. 15 W., NE¼NE¼, Sec. 16, T. 40 N., R. 11 W., SE¼, Sec 16, T. 40 N., R. 12 W., Lots 1, 2, 3, 4, Sec. 32, and Lots 1, 2, 3, 4, Sec. 36, T. 42 N., R. 11 W.

No applications for the remainder of these lands, namely, the SW¼NE¼, Sec. 2, T. 33 N., R. 15 W., S½, E½NE¼, Sec. 32, T. 34 N., R. 11 W., Lots 1, 2, 3, S½NE¼, SW¼, and SE¼SE¼, Sec. 2, T. 34 N., R. 15 W., W½, W½NE¼, NE¼NE¼, and the SE¼, Sec. 16, T. 35 N., R. 15 W., W½, W½E½, SE¼NE¼, and the E½SE¼, Sec. 16, T. 40 N., R. 11 W., N½, and the SW¼, Sec. 16, T. 40 N., R. 12 W., Lots 1, 2, 3, 4, 5, 6, 7, S½, (All), Sec. 31, S½, Sec. 32, and S½, Sec. 36, T. 42 N., R. 11 W., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on April 12, 1957 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 12, 1957 will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on July 12, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
Manager.

[F. R. Doc. 57–1928; Filed, Mar. 13, 1957; 8:49 a. m.]

National Park Service

[Order 16, Amdt. 1]

CHIEF, DIVISION OF RECREATION RESOURCE PLANNING

DELEGATION OF AUTHORITY TO DETERMINE WHETHER SURPLUS LAND IS SUITABLE FOR CERTAIN USES

Order No. 16, dated June 8, 1955 (20 F. R. 4430), is amended to read as follows:

The Chief, Division of Recreation Resource Planning, is authorized to determine, in accordance with subsection (h) of section 13 of the Surplus Property Act of 1944, as amended by the act of June 10, 1948 (62 Stat. 350; 50 U. S. C., App., 1952 ed., SECTION 1622 (h)), whether surplus land is suitable and desirable for use as a public park, public recreational area, or historic monument, for the benefit of the public, and to inform disposal agencies of such determinations.

(Secretary's Order No. 2640, as amended; 16 F. R. 5846, 19 F. R. 1327, 1937)

[SEAL] CONRAD L. WIRTH,
Director.

[F. R. Doc. 57–1912; Filed, Mar. 13, 1957; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11741; FCC 57–209]

CLAREMORE BROADCASTING CO.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company,

Claremore, Oklahoma; Docket No. 11741, File No. BP-10306; for construction permit.

1. The Commission has before it for consideration (1) Petition to Intervene and for Enlargement of Issues filed by L. L. Gaffaney tr/as Lakes Area Broadcasting Co. on October 25, 1956, and supplement thereto filed on October 31, 1956;[1] (2) Comment on Petition to Enlarge Issues filed by Broadcast Bureau on November 2, 1956; (3) Opposition to Petition filed by Robert I. Hartley, tr/as Claremore Broadcasting Co. on November 5, 1956; (4) Reply to Opposition filed by Gaffaney on November 13, 1956; and (5) Reply to Opposition filed by the Broadcast Bureau on November 13, 1956.

2. The following chronology is significant in this proceeding: By Order of June 13, 1956 (released June 18, 1956) Mr. Hartley's application was designated for hearing on issues designed to ascertain what, if any, interference his proposed station would cause to existing stations. On June 21, 1956, Mr. Gaffaney filed an application which would have been mutually exclusive with the Hartley application. On July 10, 1956, the Gaffaney application was returned by the Commission for failure to specify antenna and transmitter site. On August 2, 1956, the Chief Hearing Examiner dismissed the Hartley application for failure to prosecute. On August 16, 1956, Gaffaney filed a new application for the facility. On August 20, 1956, Hartley filed a petition for reconsideration of the Order dismissing his application, which petition was granted by the Chief Hearing Examiner on September 5, 1956. On September 26, 1956 the Commission returned Gaffaney's application of August 16, 1956, on the ground that Hartley's previously dismissed application had been reinstated and Gaffaney's application was therefore filed too late. On October 25, 1956, Gaffaney filed the subject petition to intervene[2] and to enlarge issues, alleging that Hartley's application involved concealed ownership.

3. Section 1.389 of the Commission's rules provides that requests to enlarge issues shall be filed not later than 15 days after the issues in a hearing have first been published in the FEDERAL REGISTER.[3] Unless good cause is shown, untimely filed motions will not be accepted. As cause for failure to timely file the instant motion, Mr. Gaffaney points out that his application of June 21, 1956 stated his belief that Hartley was not the true owner of his proposed station. It is stated that subsequent thereto, he believed that his allegations were before the Commission, and no further action on his part was necessary. Under these circumstances, we believe good cause has been shown for the late filing of the petition.

4. Mr. Gaffaney alleges that the true owners of Mr. Hartley's proposed station are John Adams and John Mahoney. He supports his contention with affidavits indicating that Adams and Mahoney announced plans to construct a chain of radio stations, among them one at Claremore, Oklahoma; that they performed some of the preliminary work necessary to filing an application for the Claremore facility, including acquiring an option on land in Claremore, at which time they advised the owner that the property was to be used for a radio station; and that Mr. Hartley's application in this proceeding is very similar in style and composition to an application filed by Adams and Mahoney for a station in Bartlesville, Oklahoma.

5. In explanation, Mr. Hartley in his opposition to the petition, states that Adams and Mahoney were interested in a station in Claremore and did the work preliminary to filing an application therefor. When they discovered, however, that Commission rules would probably bar their acquiring a station in Claremore due to its proximity to a station they owned in Vinita, Oklahoma, they abandoned their plans for Claremore and turned over this work to Mr. Hartley. In further explanation of the similarity between Mr. Hartley's application and the Adams and Mahoney application for Bartlesville, it is stated that Hartley's application was prepared by Adams, acting as his attorney, and a certain similarity in style might be expected.

6. Although the Commission's application form requires such information, Mr. Hartley's application does not disclose the preliminary work of Adams and Hartley nor does it identify Mr. Adams as his attorney.

7. We here have contested allegations and facts as to a matter which could affect the qualifications of the applicant. While an explanation of certain of the facts is offered, we believe this matter cannot be resolved on the basis of the pleadings before us. Further, no explanation is offered as to the failure to disclose the participation of Mr. Adams and Mr. Mahoney in the preparation and filing of the application. Under such circumstances, full inquiry into this matter under the hearing processes is required.

8. *Accordingly, it is ordered,* This 6th day of March 1957, that the petition for enlargement of issues filed by L. L. Gaffaney tr/as Lakes Area Broadcasting Company is granted and the present issues in this proceeding are enlarged to include the following issue:

To determine whether the above-entitled application of Robert J. Hartley, tr/as Claremore Broadcasting Company, fully and correctly identifies the real parties in interest; whether John Q. Adams or John M. Mahoney of Vinita, Oklahoma, or both, have an undisclosed interest in the said application; and whether the said application fully and completely supplies the information called for by the application form.

Released: March 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1940; Filed, Mar. 13, 1957; 8:51 a. m.]

[Docket Nos. 11858; 11859; FCC 57M-198]

KEN-SELL, INC., AND FLORIDA KEYS BROADCASTING CORP.

ORDER CANCELLING PREHEARING CONFERENCE

In re applications of Ken-Sell, Inc., Key West, Florida; Docket No. 11858, File No. BP-10242; Florida Keys Broadcasting Corporation, Key West, Florida; Docket No. 11859, File No. BP-10663; for construction permits.

It appearing that by letter dated March 6, 1957, counsel for Ken-Sell has informed the Commission that petition for dismissal of the Ken-Sell application is in the process of preparation and will be filed shortly; and

It further appearing that the Commission's order of designation found Florida Keys minimally qualified to receive grant and designated no issue qualifying that finding so that the dismissal referred to above will obviate the necessity of hearing;

It is ordered, This 6th day of March 1957, on the Examiner's own motion that the prehearing conference now scheduled for March 7, 1957 will not be held.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1941; Filed, Mar. 13, 1957; 8:52 a. m.]

[Docket No. 11944; FCC 57-214]

PACIFIC BROADCASTERS

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of J. Claude Warren, Paul E. Wilkins and J. Q. Floyd, d/b as Pacific Broadcasters, Oxnard, California; Docket No. 11944, File No. BP-9270; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of March 1957;

The Commission having under consideration the above-captioned application of J. Claude Warren, Paul E. Wilkins and J. Q. Floyd, d/b as Pacific Broadcasters, for a construction permit for a new standard broadcast station at Oxnard, California, to operate on 1520 kilocycles with a power of 250 watts, directional antenna, unlimited time, File No. BP-9270; and

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed station; but that interference from Station KOMA, Oklahoma City, Oklahoma (1520kc, 50kw, DA-N, U) would affect more than ten percent of the population in the proposed station's normally protected primary service area, in contravention of § 3.28 (c) of the Commission's rules, and would not appear to comply with any of the exceptions contained within said Rule; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicant was advised by letter dated August 9, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of its application would be in the public interest; and

It further appearing, that the applicant filed a timely reply; and

It further appearing, that in a pleading filed on February 21, 1956, the applicant contends that its proposal would comply with the provisions of § 3.28 (c) of the rules by providing a first nighttime facility to Oxnard, California, if the dual-city operation of Station KUDU, Ventura-Oxnard, California, is deemed inapplicable to the considerations of § 3.28 (c); and requests that the Commission interpret the provisions of § 3.28 (c) as here being inapplicable, or to waive the provisions of § 3.28 (c) and grant its application, or, in the alternative, issue an order against Station KUDU to show cause why its license should not be modified to specify Ventura as its location in lieu of Ventura-Oxnard, California; and

It further appearing, that in support of its aforementioned requests, the applicant claims that about January 1952, approximately three years after being authorized for dual-city operation, Station KUDU abandoned its studios in Oxnard, California; that Station KUDU has dropped its listing among the commercial establishments in the "yellow pages" of the Oxnard Telephone Directory; and that Station KUDU "does not now conduct its operations in such a way as to be entitled to the dual-city identification"; and

It further appearing, that we are of the opinion that the dual-city operation of Station KUDU is applicable to the considerations of § 3.28 (c) because § 3.30 of the Commission's rules provides that a station licensed to serve more than one place shall be considered to be located in each such place, and also permit a station's main studio to be located at the transmitter site; and

It further appearing, that we are of the opinion that the applicant's above-referenced alternative request for issuance of an order against Station KUDU to show cause why its license should not be modified is without merit because the applicant has not made a sufficient showing to the effect that KUDU is not in compliance with § 3.30 of our rules concerning dual-identification or that KUDU is not serving the radio needs of Oxnard; and

It further appearing, that on the basis of the information before us we are unable at this time to conclude that the grant of a waiver of § 3.28 (c) would here be warranted; and

It further appearing, that in view of the foregoing we are of the opinion that a hearing on the instant application is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the instant proposal, and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would receive objectionable interference from Station KOMA, Oklahoma City, Oklahoma, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of Issue 2, whether, because of the interference received from Station KOMA, the instant proposal would comply with the provisions of § 3.28 (c) of the Commission's rules, and, if not, whether circumstances exist which would warrant a waiver of said section.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, if a grant of the instant application would serve the public interest, convenience, and necessity.

It is further ordered, That KUDU, The Voice of Ventura County, licensee of Station KUDU, be made a party to the proceeding.

It is further ordered, That, to avail itself of the opportunity to be heard, Pacific Broadcasters and The Voice of Ventura County, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1942; Filed, Mar. 13, 1957; 8:52 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1957. Supp. 162]

HARDWARE MUTUAL CASUALTY CO.

SURETY COMPANY ACCEPTABLE ON FEDERAL BONDS

MARCH 8, 1957.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6-13, as an acceptable surety on Federal bonds. An underwriting limitation of $1,435,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in Which Incorporated

WISCONSIN

Hardware Mutual Casualty Company, Stevens Point.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-1931; Filed, Mar. 13, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order 415 (Revised)]

ASSISTANT ADMINISTRATOR OF THE OFFICE OF ENFORCEMENT ET AL.

APPOINTMENTS TO GRANT, DENY, OR CANCEL SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF APPRENTICES

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), General Order No. 45-A (15 F. R. 3290), the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sec. 35 et seq.), and the minimum wage determinations of the Secretary of Labor (Title 41, Code of Federal Regulations, Part 202), the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, hereby designates and appoints the following persons as his representatives with full power and authority to grant or deny applications for special certificates for the employment of apprentices, to sign, issue and cancel special certificates authorizing the employment of apprentices, and to take such other action as may be necessary or appropriate in connection therewith, as provided in Part 521 (Title 29, Code of Federal Regulations, Part 521) and in Part 202 (Title 41, Code of Federal Regulations, Part 202): The Assistant Administrator of the Office of Enforcement and the Director of the Division of Case Analysis and Technical Services, Wage and Hour and Public Contracts Divisions, the regional directors and deputy regional directors of the several regional offices of the Wage and Hour and Public Contracts Divisions as his authorized representatives within their respective regions, the Territorial Representative for the Territory of Hawaii and the Ter-

[1] The supplement was not filed in conformance with the requirements of § 1.730 of the Commission's rules. This pleading essentially addresses itself to the standing of petitioner to seek intervention through enlargement of argument made in the original petition. While not condoning this failure to comply with our rules, as the standing of petitioner was adequately set forth in his original pleading, no useful purpose would be served by dismissal of the supplement.

[2] By Order of November 6, 1956 the Chief Hearing Examiner granted the petition insofar as intervention was sought.

[3] The order of June 13, 1956, designating the issues in this proceeding, was published in the FEDERAL REGISTER on June 22, 1956 (21 F. R. 4420).

[4] Commissioner Bartley voting to deny.

ritorial Director and the Deputy Territorial Director for Puerto Rico and the Virgin Islands as his authorized representatives within their respective jurisdictions, and the Commissioner of Labor of North Carolina as his authorized representative within the State of North Carolina.

This order revises Administrative Order No. 415 issued October 1, 1951 (16 F. R. 10003), and supersedes all previous orders issued by the Administrator or his predecessors in office insofar as such orders authorize certain designated officers to grant or deny applications for special certificates for the employment of apprentices and to sign, issue and cancel such certificates authorizing the employment of apprentices under the regulations Part 521 (29 CFR Part 521) and section 14 of the Fair Labor Standards Act of 1938, as amended, and the regulations Part 202 (41 CFR Part 202) and sections 4 and 6 of the Walsh-Healey Public Contracts Act.

This order shall become effective March 14, 1957.

Signed at Washington, D. C., this 8th day of March 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-1913; Filed, Mar. 13, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

MARCH 1957 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on sales made in March under the Export Credit Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 3¾ percent per annum.

For periods over 6 months up to and including 18 months, 4¼ percent per annum.

For periods over 18 months up to and including 36 months, 4¾ percent per annum.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

MARCH 1957 MONTHLY SALES LIST

NOTICE TO BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation, the buyer (1) shall be regularly engaged in the business of buying or selling commodities and, for this purpose, shall maintain a bona fide business office in the United States, its territories, or possessions and therein have a person, principal or resident agent, upon whom service of judicial process may be had, and (2) shall submit a financial statement, bank advice, surety bond or other evidence of financial responsibility as may be required by CCC.

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Dairy products	Domestic prices (except for restricted use) apply "in store" [1] at storage locations of products.
	Domestic price for restricted use is basis delivered to delivery point named in offer. CCC will convert to "in store" price by deducting lowest domestic rail freight rate, except that no deduction for freight will be made if the "in store" location and the delivery point named in offer are in the same city.
	Export prices are basis f. a. s. port or f. o. b. point of export. CCC will convert to "in store" price by deducting lowest export rail freight rate.
	Available through Cincinnati and Portland CSS Commodity Offices for domestic sale for unrestricted use and domestic sale for animal and poultry feed, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for other sales.
(In carloads only, as available)	Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 62.5 cents per pound.
	Domestic, restricted use: Under Da-111 and supplements. For use as an extender for cocoa butter in the manufacture of chocolate, 39 cents per pound
	Export, unrestricted use: Under LD-7. 39 cents per pound.
Nonfat dry milk (in carloads only) spray, roller, as available.	Domestic, unrestricted use: Spray process, U. S. Extra Grade—In barrels and drums, 17.0 cents per pound; in bags, 16.15 cents per pound. Roller process, U. S. Extra Grade—In barrels and drums, 15.25 cents per pound; in bags, 14.60 cents per pound.
	Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-14 and supplements—In barrels and drums, 11.5 cents per pound; in bags, 10.65 cents per pound.
	Export, unrestricted use: Under LD-5 and amendments: Spray process, U. S. Extra Grade—In barrels and drums, 9.9 cents per pound; in bags, 9.05 cents per pound. Roller process, U. S. Extra Grade—In barrels and drums, 8.35 cents per pound; in bags, 7.55 cents per pound.
	Export, restricted use (animal and poultry feed): under LD-23 and amendment: Roller process—Competitive bids received each week (by close of business on Friday) will be considered for acceptance on the first business day of the following week.
Cheddar cheese: Cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only) 161 million pounds.	Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 37 cents per pound.
	Export: Under LD-5 and amendments, 22 cents per pound. Cheese prices are subject to usual adjustments for moisture content.
Cotton linters	Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7, as amended, in carlot quantities on an "as is, where is" basis. Catalogs showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Cotton, Upland	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-5, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
	Export: Competitive bid and under the terms and conditions of Announcement CN-EX-2 (Revision 1) and NO-C-8, as amended.
Cotton, Extra Long Staple	Domestic: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.
	Export: Competitive bid and under the terms and conditions of Announcement NO-C-6, as amended. Catalogs for Upland and Extra Long Staple cotton showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.
Peanuts	Domestic (for crushing) or export: Competitive bid basis for limited quantities announced by Peanut Cooperative Associations under CCC Peanut Announcement 1, as amended. Available Dallas CSS Commodity Office.
Wool, shorn, 56 million pounds	Domestic or export: Limited quantities (not more than 6¼ million pounds in March) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area.
Wheat, bulk	Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the 1956 applicable loan rate, plus (1) 26 cents per bushel if received by truck, or (2) 31 cents per bushel if received by rail or barge.
	Examples of the foregoing minimum price per bushel (exrail or barge)—Chicago, No. 1 RW $2.62; Minneapolis, No. 1 DNS $2.65; Kansas City, No. 1 HW $2.62.
	Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1956 county loan rate plus (1) 26 cents per bushel if received by truck, or (2) 31 cents per bushel if received by rail or barge.
	The minimum price for all spring wheat, including durum, will be basis loan rate point of production; if point of production not determinable, basis Minneapolis.
	Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts only, at prices determined daily, and under Announcement GR-212 revised, as amended, for specific offerings as announced. Disposals under special export program under Announcement GR-345.[2]
	Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale, except under GR-345 at Dallas, Chicago, and Portland only.
Corn, bulk	Domestic, commercial corn-producing area: Market price, basis in store,[1] but not less than the 1956 applicable loan rate basis point of production plus 23 cents per bushel.
	Examples of the foregoing minimum price per bushel, including average paid-in freight: Chicago, No. 3 yellow, $1.02; Minneapolis, No. 3 yellow $1.53; Kansas City, No. 3 yellow, $1.01; Portland, No. 3 yellow, $2.08.
	Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 121 percent of the applicable 1956 loan rate, plus 23 cents per bushel.
	Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices. Nonstorable corn is also available at the above offices.
	Export: Competitive bid basis as announced by the Portland and Chicago CSS Commodity Offices.

[1] See footnotes at end of table.

MARCH 1957 MONTHLY SALES LIST—Continued

Commodity and approximate quantity available (subject to prior sale)	Sales price or method of sale
Oats, bulk	Domestic: Market price, basis in store,[1] but not less than the 1956 applicable loan rate basis point of production plus 17 cents per bushel.
	Examples of the foregoing minimum price per bushel including average paid-in freight: Chicago, No. 3 oats or better, $0.95; Minneapolis, No. 3 oats or better, $0.90.
	Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices.
	Export: Competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[2]
Barley, bulk	Domestic: Market price basis in store,[1] but not less than the 1956 applicable loan rate plus (1) 26 cents per bushel if received by truck, or (2) 23 cents per bushel if received by rail or barge.
	Example of the foregoing minimum price per bushel (exrail or barge): Minneapolis No. 2 barley, $1.47.
	Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices.
	Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2]
Rye, bulk	Domestic: Market price, basis in store,[1] but not less than the 1956 applicable loan rate, plus (1) 30 cents per bushel if received by truck, or (2) 25 cents per bushel if received by rail or barge.
	Example of the foregoing minimum price per bushel (ex rail or barge): Minneapolis No. 2 or better, $1.75.
	Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices.
	Export: Competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2]
Grain sorghums, bulk	Domestic: Market price, basis in store, but not less than the 1956 applicable loan rate plus (1) 51 cents per hundredweight if received by truck, or (2) 42 cents per hundredweight if received by rail or barge.
	Example of the foregoing minimum price per hundredweight (exrail or barge): Kansas City No. 2 or better, $2.84.
	Available Dallas, Portland, and Kansas City CSS Commodity Offices.
	Export: Competitive bid as announced by Dallas CSS Commodity Office.[2]
Rice, milled (as available)	Domestic: For feed, other brokens: Competitive bid under DL-BR-1/56 as announced by Dallas CSS Commodity Office. Unrestricted use and for export, other brokens: Competitive bid under DL-BR-1/56 (minimum price, $6.01 per hundredweight in sacks, $5.86 bulk) as announced by Dallas CSS Commodity Office.
	Special export: Competitive bid on U. S. No. 5 or better under DL-MR-400 as announced by Dallas CSS Commodity Office.[2]
	Special export on "as is" basis: Competitive bid under terms and conditions of DL-MR-53 as announced by Dallas CSS Commodity Office.
Dry edible beans (bagged)	Prices for domestic sale are for U. S. No. 1 f. o. b. indicated points of production. Amount of paid-in freight to be added as applicable. For other grades, adjust by market differentials.
Pea beans (as available)	Domestic: Market price but not less than $7.94 per 100 pounds Michigan points of production. Available Chicago CSS Commodity Office.
	Export: Competitive bids as announced by Chicago CSS Commodity Office.
Red kidney beans (as available)	Domestic: Market price but not less than $9.02 per 100 pounds Michigan and New York points of production. Available Chicago CSS Commodity Office.
	Export: Competitive bids as announced by Chicago CSS Commodity Office.
Gum rosin (in galvanized metal drums averaging 517 pounds net).	Domestic or export: Offer and acceptance, "as is" in the stated quantities on the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 (revised) and supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.
	Special export: Competitive bid for not to exceed 47,000 drums of rosin "as is," in storage, subject to Announcement TB-21 (revised) and supplements thereto.
Gum turpentine (bulk in tanks)	Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms and conditions of Announcement TB-21 (revised) and supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.

[3] Sales of grains other than wheat made under Title I, P. L. 480, may be made on terms and conditions of GR-301 revised. Other commodities under the announcement indicated.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: March 8, 1957.

[SEAL] CLARENCE L. MILLER,
Acting Executive Vice-President, Commodity Credit Corporation.

[F. R. Doc. 57-1934; Filed, Mar. 13, 1957; 8:51 a. m.]

Office of the Secretary

COLORADO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that the following counties in the State of Colorado a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Alamosa.	Rio Grande.
Conejos.	Saguache.
Costilla.	

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1935; Filed, Mar. 13, 1957; 8:51 a. m.]

MAINE

DISASTER ASSISTANCE; DESIGNATION OF AREA FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the following counties in the State of Maine there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

MAINE

Aroostook.	Waldo.
Penobscot.	Washington.
Piscataquis	

Pursuant to the authority set forth above, such loans may be made to new applicants in said counties through June 30, 1957. Thereafter, such loans may be made in said counties only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-1936; Filed, Mar. 13, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

AMERICAUTO AND A. C. I., S. A.

ORDER EXTENDING TEMPORARY ORDER DENYING EXPORT PRIVILEGES

In the matter of: Jacques Bensa, doing business as Americauto, 44 rue Brunel, Paris, France; A. C. I., S. A., also known as Automobile Commerciale Internationale, 1 rue de Rive, Geneva, Switzerland; respondents.

An order having heretofore been made temporarily denying export privileges to the respondents above named, who are related firms (21 F. R. 7703), which order has been extended from time to time, the last extension having been by order dated February 6, 1957 (22 F. R. 868), which extension is about to expire, the Investigation Staff now applies for a further order of extension. This application was considered by the Compliance Commissioner, who has reported that, during the time that the said respondents were subject to the temporary order denying their export privileges, the respondent Bensa, in apparent violation of the provisions of said order, seems to have attempted to have 100 absorbers exported from the United States to

another firm owned or controlled by him, and because of such conduct indicated an attitude on his part to repeat or continue a disregard for United States export control regulations, and he has recommended that the application be granted as hereinafter provided.

Now, after reading the recommendation of the Compliance Commissioner and considering the entire record herein, and believing that it is reasonably necessary to protect the public interest: *It is hereby ordered:*

That the order of October 4, 1956 (21 F. R. 7703), denying export privileges to the respondents herein named be, and the same hereby is further extended pending the completion of a compliance proceeding about to be commenced against them.

Dated: March 7, 1957.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-1924: Filed, Mar. 13, 1957; 8:48 a. m.]

[Case 223]

WILLIAM KURT SAMUEL WALLERSTEINER ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of: William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., 22/32, Copperfield Road, Canal Road, London, E. 3, England; Watford Chemical Corporation, New York, New York; Watford Chemical Co. (Canada) Ltd., Copperfield Road, Westhill, Ontario, Canada; Chris A. Watters, 3 Parkway Drive, R. R. 1, Milton, Ontario, Canada; Louis Vaughan, 44 Woodland Gardens, Muswell Hill, N. 10, England; George McKee Todd, 17 Half Moon Street, London, W. 1, England; Herbert Shilton, R. R. 1, Highland Creek, Ontario, Canada; John Block, John Block & Company, Inc., 6 State Street, New York 4, New York; respondents.

The respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., London, England, E. Tingley & Son Ltd., London, England, Watford Chemical Corporation, New York City, Watford Chemical Co. (Canada) Ltd. (hereinafter referred to as the Wallersteiner group), George McKee Todd, Herbert Shilton, Chris A. Watters, John Block & Company, Inc., and Louis Vaughan, having been charged by the Director of the Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents all having been duly served with the charging letter; and

The said respondents having appeared herein by participation, service of answer, demand for oral hearing or proposal for consent disposition, this case was referred to the Compliance Commissioner, who held a hearing at which were present in person or represented by counsel the Wallersteiner group, John Block and John Block & Company, Inc.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by respondents in opposition thereto or in connection therewith, and having considered also the consent order proposal submitted on behalf of the Wallersteiner group, has transmitted to the undersigned Director, Office of Export Supply, Bureau of Foreign Commerce, Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that (a) the consent proposal submitted on behalf of the Wallersteiner group be accepted and (b) that respondents be denied export privileges to the extent hereinafter provided, together with which report there have been transmitted also the transcript of testimony at the hearing, all exhibits submitted thereat, the charging letter, answers, consent proposal, correspondence and briefs.

In connection with the consent proposal made by the Wallersteiner group, there were considered, among other factors, the May 6, 1955 order denying to them all export privileges pending this proceeding and a $6,000 fine paid by Watford Chemical Corporation following its plea of guilty to charges of criminal violation of the Export Control Act prosecuted against it in the U. S. District Court for the Southern District of New York, which charges involved matters herein involved.

After reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the briefs, I hereby make the following findings of fact:

A. *As to the Wallersteiner respondents.* 1. Wherever reference is hereinafter made to the Wallersteiner respondents such reference shall include and be deemed to refer to William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation, New York City, and Watford Chemical Co. (Canada) Ltd., Toronto, Ontario.

2. During the first half of 1951 respondent William Kurt Samuel Wallersteiner, through the medium of a Switzerland corporation owned or controlled by him and not a respondent herein, entered into contracts with a company in Eastern Germany whereunder the seller agreed to sell and the purchaser agreed to buy some $30,000,000 worth of chemicals, drugs, and dyestuffs. For the purpose of supplying that contract, the respondent William Kurt Samuel Wallersteiner arranged for the acquisition in various parts of the world, by the corporations heretofore named, of these commodities which were all to be transferred by intercompany transfers to another company owned or controlled by respondent William Kurt Samuel Wallersteiner in Vaduz, Liechtenstein, which last mentioned company would then sell them to the company in Switzerland to enable it to complete its obligations under the contracts.

3. The business operation conducted by the company in Eastern Germany was of such a nature and the names displayed on its premises were such as to put respondent William Kurt Samuel Wallersteiner on notice, if not at the time of contracting, then soon thereafter, that the East German company was purchasing the commodities for the Communist Chinese.

4. Following the execution of said contracts, the Wallersteiner respondents did supply their ultimate purchaser with something less than one-third of the requirements thereunder and, in connection with their supplying of those requirements they did purchase and export or cause to be exported from the United States chemicals, drugs, and dyestuffs having a value in excess of $1,250,000.

5. The commodities so exported by the Wallersteiner respondents from the United States were exported by resorting to devices as follows:

a. They caused to made applications for and obtained export licenses for the exportation of goods from the United States by representing to the Department of Commerce that the goods for which such applications were filed were being purchased by one or another of the Wallersteiner companies in England for consumption there.

b. They exported or caused to be exported to England goods from the United States under purported authorization of general license and in connection with such exportations caused representations and statements to be made on shipper's export declarations certifying that the goods being exported thereunder were being exported to one or another of the Wallersteiner companies in England as the country of ultimate destination.

c. They exported or caused to be exported from the United States to Canada, under the general provisions permitting exportations to Canada without license, goods which they certified or caused to be certified in shipper's export declarations as being goods purchased by their Canadian corporation for ultimate destination Canada, and after the arrival of such goods in Canada they caused such goods to be transhipped forthwith to England.

d. Upon arrival of such goods so exported from the United States either directly to England under validated license or under general license or of goods exported from the United States to Canada and thence reexported to England, such goods were thereupon transshipped or caused to be transshipped by the Wallersteiner respondents to Eastern Germany or Gdynia, Poland.

6. All representations and statements made or caused to be made by the Wallersteiner respondents in applications for export licenses and in shipper's export declarations to the effect that the goods to which reference was made therein were being purchased by a consignee in England and were to be consumed there or were ultimately destined for that country, or were being purchased by a consignee in Canada with Canada as the ultimate destination, were false and known by the said respondents to be false and were made for the sole purpose of procuring the delivery of such goods to England to be transshipped from England to Eastern Germany or Gdynia, Poland.

7. In every instance of transshipment whereby any goods were transshipped from England to East Germany or Gdynia, Poland, such transshipment was made without permission or authorization of the Department of Commerce although the Wallersteiner respondents well knew that such permission and authorization were required and that such transshipments, if made without permission and authorization of the Department of Commerce, were in violation of the export control laws and regulations of the United States.

8. Also, in connection with the efforts of the Wallersteiner respondents to obtain goods for the purpose of supplying the said contracts, they made numerous applications for export licenses in which they certified falsely that the consignees therein mentioned were the actual purchasers and that the intended place of consumption of the goods involved was England, which applications were either rejected or returned by the Department of Commerce without action.

B. *As to the respondents John Block and John Block & Company, Inc.* 9. During the latter part of 1951 and in 1952 the respondents John Block and John Block & Company, Inc., hereinafter described as Block, were the forwarding agents for the shipments involved in this proceeding and were the custodians of funds received from the Wallersteiner group from which funds they made payments for goods purchased by them or on their behalf.

10. The respondents Block had reason to know and therefore knew that the goods so being acquired by the Wallersteiner respondents were not being acquired for use and consumption in England but were being acquired with the purpose and intention of transshipping such goods, after their arrival in England, from England to another country.

11. While acting as such forwarding agent, Block prepared or caused to be prepared bills of lading upon which he failed to endorse or have endorsed the required notice to the effect that the goods being exported thereunder were licensed for exportation to England and that diversion thereof from England to another country without authorization was a violation of United States laws and regulations.

12. With such knowledge, Block caused exportations of goods to be made from the United States to Canada by certifying or causing to be certified on shipper's export declarations that such goods being exported to Canada were being purchased by one of the Wallersteiner respondents in Canada and that Canada was the country of ultimate destination, not the place of transshipment, although he well knew also that it was the then intention to forthwith reexport such goods to England immediately upon their arrival in Canada.

13. With such knowledge, Block prepared and had authenticated shipper's export declarations and caused exportations of goods to be made from the United States in matters involving the use of export licenses and, in so doing, he certified falsely that the goods so being exported and the subject of such export declarations were destined ultimately for England and were not to be transshipped from England.

C. *As to the respondents George McKee Todd and Herbert Shilton.* 14. The respondents Todd and Shilton, during the time that the respondent Watford Chemical Corporation of New York City was engaged in the acquisition of goods for the supply of the said major Wallersteiner contracts and was performing the acts heretofore mentioned in Findings 2, 3, 4, 5, 6, 7, and 8, were officers and directors thereof.

15. The respondents Todd and Shilton well knew that goods being purchased in the United States were being purchased for the purpose of transshipment out of England to Eastern Germany or Gdynia, Poland, and they knew, at least as to some of the later transactions, that the false certifications heretofore mentioned were being made and that transshipments without permission or authority from the Department of Commerce were being made from England.

16. Although vested with the responsibility of making certain, as officers and directors of a New York corporation, that that corporation was abiding by and obeying the laws and regulations of the United States, they did nothing to assure such compliance with such laws and regulations and they did further acquiesce in and permit the false representations and certifications to be made and the exportations to be accomplished for ultimate transshipment to East Germany.

17. By such inaction and failure to perform their duties as officers and directors of Watford Chemical Corporation, they thereby did permit and cause to be made false representations and certifications in export control documents and they did further permit and cause to be committed transshipments, without permission of the Department of Commerce, of goods from England to Eastern Germany and Gdynia, Poland.

D. *As to respondent Chris A. Watters.* 18. Respondent Waters, during late 1951 and in 1952, was the general manager of and purchasing agent for Watford Chemical Corporation of New York City and he well knew that the commodities being purchased by or under his direction for Watford Chemical Corporation of New York or any of the other Wallersteiner respondents were being purchased for the purpose of supplying contracts which the Wallersteiner interests had with some firm or firms in Eastern Germany and he further knew that it was the intention that such purchases, upon arrival in England, were to be transshipped from there to Eastern Germany.

19. With such knowledge, the respondent Watters made arrangements for the shipment of goods, purchased by him in the United States, from the United States to Canada and for the reexportation thereof to England after their arrival in Canada.

20. Having made such arrangements, he permitted and caused to be made statements and certifications in shipper's export declarations certifying that the goods being exported thereunder were being purchased by one of the Wallersteiner companies in Canada and that Canada was the country of ultimate destination.

21. With such knowledge, he prepared and caused to be submitted to the Department of Commerce export license applications and ultimate consignee statements in support of applications for licenses to export goods from the United States, in which applications and ultimate consignee statements he represented and stated falsely that the goods described therein were being purchased by a firm or firms in England for use and consumption there.

22. Also, with such knowledge, he made purchases of goods from suppliers in the United States for exportation to England and concealed from such suppliers the fact that the goods so being purchased were being purchased by the Wallersteiner respondents with the intention to transship them out of England, and he caused and permitted to be executed export declarations necessary to support such exportations to England.

E. *As to respondent Louis Vaughan.* 23. During the latter part of 1951 and in 1952, Vaughan was the active manager of a forwarding firm in England and, during all that time, he well knew that the goods being purchased and acquired in the United States by or on behalf of the Wallersteiner interests were being purchased for the purpose of supplying a contract requiring shipment to an East German or Gdynia destination.

24. Respondent Vaughan knew that export control regulations restricted and controlled the movement and exportation of goods from the United States and that it was the policy of the United States during the times mentioned to deny and prohibit unauthorized exportations of goods from the United States, or unauthorized transshipments of such goods after exportation from the United States, to Communist destinations.

25. Respondent Vaughan had such knowledge, not only by reason of his general business, freight forwarding, but also by receiving and handling bills of lading on which were endorsed the required destination control notices which warned him that the goods shipped under such bills of lading to England were licensed only for exportation to England and that transshipment from there to other destinations, without permission from the United States, was a violation of United States law.

26. With such knowledge, he handled or directed all the transshipments of all the goods exported from the United States to the Wallersteiner respondents in England and transshipped or caused such goods to be transshipped to Eastern Germany or Gdynia, all without permission or authorization from the Department of Commerce.

And, the following are my conclusions:

A. That the respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation of New York, John Block and John Block & Company, Inc., Chris A. Watters,

George McKee Todd, and Herbert Shilton knowingly made or caused to be made false representations, statements, and certifications, and falsified and concealed or caused to be falsified and concealed material facts, for the purpose of effecting and inducing the issuance and maintenance in effect of export control documents, and effecting or causing to be effected exportations from the United States, in violation of § 381.1 (b) (1), (2), and (3) of the Export Regulations, as then in effect;

B. That the respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation of New York, Watford Chemical Co. (Canada) Ltd., John Block and John Block & Company, Inc., Chris A. Watters, George McKee Todd, Herbert Shilton, and Louis Vaughan, diverted or caused to be diverted commodities, in violation of the terms, provisions, and conditions of export control documents, to countries other than those named in said documents, or attempted to do the same, in violation of § 381.1 (b) (3) (i) of the Export Regulations, as then in effect;

C. That the respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation of New York, Watford Chemical Co. (Canada) Ltd., John Block and John Block & Company, Inc., George McKee Todd, Herbert Shilton, and Chris A. Watters exported or caused to be exported commodities from the United States to foreign destinations for which licenses authorizing such exportations had not been established or granted by the Department of Commerce, in violation of §§ 370.2 and 379.1 of the Export Regulations, as then in effect;

D. That the respondents, William Kurt Samuel Wallersteiner, Watford Chemical Corporation of New York, Watford Chemical Co. (Canada) Ltd., John Block & Company, Inc., and Chris A. Watters exported or caused to be exported from the United States commodities to Canada with the knowledge and intention that they were to be reexported therefrom to another foreign destination, without there having been established or granted upon application a license authorizing the exportation thereof to the country of ultimate destination, in violation of § 370.3 of the Export Regulations, as then in effect;

E. That the respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation of New York, John Block and John Block & Company, Inc., George McKee Todd, Herbert Shilton, and Chris A. Watters exported or caused to be exported commodities from the United States under general license GRO or under validated licenses with the knowledge and intention that the commodities so exported were to be reexported from the named country of destination to other destinations, when such reexportations had not been authorized by the Department of Commerce, in violation of §§ 371.4 and 372.14 of the Export Regulations, as then in effect;

F. That the respondents, John Block and John Block & Company, Inc., prepared and procured bills of lading covering exportations of commodities with respect to which shipper's export declarations had been authenticated by a Collector of Customs containing the statement required by § 381.4 (c) of the Export Regulations, which bills of lading did not contain such statement, in violation of § 381.4 (c) of the Export Regulations, as then in effect;

G. That the respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., and Louis Vaughan, without prior written authorization from the Department of Commerce, and after notification by bills of lading of the prohibition against diversion prescribed in § 381.4 (c) of the Export Regulations, diverted or caused to be diverted commodities described in such bills of lading to countries not named in such notification, in violation of § 381.4 of the Export Regulations, as then in effect.

In making his recommendations, the Compliance Commissioner noted, among other things, that the Wallersteiner respondents had been denied export privileges to date for over twenty-one months in connection with these proceedings. He indicated also that his recommended dispositions with respect to respondents Todd and Shilton were exceptionally lenient because they were found responsible for the violations under a strict rule of corporation law.

Now, after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. For the periods of time and in the manner hereinafter in this part provided, except as qualified in Part III hereof, the respondents hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed:

William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation, Watford Chemical Co. (Canada) Ltd.—henceforth and for the duration of export controls;

Chris A. Watters—for three years from the date hereof;

Louis Vaughan and George McKee Todd—for one year from the date hereof;

Herbert Shilton—for nine months from the date hereof;

John Block and John Block & Company, Inc.—for six months commencing April 10, 1957.

Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denials of export privileges, to the extent that any respondents may be affected thereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation, and Watford Chemical Co. (Canada) Ltd., without further order of the Bureau of Foreign Commerce, shall have their export privileges restored to them conditionally, three years following the date hereof, the condition for such restoration being that during the three years following the date hereof the said respondents shall comply in all respects with this order and thereafter, so long as export controls shall be in effect, with all other requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

IV. The privileges so conditionally restored to William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., E. Tingley & Son Ltd., Watford Chemical Corporation, and Watford Chemical Co. (Canada) Ltd., under Part III hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any such respondent at any time hereafter has knowingly failed to comply with the conditions set forth in Part III hereof, in which event Part I hereof, insofar as it shall apply to such respondent, shall then be and become effective so long as export controls shall be in effect, without thereby preventing the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, respondents and related parties involved therein shall have the right to appeal therefrom, as provided in the export regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when any respondent or related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: March 11, 1957.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 57-1925; Filed, Mar. 13, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-10551, etc.]

ARGO OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 7, 1957.

In the matters of Argo Oil Corporation, Docket No. G-10551; Scott Williams Gas Company #2, G-10556; Springston Gas Company, G-10557; Michaelis Drilling Company, G-10566; R. R. Sirkle, Trustee, G-10569; Skelly Oil Company, G-10570, G-10589, G-10995; The Sparta Oil Company, Operator, et al.,[1] G-10571; Western Natural Gas Company, G-10573; R. J. Braden et al.,[2] G-10574; Shell Oil Company, G-10595, G-10710, G-10817; M. Ascher, Operator, et al.,[3] G-10598; Kingwood Oil Company, Operator, et al.,[4] G-10599; Nell E. Sanders et al.,[5] G-10600; Earl Marcus, Operator,[6] G-10601; Pubco Petroleum Corporation, G-10602, G-11084; Coats Drilling Company, Inc., G-10603; Great Sweet Grass Oils Company, G-10604; Gulf Refining Company, G-10605, G-10827; Ted Weiner, Operator,[7] G-10607; Skinner Corporation, Operator, et al.,[8] G-10608; Cities Service Oil Company, G-10611, G-11147, G-11148, G-11151, G-11152; C. F. & H. Oil Company, Inc., G-10613; J. P. Pruett, G-10614; Michaelis Drilling Company et al.,[9] G-10617; Anderson-Prichard Oil Corporation, G-10619, G-10755, G-10838, G-11139; M. H. Marr, G-10622; Gulf Oil Corporation, G-10629, G-10683, G-10788, G-10818, G-10848, G-10918, G-11174; Elliott, Inc., G-10635; Humble Oil and Refining Company, G-10636, G-10829, G-11110; M. B. Chastain, Operator, et al.,[10] G-10637; Standard Oil Company of Texas, G-10639; Cogar Oil and Gas Company, Virgil E. Daughtery, Agent, G-10640; Michaelis Drilling Company, Operator,[11] G-10641; The Pure Oil Company, G-10642; Rupp-Ferguson Oil Company, Operator, et al.,[12] G-10643; Tres Oil Company, G-10645; Rock Hill Oil Company et al.,[13] G-10652; Edwin W. Pauley, Operator, et al.,[14] G-10656; Falcon Seaboard Drilling Co. et al.,[15] G-10657; The Atlantic Refining Company, G-10660, G-10705, G-10809, G-11028; Quintana Petroleum Corporation, Operator, et al.,[16] G-10661; Phillips Petroleum Company, G-10663, G-10979, G-11017; Carter-Jones Drilling Company, Operator, et al.,[17] G-10664; J. M. Huber Corporation, G-10671, G-11025, G-11142; Sun Oil Company (Mid-Continent Div.), G-10672; Barbara Oil Company, G-10676, G-10677; Skelly Oil Company, Operator, et al.,[18] G-10678; Monsanto Chemical Company, G-10679, G-10774, G-11230; Frank W. Michaux and Subsurface Reserve Corporation, G-10680; James Q. Newton, Jr., G-10681; Warren Petroleum Corporation, G-10684, G-11090; Northwest Production Corporation, G-10686; W. M. Comegys, Jr., et al., Operators,[19] G-10689; Skinner Corporation, G-10691; J. Felix Hickman, G-10693; Gaswell Supply Company, G-10696; Ben C. W. Hyde, Jr., Operator,[20] G-10697; Jack G. Howe et al.,[21] G-10711; Northern Natural Gas Producing Co., G-10712, G-10900, G-10940, G-11088; Carter-Jones Drilling Company, Operator,[22] G-10717; The Sharpless Oil Corporation, G-10718; Shell Oil Company, Operator, et al.,[23] G-10719; The Texas Company,[24] G-10724; Southwestern Exploration Company, Operator,[25] G-10726; W. B. Fontaine, G-10728; The Slug Oil Company, G-10731; The Packer Oil Company, G-10732; G. B. S. Oil Company, G-10733; Cooney Oil Company, G-10734; Morgan Minerals Corporation, Operator, et al.,[26] G-10735; Southwestern Exploration Company et al.,[27] G-10745; N. C. Ginther, H. C. Warren, and W. L. Ginther, Operators, et al.,[28] G-10750; Skelly Oil Company, G-10758; O. Neathery, Jr., G-10759; Caddo Oil Company, Inc., Operator, et al.,[29] G-10763; Tedik Gas Company, G-10766; Sohio Petroleum Company, G-10773, G-11086; Sunray Mid-Continent Oil Company, G-10776; Pratts Run Gas Company, G-10779; The Texas Company, G-10782, G-10828, G-10945, G-10992; Maxwell Herring Drilling Corporation, Operator, et al.,[30] G-10786; H. L. Hunt, G-10794; Estate of Lyda Bunker Hunt, deceased, G-10795; Monsanto Chemical Company, Operator, et al.,[31] G-10797; F. O. Penn et al.,[32] G-10805; Powell Briscoe, Inc., Operator, et al.,[33] G-10822; Slick Oil Corporation, G-10824; Fred Whitaker, Operator,[34] G-10830; H. T. Shalett & David Crow, G-10833; Joyce Oil & Gas Company, G-10835; Pioneer Production Corporation, G-10839; Robert H. Holcomb, G-10847; Texas Gulf Producing Company, G-10849, G-11019; Schafer Drilling Company, Operator, et al.,[35] G-10851; Fred Whitaker, Operator,[36] G-10852; Succession of Ed E. Hurley, G-10854; Lyons and Logan, Operator, et al.,[37] G-10857; David Crow, Trustee, et al.,[38] G-10858, G-10859; Tidewater Oil Company, Operator,[39] G-10860; Wheless Drilling Company, Operator, et al.,[40] G-10861; Earl F. Wakefield et al.,[41] G-10863; Sam Sklar, G-10877, G-10888; Hanley Company, Operator,[42] G-10880; Hanley Company, Operator, G-10881; Ralph R. Gilster and James E. Kemp, G-10890; Justin R. Querbes, Jr., G-10891; C. W. Robinson, G-10892; The British-American Oil Producing Company, Operator, et al.,[43] G-10894; James A. Hughes, et al.,[44] G-10902; Plymouth Oil Company, G-10904; Stanolind Oil and Gas Company, G-10906; Don P. Miller, G-10913; The Carter Oil Company, Operator, et al.,[45] G-10920; The Carter Oil Company, Operator, et al.,[46] G-10924; Southwestern Exploration Consultants, Inc., Operator, et al.,[47] G-10925; John C. Whitaker, Operator, et al.,[48] G-10926; J. S. Abercrombie, G-10927; H. G. Nelms, G-10929; Wheeler Nazro, G-10930; Worth Drilling Company, Operator,[49] G-10935; Coastal States Gas Producing Company, G-10937; W. M. Laughlin et al.,[50] G-10938; Sterling Drilling Company, Operator, et al.,[51] G-10939; Lee Kinnebrew et al.,[52] G-10944; Wm. C. and Theodosia M. Nolan, d/b/a as Munoco Company, G-10947; The El Dorado Refining Company and Trice Production Company, G-10950; Petroleum, Inc., G-10951; Stanolind Oil and Gas Company, Operator, et al.,[53] G-10955; Jim McMurray and B. F. Phillips, G-10958; Leon J. Caine, G-10960, G-10961; Hiawatha Oil and Gas Company, G-10963; Honaker-Davis Drilling Company, Operator,[54] G-10965; The Shamrock Oil and Gas Corporation, G-10967, G-11006; Champlin Oil & Refining Company et al.,[55] G-10972; Cabot Carbon Company, G-10976; Hassie Hunt Trust, G-10986; Tidewater Oil Company, G-10994; F. A. Callery, Inc., Agent, et al.,[56] G-10996; William H. Wert, G-11001; W. C. Feazel, Operator,[57] G-11005; J. C. Trahan, Drilling Contractor, Inc., Operator, et al.,[58] G-11009; Emby Kaye, G-11015, G-11016; H. T. Manning, Trustee, et al.,[59] G-11018; Kerr-McGee Oil Industries, Inc., G-11020; Bruce Anderson, G-11022; M. A. Machris, G-11023; Rupp-Ferguson Oil Company et al.,[60] G-11029; Midwest Oil Corporation, G-11042, G-11143; Robert F. Mixer, G-11047; Edwin L. Cox, G-11051; H. H. Blair, Operator, et al.,[61] G-11052; Rock Island Oil & Refining Company, Inc., et al.,[62] G-11055; James A. Hughes and Hazel Lee Hughes, G-11059; M. Lowe Gas Company, G-11063; O. W. Gerwig, G-11064; Temple Hargrove et al.,[63] G-11068; Falcon Seaboard Drilling Company et al.,[64] G-11087; True Oil Company, Oil and Gas Property Management, Inc., and Beacon Building Corporation,[65] G-11097; Richard King, Jr., G-11099; Grose Oil and Gas Company, G-11104; Frankfort Oil Company, a division of The Calvert Drilling Company, G-11113; W. M. Agey, d/b/a Agey Drilling Company, G-11128; Lyons and Logan, Operators, et al.,[66] G-11137; W. E. Bakke, Operator, et al.,[67] G-11144; V. W. Frost, P. M. Frost, and C. M. Frost, G-11145; W. H. Mossor et al.,[68] G-11210; Midstates Oil Corporation, G-11274; Midstates Oil Corporation, Operator, et al.,[69] G-11275; Graham-Michaelis Drilling Company, Operator,[70] G-11295; Harold E. Mott, Agent,[71] G-11398.

Each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with

See footnotes at end of document.

the Commission and open for public inspection.

Applicants produce and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–, Location of Field, and Buyer

10551; Clayton Field, Live Oak County, Texas; Texas Illinois Natural Gas Pipeline Company.

10556 and 10557; Leases in De Kalb District, Gilmer County, West Virginia; South Penn Natural Gas Company.

10566; Hugoton Gas Field, Kearny County, Kansas; Colorado Interstate Gas Company.

10569; Norman Allen, et al., lease, Floyd County, Kentucky; Kentucky West Virginia Gas Company.

10570; Morales Field, Jackson and Wharton Counties, Texas; Tennessee Gas Transmission Company.

10571; Fannett Field, Jefferson County, Texas; Texas Gas Corporation.

10573; West George West Field, Live Oak County, Texas; Texas Eastern Transmission Corporation.

10574; Buckhannon Field, Union District, Upshur County, West Virginia; Hope Natural Gas Company.

10589; Hiawatha Field, Moffat County, Colorado; Mountain Fuel Supply Company.

10595; Blinebry Field, Lea County, New Mexico; El Paso Natural Gas Company.

10598; Greenwood-Waskom Field, Caddo Parish, Louisiana; United Gas Pipe Line Company.

10599; West Lawrie Pool, Logan County, Oklahoma; Cities Service Gas Company.

10600; Muldon Field, Monroe County, Mississippi; Texas Eastern Transmission Corporation.

10601; Acreage in undesignated field, Kay County, Oklahoma; Consolidated Gas Utilities Corporation.

10602; Certain leases in Rio Arriba County, New Mexico; El Paso Natural Gas Company.

10603; Bernstein-Hitchland Field, Hansford County, Texas; Panhandle Eastern Pipe Line Company.

10604; East Brady Field, Garvin County, Oklahoma; Lone Star Gas Company.

10605; Dixon Bay Field, Plaquemines Parish, Louisiana; Tennessee Gas Transmission Company.

10607; Bully Camp Field, La Fourche Parish, Louisiana; Tennessee Gas Transmission Company.

10608; East Mathis Field, San Patricio County, Texas; Gas Gathering Company.

10611; North Hansford Field, Hansford County, Texas; Northern Natural Gas Company.

10613; Pistol Ridge Field, Pearl River County, Mississippi; United Gas Pipe Line Company.

10614; North Mathis Field, San Patricio County, Texas; Gas Gathering Company.

10617; Hugoton Gas Field, Haskell County, Kansas; Colorado Interstate Gas Company.

10619; West Laurie Field, Logan County, Oklahoma; Cities Service Gas Company.

10622; Lisbon Field, Claiborne Parish, Louisiana; Texas Eastern Transmission Corporation.

10629; North Hansford Field, Hansford County, Texas; Northern Natural Gas Company.

10635; Eumont Gas Pool, Lea County, New Mexico; Phillips Petroleum Company.

10636; Jo Mill Spraberry Field, Borden County, Texas; Reef Fields Gasoline Corporation.

10637; Carthage Field, Panola County, Texas; United Gas Pipe Line Company.

10639; Robinson Lake Field, Chambers County, Texas; Texas Gas Corporation.

10640; Certain acreage in Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

10641; Hugoton Gas Field, Seward County, Kansas; Northern Natural Gas Company.

10642; Amacker Tippett-Jack Herbert Area, Upton County, Texas; El Paso Natural Gas Company.

10643; Mule Creek Field, Clark County, Kansas; Northern Natural Gas Company.

10645; Eumont Gas Field, Lea County, New Mexico; El Paso Natural Gas Company.

10652; Bloomington Field, Victoria County, Texas; Texas Illinois Natural Gas Pipeline Company.

10656; Spraberry Trend Field, Reagan County, Texas; El Pas Natural Gas Company.

10657; North Johnson Hill Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10660; West Andector Field, Ector County, Texas; Phillips Petroleum Company.

10661; Columbus Field, Colorado County, Texas; Tennessee Gas Transmission Company.

10663; Hogsback Area, Sublette and Lincoln Counties, Wyoming; Pacific Northwest Pipeline Corporation.

10664; West Mission Field, Hidalgo County, Texas; Tennessee Gas Transmission Company.

10671; West Panhandle Field, Hutchinson County, Texas; Skelly Oil Company.

10672; Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.

10676 and 10677; Rhodes Pool, Barber County, Kansas; Cities Service Gas Company.

10678; Carthage Field, Panola County, Texas; Texas Gas Transmission Corporation.

10679; Wyatt-Ellenburger Field, Crockett County, Texas; El Paso Natural Gas Company.

10680; Kitty West Field, Live Oak County, Texas; Texas Eastern Transmission Corporation.

10681; Piceance Creek Field, Rio Blanco County, Colorado; Pacific Northwest Pipeline Corporation.

10683; Coffee Creek Field, Oklahoma County, Oklahoma; Cities Service Gas Company.

10684; North Hansford Field, Hansford County, Texas; Northern Natural Gas Company.

10686; Acreage in San Juan Basin, Rio Arriba and San Juan Counties, New Mexico; La Plata and Archuleta Counties, Colorado; Pacific Northwest Pipeline Corporation.

10689; Darley Field, Claiborne and Bienville Parishes, Louisiana; Arkansas Louisiana Gas Company.

10691; North Keeran Field, Victoria County, Texas; Tennessee Gas Transmission Company.

10693; Lindrith Pool, Rio Arriba County, New Mexico; Pacific Northwest Pipeline Corporation.

10696; Acreage in Apolacon, Choconut, Middletown, Silver Lake and Forrest Lake Townships, Susquehanna County, Pennsylvania; Manufacturers Light and Heat Company.

10697; Victor Gas Field, Lincoln County, Oklahoma; Jernigan and Morgan Transmission Company.

10705; Spraberry Field, Glasscock, Midland, Reagan and Upton Counties, Texas; El Paso Natural Gas Company.

10710; Spraberry-Trend Field, Reagan County, Texas; El Paso Natural Gas Company.

10711; J. P. and Elia Gray Lease, Lincoln District, Tyler County, West Virginia; Hope Natural Gas Company.

10712; Hugoton Gas Field, Seward, Stevens and Haskell Counties, Kansas; Northern Natural Gas Company.

10717; Woodlawn Field, Marion and Harrison Counties, Texas; Texas Eastern Transmission Corporation.

10718; Faskin Block CB–T 30660, G & MMBA Survey, Andrews County, Texas; Phillips Petroleum Company.

10719; Mercy Field, San Jacinto County, Texas; Tennessee Gas Transmission Company.

10724; Field in Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

10726; Hugoton Gas Field, Haskell and Stevens Counties, Oklahoma; Northern Natural Gas Company.

10728; Maxie-Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Mississippi; United Gas Pipe Line Company.

10731 through 10734, inclusive; Acreage in Murphy District, Ritchie County, West Virginia; Godfrey L. Cabot, Inc.

10735; Coastal Field, Starr County, Texas; Tennessee Gas Transmission Company.

10745; Hugoton Field, Haskell, Hamilton and Finney Counties, Kansas; Colorado Interstate Gas Company.

10750; Luft Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10755; Dilworth Field, Kay County, Oklahoma; Cities Service Gas Company.

10758; Carthage Gas Field, Panola County, Texas; Arkansas Louisiana Gas Company.

10759; Southwest Terrell Point Field, Goliad County, Texas; Trunkline Gas Company.

10763; Fremont Area, Jim Wells County, Texas; Coastal States Gas Producing Company.

10766; Acreage in Lee District, Mingo County, West Virginia; United Fuel Gas Company.

10773; Camrick Southeast Gas Pool, Texas County, Oklahoma; Natural Gas Pipeline Company of America.

10774; Bear Creek Field, Bienville Parish, Louisiana; Southern Natural Gas Company.

10776; Keyes Field, Cimarron County, Oklahoma; Panhandle Eastern Pipe Line Company.

10779; Pratts Run, McElroy District, Tyler County, West Virginia; Equitable Gas Company.

10782; Camrick Southeast Field, Texas and Beaver Counties, Oklahoma; Natural Gas Pipeline Company of America.

10786; Blocker Field, Harrison County, Texas; Arkansas Louisiana Gas Company.

10788; Forgan Pool, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

10794 and 10795; Longstreet Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

10797; Singley Field, Meade County, Kansas; Panhandle Eastern Pipe Line Company.

10805; North Ross Field Area, Starr County, Texas; Tennessee Gas Transmission Company.

10809; E-K Queen Pool, Lea County, New Mexico; Phillips Petroleum Company.

10817; Fox Graham Field, Carter County, Oklahoma; Magnolia Petroleum Company.

10818; Singley Pool, Meade County, Kansas; Panhandle Eastern Pipe Line Company.

10822; Acreage in Logan County, Oklahoma; Cities Service Gas Company.

10824; Witte Field, Victoria County, Texas; Tennessee Gas Transmission Company.

10827; Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Mississippi; United Gas Pipe Line Company.

10828; Hugoton Field, Morton County, Kansas; Northern Natural Gas Company.

10829; Goldsmith Field, Andrews and Ector Counties, Texas; Phillips Petroleum Company.

10830; Bethany Field, Harrison County, Texas; United Gas Pipe Line Company.

10833; Bear Creek Gas Field, Bienville Parish, Louisiana; Southern Natural Gas Company.

10835; Pullman Field, Union District, Ritchie County, West Virginia; Carnegie Natural Gas Company.

10838; Langlie-Mattix Field, Lea County, New Mexico; El Paso Natural Gas Company.

10839; Quinduno Field, Roberts County, Texas; Natural Gas Pipeline Company of America.

10847; East Kentucky Field, Pike County, Kentucky; Kentucky and West Virginia Gas Company, Inc.

10848; Rhodes Pool, Barber County, Kansas; Cities Service Gas Company.

10849; Piedre Lumbre Field, Duval County, Texas; Tennessee Gas Transmission Company.

10851; Northeast Elmore Field, Garvin County, Oklahoma; Lone Star Gas Company.

10852; Bethany Field, Harrison County, Texas United Gas Pipe Line Company.

10854; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

10857; South Hallsville Field Harrison County, Texas; Texas Eastern Transmission Corporation.

10858 and 10859; Maxie-Pistol Ridge Area, Pearl River County, Mississippi United Gas Pipe Line Company.

10860; Willow Springs Field, Gregg County, Texas; Texas Eastern Transmission Corporation.

10861; Bethany-Longstreet Field, Caddo Parish, Louisiana; Arkansas Louisiana Gas Company.

10863; Acreage in Meade County, Kansas; Panhandle Eastern Pipe Line Company.

10877; Rodessa Field, Cass County, Texas; United Gas Pipe Line Company.

10880 and 10881; Spraberry Trend Area, Glasscock County, Texas; El Paso Natural Gas Company.

10888; Rodessa Field, Cass County, Texas; Arkansas Louisiana Gas Company.

10890; Bethany Field, Harrison and Panola Counties, Texas; United Gas Pipe Line Company.

10891 and 10892; Greenwood-Waskom Field, Caddo Parish, Louisiana; United Gas Pipe Line Company.

10894; East Mt. Hope Field, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

10900; Hugoton Gas Field, Finney County, Kansas; Northern Natural Gas Company.

10902; Queens Field, Upshur County, West Virginia; Cumberland and Allegheny Gas Company.

10904; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

10906; Hugoton Field, Grant County, Kansas; Magnolia Petroleum Company.

10913; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

10918; Haviland Pool, Kiowa County, Kansas; Panhandle Eastern Pipe Line Company.

10920 and 10924; Certain units in Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

10925; Asphaltum Field, Jefferson County, Oklahoma; Lone Star Gas Company.

10926; Bethany Field, Harrison and Panola Counties, Texas; United Gas Pipe Line Company.

10927, 10929, and 10930; Milton Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

10935; East Victor Field, Lincoln County, Oklahoma; Jernigan and Morgan Transmission Company.

10937; Premont Area, Jim Wells County, Texas; Trunkline Gas Company.

10938; Premont Area, Jim Wells County, Texas; Coastal States Gas Producing Company.

10939; Acreage in Rice County, Kansas; Consolidated Gas Utilities Corporation.

10940; Hugoton Field, Haskell, Seward, Kearny, Stevens and Grant Counties, Kansas; Northern Natural Gas Company.

10944; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Coroporation.

10945; West Panhandle Gas Field, Carson County, Texas; Phillips Petroleum Company.

10947; Ruston Gas Field, Lincoln Parish, Louisiana; Arkansas Louisiana Gas Company.

10950; Acreage in Kiowa County, Kansas; Panhandle Eastern Pipe Line Company.

10951; Boggs Field, Barber County, Kansas; Cities Service Gas Company.

10955; Middle Mountain Field, Sweetwater County, Wyoming; Mountain Fuel Supply Company.

10958; Bethany Field, Panola County, Texas; Arkansas Louisiana Gas Company.

10960 and 10961; Acreage in Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

10963; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

10965; Wildcat Field, Barber County, Kansas; Cities Service Gas Company.

10967; Camrick Southeast Field, Hansford County, Texas; Natural Gas Pipeline Company of America.

10972; Greenwood Field, Caddo Parish, Louisiana; United Gas Pipe Line Company.

10976; Hugoton Field, Seward County, Kansas; Panhandle Eastern Pipe Line Company.

10979; East Panhandle Field, Wheeler County, Texas; Warren Petroleum Corporation.

10986; Maxie Field, Acadia Parish, Louisiana; Transcontinental Gas Pipe Line Corporation.

10992; La Copita Field, Starr County, Texas; Tennessee Gas Transmission Company.

10994; Midway Field, San Patricio County, Texas; Texas Eastern Transmission Corporation.

10995; San Juan Basin, Rio Arriba County, New Mexico; Pacific Northwest Pipeline Corporation.

10996; Luling Field, St. Charles Parish, Louisiana; United Fuel Gas Company.

11001; Benezette Field, Elk County, Pennsylvania; New York State Natural Gas Corporation.

11005; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

11006; Camrick Southeast Field, Hansford County, Texas; Natural Gas Pipeline Company of America.

11009; Bethany Field, Harrison and Panola Counties, Texas; United Gas Pipe Line Company.

11015 and 11016; Hugoton Field Area, Beaver County, Oklahoma; Panhandle Eastern Pipe Line Company.

11017; Wade Houston Lease, Marion County, Texas; Arkansas Louisiana Gas Company.

11018; Greenwood-Waskom Field, Caddo Parish, Louisiana; United Gas Pipe Line Company.

11019; Ragley Field, Beauregard Parish, Louisiana; Trunkline Gas Company.

11020; Camrick Southeast Gas Pool, Texas County, Oklahoma; Natural Gas Pipeline Company of America.

11022 and 11023; Greenwood Gas Field, Morton County, Kansas; Colorado Interstate Gas Company.

11025; Milton Field, Harris County, Texas; Texas Illinois Natural Gas Pipeline Company.

11028; Northeast Norman Field, Cleveland County, Oklahoma; Cities Service Gas Company.

11029; Driftwood Pool, Barber County, Kansas; Cities Service Gas Company.

11042; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

11047; Acreage in Clay and Grant Districts, Wirt and Ritchie Counties, West Virginia; Godfrey L. Cabot, Inc.

11051; Acreage in Texas County, Oklahoma; Natural Gas Pipeline Company of America.

11052; Estes Field, Cowley County, Kansas; Cities Service Gas Company.

11055; Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.

11059; Acreage in the Battelle District, Monongalia County, West Virginia; South Penn Natural Gas Company.

11063; Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

11064; Acreage in Center District, Gilmer County, West Virginia; Hope Natural Gas Company.

11068; Ragley Field, Beauregard Parish, Louisiana; Trunkline Gas Company.

11084; Permian Basin, San Juan County, New Mexico; El Paso Natural Gas Company.

11086; Camrick Southeast Gas Pool, Texas County, Oklahoma; Natural Gas Pipeline Company of America.

11087; Haviland Pool, Kiowa County, Kansas; Panhandle Eastern Pipe Line Company.

11088; Hugoton Field, Haskell, Seward, Kearny, Stevens and Grant Counties, Kansas; Northern Natural Gas Company.

11090; West Panhandle Field, Hutchinson County, Texas; Frank C. Henderson Trust No. 2 and Elizabeth P. Henderson Trust No. 2.

11097; Wagner Lease, Logan County, Colorado; Kansas-Nebraska Natural Gas Company, Inc.

11099; Estes Field, Cowley County, Kansas; Cities Service Gas Company.

11104; Acreage in Ritchie County, West Virginia; Hope Natural Gas Company.

11110; Piedra Lumbre and La Copita Fields, Duval and Starr Counties, Texas; Tennessee Gas Transmission Company.

11113; Heuser Lease, Stephens County, Oklahoma; Lone Star Gas Company.

11128; Barnard Lease, Carson County, Texas; Kerr-McGee Oil Industries, Inc.

11137; South Hallsville Gas Field, Harrison and Rusk Counties, Texas; Arkansas Louisiana Gas Company.

11139; Jack Herbert Field, Upton County, Texas; El Paso Natural Gas Company.

11142; East Panhandle Field, Carson County, Texas; Skelly Oil Company.

11143; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

11144; Fuhrman-Mascho Field, Andrews County, Texas; Phillips Petroleum Company.

11145; Chess Field, Willacy County, Texas; Tennessee Gas Transmission Company.

11147; Hugoton Field, Kearny County, Kansas; Colorado Interstate Gas Company.

11148; Greenwood Field, Morton County, Kansas; Colorado Interstate Gas Company.

11151; Hugoton Field, Finney County, Kansas; Cities Service Gas Company.

11152; Jalmat Field, Lea County, New Mexico; El Paso Natural Gas Company.

11174; Laverne Pool, Harper County, Oklahoma; Colorado Interstate Gas Company.

11210; Harrisville Field, Ritchie County, West Virginia; Hope Natural Gas Company.

11230; East McFaddin Field, Victoria County, Texas; United Gas Pipe Line Company.

11274; North Mission Valley Field, De Witt County, Texas; Texas Eastern Transmission Corporation.

11275; North Meyersville Field, De Witt County, Texas; Texas Eastern Transmission Corporation.

11295; Hugoton Field, Kearny County, Kansas; Cities Service Gas Company.

11398; Haney Field, De Kalb District, Gilmer County, West Virginia; Equitable Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 9, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Sparta Oil Company is filing as Operator of the Mrs. E. Thomas et al., Lease. The owners of working interests are: The Sparta Oil Company and Temple Oil Company. Both parties are signatory seller parties to the gas sales contract involved herein.

[2] R. J. Braden, Agent, is filing for himself and other parties.

[3] M. Ascher, Operator, is filing for himself and other working interest owners as follows: Sam Sklar, Sam Y. Dorfman, J. R. Butler and Douglas Whitaker. All are signatory parties to the sales contract involved herein.

[4] Kingwood Oil Co., Operator, is filing for itself and in behalf of other co-owners of working interests as follows: Vanson Production Company, Aaron M. Weitzenhoffer, Davis and Law, and L. D. Wyant. All are signatory seller parties to the sales contract involved herein.

[5] Nell E. Sanders, Mrs. Harry N. Murphy, Mrs. James T. Somers, Mrs. Audrey P. Jefferies and Robert C. Ray are filing individually to cover their combined interests in production from the Muldon Field. All are signatory parties to the sales contract involved herein.

[6] Earl Marcus, Operator, is a signatory party to the sales contract involved herein.

[7] Ted Weiner, Operator, is filing for himself and on behalf of 17 additional parties listed in the application. Ted Weiner is the only signatory seller party to the gas sales contract involved herein.

[8] Skinner Corporation, Operator, is filing for itself and lists the following owners of working interests: Skinner Corporation, L. G. Shelly and Thomas Brothers. All are signatory parties to the seller contract dated May 17, 1956.

[9] Michaelis Drilling Company, non-operator, is filing jointly with Udo Reinach and William Graham Oil Company all also non-operators. All are signatory parties to the amendatory agreement dated December 16, 1955.

[10] M. B. Chastain, Operator, is filing for himself and on behalf of the co-owners of working interests as follows: Vincent A. Hughes, J. P. Costello and Bennett Woolley. All are signatory parties to the sales contract involved herein.

[11] Michaelis Drilling Company, Operator, is filing for itself and on behalf of the following non-operators: William Graham Oil Company, Oil Trading Associates, Inc., Magnolia Petroleum Company, White Eagle Oil Company and Udo Reinach. Only Michaelis Drilling Company is named as seller in the gas sales contract.

[12] Rupp-Ferguson Oil Company, Operator, is filing for itself and on behalf of Bill Ferguson, Hattie M. Ferguson, G. Preston Kendall, Z. Garland Ferguson, J. N. Davis and Company, J. N. Davis and Clarence Gregg. All are signatory parties to the sales contract involved herein.

[13] Rock Hill Oil Company, Operator, is filing for itself and on behalf of 48 other working interest owners of 6 leases as listed in the application. All co-owners are signatory parties to the sales contract involved herein.

[14] Edwin W. Pauley, Operator, is filing for himself, and on behalf of working interest owners as follows: Evro Becket, Welton Becket, B. C. Gamble, Norton Clapp, Prentis Hale and Edward Carter. All are signatory seller parties to the gas sales contract involved herein.

[15] Falcon Seaboard Drilling Company is filing for itself and on behalf of Allied Materials Corporation. Both are signatory seller parties to the gas sales contract involved herein.

[16] Quintana Petroleum Corporation, Operator, is filing on behalf of the following working interest owners: H. R. Cullen, Isaac Arnold, Agnes C. Arnold, Douglas B. Marshall, Margaret C. Marshall, Corbin J. Robertson, Wilhemina C. Robertson, Katherine C. Lesser, Roy H. Cullen, Cornelia C. O'Leary and H. R. Cullen, Trustee. Quintana Petroleum Corporation is not a signatory party to the sales contract whereas all the above working interest owners are signatory seller parties to the sales contract involved herein.

[17] Carter Jones Drilling Company, Operator, is filing for owners of the working interests as follows: J. K. Maxwell, H. C. Jones, C. C. Woodruff, W. T. Maxwell, Dixie Oil & Gas Company, John J. George, Julian Hurst, J. Robert McCollun, J. Robert McCollun, Trustee, Smith P. Reynolds, Henry R. Rose, Bluford Stinchcomb, Merritt Tool Company, J. K. Maxwell, Trustee and John Young. All of the above mentioned parties except William G. Childs d/b/a Dixie Oil & Gas Company and Henry R. Rose are signatory parties to the sales contract involved herein.

[18] Skelly Oil Company, Operator, is filing for itself and the nonoperators owning working interests in the Werner-Burden unit as follows: A. M. Roseman and W. M. Plaster. All are signatory seller parties to the agreement dated April 20, 1956.

[19] Applicants, W. M. Comegys, Jr., R. Otis Smith and Dr. C. S. Sentell, Operators, are filing for their interests in two separate units and list various owners of working interests in their application. Applicants are signatory seller parties to the ratification agreement dated, May 31, 1956.

[20] Ben C. W. Hyde, Jr., Operator, is filing on behalf of T. H. Mastin. Hyde is the only signatory seller party to the sales contract involved herein.

[21] Jack G. Howe and Keith Robinson are filing for themselves. Both are signatory seller parties to the gas sales contract involved herein.

[22] Carter Jones Drilling Company, Operator, is filing for its interest in the L. R. Keeth et al., Well No. 1 and on behalf of the non-operating owners whose working interests are listed in the application. The operator is the only signatory seller party to the sales contract involved herein.

[23] Shell Oil Company, Operator, is filing for itself and Clarence A. Russell. Shell is a signatory party to the basic sales contract and Russell is a signatory party to the ratification agreement to the sales contract involved therein.

[24] The Texas Company is filing for its working interests in the Speyers-State Unit, Adams Unit and, in addition, as Operator of the State of Oklahoma Gas Unit "B" and lists the owners of working interests. The Texas Company is the only signatory seller party to the sales contract involved herein.

[25] Southwestern Exploration Company, Operator, is filing for itself and on behalf of Lester M. Wilkensen. Southwestern is the only signatory seller party to the basic sales contract involved herein.

[26] Morgan Minerals Corporation, Operator, is filing for itself and on behalf of Pratt-Hewit Oil Corporation. Both parties are signatory seller parties to the gas sales contract involved herein.

[27] Southwestern Exploration Company, Operator, filed for itself and the non-operators in the units involved in said application. Southwestern is the only signatory party to each of the two basic contracts involved. Lester Wilkensen, a non-operator, has ratified the two contracts.

[28] N. C. Ginther, H. C. Warren and W. L. Ginther, Operators, are filing for themselves and on behalf of the owners of working interests as follows: Wunderlich Contracting Company, Point Corporation, Dr. H. C. Robinson, Patrick H. Welder and Karl S. Warren. All are signatory seller parties to the gas sales contract involved herein.

[29] Caddo Oil Company, Operator, is filing for itself and lists in its application the following owners of working interests in the two leases involved: Ernest Kratzinger, W. H. Hadlich, George L. Shipstad, Francis Claudet, Bernard C. Heim, B. J. Lundblad, Oscar F. Johnson, Roy Shipstad, E. A. Shipstad, D. A. Raymond, Jr., Federal-Huber Company, Moss Neck Manor, Inc., and D. A. Raymond. All are signatory parties to the contract dated May 14, 1956.

[30] Maxwell Herring Drilling Corporation, Operator, is filing for itself and co-owners of working interests as follows: Sells Petroleum, Inc., H. H. Harris, Lundy O. Allen and Donald F. Kerr. All are signatory seller parties to the sales contract involved herein.

[31] Monsanto Chemical Company, Operator, is filing for itself and on behalf of The Aladdin Petroleum Corporation. Both are signatory seller parties to the sales contract involved herein.

[32] F. O. Penn is filing for himself and on behalf of A. Bart Brown, G. W. Pirtle, John Wrather and D. G. Wood, Jr., Trustee. All are signatory seller parties to the sales contract involved herein.

[33] Powell Briscoe, Inc., Operator, is filing for itself and in behalf of William J. Sinek, William J. Froelich, Donald S. Kennedy and William R. Wolfe. All are signatory seller parties to the gas sales contract involved herein.

[34] Fred Whitaker, Operator, is filing for himself and lists the following non-operators holding working interests: Daniel E. Boone, Nancy Bradly, Leo Butler, Carter-Jones Drilling Company, Midstates Oil Corporation, Samuel Perlman, Norman C. Rogers, J. C. Trahan Drilling Contractor, Inc. and Glen R. Johnson. All of the above except J. C. Trahan Drilling Contractor, Inc., are signatory parties to the gas sales contract involved herein.

[35] Shafer Drilling Company, Operator, filed for its interest and on behalf of additional interest owners as follows: Ernest Kanzler, N. J. Thomas, P. A. Thomas, Henry Scarborough, E. Herrick Low, Ernest Woods, Arthur Dietz, Harold C. Johns, Elmer Rolley, R. J. Byrnes, F. R. Diamond, A. L. May, M. F. McCaffrey, Mary H. Zimmerman and Lewis F. Brown. All are signatory seller parties to the gas sales contract involved herein.

[36] Fred Whitaker, Operator, is filing for himself and lists the following non-operators holding working interests. Daniel Boone, Grundy Cooper, Glen R. Johnson, Foster Murphy, Ralph Myers Contracting Corp., Samuel Perlman, K. C. Prince, Carson Reed, Norman Rogers, Ruff Wall, Bernard Weinstein, John Frederick Whitaker, Alfred White, Roy Wooley and Phil Bloomer. All of the above except Grundy Cooper, Foster Murphy, K. C. Prince, Carson Reed, Ruff Wall, Bernard Weinstein, Alfred White and Roy Wooley are signatory parties to the gas sales contract involved herein.

[37] Lyons & Logan, Operator, is filing for itself and on behalf of the following non-operators: Harvey McLean, E. J. Hudson, John B. Baird and V. V. Jacomini. All are signatory seller parties to the sales contract involved.

[38] David Crow, Trustee, a partnership: S. L. Ware, Jr., C. Curtis Reese, Carl L. Bryan, Muslow Oil Company and Irwin I. Muslow, all are signatory parties to the sales contracts involved herein.

[39] Tidewater Oil Company, Operator, is filing for itself and on behalf of 45 non-operators owning working interests in the Mrs. Jack J. Castleberry Gas Unit. A list of the owners' working interests of each has been submitted with the application. Tidewater is the only signatory seller party to the gas sales contract involved herein.

[40] Wheless Drilling Company, Operator, is filing for itself and on behalf of co-owners of working interests as follows: Wheless, Trustee, S. B. Hicks, J. R. Querbes, Jr., I. Lieber, George D. Nelson, J. Pat Beaird, Charles T. Beaird, Lloyd and McGowen, H. L. Hunt and Jones-O'Brien, Inc. All are signatory seller parties to the sales contract involved herein.

[41] Earl F. Wakefield, Operator, is filing for himself and on behalf of Cooperative Refinery Association. Both are signatory seller parties to the gas sales contract involved herein.

[42] Hanley Company, Operator, is filing for its interest and for W. L. Hanley's interest in the J. W. Gray lease.

[43] The British-American Oil Producing Company is the operator of the acreage covered by the subject application and lists the interest of Vaughey & Vaughey, a co-partnership. Vaughey & Vaughey is also a signatory seller party to the same gas sales contract.

[44] James A. Hughes, Hazel Lee Hughes, Victor E. Tannant and George I. Tannant are filing together covering interests in two leases. All are signatory seller parties to the gas sales contract involved herein.

[45] Et al. includes in addition to The Carter Oil Company the following parties who have working interests in the particular lease involved: Leon J. Caine, Interstate Royalties Company of Oklahoma, and Emby Kaye. All of these parties are signatories to the sales contract herein involved.

[46] Et al. includes in addition to The Carter Oil Company the following parties who have working interests in the particular lease involved: Leon J. Caine, Emby Kaye and Oklahoma Natural Gas Company. All of these parties are signatories to the sales contract herein involved.

[47] Southwestern Exploration Consultants, Inc., Operator, is filing for itself and on behalf of the following non-operators: F. M. Mayer, Justin Winter, W. J. Weinmann, Fred Lenway and Edgar Sullivan. All are signatory seller parties to the sales contract involved herein.

[48] John C. Whitaker, Operator, is filing for his interest and the working interests of the following non-operators: Tom Cook, Jr., Bluford Stinchcomb, Julian Hurst, Chas. W. Lutes, John George, W. A. Hewell, W. D. McMahan and C. E. Chaffin, who are all signatory seller parties to the sales contract involved herein. In addition, the application lists four other parties' working interests but who are not signatory parties to the sales contract.

[49] Worth Drilling Company, Operator, is filing for itself and on behalf of 23 additional owners of working interests, whose names are listed in the application. Worth is the sole signatory seller party to the gas sales contract involved herein.

[50] W. M. Laughlin is filing for himself and on behalf of Lucian Flourney, Columbia Investment Corporation, R. J. McIntyre, Dr. Richard Penly, Paul C. Barker, Roger S. Seaman, A. M. Pate, Jr., Sebert L. Pate, Tom Peacock, Jr. and W. W. Price. All are signatory seller parties to the gas sales contract dated January 16, 1956, involved herein.

[51] Sterling Drilling Company, Operator, is filing for itself and two other parties owning working interests as follows: Plains Exploration Company, and Frederic and Katherine Walton; all of whom are signatory seller parties to the sales contract involved.

[52] Lee Kinnebrew, G. E. Joyce and A. R. Cassard are filing for their interests in the Harkrider Unit #1 and the Deas Unit and are all signatory seller parties to the ratification agreement dated June 1, 1956.

[53] Stanolind Oil and Gas Company, Operator, is filing for its interest and on behalf of Utah Oil Refining Company, non-operator. Both are signatory seller parties to the sales contract involved herein.

[54] Honaker-Davis Drilling Company, Operator, is filing for its interest and on behalf of 23 other parties. Honaker-Davis is the only signatory seller party to the sales contract involved herein.

[55] The Chicago Corporation, N. V. Kinsey, W. C. Feazel, Lallage Feazel, G. M. Anderson and Gertrude Anderson are filing for their interest in the Union Producing Company, et at.—Chiles Unit. All are signatory seller parties to the gas sales contract involved herein. Also, The Chicago Corporation's corporate name was changed to Champlin Oil & Refining Company on December 31, 1956.

[56] F. A. Callery, Inc., as Agent, is filing for 21 co-owners including Francis A. Callery, who is the only signatory seller party to the gas sales contract involved herein.

[57] W. C. Fenzel, The Chicago Corporation (now d/b/a Champlin Oil & Refining Company), Lallage Feazel, G. M. Anderson, Gertrude Feazel Anderson, N. V. Kinsey, C. H. Lyons, Sr., and Midwest Oil Corporation are filing for their interests in four gas units as listed in the application. The first seven parties listed above are signatory seller parties to the ratification agreement dated July 16, 1956, and Midwest Oil Corporation is a signatory party to the ratification agreement dated August 24, 1956.

[58] J. C. Trahan, Drilling Contractor, Inc., Operator, is filing for itself and on behalf of V. S. Makaroff, Cerro de Pasco Corp., R. A. Baur and Pan American Production Company. All are signatory seller parties to the gas sales contract involved herein.

[59] H. T. Manning, Trustee, is filing for himself and on behalf of Marcia M. McBride, Jeanne Fields Shelby, Eugene McElvaney and Alyne Fields. All are signatory seller parties to the gas sales contract involved herein.

[60] Rupp-Ferguson Oil Company, Jim G. Ferguson, Z. Garland Ferguson, J. N. Davis & Company, S. T. MacDonald, L. W. Knox and Fred S. Lillibridge are filing for their interests individually and are all signatory seller parties to the gas sales contract involved herein.

[61] H. H. Blair, Operator, is filing for his interest and on behalf of Paul R. Deputy's interest. Both parties are signatories to the same gas sales contract involved herein.

[62] Rock Island Oil & Refining Company, non-operator, is filing for its interest and on behalf of Rock Hill Oil Company for its interest in the Gropp No. 1 Unit. Both parties are signatory sellers to the amendatory and ratification agreement dated March 2, 1956.

[63] Temple Hargrove, Byrd Oil Corporation, E. De Golyer, Lewis W. MacNaughton, John H. Murrell, Dan L. Marshall, and E. R. Scott. All are signatory seller parties to the gas sales contract involved herein.

[64] Falcon Seaboard Drilling Company is filing for itself and on behalf of Grace R. McMath, Norborne Berkeley, Eugene G. Grace, and Robert E. McMath. All are signatory seller parties under the ratification agreement dated August 14, 1956.

[65] The original application was filed in the name of True Oil Company and R. H. Fulton, however by amendment filed February 14, 1957, in Docket No. G-11097, Oil and Gas Property Management, Inc., and Beacon Building Corp. were substituted as Applicants in place of R. H. Fulton. R. H. Fulton conveyed his interest in the properties involved to the aforesaid parties on December 27, 1956.

[66] Lyons and Logan, a partnership, Operator, is filing for itself and on behalf of non-operators: C. T. McCord, Jr., and A. R. Graves. All are signatory seller parties to the ratification agreement dated September 10, 1956.

[67] W. E. Bakke, Operator, is filing for himself and on behalf of the following non-operators: Midwest Oil Corporation, The Ibex Company, J. F. Postelle, H. E. Granville, E. A. Hanson and Lucille S. West. All are signatory seller parties to the gas sales contract involved herein.

[68] John A. Davisson Gas Company, Miller et al., Mossor et al. are filing together for their interest in the acreage involved. W. H. Mossor and George W. Miller are the only signatory seller parties to the contract.

[69] Midstates Oil Corporation, Operator, is filing for its interests and lists the non-operating owners of working interests as follows: Blanton Drilling Company, Hunt and Welchel (a partnership). All are signatory seller parties to the sales contract dated August 1, 1956.

[70] Graham-Michaelis Drilling Company, Operator, is filing for its interest and on behalf of co-owners as follows: E. S. Villines, Clyde Beymer, Jr., William Graham Oil Company, Oil Trading Associates, Inc., W. W. Hoffman and H. B. Van Cleve. Graham-Michaelis Drilling Company is the only signatory seller party to the gas sales contract involved herein.

[71] Harold E. Mott, Agent, is filing for various parties. However, John W. Roten is the only signatory seller party to the sales contract covered by the application.

[F. R. Doc. 57-1893; Filed, Mar. 13, 1957; 8:45 a. m.]

SOUTH-TEX CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 8, 1957.

In the matters of South-Tex Corporation,[1] Docket Nos. G-4763 and G-10465; Michaelis Drilling Company, Operator, et al.,[2] Docket No. G-8704; R. E. Hibbert, Operator,[3] Docket No. G-9879; Stanolind Oil and Gas Company, Docket No. G-10115; Texas Pacific Coal and Oil Company, Docket No. G-10155; Southern Coast Corporation and Jay Simmons, Operator, et al.,[4] Docket No. G-10402; Hays and Company, Agent for R. T. Keith No. 1, Docket No. G-10741; T. C. Cain Gas Company, Docket No. G-10742; Delaware Gas Company, Docket No. G-10743; Hunter M. Bennett, Joker Lease, D. L. Gainer, Agent, Docket No. G-10744; Willard E. Ferrell, Manager-Agent for Pine Run Development Company, Docket No. G-10746; H. H. Allen Gas Company, Docket No. G-10747; Highland Oil Company, Docket No. G-10769; B. E. Talkington, et al.,[5] Docket No. G-10770; C. H. Lyons, Jr., et al.,[6] Docket No. G-10787; David Crow, Docket No. G-10813; L. L. Robinson, Docket Nos. G-10814 and G-10832; Ed Gibbons, Docket No. G-10831; Williams Pressure Service, Docket No. G-10834; Reed Starcher, Docket No. G-10864; F. G. Bish,

See footnotes at end of document.

Docket No. G–10865; F. S. Deem, Docket No. G–10866; H. L. Smith, Agent for Smith and Barker Oil and Gas Company, Docket No. G–10867; Wyiant Gas Company, Docket No. G–10899; Pipe Line Construction and Drilling Company, Docket No. G–10909; McHenry Oil and Gas Company, Docket No. G–10910; Helen Irene Smith, Docket No. G–10941; Harris and See Gas Company, Docket No. G–10962; Crescent Production Company, Inc., Docket No. G–10966; Sun Oil Company (Gulf Coast Division), Docket No. G–11115.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants, produce, sell or propose to sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No. G–; Location of Field; and Buyer

4763; Aqua Dulce, North Minnie Bock, Mantor-Briggs Fields, Nueces County, Texas, and South Bentonville Field, Jim Wells County, Texas; Tennessee Gas Transmission Company.

8704; Hugoton Field, Finney County, Kansas; Kansas-Nebraska Natural Gas Company, Inc.

9879; Lessly Field, Cleveland County, Oklahoma; Cities Service Gas Company.

10115; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

10155; Hansford North Field, Hansford County, Texas; Northern Natural Gas Company.

10492; Harry Field, Webb and LaSalle Counties, Texas; West Charamousca Field, Duval County, Texas; an unnamed field and the West Adami Field, Webb County, Texas; Tennessee Gas Transmission Company.

10465; Acreage in North Banquette, Aqua Dulce and North Minnie Bock Fields, Nueces County, Texas; Tennessee Gas Transmission Company.

10741; Arnoldsburg Field, Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

10742; Yellow Creek Field, Sheridan District, Calhoun County, West Virginia; Hope Natural Gas Company.

10743; Field in Barbour County, West Virginia; Hope Natural Gas Company.

10744; Field in Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

10746; Field in Grant District, Wetzel County, West Virginia; Hope Natural Gas Company.

10747; Smithville Field, Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

10769; Government Wells Field, Duval County, Texas; Tennessee Gas Transmission Company.

10770; Field in Union District, Ritchie County, West Virginia; Hope Natural Gas Company.

10787; South Hallsville Field, Harrison County, Texas; Texas Eastern Transmission Corporation.

10813, 10814, 10831, 10832, 10834; Greenwood-Waskom Field, Caddo Parish, Louisiana; Texas Eastern Transmission Corporation.

10864; Field in Washington District, Calhoun County, West Virginia; Hope Natural Gas Company.

10865; Field in Mannington District, Marion County, West Virginia; Hope Natural Gas Company.

10866; Field in Sheridan District, Calhoun County, West Virginia; Hope Natural Gas Company.

10867; Field in Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

10899; Field in Lee District, Calhoun County, West Virginia; Hope Natural Gas Company.

10909; Field in Sherman District, Calhoun County, West Virginia; Hope Natural Gas Company.

10910; Smithville Field, Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

10941; Field in Murphy District, Ritchie County, West Virginia; Hope Natural Gas Company.

10962; Field in Salt Lick District, Braxton County, West Virginia; Hope Natural Gas Company.

10966; North Ruston Field, Lincoln Parish, Louisiana; Arkansas Louisiana Gas Company.

11115; Northeast Rayne Field, Acadia Parish, Louisiana; United Fuel Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 10, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 29, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Docket No. G–4763, filed November 9, 1954, as amended February 14, 1955, November 21, 1955, December 5, 1955, and March 26, 1956, covers service rendered on and since June 7, 1954, and new service. Docket No. G–10465 covers new service.

[2] Application filed on March 30, 1955, and amended on July 11, 1955. Applicant is Michaelis Drilling Company, a partnership, filing for itself and on behalf of the following working interest owners: Dr. R. J. Maxfield and William Graham Oil Company.

[3] Amendment filed December 13, 1956, to include additional acreage.

[4] Southern Coast Corporation is filing for itself and on behalf of Jay Simmons, co-owner and co-operator, who together own 75 percent working interest and lists Harry E. Murray, non-operator, owner of 25 percent working interest in the gas properties proposed to be produced. In addition, the application lists various producers from whom gas is to be purchased and whose leases are included in the acreage dedicated to the sales contract involved herein, which is between Southern Coast Corporation and Jay Simmons (sellers) and Tennessee Gas Transmission Company (buyer).

[5] Et al. not listed in the application.

[6] C. H. Lyons, Jr., is filing for himself and as agent for C. H. Lyons, Sr., Hall M. Lyons, G. L. Logan, E. L. Hillard, G. F. Abendroth, J. T. Palmer, C. T. McCord, Jr., Calstar Petroleum Company, and P. H. Greer Co., Inc.; all are signatory seller parties to the ratification agreement dated June 11, 1956.

[F. R. Doc. 57–1914; Filed, Mar. 13, 1957; 8:46 a. m.]

[Docket No. G–11520]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF CONTINUANCE OF HEARING

MARCH 8, 1957.

Upon consideration of the request filed March 5, 1957, by Counsel for Arkansas Louisiana Gas Company for continuance of the hearing now scheduled for March 12, 1957, in the above-designated matter:

Notice is hereby given that the hearing in this matter is postponed to commence at 10 a. m., e. s. t., March 29, 1957, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1915; Filed, Mar. 13, 1957; 8:47 a. m.]

[Docket No. G–11980]

TENNESSEE GAS TRANSMISSION CO.

ORDER FIXING DATE OF HEARING

MARCH 8, 1957.

By order issued February 13, 1957, the Commission suspended the operation of FPC Gas Tariff, Seventh Revised Volume No. 1, and Third Revised Sheet No. 1 and First Revised Sheets Nos. 10, 11, 25, 36, and 37 to FPC Gas Tariff, Fourth Revised Volume No. 2, filed by Tennessee Gas Transmission Company (Tennessee) on January 14, 1957. The Commission also directed that a public hearing be held at a place and date to be fixed thereafter concerning the lawfulness of the rates, charges, classifications and services, or any of them, set forth in Tennessee's tariffs, as amended.

The Commission orders: A public hearing be held commencing on April 16, 1957, at 10 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of Tennessee's FPC Gas Tariff, Seventh Revised Volume No. 1, and FPC Gas Tariff, Fourth Revised Volume No. 2, as proposed to be changed by Third Revised Sheet No. 1 and First Revised Sheets Nos. 10, 11, 25, 36, and 37.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1916; Filed, Mar. 13, 1957; 8:47 a. m.]

[Docket No. G–12157]

NATURAL GAS PIPELINE COMPANY OF AMERICA

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

MARCH 8, 1957.

Natural Gas Pipeline Company of America (Natural), on Feburary 8, 1957, tendered for filing Fourth Revised Sheets Nos. 5 and 6 to its FPC Gas Tariff, First Revised Volume No. 1, proposing that such revised tariff sheets become effective on March 11, 1957. Such revised tariff sheets would effect an increase in rates and charges under the First Block of Natural's Rate Schedule CD–1 of $5,366,000 annually, or 10.5 percent, based on adjusted sales for the year ended September 30, 1956. The proposed annual increase is in addition to the amounts of approximately $10,060,000 per year collected since March 2, 1955, subject to an undertaking to assure refund of excess charges in the proceeding in Docket No. G–3123. Hearings in Docket No. G–3123 have been concluded, the matter is now in the briefing stage of the administrative process, and, thus, is pending before the presiding examiner for initial decision.

The proposed increase is largely based on (1) so-called average weighted field price of gas at the wellhead in lieu of actual cost for Natural's own gas production, (2) a rate of return of 6½ percent, and (3) claimed increases in other operating expenses.

More specifically, the major adjustments, among others, include:

(a) An allowance of $6,035,531 for Natural's own production, based on a so-called average weighted field price of 9.67¢ per M. c. f. in the Panhandle Field of Texas. No showing is presented of the unit cost of Natural's own production as reflected by the books and records of the company as a basis of comparison.

(b) Return of $4,103,915 based upon a claimed rate of return of 6½ percent upon year-end rate base of $63,137,157, after exclusion of production and gasoline extraction properties, and which rate of return may not be fair and reasonable.

(c) Claimed income tax allowance of $3,620,852, of which Federal income taxes are estimated to be $3,595,682 and state income taxes, $25,170, associated with the claimed rate of return of 6½ percent.

(d) Treatment of Natural's gasoline extraction operations as non-jurisdictional and crediting claimed cost of service with an amount of asserted Btu loss in such operation of $607,641.

(e) Adjustment of purchased gas costs by a net of $562,417, including $152,000 in increased cost of gas purchased from Colorado Interstate Gas Company pursuant to rates and charges under suspension in Docket No. G–11717 as well as to reflect asserted and estimated changes in supply sources, prices and volumes, which may or may not occur.

(f) Use of a year-end rate base instead of an average net rate base, an adjustment which may not be proper.

The net effect of the adjustments results in a claimed cost of service for the test year of $56,707,171, of which $46,467,556 is allocated to the First Block of Natural's CD–1 sales. Natural proposes to recoup this amount by increasing the demand charge of the First Block of Rate Schedule CD–1 from $1.30 per Mcf per month to $1.44 and the commodity charge from 17.55 cents per Mcf to 19.94 cents.

The increased rates and charges proposed by Natural in Fourth Revised Sheets Nos. 5 and 6 to its FPC Gas Tariff, First Revised Volume No. 1, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of the Natural Gas Act, concerning the lawfulness of the rates, charges, classifications, and services of Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 5 and 6, and that said proposed revised tariff sheets be suspended as hereinafter ordered and the use thereof be deferred pending hearing and decision thereon, except as they may become effective as provided by the Natural Gas Act.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15 and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Ch. I), a public hearing be held at a time and place to be fixed by further order of the Commission, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, subject to the jurisdiction of the Commission, of Natural's FPC Gas Tariff, First Revised Volume No. 1, as proposed to be amended by Fourth Revised Sheets Nos. 5 and 6.

(B) Pending such hearing and decision thereon, Fourth Revised Sheets Nos. 5 and 6 to Natural's FPC Gas Tariff, First Revised Volume No. 1, be and the same are hereby suspended and their use deferred until August 11, 1957, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–1917; Filed, Mar. 13, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 2–11751]

GULF SULPHUR CORP.

ORDER GRANTING APPLICATION

MARCH 7, 1957.

Gulf Sulphur Corporation (Company) has filed an application under section 310 (b) (1) (ii) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of the Chase National Bank under an Indenture dated as of July 1, 1955 (1955 Indenture), which was heretofore qualified under the act, and trusteeship by The Chase Manhattan Bank under a proposed indenture to be dated as of December 15, 1956 (1956 Indenture) not to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1955 Indenture and the 1956 Indenture.

It appears to the Commission that:

1. The company proposes to issue $750,000 principal amount of the company's 6 percent Series C Convertible Debentures under the 1956 Indenture. The Chase Manhattan Bank would be the Trustee. The fifteen purchasers of these Debentures would take for investment rather than distribution. The 1956 Indenture will not be qualified under the act.

2. The 1955 Indenture provided for the issuance of $3,000,000 principal amount of the company's 5 percent Series A Convertible Debentures and $1,500,000 principal amount of its Series B Convertible Debentures. This Indenture was qualified under the act.

3. Both Indentures are wholly unsecured.

4. Aside from differences as to amounts, dates, interest rates, redemption prices and other procedural differences, most of the provisions of the two Indentures are alike.

5. The differences between the 1955 Indenture and the 1956 Indenture are not likely to involve a conflict of interest in the trusteeship.

Notice of the filing of the application having been duly given, the Company having waived hearing thereon, the Commission not having received a request for a hearing within the period specified in the notice of application and opportunity for hearing, and a hearing not appearing necessary or appropriate in the public interest or for the protection of investors:

It is ordered, That the application of Gulf Sulphur Corporation, pursuant to section 310 (b) (1) (ii) of the Trust In-

denture Act of 1939 be, and it hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1919; Filed, Mar. 13, 1957; 8:47 a. m.]

[File No. 70-3557]

NEW ENGLAND ELECTRIC SYSTEM ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE BY SUBSIDIARIES OF PROMISSORY NOTES TO BANKS AND PARENT COMPANY

MARCH 8, 1957.

Notice is hereby given that a joint application-declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("the act"), by New England Electric System ("NEES"), a registered holding company, and twenty-two of its public-utility subsidiary companies, namely, Amesbury Electric Light Company ("Amesbury"), Attleboro Electric Company ("Attleboro"), Central Massachusetts Gas Company ("Central Mass."), Essex County Electric Company ("Essex"), Granite State Electric Company ("Granite"), Haverhill Electric Company ("Haverhill"), Lawrence Electric Company ("Lawrence"), Lawrence Gas Company ("Lawrence Gas"), The Lowell Electric Light Corporation ("Lowell"), The Mystic Power Company ("Mystic"), Mystic Valley Gas Company ("Mystic Valley"), Northampton Electric Lighting Company ("Northampton"), Northampton Gas Light Company ("Northampton Gas"), North Shore Gas Company ("North Shore"), Northern Berkshire Electric Company ("Northern"), Norwood Gas Company ("Norwood"), The Pequot Gas Company ("Pequot"), Quincy Electric Company (Quincy"), Southern Berkshire Power & Electric Company ("Southern"), Suburban Electric Company ("Surburban"), Wachusett Gas Company ("Wachusett"), and Weymouth Light and Power Company ("Weymouth") (hereinafter collectively referred to as "the borrowing companies"). NEES and the borrowing companies have designated sections 7, 10 and 12 of the act and Rules U-42 (b) (2), U-43, and U-50 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

The borrowing companies propose to issue, from time to time but not later than June 30, 1957, unsecured promissory notes (a) to banks in the aggregate principal amount of $28,522,000 and (b) to NEES in the aggregate principal amount of $13,290,000 or a total of $41,812,000. Most of the proceeds of the notes will be employed to pay notes previously issued and which mature March 29, 1957, with new money requirements of the borrowing companies to June 30, 1957 estimated at $4,755,000. The maximum amount of the proposed notes to be outstanding at any one time (a) with banks will not exceed $28,522,000 and (b) with NEES will not exceed $13,365,000 and (c) with the total at all times limited to $34,527,000. Each of such notes will mature in not more than six months from the issue date thereof and will bear interest at the prime rate of interest charged by banks for similar notes at the time of issuance thereof. It is stated that the present prime rate of interest is 4 percent. With respect to any notes proposed to be issued by the borrowing companies to banks to prepay then outstanding notes payable to NEES, if the interest rate for the notes proposed to be issued exceeds the interest rate on the notes proposed to be prepaid, NEES will file an amendment to this statement setting forth the proposed amount of the note or notes and the proposed interest rate thereon, which amendment shall become effective in accordance with the procedure prescribed by Rule U-23 or Rule U-24 or such order as the Commission may issue pursuant to Rule U-20 (a) or Rule U-100. With respect to each note proposed to be issued by the borrowing companies to NEES to prepay then outstanding notes payable to banks, the interest rate will be the lower of (1) the interest rate on the note or notes being prepaid or (2) the prime interest rate at the time the new note is issued, but with respect to (1) only to the date of maturity of the prepaid note or notes and thereafter at the prime rate of interest at the issue date of the new note.

The following table shows for each borrowing company (1) the aggregate amount of notes proposed to be issued to banks and to NEES, and (2) the maximum amount of notes to be outstanding with banks and with NEES at any one time.

[000's omitted]

	Aggregate amount of notes proposed to be issued		Maximum amount of notes to be outstanding		
	Banks	NEES	Banks	NEES	Banks or NEES
Amesbury	$825	$500	675	$350	$150
Attleboro	570	570			570
Central Massachusetts	600		600		
Essex	3,250		3,250		
Granite	900		900		
Haverhill	3,000		3,000		
Lawrence	950	5,725		4,775	950
Lawrence Gas	1,500		1,500		
Lowell	1,600		1,600		
Mystic	125		125		
Mystic Valley	2,650		2,650		
Northampton	570		570		
Northampton Gas		400		400	
North Shore	615		615		
Northern	990	915			990
Norwood		480		480	
Pequot	52		52		
Quincy	1,850	1,850			1,850
Southern	1,275		1,275		
Suburban	3,950		3,950		
Wachusett	400		400		
Weymouth	2,850	2,850			2,850
Total	28,522	13,290	21,162	6,005	7,300

While no definite arrangements have yet been made by any of the borrowing companies, it is expected that borrowings from banks will be made from any one or more of the following:

The First National Bank of Boston, Boston, Massachusetts.
Second Bank-State Street Trust Company, Boston, Massachusetts.
The Chase Manhattan Bank, New York.
The Hanover Bank, New York.
Irving Trust Company, New York.
The New York Trust Company, New York.
The First National City Bank of New York.
Hartford National Bank & Trust Company, Hartford, Connecticut (Mystic River Branch).
First National Bank, Northampton, Massachusetts.
Northampton National Bank, Northampton, Massachusetts.
Granite National Bank, Quincy, Massachusetts.
Norfolk County Trust Company, Quincy, Massachusetts.
Quincy Trust Company, Quincy, Massachusetts.
Haverhill National Bank, Haverhill, Massachusetts.
The Andover and Merrimac National Bank, Haverhill, Massachusetts.
First National Bank, Adams, Massachusetts.
Greylock National Bank, Adams, Massachusetts.
North Adams National Bank, North Adams, Massachusetts.
North Adams Trust Company, North Adams, Massachusetts.
First National Bank, Malden, Massachusetts.
Malden Trust Company, Malden, Massachusetts.
Middlesex County National Bank, Everett, Massachusetts.
Union National Bank, Lowell, Massachusetts.
Arlington Trust Company, Lawrence, Massachusetts.
Bay State Merchants National Bank, Lawrence, Massachusetts.
Attleboro Trust Company, Attleboro, Massachusetts.
First National Bank, Attleboro, Massachusetts.
Merchants National Bank, Salem, Massachusetts.
Naumkeag Trust Company, Salem, Massachusetts.

The proceeds to be derived from the issuance of the proposed notes will be used by the borrowing companies to pay then outstanding notes or to pay for construction expenditures. During the period to June 30, 1957 the issuance of an aggregate amount of $20,500,000 of permanent securities is contemplated by the borrowing companies.

Incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $200 for each applicant-declarant, or an aggregate of $4,600.

The Public Utilities Comission of New Hampshire has authorized the borrowing proposed by Granite and the joint application-declaration states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 25, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law, if any, raised by the said joint application-declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said joint application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rule U-20 (a) and Rule U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1921; Filed, Mar. 13, 1957; 8:48 a. m.]

[File No. 70-3568]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED ISSUE AND SALE OF SHARES OF COMMON STOCK PURSUANT TO UNDERWRITTEN RIGHTS OFFERING

MARCH 8, 1957.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 and 7 thereof and Rule U-50 thereunder as applicable to the proposed transaction, which is summarized as follows:

Columbia proposes to offer 1,675,415 shares of its authorized and unissued Common Stock without par value ("New Common Stock") to the holders of its outstanding shares of Common Stock. Such offer will give to such stockholders (a) the Primary Subscription Right to subscribe for shares of the New Common Stock on the basis of one share of the New Common Stock for each thirteen shares of Common Stock held of record as of the close of business on April 3, 1957; and (b) the Additional Subscription Privilege to subscribe for such number of shares of the New Common Stock as are not subscribed for through the exercise of Primary Subscription Rights, subject (in the event of oversubscription) to allocation based on the number of shares subscribed for pursuant to the Primary Subscription Right. Transferable warrants evidencing the Primary Subscription Right and the Additional Subscription Privilege will be issued to the stockholders on or about April 3, 1957. The subscription period will expire at 3:30 p. m. on April 22, 1957.

The price at which the New Common Stock will be offered to stockholders will be determined by Columbia on April 2, 1957, and will be not less than 85 percent of the closing price of the Common Stock on the New York Stock Exchange on April 1, 1957.

Fractional shares of the New Common Stock will not be issued. Columbia's agent will provide, without cost, facilities for the purchase of Rights (not exceeding 12) necessary to subscribe for one or more additional full shares of the New Common Stock or for the sale of Rights (not exceeding 12) in excess of those necessary to so subscribe.

The offer to stockholders will be underwritten, and Columbia proposes to publicly invite sealed bids on March 28, 1957, for the purchase at the subscription price of such shares of the New Common Stock as are not subscribed through the exercise of the Primary Subscription Right and the Additional Subscription Privilege ("Unsubscribed Shares"). The bids to be received will cover only the total compensation to be paid to the prospective bidders for their services in purchasing the Unsubscribed Shares.

This is described as the first step in Columbia's 1957 financing program. The net proceeds from the sale of the New Common Stock will be added to the company's general funds and, supplemented by cash to be generated from operations and additional public financing, will be used to make additional investments in subsidiary companies to aid in financing their 1957 construction program, estimated at approximately $84,000,000, and for other investments.

It is stated that no other Commission has jurisdiction over the proposed transaction.

A statement of the fees and expenses to be incurred by Columbia in connection with said transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than March 25, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1920; Filed, Mar. 13, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 8, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33359: *Paint material—Port Wentworth and Savannah, Ga., to official and Illinois territories.* Filed by St. Louis-San Francisco Railway Company, Agent, for itself and interested rail carriers. Rates on paint material, namely, titanium dioxide, carloads from Port Wentworth and Savannah, Ga., to points in Illinois and official territories.

Grounds for relief: Circuitous routes, in part west of the Mississippi River.

FSA No. 33360: *T. O. F. C. service—between N. Y. N. H. & H. stations and points in official territory.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and other interested rail carriers. Rates on various commodities, moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars between stations on the New York, New Haven and Hartford Railroad in Connecticut, Massachusetts, and Rhode Island, on the one hand, and points on its railroad connections in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio and Pennsylvania named in aforesaid schedule on the other.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: New York, New Haven and Hartford Railroad Company tariff I. C. C. F 4431.

FSA No. 33361: *Iron and steel articles—Kansas City, Mo., to Michigan and Wisconsin.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Kansas City, Kans.-Mo., to destinations in extended zone C territory in Michigan and Wisconsin.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 52 to Agent Prueter's tariff I. C. C. A-3821.

FSA No. 33362: *Class rates—Seatrain between eastern and southern points.* Filed by Seatrain Lines, Inc., for itself. Rates on various commodities, moving on class rates between specified points in New Jersey and New York in the Port of New York area, on the one hand, and points in the port areas of New Orleans,

Savannah, and Texas City, Tex., on the other.

Grounds for relief: Water-rail, rail-water, and rail-water-rail competition, and circuity.

Tariff: Seatrain Lines, Inc., tariff I. C. C. 149.

FSA No. 33363: *Aluminum articles—Badin, N. C., to official territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on aluminum billets, ingots, pigs, or slabs, carload from Badin, N. C., to Ohio River crossings and northern and eastern points in official territory.

Grounds for relief: Truck competition and circuitous routes.

Tariffs: Supplement 38 to Agent Spaninger's tariff I. C. C. 1509. Supplement 17 to Agent Spaninger's tariff I. C. C. 1557.

FSA No. 33364: *Liquefied petroleum gas from and to central territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified producing points in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia to specified destinations in Indiana, Michigan and Ohio.

Grounds for relief: Market competition from southwestern producing points and circuitous routes.

Tariffs: Supplement 116 to Agent Hinsch's tariff I. C. C. 4446 and two other tariffs.

FSA No. 33365: *Petroleum and products—Norfolk, Va., group to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on gasoline, including blended gasoline, kerosene, naphtha or naphtha distillate, tank-car loads from Newport News, Norfolk and Portsmouth, Va., to specified points in eastern North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33366: *Petroleum and products—Hopewell, Va., to North Carolina points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on gasoline, including blended gasoline, kerosene, naphtha or naphtha distillate, tank-car loads from Hopewell, Va., to specified points in North Carolina.

Grounds for relief: Circuitous routes.

Tariff: Supplement 26 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33367: *Barium carbonate—Cartersville, Ga., to St. Louis, Mo., and East St. Louis, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barium carbonate, in packages or in bulk, carloads from Cartersville, Ga., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33368: *Molding sand—Saulsbury, Tenn., to New York and Pennsylvania.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sand, molding, bonded (naturally or otherwise), in all kinds of equipment, carloads from Saulsbury, Tenn., to destinations in New York and Pennsylvania named in exhibit C of the application.

Grounds for relief: Circuitous routes.

Tariff: Supplement 96 to Agent Spaninger's tariff I. C. C. 1469.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1872; Filed, Mar. 12, 1957; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 11, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33369: *Liquefied petroleum gas from Buffalo and Harriet, N. Y., and Toledo, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Buffalo and Harriet, N. Y., to Canton, Ohio, and from Toledo, Ohio, to Portage, Mich.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Supplement 116 to Agent Hinsch's tariff I. C. C. 4446.

FSA No. 33370: *Liquefied petroleum gas to Englewood, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from New Orleans, La., and group, Holt and Tuscaloosa, Ala., and Rogerslacy, Miss., to Englewood, N. J.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 26 to Agent Spaninger's tariff I. C. C. 1561.

FSA No. 33371: *Coarse grains from Texas and New Mexico points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on corn, barley, oats and sorghum grains, and products thereof, carloads from specified points in Texas and in New Mexico on the Texas-New Mexico Railway to destinations in Arkansas, southeastern Colorado, Kansas, Louisiana (west of the Mississippi River), southern Missouri, and Oklahoma, also Memphis, Tenn., Natchez and Vicksburg, Miss.

Grounds for relief: Motor-truck competition and circuitous routes.

Tariff: Supplement 82 to Agent Kratzmeir's tariff I. C. C. 3831.

FSA No. 33372: *Cottonseed products from and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cottonseed oil cake or meal, peanut oil cake or meal and peanut stem meal, carloads, also cottonseed hulls, ground, in bags or in bulk, carloads from, to and between points in the Southwest.

Grounds for relief: Short-line distance formula, motor truck competition, and circuitous routes.

Tariff: Supplement 62 to Agent Kratzmeir's tariff I. C. C. 3972.

FSA No. 33373: *Grain and products—Chicago, Ill., to stations in Oklahoma.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, and related articles, also seeds, carloads from Chicago, Ill., to specified points in Oklahoma.

Grounds for relief: Circuitous routes.

Tariff: Supplement 55 to Agent Kratzmeir's tariff I. C. C. 3942.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-1918; Filed, Mar. 13, 1957; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MARIO PALANTI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mario Palanti, Milan, Italy, Claim No. 57858, Vesting Order No. 201, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent No. 2,271,030.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-1926; Filed, Mar. 13, 1957; 8:49 a. m.]

JOHANN ZAHRADA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johann Zahrada, Vienna, Austria, Claim No. 39937, Vesting Order No. 5067, $2,309.64 in the Treasury of the United States.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 57-1927; Filed, Mar. 13, 1957; 8:49 a. m.]

[Vesting Order SA-164]

TRANSBULKANIA

In re: Debt owing to Transbulkania; F-11-223, F-11-228.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, New York, in the amount of $121.50, being a portion of an account entitled "Rohner Gehrig & Co. Inc., Special Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Transbulkania, Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 6, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-1848; Filed, Mar. 11, 1957; 8:50 a. m.]

FEDERAL REGISTER

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TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR WHEAT [1]

On December 1, 1956, there was published in the FEDERAL REGISTER (21 F. R. 9432) notice of a proposal to revise the Official Grain Standards of the United States for Wheat (7 CFR 26.101 et seq., as amended), promulgated under the authority of section 2 of the United States Grain Standards Act (39 Stat. 482), as amended (7 U. S. C. 74). Public hearings on the proposal were held as announced at Chicago, Illinois; Kansas City, Missouri; Minneapolis, Minnesota; and Portland, Oregon. Interested persons also were afforded an opportunity to submit written data, views, or arguments on the proposal.

Consideration has been given to information obtained at the hearings, to information received in writing, and to other information available in the United States Department of Agriculture regarding the proposed revision. Based upon this information the Official Grain Standards of the United States for Wheat (7 CFR 26.101 et seq.) are hereby revised to read as follows:

Sec.

26.101 Terms defined.
26.102 Principles governing application of standards.
26.103 Grades, grade requirements, and grade designations.

AUTHORITY: §§ 26.101 to 26.103 issued under sec. 8, 39 Stat. 485; 7 U. S. C. 84.

§ 26.101 *Terms defined.* For the purposes of the Official Grain Standards of the United States for Wheat:

(a) *Wheat.* Wheat shall be the grain of common wheat (Triticum vulgare), club wheat (T. compactum), and durum wheat (T. durum) which, before the removal of the dockage consists of 50 percent or more of one or more of these wheats and not more than 10.0 percent of other grains for which standards have been established under the United States Grain Standards Act and which, after the removal of the dockage contains 50 percent or more of whole kernels of one or more of these wheats.

(b) *Classes.* Wheat shall be divided into the following seven classes: Hard Red Spring Wheat, Durum Wheat, Red Durum Wheat, Hard Red Winter Wheat, Soft Red Winter Wheat, White Wheat, and Mixed Wheat.

(c) *Hard Red Spring Wheat.* The class Hard Red Spring Wheat shall include all varieties of hard red spring wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following three subclasses:

(1) *Dark Northern Spring Wheat.* The subclass Dark Northern Spring Wheat shall be Hard Red Spring Wheat with 75 percent or more of dark, hard, and vitreous kernels.

(2) *Northern Spring Wheat.* The subclass Northern Spring Wheat shall be Hard Red Spring Wheat with 25 percent or more but less than 75 percent of dark, hard, and vitreous kernels.

(3) *Red Spring Wheat.* The subclass Red Spring Wheat shall be Hard Red Spring Wheat with less than 25 percent of dark, hard, and vitreous kernels.

(d) *Durum Wheat.* The class Durum Wheat shall include all varieties of white (amber) durum wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following three subclasses:

(1) *Hard Amber Durum Wheat.* The subclass Hard Amber Durum Wheat shall be Durum Wheat with 75 percent or more of hard and vitreous kernels of amber color.

(2) *Amber Durum Wheat.* The subclass Amber Durum Wheat shall be Durum Wheat with 60 percent or more but less than 75 percent of hard and vitreous kernels of amber color.

(3) *Durum Wheat.* The subclass Durum Wheat shall be Durum Wheat

(Continued on next page)

[1] The specifications of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

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with less than 60 percent of hard and vitreous kernels of amber color.

(e) *Red Durum Wheat.* The class Red Durum Wheat shall include all varieties of red durum wheat and may include not more than 10.0 percent of wheats of other classes.

(f) *Hard Red Winter Wheat.* The class Hard Red Winter Wheat shall include all varieties of hard red winter wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following three subclasses:

(1) *Dark Hard Winter Wheat.* The subclass Dark Hard Winter Wheat shall be Hard Red Winter Wheat with 75 percent or more of dark, hard, and vitreous kernels.

(2) *Hard Winter Wheat.* The subclass Hard Winter Wheat shall be Hard Red Winter Wheat with 40 percent or more but less than 75 percent of dark, hard, and vitreous kernels.

(3) *Yellow Hard Winter Wheat.* The subclass Yellow Hard Winter Wheat shall be Hard Red Winter Wheat with less than 40 percent of dark, hard, and vitreous kernels.

(g) *Soft Red Winter Wheat.* The class Soft Red Winter Wheat shall include all varieties of soft red winter wheat and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following two subclasses:

(1) *Red Winter Wheat.* The subclass Red Winter Wheat shall be Soft Red Winter Wheat which may contain not more than 10.0 percent of soft red winter wheat grown west of the Great Plains area of the United States.

(2) *Western Red Wheat.* The subclass Western Red Wheat shall be Soft Red Winter Wheat containing more than 10.0 percent of soft red winter wheat grown west of the Great Plains area of the United States.

(h) *White Wheat.* The class White Wheat shall include all varieties of white wheat, and may include not more than 10.0 percent of wheats of other classes. This class shall be divided into the following four subclasses:

(1) *Hard White Wheat.* The subclass Hard White Wheat shall be White Wheat with 75 percent or more of hard (not soft and chalky) kernels and may contain not more than 10.0 percent of wheat of the white club varieties.

(2) *Soft White Wheat.* The subclass Soft White Wheat shall be White Wheat with less than 75 percent of hard (not soft and chalky) kernels and may contain not more than 10.0 percent of wheat of the white club varieties.

(3) *White Club Wheat.* The subclass White Club Wheat shall be White Wheat consisting of wheat of the white club varieties and may contain not more than 10.0 percent of other white wheats.

(4) *Western White Wheat.* The subclass Western White Wheat shall be White Wheat containing more than 10.0 percent of wheat of the white club varieties and more than 10.0 percent of other white wheats.

(i) *Mixed Wheat.* The class Mixed Wheat shall include all mixtures of wheat not provided for in the classes Hard Red Spring Wheat, Durum Wheat, Red Durum Wheat, Hard Red Winter Wheat, Soft Red Winter Wheat, and White Wheat.

(j) *Grades.* Grades shall be the numerical grades, sample grade, and special grades provided for in § 26.103.

(k) *Dockage.* Dockage shall be weed seeds, weed stems, chaff, straw, grain other than wheat, sand, dirt, and any other material other than wheat, which can be removed readily from the wheat by the use of appropriate sieves and cleaning devices; also underdeveloped, shriveled, and small pieces of wheat kernels removed in properly separating the material other than wheat and which cannot be recovered by properly rescreening or recleaning. (See also paragraph (b) of § 26.102 and paragraph (g) of § 26.103.)

(l) *Foreign material.* Foreign material shall be all matter other than wheat which is not separated from the wheat in the proper determination of dockage.

(m) *Other grains.* Other grains shall be rye, oats, corn, grain sorghums, barley, hull-less barley, flaxseed, emmer, spelt, einkorn, Polish wheat, poulard wheat, cultivated buckwheat, and soybeans.

(n) *Damaged kernels.* Damaged kernels shall be kernels and pieces of kernels of wheat and other grains which are heat damaged, sprouted, frosted, badly ground damaged, badly weather damaged, moldy, diseased, or otherwise materially damaged.

(o) *Heat-damaged kernels.* Heat-damaged kernels shall be kernels and pieces of kernels of wheat and other grains which have been materially discolored and damaged by heat.

(p) *Wheats of other classes.* Wheats of other classes shall be wheats other than that specified in the respective paragraph (a), (b), (c), (d), or (e) of § 26.103.

(q) *Shrunken and broken kernels.* Shrunken and broken kernels shall be all kernels and pieces of kernels of wheat and other matter that will pass readily through a 0.064 x 3/8 sieve.

(r) *0.064 x 3/8 sieve.* A 0.064 x 3/8 sieve shall be a metal sieve 0.032 inch thick perforated with slotted holes 0.064 inch by 0.375 (3/8) inch with approximately 2,633 perforations per square foot.

(s) *Stones.* Stones shall be concreted earthy or mineral matter and other substances of similar hardness that do not disintegrate readily in water.

§ 26.102 *Principles governing application of standards.* The following principles shall apply in the determination of the classes and grades of wheat:

(a) *Basis of determination.* Each determination of dockage, temperature, odor, garlic, live weevils or other insects injurious to stored grain, and distinctly low quality shall be upon the basis of the grain as a whole. All other determinations shall be upon the basis of the grain when free from dockage.

(b) *Percentages.* All percentages shall be upon the basis of weight. The percentage of dockage when equal to 1 percent or more shall be stated in terms of whole percent and when less than 1 percent shall not be stated. A fraction of a percent shall be disregarded.

(c) *Moisture.* Moisture shall be ascertained by the air-oven method prescribed by the United States Department of Agriculture, as described in Service and Regulatory Announcements No. 147, issued by the Agricultural Marketing Service, or ascertained by any method which gives equivalent results.

(d) *Test weight per bushel.* Test weight per bushel shall be the weight per Winchester bushel as determined by the method prescribed by the United States Department of Agriculture, as described in Circular No. 921 issued June 1953, or as determined by any method which gives equivalent results.

§ 26.103 *Grades, grade requirements, and grade designations.* The following grades, grade requirements, and grade designations are applicable under these standards:

(a) *Grades and grade requirements for the subclasses Dark Northern Spring Wheat, Northern Spring Wheat, and Red Spring Wheat of the class Hard Red Spring Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Damaged kernels		Foreign material	Wheats of other classes	
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1[1] Heavy	60	2.0	0.1	0.5	5.0	1.0
1[1]	58	2.0	0.1	0.5	5.0	1.0
2[1]	57	4.0	0.2	1.0	5.0	2.0
3[1]	55	7.0	0.5	2.0	10.0	3.0
4	53	10.0	1.0	3.0	10.0	10.0
5	50	15.0	3.0	5.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 Heavy to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

[1] The wheat in grades No. 1 Heavy, No. 1, and No. 2 of this class may contain not more than 5.0 percent, and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(b) *Grades and grade requirements for the subclasses Hard Amber Durum Wheat, Amber Durum Wheat, and Durum Wheat of the class Durum Wheat and for the class Red Durum Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Damaged kernels		Foreign material	Wheats of other classes[1]	
		Total	Heat-damaged kernels		Total	Soft Red Winter, White, and/or Red Durum
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1[2]	60	2.0	0.1	0.5	5.0	1.0
2[2]	58	4.0	0.2	1.0	5.0	2.0
3[2]	56	7.0	0.5	2.0	10.0	5.0
4	54	10.0	1.0	3.0	10.0	10.0
5	51	15.0	3.0	5.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

[1] Red Durum Wheat of any grade may contain not more than 10.0 percent of wheats of other classes.

[2] The wheat in grades No. 1 and No. 2 of each of these classes may contain not more than either (a) 5.0 percent of shrunken and broken kernels or (b) 8.0 percent of shrunken and broken kernels together with broken kernels of wheat of any size which remain in the sieved sample; and wheat in grade No. 3 of each of these classes may contain not more than either (a) 8.0 percent of shrunken and broken kernels or (b) 12.0 percent of shrunken and broken kernels together with broken kernels of wheat of any size which remain in the sieved sample.

(c) *Grades and grade requirements for the subclasses Dark Hard Winter Wheat, Hard Winter Wheat, and Yellow Hard Winter Wheat of the class Hard Red Winter Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Damaged kernels		Foreign material	Wheats of other classes	
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1[1]	60	2.0	0.1	0.5	5.0	0.5
2[1]	58	4.0	0.2	1.0	5.0	1.0
3[1]	56	7.0	0.5	2.0	10.0	2.0
4	54	10.0	1.0	3.0	10.0	10.0
5	51	15.0	3.0	5.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

[1] The wheat in grades No. 1 and No. 2 of this class may contain not more than 5.0 percent and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(d) *Grades and grade requirements for the subclasses Red Winter Wheat and Western Red Wheat of the class Soft Red Winter Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Damaged kernels		Foreign material	Wheats of other classes	
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1[1]	60	2.0	0.1	0.5	5.0	0.5
2[1]	58	4.0	0.2	1.0	5.0	1.0
3[1]	56	7.0	0.5	2.0	10.0	2.0
4	54	10.0	1.0	3.0	10.0	10.0
5	51	15.0	3.0	5.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

[1] The wheat in grades No. 1 and 2 of this class may contain not more than 5.0 percent and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(e) *Grades and grade requirements for the subclasses Hard White Wheat, Soft White Wheat, White Club Wheat, and Western White Wheat of the class White Wheat.* (See also paragraph (h) of this section.)

Grade	Minimum test weight per bushel	Maximum limits of—				
		Damaged kernels		Foreign material	Wheats of other classes	
		Total	Heat-damaged kernels		Total	Durum and/or Red Durum
	Pounds	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*
1[1]	60	2.0	0.1	0.5	5.0	0.5
2[1]	58	4.0	0.2	1.0	5.0	1.0
3[1]	56	7.0	0.5	2.0	10.0	2.0
4	54	10.0	1.0	3.0	10.0	10.0
5	51	15.0	3.0	5.0	10.0	10.0

Sample grade: Sample grade shall be wheat which does not meet the requirements for any of the grades from No. 1 to No. 5, inclusive; or which contains more than 16.0 percent of moisture; or which contains stones; or which is musty, or sour, or heating; or which has any commercially objectionable foreign odor except of smut or garlic; or which contains a quantity of smut so great that any one or more of the grade requirements cannot be applied accurately; or which is otherwise of distinctly low quality.

[1] The wheat in grades No. 1 and No. 2 of this class may contain not more than 5.0 percent and in grade No. 3 not more than 8.0 percent of shrunken and broken kernels.

(f) *Grades and grade requirements for Mixed Wheat.* (See also paragraph (h) of this section.) Mixed wheat shall be graded according to the numerical and Sample grade requirements of the class of wheat which predominates in the mixture, except that the factor "wheats of other classes" and the grade specifications for "No. 1 Heavy" shall be disregarded.

(g) *Grade designation for all classes and subclasses of wheat.* The grade designation for wheat shall include in the order named the number of the grade or the words "Sample grade," as the case may be; the word "Heavy" when applicable; the name of the applicable subclass, or in the case of Red Durum Wheat and Mixed Wheat the name of the class; the name of each applicable special grade; and when applicable the word "dockage" together with the percentage thereof. In the case of Mixed Wheat, the grade designation shall also include, following the name of the class, the name and approximate percentage of hard red spring, durum, red durum, hard red winter, soft red winter, and white wheat, if any, contained in the mixture.

(h) *Special grades, special grade requirements, and special grade designations for wheat*—(1) *Tough wheat*—(i) *Requirements.* Tough wheat shall be (*a*) wheat of any of the classes Hard Red Winter Wheat, Soft Red Winter Wheat, or White Wheat, or of the class Mixed Wheat in which wheat of any one of the classes Hard Red Winter Wheat, or Soft Red Winter Wheat, or White Wheat, predominates, which contains more than 14 percent but not more than 15.5 percent of moisture, and (*b*) wheat of any of the classes Hard Red Spring Wheat, or Durum Wheat, or Red Durum Wheat, or of the class Mixed Wheat in which wheat of any one of the classes Hard Red Spring Wheat, or Durum Wheat, or Red Durum Wheat, predominates, which contains more than 14.5 percent but not more than 16 percent of moisture.

(ii) *Grade designation.* Tough wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not tough, and there shall be added to, and made a part of, the grade designation, the word "Tough."

(2) *Smutty wheat*—(i) *Requirements.* Smutty wheat shall be wheat which has an unmistakable odor of smut or which contains balls, portions of balls, or spores, of smut in a quantity equivalent to more than 14 balls of average size in 250 grams of wheat.

(ii) *Grade designation.* Smutty wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not smutty and according to the methods described either in (*a*) or (*b*) of this subdivision.

(*a*) *Smut dockage.* The smut shall be be removed by scouring and the loss in weight of the wheat caused by the removal of the smut shall be calculated in terms of percentage based on the total weight of the grain when free from dockage. The percentage so calculated shall be stated in terms of half percent when smut dockage is present in a quantity equal to less than one percent, and in terms of whole percent when present in a quantity equal to one percent or more. A fraction of a half percent shall be disregarded when smut dockage is present in a quantity equal to less than one percent, and a fraction of a percent shall be disregarded when smut dockage is present in a quantity equal to one percent or more. The percentage of the smut dockage, so calculated and stated, shall be added to the grade designation, preceding the statement of dockage, if any.

(*b*) *"Light Smutty" and "Smutty."* (*1*) In the case of smutty wheat which has an unmistakable odor of smut, or which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 14 balls but not in excess of a quantity equal to 30 balls of average size in 250 grams of wheat, there shall be added to and made part of the grade designation the words "Light Smutty"; and

(2) In the case of smutty wheat which contains balls, portions of balls, or spores, of smut, in excess of a quantity equal to 30 balls of average size in 250 grams of wheat, there shall be added to and made a part of the grade designation the word "Smutty."

(3) *Garlicky wheat*—(i) *Requirements.* Garlicky wheat shall be wheat which contains two or more green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat.

(ii) *Grade designation.* Garlicky wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not garlicky; and

(*a*) In the case of garlicky wheat which contains two or more but not more than six green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat, there shall be added to and made a part of the grade designation the words "Light Garlicky"; and

(*b*) In the case of garlicky wheat which contains more than six green garlic bulblets, or an equivalent quantity of dry or partly dry bulblets, in 1,000 grams of wheat, there shall be added to and made a part of the grade designation the word "Garlicky."

(4) *Weevily wheat*—(i) *Requirements.* Weevily wheat shall be wheat which is infested with live weevils or other insects injurious to stored grain.

(ii) *Grade designation.* Weevily wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not weevily, and there shall be added to and made a part of the grade designation the word "Weevily."

(5) *Ergoty wheat*—(i) *Requirements.* Ergoty wheat shall be wheat which contains more than 0.3 percent of ergot.

(ii) *Grade designation.* Ergoty wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not ergoty, and there shall be added to and made a part of the grade designation the word "Ergoty."

(6) *Treated wheat*—(i) *Requirements.* Treated wheat shall be wheat which has been scoured, limed, washed, sulfured, or treated in such a manner that the true quality is not reflected by either the numerical grade or the Sample grade designation alone.

(ii) *Grade designation.* Treated wheat shall be graded and designated according to the grade requirements of the standards applicable to such wheat if it were not treated, and there shall be added to and made a part of the grade designation a statement indicating the kind of treatment.

The foregoing standards supersede the official United States Standards for Wheat as amended August 2, 1954, and shall become effective June 15, 1957.

Done at Washington, D. C., this 8th day of March 1957.

[SEAL] E. T. BENSON,
Secretary.

[F. R. Doc. 57-1883; Filed, Mar. 14, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6456]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORTH AMERICAN ACCIDENT INSURANCE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions:* Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, North American Accident Insurance Company, Chicago, Ill., Docket 6456, Feb. 20, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation with main office in Chicago, doing a nationwide business selling accident and health insurance policies through an agency system composed of 2200 agents in all the States, with misrepresenting benefits and coverage of its policies in advertising in newspapers and mailing circulars and by radio.

Following hearings and submission of findings of fact and conclusions by all counsel, the hearing examiner made his initial decision and order to cease and desist, from which both counsel filed cross-appeals. After hearing the matter on briefs and oral argument, the Commission on February 20 rendered its decision granting the appeal of counsel supporting the complaint, denying that of respondent, and directing modification of the initial decision in conformity with its opinion.

The order to cease and desist, as modified, is as follows:

It is ordered, That respondent, North American Accident Insurance Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident, health, medical, hospital or surgical insurance policy, do forthwith cease and desist from representing, directly or by implication:

1. That any such policy may be continued in effect by the insured upon payment of stipulated premiums, indefinitely or for any stated time, unless full disclosure of any other provision or condition of termination contained in the policy is made conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

2. That no medical examination is required unless the respondent actually insures the policy holder without regard to his physical condition before, at, or after issuance of the policy; or otherwise representing that the condition of the insured's health at the time of the issuance of the policy will not be considered by the respondent in determining its liability thereunder, or that the respondent will not, as a claims practice, require proof of good health of the insured at the time of issuance of the policy.

3. That any policy provides for indemnification against disability or loss due to sickness or accidental injury unless a statement of all the conditions, exemptions, restrictions and limitations affecting the indemnification actually provided is set forth conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

By "Final Order", report of compliance was required as follows:

It is further ordered, That respondent, North American Accident Insurance Company, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

It is further ordered, That the initial decision of the hearing examiner, as modified herein, is hereby adopted as the decision of the Commission.

Issued: February 20, 1957.

By the Commission.[1]

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-1953; Filed, Mar. 14, 1957; 8:46 a. m.]

[1] Opinion of the Commission and the dissenting opinion of Mr. Tait, concurred in by Mr. Gwynne, are filed as part of original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 240]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
				T-dn	300–1	300–1	200–½	*CAUTION: Standard clearance not provided over 362° stacks 1½ miles W of range. Procedure turn N side NE course, 052° outbound, 232° inbound, 1,500′ within 10 miles. Minimum altitude over facility on final approach course 1,000′. Course and distance, facility to airport, 232—3.2. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles, make 180° left climbing turn to 1,500′ direct to the Bridgeport LFR. NOTE: ADF approach not authorized.
				C-dn*	500–1	500–1	500–1½	
				S-d-24*	400–1	400–1	400–1	
				S-n-24*	400–1	400–1	400–1½	
				A-dn	800–2	800–2	800–2	
Bridgeport, Conn.; Bridgeport Airport, elevation 9′; facility MRLWZ, identification BDR; Procedure No. 1, Amendment No. 7, effective date, Apr. 7, 1957; supersedes Amendment No. 6, dated May 15, 1954								
Cottage Grove FM	EUG–LFR	Direct	3,700	T-dn	300–1	300–1	200–½	Procedure turn E side N course, 356° outbound, 176° inbound, 2,000′ within 10 miles. Not authorized beyond 10 miles (nonstd. due to terrain.) Minimum altitude over facility on final approach course, 1,500′. Course and distance, facility to airport, 150—3.9. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles, turn right and climb to 2,000′ on N course of EUG–LFR within 10 miles. CAUTION: Terrain 1,294′, 7 miles E of N course of range, 10.5 miles from range station.
EUG–VOR	EUG–LFR	Direct	2,000	C-dn	500–1	500–1½	600–1½	
				S-dn-ry-16	400–1	400–1	400–1	
				A-dn	800–2	800–2	800–2	
Eugene, Oreg.; Mahlon Sweet Airport, elevation 365′; facility SBRAZ, identification EUG; Procedure No. 1, Amendment No. 8, effective date, Apr. 13, 1957; supersedes Amendment No. 7, dated Oct. 29, 1955								

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Salinas VOR	MRY–MH	Direct	4,000	T-dn	300–1	300–1	300–1	Procedure turn W side of course, 310° outbound, 130° inbound, 1,800′ within 10 miles. Minimum altitude over facility on final approach course, 900′. Course and distance, facility to airport, 094—1.1. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0 mile, turn left, climb to 2,000′ on course of 310° within 10 miles of MRY MH.
Saratoga Intersection	MRY–MH	Direct	5,000	C-d	700–2	700–2	700–2	
Davenport Intersection	MRY–MH	Direct	4,000	C-n	700–3	700–3	700–3	
				A-d	1,000–2	1,000–2	1,000–2	
				A-n	1,000–3	1,000–3	1,000–3	
Monterey, Calif.; Monterey Peninsula Airport, elevation 220′ facility MHZ, identification MRY; Procedure No. 1, Amendment No. 8, effective date, Apr. 13, 1957; supersedes Amendment No. 7, dated Mar. 17, 1956								

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
EUG–LFR	EUG–VOR	Direct	2,000	T-dn	300–1	300–1	200–½	Procedure turn E side of course, 338° outbound, 158° inbound, 2,000′ within 10 miles. Not authorized beyond 10 miles (nonstandard due to terrain). Minimum altitude over facility on final approach course, 1,500′. Course and distance, facility to airport, 136—3.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn right and climb to 2,000′ on R–355 within 20 miles.
Cottage Grove FM	EUG–VOR	Direct	3,700	C-dn	500–1	500–1½	600–1½	
Intersection N course EUG–LFR and R–338 EUG.	EUG–VOR	Direct	2,000	S-dn-RY16	400–1	400–1	400–1	
				A-dn	800–2	800–2	800–2	
Eugene, Oreg.; Mahlon Sweet Airport, elevation 365′; facility BVOR, identification EUG; Procedure No. 1, Amendment No. 3, effective date, Apr. 13, 1957; supersedes Amendment No. 2, dated Oct. 29, 1955								
				T-dn	300–1	300–1	200–½	Procedure turn S side of course, 288° outbound, 108° inbound, 2,000′ within 10 miles. Minimum altitude over facility on final approach course, 1,400′. Course and distance, facility to airport, 108—6.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.8 miles, climb to 2,000′ on R–108, turn right and return to La Grange VOR. AIR CARRIER NOTES: No reduction in night landing or take-off minima authorized.
				C-d	600–1	600–1	600–1½	
				C-n	600–2	600–2	600–2	
				A-dn	800–2	800–2	800–2	
La Grange, Ga.; Callaway Airport, elevation 700′; facility BVOR, identification LGC; Procedure No. 1, Amendment No. 1, effective date, Mar. 17, 1957; supersedes Amendment Original, dated Sept. 24, 1955								

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Annette LFR	GVN	Direct	4,000	T-dn*	300-1	300-1	200-½	*Runway 2-20 unlighted, T-n not authorized; C-n not authorized. Runway 2, T-d 600-1, make immediate left turn after takeoff.
Guard Island Intersection# via course 123.	Glide Slope Intersection (final ILS).	Direct	4,000	C-dn	500-1½	500-2	500-2	#Intersection of bearing 083° to Guard Island Radiobeacon and NW course Annette LFR.
Guard Island Intersection# via course 123.	GVN (final ADF)	Direct	4,000	S-dn-12 ILS	300-½	300-½	300-½	Procedure turn S side NW course, 303° outbound, 123° inbound, 4,000′ within 10 miles (nonstandard due to terrain**).
				A-dn:				Minimum altitude at G. S. Intersection inbound, 3,600′ ILS; minimum altitude over GVN 3,700′ ADF (after procedure turn only); over ANN LFR, 800′ ADF.
				ADF	500-1	500-1	500-1	Altitude of G. S. and distance to approach end of runway over GVN** 3521—9.6, over ANN LFR 710—1.6, at MM 358—0.5.
				ILS	600-2	600-2	600-2	*CAUTION: Glide slope angle set at 3.27 to obtain obstruction clearance. Terrain 3,600′ 5 miles ENE of airport and 1,000′ terrain within 2 miles of airport N through E.
				ADF	800-2	800-2	800-2	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 9.6 miles of GVN (ADF), climb to 2,800′ on S course Annette LFR within 20 miles.

Annette, Alaska; Annette Airport, elevation 119′; facility ILS-I-ANN, identification FMHW-GVN; Procedure No. 1, Amendment No. 3, Combination ILS-ADF, effective date, Apr. 13, 1957; supersedes Amendment No. 2, dated Apr. 7, 1956

Austin VOR	LOM	Direct	2,000	T-dn#	300-1	300-1	200-½	#All aircraft are restricted to 300-1 minima for takeoff on Runways 3-21, 16L-34R, and 12L-30R.
Austin LFR via course 118	NW course ILS	Direct	1,900	C-dn	400-1	500-1	500-1½	Procedure turn E side SE course, 125° outbound, 305° inbound, 2,000′ within 10 miles. Beyond 10 miles not authorized.
Smithville Radiobeacon via course 295.	SE course ILS	Direct	1,900	S-dn-30L:				Minimum altitude at G. S. Intersection inbound, 2,000′* ILS, minimum altitude over LOM inbound final 1,200′ ADF.
				ILS	300-¾	300-¾	300-¾	*2,000′ will intercept glide slope 0.5 mile after passing OM.
Bergstrom Radiobeacon	LOM	Direct	2,000	ADF	400-1	400-1	400-1	Altitude of G. S. and distance to approach end of runway at OM 2,120—5.3; at MM 920—0.6.
Webberville Intersection	LOM (final)	Direct	2,000	A-dn:				If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles LOM (ADF) climb to 3,000′ on NW course ILS (305) within 20 miles, or when directed by ATC, turn right, climb to 2,100′ on NE course AUS-LFR within 20 miles.
				ILS	600-2	600-2	600-2	NOTE: 400-1 required when glide slope not used. No approach lights. All installed components of ILS must be operating or alternate minima of 800-2 apply.
				ADF	800-2	800-2	800-2	

Austin, Tex.; Mueller Airport, elevation 631′; facility ILS-IAUS, identification LOM-AU; Procedure No. 1, Amendment No. 13, Combination ILS-ADF, effective date, Apr. 13, 1957; supersedes Amendment No. 12, dated Aug. 29, 1956

Duluth LFR	LOM	Direct	2,600	T-dn				Procedure turn S side of course, 266° outbound, 086° inbound, 2,600′ within 10 miles.
Duluth VOR	LOM	Direct	2,600	C-d	500-1½	500-1½	500-1½	Minimum altitude at G. S. interception inbound, 2,600′.
				C-o	500-2	500-2	500-2	Altitude of G. S. and distance to approach end of runway at LOM, 2,600′—4.3 miles; at MM, 1,630′—0.7 mile.
				S-d-9	250-1	250-1	250-1	G. S. angle, 2.6°.
				S-n-9	250-1½	250-1½	250-1½	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.3 miles of LOM, turn left to course of 315°, climbing to 3,000′ within 20 miles; contact Duluth approach control for further instructions.
				A-dn				NOTE: USAF navigational facility—for military use only.

Duluth, Minn.; Duluth Municipal Airport, elevation 1,430′; facility ILS, identification DLH; Procedure No. 1, Amendment No. 1, effective date, Feb. 24, 1957; supersedes Amendment Original, dated Feb. 23, 1957

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Pleasant Isle FM	LOM	Direct	1,500	T-dn*	300-1	300-1	200-½	*Takeoff north on Runway 1, 700-2, day and night.
				C-dn	500-1	500-1½	500-1½	Procedure turn W side NW course, 285° outbound, 105° inbound, 1,500′ within 5 miles, 2,700′ within 10 miles. Not authorized beyond 10 miles.
				S-dn-10:				Minimum altitude at G. S. intersection inbound, 1,200′. Minimum altitude over LOM inbound on final 1,100′ (ADF), over GST LFR 800′ (ADF).
				ILS	300-½	300-½	300-½	Altitude of G. S. and distance to approach end of runway at LOM 1,130—3.9; at LFR 704—2.3; at MM 234—0.6.
				ADF	400-1	400-1	400-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles of LOM (ADF), climb to 4,500′ on SE course GST LFR within 20 miles; alternate missed approach, when directed by ATC, within 3.9 miles of LOM (ADF), turn right and climb on NW course GST LFR to 3,000′ within 10 miles.
				A-dn:				CAUTION: Maneuvering N and E of airport not authorized due to high terrain.
				ILS	600-2	600-2	600-2	
				ADF	800-2	800-2	800-2	

Gustavus, Alaska; Gustavus Airport, elevation 28′; facility ILS, identification GST; Procedure No. 1, Amendment No. 4, Combination ILS-ADF, effective date, Apr. 13, 1957; supersedes Amendment No. 3, dated Mar. 23, 1957

MKE-VOR	Lake Park Intersection*	Direct	2,700	T-dn	300-1	300-1	200-½	Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Intersection.* Refer to radar procedure for Milwaukee, Wis., if detailed sector altitudes desired.
MKE-LFR	Lake Park Intersection*	Direct	2,700	C-dn	600-1	600-1	600-1½	Procedure turn W side N course, 006° outbound, 186° inbound, 2,700′ within 10 miles of Lake Park Intersection.*
MKE-LOM	Lake Park Intersection*	Direct	2,700	S-dn-19	400-1	400-1	400-1	No glide slope. 1,800′ over Lake Park Intersection;* bearing and distance Lake Park Intersection* to Harbor Intersection,** 186°—3.0.
Cardinal Intersection	Lake Park Intersection*	Direct	2,700	A-dn	800-2	800-2	800-2	No markers. Bearing and distance: Lake Park Intersection* to Runway 19, 186—7.0; Harbor Intersection** to Runway 19, 186—4.0.
Cardinal Intersection	Lake Park Intersection* (final).	Direct	2,200					If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2,000′ on localizer course to MKE LOM or when directed by ARTC: Make left climbing turn to 2,000′ and proceed to Sun Fish Intersection, via V30.
Lake Park Intersection*	Harbor Intersection**	Direct	2,300					*Lake Park Intersection: Intersection MKE-VOR R-096 and N course ILS.
Lake Park Intersection*	Harbor Intersection** (final).	Direct	1,800					**Harbor Intersection: Intersection MKE-VOR R-105 and N course ILS.
								NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously.
								CAUTION: 787′ power line ½ mile N of Runway 19.

Milwaukee, Wis.; General Mitchell Airport, elevation 608′; facility and identification ILS-MKE; Procedure No. 2, Amendment No. 1, effective date, Mar. 14, 1957; supersedes Amendment Original, dated Jan. 26, 1957

Maxwell LFR	LOM	Direct	1,500	T-dn	300-1	300-1	200-½	*400-¾ required if glide slope not utilized.
Montgomery VOR	LOM	Direct	1,500	C-dn	400-1	500-1	500-1½	Procedure turn S side W course, 273° outbound, 093° inbound, 1,800′ within 10 miles. Beyond 10 miles not authorized.
Benton Intersection (LFR) via course 109°.	W course ILS (final)	Direct	1,800	S-dn-9:				Minimum altitude at glide slope intersection inbound, 1,800′ ILS; minimum altitude over LOM inbound final—1,000′ ADF.
				ILS	300-¾	300-¾	300-¾	Altitude of glide slope and distance to approach end of runway at OM 1,800′—5.1; at MM 438—0.6.
Craig Intersection (VHF)	LOM (final—ILS)	Direct	1,800	ADF	400-1	400-1	400-1	If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.1 miles after passing LOM (ADF), climb to 1,500′ on course of 120° or on Runway-120 MGM within 20 miles.
Calhoun Intersection	LOM	Direct	1,500	A-dn:				NOTE: No approach lights.
Booth Intersection	LOM	Direct	1,700	ILS	600-2	600-2	600-2	CAUTION: Tower 987′ MSL, 8 miles East.
				ADF	800-2	800-2	800-2	

Montgomery, Ala.; Donnelly Field, elevation 219′; facility ILS-IMGM, identification LOM-MG; Procedure No. 1, Amendment No. 2, Combination ILS-ADF; effective date, Mar. 17, 1957; supersedes Amendment No. 1, dated Mar. 16, 1957

Chatham MHW via course 095.	ILS SW course	Direct	2,000	T-dn	300-1	300-1	300-1	*700-1½ required with any component of the ILS inoperative.
Newark LOM via course 348	ILS SW course	Direct	1,800	C-dn	1,000-1	1,000-1	1,000-1½	Radar vectors may be utilized to effect above transitions.
Paterson MHW	EB-LMM	Direct	2,000	S-dn-6*	500-1	500-1	500-1	Procedure turn W side SW course, 239° outbound, 059° inbound, 1,800′ within 10 miles of OM.
Intersection R-128 CDW and SW course ILS.	ILS OM (final)	Direct	1,400	A-dn	1,000-2	1,000-2	1,000-2	Minimum altitude at G. S. intersection, inbound 1,400′.
								Altitude of G. S. and distance to approach end of runway at OM 1360—4.0; at MM 230—.5.
								If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1,000′ on a heading of 059°, turn left, climb to 2,000′ on ADF course to Paterson MHW.

Teterboro, N. J.; Teterbore Airport, elevation 7′; facility ILS, identification TEB; Procedure No. 1, Amendment No. 8, effective date, Mar. 24, 1957; supersedes Amendment No. 7, dated Mar. 23, 1957

5. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedures, unless another procedure is authorized by the Administrator or Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s), minimum(s) and procedure(s) below. Positive identification must be established with the radar controller. From initial contact with radar to final if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to is established on final approach at or before descent to the authorized landing minimum, or (B) if pilot does not indicate that approach is clear for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance final approach, a missed approach shall be executed as provided below for (A) or (B) if landing is not accomplished.

Transition			Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less	
					65 knots or less	More than 65 knots
All directions	Radar site	Within 25 miles	*1,500	Surveillance approach		
				T-dn	800-1	800-1
				C-dn#	400-1	500-1
				C-dn-19	500-1	700-1
				C-dn-#	700-1	800-1
				S-dn#	400-1	500-1
				S-dn-19	500-1	700-1
				A-dn	700-1	800-2
					800-2	

*Radar control must provide 3 miles lateral or 1,000' vertical separation from 626' and 869' MSL radio towers located 13 miles NNW of airport and from 979' MSL TV tower 10 miles E of airport.

#Runways 1, 4, 23.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 1,500' straight ahead, then proceed to New Orleans L/F R or VOR or proceed as directed by ATC.

CAUTION: 409' radio tower 2.8 miles N of airport and 450' electric transmission tower 4.3 miles SE of airport.

New Orleans, La.; Moisant International Airport, elevation 3'; facility and identification, New Orleans Radar; Procedure No. 1, Amendment No. 1, effective date, Apr. 13, 1957; supersedes Amendment Original, dated June 11, 1954

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-1901; Filed, Mar. 14, 1957; 8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-224; Rules Amdt. 14-2]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

FILING OF ARTICLES OF INCORPORATION

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of March 1957.

The Commission having under consideration the above-captioned matter;

It appearing that Part 14 now requires that a corporation that files application for a construction permit for an Alaska public fixed or public coast station submit with its application a copy of its articles of incorporation certified by the Secretary of the State or Territory of the place of incorporation, or certified otherwise by an appropriate public official, unless such copy of its articles of incorporation has been previously filed with the Commission; and

It further appearing that a copy of the corporation's charter, acts of incorporation, or articles of incorporation need be filed only if the application is for common carrier radio facilities; and

It further appearing that it is desirable to amend Part 14 of the Commission's rules so that the Part 14 requirements in this respect will conform to the information now requested in the Commission's application Form 401 (Application for a construction permit for an Alaska public fixed station or a public coast station proposing to establish common carrier radio facilities must (unless previously filed with the Commission) be accompanied by a copy of the applicant's articles of incorporation certified by the Secretary of the State or Territory of the place of incorporation, or certified otherwise by an appropriate public official.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 308, 48 Stat. 1082, as amended; 47 U. S. C. 308)

Released: March 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-1939; Filed, Mar. 14, 1957; 11:31 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter B—Hunting and Possession of Wildlife

PART 6—MIGRATORY BIRDS

ORDER PERMITTING KILLING OF DEPREDATING AMERICAN MERGANSERS ON OR OVER DESIGNATED LAKES AND STREAMS IN WESTERN WASHINGTON

Pursuant to authority conferred upon me by order of the Acting Secretary of the Interior, dated March 8, 1957, I have determined that the number of American mergansers now present and likely to continue to be present in western Washington is such as to constitute a serious threat to the trout populations in certain lakes and streams through depredations by these birds. Accordingly, an emergency is found to exist, and to protect trout populations which are threatened by such birds, the killing of such American mergansers as are found damaging trout in the lakes and streams listed below is hereby permitted, beginning this date, and continuing until formally terminated, but in no event beyond April 10, 1957; such killing to be conducted in compliance with State law and subject to terms, conditions, and restrictions as follows:

1. American mergansers may be killed during the daylight hours only on or over the following lakes and streams in western Washington when committing or about to commit serious depredations upon trout populations:

Clark County

LaCamas Lake

Clallam County

Pleasant Lake

Cowlitz County

Silver Lake
Yale Reservoir

Island County

Cranberry Lake

King County

Ames Lake
Beaver Lake
Desire Lake
Joy Lake
Meridian Lake
Morton Lake
North Lake
Pine Lake
Shadow Lake
Shady Lake
Steel Lake
Wilderness Lake

Kitsap County

Kitsap Lake
Mission Lake
Scout Lake
Wildcat Lake

Mason County

Aldrich Lake
Benson Lake
Cady Lake
Clara Lake
Haven Lake
Isabella Lake
Nahwatzel Lake
Panther Lake
Phillips Lake
Spencer Lake
Tiger Lake
Trask Lake
Twin Lake
U Lake
Wooten Lake

Pacific County

Loomis Lake

Pierce County

Bay Lake
Clear Lake (Eatonville)
Crescent Lake
Spanaway Lake
Tanwax Lake

San Juan County

Hummel Lake

Skagit County

Beaver Lake
Cavanaugh Lake
Clear Lake
Hart Lake
Pass Lake

Snohomish County

Bosworth Lake
Crabapple Lake
Flowing Lake
Goodwin Lake
Ki Lake
Loma Lake
Martha Lake (Alderwood Manor)
Martha Lake (Warm Beach)
Roesiger Lake
Serene Lake (Highway 99)
Shoecraft Lake
Silver Lake
Storm Lake
Wagner Lake

Thurston County

Clear Lake (Bald Hills)
Deep Lake
Hicks Lake
Lawrence Lake
McIntosh Lake
Offut Lake
Summit Lake
Ward Lake

Whatcom County

Silver Lake

Streams and Rivers

Chehalis River
Cowlitz River
Dosewallips River
Duckabush River
Dungeness River
Elochoman River
Grays River
Green River
Humptulips River
Kalama River
Lewis River and Forks
Newaukum River
North River
Nooksack River
Puyallup River
Salmon Creek
Satsop River
Skagit River
Skokomish River
Skyomish River
Snohomish River
Snoqualmie River
Sol Duc River
Soos Creek
Stillaguamish River
Tilton River
Tolt River
Toutle River
Washougal River
Willapa River
Wind River
Wynooche River

2. American mergansers may be taken only by shooting with a shotgun not larger than No. 10 guage fired from the shoulder.

3. American mergansers killed under the provisions of this order may be used or donated to charitable institutions for food purposes and they may be donated to public museums or public scientific and educational institutions for exhibition, scientific or educational purposes. No such birds may be sold, offered for sale, bartered or shipped for purposes of sale or barter. Any such birds which cannot be used for the purposes stated herein shall be completely destroyed.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Issued at Washington, D. C., and dated March 11, 1957.

ROBERT H. JOHNSON,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-1946; Filed, Mar. 14, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

[Docket No. AO-105-A11]

MILK IN QUAD CITIES MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amended order and marketing agreement regulating the handling of milk in the Quad Cities marketing area, which was issued February 25, 1957 (22 F. R. 1220), is hereby extended to March 20, 1957.

Dated: March 12, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-1963; Filed, Mar. 14, 1957; 8:48 a. m.]

[7 CFR Part 985]

[Docket Nos. AO-240-A2, A3]

MILK IN MUSKEGON, MICH., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings, were held at Muskegon, Michigan, on August 28, 1956, pursuant to notice thereof issued August 7, 1956 (21 F. R. 5871) and at Kalamazoo, Michigan, on November 27, 1956, pursuant to notice thereof issued November 16, 1956 (21 F. R. 9144).

Upon the basis of evidence introduced at the August 28, 1956, hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on December 20, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of filing such recommended decision and opportunity to file written exceptions thereto were published in the FEDERAL REGISTER on December 27, 1956 and January 12, 1957 (21 F. R. 10338; 22 F. R. 266). Upon the basis of evidence introduced at the November 27, 1956 hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service on January 15, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on January 18, 1956 (22 F. R. 384).

The material issues of the August 28, 1956, hearing related to:

1. Expansion of the marketing area;

2. Pricing of Class I milk sold by handlers in an area regulated by another Federal order;

3. A review of the Class I differential over the basic formula price in regard to its alignment with the Detroit and Upstate marketing areas;

4. Changing the method of determining handler butterfat differentials; and

5. Modification of order provisions dealing with determination and application of bases.

The sole issue of the November 27, 1956, hearing related to pool plant qualifications as they pertain to a plant operated by a cooperative association. This decision will consider the issues of both hearings.

Findings and conclusions. The following findings and conclusions are based on the evidence presented at the hearings and the records thereof:

1. *Marketing area.* The marketing area should be increased by ten townships to the south and to the east, which include the cities of Holland and Zeeland, Michigan. The proposal to include Oceana County and fifteen townships in Newaygo County to the north should be denied.

A proposal made by producers to add twelve townships in Ottawa County and eight townships in Allegan County, Michigan, was amended at the hearing to include only eight townships in Ottawa County and two townships in Allegan County. The ten township area for which evidence was offered to enlarge the marketing area represents an area in which plants of milk distributors serving the cities of Holland and Zeeland are located. The area proposed to be added is contiguous to the present marketing area and one in which presently regulated handlers and milk distributors serving Holland and Zeeland have an intermingling sales area. The additional area, including the cities of Holland and Zeeland which are only five miles apart, has a population of approximately 40,000. In addition to the regulated handlers serving the cities of Holland and Zeeland and this ten township area there are nine milk distributors located in or near the city of Holland and three milk distributors located in or near the city of Zeeland. These two cities are the principal metropolitan areas in this proposal to expand the marketing area. Milk distributors located in Holland and Zeeland are not only in competition with currently regulated handlers but compete with each other. A milk distributor in Zeeland distributes milk in both the cities of Holland and Zeeland as well as out in the ten township area.

Proponents of the proposal to expand the marketing area to include the cities of Holland and Zeeland and the ten township area represent the majority of producers now regulated by Order No. 85 and also represent the majority of dairy farmers, approximately 150, serving milk distributors in the area that would be added by this proposal to expand the marketing area. The milksheds of the present marketing area and the proposed expanded area overlap, particularly in Robinson, Allendale and Blendon townships.

Health regulations are substantially the same between the present marketing area and the proposed additional townships. The regulations of the State of Michigan provide a uniform minimum standard and these standards are modified only by somewhat more rigid requirements in a few localities. Competition by handlers under the order with milk distributors in the area proposed to be added is such as to indicate that there is substantially complete acceptance of milk for fluid use in any locality within the area. The area to be added is contiguous to the present marketing area and it is one within which distributors should be charged the same price for milk used in a given class as that paid by handlers in the presently regulated area.

The cooperative association representing a majority of dairy farmers in the area proposed to be added have been refused the opportunity to check butterfat tests and weights of milk of their members delivered to milk distributors that would be regulated under the enlarged area. Neither has there been an opportunity to represent their membership in the determination of bases assigned to individual dairy farmers. Milk distributors in this area are currently paying producers on a base and excess plan fully operated by them. Milk distributors, in the area to be added, have paid dairy farmers a surplus milk price for portions of milk delivered to them during the same period of time they purchased milk, other than from dairy farmers, paying as much as $5.18 per hundredweight while the dairy farmers supplying their needs received less than $4.50 per hundredweight. Although due and timely notice of the hearing of this matter was given, these milk distributors did not appear at the hearing. Thus no opposition was offered by them regarding the proposed market expansion which would bring them under regulation.

It is concluded, therefore, that the marketing area should be expanded to include Robinson, Allendale, Port Sheldon, Olive, Blendon, Park, Holland, and Zeeland townships in Ottawa County and Laketown and Fillmore townships in Allegan County, all in the State of Michigan.

Two handlers and the cooperative association representing a majority of the producers proposed the marketing area be expanded to include all of Oceana County and fifteen townships in Newaygo County, an area to the north and to the east of the presently defined marketing area. A similar proposal for inclusion of parts of Oceana and Newaygo Counties was made at the promulgation hearing of this order. Lack of data regarding the source of supply, sales in the area and competitive conditions in this area caused its omission from the marketing area. The current record reveals handlers regulated by the order are expanding their business in the area so proposed to be added. Marketing conditions in this area are stable. Two milk distributors are located at Hart in Oceana County and one at Fremont, Newaygo County. These distributors apparently pay prices comparable to those provided by this order.

Sales in the area so proposed are made by two handlers with plants in Grand Rapids as well as by Muskegon handlers and by dealers with plants in Ottawa and Newaygo Counties. Once such handler makes no sales in the presently defined marketing area and would be brought under partial regulation by the proposed expansion. The other Grand Rapids handler now sells in the Muskegon area and is partially regulated. The volume of this handler's sales in the marketing area as enlarged by this proposal would approach the 20 percent of total receipts at which full regulation becomes effective. Therefore, it was concurrently proposed that this percentage be increased if the marketing area were extended as proposed so that the handler now partially regulated might avoid possibility of full regulation.

The need for expansion to the north and to the east was not shown. Regulated handlers selling in this area are expanding their business, the returns of the relatively few producers to be added are no threat to the stability of the Muskegon market and a handler whose principal fluid milk business is in Grand Rapids might be fully regulated under the Muskegon order while the other Grand Rapids handlers would remain free of regulation or be only partially regulated. The request to expand the area to include Oceana County and fifteen townships in Newaygo County is therefore denied.

In view of the marketing area herein decided upon it is concluded that there is no need for changing the standard of distribution that determines full regulation of a plant under the order.

2. The pricing of Class I milk sold by handlers in an area regulated by another Federal order should not be changed.

The cooperative association representing a majority of producers requested that a handler selling Class I milk in another Federally regulated market be charged the higher of the Muskegon Class I order price or the Class I price in the other Federally regulated market for the Class I milk sold in the other area. The proponents would have the effectiveness of this provision postponed until a corresponding provision was effective in the other nearby Federal orders.

At present Muskegon handlers do not sell in other Federally regulated markets. Handlers in other regulated markets do not currently sell in the marketing area. In the enlarged marketing area provided elsewhere in this decision a handler regulated under another order markets packaged milk through Holland and Zeeland dealers.

The Class I milk prices of the Muskegon market have been in general alignment with the Detroit market as have Class I prices in the Upstate Michigan marketing area. Detroit and Upstate Michigan orders, the nearest competing marketing areas, do not obligate handlers to make payments similar to those provided by this proposal. The Detroit and Upstate orders furthermore provide location adjustments that allow for normal costs of movement of milk between markets; with the lack of such provisions in the Muskegon order, and the general alignment of Class I prices of both Upstate Michigan and this order with the Detroit market, adoption of this proposal is not justified.

3. No change in the Class I price differential should be made on the basis of this record. The present Class I differential of $1.17 was included in the Muskegon order at the time of its effective date (October 1953) and at that time reflected an alignment of Muskegon and Detroit prices at points where the supply areas for these two markets overlap. The Detroit Class I differential was then $1.43 in all months and a 26-cent location differential applied at the Detroit supply plant located nearest to the Muskegon marketing area.

Due to the supply-demand adjustment of the Detroit prices and some effects of the differing alternative basic formula prices, the Muskegon-Detroit, f. o. b. market price relationship, has not been a constant 26-cent difference. For the first year of the Muskegon order (October 1953–September 1954) the Detroit price averaged 2.5 cents more than the Muskegon price; for the next year 13 cents more, and for the year ending September 1956, 17.6 cents more (official notice is hereby taken of the price for August and September of 1956). With these price relationships, milk supplies in the Muskegon market have not increased as rapidly as have Detroit supplies. For the most recent twelve months of this three-year period Muskegon milk supplies were 3.5 percent greater than for the first twelve months, while Detroit supplies increased 7.3 percent in the same period. Over the three-year period Class I sales in Muskegon have increased more rapidly than milk supplies. For the first year of operation Muskegon supplies were 141 percent of Class I sales; for the second year 124 percent; and for the most recent year 126 percent.

Muskegon with the proposed expanded marketing area remains a comparatively small, well integrated market which in the main carries its own reserve of milk. Daily averages of receipts from producers have remained relatively stable since the order became effective October 1, 1953. The relationship of Class I sales to the total producer receipts the past two years has remained stable even though local conditions have provided at times, prices higher than those established by the order.

Producers offered testimony at the hearing in support of a substantial increase in the Class I milk price differential, from $1.17 to $1.45. In part they justified this proposal on a recent amendment of the Detroit order revising location adjustments so that the annual average of the Detroit Class I milk price differential applicable at one of the nearer Detroit supply plants is now $1.25 before the Detroit price is adjusted for supply-demand relationships. Alignment of Muskegon prices with Detroit on the basis of changes in the Detroit location adjustments accounts for only a relatively small portion of the increase producers propose. With respect to the remainder of the increase suggested they deny the necessity for alignment of Muskegon prices with those of Detroit supply plants as to level, seasonality, or supply-demand adjustment.

Milk supplies have admittedly been adequate for the normal needs of the Muskegon market and appear to have been in reasonably good balance with requirements. Producers oppose any automatic supply-demand adjustment of the price and point out characteristics of the Muskegon market which might make difficult an appropriate price adjustment by this means. In view of the relatively stable supply and sales relationships that have prevailed in the market for the past two years, this record fails to show a need for change in the pricing provisions. While the changed relationship with Detroit prices at nearby plants could result in shifting milk supplies from the Muskegon market, such a result is purely conjectural at this time. It is concluded that no change in the Class I price should be made on the basis of this record.

4. The method of determining handler and producer butterfat differentials should be changed.

The order now provides that handler and producer butterfat differentials shall be 7 cents for each one-tenth percent variation from 3.5 percent butterfat when the monthly average price of 92-score butter at Chicago is 60 to 64.99 cents. These butterfat differentials move by half-cent amounts for each full five cents variance in the price of 92-score butter at Chicago. Since, except for the first six months after the effective date of this order, the butter price has been in the 55 to 59.99 cents per pound range, the butterfat differentials have been 6.5 cents or from 0.118 to 0.108 times the butter value. The midpoint of this range is 0.113 times the butter value.

Producers proposed that these differentials be determined by using the price of 92-score butter at Chicago times 0.113. They further proposed that producer butterfat differentials be rounded to the nearest one-half cent and handler differentials be rounded to the nearest one-tenth of a cent.

Handler and producer butterfat differentials in the Detroit market, as a result of recent amendments, are determined by using the Chicago butter price times 0.113. The handler and producer butterfat differentials are rounded to one-tenth cent and one-half cent respectively.

The producers proposal should be adopted. Such a change will conform with the Detroit market and will keep butterfat values more closely related to the butter market.

5. Certain changes should be made in the provisions relative to determination and application of bases.

The provisions for payments to producers without established bases and those who elect to relinquish their bases should be simplified.

The order now provides that a new producer (or an old producer who elects to relinquish his base) shall establish a base by his deliveries in the first three full calendar months of his deliveries. A percentage of such deliveries (seasonally varied from 40 percent for May and June to 80 percent for August through December) then becomes the producer's base for payment until a regularly established base is effective. All producers establish new bases annually by their deliveries in the August–December period.

Payments to new producers during the three-month period in which a temporary base is established are at the base price for the same proportion of their deliveries as is used in computation of the temporary base, except that deliveries in the regular base forming period of August through December are paid for at the uniform price of the order.

It was proposed that the percentage adjustment of deliveries for January through April be reduced in amounts varying from 10 to 20 percent and that for July be increased 15 percent. It was also suggested that some simplification would result if payments during the August-December period to new producers were at base prices for the 80 percent of deliveries later used in computation of the interim base rather than at the uniform price.

Provisions for new producers to enter the market should be consistent with the primary purpose of the base plan to discourage seasonal fluctuation in the flow of milk to the market. Since new producers have no prior fall deliveries from which the seasonality of their deliveries may be gauged it is necessary that their payments be determined somewhat arbitrarily as contrasted with producers with established bases who are paid on the basis of their individual performance. If the provisions assume that new producers have average seasonality of deliveries their returns will be more favorable than those old producers with wider than average seasonal variation in production. Such producers will then elect to relinquish their bases in order to receive payment under the new producer provisions, and the effectiveness of the base plan will be diminished. It is therefore desirable that the provisions for new producers be such as to encourage them to enter the market when their supplies will not increase seasonal variation and likewise will be such as not to invite substantial numbers of old producers to relinquish their bases.

Change in the present order to provide some reduction in returns to new producers in the earlier months of the year and some increase in July returns will promote these objectives. It further appears that the objectives of the provisions can be retained, but many of the complex computations involved can be eliminated.

This can be accomplished by establishing bases only by deliveries in the regular base making period and paying new producers and old producers who relinquish their base at an adjusted uniform price. Since the uniform price presently computed represents approximately the return to the average producer with an established base an appropriate reduction for various months of the year will accomplish the same general objectives as the present plan without many of its complexities. The adjustment provided is stated as a percentage of the difference between the computed uniform price and the excess milk price in order that it may be equally applicable at all price levels. The adjustments set forth provide returns comparable to those that would result from

adopting some of the proposed modifications of the present provisions. While a discount of approximately 5 to 6 cents (at present price levels) from the computed uniform price is provided for the months of August through December, for any three months of which payment at the full uniform price is presently provided, returns over the full five-month period approximates those presently provided. In view of the trend toward increased production per farm, new producers will not be disadvantaged with respect to old producers.

The probable effective date of the amendment increasing the marketing area requires provision for computation of bases for new producers whose milk becomes regulated by virtue of the area extension. Moreover, plants may become pool plants under circumstances where producers delivering to those plants have not established bases. This may be an extreme hardship on the producers and possibly also on the plant operator. It may also unduly limit the entry of new plants into the market. Consequently, provision should be made for computation of bases for producers at such plants on the basis of their deliveries in the preceding base forming months.

The order language should be clarified in regard to the transfer of jointly held bases so that it is clear that such transfers are limited to the joint holders of a base. This is the present intent of the order.

Proponents further requested that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base for a twelve-month period. This is designed to give opportunity for rebuilding both the barn and the herd, by the producer. The loss of a barn, and possible need of disposing of and rebuilding a herd, is a severe hardship and the producer should not also lose his base as now provided in the order if no deliveries are made to a handler for a 45 consecutive day period. It is concluded that a rebuilding period of a full year should be allowed.

A minor administrative change related to the operation of the base-excess payment plan should also be made. All orders that have market-wide pool provisions also provide an equalization fund. In determining uniform and base prices specific deductions per hundredweight are made from the total pool funds each month, with one-half of such funds returned to the fund the following month. This is an effective method of keeping this fund in proper alignment as the volume of milk varies and as the need for reserve varies. The present order provides for a deduction of not less than six cents nor more than seven cents in the determination of the uniform price and between four and five cents in the determination of the base price. Nearly all producers are paid for their milk at base and excess prices. Equity among producers requires that contributions to the reserve fund from base milk which normally represents somewhat less than the producers' entire deliveries, be at a rate at least equal to that for the uniform price applicable to the entire deliveries of producers for whom this method of payment is used. Use of the higher rate is required to maintain adequate reserve. It is concluded therefore the deduction in determining the base price should be not less than six cents nor more than seven cents.

6. Provision should be made for including in the definition of "pool plant" a plant operated by a cooperative association if a substantial percentage of the milk of producer members of such association is delivered to the pool plants of other handlers.

The Muskegon order presently limits pool plants to distributing plants from which 20 percent or more of total milk receipts is disposed of as Class I milk on routes in the marketing area, and to supply plants from which 20 percent or more of receipts from dairy farmers is moved to such distributing plants. Since the order first became effective in October 1953, the cooperative association representing 95 percent or more of the Muskegon producer milk supply has opened a milk receiving station without manufacturing facilities. This plant has so far qualified on the basis of movements of 20 percent or more of its receipts to the pool plants of other handlers.

Changes in marketing practices in the area threaten to jeopardize the pool qualification of this plant without change in the essential services and volume of milk supplied by the cooperative association operating the plant. This association supplies handlers' needs and assumes responsibility for milk in excess of such requirements. In the past, disposal of such surplus milk has largely been by diversion from farms to manufacturing plants. Disposal of surplus milk now requires assembly at the association receiving station and bulk delivery to manufacturing plants. The volume of receipts at the association plant is thereby increased considerably without change in the volumes of surplus milk handled by the association, and thus the percentage of receipts moved to other pool plants may be reduced below that required for qualification as a pool plant.

At the same time at least one handler is receiving his entire supply as bulk milk from the association plant. Other handlers draw upon the plant for emergency needs. If it were not for these supply functions of the plant it would make little difference whether or not the plant were defined as a pool plant. The milk diverted from other pool plants for surplus disposal could be pooled as milk diverted to a nonpool plant for the account of the association. Milk of producers received regularly in order to supply other plants could not fall in this category, however, and would be excluded from the pool if the plant were not a pool plant.

The qualifications for pool plant status are a means of establishing the identity of plants with the fluid milk trade of the market. In the Muskegon order a requirement that a substantial volume of the producer milk that a cooperative association represents, be delivered to the pool plants of other handlers provides adequate identification of the supply of the cooperative association to qualify a plant which such association may operate even though 20 percent of its receipts are not moved to other pool plants. Seventy-five percent of the association's supply, except for May and June, when 50 percent should apply, is an appropriate proportion to be delivered to the pool plants of other handlers as such identification. In addition it should be required that the association plant be approved by appropriate health authorities of the marketing area as a source of supply of milk for fluid use. The performance required of other plants makes such approval necessary, without specific requirement in the order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act:

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply-demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of December, 1956, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of amendments to the order regulating the handling of milk in the Muskegon, Michigan marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as hereby amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Muskegon, Michigan Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Muskegon, Michigan Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and order have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby further amended by the attached order which will be published with this decision.

This decison filed at Washington, D. C., this 12th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order Regulating the Handling of Milk in the Muskegon, Michigan, Marketing Area

§ 985.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Muskegon, Michigan, on August 28, 1956, and at Kalamazoo, Michigan, on November 27, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as set forth below:

1. Delete § 985.5 and substitute the following:

§ 985.5 *Muskegon, Michigan, marketing area.* Muskegon, Michigan, marketing area referred to in this subpart as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of Muskegon County; Ottawa County, except Wright, Tallmadge, Georgetown and Jamestown townships; and Fillmore and Laketown townships in Allegan County; all in the State of Michigan.

2. Delete § 985.6 and substitute therefor the following:

§ 985.6 *Pool plant.* "Pool plant" means a plant (except one which is exempt pursuant to § 985.101):

(a) From which 20 percent or more of the total milk received at such plant during the month is disposed of in the marketing area as Class I other than to another pool plant;

(b) From which 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to pool plant(s) as described in paragraph (a) of this section; or

(c) Approved by an appropriate health authority of the marketing area as a supply of milk for fluid consumption and operated by a cooperative association, if 75 percent (50 percent for May and June) or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

3. Delete § 985.53 and substitute the following:

§ 985.53 *Handler butterfat differential.* There shall be added to or subtracted from, respectively, the prices of milk for each class as computed pursuant to §§ 985.51 and 985.52 for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

4. Delete § 985.65 and substitute therefor the following:

§ 985.65 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk by the excess milk price for the month;

(b) Multiply the total amount of milk to be paid for at the adjusted uniform price by the adjusted uniform price pursuant to § 985.70 (b);

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 985.62;

(d) Divide the resultant value by the total hundredweight of base milk; and

(e) Subtract not less than 6 cents nor more than 7 cents.

The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 985.6.

5. Delete § 985.70 (b), (c), (d) and (e) and substitute therefor the following:

(b) A producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at an adjusted uniform price determined by subtracting from the uniform price compuuted pursuant to § 985.63 the applicable percentage specified below of the difference between the uniform price and the excess milk price, rounded to the nearest cent:

	Percent
January, February, and March	30
April, May, and June	50
July	15
All other months	5

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to paragraph (b) of this section, beginning with the first day of the month in which such notification is received by the market administrator.

(d) When a plant first becomes a pool plant pursuant to § 985.6 bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

6. Delete § 985.71 (b) (2) and (c) and substitute the following:

(b) • • • .

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for twelve months.

7. Delete § 985.80 and substitute the following:

§ 985.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price adjusted as provided in § 985.70 (b), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat differential pursuant to § 985.81: *Provided,* That if by such date such handler has not received full payment for such month pursuant to § 985.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

8. Delete § 985.81 and substitute the following:

§ 985.81 *Producer butterfat differential.* In making payments pursuant to § 985.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, respectively, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

[F. R. Doc. 57-1964; Filed, Mar. 14, 1957; 8:48 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

RESIDUES OF DIPHENYL IN OR ON GRAPEFRUIT, LEMONS, AND ORANGES

On July 6, 1956, there was published in the FEDERAL REGISTER (21 F. R. 5016) a notice of filing of a petition by Crown Zellerbach Corporation, 343 Sansome Street, San Francisco 19, California, requesting that the pesticide chemical diphenyl (biphenyl) be exempted from the requirement of a tolerance when it is applied as a postharvest treatment to grapefruit, lemons, and oranges.

The evidence in the petition shows that under the conditions proposed for use of the chemical, treated citrus contains less than 110 parts per million of diphenyl and that most of the residue occurs in the peel rather than in the pulp or juice of the fruit.

Because of the toxicity of diphenyl (chronic feeding studies do not show a no-effect feeding level for dogs above 1,000 parts per million or a no-effect feeding level for rats above 500 parts per million in the diet) and because the petition did not show what residues will occur in citrus treated by methods other than the one proposed in the petition, it was concluded to be in the interest of public health to establish a tolerance of 110 parts per million for residues of diphenyl in or on treated citrus fruits rather than to establish the exemption from the requirement of a tolerance which the petitioner requested.

After the order was published, but within the time limit specified in section 408 (d) (3) of the Federal Food, Drug, and Cosmetic Act, the petitioner requested that an advisory committee be appointed to consider the petition for an exemption and make recommendations to the Commissioner. The petitioner also requested a public hearing to take evidence on the objection to the establishment of the tolerance in lieu of the exemption.

The National Academy of Sciences was requested to designate members for an advisory committee and the petitioner was notified that the action on the public hearing would be deferred until the report from the advisory committee had been received. Before the advisory committee could be activated, the petitioner requested that activation be withheld and submitted a substantive amendment consisting of data on residues from additional methods of application of diphenyl to grapefruit, lemons, and oranges.

Following consideration of all the evidence presented in the petition, including the additional residue data submitted in the substantive amendment, it is concluded that it would not be in the interest of public health to exempt from the requirement of a tolerance all residues of diphenyl that might occur from all uses likely to prevail if no restrictions were placed upon such uses. Residues resulting from all methods of use described in the petition are adequately provided for by the tolerance of 110 parts per million. Consequently, the renewed request for the establishment of an exemption from the requirement of a tolerance for diphenyl is denied, and the tolerance of 110 parts per million for residues of diphenyl in or on grapefruit, lemons, and oranges established by § 120.141 (21 CFR 120.141; 21 CFR, 1956 Supp., 120.141) remains unchanged.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2))

Dated: March 12, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-1959; Filed, Mar. 14, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 18380, Amdt.]

EMIL RAPP

In re: Estate of Emil Rapp, deceased. File F 28-5782; E. T. sec. 17154.

Vesting Order 18380 dated August 30, 1951 is hereby amended as follows:

By inserting in paragraph 2. thereof immediately following the name "Emil Rapp, deceased", the following "including but not limited to, the real property located at 883 and 893 Cauldwell Avenue, Bronx, New York".

All other provisions of said Vesting Order 18380 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C., on March 11, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-1958; Filed, Mar. 14, 1957; 8:47 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification 529]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MARCH 5, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 400 acres in San Bernardino County, California, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 USC 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 1 S., R. 5 E.,
Sec. E½SE¼ of Lot 6, W½SW¼ and E½ SE¼ of Lot 7, S½ and S½NE¼ of Lot 8, N½ of Lot 9, NE¼ and W½NW¼ of Lot 10;
Sec. 8, SE¼SW¼, S½SW¼SW¼, SW¼ NE¼SW¼, W½SE¼NE¼SW¼, W½ SW¼SE¼, E½SW¼NE¼SW¼, S½SE¼ SW¼NE¼;
Sec. 14, E½SE¼, E¼W½SE¼, N½SW¼ NW¼SE¼, E½NW¼SW¼SE¼, NE¼ NE¼SW¼, N½SE¼SW¼, SE¼SE¼ SW¼, W½SW¼SW¼, SE¼SW¼SW¼, W½SW¼SE¼SW¼, W½NE¼SW¼SW¼, S½SW¼NW¼SW¼;
Sec. 18, Lots 5 and 10.

Containing 400 acres, subdivided into 80 small tracts, of which 66 are covered by applications from persons entitled to preference under 43 CFR 257.5 (a).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands lie at an elevation between 3,500 to 4,000 feet above sea level on the northwestern portion of the Little San Bernardino Mountains, about 2 to 4 miles south and west of the town of Yucca Valley, California. The Twenty-nine Palms Highway passes through the area, and access to the lands may be had via unimproved dirt roads which lead off this highway.

The lands in Section 6 are characterized by rough and steep topography. The slopes are irregular and vary from 5 to 40 percent in grade. The soil is sandy loam with the surface covered by rock outcroppings. The vegetative cover consists of Joshua tree, cholla cactus, pinon pine, and some annual grasses and forbs.

The topography of the lands in Section 8 is also rough and steep. The slopes range from about 5 to 20 percent in grade. The soil texture is sandy loam with scattered rock outcroppings exposed on the soil surface. The vegetation consists of Joshua tree, yucca, creosote bush, cholla cactus, pinon pine, bur sage, and some annual grasses and forbs.

The lands in Section 14 occupy rough and steep terrain, with slopes ranging from 5 to 20 percent in grade. The soil is sandy loam with rock outcroppings and rock cliffs scattered throughout the section. The vegetation consists of Joshua tree, cholla cactus, scrub oak, pinon pine, juniper, creosote bush, rabbit brush, and some annual grasses and forbs.

The land in Section 18 lies on a rough and broken terrain. The slopes are irregular, varying in grade from 10 to 30 percent. The soil is sandy loam. The vegetation consists mainly of Joshua tree and creosote bush with scattered growths of annual grasses and herbs.

4. The individual tracts are rectangular in shape, 330 x 660 feet in size, containing 5 acres, more or less. (The tracts in Section 6 are located in regular lots, 40 acres in size, and are described as aliquot parts of a lot.) The tracts will be subject to all existing rights-of-way and to rights-of-way for road purposes and public utilities as described below. All minerals in the lands will be reserved to the United States.

Item No.	Description	Location of right-of-way	Appraised value (tract)
	Section 6		
[1] 1	E½SE¼ of Lot 6	33 feet along south boundary	$200
[1] 2	W½SW¼ of Lot 7	33 feet along south boundary	200
[1] 3	E½SE¼ of Lot 7	33 feet along south boundary	200
[1] 4	W½SW¼ of Lot 8	33 feet along south boundary	200
[1] 5	E½SW¼ of Lot 8	33 feet along south boundary	200
[1] 6	W½SE¼ of Lot 8	33 feet along south boundary	200
[1] 7	E½SE¼ of Lot 8	33 feet along south and east boundaries	200
[1] 8	S½NE¼ of Lot 8	33 feet along east boundary	200
[1] 9	E½NE¼ of Lot 9	33 feet along east and north boundaries	200
[1] 10	W½NE¼ of Lot 9	33 feet along north boundary	200
[1] 11	E½NW¼ of Lot 9	33 feet along north boundary	200
[1] 12	W½NW¼ of Lot 9	33 feet along north boundary	200
[1] 13	E½NE¼ of Lot 10	33 feet along north boundary	200
[1] 14	W½NE¼ of Lot 10	33 feet along north boundary	200
[1] 15	W½NW¼ of Lot 10	33 feet along north boundary	200
	Section 8		
[1] 16	E½SW½SW¼NE¼	33 feet along south boundary	200
[1] 17	S½SE¼SW¼NE¼	33 feet along south boundary	200
[1] 18	W½SW¼NE¼SW¼	33 feet along north boundary	200
[1] 19	E½SW¼NE¼SW¼	33 feet along north boundary	200
[1] 20	W½SE¼NE¼SW¼	33 feet along north boundary	200
[1] 21	W½NW¼SE¼SW¼	33 feet along south boundary	200
[1] 22	E½NW¼SE¼SW¼	33 feet along south boundary	200
[1] 23	W½NE¼SE¼SW¼	33 feet along south boundary	200
[1] 24	E½NE¼SE¼SW¼	33 feet along south boundary	200
[1] 25	E½SE¼SE¼SW¼	33 feet along north boundary	200
[1] 26	W½SE¼SE¼SW¼	33 feet along north boundary	200
27	E½SW¼SE¼SW¼	33 feet along north boundary	200
[1] 28	W½SW¼SE¼SW¼	33 feet along north boundary	200
[1] 29	E½SE¼SW¼SW¼	33 feet along north boundary	200
[1] 30	W½SE¼SW¼SW¼	33 feet along north boundary	200
[1] 31	E½SW¼SW¼SW¼	33 feet along north boundary	200
[1] 32	W½SW¼SW¼SW¼	33 feet along south boundary	200
[1] 33	W½NW¼SW¼SE¼	33 feet along south boundary	200
[1] 34	E½NW¼SW¼SE¼	33 feet along south boundary	200
[1] 35	W½SW¼SW¼SE¼	33 feet along north boundary	200
[1] 36	E½SW¼SW¼SE¼	33 feet along north boundary	200
	Section 14		
[1] 37	W½NE¼NE¼SW¼	33 feet along north boundary	175
[1] 38	E½NE¼NE¼SW¼	33 feet along north and east boundaries	175
39	S½SW¼NW¼SW¼	33 feet along south and west boundaries	175
[1] 40	W½NW¼SW¼SW¼	33 feet along west and north boundaries	175
[1] 41	E½NW¼SW¼SW¼	33 feet along north boundary	175
[1] 42	W½NE¼SW¼SW¼	33 feet along north boundary	175
43	N½NW¼SE¼SW¼	33 feet along south boundary	175
44	S½NW¼SE¼SW¼	33 feet along south boundary	175
45	N½NE¼SE¼SW¼	33 feet along north and east boundaries	175
46	S½NE¼SE¼SW¼	33 feet along south and east boundaries	175
47	E½SE¼SE¼SW¼	33 feet along south and east boundaries	175
48	W½SE¼SE¼SW¼	33 feet along south boundary	175
[1] 49	W½SW¼SE¼SW¼	33 feet along south boundary	175
[1] 50	E½SE¼SW¼SW¼	33 feet along south boundary	175
[1] 51	W½SE¼SW¼SW¼	33 feet along south boundary	175
[1] 52	E½SW¼SW¼SW¼	33 feet along south boundary	175
[1] 53	W½SW¼SW¼SW¼	33 feet along south and west boundaries	175
54	N½NE¼NW¼SE¼	33 feet along north and east boundaries	175
55	S½NE¼NW¼SE¼	33 feet along east boundary	175
[1] 56	N½NW¼NE¼SE¼	33 feet along north and west boundaries	175
[1] 57	S½NW¼NE¼SE¼	33 feet along west boundary	175
[1] 58	N½NE¼NE¼SE¼	33 feet along north and east boundaries	175
[1] 59	S½NE¼NE¼SE¼	33 feet along east boundary	175
[1] 60	N½SE¼NE¼SE¼	33 feet along east boundary	175
[1] 61	S½SE¼NE¼SE¼	33 feet along east boundary	175
[1] 62	N½SW¼NE¼SE¼	33 feet along west boundary	175
[1] 63	S½SW¼NE¼SE¼	33 feet along west boundary	175
[1] 64	N½SE¼NW¼SE¼	33 feet along east boundary	175
[1] 65	S½SE¼NW¼SE¼	33 feet along east boundary	175
66	N½SW¼NW¼SE¼	33 feet along west boundary	175
67	E½NW¼SW¼SW¼	33 feet along north boundary	175
[1] 68	N½NE¼SW¼SE¼	33 feet along east boundary	175
[1] 69	S½NE¼SW¼SE¼	33 feet along east boundary	175
[1] 70	N½NW¼SE¼SE¼	33 feet along west boundary	175
[1] 71	S½NW¼SE¼SE¼	33 feet along west boundary	175
[1] 72	N½NE¼SE¼SE¼	33 feet along east boundary	175
[1] 73	S½NE¼SE¼SE¼	33 feet along east boundary	175
[1] 74	N½SE¼SE¼SE¼	33 feet along east boundary	175
[1] 75	S½SE¼SE¼SE¼	33 feet along east and south boundaries	175
[1] 76	N½SW¼SE¼SE¼	33 feet along west boundary	175
[1] 77	S½SW¼SE¼SE¼	33 feet along west and south boundaries	175
[1] 78	N½SE¼SW¼SE¼	33 feet along east boundary	175
[1] 79	S½SE¼SW¼SE¼	33 feet along east and south boundaries	175
	Section 18		
[1] 80	Lots 5 and 10	33 feet along north boundary	100

[1] Under application from an individual having statutory preference.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tracts, except those for which statutory preference claimants exercise their rights, will be sold at public auction at a public sale to be held at the Land Office, 5th Floor, Bartlett Building, 215 West Seventh Street, Los Angeles, Calif., at 10:30 a. m., on June 4, 1957. Bids may be made personally by an individual or his agent at the sale or by mail. Bids sent by mail will be considered only if received at the Los Angeles Land Office prior to 10:00 a..m., June 4, 1957. No bid will be accepted if it is less than the appraised price of the tract. See paragraph 4, above, for appraised values.

7. To facilitate the completion of the sale, all oral bidders entitled to veterans' preference should bring with them a photostastic copy of their discharge papers or other acceptable certification of proof of right to veterans' preference as outlined in paragraph 9.

8. Each bid sent by mail must clearly show: (a) The full name and mailing address of the bidder; (b) Classification Order No. 529; (c) the legal description of the tract for which the bid is made, described in accordance with paragraph 4, of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veterans' preference as outlined in paragraph 9, below, must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate tracts must be enclosed in separate envelopes but payment and proof of veterans' preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veterans' preference proof. Each envelope must be addressed to Manager, Land Office, 5th Floor, Bartlett Building, 215 West Seventh Street, Los Angeles 14, Calif., and carry in the lower left hand corner of its face the following information and nothing else: (a) "Bid for Small Tract"; (b) "Classification Order No. 529"; (c) "veterans' preference" if the bidder is entitled to such preference; (d) the description of the tract for which the bid is made, described in accordance with paragraph 4, above. Sender's name and return address should be shown on reverse side of envelope.

9. All valid applications filed prior to March 4, 1957, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract at the sale will be awarded to the highest bidder among persons entitled to veterans' preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract, unless he is an agent acting for one or more persons. Persons entitled to veterans' preference, in brief are: (a) Honorably discharged veterans who served at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in line of duty are eligible for veterans' preference regardless of whether such servicemen served less than 90 days after September 15, 1940.

10. Sealed bids will be opened in the presence of the public in the Los Angeles Land Office beginning at 10:00 a. m., on June 4, 1957. List of the highest sealed bids received for each tract will be posted for public inspection at the sale.

11. All inquiries concerning these lands should be addressed to Manager, Land Office, 5th Floor, Bartlett Building, 215 West Seventh Street, Los Angeles 14, Calif., and should be accompanied by a stamped, self-addressed envelope.

R. G. SPOREDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1910; Filed, Mar. 14, 1957; 8:45 a. m.]

[Classification Order 493]

CALIFORNIA

SMALL TRACT CLASSIFICATION, AMENDMENT

MARCH 7, 1957.

Effective, March 7, 1957, paragraph 1 of Federal Register Document 56-8295 appearing on page 7961 of the issue for October 17, 1956, is hereby amended as follows:

The land description contained in paragraph 1 is amended by deleting the SE¼NW¼NE¼ and N½NW¼SW¼ of Sec. 6, T. 3 S., R. 4 E., S. B. M.

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1947; Filed, Mar. 14, 1957; 8:45 a. m.]

[Classification 499]

CALIFORNIA

SMALL TRACT CLASSIFICATION, AMENDMENT

MARCH 6, 1957.

Effective March 6, 1957, paragraph 1 of Federal Register Document 56-9743, appearing on pages 9333 and 9334 of the issue for November 29, 1956, is hereby revoked and the following paragraph is substituted therefor:

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 180.63 acres in San Bernardino County, California, as suitable for public sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 5 N., R. 2 W.,
Sec. 17, S½NE¼NE¼SW¼, SE¼NE¼SW¼, E½SE¼SW¼, E½SW¼SE¼SW¼, SW¼SW¼SW¼;
Sec. 18, Lots 11, 12, 13, 16, 17, SW¼NW¼SE¼, E½SW¼SE¼, W½SE¼NW¼SE¼, N½SW¼SE¼SE¼, E½SE¼SE¼SE¼.

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1948; Filed, Mar. 14, 1957; 8:45 a. m.]

[Classification 525]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MARCH 6, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public land, totaling 160 acres in Kern County, California, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 10 N., R. 7 W.,
Sec. 6, SE¼.

2. Classification of the above-described land by this order segregates it from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the land to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to March 6, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1949; Filed, Mar. 14, 1957; 8:45 a. m.]

[Classification 527]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MARCH 6, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 360 acres in Los Angeles County, California, as suitable for sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 6 N., R. 8 W.,
Sec. 2, SW¼, NW¼SE¼;
Sec. 11, N½NW¼, NW¼NE¼, SE¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The land classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to March 6, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
Officer-in-Charge,
Southern Field Group,
Los Angeles, California.

[F. R. Doc. 57-1950; Filed, Mar. 14, 1957; 8:45 a. m.]

Office of the Secretary

HAROLD DECKER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

MARCH 11, 1957.

Pursuant to section 302 (a) of Executive Order 10647, the following information on a WOC appointee in the Department of the Interior is furnished for publication in the FEDERAL REGISTER:

Name of appointee: Harold Decker.

Name of employing agency: Department of the Interior, Office of Oil and Gas.

The title of the appointee's position: Consultant.

The name of the appointee's employer: Highland Oil Company, Houston, Texas.

The statement of "financial interests" for the above appointee is set forth below.

This appointment was approved by the Secretary of the Interior on February 14, 1957.

THOMAS H. TELLIER,
Personnel Officer.

Statement of Financial Interest

In accordance with the requirements of section 302 (D) of Executive Order 10647, I am filing the following statement for publication in the FEDERAL REGISTER.

1. Names of any corporations of which I am or had been within 60 days preceding my appointment on February 14, 1957, as Consultant, Office of Oil and Gas, United States Department of Interior, an officer or director:

Highland Oil Company, Houston, Texas—president and director.
East Texas Pulp and Paper Company, Silsbee, Texas—consultant and director.
Halliburton Oil Well Cementing Company, Duncan, Oklahoma—director.
Texas National Bank, Houston, Texas—director.

2. Names of any corporations in which I own or have owned within 60 days preceding my appointment any stocks, bonds, or other financial interests:

The Atlantic Refining Company.
California Electric Power Company.
Champlin Oil & Refining Company.
El Paso Natural Gas Company.
General Cable Corporation.
General Motors Corporation.
Gulf States Utilities Company.
Halliburton Oil Well Cementing Company.
Hillcrest Oil Company.
Mobile Offshore Company.
Petroleum Service & Research Corporation.
The Shamrock Oil and Gas Corporation.
South American Gold and Platinum Company.
Stancan Uranium Corporation.
Stanrock Uranium Mines Limited.
Tennessee Gas Transmission Company.
Texas Gulf Sulphur Company.
Texas National Bank of Houston.
Time, Inc.

3. Names of any partnerships in which I am associated or had been associated within 60 days preceding my appointment:

Herman Brown & George R. Brown, Oil and Gas Division, Houston, Texas—manager.

4. Names of any other businesses which I own or owned within 60 days preceding my appointment:

None.

Dated: March 8, 1957.

HAROLD DECKER.

[F. R. Doc. 57-1951; Filed, Mar. 14, 1957; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO APPAREL INDUSTRY

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349, as amended March 1, 1957, 22 F. R. 554).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

American Uniform Co., Plant No. 1, North Parker Street, Cleveland, Tenn.; effective 3-1-57 to 9-30-57 (washable service apparel).

Anthracite Overall Manufacturing Co., Inc., 430 Penn Avenue, Scranton, Pa.; effective 3-1-57 to 10-31-57 (men's work and dress trousers; ladies' sportswear).

Anvil Brand, Inc., 318 Willowbrook Street, High Point, N. C.; effective 3-1-57 to 9-30-57 (pants, sport shirts).

Anvil Brand, Inc., 146 South Hamilton Street, High Point, N. C.; effective 3-1-57 to 9-30-57 (dungarees, overalls, etc.).

Anvil Brand, Inc., 1624 North Main Street, High Point, N. C.; effective 3-1-57 to 9-30-57 (work shirts).

Anvil Brand, Inc., Independence, Va.; effective 3-1-57 to 9-30-57 (pants).

The Asher Co., 7 Willow Street, Fitchburg, Mass.; effective 3-1-57 to 10-31-57 (men's and boys' slacks).

B & F Manufacturing Co., Inc., South Main Street, Mocksville, N. C.; effective 3-18-57 to 10-30-57 (men's and boys' sports shirts).

Adam H. Bartell Co., Richmond, Ind.; effective 3-27-57 to 9-30-57 (denim overalls, dungarees, etc.).

Biflex Bishopville, Inc., Bishopville, S. C.; effective 3-20-57 to 10-31-57 (brassieres).

Blackwelder Manufacturing Co., Route No. 5 Yadkinville Road, Mocksville, N. C.; effective 3-1-57 to 8-31-57 (ladies' blouses).

Bloomfield Co., 402 Second Street, SE., Canton 2, Ohio; effective 3-1-57 to 10-30-57 (women's dresses).

Bloomfield Co., 246 Lincoln Way West, Massillon, Ohio; effective 3-1-57 to 9-30-57 (women's dresses).

Blount Manufacturing Co., Blountsville, Ala.; effective 3-1-57 to 9-30-57 (children's pants, boxer shorts, longies).

Blue Bell, Inc., Arab, Ala.; effective 3-1-57 to 9-30-57 (denim work trousers).

Blue Bell, Inc., Oneonta, Ala.; effective 3-2-57 to 9-30-57 (overalls, dungarees, boxer longies).

Blue Bell, Inc., Comer, Ga.; effective 3-1-57 to 9-30-57 (dungarees).

Blue Bell Inc., Commerce, Ga.; effective 3-1-57 to 9-30-57 (blanket lined coats, cossack jackets, etc.).

Blue Bell, Inc., Woodstock, Va.; effective 3-6-57 to 9-30-57 (dungarees).

Blue Buckle Overall Co., 14 and Kemper Street, Lynchburg, Va.; effective 3-1-57 to 11-30-57 (men's and boys' dungarees, pants, etc.).

Blue Buckle Overall Co., Marshall, Tex.; effective 3-1-57 to 10-31-57 (blue denim jeans).

Blue Gem Manufacturing Co., 604 Hoover Street, Asheboro, N. C.; effective 3-1-57 to 9-30-57 (denim dungarees).

Blue Gem Manufacturing Co., 1301 Carolina Street, Greensboro, N. C.; effective 3-1-57 to 9-30-57 (overalls).

Blue Ridge Manufacturers, Inc., Christiansburg, Va.; effective 2-20-57 to 2-19-58 (dungarees).

Byrds Manufacturing Corp., Byrdstown, Tenn.; effective 3-1-57 to 10-31-57 (ladies' dress shirts).

Calumet Garment Co., 913 East Chicago Avenue, East Chicago, Ind.; effective 3-1-57 to 10-31-57 (sport and dress trousers).

Camp Hill Industries, Camp Hill Ind. Building, Box 311, Camp Hill, Ala.; effective 3-1-57 to 11-30-57 (ladies, sportswear).

H. W. Carter & Sons, 11 Bank Street, Lebanon, N. H.; effective 3-1-57 to 9-30-57 (dungarees, overalls, etc.).

Carthage Shirt Corp., Carthage, Tenn.; effective 3-1-57 to 10-31-57 (men's sport and dress shirts; boys' dress shirts).

Carthage Corp., Carthage, Miss.; 10 percent of the total number of factory production workers engaged in the production of ladies' dungarees for normal labor turnover purposes; effective 3-29-57 to 10-31-57 (men's work pants).

Carthage Corp., Carthage, Miss.; 10 percent of the total number of factory production workers engaged in the production of men's work pants for normal labor turnover purposes; effective 3-29-57 to 10-31-57 (men's work pants).

Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 4-3-57 to 11-30-57 (men's trousers).

Charis Corp., 730 Linden Street, Allentown, Pa.; effective 3-15-57 to 10-31-57 (corsets and brassieres).

Charleston Manufacturing Co., Inc., Charleston, S. C.; effective 3-1-57 to 10-31-57 (ladies' wash dresses, wash dusters).

Choctaw Manufacturing Co., Inc., P. O. Box No. 85, Silas, Ala.; effective 3-1-57 to 11-30-57 (men's work pants).

Cleardon Manufacturing Co., Inc., Philipsburg, Pa.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

Cleardon Manufacturing Co., Inc., Curwensville, Pa.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

Cleardon Manufacturing Co., Inc., Coalport, Pa.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

Cleardon Manufacturing Co., Inc., 216 West Fourth Avenue, Clearfield, Pa.; effective 3-1-57 to 10-31-57 (men's and boys' outerwear jackets).

Cluett, Peabody and Co., Inc., 2022 Murphy Avenue, SW., Atlanta, Ga.; effective 3-1-57 to 9-30-57 (men's shirts).

Cluett, Peabody and Co., Inc., Buchanan, Ga.; effective 3-1-57 to 9-30-57 (men's shirts).

Cluett, Peabody and Co., Inc., First Street, Leominster, Mass.; effective 3-1-57 to 9-30-57 (dress shirts).

Cluett, Peabody and Co., Inc., Mill Street, Corinth, N. Y.; effective 3-1-57 to 9-30-57 (dress shirts).

Cluett, Peabody and Co., Inc., 433 River Street, Troy, N. Y.; effective 3-1-57 to 9-30-57 (dress shirts).

Cohler Corp., Inc., 224-232 First Avenue, Red Lion, Pa.; effective 3-16-57 to 11-30-57 (pajamas and robes).

Columbia Garment Co., Third and Union Streets, Columbia, Pa.; effective 3-4-57 to 3-3-58 (dresses).

Columbo Garment Co., Inc., 158 West Harrison Street, Columbus, Wis.; effective 3-1-57 to 11-30-57 (semidress slacks).

Continental Manufacturing Co., Knoxville, Iowa; effective 3-1-57 to 10-31-57 (single pants, shirts and allied garments).

Continental Manufacturing Co., Oskaloosa, Iowa; effective 3-1-57 to 10-31-57 (single pants, shirts and allied garments).

Cordele Casualwear Corp., Cordele, Ga.; effective 3-1-57 to 11-30-57 (men's and boys' sports outerwear).

Corman & Wasserman, Inc., 1220 Curtain Avenue, Baltimore 18, Md.; effective 3-1-57 to 10-31-57 (men's trousers).

Covington Manufacturing Co., Covington, Ga.; effective 3-1-57 to 9-30-57 (sport shirts).

Crescent Corset Co., Inc., 165 Main Street, Cortland, N. Y.; effective 3-1-57 to 9-30-57 (foundation garments).

Crescent Corset Co., Inc., Main Street, Moravia, N. Y.; effective 3-1-57 to 9-30-57 (foundation garments).

Dale Sportswear Co., Industrial Paint, Honesdale, Pa.; effective 3-1-57 to 10-31-57 (knitted sport shirts).

Detroit Slacks, Inc., Detroit, Ala.; effective 3-1-57 to 8-31-57 (men's and boys' slacks).

Dixie Manufacturing Co., Plant No. 2, Bailey Street, Columbia, Tenn.; effective 3-1-57 to 10-31-57 (men's overalls and dungarees).

Dixie Manufacturing Co., Plant No. 1, 820 South Main Street, Columbia, Tenn.; effective 3-1-57 to 10-31-57 (ladies' and girls' dungarees, pedal pushers, etc.).

Elder Garment Co., Bowling Green, Mo.; effective 3-1-57 to 10-31-57 (dresses, sportswear, etc.).

Exquisite Form Brassiere Inc., 432 Lackawanna Avenue, Scranton, Pa.; effective 3-1-57 to 9-30-57 (brassieres).

Fishman & Tobin, Inc., 46 Elmer Street, Bridgeton, N. J.; effective 3-1-57 to 9-30-57 (infants' and boys' cotton garments).

Frackville Pajamas, Inc., Lebanon, Pa.; effective 3-1-57 to 10-30-57 (pajamas, night shirts).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 3-12-57 to 10-31-57 (work and dress shirts).

Freeland Manufacturing Co., 156 Ridge Street, Freeland, Pa.; effective 3-1-57 to 10-31-57 (sport jackets, work clothes, work uniforms, etc.).

William F. Fretz & Son, Inc., Bedminister, Pa.; effective 3-1-57 to 11-30-57 (men's single pants).

William F. Fretz & Son, Inc., 52 East Oakland Avenue, Doylestown, Pa.; effective 3-1-57 to 11-30-57 (men's single pants).

William F. Fretz & Son, Inc., Pipersville, Pa.; effective 3-1-57 to 11-30-57 (men's single pants).

Fruitland Shirt Co., Main Avenue, Fruitland, Md.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

Albert Given Manufacturing Co., 1301 West Chicago Avenue, East Chicago, Ind.; effective 3-1-57 to 10-31-57 (sport and dress trousers).

Glenn Manufacturing Co., Inc., Amory, Miss.; effective 3-1-57 to 8-31-57 (men's dress pants).

Greenwood Manufacturing Co., 331 Waller Avenue, Greenwood, S. C.; effective 3-21-57 to 11-30-57 (women's dresses, blouses, etc.).

H & H Manufacturing Co., Statham, Ga.; effective 2-21-57 to 10-31-57 (men's slacks).

The Hallmark Manufacturing Corp., Clinton, S. C.; effective 3-1-57 to 9-30-57 (ladies' blouses; men's sport and dress shirts).

Happ Bros. Co., Inc., Sparta, Ga.; effective 3-1-57 to 11-30-57 (men's and boys' trousers).

Happ Bros. Co., Inc., 698 Broadway, Macon, Ga.; effective 3-1-57 to 11-30-57 (men's and boys' trousers).

Harriet Shirt Co., Inc., Exmore, Va.; effective 3-1-57 to 10-31-57 (boys' shirts and pajamas).

Hartsville Garment Corp., P. O. Box 215, Hartsville, Tenn.; effective 3-1-57 to 9-30-57 (sport shirts).

Hartsville Manufacturing Co., Hartsville, S. C.; effective 3-1-57 to 10-31-57 (cotton dresses).

Hickman Garment Co., Hickman, Ky.; effective 3-1-57 to 10-31-57 (jackets).

Hicks-Hayward Co., Del Rio, Tex.; effective 3-1-57 to 9-30-57 (work clothing and wash slacks).

Higgins Slacks, Inc., Lineville, Ala.; effective 3-1-57 to 10-31-57 (single pants).

Hillsboro Garment Co., Inc., 666 School Street, Hillsboro, Ill.; effective 3-1-57 to 9-30-57 (women's and juniors' dresses).

Hollywood Corset Co., 214 First Street SW., Paris, Tex.; effective 3-1-57 to 10-31-57 (brassieres).

Hollywood-Maxwell Co., Topeka, Kan.; effective 3-1-57 to 10-31-57 (brassieres).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 3-16-57 to 9-30-57 (dungarees, fatigue pants).

Hubbard Pants Co., Bremen, Ga.; effective 3-1-57 to 10-31-57 (dress slacks).

I. G. Garment Co., 608 Washington Avenue, St. Louis, Mo.; effective 3-1-57 to 2-28-58 (ladies' sportswear).

Indiana Sportswear Co.; Route 119, Homer City Road, Indiana, Pa.; effective 3-1-57 to 10-31-57 (outerwear jackets).

International Latex Corp., Newnan, Ga.; effective 3-1-57 to 10-31-57 (brassieres).

International Latex Corp., Manchester, Ga.; effective 3-1-57 to 11-30-57 (infants' wear; brassieres).

Jackson Garment Co., Jackson, Tenn.; effective 3-1-57 to 10-31-57 (ladies' cotton dresses).

Jo-Ann Dress Manufacturing, 206 Sample Street, Ebensburg, Pa.; effective 3-1-57 to 9-30-57 (women's dresses).

Key Work Clothes of Missouri, 622 East Cherry, Nevada, Mo.; effective 3-1-57 to 10-31-57 (work pants and work shirts).

Key Work Clothes, Inc., 523 East Wall, Fort Scott, Kan.; effective 3-1-57 to 10-30-57 (men's work clothes, overalls, etc.).

Keystone Coat & Apron Manufacturing Corp., 315-23 North 12th Street, Philadelphia 7, Pa.; effective 3-1-57 to 10-31-57 (men's and women's cotton garments).

W. Koury Co., 633 Chatham Street, Sanford, N. C.; effective 2-23-57 to 10-30-57 (men's work pants and shirts; boys' pants).

The Kramer Co., 16 South Eutaw Street, Baltimore 1, Md.; effective 3-1-57 to 11-30-57 (ladies' blouses).

Lady Ester Lingerie Corp., 10th and Walnut Streets, Berwick, Pa.; effective 3-16-57 to 11-30-57 (ladies' slips).

Lakeland Manufacturing Co., 14th and Alabama Avenue, Sheboygan, Wis.; effective 3-1-57 to 9-30-57 (wool jackets), etc.).

Lamar Manufacturing Co., Millport, Ala.; effective 3-1-57 to 9-30-57 (dress trousers).

T. S. Lankford & Sons, 2041 North Second Street and 151 Walnut Street, Abilene, Tex.; effective 3-1-57 to 11-30-57 (men's work clothes and industrial uniforms).

Lexington Manufacturing Co., East Second Avenue, Lexington, N. C.; effective 3-28-57 to 10-31-57 (men's and boys' sport shirts).

Loudoun Manufacturing Co., Emmitsburg Manufacturing Co., Division, Emmitsburg, Md.; effective 3-1-57 to 10-31-57 (men's trousers).

Louisville Garment Co., Inc., P. O. Box 247, Louisville, Miss.; effective 3-1-57 to 10-31-57 (men's and boys' pants).

Lustberg, Nast & Co., Inc., 43 Smith Street, Middletown, N. Y.; effective 3-1-57 to 9-30-57 (sport shirts and jackets).

Lustberg, Nast & Co., Inc., Lebanon, Pa.; effective 3-1-57 to 9-30-57 (men's sportswear and jackets).

H. & H. Corset Co., 157 Main Street, Cortland, N. Y.; effective 3-1-57 to 9-30-57 (foundation garments).

The Mack Shirt Corp., 1101 Marshal Avenue., Cincinnati, Ohio; 10 percent of the total number of factory production workers engaged in the production of men's shirts for normal labor turnover purposes; effective 3-26-57 to 10-31-57 (sport shirts).

Macon Garment Co., Inc., P. O. Box 271, Macon, Miss.; effective 3-1-57 to 9-30-57 (men's and boys' pants).

Marcus Loeb & Co., Inc., 127 Trinity Avenue SW., Atlanta, Ga.; effective 3-1-57 to 9-30-57 (semidress pants).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 3-1-57 to 11-30-57 (knitted outerwear).

McCoy Manufacturing Co., Inc., Sulligent, Ala.; effective 3-1-57 to 8-31-57 (men's dress pants).

McGregor-Doniger, Inc., 69 King Street, Dover, N. J.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts and outerwear jackets).

McGregor-Doniger, Inc., Ringwood Avenue, Haskell, N. J.; effective 3-1-57 to 10-31-57 (men's and boys' outerwear jackets).

McGregor-Doniger, Inc., Route No. 16, Netcong, N. J.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

McGregor-Doniger, Inc., Hill Street, Newton, N. J.; effective 3-1-57 to 10-31-57 (men's and boys' bermuda shorts).

McGregor-Doniger, Inc., 430 Morris Avenue, Summit, N. J.; effective 3-1-57 to 10-31-57 (men's and boys' outerwear leisure jackets).

McPenn Corp., Washington and Walnut Streets, Nanticoke, Pa.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

The Morehead Co., 800 West Main Street, Morehead, Ky.; effective 3-1-57 to 9-30-57 (denim dungarees).

Morehead City Garment Co., Inc., 1504-08 Bridges Street, Morehead City, N. C.; effective 3-1-57 to 9-30-57 (sport and utility shirts).

N & W Industries, Inc., Rocky Mount, Va.; effective 3-1-57 to 9-30-57 (dungarees, work pants).

N & W Industries, Inc., Kemper Street, Lynchburg, Va.; effective 3-1-57 to 9-30-57 (men's and boys' pants, dungarees, shirts, etc.).

Necho Mills, Inc., 106 Logan Street, Pottsville, Pa.; effective 3-1-57 to 10-31-57 (knitted outerwear).

Newberry Manufacturing Co., Main Street, Newberry, S. C.; effective 3-21-57 to 11-30-57 (ladies' house coats, street dresses, etc.).

Niagara Apparel Co., Inc., 77 Swan Street, Buffalo, N. Y.; effective 3-1-57 to 10-31-57 (outerwear and trousers).

N. Nirenberg Sons, Inc., 750 Second Avenue, North Troy, N. Y.; effective 3-1-57 to 11-30-57 (men's shirts).

Wm. H. Noggle & Sons, Inc., Grant and High Streets, Manheim, Pa.; effective 3-1-57 to 11-30-57 (boys' and girls' shirts).

Wm. H. Noggle & Sons, Inc., 27-37 East Ferdinand Street, Manheim, Pa.; effective 3-1-57 to 11-30-57 (children's cotton garments).

Wm. H. Noggle & Sons, Inc., Rexmont, Pa.; effective 3-1-57 to 11-30-57 (boys' pajamas).

North Shore Manufacturing Co., 525 Lake Avenue South, Duluth 2, Minn.; effective 3-1-57 to 9-30-57 (ladies' and children's jackets).

Nunnally & McCrea Co., Jasper, Ga.; effective 3-1-57 to 10-31-57 (cargo pants, coveralls).

Oberman and Co., Jefferson City, Mo.; effective 3-1-57 to 9-30-57 (men's and boys' pants).

Oklahoma Clothing Manufacturers, Inc., Wewoka, Okla.; effective 3-1-57 to 11-30-57 (boys' blue jeans).

Oshkosh B'Gosh, 33 Otter Street, Oshkosh, Wis.; effective 3-1-57 to 9-30-57 (men's work clothing).

Park Avenue Shirt Co., 422 Park Avenue, Perth Amboy, N. J.; effective 3-1-57 to 10-31-57 (men's sport and dress shirts).

Perry Manufacturing Co., P. O. Box 349, Mt. Airy, N. C.; effective 3-10-57 to 11-30-57 (brassieres; sportswear).

Phillips-Jones Corp., Coaldale, Pa.; effective 3-1-57 to 9-30-57 (sport shirts).

Phillips-Jones Factory, Geneva, Ala.; effective 3-1-57 to 9-30-57 (dress and sport shirts).

Phillips-Jones Corp., Hartford, Ala.; effective 3-1-57 to 9-30-57 (men's dress shirts).

Phillips-Jones Corp., Ozark, Ala.; 10 percent of the total number of factory production workers for normal labor turnover purposes in the production of pajamas; effective 3-1-57 to 9-30-57 (pajamas, shorts).

Pike Garments, Inc., 208-10 South Oak Street, Troy, Ala.; effective 3-1-57 to 9-30-57 (men's and boys' pajamas and sport shirts).

Pine Springs Shirt Co., 60 Hill Street, Greenwich, N. Y.; effective 3-7-57 to 10-31-57 (blouses).

Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 3-31-57 to 10-31-57 (brassieres).

Pleasantville Manufacturing Co., Ireland Avenue, Pleasantville, N. J.; effective 3-1-57 to 11-30-57 (ladies' lingerie and slipwear).

Polhk Bros., Inc., 227 West Main Street, Fort Wayne, Ind.; effective 3-1-57 to 10-31-57 (dresses).

Prairie Manufacturing Co., East Prairie, Mo.; effective 3-1-57 to 10-31-57 (work and semidress pants).

Publix Shirt Corp., 115 East Main Street, Myerstown, Pa.; effective 3-1-57 to 9-30-57 (cotton dress shirts).

Publix Shirt Corp., North York Street, Mechanicsburg, Pa.; effective 3-1-57 to 9-30-57 (nitewear and sport shirts).

Puritan Mills, Inc., 330-36 Campbell Avenue, Roanoke, Va.; effective 3-1-57 to 10-31-57 (ladies' and misses' nitewear).

The R & R Manufacturing Co., Inc., 195 Sixth Avenue, Auburn, Ga.; effective 3-8-57 to 10-31-57 (men's and boys' dress slacks).

The Rauh Co., Ninth and Sycamore Streets, Cincinnati 2, Ohio; effective 3-1-57 to 9-30-57 (sport shirts and dress shirts).

Red Bay Garment Co., P. O. Box 126, Red Bay, Ala.; effective 3-1-57 to 9-30-57 (ladies' cotton street dresses).

Regal Shirt Corp., Second and Pine Streets, Catawissa, Pa.; effective 3-23-57 to 9-30-57 (sport shirts).

Regal Shirt Corp., 125 West Centre Street, Millersburg, Pa.; effective 3-23-57 to 9-30-57 (men's dress and sport shirts).

Rob Roy Co., Inc., Cambridge, Md.; effective 3-19-57 to 10-31-57 (boys' shirts).

Rob Roy Co., Inc., Ridgely, Md.; effective 3-1-57 to 9-30-57 (boys' shirts).

Rugby Knitting Mills, Inc., 1490 Jefferson Avenue, Buffalo 8, N. Y.; effective 3-1-57 to 10-31-57 (men's and boys' jackets).

Sancar Corp., 26 West Rock Street, Harrisonburg, Va.; effective 3-28-57 to 10-31-57 (ladies' underwear).

Savada Bros., Inc., 115-121 Mulberry Street, Millville, N. J.; effective 3-1-57 to 10-31-57 (sport shirts).

Savada Bros., Inc., Wheat Road, Vineland, N. J.; effective 3-1-57 to 10-31-57 (sport shirts).

Savada Bros., Inc., Glen Rock, Pa.; effective 3-1-57 to 10-31-57 (boys' pajamas, shorts).

Samoset Processing Co., Inc., 128 Singleton Street, Woonsocket, Rhode Island; effective 3-1-57 to 9-30-57 (men's and boys' rainwear, outerwear and sportswear).

I. Schneierson & Sons Inc., 460 Globe Street, Fall River, Mass.; effective 3-1-57 to 9-30-57 (women's and children's cotton underwear).

M. C. Schrank Co., 17-21 Broad Street, Bridgeton, N. J.; effective 3-1-57 to 11-30-57 (ladies' lingerie and slipwear).

M. C. Schrank Manufacturing Co., 515 Atlantic Avenue, Atlantic City, N. J.; effective 3-9-57 to 11-30-57 (ladies' lingerie and slipwear).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 3-1-57 to 9-30-57 (dress trousers).

Seminole Manufacturing Co., Columbus, Miss.; effective 3-1-57 to 9-30-57 (dress trousers).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 3-1-57 to 10-31-57 (dress and sport shirts).

Silver Manufacturing Co., 1405 East Columbus Drive, Indiana Harbor, Ind.; effective 3-1-57 to 10-31-57 (men's slacks and jeans).

Southeastern Garment Co., Ltd., 128 Lumpkin Street, Monroe, Ga.; effective 3-1-57 to 10-31-57 (men's dress pants).

Spartans Manufacturing Co., Inc., Smithville, Tenn.; effective 3-1-57 to 10-31-57 (sport shirts).

Spartans Manufacturing Co., Inc., Sparta, Tenn.; effective 3-1-57 to 10-31-57 (men's and boys' sport shirts).

H. B. Spoont Co., 12 East Coal Street, Shenandoah, Pa.; 10 percent of the total number of factory production workers for normal labor turnover purposes. Learners may not be employed at special minimum wage rates in the production of separate skirts; effective 3-1-57 to 11-30-57 (ladies' cotton blouses, shorts, etc.).

Star Sportswear Manufacturing Co., 278 Broad Street, Lynn, Mass.; effective 3-1-57 to 9-30-57 (leather and cloth jackets).

Stein-Way Clothing Co., 711 West Walnut Street, Johnson City, Tenn.; effective 3-29-57 to 9-30-57 (men's trousers).

W. E. Stephens Manufacturing Co., Inc., Carthage, Tenn.; effective 3-1-57 to 9-30-57 (men's and boys' dungarees).

Levi Strauss & Co., 250 Valencia Street, San Francisco, Calif.; effective 3-22-57 to 9-30-57 (denim overalls).

Levi Strauss & Co., 1808 Cherry Street, Knoxville, Tenn.; effective 3-1-57 to 9-30-57 (overalls).

Sun Garment Co., Inc., 12th and Penn Streets, St. Joseph, Mo.; effective 3-23-57 to 11-30-57 (shirts).

Sunstate Slacks, Inc., 900 North Howard Avenue, Tampa, Fla.; effective 3-1-57 to 11-30-57 (men's dress trousers).

Tennessee Textile Corp., P. O. Box 128, Marysville, Tenn.; effective 3-1-57 to 10-31-57 (work trousers, shirts, dungarees, etc.).

Toll-Gate Garment Co., Inc., Hamilton, Ala.; effective 3-1-57 to 9-30-57 (sport shirts).

Tom and Huck Togs, Inc., Amory, Miss.; effective 3-1-57 to 8-31-57 (men's play slacks).

Triple A Trouser Manufacturing Co., Inc., 1431 Capouse Avenue, Scranton, Pa.; effective 3-28-57 to 10-31-57 (trousers).

Troy Shirt Makers Guild, Inc., 71 Lawrence Street, Glens Falls, N. Y.; effective 3-1-57 to 11-30-57 (dress shirts).

Troytown Shirt Corp., Harmony Mill No. 3, North Mohawk Street, Cohoes, N. Y.; effective 3-1-57 to 9-30-57 (sport shirts).

Tuf-Nut Garment Manufacturing Co., 425 East Third Street, Little Rock, Ark.; effective 2-19-57 to 10-31-57 (overalls and jumpers, etc.).

Tunxis Sportswear Manufacturing Co., Inc., 82 Union Street, New London, Conn.; effective 3-1-57 to 11-30-57 (children's outerwear).

Vernon Manufacturing Co., Inc., Vernon, Ala.; effective 3-1-57 to 8-31-57 (men's dress pants).

Vesta Corset Co., 25 South Street, McGraw, N. Y.; effective 3-1-57 to 9-30-57 (corsets and allied garments).

Walhalla Garment Co., Inc., Walhalla, S. C.; effective 3-10-57 to 10-31-57 (wash dresses).

Watson Shirt Co., 834 Barclay Street, Salisbury, Md.; effective 3-20-57 to 10-31-57 (dress shirts).

Wayne Sportswear Co., 230-234 West North Street, Waynesboro, Pa.; effective 3-1-57 to 10-31-57 (men's trousers).

Waynesboro Garment Co., Inc., Waynesboro, Ga.; effective 3-30-57 to 10-31-57 (men's and boys' bathrobes).

Wentworth Manufacturing Co., Standing Street, Lake City, S. C.; effective 3-16-57 to 10-31-57 (women's housedresses).

West Warwick Garment Co., West Warwick, R. I.; effective 3-1-57 to 9-30-57 (women's and children's cotton underwear).

White Stag Manufacturing Co., 5200 Southeast Harney Drive, Portland, Oreg.; effective 3-1-57 to 9-30-57 (outerwear and sportswear).

Williamson-Dickie Manufacturing Co., P. O. Box 295, Weslaco, Tex.; effective 3-1-57 to 9-30-57 (work pants).

Wilson Brothers, 1090 Layne Avenue, Crawfordsville, Ind.; effective 3-1-57 to 9-30-57 (men's sport shirts).

Wilson Bros., 1008 West Sample Street, South Bend, Ind.; 10 percent of the total number of factory production workers engaged in the manufacture of shirts and pa-

jamas only, for normal labor turnover purposes; effective 3-1-57 to 9-30-57 (shirts and pajamas).

Jack Winter Inc., 163 North Milwaukee Street, Milwaukee, Wis.; effective 3-1-57 to 10-31-57 (ladies' slacks).

Wright Garment Co., Bowman, Ga.; effective 3-1-57 to 10-31-57 (men's and boys' cotton pants, etc.).

Fishman & Tobin, Inc., Broad and Carpenter Streets, Philadelphia, Pa.; effective 3-1-57 to 9-30-57 (infants' and boys' garments).

The following learner certificates were issued for 10 learners for normal labor turnover purposes. The effective dates are indicated.

Aalfe-Baker Manufacturing Co., Sheldon, Iowa; effective 3-1-57 to 9-30-57 (ladies' and girls' jeans).

Ackerman Manufacturing Co., Ackerman, Miss.; effective 3-1-57 to 2-28-58 (work shirts).

Acme Manufacturing Co., Wentzville, Mo.; effective 3-1-57 to 9-30-57 (ladies' sportswear, playwear and loungewear).

Alma Garment Co., City Airport, Douglas, Ga.; effective 3-1-57 to 11-30-57 (shorts, pedal pushers, shirts).

Armored Garments, Inc., Spruce Pine, N. C.; effective 3-1-57 to 11-30-57 (men's and boys' denim dungarees).

The Atlas Co., 17 East Queen Street, Ephrata, Pa.; effective 3-1-57 to 10-31-57 (dungarees and sportswear).

Bethlehem Sportswear Manufacturing Co., 210 Northampton Avenue, Bethlehem, Pa.; effective 3-1-57 to 9-30-57 (parka jackets).

Brooks-Leas Manufacturing Co., 151-3 Park Avenue, Wilkes Barre, Pa.; effective 3-9-57 to 10-31-57 (dresses).

Brunswick Manufacturing Co., Inc., Goodyear Park, Brunswick, Ga.; effective 3-1-57 to 10-31-57 (children's jackets and sportswear).

The Buckeye Overall Co., Versailles, Ohio; effective 3-1-57 to 9-30-57 (men's and boys' dungarees).

"Bundle of Joy" Baby Wear Co., 43 South Pennsylvania, Wilkes-Barre, Pa.; effective 3-1-57 to 10-31-57 (infants' gowns, kimonos, sacques, etc.).

Gaglaco Sportswear, 334 North Broadview, Cape Girardeau, Mo.; effective 3-1-57 to 10-31-57 (leather and cloth jackets).

Carol-Ann, Inc., Municipal Building, Hastings, Pa.; effective 3-1-57 to 9-30-57 (women's dresses.)

Chance Pajama Manufacturing Co., 331 Main Street, Lilly, Pa.; effective 3-1-57 to 9-30-57 (children's and ladies' pajamas).

Dunhill Shirt Co., El Dorado Springs, Mo.; effective 3-1-57 to 9-30-57 (men's shirts).

Frances Gee Garment Co., Higginsville, Mo.; effective 3-1-57 to 11-30-57 (women's cotton and nylon uniforms).

Gloucester Pants Co., 377-79 Main Street, Gloucester, Mass.; effective 3-1-57 to 11-30-57 (men's and boys' trousers).

Green Bay Clothing Manufacturers, Inc., 507 Cedar Street, Green Bay, Wis.; effective 3-1-57 to 9-30-57 (outerwear).

Higginsville Garment Co., Inc., Higginsville, Mo.; effective 3-1-57 to 9-30-57 (ladies' uniforms).

J B C Co. of Madera, Pa.; effective 3-1-57 to 11-30-57 (men's semi-dress trousers).

Knoff Sportswear, Inc., 30 Oak Street, Taunton, Mass.; effective 3-1-57 to 9-30-57 (leather sportswear).

L. Lawson Sons, Inc., 123 East Diaz Avenue, Nesquehoning, Pa.; effective 3-1-57 to 11-30-57 (children's dresses).

Lease Manufacturing Co., Inc., Braxton, Ga.; effective 3-15-57 to 11-30-57 (ladies' sportswear, pedal pushers).

Madison Dress Co., Green and Wyoming Streets Hazleton, Pa.; effective 2-25-57 to 10-31-57 (women's dresses).

Manchester Pants Co., Manchester, Md.; effective 2-13-57 to 10-31-57 (men's trousers).

Myco Manufacturing Co., Inc., Montgomery, Pa.; effective 3-1-57 to 11-30-57 (ladies' housecoats, dusters, robes, etc.).

Saf-T-Bak Inc., 1715 11th Avenue, Altoona, Pa.; effective 3-25-57 to 10-31-57 (men's and boys' duck hunting clothes; men's fishing clothes).

Savada Bros., Inc., Northeast Boulevard, Landisville, N. J.; effective 3-1-57 to 10-31-57 (sport shirts).

Silver Springs Sportswear Corp., 10th and Lemon Avenue, Ocala, Fla.; effective 3-1-57 to 9-30-57 (sport shirts).

Snowden, Inc., Osceola, Iowa; effective 3-1-57 to 11-30-57 (women's underwear, lingerie).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 3-2-57 to 11-30-57 (infants' layette garments, etc.).

Sustan Garments, Inc., Winnsboro, La.; effective 3-1-57 to 10-31-57 (sportswear and other outerwear).

Tamaque Garment Co., 137 West Broad Street, Tamaque, Pa.; effective 3-1-57 to 11-30-57 (wash stout dresses).

Washco Manufacturing Co., Millry, Ala.; effective 3-1-57 to 11-30-57 (sport shirts).

Woolrich Woolen Mills, Woolrich, Pa.; effective 3-1-57 to 10-31-57 (men's woolen outerwear).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized and the effective dates are indicated.

Allen Overall Co., Inc., Monroe, N. C.; effective 3-1-57 to 9-30-57; three learners (coveralls).

Canton Manufacturing Co., 307 South Second Avenue, Canton, Ill.; effective 3-1-57 to 9-30-57; eight learners (pants and shirts).

Carter & Churchill Co., Lebanon, N. H.; effective 3-1-57 to 9-30-57; eight learners (ski clothing).

Century Manufacturing Corp., 3 North Main Street, Sandwich, Ill.; effective 3-1-57 to 9-30-57; five learners (overalls and dungarees).

Creston Knitting Mills, Inc., Swainsboro, Ga.; effective 3-1-57 to 9-30-57; five learners, engaged in the production of boys' polo shirts (sport shirts).

Dacula Sportswear, Inc., Dacula, Ga.; effective 3-1-57 to 9-30-57; eight learners (sportswear, jackets, vests).

Eugenia Sportswear, 875 Peace Street, Hazleton, Pa.; effective 3-1-57 to 9-30-57; five learners (children's jackets, novelty suits).

Frackville Pajamas, Inc., Schaefferstown, Pa.; effective 3-1-57 to 10-30-57; five learners (men's and boys' pajamas).

G & L Manufacturing Co., 109 Kingston Street, Boston, Mass.; effective 3-1-57 to 10-31-57; five learners (women's cotton dresses).

Gross Galesburg Co., 152 East Ferris Street, Galesburg, Ill.; effective 3-1-57 to 9-30-57; five learners (overalls and dungarees).

H & A Pants Manufacturing Co., 625 Washington Boulevard, Baltimore, Md.; effective 3-1-57 to 11-30-57; five learners (single pants).

Industrial Garment Manufacturing Co., 8 North Center Street, Springfield, Ohio; effective 3-21-57 to 10-31-57; five learners (men's cotton work clothes).

The Kramer Co., 1437 Fuselage Avenue, Baltimore, Md.; effective 3-1-57 to 11-30-57; five learners (ladies' blouses).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 3-1-57 to 9-30-57; five learners, employed on sport jackets (sport jackets).

Lora Dress Co., 59 Blinman Street, New London, Conn.; effective 3-1-57 to 11-30-57; five learners (ladies' dresses).

Muscatine Manufacturing Corp., 416 East Third Street, Muscatine, Iowa; effective 3-1-57 to 9-30-57; five learners (overalls and dungarees).

Wm. H. Noggle & Sons, Inc., Lititz, Pa.; effective 3-1-57 to 11-30-57; five learners (kiddies' sleepers).

Nu-Mode Corset Co., Inc., Lisle, N. Y.; effective 3-1-57 to 11-30-57; three learners (corsets).

Bennett C. Webber, dba Pinewood Manufacturing Co.; 31½ Exchange Street, Portland, Maine; effective 3-1-57 to 11-30-57; five learners (children's cotton shorts and pedal pushers).

Pollock Dresses, Inc., 101 Schuylkill Avenue, Tamaqua, Pa.; effective 3-1-57 to 11-30-57; five learners (children's dresses).

Prescott Sportswear Manufacturing, Inc., 117 North Montezuma, Prescott, Ariz.; effective 3-14-57 to 11-30-57; five learners (men's frontier pants; women's riders, etc.).

Protexall, Inc., Galesburg, Ill.; effective 3-1-57 to 10-31-57; six learners (work pants, work shirts, wool jackets, etc.).

Stafford-Hayes, Inc., 402 South State Street, Clarks Summit, Pa.; effective 3-26-57 to 11-30-57; five learners (ladies' dresses).

Strutwear Inc., Glencoe, Minn.; effective 3-1-57 to 11-30-57; six learners for normal labor turnover purposes in the production of women's blouses and underwear from purchased woven fabric (women's lingerie and blouses).

Charles P. Thornley Co., Inc., Smyrna, Del.; effective 3-1-57 to 11-30-57; four learners (small boys' shorts, shirts, etc.).

Trend Trousers, Inc., LaCrosse, Ind.; effective 3-1-57 to 11-30-57; three learners (dress slacks).

Trend Trousers, Inc., 512 Railroad Avenue, North Judson, Ind.; effective 3-1-57 to 11-30-57; five learners (dress slacks).

United Pants Co., Inc., Nuangola Branch, Route No. 2, Mt. Top, Pa.; effective 3-1-57 to 9-30-57; five learners (trousers, jackets).

Wilgree Manufacturing Co., Inc., 28 South Scott Street, Camilla, Ga.; effective 3-1-57 to 9-30-57; five learners (sport and dress shirts).

Wolens Trouser Co., 301 Wallace Street, Sterling, Ill.; effective 3-1-57 to 10-31-57; five learners (men's slacks).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized and the effective dates are indicated.

Ackerman Manufacturing Co., Ackerman, Miss.; effective 3-1-57 to 8-31-57; 15 learners (work shirts).

Albany Manufacturing Co., Albany, Ky.; effective 3-6-57 to 9-5-57; 25 learners (sport and dress shirts).

Blue Bell, Inc., Madison, Va.; effective 2-19-57 to 8-18-57; 90 learners (dungarees).

Atlanta Manufacturing Co., Inc., Alpharetta, Ga.; effective 3-1-57 to 8-31-57; 20 learners (dress slacks).

Blackwelder Manufacturing Co., Route No. 5 Yadkinville Road, Mocksville, N. C.; effective 3-1-57 to 8-31-57; 10 learners (ladies' blouses).

Cambria Dress Manufacturing Co., Inc., Walter and Johnson Streets, Nanty-Glo, Pa.; effective 2-25-57 to 7-13-57; 20 learners (dresses).

Clinton Garment Manufacturing Co., Inc., Clinton, Ky.; effective 3-1-57 to 8-31-57; 25 learners (parka jackets, etc.).

Helena Garment Co., West Helena, Ark.; effective 3-1-57 to 8-31-57; 35 learners (junior dresses).

Hickman Garment Co., Hickman, Ky.; effective 3-1-57 to 8-31-57; 10 learners (kiddie jackets).

Lady Ester Lingerie Corp., 10th and Walnut Streets, Berwick, Pa.; effective 3-16-57 to 9-15-57; 10 learners (ladies' slips).

Louisville Garment Co., Inc., Louisville, Miss.; effective 3-1-57 to 8-31-57; 15 learners (men's and boys' pants).

Mart Manufacturing Co., Inc., Marked Tree, Ark.; effective 3-1-57 to 7-2-57; 50 learners (sport shirts).

Pyke Manufacturing Co., 154 West Second South, Salt Lake City, Utah; effective 2-20-57 to 8-19-57; 25 learners engaged in the manufacture of ladies' and girls' pedal pushers only for plant expansion purposes (women's pedal pushers, shorts, jeans, etc.).

Superior Garment Contractors, Inc., Middlesex, N. C.; effective 3-3-57 to 9-2-57; 30 learners (pedal pushers, shorts, blouses, etc.).

Wolf Manufacturing Co., 332 North Washington Avenue, Scranton, Pa.; effective 2-25-57 to 8-24-57; five learners for plant expansion purposes. Learners may not be employed at special minimum wage rates in the production of separate skirts and jumpers (children's dresses, etc.).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 7th day of March 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-1952; Filed, Mar. 14, 1957; 8:46 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

NATIONAL HEALTH SURVEYS

CONFIDENTIALITY OF IDENTIFYING INFORMATION

The National Health Surveys are for the purpose of obtaining accurate and current statistical information on the amount, distribution and effects of illness and disability in the United States and the services received for or because of such conditions. They will be conducted by the United States Public Health Service, with the assistance of the United States Bureau of the Census and other agencies or persons, as authorized by section 305 of the Public Health Service Act, as amended by section 3, 70 Stat. 490. The survey program will involve obtaining on a continuing basis details of the personal health records of a large number of individuals throughout the nation. The furnishing of such information cannot be required, and it can be obtained fully and accurately only by the voluntary cooperation of those with respect to whom information is sought.

Therefore, in order to secure the cooperation on which the success of the surveys depends, I find it necessary and hereby give an assurance, in accordance with § 1.103 (a) of the Public Health Service regulations (42 CFR 1.103 (a)), to every individual about whom information is voluntarily given for the purpose of the surveys that any such information which permits the identification of the individual will be held strictly confidential, will be used solely by persons engaged in, and only for the purposes of, the surveys and will not be disclosed or released to other persons or for any other purpose.

Administrative arrangements are being established with respect to the persons authorized to obtain information for the surveys and concerning custody and use of the records so as to secure full compliance with this assurance of confidentiality, and I direct that this document be submitted for publication in the FEDERAL REGISTER.

Dated: February 26, 1957.

[SEAL] L. E. BURNEY,
Surgeon General.

Approved: March 11, 1957.

M. B. FOLSOM,
Secretary.

[F. R. Doc. 57-1960; Filed, Mar. 14, 1957; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5463]

PACIFIC NORTHWEST LOCAL AIR SERVICE CASE

NOTICE OF HEARING

In the matter of the proceeding known as the Pacific Northwest Local Air Service Case.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (A) and 401 of the said act and the applicable regulations thereunder, that a hearing in the above-entitled proceeding is assigned to be held on April 10, 1957, at 10:00 a. m., local time, in Court Room 414, U. S. Court House, Seattle, Washington, before Examiner Walter W. Bryan, and is to be adjourned for further hearing at Washington, D. C., at a time and place to be announced later.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates as proposed in the applications assigned for disposition in this proceeding relating to improvements in the local air service pattern in the Pacific Northwest as defined in the Board's Order No. E-10576.

(2) Are the applicants fit, willing, and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

For further details regarding this proceeding interested parties are referred to the Prehearing Conference Report, various orders, notices, and documents on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this consolidated proceeding must file with the Board on or before April 10, 1957, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., March 11, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-1962; Filed, Mar. 14, 1957; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2226]

RICHARD G. CLARK

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MARCH 11, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Richard G. Clark, of Lexington, Massachusetts, for preliminary permit for proposed water power Project No. 2226 to be located on St. Croix River, an International Boundary Stream between Canada and United States, in Milltown, Washington County, Maine, near Calais, Maine, affecting the interests of interstate or foreign commerce. The proposed project would consist of a low dam or weir across the St. Croix River at Milltown with an open canal extending to the existing Murchie powerhouse on the right bank of the St. Croix River (U. S. side) developing about 20 feet of head; the powerhouse would have one 4,700-horespower turbine connected to a 3,750-kva generator; an automatic switchboard for remote control operation; and appurtenant facilities. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 22, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-1957; Filed, Mar. 14, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 12, 1957.

Protests to the granting of an application must be prepared in accordance with

Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33374: *Beet sugar final molasses from Delta and Grand Junction, Colo.* Filed by The Denver and Rio Grande Western Railroad Company, for itself and other interested rail carriers. Rates on beet sugar final molasses, tank-car loads from Delta and Grand Junction, Colo., to Chicago, Crescent, Crystal Lake, Decatur, Pekin, and Peoria, Ill., Milwaukee, Wis., and St. Louis, Mo.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 26 to The Denver and Rio Grande Railroad Company's tariff I. C. C. 916.

FSA No. 33375: *T. O. F. C. service, dough from Los Angeles, Calif., and group to San Francisco, Calif., and related points.* Filed by J. P. Haynes, Agent, for interested rail carriers. Rates on dough, prepared, not cooked, chilled (not frozen), in minimum quantities, loaded in highway trailers and transported on railroad flat cars from Los Angeles, Calif., and points grouped therewith at same rates to San Francisco, Oakland, Richmond, San Jose, Calif., and other California stations in groups 1, 2 and 3 of tariff listed below, also Stockton, Sacramento, and Fresno, Calif.

Grounds for relief: A Motor-truck competition and circuity.

Tariff: Supplement 11 to Agent Haynes' tariff I. C. C. 1591.

FSA No. 33376: *Green salted hides—Jackson, Miss., to Pacific Coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on green salted hides, carloads from Jackson, Miss., to Pacific Coast points taking rate basis 1, 2, 3, 5 and 6 in tariff listed below.

Grounds for relief: Circuitous routes through higher rated origin groups.

Tariff: Supplement 5 to Agent Prueter's tariff I. C. C. 1585.

FSA No. 33377: *Copper furnace slag—Copperhill, Tenn., to the South.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on copper furnace slag, carloads from Copperhill, Tenn., to specified points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 96 to Agent Spaninger's tariff I. C. C. 1469.

FSA No. 33378: *Cottonseed products—South to Southwest and Northwest.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cottonseed products, namely, cottonseed oil cake or meal and cottonseed hulls, ground, carloads from specified points in Alabama, Louisiana (east of the Mississippi River), Mississippi and Tennessee, also Helena, Ark., to specified points in Colorado, Illinois, Iowa, Kansas, Missouri, and Nebraska.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariff: Supplement 56 to Agent Spaninger's tariff I. C. C. 1355.

FSA No. 33379: *Roofing and building materials—Shreveport, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials, and roofing slate, carloads from Shreveport, La., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 206 to Agent Kratzmeir's tariff, I. C. C. 4087.

FSA No. 33380: *Ilmenite ores—Melbourne and Winter Beach, Fla., to St. Louis, Mo.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on ilmenite ore and concentrates, carloads from Melbourne and Winter Beach, Fla., to St. Louis, Mo.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 133 to Agent Spaninger's tariff I. C. C. 1346.

FSA No. 33381: *Plaster and related articles from East Shoals and Willow Valley, Ind. to Missouri.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on plaster, plasterboard, and related articles from East Shoals and Willow Valley, Ind., to specified stations in Missouri in western trunk line territory.

Grounds for relief: Short-line distance formula, market competition, grouping and circuity.

Tariff: Supplement 24 to Agent H. R. Hinsch's tariff I. C. C. 4311.

FSA No. 33382: *Salt—Louisiana and Texas mines to eastern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on salt, carloads from specified points in Louisiana and Texas to specified points in Delaware, Maryland, Massachusetts, New Hampshire, and New York.

Grounds for relief: Modified short-line distance combination rates formula, and circuitous routes.

Tariff: Supplement 95 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33383: *Crude petrolatum to Bedford, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, carloads from Kansas-Missouri and southwestern origins to Bedford, Ohio.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 95 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 33384: *Petroleum Oil—Petrolia, Pa., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum oil, noibn, tank-car loads from Petrolia, Pa., to Houston, Tex.

Grounds for relief: Truck-barge competition and circuitous routes.

Tariff: Supplement 17 to Agent Kratzmeir's tariff I. C. C. 4188.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-1954; Filed, Mar. 14, 1957; 8:46 a. m.]

OFFICE OF DEFENSE MOBILIZATION

ROBERT J. HARBISON III

REPORT OF APPOINTMENT AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Robert J. Harbison, III, President, Harbisons Dairies, Philadelphia, Pennsylvania, as an Advisor, with the Assistant Director for Stabilization, in the Office of Defense Mobilization. Mr. Harbison's statement of his business interests is set forth below.

Dated: March 5, 1957.

ARTHUR S. FLEMMING,
Director,
Office of Defense Mobilization.

Appointee's Statement of Business Interests

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Stocks in Agency Account in Trust Dept. of Philadelphia National Bank:
American Telephone & Telegraph Co.
Commonwealth Edison Co.
Atchison, Topeka & Santa Fe Railway.
American Smelting & Refining Co.
General Motors Corp.
International Harvester Co.
Johns-Manville Corp.
Montgomery Ward & Co.
Sears Roebuck & Co.
Standard Oil of Calif.
Westinghouse Electric Corp.
Phillips Petroleum Company.
Stock held in own name:
Harbisons Dairies.
Philadelphia National Bank.
Officer, Director, and Stockholder in Harbisons Dairies.
Checking Account in Philadelphia National Bank.

Dated: March 5, 1957.

ROBERT J. HARBISON III.

[F. R. Doc. 57-1943; Filed, Mar. 14, 1957; 8:45 a. m.]

JOHN E. WARREN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No additions or deletions since statement filed on August 13, 1956 with the exception of a substitution of Medallion Petroleum Ltd. for Pathfinder Petroleum, representing an even exchange.

This amends statement previously published in the FEDERAL REGISTER September 6, 1956 (21 F. R. 6732).

Dated: February 28, 1957.

JOHN E. WARREN.

[F. R. Doc. 57-1944; Filed, Mar. 14, 1957; 8:45 a. m.]

ERNEST A. TUPPER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in status of holdings since submission of last report.

This amends statement previously published in the FEDERAL REGISTER September 28, 1956 (21 F. R. 7467).

Dated: February 1, 1957.

ERNEST A. TUPPER.

[F. R. Doc. 57-1945; Filed, Mar. 14, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3561]

APPALACHIAN ELECTRIC POWER CO. ET AL.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION REGARDING ISSUANCE OF BONDS BY SUBSIDIARY AT COMPETITIVE BIDDING AND CAPITAL CONTRIBUTIONS TO SUBSDIARY BY PARENT

MARCH 11, 1957.

In the matter of Appalachian Electric Power Company, Kanawha Valley Power Company, American Gas and Electric Company; File No. 70-3561.

American Gas and Electric Company ("American"), a registered holding company, and two of its public utility subsidiaries, Appalachian Electric Power Company ("Appalachian") and Kanawha Valley Power Company ("Kanawha"), have jointly filed an application-declaration and an amendment thereto pursuant to sections 6 (b), 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-45, U-46 and U-50 promulgated thereunder regarding the following proposed transactions.

Appalachian proposes to issue and sell at competitive bidding $29,000,000 aggregate principal amount of its First Mortgage Bonds ("New Bonds") — percent series, to be dated as of March 1, 1957, and to mature March 1, 1987. The interest rate on the New Bonds (which shall be expressed in a multiple of ⅛ of 1 percent, and the price to be paid to Appalachian, which shall be not less than 100 percent or more than 102¾ percent of the principal amount thereof, will be determined by competitive bidding.

American owns all of the 500 authorized and outstanding shares of common stock of Kanawha and had open account advances of $3,174,398 due from Kanawha as of December 31, 1956. It is proposed that, prior to or concurrently with the sale of the New Bonds, American make a capital contribution to Kanawha of its open account advances and thereafter make a capital contribution to Appalachian of the 500 shares of common stock of Kanawha owned by American. The common stock equity of Kanawha thus to be contributed to Appalachian will amount to $3,179,398, plus net income earned by Kanawha between December 31, 1956, and the date of the capital contribution. American also proposes, prior to or concurrently with the sale of the New Bonds, to make a cash capital contribution of $5,000,000 to Appalachian.

It is proposed that after the consummation of the transactions described above, Kanawha may, from time to time as cash is generated by depreciation accurals, pay cash dividends to Appalachian out of the capital surplus arising from the cancellation of its open account advances, such dividends to be treated by Appalachian as a reduction of its investment in Kanawha.

The proceeds of the cash capital contribution and sale of the New Bonds are to be applied by Appalachian, to the extent available, to the prepayment, without premium, of notes payable to banks. As of December 31, 1956, notes payable to banks were outstanding in the amount of $21,500,000, and it is expected that not to exceed $4,500,000 additional principal amount of such notes will be issued, making not in excess of $26,000,000 to be outstanding at the time of the issuance and delivery of the New Bonds. Any remaining proceeds will be added to Appalachian's treasury funds and will be applied to carry forward its present construction program, the cost of which is estimated for the calendar year 1957 to be $56,370,000.

Various aspects of the proposed transactions have been expressly authorized by the Virginia State Corporation Commission in which State Appalachian is organized and doing business and by the Public Service Commission of West Virginia and by the Tennessee Public Service Commission, in which States Appalachian is qualified to do business. No other State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that the fees and expenses to be paid by the company will aggregate $122,394 including legal fees to Simpson Thacher & Bartlett of $13,500, legal fees to Hunton, Williams, Gay, Moore & Powell of $5,000, and accounting fees to Niles and Niles of $2,500. Legal fees of Winthrop, Stimson, Putnam & Roberts, counsel for the purchasers of the New Bonds, will be paid by such purchasers and such fees are estimated to be $8,100.

Due notice having been given of the filing of said application-declaration in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13397) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the Act and the rules promulgated thereunder are satisfied, that no adverse findings are necessary, and that the estimated fees and expenses are not unreasonable; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration as amended be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-1955; Filed, Mar. 14, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 124]

OREGON

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about February 28, 1957, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Oregon;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended.

Now, therefore, as Admnitrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Malheur County (including any areas adjacent to Malheur County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Washington.

Small Business Administration Branch Office, Old U. S. Courthouse, 520 SW Morrison Street, Portland 4, Oregon.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1957.

Dated: March 1, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-1956; Filed, Mar. 14, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

LIST OF LICENSED WAREHOUSES AND WAREHOUSEMEN

List of Warehouses and Warehousemen licensed under the U. S. Warehouse Act Pursuant to section 26 of the United States Warehouse Act (7 U. S. C. 266), notice is hereby given as follows:

As of February 1, 1957, the following warehouses and warehousemen were licensed and bonded under the United States Warehouse Act:

A. For the storage of cotton:

ALABAMA

Town, Warehouse, and Warehouseman	
Anniston,	Farmers Union Warehouse, Farmers Union Warehouse Company of Calhoun County.

Anniston, Robinson Brothers Warehouse, Robinson Brothers Compress & Warehouse Company, Incorporated.

Atmore, Farmers and Merchants Warehouse, Carrie K. Currie, Daniel A. Currie and Jack A. Currie, Copartners t/a Atmore Milling and Elevator Company.

Birmingham, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.

Brundidge, Farmers Warehouse, The Farmers Gin and Warehouse Company, Inc.

Childersburg, Farmers Union Warehouse, Farmers Union Warehouse Co.

Cullman, Ponder's Bonded Warehouse, Elbert E. Ponder and George W. Ponder, Jr., Trustees of Trust Estate B, under the Last Will of the late George W. Ponder.

Decatur, State Bonded Warehouse, State Bonded Warehouse & Storage Company.

Decatur, Union Compress Warehouse, Union Compress & Warehouse Company.

Evergreen, Farmers Bonded Warehouse, Mrs. Mildred W. Campbell.

Eutaw, Greene County Warehouse, R. G. Colson, R. S. Colson, C. W. Colson, W. G. Colson, H. E. Colson and G. E. Colson, copartners t/a Greene County Warehouse Company.

Fort Deposit, Norman Bonded Warehouse, R. R. Norman, Sr., R. R. Norman, Jr., W. A. Norman, D. W. Norman and S. M. Norman, copartners, t/a Norman Trading & Milling Company.

Haleyville, Haleyville Cotton Warehouse, Haleyville Mill and Gin Company.

Huntsville, Huntsville Warehouse, Huntsville Warehouse Company.

Huntsville, Madison Bonded Warehouse, Madison Bonded Warehouse, Inc.

McCullough, McCullough Bonded Warehouse, Frank P. Currie.

Mobile, Alabama State Docks Bonded Warehouse, Alabama State Docks Department.

Monroeville, Monroe Bonded Warehouse, Monroe Bond and Mortgage Company.

Montgomery, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.

Panola, Panola Bonded Warehouse, Jas. L. Parker.

Roanoke, Roanoke Warehouse, Roanoke Warehouse Company.

Scottsboro, Gladish Bonded Warehouse, W. L. Gladish, Sr.

Selma, Dallas Bonded Warehouse, Dallas Compress Company.

Selma, Selma Compress Warehouse, Selma Compress Company.

Sylacauga, Sylacauga Bonded Warehouse, Sylacauga Fertilizer Company.

Talladega, Parker Bonded Warehouse, Sylacauga Fertilizer Company.

Talladega, Robinson Brothers Warehouse, Robinson Brothers Compress & Warehouse Company, Incorporated.

Talladega, McConnell's Bonded Warehouse, Emeline W. McConnell.

Troy, Alabama Warehouse, Alabama Warehouse Company.

Troy, Thompson Company Warehouse, Thompson Company, Incorporated.

ARIZONA

Phoenix, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Picacho, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Yuma, Federal Compress Warehouse, Federal Compress & Warehouse Company.

ARKANSAS

Arkadelphia, Golden Cotton Warehouse, A. D. Gross.

Ashdown, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Batesville, Batesville Compress Company's Bonded Warehouse, Batesville Compress Company.

Blytheville, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Blytheville, Blythe Compress Warehouse, Blytheville Compress Company.

Bradley, Bradley Bonded Warehouse, Bradley Warehouse, Inc.

Brinkley, Southern Compress Warehouse, Southern Compress Company.

Camden, Camden Warehouse, Southern Compress Company.

Clarendon, Clarendon Warehouse, Southern Compress Company.

Conway, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Cotton Plant, Cotton Plant Warehouse, Cotton Plant Warehouse Company.

Dardanelle, Dardanelle Compress Warehouse, Planters Compress Company.

Dell, Dell Compress Warehouse, Dell Compress Company of Dell, Arkansas.

Dumas, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Earle, Federal Compress Warehouse, Federal Compress & Warehouse Company.

England, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Eudora, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Evadale, Wilson Compress Warehouse, Memphis Compress & Storage Company.

Forrest City, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Fort Smith, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Helena, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Helena, Helena Compress Warehouse, Helena Compress Company.

Hope, Union Compress Warehouse, Union Compress & Warehouse Company.

Hughes, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Jacksonville, Jacksonville Warehouse, Southern Compress Company.

Jacksonville, Redmond Warehouse, Southern Compress Co., Inc.

Jonesboro, Jonesboro Compress Company's Warehouse, Jonesboro Compress Company.

Leachville, Buffalo Island Compress Warehouse, Buffalo Island Compress Company.

Lepanto, Lepanto Compress Warehouse, Marked Tree Compress & Warehouse Company, Inc.

Lonoke, Lonoke Bonded Warehouse, Southern Compress Company.

Magnolia, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Malvern, Clem Mill & Gin Warehouse, Joe Clem, trading as Clem Mill & Gin Company.

Marianna, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Marked Tree, Marked Tree Compress Warehouse, Marked Tree Compress & Warehouse Company, Inc.

Marvell, Federal Compress Warehouse, Federal Compress & Warehouse Company.

McCrory, Federal Compress Warehouse, Federal Compress & Warehouse Company.

McGehee, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Morrilton, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Nashville, Farmers Union Warehouse, Farmers Union Warehouse Company, Incorporated.

Newport, Federal Compress Warehouse, Federal Compress & Warehouse Company.

North Little Rock, Federal Compress Warehouse, Federal Compress & Warehouse Company.

North Little Rock, North Little Rock Warehouse, Southern Warehouse Co.

Osceola, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Osceola, Osceola Bonded Warehouse, Osceola Alfalfa Milling Company.

Pine Bluff, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Portland, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Russellville, Cook & Satterfield Warehouse, G. M. Cook and Leon Satterfield t/a Cook and Satterfield Warehouse Company.

Russellville, Russellville Warehouse, Planters Compress Company.

Searcy, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Sparkman, P. H. Taylor Cotton Warehouse, P. H. Taylor, trading as P. H. Taylor Warehouse Company.

Trumann, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Waldo, Waldo Bonded Warehouse, Waldo Bonded Warehouse Company.

Walnut Ridge, Federal Compress Warehouse, Federal Compress & Warehouse Company.

West Memphis, Federal Compress Warehouse, Federal Compress & Warehouse Company.

West Memphis, Planters Compress Warehouse, Planters Compress Company, Inc.

Wynne, Federal Compress Warehouse, Federal Compress & Warehouse Company.

FLORIDA

Pensacola, Pensacola Compress and Warehouses, Pensacola Port Authority.

GEORGIA

Albany, Albany Warehouse, Albany Warehouse Company.

Americus, Farmers Bonded Warehouse, C. B. King.

Arlington, Ward's Bonded Warehouse, Mrs. Carol Clements Ward.

Asburn, Strickland's Bonded Warehouse, Strickland's Warehouse Company, Inc.

Athens, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.

Athens, Pool Bonded Warehouse, W. H. Pool.

Athens, Rowe Warehouse, Mrs. Mary Louise Rowe Birchmore and Malcolm A. Rowe, copartners t/a Rowe Warehouse & Fertilizer Company.

Atlanta, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.

Augusta, Georgia-Carolina Warehouse, Georgia-Carolina Warehouse & Compress Company.

Augusta, Pope & Fleming Bonded Warehouse, Pope & Fleming, Inc.

Augusta, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.

Augusta, S. M. Whitney Warehouse, S. M. Whitney Company, Incorporated.

Bartow, Bryant's Bonded Warehouse, Bryant's, Incorporated.

Blakely, Farmers Warehouse, The Maddox Corporation.

Blakely, Jones-Walton Bonded Warehouse, Jones-Walton Warehouse Company, Inc.

Braselton, Braselton Bonded Warehouse, Braselton Improvement Company.

Brooklet, Farmers' Bonded Warehouse, J. H. Wyatt.

Cairo, Graco Bonded Warehouse, Graco Supply Co., Inc.

Camilla, Camilla Cotton Oil Company Bonded Warehouse, Camilla Cotton Oil Company.

Camilla, Walker Gin Bonded Warehouse, Walkers, Inc.

Carrollton, Martin Bonded Warehouse, J. E. Martin & Son, Inc.

Cedartown, Cedartown Bonded Warehouse, M. J. Florence and H. N. Florence, t/a Cedartown Cotton Warehouse Company.

Cochran, Bleckley Warehouse, Bleckley Warehouse & Gin Company, Inc.

Cochran, Cochran Bonded Warehouse, B. F. Meadows and W. A. Meadows, copartners t/a Cochran Warehouse.

Columbus, W. C. Bradley Co. Warehouse, W. C. Bradley Co.

Comer, Comer Warehouse, Comer Warehouse Company.

Conyers, Farmers Union Bonded Warehouse, The Farmers' Union Warehouse Company of Conyers.

Conyers, Ellington's Bonded Warehouse, V. C. Ellington, Sr., an individual trading as V. C. Ellington Gin Warehouse & Lumber Co.

Cordele, Nesbitt Bonded Warehouse, Thomas Nesbitt, Thomas Nesbitt, Jr. and Fletcher Nesbitt, copartners t/a Nesbitt Bonded Warehouse Company.

Cordele, McCay Bonded Warehouse, G. E. McCay.

Covington, N. S. Turner Warehouse, N. S. Turner Warehouse, Incorporated.

Cuthbert, Farmers Bonded Warehouse, William Lies, Jr.

Cuthbert, Connelly Bonded Warehouse, J. H. Connelly.

Cuthbert, Walker & Daniel Bonded Warehouse, N. N. Walker and G. A. Daniel t/a Walker and Daniel.

Davisboro, Taylor Bonded Warehouse, Jack B. Taylor.

Dawson, Dawson Compress Bonded Warehouse, Dawson Compress and Storage Company.

Dawson, Terrell County Bonded Warehouse, Stevens Industries, Inc.

Doerun, Taylor's Bonded Cotton Warehouse, Floyd M. Taylor.

Donalsonville, Planters Products Company's Warehouse, Planters Products Company.

Donalsonville, Seminole Bonded Warehouse, Donalsonville Warehouse, Inc.

Dublin, Dublin Bonded Warehouse, Cecil E. Carroll.

Dublin, Lovett and Brinson Bonded Warehouse, Lovett and Brinson, Incorporated.

Dudley, Farmers Warehouse, Warthen T. Chappell, Rubert L. Hogan and Doyle E. Bedingfield, copartners, t/a Chappell & Hogan.

Eastman, W. L. Jessup and Sons Warehouse, John F. Jessup, t/a W. L. Jessup and Sons.

Eastman, Studstill Bonded Warehouse, S. W. Studstill.

Eatonton, Resseau's Warehouse, T. H. Resseau, Jr.

Elberton, Elberton Compress Warehouse, Mrs. Emily Elizabeth Asbury Jordan, James Stewart Asbury, Sr., and Maurice Beverly Asbury, Executors of the Last Will of the late J. E. Asbury, and Miss Mamie Jones and M. B. Asbury, copartners, t/a Elberton Compress Company, Warehouse Division.

Fitzgerald, Planters Warehouse and Loan Company's Warehouse, Planters Warehouse and Loan Company.

Fitzgerald, The Ben Hill Company's Warehouse, The Ben Hill Company.

Forsyth, Empire Warehouse, J. T. Hill.

Gay, Gay Bonded Warehouse, Arthur G. Estes, Jr.

Glennville, Glennville Bonded Warehouse, Durrence-Kicklighter Warehouse Company.

Greensboro, Greensboro Bonded Warehouse, Greene Supply Company.

Griffin, Crouch's Bonded Warehouse, W. N. Crouch.

Hawkinsville, Planters Bonded Warehouse, John W. Lee and B. F. Lee t/a Planters Bonded Warehouse.

Hawkinsville, Hawkinsville Bonded Warehouse, L. H. Blount.

Hogansville, Hogansville Warehouse, The Hogansville Warehouse Company.

Jackson, Farmers Union Warehouse, Farmers Union Warehouse Company.

Jefferson, Carter's Bonded Warehouse, James L. Carter, Executor of the last will and testament of J. Z. Carter.

Jefferson, Jefferson Bonded Warehouse, James L. Carter and Vernon Carter, copartners t/a Carter's Warehouse and Fertilizer Company.

Jonesboro, Planters Gin Warehouse, E. J. Swint, an Individual trading as Planters Gin & Manufacturing Company.

Kelly, Perry Bonded Warehouse, E. F. Perry & Sons, Inc.

Kingston, Kingston Bonded Warehouse, J. W. Martin.

Kite, Kite Bonded Warehouse, Lovett & Company, Incorporated.

LaGrange, Troup Warehouse, Farmers Mutual Warehouse Association of LaGrange.

Lawrenceville, Farmers and Merchants Warehouse, H. E. Wright.

Lawrenceville, W. O. Cooper Bonded Warehouse, John R. Cooper and H. L. Cooper, copartners t/a W. O. Cooper Cotton Warehouse.

Leslie, Sumter-Lee Warehouse, Leslie Peanut & Gin Co., Inc.

Locust Grove, Farmers' Warehouse, Farmers Warehouse and Seed Company.

Locust Grove, Brown Bonded Warehouse, M. M. Brown.

Loganville, Moon Bonded Warehouse, H. L. Moon.

Louisville, Planters Bonded Warehouse, Frank Hardeman.

Louisville, Louisville Bonded Warehouse, Mrs. Frances B. Abbot, W. M. Pritchard and W. Wright Abbot, t/a Abbot and Prichard.

Lyerly, Chapman Brothers Bonded Warehouse, Seab M. Chapman and Byron N. Chapman, copartnera t/a Chapman Brothers.

Lyons, Stanley and Pughsley Bonded Warehouse, D. E. Stanley and J. P. Pughsley, copartners t/a Stanley and Pughsley Gin Company.

Madison, Farmers Trading Company Bonded Warehouse, Farmers Trading Company, Madison, Georgia.

Madison, Godfrey Bonded Warehouse, Godfrey's Warehouse, Inc.

McDonough, J. W. Harkins Gin & Warehouse, J. W. Harkins, t/a J. W. Harkins Gin & Warehouse Co.

McDonough, The Planters Warehouse, The Planters Warehouse and Lumber Company.

Meansville, Meansville Bonded Warehouse, Zebulon Ginning & Fertilizer Company.

Meigs, Meigs Bonded Warehouse, J. L. Pilcher & Sons, Inc.

Metter, Farmers Union Warehouse, Farmers Union Warehouse of Metter.

Midville, Midville Bonded Warehouse, Midville Cotton Warehouse Company.

Milledgeville, Harrington's Bonded Warehouse, G. T. Harrington.

Millen, Millen Warehouse, The Millen Warehouse Company, Inc.

Monroe, Wright Bonded Warehouse, Wright Gin and Trading Company.

Monroe, Parker Bonded Warehouse, C. E. Parker, Sr.

Monroe, Launius Bonded Warehouse, P. N. Launius.

Monticello, Farmers Union Bonded Warehouse, The Farmers Union Warehouse Company.

Moultrie, C. O. Smith Warehouse, C. O. Smith, Charles O. Smith, Jr. and Jack C. Smith, copartners t/a C. O. Smith Guano Company.

Ocilla Planters Bonded Warehouse, A. G. Shiver.

Omega, Farmers Gin and Peanut Association Warehouse, Farmers Gin and Peanut Association, Inc.

Orchard Hill, Orchard Hill Bonded Warehouse, Swint Feed and Grain Company, Inc.

Parrott, W. M. Dunn's Warehouse, W. G. Dunn.

Pineview, Pineview Bonded Warehouse, C. R. McLeod and Sons, Inc.

Pitts, Shell's Bonded Warehouse, A. C. Shell, Jr.

Portal, Planters Bonded Warehouse, Planters Cotton Warehouse Company.

Pulaski, Pulaski Bonded Warehouse, Pulaski Gin & Warehouse Company.

Quitman, Quitman Bonded Warehouse, H. R. Garrett, H. H. Carmichael and S. A. Phelps, copartners t/a Quitman Bonded Warehouse Co.

Rochelle, Holt Bonded Warehouse, O. C. Holt, Sr., t/a Holt Brothers Warehouse Co.

Rockmart, Ingram Bonded Warehouse, W. D. Ingram.

Rome, Brown-Shropshire Warehouse, J. M. Brown and F. W. Shropshire, t/a Brown-Shropshire Warehouse Company.

Rome, Georgia and Alabama Warehouse, Georgia and Alabama Warehouse Company.

Rome, Floyd County Bonded Warehouse, Floyd County Bonded Warehouse, Inc.

Rome, Rome Warehouse, Ledbetter Trucks, Inc.

Royston, Royston Bonded Warehouse, Royston Bonded Warehouse Company.

Rutledge, Hollis Bonded Warehouse, J. W. Hollis.

Sandersville Tarbutton Bonded Warehouse, B. J. Tarbutton, t/a Tarbutton Warehouse Company.

Sandersville, Gilmore's Bonded Warehouse, Mrs. Winifred R. Gilmore.

Savannah, Georgia Ports Authority Warehouses, Georgia Ports Authority, a public corporation and an instrumentality of the State of Georgia.

Senoia, Daniel's Bonded Warehouse, Frank P. Daniel and Mrs. Frances M. Daniel, copartners t/a C. P. Daniel's Sons.

Senoia, The Brick Bonded Warehouse, Paul R. McKnight, Sr., and Paul R. McKnight, Jr., copartners t/a P. R. McKnight & Son.

Shady Dale, Banks-Kelly Bonded Warehouse, Banks-Kelly Co., Inc.

Social Circle, Social Circle Bonded Warehouse, Duval and Co.

Social Circle, Malcom's Bonded Warehouse, B. A. Malcom.

Soperton, Fowler Bonded Warehouse, James Fowler.

Soperton, Waller's Bonded Warehouse, Waller's, Incorporated.

Sparta, Moate's Bonded Warehouse, Marvin E. Moate.

Statesboro, Farmers' Union Warehouse, H. Z. Smith.

Statesboro, Planters Cotton Warehouse, J. G. Tillman.

Sylvania, Farmers Bonded Warehouse, J. P. Evans, David W. Reed and H. A. Williams, Jr., t/a Evans, Reed & Williams.

Sylvania, Sylvania Bonded Warehouse, Screven Oil Mill.

Sylvester, Houston Bonded Warehouse, G. L. Houston.

Taylorsville, Taylorsville Bonded Warehouse, Farmers Supply Company.

Tennille, Planters Bonded Warehouse, W. B. Smith.

Tennille, Tennille Bonded Warehouse, Washington Ginning Company.

Thomaston, Upson Alliance Warehouse, Upson Alliance Warehouse Company.

Thomaston, Reeves Bonded Warehouse, T. J. Reeves.

Thomaston, City Warehouse, Thomas F. Reeves.

Thomson, McDuffie Oil and Fertilizer Warehouse, The McDuffie Oil and Fertilizer Company.

Tifton, Farmers Gin and Peanut Association Warehouse, Farmers Gin and Peanut Association, Inc.

Twin City, Twin City Bonded Warehouse, Twin City Gin Company.

Vienna, J. A. Whitehead & Co. Bonded Warehouse, J. A. Whitehead.

Warrenton, Warrenton Bonded Warehouse, B. C. Hatcher and H. D. O'Neal, copartners t/a Warrenton Cotton Warehouse.

Waynesboro, Planters Warehouse, Planters Warehouse Company of Waynesboro.

Waynesboro, Neely's Bonded Cotton Warehouse, Neely Bonded Cotton Warehouse, Inc.

Waynesboro, Burke County Bonded Warehouse, Burke County Gin & Fertilizer Company.

Williamson, Farmers Bonded Warehouse, P. W. Vaughn.

Winder, Thompson Bonded Warehouse, Winder Oil Mill Company.

Winder, Pool Bonded Warehouse, W. H. Pool.

Winder, Smith Bonded Warehouse, P. R. Smith.

Woodbury, Woodbury Bonded Warehouse, Woodbury Gin and Fertilizer Company.

Wrightsville, City Warehouse, W. H. Lovett, W. F. Lovett, L. L. Lovett, H. G. Hatcher, Mrs. H. G. Hatcher and Mrs. Lena Lovett, t/a City Warehouse.

Wrightsville, Union Warehouse, J. F. Jordan.

Wrightsville, Lovett's Bonded Warehouse, Lovett & Company, Incorporated.

Wrightsville, Rowland's Bonded Warehouse, J. H. Rowland.

Youth, Byrd Bonded Warehouse, J. T. Byrd.

Zebulon, Zebulon Bonded Warehouse, Zebulon Ginning & Fertilizer Company.

LOUISIANA

Alexandria, American Compress Warehouse, Frost-Whited Company, Inc.

Arcadia, Arcadia Bonded Warehouse, Arcadia Bonded Warehouse Company, Inc.

Bernice, Lindsey Bonded Warehouse, George E. Lindsey, James D. Lindsey, Mrs. Rosalind Lindsey Albritten, Mrs. Ruth Fuller Lindsey and Mrs. Mignon Lindsey Emerson, t/a Lindsey Bonded Warehouse Company.

Delhi, Union Compress Warehouse, Union Compress & Warehouse Company.

Ferriday, Union Compress Warehouse, Union Compress & Warehouse Company.

Franklinton, Pearl River Warehouse, Kramer Service, Inc.

Haynesville, Haynesville Cotton Warehouse, Haynesville Cotton Warehouse Company, Incorporated.

Homer, The Peoples Cotton Warehouse, C. G. Dowies.

Lake Charles, Cotton Compress and Warehouse Department, Broad of Commissioners Lake Charles Harbor and Terminal District.

Lake Providence, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Mansfield, Mansfield Bonded Warehouse, L. D. Morgan.

Minden, Minden Compress Warehouse, Minden Compress Company, Inc.

Monroe, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Natchitoches, American Compress Warehouse, Frost-Whited Company, Inc.

Newellton, Federal Compress Warehouse, Federal Compress & Warehouse Company.

New Orleans, Delta Warehouse, Delta Warehouse, Inc.

New Orleans, Magnolia Compress Warehouse, Magnolia Compress and Warehouse Co., Inc.

Oak Grove, Union Compress Warehouse, Union Compress & Warehouse Company.

Rayville, Union Compress Warehouse, Union Compress & Warehouse Company.

Shreveport, American Compress Warehouse, Frost-Whited Company, Inc.

Southport, Shippers Compress Warehouse, Clifford Atkinson, Clifford Atkinson, Jr. and Eugene Atkinson, Jr. copartners t/a Atkinson & Company.

Tallulah, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Winnsboro, Union Compress Warehouse, Union Compress & Warehouse Company.

MISSISSIPPI

Aberdeen, Monroe County Compress Warehouse, Monroe County Compress and Storage Company, Incorporated.

Amory, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Batesville, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Belmont, Belmont Warehouse, Ralph Bowen and J. M. Page, t/a Belmont Warehouse.

Belzoni, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Booneville, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Brookhaven, Mississippi Compress Warehouse, Mississippi Compress Company.

Canton, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Carthage, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Clarksdale, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Clarksdale, North Delta Compress Warehouse, North Delta Compress & Warehouse Company.

Cleveland, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Columbia, Columbia Compress Warehouse, Hattiesburg Compress Company.

Columbus, Columbus Compress Warehouse, Columbus Compress & Warehouse Company.

Como, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Corinth, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Drew, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Durant, Durant Bonded Warehouse, Claud C. Wilkes.

Flora (Kearney Park), Flora Compress Warehouse, Flora Compress and Warehouse Company, Inc.

Forest, Forest Compress Warehouse, Forest Compress & Ice Co.

Greenville, Delta Cooperative Compress Warehouse, Delta Cooperative Compress.

Greenville, Greenville Compress Warehouse, Greenville Compress Company.

Greenwood, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Greenwood, Union Compress Warehouse, Union Compress & Warehouse Company.

Greenwood, Greenwood Compress and Storage Company's Warehouse, Greenwood Compress and Storage Company.

Grenada, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Gulfport, Mississippi Gulfport Warehouses, Mississippi-Gulfport Compress & Warehouses, Inc.

Hattiesburg, Hattiesburg Compress Warehouse, Hattiesburg Compress Company.

Hollandale, Deer Creek Compress Warehouse, Deer Creek Compress Company.

Holly Springs, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Houston, Houston Compress Warehouse, Hattiesburg Compress Company.

Indianola, Sunflower Compress Warehouse, The Sunflower Compress Company.

Inverness, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Itta Bena, Itta Bena Cooperative Warehouse, Itta Bena Cooperative Compress Company.

Jackson, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Kosciusko, Attala Warehouse and Compress Company's Warehouse, Attala Warehouse and Compress Company.

Laurel, Laurel Compress Warehouse, Laurel Compress Company.

Leland, Leland Compress Warehouse, Leland Compress Company.

Lexington, Lexington Compress Warehouse, The Lexington Compress Company.

Louisville, Louisville Bonded Warehouse, Compress of Union.

Macon, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Magee, Cooperative Cotton Warehouse, Magee Cooperative (AAL).

Magnolia, Magnolia Compress Warehouse, The Magnolia Compress Company.

Marks, Federal Compress Warehouse, Federal Compress & Warehouse Company.

McComb, Federal Cotton Warehouse, Kramer Service, Inc.

McComb, Cotton Mill Warehouse, Kramer Service, Inc.

Meridian, Meridian Compress Warehouse, Interstate Compress & Warehouse Company.

Meridian, Mississippi Cotton Warehouse, Mississippi Bonded Warehouse.

Meridian, National Warehouse, National Storage & Warehouse Company, Inc.

Natchez, Raymond Heard Warehouse, Raymond Heard.

New Albany, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Newton, Newton Bonded Warehouse, Compress of Union.

Okolona, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Philadelphia, The Philadelphia Compress Warehouse, Compress of Union.

Pontotoc, Pontotoc Compress Warehouse, Pontotoc Warehouse Company.

Prentiss, Prestiss Bonded Warehouse, Prentiss Warehouse Company.

Quitman, Quitman Bonded Warehouse, Robert Bonney.

Ripley, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Rolling Fork, Rolling Fork Compress Warehouse, Deer Creek Compress Company.

Rosedale, Union Compress Warehouse, Union Compress & Warehouse Company.

Ruleville, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Shaw, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Shelby, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Sledge, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Shuqualak, Shuqualak Bonded Warehouse, Harrison Evans, t/a E. F. Nunn & Company.

Summit, Champion Compress Warehouse, Champion Compress Company.

Tunica, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Tupelo, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Tutwiler, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Tylertown, Tylertown Compress Warehouse, Kramer Service, Inc.

Union, Union Bonded Warehouse, Compress of Union.

Vicksburg, Union Compress Warehouse, Union Compress & Warehouse Company.

West Point, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Yazoo City, Federal Compress Warehouse, Federal Compress & Warehouse Company.

MISSOURI

Arbyrd, Arbyrd Compress Warehouse, Arbyrd Compress Company.

Caruthersville, Caruthersville Compress Warehouse, Southeast Missouri Compress Company.

Charleston, National Compress Warehouse, National Compress & Warehouse Company.

Gideon, Gideon Compress Warehouse, Fletcher's Gin, Inc.

Hayti, Hayti Compress Warehouse, Southeast Missouri Compress Company.

Kennett, Dunklin County Compress Warehouse, Dunklin County Compress and Warehouse Company.

Lilbourn, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Malden, Dunklin County Compress Warehouse, Dunklin County Compress and Warehouse Company.

Portageville, Federal Compress Warehouse, Federal Compress & Warehouse Company.

Sikeston, Sikeston Compress Warehouse, Sikeston Compress & Warehouse Company.

NEW MEXICO

Artesia, Artesia Compress Warehouse, Alma Sanders Francis, Leslie Paul Francis, William Kavanaugh Francis and Christine Francis Jones, copartners t/a Artesia Compress Company.

NORTH CAROLINA

Charlotte, Charlotte Bonded Warehouse, Charlotte Bonded Warehouse Company.

Charlotte, Standard Warehouse, Standard Warehouse, Inc.

Charlotte, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.

Charlotte, Merchants Bonded Warehouse, Merchants Bonded Warehouse Company.

Charlotte, Standard Bonded Warehouse, Standard Bonded Warehouse Company.

Charlotte, Standard Warehouse—Elba Plant, Standard Trucking Company.

Elizabeth City, Elizabeth City Bonded Warehouse, Robinson Manufacturing Company.

Gastonia, Gastonia Bonded Warehouse, Gastonia Bonded Warehouse, Incorporated.

Gastonia, Avon Bonded Warehouse, Avon Bonded Warehouse, Incorporated.

Gastonia, Peoples Bonded Warehouse, Peoples Bonded Warehouse, Incorporated.

Gastonia, Broad Street Bonded Warehouse, Broad Street Bonded Warehouse, Inc.

Gastonia, Central Bonded Warehouse Division of Bayside Warehouse Company, Bayside Warehouse Company.

Paw Creek Township, Merchants Bonded Warehouse—Chadwick Plant, Merchants Bonded Warehouse Company.

Shelby, Planters and Merchants Warehouse, Planters and Merchants Warehouse Company.

Battleboro, Braswell Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Bessemer City, Carolina Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Bethel, Bethel Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Butner, Hancock Bonded Warehouse—Butner Unit, Warehouse Superintendent of the State of North Carolina.

Candor, Candor Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Charlotte, Dixie Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Cherryville, Gaston Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Clayton, Central Oil & Milling Company's Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Clayton, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Clayton, Cooper Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Clinton, Sampson Cotton Storage Warehouse, Warehouse Superintendent of the State of North Carolina.

Concord, Piedmont Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Conway, Conway Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Dallas, Dallas Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Dunn, Dunn Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Dunn, General Utility Company's Warehouse, Warehouse Superintendent of the State of North Carolina.

Dunn, Tart Estate Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Durham, Southern Storage & Distribution Co. Warehouse, Warehouse Superintendent of the State of North Carolina.

Edenton, Edenton Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Enfield, Enfield Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Farmville, Farmville Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Fayetteville, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Fayetteville, Patterson Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Fayetteville, Tolar-Hart Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Forest City, Rutherford County Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Franklinton, Rose Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Gastonia, Farrell Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Godwin, Godwin Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Goldsboro, Southern Cotton Warehouse, Warehouse Superintendent of the State of North Carolina.

Goldsboro, Wayne Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Greensboro, Greensboro Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Greensboro, Central Carolina Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Greensboro, South Atlantic Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Harris, Harris Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Henderson, Standard Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Henderson, Hancock Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Hickory, Hickory Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

High Point, Granville Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Kings Mountain, Kings Mountain Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Laurel Hill, Laurel Hill Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Laurinburg, Laurinburg Cotton Warehouse, Warehouse Superintendent of the State of North Carolina.

Laurinburg, Dickson Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Lewiston, Lewiston Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Lincolnton, Lincoln Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Littleton, Halifax Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Louisburg, J. S. Howell Warehouse, Warehouse Superintendent of the State of North Carolina.

Lumberton, National Warehouse, Warehouse Superintendent of the State of North Carolina.

Lumberton, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Maxton, Maxton Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Monroe, West Monroe Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Monroe, Southern Cotton Warehouse, Warehouse Superintendent of the State of North Carolina.

Monroe, Union County Warehouse, Warehouse Superintendent of the State of North Carolina.

Mooresville, Iredell Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Morven, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Mt. Gilead, Andrews Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Mt. Olive, English and Oliver Cotton Storage Warehouse, Warehouse Superintendent of the State of North Carolina.

Mt. Olive, Mt. Olive Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Mt. Olive, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Murfreesboro, Revelle Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Nashville, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Newton, Newton Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Parkton, Parkton Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Pembroke, Pembroke Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Pinetops, Pinetops Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Raeford, Hoke Cotton Warehouse and Storage Company's Warehouse, Warehouse Superintendent of the State of North Carolina.

Raleigh, Parkers Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Raleigh, Raleigh Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Red Springs, Red Springs Bonded Warehouse, Warehouse Superintendent of the State of North Carolina

Rich Square, Rich Square Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids, Rosemary Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Roanoke Rapids, Farmers Warehouse of Roanoke Rapids, Warehouse Superintendent of the State of North Carolina.

Rockingham, Rockingham Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Rocky Mount, Public Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Rocky Mount, Champion Warehouse, Warehouse Superintendent of the State of North Carolina.

Salisbury, Salisbury Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Sanford, W. S. W. Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Sanford, Liles Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Scotland Neck, Edwards Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Scotland Neck, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.

Seaboard, Seaboard Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Shelby, Shelby Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

Smithfield, Cotton Growers Cooperative Warehouse, Warehouse Superindendent of the State of North Carolina.

Smithfield, Farmers Cotton Warehouse, Warehouse Superintendent of the State of North Carolina.
Southern Pines, Sandhills Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Stantonsburg, Stantonsburg Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Statesville, Statesville Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Statesville, Serville Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
St. Pauls, T. J. Smith Cotton Warehouse, Warehouse Superintendent of the State of North Carolina.
Tarboro, Edgecombe Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Tarboro, Fountain Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Wadesboro, Wade Cotton Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Wagram, Farmers Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Wake Forest, Wake Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Warrenton, Warrenton Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Washington, Beaufort County Warehouse, Warehouse Superintendent of the State of North Carolina.
Weldon, Cotton Growers Cooperative Warehouse, Warehouse Superintendent of the State of North Carolina.
Williamston, Martin Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Wilmington, Champion Compress Warehouse, Warehouse Superintendent of the State of North Carolina.
Woodland, Woodland Cooperative Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

SOUTH CAROLINA

Abbeville, The Farmers Warehouse, The Farmers Warehouse.
Bennettsville, Marlboro Warehouses, Marlboro Warehouse Company.
Bishopville, Farmers Bonded Warehouse, Wiley B. King.
Bishopville, King and Jordan Bonded Warehouse, W. Brent King and B. P. Jordan, copartners t/a King and Jordan Bonded Warehouse.
Blackville, Blackville Federal Warehouse, D. Stanley Brown.
Clinton, Clinton Bonded Warehouse, The Clinton Bonded Warehouse Company.
Clinton, Peoples Bonded Warehouse, Peoples Bonded Warehouse.
Clio, Clio Bonded Warehouse, Emma R. Lipscomb.
Columbia, Palmetto Compress Warehouse, Palmetto Compress and Warehouse Company.
Denmark, Denmark Bonded Warehouse, John W. Williamson.
Edgefield, Hart Bonded Warehouse, John Rainsford, Jr.
Greenville, Merchants Cotton Warehouse, W. A. Austin.
Greenville, Gulf Atlantic Warehouse, Gulf Atlantic Warehouse Co.
Greenville, Commodity Warehouse, Commodity Warehouse Company, Inc.
Greenwood, Textile Bonded Storage, Toxaway Corporation.
Hartsville, Hartsville Bonded Warehouse, G. S. Jones.
Laurens, Merchants and Farmers Bonded Warehouse, Merchants and Farmers Bonded Warehouse.
Newberry, Farmers Bonded Warehouse, J. T. McCrackin and Company, Inc.
North Charleston, Oakdene Compress Warehouse, Oakdene Compress and Warehouse Company.
Norway, Norway Bonded Warehouse, John W. Williamson.
Rock Hill, Peoples Warehouse, Peoples Warehouse Company.
Seneca, Seneca Bonded Warehouse, The Seneca Cotton Warehouse Company.
Spartanburg, Carolina Warehouse, Carolina Warehouse Company, Inc.
Spartanburg, Spartanburg Bonded Warehouses, Spartanburg Bonded Warehouses, Incorporated.
Sumter, Rowland Warehouse, Rowland Warehouse Company.
Sumter, Rowland Warehouse—Sumter Cotton Warehouse Branch, Rowland Warehouse Company.
Union, Farmers Bonded Warehouse, Mrs. Louisa D. Eaves.
Union, Union Bonded Warehouse, H. B. Richardson, Jr.

TENNESSEE

Brownsville, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Chattanooga, The Cotton Warehouse, Trenholm & Starr, Inc.
Chattanooga, Dixie Bonded Warehouse, Dixie Warehouse, Inc.
Covington, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Dyersburg, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Dyersburg, Associated Warehouse, Associated Warehouse Co.
Five Points, Hammond Bonded Warehouse, Mrs. Laura Mae Hammond.
Henderson, Henderson Compress Warehouse, Henderson Compress Company, Inc.
Jackson, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Jackson, Public Compress Bonded Warehouse, Public Compress Company.
Lawrenceburg, Gladish Bonded Warehouse, W. L. Gladish.
Lawrenceburg, Harwell Bonded Warehouse, Wm. A. Harwell.
Memphis, Gulf Atlantic Warehouse (Tri-State Plant), Gulf Atlantic Warehouse Co.
Memphis, Memphis Compress Warehouse, Memphis Compress & Storage Company.
Memphis, Navy Yard Compress Warehouse, Navy Yard Compress & Warehouse Co.
Memphis, Federal Compress Warehouse (Bodley Avenue Plant), Federal Compress & Warehouse Company.
Memphis, Federal Compress Warehouse (South Memphis Plant), Federal Compress & Warehouse Company.
Memphis, Federal Compress Warehouse (Riverside Plant), Federal Compress & Warehouse Company.
Memphis, Producers Warehouse, Producers Warehouse and Compress Company.
Milan, Milan Compress Warehouse, Milan Compress Company.
Ripley, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Tiptonville, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Winchester, Templeton Bonded Warehouse, H. M. Templeton, Jr.

TEXAS

Brenham, Seidel Bros. Warehouse, Alvin Seidel and L. E. Seidel, t/a Seidel Bros. Warehouse.
Bryan, Bryan Compress Warehouse, Bryan Compress and Warehouse Company.
Bryan, Porter Brothers Warehouse, Holland Porter, Boswell Porter and Marvin Porter, copartners t/a Porter Brothers.
Cameron, Cameron Compress Warehouse, Cameron Compress Company.
Corsicana, Corsicana Compress Warehouse, Exporters & Traders Compress & Warehouse Company.
Ennis, Ennis Compress Warehouse, National Compress & Warehouse Company.
Ennis, Ennis Compress & Warehouse Co's Warehouse, Ennis Compress & Warehouse Co.
Galveston, Magnolia Compress Warehouse, Magnolia Compress and Warehouse Co., Inc.
Hearne, Hearne Cotton Warehouse, Hearne Cotton Compress Company, Inc.
Hillsboro, Exporters & Traders Compress & Warehouse Company's Warehouse, Exporters & Traders Compress & Warehouse Company.
Houston, Ship Channel Compress Warehouse Plant No. 1, The Sprunt Corporation.
Houston, Ship Channel Compress Warehouse Plant No. 2, The Sprunt Corporation.
Hubbard, Hubbard Compress Warehouse, Exporters & Traders Compress & Warehouse Company.
Marfa, Fort Russell Ranch Co. Warehouses, Fort Russell Ranch Co., Inc.
Marlin, Exporters & Traders Compress & Warehouse Company's Warehouse, Exporters & Traders Compress & Warehouse Company.
Mart, Exporters & Traders Compress & Warehouse Company's Warehouse, Exporters & Traders Compress & Warehouse Company.
Rosebud, Rosebud Cotton Warehouse, Cameron Compress Company.
Temple, Temple Compress Warehouse, Central Texas Compress Company.
Texarkana, Federal Compress Warehouse, Federal Compress & Warehouse Company.
Waco, Exporters & Traders Compress & Warehouse Company's Warehouse, Exporters & Traders Compress & Warehouse Company.
Waxahachie, Waxahachie Compress Warehouse, National Compress & Warehouse Company.
Winnsboro, Farmers Cotton Yard and Warehouse, Farmers Cotton Oil Company of Winnsboro, Texas.

VIRGINIA

Brodnax, Dugger and Dugger Cotton Storage, R. H. Dugger, Sr., and Richmond H. Dugger, Jr., t/a Dugger and Dugger Cotton Co.

B. For the storage of grain:

ALABAMA

Town, Warehouse, and Warehouseman

Decatur, Decatur Grain Elevator, Indiana Farm Bureau Cooperative Association, Inc.
Decatur, Alabama Flour Mills Elevator, Nebraska Consolidated Mills Company.
Guntersville, Cargill Guntersville Elevator, Cargill, Incorporated.
Guntersville, Norris Elevator, Norris Grain Company.

ARKANSAS

Brinkley, Brinkley Warehouse, Arkansas Rice Warehouse Company.
Blytheville, Farmers Grain Elevator, Farmers Soybean Corporation.
Carlisle, Carlisle Warehouse, Arkansas Rice Warehouse Company.
Corning, Corning Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Des Arc, Des Arc Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
DeWitt, Smith Rice Mill Warehouse, Smith Rice Mill, Inc.
DeWitt, Dixie Dryer Warehouse, Dixie Dryer, Inc.
DeWitt, DeWitt Rice Warehouse, Arkansas Rice Growers Warehouse Company.
Dumas, Dumas Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
England, Federal Drier, Federal Drier and Storage Company.
Eudora, Pioneer Grain Elevator, Dixie Dryer, Inc.
Fair Oaks, Fair Oaks Rice Warehouse, The Arkansas Rice Growers Cooperative Association.

Gibson Switch, Craighead Rice Milling Company's Warehouse, Craighead Rice Milling Company.
Hazen, Hazen Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Hickory Ridge, Hickory Ridge Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Jonesboro, Jonesboro Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Lonoke, Lonoke Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
McGehee, McGehee Rice Warehouse, The Arknasas Rice Growers Cooperative Association.
Morriton, Stallings Brothers Elevator, Alan E. Stallings and Joe H. Stallings, copartners t/a Stallings Brothers Feed Mills.
Newport, Newport Rice Mill Warehouse, Newport Rice Mill, Inc.
North Little Rock, North Little Rock Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Parkin, East Arkansas Rice Warehouse, The Arkansas Rice Growers Cooperatice Association.
Stuttgart, Acme Warehouse, Arkansas Rice Warehouse Company.
Stuttgart, Stuttgart Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Stuttgart, Pioneer Elevator, Dixie Dryer, Inc.
Stuttgart, Wingmead Dryer, Dixie Dryer, Inc.
Stuttgart, Producers Warehouse, Producers Rice Mill, Inc.
Tuckerman, Tuckerman Elevator, Tuckerman Rice Company.
Waldenburg, Waldenburg Warehouse, Arkansas Rice Warehouse Company.
Weiner, Weiner Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
West Memphis, Lee Wilson & Company Elevator, R. E. Lee Wilson, Jr. and R. E. Lee Wilson 3d. Trustees Lee Wilson & Company, Trust Estate.
Wheatley, Wheatley Rice Warehouse, The Arkansas Rice Growers Cooperative Association.
Wynne, Gibbs & Harris Rice Drier, Gibbs & Harris Rice Drier, Inc.

CALIFORNIA

East Los Angeles, Pillsbury-Globe Elevator, Pillsbury Mills, Inc.
Stockton, Stockton Elevators, Stockton Elevators.

COLORADO

Amherst, Farmers Elevator, Amherst Cooperative Elevator, Inc.
Bethune, Equity Elevator, Equity Cooperative Exchange.
Burlington, Equity Elevator, Equity Cooperative Exchange.
Byers, Farmers Union Elevator, Farmers Union Marketing Association.
Campo, Stafford Elevator, Van Stafford.
Denver, Farmers Union Elevator, Farmers Union Marketing Association.
Dove Creek, Romer Warehouse, David L. Corlett and Jean R. Corlett copartners t/a Romer Mercantile and Grain Co.
Flagler, Flagler Equity Elevator, The Flagler Equity Co-Operative Company.
Holly, Southeastern Colorado Co-Op Elevator, South Eastern Colorado Coop.
Holyoke, Holyoke Cooperative Elevator, Holyoke Cooperative Association.
Hyde (P. O. Otis), Farmers Elevator, The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado.
Limon, Limon Co-op Elevator, Limon Co-operative Exchange, Inc.
Montrose, Farmers Union Elevator, Farmers Union Supply Company of Montrose.
Peetz, Farmers Co-op Elevators, The Peetz Farmers Co-operative Company.
Roggen, Roggen Farmer's Elevator, Roggen Farmer's Elevator Association.
Schramm (P. O. Yuma), Farmers Elevator, The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado.
Seibert, Co-Op Elevator, The Seibert Equity Co-operative Association.
Springfield, Co-op Elevator, The Springfield Co-operative Sales Company.
Stratton, Co-Op Elevator, The Stratton Equity Cooperative Company.
Vilas, Knowles Elevator, J. M. Knowles, t/a Vilas Grain Company.
Wray, Farmers Union Elevator, The Farmers Union Cooperative Elevator Company.
Wray, Shannon Elevator, Shannon Grain Company.
Yellow Jacket, T. Gal Warehouse, Gal Warehouse, Inc.
Yuma, Farmers Elevator, The Yuma Farmers Milling-Mercantile Co-Operative Company of Yuma, Colorado.

IDAHO

American Falls, Power County Grain Growers Warehouse, Power County Grain Growers, Inc.
Bancroft, Grain Growers Warehouse, Bancroft Grain Growers, Inc.
Corral, Grain Growers Warehouse, Camas Prairie Grain Growers, Inc.
Cottonwood, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Craigmont, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Culdesac, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Deary, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Downey, Grain Growers Warehouse, Farmers Grain Cooperative.
Drummond, Grain Growers Warehouse, Farmers Grain Cooperative.
Estes, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Fairfield, Grain Growers Warehouse, Camas Prairie Grain Growers, Inc.
Fenn, Union Warehouse & Supply Company's Warehouse, Union Warehouse & Supply Co.
Ferdinand, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Filer, Idaho Bean & Elevator Warehouse, Dudley Driscoll, Jr., Thomas W. Driscoll and James Patrick Driscoll, general partners t/a Idaho Bean and Elevator Co. of Twin Falls (a limited partnership).
Gooding, Western Warehouse, R. W. Day, d/b/a Western Warehouse Co.
Grace, Grain Growers Warehouse, Farmers Grain Cooperative.
Grangeville, Union Warehouse & Supply Company's Warehouse, Union Warehouse & Supply Co.
Greer, Nezperce Rochdale Warehouse, Nezperce Rochdale Company.
Harris Siding, Nezperce Rochdale Warehouse, Nezperce Rochdale Company.
Hill City, Grain Growers Warehouse, Camas Prairie Grain Growers, Inc.
Jerome, Growers Warehouse, Growers Warehouse Company, Inc.
Jerome, Marshall Warehouse, Marshall Warehouses, Inc.
Joel, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Juliaetta, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Kamiah, Kamiah Elevator, Kamiah Grain Co.
Kendrick, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Kennedy Ford, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Lamont, Grain Growers Warehouse, Farmers Grain Cooperative.
Lapwai, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Lewiston, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Lewiston, Lewiston Grain Growers Warehouse No. 2, Lewiston Grain Growers, Inc.
McCammon, Grain Growers Warehouse, Farmers Grain Cooperative.
Malad, Grain Growers Warehouse, Oneida County Grain Growers, Inc.
Moscow, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Nampa, Shields Warehouse, James H. Shields, Jr., James T. Shields and Jane Shields Redman, d/b/a "Shields."
Nezperce, Nezperce Rochdale Warehouse, Nezperce Rochdale Company.
Nezperce, Nezperce Grain & Processing Warehouse, Nezperce Processing Co.
Peck, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Rands, Grain Growers Warehouse, Camas Prairie Grain Growers, Inc.
Reubens, Lewiston, Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Ririe, Grain Growers Warehouse, Ririe Grain and Feed Cooperative, Inc.
Rupert, F. S. Campbell Co. Warehouse, Frank S. Campbell d/b/a F. S. Campbell Co.
Shoshone, Beacon Elevator, Jos. A. Johnson doing business as Beacon Elevator Co.
Soda Springs, Soda Springs Elevator, Soda Springs Elevator, Inc.
Soda Springs, Grain Growers Warehouse, Farmers Grain Cooperative.
Swan Lake, Grain Growers Warehouse, Farmers Grain Cooperative.
Sweetwater, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Talmage, Grain Growers Warehouse, Farmers Grain Cooperative.
Tetonia, Grain Growers Warehouse, Farmers Grain Cooperative.
Troy, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Twin Falls, Idaho Bean and Elevator Warehouse, Dudley Driscoll, Jr., Thomas W. Driscoll and James Patrick Driscoll, general partners t/a Idaho Bean & Elevator Co. of Twin Falls (a limited partnership).
Twin Falls, Gem State Bean Warehouse No. 2, Gem State Bean Company, Inc.
Viola, Latah County Grain Growers Warehouse, Latah County Grain Growers, Inc.
Wendell, Marshall Warehouse, Marshall Warehouses, Inc.
Weston, Grain Growers Warehouse, Farmers Grain Cooperative.
Winchester, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.

ILLINOIS

Alton, Alton Elevator, Russell-Miller Milling Co.
Amenia Siding (P. O. Monticello), Amenia Elevator, Monticello Grain Company.
Andres (P. O. Peotone), Andres Elevator, Andres & Wilton Farmers Grain & Supply Co.
Annawan, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Argenta, Argenta Elevator, A & O Grain Company.
Atkinson, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Ballard Sta., Ballard Elevator, Chenoa Grain Company.
Bartonville, Allied Mills Peoria Elevator, Allied Mills, Inc.
Beardstown, Continental Elevator, Continental Grain Company.
Beardstown, Farmers Terminal Elevator, Farmers Terminal Grain Co.
Birkbeck, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Bloomington, Hasenwinkle Wallace Elevator, Ralph Hasenwinkle, Elna Hafer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners t/a Hasenwinkle Wallace Co.
Blue Mound, Blue Mound Elevators, Burt M. Wise, an individual, trading as Blue Mound Grain Co.
Bondville, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.

Brownwood, Brownwood Elevator, Delavan Cooperative Elevator Co.
Centerville Township, Cargill L. St. Louis Elevator "R", Cargill, Incorporated.
Champaign, Evans Elevator, Evans Elevator Company.
Chandlerville, Chandlerville Elevator, Continental Grain Company.
Chenoa, Chenoa Elevator, Chenoa Grain Company.
Cheneyville, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Chesterville, Chesterville Elevator, Evans Elevator Company.
Chicago, Cargill Elevator, Cargill, Incorporated.
Chicago, Continental Elevators, Continental Grain Company.
Chicago, Continental Elevator "D", Continental Grain Company.
Chicago, Continental Elevator "J", Continental Grain Company.
Chicago, Badenoch Elevator, J. J. Badenoch Co.
Chicago, Rialto Elevator, General Mills, Inc.
Chicago, Glidden Elevator "A", The Glidden Company.
Chicago, Glidden Elevator "B", The Glidden Company.
Chicago, Calumet Elevators, Norris Grain Company.
Chicago, Norris Elevator & Tanks, Norris Grain Company.
Chicago, Belt Elevator, Vitality Mills, Inc.
Chicago, Irondale Elevator, Illinois Grain Corporation.
Chicago, Spencer Kellogg and Sons Concrete Elevator, Spencer Kellogg and Son, Inc.
Chicago, Santa Fe Elevator, Santa Fe Elevator Corporation.
Chicago, Kensington Elevator, Santa Fe Elevator Corporation.
Chicago, States Grain Elevator, States Grain Corporation.
Chicago, Dickinson Elevator, Stratton Grain Company.
Chrisman, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Collinsville, Tiedemann Elevator, Charles Tiedemann Mills, Inc.
Dallas City, Illinois Grain Corporation Dallas City Elevator, Illinois Grain Corporation.
Danville, Lauhoff Elevator, Lauhoff Grain Company.
Delavan, Delavan Elevator, Delavan Cooperative Elevator Co.
DeWitt, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Dixon, Dixon Mills Elevator, Dixon Mills, Inc.
Downs, Hasenwinkle Wallace Elevator, Ralph Hasenwinkle, Elna Haffer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners t/a Hasenwinkle Wallace Co.
E. St. Louis, Continental Elevator, Continental Grain Company.
E. St. Louis, National Oats Elevator, National Oats Company.
Easton, Easton Elevator, Continental Grain Company.
Edwardsville, Dippold Elevator, Arthur H. Stubbs t/a Dippold Bros.
Edwardsville, A. & B. Feed & Seed Elevator, A & B Feed & Seed Store, Inc.
Empire, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Evansville, Huegely Evansville Elevator, Huegely Grain Company, Inc.
Fairmount, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Farmer City, Gring & McCord Elevator, Gring & McCord, Inc.
Foosland, Foosland Elevator, Foosland Grain Co.
Georgetown, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Gibson City, Farmers Elevator, The Farmers Grain Co. of Gibson City.
Gilman, Gilman Elevator, Uhlmann Grain Company.
Granite City, Cargill E. St. Louis Elevator "Q", Cargill, Incorporated.
Hammond, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Hampshire, Hampshire Elevator, Gerstenberg and Tucker, Inc.
Harristown, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Hastings, Hastings Elevator, Samuel N. Maddox, Chester Maddox and Fred F. Current, copartners t/a Sidell Grain Company.
Havana, Havana Elevator, Continental Grain Company.
Havana, Illinois Grain Corporation Havana Elevator, Illinois Grain Corporation.
Henkel, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Hennepin, Illinois Grain Corporation Hennepin Elevator, Illinois Grain Corporation.
Heyworth, Hasenwinkle Wallace Elevator, Ralph Hasenwinkle, Elna Hafer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners t/a Hasenwinkle Wallace Co.
Indianola, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Jerseyville, Jerseyville Elevators, Jersey County Grain Company.
Kankakee, Kankakee Elevator, A. L. Book, t/a A. L. Book & Co.
Kansas, Rardin Elevator, Rardin Grain Company.
Lacon, Illinois Grain Corporation, Lacon Elevator, Illinois Grain Corporation.
Lacon, Lacon Elevator, Continental Grain Company.
Lark Siding (P. O. Monticello), Lark Siding Elevator, Monticello Grain Company.
LaRose, LaRose Elevator, American Grain Company.
Lebanon, Norris Lebanon Elevator, Norris Grain Company.
LeRoy, Hasenwinkle Wallace Elevator, Ralph Hasenwinkle, Elna Hafer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners t/a Hasenwinkle Wallace Co.
LeRoy, Webb Elevators, W. A. Webb.
Lockport, Glidden Lockport Elevator, The Glidden Company.
Ludlow, Ludlow Elevators, Ludlow Cooperative Elevator Company.
Maizetown (P. O. Sidell), Maizetown Elevator, Samuel N. Maddox, Chester Maddox and Fred F. Current, copartners t/a Sidell Grain Company.
Manafield, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Marine, Marine Elevator, Alhambra Grain & Feed Company.
Mayview, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
McCall Siding, McCall Elevator, Hancock Grain Company.
McNulta, McNulta Elevator, Foosland Grain Co.
Mendota, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Meredosia, Meredosia Elevator, A. B. Chrisman Grain Company.
Metcalf, Cleveland Metcalf Elevators, The Cleveland Grain Company, Inc.
Meyer, Meyer Elevator, Ursa Farmers Co-operative Company.
Mineral, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Monticello, Monticello Elevator, Monticello Grain Company.
Morris, Square Deal Elevator, Farmers' Square Deal Grain Company.
Moweaqua, Moweaqua Elevator, Moweaqua Grain Company.
Myra, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Newman, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Ogden, Fielding Elevator, Federal-North Iowa Grain Co. t/a J. C. Fielding Grain Co.
Paris, Paris Elevator, Illinois Cereal Mills, Inc.
Parnell (Farmer City Route 2), Walsh Grain Elevator, Robert E. Walsh and Elisabeth Walsh, copartners t/a Walsh Grain Elevator.
Paxton, Charles Shelby Elevator, R. C. Yancey, t/a Charles Shelby Grain Company.
Pekin, Norris Elevator, Norris Grain Company.
Peoria, Burlington Elevator, Norris Grain Company.
Peoria, Riverside Elevator, Riverside Elevator Co.
Pittsfield, King Elevator, M. D. King Milling Company.
Poplar Grove, McLay Elevator, Joseph R. McLay, Kenneth J. McLay and Donald L. McLay, copartners t/a McLay Grain Company.
Radford, Radford Elevator, Radford Grain Co.
Rantoul, Rantoul Elevators, Ludlow Cooperative Elevator Company.
Ridge Farm, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Rumpler, Fielding Elevator, Federal-North Iowa Grain Co., t/a J. C. Fielding Grain Co.
St. Jacob, St. Jacob Elevator, Toberman Grain Company.
Savanna, Cargill Savanna Elevator, Cargill, Incorporated.
Savoy, Savoy Elevator, Savoy Grain and Coal Company.
Seneca, Glidden Seneca Elevator, The Glidden Company.
Seymour, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Sheldon, Sheldon Elevator, Norris Grain Company.
Shipman, Shipman Elevator, Shipman Elevator Company.
Sibley, Sibley Grain Company Elevator, The Sibley Grain Company.
Sidell, Sidell Elevator, Samuel N. Maddox, Chester Maddox and Fred F. Current, copartners t/a Sidell Grain Company.
Steward, Steward Elevators, Lee County Grain Association.
Taylorville, Allied Mills Taylorville Elevator, Allied Mills, Inc.
Tolona, Zelle Elevator, C. A. Zelle.
Tomlinson, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Ursa, Ursa Elevator, Ursa Farmers Co-operative Company.
Wapella, Hasenwinkle Wallace Elevator, Ralph Hasenwinkle, Elna Hafer, Earle Hasenwinkle, Constance H. Anderson and Paul Anderson, Jr., copartners t/a Hasenwinkle Wallace Co.
Ware, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Warrington, Warrington Elevator, Rardin Grain Company.
Warsaw, Warsaw Elevator, Hancock Grain Company.
Watkins, Federal-North Iowa Elevator, Federal-North Iowa Grain Co.
Washburn, Washburn Elevator, American Grain Company.
Weldon, Weldon Grain Co. Elevator, United Grain Company.
Wilton, Wilton Elevator, Andres & Wilton Farmers Grain & Supply Co.
Worden, Worden Elevator, Martin H. Filert, t/a Worden Elevator.

INDIANA

Ambia, Ambia Elevator, The Ambia Grain Company.
Amboy, Amboy Elevator, Claude L. Aukerman and Wm. Ronald Aukerman, copartners t/a Amboy Grain Co.
Camden, Camden Elevator, Allison, Steinhart & Zook, Inc.
Colfax, Colfax Grain Co. Elevator, Lawrence E. Lake, Harold E. Miller, Harry Clifford Tucker, Samuel F. Sherfey, Howard G. White and Cloyce Street, copartners t/a Colfax Grain Company.
Converse, Goodrich Brothers Co. Elevator, Acme-Goodrich, Inc.
Cortland, Cortland Elevator, Acme-Goodrich, Inc.
Cyclone, Cyclone-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Earl Park, Earl Park Grain Co. Elevator No. 1, Acme-Goodrich, Inc.
East Chicago, The New York Central Elevator, Farmers Grain Dealers Association of Iowa (Cooperative).
Edinburg, Edinburg Elevator, Edinburg Grain Company, Inc.
Farmland, Goodrich Brothers Co. Elevator, Acme-Goodrich, Inc.
Flora, Flora Elevator, Allison, Steinhart & Zook, Inc.
Gedsden, Goodrich Brothers Co. Elevator, Acme-Goodrich, Inc.
Gaston, Goodrich Brothers Co. Elevator, Acme-Goodrich, Inc.
Greensburg, Garland Elevator, Garland Mills, Inc.
Hammond, Continental Standard Elevator, Continental Grain Company.
Hedrick, Hedrick Elevator, Jonah W. Conard and Jack Conard, copartners t/a Conard Grain Company.
Indianapolis, Beech Grove Elevator, The Early and Daniel Company.
Indianapolis, Indianapolis Public Elevator, Indiana Farm Bureau Cooperative Association, Inc.
Indianapolis, Cleveland Indianapolis Elevator B, The Cleveland Grain Company, Inc.
Indianapolis, Glidden Indianapolis Elevator "G," The Glidden Company.
Kentland, Kentland Elevator, Kenworthy Grain Company, Inc.
Lafayette, Lafayette Mills Elevator, Acme-Goodrich, Inc.
La Fontaine, Co-Op Elevator, The Farmers' Co-operative Company, of La Fontaine, Indiana.
Ligonier, Lyon & Greenleaf Elevator, Lyon & Greenleaf Company, Incorporated.
Manson, Manson-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Marion, Hoosier Elevator, Hoosier Mills, Inc.
Marion, Thomas Elevator, Thomas Milling Company.
Marshfield, Marshfield Elevator, Jonah W. Conard and Jack Conard, copartners t/a Conard Grain Company.
Marts, Marts Elevator, Marts Grain Company, Inc.
Mellott, Knowles Elevator, Knowles & Sons, Inc.
Michigantown, Michigantown Elevator, Allison, Steinhart & Zook, Inc.
Mohawk, Pritchard & Sons Elevator, Acme-Goodrich, Inc.
Morristown, Morristown Elevator, Morristown Elevator Co., Inc.
Mt. Vernon, Farm Bureau Co-op Elevator, Posey County Fam Bureau Co-operative Association, Inc.
New Harmony, Couch Elevator, Geo. Couch & Sons, Inc.
New Ross, New Ross Elevator, Walter S. Whitecotton and G. Dorman Harris, copartners t/a The New Ross Grain Company.
Noblesville, Cleveland Noblesville Elevator, The Cleveland Grain Company, Inc.
Oaktown, Co-operative Elevator, Knox County Farm Bureau Co-operative Association, Inc.
Orleans, Heise Bros. Elevator, Acme-Goodrich, Inc.
Pendleton, Pendleton-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Peru, Canal Elevator, Allison, Steinhart & Zook, Inc.
Portland, Haynes Soy Elevator, Haynes Milling Co., Inc.
Raub, Raub Elevator, Allison, Steinhart & Zook, Inc.
Reagan, Reagan-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Schneider, Schneider Elevator, Stratton Grain Company.
Scottsburg, Scottsburg-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Seymour, Bilsh Milling Company Elevator, Acme-Evans Company, Inc. (Bilsh Milling Company Division).
Speicher, Speicher Elevator, Wabash County Farm Bureau Co-operative Association, Inc.
Star City, Star City Co-Op Elevator, Pulaski County Farm Bureau Co-operative Association, Inc.
Summitville, Hinshaw Grain Co. Elevator, Acme-Goodrich, Inc.
Sweetser, Sweetser-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Treaty, Treaty Elevator, Wabash County Farm Bureau Co-operative Association, Inc.
Walton, Walton Elevator, Walton Elevator Co.
Washington, Graham Elevator, Graham Brothers, Inc.
Westport, Westport-Goodrich Co. Elevator, Acme-Goodrich, Inc.
Winchester, Goodrich Brothers Co. Elevators, Acme-Goodrich, Inc.

IOWA

Alta, Alta Cooperative Elevator, Alta Cooperative Elevator.
Altoona, Altoona Elevator, Wise Elevator Company.
Arthur, Continental Elevator, Continental Grain Company.
Audubon, Continental Elevator, Continental Grain Company.
Belmond, General Mills Chemical Division Elevator, General Mills, Inc.
Blencoe, Farmers Elevators, Blencoe Cooperative Company.
Blockton, Dannen Elevator, Dannen Grain and Milling Company.
Burlington, Burlington & Mississippi Elevator, Norris Grain Company.
Cedar Rapids, Cargill Cedar Rapids Elevator, Cargill, Incorporated.
Charlton, Dannen Elevator, Dannen Grain and Milling Company.
Clarion, Farmers Elevators, Clarion Farmers Elevator Cooperative.
Clearfield, Dannen Elevator, Dannen Grain and Milling Company.
Cooper, Milligan Bros. Elevator, F. T. Milligan, R. P. Milligan and Iris T. Milligan, copartners t/a Milligan Bros.
Corley, Squealer Grain Elevator, Squealer Grain Company.
Council Bluffs, Pillsbury Elevator, Pillsbury Mills, Inc.
Council Bluffs, A. D. M. Elevator, Archer-Daniels-Midland Company.
Council Bluffs, Peavey Elevator, Omaha Elevator Company.
Council Bluffs, Scoular-Bishop Elevator, Scoular-Bishop Grain Company.
Council Bluffs, Updike Elevator "D", Updike Grain Corporation.
Cushing, Continental Elevator, Continental Grain Company.
Davenport, Pillsbury Davenport Elevator, Pillsbury Mills, Inc.
Dedham, Farmers Elevators, Dedham Cooperative Association.
Des Moines, Eighteenth Street Elevator, Farmers Grain Dealers Association of Iowa (Cooperative).
Des Moines, Avon Elevator, Farmers Grain Dealers Association of Iowa (Cooperative).
Farlin, Milligan Bros. Elevator, F. T. Milligan, R. P. Milligan and Iris T. Milligan, copartners t/a Milligan Bros.
Fort Dodge, Cargill Fort Dodge Elevator, Cargill, Incorporated.
Gilmore City, Cargill Elevator, Cargill, Incorporated.
Glidden, Farmers Elevator, Farmers Cooperative Company.
Gowrie, Johnson Elevator, Egon C. Kjeer, t/a Johnson Grain Company.
Gray, Conklin Elevator, Edith Conklin, t/a Conklin Grain Co.
Harlan, Squealer Grain Elevator, Squealer Grain Company.
Jefferson, Milligan Bros. Elevator, F. T. Milligan, R. P. Milligan and Iris T. Milligan, copartners t/a Milligan Bros.
Jordan, Sterner Elevator, A. Sterner & Company.
Kingsley, Farmers Elevators, The Farmers Elevator Company.
Lake City, Adams Elevator, Robert P. Adams, et al, a copartnership t/a The Adams Elevator.
Lanesboro, Moorhouse Elevators, A. Moorhouse Co.
Missouri Valley, Loveland Elevator, Richard F. Day, Executor and Trustee of the estate of Francis Day, deceased, t/a Loveland Elevator Co.
Modale, Farmers Elevators, Modale Cooperative Association.
Nondamin, Farmers Elevators, Farmers Cooperative Co.
Neola, Dawson Grain Co.'s Elevator, W. F. Dawson d/b/a Dawson Grain Co.
Oto, Continental Elevator, Continental Grain Company.
Palmer, Farmers Elevator, Farmers Cooperative Company.
Radcliffe, Farmers Cooperative Elevator, Farmers Cooperative Elevator Company.
Ralston, Farmers Elevators, Farmers Cooperative Association.
Ralston, Moorhouse Elevator, A. Moorhouse Co.
Red Oak, Dannen Mill, Dannen Grain and Milling Company.
River Sioux, Farmers Elevator, Farmers Cooperative Co.
Salix, Farmers Elevator, Farmers Cooperative Elevator Company.
Sheldon, Big 4 Elevator, Big 4 Cooperative Processing Association.
Sheldon, Farmers Elevators, Farmers Cooperative Elevator Association of Sheldon, Iowa.
Shelby, Shelby Elevator, Farmers Elevator.
Sherman, Farmers Cooperative Elevator, Farmers Cooperative Elevator Company.
Sioux City, O'Neill Elevator, Eugene M. O'Neill and John E. O'Neill copartners t/a O'Neill Grain Company.
Sioux City, Bartlett Elevator, Bartlett and Company Grain.
Sioux City, Sioux Soya Mills Elevators, Sioux Industries, Inc.
Sioux City, Farmers Union Elevator, Farmers Union Grain Terminal Association.
Sioux City, Terminal Grain Corporation Elevator, Terminal Grain Corporation.
Sloan, Farmers Elevator, Farmers Cereal Company (Cooperative).
Templeton, Conklin Elevator, Edith Conklin, t/a Conklin Grain Co.
Underwood, Dawson Grain Co.'s Elevator, W. F. Dawson d/b/a Dawson Grain Co.
Walcott, Pillsbury Walcott Elevator, Pillsbury Mills, Inc.
Walnut, Continental Elevator, Continental Grain Company.
Washington, Cargill Washington Elevator, Cargill, Incorporated.
Waverly, Waverly Elevator Company, Elevator, Waverly Elevator Company.
Westfield, Mullaney Elevator, J. J. Mullaney Company.
Webster City, Continental Elevators, Continental Grain Company.
Wightman, Moorhouse Elevator, A. Moorhouse Co.

KANSAS

Abilene, The Abilene Elevator, The Abilene Elevator Company, Inc.
Alamota, Midwest Elevator, The Mid-West Grain Co.

Alamota, Alamota Farmers Elevator, The Farmers Cooperative Elevator and Mercantile Association.

Amy, Amy Farmers Elevator, The Farmers Cooperative Elevator and Mercantile Association.

Andale, Farmers Elevator, The Andale Farmers Cooperative Company.

Arkansas City, Ark City Elevator, Dixie-Portland Flour Company.

Atwood, Equity Elevator, The Atwood Equity Co-Operative Exchange.

Bazine, Co-op Elevator, The Co-operative Grain & Supply Company.

Bosse Siding (P. O. Jetmore), Bosse Elevator, Bosse Grains, Inc.

Brewster, Coffey Elevator, The Coffey Grain Company, Inc.

Brewster, Coop Elevator, Farmers Co-operative Association.

Briggs (P. O. Sedgwick), Briggs Elevator, Frank Galmeister t/a Galmeister Grain & Elevator.

Bucklin, C. D. Jennings Elevator, The C. D. Jennings Grain Company.

Charleston (P. O. Ingalls), Farmers Elevators, The Garden City Co-Operative Equity Exchange.

Cheney, Mid-West Grain Elevator, The Mid-West Grain Co.

Cimarron, The Cimarron Co-operative Elevators, The Cimarron Co-operative Equity Exchange.

Colby, Cooper Terminal, Cooper Grain, Inc.

Coldwater, Farmers Elevator, The Protection Cooperative Supply Company.

Colwich, Farmers Elevator, The Andale Farmers Cooperative Company.

Concordia, Concordia Mill Elevator, W. Bennett Jr. and J. D. Bennett t/a Concordia Milling Company.

Conway Springs, Conway Springs Elevator, Garretson-Grant Grain, Inc.

Conway Springs, The Farmers Cooperative Association Elevator, The Farmers Cooperative Grain Association.

Coolidge, Coolidge Co-op Elevator, South Eastern Colorado Coop.

Coolidge, Sullivan Inc. Elevator, Sullivan, Inc.

Copeland, Riffe Bros. Elevator, Riffe Bros. Co., Inc.

Corbin, Hunter Elevator, H. H. Hunter d/b/a H. H. Hunter-Grain-Feed-Fertilizer.

Corwin, Farmers Co-operative Elevators, The Farmers Co-operative Business Association.

Danville, Danville Coop. Elevator, Danville Cooperative Association.

Dighton, Farmers Elevator, The Farmers Cooperative Elevator and Mercantile Association.

Dillwyn, Coop Elevator, The Dillwyn Grain and Supply Company.

Dodge City, Dodge City Terminal Elevator, The Dodge City Terminal Elevator Company.

Dodge City, Casterline Elevator, Casterline Grain & Seed, Inc.

Dodge City, Grain Products Terminal Elevator, Grain Products Terminal Elevator, Inc.

Douglass, Douglass Grain Co. Elevator, James L. Taylor t/a Douglass Grain Company.

Elkhart, Addington Elevator, W. H. Addington, t/a Addington Elevator Company.

Ellsworth, Salina Terminal Elevators, The Salina Terminal Elevator Company.

Fowler, Fowler Equity Elevator "B", The Fowler Equity Exchange.

Garden City, Farmers Elevators, The Garden City Co-Operative Equity Exchange.

Garden Plain, Farmers Cooperative Elevator, The Farmers Cooperative Elevator Company.

Garfield, Garfield Co-operative Elevator, The Garfield Co-operative Company.

Grainfield, Farmers Elevator, The Gove County Cooperative Association.

Greensburg, Farmers Grain and Supply Elevator, The Farmers Grain and Supply Co. of Kiowa County, Kansas.

Gypsum, Moore Elevator, Kenneth Moore and Lorene Moore, copartners t/a Moore Grain Feed Co.

Harper, Imperial Elevator, Garretson-Grant Grain, Inc.

Haysville, Haysville Elevator, The Haysville Elevator and Supply Company.

Hazelton, Farmers Co-operative Elevators, The Farmers Co-operative Business Association.

Hickok (P. O. Ulysses), Sullivan Inc. Elevator, Sullivan, Inc.

Hickok (P. O. Ulysses), Co-Op Elevator, The Ulysses Co-Operative Oil and Supply Company.

Hugoton, Parker Elevator, H. V. Parker.

Hutchinson, Larabee Elevator, Archer-Daniels-Midland Company.

Hutchinson, C. D. Jennings Elevator, The C. D. Jennings Grain Company.

Hutchinson, Kelly Elevator, The William Kelly Milling Company.

Hutchinson, Grain Belt Elevator, The Salina Terminal Elevator Company.

Ingalls, Ingalls Grain Elevator, Ingalls Grain Incorporated.

Inman, Chase Elevator, The Chase Grain Co., Inc.

Joy, Farmers Grain and Supply, The Farmers Grain and Supply Co. of Kiowa County, Kansas.

Junction City, Mid-Continent Elevators, S. H. Sampson and D. L. Sampson copartners t/a Sampson Brothers.

Kalvesta, Bosse Elevator, Bosse Grains, Inc.

Kanorado, Coffey Elevator, The Coffey Grain Company, Inc.

Kanorado, Kanorado Co-op Elevator, The Kanorado Co-operative Association.

Kansas City, I. H. Elevator, Rodney Milling Company.

Kansas City, Farmers Union Fairfax Elevator, The Farmers Union Jobbing Association.

Kansas City, River-Rail Elevator, Bartlett and Company Grain.

Kensington, Kensington Coop Elevators, The Kensington Cooperative Association.

Kiowa, Bowersock Elevator, The Bowersock Mills & Power Company.

Kiowa, O. K. Elevators, The O. K. Co-operative Grain & Mercantile Company.

Kismet, Equity Elevator, The Plains Equity Exchange and Co-Operative Union.

Larned, Pawnee Elevators, The Pawnee County Cooperative Association.

Lawrence, Concrete Elevator, The Bowersock Mills & Power Company.

Lehigh, Farmers Elevators, The Farmers Co-Operative Grain and Merchantile Company.

Leoti, C. D. Jennings Elevator, The C. D. Jennings Grain Company.

Lindsborg, Lindsborg Mill Elevator, Rodney Milling Company.

Lowe (P. O. Holcomb), Farmers Elevators, The Garden City Co-Operative Equity Exchange.

Lyons, Consolidated Elevator, The Consolidated Flour Mills Company.

Lyons, Central Kansas Elevator, The Salina Terminal Elevator Company.

McPherson, Chase Elevator, The Chase Grain Co., Inc.

McPherson, K. B. R. Milling Company Elevator, Rodney Milling Company.

Macksville, English Bros. Elevator, Robert H. English and William T. English, copartners t/a English Grain Company.

Maize, Maize Mills Elevator, Maize Mills, Inc.

Meade, The Co-operative Elevators, The Co-Operative Elevator and Supply Company.

Milepose (P. O. Ulysses), Co-op Elevator, The Ulysses Co-Operative Oil and Supply Company.

Moscow, Thurow Elevator, Milton M. Thurow, Ralph V. Thurow and Orville W. Thurow, copartners t/a Carl G. Thurow & Sons.

Mullinville, Equity Exchange Elevator, The Equity Grain and General Merchandise Exchange.

Mulvane, Mulvane Co-op Elevator, The Mulvane Cooperative Union.

Newton, Ross Elevator, American Flours, Inc.

Ottawa, Ottawa Co-op Elevator, The Ottawa Cooperative Association.

Overbrook, Overbrook Farmers Co-op Elevator, The Overbrook Farmer's Union Co-Operative Association.

Oxford, Parity Mills, Parity Mills, Inc.

Park, Farmers Elevator, The Gove County Cooperative Association.

Plains, Equity Elevator, The Plains Equity Exchange and Co-operative Union.

Pleasanton, Pleasanton Mill Elevator, Pleasanton Mill & Elevator Company, Inc.

Pierceville, Farmers Elevators, The Garden City Co-Operative Equity Exchange.

Pierceville, Christensen Elevator, Christensen Grain, Inc.

Protection, Farmers Elevator, The Protection Cooperative Supply Company.

Roxbury, Moore Elevator, Kenneth Moore and Lorene Moore, copartners t/a Moore Grain and Feed Co.

Russell, Russell Milling Company Elevator, Rodney Milling Company.

St. Francis, Equity Elevator, The St. Francis Mercantile Equity Exchange.

Scott City, Scott City Elevator, The Scott City Grain Company, Inc.

Sedgwick, The Sedgwick Alfalfa Mills, Sedgwick Alfalfa Mills, Inc.

Shields, Shields Farmers Elevator, The Farmers Cooperative Elevator and Mercantile Association.

South Haven, Kopper Elevator, Wm. Kopper t/a Wm. Kopper Grain Co.

Sterling, Farmers Elevator, The Farmers Cooperative Union.

Sublette, Riffe Bros. Elevator, Riffe Bros. Co., Inc.

Sublette, Haskell County Elevator, Haskell County Grain Company, Inc.

Syracuse, Jackson Elevator, Jackson Grain Co., Inc.

Tennis (P. O. Friend), Farmers Elevators, The Garden City Co-Operative Equity Exchange.

Tice (P. O. Copeland), Tice Elevator, Riffe Bros. Co., Inc.

Timken, Timken Coop Elevator, The Timken Cooperative Association.

Topeka, Farmers Union Terminal Elevator, The Farmers Union Jobbing Association.

Ulysses, Co-Op Elevator, The Ulysses Co-Operative Oil and Supply Company.

Ulysses, Sullivan Inc. Elevator, Sullivan, Inc.

Valley Center, Farmers Elevator, E. Carl Jones, t/a Valley Center Farmers Elevator.

Wellington, Larabee Elevator, Archer-Daniels-Midland Company.

Wellington, Hunter Elevators, The Hunter Milling Company.

Whitewater, Whitewater Elevator, The Whitewater Flour Mills Company.

Wichita, Public Terminal Elevator, The Public Terminal Elevator Company.

Wichita, Wichita Flour Mills Elevator, The Wichita Flour Mills Company.

Wilmore, Wilmore Elevator, The Bowersock Mills & Power Company.

Wilroads, Co-op Elevator, The Wright Co-operative Exchange.

Wilson, Kyner Elevator, Kyner Elevators, Inc.

Wilson, Soukup Elevator, Arthur C. Soukup, t/a Soukup Grain Company.

Wolf, Farmers Elevators, The Garden City Co-Operative Equity Exchange.

Wright, Co-op Elevators, The Wright Co-operative Exchange.

Zenda, Farmers Co-op Elevators, The Zenda Grain and Supply Company.

Zenith, Farmers Elevator, Zenith Cooperative Grain Company.

KENTUCKY

Henderson, Co-Operative Elevator, Ohio Valley Soy Bean Co-operative.

Hickman, Hickman Elevator, Browder Milling Company, Incorporated.

Lexington, Lexington Roller Mills Elevator, Lexington Roller Mills, Inc.

Louisville, Kentucky Public Elevator, The Early and Daniel Company.

Louisville, Cargill Louisville Elevator, Cargill, Incorporated.

Louisville, Gold Proof Elevator, Indiana Farm Bureau Cooperative Association, Inc.

Louisville, Continental Elevator, Continental Grain Company.

LOUISIANA

Abbeville, Planters Warehouse, Farmers Warehouse Company.

Crowley, Peoples Warehouse, Farmers Warehouse Company.

Crowley, Acadia Warehouse, Farmers Warehouse Company.

Eunice, Eunice Rice Drier Warehouse, Farmers Warehouse Company.

Gueydan, Gueydan Warehouse, Farmers Warehouse Company.

Jennings, Northern Warehouse, Farmers Warehouse Company.

Kaplan, Agnes Warehouse, Farmers Warehouse Company.

Lake Charles, Lake Charles Warehouse, Farmers Warehouse Company.

Port Allen, Port of Baton Rouge Grain Elevator, Cargill, Incorporated.

Rayne, Rayne Warehouse, Farmers Warehouse Company.

Roanoke, Roanoke Warehouse, Farmers Warehouse Company.

Shreveport (Moore Station), Cargill Shreveport Elevator, Cargill, Incorporated.

MARYLAND

Baltimore, Cargill Mt. Clare Elevator, Cargill, Incorporated.

Westminster, Shafer Brothers Elevator, Lewis W. Shafer, Lewis W. Shafer, Jr., Joseph A. Shafer and Lindsay B. Shafer, t/a Shafer Brothers.

MICHIGAN

Adrian, Adrian Elevator, Adrian Grain Company.

Augusta, Knappen Elevator, Knappen Milling Company.

Chelsea, Chelsea Mill Elevator, Chelsea Milling Company.

Clinton, Atlas Feed & Grain Co. Elevator, Atlas Feed & Grain Co.

Dowagiac, Dowagiac Milling Company Elevator, The Dowagiac Milling Company.

Hillsdale, Stock Elevator, F. W. Stock & Sons, Inc.

Lowell, King Milling Company Elevator, King Milling Company.

Ottawa Lake (RR No. 2), Terminal Elevator, Michigan Elevator Exchange.

Tecumseh, Hayden Mill Elevator, Hayden Flour Mills, Inc.

MINNESOTA

Breckenridge, Cargill Elevator, Cargill, Incorporated.

Columbia Heights, Northwest Elevator, Cargill, Incorporated.

Crookston, Cargill Elevator, Cargill, Incorporated.

Marshall, Cargill Elevator, Cargill, Incorporated.

New Ulm, Burdick Elevator, Burdick Grain Company.

Red Wing, Burdick Red Wing Elevator, Burdick Elevator Company.

Savage, Port Cargill Elevator "A", Cargill, Incorporated.

Sleepy Eye, Cargill Elevator, Cargill, Incorporated.

St. Paul, Capital B Elevator, International Milling Company.

Wesota (P. O. Gluek), Cargill Elevator, Cargill, Incorporated.

Winona, Elevator "F", Winona Elevator Corporation.

MISSISSIPPI

Greenville, Delta Rice Growers Warehouse, Delta Rice Growers Association (A. A. L.).

Greenville, Greenville Warehouse, Mississippi Rice Warehouse Company.

Leland, Leland Warehouse, Mississippi Rice Warehouse Company.

Natchez, Cargill Natchez Elevator, Cargill, Incorporated.

MISSOURI

Aurora, M. F. A. Milling Company, M. F. A. Milling Company.

Boonville, Boonville M. F. A. Elevator, M. F. A. Central Cooperative.

Caruthersville, River Warehouse & Elevator, Missouri Soybean Co.

Clinton, Larabee Elevator, Archer-Daniels-Midland Company.

Dearborn, Halferty Bros. Elevator, Halferty Bros., Inc.

Hamilton, Dannen Elevator, Dannen Grain and Milling Company.

Hannibal, Hannibal Terminal Elevator, Hannibal Grain Terminal, Inc.

Hayti, Hayti Elevator, Missouri Soybean Co.

Higginsville, Higginsville Flour Mill Warehouse, Dixie-Portland Flour Company.

Independence, Waggoner-Gates Elevator, Waggoner-Gates Milling Company.

Kansas City, Boulevard Elevator, Rodney Milling Company.

Kennett, Kennett Soybean Elevator, E. M. Regenold d/b/a Kennett Soybean Co.

Knob Noster, Knob Noster Elevator, W. J. Carr and Louis P. Lay, t/a Knob Noster Elevator Company.

La Monte, La Monte Elevator, Louis P. Lay, W. J. Carr, Ernest L. Jones, W. C. Jones and G. L. Reynolds, copartners t/a La Monte Elevator Co.

Lexington, Lafayette Elevator, Lafayette Elevator Co.

Louisiana, M. F. A. Cooperative Elevator, Missouri Farmers Association, Inc.

Maryville, Dannen Elevator, Dannen Grain and Milling Company.

Mexico, M. F. A. Cooperative Elevator, Missouri Farmers Association, Inc.

Milan, Milan Grain Company's Elevator, Dannen Grain and Milling Company.

No. Kansas City, Monarch Elevator, Archer-Daniels-Midland Company.

No. Kansas City, F M A Elevator, Flour Mills of America, Inc.

No. Kansas City, International Milling Company Elevator, International Milling Company.

Osage City, Osage City Elevator, W. A. Rootes and Company.

Rea, Rea Elevator, Rea Grain & Feed Co.

St. Joseph, Dannen Elevators, Dannen Grain and Milling Company.

St. Joseph, Bartlett Elevator, Bartlett and Company Grain.

St. Joseph, Larabee Elevator, Archer-Daniels-Midland Company.

St. Joseph, Farm Service Center, Farm Service Center of St. Joseph, Inc.

St. Joseph, Burlington Elevator, Pillsbury Mills, Inc.

St. Louis, Albrecht Elevator, Albrecht Feed and Elevator Company.

St. Louis, Missouri-Pacific Elevator, Continental Grain Company.

St. Louis, Brooklyn Street Elevators, Continental Grain Company.

St. Louis, Elevator "C", Continental Grain Company.

St. Louis, Corneli Elevator, Corneli Seed Company.

St. Louis, Norris Elevator, Norris Grain Corporation.

St. Louis, F. M. A. Elevator, Flour Mills of America, Inc.

St. Louis, Elam Elevator, Elam Grain Company.

Springfield, Tindle Elevator, Tindle Milling Company.

Springfield, M. F. A. Milling Company, M. F. A. Milling Company.

Tebbetts, Rootes Elevator, W. A. Rootes and Company.

Warrensburg, Innes Elevator Mills, J. L. Innes and R. A. Innes, copartners t/a Innes Elevator Mills.

NEBRASKA

Ainsworth, Rogers Elevators, Rogers Grain and Feed Co.

Ashland, Kuhl-Reece Company's Elevator, Kuhl-Reece Company.

Aurora, Hord Elevator, T. B. Hord Grain Company.

Bancroft, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Beaver Crossing, Farmers Elevators, Farmers' Grain Company of Beaver Crossing.

Beemer, Continental Elevator, Continental Grain Company.

Bellwood, Farmers Elevator, Farmers Cooperative Grain Company.

Benedict, Farmers Grain Association Elevator, Farmers Co-Operative Grain Association of Benedict, Nebraska.

Benkelman, Benkelman Elevators, Independent Elevators, Inc.

Berea, Deaver Elevator, Stephen Deaver t/a Deaver Grain Company.

Bixby, Bixby Cooperative Elevator, Bixby Nonstock Cooperative Company.

Blair, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Bloomfield, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Bristow, Continental Elevator, Continental Grain Company.

Bruno, Continental Elevator, Continental Grain Company.

Carroll, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Cedar Bluffs, Farmers Elevators, The Farmers Union Co-Operative Association of Cedar Bluffs, Nebraska.

Central City, U. P. Elevator, T. B. Hord Grain Company.

Chapman, Hord Elevator, T. B. Hord Grain Company.

Chappell, Farmers Elevators, Farmers Elevator Company.

Coleridge, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Columbus, Hord Elevator, T. B. Hord Grain Company.

Concord, Crowell Elevator, Crowell Elevator Company.

Cornlea, Continental Elevator, Continental Grain Company.

Craig, Farmers Union Elevator, Farmers Union Co-Operative Association.

Craig, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Creighton, Continental Elevator, Continental Grain Company.

Crete, Crete Mills Division Elevator, Lauhoff Grain Company.

Dixon, Crowell Elevator, Crowell Elevator Company.

Doane, Doane Elevators, Independent Elevators, Inc.

Dodge, Crowell Elevator, Crowell Elevator Company.

Dorchester, Farmers' Elevators, The Dorchester Farmers Co-operative Grain and Livestock Company.

Duncan, Hord Elevator, T. B. Hord Grain Company.

Durant (P. O. Stromsburg), Richters Elevator, Elmer H. Richters t/a Durant Grain Company.

Eagle, Continental Elevator, Continental Grain Company.

Elsie, Cooperative Elevator, Elsie Equity Cooperative Exchange.

Elsie, Kellogg Elevator, O. M. Kellogg t/a O. M. Kellogg Grain Company.

Emerson, Brandt Elevator, William Brandt (or W. H. Brandt) and Mae Brandt joint

tenants with right of survivorship trading as Brandt Grain Company.

Fairbury, Farmers Union Co-op Elevator, Farmers Union Co-operative Association of Fairbury, Nebraska.

Fremont, Elevator "B", Westcentral Cooperative Grain Company.

Fremont, Nebraska Consolidated Mills Elevator, Nebraska Consolidated Mills Company.

Geneva, Koehler Elevator, A. Koehler Company.

Gibbon, Gibbon Elevator, T. B. Hord Grain Company.

Grainton, Kellogg Elevator, W. J. Moon and J. E. Kellogg, copartners t/a Kellogg Grain Company.

Grand Island, Nebraska Consolidated Mills Elevator, Nebraska Consolidated Mills Company.

Grant, Co-Operative Elevator, The Grant Co-operative Exchange.

Grant, Kellogg Elevator, W. J. Moon and J. E. Kellogg, copartners t/a Kellogg Grain Company.

Grant, Producers Elevator, Producers Grain Company, Inc.

Hartington, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Hartington, Hartington Elevator, Hartington Elevator Company.

Harvard, Farmers Elevators, The Farmers Union Co-operative Elevator Company.

Hemingford, Farmers Co-Operative Elevator, Farmers Co-operative Elevator Company.

Herman, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Imperial, Farmers Elevator, The Imperial Co-operative Equity Exchange.

Jacinto (P. O. Dix), Point of Rocks Elevator, Point of Rocks Elevators, Inc.

Kearney, Elevator "C", Westcentral Cooperative Grain Company.

Laurel, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Lincoln, Hill-Fairchild Elevator, Hill-Fairchild Feed Co.

Lincoln, Elevator "D", Westcentral Cooperative Grain Company.

Lincoln, Gooch Mill Elevators, Gooch Feed Mill Company.

Lindsay, Continental Elevator, Continental Grain Company.

Lyons, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Lyons, Lyons Grain & Lumber Company's Elevator, Paul E. Christensen, t/a Lyons Grain & Lumber Company.

Madrid, Kellogg Elevator, W. J. Moon and J. E. Kellogg, copartners t/a Kellogg Grain Company.

Magnet, Crowell Elevator, Crowell Elevator Company.

Maywood, Farmers Elevators, Maywood Co-operative Equity Exchange.

Meadow Grove, Continental Elevator, Continental Grain Company.

Monowi, Continental Elevator, Continental Grain Company.

Nebraska City, Nebraska City Elevator, The Nebraska City Grain Company.

Nebraska City, Bartlett Elevator, Bartlett and Company Grain.

Newman Grove, Crowell Elevator, Crowell Elevator Company.

North Bend, North Bend Elevator, North Bend Grain Company.

Oakdale, Oakdale Elevator, Holmquist Elevator Company.

Oakland, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Ogallala, Cogil Elevators, C. R. Cogil t/a Ogallala Grain Company.

Omaha, Milwaukee Elevator "A", J. LeRoy Welsh, Helen V. Welsh, Harold B. Waller and James L. Welsh, Jr., copartners t/a Butler-Welsh Grain Company.

Omaha, Missouri Pacific Elevator, Continental Grain Company.

Omaha, Nebraska-Iowa Elevator, Nebraska-Iowa Grain Company.

Omaha, Federation Elevator, Farmers Union Co-Operative Elevator Federation.

Omaha, Illinois Central Elevator, Norris Grain Company of Nebraska.

Omaha, Nebraska Consolidated Mills Elevator, Nebraska Consolidated Mills Company.

Omaha, Elevator "A", Westcentral Cooperative Grain Company.

Osceola, Farmers Grain Elevator, Farmers Cooperative Grain Co.

Osceola, Smith Elevator, Smith Grain Company.

Parks, Parks Elevator, Independent Elevators, Inc.

Petersburg, Crowell Elevators, Crowell Elevator Company.

Platte Center, Hord Elevator, T. B. Hord Grain Company.

Potter, Point of Rocks Elevator, Point of Rocks Elevators, Inc.

Potter, Farmers Elevators, Potter Cooperative Grain Company.

Ranch Spur (P. O. Herman), Ranch Spur Grain Company Elevator, Ranch Spur Land Corporation.

Ravenna, Nebraska Consolidated Mills Elevator, Nebraska Consolidated Mills Company.

Richland, Farmers Elevators, Farmers Union Co-Operative Association.

Rogers, Golden West Elevator, Gerald Ehernberger d/b/a Golden West Elevator.

Rogers, Rogers Elevator, North Bend Grain Company.

Rosalie, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Roscoe, Hull Elevator, C. L. Hull t/a Hull Grain Co.

Rushville, Northwest Elevators, George A. Bacus and Rebecca M. Bacus, joint tenants with right of survivorship and not tenants in common, t/a Northwest Grain Company.

Schuyler, Golden West Grain Company's Elevator, Golden West Grain Company.

Scribner, Farmers Elevator, Farmers Cooperative Mercantile Company, Non-Stock.

Scribner, Scribner Elevator, Lydia C. Weaver, d/b/a Scribner Grain and Lumber Company.

Seward, Continental Elevator, Continental Grain Company.

Shelton, Continental Elevator, Continental Grain Company.

Staplehurst, Continental Elevator, Continental Grain Company.

Strang, Strang Grain Elevator, Strang Lumber and Grain Company.

Stromsburg, Farmers Elevators, Farmers Cooperative Grain Association of Stromburg.

Stuart, Krotter Elevator, William Krotter Co.

Superior, Scoular-Bishop Elevator, Scoular-Bishop Grain Company.

Tekamah, Farmers Elevator, Farmers Non-Stock Cooperative Grain Association.

Tekamah, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Thurston, Merry Elevator, Alvin Merry, t/a Merry Grain & Lumber Co.

Tilden, Continental Elevator, Continental Grain Company.

Ulysses, Farmers Grain and Supply Company's Elevators, Farmers Grain and Supply Company.

Utica, Utica Cooperative Grain Company's Elevators, Utica Cooperative Grain Company.

Venango, Dudden Elevator, Dudden Elevator, Inc.

Venango, Farmers' Elevators, Farmers Union Cooperative Grain Company of Venango, Nebraska.

Verdel, Continental Elevator, Continental Grain Company.

Wallace, Kellogg Elevator, O. M. Kellogg, t/a O. M. Kellogg Grain Company.

Walthill, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Waterbury, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Wauneta, Farmers Elevator, Farmers Cooperative Exchange.

Winnebago, Holmquist Elevator, The Holmquist Grain and Lumber Company.

Winnebago, McCluhan Elevator, Neil R. McCluhan, t/a McCluhan Grain Company.

Winnetoon, Continental Elevator, Continental Grain Company.

NEW MEXICO

Clovis, Farmers Cooperative Elevators, Farmers Cooperative Elevators, Inc.

Clovis, El Rancho Elevator, El Rancho Milling Co. (No Stockholders' Liability).

Clovis, New Mexico Mill Elevator, New Mexico Mill & Elevator Co. (No Stockholders' Liability).

Clovis, Worley Mills Elevator, Worley Mills, Inc. (No Stockholders' Liability).

Grier, Farmers Cooperative Elevators, Farmers Cooperative Elevators, Inc.

Melrose, Farmers Cooperative Elevators, Farmers Cooperative Elevators, Inc.

Melrose, El Rancho Elevator, El Rancho Milling Co. (No Stockholders' Liability).

Portales, Worley Mills Elevator, Worley Mills, Inc. (No Stockholders' Liability).

Tucumcari, Farmers Elevator, Farmers Cooperative Association.

NEW YORK

Albany, Port of Albany Elevator No. 1, Cargill, Incorporated.

Buffalo, Pillsbury Pool Elevator, Pillsbury Mills, Inc.

Buffalo, Cargill Superior Elevator, Cargill, Incorporated.

Buffalo, Cargill Electric Elevator, Cargill, Incorporated.

NORTH CAROLINA

Norwood, Norwood Grain Elevator, T. Herbert Lee, t/a Lee Milling Company.

Washington, Cargill Washington, N. C. Elevator, Cargill, Incorporated.

Washington, Continental Elevator, Continental Grain Company.

Wilson, Cargill Elevator, Cargill, Incorporated.

Belcross, Tom Sawyer & Son Grain Elevator, Warehouse Superintendent of the State of North Carolina.

Belhaven, Latham Grain Warehouse, Warehouse Superintendent of the State of North Carolina.

Englehard, R. L. Gibbs and Company Grain Elevator, Warehouse Superintendent of the State of North Carolina.

Greenville, G. E. Grain Mills, Inc. Warehouse, Warehouse Superintendent of the State of North Carolina.

Hickory, Hickory Grain Elevator, Warehouse Superintendent of the State of North Carolina.

Laurinburg, Laurinburg Milling Company Warehouse, Warehouse Superintendent of the State of North Carolina.

Monroe, Griffin Implement and Milling Co. Warehouse, Warehouse Superintendent of the State of North Carolina.

Mount Olive, Mount Olive Grain Elevator, Warehouse Superintendent of the State of North Carolina.

Newton, Catawba Grain Elevator, Warehouse Superintendent of the State of North Carolina.

Newton Grove, House Grain Elevator, Warehouse Superintendent of the State of North Carolina.

OHIO

Chillicothe, Standard Elevator, The Standard Elevator and Supply Company.

Cincinnati, Fairmount and Riverside Elevators, The Early and Daniel Company.

Columbus, Farm Bureau Columbus Elevator, The Farm Bureau Cooperative Association, Inc.

Columbus, Continental Elevator, Continental Grain Company.

Columbus, Eshelman Elevator, Eshelman Grain, Inc.

Coshocton, Coshocton Elevator, Coshocton Grain Co.

Coshocton, Farmers Exchange, The Coshocton Farmers Exchange Company.

Dover, Dover Mill, The Dover Milling Co.

Fostoria, Fostoria Elevator, The Ohio Farmers' Grain Corporation.

Fostoria, Mennel Elevator, The Mennel Milling Company.

Harrison, J. A. Cornelius Grain Elevator, J. A. Cornelius.

Lima, Equity Elevator, The Ohio Equity Exchange Company.

Mansfield, Cleveland Mansfield Elevator F, The Cleveland Grain Company, Inc.

Marion, Marion Ohio Elevator, The Kansas Milling Company.

Maumee, Cargill Toledo Elevator, Cargill, Incorporated.

Shelby, Shelby Equity Elevator, The Shelby Equity Exchange Company.

Toledo, Continental Elevator, Continental Grain Company.

Toledo, Norris Toledo Elevators, Norris Grain Company.

Toledo, Industrial Soya Elevator, A. A. Bame, d/b/a Industrial Soya Co.

Union City, Parent Elevator, The John Parent Company.

Van Wert, Welker Elevator, The Welker Grain Company.

Wooster, Equity Elevator No. 2, The Ohio Equity Exchange Company.

OKLAHOMA

Alva, Alva Roller Mills Elevator, Flour Mills of America, Inc.

Baker, Riffe, Gilmore Elevator, Paul L. Wright, H. C. Riffe, George D. Riffe and Gerald L. Riffe, t/a Riffe, Gilmore and Company.

Beaver, Perryton Equity Elevator, Perryton Equity Exchange.

Bison, Farmers Elevator, The Farmers Co-Operative Association of Bison.

Blackwell, Dannen Elevator, Dannen Grain and Milling Company.

Boise City, Consumers Elevator, The Consumers Fuel Association.

Buffalo, Buffalo Farmers Elevator, The Buffalo Farmers' Co-Operative Elevator Company.

Cashion, Farmers Exchange Elevator, Farmers Exchange of Cashion.

Cherokee, Farmers Elevator, Farmers Co-operative Elevator Association.

Cherokee, Alva Roller Mills Elevator, Flour Mills of America, Inc.

Clinton, Farmers Elevator, Farmers Cooperative Association.

Clyde, Clyde Elevator, Clyde Co-operative Association.

Crescent, Crescent Cooperative Elevator, Crescent Cooperative Association.

Custer City, Farmers Elevator, Custer City Farmers Cooperative Exchange.

Deer Creek, Deer Creek Elevator, Clyde Co-operative Association.

Douglas, Farmers Elevators, Farmers Co-Operative Elevator Company of Douglas.

Enid, Continental Elevator, Continental Grain Company.

Enid, Union Equity Co-operative Exchange Elevator, Union Equity Co-operative Exchange.

Fargo, Farmers Elevator, Farmers Co-Operative Association.

Garber, Cooperative Elevator, Garber Co-operative Association.

Gibbon (P. O. Wakita), Farmers Co-operative Elevator, Farmers Co-operative Elevator Company of Wakita.

Goodwell, Farmers Elevator, Paul L. Wright and H. Gilmore, t/a Farmers Elevator Co.

Grandfield, Helton Elevator, R. I. Helton and R. M. Helton, copartners t/a Helton Elevators.

Guymon, Knutson Elevator, Knutson Elevators, Inc.

Hardesty, Perryton Equity Elevator, Perryton Equity Exchange.

Harrah, Jorski Mill, Louis Jorski, t/a Jorski Mill & Elevator Co.

Helena, Farmers Elevator, Farmers Cooperative Association.

Hennessey, Farmers Co-operative Elevator, Farmers Elevator and Co-operative Association.

Homestead, Homestead Elevator, Farmers Cooperative Elevator Association.

Hooker, Hooker Elevators, Hooker Elevators, Inc.

Hooker, Equity Exchange Elevator, The Hooker Equity Exchange.

Hough, Riffe, Gilmore Elevator, Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, t/a Riffe, Gilmore and Company.

Hydro, Farmers Elevator, Hydro Cooperative Association.

Imo, Imo Farmers Elevators, Farmers Co-operative Elevator Company.

Kelley, Kelley Elevator, Farmers Cooperative Association.

Kingfisher, Kingfisher Cooperative Elevator, Kingfisher Cooperative Elevator Association.

Knowles, Perryton Equity Elevator, Perryton Equity Exchange.

Kremlin, Farmers Elevator, Farmers Grain Company.

Lamont, Lamont Elevator, Clyde Co-operative Association.

Lawton, Cooperative Elevator, A. Lawton Cooperative Association.

Marshall, Farmers Cooperative Elevator, Farmers Cooperative Elevator Company.

May, May Elevator, Woodward Cooperative Elevator Association.

Medford, Medford Elevator, Clyde Co-operative Association.

Miami, Miami Mill Elevator, Miami Milling Company.

Mooreland, Farmers Co-Op Elevator, Farmers Co-operative Trading Company.

Mouser, Riffe, Gilmore Elevator, Paul L. Wright, H. G. Riffe, George D. Riffe and Gerald L. Riffe, t/a Riffe, Gilmore and Company.

Nardin, Cooperative Elevator, Clyde Co-operative Association.

Oklahoma City, Garrison Elevator, Garrison Milling Company, Inc.

Peckham, Dannen Elevator, Dannen Grain and Milling Company.

Pond Creek, Farmers Elevator, Farmers Grain Company.

Ranch Drive (P. O. Ponca City), Ranch Drive Elevator, Farmers Cooperative Association.

Red Rock, Farmers Co-Op. Elevator, Red Rock Farmers Co-Operative.

Renfrow, Renfrow Elevator, Clyde Co-operative Association.

Saltfork, Saltfork Elevator, Clyde Co-operative Association.

Selman, Selman Farmers Elevator, The Buffalo Farmers' Co-Operative Elevator Company.

Shawnee, Shawnee Elevator, Shawnee Milling Company.

Tonkawa, Tonkawa Elevator, Farmers Co-operative Association.

Vici, Farmer's Co-op. Association Elevator, Farmers Cooperative Association of Vici.

Wakita, Farmers Co-operative Elevators, Farmers Co-operative Elevator Company of Wakita.

Walters, Farmers Elevator, Walters Cooperative Elevator Association.

Weatherford, Co-Op Elevator, Farmers Co-operative Exchange.

Woodward, Woodward Elevator, Woodward Cooperative Elevator Association.

Yale, Dannen Elevator, Dannen Grain and Milling Company.

OREGON

Adams, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Athena, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Barnhart, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Barrett, Milton Elevator, Milton Elevator Company.

Biggs, Sherman Co-operative Grain Growers Warehouse, Sherman Co-operative Grain Growers.

Bourbon, Grass Valley Grain Growers Warehouse, Grass Valley Grain Growers, Inc.

Boyd, Boyd Union Elevator, Boyd Union Elevator.

Condon, Condon Grain Growers Warehouse, Condon Grain Growers, Inc.

DeMoss, Moro Grain Growers Warehouse, Moro Grain Growers Association.

Downing, Weston Grain Growers Warehouse, Weston Grain Growers, Inc.

Dufur, Dufur Elevator, Dufur Elevator Company.

Echo, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Enterprise, Wallowa County Grain Growers Warehouse, Wallowa County Grain Growers.

Erskine, Moro Grain Growers Warehouse, Moro Grain Growers Association.

Fulton, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Grass Valley, Eakin Elevator, Eakin Co-Operative Grain Growers.

Grass Valley, Grass Valley Grain Growers Warehouse, Grass Valley Grain Growers, Inc.

Hay Canyon, Moro Grain Growers Warehouse, Moro Grain Growers Association.

Heppner, Morrow County Grain Growers Warehouse, Morrow County Grain Growers, Inc.

Hermiston, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Hogue-Warner, Morrow County Grain Growers Warehouse, Morrow County Grain Growers, Inc.

Holdman, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Ione, Morrow County Grain Growers Warehouse, Morrow County Grain Growers, Inc.

Jordan, Jordan Elevator Company's Warehouse, Jordan Elevator Company.

Joseph, Wallowa County Grain Growers Warehouse, Wallowa County Grain Growers.

Juniper, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Kent, Grass Valley Grain Growers Warehouse, Grass Valley Grain Growers, Inc.

Klondike, Sherman Co-operative Grain Growers Warehouse, Sherman Co-operative Grain Growers.

Lakeview, Interstate Cooperative Elevator, Interstate Cooperative.

Lexington, Morrow County Grain Growers Warehouse, Morrow County Grain Growers, Inc.

Lostine, Wallowa County Grain Growers Warehouse, Wallowa County Grain Growers.

Maupin, Blue Line Exchange Warehouse, Blue Line Exchange.

McNab, Morrow County Grain Growers, Warehouse, Morrow County Grain Growers, Inc.

Mikkalo, Condon Grain Growers Warehouse, Condon Grain Growers, Inc.

Milton-Freewater, Milton Elevator, Milton Elevator Company.

Mission, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Morgan, Morgan Elevator, Orville Smith.

Moro, Moro Grain Growers Warehouse, Moro Grain Growers Association.

Newberg, Chehalem Valley Mills, Thomas A. Pfund and Dale V. Boucher, copartners t/a Chehalem Valley Mills.

North Lexington, Morrow County Grain Growers Warehouse, Morrow County Grain Growers, Inc.

North Powder, North Powder Milling and Mercantile Company's Warehouse, North Powder Milling and Mercantile Company.

Pendleton, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Pendleton, Pendleton Grain Growers Warehouse No. 2, Pendleton Grain Growers, Inc.

Pilot Rock, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.

Rew, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.
Rufus, Sherman Co-operative Grain Growers Warehouse, Sherman Co-operative Grain Growers.
Ruggs, Morrow County Grain Growers Warehouse, Morrow County Grain Growers, Inc.
Shamko, Blue Line Exchange Warehouse, Blue Line Exchange.
Sherwood, Sherwood Elevator, Thomas A. Pfund and Dale V. Boucher, copartners t/a Sherwood Mill and Elevator Company.
Sparks, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.
Umatilla, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.
Wallowa, Wallowa County Grain Growers Warehouse, Wallowa County Grain Growers.
Wasco, Sherman Co-operative Grain Growers Warehouse, Sherman Co-operative Grain Growers.
Weston, Weston Grain Growers Warehouse, Weston Grain Growers, Inc.

PENNSYLVANIA

Camp Hill, Spangler's Bonded Elevator, Spangler's Flour Mills.
Mount Joy, Spangler's Grain Elevator, Spangler's Flour Mills, Inc. of Mt. Joy.
Philadelphia, Cargill Philadelphia Elevator, Cargill, Incorporated.

SOUTH CAROLINA

Anderson, Continental Elevator, Continental Grain Company.
Orangeburg, Master Feed and Grain Company, Inc. Elevator, Master Feed and Grain Company, Inc.

SOUTH DAKOTA

Beardsley, Mullaney Elevator, J. J. Mullaney Company.
Burke, Continental Elevator, Continental Grain Company.
Cavour, Farmers Co-Operative Elevator, Farmers Co-operative Elevator Company of Cavour.
Centerville, Centerville Grain Elevator, McMaster Grain Company.
Dallas, Farmers Elevators, Farmers Co-Operative Association of Dallas, South Dakota.
Hurley, Mullaney Elevator, J. J. Mullaney Company.
Madison, Appelwick Elevator, Omer E. Appelwick, t/a Appelwick Grain.
Onida, Oahe Elevator, Oahe Grain Corporation.
Redfield, Western Grain Elevator, Western Grain, Inc.
St. Charles, Continental Elevator, Continental Grain Company.
Tyndall, Consumers' Elevator, The Consumers' Supply Co. of Tyndall, South Dakota.
Wagner, Mullaney Elevator, J. J. Mullaney Company.
Wentworth, Geo. O. Cotton & Son Elevator, Winifred L. Cotton, Eugene Cotton and Vern Tucker, copartners t/a Geo. O. Cotton & Sons.

TENNESSEE

Chattanooga, Cargill Chattanooga Elevator, Cargill, Incorporated.
Memphis, Port of Memphis Grain Elevator, Cargill, Incorporated.
Memphis, Cargill President's Island Oil Plant Elevator, Cargill, Incorporated.
Memphis, Continental Memphis Elevator, Continental Grain Company.
Memphis, Norris Elevator, Norris Grain Company.
Nashville, Continental Elevators, Continental Grain Company.
South Fulton, Fulton Elevator, Browder Milling Company, Incorporated.
Union City, Union City Elevator, Browder Milling Company, Incorporated.

TEXAS

Adrian, Wheat Growers Elevator, Adrian Wheat Growers, Inc.
Amarillo, Interstate Grain Co. Warehouse, The Kearns Grain & Seed Co., Inc.
Amarillo, Interstate Elevators, The Kearns Grain & Seed Co., Inc.
Amarillo, Producers Elevator, Producers Grain Corporation.
Anna, Sherley Elevator, W. M. Sherley t/a Sherley Elevator.
Bernstein, Bernstein Elevator, Hitch Grain Company.
Black, Black Grain Co. Elevator, Black Grain Co., Inc.
Black, Tri-County Elevator, Tri-County Elevator Company, Inc.
Booker, Booker Equity Elevator, Booker Equity Union Exchange.
Bovina, Macon Elevator, J. P. Macon.
Bovina, Sherley Elevator, Sherley Grain Co.
Bovina, Wheat Growers Elevator, Bovina Wheat Growers, Inc.
Bushland, Neely Elevator, H. T. Neely.
Canadian, Co-op Elevator, Canadian Grain Co-op.
Coleman, Coleman Community Gin Elevator, Coleman Community Gin Association.
Conway, Co-op Elevator, Conway Wheat Growers, Inc.
Corsicana, Harvest Queen Elevators, L. R. Stringer.
Dalhart, Consumers Elevator, Dalhart Consumers Fuel Association, Inc.
Dalhart, Welch Elevator, T. I. Welch and Thompson Irwin Welch, copartners t/a Welch Grain Company.
Darrouzett, Farmers Elevators, Darrouzett-Co-Operative Association.
Dawn, Dawn Co-op Elevator, Dawn Co-op.
Dimmitt, Farmers Elevator, Dimmitt Wheat Growers, Inc.
Dimmitt, Dimmitt Gin Elevator, Dimmitt Gin Company, Incorporated.
Dougherty, Producers Cooperative Elevator, Producers Cooperative Elevator.
Dumas, Co-op Elevator, Dumas Co-op.
Etter (P. O. Dumas), Etter Grain Company Elevator, Etter Grain Company, Inc.
Farnsworth, Batman Elevator, Batman Grain, Inc.
Farnsworth, Perryton Equity Elevator, Perryton Equity Exchange.
Farwell, Worley Grain Company Elevator, Worley Grain Company (No Stockholder's Liability).
Farwell, Sherley-Anderson-Pitman Elevator, Sherley-Anderson-Pitman, Inc.
Floydada, Producers Cooperative Elevator, Producers Cooperative Elevator.
Follett, Farmers Grain & Supply Co. Elevator, Farmers Grain and Supply Company of Follett.
Fort Worth, Continental Elevator, Continental Grain Company.
Fort Worth, Uhlmann Elevator, Uhlmann Elevators Company of Texas.
Fort Worth, Producers Elevator Section B, Producers Grain Corporation.
Fort Worth, Cargill Fort Worth Elevator, Cargill, Incorporated.
Fort Worth, Bewley Mills Elevator, Bewley Mills.
Friona, Santa Fe Elevator, Continental Grain Company.
Friona, Farmers Cooperative Elevator, Friona Wheat Growers, Inc.
Frisco, Frisco Elevator, Continental Grain Company.
Groom, Wheat Growers Elevator, Groom Wheat Growers, Inc.
Groom, Ledwig Elevator, Ledwig Elevators, Inc.
Groom, Wheeler-Evans Elevator, Wheeler-Evans Grain, Inc.
Hale Center, Wheat Growers Elevator, Hale Center Wheat Growers, Inc.
Hamlin, Moore Elevator, Fred B. Moore, Jr.
Haney, Haney Elevator, The Kearns Grain & Seed Co., Inc.
Hart, Farmers Grain Elevator, The Farmers Grain Company of Hart, Texas.
Hart, Hart Grain Co. Elevator, Hart Grain Co., Inc.
Hartley, Farmers Supply Company Elevators, Farmers Supply Company of Hartley, Texas.
Happy, Wheat Growers Elevator, Happy Wheat Growers, Inc.
Hereford, Bradley Elevator, Hereford Grain Corp.
Hereford, Pitman Elevator, Pitman Grain Company.
Hereford, Packard Elevator, Packard Milling Company.
Hereford, Hereford Elevator, Continental Grain Company.
Higgins, Wheat Growers Elevator, Higgins Wheat Growers, Inc.
Hitchland, Hitchland Elevator, Hitch Grain Company.
Holden Spur (P. O. Mexia), Cargill Mexia Elevator, Cargill, Incorporated.
Holden Spur (P. O. Mexia), Harvest Queen Elevators, L. R. Stringer.
Huntoon, Perryton Equity Elevator, Perryton Equity Exchange.
Kaffir (P. O. Tulia), Wheat Growers Elevator, Tulia Wheat Growers, Inc.
Kress, Kress Farmers Elevator, Kress Farmers Elevator Co. of Kress, Texas.
Lamesa, Smith-Bawden Elevator, Smith-Bawden Grain Co.
Lariat, Lariat Elevator, The Kearns Grain & Seed Co., Inc.
Lariat, Sherley-Anderson Elevator, Sherley-Anderson Grain Company.
Lockney, Patterson Elevator, Patterson Grain Company, Inc.
Lockney, Baxter & Smith Elevator, Baxter & Smith Grain Co.
Lubbock, Producers Elevator, Producers Grain Corporation.
Lubbock, Lewter Grain Company Elevator, Lewter Grain Company, Inc.
Mathis, Mathis Elevator, Mathis Grain & Elevator Corp.
Morse, Perryton Equity Elevator, Perryton Equity Exchange.
Muleshoe, Muleshoe Elevator, The Kearns Grain & Seed Co., Inc.
Muleshoe, Farmers Cooperative Elevator, Farmers Cooperative Elevator of Muleshoe, Texas.
New Braunfels, H. Dittlinger Roller Mills Elevator, Flour Mills of America, Inc.
O'Donnell, Farmers Co-Op Elevator, Farmers Co-Operative Association of O'Donnell.
Perryton, Perryton Equity Elevators, Perryton Equity Exchange.
Petersburg, Co-op Elevator, Petersburg Co-Op Grain Company.
Plainview, Harvest Queen Elevator, L. R. Stringer.
Plainview, Plainsman Elevator, Plainsman Elevators, Inc.
Plainview, Smith-Bawden Elevator, Smith-Bawden Grain Co.
Plainview, Wes-Tex Elevator, Continental Grain Company.
Port Arthur, Cargill Port Arthur Elevator, Cargill, Incorporated.
Progress, Progress Elevator, Continental Grain Company.
Saginaw, Heard Elevator, Heard Elevator Company.
Silverton, Harvest Queen Elevator, L. R. Stringer.
South Plains, Harvest Queen Elevator, L. R. Stringer.
Spearman, Perryton Equity Elevator, Perryton Equity Exchange.
Sterley, Patterson Elevator, Patterson Grain Company, Inc.
Summerfield, Pitman Grain Co., Summerfield Elev., Pitman Grain Co., Summerfield Elev.
Sunray, Sunray Co-Op Elevator, Sunray Co-Op.
Texhoma, Concrete Elevator "A", Rife Bros., Inc.
Texhoma, Wheat Growers Elevator, Texhoma Wheat Growers, Inc.
Texline, Texline Elevator, The Kearns Grain & Seed Co., Inc.
Tulia, Wheat Growers Elevator, Tulia Wheat Growers, Inc.
Tulia, Farmers Elevator, The Farmers Grain Company of Tulia, Texas.
Twitchell, Perryton Equity Elevator, Perryton Equity Exchange.
Vega, Wheat Growers Elevator, Vega Wheat Growers, Inc.
Vernon, Martin-Lane Elevator, W. N. Martin.
Waka, Perryton Equity Elevator, Perryton Equity Exchange.
Whiteley, Harvest Queen Elevator, L. R. Stringer.
Wichita Falls, Nutrena Elevator, Nutrena Mills, Inc.
Wichita Falls, Berend Bros. Elevator, P. J. Berend and L. A. Berend, copartners t/a Berend Bros.
Wildorado, Wildorado Producers Elevator, Wildorado Producers Association.

UTAH

Cache Junction, West Cache Growers Warehouse, West Cache Growers, Inc.
Logan, Superior Warehouse, Superior Feed & Storage Company.
Murray, Murray Elevator, Sterling H. Nelson & Sons, Inc.
Murray, Brookfield Elevator, Brookfield Products, Inc.
Tremonton, Stohl's Warehouse, Ervin Stohl.

VIRGINIA

Luray, Luray Elevator, The Page Milling Company.
Roanoke, City Mills Elevator, Roanoke City Mills, Incorporated.
South Norfolk, Cargill Norfolk Elevator, Cargill, Incorporated.

WASHINGTON

Albion, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Armstrong, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Asotin, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Belmont, Oakesdale Grain Growers Warehouse, Oakesdale Grain Growers, Inc.
Busby, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Canby, Edwall Grain Growers Warehouse, Edwall Grain Growers, Inc.
Cashup, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Chambers, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Chambers, Johnson Union Warehouse, Johnson Union Warehouse Company.
Colfax, Johnson-Harlow Elevator, Boyd M. Harlow, Marie E. Harlow, E. W. Johnson and Bonnie Johnson, copartners t/a Johnson-Harlow Elevator.
Colfax, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Colton, Colton Flour Mills' Warehouse, Albert C. Grams d/b/a Colton Flour Mills.
Colton, Johnson Union Warehouse, Johnson Union Warehouse Company.
Connell, Connell Grain Growers Warehouse, Connell Grain Growers, Inc.
Dayton, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Delaney, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Dodge, Pomeroy Grain Growers Warehouse, Pomeroy Grain Growers, Inc.
Edwall, Edwall Grain Growers Warehouse, Edwall Grain Growers, Inc.
Elopia, Connell Grain Growers Warehouse, Connell Grain Growers, Inc.
Endicott, Wheat Growers of Endicott Warehouse, Wheat Growers of Endicott, Inc.
Fallon, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Fairbanks, Oakesdale Grain Growers Warehouse, Oakesdale Grain Growers, Inc.
Frischnecht, Connell Grain Growers Warehouse, Connell Grain Growers, Inc.
Glenwood, Glenwood Farmers Warehouse, Glenwood Farmers Warehouse, Inc.
Hatton, Connell Grain Growers Warehouse, Connell Grain Growers, Inc.
Huntsville, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Johnson, Johnson Union Warehouse, Johnson Union Warehouse Company.
Kahlotus, Kahlotus Cooperative Elevator, Kahlotus Cooperative Elevator Company,
Longa, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Manning, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Mesa, Connell Grain Growers Warehouse, Connell Grain Growers, Inc.
Mockonema, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Oakesdale, Oakesdale Grain Growers Warehouse, Oakesdale Grain Growers, Inc.
Parvin, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Penawawa, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Powers, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Pomeroy, Pomeroy Grain Growers Warehouse, Pomeroy Grain Growers, Inc.
Pullman, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Pullman Spur, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Relief, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Ronan, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Shawnee, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Sperry, Washtucna Grain Growers Warehouse, Washtucna Grain Growers, Inc.
Starbuck, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Steptoe, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Sulphur, Connell Grain Growers Warehouse, Connell Grain Growers, Inc.
Thera, Wheat Growers of Endicott Warehouse, Wheat Growers of Endicott, Inc.
Thornton, Colfax Grain Growers Warehouse, Colfax Grain Growers, Inc.
Turner, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Warner, Oakesdale Grain Growers Warehouse, Oakesdale Grain Growers, Inc.
Washtucna, Washtucna Grain Growers Warehouse, Washtucna Grain Growers, Inc.
Waukon, Edwall Grain Growers Warehouse, Edwall Grain Growers, Inc.
Whelan, Pullman Grain Growers Warehouse, Pullman Grain Growers, Inc.
Whetstone, Columbia County Grain Growers Warehouse, Columbia County Grain Growers, Inc.
Zumwalt, Pomeroy Grain Growers Warehouse, Pomeroy Grain Growers, Inc.

WEST VIRGINIA

Huntington, Gwinn Elevator, Gwinn Bros. & Company.

WISCONSIN

Superior, Farmers Union Elevator, Farmers Union Grain Terminal Association.

WYOMING

Egbert, Point of Rocks Elevator, Point of Rocks Elevators, Inc.
Newcastle, Toomey's Mills Elevator, Toomey's Mills.
Sheridan, Sheridan Flouring Mills Elevator, Sheridan Flouring Mills, Incorporated.

C. For the storage of wood:

IDAHO

Town, Warehouse, and Warehouseman

Lewiston, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.
Nampa, Shields Warehouse, James H. Shields Jr., James T. Shields and Jane Shields Redman, d/b/a "Shields".

KANSAS

Kansas City, Bert Lyon Wool Warehouse, Bert Lyon & Company.

MICHIGAN

Saginaw, Danin Bonded Warehouse, Joe Danin.

MISSOURI

Kansas City, Bert Lyon Wool Warehouse, Bert Lyon & Company.
Kansas City, Midwest Wool Warehouse, Midwest Wool Marketing Cooperative.
St. Louis, Midwest Wool Warehouse, Midwest Wool Marketing Cooperative.

OHIO

Columbus, Ohio Wool Warehouse, The Ohio Wool Growers Cooperative Association.

OREGON

Pilot Rock, Pendleton Grain Growers Warehouse, Pendleton Grain Growers, Inc.
Portland, Pacific Wool Warehouse, Colonial Warehouse & Transfer Co.

D. For the storage of tobacco:

LOUISIANA

Town, Warehouse, and Warehouseman

Paulina, Louisiana Perique Tobacco Co. Warehouse, Ferrell J. Roussel, trading as Louisiana Perique Tobacco Co.

E. For the storage of nuts:

NORTH CAROLINA

Town, Warehouse, and Warehouseman

Lewiston, Lewiston Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Murfreesboro, Revelle Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Tarboro, Edgecombe Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.
Williamston, Martin Bonded Warehouse, Warehouse Superintendent of the State of North Carolina.

TEXAS

Giddings, Lee County Peanut Warehouse, Dorman D. Sell, t/a Lee County Peanut Company.

VIRGINIA

Emporia, Emporia Bonded Warehouse, E. A. Wright.

F. For the storage of broomcorn:

ILLINOIS

Town, Warehouse, and Warehouseman

Paris, Denning Warehouse, John L. Denning & Co., Inc.

KANSAS

Wichita, Denning Warehouse, John L. Denning & Co., Inc.

LOUISIANA

New Orleans, Denning Warehouse, The New Orleans John L. Denning & Company, Inc.

NORTH CAROLINA

Greensboro, The Denning Warehouse, The North Carolina John L. Denning & Company, Inc.

OKLAHOMA

Boise City, The Denning Warehouse Company Warehouse, The Denning Warehouse Company, Inc.

Lindsay, The Denning Warehouse Company Warehouse, The Denning Warehouse Company, Inc.

G. For the storage of beans:

CALIFORNIA

Town, Warehouse, and Warehouseman

Stockton, Wilbur-Ellis Warehouse, Wilbur-Ellis Company.

COLORADO

Arriola, San Juan Bean Growers Arriola Warehouse, San Juan Bean Growers, Inc.

Byers, Farmers Union Elevator, Farmers Union Marketing Association.

Denver, Farmers Union Elevator, Farmers Union Marketing Association.

Denver, Western States Bean Warehouse, Western States Bean Cooperative.

Dove Creek, Romer Warehouse, David L. Corlett and Jean R. Corlett, copartners t/a Romer Mercantile and Grain Co.

Fowler, Fowler Warehouse, Fowler Cooperative Association.

Pleasant View, San Juan Bean Growers Pleasant View Warehouse, San Juan Bean Growers, Inc.

Yellow Jacket, T. Gai Warehouse, Gai Warehouse, Inc.

Yellow Jacket, Mahaffey Warehouse, C. D. Mahaffey.

IDAHO

Buhl, Shields Warehouse, James H. Shields, Jr., James T. Shields and Jane Shields Redman, d/b/a "Shields".

Filer, Polson Warehouse, E. P. Polson.

Filer, Idaho Bean and Elevator Warehouse, Dudley Driscoll, Jr., Thomas W. Driscoll and James Patrick Driscoll, general partners t/a Idaho Bean & Elevator Co. of Twin Falls (a limited partnership).

Glenns Ferry, Johnson Warehouse, Jos. A. Johnson.

Gooding, Western Warehouse, R. W. Day, d/b/a Western Warehouse Co.

Hansen, L. W. Moore Warehouse, L. W. Moore.

Jerome, Growers Warehouse, Growers Warehouse Company, Inc.

Jerome, Marshall Warehouse, Marshall Warehouses, Inc.

Juliaetta, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.

Kendrick, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.

Nampa, Shields Warehouse, James H. Shields, Jr., James T. Shields and Jane Shields Redman, d/b/a "Shields".

Peck, Lewiston Grain Growers Warehouse, Lewiston Grain Growers, Inc.

Rupert, F. S. Campbell Co. Warehouse, Frank S. Campbell, d/b/a F. S. Campbell Co.

Shoshone, Beacon Elevator, Jos. A. Johnson, d/b/a Beakon Elevator Co.

Twin Falls, Idaho Bean and Elevator Warehouse, Dudley Driscoll, Jr., Thomas W. Driscoll and James Patrick Driscoll, general partners t/a Idaho Bean & Elevator Co. of Twin Falls (a limited partnership).

Twin Falls, Gem State Bean Warehouse No. 2, Gem State Bean Company, Inc.

Twin Falls, Intermountain Bean Co. Warehouse, Intermountain Bean Co., Inc.

Wendell, Marshall Warehouse, Marshall Warehouses, Inc.

TEXAS

Texline, Texline Elevator, The Kearns Grain & Seed Co., Inc.

WYOMING

Basin, Big Horn Co-operative Warehouse, Big Horn Co-operative Marketing Association.

Lovell, Big Horn Co-operative Warehouse, Big Horn Co-operative Marketing Association.

Powell, Big Horn Co-operative Warehouse, Big Horn Co-operative Marketing Association.

H. For the storage of sirup:

CALIFORNIA

Town, Warehouse, and Warehouseman

Alhambra, B-Z-B Warehouse, H. H. Schumacher, t/a B-Z-B Honey Company.

Anaheim, Anaheim Warehouse, Sioux Honey Association, Cooperative.

GEORGIA

Waycross, Waycross Warehouse, Sioux Honey Association, Cooperative.

IOWA

Sioux City, Sioux Honey Association Warehouse, Sioux Honey Association Cooperative.

OHIO

Lima, Lima Warehouse, Sioux Honey Association, Cooperative.

TEXAS

Rogers, Rogers Honey Warehouse, Sioux Honey Association, Cooperative.

I. For the storage of canned foods:

INDIANA

Town, Warehouse, and Warehouseman

Summitville, Summitville Bonded Warehouse, Robert L. DeHority.

Terre Haute, Distributors Terminal Warehouse, Distributors Terminal Corporation.

NEW MEXICO

Deming, Deming Warehouse, Deming Vegetable Co-Op.

VIRGINIA

Walkerton, Walkerton Warehouse, Wesley D. Draine.

J. For the storage of cottonseed:

ARKANSAS

Town, Warehouse, and Warehouseman

Evadale (P. O. Wilson), Delta Products Warehouse, Delta Products Company.

Helena, Helena Cotton Oil Company's Warehouse, Helena Cotton Oil Company, Inc.

K. For the storage of seeds:

MISSOURI

Town, Warehouse, and Warehouseman

Kansas City, Peppard Warehouses, Peppard Seeds, Inc.

UTAH

Delta, Moody Brothers Warehouse, M. W. Moody and E. L. Moody, copartners t/a Moody Brothers.

Myton, Moody Brothers Warehouse, M. W. Moody and E. L. Moody, copartners t/a Moody Brothers.

L. For the storage of cold pack fruit:

IDAHO

Town, Warehouse, and Warehouseman

Nampa, Terminal Ice & Cold Storage Warehouse, The Terminal Ice & Cold Storage Company.

M. For the storage of cherries in brine:

OREGON

Town, Warehouse, and Warehouseman

The Dalles, Co-op Cherry Growers Warehouse, Thomas R. Hudson.

The Dalles, Columbia Fruit Growers Warehouse, Thomas R. Hudson.

Done at Washington, D. C., this 8th day of March 1957.

[SEAL] GEORGE A. DICE,
Director,
Special Services Division.

[F. R. Doc. 57-1884; Filed, Mar. 14, 1957; 8:45 a. m.]

Rural Electrification Administration

[Administrative Order 5669]

MISSOURI

LOAN ANNOUNCEMENT

FEBRUARY 4, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Missouri 19T Boone	$530,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-1965; Filed, Mar. 14, 1957; 8:48 a. m.]

[Administrative Order 5670]

MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 4, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Minnesota 18X Douglas	$365,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-1966; Filed, Mar. 14, 1957; 8:48 a. m.]

[Administrative Order 5671]

TEXAS

LOAN ANNOUNCEMENT

FEBRUARY 6, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	*Amount*
Texas 83Z Fisher	$1,524,000

[SEAL] DAVID A. HAMIL,
Administrator.

[F. R. Doc. 57-1967; Filed, Mar. 14, 1957; 8:48 a. m.]

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UNIVERSITY OF MICHIGAN MAR 1957 MAIN READING ROOM

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 428.1]

PART 331—POLICIES AND AUTHORITIES

AVERAGE VALUES OF FARMS: VIRGINIA

On February 27, 1957, for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 331.17, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

VIRGINIA

County	*Average value*	*County*	*Average value*
Accomack	$25,000	Henry	$25,000
Albemarle	30,000	Highland	30,000
Alleghany	30,000	Isle of Wight	22,000
Amelia	22,000	James City	25,000
Amherst	25,000	King and Queen	25,000
Appomattox	22,000	KingWilliam	25,000
Augusta	30,000	Lancaster	25,000
Bath	30,000	Lee	25,000
Bedford	25,000	Loudoun	30,000
Botetourt	25,000	Louisa	25,000
Brunswick	22,000	Lunenburg	22,000
Buckingham	25,000	Madison	25,000
Campbell	22,000	Mathews	25,000
Carroll	25,000	Mecklenburg	22,000
Charlotte	22,000	Middlesex	25,000
Clarke	30,000	Montgomery	25,000
Craig	25,000	Nansemond	22,000
Culpeper	30,000	Nelson	25,000
Cumberland	25,000	Norfolk	22,000
Essex	25,000	Northampton	25,000
Fairfax	30,000	Northumberland	25,000
Fauquier	30,000	Nottoway	22,000
Floyd	25,000	Page	30,000
Fluvanna	25,000	Patrick	25,000
Franklin	25,000	Pittsylvania	22,000
Frederick	30,000	Powhatan	25,000
Giles	25,000	Prince Edward	22,000
Gloucester	25,000	Princess Anne	22,000
Goochland	25,000	Prince William	30,000
Grayson	25,000	Pulaski	25,000
Greene	25,000	Rappahannock	30,000
Greensville	22,000	Richmond	25,000
Halifax	22,000	Roanoke	25,000
Hanover	25,000	Rockbridge	30,000
		Rockingham	30,000
		Russell	25,000
		Scott	25,000
		Shenandoah	30,000
		Smyth	25,000
		Southampton	22,000
		Surry	22,000
		Sussex	22,000
		Tazewell	25,000
		Warren	30,000
		Washington	25,000
		Westmoreland	25,000
		Wythe	25,000

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated: March 4, 1957.

[SEAL] K. H. HANSEN,
Administrator,
Farmers Home Administration.

[F. R. Doc. 57-2007; Filed, Mar. 15, 1957; 8:47 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FROZEN LIMA BEANS[1]

PRODUCT DESCRIPTION

On November 10, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 8777) regarding the amendment of United States Standards for Grades of Frozen Lima Beans.

After considering all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Frozen Lima Beans is hereby promulgated pursuant

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

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to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

The amendment is as follows:

Section 52.501 is amended to read as follows:

§ 52.501 *Product description.* "Frozen lima beans" means the frozen product prepared from the clean, sound, succulent seed of the lima bean plant without soaking, by shelling, washing, blanching, and properly draining, and is then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

This amendment shall become effective 30 days after the date of its publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: March 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2031; Filed, Mar. 15, 1957; 8:51 a. m.]

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF SUGARCANE SIRUP [1]

On October 2, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 7544) regarding a proposed revision of United States Standards for Grades of Sugarcane Sirup.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Sugarcane Sirup are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, TYPES, AND GRADES

Sec.
52.3101 Product description.
52.3102 Types of sugarcane sirup.
52.3103 Grades of sugarcane sirup.

FILL OF CONTAINER

52.3104 Recommended fill of container.

FACTORS OF QUALITY

52.3105 Ascertaining the grade.
52.3106 Ascertaining the score for the factors which are rated.
52.3107 Color.
52.3108 Flavor.
52.3109 Defects.
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DEFINITIONS AND METHODS OF ANALYSIS

52.3111 Color of sugarcane sirup.
52.3112 Application of U. S. D. A. permanent glass color standards in classifying the color of sugarcane sirup.
52.3113 Soluble solids; Brix value.
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52.3118 Methods of analysis.

LOT CERTIFICATION TOLERANCES

52.3119 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3120 Score sheet for sugarcane sirup.

AUTHORITY: §§ 52.3101 to 52.3120 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, AND GRADES

§ 52.3101 *Product description.* Sugarcane sirup is the clean, sound liquid product obtained by evaporating the juice of sugarcane without the removal of any of the soluble solids or by dissolving sugarcane concrete in water, and is produced and packed in accordance with good commercial practice.

§ 52.3102 *Types of sugarcane sirup.* The type of sugarcane sirup is not incorporated in the grades of the finished product since the type of sugarcane sirup, as such, is dependent upon the method of preparation and processing and, therefore, is not a factor of quality for the purpose of these grades. Sugarcane sirup may be prepared and processed as one of the following types:

(a) "Sulfured sugarcane sirup" means sugarcane sirup which is made by the sulfitation process and contains not more than 100 parts per million of sulfur dioxide.

(b) "Unsulfured sugarcane sirup" means sugarcane sirup which is not made by the sulfitation process.

(c) It is recommended that sugarcane sirup of these types contain not less than 74 percent, by weight, of soluble solids (74° Brix; 39.50° Baume').

(d) The maximum ash content recommended for the respective type of sugarcane sirup is given in Table No. 1 of this section.

TABLE NO. 1—RECOMMENDED MAXIMUM ASH CONTENT FOR THE RESPECTIVE TYPE OF SUGARCANE SIRUP

Type of sugarcane sirup:	*Ash (percent)*
Unsulfured	4.5
Sulfured	6.0

§ 52.3103 *Grades of sugarcane sirup.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of sugarcane sirup that possesses a good color; that possesses a good flavor; that is practically free from defects; that is practically clear; and that for those factors which are rated in accordance with the scoring system outlined in this subpart the score is not less than 90 points: *Provided,* That the sugarcane sirup may possess a reasonably good color and may be reasonably clear if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of sugarcane sirup that possesses a reasonably good color; that possesses a reasonably good flavor; that is reasonably free from defects; that is reasonably clear; and that scores not less than 80 points when rated in accordance with the scoring system outlined in this subpart.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of sugarcane sirup that possesses a fairly good color; that possesses a fairly good flavor; that is fairly free from defects; that is fairly clear; and that scores not less than 70 points when rated in accordance with the scoring system outlined in this subpart.

(d) "Substandard" is the quality of sugarcane sirup that fails to meet the requirements of U. S. Grade C or U. S. Standard.

FILL OF CONTAINER

§ 52.3104 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the product since fill of container, as such, is not a factor of quality for the

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

purpose of these grades. It is recommended that each container be filled with sirup as full as practicable.

FACTORS OF QUALITY

§ 52.3105 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated is ascertaining the grade of the product:

(1) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

Factors:	Points
Color	30
Flavor	30
Defects	20
Clarity	20
Total score	100

§ 52.3106 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.3107 *Color*—(a) *General.* Color has reference to the color of sugarcane sirup when examined by means of the U. S. D. A. permanent glass color standards for sugarcane sirup. Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) (*A*) *Classification.* Sugarcane sirup that possesses a good color may be given a score of 27 to 30 points. "Good color" means that the color is bright and typical of sirup properly prepared and processed from sound, well matured sugarcane, and is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 1 for sugarcane sirup.

(c) (*B*) *classification.* If the sugarcane sirup possesses a reasonably good color, a score of 24 to 26 points may be given. "Reasonably good color" means that the color is reasonably bright, and is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 2 for sugarcane sirup.

(d) (*C*) *classification.* Sugarcane sirup that possesses a fairly good color may be given a score of 21 to 23 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the sugarcane sirup possesses a color that is equal to or lighter in color than U. S. D. A. permanent glass color standard No. 3 for sugarcane sirup.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of the above paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3108 *Flavor*—(a) *General.* The factor of flavor refers to the palatability of the sugarcane sirup and the effect on flavor of the method of preparation for the particular type of sugarcane sirup.

(b) (*A*) *classification.* Sugarcane sirup that possesses a good flavor may be given a score of 27 to 30 points. "Good flavor" means that the product possesses a good, characteristic flavor for the type of sugarcane sirup and is free from objectionable flavors, including but not limited to, objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(c) (*B*) *classification.* If the sugarcane sirup possesses a reasonably good flavor, a score of 24 to 26 points may be given. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably good flavor" means that the product possesses a reasonably good, characteristic flavor for the type of sugarcane sirup and is free from objectionable flavors, including but not limited to, objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(d) (*C*) *classification.* Sugarcane sirup that possesses a fairly good flavor may be given a score of 21 to 23 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means that the product possesses a fairly good flavor for the type of sugarcane sirup and is free from objectionable flavors, including but not limited to, objectionable flavors caused by scorching or fermentation or the presence of any foreign or disagreeable flavor or odor.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of the above paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3109 *Defects*—(a) *General.* Defects refers to the cleanliness of the product and the degree of freedom from harmless extraneous material, such as particles of fiber, carbon, or earthy material which may be in suspension or deposited as sediment in the container.

(b) (*A*) *classification.* Sugarcane sirup that is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the appearance and edibility of the product are not affected by the presence of harmless extraneous matter or other material which may be in suspension or deposited as sediment in the container.

(c) (*B*) *classification.* If the sugarcane sirup is reasonably free from defects, a score of 16 or 17 points may be given. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the appearance and edibility of the product are not materially affected by the presence of harmless extraneous matter or other material which may be in suspension or deposited as sediment in the container.

(d) (*C*) *classification.* Sugarcane sirup that is fairly free from defects may be given a score of 14 or 15 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the appearance and edibility of the product are not seriously affected by the presence of harmless extraneous matter or other material which may be in suspension or deposited as sediment in the container.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3110 *Clarity*—(a) *General.* The factor of clarity has reference to the degree of freedom from fine particles of mineral matter, colloidal or amorphous material, or any other suspended matter that may affect the clarity, appearance, or edibility of the product.

(b) (*A*) *classification.* Sugarcane sirup that is practically clear may be given a score of 18 to 20 points. "Practically clear" means that the sugarcane sirup may contain not more than a trace of finely divided particles of suspended material which does not affect the appearance or edibility of the product.

(c) (*B*) *classification.* If the sugarcane sirup is reasonably clear a score of 16 or 17 points may be given. "Reasonably clear" means that the sugarcane sirup may contain finely divided particles of suspended material which does not materially affect the appearance or edibility of the product.

(d) (*C*) *classification.* Sugarcane sirup that is fairly clear may be given a score of 14 or 15 points. Sugarcane sirup that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly clear" means that the appearance or edibility of the sugarcane sirup may be materially but not seriously affected by the presence of finely divided particles of suspended material.

(e) (*SStd.*) *classification.* Sugarcane sirup that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSIS

§ 52.3111 *Color of sugarcane sirup.* (a) The color classification of sugarcane sirup is determined by means of the U. S. D. A. permanent glass color standards for sugarcane sirup as outlined in this subpart.

(b) Partially crystallized sugarcane sirup is liquefied by heating to approximately 54.4° C. (130° F.) and cooled to approximately 20° C. (68° F.) before ascertaining the color of the sirup by means of the U. S. D. A. permanent glass color standards for sugarcane sirup.

§ 52.3112 *Application of U. S. D. A. permanent glass color standards in classifying the color of sugarcane sirup*—(a) *Sample containers.* The sample containers for use in making the visual color determination, as set forth in this subpart, are cells of colorless optical glass or plastic, having an internal width of 3.175 mm. (⅛ inch) with outside dimensions of approximately 1 1/16 inches by 3½ inches.

(b) *Comparator; viewing box.* The comparator or viewing box for the entire color range in the visual comparison test is divided into five compartments. Each compartment is provided with openings approximately 1 5/16 inches square in the two parallel sides. The U. S. D. A. permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the two comparators, compartments 2 and 4 being adapted to receive the sample containers.

(c) *Visual comparison test.* The color of a sample of sugarcane sirup is compared with the U. S. D. A. permanent glass color standards in the following manner to determine its color classification:

(1) Place the sample of sugarcane sirup in a clean, dry sample container.

(2) Place the container filled with the sample of sugarcane sirup successively in compartments 2 and 4 of the comparator, and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight.

§ 52.3113 *Soluble solids; Brix value.* Soluble solids means the solids content of sugarcane sirup or the Brix value as determined by the double dilution method by means of a Brix hydrometer corrected to 20° C. (68° F.).

§ 52.3114 *Ash.* Percent ash means the ash content of sugarcane sirup determined as sulfated ash as outlined in the Official Methods of Analysis of the Association of Official Agricultural Chemists, Seventh Edition, 1950. Percent ash is calculated on the basis of the percent soluble solids content of the product and expressed as percent of sulfated ash with no deduction.

§ 52.3115 *Sulfur dioxide, p. p. m.* means the total sulfites determined by the Monier-Williams method, calculated as parts per million of sulfur dioxide (SO_2).

§ 52.3116 *Reducing sugars.* The percent, by weight, of reducing sugars is calculated on the basis of the percent of soluble solids. Reducing sugars are determined by the Lane-Eynon volumetric method for reducing sugars.

§ 52.3117 *Sucrose.* The percent, by weight, of sucrose is calculated on the basis of the percent of soluble solids. The determination may be made by the Clerget, or double polarization, method using invertase as the inverting agent, by Jackson-Gillis Method Number IV, or by the chemical method, before and after inversion.

§ 52.3118 *Methods of analysis.* The analysis indicated in this subpart shall be made in accordance with methods of analysis given in Official Methods of Analysis of the Association of Official Agricultural Chemists or by any other means which give equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.3119 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of sugarcane sirup the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (2) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.3120 *Score sheet for sugarcane sirup.*

Size and kind of container ____
Container mark or identification ____
Label ____
Type ____
Soluble solids, percent; Brix (degrees) ____
Sucrose, percent ____
Reducing sugars, percent ____
Ash, percent ____

Factors		Score points	
Color	30	(A)	27–30
		(B)	24–26
		(C)	[1] 21–23
		(SStd.)	[1] 0–20
Flavor	30	(A)	27–30
		(B)	[1] 24–26
		(C)	[1] 21–23
		(SStd.)	[1] 0–20
Defects	20	(A)	18–20
		(B)	[1] 16–17
		(C)	[1] 14–15
		(SStd.)	[1] 0–13
Clarity	20	(A)	18–20
		(B)	16–17
		(C)	[1] 14–15
		(SStd.)	[1] 0–13
Total score	100		

Grade ____
Color ____

[1] Indicates limiting rule.

The United States Standards for Grades of Sugarcane Sirup (which is the second issue) contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Grades of Sugarcane Sirup which have been in effect since July 20, 1951.

Dated: March 13, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2028; Filed, Mar. 15, 1957; 8:50 a. m.]

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

REVISION OF APPORTIONMENT TO STATES OF NATIONAL ACREAGE ALLOTMENT FOR 1957 CROP OF PEANUTS

Basis and purpose. The purpose of this document is to revise the apportionment of the 1957 national peanut acreage allotment among the several peanut-producing States previously made on November 9, 1956 (21 F. R. 8913). This revision is necessary because the reserve of 8,050 acres set aside for establishing 1957 peanut acreage allotments for new farms exceeds the requirements for this purpose and the unused acreage, which is 3,416 acres, is now available for apportionment. This document revises § 729.803 (21 F. R. 8915) to apportion this unused acreage to the States on exactly the same basis as the 1957 national acreage allotment was previously apportioned to the States.

Farmers in the southernmost areas of the United States will soon begin planting the 1957 crop of peanuts and farmers in the other peanut-producing areas of the nation are completing their plans for the production of peanuts in 1957. In order that the State and county Agricultural Stabilization and Conservation committees may apportion the additional acreage provided herein at the earliest possible date, it is essential that this revision of apportionment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U. S. C. 1001–1011) is impracticable and contrary to the public interest, and the revised apportionment of the national peanut acreage allotment among the peanut-producing States shall become effective upon filing of this document with the Director, Division of the Federal Register.

For the purpose of apportioning the above mentioned 3,416 acres, § 729.803 is amended to read as follows:

§ 729.803 *Apportionment of the national peanut acreage allotment for the crop produced in the calendar year 1957.* (a) The national peanut acreage allotment proclaimed in § 729.802 is hereby apportioned as follows:

State:	1957 State acreage allotment
Alabama	218,429.9
Arizona	718.3
Arkansas	4,228.8
California	942.0
Florida	54,893.2
Georgia	525,729.6
Louisiana	1,967.0
Mississippi	7,573.0
Missouri	246.6
New Mexico	4,916.5
North Carolina	169,174.0
Oklahoma	137,615.7
South Carolina	13,772.3
Tennessee	3,571.5
Texas	355,819.9
Virginia	105,767.1
Total apportionment for old farms	1,605,366.0
Total apportionment for new farms	4,634.0
Total, United States	1,610,000.0

(b) The additional acreage hereby apportioned to each State shall be used for the purpose(s) specified in §§ 729.817 (b) (5), 729.818 and 729.822 of the Allotment and Marketing Quota Regulations for Peanuts of the 1957 and Subsequent Crops (21 F. R. 9370, 9760).

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 86, 90, as amended; 66 Stat. 27; secs. 106, 112, 377, 70 Stat. 191, 195, 206; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1377, 1388)

Issued at Washington, D. C., this 13th day of March 1957. Witness my hand and the seal of the Department of Agricuture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2038; Filed, Mar. 15, 1957; 8:52 a. m.]

PART 730—RICE

SUBPART—REGULATIONS FOR ESTABLISHMENT OF FARM ACREAGE ALLOTMENTS AND NORMAL YIELDS FOR 1957 CROP OF RICE

MISCELLANEOUS AMENDMENTS

The amendments herein are issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended, to provide (1) clarification of the conditions under which rice produced for wildlife feed under contract with the Fish and Wildlife Service will not be classified as rice acreage, (2) authorization for the county committee to consider a producer's request for allocation of his preliminary rice acreage allotment to a farm if his reason for filing such request is for the purpose of filing a request for the preservation of his allotment for history purposes, (3) for adding a subparagraph with respect to the disposition of rice history acreage upon dissolution of a partnership, which was inadvertently omitted from the 1957 allotment regulations previously approved, and (4) for State committee approval of the release of rice acreage allotment by producers and the reapportionment of such acreage by county committees to farms.

Since rice producers are currently making plans for seeding their 1957 crop rice it is imperative that they be informed of the amendments herein as soon as possible. Accordingly, it is hereby found that compliance with the notice, procedure, and effective date provisions of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and these amendments shall become effective upon the date of their publication in the FEDERAL REGISTER.

1. Section 730.811 (n) is amended by changing subparagraph (4) thereof to read as follows:

(4) any acreage planted to rice on specifically designated fields under a written contract which was or will be entered into prior to planting with the Fish and Wildlife Service for wildlife feed which was not or will not be harvested, provided prior to planting, a certified copy of such contract is filed with the county committee and such contract is approved by the county and State committees after determination that there is no intent by the producer in entering into the contract to defeat the purposes of the acreage allotment or marketing quota program, and

2. Section 730.817 is amended by changing the period at the end of paragraph (d) thereof to a comma and by adding the following: "or (3) he is requesting the allocation of his preliminary rice acreage allotment to the farm or farms for the purpose of requesting the preservation of his rice acreage allotment for history purposes."

3. Section 730.821 is amended by adding a new paragraph (c), as follows:

(c) The release of preliminary rice acreage allotments by producers and the reapportionment of such acreage by the county committee to farms shall not become effective until approved by the State committee or upon behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman.

4. Section 730.822 is amended by adding a new paragraph (d), as follows:

(d) Upon dissolution of a partnership, the partnership's history of rice production shall be apportioned among the partners in such proportion as agreed upon in writing by the partners and approved by the State committee.

5. Section 730.830 is amended by adding a new paragraph (c) which reads as follows:

(c) The release of farm rice acreage allotments by producers and the reapportionment of such acreage by the county committee to other rice farms in the county shall not become effective until approved by the State committee or on behalf of the State committee by the State administrative officer, program specialist, or farmer fieldman.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 363, 52 Stat. 38, 61; 63, as amended, 70 Stat. 188; 7 U. S. C. 1301, 1353, 1363)

Done at Washington, D. C., this 13th day of March 1957. Witness my hand and seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2037; Filed, Mar. 15, 1957; 8:52 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 110]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.410 *Navel Orange Regulation 110*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 14, 1957, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 17, 1957, and ending at 12:01 a. m., P. s. t., March 24, 1957, is hereby fixed as follows:

(i) District 1: 277,200 cartons;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 15, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2085; Filed, Mar. 15, 1957; 11:31 a. m.]

[Orange Reg. 312]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.835 *Orange Regulation 312*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., March 18, 1957, and ending at 12:01 a. m., e. s. t., April 1, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any Temple oranges, grown in the State of Florida, which do not grade at least U S. No. 2;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are smaller than 2$^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{12}/_{16}$ inches in diameter and smaller;

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than 3$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided,* That in determining the percentage of oranges in any lot which are larger than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger; or

(v) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2030; Filed, Mar. 15, 1957; 8:51 a. m.]

[Grapefruit Reg. 260]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.836 *Grapfruit Regulation 260*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice,

engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on March 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 28492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., March 18, 1957, and ending at 12:01 a. m., e. s. t., April 1, 1957, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3 15/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3 15/16 inches in diameter, measured midway at a right angle to a stright line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of pink seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(v) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(vi) Any pink seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(vii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars;

(viii) Any pink seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(ix) Any pink seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such pink seedless grapefruit (*a*) are in the same container with pink seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all pink seedless grapefruit in such container; or

(x) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than 3 9/16 inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2035; Filed, Mar. 15, 1957; 8:52 a. m.]

[Tangerine Reg. 188]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.837 *Tangarine Regulation 188*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 12, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., March 18, 1957, and ending at 12:01 a. m., e. s. t., April 1, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than 2 2/16 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2033; Filed, Mar. 15, 1957; 8:52 a. m.]

[Lemon Reg. 678]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.785 *Lemon Regulation 678*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 13, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 17, 1957, and ending at 12:01 a. m., P. s. t., March 24, 1957, is hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 216,690 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2077; Filed, Mar. 15, 1957; 8:54 a. m.]

[Grapefruit Reg. 114]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.375 *Grapefruit Regulation 114*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than March 17, 1957. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 21, 1956, and will so continue until March 17, 1957; the recommendation and supporting information for continued regulation subsequent to March 16, 1957, were promptly submitted to the Department after such recommendation was made by the Administrative Committee on March 7, 1957; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 17,

1957, and ending at 12:01 a. m., P. s. t., April 28, 1957, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 13/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 10/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2034; Filed, Mar. 15, 1957; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 11752; FCC 57-227]

[Rules Amdt. 3-59]

PART 3—RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (New Orleans, Louisiana-Mobile, Alabama; Beaumont-Port Arthur, Texas; Lake Charles, Louisiana; Lafayette, Louisiana; Houma, Louisiana).

1. The Commission has before it for consideration its Notice of Proposed Rule Making issued in this proceeding on June 26, 1956 (FCC 56-593) proposing to shift Channel 4 from New Orleans, Louisiana, to Mobile, Alabama, by making the following changes in the Table of Assignments for Television Broadcast Stations (§ 3.606 of the Commission's rules):

City	Channel No.	
	Present	Proposed
Mobile, Ala	5, 10, *42, 48.	4, 5, 10, *48.
New Orleans, La	4, 6, *8, 20, 26, 32, 61.	6, *8, 20, 26, 32, 42, 61.

As a result of a motion filed by Loyola University, conditional grantee of Channel 4 in New Orleans, the Commission announced that it would also consider in this proceeding any proposal to delete from New Orleans Channel 6 as well as Channel 4. See Memorandum Opinion and Order of November 20, 1956 (released November 26, 1956) FCC 56-1159.

2. Included in the comments filed by interested parties were many counterproposals looking to the assignment of an additional VHF channel to New Orleans as a substitute for the Commission's proposal; (a) add Channel 11 at New Orleans as a "drop-in" or "squeeze-in";[1] (b) shift Channel 2 from Baton Rouge to New Orleans; (c) shift Channel 13 from Biloxi to New Orleans; (d) shift Channel 7 from Laurel-Pachuta, Mississippi to Pass Christian, Louisiana; and (e) add Channel 12 to New Orleans. Some parties suggested that the Commission either completely deintermix New Orleans by deleting Channel 6 as well as Channel 4, or, if that is not done, add an additional VHF channel or channels.

3. The proposal to add Channel 12 to New Orleans included the addition of Channel 12 to Beaumont-Port Arthur, Texas; Channel 3 to Lake Charles, Louisiana; and Channel 11 to Houma, Louisiana, all without disturbing allocations elsewhere. This proposal was advanced in reply comments filed jointly by WKRG, Inc., Mobile, Alabama; Laurel Television Company, Laurel, Mississippi; and KTAG Associates, Lake Charles, Louisiana. Since the interested parties had no opportunity to comment on this counterproposal, the Commission on January 18, 1957, released a Notice of Further Proposed Rule Making (FCC 57-62) in this proceeding, inviting comments on this jointly filed counterproposal and two conflicting petitions for changes in the Table of Assignments: (1) a petition filed August 7, 1956, by KTAG Associates requesting the assignment of Channel 3 to Lake Charles, Louisiana, and (2) a petition filed September 2, 1956, by Evangeline Broadcasting Company requesting the assignment of Channel 3 to Lafayette, Louisiana, and Channel 12 to Lake Charles. Comments and reply comments invited by the Notice of Further Proposed Rule Making have now been received, and the proceeding is ready for decision.

4. Comments in opposition to the Commission's proposal to shift Channel 4 to Mobile and the counterproposal to delete both Channel 6 and Channel 4 from New Orleans were filed by Loyola University, conditional grantee of a Channel 4 station in New Orleans; the Times-Picayune Publishing Company, unsuccessful applicant for Channel 4; WDSU Broadcasting Corporation, licensee of WDSU-TV, Channel 6, New Orleans; the City of New Orleans; and United States Representatives F. Edward Hebert and Hale Boggs, jointly. Comments in favor of the deletion of Channel 4 as proposed and the ultimate deletion of Channel 6 as well were filed by Supreme Broadcasting Company, WJMR-TV, Channel 20, New Orleans. American Broadcasting Company favored the addition of one or more VHF channels to New Orleans, but indicated consideration should be given to the alternative of making the city predominantly UHF. WWEZ Radio, Inc., permittee of WWEZ-TV (not constructed), Channel 32, New Orleans, supported deintermixture, but had no preference as to whether this should be accomplished by making New Orleans all VHF or all UHF. There were no comments from interested parties in the Mobile area favoring the shift of Channel 4 to Mobile, and WKRG-TV, Inc., licensee of WKRG-TV, Channel 5, Mobile, joined in the reply comments suggesting inter alia the addition of Channel 12 to New Orleans.

5. In response to the Notice of Further Proposed Rule Making a great variety of comments were received. WKRG-TV, Inc. (WKRG-TV, Channel 5, Mobile, Alabama), Pape Television Company, Inc. (WALA-TV, Channel 10, Mobile), Laurel Television Company, Inc. (permittee for Channel 7, Laurel-Pachuta, Mississippi), and St. Anthony Television Corporation, Houma, Louisiana, supported the assignments of Channel 12 to both New Orleans and Beaumont-Port Arthur, Channel 11 to Houma, and Channel 3 to Lake Charles.[2] Southern Television Corporation (WTOK-TV, Channel 11, Meridian, Mississippi) supported the assignment of Channel 11 to Houma. Television Broadcasters, Inc. (KBMT, Channel 31 (operation suspended), Beaumont) favored the assignment of Channel 12 to Beaumont-Port Arthur and requested that the Commission order it to show cause why its outstanding authorization for KBMT should not be modified to specify operation on Channel 12 in lieu of Channel 31. BMT-Tri-Cities Broadcasting Company, Beaumont, also supported the allocation of Channel 12 to Beaumont-Port Arthur, but opposed Television Broadcaster's request for a show-cause order. American Broadcasting Company (ABC) supported the assignment of Channel 12 to both New Orleans and Beaumont-Port Arthur. KTAG Associates (KTAG, Channel 25, Lake Charles) supported the assignment of Channel 3 to Lake Charles and requested that the Commission issue an order for it to show cause why its outstanding authorization for Station KTAG-TV should not be modified to specify operation on Channel 3 in lieu of Channel 25. Evangeline Broadcasting Company, licensee of a standard broadcast station in Lafayette, Louisiana, supported the assignments of Channel 12 to New Orleans, Channel 11 to Houma, and Channel 3 to Lafayette, and also proposed that Channel 12 be assigned to Beaumont-Port Arthur-Lake Charles.[3] This latter proposal was opposed by Television Broadcasters (KBMT, Beaumont).

6. Still another counterproposal was advanced by Calcasieu Broadcasting Company (KPLC-TV, Channel 7, Lake Charles), which supported the assignments of Channel 11 to Houma and Channel 12 to Beaumont-Port Arthur, but suggested that action on the assignment of Channel 12 to New Orleans and Channel 3 to Lake Charles be delayed until after action on the application for the move of the transmitter site of Station WLBT, Jackson, Mississippi (see footnote 3). Calcasieu proposed that Channel 13 be assigned to New Orleans by making the following changes in the Table of Assignments:

(a) Shift Channel 13 from Biloxi, Mississippi, to New Orleans;

(b) Shift Channel 9 from Hattiesburg, Mississippi, to Biloxi;

(c) Shift Channel 7 from Laurel-Pachuta, Mississippi, to Hattiesburg, leaving Laurel-Pachuta without an assigned channel.

This counterproposal was opposed by Laurel Television Company, Inc., permittee of Channel 7 at Laurel, and supported by Capitol Broadcasting Company (WJTV, Channel 12, Jackson, Mississippi). Of the New Orleans parties who participated, the Times-Picayune Publishing Company supported the Calcasieu proposal for the addition of Channel 13, while WSMB, Inc., licensee of a standard broadcast station, favored the assignment of Channel 12. Loyola University, conditional grantee of Channel 4, announced that it took no position as to which channel should be added. WWEZ Radio, Inc. (WWEZ-TV, Channel 32, not constructed) opposed the allocation of any VHF channels to New Orleans unless two channels could be assigned in addition to Channels 4 and 6. Supreme Broadcasting Company, Inc. (WJMR-TV, Channel 20, on the air) reaffirmed its previous position that New Orleans should ultimately be made all UHF, but requested that, if Channel 12 should be assigned, it be ordered to show cause why its authorization should not be modified to specify operation on Channel 12 in lieu of Channel 20.

7. The above recitation of the various proposals and comments thereon reveals a great variety of ideas as to how the television allocations in the New Orleans area could be improved. Although the New Orleans participants are apparently agreed that the assignments in the city should be either all VHF or all UHF, there is no unanimity even among the advocates on one side, and especially among those favoring VHF, as to how either course could best be accomplished. We have carefully considered all the proposals and the data and arguments submitted by the parties, and we have reached the conclusion that it would be more in the public interest to add an additional VHF channel, thus making New Orleans a predominantly VHF community, than it would to make New Orleans a UHF city by deleting one or both of the present VHF assignments.

8. New Orleans, by far the largest city in its general area, is rated as the nation's 23rd market. It has a population of 570,445, and a metropolitan area population of 685,405.[4] In area, the city is the third largest in the country with an area of 363.5 square miles, and the distance from its southwest to its northeast boundary is approximately 35 miles. Its metropolitan area covers approximately 1,769 square miles, and its normal trade area is still more extensive. We concluded in the Sixth Report and Order (paragraph 66) that, since VHF can effectively cover large areas, VHF channels should be assigned whenever possible to such a large metropolitan center as New Orleans. Only if the deletion of the presently assigned VHF channels and the assignment of additional UHF channels would make for a more fair, efficient and equitable distribution of the available facilities in New Orleans and other communities should we reverse that conclusion here.

9. The present allocations to New Orleans are Channels 4, 6, 8 (reserved for educational use), 20, 26, 32 and 61. There is a conditional grant for Channel 4, the conditions being that construction be not commenced pending the outcome of this rule making proceeding, and that, if the channel is deleted from the city, a UHF channel may be substituted therefor without the necessity of further proceedings. Channels 6 (WDSU-TV) and Channel 20 (WJMR-TV) are on the air. A noncommercial educational station (WYES) is reported as about ready to commence operation on Channel 8. Construction permits for Channels 26 (WCKG) and 32 (WWEZ-TV) have been issued, but the stations have not yet been constructed.[5] Construction permits for Channels 20 (WTLO) and 32 (WCNO-TV) have been deleted without the stations having gone on the air.[6] Thus, only one UHF station is presently operating in New Orleans, and there has never been any other UHF station operating in the city. The only other UHF station operating in the area is WAFB-TV, Channel 28, Baton Rouge, Louisiana,[7] 75 miles from New Orleans, and that station is controlled by the ownership of WDSU-TV in New Orleans. The city of New Orleans presently receives Grade B service from WBRZ, Channel 2, Baton Rouge, and will receive a second Grade B service (or the approximate equivalent) from a Channel 13 station at Biloxi, Mississippi (78 miles). Portions of the New Orleans trade area are served by KLFY-TV (Channel 10, Lafayette, Louisiana, 118 miles), WDAM-TV (Channel 9, Hattiesburg, Mississippi, 106 miles), and WKRG-TV and WALA-TV (Channels 5 and 10, Mobile, Alabama, 132 miles). The only other service presently available in New Orleans is that from its two local operating stations, WDSU-TV (VHF) and WJMR-TV (UHF). There has been no interest displayed in the activation of UHF allocations in such cities in the New Orleans area as Houma, Hammond, Franklin, Morgan City, and Thibodaux.

10. The New Orleans area is considered to be one of the most favorable areas in the country for UHF propagation. Yet, despite the relative scarcity of television signals (VHF or UHF) in the city and the fact that a UHF station (WJMR-TV) has been on the air since November 1953, sets have not been converted to receive UHF transmissions at as high a rate as in cities where we have determined VHF channels should be replaced by UHF assignments, for example, in Springfield and Peoria, Illinois, and Albany-Schenectady, New York.[8] Further, surveys have shown that viewers in the New Orleans area show a marked preference for the VHF station (WDSU-TV) and that the percentage of viewers who watch popular network shows on the UHF station (WJMR-TV) in New Orleans is much lower than in other cities where the same programs are presented on UHF stations with VHF competition.

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[1] The Commission recently denied a petition by Loyola University for a change in the boundary between Zones II and III to permit the "drop-in" of Channel 11 at New Orleans. See Memorandum Opinion and Order of November 8, 1956 (FCC-56-1093).

[2] In a supplemental comment Pape Television Company expressed the view that the assignment of Channel 3 to Lafayette would be in the public interest, would be consistent with a fair, efficient distribution of facilities, and would not preclude the proposed assignments to New Orleans, Houma, and Beaumont-Port Arthur.

[3] Evangeline also requested that the boundary of Zone III be changed so as to permit both the assignment of Channel 3 to Lafayette and the grant of an application to move the transmitter site of Station WLBT, Channel 3, Jackson, Mississippi, in a southerly direction. Lamar Life Broadcasting Company (WLBT) and Gulfport Broadcasting Company, Inc. (WEAR-TV, Channel 3, Pensacola, Florida), which has a pending application to move its transmitter site in the direction of Jackson, supported Evangeline's request for a change in the boundary of Zone III.

[4] The population figures are derived from the United States Census for 1950. As of January 1, 1956, the city's population is estimated as 629,000, and the metropolitan area population as 801,000.

[5] The construction permit for WCKG was issued April 2, 1953; that for WWEZ-TV was issued September 26, 1956.

[6] Station WJMR-TV, formerly operated on Channel 61, but transferred to Channel 20 when the construction permit for WTLO was deleted on September 17, 1954. The construction permit for WCNO-TV was deleted March 10, 1955.

[7] There is an outstanding construction permit (issued July 18, 1956) for Channel 40 (WCNS) at Baton Rouge, and there is an application for operation on Channel 18. The permittee for Channel 40 has filed an application for modification of its authorization to specify operation on Channel 18.

[8] The most optimistic estimate as to the conversion rate in New Orleans is 75 percent, while estimates based on other surveys run from 60 percent to 72 percent. It must be stated, however, that the rate of conversion has been on the increase and that reportedly only all-channel receivers are at present being retailed in New Orleans.

Hence, it is clear that, from the standpoint of both the use made of the UHF allocations by broadcasters and of acceptance by viewers, New Orleans cannot be described as a UHF community.

11. The flat terrain in the vicinity of New Orleans is eminently favorable for the reception of UHF transmissions in the areas within line of sight distances, so that at distances up to 40 to 50 miles UHF stations can provide as good, if not better, service as VHF stations at similar power levels. However, inasmuch as UHF signals become significantly poorer beyond line of sight on smooth terrain, it is clear that under present conditions UHF stations could not provide satisfactory coverage of the large New Orleans trade area. Indeed, it appears that, if both Channels 4 and 6 were deleted from New Orleans, several thousand persons in southern Louisiana, now receiving service from WDSU–TV, would be deprived of their only television service, and that substantial portions of the northern segment of the New Orleans trade area would have to depend upon VHF stations in other cities for their television service. We conclude, therefore, that the best answer to the New Orleans problem is the assignment of additional VHF channels.

12. This conclusion may not be overcome, but rather is strengthened, by consideration of the use that could be made of Channels 4 and 6 elsewhere. The proposal set out in the original Notice of Proposed Rule Making in this proceeding was to shift Channel 4 to Mobile, Alabama, where two VHF stations are currently on the air. That city also receives a Grade B signal from a VHF station at Pensacola, Florida; will receive a Grade A signal if an application for change in the transmitter location of the Pensacola station is granted; and will receive another Grade B signal when a VHF assignmnet at Biloxi, Mississippi, is activated. Mobile is rated as the 82nd market and has a population of 129,009, with a metropolitan area population of 231,105. Plainly, under all the circumstances (see paragraphs 8–11), there is a greater need for Channel 4 at New Orleans than at Mobile. Moreover, in view of the size of Mobile and the services available to the city now and in the near future, and inasmuch as no party in this proceeding has evidenced any interest in making use of Channel 4 if it should be assigned to Mobile,* there is a strong likelihood that the channel would lie fallow if allocated to that city. With respect to Channel 6, minimum transmitter separation requirements would prevent the reallocation of that channel except in close proximity to New Orleans. Hence, a reallocated channel 6 station would in effect remain a New Orleans station, so that the competitive situation in New Orleans would not be improved. And the alternative of leaving the channel unassigned in the area, thus wasting a scarce VHF frequency, is not an appealing one.

13. Having concluded that we should assign additional VHF channels to New Orleans, we must decide whether the new VHF channel should be Channel 12 or Channel 13. The assignment of Channel 13 would permit greater flexibility in the location of a transmitter site, but would require the modification of an existing VHF authorization in Laurel, Mississippi to a UHF frequency and shifts from one VHF channel to another in two other communities (see paragraph 6). In one of these cities (Hattiesburg, Mississippi) the assigned VHF channel is in use. The modification of the outstanding authorizations would require time-consuming evidentiary hearing. The assignment of Channel 12 can be made without disturbing authorizations and for that reason is to be preferred if at all feasible.

14. It is pointed out that because of the necessity of maintaining a 190 mile separation from the transmitter site of co-channel Station WJTV in Jackson, Mississippi, the transmitter sites available for a New Orleans Channel 12 station would be severely limited. The assignment would require a transmitter site south of the city about 35 miles from the outer portion of the built-up area of New Orleans. Some parties point out that all of New Orleans could not possibly be covered with the required city grade signal from such a location, since the site would be at least 50 miles from the northeast city boundary. But New Orleans, because of its extremely large area, presents a special case as is demonstrated by the fact that in the granting of five authorizations for the city the Commission has waived the city grade signal requirement. Since the area which would not receive a city grade signal is largely swampland and sparsely populated, we would likewise waive the city grade signal requirement for a Channel 12 operation.

15. It now remains for us to consider the various proposals for the addition of VHF channels to other communities as set forth in the Notice of Further Proposed Rule Making. First considered is the proposal for the assignment of Channel 11 to Houma, Louisiana (population of 11,505), a growing community in the midst of activity in the oil industry. There has been no opposition to the proposed assignment. The most critical of the transmitter spacing requirements is the 60 mile separation from a New Orleans Channel 12 station. It appears that transmitter sites are available which would meet this and all other spacing requirements and from which the required city grade signal could be placed over Houma with reasonable power and antenna height. However, with the assignment of Channel 12 to New Orleans and Channel 11 to Houma, all parties concerned would have to cooperate on the selection of sites in order to provide both areas and communities with the best possible service.

16. The proposal to allocate Channel 12 to Beaumont-Port Arthur, Texas, presents no special problems. But we must consider this proposal in connection with proposals to allocate Channel 12 to Lake Charles, Louisiana or to Beaumont-Port Arthur-Lake Charles on a hyphenated basis. Neither of those proposals takes precedence over the allocation to Beaumont-Port Arthur. Beaumont-Port Arthur has a metropolitan area population of 185,507. It has two VHF and one UHF commercial assignments. The UHF assignment and one of the VHF assignments are in use, and the second VHF assignment is in hearing status. Lake Charles has a population of 41,272 and has two television stations in operation, one VHF and one UHF. Clearly, the assignment of Channel 12 to Beaumont-Port Arthur would better meet the requirement of section 307 (b) of the act for a fair, efficient and equitable distribution of the available facilities than would the assignment to Lake Charles.[10] In view of these same section 307 (b) considerations, the suggested hyphenated assignment to Beaumont-Port Arthur-Lake Charles would be an empty gesture insofar as Lake Charles is concerned. Even a proposal by a Lake Charles applicant to serve Beaumont-Port Arthur as well as Lake Charles would not change the result. For the two areas (Beaumont-Port Arthur and Lake Charles) are separate and distinct with no common interests, and the area in which a transmitter would have to be located in order to serve both communities lies in remote, uninhabited swampland unsuited for a transmitter site.

17. We have left the conflicting proposals for the assignment of Channel 3 to Lake Charles or Lafayette, Louisiana, about 70 miles apart. As we have previously stated, Lake Charles has a population of 41,272, and one VHF station (KPLC–TV) and one UHF station (KTAG–TV) are presently operating in the city. Lafayette has a population of 33,541 and a VHF station (KLFY–TV) is presently operating in the city. Each city has an unused UHF assignment for which no application has ever been made. The proponents of the allocation to Lake Charles assert that this would be the only way in which a second competitive service could be provided for the city. Those favoring the assignment to Lafayette assert that only by such assignment could a second service be brought to that area. Under present co-channel authorizations (KTBS–TV, Shreveport, Louisiana; WLBT, Jackson, Mississippi; KBTX, Bryan, Texas) suitable transmitter sites are available within 12 miles of Lafayette. The proponents of the assignment to Lake Charles assert that sites are available about 30 miles from the city from which a station could provide city grade service to Lake Charles with 100 kw power and an antenna height of 2,000 feet. The Lafayette party contends that such an operation would be inefficient and financially prohibitive, and that the site would meet with vigorous opposition from aviation interests. All these contentions are denied by the Lake Charles party. It is our view that the issue as to the proper assignment of Channel 3 can best be decided in an adjudicatory hearing, and we will assign the channel to Lafayette-Lake Charles.

18. We point out that there is pending before the Commission an application (BPCT–2271) for a change in the transmitter location of Station WLBT, Jackson, Mississippi, from a point in Zone II to a point a few miles within Zone III. This proposed operation of WLBT would require a co-channel transmitter separation of 220 miles, instead of 190 miles, and would conflict with the assignment of Channel 3 to either Lafayette or Lake Charles. All parties concerned have requested a change in the boundary between Zones II and III to eliminate this conflict and also a conflict between the WLBT application and a similar application for change in transmitter sites by WEAR–TV, Pensacola, Florida. We have made it clear in a number of previous decisions on proposals to change zone lines that we would not consider zone line changes merely for the purpose of accommodating particular channel assignments or authorizations.[11] We can accede to the requests for a change in the location of reference point (e) to a point about 5 miles south of its present location without doing violence to those decisions. In our Sixth Report and Order the location of reference point (e) was described as North Latitude 30°23'00", West Longitude 90°12'00". On petition for reconsideration by Lamar Life Broadcasting Company (WLBT), we amended the location of reference point (e) to North Latitude 30°05'00", West Longitude 90°38'30". Lamar Life Insurance Co., 8 RR 340a. At that time we deemed it reasonable to amend the zone line because, due to the irregularities in the Gulf Coast shore line near reference point (e) (the Louisiana Peninsula), the boundary of Zone III in this vicinity had been placed farther north, relatively, from the Gulf Coast than at any other part of the boundary. At that time reference point (e) was moved 33 miles to the south and 11 miles to the west, and we pointed out that the proposed new reference point would still be 22 miles farther north from the outermost extremity of the coast than any other reference point, and that adoption of the proposal would make the boundaries of Zone III more closely approximate the outline of the shore of the Gulf Coast. Similarly, the grant of the instant requests to move the reference point about 5 miles farther south would result in reference point (e) still being 17 miles farther north from the outermost extremity of the coast than any other reference point and the boundary of Zone III more closely approximating the outline of the shore.

19. In view of the foregoing: It is ordered, That effective April 20, 1957, §§ 3.609 and 3.699 of the Commission's rules are amended as follows:

1. Substitute the following coordinates for reference point (e) in § 3.609 (a) (3):

(e)	30°00'00"	90°38'30"

2. Delete Figure 2 of § 3.699 and substitute new Figure 2—March 1957 as set forth below.

20. *It is further ordered*, That effective April 20, 1957, § 3.606 *Table of Television channel assignments* with respect to the cities named, is amended, to read as follows: [12]

City	Channels
Houma, La	11, 30+.
Lafayette-Lake Charles, La	3.
New Orleans, La	4+, 6+, *8, 12, 20–, 26, 32+, 61.
Beaumont-Port Arthur, Tex	4–, 6–, 12–, 31+, *37.

21. Authority for the adoption of the amendments is contained in sections 1, 4 (i), and (j), 301, 303 (a), (b), (c), (d), (e), (f), (g), (h), and (r), and 307 (b) of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

22. Supreme Broadcasting Company (WJMR–TV, Channel 20, New Orleans), KTAG Associates (KTAG–TV, Channel 25, Lake Charles) and Television Broadcasters, Inc. (KBMT, Channel 31, Beaumont) have each requested that, in the event of a VHF assignment being added to its community, it be ordered to show cause why its authorization should not be modified to specify operation on the newly added channel. Inasmuch as the amendments we have made require no changes in existing authorizations, the several requests for show cause orders are denied.

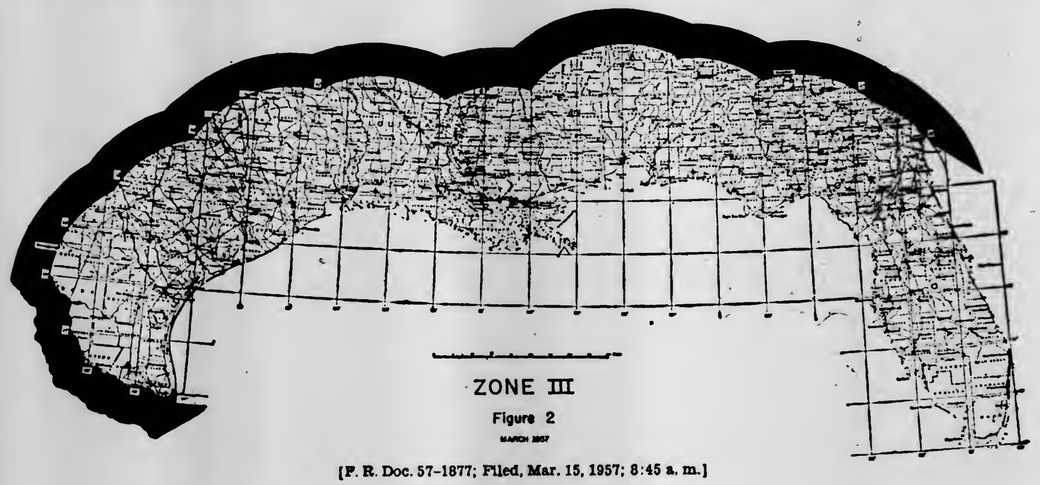
(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Adopted: March 7, 1957.

Released: March 8, 1957.

FEDERAL COMMUNICATIONS COMMISSION [13]

[SEAL] MARY JANE MORRIS, *Secretary.*



[F. R. Doc. 57-1877; Filed, Mar. 15, 1957; 8:45 a. m.]

* WKAB–TV operated on Channel 48 in Mobile from December 29, 1952, to August 1, 1954, and its construction permit was deleted on February 28, 1956. WALA–TV commenced operation on Channel 10 in Mobile on January 14, 1953; WEAR–TV began operation on Channel 3 in Pensacola on January 13, 1954; and WKRG–TV, Channel 5 in Mobile, went on the air August 29, 1955.

[10] For the same reason, insofar as the assignment of Channel 12 to New Orleans might be considered as foreclosing the assignment of the same channel to Lake Charles, we must prefer, to an even greater degree, the assignment to New Orleans.

[11] See Daily Telegraph Printing Co., 9 RR 1104a; Logansport Broadcasting Corp., 9 RR 1175; American Broadcasting Company, 11 RR 1552; Loyola University, 14 RR 1569.

[12] The Commission's public notice of February 26, 1957, Report No. 1 indicated that Channel 12— was to be added to New Orleans. Since we believe that the assignment of Channel 12 even to New Orleans would make for a better allocation, Channel 12 even is being added to New Orleans herein.

[13] Concurring statement of Commissioner Lee as part of the original document.

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 14]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.16 *Green civil airway 6* is amended to read in part:

From Atlanta, Ga., LFR; to Anderson, S. C., LF/RBN; MEA 2,700.
From Anderson, S. C., LF/RBN; to Spartanburg, S. C., LFR; MEA 2,200.

Section 610.104 *Amber civil airway 4* is amended to read in part:

From Cibolo Creek INT, Tex.; to Austin, Tex., LFR; MEA 3,000.

Section 610.210 *Red civil airway 10* is amended to read in part:

From Meridian, Miss., LFR; to Warrior INT, Ala.; MEA 2,000.
From Warrior INT, Ala.; to Birmingham, Ala., LFR; MEA 2,600.
From Atlanta, Ga., LFR; to Augusta, Ga., LFR; MEA 2,200.

Section 610.227 *Red civil airway 27* is amended to read in part:

From Int. S crs Atlanta NAS and NE crs Atlanta LFR; to Atlanta NAS, Ga., LFR; MEA 3,000.
From Atlanta NAS, Ga., LFR; to Murphy, N. C., LF/RBN; MEA 7,000.
From Murphy, N. C., LF/RBN; to Knoxville, Tenn., LFR; MEA 7,600.
From Tallassee, Tenn., FM; to Knoxville, Tenn., LFR southbound only; MEA 7,000.

Section 610.602 *Blue civil airway 2* is amended to read in part:

From Mulberry INT, Ala.; to Birmingham, Ala., LFR; MEA 2,600.

Section 610.618 *Blue civil airway 18* is amended to read in part:

From West Point INT, N. Y.; to Poughkeepsie, N. Y., LFR; MEA 2,700.

Section 610.639 *Blue civil airway 39* is amended to read in part:

From Augusta, Ga., LFR; to Greenville, S. C., LFR; MEA 2,300.

Section 610.1001 *Direct routes—U. S.* is amended by adding:

From San Francisco, Calif., LFR; to Half Moon Bay INT, Calif.; MEA 4,000.
From Fremont, Calif., LF/RBN; to Half Moon Bay INT, Calif.; MEA 4,500.
From Pinecliff INT, Colo.; to Aurora, Colo., LF/RBN eastbound only; MEA 10,000.

Section 610.1001 *Direct routes, U. S.* is amended to delete:

From Cedar Creek INT, Tex.; to McDade INT, Tex., MEA 3,000.
From Anton Chico, N. Mex., VOR; to Clovis, N. Mex., LF/RBN; MEA 9,500.

Section 610.1001 *Direct routes, U. S.* is amended to read in part:

From Gage, Okla., LFR; to La Junta, Colo., LFR; MEA 6,900.
From Fremont, Calif., LF/RBN; to Altamont INT, Calif., southwest bound only; MEA 5,000.
From Fremont, Calif., LF/RBN; to Bay Point, Calif., FM southwest bound only; MEA 6,000.
From San Francisco, Calif., LFR; to Fremont, Calif., LF/RBN; MEA 4,000.
From Stockton, Calif., LFR; to Fremont, Calif., LF/RBN; MEA 5,000.
From Red Bluff, Calif., VOR; to Fortuna, Calif., VOR; MEA 8,500.

Section 610.6003 *VOR civil airway 3* is amended to delete:

From Brunswick, Ga., VOR via E alter.; to Savannah, Ga., VOR via E alter.; MEA 1,500.
From Int. 016 T rad Wash., D. C., TVOR and 104 T rad Herndon, Va., VOR; to Hereford INT, Md.; MEA *5,000. *2,000—MOCA.
From Hereford INT, Md.; to Parkton INT, Md.; MEA *3,000. *1,500—MOCA.

Section 610.6003 *VOR civil airway 3* is amended by adding:

From Jacksonville, Fla., VOR via E alter.; to Sea Island INT, Fla., via E alter.; MEA *2,500. *1,200—MOCA.
From Sea Island INT, Fla.; via E alter.; to Savannah, Ga., VOR via E alter.; MEA *3,000. *1,500—MOCA.
From Riverdale, Md., LF/RBN; to Westminster, Md., VOR; MEA 2,800.
From Westminster, Md., VOR; to Parkton INT, Md.; MEA 3,000.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Laramie, Wyo., VOR; to *Loveland INT, Colo.; MEA 11,500. *13,000—MRA.
From Loveland INT, Colo.; to *Dacono INT, Colo.; MEA, 11,500. *8,000—MCA Dacono INT, northwestbound.
From Gill INT, Colo., via N alter.; to *Hudson INT, Colo., via N alter.; MEA 7,500. *9,000—MRA.
From Hudson INT, Colo., via N alter.; to Denver, Colo., VOR via N alter.; MEA 7,500.

Section 610.6007 *VOR civil airway 7* is amended by adding:

From Evergreen, Ala., VOR; to *Pine Apple INT, Ala.; MEA 1,800. *8,000—MCA Pine Apple INT, northbound.
From Pine Apple INT, Ala.; to Birmingham, Ala., VOR; MEA *8,500. *2,600—MOCA.
From Birmingham, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 2,500.
From Muscle Shoals, Ala., VOR; to Graham, Tenn., VOR; MEA 2,500.

Section 610.6008 *VOR civil airway 8* is amended by adding:

From Kremmling, Colo., VOR via S alter.; to Grand Junction, Colo., VOR via S alter.; MEA 14,000.

Section 610.6016 *VOR civil airway 16* is amended to read in part:

From Haslet INT, Tex., via N alter.; to *Roanoke INT, Tex., via N alter.; MEA **2,600. *2,600—MRA. **1,900—MOCA.
From Roanoke INT, Tex., via N alter.; to *Lewisville INT, Tex., via N alter.; MEA **3,900. *3,900—MRA. **1,900—MOCA.
From Lewisville INT, Tex., via N alter.; to Little Elm INT, Tex., via N alter.; MEA *4,900. *1,700—MOCA.
From Little Elm INT, Tex., via N alter.; to *McKinney INT, Tex., via N alter.; MEA **5,700. *5,700—MRA. **2,100—MOCA.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From San Antonio, Tex., VOR; to Austin, Tex., VOR; MEA 3,000.
From Spring Branch INT, Tex., via W alter.; to Austin, Tex., VOR via W alter.; MEA 3,000.
From *Mill INT, Tex., via W alter.; to Mineral Wells, Tex., VOR via W alter.; MEA 2,400. *3,500—MRA.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Kiowa, Colo., VOR; to *State Line INT, Wyo.; MEA 8,000. *8,000—MRA.
From State Line INT, Wyo.; to Cheyenne, Wyo., VOR; MEA 7,300.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Spartanburg, S. C., VOR; to *Mooresville INT, N. C.; MEA 2,500.

Section 610.6027 *VOR civil airway 27* is amended to delete:

From Salinas, Calif., VOR via E alter.; to *Agnew, Calif., VOR via E alter.; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.
From Ames INT, Calif., via E alter.; to Agnew, Calif., VOR via E alter. northwestbound only; MEA 3,000.
From Agnew, Calif., VOR via E alter.; to Oakland, Calif., VOR via E alter.; MEA 3,000.
From Oakland, Calif., VOR via E alter.; to Point Reyes, Calif., VOR via E alter.; MEA 5,000.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Charlotte, N. C., VOR; to *Mooresville INT, N. C.; MEA **2,700. *2,700—MRA. **2,300—MOCA.
From Mooresville INT, N. C.; to Elkin INT, N. C.; MEA *6,000. *3,300—MOCA.
From Elkin INT, N. C.; to Pulaski, Va., VOR; MEA 5,600.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Joliet, Ill., VOR; to *Manteno INT, Ill.; MEA 2,000. *2,500—MRA.
From Manteno INT, Ill.; to Peotone, Ill., VOR; MEA 2,000.

Section 610.6047 *VOR civil airway 47* is amended to read in part:

From Cincinnati, Ohio, VOR; to Englewood INT, Ohio; MEA 3,000.
From Hamilton INT, Ohio; to Cincinnati, Ohio, VOR southbound only; MEA 2,300.
From Englewood INT, Ohio; to Dayton, Ohio, VOR; MEA 2,300.
From Cincinnati, Ohio, VOR via W alter.; to Englewood INT, Ohio, via W alter.; MEA 2,500.
From Englewood INT, Ohio, via W alter.; to Dayton, Ohio, VOR via W alter.; MEA 2,300.

Section 610.6062 *VOR civil airway 62* is amended to read in part:

From *Pleasant Hill INT, N. Mex.; to Farwell INT, Tex.; MEA **13,000. *15,500—MRA. **5,300—MOCA.

Section 610.6066 *VOR civil airway 66* is amended to read in part:

From *Prosper INT, Tex.; to **McKinney INT, Tex.; MEA ***2,900. *2,900—MRA. **5,700—MRA. ***2,100—MOCA.
From McKinney INT, Tex.; to Princeton INT, Tex.; MEA *2,900. *2,100—MOCA.

Section 610.6069 *VOR civil airway 69* is amended to read in part:

From Joliet, Ill., VOR; to Big Run INT, Ill.; MEA 2,000.
From Big Run INT, Ill.; to Chicago (Midway), Ill., TVOR; MEA 2,100.

Section 610.6081 *VOR civil airway 81* is amended by adding:

From Amarillo, Tex., VOR; to Dalhart, Tex., VOR; MEA 5,300.
From Dalhart, Tex., VOR; to Purgatoire INT, Colo.; MEA *10,000. *8,900—MOCA.
From Purgatoire INT, Colo.; to Pueblo, Colo., VOR; MEA 7,500.
From Amarillo, Tex., VOR via E alter.; to Dalhart, Tex., VOR via E alter.; MEA 5,200.

Section 610.6089 *VOR civil airway 89* is amended to read in part:

From Denver, Colo., VOR via E alter.; to *Hudson INT, Colo., via E alter.; MEA 7,500. *9,000—MRA.
From Hudson INT, Colo., via E alter.; to Gill INT, Colo., via E alter.; MEA 7,500.

Section 610.6107 *VOR civil airway 107* is amended to read in part:

From Long Beach, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.
From Hermosa INT, Calif.; to *Pt. Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, northbound.

Section 610.6114 *VOR civil airway 114* is amended to delete:

From Pueblo, Colo., VOR; to Purgatoire INT, Colo.; MEA 7,500.
From Purgatoire INT, Colo.; to Dalhart, Tex., VOR; MEA *10,000. *8,900—MOCA.
From Dalhart, Tex., VOR; to Amarillo, Tex., VOR; MEA 5,300.
From Dalhart, Tex., VOR via N alter.; to Amarillo, Tex., VOR via N alter.; MEA 5,200.

Section 610.6123 *VOR civil airway 123* is amended by adding:

From Washington, D. C., TVOR; to Baltimore, Md., LFR; MEA 1,600.
From Baltimore, Md., LFR; to Essex INT, Md.; MEA 1,600.
From Essex INT, Md.; to Port Deposit INT, Md.; MEA 2,000.
From Port Deposit INT, Md.; to Woodstown, N. J., VOR; MEA 1,600.

Section 610.6137 *VOR civil airway 137* is amended by adding:

From Salinas, Calif., VOR; to *Agnew, Calif., VOR; MEA 6,000. *4,000—MCA Agnew VOR, southeastbound.
From Ames INT, Calif.; to Agnew, Calif., VOR, northwestbound only; MEA 3,000.
From Agnew, Calif., VOR; to Oakland, Calif., VOR, MEA 3,000.
From Oakland, Calif., VOR; to Point Reyes, Calif., VOR; MEA 5,000.
From Point Reyes, Calif., VOR; to Bodega INT, Calif.; MEA 5,000.
From Bodega INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.

Section 610.6137 *VOR civil airway 137* is amended to read in part:

From McKettrick INT, Calif.; to *Coalinga, Calif., VOR; MEA 6,000. *5,000—MCA Coalinga VOR, northwestbound.

Section 610.6138 *VOR civil airway 138* is amended to read in part:

From Cheyenne, Wyo., VOR via S alter.; to *State Line INT, Wyo., via S alter.; MEA 7,300. *8,000—MRA.
From State Line INT, Wyo., via S alter.; to Sidney, Nebr., VOR via S alter.; MEA 7,300.

Section 610.6143 *Vor civil airway 143* is amended to read in part:

From Charlotte, N. C., VOR via W alter.; to *Mooresville INT, N. C., via W alter.; MEA **2,700. *2,700—MRA. **2,300—MOCA.

Section 610.6161 *VOR civil airway 161* is amended to read in part:

From Ft. Worth (Carter), ILS loc., to *Roanoke INT, Tex.; MEA **2,000. *2,600—MRA. **1,900—MOCA.
From Roanoke INT, Tex.; to Justin INT, Tex.; MEA *2,000. *1,900—MOCA.

Section 610.6171 *VOR civil airway 171* is amended to read in part:

From Peotone, Ill., VOR; to *Manteno INT, Ill.; MEA 2,000. *2,500—MRA.
From Manteno INT, Ill.; to Joliet, Ill., VOR; MEA 2,000.

Section 610.6191 *VOR civil airway 191* is amended to read in part:

From Chicago (O'Hare), Ill. TVOR; to Taylor INT, Wis.; MEA *3,000. *2,000—MOCA.

Section 610.6207 *VOR civil airway 207* is amended to read in part:

From Denver, Colo., VOR; to *Hudson INT, Colo.; MEA 7,500. *9,000—MRA.
From Hudson INT, Colo.; to Gill INT, Colo.; MEA 7,500.

Section 610.6209 *VOR civil airway 209* is amended to read in part:

From Long Beach, Calif., VOR; to Hermosa INT, Calif.; MEA 2,000.
From Hermosa INT, Calif.; to *Pt. Dume INT, Calif.; MEA 3,000. *4,000—MCA Pt. Dume INT, northbound.

Section 610.6222 *VOR civil airway 222* is amended to read in part:

From Round Top INT, Tex.; to Sealy INT, Tex.; MEA *3,500. *1,700—MOCA.

Section 610.6251 *VOR civil airway 251* is amended to read:

From Riverdale, Md., LF/RBN; to Westminster, Md., VOR; MEA 2,800.
From Westminster, Md., VOR; to Pottstown, Pa., VOR; MEA 2,100.
From Pottstown, Pa., VOR; to Captain INT, Pa.; MEA 2,000.
From Captain INT, Pa.; to Caldwell, N. J., VOR; MEA 2,500.

Section 610.6257 *VOR civil airway 257* is added to read:

From Delta, Utah, VOR; to Ogden, Utah, VOR; MEA 13,000.

Section 610.6262 *VOR civil airway 262* is amended to read in part:

From Joliet, Ill., VOR; to Big Run INT, Ill.; MEA 2,000.
From Big Run INT, Ill.; to Chicago (Midway), Ill., TVOR; MEA 2,100.

Section 610.6265 *VOR civil airway 265* is added to read:

From Riverdale, Md., LF/RBN; to Westminster, Md., VOR; MEA 2,800.
From Westminster, Md., VOR; to Harrisburg, Pa., VOR; MEA 3,000.

Section 610.6268 *VOR civil airway 268* is added to read:

From Keymar INT, Md.; to Westminster, Md., VOR; MEA 3,000.
From Westminster, Md., VOR; to Baltimore, Md., VOR; MEA 2,100.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective April 11, 1957.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-1900; Filed, Mar. 15, 1957; 8:45 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54316]

PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

MARKING REQUIREMENTS

Under section 304 (c) of the Tariff Act of 1930, as amended, and § 11.8 (m) of the Customs Regulations compensation and expenses of customs officers and employees assigned to supervise the marking of the name of the country of origin on imported articles are required to be reimbursed to the Government. To establish a similar requirement in connection with the labeling of imported wool and fur products, in accordance with the intent of Congress as expressed in section 501 of the Independent Offices Appropriation Act, 1952 (5 U. S. C. 140), §§ 11.12 (b) and 11.12a (b) of the Customs Regulations are amended by adding to each the following sentence: "The compensation and expenses of customs officers and employees assigned to supervise the labeling shall be reimbursed to the Government and shall be assessed in the same manner as in the case of marking of country of origin, § 11.8 (m)."

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Section 24.17 (a) listing services of customs officers which are reimbursable is amended to include the services described in §§ 11.12 (b) and 11.12a (b) by adding a new subparagraph (10) reading as follows:

(10) When fur or wool products are labeled under customs supervision in accordance with §§ 11.12 (b) and 11.12a (b) of this chapter, the compensation and expenses of customs officers and employees assigned to supervise the labeling shall be reimbursed to the Government by the party in interest.

(R. S. 161, 251, Sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

Notice of the proposed issuance of the foregoing amendments was published in the FEDERAL REGISTER on September 12, 1956 (21 F. R. 6889), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003.) No data, views, or arguments relating thereto having been received, the amendments as set forth above are hereby adopted. The amendments shall become effective 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 11, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2012; Filed, Mar. 15, 1957; 8:48 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter C—Office of the Treasurer of the United States

PART 360—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE TREASURER OF THE UNITED STATES

CHECKS INDORSED BY AN ATTORNEY IN FACT; INCOMPETENT PAYEES

Part 360, Subchapter C, Chapter II, Title 31 of the Code of Federal Regulations of the United States of America (appearing also as Treasury Department Circular No. 21 (Revised) dated September 5, 1946, as amended) is hereby amended in the following respects:

1. By revising § 360.5 to read as follows:

§ 360.5 *Checks indorsed by an attorney in fact.* (a) Checks indorsed by an attorney in fact for the payee and presented for payment by a bank will be paid by the Treasurer without the submission to the Treasurer of documentary proof of the authority of the attorney in fact. A general power of attorney in favor of an individual, bank or other appropriate entity is acceptable as authority for the indorsement of checks issued for the following purposes:

1. Principal or interest on public debt obligations or obligations guaranteed by the United States.
2. Tax refunds.
3. Payments for goods and services.

(b) Other classes of checks drawn on the Treasurer of the United States may be negotiated only under a specific power of attorney executed after the issuance of the check and describing it in full, except that such classes of checks may be negotiated also under a special power of attorney naming a bank as attorney in fact, limited to a period not exceeding twelve months and reciting that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney in fact or to any other person. Powers of attorney are revoked by the death of the grantor and may also be revoked by notice from the grantor to the parties concerned. Notice of revocation to the Treasury will not ordinarily serve to revoke the power.

2. By revising § 360.6 to read as follows:

§ 360.6 *Incompetent payees.* (a) Where the payee of a check of any class not listed in § 360.4 (a) has been declared incompetent, the check should not be indorsed by a guardian or other fiduciary but, instead, should be returned to the drawer, or to the administrative office which authorized the issuance of the check, with information as to the incompetency of the payee and submission of documentary evidence showing the appointment of the guardian, in order that the particular check, and others to be issued subsequently, may be drawn in favor of the guardian. If a guardian has not been and will not be appointed the full circumstances should be stated.

(b) Checks of the classes listed in § 360.4 (a) indorsed by a guardian or other fiduciary and presented for payment by a bank will be paid by the Treasurer without the submission to the Treasurer of documentary proof of the authority of the guardian or other fiduciary. If a guardian has not been and will not be appointed, the check should be forwarded for advice to the Treasurer of the United States, Check Claims Division, Washington 25, D. C.

(R. S. 161; 5 U. S. C. 22)

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

MARCH 13, 1957.

[F. R. Doc. 57-2014; Filed, Mar. 15, 1957; 8:48 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 1—GENERAL PROVISIONS

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

PART 17—MEDICAL

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS; CORRECTIONS

1. In Federal Register Document 56-10562, published at page 10375 of the issue for December 28, 1956, Part 1, make the following corrections:

(a) In § 1.508 (b), second sentence: Between "desired" and "by" insert "either".

(b) In § 1.511 (c), last line: Between "remain" and "in" insert "intact".

(c) In § 1.511 (d), first sentence, lines 2 and 3: Between "use" and "in" insert "in suits".

(d) In § 1.511 (e), first sentence, line 3: After "1944" delete the comma and insert "(Pub. Law 346, 78th Cong.),".

2. In Federal Register Document 57-734, published at page 637 of the issue for January 31, 1957, Part 4, between the words "Total" and "annual" appearing in the column I box headnote of § 4.450 (c), insert the word "combined".

3. In Federal Register Document 56-10545, published at page 10378 of the issue for December 28, 1956, Parts 6 and 8, make the following corrections:

(a) In § 6.7 (a) (1) (i), first sentence, line 1: Delete "application" and insert "applications".

(b) In the headnote of § 6.86, line 5: Between *"Service"* and *"Insurance"* insert *"Life"*.

(c) In § 6.86 (a), first sentence, line 13: Between "such" and "service" insert "active".

(d) In the headnote of § 8.0 (e), line 1: Delete *"Application"* and insert *"Applications"*.

(e) In § 8.2 (d) (2) (i), first sentence, line 1: Delete "application" and insert "applications".

(f) In § 8.113 (c), first sentence, line 6: Between "into" and "service" insert "active".

(g) At the end of this document: Delete "This regulation is effective December 28, 1956" and insert "This regulation is effective January 1, 1957".

4. In Federal Register Document 56-10232, published at page 9980 of the issue for December 14, 1956, Parts 6 and 8, make the following corrections:

(a) In § 6.150, third sentence: Between "die" and "a time" delete "as" and insert "at".

(b) In § 6.204, third sentence, line 15: Between "of" and "year" insert "l".

(c) In § 8.66, first sentence, lines 11 and 12: Between "Assistant Manager for Insurance" and "in the district offices" insert "Veterans Administration Center, Denver, Colo., and Directors of Insurance".

5. In Federal Register Document 56-10453 published at page 10384 of the issue for December 28, 1956, Part 13, the parenthetical reference "(12 U. S. C. 1725)" appearing on lines 10 and 11 of the first sentence of § 13.321 (d) (1) should read "(12 U. S. C. A. 1725)".

6. In Federal Register Document 56-10449, published at page 10385 of the issue for December 28, 1956, Part 17, make the following corrections:

(a) In § 17.50, introductory paragraph, first sentence, line 9: After "necessary" delete "service" and insert "services".

(b) In § 17.100 (a) (4) first sentence: In line 1, delete "submission" and insert "admission"; in lines 2 and 3, delete "§ 21.47 (c) (2) and (d)" and insert "§ 17.47 (c) (2) and (d)".

(c) In § 17.116 (a) (3), second sentence, last word: Delete "Director." and insert "Directors."

(d) In § 17.141 (b), first sentence, line 9: Between "(3)," and "(4)" insert "and".

(e) In § 17.123, introductory paragraph, first sentence, last line: Delete "paragraph" and insert "section".

7. In Federal Register Document 56-10450, published at page 10390 of the issue for December 28, 1956, Part 21, make the following corrections:

(a) In the headnote of § 21.15 (e), line 1: Delete *"Commissioner"* and insert *"Commissioned"*.

(b) In § 21.16 (b), second sentence, last line: Delete "§ 3.1" and insert "§ 3.2 (c)".

(c) In § 21.221, second sentence, lines 17 to 19: Delete the expression "the chief of education • • • to effect" and insert "there will be effected".

8. In Federal Register Document 56-10448, published at page 10392 of the issue for December 28, 1956, Part 21, make the following corrections:

(a) In § 21.530 (a) (2), introductory paragraph preceding (i), fifth sentence: Delete "information of the cost data." and insert "information on the cost data."

(b) In § 21.530 (a) (5) (iii) (b), last sentence of (*b*) preceding (*1*): Delete "paragraph.)" and insert "subparagraph.)".

(c) In § 21.530 (a) (5) (vi), first sentence, line 7: Delete "subdivision," and insert "subparagraph,".

(d) In § 21.530 (a) (5) (vii), second sentence, last line: Delete "of" and insert "for".

9. In Federal Register Document 57-520, published at page 428 of the issue for January 23, 1957, Part 21, the parenthetical reference "(ii)" appearing in the second sentence of § 21.2012 (d) (2) should read "(iv)".

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-2005; Filed, Mar. 15, 1957; 8:46 a. m.]

TITLE 50—WILDLIFE

Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

REPUBLICATION OF REGULATIONS

Basis and purpose. Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in July 1956. The whaling regulations, as last amended in July 1956, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 21 F. R. 4668, June 27, 1956, are amended and republished to read as hereinafter set forth.

ROSS LEFFLER,
Assistant Secretary of the Interior.

MARCH 12, 1957.

Sec.
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351.17 Factory ship operations within territorial waters.
351.18 Definitions.

AUTHORITY: §§ 351.1 to 351.18 issued under 64 Stat. 421-425; 16 U. S. C. 916-916l.

§ 351.1 *Inspection:* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* (a) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.[1]

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the the waters north of 66° North Latitude except that from 150° East Longitude eastward as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from November 8, 1955, after which it will automatically become operative again (November 8, 1958)).

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years.

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d, and 4th February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from January 7 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before February 1 in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d) and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and Whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and

[1] This paragraph was objected to within the prescribed period ending November 7, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on February 24, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from February 24, 1960.

whale catchers attached thereto under its jurisdiction one continous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted: *Provided*, That:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto:

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in any one season, provided that in the season 1956–57 the number shall not exceed fourteen thousand five hundred blue-whale units.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provision of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government; provided that when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 in the season 1955–56 and 13,000 thereafter, notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) It it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres).
Sei whales 40 feet (12.2 metres).
Humpback whales 35 feet (10.7 metres).

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 *Closed seasons for land stations.* (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) [1] Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed

[1] Section 351.10, paragraph (c) came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not therefore binding on the Commonwealth of Australia.

nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the proivsions of § 351.17.

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from the termination of that season.

§ 351.12 *Limitations of processing of whales.* (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of § 351.2, § 351.4, § 351.5, § 351.6, § 351.7, § 351.8 or § 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master of person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present, and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. This data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(1) The name and gross tonnage of each factory ship;

(2) The number and aggregate gross tonnage of the whale catchers;

(3) A list of the land stations which were in operation during the period concerned.

§ 351.17 [2] *Factory ship operations within territorial waters.* (a) A factory ship which operates solely within territorial waters is one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas referred to in paragraphs (a) and (b) of this section are—

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* (a) The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback, or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (Megatera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp-headed finner.

[2] Section 351.17 was inserted by the Commission at its first meeting in 1949, and came into force on January 11, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which reads as follows:

§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) on the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) on the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc.; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Arctic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

(b) "Whales taken" means whales that have been killed and either flagged or made fast to catchers.

[F. R. Doc. 57-1999; Filed, Mar. 15, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

POST OFFICE DEPARTMENT

[39 CFR Parts 37, 47]

POSTAGE REFUNDS; FORWARDING POSTAGE

NOTICE OF PROPOSED RULE MAKING

The following are amendments proposed to be made by the Department to the regulations in Part 37 and Part 47 of Title 39, Code of Federal Regulations, respecting postage refunds and forwarding postage, respectively.

The regulations relate to a proprietary function of the Government, and therefore are exempted from the rule making requirements of section 1003 of Title 5, United States Code. However, it is the desire of the Postmaster General to voluntarily observe the rule making requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the Postal Service an opportunity to present written views concerning the proposed amendments. Such written views may be submitted to E. A. Riley, Director, Division of Mail Classification, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., at any time prior to April 15, 1957.

1. Section 37.2 *Refunds* is amended to read as follows:

§ 37.2 *Refunds*—(a) *Conditions that justify refund.* (1) When postage or special service fees have been paid on mail for which no service is rendered, or collected in excess of the lawful rate, a refund may be made.

(2) The Postal Service is considered to be at fault and "no service is rendered" in cases involving returned articles improperly accepted in both domestic and international services because of excess size or weight.

(3) The responsibility for proper enclosing, packing, and sealing of international mail rests with the sender, and no liability for returned articles will be assumed for defects not observed at the time of mailing.

(4) Mailers who customarily weigh and rate their mail are expected to be familiar with basic requirements and the Postal Service is not considered to be at fault when these mailers are required to withdraw articles from the mail prior to dispatch.

(5) See paragraphs (c) (2) and (f) of this section for special provisions for refunding the postage value of unused meter stamps.

(b) *Application.* Submit an application on Form 3533 (Application and Voucher for Refund of Postage and Fees), in duplicate, to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired.

(c) *Amount of refund allowable.* (1) Refund of 100 percent will be made:

(i) When the Postal Service is at fault.

(ii) For the excess when postage or fees have been overpaid the lawful rate.

(iii) When service to the country of destination has been suspended.

(iv) When postage is fire-scarred while in the custody of the Postal Service, including fire in letter box, and the mail is returned to sender without service.

(v) When special-delivery stamps are erroneously used in payment of postage, and the mail is returned to the sender without service.

(vi) When fees are paid for special delivery, special handling and certified mail, and the article fails to receive the special service for which the fee has been paid.

(vii) When surcharges are erroneously collected on domestic registered mail or collected in excess of the proper amount, or represented by stamps affixed to matter not actually accepted for registration.

(viii) For fees paid for return receipts or for restricted delivery when the failure to furnish return receipt or its equivalent, or erroneous delivery, or nondelivery, is due to fault or negligence of Postal Service.

(ix) For annual bulk mailing fee when no bulk mailings of third-class matter are made during the year for which the annual fee has been paid.

(x) When customs clearance and delivery fees are erroneously collected.

(xi) When fees are paid for registry or insurance service on mail addressed to a country to which such services are not available, unless claim for indemnity is made.

(2) Refund of 90 percent shall be made:

(i) When it is determined that there is no fault or negligence attributable to the Postal Service.

(ii) When complete and legible unused meter stamps are submitted within 1 year from the dates appearing in the stamps. See paragraph (f) of this section.

(3) When mail is returned at the request of the sender or for a reason not the fault of the Postal Service, any difference between the amount paid and the appropriate domestic air or surface rate chargeable from mailing office to interception point and return will be refunded.

(4) On articles prepaid at airmail rates but actually transported by surface means, the difference between the postage computed at the airmail and surface rates is refundable. The fact that surface transportation was used must be confirmed.

(5) One-half of an original second-class application fee will be refunded if the application is not approved. See § 22.3 (e) of this chapter.

(d) *Unallowable refunds.* No refund will be made:

(1) For an application fee to use permit imprints.

(2) For registered, insured, and c. o. d. fees after the mail has been accepted by the post office even though it is later withdrawn from the mailing post office.

(e) *Meters.* The postage value of unused units set in a meter surrendered to the post office to be checked out of service may be refunded or, if desired, an equivalent amount will be transferred to another meter used by the same license holder. If the meter is withdrawn from service because of faulty mechanical operation, a final postage adjustment or refund may be withheld pending report of the meter manufacturer of the cause of faulty operation. If the meter is damaged by fire, a refund or transfer of postage will be made only if the registers are legible, or can be reconstructed by the meter manufacturer.

(f) *Meter stamps*—(1) *What to submit.* (i) Unused meter stamps that are complete and legible accompanied by an application, in duplicate, on Form 3533 within 1 year from dates appearing in the stamps, will be considered for refund. Arrange the stamps so that all of one denomination are together.

(ii) If portion of stamp is printed on one envelope or card and remaining portion on another, fasten the two together to show that the two portions represent one stamp.

(iii) Meter stamps printed on labels or tapes which have not been stuck to wrappers or envelopes must be submitted loose.

(iv) Refunds are allowable for stamps on metered reply envelopes only when it is obvious that an incorrect amount of postage was printed thereon.

(v) Submit separately with statement of facts, envelopes or address portions of wrappers on mail returned to sender from the mailing office marked "No such post office in State named," "Returned for better address," or "Received without contents," indicating no effort to deliver was made.

(2) *What not to submit.* Do not submit:

(i) Meter reply envelopes or cards paid at the proper rate of postage.

(ii) Meter stamps printed on labels or tape which have been removed from wrappers.

(iii) Meter stamps without the name of the post office and State.

(iv) Meter stamps without the date printed on tape. (See § 33.4 (f) of this chapter.)

(v) Meter stamps printed on mail which was dispatched from the mailing post office in regular course and returned to sender as undeliverable, including mixies marked No such post office in State named.

(vi) Meter stamps on mail addressed for local delivery and returned to sender after directory service was given or effort was made to deliver.

(R. S. 161, 396, as amended; sec. 2, 33 Stat. 1091; 5 U. S. C. 22, 369, 39 U. S. C. 300)

2. In § 47.7 *Guarantee to pay forwarding postage* amend paragraph (b) to read as follows:

(b) The sender may guarantee payment of forwarding postage on third- or fourth-class mail by printing "Forwarding Postage Guaranteed" below his return address. On second-class mail the guarantee must be printed on the envelope or wrapper or on one of the outside covers of unwrapped copies and must be immediately preceded by the sender's name and address. Mail bearing this pledge is accepted with the understanding that the sender will pay both the forwarding and return postage if the mail is returned as undeliverable from the post office to which it is forwarded. Where an addressee has unqualifiedly refused to pay forwarding postage on other mail of the same class, the mail will not be forwarded even though it bears the sender's pledge guaranteeing forwarding postage, but it shall be treated the same as if it bore sender's pledge to pay return postage.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 278a)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57-2080; Filed, Mar. 15, 1957; 8:54 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 46]

REGULATIONS (OTHER THAN RULES OF PRACTICE) UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

EXTENSION OF TIME TO SUBMIT DATA, VIEWS OR ARGUMENTS

A proposed amendment of the regulations (other than rules of practice) under the Perishable Agricultural Commodities Act, 1930, was set forth in a notice which was published in the FEDERAL REGISTER on January 23, 1957 (22 F. R. 436-444).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension of time until May 25, 1957, of the period of time within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed amended regulations.

Dated: March 12, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 57-2006; Filed, Mar. 15, 1957; 8:47 a. m.]

[7 CFR Part 52]

COMB HONEY

NON-ISSUANCE OF REVISED STANDARDS

A notice of proposed rule making was published in the April 24, 1956, issue of the FEDERAL REGISTER (21 F. R. 2627) concerning the issuance of revised United States Standards for Grades of Comb Honey, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.).

This notice provided a period until December 31, 1956, for all persons to submit written data, views, or arguments for consideration in connection with the proposed amendment. An extension until February 28, 1957, of the period within which such data, views, or arguments could be filed was published July 9, 1956, in the FEDERAL REGISTER (21 F. R. 5236).

In consideration of data, views, and arguments which have been filed with the Chief, Processed Products Standardization and Inspection Branch, Agricultural Marketing Service, and all relevant matters presented pursuant to such notice, it has been concluded that it would not be desirable to issue the proposed standards at this time.

It is determined, therefore, that the United States Standards, as proposed in the aforementioned notice, will not be made effective at this time. Accordingly, the present standards will continue to be effective.

Dated: March 13, 1957.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator, Marketing Services.*

[F. R. Doc. 57-2029; Filed, Mar. 15, 1957; 8:51 a. m.]

[7 CFR Parts 913, 980]

[Docket Nos. AO-23-A17, AO-182-A8]

MILK IN KANSAS CITY-TOPEKA MARKETING AREA (PRESENTLY GREATER KANSAS CITY AND TOPEKA, KANSAS, MARKETING AREA)

HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND ORDERS, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Bellerive Hotel, 214 East Armour, Kansas City, Missouri, beginning at 10 a. m., on April 2, 1957, with respect to proposed amendments to the tentative marketing agreements and orders, as amended, regulating the handling of milk in the Great Kansas City, and Topeka, Kansas, marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements, and orders, as amended.

The proposals to redesignate the Greater Kansas City marketing area to include the Topeka, Kansas, marketing area and substantial additional territory contemplates suspension of all provisions of Order No. 80, with a merger of the marketing service funds, administrative funds, and producer-settlement funds upon the adoption of such redesignation. These proposals raise the issue as to whether the present provisions of Order No. 13 regulating the handling of milk in the Greater Kansas City marketing area would tend to effectuate the declared policy of the Act if applied to the marketing area as proposed to be redesignated and extended and if not, what modifications of the order, in effect, should be made to effectuate the declared policy of the Act.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

By Pure Milk Producers Association:

Delete § 913.6 and amend to read as follows:

§ 913.6 *Kansas City-Topeka marketing area.* "Kansas City-Topeka marketing area" hereinafter called "marketing

area" means all of the territory in Jackson County, Platte County, Clay County and Cass County, all in the State of Missouri; Leavenworth County, Wyandotte County, Johnson County, the City of Lawrence and all of Douglas County, the City of Topeka and all of Shawnee County, and the City of Emporia and all of Lyon County, all in the State of Kansas.

By Shawnee County Milk Producers Association:

2. Delete § 913.6 of Federal Order No. 13 and amend to read as follows:

§ 913.6 *Kansas City-Topeka marketing area.* "Kansas City-Topeka marketing area" hereinafter called "marketing area", means all of the territory in Jackson County, Platte County, Clay County, and Cass County, all in the State of Missouri; Leavenworth County, Wyandotte County, Johnson County, the City of Lawrence and all of Douglas County, the City of Topeka and all of Shawnee County, the City of Emporia and all of Lyon County, and the City of Manhattan and all of Riley County, all in the State of Kansas.

By Fairmont Foods Company:

3. To the counties already listed in the State of Kansas, add "Morris County" as part of the marketing area.

By Pure Milk Producers Association and Shawnee County Milk Producers Association:

4. Amend § 913.10 by deleting paragraph (b) and substitute the following:

(b) Which during any delivery period of August through January transfers in bulk to a plant described in paragraph (a) of this section an amount of milk equal to fifty (50%) percent or more of such plant's receipts of milk from dairy farmers qualified to become producers (as defined in § 913.7) less any milk regularly disposed of as Class I on routes. Any such plant which is a pool plant in each of the delivery periods of August through January shall be a pool plant in each of the following delivery periods of February through July, regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six-month period is received from the operator of such plant by the market administrator before February 1, or.

5. Amend § 913.11 (b) by adding the following:

(3) The milk of members of such cooperative association collected by bulk tank when it is transferred from one pool plant to another pool plant during any delivery period.

By DeCoursey Tastemark Dairy:

6. Amend such provisions in the order as are necessary to permit shrinkage allowance at Class 2 cost on inter-handler transfers to the extent shown below:

a. To the receiving handler of producer milk at a pool plant or receiving station, allow up to one-half of one percent shrinkage at Class 2 cost on the pounds of skimmed milk and butterfat sold in bulk form to another handler.

b. To the transferee handler, allow up to one and one-half percent shrinkage at Class 2 cost on the pounds of skimmed milk and butterfat purchased in bulk form from another handler.

By Pure Milk Producers Association and Shawnee County Milk Producers Association:

7. Amend § 913.44 (c) and (d) as follows:

(c) As Class I milk if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located more than 200 miles from the closest point in the marketing area by the shortest highway distance as determined by the market administrator, except that (1) cream so transferred may be classified as Class II milk if its utilization as Class II milk is established through the operation of another Federal order for another milk marketing area; or (2) cream so transferred with prior notice to the market administrator, and with each container labeled or tagged with a certificate of the transferor that such cream is sold as "Grade C cream for manufacturing only", may be classified as Class II milk, subject to such verification of alternate utilization as the market administrator may make.

(d) As Class I milk, if transferred or diverted in the form of milk, skim milk or cream to a nonpool plant located not more than 200 miles from the closest point in the marketing area by shortest highway distance as determined by the market administrator, unless the market administrator is permitted to audit the records of receipts and utilization at such nonpool plant, in which case the classification of all skim milk and butterfat received at such nonpool plant shall be determined and the skim milk and butterfat transferred from the pool plant shall be allocated to the highest use remaining after subtracting, in series beginning with Class I milk, receipts of skim milk and butterfat as such nonpool plant directly from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such nonpool plant in markets supplied by such plant.

8. Amend § 913.51 (a) to provide for a supply demand adjustment that will result in less erratic fluctuation of the Class I price.

9. Consider the level of Class II pricing provided under § 913.51 (b).

10. Amend § 913.53 as follows:

§ 913.53 *Location adjustment to handlers.* (a) For milk which is received from producers at a pool plant located more than 55 miles by shortest highway distance, as determined by the market administrator from the City Hall in either Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, or Emporia, Kansas, whichever is closer, and which is classified as Class I milk, the price computed pursuant to § 913.51 (a) shall be reduced by sixteen (16¢) cents if such plant is located more than 55 miles but not more than 70 miles from such City Hall and by an additional one-half (½) cent for each ten miles or fraction thereof that such distance exceeds 70 miles.

(b) In case such pool plant is operated by a handler who also has a plant in the marketing area, milk moved to such plant in the marketing area shall be considered to be Class I milk to the extent that the Class I milk disposed of from such plant in the marketing area exceeds receipts of milk from producers at such plant in the marketing area: *Provided*, That, if such handler has two or more pool plants to which location adjustments apply, then milk so classified as Class I milk shall be deemed to have been transferred from such pool plants in the order of their distance from the closest of such City Halls in Kansas City, Lawrence, Topeka, or Emporia.

(c) Location adjustments on milk transferred as Class I milk from a pool plant to the pool plant of another handler shall apply only to that portion of such milk which is not in excess of the amount by which the total Class I sales of the receiving handler are greater than the total receipts of such handler from producers.

11. Amend § 913.63 by deleting paragraph (c) and substitute the following:

(c) Milk diverted by a cooperative association from a pool plant to another milk plant for the account of such cooperative association shall be deemed to have been received by such cooperative association at a pool plant at the same location as the pool plant from which such milk was diverted.

12. Amend § 913.71 (f) to conform to proposed amendment to § 913.53.

13. Amend § 913.72 (f) and (i) to conform to proposed amendment to § 913.53.

14. Amend § 913.81 as follows:

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 55 miles or more from the City Hall in either Kansas City, Missouri, Lawrence, Kansas, Topeka, Kansas, or Emporia, Kansas, whichever is closer, by shortest highway distance as determined by the market administrator, there shall be deducted sixteen (16) cents per hundredweight of milk for distances of 55 to 70 miles, inclusive, plus an additional one-half (½) cent for each additional ten miles or fraction thereof in excess of 70 miles.

By Bates County Milk Producers Association:

15. To amend § 913.81, Order No. 13, to read as follows:

§ 913.81 *Location adjustment to producers.* In making payments to producers, pursuant to § 913.80 (a), for milk received at a pool plant located 50 miles or more from the City Hall in Kansas City, Missouri, by shortest highway distance as determined by the market administrator, there shall be deducted 10 cents per hundredweight of milk for distances of 50 to 70 miles, inclusive, plus an additional one-half cent for each additional 10 miles or fraction thereof in excess of 70 miles.

By Dairy Division, Agricultural Marketing Service:

16. Increase the time available to the market administrator between the filing of reports by handlers and the announcement of the uniform price.

17. Make such other changes as are necessary to make the order conform with any amendments thereto as may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the market administrator, Room 297, Plaza Theatre Building, 231 West 47th Street, Kansas City 12, Missouri, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 13th day of March 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-2039; Filed, Mar. 15, 1957; 8:53 a. m.]

[7 CFR Part 969]

AVOCADOS GROWN IN SOUTH FLORIDA

PROPOSED INCREASE IN EXPENSES FOR THE 1956-57 FISCAL YEAR

Consideration is being given to the following proposal submitted by the Avocado Administrative Committee, established under the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969), regulating the handling of avocados grown in South Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find that the provisions pertaining to expenses in paragraph (a) of § 969.203 *Expenses and rate of assessment for the 1956-57 fiscal year* (22 F. R. 211) be amended to read as follows:

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Avocado Administrative Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, for the maintenance and functioning of such committee, in accordance with the provisions thereof, during the fiscal year beginning April 1, 1956, and ending March 31, 1957, will amount to $13,037.00.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the fifth day following publication of this notice in the FEDERAL REGISTER.

Dated: March 13, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2032; Filed, Mar. 15, 1957; 8:51 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[434.25]

EMBROIDERY MACHINES

PROSPECTIVE TARIFF CLASSIFICATION

MARCH 13, 1957.

It appears probable that a correct interpretation of paragraph 372, Tariff Act of 1930, requires that Cornely & Cie embroidery machines, Models A2, A5, AB, BCH, D, FBN, FD, L5, LG5, LGCH, RT, 121, 123, 148, 148H, and X, and similar machines by the same or other manufacturers, be classified thereunder as embroidery machines with duty at the rate of 15 percent ad valorem which is higher than that assessed on such articles under an established and uniform practice.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of classifying these machines as sewing machines, not specially provided for, under paragraph 372, Tariff Act of 1930, as modified, with duty at the rate of 10 percent ad valorem is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of these machines which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 57-2013; Filed, Mar. 15, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands, has filed an application, Serial No. Anchorage 033810, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws, but excepting the mineral leasing laws and the Materials Act. The applicant desires the land for a public service site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SAN BERNARDINO MERIDIAN

T. 17 S., R. 8 E.,
Sec. 15;
Secs. 21 and 22;
Secs. 26, 27 and 28;
Sec. 33, all except the S½SW¼;
Secs. 34 and 35.
T. 18 S., R. 8 E.,
Sec. 2, SW¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 3, Lots 1-4, incl., S½NE¼, SE¼, SE¼ NW¼, NE¼SW¼;
Sec. 4, Lot 1.

RAVINE LAKE AREA

T. 20 N., R. 6 E., S. M.,
Section 24: SE¼SW¼SW¼;
Containing 10 acres.

EUGENE V. ZUMWALT,
Acting Operations Supervisor.

[F. R. Doc. 57-1996; Filed, Mar. 15, 1957; 8:45 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 7, 1957.

The U. S. Fish and Wildlife Service has filed an application, Serial No. Los Angeles 0146497, for the withdrawal of the lands described below, from all forms of appropriation except mineral leasing under the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 USC 1185). The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the Jacumba Wildlife Management Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, Fourth and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

The area described aggregates 6,400.04 acres of public land in San Diego County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-1997; Filed, Mar. 15, 1957; 8:45 a. m.]

[74632]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

Correction

MARCH 12, 1957.

In Federal Register Document 57-1128, appearing at page 935 of the issue for Thursday, February 14, 1957, the date of Power Site Reserve No. 170 in the first sentence of paragraph 1 should read "December 30, 1910".

EDWARD WOOZLEY,
Director.

[F. R. Doc. 57-1998; Filed, Mar. 15, 1957; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 11, 1957.

The United States Forest Service of the Department of Agriculture has filed an application, Serial Colorado 016619, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as picnic grounds, camp grounds, recreation areas and administrative sites.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

Brown Park Campground:
T. 10 N., R. 76 W.,
Sec. 33, NE¼NW¼, N½SE¼NW¼.
Chambers Lake Campground:
T. 7 N., R. 75 W.,
Sec. 6, SE¼SW¼, E½SW¼SW¼;
Sec. 7, NW¼NE¼NW¼, NW¼NW¼NE¼.
Hooligan Roost Campground:
T. 10 N., R. 76 W.,
Sec. 29, S½NW¼SE¼, N½SW¼SE¼.
Skyline Campground:
T. 8 N., R. 75 W.,
Sec. 19, E½ Lot 1, NE¼ Lot 2.
Tunnel Campground:
T. 8 N., R. 75 W.,
Sec. 7, S½ Lot 3, N½ Lot 4, NE¼SW¼, NW¼SE¼SW¼.
Bellaire Lake Campground:
T. 9 N., R. 73 W.,
Sec. 6, NW¼SE¼, SW¼NE¼, E½NE¼SW¼.
Sleeping Elephant Campground:
T. 8 N., R. 75 W.,
Sec. 11, NE¼NE¼NW¼, W½NW¼NE¼.
Tom Bennett Campground:
T. 7 N., R. 73 W.,
Sec. 16, E½SE¼NW¼, W½SW¼NE¼.
Mt. Meeker Campground:
T. 3 N., R. 73 W.,
Sec. 11, SE¼NW¼.
Dahl-Kelly Campground:
T. 1 S., R. 72 W.,
Sec. 30, S½SW¼NW¼, SW¼SE¼NW¼, NW¼SW¼, W½NE¼SW¼.
Creedmore Lake Campground:
T. 10 N., R. 73 W.,
Sec. 4, SW¼NW¼, S½NW¼NW¼.
West Lake Campground:
T. 10 N., R. 73 W.,
Sec. 34, S½N½NW¼, SE¼NW¼.
Sheep Creek Campground:
T. 11 N., R. 74 W.,
Sec. 12, W½SW¼, SE¼SW¼, S½NE¼SW¼.
Allenspark Campground:
T. 3 N., R. 73 W.,
Sec. 26, SW¼NE¼, S½NW¼NE¼.
Jenny Lake Campground:
T. 1 S., R. 74 W.,
Sec. 27, E½SW¼NW¼, W½SE¼NW¼.
North Fork Poudre Picnic Ground:
T. 10 N., R. 74 W.,
Sec. 20, S½NE¼SE¼, N½SE¼SE¼.
Ansel Watrous Picnic Ground:
T. 8 N., R. 71 W.,
Sec. 4, S½SW¼NE¼, SW¼SE¼NE¼, N½NW¼SE¼.
Bennett Creek Picnic Ground:
T. 8 N., R. 73 W.,
Sec. 13, N½SE¼SE¼.
Big South Picnic Ground:
T. 8 N., R. 75 W.,
Sec. 28, NE¼NW¼SE¼, NW¼NE¼SE¼.
Diamond Rock Picnic Ground:
T. 8 N., R. 71 W.,
Sec. 3, SE¼ Lot 2, NE¼SW¼NE¼, NW¼SE¼NE¼.
Fish Creek Picnic Ground:
T. 7 N., R. 73 W.,
Sec. 1, Lot 4.
Narrows Picnic Ground:
T. 8 N., R. 72 W.,
Sec. 2, SW¼SE¼NW¼, NW¼NE¼SW¼.
Rist Canyon Picnic Ground:
T. 8 N., R. 71 W.,
Sec. 26, S½NE¼NW¼, SE¼NW¼NW¼, SW¼NW¼.
Upper and Lower North Fork Picnic Grounds:
T. 6 N., R. 72 W.,
Sec. 26, W½NW¼SE¼, E½NE¼SW¼.
Longmont Picnic Ground:
T. 2 N., R. 73 W.,
Sec. 13, S½SW¼SW¼, S½SE¼SW¼;
Sec. 24, N½NW¼NW¼, N½NE¼NW¼.
Middle St. Vrain Picnic Ground:
T. 2 N., R. 73 W.,
Sec. 13, S½SE¼SE¼;
Sec. 24, N½NE¼NE¼.
Mont Alto Picnic Ground:
T. 1 N., R. 72 W.,
Sec. 15, NE¼SW¼, E½NW¼SW¼, NE¼SW¼SW¼, N½SE¼SW¼.
Rainbow Lakes Picnic Ground:
T. 1 N., R. 73 W.,
Sec. 33, SE¼NE¼NW¼, NE¼SE¼NW¼, SW¼NW¼NE¼, NW¼SW¼NE¼.
South St. Vrain Picnic Ground:
T. 3 N., R. 71 W.,
Sec. 26, S½NW¼NW¼.
Brainard Lake Recreation Area:
T. 1 N., R. 73 W.,
Sec. 5, E½NE¼SE¼, SE¼SE¼NE¼;
Sec. 4, S½S½NW¼, N½SW¼, N½S½SW¼, NW¼SE¼, NW¼SW¼SE¼.
Dowdy Lake Recreation Area:
T. 10 N., R. 73 W.,
Sec. 27, SE¼, N½SE¼SW¼, SE¼SE¼SW¼;
Sec. 26, W½SW¼, SW¼NW¼;
Sec. 34 N½NE¼, NE¼NE¼NW¼.
Fox Creek Recreation Area:
T. 3 N., R. 73 W.,
Sec. 24, NW¼SW¼, W½NE¼SW¼;
Sec. 23, NE¼SE¼.
Rock Creek Recreation Area:
T. 2 N., R. 73 W.,
Sec. 2, SE¼SW¼.
Redfeather Ranger Station Administrative Site:
T. 10 N., R. 73 W.,
Sec. 34, N½NW¼,NW¼, NW¼NE¼NW¼, S½NE¼;
Sec. 27, SW¼SE¼SW¼.
White Pine Lookout Administrative Site:
T. 7 N., R. 72 W.,
Sec. 4, SE¼NW¼.
Deadman Lookout Administrative Site:
T. 10 N., R. 75 W.,
Sec. 13, SE¼NW¼SE¼, SW½NE¼SE¼, NW¼SE¼SE¼, NE¼SW¼SE¼.
Mt. Thorodin Lookout Administrative Site:
T. 2 S., R. 72 W.,
Sec. 11, N½SE¼NW¼.
Ft. Collins Mt. Recreation Area:
T. 8 N., R. 72 W.,
Sec. 4, SE¼SE¼SW¼, S½SW¼SE¼, SW¼SE¼SE¼;
Sec. 9, NE¼NW¼, N½NW¼NE¼.

Total acreage 2674.48.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 57-2010; Filed, Mar. 15, 1957; 8:47 a. m.]

[Misc. No. 74886]

ALABAMA

SMALL TRACT CLASSIFICATION ORDER NO. 3

FEBRUARY 28, 1957.

1. Pursuant to the authority delegated by section 1.9 (o) of Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), Bureau Order No. 596 of August 30, 1955 and Eastern States Supervisor's Memorandum of May 21, 1956, I hereby classify the following described public lands, totaling 16.16 acres, under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

ST. STEPHENS MERIDIAN

For lease and sale to individuals having a prior valid existing right whose applications were filed prior to this order.

T. 21 N., R. 16 E.,
Sec. 14, Lot 4, 1.58 acres;
Sec. 14, Lot 7, 0.61 acres;
Sec. 14, Lot 8, 0.80 acres;
Sec. 14, Lot 9, 1.52 acres;
Sec. 14, Lot 10, 1.16 acres;
Sec. 14, Lot 12, 2.21 acres.
For direct sale at public auction:

T. 21 N., R. 16 E.,
Sec. 14, Lot 3, 3.78 acres;
Sec. 14, Lot 5, 1.51 acres;
Sec. 14, Lot 6, 1.39 acres;
Sec. 14, Lot 11, 1.30 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, except applications under the mineral leasing laws.

3. The lands classified by this order for direct sale shall not become subject to public sale under the Small Tract Act, supra, until it is so provided by an order to be issued by the authorized officer, opening the lands for direct sale by public auction, with a preference right to Veterans of World War II and the Korean conflict and others entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. Inquiries concerning the lands to be offered for direct sale shall be addressed to the Manager, Russellville Office, Bureau of Land Management, P. O. Box 189, Russellville, Arkansas.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-2026; Filed, Mar. 15, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

MEMBER LINES OF FAR EAST CONFERENCE

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 17-27, between the member lines of the Far East Conference, modifying the preamble of the basic conference agreement (No. 17, as amended), (1) by deleting the words "Formosa" and "Philippine Islands", and substituting therefor the present day designations of these countries, i. e., "Taiwan (Formosa)" and "Republic of the Philippines", respectively; (2) by adding Hong Kong to the trading area of the conference; and (3) by clarifying the language of the preamble to show that the trade covered by the conference is from Atlantic and Gulf ports of the United States to certain specified countries in the Far East rather than between said areas.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 13, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-2011; Filed, Mar. 15, 1957; 8:47 a. m.]

[Docket No. M-78]

GRACE LINE, INC., ET AL

NOTICE OF HEARING ON APPLICATIONS TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong., 50 U. S. C. App. 1738), on March 28, 1957, in Chicago, Illinois, at a time and place to be announced, upon the application of Grace Line, Inc., to bareboat charter four (4) N3-S-A2 type vessels to be used in trade between Great Lakes and St. Lawrence River ports and the Caribbean. Grace Line, Inc., seeks operating-differential subsidy for operation of these vessels in this service, and its petition for a determination under section 211 of the Merchant Marine Act, 1936 (46 U. S. C. 1121), that this route is an essential trade route is being considered by the Maritime Administrator.

Documents expressing desires for charter of N3-S-A2 type vessels for use on Trade Route 32 have been received from:

Isbrandtsen Company, Inc., 8 vessels;
United States Lines Company, 8 vessels;
T. J. McCarthy Steamship Company, 4 vessels; and
Einar H. Crown, 2 vessels.

All of these applicants seek operating-differential subsidy for operation of these vessels. If any of these applicants request, within seven (7) days from publication hereof in the FEDERAL REGISTER, the applications will be considered in these proceedings. Prerequisite to consideration of any application to charter is receipt of an application substantially in the forms prescribed in General Order 60 (See 46 CFR 299.31, 299.80 and 299.81) which must be filed before, and made available at, the hearing.

The purpose of the hearing is to receive evidence with respect to whether the services for which such vessels are proposed to be chartered are required in the public interest and are not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such services. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding. All persons having an interest in the applications will be given an opportunity to be heard if present.

An Examiner from the Hearing Examiners' Office will preside at the hearing which will be conducted in accordance with the Board's rules of practice and procedure, and an initial decision will be issued.

Dated: March 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-2084; Filed, Mar. 15, 1957; 8:55 a. m.]

LAMAR FORWARDING CO. ET AL.

NOTICE TO SHOW CAUSE WHY FREIGHT FORWARDER REGISTRATIONS ISSUED TO CERTAIN REGISTRANTS SHOULD NOT BE CANCELLED

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., the 7th day of March 1957, the Board entered the following order:

Whereas, the following registrants were assigned freight forwarder registration numbers pursuant to General Order 72 (46 CFR part 244):

Name, Reg. No., and Date Issued

LaMar Forwarding Co. (New York) (Domenica Spertino, dba), 1252, 4-10-53.
Murkay Trading Company (Rutherford, N. J.), 1918, 9-1-55.
Transportes Rody S. A., Inc. (Miami), 1917, 8-30-55.
Tropical Express, Inc. (Miami), 1287, 4-5-51.

Whereas, the Board has by registered letters requested these registrants to furnish certain information in connection with their forwarding activities, pursuant to § 244.3 of General Order 72; and

Whereas, registered mail sent to Domenica Spertino, doing business as LaMar Forwarding Co., has been returned by the post office as undeliverable, and the Board is therefore unable to exercise regulatory authority over him because his present whereabouts is unknown; and

Whereas, the other three registrants named above have failed to respond to registered letters in violation of General Order 72; now, therefore,

It is ordered, That the above-named registrants show cause, in writing or at a public hearing to be hereafter set if requested by registrant, within thirty (30) days from the date of publication hereof in the FEDERAL REGISTER why their registrations should not be cancelled for the reasons above stated; and

It is further ordered, That failure of any registrant named above to respond as ordered hereby will result in automatic cancellation of its freight forwarder registration without further action by the Board; and that notice of such cancellation shall be sent to the registrant by the Secretary; and

It is further ordered, That a copy of this order be sent by registered mail to each of the above-named registrants at its last known address; and

It is further ordered, That this order be published in the FEDERAL REGISTER.

Dated: March 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-2081; Filed, Mar. 15, 1957; 8:54 a. m.]

Office of the Secretary

PETER MEYNS AND PETER MEYNS & CO.

APPEALS BOARD DECISION

In the matter of: Peter Meyns, Peter Meyns & Co., Gertrudenkirchhof 10, Hamburg 1, Germany; Appeals Board Docket No. FC-36; B. F. C. Case No. 207.

Peter Meyns, doing business under the firm name and style of Peter Meyns & Company, of Hamburg, Germany, hereinafter referred to as the appellant, has appealed from the order revoking export licenses and denying export privileges issued April 10, 1956 by John C. Borton, Director, Office of Export Supply, Bureau

of Foreign Commerce. (21 F. R. 2415 April 13, 1956).

The appellant was allowed an extended time by the Appeals Board to submit documentation in support of his appeal.

Preceding, during, and following a hearing on the record at which appellant, although given ample opportunity, did not appear and was not represented by counsel, the Appeals Board examined the record closely, questioned counsel for the Bureau of Foreign Commerce in the interest of the appellant's defense, and finds that the order from which the appeal was taken is supported by the record.

Therefore, the Board finds that the appellant, as stated in the order, with knowledge that potassium bichromate, sodium bichromate, paraffin wax, and butyl alcohol of U. S. origin could not be exported to Hong Kong or Communist China without specific approval therefore by the Bureau of Foreign Commerce, did transship and divert or cause to be transshipped and diverted the above commodities in quantity to Hong Kong and/or Communist China in violation of United States laws and United States regulations applicable thereunder.

Therefore, it is ordered, That: The appeal hereby be denied.

FREDERIC W. OLMSTEAD,
Chairman,
Appeals Board.

MARCH 12, 1957.

[F. R. Doc. 57-2027; Filed, Mar. 15, 1957; 8:50 a.m.]

JOHN H. CLEMSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER:

A. Deletions: None.
B. Additions: None.

This statement is made as of March 1, 1957.

Dated: March 7, 1957.

JOHN H. CLEMSON.

[F. R. Doc. 57-1995; Filed, Mar. 15, 1957; 8:45 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO HOSIERY AND KNITTED WEAR INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Adams-Millis Corp., 710 Grimes Street, 400 English Street, High Point, N. C.; effective 3-1-57 to 10-30-57 (seamless).

Amos Hosiery Mills, Inc., 328 Mangum Avenue, High Point, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Auburn Dyeing & Finishing Co., Auburn, Ky.; effective 3-1-57 to 9-30-57 (dyeing and finishing women's nylon hosiery).

Auburn Hosiery Mills, Inc., Auburn, Ky.; effective 3-1-57 to 10-30-57 (full-fashioned).

Charles H. Bacon Co., Loudon, Tenn.; effective 3-1-57 to 9-30-57 (full-fashioned and seamless).

Baker-Cammack Hosiery Mills, Inc., Burlington, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Balfour Hosiery Co., Burlington Industries, Inc., Sporo Road, Asheboro, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 3-1-57 to 10-30-57 (seamless).

Bear Brand Hosiery Co., Kankakee, Ill.; effective 3-1-57 to 10-30-57 (seamless and full-fashioned).

Bear Brand Hosiery Co., Paxton, Ill.; effective 3-1-57 to 10-30-57 (full-fashioned).

Bear Brand Hosiery Co., Gary Ind.; effective 3-1-57 to 10-30-57 (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 3-1-57 to 10-30-57 (seamless).

Burlington Industries, Inc., Vance Hosiery Plant, Kernersville, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Burlington Industries, Inc., Scottsboro Hosiery Plant, Scottsboro, Ala; effective 3-1-57 to 9-30-57 (seamless).

Claussner Hosiery Co., No. 1 Hosiery Division, 28th and Adams Streets, Paducah, Ky.; effective 3-1-57 to 9-30-57 (full-fashioned).

J. A. Cline & Son, Inc., Hildebran, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Commonwealth Hosiery Mills, Randleman, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Davenport Hosiery Mills, Inc., 400 East 11th Street, Chattanooga, Tenn.; effective 3-1-57 to 9-30-57 (full-fashioned).

Diamond Hosiery Corp., High Point, N. C.; effective 3-1-57 to 9-30-57 (full-fashioned).

Francis-Louise Full Fashion Mills, Valdese, N. C.; effective 3-1-57 to 9-30-57 (full-fashioned).

Full-Knit Hosiery Mills, Inc., Burlington, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Grace Hosiery Mills, Inc., Burlington, N. C.; effective 3-1-57 to 9-30-57 (men's hosiery).

Great American Knitting Mills, Inc., Bechtelsville, Pa.; effective 3-1-57 to 9-30-57 (seamless).

Greensboro Hosiery Mills, Inc., Greensboro, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Mary Grey Hosiery Mills, Bristol, Va.; effective 3-1-57 to 10-30-57 (full-fashioned and seamless).

Hall Brothers, Snow Shoe, Pa.; effective 3-1-57 to 10-30-57 (full-fashioned).

Huffman Full Fashioned Mills, Inc., Morganton, N. C.; effective 3-1-57 to 9-30-57 (full-fashioned).

O. E. Kearns & Son, Inc., South Hamilton Street, High Point, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Knit Products Corp., Belmont, N. C.; effective 3-1-57 to 9-30-57 (full-fashioned)

Lenoir Hosiery Mills, Inc., Lenoir, N. C.; effective 3-1-57 to 10-30-57 (full-fashioned and seamless).

Merrill Hosiery Co., Bank St., Hornell, N. Y.; effective 3-23-57 to 9-30-57 (full-fashioned).

Morganton Full Fashioned Hosiery Co., Morganton, N. C.; effective 3-1-57 to 9-30-57 (full-fashioned and seamless).

Newland Knitting Mills, Newland, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Nebel Knitting Co., 101 West Worthington Avenue, Charlotte, N. C.; effective 3-1-57 to 10-30-57 (full-fashioned).

Nolde & Horst Co., Dayton, Tenn.; effective 3-1-57 to 9-30-57 (seamless).

Nolde & Horst Co., Hickory, N. C.; effective 3-1-57 to 9-30-57 (seamless).

The Nolde & Horst Co., Hugh Grey Division, Concord, N. C.; effective 3-1-57 to 10-30-57 (full-fashioned and seamless).

Owen-Osborne Hosiery Mills, Inc., Gainesville, Ga.; effective 3-1-57 to 9-30-57 (full-fashioned).

Peerless Hosiery Co., North Wilkesboro, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Peerless Hosiery Co., West Jefferson, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Princeton Hosiery Mills, Princeton, Ky.; effective 3-1-57 to 9-30-57 (seamless).

Ridgeview Hosiery Mill Co., Main Street, Newton, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Russell Hosiery Mills, Inc., Star, N. C.; effective 3-1-57 to 10-30-57 (seamless).

Shenandoah Knitting Mills, Inc., Shenandoah, Va.; effective 3-1-57 to 9-30-57 (full-fashioned).

Slane Hosiery Mills, Inc., Mangum Avenue, High Point, N. C.; effective 3-1-57 to 10-30-57 (seamless).

Tip-Top Hosiery Mills, Inc., 400 West Salisbury Street, Asheboro, N. C.; effective 3-14-57 to 10-30-57 (seamless).

Tower Hosiery Mills, Inc., Broad Street, Burlington, N. C.; effective 3-1-57 to 9-30-57 (full-fashioned).

Waldensian Hosiery Mills, Inc., Lenoir, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Waldensian Hosiery Mills, Inc., Pauline Seamless Knitting Plant, Valdese, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Waldensian Hosiery Mills, Inc., Finishing Plant, Valdese, N. C.; effective 3-1-57 to 9-30-57 (seamless and full-fashioned).

Wee-Sox Hosiery Mills, Randleman, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Williamson Hosiery Mills, Inc., 615 North Jackson Street, Athens, Tenn.; effective 3-1-57 to 9-30-57 (seamless).

Willis Hosiery Mills, Inc., 184 Academy Street, Concord, N. C.; effective 3-12-57 to 9-30-57 (seamless).

The following learner certificates were issued for five learners for normal labor turnover purposes. The effective dates are indicated.

Auburn Hoisery Mills, Inc., No. 2, Adairville, Ky.; effective 3-1-57 to 9-30-57 (full-fashioned and seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 3-1-57 to 10-30-57 (seamless).

Bear Brand Hosiery Co., Kearney, Nebr.; effective 3-1-57 to 10-30-57 (full-fashioned).

Black Mountain Hosiery Mills, Inc., 111 East Vance Avenue, Black Mountain, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Bloomsburg Hosiery Mills Inc., 164 West Ninth Street, Bloomsburg, Pa.; effective 3-1-57 to 9-30-57 (seamless).

Claussner Hosiery Co., No. 2 Seamless Division, 30th and Adams Streets, Paducah, Ky.; effective 3-1-57 to 9-30-57 (seamless).

Commonwealth Hosiery Mills, Ellerbe, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Hanson Hosiery Mills, Inc., South Coldbrook Avenue, Chambersburg, Pa.; effective 3-10-57 to 10-30-57 (full-fashioned).

Hunter Hosiery, Inc., 1269 Union Avenue, Laconia, N. H.; effective 3-1-57 to 9-30-57 (seamless).

Kosciusko Hosiery Mills, Division of Wayne Knitting Mills, Kosciusko, Miss.; effective 2-23-57 to 9-30-57 (seamless).

Outlook Manufacturing Co., Belmont, N. C.; effective 3-12-57 to 9-20-57 (seamless).

Shannon Hosiery Mills, Inc., Concord, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Southerland Dyeing & Finishing Mills, Inc., Mebane, N. C.; effective 3-1-57 to 9-30-57 (commercial hosiery finishing).

Strutwear, Inc.; Clarksdale, Miss.; effective 3-1-57 to 10-30-57 (full-fashioned).

Surratt Hosiery Mills, Highway No. 8, Denton, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Texas Knitting Mills, Inc., Mineral Wells, Tex.; effective 3-1-57 to 9-30-57 (full-fashioned).

Trigg Knit, Cadiz, Ky.; effective 3-1-57 to 10-30-57 (seamless).

Vermont Hosiery & Machinery Co., North Main Street, Northfield, Vt.; effective 3-1-57 to 10-30-57 (seamless).

Walnut Cove Hosiery Mills, Walnut Cove, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Wyatt Knitting Co., 1006 Goldsboro Avenue, Sanford, N. C.; effective 3-1-57 to 10-30-57 (full-fashioned).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized and the effective dates are indicated.

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 3-1-57 to 8-31-57; authorizing the employment of 20 high school students only for part time employment in the occupation of looping, for a learning period of 816 hours, at 80¢ per hour for the first 432 hours and not less than 87½¢ per hour for the remaining 384 hours (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 3-1-57 to 8-31-57; authorizing the employment of 30 high school students only for part time employment in the occupation of looping, for a learning period of 816 hours, at 80¢ per hour for the first 432 hours and not less than 87½¢ per hour for the remaining 384 hours (seamless).

'Gann Hosiery Mills Co., 309 South Alliston Avenue, Durham, N. C.; effective 3-1-57 to 10-30-57; six learners (seamless).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized and the effective dates are indicated.

Bear Brand Hosiery Co., Fayetteville, Ark.; effective 3-1-57 to 8-31-57; five learners (seamless).

Bear Brand Hosiery Co., Siloam Springs, Ark.; effective 3-1-57 to 8-31-57; 15 learners (seamless).

Bear Brand Hosiery Co., Henderson, Ky.; effective 3-1-57 to 8-31-57; 15 learners (seamless).

Bear Brand Hosiery Co., Kearney, Nebr.; effective 3-1-57 to 8-31-57; eight learners (full-fashioned).

Burlington Industries, Inc., Scottsboro Hosiery Plant, Scottsboro, Ala.; effective 3-1-57 to 8-31-57; 50 learners (seamless).

Kosciusko Hosiery Mills, Division of Wayne Knitting Mills, Kosciusko, Miss.; effective 2-23-57 to 8-22-57; 25 learners (seamless).

J. W. Landenberger & Co., 100 South Cass Street, Middletown, Del.; effective 3-1-57 to 9-30-57; 42 learners (seamless).

The Nolde & Horst Co., Hugh Grey Division, Concord, N. C.; effective 3-17-57 to 9-16-57; 25 learners (full-fashioned and seamless).

The Nolde & Horst Co., Division of Chester H. Roth Co., Inc., Pittsboro, N. C.; effective 3-1-57 to 8-31-57; 30 learners (seamless).

Surratt Hosiery Mills, Highway No. 8, Denton, N. C.; effective 3-1-57 to 8-31-57; 10 learners (seamless).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 3-1-57 to 8-31-57; 10 learners (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes. The effective dates are indicated.

Anniston Knitting Co., Division of Flagg-Utica Corp., Anniston, Ala.; effective 3-20-57 to 9-30-57 (knitted underwear).

B. V. D. Co., Inc., Piqua, Ohio; effective 3-1-57 to 9-30-57 (tee and athletic shirts).

Benham Underwear Mills, Scottsboro, Ala.; effective 3-1-57 to 9-30-57 (men's and boys' cotton underwear).

Blue Swan Mills, Sayre, Pa.; effective 3-1-57 to 9-30-57 (ladies' nitewear and underwear).

The William Carter Co., 400 East Main, Senatobia, Miss.; effective 3-1-57 to 9-30-57 (women's and children's cotton pants).

Century Mills Division of A. H. Schreiber Co., Inc., Lincoln and Reeder Streets, Riverside, N. J.; effective 3-1-57 to 9-20-57 (Nylon and cotton underwear).

Clarke Mills, Jackson, Ala.; effective 3-1-57 to 9-30-57 (women's knitted underwear and lingerie).

Escambia Mills, Atmore, Ala.; effective 3-1-57 to 9-30-57 (women's knitted underwear and lingerie).

Gurney Manufacturing Division, Botony Cottons, Inc., Prattville, Ala.; effective 3-1-57 to 9-30-57 (knitting yarns).

Hamburg Knitting Mills, Inc., 239 Pine Street, Hamburg, Pa.; effective 3-1-57 to 9-30-57 (cotton knit underwear).

Marengo Mills, Demopolis, Ala.; effective 3-1-57 to 9-30-57 (women's knitted underwear and lingerie).

Monroe Mills, Monroeville, Ala.; effective 3-1-57 to 9-30-57 (women's knitted underwear and lingerie).

J. E. Morgan Knitting Mills, Inc., 205 Center Street, Tamaqua, Pa.; effective 3-1-57 to 9-30-57 (men's and boys' knitted underwear).

Walter W. Meyer Co., Inc., 400 West Main Street, Ephrata, Pa.; effective 3-1-57 to 9-30-57 (knit underwear).

Norwich Mills, Inc., Clayton, N. C.; effective 3-1-57 to 9-30-57 (knitted underwear and outerwear).

Ohio Knitting Mills, Inc., 7500 Stanton Avenue, Cleveland, Ohio; effective 3-1-57 to 9-30-57 (sweaters).

Phillips-Jones Corp., Ozark, Ala.; effective 3-1-57 to 9-30-57; 5 percent of the total number of factory production workers for normal labor turnover purposes in the production of shorts (shorts).

Roanoke Mills, Inc., 505 Sixth Street SW., Roanoke, Va.; effective 3-1-57 to 9-30-57 (knitted underwear, sportswear, etc.).

Robinson Manufacturing Co., Inc., South Market Street, Dayton, Tenn.; effective 3-1-57 to 9-30-57 (woven cotton shorts).

The Russell Manufacturing Co., Alexander City, Ala.; effective 3-1-57 to 9-30-57 (knit underwear, sleepers, sweatshirts, etc.).

A. H. Schreiber Co., Inc., Washington Street, Mt. Holly, N. J.; effective 3-1-57 to 9-30-57 (underwear).

Van Raalte Co., Inc., Randolph, Vermont; effective 3-1-57 to 9-30-57 (nylon slips for women).

Van Raalte Co., Inc., High Rock and Circular Streets, Saratoga Springs, N. Y.; effective 3-1-57 to 9-30-57 (knitted underwear).

Ware Knitters, Inc., Calais, Maine; effective 3-1-57 to 9-30-57 (knit outerwear).

Wilson Bros., 1008 West Sample Street, South Bend, Ind.; effective 3-1-57 to 9-30-57 (woven underwear—shorts).

The following learner certificates were issued and except as otherwise indicated authorize the employment of five learners for normal labor turnover purposes. The effective dates are indicated.

Beltex Corp., 106 South Main Street, Belmont, N. C.; effective 3-1-57 to 9-30-57 (knitted underwear).

Creston Knitting Mills, Inc., Swainsboro, Ga.; effective 3-1-57 to 9-30-57; five learners for normal labor turnover purposes engaged in the production of men's T shirts and ladies' and girls' briefs (ladies' and girls' panties).

Dri-Set, Inc., Graysville, Tenn.; effective 3-1-57 to 9-30-57 (children's knitted sleeping wear).

Fashion Industries, Inc., 120 Maple Street, Big Rapids, Mich.; effective 3-1-57 to 9-30-57 (knitted underwear and nitewear).

Fashion Industries, Inc., 207 River Street, Cadillac, Mich.; effective 3-1-57 to 9-30-57 (knitted underwear, nitewear).

Fitzgerald Underwear Corp., 702-704 South Sherman Street, Fitzgerald, Ga.; effective 3-12-57 to 9-30-57 (ladies' and children's underwear).

Geissler Knitting Mills, Inc., 129 East Broad Street, Hazleton, Pa.; effective 3-1-57 to 9-30-57 (polo and athletic shirts).

Keystone Mills, Inc., 325 South Lancaster Street, Annville, Pa.; effective 3-1-57 to 9-30-57 (cotton polo shirts).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 3-1-57 to 9-30-57; five learners engaged in the manufacturing of swim trunks for normal labor turnover purposes (swim trunks).

Logan Knitting Mills, 1094 North Main Street, Logan, Utah; effective 3-1-57 to 9-30-57 (women's knitted fabric outerwear).

Meck Knitting Mills, Inc., Schuylkill Haven, Pa.; effective 3-1-57 to 9-30-57 (men's and boys' knitted underwear).

Milaca Underwear Co., Inc., Milaca, Minn.; effective 3-1-57 to 9-30-57 (underwear and slipwear).

Nescopeck Knitting Mills, Inc., 213 West Third Street, Nescopeck, Pa.; effective 3-1-57 to 9-30-57 (cotton shirts and sweaters).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 3-1-57 to 9-30-57 (knit cotton polo shirts).

Pottsville Mills, Inc., 480 Peacock Street, Pottsville, Pa.; effective 3-1-57 to 9-30-57 (knitted outerwear).

Rhea Mills, Inc., South Market Street, Dayton, Tenn.; effective 3-1-57 to 9-30-57 (woven undershorts).

Snowdon, Inc., Osceola, Iowa; effective 3-10-57 to 11-30-57 (women's underwear, lingerie).

Society Lingerie Co., Springland and Reeske, Michigan City, Ind.; effective 3-1-57 to 9-30-57 (lingerie, slips, petticoats, etc.).

Sorrento Sportswear, Inc., 356 West Broad Street, Hazleton, Pa.; effective 3-1-57 to 9-30-57 (wool sweaters).

Strutwear, Inc., Clarksdale, Miss.; effective 3-1-57 to 9-30-57 (sweaters).

Strutwear, Inc., Glencoe, Minn.; effective 3-1-57 to 9-30-57; four learners in the production of women's underwear from purchased knitted fabric (women's lingerie).

The following learner certificate was issued for plant expansion purposes. The effective dates and number of learners authorized are indicated.

Sylvester Textile Corp., Sylvester, Ga.: effective 3-10-57 to 9-9-57; 60 learners (ladies' lingerie).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528, and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 11th day of March 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-2000; Filed, Mar. 15, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11323 etc.; FCC 57 M-201]

B. J. PARRISH ET AL.

ORDER SCHEDULING ORAL ARGUMENT

In re applications of B. J. Parrish, Pine Bluff, Arkansas; Docket No. 11323, File No. BP-8698; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia; Docket No. 11326, File No. BP-8747; James A. Noe (KNOE), Monroe, Louisiana; Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia; Docket No. 11328, File No. BP-9260; for construction permits.

It is Ordered, This 8th day of March 1957, that oral argument on petitions filed February 28, 1957, in the above-entitled proceeding on behalf of B. J. Parrish and James A. Noe (KNOE), requesting authority to amend their applications, will be held in the Offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Thursday, March 14, 1957.

Released: March 11, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2018; Filed, Mar. 15, 1957; 8:49 a. m.]

[Docket Nos. 11907, 11908; FCC 57M-204]

CLARK COUNTY BROADCASTING CO. AND NORTHSIDE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Horace E. Tabb, Holly Skidmore, Stokley Bowling, C. A. Diecks, J. W. Hodges and W. Dee Huddleston, d/b as Clark County Broadcasting Company, Jeffersonville, Indiana; Docket No. 11907, File No. BP-10588; Thomas E. Jones and Keith L. Reising, d/b as Northside Broadcasting Company, Jeffersonville, Indiana; Docket No. 11908, File No. BP-10824; for construction permits.

It is ordered, This 12th day of March 1957, on the Hearing Examiner's own motion, that the hearing now scheduled to commence on March 18, 1957, is continued to April 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2019; Filed, Mar. 15, 1957; 8:49 a. m.]

[Docket No. 11927; FCC 57M-205]

Q BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Q Broadcasting Company, Phoenix, Arizona; Docket No. 11927, File No. BP-10178; for construction permit.

Upon the Hearing Examiner's own motion, and by agreement of the parties; *It is ordered*, This 12th day of March 1957, that the hearing scheduled to be held on March 15, 1957, is hereby continued to April 5, 1957, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2020; Filed, Mar. 15, 1957; 8:49 a. m.]

[Docket No. 11932; FCC 57M-197]

NEW JERSEY EXCHANGES, INC. (KEC 738)

ORDER CONTROLLING CONDUCT OF HEARING

MARCH 6, 1957.

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

Appearances: Daryal A. Myse, on behalf of New Jersey Exchanges, Inc.; Jerome S. Boros, on behalf of Telephone Secretarial Service, Inc.; and Byron E. Harrison, on behalf of the Chief, Common Carrier Bureau, Federal Communications Commission.

1. A pre-hearing conference in the above-entitled proceeding was held on February 28, 1957. The parties participating were those as shown in the appearances above.

2. The issues to be resolved in this proceeding are as follows:

(a) To determine the nature and extent of service proposed by Applicant, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(b) To determine the nature and extent of service now rendered by Protestant, including the rates, charges, practices, classifications, regulations, personnel and facilities pertaining thereto.

(c) To determine the area and population presently covered by the service offered by Protestant.

(d) To determine the area and population to be covered by the service proposed by Applicant.

(e) To determine the need for the proposed service of Applicant, and the nature and extent of any benefits to the public which will accrue because of Applicant's proposed service.

(f) To determine whether any disadvantages to the public will accrue because of Applicant's proposed service.

(g) To determine whether or not the Applicant is financially qualified to establish and operate the proposed service.

(h) To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of the subject application.

3. In determining the area covered by the base station of the protestant and of the proposed base station of the applicant, issues (c) and (d), the 37 dbu contour of the base stations will be used (§ 21.504 of the Commission's rules). The method of locating the 37 dbu contours is outlined in the transcript of the prehearing conference to which reference is made. The population figures will be based on the 1950 U. S. Census of Population.

4. Except for exhibits which duplicate documents or exhibits which have been filed with the Commission in support of the application or protest which are now available to the parties, all exhibits to be offered in support of the affirmative showing of either the applicant or the protestant will be exchanged on or before the close of business on March 19, 1957.

5. Following the exchange of the exhibits, each party will advise the other of the name or identity of the witness or witnesses desired for cross-examination.

6. The introduction of exhibits and the cross-examination of witnesses will begin Tuesday, March 26, 1957.

It is so ordered, This the 6th day of March 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2021; Filed, Mar. 15, 1957; 8:49 a. m.]

[Docket No. 11944; FCC 57M-207]

PACIFIC BROADCASTERS

ORDER SCHEDULING HEARING

In re application of J. Claude Warren, Paul E. Wilkins and J. Q. Floyd, d/b as Pacific Broadcasters, Oxnard, California, Docket No. 11944, File No. BP-9270; for construction permit.

It is ordered, This 8th day of March 1957, that Hugh B. Hutchinson will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1957, in Washington, D. C.

Released: March 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2022; Filed, Mar. 15, 1957; 8:49 a. m.]

[Docket No. 11945; FCC 57-225]

BOROUGH OF LEMOYNE, PA.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Borough of Lemoyne, Pennsylvania; Lemoyne, Pennsylvania; Docket Number 11945, File Number 9350-PF-P/L-L; for authorization in the Fire Radio Service.

1. The Commission has before it for consideration a protest filed February 8, 1957, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by the Commissioners of Cumberland County, Pennsylvania,[1] protesting the Commission's action of January 9, 1957, granting, without a hearing, the application of the Borough of Lemoyne, Pennsylvania[2] for permission to construct and operate a radio station in the Fire Radio Service utilizing one base transmitter and a maximum of ten mobile units on the frequency 46.06 Mc.

2. The protestant contends that the Commission's action in granting the protested application was not in the public interest. In support of this contention, the protestant alleges: that it has in operation a "mutual aid fire network" authorized by the Commission to utilize the frequency 46.06 Mc; that the operation by the Borough of Lemoyne, a political subdivision of Cumberland County, Pennsylvania, of a radio station utilizing the frequency 46.06 Mc "would be extremely harmful and detrimental to the public safety of Cumberland County as a whole in granting mutual aid fire assistance in the county and * * * will interfere with the use of the network presently being operated by the County of Cumberland;" that it "is charged with the complete supervision of the mutual aid fire network for Cumberland County;" and that applicant's proposed operation will compete with the mutual aid fire network of Cumberland County; and that it "has not given its consent to this application by the Borough of Lemoyne." The protestant also alleges it "has a substantial financial interest in the equipment used or to be used by the Borough of Lemoyne."

The protestant states that a copy of its protest has been served upon the applicant. No timely opposition to this protest was received by the Commission.

3. In view of the allegations referred to above, we find that the protestant is a "party in interest" with standing to protest under section 309 (c) of the Communications Act of 1934, as amended.

4. Although the protestant has set out no specific issues, denominated as such, the facts particularly alleged, in support of its contention that the grant of the protested application was not in the public interest, are sufficiently specific to comply with section 309 (c) of the Communications Act of 1934, as amended, and support the following issues:

To determine whether the applicant has complied with the provisions of § 10.101 (a) of the Commission's rules governing the Public Safety Radio Services requiring cooperation by all applicants and licensees in the selection of frequencies.

To determine whether operation under the protested grant will cause harmful interference, as defined in Part 10 of the Commission's rules, to the operation of the "mutual aid fire network" of Cumberland County, Pennsylvania.

To determine the facts with respect to the financial interest, if any, of the protestant in the radio facilities specified in the protested application.

5. The Commission's records show that one of the base stations which the protestant is licensed to operate in the Fire Radio Service is presently located on the same premises which the applicant states it is leasing with "the right to exclusive possession and occupancy." In view of this fact, the Commission, on its own motion, is including the following issue:

To determine whether the applicant will have the necessary degree of ownership and control over the operation of the proposed facilities as to warrant its licensing in the public interest.

6. The Commission, on its own motion, is also including the following additional issue:

To determine, in the light of the evidence adduced on all other specified issues, whether the public interest, convenience, and necessity will be served by a grant of the subject application.

7. It appearing, that the subject application sought authorization to construct and operate a radio station in the Fire Radio Service; and it further appearing that postponement of the effective date of the Commission's action granting such application may adversely affect the public safety of the Borough of Lemoyne, Pennsylvania, the Commission affirmatively finds that the public interest requires that the grant remain in effect pending a final decision by the Commission with respect to the evidentiary hearing hereinafter provided.

Therefore, it is ordered, That the applicant may utilize the facilities authorized by the Commission's action of January 9, 1957, pending the Commission's decision after the evidentiary hearing hereinafter provided;

It is further ordered, That the above-entitled application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

(1) To determine whether operation under the protested grant will cause harmful interference, as defined in Part 10 of the Commission's rules, to the operation of the mutual aid fire network of Cumberland County, Pennsylvania.

(2) To determine the facts with respect to the financial interest, if any, of the protestant in the radio facilities specified in the protested application.

(3) To determine whether the applicant has complied with the provisions of § 10.101 (a) of the Commission's rules governing the Public Safety Radio Services requiring cooperation in the selection of frequencies.

(4) To determine whether the applicant will have the necessary degree of ownership and control over the operation of the proposed facilities as to warrant its licensing in the public interest.

(5) To determine, in the light of evidence adduced on all other specified issues, whether the public interest, convenience, and necessity will be served by a grant of the subject application; and

It is further ordered, That the burden of proof on issues (1), (2) and (3) is placed on the protestant and the burden of proof on issues (4) and (5) is placed on the applicant; and

It is further ordered, That the Commissioners of Cumberland County, Pennsylvania, and the Chief, Safety and Special Radio Services Bureau are made parties to the proceeding herein; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicant herein and the above parties hereto, shall, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, within 20 days, of the mailing of this memorandum opinion and order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing, when determined, and present evidence on the issues specified in this memorandum opinion and order.

Adopted: March 6, 1957.

Released: March 12, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2023; Filed, Mar. 15, 1957; 8:49 a. m.]

[Docket No. 11945; FCC 57M-208]

BOROUGH OF LEMOYNE, PA.

ORDER SCHEDULING HEARING

In re application of Borough of Lemoyne, Pennsylvania, Lemoyne, Pennsylvania; Docket No. 11945, File No. 9350-PF-P/L-L; for authorization in the Fire Radio Service.

It is ordered, This 8th day of March 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 8, 1957, in Washington, D. C.

Released: March 13, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2024; Filed, Mar. 15, 1957; 8:49 a. m.]

[1] Hereinafter referred to as the protestant.
[2] Hereinafter referred to as the applicant.

[Mexican Change List No. 200]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

FEBRUARY 11, 1957.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican broadcast stations modifying the appendix containing assignments of Mexican broadcast stations (Mimeograph 47214–6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw	Antenna	Schedule	Class	Probable date of change or commencement of operation
		880 kilocycles				
XEIA	San Andres Tuxtla Veracruz (change in call letters from XETV).	250 w		U	IV	Feb. 11, 1957
XECC	Cuernavaca, Morelos (change in call letters from XEJC).	250 w		U	IV	Do.
		1115 kilocycles				
XEVS	Villa de Seris, Sonora (new)	250 w-D		U	II	Aug. 11, 1957
		1310 kilocycles				
XEEX	La Paz, Baja California (change in call letters from XEAL).	500 w		U	III-B	Feb. 11, 1957
		1329 kilocycles				
XENI	Nueva Italia, Michoacan (new)	1 kw D/250 w N		U	IV	Aug. 11, 1957
		1340 kilocycles				
XEJC	Cuernavaca, Morelos (new change from 980 kc. and increase power).	500 w D/250 w N		U	IV	Do.
XELU	Ciudad Serdan, Puebla (new)	250 w		U	IV	Do.
		1450 kilocycles				
XEGC	Sahuayo, Michoacan (increase power)	1000 w D/250 w N	ND	U	IV	May 11, 1957
		1540 kilocycles				
XENC	Celaya, Guanajuato (increase daytime power).	250 w N/1 kw D	ND	U	II	Do.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–2025; Filed, Mar. 15, 1957; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–12183]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 12, 1957.

Magnolia Petroleum Company (Magnolia) on February 11, 1957 tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change undated.
Purchaser: Cities Service Gas Company.
Rate schedule designation: Supplement No. 2 to Magnolia's FPC Gas Rate Schedule No. 34.
Effective date: [1] March 14, 1957.

In support of the proposed increase, Magnolia states that the increased rate occurred under the provision of a letter agreement between the parties, to be effective as of July 6, 1954, and that the increase is necessary to offset the increased costs of production, exploration and development.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until August 14, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2001; Filed, Mar. 15, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Magnolia if later.

[Project No. 2225]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR LICENSE

MARCH 12, 1957.

Public notice is hereby given that Public Utility District No. 1 of Pend Oreille County, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–823r) for license for constructed Project No. 2225 located on Sullivan Lake, Outlet Creek, and Sullivan Creek, a tributary of Pend Oreille River, in the vicinity of the town of Metaline Falls, Pend Oreille County, Washington. The project known as the Sullivan Creek Power Project, consists of three dams about 25, 40, and 55 feet in height; respectively, creating three reservoirs which flood about 360 acres, and two conduits about 3.4 and 0.018 miles in length respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 25, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2002; Filed, Mar. 15, 1957; 8:46 a. m.]

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASH.

ORDER FIXING HEARING

MARCH 14, 1957.

On July 12, 1956, the Commission issued an order issuing license (major) to Public Utility District No. 1 of Chelan County, Washington, hereinafter called Chelan, under section 4 (e) of the Federal Power Act, hereinafter called act, for proposed Project No. 2145, known as Rocky Reach Hydroelectric Power Project, to be located on the Columbia River, a navigable waterway of the United States, in Chelan and Douglas Counties, Washington, and affecting lands of the United States. On the same date, the Commission issued an order granting intervention to Public Utility District No. 1 of Douglas County, Washington (hereinafter called Douglas or Petitioner) in this proceeding.

On August 10, 1956, Douglas filed an application for rehearing by the Commission of its aforementioned order issuing a license to Chelan and requested modification of Article 42 of the license. By its order issued September 7, 1956, the Commission denied the application for rehearing.

Subsequently, Douglas filed in the United States Court of Appeals for the Ninth Circuit a petition for review of Article 42 of the Commission's order issuing the license. On February 28, 1957, the Court filed its opinion stating that "The cause must be remanded to the Commission with directions to grant a new hearing upon the questions presented by petitioner's protest and application for rehearing, * * *" In connection with this remand, the Court stated it saw no reason why its action called for a modification of any other provisions of the license, but that matter "is for the Commission to determine", citing F. P. C. v. Idaho Power Co., 344 U. S. 17, 20–21.

The Commission finds: It is appropriate in carrying out the directions of the United States Court of Appeals for the Ninth Circuit contained in its aforementioned opinion filed February 28, 1957, that a hearing be held upon the questions presented by Petitioner's protest and application for rehearing respecting Article 42 of the Commission's July 12, 1956, order issuing license (major) to Public District No. 1 of Chelan County, Washington, for Project No. 2145 as hereinafter provided.

The Commission orders: Pursuant to and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing April 3, 1957 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington 25, D. C., upon the questions presented by Petitioner's protest and application for rehearing respecting Article 42 of the Commission's July 12, 1956 order issuing license (major) to Public Utility District No. 1 of Chelan County, Washington, for Project No. 2145.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57–2060; Filed, Mar. 15, 1957; 8:54 a. m.]

[1] Commissioner Digby dissenting.

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 13, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33385: *Asphalt and related commodities—Twin Cities Michigan and Wisconsin.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-products, or petroleum, other than paint, stain or varnish, tank-car loads, and coal tar and coal tar pitch, tank-car loads from Minneapolis, Minnesota Transfer and St. Paul, Minn., to points in Michigan and Wisconsin named or described in the application.

Grounds for relief: Modified short-line distance formula, market competition and circuitous routes.

Tariffs: Supplement 136 to Agent Prueter's tariff I. C. C. No. A–3910 and other schedules listed in the application.

FSA No. 33386: *Carbon Dioxide—From and to Points in Western Trunk Line Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on carbon dioxide, solidified carloads, from Chicago and Peoria, Ill., Kansas City, Mo.-Kans., Lawrence and Military, Kans., to specified points in Colorado, Kansas, Illinois, Iowa, Missouri, Minnesota, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

Grounds for relief: Modified short-line distance formula.

Tariff: Supplement 79 to Agent Prueter's tariff I. C. C. A–4038 and other supplements to his and individual lines' tariffs listed in the application.

FSA No. 33387: *Chemicals—Houston, Tex., to Montgomery, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on benzene hexachloride and dichloro-disphenyltrichloroethane, straight or mixed carloads from Houston, Tex., to Montgomery, Ala.

Grounds for relief: Competition of barge-truck carriers and circuitous routes.

Tariff: Supplement 298 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33388: *Soda Ash—Baton Rouge and North Baton Rouge, La., to Joliet and Ottawa, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified soda ash), carloads from Baton Rouge and North Baton Rouge, La., to Joliet and Ottawa, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33389: *Petroleum Coke—Chicago, Ill., to Ontario.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on Coke, Petroleum; coke, pitch, petroleum coke breeze and petroleum coke screenings, carloads from Chicago, Ill., and specified points in Illinois and Indiana taking Chicago rates to Chippewa, Niagara Falls, Port Colburne, Thorold, and Welland, Ont., Canada.

Grounds for relief: Competition of water carriers on the Great Lakes, and circuitous routes.

Tariff: Supplement 51 to The Baltimore and Ohio Railroad Company's tariff I. C. C. 24271 and other schedules listed in the application.

FSA No. 33390: *Sand—Pennsylvania, Virginia and West Virginia Points to Laurens, S. C.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on sand, ground or pulverized and screened, carloads from Mapelton, McVeytown, Newton-Hamilton, Ryde and Silica Plant, Pa., Gore, Va., and Berkeley Springs, and Hancock, W. Va., to Laurens, S. C.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariff: Supplement 40 to Agent C. W. Boin's tariff I. C. C. A–1079.

FSA No. 33391: *Latex—Akron, Ohio to Georgia Points.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, carloads from Akron, Ohio, to Cartersville, Cedartown, and Rockmart, Ga.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 49 to Agent Hinsch's tariff I. C. C. 4664.

FSA No. 33392: *Paper articles between Southwestern and Official and Southern Territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper facial cleansing tissues, toilet paper, paper napkins and paper towels, also sanitary pads, straight or mixed carloads between points in southwestern territory, on one hand, and points in southern and official (including Illinois) territories, on the other.

Grounds for relief: Short-line distance formulas and circuity.

Tariffs: Supplement 18 to Agent Kratzmeir's tariff I. C. C. 4222 and two other tariffs.

FSA No. 33393: *Liquefied petroleum gas—Illinois points to Winona, Minn.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Centralia, Oil Center, Pana, St. Elmo, and Selmaville, Ill., to Winona, Minn.

Grounds for relief: Circuitous routes.

Tariff: Supplment 16 to Agent Prueter's tariff I. C. C. A–4083.

FSA No. 33394: *Phosphatic Clay—Florida to New Mexico.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on phosphatic clay, carloads from Dunnellton, Fla., and other points in Florida to specified points in New Mexico.

Grounds for relief: Short-line distance formula and circuitious routes.

Tariff: Supplement 32 to Agent Kratzmeir's tariff I. C. C. 3838.

FSA No. 33395: *Clay between points in Southern Territory.* Filed by O. W. South, Jr., Agent for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to Baton Rouge, La., and Aberdeen, Miss.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 62 to Agent Spanginger's tariff I. C. C. 1491.

FSA No. 33396: *Fullers Earth—Florida and Georgia points to Franconia, Va.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fullers earth, carloads from Jamieson, Magnet Cove, Quincy, Fla., Attapulgus, Quality, Roddenbery, and Faceville, Ga., to Franconia, Va.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 62 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33397: *Fullers Earth—Quincy, Fla., to Baton Rouge, La.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fullers earth, carloads from Quincy, Fla., to Baton Rouge, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 62 to Agent Spaninger's tariff I. C. C. 1491.

FSA No. 33398: *Alcoholic liquors—Kentucky and Tennessee to Maine.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquors, alcoholic, vermouth and wine, carloads from specified points in Kentucky and Tennessee to Augusta and Hallowell, Maine.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 17 to Agent Spaninger's tariff I. C. C. 1519.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-2003; Filed, Mar. 15, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

Office of the Administrator

[Delegation of Authority 20 (Rev. 2), Amdt. 1]

DEPUTY ADMINISTRATOR FOR PROCUREMENT AND TECHNICAL ASSISTANCE

DELEGATION OF AUTHORITY WITH RESPECT TO SIZE STANDARD CERTIFICATES

Delegation of Authority No. 20 (Revision 2) is hereby amended by adding a new subsection as follows:

I. B. 4. To take any and all actions relating to matters involving Size Standard Certificates including the issuance or denial of such Certificates under the statutory or other authority of this Administration.

Dated: March 8, 1957.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57-2009; Filed, Mar. 15, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3560]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK BY REGISTERED HOLDING COMPANY

MARCH 12, 1957.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company, File No. 70-3560.

Eastern Utilities Associates ("EUA"), a registered holding company, and its public-utility subsidiary companies, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River") have filed with this Commission a joint application-declaration and amendments thereto pursuant to sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (e), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-50 thereunder with respect, inter alia, to the following proposed transaction:

EUA proposes to issue and offer for sale to the holders of its outstanding common stock 89,322 additional common shares, and to use the proceeds to purchase its proportionate part of additional common shares to be issued and sold by Blackstone, Brockton, and Fall River. EUA requests that an order be issued forthwith permitting its declaration to become effective with respect to the proposed issuance and sale of its common stock, reserving for later authorization (after appropriate action by the State regulatory commission) the investment of the proceeds in additional common shares of its said subsidiaries. Jurisdiction will therefore be reserved with respect to all proposed transactions except the issuance and sale of common stock by EUA.

EUA's proposed common stock offering to its stockholders will be on the basis of one new common share for each 12 common shares held of record on March 20, 1957, with the privilege of subscribing for additional new shares, subject to allotment (in the event of oversubscription) on the basis of the primary subscription privilege. The subscription price will be determined by EUA shortly prior to the proposed offering, such price to be not less than 85 percent of the average bid price on the day preceding the day on which the price will be set. All unsubscribed shares will be sold to underwriters, selected pursuant to the competitive bidding requirements of Rule U-50.

Pursuant to Amended Reorganization Plan No. 4 of EUA, some of its common shares are held by a Distribution Agent for exchange for old convertible shares. Rights applicable to these common shares will be sold and the net proceeds held by the Distribution Agent and paid pro rata to the holders of such unexchanged convertible shares upon surrender thereof for exchange.

No State or Federal commission, other than this Commission, has jurisdiction over the proposed issue and sale by EUA of new common shares.

The record is incomplete with respect to the fees and expenses incurred or to be incurred in respect of the various proposals, and jurisdiction will be reserved with respect thereto.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13396) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that no adverse findings are necessary in respect of the proposed issuance and sale of common stock by EUA; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, in so far as it relates to the issuance and sale of common stock by EUA, be granted and permitted to become effective forthwith, and that jurisdiction be reserved with respect to the remaining proposed transactions:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, to the extent that it relates to the issuance and sale of common stock by EUA, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-50 and U-24.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to (1) all other transactions proposed in the application-declaration, and (2) all fees and expenses incurred or to be incurred in the premises.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2004; Filed, Mar. 15, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service and Commodity Credit Corporation

SOIL BANK; ACREAGE RESERVE PROGRAM

FURTHER EXTENSION OF GRAZING PERIOD

By an announcement published in 22 F. R. 480, the Secretary of Agriculture, pursuant to section 103 (a) of the Soil Bank Act (70 Stat. 188, 189) and § 485.214 (c) of the regulations governing the 1957 acreage reserve part of the Soil Bank Program, 21 F. R. 10449, 22 F. R. 494, and 22 F. R. 971, consented to the grazing of land designated as acreage reserve on farms in certain counties named therein for the period from January 1, 1957, through January 31, 1957, which announcement was amended by a notice published in 22 F. R. 989, extending the period for such grazing through February 28, 1957, or through such earlier date as the producer would be notified in writing by the county Agricultural Stabilization and Conservation Committee.

Notice is hereby given that the period for grazing such lands is hereby further extended to cover the period from March 1, 1957, through April 15, 1957, or through such earlier date as the producer may be notified in writing by the county Agricultural Stabilization and Conservation Committee.

Issued at Washington, D. C., this 13th day of March 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-2036; Filed, Mar. 15, 1957; 8:52 a. m.]

Rural Electrification Administration

[Administrative Order 5672]

MISSISSIPPI

LOAN ANNOUNCEMENT

FEBRUARY 6, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 34T Leflore	$1,370,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1968; Filed, Mar. 14, 1957; 8:49 a. m.]

[Administrative Order 5673]

KENTUCKY

LOAN ANNOUNCEMENT

FEBRUARY 6, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kentucky 27W Boyle	$290,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1969; Filed, Mar. 14, 1957; 8:49 a. m.]

[Administrative Order 5674]

ARKANSAS

LOAN ANNOUNCEMENT

FEBRUARY 6, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Arkansas 21 AK Lincoln	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1970; Filed, Mar. 14, 1957; 8:49 a. m.]

[Administrative Order 5675]

TEXAS

AMENDMENT TO LOAN ANNOUNCEMENT

FEBRUARY 6, 1957.

I hereby amend:

(a) Administrative Order No. 331, dated March 31, 1939, by reducing the allocation of $5,000 therein made for "Texas R9072W1 Lamar" by $3,587.32 so that the reduced allocation shall be $1,412.68; and

(b) Administrative Order No. 4939, dated April 13, 1955, by rescinding the loan of $50,000 therein made for "Texas 72R Lamar".

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1971; Filed, Mar. 14, 1957; 8:49 a. m.]

[Administrative Order 5676]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 8, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
North Carolina 43 S Jones	$500,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1972; Filed Mar. 14, 1957; 8:49 a. m.]

[Administrative Order 5677]

MISSISSIPPI

LOAN ANNOUNCEMENT

FEBRUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Mississippi 34U Leflore	$50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1973; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5678]

MINNESOTA

LOAN ANNOUNCEMENT

FEBRUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 101G Clearwater	$100,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1974; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5679]

MISSOURI

LOAN ANNOUNCEMENT

FEBRUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Missouri 27R Andrew	$100,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1975; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5680]

ALABAMA

LOAN ANNOUNCEMENT

FEBRUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Alabama 36K DeKalb	$781,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1976; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5681]

KANSAS

LOAN ANNOUNCEMENT

FEBRUARY 12, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Kansas 25 L Lyon	$205,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1977; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5682]

OKLAHOMA

LOAN ANNOUNCEMENT

FEBRUARY 11, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting

through the Administrator of the Rural Electrification Administration:

Loan designation: Oklahoma 26V Harmon — *Amount* $40,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1978; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5683]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 12, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: South Carolina 28AB Williamsburg — *Amount* $100,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1979; Filed, Mar. 14, 1957; 8:50 a. m.]

[Administrative Order 5684]

IDAHO

LOAN ANNOUNCEMENT

FEBRUARY 13, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Idaho 11M Kootenai — *Amount* $890,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1980; Filed, Mar. 14, 1957; 8:51 a. m.]

[Administrative Order 5685]

GEORGIA

LOAN ANNOUNCEMENT

FEBRUARY 14, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Georgia 97P Dooly — *Amount* $75,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1981; Filed, Mar. 14, 1957; 8:51 a. m.]

[Administrative Order 5686]

WYOMING

LOAN ANNOUNCEMENT

FEBRUARY 15, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Wyoming 21 H Carbon — *Amount* $48,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1982; Filed, Mar. 14, 1957; 8:51 a. m.]

[Administrative Order 5687]

OKLAHOMA

LOAN ANNOUNCEMENT

FEBRUARY 18, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Oklahoma 34M Texas — *Amount* $160,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1983; Filed, Mar. 14, 1957; 8:51 a. m.]

[Administrative Order 5688]

OKLAHOMA

LOAN ANNOUNCEMENT

FEBRUARY 19, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Oklahoma 18X Beckham — *Amount* $160,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1984; Filed, Mar. 14, 1957; 8:51 a. m.]

[Administrative Order 5689]

LOUISIANA

LOAN ANNOUNCEMENT

FEBRUARY 21, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Louisiana 8N Terrebonne — *Amount* $565,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1985; Filed, Mar. 14, 1957; 8:51 a. m.]

[Administrative Order 5690]

OREGON

LOAN ANNOUNCEMENT

FEBRUARY 21, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Oregon 41 B Harney — *Amount* $292,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1986; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administrative Order 5691]

MISSOURI

LOAN ANNOUNCEMENT

FEBRUARY 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Missouri 37U Bates — *Amount* $594,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1987; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administrative Order 5692]

NORTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 25, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: North Carolina 55 R Craven — *Amount* $50,000

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 57-1988; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administrative Order 5693]

MISSISSIPPI

LOAN ANNOUNCEMENT

FEBRUARY 27, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Mississippi 31T Washington — *Amount* $540,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1989; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administrative Order 5694]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

FEBRUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: South Carolina 32T Calhoun — *Amount* $225,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1990; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administrative Order 5695]

MAINE

LOAN ANNOUNCEMENT

FEBRUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Maine 16H Swan's Island — *Amount* $5,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1991; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administration Order 5696]

NEW MEXICO

AMENDMENT TO LOAN ANNOUNCEMENT

FEBRUARY 28, 1957.

Inasmuch as The Socorro Electric Cooperative, Inc., has transferred certain of its properties and assets to Plains Electric Generation and Transmission Cooperative, Inc., and Plains Electric Generation and Transmission Cooperative, Inc. has assumed in part the indebtedness to United States of America, of The Socorro Electric Cooperative, Inc., arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 3748, dated July 1, 1952, by changing the project designation appearing therein as "New Mexico 20N Socorro" in the amount of $1,065,000 to read "New Mexico 20N Socorro" in the amount of $763,659.07 and "New Mexico 18TP1 Plains (New Mexico 20N Socorro)" in the amount of $301,340.93.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1992; Filed, Mar. 14, 1957; 8:52 a. m.]

[Administrative Order 5697]

INDIANA

LOAN ANNOUNCEMENT

FEBRUARY 28, 1957.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Indiana 7S Whitley — *Amount* $500,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 57-1993; Filed, Mar. 14, 1957; 8:52 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 53

Washington, Tuesday, March 19, 1957

THE NATIONAL ARCHIVES 1934 OF THE UNITED STATES
LITTERA SCRIPTA MANET
UNIVERSITY OF MICHIGAN
MAIN

TITLE 3—THE PRESIDENT

PROCLAMATION 3173

NATIONAL FARM SAFETY WEEK, 1957

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS farm accidents each year inflict a heavy loss upon the economy of the Nation and cause untold suffering among our rural population; and

WHEREAS the death toll from farmwork accidents last year was higher than that in any other major industry; and

WHEREAS the health, prosperity, and welfare of the Nation's farm families are of vital concern to all citizens; and

WHEREAS the effect of accident-prevention programs has indicated that our rural residents, through attention to safety education, can greatly reduce accidents and the resultant loss and suffering:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the Nation to observe the week beginning July 21, 1957, as National Farm Safety Week, and I urge all farm families and farm workers to join in a continuing campaign designed to prevent needless accidents in their homes, on their farms, and along their highways.

I also request all persons and organizations interested in the welfare of farm people to support and participate in this special endeavor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 14th day of March in the year of our Lord nineteen hundred and fifty-seven, and of the Independence of the United States of America the one hundred and eighty-first.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Acting Secretary of State.

[F. R. Doc. 57-2164; Filed, Mar. 18, 1957; 12:22 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 677, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.784 (Lemon Regulation 677, 22 F. R. 1546) are hereby amended to read as follows:

(ii) District 2: 251,100 cartons.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 14, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2076; Filed, Mar. 18, 1957; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6649]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PHILLIP'S FURS

Subpart—*Concealing or obliterating law required and informative marking:* § 13.516 *Fur products tags or identification.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act. § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1860 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act. Subpart—*Using misleading name—Goods:* § 13.2280 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Phil H. Green trading as Phillip's Furs, Dallas, Texas, Docket 6649, Feb. 28, 1957]

In the Matter of Phil H. Green, an Individual Trading as Phillip's Furs

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Dallas, Tex., with violating the Fur Products Labeling Act through removing and mutilating required labels, deceptively identifying names of animals or naming other animals than those producing the fur in certain products, failing to label products, failing to include on labels the information required by the act, and by invoicing which failed to use the term "secondhand used fur" where applicable and which failed in other respects to comply with the law.

Following entry of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on February 28 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondent Phil H. Green, an individual trading as Phillip's Furs, or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution of fur products in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Removing, or mutilating, or causing or participating in the removal or mutilation of, labels required to be affixed to fur products, prior to the time the fur products are sold and delivered to the ultimate purchaser of such products.

2. Misbranding fur products by:

a. Falsely or deceptively labeling or otherwise identifying any such product as to the name of the animal or animals that produced the fur from which such product was manufactured.

b. Failing to affix labels to fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur when such is a fact;

(3) That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

(5) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(6) The name of the country of origin of any imported furs used in the fur product;

c. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names provided for in paragraph 2b (1) above.

d. Setting forth on labels attached to fur products:

(1) Required information which is abbreviated.

(2) Required information which is mingled with non-required information.

(3) Required information in handwriting.

e. Failing to set forth on labels the information required by § 301.36 (Rule 36) of the rules and regulations promulgated under the Fur Products Labeling Act, when a fur product is composed of two or more sections containing different animal furs.

f. Failing to affix labels to fur products showing item numbers required under § 301.40 (Rule 40) of the rules and regulations.

g. Failing to affix labels to fur products to comply with the minimum size requirement of 1¾" x 2¾", as required by § 301.27 (Rule 27) of the said rules and regulations.

3. Falsely or deceptively invoicing fur products by:

a. Failing to show:

(1) The name or names (as set forth in the Fur Products Name Guide) of the animal or animals that produced the fur and such qualifying statements as may be required pursuant to section 7 (c);

(2) That the fur product contains or is composed of used fur, when such is a fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of the paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product.

b. Setting forth required information in abbreviated form.

c. Failing to use the term "second hand used fur" where applicable, as required by §§ 301.21 and 301.23 (Rules 21 and 23) of the aforesaid rules and regulations.

d. Failing to show the item number or mark of a fur product on an invoice pertaining to such product, as required by § 301.40 (Rule 40) of the rules and regulations.

4. Falsely or deceptively advertising fur products through the use of any advertisement, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

a. Fails to disclose:

(1) The name or names of animal or animals which produced the fur or furs contained in the fur products as set forth in the Fur Products Name Guide.

(2) That the fur products are composed of used fur when such is the fact.

(3) That the fur products contain or are composed of bleached, dyed, or

otherwise artificially colored fur when such is the fact.

b. Uses the name or names of an animal or animals other than the name or names specified in the Fur Products Name Guide or prescribed by the rules and regulations.

c. Fails to use the term "second hand used" fur where applicable, as required by §§ 301.21 and 301.23 (Rules 21 and 23) of the said rules and regulations.

d. Represents directly or by implication:

(1) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such product in the recent regular course of his business.

(2) The value of fur products, when such claims and representations are not true in fact.

(3) That stock of a business is in a state of liquidation when such is not the fact.

5. Making use of comparative prices or percentage savings claims in advertising unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

6. Making price claims or representations of the type referred to in paragraphs 4d (1) and (2) and 5 above unless there are maintained by respondent full and adequate records disclosing the facts on which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondent, Phil H. Green, shall, within sixty (60) days after service upon him of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: February 28, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2050; Filed, Mar. 18, 1957; 8:46 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 1—SEAL

Pursuant to section 21 of the Atomic Energy Act of 1954, Public Law 703, the Atomic Energy Commission has adopted an official seal the design of which accompanies and is made a part of this document, and which is described as follows:

§ 1.1 *Seal.* On a dark blue disk, a stylized atomic symbol consisting of the nucleus, in orange red, surrounded by four electrons tracing their orbits in gold. On a light blue annulet edged in gold the inscription "ATOMIC ENERGY COMMISSION" in upper portion. In lower portion, "UNITED STATES OF AMERICA". A five-pointed gold star appears between the words "ATOMIC" and "UNITED" and another between the words "COMMISSION" and "AMERICA".



(Sec. 1, 68 Stat. 924, as amended; 42 U. S. C. 2031)

Dated at Washington, D. C., this 8th day of March 1957.

R. W. COOK,
Deputy General Manager.

[F. R. Doc. 57-2008; Filed, Mar. 18, 1957; 8:45 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 686—LEATHER, LEATHER GOODS, SHOE, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 704—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

REVOCATION AND WAGE ORDER

On January 5, 1957, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 475 (22 F. R. 150), appointed, convened and gave notice of the hearing of Industry Committee No. 28-A for the Leather, Leather Goods, Shoe, and Related Products Industry in Puerto Rico. The committee was directed to recommend the minimum rates of wages to be paid under section 6 (c) of the act to employees of its industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, the Committee filed with the Administrator a report containing its findings with respect to the matter referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45-A of the Secretary (15 F. R. 3290), (1) the recommendations of this committee are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective April 4, 1957, Parts 686 and 704 of Title 29, Code of Federal Regulations, are hereby revoked and a new Part 686, entitled Leather, Leather Goods, Shoe, and Related Products Industry in Puerto Rico is hereby issued to read as follows:

Sec.
686.1 Definition of the industry.
686.2 Wage rates.
686.3 Notices.

AUTHORITY: §§ 686.1 to 686.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 686.1 *Definition of the industry.* The leather, leather goods, shoe, and related products industry in Puerto Rico to which this part shall apply, is defined as follows: (a) The curing, tanning, or other processing of hides, skins, leather or furs, and the manufacture of products therefrom; (b) the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; (c) the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials; (d) the manufacture or partial manufacture of footwear from any material and by any process except knitting, crocheting, vulcanizing of the entire article, or vulcanizing of the sole to the upper, including, but without limitation, shoes, slippers, sandals, moccasins, boots, boot tops, puttees (except spiral puttees), athletic shoes, burial shoes, and shoes completely rebuilt in a shoe factory; (e) the manufacture from any material (except rubber or composition of rubber, molded to shape) of cut stock and findings for footwear, including, but without limitation, heels, linings, vamps, quarters, outsoles, midsoles, insoles, taps, lifts, rands, toplifts, bases, shanks, boxtoes, counters, stays, stripping, sock linings, heel pads, pasted shoe stock, and bows, ornaments and trimmings; and (f) the manufacture of boot and shoe patterns: *Provided, however*, That this definition shall not include the manufacture of bows, ornaments and trimmings by a manufacturer not otherwise covered by this definition; the manufacture of woodheel blocks; and the manufacture of any products included in the button, buckle, and jewelry industry, the fabric and leather glove industry, the men's and boys' clothing and related products industry, and the needlework and fabricated textile products industry, as defined in the wage orders for those industries in Puerto Rico.

§ 686.2 *Wage rates.* (a) Wages at a rate of not less than 85 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather, leather goods, shoe, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the hide curing classification, which is defined as the salting and other curing of hides and skins and operations incidental thereto.

(b) Wages at a rate of not less than 50 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather, leather goods, shoe, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the leather tanning and processing classification which is defined as the tanning or other processing of hides, skins, leather, or furs, except the activities included in the hide curing classification, as defined herein, and except the processing of such material in the course of the fabrication of products therefrom.

(c) Wages at a rate of not less than 45 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather, leather goods, shoe, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the small leather goods classification which is defined as the manufacture from leather, artificial leather, fabric, or similar materials of wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet cases, toilet kits, checkbook covers, and like articles.

(d) Wages at a rate of not less than 49 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather, leather goods, shoe, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the baseball and softball classification which is defined as the manufacture and partial manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials.

(e) Wages at a rate of not less than 51 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the leather, leather goods, shoe, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce, and who is engaged in the general classification, which is defined as the manufacture or partial manufacture of footwear from any material and by any process, except knitting, crocheting, vulcanizing of the entire article, or vulcanizing of the sole to the upper; the manufacture from any material (except rubber or composition of rubber, molded to shape) of cut stock and findings for footwear; and the manufacture of boot and shoe patterns; the manufacture of athletic gloves, ring binders, portfolios, brief cases, luggage and all products and activities included in the leather, leather goods, shoe, and related products industry in Puerto Rico, as defined herein, except those included in the hide curing classification, the leather tanning and processing classification, the small leather goods classification, and the baseball and softball classification, as defined herein.

§ 686.3 *Notices.* Every employer subject to the provisions of § 686.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 686.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 13th day of March 1957.

NEWELL BROWN,
Administrator,
Wage and Hour Division.

[F. R. Doc. 57-2075; Filed, Mar. 18, 1957; 8:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter E—Organized Reserves

PART 562—RESERVE OFFICERS' TRAINING CORPS

MISCELLANEOUS AMENDMENTS

In § 562.12 (a), revise subparagraph (1) and in § 562.24, revise paragraph (e), to read as follows:

§ 562.12 *Classification of ROTC units.* • • •

(a) *Senior divisions.* • • •

(1) *Class MC (military colleges).* (i) For the purposes of qualifying as a military college within the meaning of subsection 6 (a), Universal Military Training and Service Act, as amended: Units established at essentially military colleges or universities which confer baccalaureate or graduate degrees; at which the average age of the students at the time of graduation is not less than 21 years; which require all students to pursue military training throughout the undergraduate course and require all members of the ROTC to be habitually in uniforms; which constantly maintain military discipline; which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(ii) In the application of the above definition and criteria for the qualification of an institution as class MC (military college), exceptions to the provisions that all undergraduate students pursue military training may be made for the following categories of male undergraduate students:

(*a*) Foreign nationals.

(*b*) Individuals who are not liable for induction by virtue of having honorably completed active training and service.

(*c*) Students physically disabled to the extent that they are incapable of pursuing the required military training.

(*d*) Students who are pursuing special undergraduate courses in excess of 4 years, after completion of the required military training.

(iii) Exceptions may be made also for institutions that admit female students, providing that all other requirements are met with respect to the male undergraduate student body.

(iv) In order to qualify for the class MC special rate of commutation in lieu of uniforms, as announced annually, a designated military college must meet the following requirements:

(*a*) Organize and maintain within its undergraduate student body a self-contained corps of cadets in which not less than 300 male students are enrolled as members at all times throughout the academic year. All members of such corps of cadets will be in appropriate uniform at all times while on the campus; be housed in barracks separate from nonmembers of the corps of cadets; and be under constantly maintained military discipline on a 24-hour-per-day, 7-days-a-week basis.

(*b*) Enroll all physically qualified members of such corps of cadets except foreign nationals, individuals who are not liable for induction by virtue of having honorably completed active training and service, and individuals whose enrollment is precluded by other provisions of this part, in the basic course of the ROTC of the appropriate service. Require members of the corps of cadets upon completion of the basic course to apply, and if qualified, to be enrolled in the advanced course at the proper time.

(v) Only those members of the corps of cadets meeting the requirements set forth in subdivision (iv) of this subparagraph who are enrolled in the basic and advanced course of the ROTC will be entitled to the special class MC rate of commutation. Institutions designated as military colleges may enroll in the ROTC those students who for various reasons are not required to be members of the corps of cadets. Such students may receive only the standard commutation rate prescribed annually for students in class CC institutions.

§ 562.24 *Discharge or release from ROTC program.* • • •

(e) The professor of military science and tactics will complete item 22, DA Form 131 (ROTC Students' Record), for each student disenrolled from the senior division of MST-5 and -6 course of the military schools division at the time of disenrollment from the program. Upon receipt of request from another service of the Armed Forces for information concerning disenrollment of an ROTC student, The Adjutant General will forward the request to the appropriate ROTC unit. The professor of military science and tactics will complete a copy of DD Form 785 (Record of Disenrollment from Officer Candidate-Type Training) for each request received and forward to the requesting service.

[C 8, AR 145-350, Feb. 8, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-2041; Filed, Mar. 18, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter B—Regulations Affecting Maritime Carriers and Related Activities

[Gen. Order 70, as amended]

PART 243—COMMERCIAL FORWARDING OF CERTAIN EXPORTS FOR FOREIGN RELIEF AND REHABILITATION

REVOCATION OF PART

Part 243 (General Order 70, as amended), is hereby revoked.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: March 5, 1957.

CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57-2015; Filed, Mar. 16, 1957; 8:45 a. m.]

PART 244—BUSINESS PRACTICES OF FREIGHT FORWARDERS

STATEMENT OF POLICY

The Maritime Administrator has revoked Maritime Commission General Order 70 (Part 243),[1] and, simultaneously with such revocation, has established the following policy:

The Maritime Administrator finds that it is appropriate and in the public interest to maintain a list of foreign freight forwarders to assist other government agencies in selecting freight forwarders to handle shipments where such agencies decide that the services of forwarders are necessary. The list will include the names and business addresses of foreign freight forwarders who the Maritime Administrator finds:

1. Are American citizens as defined in section 2 of the Shipping Act, 1916, as amended (46 U. S. C. 802);

2. Are cleared as to security requirements;

3. Are registered with the Federal Maritime Board under General Order 72 (46 CFR Part 244); and

4. Have applied to the Maritime Administrator for inclusion on the list.

The initial list shall include all United States citizen forwarders whose names appeared on the list prepared by the Maritime Administration under General Order 70 as of its revocation date.

Foreign freight forwarders who meet the requirements set forth above, and who desire to be included on the list, shall apply in writing to the Secretary, Maritime Administration, Washington 25, D. C., and shall accompany such application with:

1. A copy of their most recent application to the Federal Maritime Board for registration under General Order 72 (46 CFR Part 244) with any amendment necessary to bring it up to date; and

2. An affidavit stating that the applicant is a citizen of the United States as defined in section 2 of the Shipping Act, 1916, as amended (46 U. S. C. 802).

If the forwarder is an individual, the affidavit of citizenship shall state whether he is a citizen of the United States by birth or naturalization, and the facts upon which that statement is based, such as the date and place of birth or the date and number of the naturalization certificate. If the forwarder is a partnership, each partner shall furnish an affidavit of citizenship giving the same information as is required of an individual. If the forwarder is a corporation, the affidavit shall be in the form prescribed by the Maritime Administrator, and published in the FEDERAL REGISTER of October 27, 1956, 21 F. R. 8240.

The Maritime Administrator reserves the right to request such additional information as he considers to be necessary or desirable, in order to determine the eligibility of the applicant for inclusion on the list.

Any foreign freight forwarder who desires may have his name removed from the list upon written request to the Secretary, Maritime Administration.

Copies of the list of forwarders maintained pursuant to this Statement of Policy may be obtained upon request from the Secretary, Maritime Administration, Washington 25, D. C.

(Sec. 204 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: March 5, 1957.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57-2017; Filed, Mar. 18, 1957; 8:45 a. m.]

[1] See Part 243 of this chapter, F. R. Document 57-2015, *supra*.

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-249; Rules Amdts. 2-29, 9-9]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

CHANNEL SPACING FOR VHF AIR TRAFFIC CONTROL OPERATIONS

In the matter of amendment of §§ 9.312, 9.331, and 9.411, Part 9, Aviation Services, and § 2.104 (a) (5), Part 2 Frequency Allocations and Radio Treaty Matters, to provide 100 kc channel spacing for VHF air traffic control operations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of March 1957.

The Commission having under consideration the amendment of Parts 2 and 9 of its rules to provide 100 kc channel spacing for VHF air traffic control operations; and

It appearing that the Civil Aeronautics Administration (CAA) has requested the Commission to make provisions for the use of 100 kc-spaced VHF air traffic control frequencies by civil aircraft, stating that the loading of existing 200 kc-spaced frequencies necessitates immediate implementation of additional frequencies at CAA ground stations, and

It further appearing that the Aircraft Owners and Pilots Association (AOPA) has submitted a similar request for Commission action; and

It further appearing that Aeronautical Radio, Inc. (ARINC) also has requested, on behalf of civil aviation interests, that the Commission amend § 9.312 of its rules to permit employment of 100 and 50 kc-spaced frequencies by FCC-licensed aircraft; and

It further appearing that insofar as ARINC's request for 100 kc. channel spacing is concerned, use by civil aircraft of such frequencies in areas of high traffic density, is a matter of urgency which is justified on the basis of information presently available; and

It further appearing that inasmuch as immediate air traffic control operation on 50 kc-spaced channels is not contemplated, and since questions of equipment capability and band-edge frequency utilization are involved, the part of the ARINC request concerning 50-kc-spaced channels can be handled more appropriately in a later proceeding; and

It further appearing that the public interest would be served by permitting FCC-licensed aircraft to commence operation on the new 100 kc-spaced air traffic control frequencies as they are implemented at CAA ground stations; and

It further appearing that since the additional frequencies are within the existing VHF air traffic control band, holders of current aircraft radio station licenses may, upon the effective date of this order, commence the use of such frequencies without applying for or obtaining specific authorization therefor, and

It further appearing that issuance of Notice of Proposed Rule Making pursuant to section 4 (a) of the Administrative Procedures Act would unnecessarily delay the timely adoption of the amendments herein ordered and would not therefore serve the public interest; and

It further appearing that since adoption of the amendments herein ordered imposes no new requirement on any applicant or licensee, but rather makes additional frequencies available, the use of which is directly related to the safety of life property in the air, this order may be made effective without delay in accordance with section 4 (c) of the Administrative Procedures Act; and

It further appearing that authority for issuance of this Order is contained in section 303 (b), (c), and (r) of the Communications Act of 1934, as amended:

It is ordered, That effective March 13, 1957, §§ 9.312, 9.331, 9.411 and 2.104 (a) (5) of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Delete paragraph (h) of § 9.312, and substitute a new paragraph (h) to read as follows:

(h) These frequencies are available for air traffic control operations:

118.1 A	119.8	121.6	125.2
118.2	119.9	123.7	125.3
118.3	120.0	123.8	125.4
118.4	120.1	123.9	125.5
118.5	120.2	124.0	125.6
118.6	120.3 B	124.1	125.7
118.7	120.4	124.2	125.8
118.8	120.5	124.3	125.9
118.9	120.6	124.4	126.0
119.0	120.7	124.5	126.1 E
119.1	120.8	124.6	126.2 E
119.2	120.9	124.7	126.3 E
119.3	121.0	124.8	126.4
119.4	121.1	124.9	126.5
119.5	121.2	125.0	126.6
119.6	121.3 C	125.1	126.7 F
119.7	121.7 D		

A—Primarily for international operations.
B—Primarily for communications with air Route Traffic Control Centers.
C—For communication with low activity airdrome control stations.
D—Available on a secondary basis to its primary use as an airport utility frequency.
E—Available on a non-interference basis to government use of 126.18 Mc.
F—For communication with Interstate Airway Communication Stations.

2. Delete paragraphs (b) and (c) of § 9.331, and substitute new paragraphs (b) and (c) to read as follows:

(b) 122.1, 122.2 and 122.3 megacycles: Private aircraft to airway communication stations.

(c) 122.5, 122.6, 122.7 and 122.9 megacycles: Private aircraft to airdrome control stations.

3. Delete paragraph (a) of § 9.411, and substitute a new paragraph (a) to read as follows:

(a)

118.1 A	119.8	121.7 D	125.1
118.2	119.9	121.8	125.2
118.3	120.0	123.7	125.3
118.4	120.1	123.8	125.4
118.5	120.2	123.9	125.5
118.6	120.3 B	124.0	125.6
118.7	120.4	124.1	125.7
118.8	120.5	124.2	125.8
118.9	120.6	124.3	125.9
119.0	120.7	124.4	126.0
119.1	120.8	124.5	126.1 E
119.2	120.9	124.6	126.2 E
119.3	121.0	124.7	126.3 E
119.4	121.1	124.8	126.4
119.5	121.2	124.9	126.5
119.6	121.3 C	125.0	126.6
119.7			

A—Primarily for international operations.
B—Primarily for assignment to Air Route Traffic Control Centers.
C—For assignment to low activity airdrome control stations only.
D—Available on a secondary basis to its primary use as an airport utility frequency.
E—Available on a noninterference basis to government use of 126.18 Mc.

5. Amend the indicated portions of § 2.104 (a) (5) pertaining to the frequency bands 121.7 Mc through 122.7 and 123.7–131.9 Mc to read as follows:

7	8	9	10	11
			121.7	Aeronautical utility land; Aeronautical utility mobile.
			121.8	Do.
			121.9	Do.
			122.1	Private aircraft.
			122.2	Do.
			122.3	Do.
			122.4	Do.
			122.5	Do.
			122.6	Do.
			122.7	Do.
			123.7–131.9 (NG 49)	Aeronautical Mobile.

[F. R. Doc. 57-2066; Filed, Mar. 18, 1957; 8:49 a. m.]

[FCC 57-240; Rules Amdt. 3-60]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 3.183 and 3.190 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 13th day of March 1957;

The Commission has before it for consideration the deletion of Figure 4 of § 3.190 and the reference to Figure 4 in § 3.183 (c).

Figure 4 of § 3.190 is a reproduction of a map depicting ground conductivities in Canada, prepared by the Department of Transport of that country, and submitted to the Commission on February 18, 1948. It was incorporated in the Commission's Technical Standards on June 29, 1949, after permission had been obtained from the Department.

Appendix H to the North American Regional Broadcasting Agreement, Washington, D. C., 1950 (NARBA) is a map of ground conductivities in countries in the North American Region. The Canadian portion of thig map was intended to be an accurate reproduction of the data on the original Canadian map (i. e., Figure 4). However, it appears that the NARBA map departs from the original in such degree that the results of determinations involving ground conductivities in Canada may differ substantially, depending upon which of the two conductivity maps is employed.

It had previously been assumed that Canada was continuing to utilize its original map, but the Commission has recently been advised by the Canadian Department of Transport that Appendix H of the NARBA is employed by Canada in all cases involving conductivities in that country.

It is evident that the continued use of Figure 4 is inappropriate, and can lead to international conflicts with respect to standard broadcasting assignments. For this reason we are deleting Figure 4 of § 3.190 and the reference thereto in § 3.183 (c). In place of Figure 4 we are indicating the proper source of information regarding ground conductivities in Canada, and for the first time in the Commission's rules, this reference provides a statement of bases for acceptable estimates of conductivity in Mexico and Cuba.

Because of the informational nature of the proposed changes, notice and public procedure hereon as prescribed by section 4 (a) of the Administrative Procedure Act are unnecessary.

In view of the above: *It is ordered*, That, pursuant to authority contained in sections 303 (f) and (r) of the Communications Act of 1934, as amended, §§ 3.183 and 3.190 of the Commission's rules and regulations are amended, effective March 20, 1957, as follows:

1. Delete the last three sentences of § 3.183 (c) and substitute the following parenthetical expression: "(for determinations of interference and service requiring a knowledge of ground conductivities in Canada and Mexico, Appendix H to the North American Regional Broadcasting Agreement, Washington, D. C. 1950, may be used. Where different conductivities appear in the maps of the several countries on different sides of the border not explained by geophysical cleavages, such cleavages are to be considered as real. A uniform ground conductivity of 10 millimhos per meter may be assumed for Cuba)."

2. Delete Figure 4 of § 3.190.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2067, Filed, Mar. 18, 1957; 8:49 a. m.]

[Docket No. 11894; FCC 57-241]

PART 62—APPLICATIONS TO HOLD INTERLOCKING DIRECTORATES

In the matter of amendment of Part 62 of the Commission's rules governing applications under section 212 of the act to hold interlocking directorates; Docket No. 11894.

1. On December 21, 1956, the Commission released a notice of proposed rule making proposing to amend Part 62 of its Rules to implement amendments to section 212 of the Communications Act of 1934, which became effective on August 2, 1956 (Pub. Law. No. 914), and which provide that the Commission may authorize persons to hold the position of officer or director in more than one carrier subject to the Act, without regard to the other requirements of this section, where it has found that one of the two or more carriers directly or indirectly owns more than 50 percent of the stock of the other or others, or that 50 percent or more of the stock of all such carriers is directly or indirectly owned by the same person. This notice was published in the FEDERAL REGISTER on December 28, 1956 (F. R. 10414) in accordance with Section 4 (a) of the Administrative Pro-

cedure Act. Interested persons were given until February 1, 1957, to file comments on the proposed amendments and ten days thereafter were allowed for filing comments or briefs in reply to the original comments.

2. The time for filing comments regarding the above-mentioned proposed rule making has expired. The Commission received timely comments from the American Telephone and Telegraph Company (AT&T) on behalf of itself and the Bell System Associated Companies. No comments or briefs in reply to the original comments were received, and no one requested a public hearing in this matter.

3. AT&T generally supported the proposed amendments but suggested minor changes as discussed below.

4. AT&T observed that the proposed text of § 62.2 (a) appears to include a number of positions which would not ordinarily be considered as officers. AT&T suggested defining "officer or director" to mean any person performing any of the duties ordinarily performed by a president, vice president, secretary, treasurer or other officer of a carrier. While this suggestion has some merit, we feel that there is a decided advantage in continuing to list the other positions which may, in certain carriers, also be those of officers. In order to make it clear that persons holding such other positions must secure authorization, where the position includes responsibility to act as officer, the phrase "or other officers of a carrier such as" is being inserted before the position "general counsel".

5. AT&T suggested that the word "voting" be placed before the word "stock" in § 62,2 (c). "Commonly owned carriers" would then be defined as two or more carriers, one of which directly or indirectly owns more than 50 percent of the voting stock of the other carrier or carriers, etc. It is to be noted that section 212 as amended makes no distinction as to whether the stock, on which the Commission may make a finding as to ownership, is voting stock or non-voting stock. It is also to be noted that under § 62.12, as proposed, applicants desiring a finding as to stock ownership must submit considerable data with respect to stock owned directly or indirectly, the total amount of outstanding stock of the carrier(s) involved and the voting rights of each category of stock. On the basis of the information so supplied, the Commission should be in position to make a finding as to whether the stock ownership meets the required minima specified in section 212. Pending actual experience in making such findings with respect to actual ownership relations, it is not possible to predict what weight the Commission will give, if any, to stock voting rights in making findings as to stock ownership. It does not appear that a finding of stock ownership will depend solely, in every case, upon the amount of voting stock owned, and therefore it appears inappropriate to make the insertion suggested by AT&T. Accordingly that suggestion is not being adopted.

6. AT&T suggested that, for editorial reasons, § 62.3 (b) should include an appropriate reference to § 62.12. That suggestion is being adopted.

7. AT&T pointed out that there is an apparent discrepancy between § 62.11 (g) and the footnote thereto and suggested inserting in § 62.11 (g) the phrase "in which the applicant has a financial interest" after the words "every corporation". That suggestion is being adopted and, to further clarify § 62.11 (g), the footnote is being incorporated in the text thereof, and certain editorial changes are being made for conformity.

8. AT&T suggested that the proposed text of § 62.21 be revised to make it clear that a person authorized to hold interlocking positions in three or more carriers would lose such authority only with respect to positions held in carriers which cease to be "commonly owned" carriers and that such person would continue to be authorized to hold interlocking positions in each of the carriers which continue as commonly owned carriers. That suggestion is being adopted.

9. AT&T pointed out that the proposed § 62.26 (b) would require that if a common ownership relation is ended, the applicant must not only notify the Commission of such ownership change but also of the names of the persons and the positions for which authorization became effective after a formal finding was made on said application. AT&T commented that this requirement would prove burdensome, since it would require information as to interlocking directors who had long since ceased to be such, and that the requirement could be omitted on the grounds that the provisions of section 212 of the act and proposed § 62.21 of the Commission's rules would automatically cancel such authority to hold interlocking directorates where common ownership relations are ended. Since the penalty provisions of section 212 are applicable where interlocking duties are performed without authorization, irrespective of whether the reporting requirements of § 62.26 (b) are met by a given applicant, the Commission agrees that such reporting requirement is not necessary. Accordingly, the proposed § 62.26 (b) is being deleted.

It appearing that the proposed Rule Making proceeding in this matter has indicated the desirability of adopting these amendments substantially as proposed except as outlined herein;

It is ordered, That, under the authority contained in sections 4 (i) and 212 of the Communications Act of 1934, as amended, the Commission's rules and regulations are amended as set forth below, effective April 22, 1957.

Adopted: March 13, 1957.

Released: March 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

1. Part 62 is revised to read as follows:

GENERAL

Sec.
62.1 Scope.
62.2 Definitions.
62.3 Method of securing authorization.

CONTENTS OF APPLICATIONS

62.11 Information required by application filed pursuant to § 62.3 (a).
62.12 Information required by application filed pursuant to § 62.3 (b).

ADMINISTRATIVE REGULATIONS

62.21 Authorization to hold interlocking directorates in commonly owned carriers.
62.22 Information in previous applications; incorporated by reference.
62.23 Signature; verification.
62.24 Form of application; number of copies; size of paper; etc.
62.25 Additional or different positions with same companies.
62.26 Change in status; Commission to be informed.

AUTHORITY: §§ 62.1 to 62.26 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 212, 48 Stat. 1074; 47 U. S. C. 212.

GENERAL

§ 62.1 *Scope.* No person may hold the position of officer or director in more than one carrier subject to the Communications Act of 1934, as amended, unless duly authorized to do so pursuant to the regulations set forth in this part.

§ 62.2 *Definitions.* As used in this part, the term:

(a) "Officer or director" shall include the duties, or any of the duties, ordinarily performed by a director, president, vice president, secretary, treasurer, or other officer of a carrier, such as general counsel, general solicitor, general attorney, comptroller, general auditor, general manager, general commercial manager, chief engineer, general superintendent, general land and tax agent, or chief purchasing agent;

(b) "Interlocking director" shall mean a person who performs the duties of "officer or director" in more than one carrier subject to the Communications Act of 1934, as amended; and

(c) "Commonly owned carriers" shall mean two or more carriers, one of which directly or indirectly owns more than 50 percent of the stock of the other carrier or carriers, or 50 percent or more of whose stock is owned directly or indirectly by the same person.

§ 62.3 *Method of securing authorization.* (a) Any person who has been designated to be an interlocking director may seek authorization from the Commission to serve in such capacity by filing on his own behalf an application in accordance with the provisions of § 62.11.

(b) Any person who has been designated to be an interlocking director of commonly owned carriers may perform the duties thereof provided the requirements of §§ 62.12 and 62.21 have been met.

CONTENTS OF APPLICATION

§ 62.11 *Information required by application filed pursuant to § 62.3 (a).* Each application shall state the following:

(a) The full name, occupation, business address, place of residence, and post-office address of the applicant;

(b) A specification of every carrier of which the applicant holds stock, bonds, or notes, individually, as trustee, or otherwise; and the amount of, and an accurate description of the securities owned or held by the applicant, of each carrier for which authority to act is sought. Whenever it is intended to represent on the board of directors of any carrier securities other than those owned by the applicant, the application shall describe such securities, state the character of representation, the name of the beneficial owner or owners and the general nature of the business conducted by such owner or owners;

(c) Each and every position with any carrier which is held by the applicant at the time of the application, and which he seeks authority to hold, together with the date and manner of his election or appointment thereto and, if he has entered upon the performance of his duties in any such position, the nature of the duties so performed and the date when he first entered upon their performance;

(d) As to each carrier covered by the requested authorization, whether it is (1) an operating carrier, (2) a lessor company, or (3) any other person or corporation organized for the purpose of engaging in communication by wire or radio subject to the act. If any such carrier neither operates nor owns any apparatus nor provides service for communication by wire or radio, which is subject to the act, there shall be filed with the application, as a part thereof, a copy of such carrier's charter or certificate or articles of incorporation, with amendments to date. When such copy has once been filed with the Commission, reference thereto, with amendments, if any, will suffice;

(e) A full statement of pertinent facts relative to any carrier which does not make annual reports to the Commission, authorization for a position with which is sought;

(f) Full information as to the relationship, operating, financial, competitive or otherwise, existing between the carriers covered by the requested authorization;

(g) Every business corporation—industrial, financial, or other—of which the applicant is an officer or director, trustee, receiver, attorney, or agent and also every corporation in which the applicant has a financial interest engaged in communications or in furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company in which the applicant has a financial interest, together with the general character of the business conducted by such corporation, and the amount and description of the applicant's interest. The Commission will regard the following as substantial compliance:

(1) If the applicant is an officer, director, trustee, receiver, attorney or agent of any business corporation he must make a complete disclosure of such position and state the general character of the business conducted by such corporation; and

(2) If the applicant has a financial interest in any corporation furnishing equipment, supplies, research, services, finances, credit, or personnel, directly or indirectly, to any communication company, he must make a complete showing of his interest and state the general character of the business conducted by such corporation, only in cases where 5 percent or more of such corporation's annual gross business consists of furnishing equipment, supplies, research, services, finances, credit, and/or personnel, directly or indirectly, to communications companies.

(3) If the applicant holds a position named in subparagraph (1) of this paragraph in a corporation described in subparagraph (2) of this paragraph, he must make the disclosures called for in both subparagraphs (1) and (2) of this paragraph.

(4) Regularly licensed and practicing attorneys will not be required under subparagraph (1) of this paragraph to show clients represented by them, unless such client corporations are engaged in conducting a communications service as a common carrier or come within the description in subparagraph (2) of this paragraph.

(h) Whether or not, since August 18, 1934, the applicant has, as director or officer of any carrier subject to the act, received for his own benefit, directly or indirectly, any money or thing of value in respect of negotiation, hypothecation, or sale of any securities issued or to be issued by such carrier, or has shared in any of the proceeds thereof, or has participated in the making or paying of any dividends of such carrier from any funds properly included in capital account. If the answer to this question is in the affirmative, the applicant shall state the amount or amounts received from such transactions, and the reasons to justify such payments;

(i) The reasons, fully, why the granting of the authority sought will not affect adversely either public or private interests; and

(j) Whether or not any other application for similar authority has been made by the applicant and, if so, the date and reference number thereof, and the action thereon, if any.

§ 62.12 *Information required by application filed pursuant to § 62.3 (b).* Each application shall state the following:

(a) The name and address of the carrier which seeks a finding that it owns more than 50 percent of the stock of another or other carriers; or the name and address of the person who seeks a finding that he owns 50 percent or more of the stock of two or more carriers; and

(b) The name and address of each carrier with respect to which the finding is sought by the applicant; for each such carrier, the total number of outstanding shares of stock of each category (common, preferred, etc.); the voting rights of each category; for each category, the number of shares directly or indirectly owned by the applicant and the percentage of the total number of outstanding shares in each category so owned. Where ownership is indirect, the applicant shall submit information regarding each intermediate entity involved to show that the applicant is the owner of the stock described.

ADMINISTRATIVE REGULATIONS

§ 62.21 *Authorization to hold interlocking directorates in commonly owned carriers.* After the Commission has found upon application filed pursuant to § 62.12 that two or more carriers are commonly owned carriers, any duly designated person is authorized hereby to be an interlocking director of two or more such carriers. However, the authorization herein granted to any interlocking director shall be automatically cancelled with respect to any position held in any such carrier which at any time ceases to be a commonly owned carrier, without notice thereof by the Commission, either to the interlocking director, to the carrier, or to the person upon whose application a finding of common ownership was made. In event of such cancellation, the interlocking director shall immediately cease and desist from acting in that capacity with respect to the carrier which has ceased to be a commonly owned carrier until such time as appropriate authorization is obtained pursuant to this part.

§ 62.22 *Information in previous applications; incorporated by reference.* When application has been made by any person, a subsequent application by him need not repeat every statement contained in the previous application but may incorporate the same by appropriate reference.

§ 62.23 *Signature; verification.* (a) The original application filed pursuant to § 62.11 shall be signed by the individual applicant, and shall be verified under oath in substantially the following form:

State of ----------
County of ----------, ss:
---------- makes oath and says that ---------- holds no position as officer or director of any carrier or other business corporation except as indicated in the foregoing application, and that all of the statements contained therein are true and correct to the best of ---------- knowledge and belief.

(Signature of applicant)

Subscribed and sworn to before me, a ---------- in and for the State and County above named, this ---------- day of ----------, 19--.

[SEAL]
My commission expires ----------

(b) The original application filed pursuant to § 62.12 shall be signed and verified under oath by the applicant, if an individual, or by a duly authorized officer if a company or corporation.

§ 62.24 *Form of application; number of copies; size of paper; etc.* The original application and two copies thereof shall be filed with the Commission. Each copy shall bear the dates and signatures that appear on the original and shall be complete in itself, but the signatures in the copies may be stamped or typed and the notarial seal may be omitted. The application shall be submitted in typewritten or printed form, on paper not more than 8½ inches wide and not more than 11 inches long, with a left-hand margin of approximately 1½ inches, and if typewritten, the impression must be on only

one side of the paper and must be double spaced.

§ 62.25 *Additional or different positions with same companies.* If an applicant has been authorized by the Commission upon application filed pursuant to § 62.11 to hold certain positions as officer or director of certain carriers and is subsequently elected or appointed, or anticipates election or appointment, to additional or different positions with one or more of the same carriers, he may report the change in the manner and form provided in § 62.26 relating to "change in status." Authorization for the holding of such additional or different positions shall be deemed granted as of the 15th day following the filing of such report, unless within that time the Commission shall call upon the applicant for additional information or for the filing of a formal application.

§ 62.26 *Change in status; Commission to be informed.* Should any change occur in the situation as reported under § 62.11 the applicant shall report such change to the Commission within 30 days after such change occurs. Such report may be made by verified letter, in triplicate, signed by the applicant himself, his agent or attorney, or by an officer or attorney of one of the companies involved.

2. Old and new sections are cross-referenced in the following table:

Old section	New section	New section	Old section
62.1	[1] 62.1	62.2	New
62.2	62.3 (a)	62.3 (a)	62.2
62.11	62.11	62.3 (b)	New
62.21	62.22	62.11	62.11
62.22	62.23	62.21	New
62.23	62.24	62.22	62.21
62.24	62.25	62.23	62.22
62.25	62.26	62.24	62.23
62.1	[1] 62.1	62.25	62.24
		62.26	62.25

[1] Revised.

[F. R. Doc. 57-2068; Filed, Mar. 18, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 6—MIGRATORY BIRDS

ORDER PERMITTING KILLING OF COOTS IN AGRICULTURAL AREAS OF CALIFORNIA

Pursuant to the authority conferred upon me by the order of the Acting Secretary of the Interior, dated March 8, 1957, I have determined that the number of coots now present and likely to continue to be present in particular communities in California are such as to constitute a serious threat to agricultural crops through depredations by this species. Accordingly, an emergency is found to exist, and to protect crops which are threatened by such migratory birds the killing of such coots as are found damaging crops in the areas described below is hereby permitted, beginning this date and continuing until formally terminated but in any event not beyond May 30, 1957; such killing to be conducted in compliance with applicable State law and subject to the following terms, conditions, and restrictions:

1. Coots may be killed on or over agricultural crops being damaged by such birds in the counties of Butte, Colusa, Fresno, Glenn, Kern, Kings, Madera, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter, Talure, Yolo and Yuba.

2. Method of killing: Coots may be taken only by shooting with a shotgun not larger than No. 10 gauge fired from the shoulder.

3. Disposition of coots taken: Such birds as are killed under the provision of this order may be used for food within the State of California, but they may not be sold, offered for sale, bartered, or shipped for purposes of sale or barter, or be wantonly wasted or destroyed.

(Sec. 3, 40 Stat. 755, as amended; 16 U. S. C. 704)

Issued at Washington, D. C., and dated: March 12, 1957.

ROBERT H. JOHNSON,
Acting Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57-2043; Filed, Mar. 18, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 904, 984, 996, 999]

[Docket Nos. AO-14-A25; AO-83-A21; AO-203-A7; AO-204-A7]

MILK IN GREATER BOSTON, MERRIMACK VALLEY, SPRINGFIELD, AND WORCESTER, MASS., MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision, with respect to the proposed marketing agreements and the proposed marketing orders, regulating the handling of milk in the Greater Boston, Merrimack Valley, Springfield, and Worcester, Massachusetts, marketing areas which was issued March 5, 1957 (22 F. R. 1511) is hereby extended to March 28, 1957.

Dated: March 13, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-2057; Filed, Mar. 18, 1957; 8:47 a. m.]

[7 CFR Part 908]

[Docket No. AO-243-A4]

MILK IN CENTRAL ARKANSAS MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central Arkansas marketing area.

Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated was conducted at Little Rock, Arkansas, on November 19-21, 1956, pursuant to notice thereof which was issued on October 22, 1956 (21 F. R. 8193).

The material issues of the hearing related to:

1. Area changes:
(a) Extension—Items 1 and 8.
(b) Contraction—Item 17.
2. The producer definition in regard to diverted milk—Item 9.
3. Definition of distributing plant:
(a) To exempt plants with 2,000 gallons or less per day—Item 21.
(b) To exclude all approved plants located in the area—Items 6 and 10.
4. Classification definition: To include in Class II (a) fat "disposal for livestock feed" and (b) "casualty" losses—Items 2 and 3.
5. Allocation of "other source" milk—Item 4.
6. The Class I price—Items 7 and 11.
7. The Class II price—Item 12.
8. Compensatory payments—Items 5, 18, 19 and 20.
9. Plants under other orders—Items 6 and 13.
10. Adjustment for errors—Item 14.

11. Base rules—Items 15 and 16.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence introduced at the hearing, and the record thereof:

1. *The city of Gurdon and the town of Okolona, Arkansas, in Clark county should be removed from the Central Arkansas marketing area and the following counties should be added to the area: Conway, Grant, Hot Spring, Lonoke, Monroe, Pope, and Saline.* The elimination of the city of Gurdon and the town of Okolona, in Clark county, was proposed by a partially regulated handler whose plant is located in Texarkana, Texas. The sales of milk from this plant, with the sales of one or two other partially regulated handlers in these communities on the western edge of Clark county which marks the southwestern border of the marketing area, constitute about 85 percent of total sales in these communities, if school milk is excluded. Two pool plant handlers compete in these localities, but the volume of their sales is small and a minor part of the trade. These facts and circumstances justify the removal of the city of Gurdon and the town of Okolona, both in Clark county, Arkansas, from the marketing area.

Producers and a group of handlers proposed addition to the marketing area of the following counties in Central Arkansas: Conway, Grant, Hot Spring, Lonoke, Monroe, Pope, and Saline. Handlers alone proposed the addition of three other counties, Cross, Poinsett, and St. Francis, in eastern Arkansas.

The evidence does not justify the incorporation of the three eastern counties in the marketing area. In these counties one Central Arkansas handler competes with one or two Memphis handlers, who distribute no milk in the present Central Arkansas area. Another handler, who was under the Central Arkansas order at the time of the hearing, but who according to subsequent official releases of the market administrator, has come under the Memphis order, is also a competing distributor in these three counties. Official notice is hereby taken of announcements issued by the market administrator, Federal Order No. 8, for the months November, December 1956; and January, February 1957, listing the names of regulated and partially regulated handlers. He is a large scale distributor in the Central Arkansas area as well as in the Memphis area. A reason for handlers' proposal to consolidate and extend the Central Arkansas marketing area was to bring this handler fully under this order, or at least, to make him subject to the compensatory payment provision of this order on all the milk distributed by him in Central Arkansas trade territory, where he competes with Central Arkansas handlers.

But such grounds do not support the addition of these particular counties to the marketing area. These counties are well to the east of the main trade territory of Central Arkansas handlers. They are also served by Memphis handlers who sell no milk in the present Central Arkansas area. The one Memphis handler who distributes milk in the Central Arkansas area also distributes in these three counties; but his distribution in these counties is through his Memphis area vendor. Memphis handlers would appear to have no price advantage over Central Arkansas handlers that would justify the addition of these three eastern counties to the Central Arkansas area. None was alleged by proponents.

The same may be said with reference to the unpriced or unregulated distribution in these three eastern Arkansas counties. Only one unregulated distributor operates in these counties. His business varies from an estimated two percent of all Class I distribution in St. Francis, to 50 percent in Poinsett. Altogether sales by this distributor in these counties are probably not more than eight or nine percent of his total Class I trade. The bulk of his distribution is in unregulated trade territory. Nevertheless, his stake in the trade of these counties—measured by the proportion of sales in these counties to total sales—appears to be about equal to that of Central Arkansas handlers.

The evidence supports the addition to the area of the seven counties named above, proposed by handlers and producers. These counties lie well within the Central Arkansas Grade A milk trade area. Health and sanitary regulations are identical to those of the present marketing area.

Such enlargement of the area would incorporate in the area additional trade territory now served by two or more major Central Arkansas handlers, and by the partially regulated handler, who was recently under this order but who in December 1956, reverted to his original status under the Memphis order. Two major Central Arkansas handlers distribute milk in each of these counties. The sales by one amount to approximately 15 percent of his total Class I sales, by the other to about 21 percent. Sales by another handler in four of these counties amount to about 12 percent of his total sales. Still another handler distributes seven percent of his Class I sales in two of these counties. Since volume data on sales by counties are not available, how much would be added to area sales by the incorporation of these counties in the area cannot be definitely calculated. But the data of percentage of sales by handlers show that these counties are an important part of the sales area for producer milk; that they are an integral part of the trade territory of major Central Arkansas handlers, and of the large scale distributor in Central Arkansas who presently operates under the Memphis order. In Grant, Hot Spring, Lonoke, and Monroe counties there are no unregulated distributors. There is one unregulated distributor in each of the counties of Conway, Pope, and Saline. In Saline county it is estimated that sales by this distributor are about 10 percent of total sales, in Pope county about 50 percent, and in Conway county about 55 percent. In each case the unregulated distributor has a substantial proportion of his Class I trade in the county—estimated at about a third in one case and 90 percent in the other cases.

One reason, advanced by producers and handlers, for adding these particular counties to the maketing area, is to bring these local distributors under uniform price regulation. These local distributors compete with handlers for milk supply. While they pay producer prices that conform closely to pool plant prices or to prices returned to member producers by the cooperative association, they obviously do not account and pay for their supplies on a class price basis. Their cost of Class I milk may be somewhat less than that of handlers who compete with them. It also appears, in these cases, that the cost of supplies is lessened by the practice of balancing very closely receipts from dairy farmers with sales, and procuring supplementary supply from regulated plants, or directly from the producers' cooperative association. Such practices and circumstances give ground for including them under the uniform price provisions of the order. One of these local distributors went on record in favor of so doing. Another demurred, but not on grounds of possible effects upon his buying prices and competitive position. He was reluctant to become a handler because of the administrative assessment and the necessary record keeping and reporting. Under the circumstances, such objection could hardly be determining.

An additional reason for incorporating in the marketing area more of the trade territory served by the principal Central Arkansas handlers lies in the application of another order provision,

§ 908.61 *Plants subject to other Federal orders.* It applies to plants with sales in more than one Federal marketing area. If a distributing plant in this area also sells in another area, under an order with a similar provision, the handler is subject to the order for the area where, during a specified period, his sales are greater. In this determination only the sales actually in the respective areas are considered. Also, the compensatory payment specified in this section of Order No. 8, which is applicable to a distributor in this area who is a handler under Order No. 18, applies only to his sales that are actually in the defined marketing area.

Major Central Arkansas distributors operate extensively outside the present marketing area. Two or three distribute milk from Central Arkansas plants in marketing areas under other orders. One of these, as noted above, was under Order No. 18 when Order No. 8 was issued. In June 1956, this distributor came under Order No. 8. But since January 1, 1957, he has been under Order No. 18. Another Central Arkansas distributor, presently a handler under this order, at times is successful bidder on large military camp contracts in another marketing area for a volume of milk that might exceed his sales in the present area. This handler distributes substantial quantities of milk in several of these counties that are proposed for the area. He supports such extension of the marketing area, in part, for the reason

that it would make more secure his existing status under this order.

It therefore appears that the purposes of this order would be served by the inclusion of the seven counties named above in the marketing area. All or a large proportion of the distribution in these counties is by handlers under this order and a handler presently under the Memphis order. While two or three local distributors would become subject to the Central Arkansas order, it does not appear that minimum order prices would be unreasonable for them or that the level of their producer prices would be changed much, if any. Among the regulated distributors in the Central Arkansas trade, it would tend to make minimum buying prices more uniform and thus to enhance the stability of producer prices. The Central Arkansas distributor, who is presently a handler under the Memphis order, has a lower Class I price than he would have if he were operating under the Central Arkansas order. But, for the receipts of local milk that he distributes in the Central Arkansas marketing area he makes a "compensatory payment" to Central Arkansas producers, which is designed to equalize his plant price with that of Central Arkansas handlers. Enlarging this area to include more of his trade territory would not only increase the ratio of his sales in this area to those in the Memphis area—which determines his handler status—but also increase his compensatory payments to Central Arkansas producers when he is a Memphis handler. Likewise such enlargement would tend to reduce the uncertainty of continuing applicability of the minimum price terms of this order to Arkansas handlers who also distribute milk in the areas of other Federal orders.

2. *The producer definition should not be amended.* The Central Arkansas Milk Producers' Association proposed that the definition of "producer" be amended to permit a cooperative association to divert milk to a nonpool plant in all months of the year. The present definition allows pool plant handlers (including producers' cooperative associations) to divert milk at any time during the months February through August, and on not more than ten days during any other month. The effect of the proposal would be to allow a cooperative association to divert milk at any time during the year, while retaining the ten-day limitation on diverted milk for proprietary handlers during the months September through January.

In support of the proposal, the producers' association contended that the present provision has imposed hardship on several of its members. Three producers who were shipping milk on a route which was converted to bulk tank had not done so when the route was so converted. Consequently, their milk in cans had to be hauled over 100 miles, apparently to another pool plant in order for them to maintain producer status. The association maintained that if it had been permitted to divert milk to a nonpool plant for more than ten days during the period September through January this situation could have been averted.

Under the proposal, the association would not divert the milk of non-members in a similar situation. The stated purpose of the proposal is to protect the producer status of cooperative association members.

The manager of the producers' association testified that proprietary handlers should not be extended year-round diverting privileges because handlers' plants might be loaded unnecessarily with Class II milk, thereby reducing uniform prices to producers.

The present provisions concerning diverted milk were originally included in the order because some milk not needed for Class I use in the area had been diverted from producer farms directly to manufacturing plants. The privilege of diverting such milk to nonpool plants obviates the handling of milk at bottling plants which are not equipped to manufacture reserve supplies. The diverting privilege was limited during the months of low production because reserve supplies during those months normally prevail only on weekends or holidays. Cooperative associations were afforded the same diverting privilege as handlers to enable them to market their members' milk more efficiently, and to keep such milk pooled.

The evidence in the record in support of the proposal was confined to an unusual incident involving a minute segment of the market for a short period of time. It would be very difficult from an administrative standpoint to guard against all situations which may be temporarily disruptive, and at the same time to provide larger safeguards necessary to insure that milk in the Central Arkansas market shall be marketed as efficiently as possible. There is no evidence that the Central Arkansas market treated as a whole, needs any provision for diverting milk on a year-round basis, except as it is already contained in the order. The proposal should not be adopted.

3. *The definition of "distributing plant" should not be amended.* (a) A handler proposed that a volume limitation be be provided in the distributing plant definition which would exempt from regulation any plant distributing less than 2,000 gallons of milk a day in the marketing area.

The proponent testified that he produces half his volume and purchases the remainder from the Central Arkansas Milk Producers' Association. The handler's primary objection was in having to pay into the producer-settlement fund on his high Class I utilization. His operation includes no Class II utilization. His present distribution amounts to approximately 450 gallons per day, 150 gallons of which are distributed in the marketing area. The proponent stated that construction has just been completed on a plant which will enable him to triple his capacity.

The proposal to include the exemption was supported primarily on the basis that the handler's Class I distribution in the marketing area is much less on a total volume basis than that of "larger" handlers. There is no evidence in the record indicating any economic justification for exempting a handler from regulation simply because the quantity of milk he distributes is less than that of other handlers.

Evidence in the record indicates that the proponent's distribution in the marketing area exceeds 30 percent of his total Class I distribution. Elsewhere herein, it is recommended that the marketing area be extended. If this occurs, it is probable that the proponent's percentage of total distribution would be even more than the present 30 percent. There would be little justification in exempting one handler whose distribution in the marketing area exceeds 30 percent of his total Class I distribution while regulating other handlers whose Class I distribution in the marketing area is 10 percent or more of total Class I sales.

It is concluded that the proposed volume exemption should not be adopted.

(b) Producers and handlers proposed that a distributing plant be regulated by Order No. 8 (Central Arkansas) if it is located within the marketing area. This proposal was submitted in conjunction with another proposal which is discussed later in connection with Issue No. 9.

Proponents supported the proposal on the basis that any plant located in the marketing area is, of necessity, associated with the market. Such plant procures its milk from the same area as do other plants located in the area. In addition, a substantial portion of such plant's Class I sales are logically made within the area.

Specifically, the proposal is intended to regulate by Order No. 8 a plant located at Conway, Arkansas. This plant has had a recent history of having been regulated by Order No. 8 and by Order No. 18 (Memphis). Proponents contend that the regulation of the plant by one order and then by another disrupts marketing conditions for the Central Arkansas area.

The plant referred to has, for the most part been regulated by Order No. 18 on the basis of a larger volume of Class I sales distributed in that marketing area than in the Central Arkansas area. Official notice is taken of the final decision of the Assistant Secretary which was published in the FEDERAL REGISTER on November 30, 1956 (21 F. R. 9383) in which it was concluded that in determining the applicability of Order No. 8 to a handler who qualifies under more than one Federal order, such determination should not be made on any basis other than that of identifying the market in which the largest volume of his Class I sales is distributed. No new evidence was introduced which would justify a different conclusion at this time.

The object of Federal milk regulation is to assure that all milk handled within a specified marketing area shall be paid for on the basis of its utilization, and at prices established by the order. The area from which handlers procure milk is not the criterion for regulation.

Proponents emphasized that by reason of a location differential applicable at Conway, Arkansas, when the plant there is regulated by Order No. 18 (Memphis) the operator of that plant enjoys a competitive advantage over handlers regulated by Order No. 8 on Class I sales made outside the marketing area.

But this merely means that competing handlers under different orders may have different minimum buying prices. This would appear to be inevitable, at some plant locations, even though prices at the respective areas are the same, as is the case in this instance. If the areas are correctly defined and location differentials are reasonable, the basis for such differences in plant prices are presumed to be economic. Proponents of this proposal also approached their problem through an area enlargement proposal, which is herein considered as Issue No. 1.

It is concluded that the proposal should not be adopted.

4. *The classification provisions of the order should not be changed.* Handlers proposed that (a) in disposing of milk for livestock feed, the butterfat and skim portions should be classified as Class II. At the present time, only the skim portion is so classified, (b) transportation and processing losses should be classified as Class II milk.

In support of proposal (a), handlers testified that 99 percent of all milk disposed of for livestock feed originates as returns of buttermilk, flavored milk and homogenized milk. Livestock feed disposition amounts to about one percent of total Class I and Class II disposition for the market. Since the volume of recoverable fat from buttermilk is negligible, returns of homogenized and flavored milk account for the bulk of the butterfat in livestock feed. Butterfat from Grade A Cream-line milk, cream and half-and-half is generally recovered from returned items.

One handler stated that during the past 10 months an average of 1,174 pounds of butterfat monthly was disposed of as livestock feed, with the major quantities disposed of in the months of March, May, June and July 1956. Another handler testified that his firm disposed of an average of 964 pounds of butterfat per month in this manner.

The quantity of butterfat involved, if the proposal were adopted, represents a very small portion of the total Class I and Class II disposition of handlers. It was conceded that any decrease in handlers' cost would be slight. In view of this it is doubtful whether the advantages of adopting the proposed amendment outweigh the advantages of retaining the present language of the order.

The present method of classifying the butterfat and skim components of milk utilized as livestock feed contains incentive for handlers to recover as much as possible of the butterfat in milk disposed of in this manner. Handlers' testimony indicates that this is being done. The present provision influences handlers to adjust their bottling operations as closely as possible to their Class I route sales in order to guard against increasing volumes of route returns. If the proposal were adopted, there would be less incentive to tailor bottling operations with route requirements, since all returns could be disposed of for livestock feed and classified as Class II. There is little economic justification in allowing unlimited disposition of producer milk in this manner. In fact, some safeguard is necessary to discourage it. Present order language contains such safeguard. The order contains a two percent allowance for shrinkage. In cases where plant shrinkage is less than two percent, the butterfat contained in livestock feed is included in the shrinkage allowable in Class II. Shrinkage, as a percentage of total receipts has declined steadily since the inception of the order, indicating increased efficiency in handlers operations. It is not inconceivable that the gradual reduction in the volume of plant shrinkage for the market, is due to the order provisions safeguarding the classification of producer milk.

It is concluded that the proposal should not be adopted.

In support of (b), handlers stated that processing losses have occurred when milk to be used for buttermilk failed to coagulate because of antibiotics present. It was testified that this situation was avoided after it occurred by testing samples of individual producers' milk before commingling and making buttermilk. The proposal is intended to classify processing losses of this type in Class II whenever they occur. However, there is no justification for assigning producer milk to a lower class whenever handlers fail in processing techniques to prevent losses such as those described.

The record contains no guides as to what might or might not be considered a processing loss. It would, without such guides, encompass all losses, including those due to negligence, accident or mischievous damage. Nor would it be feasible to require the market administrator to decide what constitutes a processing loss, since he undoubtedly would not be present when it occurred.

Handlers also proposed that transportation casualty losses should be priced in the lowest class whenever they occur, subject to prompt notification of the market administrator to allow verification. Some handlers operations are covered by cargo insurance, and some are self-insured. The proposal was mainly supported by a handler who does not carry cargo insurance, stating that the cost is prohibitive.

While it is reasonable for handlers to protect themselves from all manner of business hazards, it is not necessary, as the experienced management of many handlers demonstrates, to provide such protection in the classification provisions of the order. The responsibility for protection against fire, explosion, theft, etc., which may destroy or damage a handler's property may reasonably be expected to be borne by the handler. Likewise, transportation losses, when the property is the handler's, should be considered part of the risk of doing business, and protected accordingly. Producers should not be expected to take a lower classification on any milk involved in such losses.

It is concluded that the proposal should not be adopted.

5. *The allocation provisions of the order should not be changed.* Handlers proposed that producer milk should not receive preferential classification as Class I over other source receipts, unless producer receipts at pool plants are at least 115 percent of the Class I sales of pool plants. During the course of the hearing, handlers revised the factor to 110 percent.

In support of the proposal, handlers testified that the present allocation provisions are not encouraging producers to meet their supply obligations.

One handler testified that during the month of August 1956, when there was sufficient producer milk on the market to supply Class I sales inside the marketing area, other source receipts were used. Some handlers received other source milk instead of producer milk. At the same time, producer milk was delivered to handlers with Class II utilization. The allocation system washed out all but about 9 percent of the utilization of producer milk in Class II. The handler's chief objection to this situation was that his firm had to pay a compensatory payment on the other source milk which was supplied by the producers' association.

It is noted that the action recommended under Issue 8 (a) should provide appropriate relief for the situation complained of under this issue. Consequently, it is not necessary to amend the allocation provisions of the order.

6. *The Class I milk price should not be changed.* Producers proposed that the Class I milk price for Central Arkansas be based on the Class I milk price for Memphis, Tennessee (Order No. 18) plus 35 cents, in all months of the year. It was also proposed that in no case shall the Central Arkansas Class I price be less than the Class I milk price for the Ft. Smith market.

A series of producer witnesses testified that the proposed price increase is necessary to counteract declining income from milk production. However, it should be noted that Class I, Class II and uniform prices for Central Arkansas increased during the year 1956. Declining income from dairying, particularly in areas close to the city of Little Rock, Arkansas, appears to be due primarily to increased costs resulting from extremely dry pasture conditions and competition with industrial expansion for available labor. Producer witnesses whose farms are located close to the metropolitan area are operating relatively small herds, and expressed reluctance to use capital reserves to enlarge them in order to take advantage of economies of scale and efficiencies from labor saving equipment.

An official of the Central Arkansas Milk Producers' Association testified that the Class I price for Order No. 8 should be 70 cents over the Class I price of Order No. 18 to attract an adequate supply of milk for Central Arkansas. It was conceded, however, that intermarket relationships should be considered in establishing an appropriate Class I differential for Central Arkansas. Consequently, the association proposed a Class I differential of 35 cents over the Memphis Class I price. This amount repre-

sents the cost of transporting milk in packages from a plant in Conway, Arkansas to Memphis, Tennessee. The association contends that the proposed Class I price is not enough to attract an adequate supply of Class I milk for Central Arkansas, but represents a minimum necessary to preserve an alignment of prices (presumably with Memphis), keep present producers supplying the market, and attract new ones.

The producers' association also contends that for the months of March and July, the Central Arkansas Class I differential is out of line with that contained in the Ft. Smith order, which is about 50 cents over Central Arkansas during those two months. Producers maintain that this has a disturbing effect on dairy farmers who live in the same locality and ship milk to the two markets. There could be transfers of producers to the Central Arkansas market during March and July because these months are part of the flush period for the Ft. Smith market. No transfers are made, however, because of the price difference. By raising Central Arkansas price to a level comparable with Ft. Smith, the association (having members shipping to plants regulated under both orders) could divert milk from Ft. Smith to Central Arkansas, or transfer producers permanently to Central Arkansas. So long as the Ft. Smith price is higher than Central Arkansas, the association maintains that it cannot induce its members to transfer. It was estimated that by diverting milk, and by negotiating premiums with handlers, Central Arkansas producer prices have been increased in 1956 by about 49 cents per hundredweight. This has not been enough to achieve the supply needed.

Handlers testified that because of the inter-relationship of the two markets, the Class I prices under the Memphis and Central Arkansas orders should be identical. If the Central Arkansas price is higher than the Memphis price, a plant located at Conway, Arkansas, when regulated by the Memphis order, and obtaining a location differential, could increase its competitive advantage with Central Arkansas regulated handlers, particularly outside the present marketing area. Handlers were primarily concerned with the price alignment with Memphis. Handlers would support a temporary price increase for Central Arkansas, but in the long run the competitive position with Memphis, must be considered.

The Borden Company representative testified that the level of the Class I price is not the complete answer to the shortage of milk in Central Arkansas. The fact is that large volumes of milk have been used to supply Class I sales in the Memphis and Ft. Smith areas. To continue in this manner could increase the Central Arkansas Class I price to an extremely high level, and still not result in adequate supplies for Central Arkansas handlers. The association's proposed Class I price would jeopardize large quantities of Class I sales in eastern Arkansas, and in the Memphis marketing area which are of great value to producers. The Central Arkansas handlers would be at a great disadvantage in competing with the Memphis handler located at Conway, Arkansas, who could procure milk for 63 cents per hundredweight less than Central Arkansas handlers (35 cents increase and 28 cents location differential). It was pointed out that prior to the order, Central Arkansas prices averaged five cents per hundredweight over Memphis. For 10 month of 1956 it averaged seven cents over.

Evidence introduced into the record concerning marketing statistics was necessarily restricted to the period December 1955 through September 1956. This is due to the fact that the order became effective in December 1955. Consequently, there are insufficient data available for comparison to determine what impact the present price level has had on production. Official notice is hereby taken of the market administrator's statistical summaries for October, November and December 1956. These summaries, along with data in the record provide marketing statistics for a full year, plus a comparison of December 1955 with December 1956. In addition, official notice is taken of the market administrator's announcement of the Class I price for January and February 1957, as well as the Class II price for January 1957.

Since the inception of the order, the Class I price for Central Arkansas has been the same as that for Memphis, Tennessee. This price includes whatever supply-demand adjustment is applicable for the Memphis market. As a result of a recent amendment to the Memphis supply-demand adjuster, the Class I price for Central Arkansas increased significantly for the months September, October and November 1956. For December 1956, the Class I price was 25 cents per hundredweight more than in December 1955. For January and February 1957 compared with 1956, the Class I price was 12 and 14 cents more, respectively.

Daily average producer recepits have increased steadily during 1956. In December 1956 daily average producer receipts were 61,000 pounds more than in December 1955. Total numbers of producers, both "part time" and "regular" have increased since December 1955. Present price levels have encouraged increased production per producer, from 412 pounds in December 1955 to 454 pounds in December 1956.

On the other hand, the utilization of producer milk in Class I has declined slightly from 94.9 percent in December 1955 to 92.0 percent in December 1956.

It is recognized that marketing experience under Federal regulation for the Central Arkansas market has been limited insofar as it is possible to analyze the effect of the present Class I price level on production. It is concluded that the present Class I price level insofar as it can be determined, has encouraged the development of needed supplies of producer milk. The Class I price level should not be changed at this time.

In this connection it should be noted that the handler proposal to establish an appropriate supply-demand adjuster for the Central Arkansas market was not supported at the hearing. The Central Arkansas market has had a history during the past year of having one large handler regulated either by the Central Arkansas order, or by the Memphis order. More experience is needed in order to construct an appropriate supply-demand adjuster for Central Arkansas. When adequate data are available an appropriate supply-demand adjuster my be considered and the level of the Class I price reviewed.

7. *The seasonal pricing provisions for Class II milk should be amended.* The Class II milk price is based on the average paying prices of three Arkansas manufacturing plants during the six months period of February through July. During the remaining six months the price is determined to be the basic formula price for the month, or the average pay price of the three Arkansas plants plus 25 cents, whichever is less. This pricing mechanism results in a lower Class II price during February through July than is applicable during the remaining six months.

Producers proposed that the lower Class II price apply during the months April through June. The effect of the proposal would result in a higher price for Class II milk during the months February, March and July than now prevails during those months.

During February and March, 1956 only small quantities of producer milk were utilized in Class II. The volumes so utilized were manufactured into high value products such as ice cream and cottage cheese. Relatively little milk was manufactured into butter and cheese.

The utilization of producer milk in Class II during 1956 was highest during the months April through July. For the months February and March, the utilization of producer milk in Class II was 4.81 percent and 3.05 percent, respectively. For the months April through July, such utilization ranged from a low of 10 percent to a high of 15 percent.

The experience of the market in 1956 indicates that a limited revision of the seasonal pricing of Class II milk is justified.

While statistics are available for only one year, it is questionable whether the month of July should be designated as a seasonally higher Class II pricing month. In July 1956, for instance, over two million pounds of producer milk were utilized in Class II. This was the largest volume so utilized in any month for the year.

On the other hand, the months of February and March may reasonably be included among the seasonally higher Class II pricing months, since the utilization of Class II in these short production months is relatively low. At the same time, such utilization is primarily for the manufacture of higher valued products.

For 1956, the Central Arkansas Class II price on a yearly average basis compared favorably with those for surrounding Federal order markets. It was higher than three of them, ranging from 8 to 13 cents. At the same time, it was 10 cents lower than two others.

Handlers opposed the proposed amendment on grounds of competition with unregulated plants selling ice cream mix into the Central Arkansas marketing area. One handler opposed the amendment because he expects to expand his Class II ice cream and cottage cheese manufacturing operations on the basis of the present price level. There was no testimony to indicate that handlers have had any difficulty in disposing of reserve milk at any time during 1956.

It is concluded that the months of February and March should be designated higher seasonal Class II pricing months. Such action is consistent with the seasonal pattern of Class II utilization of producer milk in the market. The provisions concerning the Class II butterfat differential should be amended to conform with this conclusion.

8. *The compensatory payments provisions of the order should be amended.* Handlers proposed that (a) the compensatory payments provisions of the order shall not apply whenever producer receipts at pool plants are less than 115 percent of total Class I sales from pool plants. (During the hearing handlers reduced the factor to 110 percent), (b) the months during which the rate of compensatory payments on other source milk is based on the difference between the prices for Class I and Class II milk be changed, (c) the rate of compensatory payments applicable to nonpool handlers distributing fluid milk products on routes in the marketing area be based on the difference between the Federal order uniform price for the month and the average producer pay price of the nonpool plant, and (d) the rate of compensatory payments in all months of the year be based on the difference between the Class I price and the uniform price.

In support of (a), handlers testified that the allocation provisions of the order do not encourage producers to supply Central Arkansas handlers. Handlers contend that producers have an implied obligation to supply the market with its minimum requirements for milk before handlers are required to pay compensatory payments on other source milk utilized to furnish the Class I requirements of the market.

Handlers testified that during short-production months they have paid premiums for producer milk. At the same time, compensatory payments were charged on other source milk which was needed to supply the Class I needs of the market. The Central Arkansas Milk Producers' Association operates under a "full supply" verbal agreement with handlers. Consequently, the association has imported volumes of other source milk for Central Arkansas handlers when producers were unable to supply sufficient volumes of milk for the Class I needs of the market. When such other source milk originates in areas not Federally regulated, a compensatory payment is charged in computing the handlers' obligation to the Central Arkansas pool.

Producers presented no opposition testimony or recommendation.

During 1956, there were four months during which producer receipts were more than 110 percent of Class I sales. During six of the remaining eight months, producer receipts were less than the Class I requirements of the market. The association has supplied handlers with other source milk whenever producer milk was not available in sufficient volumes to furnish the market with its requirements for Class I milk. Most of these imports of other source milk were from areas regulated by other Federal orders. Consequently, no compensatory payments were charged. Whenever other source milk was obtained from unregulated sources, such payments were charged.

The purpose of the compensatory payments feature of the order is to assure that milk for fluid use, from areas not regulated by a Federal order, shall be procured at not less than the minimum prices established for Central Arkansas; so that handlers who use such unpriced milk will not thereby have cheaper milk than handlers who use only producer milk, and no handler will have any incentive to substitute it for producer milk that is available to him.

Conditions in the Central Arkansas market are such that the association, representing a major portion of the producers supplying milk to regulated handlers, has the obligation under an agreement with handlers to procure for them other source milk when needed. Available marketing statistics indicate that the volume of producer milk available to regulated handlers was less than the requirements for Class I use during a substantial part of 1956. There is indication that the availability of producer milk is improving; but under prevailing supply arrangements there appears to be no need for compensatory payments by handlers on other source milk except when the market supply of producer milk is sufficient for Class I needs plus a minimum reserve. It is concluded that this proposal should be adopted.

In support of (b) and (c) one handler proposed different rates of compensatory payments on other source milk obtained by regulated handlers, and on fluid milk distributed in the marketing area by a nonpool plant. At the present time, the rates are the same.

In connection with (b) the witness testified that the need for the proposal is comparable to that discussed under (a) above. However, there was no specific testimony as to why the rate for pool plants should be any different from that for plants not regulated by a Federal order, and distributing milk in the marketing area.

It is concluded that these proposals should not be adopted. The aspect of these proposals concerning whether the rate of compensatory payments applicable to both types of handlers should be changed is discussed later in section (d).

In support of (d) a number of handlers testified that the present rate is too high during the months February through July. During this period, the rate is the difference between the prices for Class I and Class II milk. In support of their position, proponents contended (1) The distributing plant definition is such that their distribution of Class I milk in the marketing area reflects insignificant competition with regulated handlers; (2) prices paid to producers by unregulated handlers, who have had to pay compensatory payments, have been higher than the Central Arkansas uniform prices during the February through July period.

Milk from unregulated plants is sold as Class I in the Central Arkansas marketing area. It is distributed to consumers on routes operated by fringe area plants. Also, pool plants purchase milk from unregulated plants in bulk to supply their own Class I outlets.

The order contains classified pricing provisions whereby producers who are primarily engaged in furnishing milk for sale in the marketing area are paid for such milk according to its utilization. The pricing provisions of the order cannot be maintained unless the Class I market is safeguarded from the the competition of excess milk from surrounding unregulated areas, and from such areas located considerable distance from Central Arkansas.

Since there is no direct control over the pricing of milk from unregulated plants, the order provides a method of bringing such milk under the classified pricing system without fully regulating the plant from which such milk originated. The compensatory payments provision of the order accomplishes this.

Proponents testified that producer pay prices in the fringe areas are equivalent to or higher than the Central Arkansas uniform prices. Hqwever, in the absence of regulation, it is impossible to determine the comparability of the prices quoted with those established by Order No. 8. Producers shipping milk to unregulated plants are normally paid blend prices which may be influenced by different classification schemes, and by varying charges for services or supplies.

The record shows that milk supplies are invariably larger in Arkansas and in surrounding markets during the months March through July than in the remaining months of the year. The excess or increased production during these months must be marketed largely as manufactured products since Class I sales remain relatively static. The prevailing manufacturing milk prices represent the opportunity cost of such milk during these months. This aspect of the compensatory payments provision of the order was covered in detail in the final decision issued by the Assistant Secretary on October 7, 1955 (20 F. R. 7669).

It is concluded that there is no new evidence to justify changing the rates now provided in the order; but that the month of February should be included with those for which the lower rate applies.

9. *Section 908.61 should not be amended.* This section provides for determining the applicability of Federal regulation when milk plants qualify under more than one order.

Handlers and producers submitted this proposal as a conforming change in conjunction with their proposal to amend the distributing plant definition (Issue No. 3–b).

Since it was concluded under Issue No. 3 that the definition should not be amended, it is also concluded that this proposal should not be adopted.

10. *The provision of the order authorizing plus or minus adjustments for errors made in previous payments made to producers should not be changed.* The producers' association proposed that the provision authorizing minus adjustments for errors in previous payments to producers be deleted. The producers' witness testified that the present provision impairs the effectiveness of making audit adjustments for handlers when premiums have been paid. It was contended that the present provision would permit a handler who previously paid a premium to producers to underpay them in a later month. Then, on audit, the apparent overpayment could be applied to a subsequent underpayment. Or, as a result of a so-called overpayment resulting from a premium, a minus adjustment may later be made from checks payable to producers. Proponents contended that adoption of the proposal would prevent these situations from occurring. The purpose it serves is best explained by the use of the word "errors". This could include typographical errors made in preparing checks, arithmetical errors in computing payments, and the use of incorrect pricing data. It is not clear how the payment of a premium could be construed as an error in paying producers, unless pertinent facts are withheld from the market administrator at the time an audit is made. The market administrator should have available to him all the factors handlers use in computing payments to producers. If any confusion or uncertainty exists about an apparent overpayment, it would not be difficult to ascertain the facts.

At the same time, it is recognized that bona-fide errors may be made, requiring minus adjustments in payments to producers. In view of this, there is no justification for limiting the order provision to plus adjustments only.

It is concluded that the provision should not be changed.

11. *The base-excess provisions of the order should be amended.* Producers proposed that the base transfer provisions be amended (a) to permit partial base transfers, and (b) to provide for the computation of bases for producers when a plant previously regulated by another Federal order becomes regulated by Order No. 8.

In support of (a) the producer representatives testified that: (1) The association now permits its members to transfer partial bases. Presumably this is taken into account when the association rebiends the proceeds from the sale of milk and distributes it to its members. Since the association represents almost all producers on the Central Arkansas market, adoption of the proposal would merely reflect what is now being done in the market; (2) the effect of the proposal would be to increase production for the Central Arkansas market at a time when it is needed, because a new producer could obtain a base by purchase, by borrowing it or by having it given to him; (3) very few producers come on the Central Arkansas market during the heavy production season. The acquisition by them of some base could be no problem as far as the entire market is concerned. However, it is not clear that anything would be gained for the market as a whole by the adoption of this practice even though the association finds it convenient and useful among its members.

If adopted, the proposal would require a great deal more record keeping than is justified by the benefits which may result. It is not feasible to incorporate into the order a plan requiring as much administrative detail as this would.

It is concluded that the proposal should not be adopted.

In support of (b) producers pointed out that handlers in the Central Arkansas area have had large portions of their sales in the Memphis area and in the Ft. Smith area. Consequently, a situation exists wherein milk plants in the Central Arkansas area shift from regulation under one order to regulation under surrounding orders and back again depending on volumes of Class I sales distributed.

Under such conditions, it is reasonable to allow bases under Central Arkansas to be computed for producers shipping to such plants when shifts of this kind occur. The Central Arkansas market administrator could verify producers shipments to such plants during th short production season and compute bases for them under Order No. 8.

It is concluded that the proposal should be adopted.

Rulings on proposed findings and conclusions. A number of briefs were filed which contained statement of fact, proposed findings and conclusions and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and amendment to the order, as amended. The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Delete § 908.4 and substitute the following:

§ 908.4 *Central Arkansas marketing area.* "Central Arkansas marketing area", hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark (except the city of Gurdon and the town of Okolona), Conway, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lonoke, Monroe, Pope, Pulaski, Saline and White, all in the State of Arkansas.

2. In § 908.51 (b) and § 908.52 (b), delete "February" and insert "April".

3. At the end of § 908.70 (b) change the semicolon to a colon, and add the following: "*Provided*, That such calculation shall not apply if the total receipts of producer milk at all pool plants during the month are not more than 110 percent of the total Class I utilization of such plants for the month."

4. Delete § 908.90 and substitute the following:

§ 908.90 *Computation of daily average bases for each producer.* Subject to the rules set forth in § 908.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such period to the last day of December inclusive or by 90, whichever is more: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of January through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding: *And provided further*, That such plant was regulated by another Federal order during that period.

5. Delete § 908.91 (a) and substitute the following:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 908.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December, or whose deliveries of milk during these months were to a nonpool plant which became a pool plant during the following months of January through July.

Issued at Washington, D. C., this 14th day of March 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator.

[F. R. Doc. 57-2078; Filed, Mar. 18, 1957; 8:51 a. m.]

[7 CFR Part 1015]

[AO-281]

CUCUMBERS GROWN IN FLORIDA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 118 AND ORDER NO. 115

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed Marketing Agreement No. 118 and Order No. 115 (hereinafter referred to as the "order"), regulating the handling of cucumbers grown in Florida, south or east of the Suwannee River to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing on the record of which the proposed marketing agreement and order were formulated was opened at Fort Myers, Florida, May 28, 1956, pursuant to notice thereof which was published in the FEDERAL REGISTER (21 F. R. 2689). The hearing was recessed June 1, 1956, and reopened at Fort Myers, Florida, November 5, 1956, following notice of such reopening published in the FEDERAL REGISTER (21 F. R. 7957, 7992, 8368). The hearing was adjourned November 9, 1956, and continued at West Palm Beach, Florida, November 12–13, 1956.

The original notice set forth the proposed marketing agreement and order which were sponsored by certain producers and handlers of Florida cucumbers. The notice of reopening of hearing contained changes proposed for consideration by the Florida Cucumber Growers Association at such reopened hearing which related to pack specifications and marking of containers.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the marketing agreement and order including:

(a) Definitions of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee, which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The authority for the committee to incur expenses and to levy assessments on shipments;

(d) The need for authority to establish cucumber marketing research and development projects;

(e) The method for limiting the handling of cucumbers grown in the production area;

(f) The methods for establishing minimum standards of quality and maturity, and pack specifications;

(g) The methods for authorizing special regulations applicable to the handling of cucumbers for specified purposes or to specified outlets which may be handled under special regulations that are modifications or amendments to grade, size, and quality regulations;

(h) The necessity for inspection and certification of shipments;

(i) The relaxation of regulation in hardship cases and the methods and procedures applicable thereto;

(j) The procedure for establishing reporting requirements upon handlers;

(k) The requirements of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(l) Additional terms and conditions as set forth in §§ 1015.70 through 1015.73 and §§ 1015.81 through 1015.91 and published in the FEDERAL REGISTER (21 F. R. 2689; April 26, 1956), which are common to marketing agreements and orders.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence introduced at the hearing and the record thereof, are as follows:

(1) The major portion of the cucumbers grown in the Florida production area enter commercial market channels with the great bulk of such movement going to destinations outside Florida. The 1955–56 Florida cucumber production has been estimated at 2,978,000 bushels. The 1954–55 Florida crop of cucumbers was estimated at 3,158,000 bushels. During the 1954–55 season, truck and carlot shipments, representing 7,519 carlot equivalents or approximately 3,383,550 bushels were shipped out of Florida into interstate or foreign commerce. However, included in total shipments are Cuban imports apparently equivalent to about 1,390 cars of cucumbers which were moved in trucks and a lesser quantity moved in cars, most of which were presumed to have left the production area. The distribution of the 1954–55 cucumber crop was widespread. Shipments from this crop were made to 45 States, the District of Columbia, Canada and to points both within and outside the production area in the State of Florida. The major portion of the market for cucumbers in fresh form lies outside the production area.

Naturally, all cucumber growers and shippers seek to obtain the highest possible return for their cucumbers. In assessing the market and in making sales, sellers survey all available markets with a view to accepting the most advantageous opportunities and offers to market their cucumbers. Successful shippers and packers are forced by their competition to keep fully informed with respect to all possible market information, especially the level and trend of prices in specific markets both within the production area and outside of Florida. There are sales opportunities within Florida as well as outside the State. The opportunity for advantageous sales are eagerly sought by handlers and such opportunities are accepted regardless of whether the cucumbers are sold at shipping point, or at destination, or in consuming markets within Florida, or in Boston, New York, Chicago, Los Angeles, or any other market beyond the production area. Both buyers and sellers use the latest and most modern forms of communication, not only to keep up with their competitors, but also to maintain the closest possible contact with market conditions at every point where there may be a potential sale. The sales manager would be lost without the telephone in contacting buyers in terminal markets and in talking to their customers. Many of the cucumber handlers in the production area make constant use of teletype reports which show such information as to supplies and prices in terminal markets and in the various producing sections as well as track, holdings, and weather reports and forecasts. All of this type of information aids handlers in evaluating their opportunities for sale of their supply of cucumbers and in arriving at price.

Governmental and private market agencies supply daily information to all cucumber factors relative to prices at all levels of distribution, car and truck shipments and unloads, production data, weather reports, and any other market information which may affect the cucumber market and tend to influence prices. Such daily market news information is issued in the form of radio reports, newspaper and trade paper releases, and via the mail. All Florida cucumber factors keep informed, not only with respect to market conditions at Florida shipping points and markets, but also in terminal markets and in competing areas of production, both domestic and foreign. Both shipping point handlers and receivers are well aware of

market conditions at all levels through their close attention to and use of modern communications. Such handlers with the use of their market information quote, offer, bargain, buy, and sell cucumbers and thereby create an institution commonly referred to in the trade as the "cucumber market." The cucumber market is a combination of all of the factors that relate to the supply of and demand for cucumbers in the various producing sections in Florida, the supply that is available for immediate marketing, the supply for later marketing, the quality of such supply, the supply of cucumbers in competing areas, with consideration of qualities and availability, prices quoted by sellers at shipping point, in terminal or other receiving markets, as well as at intermediate points, and many other factors which influence both buyers and sellers in helping them to arrive at a meeting of minds which culminates in the sale and transfer of a particular quantity and quality of cucumbers.

The aforementioned factors are interdependent as between shipping points and receiving markets. Any factor which influences the market at shipping point is almost immediately reflected in prices in terminal markets; and in turn, the converse is also true. For example, cold weather or frost at shipping point may slow down the rate of grading and loading to such an extent that buyers will experience difficulty in filling orders and they will bid higher than they otherwise would for remaining supplies. Such resulting increase in shipping point prices will soon be reflected in terminal markets outside the production area. However, should supplies of cucumbers in competing areas be ample and available to fill any temporary shortage created in Florida supplies, prices in terminal markets and, in turn, at Florida shipping points may not change appreciably. Because of modern communication, the complete coverage of market information, and the large number of factors, shippers and receivers, buyers and sellers, in the cucumber business, sales prices for given qualities and packs of cucumbers soon became common knowledge. As a result, and it is well recognized, that a sale of a particular quantity of cucumbers in a market within the Florida production area influences or tends to influence all other sales of cucumbers in Florida as well as in markets outside of the State.

Changes in the supply of cucumbers being marketed at any particular time and changes in estimates of cucumber supplies available for market affect the price of cucumbers. Changes in the supply of cucumbers grown in the Florida production area, or any part thereof, have a direct effect on both terminal market and shipping point prices for all cucumbers. Cucumbers grown in any portion of the production area and marketed at any given season compete with any other cucumbers marketed at the same time no matter whether such cucumbers are grown in another producing section within Florida, or outside the State.

Few cucumbers grown in the production area are produced for any other outlet than the tablestock market. A few cucumbers, principally of the Kirby variety, are produced specifically for processing. Production of such varieties is largely dependent on prior contracts with processors since they are not of an acceptable table stock shape and color. A relatively small quantity of tablestock cucumbers (136,000 bushels during the 1954–55 season) was delivered to processors. Such latter quantity consists generally of cucumbers which have been picked over, having been discarded as culls in the tablestock grading operation. Such sales of cull tablestock cucumbers to processors is a salvage operation by the packer and the prices paid him are extremely low as are any subsequent returns to growers.

It is a common practice for handlers to load cucumbers at shipping points within the State and to ship such cucumbers to markets within the State such as Tampa or Jacksonville and then, before or on arrival at such markets, to divert the shipments to markets outside the production area. Conversely, shipments originally destined to markets outside the State may be diverted and disposed of within the State. This practice of diverting shipments from the originally intended destination occurs frequently, especially among truckers who are able to divert quickly in response to local price opportunities and offers. It is impossible in many cases, at the time cucumbers are sold to a trucker to determine finally whether such cucumbers will be transported and sold within the production area or to a point, or even several points outside the production area.

Many truckers haul mixed loads which include cucumbers and the destination of the several commodities being transported may be entirely dependent upon prices quoted and offered at a number of different locations. Hucksters and other truckers commonly make cash purchases of low quality cucumbers from packing houses. The final destination of such sales is not ordinarily known, but they become part of the cucumber market and either move to markets outside Florida or they directly burden interstate markets for cucumbers.

A considerable quantity of Cuban cucumbers is imported into the United States through Florida ports. On arrival, a large portion of these imported cucumbers are repacked in Florida packing houses, then loaded aboard cars or trucks and transshipped to markets outside of the production area. Such cucumbers are repacked in the same markets, and in the same packing houses within the production area as Florida cucumbers,—and both are frequently loaded on the same cars or trucks, follow identical routes, and are sold in the same markets. A number of Florida shippers and packers handle both Florida and imported cucumbers. Some imported cucumbers are sold for disposition within Florida at the time the Florida cucumber deal is active.

The phenomena of sale and movement constitute the market for cucumbers and the interdependence of markets both within and outside the State directly burdens, obstructs and affects interstate commerce. Factors making up the market for cucumbers constitute commerce which is so completely interspersed that all sale and movement of such cucumbers are either in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce and therefore all such movement and sale of cucumbers grown in the State should be subject to the authority of the act and of the marketing agreement and order which may be issued pursuant thereto except where specifically excluded.

(2) Prices for cucumbers grown in Florida have fluctuated rather widely during the past several years, reflecting marketing conditions which generally have resulted in returning season average prices to growers below parity equivalent prices. Production and price statistics for Florida cucumbers are reported by the Agricultural Marketing Service, United States Department of Agriculture, on the basis of three seasons within each crop year; namely, late fall, winter, early spring. For the past 11 late fall crops, the average price received by growers for Florida cucumbers has ranged from 40 to 129 percent of the parity equivalent price, exceeding 90 percent only in 1945 and 1951. The average price of the 1955 late fall crop, $2.25 per bushel, reflected 70 percent of the parity equivalent price. During the last 7 winter-crop seasons since 1950, the season average price for cucumbers has ranged from 49 to 131 percent of parity. Winter crop prices have exceeded parity in 1951 and 1952 and reached 98 percent of parity in 1954.

In 1956, the ratio of average price for the winter crop of $4.42 per bushel to the parity equivalent price reflected 71 percent which is the second lowest ratio in the short 7-year winter crop price series.

Early spring cucumber prices have, on the average for a season, exceeded the parity equivalent price in only 1946 and 1956. During the past eleven seasons, season average prices of early spring crops have reflected from 60 to 127 percent of parity with the 1956 average price of $3.65 per bushel the latter figure.

When data for the three crop seasons are combined, the average price-parity price ratio has, for the last eleven seasons, exceeded 100 percent only during the 1945–46 crop season or immediately subsequent to World War II. During three other of the combined seasons, including the most recent (1955–56), the average price has reflected 97–98 percent of the parity equivalent price.

Another indicator of the unstable farm price structure for Florida cucumbers is set out in a Florida Agricultural Experiment Station report (Exhibit 11) which shows net returns to growers in seven selected producing areas in Florida during the five seasons, 1950–51 to 1954–55. The report shows that, in the Immokalee area, the costs of producing and harvesting a bushel of cucumbers have exceeded the returns from sales in four of the above five seasons; in the Manatee-Ruskin and Sumter areas, net returns

show a loss in three of the five seasons; losses are shown for two of five seasons in the Alachua and Fort Myers areas (Negligible gains were reported in two of the remaining seasons in the Fort Myers area); and losses are reported for one season in the Pompano section. (The data reported from the Sumter area is applicable only to sales of trough-grown cucumbers).

Cucumber growers and shippers do not, for the most part, sell their produce on the basis of the U. S. Standards. It is common practice throughout the proposed production area to pack and sell cucumbers under such terminology indicating quality as "fancy," "choice," or "plains." The term fancy (or extra fancy) when applied to a cucumber package merely means that the contents of such package were the best quality available for packing at a given time; that if the general level of quality should improve on the succeeding day, yesterday's "fancies" might be called choice on the basis of today's packout. Nevertheless, there is no doubting the fact that sales of the best quality produce provide the highest returns to growers, while sales of less acceptable grades and sizes are discounted. This is clearly borne out by packing house records submitted by growers, shippers, a cooperative, and substantiated by market news reports.

Returns paid to growers by a cooperative illustrate both the wide fluctuation in cucumber prices over a short period and the price differentials based on quality. For example, on October 29, 1953, the cooperative returned $4.89 per bushel to its members for fancy quality (the peak for the fall season), $2.77 for choice, and $1.08 for plains. On November 16, the return for fancies was $2.07 per bushel and by the 27th of November, 1953, reached a low of $0.31 per bushel. In the spring of 1954, fancies returned a high of $5.05 on April 8; choice, $2.55; and plains, $1.05. Fall crop cucumbers in 1954 reached a peak of $6.10 per bushel return to growers on October 13; choice returned $3.10, with plains $1.00 less. In two weeks the returns for fancies had dropped more than $4.00 per bushel to $1.99, and on November 7 the cooperative paid growers $0.97 per bushel for fancy quality. Data for both the spring and fall seasons of 1955 indicate similar experience. In numerous instances during periods of low prices, growers actually received a bill from the cooperative for packing choice and plains, and, in one case, the price of fancies did not cover packing house charges.

On a number of occasions, the prices received by growers for their cucumbers did not cover harvesting costs. Frequently, during each season as indicated by the price data submitted by the cucumber growers' cooperative, there were no returns to growers for plains which were dumped for lack of sales. However, this usually occurred too late to help improve prices of better quality cucumbers.

The advantages derived from the sale of high quality cucumbers can be readily ascertained from an analysis of the sales and receipts of a number of growers who submitted such data at the hearing. During the 1954–55 season, the records of two growers reveal that the 68.2 percent of their volume of marketings which were sold as fancy (including cartons) cucumbers returned 78.7 percent of their total receipts. For the eight growers who submitted 1955–56 sales data, the fancy (including cartons) cucumbers which constituted 71.0 percent of total cucumber marketings accounted for 82.9 percent of total receipts. To put it another way, 21.7 percent of the crop (that portion of less than fancy, including carton, quality) accounted for only 13.8 percent of total sales receipts. Choice quality which represented 17.1 percent of the 1955–56 sales volume for eight growers, realized 12.1 percent of their returns.

Florida cucumber growers and shippers have not made extensive use of the grade terminology in the U. S. Standards for Cucumbers as a basis for trading. Also, only a relatively minor portion of total shipments have been subject to inspection and certification by the Federal-State Inspection Service in the past. The use of non-standard grade terms in the cucumber industry has resulted in demoralizing marketing practices creating the need for an order. Inspection coupled with grade and size regulation would help immeasurably to restore confidence in the cucumber trade as to commerce in this commodity.

The proponents of the proposed order have shown that an agreement, when properly administered, would serve to limit the volume by restricting size, grades, and qualities of cucumbers marketed thereby benefiting growers' returns. Their position is that poor or undesirable grades and sizes should be restricted when prices are low. Growers generally are critical of the present lack of standardization of grades and packs as a marketing practice which is injurious or depressing to growers' returns. The lack of standardization results in lack of confidence on the part of buyers and unduly depresses prices and returns to those growers whose cucumbers are graded and packed according to acceptable standards. A large portion of Florida cucumbers are sold by wire or over the phone. That portion of the industry which sells poor grades and packs can and does underquote others and, by doing so, forces the general level of prices down.

The proponents of the proposed order take the position that cucumbers of quality below the U. S. No. 2 grade should never be shipped. Any cucumbers below "plains" should not be permitted to enter fresh market channels under any circumstances because each unit of low quality cucumbers tends to substitute a lower value unit for a higher quality, higher value unit of cucumbers. Substitution of low quality cucumbers for produce of higher quality tends to depress prices of and returns to growers for the better quality produce. Also, consumers do not receive full value from their expenditures for low quality cucumbers. The general manager of a cucumber growers' cooperative stated that, during mid-April 1956 when cucumber prices were relatively high, the lowest grade shipped were the so-called "plains." "Plains" are considered by the trade as roughly corresponding to the U. S. No. 2 grade.

During the fall of 1953, growers who were members of the cooperative would have received higher returns had they shipped no plains, and possibly nothing but fancies, during and after the middle of November. There were instances when the grower received a bill for packing charges for choice, plains, and even fancies. During the spring of 1954, prices of cucumbers started off at a fairly high level, but prices dropped rapidly so that the cooperative's packing house was closed in the first week of May during that season. Not more than one-half of the crop of the members of the cooperative had been harvested at the time of closing. Other shippers actually dumped carloads of cucumbers that had already been packed and loaded.

During the fall of 1954, growers frequently lost money when plains and other less desirable grades and sizes were packed and sold. Even during the spring of 1955, considered a good season, losses were reported for some of the low grades, including plains. During the fall of 1955 the price level for cucumbers was so low that almost every grower lost money.

The Florida cucumber industry needs standardization of grades and packs. As a constructive improvement in orderly marketing practices, the United States Standards for Cucumbers are available and, in general, are satisfactory. However, unless a purchaser specifically requests inspection, the service is not customarily used in the case of cucumbers. The proponents have established the need for standard grades and packs. However, not all of the industry will support voluntarily a program of this type. Those persons who insist on continuing the present system can, by packing other than standard packages, upset the whole marketing price structure for cucumbers. As high as 90 percent of the cucumbers are sold by wire or telephone. Those shippers who pack and sell a standard pack which contains good quality throughout individual packages, or a constant quality within a package, are at a temporary disadvantage in quoting prices to their customers, in seeking new customers, and in conducting business over the telephone in trying to compete with those individuals who, for example, put up a choice package and label it as fancy, or who top off a package with fancy cucumbers when the remainder of the package might be of lower quality. The substantial variation in quality of that quantity marketed as a given grade, such as "fancy," has created a wide range in prices for "fancy" cucumbers. The wide price range makes difficult price agreement between buyers and sellers for a particular quality of cucumbers and such wide range can be and often is used to force the price of better quality cucumbers to the lower limits of the price range to the ultimate detriment of growers' returns. Recently the term "extra-fancy" has come into

common use. In order to gain temporary price advantage, some shippers have adopted this term, stamping it on the lids of their fancy packages. In order to compete, other shippers have followed with the use of the term "extra-fancy" without necessarily increasing the quality of the cucumbers in these packages.

The fact that there is no standardization of grades commonly in use and that there is no limit on minimum and maximum quality factors for a particular grade, such as "fancy," has enabled some shippers to undercut prevailing prices of their competitors' produce. It is common practice in the cucumber industry for a shipper to sell a lower quality cucumber than one of his competitor's while, at the same time, stamping the same grade on the package. He then represents his produce as fancy, the same as his competitor, but because he is selling a lower quality, he either underprices his competitor or forces the price of his competitor's better merchandise down to the level of the price he is asking for his produce. This, of course, is reflected back to the grower of the higher quality cucumbers whose returns are discounted as a result of this practice.

The quantity of cucumbers available on the market at any given time, either daily or seasonally, has a direct effect upon the price which producers receive for their cucumber crops. Florida producers grow a major portion of the domestically grown cucumbers during the late fall, winter, and early spring seasons covering the period November through May. The quantity of cucumbers put on the market by Florida producers or handlers also has a direct effect upon the price of all cucumbers, particularly the price which Florida growers receive for their crop. The price of cucumbers in the market is a direct result not only of the total quantity of cucumbers being marketed, but also of the quality of cucumbers as reflected by the different prices paid by grades and sizes for such cucumbers. Certain grades and sizes of cucumbers return higher prices to producers than other grades and sizes. For example, U. S. No. 1 quality cucumbers normally return a higher price than U. S. No. 2 grade cucumbers, and a considerably higher price than cucumbers which are of lower quality than U. S. No. 2. Such low quality cucumbers are commonly referred to in trade circles as culls and sometimes as "cootertails."

Shipments of underdeveloped and overripe cucumbers have the same detrimental effect on returns to growers as do other poor quality or undesirable sizes or shapes of cucumbers.

It is common and usual practice among the great majority of handlers to eliminate the low grades, off-shapes, and overripe stock, and in many cases even the "plains" also, when they are grading cucumbers for market. Such poor quality cucumbers and discounted sizes and shapes and undesirable maturity are removed. Experienced handlers have found that it pays them to do so because the adulteration of the better packs, which constitute the bulk of their crop, with the poorer grades, maturity, and sizes forces the price down on all of their sales. However, some handlers continue to sell culls and off-sizes because they frequently are able to buy them at exceptionally low prices from the grower and to sell them at a small discount from average prices, thereby giving the handler as much or even a greater margin than they could expect from handling usual good quality and the more desirable sizes of cucumbers. The withholding of poor grades and undesirable maturities and sizes of cucumbers from markets in effect reduces the available market supply of such cucumbers. By reducing the quantity being marketed as well as eliminating discounts from average price, growers' prices for cucumbers are thereby improved.

The sale of cull cucumbers tends not only to return discounted prices to growers, but also give only limited satisfaction to consumers and such sale operates against repeat sales. It is not in the public interest to sell cull cucumbers under normal conditions because the evidence shows that consumers fail to obtain proper value for their expenditures as compared with purchases of good quality cucumbers.

Prices to Florida cucumber producers and total returns of such producers could be augmented by handling only the more preferred grades, sizes, and maturities of such cucumbers. Voluntary efforts have been made and practiced by individual producers and handlers in Florida to eliminate some of the culls especially when the average price level to Florida cucumber producers was low, but such voluntary efforts did not raise producers' prices and returns appreciably, since other handlers continued to ship culls and off-sizes to the detriment of all other cucumber producers and handlers and contrary to the public interest of the Florida cucumber industry.

The orderly marketing of cucumbers grown in Florida has been disrupted and the purchasing power of the producers thereof has been impaired by reason of the handling of certain grades, sizes, qualities, and maturities of such cucumbers which have adversely affected prices returned to cucumber producers.

A marketing agreement and order is necessary to authorize regulation of the sale and transportation of cucumbers grown in Florida so that more orderly marketing conditions for such cucumbers may be established. The establishment of more orderly marketing conditions as brought about by marketing agreement and order regulations will tend to establish parity prices for cucumbers grown in Florida. A marketing agreement and order authorizing regulation of the handling of cucumbers will assist the Florida industry in establishing and maintaining such minimum standards of quality and maturity and such grading and inspection requirements for cucumbers grown in the production area which will effectuate such orderly marketing of such cucumbers as will be in the public interest. The adoption of a marketing agreement and order program by handlers of Florida cucumbers and the approval of such an order by Florida cucumber producers will tend to promote more orderly marketing of such cucumbers and it will be in the public interest. It is hereby found that the marketing agreement and order as hereinafter set forth will promote more orderly marketing of Florida cucumbers and the operation of such a program will tend to establish and maintain such orderly marketing conditions for Florida cucumbers as will establish, as the price to farmers, parity prices for such cucumbers.

It is alleged in the brief on the evidence filed on behalf of the opponents that: (1) When Cuban cucumbers are coming in during the winter months, practically all of the U. S. production is in District No. 1; and (2) the principal competition of District No. 1 is from Cuba and not from proposed Districts 2, 3, and 4.

The importance to the United States of District No. 1 (Lower East Coast) as a winter cucumber crop producing section has been overrated by the opponents. During the past 11 crop years, 1945–46 through 1955–56, District No. 1 has been the most important producing section for Florida cucumbers in four winter seasons; District No. 2 (Immokalee—Ft. Myers) has been the most important cucumber producing section in five seasons. On two other occasions, acreage in each of these two districts was approximately equal.

The Lower East Coast, on the average, has accounted for about 12 to 25 percent of total cucumber acreage for an entire season for the production area as a whole. During the past 11 seasons, total acreage for fresh market in District No. 1 has ranged from 1,490 to 3,300 acres of cucumbers. For the production area, fresh market acreage has ranged from 10,170 to 16,355 acres. At no time during the 11 seasons cited has the Lower East Coast been the most important producing section in the production area.

In addition to the above, the fall and spring crops of cucumbers in District No. 1 have been greater than the winter crop in the majority of seasons. During 8 of 11 seasons and 6 of 11 seasons, respectively, the acreage of the fall and spring cucumber crops grown in District No. 1 have been greater than the winter crop. This fact is supported by exhibits introduced by opposition witnesses at the hearing which indicate that approximately 10 percent of their 1955–56 crop sales occurred during January, less than one percent in February, and slightly more than 17 percent in March, or a total of less than 28 percent of their total sales volume occurred during winter of 1956. Their volume of sales was high during December 1955 which accounted for 29 percent, and reached a peak in April 1956 when about 40 percent was sold.

(3) The term "cucumbers," as used in the proposed order, identifies the agricultural commodity to be regulated and distinguishes it from other agricultural commodities. The term "cucumbers" should be defined to mean all varieties of the edible fruit (cucumis sativus) which are commonly referred to as cucumbers and which are grown in the production area. Cucumbers are one of the principal vegetable crops grown by producers in the production area. Reference to "cucumbers" has a common and specific meaning to all growers and handlers in the production area as well as in other parts of the country. However, the definition should be limited to those grown in the production area, since cucumbers produced in other portions of the United States are not proposed to be regulated. The definition of cucumbers, as set forth in the marketing agreement and order, establishes the identity of the agricultural commodity for which regulation is authorized. It includes all varieties of cucumbers grown in the State of Florida, south or east of the Suwannee River, whether produced for fresh market or other outlets.

Some testimony was introduced at the hearing to the effect that all cucumbers imported into the production area from Cuba, from Florida points outside of the production area, or from any other domestic or foreign source, as well as those grown within the production area, should be included within the definition of "cucumbers" and thereby made subject to the authority of the order.

The maximum limitation as to the area of coverage in connection with the present proceeding was fixed in the notice of hearing, which was specified as the presently proposed production area. Cucumber producers and shippers in other portions of the continental United States were not, therefore, afforded the necessary advance warning that they might be included under the regulation and thereby afforded notice and opportunity to appear and testify and otherwise represent their respective interests. It would, therefore, be legally impermissible to include any additional portion of the domestic cucumber production in any event. This contention as to the inclusion of additional domestic production seemed to be related to the contested addition under regulation of the remaining portion of Florida not presently proposed to be included, which portion lies west or north of the Suwannee River. As is developed more fully below, it is concluded that the portion last referred to should not be covered under the presently proposed regulation in any event.

Although regulation of the grade, size, quality, and maturity of imported cucumbers on the same or comparable basis as Florida cucumbers will be mandatory as provided in section 8e of the act as added by the Agricultural Act of 1954 (68 Stat. 906, 1047) should the proposed order be issued, such regulation of the imported commodity would not only be incidental to, but would also be beyond the scope of the authority of the proposed order. In other words, any such regulation of imports would be wholly within the province of the Secretary, except that he would impose, on imports the same or comparable restrictions as to grade, size, quality, and maturity as are imposed under the order.

This definition establishes the commodity to which the handling activities related thereto are subject to the authority of the order. The act authorizes marketing agreements and orders applicable to cucumbers, or to any regional or market classification thereof. Cucumbers of all varieties which are grown in the proposed production area constitute a regional classifictaion of cucumbers and regulation of the handling of such cucumbers as authorized by the order will tend to effectuate the declared policy of the act. Cucumbers therefore should be defined in the order to mean all varieties of cucumbers grown in the production area.

The term "production area" should be incorporated in the order as a means of specifying the area within which cucumbers must be produced before the handling thereof is subject to regulation thereunder. Production area should be defined to include all territory within the State of Florida south or east of the Suwannee River.

According to the 1954 census of Agriculture, 63 percent of the Florida farmers reporting cucumber production and 90 percent of the cucumber acreage grown within the State is contained in the production area delineated in the proposed marketing agreement and order. During the eight seasons from 1947–48 to 1954–55, rail and truck shipments from the production area accounted for more than 99 percent of commercial cucumber shipments from the State of Florida.

Considerable controversy developed at the hearing as to the exclusion of west Florida (the area within the State west of the Suwannee River) from the production area. It was testified that a large portion of the production grown in west Florida is disposed of in processing, mainly pickling, outlets. Also, the relatively small production in west Florida is for the most part noncompetitive with sales of cucumbers grown in the production area in that they are marketed late in the spring, late May and June, following the cucumber deal in the production area or in the early fall, in a small way, prior to fall crop marketings in the production area. West Florida cucumbers compete more with those grown in Georgia and other nearby States.

The production area thus defined contains most of the major table stock cucumber producing counties of commercial importance within Florida. Although cucumbers are not now grown commercially in some of the counties within the production area, such counties contain land areas capable of supporting commercial production of cucumbers and, as such, are potential growing areas on a competitive basis.

There may be minor variations in practices and methods of production, harvesting, and marketing of cucumbers from growing section to growing section within the production area. Nevertheless, grade and size terminology, packing operations, and sales methods are similar or basically the same throughout the production area. For example, cash sales are predominant in the Pompano market area, while most of the business in cucumbers is conducted on a telephone basis in the Wauchula or Fort Myers sections. However, both sales methods are not unusual in any of the producing sections in the proposed area where cucumbers are sold. No producing section has a marketing season which is entirely separate and apart from the other sections' marketing seasons as shown by the tabulation of monthly rail and truck shipments for the various Florida cucumber producing areas. Each section within the production area has to share and compete in common markets at the same time as one or more other sections.

Natural geographic and political boundaries favor the establishment of the proposed production area as defined. The production area consists largely of the peninsula portion of the State of Florida bounded on the east, south, and west by the Atlantic Ocean and the Gulf of Mexico, on the northwest by the Suwannee River, and on the north by the State of Georgia. The Suwannee River and the State boundary do not bisect an important cucumber producing area. In addition, enforcement of regulations is favored by the fact that road guard stations, operated by the Citrus and Vegetable Division, Florida State Department of Agriculture, are strategically located at a number of highway outlets, generally at highway intersections or river crossings, leading out of the production area. Also, the number of rail outlets from such area is limited. There is no reasonable method or basis for dividing the production area into two or more areas for purposes of separate marketing agreements and orders. All territory included within the boundaries of the proposed production area constitutes the smallest regional production area that is practicable, consistent with carrying out the declared policy of the act, and the production area, therefore, should be defined as hereinafter set forth.

(4) "Handler", synonymous with "shipper", should mean any person except a common or contract carrier of cucumbers owned by another person who handles cucumbers or causes cucumbers to be handled. Handler should be defined in the proposed marketing agreement and order because regulation is at the handler level. The act authorizes the regulation of handlers only, specifically excluding producers in their capacities as producers. Any person engaged in the act or acts of handling or shipping cucumbers, or who causes cucumbers to be handled or shipped, should be considered to be a handler. Such persons are responsible for the grade, size, quality, maturity, and packs of cucumbers delivered to transportation agencies, or which are sold or transported in the current of interstate or foreign commerce, or otherwise so as directly to burden, obstruct, or affect such commerce, and such persons are handlers.

Common or contract carriers transporting cucumbers which are owned by another person are performing a handling function, but such handling should not be regulated under the order because they are not responsible for the grade, size, quality, maturity, or pack of the cucumbers being transported. Neither are they responsible for the introduction of such cucumbers into the stream of interstate or foreign commerce. Also, the

sole interest of common or contract carriers in such is to transport the cucumbers for a service charge to destinations selected by others. The responsibility for the grade, size, quality, maturity, and pack of such cucumbers delivered to a common or contract carrier should be borne solely by the person or persons responsible for delivering such cucumbers to the carriers.

Of course, the usual packers and shippers would be considered as handlers because they are directly responsible for the preparation for market of cucumbers, and for the sale and transportation. A person who is merely complying with the orders issued by a superior should not be considered as a handler. A packing house foreman who is following instructions in issuing orders to graders and packers is not a handler. A truck driver for a packer is not a handler if he is transporting cucumbers on someone else's orders. However, a trucker who buys cucumbers and subsequently transports such cucumbers out of the production area is a handler because of the act of transporting such cucumbers in trade channels. Therefore, the term handler or shipper should be defined to mean any person (except a common or contract carrier of cucumbers owned by another person) who handles cucumbers or causes cucumbers to be handled.

"Handle" (or "ship") should be defined in the proposed order to spell out activities or transactions by handlers which come within the scope of the regulatory authority of the proposed program.

The great bulk of cucumbers grown in the production area normally are prepared for market in established packing houses, whether of the so-called small "bath tub" type, farmer packing houses, or commercial packing plants.

The running of such cucumbers over a mechanical grader, or the preparation of such cucumbers for market by any other means, should come within the definition of handle, because such activities determine the various outlets to which cucumbers go and they have a direct effect upon the price which cucumber growers shall receive for their crop. The matter of compliance with regulations which are authorized by the order can be determined by the handler who is grading or preparing such cucumbers for market. The primary responsibility for the grade, size, and quality of cucumbers in any given unit, or in any given lot rests with the person or persons responsible for the grading operation and for the kind of cucumbers which are put in the basket or other shipping unit.

The act of selling such cucumbers makes the person who effects the sale a handler because such sale directly affects the market for cucumbers. The transportation of cucumbers also has a direct bearing on the market and the movement and sale of cucumbers, regardless of whether such sale or movement is within or outside the production area, is so mixed that such activities cause such cucumbers to become a part of the stream of interstate commerce.

Handle should include all shipping activities. The handling of cucumbers under the order should begin when cucumbers start their movement from the field where grown and continue until such cucumbers leave the production area. However, there are exceptions to this general rule as spelled out in the definition of handle. Handle should also mean the sale of cucumbers grown in the production area at any point between the time that they begin to move from the field (usually immediately subsequent to harvesting) until they leave the production area.

There was testimony against authority for regulation within the production area. The general tenor of the testimony was to the effect that the objectives of the act and a program of the proposed nature could be accomplished through the regulation of that portion of the cucumbers which are shipped out of the production area. This latter quantity constitutes a high proportion of the total volume of shipments. The quantity of cucumbers shipped to and consumed in Florida markets within the production area is of minor importance as compared to the portion leaving the area. The non-regulation within the production area would also obviate what would be an otherwise difficult problem of enforcement and a burden on handlers. The deletion of the words "within the production area or" from the definition of handle as set forth in the notice of hearing would accomplish the above intent.

The growing and harvesting of cucumbers in the production area are properly producer functions and, as such, are exempt from regulatory authority of the proposed program. Picking cucumbers is normally considered part of harvesting and therefore a grower function. However, picking is an essential preliminary to the preparation for market of cucumbers. For example, it is a practice of itinerant truckers to buy cucumbers directly at the field where grown. The grower who sells cucumbers in this fashion should be considered as a handler, because he has made a sale of cucumbers which were prepared for market to the extent that some of the poorest quality, have been removed in picking and filling of the burlap sacks, baskets, crates, or cartons. Such cucumbers, even though they have not been over a grader, or through washers and waxers, are in an acceptable form as far as the buyer is concerned, whether itinerant trucker or other person. Also, the trucker who buys such cucumbers is a handler, because he is responsible for the transportation. Both the grower, who in this case is a handler, as well as the trucker should be held responsible for compliance with any regulatory obligations of the marketing agreement and order.

With two exceptions, all grading or preparation for market, transportation or sale of cucumbers should come within the scope of the meaning of handle. The two exceptions, set forth in the definition of handle, are contained in other marketing agreement and order programs and should provide a reasonable basis for the placing of the responsibility for compliance with regulations which relate to grade, size, quality, maturity, pack, inspection, or assessments. Cucumbers being transported, sold, or delivered to registered packing houses or to auction markets within the production area designated by the committee should be exempt from handling and from all regulation under the marketing agreement and order. In the case of the two exceptions, cucumbers are not being transported to market for immediate consumption and such cucumbers are subject to washing, waxing, grading, and packing following their sale at auction or their delivery to packing houses. The auction buyers and the packing house operator are handlers because each is responsible for preparation for market. Such persons determine the grade, size, and pack of cucumbers entering market channels. No useful purpose would be served by attempting to include within the definition of handle the activities leading up to and including sale of cucumbers at auction markets or delivery of cucumbers to registered packing houses within the production area because such cucumbers are not in the usual form in which the bulk of the crop is marketed. Since they have not been through the grading process most sellers and buyers do not consider them as usual or appropriate products for commercial trade and, as such, they have not yet entered the channels of commerce. In order to maintain control of such handling, it is necessary that grading be performed within the production area.

Some growers who sell picked cucumbers from the field are handlers and, as such, should be held responsible for compliance with any rules and regulations issued pursuant to the order. If a grower sells his unharvested crop of cucumbers in the field, he should not, under any circumstances, be considered a handler of those particular cucumbers because he has no connection with the grading and marketing of them. If, however, a grower should make a sale of picked cucumbers from the field to a handler registered with the committee, such registered handler should be the first handler of cucumbers and the grower would have no obligations under the order. Such registered handler should assume any regulatory burdens with respect to such items as payment of assessments, inspection and certification, and compliance with grade and size regulations.

It is common practice for producers not having packing facilities of their own to sell or deliver their cucumbers to persons having facilities for packing and otherwise preparing the commodity for market, i. e., to persons who are generally recognized as cucumber handlers. The producers, in such instances, properly rely on the persons preparing the cucumbers for market to see that, when they are shipped, they meet all applicable requirements for marketing. Thus, there should be excepted, in such instances, the movements of cucumbers from the fields to the places where they will be prepared for market. It will be necessary, however, to limit the scope of this exception in order to insure compliance with the regulations established under the program. Hence, it should be recognized that the facilities where the cucumbers are to be prepared for market must be located within the production area. Otherwise it would not be practicable for the committee to check effectively on the disposition of the cucumbers delivered to the packing facilities which did not meet the program requirements. Also, this exception should apply only in case the person engaged in the preparation of cucumbers for market has registered with the committee in accordance with such rules as it may, with the approval of the Secretary, prescribe. It is intended that the committee, under its rules, will register all handler-applicants whom it is reasonable to believe will conduct their packing and handling operations in accordance with the program requirements. It is also intended that all recognized handlers and other prospective handlers desiring to conduct their business in the usual or customary manner will register with the committee in order to enable them to obtain cucumbers without their having to meet program requirements at the times of deliveries by producers or others.

It is anticipated that the registration action, with its attendant benefit, will be of primary importance to handlers who handle cucumbers which are delivered to them by other persons as the producers. In the cucumber industry, there are, particularly in proposed District No. 1, a number of cucumber producers who pack and sell their own production. Many of such producers have packing facilities and machinery which compare favorably with the facilities of persons who are engaged in handling production of other producers as well as their own. Any such handlers of the type last referred to who might desire to register as such with the committee should be permitted to do so, provided, of course, they meet the other requirements for eligibility which are indicated above as being necessary.

In the brief filed on behalf of the opponents, it was contended that the proposed registration "would force the growers in District No. 1 with packing facilities on their farms to abandon their own facilities and use one of the seven or eight packing houses operating around District No. 1 area". Such a result is not contemplated or intended. Insofar as equipment is concerned any person, including the so-called "bathtub" operator, who has reasonably adequate facilities for preparing cucumbers for market should be entitled to be registered with the committee as a handler. Of course, registration with the committee should not be a necessary prerequisite to handling. In other words, any person who desires to do so should be permitted to handle, the only purpose of registration being, that a registered handler would obtain the extra benefits outlined above.

The picking, packing, loading, hauling, or any other handling or movement of cucumbers from the spot where grown places them in commerce by virtue of such movement and, in addition, such activities, with the exception of the activities heretofore indicated, cause the cucumbers to become a part of the visible supply of cucumbers which are available for market, and directly burdens, obstructs, or affects interstate commerce. The sale of such cucumbers at any time during these initial marketing activities continues such cucumbers in commerce, because such sale constructively moves the cucumbers in the stream of commerce from the seller to the buyer or consignee and actual movement of such cucumbers in the stream of commerce pursuant to the instructions to the buyer or consignee constitutes sale or transportation, or both.

All cucumbers grown in the production area, which are produced for fresh market, are graded or prepared for market and such processing activities are handler functions in the marketing of such cucumbers which are included in the definition of handle.

With the exception of the processes or activities specifically excluded from the definition of the term handle, all such activities, from the time cucumbers grown in the production area are picked until they move outside of the production area, should be included in the process of handling. The proposed definition of handle in the order does not include the sale at retail of cucumbers by a person in his capacity as a retailer. The activities of a producer, including the growing and the harvesting of cucumbers, are not included in the definition of handle, because such activities are construed as falling within the capacity of a producer as such.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. Those terms should be defined for the purpose of designating specifically their applicability, and establishing the approximate limitations of their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all of the functions and duties which are imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The proposed definition of "act" provides the correct legal citation for the statute pursuant to which this proposed regulatory program is to be operative, and makes it unnecessary to refer to such citations thereafter.

The proposed definition of "person" follows the definition of that term as set forth in the act, and will ensure that it will have the same meaning as used in the act.

"Producer" should be defined to mean any person who is engaged in a proprietary capacity in the production of cucumbers within the production area and who is producing such cucumbers for market. A definition of that term is necessary for appropriate determinations as to eligibility to vote for, and to serve as, a member or alternate member of the committee, and for other reasons. The term should be limited to those who have an ownership interest in cucumbers produced in the production area. It should not include laborers or others who perform work for a fee or for hire in producing cucumbers.

Numerous credit and financial arrangements are currently existent among persons connected with the growing and marketing of cucumbers in the production area which complicates the problem of determining who is a producer and who is not a producer for the purposes of the order. A producer should be any "person" who, in a proprietary capacity, produces cucumbers for market. "Person" is proposed to be defined as an individual, partnership, corporation, association, or any other business unit—each of which should be considered a legal entity. Each legal entity, whether an individual, a partnership, "joint venture", or a corporation, so engaged in the production of cucumbers for market should have, for example, one voice in selecting committee members and alternates in one district.

The appropriate test for determining whether or not a person is entitled to be called a producer is whether he has the title to the particular cucumbers. A person who owns and farms land resulting in his ownership of the cucumbers produced on such land should clearly be considered as the producer of such cucumbers. The same is true with respect to a person who rents and farms land resulting in his ownership of all or a portion of the cucumbers produced thereon. Likewise, a person who owns land which he does not farm but, as rental for such land, obtains the ownership of a portion of the cucumbers produced thereon, should be regarded as the producer of that portion, and the tenant on such land should be regarded as the producer of the remaining portion produced on such land. In each of the above situations, where the person acquires ownership of all of the particular cucumbers, such person, regardless of whether an individual, partnership, association, corporation, or other business unit, should be considered as one producer and entitled to one vote. However, in cases where the ownership is divided, i. e., where one person obtains ownership and physical possession of a portion of the particular production and another person obtains ownership of the other portion of such production, each such person should be considered as a producer and entitled to one vote.

There are considerable variations in the area of types of partnerships, and "joint ventures" whereunder the crop is owned jointly. The most common type appears to be an arrangement whereby one person puts up all or a part of the capital and another contributes machinery and/or skill. Another arrangement provides that one person is responsible for selling the crop, and the other with growing and harvesting the cucumbers. Capital, machinery, and labor may be contributed in varying degrees by each of the partners. Nevertheless, the partnership in its entity is a producer, and thus should have only one vote the same

as an individual or corporation. Any action with respect to such an organization regarding voting matters depends, therefore, on the partnership agreement and action by the partners pursuant thereto, irrespective of whether the partnership is composed of individuals, corporations, or combinations thereof.

Numerous persons are engaged in cucumber growing operations who are paid for their services on a wage or per unit of production basis. As heretofore indicated, if such persons do not have title to any of the cucumbers, they are merely laborers working for a stated fee and as such should not have a producer status under the marketing agreement and order.

"Grading" and "preparation for market" are synonymous and mean the sorting of cucumbers by hand or mechanical means, or both, so that such cucumbers are separated into grade, size, maturity, and pack. Such classifications are determined by the handler who directs, in person or through his agent, how and in what number of classes the particular lot of cucumbers shall be separated. "Grading" or "preparation for market" is an activity which properly falls within the scope of "handle". Grading may vary from an operation performed entirely by hand in which certain cucumbers are picked out when they are being loaded at the field to a production line operation whereby cucumbers are carried by mechanical conveyor for washing and waxing and thence to a series of moving belts and tables, where sizes are determined and good quality, as represented by grades, sizes, and maturities, or any combination thereof, is separated from bad so that the cucumbers which are to go to preferred price outlets are separated from those going to discounted price outlets. The grading or preparation for market is an operation which applies to all cucumbers grown in the production area, even though the extent to which cucumbers are separated into market classes may vary considerably among the types of ultimate outlets. For example, sales of cucumbers in some fresh market outlets usually result in a lot of cucumbers being carefully graded so that only the preferred qualities and sizes are shipped to such outlets, while the off grades, off sizes, and off shapes may go to less discriminating markets or processing plants which do not require such careful separation into market classifications.

Definitions of "grade" and "size" should be incorporated in the order to enable persons affected thereby to determine the basis for application of grade and size limitations to the product they handle. Grade and size, the essential terms in which regulations are issued, should be defined as encompassing the equivalents of the meanings assigned to these terms in (i) the official United States Standards for Cucumbers issued by the United States Department of Agriculture, and (ii) to modifications or amendments of such standards, and to variations of such standards by regulations under the marketing agreement and order. Regulations under the order could then use such terms (grade, size, and maturity) with the constant meaning assigned to them in such standards, or in such modified or amended standards, or such regulation can vary such terms by prescribing, for example, a percentage of grade, as may be required at the time of issuing such regulation. Official inspectors are qualified to certify to the grade, size, and maturity of cucumbers grown in the proposed production area, in terms of any one of the aforesaid standards, or modifications, amendments, or variations thereof.

"Pack" should be defined as a basis for distinguishing among the various units in which cucumbers are prepared for market and shipped. That term is commonly used throughout the cucumber trade and refers to a combination of factors relating to grade, size, and maturity of the cucumbers and to the quantities and types of containers. For example, fancy quality cucumbers when put in bushel tubs or baskets is a common or usual pack. Choice quality produce in a wire-bound crate is a specific pack. Another example of a pack is the placing of small fancy cucumbers in a carton. Of course, there are numerous combinations of quality designations (both in terms of current trade usage and the official standards), sizes, maturities, varieties (to a minor extent), and containers. "Pack" should mean and include any of the above mentioned combinations as well as any other pack of cucumbers recommended by the committee and approved by the Secretary. The committee should be permitted, under appropriate rules and regulations, to establish such packs in terms of size tolerances, grades allowed, and weight of contents in their relationship to the unit being marketed.

"Container" should be defined in the order as a basis for differentiating among the numerous shipping units in which cucumbers move to market and for the permissive application of different regulation to such different shipping units. Authority for regulation by type of container was enacted by the 83d Congress, in the Agricultural Act of 1954, as an amendment to the Agricultural Marketing Agreement Act of 1937, as amended. The Florida cucumber industry, as represented by growers and shippers at the hearing, indicated that certain undesirable practices in the marketing of cucumbers relating to net weights and to numerous container types and sizes tend toward market disturbances. Use of the authority enacted in the recent container amendment to the act will provide a basis for alleviation of the problems associated with containers. The principal containers used in marketing cucumbers at the present time, in order of importance, are: (i) The hard-bottom "export" tub (capacity one bushel); (ii) the cartons—"senior", "regular", and "junior" (capacity of the "senior" carton is about one-third bushel, others proportionately smaller); and (iii) the wire-bound crate (capacity 1⅑ bushels). A few containers of other types are used to a minor extent. It is estimated that more than one-half of the cucumbers shipped out of the proposed production area move in bushel tubs.

It is common practice in the production area for cucumbers to be moved from the field where grown to packing houses within the area in partially filled burlap sacks. In most instances, such movement would be free of regulation in that the transportation thereof would be to registered handlers. A minor quantity of cucumbers may be moved in "bulk loads". Such bulk loads usually consist of low grades or culls which are collected at the end of the packing house grading operation and are trucked to processing outlets or the cull pile.

The definition of "committee" is incorporated in the proposed order to identify the administrative agency, the Florida Cucumber Committee, which would be responsible for assisting the Secretary in the administration of the program. Such a committee is authorized by the act and the definition of it would minimize the use of words in the order.

A definition of "fiscal period" should be incorporated in the order to establish the beginning and ending of an operating period. The establishment of such a period, which should comprise a full twelve months, is necessary for business-like administration of the marketing agreement and order and is desirable as a basis for establishing the term of office of committee members and alternates. The date marking the end of one fiscal period and the beginning of the new should fall at a time of little or no activity in the marketing of the cucumber crop and should allow sufficient time for the committee to organize and be prepared to function prior to the start of the new marketing season. The date July 31 is after the end of the spring cucumber deals in Florida and the fall planting season begins after August 1. There are no reported commercial shipments of cucumbers being made from Florida during this between-season time of year. It is, therefore, appropriate that fiscal period should be defined as set forth in the order.

"District" should be defined in the order as referring to each of the geographical sections or divisions of the production area, either as initially established or as later reestablished, in order to provide a basis for the nomination and selection of committee members and for regulatory purposes. The presently proposed division into districts is adequate and equitable from the standpoint of the present situation and should provide a practical basis for the purposes intended.

"Export" should be defined in the order as including all shipments of cucumbers beyond the boundaries of the continental United States. Separate treatment for export shipments may be desirable and necessary, because the nature of the demand for cucumbers in export markets may differ from the requirements in the domestic markets and, therefore, different or special regulations, or even no regulations might be justified with respect to such shipments.

Canada is the most important export market for Florida cucumbers. Canadian consumers may prefer different packs than are sold in many domestic markets. Also, the import requirements of Canada or other foreign countries may vary from regulations

recommended by the committee applicable to domestic handling of cucumbers. In order that handlers of Florida cucumbers may be able to meet competition in export markets, and especially in Canada, sufficient flexibility should be allowed the committee in the regulation of such exports, or to provide that relaxation of, or no regulations, be applicable to shipments destined to export outlets.

Territories and possessions of the United States should be included under the term "export" because shipments to such markets would tend to satisfy a different type of demand than domestic shipments. Also there is an insignificant quantity of cucumbers shipped to offshore possessions which are considered as analogous to shipments to foreign countries.

(b) The order should provide for the selection by the Secretary of an administrative committee, called the Florida Cucumber Committee, composed of eight producer members and four handler members. Establishment of this committee would be desirable and necessary to aid the Secretary in carrying out the declared policy of the act. The establishment of such a committee is authorized by the act. The proposed membership would give cucumber producers and handlers in the production area fair and equitable representation on the committee. The order should also provide for the selection of alternate members, who should be required to qualify on the same basis as the particular individual member for whom he is an alternate.

The proposed committee membership of eight producer members and four handler members was generally supported by the industry as equitable and practicable. Evidence supports the finding that this plan of representation has received intensive study by the industry and that, after thorough consideration, such division of responsibility among 12 such individuals is appropriate.

In order to be eligible for committee membership, each person selected should be a producer or a handler or an officer or employee of a producer or handler (depending on the capacity for which selected). Each such person should produce or handle cucumbers in the district for which selected and reside in the production area.

Some well qualified persons may not reside in the district where their principal interest lies. If such person can otherwise qualify for committee membership, this fact alone should not prevent his selection to represent a particular district, even though his residence is outside of such district but within the production area. Producers and handlers who have the above qualifications should be intimately acquainted with the problems of producing or marketing cucumbers grown in such district and each may reasonably be expected to present accurately the problems incident to production or marketing of cucumbers grown in such district. For obvious reasons, the qualifications for each alternate should be the same as for the respective member for whom he may act. Such qualifications should help to assure that the interests of the group from which each is selected will be adequately represented in committee deliberations.

Each committee member and his respective alternate should serve a one year term of office ending July 31, and for any additional period needed for the selection and qualification of his successor. Such term of office would be reasonable and would allow the cucumber industry to express its approval or disapproval of the committee's membership at the end of any season and prior to the opening of a new season. At the same time, a one year term of office would not preclude the renomination and reselection of able and popular incumbents. Committee members and alternates should be selected for the fiscal period during which they are to serve and until their successors have been selected and have qualified.

Districts should be established to provide a basis for selection of committee members. The districts as initially proposed and as recommended herein for adoption were worked out by industry spokesmen, and they apparently represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee.

The proposed districts as set forth in the order constitute what are generally known and recognized by the cucumber trade as separate and distinct production sections. For example, District No. 1, which included the Pompano market area and Dade County, is referred to as the "Lower East Coast"; District No. 2 contains the "Immokalee-Fort Myers area"; District No. 3 is commonly known as the "Wauchula Section"; and District No. 4 includes the "Alachua-Gainesville Area".

There was some discussion at the hearing as to the advisability of including Okeechobee County in District No. 1. The nearest State Farmers' Market is at Fort Pierce, in adjacent St. Lucie County. Also, The Florida Crop and Livestock Reporting Service in its reports includes the small acreage of Okeechobee County cucumbers with that reported for St. Lucie County, a part of District No. 1. Total shipments reported as originating from Okeechobee County were the equivalent of two carlots during the 1954–55 season.

The provision for redistricting would be desirable because it would allow the committee to consider, from time to time, whether the basis for representation could be improved and how such improvements should be made. The guides set forth in the proposed order which the committee should keep in mind in considering redistricting are appropriate and desirable factors which relate directly to the welfare of cucumber producers and handlers.

The notice of hearing provided, in the section relating to redistricting, that, in addition to the authority for changing boundaries of districts, the committee membership could be reapportioned among the districts. However, testimony at the hearing supports the finding that authority to change the presently proposed representation of two producers and one handler from each district be excluded from the proposed order.

The Florida vegetable industry is a dynamic activity with constant changes in the production pattern. Production of cucumbers and other vegetables in the important Immokalee area reached commercial proportions only a few years ago. A new cucumber production section near Naples appears to be developing. In order to take cognizance of such changes in the future and to provide equitable representation for producers and handlers on the committee, the authority for redistricting should be contained in the proposed order. The provision for redistricting appears adequate to take care of the above eventualities without the additional authority for reapportionment of the committee membership among the several districts. A requirement that any recommendation for redistricting be forwarded to the Secretary on or before February 1, and that he approve such recommendation not later than March 15 in order to become effective at the beginning of the next term of office, is necessary so that producers will have ample time to consider their nominations for committee membership on the basis of realigned districts prior to nomination meetings, which it is intended will be held before July 1 of each year.

The selection of committee members and alternates on the basis of districts as provided for in the proposed order would provide a practical and equitable basis for selection of such members. Such proposed geographical basis should be, and has been, related to the number of producers and the production of cucumbers within the production area so that a practical basis for establishing equity has been reached. Although a preponderance of cucumber acreage or production may exist in one or two districts, other districts may contain a numerical superiority of producers. The evidence at the hearing indicates that, in view of the above, a balanced administrative committee would be selected should each district be provided with the same number of committee members. In this manner, both small and large producers and handlers would receive equitable treatment. The provision that two producers and one handler should be selected as committee members and two producers and one handler should be selected as committee alternates from each district is equitable and meets with the wishes of the industry, as shown by the evidence. The provision that there should be two producers and one handler selected as alternate committee members would provide a practical working basis for having full representation when any member from a district is absent.

A procedure for the election by producers of nominees for membership on the committee should be prescribed in the marketing agreement and order. Such provision is intended to provide for assistance by the cucumber industry to the Secretary in his selection of members and alternates on the committee. It is customary in the Florida cucumber industry for producers to conduct meet-

ings to establish their preferences for positions of trust and responsibility in the industry. The nomination of prospective members and alternates at meetings of producers in the respective districts is a customary and practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

The notice of hearing provides for the nomination of committee members and alternates at a meeting or meetings of producers in each district. Testimony offered with respect to the nomination procedure was quite clear that only producers should participate in the nomination of committee members, regardless of whether they are producer members or handler members. It was argued that, because of the principal objective of a marketing agreement and order program is on behalf of producers, only such persons should have a voice in choosing the individuals nominated to represent their interests. There was general expression that the marketing experience of well qualified handlers, who may not also be producers, should not be denied such an industry group as the Florida Cucumber Committee in its deliberations relating to grade, size and other regulations. For that reason, a minority handler representation should be provided on the committee. It is anticipated that practically all handlers will be qualified to participate in nomination meetings, since it was testified that handlers also generally produce cucumbers.

In order to obtain an indication of the industry's preference for membership on the initial committee, it should be provided that meetings of producers may be sponsored by the United States Department of Agriculture, or by any agency or group requested to do so by the Department. This should afford a practical and appropriate means of initiating movement whereby the industry might express its wishes and preferences with respect to committee membership. Producers should be given reasonable notice that nomination meetings have been scheduled so that they can make plans to attend. Such notice should be given by the committee or other agency requested to do so by the Department. At the start, no committee would be in existence and, hence, would not be available to assume such responsibilities.

Nomination meetings for the purpose of electing nominees for members or alternates on the committee after the initial committee should be held prior to July 1 of each year. Such meetings should be held by the committee or by persons or groups requested by it to hold such meetings.

At least two nominees should be designated for each position as member and each position as alternate so that the Secretary may have a choice in making his selection. In addition, if a selectee should decline to serve, the Secretary would have the name of another prospective member or alternate from which to make a selection. It is the desire of the industry, and it is appropriate, that producers voting at such industry meetings ballot for nominees to indicate the ranking of their choices for each position to be filled. Nominees lists should be supplied to the Secretary in the form and manner prescribed by him so as to establish administrative uniformity in the handling of such matters. Such nominations for committee members and alternates should be supplied to the Secretary not later than July 15 of each year in order to afford him sufficient time in which to make his selections.

If a person should produce cucumbers in more than one district, such person should select the district in which he wishes to cast his vote for nominees on the committee. Any other procedure would tend to give such person a greater voice than other producers in the nomination of committee members.

Each producer participating in the industry meetings for the election of nominees to the committee should be limited to one vote on behalf of himself, his agents, subsidiaries, affiliates, or representatives in designating nominees. Voting on any other basis would not provide for equitable representation, because it would give the producers with interests in more than one district a greater voice in election of nominees than producers operating in only one district. The plan of one vote for each producer should be so construed that the person eligible to vote in a nomination meeting should be allowed to cast one vote for each position which is to be filled in the district in which he elects to vote. For example, at meetings for the election of nominees to the initial committee, each person voting as a producer in a given district would be allowed to cast one vote each for each of the three member nominees and one vote for each of the three alternate member nominees. Not more than one officer or employee of a producer or a handler should be eligible for nomination and selection as a committee member or alternate during a term of office, because this would tend to give a single organization unfair influence in committee business.

In order that there might be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed therein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee would, at all times, continue as prescribed therein.

In the event the committee should neglect or fail to call nomination meetings by July 1, the Secretary should have the authority to select the above procedure in selecting committee members or to issue a call for nomination meetings on his own motion after reasonable notice to the cucumber producers in the production area.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement will be necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed within 10 days after the notification of appointment so that the composition of the committee would not be delayed unduly. In order that a well intentioned selectee would not be disqualified by his failure to accept his appointment promptly, the date of notification should be the first date on which the selectee receives the notification of appointment in person. Initial acceptance of appointment by telegram would be satisfactory, provided it is followed within a short time by written acceptance.

It would also be desirable and necessary that the Secretary be authorized to fill a committee vacancy without regard to nominations if the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs. The Secretary should have recourse to such means of filling vacancies in order to maintain continuity of administrative agency operations and to insure that all portions of the production area are adequately represented in the conduct of committee business. Incumbent alternate members should be considered by the Secretary as among those qualified for vacant positions on the committee.

Nomination meetings might be called in the district which is represented by the vacated position on the committee so that producers might elect nominees for the Secretary's consideration. The vacant position should be occupied by the respective alternate member from the district involved until filled by a properly qualified selectee.

Each alternate should be authorized to act in the place and stead of the member for whom he is an alternate during such member's temporary absence. Continuity of operation of the marketing agreement and order is best assured by such authorization. An alternate should also be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Alternates acting in the place and stead of members should continue to act in such capacity until a successor for the member has been selected and has qualified.

A quorum of the committee should consist of at least eight members. This would not only insure that one more than a majority of the members would be in attendance at committee meetings, but also would require that representation be present from at least three of the four districts. Committee decisions should, therefore, reflect an accurate and representative cross section of industry thought and attitudes.

Not less than eight members of the committee should be required to concur in any committee action in order for it to pass. Such a voting requirement, constituting a minimum of two-thirds of the membership, is deemed reasonable and adequate. This requirement would also assure that producer representation at committee meetings would, at no time, be less than one-half of those present.

The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any vote cast at other than an assembled meeting should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

Committee members and alternates should be reimbursed for necessary and reasonable expenses incurred in the performance of service to the committee. Expenses for services by committee members should be allowed only for those specifically requested or directed by the committee. Such expenses might include travel, hotel accommodations, and meals. Reimbursement for reasonably necessary expenses is required to offset actual out-of-pocket expenses incurred in performing duties in connection with the marketing agreement and order.

In determining a reasonable basis for reimbursement of members and alternates for necessary expenses incurred on committee business, the committee should consider schedules of expense allowances established by the State of Florida or the Federal Government, or by other administrative committees as a guide. However, it is not believed that the following of any such schedule should be made mandatory. Instead, the appropriateness of such expenditures should be judged on the basis of whether they are reasonable and necessary in the light of the attendant circumstances. Reimbursement should be made to cover the "out-of-pocket" costs only and, in no event, should it be in lieu of salary or compensation.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act, because such powers are authorized to be granted by the enabling statutory authority and they are necessary so that an agency of the character set forth in the marketing agreement and order could function.

The committee's duties, as set forth in the marketing agreement and order, will be necessary for the discharge of its responsibilities. Such duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by members or alternates of the committee will be necessary for the committee to carry out its responsibilities as prescribed in the order. It should be recognized that these specified duties are not necessarily all inclusive, in that it may develop that there are other duties which are incidental to, and not inconsistent with, the terms and conditions of the order which the committee might need to perform.

(c) The committee should be authorized to incur such expenses as the Secretary should find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such other purposes as the Secretary might, pursuant to the provisions of the order, determine to be appropriate. The expenses so incurred should be shared by handlers on the basis of the ratio of each handler's total shipments to the total shipments by all handlers during specified fiscal periods. The basis for determination of the ratio of shipments by individual handlers should be based upon the total shipments by first handlers thereof. The above formula is believed to be the fairest method of obtaining operating revenues on an equitable basis from handlers.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the order for such period. Each such budget should be presented to the Secretary with an analysis of its components and an explanation thereof in the form of a report on such budget. It would be desirable that the committee recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. There should not be any increase made in the budget without prior recommendation of the committee and approval of the Secretary.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by administrative agencies, such as the proposed Florida Cucumber Committee, and the statute also requires that each marketing order issued pursuant to the act contain provisions requiring handlers to pay their pro rata shares of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be permitted to be required irrespective of whether particular provisions of the marketing agreement and order are suspended or become inoperative.

Each handler should pay the committee, upon demand, his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of cucumbers handled by him as the first handler thereof during a specified fiscal period and the total quantity of cucumbers so handled by all handlers during the same fiscal period. It will be necessary that responsibility for the payment of the assessment on each lot of cucumbers be fixed and it will be logical to impose such liability on the first handler of such cucumbers. In most instances, the first handler and the applicant for inspection are the same person. However, in the event the first handler fails to apply for, and obtain, inspection, this does not in any way cancel his obligation with respect to the payment of assessments. Except in the case of movements to registered handlers and to designated auction markets, first handling should apply to cucumbers when they have been subjected to grading or preparation for market. Assessment rates should be recommended by the committee and applied by the Secretary to a specific unit of shipment. For example, assessment rates might apply to carlot shipments or they might be applied on a bushel basis, or by any other unit of shipment commonly used in marketing cucumbers grown in the production area. However, such assessments for a fiscal period should be applied on a uniform rate basis.

It was argued at the hearing and in the brief filed on behalf of the opponents that administrative assessments should not only be imposed on all cucumbers which would be subject to regulation under the proposed order but also on all other cucumbers which move into and out of the production area, such as those cucumbers which are imported into Florida from foreign countries and then move from Florida into other States. Cucumbers which fall into the latter category would, as has been set forth heretofore, not be included under the regulation of the proposed order and it would not be appropriate to impose assessments against them for operational expenses of the program. It is necessary that only cucumbers which would be regulated under the program be assessed to cover the costs of such program.

The committee should be authorized at any time during or subsequent to a given fiscal period, to recommend the approval of an amended budget and the fixing of an increased rate of assessment to balance necessary committee expenses and revenues. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets and, if he should find that the then current rate of assessment is insufficient to cover committee administration of the order, he should be authorized to increase the rate of assessment. The order should also authorize the application of such increased rate of assessment to all cucumbers previously handled by first handlers during the specified fiscal period so as to avoid inequities among handlers.

Should grade, size, or other regulations be temporarily suspended, the committee should have the authority to recommend the continuation of the collection of assessments from handlers. Once established, the committee should not be required to suspend its manager and other personnel or otherwise to interrupt its office operations merely because of a suspension of regulations which usually are associated with revenue producing assessments. Subsequent reestablishment of committee operations at a later date might prove more costly to the cucumber industry than continued operations provided by uninterrupted revenue.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administration of the order, including appropriate research and development projects. The committee should be required to maintain books and records clearly reflecting the true up-to-date operations of its affairs, so that its ad-

ministration might be subject to inspection at any time by appropriate parties during regular hours of business.

Each member and each alternate, as well as employees, agents, and other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible and the Secretary should have the authority, at any time, to ask for such accounting. The committee might wish to require the bonding of certain of its members or employees entrusted with the custody of funds or property and this should be permitted.

Whenever any person should cease to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible. Such persons should also be required to execute assignments or such other instruments as may be appropriate to vest in their successor or any agency or person designated by the Secretary, the right to all such property and all claims vested in such person.

If the committee should recommend that the operations of the marketing agreement and order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend, as a practical measure, that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This would provide a practical method whereby the committee's business affairs could be taken care of during periods of relative inactivity with a minimum of difficulty and expense. If the circumstances would warrant the designation of trustees, the committee and its personnel would continue to operate, possibly in a curtailed fashion, as usual during periods of suspension or relative inactivity.

The committee should provide periodic reports on its fiscal operations. It is expected that audit reports would be requested by the Secretary at appropriate times, such as at the end of each marketing season, or at such other times as might be necessary to maintain appropriate supervision and control of the committee's affairs. Also financial statements which reflect the current fiscal position of the committee should be furnished members and alternates and the Secretary at the close of each month. Audit reports and monthly financial statements should be supplied on request to persons such as producers and handlers, having a valid interest in the contents of such reports. In no case should data of a nature which could prove detrimental to the interests of an individual handler or producer be disclosed in copies of fiscal reports released.

Except as indicated below, handlers should be entitled to a proportionate refund of the excess assessments collected which should remain at the end of a fiscal period, or at the end of such other period as might be deemed appropriate by reason of suspension or termination. Refunds should be credited to respective contributory handlers against the operations of the following fiscal period, unless payment should be demanded, in which event proportionate refunds should be paid.

If and when the committee should be required to liquidate its affairs upon termination of a marketing agreement and order authorizing such agency, considerable expense would be involved in the liquidation process. The affairs of the committee which are to be liquidated would usually result from a number of years' operations. It would be appropriate, therefore, for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expenditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation in the event of the termination of the order.

It is generally considered to be good business practice to provide for unforeseen contingencies. For example, it is possible that a severe freeze or freezes might result in a total or partial crop failure during a fiscal period. Also, the anticipated crop for any season might conceivably be reduced by such other factors as frost, high winds not amounting to a hurricane, and drought. The net effect of such a crop failure would be to reduce greatly or stop shipments, and could cause the discontinuance of regulation and the collection of assessments. In order to continue and maintain the nucleus of a committee organization and to assure the performance of a minimum of basic services, the committee should have authority to secure needed extra funds to cover the expenses of operation during such a fiscal period. Such funds might reasonably be drawn from the same reserve accrued for purposes of liquidation.

The above reserve might also properly serve another purpose. At the beginning of each fiscal period, there will be a need for operating monies at a time when there will usually be little, if any, revenue from assessments. It is customary and sensible budgetary practice, and the committee should be so authorized, to borrow operating funds from the above reserve until such time as assessment collections provide adequate revenue to meet current expenses. It is contemplated that any such reserve having a threefold use; namely, (i) liquidation, (ii) crop failure advance, and (iii) fiscal year expense advance, will be built up over a period of years (possibly five years) to equalize the burden among handlers. It was testified that the reserve which would be accrued from excess assessments, should be for an amount roughly equivalent to the average budget for one fiscal period. In the event funds should be borrowed from the reserve (except liquidation) such funds would need to be returned to the reserve as soon as practicable, in order that it might be maintained at an adequate amount to meet the specified purposes as the need should arise.

Any funds remaining after liquidation, including any balance which might remain in the reserve fund, has been effected should be refunded to handlers on a pro rata basis. In some cases, however, individual handler's accounts will be of such small amounts as to make impracticable the return thereof. Funds of such insignificant nature should be permitted for use by the committee for purposes of liquidation after such other uses as the Secretary might consider to be the most appropriate in the circumstances.

(d) The establishment or provision for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cucumbers was authorized by amendments to the act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83d Congress. Such authorization should be included in the marketing agreement and order.

Through the medium of research investigation, the committee might be able to evaluate in detail the grade and size composition of the cucumber crop in each of the various producing sections of the proposed production area. More complete data in this regard would enable the committee and the Secretary to determine with a greater degree of accuracy the effect of specific regulations on the market.

Projects designed to evaluate preferences among markets and localities in terms of grades, sizes, qualities, maturities, packs, containers, and other factors could be of considerable value in determining what regulations in those regards should be established for such markets and localities. The aid of marketing research and development projects might assist in a determination as to the effect and value of private and industry promotion of Florida cucumbers.

Research into market development, transportation, handling methods, containers, and rates of planting are examples of aspects which the committee might at some time, consider worthy of investigation.

As the cucumber industry and the committee become more aware of the value of and need for marketing research and development, other projects will undoubtedly be initiated, the need for which will not have been foreseen early in committee operations. Therefore, the committee should have the authority to recommend and the Secretary should have the right to approve the establishment of such projects which are in the best interest of cucumber marketing and which would assist, improve, and promote the marketing, distribution, and consumption of Florida cucumbers. After approval, the committee should be empowered to engage in or contract for such projects, to spend funds for that purpose, and to consult and cooperate with other agencies with regard to their establishment. All such projects should receive the prior approval of the Secretary.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for cucumbers, among other commodities, as will tend to establish parity prices for them. The regulation of the handling of cucumbers by grade, size, quality, or maturity as authorized in the proposed marketing agreement and order should provide a means of carrying out such policy and is one of the ways authorized by the act (in section 8c (6)) for achieving that objective.

The procedures and methods which are outlined in the order for the development and institution of marketing policies relating to grade, size, quality, or maturity regulations should provide a practical basis for the committee to obtain appropriate and adequate information relating to cucumber marketing problems. A marketing policy would be essential each season to provide an overall plan or policy for the committee and the industry to follow with respect to the marketing of cucumbers. Also members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations which might be recommended by the committee. The factors set forth in the order which the committee should take into consideration in developing its marketing policies are the ones commonly and usually taken into account by growers and handlers in their day to day evaluation of the market outlook with respect to cucumbers. They are adequate and proper for the intended purposes.

In order that the Secretary might carry out effectively his responsibilities in connection with the order, the committee should prepare and submit to the Secretary a report on each proposed marketing policy, or amendments thereof, relating to the marketing of cucumbers during each season.

The initial marketing policy offered each season by the committee should be prepared and submitted to the Secretary prior to, or simultaneously with, its initial recommendations for regulations. This would give all interested parties the maximum notice of probable regulations. Reports on marketing policy and regulations recommended should be submitted to the Secretary and presented to the industry by the committee.

The committee, which would have responsibility for recommending grade, size, and quality regulations, as well as modifications, suspensions, amendments, or terminations, should be authorized to consider and recommend any or all methods of regulations which are authorized by the order for the Secretary to issue thereunder. Evidence shows that authority should be established in the order to issue regulations with respect to grade, size, quality, maturity, variety, or packs during any period.

The limitation of the handling of poorer grades, off qualities, and less desirable sizes and maturities of cucumbers grown in the production area should tend to increase the prices of more desirable grades, qualities, sizes, and maturities and to promote more orderly marketing and increase the returns to producers of such cucumbers. The standards for cucumbers issued by the United States Department of Agriculture would provide a common and acceptable means of determining grades, sizes, qualities and maturities of cucumbers grown in the production area. Such standards are used throughout the production area, and both producers and handlers, as well as buyers, are generally acquainted with such standards and frequently use them in their market transactions. Authority should also be provided for limiting the grade and size of cucumbers which may be placed in any given pack or container. The poorer grades and qualities include not only the unclassified cucumbers set forth in the Federal standards for cucumbers, but also the commonly referred to "culls" as well as other cucumbers which show defects as set forth and described in such standards, and in any modifications or amendments thereto which may be considered desirable by the Secretary. The limitation of the handling by prohibiting movement of poorer grades, off qualities, and less desirable sizes of cucumbers would help to improve orderly marketing conditions for such cucumbers by enhancing the long run demand for and competitive position of cucumbers grown in the production area.

The orderly marketing of cucumbers grown in the production area, with the objective of increasing returns to producers of such cucumbers, would be promoted by authorizing the regulation of handling of particular grades, sizes, qualities, or packs of cucumbers, differently for different varieties, differently for different stages of maturity, differently for different portions of the production area, differently for different containers, differently for different purposes to which modification or suspension of regulation may be applied, or differently for any combination of these factors, during any period. Demand for different varieties of cucumbers establishes price preferences for different grades or sizes, or both, of such varieties.

Cucumbers are marketed or merchandised in a number of ways. The combination of various factors such as grades, sizes, maturities, containers, and others determine market preferences expressed in price differentials. Some of these market factors which contribute to resultant price differentials, such as maturity, shape, color, and, to some extent, size are a part of the definitions and the delineation of the various grades set forth in the United States Standards for Cucumbers. The committee usually may recommend regulation in terms of the grades set forth in the standards in which case separate consideration of the various grade factors should be unnecessary. However, the committee should have authority to recommend, and the Secretary to issue, regulations in terms of any or all of the factors set forth in the standards. For example, maturity is not considered as an important market factor in cucumber merchandising as is the case with many other vegetables. However, many "jumbos," which are large overgrown cucumbers, are sold and have the same depressing price effect as poor quality cucumbers. The order should, therefore, provide authority for different regulation on a maturity basis.

Size requirements are also set forth in the cucumber grade standards. Each of the cucumber grades, with the exception of the U. S. No. 1 Small grade, provide for maximum diameters and minimum lengths of cucumbers. The U. S. No. 1 Small grade requires a minimum diameter of 1½ inches and a maximum diameter of 2 inches. The committee, however, should have authority to specify any range of minimum and maximum diameters and/or lengths in its recommendations for regulation. The committee should have authority to recommend, and the Secretary to issue, different size requirements for different packs. For example, when U. S. No. 1 grade cucumbers are shipped, the size requirements of this grade set forth a maximum diameter of 2⅜ inches and a minimum length of 6 inches. The committee should be authorized to recommend the issuance of a regulation which might require a U. S. No. 1 minimum grade applicable to bushel tubs and U. S. No. 1 with more restrictive size requirements on premium packs, such as cartons of 24's. Such permissive authority would allow flexibility of operations and would permit of size uniformity where desirable to protect certain premium packs while not severely restricting other packs.

At the present time, variety is not a particularly important part of the marketing picture for Florida cucumbers. The Marketeer variety is currently the most popular slicing variety of cucumbers grown in Florida. However, with the exception of the Kirby variety, there is little if any market distinction made on a varietal basis. The Kirby variety of cucumber, produced and marketed mainly for pickling, does not have characteristics which warrant its sale on the table stock market. New varieties are being constantly tested and developed and, if in the future, the characteristics bred into certain of these new varieties should be so distinctive as to make them obviously different from cucumbers now being marketed, the committee should have authority to regulate in terms of these distinctions.

Unusual weather conditions might arise during a crop year in one portion of the production area as compared with other portions of such area. This possibility is particularly true with respect to such things as hail, wind, sand damage, violent rain storms, cold weather and freezes. Hazards of these natures would obviously be beyond the control or reasonable expectation of the cucumber growers in such localities. To provide equity among producers and handlers insofar as any regulation under the order are concerned, authority should be provided for the committee to consider such differences, to make appropriate recommendations to the Secretary, and for the Secretary to issue different regulations to accommodate any such differences in the crop arising out of actions beyond human control. It is contemplated, however, that any such regulation

for the portion of the production area in those circumstances will still require that the cucumbers shipped will be the best quality available. Other than unforeseen weather hazards, no reasons were advanced by witnesses testifying at the hearing which would justify different regulations for different portions of the production area. In the event weather hazards jeopardize the position of only a few growers, not a large area, such growers might seek equity through the provisions relating to exemption procedures.

It has been a common practice in the production area for some years to prepare specific packs of cucumbers for market, as indicated in the definition of "pack." Place packing and jumble packing are both common with respect to cucumber marketing. A common place pack is the so-called carton in which usually a specified number of cucumbers are hand packed in the carton. Some packs are prepared with a combination of jumble packing and place packing. Frequently bushel tubs are filled by dumping cucumbers loosely into the container, then the pack is faced with cucumbers of a uniform size that are hand placed prior to putting a cover on the container. Some packers frequently top the package with good quality cucumbers to deceive buyers by disguising the contents of the package which might consist largely of poorer quality than appears, at a glance to be the case. Some of the low price packs are merely jumble packs in which there is no placing of individual cucumbers within the container. It is presumed that the establishment and definition of such packs which can be set forth in rules and regulations will prescribe the grades and ranges of sizes permitted to be handled in conjunction with specified containers. Certain combinations of grades, sizes, and containers, which factors constitute packs, should be kept out of specified market channels, at the discretion of the committee with the approval of the Secretary, because such packs contribute to depressing of cucumber prices. For example, the committee should have authority to protect premium packs, such as the carton packs, by preventing the packing of certain undesirable grades, sizes, and maturities in cartons. The carton packs of cucumbers usually contain superior merchandise and many shippers have established a good reputation for them. The adulteration of carton and other premium packs with low grade produce would tend to damage the reputation of, and contribute to demoralized prices for, such packs. The order should authorize different regulations for different packs so that this part of the marketing program may help to assist the industry in advancing present sond merchandising approaches.

The order should permit regulation differently for different types of containers. Such regulation is authorized by virtue of an amendment to the act in Public Law 690, known as the Agricultural Act of 1954, enacted by the 83rd Congress. Numerous types and sizes of containers are in current use in the handling of cucumbers within the production area. Types of shipments may range from the bulk load of loose cucumbers to the premium-pack carton. Should the use of certain of the containers, when moved into commercial chanels, be deemed by the committee with the approval of the Secretary as contributing to lower prices for Florida cucumbers, the Secretary should be empowered to fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of such cucumbers. For similar reasons, the committee should be permitted to recommend and the Secretary to issue different regulations for different containers. For example, the committee might desire to prohibit the sale or shipment of cucumbers in burlap field-sacks to markets outside of the production area.

Methods of misrepresenting net weight or the grade and size of contents of containers are misleading merchandising practices which have tended to confuse buyers and disrupt orderly marketing of cucumbers grown in the production area. Variation in the size of bulge on bushel tubs, the use of second-hand or used containers, and other such practices tend to deceive buyers, which would ultimately and adversely affect growers returns. Certain types of containers are unsuited for the handling of premium packs because such containers tend to depress the prices of established premium packs. Authority for container regulation should also be provided to permit standardization of containers where deemed feasible and in the best interests of the cucumber industry. At the same time, container regulation should not stifle the development of or research in new containers. The authority to fix the size, weight, capacity, dimensions, or pack of containers should allow the committee and the Secretary, when necessary and justified, to minimize or eliminate deceptive practices which a few members of the cucumber industry might be inclined to follow. Therefore, the provisions relating to container regulation should be included in the order as set forth.

No evidence was introduced to substantiate the proposal relating to different regulation for different markets. Therefore, no further consideration can be given to it in this proceeding.

Cucumber marketing conditions change rapidly and constantly. Adverse weather might reduce the quality or size of the crop or otherwise might curtail supply. Also, the quality or yield might change as harvest progresses from season to season or moves into new producing sections. The marketing agreement and order should authorize different regulations during any period so that the committee and the Secretary might take account of different supply and demand conditions as they should arise and become apparent.

(f) The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, and such grading and inspection requirements, during any and all periods when cucumber prices should be above parity as will be in the public interest. Some cucumbers are of such low quality that they do not give consumer satisfaction at any time because of the large amount of waste and the time consumed in their preparation. Although the flavor of the edible portion of misshapen culls or "cootertails" might be satisfactory, consumers do not receive proper value for their expenditures for such low quality. Even when prices are above parity, it would not be in the public interest, of the producers, handlers, or of consumers to permit shipments of such poor quality. A shipment of "cootertails," "jumbos," or other culls also tends to disrupt general market conditions for the commodity and the discounted prices received for such underdeveloped or over-grown cucumbers adversely affect growers returns. The order should authorize the establishment of minimum standards of quality and maturity as would be in the public interest. It would also be necessary that such authority include grading and inspection requirements, as well as pack specifications, for the several commercially recognized grades of equal or better quality or size than the minimum standards of cucumbers which may be handled.

The proposed order should provide authority which would permit the issuance of pack specification regulations based upon the committee's approval and recommendation. This would place limitations on minimum grades and sizes which might be packed in given containers. For example, any lot which a handler sells should be of the quality and size which the handler represents it to be and such quality and size should, as an aid to enforcement and to insure that the buyer will know what he is getting, be plainly marked on the container of such lot. This type of a regulation, however, should not prevent the use of the commonly used "combination" grade. Regulation of this type in conjunction with inspection and the United States Standards for Cucumbers should, to a large extent, eliminate the practice of misrepresenting quality, such as the harmful practice of selling choice cucumbers as fancies on the basis of a false label.

If a cull regulation should be in effect (i. e., prohibiting the shipment of less than U. S. No. 2 grade cucumbers) pursuant to authority contained in the order, a pack specification regulation would permit the shipment of U. S. No. 2's, U. S. No. 1's, or U. S. Fancies. It should, however, prohibit the mixing of lower grades in a container or in a given pack in excess of the tolerance for the grade marked on the container.

Another example which the committee should have authority to consider is the combination of grade and size in pack specifications. If a pack specification regulation were issued which prohibited the packing of any cucumbers of less than U. S. No. 1 quality in cartons, either U. S. No. 1 or U. S. Fancy cucumbers could be packed in such cartons. The committee should have authority to recommend that a restriction could be placed on minimum and maximum sizes of cucumbers which could be packed in U. S. Fancy cartons to provide for uniformity of size as well as uniformity of grades of cucumbers packed in the container. The examples merely indicate the type of action the committee should have authority to recommend and the Secretary to issue pursuant to the marketing agreement and order. Pack specifications are, according to the hearing record one of the pressing needs of the cucumber industry in Florida. For many years cucumber packers and shippers have been using terms to indicate grade or quality which do not have a uniform or constant meaning with the result that the trade generally (growers, shippers, or buyers, receivers, and retailers) has little confidence in these terms. The cucumber trade makes every day use of such terms as "plains," "choice," "fancy" and "extra fancy" in order to indicate grade. Only the person who thoroughly examines the contents of the container stamped with one of these terms can, with certainty and with confidence, know the quality of the pack indicated by the stamp. It is a common practice throughout most of the production area for packers to stamp covers of containers, whether a basket, a carton, or a wire bound crate with a term supposed to indicate grade. However, the common trade terms have little meaning, and, in fact, contribute to wide ranges in price for a given trade grade designation as well as reduced returns to growers, because of the manner in which they are used. It is accepted practice to label the best quality as extra fancy or fancy, midquality as choice, and the poorest quality, plains. However, the quality available at a given packing house from day to day will vary from grower to grower, depending on weather conditions or whether the cucumbers are from the first or the tenth picking. If the price should be low, the fancies labelled as such by packers will, in fact, be top quality. Should prices be at high levels, the so-called "extra fancy" and "fancy" packs will contain some "choice" or poorer quality cucumbers, the proportion depending on the packer involved. Frequently the freedom exercised in labeling containers is used to undercut a competitor's price to the detriment of growers' returns. Top quality cucumbers placed in one market and graded and stamped as fancies have been undercut in price by other cucumbers of lower quality but also labelled as fancy cucumbers. Buyers are able to "beat down" the price of the higher quality produce because they can always point to other produce in the same market represented to be of similar quality but at a lower price. In instances of this kind, the lack of grade uniformity and standardization has been responsible for reduced growers returns, penalizing the grower and the shipper who prepared the high quality pack. To discourage and eliminate the aforementioned harmful practices now so prevalent in the cucumber industry, the committee should have authority to recommend and the Secretary should have authority to issue pack specification regulations on the basis of the committee's recommendation or other available information.

Most shipments of Florida cucumbers are made in car lots or truck lots. Although some small shipments are made, they constitute only a minor percentage of total production. Small shipments, such as individual household purchases, convenience purchases by friends or tourists and similar "nuisance" purchases would present real operating problems if inspection were required on each. Similarly, if each such sale or shipment were required to meet grade and size regulation or to bear assessments, the nuisance factor might outweigh the advantage of these controls on small transactions. On the other hand, the committee should have the authority to require that any such shipments meet grade and size requirements while waiving other requirements such as inspection and assessment. The committee should have authority flexible enough to meet local conditions, including authority to permit changing the minimum quantity exempt from various rules and regulations for different parts of the production area and from season to season.

(g) The Secretary should be authorized, upon the basis of recommendations and information submitted by the committee, or other available information, to modify, suspend, or terminate grade, size, or maturity regulations with respect to the handling of cucumbers for purposes other than disposition in normal domestic fresh markets. The committee should be well qualified, because of the experience and knowledge of its individual members, to recommend such modifications, suspensions, or terminations as would be in the best interests of the Florida cucumber industry and which would tend to effectuate the declared policy of the act. Cucumbers moving to or sold in certain outlets, such as those specified in proposed § 1015.54 of the marketing agreement and order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, containers, for which different prices are returned, or combinations of such considerations may apply. Ordinarily cucumbers sold or shipped to such outlets would not be competitive with tablestock cucumbers. The sale of cucumbers to these outlets would, in most instances, provide returns which would tend to supplement farm income realized from the sale of tablestock cucumbers rather than depressing tablestock cucumber prices. The order should provide authority for the committee and the Secretary to give appropriate consideration to the handling of cucumbers for such purpose differently from the market for the bulk of tablestock cucumbers so that this program might offer opportunity to improve orderly marketing conditions for cucumbers thereby promoting the tendency to increase total returns to cucumber growers in the production area.

Some export markets may prefer certain grades, sizes, and packs of cucumbers which normally are discounted in some domestic markets. Canada is the principal foreign market for Florida cucumbers. The order should provide sufficient flexibility to permit the committee and the industry to cope with competitive producing areas in supplying foreign markets while, at the same time, maintaining relatively higher standards in its domestic shipments. The order should provide that modification, suspension, or termination of regulations may be applied to movement to export outlets so that this demand could be met and the sale of cucumbers grown in the production area will continue in such markets.

The order should provide that special consideration may be given to the handling of cucumbers for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers.

The committee and the Secretary should have authority to give special consideration, in the form of relaxing grade and size regulation or no regulation (but providing for the reporting of handling), to cucumbers which move to pickling or relish plants. It is desirable to permit the committee authority to assure that such cucumbers do, in fact, reach the outlet for which intended. In other words, to assure that they are not sold or shipped for use in fresh form in violation of the order. It was generally agreed at the hearing that shipments of cucumbers for the purpose of having such cucumbers pickled should be exempted from all regulation under the order except, as a safeguard measure, a requirement that such shipments for conversion into pickles or relishes be reported to the committee for the sole purpose of assuring the committee and the cucumber industry that such shipments are, in fact, moved to the outlet for which intended. No other regulation or restriction is intended on cucumbers for pickling. It is believed that such an exemption also would be in accordance with the intent of the statutory prohibition against the regulation of a vegetable such as cucumbers intended for canning purposes.

Shipments of hydroponically grown cucumbers and shipments of cucumbers for research purposes should also be permitted to be handled pursuant to the provisions of the order which provide for modification, suspension, or termination of regulations applicable to usual table stock movement. Such cucumbers usually supply special types of outlets which are not competitive with table stock cucumbers.

The committee should be empowered to provide special treatment, through modification, suspension, or termination of regulation, applicable to shipments for other purposes or products which later may be specified by the committee with the approval of the Secretary.

The requirement that the Secretary should notify the committee of any regulations or of any modifications, suspensions, or terminations of regulations is appropriate and necessary to enable the committee to be informed of such actions and for proper and efficient administra-

tion of the order. Such notification would enable the committee to promptly check on the operation of the regulation and to recommend such changes as may be necessary to make the regulation fully effective.

(h) The Secretary should be authorized to suspend or terminate the order when he finds that the order does not tend to effectuate the declared policy of the act. The Secretary should also be authorized to terminate the order when he finds that a majority of the growers favor termination. The Secretary should be required to terminate the order when he finds that a majority of the growers favor termination.

(i) The Secretary should be authorized to conduct referenda among growers to determine whether they favor the issuance, suspension, or termination of the order.

(j) The Secretary should be authorized to employ persons, other than the committee, as may be necessary to assist the Secretary in the administration of the order.

(k) The committee should be authorized to employ such persons as may be necessary to enable the committee to perform its duties and functions under the order.

(l) The committee should be authorized to establish such rules and regulations as may be necessary to carry out its functions under the order.

(m) The committee should be authorized to receive, investigate, and report to the Secretary complaints of violations of the order.

(n) The committee should be authorized to establish such committees as may be necessary to perform its duties and functions under the order.

(o) The committee should be authorized to establish such committees as may be necessary to perform its duties and functions under the order.

(p) The committee should be authorized to establish such committees as may be necessary to perform its duties and functions under the order.

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(x) The committee should be authorized to establish such committees as may be necessary to perform its duties and functions under the order.

(y) The committee should be authorized to establish such committees as may be necessary to perform its duties and functions under the order.

(z) The committee should be authorized to establish such committees as may be necessary to perform its duties and functions under the order.

tion of the marketing agreement and order.

The authority for modifying, suspending, or terminating grade, size, quality, assessment, or inspection regulations should be accompanied by the additional administrative authority for the committee to recommend, and the Secretary to prescribe, adequate safeguards to prevent shipments for such purposes from entering market channels contrary to the provisions of such special regulations. Such safeguards should be recommended by the committee and they should be administered by the committee. The authority for establishment of safeguards should include such limitations or appropriate qualifications on shipments as might be necessary and incidental to the proper and efficient administration of the order. Such safeguards, among others, might include inspection so that the committee might have an accurate record of the grade, size, and quality of cucumbers shipped to special outlets, applications to make such special shipments, requirements for the payment of assessments in connection with such shipments, reports by handlers on the number of such shipments and the amounts of cucumbers shipped, and assurances by purchasers that the cucumbers would be used for the purpose designated.

In order to maintain appropriate identification of shipments of cucumbers to special outlets, the safeguards authorized herein should provide for the issuance of certificates of privilege to handlers of such cucumbers and, in addition, require that such handlers should obtain such certificates on all shipments by them to such special outlets. Certificates of Privilege might be issued by the committee as an indication of the authority for the handlers to make such shipments and as a means of identifying specific shipments. Such Certificates of Privilege should be issued in accordance with rules and regulations established by the Secretary on the basis of committee recommendations, or other available information, so that the issuance of such certificates might be handled in an orderly and efficient manner which can be made known to all handlers. The committee should be authorized by the order to deny or rescind Certificates of Privilege when such action would be necessary to prevent abuse of the privileges conferred thereby. The committee should be authorized to exercise the authority necessary and incidental to the proper administration of the order, which should include the authority to rescind or deny certificates upon evidence satisfactory to it that a handler to whom a Certificate of Privilege has been issued has handled cucumbers contrary to the provisions of a certificate previously issued to him. If the committee should rescind or deny a Certificate of Privilege to any handler, such action should be in terms of a specified period of time. Handlers affected by the denial of a certificate or the rescinding of such a certificate should have the right of appeal to the committee for a reconsideration. They should, of course, also have the right to request the Secretary to review such action and such right is hereby recognized and confirmed.

The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or any Certificates of Privilege issued by the committee in order that the Secretary might retain all rights necessary to carry out the declared policy of the act. The Secretary should give prompt notice to the committee of any action taken by him in connection therewith and the committee should currently notify all persons affected by the indicated action.

The committee should maintain records relevant to safeguards and to Certificates of Privilege and should submit reports thereon to the Secretary, when requested, in order to supply pertinent information requisite for him to discharge his duties under the act and the order.

(h) Inspection of cucumbers grown in the production area by the Federal-State Inspection Service would be desirable for the purpose of determining officially the grade, size, quality, and maturity of such cucumbers. Federal-State Inspection Service has operated in the State of Florida for a number of years. The cucumber growers and handlers throughout the production area are generally acquainted with the service and with the inspection which it offers on shipments of cucumbers. Federal-State inspection is available throughout the entire production area and reasonably prompt inspection can be given at all points within the production area at a reasonable time prior to the anticipated shipment of the cucumbers to be inspected.

Provision is made in the proposed order for inspection by the Federal-State Inspection Service, or such other inspection service as the Secretary might approve, of the handling of cucumbers grown in the production area during any period in which handling of cucumbers should be regulated under the program. Such inspection requirements should apply to all cucumbers handled under regulations issued under the order, except when any such handling should be relieved from inspection requirements pursuant to § 1015.53 or § 1015.54 of the order. Provision for inspection of handling subject to regulation would establish a means for providing the handler, the buyer, the committee, the Secretary, and other interested parties with opportunities for determining whether such handling of cucumbers complies with the requirements of any particular grade, size, quality, maturity, or pack regulation which might be in effect under the proposed order. Effective regulation of the handling of cucumbers grown in the production area would require that the grade, size, quality, maturity, or pack of each sale or shipment of such cucumbers would be established authoritatively so that the administration of the program would be efficient and effective. The provision for inspection and the certificates which are issued pursuant to inspection would offer an appropriate and practical means of establishing and identifying the grade, size, quality, maturity, and pack of cucumbers handled pursuant to the terms and conditions of the proposed order.

Copies of inspection certificates issued pursuant to the requirements of the order should be supplied to the committee promptly, so that it can discharge properly its administrative responsibilities under the program.

Provision should be made in the order for authority to inspect cucumbers, not only by personnel of the Federal-State Inspection Service, but also by personnel of such inspection service as the Secretary might designate, so that sufficient flexibility for successful operation would be provided through appropriate inspection if Federal-State inspection should not be available.

The requirement that no handler shall handle cucumbers unless each lot of cucumbers is inspected by an authorized inspection service approved under the marketing agreement and order would be reasonable and is necessary for the proper administration of the program. Such requirements should apply except to those cucumbers which might be relieved of inspection requirements pursuant to § 1015.53 or § 1015.54, or both.

Responsibility for obtaining inspection should fall primarily on the handler who first handles regulated cucumbers after they have been prepared for market because each lot of such cucumbers must be identified and certified with respect to grade, size, quality, and maturity. Each handler, regardless of whether the first or a subsequent handler, should be required to bear responsibility for determining that each of his shipments is inspected and certified. Identification and certification would be essential to proper administration of the order so that a determination could be made as to whether each shipment accords with the grade, size, quality, maturity, and pack regulations issued under the order. The handler who first handles cucumbers should be required to obtain inspection, but subsequent handlers should not be permitted to handle cucumbers unless a properly issued inspection certificate valid under the terms of the order applies to such shipments. If a handler should receive cucumbers which have not been inspected, he should be responsible for having them inspected before selling or transporting them. This requirement would be necessary so that the committee could obtain evidence in the form of inspection certificates which it needs to carry out its appropriate functions in determining if specific shipments have been inspected and if they otherwise meet requirements of the order and regulations issued pursuant to the order.

Some concern was expressed at the hearing and in the brief filed on behalf of the opponents to the effect that double inspection fees might be imposed in connection with each lot of cucumbers handled from the standpoint that, in addition to the regular inspection fee which would be charged by the official inspection service, an additional inspection fee on the same lot would be charged by the committee. Such a result is not contemplated or intended. It is contemplated that the only inspection fee charged would be that by the official inspection service.

Whenever any shipment of cucumbers subject to the terms and provisions of the order have been inspected at the time of first shipment, but should later be dumped from the containers in which they were inspected, or if the lot on which the inspection certificate was issued should be broken up, the cucumbers might lose their identity insofar as the original inspection certificate for them was concerned. If any such lot of cucumbers should thereafter be repacked, the repacked cucumbers might have a new identity and the subsequent handling of the cucumbers should be in compliance with regulations issued under the order. This requirement would be necessary to effectuate the declared policy of the act. Therefore, the order should provide that the committee might require any person who handles Florida cucumbers after they have been repacked, resorted, or regraded to have such cucumbers reinspected and recertified before they are handled again. A reinspection and recertification of regraded, resorted, or repacked cucumbers might be necessary, in certain cases, so that the shipper thereof, as well as subsequent handlers, and the committee might determine if such shipments comply with the regulations then in effect and applicable thereto.

When pack specifications are in effect, the proposed order should include authority for requiring the marketing of containers of cucumbers as to the exact grade and size of the contents. It is common practice followed by handlers in the production area, and an accepted merchandising approach, to stamp cucumber containers with the grade of the contents of the package. When pack specifications and compulsory inspection are in effect, no unnecessary burden will be imposed on handlers to require that they, under the direction and supervision of the inspection service, mark each container with the applicable grade and/or size permitted to be shipped, much the same as most do at the present time using non-standard grade terms. This practice would also facilitate the administration and enforcement of the proposed order. It would be difficult to ascertain whether or not handlers are complying with pack specification regulation unless each container of cucumbers was properly identified as to its contents in terms of grades set forth in the U. S. Standards for Cucumbers. Unless the contents of a package of cucumbers might be required to be marked, stamped, or otherwise identified, the purpose of a pack specification regulation, which would include the building of trade confidence in the quality of Florida cucumbers with the attendant improvement of growers' prices, could not be properly accomplished.

The committee, with the approval of the Secretary, should be authorized to determine the length of time the inspection certificate is valid insofar as the requirements of the proposed order are concerned. Such requirement would be appropriate and necessary, especially with respect to lot inspections which might be administratively desirable to accommodate handlers and truckers, because cucumbers are an extremely perishable commodity. It would not be practical and feasible for the committee to recognize inspection certificates which might have been issued several days previously when the cucumbers so inspected and certified would have since deteriorated and no longer would meet regulations in effect at the time of shipment and no longer would conform to the description on the inspection certificate.

(i) Certain hazards are encountered in the production of cucumbers grown in the production area which are beyond the control or reasonable expectation of the producers of such cucumbers. Because of these circumstances, and to provide equity among producers and handlers insofar as any regulations under the marketing agreement and order are concerned, the committee should be given authority to issue exemption certificates to producer applicants to permit them to sell their equitable proportion of all shipments from the production area. It is contemplated, however, that each exemption granted would require the approved applicant to sell his best quality cucumbers.

The committee, by reason of its knowledge of the conditions and problems applicable to the production of cucumbers in the production area and the information which it will have available in each case, should be well qualified to judge each applicant's case in a fair and equitable manner and to fix the quantity of exempted cucumbers which each applicant might sell.

The provisions contained in the notice of hearing relevant to the procedure to be followed in issuing exemption certificates, in investigating exemption claims, in appealing exemption claim determinations, and in recording and reporting exemption claim determinations to the Secretary would be necessary to the orderly and equitable operation of the marketing agreement and order and they should, therefore, be incorporated in the proposed order.

Provision should be made for the Secretary to modify, change, alter, or rescind any procedure established by the committee for granting of exemptions and of exemptions granted pursuant to such procedure. This would be desirable to guard against inequities in the granting of exemptions and to preclude the issuance of exemption certificates in unjustifiable cases.

(j) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information which are needed to perform such agency's functions under the order. It is difficult to anticipate every type of report, or kind of information, which the committee might need in administering the program, but it should have the authority, subject to the approval of the Secretary, to request reports and information if needed, of the type set forth in the proposed order. The standards which should be followed by the committee in requesting handlers to furnish reports should be along the lines set forth in § 1015.70 of the proposed order, and such report should be those necessary for operation of the committee in carrying out the terms and conditions of the order. Reports furnished to the committee should be submitted in such manner and at such times as might be designated by the committee. Such reporting procedures should accord with the needs and requirements of the committee which are essential to administration of the proposed order, because changing conditions might warrant changes in the forms and methods of reporting to the committee. The Secretary should retain the right to approve, also to modify, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports.

Permissive use of the specified reporting requirements, and verifications of such reports and records by the committee would provide a means for the committee to check on compliance with, and operation of, the order.

Since it is possible that a question might arise with respect to compliance with the proposed order, handlers should maintain complete records on their handling and disposition of cucumbers for not less than two years subsequent to the termination of each fiscal period.

Any and all reports and records submitted for committee use by handlers should remain under appropriate protective classifications and be disclosed to none other than persons authorized by the Secretary.

(k) Except as provided in the marketing agreement and order, no handler should be permitted to handle cucumbers, the handling of which is prohibited pursuant to the order, and no handler should be permitted to handle cucumbers except in conformity with the order. If the program is to be effective, no handler should be permitted to evade its provisions since such action on the part of one handler, although possibly of small impact on the industry measured by the proportion of cucumbers handled by him, would be demoralizing to other handlers and would tend to impair operation of the program.

(l) The provisions of proposed §§ 1015.75 through 1015.91 are common to marketing agreements and orders now operating. Each of such sections sets forth certain rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the marketing agreement and order. These provisions are incidental to, and not inconsistent with, sections 8c (6) and (7) of the act, and are necessary to effectuate the declared policy of the act. The substance of such provisions, therefore, should be included in the order.

General findings. Upon the basis of the evidence introduced in the hearing and the record thereof it is found that:

(1) The marketing agreement and order as hereinafter set forth, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to cucumbers produced in the production area, by establishing and maintaining such orderly

marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such cucumbers above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such cucumbers as will be in the public interest;

(2) Such marketing agreement and order authorizes regulation of the handling of cucumbers grown in the production area in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activities specified in a proposed marketing agreement and order upon which the hearing has been held;

(3) The said marketing agreement and order are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several marketing agreements and orders applicable to any subdivision of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of cucumbers grown in the production areas; and

(5) All handling of cucumbers, as defined in the said marketing agreement and order, is in the current of interstate or foreign commerce, or directly burdens, obstructs or affects such commerce.

Ruling on proposed findings and conclusions. At the conclusion of the hearing, the Presiding Officer allowed interested parties until January 10, 1957, to file briefs with respect to findings of fact and conclusions based on evidence introduced at the hearings. Subsequently he extended such period until January 25, 1957. The only brief filed was by W. Terry Gibson and Paschal C. Reese, attorneys for the Winter Cucumber Farmers Association, referred to herein, for convenient reference, as the "opponents" of the proposed program.

Each point covered in that brief was considered carefully along with the record in reaching the conclusions herein set forth, and specific reference is made to many of such points at the appropriate places in the discussion.

To the extent that the findings and conclusions proposed in such brief are inconsistent with the findings and conclusions set forth herein, the request to make such findings and conclusions are denied on the basis of facts found and stated in connection with the findings and conclusions in this recommended decision.

DEFINITIONS

§ 1015.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1015.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1015.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1015.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 1015.5 *Cucumbers.* "Cucumbers" means all varieties of the edible fruit (Cucumis sativus) commonly known as cucumbers and grown within the production area.

§ 1015.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of cucumbers owned by another person) who handles cucumbers or causes cucumbers to be handled.

§ 1015.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place cucumbers in the current of the commerce between the production area and any point outside thereof: *Provided,* That such terms shall not include: (a) The transportation, sale, or delivery of cucumbers by a producer to a handler registered as such with the committee and who has adequate facilities within the production area for grading; or (b) the transportation to and sale of cucumbers at auction markets designated by the committee. In the event a producer sells cucumbers other than is indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such cucumbers.

§ 1015.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of cucumbers for market.

§ 1015.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of cucumbers into grades, sizes, and packs for market purposes.

§ 1015.10 *Grade and size.* "Grade" means any one of the established grades of cucumbers and "Size" means any one of the established sizes of cucumbers set forth for each grade in U. S. Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1015.11 *Pack.* "Pack" means a unit of cucumbers in any type of container which falls within specific weight limits or within specific grade, or size limits, or both, recommended by the committee and approved by the Secretary.

§ 1015.12 *Container.* "Container" means a box, bag, crate, hamper, tub, basket, package, carton, or any other type of unit used in the packaging, transportation, sale, shipment, or handling of cucumbers.

§ 1015.13 *Committee.* "Committee" means the Florida Cucumber Committee, established pursuant to § 1015.22.

§ 1015.14 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 1015.15 *District.* "District" means each of the geographic divisions of the production area initially established pursuant to § 1015.24, or as reestablished pursuant to § 1015.25.

§ 1015.16 *Export.* "Export" means the shipment of cucumbers beyond the boundaries of the continental United States.

COMMITTEE

§ 1015.22 *Establishment and membership.* (a) The Florida Cucumber Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a producer or handler, respectively, in the district for which selected, and a resident of the production area.

§ 1015.23 *Terms of office.* (a) The term of office of committee members, and their respective alternates, shall be for one year and shall begin as of August 1 and end as of July 31 of the following year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1015.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

District No. 1. The counties of Dade, Broward, Palm Beach, St. Lucie, Indian River, Martin and Okeechobee in the State of Florida;

District No. 2. The counties of Lee, Collier, Charlotte, Hendry, Monroe and Glades in the State of Florida;

District No. 3. The counties of Hardee, Manatee, DeSoto, Highlands, Hillsborough, Polk, Sarasota and Pinellas in the State of Florida; and

District No. 4. All of the remaining counties within the production area not included in Districts 1, 2, and 3.

§ 1015.25 *Redistricting.* The committee may recommend, and pursuant thereto the Secretary may approve, the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in cucumber acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting; and (e) other relevant factors. In order to provide for nomination and selection of committee members and alternates on the basis of a redistricted production area, the committee shall make such recommendation for redistricting no later than February 1, and, if approved by the Secretary on or before March 15, such redistricting shall become effective at the beginning of the succeeding term of office.

§ 1015.26 *Selection.* The Secretary shall select two producer members and one handler member of the committee with their respective alternates from each district.

§ 1015.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such Department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to July 1 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year;

(d) Only producers may participate in designating nominees for committee members and alternates. In the event a person is engaged in producing cucumbers in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces cucumbers, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1015.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1015.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1015.24 through 1015.26, inclusive.

§ 1015.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing his acceptance with the Secretary within ten days after being notified of such selection.

§ 1015.30 *Vacancies.* To fill committee vacancies, an incumbent alternate member may be selected by the Secretary to fill the position on the committee vacated by the respective member for whom he was alternate, or the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1015.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1015.24 through 1015.26, inclusive.

§ 1015.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1015.32 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 1015.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1015.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1015.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) As soon as practical after the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to cucumbers;

(f) To prepare marketing policies from time to time;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemption;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each report shall be furnished to the Secretary and a copy of each report shall be made available at the principal office of the committee for inspection by producers and handlers;

(m) To prepare and submit to the Secretary at the close of each fiscal period an annual report on operations; and

(n) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1015.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable

and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of cucumbers handled by him under regulation as the first handler thereof during a fiscal period and the total quantity of cucumbers handled by all handlers under regulation as first handlers thereof during such fiscal period.

§ 1015.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1015.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles cucumbers shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all cucumbers which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1015.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including, but not being limited to, books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such persons.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1015.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments collected over expenses shall be accounted for as follows:

(a) Except as provided in paragraph (b) of this section, each handler entitled to a proportionate refund of the excess assessments collected shall be credited at the end of a fiscal period with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Upon approval by the Secretary, such reserve may be established and maintained in an amount not to exceed one fiscal period's operating expenses and may be used to cover the necessary expenses of liquidation in the event of termination of this part and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure and during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations during any fiscal period prior to the time that assessment income is sufficient to cover such expenses but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practicable such funds shall be returned pro rata to the persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1015.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cucumbers. Such projects shall be financed from assessments collected.

REGULATION

§ 1015.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1015.51, the committee shall submit to the Secretary a report setting forth the marketing policy it deems desirable for the industry to follow in handling cucumbers during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to cucumbers. The committee shall publicly announce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of cucumbers including prices by grades, sizes, and quality in different packs, in the production area and in competing areas;

(b) Supply of cucumbers, by grade, size, and quality in the production area, and in other production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting cucumber prices; and

(e) Other relevant factors

§ 1015.51 *Recommendations for regulations.* The committee, upon complying with the requirements of §§ 1015.32 and 1015.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 1015.52 *Issuance of regulations.* The Secretary shall limit the handling of cucumbers whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, varieties, or packs of cucumbers during any period; or

(b) Limit the handling of particular grades, sizes, qualities, maturities, or packs of cucumbers differently, for different varieties, for different portions of the production area, for different containers, for different purposes specified in § 1015.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of cucumbers by establishing, in terms of grades, or sizes, or both: (1) Minimum standards of quality and maturity which shall be effective irrespective of whether the seasonal average price of cucumbers is in excess of the parity level specified in section 2 (1) of the act; and/or (2) pack specifications for the several commercially recognized grades of equal or better quality than the said minimum standards of cucumbers which may be handled pursuant to subparagraph (1) of this paragraph; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of cucumbers.

§ 1015.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1015.42, 1015.52, 1015.54, 1015.60, or any combination thereof.

§ 1015.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1015.42, 1015.52, 1015.53, or § 1015.60 or any combination thereof, in order to facilitate handling of cucumbers for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For conversion into pickles or relishes; or

(d) For other purposes or products which may be specified by the committee, with the approval of the Secretary.

§ 1015.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1015.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of cucumbers pursuant to § 1015.54 from entering channels of trade for other than the specific purpose authorized therefore, and rules governing the issuance and the contents of Certificates or Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include any or all requirements that:

(1) Handlers shall file applications with the committee to ship cucumbers pursuant to § 1015.54; or

(2) Handlers shall obtain inspection provided by § 1015.60, or pay the assessment levied pursuant to § 1015.42, or both, in connection with shipments made under § 1015.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle cucumbers pursuant to the provisions of § 1015.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that cucumbers handled by him for the purposes stated in § 1015.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of cucumbers covered by such applications, the number of such applications denied and certificates granted, the quantity of cucumbers handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1015.60 *Inspection and certification.* (a) During any period in which handling of cucumbers is regulated pursuant to § 1015.52 or § 1015.54, or any combination thereof, no handler shall handle cucumbers unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 1015.53 or § 1015.54, or both.

(b) Regrading, resorting, or repacking any lot of cucumbers shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. In such event, the person responsible shall be considered the first handler of the regraded, resorted, or repacked quantity and liable for the payment of assessments thereon pursuant to § 1015.42. No handler shall handle cucumbers after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such cucumbers is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any cucumbers in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such cucumbers meet the applicable quality and other standards then in effect.

(c) Prior to handling any lot of cucumbers, the handler shall obtain an inspection certificate for such lot from the Federal-State Inspection Service. Upon recommendation of the committee with approval of the Secretary, every such inspection certificate shall show, in addition to such other information as the committee may specify, the name and address of the handler, the quantity, grade, size, and pack of the cucumbers in the lot, and that the cucumbers conform to the pack specifications, if any, and the minimum standards of quality and maturity prescribed pursuant to § 1015.52. Each lot so inspected and certified shall, upon recommendation of the committee with approval of the Secretary, be identified by appropriate seals, stamps, or tags affixed to each of the containers by the handler under the direction and supervision of the committee or the inspection service, showing that the minimum standards of quality and maturity have been met and, in addition, the particular pack specifications of the lot, if such pack specifications are then in effect.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When the cucumbers are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1015.65 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1015.66 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that, by reason of a regulation issued pursuant to § 1015.52, he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size, or quality of the applicant's cucumbers have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of cucumbers specified thereon. Such certificate shall be transferred with such cucumbers at time of transportation or sale.

§ 1015.67 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1015.68 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1015.69 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued or denied, a record of the quantity of cucumbers covered by such exemption certificates, a record of the amount of cucumbers handled under

exemption certificates, a record of appeals for reconsideration of applications, and such other information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1015.65, 1015.66, 1015.67, or § 1015.68, or any combination thereof.

REPORTS

§ 1015.70 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of cucumbers received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such cucumbers; and (4) the identification of the inspection certificates and the exemption certificates, if any, pursuant to which the cucumbers were handled, together with the destination of each exempted disposition, and of all cucumbers handled pursuant to § 1015.53, or § 1015.54, or both.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which might adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years after the particular fiscal period such records of the cucumbers received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

EFFECTIVE TIME AND TERMINATION

§ 1015.75 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1015.76 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who, during a representative period, have been engaged in the production for market of cucumbers: *Provided*, That such majority has, during such representative period, produced for market more than fifty percent of the volume of such cucumbers produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1015.77 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1015.78 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

COMPLIANCE

§ 1015.80 *Compliance.* Except as provided in this part, no handler shall handle cucumbers, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part, and no handler shall handle cucumbers except in conformity to the provisions of this part.

MISCELLANEOUS PROVISIONS

§ 1015.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to approve or disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1015.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1015.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1015.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1015.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1015.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1015.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1015.89 *Counterparts.*[1] This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

[1] Applicable only to the proposed marketing agreement.

§ 1015.90 *Additional parties.*[1] After the effective date hereof, any handler who has not perviously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 1015.91 *Order with marketing agreement.*[1] Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of cucumbers in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.

Dated: March 13, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-2058; Filed, Mar. 18, 1957; 8:47 a. m.]

[1] Applicable only to the proposed marketing agreement.

Agricultural Research Service

[7 CFR Part 301]

CITRUS CANKER DISEASE FROM HAWAII

PROPOSED REVOCATION OF QUARANTINE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering the revocation of notice of quarantine No. 75 relating to the movement of citrus nursery stock from Hawaii because of the citrus canker disease (7 CFR 301.75).

Surveys by plant pathologists of the United States Department of Agriculture of citrus groves in the islands of Hawaii were conducted in 1951, 1954, and during December 1956 and January 1957. The latest survey included 5,302 trees at 93 sites. No symptons of the citrus canker disease have been observed during any of these surveys.

Since climatic conditions in Hawaii appear to be suitable for the establishment and spread of the citrus canker disease, the negative findings over a 6-year period are considered sufficient evidence that the disease does not occur in the island. Revocation of the Hawaiian Citrus Nursey Stock Quarantine would not affect the movement of citrus fruits from the island, since such fruits are subject to the provisions of Hawaiian Fruits and Vegetables Quarantine No. 13.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Director of the Plant Quarantine Division, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; 7 CFR 301.75)

Done at Washington, D. C., this 13th day of March 1957.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 57-2079; Filed, Mar. 18, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 406]

CERTIFICATION PROCEDURES

NOTICE OF PROPOSED RULE MAKING

The Civil Aeronautics Administration proposes to revise procedures concerning physical examination and medical certification of airmen requiring a third-class medical certificate. A definition of "designated medical examiner" is added to § 406.1. Section 406.12 (c) (1) is amended by adding "private lighter-than-air pilot certificate" to the list of certificate applicants requiring a third-class medical certificate. There is added a provision for the issuance of the third-class medical certificate in two forms, (1) basic and (2) renewal. Section 406.12 (c) (2) is amended by requiring that the physical examination for a basic third-class medical certificate be performed by a designated medical examiner only and that the physical examination for the renewal of a third-class medical certificate be performed by either a designated medical examiner or by any other competent, licensed physician. Section 406.12 (c) (3) is amended to change the title of the third-class medical certificate to "Medical Certificate—Third Class (Basic)" and "Medical Certificate—Third Class (Renewal)".

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 406.1 is amended by adding a new paragraph (e) to read as follows:

§ 406.1 *Definitions of terms.* • • •

(e) "Designated medical examiner" shall mean an individual holding a letter of designation from the Civil Aeronautics Administration authorizing him to perform the physical examinations required by this part to be performed by a designated medical examiner.

2. The first sentence of § 406.11 (b) is amended to read as follows: "A physical examination, where required, will be given by a designated medical examiner or by any other competent, licensed physician as indicated in this subpart."

3. Section 406.12 (c) is amended to read as follows:

§ 406.12 *Medical certificates.* • • •

(c) *Third-class medical certificate.* • • •

(1) *Purpose.* This medical certificate is issued to applicants for a student pilot certificate, private pilot certificate, student or private lighter-than-air pilot certificate, free balloon pilot certificate, and flight radio operator certificate as evidence that the applicant meets the physical requirements of the Civil Air Regulations. It is issued in two forms, (i) the basic medical certificate issued at the time of the original issuance of the appropriate airman certificate and (ii) the renewal medical certificate issued subsequent to the expiration of the basic medical certificate.

(2) *Examination.* The physical examination for the basic medical certificate shall be given by a designated medical examiner only. An examination for the renewal of a medical certificate shall be given by a designated medical examiner[1] or by any other competent, licensed physician.

(3) *Issuance.* The basic medical certificate will be issued on Form ACA-1005, Medical Certificate—Third Class (Basic). The renewal medical certificate will be issued on Form ACA-1005.1, Medical Certificate—Third Class (Renewal).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, as amended, 1008, 49 U. S. C. 551, 552)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2042; Filed, Mar. 18, 1957; 8:45 a. m.]

[1] A list of the designated medical examiners in any area may be obtained by addressing a request to the CAA Regional Flight Surgeon of the region in which the area is located.

Federal Maritime Board

[46 CFR Part 244]

[Gen. Order 72, Revised]

BUSINESS PRACTICES OF FREIGHT FORWARDERS

NOTICE OF PROPOSED RULE MAKING

Whereas, it appearing that forwarders, brokers, carriers and other persons subject to the Shipping Act, 1916, have not established and do not observe and enforce just and reasonable regulations and practices relating to or connected with the receiving, handling, storing, or delivery of cargo, including, without limitation, the performance of forwarding services, charges for such services, the performance of brokerage services, and the payment and collection of brokerage fees, as required by the Shipping Act, 1916, and the decisions and rules and regulations of the Federal Maritime Board;

Now, therefore, notice is hereby given that, in accordance with the provisions of sections 15, 16, 17 and 21 of the Shipping Act, 1916, as amended, section 204 of the Merchant Marine Act, 1936, as

amended, section 19 of the Merchant Marine Act, 1920, as amended and section 4 of the Administrative Procedure Act, the Federal Maritime Board has under consideration proposed revision of the rules and regulations relating to the business and practices of freight forwarders prescribed by General Order 72, as amended, 15 F. R. 3152, 18 F. R. 8807.

The purpose of the proposed revised rules is to clarify the definition of freight forwarders, define "broker," "brokerage," "brokerage service," and other terms, provide annual registration of forwarders, clarify the provisions relating to brokerage so as to eliminate automatic payment of unearned brokerage commissions, provide for the filing of agreements pursuant to section 15 of the Shipping Act, 1916, and eliminate certain unjust and unreasonable practices in the forwarding industry.

All persons interested in the proposed revised rules and regulations herein below set out may file with the Secretary of the Federal Maritime Board, Washington 25, D. C., within sixty (60) days of the publication of this notice in the FEDERAL REGISTER, written views and suggestions thereon, together with a statement of their interest therein.

It is proposed to supersede Part 244 (46 CFR Part 244) by the following new Part 244:

Sec.

244.1 Definitions.
244.2 Registration.
244.3 Additional information.
244.4 Information available to public.
244.5 Registration numbers.
244.6 Registration lists.
244.7 Billing practices.
244.8 Consolidated shipments.
244.9 Special contracts.
244.10 Nondiscriminatory treatment required.
244.11 Exceptions as to special contracts.
244.12 Forwarders' receipts.
244.13 Brokerage payments.
244.14 Registration form.
244.15 Section 15 agreements.
244.16 Carrier performing forwarding services.
244.17 Penalties for violations.
244.18 Effective date.

AUTHORITY: §§ 244.1 to 244.18 issued under sec. 204, 49 Stat. 1987, as amended, 46 U. S. C. 1114; sec. 19, 41 Stat. 995, 46 U. S. C. 876. Interprets or applies 39 Stat. 728; 46 U. S. C. 814, 815, 816, 820.

§ 244.1 *Definitions.* (a) "Freight forwarder" means any person engaged in the business of dispatching or facilitating shipments on behalf of other persons, by common carrier by water in commerce from the United States, its territories or possessions to foreign countries, or between the United States and its territories or possessions, or between such territories and possessions; and of handling the formalities incident to such shipments. This definition includes independent freight forwarders, common carriers, manufacturers, exporters, export traders, manufacturers' agents, resident buyers, brokers, commission merchants and other persons when they engage for and on behalf of any person other than themselves, in the aforementioned activity.

(b) "Freight forwarding service" means a service rendered by a freight forwarder on behalf of other persons in the process of dispatching or facilitating an export shipment as authorized by such persons. Such services include but are not limited to, the following: Examining instructions and documents received from shippers; ordering cargo to port; preparing export declaration; booking cargo space; preparing and processing delivery order, and dock receipt; preparing instructions to truckman or lighterman, and arranging for or furnishing such facilities; preparing and processing ocean bills of lading; preparing consular documents, and arranging for their certification, in the language of the country to which the goods are shipped; arranging for or furnishing warehouse storage when necessary; arranging for insurance when so instructed; clearing shipment in accordance with United States Government regulations; preparing advice notices of shipments, sending copies to bank, shipper or consignee, as required; sending completed documents to shipper, bank or consignee as directed; advancing necessary funds in connection with the foregoing; providing supervision in the coordination of services rendered to shipment from origin to vessel, rendering special service on unusual shipments or when difficulties in transit arise; and giving expert advice to exporters as regards letters of credit, licenses, inspection.

(c) "Freight forwarding fee" means compensation paid for the performance of a freight forwarding service.

(d) "Broker" means any person not a common carrier by water, as defined in this section, and not regularly employed by any such carrier or by a shipper in a capacity other than as a forwarder or broker, who sells or offers for sale transportation as defined in this section, or negotiates for or holds himself out by solicitation, advertisement, or otherwise as one who sells, provides, furnishes, contracts, or arranges for such transportation.

(e) "Common carrier by water" means a common carrier by water engaged in the transportation of property on ocean-going vessels in commerce from the United States, its territories or possessions to foreign countries, or between the United States and its territories and possessions, or beween such territories and possessions.

(f) "Transportation" means transportation of property by common carrier by water on ocean-going vessels in commerce from the United States, its territories or possessions to foreign countries, or between the United States and its territories and possessions, or between such territories and possessions.

(g) "Brokerage service" means securing cargo for a ship by selling transportation by a broker as defined in this section.

(h) "Brokerage" or "brokerage fee" means compensation paid by a common carrier by water for the performance of a brokerage service for such common carrier.

(i) "Person" includes corporations, partnerships, and associations, existing under or authorized by the laws of the United States, or any State, Territory, District, or possession thereof, or of any foreign country.

§ 244.2 *Registration.* All persons who engage in business as a freight forwarder shall register with the Federal Maritime Board before engaging in such business and shall register annually thereafter on or before March 1 of each year, provided that persons who have registered under the rules and regulations in this part and received a registration number need not re-register before the next annual registration date. Registration shall be accomplished by executing and filing with the Federal Maritime Board Freight Forwarder Registration Form FMB–21 (§ 244.14) which will be furnished by the Federal Maritime Board upon request. For good cause shown, the Federal Maritime Board upon written request of the registrant, may extend the time for registration.

§ 244.3 *Additional information.* Registrants shall submit such additional information as the Federal Maritime Board may request from time to time, and shall notify the Federal Maritime Board of any change in facts reported to it under this part within ten days after such change occurs. Failure to comply with this section by a forwarder will be deemed sufficient reason to cancel his registration.

§ 244.4 *Information available to public.* Information set forth in Freight Forwarder Registration Form FMB–21 shall be public information and available for public inspection at the offices of the Federal Maritime Board.

§ 244.5 *Registration numbers.* (a) Each person who intends to engage in business as a forwarder and has filed the required information will be issued a registration number by the Federal Maritime Board after examination and verification of the information submitted by him and a determination that the issuance of a registration number will not be inconsistent with this part or the Shipping Act, 1916. Thereafter such registration number shall be set forth on the registrant's letterheads, invoices, advertising, and all other documents relating to his forwarding business. The issuance of a registration number by the Federal Maritime Board to a forwarder is for identification and informational purposes and does not mean that the Board has investigated and found that the forwarder is qualified. Use of these registration numbers in any manner other than to indicate the fact of registration with the Federal Maritime Board is prohibited.

(b) A forwarder's registration may be suspended or cancelled after notice and hearing, if the Federal Maritime Board finds that the registrant has violated the rules in this part or the Shipping Act, 1916.

(c) Any forwarder who fails to re-register with the Federal Maritime Board as provided in § 244.2 shall automatically lose his registration number.

(d) A forwarder may not transfer or assign his registration number.

(e) A forwarder shall not be entitled to register under more than one name or to obtain more than one registration number regardless of the number of names under which he may be doing business. Where two or more corporations are owned or controlled by substantially the same interests they shall be treated as one entity for the purpose of registration and they shall not be entitled to separate numbers.

§ 244.6 *Registration lists.* The Board will compile annually, and make available to the public upon request, lists of all registrants with their respective registration numbers.

§ 244.7 *Billing practices.* All forwarders shall use invoices or other forms of billing which state separately and specifically, as to each shipment:

(a) The amount of ocean freight assessed by the carrier;

(b) The amount of consular fees paid to consular authorities;

(c) The actual cost to the forwarder of insuring the shipment whether by a policy bought in the name of the shipper or by an open policy or otherwise;

(d) The amount charged for each accessorial service performed in connection with the shipment;

(e) Other charges;

(f) The amount of any brokerage fees which the forwarder has collected or believes that he is entitled to collect from the carrier.

Provided, however, That forwarders who offer to the public at large to forward small shipments for uniform charges available to all and duly filed with the Federal Maritime Board, shall not be required to itemize the components of such uniform charges on shipments as to which the charges shall have been stated to the shipper at time of shipment, and accepted by the shipper for payment; but if such forwarders procure marine insurance to cover such shipments, they must state their total charge for such insurance, inclusive of premiums and placing fees, separately from the aforementioned uniform charge.

§ 244.8 *Consolidated shipments.* In the case of individual shipments consolidated with other individual shipments, the invoice or other form of billing concerning each shipment shall state the minimum ocean freight and consular fees that would have been payable on each shipment if shipped separately, and the amounts actually charged for these items by the forwarder, on the shipment in question.

§ 244.9 *Special contracts.* All special agreements or contracts between forwarders and shippers or consignees shall be in writing and shall be maintained in the files of the forwarder for a period of 12 months, and submitted to the Federal Maritime Board upon request.

§ 244.10 *Nondiscriminatory treatment required.* To the extent that special agreements or contracts are entered into by a forwarder with individual shippers or consignees, such forwarder shall not deny to other shippers or consignees similarly situated, and whose shipments are accepted by such forwarder, equal charges for forwarding and accessorial services to be rendered by the forwarder, insofar as such forwarding and accessorial services are similar to those performed for shippers or consignees holding special contracts; and such forwarder shall advise such other shippers or consignees as to the terms under which such special contracts or agreements are available.

§ 244.11 *Exceptions as to special contracts.* In the case of special contracts whereby the parties have agreed in advance as to the charges for services in connection with the forwarding of a shipment, the invoice or other form of billing shall refer to the agreement, in which event the charges need not be itemized.

§ 244.12 *Forwarders' receipts.* Forwarders' receipts for cargo shall be clearly identified as such and shall not be in form purporting to be ocean carriers' bills of lading.

§ 244.13 *Brokerage payments.* (a) No common carrier by water shall pay brokerage to a forwarder or broker except as compensation for the performance of a brokerage service as defined in § 244.1, and to the extent authorized by the carrier's tariff.

(b) No forwarder or broker shall charge or receive brokerage from a common carrier by water except for the performance of a brokerage service as defined in § 244.1.

(c) No forwarder or broker shall charge or accept compensation from both a shipper and a common carrier by water in connection with the same shipment, without first advising both parties of the amount and basis for the charge or payment by the other.

(d) No forwarder may render, or offer to render, any forwarding service free of charge or at reduced rates in consideration of the shipper or carrier agreeing to allow or allowing the forwarder to receive brokerage on the shipment.

(e) Steamship lines when acting in accordance with approved section 15 agreements or an individual carrier may make rules and regulations to assure that brokerage will not be paid under circumstances which will violate the Shipping Act, 1916, or the rules in this part.

(f) No forwarder or broker or other person shall collect brokerage from a common carrier by water, and no such carrier shall pay brokerage to any forwarder or broker or other person, in cases where payment thereof would constitute a rebate, such as, for example, where the forwarder or broker or other person: (1) Is the shipper or consignee or is the seller or purchaser or purchasing agent of the shipment, (2) advances the purchase price of the goods shipped or guarantees payment therefor, or has any beneficial interest therein, (3) directly or indirectly, by stock ownership or otherwise, controls or is controlled by the shipper or consignee, or seller or purchaser or purchasing agent of the shipment or by any person having a beneficial interest in the shipment or person advancing the purchase price of the goods shipped or guaranteeing payment therefor, and (4) where the forwarder or broker and the shipper, consignee, seller or purchaser or purchasing agent, or person advancing the purchase price of the goods shipped or guaranteeing payment therefor are owned or controlled by substantially the same interests.

(g) No forwarder or broker shall share directly or indirectly any part of the brokerage received from a common carrier by water with a shipper, consignee, or an employee of a shipper or consignee or seller or purchaser or purchasing agent of the shipment or person advancing the purchase price of the goods shipped or guaranteeing payment therefor, or with any person having a beneficial interest in the shipment.

(h) After the date on which a forwarder is required to register or re-register, no forwarder shall accept brokerage from a common carrier by water and no such carrier shall pay brokerage to any forwarder before such forwarder has been assigned a registration number pursuant to the rules in this part or during any period of suspension or cancellation of the forwarder's registration number.

(i) No common carrier by water shall pay brokerage to a forwarder or broker when the receipt of such brokerage by the forwarder is prohibited by the rules in this part or the Shipping Act, 1916, as amended.

(j) No forwarder or broker shall charge or receive compensation from a common carrier by water for brokerage service performed in connection with any shipment which he owns or in which he has a material interest, or the routing of which he controls by reason of any affiliation with, or non-brokerage relationship to, the shipper, consignor, or consignee as traffic consultant or otherwise, or which he controls by reason of his performance for the shipper, consignor, or consignee of forwarding services or other non-brokerage services.

§ 244.14 *Registration form.* Form FMB–21 [1] is hereby prescribed for registration under § 244.2.

§ 244.15 *Section 15 agreements.* (a) Copies of written agreements and true and complete memoranda of oral agreements between a freight forwarder and another freight forwarder or carrier or other person subject to the Shipping Act, 1916, or modifications or cancellations thereof, which relate to one or more of the following subjects must be filed with the Board:

(1) Fixing or regulating transportation rates or fares;

(2) Giving or receiving special rates, accommodations or other special privileges or advantages;

(3) Controlling, regulating, preventing or destroying competition;

(4) Pooling or apportioning earnings, losses, or traffic (including sharing or dividing forwarding or brokerage fees with another forwarder);

(5) Allotting ports or restricting or otherwise regulating the number and character of sailings between ports;

(6) Limiting or regulating in any way the volume or character of freight or passenger traffic to be carried;

[1] Filed as part of the original document.

(7) In any manner providing for an exclusive, preferential or cooperative working arrangement.

(b) Copies of all such agreements referred to in paragraph (a) of this section are required to be filed with the Federal Maritime Board accompanied by a letter stating that they are offered for filing in compliance with section 15 of the Shipping Act, 1916, specifically requesting the Board's approval and addressed as follows:

Federal Maritime Board,
Regulation Office,
Washington 25, D. C.

(c) All copies or memoranda of agreements, modifications or cancellations thereof submitted for the Board's approval under section 15 shall clearly show (preferably in the opening paragraph), their nature, the parties, ports, and subject matter in detail, and reference to any previously filed agreements to which they may relate.

(d) Performance under a section 15 agreement, modification or cancellation thereof is not authorized until the Board has expressly approved it.

§ 244.16 *Carrier performing forwarding services.* Any carrier performing forwarding services shall specify in his tariff the kinds of forwarding services performed by him and the charges made for such services.

§ 244.17 *Penalties for violations.* Penalties for violations of this part are prescribed by section 806 (d) of the Merchant Marine Act, 1936, 46 U. S. C. 1228.

§ 244.18 *Effective date.* (To be determined by the Board after the receipt of comments.)

Dated: March 11, 1957.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-2016; Filed, Mar. 18, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11660; FCC 57-239]

RADIO BROADCAST SERVICES

MAIN STUDIO AND STATION IDENTIFICATION OF TELEVISION BROADCAST STATIONS

In the matter of amendment of Part 3 of the rules and regulations governing Main Studio and Station Identification of Television Broadcast Stations.

1. In a notice of proposed rule making adopted in this proceeding March 21, 1956, we requested comments on proposals to amend the Commission's rules so as to permit the licensing of television stations, under certain conditions, to serve, maintain main studios in, and identify themselves in their announcements of station identification with more than one principal community.

2. Under the present rules, television stations are licensed to serve and identify themselves with only one "principal community". The Table of Assignments in § 3.606 of the rules assigns television channels to single cities, except for a relatively small number of cases in which channels are assigned to two or three hyphenated cities. Under section 3.607 (a) applications may be filed only for stations on the assigned channels, in the listed communities. Section 3.607 (b) provides that a channel assigned to two or more communities in combination (i. e., cities "hyphenated" under the Table of Assignments), is available separately for each such community. Also, under § 3.607 (b), an applicant may request authorization for a station to serve any individual city lacking a commercial channel assignment, which is located within 15 miles of the city or cities listed for the particular assignment in § 3.606.

3. Section 3.613 requires that the main studio of a television station be located within the principal community the station is authorized to serve, unless another location is authorized. The requirements of § 3.652 concerning station identification relate to identification with the city which the station is authorized to serve as its principal community. Section 3.658 (b), relating to territorial exclusivity in the broadcast of network programs, refers to the single community in which a station is "located", as specified in the station's instrument of authorization. Section 3.685, relating to transmitter location and minimum city signal refers, in the singular, to the "principal community to be served".

4. Before discussing the policy considerations affecting the proposed amendments, we turn to a threshold question concerning the Commission's statutory power to license television stations to serve, maintain studios in and identify themselves in station announcements with more than one principal community. Some of the parties to this proceeding contend that this would violate section 307 (b) of the Communications Act of 1934, as amended. We do not agree.

5. Section 307 (b) of the act reads, as follows:

> In considering applications for licenses, and modifications and renewals thereof, when and insofar as there is demand for the same, the Commission shall make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient and equitable distribution of radio service to each of the same.

This language neither contains any express prohibition against authorizing television stations to serve, maintain studios in and identify themselves with more than one principal community, nor, in our opinion, can it properly be interpreted to imply such a prohibition. For years, standard broadcast and FM stations have been authorized, under conditions specified in the rules (§§ 3.30 and 3.205, respectively), to maintain main studios in and identify themselves with more than one principal city. The fair, efficient and equitable distribution of radio service among the several States and communities within the means of section 307 (b) has never been held by the courts to preclude the maintenance by broadcast stations of main studios in, or identification with more than one principal city. Nowhere in the legislative history of section 307 (b) is there any basis for inferring Congressional intent that in applying the mandate of the section, the Commission be precluded from licensing a broadcast station to serve more than one principal city or community to maintain main studios in more than one place, or to identify itself with more than one city.

6. We believe that if Congress had intended such a marked exception from the wide latitude otherwise permitted the Commission in effectuating the fair, efficient and equitable distribution of radio service among the several States and communities, it would have embodied such a limitation in clear, express language. In the absence of such language, we construe section 307 (b) to permit the authorization of multiple principal city service and identification by stations in any of the broadcast services. Our decision therefore turns on policy rather than legal considerations.

7. Parties who support the proposed amendments have pointed out that in a number of cases a television station licensed to serve a particular city as its principal community, and required by § 3.652 to identify itself with that city in certain station announcements, in fact renders a city-grade signal throughout a neighboring city in which it maintains a separate studio. It is also pointed out that not only do such television stations render a full service to cities other than the one they are licensed to serve as their principal community, but also that they may find themselves in active competition with stations in the neighboring city. They compete for audience, for economic support and for local program sources and local talent. In some cases, moreover, the larger part of the audience served by a television station resides in or near a city other than the station's principal community. In practice, therefore, such a station is commonly identified in the minds of both listeners and advertising sponsors with more than one city or location. It is argued that in the foregoing circumstances, it would be appropriate for the Commission to broaden the rules so as to provide for the inclusion of more than one city in the required announcements of station identification.

8. In our notice of proposed rule making we raised questions concerning whether, if the proposed amendments were adopted, it would be desirable to impose certain types of conditions, such as a requirement that the cities included in the station identification announcements be hyphenated in the Table of Assignments or fall within the 15-mile rule, a provision that the amendment extend only to cities with common interests or which form part of a single overall community, and requirements concerning the provision of a minimum city-grade signal, a local studio, and a minimum amount of local live programming. The comments on these and related questions reflect a wide diversity of views, and raise serious doubts not only concerning the desirability of wide-scale departures from the present system of station identification with single city, but also concerning the feasibility of formulating fixed criteria whose application to differing local situations would reliably indicate the cases in which an exception to the general rule might be justified.

9. Concerning the first question, some parties would permit the inclusion only of cities which are "hyphenated" in the Table of Assignments. Others would broaden this to include cities within the "15-mile" rule of § 3.607 (b). It has been pointed out, however, that the purposes for which the Commission invoked the flexibility afforded by hyphenation do not necessarily relate to the considerations affecting whether it would be justifiable, in exceptional cases, to authorize the official identification of a television station with more than one city. Depending upon the circumstances, the criterion of hyphenation (whether or not extended to include cities within the 15-mile rule) might prove to be unduly restrictive in some instances, and unduly extensive in others. We have therefore concluded that hyphenation should be discarded as a possible criterion.

10. In paragraph 7 of our notice of proposed rule making we raised questions concerning the desirability and the feasibility of establishing criteria relating to the existence or absence of a community of interests between cities as one of the bases for determining whether authorization of multiple city identification would be appropriate. On this point most of the comments were in substantial agreement on the proposition that the concept of a community of interests is too broad and indefinable to permit its use as a criterion for the purposes of establishing a demarcation line between cases where multiple city identification might be justifiable and those where it would not be justified. We agree with those views, and have accordingly concluded that it is necessary to discard community of interests as a possible criterion.

11. In response to other questions raised in our notice of proposed rule making, numerous comments were directed to the question of whether authorization for multiple city identification should be conditioned on the provision of some fixed minimum amount of local live program originations from each of the individual cities included in multiple city identifications. Some parties advocate that such a condition be imposed, and some comments urged that the limitation be even more restrictive than the one posed in our notice. Other parties argued that any restriction embodied in rigid formulas would be awkward to observe in all the different circumstances which would arise. It was noted, for example, that an appropriate division of local live programming between studios located in different cities might vary according to the relative sizes of the cities, the time of year, the timing of public interest events, local campaigns and other sources of local programming, the nature and the amount of local program services provided by other stations, and other factors. Upon careful consideration of this facet of the problem we have concluded that it would be undesirable to impose rigid minimum requirements on local programming for each of the several cities with which a television station might be authorized to identify itself officially.

12. We have concluded for all the foregoing reasons that it would not be administratively feasible or desirable to adopt broad amendments to the rules embodying criteria which, if met, would automatically qualify a television station for authorization, as an exception to the general rule, to include more than one city in the announcements of station identification required under § 3.652 (a) of the rules.

13. A careful review of all the comments filed in this proceeding has persuaded us, moreover, that no justification has been shown for a general or widespread departure from the established system under which television stations are required to identify themselves officially with a single principal community to which their channel is assigned and which is designated as the location of the station in the station's instrument of authorization. Both because of this fact, and because of the difficulties, already discussed, of drafting amendments for general application which would automatically determine when the authorization of multiple city identification would be justified, we have concluded that the petitions for amendment of the rules filed in this proceeding should be denied.

14. We recognize, at the same time, that in exceptional cases the limitations of the present rules may be unnecessarily restrictive, and may preclude official identification of television stations with the communities they actually serve. As urged by some of the parties, this may very well be the case in some circumstances where the station provides a minimum city signal to more than one city, maintains well-equipped studios in more than one city and renders a full service to more than one city. Thus, although we do not believe that blanket exceptions should be permitted under specific amendments to the rules, we do not on the other hand conclude that it would necessarily be in the public interest to deny all requests for the authorization of official multiple city identification. We believe, therefore, that it would be desirable to consider requests for authorizations to include the name of more than one city in the announcements of station identification required under § 3.652, on the basis of requests for waiver of the limitation in the present rules. We will review any such requests in the light of all the relevant local circumstances, including the provision of a minimum city signal throughout the cities concerned, the applicant's proposals for the provision of studio facilities, the programming services to the cities concerned, other available television services, if any, the hardships, if any, which may be unjustifiably imposed by the present rules, and all other circumstances bearing on a decision as to whether the authorization would be justifiable in the individual case as an exception to the general rule.

15. *Accordingly, it is ordered,* That the petitions for amendment of the rules filed by Peninsula Broadcasting Corporation on July 22, 1955, and by Northwest Publications, Inc. on November 14, 1955, are denied and this proceeding is terminated.

Adopted: March 13, 1957.

Released: March 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2069; Filed, Mar. 18, 1957; 8:49 a. m.]

[47 CFR Parts 7, 8]

[Docket No. 11867; FCC 57-250]

STATIONS ON LAND AND ON SHIPBOARD IN THE MARITIME SERVICES

MISSISSIPPI RIVER SYSTEM RADIO-TELEPHONE FREQUENCIES

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make Mississippi River System radio-telephone frequencies available for assignment to one or more coast stations in the vicinity of Mobile, Alabama and to ship stations on the Gulf Intracoastal Waterway and the Alabama River System and connecting inland waters.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 13th day of March 1957;

The Commission having under consideration its notice of proposed rule making in the above-entitled proceeding which was adopted on November 8, 1956, in response to a petition filed on December 22, 1955, by Mobile Marine Radio, Mobile, Alabama;

It appearing that comments in opposition were filed by Warner and Tamble Radio Service, Inc., Aeronautical Radio, Inc. (ARINC), The Central Committee on Radio Facilities of the American Petroleum Institute, American Waterways Operators, Inc. (except one member, Warrior and Gulf Navigation Company which favored the proposal), American Telephone and Telegraph Company and RCA Communications, Inc.; and that two comments were filed supporting the proposal—one, by Mobile Marine Radio, and the other by the aforementioned Warrior and Gulf Navigation Company; and that, Mobile Marine Radio filed a reply comment in rebuttal to the objections field by Warner and Tamble Radio Service, Inc.; and

It further appearing that if the Mississippi River frequencies were authorized in the Gulf Coast area, adjacent channel interference would be received from and caused to an aeronautical fixed station licensed to operate on 2784 kc at Miami, Florida; and

It further appearing that of the potential users of the service who commented on the proposal only one company alleged a need for additional service while the other users who commented

stated in effect that there was no such need and opposed the proposed extended service, and

It further appearing that The Gulf of Mexico coastline area is now being served by existing public coast stations, including a series of VHF public coast stations along the Gulf Coastline from Panama City, Florida to La Marque (Galveston) Texas; and

It further appearing that no facts have been submitted in this proceeding which show a substantial need for the proposed extension of ship-shore service on the Mississippi River frequencies; and

It further appearing that in view of the potential disadvantages of such an extension and the lack of sufficient specific benefits to be derived therefrom that the proposed extended service would not be warranted;

It is ordered, That, in view of the foregoing, the Notice of Proposed Rule Making in this proceeding is withdrawn and Docket 11867 is closed;

It is further ordered, That that portion of Mobile Marine Radio's petition which gave rise to the issuance of the proposal in the subject docket is hereby denied.

Released: March 14, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2070; Filed, Mar. 18, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

USE OF REGISTRATION STATEMENT UNDER SECURITIES ACT OF 1933

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of § 240.12b-35 of its general rules and regulations under the Securities Exchange Act of 1934 and a proposed amendment to Form 10-K (§ 249.310) for annual reports under that act.

Section 240.12b-35 permits registrants under the Securities Act of 1933 to file an application for registration of securities on a national securities exchange consisting principally of its registration statement under the Securities Act and any annual, semi-annual or current reports filed pursuant to section 15 (d) of the Securities Exchange Act. The principal purpose of the proposed revision is to conform the rule to the requirements of the Commission's existing forms and to provide that the rule may not be resorted to unless the registration statement filed as a part of the application for registration contains substantially all of the information which would be required by the appropriate application form. The revised rule would also limit its use to registrants under the Securities Act which are subject to the reporting requirements under the Securities Exchange Act.

Form 10-K is the principal form used for annual reports by listed companies and Securities Act registrants which are subject to the reporting requirements under sections 13 and 15 (d) of the Securities Exchange Act. The proposed amendment to this form consists of a new instruction to item 4, which would provide that in case of an extractive enterprise the registrant shall furnish such material information in regard to its production, reserves, etc., as may be necessary to keep reasonably current the information previously reported in regard thereto.

I. Section 240.12b-35 would be revised to read as follows:

§ 240.12b-35. *Use of registration statement under Securities Act of 1933.* (a) Any registrant which has effective under the Securities Act of 1933 a registration statement containing substantially all of the information required by the appropriate application form may file an application for registration of any class of securities on a national securities exchange in accordance with the provisions of this section, provided (1) the registration statement is not subject to any proceeding under section 8 (d) of that act or to an order entered thereunder, and (2) the registrant is required to file reports pursuant to section 15 (d) of the Securities Exchange Act of 1934.

(b) An application for registration filed pursuant to this section shall consist of the following information and documents:

(1) The registration statement under the Securities Act of 1933, including financial statements and exhibits and all amendments to such statement, or a composite of such statement as amended. However, any financial statements or exhibits not called for by the appropriation application form may be omitted.

(2) A description of any class of securities being registered, as required by the appropriate application form, unless securities of such class were registered pursuant to the above registration statement.

(3) All annual, semi-annual and current reports, including all amendments thereto, filed by the registrant pursuant to section 15 (d) of the Securities Exchange Act of 1934 since the effective date of the above registration statement.

(4) Any financial statements or exhibits required by the appropriate application form which are not contained in the above registration statement or reports.

(5) The total number of stockholders as of the latest practicable date.

(c) The application for registration shall be filed under cover of the facing sheet of the appropriate application form and shall be signed in accordance with the requirements of that form. Except as otherwise provided in this section, all pertinent provisions of these general rules and regulations relating to the preparation and filing of applications for registration shall apply to applications filed pursuant to this section. The following statement and list of contents shall be set forth on the first page of the application immediately following the facing page thereof:

This application is filed pursuant to § 240.12b-35 of the general rules and regulations under the Securities Exchange Act of 1934 and consists of the following information and documents: (List the contents of the application for registration, commencing with the registration statement under the Securities Act of 1933, identifying it by file number and effective date.)

(d) In copies of the application for registration filed with the Commission, the registrant may incorporate by reference the registration statement or any reports required by paragraph (a) of this section. Section 240.12b-36 shall apply to financial statements filed as a part of, or incorporated by reference in, applications for registration filed pursuant to this section.

II. Form 10-K (§ 249.310) would be amended by adding to Item 4 thereof a new instruction 5 reading as follows:

5. In the case of an extractive enterprise, furnish such material information as to production, reserves, locations, development and the nature of the registrant's interest, as may be necessary to keep reasonably current the information previously reported in regard to such matters.

The foregoing action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 12 (b) and 23 (a) thereof.

All interested persons are invited to submit views and comments on the foregoing proposals in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before April 10, 1957. Except where it is requested that such communications not be disclosed, they will be considered available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 11, 1957.

[F. R. Doc. 57-2051; Filed, Mar. 18, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 32]

FUNCTIONS RELATING TO SPECIFIC LEGISLATION

DELEGATION OF AUTHORITY

Order 551, as amended, is further amended to add a new section under the heading Functions Relating to Specific Legislation to read as follows:

SEC. 364. *Authority under act approved August 27, 1954 (68 Stat. 868).* The taking of action with respect to those matters contained in the following sections in said act:

Section 9.
Section 12.
Section 22.
Section 26 (except the execution of patents).

W. BARTON GREENWOOD,
Acting Commissioner.

MARCH 8, 1957.

[F. R. Doc. 57-2044; Filed, Mar. 18, 1957; 8:45 a. m.]

MESCALERO INDIAN IRRIGATION PROJECT, NEW MEXICO

NOTICE OF INTENTION TO IMPOSE ANNUAL ASSESSMENT FOR WATER

Pursuant to section 3 and section 4 (a) of the Administrative Procedure Act of June 11, 1946 and acts approved August 1, 1914, and March 7, 1928, 60 Stat. 238, 38 Stat. 583, 45 Stat. 210, R. S. sec. 465; 5 U. S. C., 1952 ed.; secs. 1002 and 1003, 25 U. S. C. 1952 ed., 385, 387, 9 and by virtue of authority delegated by the Commissioner of Indian Affairs to the undersigned by order 551, amendment 1, approved June 5, 1951, 16 F. R. 3456-3457, notice is hereby given of intention to issue an order making an annual assessment of $5.90 against each acre of land on the Mescalero Indian Reservation, New Mexico, to which water can be delivered from the irrigation project works, effective for the year 1957 and each year thereafter until further notice. The assessment shall be due and payable on or before March 1 of each year except that in cases of Indians farming their own lands who are unable to pay the assessment when due, water may be delivered to their land following certification by the Superintendent to the official in charge of the irrigation project that such Indian is financially unable to pay or that payment of assessment will be made from proceeds of crops by a given date, or will be paid from other designated sources as funds become available.

All interested persons are hereby given opportunity to submit their views, data or arguments concerning such proposed order in writing to Area Director, Gallup Area Office, Bureau of Indian Affairs, Gallup, New Mexico, within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

T. B. HALL,
Acting Area Director.

[F. R. Doc. 57-2045; Filed, Mar. 18, 1957; 8:45 a. m.]

Bureau of Land Management

[Serial No. Idaho 08047]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 11, 1957.

The Atomic Energy Commission has filed an application, Serial No. 08047, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, General Mining laws, and Mineral Leasing laws. The applicant desires the land for use in connection with the National Reactor Testing Station.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 3 N., R. 33 E.,
Secs. 1 to 30 inclusive;
Sec. 31, Part of NW¼.
T. 3 N., R. 34 E.,
Secs. 4 to 9 inclusive;
Secs. 16 to 21 inclusive;
Sec. 30, All;
Sec. 29, W½, W½E½.
T. 4 N., R. 33 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 16 inclusive;
Secs. 21 to 29 inclusive;
Secs. 33 to 36 inclusive.
T. 4 N., R. 34 E.,
Secs. 1 to 33 inclusive.
T. 5 N., R. 33 E.,
Secs. 1 to 4 inclusive;
Secs. 9 to 16 inclusive;
Secs. 21 to 28 inclusive;
Secs. 33 to 36 inclusive.
T. 5 N., R. 34 E.,
Secs. 1 to 36 inclusive.
T. 6 N., R. 33 E.,
Secs. 13 to 16 inclusive;
Secs. 20 to 29 inclusive;
Secs. 32 to 36 inclusive;
Sec. 4, Part of W½;
Sec. 9, Part of W½, SE¼;
Sec. 10, Part of S½;
Sec. 11, Part of S½;
Sec. 12, Part of S½.
T. 6 N., R. 34 E.,
Sec. 18, Part of;
Sec. 19, All;
Sec. 30, All;
Sec. 31, All;
Sec. 32, All;
Sec. 33, Part of W½.
T. 7 N., R. 32 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive.
T. 7 N., R. 33 E.,
Sec. 7, All;
Sec. 16, All;
Sec. 17, All;
Sec. 18, All;
Sec. 19, All;
Sec. 20, All;
Sec. 21, All;
Sec. 29, All;
Sec. 6, W½;
Sec. 28, W½, Part of NE¼;
Sec. 33, W½.
T. 8 N., R. 32 E.,
Sec. 13, S½;
Sec. 14, S½;
Sec. 15, S½;
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 8 N., R. 33 E.,
Sec. 18, SW¼;
Sec. 19, W½;
Secs. 30 and 31, W½.
T. 7 N., R. 30 E.,
Secs. 1 to 3 inclusive;
Secs. 10 to 15 inclusive;
Secs. 34 to 36 inclusive.
T. 7 N., R. 31 E.,
Secs. 1 to 21 inclusive;
Secs. 30 and 31 inclusive.
T. 8 N., R. 30 E.,
Secs. 22 to 27 inclusive;
Secs. 34 to 36 inclusive.
T. 8 N., R. 31 E.,
Sec. 13, S½;
Secs. 19 to 36 inclusive.

J. R. PENNY,
State Supervisor,

[F. R. Doc. 57-2046; Filed, Mar. 18, 1957; 8:46 a. m.]

[Serial No. Idaho 08002]

IDAHO

ORDER PROVIDING FOR RESTORATION OF PUBLIC LANDS

MARCH 8, 1957.

In an exchange of lands made in accordance with the terms and provisions of the Act of March 20, 1922 (42 Stat. 465), as amended by the act of February 28, 1925 (43 Stat. 1090) the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 50 N., R. 1 E.,
Sec. 19, Lots 3, 4.
T. 50 N., R. 1 W.,
Sec. 25, N½NE¼.

The areas described above total 184.76 acres of public lands. These lands are productive of a fine stand of poles and desirable species of forestry. The topography is rough and mountainous in character.

These lands are within the exterior limits of Coeur d'Alene National Forest

as established by proclamation of November 6, 1906, and the above-described lands are subject to the national forest withdrawal and are not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–283) wherein, as amended granting a preference right of application to veterans of World War II and others.

Upon publication of this Order the lands described shall be subject to operation of public land laws relating to national forests subject to valid existing rights and provisions of existing withdrawals.

Inquiries and applications concerning the above lands shall be addressed to the Regional Forester, U. S. Forest Service, Federal Building, Missoula, Montana.

NOLAN F. KEIL,
Acting State Supervisor.

[F. R. Doc. 57-2047; Filed, Mar. 18, 1957; 8:46 a. m.]

[Serial No. Idaho 04561]

IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 11, 1957.

The State of Idaho, Department of Fish and Game, has filed an application, Serial No. Idaho 04561, for the withdrawal of the lands described below, from all forms of appropriation, in accordance with the terms and provisions of the Coordination Act of August 14, 1946 (60 Stat. 1080; 16 U. S. C. 661–666c). The applicant desires the land for production of migratory waterfowl and aquatic fur animals.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BOISE MERIDIAN, IDAHO

T. 14 S., R. 44 E.,
Sec. 5, Lots 7, 8, 9;
Sec. 6, Lots 11, 12, 13, 14;
Sec. 7, Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, SE¼SE¼;
Sec. 8, Lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20;
Sec. 17, Lots 2, 3, 4, 5, 6;
Sec. 18, Lot 9;
Sec. 21, Lots 1, 2, 3, 4, NW¼NE¼;
Sec. 22, Lots 1, 2, 3;
Sec. 26, SW¼NE¼;
Sec. 35, Lots 3, 4.

T. 15 S., R. 44 E.,
Sec. 1, Lots 5, 6, 9, 10, NE¼SW¼;
Sec. 6, Lots 1, 2, 3, 4, 5;
Sec. 12, Lots 2, 3, 6, 7, NE¼NW¼;
Sec. 13, Lots 2, 3, 6;
Sec. 14, Lot 1.

The total area includes 1,974.28 acres.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-2048; Filed, Mar. 18, 1957; 8:46 a. m.]

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 11, 1957.

The U. S. Fish and Wildlife Service has filed an application, Serial No. Sacramento 052888, for the withdrawal of the lands described below, from all forms of appropriation except mineral leasing under the mineral leasing laws and the disposal of materials under the Materials Act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185). The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

The applicant desires the land be reserved in public ownership to provide assistance to the State of California for the protection, development and management of the wildlife resources. The area is known as the King Peak Wildlife Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 801, California Fruit Building, Fourth and J Streets, Sacramento, California.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

HUMBOLDT BASE AND MERIDIAN

T. 3 S., R. 1 W.,
Sec. 17, S½;
Sec. 18, Lots 2 and 3, SE¼NW¼, NE¼SW¼, SE¼SE¼;
Sec. 19, Lot 4, SW¼NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 20, E½, E½W½, NW¼NW¼, SW¼SW¼;
Secs. 21, 22, 23, all;
Sec. 24, W½, SE¼;
Secs. 25, 26, 27, 28, 29, all;
Sec. 30, NE¼NE¼, S½NE¼, SE¼;
Sec. 32, E½NE¼, E½NW¼, NW¼NW¼;
Secs. 33, 34, 35, all.

T. 4 S., R. 1 W.,
Secs. 1, 2, all;
Sec. 3, E½E½, NW¼NE¼, N½NW¼;
Sec. 4, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 5, NE¼NE¼;
Sec. 9, Lots 1 and 2;
Sec. 11, N½, NE¼SW¼, N½SE¼;
Sec. 12, all;
Sec. 13, Lots 1–4, inclusive, NE¼, SE¼NW¼, N½SE¼;
Sec. 24, Lot 1.

T. 3 S., R. 1 E.,
Sec. 30, Lot 4, SE¼SW¼, SW¼SE¼;
Sec. 31, Lots 1–26, inclusive.

T. 4 S., R. 1 E.,
Sec. 5, all;
Sec. 6, Lots 1, 3, 4, 5, 6, 9 and 10, SE¼NE¼, S½NW¼, S½;
Sec. 7, Lots 2, 3, 6 and 7, N½, SW¼, W½SE¼;
Sec. 8, E½, E½W½, W½NW¼, SW¼SW¼;
Sec. 15, Lots 1, 2, 5 and 6, W½NE¼, E½NW¼, NW¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 17, all;
Sec. 18, Lots 2 and 3, NW¼, W½NE¼;
Sec. 20, N½NE¼, SE¼NE¼, SE¼, NE¼NW¼;
Sec. 21, Lots 1–8, inclusive, SW¼, N½SE¼;
Sec. 22, Lots 1–4, inclusive, E½NW¼, E½SE¼;
Sec. 25, Lot 5, SW¼NW¼;
Sec. 26, Lots 1, 2, 3, S½NE¼, SE¼NW¼, SW¼, W½SE¼;
Sec. 27, Lots 1, 2, 3, 6, 7, 8, SE¼NW¼, E½SW¼, SW¼SW¼;
Sec. 28, E½NW¼;
Sec. 29, NE¼NE¼;
Sec. 34, Lots 1–4, inclusive, N½NW¼.

The area described contains 20,764.32 acres of public land in Humboldt County.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-2049; Filed, Mar. 18, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

C. F. BAU & CIE, K. G.

ORDER INDEFINITELY DENYING EXPORT PRIVILEGES

In the matter of C. F. BAU & CIE, K. G., 14/25 Hindenburg Street, Offenburg/BW, Western Germany; respondent.

The Agent-in-Charge of the Investigation Staff, having applied for an order indefinitely denying export privileges to C. F. Bau & Cie, K. G., of 14/25 Hindenburg Street, Offenburg, Western Germany, alleging that it has failed and refused to answer interrogatories duly propounded to it with respect to its intended disposition of 1,000 tons of borax, technical granular, which it ordered from a United States supplier and in connection with its specific written representations to its U. S. supplier of its intention to import said borax into the Federal Republic of Germany for processing;

And said application having been referred to the Compliance Commissioner who has reported (a) that trade information was reasonably accepted as evidence of the improbability that the Federal Republic of Germany would permit importation of so large a quantity of borax in this form, (b) that a formal interrogatory in the form contemplated in § 382.15 of the export regulations was duly served upon C. F. Bau & Cie, K. G. and notice given to it that failure to answer such interrogatory could be followed by denial of export privileges until such time as the answers are furnished and (d) that C. F. Bau & Cie, K. G. failed to make a reply that was responsive to the interrogatories or that answered the questions propounded by the interrogatory;

And the Compliance Commissioner having recommended that this order be entered;

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application and, having concluded (a) that, by failing and refusing to answer the specific questions propounded to it by the interrogatory, the respondent, C. F. Bau & Cie, K. G., has violated section 6 (a) of the Export Control Act of 1949, as amended, and § 381.5 of the regulations promulgated thereunder and (b) that this order is necessary and reasonable to protect the public interest and to achieve effective enforcement of the Export Control Act: *It is hereby ordered:*

(1) All outstanding validated export licenses held by or issued in the name of the respondent, C. F. Bau & Cie, K. G., or in which it appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondent, C. F. Bau & Cie, K. G., its directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form or capacity in an exportation of any commodity or technical data from the United States to any foreign destination including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the named respondent, but also to any person, firm, corporation, or business organization with which it may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall be effective forthwith and shall remain in effect until such time as respondent, C. F. Bau & Cie, K. G., shall respond to the interrogatories heretofore propounded to it or shall give adequate reasons to the Bureau of Foreign Commerce for its failure or refusal to respond; or unless amended or modified hereafter in accordance with Part (8) hereof;

(5) If within ten (10) days after receipt of this order, respondent C. F. Bau & Cie, K. G. has not responded to the interrogatories or given adequate reasons to the Bureau of Foreign Commerce for its failure or refusal to respond and has not made a motion to the Compliance Commissioner to vacate or modify this denial order in accordance with the provisions of Part (8) hereof, this order shall be published in the FEDERAL REGISTER.

(6) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, without prior disclosure of the fact to, and specific authorization from the Bureau of Foreign Commerce, shall directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereinabove have any interest or participation of any kind or nature, direct or indirect;

(7) A certified copy of this order shall be served upon the named respondent by registered mail or hand delivery;

(8) In accordance with the provisions of § 382.11 (c) of the export control regulations, the respondent may move the Compliance Commissioner at any time prior to the entry of a final order to vacate or modify this denial order by filing with him an appropriate motion therefor, supported by evidence or answers to the interrogatories heretofore propounded, and it may request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: December 18, 1956.

JOHN C. BORTON,
Director,
Office of Export Supply.

[F. R. Doc. 57-2056; Filed, Mar. 18, 1957; 8:47 a. m.]

Federal Maritime Board

[Docket No. 816]

GENERAL PRACTICES, CHARGES, SERVICES, DEFINITIONS, AND AGREEMENTS OF TERMINAL OPERATORS AT ATLANTIC AND GULF PORTS

NOTICE OF INVESTIGATION AND OF HEARING

On March 11, 1957, the Federal Maritime Board entered the following order:

It appearing that pursuant to section 1 of the Shipping Act, 1916, as amended, any person operating a marine terminal which provides a link service with a common carrier by water is an "other person subject to this act" insofar as such link service includes the furnishing of wharfage, dock, warehouse, or other terminal facility; the term "person" as used herein includes, but without limitation, individuals, corporations, partnerships, associations, steamship lines, railroads, and state, municipal and other governmental entities;

It further appearing that parties named in Appendix A are carrying on the business of furnishing wharfage, dock, warehouse or other terminal facilities in connection with common carriers by water, at ports located on the United States Atlantic and Gulf Coasts, and are therefore subject to the Shipping Act, 1916, as amended; and

It further appearing that certain charges, rules, regulations or practices of such aforesaid terminal operators pertaining to Dockage, Free Time, Wharf Demurrage, Wharfage, Handling, or other accessorial services may constitute unjust or unreasonable practices within the meaning of section 17 of the Shipping Act, 1916, as amended (46 U. S. C. 816) or may result in violation of section 16 First (46 U. S. C. 815) of said act; and

It further appearing that the present tariff terminology covering aforesaid terminal services offered and performed by said terminal operators vary in content, form definition and nomenclature to an extent which may cause doubt and confusion to users of these services and therefore may result in unjust or unreasonable regulations or practices within the meaning of section 17; and

It further appearing that rail carriers shown as participants in Southern Freight Tariff Bureau Freight Tariff S–326–N, Agent C. A. Spaninger's ICC No. 1511, and various other persons with whom the said rail carriers have arrangements or contracts or leases may have entered into agreements with each other and with said various other persons covering the establishment of terminal charges, rules, regulations and practices at Atlantic and Gulf ports which are subject to section 15 of the Shipping Act, 1916, but which were not filed with the Federal Maritime Board pursuant to the requirements of section 15 of the Shipping Act, 1916 (46 U. S. C. 814);

It is ordered, That the Board, on its own motion enter upon a proceeding of inquiry and investigation pursuant to section 22 of the Shipping Act, 1916, as amended (46 U. S. C. 821), to determine

(a) Whether the charges, regulations and practices of terminal operators at U. S. Atlantic and Gulf ports are just and reasonable within the meaning of section 17 of the Shipping Act, 1916, as amended;

(b) Whether the charges, regulations and practices of terminal operators at U. S. Atlantic and Gulf ports are in violation of section 16, First, of the Shipping Act, 1916, as amended; and

(c) Whether rail carriers participating in Southern Freight Tariff Bureau Freight Tariff S–326–N, Agent C. A. Spaninger's I. C. C. No. 1511 governing Demurrage, Handling, Storage, Weighing and Wharfage at Virginia, South Atlantic, Florida and Gulf Ports (other than New Orleans, La.) have entered into and carried out agreements with each other and with other persons covering the establishment of terminal charges, rules, regulations or practices

at such ports in violation of section 15 of the Shipping Act, 1916, as amended;

It is further ordered, That pursuant to sections 16 and 17 of the Shipping Act, 1916, as amended, section 19 of the Merchant Marine Act, 1920, section 204 of the Merchant Marine Act, 1936 and section 4 of the Administrative Procedure Act, the Board institute a rule-making proceeding for the purpose of prescribing uniform definitions of terminal services offered by all persons carrying on the business of furnishing wharfage, dock, warehouse or other terminal facilities in connection with a common carrier by water at U. S. Atlantic and Gulf ports; and

It is further ordered, That all persons carrying on the business of furnishing wharfage, dock, warehouse or other terminal facilities in connection with a common carrier by water at any port located on the Atlantic or Gulf Coast of the United States be, and they are hereby, named respondents in this proceeding; that copies of this order be served upon each of them (listed in Appendix A), and that notice of this proceeding be given to all other persons and the general public by publishing this order in the FEDERAL REGISTER; and

It is further ordered, That this proceeding be assigned for hearing before an examiner of the Hearing Examiners Office at a date and place to be fixed by the Chief Examiner.

APPENDIX A

Alabama State Docks and Terminals.
Alabama, Tennessee and Northern R. R. Co.
American Export Lines, Inc.
American President Lines, Ltd.
American Stevedores, Inc.
American Sugar Refining Co., The
Anchor Terminal Service Co., Inc.
Apalachicola, Northern R. R. Co.
Associated Operating Co., The
Atlantic and Danville Railway Co.
Atlantic and East Carolina Railway Co.
Atlantic & Saint Andrews Bay Railway Co.
Atlantic Coast Line R. R. Co.
Atlantic Stevedoring Co., Inc.
Atlantic Terminals.
Baltimore & Ohio Railway.
Bay Ridge Operating Co., Inc.
Beard's Erie Basin, Inc.
Beaufort and Morehead R. R. Co.
Board of Commissioners, City of Jersey City, The
Board of Commissioners, Port of Lake Charles.
Board of Commissioners, Port of New Orleans.
Board of Commissioners, Port of Palm Beach District.
Board of Navigation and Canal Commissioners of the Brownsville Navigation District.
Board of Trustees of the Galveston Wharves.
Brooklyn Eastern District Terminal.
Broward County Port Authority, Port Everglades, Fla.
Bull-Insular Line, Inc.
Canton R. R. Co.
Cambeis Trucking Co., Inc.
Central of Georgia Railway Co.
Charleston & Western Carolina Railway Co.
Chesapeake and Ohio Railway Co., The.
Chester Tidewater Terminal, Inc.
Cilco Terminal Co., Inc.
City Commission of the City of Miami, The.
City Compress & Warehouse Co.
City of Jacksonville.
City of Tampa.
City of Trenton, The.
Clark and Son, John T.
Commercial Stevedoring Co., Inc.
Commonwealth of Massachusetts, Port of Boston Commission.
Compagnie Generale Transatlantique.
Connecticut Terminal Co., Inc.
Cunard Steam-Ship Company, Limited, The.
Delaware River Terminal & Warehouse Co.
Elizabeth New Jersey City Council.
Florida East Coast Railway Co.
Flota Mercante Grancolombiana, S. A., Transportadora Grancolombiana, Ltda.
Gallagher & Sons, E. A.
General Marine Terminals, Inc.
Georgia Ports Authority.
Georgia Southern & Florida Railway Co.
Southern Railway System.
Grace Line Inc.
Gulf Atlantic Warehouse Co.
Gulf Mobile and Ohio R. R. Co.
Gulf port Port Commission.
Heide Warehouse Co.
Illinois Central R. R. Co.
Imperial Tobacco Co., Ltd., The.
Independent Terminals, Inc.
India Street Lumber Terminal, Inc.
International Elevating Co.
International Terminal Operating Co., Inc.
Jay Street Connecting Railroad, The.
Kansas City Southern Railway Co.
Lambert's Point Docks, Inc.
Louisiana Southern Railway Co., Southern Railway System.
Louisville and Nashville R. R. Co.
Luckenbach Steamship Co., Inc., Terminals Division.
Lumber Exchange Terminal, Inc.
Maher Stevedoring Co., Inc.
Maine Port Authority.
Manchester Terminals Corp.
Marra Bros., Inc.
Maude/James Inc.
McGrath Corporation, John W.
Merchants' Warehouse Co.
Mersey & Hudson Wharfage Corp.
Moore-McCormack Lines, Inc.
Mystic Terminal Co., The.
National Cargo Bureau, Inc.
Navigation and Canal Commissioners, Harris County Houston Ship Channel Navigation District.
Nederlandsch-Amerikaansche Stoomvaart Maatschappy "Holland-Amerika Lyn" (Holland America Line).
New Haven Terminals, Inc.
New York Central R. R. Co., The
New York Harbor Terminal Corp.
Norfolk & Western Railway.
Norfolk Southern Railway Co.
North Carolina State Port Authority.
Norwegian America Line Agency, Inc.
Nueces Country Navigation Commissioners, Port of Corpus Christi.
Oakdene Compress & Warehouse Co.
Orange Wharf and Dock Commission, The.
Orr & Son, John J.
Packet Shipping Corp.
Pennsylvania Railroad, The.
Philadelphia Piers, Inc.
Pioneer Terminal Corp.
Pittsburgh Metallurgical Co., Inc.
Pittston Stevedoring Corp.
Port Commission, Port of Beaumont.
Portland Terminal Co.
Port of New York Authority, The.
Port Utilities Commission of Charleston, S. C., The.
Reading Co.
Richmond Fredericksburg & Potomac R. R. Co.
Richmond Waterfront Terminals, Inc.
Rupert Terminals Corp.
Savannah & Atlanta Railway Co.
Savannah State Docks R. R. Co.
Seaboard Air Line Railway Co.
Seaboard Contracting Co., Inc.
Sealand Dock & Terminal Corp.
Seatrain Lines, Inc.
Shipyard River Terminal Co.
Sottnek Company, Inc., Jules S.
Sottnek Terminal Corp.
South Carolina State Ports Authority.
South Jersey Port Commission.
Southern Railway Co., Southern Railway System.
Southern Tidewater Terminal.
Southgate Storage Co.
Sprunt Co., The.
St. Johns River Terminal Co.
St. Louis-San Francisco Railway Co.
Standard Terminals, Inc.
State Division of Harbors and Rivers, The State of Rhode Island.
States Terminal Corp.
Strachan Shipping Co., Inc.
Suwannee Trainferry Lines, Inc.
Tampa Stevedoring Co., Inc.
Texas and New Orleans R. R. Co. (Southern Pacific Lines).
Texas City Terminal Railway Co.
Texas Pacific-Missouri Pacific Terminal R. R. of New Orleans.
Transoceanic Terminal Corp.
Turner & Blanchard, Inc.
United Port Service Company, The.
United States Lines.
Universal Terminal & Stevedoring Corp.
Ward-Garcia, S. A.
Waterman Steamship Corp.
West Coast Line, Inc.
Western Maryland Railway.
West India Fruit & Steamship Co., Inc.
West Palm Beach Terminal Co.
Whitehall Terminal Corp.
Wiggin Terminals, Inc.
Wilmington Marine Terminal, Board of Harbor Commissioners.
Wilmington Terminal Warehouse Co.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a time and place to be hereafter determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before April 30, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

Dated: March 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-2082; Filed, Mar. 18, 1957; 8:51 a. m.]

[Docket No. 815]

COMMON CARRIERS BY WATER; STATUS OF EXPRESS COMPANIES, TRUCK LINES AND OTHER NON-VESSEL CARRIERS

NOTICE OF INVESTIGATION AND OF HEARING

On March 11, 1957, the Federal Maritime Board entered the following order:

It appearing that there have been filed with the Federal Maritime Board, various tariffs issued by motor truck companies, freight forwarders, and express companies, as common carriers by water,

or tariffs in which the said classes are shown as participating common carriers by water, which tariffs name rates, fares, charges, classifications, rules, practices and regulations from, to or between U. S. ports on the one hand, and U. S. Districts, Territories or Possessions on the other, also from, to or between U. S. ports on the one hand and foreign countries on the other;

It further appearing that certain of the above motor carriers, freight forwarders and express companies have filed agreements with the Board under section 15 of the Shipping Act, 1916, as amended, as common carriers by water;

It further appearing that such motor truck companies, freight forwarders, and express companies, by their published freight tariffs and otherwise, hold themselves out to transport for the public by water, but do not own; operate or control the means by which such transportation is effected;

It further appearing, that the Board is of the opinion that an investigation should be conducted into the operations of the said classes of carriers to determine their status under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended;

It is ordered, That the Board enter upon a hearing to determine the classification and status of the aforesaid classes of carriers under the Shipping Act, 1916, as amended, and the Intercoastal Shipping Act, 1933, as amended;

It is further ordered, That the Board investigate the lawfulness of all agreements filed under section 15 of the Shipping Act, 1916, as amended, in which any of the aforesaid classes of carriers are parties thereto; and

It is further ordered, That copies of this order shall be forthwith served upon all persons, corporations, agents and companies listed in Appendix A, attached hereto, and the said parties be, and they are hereby, made respondents in this proceeding; that said parties be duly notified of the time and place of the hearing herein ordered, and that notice of such hearing be published in the FEDERAL REGISTER.

APPENDIX A

Alaska Steampship Co.
American President Lines, Ltd.
Allied Pittsburg Warehouse & Van Co., Inc.
Allied Van Lines, Inc.
Paul Arpin Van Lines, Inc.
Atlas Van Lines, Inc.
Atlas Van Service, Inc.
Bekins Household Shipping Co.
Bekins Moving & Storage Co.
Columbia Van Lines, Inc.
Dean Van Lines.
Delcher Brothers Storage Co.
Nippon Express Company, Ltd.
North American Van Lines, Inc.
Pacific Freight Corp.
Porto Rican Express Co.
Pyramid Van Lines, Inc.
Railway Express Agency.
Republic Van & Storage Co., Inc.
Suddath Moving & Storage Co., Inc.
Pan American Van Lines, Inc.
The McKee Co. d. b. a. Alaska Parcel Service and Ocean Forwarders.
The Oceanic Steamship Co.
Garrison Fast Freight, Inc.
Global Van Lines.
Howard Van Lines, Inc.
Inter-Island Steam Navigation Co., Ltd.
John F. Ivory Storage Co.
Lyon Van Lines, Inc.
Martin Van Lines, Inc.
Matson Navigation Co.
Movers & Warehousemen's Association of America, Inc.
National Carloading Corp.
National Van Lines, Inc.
Trans-Ocean Van Service, Inc.
United States Van Lines, Inc.
United Van Lines, Inc.
Universal Carloading & Distributing Co., Inc.
Von Der Ahe Van Lines, Inc.
Weaver Bros., Inc.
Coastwise Line.
Puerto Rico Freight Delivery Co.
Valencia Baxt Express, Inc.
Security Storage & Van Company, Inc.
Trailer Marine Transportation, Inc.

Pursuant to the above order, notice is hereby given that a public hearing in this proceeding will be held before an examiner of the Board's Hearing Examiners' Office at a time and place to be hereafter determined and announced by the Chief Examiner. The hearing will be conducted in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued by the examiner.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies), having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Board on or before April 30, 1957, and should file petitions for leave to intervene in accordance with Rule 5 (n) of said rules of practice and procedure.

Dated: March 14, 1957.

By order of the Federal Maritime Board.

GEO. A. VIEHMANN,
Assistant Secretary.

[F. R. Doc. 57-2083; Filed, Mar. 18, 1957; 8:51 a. m.]

Office of the Secretary

ALEXANDER D. THOMSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Alexander D. Thomson.
2. Employing agency: Department of Commerce, Defense Air Transportation Administration.
3. Date of appointment: February 28, 1957.
4. Title of position: Consultant.
5. Name of private employer: T. O. Ranch Company.

CARLTON HAYWARD,
Director of Personnel.

MARCH 11, 1957.

Statement of Financial Interests

6. Names of:

a. Any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests;

b. Any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and

c. Any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Allied Chemical & Dye Corporation.
Aluminum Company of America.
American Natural Gas Co.
American Radiator & Standard Sanitary Corp.
Armstrong Cork Co.
Bethlehem Steel Corp.
Cleveland Electric Illuminating Co.
The Consolidated Mining & Smelting Co. of Canada.
Federated Department Stores, Inc.
Fibreboard Paper Products Corp.
Fireman's Fund Insurance Co.
First National City Bank of New York.
General Electric Co.
General Motors Corp.
W. T. Grant Co.
Kelly-How-Thomson Co.
Kennecott Copper Corp.
Johns Manville Corp.
Minnesota Mining & Manufacturing Co.
The Ohio Oil Co.
Phelps Dodge Corp.
Phillips Petroleum Co.
Rheem Manufacturing Co.
St. Joseph Lead Co.
Sears, Roebuck & Co.
Socony Mobil Oil Co., Inc.
Southern California Edison Co.
Standard Oil Company of New Jersey.
T. O. Ranch Co.
Texas Co.
Union Carbide & Carbon Corp.
United States Steel Corp.
Westinghouse Electric Corp.
F. W. Woolworth Co.
Castle Pines Development Co.
Commonwealth Oil.
Continental Air Lines.
Cyclo Manufacturing Co.
Denver Club.
Denver Country Club.
Frontier Oil.
Gamma Corp.
Lisbon Valley Uranium Co.
Oil Tool Research & Development Co.
Rocky Mountain Corp.
Winter Park Recreational Association.
Butter-Pak, Inc.

Interest in oil and gas leases in the following States: Colorado, Illinois, Indiana, Kentucky, Nebraska, Oklahoma, Texas, Utah, Wyoming.

Dated: March 6, 1957.

ALEXANDER D. THOMSON.

[F. R. Doc. 57-2073; Filed, Mar. 18, 1957; 8:50 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards

Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

General Cigar Co., Inc., Division and Brook Streets, Kingston, Pa.; effective 3-1-57 to 2-28-58.

General Cigar Co., Inc., Johnstone and Neville Streets, Perth Amboy, N. J.; effective 3-1-57 to 2-28-58.

La Primadora Cigar Corp., East Avenue at Turner Street, Clearwater, Fla.; effective 3-1-57 to 2-28-58.

M. Trelles & Co., Inc., 701 South Peters Street, New Orleans, La.; effective 3-1-57 to 2-28-58.

The following learner certificate was issued for plant expansion purposes. The number of learners authorized is indicated.

General Cigar Co., Inc., Division and Brook Streets, Kingston, Pa.; effective 3-11-57 to 9-10-57; 50 learners.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers engaged in authorized learner occupations for normal labor turnover purposes.

James Churchill Glove Co., Centralia, Wash.; effective 3-1-57 to 2-28-58 (work gloves).

Riegel Textile Corp., Warlong Division, Conover, N. C.; effective 3-1-57 to 2-28-58 (work gloves).

Wells Lamont Corp., Beardstown, Ill.; effective 3-1-57 to 2-28-58 (leather work gloves).

Wells Lamont Corp., 516 East Main Street, Brownsville, Tenn.; effective 3-1-57 to 2-28-58 (fabric gloves).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of machine stitchers for normal labor turnover purposes.

The Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 3-1-57 to 2-28-58 (work gloves).

The Boss Manufacturing Co., Gregory and Harrington Streets, Cisco, Tex.; effective 3-1-57 to 2-28-58 (work gloves).

Fairfield Glove Co., Bonaparte, Iowa; effective 3-1-57 to 2-28-58 (gloves and mittens).

Good Luck Glove Co., Metropolis, Ill.; effective 3-10-57 to 3-9-58 (work gloves).

Riegel Textile Corp., Brundidge, Ala.; effective 3-1-57 to 2-28-58 (work gloves).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated.

N. Star Glove Co., Inc., 2317 Pacific Avenue, Tacoma, Wash.; effective 3-1-57 to 2-28-58; eight learners (cotton flannel and leather lined gloves).

Wm. E. Seal & Co., East North Street, Millersburg, Pa.; effective 3-1-57 to 2-28-58; two learners (work gloves).

Standard Glove Co. of New Jersey, 109 Prelinghuysen Avenue, Newark, N. J.; effective 3-1-57 to 2-28-58; five learners (work gloves).

Brookville Glove Mnaufacturing Co., Inc., Western Avenue, Brookville, Pa.; effective 3-1-57 to 2-28-58; 10 learners (cotton work gloves).

Fairfield Glove Co., 603 West Stone, Fairfield, Iowa; effective 3-1-57 to 2-28-58; 10 learners (gloves and mittens, work fabric).

Galena Glove & Mitten Co., 430 Garfield Avenue, Dubuque, Iowa; effective 3-1-57 to 2-28-58; 10 learners (work gloves).

Jomac Products, Inc., 1624 East Winono Avenue, Warsaw, Ind.; effective 3-7-57 to 3-6-58; 10 learners (work gloves).

Tex-Sun Glove Co., 321 South 14th Street, Corsicana, Tex.; effective 3-1-57 to 2-28-58; 10 learners (work gloves).

Tex-Sun Glove Co., Fairfield, Tex.; effective 3-1-57 to 2-28-58; 10 learners (work gloves).

The following learner certificate was issued for plant expansion purposes. The number of learners authorized is indicated.

Wells Lamont Corp., Hugo, Okla.; effective 3-1-57 to 8-31-57; 10 learners (work gloves).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Fort Kent Telephone Co., Fort Kent, Maine; effective 3-1-57 to 2-28-58.

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

The following learner certificates were issued, effective March 1, 1957, and expiring November 30, 1957, authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes.

Allegro Shoe Corp., South Ann Street, Little Falls, N. Y.

L. E. Beaudin Shoe Co., Inc., Factory Street, Hanover, Pa.

Bedford Shoe Co., Carlisle, Pa.

Billing Shoe Co., 1500 Main Street, Peckville, Pa.

Brown Shoe Co., Piggott, Ark.

Brown Shoe Co., Pocahontas, Ark.

Brown Shoe Co., Pittsfield, Ill.

Brown Shoe Co., Salem, Ill.

Brown Shoe Co., Boonsville, Miss.

Brown Shoe Co., Dixon, Mo.

Brown Shoe Co., Dyer, Tenn.

Brown Shoe Co., Savannah, Tenn.

Faith Shoe Co., Inc., 25-43 Beekman Street, Wilkes-Barre, Pa.

Fashion-Bilt Shoe Co., Pontiac, Ill.

Gettysburg Shoe Co., Dillsburg Division, Dillsburg, Pa.

Golo of Dunmore, Golo Park, Dunmore, Pa.

International Shoe Co., Batesville Factory, Batesville, Ark.

International Shoe Co., Springfield Factory, Springfield, Ill.

International Shoe Co., Eldon, Mo.

International Shoe Co., Fifth Street Pre Welt Plant, Fulton, Mo.

International Shoe Co., Kirksville Factory, Kirksville, Mo.

International Shoe Co., Marshall Factory, Marshall, Mo.

International Shoe Co., Kiefner Factory, Perryville, Mo.

International Shoe Co., Salem Factory, Salem, Mo.

International Shoe Co., Washington, Mo.

International Shoe Co., West Plains Factory, West Plains, Mo.

International Shoe Co., Windsor Factory, Windsor, Mo.

H. Jacob & Sons, Inc., Maple Avenue and Commerce Streets, Hanover, Pa.

Johnson-Baille Shoe Co., Millersburg, Pa.

J. Landis Shoe Co., Palmyra, Pa.

Loree Footwear Corp., Roesiter, Indiana Co., Pa.

Milton Shoe Manufacturing Co., Inc., 709 Hepburn Street, Milton, Pa.

Moran Shoe Co., Carlyle, Ill.

Northern Shoe Co., Pulaski, Wis.

Oriole Shoe Co., 419 East Oliver Street, Baltimore, Md.

Perry-Norvell Co., Huntington, W. Va.

Rex Shoe Co., Inc., 1950 Wyoming Avenue, Exeter Borough, Pa.

Savoy Shoe Co., Inc., West High Street, Elizabethtown, Pa.

Sport Specialty Shoemakers, Inc., Unit No. 1, Chaffee, Mo.

H. O. Toor Shoe Corp., Emmitsburg, Md.

Vocational Footwear, Inc., Lutesville, Mo.

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective dates are indicated.

Allegro Shoe Corp., Church Street, St. Johnsville, N. Y.; effective 3-15-57 to 11-30-57.

Altoona Shoe Co., Inc., Schellsburg Div., Schellsburg, Pa.; effective 3-1-57 to 2-28-58.

Barnold Shoes, Inc., 12th and Wood Streets, Philadelphia, Pa.; effective 3-1-57 to 1-30-58.

Diane Footwear, Inc., 476 Blackman Street, Wilkes-Barre, Pa.; effective 3-1-57 to 1-30-58.

Farmington Shoe Co., Division of Bread Sandal Co., Inc., Farmington, Maine; effective 3-5-57 to 1-30-58.

Gettysburg Shoe Co., R. D. 2, Cumberland Township, Gettysburg, Pa.; effective 3-1-57 to 9-30-57.

Moose River Shoe Co., Inc., 417 North Main Street, Old Town, Maine; effective 3-1-57 to 1-30-58.

Penn Footwear Co., Line and Grove Streets, Nanticoke, Pa.; effective 3-19-57 to 11-30-57.

Robinson Manufacturing Co., Outer W. Main, Robinson, Ill.; effective 3-11-57 to 1-30-58.

Town & Country Shoes, Inc., 110 North Missouri, Sedalia, Mo.; effective 3-7-57 to 1-30-58.

Town & Country Shoes, Inc., Slater, Mo.; effective 3-7-57 to 1-30-58.

Town & Country Shoes, Inc., Warrensburg, Mo.; effective 3-7-57 to 1-30-58.

Town & Country Shoes, Inc., Odessa, Mo.; effective 3-7-57 to 1-30-58.

A. Werman & Sons, Inc., 18 Thames Street, Norwich, Conn.; effective 3-1-57 to 1-30-58.

The following learner certificates were issued and except as otherwise indicated authorize the employment of 10 learners for normal labor turnover purposes. The effective dates are indicated.

Clover Shoe Manufacturing Co., Inc., Route 130, Burlington, N. J.; effective 3-6-57 to 1-30-58.

Felt Slipper Co., Inc., 614-618 West 131st Street, New York 27, N. Y.; effective 3-1-57 to 11-30-57; five learners.

Lazar's of Santa Fe, 228 Don Gaspar, Santa Fe, N. Mex.; effective 3-1-57 to 11-30-57.

MacGregor Sport Products, Inc., Athletic Shoe Division, Findlay and John Streets, Cincinnati, Ohio; effective 3-1-57 to 11-30-57.

Madye's, Inc., 42 East College, San Angelo, Tex.; effective 3-1-57 to 11-30-57.

Pacific Shoe Co., Pacific, Mo.; effective 3-1-57 to 11-30-57.

Reider Shoe Manufacturing Co., Inc., 145-155 West Main Street, Schuylkill Haven, Pa.; effective 3-7-57 to 1-30-58.

Swan Shoe Co., Inc., 3001 East Madison Street, Baltimore, Md.; effective 3-1-57 to 11-30-57.

Taos Leathercrafts, Taos, N. Mex.; effective 3-1-57 to 11-30-57; five learners.

The following learner certificates were issued for plant expansion purposes. The number of learners authorized and the effective dates are indicated.

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 3-20-57 to 9-19-57; 30 learners.

Taos Leathercrafts, Taos, N. Mex.; effective 3-1-57 to 8-31-57; five learners.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Abetta Sportswear Inc., Page Mill, New Bedford, Mass.; effective 3-7-57 to 11-30-57 (women's rayon dresses).

Bali Bra Manufacturing Co., Inc., 2445 Bedford Street, Johnstown, Pa.; effective 3-12-57 to 11-30-57 (brassieres).

Belmill Manufacturing Co., 457 Perry Street, Marseilles, Ill.; effective 3-7-57 to 11-30-57 (jackets).

Glenn Berry Manufacturers, Inc., 307 Ill., Oswego, Kans.; effective 3-5-57 to 11-30-57 (boys' dungarees).

Biltmore Manufacturing Co., Asheville, N. C.; effective 3-11-57 to 11-30-57 (women's sportswear).

Claire Frock Co., Inc., East Main Street, Thurmont, Md.; effective 3-11-57 to 11-30-57 (cotton dresses).

Cooper Sportswear Manufacturing Co., Inc., 310 Sherman Avenue, Newark 5, N. J.; effective 3-8-57 to 11-30-57 (cloth jackets and other outerwear).

Grisfield Shirt & Pajama Co., Princess Anne, Md.; effective 3-25-57 to 11-30-57 (boys' shirts).

Dublin Garment Co., Dublin, Ga.; effective 3-1-57 to 11-30-57 (sport shirts).

M. Fine & Sons Manufacturing Co., Inc., Bedford, Ind.; effective 3-8-57 to 11-30-57 (cotton work pants).

Glen of Michigan, Division of Rhea Manufacturing Co., 77 Hancock Street, Manistee, Mich.; effective 3-18-57 to 11-30-57; learners may not be employed at special minimum wage rates in the production of separate skirts (dresses, blouses, etc.).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala.; effective 4-1-57 to 3-31-58 (men's and boys' trousers).

Little Star Frocks, Walnut and Orchard Streets, Bridgeton, N. J.; effective 3-11-57 to 11-30-57) children's dresses).

Major Shirt Corp., 1106 Cunnius Street, Freeland, Pa.; effective 3-8-57 to 11-30-57 (men's and boys' sport jackets).

Manhattan Shirt Co., Port Embarkation, Port Terminal, North Charleston, S. C.; effective 3-11-57 to 11-30-57 (men's dress shirts).

Manhattan Shirt Co., Poplar Hill Avenue and Calvert Street, 416 East Main Street, Salisbury, Md.; effective 3-1-57 to 11-30-57 (dress shirts).

Manhattan Shirt Co., 29 Hoffman Street, Kingston, N. Y.; effective 3-1-57 to 11-30-57 (men's pajamas).

Manhattan Shirt Co., U. S. Highway, By Pass Nos. 29 and 70, Lexington, N. C.; effective 3-1-57 to 11-30-57 (sport shirts).

Manhattan Shirt Co., 21 Academy Street, Middletown, N. Y.; effective 3-1-57 to 11-30-57 (sport shirts).

Manhattan Shirt Co., 717 Capouse Avenue, Scranton, Pa.; 3-1-57 to 11-30-57 (sport shirts).

The Manhattan Shirt Co., Market and Spruce Streets and 207 River Street, Paterson, N. J.; effective 3-1-57 to 11-30-57 (ladies' dress shirts).

Mountain Top Co., 220 South Church Street, Hendersonville, N. C.; effective 3-7-57 to 11-30-57 (missy and children's playwear).

New England Pants Co., 131 Ash Street, Willimantic, Conn.; effective 3-8-57 to 11-30-57 (men's and boys' pants).

Peerless Mills, 516 Iron Street, Lehighton, Pa.; effective 3-11-57 to 3-10-58 (ladies' dresses).

Phillips-Jones Factory, Brinkley, Ark.; effective 3-27-57 to 11-30-57 (dress shirts).

Publix Shirt Corp., Huntingdon, Tenn.; effective 3-11-57 to 11-30-57 (sport shirts).

Reidbord Bros. Co., Gulland-Clark Building, Elkins, W. Va.; effective 3-7-57 to 3-6-58 (men's work trousers and shirts).

Riviere Sportswear Co., 117 North Second Street, Lacrosse, Wis.; effective 3-7-57 to 11-30-57 (women's dresses).

Sally Blouses & Sportswear Manufacturing Co., 648 South Main Street, Old Forge, Pa.; effective 3-11-57 to 3-10-58 (ladies' blouses).

Skyland Textile Co., Sylva, N. C.; effective 3-8-57 to 11-30-57 (children's and infants' outerwear).

Skyland Textile Co., Morganton, N. C.; effective 3-8-57 to 11-30-57 (children's and infants' outerwear).

Snelbaker Manufacturing Co., 17-19 East Simpson Street, Mechanicsburg, Pa.; effective 3-15-57 to 11-30-57 (work shirts and pants).

Solomon Bros. Co., Thomasville, Ala.; effective 3-15-57 to 11-30-57 (sportswear).

Spartans Manufacturing Co., Inc., Dunlap, Tenn.; effective 3-5-57 to 11-30-57 (sport shirts).

Square Apparel Co., 181 Darling Street, Wilkes-Barre, Pa.; effective 3-8-57 to 11-30-57 (women's blouses and dresses).

Levi Strauss & Co., 1115 Terraine Street, San Jose, Calif.; effective 3-12-57 to 11-30-57 (men's and boys' denim pants).

States Nitewear Manufacturing Co., Inc., Healy and Bates Streets, New Bedford, Mass.; effective 3-7-57 to 11-30-57 (cotton nightgowns and pajamas).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and number of learners authorized are indicated.

Bobanok Corp., 111 Garrison Avenue, Fort Smith, Ark.; effective 3-11-57 to 11-30-57; 10 learners (men's and boys' shirts).

Clayton Garment Co., Inc., Clayton, Ala.; effective 3-8-57 to 11-30-57; 10 learners (men's sport shirts).

Goodman Manufacturing Co., 131 South Poplar Street, Shamokin, Pa.; effective 3-9-57 to 11-30-57; 5 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's sportswear).

Iva Manufacturing Co., Inc., Iva, S. C.; effective 3-23-57 to 11-30-57; 10 learners (ladies' blouses).

Klos Manufacturing Co., Muskogee, Okla.; effective 3-7-57 to 11-30-57; 10 learners (children's clothing).

Lorch Manufacturing Co., West, Tex.; effective 3-19-57 to 11-30-57; 5 learners (dresses and sportswear).

Thunderbird Fashions, Inc., 116 North Cortez, Prescott, Ariz.; effective 3-12-57 to 11-30-57; 5 learners (women's cotton squaw dresses, etc.).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and number of learners authorized are indicated.

Bamberg Manufacturing Co., Bamberg, S. C.; effective 3-11-57 to 9-10-57; 75 learners (robes for women and children).

Form O Uth Brassiere Co., McLean, Tex.; effective 3-5-57 to 9-4-57; 60 learners (foundation garments).

Marine Garment Co., Pestalozzi and 13th Street, Highland, Ill.; effective 3-7-57 to 9-6-57; 40 learners (women's and misses' sportswear and outerwear).

Oskosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 3-11-57 to 9-10-57; 50 learners (men's work shirts and pants).

Sport-Kraft Manufacturing Co., Inc., 419 West Third Street, Lewes, Del.; effective 3-4-57 to 9-3-57; 15 learners. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses).

Sustan Garments, Inc., Winnsboro, La.; effective 3-9-57 to 9-8-57; 20 learners (sportswear and other outerwear).

Wellington Manufacturing Co., Okolona, Miss.; effective 3-8-57 to 9-7-57; 15 learners (men's dress trousers).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Burlington Industries, Inc., Franklin Hosiery Plant, Franklin, N. C.; effective 3-1-57 to 9-30-57 (seamless).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; effective 3-1-57 to 9-30-57 (seamless).

Murray Hosiery Mills Co., Murray, Ky.; effective 3-8-57 to 10-30 57 (seamless).

Triangle Hosiery Co., Inc., 510 Grimes Street, High Point, N. C.; effective 3-21-57 to 10-31-57 (seamless).

The following learner certificates were issued authorizing the employment of five learners for normal labor turnover purposes.

Damascus Hosiery Mills, Inc., Damascus, Va.; effective 3-12-57 to 10-30-57 (seamless).

Sharon Hosiery Dyeing & Finishing Co., Inc., Heller Road, Quakertown, Pa.; effective 3-11-57 to 10-30-57 (full-fashioned).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized and the effective dates are indicated.

Alamance Hosiery Mills, Burlington, N. C.; effective 3-7-57 to 9-6-57; 32 learners (seamless).

Burlington Industries, Inc., Franklin Hosiery Plant, Franklin, N. C.; effective 3-1-57 to 8-31-57; 100 learners (seamless).

Claussner Hosiery Co., No. 2 Seamless Division, 30th and Adams Streets, Paducah, Ky.; effective 3-17-57 to 9-16-57; 20 learners (seamless).

Davenport Hosiery Mills, Inc., Ellijay, Ga.; effective 3-1-57 to 8-31-57; 50 learners (seamless).

Ellen Knitting Mills, Inc., Spruce Pine, N. C.; effective 3-1-57 to 8-31-57; 15 learners (seamless).

Hanover Mills, Inc., 716 South 17th Street, Wilmington, N. C.; effective 3-24-57 to 9-23-57; 75 learners (seamless).

Harriman Hosiery Co., Siluria Street, Harriman, Tenn.; effective 3-1-57 to 8-31-57; 30 learners (seamless).

Murray Hosiery Mills Co., Murray, Ky.; effective 3-8-57 to 9-7-57; 5 learners (seamless).

Newland Knitting Mills, Newland, N. C.; effective 3-17-57 to 9-16-57; 10 learners (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes. The effective dates are indicated.

P. H. Hanes Knitting Co., Sparta Plant, Sparta, N. C.; effective 3-7-57 to 9-30-57 (men's and boys' undershorts).

P. H. Hanes Knitting Co., Galex Plant, Galex, Va.; effective 3-7-57 to 9-30-57 (knitted underwear).

The following certificates were issued for plant expansion purposes. The effective dates and number of learners authorized are indicated.

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 3-8-57 to 9-7-57; five learners (cotton knit polo shirts).

Snowden, Inc., Osceola, Iowa; effective 3-10-57 to 9-9-57; five learners (women's lingerie).

Strutwear, Inc., Clarksdale, Miss.; effective 3-13-57 to 9-12-57; 10 learners (sweaters).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528 and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 12th day of March 1957.

VERL E. ROBERTS,
Authorized Representative of the Administrator.

[F. R. Doc. 57-2074; Filed, Mar. 18, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11323 etc.; FCC 57 M-219]

B. J. PARRISH ET AL.

ORDER CONTINUING ORAL ARGUMENT AND SCHEDULING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-6698; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP-8747; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia, Docket No. 11328, File No. BP-9260; for construction permits.

It is ordered, This 13th day of March 1957, on the Examiner's own motion, that oral argument in the above-entitled proceeding, which is scheduled to commence at 10:00 a. m., Thursday, March 14, 1957, is continued to 1:30 p. m., Tuesday, March 19, 1957; *And, it is further ordered*, That, following said argument, a hearing conference of all counsel will be held.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2071; Filed, Mar. 18, 1957; 8:49 a. m.]

[Docket No. 11878; FCC 57M-212]

MOBILE COMMUNICATIONS

ORDER CONTINUING HEARING CONFERENCE

In the matter of the application of J. B. Wathen, III, d/b as Mobile Communications, Docket No. 11878, File No. 2184-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Louisville, Kentucky.

On March 11, 1957, J. B. Wathen, III filed a Motion to Extend Time for Exchange of Exhibits and to Postpone Hearing Conference; and

It appearing that no other participant in the proceeding has objection to grant of the motion;

It is ordered, This 12th day of March 1957, that the motion referred to above is granted, and the time for exchanging exhibits, now set for March 12, 1957, is extended to March 25, 1957, and the date for further hearing conference, now scheduled for March 15, 1957, is continued to March 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2072; Filed, Mar. 18, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24FW-956]

HARDY-GRIFFIN ENGINEERING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 12, 1957.

I. Hardy-Griffin Engineering Corporation, a Texas corporation, with its principal offices located at 6834 Long Drive, Houston, Texas, filed with the Commission on July 8, 1955, a notification on Form 1-A and offering circular relating to a proposed offering by Benjamin & Co., 5012 Almeda, Houston, Texas, as underwriter for the issuer of 240,000 shares of its 1 cent par value common stock at the price of $1.25 per share, an aggregate offering price of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, which notification became effective August 23, 1955; and

II. The Commission having reasonable cause to believe that:

(1) The notification on Form 1-A is false and misleading in the following respects:

(a) In response to Item 2 thereof, it is stated that neither the issuer nor any of its affiliates presently contemplates the offering or sale of any securities in addition to the 240,000 shares covered by this notification, whereas the records of the issuer's transfer agent indicate that sales in excess of 400,000 shares were effected, including 50,000 shares of the personally-owned stock of the principal underwriter.

(2) The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in the following respects:

(a) Under the caption "Offering and Offering Terms," the offering circular states that if all shares offered are sold, there will be a total of 540,000 shares outstanding, of which 300,000 shares will be owned by the officers, directors and promoters of the issuer and 240,000 shares will be owned by the public investors purchasing the shares being offered under this notification. As a result of the sale of the 50,000 shares of personally-owned stock of the underwriter and the sale and issuance of additional shares by the issuer, the records of the issuer's transfer agent indicate that in excess of 300,000 shares were held by public investors at the completion of the offering of the 240,000 shares covered by this notification.

(b) The offering circular failed to disclose that in addition to the 240,000 shares shown by the Letter of Notification and the offering circular as comprising the public offering in this case, 50,000 shares shown in the offering circular as being owned by David J. Benjamin, the underwriter, were to be, and in fact were, offered to the public for his personal account.

(3) The exemption pursuant to Regulation A was not available for the offering of the issue of securities covered by the Letter of Notification and offering circular in that the amount offered exceeded the $300,000 maximum for which an exemption under Regulation A is available.

(4) Hardy-Griffin Engineering Corporation filed an interim Form 2-A report dated July 10, 1956, reflecting the status of the offering as of June 25, 1956, but failed to file a final Form 2-A report disclosing the completion of the public offering, as required by Rule 224.

(5) The offering of securities under this notification and offering circular was made in such a manner as to operate as a fraud or deceit upon the purchaser.

III. *It is ordered*, Pursuant to Rule 223 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension shall be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2050; Filed, Mar. 18, 1957; 8:46 a. m.]

[File No. 22-2059]

DEUTSCHE RENTENBANK-KREDITANSTALT (LANDWIRT-SCHAFTLICHE ZENTRALBANK) GERMAN CENTRAL BANK FOR AGRICULTURE

NOTICE OF APPLICATION FOR EXEMPTION

MARCH 13, 1957.

Notice is hereby given that Deutsche Rentenbank-Kreditanstalt (the Bank), a corporation organized and existing under the laws of Germany, has filed an application pursuant to section 304 (d) of the Trust Indenture Act of 1939 for an order exempting the Bank's Series A and Series B Debt Adjustment Debentures due January 1, 1973 to be issued under an indenture to be dated as of January 1, 1953 between the Bank and the The First National City Bank of New York as Trustee, from the provisions of section 306 (c) of the Act to the extent necessary to permit the Bank, prior to the filing by the Bank of an application for qualification of the Indenture under the Act, to sumbit to the holders of its outstanding bonds an offer of settlement to be made pursuant to Annex II of the London Agreement on German External Debts of February 27, 1953, between the Government of the Federal Republic of Germany, the United States of America and other countries.

Section 304 (d) of the act permits the Commission, on application by the issuer and after opportunity for hearing thereon, to enter an order exempting from any one or more provisions of the act, any security proposed to be issued by a person organized and existing under the laws of a foreign government if and to the extent it finds that compliance with such provision or provisions is not necessary in the public interest and for the protection of investors.

The application states, with respect to the request for exemption from section 306 (c) of the act to the extent necessary to permit the exchange offer to be made prior to filing an application for qualification of the indenture, as follows:

(1) The Bank has outstanding the following four series of bonds which have been in default for many years:

(i) First Lien 7 percent Farm Loan Sinking Fund Bonds of 1925, due September 15, 1950 ("First Loan");

(ii) Farm Loan Secured 6 percent Gold Sinking Fund Bonds of 1927, due July 15, 1960 ("Second Loan");

(iii) Farm Loan Secured 6 percent Gold Sinking Fund Bonds, Second Series of 1927, due October 15, 1960 ("Third Loan"); and

(iv) Farm Loan Secured Six Percent Gold Sinking Fund Bonds, Series of 1928, due April 15, 1938 ("Fourth Loan").

(2) The London Agreement provides, among other things, for the consensual settlement of foreign currency obligations of German corporate debtors by the refunding and extension of such obligations. The Bank is liable only for the repayment of bonds which may be validated pursuant to the Validation Law for German Foreign Currency Bonds of August 25, 1952.

(3) Pursuant to certain currency reforms and regulations issued thereunder the Bank is presently liable only to the extent that the proceeds of such obligations were invested in the territories now forming part of the Federal Republic of Germany or West Berlin. The respective Western Quotas applicable to the bonds of each of the four loans due are as follows:

Bonds of:	*Western quota (percent)*
First loan	63
Second loan	59
Third loan	63
Fourth loan	100

Claims with respect to the portions of the bonds which are not presently enforceable ("Eastern Quotas") are deferred until after reunification of Germany.

(4) The offer of settlement to be made to the holders of the outstanding bonds includes (i) a cash offer by the Bank to the holders of bonds of the Fourth Loan; (ii) an offer by Kreditanstalt für Wiederaufbau, the German Reconstruction Finance Bank ("Reconstruction Bank"), to purchase bonds and related coupons of the First, Second and Third Loans, such offer to terminate on September 30, 1957; and (iii) an offer by the Bank to refund the Western Quotas of the First, Second and Third Loans by the issuance and exchange therefor of Twenty Year Debt Adjustment Debentures, such offer not to be accepted prior to October 1, 1957.

(5) A basic condition to the use of funds of the Reconstruction Bank in the cash offer by the Bank with respect to the Fourth Loan and the purchase offer to be made by the Reconstruction Bank, is that all three offers be submitted to the bondholders not later than March 31, 1957, since funds to be used by the Reconstruction Bank will be reimbursed to it out of funds included in the budget of the Federal Republic of Germany for its current fiscal year which expires March 31, 1957, and such funds must be committed by such date.

(6) The submission of the exchange offer to the holders of bonds of the First, Second and Third Loans is effectively prohibited by section 306 (a) of the act unless prior to such submission an application for qualification of the indenture has been filed pursuant to the act. Such filing prior to the making of the exchange offer is impracticable and not necessary. If the acceptance of the purchase offer is so favorable that the aggregate proposed amount of debt adjustment debentures permitted to be outstanding at any one time can be limited by the indenture ot $1,000,000, qualification of the indenture under the act would not be required by virtue of section 304 (a) (9) of the act. If qualification should be required it can be effected in ample time for the execution and delivery of the debentures.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to such application which is now on file in the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application and upon such conditions as the Commission may deem necessary or appropriate, may be issued by the Commission at any time on or after March 27, 1957, unless prior thereto a hearing is ordered by the Commission. Any interested persons may, not later than March 25, 1957, at 5:30 p. m., e. s. t. submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2053; Filed, Mar. 18, 1957; 8:46 a. m.]

[File No. 70-3563]

PENNSYLVANIA POWER CO. AND OHIO EDISON CO.

ORDER AUTHORIZING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY HOLDING COMPANY

MARCH 13, 1957.

Ohio Edison Company ("Ohio"), a registered holding company and a public-utility company, and its subsidiary Pennsylvania Power Company ("Pennsylvania"), a public-utility company all of whose outstanding common stock is owned by Ohio, have filed a joint application and an amendment thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of

1935 ("act") with respect to the following proposed transactions:

Pennsylvania proposes to issue and sell, and Ohio proposes to buy, 70,000 shares of Pennsylvania's authorized and unissued Common Stock (par value $30 per share) for a cash consideration of $2,100,000.

Pennsylvania will apply the proceeds of such sale to construction expenditures or in reimbursement of its treasury therefor.

The Pennsylvania Public Utility Commission, the regulatory agency of the State in which Pennsylvania is organized and doing business, has authorized the issue and sale of Common Stock by Pennsylvania as proposed.

Due notice having been given of the filing of said application (Holding Company Act Release No. 13393), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no reservations are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2054; Filed, Mar. 18, 1957; 8:46 a. m.]

[File No. 70-3569]

BINGHAMTON GAS WORKS ET AL.

NOTICE OF PROPOSED MERGER OF TWO WHOLLY-OWNED SUBSIDIARY COMPANIES

MARCH 13, 1957.

In the matter of Binghamton Gas Works, The Keystone Gas Company, Inc., The Columbia Gas System, Inc.; File No. 70-3569.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiaries Binghamton Gas Works ("Binghamton") and The Keystone Gas Company, Inc. ("Keystone") have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, and 12 thereof and Rule U-43 thereunder as applicable to the proposed transactions, which are summarized as follows:

It is proposed that Keystone be merged and consolidated into Binghamton and that the name of Binghamton, the surviving corporation, be changed to Columbia Gas of New York, Inc. Binghamton will acquire Keystone's assets at their recorded amounts (utility plant being recorded at original cost), and will assume Keystone's liabilities including all reserves. The merger will be consummated as follows:

1. The 72,000 outstanding shares of Binghamton common stock (par value $25.00 per share) will remain outstanding and unchanged. Binghamton will increase its authorized common stock from 80,000 shares to 140,000 shares, and will issue 22,152 of such shares to Columbia in exchange for Keystone's presently outstanding 10,000 shares of no-par common stock (plus $14.11 in cash to avoid the issuance of a fractional share). The shares will be exchanged on the basis of their respective par and stated values;

2. The promissory notes of Keystone will remain unchanged, but by virtue of the merger will become obligations of Binghamton as the surviving corporation;

3. The earned surplus of Keystone will be carried forward and become part of the earned surplus of the surviving corporation;

4. The name of the surviving corporation will be changed to Columbia Gas of New York, Inc.

Binghamton and Keystone, both New York corporations, are engaged in the business of manufacturing, purchasing, distributing and selling gas at retail in various communities in the southern part of New York State. Their distribution systems are connected through the transmission system of Home Gas Company ("Home"), an affiliate. All of Binghamton's gas requirements, and substantially all of Keystone's gas requirements, are purchased from Home. Both companies have the same officers and management, and no change in operations is required.

It is stated that the proposed merger is a part of Columbia's corporate realignment and simplification program, designed to simplify and minimize the problems of regulating the system's rates, and that the merger will result in administrative economies which will ultimately benefit the customers of both companies, but that no change in the rates for service will be made at this time.

The New York Public Service Commission, which has jurisdiction over the proposed consolidation, has approved the several provisions thereof and the filing of an appropriate certificate of consolidation with the Secretary of State of New York, pursuant to Section 86 of the New York Stock Corporation Law, reserving jurisdiction over the journal entries to reflect said consolidation and over the costs and expenses to be incurred in connection therewith.

A statement of the fees and expenses to be paid by the several companies in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than March 27, 1957, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2055; Filed, Mar. 18, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 125]

WASHINGTON

DECLARATION OF DISASTER AREA

Whereas, it has been reported that from February 26, 1957 through March 1, 1957, because of the disastrous effects of flood, damage resulted to residences and business property located in certain areas in the State of Washington;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Grant County (including any area adjacent to Grant County) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Wash.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1957.

Dated: March 4, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2059; Filed, Mar. 18, 1957; 8:47 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-48]

LORETZ & CO.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to section 104 (c) of the Atomic Energy Act of 1954 (hereinafter "the act") and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and findings by the Commission that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with Denmark; and (c) the issuance of an export permit to Loretz & Company will not be inimical to the common defense and security and to the health and safety of the public, the Commission will issue a license to Loretz & Company, 108 West Sixth Street, Los Angeles 14, California, for the export of a 500-watt solution-type research reactor described in the Company's license application filed January 17, 1957. The reactor is to be exported to the Danish Atomic Energy Commission of Denmark.

2. The license will be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act.

(b) The license will be subject to the right of recapture or control reserved by Section 108 of the act, and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on December 31, 1957, unless sooner terminated.

Dated at Washington, D. C., this 13th day of March, 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-2088; Filed, Mar. 18, 1957; 8:52 a. m.]

[Docket No. F-51]

FOSTER WHEELER CORP.

NOTICE OF PROPOSED ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission (hereinafter "the Commission") proposes to issue, on Form AEC-250, the facility export license described below unless within 15 days after publication of this notice in the FEDERAL REGISTER, a request for a formal hearing is filed with the Commission in the manner prescribed by § 2.102 (b) of the Commission's rules of practice (10 CFR Part 2).

1. Pursuant to Section 104 (c) of the Atomic Energy Act of 1954 (hereinafter "the Act") and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," and findings by the Commission that (a) the reactor proposed to be exported is a utilization facility; (b) the issuance of a license for the export thereof is within the scope of and is consistent with the terms of an agreement for cooperation with Denmark; and (c) the issuance of an export permit to Foster Wheeler Corporation will not be inimical to the common defense and security and to the health and safety of the public, the Commission will issue a license to Foster Wheeler Corporation, 165 Broadway, New York 6, N. Y., for the export of a five-megawatt tank-type research reactor described in the Corporation's license application filed January 25, 1957. The reactor is to be exported to the Danish Atomic Energy Commission of Denmark. The shipping agent specified in the license application is Penson & Company, 11 Broadway, New York, New York.

2. The license wil be subject to the following conditions:

(a) Neither the license nor any right under the license shall be assigned or otherwise transferred in violation of the provisions of the act.

(b) The license will be subject to the right of recapture or control reserved by Section 108 of the act and to all other provisions of the act, now or hereafter in effect, and to all rules and regulations of the Commission.

(c) The license will be effective as of the date of issuance thereof and shall expire on December 31, 1957, unless sooner terminated.

For the Atomic Energy Commission.

Dated at Washington, D. C., this 13th day of March 1957.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-2089; Filed, Mar. 18, 1957; 8:52 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANNA MARGARETHA BRANDON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Anna Margaretha Brandon, 40 Oranjelaan, Rijswijk (Z. H.), Netherlands; Claim No. 60665; $142.17 cash in the Treasury of the United States. Vesting Order No. 17900.

Executed at Washington, D. C., on March 12, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-2061; Filed, Mar. 18, 1957; 8:48 a. m.]

ERNEST F. CARO AND NATHALIE LITTMAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Ernest F. Caro, executor under the will of Nathalie Littman, deceased, London, England; Claims Nos. 63442 and 63443; $8,081.46 in the Treasury of the United States. Vesting Orders Nos. 509 and 2526.

Executed at Washington, D. C., on March 12, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-2062; Filed, Mar. 18, 1957; 8:48 a. m.]

EDITIONS MAX ESCHIG SOCIETE FRANCAISE D'EDITIONS MUSICALES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Editions Max Eschig Societe Francaise d'Editions Musicales, 48 Rue de Rome, Paris, France; Claim No. 42808. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including but not limited to, all monies and amounts by way of royalties, share of profits or other emolument and all causes of action accrued or to accrue relating to the cataleg of Michel Dillard, doing business as La Sirene Musicale, entitled "Les Editions de la Sirene Musicale 29, Boul. Malesherbes, Paris VIIIe—Telephone: Anjou 14.96, vous presentant un Extrait de leur nouveau Catalogue 1930," as listed in Exhibit A of Vesting Order No. 3500 (9 F. R. 6122, June 6, 1944), to the extent owned by the claimant immediately prior to the vesting thereof by Vesting Order No. 3500.

Executed at Washington, D. C., on March 12, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-2063; Filed, Mar. 18, 1957; 8:48 a. m.]

DOMENICO DI STEFANO ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Domenico Di Stefano, Ceccano (Frosinone), Italy; Guiseppe Di Stefano, 30 Via Braccio da Montone, Rome, Italy; Vittoria Ciotoli Di Stefano, Ceccano (Frosinone), Italy; Pietro Di Stefano, Ceccano (Frosinone), Italy; Guiseppe Di Stefano, Ceccano (Frosinone), Italy; Lucio Di Stefano, Ceccano (Frosinone), Italy; Salvatore Di Stefano, Ceccano (Frosinone), Italy; Colomba Di Stefano, Ceccano (Frosinone), Italy; Sistina Di Stefano, Ceccano (Frosinone), Italy; Pierina Di Stefano, Ceccano (Frosinone), Italy; Giovan Battista Carcasole, Ceccano (Frosinone), Italy; Battista Carcasole, Ceccono (Frosinone), Italy; Vittoria Carcasole, Calle Rauch No. 971, Caseros, Argentina; Colomba Carcasole, Ceccano (Frosinone), Italy; Felice Carcasole, Ceccano (Frosinone), Italy; Angela Carcasole, Ceccano (Frosinone), Italy. Claim No. 42867; $7,381.59 in the Treasury of the United States, returnable as follows: ¼th of $7,381.59 to Domenico Di Stefano; ¼th of $7,381.59 to Giuseppe Di Stefano, Rome, Italy; ¼th of $7,381.59 to Vittoria Ciotoli Di Stefano, Pietro Di Stefano, Giuseppe Di Stefano of Ceccano, Lucio Di Stefano, Salvatore Di Stefano, Colomba Di Stefano, Sistina Di Stefano, and Pierina Di Stefano, jointly; ¼th of $7,381.59 to each of the following claimants: Giovan Battista Carcasole, Battista Carcasole, Vittoria Carcasole, Colomba Carcasole, Felice Carcasole, and Angela Carcasole. Vesting Order No. 1379.

Executed at Washington, D. C., on March 12, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-2065; Filed, Mar. 18, 1957; 8:48 a. m.]

ALESSANDRO TROTTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Alessandro Trotter, via Cavour 15, Vittorio Veneto (Treviso), Italy; Claim No. 45526; $201.81 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including, but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the book entitled "Sylloge Fungorum Omnium Hucusque Cognitorum . . . curante Alex. Trotter. Abelinni, coheredum Saccardo, 1881–1931. vol. 25 (Supplementum Universale, Part 10)," as listed in Exhibit A of Vesting Order No. 500A–79 (9 F. R. 3817, April 8, 1944), to the extent owned by Alessandro Trotter, immediately prior to the vesting thereof by Vesting Order No. 500A–79.

Executed at Washington, D. C., on March 12, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-2064; Filed, Mar. 18, 1957; 8:48 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 22 NUMBER 54

Washington, Wednesday, March 20, 1957

UNIVERSITY OF MICHIGAN
MAR 2 2
MAIN READING ROOM

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10703

INSPECTION OF INCOME, EXCESS-PROFITS, DECLARED-VALUE EXCESS-PROFITS, CAPITAL-STOCK, ESTATE, AND GIFT TAX RETURNS BY THE SELECT COMMITTEE OF THE SENATE ESTABLISHED BY SENATE RESOLUTION 74, 85TH CONGRESS, TO INVESTIGATE IMPROPER ACTIVITIES IN LABOR-MANAGEMENT RELATIONS, AND FOR OTHER PURPOSES

By virtue of the authority vested in me by sections 55 (a), 508, 603, 729 (a), and 1204 of the Internal Revenue Code of 1939 (53 Stat. 29, 111, 171; 54 Stat. 989, 1008; 55 Stat. 722; 26 U. S. C. 55 (a), 508, 603, 729 (a), and 1204), and by section 6103 (a) of the Internal Revenue Code of 1954 (68A Stat. 753; 26 U. S. C. 6103 (a)), it is hereby ordered that any income, excess-profits, declared-value excess-profits, capital-stock, estate, or gift tax return, for the years 1945 to 1957, inclusive, shall, during the Eighty-fifth Congress, be open to inspection by the Select Committee of the Senate established by Senate Resolution 74, 85th Congress, agreed to January 30, 1957, to investigate improper activities in labor-management relations, and for other purposes, or any duly authorized subcommittee thereof, for the purpose of carrying out the provisions of such resolution; such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decisions 6132 and 6133, relating to the inspection of returns by committees of the Congress, approved by me on May 3, 1955.

This order shall become effective upon its filing for publication in the FEDERAL REGISTER.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 17, 1957.

[F. R. Doc. 57-2169; Filed, Mar. 18, 1957; 3:03 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 30—ANNUAL AND SICK LEAVE REGULATIONS

APPENDIX A—LIST OF OFFICERS EXCLUDED FROM COVERAGE PURSUANT TO SECTION 202 (c) (1) (C) OF THE ANNUAL AND SICK LEAVE ACT OF 1951, AS AMENDED

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Effective upon publication in the FEDERAL REGISTER the following position is added to Appendix A.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

* * * * * *

3. Commanding General, D. C. National Guard.

(Sec. 206, 65 Stat. 681; 5 U. S. C. 2065. Interprets or applies sec. 202, 65 Stat. 679, as amended; 5 U. S. C. 2061. E. O. 10540, 19 F. R. 3983, 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc 57-2112; Filed, Mar. 19, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CONCENTRATED GRAPEFRUIT JUICE FOR MANUFACTURING[1]

On February 7, 1957, a notice of proposed rule making was published in the

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

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FEDERAL REGISTER (22 F. R. 760) regarding a proposed issuance of United States Standards for Grades of Concentrated Grapefruit Juice for Manufacturing (7 CFR 52.3481 to 52.3490).

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Grades of Concentrated Grapefruit Juice for Manufacturing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

PRODUCT DESCRIPTION, AND GRADES

Sec.
52.3481 Product description.
52.3482 Grades of concentrated grapefruit juice for manufacturing.

FILL OF CONTAINER

52.3483 Recommended fill of container.

FACTORS OF QUALITY

52.3484 Ascertaining the grade.
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52.3489 Explanation of terms and analyses.

SCORE SHEET

52.3490 Score sheet for concentrated grapefruit juice for manufacturing.

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52.3491 Tolerances for certification of officially drawn samples.

AUTHORITY: §§ 52.3481 to 52.3491 issued under sec. 205, 60 Stat. 1090, as amended, 7 U. S. C. 1624.

PRODUCT DESCRIPTION, AND GRADES

§ 52.3481 *Product description.* "Concentrated grapefruit juice for manufacturing" is the concentrated product obtained from sound, mature grapefruit (Citrus paradisi). The fruit is prepared by sorting and by washing prior to extraction of the juice and the extracted juice is concentrated. The concentrated grapefruit juice is processed in accordance with good commercial practice; and may or may not require processing by heat, subsequent refrigeration, or freezing to assure preservation of the product but is not the product known as "frozen concentrated grapefruit juice." The finished product does not contain any additives except that cold-pressed oil to standardize flavor and chemical preservatives permissible under provisions of the Federal Food, Drug, and Cosmetic Act may have been added.

(a) The Brix value of the finished concentrate shall comply with the following for the dilution factors indicated:

Dilution factor	Brix value of the finished concentrate	
	Minimum Brix value	Maximum Brix value
	Degrees	*Degrees*
1 plus 3	37.5	40.1
1 plus 4	45.5	48.3
1 plus 5	52.7	56.0
1 plus 6	59.6	63.2

(b) Concentrated grapefruit juice for manufacturing of other dilution factors than "1 plus 3" to "1 plus 6," as indicated in paragraph (a) of this section, shall result in a Brix (upon reconstitution as prescribed by the processor or as prescribed by the label on the container, if labeled) of not less than 10.5 degrees.

§ 52.3482 *Grades of concentrated grapefruit juice for manufacturing.* (a) "U. S. Grade A for Manufacturing" or "U. S. Fancy for Manufacturing" is the quality of concentrated grapefruit juice which shows no material gelation, reconstitutes properly, and of which the reconstituted juice possesses a reasonably good color; is practically free from defects; possesses a reasonably good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade C for Manufacturing" or "U. S. Standard for Mahufacturing" is the quality of concentrated grapefruit juice which shows no serious gelation, reconstitutes properly, and of which the reconstituted juice possesses a fairly good color; is fairly free from defects; possesses a fairly good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard for Manufacturing" is the quality of concentrated grapefruit juice that fails to meet the requirements of U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing.

FILL OF CONTAINER

§ 52.3483 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be filled with concentrated grapefruit juice as full as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.3484 *Ascertaining the grade—*(a) *General.* The grade of concentrated grapefruit juice for manufacturing is ascertained by examining the concentrate and the reconstituted juice; and in addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factors not rated by score points.* (i) Degree of gelation.

(ii) Faculty of reconstituting properly.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

Factors:	*Points*
Color	20
Defects	40
Flavor	40
Total score	100

§ 52.3485 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.3486 *Color—*(a) *(A–Mfg.) classification.* Concentrated grapefruit juice of which the reconstituted juice possesses a reasonably good color may be given a score of 17 to 20 points. "Reasonably good color" means that the color is reasonably bright and typical of properly processed and properly concentrated grapefruit juice and is practically free

from browning due to scorching, oxidation, caramelization, or other causes.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good color a score of 14 to 16 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the color may be only fairly bright and is typical of concentrated grapefruit juice that is reasonably free from browning due to scorching, oxidation, caramelization, or other causes.

(c) *(SStd-Mfg.) classification.* Concentrated grapefruit juice that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

§ 52.3487 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from juice cells and pulp and from seeds or portions thereof, dark specks, and other defects in the reconstituted juice.

(b) *(A-Mfg.) classification.* Concentrated grapefruit juice of which the reconstituted juice is practicaly free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not materially detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of 1/8 inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of 1/8 inch in diameter as do not materially detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not materially objectionable.

(d) *(SStd-Mfg.) classification.* Concentrated grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.3488 *Flavor*—(a) *(A-Mfg.) classification.* Concentrated grapefruit juice of which the reconstituted juice possesses a reasonably good flavor may be given a score of 34 to 40 points. "Reasonably good flavor" means that the flavor is typical of reconstituted concentrated grapefruit juice from properly processed and concentrated grapefruit juice; is practically free from traces of scorching, caramelization, oxidation, or terpene; and is free from off-flavors of any kind. To score in this classification the ratio of the Brix value to acid shall be not less than 6 to 1.

(b) *(C-Mfg.) classification.* If the reconstituted juice possesses a fairly good flavor a score of 28 to 33 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade C for Manufacturing or U. S. Standard for Manufacturing, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor" means a normal flavor for reconstituted concentrated grapefruit juice, which flavor may be slightly caramelized or slightly oxidized or may possess traces of terpene, but is free from off-flavors of any kind. To score in this classification the ratio of the Brix value to acid shall be not less than 5.5 to 1.

(c) *(SStd-Mfg.) classification.* If the concentrated grapefruit juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Concentrated grapefruit juice that falls into this classification shall not be graded above Substandard for Manufacturing, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.3489 *Explanation of terms and analyses*—(a) *Reconstituted juice.* "Reconstituted juice" means the product obtained by mixing thoroughly one part by volume of the concentrated grapefruit juice with a stated volume of water. For example, a dilution factor of "1 plus 6" means that to one part by volume of concentrated grapefruit juice 6 parts by volume of water are added to produce a reconstituted juice. In the absence of any declared dilution factor the product is diluted with water to a Brix of between 10.5 and 11.5 degrees. Distilled water is used in reconstituting the product for testing flavor.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix value.* "Brix value" is the refractometric sucrose value determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists," and to which the applicable correction for acid is added:

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE[1]

Citric acid, anhydrous (percent by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value	Citric acid anhydrous (percent, by weight)	Correction to be added to refractometer sucrose value to obtain degree Brix value
2.0	0.39	3.6	0.70
2.2	.43	3.8	.74
2.4	.47	4.0	.78
2.6	.51	4.2	.81
2.8	.54	4.4	.85
3.0	.58	4.6	.89
3.2	.62	4.8	.93
3.4	.66	5.0	.97

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, vol. II, p. 447, Aug. 15, 1930.

(e) *Free and suspended pulp.* "Free and suspended pulp" means particles of membrane, core, peel and other similar extraneous material that settle out on centrifuging by the following method:

(1) Skim floating fruit cells and pulp from the sample of reconstituted juice, and

(2) Fill graduated centrifuge tubes, of a capacity of 50 ml., with the skimmed reconstituted grapefruit juice and place in a suitable centrifuge. Adjust the speed according to diameter, as indicated in Table II, and centrifuge for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE II

Diameter (inches)	Approximate revolutions per minute	Diameter (inches)	Approximate revolutions per minute
10	1,609	15½	1,293
10½	1,570	16	1,271
11	1,534	16½	1,252
11½	1,500	17	1,234
12	1,468	17½	1,216
12½	1,438	18	1,198
13	1,410	18½	1,182
13½	1,384	19	1,167
14	1,359	19½	1,153
14½	1,336	20	1,137
15	1,313		

SCORE SHEET

§ 52.3490 *Score sheet for concentrated grapefruit juice for manufacturing.*

Size and kind of container	----
Container mark or identification	----
Label (including reconstitution factor)	----
Liquid measure (fluid ounces)	----
Net weight	----
Brix value of concentrate (corrected for acid)	----
Anhydrous citric acid in concentrate (percent by weight)	----
Brix value to acid ratio	----
Reconstitutes properly: (Yes) (No)	

Factors		Score points	
Color	20	(A-Mfg.)	17-20
		(C-Mfg.)	[1] 14-16
		(SStd-Mfg.)	[1] 0-13
Defects	40	(A-Mfg.)	34-40
		(C-Mfg.)	[1] 28-33
		(SStd-Mfg.)	[1] 0-27
Flavor	40	(A-Mfg.)	34-40
		(C-Mfg.)	[1] 28-33
		(SStd-Mfg.)	[1] 0-27
Total score	100		
Grade for manufacturing			----

[1] Indicates limiting rule.

LOT CERTIFICATION TOLERANCES

§ 52.3491 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of concentrated grapefruit juice for manufacturing the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

Effective time. The United States Standards for Grades of Concentrated Grapefruit Juice for Manufacturing (which is the first issue) contained in this subpart shall become effective on date of publication hereof in the FEDERAL REGISTER.

It is hereby found and determined that it is unnecessary, impractical, and contrary to the public interest to postpone the effective date of this document later than the date of its publication in the FEDERAL REGISTER because:

(1) The packing of grapefruit juice products is now in progress;

(2) The grapefruit juice industry is aware of the nature of these standards in that notice of proposed rule making in this regard was published in the FEDERAL REGISTER issue of February 7, 1957 (22 F. R. 760);

(3) Numerous and detailed discussions have been held with industry representatives relative to provisions included in the grade standards;

(4) The industry generally has expressed agreement with the provisions of the standards;

(5) There is an immediate need for these standards for marketing purposes; and

(6) No special preparation by the persons affected for the putting of these standards in effect will be necessary.

Dated: March 15, 1957.

[SEAL] FRANK E. BLOOD,
Acting Deputy Administrator, Marketing Services.

[F. R. Doc. 57-2126; Filed, Mar. 19, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 904—MILK IN GREATER BOSTON MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended, (7 CFR Part 904), regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, hereinafter referred to as the "order", it is hereby found and determined that for the month of April 1957:

(a) The figures "1956" as they appear in § 904.21 (f) do not tend to effectuate the declared policy of the act.

Because of the wording of § 904.21 (f) of the order, the plants which became subject to the order as a result of extension of the area to include the towns of Framingham, Natick, Wayland and Weston would be denied pool status during the month of April 1957. Failure to suspend that part of the provisions quoted above will create undue hardship to producers supplying plants of newly regulated handlers and will disrupt orderly marketing conditions in the Greater Boston, Massachusetts, marketing area.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time for such compliance.

2. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore good cause exists for making this order effective April 1, 1957.

It is therefore ordered, That the figures "1956" as they appear in § 904.21 (f) be and they are hereby suspended for the month of April 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 15th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2125; Filed, Mar. 19, 1957; 8:51 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.18 *Green civil airway No. 8 (Cold Bay, Alaska to Northway, Alaska)* is amended by changing the portion between the Kenai, Alaska, radio range station and the Gulkana, Alaska, radio range station to read: "Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai radio range and a line bearing 266° True from the Anchorage radio range station; Anchorage, Alaska, radio range station; the intersection of the southeast course of the Skwentna, Alaska, radio range and a line bearing 357° True from the Anchorage radio range station; the intersection of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage radio range; Gulkana, Alaska, radio range station;".

2. Section 600.227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.)* is amended by correcting the portion which reads: "From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Campbellton, Ga., radio range via the Atlanta, Ga., NAS radio range station;". to read: "From the intersection of the south course of the Atlanta, Ga., NAS radio range and the northeast course of the Atlanta, Ga., radio range via the Atlanta, Ga., NAS radio range station.

3. Section 600.303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska)* is amended by changing all before Kenai, Alaska, radio range station to read: "From the Anchorage, Alaska, radio range station via the intersection of a line bearing 266° True from the Anchorage, Alaska, radio range station and the northeast course of the

Kenai, Alaska, radio range; Kenai, Alaska, radio range station;".

4. Section 600.618 is amended by changing caption to read: *"Blue civil airway No. 18 (Paterson, N. J., to United States-Canadian Border)."* and by deleting the portion which reads: "From the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the New York, N. Y. (La Guardia), radio range via the intersection of the northeast course of the Philadelphia, Pa., radio range and the southwest course of the Idlewild, N. Y., radio range; the Idlewild, N. Y., radio range station to the intersection of the northeast course of the Idlewild, N. Y., radio range and the east course of the New York, N. Y. (La Guardia), radio range."

5. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Savannah, Ga., omnirange station, including an east alternate;" to read: "Savannah, Ga., omnirange station, including an east alternate from the Jacksonville omnirange station to the Savannah omnirange station via the intersection of the Jacksonville omnirange 026° True and the Savannah omnirange 180° True radials;" and by changing the portion which reads: "From the point of intersection of the Washington, D. C., terminal omnirange 016° True and the Herndon, Va., omnirange 104° True radials, excluding the portion which overlaps the Washington prohibited area (P–56), via the point of intersection of the Herndon omnirange 045° True and the Baltimore, Md., omnirange 346° True radials; point of intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials;" to read: "From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; point of intersection of the Westminster omnirange 056° True and the West Chester omnirange 253° True radials;".

6. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Kremmling, Colo., omnirange station;" to read: "Kremmling, Colo., omnirange station, including a south alternate;".

7. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing the portion which reads: "intersection of the Kiowa omnirange 360° True and Cheyenne omnirange 162° True radials;" to read: "intersection of the Kiowa omnirange 005° True and the Cheyenne omnirange 110° True radials;".

8. Section 600.6025 *VOR civil airway No. 25 (Los Angeles, Calif., to Ellensburg, Wash.)* is amended by changing the portion which reads: "intersection of the Paso Robles omnirange 335° True and the San Francisco omnirange 141° True radials; San Francisco, Calif., omnirange station; intersection of the San Francisco omnirange 304° True and the Point Reyes omnirange 155° True radials;" to read: "intersection of the Paso Robles omnirange 335° True and the Agnew omnirange 141° True radials; Agnew, Calif., omnirange station; intersection of the Agnew omnirange 304° True and the Point Reyes omnirange 155° True radials;.

9. Section 600.6027 *VOR civil airway No. 27 (Los Angeles, Calif., to Seattle, Wash.)* is amended by changing the portion which reads: "Point Reyes, Calif., omnirange station, including an east alternate from the Salinas omnirange station to the Point Reyes omnirange station via the San Francisco, Calif., omnirange station and the Oakland, Calif., omnirange station and also a west alternate from the Salinas omnirange station to the Point Reyes omnirange station via the intersection of the Salinas 300° True and the Point Reyes omnirange 155° True radials;" to read: "Point Reyes, Calif., omnirange station, including a west alternate from the Salinas omnirange station to the Point Reyes omnirange station via the intersection of the Salinas omnirange 300° True and the Point Reyes omnirange 155° True radials;".

10. Section 600.6057 is amended to read:

§ 600.6057 *VOR civil airway No. 57 (Evergreen, Ala., to Scotland, Ind.).* From the Evergreen, Ala., omnirange station via the intersection of the Evergreen omnirange 049° True and the Birmingham omnirange 180° True radials; Birmingham, Ala., omnirange station; Muscle Shoals, Ala., omnirange station; Graham, Tenn., omnirange station; Bowling Green, Ky., omnirange station; to the Scotland, Ind., omnirange station.

11. Section 600.6081 is amended to read:

§ 600.6081 *VOR civil airway No. 81 (Midland, Tex., to Pueblo, Colo.).* From the Midland, Tex., omnirange station via the Lubbock, Tex., omnirange station; Amarillo, Tex., omnirange station, including an east alternate; Dalhart, Tex., omnirange station, including an east alternate; to the Pueblo, Colo., omnirange station.

12. Section 600.6110 is amended to read:

§ 600.6110 *VOR civil airway No. 110 (San Francisco, Calif., to Altamont, Calif.).* From the point of intersection of the Agnew omnirange 218° True and the Salinas omnirange 319° True radials via the Agnew, Calif., omnirange station; to the point of intersection of the Agnew omnirange 038° True and the Modesto, Calif., omnirange 273° True radials.

13. Section 600.6114 is amended by changing caption to read: *"VOR civil airway No. 114 (Amarillo, Tex., to New Orleans, La.)."* and by changing all before the Wichita Falls, Tex., omnirange station to read: "From the Amarillo, Tex., omnirange station via the Childress, Tex., omnirange station, including a south alternate; Wichita Falls, Tex., omnirange station;".

14. Section 600.6143 *VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.)* is amended by changing the portion which reads: "Charlotte omnirange 359° True" to read: "Charlotte omnirange 005° True".

15. Section 600.6137 is amended to read:

§ 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Ukiah, Calif.).* From the Thermal, Calif., omnirange station via the Palmdale, Calif., omnirange station; point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 152° True radials; Coalinga, Calif., omnirange station; Salinas, Calif., omnirange station; Agnew, Calif., omnirange station; Oakland, Calif., omnirange station; Point Reyes, Calif., omnirange station; intersection of the Point Reyes omnirange 306° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station.

16. Section 600.6199 is amended to read:

§ 600.6199 *VOR civil airway No. 199 (Fresno, Calif., to Ukiah, Calif.).* From the Fresno, Calif., omnirange station via the intersection of the Fresno omnirange 287° True and the Agnew omnirange 111° True radials; Agnew, Calif., omnirange station; intersection of the Agnew omnirange 304° True and the Ukiah omnirange 172° True radials; to the Ukiah, Calif., omnirange station.

17. Section 600.6251 is amended to read:

§ 600.6251 *VOR civil airway No. 251 (Washington, D. C., to New York, N. Y.).* From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; Pottstown, Pa., omnirange station; point of intersection of the Pottstown omnirange 044° True and the Allentown, Pa., omnirange 103° True radials; to the Caldwell, N. J., omnirange station.

18. Section 600.6257 is added to read:

§ 600.6257 *VOR civil airway No. 257 (Delta, Utah, to Ogden, Utah).* From the Delta, Utah, omnirange station via the intersection of the Delta omnirange 004° True and the Ogden omnirange 194° True radials; to the Ogden, Utah, omnirange station. The portion of this airway below 11,000 feet mean sea level which overlaps and lies within the Deseret restricted area (R–514) is excluded.

19. Section 600.6265 is added to read:

§ 600.6265 *VOR civil airway No. 265 (Washington, D. C., to Harrisburg, Pa.).* From the Riverdale, Md., nondirectional radio beacon via the Westminster, Md., omnirange station; point of intersection of the Westminster omnirange 345° True and the Harrisburg omnirange 196° True radials; to the Harrisburg, Pa., omnirange station.

20. Section 600.6267 is added to read:

§ 600.6267 *VOR civil airway No. 267.* [Unassigned.]

21. Section 600.6268 is added to read:

§ 600.6268 *VOR civil airway No. 268 (Keymar, Md., to Baltimore, Md.).* From the point of intersection of the Martinsburg, W. Va., omnirange 072° True and the Herndon, Va., omnirange 015° True radials via the Westminster, Md., omnirange station; to the Baltimore, Md., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., April 11, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–2090; Filed, Mar. 19, 1957; 8:45 a. m.]

[Amdt. 5]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.618 is amended by changing caption to read: *"Blue civil airway No. 18 control areas (Paterson, N. J., to United States-Canadian Border)."*

2. Section 601.1173 *Control area extension (San Francisco, Calif.)* is amended by changing the last sentence to read: "The portion of this control area extension which lies within Point Reyes warning area (W–513) is excluded below 3000 feet mean sea level between the hours 8:00 p. m. and 8:00 a. m. P. s. t. daily, and is excluded entirely between the hours 8:00 a. m. and 8:00 p. m. P. s. t. daily."

3. Section 601.1186 *Control area extension (Tucson, Ariz.)* is amended by adding the following portion to present control area: "and the airspace in the southwest quadrant of the Tucson radio range lying within a 30-mile radius of the radio range station."

4. Section 601.1210 *Control area extension (Olathe, Kans.)* is amended by changing the words in the first portion which read: "to a point at latitude 39°17'00'', longitude 96°23'00'',' to read: "to a point at latitude 39°26'00'', longitude 96°25'00'',' and by changing the last portion which reads: "thence north along the western edge of VOR civil airway No. 15 to a point at latitude 39°55'10'', longitude 95°00'45'',' to read: "thence north along the western edge of VOR civil airway No. 15 to the St. Joseph, Mo., omnirange station."

5. Section 601.1277 *Control area extension (Denver, Colo.)* is amended by changing the words which read: "that airspace northeast of Denver bounded on the east by VOR civil airway No. 19," to read: "that airspace northeast of Denver bounded on the east and northeast by VOR civil airway No. 19,".

6. Section 601.1422 is added to read:

§ 601.1422 *Control area extension (Duluth, Minn.).* That airspace within a 30-mile radius of the Duluth, Minn., omnirange station bounded on the north by the 274° True radial of the Duluth omnirange and on the east by VOR civil airway No. 13.

7. Section 601.2174 is amended to read:

§ 601.2174 *Burbank, Calif., control zone.* Within a 5-mile radius of the Lockheed Air Terminal, Burbank, including the airspace within a 5-mile radius of the San Fernando Valley Airport, Van Nuys, Calif., and the airspace within a 3-mile radius of the Grand Central Airport, Glendale, Calif.

8. Section 601.2186 *San Diego, Calif., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 295° True radial of the San Diego terminal omnirange extending from the terminal omnirange station to a point 10 miles northwest."

9. Section 601.2399 is added to read:

§ 601.2399 *Del Rio, Tex., control zone.* Within 5 miles radius of Laughlin Air Force Base, Del Rio, Tex., and within 2 miles either side of a line extending from the center of the Air Force Base northwestward to the Laughlin AFB nondirectional radio beacon.

10. Section 601.4018 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska)* is amended by deleting the following reporting point: "the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range;" and by adding the following reporting points in lieu thereof: "the intersection of the northeast course of the Kenai, Alaska, radio range and a line bearing 266° True from the Anchorage, Alaska, radio range station; the intersection of the southeast course of the Skwentna, Alaska, radio range and a line bearing 357° True from the Anchorage, Alaska, radio range station;".

11. Section 601.4626 is amended to read:

§ 601.4626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range station.

12. Section 601.4618 is amended by changing caption to read *"Blue civil airway No. 18 (Paterson, N. J., to United States-Canadian Border)."*

13. Section 601.6003 is amended to read:

§ 601.6003 *VOR civil airway No. 3 control areas (Key West, Fla., to Presque Isle, Maine).* All of VOR civil airway No. 3 including east and west alternates, but excluding all the airspace between the main airway and its west alternate extending from the Florence, S. C., omnirange station to the Raleigh, N. C., omnirange station.

14. Section 601.6027 is amended to read:

§ 601.6027 *VOR civil airway No. 27 control areas (Los Angeles, Calif., to Seattle, Wash.).* All of VOR civil airway No. 27, including west alternates.

15. Section 601.6057 is amended to read:

§ 601.6057 *VOR civil airway No. 57 control areas (Evergreen, Ala., to Scotland, Ind.).* All of VOR civil airway No. 57.

16. Section 601.6081 is amended to read:

§ 601.6081 *VOR civil airway No. 81 control areas (Midland, Tex., to Pueblo, Colo.).* All of VOR civil airway No. 81, including east alternates.

17. Section 601.6114 is amended to read:

§ 601.6114 *VOR civil airway No. 114 control areas (Amarillo, Tex., to New Orleans, La.).* All of VOR civil airway No. 114, including north alternates and a south alternate.

18. Section 601.6133 is amended to read:

§ 601.6133 *VOR civil airway No. 133 control areas (Parkersburg, W. Va., to Traverse City, Mich.).* All of VOR civil airway No. 133.

19. Section 601.6137 is amended to read:

§ 601.6137 *VOR civil airway No. 137 control areas (Thermal, Calif., to Ukiah, Calif.).* All of VOR civil airway No. 137.

20. Section 601.6251 is amended to read:

§ 601.6251 *VOR civil airway No. 251 control areas (Washington, D. C., to New York, N. Y.).* All of VOR civil airway No. 251.

21. Section 601.6257 is amended to read:

§ 601.6257 *VOR civil airway No. 257 control areas (Delta, Utah, to Ogden, Utah).* All of VOR civil airway No. 257.

22. Section 601.6265 is added to read:

§ 601.6265 *VOR civil airway No. 265 control areas (Washington, D. C , to Harrisburg, Pa.).* All of VOR civil airway No. 265.

23. Section 601.6267 is added to read:

§ 601.6267 *VOR civil airway No. 267 control areas.* [Unassigned.]

24. Section 601.6268 is added to read:

§ 601.6268 *VOR civil airway No. 268 control areas (Keymar, Md., to Baltimore, Md.).* All of VOR civil airway No. 268.

25. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Farina Intersection: The intersection of the Vandalia, Ill., omnirange 136° True and the Troy, Ill., omnirange 084° True radials.

North Bend Intersection: The intersection of the Bradford, Pa., omnirange 127° True and the Williamsport, Pa., omnirange 271° True radials.

Roscoe Intersection: The intersection of the Appleton, Ohio, omnirange 065° True and the Mansfield, Ohio, omnirange 149° True radials.

by changing the following reporting point to read:

Saltair Intersection: The intersection of the Salt Lake City, Utah, omnirange 265° True and the Ogden, Utah, omnirange 194° True radials.

and by revoking the following reporting points:

Adamsville Intersection: The intersection of the Appleton, Ohio, omnirange 085° True and the Mansfield, Ohio, omnirange 149° True radials.

Mooresville Intersection: The intersection of the Charlotte, N. C., omnirange 359° True and the Spartanburg, S. C., omnirange 057° True radials.

Anniston, Ala., omnirange station.

LaGrange, Ga., omnirange station.

Tuscaloosa, Ala., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., April 11, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2091; Filed, Mar. 19, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th Gen. Rev. of Export Regs., Amdt. 29]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

Section 373.40 *Iron and steel*, paragraph (d) *Iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090* is amended in the following particulars:

1. Subparagraph (3) is amended to read as follows:

(3) *Offshore scrap.* License applications to export these scrap commodities from an American possession or territory outside the continental United States, including Alaska, are not subject to the requirements of subparagraph (4) of this paragraph, but shall in all cases include the following certification:

I (We) certify that the commodities described in this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession).

2. Subparagraph (4) is amended by adding the words "other than offshore scrap" after Schedule B No. 601010 in the first sentence thereof.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 20, 1957.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-2122; Filed, Mar. 19, 1957; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6643]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MARTIN GHERSTEIN ET AL.

Subpart—*Furnishing false guaranties:* § 13.1053 *Furnishing false guaranties:* Fur Products Labeling Act.[1] Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act: § 13.1255 *Manufacture or preparation:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1865 *Manufacture or preparation:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Martin Gherstein et al. trading as M. Gerstein & Sons, New York, N. Y., Docket 6643, Mar. 7, 1957]

In the Matter of Martin Gherstein (Erroneously Referred to in the Complaint as Martin Gerstein) and Daniel Harris, Individually and as Copartners Trading as M. Gerstein & Sons

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City furrier with violating the Fur Products Labeling Act by failing to disclose on labels that certain fur products were dyed and failing to label fur products as required by the act; by invoicing artificially colored fur as natural; and by furnishing false guaranties that certain of their fur products were not misbranded, falsely invoiced, and falsely advertised.

Following entry of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Martin Gherstein (erroneously referred to in the complaint as Martin Gerstein) and Daniel Harris, individually and as copartners trading as M. Gerstein & Sons, or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale or advertising or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product by failing to disclose that the fur product is dyed;

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact.

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(e) The name and address of the person issuing such invoice;

(f) The name of the country of origin of any imported furs contained in a fur product.

2. Furnishing invoices which contain the name or names of any animal or animals other than the name or names as required in paragraph B, 1 (a) above, or contain any form of misrepresentation or deception, directly or by implication, with respect to such fur product or fur.

C. Furnishing false guaranties that fur products or fur are not misbranded, falsely advertised or falsely invoiced under the provisions of the Fur Products Labeling Act, when there is reason to believe that the fur products or fur falsely guaranteed may be introduced into or sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2104; Filed, Mar. 19, 1957; 8:47 a. m.]

[Docket 6668]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROBERT KOSLOW

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Usual as reduced, special, etc. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price:* § 13.1355 *Value.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Robert Koslow trading as Koslow's, Fort Worth, Texas, Docket 6668, Mar. 6, 1957]

In the Matter of Robert Koslow, an Individual, Trading and Doing Business as Koslow's

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a furrier in Fort Worth, Tex., with violating the Fur Products Labeling Act by advertisements in newspapers which failed to disclose the names of animals producing the fur contained in certain products or that fur products were composed of artificially colored fur or of paws, tails, bellies, or waste fur, and which represented prices falsely as reduced; by means of labels which contained fictitious prices and misrepresented values or failed otherwise to set forth information in the form required; and by failing to invoice products as required by the act.

Following entry of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which by order of March 6, 1957, became the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Robert Koslow, individually, and trading under the name of Koslow's or any other name, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That fur products contain or are composed of bleached, dyed or otherwise artificially colored fur, when such is the fact;

c. That fur products contain or are composed in whole or in substantial part of paws, tails or flanks, when such is the fact;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of his business.

B. Making use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

C. Making pricing claims or representations respecting the wholesale prices, manufacturers' cost, reduced prices, comparative prices, percentage savings, or value or quality of fur or fur products, unless there is maintained and preserved by respondent adequate records disclosing the facts upon which such claims or representations are based.

D. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured.

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

c. That the fur product is composed in whole or in substantial part of paws, tails, or flanks, when such is a fact;

d. The name or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce or transported or distributed it in commerce;

e. The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels attached to fur products fictitious prices or any misrepresentation as to the value of such fur product, either directly or by implication.

4. Setting forth on labels attached to fur products non-required information mingled with required information.

E. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

c. That the fur product is composed in whole or in substantial part of paws, tails, or flanks, when such is a fact;

d. The name and address of the person issuing such invoice;

e. The name of the country of origin of any imported fur contained in a fur product.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 6, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2105; Filed, Mar. 19, 1957; 8:47 a. m.]

[1] New.

TITLE 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 56—MEDICAL CARE FOR DEPENDENTS OF MEMBERS OF THE UNIFORMED SERVICES

IDENTIFICATION OF DEPENDENTS

The following amendment to § 56.2–2 of this Part 56 has been authorized by the Secretary of Defense and the Surgeon General of the Public Health Service, who has been delegated the authority for this program by the Secretary of Health, Education and Welfare:

Section 56.2–2 (b) (4) has been revised to read as follows:

(4) *Dependents listed.* Each dependent, ten years or over, entitled to medical care, will be issued DD Form 1173. Certification of minor dependents, under ten years of age, for eligibility for medical care will be the responsibility of the dependent, accompanying parent, member or acting guardian.

(70 Stat. 250)

MAURICE W. ROCHE,
Administrative Secretary.

[F. R. Doc. 57–2086; Filed, Mar. 19, 1957; 8:45 a. m.]

Chapter V—Department of the Army

Subchapter G—Procurement

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 593—COORDINATED PROCUREMENT

PART 595—FOREIGN PURCHASES

PART 596—CONTRACT CLAUSES

PART 601—LABOR

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Add new paragraph (j) to § 591.201, and revise §§ 591.250, 591.251, and 591.252, as follows:

§ 591.201 *Preparation of forms.* * * *

(j) *Identification of specifications.* Each invitation for Bids shall list for each item included therein the applicable specifications as authorized for procurement in § 590.305 (a) of this subchapter, or will contain a description as provided in § 590.305 (c) of this subchapter. Such reference to specifications shall include the title and symbols, with revision letters if any, and dates, including amendments if any, identified by numbers and dates.

§ 591.250 *Distribution of Invitations for Bids and Requests for Proposals.* In addition to the distribution of Invitations for Bids or Requests for Proposals to prospective bidders referred to in §§ 2.202–1 and 3.101 of this title; and §§ 591.202–1 and 592.101 (c) of this subchapter, additional distribution shall be made as follows:

(a) *Procurement Information Center.* One copy of every unclassified Request for Proposals which is subject to being published in the Department of Commerce publications "Synopsis of U. S. Government Proposed Procurement, Sales, and Contract Awards" (§§ 2.206–1 and 3.106–1 of this title) and one copy of every unclassified Invitation for Bids and one copy of every amendment to each such Request for Proposals or Invitation for Bids, shall be sent directly, on the date issued, to the Procurement Information Center, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Old Post Office Building, Washington 25, D. C. Letters of transmittal are not necessary.

(b) *Small Business Specialist or Small Business Representative at Purchasing Office.* One copy of each Invitation for Bids or Request for Proposals and amendments thereto, described in paragraph (a) of this section, will be supplied for display purposes (§ 2.202–2 of this title) to the Small Business Specialist or Small Business Representative at the purchasing office of issuance. Three copies of DA Form 1877, properly completed by the Contracting Officer or his authorized representative in accordance with instructions contained in § 606.713 (c) of this subchapter 1 will then be completed by the Small Business Specialist or Small Business Representative in accordance with the referenced instructions).

(c) *Equal or identical bids.* See § 591.406–4 (b) for distribution of copies of invitations for bids in connection with the procedure on the submission of information on equal or identical bids.

(d) *Classified purchases.* See AR 380–5 for instructions as to the distribution of classified documents. In such cases, instead of the action indicated in paragraph (a) of this section, a letter will be forwarded to the office named therein, in substance as follows:

This office has issued invitation for bids No. ----------, dated ----------, bids to be opened on ----------, under TOP SECRET, SECRET, OR CONFIDENTIAL Project No. ----------.

(e) *Other internal distribution.* Heads of Procuring Activities may direct such additional internal distribution of invitation for bids as may be considered necessary.

§ 591.251 *Amendments to Invitations for Bids.* (a) Amendment(s) to Invitation for Bids must be distributed to all recipients of the Invitation for Bids. Amendment(s) to Invitation for Bids shall provide that the bidder may acknowledge receipt of the amendment(s) by so stating in the bid or by separate letter or telegram to the issuing office prior to bid opening. When amendment(s) to the Invitation for Bids are issued, the date set for opening of bids shall be postponed when necessary to afford bidders sufficient time to receive, consider, and acknowledge receipt of the amendment(s). In the event an amendment involving a change in pricing is not acknowledged prior to the opening of the bids, the bid shall be considered as not responsive, and further inquiry as to receipt need not be made.

(b) Any information given to a prospective bidder on an Invitation for Bids shall be furnished promptly to all other prospective bidders as an amendment to the invitation if such information is necessary to bidders in submitting bids on the invitation, or if lack of such information would be prejudicial to uninformed bidders. No award shall be made on the invitation unless such amendment has been issued in sufficient time to permit all prospective bidders to consider such information in submitting or modifying their bids.

(c) Amendments, if issued, will refer to the number, date of issue, and opening date of the original invitation, will clearly indicate the nature of the changes made therein, and will be numbered serially as issued. For example, the first amendment would be "Amendment 1."

§ 591.252 *Identification of items by broad category.* The item or category of items being procured will be shown in proper, simple nomenclature in large bold type on the face of each Invitation for Bid and Request for Proposal issued.

2. Sections 592.106–1, 592.152, and all of Subpart D, Part 592, are revised to read as follows:

§ 592.106–1 *Synopsis of proposed procurements.* Synopses of proposed negotiated procurement will be prepared by purchasing offices located in the continental United States in accordance with the requirements of § 591.206 of this subchapter. Such synopsized Requests for Proposals shall be displayed in accordance with § 2.202–2 of this title.

§ 592.152 *F. o. b. purchasing policy.* This policy with respect to purchasing f. o. b. origin or destination is set forth in § 1.306 of this title and Subpart J, Part 606 of this subchapter.

SUBPART D—TYPES OF CONTRACTS

§ 592.401 *Types of contracts.* In accordance with the basic policy set for in § 3.401 of this title the fixed price type of contract generally shall be used for negotiated contracts; other methods of contracting may be used only when the requirements of Subpart D, Part 3 of this title and § 606.104 of this subchapter have been satisfied.

§ 592.402 *Selection of contract type—*

(a) *Pricing considerations.* (1) It is the policy of the Army to obtain the maximum use of funds, and to secure the largest possible quantities of materials of requisite quality which can be purchased with those funds. To that end, efforts will be directed toward close initial pricing and close pricing on redetermination, rather than to rely on recapture of excessive profit by statutory renegotiation.

(2) It is the policy of the Army to secure "close prices," which will be fair both to the Government and the Contractor and which will provide an incentive for efficient performance by establishing an adequate margin of profit and by eliminating allowances for contingencies to the greatest extent possible. The objective of this policy is to keep management alert in an effort to avoid increased costs which would reduce the estimated profit, and to reduce costs, if possible, in order to increase the opportunity for additional profit.

§ 592.403 *Fixed-price-type contracts.* Part 15 of this title (Contract Cost Principles), will not be used in negotiating prices under fixed-price contracts, except to the extent that Contracting Officers deem it advisable, as a working guide only.

§ 592.403–3 *Fixed-price contract providing for the redetermination of price.* Contracting Officers, before including a price redetermination clause in any contract, will determine that the Contractor's accounting system is adequate to provide sufficient and reliable information for price redetermination purposes. To the extent deemed appropriate by the Contracting Officer, the services of the Army Audit Agency will be utilized in establishing the adequacy and reliability of Contractor's accounting systems. A statement, by the Contracting Officer, to the effect that the Contractor's accounting system has been determined adequate for price redetermination purposes will be made a part of individual contract files.

(a) An appropriate price redetermination clause should be used in fixed-price contracts in those instances when:

(1) There are no data to indicate reasonableness of price, such as lack of effective competition or the absence of an independent Government estimate; or

(2) The estimate of the low offeror, or the only offeror, exceeds the independent Government estimate by an unreasonable amount; or

(3) It is necessary or desirable to eliminate charges for contingencies from the contract amount; or

(4) It is necessary or desirable to incorporate incentives to increase production efficiency and to reduce costs; or

(5) Other circumstances require protection of the interests of the Government by use of price redetermination clauses.

(b) The forms of price redetermination clauses set forth in subparagraphs (1) through (3) of this paragraph may be included in negotiated, fixed-price contracts in accordance with the provisions of §§ 3.401 and 3.403 of this title and §§ 592.401 and 592.403 without approval of higher authority, except for those approvals as may be required by the Head of a Procuring Activity. Forms of price redetermination clauses not included in subparagraphs (1) through (3) of this paragraph will not be used without the prior approval of the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch.

(1) *Form II–B price redetermination clause.* The Form II–B price redetermination clause appears in § 596.150–5 (a) of this subchapter.

(i) *Limitations.* In addition to the provisions of § 3.403–3 of this title, the Form II–B price redetermination clause may be used only where deliveries cover a period of at least 9 months.

(ii) *Rules for administration.* In negotiating a price adjustment under the Form II–B, price redetermination clause, the Contracting Officer will adhere to the following rules, in addition to the audit requirements set forth in § 606.207 of this subchapter.

(*a*) The negotiations to redetermine prices should ordinarily take into account all changes in specifications which have been made up to the time of the negotiations.

(*b*) Negotiations to redetermine prices will be conducted upon substantially the same basis as the original negotiation of a price when like information on costs and estimates is available.

(*c*) The Contracting Officer should take into consideration the fact that increases in certain costs may be offset by decreases in others. The Contracting Officer also should recognize that increases in wages and in the prices of materials will not necessarily increase, immediately or proportionately, the cost of items to be delivered by the Contractor. For example, some of the labor on work in process at the time of a wage increase may have been performed while lower rates of wages were in effect. Again, materials included in work in process may have been bought by the Contractor before the effective date of a price increase. Similarly, the Contractor may have an inventory on hand, or materials on order, at prices which are not affected by the current increases. Also, there may be savings not attributable to the efficiency of the Contractor.

(*d*) The Contractor's estimate of future costs will be considered in the light of all available data, including shop, engineering, accounting and other relevant information, which will help to check the accuracy of the estimate. When any component or components of the estimate are in question, the Contracting Officer should inquire into the physical facts, e. g., the number of men actually engaged in a particular operation or process, the quantity of material actually used, etc. Expense and overhead allocation are based upon an estimated amount of expense spread over an anticipated volume to be produced. Check of the actual rate of expenditures and the actual volume being produced should be made so that the rates used may be founded on up-to-date forecasts. The aggregate of those charges included in the prices of contracts entered into within the current period should be considered in order to avoid excessive prices through over-absorption of such charges.

(*e*) In addition to consideration of the Contractor's cost experience under the contract and its estimates of future production costs, the Contracting Officer should make use of comparative prices, comparative costs and the trends of such prices and costs. If, since the making of the contract, prices have become competitive, particular weight shall be given to comparative prices, to the end that the effect of competitive forces may be fully realized for the benefit of the Government.

(*f*) The Contracting Officer should make such use and verification of the estimate and the supporting cost data submitted by the Contractor as he would make with respect to similar data upon the negotiation of a price under a new contract.

(*g*) The negotiations will be promptly instituted and concluded in strict accordance with the provisions of the clause. Every effort will be made to come to an agreement as to revised price or prices.

(*h*) Upon the conclusion of each negotiation for price revision, the revised price or prices will be evidenced by a supplemental agreement. The supplemental agreement should clearly indicate what costs, if any, of a nonrecurring nature have been recognized as having been paid for in prices for the preceding period or periods, so as to avoid the possibility of a second payment therefor in the event of termination at the option of the Government.

(*i*) Wherever a contract containing the Form II–B price redetermination clause is modified by change order or supplemental agreement, so as to affect the rate of deliveries or quantities of items called for, the Contracting Officer will take care to deal with and cover explicitly any modification in the operation of the price redetermination clause which he considers are made necessary by the modification of rates of deliveries or quantities.

(*j*) Proper administration of the Form II–B clause requires that the Contracting Officer make regular periodic reviews of the contract price to ascertain whether or not a demand should be served. No demand should be made by the Contracting Officer, and the Contractor should be discouraged from making such demand, unless a sound basis exists for believing that a redetermination of price is necessary to protect the interest of the Government or the Contractor. The need for such a demand may be indicated by factors such as the following:

(*1*) Comparative prices.

(*2*) Movements or trends in such prices.

(*3*) Movements or trends in the prices asked by other Contractors for the same or similar items.

(*4*) Information supplied by the Contractor in the ordinary course of business.

(*5*) Changes in market prices of materials or components.

(*6*) Changes in subcontract prices.

(*7*) Changes in the Contractor's prices under other Government contracts.

(*k*) The first revised forward price under the Form II–B clause and prices negotiated pursuant to a demand under the clause should be based on projections extending over the remaining life of the contract and should not take into account possible increases in costs.

(2) *Form III price redetermination clause.* The Form III price redetermination clause appearing in § 596.150–5 (b) of this subchapter provides for retroactive pricing by mutual agreement. It is designed primarily for use in contracts of $100,000 or less for experimental or developmental items or services. This clause, however, should be used also in contracts for the procurement of any item or service, when it is not possible to determine reasonableness of price at the time of negotiation. By its terms the Contracting Officer is empowered, after completion or termination of the contract, to demand that the parties negotiate to reduce the entire contract price. The redetermination of price effected thereunder is wholly retroactive.

(i) *Limitations.* In addition to the provisions of § 3.403–3 (b) (5) of this title, the Form III price redetermination clause may be used only when:

(a) The amount of the negotiated contract is $100,000 or less.

(b) There are no data available to indicate reasonableness of price.

(c) Contractor's estimate is believed to contain contingencies. (It will not be assumed that a Contractor who agrees to inclusion of this price redetermination clause is assuming appreciable risk, unless it can be determined that the price offered by him does not include contingency provisions.)

(ii) *Rules for administration.* (a) If the production cost figures indicate that the price was high, the Contracting Officer will make the demand contemplated by the clause and will proceed promptly with and conclude the redetermination of the price in accordance with the clause.

(b) The Contracting Officer should make such use and verification of the cost data as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include an examination and audit of the Contractor's books and records.

(c) The profit to be allowed under this contract upon redetermination of price shall be subject to negotiation.

(d) The redetermined price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of the reduction.

(3) *Form IV price redetermination clause.* The Form IV price redetermination clause appearing in § 596.150–5 (c) of this subchapter provides for retroactive pricing with a limited upward revision. This clause, providing for upward or downward price revision, is authorized for use in negotiated contracts for supplies or services where the quantity being procured is moderate and the period of the contract does not cover an extended period of time. Under the clause a contract price is agreed upon (target price) which it is believed will tend to compel the Contractor to do as efficient a job as possible in the circumstances, and at the same time a maximum price is fixed as a ceiling (normally not to exceed 10 percent of target price) on any upward redetermination under the clause. The redetermination of price takes place after completion or termination of the contract and is wholly retroactive.

(i) Limitations.

(ii) Rules for administration:

(a) The time limitations prescribed in the clause will be strictly followed.

(b) The Contracting Officer should make such use and verification of the cost data submitted by the Contractor as he would make with respect to similar data upon the negotiation of a price under a new contract. The verification may include the examination and audit of the Contractor's books and records.

(c) The negotiations under the clause may result in a redetermined price which is the same as, or higher or lower than, the contract price but never is a redetermined price in excess of the maximum price.

(d) The redetermined price will be evidenced by a supplemental agreement making adequate provision to secure to the Government the benefit of any price reduction negotiated, or for payment to the Contractor of any price increase, as the case may be.

(c) *Ceiling price provision.* Upward revision to be established in Forms II–B and IV price redetermination clauses will be limited to 10 percent in all possible cases and in no event will exceed 25 percent without the prior approval of the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Branch.

§ 592.403–4 *Fixed-price incentive contract*—(a) *Description.* Fixed-price incentive contract clauses are set forth in § 596.150–6 of this subchapter. The primary objective of the incentive provisions in fixed-price contracts is to bring about a lower price to the Government by stimulating efficiencies in the contractor's performance. This type contract does not offer as great incentive for cost reductions as the firm fixed-price type and shall not be used when circumstances permit the negotiation of a firm fixed-price contract. Incentive is provided by permitting the contractor's profit to increase as costs decrease and to decrease as costs increase in relation to a target cost established by negotiation. Terms used in this section relative to fixed-price incentive contracts are defined in the text of the clauses set forth in § 596.150–6 of this subchapter.

(b) *Applicability.* Incentive type contracts should be used only when a reasonable opportunity exists for the contractor to reduce his costs. For instance, if purchased raw materials and parts comprise a high percentage of total cost there may be little possibility of cost reduction, and any contractual incentive to reduce costs would be pointless.

(c) *Limitations.* In addition to the provisions of § 3.403–4 (c) of this title, incentive price revision clauses set forth in § 596.150–6 (a) and (b) of this subchapter may be used in negotiated fixed-price contracts under the circumstances outlined herein. The incentive contract shall not be used as a substitute for firm fixed-price contracting, but may be used to encourage efficiency and at the same time provide some degree of protection for both contracting parties where a firm fixed-price contract is not feasible. The objective is to permit reasonable pricing and still preserve enough flexibility in pricing so that, within agreed limits, a contractor's profit may vary in accordance with a negotiated formula. The use of an incentive price revision clause must be premised on the ability of the contractor to maintain accounting records in accordance with generally accepted accounting principles and practices, to the extent and in such detail as is necessary for establishment of costs applicable to the contract. Such clauses are appropriate for use primarily in those contracts which require quantity production over an extended period of time, but are not intended to preclude the use of other types of price redetermination provisions.

(d) *Instructions*—(1) *General.* (i) The items which are subject to incentive price revision should be indicated in the appropriate blanks of paragraph (b) (i) of the clauses. These items which are subject to pricing in accordance with the provisions of a document incorporated in the contract by reference, or which are priced in some manner other than that set forth in the clause, should be indicated in the appropriate blanks of paragraph (b) (ii). The items, if any, which are not subject to incentive price revision and which will be paid for on a fixed-price basis should be indicated in the appropriate blanks of paragraph (b) (iii).

(ii) Provisions may be made for separate formulas applicable to specified articles or services. In the clause entitled "Items, Priced, Pursuant to Established Repair Parts, Procurement Procedures," the prices of items, articles or services added by amendment or supplemental agreement shall ordinarily be target prices. Billing prices may, however, be negotiated when, in the opinion of the Contracting Officer, sufficient information is not available on which to negotiate reasonable target prices, in which event the amendment or supplemental agreement shall provide a definitive cutoff point or date during the course of deliveries under the contract for conversion of such billing prices to target prices. In either case, the target price when established shall indicate the target cost and target profit included therein, and the contract target cost shall be adjusted to reflect the cumulative effect thereof at the time of final price revision. In those instances where items, articles or services so added are priced on a fixed-price basis, they shall be paid accordingly, and the elements of cost and profit involved shall be excluded from the costs and profits considered in final price revision. Fixed-price items shall be added only when the costs thereof can be segregated from all other contract costs.

(iii) Prices established for contract changes shall be target prices; such prices shall indicate the target cost and target profit included therein. The contract target cost shall at the time of final price revision be adjusted to reflect the net effect of increases and decreases in target cost resulting from such changes.

(iv) The paragraphs of the clauses entitled "Adjustment of Billing Price" (§596.150–6 (a) and (b) of this subchapter) make possible the negotiation and adjustment of prices at which the articles delivered are being billed under invoices submitted by the contractor either upward or downward as production progresses under the contract. If it appears at any time that the final unit price or final contract price will be substantially less than the billing or target price, it will be desirable to adjust the billing price downward. In like manner, if it appears at any time that the final unit price or final contract price will be substantially greater than the billing price or target price, it will be desirable to increase the price at which articles are being billed. Any such change in billing price shall not affect either ceiling or target price.

(v) Fixed-price incentive contracts will be treated the same as contracts which provide for price redetermination for the purpose of determining audit requirements and of following procedures set forth in § 606.207 of this subchapter.

(2) *Price revision clause with initially firm target data.* (i) The clause set forth in § 596.150–6 (a) of this subchapter should be used where there is sufficient and pertinent cost and production experience to establish fair and reasonable target prices at the time the contract is negotiated, and there is reason to believe that the cost of production may be substantially reduced by providing an incentive to encourage efficiency. The prices originally negotiated and set forth in the contract will be target prices.

(ii) The incentive formula establishing the percentages for the target profit, the contractor's participating share in excess costs or in savings, and the maximum contract price for all items subject to price revision, in the case of those contracts where target costs are set at the outset of the contracts, shall be negotiated and made a part of the contract prior to its execution.

(3) *Price revision clause with delayed firm target data.* (i) The clause set forth in § 596.150–6 (b) of this subchapter should be used only where fair and reasonable target prices cannot be established at the time the contract is negotiated because of lack of sufficient and pertinent cost or production experience, but can be determined after production of a reasonable quantity. The prices originally negotiated and set forth in the contract will be billing prices. This clause provides for the submission of data upon which to base the negotiation of target prices after delivery or shop completion of a designated number of articles. The date for submission of the data must be early in the course of deliveries under the contract. In those cases where the Government has currently in production, with the same contractor, articles of a type similar to those subject to incentive price revision and the Government and the contractor do not have adequate cost or production experience upon which to negotiate target prices at the time the new contract is negotiated, the time for negotiation of target prices and submissions of the data will be premised on the delivery of a designated number of the articles to be delivered under the previous production contract. Pending establishment of a targe price, the Government's obligation to make payment, whether through progress payments, deliveries, termination, or otherwise, shall be limited to the amount set forth in subparagraph (c) of the clause, which amounts shall reflect the contractor's anticipated expenditures, its commitments to its subcontractors and vendors and such allowance for profit on delivered items as is permitted pursuant to the payment provisions of the contract during the period prior to establishment of the target price.

(ii) In those cases where, due to insufficient data, it is necessary to establish target costs during the course of the contract, the incentive formula establishing such percentages shall be negotiated and made a part of the contract at the time target costs are set.

(iii) Under the clause in § 596.150–6 (b) of this subchapter the target prices of any changes directed prior to the establishment of the contract target price may be established at the time of negotiation of the contract target price.

(4) *Termination.* In the event the entire contract is terminated, prices for completed items or services shall be subject to negotiation, and such prices, within the provisions of the contract, shall be revised as may be equitable under the circumstances. In the event of a partial termination such revision should include an adjustment of target costs, target profits, contract ceiling, and other contract provisions effected by the partial termination.

§ 592.403–50 *Administration of fixed-price contracts*—(a) *Payments on incentive type and price-redetermination type contracts.* (1) It is the policy of the Department of the Army in connection with incentive-type and price redetermination type contracts to assure payment of amounts fairly due for items delivered and accepted or services performed, to reduce the need for refunds by contractors, to facilitate timely adjustment of provisional billing prices, and prompt completion of final pricing.

(2) The clause prescribed in §§ 596.150–5 and 596.150–6 of this subchapter for incentive-type and price redetermination type contracts contain provision to accomplish the purpose of the policy stated above; therefore, all new contracts of the incentive-type and price redetermination type, all definitive contracts of the incentive or price redetermination type replacing or superseding letter contracts, all amendments providing an incentive or price redetermination clause in contracts not previously containing such a clause, and all amendments to contracts of the incentive or price redetermination type providing for new or additional procurement entered into on or after July 1, 1956 shall contain the applicable clause prescribed in Part 596 of this subchapter.

(3) (i) Contracting Officer will exercise every effort to bring about prompt redetermination of prices, or the setting of firm target prices when incentive type contracts are concerned, by vigilant and timely attention to the contract administration aspects of each contract. Nothing contained herein will diminish a Contracting Officer's responsibilities.

(ii) The separate price redetermination clauses set forth in § 596.150–5 of this subchapter impose upon contractors specific time limits within which to submit data for price redetermination purposes. These time limits do not exceed a maximum of 60 days after the redetermination point is reached. Heads of Procuring Activities will establish necessary administrative procedures and controls to insure that, following receipt of a contractor's price redetermination data, price redetermination actions are completed and necessary documents presented to contractors for execution within a period of time no greater than that prescribed for the Contractor to submit price redetermination data in accordance with the price redetermination provisions of the contract concerned. Contracting Officers will finalize price redetermination actions within not more than 120 calendar days after the redetermination point specified in the particular contract is reached. A statement of the specific reasons for any failure to complete a price redetermination action within the time limits prescribed above will be prepared and made a part of the individual contract file concerned. In addition, notification of such failure will be promptly made in each instance, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., ATTN: Chief, Contracts Branch. This notification will identify the contract, contracting activity, and contractor concerned.

(iii) The contract clauses prescribed in § 596.150–5 of this subchapter for price redetermination-type contracts provide that agreement in writing between the Contractor and Contracting Officer upon revised billing prices which are lower than the contract prices, redetermination offer, or most recent quarterly cost statement, establishes such prices as final prices for payment limiting purposes if the Contractor also agrees to adjust past payments and subsequent billings to the agreed upon revised billing prices. It is therefore essential, if proposed revised billing prices appear fair and reasonable, that agreement on such prices be promptly concluded. This is especially important when the contract concerned contains a Form II–B Price Redetermination Clause (§ 596.150–5 (a) of this subchapter) since date of the agreement establishes a definite cutoff point for submission by contractors of quarterly cost statements. Although not specified in the clauses referred to above, contractors' quarterly cost statements should be submitted to the Contracting Officer administering the contract concerned. It is essential that Contracting Officers and Disbursing Officers maintain close liaison in order that payments will be made in accordance with the contract provisions. Unless the Contracting Officer has good cause to doubt or question the accuracy of the quarterly cost statements furnished by contractors, such statements will be relied upon and prompt payments under the contract will continue to be made pending any post-audit or post-review that may be necessary to protect the interests of the Government.

(iv) Contracting officers will systematically and periodically review all incentive-type and price redetermination type contracts for the purpose of obtaining voluntary interim price adjustments and prompt refunds as appropriate (paragraph (c) of this section). The making of voluntary refunds in anticipation of retroactive price reductions will be encouraged. No proposed voluntary refund will be refused or delayed, and all such refunds will be tendered and accepted without prejudice to final pricing. In connection with voluntary refunds, minimum refunds proposed by contractors in connection with final pricing proposals, and refunds incident to quarterly statements, contractors will not be required to furnish concurrent itemization of adjustments to be made on past billings, nor to furnish adjusted bills concurrently. Such adjustments as may be essential in connection with refunds will be accomplished by appropriate Government personnel, with such

information as may be essential from contractors after refunds are made, and the making acceptance and deposits of refunds will not be delayed pending the making of any necessary accounting adjustments. When reductions in billing prices are proposed by contractors, they will be made effective immediately without prejudice to further adjustment, and billings voluntarily reduced by contractors will, if otherwise proper, be paid at the reduced amounts without awaiting contract amendments.

(v) For use in expediting and controlling price redeterminations and refunds, contracting officers will establish and maintain, as an integral part of individual contract files, a control list which will indicate the current status of the items listed below incident to all incentive-type and price redetermination type contracts. The control list will reflect, as a minimum for each contract of the type concerned (*a*) Contractor's name and location, (*b*) Contract number and amount, (*c*) Whether contract is of the incentive or price redetermination type (and form of price redetermination clause, as appropriate), (*d*) Whether contract provides for partial or progress payments and if so, basis on which progress payments are computed, (*e*) Whether contract contains a withholding provision and basis for withholding, (*f*) Actual date price redetermination point is reached, (*g*) Date acceptable price redetermination data is received from the Contractor, (*h*) Date revised billing prices agreed upon, (*i*) Dates on which audit, if applicable, is begun and completed, (*j*) Dates price redetermination negotiations begun and completed, (*k*) Dates of submission to, and execution by, contractor of amendment or supplemental agreement on revised prices, (*l*) Amount of Contractor indebtedness, if any, resulting from price redetermination and current status, (*m*) Date and amount of any voluntary refunds made by contractor. Heads of Procuring Activities will insure that the above information is maintained in a current status and readily available at all times.

(vi) Where the Contracting Officer has discretion to control payments through withholding provisions under an existing contract of the incentive or price redetermination type, which does not contain clauses prescribed in Part 596 of this subchapter, the contract (insofar as possible) shall be administered to the maximum extent permitted by such withholding provisions, so that on and after 1 July 1956 the total aggregate payments will be limited as though the contract contained the applicable clause prescribed in Part 596 of this subchapter. In the event Contracting Officers are unable to obtain from the Contractor necessary information to determine the amounts that would be permitted if the contract contained the applicable clause referred to above and cannot obtain agreement to limit payments accordingly, subsequent payments under the contract will be withheld to the maximum extent permitted in accordance with the withholding provision of the contract.

(vii) Section 1481 of the Internal Revenue Code of 1954 and Section 3806 of the Internal Revenue Code of 1939 provide for certain tax credits in connection with contract price refunds (paragraph (c) of this section). The contract clauses prescribed in Part 596 of this subchapter do not alter the effect of those statutory provisions. Contracts shall be administered in such manner as to allow this statutory tax credit whenever applicable under the circumstances. Whenever there is a "gross excess" under those contract provisions, the amount of such tax credit shall be allowed in partial settlement of the gross excess determined without reference to such tax credit, and only the remainder of the excess after such tax credit allowance shall be subject to refund by the Contractor. Also, applicable previous tax credits shall be excluded in computing refunds previously made, and the amount of tax credits shall be deducted from the "gross excess" in computing the amount that may be added or restored to the unliquidated progress payment amount.

(viii) It is intended that payment at contract billing prices will be made before submission of the first required quarterly statement, and thereafter as adjusted during the intervals between quarterly statements.

(b) *Administration of price redetermination clauses.* The following policy will apply to the administration of all price redetermination clauses.

(1) In price revision negotiations, the objective of the Contracting Officer shall be to negotiate a fair and reasonable revised price in which due weight is given to all relevant factors, including those taken into account when the initial contract price was negotiated. By way of illustration, but not limitation, full consideration shall be given to such matters as the Contractor's general performance, efficiency, economy, and ingenuity displayed in meeting contract requirements, including the delivery schedules, quality of the product, the character and extent of the subcontracting, cost data including questioned costs and the allocability and reasonableness of costs, changes in market conditions, competitive aspects of the original negotiation, as well as the competitive prices for the same or similar items, extent of Contractor's technical, production and financial risk, and Government assistance in the form of facilities, equipment, or financing. All of the above factors shall be considered to the extent pertinent to the specific negotiation and no price revision negotiations shall be based solely on a single factor. The record of the negotiations should be in sufficient detail to reflect the most significant considerations controlling the establishment of the revised price.

(2) Compliance with the policy stated in subparagraph (1) of this paragraph requires that Contracting Officers rely on educated judgment and not on mechanical rules or mathematical formulas. Compliance further requires that pricing decisions shall not be made solely on the basis of a determination of cost and profit. It follows that the Contracting Officer need not negotiate agreements with Contractors as to the individual elements of cost.

(3) In order that the positions of the Government and the Contractor will not be prejudiced in price revision proceedings, such negotiations shall be conducted promptly.

(c) *Revenue ruling (IRB 1953–7 price redeterminations.* Section 1481, Internal Revenue Code, 1954 (formerly section 3806, I. R. C., 1939), Revenue Ruling 53 (C. B. 1953–1, 479), and Revenue Ruling 54083 (C. B. 1954–1, 288) pertain to payment of income taxes by contractors having fixed price contracts with provision for price redetermination. To minimize the effect of these provisions on the Department of the Army appropriations, Contracting Officers will, where feasible, execute a contract supplement, or obtain from the Contractor a credit memorandum or a definite commitment, preferably in writing, to reduce the contract price, prior to the date on which the Contractor files his completed income tax return. (Sections 6081 (a), Internal Revenue Code, 1954, authorizes the Secretary of the Treasury or his delegate to grant contractors extensions of time, not to exceed six months, within which income tax returns are required to be filed).

§ 592.404 *Cost-reimbursement type contract.* Subject to the limitations of § 3.404 of this title, cost-reimbursement type contract may be used in procurements where fixed-price (with or without provision for adjustment of price) contracts are not suitable. Fees to be negotiated in this type of contract will be evaluated and negotiated on the basis of the extent and nature of the work to be supervised or the services to be performed by the Contractor, and not by the amount of the estimated cost of performing the contract. The standards for the determination and allowances of costs in connection with the performance of cost-reimbursement type contracts are set forth in Part 15 of this title.

§ 592.404–4 *Cost-plus-incentive-fee contract*—(a) *Description.* The Cost-plus-incentive-fee contract is a cost-reimbursement type contract with provision for a fee which is adjusted by formula in accordance with the relationship which total allowable costs bear to target costs. Under this type of contract, there is negotiated initially a target cost, a target fee, a minimum and maximum fee, and a fee adjustment formula. After performance of the contract, the final contract fee is determined in accordance with the formula. The formula provides, within limits, for increases in fee above target fee when total allowable costs are less than target costs, and decreases in fee below target fee when total allowable costs exceed target costs. The provision for increase or decrease in the fee is designed as an incentive to the Contractor to increase his efficiency of performance. Terms used relative to cost-plus-incentive-fee contracts are defined in the text of the clause set forth in § 596.203–50 of this subchapter.

(b) *Applicability.* (1) The cost-plus-incentive-fee contract should be used only after it has been determined that use of a cost-type contract is in the best interest of the Government and the use of the provision for incentive revision of fee may be expected to reduce the ultimate cost of the procurement.

(2) Consideration should be given to using the cost-plus-incentive-fee provision in production contracts involving reasonably long production runs, where, (i) the estimated costs of performance can be reasonably forecast, and (ii) the Contractor's cost accounting system is sufficiently reliable and accurate to identify the costs of performance. Care must be exercised in negotiating contract target costs. Inflated or excessively low target costs may enhance or impair the operation of the incentive fee provision of the contract, without relating to economy in performance.

(3) In addition to the requirement of subparagraph (2) of this paragraph, Contracting Officers may give consideration to use of the cost-plus-incentive-fee type contract where:

(i) Production experience is limited, or

(ii) Developmental work will be required under the contract, or

(iii) The contract is to be performed in a Government-owned plant with the use of Government-owned facilities.

(c) *Instructions*—(1) *General.* New target costs will be mutually determined whenever a change order or supplemental agreement is made which increases or decreases the work required under the contract. Target costs agreed upon for work under change orders and supplemental agreements must be realistic. Negotiations for the establishment of target costs should be conducted in accordance with existing cost principles (Part 15 of this title).

(2) *Fee Schedule.* The measure of the increase and the decrease in the fee (in subparagraph (j) (2) of the cost-plus-incentive-fee clause) shall normally be the same. The contract schedule shall set forth target fees for each item and "maximum" and "minimum" incentive fees for each item which shall normally be equidistant from the respective target fees. In appropriate cases, the maximum and minimum incentive fees may be stated in terms of percentages of the target fees. Under some circumstances, it may be appropriate to use a sliding scale; for example, 0.01 cent for the first $100 of increased or decreased cost, 0.02 cent for the second $100, etc. Under such circumstances the Contractor's participation will be on an increasing scale for each increment, never on a decreasing scale. The wording of paragraph (j) (2) of the cost-plus-incentive-fee clause will be changed to reflect the sliding scale participation when used.

(3) *Determination and findings.* Where cost-plus-incentive-fee contracts are used, a Determination and Finding will be prepared in accordance with the provisions of Subpart C, Part 3 of this title and Subpart C of this part.

(4) *Termination.* In the event the contract is terminated, in whole or in part, the incentive fee under the cost-plus-incentive-fee contract shall be revised as may be equitable under the circumstances, and adjusted in the manner permitted or required by the contract. In the event of a partial termination such revision should include an adjustment of target cost, target fee, and other contract provisions with relation to the remaining portion which is affected by the partial termination.

(5) *Limitation on fee.* The target and the maximum fee shall be subject to the administrative limitations stated in § 3.404–3 (c) of this title.

§ 592.405 *Other types of contracts.*

§ 592.405–1 *Time and materials contract*—(a) *Justification of Use.* The official contract file will contain a statement, accomplished by the Contracting Officer, which will include information such as the following:

(1) Hourly rates, including overhead and profit, compared with:

(i) Previous Government contracts of this type.

(ii) Rates normally charged on commercial contracts of this type.

(iii) Existing contracts with other agencies.

(2) Complete justification of profit percentages in excess of 10 percent of direct labor and labor overhead.

(b) *Reimbursement for material.* All time and material type contracts will provide that material purchased, manufactured, or otherwise procured thereunder shall be reimbursed by the Government to the contractor at cost. For the purpose of this section, the term "at cost" will be construed to mean:

(1) *Standard commercial parts.* When the Contractor purchases the material furnished, the net cost (cost clear of anything extraneous, i. e., cash discounts, trade discounts, rebates, commissions, and any other allowances and credits available to the Contractor) to the contractor, regardless of date purchased, plus properly identified and supported freight or transportation charges, if any, paid by the Contractor. Other costs, such as material handling expense, which must be included as a part of overhead in the unit labor rate, are not allowable under this section.

(2) *Fabricated special parts.* When the Contractor manufactures the material furnished as a nonstandard item, the net cost, including direct labor expense, direct material expense (clear of all deductions, such as cash discounts, trade discounts, rebates, commissions, and any other allowances and credits available to the Contractor) to the Contractor, plus allocable freight or transportation charges, other direct charges, if any, and related overhead costs but no allowance for profit.

(3) *Fabricated standard parts.* (i) When the Contractor manufactures the parts furnished as a standard item, the net cost (after deducting all discounts, rebates, commissions, and all charges for the contractor's profit) will constitute the charge allowable at date of delivery to the Government; however, (ii) when all or some of the parts furnished appear on a current Federal Supply Schedule the contract will make reference to the applicable schedule(s) and the cost will not exceed the schedule price but will be the lesser price allowed under subdivision (i) of this subparagraph.

§ 592.405–3 *Letter contract*—(a) *Approval requirement.* Letter contracts, or any other type of preliminary contract, will not be used without prior approval of the Chief, Contracts Branch, Deputy Chief of Staff for Logistics, Department of the Army, except that, subject to the limitation set forth in § 3.405–3 of this title and this section, Chiefs and acting chiefs of technical services are authorized to issue letter contracts in amounts representing not more than 50 percent of the total estimated amount of the definitive contract, provided, the estimated amount of the definitive contract does not exceed the approval authority of the particular technical service as authorized in §§ 606.204–3, 606.204–4 and 606.204–6 of this subchapter. Chief of technical services may redelegate this authority to the extent deemed necessary without authority of further redelegation. When the total estimated amount of the proposed definitive contract exceeds that which the procuring technical service is authorized to approve, or where it is desired to award a letter contract in an amount in excess of 50 percent of the total estimated amount of the proposed definitive contract, prior approval of the Chiefs, Contracts Branch, Deputy Chief of Staff for Logistics, Department of the Army is required.

(b) *Conditions for use.* In addition to the provisions of paragraph (a) of this section, the authority to issue letter contracts is contingent upon compliance with the following:

(1) That the definitive contracts will contain all required standard clauses, in addition to such standard optional clauses as are necessary to protect fully the interest of the Government, and that this provision will be made a condition of each letter contract.

(2) That all fixed-price contracts, when there is no information upon which to base reasonableness of price, will contain applicable standard price redetermination clauses with upward limitations thereunder held to a minimum, but in no event to exceed 25 percent, and that this provision shall be made a condition of each applicable letter contract.

(i) Irrespective of total estimated definitive contract amount, a definitive contract or letter contract providing for a price redetermination clause with upward revision exceeding 25 percent must have prior approval of the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch.

(ii) Independent Government estimate, prepared prior to receiving estimate from the proposed Contractor, may be used to determine reasonableness of price.

(3) That the fixed-fee in a cost-plus-a-fixed-fee type of contract will not exceed the limitations set forth in § 3.404–3 (c) of this title, with further consideration given to the following:

(i) The absence of risk to the Contractor.

(ii) The estimated quantity of the following as compared with the total estimated definitive contract price: (a) Material, (b) subcontracting, (c) purchased parts, and (d) "Off-the-Shelf" items.

(iii) The size of the proposed contract.

(4) That the profit to be paid shall be consistent with the protection afforded to the contractor in the minimizing or removal of risk to him, with due consideration given to the estimated quantity of the following as compared to the total estimated contract price: (i) Material, (ii) subcontracting, (iii) purchased parts, and (iv) "Off-the-Shelf" items.

(5) That the duration of the letter contract will not exceed 180 days from the date of execution. Extensions which increase the duration beyond 180 days will not be made without prior approval of the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch.

(c) *Information to be furnished when requesting approval of letter contracts.* Requests for authority to award letter contracts submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch, must indicate that the use will be in accordance with the basic policies set forth in § 3.405–3 of this title, and will include the following:

(1) Statement as to the necessity and advantage to the Government of the use of the proposed letter contract.

(2) Name and address of proposed Contractor.

(3) Location where contract is to be performed.

(4) Brief description of supplies and quantities to be furnished or services to be rendered.

(5) Duration of letter contract in number of days from date of execution.

(6) Amount of letter contract.

(7) Total estimated definitive contract amount, including estimated cost of (i) facilities, (ii) special tooling equipment, etc., (iii) activation or reactivation, (iv) training of personnel, and (v) subcontracting.

(8) Estimated delivery schedule.

(9) Type of definitive contract proposed (fixed-price, cost-plus-a-fixed-fee, etc.).

(10) Statement as to whether the definitive contract will contain all required standard clauses in accordance with Subchapter A, Chapter I of this title, and this subchapter, other Department of the Army directives.

(11) List of all standard optional clauses which will be made a part of the definitive contract, including (i) Patent clauses, (ii) Copyright clause, (iii) Special Tooling clause, (iv) Government Property clause, (v) Facility agreement, and (vi) Price Redetermination clause (including form number and percentage of upward revision).

(12) Statement that the provisions of subparagraphs (10) and (11) of this paragraph will be made a condition of the subject letter contract.

(13) Statement that the minimization of risk, through inclusion of the price redetermination clause, will be given due consideration in determining the rate of profit to be allowed, with further attention given to the amount of each of the following as compared to the total estimated contract amount: (i) Material, (ii) subcontracting, (iii) purchased parts, and (iv) "Off-the-Shelf" items.

(14) Source of funds to be used in the proposed procurement, showing:

(i) Total allocated, and

(ii) Total obligated to date, exclusive of the proposed letter contract.

(15) Statement that research and development funds will not be used when the work to be covered is not for research and development.

(16) Statement that the definitive contract will be executed with a minimum of delay.

(17) Statement that the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch, will be notified through the Head of the respective Procuring Activity, without delay, as to the date of execution of the letter contract.

(18) Statement that request for approval of the definitive contract, if required, will be forwarded in time to reach the Office of the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch, no later than 15 days prior to the expiration of the letter contract.

(19) Statement that the letter contract will be reported on Individual Procurement Action Report (DD Form 350) in the amount of the letter contract; and that subsequent reports will be submitted, when and if changes are made in the amount of obligation of the letter contract, only in the amount of such change, whether plus or minus. Further, that when formal contract is executed, report will be made only in the amount of the definitive contract, less the cumulative obligation under the letter contract and any changes thereto. (See Subpart C, Part 606 of this subchapter.)

(d) *Approval for modification of letter contracts.* Letter contracts approved for issuance by the Deputy Chief of Staff for Logistics, will not be extended or amended without prior approval of Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch. Requests for approval of extensions or increases will include the following:

(1) Name and address of Contractor.

(2) Description of work to be performed, showing quantity of items originally approved.

(i) If quantities have been increased subsequent to original approval, show such quantities, authority, and date.

(ii) If additional quantities are to be procured, show such quantities and new total.

(3) Date originally approved.

(4) Date letter contract was executed.

(5) Duration originally approved.

(i) If extensions in the duration have been made subsequent to original approval, show such extensions, authority, and dates.

(ii) If additional days are required, show number required and new total.

(6) Amount of letter contract originally approved.

(i) If increases have been made subsequent to original approval, show each increase, authority, and dates.

(ii) If additional increase is required, show amount and new total, and source of funds, including (a) total allocated, and (b) total obligated to date, exclusive of the proposed increase.

(7) Estimated definitive contract total originally approved.

(i) If increases have been made subsequent to original approval, show each increase, authority, and date.

(ii) If additional increase is required, show amount and new total.

(8) Complete justification for extension or increase requested, including reasons as to why definitive contract cannot be executed without such amendment.

NOTE: The requirements of this section shall not be construed to restrict Procuring Activities from approving definitive contracts, within the authority of § 606.204 of this subchapter, for which letter contracts were approved by the Deputy Chief of Staff for Logistics, Department of the Army, Chief, Contracts Branch, prior to the delegation of such authority.

§ 592.405–5 *Call contract.* (Subpart K, Part 606 of this subchapter).

§ 592.405–6 *Open end contract.* (Subpart K, Part 606 of this subchapter).

§ 592.405–50 *Purchase orders.* (Subpart F, Part 606 of this subchapter).

§ 592.405–51 *Informal commitments.* (a) An informal commitment is a verbal order or written communication by a Contracting Officer or his authorized agent, requesting a person or firm to furnish supplies or services to the Government or a defense Contractor.

(b) Informal commitments will be entered into under the circumstances only as authorized by § 606.409–1 (c) of this subchapter, and pursuant to instructions of the Head of a Procuring Activity issued under authority contained in this subchapter.

(c) Informal commitments will not be entered into for specific amounts. The basis of payment will be "fair compensation" as approved by the appropriate approving authority, depending upon the amount involved.

(d) Requests for formalization of informal commitments will be processed pursuant to § 606.409–2 of this subchapter, within 10 days after completion of performance thereof.

(e) No payment will be made or certified in connection with an informal commitment until formalization has been approved and accomplished.

§ 592.405–52 *Cost-plus-a-percentage-of-cost system of contracting*—(a) *General.* Advise price and price to be negotiated subcontracts, as well as transactions evidenced by contracts or purchase orders issued after performance has been substantially completed, have attributes which, depending upon the particular factual situation, may violate the statutory prohibition against the cost-plus-a-percentage-of-cost system of contracting.

(b) *Policy.* Contracting Officers will insure that the review of contractual instruments, including subcontracts requiring approval, are examined to ascertain whether they are cost-plus-a-percentage-of-cost in nature and therefore legally objectionable.

(c) *Procedure.* (1) Such review will be accomplished as follows:

(i) Prime contracts, and subcontracts which require the approval of the Contracting Officer, will be reviewed prior to execution or approval; and

(ii) Subcontracts which do not require approval of the Contracting Officer will be reviewed at the time of audit or prior to final settlement and payment.

(2) The cognizant audit agencies will accomplish such audit as are requested by Contracting Officers for the purpose of securing data needed in connection with determining the reasonableness of contractors' and subcontractors' costs. Such action will not preclude audit personnel from commenting on the legal aspects of contracts or subcontracts when audit reports are submitted. However, questions arising concerning the legality or general legal sufficiency of contracts and subcontracts will be resolved by Contracting Officers concerned with the advice of qualified legal counsel. Accordingly, Contracting Officers' determinations will be used as a basis for the settlement or disposal of contracts or subcontracts to which this paragraph is applicable.

(3) Claims for costs incurred under any contract or subcontract, determined by the Contracting Officer under this procedure to be illegal, will be submitted through channels to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch.

(d) *Legal assistance.* The procedures of this section will not be construed as imposing any restriction on Contracting Officers in requesting any desired assistance, legal or otherwise, from higher echelons of authority.

(e) *Exceptions.* Contracting Officers will not use the procedures of this section in connection with processing contractors' claims for reimbursement arising from legally questionable subcontracts and purchase orders executed under cost reimbursement type facilities clauses in supply contracts executed between the dates of June 1, 1950 and March 1, 1953 and entered into as a result of the Korean emergency. Questions which arise in connection with the procedures set forth in this section should be directed to the Chief of the Technical Service concerned or, when appropriate, to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch.

3. Revise Part 593 to read as follows:

Sec.
593.000 Scope of section.
593.001 Interdepartmental procurement.
593.002 Procurement agreements.

Subpart A—Definition of Terms

593.101 Definitions.

Subpart B—Policies and General Principles

593.201 Application of procurement assignments.
593.202 Responsibilities under single procurements.

Sec.
593.203 General principles governing implementation of procurement assignments.
593.203–4 Emergency.
593.203–6 Local purchase as a normal means of supply.
593.204 Items in short supply.
593.206 Purchase authorization.
593.206–50 Preparation of military interdepartmental purchase requests (MIPRs).
593.212 Execution and administration of contracts.

AUTHORITY: §§ 593.000 to 593.212 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. R. S. 161; 5 U. S. C. 22. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314.

§ 593.000 *Scope of part.* This part sets forth basic policies, principles and instructions relating to the coordinated procurement of supplies and services.

§ 593.001 *Interdepartmental procurement.* Procurement of supplies and services from or through Government departments or agencies outside the Department of Defense will be governed by Part 594 of this subchapter and by sections of AR 715–180, administrative regulations pertaining to Department of Defense "Interagency" procurement assignments.

§ 593.002 *Procurement agreements.* Heads of Procuring Activities are authorized to make procurement agreements, procurement assignments and delegations of procurement responsibilities, with or to appropriate agencies of the Departments of the Navy and the Air Force, provided such agreements, assignments and delegations are not in conflict with Parts 4 and 5 of this title and this part and Part 594 of this subchapter, or with AR 715–180.

SUBPART A—DEFINITION OF TERMS

§ 593.101 *Definitions.* (§ 4.101 of this title and AR 715–180.)

SUBPART B—POLICIES AND GENERAL PRINCIPLES

§ 593.201 *Application of procurement assignment.* The scope and applicability of Department of Defense single procurement assignments are set forth in AR 715–180.

§ 593.202 *Responsibilities under single procurement.* The relationship of Department of Defense procurement assignments to Army assignments of logistical responsibilities, and the description and assignment of the responsibilities associated with each of the Department of Defense procurement assignment programs are set forth in AR 715–180.

§ 593.203 *General principles governing implementation of procurement assignments.*

§ 593.203–4 *Emergency.* Waivers of single procurement assignment procedures under the emergency provision of § 4.203–4 of this title will be limited to circumstances and conditions comparable to those described in § 3.202 of this title and § 592.202 of this subchapter.

§ 593.203–6 *Local purchase as a normal means of supply.* The provisions of § 4.203–6 of this title will not be invoked to permit local purchase of assigned items until the Procuring Department has been properly advised of the decision to use "local purchase" as the normal means for obtaining Army supply requirements.

§ 593.204 *Items in short supply.* Supplies and services shortages requiring coordination with other Departments will be reported, with complete information thereon, to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Contracts Branch.

§ 593.206 *Purchase authorization.*

§ 593.206–50 *Preparation of military interdepartmental purchase requests (MIPRs)*—(a) *Responsibility for preparation.* DD Form 448 (Military Interdepartmental Purchase Request) will be initiated by the technical service having procurement assignment coordination responsibility for the supplies or services concerned. The chief of the technical service having such coordination responsibility may designate offices or installations to prepare and submit purchase requests to the purchasing departments (Department of the Navy or Department of the Air Force).

(b) *Requisition of forms.* DD Forms 448 and 448–1 may be requisitioned through normal publication supply channels as hectograph masters.

(c) *Instructions for preparation.* (1) Detailed instructions for preparation of DD Form 448 are explained under numbers below, which correspond to the numbers of item headings on the face of the Form.

Item 1. Request No.: The requiring technical service will assign a number to each request for identification and control purposes. The request number will consist of the following parts in sequence: The letter "R" indicating purchase request, the last two digits of the fiscal year, the serial number, the requesting technical service symbol as set forth in § 606.203–4 of this subchapter. Example: R–51–1–ORD: When necessary, each technical service may prescribe an additional letter, which will be separated from the technical service symbol by a dash to identify separate offices initiating this form within the technical service. For example, the Chief of Ordnance may assign the letter "N" to the New York Ordnance District, in which case the request number on the forms initiated by this Agency would be written as follows: R–51–1–ORD–N. Amendments to basic MIPR will be numbered in sequence starting with the number 1.

Page No: The number of the particular page.

No. of pages: The total number of pages in each request. When more than one page to any request is necessary, each page will be numbered consecutively in the following sequence: MIPR DD Form 448–1 (First Sheet), MIPR—Continuation Sheet, DD Form 448–1 (for data on Items 11a through 11f), and any attached sheets giving supplementary information.

Item 2. Property class and control symbol No.: For optional use by requiring department.

Item 3. Date: Date of request.

Item 4. Issued by: Name and address of office issuing the request. When possible, list the name and telephone number of person who may be contacted in the event that the purchasing department has questions about this request.

Item 5. Name and address of consignee to which supplies or equipment are to be shipped.

Item 6. To: Name and address of Bureau, Command, or Office of the purchasing department to which the request is being submitted.

Item 7. Distribution of contracts and related documents: Name and address of Office(s) to which copies of contracts and related documents are to be mailed. Also list number of copies desired (§ 593.212).

Item 8. Delivery schedule: Date(s) by which delivery of items is desired.

Item 9. Payment will be made by: Name and address of Disbursing Office which will pay invoices.

Item 10. Invoices will be mailed to: Name and address of Office(s) to which invoices will be mailed.

Item 11. Request for supplies: Enter an "X" in box preceding appropriate statement. If the purchasing department wishes to furnish the requirements from stock, it may request the approval of the requiring department to do so.

Item 11a. Item No: The number of the item in sequence as listed thereon.

Item 11b. Description: In addition to the descriptive information indicated for this column, the package size should be stated when there are options for items involved.

Item 11c. Quantity: The quantity of each item requested.

Item 11d. Unit: The unit measure, such as each lb., gallon, etc., for each item.

Item 11e. Estimated unit cost: The latest cost that is available from catalogs, bulletins, reports, copies of contracts, etc., will be used as the estimated cost.

Item 11f. Estimated total cost: The result of the quantity of the item requested (Column 11c) multiplied by the estimated cost (Column 11e). The sum of this column will be placed in the space for "Total" at bottom of column.

Item 12. Prepare for delivery in accordance with: The specifications, if any, such as JAN–P–658 (3), under which the items are to be preserved, packaged, and packed. If no printed specifications are applicable or if supplementary instructions are to be given, a phrase such as "See attached instructions" should be inserted in the blank space.

Item 13. Funds chargeable for procurement: Appropriation, allotment, project, and object numbers to be charged for procurement of supplies or services.

Item 14. Transportation allotment(s): Appropriations, allotment, project, and object numbers to be charged for transportation of supplies. This allotment will be used when the procurement allotment does not include transportation charges as in the case of a purchase of items f. o. b. origin.

Item 15. Typed name and grade of authorizing officer: The officer who authorizes the procurement of items listed hereon and certifies that the funds have been committed.

Item 16. Signature: Signature of authorizing officer. (If the authorizing officer is other than one having fiscal responsibility, the ordering department must have on file, as support to the certification, a written statement by such officer substantiating the fiscal portion of the certificate.)

(2) If any designated space on this form other than that provided for on Continuation Sheet is insufficient for the purpose of listing all necessary information, the information may be typed on a blank sheet of paper under the appropriate item heading and attached to the form for submission to the purchasing department. When this action is taken, a phrase will be inserted in the designated space on the form, such as "See attached instructions" or "See attached sheet", to indicate that additional information is contained in supplementary sheets. Also, if it is necessary to give instructions or other information, for which there is no designated space on the form, such information may be typed on a blank sheet and attached to the form.

§ 593.212 *Execution and administration of contracts.* When submitting MIPR's to the Department of the Navy, the Department of the Air Force, and to joint agencies under the single procurement program, Department of the Army requirements for contracts and other contractual instruments will be limited to seven copies.

4. Section 595.201–53 is added as follows:

§ 595.201–53 *Letter agreement with Department of Defense Production (Canada).* A letter agreement between the Department of Defense Production (Canada) and the Departments of the Army, Navy, and Air Force, dated July 27, 1956 sets forth policies and procedures applicable to contracts for supplies and services, placed by the Military Departments with the Canadian Commercial Corporation on and after October 1, 1956. The agreement follows:

JULY 27, 1956.

DEAR SIRS: The agreement between the Department of Defense Production (Canada) and the United States Departments of the Army, Navy, and Air Force (hereinafter referred to as the "Military Departments"), evidenced by the letter of February 18, 1952, from the Deputy Minister of Defense Production (Canada), the terms of which were accepted by the Military Departments at Washington on February 26, 1952 (which agreement was amended as of January 13, 1953, December 21, 1955, and June 21, 1956), laid down policies and provided procedures with respect to all contracts for supplies and services placed with the Canadian Commercial Corporation by the Military Departments, up to and including September 30, 1956.

Since experience in the administration of contracts placed by the Military Departments with the Canadian Commercial Corporation (hereinafter referred to as the "Corporation") under the agreement indicates that it is desirable to revise certain policies and procedures set forth in said agreement with respect to all contracts entered into on or after October 1, 1956, it is therefore agreed, as follows:

1. This agreement applies to all contracts placed, on or after October 1, 1956, by any of the Military Departments with the Corporation. It shall remain in force from year to year until terminated by mutual consent; however, it can be terminated on the 31st day of December or the 30th day of June in any year by either party provided that six months notice of termination has been given in writing. In addition, this agreement provides for certain reciprocal arrangements facilitating procurement by each of the parties in the country of the other.

2. (a) The Corporation agrees that, if the aggregate profit realized by first-tier subcontractors under contracts covered by this agreement, excluding those subcontracts mentioned in subparagraph (b) below, exceeds 10% of the cost (as determined in accordance with Costing Memorandum DDP–31 of the Department of Defense Production (Canada)), the amount of such excess will be refunded by the Corporation to the Military Departments. For this purpose, the aggregate profit shall be computed by the Corporation on all first-tier subcontracts, excluding those mentioned in subparagraph (b) below, taken collectively and not individually. The Corporation shall, in computing such profit, conduct the audits called for in paragraph 5 and such other audits or verifications of costs as it may deem necessary, and shall render to the Military Departments its certificate as to such profit.

(b) Subcontracts placed by the Corporation as a result of formal competive bidding and subcontracts placed by the Corporation with Canadian Arsenals Limited or any other department or agency of the Canadian Government, shall not be included in computing the aggregate profit referred to in subparagraph (a) above.

(c) If, as a result of an audit made by direction of the Minister of Defense Production (Canada) under the powers conferred upon him by Section 21 of the Defense Production Act (Canada), it is disclosed that any individual subcontractor of any tier, including any subcontractor referred to in subparagraphs (a) and (b) above, has made a profit on a subcontract, under a contract covered by this agreement, in excess of an amount which the Minister considers to be fair and reasonable, the Minister shall take appropriate action to recover such excess, and the amount of any such recovery with respect to that subcontract shall be refunded to the Military Departments.

(d) Contracts for communication and transportation services, and the supply of power, water, gas, and other utilities shall be excepted from the provisions of subparagraphs (a) and (c) above, provided the rates or charges for such services or utilities are fixed by public regulatory bodies; and provided further the Military Departments are accorded any special rates that may be available to the Canadian Government with respect to such contracts.

(e) The Canadian Government, its Departments and Agencies, including but not limited to the Corporation and Canadian Arsenals Limited, a Crown Company wholly owned by the Canadian Government, shall not be entitled to any profit on any contract or contracts covered by this agreement. Any profits which may be realized shall be refunded to the Military Departments except as hereinafter provided:

Before refunding profits realized from the following sources:

(i) Net profits of the Canadian Government, its Departments and Agencies, as defined above, with respect to contracts and subcontracts covered by this agreement.

(ii) Excess profits referred to in paragraph (a) above, and

(iii) Renegotiation recoveries from subcontracts of any tier under contracts covered by this agreement, which recoveries the Military Departments would otherwise be entitled to receive in accordance with the provisions of subparagraphs (a) and (c) above;

the Corporation shall be entitled to deduct any losses it may sustain with respect to contracts covered by this agreement.

(f) Interim adjustments and refunds under this paragraph 2 shall be made at such time or times as may be mutually agreed upon but at least once a year as of June 30th. Such interim adjustments shall apply only to completed contracts. The final adjustment and refund shall be made as soon as practicable after the expiration of this agreement.

(g) The profit and loss provisions of this paragraph 2 shall not apply to contracts awarded to the Corporation as the result of formal competitive bidding (initiated by Invitation for Bids).

3. All contracts placed by the Military Departments with the Corporation, except those placed as the result of formal competitive bidding, shall provide for prices or cost reimbursement, as the case may be, in terms of Canadian currency, and for payment to be made in such currency. Therefore, quotations and invoices shall be submitted by the Corporation to the Military Departments in terms of Canadian currency, and such cost data, vouchers, etc., as the contracts require shall also be submitted in terms of Canadian currency. All formal competitive bids shall be submitted by the Corporation in United States currency and contracts placed as a result of such formal competitive bidding shall not be subject to adjustment for losses or gains resulting from fluctuations in exchange rates.

4. The Military Departments and the Corporation shall avoid, to the extent consistent with the declared policies of the Military Departments and the Canadian Government, the making of any surcharges covering administration costs with respect to contracts placed with the Corporation by any of the Military Departments and contracts placed by the Military Departments in the United States for the Canadian Government.

5. To the extent that contracts placed with the Corporation by the Military Departments provide for the audit of costs and profits, such audit will be made without charge to the Military Departments by the Cost Inspection and Audit Division of the Treasury of Canada in accordance with Costing Memorandum Form DDP–31 of the Department of Defense Production, Canada.

6. The Canadian Government shall arrange for inspection personnel of the Department of National Defense (Canada) to act on behalf of the Military Departments with respect to contracts placed by the Military Departments with the Corporation and with respect to subcontracts placed in Canada by United States contractors which are performing contracts for the Military Departments, and for the use of inspection facilities of the Department of National Defence (Canada) for such purposes, such personnel and facilities to be provided without costs to the Military Departments. The Military Departments shall provide and make no charge for inspection services and inspection facilities in connection with contracts placed in the United States by the Military Departments for the Canadian Government. The Department of National Defence (Canada) or any Military Department may provide liaison with the other's inspection personnel in connection with the foregoing. It is understood that either the Department of National Defense (Canada) or any Military Department may in appropriate cases arrange for inspection by its own inspection organization in the other's country.

7. Because of the varying arrangements made by the Canadian Government and the Military Departments in furnishing Government-owned facilities (including buildings and machine tools) to contractors, it is recognized that the matter of inclusion in contract prices of charges, through amortization or otherwise, for use of such facilities will be determined in the negotiation of individual contracts. However, there shall be avoided, to the extent consistent with the policies of the Canadian Government and the Military Departments, any such charges for use of Government-furnished facilities.

8. (a) The Corporation agrees that the prices set out in fixed-price type contracts covered by this agreement will not include any taxes with respect to first-tier subcontracts; ncr shall such prices include customs duties to the extent refundable in accordance with Canadian law, paid upon the import of any materials, parts, or components incorporated or to be incorporated in the supplies, with respect to first-tier subcontracts.

(b) The Corporation agrees that under cost-reinbursement type contracts the Corporation shall, to the extent practicable with respect to first-tier subcontracts, exclude from its claims all taxes and to the extent refundable in accordance with Canadian law, customs duties, paid upon the import of any materials, parts, or components, incorporated or to be incorporated in the supplies and that any amounts included in such claims representing such taxes and duties shall be refunded or credited to the Military Departments.

(c) The Corporation agrees that to the extent that such taxes and duties can be reasonably and economically identified it will use its best endeavours to cause such taxes and duties to be excluded from all subcontracts below the first-tier and if found to be included to be recovered and credited to the Military Departments.

9. The Corporation recognizes that existing law of the United States prohibits the use of the cost-plus-a-percentage-of-cost system of contracting.

10. Each contract covered by this agreement shall be deemed to include the provisions required by (i) Public Law 245, 82d Congress of the United States (65 Stat. 700; 41 U. S. C. 153 (c)) and (ii) Section 719 of Public Law 458, 83d Congress of the United States (68 Stat. 353) or similar provisions that may be required by subsequent legislation.

11. If the above correctly sets forth our mutual understanding, please indicate your acceptance by signing below.

Yours faithfully

[S] D. A. GOLDEN,
D. A. Golden,
Deputy Minister.

Accepted in Washington, D. C.

[S] F. H. HIGGINS,
F. H. Higgins,
Assistant Secretary of the Army (Logistics).

[S] R. H. FOGLER,
R. H. Fogler,
Assistant Secretary of the Navy (Material).

[S] DUDLEY C. SHARP,
Dudley C. Sharp,
Assistant Secretary of the Air Force (Materiel).

5. Revise Subpart A, Part 596 to read as follows:

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

§ 596.103 *Required clauses.* Except as provided in § 7.102 of this title, all of the clauses specified in §§ 7.103–1 through 7.103–23 of this title will be inserted in all fixed-price supply contracts, subject to the instructions contained in § 7.103 of this title and §§ 596.103 and 596.050 of this subchapter. The additional contract clauses contained in this section, but not contained in Subchapter A, Chapter I of this title, also will be inserted in all fixed-price supply contracts as specified in this subchapter.

§ 596.103–2 *Changes and disposition of inventory resulting from changes—*(a) *Changes.* (1) The "Changes" clause in § 7.103–2 of this title will be inserted in all fixed-price supply contracts. In accordance with the instructions of each Procuring Activity, the period of "30 days", within which any claim for adjustment must be asserted, may be varied. In special cases the "Changes" clause may be made applicable to changes in provisions other than those relating to drawings, designs, specifications, method of shipment or packing, and place of delivery, so long as such extended applicability of the "Changes" clause would not be inconsistent with the provisions of the clause in § 7.103–2 of this title.

(2) Additional quantities of supplies which were not initially contemplated in the contract will not be ordered under the "Changes" clause since such a practice might be used to defeat the requirements for competitive procurement.

(3) Accelerated deliveries will be provided for by a supplemental agreement modifying the contract rather than through the use of the "Changes" clause. Such supplemental agreement, however, should not be used to provide additional compensation to the Contractor for accelerated deliveries to meet the delivery schedules prescribed in the contract.

(4) The following "Changes" clause is authorized for use in negotiated contracts, in lieu of the "Changes" clause set forth in § 7.103–2 of this title, in those exceptional cases when the Head of a Procuring Activity believes its inclusion in the contract is considered necessary to retain maximum flexibility in making contract changes. It will not be used in contracts resulting from formal advertising or in contracts for the continuation of existing production lines in circumvention of the requirement for competition in new procurement. This alternate "Changes" clause provides, within specified limits, increases or decreases in the quantity and delivery rate of the supplies to be furnished. The flexibility provided by this clause is desirable in contracts for heavy military type items where unusual fluctuations in mobilization reserve production base considerations and other requirements have been or are expected to be encountered. This alternate "Changes" clause is particularly useful in lieu of partial termination in effecting stretch-out and cut-back programs.

Changes. The Contracting Officer may at any time, by written order, and without notice to the sureties make changes of any one or more of the following types: (a) changes in the directions as to shipment and packing of any supplies; (b) increases or decreases in the quantity of supplies to be furnished hereunder, the total increase or decrease not; however, to exceed ____ percent of the quantity of supplies deliverable hereunder; (c) changes in the drawings or specifications; (d) extensions of the delivery schedules hereunder reducing the rate of deliveries of the supplies called for by this contract; or (e) accelerations of the delivery schedules hereunder by an increase or increases in the rate of deliveries hereunder. Unless consented to in writing by the Contractor, no change orders hereunder of the type mentioned in clause (d) of the preceding sentence shall cause decreases in the deliveries hereunder, and no change orders of the type mentioned in clause (e) of such sentence shall cause increases in the deliveries called for hereunder, amounting respectively in the aggregate in any one month to more than ____ percent of the quantity of supplies, the delivery of which is called for in such month by the delivery schedule originally contained in this contract. If such changes cause an increase or decrease in the amount of work under this contract or in the cost of performance of this contract or in the time required for its performance an equitable adjustment shall be made, which adjustment may include in any instance an adjustment (i) in the purchase price, including (but not limited to) any adjustment in unit price fair in the light of any change in volume caused by such order, and (ii) in the delivery time or schedule, or (iii) in either the price or delivery schedule and the contract shall be modified in writing accordingly. Any

claim for adjustment under this article must be asserted within 30 days from the date the change is ordered, provided, however that the Contracting Officer, if he determines that the facts justify such action, may receive, consider and adjust any such claims asserted at any time prior to the date of final settlement of the contract. If the parties fail to agree upon the adjustment to be made the dispute shall be determined as provided in Article ——— (Disputes) hereof. But, nothing provided in this Article shall excuse the contractor from proceeding with the contract as changed.

§ 596.103–8 *Assignment of claims*—(a) *Setoff as against assignee.* (1) In the cases where special circumstances make it advisable in the best interest of the Government, Heads of Procuring Activities may authorize deletion of the last sentence of paragraph (a) of the assignment of claims clause, set forth in § 7.103–8 of this title. In any event, the sentence will be deleted from contracts for transportation of persons or property.

(2) Reduction of or setoff from payments to be made to an assignee will be effected with respect to liabilities of the assignor to the Government arising out of matters in connection with the contract, or of amounts which may be collected or withheld from the assignor in accordance with, or for failure to comply with, the terms of the contract, except as stated in § 7.103–8 of this title. Examples of cases in which setoff will be may include (but are not limited to):

(i) Amounts due pursuant to price redetermination clauses.

(ii) Deduction of liquidated damages.

(iii) Excess costs and damages after termination for default.

(iv) Equitable adjustments and rejections under the changes, inspection and guaranty clauses.

(v) Damages resulting from fraud or criminal conduct.

(b) *Refunds, etc., of Payments Received by Assignees.* In any case in moneys due or to become due under any contract are or have been assigned pursuant to section 1 of the Assignment of Claims Act of 1940, as amended, no liability of any nature of the assignor to the United States or any department or agency thereof, whether arising from or independently of such contract, shall create or impose any liability on the part of the assignee to make restitution, refund, or repayment to the United States of any amount heretofore since July 1, 1950, or hereafter received under the assignment.

(c) *Acknowledgment of notice of assignment.* Contracting Officers will acknowledge notices of assignment filed by assignees. Where a notice of assignment of monies due under a definitive contract, which supersedes a letter contract, is received pursuant to the Assignment of Claims Act of 1940 (54 Stat. 1029), as amended, such notice should be acknowledged regardless of the fact that a notice of assignment of monies due under the letter contract had been previously acknowledged. The two notices of assignment should be considered as one and filed accordingly.

(d) *Assignor's statement.* Where direct payment is made to an assignee, the Contractor will furnish on each voucher, invoice, or other supporting paper, a statement to the effect that he recognizes the assignment, its validity, and the right of the assignee to receive payment.

(e) *Information to be furnished to assignees.* Contracting Officers will, upon request of the Contractor, furnish proposed assignees information regarding the status of the contract at the time of the assignment. In so doing, the Contracting Officer will advise the assignee that the information is so furnished only for confidential use in connection with the assignment.

§ 596.103–10 *Federal, State, and local taxes.* In effecting procurement outside the United States, its Territories and possessions, substitute the clause set forth in § 600.401 of this subchapter in lieu of the clause prescribed in § 11.401 of this title.

§ 596.103–11 *Default*—(a) *Application.* (1) If the Contractor (i) fails to make delivery of the supplies or to perform the services within the time specified in the contract, or (ii) fails to perform any provision of the contract other than the delivery schedules, or (iii) so fails to make progress as to endanger performance of his contract in accordance with the terms thereof, the Contractor may be said to be in default.

(2) Defaults may be excusable or nonexcusable. Defaults are excusable when they arise out of the causes set forth in clauses set forth in clause (b) of the Default article. (§ 7.103–11 of this title.)

(3) Paragraphs (b) through (i) of this section apply to contracts other than those under the Federal Supply Schedule. Paragraph (j) of this section applies to contracts under the Federal Supply Schedule.

(b) *Termination of contracts by agreement.* When default occurs in the performance of a contract, the contract may be terminated by supplemental agreement with the contractor, provided:

(1) The default is not excusable and the Contractor agrees to pay excess costs incurred in repurchase and damages resulting from delay.

(2) The default is determined by the Contracting Officer to be excusable and the Contractor is willing to execute a termination agreement without cost to the Government. (If the Contractor refuses to execute a termination agreement without cost to the Government, the Contracting Officer may terminate the contract under the clause entitled "Termination for the Convenience of the Government.")

(3) That where a performance bond has been filed, the surety thereon is a party to the supplemental agreement.

(c) *Completion of contract after default.* (1) In the event that default has occurred in a contract by reason of nonexcusable delay, which results in actual damage to the Government, and the Contracting Officer deems it to be in the best interest of the Government to permit the Contractor to complete performance of the contract, a supplemental agreement may be entered into providing for completion of performance notwithstanding such default, if the Contractor assumes liability for the actual damages. The surety, if any, should either be a party to the supplemental agreement or should execute and deliver to the Contracting Officer, simultaneously with the execution of a supplemental agreement with the contractor, a written consent extending the terms of any performance bond to cover such supplemental agreement. The agreement should distinctly state that the Government's rights to accrued damages are not thereby waived.

(2) If a performance bond has been filed in connection with the contract, or otherwise, and action outlined in subparagraph (1) of this paragraph is not deemed to be in the best interests of the Government, an agreement may be entered into with the surety, providing for completion of performance of the contract upon the same terms and conditions as the original contract, less actual damages resulting from delay, and further providing for payment directly to the surety. Such agreement should clearly state that all rights against the Contractor and the surety are reserved so far as the surety does not cure defaults of the Contractor. The Contractor will be furnished promptly with a findings of fact as indicated in paragraph (d) (2) of this section, adapting subdivision (iv) to the action taken.

(d) *Termination pursuant to default article.* (1) (i) Where the Contractor, and/or his surety elect not to complete performance of the contract after being afforded an opportunity to do so (see paragraph (c) of this section), or (ii) when the Contracting Officer deems it to be in the best interests of the Government to terminate the contract following default thereof, and the default consists of the failure on the part of the Contractor to make delivery of the supplies or to perform the services within the time specified in the contract or any extension thereof, the procedure set forth in subparagraphs (2) through (4) of this paragraph will be followed.

(2) The Contractor will be given notice in writing which will include the following:

(i) Reference to contract number, date, and portion of contract as to which his right to proceed is terminated.

(ii) That his right to proceed further with performance under the contract is thereby terminated.

(iii) A specific description of the acts or omissions consituting the default.

(iv) That the supplies, services or construction required by the contract will be procured in the open market against his account, and that he will be held liable for any excess costs.

(v) That the Government reserves all rights and remedies provided by law or under the contract, in addition to charging excess costs. (Where liquidated damages are provided for, substitute a reference thereto.)

(vi) That the notice constitutes a finding of fact pursuant to the Disputes article from which he has the right of appeal as specified therein.

(3) The same distribution will be made of the termination notice as was made of the contractual documents. In addition thereto, a copy will be furnished to the Disbursing Officer who will be advised to withhold further payments to the Contractor pending additional instructions.

(4) Notice of termination of a contract will be furnished to the Contractor within a reasonable time after the default occurs, or after efforts to arrange for compliance with the terms of the contract have resulted in failure. This requirement must be complied with in order to fulfill the Government's obligation to mitigate damages.

(5) If the default consists of the failure to perform any provision of the contract other than specified in subparagraph (1) of this paragraph, or if the Contractor so fails to make progress as to endanger performance of the contract, a notice of termination will not be issued unless the Contracting Officer has previously notified the Contractor in writing of the specific default or failure, and has by the terms of such notice afforded the Contractor an opportunity to cure such default or failure within a period of time which shall be not less than 10 days from the date of receipt of such notice. The notice of termination in such cases will refer to the notice of default.

(e) *Repurchase against Contractor's account.* (1) In the event of termination of a contract for default, the Government is under a duty to mitigate damages.

(2) Accordingly, where the supplies or services are still required after termination, repurchase will be made against the Contractor's account either from other Contractors or Government facilities (i) as soon as possible after termination, (ii) of supplies or services similar to those called for in the contract, (iii) at as reasonable a price as practicable considering the quantity and quality required by the Government and the time within which the supplies or services are required; (iv) in construction contracts, the work will be let according to the same plans and specifications to such other responsible Contractor who offers the lowest price or it will be completed by Government plant and hired labor.

(f) *Action by Contracting Officer.* (1) If repurchase will not be effected, compute actual (or liquidated damages when clause contained in § 7.105–5 of this title is used), and make written demand upon the Contractor for the amount thereof.

(2) If repurchase is effected, compute excess costs and actual (or liquidated damages, when clause contained in § 7.105–5 of this title is used), and make written demand upon the Contractor for the total amount.

(3) Forward the report required by paragraph (g) of this section, together with any checks, money orders, or funds in any form received from the Contractor. No report is required where the contract is unnumbered and no repurchase, or actual or liquidated damages are involved.

(g) *Report of termination of contract for default (Reports Control Symbol FIN–51).* The Contracting Officer will submit to the Disbursing Officer in duplicate a letter report, subject: Report of Termination of Contract for Default (Reports Control Symbol FIN–51). The report will be submitted at such time as the data required by the report have been obtained. An exception is where excess costs and damages cannot be offset under open accounts, and the Contractor refuses or is unable to remit the amount due. In such cases, reports will be submitted within 30 days of the termination. Subsequent followup reports will be submitted where appropriate. The report will set forth the following information:

(1) Procuring Activity involved.

(2) Fiscal year of procurement involved.

(3) Original appropriation involved.

(4) With respect to terminated contract:

(i) Name and address of Contractor.

(ii) Contract or purchase order number.

(iii) Date of award or execution.

(iv) Contract item and specification.

(v) Contract quantity.

(vi) Unit price.

(vii) Quantity and/or time payment discount.

(viii) Total contract cost.

(ix) Status of payments and deliveries under contract, including voucher citations.

(x) Statement of amount withheld, if any.

(xi) Statement of actual or liquidated damages accrued, if any (other than excess costs on repurchase).

(xii) Description of default resulting in termination.

(5) Statement as to whether repurchase has been or will be effected. If applicable, a negative reply is desired, together with statement of reasons why repurchase has not been or will not be effected. If repurchase is effected subsequent to date of report, a followup report will be forwarded.

(6) If repurchase is effected, set forth information with respect to repurchase contract, adapting items in subparagraph (4) (i) through (ix) of this paragraph to such repurchase contract.

(7) State amount of excess cost.

(8) State total amount of excess cost and actual or liquidated damages.

(9) Whether efforts have been made to collect the amount set forth in subparagraph (8) of this paragraph. If collected, forward the check, money order, or funds to Disbursing Officer with report. If uncollectible, a statement to that effect.

(10) Attach one copy of the following:

(i) Terminated contract.

(ii) Repurchase contract, if any.

(11) Attach two copies of the following:

(i) Notice of termination.

(ii) Notice to cure default, if any (paragraph (d) (5) of this section).

(iii) Computation of liquidated or actual damages.

(iv) Correspondence from Contracting Officer to delinquent Contractor relative to the indebtedness.

(12) Attach original and one copy of correspondence from delinquent Contractor to Contracting Officer relative to indebtedness.

(13) Attach two copies of any other papers or documents deemed to be required as evidence for prosecution of claim or litigation against defaulting Contractor.

(h) *Amount chargeable against defaulting Contractor.* A purchase or purchases against the account of a defaulting Contractor must not exceed the quantity originally ordered, with consideration given, of course to the variation clause, if any, in the contract, and must be secured if practicable on the same unit basis, such as each, dozen, pound. This, however, does not preclude the Government from entering into one contract with the completing Contractor which includes additional needed supplies provided that the excess costs to be charged against the account of the defaulting Contractor are determined as provided in the preceding sentence of this paragraph. In any event, actual damages (or liquidated damages, if clause contained in § 7.105–5 of this title is used) resulting from delay, may be assessed in addition to excess costs.

(i) *Action by Disbursing Officer.* (1) Upon receipt of the Report of Termination of Contract for Default, the Disbursing Officer will proceed, when necessary, to effect collection of excess costs and actual or liquidated damages by deduction of the amount thereof from any funds payable to the defaulting Contractor.

(2) If the entire amount is collected by setoff, such action will be indicated by indorsement to the Report of Termination of Contract for Default, together with applicable voucher citations, and a statement of the name of the Disbursing Officer, and D. O. Symbol No. The Report and indorsement will be disposed of as follows:

(i) The original will be transmitted to the Chief of Finance, for forwarding to the General Accounting Office.

(ii) The duplicate copy will be filed in the Office of the Disbursing Officer.

(3) In the event that collection of excess cost and/or damages is effected by means of Contractor's check, money order, cash, or any means other than setoff against another account due to the Contractor, the Disbursing Officer will, in addition to taking action required by subparagraph (2) of this paragraph, submit together with the Report, the required number of copies of Standard Form 1044 (Schedule of Collections).

(4) If the Disbursing Officer finds it impracticable to collect the entire amount due, or if no repurchase, excess costs, or damages are involved, he will indicate his action and recommendation by indorsement to the Report of Termination of Contract for Default, and distribute the report and indorsement as follows:

(i) The original to the Chief of Finance, for forwarding to the General Accounting Office.

(ii) The duplicate copy will be filed in the office of the Disbursing Officer.

(iii) The Contracting Officer will be advised in writing of action taken and, where applicable, that the excess costs and/or damages could not be collected and that the matter has been reported to the Chief of Finance, for reference to the General Accounting Office.

(j) *Action in connection with Federal Supply Schedule Contracts.* (1) *Action by Contracting Officer*—(i) *Ordering Office.* Before declaring a Contractor in default, it is suggested that ordinarily ordering offices should notify the Contractor in writing that unless satisfactory performance occurs by a specified date, which should allow a reasonable time for performance, his right to proceed further under the delivery order will be considered terminated and he will be held liable for any excess costs resulting from purchasing the supplies or services elsewhere. This step would not be taken ordinarily when the default involves an attempted fraud on the United States, or when it obviously would be futile, as for example, when the Contractor has already declined to perform. Where excess costs are anticipated, the ordering office may likewise decide to withhold sufficient funds due the Contractor as offset security. Ordering offices will endeavor to minimize excess costs to be charged against the Contractor and to collect, by check or setoff, excess costs owed. Such collected funds are usually for deposit into the Treasury as miscellaneous receipts.

(ii) *Federal Supply Service.* Where ordering offices are notified by the Federal Supply Service that it has declared the Contractor in default, ordering offices will thereafter refuse to accept further performance by the Contractor or place further delivery orders with him. Ordering offices will thereafter purchase against the account of the Contractor from replacing Contractors designated by the Federal Supply Service or in such other manner as directed by the Federal Supply Service.

(2) *Reports.* Ordering offices will report to the Purchase Branch, Federal Supply Service, Washington 25, D. C., the details concerning all material instances of unsatisfactory performance by the Contractor, whether or not properly adjusted and settled. Ordering offices also will report, as may be directed by the Federal Supply Service, all purchases made against the account of a Contractor placed in default by the Federal Supply Service.

(k) *Excusable delay.* Where, following termination for default, it is subsequently determined that the Contractor's delay was excusable, the procedure outlined in paragraph (e) of the Default Clause (§ 7.103–11 of this title) will be followed.

(l) *Applicability to oversea commands.* (1) The default clause is applicable to oversea commands except where any of its provisions are inconsistent with or prohibited by local law, in which case the clause should be amended to conform to local law. For the purpose of this paragraph, local law is defined as the law of the foreign country or legal entity which is applicable to the execution and performance of contracts therein.

(2) The original of the Report of Termination of Contract for default, which is required by paragraph (i) of this section to be submitted to the Chief of Finance, will be submitted through the Finance Officer of the oversea command.

§ 596.103–12 *Disputes*—(a) *General*—(1) *Contract Clause.* The "Disputes" Clause contained in § 7.103–12 of this title will be inserted as specified, except for contracts entered into by major oversea commanders and to be performed outside the United States (48 States and the District of Columbia) (paragraph (c) of this section). The "Disputes" Clause may be modified to provide for an intermediate appeal to the Head of the Procuring Activity concerned.

(2) *Armed Services Board of Contract Appeals.* The charter and rules of the Armed Services Board of Contract Appeals are set forth in § 30.1 of this title. References herein to "rules" are to the mentioned rules.

(3) *Correspondence and communications.* All official correspondence with the Board will be addressed to the "Army Contract Appeals Panel, Armed Services Board of Contract Appeals, Office of the Secretary of the Army, Washington 25, D. C." All official correspondence with the Chief Trial Attorney, will be addressed "Chief Trial Attorney, Office of The Judge Advocate General, Department of the Army, Washington 25, D. C." The Chief Trial Attorney and the attorneys assigned to his office are authorized to communicate directly by telephone or otherwise with any person or organization to secure any witnesses, documents or information considered necessary in connection with properly protecting the interests of and representing the Government in matters before the Board.

(4) *Time of filing of appeal to be indorsed.* When a notice of appeal has been received by the Contracting Officer or the Head of a Procuring Activity, as the case may be, there shall be indorsed thereon the date of receipt, and also, where apparent, the date of mailing or, if dispatched by appellant by other means, the date of such dispatch.

(b) *Procedure for handling disputes*—(1) *Screening.* (i) The Contracting Officer should screen disputes arising under contracts to insure that findings and decision appealable under the "Disputes" Clause are rendered only on disputes concerning questions of fact or disputes otherwise made subject to the "Disputes" procedure by specific contract provisions, such as a dispute as to an equitable adjustment under § 7.103–2 of this title and § 596.103–12, "Changes" Clause, or § 7.103–5 of this title, "Inspection" Clause, or a dispute resulting from failure to agree on a redetermined price under § 596.150–5, "Price Redetermination" Clause. For example, an appealable decision and findings should not be issued by the Contracting Officer: (*a*) Where a mistake in bid is alleged by the Contractor after award in that the procedure outlined in § 2.405–3 of this title and § 591.405 of this subchapter covers such cases, or (*b*) where § 7.104–16 of this title, "Gratuities" Clause, is to be invoked in that under such clause and § 30.4 of this title, findings of fact are made by duly designated representatives of the Secretary.

(ii) Whenever a Contracting Officer has doubt as to whether findings and a decision should be made pursuant to the "Disputes" Clause he should obtain the advice of legal counsel.

(2) *Findings and decision*—(i) *Definitions*—(*a*) *Decision.* The "Decision" means that document furnished by the Contracting Officer to the Contractor which sets forth the findings of fact and the conclusion of the Contracting Officer deciding the matter in dispute.

(*b*) *Findings of fact.* "Findings of Fact" means that portion of the decision of the Contracting Officer which recites his determination of the facts in dispute.

(*c*) *Complaint.* A "Complaint" is a written statement from the Contractor filed with the Board stating the reasons which entitle him to relief from the decision of the Contracting Officer. For the purposes of this procedure, a Complaint need not be formally labeled as a "Complaint," but may be submitted as part of, or simultaneously with, the Notice of Appeal, or in letter or memorandum form subsequent to the filing of the Notice of Appeal.

(ii) Whenever it becomes necessary to render a decision on a dispute the Contracting Officer will prepare and sign findings, a true copy of which with his written decision will be promptly furnished the Contractor. When the Contractor has a right of appeal under the contract and such right is directly to the Secretary, the Contracting Officer will conclude his decision with the following paragraph:

> If the decision hereinbefore set forth results in a dispute concerning a question of fact or a dispute otherwise made subject to the Disputes procedure by specific contract provisions, you are hereby notified that you may appeal from this decision to the Secretary of the Army in accordance with the provisions of Clause ____, "Disputes" of the above numbered contract. A notice of appeal must be in writing and should indicate that an appeal is thereby intended, and should identify the contract (by number) and the decision from which the appeal is taken. The original, together with two copies, should be filed with the undersigned Contracting Officer. If a Notice of Appeal is filed, it will be forwarded to the Armed Services Board of Contract Appeals and the Recorder of that Board will docket the appeal and will forward to you a copy of the Rules of the Board. Under the Rules, the original and three copies of a complaint may be filed with the Contracting Officer at the time the Notice of Appeal is filed, or it may be filed with the Recorder of the Board after the Appeal has been docketed. The rules provide that a complaint should set forth a simple, concise, and direct statement of each claim and show wherein a Contractor contends that he is entitled to relief. The rules further provide that each claim shall be stated with as much particularity as is practical, that each claim should be separately identified, that documentary evidence in support of claims may be filed as exhibits to the complaint, that all documents filed as exhibits to the complaint shall be plainly listed and identified in the complaint, and that an original and three copies of the complaint shall be filed.

(iii) It is emphasized that, where a contract provides for a decision or a determination to be made by a Contracting Officer, he must give his personal and independent consideration to the making of each determination or decision, with the aid of such technical and legal advice as may be available to him.

(3) *Appeals to Secretary from decisions of Contracting Officers*—(i) *Action by Contracting Officer.* (*a*) Within 10 days after receipt of a Notice of Appeal or a Complaint from the Contractor, the Contracting Officer will forward the same to the Board through the Head of the Procuring Activity concerned.

(*b*) Within 30 days after the receipt of the Notice of Appeal, the Contracting Officer will forward to the Head of the Procuring Activity concerned a comprehensive report in narrative form concerning the dispute. The following will be included in or attached to the report:

(*1*) The Findings of Fact supporting the Decision and the Decision from which the appeal is taken;

(*2*) The complete contract including all amendments, supplemental agreements and change orders, and the pertinent plans and specifications. In case of a negotiated procurement, a copy of the request for proposal will be included;

(*3*) All correspondence and memoranda or transcripts of meetings or telephone conversations pertinent to the appeal;

(*4*) The names and addresses of all potential witnesses, including those of the Contractor, if known, having information concerning the facts in dispute. A statement signed by each Government witness reflecting the facts to which he will be able to testify (or a summary thereof if it is impossible to get the signed statement), and a statement as to the expected availability of each Government witness at the hearing;

(*5*) A discussion of the validity of the reasons submitted by the Contractor for setting aside the decision of the Contracting Officer;

(*6*) A memorandum by the legal adviser to the Contracting Officer setting forth an analysis of the legal issues involved in the dispute and comments upon the adequacy of the "Findings of Fact" and the legal sufficiency of the decision;

(*7*) Such additional information as the Contracting Officer may consider pertinent, including such items as interoffice memoranda, sample photographs, and inspection, audit and financial reports.

(*c*) If a "Complaint" is received by the Contracting Officer subsequent to transmittal of the original comprehensive report referred to in (*b*) of this subdivision, the Contracting Officer, within 20 days after receipt of such complaint, will forward to the Head of the Procuring Activity concerned a supplemental report of matters stated in the Complaint which were not previously covered in the comprehensive report. If the original report is sufficient to answer the matters alleged in the complaint, the Contracting Officer will forward the "Complaint" with a statement to this effect and need not forward a supplemental report.

(*d*) Copies of all correspondence and all other data and information pertinent to the dispute received by the Contracting Officer, after the comprehensive report has been submitted, will be forwarded to the Chief Trial Attorney.

(*e*) Where the complaint is filed with the Contracting Officer with the Notice of Appeal under Rule 3, the Contracting Officer will forward the Notice of Appeal and the original and three copies of the complaint to the Board through the Head of the Procuring Activity within 10 days. Within 20 days after receipt of the notice of appeal and complaint from the Contractor, the Contracting Officer will prepare and forward to the Chief Trial Attorney, through the Head of the Procuring Activity a single comprehensive report containing the items described in (*a*) and (*b*) of this subdivision, and substantiating the position taken by the Contracting Officer.

(*f*) In order that the Chief Trial Attorney may file an answer under Rule 6 within 60 days after service of the complaint, or in order that he may have jurisdiction for any request for extension of time, the above time limits must either be met or the Chief Trial Attorney must be notified of the reason for the delay and the estimated extent thereof.

(ii) *Action by Head of a Procuring Activity.* The Head of the Procuring Activity receiving an appeal to the Secretary from a decision of a Contracting Officer will:

(*a*) Forward the required copies of the Notice of Appeal and the complaint (if the complaint was furnished to the Contracting Officer with the Notice of Appeal) to the Board without delay.

(*b*) Carefully review the decision from which the appeal is taken to ascertain that all basic findings of fact are complete as to all issues bearing on the matter in dispute.

(*c*) Insure that the reports submitted by the Contracting Officer under subdivision (i) of this subparagraph are complete and ascertain that the evidence relied upon in support of the decision does support the Government's position.

(*d*) Refer to the Contracting Officer for supplemental findings cases in which the original findings of fact do not contain all of the basic findings required to support the decision or in which the findings of fact are not complete as to all issues bearing upon the matter in dispute.

(*e*) Return to the Contracting Officer for reconsideration, along with appropriate instructions, all cases wherein a timely appeal has been taken and it is clear from the evidence, contractual provisions and the applicable law, that the Contracting Officer's decision is erroneous or not supported by competent and available evidence.

(*f*) Notify the Chief Trial Attorney within 10 days after action has been taken by the Head of the Procuring Activity under (*d*) and (*e*) of this subdivision; this notification will indicate the nature thereof, and will include an estimate as to when the appeal will be either (*1*) withdrawn, or (*2*) ready for preparation of an answer.

(*g*) Where action is not taken under (*d*) and (*e*) of this subdivision, forward to the Chief Trial Attorney (within 10 days after receipt) each of the reports of the Contracting Officer referred to in subdivision (i) of this subparagraph together with the Head of the Procuring Activity's evaluation of the factual and legal issues involved as well as his conclusions and recommendations thereon. Where action is taken under (*d*) and (*e*) of this subdivision and the action does not dispose of the appeal, the Head of the Procuring Activity will take the same steps with regard to the reports of the Contracting Officer as are outlined in the foregoing sentence. The Head of the Procuring Activity will also furnish any additional evidence (documents, statements of witnesses, etc.) considered essential to enable the Trial Attorney to properly protect the interests of and represent the Government before the Board.

(*h*) Insure that assistance is rendered to the Chief Trial Attorney in obtaining additional evidence or in making other necessary preparations for presenting the Government's position to the Board. In order that the Chief Trial Attorney may file timely pleadings in accordance with the rules of the Board or that he may have justification for any request for extensions of time, it is imperative that Heads of Procuring Activities furnish information within the prescribed time limit, or that the reason for the delay and estimated extent thereof be furnished to the Chief Trial Attorney.

(4) *Intermediate appeal to Heads of Procuring Activities.* Where a clause providing for intermediate appeal to the Head of a Procuring Activity has been authorized, necessary instructions covering the processing of such appeals to the Head of the Procuring Activity may be issued: *Provided,* That appeal taken from decision of the Head of the Procuring Activity must be processed in accordance with the procedure prescribed in this paragraph.

(5) *Appeals to Secretary from decisions of Heads of Procuring Activities.* Within 15 days after receipt of a Notice of Appeal, the Head of a Procuring Activity will prepare and forward to the Chief Trial Attorney a complete report containing a statement of the factual and legal issue involved in the appeal and inclosing therewith the following: a copy of his decision; the advisory report, if there be one, of the contract settlement board in his office; a transcript of any testimony taken during the course of the proceedings; a duplicate original or a certified copy of the contract, including plans and specifications and all changes and supplemental agreements; the decision of the Contracting Officer; all papers and correspondence pertaining to the contract and pertinent to the consideration of the appeal; the name of each witness having knowledge that will support the Government's position; a statement signed by each witness reflecting facts to which he will be able to testify or a summary thereof if it is impossible to get the signed statement (a statement signed by individual witness may be omitted if the substance of expected testimony is set forth in the transcript of proceedings); a statement as to the expected availability at the hearing of each witness; and such other information as may be necessary to substantiate the position taken by the Head of the Procuring Activity with regard to the appeal. Additionally, the Chief Trial Attorney shall transmit to the Head of the Procuring Activity a copy of the complaint, and the Head of the

Procuring Activity will furnish comments as to each allegation of fact in such complaint (treating them in the order set forth herein) and comments as to whether it is well founded and, if not, a recital of the evidence to refute the same. Further, he shall insure that all essential witnesses and documentary evidence will be available at the time of the hearing of the appeal.

(6) *Appeals filed with the Secretary or the Board.* In cases wherein an appeal is filed directly with the Office of the Secretary of the Army or the Armed Service Board of Contract Appeals, the Board, pursuant to its rules of procedure, will promptly furnish a copy thereof to the Procuring Activity concerned, through the Chief, Trial Attorney's office. Upon the receipt of such appeal the Procuring Activity will process the same as though it had been initially filed with the Activity.

(7) *Appeals improperly filed.* If any officer or agency of the Department other than the officer or agency designated in the contract, should receive a written appeal, the recipient will, after endorsing thereon the date of its receipt, immediately transmit the appeal to the Head of the Procuring Activity concerned:

(i) For appropriate action as provided in subparagraph (5) of this paragraph if the appeal is from the decision of the Head of a Procuring Activity, or

(ii) If the appeal is from the decision of a Contracting Officer, then for action as required by subparagraph (3) of this paragraph.

(8) *Functions of the Office of the Chief Trial Attorney*—(i) *New facts or circumstances.* Upon discovery of new facts or circumstances the Chief Trial Attorney is authorized, in appropriate cases, to return appeals to the Procuring Activity for reconsideration in the light of the additional facts or circumstances disclosed.

(ii) *Agreements or stipulations.* Pursuant to Rule 27, the Office of the Chief Trial Attorney may enter into an agreement, by stipulation or otherwise with appellant or his attorney on matters as to which there is no substantial controversy. Such agreements may be of two types:

(*a*) *Agreements on matters not disposing of an appeal.* An agreement on matters as to which there is no substantial controversy and which will not have the effect of disposing of an appeal may be entered into by the Chief Trial Attorney or by an individual Trial Attorney provided authority therefor shall have been granted in advance by the Chief Trial Attorney.

(*b*) *Agreement on matters disposing of an appeal.* Pursuant to Rule 27, the Board may suspend further processing of an appeal in order to permit reconsideration by the Contracting Officer whenever it appears that appellant and the Trial Attorney are in agreement as to the disposition of a controversy, subject to the provision that if the case is not actually disposed of by agreement it may be restored to the Board's calendar for hearing. In appropriate cases, such as those in which it is desirable to avoid time consuming delays incident to returning the appeal to the Contracting Officer, the Chief Trial Attorney (or an individual Trial Attorney acting with prior approval of the Chief Trial Attorney) may enter into an agreement with an appellant which will have the effect of disposing of an appeal after concurrence has been obtained from a representative of the Head of the Procuring Activity. Such agreement may then become the basis of a Board decision disposing of the appeal.

(c) *Major oversea commands.* (1) The following "Disputes" Clause will be inserted in all contracts entered into by major oversea commands and to be performed outside the United States (48 States and the District of Columbia) in lieu of the clause set forth in § 7.103–12 of this title.

DISPUTES

Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. Within 30 days from the date of receipt of such copy, the Contractor may appeal by mailing or otherwise furnishing to the Contracting Officer a written appeal addressed to the Commanding General (----------[1]) and the decision of the Commanding General (----------[1]), or that of his duly authorized representative (other than the Contracting Officer under this contract) for the hearing of such appeals, upon personal approval by the Commanding General (----------[1]) or his designated deputy, shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive upon the parties hereto when the amount involved in the appeal is $50,000 or less; provided that, if no appeal is taken, within the said 30 days, the decision of the Contracting Officer shall be final and conclusive. When the amount involved is more than $50,000 the decision of the Commanding General (----------[1]) shall be subject to written appeal within 30 days after the receipt thereof by the Contractor to the Secretary of the Army and the decision of the Secretary or his duly authorized representative for the hearing of such appeals shall, unless determined by a court of competent jurisdiction to have been fraudulent, arbitrary, capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence, be final and conclusive; provided that, if no such further appeal is taken, within the said 30 days; the decision of the Commanding General (----------[1]) shall be final and conclusive. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with Contracting Officer's decision.

(2) Each commanding general of a major oversea command will appoint within his command a Board to be known as "[name of command] Board of Contract Appeals." The Board will consist of three or more members who will be persons trained in the law, one of whom will be designated by the appointing authority as the President of the Board. There also will be appointed a Recorder of the Board who will perform such duties as the Board may prescribe. The Recorder of the Board also may be a member thereof.

(3) The Board, created pursuant to the provisions of subparagraph (2) of this paragraph, will be designated by the commanding general as his duly authorized representative to hear, consider, and decide, as fully as he might do, all appeals to him under contracts having such provisions. The Board's final decision, however, will be subject to his personal approval, or that of his deputy designated for such purpose. The Board will be granted all powers necessary and incident to the proper performance of its duties and, with the approval of the appointing authority, will adopt its own methods of procedure, rules, and regulations for its conduct and for the preparation and presentation of appeals and issuance of decisions.

(4) Each commanding general of a major oversea command will designate one or more trial attorneys, who will be qualified attorneys at law, for the preparation and presentation of the contentions of the Procuring Activity in relation to appeals filed with the Board.

§ 596.103–14 *Buy American Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–16 *Eight-Hour Law of 1912.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–17 *Walsh-Healey Public Contracts Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.103–18 *Nondiscrimination in employment.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.104 *Clauses to be used when applicable.* The contract clauses set forth in § 7.104 of this title and in § 596.104–12A shall be used when applicable subject to the instructions contained in § 7.104 of this title and in § 596.104–12A and § 596.050.

§ 596.104–1 *Davis-Bacon Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.104–2 *Copeland Act.* In effecting procurement outside the United States, its Territories and possessions, this clause will be deleted.

§ 596.104–12A *Military security requirements; research and development contracts.* The following clause is approved for use in research and development contracts with educational or nonprofit institutions, as a deviation from Subchapter A, Chapter I of this title, pending inclusion in a future revision of Subchapter A, Chapter I of this title:

MILITARY SECURITY REQUIREMENTS—RESEARCH AND DEVELOPMENT CONTRACTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" including "Confidential—Modified Handling Authorized" or higher.

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Form 254) and Appendage to Security Rquirements Check List (DD Form 254–1).

(c) To the extent the Government has indicated as of the date of this contract, or thereafter indicates, security classification under this contract as provided in paragraph (b) above, the Contractor except as otherwise provided in this clause, shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of (i) the Department of Defense Industrial Security Manual for Safeguarding Classified Security Information as in effect on the date of this contract, which Manual is hereby incorporated by reference and made a part of this contract, and (ii) any amendments to said Manual required by the demands of national security as determined by the Government and made after the date of this contract, notice of which has been furnished to the Contractor by the Contracting Officer.

(d) Designated representatives of the Government responsible for inspection pertaining to industrial security shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the requirements of the terms and conditions of this clause. Should the Government, through its authorized representative, determine that the Contractor has not complied with such requirements, the Government shall inform the Contractor in writing of the proper actions to be taken in order to effect compliance with such requirements.

(e) In the event a change in security requirements, as provided in paragraphs (b) and (c), results (i) in a change in the security classification of this contract or any element thereof from a nonclassified status to a classified status or from a lower classification to a higher classification, or (ii) in more restrictive area controls than previously required, the Contractor shall exert every reasonable effort compatible with its established policies to continue the performance of work under the contract in compliance with such change in security classification or requirements. If, despite such reasonable efforts, the Contractor determines that the continuation of work under this contract is not practicable because of such change in security classification or requirements it shall so notify the Contracting Officer in writing.

(f) After receiving such written notification, the Contracting Officer shall explore the circumstances surrounding the proposed change in security classification or requirements and shall endeavor to work out a mutually satisfactory method whereby the Contractor can continue performance of the work under this contract.

(g) If, upon expiration of fifteen (15) days after receipt of the notification by the Contracting Officer of the Contractor's stated inability to proceed, (i) the application to this contract of such change in security classification or requirements has not been withdrawn or (ii) a mutually satisfactory method for continuing performance of work under this contract has not been agreed upon, the Contractor may request the Contracting Officer to terminate the contract in whole or in part. Thereupon, the Contracting Officer shall terminate the contract in whole or in part, as may be appropriate, and such termination shall be deemed a termination under the provisions of the clause of this contract entitled "Termination for the Convenience of the Government."

(h) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified security information, provisions which shall conform substantially to the language of this clause, including this paragraph (h) but excluding paragraphs (e), (f), and (g) of this clause.

(i) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified security information in the Contractor's custody has been granted an appropriate facility security clearance which is still in effect, prior to being accorded access to such classified security information.

§ 596.104–13 *Domestic food, clothing, cotton, spun silk yarn for cartridge cloth, or wool.* In effecting procurements outside the United States, its Territories and possessions, for any article of food, clothing, cotton, spun silk yarn for cartridge cloth, or wool excepted from the prohibition of the annual appropriation acts, the clause set forth in § 7.104–13 of this title will be deleted.

§ 596.104–15 *Examination of records.* Contracts or purchase orders for public utility services are exempted from compliance with the requirements of § 7.104–15 of this title when such contracts are at rates not in excess of those established for uniform applicability to the general public, or at such rates plus reasonable connection charges incident to such services.

§ 596.104–50 *Title II, First War Powers Act, 1941, as amended.* All contracts and amendments to contracts made under the authority of the Title II, First War Powers Act, 1941, as amended, will contain the clauses and conform to the requirements prescribed in § 606.416 of this subchapter.

§ 596.105 *Additional clauses.* The clauses set forth in § 7.105 of this title will be inserted in fixed-price supply contracts in accordance with the instructions of each Procuring Activity where necessary or desirable to cover the subject matter contained in such clauses.

§ 596.105–5 *Liquidated damages*—(a) *Contract provision.* If a contract is to provide for liquidated damages, a provision will be inserted in accordance with § 7.105–5 of this title.

(b) *Accrual.* Where a contract provides for liquidated damages in the event of default, and a default occurs, liquidated damages accrue to the Government, in accordance with the terms of the contract.

(c) *Mitigation.* If there is a liquidated-damage provision in a contract for the purchase of ordinary supplies and default should occur, time should not be permitted to run indefinitely, the result of which would make the liquidated damages chargeable exceed the contract price of the supplies to be delivered. The law imposes the duty upon a party subjected to injury by the action of another to mitigate the damages which result from such wrongful action, and that must be as true where liquidated damages run as in the ordinary case of actual damages. Efforts must be made to procure supplies elsewhere if delivery is not forthcoming within a reasonable time after the default occurs. While the course to be followed must depend upon the facts in each case, the rule may be stated that damages to run must be conserved and, as promptly as possible, according to what may be the attitude of the Contractor respecting delivery, administrative action should be taken to procure the supplies elsewhere.

(d) *Remission.* Whenever any contract includes a provision for liquidated damages for delay, the Comptroller General on the recommendation of the Secretary is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable. Recommendations submitted by a Contracting Officer to the Head of a Procuring Activity or to the Secretary will not be furnished the Contractor.

§ 596.106 *Price escalation clauses (established prices).* Price escalation clauses (as distinguished from price redetermination clauses) may be inserted in contracts entered into after formal advertising or negotiation in accordance with the instructions set forth in §§ 3.403–2 and 7.106 of this title and in §§ 591.201 (i) and 591.406 (b) of this subchapter.

§ 596.106–50 *Price escalation (labor and material).* (a) The escalation clause set forth in this paragraph is authorized for use in formally advertised or negotiated contracts for the procurement of supplies under conditions wherein it is desired to effect one or more possible price adjustments, during the life of the contract, solely upon the basis of rates of pay for certain specified types of labor and/or costs of certain specified types of materials. The clause is not to be used in those instances wherein it is desired to adjust contract prices upon the basis of changes in the original estimates of hours of labor or quantities of materials. The clause may be used in the procurement of items other than those of a standard commercial nature in those instances where adequate cost experience has been obtained on previous contracts and where the design of the supplies has been stabilized.

(b) Paragraph (b) of the clause provides that prices may be adjusted only if the change results in an increase or decrease of at least 3 percent of the aggregate contract price. Authority is granted to deviate from this percentage to provide for a lesser percentage if it is deemed that the value of the contract warrants the administration of price adjustments involving a smaller percentage change.

(c) The percentage increase to be specified in subparagraph (d) (3) of the clause shall not exceed fifteen percent.

(d) When it is planned to include this clause in contracts to be awarded as a result of formal advertising, the invitation for bids will clearly so state, and will further state that all bids will be evaluated after applying the maximum

[1] Specify name of major oversea command concerned.

amount of escalation. §§ 591.201 (i) and 591.406 (b) of this subchapter.)

PRICE ESCALATION (LABOR AND MATERIALS)

(a) The Contractor represents and warrants that the prices set forth in this contract do not include any contingency allowance to cover the possibility of increased costs of performance resulting from increases in either (1) the Contractor's rates of pay for labor or (2) the prices which the Contractor is required to pay for materials, as set forth in detail in paragraph (b) hereunder. The Contractor further represents and warrants that the net price or prices paid or to be paid by the Government under this contract do not and shall not exceed those paid by any other purchaser or consignee for like quantities of the same or similar supplies.

(b) In the event that, at any time during the performance of this contract, the Contractor is required to pay rates of pay for the types of labor specified below, or is required to pay prices for the materials specified below, in excess of, or less than the following rates and/or prices upon which the contract unit price for

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(Insert name or reference to end item)

is based:

Type of labor or material	*Unit of measure*

Rate of pay or price per unit

then in such event the contract unit price may be adjusted upward or downward in accordance with the provisions of paragraph (c). Such adjustment shall apply to the units completed subsequent to the effective date of any such increase or decrease and shall be by an amount equivalent to the increase or decrease in cost per uncompleted unit occasioned by the increase or decrease in rates of pay for the labor or prices for material specified above. No adjustment shall be made, however, that does not result in an increase or decrease of at least three percent (3%) of the then aggregate contract price of the uncompleted units of the contract.

(c) Not later than twenty (20) days after the effective date of any increase or decrease as referred to in paragraph (b) hereof, the Contractor shall notify the Contracting Officer of any such increase or decrease, and with such notification shall submit a supporting cost breakdown. Such cost breakdown will:

(1) Be prepared in accordance with recognized commercial accounting principles;

(2) Indicate changes in estimated labor and/or material costs resulting from any increase or decrease as referred to in paragraph (b) hereof; and

(3) Be signed by a responsible official of the Contractor. Upon the basis of such notification and cost breakdown, and such other data as may be available to the Contracting Officer or as shall be furnished to him upon request to the Contractor, a price adjustment to reflect the increase or decrease in costs as referred to in paragraph (b) hereof shall be determined by mutual agreement between the Contractor and the Contracting Officer, and shall be set forth in an amendment to this contract. In the event that the Contractor fails to give notice of any decrease as required herein, a downward adjustment shall be later effected with respect to the units completed subsequent to the effective date of any such decrease. The Contracting Officer or any person authorized by him may examine any or all of the Contractor's records and information available to the Contractor relating to rates paid for labor and prices paid for materials specified in paragraph (b) hereof.

(d) Price adjustments may be agreed upon at any time and from time to time during the performance of this contract in accordance with the provisions of this clause. In no event, however, shall any price adjustment be made:

(1) For any increase or decrease in costs other than those for the types of labor and materials specified in paragraph (b) hereof.

(2) For increased or decreased costs resulting from an increase or decrease as related to the original contract estimates in number of hours of labor or in amounts of materials.

(3) For increases or accumulated increases in unit prices in excess of ____ percent (____%) of the original contract unit price.

(4) For rates of pay for labor or prices for materials in excess of those established by the Economic Stabilization Agency or other authorized Government Agency.

(e) Pending a determination of any price adjustment under this clause the Contractor shall continue deliveries hereunder. Failure of the parties to agree upon a price adjustment pursuant to the provisions of this clause shall be deemed to be a dispute as to a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) In the use of the above escalation article, it is emphasized that considerable latitude is permitted and encouraged in the selection of types of labor and material and rates of pay or price per unit to be negotiated under paragraph (b) of the article. Wherever possible and practicable, costs selected for escalation should be reduced to a type of material price or rate of pay agreement that will require little if any audit review if a price adjustment is called for by either of the contracting parties. The following may be considered as examples of acceptable forms of pricing agreements.

(1) *Materials.* Escalation should be only on the raw material(s) which constitute a major portion of material costs. The market prices of many raw materials are published periodically in accepted trade journals or newspapers. Accordingly, an example material escalation in paragraph (b) of the article could be expressed as follows:

Type of material	*Unit of measure*	*Price per unit*
Steel, billets, Pittsburg	Ton	$59.00

Cost of steel in this contract represents 25 percent of the total of all costs.

The cost of "Steel, billets, Pittsburg" as carried in the "Wall Street Journal" shall be excepted as the basis of increases or decreases in the cost of this material for the purposes of escalation as provided for in paragraph (c), applicable to deliveries made under this contract after the effective date referred to in paragraph (b).

(2) *Labor.* Escalation may be based on particular categories or on average labor costs. Wherever practicable, manufacturing labor should be escalated on an average wage agreed upon as applicable to performance under the contract in question. This average wage must be based on the Contractor's agreement with labor, if such an agreement exists. As an example, labor escalation in paragraph (b) of the article could be expressed as follows:

Type of material	*Unit of measure*	*Rate of pay per unit*
Manufacturing labor	Man-hour	$1.75

Manufacturing labor costs represent ___ percent of the total of all costs in this contract. The stated rate of $1.75 per manufacturing labor, man-hour is a composite rate of manufacturing labor to be utilized in performance of this contract, based upon current union wage agreements of the Contractor. In the event of future increases or decreases in wage scales as the result of changes in such wage agreements for any reason, a new composite rate for manufacturing labor, computed on the same basis as that above, will be used for escalation purposes as provided for in paragraph (c) to the extent of 20 percent of total cost of this contract remaining after the effective date of any increase or decrease.

Escalation of overhead factors is against Department of the Army policy. In fully justified cases involving unusual circumstances, however, deviations will be considered by the Deputy Chief of Staff for Logistics. Submission of such cases on an individual basis will be made through channels to that office.

§ 596.150 *Department of the Army clauses.* The following clauses will be inserted in fixed-price supply contracts when applicable.

§ 596.150–1 *Progress payments clause* (§ 606.1205 of this subchapter).

PROGRESS PAYMENTS

Progress payments, which are hereby defined as payments made as work progresses under this contract upon the basis of (i) costs incurred, (ii) percentage of completion accomplished, or (iii) a particular stage of completion, may be made upon the following terms and conditions.

(a) The Contracting Officer may, from time to time, authorize progress payments to the Contractor upon property acquired or produced by it for the performance of this contract: Provided, that such progress payments shall not exceed 90 percent of the costs to the Contractor of direct labor and material and/or component parts purchased for that property upon which payment is made, which costs shall be determined from evidence submitted by the Contractor and which must be such as is satisfactory to the Contracting Officer: Provided further, that in no event shall the total of unliquidated progress payments (see (c) below) and of unliquidated advance payments if any, made under this contract, exceed 80 percent of the total contract price of supplies still to be delivered.

(b) Upon the making of any progress payment under this contract, title to all parts, materials, inventories, work in process and nondurable tools theretofore acquired or produced by the Contractor for the performance of this contract, and properly chargeable thereto under sound accounting practice, shall forthwith vest in the Government; and title to all like property thereafter acquired or produced by the Contractor for the performance of this contract and properly chargeable thereto as aforesaid shall vest in the Government forthwith upon said acquisition or production: Provided, that nothing herein shall deprive the Contractor of any further progress or final payments due or to become due hereunder; or relieve the Contractor or the Government of any of their respective rights or obligations under this contract.

(c) In making payment for the supplies furnished hereunder, there shall be deducted from the contract price therefor a proportionate amount of the progress payments theretofore made to the Contractor, under the authority herein contained.

(d) It is recognized that property (including, without limitation, completed supplies, spare parts, drawings, information, partially completed supplies, work in progress, materials, fabricated parts and other things called for herein) title to which is or may hereinafter become vested in the Government pursuant to this clause will from time to time be used by or put in the care, custody or possession of the Contractor in connection with the performance of this contract. The Contractor, either before or after receipt of notice of termination at the option of the Government, may acquire or dispose of property to which title is vested in the Government under this clause, upon terms approved by the Contracting Officer: Provided, that after receipt of notice of termination, any such property that is a part of termination inventory may be acquired or disposed of only in accordance with the provisions of the clause of this contract entitled Termination for Convenience of the Government and applicable laws and regulations. The agreed price (in case of acquisition by the Contractor) or the proceeds received by the Contractor (in case of any other disposition), shall, to the extent that such price and proceeds do not exceed the unliquidated balance of progress payments thereunder, be paid or credited to the Government as the Contracting Officer shall direct; and such unliquidated balance shall be reduced accordingly. Current production scrap may be sold by the Contractor without approval of the Contracting Officer but the proceeds will be applied as provided in this paragraph (d), provided that any such scrap which is a part of termination inventory may be sold only in accordance with the provisions of the Termination for Convenience of the Government of this contract and applicable laws and regulations. Upon liquidation of all progress payments hereunder or upon completion of deliveries called for by this contract, title to all property (or the proceeds thereof) which has not been delivered to and accepted by the Government under this contract or which has not been incorporated in supplies delivered to and accepted by the Government under this contract and to which title has vested in the Government under this clause shall vest in the Contractor.

(e) The clause of this contract captioned "Liability for Government-Furnished Property" and any other provision of this contract defining liability for Government-Furnished Property shall be inapplicable to property to which the Government shall have acquired title solely by virtue of the provisions of this clause. The provisions of this clause shall not relieve the Contractor from risk of loss or destruction of or damage to property to which title vests in the Government under the provisions hereof.

(f) If this contract (as heretofore or hereafter supplemented or amended) contains provisions for Advance Payments, and in addition if at the time any progress payment is to be made to the Contractor under the provisions of this progress payments clause any unliquidated balance of advance payments is outstanding, then notwithstanding any other provision of the Advance Payments Clause of this contract the net amount, after appropriate deduction for liquidation of the advance payment, of such progress payment shall be deposited in the special bank account or accounts maintained as required by the provisions of the Advance Payments Clause, and shall thereafter be withdrawn only pursuant to such provisions.

§ 596.150–2 *Plant protection.* In those cases where the Contracting Officer deems it necessary to retain some control as to the plant protective devices in a particular plant, the contract will contain one of the following clauses:

PLANT PROTECTION

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage.

PLANT PROTECTION

The Contractor shall maintain in and about his plant adequate plant protective devices and shall employ such watchmen, guards and other personnel as the Contracting Officer may deem necessary to prevent espionage, sabotage, and other malicious destruction or damage. If the Contracting Officer from time to time shall require the installation of plant protective devices, or the employment of watchmen, guards or other personnel, or both, in addition to those deemed necessary by him on the date the Contractor shall commence performance of this contract, the cost of any such devices installed or the pay of any such personnel employed, or both, at the written request and upon the written authorization of the Contracting Officer, shall be reimbursed to the Contractor upon submission of vouchers approved by the Contracting Officer, provided that no reimbursement of the cost of any such installation or pay of any such personnel, or both, shall be made in excess of the cost thereof, as estimated in advance and approved in writing by the Contracting Officer.[1]

PLANT PROTECTION (GOVERNMENT-OWNED CONTRACTOR OPERATED PLANTS)

(a) The Contractor shall at all times during the performance of the work under this Contract comply with all applicable Federal, State and local statutes, and with such rules and regulations as are furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling, or transporting of military explosives, pyrotechnic, and inert materials. The Contractor will maintain such additional safety precautions for its personnel, for facilities staffed and operated by it, and for work in process, as are customary in the industry or in the Contractor's private operations. All personnel having access to the plant, including Government personnel, shall comply with all instructions issued by the Contractor in furtherance of the safety precautions. The Contractor shall install and maintain in and about the plant such plant protective devices and shall employ such guards and other personnel as the Contracting Officer may approve, including such personnel and protective devices for the prevention of espionage, sabotage, and other malicious destruction or damage. The Contractor shall make available such information with respect thereto as the Contracting Officer may request. The use by the Contractor of such Government-owned safety or plant protective equipment as may be located at the plant site is authorized subject to approval by the contracting Officer.

(b) The Contractor agrees to furnish the authorized Security and Safety personnel of the Army Establishment with a survey of the existing internal security system and explosion-and-fire-prevention system in the portions of the plant staffed and operated by the Contractor. The Contractor agrees to make any changes necessary to cause the existing internal security system and explosion-and-fire-prevention system to comply with all applicable local, State, and Federal laws, rules and regulations, including such Department of the Army regulations or ---------- instructions as are furnished to the Contractor by the Contracting Officer, governing the manufacture, storage, loading, handling or transporting of military explosives, pyrotechnic, and inert materials.

(c) At any time during the term of this contract, the Contracting Officer or his duly authorized representative may require the Contractor to install and maintain in and about the plant additional protective devices, equipment and personnel. The Contractor shall submit promptly to the Contracting Officer or his duly authorized representative, for prior approval as to estimated cost, detailed inventories, including the estimated cost of each item of protective devices or equipment so required to be installed and of installing the same, and a detailed estimate of the cost of maintaining any such additional protective devices or equipment and personnel.

(d) Title to all plant protective devices and equipment added under paragraph (c) of this clause shall be in the Government. The Contractor, during the term of this contract or any extension thereof, shall maintain and keep in good condition and repair all such protective devices and equipment.

(e) The Contracting Officer and authorized Security and Safety personnel of the Army Establishment, at all times during the performance of this Contract or any extension thereof, shall have access to the portions of the plant staffed and operated by the Contractor in order to inspect, inventory, or remove any of said plant protective devices or equipment, and to inspect the premises with respect to compliance with all regulations and requirements concerning plant protection, safety, and security including any recommendations made by the appropriate Army Establishment personnel.

(Procuring Activity)

[1] If desired an additional proviso may be added, reading substantially as follows: Provided further that no reimbursement of the cost of any such installation or pay of any such personnel is being made to the Contractor by other means.

§ 596.150–3 *Rental of gas cylinders.* Every contract for the rental of gas cylinders will contain a clause similar to one of the following:

RENTAL OF GAS CYLINDERS (INDIVIDUAL BASIS)

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged and the United States agrees to pay the Contractor a rental at the rate of $____ per cylinder per day for the use of cylinders not returned to the Contractor.

RENTAL OF GAS CYLINDERS (QUANTITY BASIS)

Cylinders shall remain the property of the Contractor and will be loaned, without charge, to the Government for a period of 30 days after the date of shipment of cylinders from the Contractor's plant. Beginning with the first day after the expiration of the 30-day free loan period to and including the day the cylinders are released to the transportation company for return to the Contractor, there will be charged and the United States agrees to pay the Contractor a rental at the rate of $____ per cylinder per day, computed on a quantity basis, as indicated below, for the use of cylinders not returned to the Contractor. This rental charge will be computed separately for oxygen and acetylene cylinders and for each point of delivery named in the contract. A credit of 30 cylinder days will accrue for each cylinder shipped. A debit of one cylinder day will accrue for each cylinder for each day held beginning with the day after date of shipment from Contractor's plant to and including the day the cylinder is released to the transportation company for return to the Contractor. At the end of the contract

period, in the event the total number of debits exceeds the total number of credits, rental will be charged for the difference. If the total number of credits equals or exceeds the total number of debits, no charge will be made for the use of the cylinders.

All cylinders not returned to the Contractor on or before the expiration of a 90-day rental period or lost or damaged beyond repair while in the possession of the United States Government shall be paid for by the United States to the Contractor at a replacement value of $____ for each oxygen cylinder of 100 to 110 cubic feet capacity, $____ for each oxygen cylinder of 200 to 220 cubic feet capacity, $____ for each acetylene cylinder of 100 to 150 cubic feet capacity, and $____ for each acetylene cylinder of 250 to 300 cubic feet capacity.

Cylinders retained or lost and so paid for shall be considered the property of the United States. But if and when located they may, at the option of the Government, be returned to the Contractor, and, in such event, credit shall be allowed to the Government at the replacement value paid, less rental at the rate of $____ per day beginning at the expiration of the 30-day period as aforesaid to the date upon which cylinders are turned over to carrier for return to Contractor's plant.

§ 596.150–4 *Liability for Government Property Furnished for Repair.* Insert the clause set forth below in contracts for the repair of Government property, possession of which is turned over to the Contractor for that purpose. When minor repairs are obtained through small purchase procedure (fixed price) this clause will not be used (§ 602.1705–2 of this subchapter).

LIABILITY FOR GOVERNMENT PROPERTY

(a) The Contractor will be liable for any loss, destruction of or damage to the Government property to be repaired caused by the Contractor's failure to exercise such care and diligence as a reasonably prudent owner of similar property would exercise under similar circumstances.

(b) In addition to such insurance as is normally carried by the Contractor in the course of business the Contractor agrees to maintain such additional insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to Government property, as may, from time to time, be required by the Contracting Officer.

(c) The Contractor shall not be liable for loss or destruction of or damage to the Government property furnished for repair (i) caused by any peril while the property is in transit off the Contractor's premises, or (ii) caused by any of the following perils while the property is on the Contractor's or subcontractor's premises, or on any other premises where such property may properly be located, or by removal therefrom because of any of the following perils:

(A) Fire; lightning; windstorm; cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion; vandalism and malicious mischief; sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; sprinkler leakage; earthquake or volcanic eruption; flood, meaning thereby a rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure de facto), or by any authority using military, naval or air forces, or by an agent of any such government, power, authority, or forces; or

(B) Other peril, of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or the prevailing practice in the industry in which the Contractor is engaged with respect to similar property in the same general locality.

(d) The Contractor shall hold the Government harmless and shall indemnify the Government against claims for injury to person or damage to property of the Contractor or others arising from the Contractor's possession, or use of the Government property furnished for repair, or arising from the presence of said property on the premises or property of the Contractor.

§ 596.150–5 *Price redetermination clauses.* The following price redetermination clauses may be used in negotiated fixed-price contracts in accordance with the provisions of § 3.403–3 of this title and § 592.403–3 of this subchapter.

PRICE REDETERMINATION (FORM II–B)

(a) The prices stated herein may be increased or decreased in accordance with this clause. In no event shall the revised price exceed $____.

(b) *Times for negotiations.* (1) Upon completion of delivery of ____ percent of the (here specify the principal items to be furnished under the contract) to be furnished under this contract or upon expenditure of (here specify the percentage of the total contract amount), whichever shall occur last, the parties shall negotiate to revise the prices of all items theretofore and thereafter to be delivered. Within _____ (not to exceed 45) days after the completion of delivery or expenditure of funds referred to above, the Contractor shall furnish to the Contracting Officer the statements and data referred to in paragraph (c) of this clause. At any time and from time to time after the completion of delivery or expenditure of funds referred to above, subject to the limitations specified in this clause, either the Government or the Contractor may deliver to the other a written demand that the parties negotiate to adjust the prices under this contract. No demand shall be made prior to 90 days after completion of delivery or expenditure of funds referred to above, and thereafter neither party shall make a demand having an effective date within 90 days of the effective date of any prior demand. Each demand shall specify a date (identical with or subsequent to the date of the delivery of the demand) as of which the revised prices shall be effective as to the deliveries made thereon and thereafter. This date is hereinafter referred to as "the effective date of the price redetermination." For the purposes of the first negotiation contemplated by this paragraph, the date of execution of this contract shall be deemed to be the effective date of the price redetermination. Any demand under this clause, if made by the Contractor, shall state briefly the ground or grounds therefor and shall be accompanied by the statements and data referred to in paragraph (c) of this clause. If the demand is made by the Government, such statements and data will be furnished by the Contractor within _____ (not to exceed 45) days of the delivery of the demand. In addition to the demands stated above, the Contractor will furnish the Contracting Officer periodically (enter period), after the date of the first price redetermination hereunder, a statement of the experienced costs of production to date, to the extent that they are available at that time.

(2) In the event all remaining work under this contract, as it may from time to time be amended, shall be terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," no demand shall then or thereafter be made and any demand the effective date of which is less than 30 days before the effective date of such termination shall be void and of no effect.

(c) *Submission of data.* (1) At the time or each of the times specified or provided for in paragraph (b) of this clause the Contractor shall submit (i) a new estimate and breakdown of the unit cost and the proposed prices of the items remaining under this contract after the effective date of the price redetermination, itemized so far as is practicable in the manner prescribed by DD Form 784; (ii) an explanation of the differences between the original (or last preceding) estimate and the new estimate; (iii) such relevant shop and engineering data, cost records, overhead absorption reports and accounting statements as may be of assistance in determining the accuracy and reliability of the new estimate; (iv) a statement of experienced costs of production hereunder to the extent that they are available at the times or times of the negotiation of the revision of prices hereunder; and (v) any other relevant data usually furnished in the case of negotiation of prices under a new contract. The Government may make such examination of the Contractor's accounts, records and books as the Contracting Officer may require and may make such audit thereof as the Contracting Officer may deem necessary.

(2) The Contractor further agrees to include in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis, a provision to the effect that the subcontractor agrees (i) to submit to the Contracting Officer such data, as may be required for price redetermination (ii) to permit the Contracting Officer to make or cause to be made such examination and audits of the books, records and accounts as the Contracting Officer may deem necessary, (iii) to include a like provision in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis.

(d) *Negotiations.* (1) Upon the filing of the statements and data required by paragraph (c) of this clause, the Contractor and the Contracting Officer will negotiate promptly in good faith to agree upon prices for items to be delivered on and after the effective date of the price redetermination. Negotiations for price redetermination under this clause shall be conducted on the same basis, employing the same types of data (including, without limitations, comparative prices, comparative costs, and trends thereof) as in the negotiation of prices under a new contract.

(2) After each negotiation the agreement reached will be evidenced by a supplemental agreement stating the redetermined prices to be effective with respect to deliveries on and after the effective date of the price redetermination (or such other later date as the parties may fix in such supplemental agreement).

(e) *Disagreements.* If within _____ (not to exceed 45) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes," and the prices so fixed shall remain in effect for the balance of the contract notwithstanding any other provision of this clause.

(f) *Payments.* Nothwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government

(including amounts applied to liquidate progress payments), until final price revision has been made to the full extent permitted by this contract, shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (1) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (2) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (3) the total amount of interim profit used in establishing the initial contract price and allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of three numbered items above, this gross excess (less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954) shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof. When, after submission by the contractor of cost data and price-redetermination offer, the contractor and the contracting officer (a) have agreed in writing upon revised billing prices in the light of the cost experience and anticipated future trend (and provided that such revised prices are not higher than the smallest of (i) the existing contract price, (ii) the contractor's price redetermination offer and (iii) a price based upon the most recent quarterly statement), and (b) the contractor agrees to promptly make the necessary adjustments to bring payments for past deliveries of items into alignment with the revised billing prices, and (c) so long as the contractor bills at the agreed revised billing prices (or lower prices thereafter negotiated as final prices preliminary to confirmation by formal contract supplement), the prices so agreed upon or negotiated shall be deemed to be final prices for the purpose of this paragraph until final prices are established by supplement. For any quarter in which only the numbered item (1), above, is applicable, the Contractor may furnish a written statement to that effect instead of the quarterly statement above required. It is mutually understood that where the Contractor fails to submit cost data required by paragraph (b) (1) of this clause within the time specified, payment of all invoices shall be suspended by the Contracting Officer until such time as the required statements and data are furnished by the Contractor.

(g) *Termination provisions.* For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including, without limitation, the computation of "the total contract price" and "the contract price of work not terminated"), the contract price of delivered articles shall be deemed to be,

(1) For all items delivered prior to the effective date of the price redetermination, the contract price (giving effect to any prior revisions under this clause) applicable to each such item.

(2) For all items delivered on or after the effective date of the price redetermination.

(A) The contract price as revised in accordance with this clause if such revision shall have been agreed upon.

(B) If such revision shall not have been agreed upon, then such estimated prices as the Contractor and the Contracting Officer may agree upon as reasonable under all the circumstances and in the absence of such agreement such reasonable prices as may be determined in accordance with the clause of this contract entitled "Disputes."

(h) *Termination during the initial period.* In the event that this contract is terminated pursuant to the clause of this contract entitled "Termination for Convenience of the Government," or the Contractor's right to deliver is terminated pursuant to the clause of this contract entitled "Default," so that the last delivery under the contract as terminated is made prior to the completion of the initial period as specified in paragraph (b) of this clause, the Contractor within _____ days after such last delivery shall furnish the data required by paragraph (c) of this clause and thereupon the parties shall negotiate in good faith to agree upon revised prices under this contract. The agreement reached shall be evidenced by a supplemental agreement to this contract stating the revised prices under the contract. Any disagreement as to the revised prices will be disposed of as a question of fact in accordance with the clause of this contract entitled "Disputes."

The following is authorized as an optional paragraph (e) in the Form II–B price redetermination clause:

(e) *Disagreements.* (1) If within _____ (not to exceed 45) days after the date on which the statements and data are required pursuant to paragraph (b) of this clause to be filed (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to redetermined prices (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit), the Contractor, if he has substantially complied with the requirements of this clause as to the furnishing of statements and data, may give written notice to the Contracting Officer requiring the Government to pay the prices set forth in such notice from the time at which the price redetermination was to be effective under the provisions of this clause.

(2) If the Contracting Officer and the Contractor fail to agree, the Contracting Officer within 30 days after the delivery of the Contractor's notice may serve upon the Contractor a written election by which the Government agrees to pay to the Contractor fair and just compensation from the time at which such price redetermination was to be effective under the provisions of this clause. The written election shall specify the amount which the Contracting Officer deems to be fair and just compensation. If no written election is served upon the Contractor, the prices set forth in the Contractor's notice shall be incorporated in an appropriate supplemental agreement. If a written election is served upon the Contractor as above provided, the contract shall continue in effect as modified by such written election and the Contractor (a) shall be paid currently the amount specified by the Contracting Officer in such written election for all deliveries affected thereby and (b) may recover from the United States, by suit brought within six months after the delivery of such written election or after the completion of deliveries under this contract, whichever shall last occur, the amount, if any, by which such fair and just compensation exceeds the amount so specified.

(3) If the Contracting Officer and the Contractor fail to agree and no notice has been given by the Contractor as contemplated in paragraph (e) (1) of this clause, the Contractor shall be entitled to receive, from the time at which such price redetermination was to be effective under the provisions of this clause, fair and just compensation the amount which shall be determined as a question of fact pursuant to the clause of this contract entitled "Disputes."

PRICE REDETERMINATION (FORM III)

(a) Within sixty days after the completion or termination of this contract, the Contractor will submit to the Contracting Officer a detailed statement of the costs of performing this contract. Upon the written demand of the Contracting Officer, made at any time within thirty days after the submission of such statement, the Contractor will negotiate to reduce the contract price to an amount representing fair and reasonable compensation for the performance of the contract. In such negotiations the efficiency of the Contractor in production, buying and management will be given due weight.

(b) The Contractor will furnish to the Contracting Officer such other statements of actual costs of production and such other financial statements, at such times and in such form and detail, as the Contracting Officer may prescribe, and will permit such audits and examinations of its books, records and accounts as the Contracting Officer may request.

The Contractor further agrees to include in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis a provision to the effect that the subcontractor agrees (i) to submit to the Contracting Officer such cost data as may be required for price redetermination, (ii) to permit the Contracting Officer to make or cause to be made such examination and audits of the books, records and accounts as the Contracting Officer may deem necessary, and (iii) to include a like provision in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis.

(c) If within thirty (30) days after the making of such demand (or such further period as may be fixed by written agreement) the Contracting Officer and the Contractor fail to agree to a redetermined price (which term, for the purpose of this clause, shall include direct costs, indirect costs and profits), the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(d) The Government shall retain from amounts otherwise due the Contractor, or the Contractor shall repay to the Government if paid to him, any amount by which the contract price is found as a result of the application of this clause to exceed a fair and reasonable price, as the Contracting Officer may direct.

(e) *Payments.* Notwithstanding any provision of this contract authorizing greater payments, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and

accepted by the Government (including amounts applied to liquidate progress payments), until final price revision has been made to the full extent permitted by this contract, shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (1) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (2) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (3) the total amount of interim profit used in establishing the initial contract price and allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess (less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954) shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof. When, after submission by the contractor of cost data and price-redetermination offer, the contractor and the contracting officer (a) have agreed in writing upon revised billing prices in the light of the cost experience and anticipated future trend (and provided that such revised prices are not higher than the smallest of (i) the existing contract price, (ii) the contractor's price-redetermination officer and (iii) a price based upon the most recent quarterly statement, and (b) the contractor agrees to promptly make the necessary adjustments to bring payments for past deliveries of items into alignment with the revised billing prices, and (c) so long as the contractor bills at the agreed revised billing prices (or lower prices thereafter negotiated as final prices preliminary to confirmation by formal contract supplement), the prices so agreed upon or negotiated shall be deemed to be final prices for the purpose of this paragraph until final prices are established by supplement. For any quarter in which only the numbered items (1), above, is applicable, the Contractor may furnish a written statement to that effect instead of the quarterly statement above required.

PRICE REDETERMINATION (FORM IV)

(a) Because of the nature of the work called for by this contract and the great uncertainty as to the cost of performance hereunder, the parties agree that the contract price fixed in Clause ------ hereof may be increased or decreased in accordance with the provision of this clause.

(b) Within ------ [not exceeding 60] days after the completion or termination of this contract, the Contractor will file with the Contracting Officer a statement showing, in such form and detail as the Contracting Officer may prescribe, the Contractor's cost of producing the supplies or furnishing the services called for hereunder, together with such other information as may be pertinent in the negotiations for a redetermined price pursuant to this clause. Such statement of cost shall fairly reflect the normal operation of the Contractor's cost system. [First optional alternative to preceding sentence: The Contractor will establish and maintain records of the cost of performing this contract, as follows: * * *] [Second optional alternative: The Contractor will establish and maintain such records of the cost of performing this contract as the Contracting Officer may require in writing.] The Contracting Officer shall have the right at all reasonable times to make or cause to be made such examinations and audits of the Contractor's books, records and accounts as he may request.

The Contractor further agrees to include in each of his subcontracts which is in a cost or cost-plus-a-fixed-fee or a price redetermination basis a provision to the effect that the subcontractor agrees (i) to submit to the Contracting Officer such cost data as may be required for price redetermination, (ii) to permit the Contracting Officer to make or cause to be made such examination and audits of the books, records and accounts as the Contracting Officer may deem necessary, and (iii) to include a like provision in each of his subcontracts which is on a cost or cost-plus-a-fixed-fee or a price redetermination basis.

(c) Upon the filing of the statement and other pertinent information required by paragraph (b) of this clause, the Contractor and the Contracting Officer will promptly negotiate in good faith to agree upon a reasonable redetermined price for the entire contract which, upon the basis of such statement and other pertinent information, will constitute fair and just compensation to the Contractor for the performance of this contract. In determining the extent of any estimated allowance for profit to be taken into account in fixing such redetermined price, consideration will be given to the extent to which the Contractor has performed the contract with efficiency, economy, and ingenuity. In no event shall the redetermined price exceed the sum of $------. The redetermined price shall be evidenced by a supplemental agreement to this contract.

(d) If within ---------- [not exceeding 90] days after the completion or termination of this contract, the parties shall fail to agree upon a redetermined price (which term, for the purpose of this clause, shall include direct costs, indirect costs and profit) in accordance with the provisions of this clause, the failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(e) In the event of a price increase the Government will pay or credit to the Contractor the amount by which the redetermined price shall exceed the contract price aforesaid. In the event of a decrease in price the Contractor will repay or credit the amount of such decrease to the Government in such manner as the Contracting Officer may direct.

(f) For any of the purposes of the clause of this contract entitled "Termination for Convenience of the Government" (including without limitation, computation of "the total contract price" and "the contract price of work not terminated"), the contract price shall be the redetermined contract price agreed upon under paragraph (c) of this clause or determined under paragraph (d) of this clause, as the case may be.

(g) *Payments.* Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments), until final price revision has been made to the full extent permitted by this contract, shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (1) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (2) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (3) the total amount of interim profit used in establishing the initial contract price and allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of the end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess (less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954) shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that if any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof. When, after submission by the contractor of cost data and price-redetermination offer, the contractor and the contracting officer (a) have agreed in writing upon revised billing prices in the light of the cost experience and anticipated future trend (and provided that such revised prices are not higher than the smallest of (i) the existing contract price, (ii) the Contractor's price-redetermination officer and (iii) a price based upon the most recent quarterly statement), and (b) the Contractor agrees to promptly make the necessary adjustments to bring payments for past deliveries of items into alignment with the revised billing prices, and (c) so long as the Contractor bills at the agreed revised billings prices (or lower prices thereafter negotiated as final prices preliminary to confirmation by formal contract supplement), the prices so agreed upon or negotiated shall be deemed to be final prices for the purpose of this paragraph until final prices are established

by supplement. For any quarter in which only the numbered item (1), above, is applicable, the Contractor may furnish a written statement to that effect instead of the quarterly statement above required.

§ 596.150–6 *Incentive price revision clauses.* When in accordance with the provisions of § 3.403–4 of this title and § 592.403–4 of this subchapter, the fixed-price incentive contract is used, one of the following clauses, as appropriate, will be made a part of the contract.

(a) *Price revision clause with initially firm target data.*

PRICE REVISION

(a) *Definitions.* As used in this clause the following terms shall have the meanings set forth below:

(i) The term "billing price" means the stated prices which the contractor may receive upon delivery of any articles or completion of services pending final price revision.

(ii) The term "target price" means any price deemed equitable at the time of negotiation that is subject to adjustment in accordance with the final price revision provisions of this clause.

(iii) The term "target cost" means that portion of any target price which, at the time of negotiation thereof, was deemed to be the estimated cost of the articles or services being procured under this contract.

(iv) The term "target profit" means that portion of any target price agreed upon as being a reasonable profit for furnishing any articles or services if such articles or services were produced for a cost equal to the target cost.

(v) The term "contract target price" means the sum of the target prices of articles and services being procured from time to time under this contract.

(vi) The term "contract target cost" means the sum of the target costs of articles and services being procured from time to time under this contract.

(vii) The term "contract target profit" means the sum of the target profits of articles and services being procured from time to time under this contract.

(viii) The term "adjusted total contract cost" means the final negotiated cost of all items under this contract which are subject to price revision.

(ix) The term "final contract price" means the adjusted total contract cost plus an allowance for profit, if any, determined in accordance with the applicable provisions of the contract.

(x) The term "contract ceiling" means the maximum amount of money (stated in dollar amounts and determined with respect to a definite percentage of the total contract target cost involved) which the Government is obligated to pay the contractor for those articles and services being procured under the terms of this contract, and under change orders and amendments thereto, the prices of which are subject to price revision in accordance with the provisions of this clause.

(b) *General.* (i) The price of items ---------- under this contract are both target and billing prices until revised in accordance with the provisions of this clause and include a total target profit of ------% of total target cost.

(ii) The prices of items ---------- shall, when established in accordance with paragraph (f) hereof, be both target and billing prices until revised in accordance with the provisions of this clause.

(iii) The prices of items ---------- are fixed prices and not subject to revision in accordance with any of the provisions of this clause.

(c) *Submission of data.* Within -------- days after the end of the month in which the Contractor has delivered the last unit referred to in those Items listed in paragraphs (b) (ii) above, the Contractor shall forward to the Contracting Officer, in such form as the Contracting Officer may require, (i) a statement of all costs incurred by the contractor in performing all work under the Items of this contract subject to price revision as of the date of said delivery, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work and obligations under such Items. The contractor shall include as a separate entry in the statement of costs to be submitted hereunder, an amount to be agreed upon by the contractor and the Contracting Officer representing the difference between (i) the cost of materials, supplies, and subassemblies purchased for, but not allocated to, the performance of the contract by the contractor which may be reasonably expected to remain on hand or which are on hand as excess materials at the conclusion of the contract, and (ii) the value of such materials, supplies, and subassemblies at the conclusion of the contract.

(d) *Accounting procedures.* Contractor agrees to maintain books, records, documents, and other evidence pertaining to the costs and expenses of this contract to the extent and in such detail as will properly reflect the net costs, direct and indirect, of all labor, materials, equipment supplies, services, and other costs and expenditures of whatever nature necessary for the establishment of costs under the provisions of this contract, and further agrees to permit the Government to make, at reasonable times, such examination or audit thereof as the Contracting Officer may deem necessary. The contractor shall segregate the costs of any Item, change or service, the price of which is fixed and not subject to revision in accordance with the provisions of this clause.

(e) *Certification.* An officer or other authorized official of the contractor shall certify on each statement of costs forwarded to the Contracting Officer in accordance with the requirements of this clause, that the incurred costs are based upon the accounting records of the contractor, that such records have been kept in accordance with generally accepted accounting principles and practices normally followed by the contractor, that such incurred costs are correct to the best of his knowledge and belief and that the estimate of costs to complete is considered reasonable.

(f) *Items priced pursuant to established repair parts procurement procedures.*—(i) Item ----------, Repair Parts. The unit prices of repair parts shall be determined in accordance with ----------, which document is incorporated herein by reference. The aggregate target price for such repair parts shall thereupon be established by negotiation on the basis of information submitted in accordance with this paragraph. Repair parts unit target prices need not be revised until contract completion and final price revision. As prices are established pursuant to this paragraph, they shall be added to the contract by amendment which shall also indicate the target cost and target profit for such repair parts, the increase in the contract target cost, and the increase in the contract target profit. Failure to agree on any of the matters set forth in this paragraph (f) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) Item----------

(Other items, any special provisions applicable)

(g) *Final price revision.* Upon submission of the information required by paragraph (c) above, the contractor and the Contracting Officer shall promptly establish a final contract price of the Items subject to revision in accordance with the provisions of this clause in the following manner:

(i) On the basis of the information required by paragraph (c) above, together with the results of such other investigation, as the Contracting Officer may deem appropriate, there shall be established by negotiation the adjusted total contract cost of those Items subject to the provisions of this clause. Failure to agree on any of the matters set forth in this subparagraph (i) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) The final contract price of such Items shall be established, adding to the adjusted total contract cost, as negotiated under subparagraph (i) above, an allowance for profit determined in accordance with the instructions set forth in subparagraph (iii) below, provided, however, that in no event shall the final contract price exceed ---- percent of the contract target cost.

(iii) The allowance for profit with respect to such Items shall be determined in accordance with the following schedule:

When the adjusted total contract cost is—	*The allowance for profit is—*
Equal to the contract target cost----	Contract target profit.
Greater than contract target cost---	Contract target profit less -- percent of the amount by which the adjusted total contract cost exceeds the contract target cost.
Less than the contract target cost---	Contract target profit plus -- percent of the amount by which the adjusted total contract cost is less than the contract target cost.

(h) *Adjustment of payment.* Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) until final price revision has been made shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided: (i) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (ii) the total amount of costs (estimated to the extent necessary) that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (iii) the total amount of the established target profit allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established—increased or decreased in accordance with the incentive profit formula of this contract when the amount of costs stated in item (ii), above, differs from the applicable target costs. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and

accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954 shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against existing unpaid billings covered by such statement; provided that is any portion of such gross excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof.

(i) *Termination.* In the event this contract is terminated, in whole or in part, settlement shall be made in accordance with the provisions of the clause hereof entitled "Termination for the Convenience of the Government" or the provisions of the clause hereof entitled "Default" whichever is applicable, subject to the following:

(i) If this contract is terminated in its entirety at any time prior to agreement upon revised prices hereunder, the contractor and the Contracting Officer shall, if the termination settlement is to be negotiated on an inventory basis, negotiate to establish such prices for completed articles and services, the price of which was subject to revision hereunder, as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of this clause of this contract entitled "Disputes."

(ii) If the contract is partially terminated the contractor and the Contracting Officer shall agree upon such revisions in the target price and in the contract target price as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(j) *Adjustments of billing price.* If at any time it appears that the final unit prices will be substantially greater or less than the unit prices at which units under this contract are being billed, the Contracting Officer may adjust such unit billing prices. The establishment of adjusted prices for billing purposes only shall in no way limit or affect the price revision to be computed in accordance with the provisions of this clause.

(k) *Subcontracts.* The contractor agrees that no subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis. The contractor further agrees that all subcontracts, other than those on a firm fixed-price basis, which as modified or amended exceed the total cost of $25,000, shall contain provisions (i) reserving to the Government the right to have the books and records of such subcontractor inspected and audited by a Government representative and (ii) requiring such subcontractors to reserve in their subcontracts a similar right for the Government to have a representative inspect and audit the books and records of lower tier subcontracts extending below a cost-reimbursement type, revision price incentive type subcontract in a chain unbroken by firm fixed-price subcontracts.

(b) *Price revision clause with delayed firm target data.*

PRICE REVISION

(a) *Definitions.* As used in this clause the following terms shall have the meanings set forth below:

(i) The term "billing price" means the stated prices which the contractor may receive upon delivery of any articles or completion of services pending final price revision.

(ii) The term "target price" means any price deemed equitable at the time of negotiation that is subject to adjustment in accordance with the final price revision provisions of this clause.

(iii) The term "target cost" means that portion of any target price which, at the time of negotiation thereof, was deemed to be the estimated cost of the articles or services being procured under this contract.

(iv) The term "target profit" means that portion of any target price agreed upon as being a reasonable profit for furnishing any articles or services if such articles or services were produced for a cost equal to the target cost.

(v) The term "contract target price" means the sum of the target prices of articles and services being procured from time to time under this contract.

(vi) The term "contract target cost" means the sum of the target costs of articles and services being procured from time to time under this contract.

(vii) The term "contract target profit" means the sum of the target profits of articles and services being procured from time to time under this contract.

(viii) The term "adjusted total contract cost" means the final negotiated cost of all Items under this contract which are subject to price revision.

(ix) The term "final contract price" means the adjusted total contract cost plus an allowance for profit, if any, determined in accordance with the applicable provisions of the contract.

(x) The term "contract ceiling" means the maximum amount of money (stated in dollar amounts and determined with respect to a definite percentage of the total contract target cost) which the Government is obligated to pay the contractor for those articles and services being procured from time to time under this contract, the prices of which are subject to price revision in accordance with the provisions of this clause.

(b) *General.* (i) The prices of Items ---------- under this contract are billing prices until revised in accordance with the provisions of this clause.

(ii) The prices of Items ---------- shall, when established in accordance with paragraph (i) hereof, be both target and billing prices until revised in accordance with the provisions of this clause.

(iii) The prices of Items ---------- are fixed prices and not subject to revision in accordance with any of the provisions of this clause.

(c) Pending establishments of the target price in accordance with paragraph (h) hereof, the Government shall in no event be obligated to make payment to the contractor in an amount in excess of $---- or such other amount as may be authorized in writing by the Contracting Officer.

(d) *Submission of data for establishment of target price.* Within ---------- days after the end of the month in which the ---------- unit of Items ---------- (to be manufactured hereunder) or (to be manufactured under Contract ----------) is (delivered) (shop completed), or at such other time as the Contracting Officer may direct, the contractor shall forward to the Contracting Officer (i) a statement of all costs incurred to the date of such (delivery) (shop completion) or such other time as directed by the Contracting Officer under this contract (and under the above Contract ----------), (ii) an estimate of costs to be incurred by the contractor to complete performance of all work and obligations under items subject to price revision, and (iii) data to support the accuracy and reliability of such estimate.

(e) *Submission of data for final price revision.* Within ---------- days after the end of the month in which the contractor has delivered the last unit referred to in those Items listed in paragraphs (b) (i) and (b) (ii) above, the contractor shall forward to the Contracting Officer in such form as the Contracting Officer may require (i) a statement of all costs incurred by the contractor in performing all work under the Items of this contract subject to price revision as of the date of said delivery, and (ii) an estimate of costs of such further performance, if any, as may be necessary to complete performance of all work and obligations under such Items. The contractor shall include as a separate entry in the statement of costs to be submitted hereunder, an amount to be agreed upon by the contractor and the Contracting Officer representing the difference between (i) the cost of materials, supplies, and subassemblies purchased for but not allocated to the performance of the contractor which may be reasonably expected to remain on hand or which are on hand as excess materials at the conclusion of the contract, and (ii) the value of such materials, supplies and subassemblies at the conclusion of the contract.

(f) *Accounting procedures.* Contractor agrees to maintain books, records, documents and other evidence pertaining to the costs and expenses of this contract to the extent and in such detail as will properly reflect the net costs direct and indirect, of all labor, materials, equipment, supplies, services and other costs and expenditures of whatever nature necessary for the establishment of costs under the provisions of this contract, and further agrees to permit the Government to make, at reasonable times, such examination or audit thereof as the Contracting Officer may deem necessary. The contractor shall segregate the costs of any Item, change or service, the price of which is fixed and not subject to revision in accordance with the provisions of this clause.

(g) *Certification.* An officer or other authorized official of the contractor, shall certify on each statement of costs forwarded to the Contracting Officer, in accordance with the requirements of this clause, that the incurred costs are based upon the accounting records of the contractor, that such records have been kept in accordance with generally accepted accounting principles and practices normally followed by the contractor, that such incurred costs are correct to the best of his knowledge and belief and that the estimate of costs to complete the contract is considered reasonable.

(h) *Establishment of target price.* Items enumerated in subparagraph (b) (i) above. Upon submission of the information required by paragraph (d) above and such other information as the Contracting Officer may require, the contractor and the Contracting Officer shall promptly negotiate the target costs and the target profit applicable to each of said Items. The total of such negotiated target costs and target profit shall constitute both the target prices and the revised billing prices of such Items and shall be evidenced by amendment to this contract. In addition to the foregoing, the parties shall, after agreeing upon the target price, negotiate the contract ceiling (see subparagraph (j) (ii) below) and the percentage or percentages (see subparagraph (j) (iii) below) of the adjusted total contract cost by which the contract target profit shall be increased or decreased in the event the adjusted total contract cost is less than or greater than the contract target cost. Such negotiated percentage or percentages shall be evidenced by amendment to this contract. Failure to agree on any of the matters set forth in this paragraph (h) shall be a dispute concerning a questioning of fact within the meaning of the clause of this contract entitled "Disputes."

(i) *Items priced pursuant to established repair parts procurement procedures.*

(i) Item ----------, Repair Parts. The unit prices of repair parts shall be determined in accordance with ----------, which document is incorporated herein by reference. If any Repair Parts List is received by the Contracting Officer from the contractor prior to establishment of the target prices of those Items set forth in subparagraph (b) (i) above, the aggregate billing prices for repair parts set forth therein shall be established by negotiation. In the event that the billing prices for such repair parts lists have been so established prior to the establishment of the target prices, the aggregate target prices for repair parts under such list or lists shall be established by negotiation at the same time and in the same manner as for those Items set forth in subparagraph (b) (i) above. If any Repair Parts List is received by the Contracting Officer from the contractor subsequent to the establishment of the target prices of those Items set forth in subparagraph (b) (i) above, the aggregate target prices for repair parts thereunder shall be similarly established by negotiation. Repair parts unit target prices need not be revised until contract completion and final price revision. The target prices established pursuant to this paragraph shall be added to the contract by amendment which shall also indicate the target cost and profit for such repair parts, the increase in the contracts target cost and the increase in the contract target profit.

(ii) Item ----------

(Other Items, any special provisions applicable)

(j) *Final price revision.* Upon submission of the information required by paragraph (e) above, the contractor and the Contracting Officer shall promptly establish a final contract price of the Items subject to revision in accordance with the provisions of this clause in the following manner:

(i) On the basis of the information required by paragraph (e) above, together with the results of such other investigation, as the Contracting Officer may deem appropriate, there shall be established by negotiation the adjusted total contract cost of those Items subject to the provisions of this clause. Failure to agree on any of the matters set forth in this paragraph (i) shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) The final contract price of such Items shall be established by adding to the adjusted total contract cost, as negotiated under subparagraph (i) above, an allowance for profit determined in accordance with the instructions set forth in subparagraph (iii) below, provided, however, that in no event shall the final contract price exceed such percent of the contract target cost as has been negotiated pursuant to paragraph (h) hereof.

(iii) The allowance for profit with respect to such Items shall be determined in accordance with the following schedule:

When the adjusted total contract cost is—	*The allowance for profit is—*
Equal to the contract cost----------	Contract target profit.
Greater than the contract target cost_	Contract target profit less such percent of the amount by which the adjusted total contract cost exceed the contract target cost as has been negotiated pursuant to paragraph (h) hereof.
Less than the contract target cost---	Contract target profit plus such percent of the amount by which the adjusted total contract cost is less than the contract target cost as has been negotiated pursuant to paragraph (h) hereof.

(k) *Adjustment of payments.* Notwithstanding any provision of this contract authorizing greater payment, adjustments and refunds shall be made if the total of all amounts billed and paid or payable under this contract for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) until final price revision has been made shall exceed the sum of the following items as reported by the Contractor from time to time as hereinafter provided; (i) the total contract price of all items delivered to (or services performed for) and accepted by the Government for which final prices have been established, and (ii) the total amount of costs (estimated to the extent necessary (that have been reasonably incurred for and are properly allocable solely to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established, and (iii) the total amount of the established target profit allocable by direct proportion to items delivered to (or services performed for) and accepted by the Government for which final prices have not been established—increased or decreased in accordance with the incentive profit formula of this contract when the amount of costs stated in item (ii), above, differs from the applicable target costs. Within 45 days after the end of each quarter of the Contractor's fiscal year, beginning for the quarter in which a delivery is first made (or services are first performed for and accepted by the Government) under this contract, and as of the end of each quarter, the Contractor shall submit a statement setting forth the respective amounts of each of the three numbered items next above, together with the total amount of all billings for items delivered to (or services performed for) and accepted by the Government (including amounts applied to liquidate progress payments) under this contract as of end of each quarter. If on any quarterly statement these total billings exceed the sum of the three numbered items above, this gross excess less any applicable tax credit under Section 1481 of the Internal Revenue Code of 1954 shall, after deduction of the total refunds (cash or credit memoranda not including any tax credits under the Internal Revenue Code) theretofore made, be paid immediately by the Contractor to the Government or credited against exitsing unpaid billings covered by such statement; provided that if any portion of such excess (less all tax credits under the Internal Revenue Code) has been applied to the liquidation of progress payments, such amount may be added or restored to the unliquidated progress payment account, to the extent consistent with the progress payment clause of this contract, instead of making direct refund thereof.

(l) *Termination.* In the event this contract is terminated, in whole or in part, settlement shall be made in accordance with the provisions of the clause hereof entitled "Termination for the Convenience of the Government" or the provisions of the clause hereof entitled "Default" whichever is applicable, subject to the following:

(i) If this contract is terminated in its entirety at any time prior to agreement upon revised prices hereunder, the contractor and the Contracting Officer shall if termination settlement is to be negotiated on an inventory basis, negotiate to establish such prices for completed articles or services, the price of which was subject to revision hereunder, as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(ii) If this contract is partially terminated the contractor and the Contracting Officer shall agree upon such revisions in the target prices and the contract target prices as may be equitable under the circumstances. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(m) *Adjustment of billing price.* If at any time it appears that the final unit prices will be substantially greater or less than the unit prices at which units under this contract are being billed, the Contracting Officer may adjust such unit billing prices. The establishment of adjusted prices for billing purposes only shall in no way limit or affect the price revision to be computed in accordance with the provisions of clause.

(n) *Subcontracts.* The contractor agrees that no subcontract placed under this contract shall provide for payment on cost-plus-a-percentage-of-cost basis. The contractor further agrees that all subcontracts, other than those on a firm fixed-price basis, which as modified or amended exceed the total cost of $25,000, shall contain provisions (i) reserving to the Government the right to have the books and records of such subcontractor inspected and audited by a representative and (ii) requiring such subcontractors to reserve in their subcontracts a similar right for the Contracting Officer to have a Government representative inspect and audit the books and records of lower tier and subcontracts extending below a cost reimbursement type, redeterminable-price type or incentive type subcontract in a chain unbroken by firm fixed-price subcontracts.

6. Part 601 is revised to read as follows:

Sec.
601.050 Applicability.

Subpart A—Basic Labor Policies

601.101 Labor relations.
601.102 Overtime extra pay shifts, and multishift work.
601.103 Federal and State labor requirements.

Subpart B—Convict Labor

601.202 Applicability.

Subpart C—Eight-Hour Law of 1912 (Other Than Construction Contracts)

601.350 Administration and enforcement.

Subpart D—Labor Standards in Construction Contracts

601.401 Statutes and regulations.
601.404 Administration and enforcement.
601.404–1 In general.
601.404–2 Wage determinations.
601.404–3 Additional classifications.
601.404–6 Payrolls and affidavits.
601.404–7 Investigations.
601.404–8 Reports of violations.
601.404–9 Suspensions and deductions of contract payments.
601.404–10 Restitution.
601.404–11 Contract terminations.
601.404–12 Cooperation with Department of Labor.
601.404–50 Nonassessment of Eight-Hour Law penalty.
601.450 List of debarred, ineligible, and suspended bidders.

Sec.
601.451 Construction Labor Standards Report (RCS CSGLD-845).

Subpart K—Walsh-Healey Public Contracts Act

601.602 Applicability.
601.603 Responsibilities of Contracting Officers.
601.650 Exceptions not stated in the publication furnished Contracting Officers.
601.651 Procedure for obtaining exemptions with respect to stipulations required by the act.
601.652 List of debarred, ineligible, and suspended bidders.
601.653 Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Officers—geographical jurisdictions and addresses of Regional Directors.

Subpart G—Fair Labor Standards Act of 1938

601.701 Basic statute.
601.702 Suits against Government contractors.
601.703 Ruling on applicability or interpretation.
601.750 Regulations of the Administrator.
601.751 Reimbursement of cost plus-a-fixed-fee contractors for payments in accordance with the act.
601.752 Investigations and inspections.

Subpart H—Nondiscrimination in Employment

601.804 Special requirements or emergencies.
601.806 Administration.
601.806-1 Educational responsibility.
601.806-2 Posting of notices.
601.806-3 Compliance reviews.
601.806-6 Processing of complaints.
601.806-7 Reporting channels.
601.850 Contract with resident's committee.

Subpart I—Employment Restrictions for Security Purposes

601.950 Administration.

Subpart O—Removal of Items From Facilities Affected by Work Stoppages

601.1501 Basic considerations.
601.1550 Determination of urgency.
601.1551 Administrative procedure.
601.1552 Coordination.
601.1553 Avoidance of detrimental incidents.

Subpart T—Procurement of Stevedoring Services During Labor Disputes

601.1650 Basic policy.
601.1651 Procedure.
601.1652 Reports.

AUTHORITY: §§ 601.050 to 601.1652 issued under sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314.

§ 601.050 *Applicability.* It will be noted that the applicability of the various subparts, and in some cases, of the various paragraphs of a subpart of this part, vary materially. Guidance in labor matters in those geographical areas for which applicability is not prescribed herein will be in accordance with labor legislation of the country in which procurement is effected.

SUBPART A—BASIC LABOR POLICIES

§ 601.101 *Labor relations*—(a) *Scope.* All problems arising out of the labor relations of private contractors vitally affect procurement and are an essential part of procurement responsibility. In the event that the Head of a Procuring Activity requires assistance in the disposition of these problems, request therefor should be submitted to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C., Attn: Labor Advisor.

(b) *Labor responsibility.* (1) There will be no contacts with national offices of labor organizations or other organizations of the Government in connection with labor matters except after coordination with the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor. In case of emergency such coordination may be by telephone.

(2) The Head of the Procuring Activity concerned is authorized to communicate with local labor organizations and the local offices of Federal agencies in connection with labor matters of concern to a particular activity but no action which is not mutually acceptable to the Head of the Procuring Activity and the local organization will be taken without requisite coordination.

(3) Heads of Procuring Activities are authorized to communicate with local labor organizations, and the local offices of State and Federal agencies, for the purpose of removing necessary material from strikebound facilities in accordance with procedures prescribed in Subpart O, Part 601 of this subchapter.

(4) Where any labor dispute, work stoppage, or threatened work stoppage is, in the opinion of the Head of a Procuring Activity, of sufficient importance to procurement to warrant attention of higher authority, the Head of the Procuring Activity will submit in duplicate a report, "Important Labor Disputes or Work Stoppages (Actual or Threatened)," Reports Control Symbol CSGLD–861, by the most expeditious means available, to the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C. One copy will be marked for the attention of the Labor Advisor and the other for the attention of the Chief, Production Branch. Such report will include the following information to the extent pertinent:

(i) Name, address, and telephone number of manufacturer; name, address, telephone number, and title of company official contacted (if manufacturer is a subcontractor, include the name and location of the prime contractor(s)).

(ii) Items being produced (if a subcontract is involved, identify the prime contract items).

(iii) Name, address, telephone number, and national affiliation of union locals involved; names, addresses, and telephone numbers of local union officials and result of any contacts with same.

(iv) Effect on production of Army materiel.

(v) Detailed description of critical items (if any) which should be removed from plant or continued to be processed there with mutual consent of Contractor and union, if obtainable.

(vi) Date of commencement of the dispute and date of important incidents of the dispute such as notice of strike, strikes, lockouts, settlements, etc.

(vii) Statement of any action taken or contemplated to be taken by the manufacturer.

(viii) Contract number(s) and type(s) thereof (fixed-price, CPFF, etc.), including pricing provision.

(ix) The issues or probable issues involved.

(x) Estimated number of employees directly and indirectly involved; estimated number who may be involved ultimately, both directly and indirectly; total number of employees at the facility.

(xi) Identity of any cognizant State and/or Federal authority engaged in mediation and conciliation activities.

(xii) Adequacy of plant guards and local police for protection of Government property, indicating whether plant-guard personnel are members of a union and, if so, local number and name, national affiliation, and whether it is expected that they will go on strike.

(xiii) The quantity of services or military items involved, scheduled performance or delivery dates, and the relation of the production affected by the dispute to the total military procurement program with respect to those services or military items.

(xiv) Availability of end items, component parts, and/or materials.

(*a*) Stocks in hands of procurement activities or receiving agencies.

(*b*) Quantity of affected material on hand at construction or manufacturing site.

(c) The existence or nonexistence of alternate sources of items, parts, or materials, together with factors involved in utilizing these sources, including timing, price, quality and suitability of the product.

(xv) A statement of the degree and extent of importance to the Department of the Army of the delay occasioned by the work stoppage, including such factors as the effect upon research and development programs, defense stocks, critical construction, increased costs of procurement, and program delays.

(xvi) Additional pertinent information including, when applicable, the effect on care and maintenance of Government-furnished equipment or material.

When time considerations do not permit expeditious reporting of all the above information, whatever information is immediately available should be furnished in the initial report. However, in such circumstances the additional information required above will be submitted by the most expeditious means as soon as possible. Supplemental reports will be submitted as necessary to report important developments following the initial report including termination of the work stoppage in whole or in part or change in the effect which the work stoppage or threatened work stoppage has upon important Army procurement. In situation of urgency, initial and supplemental reports should be made by telephone, or other informal means, to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Labor Advisor. In all such cases, the information informally submitted shall be confirmed in writing as soon as possible thereafter.

(5) Whenever labor representatives requests permission to enter Army installations, on which private contractor employees are engaged in contract work, to conduct union business during working hours, the commanding officer may admit such representatives, provided: (i) the presence and activities of the labor representative will not interfere with the progress of the contract work involved, and (ii) the entry of such representatives to the installation will not violate pertinent safety or security regulations. Commanding Officers shall take all necessary action to enforce the above policy and facilitate ready access to work sites within military installations. One method which has met with success in appropriate situations is the maintenance by commanding officers of a list of labor representatives, who have been cleared with regard to safety and security consideration and who may be admitted into respective installations to conduct union business. The determination as to who are appropriate labor representatives should be made by the commanding officer on recommendation of the Contracting Officer after consultation with local union officials. Business offices or desk space for labor organizations for solicitation of membership, collection of dues, or other business of the labor organization, not directly connected with the contract work, shall not be permitted on the installation, except for the routine functions of the working steward whose union duties are incidental to his assigned job. In the event that a commanding officer of an installation, or the Contracting Officer, or his representative denies entry to a labor representative for any reason, such officer shall notify, through channels, the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor. Such notification shall include the reasons for denial, including names, address of representative denied entry, and union affiliation, if known, of such representatives.

(c) *Applicability.* Section 12.101 of this title and this section are applicable only within the United States, its Territories, and possessions.

§ 601.102 *Overtime, extra-pay shifts, and multishift work.* (a) Delivery schedules established in connection with all procurement contracts, particularly those of a cost-reimbursement type, will be predicated upon the Contractor working normal workweeks and shifts without recourse to overtime, extra-pay shifts, or multishifts.

(b) Overtime, extra-pay shift, or multishift deviations may be authorized subject to the following conditions:

(1) The authority for approval of such overtime, extra-pay shift, or multishift deviations as may be required is hereby delegated, with power of redelegation, to Heads of Procuring Activities.

(2) Utilization of approvals for such overtime, extra-pay shift, or multishift deviation as may be given by the Head of a Procuring Activity, or his designated representative, will be confined to the meeting of essential deadlines necessary to the performance of the contract solely in the interests of the Government.

(3) In granting such approval, it will be the responsibility of the Head of the Procuring Activity and his designated representative to restrict such overtime, extra-pay shift, or multishift work to the minimum required for the accomplishment of the specific work for which the deviation was requested and for which the approval was given.

(c) Any case concerning overtime, extra-pay shifts, or multishifts which may arise and which does not fall within the foregoing authorization, including cases involving premium rates other than overtime or extra-pay shifts, will be referred to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Chief, Contracts Branch, for approval.

(d) This section and § 12.102 of this title are applicable worldwide.

§ 601.103 *Federal and state labor requirements*—(a) *Application.* This section is applicable to all Government Contractors within the continental United States, its Territories and possessions, including contractors operating Government-owned facilities, irrespective of whether such facilities are located on private or Government property.

(b) *Definition.* The term "State" as used in this section includes the District of Columbia, Territories, and all political subdivisions of States.

(c) *Requests for relaxation of labor legislation.* It is the policy of the Department of the Army that the State labor standards governing such matters as maximum daily and weekly hours of employment, meals and rest periods, night work, and other conditions of employment, as set forth in State labor laws, regulations, and administrative orders, be observed in the maximum extent possible. In furtherance of this policy, Procuring Activities will not initiate applications to State agencies or officials for suspension or relaxation of labor standards. In addition, Procuring Activities will not, formally or informally, support such applications by contractors or suppliers, unless approval of such action has been obtained under paragraph (d) of this section. Requests for approval will not be forwarded unless the following circumstances and conditions exist:

(1) The interested contractor or supplier has filed his application for relaxation of the laws, orders, or regulations involved with the appropriate State official charged with the enforcement of such labor standards in the State where the plant of the manufacturer involved is located; and

(2) The products or services involved are in short supply and unless the application is granted there will be a failure to meet production schedules for critically needed military items; and

(3) There are no alternative sources of supply for such products or services reasonably available to furnish the military items contracted for within the period of time delivery is required; and

(4) Available information indicates no practicable possibility of taking remedial action (such as recruiting, training, and more effective utilization of manpower) as an alternative to relaxation of applicable State labor standards; and

(5) The apparent supply of labor and, in particular, of critical skills is limited and it is not practicable to set up new production lines or to use additional facilities as an alternative to the relief requested; and

(6) The granting of the application will not result in an excessive increase in hours of work, an unreasonable curtailment of rest and lunch periods, and undesirable impairment of working conditions, or, otherwise, will not affect adversely the productivity of the facility involved.

(d) *Requests for approval to support contractor's applications.* Requests for authority to support an application on behalf of a contractor will be forwarded through the Head of a Procuring Activity to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor, and will contain the following information:

(1) The facilities and services involved and affected.

(2) Provision of provisions of law the relaxation of which is required.

(3) Criticalness or relative scarcity of the material.

(4) Circumstances necessitating the relaxation (for example, a shortage in the local supply of skilled labor).

(5) Remedial action being taken by the manufacturer (for example, training, recruiting, and more effective utilization of manpower).

(6) Efforts previously made to obtain the relaxation.

(7) The most limited relaxation of State labor standards necessary for completion of the specific work in conformity with military procurement schedules and programs.

(8) The approximate period of time required for the completion of the work.

(c) *Furnishing information to State officials.* Heads of Procuring Activities may, consistent with limitations of security, furnish information to the appropriate State official, upon his request, as to the fact that an application for relaxation of State labor standards filed with him relates to the execution of a contract with such agency in pursuance of a military procurement program. Such information should not extend to support of such application unless proper authorization under paragraph (d) of this section has been obtained.

SUBPART B—CONVICT LABOR

§ 601.202 *Applicability.* (a) The prohibition contained in Executive Order 325A does not apply to contracts entered into between the Government and State prisons for the purchase of manufactured items, subject to all of the following limitations:

(1) That such contracts are not prohibited by the law of the State in which the prison is located.

(2) That exemption from the Walsh-Healey Public Contracts Act be obtained, in accordance with procedures prescribed in § 601.651 of this subchapter, in cases of contracts exceeding $10,000.

(3) That no purchase from a State prison or other correctional institution will be made of items contrary to the provisions of § 5.301 of this title.

(4) That the contract is otherwise proper. The convict labor clause prescribed in §§ 7.104–17 and 12.203 of this title will be omitted from such contracts.

SUBPART C—EIGHT-HOUR LAW OF 1912 (OTHER THAN CONSTRUCTION CONTRACTS)

§ 601.350 *Administration and enforcement.* In investigating allegations of violations of the Eight-Hour Law on other than construction contracts, the same procedures shall be followed and the same reports made as are set forth in §§ 601.404–7 and 601.404–8 for investigating allegations of Eight-Hour Law violations on construction contracts.

SUBPART D—LABOR STANDARDS IN CONSTRUCTION CONTRACTS

§ 601.401 *Statutes and regulations.* To supplement Department of Labor Regulations, 29 CFR Part 5 (16 F. R. 4430, as amended), the Department of Labor has published an "Investigation and Enforcement Manual With Respect to Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction." This Investigation and Enforcement Manual should be used as a guide in the enforcement of labor standards on construction contracts.

§ 601.404 *Administration and enforcement.*

§ 601.404–1 *In general.* (a) All policy matters that will involve contract between a Head of a Procuring Activity and other Government agencies as authorized by this Part will be coordinated with the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor.

(b) It is the responsibility of Heads of Procuring Activities to establish administrative instructions in conformity with this subchapter and to assure that contracting officers require compliance with labor standards provisions of Federal statutes applicable to and incorporated in Department of the Army contracts. Timely application of administrative procedures after the award of the contract and in the early stages of construction will save time and money and tend to eliminate complaints and the need for extensive full-scale investigations. Heads of procuring activities will indoctrinate and train contracting officers and their respectives, and will review and appraise the procedures established for carrying out such instructions. The Comptroller General has established the principle that detection of labor law violations must be accomplished at the project level by the administering agency. It is important that contracting officers, contractors, and their subcontractors, be fully conversant with the labor standards provisions in their contracts. Where all parties concerned are aware of their responsibilities relating to these standards, little difficulty should be experienced in obtaining compliance administrative processes. Two methods of conveying pertinent information to contractors are discussed in paragraph (c) of this section.

(c) *Preliminary*—(1) *Early conference.* In order to insure that the Contractor fully understands the labor standards provisions in his contract, the Contracting Officer should arrange for a conference with Contractor and his subcontractors as soon as possible after award of the contract, to apprise them of their obligations under the contract. The following matter should be fully discussed.

(i) Obligations of the Contractor and subcontractors under the Eight-Hour Law, including the difference in overtime computation under that law and the Fair Labor Standards Act.

(ii) Requirements of the Copeland ("Anti-Kickback") Act and regulations.

(iii) Responsibilities under the Davis-Bacon Act and the Department of Labor Regulations, 29 CFR Part 5 including: (*a*) Apprenticeship registration requirement, (*b*) Limitations on use of apprentices, (*c*) Historical trade practices, (*d*) Area practice—Special explanation should be given contractors and subcontractors that should workmen be doing work which under area practice, is journeymen's work of a particular trade, the workman must be paid the journeyman's rate unless he is a regularly registered apprentice, (*e*) Payrolls and Affidavits—their requirement and the need for current addresses of all employees therein being kept up to date, (*f*) Subcontractors defined and responsibilities explained, (*g*) Additional classifications, (*h*) It is important that contractors and subcontractors are made aware of the requirements that complete work records concerning workmen's activities, be maintained. Contractors should be warned that failure to keep full records for workmen working in more than one classification may require the contractor to pay the rate of the highest paid classification for all work done. (*i*) Penalties and sanctions for violation of labor standards provisions.

(2) *Labor relations letter.* Where a Contractor and his subcontractors have recently, within the past 12 months, engaged in work covered by the labor standards provisions and conferred on the subject as prescribed in subparagraph (1) of this paragraph, with the Contracting Officer, the requirement for a full discussion of labor standards matters may be waived for additional contracts during the current fiscal year. In lieu of the conference prescribed by subparagraph (1) of this paragraph, a labor relations letter reviewing the Contractor's obligations, will be forwarded to the Contractor after award of the contract together with a request that copies of the letter be sent by him to each of his subcontractors. The Contractor also will be reminded of the discussions in the previous conference on the subject.

§ 601.404–2 *Wage determinations.* The Secretary of Labor requires a separate request for wage rates for each contract, except where the volume of work contemplated is sufficient to warrant an "installation" or "area" determination. These determinations may be used for a period not to exceed 90 days and will be applicable to all contracts awarded at the installation within that period. During the 90-day period the Secretary of Labor may review and modify any existing determination. Modifications expire on the expiration date of the original determination.

(a) *Responsibility for obtaining determinations.* The Corps of Engineers is responsible for obtaining from the Secretary of Labor and for furnishing to the Procuring Activity upon request, all determinations of prevailing wage rates under the Davis-Bacon Act required in connection with the awarding of construction contracts of the Army Establishment.

(b) *Responsibility for requesting determinations.* The Office responsible for the preparation of specifications or the negotiation of contracts for projects in excess of $2000 is responsible for requesting the appropriate predetermination of wage rates to be contained in the contract. When contract specifications are prepared, they should include a current wage determination. If the wage determination is not available when invitations for bid are issued, the specifications will contain a statement that wage rates will be supplied by addendum to the specifications. Contracting Officers will not open bids on projects subject to the provisions of the Davis-Bacon Act until the requested determination of wage rates has been incorporated in the specifications. No negotiated contract, either preliminary (letter contract) or definitive, will be executed until the applicable wage determinations have been obtained.

(c) *Manner of requesting determinations.* Requests for determinations of wage rates will be made as follows:

(1) Requests will be forwarded in duplicate on Department of Labor Form DB–11, to the District Engineer, Corps of Engineers, having jurisdiction over military construction in the area where work is to be performed. Copies of the form may be obtained by request to the District Engineer. The covering letter will include a statement covering the proposed dates for issuance of invitations and opening of bids.

(2) Form DB–11 will be prepared in full and signed by the Contracting Officer. Under "Department, Agency, or Bureau" insert only "Department of the Army." If the project is not located within a city or village, the distance and direction from the nearest city or village will be indicated.

(3) When heavy or highway construction wage rates are requested for work located in the States of Arkansas, Colorado, Kansas, Maine, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, South Dakota, Texas, Vermont, Wyoming, and other that may be added later, the following data shall be furnished as an attachment to the Form DB–11:

(i) Specify whether heavy or highway;

(ii) Whether the proposed work is an integral part of a building construction program;

(iii) Type of work (roads, air strips, taxiways, sidewalks, etc., or utilities, POL lines, storage, facilities, etc.):

(*a*) If roads, etc., specify if access or other, material used, length, limits [from (starting point) to (termination point)].

(*b*) If utilities, etc., state type, extent, materials used (cast iron, transite, concrete, and clay pipe, etc., and amounts of each to be used).

(iv) Whether inside or outside of the installation;

(v) Approximate cost;

(vi) Any additional information to distinguish between heavy, highway, and building construction.

(4) All submission must be prepared using a reverse carbon in order to obtain an impression on the back of the original.

(5) If the entire schedule of crafts is desired, insert a statement to that effect after "check crafts." If only a part of the classifications are needed, so indicate by placing an (X) on the check line prefixing the required classification.

(6) Should classification not listed on the Form DB–11 be required, list and forward them in duplicate as an attachment to the Form DB–11. The use of the reverse carbon is not required for the listing of additional classifications needed.

(7) All requests for area or installation type determinations must be indicated by specifying "contract or contracts" in the space for "Description of work" on the DB–11 Form.

(8) Requests for wage determinations must be received in the office of the appropriate District Engineer in sufficient time for that office to forward the request to reach the Department of Labor at least 30 days in advance of the date selected for advertising for bids.

(9) In the event emergency conditions arise before receipt of the determination, the work may be advertised with a notice in the invitation that the schedule of minimum wage rates to be paid under the contract will be published as an addendum to the specification. Under no circumstances may bids be opened until the wage rates have been furnished to all bidders.

(10) In case of extreme emergency, requests for wage determinations may be forwarded to the District Engineer, by telephone or telegraph, and immediate steps will be taken to obtain the necessary wage rates. Reasons for requesting special or priority action must be fully explained. Such requests must include the classification needed, cost of the work, a brief description thereof, and its location. They must be confirmed by submission of a DB–11.

§ 601.404–3 *Additional classifications.* When the Contracting Officer determines that it is necessary during the performance of a contract to establish a classification and wage rate for a class of workers not listed in the decision of the Secretary of Labor applicable to the contract, the Contracting Officer shall seek to establish such a classification and wage rate conformable to the Secretary of Labor's decision by agreement among the interested parties. The Contracting Officer in considering the necessity for an additional classification should satisfy himself that the class of workers concerned cannot be fitted into any of the classifications listed in the contract. Where the contractor seeks an additional classification for "helpers" of any class of workers, care should be exercised to observe area practice on use of "helpers" in the particular class of work. This is important because in most areas the practices do not permit the use of "helpers." The classification is sometimes used as a device to substitute for apprentices when a contractor does not participate in an apprenticeship program. Whenever the Contracting Officer determines that an additional classification is warranted, whether he succeeds in securing agreement among the parties and himself or not, he shall forward a report as hereinafter described, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor (except that reports concerning Corps of Engineers contracts shall be transmitted in accordance with procedures established by the Office of the Chief of Engineers). This report shall contain:

(a) Contract number, description, dollar amount, and date of prime contract involved.

(b) Copy of portion of the contract setting forth classifications and wage rates.

(c) Identification of Secretary of Labor's wage determination decision used with this contract.

(d) Description of job to be classified.

(e) A discussion, citing examples, of the area practice concerning the job to be classified.

(f) When, prior to the establishment of a new classification as herein outlined, any employee has been used on the contract in a classfication not established by the Secretary of Labor's decision, a copy of the payroll records of said employees showing the classification and wage rate used for said employee, and the hours worked (distinguishing regular time from overtime) in said classification and at said wage rate.

(g) Written and signed statements containing opinions of management and labor as to proper classification and wage rate. When the interested parties have agreed to a new classification, these opinions will be put in the form of an agreement by the interested parties to an additional classification. Such statements or agreement may be signed for the employees by an official of a union representing them, in which case the union and the official's connection with it should be identified; otherwise signatures of all the affected employees should be obtained.

(h) If an apprentice classification is proposed, a determination that the employees involved are employed in a bona fide apprenticeship program registered with a State Apprenticeship Council which is recognized by the Federal Committee on Apprenticeship, or if no such recognized Council exists in a state, in a program registered with the Bureau of Apprenticeship, including identification of the program.

(i) A statement of the area practice in the use of "helpers", including statements from union, nonunion and management, where it is proposed to establish a "helpers" classification.

(j) Where agreement cannot be reached, a request will be made for final determination by the Secretary of Labor. (In cases where agreement is reached, such request is not necessary.)

§ 601.404–6 *Payrolls and affidavits.* (a) The payrolls and affidavits required by § 12.404–6 (a) of this title shall be submitted to the Contracting Officer, or such other officer as may be designated for such purpose by the Head of the Procuring Activity. The Contracting Officer or other such officer shall examine and retain them as provided in § 12.404–6 (b) and (c) of this title.

(b) The affidavit shall be executed and sworn to by the Contractor or subcontractor or by an authorized officer or employeee of the Contractor or subcontractor who supervises the payment of wages, and shall be in the form set forth in § 16.803–1 (c) of this title.

(c) Upon a written finding by the Secretary of the Army, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements set forth in paragraph (a) of this section, subject to such conditions as the Secretary of Labor may specify. Requests for such finding, accompanied by all necessary supporting documents, will be submitted by the Head of the Procuring Activity concerned through the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor, to the Secretary of the Army for action and submission to the Secretary of Labor.

(d) Each weekly affidavit and copy of certified weekly payroll shall be delivered by the Contractor or subcontractor within 7 days after the regular payment date of the payroll period, to the Contracting Officer or such other officer as may be designated for such purpose by the Head of the Procuring Activity concerned. Each Contractor or subcontractor shall preserve his weekly payroll records for a period of 3 years from date of completion of the contract. The payroll records shall set out accurately and completely the name, occupation, and hourly wage rate of each employee, hours worked by him during the payroll period, the full weekly wages earned by him, any deductions made from such weekly wages, and the actual weekly wages paid to him. Such payroll records shall be made available at all times for inspection by the Contracting Officer or his authorized representative.

(e) Deductions for the following purposes are permissible:

(1) Where required by Federal, State, or local statutes or ordinances to be made by the employer from the wages earned by the employee.

(2) Bona fide prepayment of wages without discount or interest.

(3) Deductions required by court process provided that the Contractor or subcontractor will not be permitted to make such a deduction in favor of the Contractor, subcontractor, or any affiliated person or where collusion or collaboration exists.

(f) Any deduction is also permissible which in fact meets the following standards and with respect to which the Contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the Contractor or subcontractor, setting forth all the pertinent facts indicating that such de-

ductions will meet the following standards:

(a) That such deduction is not prohibited by other law.

(b) That such deduction is voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment; or that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement.

(c) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the Contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the Contractor or subcontractor or to any affiliated person.

(d) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations.

(ii) After application in good faith, the deduction may be made in accordance with the foregoing standards, provided, however, that if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deductions shall cease to be "permissible" 7 days after the applicant and the Federal agency concerned have been notified of the Secretary's decision.

(iii) Upon application to and prior written permission from the Secretary of Labor, and subject to the standards set forth in subdivisions (i) (a), (b) and (d) of this subparagraph, deductions may be made by a Contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances; provided, however, the Contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the Federal agency concerned.

(iv) In accordance with and subject to the standards set forth in subdivisions (i) of this subparagraph, general permission is hereby granted to make payroll deductions for:

(a) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes.

(b) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(c) Contributions to a Federal governmental or quasi-governmental agency.

(d) The payment of dues or premiums to unaffiliated insurance companies or associations for medical or hospitalization insurance where the employer is not required by Federal, State, or local laws to supply such insurance or benefits.

(v) In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under the regulations in this part.

(vi) Nothing herein shall be construed to permit any deduction which the Contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with this section, the Secretary of Labor may notify the Contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The Contractor or subcontractor or any affiliated person shall comply also with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the Contractor or subcontractor or any affiliated person making the deduction and to the Federal Agency concerned either directly or through publication in the FEDERAL REGISTER.

§ 601.404–7 *Investigations*—(a) *Routine*—(1) *On-the-site investigations.* During the course of performance of the contract the Contracting Officer shall cause regular routine investigations to be made in addition to the investigations prescribed by § 12.404–7 of this title.

(i) On-the-site investigations, in addition to checking posting requirements and the names of subcontractors working on the site, as of the day of investigation, should observe and inquire into the work that one or more individual workmen are doing, the amount of overtime they are working daily, and the classification under which they are working. Information obtained through these investigations should be checked against weekly payrolls of the Contractor and his subcontractors. The Contractor shall be notified by the Contracting Officer that these routine checks will be made by representatives of the Contracting Officer.

(ii) The following is a suggested interview questionnaire:

LABOR RELATIONS INTERVIEW FOR ON-THE-SITE INVESTIGATION

Contract No. _____
Contractor _____
Investigator _____
Date _____
Time _____
Employee's name _____
Address _____
What is your classification? _____
What is your rate of pay? _____
Are you acquainted with the minimum rates established by the Department of Labor for this contract? _____
Are you paid time and one half for all hours worked in excess of 8 hours in one day? _____
Are you paid your full wages each week without any deductions other than Social Security and Income Tax? _____
What is your regular shift? _____
Have you paid anyone to secure or retain your job? _____
Are you required to perform work outside of your classification? _____

(2) *Payroll investigations.* Weekly payrolls submitted by contractors or subcontractors shall be reviewed promptly by Contracting officers. Care should be taken to assure completion of checking prior to final payment. The following will be looked for:

(i) Classification of workers set forth in the payroll submitted should be those normally required for performance of the type of work being accomplished during the work week reported.

(ii) Classifications, rates, and overtime payments should conform with data discovered by on-the-site investigations.

(iii) Registration of apprentices in their respective steps should be carefully checked.

(iv) Arithmetic calculations should be checked.

(v) In the event violations other than minor clerical errors are found, the Contracting Officer should schedule a full scale investigation of the Contractor or subcontractor found to have violated the labor standards provisions. This investigation shall inquire into the matters set forth in paragraph (c) of this section and shall be reported and acted upon in conformity with §§ 601.404–8 through 601.404–11.

(b) *Complaints.* When a complaint comes through the Department of Labor, it generally will be sent through the Department of Labor Regional Attorney to the Commanding Officer of the post, camp, station, class II installation, or other command at which the Contracting Officer is stationed. If the complaint is sent elsewhere within the Department of the Army, it should be forwarded to the Commanding Officer, or such other officer as shall be designated by the Head of the Procuring Activity concerned. When a complaint received from a Department of Labor Regional Attorney is forwarded in this manner, the Regional Attorney shall be notified to whom it has been forwarded. From time to time the Department of Labor or its local representatives may call upon the Department of the Army representatives to participate in a joint investigation of a particular Army contractor. In such event the Department of the Army will participate, but will not reveal the recommendations of the Army.

(c) *Full scale investigations.* A full scale investigation of a violation of labor standards, as well as such other information as may be required by regulations established by the Head of the Procuring Activity concerned, will include the following, when applicable:

(1) *All investigations.* (i) Names and addresses of Contractor, of subcontractors involved, and of workers involved.

(ii) Number, date, dollar amount, and nature of contract involved and a copy of the portion of the contract showing classifications and wage rate predeterminations.

(iii) Copies of certified payroll records and affidavits as described in § 12.404–6 of this title.

(iv) Whether posters were displayed as required by § 12.404–2 (d) of this title.

(v) (a) Conclusions as to whether a violation has been committed, and (b) if it is concluded that a violation has been committed, findings as to whether the violation was caused by wilfulness, negligence, or other cause; what steps have been taken to cure the violation; and what sanctions, if any, are recommended.

(vi) The following is a suggested interview form which may be used by Investigating Officer, in connection with full scale investigations conducted pursuant to this paragraph;

INTERVIEW STATEMENT

(1) Date _____
(2) Place of statement _____
(3) Name and address of prime contractor _____
(4) Contract No. _____
(5) Name and project involved _____ Location _____
(6) What was the contract work? _____
(7) Work of subcontractor _____
(8) Portion of work involved in investigation _____
(9) Name _____
(10) Present address _____
(11) Permanent address _____
(12) Name of employer (if subcontractor) _____
(13) Address _____
(14) Name and address of supervisors _____
(15) Date employment began _____
(16) Date employment ended _____
(17) Kind of work performed and tools used by witness: (Give date and hours, if known) _____
(18) Job classifications and rates of pay for each classification worked (give dates) _____
(19) Rate paid for work over 8 hours per day _____
(20) How paid? (check, cash) _____
(21) Do you have records of payments (check stubs, etc.)? (These should be furnished to the investigator, if available.) _____
(22) Any deductions made from payments? (except Social Security and income tax) _____
(23) Names and addresses of other employees doing the same work—give dates _____
(24) Name and addresses of other employees who witnessed work done (include dates witnessed) _____
(25) Name and addresses of employees who may not have been properly paid ___
(26) Name of person directing employee to work out of classification. Explain misclassification _____
(27) If apprentice, give program and place _____
(28) Who kept employer's time and pay records? How were they kept and turned in? _____
(29) Where were wage rates posted on the job? _____
(30) Were you ever questioned as to duties and pay by a Government representative? _____
(31) Describe occasions and what was said _____
(32) Was any action taken? _____
(33) Did you ever complain to anyone about underpayments? _____
(34) To whom? _____
(35) What action was taken? _____
(36) Were you ever advised not to report all facts if questioned by a Government representative? If so, explain. _____
(37) My identity (may) (may not) be disclosed to the employer. Information contained herein (may) (may not) be disclosed to the employer _____
(38) I also wish to furnish the following additional information (for additional facts, to clarify any of above answers or to add narrative account: indicate by reference to box number). Attach additional sheets, if necessary, each of which should be referred to here, and signed _____

The statements in items (9) through (38) are true to the best of my knowledge and belief.

(Signed) _____
(Name) _____
(Print name as signed)
Statement witnessed by—
(Signed) _____
(Name) _____
(Print name as signed)

(If the Interview Statement is to be notarized, insert required wording and signatures.)

(2) *Where a Davis-Bacon Act violation is alleged.* (i) All cases: (a) Kind of work performed by each worker involved, and (b) what classification of worker customarily performs such work on contracts in the area.

(ii) When a worker has been classified in a manner contrary to the area practice, (a) the number of hours worked in the wrong classification (distinguishing regular time and overtime hours), (b) the wage rate actually paid, (c) the wage rate required by the predetermination for the proper classification, (d) the amount paid the worker, (e) the amount he should have been paid if properly classified, and (f) the amount of restitution due.

(iii) Where the worker has been placed in a classification not listed in the wage determination, (a) the classification and wage rate used, (b) the nature of the work performed and conclusions reached as to the proper classification and its wage rate, (c) whether a reclassification has been made or a request made for supplemental determination of classification in accordance with § 601.404–3, and (d) total hours worked in the improper classification (distinguishing regular time from overtime).

(iv) When a worker has been properly classified but paid a rate below the predetermination for his classification, (a) hours worked at the incorrect rate (distinguishing regular time and overtime hours), (b) the wage rate actually paid, (c) the wage rate required by the classification, (d) the amount he should have been paid at the proper rate, (e) the amount he actually was paid, and (f) the amount of restitution due.

(v) When an apprentice is involved, (a) proof that the apprentice is registered under a bona fide apprenticeship program registered with a State Apprenticeship Council recognized by the Federal Committee on Apprenticeship, Department of Labor, or, if no such recognized Council exists in a State, under a program registered with the Bureau of Apprenticeship, Department of Labor, (b) if the apprentice is not so registered, the same information as is required for an incorrect classification (subdivision (ii) of this subparagraph); if the apprentice is so registered, the nature of the work being performed by the apprentice as compared with the area practice in the employment of apprentices, and the ratio of apprentices to journeymen on the job as compared with the permissible ratio of apprentices to journeymen, which may be found in the standards under which the registered apprenticeship program operates.

(3) *Where an Eight-Hour-Law violation is alleged, for each worker.* (i) A list of each workweek involved in the alleged violation, showing the number of hours worked each day of the workweek, and the hourly rate of pay therefor.

(ii) Total hours for which the worker was improperly compensated.

(iii) Rate actually paid for said hours.

(iv) Rate which should have been paid for said hours.

(v) Amount of restitution due.

(vi) Total number of 5-dollar penalties due the United States under § 12.403–1 (b) of this title and total amount of said penalties (§ 601.404–50).

(4) *Where a Copeland Act Violation is alleged.* (i) Nature of violation alleged.

(ii) Facts concerning the alleged violation, including: (a) The full weekly wages earned by each employee concerned, (b) the nature and amount of each deduction made from said weekly wages, (c) the actual weekly wages paid to the employee concerned, (d) any limitation, variation, tolerance, and/or exemption from the provisions of § 601.404–6 (b) permitted by the Secretary of Labor, and any conditions attached by the Secretary of Labor to said permission, and (e) any rulings by the Secretary of Labor as provided in § 601.404–6 (e).

§ 601.404–8 *Reports of violations.* Where the case investigated can be closed satisfactorily without formal correspondence with the Department of Labor, the Department of Justice, or the General Accounting Office (correspondence to ascertain whether an apprentice is properly registered shall not constitute formal correspondence for the purpose of this section) it may be closed by the Investigating Officer. Where, however, formal correspondence with the Department of Labor or Department of Justice is required (e. g., when the case was initiated by correspondence from the Department of Labor, or involves more than $200 restitution, or may warrant criminal prosecution, litigation, or placing the Contractor on the Comptroller General's list of ineligible persons or firms), the Investigating Officer should forward a clear, concise, factual report of his investigation (including the information, findings, and conclusions set forth in § 601.404–7 (c), and pertinent evidence sufficient to support such findings and conclusions), through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Labor Advisor, together with the recommendation of the Head of the Procuring Activity with respect to the elements required of the Investigating Officer by § 601.404–7 (c) (1) (v) (except that reports of investigations on Corps of Engineers contracts not involving recommendations of criminal or civil action against the Contractor, or placing the Contractor on the Comptroller General's list of ineligible persons or firms, or facts supporting of any such recommendations, will be processed in accordance

with the procedure established by the Office of the Chief of Engineers). Such findings and recommendations shall not be communicated by the Investigating Officer to the Regional Attorney, Department of Labor. In those instances where funds are transmitted on Standard Form 1093 to the General Accounting Office, no report to higher authority is required. Standard Form 1093 (Schedule of Deductions from Payments to Contractor) should contain a statement that the Contracting Officer or Investigating Officer has determined that this is not a proper case for placing on the Comptroller General's list of ineligible persons or firms.

§ 601.404–9 *Suspensions and deductions of contract payments.* (a) When he learns of a violation, the Contracting Officer shall withhold from payments due the Contractor an amount equal to the estimated restitution due the Contractor's employees. Such an amount shall continue to be withheld until (1) action as set forth in § 601.404–9 (b) is taken, (2) the Contractor voluntarily makes restitution of the full amount that is allegedly due his employees, or (3) the Contracting Officer is informed through channels that the Department of Labor has ruled that the funds withheld may be released to the Contractor. If the Contractor does not make voluntary restitution, the funds withheld for payment of moneys due employees under the Davis-Bacon Act shall be transferred to the General Accounting Office via the Disbursing Officer in accordance with Comptroller General's opinion A–34106, dated 28 February 1936. Sandard Form 1093 should be used for recording information concerning underpayments under the Davis-Bacon Act. Withheld funds representing underpayment of premium rates (Eight-Hour Law) will not be transferred to the General Accounting Office, but will be retained by the Disbursing Officer in his Deposit Funds Suspense Account for contracts written on Standard Form 23–A (General Provisions (Construction Contracts)).

(b) (1) When investigation reveals that restitution is due the Contractor's employees because of violation of the Davis-Bacon Act, the Contracting Officer will forward to the Disbursing Officer who normally makes disbursement to the Contractor, Standard Form 1093, indicating the purpose of same, and listing the name and address of each employee involved and the amount due him. Employees to whom restitution is due will be advised that, upon approval of the withholding by the Department of Labor, they will be paid on application to the General Accounting Office, which will hold funds withheld from the Contractor for restitution to workers in a special account for this purpose. Employee applications for payment may be forwarded with the forms required by § 12.404–9 of this title; such applications should include the employee's name, address, and classification; the name of the employer; and a statement identifying the contract involved. Withholding must be accomplished even though an employee cannot be located in order to complete restitution.

(2) When investigation reveals that restitution is due the Contractor's employees because of violation of the Eight-Hour Law, such funds as have been withheld under paragraph (a) of this section may not be paid over to the employees. Instead, when it is clear that the Contractor will not make restitution, the Contracting Officer will inform the Disbursing Officer who normally makes disbursement under the contract and the appropriate fiscal officer of this fact, specifying the amount of restitution owed to each employee, so that the funds withheld may be deobligated up to the total of such amounts.

(c) When notified of a violation, which would render the Contractor liable to the United States for penalties, the Contracting Officer should withhold from payments due the Contractor a sum sufficient to cover the estimated penalties due the United States should the allegation prove true. Such an amount should continue to be withheld until (1) action as set forth in § 601.404–9 (d) is taken, or (2) the Contractor voluntarily pays the full amount of the penalties allegedly due, or (3) the Contracting Officer is informed through channels that the Department of Labor has ruled that the funds may be released to the Contractor.

(d) When investigation discloses that penalties are due the United States, the Contracting Officer shall forward to the Disbursing Officer who normally makes disbursement to the Contractor a voucher indicating the amount due the Contractor, the amount to be paid to the United States as penalties, and sufficient information to make clear the purpose of the withholding. The voucher used should be separate from that used to withhold any restitution that may be due the Contractor's employees. The Contracting Officer should retain complete information concerning the penalties including justification therefor and method of calculation, to be furnished the Disbursing Officer if requested.

§ 601.404–10 *Restitution.* (a) When it appears that restitution may be due employees of a Contractor or subcontractor, the Contracting Officer and the Investigating Officer shall seek to have the Contractor or subcontractor make restitution voluntarily. Computation of back wages may be made by the Contracting Officer, or the Contractor may be requested to do so, subject to verification by the Contracting Officer. Upon completion of computations, a summary sheet listing names, addresses and the unpaid amounts payable to the employees involved should be prepared by the Contractor and a copy furnished the Contracting Officer. The Contracting Officer shall advise the Contractor of the procedure which will satisfy him conclusively that proper restitution has been made, particularly the witnessing of cash payments or the furnishing of canceled checks.

(b) When a Contractor wishes to make voluntary restitution but some worker or workers to whom such restitution is due cannot be located, the Contracting Officer shall collect the amount of restitution due and forward it to the Disbursing Officer for forwarding to the General Accounting Office, accompanied by a list of such workers, their last known addresses, and the amount due each one. Voluntary restitution cannot be considered completed as to workers who cannot be located until this procedure has been followed.

§ 601.404–11 *Contract terminations.* Whenever a contract is terminated for violation of labor standards provisions, a report containing the information set forth in § 12.404–11 of this title shall be forwarded by the Contracting Officer through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor. This report shall be accompanied by a report of the investigations of the violations resulting in termination setting forth the information required by § 601.404–7 (c). If such investigation has not been completed, an interim report, setting forth as much of the information required by § 601.404–7 (c) as is currently available, shall accompany the report of termination, and the complete report shall be forwarded when available.

§ 601.404–12 *Cooperation with the Department of Labor.* In connection with the enforcement of labor standards, either the Contracting Officer or an officer conducting an investigation is free to call upon the Department of Labor Regional Attorney for informal opinions, advice, or assistance, except as otherwise set forth in this section. The addresses of the Regional Attorneys and their geographical jurisdictions are the same as those set forth for the Regional Offices in § 601.653. All contact with regional offices of the Department of Labor will be coordinated with the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor in accordance with § 601.101 (b) (1), except when otherwise provided by this part.

§ 601.404–50 *Nonassessment of Eight-Hour Law penalty.* The Department of Labor has announced that in appropriate cases where an employer acting in good faith has failed to pay the daily overtime compensation required by the Eight-Hour Law, and subsequently makes delayed payment of the extra amount due his employees, said employer will be considered in compliance with the Eight-Hour Law and will not be subject to the 5-dollar per day penalty for its violation. A case is appropriate for such nonassessment of the penalty when failure to pay at the regular pay period was inadvertent, but not when it was wilful, negligent, or without reasonable excuse. If the investigating officer believes nonassessment may be appropriate, he shall transmit through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor (except that Corps of Engineers cases shall be processed in accordance with procedures established by the Chief of Engineers), the report called for by § 601.404–7 (c), plus a recommendation as to nonassessment of the penalty, and his reasons therefor, with special reference to whether the original nonpayment was inadvertent and not negligent.

§ 601.450 *List of debarred, ineligible, and suspended bidders.* The list of persons and firms found by the Comptroller General to have violated the requirements of statutes relating to labor standards is incorporated by the Office of the Assistant Secretary of the Army (Logistics) (Assistant Judge Advocate General) in the consolidated list issued in accordance with § 590.601–1 of this subchapter. The list is for the use and guidance of all interested agencies of the Army Establishment. Contracting Officers will comply with the prohibitions contained in the list of such persons and firms published by the Comptroller General, prior to incorporation of such information in the Department of the Army consolidated list.

§ 601.451 *Construction Labor Standards Report (Reports Control Symbol CSGLD–845).*—(a) *Contracting Officers.* Each Contracting Officer within the continental United States and the Territories of Alaska and Hawaii shall submit semi-annually to the Head of his Procuring Activity, on DA Form 1762–R a report on the enforcement of labor standards applicable to contracts in excess of $2,000 involving construction, alteration or repair of public buildings or public works. Contracting officers will complete only items 1 through 4 (c) of the DA Form 1762–R. The term "former contractors" means those contractors with whom the reporting office has had prior preconstruction conferences within the 12-month period preceding the date of the award of the contract. Contractors not within the above category are to be regarded as "new contractors." Reports will cover the 6-month periods ending June 30 and December 31 and will be dispatched by July 25 and January 25, respectively.

(b) *Heads of Procuring Activities.* The Head of each Procuring Activity will submit semi-anually to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor, a consolidation of the individual reports received pursuant to paragraph (a) of this section. The consolidated report will be submitted on DA Form 1762–R and will include completion of items 5 and 6. The reports will be dispatched by August 10 and February 10, respectively. Negative reports will be submitted when applicable.

(c) *Reproduction of form.* DA Form 1762–R will be locally reproduced on 8 by 10½-inch paper.

(d) *Construction Labor Standards Report (DA Form 1762–R (8 x 10½)).*

Construction Labor Standards Report (APP 12-451)	Period covered (dates) From	To	Reports Control Symbol CSGLD–845
To:		From:	

Item	No.	Item	No.
1. Number of construction, alteration and repair contracts awarded in excess of $2,000		4. Complaints	x x x x x
		A. Received from:	x x x x x
2. Methods of advising contractors of labor standards obligations:	x x x x x	(1) Labor unions	
A. Preconstruction conferences with:	x x x x x	(2) Individual workmen	
(1) New contractors		(3) Department of Labor	
(2) Former contractors		(4) Other (including B congressional)	
B. Preconstruction letters sent to:	x x x x x	B. Special investigations conducted	
(1) New contractors		C. Violations revealed from special investigations.	
(2) Former contractors		(1) Voluntary restitution made by contractor $	
3. Inspections conducted	x x x x x	(2) Amount withheld from contractor	
A. Payroll		(a) Under 8-hour law	
B. On-the-site		(1) For penalties: $	(2) For restitution: $
C. Violations revealed as result of inspections:		(b) Under Davis-Bacon Act.	
(1) Amount withheld for penalties: $	(2) Amount withheld for restitutions: $		

To be completed by heads of procuring activity only

5. Number of TNC conferences held with subordinate officers and civilian personnel responsible for enforcement of labor laws and regulations.

6. Number of field activities visited to review measures employed to insure compliance with applicable laws and regulations.

7. Remarks

8. Typed name and title of preparing individual

Typed name, grade and title of authenticating official | Signature

DA Form 1762–R, 1 Jun 56.

SUBPART F—WALSH-HEALEY PUBLIC CONTRACTS ACT

§ 601.602 *Applicability.* The publication "Walsh-Healey Public Contracts Act Rulings and Interpretations No. 3" with amendments may be obtained from the Department of Labor Regional Offices listed in § 601.653.

§ 601.603 *Responsibilities of Contracting Officers.* (a) Contracting Officers are responsible for ascertaining that Contractors are "manufacturers" or "regular dealers" within the meaning of the Walsh-Healey Public Contracts Act when it is applicable. When doubt exists as to whether a bidder is a "manufacturer" or "regular dealer" a request for determination by the Department of Labor may be made through the Head of the Procuring Activity. A determination by the Department of Labor that a bidder is a "manufacturer" or "regular dealer" is conclusive. Such qualification, however, does not relieve the Contracting Officer of the duty to determine the responsibility of the bidder (§ 601.307)

(b) When the Walsh-Healey Act is applicable Contracting Officers will be responsible for keeping the Contractor at the place of manufacture supplied with Department of Labor Forms PC 12 and PC 13. It is not required that new forms be forwarded upon award of each contract to a Contractor after he has received an initial supply. These forms may be requisitioned through normal publication supply channels.

§ 601.650 *Exceptions not stated in the publications furnished Contracting Officers.* Certain of the exceptions stated in the publications furnished Contracting Officers which contain no specific expiration date may have been rescinded by the Secretary of Labor since date of publication. In case of doubt inquiry may be directed to the appropriate Regional Director, Wage and Hour and Public Contracts Divisions, Department of Labor indicated in § 601.653 or to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor advisor.

§ 601.651 *Procedure for obtaining exemptions with respect to stipulations required by the act.* Section 6 of the act permits the Secretary of Labor to make exceptions to the requirement that the representations and stipulations of section 1 of the act be included in department proposals or contracts which are subject to the act.

(a) *Requests for exceptions and review thereof.* All requests of present or prospective Contractors for exceptions under section 6 of the act will be addressed to the Head of the Procuring Activity concerned. Such requests will be in writing, and will be transmitted through the appropriate Contracting Officer, and will set forth all pertinent information, including the nature of the requested exception, the need therefor, and any action already taken by the Contractor to avoid the necessity for the exception. The Contracting Officer will review each request received from a Contractor for:

(1) The urgency of the particular procurement.

(2) The relation of existing production schedules to Army Requirements.

(3) The relation of present and past deliveries to production schedules.

(4) The extent to which labor supply is a limiting factor in production and the reasons therefor.

(5) The steps, if any, which have been taken either by the Contractor or by any Government agency to resolve the labor supply problem.

(6) The extent to which factors inherent in the production processes involved necessitate the requested exception.

(7) The extent to which the productive capacity of the facility or facilities in question is being utilized for Army procurement; and

(8) Any other pertinent data.

(b) *Consultation with Regional Directors, Department of Labor, and forwarding requests to Heads of Procuring Activities.* (1) If the Contracting Officer believes that the requested exception is appropriate under the circumstances and necessary to meet the vital procurement schedules, he will:

(i) Inform the appropriate Regional Director of the Wage and Hour and Public Contracts Division, Department of Labor, of the request for exception and the necessity therefor (a list of such Regional Directors is given in § 601.53).

(ii) After joint consideration with such Regional Director, if still of the opinion that the requested exception is appropriate, transmit the request, together with (*a*) his written recommendation relative thereto, (*b*) a statement of all the information upon which the recommendation is based and (*c*) a recital of the steps taken in compliance with the procedures set forth in paragraph (a) and (b) of this section to the Head of the Procuring Activity concerned.

(2) This procedure of consulting with such Regional Directors will be complied with unless such compliance would result in undue delay. The Contracting Officer, in consulting with the appropriate Regional Director, will furnish the Director any pertinent information in his possession which the Director may require for rendering a report in connection with the need for the exception to the Administrator of the Wage and Hour and Public Contracts Divisions.

(c) *Review and processing of requests by Head of Procuring Activity.* If the Head of the Procuring Activity concurs in the recommendation of the Contracting Officer, after review of the request and consideration as to whether the need for an exception can be avoided by utilization of alternative facilities, he will forward the request to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor advisor, together with:

(1) A statement of all pertinent data.

(2) His recommendation.

(3) A draft of a letter setting forth the need for the exception, addressed to the Secretary of Labor and prepared for the signature of the Secretary of the Army.

(4) Accompanying draft of a Findings of Fact as required by section 6 of the act, prepared for the signature of the Secretary of the Army.

§ 601.652 *List of debarred, ineligible, and suspended bidders.* (a) The consolidated list issued by the Office of the Assistant Secretary of the Army (Logistics) (Assistant Judge Advocate General) in accordance with § 590.601 of this subchapter will include the following:

(1) Persons or firms found by the Secretary of Labor to have breached or violated contractual representations and stipulations required by the Walsh-Healey Act, published by the Comptroller General.

(2) Persons and firms which have been held ineligible to be awarded contracts subject to the Walsh-Healey Act, published by the Department of Labor.

(b) This information is published for the use and guidance of all interested agencies of the Department of the Army. Contracting officers will comply with the prohibitions contained in the list published by the Comptroller General relating to firms and individuals qualified for the reason stated in paragraph (a) (1) of this section, and the restrictions contained in the Department of Labor Circular Letters relating to firms and individuals disqualified for the reasons stated in (2) above, prior to incorporation of such information in the Department of the Army consolidated list.

§ 601.653 *Wage and Hour and Public Contracts Divisions of the United States Department of Labor Regional Offices—Geographical Jurisdictions and Addresses of Regional Directors.*

Region I—Massachusetts, New Hampshire, Maine, Vermont, Connecticut, Rhode Island; 18 Oliver Street, Boston 10, Mass.

Region II—New York and New Jersey; U. S. Parcel Post Building, 341 Ninth Avenue, New York 1, N. Y.

Region III—Delaware, Maryland, Pennsylvania; Lafayette Building, 437 Chestnut Street, Philadelphia 6, Pa.

Region IV—Alabama, Florida, Georgia, Mississippi, South Carolina; Comer Building, 2026 Second Avenue, North Birmingham 3, Ala.

Region V—Michigan and Ohio; Engineers' Building, 1365 Ontario Street, Cleveland 14, Ohio.

Region VI—Illinois, Indiana, Minnesota, Wisconsin; 105 West Adams Street, Chicago 3, Ill.

Region VII—Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, South Dakota, Wyoming; Federal Office Building, 911 Walnut Street, Kansas City 6, Mo.

Region VIII—Arkansas, Louisiana, New Mexico, Oklahoma, Texas; 1114 Commerce Street, Dallas 2, Tex.

Region IX—Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, Washington; 329 Appraisers Building, 630 Sansome Street, San Francisco 11, Calif.

Region X—Kentucky, Tennessee, Virginia, West Virginia; U. S. Courthouse Building, 801 Broad Street, Nashville 3, Tenn.

North Carolina—Not included in any region. Information may be obtained through North Carolina Department of Labor, Labor Building, P. O. Box 1151, Salisbury and Edenton Street, Raleigh, N. C.

Hawaii—Territorial Representative; Federal Building, King and Richard Streets, Honolulu 2, T. H.

Alaska—Territorial Representative; Federal Building, Post Office Box 1030, Juneau, Alaska.

Puerto Rico and Virgin Islands—Territorial Director; Post Office Box 9061, Santurce 29, P. R.

District of Columbia—Department of Labor Building; 14th and Constitution Avenue, Washington 25, D. C.

SUBPART G—FAIR LABOR STANDARDS ACT OF 1938

§ 601.701 *Basic statute.* Section 6 (a) of the act requires every employer to pay to each of his employees "who is engaged in commerce or in the production of goods for commerce" not less than $1.00 per hour. Section 7 (a) of the act prohibits every employer from employing any of his employees "who is engaged in commerce or in the production of goods for commerce" for a workweek longer than 40 hours, unless such employee receives compensation for his employment in excess of such 40-hour workweek at a rate not less than one and one-half times the regular rate at which he is employed. The act is applicable within the United States, its Territories and possessions. The United States Supreme Court has ruled that the act is applicable to the Bermuda defense area leased to this country in 1940. The provisions of sections 6 and 7 of the act, however, do not apply with respect to certain categories of employees enumerated in the act, nor under certain circumstances also enumerated in the act.

§ 601.702 *Suits against Government contractors.* Cost-plus-a-fixed-fee contractors and subcontractors should be advised that immediately upon receipt of process in any legal action filed against them they must furnish a copy of all papers to the Contracting Officer. The Contracting Officer will make immediate report of the legal action direct to The Judge Advocate General, Department of the Army, Washington 25, D. C.

§ 601.703 *Ruling on applicability or interpretation.* Location of offices of Regional Directors of the Wage and Hour and Public Contracts Division of the Department of Labor are set forth in § 601.653.

§ 601.750 *Regulations of the Administrator.* The act provides that the Administrator shall by regulation define certain terms used in the act and may grant certain exemptions from its provisions. Regulations issued by the Administrator, as revised from time to time, should be consulted in these respects.

§ 601.751 *Reimbursement of cost-plus-a-fixed-fee contractors for payments in accordance with the act.* (a) Any employee who violates the provisions of sections 6 and 7 of the act is liable to the employee or employees affected in the amount of their unpaid minimum wages or their unpaid overtime compensation, and may be liable in an additional equal amount as liquidated damages; and in the event the employee institutes suit therefor, the costs of the action and a reasonable attorney's fee as allowed by the court. Violations also may be restrained by injunction and may subject the employer to criminal penalties. In this connection, however, attention is invited to the Portal-to-Portal Act of 1947 (Act of May 14, 1947; 29 U. S. Code 251) which limits the liability of an employer under such circumstances.

(b) Determinations of the liability of the Government to reimburse Contractors for any amounts paid in settlement of claims under the act will be made by the Head of the Procuring Activity after appropriate coordination with the Judge Advocate General. Attention is invited to the Comptroller General's decision of December 15, 1943 (B-38642, 23 Comp. Gen. 439) to the effect that amounts paid in settlements necessitated a compromise of disputed questions of law or fact, provided that such settlements are in amounts less than the total amounts (including liquidated damages, court costs, and attorneys' fees) which would be required to be paid in the event the employee sued and obtained judgment and that it is administratively determined that the settlement in each instance was fully warranted as being in the best interest of the Government. Vouchers covering such payments should be supported by evidence setting forth the basis for such administrative determination and any questions of law with respect to the application of the act should be determined only after thorough consideration has been given the matter by competent Government attorneys, and a showing to that effect should also be made a part of the evidence submitted with the vouchers.

§ 601.752 *Investigations and inspections.* (a) The act provides that each employee subject to the act must make and preserve certain records of the persons employed by him and of the wages, hours and other conditions and practices of employment maintained by him. The act also provides that the Administrator, or his designated representatives, may investigate and gather data regarding the wages, hours, and other conditions and practices of employment in any industry subject to the act, and may enter and inspect such places and such records, question such employees and investigate such facts, conditions, practices, or matters as he may deem necessary or appropriate to determine whether any person has violated any provision of the act, or which may aid in the enforcement of the act.

(b) With respect to cost-plus-a-fixed-fee contractors, to the extent consistent with security and other regulations governing admission to visitors to plants and projects, representatives of the Administrator should be accorded access to the facilities and records of Department of the Army contractors for the purpose of making investigations to determine applicability of and compliance with the act. Investigations will be conducted at such time and in such manner as to interrupt or interfere least with operations. They should be confined whenever possible to the inspection of records in the office of the Contractor. Inspections of the areas in the facility where construction or production is in progress will be held to a minimum. Necessary interviewing of employees should, whenever possible, be conducted outside work hours or at such other times as will interfere least with construction or production operations. The Administrator has stated that his investigators will advise cost-plus-a-fixed-fee contractors approximately 1 week before they plan to arrive at the project to make an investigation under the act.

SUBPART H—NONDISCRIMINATION IN EMPLOYMENT

§ 601.804 *Special requirements or emergencies.* Requests for authority to omit the nondiscrimination clause shall be transmitted in quadruplicate, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor. Requests shall be in a form suitable for transmission to the President's Committee on Government Contracts. Such requests shall set forth in detail the facts concerning the procurement in question, the need for an exemption, and the efforts made by the Contracting Officer and the Procuring Activity to effect the procurement without an exemption. Where appropriate, request should also set forth facts concerning general impact which would result from failure to secure contracts with the contractor concerning whom the request is made.

§ 601.806 *Administration.* Commanding general, ZI armies, Military District of Washington and the head of each technical service shall appoint a Labor Compliance Officer to supervise the nondiscrimination program. A Field Labor Compliance Officer will be appointed at each major field procurement office to handle all investigations of alleged violations of the nondiscrimination clause. In appointing such officers, Heads of Procuring Activities and procurement offices should normally utilize their existing labor relations personnel.

§ 601.806–1 *Educational responsibilities.* Contracting Officers are responsible for notifying prospective Contractors of the nondiscrimination program. This may be done by appropriate correspondence or giving such Contractors an edition of "How to Sell to the Department of Defense" which outlines the policy of the Government with respect to nondiscrimination in employment. In addition, Contracting Officers may explain the nondiscrimination program during discussions with Contractors or potential Contractors.

§ 601.806–2 *Posting of notices.* Contracting Officers shall transmit the posters to Contractors by a letter substantially as follows:

In accordance with Executive Order No. 10557, signed by the President on September 3, 1954, your contract with the Department of the Army contains a provision in which you agree not to discriminate against any employee, or applicant for employment, because of race, religion, color, or national origin. Further, you have agreed to insert this provision in appropriate subcontracts:

Your contract also requires you to display in conspicious places, available to employees and applicants for employment, posters, setting forth the provisions of the nondiscrimination clause.

I have inclosed copies of the poster which you have agreed to display. Upon request, I shall supply additional copies for subcontractors who are subject to this poster requirement.

If you have any questions concerning your obligations under the nondiscrimination clause or display of the posters, please do not hesitate to call on me.

§ 601.806–3 *Compliance reviews*—(a) *Routine reviews:*

(1) *Contractor and subcontractor compliance.* Inspection of contractor and subcontractor administration shall include reviews of compliance with the nondiscrimination clauses in their contracts. These reviews shall include:

(i) Verification that nondiscrimination posters are appropriately displayed;

(ii) Ascertainment that the nondiscrimination clause is included in all subcontracts not exempted by the clause;

(iii) Examination of employment application forms and referral forms from employment agencies to insure that they do not contain questions, the answers to which give rise to suspicion of discriminatory action; and

(iv) Examination of the Contractor's published policy against discrimination in employment by reason of race, color, creed to national origin; and assurance that such policy has been communicated to all echelons of management.

(2) *Contracting Officers.* Inspections of Contracting Officer activities should include review of actions of Contracting Officers and their representatives in educating contractors as to their non-discrimination responsibilities and in making inspections for compliance review actions set forth in § 601.806–3 (a) (1).

(3) *Reporting.* Any deficiencies found as a result of routine compliance reviews which, standing alone, do not indicate a violation, e. g., inadvertent failure to post the required nondiscrimination poster, should be corrected by the Contracting Officer. Report of review in such cases, including description of corrective action taken to effect compliance, will be submitted in quadruplicate, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor in form suitable for transmission through channels to the President's Committee on Government Contracts. Names of contractors involved need not be furnished. In the event that deficiencies found as a result of these routine compliance reviews suggest the existence of violations of the nondiscrimination clause, the report of review should be referred to the Labor Compliance Officer of the Procuring Activity (§ 601.806) for complete investigation in accordance with § 12.806–4 of this title. The review in these cases shall be considered the "complaint" referred to in § 12.806–4 of this title and § 601.806–6.

(b) Army or technical service Labor Compliance Officers may receive requests to conduct special reviews of Contractor performance. The primary purpose of these reviews will be to develop information concerning the progress being made under the nondiscrimination program. Reports of these special reviews will be transmitted, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor. Reviews may include the following:

(1) Examination of blank employment application and other personnel forms

used by Contractor for discriminatory questions or materials.

(2) Visits to local employment offices of the United States Employment Service, to determine what requests the Contractor files with them and their experience as to Contractor hiring of members of minority groups.

(3) Check of Contractor compliance with the poster requirement and insertion of nondiscrimination clause in subcontracts.

(4) Discussion with the Contractor and/or his personnel officers to ascertain his participation and experiences under the nondiscrimination program. The discussions should include employment, training, promotion, grades of jobs open to members of known minority groups, any changes in policy, any changes planned by the Contractor, and Contractor suggestion for furtherance of the nondiscrimination program.

(5) Discussions with representatives of at least one local known minority group organization concerning degree of participation in the nondiscrimination program in the community, including participation of company being surveyed. Should any organization have a complaint it should be pointed out that the purpose of the survey is purely informational, and that any complaint should be submitted to the President's Committee on Government Contracts.

(6) If there is a State or local nondiscrimination authority, discussions with officials of such authority concerning the Contractor's participation in the nondiscrimination program.

§ 601.806–6 *Processing of complaints.* (a) Any complaint and all requests for investigations as a result of compliance reviews (§ 601.806–3 (a)) shall be referred to the appropriate army or technical service Labor Compliance Officer. If it appears that a complaint cannot be disposed of by education and where appropriate by mediation, conciliation, or persuasion, such Labor Compliance Officer will direct an investigation of the case. If there is doubt as to the agency with primary interest, the case will be transmitted through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor.

(b) In investigating a complaint, Field Labor Compliance Officer will take the following actions where applicable:

(1) Inform all parties involved that he is acting on behalf of the Department of the Army in carrying out the President's nondiscrimination program.

(2) Throughout the investigation he should be alert to opportunities for settling the matter by conciliatory means. If it appears that the complaint can be disposed of by conciliation and mediation, the Field Compliance Officer may encourage the parties to meet and resolve their differences. If the case is thus adjusted a report, describing the understanding reached should be submitted in accordance with the procedures set forth in § 601.806–7. This report should include copies of any documents pertinent to the understanding reached (e. g., memorandum of agreement, exchange of letters).

(3) Check and report Contractor's compliance with the contract requirement that nondiscrimination posters be displayed. In the event of noncompliance the report should include the Contractor's reasons therefor and other pertinent facts.

(4) All cases which are not adjusted by conciliatory means should be investigated in such a manner as to develop all pertinent information available. The following is a check list of items which should be included in the Field Labor Compliance Officer's report of investigation where applicable. This list is not to be considered as limiting the report to the items enumerated.

(i) Statements of all parties, their representatives, and material witnesses, including complainant, any minority group organization representing him, and any representatives of the Contractor who dealt with the complainant.

(ii) Statement setting forth facts to show whether the alleged discrimination is "in connection with the performance of work under" a Government contract.

(iii) Statement of whether the Contractor has included the nondiscrimination provision in subcontracts where required.

(iv) Copies of summaries of Contractor's advertisements, forms, or records which furnish evidence of discrimination against the complainant or recent discriminatory practices or policies.

(v) Summary of any actions taken via labor-management grievance procedures concerning the case.

(vi) Review of State or municipal nondiscrimination authority's past experience with the Contractor on compliance.

(vii) Description of the system used by the employer with respect to hiring, upgrading, layoff, demotion, termination, transfer, pay or selection for training or apprenticeship; and statement whether the action taken with respect to complainant was in accordance with the system; and the reason for any divergence therefrom.

(viii) Factual statement of complainant's qualifications or lack thereof with respect to the position, pay training, or transfer sought, demotion, layoff, termination, or reduction in pay.

(ix) Verification that the Contractor had the vacancy sought by complainant.

(x) Statement of Contractor's treatment of others of the same minority group as complainant.

(xi) Recommendations for finding on whether the Contractor is in compliance.

(xii) Recommendations as to future action with respect to the Contractor.

(5) (i) In order to obtain the information set forth in subparagraph (4) of this paragraph, or other pertinent information, it may be necessary to ascertain the race, religion, color, or national origin of various persons. Such inquiries should not be made where it appears that they may provoke resentment or embarrassment.

(ii) Field Labor Compliance Officers should, in the conduct of investigations and reviews, endeavor to avoid unnecessary interference with Contractor personnel of industrial relations.

(iii) If advice or guidance is needed concerning further steps to be taken in the investigation, a request for such advice or guidance, accompanied by an interim report of the facts developed, may be transmitted through channels to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor.

§ 601.806–7 *Reporting channels.* Reports will be prepared to reach the army or technical service Labor Compliance Officer in quintuplet. They should be suitable and proper for transmission to the President's Committee on Government Contracts. In cases of noncompliance with the provision of the nondiscrimination clause, the report will include all efforts made by the Field Labor Compliance Officer and the office of the Head of the Procuring Activity to effectuate compliance. The foregoing items shall be forwarded, along with a copy of the Field Labor Compliance Officer's report, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor.

§ 601.850 *Contact with the President's Committee.* There will be no contacts by Army personnel with the President's Committee on Government Contracts or its staff except after coordination with the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor. In case of emergency such coordination may be made by telephone.

SUBPART I—EMPLOYMENT RESTRICTIONS FOR SECURITY PURPOSES

§ 601.950 *Administration.* Administrative implementation of the policy governing the security clearance of private Contractor employees and industrial facilities is set forth in detail in AR 380–131.

SUBPART O—REMOVAL OF ITEMS FROM FACILITIES AFFECTED BY WORK STOPPAGES

§ 601.1501 *Basic considerations.* Policy and procedure governing the removal of items from facilities affected by work stoppages prescribe that principal reliance with respect to such removals be placed on cooperative arrangements and voluntary concurrence. In this connection, it is emphasized that the Department of Defense Policy Governing Participation in Industrial Labor Relations Matters Affecting Military Procurement, provides that agencies of the Department shall remain impartial in, and shall refrain from taking a position on the merits of, a labor dispute and shall not undertake the mediation of such a dispute. Removal of items by Procuring Activities will be in accordance with that expressed policy.

§ 601.1550 *Determination of urgency.* Before action leading to the removal of any item is initiated, assurance will be secured that the item in question is urgently needed. Among the factors to be considered in determining urgency are:

(a) Whether the product is in such short supply that unless it is removed there will be a failure to meet schedules for urgently needed military items.

(b) Whether there are alternative sources of supply of such products reasonably available to furnish the particular item within the time within which delivery is required.

§ 601.1551 *Administrative procedure.* Where urgency is clearly established, Procuring Activities may seek the removal of military items from facilities affected by a work stoppage in accordance with the following procedures:

(a) An attempt will be made to work out an arrangement with plant management and the local union involved for the removal of the required items by the shipping means normally used by the company.

(b) If the course prescribed in paragraph (a) of this section is not successful, an effort will be made to obtain the concurrence of both parties to the labor dispute for removal of the items by military vehicles and, if necessary, by military personnel.

(c) If the procedures prescribed in paragraph (a) and (b) of this section fail, and upon a determination by the Head of the Procuring Activity that additional efforts should be made to accomplish removal of the items in question, the Head of the Procuring Activity will submit the matter to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor, with appropriate recommendation and comment to insure effective and coordinated action. Such submission will include the following information:

(1) Name, address, and telephone number of company from which items are to be removed.

(2) Name, address, and telephone number of company official who may be contacted for purposes of effectuating removal.

(3) Identification, address, and telephone number of local union.

(4) Name, address, and telephone number of local union official who may be contacted for purposes of effectuating removal.

(5) Brief statement relating to the reasons for the necessity of removing the items in question.

(6) Description of items to be removed: nature of items, amount, approximate weight, purchase order number, and shop order number.

(7) Amount of work required preparatory to shipment of items.

(8) Mode of transportation by which items are to be removed.

(9) Destination of items.

(d) All action taken pursuant to paragraphs (a) and (b) of this section, will be reported, through channels, to the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor.

§ 601.1552 *Coordination.* (a) Where two or more Procuring Activities are, or may become involved in the removal of urgent items from a facility affected by a work stoppage, efforts will be made by the Procuring Activities concerned to agree on a single Procuring Activity, where practicable, to effectuate removal arrangements.

(b) In situations affecting one or both of the other military departments, removal arrangements should be similarly coordinated, where practicable, by the Procuring Activities involved, with representatives of other military departments.

§ 601.1553 *Avoidance of detrimental incidents.* It is emphasized that the express policy of the Department of Defense with respect to the removal of items from facilities affected by work stoppages is to avoid the use of force or the appearance of force, and care will be taken to prevent the occurrence of incidents detrimental to harmonious relations with labor and management.

SUBPART P—PROCUREMENT OF STEVEDORING SERVICES DURING LABOR DISPUTES

§ 601.1650 *Basic policy.* It is the policy of the Department of the Army to procure stevedore services by contrast with commercial stevedoring firms except where military considerations make it evident that the best interests of the Government will be served by the employment of direct-hire Civil Service workers.

§ 601.1651 *Procedure.* Wherever stevedoring services are furnished by Contractors to any Army installation and the performance under the contract, although urgently required, is delayed through a labor dispute, the following will govern:

(a) Attempt will first be made to have management and labor voluntarily agree to exempt military supplies from the labor dispute by continuing the movement of such material.

(b) If a voluntary arrangement cannot be obtained and diversion of the vessel to another port is impracticable, then the command will consider contracting with reliable alternative sources of supply within the stevedoring industry.

(c) To the extent stevedoring services cannot be secured by the method of alternate Contractors described in paragraph (b) of this section, then Civil Service stevedors will be utilized to perform the work hitherto performed by contract stevedores.

(d) To the extent that methods prescribed in paragraphs (a), (b) and (c) of this section are unsuccessful, then the command will utilize military personnel to handle the cargo which was being handled by contract stevedores prior to the labor dispute. To the maximum extent possible, the use of military personnel will be avoided and such personnel will be used only as a last resort.

§ 601.1652 *Notifications.* Where the exigency of a situation requires deviations from the policies outlined above, the Deputy Chief of Staff for Logistics, Department of the Army, Attn: Labor Advisor, will be notified through channels, of the actions taken including justifications therefor.

7. Section 606.110 is added, paragraph (d) is added to § 606.206–1, and paragraph (d) of § 606.206–3 is revised, as follows:

§ 606.110 *Profit and fee considerations.* (a) Profit or fee allowances will be determined separately under each contract, and "across-the-board" agreements with contractors as to rates of profit or fee will not be made. The determination of a fair and reasonable profit or fee is a matter of sound business judgment. There are no conclusive rules or formulas which would be suitable for uniform application; however, in arriving at a fair and reasonable profit or fee, the following factors should be considered:

(1) Type of contract.

(2) Performance risks.

(3) Record of efficiency in production.

(4) Character and extent of subcontracting.

(5) Reliability of contractor's cost estimates.

(6) Equipment, facilities, or financial assistance furnished by the Government.

(7) Invested capital.

(8) Possible present or future benefit to the contractor.

(9) Value added by the manufacturing processes.

(10) Contingency factors.

(b) Fee allowances will not exceed the limitations set forth in § 3.404–3 (c) of this title.

§ 606.206–1 *Definitions.* • • •

(d) *Supply schedule.* A supply schedule is a comprehensive summary of pertinent contractual information and ordering instructions relating to an open-end contract.

§ 606.206–3 *Numbered contracts* • • •

(d) An authenticated copy will be forwarded to the Disbursing Officer for his files, except that where an open-end contract is involved a supply schedule may be used in lieu of the authenticated copy of the contract.

8. Section 606.210, paragraphs (t) and (u) of § 606.705, and paragraph (c) of § 606.713 are added as follows:

§ 606.210 *Information releases by Contractors.* Prior to making an award of a contract for supplies or services, the Contracting Officer will insure that the prospective Contractor has a copy of, and is familiar with, The Contents of Department of Defense Directive 5230.3 (Reissue of DOD Dir. No. 700.05–3 dated 18 January 1952). The purpose of this Directive is to provide public information security guidance governing the public release of information by manufacturers holding Army, Navy or Air Force contracts. If a copy of DOD Directive 5230.3 is not available, copies of the following paragraphs, a through f, will be furnished the prospective Contractor:

V. RELEASABLE AND NON-RELEASABLE INFORMATION

a. Manufacturers who receive from the Departments of the Army, Navy, and Air Force awards of classified or unclassified contracts, letters of intent or supplemental agreements for production of military equipment or supplies or for increased production of materials now being produced may release to the public information of the following general nature concerning any individual contract without further specific clearance by Department of Defense:

(1) A statement that a contract (or letter of intent) has been received.

(2) Type of item in general terms (i. e., aircraft of standard types, tanks, trucks, ammunition, clothing, etc.) provided that the

designation of the item or equipment itself is not classified.

(3) In the case of unclassified negotiated or formally advertised contracts, releases may include the name of the purchasing office, a brief description of the commodity or service, quantity, and dollar amount of the contract.

(4) A statement that workers in certain fields are required. Number of additional personnel needed by the plant may be announced.

(5) Subject to restriction listed in this guidance, a contractor may advertise for bids from prospective subcontractors for component parts or services in those cases where the subsequent contract itself will be unclassified.

(6) Information previously officially approved for release.

b. Contractors will not release to the public information of the following nature concerning such contracts, unless specifically approved and cleared by the Security Review Branch, Office of Public Information, Office of the Secretary of Defense, Washington 25, D. C.

(1) Production schedules, future planning on production schedules, or rates of delivery.

(2) Information on sources of supply, quantities and qualities of strategic or critical supplies and movements, assembly or storage of supplies or materiel.

(3) Information on sabotage attempts or plant security measures.

(4) Information on any research and/or development contracts.

(5) Information, including any photograph, sketch or plan concerning first models of weapons or equipment, outstanding production achievements, or performance of weapons or equipment.

(6) Information on material for shipment to allied governments under MDAP, NATO, etc.

(7) Movement of military aircraft. (This restriction is applicable to all cases, including those where actual movement order is unclassified. The action is to reduce unauthorized disclosure of aircraft deliveries, modification and conversion programs.)

(8) Movement of naval vessels, unless approved by the responsible commander.

(9) Classified information.

c. A subcontractor or branch plant involved in military production programs also may release information subject to paragraphs a and b above, provided he does not:

(1) Indicate he is the sole supplier.

(2) Indicate the percentage of the prime contractor's requirements he provides in terms of quantity or dollar value.

(3) Reveal rates of production or deliveries.

d. Manufacturers outside the continental United States may, after initial public release by the Secretary of Defense, release to the public information subject to the provisions of this guidance. For initial release the contracting agency should forward pertinent information regarding the contract, together with the manufacturer's proposed release, through the Departments of the Army, Navy, or Air Force, as the case may be, to the Secretary of Defense. The Office of Public Information will make the original release if appropriate.

e. In order that manufacturers holding classified contracts may make state of business reports to stockholders, stock exchange, etc., the total company-wide dollar value of backlog may be released provided:

(1) That only the Department of Defense total is used and not broken down by individual military service or item.

(2) That the release does not reveal the quantity or volume of individual orders.

(3) That the report is not made for periods of less than three months.

f. In case of doubt as to the releaseability of information, contractors, factories, subcontractors, etc., may contact the Security Review Branch for advice, or may refer to the contracting agency.

§ 606.705 *Functions to be performed by Small Business Specialists in the Department of the Army Small Business Program.* • • •

(t) The Small Business Specialist or the Small Business Representative of the purchasing office of issuance will review the entries in items 1 through 22 on DA Form 1877, received by him in accordance with § 591.250 (b) of this subchapter, to assure that Small Business has been afforded an equitable opportunity to compete for the procurement. In the event that the Small Business Specialists or the Small Business Representative at the purchasing office considers that an equitable opportunity to compete for the procurement has not been afforded Small Business, he will bring to the attention of the Commanding Officer of the purchasing office the points in question so that corrective action can be taken. The original DA Form 1877 will then be completed and signed by the Small Business Specialist or Small Business Representative at the purchasing office in accordance with the instructions contained in § 606.713 (c) (2) and forwarded to the Senior Small Business Specialist at the headquarters of the head of the appropriate procuring activity (§ 1.201–4 of this title). One copy will be retained as a reference by the Small Business Specialist or the Small Business Representative at the purchasing office for three months after the award of the contract or the completion of action on the Invitation for Bids or Request for Proposals. The second copy will be signed by the purchasing office's Small Business Specialist or Small Business Representative and returned to the Contracting Officer for retention in the permanent contract file.

(u) The Senior Small Business Specialist at the Headquarters of the Head of the appropriate activity (§ 1.201–4 of this title) will utilize the completed original of DA Form 1877 to analyze preaward activities, (1) to insure that small business has been afforded an equitable opportunity to compete for the procurement, and (2) for management and statistical purposes.

§ 606.713 *Records pertaining to small business to be maintained by procuring activities and field purchasing offices (other than DD Form 350 and DA Form 377 Reports).* • • •

(c) *Preparation and transmittal of "Data on Proposed Procurement Action" (DA Form 1877) Report Control Symbol CSGLD–866.* (1) For each Invitation for Bids or Request for Proposals on a proposed unclassified procurement to be made in the continental United States, as described in § 591.250 (a) of this subchapter, which may result in awards of $5,000 or more, the Contracting Officer issuing the Invitation for Bids or Request for Proposals will prepare DA Form 1877 in triplicate. The signed DA Form 1877 in triplicate, will be forwarded together with a copy of the Invitation for Bid or Request for Proposal given to the Small Business Specialist or Small Business Representative of the purchasing office for display purposes (§ 2.202–2 of this title) on the date of issuance of the Invitation for Bids or Request for Proposals (§ 591.250 (b) of this subchapter).

(2) The Small Business Specialist or Small Business Representative will complete his portion of the DA Form 1877, sign and transmit the original copy of the form to the Senior Small Business Specialist of the Head of the Procuring Activity within two working days subsequent to distribution of applicable Invitation for Bids or Request for Proposals, one copy will be retained and the second copy returned to the permanent contract file. Letters of transmittal will not be used.

[C 26, APP, December 7, 1956 and C 27, APP, December 20, 1956] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply 70A Stat. 127; 10 U. S. C. 2301–2314)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57–2040; Filed, Mar. 19, 1957; 8:45 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF MANEB IN OR ON APRICOTS

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance for residues of maneb (manganese ethylenebisdithiocarbamate) in or on apricots.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by inserting in § 120.110 (a) the word "apricots." As amended, this paragraph reads as follows:

§ 120.110 *Tolerances for residues of maneb (manganese ethylenebisdithiocarbamate).* • • •

(a) 7 parts per million in or on apples, apricots, beans, carrots (with or without tops) or carrot tops, celery, cranberries, cucumbers, eggplant, figs, grapes, melons, onions, peaches, peppers, spinach, summer squash, tomatoes, winter squash.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: March 15, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57–2134; Filed, Mar. 19, 1957; 9:10 a. m.]

Subchapter C—Drugs

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

TETRACYCLINE PHOSPHATE COMPLEX-NYSTATIN CAPSULES

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (22 F. R. 1045), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR 141c, 146c) are amended as indicated below:

1. In § 141c.224, the section headnote and paragraph (a) (1) (i) are changed to read as follows:

§ 141c.224 *Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules*—(a) *Capsules*—(1) *Potency*—(i) *Tetracycline hydrochloride content; tetracycline phosphate complex content.* Proceed as directed in § 141c.204 (a) for tetracycline hydrochloride capsules and tetracycline phosphate complex capsules. Its potency is satisfactory if it contains the equivalent of not less than 85 percent of the number of milligrams of tetracycline hydrochloride that it is represented to contain.

2. Section 146c.224 is amended in the following respects:

a. The section headnote and introduction to the section are changed to read as follows:

§ 146c.224 *Tetracycline hydrochloride-nystatin capsules; tetracycline phosphate complex-nystatin capsules.* Tetracycline hydrochloride-nystatin capsules and tetracycline phosphate complex-nystatin capsules are capsules that conform to all the requirements and procedures prescribed by § 146c.204 for tetracycline hydrochloride capsules and tetracycline phosphate complex capsules, except that:

b. Paragraph (b) is changed to read as follows:

(b) In addition to the labeling prescribed for tetracycline hydrochloride capsules or tetracycline phosphate complex capsules, each package shall bear on its label or labeling the number of units of nystatin in each capsule of the batch. Its expiration date shall be the date that is 12 months after the month during which the batch was certified if it is tetracycline phosphate complex-nystatin capsules.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: March 13, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57–2092; Filed, Mar. 19, 1957; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1397]

[1327894]

CALIFORNIA

REVOKING EXECUTIVE ORDER NO. 5038 OF FEBRUARY 2, 1929, WHICH WITHDREW LANDS FOR CLASSIFICATION

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 5038 of February 2, 1929, which temporarily withdrew the following-described lands in California for classification and pending determination as to the advisability of including such lands in the Pinnacles National Monument, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E.,
Secs. 20 to 29, inclusive;
Sec. 33, W½E½ and W½;
Secs. 35 and 36.
T. 17 S., R. 7 E.,
Sec. 1, E½;
Sec. 2, E½NW¼;
Sec. 9, E½;
Sec. 11, E½;
Secs. 12 to 15, inclusive;
Secs. 22 to 24, inclusive.

The areas described aggregate 13,683.34 acres.

2. The following-described lands were added to the Pinnacles National Monument by Proclamations No. 1948 of April 13, 1931, No. 2050 of July 11, 1933, and No. 2528 of December 5, 1941:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E.,
Sec. 20, E½;
Secs. 21, 22, and 23;
Sec. 24, W½;
Sec. 25, W½;
Secs. 26, 27, and 28;
Sec. 29, E½;
Sec. 33, W½E½ and W½;
Sec. 35;
Sec. 36, W½.
T. 17 S., R. 7 E.,
Sec. 1, lot 2 and SW¼SE¼;
Sec. 2, lot 3 and SE¼NW¼;
Sec. 11, E½;
Sec. 12, SE¼SE¼, W½E½, and W½;
Sec. 13, SE¼SE¼, W½E½, and W½;
Secs. 14, 15, 22, and 23;
Sec. 24, W½.

The areas described aggregate 10,962.65 acres.

3. The following-described lands have been patented without a reservation of minerals to the United States:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E.,
Sec. 36, E½.
T. 17 S., R. 7 E.,
Sec. 1, lot 1, S½NE¼, E½SE¼, and NW¼SE¼;
Sec. 9, E½;
Sec. 12, E½NE¼ and NE¼SE¼;
Sec. 13, E½NE¼ and NE¼SE¼.

The areas described aggregate 1,120.69 acres.

4. The following lands are restored from withdrawal by this order:

MOUNT DIABLO MERIDIAN

T. 16 S., R. 7 E.,
Sec. 20, W½;
Sec. 24, E½;
Sec. 25, E½;
Sec. 29, W½.
T. 17 S., R. 7 E.,
Sec. 24, E½.

The areas described aggregate 1,600 acres.

5. The restored lands are located in west-central San Benito County, approximately 30 miles south of Hollister, California. They consist of steep, brush covered hills. The soil is generally a sandy clay derived from a granitic parent material. Vegetation consists of chamise, scrub oak and manzanita with scattered digger pine and live oak. The lands are too rough and mountainous for cultivation.

6. No application for the lands described in paragraph 4 of this order may be allowed under the homestead,

desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

7. Subject to valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m., on April 19, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on June 19, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m., on June 19, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m., on June 19, 1957.

8. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

HATFIELD CHILSON,
Assistant Secretary of the Interior.

MARCH 14, 1957.

[F. R. Doc. 57-2093; Filed, Mar. 19, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

[Docket No. AO-170-A10]

MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR 900), a public hearing was conducted at South Bend, Indiana, on August 14–15, 1956, pursuant to notice thereof issued on August 9, 1956 (21 F. R. 5970).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 6, 1957 (22 F. R. 844), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues of record related to:

1. The classification and pricing of milk used in making cottage cheese. (Proposals 1 and 6.)

2. A revision of the transfer provisions. (Proposal 2).

3. A revision of the list of condenseries appearing in the basic formula. (Proposal No. 4).

4. Elimination of the butter-cheese portion of the basic formula. (Proposal No. 5).

5. The price level for Class I milk, including the supply-demand adjustment. (Proposal No. 7.)

6. Classification and pricing of butterfat used for making butter. (Proposals 11 and 12.)

7. Conforming changes (Proposal No. 13.)

In addition to the foregoing issues, certain other matters were referred to in Proposals 3, 8, 9 and 10 of the hearing notice. They were either abandoned or not specifically supported at the hearing. These proposals included a revision of the allocation provisions, the placing of a limitation on diversions of milk to nonregulated plants, and a new Class III classification and price. It is concluded that no further action with respect to these matters should be taken on the basis of this hearing.

Findings and conclusions. The following findings and conclusions on the material issues covered in this decision are based upon evidence in the record of the hearing:

1. A new classification and price for milk used to produce cottage cheese should be established.

Producers proposed to establish a separate classification and price for milk used to produce cottage cheese. They supported their proposal on the basis that a new classification and price are necessary to reflect the additional cost to producers of supplying milk of the quality required by the health departments of the marketing area for use in cottage cheese.

One unregulated plant operator testified at the hearing in opposition to the proposed price increase but on questioning stated the opinion that producers should receive more money for Grade A milk used in dairy products than for ungraded milk. This operator has a plant near South Bend in which ice cream, ice cream mix, and cottage cheese are manufactured. Approximately 25 percent of the cottage cheese production of his plant is sold in the Scuth Bend-LaPorte marketing area. It was stated that milk received from the reserve supplies of regulated handlers would provide the necessary Grade A milk for the cottage cheese that he sells in the marketing area. This operator at present receives no ungraded milk in his plant.

The South Bend-LaPorte marketing area is comprised of the cities of South Bend, LaPorte, Mishawaka, and Michigan City, Indiana. Recently, the cities of South Bend, LaPorte and Michigan City adopted similar milk ordinances to become effective January 1, 1957. Under these ordinances all cottage cheese sold within each of these cities must be produced from Grade A milk. Some cottage cheese which heretofore has been sold in the market has been made from dry curd produced from ungraded milk. This practice will be prohibited under the new ordinances.

Beginning January 1, 1957, cottage cheese disposed of in a large portion of the marketing area must be made from milk meeting the same inspection requirements as that for fluid disposition. Cottage cheese will provide a regular, year-round outlet for inspected milk (skim milk and butterfat) and under this circumstance should not be considered a distress outlet for Class I reserves. It is important and economically sound that milk for this use should contribute to the increased cost of obtaining the year-round supply of Grade A milk necessary for all purposes which require this type of supply. Producers should receive a price differential over manufacturing milk prices to compensate for the higher costs of producing Grade A milk. The expansion of producer receipts to supply all the milk needed for cottage cheese would reduce returns to producers unduly if the present classification and pricing provisions were retained in the order. Therefore, it is concluded that a new Class II milk classification should be established for producer milk used to produce cottage cheese. Present Class II milk other than milk for cottage cheese should be redesignated Class III milk without a change in the price formula. The testimony and findings concerning an appropriate price level for milk used for cottage cheese are discussed below.

Proponents proposed a price formula for skim milk used to produce cottage cheese as follows: the prevailing price per pound of spray process nonfat dry milk for human consumption (Chicago area manufacturing plants), minus 3.2 cents, multiplied by 8.5. The 3.2 cent deduction was revised from 2.0 cents at the hearing. They contended that the price of Grade A skim milk for cottage cheese should not be less than the cost of its equivalent in nonfat dry milk of Grade A quality which might be secured from alternative sources. Producers explained that the deduction of 3.2 cents represented an adjustment to the price of nonfat dry milk to offset the costs to handlers of such operations as receiving and cooling and field work expense; the loss on butterfat separated from milk used to produce cottage cheese; and hauling charges for reserve butterfat moved to manufacturing plants. The total handling costs, amounting to 28.6 cents per hundredweight, suggested by producers were represented as the average handling costs for fifteen plants operated by the producers' association in the Chicago milkshed. The deduction of 3.2 cents was suggested after allowance also for the differential in price per pound usually received for nonfat dry milk of Grade A quality. The factor "8.5" represents the suggested yield of nonfat dry milk from a hundred pounds of skim milk.

Producers suggested further at the hearing that butterfat used to cream cottage cheese be priced at the present order price for Class II butterfat.

The expression of the South Bend-La Porte Class II price in terms of a differential over the basic formula price will recognize an additional value for Grade A milk used for cottage cheese over the level of manufacturing prices and also will enable the price of skim milk to fluctuate with prices for manufacturing milk. Milk used to produce cottage cheese and that contained in fluid cream, among other products, is classified and priced as Class II milk under the Chicago order, on a price level above that for manufacturing uses such as butter, nonfat dry milk, cheese and evaporated milk. At the time (1951) the present system for determining skim milk and butterfat prices was adopted in the South Bend-La Porte market the minimum price for butterfat in Class I milk under the South Bend-La Porte order was fixed in reasonable alignment with the minimum price for butterfat in Class II milk under the Chicago order. At present the price of Class I butterfat is slightly less than the price of Chicago Class II butterfat. The annual average price in 1955 for Class I butterfat was approximately 8 cents per pound over the manufacturing level of prices. The price of butterfat in Class II milk (new) also should be similarly related to the price of Class II butterfat (cream) under the Chicago order since butterfat at this price is available to Chicago handlers with fluid milk plants serving the South Bend-La Porte marketing area. By using the Class I butterfat price to price Class II butterfat also the supply-demand adjustment will apply to the Class II butterfat price in the same manner as it applies to the Class I butterfat price. Therefore, it is concluded that the price of milk used to produce cottage cheese should be the basic formula price plus 70 cents for the months of August through February, and 45 cents for the months of March through July. Such Class II price differentials take into account the competitive influence originating in the Chicago market and also follow the seasonal pattern of pricing provided under the South Bend-La Porte order. After deducting the value of 3.5 pounds of butterfat in Class II milk at the proposed level, there would result a residual price for skim milk used in cottage cheese averaging, on the basis of 1955 data, approximately 32 cents above the price for skim milk for manufactured milk products included in the class to be redesignated as Class III milk. In view of the conclusion that a portion of the added value of milk for cottage cheese should be attributed to the butterfat, it is further concluded that the proposed formula adapts itself to the present over-all plan for skim milk and butterfat pricing more readily than the type of formula proposed by producers.

In their exceptions producer proponents object to the price formula for skim milk used to produce cottage cheese. Proponents indicate that the provision included in the recommended decision would result in an average price of $0.826 per hundredweight of skim milk as compared with their proposed average price of $1.04 per hundredweight. Review of proponent's calculation of the price resulting from the recommended provision discloses that the price of $0.826 is based on 96.5 pounds of skim milk used in cottage cheese while their price of $1.04 is based on the use of a full hundredweight of skim milk. Moreover, their price is computed from 1955 data and is compared with a contemplated price based on 1956 data. If a price based on 1955 data, the latest available in the record, is computed from the recommended provision, the price per hundredweight of skim milk is $0.944, a difference of only 10 cents per hundreweight from the proposal of producers. Proponents' formula, on the other hand, places the entire additional value (over that of manufacturing milk) of milk for cottage cheese on the skim milk component. Thus, proponents price of butterfat for cottage cheese use would have averaged $0.6908 in 1955, the same as butterfat for manufacturing purposes. It is concluded that, as in the neighboring Chicago market, some portion of the higher value of producer milk for cottage cheese is attributable to the butterfat since butterfat of Grade A quality is required for creaming cottage cheese and thus should be reflected in the producer price of butterfat so used. Under the formula provided the average price of butterfat for creaming cottage cheese in 1955 would have been $0.7766, or nearly 9 cents per pound higher than under the producers' formula.

2. The transfer provisions should be modified only in conformity with the revised plan for the classification of milk.

Producers proposed that the transfer provisions be modified so that producer milk transferred or diverted from a regulated plant and then transshipped by an unregulated plant to a second unregulated plant without being received at the first unregulated plant would be classified on the basis of the utilization of such milk at the second unregulated plant. In addition, the transferred or diverted milk would be required to be commingled with receipts of other milk or cream at the unregulated plant where actually received, or the handler would not be allowed to claim Class II product utilization.

The producers' proposal to amend the transfer provisions in this manner is based on the allegation that certain quantities of milk which have been transferred or diverted by handlers, and classified as Class II at an unregulated plant, were not actually received at such plant. Presumably such milk, in unknown quantities, was moved to a second unregulated plant where it was used or disposed of for bottling purposes.

At the present time, the order provides that milk transferred or diverted from a regulated plant to an unregulated plant may be classified Class II if the respective parties involved in the transfer or diversion mutually indicate that such milk was utilized in Class II. The order requires the market administrator to check the records of the unregulated plant in order to determine whether the milk moved to the unregulated plant was received at such plant and an amount of milk at least equivalent to such transfer was so utilized in the plant.

The main purpose of allowing a Class II classification on milk transferred or diverted from regulated to unregulated plants in this market has been to facilitate the movement of reserve milk to plants where manufacturing facilities are available. In this connection, it has been considered important that a certain degree of flexibility be maintained in the provisions governing the disposition of reserve milk. Stringent transfer provisions could enhance the difficulties of the small volume handlers in disposing of minor quantities of reserve milk. The testimony does not reveal specific instances of abuse of these provisions.

Moreover, the present order transfer provisions recognize the difficult administrative task of ascertaining the particular use of each hundred-weight of producer milk moved to an unregulated plant. There are administrative limitations involved in accounting for specific "lots" of transferred or diverted milk according to its actual, or physical, disposition at the unregulated plant. It does not appear that the problem complained of warrants the additional administrative difficulties involved in accounting for specific "lots" of milk.

For these reasons it is concluded that the proposed modification of the transfer provision should not be adopted.

3. The list of condenseries used in computing the basic formula price should be revised.

The list of condenseries, the pay-prices of which are used in connection with price formulas under the order, should include only those plants which are currently operating, and for which producer pay-prices are reported. The last revision of the list, in December 1953 (18 F. R. 8671), deleted the names of the Borden Company plants at Black Creek and Greenville, Wisconsin, and the Carnation Company at Jefferson, Wisconsin. Official notice is taken of the termination of operations at the Pet Milk Company Hudson, Michigan. In addition, the Carnation Company plants at Berlin and Chilton, Wisconsin, have terminated operations. The names of the following plants therefore should be deleted from the list appearing in § 967.50 (a): Carnation Company, Berlin, Wisconsin, Carnation Company, Chilton, Wisconsin, and Pet Milk Company, Hudson, Michigan. For convenience, the full list as revised is incorporated in the order amendments included in this decision.

4. The butter-cheese portion of the basic price formula should be deleted.

Producers proposed that the "condensery-code" price formula be deleted as a basic price formula. Handlers presented no opposition testimony to this proposal.

The basic price formula employs market prices for Chicago Grade A butter and Wisconsin State Brand Cheddar Cheese. In the present order, the basic formula price for any month is the highest price resulting from three formula prices, reflecting the values of milk used for condensing, for making butter and cheese, and for making butter and nonfat dry milk. The condensery-code price formula is one of the three. It reflects the value of milk used for butter and cheese.

This component of the basic price formula has not had significant effect in the South Bend order during the past several years. During the entire period January 1952 through June 1956, the butter-cheese component of the basic price formula was never sufficiently high in any month to be used as a basis of pricing Class I milk.

The necessity of appropriate alignment of South Bend milk prices with those established under the Chicago order is recognized. The record of this hearing contains ample evidence in this respect. The condensery-code price formula has already been deleted from the basic price formula of the Chicago order. In order to preserve further the alignment of prices under Orders No. 67 and 41, it is concluded that the condensery-code price formula should be deleted from Order No. 67.

5. No change should be made in the Class I price differential. Non-substantive changes in the language of the supply-demand adjuster should be adopted.

The major producers' cooperative supplying milk to regulated handlers proposed that the Class I milk price differential, which is added to the basic formula price, be changed to $1.30 for each month of the year. The Class I milk price differentials now provided in the order are $1.30 for the months of August through December, $1.10 for January and February, and 90 cents for the remaining months of the year. The annual monthly average of these differentials is $1.10.

The proposal to establish a Class I differential of $1.30 for each month was based on the following: (1) Production costs have increased, (2) the proposed price increase would not result in an undesirable price alignment with surrounding markets, (3) the base-excess plan eliminates the need for seasonal differentials, and (4) the price increase proposed is moderate and will not increase production.

The proposal was not supported on the basis of a need to increase the supply of milk for the market, but rather to increase returns to producers on the volume of milk currently being produced. The elimination of seasonal differentials was urged on the basis that the present base-excess plan is sufficient incentive for producers to establish a pattern of uniform milk production throughout the year.

Producers' proposal would have the effect of increasing the annual level of the Class I milk price. The present stated Class I differentials average $1.10 on an annual basis. This level of Class I price differentials (not including plus or minus supply-demand adjustments) has been provided for in Order No. 67 since November 1, 1952. Immediately prior to that date the annual average Class I differential was approximately 85 cents per hundredweight.

Between 1952 and 1955 Class I sales increased 33 percent, with the largest annual increase occurring in 1955. During this 4-year period receipts of producer milk increased 39 percent. This increase in total producer receipts is due to two important factors: (1) the 27 percent increase in production per farm, and (2) a 9 percent increase in producer numbers in this period.

During the first 6 months of 1956 production continued to increase, being up 18 percent over the corresponding months of the year before. Also, producer numbers increased 5 percent in the same period. Class I sales, during the first 6 months of 1956 increased 12 percent over the same period a year ago. The increase in producer receipts represents a somewhat greater volume of milk than the increase in Class I sales since the Class I sales total is less than total producer receipts. The fall and winter months are normally the months of relatively low milk production in the South Bend-LaPorte market. In the fall of 1955, the monthly percentages of producer milk utilized as Class I milk were as follows:

August	77.9	November	83.4
September	79.4	December	81.5
October	79.0		

It is concluded from the above that market supplies have responded adequately to the price levels (as modified by the supply-demand adjuster in response to changing conditions) which have prevailed during recent years. Supplies of producer milk at the present time serve to fulfill Class I milk requirements. It is concluded that an increase in the annual level of the Class I price should not be adopted.

The amount of seasonal variation in Class I price differentials was reduced with the amendment of December 1, 1954, which also made effective a base-excess plan of distributing returns to producers. Official notice is taken of the decision of the Secretary issued November 24, 1954, which supported such amendment. It was found appropriate at that time to establish a seasonal pattern of fixed differentials which would align prices closer with the Class I prices paid by handlers in surrounding marketing areas. While it was generally acknowledged that the adoption of the base-excess plan diminishes the need for seasonal variation in the Class I price, it was further recognized by interested parties that it is necessary, under present conditions, to have some seasonal change in the differentials in order to keep the price in this market competitive throughout the year with prices in areas with adjoining or overlapping milksheds. Of these, Chicago is the most important.

It is significant, too, that a substantial proportion of the fluid milk distributed within the South Bend-LaPorte marketing area originates in plants regulated and priced by the Chicago order. Although there has been marked improvement in the seasonal variation of producer deliveries during the past several months, and it is possible that further improvement would result from the elimination of seasonal pricing in conjunction with the base plan, the Class I price must remain competitive with the Chicago price as well as with prices in other surrounding areas in which regulated handlers distribute considerable quantities of Class I milk. The current hearing did not develop information on which to conclude that there is less need to maintain the South Bend-LaPorte and Chicago Class I prices in close relationship than was the case at the time the present price schedule was adopted.

It is concluded that the present seasonal differences in Class I price differentials should be retained.

Producers proposed that the present language of the supply-demand provision be modified to state that the adjustment in price (increase or decrease) will in each instance be the same as that resulting from action of the supply-demand adjuster contained in the Chicago order. The proposal was supported primarily on the basis that any modification of the Chicago supply-demand provision automatically should have a corresponding result under the South Bend-LaPorte order without the necessity of a hearing. Handlers expressed no opposition to this proposal.

The language of the present South Bend-LaPorte supply-demand adjustment provision has been revised on several occasions in order that it might be kept the same as the comparable provisions of Order No. 41 for Chicago. The data currently used to compute the adjustment are Chicago supply-sales data, not those of the South Bend-LaPorte market. Since it has been indicated that prices in the two markets should be closely aligned, it would be appropriate to adopt the proposed language in the South Bend-LaPorte order. This would not change the substantive effect of the present supply-demand provision but would obviate the necessity of modifying language in the South Bend-LaPorte order whenever the Chicago supply-demand provision might be amended. Should it become desirable to provide different supply-demand adjusters in the respective markets, a separate hearing on this order could be proposed to consider such an action. It is concluded that the proposal concerning the language of the supply-demand adjustment provision should be adopted.

6. A separate classification and price for butterfat used in churning butter should not be adopted.

Handlers proposed that butterfat used in churning butter should have a separate classification, and be priced the same as 92-score butter on the Chicago market.

In supporting the proposal, handlers testified that in 1955, an average of 24,000 pounds of butterfat per month was used for churning operations, usually in unregulated plants. For the first six months of 1956, approximately 31,000 pounds of butterfat per month were used in this manner. Much of such butterfat was churned on a custom basis, presumably returned as butter to regulated handlers for sale to their customers. Handlers contended that they lose 5 to 10 cents per pound on such butterfat, i. e., the difference between the South Bend-LaPorte Class II butterfat price and their sale price to butter manufacturing plants.

The proposal is intended to relieve handlers of losses incurred by them in the disposition of butterfat for churning. They argued that producers should assume a portion of these losses since the handlers have had to accept more butterfat than actually needed in procuring a sufficient quantity of milk for fluid disposition. However, it was conceded by proponents that there is opportunity in the over-all operation of a fluid milk business to recover whatever losses are incurred whether in the cream department or elsewhere.

It was further argued that the adoption of the proposal would encourage producers to deliver milk of lower butterfat content, in closer conformance with the consumer demand for products of lower butterfat content.

Producers contended that cream for churning can be sold at the present Class II butterfat price and that to adopt the proposal would shift to producers the losses resulting from poor sales outlets.

At the present time, butterfat used for churning butter is classified in Class II and priced accordingly. The Class II price for butterfat is computed by adding 20 percent to the Chicago 92-score butter price and then multiplying by 1,000. This has resulted in annual average Class II butterfat prices per hundredweight in 1952, 1953, 1954 and 1955 of $87, $79, $72 and $69, respectively. During that period, the proposal would have resulted in annual average prices for butterfat used for butter of $72, $66, $60 and $57, representing a significant reduction from the present level.

A large portion of the reserve quantity of butterfat in the market is utilized in ice cream and ice cream mix, and not necessarily utilized for churning. Approximately 84 percent of the total Class II butterfat during the 18 months prior to the hearing was utilized in products yielding higher returns to handlers than butterfat for churning. Approximately 16 percent of the Class II butterfat during this period was disposed of for churning. The latter quantity is equivalent to less than one percent of the total butterfat in producer milk. Recognizing that reserves are necessary for a handler to conduct a fluid milk operation, the small quantity of butterfat which is disposed of for churning may not be considered burdensome. It is concluded that a separate classification and pricing for butterfat used for churning should not be adopted.

7. Other changes in the order involve the redesignation of paragraph references to conform with recommendations contained herein to amend the classification and pricing provisions of the order.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Ruling on exceptions. In arriving at the findings and conclusions and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing agreement regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area", and "Order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

Determination of representative period. The month of December 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order amending the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area is approved or favored by producers, as defined under the terms of the order as proposed hereby to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

Issued at Washington, D. C., this 15th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] as Amended, Regulating the Handling of Milk in the South Bend-La Porte, Indiana, Marketing Area

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967.0 Findings and determinations.

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MARKET ADMINISTRATOR

967.20 Designation.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

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AUTHORITY: §§ 967.0 to 967.101 issued under sec. 5, 49 stat. 753, as amended; 7 U. S. C. and Sup., 608c.

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified herein.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 967.6 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 967.7 *South Bend-La Porte, Indiana, marketing area.* "South Bend-La Porte, Indiana, marketing area", hereinafter called the "marketing area" means all territory within the corporate limits of South Bend, Mishawaka, La Porte, and Michigan City, Indiana.

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person, except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

§ 967.10 *Producer milk.* "Producer milk" means milk produced by a producer under the conditions set forth in § 967.9.

§ 967.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than a producer or a handler who receives milk subject to the pricing provisions of this part.

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

§ 967.13 *Handler.* "Handler" means (a) a person who operates an approved plant or (b) a cooperative association with respect to milk (1) caused by it to be delivered from a producer's farm to an approved plant for the account of such association, or (2) customarily received as producer milk at an approved plant which is diverted by such association for its account to a plant not an approved plant.

§ 967.14 *Producer-handler.* "Producer-handler" means any person who operates an approved plant and whose sole source of supply of skim milk and butterfat is from his own production or from his own production and from an approved plant.

§ 967.15 *Base, base milk and excess milk.*—(a) *Base.* "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.63.

(b) *Base milk.* "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June and July which is not in excess of such producer's base multiplied by the number of days such milk was produced.

(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of April, May, June and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 to 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization of the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 7th day after the end of such delivery period, the minimum class prices for skim milk and butterfat pursuant to §§ 967.51 through 967.53;

(2) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.71 and the butterfat differential computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS, AND FACILITIES

§ 967.30 *Reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and of skim milk contained in all receipts within such delivery period of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, (3) other source milk, and the source thereof, and (4) for the delivery periods of April through July, the total amount of base milk and the total amount of excess milk received from producers;

(b) The utilization of all receipts reported under paragraph (a) of this section; and

(c) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 967.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and the average butterfat test of such milk, (2) the amount of payment to each producer and cooperative association, (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph, and (4) for the delivery periods of September through December, the number of days on which milk was received from each producer, and for the delivery periods of April through July, for each producer the number of days on which milk was received and the amount of base milk and excess milk.

§ 967.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 967.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2) or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2) or (3) unless (1) the transferor handler claims use in another class on the basis of utilization in the unapproved plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided,* That if upon inspection of such receiver's records of such plant, there had not been used in such indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided,* That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)) in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section;

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for the delivery period shall be the higher of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a) and (b) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present operator:	Location
Borden Co	Mount Pleasant, Mich.
Borden Co	New London, Wis.
Borden Co	Orfordville, Wis.
Carnation Co	Oconomowoc, Wis.
Carnation Co	Richland Center, Wis.
Carnation Co	Sparta, Mich.
Pet Milk Co	Belleville, Wis.
Pet Milk Co	Coopersville, Mich.
Pet Milk Co	New Glarus, Wis.
Pet Milk Co	Wayland, Mich.
White House Milk Co	Manitowoc, Wis.
White House Milk Co	West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided,* That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November and December $1.30; January and February, $1.10; all others $0.90: *Provided,* That such Class I price differential shall be increased or decreased, respectively, by the supply-demand adjustment computed under Part 941 of this chapter as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(b) Add together the amount computed pursuant to § 967.50 (b) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (b), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: August, September, October, November and December, $13.75; all others $12.00: *Provided,* That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November, December, January and February, $0.70; all others $0.45.

(b) The amount computed pursuant to § 967.51 (b) shall be the price of butterfat in Class II milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount specified in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class II milk: *Provided,* That in no event shall the price of skim milk pursuant to this subparagraph be less than the price computed pursuant to § 967.53 (b).

§ 967.53 *Class III milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class III milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.81 times 1000.

(b) The price of skim milk in Class III milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* Skim milk and butterfat disposed of as Class I on a route in the marketing area shall not be subject to the provisions of this part if (a) such milk is priced under another marketing agreement or order issued pursuant to the act, and (b) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order: *Provided,* That the handler making such disposition of milk in the marketing area shall at such time and in such manner as the market administrator may require, make reports to the market administrator which shall be subject to verification by the market administrator.

§ 967.61 *Diverted milk.* Producer milk diverted from a handler's plant to an approved plant or to a plant not an approved plant shall be deemed to have been received by the handler for whose account such milk was diverted.

§ 967.62 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.53, 967.70 to 967.72, and 967.80 to 967.88 shall not apply to a producer-handler.

§ 967.63 *Computation of base.* Subject to the conditions set forth in § 967.64, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided,* That any producer for whom a base has been computed, may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.64 *Base rules.* Any base computed pursuant to § 967.63 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to

relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICE

§ 967.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and butterfat, respectively, allocated to producer milk in each class pursuant to § 967.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (e) by the respective applicable class prices.

§ 967.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who made the reports pursuant to § 967.30 except those in default in payments required pursuant to § 967.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81, and multiply the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to § 967.84 and 967.87;

(d) For the delivery periods of August through March compute the uniform price by dividing the result computed pursuant to paragraph (c) of this section by the hundredweight of producer milk included in the computations pursuant to paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund to provide against errors in reports and in payments by handlers.

(e) For each of the delivery periods of April through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, received from producers, as follows:

(1) Compute the total value on a 3.5 percent butterfat basis of excess milk included in the computations pursuant to paragraph (a) of this section by multiplying the hundredweight of such excess milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.5 percent butterfat content, and multiplying the hundredweight of such excess milk in excess of such Class III milk in series by the price for Class II milk and Class I milk, respectively, of 3.5 percent butterfat content, and adding together the resulting amounts.

(2) Compute the uniform price for excess milk of 3.5 percent butterfat content by dividing the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk, and adjusting to the nearest cent;

(3) Multiply the hundredweight of excess milk included in the computations pursuant to subparagraph (2) of this paragraph by the uniform price for excess milk computed pursuant to said subparagraph (2);

(4) Subtract the value computed pursuant to subparagraph (3) of this paragraph from the value computed pursuant to paragraph (c) of this section and divide the result by the total hundredweight of base milk included in these computations;

(5) Compute the uniform price for base milk of 3.5 percent butterfat content by subtracting not less than 4 cents nor more than 5 cents from the result computed pursuant to subparagraph (4) of this paragraph for the purpose of retaining a cash balance in the producer-settlement fund to provide against errors in reports and in payments by handlers.

§ 967.72 *Notification to handlers.* On or before the 14th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and values of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to or the amount due him from the producer-settlement fund, pursuant to § 967.83 or § 967.84; and (d) the amount to be paid by him pursuant to §§ 967.80, 967.85, 967.86, and 967.87.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the delivery periods of August through March and the uniform prices for base milk and excess milk for the delivery periods of April through July calculated pursuant to § 967.71, and adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding delivery period is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

§ 967.81 *Producer butterfat differential.* In making payments pursuant to § 967.80 (a) there shall be added to or subtracted from the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86 and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such delivery period, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d) each handler shall pay the market administrator, on or before the 16th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to skim milk and butterfat received within the delivery period, in producer milk (including such handler's own production) and in other source milk (excluding milk which is subject to administrative expense of another Federal order issued pursuant to the act).

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 967.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-2123; Filed, Mar. 19, 1957; 8:50 a. m.]

[7 CFR Part 1022]

[Docket No. AO-292]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of sweet cherries (hereinafter referred to as "cherries") grown in designated counties in Washington, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Yakima, Washington, on January 14–16, 1957, pursuant to a notice thereof which was published December 19, 1956, in the FEDERAL REGISTER (21 F. R. 10178). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the officers and directors of the Yakima Valley Cherry Institute and the Cherry Advisory Committee, Washington State Fruit Commission, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared purposes of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, duties, and operation of a committee which shall be the administrative agency for assisting the Secretary in administration of the program;

(c) The incurring of expenses and the levying of assessments;

(d) Authority to establish cherry marketing research and development projects;

(e) The method for regulating shipments of cherries grown in the production area;

(f) The provision of exemptions and the establishment of special regulations for cherries handled in certain types of shipments or for certain specified purposes;

(g) The requirement for inspection and certification of cherries handled;

(h) The establishment of reporting requirements for handlers;

(i) The requirement of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(j) Additional terms and conditions as set forth in §§ 1022.62 through 1022.71 and published in FEDERAL REGISTER (21 F. R. 10178) on December 19, 1956, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 1022.72 through 1022.74, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The major part of the crop of cherries produced in the designated counties of Washington comprising the "production area" is shipped in fresh market channels. The bulk of such production moves into the markets of the Midwestern and Northeastern States. Normally, two-thirds to three-fourths of such cherries moves through the terminal auction markets. Among the more important volume markets are New York, Chicago, Philadelphia, Boston, Minneapolis-St. Paul, Pittsburgh, and Detroit. Smaller volumes, but nonetheless important, are marketed on the West Coast. Canada is the most important export market for Washington cherries.

Ten States, other than Washington, produce cherries in commercially significant volume. These States are Oregon, California, Montana, Idaho, Colorado, Utah, Michigan, New York, Pennsylvania, and Ohio. From the standpoint of fresh market sales, however, Washington and California are most important. During the 5-year periods ending 1944, 1949, and 1954 Washington originated 38.8, 38.2, and 30.5 percent, respectively, and California 33.6, 34.7, and 36.6 percent, respectively, of total fresh shipments. Most of the California production is shipped before cherries begin moving from Washington. Movement from Oregon, Idaho, Utah, and Colorado takes place during the Washington shipping season. However, it was testified that normally Washington cherries constitute 75 to 80 percent of the total supply in the large Northeastern auction market cities during the period when such cherries are being shipped.

Any handling of Washington cherries in fresh market channels exerts an influence on all other handling of such cherries in fresh form. Sellers of such cherries, as of other commodities, endeavor to transact their business so as to secure the highest possible return for the quantities of cherries they have for sale. In effecting these transactions, the seller continually surveys all accessible markets in order to take advantage of the best opportunities to market the fruit. Markets within the State of Washington provide opportunities to dispose of cherries in the same manner as markets within other States, or for export; and the sale of a quantity of Washington cherries in a market within the State of Washington exerts the same influence on all other sales of such cherries as a like quantity sold in a market within another State.

The principal intrastate markets for Washington cherries are located in the cities of Seattle, Tacoma, and Spokane outside the production area. These markets take approximately 4 to 7 percent of the cherries marketed fresh each season. If shipments of cherries to markets outside the State of Washington were regulated, while those within the State of Washington were unregulated, growers and handlers would attempt to market within the State all the lower quality cherries which could not be shipped under regulation. Because of such large quantity of low quality cherries sold in markets within the State, prices for cherries in such markets would be depressed below those prevailing in markets outside the State.

The existence of a lower price level for cherries marketed within the State of Washington would tend to depress the prices for cherries sold in interstate markets. Buyers generally have ready access to market information; and knowledge of lower prices in one market is used in bargaining for cherries to be shipped into other markets, including those outside the State of Washington. As a case in point, there are business concerns who control retail outlets in Seattle, and also in Minneapolis, Minnesota, and these concerns are well aware of the price situation in both markets. Furthermore, with large quantities of poor quality cherries available for sale in markets within the State of Washington, there would be little opportunity to sell in such markets cherries meeting the requirements of the regulations established. The larger quantity of cherries, which would be required to be sold in interstate markets under such circumstances, would also tend to lower the level of prices in the interstate markets.

Itinerant truckers move quantities of cherries mainly to intrastate markets. However, it is normal practice for such persons to sell cherries in the markets where prices are most favorable. It is more than probable that below-grade shipments destined for the Seattle-Tacoma area or to Spokane would be diverted to Portland, Oregon, or to other markets outside the State if prices were more favorable there than in markets within the State of Washington. In fact, it is a customary practice to ship fruit from the production area to Spokane and reship it from there to Idaho, Montana, or to Canada. Under these circumstances, it would be virtually impossible to effect compliance with regulations governing interstate shipments if shipments to markets within the State were unregulated.

Hence, it is concluded that the movement and sale of Washington cherries, whether to a market withih the State of Washington or outside thereof, affect prices of all cherries grown in the production area. Therefore, it is hereby found that all handling of such cherries grown in the production area are either in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce. However, the quantity of cherries handled for consumption within the production area is relatively inconsequential when compared with the total quantity handled; and because of the nearness to the source of supply, it would be administratively impracticable to regulate the handling of cherries for consumption within such area. With this one exception, and except as hereinafter otherwise provided, all handling of cherries grown in the production area should be subject to the authority of the act and of the order.

(2) The production of Washington cherries, though varying from year to year, ranged steadily upward during the 15-year period ending with the 1949 season. During the 5-year periods ending 1939, 1944, and 1949, average annual production was 15,560, 24,300, and 29,580 tons, respectively. In 1950 the trees were damaged by cold weather and the crop dropped to 16,500 tons, and for the 5-year period ending 1954, average annual production was 17,860 tons. By 1955 the orchards had recovered, and 23,500 tons were produced.

Reflecting the wartime demand for food, average equivalent packinghouse door prices per ton for Washington cherries for fresh market rose from $111.00 per ton in 1941 to $312.00 per ton in 1944. In 1945, 1946, 1947, and 1948, such prices were $269.00, $288.00, $339.00, and $258.00, respectively. In 1949 such price was $142.00 per ton. With the reduction of the crop during the 5-year period ending in 1954, prices increased; and prices during such period averaged $279.00 per ton. In 1955 with a near normal crop of 23,500 tons, equivalent packinghouse door returns to growers dropped to $199.00 per ton. The equivalent parity price, packinghouse door, for the 1955 season for Washington cherries was $292.00 per ton.

Prices for cherries generally are high at the beginning of the season, and producers and handlers are anxious to start shipping in order to take advantage of such prices. Under such circumstances, cherries in early shipments often have not been sufficiently mature to give consumers' satisfaction, and it is believed that consumers' dissatisfaction stemming from purchase and consumption of such cherries curtails demand for cherries throughout the remainder of the season. No State requirements have been established with respect to uniformity of grade, size, quality, or containers. Handlers who have made a conscientious effort to ship only good quality cherries in an effort to get a fair return often find that other handlers have shipped cherries of poor grades and smaller sizes and have so depressed the market that fair returns were impossible to obtain.

The harvesting and packing of cherries, as compared with most other tree fruit crops, are extremely expensive operations. It was testified at the hearing that the cost of picking and handling cherries to the packing plant was $80.00 to $100.00 per ton. The cost of packing cherries in the 15-pound double-row-faced pack, which is the dominant pack shipped to the terminal auction markets, was stated as $2.00 per container. (To pack cherries in this manner requires the placing, by hand, of two layers of cherries in symmetrical rows in the container while it is upside down, after which the remaining cherries are placed in at random, and the bottom nailed in place. When the container is opened the "face" is on top.) In addition to being a most expensive method of packing, this method creates a bottleneck in the packing plants, because it ties up the packing facilities, and slows down movement. Cherries must be moved rapidly after they are picked from the trees in order to have them reach the market while the stems are green and the fruit still has the attractive appearance necessary to create impulses to buy on the part of consumers. It was testified that the bottleneck created by the double row-faced pack had resulted in considerable deterioration of cherries stacked in field containers at the packing houses waiting to be packed for shipment. Such deteriorated cherries are generally considered unsuitable for packing in row-faced packs, and it has been a practice to ship such deteriorated cherries and other low quality cherries in loose packs. Such practice has established a poor reputation for loose packed cherries because buyers associate such packs with poor quality. This has been a severe handicap to the industry in its efforts to overcome cost problems which are aggravated by increased expense of packing materials, labor, transportation, and other marketing charges. Such costs are almost prohibitive to achievement of wide distribution of cherries. Industry efforts to shift to shipment of good quality cherries in the less expensive loose packs have been largely defeated due to lack of buyer acceptance stemming from the reputation for poor quality cherries in such packs. In order to promote the orderly marketing of cherries and to achieve the wide distribution needed to dispose of the crop at reasonable returns to growers, it is necessary to assure buyers of consistently uniform good quality cherries in all types of packs. The establishment of regulations such as are contemplated under the order would provide a method whereby such orderly marketing could be promoted, and, this would tend to effectuate the declared policy of the act.

Handlers, also have varied the dimensions of containers, presumably in order to gain a competitive advantage over others. Containers of a capacity of 12, 15, and 20 pounds have through useage become almost standard throughout the industry. However, there has developed a 10-pound container as a variation of the 12-pound, and an 18-pound as a variation of the 20-pound container. The use of containers which vary only slightly from each other creates unstable marketing conditions in that the difference in dimensions of such containers is such that a smaller container may be substituted for a larger one without customers being aware that it contains less

fruit. Restrictions on the size, capacity, dimensions, and pack of containers used in the marketing of Washington cherries would enable buyers and handlers alike to know the exact quantity of cherries covered by prices quoted and thereby tend to increase trade confidence and stability in the marketing of the fruit.

Prices of Washington cherries and total returns to the growers of such fruit could be augmented by restricting shipments in fresh market channels to cherries of desirable maturity, grade, size, and quality and limiting the containers used in making such shipments. When supplies of cherries are heavy, fruit of inferior grades and qualities, or of undesirable maturity or size, may be sold only at discounts, and, since competition in the marketing of cherries is based to a considerable extent on price, such discount sales tend to depress prices for all cherries being marketed. Restrictions on the shipment of such discounted fruit would, therefore, tend to increase prices for good quality cherries. Moreover, shipments of cherries which are of inferior grade or quality, or of undesirable size or maturity, often do not sell at prices covering even the cash costs of harvesting and marketing. Restrictions on the shipment of such fruit would not only improve the grade, size, and quality of cherries marketed and promote buyer confidence in Washington cherries, but would also improve the average returns to growers by preventing losses incurred through shipment of undesirable fruit. Moreover, the shipment of very poor quality cherries, including culls, immature fruit, extremely small sizes, and deteriorated fruit is rarely ever in the interest of consumers or producers. Cherries of such poor quality are not a value to the consumer because of poor flavor and excessive waste. Shipment of such cherries results in consumer dissatisfaction and destruction of the reputation of quality for Washington cherries. Even when the season average price is above the parity level it is not in the public interest to ship such poor quality cherries.

Therefore, it is concluded that the establishment of the order, providing for the regulation of maturity, grade, size, and quality of shipments of Washington cherries, and for the establishment of uniform containers to be used for such shipments, is necessary to effectuate the declared purposes of the act. Also, the establishment and maintenance in effect of minimum standards of quality and maturity, when prices are above the parity level, will effectuate such orderly marketing of Washington cherries as will be in the public interest. The objective under such order is the tailoring of the supply of cherries available for sale in fresh market channels to the demand in such outlet so that the fruit thus made available to buyers will be packaged uniformly and be of desirable maturity, grade, size, and quality. Such limitations on shipments of Washington cherries should contribute to the establishment of more orderly marketing conditions for such fruit and tend to increase the demand therefor.

(3) The term "cherries" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, refers to all varieties of cherries, as hereinafter defined, classified botanically as Prunus avium. Cherries are readily distinguished from other fruits, and the term has a specific meaning to all producers and handlers of the commodity in the production area and to those who purchase and distribute in the receiving markets cherries grown in the production area.

The term "varieties" should be defined in the order, as hereinafter set forth, since it is proposed to provide authority in the order for issuance of separate regulations for different varieties. The principal varieties of cherries grown in the production area are Bing and Lambert. Each variety of cherries is a classification or subdivision of Prunus avium and possesses definitive characteristics which serve to distinguish it. Recognition of different varieties of cherries is common throughout the production area and the distributing trade, and there is little likelihood that one variety would be confused with another.

A definition of the term "production area" should be incorporated into the order as a means of delineating the area within which cherries must be grown for the handling thereof to be subject to regulation. Such term should embrace all of the territory within the boundaries of the Counties of Okanogan, Chelan, Douglas, Grant, Yakima, and Benton within the State of Washington. Such area includes the Wenatchee and Yakima valleys within which practically all of the commercial crop of Washington cherries is produced. The cherries produced for market within this area are of the same varieties and are marketed at approximately the same time and compete with each other in the markets. All the cherries shipped to market from the production area are prepared for market in packing facilities located within such area. There are no cherries produced outside the production area and brought into such area for preparation for market. To exclude any portion of the production area as defined would tend to defeat the purposes of the order, in that cherries from any such excluded portion which do not meet regulations applicable to regulated fruit could then be marketed free from regulations and thereby depress the prices of the regulated cherries grown in the remainder of such area. Moreover, cherries produced in such excluded portion would probably have to be brought into the regulated area for preparation for market and this would lead to confusion and difficulty in enforcing regulations. Hence, it is concluded that the production area as hereinafter defined is the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act.

(4) The term "handler" should be defined as being synonymous with "shipper" and to identify the persons who handle cherries in the manner described and set forth in the definition of "handle," because such persons are to be subject to the order and regulations authorized thereunder. A handler should include any individual, partnership, corporation, association, or any other business unit which handles cherries. Such persons are responsible, among other things, for the grade, size, quality, and maturity of the cherries they place, or cause to be placed, in the current of commerce between the production area and any point outside thereof whether by delivery to transportation agencies or to the consignees or purchasers of the fruit, or which are transported to market or sold; and such persons should therefore be considered as handlers. However, common or contract carriers of cherries they do not own should not be considered as handlers, even though they transport cherries, for the reason that these agencies transport cherries for a monetary consideration and do not have a proprietary interest in the commodity or any control over the grade, size, quality, or maturity thereof.

The definition of the term "handler" should apply to any person, including a producer, when such person performs any handling activities within the scope of the term "handle." It should include not only the first handler, but each succeeding handler who performs any such handling activities, so as to assure that all such handling of cherries will be in accordance with the order and regulations thereunder. With respect to handlers who conduct their businesses other than as individuals (e. g., firms that have sales managers or packinghouse managers), any handling activities engaged in by employees or officers of such handlers should be construed as handling caused by the principal company, as "handler." Hence, the term "handler" would cover the owner of a firm even though such person does not personally negotiate the sale or transport the cherries.

Such term should also include, in addition to the owner and officers, any other individual of a firm handling cherries who, in a supervisory capacity, is directly responsible for, and consequently causes, the sale or transportation of the commodity. Therefore, a handler would mean any person (except a common or contract carrier of cherries owned by another person) who handles cherries or causes cherries to be handled. In other words, the term "handler" should include not only persons who themselves sell or transport cherries, but also those persons who, although they do not themselves sell or transport cherries, nevertheless cause their sale or transportation. All persons coming within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the order so as to assure that all cherries will be properly handled.

The term "handle" should be defined to identify those activities which it is necessary to regulate in order to effectuate the declared policy of the act. Such activities include all phases of selling and transporting which place or continue cherries in commerce from any point in the production area to any point outside thereof. Handling of cherries under the order would begin after the cherries have been removed from the tree and include each of the successive selling or transporting activities. The performance of any one or more of these activities, such as selling, consigning, delivering, or transporting, by any person either directly or through others, should constitute handling. In order to effectuate the declared policy of the act, each such person should be required to limit such handling of cherries to fruit which conforms to the applicable regulations established under the order.

It is common practice for growers to deliver their cherries to persons having facilities for packing and otherwise preparing the fruit for market. The grower, in such instance, properly relies on the person preparing the cherries for market to see that the fruit which is thereafter shipped meets all applicable requirements for marketing. Movement within the production area from the orchard to the place within the production area where the cherries will be prepared for market and activity in connection with such preparation should not be covered as handling subject to regulation. These actions, whenever they are performed, are, of necessity, preliminary to the handling, i. e., selling, consigning, delivering, and transporting of cherries. It would unnecessarily complicate the administration of the program to require persons engaged in the preparation of cherries for market to meet the requirements of regulations prior to such preparation. Therefore, such activities should not be included within the definition of handle.

Some cherries are sold at the orchard and at packinghouses to persons—itinerant truckers and others—who transport the cherries from such points to markets outside the production area. The selling or delivery of cherries to such persons, and the subsequent movement to points outside the production area, whether within or outside the State, are handling transactions. Any person who engages in any such transaction, whether a grower, packinghouse operator, trucker, or otherwise, should therefore be considered as a handler under the order by virtue of such transaction and subject to any rules and regulations pursuant thereto. Each such person should have the responsibility for assuring himself that the cherries he so handles meet all applicable regulations in effect at the time of handling and that the cherries have been inspected and certified as required under the order. Compliance with regulations which are authorized by the order can readily be determined by the person who is grading or preparing the cherries for market. The primary responsibility for determining that cherries in any shipment conform to applicable regulations should rest with the person who places, or causes to be placed, the cherries in the current of commerce between the production area and any point outside thereof. In most cases, such person will be the one who graded, or at least was responsible for grading or preparing such cherries for market. Of course, all subsequent handlers also should have the responsibility for seeing that any maturity, grade, size, quality, and any other regulations pertaining to such cherries are met at the time such persons handle the cherries. A very small quantity of cherries is handled for consumption within the production area. Such handling directly burdens, obstructs, or affects interstate commerce, as hereinbefore noted. However, the quantity is so small, and the difficulty of enforcing regulations for cherries so marketed would be so great, that such handling of cherries should not be regulated. As all handling of cherries, except as indicated herein and except for the handling of cherries specifically exempted from regulation under the act or the order, directly burdens, obstructs, or affects interstate commerce, it is concluded that the handling of all such cherries, with the exceptions hereinbefore noted, should be subject to the order and any regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability and establishing appropriate limitations on their respective meanings wherever they are used.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any other officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citations for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" follows the definition of that term as set forth in the act, and will insure that it will have the same meaning as it has in the act.

The term "fiscal period" should be defined to set forth the period with respect to which financial records of the Washington Cherry Marketing Committee—the agency which will administer the program locally—are to be maintained. At the present time it is desirable to establish a 12-month period ending March 31 as a fiscal period. Such a period would fix the end of one fiscal period and the beginning of the next at a time of inactivity in the marketing of cherries. This would facilitate fixing the term of office of members and alternates to coincide with such period as it would allow sufficient time prior to the time shipments begin for the committee to organize and develop information necessary to its functioning during the ensuing year, and would still insure that a minimum of expense would be incurred during a fiscal period prior to the time assessment income is available to defray such expenses. However, it was testified that for reasons not now apparent it may be desirable at some future time to establish a fiscal period other than one ending March 31, and that authority should be included in the order to provide for such establishment subject to approval of the Secretary pursuant to recommendations of the committee. Therefore, it is concluded that such term should be defined as hereinafter set forth to provide this flexibility.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the provisions of the program. Such committee is authorized by the act, and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is referred to.

Definitions of "grade" and "size" should be incorporated in the order to provide a basis for expressing grade and size limitations thereunder, and thus to enable persons affected thereby to ascertain the extent and application of grade and size limitations. "Grade" should be defined as any one or more of the established grades of cherries as defined and set forth in (1) "United States Standards for Sweet Cherries," issued by the United States Department of Agriculture, effective May 14, 1956, which standards were published in the FEDERAL REGISTER (21 F. R. 2371), or (2) Standards for cherries issued by the State of Washington, or (3) amendments to any grades set forth in either of such standards, or modifications thereof, or variations based thereon. Such definition would provide the flexibility necessary to cope with the possible variations in cherries due to detrimental effects of weather or other possible hazards affecting the crop. The State of Washington has not as yet issued standards for cherries. The United States Standards for cherries have been recently revised, however, and should provide appropriate bases for describing grade limitations. The cherry industry is contemplating a request to the State of Washington to develop and issue standards for cherries.

Sizes of cherries are commonly referred to in the production area by row count, i. e., the number of cherries of a uniform size necessary to pack row-faced across a 10½-inch inside width container. Hence, the diameter of the cherries determines the number of rows that may be packed in such container. Cherry sizers, consisting of plastic or metal cards with holes marked to denote the different row sizes, are commonly used to ascertain the size of cherries, the diameter of a specific hole in the card being equivalent to the space occupied in a row in the container by a cherry of that particular row size. Since cherries are shipped other than row-faced in containers, and diameter is the main factor determining size, it is concluded that the term "size" should be defined in terms of diameter or such other specifications as may be recommended by the committee and approved by the Secretary.

The term "pack" is commonly used throughout the cherry trade and refers to a combination of factors relating to the grade, size, quality, and quantity of cherries in a particular type and size of container and to the arrangement of the

cherries within that container. For example, "U. S. No. 1, 12-row, 15-pound double-faced pack" is considered by the cherry trade as a specific pack. "U. S. No. 1" describes the grade, "12-row," the size, and "15-pound double-faced," the container, quantity of cherries, and the arrangement of the cherries within the container. Under certain circumstances, it may be desirable to regulate shipments of cherries on the basis of particular grades or sizes, or both, that may be shipped in a specific container or containers and to specify the arrangement of the fruit within the container. Hence, it is concluded that "pack" should be defined as follows: "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of cherries in a particular type and size of container.

The term "grower" should be synonymous with "producer" and should be defined to include any person who is engaged, within the production area, in the production of cherries for market and who has a proprietary interest therein. A definition of the term grower is necessary for such determinations as eligibility to vote for, and to serve as, a grower or alternate grower member on the Washington Cherry Marketing Committee and for other reasons. Each business unit (such as a corporation, partnership, or community property arrangement) engaged in the production of cherries for market should, when voting for nominees for membership on the committee, be entitled to only one vote. The term "grower" should, therefore, be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for the nomination and selection of committee members. The districts (i. e., the geographical divisions of the production area as established and as set forth in the order) represent the best basis which could be devised at this time for providing a fair, adequate, and equitable representation on the committee. The provision for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be improved.

"Export" should be defined in the order as any shipment of cherries beyond the boundaries of the continental United States. Shipments of cherries to points outside of the continental United States may be of different grades, sizes, or qualities than those shipped to domestic markets. This results from different market demands as between domestic and other markets. Therefore, the order should provide authority permitting different or special regulations, or even no regulations, when warranted, with respect to such shipments out of the United States.

The term "container" should be defined in the order to mean a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging, or handling of cherries. The definition of the term is needed to serve as a basis for differentiation among the various shipping receptacles, in which cherries are sold or move to market, for which different regulations could be applicable.

(b) It is desirable to establish an agency to administer the order locally under and pursuant to the act, as an aid to the Secretary in carrying out the declared policy of the act. The term "Washington Cherry Marketing Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 15 members, of whom 10 should represent growers and 5 should represent handlers. Alternate members should be provided to act in the place and stead of the members. Such a committee would be large enough to provide representation to all segments of the industry. The foregoing division of the members between growers and handlers would provide suitable grower representation and handler experience and information. A majority of the committee should consist of producers because the program is designed to benefit producers. The provision for handler members tends to give balance to the committee by providing the handler experience and marketing information necessary to the development of economically sound regulation of cherry shipments. Each handler member should be either a handler, an officer, or an employee of a handler, as handlers often are corporations and would be precluded from having representation on the committee unless officers and employees of handlers were authorized to serve as members of the committee. There are also growers in the production area which are corporations and their officers and employees should be similarly eligible for membership on the committee. Two handler members and four grower members should represent District 1. Three handler members and six grower members should represent District 2. Such representation recognizes to the extent practicable the relationship of the volume of production in the two districts. Provision to reapportion membership on the committee among districts should be provided so that, if it becomes apparent that through shifts in production, reestablishment of districts, or other reasons such representation is inappropriate, the Secretary may, upon recommendation of the committee, make such reapportionment as he finds necessary.

Each grower member of the committee and his alternate should be a producer, or an officer or employee of a corporate grower, of cherries in the district for which selected. Each handler member and his alternate should be a handler, or an officer or employee of a handler in the district for which selected. Persons with such qualifications should be intimately acquainted with the problems of producing or marketing cherries grown in such district and may be expected to present accurately the problems incident to the production or handling of cherries grown in that district.

The term of office of committee members and alternates under the proposed program should be for two years beginning on the first day of April and ending on March 31. This will establish an orderly procedure for changing the membership of the committee. The term of office should be for two years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur during a period prior to the commencement of a marketing season and hence allow adequate time for the committee to organize and start operating.

Provision should be made in the order for staggered terms of office of committee members and alternates. Under this provision seven members of the committee in office on March 31 would be replaced one year and eight members the next year. The establishment of such staggered terms should provide for more efficient administration of the program, in that members and alternates constituting new committee membership should benefit from the guidance of experienced members who carry over. The experienced members will help insure continuity of the policies and procedures relating to the administration of the proposed order; and such continuity should contribute materially to the successful administration of the marketing program. To provide a basis for starting staggered terms of office, the terms of one-half of the initial grower members and alternates in each district and of one handler member and his alternate in each district should be from the time of appointment through the following March 31 and of the other eight committee members and alternates from the time of appointment through the second following March 31. Successor members and alternates should be appointed for 2-year terms as herein provided. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of committee operations.

A procedure for the election by growers and handlers of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members of the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; and the nomination of prospective members and alternate members at meetings of growers and handlers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the committee.

Nomination meetings for the purpose of electing nominees for members of the committee and their alternates should be held or caused to be held by the committee on or before March 1 of each year. Insofar as possible, the committee should schedule such nomination meetings at such times and places as will result in maximum grower and handler participation. By having such nomination meetings not later than March 1 each year, the committee will be in a position to prepare and submit nomination lists to the Secretary in time for the Secretary to select the members and alternate members of the new committee prior to the expiration of the terms of office of the existing committee members. The notice of hearing proposed that nomination meetings be held not later than March 15 of each year. However, it was testified that such nomination meetings should be held in sufficient time to assure that the names of nominees would be before the Secretary in time for him to make his selection of members and alternates prior to the beginning of the new term of office, beginning on April 1. Inasmuch as March 15 would allow approximately only 2 weeks for the committee to prepare and submit nomination lists and for the Secretary to review such nominations and make his selection, it is concluded that such nomination meetings should be held not later than March 1.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. The Secretary may appropriately select the initial grower and handler committee members and alternates from nominations which may be made by growers and handlers, respectively, or appropriate groups thereof, or from other eligible persons; and the order should so provide. In order that the initial membership of the committee may be selected as soon as possible after the approval of the program, it should be required that such nominations be submitted not later than the effective date thereof.

The order should provide that only growers who are present at the nomination meetings, or corporate growers who are represented at such meetings by duly authorized officers or employees, may participate in designating nominees for grower members and alternates; and only handlers present at nomination meetings or handlers represented at such meetings by duly authorized officers or employees may participate in the nomination of handler members and alternates. These restrictions are necessary in order to insure that the interests of each group are properly safeguarded and that the nominee truly reflects the views of the group which he is selected to represent.

Each grower and handler should have a similar and equitable voice in the election of nominees. Hence, if a person is qualified to vote either as a grower or a handler, he may select the group with which he wishes to participate. Such a person may not vote both as a grower and as a handler because this would enable him to participate in nominations to a greater degree than persons who are growers only or handlers only. Also, each grower and handler should be limited to one vote on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates regardless of the size of any such person's operation or the number of districts in which he produces or handles cherries. If a grower or handler could cast more than one vote by reason of operating in more than one district, such grower or handler would have an advantage in selecting nominees over growers or handlers operating in only one district. Also, if more than one vote was permitted, there is a possibility that large growers or handlers could dominate the elections by means of their partners, agents, subsidiaries, affiliates, and representatives, and nominate growers and handlers not favored by a majority of growers or of handlers. An eligible grower's or handler's privilege of casting only one vote should be construed to mean that one vote may be case for each applicable position to be filled.

A grower who produces cherries in both districts should be permitted to select the district in which he will vote. He will thus be able to vote for nominees where he believes his best interest lies. Similarly, a handler, who handles cherries both in District 1 and District 2 of the production area, should be permitted to select either one of such districts in which to vote for nominees.

In order that there will be an administrative agency in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternates without regard to nomination if, for any reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

Each person selected by the Secretary as a committee member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not the position has been filled. Such acceptance should be filed promptly after the notification of appointment so that the composition of the committee will not be delayed unduly.

Provision should be made as set forth in the order for the filling of any vacancies on the committee, including selection by the Secretary without regard to nominations where such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee.

The committee should be given those specific powers which are set forth in section 8c (7) (C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which reasonably are necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all inclusive, in that it may develop that there are other duties which the committee may need to perform.

With respect to the provision set forth in § 1022.31 (m) providing for redistricting and reapportionment of membership on the committee, such provision is necessary to enable the committee and the Secretary to consider from time to time whether the basis for representation has changed or could be improved and how such improvement should be made. The division of the production area into the two districts set forth in the order is a logical one at the present time from the standpoint of production, and this is the division commonly made by growers, handlers, and State agencies. However, shifts or other changes which may take place in the future due to increased or decreased production cannot be foreseen. Additional land suitable for cherry production is being made available within the production area through irrigation. Decreased acreage may result from damage caused by weather hazards. Therefore it is desirable to provide flexibility of operation so that if it should be in the best interests of the administration of the order to change the boundaries of districts, change the number of districts, or reapportion the representation on the committee among districts, the committee may so recommend; and the Secretary may take such action.

At least 12 members of the committee, or alternates acting for members, should be present at any meeting in order for the committee to make any decisions; and all decisions of the committee should require a minimum of 9 concurring votes. These provisions will assure that the actions of the committee will be considered by a good representation of its membership and approved by a majority of the committee. The order should provide that in the event neither member nor his alternate is unable to attend a meeting, such member or the committee may designate any other alternate member from the same district and group who is not acting as a member to serve in such member's place and stead.

In addition to meetings held where the committee is assembled in one place, the committee should be authorized to hold simultaneous meetings of its members assembled at two or more designated places wherein provision has been made for communication between all such groups and loudspeaker receivers made available so that each member may participate in the discussion and other actions the same as if the committee were assembled in one place. This should encourage attendance at meetings and may possibly facilitate some savings in expense through reduced travel time and distance. Such meeting should be considered as an assembled meeting. The committee should be authorized to vote by telephone, telegraph, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting or when rapid action is necessary because of an emergency. Any votes cast in this fashion should be confirmed promptly in writing to provide a written record of the votes so cast. In case of an assembled meeting, however, all votes should be cast in person.

It is appropriate that the members and alternates of the committee may receive compensation for the time spent in attending committee meetings. The order authorizes a maximum of $10.00 per day for this purpose, since the time so spent is usually at financial sacrifice to their personal businesses. While the payment of an amount not to exceed $10.00 per day will not in most cases fully compensate for the time such members and alternates spend away from their personal businesses, there are producers and handlers in the production area who are willing to represent the industry by serving on the committee regardless of the personal sacrifice involved. The order also should provide for reimbursement of actual out-of-pocket reasonable expenses incurred on committee business, since it would be unfair to request the members and alternates to pay for such expenses incurred in the interest of all cherry growers and handlers in the production area.

In order for an alternate to adequately represent his district at any committee meeting in place of an absent member, it may be desirable that he should have attended previous meetings along with the member, so as to have a full understanding of all background discussions leading up to action that may be taken at the meeting. Also, an alternate may, in future years, be selected as a member on the committee; and to this extent, attendance at meetings by alternate members could be helpful. Although only committee members, and alternates acting as members, have authority to vote on actions taken by the committee, it is often important for the committee to obtain as wide a representation as practical of producer and handler attitudes toward a proposed regulation or other matter. Therefore, the order should provide that the committee, at its discretion may request the attendance of alternate members at any or all meetings, notwithstanding the expected or actual presence of the respective members, when a situation so warrants. The same compensation and reimbursement that are available to members should be made available also to alternate members when they are so requested and attend such meetings as alternates.

Provision should be made in the order whereby each committee will prepare an annual report prior to the end of each fiscal period. Such reports would provide committee members, the industry, and the Secretary with a record of the annual operations of the program and would provide a means for evaluation of the program and the need for any changes therein.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it during each fiscal period for its maintenance and functioning and for such other purposes as the Secretary may, pursuant to the provisions of the order, determine to be appropriate. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of such expenses by an administrative agency, such as the Washington Cherry Marketing Committee, and requires that each marketing program of this nature contain provisions requiring handlers to pay pro rata the necessary expenses. Moreover, in order to assure the continuance of the committee, the payment of assessments should be required even if particular provisions of the order are suspended or become inoperative.

Each handler should pay to the committee upon demand with respect to all cherries handled by him as the first handler thereof his pro rata share of such expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal period. Each handler's share of such expenses should be equal to the ratio between the total quantity of cherries handled by him as the first handler thereof during the applicable fiscal period and the total quantity of cherries so handled by all handlers during the same fiscal period. In this way, payments by handlers of assessments would be proportionate to the respective quantities of cherries handled by each handler and assessments would be levied on the same cherries only once.

In order to provide funds for the administration of this program prior to the time assessment income becomes available during the fiscal period, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders, and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. There was no objection offered at the hearing to indicate that any person was opposed to the proposal for the committee to borrow a limited sum of money each fiscal period. During years of normal growing conditions, revenue available to the committee from assessments would provide the means for the repayment of any such loan. In addition, as hereinafter set forth, provision should be made for increasing the rate of assessment in the event it should develop that due to some unforeseen circumstances the assessment income under the then prevailing rate is not sufficient to cover the expenses incurred.

The committee should be required to prepare a budget at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order for such period. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover authorized expenses incurred by the committee.

The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act. Such rate should be fixed on a fair and equitable unit basis, such as a container, ton, or other quantity measurement.

The Secretary should have the authority, at any time during a fiscal period, or thereafter, to increase the rate of assessment when necessary to obtain sufficient funds to cover any later finding by the Secretary relative to the expenses of the committee applicable to such period. Since the act requires that administrative expenses shall be paid by all handlers pro rata, it is necessary that any increased rate apply retroactively against all cherries handled during the particular fiscal period.

Handlers should be entitled to a proportionate refund of any excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season; but, if a handler should demand payment of any such credit, the proportionate refund should be paid to him. However, good business practice requires that any such refund may be applied by the committee first to any outstanding obligations due the committee from any person who has paid in excess of his pro rata share of expenses.

The notice of hearing set forth a proposal to authorize the Secretary, upon recommendation of the committee, to establish a reserve fund from excess assessments remaining at the end of a fiscal period. Such fund would be carried over into following periods and used upon termination of the order to liquidate the affairs of the committee. However, it was testified at the hearing that in view of the weather hazards to which production of cherries is subject, as well as the fact that a large proportion of the committee's expenses in any fiscal period will be incurred prior to the time assessment income is available to cover such expense, that the authority for establishment and use of such a reserve fund should be broadened to cover expenses during deficit collection periods such as the pre-season shipping period and during periods of crop failure or near crop failure.

In most years shipment of cherries begins about the middle of June and is completed by the middle of August. The fiscal period starts on April 1, and, therefore, the committee must operate during April, May, and the first half of June with no current assessment income. The period just prior to the shipping season will be the period of greatest activity as the committee will be surveying the crop and marketing situation, holding meetings to develop a marketing policy and to develop recommendations for regulations. This means that in all probability one-third to one-half the committee's expenses will ordinarily be incurred before any current fiscal period income is collected.

An operating reserve is an important instrument for the continued effective operation of the order over a period of years. The production area is very susceptible to rain and hail storms just prior to and during the harvesting period, and to frost damage at the time of bloom and fruit set. Rain at harvest time causes cracking of the cherries and often reduces materially the volume of cherries suitable for shipment. Severe freezes during the winter often damage trees and reduce the crop in succeeding years. The assessment rates under the program are set at the beginning of the season for a crop of an estimated volume of shipments. Should crop failure or partial crop failure reduce the crop so that assessment income falls below expenses, it would be necessary for handlers in light of the reduced crop to cover the deficit. When consignee handlers have already made returns to growers, it would be very difficult for them to obtain from such growers the additional funds required to meet the increase in assessment that would be necessary. It also would constitute an extra burden on the industry to increase the assessment rate after disasters such as these have occurred.

Because of the hazards incident to the production of cherries, and the difficulties thus expected to be encountered in financing operations of the program during some years, it would be desirable to establish an operating reserve for use during any such year. Evidence presented at the hearing was to the effect that nearly all of the production of cherries is marketed year after year by the same handlers and that it would be equitable to all handlers, and far less burdensome to them, to contribute to the establishment of such an operating reserve during years of normal production rather than to be required to pay a high rate of assessment occasioned by a deficit during a year when the crop is materially reduced. The proposed reserve fund should be built up to the desirable amount as rapidly as possible, since a material reduction of the crop could occur at any time. Discretion should be used, however, so as not to impose excessively high assessments. It was indicated that it would be appropriate, and in keeping with the desires of the industry, to include in the annual budget a specific amount for the reserve fund as well as to use any other excess assessment funds available at the end of a fiscal period for this purpose. In order that such reserve funds not be accumulated beyond a reasonable amount, it was proposed that a limit of approximately one fiscal period's expense be provided. It was shown that such an amount should be sufficient to cover any foreseeable need, since some income from assessment may be expected during any year. After the reserve has been built up to that amount, excess assessment income should thereafter be returned to the handlers entitled to refunds in accordance with the provisions of the order. However, in keeping with the need for the reserve fund, whenever any portion of it is used, the full amount withdrawn should be returned to the reserve as soon as assessment income is available for this purpose.

The reserve fund should be used, with the approval of the Secretary, to cover costs of liquidation of the program in the event the order is terminated, as well as to cover necessary operational costs, such as for salaries and other necessary expenses, during any period when the order, or any of its provisions, should be suspended. It is possible, of course, that the program may be terminated at the end of a fiscal period, or during a year when the production of cherries is relatively light. In such circumstances, it would be burdensome to handlers to require payment of an assessment to cover the liquidation costs. All handlers receive benefits from the program's operation; and even if a handler ceases handling cherries before the full time of its operation has expired, it would be appropriate and equitable for such handler to share in the expense of liquidation. Should the order provisions be suspended, it is likely such suspension would occur during a period when cherry production has been seriously curtailed. It would seem reasonable and proper, therefore, to use the reserve funds to defray expense of liquidation or any necessary cost of operation during a period of suspension. It is anticipated, of course, that the committee will endeavor to minimize costs in this regard as far as reasonably practicable consistent with the efficient performance of its responsibilities.

Upon termination of the order, any funds in the reserve which are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. It is apparent, from the evidence of record, that it may not be possible to make an exact distribution of any such funds. Should the order be terminated after many years of operation, and there have been several withdrawals and redeposits in the reserve, the precise equities of handlers may be difficult to ascertain and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal the monies to be distributed. Therefore, it would be desirable and necessary to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances. In view of the foregoing, it is, therefore, concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required, as a matter of good business practice, to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic reports at appropriate times, such as at the end of each marketing season or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee, should be required to account for all receipts and disbursements, funds, property, and records for which they are responsible, should the Secretary at any time ask for such an accounting. Also, whenever any person ceases to be a member or alternate of the committee, he should similarly be required to account for all funds, property, and other committee assets for which he is responsible and to deliver such funds, property, and other assets to such successor as the Secretary may designate. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in the successor the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

(d) The order should provide, as hereinafter set forth, authority for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries.

Through the medium of research investigation, the committee should be able to assemble and evaluate data on growing, harvesting, shipping, marketing, and other factors with respect to cherries which would be of value in determining what regulations should be established, in accordance with the act and the order, for the benefit of the cherry industry in the production area. As the committee becomes more aware of the value and need for marketing research and development, other projects will undoubtedly be initiated, the need for which may not have been foreseen during the course of the hearing.

The committee should be empowered to engage in such projects (except advertising and sales and trade promotion projects which are not permitted by the act), to spend assessment funds for them, and to consult and cooperate with appropriate agencies with regard to their establishment. The committee may be limited by the lack of facilities and trained technicians in carrying out any such projects; and it should be authorized to enter into contracts for their development with qualified agencies such as State universities, and public and private agencies. Prior to engaging in any such activities, the committee should, of course, submit to the Secretary for his approval the plans for each project. Such plans should set forth the details, including the cost and the objectives to be accomplished, so as to insure, among other things, that the projects are within the purview of the act. The cost of any such project should be included in the budget for approval, and such cost should be defrayed by the use of assessment funds as authorized by the act.

(e) The declared policy of the act is to establish and maintain such orderly marketing conditions for cherries, among other commodities, as will tend to establish parity prices therefor, and to establish and maintain such minimum

standards for quality and maturity and such grading and inspection requirements as will be in the public interest. The regulation of cherry shipments by maturity, grade, size, or quality, or any combination thereof, as authorized in the order, provides a means of carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, and prior to recommending regulation of cherry shipments, prepare and adopt a marketing policy for the ensuing marketing season. A report on such policy should be submitted to the Secretary and made available to growers and handlers of cherries. The policy so established would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop, of the committee's plans for regulation and the basis therefor. Handlers and growers could then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory actions are being considered, since it would provide basic information necessary to the evaluation of such regulation.

In preparing its marketing policy, the committee should give consideration to the supply and demand factors, hereinafter set forth in the order, affecting marketing conditions for cherries since consideration of such factors is essential to the development of an economically sound and practical marketing policy.

The committee should be permitted to revise its marketing policy so as to give appropriate recognition to the latest known conditions when changes in such conditions are sufficiently marked to warrant modification of such policy. Such action is necessary if the marketing policy is to appropriately reflect the probable regulatory proposals of the committee and be of maximum benefit to all persons concerned. A report of each revised marketing policy should be submitted to the Secretary and made available to growers and handlers, together with the data considered by the committee in making the revision.

The committee should, as the local administrative agency under the order, be authorized to recommend such maturity, grade, size, and quality regulations, as well as any other regulations and amendments thereto authorized by the order, as will tend to effectuate the declared policy of the act. It is the key to successful operation of the order that the committee should have such responsibility. The Secretary should look to the committee, as the agency reflecting the thinking of the industry, for its views and recommendations for promoting more orderly marketing conditions and increased growers' returns for cherries. The committee should, therefore, have authority to recommend such regulations as are authorized by the order whenever such regulations will, in the judgment of the committee, tend to promote more orderly marketing conditions and effectuate the declared policy of the act.

When conditions change so that the then current regulations do not appear to the committee to be carrying out the declared policy of the act, the committee should have the authority to recommend the amendment, modification, suspension, or termination of such regulations, as the situation warrants.

The order should authorize the Secretary, on the basis of committee recommendations or other available information, to issue various grade, size, quality, and other appropriate regulations which tend to improve growers' returns and to establish more orderly marketing conditions for cherries. The Secretary should not be precluded from using such information as he may have, and which may or may not be available to the committee for consideration, in issuing such regulations, or amendments or modifications thereof, as may be necessary to effectuate the declared policy of the act. Also, when he determines that any regulation does not tend to effectuate such policy, he should have authority to suspend or terminate the regulation, in accordance with the requirements of the act.

The maturity, grade, size, and quality of cherries which are shipped at any particular time have a direct effect on returns to growers. It is a fact that poorer grades, and less desirable sizes, of cherries marketed return lower prices than do better grades and sizes. A restriction, under the order, of the shipment of cherries of low grade should result in higher returns for the better grades marketed by eliminating the price depressing effect of poor quality cherries.

Handlers often have shipped in fresh fruit channels immature cherries and cherries of poor grade and quality and of undesirable size. Such cherries may be sold only at discounts, and the returns from such sales often do not cover the cash costs of harvesting and marketing. In addition, such sales have tended to depress the prices for the entire crop, for the particular year, below the level which otherwise would have existed if only cherries of suitable maturity, grade, size, and quality, considering the supply and demand conditions for such fruit, had been available in the markets.

The demand for particular grades, sizes, and qualities of cherries varies depending upon the volume of supplies available, the grade, size, and quality composition of such supplies, the availability of competing commodities, and other factors such as the trend and level of consumer income. The supply conditions for cherries are subject to substantial changes during a particular season as the result of weather conditions affecting the volume and quality of the crop.

The grade, size, and quality composition of the cherry crop and the volume of the available supply for the season as a whole and for any particular period during the season are important factors which must be considered in establishing regulations. There is generally a sufficient volume of cherries harvested in the production area so that the shipment of only the better grades, sizes, and qualities of cherries to fresh market could fill market demands. Proper maturity is an important factor determining consumer acceptance. Prices for cherries in the production area generally start each season at a high level. This is usually followed by a rapid decline. Haste to take advantage of high prices early in the season has frequently caused the shipment of immature, excessively small, and poor quality cherries which has resulted in dissatisfaction of consumers; and such consumer dissatisfaction has been reflected in reduced demand and lowered returns to growers. Therefore, the order should provide for the establishment by the Secretary of regulations by maturity, grade, size, quality, or combinations thereof, based upon limitations recommended by the committee or other available information; and such regulations should cover such period or periods as it is determined are warranted by the anticipated supply and demand conditions. In making its recommendations for such regulations, the committee should consider the heretofore enumerated supply and demand factors. The committee, because of the knowledge and experience of its members, will be well qualified to evaluate such factors and to develop economically sound and practical recommendations for regulations and to advise the Secretary with respect to the supply and demand conditions under which the cherry crop will be marketed.

Several different varieties of cherries are grown in the production area. Among these are Bing, Lambert, Royal Anne, Black Republican, Deacon, and Van. It was estimated that the Bing variety constitutes 60 percent of production and the Lambert 20 percent. Each variety has certain characteristics which serve to distinguish it from other varieties. The differences in characteristics, such as shape, size, color, and maturing characteristics, may make it undesirable to apply the same regulations to all varieties, in that under certain circumstances a given regulation may eliminate an excessive proportion of certain varieties from the market. Also, it was testified that differences in demand exist for certain varieties which may make it desirable to recognize such differences in the establishment of regulations. The order should, therefore, provide authority for the issuance of different regulations for different varieties.

The evidence in the record shows that the most practical basis for issuing regulations covering any portion of the production area, other than the entire production area, would be on a district basis. District 1, the Wenatchee area, and district 2, the Yakima area, are separated by a range of mountains; and the centers—i. e., the cities of Wenatchee and Yakima—of the two areas are about 125 miles apart. Cherries produced in each of the districts are prepared for market in the district where produced. Weather conditions vary between the two areas; and detrimental weather may adversely affect the cherry crop in one district, while the crop in the other district may not be so affected. Weather conditions at blossom time are a very important factor influencing the volume of fruit, size, and rate of maturity. Rain at harvest time can be disastrous. Because of these circumstances, and in order to provide equity among growers and handlers, authority should be provided in the order to permit establishment of different regulations in different districts of the production area. It was stated in the notice of hearing that authority should be included to regulate differently for any or all portions of the production area. The evidence presented, however, shows that such regulations, if established, would be almost impossible to enforce, since there is intermingling of cherries from all portions of a particular district in the packinghouses in that district. Barring weather disaster, it is expected that the same regulations will be made effective in all districts during any particular period. Since only those persons who have fruit affected by weather damage would have any of such fruit, a regulation could be issued providing increased weather damage tolerance for an entire district even though only portions of such district were affected. Hence, it is concluded that authority to regulate by districts would permit the establishment of such different regulations as are likely to be necessary with respect to cherries produced in different portions of the production area, and such regulations would be more practical from an enforcement standpoint.

It is important that the order provide authority for the committee to recommend and the Secretary to fix the size, weight, capacity, dimensions, or pack of the containers which may be used in the packaging or handling of cherries. Some of the containers used in the shipment of cherries are a 12-pound with inside dimensions 10½ x 3⅜ x 15½ inches, a 15-pound with inside dimensions 10½ x 3⅜ x 15½ inches, and a 20-pound with inside dimensions 11½ x 5 x 15⅞ inches. These containers have become almost standard through usage in the industry. However, cherries are marketed at times in containers of slightly smaller dimensions than the "almost standard" container which it closely resembles. For example, a 10-pound container which resembles the 12-pound container is sometimes used; and there is in use an 18-pound container which resembles the 20-pound container. The use of containers, the dimensions of which vary so slightly from each other that customers do not realize the apparent price advantage for a seemingly identical container merely reflects the smaller quantity of fruit, results in disorderly marketing conditions. Standardization of containers to those most suitable for the packing and handling of cherries, and prescribing the use of containers of sizes and capacities which can readily be distinguished from each other, would tend to establish more orderly marketing conditions and increase growers' returns.

The exercise of the authority to regulate containers, however, should not be used to close the door on experimenting with new containers or to prevent the commercial use of any new or superior containers which may be developed.

The order also should contain authority to regulate the packs of containers. This would assist the cherry industry in the production area in its merchandising efforts to provide the most acceptable packs to enhance trade reputation. The United States grades do not make any requirement with respect to uniformity of size within containers. Most of the cherries for distant shipment are packed row-faced in 15-pound lugs. It is expected that the cherries in the "fill" of the package are of the same sizes as those in the face. Hence, the number of rows imply the size of cherries, but in the absence of any minimum size or pack requirement there is no guarantee of uniformity of size or pack. Loose packs usually consist of cherries of random sizes which, in the absence of requirements as to uniformity of contents, are difficult to describe, cause confusion, and contribute to disorderly marketing conditions. It may be necessary to limit the shipment of cherries to export markets to grades, sizes, packs, or containers which are different from those permitted to be shipped to the domestic market. For example, Canada specifies the containers in which cherries must be packed to be admitted into that country. Moreover, the export market may at times accept cherries of sizes which it is not profitable to ship to domestic markets.

Under certain circumstances it may be desirable to regulate shipments of cherries differently for containers of different capacities on the basis of the particular grades and sizes which may be packed in such containers. Authority for such flexibility in regulations, included in the order, would tend to effectuate the declared policy of the act.

It is not in the public interest to cease regulation when the season average price of cherries exceeds parity. The committee should be authorized to recommend, and the Secretary to establish, such minimum standards of quality and maturity, in terms of grades or sizes, or both; and such grading and inspection requirements, during any and all periods when the season average price for cherries may be above parity, as will effectuate such orderly marketing of cherries and will be in the public interest. Some cherries do not give consumer satisfaction regardless of the price level. Immature cherries, deteriorated cherries, and cherries of very small sizes are examples of the type of fruit that is wasteful and does not represent a value to the consumer and should not be shipped.

The shipment of insufficiently mature cherries or fruit lacking in the quality necessary to assure delivery in satisfactory condition would cause an adverse buyer reaction and would tend to demoralize the market for later shipments of such fruit. Such undesirable fruit has been marketed in the past and undoubtedly would again be marketed in the absence of regulation when the season average price is above parity. Hence, the discontinuance of regulations during season when the average price exceeds parity could adversely affect consumers and also result in dissipation of all benefits from the prior operation of the program.

Adverse growing conditions and weather factors may cause some fruit to develop abnormally, or so affect the quality that it would not be in the public interest to permit its shipment. The possible development depends on the conditions in the particular season. It is necessary, therefore, that the provisions of the order contain the flexibility needed to reflect such conditions. Hence, the specific minimum standards of quality and maturity that may be made applicable during a particular year should be established by the Secretary upon the basis of the recommendations of the committee, made after review of the existing conditions that year, or other available information.

(f) The order should provide for the exemption from its provisions of such handling of cherries which it is not necessary to regulate in order to effectuate the declared purposes of the act. Insofar as practicable, such exempted handling should be stated explicitly in the order so that handlers will have knowledge of such handling as is not subject to the provisions of the program.

Cherries which are handled for consumption by charitable institutions, for distribution by relief agencies, or for commercial processing into products have little influence on the level of prices for cherries sold in the domestic and export markets. Hence, cherries handled for such purpbses should be exempted from compliance with the regulations issued under the order.

In addition, provision should be made to authorize the committee, with the approval of the Secretary, to exempt the handling of cherries, in such specified small quantities, or types of shipments, or shipments made for such specified purposes as it is not necessary to regulate in order to effectuate the declared purposes of the act. Such authorization is necessary to enable the exemption of such handling as may be determined necessary to facilitate the conduct of research, and handling which is found not feasible administratively to regulate and which does not materially affect marketing conditions in commercial channels. It would be impractical to set forth these exemptions in detail in the order, because to do so would destroy the flexibility which is necessary to reflect conditions affecting the handling of cherries in the production area. Therefore, it should be discretionary with the committee, subject to the approval of the Secretary, whether small quantities or types of shipments, or shipments made for specified purposes, should be exempted from regulation, inspection, and assessments and the period during which such exemptions should be in effect.

The allowance of such exemptions may be found to result in avenues of escape from regulation which, if they are found to exist, should be closed. Hence, the committee should be authorized to prescribe, with the approval of the Secretary, such rules, regulations, and safeguards as are necessary to prevent cherries handled for any of the exempted purposes from entering into regulated channels of trade and thereby tend to defeat the objective of the program. For example, should it be found that a portion of the cherries moving to commercial processors was being diverted to fresh fruit markets, it may be necessary for the committee to establish procedures to govern the movement of fruit

for processing even though such cherries do not have to comply with grade, size, quality, and other requirements. These procedures might include such requirements as filing applications for authorization to move cherries in exempted channels and certification by the receiver that such cherries would be used only for the purpose indicated, if it is found that such requirements are necessary to the effective enforcement of the program regulations.

(g) Provision should be made in the order requiring all cherries handled, during any period when handling limitations are effective, to be inspected by the Federal-State Inspection Service and certified as meeting the requirements of the applicable regulation. Inspection and certification of all cherries handled during periods of regulation are essential to the effective supervision of the regulations. Evidence of compliance with regulations issued under the program can be ascertained only through inspection and certification of all cherries handled during the effective period of such regulations. As the handler of cherries is the person responsible for compliance with such regulations, it is reasonable and necessary to require handlers to submit each lot of cherries handled for inspection and certification and to file a copy of the certificate of inspection with the committee. Handlers are familiar with the Federal-State Inspection Service and with the inspection and the certification of fruits in the production area, and the use of such inspection agency under this program is desired by the industry.

Responsibility for obtaining inspection and certification should fall on each person who handles cherries. In this way, not only will the handler who first ships or handles cherries be required to obtain inspection and certification thereof, but also no subsequent handler may handle cherries unless a properly issued inspection certificate, valid pursuant to the terms of the order and applicable regulations thereunder, applies to the shipment. Each handler must bear responsibility for determining that each of his shipments is so inspected and certified.

In instances where any lot of cherries previously inspected and certified is regraded, resorted, repackaged, or in any other way subjected to further preparation for market, such cherries should be required to be inspected following such preparation, and certified as meeting the requirements of the applicable regulations before such cherries are handled, since the identity of the lot is lost in such preparation and the validity of the prior inspection certificate and the information shown thereon destroyed.

(h) The committee should have the authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed to perform such agency's functions under the order. Handlers have such necessary information in their possession, and the requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden. Moreover, since handlers are the only persons subject to regulation under the program, they are the only persons who could be required to furnish such information. It is anticipated that most of the information needed by the committee in order to carry out its functions can be obtained from the required inspection certificates. However, it is difficult to anticipate every type of report or kind of information which the committee may find necessary in the conduct of its operations under the order. Therefore, the committee should have the authority to request, with approval of the Secretary, reports and information, as needed, of the type set forth in the order, and at such times and in such manner as may be necessary.

The Secretary should retain the right to approve, change, or rescind any requests by the committee for information in order to protect handlers from unreasonable requests for reports. Any reports and records submitted for committee use by handlers should remain under protective classification and be disclosed to none other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the release of information with respect to cherry shipments may be helpful to the committee and the industry generally in planning for operations under the order during the marketing season. However, none of such reported information may be released other than on a composite basis, and no such release of information should disclose either the identity of handlers or their operations. This is necessary to prevent the disclosure of information which may affect detrimentally the trade or financial position, or the business operations of individual handlers.

Since it is possible that a question could arise with respect to compliance, handlers should be required to maintain for each fiscal period complete records on their receipts, handling, and dispositions of cherries. Such records should be retained for not less than two succeeding years.

(i) Except as provided in the order, no handler should be permitted to handle cherries, the handling of which is prohibited pursuant to the order; and no handler should be permitted to handle cherries except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; and, hence, no handler should be permitted to evade any of its provisions. Any such evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and would tend, thereby, to impair the effective operation of the program.

(j) The provisions of §§ 1022.62 through 1022.71, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now operating. The provisions of §§ 1022.72 through 1022.74, as hereinafter set forth, are also included in other marketing agreements now operating. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate the other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section number and heading, are as follows: § 1022.62 *Right of the Secretary;* § 1022.63 *Effective time;* § 1022.64 *Termination;* § 1022.65 *Proceedings after termination;* § 1022.66 *Effect of termination or amendment;* § 1022.67 *Duration of immunities;* § 1022.68 *Agents;* § 1022.69 *Derogation;* § 1022.70 *Personal liability;* and § 1022.71 *Separability.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section number and heading are as follows: § 1022.72 *Counterparts;* § 1022.73 *Additional parties;* and § 1022.74 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. January 24, 1957, was set by the Presiding Officer at the hearing as the latest date by which briefs would have to be filed by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom. No such brief was filed.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of cherries grown in the production area in same manner as, and are applicable only to persons in the respective classes of commercial and industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement and order prescribe, so far as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the difference in the production and marketing of cherries grown in the production area; and

(5) All handling of cherries grown in the production area as defined in said marketing agreement and order is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order [1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

DEFINITIONS

§ 1022.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1022.2 *Act.* "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1022.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1022.4 *Production area.* "Production area" means all of the territory included within the Counties of Okanogan, Chelan, Douglas, Grant, Yakima, and Benton within the State of Washington.

§ 1022.5 *Cherries.* "Cherries" means all varieties of sweet cherries grown in the production area, classified botanically as Prunus avium.

§ 1022.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Prunus avium.

§ 1022.7 *Fiscal period.* "Fiscal period" is synonymous with fiscal year and means the 12-month period ending on March 31 of each year or such other period that may be approved by the Secretary pursuant to recommendations by the committee.

§ 1022.8 *Committee.* "Committee" means the Washington Cherry Marketing Committee established pursuant to § 1022.20.

§ 1022.9 *Grade.* "Grade" means any one of the officially established grades of cherries as defined and set forth in:

(a) United States Standards for Sweet Cherries (§§ 51.2646 to 51.2657 of this title; 21 F. R. 2371) or amendments thereto, or modifications thereof, or variations based thereon;

(b) Standards for sweet cherries issued by the State of Washington or amendments thereto, or modifications thereof, or variations based thereon.

§ 1022.10 *Size.* "Size" means the greatest diameter, measured through the center of the cherry, at right angles to a line running from the stem to the blossom end, or such other specification as may be established by the committee with the approval of the Secretary.

§ 1022.11 *Grower.* "Grower" is synonymous with producer and means any person who produces cherries for market and who has a proprietary interest therein.

§ 1022.12 *Handler.* "Handler" is synonymous with shipper and means any person (except a common or contract carrier transporting cherries owned by another person) who handles cherries.

§ 1022.13 *Handle.* "Handle" and "ship" are synonymous and mean to sell, consign, deliver, or transport cherries or cause the sale, consignment, delivery, or transportation of cherries or in any other way to place cherries, or cause cherries to be placed, in the current of the commerce from any point within the production area to any point outside thereof: *Provided,* That the term "handle" shall not include the transportation within the production area of cherries from the orchard where grown to a packing facility located within such area for preparation for market, or the delivery of such cherries to such packing facility for such preparation.

§ 1022.14 *District.* "District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 1022.31 (m):

(a) "District 1" shall include the Counties of Chelan, Okanogan, Douglas, and Grant.

(b) "District 2" shall include the Counties of Yakima and Benton.

§ 1022.15 *Export.* "Export" means to ship cherries beyond the continental boundaries of the United States.

§ 1022.16 *Pack.* "Pack" means the specific arrangement, size, weight, count, or grade of a quantity of cherries in a particular type and size of container, or any combination thereof.

§ 1022.17 *Container.* "Container" means a box, bag, crate, lug, basket, carton, package, or any other type of receptacle used in the packaging or handling of cherries.

ADMINISTRATIVE BODY

§ 1022.20 *Establishment and membership.* There is hereby established a Washington Cherry Marketing Committee consisting of fifteen members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten of the members and their respective alternates shall be growers or officers or employees of corporate growers. Five of the members and their respective alternates shall be handlers, or officers or employees of handlers. The ten members of the committee who are growers or employees or officers of corporate growers are hereinafter referred to as "grower members" of the committee; and the five members of the committee who shall be handlers, or officers or employees of handlers, are hereinafter referred to as "handler members" of the committee. Four of the grower members and their respective alternates shall be producers of cherries in District 1, and six of the grower members and their respective alternates shall be producers of cherries in District 2. Two of the handler members and their respective alternates shall be handlers of cherries in District 1, and three of the handler members and their respective alternates shall be handlers of cherries in District 2.

§ 1022.21 *Term of office.* The term of office of each member and alternate member of the committee shall be for two years beginning April 1 and ending March 31: *Provided,* That the term of office of one-half the initial grower members and alternates from each district and one initial handler member from each district shall end March 31, 1958. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 1022.22 *Nomination.*—(a) *Initial members.* Nominations for each of the ten initial grower members and five initial handler members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nominations may be made by means of group meetings of the growers and handlers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for initial members and alternate members of the committee are not filed pursuant to, and within the time specified, in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 1022.20.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each year, a meeting or meetings of growers and handlers in each district for the purpose of designating nominees for successor members and alternate members of the committee. At each such meeting a chairman and a secretary shall be selected by the growers and handlers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of corporate growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces cherries. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of cherries, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings, may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote for each nominee to be elected in the district in which he handles cherries. No handler shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of cherries, such person may vote either as a grower or as a handler but not as both.

§ 1022.23 *Selection.* From the nominations made pursuant to § 1022.22, or

[1] The provisions identified with an asterisk apply only to the proposed marketing agreement and not to the proposed order.

from other qualified persons, the Secretary shall select the ten grower members of the committee, the five handler members of the committee, and an alternate for each such member.

§ 1022.24 *Failure to nominate.* If nominations are not made within the time and in the manner prescribed in § 1022.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 1022.20.

§ 1022.25 *Acceptance.* Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1022.26 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manned specified in §§ 1022.22 and 1022.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 1022.20.

§ 1022.27 *Alternate members.* An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member of the committee and his alternate are unable to attend a committee meeting, the member or the committee may designate any other alternate member from the same district and group (handler or grower) to serve in such member's place and stead.

§ 1022.30 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1022.31 *Duties.* The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;

(c) To submit to the Secretary as soon as practicable after the beginning of each fiscal period a budget for such fiscal period, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such period;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To cause its books to be audited by a competent accountant at least once each fiscal year and at such time as the Secretary may request;

(g) To act as intermediary between the Secretary and any grower or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to cherries;

(i) To submit to the Secretary such available information as he may request;

(j) To notify producers and handlers of all meetings of the committee to consider recommendations for regulations;

(k) To give the Secretary the same notice of meetings of the committee as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in cherry production within the districts and the production area.

§ 1022.32 *Procedure.* (a) Twelve members of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require the concurring vote of at least nine members.

(b) The committee may provide for simultaneous meetings of groups of its members assembled at two or more designated places: *Provided*, That such meetings shall be subject to the establishment of communication between all such groups and the availability of loud speaker receivers for each group so that each member may participate in the discussions and other actions the same as if the committee were assembled in one place. Any such meeting shall be considered as an assembled meeting.

(c) The committee may vote by telegraph, telephone, or other means of communication, and any votes so cast shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held, all votes shall be cast in person.

§ 1022.33 *Expenses and compensation.* The members of the committee, and alternates when acting as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part and may also receive compensation, as determined by the committee, which shall not exceed $10 per day or portion thereof spent in performing such duties: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1022.34 *Annual report.* The committee shall, prior to the last day of each fiscal period, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal period; (b) an appraisal of the effect of such regulatory operations upon the cherry industry; and (c) any recommendations for changes in the program.

EXPENSES AND ASSESSMENTS

§ 1022.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee to enable it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 1022.41.

§ 1022.41 *Assessments.* (a) Each person who first handles cherries shall, with respect to the cherries so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds will be incurred by the committee during each fiscal period. Each such person's share of such expenses shall be equal to the ratio between the total quantity of cherries handled by him as the first handler thereof during the applicable fiscal period and the total quantity of cherries so handled by all persons during the same fiscal period. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal period, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all cherries handled during the applicable fiscal period. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 1022.42 *Accounting.* (a) If, at the end of a fiscal period, the assessments collected are in excess of expenses incurred, such excess shall be accounted for as follows:

(1) Except as provided in subparagraph (2) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal period unless such person demands repayment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal period may be applied by the committee at the end of such fiscal period to any outstanding obligations due the committee from such person.

(2) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve. Such reserve may be established at an amount not to exceed approximately one fiscal period's operational expenses; and such reserve may be used to cover the necessary expenses of liquidation, in the event of termination of this part, and to cover the expenses incurred for the maintenance and functioning of the committee during any fiscal period when there is a crop failure, or during any period of suspension of any or all of the provisions of this part. Such reserve may also be used by the committee to finance its operations, during any fiscal period, prior to the time that assessment income is sufficient to cover such expenses; but any of the reserve funds so used shall be returned to the reserve as soon as assessment income is available for this purpose. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds, and claims vested in such member pursuant to this part.

RESEARCH

§ 1022.45 *Marketing research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cherries. The expense of such projects shall be paid from funds collected pursuant to § 1022.41.

REGULATIONS

§ 1022.50 *Marketing policy.* (a) Each season prior to making any recommendations pursuant to § 1022.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the ensuing season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of cherries within the production area;

(2) The expected general quality and size of cherries in the production area and in other areas;

(3) The expected demand conditions for cherries in different market outlets;

(4) The expected shipments of cherries produced in the production area and in areas outside the production area;

(5) Supplies of competing commodities;

(6) Trend and level of consumer income;

(7) Other factors having a bearing on the marketing of cherries; and

(8) The type of regulations expected to be recommended during the season.

(b) In the event it becomes advisable, because of changes in the supply and demand situation for cherries, to modify substantially such marketing policy, the committee shall submit to the Secretary a revised marketing policy report setting forth the information prescribed in this section. The committee shall publicly announce the contents of each marketing policy report, including each revised marketing policy report, and copies thereof shall be maintained in the office of the committee where they shall be available for examination by growers and handlers.

§ 1022.51 *Recommendations for regulation.* (a) Whenever the committee deems it advisable to regulate the handling of any variety or varieties of cherries in the manner provided in § 1022.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for cherries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 1022.52 *Issuance of regulations.* (a) The Secretary shall regulate, in the manner specified in this section, the handling of cherries whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulations will tend to effectuate the declared policy of the act. Such regulations may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of cherries grown in any district or districts of the production area;

(2) Limit the shipment of cherries by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of cherries.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof to growers and handlers.

§ 1022.53 *Modification, suspension, or termination of regulations.* (a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 1022.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds, from the recommendations and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of cherries in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension. If the Secretary finds that a regulation obstructs or does not tend to effectuate the declared policy of the act, he shall suspend or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 1022.54 *Special purpose shipments.* (a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 1022.41, 1022.52, and 1022.55, and the regulations issued thereunder, handle cherries (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements, under or established pursuant to § 1022.41, § 1022.52, or § 1022.55, the handling of cherries in such minimum quantities, or types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 1022.45), as the committee, with approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to prevent cherries

handled under the provisions of this section from entering the channels of trade for other than the specific purposes authorized by this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle cherries pursuant to this section, and that such applications be accompanied by a certification by the intended purchaser or receiver that the cherries will not be used for any purpose not authorized by this section.

§ 1022.55 *Inspection and certification.* Whenever the handling of any variety of cherries is regulated pursuant to § 1022.52, each handler who handles cherries shall, prior thereto, cause such cherries to be inspected by the Federal-State Inspection Service and certified by it as meeting the applicable requirements of such regulation: *Provided,* That inspection and certification shall be required for cherries which previously have been so inspected and certified only if such cherries have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit, or cause to be submitted, to the committee a copy of the certificate of inspection issued with respect to such cherries.

REPORTS

§ 1022.60 *Reports.* (a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part. Such reports may include, but are not necessarily limited to, the following: (1) The quantities of each variety of cherries received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such cherries, and (4) the destination of each shipment of such cherries.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the cherries received, and of cherries disposed of, by such handler as may be necessary to verify reports pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1022.61 *Compliance.* Except as provided in this part, no person shall handle cherries, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle cherries except in conformity with the provisions of this part.

§ 1022.62 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 1022.63 *Effective time.* The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature to this part, and shall continue in force until terminated in one of the ways specified in § 1022.64.

§ 1022.64 *Termination.* (a) The Secretary may at any time terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that continuance is not favored by the majority of producers who, during a representative period, determined by the Secretary, were engaged in the production area in the production of cherries for market: *Provided,* That such majority has produced for market during such period more than 50 percent of the volume of cherries produced for market in the production area; but such termination shall be effective only if announced on or before March 31 of the then current fiscal period.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1022.65 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and (3) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 1022.66 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendment to either thereof, shall not (a) effect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

§ 1022.67 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1022.68 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1022.69 *Derogation.* Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1022.70 *Personal liability.* No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other act, either of commission, or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1022.71 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

§ 1022.72 *Counterparts.** This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.

§ 1022.73 *Additional parties.** After the effective date of this marketing agreement, any handler may become a party to such agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 1022.74 *Order with marketing agreement.** Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for the regulating of the handling of cherries in the same manner as is provided for in this agreement.

Dated: March 15, 1957.

[SEAL] F. R. BURKE,
Acting Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2124; Filed, Mar. 19, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order No. 479]

VIRGIN ISLANDS

NOTICE OF RESIGNATION AND APPOINTMENT OF EMPLOYER MEMBER OF INDUSTRY COMMITTEE NO. 4

Morris F. de Castro, a resident of the Virgin Islands, having resigned from Industry Committee No. 4, the Secretary of Labor, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), hereby appoints John P. Scott, another resident of the Virgin Islands, to serve in his stead on the Committee as an employer representative.

Signed at Washington, D. C., this 15th day of March 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57-2121; Filed, Mar. 19, 1957; 8:50 a. m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 91]

[Ex Parte No. 203]

INSPECTION AND TESTING OF LOCOMOTIVES OTHER THAN STEAM

NOTICE OF PROPOSED RULE MAKING

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 28th day of February, A. D. 1957.

The Association of American Railroads filed, on May 31, 1956, a petition for the institution of an investigation into the reasonableness and lawfulness otherwise of Rule 203 (49 CFR 91.203) of the Commission's Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam and the current interpretation and application of said rule announced and followed by the Bureau of Locomotive Inspection. It further requests additional relief as more specifically set forth in the said petition.

Upon consideration of the petition:

It is ordered, That an investigation be, and it is hereby, instituted into the reasonableness and lawfulness of Rule 203 of the said Rules and Instructions for Inspection and Testing of Locomotives Other Than Steam and its interpretation and application;

It is further ordered, That all common carriers by railroad subject to the Interstate Commerce Act and the Association of American Railroads be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of said respondents; and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register;

It is further ordered, That this proceeding be assigned for hearing at such time and place as hereafter may be designated;

And it is further ordered, That the said petition except to the extent that an investigation is instituted as provided herein be, and it is hereby denied.

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2107; Filed, Mar. 19, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[TC 434.25]

EMBROIDERY MACHINES

TARIFF CLASSIFICATION

MARCH 14, 1957.

The Bureau by letters addressed to the collector of customs at Los Angeles, California, has ruled that the Lintz & Eckhardt Model 101 and the Cornely & Cie Model B-5 machines are classifiable under the provision for embroidery machines with duty at the rate of 15 percent ad valorem, rather than under the provision for sewing machines, not especially provided for, in paragraph 372, Tariff Act of 1930, as modified, with duty at the rate of 10 percent ad valorem.

As these decisions result in the assessment of duty at a rate of duty higher than that which has heretofore been assessed under an established and uniform practice, they shall be applied only to such merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of these decisions in the weekly Treasury Decisions.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

[F. R. Doc. 57-2116; Filed, Mar. 19, 1957; 8:49 a. m.]

Fiscal Service, Bureau of Accounts

COMMISSIONER OF ACCOUNTS

ORDER OF SUCCESSION OF PERSONS TO ACT AS COMMISSIONER

MARCH 15, 1957.

By virtue of authority vested in me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers of the Bureau of Accounts, in the order of succession enumerated, shall act as Commissioner of Accounts, during the absence or disability of the Commissioner of Accounts, or when there is a vacancy in such office:

1. Assistant Commissioner of Accounts.
2. Chief Disbursing Officer.
3. Chief Auditor.
4. Deputy Commissioner of Accounts for Accounting Systems.
5. Senior Assistant Chief Disbursing Officer.
6. Junior Assistant Chief Disbursing Officer.
7. Deputy Commissioner of Accounts for Central Accounts.
8. Assistant Commissioner for Administration.
9. Regional Disbursing Officer, Atlanta, Georgia.
10. Regional Disbursing Officer, Dallas, Texas.
11. Regional Disbursing Officer, Minneapolis, Minnesota.
12. Regional Disbursing Officer, Salt Lake City, Utah.

This order supersedes the order of succession dated May 26, 1955.

[SEAL] R. W. MAXWELL,
Commissioner of Accounts.

[F. R. Doc. 57-2117; Filed, Mar. 19, 1957; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

CALIFORNIA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MARCH 11, 1957.

The notice of proposed withdrawal and reservation of lands, Serial No. Sacramento 047465, to be known as the Honey Lake Waterfowl Management Area, published in the FEDERAL REGISTER of Friday, February 8, 1957, page 796 (F. R. Doc. 57-958) is corrected by delet-

ing from paragraph 1 the sentence, "The management, use and disposal of the forest and range resources will continue under the administration of the Bureau of Land Management in accordance with applicable laws and regulations.

R. R. BEST,
State Supervisor.

[F. R. Doc. 57-2095; Filed, Mar. 19, 1957; 8:46 a. m.]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 12, 1957.

In exchanges of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 48 N., R. 3 E.,
Sec. 10, N½NE¼.
T. 43 N., R. 7 E.,
Sec. 19, N½NE¼;
Sec. 20, W½NE¼, and NW¼.
T. 45 N., R. 7 E.,
Sec. 9, NE¼SE¼ and S½SE¼;
Sec. 10, SW¼SW¼;
Sec. 15, NW¼.
T. 45 N., R. 9 E.,
Sec. 10, N½, N½SW¼, and NW¼SE¼;
Sec. 20, S½;
Sec. 29, W½NE¼, NW¼, NW¼SW¼, and SE¼SE¼;
Sec. 30, E½NE¼ and NE¼SE¼.
T. 47 N., R. 2 W.,
Sec. 2, lots 2, 3, and 4, S½NW¼;
Sec. 3, lot 1, S½NE¼, NW¼SE¼, N½SW¼ and SE¼NW¼;
Sec. 13, S½SW¼;
Sec. 24, NE¼NW¼.
T. 48 N., R. 2 W.,
Sec. 35, SE¼NE¼, E½SE¼, and SW¼SE¼.
T. 45 N., R. 3 W.,
Sec. 19, SE¼SW¼ and S½SE¼;
Sec. 30, NW¼NE¼.
T. 50 N., R. 13 W.,
Sec. 10, E½NE¼, SW¼NE¼, SE¼ and SE¼SW¼;
Sec. 11, SE¼NE¼, NE¼SE¼ and NW¼NW¼;
Sec. 12, SW¼NW¼ and NW¼SW¼;
Sec. 15, NE¼, E½NW¼ and NE¼SW¼;
Sec. 28, SW¼SE¼;
Sec. 33, NW¼NE¼.
T. 37 N., R. 19 W.,
Tract 59 as shown on resurvey plat approved May 22, 1933.

SIXTH PRINCIPAL MERIDIAN

T. 2 N., R. 80 W.,
Sec. 28, NW¼, N½SW¼ and SW¼SW¼;
Sec. 29, E½E½, SW¼NE¼ and W½SE¼;
Sec. 32, N½NE¼;
Sec. 34, NE¼SW¼, S½NE¼ and N½SE¼;
Sec. 35, SW¼NW¼ and NW¼SW¼.
T. 3 N., R. 80 W.,
Sec. 23, lots 10, 11 and 12;
Sec. 26, lots 1 and 2.
T. 11 N., R. 81 W.,
Sec. 25, N½NE¼.
T. 4 N., R. 101 W.,
Sec. 18, lot 6.
T. 4 N., R. 102 W.,
Sec. 13, SE¼NE¼, N½SE¼, SW¼SE¼ and SE¼SW¼;
Sec. 24, NW¼NE¼.
T. 21 S., R. 71 W.,
Sec. 7, W½NW¼.
T. 18 S., R. 72 W.,
Sec. 4, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, SE¼SW¼ and SE¼;
Sec. 9, N½NE¼.
T. 21 S., R. 72 W.,
Sec. 12, NE¼, E½SW¼;
Sec. 13, E½NW¼.
T. 5 S., R. 84 W.,
Sec. 17, E½SE¼, SW¼SE¼;
Sec. 19, NE¼SE¼;
Sec. 20, NW¼NE¼, NW¼SW¼ and S½NW¼.
T. 5 S., R. 85 W.,
Sec. 13, SW¼SE¼ and SE¼SW¼;
Sec. 24, N½NE¼.
T. 13 S., R. 92 W.,
Sec. 16, lots 4 and 5.
T. 15 S., R. 93 W.,
Sec. 29, S½SE¼ and SW¼;
Sec. 30, N½SE¼;
Sec. 32, NE¼NW¼, N½NE¼ and SE¼NE¼;
Sec. 33, NW¼SW¼, W½NW¼ and NE¼NW¼.
T. 9 S., R. 94 W.,
Sec. 7, E½NE¼;
Sec. 8, W½NW¼.
T. 3 S., R. 98 W.,
Sec. 17, S½SE¼, NW¼SE¼ and W½;
Sec. 18, SE¼NE¼, E½SE¼ and SW¼SE¼;
Sec. 19, NE¼NE¼;
Sec. 31, W½, W½NE¼ and NW¼SE¼ and NE¼NE¼.
T. 4 S., R. 98 W.,
Sec. 6, lots 3, 4 and 5 and SE¼NW¼.
T. 8 S., R. 98 W.,
Sec. 18, lot 4;
Sec. 19, lots 1, 2 and 3.
T. 12 S., R. 103 W.,
Sec. 8, E½SE¼;
Sec. 9, W½SW¼.

The areas described total 9,379.94 acres of public lands.

The minerals in the above-described lands were wholly or partly reserved by the grantors or by prior grantors, and any person acquiring any of these lands must accept title subject to such reservations. Information as to any mineral rights reconveyed to the United States is of record in the Land Office, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado.

There are approximately twenty-five individual tracts in the area described above. These tracts are relatively small and are widely scattered throughout central and western Colorado. The lands vary greatly in topography and vegetative type, ranging from rolling sagebrush covered to rough and mountainous with browse plants and small amounts of non-commercial timber. Steep slopes, shallow, rocky soils or inadequate precipitation render these lands unsuitable for cultivation. It is unlikely that any of the lands are adaptable for small tract purposes.

No application for these lands will be allowed under the homestead, desert land, small tract or any other non-mineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, presented prior to 10:00 a. m. on April 17, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 17, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on July 17, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The land will be open to location under the United States mining laws, beginning 10:00 a. m., on July 17, 1957, providing locatable minerals have been reconveyed to the United States.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 57-2096; Filed, Mar. 19, 1957; 8:47 a. m.]

[Serial No. Idaho 06439]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 12, 1957.

Pursuant to the following determinations of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473–2476, it is ordered as follows:

The lands hereinafter described so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

Idaho serial No.	Determination No.	Description of total acreage	Location
		BOISE MERIDIAN, IDAHO	
06439	D. A. 446 Idaho	T. 17 N., R. 25 E., Sec. 30, SE¼SW¼; Sec. 31, E½NW¼.	Lemhi County—Near junction of Mill Creek with the Lemhi River, 8 miles southeast of Lemhi, Idaho.
06673	D. A. 445 Idaho	T. 28 N., R. 1 E., Sec. 34, Lot 3.	Idaho County—About 3½ miles south of Whitebird, Idaho, on U. S. Highway 95.
06698	D. A. 447 Idaho	T. 3 N., R. 41 E., Sec. 9, Lots 1, 2, 3, 4, NW¼NW¼, NW¼SE¼.	Bonneville County—Along left bank of Snake River about 6 miles east of Rirle, Idaho.
06765	D. A. 452 Idaho	T. 6 S., R. 6 E., Sec. 2, N½S½; Sec. 3, Lots 3, 4, SW¼NW¼, NE¼SW¼, and N½SE¼.	Owyhee County—Along left bank of Snake River, northeast of Bruneau, Idaho.
06789	D. A. 474 Idaho	T. 13 N., R. 19 E., Sec. 11, SE¼SW¼.	Custer County—Near right bank of Salmon River, about 3 miles southeast of Challis, Idaho.
06790	D. A. 455 Idaho	T. 15 N., R. 19 E., Sec. 25, NW¼SW¼.	Custer County—Along right bank of Salmon River, about 2 miles east of Challis, Idaho.
06791	D. A. 454 Idaho	T. 11 N., R. 17 E., Sec. 28, Lot 1; Sec. 29, Lot 1, 2, and 3.	Custer County—On north bank of Salmon River about 4 miles west of Clayton, Idaho.
06792	D. A. 453 Idaho	T. 29 N., R. 1 E., Sec. 14, Lot 1, 4, 5, and 8.	Idaho County—On right bank of Salmon River about 6 miles downstream from Whitebird, Idaho.
06942	D. A. 466 Idaho	T. 19 N., R. 21 E., Sec. 34, Lots 3, 6.	Lemhi County—About 20 miles south of Salmon, Idaho, on U. S. Highway 93.
06984	D. A. 471 Idaho	T. 20 N., R. 21 E., Sec. 25, Lot 9.	Lemhi County—About 15 miles south of Salmon, Idaho, on U. S. Highway 93.
07041	D. A. 479 Idaho	T. 11 N., R. 18 E., Sec. 22, Lots 5, 6.	Custer County—About 4 miles east of Clayton, Idaho, on U. S. Highway 93.
07112	D. A. 483 Idaho	T. 4 S., R. 2 E., Sec. 5, Lot 4.	Elmore County—Near Snake River northwest of Grandview, Idaho.
07174	D. A. 482 Idaho	T. 15 N., R. 20 E., Sec. 8, Lots 1, 2, 3, 4, and NW¼SE¼.	Custer County—About 10 miles northeast of Challis, Idaho.
07209	D. A. 440 Idaho	T. 27 N., R. 1 E., Sec. 3, Lots 2, 6, 7 and 10.	Idaho County—4 to 5 miles south of Whitebird, Idaho, on U. S. Highway 95.
07222	D. A. 413 Idaho	T. 9 N., R. 44 E., Sec. 35, N½NE¼.	Fremont County—Along Fall River east of Marysville, Idaho.
07683	D. A. 435 442 Idaho	T. 6 S., R. 13 E., Sec. 17, S½NE¼, NE¼SE¼; Sec. 20, Lot 8, W½NW¼.	Twin Falls County—Near Snake River southeast of Bliss, Idaho.
07690	D. A. 418 424 Idaho	T. 25 N., R. 1 E., Sec. 2, Lots 8, 9; Sec. 11, Lots 1, 4, 5 and 8.	Idaho County—¼ to 1½ miles south of Lucile, Idaho, on U. S. Highway 95.
07941	D. A. 411 Idaho	T. 25 N., R. 1 E., Sec. 14, Lot 8.	Idaho County—About 8 miles north of Riggins on U. S. Highway 95.

The areas described total 2,344.85 acres of public lands.

The lands are widely scattered throughout Idaho and generally lie in the Snake River plain and in mountainous regions. Adverse topography and rocky soils render most of the land unsuited to agricultural development other than grazing by range livestock. Soils vary from sand and gravel to silt loam. Cover includes grass and sagebrush with some slightly timbered areas.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required, in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

Lands in the NW¼SW¼ of Section 2; Lot 3 and 4, the N½SE¼ and NE¼SW¼ of Section 3, all in T. 6 S., R. 6 E., Boise Meridian, Idaho, included in D. A. 452, are subject to prior right of the license for Federal Power Commission Project 2055–5 (C. J. Strike) and its successors to use those lands for the project purposes as provided by the license for the project.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulations provided in the preceding paragraph.

Subject to any existing valid rights and the requirements of applicable law, the lands described above are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on April 17, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 17, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on July 17, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All the lands with the exception of the NW¼SW¼, Section 2; Lot 3 and 4, the N½SE¼ and NE¼SW¼, Section 3, all in T. 6 S., R. 6 E., Boise Meridian, Idaho, have been opened to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to application and offers under the mineral leasing laws. The NW¼SW¼, Section 2; Lot 3 and 4, the N½SE¼ and NE¼SW¼, Section 3, all in T. 6 S., R. 6 E., Boise Meridian, Idaho, will be open to location under the United States Mining Laws, beginning 10:00 a. m., on July 17, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office,

Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-2094; Filed, Mar. 19, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-26]

LOCKHEED AIRCRAFT CORP.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT AUTHORIZING CONSTRUCTION OF CRITICAL EXPERIMENTS FACILITY

Please take notice that the Atomic Energy Commission on March 14, 1957, issued construction permit No. CPCX-5, authorizing Lockheed Aircraft Corporation to construct a critical experiments facility. The construction permit is substantially as set forth in the notice of proposed action published in the FEDERAL REGISTER on February 26, 1957, 22 F. R. 1104.

A copy of the construction permit is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 14th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-2087; Filed, Mar. 19, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 2909 et al.]

NEW YORK CITY-MEXICO CITY NONSTOP SERVICE CASE

NOTICE OF RESUMPTION OF HEARINGS

Notice is hereby given that the hearings in the above-entitled proceeding, which were recessed on November 23, 1954, will resume on March 26, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., March 15, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2118; Filed, Mar. 19, 1957; 8:50 a. m.]

[Docket Nos. 8153, 8483]

LOS ANGELES AIR SERVICE, INC.

NOTICE OF HEARING

In the matter of the joint application of Kirk Kerkorian, doing business as Los Angeles Air Service, and Los Angeles Air Service, Inc., for approval of control and interlocking relationships, purchases, and leases.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 4, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., March 15, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2119; Filed, Mar. 19, 1957; 8:50 a. m.]

[Docket No. 8462]

HACIENDA HOTELS-MOTELS, ROOMS AND FLIGHT RESERVATIONS, INC., AND U. S. AIRCOACH; ENFORCEMENT PROCEEDING

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given that the hearing in the above-entitled proceeding heretofore assigned for March 19, 1957, has been postponed to March 27, 1957, at 10:00 a. m., local time, in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan, for the purpose of receiving the Board's Office of Enforcement's presentation after which to be continued for Respondents Case on April 30, 1957, at 10:00 a. m., local time, in Court Room No. 10, Federal Building, 312 North Spring Street, Los Angeles, California.

Dated at Washington, D. C., March 15, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner,

[F. R. Doc. 57-2120; Filed, Mar. 19, 1957; 8:50 a. m.]

[Order No. E-11135; Docket No. 8613]

BRANIFF AIRWAYS, INC., ET AL.

ORDER OF SUSPENSION AND INVESTIGATION

In the matter of interstate and overseas passenger fare increases filed by various carriers.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 15th day of March 1957.

Tariff revisions have been filed on behalf of Braniff Airways, Inc., Capital Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., proposing increases in substantially all local domestic passenger fares of approximately six percent. The proposals on behalf of Eastern and Capital include, in addition to the six percent increase, an increase of $1.00 per ticket, while the United proposal also includes a six percent increase in local and joint fares between the mainland and Hawaii. The proposals are filed for effectiveness April 1, 1957, and April 6, 1957.

The Board has carefully considered the tariff proposals and the justifications submitted by some of the carriers in support thereof, and the operating and financial results of the carriers over recent years, and on the basis thereof has concluded that pursuant to its powers under section 1002g of the act, it should suspend the proposed increases and investigate the reasonableness thereof.[1] At the termination of the investigation, the Board will be in a position to prescribe the lawful fares, whether the same, higher, or lower than the fares now in effect.

Although preliminary reported 1956 net operating income before interest expenses, capital gains and income taxes is somewhat lower for the majority of trunkline carriers than in 1955, the reported net profit after income taxes (before interest expense), which reflects capital gains, is substantially the same as in 1955. Generally, the reported declines in the net operating income are moderate, and do not indicate any emergency situation which would support permitting the proposed increases to become effective without an investigation and public hearing on the need thereof.

It should be noted that for the seven carriers who have so far filed for increased fares, a six percent increase, assuming no loss in traffic, would amount to approximately $47 million a year, based on 1956 passenger revenues. For the trunkline industry as a whole, a similar increase would involve a $67 million increase in fares. If the $1.00 per ticket additional increase proposed by Eastern and Capital were also added, the total increase for the trunkline industry as a whole could be as much as $95 million a year. In view of the favorable earnings of the trunklines since 1950, the apparent absence of any over-all emergency situation at this time, and the major impact of the present fare proposals, the claims advanced by the carriers of an urgent and immediate need for a fare increase are not sufficient in the opinion of the Board to justify permitting these increases to go into effect without a full investigation to establish that the claimed need in fact exists.

We are, however, impressed by the desirability, from the carriers' standpoint, of a prompt determination of their claim for increased fares. From the standpoint of the public, it is equally important that this investigation be completed promptly, and within the 180-day maximum period of suspension permitted by the act, so as to avoid any possibility of the public being charged higher fares which might prove to be unwarranted. For this reason, we believe that an expedited procedure should be adopted in this investigation to insure an expeditious determination therein. We shall, therefore, order the matter set down promptly for prehearing conference, fix an early date for the start of the hearing, and further provide that the Hearing Examiner shall take appropriate steps, consistent with the requirements of due process, to expedite the proceeding to the end that the Board may be in position to render its final decision prior to the expiration of the period during which the fares are subject to suspension.

In addition, in view of the public interest in having the propriety of the proposed increases determined before they become effective, the Board has given careful consideration to areas where it would be feasible to limit the scope of this investigation without prejudice to the carriers or the public. Upon such consideration, we have determined that the method of determining the earnings element is an issue which may be so limited in this proceeding. A fair return upon original cost, less book depreciation, of the property used and useful in the public service is a well-recognized standard for measuring the reasonableness of utility rates, and has been the general standard used in mail rate cases decided by the Board. Because of the relatively short life of the major assets used in this industry, an original cost less book depreciation rate base does not ordinarily differ markedly from other possible rate bases. Moreover, because the equipment accounts of this industry, since its inception, have been kept upon an original cost basis, original cost less book depreciation is particularly adapted to provide a readily ascertainable rate base with a minimum of delay. Original cost less book depreciation is, moreover, an accurate measure of the funds which have been invested in property used and useful in the public service, and, in our opinion, limiting the issues in this proceeding as to the earnings element in the fares to the single question of the rate of return to be allowed on an original cost less depreciation rate base would be equitable to the carriers, investors, and the public. We will accordingly so limit the issues in this proceeding.[2]

Another area where it appears feasible to limit the issues in this proceeding is in connection with the $1.00 per ticket increase proposed by certain carriers. This proposal involves both a change in the fare level and the fare structure. In the interest of expediting this case, we deem it important at this time to focus in this proceeding upon the fare level issue involved in this change. We are accordingly excluding any fare structure issues from consideration in this case, so that if the need for increased passenger revenues is demonstrated in this case the form of such increase as proposed by certain carriers—e. g., a flat increase per ticket—will not be open to question here. In this manner, the record will not be encumbered with evidence as to the merits of particular fare structure proposals and we will be able to concentrate our attention promptly on the basic issue—the overall revenue needs of the carriers.

Since presumably the carriers who proposed the increase have available to them the basic justification upon which they base their action, the prompt activation of this proceeding should impose no undue burden upon them, especially in the light of the preparatory work they have done in connection with similar issues in the General Passenger Fare Investigation, Docket No. 8008.

Accordingly, it is ordered, That:

1. An investigation be and hereby is instituted to determine whether the fares, rules, regulations and provisions described in Appendix A[3] hereto are, or will be, unjust and unreasonable, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rules, regulations, provisions and

a. As to fares in interstate air transportation, the lawful fares (or the maxima or minima, or the maxima and minima thereof), and

b. As to fares in overseas air transportation, the lawful maxima or minima, or maxima and minima thereof.

2. Pending such investigation, hearing and decision by the Board, the provisions described in Appendix A[3] hereto be and hereby are suspended insofar as applicable to interstate and overseas transportation and their use deferred to and including June 29, 1957, and no changes whatsoever be made therein during the period of suspension, except by order or special permission of the Board;

3. A prehearing conference in this proceeding be held before an examiner of the Board hereafter to be designated, in Room 5859, Department of Commerce Building, Washington, D. C. at 10:00 a. m., on the 21st day of March 1957, and hearing herein be commenced at 10:00 a. m., on the 4th day of April 1957;

4. The Hearing Examiner shall take appropriate steps, consistent with the requirements of due process, to expedite the proceedings to the end that the Board may be in a position to render its final decision herein prior to the expiration of the period during which the fares can be suspended;

5. The issues with respect to the earnings element to be included in determining just and reasonable rates shall be limited to the issue of the rate of return to be allowed upon a rate base equal to the original cost less book depreciation of the assets used and useful in the public service and fare structure issues, if any, in connection with the proposed one dollar per ticket increase shall be excluded from consideration in this proceeding; and

6. A copy of this order be filed with the aforesaid tariffs and a copy be served upon Braniff Airways, Inc., Capital Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., American Airlines, Inc., Continental Air Lines, Inc., National Airlines, Inc., Southwest Airways Company, Western Air Lines, Inc., Los Angeles Airways, Inc., and New York Airways, Inc., who are hereby made respondents in this proceeding.

By the Civil Aeronautics Board.[4]

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-2162; Filed, Mar. 18, 1957; 12:31 p. m.]

[1] Because of the lack of jurisdiction over the reasonableness of fares in foreign air transportation, proposed increases in fares to Canada are not included in this order.

[2] This limitation is, of course, without prejudice to the carriers' opportunity in the General Passenger Fare Investigation, Docket No. 8008, to seek consideration of other evidence with respect to the issues in that case. See Order No. E-11009, February 6, 1957.

[3] Filed as part of the original document.

[4] Dissenting statement of Vice Chairman Gurney, filed as part of original document.

FEDERAL POWER COMMISSION

[Docket No. G-12193]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 12, 1957.

On February 11 and 12, 1957, Magnolia Petroleum Company (Magnolia) submitted for filing proposed changes in its rate schedules presently in effect for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings:

Description; Purchaser; Rate Schedule Designation; and Effective Date

Notice of Change Undated; United Fuel Gas Company; Supplement No. 3 to Magnolia's FPC Gas Rate Schedule No. 2; March 13, 1957.

Notice of Change Undated; United Fuel Gas Company; Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 1; March 14, 1957.[5]

In support of the proposed increased rate, Magnolia states that the contract was entered into in good faith as the result of arm's-length negotiations and that the long-term contract resulted with the installment price schedule therein. Magnolia also states that because of the competitive nature of the producing segment of the natural gas industry to deny the increased price, which was based upon the "supply and demand formula," would be confiscatory of the seller's property. Magnolia further states that the increasing costs of exploration, production, and processing of natural gas with depletion of reserves, requires additional revenue.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates and charges and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5, 15, and 16 of the Natural Gas Act, and the Commission's

[5] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Magnolia, if later.

general rules and regulations, a public hearing be held, upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, and pending such hearing and decision thereon the above designated supplements be and the same hereby are suspended and the use thereof deferred until August 13, 1957, and August 14, 1957, respectively, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by sections 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2097; Filed, Mar. 19, 1957; 8:47 a. m.]

[Docket Nos. G-9553, G-11038, G-11069]

H. L. HUNT

NOTICE OF CONTINUANCE OF HEARING

MARCH 13, 1957.

Upon consideration of the motion filed March 8, 1957, by Counsel for H. L. Hunt for continuance of the hearing now scheduled for March 25, 1957, in the above-designated matters;

Notice is hereby given that the hearing in these matters is postponed to commence at 10:00 a. m., e. s. t., April 23, 1957, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2098; Filed, Mar. 19, 1957; 8:47 a. m.]

[Docket No. G-12201]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 13, 1957.

Magnolia Petroleum Company (Magnolia) on February 28 and 13, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Letter of Agreement dated December 20, 1954; Notice of Change, undated.

[1] Commissioner Digby dissenting.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement No. 19 to Magnolia's FPC Gas Rate Schedule No. 16; Supplement No. 20 to Magnolia's FPC Gas Rate Schedule No. 16.

Effective date:[2] March 30, 1957; March 15, 1957.

In support of the proposed increased rate, Magnolia states that the contract was entered into in good faith as the result of arms length negotiations and that the long-term contract resulted with the installment price schedule therein. Magnolia also states that because of the competitive nature of the producing segment of the natural gas industry to deny the increased price, which was based upon the "supply and demand formula", would be confiscatory of the seller's property. Magnolia further states that the increasing costs of exploration, production, and processing of natural gas with depletion of reserves, requires additional revenue.

The increased rates and charges proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rates and charges, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and are hereby suspended and the use thereof deferred until August 15, 1957, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2099; Filed, Mar. 19, 1957; 8:47 a. m.]

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Magnolia, if later.

[Docket No. G-12194]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 13, 1957.

Magnolia Petroleum Company (Magnolia), on February 12, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, undated.

Purchaser: Louisiana Nevada Transit Company.

Rate schedule designation: Supplement No. 4 to Magnolia's FPC Gas Rate Schedule No. 40.

Effective date:[2] March 14, 1957.

In support of the proposed increase, Magnolia states that the increased rate is provided for by contract and negotiated at arm's-length, and that the costs of production, exploration and drilling justify the proposed increase.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement be and it is hereby suspended and the use thereof deferred until August 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2100; Filed, Mar. 19, 1957; 8:47 a. m.]

[Docket No. G-12191]

SHELL OIL CO.

ORDER ACCEPTING RATE SCHEDULE FOR FILING AND PROVIDING FOR HEARING

MARCH 13, 1957.

On November 18, 1954, Shell Oil Company (Shell) tendered for filing as its June 7, 1954 rate schedule[1] its contract dated May 1, 1951, with Texas Gas Transmission Company (Texas Gas).

Such rate schedule shows an original rate for gas deliveries of 9.997 cents per Mcf (including 1.0¢ tax reimbursement); however, Shell in its accompanying billing statement showed without explanation a rate of 13.5 cents per Mcf (12.5¢ plus tax reimbursement) therefor. By letter of January 6, 1955, Shell was advised that, pending explanation, no action would be taken on the tender, denominated as Shell's FPC Gas Rate Schedule No. 153.

By filing of February 11, 1957, Shell has proposed a change of rate (the subject of a separate order issued in Docket No. G-12192 contemporaneously herewith), and has explained its claim for the 13.5 cents per Mcf rate as based on a "favored nation" provision of Rate Schedule No. 153, which Shell claims, and Texas Gas denies, to have been triggered in February, 1954. It further appears that the issue of Shell's rates and charges effective on June 7, 1954 (see Regulations Under the Natural Gas Act, § 154.92 (a)) is the subject of proposed litigation between the parties to the contract.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission accept for filing Shell's said Rate Schedule No. 153, tendered November 18, 1954, and that the Commission enter upon a hearing concerning the effective rate thereunder on June 7, 1954.

The Commission orders:

(A) Shell Oil Company's contract dated May 1, 1951, with Texas Gas Transmission Company is accepted for filing as Shell's Rate Schedule No. 153.

(B) Pursuant to the authority contained in the Natural Gas Act, particularly sections 4, 5, 15, and 16 thereof, and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing shall be held commencing on April 22, 1957 at 10:00 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purpose of determining and fixing the rate properly effective on June 7, 1954, for the sale of gas by Shell Oil Company under its FPC Gas Rate Schedule No. 153 to Texas Gas Transmission Company, and any other matters incident to such issue.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2101; Filed, Mar. 19, 1957; 8:47 a. m.]

[1] See Regulations Under the Natural Gas Act, Sec. 154.92 and 154.93.

[Docket No. G-12192]

SHELL OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 13, 1957.

Shell Oil Company (Shell), on February 11, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change dated February 7, 1957.

Purchaser: Texas Gas Transmission Corporation.

Rate schedule designation: Supplement No. 1 to Shell's FPC Gas Rate Schedule No. 153.

Effective date:[1] March 13, 1957.

In support of the increase Shell states that it derives from a favored-nation provision in its contract with Texas Gas Transmission Company which was a major inducement to Shell's agreement to sell under a long term contract, that the proposed rate equals or is lower than other rates for sales of natural gas in the area, and that the increase is necessary to offset increases in its cost of production.

By order issued contemporaneously herewith in Docket No. G-12191, Shell's Rate Schedule No. 153 has been accepted for filing, and a hearing has been ordered on the matter of Shell's lawful rate existing on June 7, 1954 for the sale of gas in question.

The increased rate and charge now proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed increased rate and charge, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed increased rate and charge; and, pending such hearing and decision thereon, the above-designated supplement hereby is suspended and the use thereof deferred until August 13, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2102; Filed, Mar. 19, 1957; 8:47 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Shell, if later.

[Docket No. G-8921 etc.]

ARKANSAS FUEL OIL CORP. ET AL.

ORDER POSTPONING DATE OF HEARING

MARCH 12, 1957.

In the matters of Arkansas Fuel Oil Corporation, Docket Nos. G-8921, G-9386, G-9571, G-9800, G-10036, G-11289, and G-11290; Arkansas Fuel Oil Corporation (Operator), Docket Nos. G-11311 and G-11327; R. H. Goodrich, Docket Nos. G-8977 and G-9575; W. H. Cocke, Docket Nos. G-8978 and G-9570; C. N. Johnston, et al., Docket Nos. G-9136 and G-9569; John W. Mecom (doing business as Mecom Petroleums), Docket No. G-10357.

By order issued March 2, 1956, the Commission consolidated, fixed date of hearing to commence April 6, 1956, and specified procedure in certain suspension proceedings involving sales of natural gas in interstate commerce from the Duck Lake Field in St. Mary and St. Martin Parishes, Louisiana. Such consolidation included, among others, Arkansas Fuel Oil Corporation (Arkansas), Docket Nos. G-8921 and G-9571, and Humble Oil & Refining Company (Humble), Docket Nos. G-8925 and G-9574. By notice of the Secretary, dated March 7, 1956, the hearing scheduled in the March 2, 1956, order was postponed to a date to be fixed by further notice.

By notice of the Secretary, dated February 26, 1957, certain dockets, including the above-mentioned Humble dockets, were severed from the proceedings consolidated by the March 2, 1956 order, and the remaining dockets, which included Arkansas Docket Nos. G-8921 and G-9571, were consolidated with other Arkansas rate suspension dockets and with the other rate suspension proceedings identified in the caption hereof. Such consolidated dockets were scheduled for hearing on April 1, 1957.

On March 4, 1957, Arkansas filed a motion for a continuance of the April 1, 1957 hearing to December 2, 1957. As grounds in support of its motion, Arkansas asserts, inter alia, that the presentation of its case before the Commission was geared to a joint use of data with Humble, the dockets of which are no longer consolidated with those of Arkansas. The arrangements which Arkansas had consummated some time ago with Humble, whereby certain economic and other testimony and data would be prepared for joint rate-case use, have resulted in such project being underway, but not completed. Further, Arkansas alleges that it and the other Duck Lake

Field non-operators would be compelled to obtain from Humble, the operator, information with respect to cost considerations involved in the operations in this field, since these data are in the custody of Humble alone.

The Commission finds: Based on the above grounds advanced by Arkansas in support of its motion for continuance good cause has been shown for postponing the hearing in the instant consolidated proceedings to June 10, 1957.

The Commission orders: The hearing in these matters, now fixed to commence April 1, 1957, be and it is hereby postponed to June 10, 1957.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2103; Filed, Mar. 19, 1957; 8:47 a. m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS WITH RESPECT TO ADMINISTRATIVE MATTERS

Each Regional Administrator of the Housing and Home Finance Agency is hereby authorized to take the following actions with respect to administrative matters within the Region under his jurisdiction:

1. Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region, and

2. Redelegate to Regional Office officers or employees any of the authority herein delegated.

This delegation of authority supersedes the delegation effective August 14, 1953 (18 F. R. 6812, 10/28/1953).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 20th day of March 1957.

ALBERT M. COLE, *Housing and Home Finance Administrator.*

[F. R. Doc. 57-2114; Filed, Mar. 19, 1957; 8:49 a. m.]

AREA DIRECTOR OF URBAN RENEWAL, PUERTO RICO AREA OFFICE

AMENDMENT OF REDELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM

The redelegation of authority with respect to the slum clearance and urban renewal program effective February 18, 1955 (20 F. R. 1061, 2/18/55), as amended effective September 14, 1956 (21 F. R. 6964, 9/14/56), is hereby further amended by adding after subparagraph 8 the following new subparagraphs:

9. Approve requisitions for direct loan payments.

10. Approve requisitions for loan payments through private financing.

11. Approve requisitions for capital grant payments.

12. Consent to local public agencies' requests to transfer funds from the Project Temporary Loan Repayment Fund to the Project Expenditures Account.

Effective as of the 20th day of March 1957.

R. L. STEINER, *Acting Urban Renewal Commissioner.*

[F. R. Doc. 57-2115; Filed, Mar. 19, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3571]

WHEELING ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE AND SALE OF SHORT-TERM NOTES

MARCH 14, 1957.

Notice is hereby given that Wheeling Electric Company ("Wheeling"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 and 7 of the act and Rule U-50 (a) (2) thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Wheeling has orally established a line of credit with five banking institutions under which it proposes to borrow, from time to time prior to March 1, 1958, an aggregate amount not to exceed $3,000,000, to be outstanding at any one time, as follows:

Mellon National Bank & Trust Company, Pittsburgh, Pa.	$1,400,000
First National City Bank of New York, New York, N. Y.	400,000
Manufacturers Trust Company, New York, N. Y.	400,000
Guaranty Trust Company of New York, New York, N. Y.	400,000
Bankers Trust Company, New York, N. Y.	400,000
Total	3,000,000

Of the $3,000,000 proposed to be borrowed, it is stated that borrowings of $643,000 are exempt from the provisions of section 6 (a) of the act by the first sentence of section 6 (b) of the act. Accordingly, authority is being requested for borrowings in amounts not to exceed an aggregate of $2,357,000.

The proposed borrowings are to be evidenced by notes maturing not more than 270 days after the date of the borrowing, and the notes are to bear interest at the current prime credit rate effective on the date of the borrowing, which prime rate is presently 4 percent per annum. The notes are to be prepayable in whole or in part without premium. All bank loan notes outstanding at the time of the next permanent financing are to be paid from the proceeds of such financing.

The proceeds from the proposed borrowings are to be used to pay part of the costs of Wheeling's 1957 construction program, estimated at $3,600,000.

No finders' fees or commissions are to be paid and it is estimated that the expenses to be incurred by Wheeling will not exceed $100; no legal or other fees, commissions or expenses are to be paid, except that routine services will be performed by American Gas and Electric Service Corporation, the system's mutual service company, the cost of which services are estimated not to exceed $500.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 29, 1957, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by the declaration which he proposes to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other actions as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2109; Filed, Mar. 19, 1957; 8:48 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 14, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Commission issued its third amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December, 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On March 4, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from March 5, 1957, to March 14, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from March 15, 1957, to March 24, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2110; Filed, Mar. 19, 1957; 8:48 a. m.]

[File No. 1-3679]

KROY OILS, LTD.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 14, 1957.

In the matter of trading on the American Stock Exchange in the 20¢ par value Capital Stock of Kroy Oils Limited, File No. 1-3679.

I. The 20¢ par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May, 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On March 4, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from March 5, 1957, to March 14, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from March 15, 1957, to March 24, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2111; Filed, Mar. 19, 1957; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

ALSIKE CLOVER SEED

INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

On March 14, 1957, the President requested the United States Tariff Commission to make an investigation for the purposes of paragraph 2 of Executive Order 10401 dated October 14, 1952 (17 F. R. 9125) to determine whether, and if so, to what extent, the modification of the trade-agreement concession on alsike clover seed by Presidential Proclamation No. 3100 of June 29, 1955 (20 F. R. 4699) will remain necessary after June 30, 1957, in order to prevent or remedy serious injury or the threat thereof to the domestic industry producing like or directly competitive products. The President requested further that the report of the Commission's findings be made to him not later than May 15, 1957.

The modification by the President of the trade-agreement concession on alsike clover seed provided for in paragraph 763 of the Tariff Act of 1930 was made under the "escape clause" procedure, after investigation and report to him by the Tariff Commission under section 7 of the Trade Agreements Extension Act of 1951 (Investigation No. 31). Under the original trade-agreement concession, a reduced duty of 2 cents per pound was applicable to imports of alsike clover seed. Under the concession as modified, a tariff-rate quota was established providing that during each of the 12-month periods beginning July 1, 1955, and July 1, 1956, the quantity of alsike clover seed which may be entered, or withdrawn from warehouse, for consumption, subject to the duty rate of 2 cents per pound shall be limited to 2,500,000 pounds, and that all such seed entered, or withdrawn from warehouse, for consumption in excess of that quantity during each of these periods shall be dutiable at the rate of 6 cents per pound.

In accordance with the request of the President, the Commission on March 14, 1957, instituted an investigation under paragraph 2 of Executive Order 10401 and ordered a hearing in connection with such investigation to be held on April 15, 1957, beginning at 10 a. m. in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C. Parties interested will be given opportunity to be present, to produce evidence, and to be heard at the hearing. Such parties desiring to appear and testify at the hearing should notify the Secretary of the Tariff Commission, in writing, at least three days in advance of the date of the hearing.

By order of the United States Tariff Commission this 14th day of March 1957.

DONN N. BENT,
Secretary.

[F. R. Doc. 57-2113; Filed, Mar. 19, 1957; 8:49 a. m.]

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTION

NOTICE OF INVESTIGATION AND HEARINGS

Public notice of investigation and hearings under section 3 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, as follows: Investigation No. 6. List of articles for consideration in proposed trade agreement negotiations with the governments which are contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause action.

1. The final date for filing requests to testify at Tariff Commission public hearings is April 17, 1957.

2. The final date for filing written statements with the Tariff Commission is April 17, 1957.

3. Tariff Commission public hearings will begin on April 24, 1957.

4. Public announcements relating to the proposed trade-agreement negotiations have also been issued by the Interdepartmental Committee on Trade Agreements [1] and the Committee for Reciprocity Information,[2] and appear concurrently with this notice in the FEDERAL REGISTER.

The Interdepartmental Committee on Trade Agreements this day issued public notice of the intention of this Government to enter into trade-agreement negotiations with the governments which are contracting parties to the General Agreement on Tariffs and Trade regarding compensation for escape clause action. On March 14, 1957, in accordance with section 3 of the Trade Agreements Extension Act of 1951, as amended, the President furnished to the United States Tariff Commission a list (hereinafter referred to as the "President's list") of articles imported into the United States to me considered in the proposed negotiations, and requested the Tariff Commission to make a "peril point" investigation and report with respect to each such article, as provided in said section 3 of the Trade Agreements Extension Act of 1951, as amended. A copy of the President's list is attached to the announcement of the Interdepartmental Committee on Trade Agreements published in the FEDERAL REGISTER concurrently with this notice, and is annexed to this notice for convenience.[3]

A. *Investigation instituted.* Pursuant to section 3 of the Trade Agreements Extension Act of 1951, as amended, and under the authority of section 332 of the Tariff Act of 1930, the United States Tariff Commission has this day instituted an investigation with respect to the articles included in the President's list.

B. *Purpose of investigation.* The purpose of the investigation is to obtain the facts necessary to enable the Tariff Commission to formulate findings (known as "peril point" findings) for inclusion in a report to the President with respect to each article included in the President's list as to (1) the limit to which the modification of duties and other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment may be extended in order to carry out the purpose of Section 350 of the Tariff Act of 1930, as amended (Trade Agreements Act), without causing or threatening serious injury to the domestic industry producing like or directly competitive articles, and (2) if increases in duties or additional import restrictions are required to avoid serious injury to the domestic industry producing like or directly competitive articles, the minimum increases in duties or additional import restrictions required.

C. *Written statements and public hearings.* Parties interested will be given opportunity to present their views with respect to the subject matter of the investigation either by submission of written statements or by oral testimony at public hearings, or both. In order to permit, within the limited time and resources available, all interested parties to present information and views concerning the articles in the President's list in an orderly manner and with the least possible inconvenience to all concerned, the Commission has established the following procedure for submission of written statements and the conduct of hearings:

1. *Written statements in lieu of appearance at hearings.* Interested parties may present their information and views through the submission of written statements in lieu of appearances at the public hearings. Such statements must be under oath and will be given the same consideration as oral testimony presented at the hearings, and, except for information submitted and accepted in confidence, will be made available for inspection by interested parties. Twenty copies of written statements shall be submitted, only one of which need be sworn to. Such statements should be submitted as early as possible, but not later than April 17, 1957.

2. *Scope of written statements and oral testimony.* Written statements and oral testimony must relate to articles included in the President's list, and must be confined to matters relevant to the purpose of the investigation as stated in B, above. At the beginning of any written statement that is read at the hearings, or any oral testimony given at the hearings, the article and tariff paragraph number to which the testimony relates should be specifically identified.

3. *Submission of information in confidence.* Information pertinent to the subject matter of the investigation which interested parties desire to submit in confidence may be submitted with written statements or at the time testimony is given at the hearings, on separate sheets, each clearly marked "Submitted in confidence."

[1] See F. R. Doc. 2161, *infra*.
[2] See F. R. Doc. 2160, *infra*.
[3] Not filed as part of the original document.

4. *Appearance at public hearings.* The following information and instructions should be carefully studied by all persons interested in appearing at the public hearings in this investigation.

a. Requests to appear at the public hearings must be filed in writing (by letter separate from any written statement or brief) with the Secretary of the Commission on or before April 17, 1957. Such requests must contain the following information:

(1) The tariff paragraph number and a description of the article or articles on which testimony will be presented.

(2) The name and organization of the witness or witnesses who will testify, and the name, address, telephone number, and organization of the person filing the request.

(3) A brief indication of the position to be taken concerning the customs treatment of the articles affected.

(4) A careful estimate of the time desired for presentation of oral testimony by all witnesses for whom the request is filed.

NOTE: The Commission reserves the right to limit the time assigned to witnesses. Witnesses may, of course, supplement their oral testimony with written statements of any desired length. Such supplemental statements must, however, be presented at the time the oral testimony is given.

b. The Secretary of the Commission should be promptly notified of any changes in the request for appearance as originally filed.

c. It is suggested that parties who have a common interest in one or more of the articles listed may wish to arrange for a consolidated presentation of their views.

5. *Date and conduct of hearings.* a. The public hearings in this investigation will commence at 10:00 o'clock a. m., e. s. t., on Wednesday, the 24th day of April 1957, in the Hearing Room of the Tariff Commission Building, 8th and E Streets, N. W., Washington, D. C. The hearings will be held each day from 10:00 a. m. to about 1:00 p. m., and are scheduled to be concluded not later than Thursday, April 25, 1957.

b. Parties who have properly entered their appearance by April 17, 1957, as indicated under paragraph C, 4, above, will be individually notified of the date on which they are scheduled to appear. Such notifications will be sent as soon as possible after the closing date for requests to appear (April 17, 1957).

c. Questioning of witnesses will be limited to members of the Commission.

6. *Related hearings before the Committee for Reciprocity Information.* Published concurrently with this notice is an announcement by the Committee for Reciprocity Information regarding public hearings to be held by that Committee on the articles included in the President's list, and on other matters, to begin on April 24, 1957. Arrangements will be made to permit persons desiring to appear at both Tariff Commission and Committee for Reciprocity Information hearings to do so without conflict in scheduling, and, where possible, to present their testimony at both hearings on the same day. Oral testimony and written statements of interested parties received by the Tariff Commission in connection with this investigation will be made available by the Tariff Commission to the Committee for Reciprocity Information. Accordingly, as stated in the Committee for Reciprocity Information notice, appearance before the Committee for Reciprocity Information for the purpose of submitting the same information, although permissible, will not be necessary.

E. *Communications to be addressed to Secretary.* All communications regarding the Tariff Commission investigation, including requests for appearance at the Tariff Commission hearings, should be addressed to the Secretary, United States Tariff Commission, Washington 25, D. C.

By direction of the United States Tariff Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-2159; Filed, Mar. 18, 1957; 12:30 p. m.]

INTERDEPARTMENTAL COMMITTEE ON TRADE AGREEMENTS

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTION

Pursuant to section 4 of the Trade Agreements Act, approved June 12, 1934, as amended (48 Stat. 945, ch. 474; 65 Stat. 73, ch. 141) and to paragraph 4 of Executive Order 10082 of October 5, 1949 (3 CFR, 1949 Supp., p. 126), and in view of certain "escape olause" action with respect to toweling of flax, hemp, or ramie taken by the President on June 25, 1956 (Proclamation 3143, 3 CFR, 1956 Supp., p. 33) under the authority of section 350 of the Tariff Act of 1930, as amended (48 Stat. 943, ch. 474) and Section 7 (c) of the Trade Agreements Extension Act of 1951 (65 Stat. 74, ch. 141), notice is hereby given by the Interdepartmental Committee on Trade Agreements of intention to enter into trade agreement negotiations under Article XIX of the General Agreement regarding compensation to contracting parties to the Agreement that have a substantial interest as exporters for such escape clause action. Since the purpose of the negotiations is the granting of compensatory concessions by the United States, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports. The results of these negotiations would be embodied in Schedule XX to the General Agreement.

There is annexed hereto a list of articles imported into the United States to be considered for posisble modification of duties and other import restrictions, or specific continuance of existing customs or excise treatment in the negotiations of which notice is given above.

The articles proposed for consideration in the negotiations are identified in the annexed list by specifying the numbers of the paragraphs in tariff schedules of Title I of the Tariff Act of 1930, as amended, in which they are provided for together with the language used in such tariff paragraphs to provide for such articles, except that where necessary the statutory language has been modified by the omission of words or the addition of new language in order to narrow the scope of the original language.

No article will be considered in the negotiations for possible modification of duties or other import restrictions, imposition of additional import restrictions, or specific continuance of existing customs or excise treatment unless it is included, specifically or by reference, in the annexed list or unless it is subsequently included in a supplementary public list. Only duties on the articles listed imposed under the paragraphs of the Tariff Act of 1930 specified with regard to such articles will be considered for a possible decrease, but additional or separate ordinary duties or import taxes on such articles imposed under any other provisions of law may be bound against increase as an assurance that the concession under the listed paragraph will not be nullified. In the event that an article which as of March 1, 1957 was regarded as classifiable under a description included in the list is excluded therefrom by judicial decision or otherwise prior to the conclusion of the trade agreement negotiations, the list will nevertheless be considered as including such article.

Pursuant to section 4 of the Trade Agreements Act, as amended, and paragraph 5 of Executive Order 10082 of October 5, 1949, information and views as to any aspect of the proposals announced in this notice may be submitted to the Committee for Reciprocity Information in accordance with the announcement of this date issued by that Committee.[1] Any matters appropriate to be considered in connection with the negotiations proposed above may be presented.

Public hearings in connection with "peril point" investigation of the United States Tariff Commission in connection with the articles included in the annexed list pursuant to Section 3 of the Trade Agreements Extension Act of 1951, as amended, are the subject of an announcement of this date issued by that Commission.[2]

By direction of the Interdepartmental Committee on Trade Agreements this 18th day of March 1957.

CARL D. CORSE,
Chairman,
Interdepartmental Committee
on Trade Agreements.

LIST OF ARTICLES IMPORTED INTO THE UNITED STATES PROPOSED FOR CONSIDERATION IN TRADE AGREEMENT NEGOTIATIONS

TARIFF ACT OF 1930, TITLE I—DUTIABLE LIST

Paragraph 5. All chemical elements, all chemical salts and compounds, and all combinations and mixtures of any of the foregoing, all the foregoing obtained naturally or artificially and not specially provided for: Sodium alginate.

Paragraph 52. Sperm oil, refined or otherwise processed; spermaceti WAX.

[1] See F. R. Doc. 57-2160, *infra*.
[2] See F. R. Doc. 57-2159, *supra*.

Paragraph 93. Zinc chloride; zinc sulphate.

Paragraph 218 (a). Biological, chemical, metallurgical, pharmaceutical, and surgical articles and utensils of all kinds, including all scientific articles and utensils, whether used for experimental purposes in hospitals, laboratories, schools or universities, colleges, or otherwise, all the foregoing, finished or unfinished, wholly or in chief value of fused quartz or fused silica.

Paragraph 372. Textile machinery finished or unfinished, not specially provided for: Machinery for manufacturing or processing vegetable fibers other than cotton or jute prior to the making of fabrics or crocheted, knit, woven, or felt articles not made from fabrics (except beaming, slashing, warping, or winding machinery or combinations thereof, and except bleaching, printing, dyeing, or finishing machinery).

Paragraph 906. Cloth, in chief value of cotton, containing wool. [NOTE: Paragraph 1122, Tariff Act of 1930, limits the wool content of cloth classifiable under paragraph 906 to less than 17 percent in weight.]

Paragraph 907. Tracing cloth; waterproof cloth, wholly or in chief value of cotton or other vegetable fiber, but not in part of india rubber.

Paragraph 921. All other floor coverings, including carpets, carpeting, mats, and rugs, wholly or in chief value of cotton: Imitation oriental rugs.

Paragraph 1009 (c). Woven fabrics, in the piece or otherwise, wholly or in chief value of vegetable fiber, except cotton, filled, coated, or otherwise prepared for use as artists' canvas.

Paragraph 1010. Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton or jute, or of which these substances or any of them is the component material of chief value, not specially provided for (except toweling, i. e., fabrics chiefly used for making towels, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value).

Paragraph 1410. Unbound books of all kinds, bound books of all kinds except those bound wholly or in part in leather, sheets or printed pages of books bound wholly or in part in leather, all the foregoing not specially provided for, if other than of bona fide foreign authorship (not including diaries, music in books, pamphlets, prayer books, sheets or printed pages of prayer books bound wholly or in part in leather, or tourist literature containing geographic, historical, hotel, timetable, travel, or similar information, chiefly with respect to places or travel facilities outside the continental United States).

[F. R. Doc. 57-2161; Filed, Dec. 18, 1957; 12:30 p. m.]

COMMITTEE FOR RECIPROCITY INFORMATION

TRADE AGREEMENT NEGOTIATIONS WITH GOVERNMENTS WHICH ARE CONTRACTING PARTIES TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE REGARDING COMPENSATION FOR ESCAPE CLAUSE ACTION

SUBMISSION OF INFORMATION TO COMMITTEE FOR RECIPROCITY INFORMATION

Closing date for applications to appear at hearing April 17, 1957.

Closing date for submission of briefs April 17, 1957.

Public hearings open April 24, 1957.

The Interdepartmental Committee on Trade Agreements has issued on this day [1] a notice of intention to participate in trade agreement negotiations under Article XIX of the General Agreement on Tariffs and Trade regarding compensation to contracting parties to the Agreement that have a substantial interest as exporters for the escape clause action with respect to toweling of flax, hemp, or ramie taken by the President on June 25, 1956. Annexed to the notice of the Interdepartmental Committee on Trade Agreements is a list of articles imported into the United States to be considered for possible concessions in the negotiations. Since the purpose of the negotiations is the granting of compensatory concessions by the United States, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports.

The Committee for Reciprocity Information hereby gives notice that all applications for oral presentation of views in regard to the proposed renegotiations shall be submitted to the Committee for Reciprocity Information not later than April 17, 1957. The application must indicate the product or products on which the individual or groups desire to be heard and an estimate of the time required for oral presentation. Written statements shall be submitted not later than April 17, 1957. Such communications shall be addressed to "Committee for Reciprocity Information, Tariff Commission Building, Washington 25, D. C." Fifteen copies of written statesments, either typed, printed, or duplicated shall be submitted, of which one copy shall be sworn to.

Written statements submitted to the Committee, except information and business data proffered in confidence, shall be open to inspection by interested persons. Information and business data proffered in confidence shall be submitted on separate pages clearly marked "For Official Use Only of Committee for Reciprocity Information."

Public hearings will be held before the Committee for Reciprocity Information, at which oral statements will be heard, beginning at 2:00 p. m. on April 24, 1957, in the hearing room in the Tariff Commission Building, Eighth and E Streets NW., Washington, D. C. Witnesses who make application to be heard will be advised regarding the time and place of their individual appearances. Appearances at hearings before the Committee may be made only by or on behalf of those persons who have filed written statements and who have within the time prescribed made written application for oral presentation of views. Statements made at the public hearings shall be under oath.

Persons may present their views regarding any matter appropriate to be considered in connection with the proposed negotiations, although as indicated above, it is not anticipated that they will result in any concessions by other countries for the benefit of United States exports. Copies of the list attached to the notice of intention to negotiate may be obtained from the Committee for Reciprocity Information at the address designated above and may be inspected at the field offices of the Department of Commerce.

The United States Tariff Commission has today [2] announced public hearings on the import items appearing in the list annexed to the notice of intention to negotiate to run concurrently with the hearings of the Committee for Reciprocity Information. Oral testimony and written information submitted to the Tariff Commission will be made available to and will be considered by the Interdepartmental Committee on Trade Agreements. Consequently, those whose interests relate only to import products included in the foregoing list, and who appear before the Tariff Commission, need not, but may if they wish, appear also before the Committee for Reciprocity Information.

By direction of the Committee for Reciprocity Information this 18th day of March 1957.

EDWARD YARDLEY,
Secretary, Committee for Reciprocity Information.

[F. R. Doc. 57-2160; Filed, Dec. 18, 1957; 12:30 p. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 14, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33399: *Gravel—Dickason Pit, Ind., to Findlay, Ill.* Filed by R. G. Raasch, Agent, for the Chicago and Eastern Illinois Railroad Company. Rates on gravel, screened, carloads from Dickason Pit, Ind., to Findlay, Ill.

Grounds for relief: Motor truck competition from wayside pits.

Tariff: Supplement 80 to Chicago & Eastern Illinois Railroad Company's tariff I. C. C. 144.

FSA No. 33400: *T. O. F. C. Service—Commodities between Illinois and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on commodity rates, loaded in or on trailers and transported on railroad flat cars, between Chicago, Joliet, Melrose Park, Waukegan, East St. Louis, Ill., and St. Louis, Mo., on the one hand, and Houston and other specified points in Texas, on the other.

Grounds for relief: Motor truck competition and circuitous routes.

Supplement 10 to Agent Kratzmeir's tariff I. C. C. 4233.

Supplement 39 to Agent Kratzmeir's tariff I. C. C. 4181.

FSA No. 33401: *Sweet potatoes—Louisiana points to Bluefield, W. Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sweet potatoes or yams, carloads from Opelousas, La., and other specified points in Louisiana

[1] See F. R. Doc. 57-2161, *supra*.

[2] See F. R. Doc. 57-2159, *supra*.

west of the Mississippi River to Bluefield, W. Va.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 23 to Agent Kratzmeir's tariff I. C. C. 3131.

FSA No. 33402: *Blankets and related articles between and from and to points in the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cloth, dry goods or fabrics, namely, blankets, pillow cases, towels and related articles taking same rates, less than carloads and carloads between points in southwestern territory, between points in southwestern territory, on the one hand, and points in Illinois and western trunk line territories, on the other, and from points in southwestern territory to points in southern territory.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariffs: Supplement 22 to Agent Kratzmeir's tariff I. C. C. 4221 and three other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-1938; Filed, Mar. 19, 1957; 8:45 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 15, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33403: *Cotton Piece Goods—Southern to southwestern and western Trunk Line Territories.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on cotton piece goods and related articles, carloads and less than carloads from points in southern territory including Virginia also certain points in West Virginia, Ohio River Crossings and Washington, D. C., to points in southwestern and western trunk line territories.

Grounds for relief: Short-line distance formula, grouping, and circuity, also special rate treatment for short or weak lines and application of rates through higher-rated territories.

Tariff: Agent C. A. Spaninger's tariff I. C. C. 1583.

FSA No. 33404: *Barytes—Lumtie, Mo., to Colorado, Utah, and Wyoming.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite (barytes) not precipitated or refined by chemical process, carloads from Lumtie, Mo., to specified points in Colorado, Utah and Wyoming.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 70 to Agent Kratzmeir's tariff I. C. C. 4092.

FSA No. 33405: *T. O. F. C. service—Erie and C. & E. I. Railroads.* Filed by The Erie Railroad Company, Agent, for itself and on behalf of the Chicago and Eastern Illinois Railroad Company. Rates on various commodities, as described in the application, loaded in or on trailers and transported on railroad flat cars between Chicago, Ill., and points grouped therewith, on the one hand, and Akron, Ohio, and grouped points, Ashland, Barberton, Cleveland, Kent, Tallmadge, and Wadsworth, Ohio, on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 27 to Erie Railroad Company's I. C. C. 21047.

FSA No. 33406: *Coal—Appalachian region to Toledo, Ohio.* Filed by Roy Kern, Agent, for interested rail carriers. Rates on bituminous coal, carloads from mines and stations in origin districts in the Appalachian coal region in Kentucky, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia to Toledo, Ohio.

Grounds for relief: Circuitous routes through higher-rated groups.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2106; Filed, Mar 19, 1957; 8:48 a. m.]

FEDERAL REGISTER

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THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

MAR 22 1957

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (12) is added to § 6.110 as set out below.

§ 6.110 *Department of the Interior*—(a) *General.* * * *

(12) One Staff Assistant, President's Council on Youth Fitness.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-2184; Filed, Mar. 20, 1957; 8:52 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

[P.P.C. 577, 3d Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—BLACK STEM RUST

REVISED ADMINISTRATIVE INSTRUCTIONS DESIGNATING RUST-RESISTANT SPECIES AND VARIETIES OF BARBERRY, MAHOBERBERIS, AND MAHONIA PLANTS

Pursuant to the authority conferred upon him by § 301.38–5 of the regulations (7 CFR 301.38–5) supplemental to the Black Stem Rust Quarantine (Notice of Quarantine No. 38, 7 CFR 301.38) under section 8 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161), and Administrative Memorandum No. 101.1 of February 21, 1957 issued by the Administrator of the Agricultural Research Service, the Director of the Plant Pest Control Division hereby revises the administrative instructions in 7 CFR, Supp., 301.38–5a (21 F. R. 4905) to read as follows:

§ 301.38–5a *Administrative instructions designating rust-resistant barberry, mahoberberis, and mahonia plants.* (a) The Director of the Division, upon the basis of evidence satisfactory to him, has determined that the following species and horticultural varieties of barberry, mahoberberis, and mahonia are resistant to black stem rust, and such species and varieties are hereby designated as rust-resistant:

Scientific name:
- Berberis aridо-calida.
- B. beaniana.
- B. buxifolia.
- B. buxifolia nana.
- B. calliantha.
- B. candidula.
- B. chenaulti.
- B. circumserrata.
- B. concinna.
- B. darwini.
- B. formosana.
- B. franchetiana.
- B. gagnepaini.
- B. gilgiana.
- B. horvathi.
- B. hybrido-gagnepaini.
- B. insignis.
- B. julianae.
- B. koreana.
- B. lempergiana.
- B. lepidifolia.
- B. linearifolia.
- B. linearifolia var. Orange King.
- B. lologensis.
- B. manipurana.
- B. mentorensis.
- B. pallens.
- B. potanini.
- B. Renton.
- B. replicata.
- B. sanguinea.
- B. sargentiana.
- B. stenophylla.
- B. stenophylla diversifolia.
- B. stenophylla gracilis.
- B. stenophylla irwini.
- B. stenophylla nana compacta.
- B. telomaica artisepala.
- B. thunbergi.
- B. thunbergi atropurpurea.
- B. thunbergi atropurpurea erecta.
- B. thunbergi atropurpurea nana.
- B. thunbergi erecta.
- B. thunbergi "globe".
- B. thunbergi "golden".
- B. thunbergi maximowiczi.
- B. thunbergi minor.
- B. thunbergi pluriflora.
- B. thunbergi "thornless".
- B. thunbergi "variegata".
- B. thunbergi xanthocarpa.
- B. triacanthorphora.

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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B. xanthoxylon.
Mahoberberis aqui-candidula.
M. aqui-sargentiae.
M. miethkeana.
Mahonia aquifolium.
M. bealei.
M. compacta.
M. dictyota.
M. fortunei.
M. lomariifolia.
M. nervosa.
M. pinnata.
M. repens.

(b) Plants of the species and varieties listed in paragraph (a) of this section may be moved interstate in compliance with the regulations in this subpart.

(c) Under the regulations in this subpart, seeds and fruit of the species and varieties listed in paragraph (a) of this section, if produced in any of the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, may be moved between such States only under permit or, wherever produced, may be moved from the States named to points outside thereof, and between States other than those named, without restriction. Under the regulations, seeds and fruit of the species and varieties listed in paragraph (a) of this section generally are prohibited movement into the States named.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

These instructions shall become effective on March 21, 1957, when they shall supersede P. P. C. 557, second revision, effective July 3, 1956 (7 CFR, Supp., 301.38–5a).

The purpose of this amendment is to add to the list of rust-resistant species and horticultural varieties of barberry, mahoberberis, and mahonia plants the following three additional species and varieties: Berberis manipurana, Berberis thunbergi atropurpurea erecta, and Berberis wokingensis. The designation of such rust-resistant species and varieties in effect constitutes a relaxation of the restrictions of the regulations and depends upon facts within the knowledge of the Plant Pest Control Division. It has been determined that there is no unwarranted pest risk involved in the permitted movement of such species and varieties. The determination having been made that these species and varieties are rust-resistant, authorization for their movement in accordance with the regulations should be accomplished promptly. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure concerning these instructions are impracticable, unnecessary, and contrary to the public interest, and since the instructions relieve restrictions, they may be made effective less than thirty days after publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 18th day of March 1957.

[SEAL] E. D. BURGESS,
Director,
Plant Pest Control Division.

[F. R. Doc. 57–2185; Filed, Mar. 20, 1957; 8:53 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ORDER SUSPENDING CERTAIN PROVISIONS AND PROVIDING FOR LIQUIDATION OF RESERVE AND SURPLUS POOLS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act," and of Marketing Agreement No. 109 and Marketing Order No. 89, as amended (20 F. R. 6435; 21 F. R. 8182), regulating the handling of raisins produced from raisin variety grapes grown in California, hereinafter referred to as "Order No. 89," effective pursuant to the provisions of said act, an order (22 F. R. 863) was issued on February 7, 1957, modifying the volume regulation established for the 1956–57 crop year by the implementing order (§ 989.211; 21 F. R. 8142) issued on October 18, 1956. The implementing order designated the percentages of each varietal type of standard raisins acquired by handlers during the crop year beginning September 1, 1956 and ending August 31, 1957, which should be free tonnage, reserve tonnage, and surplus tonnage, respectively. A free tonnage percentage of 100, a reserve tonnage percentage of zero and a surplus tonnage percentage of zero were designated for each varietal type of raisins, other than for the natural (sun-dried) Thompson Seedless varietal type. For such varietal type, these percentages were fixed at 73, 10 and 17, respectively.

A finding was made and set forth in the modification order that the application of the then existing volume regulation to raisins acquired by handlers on and after February 12, 1957, would not tend to effectuate the declared policy of the act and that such percentages should be modified with respect thereto. This finding was predicated on the fact that it appeared not only would the estimated season average grower return for all 1956 crop raisins exceed the estimated season average parity price for all raisins, but also the estimated season average grower return for raisins of the natural (sun-dried) Thompson Seedless varietal type would exceed the equivalent parity price for such raisins. In addition, the situation was such that the prices of raisins in export outlets to which surplus raisins had been allocated, were then equivalent to those prevailing for free tonnage raisins in Western Hemisphere outlets and hence were attracting free tonnage.

Accordingly, it was provided in the aforesaid modification order that for any raisins of any and all varietal types (including the natural (sun-dried) Thompson Seedless varietal type) which are acquired on and after February 12, 1957, such percentages shall be: Free tonnage percentage, 100 percent; reserve tonnage percentage, zero percent; and surplus tonnage percentage, zero percent. It was stated in the modification order that appropriate action would be taken promptly as required with respect to reserve and surplus pool tonnage raisins then being held for the account of the Raisin Administrative Committee (hereinafter referred to as the "committee") which were set aside in connection with acquisitions of raisins of the natural (sun-dried) Thompson Seedless varietal type by handlers prior to the effective time of the modification.

Based upon the recommendation of the committee and other available information, it is hereby found and determined that certain of the provisions of Order No. 89 and of certain of the provisions of the implementing orders, including the administrative rules and procedures, as hereinafter stated, will not tend to effectuate the declared policy of the act for the period beginning with the date of the publication of this document in the FEDERAL REGISTER and ending at 12:01 a. m., P. d. s. t., September 1, 1957, and that they should be suspended for such period; also, that the additional procedures, as hereinafter set forth, should be established for disposing of the existing unsold reserve tonnage and surplus tonnage raisins set aside in connection with acquisitions of raisins by handlers prior to February 12, 1957.

It is therefore ordered, That the provisions of paragraph (e) of § 989.66, the last sentence of paragraph (a) of § 989.67, paragraphs (b), (c), and (d) of § 989.67, and § 989.68 of Order No. 89 (20 F. R. 6435; 21 F. R. 8182), paragraph (a) of § 989.167 and § 989.168 (other than the first sentence) of the Administrative Rules and Procedures (21 F. R. 4800; 5033), and implementing regulation § 989.266 (21 F. R. 7789) be, and they hereby are, suspended for the period beginning on the date of the publication of this document in the FEDERAL REGISTER and continuing to 12:01 a. m., P. d. s. t., September 1, 1957.

It is further ordered, That the Raisin Administrative Committee, the administrative agency for the operation of Order No. 89, shall dispose of the unsold reserve and surplus pool tonnages required to be set aside for its account by handlers in connection with their acquisitions of raisins prior to February 12, 1957, and make final liquidations of such pools, in conformity with the following provisions:

(a) *Reserve tonnage*—(1) *Offer.* On the day this document is published in the FEDERAL REGISTER (or if such day should be Saturday, on the following Monday) the committee shall offer all of such reserve tonnage raisins to handlers at $199.10 per ton. Each handler shall be allowed 10 calendar days in which to purchase his share of the offer, which share shall be determined as the same proportion of the offer that the reserve

tonnage held by him is of the reserve tonnage held by all handlers.

(2) *Reoffers.* Any unpurchased tonnage shall be reoffered, for a period of five business days, beginning on the second business day after the close of the original offer. Handlers eligible to purchase from the first reoffer shall be those who purchased 100 percent of their respective shares of the original offer, and they shall be permitted to purchase equal shares of the tonnage reoffered. If there should be any unpurchased tonnage remaining after such reoffer, the committee shall continue with reoffers on the same basis as is prescribed for the original reoffer until the total reserve tonnage has been purchased. In the case of each reoffer subsequent to the original reoffer, handlers eligible to purchase therefrom shall be those who purchased all of their respective shares of all previous reoffers, as well as of the original offer.

(b) *Surplus tonnage*—(1) *Special offer.* (i) Simultaneously with its offer of reserve tonnage as provided for in paragraph (a) hereof, the committee shall offer 5,000 tons of the surplus tonnage raisins to handlers for disposition in any marketing channel the same as free tonnage raisins. Such offer shall be made at the same price ($199.10 per ton) as for the reserve tonnage offer: *Provided,* That the committee shall include in such offer an agreement to rebate $10.00 per ton of said purchase price of $199.10 per ton to any handler submitting proof of sale and exportation to any country outside of the Western Hemisphere ("Western Hemisphere" as used herein, means Greenland and the area east of the International Date Line and west of 30 degrees W. Longitude) subsequent to the date of the offer and prior to September 1, 1957: *And provided further,* That eligibility for such rebate shall be limited to a quantity of raisins of the natural (sun-dried) Thompson Seedless varietal type, not in excess of the tonnage equivalent of the particular handler's purchase from the 5,000 tons. Proof of such sale and exportation shall be submitted to the committee within 20 calendar days after the date of exportation. Each handler shall be allowed 30 calendar days in which to purchase his share of such offer, which share shall be the same percentage of the 5,000 tons as his acquirements of surplus tonnage raisins for the period beginning September 1, 1956, and ending February 11, 1957, are of the total acquirements of surplus tonnage raisins by all handlers during that period.

(ii) On the second business day after the close of the aforementioned 5,000-ton offer of surplus tonnage raisins, the committee shall reoffer any unpurchased tonnage of such offer, for a period of five business days. Only handlers who purchased all of their shares of the offer shall be eligible to participate in the reoffer. Their respective shares of such reoffer shall be the same percentage of the reoffered quantity as their respective purchases of the 5,000-ton offer were of the total quantity of the offer purchased by all handlers eligible to participate in the reoffer. If any tonnage should remain after the initial reoffer, subsequent reoffers on the same basis shall be made as necessary until all of the 5,000-ton offer has been purchased. In the case of each reoffer subsequent to the original reoffer, handlers eligible to purchase therefrom shall be those who purchased all of their respective shares of all previous reoffers as well as of the offer, and the share of each shall be the same percentage of the reoffered quantity as his purchases from the offer and prior reoffers thereof are of the total purchases from the offer and prior reoffers by all handlers eligible to participate in the then current reoffer.

(2) *Offer of remainder of surplus tonnage.* (i) On the second business day after the close of the initial offer of 5,000 tons of surplus tonnage raisins, the committee shall offer to handlers, for disposition in any marketing channel the same as free tonnage raisins, the remainder of the surplus pool tonnage raisins (i. e., the tonnage set aside by handlers in connection with their surplus tonnage acquisitions prior to February 12, 1957, and unsold on that date, less 5,000 tons) at the same price ($199.10 per ton) as for the preceding offers of reserve and surplus tonnage raisins under this document. Each handler shall be allowed 10 calendar days in which to purchase his share of such offer, which share shall be determined as the same percentage of the offer that the unsold surplus tonnage raisins (exclusive of any of the quantity representing his share of the 5,000-ton offer) held by him at the time of the offer is of the unsold surplus tonnage raisins (exclusive of any of the 5,000-ton offer) held by all handlers at such time.

(ii) Any unpurchased tonnage remaining after the close of the initial offer shall be reoffered, for a period of five business days, beginning on the second business day after the close of such initial offer. Handlers eligible to purchase from the first reoffer shall be those who purchased 100 percent of their respective shares of the initial offer, and each such handler shall be permitted to purchase from such reoffered quantity in proportion to his share of the offer. If there should be any unpurchased tonnage remaining after such reoffer, the committee shall reoffer promptly such remaining quantity to all handlers, regardless of whether they purchased under the initial offer or the first reoffer, on the basis of the order in which written applications to purchase are received by it and there shall be no limit, up to the quantity available for sale, which a handler may purchase.

(c) *General.* (1) Whenever a handler's share of surplus tonnage raisins pursuant to this document is less than or exceeds his holdings of the particular pool tonnage being offered or reoffered by an amount smaller than one ton, the committee may adjust the handler's share or allocation so as to avoid the cost of physical transfer of raisins.

(2) The committee shall pay the cost of any necessary transfers of reserve or surplus tonnage raisins, other than those where a handler releases his share to another handler, to the purchasing handler at prevailing haulage rates for the type of transportation and the distance or area involved. Each such cost shall be considered as a part of the operational expenses of the particular pool (i. e., reserve or surplus) to which it relates.

(3) The income from the sale of reserve tonnage subsequent to the effective date of this document shall be combined with the income, if any, from the sale of reserve tonnage prior to such date, and the income from surplus tonnage shall be similarly combined. Likewise, the expenses incurred by the committee in connection with reserve and surplus tonnage subsequent to, and prior to, the effective date of this document shall be combined in the same way. The net proceeds from the disposition of reserve and surplus tonnage raisins shall be distributed by the committee to the respective producers, or their successors in interest thereto, as provided in § 989.66 (g) of Order No. 89.

The actions taken herein shall not be deemed to have any of the following effects with respect to any acts or transactions under this part which took place prior to the effective time of this document: (a) Affect or waive any right, duty, obligation, or liability which arose in connection with any provision of Order No. 89, or any implementing order or regulation issued thereunder; (b) release or extinguish any violation of Order No. 89 or any implementing order or regulation issued thereunder; or (c) affect or impair any right or remedies of the United States of America, the Secretary of Agriculture of the United States, the Raisin Administrative Committee, or any other person with respect to any such right, duty, obligation, or liability under this part.

Notice of proposed rule making, public procedure thereon, and postponement of the effective time of this document later than the date of its publication in the FEDERAL REGISTER (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) are impracticable, unnecessary and contrary to the public interest. It has now been determined that the estimated season average price for raisins for the 1956–57 crop year will exceed parity, and the provisions of this part which would prevent the pooled raisins now held for the account of the committee from being made available to handlers for disposition in free tonnage outlets must be suspended. Time does not permit such suspension action, and the prescribing of provisions necessary for the orderly liquidation of the reserve and surplus pools, as herein provided, to be preceded by the aforementioned rule making actions. The demand and supply situation is such that it is urgent that the present pool tonnage be made available immediately to meet market demands. This action does not impose new restrictions on handlers. Notice was given in the order (22 F. R. 863) issued on February 7, 1957, modifying the free, reserve, and surplus percentages that action such as that provided in this document, would be taken promptly. In these circumstances, handlers should need no advance notice of this action.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 15, 1957, to become effective as of the date of the publication of this document in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2127; Filed, Mar. 20, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 190]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.27, the Deblois, Maine, area (R–397), amended on August 11, 1954, in 19 F. R. 5041, is further amended by changing the "Controlling Agency" column to read: "4060th Refueling Wing, Dow Air Force Base, Bangor, Maine".

2. In § 608.37, the Isle of Shoals, New Hampshire, area (R–96), amended on May 4, 1956, in 21 F. R. 2977, is further amended by changing the "Designated Altitudes" column to read: "18,000 feet MSL".

3. In § 608.54, the Camp Pickett, Virginia, area (R–44), amended on May 4, 1956, in 21 F. R. 2977, is further amended by changing the "Controlling Agency" column to read: "Headquarters, Second U. S. Army, Fort Meade, Maryland".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on March 15, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2128; Filed, Mar. 20, 1957; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6662]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

YARDS DEPARTMENT STORE AND MARK PEARLMAN

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; Fictitious Marking; usual as reduced, special, etc. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur *Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Yards Department Store et al., Trenton, N. J., Docket 6662, Mar. 5, 1957]

In the Matter of Yards Department Store, a Corporation, and Mark Pearlman, Individually and as Manager of the Fur Department of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a department store in Trenton, N. J., and the manager of its fur department with violating the Fur Products Labeling Act by advertisements in newspapers, etc., which failed to disclose the names of animals producing the fur in certain fur products, which priced products fictitiously and represented regular prices as reduced therefrom, and which used comparative prices not based on current market values; and by failing to maintain adequate records on which such representations were based.

Following entry of an agreement containing a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 5, 1957, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents Yards Department Store, a corporation, and its officers, and Mark Perlman, individually and as Manager of the Fur Department of said corporation, and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

2. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business.

3. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

4. Makes price claims and representations of the type referred to in paragraphs 2 and 3 above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2152; Filed, Mar. 20, 1957; 8:48 a. m.]

[Docket 6667]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MONTAMOWER CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.140 *Old, reclaimed, or reused as new.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1880 *Old, used, reclaimed, or reused as unused or new.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The MontaMower Company et al., Traverse City, Mich., Docket 6667, Mar. 7, 1957]

In the Matter of The Montamower Company, a Corporation; Hubert H. Montague, Gerald T. Montague and Velma Montague Individually and as Officers of Said Corporation; and Herbert B. Montague, Trading as MontaMower Distributing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the corporate manufacturer and the distributor in Traverse City, Mich., of a grass-cutting device designated "MontaMower" with representing that lawn mowers which were used or reconditioned or which contained secondhand parts were new or unused, among other things.

A consent order disposing of the issues as to the distributor respondent was entered February 14, 1957, 22 F. R. 1329.

Following entry of an agreement for a consent order signed by said manufacturer, the hearing examiner made his initial decision and order to cease and desist which became on March 7 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent The MontaMower Company, a corporation, and its officers; respondents Hubert H. Montague, Gerald T. Montague and Velma Montague, individually and as officers of respondent The MontaMower Company; and respondents' agents, employees or representatives, directly or through any corporate or other device, in or in connection with the offering for sale, sale or distribution in commerce (as commerce is defined in the Federal Trade Commission Act) of lawn mowers now designated as MontaMower or any other lawn mower or grass-cutting device, by the same or any other name, do forthwith cease and desist from:

1. Representing, directly or by implication, that used or reconditioned lawn mowers, or mowers made in whole or in part of used, second-hand or reconditioned parts of materials, are new or unused, or are made of new or unused parts or materials.

2. Advertising, offering for sale or selling any lawn mowers which have been used, or which contain parts or materials which have been used, without disclosing to the purchaser or potential purchaser, by a clear and conspicuous statement in advertising and sales promotion matter and on the product and the container in which it is shipped and delivered, that the product is used or not new, or that it contains parts or materials which have been used or which are not new.

By "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondent The MontaMower Company, a corporation, and respondents Hubert H. Montague, Gerald T. Montague and Velma Montague, individually and as officers of respondent The MontaMower Company, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 7, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-2153; Filed, Mar. 20, 1957; 8:48 a. m.]

TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

Subchapter A—Patents

PART 1—RULES OF PRACTICE IN PATENT CASES

PATENT AND MISCELLANEOUS FEES AND CHARGES

The following amendment is made, to take effect thirty days after publication in the FEDERAL REGISTER. Notice and public procedure are deemed unnecessary as the change relates to a minor fee item.

Item (g) of § 1.21 is amended to read as follows:

(g) For translations from foreign languages into English, made only of references cited in applications or of papers filed in the Patent Office insofar as facilities may be available:	
Written translations, for every 100 words of the original language, or fraction thereof	$3.00
Oral translations (dictation or assistance), for each one-half hour or fraction thereof that service is rendered	4.00

(66 Stat. 793; 35 U. S. C. 6. Interprets or applies sec. 1, 66 Stat. 796; 35 U. S. C. 41)

Dated: March 14, 1957.

ROBERT C. WATSON, *Commissioner of Patents.*

Approved:

SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 57-2166; Filed, Mar. 20, 1957; 8:49 a. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

Chapter I—General Services Administration

[Amdt. 1]

PART 99—STOCK PILING OF STRATEGIC AND CRITICAL MATERIALS

FLUORSPAR REGULATION: ACID GRADE FLUORSPAR PURCHASE PROGRAM; SPECIFICATIONS AND PRICE

Pursuant to the authority provided by delegation of authority dated July 31, 1956, from the Secretary of the Interior to the Administrator of General Services (21 F. R. 5872) General Services Administration regulation entitled "Fluorspar Regulation: Acid Grade Fluorspar Purchase Program" is amended by changing § 99.404, from the beginning of said section through paragraph (a) thereof, to read as follows:

§ 99.404 *Specifications and price.* (a) Fluorspar to be purchased under this program shall meet one of the following specifications:

(1) Hydrofluoric Acid Grade or Cryolite Grade—the chemical and physical requirements set forth in National Stockpile Specification P–69a dated February 13, 1952, copies of which may be obtained by writing to the Commissioner, Defense Materials Service, General Services Administration, Washington 25, D. C.

(2) Cryolite Grade (alternative specification)—the physical requirements of said National Stockpile Specification P–69a and the following chemical requirements:

	Percent by weight (dry basis)
Calcium Fluoride (CaF_2) (minimum)	97.00
Silica (SiO_2) (maximum)	1.10
Sulphur (S) (as sulphide and/or free sulphur) (maximum)	0.10

Fluorspar containing less than 97 percent calcium fluoride by weight (dry basis) is not acceptable under this alternative specification for cryolite grade fluorspar.

(Sec. 4, 70 Stat. 580; 50 U. S. C. App. 2193. Interprets or applies sec. 2, 70 Stat. 579; 50 U. S. C. App. 2191)

This amendment shall be effective as of January 14, 1957.

Dated: February 28, 1957.

FRANKLIN G. FLOETE, *Administrator of General Services.*

Approved: March 14, 1957.

F. E. WORMSER, *Acting Secretary of the Interior.*

[F. R. Doc. 57-2163; Filed, Mar. 20, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF SODIUM 2,2-DICHLOROPROPIONATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of tolerances for residues of sodium 2,2-dichloropropionate, as 2,2-dichloropropionic acid, as follows: 3 parts per million in or on pineapple and grapes; 10 parts per million in or on potatoes.

The analytical methods proposed in the petition for determining residues of sodium 2,2-dichloropropionate as 2,2-dichloropropionic acid are modifications of the methods described in the Notice of Filing of Petition for Establishment of Tolerance for Residues of Sodium 2,2-dichloropropionate which appeared in the FEDERAL REGISTER of November 29, 1956, page 9329.

Dated: March 15, 1957.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 57-2131; Filed, Mar. 20, 1957; 8:45 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF O,O-DIETHYL O-(2-ISOPROPYL-4-METHYL-6-PYRIMIDINYL)-PHOSPHOROTHIOATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Geigy Agricultural Chemicals, P. O. Box 430, Yonkers, New York, proposing the establishment of a tolerance of 1 part per million for residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate in or on the following raw agricultural commodities: Apples, cherries, pears.

The analytical methods proposed in the petition for determining residues of O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate are as follows:

1. The method published in Zeitschrift fur Analytische Chemie (Munich), Volume 147, pages 173–183 (1955).

2. A method whereby O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate is extracted from the crop with petroleum ether, soluble phosphates are removed with water, the remaining O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl)-phosphorothioate is hydrolyzed, and phosphorus is determined by the molybdenum blue reaction, reported in The Biochemical Journal (London), Volume 32, pages 295–298 (1938).

3. A cholinesterase inhibition procedure described in:

a. H. O. Fallscheer and J. W. Cook, Journal of the Association of Official Agricultural Chemists, Volume 39, page 691 (1956).

b. J. W. Cook, Ibid., Volume 37, page 561 (1954).

Dated: March 15, 1957.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 57-2132; Filed, Mar. 20, 1957; 8:45 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF SODIUM O-PHENYLPHENATE IN OR ON PINEAPPLE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The Dow Chemical Company, Midland, Michigan, proposing the establishment of a tolerance of 10 parts per million for residues of sodium o-phenylphenate, determined as orthophenylphenol, in or on pineapple.

The analytical method proposed in the petition for determining residues of orthophenylphenol is as follows: An acidified sample of pineapple is steam distilled. The distillate is allowed to react with 4-aminoantipyrine in the presence of alkaline ferricyanide to form a purplish-red antipyrine dye which is measured colorimetrically.

Reference: Gottlieb, S., and Marsh, P. B., Industrial and Engineering Chemistry, Analytical Edition, Volume 18, page 16 (1946).

Dated: March 15, 1957.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 57-2133; Filed, Mar. 20, 1957; 8:46 a. m.]

[21 CFR Part 125]

LABEL STATEMENTS CONCERNING DIETARY PROPERTIES OF FOOD PURPORTING TO BE OR REPRESENTED FOR SPECIAL DIETARY USES

NOTICE EXTENDING TIME IN WHICH TO FILE VIEWS AND COMMENTS ON PROPOSAL TO AMEND LABEL STATEMENT REGULATIONS CONCERNING NIACIN AND RIBOFLAVIN

Requests have been received for a 30-day extension of time in which to file views and comments on the proposal to amend the regulations concerning label statements with respect to niacin and riboflavin which was published in the FEDERAL REGISTER of February 16, 1957 (22 F. R. 986). The requests set forth reasonable grounds for such extension.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 403 (j), 701, 52 Stat. 1048, 1055, as amended; 21 U. S. C. 341, 371) and delegated to him (22 F. R. 1045), the Commissioner of Food and Drugs hereby extends until April 16, 1957, the time for filing views and comments on the above-identified proposal.

Dated: March 15, 1957.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 57-2130; Filed, Mar. 20, 1957; 8:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

EXEMPTION OF SMALL HOLDING COMPANY SYSTEMS; PROPOSED RESCISSION

Notice is hereby given that the Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935 ("act"), particularly sections 3 (a), 3 (d) and 20 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors or consumers, has under consideration a proposal by its Division of Corporate Regulation to rescind § 250.9 of the general rules and regulations under the act.

Rule U-9 purports to exempt from all the provisions of the act and rules thereunder (except as to certain acquisitions of securities of any public utility or holding company or of any utility assets) any holding company system if the net book value of its utility assets does not exceed $1,000,000 or did not exceed $1,000,000 at December 31, 1946, or if its gross utility revenues (excluding intercompany sales) for the preceding calendar year did not exceed $350,000.

The Division has advised the Commission that its reexamination of Rule U-9 and of the Commission's experience with it indicates that the rule is no longer necessary or appropriate in the public interest or for the protection of investors or consumers. Among the reasons which have been advanced for the rescission of the rule are (1) the doubtful authority under the act for a rule which purports to exempt holding companies as such solely because of small size; and (2) the inclusion in Rule U-9 of the provision purporting to grant an exemption to any holding company system whose net book value of utility assets did not exceed $1,000,000 at December 31, 1946. The effect of the December 31, 1946 cut-off date is that a holding company system whose net book value of utility assets did not exceed $1,000,000 at December 31, 1946, or a holding company system which was not even in existence on that date, can claim exemption from the act pursuant to Rule U-9, however large such system may be at the present time.

All interested persons are invited to submit data, views and comments on this proposal in writing to the Secretary, Securities and Exchange Commission, Washington 25, D. C. on or before April 30, 1957. In its consideration of the proposal, the Commission will welcome and consider any suggestions looking toward the promulgation of a new rule which would, because of the small size of the holding company systems involved, afford an exemption pursuant to section 3 (d) of the act to any specified class or classes of persons from the obligations, duties or liabilities imposed upon them as subsidiaries of holding companies. Except where it is requested that such a communication not be disclosed, it will be available for public inspection. All correspondence in connection with this proposal should refer to the above file number.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 13, 1957.

[F. R. Doc. 57-2154; Filed, Mar. 20, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Classification Order 113]

ALASKA

SMALL TRACT CLASSIFICATION

MARCH 14, 1957.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a) as amended and pursuant to Delegation of Authority contained in Section 2.9 Order No. 541 of April 21, 1954, Bureau of Land Management, it is ordered as follows:

1. Subject to valid existing rights, the public lands hereinafter described, which are situated in the Anchorage, Alaska Land District, are hereby classified as chiefly valuable for recreation site purposes, as hereinafter indicated, for lease and sale under the Small Tract Act of June 1, 1938, supra:

PALMER AREA—WOLVERINE LAKE UNIT

For Lease and Sale

For recreation sites:

U. S. Survey 3527 (Pending Survey), those portions designated as Tracts 1–7, 9–26 as shown on preliminary map on file in the Cadastral Engineering Office.

25 tracts aggregating approximately 120.6 acres.

2. The classification of the above-described lands segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. Wolverine Lake is located approximately 53 miles northeast of Anchorage and approximately 7½ miles northeast of Palmer. The lake is reached from the Glenn Highway by turning off on the Lazy Mountain Road and proceeding northeasterly. The last 4 miles of the road consists of a privately built and unmaintained dirt road. This section of the road is passable only under the most favorable weather conditions.

The area is not presently served with any form of electrical energy and none is contemplated in the near future. The area surrounding the lake on which the tracts are located is covered by a mature stand of birch and cottonwood trees. The lands are generally well drained and are suitable for small tract cabin sites.

4. The individual tracts vary in size from 2.0 to 5.9 acres. A preliminary map showing the location of each tract can be seen in the Cadastral Engineering Office, Bureau of Land Management, Hanver Building, Anchorage, Alaska. Brochures which describe the area and contain sketch maps of the proposed platting of the small tracts can be obtained free of charge from the Manager, Anchorage Land Office, Anchorage, Alaska. The appraised values of the tracts vary from $100 to $200 per lot as shown below. The price of the tracts will be their appraised value or the cost of survey, whichever is higher. It is estimated that survey cost will approximate $200 per tract.

As shown below on the Appraisal Schedule, some of the tracts are subject to a right-of-way easement for road and public utility purposes. These consist of a 50 foot strip on the side of the tract as designated. Leases and subsequent patents, if issued, will note the existence of this easement.

APPRAISAL SCHEDULE—WOLVERINE LAKE

Tract No.	Approx. acreage	Easements [1]	Appraised price	Lease rental 2 years	Total adjusted price
1	5.9	None	$206.50	$20	$200
2	5.1	N	178.50	20	180
3	5.0	N	175.00	20	180
4	5.0	N	175.00	20	180
5	5.1	N	178.00	20	180
6	5.1	N	178.50	20	180
7	5.1	N	178.50	20	180
8					
9	5.0	N	175.00	20	180
10	5.0	N	175.00	20	180
11	5.0	N	175.00	20	180
12	5.0	N	175.00	20	180
13	5.0	N	175.00	20	180
14	2.0	None	100.00	20	100
15	3.5	None	122.50	20	120
16	4.0	None	140.00	20	140
17	5.0	S	175.00	20	180
18	5.0	S	175.00	20	180
19	4.4	S	154.00	20	160
20	4.5	S	161.00	20	160
21	4.8	S	168.00	20	160
22	5.2	S	182.00	20	180
23	5.0	S	175.00	20	180
24	5.0	S	175.00	20	180
25	5.0	S	175.00	20	180
26	5.9	None	206.50	20	200

[1] A 50-foot easement along side indicated.
[2] Public Service site.

5. Leases will be issued for a term of two years and will contain an option to purchase in accordance with 43 CFR 257.13 (Circular 1899). Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above, or the cost of survey whichever is higher, at any time during the term of their leases providing that they have either (a) constructed the improvements specified in paragraph 6 or (b) filed a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required to either (a) construct substantial improvements on their lands or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances and must, in addition, meet at least the following minimum standards. The house must be of sound construction suitable for occasional residence, be on a permanent foundation, contain at least 120 square feet of floor space (outside measure), and contain a minimum of one door and one window. The house must be built in a workmanlike manner out of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed.

7. Beginning at 10:00 a. m. on March 27, 1957 the lands will be open for filing of drawing-entry cards (Form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans through a legally authorized representative, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4–775) are available upon request from the Manager, Anchorage Land Office, Anchorage, Alaska.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and submitted to the above-named official prior to 10:00 a. m. on April 17, 1957. A drawing will be held on that date to select the successful entrants who will be sent copies of the lease form, Form 4–776, with instructions as to their execution and return and as to payment of fees and rentals. All entrants will be notified of the results of the drawing.

For a period of 91 days or until the close of business on July 16, 1957, any tracts remaining unappropriated will be subject to filing in the order received by qualified veteran applicants. Such filings will be executed upon the lease form, Form 4–776.

During the 21 day period extending between 10:00 a. m. on June 26, 1957 and July 17, 1957, drawing-entry cards will be accepted from the general public on any unappropriated parcels of the subject land, however, during this 21 day period veteran priority rights still prevail. A drawing will be held at 10:00 a. m. on July 17, 1957 to select successful entrants, after which the unappropriated portions of the subject land will be open to application under this classification in order of filing. All entrants will be notified of the results of the drawing and successful entrants will be sent copies of the lease forms with instructions as to their execution. Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge.

The filing of the lease form, Form 4–776, must be accompanied by a filing fee of $10.00 plus the advance rental specified above. The advance rental for residence sites is determined as being a sum which amounts to 1/20 of the appraised value of the land for each of two years under lease, however, the minimum rental will be $10.00 per tract per year. The advance rental for any unexpired full lease year, if any, subsequent to the filing of the application to purchase, will be subtracted from the sale price of the land as shown above. Failure to transmit the filing fee and the advance rental with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. All valid applications filed prior to February 4, 1935 will be granted the preference right provided for by 43 CFR 257.5 (a).

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-2183; Filed, Mar. 20, 1957; 8:52 a. m.]

OREGON

ORDER PROVIDING FOR OPENING OF PUBLIC LAND; CORRECTION

MARCH 11, 1957.

Notice of the opening of public lands from Power Site Classification No. 276, Oregon, published in the FEDERAL REGISTER of February 26, 1957 (F. R. Doc. 57-1502) is corrected in paragraph 5 a (3), by inserting June 25, 1957, in lieu of June 27, 1957.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-2135; Filed, Mar. 20, 1957; 8:46 a. m.]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MARCH 12, 1957.

Pursuant to Determination No. DA-433 Oregon, of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

1. The lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserve No. 94 created December 30, 1909, and made permanent by Executive Order of July 2, 1910, are hereby restored to disposition under applicable public land laws subject to the provisions of Section 24 of the Federal Power Act of June 20, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

WILLAMETTE MERIDIAN, OREGON

T. 6 S., R. 3 E.,
Sec. 18: E½NW¼.
T. 7 S., R. 3 E.,
Sec. 6: Lots 1, 3 SE¼NE¼, SE¼NW¼, E½SW¼, SE¼.

479.75 acres.

2. The lands described in paragraph 1 shall be subject to application by the State of Oregon for a period of 90 days from the date of publication or the order in the FEDERAL REGISTER for right of way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in paragraph 1.

3. (a) The lands described as E½ NW¼ Sec. 18, T. 6 S., R. 3 E., and W½SE¼, SE¼SE¼ Sec. 6, T. 7 S., R. 3 E., W. M. have been classified for recreational purposes pursuant to the act of June 14, 1926 (44 Stat. 741), as amended by the act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), under authority of section 7, of the act of June 28, 1934, as amended. This classification segregates the land from all appropriations including locations under the mining laws.

(b) The lands released from withdrawal by this order and classified for recreational purposes shall not become subject to the initiation of any rights or to any disposition under any other public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, or other appropriate public land laws, with a ninety-one day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. The lands described as Lots 1, 3, SE¼NE¼, SE¼NW¼, E½SW¼, NE¼ SE¼ Sec. 6, T. 7 S., R. 3 E., W. M., containing 279.75 acres, lie adjacent to both sides of the Molalla River approximately 7 to 11 miles southeast of Molalla, Oregon. They are rough and mountainous, with a shallow clay loam freely mixed with rock. The vegetative cover consists of mostly second growth Douglas fir, hemlock and western red cedar trees with value for the present stand of timber and timber reproduction.

5. No application will be allowed under the Homestead, Desert Land, Small Tract, or other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. Any disposition of the land shall be subject to the provisions and conditions of paragraph 1.

6. Subject to any existing valid rights and the requirements of applicable laws, the lands described in paragraph 4 are hereby opened to filing of applications, selections, and locations in accordance with the following:

(a) Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of the order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; USC 279–284) as amended, presented prior to 10:00 a. m. on April 18, 1957, will be considered as simultaneously filed at that hour. Rights under such preference rights filed after that hour and before 10:00 a. m. on July 18, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on July 18, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands have been open to entry and location under the United States Mining Laws, pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621) and applications and offers under the mineral leasing laws.

7. Persons claiming veteran's preference rights under paragraph 6 (a) (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based on settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this order can be found in Title 43 of the Code of Federal Regulations.

8. Inquiry concerning the above lands should be addressed to Manager, Land Office, Bureau of Land Management, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oreg.

RUSSELL E. GETTY,
Acting State Supervisor.

MARCH 12, 1957.

[F. R. Doc. 57-2136; Filed, Mar. 20, 1957; 8:46 a. m.]

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

[1957 Dept. Circular 986]

3½ PERCENT TREASURY NOTES OF SERIES A–1960

ADDITIONAL ISSUE

MARCH 18, 1957.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the author-

ity of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the United States, designated 3½ percent Treasury Notes of Series A–1960. The amount of the offering under this circular is $750,000,000, or thereabouts. In addition to the amount offered for public subscription, up to $100,000,000 of these notes may be allotted to Government Investment Accounts. The books will be open only on March 18 for the receipt of subscriptions for this issue.

II. *Description of notes.* 1. The notes now offered will be an addition to and will form a part of the 3½ percent Treasury Notes of Series A–1960 issued pursuant to Department Circular No. 984, dated February 4, 1957, and will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 984:

1. The notes will be dated February 15, 1957, and will bear interest from that date at the rate of 3½ percent per annum, payable on a semiannual basis on November 15, 1957, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1960, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000, $100,000,000 and $500,000,000. The notes will not be issued in registered form.

5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 3 percent of the amount of notes applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 3 percent payment in excess of 3 percent of the amount of notes allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of notes applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon payment.

IV. *Payment.* 1. Payment at par and accrued interest from February 15, 1957, to March 28, 1957 ($3.96409 per $1,000) for notes allotted hereunder must be made or completed on or before March 28, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 3 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57–2168; Filed, Mar. 20, 1957; 8:49 a. m.]

[1957 Dept. Circular 985]

3⅜ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A–1958

ADDITIONAL ISSUE

MARCH 18, 1957.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 3⅜ percent Treasury Certificates of Indebtedness of Series A–1958. The amount of the offering under this circular is $2,250,000,000, or thereabouts. The books will be open only on March 18 for the receipt of subscriptions for this issue.

II. *Description of certificates.* 1. The certificates now offered will be an addition to and will form a part of the 3⅜ percent Treasury Certificates of Indebtedness of Series A–1958 issued pursuant to Department Circular No. 983, dated February 4, 1957, will be freely interchangeable therewith, are identical in all respects therewith, and are described in the following quotation from Department Circular No. 983:

1. The certificates will be dated February 15, 1957, and will bear interest from that date at the rate of 3⅜ percent per annum, payable on a semiannual basis on August 15, 1957, and February 14, 1958. They will mature February 14, 1958, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates is subject to all taxes imposed under the Internal Revenue Code of 1954. The certificates are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of $1,000, $5,000, $10,000, $100,000, $1,000,000 $100,000,000 and $500,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit, but will be restricted in each case to an amount not exceeding the combined capital, surplus and undivided profits, of the subscribing bank. Subscriptions from all others must be accompanied by payment of 3 percent of the amount of certificates applied for, not subject to withdrawal until after allotment. Following allotment, any portion of the 3 percent payment in excess of 3 percent of the amount of certificates allotted may be released upon the request of the subscribers.

2. Commercial banks in submitting subscriptions will be required to certify that they have no beneficial interest in any of the subscriptions they enter for the account of their customers, and that their customers have no beneficial interest in the banks' subscriptions for their own account.

3. The Secretary of the Treasury reserves the right to reject or reduce any subscription, and to allot less than the amount of certificates applied for; and any action he may take in these respects shall be final. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest from February 15, 1957, to March 28, 1957 ($3.82251 per $1,000) for certificates allotted hereunder must be made or completed on or before March 28, 1957, or on later allotment. In every case where payment is not so completed, the payment with application up to 3 percent of the amount of certificates allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] G. M. HUMPHREY,
Secretary of the Treasury.

[F. R. Doc. 57–2167; Filed, Mar. 20, 1957; 8:49 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F–28]

AMF ATOMICS, INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that the Atomic Energy Commission on March 15, 1957, issued License No. XR–4 to AMF Atomics, Inc., authorizing the export of a one megawatt pool-type research reactor to the Land Bayern, Federal Republic of Germany for erection at the Laboratorium fuer Technische Physik de Technischen Hochschule Muenchen near Munich. The license is substantially in the form set forth in the notice of proposed issuance previously published in the FEDERAL REGISTER on February 26, 1957, 22 F. R. 1104.

Dated at Washington, D. C., this 15th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57–2165; Filed, Mar. 20, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11741; FCC 57M–224]

CLAREMORE BROADCASTING CO.

ORDER SCHEDULING FURTHER PREHEARING CONFERENCE

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, File No. BP–10306; for construction permit.

By order dated November 13, 1956, the evidentiary hearing in the above-entitled proceeding then scheduled to begin on November 19, 1956 was continued until after the Commission had acted on the then pending petition to enlarge the issues.

By Memorandum Opinion and Order adopted March 6, 1957, released March 11, 1957, the issues were enlarged to include the following:

To determine whether the above-entitled application of Robert J. Hartley, tr/as Claremore Broadcasting Company, fully and correctly identifies the real parties in interest; whether John Q. Adams or John M. Mahoney of Vinita, Oklahoma, or both, have an undisclosed interest in the said application; and whether the said application fully and completely supplies the information called for by the application form.

A further pre-hearing conference will be held on Tuesday, April 2, 1957, beginning at 2:00 p. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules and in particular to the matters which relate to the issue quoted above.

It is so ordered, This the 14th day of March 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–2172; Filed, Mar. 20, 1957; 8:50 a. m.]

[Docket No. 11904; FCC 57M–222]

WNAB, INC.

ORDER CONTINUING HEARING

In re application of WNAB, Incorporated (WNAB), Bridgeport, Connecticut, Docket No. 11904, File No. BP–10659; for construction permit.

It is ordered, This 14th day of March 1957, on the Hearing Examiner's own motion, that the hearing now scheduled in the above-entitled proceeding for March 21, 1957, be, and the same is hereby, continued to a date to be hereinafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–2173; Filed, Mar. 20, 1957; 8:50 a. m.]

[Docket No. 11912; FCC 57M–225]

CRAIG SIEGFRIED

ORDER CONTINUING HEARING

In re application of Craig Siegfried, Falls City, Nebraska, Docket No. 11912, File No. BP–10265; for construction permit.

The Hearing Examiner having under consideration a petition, filed on March 15, 1957, by Craig Siegfried, the applicant in the above-entitled proceeding, requesting that the hearing now scheduled to be held therein at 10:00 o'clock a. m., on Monday, March 18, 1957, be postponed until 2:00 o'clock p. m., on Friday, March 22, 1957; and

It appearing that sufficient "good cause" has been set forth in the said petition to justify a grant of the relief requested therein; and

It further appearing, that counsel for the Chief of the Commission's Broadcast Bureau, the only other party which has filed an appearance in the said proceeding, interposes no objection to the immediate consideration of the said petition or to a grant thereof;

It is ordered, This 15th day of March 1957, that the above petition be, and it is hereby granted, and that the hearing in the above-entitled proceeding is hereby continued until 2:00 o'clock p. m., on Friday, March 22, 1957, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–2174; Filed, Mar. 20, 1957; 8:50 a. m.]

[Docket No. 11924, FCC 57M–228]

BELOIT BROADCASTERS, INC. (WBEL)

STATEMENT AFTER PREHEARING CONFERENCE AND ORDER OF CONTINUANCE

In re application of Beloit Broadcasters, Incorporated (WBEL), Beloit, Wisconsin, Docket No. 11924, File No. BP–10531; for construction permit.

A prehearing conference in the above-entitled proceeding was held on March 15, 1957. In the interest of expedient disposition of the matter all parties agreed that the following timetable should govern future proceedings:

April 15, 1957—Exchange of exhibits;
April 22, 1957—Further prehearing conference;
April 29, 1957—Hearing.

Accordingly, it is ordered, This 15th day of March 1957, that the date now scheduled for hearing in the above matter, April 2, 1957, is hereby extended to April 29, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57–2175; Filed, Mar. 20, 1957; 8:50 a. m.]

[Docket Nos. 11925, 11926; FCC 57M-223]

NORTHWEST BROADCASTERS, INC., AND REV. HALDANE JAMES DUFF

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Northwest Broadcasters, Inc., Bellevue, Washington, Docket No. 11925, File No. BP-10521; Rev. Haldane James Duff, Seattle, Washington, Docket No. 11926, File No. BP-10638; for construction permits.

It is ordered, This 14th day of March 1957, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., on Thursday, March 21, 1957, commencing at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2176; Filed, Mar. 20, 1957; 8:50 a. m.]

[Docket Nos. 11946, 11947; FCC 57-233]

VIDEO INDEPENDENT THEATRES, INC., AND KSOO-TV, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Video Independent Theatres, Inc., Sioux Falls, South Dakota, Docket No. 11946, File No. BPCT-2188; KSOO-TV, Inc., Sioux Falls, South Dakota, Docket No. 11947, File No. BPCT-2195; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 13th day of March 1957;

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 13 in Sioux Falls, South Dakota; and

It appearing, that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letter of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications and the replies to the aforementioned letters, the Commission finds that KSOO TV, Inc., is legally, technically, financially and otherwise qualified to construct, own and operate a television broadcast station and that Video Independent Theatres, Inc., is legally, financially and technically qualified to construct, own and operate a television broadcast station and is otherwise qualified except as to Issue "1" below;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of Video Independent Theatres, Inc., and KSOO TV, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine whether the antenna system and site proposed by Video Independent Theatres, Inc., would constitute a hazard to air navigation.

(2) To determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant difference between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the application will be effectuated.

It is further ordered, That to avail themselves of the opportunity to be heard, Video Independent Theatres, Inc., and KSOO TV, Inc., pursuant to § 1.387 of the Commimssion's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: March 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2177; Filed, Mar. 20, 1957; 8:51 a. m.]

[Docket Nos. 11948, 11949; FCC 57-235]

DENVER T. BRANNEN AND MEL WHEELER

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Denver T. Brannen, Panama City, Florida, Docket No. 11948, File No. BP-10562; Mel Wheeler, Panama City Beach, Florida, Docket No. 11949, File No. BP-10885; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of March 1957;

The Commission having under consideration the above-captioned applications of Denver T. Brannen and Mel Wheeler, each for a construction permit for a new standard broadcast station to operate on 1290 kilocycles with a power of 500 watts, daytime only, at Panama City and Panama City Beach, Florida, respectively; and the petition of Denver T. Brannen filed January 16, 1957, requesting, inter alia, that the application of Mel Wheeler "be dismissed without prejudice, so that the Commission may forthwith grant petitioner's application for 1290 kilocycles at Panama City, thus minimizing the damage already inflicted" by the filing of two other applications which conflicted with Denver T. Brannen's application but have since been dismissed;

It appearing, that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate his proposed station but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated January 18, 1957, of the aforementioned interference and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing, that a timely reply to the Commission's letter was filed by each of the subject applications; and

It further appearing, that the reason advanced by Denver T. Brannen in support of his request that the application of Mel Wheeler be dismissed is insufficient; and that under the Communications Act of 1934, as amended, and the decision in the case of Ashbacker Radio Corp. v. Federal Communications Commission, 326 U. S. 327, Mel Wheeler is entitled to a hearing in a comparative proceeding on his application; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the provisions of section 307 (b) of the Communications Act of 1934, as amended, are applicable as between Panama City and Panama City Beach; and, if so, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the event that under Issue 2 it is decided that section 307 (b) is inapplicable in this case, the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-named applications.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

It is further ordered, That the petition of Denver T. Brannen, insofar as it requests the dismissal of the application of Mel Wheeler, is hereby denied; and that insofar as the petition of Denver T. Brannen is addressed to matters relating to applications which have been dismissed, it is hereby dismissed;

It is further ordered, That, to avail themselves of the opportunity to be heard, Denver T. Brannen and Mel Wheeler, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

Released: March 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2178; Filed, Mar. 20, 1957; 8:51 a. m.]

[Docket No. 11950 etc.; FCC 57-236]

VALLEY BROADCASTING CO. ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of William John Hyland, III and Dawkins Espy, d/b as Valley Broadcasting Co., Bakersfield, California, Docket No. 11950, File No. BP-10695; Southwest Broadcasting Company, Inc., Palmdale, California, Docket No. 11951, File No. BP-10720; Rod O'Harra and A. J. Krisik, d/b as O. K. Broadcasting Co., Bakersfield, California, Docket No. 11952, File No. BP-10843; construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of March 1957;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations by William John Hyland, III, and Dawkins Espy, d/b as Valley Broadcasting Co., File No. BP-10695, and Southwest Broadcasting Company, Inc., File No. BP-10720, to operate on 1340 kilocycles with a power of 250 watts, unlimited time, at Bakersfield and Palmdale, California, respectively; and by Rod O'Harra and A. J. Krisik, d/b as O. K. Broadcasting Co., File No. BP-10843, to operate on 1350 kilocycles with a power of 1 kilowatt, daytime only, at Bakersfield, California; and

It appearing, that, except as may be indicated by the issues specified below, the applicants herein are legally and technically qualified, O. K. Broadcasting Co. and Valley Broadcasting Co. are financially qualified, and O. K. Broadcasting Co. is otherwise qualified, to construct and operate said stations; but that the proposals of Valley Broadcasting Co. and O. K. Broadcasting Co. involve mutually destructive interference; that the proposals of Valley Broadcasting Co. and Southwest Broadcasting Company, Inc. involve mutual interference; that the proposal of Valley Broadcasting Co. involves mutual interference with Stations KMAK, KIST, and KATY (each on 1340 kc, 250 w, U), Fresno, Santa Barbara, and San Luis Obispo, California, respectively, and the interference received from these stations may affect more than 10 percent of the population in the normally protected primary service area of the proposal by Valley Broadcasting Co. in contravention of § 3.28 (c) of the Commission's rules; that the proposal of Southwest Broadcasting Company, Inc. would involve objectionable interference with Stations KFAC (1330 kc, 5 kw, DA-N, U), Los Angeles, California, and KIST, and the interference received from Station KFAC may affect more than 10 percent of the population in the normally protected primary service area of the proposal by Southwest Broadcasting Company, Inc. in contravention of § 3.28 (c) of the Commission's rules; that insufficient data have been submitted to determine whether Southwest Broadcasting Company, Inc. is financially qualified and whether its proposal would provide adequate coverage of the business and industrial areas of the city sought to be served; that insufficient data have been submitted by Valley Broadcasting Co. to determine whether its proposed transmitter site is satisfactory; that the programing proposed by Southwest Broadcasting Company, Inc. and Valley Broadcasting Co. may not be in the public interest because of the large number of commercial announcements to be broadcast per week; that the proposals of Valley Broadcasting Co. and Southwest Broadcasting Company, Inc. are contingent upon Station KAVL, Lancaster, California, changing frequency from 1340 to 610 kilocycles, an authorization for which is outstanding, and that in the event of a grant of either of the proposals by Valley Broadcasting Co. or Southwest Broadcasting Company, Inc. the construction permit should contain a condition that no authorization for program tests will be given until Station KAVL has commenced operation on 610 kilocycles; and that in the event of a grant of the application of Valley Broadcasting Co. the construction permit should include a condition requiring proof, before the authorization of program tests, that radiation has been reduced to 75 mv/m as proposed in the application; and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the instant applicants were advised by letter dated January 18, 1957 of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would serve the public interest; and

It further appearing, that a timely reply was filed by each of the applicants; and

It further appearing, that Valley Broadcasting Co. and Southwest Broadcasting Company, Inc., in their replies, requested an extension of time in which to further reply to the Commission's said letter, but that we are of the opinion that it is expeditious to forthwith designate the applications for hearing, as the applications may be amended after designation for hearing on good cause shown in accordance with § 1.365 (a) of the Commission's rules; and

It further appearing, that, after consideration of said replies, we are of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the instant proposals, and the availability of other primary service to such areas and populations.

2. To determine whether the proposal by Valley Broadcasting Co. would involve interference with Stations KMAK, KIST, and KATY, Fresno, Santa Barbara and San Luis Obispo, California, respectively, or any other existing station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations; and whether the interference received from these stations would affect more than 10 percent of the population in the normally protected primary service area of the proposal by Valley Broadcasting Co. in contravention of § 3.28 (c) of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of this rule.

3. To determine whether the proposal by Southwest Broadcasting Company, Inc. would involve interference with Stations KFAC and KIST, Los Angeles and Santa Barbara, California, respectively, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations; and whether the interference received from Station KFAC would affect more than 10 percent of the population in the normally protected primary service area of the proposal by Southwest Broadcasting Company, Inc., and, if so, whether circumstances exist which would warrant a waiver of this rule, § 3.28 (c).

4. To determine whether Southwest Broadcasting Company, Inc. is finan-

cially qualified to construct and operate its proposed station.

5. To determine whether the programming proposed by Valley Broadcasting Co. and Southwest Broadcasting Company, Inc. would be in the public interest.

6. To determine whether the proposal by Southwest Broadcasting Company, Inc. would provide adequate coverage of the city sought to be served in accordance with § 3.188 (b) of the Commission's rules.

7. To determine whether the transmitter site proposed by Valley Broadcasting Co. would be satisfactory in accordance with § 3.188 of the Commission's rules.

8. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, whether a grant of the Palmdale, California proposal or one of the Bakersfield, California proposals herein would better provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event that Bakersfield, California is considered to have the greater need for a new radio facility under issue 8 above, which of the applications of Valley Broadcasting Co. and O. K. Broadcasting Co. for operation in Bakersfield would better serve the public interest in light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of said two applicants to own and operate its proposed station.

(b) The proposal of each of said two applicants with respect to management and operation of its proposed station.

(c) The programming service proposed in the application of each of said two applicants.

10. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

It is further ordered, That McMahan Broadcasting Co.; KATY, Sweetheart of San Luis Obispo, Inc.; Los Angeles Broadcasting Co.; and Radio KIST, Inc.; licensees of Stations KMAK, KATY, KFAC and KIST, respectively, are made parties to the proceeding; and

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.387 of the Commission's rules, in person or by an attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order; and

It is further ordered, That, in the event of a grant of the application of Valley Broadcasting Co. or Southwest Broadcasting Company, Inc., the construction permit shall contain a condition that no authorization for program tests will be given until Station KAVL, Lancaster, California, has commenced operation on 610 kilocycles; and

It is further ordered, That, in the event of a grant of the application of Valley Broadcasting Co., the construction permit shall contain a condition requiring proof, before the authorization of program tests, that radiation has been reduced to 75 mv/m as proposed in the application.

Released: March 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2179; Filed, Mar. 20, 1957; 8:51 a. m.]

[Docket No. 11953; FCC 57-242]

WESTERN UNION TELEGRAPH CO.

ORDER INSTITUTING HEARING AND INVESTIGATION

In the matter of The Western Union Telegraph Company, Docket No. 11953; complaint and petition for new and revised divisions of charges for the landline handling of international message telegraph traffic.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of March 1957;

The Commission, having under consideration:

(a) A "Complaint and Petition" filed on November 5, 1956, by The Western Union Telegraph Company (Western Union) wherein it is alleged that the currently effective divisions of charges applicable to the landline handling by Western Union within the continental United States of point-to-point message telegraph traffic between the continental United States and foreign and overseas points (international traffic) are unjust, unreasonable, inequitable and not in the public interest; and wherein it is requested that the Commission, pursuant to sections 201 (a) and 222 (c) (3) of the Communications Act of 1934, as amended (act), prescribe new and revised divisions of charges for such landline handling as proposed in the "Complaint and Petition";

(b) The Commission's letter, dated November 8, 1956, affording interested telegraph carriers an opportunity to file comments regarding the above-described "Complaint and Petition"; the comments filed between December 7 and December 10, 1956, pursuant to such letter by American Cable and Radio Corporation, on behalf of its operating companies, All America Cables and Radio, Inc., Commercial Cable Company and Mackay Radio and Telegraph Company; Canadian Pacific Railway Company; Globe Wireless, Ltd.; Press Wireless, Inc.; R. C. A. Communications, Inc.; Tropical Radio Telegraph Company; United States-Liberia Radio Corporation; and the International Communications Department of The Western Union Telegraph Company; and Western Union's reply to such comments filed on December 26, 1956;

(c) Earnings reports of the United States telegraph carriers handling international traffic (international carriers) and of Western Union, as filed with this Commission;

(d) A "Motion" filed on February 7, 1957, by Western Union requesting that, in the order designating for hearing the matters contained in the above-described "Complaint and Petition", the Commission direct the presiding officer to certify the record to the Commission for Final Decision without preparing either a Recommended or Initial Decision;

(e) A "Response" to the above-described "Motion" filed by RCA Communications, Inc. on February 12, 1957, opposing Western Union's request that the record be certified for final Decision;

It appearing, that the "Complaint and Petition" of Western Union complies with applicable procedural requirements of the Act and the Commission's rules;

It further appearing, that RCA Communications, Inc., in its aforementioned comments, has not set forth adequate reasons in support of its request for dismissal of the "Complaint and Petition" as failing "to present a prima facie case";

It further appearing, that certain of the above-named international carriers have requested that, if the Commission should prescribe increased divisions of charges for the landline handling by Western Union within the continental United States of international traffic, it should authorize concurrently increases in charges to the public for international message telegraph service in amounts sufficient to compensate the international carriers for any decrease in revenue attributable to such increased divisions of charges;

It further appearing, that Western Union, in its "Motion" for certification of the record herein to the Commission for Final Decision, has not shown that due and timely execution of the Commission's functions imperatively and unavoidably require the omission of a Recommended or Initial Decision herein;

It is ordered, That the request of RCA Communications, Inc., for dismissal of the above-described "Complaint and Petition" is denied;

It is further ordered, That pursuant to sections 201, 202, 205, 222, and 403 of the act, the Commission shall enter upon a hearing and investigation concerning the lawfulness of the charges for domestic telegraph service and international traffic; of the classifications, practices and regulations affecting such charges; and of the divisions of charges applicable to the landline handling of international traffic by Western Union within the continental United States;

It is further ordered, That the following carriers are made parties respondent in this proceeding: All America Cables and Radio, Inc.; Cable and Wireless (West Indies), Ltd.; Canadian National Telegraphs; Canadian Pacific Railway Company; Commercial Cable Company; The French Telegraph Cable Company; Globe Wireless Ltd.; Mackay Radio and Telegraph Company; Press Wireless, Inc.; RCA Communications, Inc.; South Puerto Rico Sugar Company; Tropical Radio Telegraph Company; United States-Liberia Radio Corporation; and The Western Union Telegraph Company (the International Communications Department of Western Union shall be considered a separate entity, as provided in section 222 (e) (4) of the act, for the purposes of this proceeding);

It is further ordered, That without in any way limiting the scope of the investigation as above ordered, it shall include inquiry into the following specific matters:

(a) The lawfulness of the current divisions of charges between Western Union and the other respondent carriers for the landline handling by Western Union within the continental United States of international traffic;

(b) What changes, if any, the Commission should prescribe or authorize in the aforementioned divisions of charges, and in this connection,

(i) Whether divisions of charges should be established on the basis of uniform per word charges applicable to the handling of international traffic within the United States, or whether separate zones within the United States should be established with different charges applicable to handling traffic between such zones and the point of entry or exit of such traffic to or from the continental United States,

(ii) Whether minimum message charges should be established for the landline handling of international traffic on bases different from those currently in effect, and

(iii) The effect of any changes in the divisions of charges on the earnings of Western Union and of the other respondent carriers;

(c) Whether Western Union requires additional revenue in the amount sought in its "Complaint and Petition" in order to satisfy its reasonable requirements for revenue from all of its domestic telegraph operations in the continental United States and, if not, whether decreases should be made in the charges for domestic telegraph service in an amount sufficient to offset, in whole or in part, any increases which may be prescribed or authorized in the divisions of charges to Western Union for the landline handling of international traffic;

(d) Whether the charges, classifications, practices, and regulations of the parties respondent subject to the jurisdiction of this Commission for, and in connection with, handling international traffic are, or will be, lawful under the act, and if not, what changes should be made therein in view of their respective reasonable requirements for revenue for handling international traffic, and in this connection,

(i) Whether it is necessary or appropriate under the act that charges for handling international traffic should be authorized or prescribed on the basis of the revenue requirements of the respondent carrier, or carriers, having the highest level of net earnings from such services or on some other basis, and if so, on what basis, and

(ii) Whether it is necessary or appropriate under the act that the three operating companies of the American Cable and Radio Corporation be considered as separate operating entities or whether they should be treated as a single unit for rate making purposes;

(e) Whether any Treaty or Executive Agreement to which the United States is a party imposes any limitation on the authority of this Commission under section 201 or 222 of the act to prescribe or authorize charges or divisions of charges for the landline handling by Western Union within the continental United States of international traffic, or upon the authority of this Commission to prescribe or authorize charges, practices, classifications or regulations for, and in connection with, international traffic;

It is further ordered, That a copy of this order be served upon each respondent carrier;

It is further ordered, That Western Union's "Motion" for certification of the record to the Commission for Final Decision is denied without prejudice to the renewal of such "Motion" at the close of the hearing herein;

It is further ordered, That this matter is designated for hearing at a time and place to be specified in a subsequent order, and that the Presiding Officer shall certify the record to the Commission without preparing either a Recommended or Initial Decision.

Released: March 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2180; Filed, Mar. 20, 1957; 8:51 a. m.]

[Docket Nos. 11954, 11955; FCC 57-243]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND RCA COMMUNICATIONS, INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of the applications of American Telephone and Telegraph Company, Docket No. 11954, File No. 25-C3-R-57; for renewal of license for its Dixon, California, International Fixed Public radiotelephone station, insofar as it request renewal authority to communicate with Honolulu, T. H. and to use the frequencies 5077.5, 5110, 7315, 7610, 7977.5, 9170, 10790, 13400, 14600, 15580, 18340, and 19220 Kc. and RCA Communications, Inc., Docket No. 11955, File No. 886-C3-P-57; for a construction permit for a new point-to-point radiotelephone station in the International Fixed Public Service at Bolinas, California, to communicate with Hawaii, using the frequencies 5077.5, 5110, 7315, 7610, 7977.5, 9170, 10790, 13400, 14600, 15580, 18340, and 19220 Kc previously licensed to American Telephone and Telegraph Company, and 5185, 7730, 9490, 13720, and 18880 Kc, presently licensed to RCA Communications, Inc.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of March 1957;

The Commission, having under consideration:

(a) The above-entitled application filed by American Telephone and Telegraph Company (AT&T) on September 14, 1956, for renewal of license for its Dixon, California, International Fixed Public radiotelephone station;

(b) The above-entitled mutually exclusive application filed by RCA Communications, Inc. (RCAC) on October 30, 1956, for a construction permit for a new point-to-point radiotelephone station in the International Fixed Public Service at Bolinas, California, to communicate with Hawaii, requesting, among other things, the 12 above referred to frequencies licensed to AT&T at Dixon, California, at the time of such application.

(c) A letter dated November 20, 1956, from the Commission to AT&T, relative to its application for renewal of license authority for its Dixon, California, station, setting forth, among other things, that such application was granted except insofar as it requests renewal of authority to communicate with Honolulu, T. H., and to use the above-referred to 12 frequencies requested by RCAC.

(d) A letter dated December 3, 1956, from AT&T to the Commission urging the renewal of its above application and opposing a grant of the foregoing RCAC application.

(e) Letters dated January 25, 1957, from the Commission to AT&T and RCAC, respectively, pursuant to section 309 (b) of the Communications Act of 1934, as amended, as to the reasons why such applications cannot be granted without hearing.

(f) Letters dated February 19 and February 20, 1957, from AT&T and RCAC, respectively, in reply to the foregoing letters from the Commission dated January 25, 1957.

It appearing, That, both of the above-entitled applications request authorization between the same points of communication and in certain instances use of the same frequencies, and that RCAC requests that it be authorized to operate the radiotelephone station in the San Francisco area, in lieu of AT&T, for communication with Hawaii; and

It further appearing, That, the Commission, upon examination of the above-described applications of AT&T and RCAC for authority to communicate with Hawaii, and upon consideration of all of the foregoing, is unable to determine that public interest, convenience or necessity would be served by the granting of the application of AT&T or of RCAC;

It is ordered, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at the offices of the Commission in Washington, D. C. at a time to be specified in a subsequent order, upon the following issues:

(1) The present and expected volume of telephone traffic (including originating, terminating and transiting traffic) and the revenues therefrom between the continental United States and the areas in Hawaii being served, or to be served, including:

(a) The present and expected volume of radiotelephone traffic; and

(b) The expected volume of cable telephone traffic.

(2) The nature, capacity, speed, efficiency, reliability, transmission qualities, scheduled hours of operation and adequacy of the existing and proposed telephone facilities between the continental United States and Hawaii if the application of AT&T is granted.

(3) The nature, capacity, speed, efficiency, reliability, transmission qualities, scheduled hours of operation and adequacy of the proposed radiotelephone facilities between the United States and Hawaii if the RCAC application is granted.

(4) The nature of the service rendered, or to be rendered, by each of the applicants over the circuits involved in the above applications, including the classes of service offered or to be offered, the areas served, or to be served thereby, the charges made, or to be made, for each class of service, and the divisions of such charges.

(5) The nature of any contracts, agreements, arrangements, understandings, and routing practices already agreed upon, or proposed to be made, between each of the applicants and any other carrier, agency, organization, person, or operating administration, in connection with the operation of the circuits involved in the above applications.

(6) Competition in communication service (including radiotelegraph, radiotelephone, and airmail) between the continental United States and the areas in Hawaii being served, or to be served.

(7) Whether there is a need for competition in telephone service between cable and radio between the continental United States and Hawaii.

(8) Whether the public interest, convenience and necessity would better be served by authorizing operation of the radiotelephone service by an entity other than one which will provide the cable telephone services.

(9) The past, present and future use that has been made, and is expected to be made, of the frequencies requested by the applications at issue.

(10) The effects that a grant of the RCAC application and a denial of the AT&T application would have upon the communications services presently being furnished by AT&T and by RCAC to points other than Hawaii, including:

(a) The effect upon AT&T's operating costs in connection with the furnishing of radiotelephone service to such other points;

(b) The effect upon AT&T's telephone services to such other points which may be caused by the loss of the 12 frequencies licensed to AT&T at the time the RCAC application was filed and requested by RCAC; and

(c) The effect on the services of RCAC to such other points which may be caused by the assignment to RCAC of the 12 requested frequencies which were licensed to AT&T at the time the RCAC application was filed.

(11) The effect that a grant of the AT&T application and a denial of the RCAC application would have upon the communication services presently being furnished by RCAC and AT&T to points other than Hawaii, including:

(a) The effect upon RCAC's operating costs in connection with the furnishing of services to such other points by RCAC;

(b) The effect upon RCAC's services to such other points which may be caused by not having available the 12 frequencies licensed to AT&T at the time the RCAC application was filed, and requested by RCAC; and

(c) The effect on the services of AT&T to such other points which may be caused by the licensing to AT&T of the 12 frequencies requested by RCAC.

(12) The extent to which any or all of the above 12 frequencies would be required by RCAC for the rendition of the proposed service.

(13) The promotion of the most efficient and economical use of frequencies and facilities in connection with the furnishing of radiotelephone service between the continental United States and Hawaii.

(14) The extent to which the RCAC radiotelephone facilities would be used if its application is granted and the terms and conditions under which such use would be made.

(15) The extent to which the AT&T radiotelephone facilities would be used after cable service with Hawaii is established, if its application is granted.

(16) The estimated costs of AT&T in connection with the furnishing of radiotelephone service with Hawaii after cable telephone service is established, if its application is granted.

(17) The estimated costs of RCAC in connection with the furnishing of the proposed radiotelephone service with Hawaii, if its application is granted.

(18) Whether the effect of a grant of the application of AT&T would be contrary to the provisions of section 314 of the Communications Act of 1934, as amended, relative to the unlawful creation of monopoly in any line of commerce.

(19) The determination, in the light of the evidence adduced on the foregoing issues, whether the public interest, convenience and necessity would better be served by the grant of the application of RCAC or of AT&T.

It is further ordered, That the Chief, Common Carrier Bureau is made a party to the consolidated proceeding herein.

Released: March 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2181; Filed, Mar. 20, 1957; 8:51 a. m.]

[Docket No. 11956; FCC 57-244]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER INSTITUTING HEARING AND INVESTIGATION

In the matter of American Telephone and Telegraph Company, Docket No. 11956; charges, classifications, regulations and practices for and in connection with channels for off-the-air pickup and relay of television program material.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on March 13, 1957;

The Commission having under consideration certain tariff schedules filed by American Telephone and Telegraph Company (AT&T) under its Transmittal No. 5377 establishing new and revised rates and regulations applicable to channels for off-the-air pickup and relay of television program material, such tariff schedules being designated as follows:

Tariff FCC No. 223

2d Revised Page 6.
2d Revised Page 27.
5th Revised Page 28.
4th Revised Page 29.
4th Revised Page 30.
Original Page 31.
Original Page 32.
Original Page 33.

a petition filed by Collier Electric Company on March 5, 1957, requesting that the Commission suspend the above-mentioned revised tariff schedules and that it initiate a hearing and investigation into the lawfulness thereof; a letter from the Commission to AT&T dated February 26, 1957 concerning the above-mentioned tariff schedules; and AT&T's reply thereto dated March 6, 1957; and

It appearing, that the Commission is unable to determine from the aforementioned tariff and the information supplied by AT&T in connection therewith whether the charges, regulations, classifications, and practices set forth therein are or will be lawful under the provisions of sections 201 and 202 of the Communications Act of 1934, as amended;

It further appearing, that under the proposed tariff schedules, the charges for channels offered therein are based upon the engineering design of the facilities involved in any given case, including the types of equipment, the location of the pickup points and the number and location of the intermediate relay points; that AT&T reserves the right to determine all such engineering factors in every case; that, until such determinations are made by AT&T in any given case, the effective charge for the channel involved cannot be ascertained from the tariff; and that, therefore, questions are presented as to the lawfulness of said tariff under the provisions of sections 201, 202 and 203 of the Communications Act of 1934, as amended, and § 61.55 of the Commission's rules and regulations;

It further appearing, that, on the basis of information furnished by AT&T, the proposed tariff schedules will result in savings to AT&T's present users of off-the-air channels, and that the public interest will not be adversely affected if the schedules are allowed to become effective on the date specified therein;

It is ordered, That, pursuant to the provisions of sections 201, 202, 203, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted, into the lawfulness of the charges, classifications, regulations and practices contained in the above-mentioned tariff schedules;

It is further ordered, That without in any way limiting the scope of the investigation it shall include consideration of the following:

1. Whether any of the charges, classifications, regulations, and practices contained in the above-mentioned tariff schedules are or will be unjust and unreasonable within the meaning of section 201 (b) of the Communications Act of 1934, as amended;

2. Whether the above-mentioned tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination, or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class or persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202 (a) of the Communications Act of 1934, as amended;

3. Whether such tariff schedules comply with the requirements of section 203 of the Communications Act of 1934, as amended, and § 61.55 of the Commission's rules and regulations;

4. Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum or maximum and minimum charges to be hereafter followed with respect to the service governed by the aforementioned tariff schedules, and, if so, what charges, classifications, regulations and practices should be prescribed.

It is further ordered, That a hearing be held in this proceeding at the Commission's offices in Washington, D. C. at a time to be hereafter specified; and that the examiner hereafter to be designated to preside at such hearing shall certify the record to the Commission for decision without preparing either an Initial Decision or Recommended Decision;

It is further ordered, That the petition of Collier Electric Company is granted to the extent indicated herein and in all other respects is denied;

It is further ordered, That American Telephone and Telegraph Company is hereby made a party respondent in the proceedings herein, and Collier Electric Company is hereby granted leave to intervene upon filing notice of its intention to participate in these proceedings within twenty days from the date of issuance of this order.

Released: March 18, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2182; Filed, Mar. 20, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12202]

F. A. CALLERY, INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 14, 1957.

F. A. Callery, Inc. (Callery) on February 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change dated February 12, 1957.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 3 to Callery's FPC Gas Rate Schedule No. 4.
Proposed effective date:[1] March 16, 1957.

Callery's proposed rate change is based on a favored-nations clause in its contract with Texas Gas Transmission Corporation in the Lewisburg Field, Acadia Parish, Louisiana, which, by its terms, has become operative by the rates for initial service to Texas Gas in South Bell City Field, one such rate being that under Gulf Refining Company FPC Gas Rate Schedule No. 24.

In support of the increase, Callery cites the contractual provisions to the effect that if at any time Texas Gas enters into a contract for the delivery of similar gas within 50 miles of Callery's delivery point at a higher price than paid Callery, Texas Gas shall notify Callery and it shall receive the increased price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 16, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2137; Filed, Mar. 20, 1957; 8:46 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Callery, if later.

[Docket No. G-12203]

F. A. CALLERY, INC., AGENT

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 14, 1957.

F. A. Callery, Inc., Agent (Callery) on February 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change dated February 12, 1957.
Purchaser: Texas Gas Transmission Corporation.
Rate schedule designation: Supplement No. 4 to Callery's FPC Gas Rate Schedule No. 6.
Proposed effective date:[1] March 21, 1957.

Callery's proposed rate change is based on a favored-nations clause in its contract with Texas Gas Transmission Corporation in the Bayou Mallet Field, Acadia Parish, Louisiana, which, by its terms, has become operative by the rates for initial service to Texas Gas in South Bell City Field, one such rate being that under Gulf Refining Company FPC Gas Rate Schedule No. 24.

In support of the increase, Callery cites the contractual provisions to the effect that if at any time Texas Gas enters into a contract for the delivery of similar gas within 50 miles of Callery's delivery point at a higher price than paid Callery, Texas Gas shall notify Callery and he shall receive the increased price.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof

deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2138; Filed, Mar. 20, 1957; 8:46 a. m.]

[Docket No. G-12209]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 14, 1957.

Magnolia Petroleum Company (Magnolia) on February 13, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 42.
Effective date: [1] March 15, 1957.

Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 42 includes a proposed reduction in rate effective February 13, 1957, to reflect the decrease in Texas gas occupation tax, as well as a proposed increase in rates for gas sold.

In support of the proposed increased rate, Magnolia states that the contract was entered into in good faith as a result of arm's length negotiations and that the long-term contract resulted with the installment price schedule therein. Magnolia also states that because of the competitive nature of the producing segment of the natural gas industry to deny the increased price, which was based upon the "supply and demand formula", would be confiscatory of the seller's property. Magnolia further states that the increasing costs of exploration, production, and processing of natural gas with depletion of reserves, requires additional revenue.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement, only insofar as the designated supplement pertains to an increase in rates for gas sold, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement, only insofar as it pertains to proposed increase in rates for gas sold, be and the same hereby is suspended and the use thereof deferred until August 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2139; Filed, Mar. 20, 1957; 8:46 a. m.]

[Docket No. G-12210]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 14, 1957.

Magnolia Petroleum Company (Magnolia) on February 13, 1957, tendered for filing proposed changes in its presently effective rate schedule for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Texas Eastern Transmission Corporation.
Rate schedule designation: Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 43.
Effective date: March 15, 1957.[1]

Supplement No. 5 to Magnolia's FPC Gas Rate Schedule No. 43 includes an increase and reductions in rates which reflect the increase in the Texas gas occupation tax, as well as proposed increases in rates for gas sold.

In support of the proposed increased rates, Magnolia states that the contract was entered into in good faith as the result of arm's length negotiations and that the long-term contract resulted with the installment price schedule therein. Magnolia also states that because of the competitive nature of the producing segment of the natural gas industry to deny the increased prices, which were based upon the "supply and demand formula" would be confiscatory of the seller's property. Magnolia further states that the increasing costs of exploration, production, and processing of natural gas with depletion of reserves, requires additional revenue.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement, only insofar as the designated supplement pertains to an increase in rates for gas sold, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement, only insofar as it pertains to proposed increase in rates for gas sold, be and the same hereby is suspended and the use thereof deferred until August 15, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2140; Filed, Mar. 20, 1957; 8:46 a. m.]

[Docket No. E-6733]

NORTHERN STATES POWER CO.

NOTICE OF APPLICATION

MARCH 14, 1957.

Take notice that on March 7, 1957, an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Northern States Power Company (hereinafter referred to as "NSP"), seeking an order authorizing it to acquire all properties, rights and assets of Saint Anthony Falls Water Power Company (hereinafter referred to as "Saint Anthony") and Minneapolis Mill Company (hereinafter referred to as "Minneapolis Mill"), both wholly owned subsidiaries of NSP. NSP is a corporation organized under the laws of the State of Minnesota and doing business in the States of North Dakota, South Dakota and Minnesota, with its principal business office at Minneapolis, Minnesota. Saint Anthony and Minneapolis Mill are companies organized under the laws of the State of Minnesota and doing business in said State with their principal business offices also at Minneapolis, Minnesota. NSP proposes to acquire all of the respective properties of its wholly owned subsidiaries Saint Anthony and Minneapolis Mill in consideration of NSP paying, extinguishing or assuming all of the respective debts and liabilities of Saint Anthony and Minneapolis Mill and surrendering to Saint Anthony and Minneapolis Mill, respectively, all shares of their outstanding capital stock. The facilities to be acquired by NSP include as to Saint Anthony its Hennepin Island Hydro Plant of 12,400 kw rated capacity and the left bank (or easterly) portion of the Upper Dam and main apron and the Lower Dam and appurtenant facilities, and as to Minneapolis Mill the right bank (or westerly) portion of the Upper Dam and main apron and appurtenant facilities, all of which are located at St. Anthony Falls on the Mississippi River in the City of Minneapolis and, except for the Lower Dam, are included in the project works licensed by the Federal Power Commission as Project No. 2056. NSP will acquire all of said facilities and will not change their use after acquisition. As soon as practicable after conveying and assigning their respective properties to NSP, Saint Anthony and Minneapolis Mill will dissolve. As a part of the transaction Saint Anthony and Minneapolis Mill have filed application for approval of the transfer of license for Project No. 2056 to NSP.

Any person desiring to be heard or make any protest with reference to said application should on or before the 3d day of April 1957, file with the Federal Power Commission, Washington 25, D. C. a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2141; Filed, Mar. 20, 1957; 8:46 a. m.]

[Docket No. G-3123]

NATURAL GAS PIPELINE CO. OF AMERICA

ORDER DISMISSING APPLICATION FOR REHEARING

MARCH 14, 1957.

Natural Gas Pipeline Company of America (Natural), on February 14, 1957, filed an application for rehearing of the order of the Commission issued January 15, 1957, herein affirming the December 4, 1956, ruling of the presiding examiner rejecting certain proffered evidence. The proffered evidence was offered by Natural as purported "rebuttal" to the testimony of a witness for the City of Chicago, one of the interveners herein, and to "meet the test" of the decision in City of Detroit v. Federal Power Commission, 230 F. 2d 810.

This is a rate proceeding arising under section 4 (e) of the Natural Gas Act, which was instituted on September 1, 1954, when Natural filed a rate increase. The increase was suspended by order issued September 30, 1954. Hearings have been held herein intermittently since November 1954, and were concluded on January 23, 1957. The proceeding now is in the briefing stage, Natural having filed its main brief on March 4, 1957. Other briefs are to be filed on April 15 and May 6, 1957. Thus, the proceeding is not final and it is still pending before the presiding examiner for initial decision.

The order complained of then is merely a preliminary and interlocutory order at one stage of the administrative process, and is not an order of a definitive character dealing with the merits of the proceeding before the Commission, nor is it the product of hearing upon evidence and supported by findings appropriate to and dispositive of this rate proceeding.

The Commission finds: The order complained of is but a preliminary and interlocutory order and the application for rehearing thereof should be dismissed.

The Commission orders: The application for rehearing filed on February 14, 1957, by Natural Gas Pipeline Company of America herein be and the same is hereby dismissed.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2142; Filed, Mar. 20, 1957; 8:46 a. m.]

[Docket Nos. G-10527, G-10528]

NOLLEM OIL AND GAS CORP. AND WAVERLY OIL WORKS CO., AGENT

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 14, 1957.

In the matters of Nollem Oil and Gas Corporation, Docket No. G-10527; Waverly Oil Works Company, Agent, Docket No. G-10528.

Take notice that Nollem Oil and Gas Corporation (Nollem), as Agent and Operator filed an application on June 6, 1956, in Docket No. G-10527, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas in interstate commerce to Cumberland and Allegheny Gas Company (Cumberland) for resale, which sale was previously authorized by the Commission in its order issued December 12, 1955, in Docket No. G-6921.

Concurrently therewith, Waverly Oil Works Company (Waverly), as Agent and Operator filed an application in Docket No. G-10528, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to continue the operation and service proposed to be abandoned by Nollem as described above.

The Commission's order issued December 12, 1955, in Docket No. G-6921 authorized Nollem to sell natural gas, from certain leases located in the Roaring Creek and Middle Fork Districts, Randolph County, West Virginia, to Cumberland for transportation in interstate commerce for resale.

The applications herein which are on file with the Commission and open to public inspection state that the operations described above are financed by a group of individuals for whom Nollem acted as agent; that Nollem was relieved of its duties on December 31, 1955, and that Waverly succeeded Nollem as manager in the operation of said property and as operator of the leases involved.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2143; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket No. G-10991]

NORTON OIL CO., INC., ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 14, 1957.

Take notice that Norton Oil Company, Inc., (Norton), a Delaware corporation with its principal place of business in Shreveport, Louisiana, filed a joint ap-

[1] The stated effective date is the first day after expiration of the required thirty days notice or the effective date proposed by Magnolia, if later.

[2] Commissioner Digby dissenting.

[1] Commissioner Digby dissenting.

plication with Harry I. Morgan, and Morgan & Norton, a partnership, hereinafter referred to collectively as Applicants, on August 29, 1956, as supplemented October 22, 1956, seeking approval and authorization pursuant to sections 7 (b) and 7 (c) of the Natural Gas Act to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the joint application herein, and now on file with the Commission and open to public inspection.

The joint application herein requests that:

(1) Morgan & Norton be permitted to abandon service to United Gas Pipe Line Company (United) from certain leases in the Maxie and Pistol Ridge Fields in Forrest, Lamar and Pearl River Counties, Mississippi, pursuant to section 7 (b) of the act, which service was authorized June 22, 1955, in Docket No. G–5930; and

(2) Norton Oil Company and Harry I. Morgan be authorized to continue the service to United, pursuant to section 7 (c) of the act, proposed to be abandoned by Morgan & Norton.

The application states that, by instrument dated August 15, 1956, as amended October 16, 1956, Morgan & Norton conveyed (effective October 1, 1956) certain of its partnership assets, including the producing properties from which the sales authorized in Docket No. G–5930 are made, to the partners in proportion to their interests in said partnership, namely, Harry I. Morgan, 50 percent; Richard W. Norton, Jr., 25 percent; and Mrs. Annie Norton, 25 percent.

Richard W. Norton, Jr., and Mrs. Annie Norton, in turn, by instrument of assignment dated August 15, 1956, as amended October 17, 1956, conveyed (effective October 1, 1956) their interests in the properties acquired from Morgan & Norton to Norton Oil Company, Inc., (a corporation wholly owned by the two parties).

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may by filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2144; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket Nos. G–11007, G–11008]

JONES OIL AND GAS CO.

NOTICE OF APPLICATIONS AND DATE OF HEARINGS

MARCH 14, 1957.

Take notice that Jones Oil and Gas Company (Applicant), a partnership, with its principal place of business at Harrisville, West Virginia, filed an application on August 31, 1956, in Docket No. G–11007, for approval and authority to abandon service, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application.

Pursuant to section 7 (b) of the Natural Gas Act, Applicant seeks permission and approval to abandon the sale of natural gas in interstate commerce to Manufacturers Light and Heat Company (Manufacturers) for resale, from Applicant's S. A. Smith Lease located in the Murphy District, Ritchie County, West Virginia, which sale was previously authorized by the Commission in Docket No. G–4967.

On September 4, 1956, Applicant filed an application in Docket No. G–11008, pursuant to section 7 (c) of the Natural Gas Act, for authority to render the above described service to Hope Natural Gas Company (Hope) in lieu of Manufacturers.

Applicant in Docket No. G–11007 states that the line pressure of Manufacturers' system is too high to permit an adequate flow of gas from the Smith Lease, while Hope's line pressure is much lower, thus enabling Applicant to produce gas in a greater volume and for a longer time and increase the total amount of gas recoverable. Applicant recites, furthermore, that its line from the lease to Manufacturers' transmission system involves a river crossing which has been costly to maintain, whereas in making the sale to Hope, Applicant will maintain a much shorter line from the lease to the point of sale and will eliminate any river crossing. In support of its abandonment application, Applicant has submitted a letter dated August 21, 1956, from Manufacturers wherein Manufacturers agrees to the cancellation of the contract covering the subject service.

The applications herein are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2145; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket No. G–11076]

GEORGE H. COATES ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 14, 1957.

In the matter of George H. Coates and Hugh Kirkpatrick, and Sunray Mid-Continent Oil Company; Docket No. G–11076.

Take notice that George H. Coates and Hugh Kirkpatrick (Coates and Kirkpatrick), and Sunray Mid-Continent Oil Company (Sunray), with their principal place of business in San Antonio, Texas, Mission, Texas, and Tulsa, Oklahoma, respectively, filed a joint application of September 13, 1956, pursuant to section 7 of the Natural Gas Act, for permission and authority to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

By the joint application herein, Coates and Kirkpatrick seek permission and approval pursuant to section 7 (b) of the Natural Gas Act, to abandon the sale of natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee) for resale from the W. A. Anderson Lease located in the Willow Creek Field, Refugio County, Texas, which sale was authorized by the Commission in Docket No. G–8822.

Jointly therewith, Sunray seeks authorization pursuant to section 7 (c) of the Natural Gas Act to continue the service to Tennessee proposed to be abandoned by Coates and Kirkpatrick.

The parties state that Sunray, by purchase and assignment, has now succeeded Coates and Kirkpatrick in ownership of the above-mentioned W. A. Anderson Lease dedicated to the gas sales contract covering the sale of gas authorized in Docket No. G–8822.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 24, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in ommission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2146; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket No. G–12196]

ATLANTIC SEABOARD CORP.

ORDER SUSPENDING PROPOSED REVISED FPC GAS TARIFF AND REVISED TARIFF SHEETS AND PROVIDING HEARING

MARCH 14, 1957.

On February 13, 1957, Atlantic Seaboard Corporation (Atlantic) tendered for filing Seventh Revised Volume No. 1 of its FPC Gas Tariff and also Rate Schedule X–10, consisting of Third Revised Sheet Nos. 50 through 53, Fourth Revised Sheet No. 54, Second Revised Sheet No. 55 and Original Sheet Nos. 55-a through 55-r of its FPC Gas Tariff, Original Volume No. 2. According to Atlantic's estimates such rate filings, would increase charges to jurisdictional customers in the amount of $4,148,418 annually, based upon sales in the twelve-months period ended October 31, 1956. The proposed filings, in addition to increasing charges, purport to modify the Btu basis for the respective rate schedules from 1150 to 1000 Btu, and also purport to modify the presently effective tariffs with respect to zone differentials and for the purposes of clarification and uniformity with the FPC Gas Tariffs of affiliated companies in the Columbia Gas System.

In support of its proposed increased rates and application for waiver of the 30-day notice requirements Atlantic states that its supplier, United Fuel Gas Company (United Fuel), on February 13, 1957, filed increased rates which would increase Atlantic's cost of gas purchased, based upon the volumes purchased during twelve months ended October 31, 1956, by approximately $3,950,000. Atlantic's increased rate filings are based upon the fact that its supplier, United Fuel, filed increased rates effective February 14, 1957, which, in turn, are based upon the filing of increased rates and charges by its supplier, Tennessee Gas Transmission Company (Tennessee) to become effective on that date. However, the latter company's filings have been suspended until July 14, 1957, in Docket No. G–11,980 by order issued February 13, 1957. In view of the fact that the principal justification for Atlantic's rate filings is based upon Tennessee's suspended rate filings, to that extent there is no support for Atlantic's request for increased rates as of February 14, 1957 and its filings should, therefore, be suspended.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held at a date to be designated by notice from the Secretary of the Commission, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services contained in Atlantic's FPC Gas Tariff and contracts related thereto, as proposed to be amended by the aforementioned tendered rate filings, as set forth in paragraph (B) hereto.

(B) Pending such hearing and decision thereon, Atlantic's proposed FPC Gas Tariff, Seventh Revised Volume No. 1 and its Third Revised Sheets Nos. 50 through 53, Fourth Revised Sheet No. 54, Second Revised No. 55 and Original Sheet Nos. 55-a through 55-r of its FPC Gas Tariff, Original Volume No. 2, are hereby suspended and the use thereof deferred until July 14, 1957, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2147; Filed, Mar. 20, 1957; 8:47 a. m.]

[1] Commissioner Connole concurring in part and dissenting in part. Statement filed as part of original document.

[Docket No. G–12195]

UNITED FUEL GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF AND PROVIDING FOR HEARING

MARCH 14, 1957.

United Fuel Gas Company (United Fuel), on February 13, 1957, tendered for filing Fifth Revised Volume No. 1 to its FPC Gas Tariff, proposing, among other things, an increase in rates and charges of $10,965,605, or 10.0 percent, a year more than the rates currently in effect. United Fuel requests an effective date of February 14, 1957, or, if suspension is ordered, to limit the period of suspension to coincide with the terminal date—July 14, 1957—of the suspension of a rate increase filed by its supplier, Tennessee Gas Transmission Corporation (Tennessee Gas), in Docket No. G–11980.

The proposed increase in rates and charges is principally based upon a rate increase application recently filed by Tennessee Gas, which was suspended by an order issued February 13, 1957, in Docket No. G–11980. United Fuel also claims return at a rate of 6¾ percent on a rate base computed on a year-end utility investment in plant, increased depreciation expenses, increased wages and salaries, increased rates for gas purchased locally and in Louisiana, and increased costs of transportation to be paid to Gulf Interstate Gas Company.

Comments have been received from a large number of the distribution companies and regulatory commissions affected, most of them requesting suspension and making various criticisms of the proposed increase in rates.

Since the proposed rate increase by Tennessee Gas has been suspended and has not been shown to be justified, United Fuel's reliance on the proposed increase by Tennessee Gas is subject to the same infirmity. Additionally, United Fuel has not fully supported other aspects of its proposed rate increase, including, but not limited to, rate of return, plant investment, depreciation expense, wages and salaries, purchased gas costs and transportation expense.

The increased rates and charges provided for in the revised Gas Tariff tendered by United Fuel on February 13, 1957, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in rates, charges, classifications, or services, and that the above-designated revised Gas Tariff be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations thereunder (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the law-

fulness of said proposed changes in rates, charges, classifications, or services, and, pending such hearing and decision thereon, United Fuel's Fifth Revised Volume No. 1 to its FPC Gas Tariff be and it is hereby suspended and the use thereof deferred until July 14, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the revised volume hereby suspended, nor the Gas Tariff sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2148; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket No. G-12197]

MANUFACTURERS LIGHT AND HEAT CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 14, 1957.

On February 13, 1957, The Manufacturers Light and Heat Company, (Manufacturers) submitted for filing its FPC Gas Tariff, Fourth Revised Volume No. 1, which supersedes its FPC Gas Tariff, Third Revised Volume No. 1. The tariff changes proposed by Manufacturers involve an estimated annual increase in rates and charges approximating $1,789,000 or 7.3 percent, based upon operations for the year ended October 31, 1956, as adjusted, above the rates contained in its FPC Gas Tariff, Third Revised Volume No. 1.

In support of such proposed increased rates, Manufacturers states that Tennessee Gas Transmission Company (Tennessee) has filed for increased rates effective February 14, 1957, and as Tennessee is a direct supplier of Manufacturers and is a major supplier of United Fuel Gas Company (United Fuel) and Hope Natural Gas Company (Hope), from whom Manufacturers buys gas, and United Fuel, which is the sole supplier of Atlantic Seaboard Corporation (Atlantic), from whom Manufacturers also buys gas, Tennessee's increase has the effect of directly and indirectly increasing Manufacturers' costs of purchased gas. The rate increase filed for by Tennessee was suspended until July 14, 1957 by order of the Commission issued February 13, 1957 in Docket No. G-11980. Manufacturers also claims increased operating expenses and 6¾ percent rate of return (instead of 6¼ percent agreed upon in the settlement of Docket No. G-2453 approved by order issued November 3, 1956) on a rate base which includes year end plant balances.

The increased rates and charges proposed in the foregoing filing tendered by Manufacturers have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the changes proposed in the above-designated revised tariff and that said tariff be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations [18 CFR, Chapter I], a public hearing be held, upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates, charges, classifications, or services; and, pending such hearing and decision thereon Manufacturers' FPC Gas Tariff, Fourth Revised Volume No. 1, is hereby suspended and the use thereof deferred until July 14, 1957, and until such further time as it may be made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by § § 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2149; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket No. G-12198]

HOME GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF AND PROVIDING FOR HEARING

MARCH 14, 1957.

Home Gas Company (Home) on February 13, 1957, tendered for filing its FPC Gas Tariff, Third Revised Volume No. 1, superseding its FPC Gas Tariff, Second Revised Volume No. 1, proposing increases in rates and charges aggregating approximately $672,687, or 6.5 percent, based on sales of natural gas for the 12-month period ending October 31, 1956.

On February 13, 1957, five interconnected pipeline companies of the Columbia Gas System, Inc., filed revised FPC Gas Tariffs proposing increases in their wholesale rates; namely, Home, The Manufacturers Light and Heat Company (Manufacturers), United Fuel Gas Company (United Fuel), Atlantic Seaboard Corporation (Atlantic Seaboard), and Kentucky Gas Transmission Corporation (Kentucky Gas). The proposed rate increase of United Fuel is based primarily upon a rate increase application recently filed by Tennessee Gas Transmission Company which was suspended until July 14, 1957, by order issued February 13, 1957, in Docket No. G-11980. The changes proposed by Atlantic Seaboard and Kentucky Gas are based on the above increase of United Fuel, and the change of Manufacturers is based on the above rate increases of Tennessee Gas and United Fuel as well as a rate increase tendered by Hope Natural Gas Company which resulted from the Tennessee Gas increase; and the change filed by Home is based on the above increase applied for by Manufacturers.

In support of its proposed increase Home submitted cost data for the year ended October 31, 1956, with adjustments. The adjustments include among other things, (1) increase in cost of purchased gas, (2) increased taxes, (3) increased depreciation expenses, and (4) increased wages and salaries. Home also claims a rate of return of 6¾ percent and associated income taxes.

Home also proposes and requests that its tendered filing be allowed to become effective as of February 14, 1957, or such other date coincident with the date on which Manufacturers' proposed increased rates and charges are permitted to become effective.

The increased rates and charges proposed by Manufacturers are being suspended concurrently herewith to July 14, 1957, in Docket No. G-12197. The extent to which such claimed increased costs of Home will be incurred cannot, therefore, be fully ascertained until such time as the reasonableness of the increase in its suppliers' rates is determined.

The increased rates and charges provided in said proposed tariff of Home have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended by its FPC Gas Tariff, Third Revised Volume No. 1, and that said proposed revised tariff and the rates contained therein be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held, at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services contained in Home's FPC Gas Tariff, Second Revised Volume No. 1, as proposed to be amended by its FPC Gas Tariff, Third Revised Volume No. 1.

(B) Pending such hearing and decision thereon, Home's proposed FPC Gas Tariff, Third Revised Volume No. 1, hereby is suspended and its use deferred until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2150; Filed, Mar. 20, 1957; 8:47 a. m.]

[Docket No. G-12199]

KENTUCKY GAS TRANSMISSION CORP.

ORDER SUSPENDING PROPOSED REVISED TARIFF AND PROVIDING FOR HEARING

MARCH 14, 1957.

Kentucky Gas Transmission Corporation (Kentucky) a subsidiary of Columbia Gas System, Inc., on February 13, 1957 submitted for filing First Revised Volume No. 1 of its FPC Gas Tariff, superseding Original Volume No. 1 which revision proposes certain changes in its tariff provisions and increases in its rates and charges aggregating approximately $2,380,151 or 8.3 percent per annum based upon sales made by its predecessor and affiliate Central Kentucky Natural Gas Company (Central) for the year ending October 31, 1956. Kentucky, effective January 1, 1957 and pursuant to proper authority acquired Central's storage and transmission facilities subject to the jurisdiction of the Commission. The proposed increases are in addition to the increased rates subject to refund under Docket Nos. G-2450 and G-5476. Such rates have been reduced by settlement of the proceedings approved by the Commission by order issued March 11, 1957.

Kentucky states that the proposed increases in its rates are primarily due to the proposed rate increases reflected in the revised tariff submitted for filing contemporaneously herewith in Docket No. G-12195 by its principal supplier, United Fuel Gas Company (United), which latter increases in turn are stated to be required primarily to offset the proposed increased costs of gas to United advanced by its main supplier, Tennessee Gas Transmission Company (Tennessee) in a filing tendered on January 14, 1957 and suspended until July 14, 1957 by order issued February 13, 1957, in Docket No. G-11980. Kentucky also claims 6¾ percent rate of return on a rate base inclusive of year-end plant balances, and increased operating expenses, depreciation expense and taxes.

Kentucky requests waiver of the notice requirements provided under § 154.51 of the Commission's rules and proposes that its tendered filing become effective on February 14, 1957, or such other date coincident with the date on which United's proposed rate increase is permitted to become effective.

By order issued March 1957 in Docket No. G-12195, the Commission has ordered a hearing concerning the lawfulness of the increased rates proposed by United, and pending such hearing and decision thereon, has suspended and deferred the use of United's proposed increased rates until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter that such proposed increased rates may be made effective in the manner prescribed by the Natural Gas Act. Kentucky's proposed increases are almost entirely dependent upon and can be supported only by relying upon the effectiveness of the rate increase of its supplier, and should therefore be suspended pending determination of said effectiveness.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in Kentucky's FPC Gas Tariff First Revised Volume No. 1 and that said proposed revised tariff be suspended and the use thereof deferred as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR, Chapter I), a public hearing be held, at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, contained in Kentucky's FPC Gas Tariff, First Revised Volume No. 1.

(B) Pending such hearing and decision thereon Kentucky's proposed FPC Gas Tariff, First Revised Volume No. 1 hereby is suspended, and its use deferred until July 14, 1957 unless otherwise ordered by the Commission, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2151; Filed, Mar. 20, 1957; 8:47 a. m.]

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[1] Commissioner Connole concurring in part and dissenting in part. Statement filed as part of original document.

INTERSTATE COMMERCE COMMISSION

[Notice 156]

MOTOR CARRIER APPLICATIONS

MARCH 15, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub No. 157), filed March 1, 1957, ROADWAY EXPRESS, INC., 147 Part Street, P. O. Box 471, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Ford Company Plant located in Brownhelm Township, Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio and Norwalk, Ohio over Ohio Highways 254, 57, 113 and 61. Applicant is authorized to transport similar commodities in Ohio, Texas, Oklahoma, Indiana, Missouri, Michigan, Kansas, Pennsylvania, Illinois, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, New York, New Jersey, Virginia, Delaware, Maryland, West Virginia, and Connecticut.

HEARING: April 26, 1957, in Room 255, New Post Office Bldg., Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 3009 (Sub No. 22), filed February 25, 1957, WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Applicant's attorney: Dudley W. Conner, Conner Bldg., Hattiesburg, Miss. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the junction of U. S. Highways 45 and 84 (near State Line, Miss.), and the junction of Alabama Highway 5 and U. S. Highway 43 at Wagarville, Ala.; from junction U. S. Highways 45 and 84 (near State Line, Miss.), over U. S. Highway 84 to junction Alabama Highway 5 and U. S. Highway 43 at Wagarville, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct similar operations in Mississippi, Louisiana, and Alabama.

HEARING: April 19, 1957, at the Robert E. Lee Hotel, Jackson, Miss., before Joint Board No. 14.

No. MC 8681 (Sub No. 54), filed February 18, 1957, WESTERN AUTO

[1] Commissioner Connole concurring in part and dissenting in part. Statement filed as part of original document.

TRANSPORTS, INC., 430 South Navajo Street, Denver 9, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles* and *trucks*, in secondary movements, in truckaway service, (1) from New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington and Wyoming; (2) from Houston and Galveston, Tex., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington and Wyoming; (3) from St. Louis, Mo., to points in Arkansas, Kansas, Missouri and Nebraska; and (4) from Chicago, Ill., to points in Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming. Applicant is authorized to transport similar commodities in Arizona, California, Colorado, Idaho, Illinois, Iowa, Michigan, Missouri, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

HEARING: May 22, 1957, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 9787 (Sub No. 17), filed February 21, 1957, STANTON TRANSPORTATION CO., a Corporation, Craig, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies*, used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, except the stringing or picking up of pipe in connection with main or trunk pipelines, (1) between points in Idaho, Washington and Oregon; and (2) between points in Idaho, Washington and Oregon, on the one hand, and, on the other, points in Montana, Nebraska, North Dakota, New Mexico, South Dakota, Colorado, Wyoming, Utah and Nevada. Applicant is authorized to transport similar commodities in Colorado, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming.

HEARING: May 23, 1957, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 10761 (Sub No. 65), filed February 11, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except loose bulk commodities; livestock; Class A and B explosives, except small arms ammunition; currency; bullion; commodities that are contaminating or injurious to other lading; commodities exceeding ordinary equipment and loading facilities, between Terre Haute, Ind., and junction U. S. Highways 52 and 41, over U. S. Highway 41, serving no intermediate points and serving no new points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Detroit, Mich., and St. Louis, Mo., and between Dayton, Ohio, and Chicago, Ill. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: May 8, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 10761 (Sub No. 66), filed February 11, 1957, TRANSAMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except loose bulk commodities; livestock; Class A and B explosives, except small arms ammunition; currency; bullion; commodities that are contaminating or injurious to other lading; commodities exceeding ordinary equipment and loading facilities, between Lebanon, Ind., and Richmond, Ind., from Lebanon over Indiana Highway 32 to Noblesville, Ind., thence over Indiana Highway 32 to Muncie, Ind., thence over U. S. Highway 35 to Richmond, and return over the same route, serving no intermediate points and serving no new points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Dayton, Ohio, and Chicago, Ill. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Wisconsin.

HEARING: May 7, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72, or if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 13087 (Sub No. 14), filed February 4, 1957, FRED J. STOCKBERGER, doing business as STOCKBERGER TRANSFER & STORAGE, 524 Second Street SW., Mason City, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Complete liquid fertilizer*, in bulk, in tank vehicles, from Mason City, Iowa to points in Minnesota, South Dakota, and Wisconsin, and *sulphuric acid*, in bulk, in tank vehicles, from Mason City, Iowa to points in Minnesota, Nebraska, North Dakota, and South Dakota. Applicant is authorized to transport *fertilizer* from Chicago, Ill., to Mason City, Iowa.

HEARING: May 13, 1957, at the Federal Office Bldg., Fifth and Court Avenues, Des Moines, Iowa, before Examiner James I. Carr.

No. MC 20793 (Sub No. 26), filed March 5, 1957, WAGNER TRUCKING CO., INC., Jobstown, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from points in Prince William County, Va., and points in the Washington, D. C., Commercial Zone, as defined by the Commission, to points in Pennsylvania on and east of U. S. Highway 15, New Jersey, Delaware, those in the New York, N. Y. Commercial Zone, as defined by the Commission, points in Westchester County and those on Long Island, N. Y. Applicant is authorized to transport similar commodities in New Jersey, Delaware, Maryland, Virginia, Connecticut, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Ohio, Pennsylvania, New York, and the District of Columbia.

HEARING: April 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 25567 (Sub No. 40), filed March 11, 1957, HANCOCK-TRUCKING, INCORPORATED (Sheldon A. Key, Trustee), 1917 West Maryland Street, Evansville, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the Ford Motor Company plant (to be known as the Lorain Assembly Plant), located in Brownhelm Township, Lorain County, Ohio, at or near the intersection of U. S. Highway 6 and Baumhart Road, as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio, in Certificate No. MC 25567 (Sub No. 25).

HEARING: April 26, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 29886 (Sub No. 96), filed February 26, 1957, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Street sweepers* and *construction, excavating and road-building equipment, including cranes, motor graders, road rollers, and tractors*, and *attachments* and *parts* of all such machinery moving with the units being transported, between Aurora, Ill., and points within five miles thereof, to all points in the United States and the Territory of Alaska. Applicant is authorized to transport similar commodities to all points in the United States.

HEARING: April 19, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 32838 (Sub No. 5), filed February 11, 1957, WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, 305 East Main, California, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Belle, Mo., and Kansas City, Kans., from Belle over Missouri Highway 28 to the junction of U. S. Highway 63, thence over U. S. Highway 63 to the junction of U. S. Highway 50, thence over U. S. Highway 50 to Kansas City, Mo., thence over city streets to Kansas City, Kans., and return over the same route, serving the intermediate points of Vienna, Freeburg and Westphalia, Mo., and the off-route point of the Kingsford-Charcoal Co., 5 miles south of Belle, Mo. Applicant is authorized to transport similar commodities in Missouri, Kansas, and Illinois.

HEARING: May 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 40302 (Sub No. 23), filed March 7, 1957, FEDERAL EXPRESS, INC., 4930 North Pennsylvania Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 708 Chamber of Commerce Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant (to be known as the Lorain Assembly Plant) located in Brownhelm Township, Lorain County, Ohio at or near the intersection of U. S. Highway 6 and Baumhart Road, as an off-route point in connection with applicant's authorized regular route operations between Toledo, Ohio and Youngstown, Ohio. Applicant is authorized to transport similar commodities in Michigan, Indiana, Ohio, Kentucky, and Missouri.

HEARING: April 26, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 44592 (Sub No. 18), filed March 4, 1957, MIDDLE ATLANTIC TRANSPORTATION CO., INC., 537 West 27th Street, New York, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except articles of unusual value, Class A and B explosives, commodities in bulk, commodities injurious or contaminating to other lading and household goods as defined by the Commission, serving the site of the new plant of the Ford Motor Company to be located in Brownhelm Township, near Lorain, Ohio, as an off-route point in connection with applicant's authorized regular route operations between New York, N. Y., and Detroit, Mich. Applicant is authorized to transport similar commodities in Connecticut, Kentucky, Massachusetts, Michigan, New Jersey, New York, Ohio, and Pennsylvania.

HEARING: April 26, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 48479 (Sub No. 10), filed February 26, 1957, FRIGIDWAYS, INC., P. O. Box 2387, 529 East Brooks Avenue, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Michigan to points in Minnesota, Iowa, Wisconsin, North Dakota, South Dakota, Kansas, Nebraska, Missouri, West Virginia, Virginia, and the upper peninsula of Michigan.

HEARING: May 7, 1957, at the Federal Building, Detroit, Mich., before Examiner James I. Carr.

No. MC 50132 (Sub No. 18), filed February 15, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., Fourth and Morris Streets, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Urea*, (agricultural grade) from Woodstock, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee and Wisconsin. Applicant is authorized to transport specified commodities, (other than urea), in Illinois, Louisiana, Missouri, Tennessee, Arkansas, Kentucky, North and South Carolina, Nebraska, Kansas, Mississippi, Alabama, Georgia, Indiana, Virginia, and Ohio.

HEARING: May 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 52460 (Sub No. 40), filed February 18, 1957, HUGH BREEDING, INC., 1420 West 35th Street, P. O. Box 9515, Tulsa, Okla. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement add mix* and *concrete add mix* (known as Septamene), liquid, in bulk in tank vehicles, (1) between Tulsa, Okla., on the one hand, and, on the other, Denver, Colorado Springs and Pueblo, Colo., points in Oklahoma and Kansas, points in that area of Arkansas bounded on the north by U. S. Highway 64 and on the east by U. S. Highway 65, including points on said highways, and points in Arkansas within 10 miles of Little Rock, Ark., points in that area of Missouri bounded on the north by U. S. Highway 54 and on the east by U. S. Highway 65, including points on the said highways, and points in that area of Texas west of U. S. Highway 83 and north of U. S. Highway 180, including points on the said highways, and (2) from Austin, Tex., to Tulsa, Okla. Applicant is authorized to transport specified commodities (not including the commodities herein sought), in Kansas, Oklahoma, Arkansas, Missouri, New Mexico, Texas, Tennessee, Louisiana, Iowa, and Illinois.

HEARING: May 10, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Examiner Leo W. Cunningham.

No. MC 52709 (Sub No. 72), filed March 4, 1957, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver 5, Colo. Applicant's representative: Eugene St. M. Hamilton, 3201 Ringsby Court, Denver 5, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *United States Government owned compressed gas trailers*, loaded with other than liquefied petroleum gas, or empty, between all points to and from which applicant is certificated for the carriage of general commodities and/or explosives, as enumerated in Docket No. MC 52709 and effective sub numbers thereunder and in Docket No. MC 1849 and effective sub-numbers thereunder; such routes are to be those presently authorized in said certificates and subject to the same restrictions as carried in said certificates.

NOTE: Applicant states that return transportation would be furnished only as presently otherwise authorized in above Certificates. Applicant is authorized to conduct operations in Arizona, California, Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Nevada, Utah, and Wyoming.

HEARING: May 21, 1957, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 52729 (Sub No. 14), filed March 6, 1957, FRANK FIOROT, THOMAS J. WATERS and MERLIN G. TUCKER, a Partnership, doing business as FIOROT TRUCKING, Box 43, Pen Argyl, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Slate* and *slate products*, from Pen Argyl, Pa., and points within 25 miles of Pen Argyl, to points in Alabama, Florida, Georgia, Illinois, Kentucky, Mississippi, and Missouri; and *empty containers or other such incidental facilities (not specified)*, used in transporting the commodities specified and *refused, damaged and rejected shipments* of the commodities specified, from the above-stated destination points to Pen Argyl, Pa. Applicant is authorized to transport similar commodities in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: April 29, 1957, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Lacy W. Hinely.

No. MC 52729 (Sub No. 15), filed March 6, 1957, FRANK FIOROT, THOMAS J. WATERS and MERLIN G. TUCKER, a Partnership, doing business as FIOROT TRUCKING, Box 43, Pen Argyl, Pa. Applicant's attorney: William J. Wilcox, 624 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, trans-

porting: (1) *Asphalt manufactured products* and *materials and supplies* used in the installation of asphalt products, when moving in connection therewith, from points in Bergen, Essex, and Union Counties, N. J., to New York, N. Y., and points on Long Island, N. Y., and to Wind Gap, Pa., and points within five miles of Wind Gap; from Wind Gap, Pa., and points within five miles of Wind Gap, to points in Vermont, Rhode Island, Virginia, West Virginia, the District of Columbia, Connecticut, Delaware, Maryland, Massachusetts, New Jersey and New York within three hundred (300) miles of Wind Gap; and from Wind Gap, Pa., to points in Ohio; (2) *precast concrete products*, from Pen Argyl, Pa., and points within thirty (30) miles of Pen Argyl, to points in New York, New Jersey, Delaware, Maryland and the District of Columbia; and (3) *empty containers and other such incidental facilities* (not specified), used in transporting the commodities specified, and *refused, damaged and rejected shipments* of the commodities specified, from the above-specified destinations to the above-specified origins.

HEARING: April 29, 1957, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Lacy W. Hinely.

No. MC 52751 (Sub No. 12), filed March 4, 1957, ACE LINES, INC., 2420 Minnehaha Avenue, Minneapolis, Minn. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building Materials*, as defined by the Commission, from Waukegan, Ill., to points in Nebraska. Applicant is authorized to transport similar commodities in Minnesota, North Dakota, Iowa, and Illinois.

HEARING: May 20, 1957, at the Federal Office Building, 5th and Court Avenues, Des Moines, Iowa, before Joint Board No. 136, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 55896 (Sub No. 5), filed March 4, 1957, RAY WILLIAMS FREIGHT LINES, INC., 1757 Southfield Road, P. O. Box 403, Lincoln Park, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Aluminum Company of America Plant located on Indiana Highway 66 near Yankeetown, Warrick County, Ind., as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 41 to and from Evansville, Ind. Applicant is authorized to transport similar commodities in Indiana, Illinois, and Michigan.

HEARING: May 8, 1957, at the U. S. Court Rooms, Indianapolis Ind., before Joint Board No. 72, or if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 64932 (Sub No. 225), filed February 18, 1957, ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago 16, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dry silica gel* (catalyst), in bulk, in hopper tank vehicles, from Michigan City, Ind. to points in Michigan, Ohio, Kentucky, Indiana, Illinois, Missouri, Arkansas, and Oklahoma.

HEARING: May 8, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William E. Messer.

No. MC 68502 (Sub No. 1), filed February 27, 1957, CLIFFORD L. OBERST, Main Street, Conyngham, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Bakery products, ingredients* of bakery products, and *containers* for bakery products, from Binghamton, N. Y., to Wilkes Barre, Hazleton, and Shamokin, Pa. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: April 22, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 71096 (Sub No. 28), filed March 7, 1957, NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's representative: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the General Motors Euclid Division Plant, located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Akron, Ohio and Axtel, Ohio over Ohio Highways 8 and 254. Applicant is authorized to transport similar commodities in Ohio, Illinois, Indiana, Michigan, and Pennsylvania.

HEARING: April 24, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 77404 (Sub No. 8), filed March 4, 1957, MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Le Veque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, furs, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading, serving the site of Lorain Assembly Plant of the Ford Motor Company, which is located in Brownhelm Township of Lorain County, Ohio, as an off-route point in connection with applicant's authorized regular route operations between Cleveland, Ohio, and Detroit, Mich., over U. S. Highway 20, Ohio Highways 101 and 18 and U. S. Highways 23 and 25. Applicant is authorized to transport similar commodities in Indiana, Michigan, and Ohio.

HEARING: April 26, 1957, in Room 265, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 92983 (Sub No. 199), filed February 6, 1957 ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, between Crete, Nebr., on the one hand, and, on the other, points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Minnesota, Missouri, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin and Wyoming. Applicant is authorized to transport the commodities specified in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: May 20, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James I. Carr.

No. MC 92983 (Sub No. 203), filed February 15, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Syrups*, in bulk, in tank vehicles, from Kansas City, Mo. to points in Arkansas, Colorado, Kansas, Oklahoma, Nebraska, and Iowa. Applicant is authorized to conduct operations in Iowa, Missouri, Kansas, Nebraska, Oklahoma, Texas, Alabama, Georgia, Louisiana, Mississippi, and Tennessee.

HEARING: May 15, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 95084 (Sub No. 32), filed February 18, 1957, HOVE TRUCK LINE, a corporation, Stanhope, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Irrigation equipment, irrigation outfits and advertising matter*, from Fort Dodge, Iowa, to points in Alabama, Colorado, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, Wisconsin and Wyoming, and to Amarillo and Dallas, Tex.

HEARING: May 16, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James I. Carr.

No. MC 96607 (Sub No. 3), filed February 6, 1957, MURRELL RUCKER AND BURRELL RUCKER, doing business as RUCKER BROTHERS TRUCKING COMPANY, 733 East 11th Street, Tacoma 2, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Laminated wood products*, including those which because of size or shape require the use of special equipment, from Tacoma, Wash., to points in Oregon.

HEARING: April 25, 1957, in Room 400, U. S. Court House, Fifth and Madison Sts., Seattle, Wash., before Joint Board No. 45.

No. MC 97264 (Sub No. 16), filed February 21, 1957, M AND M OIL AND TRANSPORTATION, INC., P. O. Box 2250, Denver, Colo. Applicant's attorney: Robert S. Stauffer, 1510 East 20th Street, Cheyenne, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) between points in Colorado; (2) between points in Colorado and Wyoming; (3) between points in Colorado and New Mexico; and (4) from points in Utah to all points in Colorado and Wyoming. Applicant is authorized to transport similar commodities over regular routes, in Colorado, Idaho and Wyoming, and over irregular routes in Colorado, Kansas, Nebraska, North Dakota, South Dakota, and Wyoming.

HEARING: May 20, 1957, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 104932 (Sub No. 4), filed January 7, 1957, DOMINIC CEROSISMO, doing business as CEROSISMO & SONS, 780 Silver Lane, East Hartford, Conn. Applicant's attorney: Sidney L. Goldstein, 109 Church Street, New Haven, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Home products*, such as, (polishes, waxes, cleaning compounds, brushes, handles, cosmetics) and *advertising material*, accompanying said products, from East Hartford, Conn., to points in Connecticut and points in Washington County, R. I.

HEARING: April 29, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 252, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 106297 (Sub No. 28), filed March 4, 1957, MID-STATES TRAILER TRANSPORT, INC., 9330 South Constance Avenue, Chicago 17, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *New trailers*, designed to be drawn by passenger automobiles and *trailer parts* and *trailer furnishings* when moving in conjunction therewith, in initial movements, between Chambersburg and Nanticoke Pa., and points in the United States and the District of Columbia. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: April 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 106307 (Sub No. 8), filed March 4, 1957, FRANK A. WILLERS, doing business as WILLERS HEAVY HAULING, 1109 East Third Street, Sioux Falls, S. Dak. Applicant's attorney: Theodore Mead Bailey, Jr., 218 Security Bank Building, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities* which by reasons of size or weight require the use of special equipment or special handling and *related contractor's materials and supplies* when transported in connection with such commodities, (1) between points in South Dakota on the one hand, and, on the other points in Ohio, Pennsylvania and Utah; (2) between points in Utah on the one hand, and, on the other points in Ohio and Pennsylvania. Applicant is authorized to transport similar commodities in South Dakota, Minnesota, Iowa, Nebraska, North Dakota, Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, Missouri, Montana, and Wyoming.

HEARING: May 28, 1957, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner James I. Carr.

No. MC 106401 (Sub No. 8), filed February 20, 1957, JOHNSON MOTOR LINES, INC., 2426 Hutchison Avenue, Charlotte 1, N. C. Applicant's attorney: Edgar Watkins, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in North Carolina and South Carolina, over the following alternate routes for operating convenience only (as more fully described in the application), serving no intermediate points: (TH 1) Intersection of U. S. Highway 311 and North Carolina Highway 66 northwest of High Point, N. C., over North Carolina Highway 66 to Kernersville, N. C.; (TH 2) Intersection of U. S. Highway 311 and North Carolina Highway 68 northwest of High Point, N. C., over North Carolina Highway 68 to intersection with North Carolina Highway 158, southeast of Stokesdale, N. C.; (TH 3) Thomasville, N. C. to intersection with North Carolina Highway 68 southwest of High Point, N. C. over U. S. Highway 29A, thence over North Carolina Highway 68 to intersection with U. S. Highway 311 northeast of High Point, N. C. (TH 4) Mocksville, N. C. to Salisbury, N. C. over U. S. Highway 601; (TH 5) Thomasville, N. C. to New London, N. C. over North Carolina Highway 109 to intersection with North Carolina Highway 49, thence over North Carolina Highway 49 to intersection with North Carolina Highway 8, thence over North Carolina Highway 8 to New London, N. C.; (TH 6) Intersection of U. S. Highway 158 and North Carolina Highway 801 southwest of Clemmons, N. C. over North Carolina Highway 801 to intersection of North Carolina Highway 801 and U. S. Highway 64 southeast of Fork, N. C.; (CH 1) Kings Mountain, N. C. over North Carolina Highway 161 to intersection with South Carolina Highway 55 at Bethany, S. C., thence over South Carolina Highway 55 to Clover, S. C.; Gastonia, N. C. over U. S. Highway 321 to Clover, S. C.; York, S. C., over South Carolina Highway 5 to Rock Hill, S. C.; York, S. C. over U. S. Highway 321 to Chester, S. C.; (CH 2) Lancaster, S. C. over South Carolina Highway 200 and North Carolina Highway 200 to Monroe, N. C.; (CH 3) Intersection of U. S. Highway 52 with U. S. Highway 74 near Wadesboro, N. C. over U. S. Highway 52 to Norwood, N. C.; Marshville, N. C. over North Carolina Highway 205 to Oakboro, N. C., thence over North Carolina Highway 342 to Red Cross, N. C.; Unnumbered highway from Polkton, N. C. to Ansonville, N. C.; Monroe, N. C. over North Carolina Highway 200 to intersection with unnumbered highway approximately five miles from Monroe over unnumbered highway to New Salem, N. C.; (CH 4) North Carolina Highway 49 from intersection with U. S. Highway 29 north of Charlotte, N. C. to intersection with U. S. Highway 52 near Richfield, N. C.; U. S. Highway 601 from intersection with North Carolina Highway 49 south of Concord, N. C. to Concord, N. C.; Concord, N. C. over North Carolina Highway 73 to Albemarle, N. C.; (CH 5) Concord, N. C. over North Carolina Highway 73 to Davidson, N. C.; (CH 6) Intersection of U. S. Highway 64 and North Carolina Highway 10 east of Claremont, N. C. over North Carolina Highway 10 to intersection with North Carolina Highway 16 near Newton, N. C.; (CH 7) Intersection of North Carolina Highway 277 and North Carolina Highway 274 near Cherryville, N. C. over North Carolina Highway 277 to Dallas, N. C. and continuing on North Carolina Highway 275 to Stanley, N. C.; (CH 8) Mt. Holly, N. C. over North Carolina Highway 273 to intersection with U. S. Highway 29; (CH 9) Salisbury, N. C. over North Carolina Highway 150 to Mooresville, N. C. to the intersection of North Carolina Highway 150 with North Carolina Highway 27 near Lincolnton, N. C.; Lincolnton, N. C. over North Carolina Highway 150 to Cherryville, N. C. to Shelby, N. C.; (CH 10) Rockwell, N. C. over North Carolina Highway 152 to intersection with North Carolina Highway 150 near Mooresville, N. C.; (CH 11) Unnumbered highway from Bessemer City, N. C. to Gastonia, N. C.; (MA 1) Intersection of U. S. Highway 64 and U. S. Highway 25 near Henderson, N. C. over U. S. Highway 64 to intersection with U. S. Highway 74 and thence over unnumbered highway to Old Fort, N. C.; (MA 2) Intersection of U. S. Highway 70 and unnumbered highway approximately three miles east of Valdese, N. C. over unnumbered highway to intersection with U. S. Highway 321A and thence over U. S. Highway 321A to Lenoir, N. C.; (MA 3) Intersection of U. S. Highway 70 and unnumbered highway approximately one mile east of Connelly Springs, N. C. thence over unnumbered highway to Granite Falls, N. C.; (SP 1) Gaffney, S. C. over South Carolina Highway 11 to Jonesville, S. C.; Gaffney, S. C. over South Carolina Highway 18 to Pacolet, S. C.; (SP 2) Whitmire, S. C. over South Carolina Highway 66 to Joanna, S. C.; (SP 3) Gaffney, S. C. over South Carolina Highway 11 to Chesnee, S. C.; (SP 4) Intersection of U. S. Highway 176 and South Carolina High-

way 9 near Jonesville, S. C. over South Carolina Highway 9 to Robat, S. C.; (GV 1) Intersection of U. S. Highway 29 and South Carolina Highway 20 near Williamston, S. C. over South Carolina Highway 20 to Belton, S. C.; (AN 1) Anderson, S. C. over South Carolina Highway 24 to Westminster, S. C.; (AN 2) Anderson, S. C. over South Carolina Highway 28 to Abbeville, S. C.; (AN 3) Honea Path, S. C. over South Carolina Highway 252 to Ware Shoals, S. C.; Intersection of U. S. Highway 25 and South Carolina Highway 252 near Ware Shoals, S. C. over South Carolina Highway 252 to intersection with U. S. Highway 76, thence over U. S. Highway 76 to Laurens, S. C.; (AN 4) Donalds, S. C. over U. S. Highway 178 to intersection with U. S. Highway 25 near Hodges, S. C.; (WA 1) Intersection of U. S. Highway 1 and U. S. Highway 52 near Cheraw, S. C. over U. S. Highway 52 to Darlington, S. C.; (WA 2) Dillon, S. C. over U. S. Highway 301 to Latta, S. C. thence over South Carolina Highway 917 to intersection with South Carolina Highway 57 north of Mullins, S. C.; (WA 3) Patrick, S. C. over South Carolina Highway 102 to Hartsville, S. C.; Society Hill, S. C. over U. S. Highway 15 to Hartsville, S. C.; (WA 4) Wadesboro, N. C. over North and South Carolina Highway 109 to Mt. Croghan, S. C.; Wadesboro, N. C. over North Carolina Highway 109 and South Carolina Highway 742 to Chesterfield, S. C.; (WA 5) Dillon, S. C. over South Carolina Highway 34 to Darlington, S. C.; (WA 6) Intersection of South Carolina Highway 38 and South Carolina Highway 917 northwest of Latta, S. C. over South Carolina Highway 38 to intersection of South Carolina Highway 38 with U. S. Highway 501 southwest of Latta, S. C.; (CO 1) Lugoff, S. C. over South Carolina Highway 34 to intersection of South Carolina Highway 34 with U. S. Highway 321 near Rockton, S. C.; Intersection of South Carolina Highway 34 and U. S. Highway 321 near Winnsboro, S. C. over South Carolina Highway 34 to Newberry, S. C.; (CO 2) Intesection of U. S. Highway 76 and U. S. Highway 176 near Ballentine, S. C. over U. S. Highway 176 to intersection with South Carolina Highway 19 north of Newberry, S. C.; (CL 1) From Clearwater over South Carolina Highway 230 to the intersection of South Carolina Highway route 23 thence over South Carolina Highway 23 to Modoc, thence over U. S. Highway 221 to McCormick, thence over U. S. Highway 378 to Saluda, thence over U. S. Highway 178 to Batesburg.; (CL 2) From intersection South Carolina Highways 230 and 23 over South Carolina Highway 23 to Batesburg; (CL 3) Aiken, S. C. over South Carolina Highway 18 to Trenton, S. C.; (LL 1) Shelby, N. C. over North Carolina Highway 18 and South Carolina Highway 18 to Gaffney, S. C.; (LL 2) Spartanburg, S. C. over U. S. Highway 176 to Hendersonville, N. C.; (LL 3) McCormick, S. C. over U. S. Highway 378 to intersection with U. S. Highway 1 near Columbia, S. C.; (LL 4) Pageland, S. C. over South Carolina Highway 9 to Lancaster, S. C.; Chester, S. C. over South Carolina Highway 9 to Lockhart, S. C.; (LL 5) Intersection of U. S. Highway 221 and North Carolina Highway 26, south of Marion, N. C. over North Carolina Highway 26 to Shelby, N. C.; (LL 6) Intersection of U. S. Highway 76 and South Carolina Highway 252 near Laurens, S. C. over U. S. Highway 76 to Princeton, S. C. and Honea Path, S. C.; (LL 7) From intersection of U. S. Highway 29 and North Carolina Highway 49 northeast of Charlotte, N. C. over North Carolina Highway 49 to Asheboro, N. C. thence over U. S. Highway 64 to Raleigh, N. C., thence over U. S. Highway 1 to Henderson, N. C.; (LL 8) From intersection of U. S. Highway 1 and U. S. Highway 74 near Rockingham, N. C., over U. S. Highway 1 to Raleigh, N. C.

NOTE: Operations over the above described routes are for operating convenience only and no service as to commodities or points is requested that is not now authorized by the Certificate held by applicant.

HEARING: April 24, 1957, at the U. S. Court Rooms, Charlotte, N. C., before Joint Board No. 2, or, if the Joint Board waives its right to participate, before Examiner William J. Cave.

No. MC 106887 (Sub No. 8), filed February 25, 1957, IVAN RAY, MARY RAY, ALICE RAY AND LORAINE RAY, partnership, doing business as A. D. RAY TRUCKING, Rock Springs, Wyo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery* and *contractors equipment, materials and supplies*, other than cement, between points in Wyoming, Utah and Colorado within 100 miles of Rock Springs, Wyo., excluding points within 25 miles of Craig, Colo. Applicant is authorized to transport similar commodities between specified points in Wyoming, Utah, and Colorado.

HEARING: May 31, 1957, at the Wyoming Public Service Commission, Superior Court and State Library Building, Cheyenne, Wyo., before Joint Board No. 280, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 106965 (Sub No. 100), filed March 4, 1957, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Edible oil*, in bulk, in tank vehicles, from Baltimore, Md., to points in Delaware, Pennsylvania, Virginia, and the District of Columbia.

NOTE: Applicant states that it now transports edible oils, in bulk, from Baltimore to Hanover, Pa., and vegetable oils, in bulk, from Baltimore to Washington, D. C. These operations are entirely duplicated by the requested authority and will be surrendered for cancellation concurrently with the issuance of a certificate in this case.

HEARING: April 24, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Alvin H. Schutrumpf.

No. MC 107107 (Sub No. 84), filed February 26, 1957, ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Miami, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined by the Commission, and *dairy products*, as defined by the Commission, from Terre Haute, Ind., to points in Florida. Applicant is authorized to conduct similar operations in Pennsylvania, Florida, New York, Illinois, Georgia, Tennessee, Nebraska, Texas, Wisconsin, Iowa, Indiana, Kansas, Minnesota, Missouri, South Dakota, Massachusetts, Maryland, Virginia, New Jersey, Ohio, Delaware, Connecticut, Rhode Island, West Virginia, the District of Columbia, and North and South Carolina.

HEARING: May 6, 1957, at the U. S. Court Rooms, Indianapolis, Ind., before Examiner Leo W. Cunningham.

No. MC 107227 (Sub No. 46), filed March 4, 1957, INSURED TRANSPORTERS, INC., 251 Park Street, San Leandro, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Front end shovel loaders* and *industrial lift trucks*, from San Leandro, Calif., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 26, 1957, in Room 228, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner F. Roy Linn.

No. MC 107299 (Sub No. 5), filed February 25, 1957, ROBERTS CARTAGE COMPANY, a Corporation, 1719 West 35th Street, Chicago 8, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Store, restaurant, office and bar fixtures*, between Grand Haven and Muskegon, Mich., and points in the United States. Applicant is authorized to transport the commodities specified throughout the United States.

HEARING: May 6, 1957, at the Federal Building, Detroit, Mich., before Examiner James I. Carr.

No. MC 107299 (Sub No. 6), filed February 25, 1957, ROBERTS CARTAGE COMPANY, a Corporation, 1719 West 35th Street, Chicago 8, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Store, restaurant, office and bar fixtures*, between Decatur, Lincoln and Moline, Ill., and points in the United States. Applicant is authorized to transport similar commodities throughout the United States. Applicant is authorized to transport the commodities specified throughout the United States.

HEARING: May 10, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 107496 (Sub No. 88), filed February 13, 1957, RUAN TRANSPORT CORPORATION, 408 SE. 30th, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from points in Minnesota to points in Iowa; *liquid fertilizers* and *fertilizer ammoniating solutions* (including but not limited to anhydrous ammonia, aqua ammonia and nitrogen solutions), in bulk, in tank vehicles, from points in the Chicago, Ill. Commercial Zone as defined by the Commission, to points in Illinois, Iowa, Minnesota, Michigan, Missouri, and Wisconsin. Applicant is authorized to transport similar commodities in Iowa, Illinois, Wisconsin, Missouri, Minnesota, North and South Dakota, Kansas, and Nebraska.

NOTE: Applicant states no authority is sought here to render service between any two points in any one state or in the same state and that any duplication of authority will be eliminated.

HEARING: May 15, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James I. Carr.

No. MC 108428 (Sub No. 5), filed February 18, 1957, DINO D'AGATA, N. E. Cor. 25th and Dickinson Streets, Philadelphia, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Detroit, Mich., to Trenton, Atlantic City and Vineland, N. J., Pittsburgh, Harrisburg, Scranton, Lebanon, Lancaster and York, Pa., and Wilmington, Del. *Empty malt beverage containers*, on return. Applicant is authorized to conduct operations from and to specified points in New York, New Jersey, Pennsylvania, Ohio, Michigan, and Wisconsin.

HEARING: April 30, 1957, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Lacy Hinely.

No. MC 109451 (Sub No. 70), filed February 25, 1957, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, and Mississippi; *pine oil*, in bulk, in tank vehicles, between points in Georgia, on the one hand, and, on the other, Spartanburg, S. C. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, Ohio, Missouri, Kentucky, Wisconsin, and Iowa.

HEARING: April 23, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 110197 (Sub No. 14), filed March 1, 1957, DANIEL S. DRACUP & CO., INC., 42 Chicago Avenue, Celoron, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a common carrier, over irregular routes, transporting: *Stone, slate, granite, marble*, and *products of marble and granite*, from points in Vermont to points in Chautauqua and Cattaraugus Counties, N. Y., and Warren County, Pa. Applicant is authorized to transport specified commodities (not including the commodities sought herein), in New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, Kentucky, Virginia, Alabama, North and South Carolina, Georgia, Tennessee, and West Virginia.

NOTE: Applicant states: "This is an application primarily for the purpose of determining a question of law as to whether or not the applicant is acting as a private carrier in the transportation of the commodities in question. • • • However, in order to determine the validity of its position applicant files this application with a request that it be dismissed on the basis that applicant is a private carrier and not subject in this operation to the Interstate Commerce Act." The President of applicant-corporation is also President of Youngsville Transfer, Inc., Certificate MC-569 dated August 27, 1956, authorizing transportation of household goods and new furniture between Youngsville, Pa., and points in Ohio and New York.

HEARING: April 23, 1957, at the Hotel Buffalo, Washington and Swann Streets, Buffalo, N. Y., before Examiner Alfred B. Hurley.

No. MC 110525 (Sub No. 328), filed March 1, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: John R. Sims, Jr., and Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, between points in Kanawha County, W. Va., on the one hand, and, on the other, points in Kansas, Nebraska, Oklahoma, Texas and Wyoming. Applicant is authorized to transport similar commodities in Maryland, New Jersey, New York, Kentucky, Pennsylvania, Delaware, West Virginia, Ohio, Michigan, Illinois, Indiana, Virginia, North Carolina, Tennessee, Connecticut, Massachusetts, Rhode Island, Wisconsin, and the District of Columbia.

HEARING: April 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 110525 (Sub No. 329), filed March 5, 1957, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps, Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals* and *acids*, in bulk, in tank vehicles, from points in Lake County, Ohio, to points in Pennsylvania, except Johnstown, Josephtown, and Kobuta, Pa., and points in Allegheny, Beaver, Butler, Cambria, Chester, Dauphin, Delaware, Fayette, Franklin, Lawrence, McKean, Mercer, Montgomery, Philadelphia, Schuylkill and Venango Counties, Pa. Applicant is authorized to transport similar commodities in Alabama, Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: April 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 111472 (Sub No. 45), filed February 25, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from West Bend, Wis., to Memphis, Tenn. Applicant is authorized to transport similar commodities throughout the United States except North and South Carolina, Nevada, Florida, and the District of Columbia.

HEARING: May 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 111472 (Sub No. 46), filed March 4, 1957, DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as defined by the Commission, from West Bend, Wis., to points in New Mexico. Applicant is authorized to transport similar commodities throughout the United States.

HEARING: May 9, 1957, in Room 852, U. S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner James I. Carr.

No. MC 111812 (Sub No. 35), filed February 25, 1957, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packing houses*, as defined by the Commission, from Huron, S. Dak. and Fargo and West Fargo, N. Dak. to points in Washington and Oregon; *empty containers or other such incidental facilities* (not specified) used in transporting the named commodities on return. Applicant is authorized to conduct operations in South Dakota, Washington, Oregon, California, Minnesota, Nebraska, and Iowa, and to Reno, Nev.

HEARING: May 27, 1957, at the U. S. Court Rooms, Sioux Falls, S. Dak., before Examiner James I. Carr.

No. MC 112171 (Sub No. 2), filed February 28, 1957, L. E. SCHOOLEY, INC., Highway 6–50, Grand Junction, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium and vanadium bearing ores*, in bulk, between points within 225 miles of Monticello, Utah, including Monticello.

NOTE: Duplication with applicant's present authority should be eliminated. Applicant is authorized to transport the commodities specified in Arizona, Colorado, New Mexico and Utah.

HEARING: May 21, 1957, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 113151 (Sub. No. 4), (Correction) filed January 25, 1957, published in the March 7 issue, ALPHONSE HINDERMAN, EDWIN HINDERMAN, and VINCENT HINDERMAN, doing business as HINDERMAN BROTHERS, Dickeyville, Wis. Applicant's attorney: John T. Porter, 708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from Dubuque and Iowa Falls, Iowa, to points in Crawford, Grant, Iowa and Richland Counties, Wis. Applicant is authorized to transport similar commodities in Iowa, Illinois, and Wisconsin.

NOTE: Applicant states that the proposed application is a duplication in part, of its rights in Certificate No. MC 113151 (Sub No. 1), and requests that such duplication be eliminated by the Commission in the event that part or all of the authority herein requested is granted.

HEARING: Remains as assigned April 10, 1957, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 111.

No. MC 113495 (Sub No. 3), filed February 26, 1957, GREGORY HEAVY HAULERS, INC., 2 Main Street, Nashville 6, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe and fittings; pipe, cast iron pressure; pipe, cast iron pressure* when lined with porcelain, enamel, or cement mortar; *pipe, cast iron pressure*, and *cast iron pressure pipe fittings* with/or without cement or composition lining or coating, with or without prepared joints (prepared joints consisting of lead, iron, or wood wedges, or jute or rubber rings, inserted in the bell or large end, shall be securely held in place by wooden blocks or composition protector and shall not project beyond the end of the pipe or fittings); in straight or mixed truckloads, such as: *pipe, cast iron pressure, fittings, cast iron pressure* (connecting bolts and/nuts, gaskets, washers, packing or wedges, in barrels, boxes, kegs or burlap bags, not exceeding in the aggregate 2 percent of the weight of the entire truckload on which charges are assessed, may be included in straight or mixed truckloads of cast iron pressure pipe/or fittings at the rates on cast iron pressure pipe, truckloads) such as: *ball joints, bells, bends, branches, caps, couplings, crosses, drip boxes, elbows, flanges, flanged ends, headers, hub ends, increasers, joints, nipples, offset pipes, plugs, reducers, "S" pipes* (same as sleeves, offset), *saddles, socket joints, spigot ends, split sleeves, split tees, tees, "Y" pipes; Meter boxes, stop-cock boxes or valve boxes, and parts thereof, cast iron pressure; culverts, cast iron pressure, manhole covers or frames, catch basins, catch basin covers, or sewer inlets, cast iron pressure*, from Lynchburg and Radford, Va., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: April 23, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 113617 (Sub No. 8), filed February 25, 1957, L. D. EASTER, E. M. EASTER, M. E. EASTER, L. W. EASTER, L. B. EASTER, AND M. M. MORSE, doing business as HIGHWAY TRANSPORT COMPANY, 4143 East 43rd Street, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from Kenosha, Wis., to points in Arizona and New Mexico. Applicant is authorized to conduct operations in Colorado, Iowa, Kansas, Nebraska, and Wisconsin.

HEARING: May 17, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner James I. Carr.

No. MC 113769 (Sub No. 4), filed March 6, 1957, JOSEPH W. MARTIN, JR., doing business as THE MARTIN SERVICE, Corner Lexington Road and Middlesex Turnpike, Billerica, Mass. Applicant's attorney: M. E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, with contents, designed to be drawn by passenger automobiles, in secondary movements, in towaway service, between points in Massachusetts, New Hampshire and Rhode Island, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Louisiana and Florida and all military establishments east of the Mississippi River in Virginia, North and South Carolina, Georgia, Alabama, Mississippi, Wisconsin, Minnesota, Michigan, West Virginia, Ohio, Illinois, Indiana, Kentucky, Tennessee, and the District of Columbia.

HEARING: April 23, 1957, at the New Post Office and Court House Building, Boston, Mass., before Examiner Lacy W. Hinely.

No. MC 113908 (Sub No. 15), filed February 18, 1957, ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh liquid eggs, fresh liquid egg yolks*, and *fresh liquid egg albumen*, in bulk, in tank vehicles, (1) from Seward, Nebr., to Malvern, Iowa, and (2) from Greensburg, Ind., and Farina, Ill., to Zanesville, Ohio. Applicant is authorized to transport similar commodities in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

HEARING: May 17, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 114413 (Sub No. 15), filed March 4, 1957, SEABOARD FOOD EXPRESS, INC., 4550 West Colonial Drive, P. O. Box 205, Orlando, Fla. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned and processed foods*, (such as canned fruits, canned vegetables, canned juices, jams, preserves and jellies, excluding commodities requiring temperature control in transit), from points in New York except points in the New York, N. Y., Commercial Zone as defined by the Commission, and from North East and Erie, Pa., to points in Alabama, Florida, Georgia, North Carolina, and South Carolina.

HEARING: April 22, 1957, at the Hotel Buffalo, Washington and Swann Streets, Buffalo, N. Y., before Examiner Alfred B. Hurley.

No. MC 114632 (Sub No. 9), filed February 8, 1957, APPLE LINES, INC., Madison, S. Dak. Applicant's attorney: Einar Viren, 904 City Nat'l. Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, from Coffeyville, Kans. to points in South Dakota and Iowa; *empty containers* used in transporting petroleum products, on return. Applicant is authorized to transport the named commodity from Kansas City and El Dorado, Kans. and Tulsa, Okla. to points in Nebraska, Iowa, South Dakota, and Minnesota, and from El Dorado to Newcastle, Wyo.

HEARING: May 22, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner James I. Carr.

No. MC 114632 (Sub No. 10), filed February 8, 1957, APPLE LINES, INC., Madison, S. Dak. Applicant's attorney: Einar Viren, 904 City Nat'l. Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in containers, from Ponca City, Okla. to points in Nebraska, Iowa, South Dakota, and Minnesota. Applicant is authorized to transport the named commodity from Kansas City and El Dorado, Kans. and Tulsa, Okla. to points in Nebraska, Iowa, South Dakota, and Minnesota, and from El Dorado to Newcastle, Wyo.

HEARING: May 23, 1957, at the Rome Hotel, Omaha, Nebr., before Examiner James I. Carr.

No. MC 115309 (Sub No. 4), filed February 25, 1957, TRANSPORT SERVICE, a Corporation, 6395 Southeast Alberta Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fuel oils* to be used by road contractors, *asphalts* and *road oils*, from Martinez, Calif., and points within 20 miles of Martinez, to points in Curry, Coos, Jackson, Josephine, Klamath, Lake, Deschutes, Malheur, Douglas, Harney, Crook and Grant Counties, Oreg.

HEARING: April 26, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 115491 (Sub No. 3), filed February 11, 1957, COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla. Applicant's attorney: William P. Tomasello, 120 East

Davidson Street, Bartow, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum oils, petroleum greases* and *petroleum lubricants*, in containers from Kansas City, Kans. to points in Florida and Georgia.

HEARING: May 16, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 116324 (Correction), filed November 26, 1956, published in the March 7, 1957 issue, R. W. TAFT AND WILLIAM E. CONWAY, doing business as TAFT AND CONWAY, 229 North Superior Avenue, Tomah, Wis. Publication failed to include applicant's attorney: Victor H. Breitenfield, 1005½ Superior Avenue, Tomah, Wis.

No. MC 116383, filed January 14, 1957, STEIN GAGLE, 2324 Eighth Street, Greeley, Colo. Applicant's attorney: Marion F. Jones, 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer* and *malt liquors*, (1) from St. Paul and Minneapolis, Minn., St. Louis, Mo., Omaha, Nebr., and Milwaukee, Wis., to Denver and Greeley, Colo. and points in Wyoming, and *Empty containers*, on return; and (2) from Pueblo, Colo., to Rock Springs, Wyo., and *Empty containers*, on return.

HEARING: May 29, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Leo W. Cunningham.

No. MC 116428, filed February 8, 1957, VERL HARVEY, P. O. Box 428, Adams City, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cement*, in bulk and in sacks, between points in Colorado, New Mexico, Wyoming, Nebraska, Utah, and Arizona.

HEARING: May 27, 1957, at the New Customs House, Denver, Colo., before Examiner Leo W. Cunningham.

No. MC 116433, filed February 13, 1957, COASTAL MOTOR LINES, 152 Market St., Paterson, N. J. Applicant's representative: Bert Collins, 140 Cedar St., New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Chemicals*, in containers, from East Rutherford, N. J., to points in Pennsylvania, Ohio, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Alabama and the District of Columbia, and *materials, supplies* and *equipment* (not bulk or requiring special equipment), such as are used in the manufacture, production and distribution and sale of chemicals and *empty containers* from the above destination points to the above origin point.

NOTE: Applicant states that operations will be restricted to service to and from the plant site of Royce Chemical Company, East Rutherford, N. J.

HEARING: April 24, 1957, at 346 Broadway, New York, N. Y., before Examiner Lacy W. Hinely.

No. MC 116458, filed February 18, 1957, C. A. HANAVAN, doing business as CHET'S TOW SERVICE, 3611 East 59th Street, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014 Temple Building, Kansas City 6, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled and repossessed motor vehicles and trailers*, and *recovered stolen motor vehicles and trailers*, in secondary movements, in truckaway and driveaway service, between points in Missouri, Kansas, Nebraska, Iowa, Illinois, Arkansas, and Oklahoma.

HEARING: May 14, 1957, at the Hotel Pickwick, Kansas City, Mo., before Examiner Leo W. Cunningham.

No. MC 116461, filed February 18, 1957, RICHARD H. BAHRENFUSS, doing business as BAHRENFUSS TRUCKLINE, 4242 Van Buren, Sioux City, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Groceries* and *canned foods*, from Sioux City, Iowa, to points in South Dakota, Minnesota and Iowa; (2) *Canned foods*, from points in South Dakota, Minnesota, and Iowa to Sioux City, Iowa.

NOTE: Applicant states that he desires contract authority to haul groceries and canned foods for the Kaplan Wholesale Grocers & Cohen Wholesale Grocers of Sioux City, Iowa, from Sioux City to O. P. Skaggs stores in South Dakota, Minnesota and Iowa, and make return trips from these stores to Sioux City with loads of canned foods.

HEARING: May 21, 1957, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 147, or, if the Joint Board waives its right to participate, before Examiner James I. Carr.

No. MC 116463, filed February 21, 1957, GERALD W. BORTZ, 13 Van Rensseler Street, Seneca Falls, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in initial and secondary movements, in truckaway and driveaway service, from points in New York to points in the United States, and from points in the United States to points in New York.

HEARING: April 24, 1957, at the Seneca Hotel, Rochester, N. Y., before Examiner Alfred B. Hurley.

No. MC 116465, filed February 21, 1957, YODER & FREY, INC., Archbold, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5844–5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural Machinery, Implements and parts*, as defined by the Commission, between the site of the Yoder & Frey, Inc. auction yard located approximately one and one-fourth (1¼) miles northwest of Archbold, Ohio on an unnumbered county road, on the one hand, and, on the other, points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi, Missouri New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states parts will move at the same time and in the same vehicle as agricultural machinery and implements.

HEARING: April 25, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Examiner Reece Harrison.

No. MC 116473, filed February 25, 1957, EDWARD HANLEY, doing business as HANLEY TRUCKING, 560 Egan Terrace, Rivervale, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cotton* and *synthetic wadding* in paper-wrapped rolls, from the site of the plant of Carlee Corporation at Rockleigh, N. J., to New York, N. Y., and points in Nassau County, N. Y., and *returned and refused shipments* of the above-specified commodities on return movements.

HEARING: April 25, 1957, at 45 Broadway, New York, N. Y., before Examiner Lacy W. Hinely.

No. MC 116475, filed February 25, 1957, CLYDE S. ESTY and CLYDE S. ESTY, JR., a partnership, doing business as CLYDE S. ESTY & SONS, 265 Forest Street, Westbrook, Maine. Applicant's attorney: M. E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B and C explosives*, and *supplies and equipment incidental to their use*, in shipments not exceeding 10,000 pounds in weight, from Gorham and Hampden, Maine, and points in Maine within 25 miles of Gorham and Hampden, to points in Massachusetts, New Hampshire, Vermont and Maine; and from Chelmsford, Mass., to points in Maine; and *returned shipments of the commodities specified*, on return movements.

HEARING: April 19, 1957, at the Federal Building, Portland, Oreg., before Examiner Lacy W. Hinely.

No. MC 116492, filed March 1, 1957, J. T. HARRIGER AND RUTH B. HARRIGER, doing business as T. C. HARRIGER TRUCKING, 66 Main Street, Falls Creek, Pa. Applicant's attorney: H. Ray Pope, Jr., Clarion, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay products*, from Falls Creek, Pa., to points in New York, Ohio and Maryland, and *pallets* or *other commodities* used in the transportation of finished products, and *damaged shipments* of clay products on return.

HEARING: April 25, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 116495, filed March 4, 1957, JOHN A. GAMMEL, doing business as BLACK HILLS TRAILER TOWING, P. O. Box 135, Newcastle, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in towaway service, between points in Weston, Niobrara and Crook Counties, Wyo., Fall River, Custer, Lawrence, Butte and Harding Counties, S. Dak., Bowman and Slope Counties, N. Dak., and Fallon, Carter and Powder River Counties, Mont.

HEARING: May 28, 1957, at the Wyoming Public Service Commission, Supreme Court and State Library Building, Cheyenne, Wyo., before Examiner Leo W. Cunningham.

No. MC 116497, filed March 5, 1957, CLANCY BROS. TRANSPORTATION CO., INC., 70 Bengal Terrace, Rochester, N. Y. Applicant's representative: Raymond A. Richards, 13 Lapham Park, P. O. Box 25, Webster, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meat*, in refrigerated equipment, suspended from hooks, from over-head pipe rails, in carcasses or part carcasses, from Rochester, N. Y. to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New York, New Jersey, Rhode Island, Pennsylvania, Virginia, and the District of Columbia.

HEARING: April 25, 1957, at the Seneca Hotel, Rochester, N. Y., before Examiner Alfred B. Hurley.

No. MC 116498, filed March 4, 1957, HENRY J. HALSDORF, 510 Kenwood Avenue, Delmar, N. Y. Applicant's attorney: L. Murray Doody, Jr., 75 State Street, Albany, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick*, palletized, packaged, hand stacked or loose, from Coeymans, Albany County, N. Y. to points in Berkshire County, Mass., and wooden pallets and packages used in transporting brick and *surplus shipments* (called over-runs) on return.

HEARING: April 26, 1957, at the Federal Building, Albany, N. Y., before Examiner Alfred B. Hurley.

No. MC 116501, filed March 6, 1957, RAYMOND W. HAWKINS, R. R. No. 2, Poplar Bluff, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds* and *fertilizer*, bagged or in bulk, from East St. Louis and National City, Ill., to Poplar Bluff, Mo.

HEARING: May 13, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 116502, filed March 6, 1957, J. D. RAINS AND GARVIS E. LeGRAND, doing business as RAINS & LeGRAND LIVESTOCK CO., Highway 67, Box 208, Poplar Bluff, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal and poultry feeds* and *fertilizer*, bagged or in bulk, from East St. Louis and National City, Ill., to Poplar Bluff, Mo.

HEARING: May 13, 1957, at the Mark Twain Hotel, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 116503, filed March 6, 1957, BENJAMIN R. SCHOLL, Perkasie Star Route, Perkasie, Pa. Applicant's attorney: Harry J. Liederbach, South State Street, Newtown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from points in Luzerne, Carbon and Schuylkill Counties, Pa., to points in Delaware and Maryland.

HEARING: May 6, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 199.

MOTOR CARRIERS OF PASSENGERS

No. MC 1002 (Sub No. 12), filed March 6, 1957, ASBURY PARK-NEW YORK TRANSIT CORPORATION, 275 Broadway, Keyport, N. J. Applicant's attorney: Edward W. Currie, 123 Main Street, Matawan, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, during the racing season, at respective tracks, beginning and ending at Keyport, Red Bank, Fort Monmouth, Oceanport, Long Branch, Asbury Park, Bradley Beach, Belmar, and Freehold, N. J. and extending to Delaware Park Race Track at Stanton, Del., Pimlico Race Track at Baltimore, Md., Bowie Race Track at Bowie, Md., and Laurel Race Track at Laurel, Md. Applicant is authorized to conduct operations in New Jersey, New York, Virginia, Pennsylvania, and the District of Columbia.

HEARING: April 29, 1957, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Blvd., before Joint Board No. 283.

No. MC 1510 (Sub No. 59), filed March 4, 1957, SOUTHWESTERN GREYHOUND LINES, INC., 210 East Ninth Street, Fort Worth, Tex. Applicant's attorney: Jack R. Turney, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, newspapers, mail* and *express*, in the same vehicle with passengers, between Corpus Christi, Texas and Brownsville, Texas, from Corpus Christi over Texas Highway 44 to Robstown, thence over U. S. Highway 77 to Brownsville, (also from Riviera, Tex., over Texas Highway 285 to Falfurrias, thence over U. S. Highway 281 to Edinburg, thence over Texas Highway 107 to Mission, thence over U. S. Highway 83 to Harlingen), and return over the same routes, serving all intermediate points. Applicant is authorized to conduct similar operations in Arkansas, Missouri, New Mexico, Texas, Oklahoma, Colorado, Kansas, and Louisiana.

HEARING: May 6, 1957, at the Reese Wil-Mond Hotel, Harlingen, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner William R. Tyers.

No. MC 3647 (Sub No. 213), filed February 27, 1957, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J., Applicant's attorney: Frederick N. Broadfoot, Law Department, Public Service Coordinated Transport, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, (1) from junction Garden State Parkway and New Jersey Highway 575 in Galloway Township, N. J., over New Jersey Highway 575 (also known as County Road 45) to junction U. S. Highway 30 (also known as White Horse Pike), and return over the same route, serving no intermediate points; and (2) from junction U. S. Highway 30 and Wrangleboro Road, Galloway Township, N. J., over Wrangleboro Road (also known as County Road 83) to junction U. S. Highway 322, Hamilton Township, N. J., and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in New Jersey and New York.

HEARING: April 26, 1957, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 119.

No. MC 35670 (Sub No. 17), filed February 11, 1957, INTERSTATE PASSENGER SERVICE, INC., doing business as INTERSTATE LINES, 261 North Main Street, Rochester, N. H. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *mail, express* and *newspapers* in the same vehicle, between Dover, N. H., and Portsmouth Navy Yard, Kittery, Maine, (1) from Dover, over New Hampshire Highway 16 to junction U. S. Highway 4, thence over U. S. Highway 4 to junction U. S. Highway 1 bypass, thence over U. S. Highway 1 bypass and the Interstate Bridge to Kittery, Maine, and thence over Bridge and Government Streets to Portsmouth Navy Yard, Kittery, Maine, and return over the same route, serving all intermediate points; and (2) from Dover, over New Hampshire Highway 16 to junction U. S. Highway 1, thence over U. S. Highway 1 to junction with Government Street in Kittery, Maine, thence over Government Street to the Portsmouth Navy Yard, Kittery, Maine, and return over the same route, serving all intermediate points.

NOTE: Applicant states the purpose of this application is to remove restrictions in its present authority; that the Boston & Maine Transportation Company is to discontinue local service in the Portsmouth area on March 1, 1957; and that temporary authority on this route has been filed in order that there may be no interruption in service to the Navy Yard from Dover and intermediate points.

NOTE: Duplication of applicant's present authority should be eliminated. Applicant is authorized to transport passengers and the commodities specified in Massachusetts, Maine, New Hampshire, Rhode Island and Vermont.

HEARING: April 22, 1957, at the Chamber of Commerce Building, Concord, N. H., before Joint Board No. 114, or if the Joint Board waives its right to participate, before Examiner Lacy W. Hinely.

No. MC 110616 (Sub No. 2), filed February 8, 1957, HAMPTON BUS CO., INC., 2900 Madison Street, Cedar Rapids, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations, beginning and ending at Cedar Rapids, Iowa, and points within fifty miles of Cedar Rapids, and extending to points in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, Delaware, New Jersey, West Virginia, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana, Texas, Oklahoma, Kansas, New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Idaho, Oregon, Washington, Montana, and North Dakota. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Dakota Wisconsin, and the District of Columbia.

NOTE: Applicant has contract carrier authority in MC 115405, dated May 17, 1956—section 210 (dual operations) may be involved.

HEARING: May 14, 1957, at the Federal Office Building, Fifth & Court Avenues, Des Moines, Iowa, before Examiner James I. Carr.

No. MC 116480, filed February 26, 1957, EMBASSY GARAGE AND STORAGE CO., INC., doing business as EMBASSY TOURS, 1126 21st Street NW., Washington, D. C. Applicant's attorney: I. William Stempil, Warner Building, 501 13th Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Washington, D. C., and extending to points in the United States.

HEARING: April 22, 1957, at the offices of the Interstate Commerce Commission, before Examiner Bertram E. Stillwell.

No. MC 116493, filed March 4, 1957, FRANCIS SCHULTZ AND BRUNO ZAFFINO, doing business as AIRPORTS LIMOUSINE SERVICE OF PITTSFIELD, MASSACHUSETTS, 29 Wendall Avenue, Pittsfield, Mass. Applicant's attorney: Lincoln S. Cain, 29 Wendall Avenue, Pittsfield, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) between Pittsfield, Mass. and Bradley Field, near Windsor Locks, Conn., from Pittsfield over U. S. Highway 20 to West Springfield, Mass., thence over U. S. Highways 5 and 5A to the Massachusetts-Connecticut State line, thence over U. S. Highway 5A to Windsor Locks, Conn., thence over Connecticut Highway 20 to Bradley Field, and return over the same route, serving no intermediate points; (2) between Pittsfield, Mass. and Albany Airport, near Colonie, N. Y., from Pittsfield over U. S. Highway 20 to the Massachusetts-New York State line, thence over U. S. Highway 20 to East Greenbush, N. Y., thence over U. S. Highway 20 to the junction of U. S. Highway 4, thence over U. S. Highway 4 to Troy, N. Y., thence over New York Highway 32 to the junction of New York Highway 378, thence over New York Highway 378 to Loudonville, thence over U. S. Highway 9 to the junction of New York Highway 155, thence over New York Highway 155 to Albany Airport, and return over the same route, serving no intermediate points.

HEARING: April 24, 1957, at the U. S. Court Rooms, Hartford, Conn., before Joint Board No. 191, or, if the Joint Board waives its right to participate, before Examiner Alton R. Smith.

No. MC 116496, filed March 4, 1957, RAYMOND WARRENNER, doing business as BLUE LINE SIGHTSEEING CO., 2400 New York Avenue NE., Washington, D. C. Applicant's attorney: Warren Woods, DeSales Building., Connecticut Avenue and DeSales Street, NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in special and charter operations, between points in the following area: Washington, D. C., Alexandria, Va., in Arlington and Fairfax Counties, Va., and Maryland.

HEARING: April 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 68.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12640 (Sub No. 1), filed February 19, 1957, GEORGE ROSS CROTHERS, JR., doing business as PENN-DEL TOURS, 807 Upland Avenue, Box 438, Chester, Pa. For a License (BMC 5) to engage in operations as a *broker*, at Upland, Delaware County, Pa., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *Passengers and their baggage*, in special and charter operations. Request for removal of the exception provision in applicant's License No. MC 12640 stating "except that no special operation shall be arranged for on traffic to and from race tracks." In License No. MC 12640 applicant is authorized to engage in operations as a broker in connection with the transportation of *Passengers and their baggage*, in special and charter operations, beginning and ending at points in Delaware County, Pa., and New Castle, Del., and extending to all points in the United States, except that no special operation shall be arranged for on traffic to and from race tracks.

NOTE: By this application applicant proposes to arrange for such traffic as is excluded from his License by the exception therein.

HEARING: April 26, 1957, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Joint Board No. 65, or if the Joint Board waives its rights to participate, before Examiner Lacy W. Hinely.

No. MC 12657, filed March 4, 1957, ROSE GOODWIN, doing business as GOODWIN TOURS, 201 Davenport Avenue, New Haven, Conn. Applicant's attorney: Alfred A. Toscano, Woolworth Building, 109 Church Street, New Haven 10, Conn. For a license (BMC 5) authorizing operations as a broker at New Haven, Conn., in arranging for transportation in interstate or foreign commerce by motor vehicle of *groups of passengers and their baggage* between points in Connecticut, Massachusetts, Rhode Island, Maine, Vermont, New Hampshire, New York, New Jersey, Delaware, Maryland, and the District of Columbia.

NOTE: Applicant states that it intends to arrange transportation service not now convenient or available for persons desiring to travel to make religious pilgrimages to shrines.

HEARING: April 30, 1957, at the U. S. Court Rooms, Hartford, Conn., before Examiner Alfred B. Hurley.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 19201 (Sub No. 95), filed March 4, 1957, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, W. E., Pittsburgh 20, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, moving in express and baggage service, in service auxiliary to or supplemental of rail service of the Pennsylvania Railroad Company and of express service of Railway Express Agency, over the following two service routes: (1) between Spring Creek, Pa., and junction Pennsylvania Highways 77 and 27 northeast of Garland, Pa., from Spring Creek over Pennsylvania Highway 77 to junction Pennsylvania Highway 27, and return over the same route; (2) between Ludlow, Pa., and Ridgway, Pa., from Ludlow over U. S. Highway 6 to Kane, Pa., thence over unnumbered highway to Wilcox, Pa., thence over U. S. Highway 219 to Ridgway, and return over the same route, serving intermediate points which are stations on the rail line of The Pennsylvania Railroad Company, and serving the junction of Pennsylvania Highways 77 and 27 northeast of Garland for purpose of joinder only; and over the following alternate routes for operating convenience only: (1) between Corry, Pa., and junction U. S. Highway 6 and Pennsylvania Highway 27 at or near Pittsfield, Pa., from Corry over U. S. Highway 6 to junction Pennsylvania Highway 27, and return over the same route; (2) between junction U. S. Highway 219 and Pennsylvania Highway 255 south of Johnsonburg, Pa., and St. Marys, Pa., from junction U. S. Highway 219 and Pennsylvania Highway 255 over Pennsylvania Highway 255 to St. Marys, and return over the same route, serving no intermediate points, except junction U. S. Highway 6 and Pennsylvania Highway 27 and junction U. S. Highway 219 and Pennsylvania Highway 255 for purpose of joinder only. RESTRICTION: The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, the rail service of The Pennsylvania Railroad Company, hereinafter called the railroad, or of express service of Railway Express Agency. Carrier shall not serve any point not a station on a rail line of the railroad. Shipments transported by carrier shall be limited to those which it receives from or delivers to the railroad under a through bill of lading or express receipt covering, in addition to movement by carrier, a prior or subsequent movement by rail. All contractual arrangements between carrier and the railroad shall be reported to the Commission and shall be subject to revision if and as the Commission may find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission

in the future may find it necessary to impose in order to restrict carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, rail service.

NOTE: Dual operations or common control may be involved. Applicant is authorized to transport similar commodities in Pennsylvania.

No. MC 24211 (Sub No. 7), filed March 6, 1957, AL SCANNAVINO, doing business as AL SCANNAVINO TRUCKING, 5463 Cherokee Lane, Stockton, Calif. Applicant's attorney: Bruce R. Geernaert, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in Napa, Sonoma, San Joaquin, Madera and Fresno Counties, Calif., to Port of Stockton at Stockton, Calif. Applicant is authorized to transport wine in California.

No. MC 38170 (Sub No. 15), filed March 4, 1957, WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Toledo, Ohio, over U. S. Highway 24A (also known as Detroit-Toledo Expressway) as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Detroit, Mich., and Toledo, Ohio. Applicant is authorized to transport similar commodities in Michigan and Ohio.

No. MC 59336 (Sub No. 14), filed March 4, 1957, U. S. TRUCK COMPANY, INC., 2290 24th Street, Detroit, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Detroit, Mich., and Toledo, Ohio, over U. S. Highway 24A (also known as Detroit-Toledo Expressway) as an alternate route for operating convenience only in connection with applicant's authorized regular route operations between Detroit and Toledo. Applicant is is authorized to transport similar commodities in Michigan and Ohio.

No. MC 66562 (Sub No. 1337), filed January 28, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, (1) between Boston, Mass., and Concord Mass., from Boston over City streets to Cambridge, Mass., thence over Massachusetts Highway 2 to Concord, and return over the same route, serving no intermediate points; and (2) between Boston, Mass., and Salem, Mass., (a) from Boston over City streets to Chelsea, Mass., thence over Massachusetts Highway 107 to Salem, and (b) from Boston over Massachusetts Highway C–1 to junction Massachusetts Highway 107, thence over Massachusetts Highway 107 to Salem and return over the same routes, serving the intermediate points of Chelsea and Lynn, Mass. RESTRICTION: The service authorized herein is subject to the following conditions: The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1345), filed February 21, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between Wheeling, W. Va., and Parkersburg, W. Va., from Wheeling over West Virginia Highway 2 to Parkersburg, and return over the same route, serving the intermediate points of Benwood, Moundsville, Kent (Marshall County), New Martinsville, Paden City, Sistersville, and St. Marys, W. Va., and (2) between junction West Virginia Highways 2 and 31 and Parkersburg, W. Va., from junction West Virginia Highways 2 and 31 over West Virginia Highway 31 to Williamstown, W. Va., thence over U. S. Highway 21 to Parkersburg, and return over the same route, serving the intermediate point of Williamstown, W. Va. RESTRICTION: The service proposed herein is subject to the following conditions: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail or substituted motor for rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1346), filed February 25, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, 1220 The Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Greenville, S. C. and Anderson, S. C., from Greenville over South Carolina Highway 81 to junction South Carolina Highway 88, thence over South Carolina Highway 88 to Pendleton, S. C., and thence over U. S. Highway 76 to Anderson, serving the intermediate points of Pendleton and LaFrance, S. C., and return over U. S. Highway 29 to Greenville. Applicant has no objection to imposition of the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, air or railway express service; (2) Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air; (3) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: In No. MC 66562 (Sub No. 1094) applicant is authorized to transport general commodities, moving in express service, between Anderson, S. C., on the one hand, and, on the other, Greenville, S. C. over U. S. Highway 29, subject to the above restrictions, and by this application seeks to extend its service to include the intermediate points of Pendleton and LaFrance, S. C.

No. MC 66562 (Sub No. 1347), filed February 25, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: James E. Thomas, 1220 The Citizens & Southern Nat'l. Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Seneca, S. C. and Walhalla, S. C., from Seneca over U. S. Highway 76 to junction South Carolina Highway 28 and thence over South Carolina Highway 28 to Walhalla, and return over the same route. Applicant has no objection to the imposition of the following restrictions: (1) That service to be performed be limited to service which is auxiliary to, or supplemental of, air or railway express service; (2) that shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air; (3) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 92983 (Sub No. 206), filed March 1, 1957, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caustic soda*, in bulk in tank vehicles, from Wichita, Kans., to Dallas, Tex. Applicant is authorized to transport similar commodities from and to specified points in Kansas, Arkansas and Nebraska.

No. MC 112520 (Sub No. 15), filed February 27, 1957, SOUTH STATE OIL CO., a Corporation, New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Synthetic resin compounds, in solution*, from Valdosta, Ga., to El Dorado, Ark.

No. MC 116491, filed March 4, 1957, C. W. FISHER, KEITH FISHER AND GERALD ARNOLD, doing business as FISHERS AND ARNOLD, Pendleton Street, Falmouth, Ky. Applicant's attorney: Robert H. Kinker, Seventh Floor, McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crushed stone*, from points in Pendleton County, Ky., to Cincinnati, Ohio, and points in Ohio and Indiana within 15 miles of Cincinnati.

MOTOR CARRIERS OF PASSENGERS

No. MC 109780 (Sub No. 48), filed February 28, 1957, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, Dallas, Tex. (Mailing address: 300 South Broadway, Wichita, Kans). Applicant's attorney: C. Zimmerman, P. O. Box 730, Wichita 1, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers*, in the same vehicle with passengers, between Vinita, Okla., and Joplin, Mo., from Vinita over the newly constructed Will Rogers Turnpike, being a portion of the Northeastern Turnpike, to the Oklahoma-Missouri State line, thence over the Missouri dual-highway (freeway) route to Joplin, Mo., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Dallas, Texas. Applicant is authorized to conduct operations in Arizona, Arkansas, California, Colorado, Illinois, Iowa, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Utah.

No. MC 116165 (Sub No. 2), filed February 14, 1957, MURRAY HILL LIMOUSINE SERVICE LIMITED, a corporation, 1380 Barre Street, Montreal, Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle, in round-trip charter operations, beginning and ending at ports of entry on the International Boundary between the United States and Canada at or near Trout River, Champlain and Rouses Point, N. Y., and Highgate Springs, Vt., and extending to Burlington, Montpelier and Rutland, Vt., Berlin, Concord and Manchester, N. H., Boston, Mass., and Massena, Saranac Lake, Plattsburg, Watertown, Syracuse, Glens Falls, Albany, and New York, N. Y.

No. MC 116404, filed January 28, 1957, HORACE A. ILLING, doing business as ILLING BUS LINES, Sweet Home, Ark. Applicant's attorneys: Phillip Carroll, 314 West Markham Street, Little Rock, Ark., and Beverley S. Simms, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between West Memphis, Ark., and Memphis, Tenn., over U. S. Highway 70, serving no intermediate points. NOTE: This matter is related with MC–F 6428. Applicant is authorized to conduct passenger operations as a contract carrier under Permit No. MC 110398 Sub 4TA.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC–F 6352, published in the August 1, 1956, issue of the FEDERAL REGISTER on page 5768. Application filed March 13, 1957, for temporary authority under section 210a (b).

No. MC–F 6524 (correction) published in the March 7, 1957, issue of the FEDERAL REGISTER on page 1475. The authority to be transferred should have included "• • • between Columbia and Charleston, S. C."

No. MC–F 6525 (correction) published in the March 7, 1957, issue of the FEDERAL REGISTER on page 1475. This number was erroneously shown as MC–F 6625.

No. MC–F 6526 (correction) published in the March 7, 1957, issue of the FEDERAL REGISTER on page 1476. The authority being transfered under the heading *"general commodities"* should have read as follows: *General commodities*, except dangerous explosives, and except livestock, liquids in bulk, household goods as defined by the Commission and those requiring refrigeration, over irregular routes, etc.

No. MC–F 6531. Authority sought for control by BEST WAY MOTOR FREIGHT, INC., 441 Holgate Street, Seattle, Wash., of JOHNSON FREIGHT LINES, INC., 4015 Airport Way, Seattle, Wash., and for acquisition by S. S. ELAND, also of Seattle, of control of JOHNSON FREIGHT LINES, INC., through the acquisition by BEST WAY MOTOR FREIGHT, INC. Applicants' attorney: Wallace Aiken, 355 Olympic National Building, Seattle 4, Wash. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between St. Helens, Oreg., and Seattle, Wash., serving all intermediate points; alternate routes for operating convenience only between Tenino (junction U. S. Highway 99 and Washington Highway 5–H), Wash., and Tacoma, Wash., and between Portland, Oreg., and Kelso, Wash.; *general commodities*, with certain exceptions excluding household goods and including commodities in bulk, between Portland, Oreg., and Westport, Oreg., serving certain intermediate and off-route points; *mining and milling machinery, tools, equipment, and such supplies as are used in mining and milling processes*, in truckloads, between Seattle, Wash., and Republic, Wash., serving no intermediate points; *heavy machinery and equipment* used in construction, mining, and logging operations, over irregular routes, between points in King County, Wash., on the one hand, and, on the other, certain points in Idaho and certain points in Oregon; *machinery, contractors' equipment*, and *manufacturing plant equipment*, between Seattle, Wash., on the one hand, and, on the other, certain points in Idaho; *pipe*, between Seattle, Wash., and Portland, Oreg. BEST WAY MOTOR FREIGHT, INC., is authorized to operate as a *common carrier* in Washington. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6532. Authority sought for purchase by COAST TRUCK LINES, INC., 1540 Fourth Avenue South, Seattle 4, Wash., of the operating rights and property of E. R. HOLEMAN, doing business as MOUNT VERNON TRANSFER COMPANY, Mount Vernon, Wash., and for acquisition by C. G. SOIKE, also of Seattle, of control of such rights and property through the purchase. Applicants' representative: John W. Newbegin, Secretary-Treasurer, Coast Truck Lines, Inc., 1540 Fourth Avenue South, Seattle 4, Wash. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes between junction Washington Highway 1E and U. S. Highway 99 near Silvana, Wash., and junction U. S. Highway 99 and Washington Highway 1E, near Conway, Wash., between Mount Vernon, Wash., and Anacortes, Wash., between Mount Vernon, Wash., and La Conner, Wash., and between Seattle, Wash., and Sedro Woolley, Wash., serving certain intermediate and offroute points; alternate route for operating convenience only between Burlington, Wash., on the one hand, and, on the other, Sedro Woolley, Wash.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in Skagit County, Wash., on and west of Washington State Highway 1–A. Vendee is authorized to operate as a *common carrier* in Washington

and Oregon. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-2108; Filed, Mar. 20, 1957; 8:45 a. m.]

OFFICE OF DEFENSE MOBILIZATION

MORRIS A. LIEBERMAN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act. Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Morris A. Lieberman, Senior Analyst and Director of Appraisal Division, Real Estate Research Corporation, Chicago, Illinois, as an Advisor, with the Stabilization Area in the Office of Defense Mobilization. Mr. Lieberman's statement of his business interests is set forth below.

Dated: March 6, 1957.

ARTHUR S. FLEMMING, *Director, Office of Defense Mobilization.*

Appointee's Statement of Business Interests

The following statement list the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Allied Stores.
Chicago Rock Island & Pacific RR.
LaClede Gas Co.
Laurion Currency Exchange, Inc. (Director).
Montgomery Ward.
Mississippi River & Fuel.
Ohio Edison.
Glen Alden Coal Co.

Dated: March 6, 1957.

MORRIS A. LIEBERMAN.

[F. R. Doc. 57-2171; Filed, Mar. 20, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3554]

WEST PENN ELECTRIC CO. AND POTOMAC EDISON CO.

SUPPLEMENTAL ORDER AUTHORIZING SUBSIDIARY TO ISSUE AND SELL ADDITIONAL COMMON STOCK TO HOLDING COMPANY, AUTHORIZING HOLDING COMPANY TO ACQUIRE SUCH ADDITIONAL COMMON STOCK AND TO PLEDGE SAME UNDER ITS TRUST INDENTURE, AND RELEASING JURISDICTION OVER FEES

MARCH 15, 1957.

On January 25, 1957 The West Penn Electric Company ("Electric"), a registered holding company, and its subsidiary The Potomac Edison Company ("Potomac") filed a joint application-declaration and amendments thereto pursuant to sections 6, 7, 10, 12 (c), and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-44, and U-50 thereunder seeking approval of (1) the issue and sale of 528,000 additional shares of common stock by Electric pursuant to an underwritten rights offering; (2) a charter amendment by Potomac increasing its authorized common stock from 800,000 to 1,500,000 shares without par value; (3) the issue and sale by Potomac of 100,000 additional shares of its common stock to Electric for $2,000,000 cash; and (4) the pledge by Electric of the additional shares of Potomac's common stock under the Trust Indenture securing its 3½ percent Sinking Fund Collateral Trust Bonds as required therein. Notice of the filing of said application-declaration was issued on January 30, 1957 (Holding Company Act Release No. 13375).

On February 18, 1957 the Commission issued an order herein authorizing transactions (1) and (2) aforesaid, and reserving jurisdiction with respect to transactions (3) and (4) and also with respect to certain fees (Holding Company Act Release No. 13387).

Potomac has now amended its charter as hereinbefore authorized, and orders have been issued by the Public Service Commission of Maryland and by the Interstate Commerce Commission authorizing Potomac to issue and sell not exceeding 100,000 additional shares of its common stock for $2,000,000 cash as proposed, and to apply the proceeds in partial reimbursement of capital expenditures heretofore made.

The fees and expenses to be incurred by Potomac herein are estimated at $3,350. The aggregate fees and expenses of Electric (excluding compensation to be paid to the underwriters) are estimated at approximately $125,000, including the following fees as to which jurisdiction was heretofore reserved: City Bank Farmers Trust Company (New York), subscription agent, $42,000; same bank, transfer agent, $11,782.50; Guaranty Trust Company of New York, registrar, $2,400; Price Waterhouse & Co., accountants, $16,348; Sullivan and Cromwell, counsel, $10,000. The fee of Cravath, Swaine & Moore, independent counsel for the underwriters, is stated at $6,000. On the basis of statements filed on behalf of the several fee claimants, the amounts requested do not appear to be unreasonable.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding, with respect to the proposed issue and sale of common stock by Potomac to Electric, with respect to the proposed pledge of such stock by Electric under its Trust Indenture as aforesaid, and with respect to the fees to be incurred by said companies in connection with the several transactions involved herein, that the applicable provisions of the act and the rules thereunder are satisfied; and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended should be granted and permitted to become effective forthwith with respect to said transactions and matters as to which jurisdiction was heretofore reserved:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith with respect to the proposed issuance and sale of 100,000 additional shares of common stock by Potomac at $20 per share, the acquisition of said additional shares by Electric, and its pledge thereof pursuant to the terms of its Trust Indenture aforesaid, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and hereby is, released with respect to all fees.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2155; Filed, Mar. 20, 1957; 8:48 a. m.]

[File No. 70-3572]

MISSISSIPPI POWER CO.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSAL TO ISSUE AND SELL FIRST MORTGAGE BONDS

MARCH 15, 1957.

Notice is hereby given that Mississippi Power Company ("Mississippi"), a public utility subsidiary company of The Southern Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), and has designated sections 6 (a) and 7 of the act, and Rule U-50 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Mississippi proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50 promulgated under the act, $6,000,000 principal amount of its First Mortgage Bonds, -- percent, Series due in 1987. The interest rate (which shall be a multiple of ⅛ of 1 percent), and the price, exclusive of accrued interest, to be paid to Mississippi for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Indenture, dated September 1, 1941, as heretofore supplemented, and as to be further supplemented by a Supplemental Indenture to be dated April 1, 1957.

The proceeds from the sale of the bonds are to be applied toward the construction or acquisition of permanent improvements, extensions and additions to Mississippi's utility plant which are estimated to aggregate $10,800,000 during 1957.

The declaration states that the issuance and sale of the bonds are not subject to the jurisdiction of any State Commission or of any Federal commission, other than this Commission.

The fees and expenses incurred or to be incurred by Mississippi in connection with the proposed transactions are to be supplied by amendment.

Notice is further given that any interested person may not later than April 1, 1957, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be hereafter amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 thereof or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2156; Filed, Mar. 20, 1957; 8:48 a. m.]

[File No. 812-1069]

EQUITY CORP.

NOTICE OF FILING OF APPLICATION REQUESTING ORDER PERMITTING TRANSACTIONS AMONG AFFILIATES

MARCH 15, 1957.

Notice is hereby given that the Equity Corporation ("Equity"), a registered, closed-end, non-diversified investment company under the Investment Company Act of 1940, on behalf of itself and of William E. Betts, L. Scott Cass, William J. Kaiser, Wilfrid M. Kearns, Charles R. Ogsburg and James Trainor, ("Affiliated Friden Stockholders") all affiliated persons of an affiliated person of Equity, has filed an application under section 17 (b) of the act for an order exempting from the provisions of section 17 (a) of the act an agreement which places restrictions upon the disposition of shares of stock of Friden Calculating Machine Co., Inc. ("Friden"), held by Equity and such other stockholders.

The application recites that Equity and the Affiliated Friden stockholders own an aggregate of 220,134.5 shares (22.2 percent), of which Equity owns 161,207 shares, of common stock of Friden. On January 16, 1957 all of said persons entered into an agreement, subject to the approval of the Commission, which provides in substance:

1. That if any party other than Equity shall desire to dispose of his Friden Common Stock (except within his family group), Equity shall have a 15-day option to purchase the same at the proposed sale price or, if it is proposed to donate stock, then at its fair market value; provided, however, that if the proposed sale price is higher then the fair market value, then the option period will be extended to 45 days, and the option will not become effective unless within the option period Equity shall have obtained an Order from the Commission exempting the proposed transaction from the provisions of section 17 (a) of the act;

2. That on the death of any stockholder, Equity shall have an option to purchase all of the Friden Common Stock owned by such stockholder and not bequeathed to members of his family group, at its fair market value; and

3. That Equity will not dispose of any of its Friden Common Stock unless an offer is made to the other parties to sell the same proportion of their Friden Common Stock upon the same terms and conditions.

The Agreement provides that the "fair market value" of the Friden Common Stock on any date shall be either (a) the lowest closing price of the stock on that date on any national securities exchange upon which the stock was traded on that date or, (b) if the stock was not traded on any national securities exchange on that date, the lowest closing price of the stock on any national securities exchange on the last previous date upon which the stock was so traded.

Section 17 (a) of the act makes it unlawful, subject to certain exceptions not relevant here, for an affiliate of an affiliated person of a registered investment company to sell to or purchase from such registered company, or any company controlled by such registered company, any security or other property. Under section 17 (b) of the act, however, the Commission upon application shall grant an exemption from the provisions of section 17 (a) of the act if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of anyone concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and with the general purposes of the act.

It is stated that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that they are consistent with the policy of Equity as stated in its registration statement and reports filed under the act.

For a more detailed statement of the matters of face and law asserted, all persons are referred to the application which is on file in the offices of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than March 28, 1957 at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVIL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2157; Filed, Mar. 20, 1957; 8:48 a. m.]

[File No. 24S-1514]

NORTHWEST OIL AND REFINING CORP.

ORDER VACATING ORDER OF SUSPENSION

MARCH 14, 1957.

Northwest Oil and Refining Corporation ("Northwest"), a Delaware corporation, 120 North 30th Street, Billings, Montana, filed with the Commission on December 26, 1956, a notification and subsequently filed an amendment thereto, relating to an offering of 150,000 shares of its common stock, par value $1.00, at $2.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on January 25, 1957, ordered, pursuant to Rule 261 of the general rules and regulations under said act, that the exemption sought by Northwest under Regulation A be temporarily suspended on the grounds stated in said order.

Northwest, subsequent to the Commission action suspending the exemption, submitted a request that said order be vacated and in support thereof has furnished information to the Commission satisfying it that no offering has been made and that the deficiencies as stated in the said order were only the result of a failure to give due care to the conditional requirements of the exemption upon which it had undertaken to rely.

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order for suspension, as aforesaid, no longer exists;

It is ordered, Pursuant to Rule 261 (b) of the general rules and regulations under the Securities Act of 1933 that said temporary order for suspension be, and it hereby is, vacated.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2158; Filed, Mar. 20, 1957; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[List No. 20-7]

PHONOGRAPH PICKUP CARTRIDGES, ELEMENTS, AND NEEDLES

PUBLIC NOTICE OF COMPLAINTS RECEIVED

MARCH 15, 1957.

The United States Tariff Commission hereby gives notice of the receipt, on February 25, 1957, of two complaints under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337) filed by Brush Electronics Company (a division of Clevite Corporation) of Cleveland, Ohio, and The Astatic Corporation of Conneaut, Ohio, respectively, alleging unfair methods of competition and unfair acts in the importation and sale of certain foreign phonograph pickup cartridges, elements, and needles.

In accordance with the provisions of § 203.3 of the rules of practice and procedure of the Commission (19 CFR 203.3) the Commission has initiated a preliminary inquiry into the allegations of these complaints to determine (a) whether the institution of an investigation under section 337, above, is warranted, and (b) whether the issuance of a temporary order of exclusion from entry under section 337 (f) of the Tariff Act of 1930 (19 U. S. C. 1337 (f)) is warranted.

A copy of the complaints (not including confidential information) is available for public inspection at the offices of the United States Tariff Commission located at Eighth and E Streets NW., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Customs House.

Persons desiring to submit information either in favor of or in opposition to the institution of an investigation may do so by submitting their views in writing to the Secretary, United States Tariff Commission, Washington 25, D. C., within 60 days. Fifteen copies of any such submission are required.

Issued: March 18, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,
Secretary.

[F. R. Doc. 57-2170; Filed, Mar. 20, 1957; 8:49 a. m.]

FEDERAL REGISTER

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UNIVERSITY OF MICHIGAN
MAR 25 1957
MAIN

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

[Docket 6563]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

PARLIAMENT APPLIANCES, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Nature, stock, product or service; § 13.75 *Free goods or services;* § 13.155 *Prices;* § 13.205 *Scientific or other relevant facts.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods;* § 13.2063 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Parliament Apliances, Inc., et al., Chicago, Ill., Docket 6563, Mar. 5, 1957]

In the Matter of Parliament Appliances, Inc., a Corporation Trading as Parliament Food Plan, and O. G. Fishbain, M. S. Gottesman, and E. M. Levin, Individually and as Officers of Respondent Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation engaged in Chicago in the sale of electrical appliances with falsely advertising its home freezers and freezer food purchasing plan in newspapers, by radio and television, and otherwise, by representing that sale of the freezers was incidental to its wholesale food business, that it had a food plant, bought food by the carload for resale at wholesale prices to participants in the food purchase plan who could thus effect large savings, and that the freezer was given free at the end of a two-year participation period, among other things.

Following entry of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Parliament Appliances, Inc., a corporation, and its officers, and O. G. Fishbain, individually and as an officer of respondent corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of food freezers and in the solicitation of subscribers to their food purchase plan in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or indirectly:

(a) That respondents buy food for resale to participants in their freezer food purchasing plan;

(b) That respondents buy food in carload quantities;

(c) That respondents are wholesale food dealers;

(d) That respondents have a food plant;

(e) That respondents will place a freezer in a participant's home and supply the necessary food for such participant for 24 months at a total cost to the participant of $12.46 per week or any other amount that is not in accordance with the facts;

(f) That participation in respondents' freezer food purchasing plan enables a participant to eliminate the retail grocer and purchase food at wholesale prices;

(g) That participation in their freezer food purchasing plan will enable a participant to effect a net saving from 25 percent to 50 percent in their food cost or any saving or percentage saving that is not in accordance with the facts;

(h) That the carrying charges on a participant's deferred payments is 6 per-

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

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tail the manner and form in which they have complied with the order to cease and desist.

Issued: March 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARISH, *Secretary.*

[F. R. Doc. 57-2190; Filed, Mar. 21, 1957; 8:45 a. m.]

[Docket 6635]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BOURJOIS, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses:* § 13.825 *Allowances for services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Bourjois, Inc., New York, N. Y., Docket 6635, Mar. 5, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in New York City of cosmetics, perfumes, and other beauty preparations with violating section 2 (d) of the Clayton Act as amended by making payments for cooperative advertising, demonstrator services, and push money to competing customers in amounts which were not proportionally equal by any test, and requiring some customer recipients to comply with certain terms and to furnish certain reciprocal services or payments while not requiring others to do so, or requiring them to do so in a less burdensome manner or in smaller amounts.

Following entry of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 5 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Bourjois, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale, of cosmetics, beauty aids and toilet preparations in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from:

Paying, or contracting to pay, to, or for the benefit of, any customer of respondent, anything of value as compensation or in consideration for advertising, display, demonstrator, promotional or other services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of respondent's products, unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the resale of such products.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondent Bourjois, Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 5, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-2191; Filed, Mar. 21, 1957; 8:46 a. m.]

Subchapter B—Trade Practice Conference Rules

[File No. 21-455]

PART 37—ENGRAVED STATIONERY AND ALLIED PRODUCTS INDUSTRY OF THE NEW YORK CITY TRADE AREA

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

It is now ordered, That the trade practice rules as hereinafter set forth, together with the industry committee provision which follows said rules, which have been approved by the Commission in this proceeding, be promulgated as of March 22, 1957.

Statement by the Commission. Trade practice rules for the Engraved Stationery and Allied Products Industry of the New York City Trade Area,[1] as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations located in the mentioned trade area who are engaged in the sale, offering for sale, or distribution of (a) letterheads, envelopes, business and social identification cards and programs, wedding invitations and announcements, engagement announcements, greeting cards, bank notes, stock certificates, and similar products, having letters, words, numbers, or designs thereon which are the result of the application of an engraving process,[2] or are directly or indirectly represented as being the result of such process; or (b) of plates or dies which are suitable, or are directly or indirectly represented as being suitable, for use in an engraving process.

According to available information, the aggregate annual sales of the products of this segment of the engraving industry approximate $10,000,000.

Primary objectives of the rules are the maintenance of free and fair competition, and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. The rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of trade practice rules were instituted pursuant to an application of the Engraved Stationery Board of Trade. A general industry conference was held under Commission auspices in New York City. Thereafter, two separate drafts of proposed rules were published by the Commission and made available to all industry members whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer and to be heard in the premises. Pursuant to such notices public hearings were held in New York City on March 5, 1954, and June 1, 1956, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules and the industry committee provision as hereinafter provided.

Such rules become operative thirty (30) days from the date of promulgation.

The rules. These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

General statement. The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission, and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP I

Sec.	
37.1	Misuse of the terms "engraved," engraving," "hand engraved," "hand engraving," etc.
37.2	Misrepresentation and deception (general).
37.3	Misrepresentation as to character of business.
37.4	Deceptive pricing.
37.5	Deceptive invoicing.
37.6	Deceptive use and imitation of trade or corporate names, trade-marks, etc.
37.7	Exclusive deals.
37.8	Guarantees, warranties, etc.
37.9	Prohibited sales below cost.

[1] As here used, the term "New York City Trade Area" is to be construed as embracing the territory within the geographic limits of New York City and such additional territory as lies within sixty miles of such limits.

[2] See "Definition of engraving process," Rule 1.

Sec.
37.10 Use of the word "free."
37.11 Use of lottery schemes, etc.
37.12 Defamation of competitors or false disparagement of their products.
37.13 Commercial bribery.
37.14 Prohibited forms of trade restraints (unlawful price fixing, etc.)
37.15 Prohibited discrimination.
37.16 Aiding or abetting use of unfair trade practices.
37.201 Industry Committee.

AUTHORITY: §§ 37.1 to 37.201 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 37.1 *Misuse of the terms "engraved," "engraving," "hand engraved," "hand engraving," etc.* (a) (1) In the sale, offering for sale, or distribution of letterheads, envelopes, business and social identification cards and programs, wedding invitations and announcements, engagement announcements, greeting cards, bank notes, stock certficates, and similar products, which have letters, markings, or designs thereon, it is an unfair trade practice to use the word "engraved," "engraving," or any word or term of similar import, as descriptive of such products or of the letters, markings, or designs thereon, unless such letters, markings, or designs are the result of the application of an engraving process as such process is defined in subparagraph (2) of this section; or to use the words "hand engraved," "hand engraving," or any word or term of similar import, as descriptive of such products or of the letters, markings, or designs thereon, unless such letters, markings, or designs are the result of the application of an engraving process, as such process is defined in subparagraph (2) of this section, in which the plates or dies used have been incised or etched wholly by hand.

(2) Definition of engraving process: The engraving process to which reference is made in this section is a process by which letters, markings, or designs are produced upon stationery and allied products through the use under pressure of a plate or die of steel, or a hard copper alloy or other hard metal or material suitable for the purpose, in which there has been incised or etched mirror images of such letters, markings, or designs sufficient to force the portion of the stationery or allied products to be inscribed into the inked incisions in the plate or die and the ink in such incisions to adhere thereto in relief to the general surface thereof. Thermotyping, raised printing, embossing, or any process in which printer's type is used, is not an engraving process within the meaning of this definition.

(b) In the sale, offering for sale, or distribution of plates or dies, it is an unfair trade practice to use or cause to be used the word "engraved," "engraving," or any word or term of similar import as descriptive thereof, unless such plates or dies are suitable for use in an engraving process as such process is defined in paragraph (a) (2) of this section; or to use the words "hand engraved," "hand engraving," or any word or term of similar import, as descriptive of any plate or die unless (1) such plate or die is suitable for use in an engraving process as such process is defined in paragraph (a) (2) of this section, and (2) the letters, markings, or designs therein have been incised or etched by hand. [Rule 1]

§ 37.2 *Misrepresentation and deception (general).* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use, or cause or promote the use of, any trade promotional literature, advertising matter, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, when such representation or failure to disclose has the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public with respect to the type, grade, quality, quantity, weight, size, material, finish, composition, construction, manufacture, layout, design, or sketch of industry products, or in any other material respect.

NOTE: As used in this section, the terms "layout," "design," and "sketch" have the following meanings:

Layout. The basic plan or original conception of the respective form, indicated by rough lines to show relative positions and sizes of the component units of copy.

Design. The proper and artistic balancing and combination of lettering styles and sizes with or without illustrations, trade-marks, or other insignia, commensurate with harmony and good taste.

Sketch. The representation of its original idea for creation, revision, or improvement of any form of wording or line or dot on paper or paper products, reproduced either roughly or finished by hand-drawing with pencil, pen, or crayon, or the photostat or photograph of same.

[Rule 2]

§ 37.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products, to represent, directly or indirectly, through advertising, personal solicitation, or otherwise, that he is a manufacturer of industry products, or that he owns or controls a workshop making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, or type of his business. [Rule 3]

§ 37.4 *Deceptive pricing.* It is an unfair trade practice for any industry member, in the course of or in connection with the offering for sale, sale, or distribution of industry products: (a) To represent, in advertising or otherwise, that the price of any industry product has been reduced from what is in fact a fictitious price; or to offer any such industry product for sale at a purported reduction in price when such purported reduction is in fact fictitious; or,

(b) Directly or indirectly, to use or to supply to dealers, or to aid or assist in the use of, price tags, labels, or similar devices which are false or fictitious, or which such member has reason to believe are intended to be used or will be used by dealers or salesmen for the purpose of misleading or deceiving the purchasing or consuming public in regard to price, or in any other material respect; or

(c) To represent that the price of any industry product is a "wholesale" price or a "factory" price, when such is not a fact; or to use any other price representation which is misleading or deceptive. [Rule 4]

§ 37.5 *Deceptive invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 5]

§ 37.6 *Deceptive use and imitation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use any trade name, corporate name, trade-mark, brand, label, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or which is false or misleading in any material respect. [Rule 6]

§ 37.7 *Exclusive deals.* It is an unfair trade practice for any industry member to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 7]

§ 37.8 *Guarantees, warranties, etc.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member—

(a) To represent, directly or by implication, that any industry product is guaranteed or warranted unless the nature and extent of the guarantee or warranty, and the manner in which the guarantor or warrantor will perform thereunder, are clearly and conspicuously disclosed; or

(b) To use, or cause to be used, any guarantee or warranty which does not clearly and conspicuously disclose the terms, conditions, and limitations of such guarantee or warranty and the obligations of the guarantor or warrantor thereunder; and

(c) To represent or imply that an industry product is guaranteed or warranted, or to use any guarantee or warranty covering an industry product, when the guarantor or warrantor fails or refuses to observe his obligations thereunder. [Rule 8]

§ 37.9 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or strifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonable goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 9]

§ 37.10 *Use of the word "free."* It is an unfair trade practice for any industry member, in connection with the offering for sale, sale, or distribution of industry products, to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no resonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol place next to the word "free," will not be regarded as compliance.

[Rule 10]

§ 37.11 *Use of lottery schemes, etc.* It is an unfair trade practice for any industry member to sell, or distribute, or promote the sale and distribution of, industry products by means or through the use of games of chance or lottery schemes. [Rule 11]

§ 37.12 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice for any industry member—

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage competitors' products as to grade, quality, method of manufacture, and distribution, or in any other respect; or

(c) To falsely disparage the business methods, selling prices, values, credit terms, policies, services, or conditions of employment, of competitors. [Rule 12]

§ 37.13 *Commercial bribery.* It is an unfair trade practice for any industry member, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured, processed, or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors, or to effect any other advantage in favor of the industry member making such gift or offer with respect to the sale of industry products to such employers or principals. [Rule 13]

§ 37.14 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [3] It is an unfair trade practice for any industry member, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 14]

§ 37.15 *Prohibited discrimination* [4]— (a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent

[3] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[4] As used in § 37.15, the term "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia, or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods of quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor. (See paragraphs (c) and (d) of this section.)

NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

The following are examples of price differential practices to be considered as subject to the prohibitions of this paragraph when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use; and when—

(1) The commerce requirements specified in this paragraph are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see subparagraph (2) of this paragraph); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see subparagraph (4) of this paragraph); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see subparagraph (5) of this paragraph).

Example No. 1. At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

Example No. 2. An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by paragraphs (a) to (d) of this section.

NOTE: Paragraph (e) of this section is a re-statement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4) or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 15]

§ 37.16 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any industry member to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the foregoing sections. [Rule 16]

§ 37.201 *Industry committee.* The provisions of § 16.1 of this subchapter shall be applicable to an industry committee established under this part.

Promulgated by the Federal Trade Commission March 22, 1957.

Issued: March 19, 1957.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-2206; Filed, Mar. 21, 1957; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 26—GRAIN STANDARDS

OFFICIAL GRAIN STANDARDS OF THE UNITED STATES FOR WHEAT

Correction

In Federal Register Document 57-1883, published at page 1665 of the issue for Friday, March 15, 1957, the following change is made in the tables in paragraphs (c), (d), and (e) of § 26.103: In the second line of the statements regarding sample grade, "16.0 percent" should read "15.5 percent".

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

Subchapter H—Determination of Wage Rates

[Sugar Determination 861.10]

PART 861—SUGAR BEETS; CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON AND WESTERN NEVADA

WAGE RATES; 1957 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in Berkeley, California, on December 12, 1956, the following determination is hereby issued.

§ 861.10 *Fair and reasonable wage rates for persons employed in California, southwestern Arizona, southern Oregon and western Nevada in the production, cultivation, or harvesting of the 1957 crop of sugar beets*—(a) *Requirements.* A producer of sugar beets in California, southwestern Arizona, southern Oregon, and western Nevada shall be deemed to have complied with the wage provisions of the act if all persons employed on the farm in the production, cultivation, or harvesting of the 1957 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker, but after the beginning of work on the 1957 crop of sugar beets or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding: 75 cents per hour.

(*b*) For pulling, topping, loading, or gleaning: 80 cents per hour.

(*c*) For the operations specified above performed by workers certified by the local County Agricultural Stabilization and Conservation Office to be handicapped because of age or physical or mental deficiency, or by workers between 14 and 16 years of age, the above rates may be reduced by not more than one-third. Maximum employment is 8 hours per day for workers between 14 and 16 years of age, without deduction from Sugar Act payments to the producer.

(*d*) For operating mechanical equipment, irrigating and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified in this section, the rate shall be as agreed upon between the producer and worker.

(ii) *When employed on a piecework basis.* For work performed on a piecework basis the rate shall be as agreed upon between the producer and the worker: *Provided,* That for the operations of thinning, hoeing, weeding, pulling, topping, loading, or gleaning sugar beets, the average hourly rate of earnings paid to each worker for each operation shall be not less than the applicable hourly rate specified under subdivision (i) of this subparagraph when computed on the basis of the total time employed on the farm for that operation.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugar beets grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugar beets.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including but not limited to electricians, mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall, upon request, furnish to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined in this section through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office of the State in which is located the farm where the work was performed. The address of the State Office will be furnished by the local County Office. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payment under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

(a) *General.* The foregoing determination establishes fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation, or harvesting of the 1957 crop of sugar beets in California, southwestern Arizona, southern Oregon and western Nevada as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established

by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugar beets, and cost of production), and the differences in conditions among various producing areas.

(c) *1957 wage determination.* This determination differs from that effective for the 1956 crop in that (1) hourly wages specified for workers employed on a time basis are increased 5 cents per hour; (2) the minimum guarantee of earnings of workers employed at agreed upon piecework rates is related to the time worked on the farm in each operation; (3) compensable working time is defined; (4) producers are required to furnish upon request to the County Committee proof that workers have been paid in accordance with the wage provisions of this determination; (5) the wage requirements of this determination are inapplicable to persons engaged in the production, cultivation, or harvesting of sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed; (6) it formalizes previous administrative interpretations that workers performing services indirectly connected with the production, cultivation, or harvesting of sugar beets are not covered by the wage provisions; and (7) the perquisite provision is eliminated.

At the public hearing held at Berkeley, California on December 12, 1956 interested persons were afforded the opportunity to present testimony relating to fair and reasonable wages for workers employed in the production, cultivation, or harvesting of the 1957 crop of sugar beets.

A representative of the California Beet Growers Association recommended that the provisions of the 1957 wage determination be the same as those in effect for the 1956 crop, except that the farm be designated as the unit of work for calculating the average hourly earnings of workers employed on a piecework basis; and that the average hourly earnings of the group of workers employed on piecework be the measure of compliance rather than the earnings of each individual worker. The witness also stated he did not believe that elimination of the perquisite clause would result in any change in the practice of furnishing perquisites to workers. The witness objected to the incorporation in the determination of a provision which would require producers to keep records to establish compliance with the wage provisions, but indicated that if such requirements were established the Department approve as prima facie evidence of compliance a form of receipt furnished by his Association which had been used by some producers in prior years.

Consideration has been given to the recommendations made at the hearing, to the standards customarily considered in wage determinations, to information obtained by investigation, and to other pertinent factors. Data obtained by field cost study for recent crops covering the returns, costs, and profits of sugar beet production have been recast in terms of conditions likely to prevail for the 1957 crop. Analysis of all factors indicates that the wage rates of this determination are within the producer's ability to pay.

Evidence submitted at the public hearing and data obtained by investigation indicate that hourly wage rates for thinning and hoeing sugar beets range from 80 cents to $1.00 per hour, except in the Imperial Valley, where the rate is 70 cents per hour. For harvesting work the hourly wage rates range from 80 cents to $1.50 per hour, except in the Imperial Valley where the rate is 75 cents per hour. Piecework rates for thinning range from $10.00 to $18.00 per acre. Earnings of workers employed on piecework average about 90 cents per hour. About 50 percent of the thinning work is performed on a piecework basis and 50 percent on the hourly basis, except in the Imperial Valley where most thinning is performed on the hourly basis. Practically all hoeing and weeding work in California is performed on the hourly basis. About 95 percent of the crop is harvested mechanically. Most of the workers employed in the thinning and hoeing of sugar beets in California are Mexican nationals brought into the State under contracts for limited periods.

The recommendation that the farm be designated as the basis for determining the minimum hourly earnings of workers employed on piecework has been adopted. Prior determinations have related the minimum hourly guarantee of earnings of workers employed on piecework to each separate unit of work for which a piecework rate was agreed upon. This provision resulted in misunderstandings of the definition of a unit of work and made difficult the checking of records for compliance purposes. An examination of the problem from the viewpoint of protection of the hourly guarantee of earnings for workers employed on piecework and the need for more satisfactory records to establish compliance, indicates that both purposes will be equitably served if the basis for determining hourly earnings is related to the time the worker is employed on the farm for each operation. The minimum hourly guarantee of earnings will be calculated with respect to each worker for each operation performed on the entire farm.

The recommendation that the hourly guarantee of earnings of workers employed on piecework be related to the group of workers rather than the individual worker has not been adopted. The language of the act which specifies that all workers employed on the farm must be paid in full and at rates not less than those determined to be fair and reasonable is interpreted to mean that each individual worker must be paid in accordance with the determination.

This determination provides that the producer shall furnish the County Committee upon request adequate proof of compliance with the wage requirements. Such proof may be in the form of payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records should show with respect to each worker employed, depending upon the method of payment (i. e., time basis or piecework basis), (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piecework rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The provision relating to compensable working time, i. e., the hours of work or related activity for which the worker must be paid, is included in this determination so that all parties may have full knowledge of these requirements. It is believed that the specifications established conform to practices which are generally prevalent in the regions covered by this determination.

The wage requirements of this determination are not applicable to sugar beets grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the County Committee that such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugar beets in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugar beets in excess of the proportionate share for the farm is not eligible for payments under the act. Prior to this amendment, the wage requirements were applicable to all sugar beets grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for such payment.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

Determinations since 1938 have required producers to furnish workers with customary perquisites such as housing, garden and pasture plots, and medical services, in addition to specified minimum wages. When the perquisite clause was first included in the determination some producers furnished no perquisites while others furnished one or more items. The effect of this provision during a period of great change in producer-worker relations, living conditions and worker requirements was to discourage the furnishing of any new perquisites by old producers or the furnishing of any perquisites by new producers because once furnished this provision required that they be continued. The result was inequities as among producers as well as among workers. Witnesses representing producers have indicated at public hearings that if the perquisite clause were eliminated from the determination producers would continue to furnish perquisites required under current conditions. The average value of perquisites as determined by surveys in recent years and recast in terms of their probable value in 1957 amounts to about 3 cents per hour for the regions covered by this determination.

After consideration of all the factors, the wage rates and other provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec 403, 61 Stat 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 18th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2198; Filed, Mar. 21, 1957; 8:47 a. m.]

[Sugar Determination 862.9]

PART 862—SUGAR BEETS; REGIONS OTHER THAN STATE OF CALIFORNIA, SOUTHWESTERN ARIZONA, SOUTHERN OREGON, AND WESTERN NEVADA

WAGE RATES; 1957 CROP

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act"), after investigation, and consideration of the evidence obtained at the public hearing held in several cities in the sugar beet area during January, 1957, the following determination is hereby issued:

§ 862.9 *Fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1957 crop of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada*—(a) *Requirements.* A producer of sugar beets in regions other than the state of California, southwestern Arizona, southern Oregon, and western Nevada shall be deemed to have complied with the wage provision of the act if all persons employed on the farm, in the production, cultivation, or harvesting of the 1957 crop shall have been paid in accordance with the following:

(1) *Wage rates.* All such persons shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the worker but, after the beginning of work on the 1957 crop of sugar beets or the date of publication of this section in the FEDERAL REGISTER, whichever is later, not less than the following:

(i) *When employed on a time basis.* (*a*) For thinning, hoeing, or weeding: 70 cents per hour.

(*b*) For pulling, topping, or loading: 75 cents per hour.

(c) For operations specified above performed by workers between 14 and 16 years of age the above rates may be reduced by not more than one-third. Maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer.

(ii) *When employed on a piecework basis for thinning, hoeing, or weeding.*

RATES PER ACRE BY INDICATED WAGE DISTRICTS

Methods of cultivation and operations	I	II (A)	II (B)	III	IV (A)	IV (B)	V	VI
	Illinois, Indiana, Michigan, Ohio, Wisconsin	Minnesota (Northwestern), North Dakota (Eastern)	Iowa, Minnesota (Southern)	Colorado, Kansas, Nebraska, New Mexico, South Dakota, Texas, Utah (East Central), Wyoming, (Southeastern and Eastern)	Montana (except Western), North Dakota (Western), Wyoming (Northern)	Montana (Western)	Idaho (Southern and Eastern), Nevada (Northern), Utah (except East Central)	Idaho (except Southern and Eastern), Oregon (except Southern), Washington
Hand labor operations following:								
Complete machine thinning:								
First hoeing [1]	$9.00	$9.00	$10.00	$9.50	$10.50	$9.50	$9.00	$9.00
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00
Partial machine thinning:								
Hoe and finger thinning fields planted with processed seed [2]	11.00	11.00	12.00	11.50	12.50	11.50	11.00	11.00
First hoeing	5.00	5.50	5.50	6.00	6.50	6.50	5.50	7.50
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00
Regular cultivation—no machine thinning:								
Hoe and finger thinning fields planted with processed seed [2]	14.00	14.00	15.00	14.50	15.50	14.50	14.00	14.00
First hoeing	5.00	5.50	5.50	6.00	6.50	6.50	5.50	7.50
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00
Any type cultivation:								
Hoe-thinning only fields planted with any type seed	9.00	9.00	10.00	9.50	10.50	9.50	9.00	9.00
First hoeing following hoe-thinning only	5.50	6.00	6.00	6.50	7.00	7.00	6.00	8.00
Second and each subsequent hoeing or weeding	3.50	3.50	4.00	4.00	4.50	5.50	4.50	6.00

[1] The above rate is applicable on fields which have been completely machine thinned; where the worker is not required to finger thin; and when the operation is performed at the time first hoeing customarily is performed.
[2] The basic piecework rate for hoe and finger thinning fields planted with natural whole seed shall be $2.00 per acre more than the rates specified above.

Combined operations. A written agreement between the producer and the worker is required in instances where a combined rate for "summer work" is agreed upon. In such case, the rate for "summer work", regardless of the number of hoeings or weedings required, shall be the sum of the applicable thinning, hoeing, and weeding rates specified above. In the absence of a written agreement, the rate for each operation performed by the worker shall be the applicable rate specified above.

Wide row planting. The above thinning, hoeing, or weeding rates may be reduced by not more than the indicated percentages for the following row spacings: 28 inches or more but less than 31 inches, 20 percent; 31 inches or more but less than 34 inches, 25 percent; 34 inches or more, 30 percent.

Cross cultivation. Where cross cultivation is performed prior to hoeing or weeding, the specified first hoeing rate, other than first hoeing following complete machine thinning, may be reduced by not more than $1.00 per acre, and the specified subsequent hoeing or weeding rate may be reduced by not more than 50 cents per acre.

Operations not specified or defined. For any hand labor operation of thinning, hoeing, or weeding following a machine operation which is not specified or defined above, the piecework rate shall be that agreed upon between the producer and worker: *Provided*, That the average hourly rate of earnings paid to each worker for each operation shall be not less than 70 cents per hour when computed on the basis of the total time employed on the farm for that operation.

(iii) *When employed on a piecework basis for harvesting.* The piecework rates for hand pulling, topping, and loading shall be those agreed upon between the producer and the worker: *Provided*, That the average hourly rate of earnings paid to each worker for each operation shall be not less than 75 cents per hour when computed on the basis of the total time employed on the farm for that operation.

(iv) *When employed on a time or piecework basis for other operations.* For operating mechanical equipment, irrigating, and all other operations in the production, cultivation, or harvesting of sugar beets for which a rate is not specified herein, the rate shall be as agreed upon between the producer and worker.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker

is required to start work in the field and ends upon completion of work in the field. However, if the producer requires the operator of mechanical equipment, driver of animals or any other class of worker to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., located on the farm, the time spent in transit from such place to the field and from the field to such place is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time.

(b) *Applicability.* The requirements of this section are applicable to all persons employed on the farm, except as provided in paragraph (c) of this section, in the production, cultivation, or harvesting of sugar beets grown on the farm for the extraction of sugar or liquid sugar: *Provided,* That such requirements shall not apply to any person engaged in such work with respect to sugar beets grown on acreage in excess of the proportionate share for the farm, which are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed, if the producer furnishes to the appropriate County Agricultural Stabilization and Conservation Committee acceptable and adequate proof which satisfies the Committee that the work performed was related solely to such sugar beets.

(c) *Workers not covered.* The requirements of this section are not applicable to workers performing services which are indirectly connected with the production, cultivation, or harvesting of sugar beets, including, but not limited to mechanics, welders, and other maintenance workers and repairmen.

(d) *Proof of compliance.* The producer shall furnish upon request to the appropriate Agricultural Stabilization and Conservation County Committee acceptable and adequate proof which satisfies the Committee that all workers have been paid in accordance with the requirements of this section.

(e) *Subterfuge.* The producer shall not reduce the wage rates to workers below those determined herein through any subterfuge or device whatsoever.

(f) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this section may file a wage claim with the Agricultural Stabilization and Conservation County Office against the producer on whose farm the work was performed. Detailed instructions and wage claim forms are available at the County Office. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Upon receipt of a wage claim the County Office shall thereupon notify the producer against whom the claim is made concerning the representation made by the worker. The County ASC Committee shall arrange for such investigation as it deems necessary and the producer and worker shall be notified in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to the State Agricultural Stabilization and Conservation Office of the State in which is located the farm where the work was performed. The address of the State Office will be furnished by the local County Office. Upon receipt of the appeal the State Committee shall likewise consider the facts and notify the producer and worker in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within 15 days after receipt of the recommended settlement of the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Division, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATION

(a) *General.* The foregoing determination provides fair and reasonable wage rates to be paid for work performed by persons employed on the farm in the production, cultivation or harvesting of the 1957 crop of sugar beets in regions other than the State of California, southwestern Arizona, southern Oregon, and western Nevada as one of the conditions with which producers must comply to be eligible for payments under the act.

(b) *Requirements of the act and standards employed.* Section 301 (c) (1) of the act requires that all persons employed on the farm in the production, cultivation, or harvesting of sugar beets with respect to which an application for payment is made, shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determination the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended (i. e., cost of living, prices of sugar and by-products, income from sugar beets and cost of production); and the differences in conditions among various sugar-producing areas.

(c) *1957 wage determination.* The 1957 wage determination differs from the 1956 wage determination in the following respects: (1) Hourly wage rates specified for workers employed on a time basis are increased 5 cents per hour; (2) the piecework rates for hoe and finger thinning regularly cultivated fields are increased $1.00 per acre in all wage districts; (3) piecework rates for first hoeing following hoe and finger thinning are increased 50 cents per acre in all wage districts; (4) piecework rates for second hoeing or weeding are increased 50 cents per acre in Wage Districts I and V; (5) the minimum guarantee of earnings of workers employed at agreed upon piecework rates is related to the time worked on the farm in each operation; (6) compensable working time is defined; (7) producers are required to furnish to the County Committee upon request proof that workers have been paid in accordance with wage provisions of this determination; (8) the wage requirements of this determination are inapplicable to persons engaged in the production, cultivation or harvesting of sugar beets grown on acreage in excess of the proportionate share for the farm which are marketed (or processed) for the production of liquid sugar for livestock feed, or for the production of livestock feed; (9) it formalizes previous administrative interpretations that workers performing services indirectly connected with the production, cultivation or harvesting of sugar beets are not covered by the wage provisions; and (10) the perquisite provision is eliminated.

A public hearing was held in Detroit, Michigan; Fargo, North Dakota; Billings, Montana; Salt Lake City, Utah; and Greeley, Colorado, during the period January 2 through January 11, 1957, at which interested persons were afforded the opportunity to present testimony with respect to fair and reasonable wage rates for work performed by fieldworkers on the 1957 crop of sugar beets. Producer representatives in each region recommended that the wage rates of the 1956 determination be continued in the 1957 determination. These witnesses further stated that elimination of the perquisite provision from the determination would not alter the practices of furnishing housing and other items to workers and that most producers maintained adequate records to establish compliance with the requirements of wage determinations. Representatives of workers did not offer testimony at the hearing in any region.

At Detroit, Michigan, representatives of producers pointed out that workers were paid wage rates higher than those established in the 1956 wage determination and stated that only a small percentage of the crop was mechanically thinned. At Fargo, North Dakota, producer representatives testified that because of improved cultural practices the earnings of workers had increased substantially during the past few years, even though piecework rates had not increased during the same period. Witnesses stated that mechanical thinning was practiced extensively and that in some localities workers were paid higher wage rates than those specified in the determination. At Billings, Montana, producer representatives stated that, generally, workers were not paid rates in excess of those specified in the determination and that mechanical thinning was practiced extensively in some districts. One witness pointed out the need for a revision of the piecework rates in his district to make them more comparable with the piecework rates for an adjacent district, since the work requirements in both districts were similar. At Salt Lake City, Utah, representatives of producers testified that in some districts workers were paid wages in excess of those in the determination and that a large percentage of the acreage was mechanically thinned. In other districts workers were paid the determination rates and only a small percentage of the acreage was mechanically thinned. One witness recommended that piecework rates for hand harvesting be restored in the determination to be used as a guide for the rates to be charged for mechanical harvesting. At Greeley, Colorado, producer representatives pointed out that the earnings of workers were higher than in prior years due to improvements in cultural practices performed by producers and that this fact should be given consideration in establishing piecework rates. Witnesses stated that workers in some districts were paid rates higher than those specified in the wage determination and a large percentage of the acreage was mechanically thinned.

Consideration has been given to the recommendations made at the public hearing, to the standards customarily considered in wage determinations, to information obtained by investigation and to other pertinent factors. Data obtained by field cost study for a recent crop covering the returns, costs and profits of sugar beet production have been recast in terms of conditions likely to prevail for the 1957 crop. Analysis of all factors indicates that the wage rates of this determination are within the producer's ability to pay.

Data obtained by field survey of the man-hour requirements to thin and hoe sugar beets indicate that the earnings of workers for certain hand labor operations, usually those following regular cultivation are disproportionately lower than the earnings for other hand labor operations. The rate increases provided in this determination tend to correct the disparity in earnings of workers as among the several operations. Inasmuch as in many instances producers paid in excess of the determination rates in 1956 for those operations in which rate adjustments are made, the cost impact of the rate increases is expected to be relatively nominal. Most thinning and hoeing work is performed on a piecework basis although in some regions such work is performed on an hourly basis. Where hourly rates are paid, producers report that the rates range from 70 cents to $1.00 per hour.

This determination provides that the minimum hourly guarantee of earnings for workers employed at agreed upon piecework rates will be calculated with respect to each worker for each operation performed on the entire farm. This provision will avoid any misunderstandings which may have existed under prior determinations which specified that the workers' earnings were to be calculated with respect to each separate unit of work for which a piecework rate was agreed upon.

The provision relating to compensable working time, i. e., the hours of work or related activity for which the worker must be paid, is included in this determination so that all parties may have full knowledge of these requirements. It is believed that the specifications established conform to practices which are generally prevalent in the regions covered by this determination.

This determination provides that the producer shall furnish the County Committee upon request, adequate proof of compliance with the wage requirements. Such proof may be in the form of payroll records, receipts, or other evidence clearly demonstrating that workers have been properly paid. These records should show with respect to each worker employed, depending upon the method of payment, (i. e., time basis or piecework basis) (1) hours worked; (2) acres worked or tons handled; (3) rate per hour or piecework rate; (4) total amount paid; and (5) average hourly earnings. A receipt form signed by a worker may be accepted as prima facie evidence of compliance but, in such instances, the County Committee may also require the producer to furnish payroll records.

The wage requirements of this determination are not applicable to sugar beets grown in excess of the proportionate share for the farm, if it is established to the satisfaction of the County Committee that such sugar beets are marketed (or processed) for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. Recently, section 301 (b) of the Sugar Act of 1948 was amended to permit producers to market (or process) sugar beets in excess of the proportionate share for the farm for the production of sugar or liquid sugar for livestock feed or for the production of livestock feed. However, sugar produced from sugar beets in excess of the proportionate share for the farm is not eligible for payments under the act. Prior to this amendment, the wage requirements were applicable to all sugar beets grown on the farm and marketed (or processed) for the extraction of sugar or liquid sugar in order to qualify for such payment.

The provision excluding workers not directly connected with the production, cultivation, or harvesting operations, incorporates into the determination administrative interpretations heretofore applicable to wage determinations.

Determinations since 1938 have required producers to furnish workers with customary perquisites such as housing, garden and pasture plots, and medical services, in addition to specified minimum wages. When the perquisite clause was first included in the determination some producers furnished no perquisites while others furnished one or more items. The effect of this provision during a period of great change in producer-worker relations, living conditions and worker requirements, was to discourage the furnishing of any new perquisites by old producers or the furnishing of any perquisites by new producers because once furnished this provision required that they be continued. The result was inequities as among producers as well as among workers. Witnesses representing producers have indicated at public hearings that if the perquisite clause were eliminated from the determination producers would continue to furnish perquisites required under current conditions. The average value of perquisites as determined by surveys in recent years and recast in terms of their probable value in 1957 amounts to about 5 cents per hour for the regions covered by this determination.

After consideration of all the factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act of 1948, as amended.

(Sec 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. 1131)

Issued this 18th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2199; Filed, Mar. 21, 1957; 8:47 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 4b-5]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

EMERGENCY EVACUATION PROVISIONS

Correction

In Federal Register Document 57-1796, published at page 1546 of the issue for Saturday, March 9, 1957, the effective date at the end of the document should read "April 9, 1957".

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146, 146a, 146c; 21 F. R. 2465, 5411) are amended as indicated below:

1. In § 146.26 *Animal feed containing penicillin* • • •, paragraph (b) is amended by changing subparagraphs (24) and (25) to read as set forth below and by adding thereto subparagraphs (27) and (28), as follows:

(24) It is intended for use in the maintenance of weight gains of swine in the

presence of atrophic rhinitis or as an aid in reducing the incidence of cervical abscesses in swine; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed.

(25) It is intended for use as an aid in the reduction of bacterial diarrhea in beef cattle or as an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex) or as an aid in the prevention or treatment of foot rot in cattle or as an aid in the prevention of anaplasmosis in cattle; its labeling bears adequate directions and warnings for such uses; and it contains the following quantities of chlortetracycline, by weight of feed, for the conditions indicated:

(i) For the prevention of anaplasmosis: 0.5 milligram per pound of body weight per day.

(ii) For the prevention or treatment of foot rot in cattle: 0.1 milligram per pound of body weight per day.

(iii) As an aid in the reduction of bacterial diarrhea in beef cattle: 0.1 milligram per pound of body weight per day.

(iv) As an aid in the prevention or treatment of bacterial pneumonia and shipping fever (hemorrhagic septicemia) or as an aid in reduction of losses due to respiratory infection (infectious rhinotracheitis-shipping fever complex) in cattle: 350 milligrams per head per day, except that if it is intended for use for more than 30 days it may contain chlortetracycline, in a quantity by weight of feed to provide 70 milligrams per head per day.

* * * * *

(27) It is intended for use as an aid in maintaining or increasing egg production, hatchability, and livability of chicks, and improving feed efficiency as related to egg production; its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline per ton of feed, except that if it is intended for use in the presence of disease outbreaks it shall contain not less than 100 grams of chlortetracycline per ton of feed.

(28) It is intended for use solely as an aid in the prevention or control of outbreaks of histomoniasis ("blackhead") in poultry flocks, and it contains carbasone in a quantity, by weight of feed, of not less than 0.05 percent and not more than 0.1 percent (except that if it is intended for prevention of histomoniasis in turkey flocks it contains not less than 0.0375 percent) and there has been submitted to the Commissioner, in triplicate, adequate information of the kind described in § 146.7 to establish the safety and efficacy of the article and to guarantee its identity, strength, quality, and purity. The exemption shall expire at the beginning of any act changing the composition of such drug, or the methods used in and the facilities and controls used for its manufacturing, processing, and packaging, or in its labeling, unless the person who obtained the exemption has submitted to the Commissioner, in triplicate, amended information that describes such proposed changes, and such amendment has been accepted by the Commissioner.

2. In § 146a.40 *Penicillin bougies* * * *, paragraph (c) *Labeling* is amended by changing the words "18 months" in subparagraph (1) (iii) to read "24 months".

3. In § 146c.217 *Chlortetracycline calcium syrup* * * *, paragraph (c) *Labeling* is amended by changing the words "18 months" in subparagraph (1) (v) to read "18 months or 24 months".

4. In § 146c.224 *Tetracycline hydrochloride-nystatin capsules*, paragraph (a) is amended by changing the number "7.5" to read "6.5".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs and the other drugs specifically mentioned in amendment 1 of this order need not comply with sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to ensure their safety and efficacy, provided they comply in all other respects with the requirements of the regulations.

Effective date. This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: March 15, 1957.

[SEAL] JOHN L. HARVEY,
Deputy Commissioner of Food and Drugs.

[F. R. Doc. 57-2195; Filed, Mar. 21, 1957; 8:46 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 779—RETAIL OR SERVICE ESTABLISHMENT AND RELATED EXEMPTIONS

APPLICATION OF EXEMPTION TO COAL DEALERS

After investigation of the sales practices of the coal industry to determine which types of sales the industry recognizes as retail within the meaning of section 13 (a) (2) of the Fair Labor Standards Act of 1938, notice was published in the November 21, 1956 issue of the FEDERAL REGISTER (21 F. R. 9070) that the Administrator of the Wage and Hour Division, United States Department of Labor, proposed to amend Part 779 of Title 29, Code of Federal Regulations, to reflect the recognition of the industry on this question.

The notice contained the text of the proposed amendment in its entirety and interested persons were provided a period of thirty days in which to submit their views, arguments or data pertaining thereto.

One objection to the proposed amendment has been received which, however, presented no evidence on the question of which sales of coal are recognized as retail in the industry. This objection is overruled.

After consideration of all relevant matter presented, I conclude that the amendment should be adopted as proposed.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and General Order No. 45-A (15 F. R. 3290), Part 779 of Title 29, Code of Federal Regulations, is hereby editorially revised and amended by the addition of § 779.35 as follows:

Immediately subsequent to the conclusion of § 779.34 add the following:

COAL DEALERS

§ 779.35 *Application of the 13 (a) (2) exemption to coal dealers.* (a) It is the purpose of this section to show generally how the principles governing the application of the 13 (a) (2) exemption apply to coal dealers' establishments.

(b) In applying the tests of the 13 (a) (2) exemption, all sales of coal to the consumer from a dealer's yard storage, where bulk is broken, are recognized as retail except sales which fall within any category listed in paragraph (c) of this section.

(c) The following sales are not recognized as retail, whether or not made from dealer's yard storage:

(1) Sales where the delivery is made by railroad car or cargo vessel.

(2) Sales in a carload quantity or more for continuous delivery by truck from a dock, mine or public railroad facility.

(3) Sales of coal at a wholesale price. A wholesale price is a price comparable to or lower than the establishment's price in sales described in subparagraphs (1) and (2) of this paragraph or in sales to dealers (but not peddlers) for resale. If the establishment makes no such sales, the wholesale price is the price comparable to or lower than the price prevailing in the immediate area in sales described in subparagraphs (1) and (2) of this paragraph or in sales to dealers (but not peddlers) for resale.

(4) Sales of coal for use in the production of a specific product to be sold in which coal is an essential ingredient or the principal raw material, such as sales of coal for the production of coke, coal gas, coal tar, or electricity.

(d) If 50 percent or more of the establishment's annual dollar volume of sales of goods and services is made within the State in which the establishment is located and if 75 percent or more of the annual dollar volume of sales of the establishment consists of sales which are not for resale and are recognized as retail, the exemption under section 13 (a) (2) will apply to all employees employed by the establishment. Sales for resale include sales of coal to other dealers, to peddlers and sales of coal for use in the production of a specific product to be sold, in which coal is an essential ingredient or the principal raw material, such as sales of coal for the production of coke, coal gas, coal tar or electricity, as distinguished from sales of coal for use in the general manufacturing or industrial process such as the use in laundries, bakeries, nurseries, canneries, etc., or for space heating.

(52 Stat. 1060, as amended; 29 U. S. C. 201-219)

This amendment shall be effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 18th day of March 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-2222; Filed, Mar. 21, 1957; 8:51 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter V—Department of the Army

Subchapter B—Claims and Accounts

PART 536—CLAIMS AGAINST THE UNITED STATES

CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Section 536.29 is revised to read as follows:

§ 536.29 *Claims arising from negligence of military personnel or civilian employees under the Federal Tort Claims Act, as codified.*—(a) *Statutory authority.* The statutory authority for this section is contained in Title 28, United States Code, sections 2671–2680, commonly referred to as the Federal Tort Claims Act, and hereinafter referred to as "the act."

(b) *Definitions.* See § 536.1.

(c) *Scope.* This section prescribes the substantive basis for the administrative settlement of tort claims against the United States not in excess of $1,000 based on death, personal injury, or damage to or loss of property, except those arising in foreign countries. This section does not limit or abridge the authority of the Secretary of the Army to settle any claim for personal injury or death, or for damage to or loss of property, not caused by negligent or wrongful act or omission or otherwise not cognizable under the cited statutory authority and this section.

(d) *Claims payable.* (1) Unless otherwise prescribed, claims not in excess of $1,000 for death, personal injury, or damage to or loss of property, real or personal, are payable under this section when caused:

(i) By negligent or wrongful acts or omissions.

(ii) Of military personnel or civilian employees while acting within the scope of their employment.

(iii) Under circumstances in which the United States, if a private person, would be liable, to the claimants in accordance with the law of the place where the act or omission occurred.

(2) Claims for death or injury of military personnel or civilian employees not incident to their service may be payable under this section.

(3) The law of the place where the act or omission occurred pertaining to contributory or comparative negligence and to joint tort-feasors will be applied in the determination of liability.

(e) *Claims not payable.* This section does not apply to a claim which:

(1) Is based upon an act or omission of military personnel or a civilian employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or in the exercise or performance of, or failure to exercise or perform, a discretionary function or duty, whether or not the discretion be abused.

(2) Arises out of the loss, miscarriage, or negligent transmission of letters or postal matter.

(3) Arises in respect of the assessment or collection of any tax or custom duty, or the detention of any goods or merchandise by an officer of customs or excise or any other law-enforcement officer.

(4) Is within the act of March 9, 1920 (41 Stat. 525; 46 U. S. C. 741–752), the act of March 3, 1925 (43 Stat. 1112; 46 U. S. C. 781–790), or the act of June 19, 1948 (62 Stat. 496; 46 U. S. C. 740), relating to claims or suits in admiralty against the United States.

(5) Arises out of an act or omission of any employee of the Government in administering the provisions of the Trading With the Enemy Act (40 Stat. 411; 50 U. S. C. App. 1–31), as amended.

(6) Is for damages caused by the imposition or establishment of a quarantine by the United States.

(7) Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(8) Arises out of combat activities of the military forces during time of war.

(9) Is for damages caused by the fiscal operations of the Department of the Treasury or by the regulations of the monetary system.

(10) Arises in a foreign country.

(11) Arises from the activities of the Tennessee Valley Authority.

(12) Arises from the activities of the Panama Canal Company.

(13) Is for the personal injury or death of military personnel or civilian employees incurred incident to service.

(f) *Claims under other laws and regulations.* This section does not apply to any claim which may be settled under:

(1) Sections 536.12–536.23, 536.25, 536.26, 536.27, and 536.45.

(2) Regulations in Part 577 of this chapter providing for medical care at Government expense.

(3) The act of September 7, 1916 (39 Stat. 742; 5 U. S. C. 751), as amended (Employee Compensation).

(g) *Subrogation.* (1) A claim not exceeding $1,000 for death, injury, damage, or loss wholly covered by insurance or otherwise subject by operation of law to full subrogation, will be settled only with the insurer or other subrogee. A claim for a loss partially covered by insurance, or otherwise subject to partial subrogation, may be settled either jointly, if the claim was so filed, or with the parties individually as their respective interests appear, or with the insured or other subrogor if he has not made claim against, nor received payment from the insurer or subrogee. When the settlement is joint, one check for the amount approved, payable to both the subrogor and the subrogee, will be sent to the subrogee.

(2) Every claimant will, in his claim or in an attached statement make detailed disclosure concerning his insurance coverage indicating:

(i) The insurer's name and address.

(ii) The kind and amount of insurance.

(iii) The insurance policy number or numbers.

(iv) Whether a claim has been presented to the insurer, and if so, the amount of such claim.

(v) Whether the insurer has paid the claim, or is expected to pay it.

Each claimant to whose interest another has become otherwise subrogated will furnish similar information as to the subrogee and the basis of his rights.

(3) Each insurer or other subrogee will substantiate his claim by appropriate documentary evidence that payment of the amount claimed, or a larger amount, has been assumed for, or made to or on behalf of, the insured or subrogor.

(4) The interests of the insured or other subrogor and the insurer or subrogee represent merely separable interests in a single claim which may not be considered under this section if the aggregate exceeds $1,000 (paragraph (k) (4) of this section).

(h) *When claim must be presented.* (1) A claim may be settled under this section only if presented in writing within 2 years after it has accrued.

(2) If a claim for $1,000 or less is presented, a suit may, under the act, be filed in a district court within 2 years after the claim accrues, or 6 months after notice of the final disposition of the claim is mailed to the claimant or the claim is withdrawn by the claimant, whichever is later. Presentation of a claim for more than $1,000 within 2 years after it accrues will not extend the time within which a suit may be filed nor permit administrative consideration of the claim, if reduced to $1,000 or less more than 2 years after it accrues.

(i) *Settlement agreement.* The claimant must submit a written acceptance in full satisfaction and final settlement for the amount approved for:

(1) Personal injury or wrongful death, even though equal to the amount claimed.

(2) Property damage or loss, if less than the amount claimed.

(3) Property damage or loss equal to the amount claimed when personal injury or death resulted from the same incident, even though no claim has been filed for either.

(j) *Attorneys' fees.* The approving authority may, but only on written request made prior to the award by the claimant or his attorney, determine and allow as part of the award, reasonable attorneys' fees. If the award is $500 or more, the fees shall not exceed 10 per centum of the award. The fees shall be paid to the attorney representing the claimant out of, but not in addition to, the amount of the award.

(k) *Settlement of claims.*—(1) *Authority.* Authority to settle claims un-

der this section, subject to the appeal to the Secretary of the Army:

(i) Has been delegated to the Chief, Claims Division, Office of The Judge Advocate General, and all other officers of The Judge Advocate General's Corps assigned to that Division, subject to such limitations as the Chief may prescribe.

(ii) May be delegated by the Secretary of the Army to any commander or staff judge advocate within the United States, its territories, possessions and the Commonwealth of Puerto Rico within such monetary limits as may be prescribed.

(2) *Effect of action.* The action of the approving authority in approving or disapproving a claim, in whole or in part, will be final and conclusive for all administrative purposes unless the claimant appeals to the Secretary of the Army within the time prescribed in § 536.7 or such longer time as the Secretary may for good cause permit.

(3) *Acceptance of award.* The acceptance by the claimant of any award shall constitute complete release of any claim against the United States and against the military personnel or civilian employee whose act or omission gave rise to the claim.

(4) *Claims in excess of $1,000.* The Department of the Army does not have legal authority to consider administratively claims in excess of $1,000 which are otherwise cognizable under the act. The claimant's remedy in such cases is by suit in the United States District Court. When a claim in excess of $1,000 is received, the original claim will be retained by the receiving command and the copies of the claim with the papers submitted by the claimant will be returned promptly to him by letter advising that the Department of the Army cannot settle administratively any claim in excess of $1,000 under the Federal Tort Claims Act, as codified and amended (28 United States Code).

[AR 25–30, February 20, 1957] (Sec. 3012, 70A Stat. 157; 10 U. S. C. 3012. Interpret or apply sec. 1, 62 Stat. 982, as amended, sec. 1, 63 Stat. 984, as amended; 28 U. S. C. 2671–2679, 2680)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-2186; Filed, Mar. 21, 1957; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

SHENANDOAH NATIONAL PARK

1. Paragraph (a) *Fishing* of § 20.15 *Shenandoah National Park* is amended to read as follows:

§ 20.15 *Shenandoah National Park*—(a) *Fishing*—(1) *Applicability of regulations.* The regulations in this section shall govern fishing on those portions of all streams lying wholly within the Park, including those portions of the Conway River, the Rapidan River, and the North and South Forks of Moormans River. Along those portions of the streams which follow the boundary line of the Park, the State of Virginia laws and regulations governing fishing shall apply.

(2) *Waters.* All waters in the Park are open to trout fishing only.

(3) *Season.* The opening date of the trout fishing season shall conform with that of the State of Virginia and shall close on the same date as the State, or October 15, whichever date is earlier.

(4) *Size limit.* Trout under nine (9) inches in length shall not be retained. All undersized fish shall be immediately and carefully returned to the water.

(5) *Limit of catch.* The limit of catch per day, or possession by each person fishing, shall not exceed eight (8) fish.

(6) *Bait.* Only artificial lures such as artificial flies, spinners, or bugs shall be used. Fishing with multiple hooks (double, treble, or gang) is prohibited.

(7) *State licenses.* No special Park license is required, but persons fishing within the Park must first procure an appropriate fishing license issued by the State of Virginia.

(8) *Emergency closing of waters.* During any period of emergency, or to prevent over-use by fishermen of waters open to fishing in Shenandoah National Park, the Superintendent, in his discretion, may close to fishing all or any part of such open waters for such periods of time as may be necessary: Provided, The notice thereof shall be given by the posting of appropriate signs, notices, and markers.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this twenty-eighth day of February 1957.

GUY D. EDWARDS,
Superintendent,
Shenandoah National Park.

[F. R. Doc. 57-2188; Filed, Mar. 21, 1957; 8:45 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

RENOUNCEMENT

Immediately after § 4.422, a new § 4.422a is added as follows:

§ 4.422a *Renouncement.* (a) Any person entitled to dependency and indemnity compensation may renounce his right to this benefit. The renouncement shall be in writing over the person's signature. Upon receipt of such renouncement in the Veterans Administration, payment of dependency and indemnity compensation shall be discontinued as of the date of last payment. The renouncement shall not preclude the person from filing a new application for dependency and indemnity compensation at a future date. Payment of dependency and indemnity compensation shall not be made for any period prior to the date of filing of the new application. (Sec. 209 (a), Pub. Law 881, 84th Cong.).

(b) The renouncement of dependency and indemnity compensation by one beneficiary shall not serve to increase the rate payable to any other beneficiary in the same class.

(c) The renouncement of dependency and indemnity compensation by a widow shall not serve to vest title to this benefit in children under the age of 18 years or to increase the rate payable to a child or children over the age of 18 years.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 209, Pub. Law 881, 84th Cong.)

This regulation is effective March 22, 1957.

[SEAL] JOHN S. PATTERSON,
Deputy Administrator.

[F. R. Doc. 57-2220; Filed, Mar. 21, 1957; 8:51 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Reclamation, Department of the Interior

PART 404—WATER APPLICATION, COLUMBIA BASIN PROJECT, WASHINGTON

On page 1102 of the FEDERAL REGISTER of February 26, 1957, there was published a notice of proposed rule making to determine eligibility of owners or contract purchasers of a farm unit on the Columbia Basin Project to receive water during the 1957 irrigation season. Interested persons were given 15 days within which to submit written comments, suggestions, or objections with respect to the proposed regulations. No comments or suggestions were submitted within the 15-day period. The proposed regulations are hereby adopted without change and are set forth below.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 15, 1957.

§ 404.1 *Determination of eligibility.* The owner, or contract purchaser if there is one, of a farm unit on the Columbia Basin Project shall furnish the Project Manager of the Bureau of Reclamation as early as practicable an application for water executed by him before two witnesses. The form will be supplied by the Project Manager. The application shall state, unless the applicant is the owner of more than one farm unit eligible for water under the exceptions in subsections 2 (b) (iii) and 2 (b) (iv) of the Columbia Basin Project Act and he has so indicated in writing on the back thereof, that the farm unit is the only farm unit on the project that the applicant owns or is purchasing either in his own name or in the name of another for which water is available. Such statement shall be a condition precedent to a determination by the Project Manager of the eligibility of the farm unit to receive water during the 1957 irrigation season under the provisions of the Columbia Basin Project Act and the recordable contracts.

(Sec. 8; 57 Stat. 20; 16 U. S. C. 835c-4)

[F. R. Doc. 57-2189; Filed, Mar. 21, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 51]

U. S. STANDARDS FOR PERSIAN (TAHITI) LIMES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Persian (Tahiti) Limes (7 CFR 51.1000 to 51.1014; 18 F. R. 7106) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.1000 U. S. No. 1.
51.1001 U. S. Combination.
51.1002 U. S. No. 2.

UNCLASSIFIED

51.1003 Unclassified.

APPLICATION OF TOLERANCES

51.1004 Application of tolerances.

STANDARD PACK

51.1005 Standard pack.

DEFINITIONS

51.1006 Firm.
51.1007 Fairly well formed.
51.1008 Fairly smooth texture.
51.1009 Stylar end breakdown.
51.1010 Damage.
51.1011 Good green color.
51.1012 Fairly firm.
51.1013 Badly deformed.
51.1014 Excessively rough texture.
51.1015 Serious damage.
51.1016 Diameter.

AUTHORITY: §§ 51.1000 to 51.1016 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.1000 *U. S. No. 1.* "U. S. No. 1" consists of Persian Limes which are firm, fairly well formed, or fairly smooth texture, which are free from decay, stylar end breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), hard or dry skins, and free from damage caused by freezing, dryness or mushy condition, sprayburn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, yellow color, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Each fruit in this grade shall have not less than an aggregate area of three-fourths of the surface of the fruit which shows good green color characteristics of the Persian lime: *Provided,* That lots of limes which fail to meet the U. S. No. 1 grade requirements only because of blanching shall be designated as "U. S. No. 1, Mixed Color": *And provided further,* That lots of limes which fail to meet the U. S. No. 1 or U. S. No. 1 Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. No. 1, Turning".

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, broken skins which are not healed, or defects causing serious damage, including not more than one-half of 1 percent for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

§ 51.1001 *U. S. Combination.* A lot of limes may be designated "U. S. Combination" when not less than 75 percent, by count, of the limes in each container meet the requirements of U. S. No. 1 grade and the remainder U. S. No. 2 grade.

(a) In this grade the U. S. No. 1 limes shall meet the color requirements of the U. S. No. 1 grade and the U. S. No. 2 limes shall meet the color requirements of the U. S. No. 2 grade: *Provided,* That lots of limes which fail to meet the U. S. Combination grade requirements only because of blanching shall be designated as "U. S. Combination, Mixed Color": *And provided further,* That lots of limes which fail to meet the U. S. Combination or U. S. Combination Mixed Color grade requirements only because of turning yellow or yellow color, caused by the ripening process, shall be designated as "U. S. Combination, Turning".

(b) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of the lower grade in the combination, but not more than one-half of this amount, or 5 percent, shall be allowed for limes affected by decay, stylar end breakdown and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

(c) No part of the above tolerances shall be allowed to reduce for the lot as a whole, the 75 percent of U. S. No. 1 limes required in the U. S. Combination grade, but individual containers may have not less than 65 percent of the higher grade.

§ 51.1002 *U. S. No. 2.* "U. S. No. 2" consists of Persian limes which are fairly firm, which are not badly deformed, and not of excessively rough texture, which are free from decay, stylar and breakdown or other internal discoloration, broken skins which are not healed, bruises (except those incident to proper handling and packing), and hard or dry skins, and free from serious damage caused by freezing, dryness or mushy condition, spray-burn, exanthema (ammoniation), scars, thorn scratches, scale, sunburn, scab, blanching, yellow color, discoloration, buckskin, dirt or other foreign material, disease, insects or mechanical or other means.

(a) Each fruit in this grade shall have not less than an aggregate area of one-half of the surface of the fruit which shows good green color characteristic of the Persian lime: *Provided,* That lots of limes which fail to meet the U. S. No. 2 grade requirements only because of blanching shall be designated as "U. S. No. 2, Mixed Color": *And provided further,* That lots of limes which fail to meet the U. S. No. 2 or U. S. No. 2 Mixed Color grade requirements only because of turning yellow or yellow color caused by the ripening process shall be designated as "U. S. No. 2, Turning".

(b) The fruit shall have a juice content of not less than 42 percent, by volume.

(c) In order to allow for variations incident to proper grading and handling, not more than 10 percent, by count, of the fruit in any lot may fail to meet the color requirements. In addition, not more than 10 percent, by count, of the fruit in any lot may be below the remaining requirements of this grade, but not more than one-half of this amount, or 5 percent, shall be allowed for decay, stylar end breakdown, and broken skins which are not healed, including not more than one-half of 1 percent for decay at shipping point: *Provided,* That an additional tolerance of 2½ percent, or a total of not more than 3 percent, shall be allowed for decay en route or at destination.

UNCLASSIFIED

§ 51.1003 *Unclassified.* "Unclassified" consists of Persian limes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

APPLICATION OF TOLERANCES

§ 51.1004 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 3 pounds and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 3 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one decayed fruit may be permitted in any package; and,

(2) For packages which contain 3 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than 10 percent of the packages may have more than one decayed fruit.

STANDARD PACK

§ 51.1005 *Standard pack.* (a) Fruit shall be fairly uniform in size, and when place packed in crates or cartons, the fruit shall be arranged according to the approved and recognized methods.

(b) All packages shall be well filled but the contents shall not show excessive or unnecessary bruising because of overfilled packages.

(c) "Fairly uniform in size" means that not more than 10 percent, by count, of the fruit in any container may vary more than four-sixteenths of an inch in diameter.

(d) In order to allow for variations, other than sizing, incident to proper packing, not more than 5 percent of the packages in any lot may fail to meet the requirements of standard pack.

DEFINITIONS

§ 51.1006 *Firm.* "Firm" means that the fruit is not soft or flabby.

§ 51.1007 *Fairly well formed.* "Fairly well formed" means that the fruit shows normal characteristic shape for the Persian variety and is not materially flattened on one side.

§ 51.1008 *Fairly smooth texture.* "Fairly smooth texture" means that the fruit is comparatively free from lumpiness and that pebbling is not abnormally coarse. Coarse pebbling is not objectionable as it is indicative of good keeping quality and is characteristic of the fruit, especially that from young trees.

§ 51.1009 *Stylar end breakdown.* "Stylar end breakdown" is a physiological breakdown starting at the base of the nipple as a grayish tan watersoaked spot. A brownish discoloration develops in the rind. As it progresses the color of the affected area becomes darker and usually sinks below the healthy surface, but the area remains firm unless infected with secondary organisms that cause soft decay.

§ 51.1010 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Dryness or mushy condition which extends into all segments more than one-eighth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is materially affected, or which causes scarring that in the aggregate exceeds the area of a circle one-fourth inch in diameter;

(c) Exanthema (ammoniation) which materially detracts from the appearance of the fruit, or which occurs as small, thinly scattered spots over more than 10 percent of the fruit surface, or as solid scarring (not cracked) or depressions which in the aggregate exceed the area of a circle one-half inch in diameter;

(d) Scars which are dark, rough, or deep and in the aggregate exceed the area of a circle one-fourth inch in diameter, or scars which are fairly light in color, slightly rough, or of slight depth and in the aggregate exceed the area of a circle one-half inch in diameter, or scars which are light colored, fairly smooth, with no depth and aggregate more than 10 percent of the fruit surface;

(e) Thorn scratches when the injury is not well healed, or when dark colored, rough or deep and in the aggregate exceeds the area of a circle one-fourth inch in diameter, or when light colored, fairly smooth and concentrated and in the aggregate exceeds the area of a circle one-half inch in diameter, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the aggregate area one-half inch permitted for light colored concentrated injury;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a line which has 10 medium to large California red or purple scale attached;

(g) Sunburn which causes appreciable flattening of the fruit, drying of the skin, material change in the color of the skin, appreciable drying of the flesh underneath the affected area, or which affects more than 5 percent of the fruit surface;

(h) Scab which materially affects the shape or texture;

(i) Blanching when more than 25 percent, in the aggregate, of the fruit surface shows a whitish to yellowish green area or areas because of shading, resting on the surface of the ground, or contact with other fruit on the tree. Such areas are not to be confused with limes which are turning yellow due to the ripening process;

(j) Yellow color when plainly visible and caused by the ripening process;

(k) Discoloration caused by rust mite, melanose or other means, when fairly smooth and more than 10 percent of the fruit surface is affected, or when slightly rough and in the aggregate exceeds the area of a circle one-half inch in diameter; and,

(l) Buckskin when more unsightly than the maximum discoloration allowed, or the fruit texture is materially affected.

§ 51.1011 *Good green color.* "Good green color" means that the skin of the lime is of a good green color characteristic of the Persian variety.

§ 51.1012 *Fairly firm.* "Fairly firm" means that the fruit is not soft or excessively flabby.

§ 51.1013 *Badly deformed.* "Badly deformed" means that the fruit is seriously misshapen from any cause.

§ 51.1014 *Excessively rough texture.* "Excessively rough texture" means that the skin is badly ridged or very decidedly lumpy.

§ 51.1015 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the fruit. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dryness or mushy condition which extends into all segments more than one-fourth of an inch at the stem end, or more than the equivalent of this amount, by volume, when occurring in other portions of the fruit;

(b) Sprayburn which changes the color to such an extent that the appearance of the fruit is seriously injured or which causes scarring that in the aggregate exceeds the area of a circle one-half inch in diameter;

(c) Exanthema (ammoniation) which occurs as small spots over more than 25 percent of the fruit surface, or as solid scarring (not cracked) or depressions which aggregate more than 10 percent of the fruit surface;

(d) Scars which are dark, rough, or deep and aggregate more than 5 percent of the fruit surface, or scars which are fairly light in color, slightly rough, or of slight depth and aggregate more than 10 percent of the fruit surface, or scars which are light colored, fairly smooth, with no depth and aggregate more than 25 percent of the fruit surface;

(e) Thorn scratches when the injury is not well healed, or when dark colored, rough or deep and aggregates more than 5 percent of the fruit surface, or when light colored, fairly smooth and concentrated and aggregates more than 10 percent of the fruit surface, or light colored and scattered thorn injury which detracts from the appearance of the fruit to a greater extent than the 10 percent light colored concentrated injury;

(f) Scale when the appearance of the fruit is affected to a greater extent than that of a lime which has a blotch the the area of a circle one-half inch in diameter;

(g) Sunburn which causes decided flattening of the fruit, marked drying or dark discoloration of the skin, material drying of the flesh underneath the affected area, or which affects more than 10 percent of the fruit surface;

(h) Scab which seriously affects shape or texture;

(i) Blanching when more than 50 percent, in the aggregate, of the fruit surface shows a whitish to yellowish green area or areas because of shading, resting on the surface of the ground, or contact with other fruit on the tree. Such areas are not to be confused with limes which are turning yellow due to the ripening process;

(j) Yellow color when plainly visible and caused by the ripening process;

(k) Discoloration caused by rust mite, Melanose, or other means, when fairly smooth and more than 50 percent of the fruit surface is affected, or when slightly rough and more than 25 percent of the fruit surface is affected; and,

(l) Buckskin when more unsightly than the maximum discoloration allowed or the fruit texture is seriously affected.

§ 51.1016 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the fruit.

Dated: March 18, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Service.

[F. R. Doc. 57-2196; Filed, Mar. 21, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

[Amdt. 2]

OREGON

NOTICE OF ESTABLISHMENT OF AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEES

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that the field organization be published in the FEDERAL REGISTER, and § 711.11 of the Marketing Quota Review Regulations 21 F. R. 9365 and 21 F. R. 9716), which provides for establishment of areas of venue for marketing quota review committees, notice is hereby given of areas of venue for the State of Oregon established by the ASC State Committee as follows:

OREGON

Counties of:

Area of Venue I—Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler.

Area of Venue II—Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Multnomah, Polk, Tillamook, Washington, and Yamhill.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002. Interprets or applies §§ 361-368, 52 Stat. 38; 7 U. S. C. 1361-1368)

Done at Washington, this 18th day of March 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLARENCE L. MILLER,
Associate Administrator,
Commodity Stabilization Service.

[F. R. Doc. 57-2197; Filed, Mar. 21, 1957; 8:47 a. m.]

INTERSTATE COMMERCE COMMISSION

[No. 32076]

ARIZONA

INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 12th day of March A. D. 1957.

It appearing, that a petition dated November 23, 1956, has been filed on behalf of The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Company; common carriers by railroad operating to, from, and between points in Arizona in intrastate and interstate commerce, averring that in Ex Parte No. 168, Increased Freight Rates, 1948, 272 I. C. C. 695; 276 I. C. C. 9; Ex Parte No. 175, Increased Freight Rates, 1951, 281 I. C. C. 557; 284 I. C. C. 589; 298 I. C. C. 395; and Ex Parte No. 196, Increased Freight Rates 1956, 298 I. C. C. 279, the Commission authorized carriers subject to the Interstate Commerce Act parties thereto to make certain increases in their freight rates and charges for interstate application throughout the United States; and that increases under such authorizations have been made;

It further appearing, that the petitioners allege that the Arizona Corporation Commission has refused to authorize or permit them to apply to the transportation of any property moving intrastate by railroad in Arizona increases in freight rates and charges thereon corresponding to those approved for interstate application in Ex Parte No. 196 and also has refused to authorize or permit the petitioners to apply to the transportation of the following commodities moving intrastate by railroad in Arizona increases in freight rates and charges thereon corresponding to those approved for interstate application in Ex Parte Nos. 168 and 175:

Ores and concentrates.
Manganese ore.
Livestock.
Lime rock.
High explosives.
Cottonseed meal.
Cottonseed cake.

It further appearing, that the petitioners allege that such refusals cause and result in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and in undue, unreasonable, and unjust discrimination against interstate commerce in violation of section 13 of the Interstate Commerce Act;

It further appearing, that there have been brought in issue by the said petition rates and charges made or imposed by authority of the State of Arizona;

And it further appearing, that the Arizona Corporation Commission on January 9, 1957, filed a reply to said petition:

It is ordered, That in response to the said petition, an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other interested persons to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Arizona, for the intrastate transportation of property made or imposed by authority of the State of Arizona, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission for interstate traffic in said Ex Parte Nos. 168, 175 and 196, supra, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum or minimum, or maximum and minimum rates and charges shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, that may be found to exist;

It is further ordered, That all common carriers by railroad operating within the State of Arizona which are subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Arizona be notified of the proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Arizona Corporation Commission at Phoenix, Ariz.;

It is further ordered, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C.; for public inspection, and by filing a copy with the Director, Division of the FEDERAL REGISTER, Washington, D. C.;

And it is further ordered, That this proceeding be, and the same is hereby, assigned for hearing on April 1, 1957, at 9:30 o'clock a. m., U. S. Standard Time, at the offices of the Arizona Corporation Commission, Phoenix, Arizona, before Examiner William J. Sweeney, Jr.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2193; Filed, Mar. 21, 1957; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G–10327, G–10453]

AGSCO MINERALS CORP. AND WYRICK & HUGHES

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

In the matters of Agsco Minerals Corporation, Docket No. G–10327; Wyrick & Hughes, Docket No. G–10453.

Take Notice that Wyrick & Hughes having their principal place of business at Refugio, Texas, filed an application on May 21, 1956, in Docket No. G–10453, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale, which sale was previously authorized by the Commission in its order issued December 14, 1954 in Docket No. G–3034.

On April 30, 1956, Agsco Minerals Corporation (Agsco) with its principal place of business in Refugio, Texas, filed an application in Docket No. G–10327, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing Agsco to continue the service proposed to be abandoned by Wyrick & Hughes as described above.

The Commission by its order issued December 14, 1954, in Docket No. G–3034 authorized Wyrick & Hughes to sell to United, at the outlet of a gasoline absorption plant near Refugio, Texas, natural gas produced in the Old Refugio Field, Refugio County, Texas, and processed in said plant.

The respective applications herein state that by an instrument of assignment dated February 1, 1956, Wyrick & Hughes assigned to Agsco, among other things, the aforementioned gasoline plant and all gas purchase, gas sales and gas processing contracts relating thereto.

The applications herein are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2200; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–11161]

KLEIN AND VAUGHN, AND CUBAN AMERICAN OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Klein and Vaughn, and Cuban American Oil Company (Cuban), a Delaware corporation with its principal place of business in Dallas, Texas, filed a joint application on September 27, 1956, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the joint application which is on file with the Commission and open to public inspection.

By the joint application herein Klein and Vaughn seek permission and approval pursuant to section 7 (b) of the Natural Gas Act, to abandon the sale of natural gas in interstate commerce to United Gas Pipe Line Company (United) for resale, from production from the Maggie Patton unit in the Libson Field, Claiborne Parish, Louisiana, which sale was previously authorized by the Commission in Docket No. G–6566.

Cuban seeks authority pursuant to section 7 (c) of the Natural Gas Act to continue to render the service to United proposed herein to be abandoned by Klein and Vaughn.

The application states that by instrument dated September 28, 1955, effective as of November 1, 1955, Klein and Vaughn assigned their interests in gas produced from the Maggie Patton unit to Cuban.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subect to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1957 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2201; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–11168]

MOUNTAIN GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Mountain Gas Company (Applicant), a partnership, whose address is 410 Avery Street, Parkersburg, West Virginia, filed on October 1, 1956, an application for permission to abondon service, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to terminate service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant was authorized on July 13, 1955 in Docket No. G–5639 to continue the sale of natural gas to Hope Natural Gas Company for transportation in interstate commerce for resale from production from the E. E. Hess, et ux., lease in the Mole Hill Field, Clay District, Ritchie County, and Centerville District, Tyler County, West Virginia.

Applicant states that the volume of gas available for delivery as heretofore authorized has declined to a point where it is no longer economically feasible to continue service and has submitted copies of its agreement with Hope Natural Gas Company, providing for cancellation of the contract covering the subject sale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on April 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2202; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–11181]

E. A. COURTNEY AND GAS GATHERING CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that E. A. Courtney and Gas Gathering Corporation, each having its principal place of business in Hammond, Louisiana, filed a joint application on October 1, 1956, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application which is on file with the Commission and open to public inspection.

By the joint application herein, E. A. Courtney seeks permission and approval pursuant to section 7 (b) of the Natural Gas Act, to abandon the sale of natural gas in interstate commerce to Transcontinental Gas Pipeline Corporation (Transco) for resale, from production in the Happytown Field, St. Martin Parish, Louisiana, including the operation of any facilities subject to the jurisdiction of the Commission necessary therefor, which sale and operation were previously authorized by the Commission in Docket No. G–4719. The subject gas is being purchased by E. A. Courtney from The Texas Company, R. R. Frankel, and Shell Oil Company in said field and transported by him through 10 miles of transmission line to a point of delivery to Transco.

By the joint application Gas Gathering Corporation seeks authority, pursuant to section 7 (c) of the Natural Gas Act, to continue the operation of the facilities and to render the service to Transco proposed herein to be abandoned by E. A. Courtney.

The application states that if the joint application referred to herein is granted, the said E. A. Courtney will assign to Gas Gathering Corporation all contracts for the purchase of gas and the gas sales contract providing for the sale of natural gas to Transco referred to in the joint application. There will also be assigned to Gas Gathering Corporation all other assets now being used in connection with the operation of facilities, including rights of way, pipe lines, meters, gauges, etc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after non-contested heading, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2203; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–10790 etc.]

NULL AND MOORHEAD GAS CO. AND BRADLEY GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

In the matters of Null and Moorhead Gas Company, Docket No. G–70790; Bradley Gas Company, Docket Nos. G–10791, and G–10796.

Take notice that Null and Moorhead Gas Company (Null and Moorhead), with its principal place of business at Clarksburg, West Virginia, filed on July 23, 1956 an application in Docket No. G–10790, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas in interstate commerce as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the application in Docket No. G–10790.

Null and Moorhead seeks to abandon: (1) Service to Hope Natural Gas Company from production in Wetzel and Monongalia Counties, West Virginia, which service was previously authorized by the Commission in Docket No. G–5583.

(2) Service to Carnegie Natural Gas Company from production from the Mitchell Lease located in the Center District, Gilmer County, West Virginia which service was previously authorized by the Commission in Docket No. G–2942.

Simultaneously therewith, Bradley Gas Company (Bradley) with its principal place of business in Clarksburg, West Virginia, filed applications pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing it to continue the services and operations proposed to be abandoned by Null and Moorhead, as described herein, and as more fully described in the applications in Docket Nos. G–10791 and G–10796.

Null and Moorhead in Docket No. G–10790 state that by instruments dated February 22, 1956, Null and Moorhead sold and assigned its leases and properties in Wetzel, Monohgalia, and Gilmer Counties, West Virginia to Bradley.

The applications herein are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2204; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G–10981 etc.]

PROGRESS PETROLEUM COMPANY OF TEXAS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

In the matters of: Progress Petroleum Company of Texas, and Midhurst Oil

Corporation, Docket Nos. G–10981 and G–10982; Progress Petroleum, Inc., and Midhurst Oil Corporation, Docket No. G–10983.

Take notice that Progress Petroleum Company of Texas (Progress of Texas), Progress Petroleum, Inc. (Progress, Inc.), and Midhurst Oil Corporation (Midhurst), with their respective principal places of business in Houston, Texas, filed joint applications on August 27, 1956, pursuant to section 7 of the Natural Gas Act, for approval and authorization to abandon and continue the sale of natural gas in interstate commerce, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully described in the respective applications herein, now on file with the Commission and open to public inspection.

The respective parties herein seek approval and authorization as follows:

(1) Progress of Texas, in Docket No. G–10981, to abandon service to Tennessee Gas Transmission Company (Tennessee) from the Hutchins South Field, Wharton County, Texas, which service was authorized on December 12, 1955, in Docket No. G–4223.

(2) Progress of Texas, in Docket No. G–10982, to abandon service to El Paso Natural Gas Company (El Paso) from the Jack Herbert Field, Upton County, Texas, which service was authorized on May 31, 1955, in Docket No. G–4601.

(3) Progress, Inc., in Docket No. G–10983, to abandon service to Tennessee from the Magnet-Withers Field, Wharton County, Texas, which service was authorized on February 2, 1956, in Docket No. G–9200.

(4) Midhurst, in Docket Nos. G–10981 through G–10983, to continue the subject services to Tennessee and El Paso proposed to be abandoned by Progress of Texas and Progress, Inc.

The respective applications state that on July 1, 1956, Midhurst acquired the interests of Progress of Texas and Progress, Inc., in the subject properties, and succeeded to the gas sales contracts involved herein.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2205; Filed, Mar. 21, 1957; 8:48 a. m.]

[Docket No. G-8492]

ALADDIN PETROLEUM CORP.

NOTICE OF RESUMPTION OF HEARING

MARCH 15, 1957.

Notice is hereby given that the hearing in the above-designated matter, which was recessed by the Presiding Examiner on February 8, 1956, is hereby scheduled to resume at 9:30 a. m., e. s. t., April 3, 1957, in the Commission's Hearing Room 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2207; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-11450]

SOHIO PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Sohio Petroleum Company (Applicant), an Ohio corporation with principal place of business in Cleveland, Ohio, filed an application on November 9, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce to Coastal Transmission Corporation for resale, which gas Applicant proposes to produce from approximately 749 acres located in the Grosse Tete Field, West Baton Rouge Parish, Louisiana. Proposed deliveries will be made at a point to be agreed upon at a daily contract volume of 1,000 Mcf per 8,000,000 Mcf of reserves.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, April 17, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 1, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2208; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket G-9440, G-9753]

J. A. KIMMEY ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

In the matters of J. A. Kimmey and Burdette Graham, Docket No. G–9440; William Negley, d. b. a. Paisano Trading Company, Ltd., Docket No. G–9753.

Take notice that J. A. Kimmey and Burdette Graham (Kimmey and Graham), joint owners, with their principal place of business in Corpus Christi, Texas, filed a joint application on October 6, 1955, in Docket No. G–9440 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing them to continue the sale of natural gas in interstate commerce from production from the Muil Lease located in the Captain Lucy Field, Jim Wells County, Texas, to Trunkline Gas Company for resale, all as more fully described in the application on file with the Commission and open to public inspection.

One December 7, 1955, William Negley d/b/a Paisano Trading Company, Ltd. (Paisano), whose principal place of business is in San Antonio, Texas, filed an application in Docket No. G–9753, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale of natural gas for which Kimmey and Graham seek authorization to continue in Docket No. G–9440.

The parties herein state that the subject Muil Lease was acquired by Burdette Graham from Paisano by instrument executed April 14, 1955. Graham then assigned one-half interest in said lease to J. A. Kimmey by instrument dated May 12, 1955, all of which are on file with the Commission.

Paisano was granted a certificate of public convenience and necessity to sell gas produced from the Muil and Goldapp leases to Trunkline in Docket No. G–2552. Kimmey and Graham in Docket No. G–9440 seeks authorization for the continued operation of service heretofore rendered by Paisano from the Muil Lease only.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2209; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-10158]

BURCH SPEARS, INC., AND BURCH SPEARS

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Burch Spears, Inc., and Burch Spears (Individually), hereinafter referred to collectively as "Applicants", whose address is 1401 E. Park Street, Victoria, Texas, filed on March 26, 1956 a joint application, purusant to section 7 of the Natural Gas Act for permission and approval to abandon service and for a certificate of public convenience and necessity to sell natural gas for transportation in interstate commerce for resale, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

Applicants seek to abandon and render service as indicated below:

(1) Burch Spears to abandon service to Trunkline Gas Company (Trunkline) from leases in the Medio Creek Field, Bee County, Texas. Such service was authorized by the Commission's order issued August 19, 1955 in Docket No. G–8973.

(2) Burch Spears, Inc., to continue the service to Trunkline, proposed to be abandoned by Burch Spears as described in (1) above.

The joint application states that by assignments dated March 20, 1956, Burch Spears, Inc., acquired certain leases, production and field lines in the Medio Field, Bee County, Texas, from Burch Spears and is to succeed to the latter's interest in the contract with Trunkline dated May 12, 1955.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matter involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) and (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2210; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-12204]

F. L. & J. L. RANDEL

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

F. L. & J. L. Randel (Randel), on February 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing:

Description: Notice of change dated February 16, 1957.

Purchaser: United Fuel Company.

Rate schedule designation: Supplement No. 1 to Randel's FPC Gas Rate Schedule No. 1.

Effective date: [1] March 22, 1957.

In support of the two proposed periodic rate increases, Randel cites pertinent price provisions of its rate schedule and requests incorporation by reference of the support previously submitted by The Atlantic Refining Company in connection with proposed increases under its FPC Gas Rate Schedule No. 115, Docket Nos. G–9443 and G–11247.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 22, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2211; Filed, Mar. 21, 1957; 8:49 a. m.]

[Docket No. G-12205]

SOHIO PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

MARCH 15, 1957.

Sohio Petroleum Company (Sohio), on February 15, 1957, tendered for filing proposed changes in its rate schedules

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Randel, if later.

[2] Commissioner Digby dissenting.

presently in effect for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings, which are proposed to become effective on the date shown:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 32, Supplement No. 2 to Sohio's FPC Gas Rate Schedule No. 33.
Proposed effective date: [1] March 21, 1957.

In support of the increases, Sohio states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; an interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rates and charges, and, pending such hearing and decision thereon, said supplements be and they are hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2212; Filed, Mar. 21, 1957; 8:50 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Sohio, if later.

[2] Commissioner Digby dissenting.

[Docket No. G-12206]

KERR-McGEE OIL INDUSTRIES, INC.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

Kerr-McGee Oil Industries, Inc., (Kerr-McGee), on February 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change dated February 15, 1957.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 2 to Kerr-McGee's FPC Gas Rate Schedule No. 46.
Proposed effective date: [3] March 21, 1957.

In support of the increase, Kerr-McGee states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; and interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2213; Filed, Mar. 21, 1957; 8:50 a. m.]

[2] Commissioner Digby dissenting.

[3] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Kerr-McGee, if later.

[Docket No. G-12207]

TEXAS CO. ET AL.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

The Texas Company (Operator), et al. (Texas), on February 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 7 to Texas' FPC Gas Rate Schedule No. 133.
Proposed effective date: [4] March 21, 1957.

In support of the increase, Texas states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; and interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2214; Filed, Mar. 21, 1957; 8:50 a. m.]

[4] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Texas, if later.

and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the Authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2214; Filed, Mar. 21, 1957; 8:50 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. G-12208]

CARTER OIL CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

The Carter Oil Company (Carter), on February 18, 1957, tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of Change dated February 14, 1957.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 5 to Carter's FPC Gas Rate Schedule No. 35.
Proposed effective date: [2] March 21, 1957.

[1] Commissioner Digby dissenting.

[2] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Carter, if later.

In support of the increase, Carter states that a contract would not have been signed for a long term (20 years) without a periodic rate increase provision; the effect is the same as if an average price had been agreed upon over the life of the contract; periodic increases are justified on a continuing basis because of increasing operating and maintenance costs due to workover of wells and replacement of worn out equipment; the buyer was able to purchase reserves at a low initial price when its fixed costs were highest; and interest has been lost on income deferred because of extending the sale over a long term rather than selling for a shorter term.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2215; Filed, Mar. 21, 1957; 8:50 a. m.]

[Docket Nos. G-7693, G-10653]

ORVILLE EBERLY

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

Take notice that Orville Eberly, Agent, (Applicant), whose address is 208 Union Trust Building, Uniontown, Pennsylvania, filed an application on December 2, 1954, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the sale of natural gas from the O'Donnell #1 Well in the Mt. Lake Park Field, Garrett County, Maryland, to Cumberland & Allegheny Gas Company for transportation in interstate commerce for resale as more fully described in the application in Docket No. G-7693.

On June 25, 1956, Applicant filed an amendment to the application in Docket No. G-7693 pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the sale for which it seeks authorization in the original Docket No. G-7693 above.

Applicant, on June 25, 1956, in Docket No. G-10653, filed an application, pursuant to section 7 (b) of the Act for permission and approval to abandon the sale of natural gas from the Baker No. 1 Well in the Mt. Lake Park Field, Garrett County, Maryland, to Cumberland and Allegheny Gas Company which sale was previously authorized in Docket No. G-7763 by the Commission's order issued May 4, 1956 in the consolidated Docket Nos. G-7624, et al., proceeding.

Applicant states that the O'Donnell No. 1 Well, the only well located on the acreage covered by the application in Docket No. G-7693 and the Baker No. 1 Well covered by the application in Docket No. G-10653 have ceased production and that there is no possibility that production can be restored.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 29, 1957, as 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request thereof is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2216; Filed, Mar. 21, 1957; 8:50 a. m.]

[Docket No. G-10133 etc.]

PRODUCING PROPERTIES, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 15, 1957.

In the matters of Producing Properties, Inc., Docket No. G-10133; Witco Chemical Company, Docket No. G-10134; Witco Chemical Company, Docket No. G-10135; Witco Oil and Gas Company, Docket No. G-10136.

Take notice that there have been filed on March 21, 1956, applications for certificates of public convenience and necessity and for permission to abandon service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open to public inspection.

In its application in Docket No. G-10136, Witco Oil and Gas Company (Witco Oil) seeks to abandon service to Colorado Interstate Gas Company previously authorized by the Commission's order in Docket No. G-2554.

Witco Chemical Company (Witco Chemical), with its principal place of business in Amarillo, Texas, by its application in Docket No. G-10134 seeks authority to continue the identical service proposed to be abandoned by Witco Oil in Docket No. G-10136 as described above.

By its application in Docket No. G-10135, Witco Chemical seeks to abandon the services for which it seeks authorization in Docket No. G-10134.

Producing Properties, Inc., with its principal place of business in Dallas, Texas, in its application in Docket No. G-10133, seeks authority to continue the identical services proposed to be abandoned by Witco Chemical in Docket No. G-10135 as described above.

Witco Oil was authorized at Docket No. G-2554 by order issued October 1, 1954, as amended December 21, 1954, to sell natural gas from the West Panhandle Field, Hutchinson County, Texas, to Colorado Interstate, pursuant to contract dated May 11, 1954 between Colorado Interstate and Witco Chemical (predecessor to Witco Oil).

In Docket No. G-10136, Witco Oil states that effective February 1, 1956 all of the properties and facilities of Witco Oil were transferred and assigned to its parent company, Witco Chemical. In Docket No. G-10135 Witco Chemical states that it has sold all of the producing properties, dedicated to performance of the aforementioned contract with Colorado Interstate to Producing Properties by assignment. Said assignment is dated March 12, 1956, effective March 1, 1956. No change of rates or services are proposed by virtue of the above assignment.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 5, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2217; Filed Mar. 21, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1751]

VAN DE KAMP'S HOLLAND DUTCH BAKERS, INC.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 18, 1957.

In the matter of Van de Kamp's Holland Dutch Bakers, Inc., Common Stock, File No. 1-1751.

Pacific Coast Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

As the result of a tender by General Baking Company to stockholders of Van de Kamp's, General Baking Company has acquired 166,556 shares and there remain outstanding only 2,500 shares in the hands of 16 stockholders. The transfer books of the company were closed on March 9, for a period of 20 days pending a meeting of stockholders on March 28, to consider a plan of merger with General Baking Company.

The stock was suspended from dealing on this Exchange at the close of business on March 8.

Upon receipt of a request, on or before April 3, 1957, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2194; Filed, Mar. 21, 1957; 8:46 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

SEAS SHIPPING CO. AND MOORE-McCORMACK LINES, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8209, between Seas Shipping Company, Inc., and Moore-McCormack Lines, Inc., covers an arrangement whereby, in consideration of the purchase of the vessels of Seas by Moore-McCormack, subject to approval by the Federal Maritime Board and Maritime Administrator, and subject to the closing of such sale and purchase, Seas agrees that it will not for a period of ten (10) years after the date of the delivery of the last of the vessels, own, operate or act as agent(s) for any foreign or American flag vessels, except tankers, operating on Trade Route 15A (between U. S. Atlantic ports and ports in South and East Africa), or on Trade Route 1 (between U. S. Atlantic ports and ports on the East Coast of South America), or Trade Route 6 (between U. S. North Atlantic ports and Scandinavia and Baltic ports) or Trade Route 24 (between U. S. Pacific Coast ports and ports on the East Coast of South America).

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: March 19, 1957.

GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-2221; Filed, Mar. 21, 1957; 8:51 a. m.]

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 22 NUMBER 57

Washington, Saturday, March 23, 1957

UNIVERSITY OF MICHIGAN

MAIN READING ROOM

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (8) of § 6.310 is amended, the headnote of paragraph (c) is redesignated "United States Fish and Wildlife Service", subparagraphs (1), (2), (3), (4) and (5) of paragraph (c) are revoked, and a new subparagraph (1) is added to paragraph (c) as set out below.

§ 6.310 *Department of the Interior*—(a) *Office of the Secretary.* * * *

(8) One Special Assistant and one Confidential Assistant (Administrative Assistant) to each of the Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife.

* * * * * *

(c) *United States Fish and Wildlife Service.* (1) One Special Assistant to the Commissioner of Fish and Wildlife.

(R. S. 1753, sec. 2, 22 Stat. 403, 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 57-2251; Filed, Mar. 22, 1957; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 111]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.411 *Navel Orange Regulation 111*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 21, 1957, after giving due notice thereof to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplement is now available:

Title 32, Parts 700–799 ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 24, 1957, and ending at 12:01 a. m., P. s. t., March 31, 1957, is hereby fixed as follows:

(i) District 1: 277,200 cartons;
(ii) District 2: 785,400 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 22, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2326; Filed, Mar. 22, 1957; 11:17 a. m.]

[Lemon Reg. 679]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.786 *Lemon Regulation 679*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 20, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 24, 1957, and ending at 12:01 a. m., P. s. t., March 31, 1957, is hereby fixed as follows:

(i) District 1: 6,510 cartons;
(ii) District 2: 239,940 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 21, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2307; Filed, Mar. 22, 1957; 9:38 a. m.]

[Lime Order 3, Amdt. 6]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

Findings. (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this regulation relieves restriction on the handling of limes.

It is, therefore, ordered, That the provisions in subparagraph (2) (ii) of paragraph (b) of § 1001.303 (Lime Order 3, as amended; 21 F. R. 5033, 5821, 6159, 7021, 9741; 22 F. R. 1171) are hereby amended to read as follows:

(ii) Any container of limes grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) unless the limes in such container grade at least U. S. No. 2 Mixed Color, and are of a size not smaller than 1⅝ inches in diameter: *Provided,* That not to exceed 5 percent, by count, of the limes in any container may be smaller than 1⅝ inches in diameter; or

Effective time. The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., April 1, 1957.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 20, 1957.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2253; Filed, Mar. 22, 1957; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6496]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BARNET EPSTEIN ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.140 *Old, reclaimed, or reused as new.* Subpart—*Delivering short measure:* § 13.680 *Delivering short Measure.* Subpart—*Substituting product inferior to offer:*[1] § 13.2263 *Substituting product inferior to offers.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Barnet Epstein et al. doing business as Fit-Rite Mail Order House, etc., New York, N. Y., Docket 6496, Mar. 9, 1957]

In the Matter of Barnet Epstein and Hyman Schustal, Doing Business as Fit-Rite Mail Order House, Best Mail Order House, and Peoples Mail Order House

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two individuals engaged in New York City in the mail order sale at retail of children's and women's dresses and other wearing ap-

[1] New.

parel, including used garments, with representing falsely in advertising in magazines and other periodicals that the used apparel they sold was new, and with substituting a substantially lesser number of garments for the "12", "10", and "5" specified—and entry of an agreement containing consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became on March 9 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Barnet Epstein and Hyman Schustal, as individuals or as co-partners trading and doing business as Fit-Rite Mail Order House, Best Mail Order House or Peoples Mail Order House, or under any other trade name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of used children's dresses, used women's dresses, or used wearing apparel of any other kind, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "brand-new" or "new" or other words of similar import or meaning to describe said used wearing apparel or otherwise representing, directly or by implication, that said used wearing apparel is new or unused;

2. Advertising, offering for sale or selling said wearing apparel without clearly revealing that it is used merchandise;

3. Substituting, without the prior consent of the purchaser, wearing apparel which differs in grade, quality, quantity, condition or otherwise from that advertised or offered for sale or ordered by the purchaser.

By "Decision of the Commission," etc., report of compliance was required as follows:

It is ordered, That respondents Barnet Epstein and Hyman Schustal, doing business as Fit-Rite Mail Order House, Best Mail Order House, and Peoples Mail Order House, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 8, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 57-2229; Filed, Mar. 22, 1957; 8:45 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-108 of March 21, 1957]

M-108—ARGON

This order is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this order, consultation with industry representatives has been rendered impracticable due to the need for immediate action and because the order affects many different industries.

Sec.
1. What this order does.
2. Definitions.
3. Applicability of BDSA Reg. 2.
4. Limitations on required acceptance of rated orders for argon during March 1957.
5. Limitations on required acceptance of rated orders for argon beginning with April 1957.
6. Records and reports.
7. Requests for adjustment or exception.
8. Communications.
9. False statements.
10. Violations.

AUTHORITY: Sections 1 to 10 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 408; 50 U. S. C. App. 2071, 2155. E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. *What this order does.* This order applies to producers of refined argon. It establishes a ceiling limitation for required acceptance of rated orders. Its purpose is to provide equitable distribution of rated orders among producers and to make available a portion of refined argon for nondefense uses.

SEC. 2. *Definitions.* As used in this order:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or of any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Refined argon" means argon of 99.9 percent purity or higher.

(d) "Producer" means any person who manufacturers refined argon.

(e) "Scheduled production" means refined argon manufactured by a producer, including refined argon purchased by him for resale.

SEC. 3. *Applicability of BDSA Reg. 2.* The provisions of BDSA Reg. 2 (formerly NPA Reg. 2) are superseded to the extent that they are inconsistent with the provisions of this order. In all other respects the provisions of BDSA Reg. 2 shall remain in full force and effect.

SEC. 4. *Limitations on required acceptance of rated orders for argon during March 1957.* (a) Unless otherwise directed by BDSA, no producer of refined argon shall be required to accept rated orders calling for delivery during the period of March 25 through March 31, 1957, of an aggregate quantity of refined argon which exceeds 85 percent of his scheduled production of refined argon for that period: *Provided, however*, That no DX rated order for refined argon shall be rejected for the reason that its acceptance would result in exceeding the specified percentage.

(b) To the extent that rated orders for refined argon already accepted by a producer exceed 85 percent of his scheduled production of refined argon for the period March 25 through March 31, 1957, he may defer delivery of such excess orders or portions thereof to the immediately succeeding calendar month: *Provided, however*, That he shall not defer delivery of any DX rated orders for refined argon. DO rated orders for refined argon so deferred to the succeeding calendar month shall take precedence over other DO rated orders for refined argon calling for delivery during that calendar month. Such deferred DO rated orders may be included by the producer within the percentage specified in paragraph (a) of this section for the calendar month in which shipment will be made.

SEC. 5. *Limitations on required acceptance of rated orders for argon beginning with April 1957.* (a) Unless otherwise directed by BDSA, no producer of refined argon shall be required to accept rated orders calling for delivery during any calendar month, commencing with the month of April 1957, of an aggregate quantity of refined argon which exceeds 85 percent of his scheduled production of refined argon for that calendar month: *Provided, however*, That no DX rated order for refined argon shall be rejected for the reason that its acceptance would result in exceeding the specified percentage.

(b) To the extent that rated orders for refined argon already accepted by a producer exceed 85 percent of his scheduled production of refined argon for any calendar month, commencing with the month of April 1957, he may defer delivery of such excess orders or portions thereof to the immediately succeeding calendar month: *Provided, however*, That he shall not defer delivery of any DX rated orders for refined argon. DO rated orders for refined argon so deferred to a succeeding calendar month shall take precedence over other DO rated orders for refined argon calling for delivery during the current calendar month involved. Such deferred DO rated orders may be included by the producer within the percentage specified in paragraph (a) of this section for the calendar month in which shipment will be made.

SEC. 6. *Records and reports.* (a) Each person participating in any transaction covered by this order shall make, and preserve for at least 3 years thereafter, accurate and complete records thereof. Such records shall include all rated orders and directives received by such person pertaining to argon, copies of all rated orders for argon placed by such person, and records of all purchases, receipts, inventories, production, use, sales and deliveries of argon. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of this order. This order does not specify any particular accounting method and does not require alteration of the system of records customarily

used, provided the records specifically required herein are maintained. Records may be retained in the form of microfilm or other photographic copies instead of the originals by those persons who, at the time such microfilm or other photographic copies are made, maintain such copies of records in the regular and usual course of business.

(b) All records required by this order to be maintained by any person shall be made available for inspection and audit by duly authorized representatives of BDSA at the usual place of business of such person.

(c) Persons subject to this order shall make such records and submit such reports to BDSA as it shall require, subject to the terms of the Federal Reports Act of 1942 (5 U. S. C. 139–139f).

SEC. 7. *Requests for adjustment or exception.* Any person subject to any provision of this order may file a request for adjustment or exception upon the ground that such provision works an undue or exceptional hardship upon him not suffered generally by others in the same trade or industry, or that its enforcement against him would not be in the interest of the national defense or in the public interest. The filing of a request for adjustment or exception shall not relieve any person of his obligation to comply with any such provision. In examining requests for adjustment or exception claiming that the public interest is prejudiced by the application of any provision of this order, consideration will be given to the requirements of public health and safety, civilian defense, and dislocation of labor and resulting unemployment that would impair the defense program. Each request shall be in writing, by letter in triplicate, shall set forth all pertinent facts and the nature of the relief sought, and shall state the justification therefor.

SEC. 8. *Communications.* All communications concerning this order shall be addressed to the Business and Defense Services Administration, Washington 25, D. C., Ref: BDSA Order M-108.

SEC. 9. *False statements.* The furnishing of false information or the concealment of any material fact in the course of operation under this order constitutes a violation of this order.

SEC. 10. *Violations.* Violation of any provision of this order may subject any person committing or participating in such violation to administrative action to suspend his privilege of making or receiving further deliveries of materials, or using materials or facilities, under priority or allocation control and to deprive him of further priority and allocation assistance. In addition to such administrative action, an injunction and order may be obtained prohibiting any such violation and enforcing compliance with the provisions hereof. Any person who without authority wilfully places an order, irrespective of the form thereof, purporting to be or intended as an order placed under the provisions of this order, or who wilfully violates any provision of this order, or who wilfully furnishes false information or conceals any material fact in the course of operation under this order is guilty of a crime and upon conviction may be punished by fine or imprisonment or both.

This order shall take effect March 21, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57-2309; Filed, Mar. 21, 1957; 5:01 p. m.]

TITLE 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

[Canal Zone Order 46]

PART 24—SANITATION, HEALTH, AND QUARANTINE

EXEMPTION FROM LICENSURE

By virtue of the authority vested in the President of the United States by section 372 of title 2 of the Canal Zone Code, approved June 19, 1934, and delegated to me by Executive Order No. 9746 of July 1, 1946, as amended by Executive Order No.10595 of February 7, 1955, § 24.33 of Subpart A of Part 24 of Title 35, Code of Federal Regulations, as adopted and amended by Canal Zone Order 39 of February 26, 1955, 20 F. R. 1392, is further amended to read as follows:

§ 24.33 *Exemption from licensure.* The provisions of §§ 24.1 to 24.35 forbidding the practice of the healing art without a license shall not apply to commissoned medical officers of the United States Armed Forces or of the United States Public Health Service, or to medical officers, interns, and residents-in-training in any other branch of the Federal Government whatsoever, in the discharge of their official duties.

(Sec. 24, 39 Stat. 527, as amended; 2 CZ Code 371, 372; 48 U. S. C. 1310)

WILBER M. BRUCKER,
Secretary of the Army.

MARCH 19, 1957.

[F. R. Doc. 57-2230; Filed, Mar. 22, 1957; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 921]

[Docket No. AO-222-A8]

MILK IN THE OZARKS MARKETING AREA

DECISION WITH RESPECT TO TENTATIVE MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Springfield, Missouri, on September 24 and 25, 1956, pursuant to notice thereof which was issued on September 5, 1956 (21 F. R. 6830).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Acting Deputy Administrator, Agricultural Marketing Service, on March 1, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of filing such recommended decision and opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 6, 1957 (22 F. R. 1397).

The material issues of record related to:

1. Reduction in extent of the marketing area;

2. Modification of the distribution of pooled returns to producers supplying pool plants located in Arkansas by raising the location adjustment and providing a separate utilization adjustment;

3. Limitation on the privilege of diverting milk to nonpool plants;

4. Providing for diversion of bulk milk to other handlers;

5. Modification of the pool plant standards;

6. Redefinition of producer-handler;

7. Prorating shrinkage on transfers of milk in bulk;

8. Revision of the classification of inventory changes;

9. Modification of the class II price; and

10. Administrative changes, involving:

(a) Interest charges on payments due the producer-settlement fund and set-off between accounts.

(b) Clarification of the definition of "other source milk";

(c) Clarification of the classification of reconstituted products,

(d) Class II transfers, and

(e) Reinstatement of the permanent Class I price provisions for the months of April, May, and June.

Findings and conclusions. The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. *Marketing area.* A handler whose plant is located at Harrison, Arkansas, in Boone County, proposed that that county be deleted from the marketing area.

It is apparent, however, that the procurement and distribution of milk in Boone County has become increasingly competitive since this county was included in the marketing area in August 1954. The increased competition includes additional sales by handlers regulated under the Ozarks and Central Arkansas marketing areas, the purchase of supplemental bulk milk by this handler from other handlers regulated under the Ozarks order, and competition in the procurement of milk both from other Ozarks handlers and from handlers regulated under the Central

Arkansas order. It is concluded that Boone County should not be deleted from the marketing area.

2. *Distribution of pooled proceeds to Arkansas producers.* The Ozarks Milk Producers Association, a newly formed cooperative representing the majority of Grade A producers delivering to handlers located in the northwest Arkansas counties of the marketing area made several proposals relating to the handling of milk in these four Arkansas counties. At the hearing the Association abandoned its support of the application of these proposals to Boone and Marion Counties and limited its testimony to the two remaining Arkansas counties of Benton and Washington. Since there was no additional testimony by any other interested parties concerning the original proposals as made by the Association, this decision relative to the proposals of the Association shall apply only to Benton and Washington Counties.

One proposal made by the Association would increase the Class I differential for handlers located in Benton and Washington Counties from 15 to 25 cents per hundredweight.

The present 15-cent Class I differential was originally provided to reflect the transportation costs of moving milk from Springfield to Arkansas markets. Approximately one-third of the total Class I sales in the Arkansas section of the marketing area is supplied by regulated handlers located in Springfield. It was contended that the differential is no longer sufficient to offset the transportation cost of so moving milk thus placing Springfield handlers at a competitive disadvantage in the Arkansas section of the marketing area. In adjusting this differential, however, care must be exercised to prevent its being set at too high a level, thus placing Arkansas handlers at a disadvantage.

According to the Dairyland Transport Company's schedule of rates which was submitted in evidence, the cost of transporting bulk milk from Springfield to Fayetteville (the major city in Northwest Arkansas) is 22 cents per hundredweight plus 3 percent Federal tax. However, this hauling rate reflects only the transportation cost of spot shipments of bulk milk. It does not adequately reflect the actual cost of hauling packaged milk on a regularly scheduled basis when the hauling equipment is owned and the activities of the driver controlled by the shipping handler. The cost of hauling milk in this instance would probably be less than the 22 cents as contained in the rate schedule particularly if the handler controlling the hauling facilities considered only the variable cost factors such as fuel and labor and did not associate any of the fixed cost factors such as management to the operation.

By far the greater share of milk moved by Springfield handlers to Arkansas is in packaged form. There was no evidence submitted by proponents of the increased Class I differential to indicate that the 25-cent differential would better serve to reflect the transportation cost of packaged milk. To increase the location differential without substantial evidence that such an increase is warranted would place Arkansas handlers at a competitive disadvantage relative to order handlers located in Springfield, Missouri. It is, therefore, concluded that the present differential should be maintained.

The Arkansas producers also proposed that payments to those producers supplying the plants located in Benton and Washington Counties, Arkansas, be computed on the utilization of milk by these handlers instead of being computed at the marketwide utilization of milk.

The Ozarks order provides for the marketwide pooling of payments by handlers and the payment of a uniform blend price to producers. The usual alternative is to provide for individual-handler pooling, under which the producers supplying milk to each individual handler receive a blend price based on that particular handler's utilization of milk. An important element in deciding whether to adopt marketwide or individual-handler pooling in any market is the degree to which handlers have become specialized in caring for the daily and seasonal reserve of milk. Such specialization has occurred to a major extent in the Ozarks area where a cooperative association of producers manufactures a large volume of the reserve milk and where some handlers receive only such quantities as are needed for bottling purposes. In such circumstances a marketwide pool serves to equalize returns between those producers delivering to high-utilization plants and those delivering to plants which care for the reserve milk. There was no proposal or testimony at the hearing relative to changing from marketwide to individual-handler pooling in the Ozarks market.

In two major respects the marketing of milk in Benton and Washington Counties remains closely interrelated with the marketing of milk in the Missouri portions of the area. Slightly over one-third of the total Class I sales in these counties are made by handlers whose plants are located outside of these counties, the bulk of them by handlers located at Springfield, Missouri. Also, the handlers located in the two Arkansas Counties specialized in bottling to the extent of depending upon other Ozarks handlers for supplementary supplies in the months of lowest production. These facts support the inclusion of Benton and Washington Counties in the Ozarks marketing area. A proposal by one of the Arkansas handlers to delete these counties from the marketing area was not supported at the hearing. The specialization of the Benton and Washington County plants also supports the continuance of marketwide pooling.

The Arkansas producers' request for a utilization differential was based principally on the competition of other markets for locally produced milk. The competitive markets include Tulsa, Oklahoma, and Dallas, Texas. However, this same competition and that from additional markets is active in the Ozarks market as a whole. The Producers Creamery Company operates a supply plant for the Dallas market at Monette and supply plants for the St. Louis market at Lebanon and Cabool and has a substantial number of members who ship directly to Kansas City plants. The Monette plant is also currently receiving milk from approximately 148 shippers located in Northwest Arkansas who are not members of Producers Creamery Company. These competitive markets have not so far jeopardized the adequacy of the supply of milk for the Ozarks market as a whole, nor is there any noticeable downward trend in the supply-sales relationship at the plants located in Penton and Washington Counties.

It is concluded that sales proceeds throughout the entire Ozarks marketing area should continue to be pooled on a marketwide basis.

3. *Diversion of milk to nonpool plants.* The order presently imposes no limits on the time or extent to which producer milk may be diverted to a nonpool plant for the account of any handler (including a cooperative association).

It was proposed by a cooperative association which operates a supply plant that the diversion privilege be limited during the low production months of September through January to not more than 10 days in any of these calendar months. They pointed out that the diversion privilege is primarily intended to promote efficiency in the marketing of milk not needed at the pool plants for bottling purposes. It is frequently possible for excess milk to be hauled directly from the farms to a nonpool plant for manufacturing instead of being physically received at the pool plant and then transferred to a manufacturing plant. Most commonly, these movements occur during the months of flush production. However, diversions may occasionally be necessary during the months of low production to accommodate excess milk during holiday periods or on weekends.

Representatives of bargaining associations which do not operate plant facilities pointed out that they have a special problem in this regard. They wish to be in a position to market their members' milk even during times of temporarily reduced demand. Such associations may need to market their members' milk by diversion to nonpool plants even during the five months of lowest production in the event of nonacceptance by the handler, labor disputes involving the hauling, processing or delivery of milk, or unseasonably high rates of milk production due to abnormal weather or other causes.

It is concluded that the diversion privilege should be limited to 10 days in any of the months of September through January. The 10-day period is sufficiently long to accommodate the types of movement to nonpool plants cited by certain cooperative associations. On the other hand, it will accomplish a desirable limitation of the privilege. The 10 days refers to 10 days' production of milk; bulk tank milk is commonly picked up from farms only on an every-other-day schedule and 10 days' production is included in five deliveries. If more than 10 days' milk is diverted, the dairy farmer would lose his status as a producer during the entire delivery month.

4. *Diversion to other handlers.* One proposal considered at the hearing was designed to accommodate efficiencies resulting from the system of collecting milk from farms in bulk tank trucks.

One cooperative association owns and operates insulated tank trucks in which the milk of producers who have bulk cooling tanks on the farm is picked up and transported to the distributing plants of handlers. Recently there has been a very rapid expansion in the number of bulk cooling tanks being installed on the farms and in the number of tank trucks acquired by the cooperative to transport such milk. It is extremely likely that the trend in this direction will continue at a very rapid rate. Other cooperative associations may also become involved in this type of operation.

The transportation of milk from farm to market in insulated tank trucks owned or operated by or under contract to the cooperative association has created a problem with respect to the determination of the responsibility to the individual producers. When milk comes to the market in cans, the milk of the individual producers is dumped, weighed, and a sample taken for butterfat testing by an employee of the plant where the milk is utilized. The operator of the plant is fixed with the responsibility for paying the individual producer for the pounds of milk received at the determined butterfat test.

When milk moves to market in a tank truck, the weight of the milk is checked and a sample for butterfat testing is taken at the farm. The milk of several producers is intermingled in the tank truck. When the tank trucks are owned or operated by or under contract to the cooperative association, the weight of each producer's milk is checked by, and a sample of the milk for butterfat testing is taken by, a person who is an employee of or directly responsible to the cooperative association. The handler who receives the milk of several producers intermingled in the tank has no way of knowing the weight or the butterfat test of the milk of the individual producers whose deliveries made up the load, except as such information may be reported to him by the association. In some instances, particularly in the case of supplemental loads, the handler may not even know the identity of the producers whose milk he receives.

Under these circumstances, it is not proper to make the plant operator responsible for the payment to a producer for a given quantity of milk at a particular test when he has no means of verifying such weights and tests. Rather any cooperative association which qualifies as such under § 921.5 of the order should be made the handler for such milk and should be required to account to the pool for it. The cooperative association would be required to charge the class prices to the plant operator for such milk. The cooperative association in turn would be required to make the monthly reports with respect to such milk and to settle with the producer-settlement fund for it.

With respect to milk received from producers' farms in cans or in tank trucks owned or operated by the distributing plant, the operator of such plant would continue to be the handler for such milk and would be required to account to the market administrator for it. For such milk the handler would make payment to the producer or the cooperative association at the applicable uniform prices.

5. *Modification of the pool plant standards.* It was proposed that the pool plant definitions be amended. The present order provides that an approved plant may be a pool plant if it disposes of at least five percent of producer receipts during the month as Class I in the marketing area; and that a supply plant may be a pool plant if it ships any milk to an approved plant which is a pool plant, and, during specified months has made its milk available to other handlers for Class I disposition.

It was testified that tighter requirements would remove the possibility of plants not normally associated with the Ozarks market from becoming pool plants via token shipments in the case of supply plants or a relatively small sales volume within the area in the case of approved plants.

It is concluded that the present definitions do not adequately define the plants which constitute the regular and dependable supply of fluid milk for the Ozarks market. Only those plants which are operated in such a fashion as to be regular suppliers and distributors should be subject to regulation and entitled to participate in the marketwide pool.

The pool plant definitions should be redrawn to specify in more detail the standards which determine a regular, dependable supply. The standards should recognize the functional differences between the two major types of plants which serve the market. The approved plants from which milk is distributed directly on routes in the marketing area differ substantially in their operations from supply plants which assemble milk and ship it in bulk to approved plants.

An association of producers proposed that higher shipping requirements be required of supply plants new to the market than those required of plants presently associated with the market. However, the standards should, so far as possible, measure a plant's current service to the market rather than past association with it. The standards for new and old plants should be as nearly comparable as possible. The only appropriate variation in the shipping requirements is that they be moderately higher in the flush production months of April, May, and June than in other months of the year.

It is concluded, therefore, that a supply plant may be pooled if it ships 25 percent of its producer receipts during any of the months of April, May, or June, and 20 percent during any other month to an approved plant: *Provided*, That if such plant ships as much as 20 percent of its producer receipts to approved plants during each of the months of September, October, November, and December it shall be a pool plant through the following August.

The 20 percent represents a comparatively small degree of association with the market. The slightly higher, 25 percent, requirement for plants qualifying in April, May, or June reflects the fact that milk supplies at plants primarily associated with other markets in the region are also at a peak in these months. These plants should not be encouraged to join the Ozarks market on a purely temporary basis for the purpose of participating in the equalization account.

A new supply plant desiring to become a permanent part of the Ozarks market would, of course, be most likely to start shipments during the normally short period, and would maintain its status as a pool plant through the following August if it shipped as much as 20 percent of producer receipts to the market during each of the months of September, October, November and December. However, a new supply plant may come on the market in any of the relatively long supply months by shipping the stated percentages to distributing plants.

Producers proposed that the order language which requires a supply plant to inform the market administrator that producer milk is available for Class I distribution in order to assure pool status in all months of the year should be incorporated in the new supply plant provisions. It appears that these offers may have helped to identify a supply plant with the Ozarks market under the present order which enables a supply plant to become a pool plant as a result of shipping "any" milk to the market. However, the new minimum shipping requirements as contained in this decision will serve more specifically to identify a supply plant and hence the offers need not be continued.

The recommended changes in the standards under which supply plants can qualify as pool plants require consideration of corresponding changes in those applying to distributing plants, defined in the order as "approved" plants. Such plants should also demonstrate a significant association with the market and plants which operate primarily as supply plants should not be permitted to qualify by the distribution of a minor sales volume. These objectives can be accomplished by requiring that approved plants must have not less than fifteen percent of producer receipts disposed of as Class I milk within the marketing area in order to qualify as pool plants. There is no evidence that any approved plant under the present order will experience difficulty meeting the new fifteen percent requirement.

6. *Producer-handler.* Under the terms of the present order, a producer-handler is exempt from the pricing and payment provisions. He does not pay the administrative assessment, nor is his own production included in the marketwide utilization pool.

The simplest form of producer-handler, as described at the hearing, is a person who sells only the milk produced on his own farm. Other operations may be carried on by producer-handlers, and

the orders should be made more specific with regard to the types of activities which can be followed without terminating a person's status as a producer-handler.

The proponents were particularly concerned that a producer-handler not be allowed to utilize other source milk for Class I purposes. Conceivably, a producer-handler could rely primarily on other source milk, including reconstituted solids, and thereby avoid the pricing and payment provisions of the marketing order. This should not be permitted. It was pointed out at the hearing, however, that a producer-handler should be permitted to purchase Class II products from unregulated sources for distribution on his routes. This permission should be extended to the purchase of other source milk, as well as products, for manufacturing uses.

The producer-handler definition should, therefore, be amended to provide that milk be received from no other dairy farm than the farm(s) of the producer-handler, that he distribute milk in the marketing area, and that he may purchase supplemental milk from Class I use only from regulated handlers.

7. *Shrinkage.* The order presently in effect allows the originally receiving handler a maximum of 2 percent shrinkage prorated between producer receipts and other source receipts. It does not allow any shrinkage to the handler who may receive milk by transfer from the handler who originally received the milk.

A cooperative association proposed that the order be amended to recognize that milk incurs relatively little shrinkage in its receipt and relatively much more in its processing, bottling, and distribution. Testimony indicated that receiving plants experience approximately one-half percent shrinkage on that milk received and transferred to another plant for processing and bottling.

It is concluded that the order should be amended to recognize that the greatest amount of shrinkage occurs in the processing and bottling phase of milk distribution. One-half of one percent shrinkage should be allowed on that milk which is received at one plant and transferred to another plant for bottling and distribution. The bottling plant will be allowed up to one and one-half percent shrinkage on that milk received in bulk from another plant.

The same association also proposed that 2 percent of milk received in form other than milk, skim milk, or cream and disposed of in some form other than milk, skim milk, or cream be included as allowable shrinkage. This would allow shrinkage on the reprocessing or conversion of manufactured products. However there was no evidence in the record as to actual loss experience on such operations. It is concluded, therefore, that this aspect of the proposal should be denied.

8. *Classification of inventory.* The present order provides that inventory variation of milk, skim milk, cream, or any Class I product be considered a Class II utilization. It was proposed that such inventories on hand at the end of the month be classified as Class II, subject to reclassification if utilized in Class I the following month. This proposal should be adopted.

It is essential that some system of classification and allocation be applied to milk in inventory so as to determine the obligation of handlers for producer milk received during the month, but not yet utilized. The order should provide that producer milk from the previous month's closing inventory, which was classified as Class II, have prior claim over other source milk on the Class I utilization for the current month. This can be accomplished in the accounting procedure by considering the opening inventory as a receipt. Under the allocation provisions, the opening inventory would be subtracted from Class II skim milk and butterfat after the subtraction of receipts from other sources. A reclassification charge should be made at the difference between the Class II price in the previous month and the Class I price in the current month if opening inventory is allocated to Class I and there was an equivalent amount of skim milk and butterfat in producer milk classified in Class II milk the previous month after allocating other source milk and shrinkage. Handled in this manner, milk from inventory will be priced to handlers identically with milk derived from current receipts of producer milk during the month.

9. *Class II price.* An operating cooperative association proposed to reduce the butter-powder formula component of the Class II price 6 cents for the flush production months of March through July. At the hearing the proponent expanded his original proposal and requested that the formula be reduced 6 cents during all months. A bargaining cooperative supported the proposal as contained in the notice of hearing but opposed the lowering of the Class II price during the low production period of August through February.

In determining the level of a Class II price, two rough measures set the upper and lower limits of such price. The price should not be so low as to encourage handlers to add Grade A production for manufacturing use. On the other extreme, the price should not be so high as to discourage handlers from processing the normal reserve supply of the market.

Exhibits introduced at the hearing indicate that there has been a steady increase in the volume of Class II milk since the promulgation of the order. Thus it is obvious that the Class II price is not so high as to discourage handlers from accepting the normal surplus of the market. However, the bargaining association testified that in the past it sometimes had difficulty obtaining the order Class II price in flush production months but had not experienced such difficulty in the shorter production months.

In the Ozarks marketing area average daily production in the flush month of this year was approximately 166 percent of the average daily production in the previous short month. Production in the flush month of 1955 was about 161 percent of production in the previous short month. Producers supplying the St. Louis market, however, in the flush months of the same years produced approximately 145 and 150 percent of production in the previous short production month.

The greater flush of milk which must be manufactured in the Ozarks area supports the request that the Ozarks Class II price be reduced to the St. Louis level, at least during the heavier production months. The close alignment between the Ozarks and the St. Louis Class II prices in these months is necessitated by the close proximity of St. Louis supply plants which compete directly with Ozarks handlers for the supplies of milk and in the marketing of manufactured dairy products.

During the shorter production months, however, when the St. Louis market has very little surplus the competitive value of the Ozarks surplus is increased. The testimony of the bargaining cooperative supports this conclusion.

It is therefore concluded that the butter-powder component of the Class II price should be reduced by 6 cents to the same level as is provided in the St. Louis order for the flush months of March through July but should remain at the same level as now contained in the order for the period of August through February.

10. *Administrative provisions*—(a) *Interest and set-off.* The proposal to add one-half of one percent of any amount due the producer settlement fund for each month or any portion thereof that such payment is overdue should be allowed. This interest rate is not a penalty but represents a fair price for the use of producers' money. Charging interest will avoid giving a handler any incentive to retain money temporarily for use in his business after the date on which it is due the fund.

A cooperative association proposed that the market administrator be allowed to deduct from payments due handlers out of the producer-settlement fund, any amounts such handler may owe the market administrator as on adjustment of accounts for marketing services or for expense of administration.

There had been instances during the past year when handlers had received payment from the producer-settlement fund while having balances due the market administrator for marketing services or administration expense. To the extent that a handler is successful in such practices, the market administrator is denied payment for services performed. It is not the intent of the order to guarantee payment to a handler from an account trusted by the administrator when such handler is overdue in his payments to the administrator. It is therefore concluded that the order should be amended to prevent the occurrence of this inequity in the future.

(b) *Other source milk.* The definition of other source milk should be clarified to require accounting for receipts of Class II products only if they are used in a handler's plant to produce another product rather than on the basis of whether or not such receipts are in fluid form. The entire definition should also be rephrased to conform to that in the St. Louis order, since the two orders involve some of the same handlers. No changes in the cost of milk to handlers are involved in these modifications.

(c) *Reconstituted fluid milk products.* The order should provide more specifically for computing all the nonfat solids in Class I items on the basis of skim milk equivalent. This can be accomplished by specifying that the skim milk equivalent of reconstituted fluid milk products be defined as Class I utilization. One type of "reconstituted product" is made by adding condensed skim milk or nonfat dry milk to such Class I items as fluid skim milk, buttermilk, and chocolate drinks. Since such products compete directly with producer milk, the skim milk equivalent should be classified as Class I and has been so considered by the market administrator. Reconstitution of solids in the manufacture of Class II products, such as ice cream, can also affect the quantity of milk in Class I through the allocation process, and solids so used should also be converted to the skim milk equivalent.

(d) *Class II transfers.* Producers proposed that the transfer provisions should be amended to allow under certain conditions Class II transfer or diversion of bulk milk to a nonpool plant located not more than 100 miles from the marketing area. The present order classifies bulk milk so moved to a nonpool plant located more than 50 miles from the area as Class I.

Producers testified that with the advent of bulk milk, it is sometimes more economical to divert producer milk during flush production periods to manufacturing plants which are outside the 50 mile zone but which are nearer to producers' farms than are plants within the fifty-mile zone. Also, finding number 9 of this decision indicates the severe competition between Ozarks and St. Louis order producers for the disposal of surplus milk. Therefore, it is concluded that this proposal should be allowed.

(e) *Class I price.* Effective April 1, 1956, the Class I price was related to the St. Louis Class I price for the months of April, May, and June, instead of being based on a differential over the basic formula price. The phrasing of the amendment inadvertently deleted all reference to Class I prices for these months in the years following 1956. The Class I price provisions for the months of April, May, and June which were in effect prior to April 1, 1956, should be reinstated.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings. Within the period reserved for filing exceptions to the recommended decision, exceptions were submitted on behalf of interested parties. These exceptions have been fully considered and to the extent to which the findings and conclusions of this decision are at variance with the exceptions, such exceptions are hereby overruled.

Determination of representative period. The month of January 1957, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Ozarks marketing area, in the manner set forth in the attached amending order, is approved or favored by producers, as defined in the order, as amended, and as proposed hereby to be further amended, who, during such representative period, were engaged in the production of milk for sale in the marketing area as defined in the order, as amended, and as proposed hereby to be further amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Ozarks Marketing Area", and "Order Amending the Order, as amended, Regulating the Handling of Milk in the Ozarks Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and as hereby proposed to be further amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Ozarks Marketing Area

§ 921.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Springfield, Missouri, on September 24 and 25, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Ozarks marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Ozarks marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Amend § 921.7 by deleting the words following the semicolon in (b) "which milk is delivered from the farm to a pool plant or diverted from a pool plant to

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

a nonpool plant for the account of a handler" and substituting therefor the following: "which milk is (1) delivered from the farm to a pool plant, or (2) diverted during any of the months of February through August, or to the extent of not more than 10 days' production during any of the months of September through January, by a handler from a pool plant to a nonpool plant for the account of a handler."

2. Revise § 921.8 to read as follows:

§ 921.8 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant or a pool plant;

(b) A cooperative association, with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck owned or operated by or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(c) Any cooperative association with respect to the milk from any producer member of such association which is diverted from a pool plant to a nonpool plant by such cooperative association for its account.

3. Amend § 921.11 to read as follows:

§ 921.11 *Pool plant.* "Pool plant" means:

(a) An approved plant from which not less than 15 percent of its receipts of producer milk during the month is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through vendors or plant stores);

(b) A supply plant from which a quantity of milk equal to at least 25 percent of its supply of milk from producers and from other pool plants is shipped to an approved plant during any of the months of April, May, or June, or 20 percent in any other month: *Provided*, That if such plant shall ship 20 percent or more of such supply to an approved plant during each of the months of September, October, November and December, such plant shall be designated as a pool plant during each of the subsequent months through the following August, unless such plant requests nonpool designation by means of written application to the market administrator; or

(c) Any supply plant which ships any milk to an approved plant which is a pool plant in any month during the period from the effective date hereof through August 31, 1957: *Provided*, That such supply plant shall not be a pool plant for the months of April, May, June, or July, unless such plant makes its milk available to other handlers for distribution as Class I milk in the marketing area. Such milk shall be considered to have been made available if the operator of such plant files with the market administrator on or before the first day of each of the preceding months of August through March a statement offering milk for sale and specifying terms and conditions of sale, including the price or handling charge above the Class I price; such offer to be posted in the market administrator's office.

4. Amend § 921.14 to read as follows:

§ 921.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) receipts during the month in the form of products designated as Class I milk pursuant to § 921.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and (b) products designated as Class II milk pursuant to § 921.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

5. Amend § 921.15 to read as follows:

§ 921.15 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a product designated as Class I milk pursuant to § 921.41 (a) does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a product designated as Class I milk pursuant to § 921.41 (a) from pool plants of other handlers.

6. Amend § 921.41 (b) to read as follows:

(b) Class II milk shall be all skim milk and butterfat:

(1) used to produce any product other than those specified as Class I in paragraph (a) of this section;

(2) in inventory of products designated as Class I milk in § 921.41 (a) on hand at the end of the month;

(3) in shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, directly from producers (except producer milk diverted in producer cans to a nonpool plant pursuant to § 921.7) and pursuant to § 921.8 (b) from cooperative associations, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk tanks from pool plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to the pool plants of other handlers; and

(4) in shrinkage allocated to receipts of other source milk.

7. Amend § 921.42 (b) to read as follows:

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 921.8 (b), and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

8. Amend § 921.45 to read as follows:

§ 921.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

9. Amend § 921.44 (d) by deleting "50" and substituting therefor "100".

10. Amend § 921.46 (a) by renumbering subparagraphs "(5)", "(6)" and "(7)" as "(6)", "(7)" and "(8)", respectively, and adding a new subparagraph (5) as follows:

(5) Subtract from pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 921.41 (a) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory shall exceed the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I.

11. Amend § 921.51 (a) to read as follows:

(a) *Class I milk.* For each of the months of July through March the Class I price shall be the Class I price announced for such month under Order No. 3, as amended, regulating the handling of milk in the St. Louis marketing area, minus 27 cents, and for the months of April, May and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents: *Provided*, That 15 cents shall be added to the price for Class I milk at pool plants located in Benton and Washington Counties, Arkansas.

12. Amend § 921.51 (b) (3) to read as follows:

(b) *Class II milk.* * * *

(3) From the sum of the result arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

13. Amend § 921.70 by deleting paragraph (c) and adding new paragraphs (c) and (d) as follows:

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 921.46 (a) (5) and the corresponding step of § 921.46 (b), whichever is less; and

(d) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 (a) (8) and (b) by the applicable class prices.

14. Amend § 921.80 (a) (2) by deleting the words "pursuant to § 921.89" and substituting therefor the words "pursuant to § 921.87".

15. Amend § 921.84 to read as follows:

§ 921.84 *Payments to the producer-settlement fund.* On or before the twelfth day after the end of each month, each handler shall pay to the market administrator the amount by which the value of the milk received by such handler, as determined pursuant to § 921.70, is greater than the amount computed by multiplying the hundredweight of such handler's milk by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue. Such payment shall be considered to be overdue on the 15th day after the end of the month to which the obligation applies.

16. Amend § 921.85 by changing the last period to a colon and adding the following proviso: "*And provided further*, That the market administrator may deduct from payments due handlers pursuant to this section any unpaid balance due the market administrator from such handler pursuant to §§ 921.84, 921.86, 921.87 (a) and 921.88."

[F. R. Doc. 57-2238; Filed, Mar. 22, 1957; 8:47 a. m.]

[7 CFR Part 1013]

[Docket No. AO-279]

MILK IN PLATTE VALLEY, NEBRASKA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR, 900), a public hearing was held at Grand Island, Nebraska, on April 10–13, 1956, pursuant to notice thereof issued on March 7, 1956, (21 F. R. 1538), upon a proposed marketing agreement and order regulating the handling of milk in the Platte Valley, Nebraska, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 24, 1957, (22 F. R. 569), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, containing notice of opportunity to file written exceptions thereto.

The material issues of record related to:

(1) Whether the handling of milk in the Platte Valley, Nebraska, marketing area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects interstate or foreign commerce in milk or milk products;

(2) Whether the issuance of an order regulating the handling of milk in the Platte Valley, Nebraska, marketing area will tend to effectuate the declared policy of the act; and

(3) The appropriate terms and conditions to be included in an order with respect to:

(a) Marketing area,
(b) Milk to be priced,
(c) Classification of milk,
(d) Transfers of milk between plants,
(e) Allocation,
(f) Class prices,
(g) Payments to producers, and
(h) Administrative provisions.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence in the record.

1. *Character of commerce.* The handling of milk produced for the Platte Valley, Nebraska, marketing area is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk and its products.

There is interstate commerce in the procurement of milk for this market. One plant from which milk is regularly sold in the marketing area is physically located in Kansas and the majority of its Grade A shippers are also located in that State. Another handler, whose plant is located in the city of Holdrege, Nebraska, has some Grade A producers located in Kansas. Also, this market has regularly depended upon bulk supplemental milk in the fall months when local production is seasonally low. Such supplies are commonly obtained from plants located in Iowa, Minnesota, and Wisconsin. These sources were drawn upon in each of the months of July through December 1954 and August through November 1955. Supplemental milk is also obtained from plants regulated under the Federal milk marketing order for the Omaha-Lincoln-Council Bluffs (Nebraska-Iowa) marketing area. Some of this other Federal order milk is obtained in bulk form during the same months cited above but other portions are regularly obtained in bottled form throughout the year.

There is also direct interstate commerce in the distribution of milk. One handler distributes regularly into Colorado points from a plant located at North Platte, Nebraska. Another distributes regularly into Kansas points from a plant at Holdrege. A subdealer who does no pasteurizing or bottling of Grade A milk, purchases bottled Grade A milk at wholesale from two plants located in the marketing area and distributes it to various points in Kansas.

The production and distribution of milk for fluid purposes in the Platte Valley market is also closely related to the production and sale of milk for manufacturing purposes. It is generally recognized that the manufactured dairy products are sufficiently storable and transportable to be produced and sold on a national market. The producers of Grade A milk for the Platte Valley market are intermingled with the producers of manufacturing grade milk and the prices paid to producers for Grade A milk are established at a sufficient premium over manufacturing prices to encourage producers to undertake the additional expenses involved in Grade A production. Furthermore, the excess milk over and above fluid requirements for the North Platte market is either converted into manufactured products in the handlers' plants or is transferred to specialized manufacturing plants. In either case, substantial portions of the resulting products are sold in interstate commerce and all of them are in direct competition with manufactured dairy products moving in interstate commerce.

It will be noted that there is interstate commerce in three major respects; procurement of milk for the market, distribution by handlers, and in close relationships with the national markets for manufactured dairy products.

2. *Need for regulation.* Marketing conditions in the Platte Valley area are such that the issuance of a marketing order, such as that set forth herein, will tend to effectuate the declared policy of the Act with respect to milk produced for the Platte Valley fluid milk market.

Stability of marketing conditions and reasonable certainty of an adequate supply of pure and wholesome milk can be assured for this marketing area only when all milk handlers in the area have reasonably equal costs of milk according to use and only when farmers supplying the market receive substantially the same prices per hundredweight for milk of equal quality.

These conditions do not now exist. A cooperative association of producers supplies nearly all the milk used by dealers whose plants are located in Grand Island and Hastings. The association sells milk on a class use basis whereby each of the distributors pays the same price for milk used in each of four specified classes. The association pools the sales returns, and each producer is paid the uniform price, subject only to variations in butterfat content and in seasonality of production.

A diversity of purchase plans is in effect at other plants in the area. Both of the handlers operating plants at North Platte pay producers under base and excess plans. One of them assigned his producers fixed bases which remained unchanged regardless of subsequent production changes. The other handler operated a base plan under which individual producers established new bases each fall. However, the proportion of milk paid for at the base price was adjusted to the handler's Class I volume. Moreover, a discounted Class I price was paid by this handler for milk sold in an area outside of North Platte and a discounted Class II price for such portion of the excess milk as could not be accommodated in the handler's plant and had to be separated for sale as cream.

A handler whose plant is located in Kearney paid producers a single price for Grade A milk in each month of 1954 and 1955. In January 1956, he began to pay a separate price, based solely on

butterfat values, for milk utilized for manufacturing purposes. A handler at Holdrege had utilized a base-excess plan for a few years, but was paying a blend price for the several months just prior to the hearing.

These variations in price plans and in net prices paid to producers reflect different raw material costs to the various dealers who are selling milk in the marketing area. A condition of unequal costs among the dealers may cause them to attempt to economize by reducing prices to producers. This in turn would tend to stimulate successive price reductions by competitors. This development is contrary to the interests of producers and over a period of time may jeopardize an adequate supply of milk. Alternatively, some handlers may attempt to achieve equality by reducing the quantity of their purchases of milk in order to obtain the highest possible proportion of the higher valued uses of milk. This reaction, however, may result in intermittent shortages of supply for the market.

If producers receive widely varying prices for their milk, they tend to shift around among milk dealers and to shift in and out of the market. Such shifts may become sufficiently frequent as to jeopardize a dependable supply of pure and wholesome milk.

A marketing agreement and order program is needed to establish and maintain orderly marketing conditions throughout the marketing area. The thorough auditing of the utilization of all milk received by handlers, the checking of butterfat tests and weights of all producer milk, and the publication of complete supply and use data for the market will aid in this objective by assuring producers that they will receive a proper accounting for their milk and by providing full information on market developments.

3. *Terms and conditions*—(a) *Marketing area.* The Platte Valley marketing area should include all of the territory within the corporate limits of the six cities of Grand Island, Hastings, Holdrege, Kearney, Lexington, and North Platte and should also include the Naval Ammunition Depot, Hastings, all in the State of Nebraska.

These six cities are served by nine handlers, one of whom operates two fluid milk processing and bottling plants. Four of the ten plants are located in Grand Island, two each in Hastings and North Platte, and one each in Kearney and Holdrege. These handlers are in close competition with each other throughout the marketing area. Two of the handlers cover all six cities, one of them serving the area from two plants. Three other handlers distribute milk in four of the six cities and the remaining four handlers serve only one city each. The Naval Depot purchases milk under contracts which are let on a competitive bid basis.

The six cities all require that milk distributed for fluid purposes meet Grade A standards. In each city, sanitary regulations are patterned on the U. S. Public Health Service standards for Grade A milk and are substantially uniform. The Naval Depot sets its own standards but, in practice, plants which have qualified for Grade A distribution in the named cities have been acceptable to the military authorities. It is clear, therefore, that milk produced under conditions which make it acceptable for fluid use are substantially uniform throughout the defined marketing area. It follows that a single structure of prices to handlers based on utilization and a uniform blend price to producers will be appropriate.

Producers proposed that the entire area of Hall County, which includes the city of Grand Island, and of Adams County, which includes the city of Hastings, be included in the marketing area. However, there are no Grade A ordinances in effect in the counties outside of the two principal cities. Accordingly, milk sold for fluid purposes in the county areas would not necessarily be of the same quality as that sold in the designated cities, and the same prices would not be appropriate.

(b) *Milk to be priced.* The type of regulation provided by a milk order is essentially a matter of establishing minimum prices to be paid to dairy farmers who produce milk for the market. The scope of such regulation may be made specific by providing appropriate definitions of the terms "producer," "handler," and "pool plant."

The primary factor in determining which dairy farmers are producers for the market is the plant to which they deliver their milk. Marketing conditions described in the record indicate that the most practical method of order regulation would be to establish minimum prices to all farmers delivering milk to plants from which milk is regularly distributed in the marketing area.

Handlers selling milk in the proposed Platte Valley marketing area receive their milk from dairy farmers at the plants where it is packaged for fluid distribution. Virtually all the plant operators who distribute any milk in the area have the preponderant part of their distribution in the defined marketing area. However, the record does contain mention of a plant operator who appears to have only a marginal portion of his total sales in the defined area. The order should, therefore, stipulate a level of within-the-area operations for determining whether this plant or others which may currently or subsequently distribute milk in the marketing area are to be fully regulated.

It was proposed by producers that plants from which a volume of Class I milk equal to the lesser of (1) 5 percent of total receipts or (2) an average of 600 pounds per day was distributed in the marketing area should be pool plants. The 600-pound limit was included as an alternative because of the possibility that 5 percent of the receipts of some large plant would be so large a quantity in relation to sales of other handlers as to constitute a major influence in the market and thereby require complete regulation. It is concluded that the quantity limitation is the appropriate measure of whether a plant is sufficiently identified with the market to be fully subject to the pricing, payment, and pooling provisions of the order. The limit of 600 pounds per day is designed to represent a normal-sized retail route or small to medium combination retail and wholesale route. Such volume is not considered a significant factor in this market and it is, therefore, not necessary that such a handler be subject to the entire reporting and payment provisions of the order.

Accordingly, "pool plant" should be defined as a plant at which milk received from dairy farmers is packaged for distribution as Class I milk and from which milk is distributed as Class I milk on a route(s) wholly or partially within the marketing area, except plants exempted because they have distribution of less than 600 pounds on such routes.

The term "route" is used in the definition of pool plant to cover a number of types of distributing operations in which handlers may engage in the proposed marketing area. "Route" should be defined as a sale or delivery (including a sale from a plant or a store) of Class I milk to a wholesale or retail stop(s). Such definition would include as route distribution a sale to or through a vendor.

The term "producer" should be defined to mean any person, other than a producer-handler, who produces milk which has the approval of the health authorities of any community in the marketing area or the approval of the authorities at the Naval Ammunition Depot for consumption as fluid milk in such community and is received at a pool plant. The definition should include a producer whose milk is temporarily diverted to a nonpool plant by a handler for his account. Such a provision will serve to maintain the status of producer for a dairy farmer whose milk temporarily is not needed by the handler and would facilitate interplant movements of milk for the purpose of adjusting to short-term variations in supply and requirements. In order that milk which is diverted would continue to be included in the regular pool computations, it would be treated as if it were received at a pool plant.

There are sanitation requirements applied by local governments within the area with respect to approval of the farms from which milk for fluid consumption may be supplied, and accordingly, such a qualification has been included as a part of the producer definition. Such approval may be indirect. For example, one of the health authorities in the marketing area may approve distribution from a distant plant on the basis of the health inspection to which the distant plant is subject. In such event, the dairy farmers supplying such distant plant would qualify as producers under the Platte Valley order. The order provisions would be uneconomic if they had the result that dairy farmers who have met the health standards for the market shared the returns on fluid sales with farmers who have not met such qualifications.

"Handler" should be defined as any person (1) in his capacity as the operator of any pool plant, (2) in his capacity as the operator of any nonpool plant where milk is processed and packaged for distribution on a route(s) in the marketing area, and (3) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from producers' farms to a nonpool plant for the account of such cooperative association.

The handler is the person who receives milk from producers and who is responsible for reporting receipts and utilization of milk and payment therefor, with certain exceptions noted below. A cooperative association which markets the milk of its producer members may for short periods of time need to divert producers' milk from pool plants to nonpool plants. If the association is defined as a handler for such milk, even though it has no plant, the producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed in the fall months or at other times.

The term "producer-handler" would apply to a person who produces milk and operates a plant from which a route(s) is operated wholly or partly in the marketing area, but receives no milk from producers. The order is not intended to establish minimum prices for such operators, but they should be required to make reports to the market administrator. Such reports are necessary to make a determination as to whether the operator is a producer-handler and will also facilitate accounting with respect to transfers of milk from other handlers.

A further exemption from the minimum price regulation is the handler whose plant is a "nonpool plant" because his distribution in the area averages less than 600 pounds per day. Such handlers should also be required to report for reasons similar to those for producer handlers.

"Fluid milk product" is specifically defined in the order because of frequent reference to this group of items. The fluid milk products are those which constitute Class I use, including milk, skim milk, buttermilk, milk drinks (plain or flavored), cream, and cream mixtures for fluid use.

A definition of "other source" milk is included to distinguish it from the regular milk supply which is priced under the order. There are three potential categories of "other source" milk which may be distributed in the marketing area for Class I purposes without subjecting the originating plants to the pricing and pooling provisions of the order. One of these is represented by distributing plants from which an average of 600 pounds or less per day is sold in the marketing area. Another potential category of "other source" milk is that which pool plants may obtain as supplemental milk, either bulk or in bottled form from unregulated plants at times when their supplies of producer milk are not sufficient to cover their Class I utilization. The third category is represented by receipts of supplemental milk at Platte Valley pool plants from plants which are subject to regulation under other Federal orders.

As previously explained, all distributing plants which sell a significant volume of milk for Class I purposes in the marketing area are defined as pool plants and are, therefore, completely subject to the pricing and pooling provisions of the Platte Valley order. Any plant distributing less than 600 pounds per day in the area would probably have its primary distribution in some other market. It would not be equitable to subject such a plant to complete regulation since its competitors in the other market would not be regulated. Further, since its activities in Platte Valley are so limited, it is not considered necessary to require anything more than such reports and verification as will enable the market administrator to determine precisely the quantity sold in the marketing area.

On the other hand, quantities of supplemental milk received at pool plants can be quite substantial. The Platte Valley market is commonly short of producer milk in the late summer and early fall months of lowest production. This shortage has usually been met by purchasing milk in bulk tank lots from plants in Minnesota, Wisconsin, or other distant points. Under the allocation procedures described in subsequent paragraphs such milk, whether from plants subject to other Federal orders or from totally unregulated plants, is assigned first to the Platte Valley handlers' Class II utilization. This gives local producer milk the priority on Class I use in the market. (An exception, also explained later, is that packaged milk received from plants subject to other Federal orders is assigned to the same Class under the Platte Valley order as in the order of origin.)

No special pricing appears to be necessary for these supplemental supplies. Such milk is commonly higher priced than the prices which have been paid to local producers and also in excess of the price levels provided in the attached order. This supplemental milk has been called upon only when supplies of producer milk were insufficient and, therefore, have not tended to displace producer milk. To the extent these practices continue, the allocation of producer milk to the highest utilization in the Platte Valley plants will continue to be a fully effective means of preventing displacement of producer milk by "other source" milk. If a significant displacement of producer milk by other source supplies occurs under the order, corrective measures can be considered by amendment action.

(c) *Classification of milk.* The proposed order should provide for two classes of milk. Class I should include all skim milk and butterfat disposed of as milk, skim milk, buttermilk, flavored milk drinks, cream and any mixture in fluid form of cream and milk or skim milk. These are the products which are required uniformly by the local health regulations to be made of Grade A milk. Class II should include all skim milk and butterfat used to produce manufactured dairy products which normally are not required to be produced from Grade A milk.

Class II, in addition to including manufactured dairy products, should include actual shrinkage on producer milk in an amount not in excess of 2 percent of receipts from producers and actual shrinkage on other source milk. Unaccounted for milk in excess of a reasonable allowance for plant loss should be Class I in order to require full accounting by handlers for their receipts. Two percent is considered a reasonable maximum allowance for this purpose and the evidence indicates that an efficiently operated fluid milk plant should be able to keep its shrinkage within this allowance. No limit should be placed on shrinkage of other source milk. Such milk is deducted from the lowest use class under the allocation provisions and to classify any of it as Class I would result in reimbursing producers for shrinkage incurred on milk they did not produce. Since it is not feasible to segregate shrinkage of producer milk from that of other source milk in the same plant, total shrinkage is prorated on the basis of the volume of receipts.

Class II should also include the use of skim milk and butterfat for livestock feed to the extent that verifiable records of such utilization are maintained by handlers.

It will be noted that the uses of milk to be included as Class I are specifically enumerated. Collectively, they are defined as "fluid milk products". All other products, including any new items which may be developed, are automatically in Class II.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that ending inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of a month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In plants which engage primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed their total utilization of milk in Class II. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month

(after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective as to whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

In order to provide for the complete and accurate reporting, verification, and auditing of all receipts and uses of milk which are essential to the continued application of class prices, it must be the responsibility of the handler who receives the milk from producers to account for his entire receipts and to prove to the market administrator his claim that such receipts should not be classified as Class I. The handler who first receives the milk from producers is in the best position to satisfy this primary need of a class price plan. Such a handler must be held responsible for reporting the proper utilization of such milk. He must therefore maintain records to establish unquestionable proof of the utilization of the milk he receives.

(d) *Transfers of milk between plants.* Classification of butterfat and skim milk used in the production of Class II items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, since some Class I items may be disposed of to other milk plants for processing, separate classification procedure should be prescribed for transfers to other plants.

Milk, skim milk, cream or other fluid milk products transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk, as described below. On the other hand, if the transferring handler had other source milk during the month, the assignment of products transferred to another plant to the Class I utilization of such plant should be limited so that other source milk in the transferring handler's plant will not be allocated to Class I milk while at the same time producer milk is allocated to Class II milk in the transferee handler's plant.

Milk or skim milk transferred in bulk to a nonfluid milk plant located more than 300 miles distant is presumed to be used for Class I purposes. The costs involved in transporting milk or skim milk in fluid form such a distance are so large that it would not be economically feasible to move the milk for Class II disposition. Also there are adequate facilities for the manufacture of excess milk into Class II products within a radius of 300 miles. The automatic classification as Class I of milk or skim milk moved more than 300 miles will reduce the administrative expense which would otherwise be involved in having the market administrator verify actual utilization in nonfluid milk plants located at extreme distances from the market.

Cream presents a somewhat different problem since its value is so much greater in relation to its bulk that it may be transported long distances for manufacture. Accordingly, it is provided that cream may be Class II, even if moved to a nonfluid milk plant located more than 300 miles distant from a fluid milk plant if it is clearly labelled as manufacturing grade cream and if prior notice of the intended shipment is furnished to the market administrator.

The more common form of transfer to a nonfluid milk plant by Platte Valley handlers is the movement of excess milk to nearby manufacturing plants. There may, of course, be sales to such plants for fluid purposes. It is provided that transfers of milk, skim milk, or cream from a fluid milk plant to a nonfluid milk plant located less than 300 miles distant be Class I unless Class II use is affirmatively established. Evidence of Class II use consists of a certification by the fluid milk plant operator that the transfer was intended for Class II use, and verification by the market administrator of the records made available by the nonfluid milk plant operator showing that at least an equivalent quantity of milk was utilized for manufacturing purposes.

(e) *Allocation.* In view of the fact that the order class prices apply only to producer milk, it is necessary; if a fluid milk plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers who are regularly engaged in supplying the market should be assigned the Class I utilization first. This is necessary to insure the stability of the classified pricing program of the order. If the order permitted handlers to obtain other source milk whenever it was advantageous to do so for Class I use while producer milk in the plant was utilized in Class II, the order would not be effective in carrying out the purposes of the act. Also, the market would be deprived of a dependable supply of milk. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in § 1013.46 of the order.

An exception to the general rule of assigning other source milk first to the lowest class of utilization should be made with respect to packaged milk received from a plant regulated under another Federal order. One of the Platte Valley handlers testified that his plant located in the marketing area was not equipped to bottle half-gallons in paper containers. These packages could be obtained more cheaply from this handler's plant at Lincoln, Nebraska. The milk so packaged is fully subject to the classification and pricing provisions of the Omaha-Lincoln-Council Bluffs order. Moreover, the daily and seasonal reserves of milk associated with such milk are carried by the Omaha-Lincoln-Council Bluffs producers rather than by the Platte Valley producers. It is concluded, therefore, that fluid milk products in packaged form which are classified and priced under another Federal order should be assigned to the same utilization under the Platte Valley order.

Under this allocation procedure, the skim milk and butterfat, respectively, remaining in each class is assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted;

(1) Class II shrinkage of producer milk.

(2) Other source milk, in bulk form, from plants not regulated under another Federal order.

(3) Other source milk, in bulk form, from plants regulated under another Federal order.

(4) Receipts of packaged milk from plants regulated under other Federal orders, according to the classification established under such other order.

(5) Beginning inventory.

(6) Receipts from other handlers (according to classification).

(7) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

(f) *Class prices.* The attached order provides for two classes of milk. Class I includes mainly that milk which is used for fluid purposes and Class II includes the remaining milk, which must be used principally for the manufacture of dairy products.

In the recommended decision independent pricing formulas were developed. They were designed to correspond closely to the class prices under the Omaha-Lincoln-Council Bluffs order (hereinafter referred to as the Omaha order), at the Platte Valley zone, but to utilize the list of Wisconsin and Michigan condenseries and the form of butter-powder formula commonly used in Federal orders other than Omaha.

Exceptions filed by interested parties emphasize the fact that the Omaha and Platte Valley markets are so closely interrelated that class prices should be directly related instead of only approximately equal. It is concluded that this policy should be followed.

Basic formula price. In order to maintain an adequate and stable supply of milk for the market it is necessary that the price of milk for fluid use be closely related to the prices of milk used for manufacturing purposes. Keeping the Class I prices in line with manufacturing prices recognizes the fact that the most common source of replacement and additional Grade A shippers for fluid milk markets in this region of the United States is the conversion of manufacturing shippers. It also recognizes the fact that Class I prices in the adjacent Federal order markets are based on manufacturing values. The Class I price in the Omaha market is kept in relationship to manufacturing values by using a pricing formula which sets the Class I price at a differential over a basic formula price which reflects manufacturing values.

The Omaha basic formula price is the higher of (1) the average of prices paid to dairy farmers at condenseries located in Wisconsin, Minnesota, Illinois, and Iowa, or (2) a butter-powder formula price. The prices paid by the condenseries are representative of the value of milk in a major manufacturing use and are reported promptly enough for use in establishing a Class I price.

A butter-powder formula is included in the Omaha order and in most Federal orders as an alternative basic formula price. It reflects the value of milk in a major manufacturing use, namely the manufacture of butter and nonfat dry milk. There are times when the butter-powder plants compete more strongly for supplies than the condenseries; such competition affects fluid markets and should be reflected in the fluid milk price.

Class I price. The Class I price differential over the basic formula price should be fixed at a level which will reflect the additional costs involved in producing and transporting to market a year-round supply of milk of Grade A quality. Producers will thereby be provided with financial incentive to produce milk of Grade A quality as compared with the costs of producing milk of manufacturing grade.

The level of Class I prices provided by the Omaha order affords the most direct guide to the establishment of appropriate levels of Class I prices for the Platte Valley market. The Class I differential provided for Omaha is $1.40 per hundredweight in all months of the year. This differential has been in effect since September 1, 1952, and has been an appropriate price for that market. The western boundary of the procurement area or milkshed for the Omaha market adjoins the eastern boundary of the procurement area for the Platte Valley market and the production conditions in the two areas are closely similar. Direct competition between the distributors in the two markets is not extensive. However, this is partly attributable to the fact that the largest dealers in the two markets operate plants in each and can thereby avoid the inefficiencies represented by overlapping of sales territories. One of the Platte Valley dealers obtains milk in two-quart paper containers from his plant located in Lincoln in order to avoid the expense of installing bottling equipment in his Grand Island plant for a comparatively small volume of business.

The Omaha order provides for location adjustments to producers on milk delivered by them at plants located more than 45 miles from the marketing area in the amount of 10 cents per hundredweight. The same rate of location adjustment applies on milk delivered to the marketing area for Class I purposes from plants located more than 45 miles distant. The same 10-cent adjustment is reflected in the Class I differential proposed by producers for the Platte Valley market and should be adopted. The Platte Valley Class I price will, therefore, be equal to the Omaha Class I price for milk of 3.5 percent butterfat content, less 10 cents per hundredweight.

There is no seasonal variation in the Class I differential. A take-out and pay-back plan, described in more detail subsequently, is relied upon as the means of encouraging producers to deliver a seasonally uniform supply.

Class II price. The Platte Valley Class II price should be equal to the Omaha Class II price for milk of 3.5 percent butterfat content. To serve its proper function, the Class II price should be at such a level that handlers will accept and market whatever quantities of milk in excess of Class I needs as may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

All products included in Class II milk may be made from unapproved milk. Approved milk which may be used in such products by regulated handlers should be priced at a level which is competitive with the cost of milk or milk ingredients that they may need for Class II products processed in conjunction with their fluid milk business.

The Class II price under the Omaha order and that contained in the recommended decision are nearly identical; in 1955 the Omaha Class II price for 3.5 percent milk ranged from $2.85 in May to $2.95 in September and averaged $2.91. The recommended prices ranged from $2.87 to $2.94 in the same months, and averaged $2.90.

A handler who operates a plant at North Platte, Nebraska, proposed a substantially lower Class II price during the flush months of the year. He testified that during such months it is difficult to find manufacturing outlets for whole milk at points near enough to involve reasonable transportation charges. In such circumstances, it is sometimes more feasible to separate the whole milk, sell the cream to more distant plants, and dispose of skim milk by giving it away for livestock feed or letting it run down the sewer. The handlers, therefore, proposed that the price for Class II milk during such months reflects only the butterfat value of the milk. However, it appears that the circumstances which led to this form of disposition by this handler were occasioned, at least in major part, by a realignment of sales territories between the handler's North Platte, and Grand Island plants. There has since been time for a corresponding readjustment in the procurement of milk at the two plants and it seems unlikely that the necessity for such disposition will recur. Also, the higher Class II butterfat differential provided herein, and described in the following paragraphs, will reduce the value of skim milk. It is concluded, therefore, that the level of Class II prices provided herein will be appropriate.

Butterfat differentials. The attached order provides that butterfat and skim milk be accounted for separately for classification purposes. It also provides that Class and blend prices should be established for milk containing 3.5 percent butterfat, the same basic test as is used in all other Federal orders in this general region except Omaha. It will, therefore, be necessary to adjust Class I and Class II prices in accordance with the average test of the milk in each Class by a butterfat differential which will reflect differences in the value of the milk due to variations in butterfat content.

The Class I butterfat differential for each one-tenth of one percent that the average test of Class I use varies from the basic test should be determined by adding 2.1 cents to the Class II differential. The Class II differential, in turn, should be established at 0.120 times the price of 92-score butter at Chicago.

This Class II differential is somewhat higher than the one proposed by producers. At current support prices for butter and nonfat dry milk, their proposed differential would be 0.111 times the price of 92-score butter. According to the evidence of record the Platte Valley market is commonly more nearly short of butterfat than of skim milk. During the flush season, disposal of skim milk is a more serious problem than disposal of butterfat. Raising the Class II butterfat differential will increase the value attributed to butterfat and will correspondingly reduce the value attributed to Class II skim milk, thus recognizing the higher value of butterfat in relation to solids-not-fat.

Producers proposed that the Class I butterfat differential be 2.6 cents higher than the Class II differential. This reflects the conclusion, commonly accepted in the West North Central States, that 70 percent of the Class I price differential of $1.30 should be attributed to butterfat and 30 percent to skim milk. The proposed 2.6 cents per one-tenth of one percent variation in butterfat content is the proportionate value, when the 3.5 pounds of butterfat are valued at 70 percent of $1.30. The proposed 2.6 cents has been reduced to 2.1 cents in recognition of the fact that the Class II butterfat differential has been increased. The resulting Class I differential will be at virtually the same level as the Class I differential proposed by the producers.

The butterfat differential to producers for milk containing more or less than 3.5 percent butterfat should correspond to the weighted average values of the butterfat and skim milk in producer milk utilized by handlers in Class I and Class II. This follows the same principle as the payment of a uniform price to all producers. Each producer shares equally in the total value of the handlers' Class I and Class II utilization, at the basic test of 3.5 percent butterfat. It is equally appropriate that each should receive the average utilization value of the butterfat and skim milk components for milk testing above or below 3.5 percent.

Location adjustments. Location adjustments should apply to all Class I milk distributed by handlers whose plants are located more than 80 miles from the nearer of the City Halls at Grand Island and at North Platte, Nebraska. The rate of adjustment should

be 12 cents per hundredweight for plants located more than 80 but not more than 90 miles distant, plus 1.5 cents per 10 miles or fraction thereof for distances in excess of 90 miles. Distances would be measured by the shortest highway distance as determined by the market administrator.

At the time of the hearing, milk was distributed in the marketing area from a plant located more than 80 miles distant. The quantity so distributed was not sufficient to qualify this plant as a pool plant. However, if this plant or any other begins to sell significant volumes of Class I milk in the area, it should have location credit. This credit should be sufficient to defray transportation costs, since the order is designed to place all handlers on an equal cost basis at the marketing area. Evidence in the record shows that the rate of 1.5 cents per 10 miles appropriately reflects the costs of transporting milk in tank trucks. No separate data were available on the comparative costs of transporting packaged milk. No location adjustment is allowed a distance of less than 80 miles from Grand Island or North Platte since some points within the marketing area are nearly 80 miles from these cities.

Location adjustments to producers should be at the same rates as to handlers but should apply to all of the milk delivered by producers to any plant at which the location adjustments apply.

(g) *Payments for milk.* The attached order provides for a marketwide pool under which all producers supplying the market would receive the same price for their milk regardless of its utilization by the handler who received it. This type of pool contemplates the uniform distribution among all producers in the market of the proceeds of the Class I and reserve supplies of milk.

The largest cooperative association in the area already pools the returns due its members from all the handlers to whom they ship, and pays all members on a uniform basis. This same uniformity of payment should be extended to all producers whose milk is priced under the order.

The marketwide pool will also contribute to the flexibility of milk marketing in the Platte Valley area in two important respects. One is that supplemental supplies can be freely distributed among handlers without affecting the prices paid to producers at each plant. The second is that temporary or seasonal surpluses can be moved between plants, either by transfer of the milk or of the shippers without affecting the prices paid to producers at the individual plants.

A seasonal incentive plan of the same type as is contained in the Omaha-Lincoln-Council Bluffs order was proposed by producers and should be adopted. Both the procurement and sales interrelationships between the two markets make it highly desirable to utilize the same type of seasonal incentive. With similar plans, producers can more readily respond to long-run changes in supply and demand conditions in the two markets without being disturbed by seasonal differences in price plans. Also, distributors in the two markets will be on comparable competitive footings at all seasons. Under the "take out and pay back" plan the Class I differential remains the same in all months of the year. However, during the flush production months of April, May, and June, an amount equal to 8 percent of the Class I price multiplied by the total production is deducted from payments to producers and held until the shortage months of September, October, and November. One third of the escrow fund is added to the pool in each of these months. The effect is to encourage producers to maximize their production during the months when supplies are lowest in relation to Class I sales and to minimize production during the months of greatest excess.

The order provides that producers be paid once a month and specifies that in the case of qualified cooperative associations the handler shall make payment to the association instead of to the individual members, if the cooperative association has such authority from members and is desirous of exercising such privilege.

Since all producers are to receive the same price for milk (except for butterfat and location differentials), and since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding off uniform prices. In order to permit this rounding off of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reserve should be held in the producer-settlement fund at all times. The amount of the reserve contemplated in the order should be sufficient for these purposes. This reserve would be adjusted each month.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund during the previous month should be eliminated in the computation of the uniform price in the current subsequent month.

(h) *Administrative provisions.* The remaining provisions of the order are of a general administrative nature, are incidental to the other provisions of the order, and are necessary for the proper and efficient administration of the order. They provide for the selection of a market administrator, define his powers and duties, provide for an administrative assessment, prescribe the information to be reported by handlers and set forth the rules to be followed in making the computations required by the order. They also prescribe the length of time that records must be retained and provide a plan for the liquidation of the order in the event of its suspension or termination. They are similar to like provisions of other orders, and except as set forth below require no comment.

Expenses of administration. As his share of the expenses of administering this order each handler should pay not in excess of 4 cents per hundredweight with respect to all producer milk received, all other source milk received at a pool plant which was classified as Class I milk, and Class I milk distributed in the marketing area from a nonpool plant. The market administrator must verify receipts and utilization of all such milk; therefore all such milk should be subject to the expenses of administration. Experience in other markets indicates that 4 cents per hundredweight with respect to all such milk should yield sufficient money to cover expenses of administration. If payment of expenses of administration at the rate of 4 cents per hundredweight yields more money than is needed, provision is made for the Secretary to prescribe a lesser rate of payment from time to time.

Records and reports. Reports are required from handlers on receipts and utilization so that the market administrator may make the computations necessary to the marketwide pooling operation and the uniform price to producers. Handlers would also be required to submit payroll reports which would show the details of milk receipts from each producer, the value of the milk received from the producer, deductions therefrom, and net amount paid to the producer.

The order should provide limitations on the period of time handlers shall retain books and records which are required to be made available to the market administrator, and on the period of time in which obligations under the order shall terminate. The provision made in this regard is identical in principle with the general amendment made to all orders in operation on July 30, 1947, effective February 22, 1949, and the Secretary's decision of January 26, 1949 (14 F. R. 444) covering the retention of records and limitation of claims is equally applicable in this situation and is adopted as a part of the decision.

Time schedule. Dates must be prescribed for announcing prices, filing reports and making payments. The following time schedule should allow all interested persons adequate time to perform each function. (These time limits apply to the indicated day of the month following the month for which computations are being made.)

Day of the Month and Function
5th—Announcement of class prices by market administrator.
7th—Submission of monthly report of receipts and utilization by handlers.
9th—Announcement of uniform price and names of handlers who received producer milk and notification to handlers of the value of their producer milk by market administrator.
10th—Payment by handlers of amounts due to producer-settlement fund and for expenses of administration.
12th—Payments by handlers to producers and cooperative associations and by market administrator out of producer-settlement fund.

Milk subject to other Federal orders. A handler who operates a plant at which minimum prices to dairy farmers are established under another order issued pursuant to the act, but nevertheless supplies milk for distribution in the Platte Valley marketing area should be exempt from the provisions of this order, except for reporting his volume of Class I sales in the marketing area. It would be impracticable to attempt to regulate a handler under two separate orders with respect to the same milk. The applicable order should be determined by the volume of Class I sales.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act.

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(d) All milk and milk products handled by handlers, as defined in the proposed order are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(e) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler regulated by the proposed order as his pro rata share of such expense, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all milk received during such delivery period from producers, other source milk received at a pool plant and classified as Class I, and Class I milk sold in the marketing area from nonpool plants.

Rulings on exceptions. In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions, and regulatory provisions of this decision, are at variance with any of the exceptions, such exceptions are hereby overruled.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Platte Valley, Nebraska, Marketing Area," and "Order Regulating the Handling of Milk in the Platte Valley, Nebraska, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

Referendum order; determination of representative period; and designation of referendum agent. It is hereby directed that a referendum be conducted among producers to determine whether the issuance of the attached order regulating the handling of milk in the Platte Valley, Nebraska, marketing area, is approved or favored by the producers, as defined under the terms of the proposed order, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The month of January 1957 is hereby determined to be the representative period for the conduct of such referendum.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this decision is issued.

Issued at Washington, D. C., this 19th day of March, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order [1] Regulating the Handling of Milk in the Platte Valley, Nebraska, Marketing Area

Sec.
1013.0 Findings and determinations.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders have been met.

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§ 1013.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR, 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Platte Valley, Nebraska, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts of producer milk, including such handler's own production, other source milk at a pool plant which is classified as Class I milk, and Class I disposed of during the month from nonpool plants on routes in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk the Platte Valley, Nebraska, marketing area shall be in conformity to, and in compliance with, the following terms and conditions:

§ 1013.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.).

§ 1013.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 1013.3 *Department.* "Department" means the United States Department of Agriculture or any other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1013.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1013.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application of the association:

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act";

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members; and

(c) Has its entire activities under the control of its members.

§ 1013.6 *Platte Valley, Nebraska marketing area.* "Platte Valley, Nebraska, marketing area" hereinafter called the "marketing area" means all the territory within the corporate limits of the cities of Grand Island, Hastings, Holdrege, Kearney, Lexington and North Platte, and the Naval Ammunition Depot, Hastings, all in the state of Nebraska.

§ 1013.7 *Producer.* "Producer" means any person, irrespective of whether such person is also handler, who produces milk which is received at a pool plant: *Provided*, That such milk is (a) produced under a dairy farm permit or rating issued by a duly constituted health authority for the production of milk to be disposed of for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to a nonpool plant by a handler, and milk so diverted shall be deemed to have been received at a pool plant by the handler who caused it to be diverted.

§ 1013.8 *Pool plant.* "Pool plant" means (a) any plant from which a volume of Class I milk equal to more than an average of 600 pounds per day, is disposed of during the month on routes in the marketing area: *Provided*, That if a portion of a plant is operated separately and no producer milk is received in such portion of the plant, it shall not be considered as part of a pool plant pursuant to this section.

§ 1013.9 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 1013.10 *Route.* "Route" means any delivery (including delivery by a vendor or sale from a plant store) of a fluid milk product to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 1013.11 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of a pool plant, (b) any person in his capacity as the operator of a nonpool plant from which fluid milk products are disposed of on a route(s) in the marketing area, or (c) any cooperative association with respect to milk of producers which it causes to be diverted to a nonpool plant for the account of such association.

§ 1013.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant in accordance with the conditions set forth in § 1013.7.

§ 1013.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (except frozen or aerated cream) and any mixture in fluid form of cream and milk or skim milk (except ice cream, eggnog ice cream mixes, and sterilized products in hermetically sealed containers).

§ 1013.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products, except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 1013.41 (b) (1) from any source (including those from a plant's own production), which are reprocessed or converted to another product in the plant during the month.

§ 1013.15 *Producer-handler.* "Producer-handler" means a person who operates, as his own personal enterprises, both a dairy farm and a milk processing or bottling plant at which plant each of the following conditions is met during the month:

(a) Milk is received from the dairy farm of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm of such person and from pool plants of other handlers in the form of fluid milk products.

§ 1013.16 *Chicago butter price.* "Chicago butter price" means the simple average as computed by the market administrator of the dairy wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department.

MARKET ADMINISTRATOR

§ 1013.20 *Designation.* The agency for the administration of this order shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1013.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1013.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 1013.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this order, and, upon request by the Secretary, surrender the same to such person as the Secretary may designate;

(f) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1013.30 and 1013.31 or payments pursuant to §§ 1013.80, 1013.84, 1013.86, 1013.87 and 1013.88;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Prepare and disseminate publicly such statistics and information as he deems advisable and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) Publicly announce and notify each handler in writing on or before: (1) The 5th day of each month the Class I milk price pursuant to § 1013.50 and the Class I butterfat differential pursuant to § 1013.52 (a), both for the current month; and the Class II milk price pursuant to § 1013.51 and the Class II butterfat differential pursuant to § 1013.52 (b) both for the preceding month, and (2) the 9th day after the end of each month, the uniform price pursuant to § 1013.71, and the butterfat differentials to be paid pursuant to § 1013.81.

REPORTS, RECORDS AND FACILITIES

§ 1013.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator for each of his plants for such month as follows:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other handlers;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 1013.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator;

(1) On or before the 20th day after the end of the month for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the number of days on which milk was received from such producer, if less than a full calendar month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment together with the price paid and the amount and nature of any deductions; and

(2) Such other information with respect to the utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1013.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all fluid milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all fluid milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1013.33 *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specific books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1013.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat at pool plants which is required to be reported pursuant to § 1013.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 1013.41 through 1013.46.

§ 1013.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1013.43, 1013.44 and 1013.46, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of fluid milk products except those classified pursuant to paragraph (b) (2) of this section, or (2) not specifically accounted for as Class II utilization;

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products, (2) contained in inventory of fluid milk products on hand at the end of the month, (3) accounted for as livestock feed, (4) in shrinkage allocated to receipts of producer milk pursuant to § 1013.42 (except milk diverted to a nonpool plant pursuant to § 1013.7) but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively, and (5) in shrinkage of other source milk.

§ 1013.42 *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

§ 1013.43 *Transfers.* Skim milk or butterfat disposed of from a pool plant shall be classified:

(a) As Class I milk if transferred in the form of fluid milk products to a

pool plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in the reports submitted by them to the market administrator pursuant to § 1013.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of other source milk and beginning inventory of fluid milk products pursuant to § 1013.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further*, That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of fluid milk products;

(c) As Class I milk if transferred or diverted in bulk form as milk, skim milk, or cream to a nonpool plant located in the marketing area or not more than 300 miles by the shortest highway distance as determined by the market administrator from the transferor plant unless:

(1) The handler claims Class II in his report submitted to the market administrator pursuant to § 1013.30.

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant; and

(d) As Class I milk if transferred in bulk form as milk, skim milk, or cream to a nonpool plant located more than 300 miles by the shortest highway distance as determined by the market administrator from the transferor plant, except that cream so transferred may be classified as Class II if notice is given to the market administrator at least 24 hours prior to shipment, each container is labelled by the transferor as "ungraded cream for manufacturing only", and such shipment is so invoiced.

§ 1013.44 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in § 1013.41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk; and

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1013.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization submitted by each handler and shall compute the pounds of butterfat and skim milk in each class for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1013.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1013.45, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 1013.41 (b) (3);

(2) Subtract from the remaining pounds of skim milk in each Class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk other than that received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

(3) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk in other source milk received in a form other than that specified in subparagraph (4) of this paragraph from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing order issued pursuant to the act;

(4) Subtract from the pounds of skim milk in each class the pounds of skim milk contained in fluid milk products received in packaged form which were classified and priced under another marketing order issued pursuant to the act and disposed of in the same form as received;

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lowest priced utilization, the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month;

(6) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of fluid milk products, according to its classification as determined pursuant to § 1013.43 (a);

(7) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(8) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk allocated to producer milk.

MINIMUM PRICES

§ 1013.50 *Class I price.* Subject to the provisions of §§ 1013.52 and 1013.53, the price per hundredweight of milk of 3.5 percent butterfat content which is classified as Class I shall be 10 cents less than the Class I price for milk of 3.5 percent butterfat content as determined pursuant to § 935.51 (a) of the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area (Order No. 35, Part 935 of this chapter).

§ 1013.51 *Class II price.* Subject to the provisions of § 1013.52, the price per hundredweight of milk of 3.5 percent butterfat content which is classified as Class II shall be equal to the Class II price for milk of 3.5 percent butterfat content, as determined pursuant to § 935.51 (b) of the order, as amended, regulating the handling of milk in the Omaha-Lincoln-Council Bluffs marketing area (Order No. 35, Part 935 of this chapter).

§ 1013.52 *Butterfat differentials to handlers.* If the weighted average butterfat content of the milk received from producers classified, respectively, in Class I milk or Class II milk for a handler is more or less than 3.5 percent, there shall be added to, or subtracted from, the respective class price computed pursuant to §§ 1013.50 and 1013.51 for each one-tenth of 1 percent that such weighted average butterfat content is above or below 3.5 percent, a butterfat differential computed as follows:

(a) *Class I Milk.* Add 2.1 cents to the butterfat differential computed pursuant to paragraph (b) of this section for the preceding month; and

(b) *Class II milk.* Multiply the Chicago butter price for the current month by 0.120 and round to the nearest one-tenth cent.

§ 1013.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located more than 80 miles by shortest highway distance, as determined by the market administrator, from the City Hall in either Grand Island or North Platte, Nebraska, whichever is closer, and which is classified as Class I milk the prices computed pursuant to § 1013.50 shall be reduced by 12 cents if such plant is located more than 80 miles, but not more than 90 miles from such city hall and by an additional 1.5 cents for each 10 miles or fraction thereof that such distance exceeds 90 miles.

§ 1013.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1013.60 *Producer-handlers.* Sections 1013.40 through 1013.46, 1013.50 through 1013.54, 1013.70, 1013.71, 1013.72, and 1013.80 through 1013.93, shall not apply to a producer handler.

§ 1013.61 *Milk subject to other Federal orders.* Milk received at the plant of a handler at which the handling of milk is fully subject during the delivery period to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act and from which the disposition of Class I milk in the other Federal marketing area exceeds that in the Platte Valley marketing area shall be exempted for such delivery period from all provisions of this part except §§ 1013.31, 1013.32, and 1013.33.

§ 1013.62 *Other source milk in Class I.* In the case of pool plants which are permitted by the applicable health authorities to receive and process non-Grade A milk, non-Grade A skim milk and butterfat in other source milk shall be allocated to Class I up to the extent of verifiable actual disposition of non-Grade A skim milk and butterfat as Class I milk outside the marketing area in localities where Grade A milk is not required for Class I use.

DETERMINATION OF UNIFORM PRICES

§ 1013.70 *Computation of value of milk.* The value of milk received during each month by each handler at his pool plant(s) from producers shall be a sum of money computed by the market administrator by multiplying the pounds of such milk in each class by the applicable class prices specified in §§ 1013.50 and 1013.51, as adjusted pursuant to §§ 1013.52 and 1013.53, and adding any amounts computed pursuant to paragraphs (a) and (b) of this section.

(a) If the handler had overage of either skim milk or butterfat, an amount computed by multiplying the pounds of overage by the applicable class prices; and

(b) An amount obtained by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by (1) the hundredweight of producer milk classified in Class II, less shrinkage, in the preceding month, or (2) the hundredweight of milk subtracted from Class I pursuant to § 1013.46 (a) (5) and the corresponding step of § 1013.46 (b), whichever is less.

§ 1013.71 *Computation of uniform price.* For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1013.70 for all handlers who filed the reports prescribed by § 1013.30 and who made the payments pursuant to §§ 1013.80 and 1013.84 for the preceding month.

(b) Subtract for each of the months of April, May and June, an amount equal to 8 percent of the Class I price multiplied by the total quantity of producer milk;

(c) Add during each of the months of September, October and November one-third of the total amount subtracted pursuant to paragraph (b) of this section;

(d) Add an amount equal to the total deductions made pursuant to § 1013.82;

(e) Subtract if the average butterfat content of the milk included in these computations is more than 3.5 percent or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1013.81 and multiplying the result by the total hundredweight of producer milk included in these computations;

(f) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(g) Divide the resulting sum by the total hundredweight of milk included in these computations; and

(h) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be known as the "uniform price" for milk received from producers.

§ 1013.72 *Notification of handlers.* On or before the 9th day of each month the market administrator shall notify each handler of:

(a) The quantity and value of his milk in each class computed pursuant to §§ 1013.46 and 1013.70 and the totals of such quantities and values;

(b) The uniform price computed pursuant to § 1013.71;

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to §§ 1013.80 and 1013.84; and

(e) The amount to be paid by such handler pursuant to § 1013.88.

PAYMENTS

§ 1013.80 *Time and method of payment.* On or before the 12th day after the end of each month, each handler shall make payment for milk received from producers or cooperative associations as follows:

(a) To each producer for milk, for which payment is not made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price computed in accordance with § 1013.71, subject to the butterfat differential computed pursuant to § 1013.81, the location adjustment computed pursuant to § 1013.82, and to any proper deductions authorized by the producer: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 1013.85, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator; however, the handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) To a cooperative association for milk which it caused to be delivered to such handler from producers, if such cooperative association is authorized to collect such payment for its member producers and wishes to exercise such authority, an amount equal to not less than the sum of the individual payments otherwise payable to such producers.

§ 1013.81 *Butterfat differential to producers.* In making payments pursuant to § 1013.80 the uniform prices shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential equal to the average of the butterfat differentials determined pursuant to paragraphs (a) and (b) of § 1013.52, weighted by the pounds of butterfat in producer milk in each class, the result being rounded to the nearest tenth of a cent.

§ 1013.82 *Location adjustments to producers.* In making payments pursuant to § 1013.80, for milk received from producers, the uniform price per hundredweight for milk received at plants located more than 80 miles, but not more than 90 miles, by shortest highway distance as determined by the market administrator, from the City Hall at Grand Island or at North Platte, Nebraska, whichever is closer, there shall be deducted 12 cents plus 1.5 cents addition for each 10 miles or fraction thereof distance beyond 90 miles.

§ 1013.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1013.84 and 1013.86 and out of which he shall make all payments to handlers pursuant to §§ 1013.85 and 1013.86: *Provided*, That the market administrator shall offset any payment due any handler against payments due from such handler.

§ 1013.84 *Payments to the producer-settlement fund.* On or before the 10th day after the end of each month each handler who operates a pool plant shall pay to the market administrator for payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to § 1013.70 for such month is greater than the sum required to be paid by such handler pursuant to § 1013.80.

§ 1013.85 *Payments out of the producer-settlement fund.* On or before the 12th day after the end of each month, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to § 1013.80 is more than the total value computed for him pursuant to § 1013.70: *Provided*, That if the balance in the producer-settlement fund is insufficient to make payments to all handlers pursuant to this section, the market administrator shall reduce such payments by a uniform amount per hundredweight of milk and shall complete such payments as soon as the necessary funds become available.

§ 1013.86 *Adjustment of accounts.* Whenever verification by the market administrator of reports or payments of

any handler discloses errors in payments to or from the producer-settlement fund pursuant to §§ 1013.84 and 1013.85, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler.

§ 1013.87 *Adjustment of errors in payments to producers.* Whenever verification by the market administrator of the payments by a handler to any producer or cooperative association, discloses payment of less than is required by § 1013.80 the handler shall make up such payment to the producer or cooperative association not later than the time of making payments next following such disclosure.

§ 1013.88 *Expense of administration.* As his pro rata share of the expense of administration hereof, each handler shall pay to the market administrator on or before the 12th day after the end of the month for such month 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all (a) receipts of producer milk including such handler's own production, (b) other source milk at a pool plant which is classified as Class I milk, and (c) Class I disposed of during the month from nonpool plants on routes in the marketing area.

§ 1013.89 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the names of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files pursuant to section (1) (a) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1013.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1013.91.

§ 1013.91 *Suspension or termination.* The Secretary may suspend or terminate this part, or any provision of this part, whenever he finds this part, or any provision of this part, obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 1013.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations under this part, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1013.93 *Liquidation.* Upon the suspension or termination of the provisions of this part except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1013.94 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1013.95 *Separability of provisions.* If any provision of this part or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 57-2239; Filed, Mar. 22, 1957; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Parts 688, 702, 705, 707, 708, 709]

[Admin. Order 476, Amended]

BUTTON, JEWELRY, AND LAPIDARY WORK INDUSTRY; ARTIFICIAL FLOWER, DECORATION, AND PARTY FAVOR INDUSTRY; STRAW, HAIR, AND RELATED PRODUCTS INDUSTRY

TIME AND PLACE OF EACH COMMITTEE HEARING

On March 7, 1957, Administrative Order No. 476 was published in the FEDERAL REGISTER. By this order the Secretary of Labor, appointed, convened, and noticed the hearings of Industry Committee No. 29–A for the button, jewelry, and lapidary work industry in Puerto Rico, Industry Committee No. 29–B for the artificial flower, decoration, and party favor industry in Puerto Rico, and Industry Committee No. 29–C for the straw, hair, and related products industry in Puerto Rico.

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the ninth and tenth paragraphs of Administrative Order No. 476, noticing the time and place of each committee hearing, are hereby amended to read as follows:

Industry Committee No. 29–B shall commence its hearing on April 8, 1957, at 2:00 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 29–B, Industry Committees Nos. 29–C and 29–A shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 29–B will meet at 10:00 a. m. on April 8, 1957, and Industry Committees Nos. 29–C and 29–A will meet at an hour to be designated by the committee chairman.

Signed at Washington, D. C., this 19th day of March 1957.

JAMES T. O'CONNELL,
Acting Secretary of Labor.

[F. R. Doc. 57-2252; Filed, Mar. 22, 1957; 8:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

DEFINITION FOR PURPOSES OF SECTION 5 OF THE ACT OF "SALE," "OFFER TO SELL," AND "OFFER FOR SALE"

NOTICE OF DEFERRAL OF ACTION

The Securities and Exchange Commission today announced that it does not presently contemplate adopting the revision of § 230.133 (Rule 133) in the form announced in Release No. 3698, pending further study of the problem. This announcement is made so as to remove any uncertainty that may exist as to contemplated Commission action with respect to presently proposed or pending mergers, consolidations, reclassifications of securities and transfers of assets.

Notice of a proposed revision was issued on October 2, 1956 (Securities Act Release No. 3698), and a public hearing was held on January 17, 1957 (Securities Act Release No. 3728). Under the proposal the terms "offer," "offer to sell" and "offer for sale" would include the solicitation of the vote and consent of stockholders of the corporation in favor of mergers, consolidations, reclassifications of securities and transfers of assets between corporations.

The Commission intends to continue actively its study of Rule 133. Such study will encompass possible revision so as to provide for more adequate disclosure to public stockholders who are required to approve exchanges of securities in transactions contemplated by the rule, as well as misuse of the rule in connection with illegal distributions to the investing public of securities acquired through the medium of such transactions. The Commission believes that in mergers, consolidations, transfers of assets and reclassifications of securities of the type which substantially affect the right of security holders, such security holders are entitled to equivalent protection as that afforded by the registration provisions of the Securities Act of 1933. The Commission further intends to consider the possibility of submission to Congress of recommendations for legislation to deal more specifically with the problems presented by mergers, consolidations and similar transactions.

Pending completion of further study and consideration of means of achieving greater investor protection, the Commission will treat on a case-by-case basis those mergers, consolidations, reclassifications of securities and transfers of assets which appear to exceed the limited area which was intended to be covered under Rule 133.

Any further modification of Rule 133 by the Commission will be undertaken only after ample opportunity for further public comment thereon.

The Commission is inviting the members of the Bar and other interested groups to furnish their further views on the problems posed by Rule 133.

By the Commision.

[SEAL] ORVAL L. DUBOIS,
Secretary.

MARCH 15, 1957.

[F. R. Doc. 57-2231; Filed, Mar. 22, 1957; 8:46 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

Correction

In Federal Register Document 56–10503, published at page 10418 of the issue for December 28, 1956, section 1113.637 should read as follows:

1113.637 *Reorganization and Dividend Branch.* The Reorganization and Dividend Branch issues rulings with respect to the determination of the taxable status of exchanges and distributions in connection with corporate reorganizations. The Branch also makes determinations with respect to the taxable status of ordinary, liquidating, and stock dividends. If determinations are made in taxability of dividend cases which affect taxpayers in more than one district it is the responsibility of the Branch to arrange for the furnishing of the advice to such districts.

Office of the Secretary

[Treasury Dept. Order 177–13]

CHIEF DISBURSING OFFICER

DELEGATION OF FUNCTION OF ISSUING CERTAIN CHECKS

By virtue of the authority vested in the Secretary of the Treasury by Reorganization Plan No. 26 of 1950 and consistent with the provisions of Executive Order No. 6166, dated June 10, 1933, as amended, there is hereby transferred to the Chief Disbursing Officer the function of issuing checks in payment of interest on public debt obligations of the United States. Such checks shall be issued over the title of the Secretary of the Treasury by the Chief Disbursing Officer or such Regional Disbursing Officer or Officers as he may designate.

Such personnel, equipment and records as are determined by the Commissioner of the Public Debt and the Chief Disbursing Officer to be necessary to perform the foregoing function shall be made available by the Bureau of the Public Debt to the Chief Disbursing Officer.

Funds heretofore or hereafter appropriated to the Bureau of the Public Debt covering this function shall, with the approval of the Secretary of the Treasury, be transferred to the appropriation of the Division of Disbursement.

This order shall be effective May 1, 1957: *Provided*, That its operation may be postponed in whole or in part by the Fiscal Assistant Secretary until not later than September 1, 1957.

Dated: March 19, 1957.

[SEAL] W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2244; Filed, Mar. 22, 1957; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 15, 1957.

Pursuant to authority delegated to me by Order No. 541, Sec. 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), the following described lands, reconveyed to the United States in exchanges of land made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended, are hereby restored to disposition under the applicable public land laws as hereinafter indicated:

NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 13 W.,
Sec. 27, Part of the NE¼NE¼ described as follows:
Beginning at a point on the south right-of-way line of State Highway No. 145 whence the north quarter corner of said section 27 bears N. 0° 40' W., 30 feet and S. 89° 52' W., 2323.5 feet; thence N. 89° 52' E., 100 feet along the south right-of-way line of State Highway 145; thence S. 0° 40' E., 300 feet; thence S. 89° 52' W., 100 feet; thence N. 0° 40' W., 300 feet to the point of beginning, containing 0.688 acres, more or less, with frontage of 100 feet on State Highway 145, 300 feet on Hazel Street and 100 feet on Naturita Street.

SIXTH PRINCIPAL MERIDIAN

T. 7 N., R. 91 W.,
Sec. 35, The south one acre in a tract of land in the SE¼SE¼ described as follows:

Beginning at a point on the north right-of-way line of U. S. Highway No. 40, which is west 24 feet and north 140 feet from the southeast corner of Sec. 35, in T. 7 N., R. 91 W., of the 6th P. M., thence west along the north right-of-way line of said Highway No. 40, a distance of 131 feet; thence north 332.52 feet; thence east 131 feet; thence south 332.52 feet; more or less to the point of beginning, containing one acre.

The areas described total 1.688 acres of public lands.

This revocation is made in furtherance of land exchanges under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the reconveyed lands will benefit a Federal Land Program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 1018, Denver 1, Colorado.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 57-2242; Filed, Mar. 22, 1957; 8:48 a. m.]

Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 25, 1957.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 2 N., R. 43 E.,
Sec. 32, Lots 2 and 3.
T. 3 N., R. 43 E.,
Sec. 31, Lot 2.

The above areas aggregate 71.42 acres.

E. G. NIELSEN,
Assistant Commissioner.

[74428]

MARCH 19, 1957.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EARL J. THOMAS,
Acting Director,
Bureau of Land Management.

Notice for Filing Objections to Order Withdrawing Public Lands for the Minidoka Project, Idaho

JANUARY 25, 1957.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the proposed development of the Burns Creek Reservoir site, Minidoka Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
Assistant Commissioner.

[F. R. Doc. 57-2223; Filed, Mar. 22, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket. No. 8130]

CURREY AIR TRANSPORT ENFORCEMENT PROCEEDING

NOTICE OF HEARING

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 9, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., March 20, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2255; Filed, Mar. 22, 1957; 8:50 a. m.]

[Docket No. 7226]

AEROVIAS NACIONALES DE COLOMBIA, S. A.

NOTICE OF HEARING

In the matter of the application of Aerovias Nacionales De Colombia, S. A., for a foreign air carrier permit authorizing service to San Juan on a route between Colombia and Europe via other intermediate points.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on March 27, 1957, at 10:00 a. m., e. s. t., in Room 4827, Commerce Building 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Dated at Washington, D. C., March 19, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2256; Filed, Mar. 22, 1957; 8:50 a. m.]

[Docket No. 8611]

DESIGNATION OF DALLAS-MEXICO CITY CARRIER

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled matter now assigned for April 16 is postponed to April 18, 1957. This argument will be held at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 20, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2257; Filed, Mar. 22, 1957; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-12229]

MAGNOLIA PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 19, 1957.

Magnolia Petroleum Company (Magnolia) on February 19, 1957, tendered for filing a proposed change in its presently effective rate schedule for a sale of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, undated.
Purchaser: Natural Gas Pipeline Company of America.
Rate schedule designation: Supplement No. 7 to Magnolia's FPC Gas Rate Schedule No. 63.
Effective date: [1] March 21, 1957.

In support of the proposed increased rate, Magnolia states that the contract was entered into in good faith as the result of arms length negotiations and that the long-term contract resulted with the installment price schedule therein. Magnolia also states that because of the competitive nature of the producing segment of the natural gas industry to deny the increased price, which was based upon the "supply and demand formula", would be confiscatory of the seller's property. Magnolia further states that the increasing costs of exploration, production, and processing of natural gas with depletion of reserves, requires additional revenue.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Magnolia, if later.

The increased rate and charge proposed in the aforesaid filing has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until August 21, 1957, and until such further time as it is made effective in the manner presented by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered shall be changed until this proceeding has been disposed of, or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[1]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2245; Filed, Mar. 22, 1957; 8:49 a. m.]

[Docket No. G-12231]

R. H. GOODRICH

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 19, 1957.

R. H. Goodrich (Goodrich), on February 21, 1957, tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing:

Description: Notice of change, dated February 18, 1957.
Purchaser: United Gas Pipe Line Company.
Rate schedule designation: Supplement No. 3 to Goodrich's FPC Gas Rate Schedule No. 1.
Effective Date: [1] March 24, 1957.

In support of the increase, Goodrich cites the contract pricing arrangement and states that the contract resulted from good faith arm's length bargaining under competitive conditions for an average rate of 22.36 cents per Mcf to be delivered over the 18-year term, but the average rate was broken down into increments at specified intervals and is consequently not a rate increase in any real sense. Goodrich also states that his proposed 21.4-cent rate is reasonable as evidenced by higher initial rates paid in the area under other recently negotiated long term contracts which he cites.

The proposed increased rate and charge designated above has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 24, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[2]

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2246; Filed, Mar. 22, 1957; 8:49 a. m.]

[1] The stated effective date is the first day after the expiration of the required thirty days' notice or the effective date proposed by Goodrich, if later.

[2] Commissioner Digby dissenting.

[Project No. 925]

CITY OF OTTUMWA, IOWA

NOTICE OF APPLICATION FOR AMENDMENT OF LICENSE

MARCH 19, 1957.

Public notice is hereby given that City of Ottumwa, Iowa, as part of a river improvement program whereby the Des Moines River channel will be straightened and new flood protection levees constructed through the City of Ottumwa, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for amendment of the license for water-power Project No. 925, located on the Des Moines River in Wapello County, Iowa, to include enlargement of the power pool and extension of the impoundment gate system by the removal of three existing Tainter gates at the City's hydroelectric power plant, construction of new gate supports, and the installation of seven new Tainter gates and two bascule type gates, and channel excavation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is April 18, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2247; Filed, Mar. 22, 1957; 8:49 a. m.]

[Project No. 1929]

B. TIMAEUS

NOTICE OF APPLICATION FOR MINOR PART LICENSE

MARCH, 19, 1957.

Public notice is hereby given that B. Timaeus of Pistol River, Oregon, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for minor part license for constructed Project No. 1929 located on Little Boulder Creek in Jackson County, Oregon, affecting lands of the United States. The project consists of a rubble masonary dam about 9 feet high with a crest length of about 120 feet; an eight inch pipeline about 2,662 feet long; a frame powerhouse containing a 36-inch Pelton water wheel having a capacity of 386 horsepower connected to a generator with nameplate capacity of 187 kilowatts; an underground transmission line paralleling the pipe line and a 97-foot tailrace from the powerhouse to a discharge point into a small unnamed creek.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April

[1] Commissioner Digby dissenting.

22, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2248; Filed, Mar. 22, 1957; 8:49 a. m.]

[Docket No. G-10159]

VAUGHEY AND VAUGHEY[1]

NOTICE OF SEVERANCE

MARCH 19, 1957.

Take notice that the application in the matter of Vaughey and Vaughey (Applicant), in Docket No. G-10159 which has been heretofore consolidated with various other applications in a proceeding entitled: In the Matters of United States Smelting, Refining & Mining Company, et al., Docket Nos. G-9833, et al. and scheduled to be heard therewith at 9:30 a. m., e. s. t., on Thursday, March 28, 1957, is hereby severed from said consolidated proceeding as the result of a request by Applicant filed March 6, 1957, and continued to a date to be set hereafter by further notice.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2249; Filed, Mar. 22, 1957; 8:49 a. m.]

[Docket No. G-10551 etc.]

ARGO OIL CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MARCH 19, 1957.

In the matters of Argo Oil Corporation et al., Docket Nos. G-10551, et al., Humble Oil & Refining Company, Docket Nos. G-10636, G-10829.

Notice is hereby given that the applications of Humble Oil & Refining Company in Docket Nos. G-10636 and G-10829 in the above consolidated proceeding and scheduled for a hearing on April 9, 1957 at 9:30 a. m. is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2250; Filed, Mar. 22, 1957; 8:49 a. m.]

[Docket No. G-3033 etc.]

NEW ULM CORP. AND TEXAS GAS CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 18, 1957.

In the matters of New Ulm Corporation, Docket Nos. G-3033 and G-9526; Texas Gas Corporation, Docket No. G-9527.

Take notice that New Ulm Corporation, a Texas corporation with its principal place of business in Houston, Texas, filed on September 24, 1954, an application in Docket No. G-3033, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, for authority to continue the sale of natural gas in interstate commerce to Tennessee Gas Transmission Company (Tennessee) for resale from production in the New Ulm Field Area, Austin County, Texas, all as more fully described in the application.

On October 21, 1955, New Ulm Corporation filed an application in Docket No. G-9526, pursuant to section 7 (b) of the Natural Gas Act, for permission and approval to abandon the service to Tennessee described in the application in Docket No. G-3033.

Texas Gas Corporation, a Texas corporation with its principal place of business in Houston, Texas, filed on October 21, 1955, an application in Docket No. G-9527, pursuant to section 7 (c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the sale of natural gas to Tennessee, proposed to be abandoned by New Ulm Corporation in its application in Docket No. G-9526.

The applications in Docket Nos. G-9526 and G-9527 state that New Ulm Corporation's assets and properties will be sold to Texas Gas Corporation effective November 1, 1955, and said corporation will continue the sale of natural gas to Tennessee pursuant to the existing gas sales contract between New Ulm Corporation and Tennessee.

The respective applications herein are on file with the Commission and open to public inspection.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2224; Filed, Mar. 22, 1957; 8:45 a. m.]

[1] Proceeding entitled: In the Matters of United States Smelting, Refining & Mining Company, et al., Docket Nos. G-9833, et al.

[Docket No. G-4005 etc.]

C. P. BURTON AND BURTON-PRICE INDUSTRIES, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 18, 1957.

In the matters of C. P. Burton, Docket Nos. G-4005, G-4006;[1] Burton-Price Industries, Inc., Operator;[2] Docket No. G-9709.

Take notice that Burton-Price Industries, Inc., (Burton-Price), Operator, a Delaware corporation with its principal place of business in Dallas, Texas filed on November 28, 1955, an application for a certificate of public convenience and necessity, authorizing Burton-Price to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application in Docket No. G-9709.

Burton-Price seeks authority to sell natural gas in interstate commerce to Lone Star Gas Company for resale, from five leases designated as Roberts, Damron, Pavlu No. 1, Pavlu "A" and Woods leases, all located in the East Brady Field, Garvin County, Oklahoma.

C. P. Burton, Operator, filed applications in Docket Nos. G-4005 and G-4006 seeking authorization pursuant to section 7 (c) of the Natural Gas Act to continue the sale of natural gas in interstate commerce to Lone Star Gas Company for resale from productions from the Roberts and Damron leases, respectively.

Price-Burton Industries, Inc., executed a contract with Lone Star Gas Company covering the Roberts and Damron leases as well as the other three leases heretofore identified from which it seeks authorization to sell natural gas in Docket No. G-9709 and therefore proposes to supersede the contracts covered by the applications in Docket Nos. G-4005 and G-4006 as such contracts relate to service from the Roberts and Damron leases. It appears that Price-Burton Industries, Inc., and C. P. Burton are owners of working interest in the two leases and merely a change in designation of operator is involved.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2225; Filed, Mar. 22, 1957; 8:45 a. m.]

[1] C. P. Burton was granted a certificate of public convenience and necessity in Docket No. G-4006 by the Commission's order issued October 5, 1955 in Docket No. G-7232, et al.

[2] The following owners of working interest are signatory parties to the gas sales contract: C. P. Burton, Mul-Berrig Oil Company, R. C. Jones & Company, Inc., Edwin L. Cox, Jake L. Hamon, Burton-Price Industries, Inc., Jordan Petroleum Company, Ray Hoffman, Jr., Sally R. Mortson, Hunter S. Mortson, Jr., R. D. Jones, Glen S. Norville, Glen C. Norville, and Richard S. Norville.

[Docket Nos. G-8992, G-10116]

STATES OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 18, 1957.

By order issued January 4, 1956, in Docket No. G-8992, States Oil Company et al. were granted certificate authorization to render service to United Gas Pipe Line Company (United) from approximately 288 acres in S 31, T 18 N., R 15 W, in the Greenwood-Waskom Field, Caddo Parish, Louisiana, under contract dated September 23, 1953, as amended April 11, 1955. The original application in Docket No. G-8992 also covered the proposed service from approximately 30 acres in S 6, T 17 N, R 15 W (S. L. Herold Unit No. 1). The order issuing certificate stated that such certificate shall be limited to the sale of natural gas produced from S 31, T 18 N, R 15 W, Caddo Parish, Louisiana. No Commission action was taken with respect to granting authorization to render service from the Section 6 acreage.

Section 31, for which authorization was granted in Docket No. G-8992, represented new acreage. However, the gas from section 6 at the time of filing the certificate application in Docket No. G-8992 was being sold to Arkansas Louisiana Gas Company (Arkansas Louisiana) by Plymouth Oil Company, Operator, pursuant to Plymouth's contract with Arkansas Louisiana to which States Oil Company was not a party.

On March 19, 1956, States Oil Company et al. filed an application in Docket No. G-10116 to abandon service to Arkansas Louisiana from section 6 heretofore mentioned. On October 26, 1956, Arkansas Louisiana filed a statement indicating that it does not oppose the proposed abandonment.

States Oil Company et al. in Docket No. G-10116 has requested permission to abandon service to Arkansas Louisiana, pursuant to section 7 (b) of the act, as hereinbefore described, and to initiate service to United in Docket No. G-8992, from the aforementioned section 6, pursuant to section 7 (c) of the act, all as more fully represented in its filings which are on file with the Commission and open for public inspection.

The gas which is the subject in this proceeding will be transported in interstate commerce for resale.

These related matters should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 19, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 8, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2226; Filed, Mar. 22, 1957; 8:45 a. m.]

[Docket No. G-8771 etc.]

CITY OF CLINTON, KY., ET AL.

ORDER DENYING APPLICATION FOR RECONSIDERATION AND FIXING DATE FOR HEARING

MARCH 18, 1957.

In the matters of City of Clinton, Kentucky, Docket No. G-8771; City of La Center, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962.

In its order issued January 31, 1957, under section 7 (a) of the Natural Gas Act, the Commission, while ordering Panhandle Eastern Pipe Line Company and Trunkline Gas Company to serve certain other customers, did not grant the applications of the Cities of Clinton, La Center, Bardwell and Wickliffe, Kentucky, for service from Trunkline, pointing out that these cities had not demonstrated the physical adequacy and economic feasibility of their systems because inherent in the computations presented by them was the use of the too-high design-day temperature of 28.8° Fahrenheit. The Commission, however, reopened the record for the purpose of permitting the four cities to present further evidence in support of the economic and financial feasibility of their respective projects.

On February 21, 1957, the cities filed their "Petition for Reconsideration or Rehearing" in which they allege that on the basis of facts already in the record with additional quantities of gas their redesigned projects will be able to meet their third-year system peaks at a design-day temperature of 20° Fahrenheit and will have sufficient revenues to cover their debt service. Therefore, they request that the Commission reconsider its findings and issue the requested allocation order on the basis of the present record. On December 12, 1956, each of the cities had submitted as a supplement to its application, in response to the presiding examiner's decision issued November 23, 1956, an additional engineering study intended to show the ability of its project to meet a demand based on a design-day temperature of 15° Fahrenheit.

The difficulty with the request of the cities for an allocation of gas on the present record is that they have not clearly defined the projects which they propose to meet a design-day temperature of less than 28.8° Fahrenheit so that the Commission has no definite proposal before it on which to act. Even in their Petition for Reconsideration or Rehearing the cities are not explicit with respect to their proposals. They indicate that they have redesigned the facilities to meet criteria adopted by the Commission (see our orders in Panhandle Eastern Pipe Line Company et al., docket Nos. G-1705 et al., on May 18, 1956, 15 F. P. C. 1421 and June 30, 1956, 15 F. P. C. 46, 70), but they also indicate that the redesigned systems may not be the ones they will build. Therefore, in view of the ambiguous history of these proposals, we are unable to grant an allocation of gas to these applicants on the present record. What is necessary are definite proposals as to the projects to be built and a record in support thereof.

Furthermore, Trunkline has taken an active part in the previous proceedings and has opposed the applications of these cities. Presumably Trunkline will be interested in any new proposals put forward particularly if they require additional quantities of gas and so should have opportunity for cross-examination and for the presentation of evidence. Accordingly we shall set a hearing at which the cities can make definite proposals for service by Trunkline and present evidence in support thereof as contemplated by our order of January 31, 1957.

The Commission further finds: The petition filed February 21, 1957, by the Cities of Clinton, La Center, Bardwell and Wickliffe, Kentucky, and the present record in the above-entitled proceeding do not provide a sufficient basis for reconsidering or modifying the order issued January 31, 1957.

The Commission orders:

(A) The aforesaid petition filed February 21, 1957, with respect to the Commission's order issued January 31, 1957, by the Cities of Clinton, La Center, Bardwell and Wickliffe, Kentucky, is hereby denied insofar as it requests reconsideration on the basis of the present record.

(B) A further public hearing shall be held May 28, 1957, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., at which the Cities of Clinton, La Center, Bardwell, and Wickliffe, Kentucky, shall have opportunity to present proposals for the supply of natural gas to them by Trunkline and to present further evidence in support of the economic and financial feasibility of their respective projects.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2227; Filed, Mar. 22, 1957; 8:45 a. m.]

[Docket No. G-12230]

E. L. GREEN, JR.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

MARCH 15, 1957.

E. L. Green, Jr., (Green), on February 12, 1957,[1] tendered for filing a proposed change in the presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes an increased rate and charge, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description: Notice of change, dated February 7, 1957.
Purchaser: Phillips Petroleum Company.
Rate schedule designation: Supplement No. 2 to Green's FPC Gas Rate Schedule No. 1.
Effective date: [2] March 16, 1957.

In support of the rate increase, Green states that the proposed increase results from the contractual provisions arrived at by arm's length bargaining.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge, and, pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until August 16, 1957, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate Schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.[3]

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2228; Filed, Mar. 22, 1957; 8:45 a. m.]

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[1] The original filing was made February 12, 1957, with a proposed effective date of March 16, 1957; but the original filing was deficient and not completed until February 20, 1957.

[2] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Green, if later.

[3] Commissioner Digby dissenting.

[4] See 18 F. R. 7329.

DEPARTMENT OF COMMERCE[4]

Business and Defense Services Administration

[BDSA Notice 1, as Amended March 21, 1957 [4]]

SCARCE AND CRITICAL MATERIALS AUTHORIZED FOR GENERAL DISTRIBUTION IN THE CIVILIAN MARKET

Pursuant to section 101 (b) of the Defense Production Act of 1950, as amended section 201 of Executive Order 10480 dated August 14, 1953, as amended, paragraph 1 of Defense Mobilization Order No. I-7 dated August 14, 1953, as amended, and section 3 of Department of Commerce Order 152 dated October 1, 1953, as amended, I hereby authorize the control of the general distribution in the civilian market of the materials listed in Schedule A below and find (1) that they are scarce and critical materials essential to the national defense, and (2) that the requirements of the national defense for such materials cannot otherwise be met without creating a significant dislocation of the normal distribution of such materials in the civilian market to such a degree as to create appreciable hardship.

This amended notice shall take effect March 21, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

Approved:

GORDON GRAY,
Director of the Office of Defense Mobilization.

SCHEDULE A

Titanium sponge.
Titanium metal (ingot and mill products), Argon.

[F. R. Doc. 57-2310; Filed, Mar. 21, 1957; 5:01 p. m.]

Maritime Administration

BLOOMFIELD STEAMSHIP CO.

NOTICE OF APPLICATION

Notice is hereby given of the application of Bloomfield Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, 46 U. S. C. 1223, to permit operation of its owned vessel SS. "Mary Adams" by the charterer of said vessel, States Marine Corporation, on a voyage commencing on or about April 7, 1957, carrying lumber from United States North Pacific ports to United States Atlantic ports, north of Cape Hatteras.

Any person, firm, or corporation having an interest in such application and desiring a hearing on issues pertinent to section 805 (a) should notify the Secretary, Maritime Administration, on or before April 1, 1957, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

Dated: March 22, 1957.

By order of the Acting Maritime Administrator.

[SEAL] GEO. A. VIEHMANN, *Assistant Secretary.*

[F. R. Doc. 57-2311; Filed, Mar. 22, 1957; 10:15 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal 224, Revision 1]

PRODUCTION FACILITIES FOR MILITARY AND ATOMIC ENERGY PROCUREMENT

1. Expansion Goal No. 224, Production Facilities for Military and Atomic Energy Procurement is revised to apply to facilities which will produce items that are to be procured for support of Department of Defense and Atomic Energy Commission programs.

2. In all cases, the certification of applications under this goal will be limited to those facilities expansions determined to be necessary to support the Department of Defense or the Atomic Energy Commission programs essential to the national defense, such as military production, research and development or service programs, for which there is not sufficient capacity to meet current or currently foreseeable requirements. Certifications will be further limited to apply only to those end items, and special components or special materials pertaining thereto, for which there is no current or currently foreseeable general industrial use. Applications will not be certified under this goal where general commercial and industrial shortages, either current, currently foreseeable or anticipated, are predominant and defense requirements constitute only a minor part of such shortages.

3. In all cases, certification under Expansion Goal No. 224 will be considered only upon a recommendation for approval from the Department of Defense or the Atomic Energy Commission, within the above limitations, and concurrence by the appropriate delegate agency.

Dated: March 21, 1957.

GORDON GRAY,
Director.

[F. R. Doc. 57-2286; Filed, Mar. 21, 1957; 3:20 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-2029]

WHITE SAGE URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 18, 1957.

I. White Sage Uranium Corporation, a Utah corporation, 547 East 21st South Street, Salt Lake City, Utah, filed with the Commission on February 13, 1956 a notification on Form 1-A and offering circular, relating to an offering of 15,000,000 shares of 1 cent par value common stock at 1 cent per share for an aggregate of $150,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable grounds to believe:

A. That the terms and conditions of Regulation A have not been complied with in the following respects:

1. The outside front cover page of the prospectus does not contain the tabulation required by Rule 219 (c) (4); and

2. The financial statements appearing in the offering circular:

a. Do not comply with the requirements of Rule 219 (c) (6) (A) and

b. Do not contain the information required by Rule 219 (c) (6) (B).

B. That the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, in the following respects:

1. Failure to state that the company's authorization to sell shares in Utah had been suspended by the Utah State Securities Commission;

2. Inclusion of contradictory statements in the notification and offering circular, respectively, concerning the consideration for issuance of the shares outstanding; and

3. Inclusion of maps in the offering circular reflecting ownership of 80 mining claims in excess of those claimed elsewhere in the offering circular to be owned by the company.

C. That use of said offering circular in connection with the offering of the company's securities would operate as a fraud and deceit upon the purchasers of said securities.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2232; Filed, Mar. 22, 1957; 8:46 a. m.]

[File No. 70-3564]

NEW ORLEANS PUBLIC SERVICE INC.

ORDER APPROVING ISSUE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS

MARCH 19, 1957.

New Orleans Public Service Inc. ("Company"), a public-utility subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 and Rule U-50 thereunder with respect to the following proposed transaction:

The Company proposes to issue and sell at competitive bidding, pursuant to Rule U-50, $6,000,000 principal amount of First Mortgage Bonds __ percent Series due April 1, 1987. Public invitations for bids will be issued on or about March 21, 1957. Each bid shall specify the coupon rate (which shall be a multiple of ⅛ of 1 percent) to be borne by the Bonds, and the price (exclusive of accrued interest) to be paid to the Company for the Bonds, which price shall be not less than the principal amount of the Bonds and not more than 102¾ percent thereof.

The Bonds will be issued under the Company's Mortgage and Deed of Trust dated as of July 1, 1944, to the Chase Manhattan Bank and Arthur F. Henning, successor Trustees, as heretofore supplemented and as it will be supplemented by a Fourth Supplemental Indenture to be dated April 1, 1957.

The issuance of the Bonds has been authorized by the City of New Orleans, the regulatory agency of the State in which the Company is organized and doing business.

The net proceeds to be received by the Company from the sale of the Bonds will be applied toward financing its construction program, and, if circumstances warrant, toward partial payment, prior to maturity, of its outstanding nine-month 4 percent bank notes due October 2, 1957.

Due notice having been given of the filing of said application (Holding Company Act Release No. 13404) and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application as amended be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2233; Filed, Mar. 22, 1957; 8:46 a. m.]

SMALL BUSINESS ADMINISTRATION

Office of the Administrator

[SBA Group Loan 2]

GROUP LOAN TO BOSTON FISHERIES COOPERATIVE, INC., FOR BENEFIT OF MEMBER COMPANIES IN PARTICPATIION WITH THE FIRST NATIONAL BANK OF BOSTON

Pursuant to section 207 (a) (2) of the Small Business Act of 1953, as amended, the request of The First National Bank of Boston, Boston, Massachusetts (hereinafter called "Bank"), on an Application dated June 11, 1956, and Boston Fisheries Cooperative, Inc., Boston, Massachusetts (hereinafter called "Borrower"), on an Application dated June 8, 1956, for an immediate participation of 90 percent of a loan in the amount of $1,000,000 to be made by Bank to Borrower for the benefit of certain members of the Borrower, was approved by the Administrator on July 18, 1956.

The Administrator has found that the operations of Borrower and its member firms in connection with said loan contribute to the needs of small business. Prior to the making of this finding, the Administrator consulted with the Attorney General and with the Chairman of the Federal Trade Commission, and the Attorney General has concurred in writing in such finding and approval.

Borrower and the member firms, namely:

O'Hara Bros.
Bay Fish Co.
Baker, Boies & Watson Co.
Bart Tribuna Co., Inc.
Blue Sea Fish Co.
Boston Fish Co.
Cassius Hunt Co.
Columbia Seafoods, Inc.
Coral Sea Fisheries Inc.
Diamond Fisheries, Inc.
Eastern Seafood Co.
F. E. Harding Co.
Hub Sea Food Corp.

John Mantia & Sons Co., Inc.
L. B. Goodspeed Inc.
New England Fillet Co., Inc.
No. Atlantic Fish Co., Inc.
Shamrock Fisheries, Inc.
Super Snooty Seafood, Inc.
Warren Fitch Co., Inc.

are hereby granted immunity from prosecution under the Federal Antitrust Laws and the Federal Trade Commission Act, insofar as they may apply to the activities of the said Borrower and the said member firms conducted pursuant to the said loan.

Dated: March 12, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2234; Filed, Mar. 22, 1957; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order SA-165]

PRAHOVA S. A. R. DE PETROL

In re: Debt owing to Prahova S. A. R. de Petrol also known as Prahova, Societate Anonima Romana Pentru Industria Miniera. F-57-33.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "Prahova, Societate Anonima Romana Pentru Industria Miniera," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Prahova S. A. R. de Petrol, also known as Prahova, Societate Anonima Romana Pentru Industria Miniera, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on March 19, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 57-2241; Filed, Mar. 22, 1957; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-57]

UNIVERSITY OF BUFFALO

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on March 11, 1957 the University of Buffalo, Buffalo, New York, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct and operate a pool-type nuclear reactor designed to operate at one megawatt and to be located on the campus of the University of Buffalo.

A copy of the application is available for public inspection in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 15th day of March 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-2218, Filed, Mar. 21, 1957; 8:51 a. m.]

[Docket Nos. 50-55, etc.]

AEROJET-GENERAL CORP. AND AEROJET-GENERAL NUCLEONICS

NOTICE OF APPLICATIONS FOR LICENSES TO ACQUIRE TITLE TO AND TRANSFER TITLE TO UTILIZATION FACILITIES

Please take notice that the following applications have been filed with the Atomic Energy Commission:

Docket Nos. 50-55 and 50-56. Aerojet-General Corporation, Azusa, California, on March 1, 1957, filed applications under section 104 of the Atomic Energy Act of 1954 for licenses to acquire title to the AGN-201 reactors designated as serial numbers 101 through 108 being constructed by Aerojet-General Nucleonics.

Docket Nos. F-32 and F-44. Aerojet-General Nucleonics, San Ramon, California, by an amendment filed on December 3, 1956, requested authorization to transfer title to the AGN-201 reactors designated as serial numbers 101 through 108 to the Aerojet-General Corporation, Azusa, California.

Copies of the applications and the amendment are available for public inspection in the AEC Public Document Room located at 1717 H Street, NW., Washington, D. C.

Dated at Washington, D. C. this 15th day of March 1957.

For the Atomic Energy Commission.

FRANK K. PITTMAN,
Deputy Director,
Division of Civilian Application.

[F. R. Doc. 57-2219; Filed, Mar. 21, 1957; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 19, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33407: *Caustic soda—Alabama points to Pensacola, Fla., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, carloads from Evans City, McIntosh, and Redstone Arsenal, Ala., to Cantonment, Gonzales, North Pensacola, and Pensacola, Fla.

Grounds for relief: Barge and market competition and circuitous routes.

Tariff: Supplement 195 to Agent Spaninger's tariff I. C. C. 1295.

FSA No. 33408: *Iron and steel scrap—Mississippi points to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel scrap, carloads from specified points in Mississippi to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 190 to Agent Kratzmeir's tariff I. C. C. 4115.

FSA No. 33409: *Pig iron—Official territory to North Atlantic Ports.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on pig iron and related commodities, carloads from specified points in official territory to North Atlantic ports.

Grounds for relief: Export competition with producers at certain points in Canada, export competition with southern ports, port relations and circuitous routes.

Tariffs: Supplement 2 to Baltimore and Ohio Railroad Company's tariff I. C. C. 24325, and supplements to other tariffs of individual lines and Agent H. R. Hinsch listed in exhibit 1 of the application.

FSA No. 33410: *Commodity rates between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on phosphoric acid, iron or steel absorber tower baffales and parts, plasterboard joint system, and plastics, carloads, also iron or steel cans, less than carloads between points in Texas on interstate traffic.

Grounds for relief: Short-line distance formulas, intrastate competition, and circuitous routes.

Tariff: Supplement 37 to Agent J. F. Brown's tariff I. C. C. 865.

FSA No. 33411: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on phosphoric acid, carloads and other commodities described in the application between points in Texas, applicable on interstate traffic.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without observing such rates as factors in constructing lower combination rates for or to points outside Texas.

Tariff: Supplement 37 to Agent Brown's tariff I. C. C. 865.

FSA No. 33412: *Fertilizer and materials between official and W. T. L. territories.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, minimum 40,000 pounds between points in official territory, on the one hand, and points in central and western trunk line territories, on the other, as described in the application.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 60 to Agent H. R. Hinsch's tariff I. C. C. 4662. Supplement 22 to Agent H. R. Hinsch's tariff I. C. C. 4720.

FSA No. 33413: *Petroleum and products—Southwest to Illinois points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and related articles, carloads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma and Texas to Choat, Mermet and Metropolis, Ill.

Grounds for relief: Maintenance of destination group relations, and circuitous routes.

Tariff: Supplement 305 to Agent Kratzmeir's tariff I. C. C. 3825.

FSA No. 33414: *Fertilizer and materials between southwestern and official territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, also superphosphate, carloads between points in southwestern territory, on the one hand, and points in official territory, on the other.

Grounds for relief: Short-line distance formulas, and circuitous routes.

Tariff: Supplement 199 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33415: *Rock salt—Detroit, Mich., to South Charleston, W. Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on rock salt, loose in bulk, carloads from Detroit, Mich., to South Charleston, W. Va.

Grounds for relief: Market competition from Louisiana points via barge, and circuitous routes.

Tariff: Supplement 58 to Agent Hinsch's tariff I. C. C. 4198.

FSA No. 33416: *Fertilizer solutions from Belle, W. Va., and Lima, Ohio.* Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution and nitrogen fertilizer solution, tank-car loads from Belle, W. Va., and Lima, Ohio to points in Kentucky, North Carolina, Tennessee and Virginia.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 22 to Agent H. R. Hinsch's tariff I. C. C. 4526.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2192; Filed, Mar. 21, 1957; 8:46 a. m.]

[No. 32067]

KANSAS

INTRASTATE FREIGHT RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 12th day of March A. D. 1957.

It appearing, that upon petition, dated October 26, 1956, filed by The Atchison, Topeka and Santa Fe Railway Company and other common carriers by railroad operating to, from, and between points in the State of Kansas, averring that the State Corporation Commission of Kansas has refused to authorize or permit said petitioners to apply to the transportation of certain commodities and traffic moving intrastate by railroad in Kansas, increases in freight rates and charges corresponding to those approved in Ex Parte No. 196, Increased Freight Rates, 1956, 298 I. C. C. 279, the Commission, by Division 2, entered an order on December 6, 1956, instituting an investigation thereon under section 13 of the Interstate Commerce Act:

It further appearing, that a petition has been filed dated January 16, 1957, stating that petitioners failed to state in their petition of October 26, 1956, that the Kansas Commission in its order of December 14, 1955, in Docket No. 41290-R, had removed the Ex Parte No. 175 increases from intrastate rates on cement and that as a result, such rates also violate the Interstate Commerce Act in the same manner as the other actions of that Commission described in the said petition; and requesting the Commission to amend its order of December 6, 1956, to include such intrastate line-haul rates on cement:

It is ordered, That said petition dated January 16, 1957, be, and it is hereby, granted;

It is further ordered, That the order of the Commission dated December 6, 1956, be, and it is hereby, amended so as to include rates on cement moving intrastate in the State of Kansas which fail also to include increases on cement in interstate commerce authorized by this Commission in Ex Parte No. 175, Increased Freight Rates, 1951, 280 I. C. C. 179, 281 I. C. C. 557, 284 I. C. C. 589 and 289 I. C. C. 395;

And it is further ordered, That notice of this amendment be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 57-2236; Filed, Mar. 22, 1957; 8:46 a. m.]

[No. MC-C-2094]

CHROMIC ACID; BALTIMORE, MD. TO DETROIT, MICH.

RATES AND CHARGES

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 11th day of March A. D. 1957.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of chromic acid, minimum 25,000 pounds, from Baltimore, Md. to Detroit, Mich., as set forth in:

The Eastern Central Motor Carriers Association, Inc., Agent: On original page 331-A to MF-I. C. C. No. A-114, in Item Number 1325, the rate of 98 cents;

It appearing, that upon consideration of the tariff schedules and protests thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That the carriers parties to the said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that a notice of this proceeding be given to the public by posting a copy of this order in the office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-2237; Filed, Mar. 22, 1957; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 445]

MARKET AGENCIES AT FORT WORTH STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on April 22, 1955 (14 A. D. 274), continuing in effect to and including April 30, 1957, the order of April 25, 1952 (11 A. D. 360), as corrected by the order of May 1, 1952 (11 A. D. 434), which authorized respondents, Market Agencies at the Fort Worth Stock Yards, Forth Worth, Texas, to assess the current temporary schedule of rates and charges as set out in respondents' Joint Tariff No. 11.

By documents filed with the Hearing Clerk on February 25 and March 12, 1957, respondents requested authority to put into effect certain modifications in the rates and charges set forth in Article II and Article III of Joint Tariff No. 11. The modified rates and charges petitioned for in Article II are set forth below.

ARTICLE II

SCHEDULE FOR SELLING OR FOR BUYING ON ORDER

	Proposed rate per head
Bulls: 1 head or more	$1.85
Calves:	
Consignments of 1 head and 1 head only	.85
Consignments of more than 1 head:	
First 15 head in each consignment	.70
Each head over 15 in each consignment	.60
Cattle:	
Consignments of 1 head and 1 head only	1.45
Consignments of more than 1 head:	
First 15 head in each consignment	1.30
Each head over 15 in each consignment	1.15
Hogs:	
Consignments of 1 head and 1 head only	.60
Consignments of more than 1 head:	
First 25 head in each consignment	.50
Each head over 25 in each consignment	.40
Sheep:	
Consignments of 1 head and 1 head only	.50
Consignments of more than 1 head:	
First 10 head in each 250 head in each consignment	.35
Next 50 head in each 250 head in each consignment	.25
Next 60 head in each 250 head in each consignment	.20
Next 130 head in each 250 head in each consignment	.12

The modification petitioned for in Article III of Joint Tariff No. 11 would change the second paragraph of the Article to read:

Purchase Order, when it is necessary to purchase from more than three market agencies and/or dealers a charge of 50 cents shall be made for each market agency and/or dealer over three from which Purchase Order is made $0.50

The modifications, if authorized, will produce additional revenue for the respondents and increase the cost of marketing livestock. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 19th day of March 1957.

[SEAL] JOHN C. PIERCE, Jr., *Acting Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 57-2240; Filed, Mar. 22, 1957; 8:48 a. m.]

Office of the Secretary

NEBRASKA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties were determined on March 13, 1957, to be affected by the above-mentioned major disaster:

NEBRASKA

NEMAHA COUNTY

The non-irrigated section of Dawson County lying north of the Platte River Valley.

Done at Washington, D. C., this 20th day of March 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-2254; Filed, Mar. 22, 1957; 8:50 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 22 NUMBER 58

Washington, Tuesday, March 26, 1957

UNIVERSITY OF MICHIGAN
MAR 2[illegible] 1957
MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 729—PEANUTS

DETERMINATION WITH RESPECT TO SUPPLY OF VALENCIA TYPE PEANUTS FOR 1957–58 MARKETING YEAR

The purpose of this proclamation is to establish that the supply of Valencia type peanuts for the marketing year beginning August 1, 1957, will be insufficient to meet the estimated demand for cleaning and shelling purposes, to establish the extent of increase in State allotments for States producing peanuts of such type required to meet such demand, and to apportion such increase to such States. These determinations are made pursuant to section 358 (c) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1358 (c)), which reads in part as follows:

Notwithstanding any other provision of law, if the Secretary of Agriculture determines, on the basis of the average yield per acre of peanuts by types during the preceding five years, adjusted for trends in yields and abnormal conditions of production affecting yields in such five years, that the supply of any type or types of peanuts for any marketing year, beginning with the 1951–52 marketing year, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it, the State allotments for those States producing such type or types of peanuts shall be increased to the extent determined by the Secretary to be required to meet such demand but the allotment for any State may not be increased under this provision above the 1947 harvested acreage of peanuts for such State. The total increase so determined shall be apportioned among such States for distribution among farms producing peanuts of such type or types on the basis of the average acreage of peanuts of such type or types in the three years immediately preceding the year for which the allotments are being determined. The additional acreage so required shall be in addition to the national acreage allotment, the production from such acreage shall be in addition to the national marketing quota, and the increase in acreage alloted under this provision shall not be considered in establishing future State, county, or farm acreage allotments.

Section 729.804 of this proclamation defines each of the four commonly known basic types of peanuts—Runner, Spanish, Valencia, and Virginia—by describing the outstanding physical characteristics of each type and the areas of the United States in which each is most commonly grown. The definition of Virginia type peanuts includes a requirement that each lot or load of peanuts having Virginia type characteristics must contain a minimum percentage of large, so-called "Fancy", size peanuts, otherwise such lot or load will be considered Runner type peanuts.

Section 729.805 establishes that the supply of Valencia type peanuts for the marketing year beginning August 1, 1957, will be insufficient to meet the estimated demand for cleaning and shelling purposes at prices at which Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it. Section 729.805 also establishes the total increase in State allotments required to meet the prescribed demand for Valencia type peanuts.

Section 729.806 apportions the increase determined under § 729.805 to States producing Valencia type peanuts. Such increase is prorated to such States on the basis of the average acreage of Valencia type (excluding acreage in excess of farm allotments) grown in each State in the three years 1954–56, but the allotment for no State is increased above the 1947 harvested acreage of peanuts for the State. For the purpose of this proclamation "farm allotments" mean the allotments established for the farms prior to any increase from released acreage or from the additional acreage allotted to farms under section 358 (c), (2) of the Agricultural Adjustment Act of 1938, as amended. The 1954–56 average acreage used for the purposes of the aforementioned apportionment was determined by the State and county committees, in accordance with instructions issued by the Deputy Administrator, on

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following Supplements are now available:

Title 24 ($1.00)
Title 32, Parts 1100 to end ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 32, Parts 700–799 ($0.50); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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the basis of data reported by the farm operators and county office records of peanut acreages and production. The same data will be used as the basis for apportioning the State acreage to farms in accordance with the provisions of § 729.827 of the marketing quota regulations for the 1957 and subsequent crops of peanuts, (21 F. R. 9370).

Section 729.807 specifies that the increase in acreage allotted to States under § 729.806 shall not be considered in establishing future State, county, or farm acreage allotments.

Public notice of the proposed determination with respect to the supply of Valencia type peanuts for the 1957–58 marketing year was given (22 F. R. 988) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The proclamation is made after due consideration of recommendations submitted in response to such notice. Peanut farmers are now making plans for the production of peanuts in 1957. In order that the State and county Agricultural Conservation and Stabilization committees may establish farm acreage allotments including the apportionment of the additional acreage provided herein for Valencia type peanuts, and issue allotment notices to farm operators at the earliest possible date, it is essential that this proclamation be made effective as soon as possible. Accordingly, it is hereby determined and found that notice and public procedure thereon and compliance with the 30-day effective date provision of the Administrative Procedure Act is impracticable and contrary to the public interest, and the regulations and additional acreage allotments contained herein shall be effective upon filing of the document with the Director, Division of the Federal Register.

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729.804 Definition of type of peanuts.
729.805 Designation of type for which increase is needed and determination of total increase.
729.806 Apportionment of increase to States.
729.807 No credit for future allotments.
729.808 Definitions and miscellaneous provisions.

AUTHORITY: §§ 729.804 to 729.808 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 375. Interpret or apply sec. 358, 55 Stat. 89, as amended, 65 Stat. 29; 7 U. S. C. 1358.

§ 729.804 *Definition of types of peanuts.* For the 1957 crop of peanuts, the generally known types of peanuts are defined as follows:

(a) Runner type peanuts means peanuts commonly known as African Runner, Alabama Runner, Georgia Runner, Carolina Runner, Wilmington Runner, Dixie Runner or Runner, produced principally in the Southeastern peanut-producing area of the United States and identified by the following characteristics: Typically two-seeded pods which are practically cylindrical, medium sized, stem end round and the other pointed with a slight keel, having shells fairly thick and strong, with shallow veining and corrugation; and seeds crowded in pod with adjacent ends sharply shouldered. Runner type peanuts will also include lots or loads of peanuts having Virginia type characteristics but not meeting size requirements specified in paragraph (d) of this section for Virginia type peanuts.

(b) Spanish type peanuts means peanuts commonly known as White Spanish, Small Spanish, Medium-Small Spanish, or Spanish; produced principally in the Southeastern and Southwestern peanut-producing areas of the United States and identified by the following general characteristics: Typically two-seeded pods, which are small, with both ends rounded, the end opposite the stem having an inconspicuous point or keel, and the waist slender; shells very thin, with veining and corrugation but not deep; and seeds globular to oval and practically smooth.

(c) Valencia type peanuts means peanuts commonly known as New Mexico Valencia, Tennessee Valencia, Tennessee White, Tennessee Red, or Valencia, produced principally in Tennessee and New Mexico, and identified by the following general characteristics: Typically three- or four- and sometimes five-seeded pods which are long and slender, with the end opposite the stem having a definite point or keel with conspicuous veining and corrugation; and seeds globular to oval.

(d) Virginia type peanuts means peanuts commonly known as Virginia Runner, Virginia Bunch, North Carolina Runner, North Carolina Bunch, Jumbo, or Virginia, produced principally in North Carolina, Virginia, northeastern South Carolina, and Tennessee, and identified by the following general characteristics: Typically two-seeded pods which are of an average size larger than any other type; pods are roughly cylindrical, with veining and corrugation deep; and seeds cylindrical with pointed ends; length two or three times diameter, and practically smooth. Any lot or load of peanuts of the 1954 crop which contained less than 25 percent "Fancy" size (peanuts riding a $3\frac{1}{64}$" x 3" slotted screen) will be considered Runner type peanuts. Any lot or load of peanuts of the 1955 or 1956 crop which contained less than 30 percent "Fancy" size (peanuts riding a $3\frac{1}{64}$" x 3" slotted screen) will be considered Runner type peanuts.

§ 729.805 *Designation of type for which increase is needed and determination of total increase.* The State acreage allotments for peanuts of the 1957 crop for States which produced Valencia type peanuts during any one or more of the years 1954, 1955, and 1956 shall be increased by a total of 1,441 acres. This increase is determined to be the additional acreage required to meet the demand for Valencia type peanuts for cleaning and shelling purposes at prices at which the Commodity Credit Corporation may sell for such purposes peanuts owned or controlled by it.

§ 729.806 *Apportionment of increase to States.* The acreages established in § 729.805, less reserves of one-fourth of one percent of such acreage which shall be used for adjusting increases in State allotments determined on the basis of incomplete or inaccurate data are hereby apportioned to States on the basis of the average acreage (excluding acreage in excess of farm allotments) of Valencia type peanuts in each State in 1954, 1955 and 1956:

State	1947 harvested acreage of peanuts	1954–56 average acreage Valencia type peanuts	Increase in State allotment for Valencia type peanuts	Previous State allotment	Revised State allotment
Alabama	463,000	305	86	218,429.9	218,515.9
Arizona	0	5	0	718.3	718.3
Arkansas	8,000	0	0	4,228.8	4,228.8
California	0	0	0	942.0	942.0
Florida	165,000	226	65	54,893.8	54,958.8
Georgia	1,124,000	83	23	525,729.6	525,752.6
Louisiana	5,000	0	0	1,967.0	1,967.0
Mississippi	15,000	0	0	7,573.0	7,573.0
Missouri	0	0	0	246.6	246.6
New Mexico	14,000	3,827	1,083	4,916.5	5,999.5
North Carolina	292,000	0	0	169,174.0	169,174.0
Oklahoma	325,000	0	0	137,615.7	137,615.7
South Carolina	26,000	43	12	13,772.3	13,784.3
Tennessee	5,000	561	160	3,571.5	3,731.5
Texas	836,000	32	9	355,819.9	355,828.9
Virginia	162,000	0	0	105,767.1	105,767.1
Acreage apportioned to new farms			3	4,634.0	4,634.0
Reserve					3.0
United States total	3,380,000	5,082	1,441	1,610,000.0	1,611,441.0

The above increase does not result in increasing the State allotment for any State above the 1947 harvested acreage of peanuts for such State.

§ 729.807 *No credit for future allotments.* The increase in acreage allotted to States and farms pursuant to § 729.806 shall not be considered in establishing future State, county, or farm acreage allotments.

§ 729.808 *Definitions and miscellaneous provisions.* The applicable definitions and provisions in §§ 729.810 to 729.865 of the marketing quota regulations for the 1957 and subsequent crops of peanuts (21 F. R. 9370) shall apply to §§ 729.804 to 729.808.

Issued at Washington, D. C. this 21st day of March 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2283; Filed, Mar. 25, 1957; 8:50 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 678, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.785 (Lemon Regulation 678, 22 F. R. 1713) are hereby amended to read as follows:

(ii) District 2: 239,940 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 21, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2308; Filed, Mar. 25, 1957; 8:54 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF HYDROGEN CYANIDE

A petition was filed with the Food and Drug Administration requesting the establishment of a tolerance of 100 parts per million for residues of hydrogen cyanide in or on spices and extension of the tolerance of 25 parts per million to certain additional grains. The petitioner subsequently amended the petition to request tolerances of 250 parts per million for residues of hydrogen cyanide in or on certain specified whole spices and to provide for a holding period of 7 days following such fumigation.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 1956 Supp., 120.130) are amended by changing § 120.130 to read as follows:

§ 120.130 *Tolerances for residues of hydrogen cyanide.* Tolerances for residues of hydrogen cyanide from postharvest fumigation are established as follows:

(a) 250 parts per million in or on the following spices: Allspice, anise, basil, bay, black pepper, caraway, cassia, celery seed, chili, cinnamon, cloves, coriander, cumin, dill, ginger, mace, marjoram, nutmeg, oregano, paprika, poppy, red pepper, rosemary, sage, savory, thyme, turmeric, white pepper.

(b) 25 parts per million in or on almonds, barley, beans (dried), buckwheat, cashews, cocoa beans, corn, oats, peanuts, peas (dried), pecans, popcorn, rice, rye, sesame, sorghum, walnuts, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330, Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: March 19, 1957.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-2259; Filed, Mar. 25, 1957; 8:45 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Administrator, Housing and Home Finance Agency

PART 3—SLUM CLEARANCE AND URBAN RENEWAL

SUBPART B—RELOCATION PAYMENTS UNDER SECTION 106(F) OF THE HOUSING ACT OF 1949, AS AMENDED

The rules and regulations governing the making of relocation payments under section 106 (f) of the Housing Act of 1949, as amended, 42 U. S. C. 1456, to individuals, families, and business concerns displaced by an urban renewal project, prescribed on behalf of the Housing and Home Finance Administrator by the Acting Urban Renewal Commissioner, as of October 8, 1956, published at 21 F. R. 9991, December 15, 1956, are hereby amended as follows:

1. Paragraph (f) *Unpaid rent* of § 3.104 is hereby deleted; and

2. The parenthesized phrase "(available from HHFA)" appearing in the first sentence of paragraph (a) of § 3.105 is hereby deleted.

(Sec. 502, 62 Stat. 1283, as amended, sec. 106, 63 Stat. 417, as amended, sec. 305, 70 Stat. 1100; 12 U. S. C. 1701c, 42 U. S. C. 1456)

Issued as of the 26th day of March 1957.

R. L. STEINER,
Acting Urban Renewal Commissioner.

[F. R. Doc. 57-2285; Filed, Mar. 25, 1957; 8:50 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 241]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

From—	To—	Transition: Course and distance	Transition: Minimum altitude (feet)	Ceiling and visibility minimums: Condition	Ceiling and visibility minimums: 2-engine or less: 65 knots or less	Ceiling and visibility minimums: 2-engine or less: More than 65 knots	Ceiling and visibility minimums: More than 2-engine or more than 65 knots	Notes
Alexandria VOR	AXN-LFR	Direct	2,600	T-dn C-d C-n A-dn	300-1 600-1½ 600-2 800-2	300-1 600-2 600-2 800-2	300-1½ 600-2 600-2 800-2	Procedure turn W side N course, 006° outbound, 186° inbound, 2,600' within 10 miles. Minimum altitude over facility on final approach course, 2,100'. Course and distance, facility to airport, 186—21. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 21 miles, climb to 2,600' on S course (186°). CAUTION: Tank 1,585' MSL, located to left of course after passing low cone: Radio tower, 1,578' located 1½ miles SW of LFR. Radio tower 1,535' MSL located 1 mile east of airport. NOTE: This procedure not approved for ADF approach.

Alexandria, Minn.; Municipal Airport, elevation 1,425'; facility BMLZ, identification AXN; Procedure No. 1, Amendment No. 7, effective date, Apr. 6, 1957; supersedes Amendment No. 6, dated Aug. 27, 1955

BKE-VOR	BKE-LFR	Direct	7,000	T-d T-n C-d C-n A-dn	1000-1 1000-2 1700-1 1700-2 1700-2	1000-1 1000-2 1700-1 1700-2 1700-2		Procedure turn °E side NW course, 300° outbound, 120° inbound, 7,000' within 9 miles. Not authorized beyond 9 miles. °CAUTION: 8,000' terrain 7 miles W of NW course. Minimum altitude over facility on final approach course, 5,100'. Course and distance, facility to airport, direct. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0.0, turn left and climb to 9,000' on NW course within 13 miles of BKE-LFR. NOTE: Shuttle to 8,000' on SE course within 10 miles of BKE-LFR. All turns on E side of course. AIR CARRIER NOTE: Sliding scale not applicable at night.

Baker, Oreg.; Baker Airport, elevation 3,366'; facility SBRAZ, identification BKE; Procedure No. 1, Amendment No. 6, effective date, Mar. 20, 1957; supersedes Amendment No. 5, dated Sept. 3, 1953

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Dacona FM*	DEN-LFR	Direct	6,300	T-dn	300-1	300-1	200-½	*If contact not established at range station, climb to 8,900' on S course within 20 miles.
Henderson FM*	DEN-LFR	Direct	6,300	C-dn	400-1	500-1	500-1½	#Descent below 8,900' not authorized until 3 miles N of Franktown FM due to 6,715' MSL terrain 5.2 NW of Franktown.
Franktown FM (northbound only).	DEN-LFR	Direct	#7,000	A-dn	800-2	800-2	800-2	Procedure turn E side S course, 155° outbound, 335° inbound 7,080' within 10 miles of Englewood FM (not authorized beyond 10 miles due to terrain to S). Minimum altitude over facility on final approach course, 7,000' (over Englewood FM). Course and distance, facility to airport, 335—5.3 (from Englewood FM). If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 5.3 miles from Englewood FM, climb to 6,500' on N course within 15 miles. Alternate Missed Approach Procedure when directed by ATC: Climb to 6,900' on E course DEN LFR within 20 miles. SHUTTLE: On N course within 20 miles or as directed by ATC, on S course LFR between range and Englewood FM, or on E course LFR. CAUTION: 5,911' MSL radio tower 4.5 miles E-SE of airport. CAUTION: Standard clearance not provided on Franktown FM transition or on procedure turn buffer area.

Denver, Colo.; Stapleton Airfield, elevation 5,325'; facility SBMRAZ, identification DEN; Procedure No. 1, Amendment No. 10, effective date, Mar. 20, 1957; supersedes Amendment No. 9, dated May 15, 1954

Ellensburg VOR	ELN-LFR	Direct	5,500	T-dn	500-1	500-1	500-1	Procedure turn S side E course, 049° outbound, 229° inbound, 5,500' within 10 miles. Not authorized beyond 10 miles (nonstandard for more favorable terrain. Minimum altitude over facility on final approach course, 4,000'. Course and distance, facility to airport, 279—1.7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, turn left, climb on E course Ellensburg LFR to 5,500' within 10 miles. CAUTION: High terrain all quadrants; 4,000' hills 10 miles, NE Ellensburg LFR. NOTE: Standard criteria not followed for missed approach distance.
				C-dn	1,500-1	1,500-1	1,500-1½	
				A-dn	1,500-3	1,500-3	1,500-3	

Ellensburg, Wash.; Bowers Field, elevation 1,766' facility SBMRAZ, identification ELN; Procedure No. 1, Amendment No. 8, effective date, Mar. 20, 1957; supersedes Amendment No. 7, dated Mar. 12, 1955

Barbers Point FM	HNL-LFR (final)	Direct	500	T-dn	400-1	400-1	400-1	Radar vectoring to Barbers Point FM for final approach authorized in accordance with established terminal area radar sector altitudes. Procedure turn S side of SW course, 235° outbound, 055° inbound, 2,000' within 20 miles. Minimum altitude over facility on final approach course, 500'. Course and distance, facility to airport, 075—2.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, climb to 2,000' on S course and proceed to Southgate Intersection.
				C-dn	500-1	500-1	500-1½	
				S-dn-8	500-1	500-1	500-1	
				A-dn	800-2	800-2	800-2	

Honolulu, Hawaii; Honolulu International Airport, elevation 10' facility SBRAZ, identification HNL; Procedure No. 1, Amendment No. 10, effective date, Apr. 20, 1957; supersedes Amendment No. 9, dated Oct. 8, 1955

Wadsworth FM	RNO-LFR	Direct	9,000	T-dn	1,000-2	1,000-2	1,000-2	Procedure turn E side N course, 342° outbound, 162° inbound, 8,000' within 9 miles. Not authorized beyond 9 miles. (Nonstandard due to terrain.) Minimum altitude over facility on final approach course, 6,800'. Course and distance, facility to airport, 162—2.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9,000' on N course within 15 miles. SHUTTLE: N course to 10,000' within 20 miles.
Reno VOR	RNO-LFR	Direct	9,000	C-dn	2,000-3	2,000-3	2,000-3	
Intersection W course RNO LFR and 353 bearing to Stead AFB "H" (Faro Intersection).	RNO-LFR	Direct	9,000	A-dn	2,500-3	2,500-3	2,500-3	

Reno, Nev.; Municipal Airport, elevation 4,411'; facility SBRAZ, identification RNO, Procedure No. 1, Amendment No. 5, effective date, Mar. 20, 1957; supersedes Amendment No. 4, dated July 30, 1955

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Wadsworth FM	RNO-LFR	Direct	9,000	T-dn	1,000-2	1,000-2	1,000-2	Procedure turn E side N course, 342° outbound, 162° inbound, 8,000' within 9 miles. Not authorized beyond 9 miles. (Nonstandard due to terrain.) Course and distance, facility to airport, 162—2.3. Minimum altitude over facility on final approach course, *6,800'. *After passing Black Jack Intersection on final descent to cross RNO LFR at 6,000' authorized. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.3 miles, make immediate right turn and climb to 9,000' on N course within 15 miles. SHUTTLE: N course to 10,000' within 20 miles or in the Bingo Holding Pattern to 9,500'.
Reno VOR	RNO-LFR	Direct	9,000	C-dn	1,500-3	1,500-3	1,500-3	
Faro Intersection (W course RNO LFR and 353 bearing to Stead AFB "H".	RNO-LFR	Direct	9,000	A-dn	2,000-3	1,500-3	1,500-3	
Bingo Intersection	RNO-LFR (final)	Direct	6,800					

Reno, Nev.; Municipal Airport, elevation 4,411'; facility SBRAZ, identification RNO; Procedure No. 2, Amendment No. 2, effective date, Mar. 20, 1957; supersedes Amendment No. 1, dated Mar. 24, 1956

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Ardmore VOR	Ardmore Radiobeacon	Direct	2,200	T-dn	300-1	----------	----------	Procedure turn S side of course, 256° outbound, 076° inbound, 2,200' within 10 miles. Not authorized beyond 10 miles. Minimum altitude over facility on final approach course 1,700'. Course and distance, facility to airport—facility on airport. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile climb to 2,700' on course 076° within 20 miles. Air carrier use not authorized.
				C-dn	800-1	----------	----------	
				A-dn	800-2	----------	----------	

Ardmore, Okla.; Municipal Airport, elevation 875'; facility BMH, identification ADM; Procedure No. 1, Amendment Original, effective date, Apr. 20, 1957

Litchfield VOR	JXN-Radiobeacon	Direct	2,300	T-dn	300-1	300-1	200-½	#If intersection* not received or aircraft not equipped to receive VOR maintain 1,500' to BMH and 500' circling minimums apply. Procedure turn W side of course, 315° outbound, 135° inbound, 2,300' within 10 miles of intersection.* Minimum altitude over intersection* on final approach course, 1,500'. Course and distance, intersection* to airport, 135—3.9. *Intersection bearing 185° to JXN-Radiobeacon and R-037 LFD. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles (of intersection*) climb to 2,300' on course of 135° within 10 miles, return to JXN-BMH. CAUTION: Radio tower 1,330' MSL 2.0 miles SE of BMH.
Manchester Intersection	JXN-Radiobeacon	Direct	2,300	C-dn	#400-1	500-1	500-1½	
Intersection SE course LAN LFR and 210° bearing to JXN-Radiobeacon.	JXN-Radiobeacon	Direct	2,300	S-dn-13	#400-1	#400-1	#400-1	
				A-dn	800-2	800-2	800-2	
Intersection W course RML LFR and 080° bearing to JXN-Radiobeacon.	JXN-Radiobeacon	Direct	2,300					
Leslie Intersection	JXN-Radiobeacon	Direct	2,300					

Jackson, Mich.; Reynolds Airport, elevation 1,000'; facility BMH, identification JXN; Procedure No. 1, Amendment No. 8, effective date, Mar. 20, 1957; supersedes Amendment No. 7, dated Mar. 10, 1956

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Ardmore Radiobeacon	Ardmore VOR	Direct	2,200	T-dn C-dn A-dn	300-1 400-1 800-2			Procedure turn E side of course, 181° outbound, 001° inbound, 2,200′ within 10 miles. Beyond 10 miles not authorized. Minimum altitude over facility on final approach course, 1,700′. Course and distance, facility to airport, 001—4.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.8 miles, climb to 2,700′ on R-001 within 20 miles. CAUTION: 1,669′ tower 5 miles N of airport. Air carrier use not authorized.
Ardmore, Okla.; Municipal Airport, elevation 875′; facility BVOR, identification ADM; Procedure No. 1, Amendment Original, effective date, Apr. 20, 1957								
Garden City LFR	GCK-VOR	Direct	4,300	T-dn C-d C-n S-8-12-d A-dn	360-1 400-1 400-1½ 400-1 800-2	300-1 500-1 500-1½ 400-1 800-2	200-½ 500-1½ 500-2 400-1 800-2	Procedure turn S side of course, 288° outbound, 108° inbound, 4,300′ within 10 miles. Minimum altitude over facility on final approach course, 3,800′. Course and distance, facility to airport, 108—2.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.6 miles, climb to 4,000′ on R-108 within 20 miles. N-8 runway lighted only.
Garden City, Kans.; New Garden City Airport, elevation 2,895′; facility BVOR, identification GCK; Procedure No. 1, Amendment No. 5, effective date, Mar. 20, 1957; supersedes Amendment No. 4, dated Oct. 18, 1953								
Kaneohe Intersection Southgate Intersection Makai Intersection Barbers Point FM Honolulu LFR	HNL-VOR HNL-VOR HNL-VOR HNL-VOR (final) HNL-VOR	Direct Direct Direct Direct Direct	6,000 5,000 2,000 1,000 2,000	T-dn C-dn 8-dn-8 A-dn	400-1 500-1 500-1 800-2	400-1 500-1 500-1 800-2	400-1 500-1½ 500-1 800-2	Radar vectoring to Barbers Point FM for final approach authorized in accordance with established terminal area radar sector altitudes. Procedure turn 8 side o. course, 235° outbound, 055° inbound, 2,000′ within 20 miles. Minimum altitude over facility on final approach course, 1,000′. Course and distance, facility to airport, 078—4.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.8 miles, climb to 2,000′ on R-108 and proceed to Southgate Intersection.
Honolulu, Hawaii; Honolulu International Airport, elevation 10′; facility BVOR, identification HNL; Procedure No. 1, Amendment No. 7, effective date, Apr. 20, 1957; supersedes Amendment No. 6, dated Oct. 8, 1955								

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less: 65 knots or less	2-engine or less: More than 65 knots	More than 2-engine, more than 65 knots	
Intersection EVV R-062 and 254 bearing to LOM. Intersection EVV R-077 and 284 bearing to LOM. Intersection EVV R-030 and 190 bearing to LOM. EVV-VOR	LOM LOM LOM LOM	Direct Direct Direct Direct	1,800 2,000 1,800 2,000	T-dn** C-d C-n 8-dn-21 *ILS 8-d-21 ADF 8-n-21 ADF A-dn #ILS ADF	300-1 600-1 600-2 400-1 500-1 500-1½ 600-2 800-2	300-1 600-1 600-2 400-1 500-1 500-1½ 600-2 800-2	200-½ 600-1½ 600-2 400-1 500-1 500-1½ 600-2 800-2	**300-1 on Runway 9-27. *500-1 required with glide slope inoperative. Inoperative ILS components provisions regarding approach lights not applicable. #All installed components of ILS must be operating; otherwise, alternate minimums of 800-2 apply. Procedure turn N side NE course, 035° outbound, 215° inbound, 1,800′ within 10 miles. Minimum altitude at G. S. Intersection inbound, 1,800′ ILS, 1,300′ ADF. Altitude of G. S. and distance to approach end of Runway at OM 1.704—3.9, at MM 631—0.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.9 miles after passing LOM, make left climbing turn, climb to 2,000′ on 180° course from LMM (or airport) to R-80, proceed to EVV-VOR on R-80. If further instructions not received, hold SW of VOR at 2,000′. When directed by ATC: (1) Make climbing right turn, climb to 2,000′ on 300° course from LMM (or airport) until intercepting R-355, then proceed N on R-355 for 2 minutes. If no further instructions given, return to VOR on R-355 at 2,000′ and hold. AIR CARRIER NOTE: Sliding scale authorized only on Runway 3-21 and 18-36. CAUTION: Radio tower 975′ MSL 3.6 miles SW of airport.
Evansville, Ind.; Dress Memorial Airport, elevation 389′; facility ILS-EVV, identification LOM-EV; Procedure No. 1, Amendment No. 5, Combination ILS-ADF; effective date, Mar. 20, 1957; supersedes Amendment No. 4, dated July 21, 1956								
Alaska FM Intersection SW course GRR LFR and S course ILS. Wayland Intersection GRR LFR Intersection NW course GRR LFR and N course ILS.	LOM LOM LOM LOM LOM	Direct Direct Direct Direct Direct	2,200 2,200 2,200 2,200 2,200	T-dn C-d C-n S-dn-36-R: ILS ADF A-dn	300-1 400-1 400-1½ 300-¾ 400-1 800-2	300-1 500-1 500-1½ 300-¾ 400-1 800-2	200-½ 500-1½ 500-1½ 300-¾ 400-1 800-2	Procedure turn E side S course, 176° outbound, 356° inbound, 2,200′ within 10 miles. Minimum altitude at G. S. intersection inbound, 2,200′ ILS, inbound final 1,700′ ADF. Altitude of G. S. and distance to approach end of runway at OM 2,162—4.9, at MM 913—0.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.9 miles after passing LOM (ADF) climb to 2,200′ on N course ILS (356) within 20 miles or when directed by ATC: (1) make right climbing turn, climb to 2,200′ on SE course GRR–LFR to Alaska FM. (2) make left climbing turn proceed on NW course of GRR LFR to 1,900′ within 20 miles. NOTE: No approach lights. 200-½ authorized for takeoff on Runways 18–L and 36–R only. CAUTION: 930′ MSL tower 2.0 miles S of airport on ILS course. 1,820′ MSL Tower 10 miles NNE of airport.
Grand Rapids, Mich.; Kent County Airport, elevation 692′; facility ILS-IGRR, identification LOM-GR; Procedure No. 1, Amendment No. 3, Combination ILS-ADF; effective date, Mar. 20, 1957; supersedes Amendment No. 2, dated Apr. 23, 1955								

ILS STANDARD INSTRUMENT APPROACH PROCEDURES—Continued

Transition			Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less	More than 2-engine, more than 65 knots
					65 knots or less / More than 65 knots	
New Brunswick Intersection via course 076°.	ILS course (final)	Direct	1,500	T-dn4	*200-½ / 600-1	200-½ / 600-1½
Colts Neck VOR via R-332	ILS course (final)	Direct	1,500	C-dn	200-½ / 600-1	200-½ / 600-1½
Flatbush Radiobeacon	LOM	Direct	1,500	B-dn-4	200-½ / 600-1	200-½ / 600-1
Newark LFR	LOM	Direct	1,500	ILS	200-½ / 600-1	200-½ / 600-1
Chatham Radiobeacon	LOM	Direct	2,000	A-dn	200-½ / 600-1	200-½ / 600-1
Radar transition altitudes 3 quadrant Newark LFR.	Radar site	Within 15 miles	1,500	ILS	600-2	600-2
Northeast sector from 009° to 090°	Radar site	Within 20 miles	2,500	ADF	800-2	800-2
All other sectors	Radar site	Within 20 miles	2,000			

*Runway 4 only: Runway visual range 2,600' may be utilized in lieu of 200-½ when 200-½ is authorized.
*Runway 4 only: 200-½ or runway visual range of 2,600'—provided approaches conducted on the basis of reported runway visual range shall be governed by the following:
(1) All components of approach lights and high intensity runway lights shall be in normal operation.
(2) Descent below the authorized landing minimum altitude of 218' shall not be made unless—
(a) Visual contact with the approach lights has been established or
(b) The aircraft is clear of clouds. 600-1 required with glide slope inoperative.
Procedure turn W side SW course, 217° outbound, 037° inbound, 4,500' within 10 miles (nonstandard due to ATC).
Minimum altitude at glide slope intersection inbound: 1,500' ILS. Minimum altitude over LOM inbound final—1,000' ADF.
Altitude of glide slope and distance to approach end of runway at OM 1,525—4.9; at M 74 250—0.6.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 4.9 miles climb to 1,000' on 037° course from LOM, then make left climbing turn to 3,000' direct to Patterson Radiobeacon, or when directed by ATC, make climbing left turn to 2,000' direct to Chatham Radiobeacon.

Newark, N. J.; Newark Airport, elevation 18'; facility ILS-EWR, Identification LOM-EW; Procedure No. 1, Amendment No. 11, Combination ILS-ADF, effective date, Apr. 7, 1957; supersedes Amendment No. 10, dated Apr. 6, 1957

RDU LOM	Leesville Intersection	Direct	2,000	T-dn	300-1	300-1
RDU LFR	Leesville Intersection	Direct	1,500	C-dn	500-1	500-1
				B-dn-26	400-1	400-1
				A-dn	800-2	800-2

Procedure turn N side of course 049° outbound, 229° inbound, 1,500' within 10 miles of Leesville Intersection.
No glide slope—altitude over Leesville Intersection on final approach course, 1,000'.
Bearing and distance, Leesville Intersection to approach end Runway 22, 229—3.7.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.7 miles of Leesville Intersection, climb to 2,000' on SW course ILS (229) within 20 miles. When directed by ATC, turn right, climb to 3,000' on NW course RDU LFR (308), or on R-303 RDU, within 20 miles.
This procedure authorized only for aircraft equipped to receive ILS and VOR simultaneously.

Raleigh, N. C.; Raleigh-Durham Airport, elevation 435'; facility ILS-IRDU, Identification BVOR-RDU; Procedure No. 2, Amendment Original, effective date, Apr. 20, 1957

These procedures shall become effective on the dates indicated on the procedures.
(Sec. 208, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2129; Filed, Mar. 25, 1957; 8:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—MAKING PICTURES, TELEVISION PRODUCTIONS OR SOUND TRACKS ON CERTAIN AREAS UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

Part 5 (formerly "Filming of Motion Pictures"), of Subtitle A, Title 43, is revised in its entirely to read as follows:

Sec.
5.1 Areas administered by United States Fish and Wildlife Service or National Park Service.
5.2 Areas administered by the Bureau of Indian Affairs.

AUTHORITY: §§ 5.1 and 5.2 issued under R. S. 161, 463, sec. 3, 39 Stat. 535, sec. 10, 45 Stat. 1224; 5 U. S. C. 22, 25 U. S. C. 2, 16 U. S. C. 3, 715 i.

§ 5.1 *Areas administered by United States Fish and Wildlife Service or National Park Service*—(a) *Permit required.* No picture may be filmed, and no television production or sound track made on any area administered by the United States Fish and Wildlife Service or the National Park Service, of the Department of the Interior, by any person other than amateur or bona fide newsreel and news television photographers and soundmen, unless written permission has been obtained from the Service having jurisdiction over the area. Applications for permission should be submitted to the local official having administrative responsibility for the area involved.

(b) *Fees; bonds.* (1) No fees will be charged for the making of motion pictures, television productions or sound tracks on areas administered by the United States Fish and Wildlife Service or the National Park Service. The regular general admission and other fees currently in effect in any area under the jurisdiction of the National Park Service are not affected by this paragraph.

(2) A bond shall be furnished, or deposit made in cash or by certified check, in an amount to be set by the official in charge of the area to insure full compliance with all of the conditions prescribed in paragraph (d) (3) of this section.

(c) *Approval of application.* Permission to make a motion picture, television production or sound track on areas administered by the United States Fish and Wildlife Service or the National Park Service will be granted by the head of the Service or his authorized representative in his discretion and on acceptance by the applicant of the conditions set forth in paragraph (d) (3) of this section.

(d) *Form of application.* The following form is prescribed for an application for permission to make a motion picture, television production, or sound track on areas administered by the United States Fish and Wildlife Service or the National Park Service:

Date _____
To the head of the _____ Service,
Department of the Interior _____
(Area)

(1) Permission is requested to make, in the area mentioned above, a _____.
(2) The scope of the filming (or production or recording) and the manner and extent thereof will be as follows:
Weather conditions permitting, work will commence on approximately _____ and will be completed on approximately _____.
_____
_____
(An additional sheet should be used if necessary.)
(3) The undersigned accepts and will comply with the following conditions:
(i) Utmost care will be exercised to see that no natural features are injured, and after completion of the work the area will, as required by the official in charge, either be cleaned up and restored to its prior condition or left, after clean-up, in a condition satisfactory to the official in charge.
(ii) Credit will be given to the Department of the Interior and the Service involved through the use of an appropriate title or announcement, unless there is issued by the official in charge of the area a written statement that no such courtesy credit is desired.
(iii) Pictures will be taken of wildlife only when such wildlife will be shown in its natural state or under approved management conditions if such wildlife is confined.
(iv) A 16mm. print on acetate safety film of any footage taken pursuant to this application will be furnished without charge to the Division of Information, Department of the Interior, Washington 25, D. C. for administrative use, upon request of the Director of Information or his authorized representative at any time within 3 years from the date of approval of this application.
(v) Any special instructions received from the official in charge of the area will be complied with.
(vi) Any additional information relating to the privilege applied for by this application will be furnished upon request of the official in charge.

_____
(Applicant)
For _____
(Company)
Bond Requirement $_____
Approved: _____
(Date)
_____
(Title)

§ 5.2 *Areas administered by the Bureau of Indian Affairs*—(a) *Individual Indians.* Anyone who desires to go on the land of an Indian to make pictures, television productions or sound tracks is expected to observe the ordinary courtesy of first obtaining permission from the Indian and of observing any conditions attached to such permission.

(b) *Indian groups and communities.* Anyone who desires to take pictures, including motion pictures, or to make a television production or a sound track of Indian communities, churches, kivas, plazas, or ceremonies performed in such places, must obtain prior permission from the proper officials of the place or community. Limitations which such officials may impose must be scrupulously observed.

(c) *Use of Indian lands.* If the filming of pictures or the making of television productions or sound tracks requires the actual use of Indian lands, a lease or permit must be obtained pursuant to 25 CFR Part 171.

(d) *Employment of Indians.* Any motion picture or television producer who obtains a lease or permit for the use of Indian land pursuant to 25 CFR Part 171 shall be expected to pay a fair and reasonable wage to any Indians employed in connection with the production activities.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 19, 1957.

[F. R. Doc. 57-2265; Filed, Mar. 25, 1957; 8:46 a. m.]

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1398]

COLORADO

REVOKING PUBLIC LAND ORDERS NOS. 1008 AND 1092; PARTIALLY REVOKING PUBLIC LAND ORDERS NOS. 459, 494, 565, 698, AND 779, WHICH RESERVED PUBLIC LANDS AND MINERALS IN PATENTED LANDS FOR USE OF ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Orders No. 1008 of September 8, 1954, and No. 1092 of March 11, 1955, withdrawing public lands and reserved minerals in patented lands in the following described areas for use of the United States Atomic Energy Commission, are hereby revoked:

[Colorado 06890]

IN PUBLIC LAND ORDER NO. 1006—NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Secs. 23, 25, 26, 35, and 36.
T. 45 N., R. 17 W.,
Secs. 1, 2, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36.
T. 44 N., R. 17 W.,
Secs. 1 to 28, inclusive, 34, 35, and 36.
T. 45 N., R. 19 W.,
Sec. 3, SW¼;
Secs. 4, 9, 10, and 11;
Sec. 12, SW¼;
Sec. 13;
Sec. 14, N½;
Sec. 15, N½.
T. 46 N., R. 19 W.,
Sec. 28, S½;
Sec. 33.
T. 44 N., R. 18 W.,
Secs. 3, 4, 5, and 13.
T. 45 N., R. 18 W.,
Sec. 18;
Sec. 28, S½;
Sec. 29, S½;
Secs. 32, 33, and 34.
T. 44 N., R. 16 W.,
Secs. 19, 30, and 31.

The areas described, including both public and non-public lands, aggregate 39,698.03 acres.

[Colorado 07783]

IN PUBLIC LAND ORDER NO. 1092—NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 9, SW¼ and S½SE¼;
Sec. 16, N½NE¼.

The areas described aggregate 320 acres of public lands.

2. Public Land Orders No. 459 of March 25, 1948, No. 494 of July 7, 1948, No. 565 of February 25, 1949, No. 698 of February 12, 1951, and No. 779 of December 29, 1951, withdrawing public lands and reserved minerals in patented lands for use of the United States Atomic Energy Commission, are hereby revoked so far as they affect the following-described lands:

[28706]

IN PUBLIC LAND ORDER NO. 459—NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 1, E½NE¼, SW¼, and N½SE¼;
Sec. 2;
Sec. 12, S½NE¼, W½, and SE¼.
T. 47 N., R. 17 W.,
Sec. 5, NW¼NW¼, SE¼SW¼, and S½SE¼;
Sec. 6, N½NE¼ and SW¼SE¼;
Sec. 8, W½ and SE¼;
Sec. 17, N½SE¼, SW¼SE¼, N½, and SW¼;
Secs. 18 and 19;
Sec. 20, W½NE¼, W½, W½SE¼, and SE¼SE¼;
Sec. 21, NE¼ and SW¼SW¼;
Sec. 27, S½SW¼;
Sec. 28, S½NE¼, NW¼NE¼, NW¼, and S½;
Secs. 29 and 34;
Sec. 35, NW¼ and N½SW¼.
T. 48 N., R. 17 W.,
Sec. 29, SE¼;
Sec. 31, W½;
Sec. 32, S½ and W½NW¼.
T. 43 N., R. 19 W.,
Sec. 20, SE¼SE¼;
Sec. 28, E½.
T. 44 N., R. 19 W.,
Sec. 22, NE¼;
Sec. 30, S½;
Sec. 31, N½.

The areas described, including both public and non-public lands, aggregate approximately 12,320 acres.

[38753]

IN PUBLIC LAND ORDER NO. 494—NEW MEXICO PRINCIPAL MERIDIAN

T. 44 N., R. 19 W.,
Sec. 25, W½NE¼.

The area described contains 80 acres.

[38753]

IN PUBLIC LAND ORDER NO. 565—NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 16, S½NE¼ and NW¼;
Sec. 17, E½ and NW¼;
Sec. 18, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 22, NE¼.

The areas described, including both public and non-public lands, aggregate 1,359.32 acres.

[38753]

IN PUBLIC LAND ORDER NO. 698—NEW MEXICO PRINCIPAL MERIDIAN

T. 47 N., R. 17 W.,
Sec. 3;
Sec. 4, lots 1, 2, S½NE¼, and SE¼;
Secs. 9 to 11, inclusive;
Sec. 13, SW¼;
Secs. 14 and 15;
Sec. 16, E½, NW¼, and N½SW¼;
Sec. 22, N½, N½SW¼, N½SE¼, and SE¼SE¼;
Secs. 23 to 26, inclusive;
Sec. 35, E½;
Sec. 36, N½, N½SW¼, N½SE¼, and SE¼SE¼.
T. 46 N., R. 17 W.,
Sec. 15.

The areas described aggregate 9,439.06 acres.

[38753]

IN PUBLIC LAND ORDER NO. 779—NEW MEXICO PRINCIPAL MERIDIAN

T. 45 N., R. 17 W.,
Secs. 3 to 10, inclusive;
Secs. 15 to 22, inclusive;
Secs. 27 to 34, inclusive.
T. 46 N., R. 17 W.,
Secs. 27 and 28;
Sec. 29, E½, E½NW¼, and SW¼;
Secs. 31 to 34, inclusive.
T. 45 N., R. 18 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 13, inclusive;
Sec. 14, N½N½ and S½S½;
Sec. 15, NE¼ and S½;
Sec. 16;
Secs. 21 to 26, inclusive;
Sec. 27, E½;
Sec. 35, N½;
Sec. 36, N½.
T. 46 N., R. 18 W.,
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.

The areas described, including both public and non-public lands, aggregate approximately 38,160 acres.

3. The following lands in the areas described in paragraphs 1 and 2 of this order are unreserved public lands of the United States except for 80 acres:

NEW MEXICO PRINCIPAL MERIDIAN

T. 44 N., R. 16 W.,
Secs. 19 and 30;
Sec. 31, N½.
T. 44 N., R. 17 W.,
Sec. 1, lots 1, 2, and S½SW¼;
Sec. 2, lots 1, 2, and S½S½;
Sec. 3, lots 1, 2, and S½S½;
Sec. 4, lots 1, 2, and S½S½;
Sec. 5, lots 1, 2, and S½S½;
Sec. 6, lots 1, 2, 3, SE¼SW¼, and S½SE¼;
Sec. 7;
Sec. 8, E½, E½W½, W½NW¼, and NW¼SW¼;
Secs. 9, 10, and 11;
Sec. 12, W½;
Sec. 13, E½NE¼, SW¼NE¼, W½, and SE¼;
Sec. 14;
Sec. 15, N½ and N½S½;
Sec. 16, N½, NW¼SW¼, and NE¼SE¼;
Sec. 17, NE¼ and E½NW¼;
Secs. 18, 19, and 20;
Sec. 21, S½NE¼, W½NW¼, SE¼NW¼, and S½;
Sec. 22, S½N½ and S½;
Sec. 23, NE¼, E½NW¼, NW¼NW¼, and NE¼SE¼;
Sec. 24, E½, E½W½, W½NW¼, and NW¼SW¼;
Sec. 25, NE¼ and E½NW¼;
Sec. 26, SW¼NW¼;
Secs. 27, 28, 34, 35, and 36.
T. 45 N., R. 17 W.,
Secs. 1 to 28, inclusive;
Sec. 29, N½N½, SE¼NE¼, SW¼SW¼, and E½SE¼;
Sec. 30, N½W½, SW¼, and S½SE¼;
Secs. 31 to 36, inclusive.
T. 46 N., R. 17 W.,
Sec. 1, E½NE¼, SW¼, and N½SE¼;
Sec. 2;
Sec. 9, SW¼ and S½SE¼;
Sec. 12, S½NE¼, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 15;
Sec. 16, NE¼;
Sec. 17, SW¼NW¼ and S½SE¼;
Sec. 18, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼;
Sec. 22, NE¼;
Sec. 23, W½NW¼ and SW¼;
Sec. 25, S½NE¼, W½NW¼, and S½;
Secs. 26, 27, and 28;
Sec. 29, E½, E½NW¼, and SW¼;
Secs. 31, 32, 33, 34, 35, and 36.
T. 47 N., R. 17 W.,
Sec. 3;
Sec. 4, lots 1, 2, S½NE¼, and SE¼;
Sec. 5, lot 4, SE¼SW¼, and S½SE¼;
Sec. 6, lots 1, 2, and SW¼SE¼;
Sec. 8, W½ and SE¼;
Secs. 9, 10, and 11;
Sec. 13, SW¼;
Secs. 14 and 15;
Sec. 16, E½, NW¼, and N½SW¼;
Sec. 17, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 18 and 19;
Sec. 20, W½E½, W½, and SE¼SE¼;
Sec. 21, NE¼ and SW¼SW¼;
Sec. 22, N½, N½SW¼, N½SE¼, and SE¼SE¼;
Secs. 23, 24, 25, and 26;
Sec. 27, S½SW¼;
Sec. 28, S½NE¼, NW¼NE¼, NW¼, and S½;
Secs. 29 and 34;
Sec. 35, E½, NW¼, and N½SW¼;
Sec. 36, N½, N½SW¼, N½SE¼, and SE¼SE¼.
T. 48 N., R. 17 W.,
Sec. 29, SE¼;
Sec. 31, W½;
Sec. 32, S½ and W½NW¼.
T. 44 N., R. 18 W.,
Secs. 3, 4, 5, and 13.
T. 45 N., R. 18 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 13, inclusive;
Sec. 14, N½N½ and S½S½;
Sec. 15, NE¼ and S½;
Sec. 16;
Sec. 18, lots 1, 2, 3, 4, NE¼, E½W½, and SW¼SE¼;
Secs. 21 to 26, inclusive;
Sec. 27, E½;
Sec. 28, SE¼ and NE¼SW¼;
Secs. 21 to 26, inclusive;
Sec. 27, E½;
Sec. 28, SE¼ and NE¼SW¼;
Sec. 29, W½SE¼ and SW¼;
Sec. 32, W½NE¼, W½, and SE¼;
Sec. 33, E½;
Sec. 34;
Sec. 35, N½;
Sec. 36, N½.
T. 46 N., R. 18 W.,
Secs. 25 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 43 N., R. 19 W.,
Sec. 20, SE¼SE¼;
Sec. 28, E½.
T. 44 N., R. 19 W.,
Sec. 22, NE¼;
Sec. 30, S½;
Sec. 31, N½.
T. 45 N., R. 19 W.,
Sec. 3, SW¼;
Sec. 4, 9, 10, and 11;
Sec. 12, SW¼;
Sec. 13;
Sec. 14, N½;
Sec. 15, N½.
T. 46 N., R. 19 W.,
Sec. 28, S½;
Sec. 33.

The areas described aggregate approximately 95,216 acres, of which the S½NW¼, sec. 26, T. 45 N., R. 17 W., is included in Power Site Reserve No. 107 of April 20, 1932.

4. The following lands in the areas described in paragraph 1 of this order have been patented with a reservation of the minerals to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 44 N., R. 17 W.,
Sec. 1, S½SE¼;
Sec. 8, SW¼SW¼;
Sec. 12, E½;
Sec. 13, NW¼NE¼;
Sec. 15, S½S½;
Sec. 16, S½S½, NE¼SW¼, and NW¼SE¼;
Sec. 17, W½NW¼ and S½;
Sec. 21, N½NE¼ and NE¼NW¼;
Sec. 22, N½N½;
Sec. 23, SW¼NW¼;
Sec. 25, W½NW¼ and S½;
Sec. 26, E½, E½NW¼, NW¼NW¼, and SW¼.
T. 44 N., R. 16 W.,
Sec. 31, S½.
T. 45 N., R. 17 W.,
Sec. 29, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, and W½SE¼;
Sec. 30, lot 2, S½NE¼, SE¼NW¼, and N½SE¼.

The areas described aggregate approximately 3,760 acres.

5. The following described lands have been patented without a reservation of minerals to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 23, E½ and E½NW¼;
Sec. 25, N½NE¼ and E½NW¼.
T. 45 N., R. 18 W.,
Sec. 18, N½SE¼ and SE¼SE¼;
Sec. 28, NW¼SW¼ and S½SW¼;
Sec. 29, E½SE¼;
Sec. 32, E½NE¼;
Sec. 33, N½NW¼, SW¼NW¼, N½SW¼, and SW¼SW¼.
T. 46 N., R. 17 W.,
Sec. 12, SW¼SW¼;
Sec. 23, E½ and E½NW¼;
Sec. 25, N½NE¼ and E½NW¼.
T. 44 N., R. 19 W.,
Sec. 25, W½NE¼.
T. 46 N., R. 17 W.,
Sec. 16, NW¼;
Sec. 17, NE¼, E½NW¼, NW¼NW¼, and N½SE¼.

The areas described aggregate approximately 2,400 acres.

6. The public lands released from withdrawal, aggregating approximately 95,136 acres, are located in Montrose and San Miguel Counties, in Western Colorado. The major portion of the lands lies between the Dolores and San Miguel Rivers. The lands are west, northwest, and southwest of Nucla and Naturita, Colorado. The soils are shallow and rocky with inadequate precipitation which, in the absence of water for irrigation, of which there is no known source, makes the lands unsuitable for crop production. Vegetative cover is variable over the area, with pinon and juniper on the steep, rocky areas which comprise portions of the area, and sagebrush on the remaining open areas. All evidence indicates that the restored lands are not suitable for development under the homestead or desert land laws.

7. The Commission has conducted no operations on the lands in Public Land Order No. 1092 to determine their mineral potential. Exploration on the remaining lands was done under its direction, and under direction of the Geological Survey on its behalf. Initial exploration was in the nature of a preliminary appraisal by wide-spaced investigational drilling, and resulted in a determination of unfavorability for important uranium deposits. The results of the preliminary drilling, while not conclusive, were not deemed sufficient to justify more extensive exploration. Over large areas no physical exploration at all was done, due to the negative aspect of the preliminary appraisal.

8. No application for the lands described in paragraph 3 of this order may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

9. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 3 of this order are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 30 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on April 20, 1957, will be considered as simultaneously filed at that hour. Rights under such preference-right applications filed after that hour and before 10:00 a. m. on July 20, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on July 20, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The vacant public lands described in paragraph 3, and the reserved minerals in the patented lands described in paragraph 4, excepting minerals reserved under the act of July 17, 1914 (38 Stat. 509; 30 U. S. C. 122), will be open to location under the United States mining laws beginning at 10:00 a. m. on July 20, 1957. The S½NW¼ sec. 26, T. 45 N., R. 17 W., will at the same time be so open, subject to the provisions of the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621–625). Mining locations made prior to that time are invalid. The lands have been open to applications and offers under the mineral-leasing laws except those in Public Land Order No. 1092, which will be open to such applications and offers on July 20, 1957.

10. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid setlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 15, 1957.

[F. R. Doc. 57-2187; Filed, Mar. 25, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 2, 24, 30, 70, 90, 110, 175–186]

[CGFR 57-13]

SMALL PASSENGER VESSELS (NOT MORE THAN 65 FEET IN LENGTH)

NOTICE OF PROPOSED RULE MAKING

The Merchant Marine Council held a Public Hearing on October 16, 1956, in Washington, D. C., on Proposed Rules and Regulations for Small Passenger Vessels (Not More Than 65 Feet in Length). The notice of proposed rule making and announcement of the public hearing was published in the FEDERAL REGISTER of September 6, 1956 (21 F. R. 6713–6715). The Agenda containing the specific proposals considered at this public hearing was further identified as CG–249 and dated October 16, 1956. The revised proposed regulations consist primarily of a new Subchapter T, entitled "Small Passenger Vessels (Not More Than 65 Feet in Length)," in 46 CFR Chapter I (Shipping).

As a result of the oral and written comments received at the Public Hearing held October 16, 1956, or submitted informally by interested parties for consideration, many of the proposed regulations were reconsidered and many suggested changes were adopted. Most of the comments received were based on the effect of the proposed regulations being applied to existing vessels since it was not readily apparent to what extent the

proposed regulations would be made applicable to existing vessels.

A pamphlet entitled "Proposed Rules and Regulations for Small Passenger Vessels," Revised Draft, dated March 15, 1957, contains the proposed regulations as revised. These proposed regulations are intended primarily for new vessels constructed after the regulations become effective. An Appendix A to this pamphlet contains a proposed Navigation and Vessel Inspection Circular which sets forth in detail the proposed application of these regulations to existing vessels. It is the intent of the proposed regulations not to condemn an existing vessel because it does not measure up to the exact details of the regulations, but rather to correct all unsafe conditions.

The "Revised Draft" is being forwarded to all those who commented on the original version of the "Proposed Rules and Regulations for Small Passenger Vessels," CG-249, dated October 16, 1956, as well as to all those who have evidenced an interest therein. Copies will be furnished to those interested so long as they are available and requests should be addressed to the Commandant (CMC), United States Coast Guard, Washington 25, D. C. After the extra copies available for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

Written and oral comments on the "Revised Draft" of proposed regulations for small passenger vessels and the appendix attached thereto are invited. It is requested that all comments be given to the nearest Coast Guard District Commander as soon as possible, but no later than April 15, 1957. Each District Commander will consolidate the comments he receives and forward them to the Commandant (CMC), United States Coast Guard, Washington 25, D. C., with his recommendations. On the basis of the consolidated comments received from the District Commanders, the proposed regulations will be further revised as may be appropriate and published as soon as possible thereafter in the FEDERAL REGISTER.

The proposed regulations will give force and effect to Public Law 519, 84th Congress, approved May 10, 1956 (70 Stat. 151–154, 46 U. S. C. 390). The Secretary of the Treasury by Treasury Department Order No. 167–20, dated June 18, 1956 (21 F. R. 4894), delegated his functions under this law to the Commandant, U. S. Coast Guard. In order to minimize the changes necessary in the regulations in 46 CFR Chapter I, as well as to have all requirements for small passenger vessels in one group, it was decided to have the length of the vessel as a determining factor, regardless of manner of propulsion. The proposed new Subchapter T, entitled "Small Passenger Vessels (Not More Than 65 Feet in Length)," will consist of new Parts 175 to 186, inclusive, in Chapter I of 46 CFR. A general description of the proposed requirements is in the notice of proposed rule making published in the FEDERAL REGISTER dated September 6, 1956 (21 F. R. 6713–6715). The titles of the parts are generally explanatory of the regulations proposed and read as follows:

Part	Title
175	General Provisions.
176	Inspection and Certification.
177	Construction and Arrangement.
178	Watertight Subdivision.
179	Stability.
180	Lifesaving Equipment.
181	Fire Protection Equipment.
182	Machinery Installation.
183	Electrical Installation.
184	Vessel Control and Miscellaneous Systems and Equipment.
185	Operations.
186	Manning and Licensing.

For vessels over 65 feet in length and carrying more than six passengers, it is proposed to apply to such vessels the applicable regulations in 46 CFR Parts 70 to 78, inclusive (Subchapter H—Passenger Vessels), as well as certain requirements in 46 CFR Parts 50 to 61, inclusive (Subchapter F—Marine Engineering), and 46 CFR Parts 110 to 113, inclusive (Subchapter J—Electrical Engineering). If the vessel is 150 gross tons or over, certain load line requirements in 46 CFR Parts 43 to 46, inclusive (Subchapter E—Load Lines), may be applicable. To show the proper application of all the regulations in 46 CFR Chapter I to the various types of vessels inspected, the text and/or tables in 46 CFR 2.01, 24.05–1, 30.01–5, 70.05–1, 90.05–1, and 110.05–1 will be appropriately revised.

The authority for the proposed regulations in 46 CFR Parts 175 to 186, inclusive, is the Act of May 10, 1956 (70 Stat. 151–154; 46 U. S. C. 390). The authority for the necessary amendments to 46 CFR Parts 2, 24, 30, 70, 90, and 110 is R. S. 4405, as amended, 4417a, as amended, and 4462, as amended (46 U. S. C. 375, 391a, 416).

Dated: March 20, 1957.

[SEAL] A. C. RICHMOND,
Vice Admiral, U. S. Coast Guard, Commandant.

[F. R. Doc. 57–2295; Filed, Mar. 25, 1957; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[14 CFR Part 514]

TECHNICAL STANDARD ORDERS FOR AIRCRAFT MATERIALS, PARTS, PROCESSES, AND APPLIANCES; POSITION LIGHT FLASHERS

NOTICE OF PROPOSED RULE MAKING

Section 514.28 defines minimum performance standards for position light flashers which will be used on civil aircraft of the United States engaged in air carrier operations. This regulation is being amended to make the flashing cycle correspond to the provisions of Part 4b of Chapter I of this title.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules should send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 514.28 (21 F. R. 6508) is amended to read as follows:

§ 514.28 *Position light flashers (air-carrier aircraft)—TSO–C18c*—(a) *Applicability*—(1) *Minimum performance standards.* Minimum performance standards are hereby established for position light flashers which will be used in civil aircraft of the United States engaged in air carrier operations. New models of position light flashers manufactured for installation in civil air-carrier aircraft on or after the effective date of this section shall meet the standards set forth in SAE Specification AS-211, "Flasher, Position Light," dated November 1, 1948,[1] with the exceptions listed in subparagraph (2) of this paragraph.

(2) *Exceptions.* (i) For the purpose of this section, the following shall apply in lieu of section 4.2 of AS211:

The flashing cycle and its frequency shall conform to either (a) or (b) of this subparagraph. A maximum deviation of 5° from the specified periods is permissible.

(a) Red and green forward position lights, top and bottom fuselage lights and white rear position light "ON"	130°
Dark	50°
Red and green forward position lights, top and bottom fuselage lights and red rear position light "ON"	130°
Dark	50°

This cycle shall be repeated at not less than 32.5 nor more than 42.5 times per minute.

(b) Red and green forward position lights and white rear position light "ON"	130°
Dark	50°
Top and bottom fuselage lights and red rear position light "ON"	130°
Dark	50°

This cycle shall be repeated at not less than 65 nor more than 85 times per minute.

(ii) The following shall apply in lieu of the last sentence of section 4.3 of AS211: The flasher contacts shall be adequate for the intended purpose.

(b) *Marking.* In lieu of the marking requirement of paragraph (c) of § 514.3, the following shall be shown:

(1) Voltage,
(2) Normal motor current—amps, and
(3) Flasher contact capacity—amps.

(c) *Data requirements.* Six copies each of installation, operating, and maintenance recommendations or instructions shall be furnished the Chief, Aircraft Engineering Division, Civil Aeronautics Administration, Washington 25, D. C., with the statement of conformance.

(Sec. 205, 54 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57–2258; Filed, Mar. 25, 1957; 8:45 a. m.]

[1] Copies may be obtained from the Society of Automotive Engineers, 29 West 39th Street, New York, N. Y.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 720]

[Administrative Order 478]

SPECIAL INDUSTRY COMMITTEE No. 1 FOR AMERICAN SAMOA

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearing of Industry Committee No. 1 for American Samoa to be composed of the following representatives:

For the public: John D. Stewart, Chairman, Washington, D. C.; Leonard A. Yandall, Pago Pago, American Samoa.

For the employees: Magauli T. Tuitele, Pago Pago, American Samoa; John W. Quimby, San Diego, Calif.

For the employers: Donald D. Doran, Pago Pago, American Samoa; Charles R. Carry, Terminal Island, Calif.

I hereby refer to this industry committee the question of the minimum wage rate or rates to be paid under paragraph 6 (a) (3) of the act to employees in American Samoa who are engaged in commerce or in the production of goods for commerce. The industry committee shall investigate conditions in the industries in American Samoa and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

The committee will meet in executive session to make appropriate decisions concerning its proceedings at 10:00 a. m. on May 3, 1957, and commence its public hearing at 10:00 a. m. on May 6, 1957, in the Legislative Hall, Pago Pago, American Samoa.

In order to reach as rapidly as is economically feasible the objective of the minimum wage of $1.00 an hour prescribed in paragraph (1) of section 6 (a) of the act, the committee will recommend to the Administrator the highest minimum rate or rates of wages which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in any industry in American Samoa and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands and American Samoa. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set forth herein, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the committee. Copies of such economic report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division, United States Department of Labor, Washington, D. C., as soon as it is completed and prior to the hearing. The committee will take official notice of the facts stated in such economic report to the extent they are not refuted by evidence received at the hearing.

The procedure of this industry committee will be governed by the provisions of Title 29, Code of Federal Regulations, Part 511, as revised and published in the FEDERAL REGISTER on October 6, 1956 (21 F. R. 7669 et seq.). Copies of this Part of the regulations will be available at the Office of the Governor in Pago Pago, American Samoa. As a prerequisite to participation as witnesses or parties interested persons shall file nine copies of a prehearing statement at the aforementioned Office of the Governor of American Samoa and two copies at the Office of the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. Each prehearing statement shall contain the data specified in § 511.8 of the regulations and shall be filed not later than April 12, 1957.

Signed at Washington, D. C., this 20th day of March, 1957.

JAMES P. MITCHELL,
Secretary of Labor.

[F. R. Doc. 57–2296; Filed, Mar. 25, 1957; 8:52 a. m.]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

EXTENSION AND MAINTENANCE OF CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

NOTICE OF PROPOSED RULE MAKING

The Board of Governors of the Federal Reserve System is considering a proposed amendment to Part 220 which would somewhat broaden paragraph (f) (2) of § 220.4. That section at present makes special provision for loans which are made for capital purposes to a member firm of a national securities exchange by a corporate affiliate of the member firm. Such corporate affiliates are usually permitted by securities exchanges only when approved by the appropriate committee of the exchange. The proposed amendment to paragraph (f) (2) of § 220.4 would make the provisions of the section applicable to certain additional types of loans for capital purposes, particularly certain such loans between a member firm or member corporation of an exchange and its corporate affiliate.

The proposed amendment would read as follows:

Paragraph (f) (2) of § 220.4 is hereby amended to read as follows:

(2) (i) Make loans, and may maintain loans, (*a*) to or for any partner of a firm which is a member of a national securities exchange to enable such partner to make a contribution of capital to such firm, or to purchase stock in an affiliated corporation of such firm; or (*b*) to or for any person who is or will become the holder of stock of a corporation which is a member of a national securities exchange to enable such person to purchase stock in such corporation, or to purchase stock in an affiliated corporation of such corporation; provided the lender as well as the borrower is a partner in such member firm or a stockholder in such member corporation, or the lender is a firm or corporation which is a member of a national securities exchange and the borrower is a partner in such firm or a stockholder in such corporation.

(ii) Make and maintain subordinated loans to another creditor for capital purposes provided

(*a*) Either the lender or the borrower is a firm or corporation which is a member of a national securities exchange, the other party to the loan is an affiliated corporation of such member firm or corporation, and, in addition to the fact that an appropriate committee of the exchange is satisfied that the loan is not in contravention of any rule of the exchange, the loan has the approval of such committee, or

(*b*) The lender as well as the borrower is a member of such exchange, the loan has the approval of an appropriate committee of the exchange, and the committee, in addition to being satisfied that the loan is not in contravention of any

rule of the exchange is satisfied that the loan is outside the ordinary course of the lender's business, and that, if the borrower's firm or corporation or an affiliated corporation of such firm or corporation does any dealing in securities for its own account, the loan is not for the purpose of increasing the amount of such dealing.

(iii) For the purpose of subdivisions (i) and (ii) of this subparagraph, the term "affiliated corporation" means a corporation all the common stock of which is owned directly or indirectly by the member firm or general partners and employees of the firm, or by the member corporation or holders of voting stock and employees of the corporation and an appropriate committee of the exchange has approved the member firm's or member corporation's affiliation with such affiliated corporation.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2). The proposed changes are authorized under the authority cited at 12 CFR 220.

To aid in the consideration of the foregoing matters, the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board, it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it on to the Board to be considered. All such material should be submitted in writing to be received not later than April 19, 1957.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 57-2269; Filed, Mar. 25, 1957; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Groups 309, 310]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY

MARCH 15, 1957.

Pursuant to authority delegated by BLM Order No. 541 dated April 21, 1954 (19 F. R. 2473), as amended, Notice of Filing of Plats of Survey, Groups 309 and 310, Arizona, dated January 15, 1957, provided for the official filing of township plats. Said notice was published in the FEDERAL REGISTER of January 24, 1957, at page 479.

The last sentence in Paragraph 4 should be corrected to read: December 21, 1956 the Director conformed Water Power Designation No. 5 to include all of Sec. 32, T. 17 N., R. 3 E.

THOS. F. BRITT,
Manager.

[F. R. Doc. 57-2262; Filed, Mar. 25, 1957; 8:46 a. m.]

ALASKA

AMENDMENT OF NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE DEPARTMENT OF THE AIR FORCE

Notice of the proposed withdrawal and reservation of lands for the Department of the Air Force in the Fairbanks, Alaska area, was published in the FEDERAL REGISTER, November 16, 1956, Volume 21, No. 223, Page 8953. The area embraced by this application, which is identified by the Fairbanks Land Office serial number 012896, has been enlarged to include an additional 123.17 acres. The description of the land requested has been amended to read as follows:

FAIRBANKS MERIDIAN

T. 1 S., R. 2 W.,
Sec. 29: W½W½SW¼SE¼NW¼, W½SW¼NW¼SE¼NW¼; SE¼SE¼NW¼NW¼;
Sec. 30: SE¼NE¼; N½SE¼; S½SE¼;
Sec. 31: Lot 4 and SE¼SW¼ (that portion beginning at southwest corner of section 31, thence northerly along the west line of said section 330 feet; thence N. 73° 00' E, 2,400 feet more or less to a point on the centerline of said section; thence southerly along center line 1,000 feet more or less to the SE corner of the Southwest quarter of section 31; thence West along the section line to the point of beginning, containing 52.92 acres, more or less).
T. 2 S., R. 2 W.,
Sec. 6: Lot 1 and SE¼NE¼ (that portion beginning at the Northwest corner of Lot 1 thence East along north line of said lot 650 feet, more or less; thence S. 45° 30' E. 1,200 feet more or less to a point on the east line of said Lot 1; thence southerly along said east line 850 feet more or less; thence S. 20° 00' W. 900 feet, more or less, to a point on the east-west center line of said Sec. 6; thence westerly along said line to the southwest corner of the SE¼NE¼ of said Section 6; thence northerly along the west line of said SE¼NE¼ and west line of said Lot 1, to the point of beginning, containing 64.00 acres, more or less). Lots 2, 3, 4, SW¼NE¼, Lots 5, 6, 7, SE¼NW¼, E½SW¼, W½SE¼.

Aggregating 767.18 acres in total.

ROGER R. ROBINSON,
Operations Supervisor.

[F. R. Doc. 57-2263; Filed, Mar. 25, 1957; 8:46 a. m.]

[Document 147]

ARIZONA

ORDER OPENING LANDS TO MINERAL LOCATION, ENTRY, AND PATENT

MARCH 15, 1957.

1. Pursuant to determinations by the Bureau of Reclamation under the Act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154), and in accordance with the authority delegated by Document number 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), it is ordered as follows:

2. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10:00 a. m., m. s. t., on April 22, 1957, be opened to locations, entry, and patenting under the United States mining laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors and assigns, and recorded in the County Records and in the United States Land Office at Phoenix, Arizona, before any rights attached thereto:

GILA AND SALT RIVER MERIDIAN

T. 26 N., R. 10 E.,
Sec. 8: E½.

The area described totals 320 acres of public land.

Stipulation:

In carrying on the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes, or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried into the Little Colorado River by storm waters, or otherwise.

There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works, without payment made by the United States, or its successor for such rights. The locator further agrees that the United States, its officers, agents and employees and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction materials from the lands hereinabove described.

3. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Bureau of Land Management, Post Office Box 148, Phoenix, Arizona.

EUGENE H. NEWELL,
State Lands and Minerals Staff Officer.

[F. R. Doc. 57-2264; Filed, Mar. 25, 1957; 8:46 a. m.]

Geological Survey

[Power Site Cancellation 119]

CLARKS FORK OF YELLOWSTONE RIVER, WYOMING

POWER SITE CLASSIFICATION NO. 201 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 201, approved May 24, 1928, is hereby cancelled in so far and to the extent that it affects the following described land:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 57 N., R. 101 W.,
Sec. 18, lots 6 to 12, inclusive, E½W½, and SW¼SE¼;
Sec. 30, E½E½.

The area described aggregates 617 acres.

Dated: March 18, 1957.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 57-2284; Filed, Mar. 25, 1957; 8:50 a. m.]

[Power Site Cancellation 118]

TUOLUMNE RIVER, CALIFORNIA

POWER SITE CLASSIFICATION NO. 266 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 266, approved March 8, 1932, is hereby cancelled in so far and to the extent that it affects the following described lands:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 1 S., R. 14 E.,
Sec. 15, SE¼SW¼;
Sec. 17, NW¼NE¼, SE¼NW¼, SW¼, and W½SE¼;
Sec. 20, W½NE¼, NW¼, NE¼SW¼, and SE¼;
Sec. 21, NW¼NE¼, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 22, W½NE¼, SE¼NE¼, E½NW¼, NE¼SW¼, and S½SW¼;
Sec. 23, Lots 12, 13, 14, 15, and 16;
Sec. 26, N½ lot 1, lots 2, 3, 4, 6, 7, 10, and E½ lot 11;
Sec. 27, W½NE¼, E½NW¼, and W½SE¼;
Sec. 34, NW¼NE¼.

The area described aggregates 2,150 acres.

Dated: March 18, 1957.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 57-2260; Filed, Mar. 25, 1957; 8:45 a. m.]

[Power Site Cancellation 120]

COLORADO RIVER, UTAH

POWER SITE CLASSIFICATION NO. 377 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 377, approved April 10, 1946, is hereby cancelled in so far and to the extent that it affects the following described land:

SALT LAKE MERIDIAN, UTAH

T. 26 S., R. 22 E.,
Sec. 17, N½NW¼.

The area described aggregates 80 acres.

Dated: March 18, 1957.

THOMAS B. NOLAN,
Director.

[F. R. Doc. 57-2261; Filed, Mar. 25, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[P. & S. Docket No. 344]

UNION STOCK YARDS COMPANY OF OMAHA (LTD.)

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended 7 U. S. C. 181 et seq.), an order was issued on January 24, 1957, continuing in effect to and including February 6, 1958, an order issued on February 1, 1955 (14 A. D. 97), which authorized the respondent, Union Stock Yards Company of Omaha (Ltd.), Omaha, Nebraska, to put into effect and assess the current schedule of rates and charges.

By documents filed on February 27 and 28, and March 8, 1957, the respondent petitioned for authority to modify the current schedule of rates and charges by putting into effect, as soon as possible, an increase in the charge for dipping sheep from 10 cents per head with a $10 minimum to 10 cents per head with a $40 minimum. The minimum charge of $40 would be "prorated over all sheep being dipped at same time regardless of ownership."

The modification, if authorized, will produce additional revenue for the respondent, and will increase the cost of marketing sheep in those instances in which the minimum dipping rate applies. It appears, therefore, that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of March, 1957.

[SEAL] JOHN C. PIERCE, Jr.,
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-2282; Filed, Mar. 25, 1957; 8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10056; FCC 57M-234]

MACKAY RADIO AND TELEGRAPH CO., INC., AND ALL AMERICA CABLES AND RADIO, INC.

ORDER SCHEDULING HEARING CONFERENCE

In the matter of Mackay Radio and Telegraph Company, Inc., and All America Cables and Radio, Inc., Docket No. 10056; application for modification of license to delete certain conditional provisions relating to communication between New York, New York and San Juan, Puerto Rico.

It is ordered, This 18th day of March 1957, on the Examiner's own motion, that a hearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., commencing at 9:00 a. m., Tuesday, March 26, 1957.

Released: March 19, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2297; Filed, Mar. 25, 1957; 8:52 a. m.]

[Docket No. 11735; FCC 57M-252]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING CONFERENCE

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada, Docket No. 11735.

On the oral request of counsel for the Broadcast Bureau, and without objection by counsel for respondent, *It is ordered*, This 20th day of March 1957, that the further prehearing conference now scheduled for March 21, 1957, is continued to Wednesday, March 27, 1957, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2298; Filed, Mar. 25, 1957; 8:52 a. m.]

[Docket No. 11871; FCC 57M-245]

PRESS WIRELESS, INC., v. WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of Press Wireless, Inc. v. The Western Union Telegraph Company, Docket No. 11871; complaint with respect to delays in handling messages specifically routed via Press Wireless.

It is ordered, This 19th day of March 1957, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to

commerce on April 22, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2299; Filed, Mar. 25, 1957; 8:52 a. m.]

[Docket Nos. 11946, 11947; FCC 57M-246]

VIDEO INDEPENDENT THEATRES, INC., AND KSCO TV, INC.

ORDER SCHEDULING HEARING

In re applications of Video Independent Theatres, Inc., Sioux Falls, South Dakota; Docket No. 11946, File No. BPCT-2188; KSCO TV, INC., Sioux Falls, South Dakota; Docket No. 11947, File No. BPCT-2195; for construction permits for new television stations (Channel 13).

It is ordered, This 19th day of March 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 16, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2300; Filed, Mar. 25, 1957; 8:52 a. m.]

[Docket Nos. 11948, 11949; FCC 57M-247]

DENVER T. BRANNEN AND MEL WHEELER

ORDER SCHEDULING HEARING

In re applications of Denver T. Brannen, Panama City, Florida; Docket No. 11948, File No. BP-10562; Mel Wheeler, Panama City Beach, Florida; Docket No. 11949, File No. BP-10885; for construction permits.

It is ordered, This 19th day of March 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 14, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2301; Filed, Mar. 25, 1957; 8:53 a. m.]

[Docket No. 11950 etc.; FCC 57M-248]

VALLEY BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of William John Hyland, III and Dawkins Espy, d/b as Valley Broadcasting Co., Bakersfield, California; Docket No. 11950, File No. BP-10695; Southwest Broadcasting Company, Inc., Palmdale, California; Docket No. 11951, File No. BP-10720; Rod O'Harra and A. J. Krisik, d/b as O. K. Broadcasting Co., Bakersfield, California; Docket No. 11952, File No. BP-10843; for construction permits.

It is ordered, This 19th day of March 1957, that Charles J. Frederick will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 1, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2302; Filed, Mar. 25, 1957; 8:53 a. m.]

[Docket No. 11953; FCC 57M-249]

WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of The Western Union Telegraph Company, Docket No. 11953; complaint and petition for new and revised divisions of charges for the landline handling of international message telegraph traffic.

It is ordered, This 19th day of March 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 13, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2303; Filed, Mar. 25, 1957; 8:53 a. m.]

[Docket Nos. 11954, 11955; FCC 57M-250]

AMERICAN TELEPHONE AND TELEGRAPH CO. AND RCA COMMUNICATIONS, INC.

ORDER SCHEDULING HEARING

In the matter of the applications of American Telephone and Telegraph Company, Docket No. 11954, File No. 25-C3-R-57; for renewal of license for its Dixon, California, International Fixed Public Radiotelephone Station, insofar as it requests renewal authority to communicate with Honolulu, T. H., and to use the frequencies 5077.5, 5110, 7315, 7610, 7977.5, 9170, 10790, 13400, 14600, 15580, 18340 and 19220 kc. and RCA Communications, Inc., Docket No. 11955, File No. 886-C3-P-57; for a construction permit for a new point-to-point radiotelephone station in the International Fixed Public Service at Bolinas, California, to communicate with Hawaii, using the frequencies 5077.5, 5110, 7315, 7610, 7977.5, 9170, 10790, 13400, 14600, 15580, 18340 and 19220 kc. previously licensed to American Telephone and Telegraph Company, and 5185, 7730, 9490, 13720 and 18880 kc., presently licensed to RCA Communications, Inc.

It is ordered, This 19th day of March 1957, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 23, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2304; Filed, Mar. 25, 1957; 8:53 a. m.]

[Docket No. 11956; FCC 57M-251]

AMERICAN TELEPHONE AND TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of American Telephone and Telegraph Company, Docket No. 11956; charges, classifications, regulations and practices for and in connection with channels for off-the-air pickup and relay of television program material.

It is ordered, This 19th day of March 1957, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on April 22, 1957, in Washington, D. C.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2305; Filed, Mar. 25, 1957; 8:53 a. m.]

[Docket No. 11960; FCC 57-281]

RADIO AND TELEVISION NETWORK BROADCASTING STUDY

ORDER INSTITUTING INVESTIGATORY PROCEEDING

In the matter of study of radio and television network broadcasting pursuant to Delegation Order No. 10, dated July 20, 1955, and Network Study Committee Order No. 1, dated November 21, 1955, Docket No. 11960.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March, 1957;

The Commission having before it a communication from the Network Study Committee, and

Whereas, Network Study Committee Order No. 1, adopted November 21, 1955, directed that inquiry be made pursuant to Section 403 of the Communications Act of 1934, as amended (47 U. S. C. A., section 403), to obtain data and information relevant to the Commission's study of radio and television broadcasting provided for by Delegation Order No. 10, dated July 20, 1955 (FCC 55-810); and

Whereas, on November 22, 1955, the Committee isssued a Public Notice (FCC 55M-977) setting forth the purposes and the objectives of said study; and

Whereas, the said study has been deemed by the Commission as necessary to serve and protect the public interest in the wider and more effective use of radio and television broadcasting; and

Whereas, in furtherance of said inquiry the Committee, pursuant to Network Study Order No. 1, has requested data and information relevant and material to said study from various persons, firms, and companies in the broadcasting industry; and

Whereas, most such persons, firms, and companies have cooperated in the making of the study and a substantial amount of information and data so requested of them has been voluntarily submitted to the Committee; and

Whereas, certain persons, firms, and companies have been requested to supply such information and data but have failed to do so; and

Whereas, the Committee has now determined and informed the Commission that in order to carry on and complete said study it will be necessary to take testimony and require the production of documentary evidence;

Now, therefore, *It is ordered*, Pursuant to section 403 of the Communications Act of 1934, as amended, that an investigatory proceeding be instituted and carried on by the Network Study Committtee concerning the matters and for the purposes set forth in Network Study Committee Order No. 1 and said Public Notice FCG 55M-977;

It is further ordered, Pursuant to the provisions of section 5 (d) of the Communications Act of 1934, as amended, that for the purpose of such inquiry, Chairman George C. McConnaughey, Commissioner Rosel H. Hyde, Commissioner Robert T. Bartley, Commissioner John C. Doerfer, Chief Hearing Examiner James D. Cunningham, and such other employees of the Commission as the Committee may designate, are hereby designated presiding officers of the Commission and each of them, acting individually, is empowered to hold hearings, administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith as authorized by law.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2306; Filed, Mar. 25, 1957; 8:53 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 7336]

PAN AMERICAN WORLD AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 10, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 21, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2293; Filed, Mar. 25, 1957; 8:51 a. m.]

POST OFFICE DEPARTMENT

HUNGARY

GIFT PARCEL REGULATIONS

The Hungarian postal authorities have advised of the following regulations governing gift parcels addressed to that country. These regulations supersede those relating to the same subject published at 22 F. R. 1320 under date of March 2, 1957:

To be admitted to Hungary as gift shipments, parcels must contain only articles for the personal use of the addressee or members of his family. Gift parcels other than used clothing and prescribed medicines are subject to customs duty which must be paid by the addressees.

Preserved food in tin cans or other hermetically sealed containers must not be sent in gift parcels.

To facilitate the customs treatment of gift parcels in Hungary two complete and detailed lists of the contents should be enclosed in each parcel. The lists should be written in the Hungarian language if possible.

Contents of gift parcels are limited to the items shown on the following list, and no addressee may receive amounts exceeding the quotas indicated:

No.	Description of articles	Yearly quotas
1	Coffee	3 pounds 4 ounces.
2	Tea	1 pound 1½ ounces.
3	Cocoa	4 pounds 6 ounces.
4	Chocolate (including chocolate covered candy)	6 pounds 9 ounces.
5	Spices	7 ounces of each kind.
6	Cheese, butter, margarine, oil, lard	6 pounds 9 ounces.
7	Flour, food pastes, pastry	8 pounds 12 ounces.
8	Rice	6 pounds 9 ounces.
9	Meat, smoked (bacon, ham, sausage)	11 pounds.
10	Fruit, fresh and dried	11 pounds.
11	Sugar, candy (including saccharine up to 3½ oz.)	6 pounds 9 ounces.
12	Powdered milk	5 pounds 8 ounces.
13	Food for infants	11 pounds.
14	Beverages	12 quarts.
15	Men's, women's, and children's coat, overcoat, raincoat, etc.	1 of each.
16	Men's suits	2.
17	Women's suits	1.
18	Women's dresses, blouses, shirts, slacks, etc	2 of each.
19	Overalls and aprons	2.
20	Boys' and girls' clothing	2 items.
21	Clothing for infants	6 items.
22	Articles for infants (including those of rubber)	12.
23	Sweaters and knit goods	4 pounds 6 ounces.
24	Hats, caps, scarfs, shawls	4 pounds 6 ounces.
25	Gloves	1 pair.
26	Women's stockings	3 pairs.
27	Socks	6 pairs.
28	Men's and women's shoes	2 pairs.
29	Children's shoes	2 pairs.
30	Rubbers, galoshes	1 pair.
31	Men's, women's, and children's underwear	3 items.
32	Neckties	3.
33	Handkerchiefs	12.
34	Towels	3.
35	Bed clothing	1 item.
36	Blankets	1.
37	Wool cloth	3½ yards.
38	Cotton, linen, and hempen cloth	6⅔ yards.
39	Silk and rayon cloth	4⅓ yards.
40	Wool or cotton yarn or thread	6 pounds 9 ounces.
41	Leather articles (handbags, portfolios, purses, etc.)	1.
42	Articles of plastic	1.
43	Cosmetics, powders, creams, toilet water, perfumes, mouth washes, dentrifices.	10½ ounces.
44	Lipstick (including holder)	2 articles.
45	Soap and soap powder	6 pounds 9 ounces.
46	Razor blades	50.
47	Small personal items including lighters, safety razors, eyeglasses, pocket knives, combs, etc.	10 articles not exceeding 200 forints in value.
48	Small household articles	Do.
49	Toys	2 of each kind.
50	Writing and drawing materials including pencils, fountain pens, rulers.	1 item or 1 set.
51	Cigaretts and tobacco	1 pound 1½ ounces.
52	Medicines, drugs, and therapeutic articles	Quantities prescribed by physician.

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-2273; Filed, Mar. 25, 1957; 8:48 a. m.]

POST OFFICE DEPARTMENT STAMP ADVISORY COMMITTEE

Following are the texts of Orders of the Postmaster General numbered 56304 and 56305, dated March 21, 1957:

Order No. 56304.

DATED MARCH 21, 1957.

ESTABLISHMENT OF POST OFFICE DEPARTMENT STAMP ADVISORY COMMITTEE

1. There is hereby established the Post Office Department Stamp Advisory Committee to consist of 7 members, one of whom shall serve as chairman upon designation by the Postmaster General.

2. The Stamp Advisory Committee shall advise the Post Office Department on any matters pertaining to the subject matter, design, production and issuance of postage stamps.

3. Members of the Committee appointed from private life shall each receive compensation of $48 per diem when engaged in duties as members of the Committee (including travel time to and from their homes or regular places of business) and shall be allowed reimbursement for travel expenses and per diem at the rate of $12 a day in lieu of subsistence in accordance with the standardized Government travel regulations for time spent away from their homes as members of the Committee.

4. The Committee shall meet at the call of the Chairman or upon the request of the Postmaster General. The Committee shall submit an annual report of its activities at the close of each fiscal year.

Order No. 56305.

DATED MARCH 21, 1957.

APPOINTMENT TO POST OFFICE DEPARTMENT STAMP ADVISORY COMMITTEE

The following are hereby appointed as members of the Post Office Department Stamp Advisory Committee:

The Director, United States Information Agency (currently, Arthur Larson) or his alternate.

The Chairman, National Federation of Stamp Clubs (currently, H. L. Lindquist).

The Curator, Division of Philately and Postal History, Smithsonian Institution (currently, Franklin R. Bruns, Jr.).

The President, Bureau Issues Association (currently, Sol Glass).

The President, The Westport Artists, Inc. (currently, Arnold Copeland).

The President, The Society of Illustrators (currently, Ervine Metzl).

The President, New York Art Directors' Club (currently, William H. Buckley).

(R. S. 161, 396, as amended, 3914, 3917, sec. 26, 20 Stat. 361, as amended, sec. 1, 46 Stat. 1469, sec. 15, 60 Stat. 810, as amended; 5 U. S. C. 22, 55a, 369, 39 U. S. C. 275, 276a, 351, 360)

[SEAL] ABE MCGREGOR GOFF,
General Counsel.

[F. R. Doc. 57-2338; Filed, Mar. 25, 1957; 8:55 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6734]

IDAHO POWER CO.

NOTICE OF APPLICATION

MARCH 20, 1957.

Take notice that on March 11, 1957 an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Idaho Power Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Idaho, Oregon and Nevada, with its principal business office at Boise, Idaho, seeking an order authorizing the issuance of unsecured notes aggregating $33,800,000 for short-term borrowings Applicant proposes to make from banks. Applicant proposes to make borrowings, and the renewals thereof, for which authorization is requested during the period from March 1, 1957 to February 28, 1958. Applicant anticipates that said bank loans will be at the current rate applicable in New York City, at the time of borrowings, for commercial bank loans, which interest rate at present is 4 percent. The notes will mature in one year or less from date of issuance. Applicant requests that the authorization include the right to renew such of said short-term notes as expire prior to one year from the date of authorization and that the principal amount of such renewals, if made, either of notes issued under the authorization requested, or of notes issued under the exemptions pursuant to section 204 (e) of the Federal Power Act ($6,200,000) shall not be considered as applying against, or as a reduction of, the aggregate amount ($40,000,000) for which authorization is requested or which may be exempt as hereinabove stated.

Any person desiring to be heard or make any protest with reference to said application should on or before the 10th day of April 1957, file with the Federal Power Commission, Washington 25, D. C. a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2266; Filed, Mar. 25, 1957; 8:47 a. m.]

[Docket No. E-6735]

VIRGINIA ELECTRIC AND POWER CO.

NOTICE OF APPLICATION

MARCH 20, 1957.

Take notice that on March 12, 1957 an application was filed with the Federal Power Commission pursuant to section 203 of the Federal Power Act by Virginia Electric and Power Company ("Virginia Company"), a corporation organized under the laws of the State of Virginia and doing business in the States of Virginia, West Virginia, and North Carolina, with its principal business office at Richmond, Virginia, seeking an order authorizing the purchase and consolidation by Virginia Company of certain physical property and facilities from Roanoke Utilities Company, Incorporated ("Roanoke Company"), a North Carolina corporation doing business in the State of North Carolina with its principal business office at Manteo, North Carolina. The property proposed to be purchased by Virginia Company from Roanoke Company comprises principally of distribution lines, transformers, meters, and appurtenances necessary or used to supply electricity to approximately 800 customers located on Roanoke Island, in Dare County, North Carolina, including the Village of Wanchese and the incorporated Town of Manteo. The consideration for the properties to be acquired is stated in the application to be $200,000 in cash subject to certain adjustments.

Any person desiring to be heard or make any protest with reference to said application should on or before the 10th day of April 1957, file with the Federal Power Commission, Washington 25, D. C. a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2267; Filed, Mar. 25, 1957; 8:47 a. m.]

[Docket No. IT-6083]

COMISION FEDERAL DE ELECTRICIDAD AND CENTRAL POWER AND LIGHT CO.

NOTICE OF APPLICATION

MARCH 20, 1957.

Take notice that Comision Federal de Electricidad (Comision), a governmental agency of the Republic of Mexico which is successor by order of the Mexican Government to La Junta Federal de Mejoras Materiales (La Junta), another governmental agency of Mexico, in the operation of electric system facilities located at or near Nuevo Laredo, Tamaulipas, Republic of Mexico, together with La Junta's facilities and authority for the importation of electric energy from the United States for utilization in that system, with its principal place of business in Nuevo Laredo, Republic of Mexico, on March 5, 1957, filed an application for authorization, pursuant to section 202 (e) of the Federal Power Act, for an increase in the amount and rate of electric energy which La Junta, its predecessor, and Central Power and Light Company (Central) were authorized to export from the United States to Mexico. On March 6, 1957, Central, a Texas corporation, with its principal place of business in Corpus Christi, Texas, joined in the aforesaid application filed by Comision.

By order issued in the above docket February 21, 1952, La Junta and Central were authorized to transmit from a point at Laredo, Webb County, Texas, to a point on the opposite bank of the Rio Grande River at Nuevo Laredo, Mexico, a maximum of 15,000,000 kwh of electric energy per year at a rate not to exceed 3,000 kilowatts. Comision, as La Junta's successor, and Central presently seek authorization to increase to 25,000,000 kwh the maximum amount and to 4,500 kilowatts the maximum rate of electric energy to be exported annually to Nuevo Laredo, Mexico.

Applicants state that industrial expansion of the area in Mexico involved has increased requirements for electric energy to the extent that the present authorization to export electric energy granted La Junta and Central in 1952 is inadequate to meet such additional requirements and that Comision does not possess the generating capacity to fulfill them. The application sets forth that Central is able to transmit the additional electric energy at the increased rate without diminishing its capacity to fulfill the demands of its present and prospective customers located in the vicinity of Laredo, Texas, and indicates that all of the energy to be exported in excess of a demand of 2,000 kilowatts will be on an interruptible basis.

Any person desiring to be heard or to make any protest with reference to the aforesaid application, should on or before the 9th day of April 1957, file a petition or protest with the Federal Power Commission, Washington 25, D. C. in accordance with the Commission's rules of practice and procedure (18 CFR 1.7, 1.8, or 1.10). The application is on file with the Commission and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2294; Filed, Mar. 25, 1957; 8:51 a. m.]

[Project No. 2082]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF ORDER ISSUING LICENSE

MARCH 20, 1957.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The California Oregon Power Company of Medford, Oregon (Applicant), for amendment of the Federal Power Commission's order issued January 28, 1954, as subsequently amended, issuing license for a proposed hydroelectric development at the Big Bend No. 2 site on the Klamath River in Oregon. According to revised plans submitted by the applicant, it now proposes to develop the head at the previously designated Big Bend No. 1 site and Big Bend No. 2 site as a single unit of development to be known as the Big Bend Development. Applicant also requests further amendment of the aforesaid order, as amended, to include a proposed Iron Gate development, and six existing developments. The six existing developments and the two proposed developments on the Link and Klamath Rivers in Klamath County, Oregon, and Siskiyou County, California, are described as follows: (a) Existing East Side Development on Link River consisting of a canal and penstock extending from Link River dam to the powerhouse containing a 4,250-horsepower turbine driving a 3,200-kilowatt generator; (b) Existing West Side Development on Link River consisting of a canal and penstock extending from Link River dam to the powerhouse containing a 1,040-horsepower turbine driving a 600-kilowatt generator; (c) Existing Keno Regulating Dam on Klamath River consisting of a wood-bent structure with earth abutments and control works for maintaining the level of Ewauna Lake and Klamath River between Keno and Klamath Falls; (d) Existing Keno Development consisting of a low diversion dam across Klamath River about one mile below Keno and a short canal extending to two powerhouses containing, respectively, a 600-horsepower turbine driving a 360-kilowatt generator and 695-horsepower turbine driving a 400-kilowatt generator; (e) Existing Copco No. 1 Development on Klamath River about 30 miles below the Keno Development consisting of a concrete gravity arch dam with tainter gates creating a reservoir about 4½ miles long, penstocks, and a powerhouse containing two 18,600-horsepower turbines each driving a 10,000-kilowatt generator, a substation, and appurtenant facilities; (f) Existing Copco No. 2 Development on Klamath River about ¼ mile below the Copco No. 1 Development consisting of a concrete and earth diversion dam, a conduit composed of two tunnels, wood-stave pipe and penstocks leading to the powerhouse containing two 20,000-horsepower turbines each driving a 13,500-kilowatt generator, a substation, and appurtenant facilities; (g) Proposed Big Bend Development on Klamath River to consist of a diversion dam approximately 650 feet long at the previously designated Big Bend No. 1 dam site in the NW¼ section 6, T. 40 S., R. 7 E., Willamette meridian, composed of an earth-fill section, a gated-spillway section, a concrete gravity intake section, and a fish ladder section; a reservoir with normal water surface at elevation 3,793 feet (U. S. G. S. datum) and extending upstream about 3 miles to the tailwater of applicant's existing Keno Development; a conduit about 2¼ miles long, partly steel pipe, partly canal and partly flume, extending to a forebay; a forebay; a tunnel about 1,600 feet long; a surge tank; penstocks about 800 feet long; a powerhouse at the previously designated Big Bend No. 2 powerhouse site in the NW¼ section 13, T. 40 S., R. 6 E., Willamette meridian, containing two turbines each rated at 56,000 horsepower and driving a 40,000-kilowatt generator; transformers; and appurtenant facilities. According to the applicant the reservoir will be so operated as to limit fluctuations of the river below the powerhouse to 9 inches per hour under average weekly conditions; and (h) Proposed Iron Gate Development on Klamath River to consist initially of a reinforced concrete arch dam in the SW¼ section 9, T. 57 N., R. 5 W., Mt. Diablo meridian, constructed to elevation 2,225 feet (U. S. G. S. datum) with valve controlled discharge and creating a reservoir for regulation of the river below the dam. Ultimately, the development is to be completed by increasing the height of the dam and incorporating therein a gated spillway section which will create a reservoir with normal water surface at elevation 2,328 feet (U. S. G. S. datum) and extending upstream about 7 miles to applicant's existing Copco No. 2 Development, and by constructing a short penstock, a powerhouse immediately below the dam containing a single turbine with capacity of about 33,500 horsepower and driving a 25,000-kilowatt generator, a substation adjacent to the powerhouse, and a transmission line extending from the substation to the applicant's existing transmission system at the Copco No. 2 Development. According to the application construction of the initial stage of development is to commence immediately and in both stages of development the reservoir will be so operated as to limit fluctuations of the river below the dam to 3 inches per hour except for conditions beyond the applicant's control.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests and petitions to intervene may be filed is May 6, 1957. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2268; Filed, Mar 22, 1957; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3570]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE AND SALE BY SUBSIDIARY TO, AND ACQUISITION BY, PARENT OF SHARES OF ADDITIONAL COMMON STOCK

MARCH 20, 1957.

Notice is hereby given that Metropolitan Edison Company ("Meted"), a public utility company, and its parent General Public Utilities Corporation ("GPU"), a registered holding company, have filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint application. Applicants have designated sections 6 (b), 9 and 10 of the act, and Rule U-50 (a) (3) as applicable to the proposed transactions.

All interested persons are referred to the joint application on file at the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Meted proposes to issue and sell to GPU, and GPU proposes to acquire, 105,000 additional shares of Meted's authorized but unissued $100 par value common stock for a cash consideration of $10,500,000.

The proceeds received by Meted from the proposed sale of common stock are to be used to reimburse its treasury for expenditures for construction of property additions made prior to January 1, 1957, including the payment of not to exceed $4,500,000 of short-term bank notes outstanding December 31, 1956.

The fees and expenses, including legal fees, to be incurred by GPU in connection with the proposed transactions are estimated at not to exceed $750; and those of Meted are estimated at $33,500, including legal fees of $750, capital stock tax of $21,000, and original issue tax of $11,550.

The applicants state that the Pennsylvania Public Utility Commission has

jurisdiction over the proposed issue and sale of common stock by Meted; that the order of that commission authorizing such issue and sale of common stock will be supplied by amendment; and that no other State or Federal commission except this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 4, 1957, request in writing that a hearing be held in respect of the joint application, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission orders a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may grant the joint application, as filed or as it may be amended, pursuant to Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules pursuant to Rules U-20 (a) and U-100 thereof, or take such other action as it deems appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2274; Filed, Mar. 25, 1957; 8:48 a. m.]

[File No. 31-640]

OLIN REVERE METALS CORP.

ORDER GRANTING EXEMPTION

MARCH 20, 1957.

Olin Revere Metals Corporation ("Metals"), a Delaware corporation, has filed with this Commission an application and amendments thereto pursuant to section 3 (a) (3) (A) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for it as a holding company, and its subsidiary companies as such, from all the provisions of the act, on the basis that Metals is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public utility company, and not deriving directly or indirectly any material part of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company.

Due notice of the filing of said exemption application has been given (Holding Company Act Release No. 13395) and no hearing thereon has been ordered by or requested of the Commission. The Commission has examined the statements contained in said exemption application as amended and has considered the full record with respect thereto. It appears to the Commission that the applicable standards of section 3 (a) (3) (A) of the act are satisfied and the Commission finds that the granting of said exemption application will not be detrimental to the public interest or the interest of investors or consumers.

It is therefore ordered, That Metals, as a holding company, and its subsidiary companies as such, be, and the same hereby are, exempted from the provisions of the act applicable to it as a holding company and its subsidiary companies as such.

It is further ordered, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2275; Filed, Mar. 25, 1957; 8:48 a. m.]

[File No. 70-3562]

WORCESTER COUNTY ELECTRIC CO. AND NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING PROPOSED RIGHTS OFFERING BY SUBSIDIARY AND PROPOSAL OF PARENT COMPANY TO PURCHASE ALL SHARES UNSUBSCRIBED BY MINORITY STOCKHOLDERS

MARCH 20, 1957.

New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Worcester County Electric Company ("Worcester"), have filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

The authorized and outstanding capital stock of Worcester consists of 526,120 common shares (par value $25 per share), of which, as of February 12, 1957, NEES owned 522,533 shares (99.318 percent) and the minority public holders (90 in number) owned 3,587 (0.682 percent). Worcester proposes to increase its common capital stock by the issue and sale, for cash, of 87,686 additional shares, offering such shares to its stockholders at a price of $55 per share on the basis of one new share for each six shares held. Rights to subscribe will be evidenced by full and fractional share warrants, exercisable during a subscription period of 21 days. However, only full shares will be issued. NEES proposes to exercise its rights to subscribe for 87,088 full shares of additional stock to which it will be entitled. The minority public holders will be entitled to subscribe for 597 full shares. NEES also proposes to purchase at the end of the subscription period all unsubscribed shares at the subscription price of $55 per share. The subscription price was determined by Worcester's board of directors after consideration of earnings, dividends, and book value of the Worcester comon stock and other comparable utility company common stocks.

NEES will use treasury funds for its proposed acquisitions. Worcester will apply the proceeds from the sale of the additional common stock, amounting to $4,822,730, to the discharge of a like amount of promissory notes payable to NEES. Worcester and NEES desire to consummate the proposed issue and sale of additional common stock in order to finance permanently a portion of the capitalizable additions to Worcester's plant through the issuance of equity securities.

The Massachusetts Department of Public Utilities has approved the proposed issue and sale of common stock by Worcester. The application-declaration states that no Federal commission, other than this Commission, has jurisdiction over the proposed transactions and no State commission approval is necessary with respect to the acquisition of securities by NEES.

The expenses to be incurred by Worcester and NEES in connection with the proposed transactions are estimated to aggregate $7,000 and $300, respectively.

Due notice of the filing of the application-declaration having been given (Holding Company Act Release No. 13403, March 4, 1957), in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

The Commission finding in respect of the application-declaration, as amended, that the applicable provisions of the Act and the Rules promulgated thereunder are satisfied, observing no basis for adverse findings or the imposition of terms or conditions, it appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates hereinabove stated, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application and permit the declaration, as amended, to become effective, forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective, forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2276; Filed, Mar. 25, 1957; 8:48 a. m.]

[File No. 70-3530]

PITTSBURGH RAILWAYS CO.

ORDER GRANTING APPLICATION REGARDING PROPOSED ISSUE AND SALE OF PURCHASE MONEY BOND

MARCH 20, 1957.

Pittsburgh Railways Company ("Pittsburgh"), a non-utility subsidiary of Standard Gas and Electric Company, a registered holding company, has filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") concerning the following proposed transactions:

Pittsburgh proposes to issue a 15-year purchase money bond in the principal amount of $280,000 and bearing interest at the rate of 4½ percent per annum. The unpaid balance of the bond may be anticipated, without penalty, on any quarter annual payment date. The bond will be issued to Navarro Corporation, a contractor doing business in Pittsburgh, Pennsylvania, as part payment for a garage building being constructed by said contractor and needed by Pittsburg for storage, servicing and maintenance of its buses and said bond will be secured by a mortgage on said property. Competitive bidding was observed in awarding the construction contract.

There are no fees or commissions payable on account of the issuance of said bond or mortgage. There are, however, Federal Internal Revenue Documentary Stamps required in the amount of $308 and Pittsburgh has agreed to pay all of the realty transfer taxes involved in the transaction and certain expenses, including attorneys fees, incurred by Navarro Corporation in connection with the transaction estimated not to exceed $12,000. The record is incomplete with respect to said expenses incurred by Navarro Corporation and the fees and expenses of all counsel, including the fees and expenses of counsel for Navarro, and jurisdiction will be reserved with respect thereto.

Subject to certain conditions, the Pennsylvania Public Utility Commission has registered the Securities Certificate of Pittsburgh relating to the issuance of said bond and mortgage.

Due notice having been given of the filing of said amended application in the manner prescribed by Rule U-23 (Holding Company Act Release No. 13394) and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said amended application be granted forthwith.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act that said amended application be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction be, and the same hereby is, reserved over the expenses incurred by Navarro Corporation and the fees and expenses of all counsel, including the fees and expenses of counsel for Navarro.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2277; Filed, Mar. 25, 1957; 8:48 a. m.]

[File No. 70-3567]

OHIO EDISON CO.

ORDER APPROVING ACQUISITION OF UTILITY ASSETS

MARCH 20, 1957.

Ohio Edison Company ("Company"), a registered holding company and a public-utility company, has filed an application pursuant to section 10 of the Public Utility Holding Company Act of 1935 ("act") with respect to the following proposed transactions:

Pursuant to a Sale Agreement dated February 11, 1957, the Company proposes to acquire from the City of Galion, Ohio ("City"), for $2,784 cash, a single-phase 2,400-volt distribution line approximately 1.2 miles long.

The Company presently supplies power at wholesale to City's electric distribution system. The property to be acquired is in close proximity to surrounding rural areas now being served by the Company at retail and will be operated as a part of the Company's integrated system.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted, effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and hereby is, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2278; Filed, Mar. 25, 1957; 8:49 a. m.]

[File No. 70-3566]

WEST PENN POWER CO. AND WEST PENN ELECTRIC CO.

ORDER AUTHORIZING SUBSIDIARY TO ISSUE AND SELL ADDITIONAL COMMON STOCK AND AUTHORIZING HOLDING COMPANY TO PURCHASE ITS PRO RATA PART OF SUCH OFFERING; TO PURCHASE ALL SHARES NOT SUBSCRIBED BY PUBLIC STOCKHOLDERS, AND TO PLEDGE ACQUIRED SHARES

MARCH 20, 1957.

The West Penn Electric Company ("Electric"), a registered holding company, and its public-utility subsidiary West Penn Power Company ("Power") have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 10, and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 thereunder, with respect to the following proposed transactions:

Power proposes to issue and sell, through an offering to the holders of its common stock (of which 3,522,480 shares, without par value, are now outstanding), 251,606 additional shares at $49.50 per share, and in this connection to issue transferable warrants to such holders (other than its parent) evidencing their rights to subscribe for the additional shares at the rate of 1 new share for each 14 shares held on the record date. The warrants will be issued on or about March 25, 1957, to holders of record at the close of business on the second full business day prior thereto, and they will expire on or about April 16, 1957. No fractional shares will be issued.

Electric, which owns 3,346,367 shares (approximately 95 percent) of Power's outstanding common stock, proposes to purchase its pro rata part of the additional shares and also all of the additional shares not subscribed by the public stockholders. Electric further proposes to purchase, at a price of 12 cents for each right represented thereby, warrants which are properly assigned and delivered to it at 50 Broad Street, New York 4, New York, before they expire.

Under the terms of the Trust Indenture dated as of September 1, 1949, securing its 3½ percent Sinking Fund Collateral Trust Bonds, Electric has covenanted to maintain the common stock of Power pledged with Chemical Corn Exchange Bank, Trustee, at 94.6 percent of all the issued and outstanding common stock of Power; and, pursuant to this covenant, Electric proposes to pledge approximately 94.6 percent of the additional shares to be issued by Power with said Trustee.

Power proposes to use the proceeds from the sale of the additional common stock, together with treasury cash and the proceeds from a later issue of about $20,000,000 of senior securities, in financing the 1957 and 1958 construction requirements of itself and its subsidiaries, estimated at $61,000,000.

The Pennsylvania Public Utility Commission, the regulatory commission of the State in which Power is organized and doing business, has approved Power's issuance and sale of the additional common stock as proposed.

Due notice having been given of the filing of said application-declaration (Holding Company Act Release No. 13402), and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration, as amended, be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2279; Filed, Mar. 25, 1957; 8:49 a. m.]

[File Nos. 24SF-1962; 24SF-2116]

GOLDFIELD URANIUM, INC., AND NEVA-UTEX URANIUM, INC.

ORDER MODIFYING ORDER OF JULY 9, 1956

MARCH 20, 1957.

In the matter of Goldfield Uranium Inc., (File No. 24SF-1962); Neva-Utex Uranium, Inc., (File No. 24SF-2116).

The Commission on July 9, 1956, entered its order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending exemptions under Regulation A for the offerings of Goldfield Uranium Inc. and Neva-Utex Uranium, Inc. on the grounds that the Commission had been advised that Scott W. Hockensmith, a promoter and director of Goldfield Uranium Inc. and a promoter, director and officer of Neva-Utex Uranium, Inc.; and Howard Hockensmith, a promoter, director and officer of both Goldfield Uranium Inc. and Neva-Utex Uranium, Inc., had been convicted of a crime and offense involving the sale of a security; in that said Scott W. Hockensmith and Howard Hockensmith were convicted on April 23, 1956, in the Superior Court of the State of California, in and for the County of Los Angeles, of violation of section 26104 (a) of the California Corporations Code, which prohibits the issuance or sale of any security in violation of the provisions of Division 1, Title 4 of said California Corporations Code and that the Commission had reasonable cause to believe that the terms and conditions of Regulation A had not been complied with by Neva-Utex Uranium, Inc. in that said Neva-Utex Uranium, Inc had been offering and selling its securities in a jurisdiction not stated in the Notification as a jurisdiction in which it is proposed to offer its securities.

The order of the Commission gave notice that, upon receipt of a written request, the matter would be set down for hearing for the purpose of determining whether the temporary order of suspension should be vacated or made permanent.

It appears from an affidavit filed by Oscar Morissett, the secretary of Goldfield Uranium Inc. accompanied by a certified copy of the Minutes of a Stockholders Meeting of Goldfield Uranium Inc. that (a) Scott W. Hockensmith and Howard Hockensmith were not elected or re-elected as officers or directors of Goldfield Uranium Inc. at a stockholders meeting held on July 23, 1955, and have not since been nor are they now connected in any way with the management of that company, (b) that none of the securities referred to in the filing by Goldfield Uranium Inc. has been sold and (c) that if the order of July 9, 1956 is vacated as to Goldfield Uranium Inc., the offering as originally proposed will be abandoned and the request for exemption withdrawn.

Goldfield Uranium Inc. having requested a modification of the temporary suspension order as to its filing based upon said affidavit and certified copy of the Minutes of the regular Meeting of Stockholders on July 23, 1955;

It is ordered, That the temporary order of suspension heretofore issued on July 9, 1956 be and is hereby modified to eliminate the name of Goldfield Uranium Inc. therefrom.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2280; Filed, Mar. 25, 1957; 8:49 a. m.]

[File No. 24 NY-3529]

TRI-DENT CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 20, 1957.

I. The Tri-Dent Corporation, a company incorporated under the laws of the State of New Jersey on September 18, 1951, with principal offices located at 128 Linden Avenue, Jersey City, N. J., having filed with the Commission on November 6, 1953, a Notification on Form 1-A and Offering Circular, relating to a proposed offering of 300,000 shares of its $0.10 par value common stock at $1.00 per share not to exceed $300,000.00 in the aggregate, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A, promulgated thereunder; and

II. The Commission having been advised that the terms and conditions of said Regulation A have not been complied with in that the issuer has failed to file Form 2-A reports of sales, as required by Rule 224 of Regulation A;

III. It is ordered pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2281; Filed, Mar. 25, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 20, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33417: *Cotton—New Mexico and Texas to Louisiana and Texas Gulf ports.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on cotton, carloads from specified points in New Mexico and Texas to Louisiana and Texas ports, New Orleans, La., and west to and including Brownsville, Tex.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 83 to Agent Brown's tariff I. C. C. 789.

FSA No. 33418: *T. O. F. C. service—Baltimore and Ohio Railroad.* Filed by The Baltimore and Ohio Railroad Company, for itself and on behalf of the Baltimore and Ohio Chicago Terminal Railroad Company. Rates on various commodities loaded in or on trailers, and transported on railroad flat cars between Baltimore, Md., Philadelphia, Pa., and Washington, D. C., on the one hand, Bellaire, and other specified points on Ohio, also Indianapolis, Ind., on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 27 to Baltimore and Ohio Railroad Company's tariff I. C. C. 24327 and Supplement 4 to Agent C. W. Boin's tariff I. C. C. A-1109.

FSA No. 33419: *Grain and products—Sioux City, Iowa, to Texas ports.* Filed by The Chicago, Burlington & Quincy Railroad Company, for itself and interested rail carriers. Rates on grain, grain products and seeds, carloads from Sioux City, Iowa to Beaumont, Galveston, Houston, and Texas City, Tex., for export and coastwise movement beyond.

Grounds for relief: Circuitous route.

Tariff: Supplement 38 to Chicago, Burlington & Quincy Railroad Company tariff I. C. C. 20396.

FSA No. 33420: *T. O. F. C. service—Chicago & Eastern Illinois and Erie Railroads.* Filed by The Chicago & Eastern Illinois Railroad Company for itself and on behalf of the Erie Railroad Company. Rates on various commodities loaded in or on trailers, and transported on railroad flat cars from Evansville, Ind., East St. Louis, Ill., and St. Louis, Mo., on points grouped with St. Louis and East St. Louis to Cleveland, Ohio and points grouped therewith as taking same rates.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Chicago & Eastern Illinois Railroad Company tariff I. C. C. 282.

FSA No. 33421: *T. O. F. C. service—Pennsylvania Railroad Company.* Filed by The Pennsylvania Railroad Company, for itself and on behalf of the Long Island Railroad Company. Rates on property of various kinds, moving on classification exceptions rates, loaded in or on trailers and transported on railroad flat cars between specified points in New Jersey, New York and Pennsylvania, on one hand, and specified points in Ohio, also Detroit, Mich., and Indianapolis, Ind., on the other.

Grounds for relief: Motor truck competition.

Tariffs: Supplement 22 to Pennsylvania Railroad Company's tariff I. C. C. 3504. Supplement 4 to Agent C. W. Boin's tariff I. C. C. A-1109.

FSA No. 33422: *Anhydrous ammonia—Houston, Tex., to Peoria, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to Peoria, Ill.

Grounds for relief: Barge competition and circuitous routes.

Tariff: Supplement 198 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33424: *Lumber—Joplin, Mo., to western and northern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lumber and related commodities, carloads from Joplin, Mo., to specified points in Illinois, Indiana, Iowa, Michigan (upper peninsula), Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Grouping, carrier competition and circuitous routes.

Supplement 118 to Agent Kratzmeir's tariff I. C. C. 3954.

FSA No. 33425: *Plaster and related articles—Ft. Dodge, Iowa to Missouri points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on plaster, gypsum and related articles, carloads, also gypsum wallboard, carloads from Ft. Dodge, Iowa to Belton, Jeffreys, Grandview, Martin City, and Red Bridge, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 34 to Agent Kratzmeir's tariff I. C. C. 4149.

FSA No. 33426: *Electrodes—Natco, Tenn., to Keokuk, Iowa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on electrodes, viz., carbon furnace or electrolytic bath, straight or mixed carloads from Natco, Tenn., to Keokuk, Iowa.

Grounds for relief: Truck-barge competition and circuitous routes.

Tariff: Supplement 11 to Agent Spaninger's tariff I. C. C. 1565.

FSA No. 33427: *Cottonseed and vegetable seed products—from Marion, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on vegetable oil cake and meal, viz., cottonseed, soybean and peanut, straight or mixed carloads from Marion, S. C., to Lynchburg and Newport News, Va.

Grounds for relief: Market and motor truck competition and circuitry.

Tariff: Supplement 18 to Agent Spaninger's tariff I. C. C. 1551.

FSA No. 33428: *All commodities, from and to East St. Louis, Ill.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from and to East St. Louis, Ill. to and from points in southern territory.

Grounds for relief: Carrier competition.

Tariff: Supplement 71 to Agent C. A. Spaninger's tariff I. C. C. 1458.

FSA No. 33429: *Paper and paper articles—Wisconsin to points in the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from Brokaw, Wis., and other specified points in the Wisconsin River Valley in Wisconsin to points in southwestern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 35 to Agent Kratzmeir's tariff I. C. C. 4198.

FSA No. 33430: *Glycerine—Dallas and Houston, Tex., to Illinois and Western trunk line territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on glycerine, other than crude, carloads from Dallas and Houston, Tex., to destinations in Illinois and western trunk-line territories.

Grounds for relief: Circuitous routes.

Tariff: Supplement 304 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33431: *Sugar—Corpus Christi, Tex., to southern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates oh sugar, corn and sorghum grain, straight or mixed carloads from Corpus Christi, Tex., to specified points in North Carolina and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 305 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33432: *Sugar—southern points to Illinois points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from specified points in Alabama, Florida, Georgia, Louisiana, and Mississippi to specified points in Illinois.

Grounds for relief: Circuitous routes.

Tariff: Supplement 39 to Alternate Agent J. H. Marque's tariff I. C. C. 434.

AGGREGATE-OF-INTERMEDIATES

FSA No. 33423: *Anhydrous ammonia—Houston, Tex., to Peoria, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex. to Peoria, Ill.

Grounds for relief: Maintenance of depressed rates without observing same as factors in constructing lower combinations from or to points beyond the named points.

Tariff: Supplement 198 to Agent Kratzmeir's tariff I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-2235; Filed, Mar. 22, 1957; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 21, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33433: *Coarse grains—From western trunk line territory to southwestern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on coarse grains and articles taking same rates, including corn, barley and oats, hominy feed, hulls, and sorghum grains, carloads from origins in western trunk line territory to destinations in southwestern territory.

Grounds for relief: Short-line distance formulas, carrier competition, and circuitous routes.

Tariff: Agent Kratzmeir's tariff I. C. C. 4237 and other tariffs and supplements to tariffs named in the application.

FSA No. 33434: *Lime—Cleburne, Tex., to Natchez, Miss.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lime, carloads from Cleburne, Tex., to Natchez, Miss.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Kratzmeir's tariff I. C. C. 4155.

FSA No. 33436: *Brick and related articles—Kankakee, Ill., to the South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on brick and related articles, carloads from Kankakee, Ill., to destinations in southern territory.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 24 to Agent Raasch's tariff I. C. C. 736.

FSA No. 33436: *Paper and paper articles—Southern points to Kansas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in southern territory to destinations in Kansas on the Midland Valley Railroad.

Grounds for relief: Circuitous routes.

Tariff: Supplement 36 to Agent Kratzmeir's tariff I. C. C. 4198.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-2270; Filed, Mar. 25, 1957; 8:47 a. m.]

[MC-C-2072]

SHOE DRESSING; BROOKLYN AND CRANFORD TO ATLANTA

RATES AND CHARGES; FIRST SUPPLEMENTAL ORDER

At a session of the Interstate Commerce Commission, Appellate Division 2, held at its office in Washington, D. C., on the 23d day of January A. D. 1957.

In the original order in this proceeding, the Commission, Appellate Division 2, upon its own motion, entered upon an investigation concerning rates, and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce, of shoe dressing or blacking from Brooklyn, N. Y. and Cranford, N. J. to Atlanta, Ga., as set forth in schedules of Motor Carrier Traffic Association, Inc., Agent, and Southern Motor Carriers Rate Conference, Agent;

It appearing that the following schedules contain certain rates and charges, and rules, regulations and practices affecting such rates and charges, applying on shoe dressing or blacking from Brooklyn, N. Y. and Cranford, N. J. to Chamblee, Ga.:

Southern Motor Carriers Rate Conference, Agent: In Supplement 56 to MF-I. C. C. No. 804, on page 83 thereof, Indexes 24334 and 24335;

Motor Carrier Traffic Association, Inc., Agent: In Supplement 35 to MF-I. C. C. No. 444, on page 14 thereof, Index 8500;

or as the same may be amended or reissued:

It further appearing that upon consideration of the tariff schedules shown in the foregoing, there is reason to institute an investigation to determine whether they result in rates and charges,

rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That this investigation be, and it is hereby, broadened, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in schedules designated herein, or as the same may be amended or reissued, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Appellate Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-2271; Filed, Mar. 25, 1957; 8:47 a. m.]

[MC-C-2096]

PAPER; CHARLESTON TO SAVANNAH

RATES AND CHARGES

At a session of the Interstate Commerce Commission, Division 2, Acting as an Appellate Division, held at its office in Washington, D. C., on the 15th day of March A. D. 1957.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of wrapping paper, minimum 72,000 pounds, from Charleston, S. C., to Savannah Ga., as set forth in:

Motor Carriers Traffic Association, Inc., Agent; MF-I. C. C. No. 448, Supplement No. 44 thereto, on page 16 thereof, Index 27718;

or as the same may be amended or reissued.

It appearing that upon consideration of the tariff schedules there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefor:

It is ordered, That an investigation be, and it is hereby, instituted, by the Commission, upon own motion into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

It is further ordered, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

It is further ordered, That a copy of this order be served on the respondents' attorneys in fact who filed the schedules containing the rates under investigation herein; and that further notice of this proceeding be given to the respondents, and that notice be given to the general public by posting a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

And it is further ordered, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Division 2, Acting as an Appellate Division.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-2272; Filed, Mar. 25, 1957; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

URBANO ORGANTINI

AMENDMENT TO NOTICE OF INTENTION TO RETURN VESTED PROPERTY AND RETURN ORDER

Amendment to a notice of intention to return vested property and to return order No. 772, both entered in the matter of the claim of Urbano Organtini, Claim No. 4051, Vesting Order No. 282.

A Notice of Intention to Return Vested Property to Urbano Organtini, published in the FEDERAL REGISTER on September 8, 1950 (15 F. R. 6061), and Return Order No. 772, authorizing return to Urbano Organtini of the property described therein, published in the FEDERAL REGISTER on October 20, 1950 (15 F. R. 7042), are hereby amended to delete therefrom the property described in said documents as "5000 RM German Liquidation Loan (Ex Rights)", upon finding that the said property was not vested or otherwise acquired by the Alien Property Custodian or the Attorney General of the United States.

All other provisions of the said Notice of Intention to Return Vested Property and of the said Return Order No. 772 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto, and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-2292; Filed, Mar. 25, 1957; 8:51 a. m.]

N. BOSMA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim. No., Property, and Location

N. Bosma, Assen, The Netherlands; Claim No. 60272; $367.82 in the Treasury of the United States; Ten shares of Keta Gas and Oil Corporation $0.10 par value capital stock, represented by Certificate No. CO 72, registered in the name of the Attorney General; and Seven shares of Swan Finch Oil Corporation $5.00 par value common stock, included among those represented by Certificate No. C 06965, registered in the name of the Attorney General. The above shares are held in the Federal Reserve Bank, New York, for safekeeping. Vesting Order Nos. 17836 and 17947.

Executed at Washington, D. C., on March 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-2287; Filed, Mar. 25, 1957; 8:50 a. m.]

MRS. BERTA HUNOLD DE SCHWEIZER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Berta Hunold De Schweizer, Cervantes 1311, Obera, Misiones, Republic of Argentina; Claim No. 58430. $6,422.60 in the Treasury of the United States. Vesting Order No. 11083.

Executed at Washington, D. C., on March 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-2291; Filed, Mar. 25, 1957; 8:51 a. m.]

MME. JEANNE LAURANS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mme. Jeanne Laurans, Mme. Genevieve Seydoux nee Schlumberger, Pierre Schlumberger, Mme. Francoise Schlumberger, Paris, France; Claim No. 41217. An undivided one-half (½) interest to Mme. Jeanne Laurans, and an undivided one-sixth (⅙) interest each to Mme. Genevieve Seydoux nee Schlumberger, Pierre Schlumberger and Mme. Francoise Schlumberger in and to property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent No. 2,284,990.

Executed at Washington, D. C., on March 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-2290; Filed, Mar. 25, 1957; 8:51 a. m.]

JOHANNA CATHARINA BRANDON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Johanna Catharina Brandon, 40 Oranjelaan, Rijswijk (Z.-H.), Netherlands; Claim No. 60666. $153.10 in the Treasury of the United States. Vesting Order No. 17914.

Executed at Washington, D. C., on March 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-2289; Filed, Mar. 25, 1957; 8:50 a. m.]

WILLEM JANSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Willem Jansen, 5 Klaaskampen, Laren (N. H.), Netherlands; Claim No. 60667. $262.82 in the Treasury of the United States. Vesting Order No. 17840.

Executed at Washington, D. C., on March 18, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 57-2288; Filed, Mar. 25, 1957; 8:50 a. m.]

FEDERAL REGISTER

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Washington, Wednesday, March 27, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10704

CHANGE IN THE MEMBERSHIP OF THE PRESIDENT'S COUNCIL ON YOUTH FITNESS

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The President's Council on Youth Fitness shall hereafter be composed of the Vice President of the United States, who shall be the Chairman of the Council, the Secretary of Defense, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Labor, and the Secretary of Health, Education, and Welfare.

2. Section 1 of Executive Order No. 10673 of July 16, 1956, which established the President's Council on Youth Fitness and designated the members thereof, is amended accordingly.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
March 25, 1957.

[F. R. Doc. 57-2409; Filed, Mar. 26, 1957; 9:28 a. m.]

TITLE 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 9—PUBLIC RECORDS

INCLUSIONS

In F. R. Document 56-10096, appearing in the issue for Saturday, December 8, 1956, at page 9743, the introductory paragraph of § 9.3 should be corrected to read as follows:

§ 9.3 *Inclusions.* Except as excluded by § 9.4 of this chapter, the following matters are included in the public records:

* * * * *

Dated at Washington, D. C., this 20th day of March 1957.

DAVID F. SHAW,
Assistant General Manager.

[F. R. Doc. 57-2341; Filed, Mar. 26, 1957; 8:51 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

PART 242—OSAGE ROLL, CERTIFICATES OF COMPETENCY, AND OSAGE LANDS

SUBPART B—CHANGING DESIGNATION OF HOMESTEAD ALLOTMENTS, EXCHANGES OF RESTRICTED LANDS, AND PARTITION PROCEEDINGS

Subpart B of Part 242 is revised in its entirety to read as follows:

Sec.
242.51 Definitions.
242.52 Application for change in designation of homestead.
242.53 Order to change designation of homestead.
242.54 Exchanges of restricted lands.
242.55 Institution of partition proceedings.
242.56 Partition records.
242.57 Approval of deeds or other instruments vesting title on partition and payment of costs.
242.58 Disposition of proceeds of partition sales.

AUTHORITY: §§ 242.51 to 242.58 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 18; 25 U. S. C. 331 note.

§ 242.51 *Definitions.* When used in this subpart:

(a) "Homestead" means the restricted nontaxable lands, not exceeding 160 acres, allotted to an enrolled member of the Osage Tribe pursuant to the act of June 28, 1906 (34 Stat. 539), or the restricted surplus lands designated in lieu thereof pursuant to the act of May 25, 1918 (40 Stat. 578).

(b) "Surplus land" means those restricted lands, other than the homestead, allotted to an enrolled member of the Osage Tribe pursuant to the act of June 28, 1906 (34 Stat. 539).

§ 242.52 *Application for change in designation of homestead.* Any Osage allottee or the legal guardian thereof may make application to change his homestead for an equal area of his surplus land. The application shall give in detail the reasons why such change is

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following Supplements are now available:

Title 24 ($1.00)
Title 32, Parts 1100 to end ($0.50)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 32, Parts 700–799 ($0.50); Title 39 ($0.50).

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desired and shall be submitted to the Osage Indian Agency on the form "Application to Change Designation of Homestead."

§ 242.53 *Order to change designation of homestead.* The application of an Osage allottee, or his legal guardian, may be approved by the Secretary of the Interior, or his authorized representative, and an order issued to change designation of homestead, if it is found that the applicant owns an equal area of surplus land. The expense of recording the order shall be borne by the applicant. The order to change designation shall be made on the form "Order to Change Designation of Homestead."

§ 242.54 *Exchanges of restrictive lands.* Upon written application of the Indians involved, the exchange of restricted lands between adult Indians, and between adult Indians and non-Indians, may be approved by the Secretary of the Interior, or his authorized representative. Title to all lands acquired under this part by an Indian who does not have a certificate of competency shall be taken by deed containing a clause restricting alienation or encumbrance without the consent of the Secretary, or his authorized representative. In case of diffeences in the appaised value of lands under consideration for exchange, the application of an Indian for funds to equalize such differences may be approved to the extent authorized by § 222.8 of this chapter.

§ 242.55 *Institution of partition proceedings.* (a) Prior authorization should be obtained from the Secretary, or his authorized representative, before the institution of proceedings to partition the lands of deceased Osage allottees in which any interest is held by an Osage Indian not having a certificate of competency. Requests for authority to institute such partition proceedings shall contain a description of the lands involved, the names of the several owners and their respective interests and the reasons for such court action. Authorization may be given for the institution of partition proceedings in a court of competent jurisdiction when it appears to the best interest of the Indians involved to do so and the execution of voluntary exchange deeds is impracticable.

(b) When it appears to the best interest of the Indians to do so, the Secretary's, or his authorized representative's, authorization to institute partition proceedings may require that title to the lands be quieted in the partition action in order that the deeds issued pursuant to the proceedings shall convey good and merchantable title to the grantee therein. (See section 6, 37 Stat. 87.)

§ 242.56 *Partition records.* Upon completion of an action in partition, a copy of the judgment roll showing schedule of costs and owelty moneys having accrued to or from the several parties, together with deeds, or other instruments vesting title on partition, in triplicate, shall be furnished to the Osage Agency. The original allotment number shall follow the legal description on all instruments vesting title. When a grantee is a member of the Osage Tribe who has not received a certificate of competency, deeds or other instruments vesting title shall contain the following clause against alienation:

Subject to the condition that while title to the above-described lands shall remain in the grantee or his Osage Indian heirs or devisees who do not have certificates of competency, the same shall not be alienated or encumbered without approval of the Secretary of the Interior or his authorized representative.

§ 242.57 *Approval of deeds or other instruments vesting title on partition and payment of costs.* Upon completion of the partition proceedings in accordance with the law and in conformity with the regulations in this subpart, the Secretary, or his authorized representative, may approve the deeds, or other instruments vesting title on partition, and may disburse from the restricted (accounts) funds of the Indians concerned, such amounts as may be necessary for payment of their share of court costs, attorney fees, and owelty moneys.

§ 242.58 *Disposition of proceeds of partition sales.* Owelty moneys due members of the Osage Tribe who do not have certificates of competency shall be paid into the Treasury of the United States and placed to the credit of the Indians upon the same conditions as attach to segregated shares of the Osage national fund.

FRED A. SEATON,
Secretary of the Interior.

MARCH 20, 1957.

[F. R. Doc. 57-2312; Filed, Mar. 26, 1957; 8:45 a.m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 684—HOOKED RUG INDUSTRY IN PUERTO RICO

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

PART 699—TEXTILE AND TEXTILE PRODUCTS INDUSTRY IN PUERTO RICO

MISCELLANEOUS AMENDMENTS

On January 5, 1957, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 475 (22 F. R. 150) appointed, convened and gave notice of the hearing of Industry Committee No. 28–B for the Textile and Textile Products Industry in Puerto Rico, and Industry Committee No. 28–C for the Hosiery Industry in Puerto Rico. The Committees were directed to recommend the minimum rate or rates to be paid under section 6 (c) of the act to employees in the Textile and Textile Products Industry and in the Hosiery Industry who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and a hearing, conducted pursuant to the notice, the Committees filed with the Administrator a report containing their findings with respect to the matters referred to them. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), (1) the recommendations of these committees are hereby published in the following amendments to the Code of Federal Regulations, and (2) effective April 12, 1957, Part 684 of Title 29, Code of Federal Regulations is deleted, and Parts 687 and 699 of Title 29, Code of Federal Regulations, are amended to read as follows:

1. Part 687 is amended to read as follows:

Sec.
687.1 Definition of the industry.
687.2 Wage rates.
687.3 Notices.

AUTHORITY: §§ 687.1 to 687.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 687.1 *Definition of the industry.* The hosiery industry in Puerto Rico, to which this part shall apply, is defined as follows: The manufacture and processing of full-fashioned and seamless hosiery, including, among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture and processing of yarn or thread.

§ 687.2 *Wage rates.* (a) Wages at a rate of not less than 65 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hosiery industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the full-fashioned hosiery classification, which is defined as the manufacturing or processing of full-fashioned hosiery, including among other processes the knitting, seaming, dyeing, clocking, and all phases of finishing full-fashioned hosiery.

(b) Wages at a rate of not less than 63 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the hosiery industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the seamless hosiery classification, which is defined as the manufacturing or processing of seamless hosiery of all types, including among other processes the knitting, looping, dyeing, clocking, and all phases of finishing seamless hosiery.

§ 687.3 *Notices.* Every employer subject to the provisions of § 687.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 687.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

2. Part 699 is amended to read as follows:

Sec.
699.1 Definition of the industry.
699.2 Wage rates.
699.3 Notices.

AUTHORITY: §§ 699.1 to 699.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 699.1 *Definition of the industry.* The textile and textile products industry in Puerto Rico, to which this part shall apply, is defined as follows: The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool, or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however,* That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

§ 699.2 *Wage rates.* (a) Wages at a rate of not less than one dollar an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the textile and textile products industry who is engaged in commerce or in the production of goods for commerce and who is engaged in the mattress and pillow classification, which is defined as the manufacture of mattresses and pillows.

(b) Wages at rates not less than the amounts specified in the subparagraphs below shall be paid by every employer to each of his employees engaged in the manufacture of hooked or punched rugs and carpeting in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(1) To employees so engaged who perform multiple-needle power-driven machine operations, which are defined as the punching or tufting of rugs and carpeting with multiple-needle machines containing five or more needles, including the operation of the machine, the work of the assistant or helper thereon, and the work of the maintenance employees who set up or repair these machines, wages at the rate of not less than 65 cents per hour shall be paid.

(2) To employees so engaged who perform hand-guided power-driven machine operations, which are defined as the punching or tufting of rugs and carpeting with hand-guided power-driven machines containing less than five needles including the operation of the machine and the work of maintenance employees who set up or repair these machines, wages at the rate of not less than 53 cents per hour shall be paid.

(3) To employees so engaged who perform any other operations in the manufacture of hooked or punched rugs and carpeting except the operations listed in subparagraphs (1) and (2) of this paragraph, wages at the rate of not less than 49 cents per hour shall be paid.

(c) Wages at a rate of not less than 52 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the textile and textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the bag cleaning and repairing classification, which is defined as the cleaning, mending and repairing of bags made from burlap, cotton or other textile materials.

(d) Wages at a rate of not less than 56 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the textile and textile products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce and who is engaged in the general classification, which is defined as the preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filling; the manufacture of yarn, cordage, twine, felt, woven and knitted fabrics and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool, or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags (except cleaning and repairing of bags), quilts, hairnets, oilcloth and artificial leather containing a textile base, and woven carpets and rugs: *Provided, however,* That the definition shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber.

§ 699.3 *Notices.* Every employer subject to the provisions of § 699.2 shall post in a conspicuous place in each department of his establishment where employees subject to the provisions of § 699.2 are working such notices of this part as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 21st day of March 1957.

NEWELL BROWN,
Administrator.

[F. R. Doc. 57-2354; Filed, Mar. 26, 1957; 8:53 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-264]

[Rules Amdt. 3-61]

PART 3—RADIO BROADCAST SERVICES

ESTABLISHMENT OF A LICENSE PERIOD FOR TELEVISION BROADCAST STATIONS LOCATED IN GUAM

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1957.

The Commission has under consideration the desirability of making certain changes in Part 3 of its rules and regulations to include Guam in the schedule setting forth the expiration date for licenses of television broadcast stations.

Section 3.630 sets forth the expiration dates for licenses of television broadcast stations located in the United States, Puerto Rico, Virgin Islands, Alaska and Hawaii. The list was so arranged that licenses of stations in the same general geographical area would expire at the same time.

The Commission has authorized the construction of a television broadcast station on the Island of Guam, and it is necessary to establish a license period for this station in order that a license may be issued. Guam, a western U. S. possession, is being included in the paragraph of § 3.630 that contains the other western U. S. possessions.

The amendment adopted herein is procedural in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary.

The amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 303 (r) and 307 (d) of the Communications Act of 1934, as amended.

It is ordered, That, effective March 20, 1957, § 3.630 (a) (16) of the Commission's rules and regulations is amended to read as follows:

(16) For stations located in Washington, Oregon, Alaska, Guam and Hawaii, February 1, 1960.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 307, 48 Stat. 1081, 1082, 1083; 47 U. S. C. 301, 303, 307)

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2343; Filed, Mar. 26, 1957; 8:52 a. m.]

[FCC 57-285]

[Rules Amdts. 11-9, 16-13]

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

CONELRAD RADIO ALL CLEAR MESSAGE

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 20th day of March 1957;

The Commission, having before it for consideration the CONELRAD Radio All Clear Message as set forth in Parts 11 and 16 of the Commission's rules and the Commission's order of March 6, 1957 (FCC 57-221), amending the wording of the CONELRAD Radio All Clear Message;

It appearing that a need for the modification of this message was outlined at a White House Conference where it was made clear that the present CONELRAD "All Clear" message is confusing in that it could lead the public to believe a Civil Defense "All Clear" had been issued when in fact radiological hazards might still exist; and

It further appearing that the Commission representatives at this conference agreed to recommend substitute phraseology for the CONELRAD Radio "All Clear" message which would avoid the danger of misunderstanding; and,

It further appearing that since this modification of the CONELRAD "All Clear" message is an editorial and not a substantive change, and therefore, cannot adversely affect any person, notice and public procedure with respect thereto, as prescribed in section 4 (a) of the Administrative Procedure Act, is unnecessary; now therefore,

It is ordered, Pursuant to sections 303 (f) and 303 (r) of the Communications Act of 1934, as amended, that effective June 1, 1957, § 11.705 of the Commission's rules be amended to read as follows:

§ 11.705 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD Radio All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies:

I repeat—

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Industrial Radio Services may resume normal operation when the CONELRAD Radio All Clear message is received unless otherwise restricted by order of the Federal Communications Commission.

It is further ordered, Pursuant to sections 303 (f) and 303 (r) of the Communications Act of 1934, as amended, that effective June 1, 1957, § 16.605 of the Commission's rules be amended to read as follows:

§ 16.605 *Radio All Clear.* The CONELRAD Radio All Clear will be initiated only by the Air Division (Defense) Commander or higher military authority and will be disseminated over the same channels as the CONELRAD Radio Alert. Broadcast stations will transmit the CONELRAD All Clear message on normally assigned frequencies as follows:

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies:

I repeat—

The CONELRAD operating procedures have been ordered discontinued. All radio stations are authorized to return to normal operation on their regularly assigned frequencies.

Radio stations and systems licensed in the Land Transportations Radio Services may resume normal operations when the Radio All Clear message is received, unless otherwise restricted by order of the Federal Communications Commission.

It is further ordered, That the Commission's order of March 6, 1957,[1] effective June 1, 1957, amending the CONELRAD Radio All Clear Message, is superseded by this order, and is, therefore, rescinded.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2344; Filed, Mar. 26, 1957; 8:52 a. m.]

[Rules Amdt. 14-3]

PART 14—PUBLIC FIXED STATIONS AND STATIONS OF THE MARITIME SERVICES IN ALASKA

DEFINITION OF COMMON CARRIER OR CARRIER

The Commission having under consideration the desirability of making an editorial change in Part 14 of its rules and regulations; and

It appearing, that section 3 (h) of the Communications Act of 1934, as amended, sets forth a definition of "common carrier" or "carrier", and that it is desirable that such definition be included in Part 14 of the Commission's rules; and

It further appearing, that the amendment adopted herein is editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

It is ordered, This 18th day of March, 1957, that effective March 20, 1957, § 14.2 is amended by adding a paragraph (l) as follows:

(l) *"Common carrier" or "carrier".* "Common carrier" or "carrier" means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy, except where reference is made to common carriers not subject to the Communications Act of 1934, as amended; but a person engaged in radio broadcasting shall not, insofar as such person is so engaged, be deemed a common carrier.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary,

[F. R. Doc. 57-2345; Filed, Mar. 26, 1957; 8:52 a. m.]

[Rules Amdt. 18-12]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

EFFECTIVE DATE

The Commission having under consideration the desirability of making certain editorial changes in Footnote 1 to § 18.1 of its rules and regulations; and

It appearing that the Amendment adopted herein is editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately; and

It further appearing, that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i), (5) (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's statement of organization, delegations of authority and other information.

It is ordered, This 20th day of March 1957, effective March 21, 1957, Footnote 1 to § 18.1 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Footnote 1 to § 18.1 is amended to change certain section references in order to conform to a recently adopted revision of Part 18.

[1] Not filed or published in the FEDERAL REGISTER.

As amended Footnote 1 to § 18.1 reads as follows:

[1] The effective date of Part 18 with respect to electric arc welding devices using radio frequency energy is suspended until action is completed in the Docket No. 11467 proceeding with respect to these devices: *Provided*, That, in the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply): *And further provided*, however, That equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.101 to 18.108, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.102: *And further provided*, That radio frequency stabilized electric arc welding equipment designed for operation on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.31 (c) of the rules relating to miscellaneous equipment: *And further provided*, That broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63, Quasi-peak values of field strength shall be measured and used in determining compliance with § 18.102. Instruments not having characteristics similar to the above mentioned standards may be used provided suitable correlation factors are used to adjust the field strength readings to values which would be obtained with an instrument having the desired characteristics.

The certification required by § 18.101 may be based upon field strength measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

[F. R. Doc. 57-2346; Filed, Mar. 26, 1957; 8:52 a. m.]

[Docket 11442; FCC 57-284]

[Rules Amdt. 18-13]

PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

INDUSTRIAL HEATING EQUIPMENT

In the matter of amendment of Part 18 to establish a type acceptance procedure for industrial heating equipment and in general to reorganize the regulations applicable to industrial heating equipment.

1. On July 8, 1955, the Commission issued a notice of proposed rule making to amend Part 18 of the rules concerning industrial heating equipment. It was proposed to (1) revise the certification procedure to clearly specify when measurements made on a prototype may be accepted and when measurements on the industrial heating equipment at its point of operation must be made, (2) strengthen the certification procedure by requiring that each certification for industrial heating equipment be renewed periodically, (3) add a standard for conducted interference along power lines connected to industrial heating equipment, (4) make the microwave frequencies allocated for industrial, scientific, and medical equipment by Part 2 available for industrial heating equipment, (5) add 915 Mc to the frequencies now available for medical diathermy and for miscellaneous equipment, (6) extend the radiation limits now applicable to ISM equipment to certain of the microwave frequencies and (7) rewrite and rearrange the rules in the interest of increased readability and clarity.

2. In general the comments support the rewording and rearrangement of the rules. The comments also support the Commission's proposal that radiation of radio frequency energy from any industrial heating equipment on any frequency below 5775 mc, except ISM frequencies, be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of one mile or more from the equipment. This requirement is included in the rules set forth below.

3. The Commission proposed two types of certification. The first, designated as "Manufacturer's Certification of FCC Type Acceptance", provided for the issuance of a certificate by the manufacturer to the purchaser of industrial heating equipment. The basis for the certificate were measurements made on a prototype by the manufacturer, such measurements having been reviewed by the Commission and found to be satisfactory evidence of compliance with the requirements of the rules. It was proposed that the Manufacturer's Certification of FCC Type Acceptance be applicable only to industrial heating equipment sold as a completely self contained unit which has been completely assembled at the manufacturer's plant. The second type of certification proposed by the Commission was designated as "Engineers' Certification". It provided for the issuance of a certificate of compliance by an engineer based on measurements made at the installation site of the industrial heating equipment.

4. Comments directed to the two types of certification proposed by the Commission indicate that there are a wide variety of practices involved in the construction of industrial heating equipment. A particularly large segment of equipments are assembled at the operator's plant using component parts supplied by numerous manufacturers. These "composite" equipments may be duplicated in many other plants. The instances where the industrial heater is completely assembled at the manufacturer's plant do not appear to be an appreciable portion of the sum total.

5. In view of these comments, the Commission has reconsidered its proposal for two types of certification and has decided to combine the provisions of both into one requirement. The rules set forth below provide for the certification of industrial heating equipment based on field strength measurements made at the point of use or on the basis of field strength measurements made on a prototype. Should the field strength measurements be made at locations other than where the industrial heating equipment is in use, the person responsible for the operation of the equipment is required to add a signed statement to the certificate attesting that the equipment has been installed in conformity with the manufacturers instructions which are contained in the certificate. It is believed that this requirement for joint responsibility between the certifying engineer and the operator will provide more latitude in the various arrangements that exist between the manufacturers and purchasers of industrial heating equipment. It is also expected that such joint responsibility will adequately insure compliance with the Commission's requirements.

6. Many comments have been received opposing the Commission's proposal that the certificate required for the operation of industrial equipment be renewed at five year intervals. Where inspections are made regularly and a high quality maintenance is provided it is alleged that recertification is not required on a periodic basis. The Commission is persuaded by this argument and is requiring that inspections be made at sufficiently frequent intervals so as to insure that each equipment is installed, maintained and operated in a manner that provides compliance with the provisions of the rules. Until such time that future experience indicates the necessity for such regulations, no attempt will be made to specify the time interval between inspections. The rules set forth below do require that a log be maintained of the inspections made. Recertification is required when the inspecting engineer or the Commission believes that such action is necessary.

7. Regarding the Commission's proposal to limit the radio frequency voltage appearing on the external power conductors connected to industrial heating equipment, the comments indicate that power line filters often contribute very little in reducing the total radiation from the equipment. Rather than apply the power line voltage limitation to all installations of industrial heating equipment the rules set forth below require the use of power line filters only to the extent necessary to reduce the radiation to the limits specified.

8. On December 19, 1956, the Commission by an order nunc pro tunc (Docket 6651) amended §§ 18.11 (a) and 18.21 (a) of the rules to include the frequencies 915, 2450, 5850 and 18,000 Mc as available for the operation of industrial, scientific and medical equipment. A Commission Order of April 25, 1956, in Docket 11550 deleted the allocation of 10,600 Mc as an ISM frequency. Moreover, the Commission has today adopted a Memorandum Opinion and Order in Docket 6651 denying a Petition filed by the Lenkurt Electric Company, Inc. for Reconsideration or Clarification of the December 19, 1956, Order insofar as the frequency 915 Mc was concerned. In view of these actions, the proposal in the subject docket to add certain microwave frequencies to Part 18 has been rendered moot, and, since this is not an allocation proceeding, consideration of any reallocation of these frequencies in this docket would be inappropriate.

9. Attention is invited, however, to the proceeding in Docket 11866 which calls for a preliminary fact finding hearing to review all service allocations above 890 Mc, with the purpose of proposing such changes as may be consistent with microwave and other developments and future use and requirements by the various fixed and mobile services. Comments which have been filed in the instant proceeding and which pertain to including certain microwave frequencies in Part 18 will, in view of the foregoing, be considered in connection with Docket 11866.

10. A further comment suggested that the Commission revise the definition of "harmful interference" appearing in the proposal to the extent of specifying a minimum field strength that non-safety licensed stations must provide in order to be eligible for relief from interference. The definition for the term "harmful interference" is not a new definition proposed for adoption in this proceeding. Rather it is the definition now used internationally (Atlantic City Radio Regulations, 1947, Paragraph 69) and used throughout the Commission's rules which is proposed for incorporation into Part 18 to conform this part with the remainder of the Commission's rules. To define "harmful interference" such as proposed in the mentioned comment would introduce an undesirable administrative complexity in our rules. Furthermore, the Commission is not in a position, on the basis of the record in this proceeding, to make a determination that the public interest, convenience and necessity would be served by adopting the interference philosophy embodied in the proposed definition.

11. Comments were also received recommending that the frequency tolerance of certain ISM bands be increased and other ISM bands be added to those now available for the operation of industrial heating equipment. This has not been done since such frequency allocation matters are not considered to be within the scope of the Commission's proposal.

12. The Commission believes that the public interest will be served by adopting the rules set forth below governing the Industrial, Scientific and Medical Service. Authority for the adoption of the attached rules is contained in section 4 (i), 301 and 303 (f) of the Communications Act of 1934, as amended.

13. In view of the foregoing considerations: *It is ordered*, That effective April 30, 1957, Part 18 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: March 20, 1957.

Released: March 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend Part 18 as follows:

1. Delete: Sections 18.17 and footnote 3; 18.21 through 18.24 inclusive, and footnote 4; 18.32 and footnote 5; 18.83.

2. In § 18.2 add new paragraphs (f), (g) and (h) as follows:

(f) "Industrial, scientific and medical equipment" (ISM Equipment). Devices which use Hertzian waves for industrial, scientific, medical or other purposes including the transfer of energy by radio and which are neither used nor intended to be used for radiocommunication.

(g) "Harmful interference". Any radiation or induction which endangers the functioning of a radio-navigation service or of a safety service, or obstructs, or repeatedly interrupts a radio service operating in accordance with the regulations in Part 2 of this chapter.

(h) "ISM frequency". A frequency assigned by this part for the use of ISM equipment. A specified tolerance is associated with each ISM frequency. (See § 18.6).

3. Add new § 18.6 as follows:

§ 18.6 *ISM frequencies and frequency tolerances.* The following frequencies are allocated for use by ISM equipment with the tolerance limits specified:

ISM frequency:	Frequency tolerance
13,560 kc	±6.78 kc
27,120 kc	±160.00 kc
40,680 kc	±20.00 kc
915 Mc [1]	±25 Mc
2450 Mc [2]	±50 Mc
5850 Mc [2]	±75 mc
18,000 Mc [2]	±150 Mc

[1] By public notice and order dated December 26, 1946, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in that order and set out as Appendix A hereto rather than Part 18 of the Commission's rules.

[2] By public notice and order dated May 15, 1947, the Commission announced the availability of this frequency for industrial, scientific and medical purposes. It was expressly stated in the said public notice and order that such use of this frequency would be governed by the conditions set forth in the Commission's order of December 26, 1946 and set out as Appendix A hereto rather than Part 18 of the Commission's rules.

4. Add new § 18.8 as follows:

§ 18.8 *Interference from ISM equipment.* (a) Subject to the exceptions in paragraphs (b) and (c) of this section and irrespective of whether the equipment otherwise complies with the rules in this part, the operator of ISM equipment that causes harmful interference to any authorized radio service shall promptly take steps as may be necessary to remedy the interference.

(b) The provisions of paragraph (a) of this section shall not apply in the case of interference to an authorized radio station operating on an ISM frequency (including tolerance).

(c) The provisions of paragraph (a) of this section shall not apply in the case of interference to a receiver arising from direct intermediate frequency pickup by the receiver of the fundamental frequency emissions of ISM equipment operating on an ISM frequency (including tolerance) and otherwise complying with the requirements of this part.

5. Add new centerhead "Industrial Heating Equipment" including §§ 18.101 through 18.108 inclusive:

INDUSTRIAL HEATING EQUIPMENT

Sec.
18.101 Operation without a license.
18.102 Technical limitations.
18.103 Certification of industrial heating equipment.
18.104 Location of certificate.
18.105 Inspection of industrial heating equipment.
18.106 Renewal of certificate.
18.107 Measurement of field intensity.
18.108 Location of equipment.

§ 18.101 *Operation without a license.* Industrial heating equipment may be operated without a license: *Provided*, The design and operation of the equipment complies with the technical limitations in this part for such equipment: *And provided further*, That the equipment has been certificated pursuant to the requirements of this part.

§ 18.102 *Technical limitations.* (a) Industrial heating equipment shall be designed and constructed in accordance with good engineering practice with sufficient shielding and filtering to meet the requirements of this part.

(b) Industrial heating equipment may be operated on any frequency except frequencies in the bands 490–510 kc, 2170–2194 kc, and 8354–8374 kc. Equipment operating on an ISM frequency may be operated with unlimited radiation on that frequency. Equipment operated on other frequencies must suppress radiation on the fundamental carrier frequency as well as other frequencies as required by this part.

(c) Industrial heating equipment designed for operation on an ISM frequency shall be adjusted to operate as close to that ISM frequency as practicable.

(d) Radiation of radio frequency energy from any industrial heating equipment on any frequency below 5775 Mc, except ISM frequencies, shall be suppressed so that the radiated field strength does not exceed 10 microvolts per meter at a distance of one mile or more from the equipment.

(e) Radiation of radio frequency energy from any industrial heating equipment on any frequency above 5775 Mc, except ISM frequencies, shall be reduced to the greatest extent practicable.

NOTE: The Commission will establish definite radiation limits for these frequencies as soon as information regarding equipment

operating on these frequencies becomes available.

(f) Filtering between the industrial heating equipment and power lines must be provided to the extent necessary to prevent the radiation of energy from power lines on frequencies other than ISM frequencies with a field strength in excess of 10 microvolts per meter at a distance of one mile or more from the industrial heating equipment and at a distance of 50 feet from the power line.

§ 18.103 *Certification of industrial heating equipment.* (a) The certificate required by this part shall be executed by an engineer skilled in making and interpreting field strength measurements. The Commission may require such engineer to provide proof of his qualifications.

(b) The certificate may be issued on the basis of field strength measurements made at the point of use or on the basis of field strength measurements made on a prototype.

(c) The certificate for equipment measured at the location where the equipment is in use shall contain the following information:

(1) Type and serial number, or other positive identification, of the industrial heating equipment being certificated.

(2) Conditions under which the certificated equipment shall be operated and maintained.

(3) Brief description of the engineering tests and a summary of the measured data upon which the certificate is based.

(4) Date the measurements were made.

(5) A statement certifying that the subject equipment does meet and may reasonably be expected to continue to meet the requirements of this part.

(6) Date of certification.

(7) Signature of certifying engineer.

(8) Name and address of employer of certifying engineer, if any.

(d) The certificate for equipment measured at a location other than where the equipment is in use shall contain the information required by subparagraphs (1) through (8) of paragraph (c) of this section plus the following:

(1) Detailed installation instructions which will insure that the equipment complies with the radiation limitations in this part.

(2) A statement, signed by the person responsible for the operation of the equipment, attesting that the equipment has been installed in conformity with the installation instructions in this certificate.

§ 18.104 *Location of certificate.* In general the certificate shall be attached to the equipment. Alternatively the certificate may be placed at any location where it will be conveniently available for inspection by authorized representatives of the Commission, provided there is attached to the equipment a notice stating where the certificate is located.

§ 18.105 *Inspection of industrial heating equipment.* (a) Industrial heating equipment shall be periodically inspected in order to reaffirm the validity of the certificate required by this part.

(b) Inspection shall be made at sufficiently frequent intervals to insure that each industrial heating equipment is installed, maintained, and operated in a manner that provides compliance with the provisions of this part.

(c) A log shall be maintained of the inspections made. The inspecting engineer shall enter a brief note of his findings and shall date and sign each entry.

(d) The log shall be maintained at the same location as the certificate.

(e) The inspecting engineer shall require the equipment to be recertificated pursuant to the requirements of this part, if he determines, as a result of his inspection, that such action is necessary in order to assure compliance with this part.

§ 18.106 *Renewal of certificate.* (a) The certificate required to be exhibited by this part shall be renewed:

(1) When changes have been made that might increase the radiated interference beyond the limits specified in this part.

(2) When the inspecting engineer has determined that such action is necessary to assure compliance with the requirements of this part.

(3) When required by the Commission because it has reason to believe that operation of the equipment concerned may be inconsistent with the requirements of this part.

(b) The renewal of the certificate shall be based on measurements made at the point of installation.

§ 18.107 *Measurement of field strength.* Measurements to determine the field strength of radio frequency energy generated by industrial heating equipment shall be made in accordance with standard engineering procedures and shall include the following:

(a) A loop antenna shall be used for measurements on frequencies below 18 Mc, and a doublet antenna shall be used for measurements on frequencies above 30 Mc. Either a loop or doublet antenna shall be used on frequencies between 18 Mc and 30 Mc. Appropriate techniques shall be resorted to for measurements in the microwave region of the spectrum.

(b) Prior to the determination of the maximum field strength at one mile, a sufficient number of measurements shall be made in the vicinity of the industrial heating equipment to enable plotting of the polar radiation pattern and to assure the correct determination of the major lobes. Where conditions permit, these measurements shall be made at intervals of not more than 20 degrees in azimuth directions and at distances not exceeding 1,000 feet from the location of the equipment. The measurements so obtained shall be reduced to equivalent field strength at 1,000 feet.

(c) The field strength measurements for the maximum field strength at one mile shall be made along the radial corresponding to the lobe of maximum radiation as determined from the polar radiation pattern. Sufficient measurements shall be made along radials extending through all lobes which are within 15 db of the apparent maximum lobe, as determined in paragraph (b) of this section to assure that the assumed lobe of greatest field strength is in fact the maximum lobe. If two or more lobes of radiation of approximately the same strength are present, measurements to determine field strength shall be made along the several radials for such lobes. Where possible, field strength measurements shall be made along each radial at intervals of not greater than 500 feet and an average curve drawn for measured field strength in microvolts per meter versus distance in feet. Where necessary, the average curve shall be extended to show the extrapolated field strength at one mile. In these cases where it is impractical to conduct measurements along the radial of maximum radiation a sufficient number of field strength measurements shall be made to clearly indicate the magnitude of the radiation field in the sector containing the lobe of maximum radiation.

(d) Where there is evidence of radiation from power lines, field strength measurements shall be made at not less than three points along the power line located approximately 1 mile from the location of the industrial heating equipment causing such radiation and to include a length of power line not less than 500 feet. One point of measurement shall lie within the 1-mile distance and the others beyond. At each of these points at least three measurements of field strength shall be made along a line normal to the power line and out to a distance from the power line not exceeding 50 feet measured horizontally along the ground from a point directly below the outermost conductor.

(e) The field strengths specified herein refer to the maximum field strengths, regardless of polarization, measured at a height of 12 feet above the immediate terrain or at such lower height at which the field strengths may exceed that at 12 feet. Measurements made at frequencies below 18 Mc may be made at any convenient height.

§ 18.108 *Location of equipment.* For the purpose of measurements required in order to execute a certification of compliance, the location of the industrial heating equipment may be considered to be the actual physical location of the equipment, or, where several such units are grouped within a circle of 500 feet radius or less, the several units may, at the election of the certifying engineer, be considered as a single unit, located at the center of the smallest enclosing circle. If the certification includes several units treated as one equipment, the distance of one mile at which the maximum permissible radiation is determined shall be reduced by the radius of the smallest circle that encloses the several units.

[F. R. Doc. 57-2347; Filed, Mar. 26, 1957; 8:52 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Ex Parte Nos. MC-5, 159]

Subchapter A—General Rules and Regulations

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

Subchapter B—Carriers by Motor Vehicle

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

Subchapter D—Freight Forwarders

PART 405—SURETY BONDS AND POLICIES OF INSURANCE

MISCELLANEOUS AMENDMENTS

In the matter of security for protection of the public as provided in Part II of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by motor carriers and brokers subject to Part II of the act; Ex Parte MC-5.

In the matter of security for protection of the public as provided in Part IV of the Interstate Commerce Act, and of rules and regulations governing filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements by freight forwarders subject to part IV of the act; Ex Parte No. 159.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 28th day of February A. D. 1957.

The matter of revision of certain sections contained in our rules and regulations governing the filing and approval of surety bonds, policies of insurance, qualifications as a self-insurer, or other securities and agreements prescribed pursuant to sections 215 and 403 (c) and (d) of the Interstate Commerce Act (49 CFR Parts 174 and 405) and of certain insurance and surety bond forms required to be filed by or in behalf of motor carriers, brokers and freight forwarders pursuant thereto being under consideration, and

It appearing that a notice, dated July 17, 1956, to the effect that certain revisions of the said rules and regulations were to be given consideration, was published in the FEDERAL REGISTER on August 22, 1956 (21 F. R. 6303) pursuant to the provisions of section 4 of the Administrative Procedure Act; and that, no oral hearing concerning the matter under consideration being deemed necessary, after consideration of all written views and arguments received on or before the date specified in such notice, as extended upon request, revision of said rules and regulations is deemed justified and necessary; and that such revision will necessitate the revision of certain of the forms prescribed for filing evidence of insurance or other security with the Commission in conformity with such rules and regulations;

It is ordered, That §§ 174.7 (a) and 405.8 (a) be amended by the addition of the following sentence at the end of each of those two paragraphs: "Surety bonds and certificates of insurance shall specify that coverage thereunder will remain in effect continuously until terminated as herein provided, except that in special or unusual circumstances special permission may be obtained for filing certificates of insurance or surety bonds covering periods of less than twelve months duration."

It is further ordered, That §§ 174.7 (d), 174.8 (b), 405.6 (b) and 405.8 (d) be revised so as to read, and that 174.7 (e) and 405.8 (f) be added, as follows:

§ 174.7 *Forms and procedure.* • • •

(d) *Cancellation notice.* Except as provided in paragraph (e) of this section, surety bonds, certificates of insurance and other securities and agreements shall not be cancelled or withdrawn until after thirty (30) days' notice in writing by the insurance company, surety or sureties, motor carrier, broker or other party thereto, as the case may be, has first been given to the Commission at its office in Washington, D. C., which period of thirty (30) days shall commence to run from the date such notice is actually received at the office of the Commission.

(e) *Termination by replacement.* Certificates of insurance or surety bonds which have been accepted by the Commission under the rules in this part may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security: *Provided*, The said replacement certificate, bond or other security meets all of the following conditions:

(1) It must be acceptable to the Commission under the rules and regulations in this part;

(2) It must be accompanied by a letter of authorization, in duplicate, signed by the motor carrier involved or an authorized employee of such motor carrier, authorizing such replacement and verifying the effective date thereof; and

(3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate.

§ 174.8 *Insurance and surety companies; authorized.* • • •

(b) *Financial resources.* Each insurance and surety company must possess and maintain surplus funds (policyholders' surplus) of not less than $500,000, which minimum will be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the state of domicile (home state) of such company, except in instances where, in the judgment of the Commission, additional evidence with respect to such values is considered necessary: *Provided, however*, That this paragraph shall be effective December 31, 1960, as respects insurance and surety companies which are, on June 30, 1957, authorized to file certificates of insurance and surety bonds with the Commission.

§ 405.6 *Insurance and surety companies.* • • •

(b) *Financial resources.* Each insurance and surety company must possess and maintain surplus funds (policyholders' surplus) of not less than $500,000, which minimum will be determined on the basis of the values of assets and liabilities as shown in its financial statements filed with and approved by the insurance department or other insurance regulatory authority of the state of domicile (home state) of such company, except in instances where, in the judgment of the Commission, additional evidence with respect to such values is considered necessary: *Provided, however*, That this paragraph shall be effective December 31, 1960, as respects insurance and surety companies which are, on June 30, 1957, authorized to file certificates of insurance and surety bonds with the Commission.

§ 405.8 *Forms and procedure.* • • •

(d) *Cancellation.* Except as provided in paragraph (f) of this section, certificates of insurance, surety bonds and other securities and agreements shall not be cancelled or withdrawn until after 30 days' notice in writing has first been given by the insurance company or companies, surety or sureties, freight forwarder or other party thereto, as the case may be, to the Commission at its office in Washington, D. C., which period of 30 days shall commence to run from the date such notice is actually received at the office of the Commission.

• • • • • •

(f) *Termination by replacement.* Certificates of insurance or surety bonds which have been accepted by the Commission under the rules in this part may be replaced by other certificates of insurance, surety bonds or other security, and the liability of the retiring insurer or surety under such certificates of insurance or surety bonds shall be considered as having terminated as of the effective date of the replacement certificate of insurance, surety bond or other security: *Provided*, The said replacement certificate, bond or other security meets all of the following conditions:

(1) It must be acceptable to the Commission under the rules and regulations in this part;

(2) It must be accompanied by a letter of authorization, in duplicate, signed by the freight forwarder involved or an authorized employee of such freight forwarder, authorizing such replacement and verifying the effective date thereof; and

(3) Its effective date must coincide with the effective date specified in the letter of authorization and the said date may not be more than thirty days prior to the date of receipt by the Commission of the letter of authorization and replacement certificate, bond or other security.

It is further ordered, That the orders of August 3, 1936, December 10, 1954, and August 22, 1955, insofar as they apply to the use of Forms BMC 34, BMC 35, BMC

35–A (Revised), BMC 36, BMC 36–A (Revised), BMC 82 (Revised), BMC 83 (Revised) and BMC 91 (§§ 7.34, 7.35, 7.35a (Revised), 7.36, 7.36a (Revised), 7.82 (Revised), 7.83 (Revised) and 7.91) and the orders of October 11, 1944, June 5, 1951, August 22, 1955 and November 14, 1955, insofar as they apply to the use of Forms FF 34, FF 35, FF 35–A (Revised), FF 36, FF 36–A (Revised), FF 43, FF 51 and FF 52 (§ 405.8 Note) be vacated, thus cancelling such forms as of the effective date hereinafter provided;

It is further ordered, That Part 7 be amended as follows:

§ 7.34 *B. M. C. 34 (Rev. '57)*. Motor carrier cargo liability certificate of insurance.

§ 7.35 *B. M. C. 35 (Rev. '57)*. Notice of cancellation motor carrier policies of insurance.

§ 7.35a *B. M. C. 35–A (Rev. '57)*. Notice to rescind cancellation or reinstate motor carrier policy of insurance.

§ 7.36 *B. M. C. 36 (Rev. '57)*. Notice of cancellation motor carrier and broker's surety bonds.

§ 7.36a *B. M. C. 36–A (Rev. '57)*. Notice to rescind cancellation or reinstate motor carrier surety bond.

§ 7.82 *B. M. C. 82 (Rev. '57)*. Motor carrier bodily injury liability and property damage liability surety bond.

§ 7.83 *B. M. C. 83 (Rev. '57)*. Motor common carrier cargo liability surety bond.

§ 7.91 *B. M. C. 91 (Rev. '57)*. Motor carrier automobile bodily injury liability and property damage liability certificate of insurance.

It is further ordered, That Part 405 be amended by deleting from the list of forms in the editorial note to § 405.8 *Forms and procedure* the following: FF 34, FF 35, FF 35–A (Revised), FF 36, FF 36–A (Revised), FF 43, FF 51 and FF 52; and by substituting in lieu thereof the following:

FF 34 (Rev. '57). Freight Forwarder Cargo Liability Certificate of Insurance.
FF 35 (Rev. '57). Notice of Cancellation of Freight Forwarder Policy of Insurance.
FF 35–A (Rev. '57). Notice to Rescind Cancellation or Reinstate Freight Forwarder Policy of Insurance.
FF 36 (Rev. '57). Notice of Cancellation of Freight Forwarder Surety Bond.
FF 36–A (Rev. '57). Notice to Rescind Cancellation or Reinstate Freight Forwarder Surety Bond.
FF 43 (Rev. '57). Freight Forwarder Cargo Liability Surety Bond.
FF 51 (Rev. '57). Freight Forwarder Automobile Bodily Injury Liability and Property Damage Liability Certificate of Insurance.
FF 52 (Rev. '57). Freight Forwarder Bodily Injury Liability and Property Damage Liability Surety Bond.

It is further ordered, That one copy of each of the revised forms [1] with respect to Parts 7 and 405 be made a part hereof, and such revised forms are hereby approved, adopted and prescribed for appropriate use by or on behalf of motor carriers, brokers and freight forwarders:

[1] Filed as part of the original documents.

Provided, however, That the use of the revised forms prescribed herein shall not be required with respect to any certificate of insurance or surety bond which is accepted by the Commission and placed on file prior to June 30, 1957.

And it is further ordered, That, except as otherwise specifically provided herein, this order shall be effective June 30, 1957, and shall continue in effect until the further order of the Commission.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546 as amended; 49 U. S. C. 304. Interpret or apply 49 Stat. 554 as amended, 557, 56 Stat. 285; 49 U. S. C. 311, 315, 1003)

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57–2329; Filed, Mar. 26, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

UNITED STATES STANDARDS FOR GRADES OF FROZEN CONCENTRATE FOR GRAPE BEVERAGE

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

Proposed United States Standards for Grades of Frozen Concentrate for Grape Beverage were set forth in the notice which was published in the FEDERAL REGISTER of January 11, 1957 (22 F. R. 241).

In consideration of comments and suggestions received indicating the need for further study of the proposal by industry notice is hereby given of an additional period of time until June 11, 1957, within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed United States Standards for Grades of Frozen Concentrate for Grape Beverage.

Dated: March 22, 1957.

FRANK E. BLOOD, *Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 57–2355; Filed, Mar. 26, 1957; 8:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11958; FCC 57–266]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS; KOKOMO-MARION, INDIANA

In the matter of amendment of § 3.606 *Table of assignments*, Television Broadcast Stations (Kokomo-Marion, Indiana).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on January 24, 1957, by Indiana Broadcasting Corporation, permittee of television Station WINT in Fort Wayne, Indiana, requesting an amendment of § 3.606 *Table of assignments*, Television Broadcast Stations, so as to shift the assignments in Kokomo and Marion, Indiana, as follows:

City	Channel No.	
	Delete	Add
Kokomo, Ind.	31	29+
Marion, Ind.	29+	31

3. In support of its request petitioner urges that the proposed amendment would conform to the rules; that it would not adversely affect any existing station; and that it would permit WINT to utilize a site within the City of Fort Wayne.

4. The Commission is of the view that rule making proceedings should be instituted in order that interested parties may submit their views and relevant data.

5. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

6. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 10, 1957, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

7. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 20, 1957.

Released: March 21, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 57–2348; Filed, March 26, 1957; 8:52 a. m.]

POST OFFICE DEPARTMENT

[39 CFR Part 131]

POSTAL CHARGES

CUSTOMS CLEARANCE AND DELIVERY FEES

Postal Regulations prescribe a 15-cent fee to be collected from addressees for the service performed by the Post Office in effecting customs clearance and delivery of each parcel post package and small packet received from foreign countries. Also prescribed is a 10-cent customs clearance fee on letters and letter packages submitted for customs inspection upon receipt from foreign countries. It is proposed to eliminate such charges on all items of mail matter found upon examination to be nondutiable.

In lieu of the foregoing fees, it is proposed that a 30-cent charge on parcel post and small packets, and a 10-cent charge on letters, letter packages, and other Postal Union articles, received from other countries be collected only when they are actually subject to duty.

The following is an amendment proposed to be made by the Department to the regulations in Part 131 of Title 39, Code of Federal Regulations, respecting customs clearance and delivery fees.

The regulations relate to a proprietary and foreign affairs function of the Government, and therefore are exempted from the rule making requirements of section 1003 of Title 5, United States Code. However, it is the desire of the Postmaster General to voluntarily observe the rule making requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the Postal Service an opportunity to present written views concerning the proposed amendments. Such written views may be submitted to E. George Siedle, Assistant Postmaster General, Bureau of Transportation, Post Office Department, Washington 25, D. C., at any time prior to May 1, 1957.

Section 131.2 is amended to read as follows:

§ 131.2 *Customs clearance and delivery fees.* On every dutiable parcel post package and every dutiable small packet delivered to you, you are charged 30 cents. On every dutiable Postal Union article other than a small packet, you are charged 10 cents. These charges are for the service performed by the post office in effecting customs clearance and delivery of the articles or parcels, and are collected together with the customs duty.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *General Counsel.*

[F. R. Doc. 57–2321; Filed, Mar. 26, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 250]

[File No. S7–157]

FINANCIAL CONNECTIONS OF OFFICERS AND DIRECTORS OF REGISTERED HOLDING COMPANIES AND SUBSIDIARIES THEREOF

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a formal request to amend § 250.70 (Rule U-70), adopted under section 17 (c) of the Public Utility Holding Company Act of 1935, governing the connections with financial institutions of officers and directors of registered holding companies and subsidiary companies.

Section 17 (c) of the act prohibits any registered holding company or any subsidiary company thereof from having as an officer or director any "executive officer, partner, appointee or representative of any bank, trust company, investment banker, or banking association or firm" except as permitted by rule and regulation of the Commission "as not adversely affecting the public interest or the interest of investors and consumers." Rule U-70 defines those persons or situations to which the Commission has granted exemption from section 17 (c).

The requested amendment would provide an exemption to registered holding companies which are in the process of transforming to investment companies, by adding a subparagraph (7) to paragraph (a) of the present section so that the amended section would read as follows:

§ 250.70 *Exemptions from section 17 (c) of the act*—(a) *Exempted persons.* Subject to paragraph (b) of this section, a registered holding company or subsidiary may have as officers or directors the persons specified below:

* * * * *

(7) *Registered holding companies during conversion to investment company.* A person who is a director of a "commercial banking institution" as hereafter defined in paragraph (c) (6) of this section: *Provided*, That such person may act as a director, but not as an officer, of a registered holding company which has no public-utility subsidiaries operating within the United States, only in the period during which such company is in the process of converting into an investment company in compliance with an order of the Commission under section 11 of the act which has become final.

All interested persons are hereby invited to submit views and comments on the proposed revision of the rule. Such views and comments and any request for oral argument in respect thereof should be submitted to the Securities and Exchange Commission, Washington 25, D. C. on or before April 18, 1957. All correspondence in connection with this proposal should refer to the above file number.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MARCH 18, 1957.

[F. R. Doc. 57–2324; Filed, Mar. 26, 1957; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Office of Treasurer of the United States

[Revision 1]

ORDER OF SUCCESSION OF PERSONS TO ACT AS TREASURER OF THE UNITED STATES

Under the authority conferred upon me by Treasury Department Order No. 129, Revision No. 2, dated April 22, 1955, it is hereby ordered that the following officers in the Office of the Treasurer of the United States in the order of succession enumerated shall act as Treasurer during the absence or disability of the Treasurer.

Deputy and Acting Treasurer.
Assistant Deputy Treasurer.
Assistant to the Deputy and Acting Treasurer.
Administrative Officer.
Chief, General Accounts Division.

In the event of an enemy attack on the continental United States, and in the absence of the Treasurer of the United States, the senior officer, in descending order in the foregoing line of succession, present at the site of the operations of the Treasurer of the United States shall act as Treasurer. If none of such officers is present at the site of the Treasurer's operations it is hereby ordered that the officer acting as District Director, Internal Revenue Service, at the city at which the Treasurer's operations are reestablished shall act as Treasurer of the United States.

In the event of an enemy attack on the continental United States and the occurrence of a vacancy in the Office of the Treasurer, the Treasurer's functions shall be deemed to have been transferred, pursuant to the above described Treasury Department Order, to the Deputy and Acting Treasurer, and in the event of a vacancy in the Office of Deputy and Acting Treasurer, to the senior officer, in descending order in the following line of succession, present at the site of the operations of the Treasurer of the United States.

Assistant Deputy Treasurer.
Assistant to the Deputy and Acting Treasurer.
Administrative Officer.
Chief, General Accounts Division.

If none of such officers is present at the site of the Treasurer's operations, the Treasurer's functions shall be deemed to have been transferred, pursuant to the aforesaid order, to the officer acting as District Director, Internal Revenue Service at the city at which the Treasurer's operations are reestablished.

This order supersedes the order of succession dated May 23, 1955.

Dated: March 21, 1957.

[SEAL] IVY BAKER PRIEST,
Treasurer of the United States.

[F. R. Doc. 57-2342; Filed, Mar. 26, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 33]

OSAGE LAND EXCHANGES, PARTITIONS AND CHANGE DESIGNATION OF HOMESTEAD

REDELEGATION OF AUTHORITY WITH RESPECT TO INDIAN LANDS AND MINERALS

MARCH 21, 1957.

Order 551, as amended, is further amended by addition of a new section under the heading "Functions Relating to Indian Lands and Minerals" to read as follows:

SEC. 29. *Osage land exchanges, partitions and change designation of homestead.* The approval of orders to change designation of homestead and approval of instruments vesting title, pursuant to the provisions of 25 CFR 242, Subpart B.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-2313; Filed, Mar. 26, 1957; 8:45 a. m.]

Bureau of Land Management

[Serial No. Idaho 06626, 06797, 06978, 06979, 07059, 07134, 07152, 07153, 07204, 07235, 07783]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 19, 1957.

In exchanges of lands made under the provisions of Section 8 of the Act of June 28, 1934 (48 Stat. 1269); as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315 g) the following-described lands have been reconveyed to the United States under the exchange number indicated:

Idaho exchange No.	Description of total acreage	Location
	BOISE MERIDIAN, IDAHO	
B1-54199	T. 3 S., R. 19 E., Sec. 19, NW¼SE¼, SE¼SE¼; Sec. 30, SE¼SE¼.	Lincoln County—About 6-7 miles northwest of Richfield, Idaho.
	T. 6 S., R. 21 E., Sec. 21, N½SW¼, SE¼SW¼, SE¼.	Lincoln County—West of Kimama, Idaho.
	T. 7 S., R. 21 E., Sec. 6, N½SE¼, SE¼SE¼; Sec. 7, NE¼NE¼; Sec. 21, N½.	Lincoln County—West of Kimama, Idaho.
	T. 7 S., R. 22 E., Sec. 24, SW¼NW¼, NW¼SW¼	Lincoln County—West of Kimama, Idaho.
B1-055579	T. 13 S., R. 21 E., Sec. 34, E½SE¼; Sec. 35, S½NE¼, S½SW¼, N½SE¼.	Cassia County—about 4 miles west of Oakley, Idaho.
	T. 14 S., R. 21 E., Sec. 1, NW¼SW¼; Sec. 2, SW¼SE¼, E½SE¼.	Cassia County—about 4 miles west of Oakley, Idaho.
I-02992	T. 13 S., R. 16 E., Sec. 11, W½NW¼.	Twin Falls County—About 3 miles southeast of Hollister, Idaho.
B1-055015	T. 7 N., R. 32 E., Sec. 13, Lts 3, 4 W½E¼.	Jefferson County—about 10 miles northwest of Terreton, Idaho.
	T. 7 N., R. 33 E., Sec. 19, E½W½.	Jefferson County—About 10 miles northwest of Terreton, Idaho.
	T. 4 N., R. 34 E., Sec. 7, Lots 3, 4 E½SW¼, SE¼.	Jefferson County—About 10 miles south of Terreton, Idaho.
B1-054264	T. 12 S., R. 15 E., Sec. 24, SE¼SE¼.	Twin Falls County—About 3 miles west of Hollister, Idaho.
B1-054699	T. 4 S., R. 31 E., Sec. 4, S½SW¼.	Bingham County—About 8 miles west of Springfield, Idaho.
B1-054746	T. 2 S., R. 32 E., Sec. 14, SE¼SW¼.	Bingham County—About 17 miles west of Blackfoot, Idaho.
B1-054437	T. 4 S., R. 31 E., Sec. 9, N½NW¼; Sec. 30, S½NW¼.	Bingham County—About 8-10 miles south and west of Springfield, Idaho.
B1-054743	T. 4 S., R. 31 E., Sec. 30, W½SE¼.	Bingham County—About 7 miles northwest of Aberdeen, Idaho.
I-0909	T. 9 N., R. 33 E., Sec. 13, NE¼SW¼; Sec. 24, E½, NW¼.	Clark County—About 6-12 miles north and east of Monteview, Idaho.
	T. 9 N., R. 34 E., Sec. 4, Lot 4; Sec. 5, Lots 1, 2, 3, 4.	Clark County—About 6-12 miles north and east of Monteview, Idaho.
	T. 10 N., R. 34 E., Sec. 12, E½SE¼; Sec. 31, S½NE¼, N½SE¼; Sec. 32, SE¼, E½SW¼; Sec. 33, E½SE¼.	Clark County—About 6-12 miles north and east of Monteview, Idaho.
	T. 10 N., R. 35 E., Sec. 7, Lots 3, 4.	Clark County—About 6-12 miles north and east of Monteview, Idaho.
I-01433, B1-054488	T. 15 S., R. 28 E., Sec. 7, Lots 3, 4, E½W½, W½SE¼; Sec. 18, Lots 3, 4 E½SW¼, N½SE¼ SE¼SE¼.	Cassia County—About 8-10 miles north of Strevell, Idaho.

In the above, the areas described total 4,844.87 acres of public land. The above lands are generally accessible by state and county roads. They are situated at elevations ranging generally from 4,000 to 6,000 feet with soils varying from lava ash and silt loam to sandy and gravelly deposits. In some areas rock outcroppings of float rock occur. Vegetation is generally perennial grassland or sagebrush grassland type with some annual weeds. Rainfall in the area is low, varying from nine to twelve inches annually.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable laws, the lands described herein are hereby opened to filing of applications, selections and locations, in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims, subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land and small tract laws by qualified veterans of World War II and, or, the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279 through 284, as amended), presented prior to 10:00 a. m. on April 24, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 24, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on July 24, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be opened to location under the United States mining laws, beginning 10:00 a. m. on July 24, 1957.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
State Supervisor.

[F. R. Doc. 57-2315; Filed, Mar. 26, 1957; 8:46 a. m.]

Office of the Secretary

[Order 2508, Amdt. 19]

BUREAU OF INDIAN AFFAIRS

DELEGATIONS OF AUTHORITY WITH RESPECT TO LANDS AND MINERALS

MARCH 20, 1957.

Order No. 2508, as amended (14 F. R. 258; 16 F. R. 473, 11620, 11974; 17 F. R. 1570, 6418; 19 F. R. 34, 1123, 4585; 20 F. R. 167, 552, 3834, 5106, 7017; 21 F. R. 7655) is further amended by addition of a new paragraph under section 13 *Lands and minerals* to read as follows:

(y) The approval of orders to change designation of homestead and approval of instruments vesting title, pursuant to the provisions of 25 CFR 242, Subpart B.

FRED A. SEATON,
Secretary of the Interior.

[F. R. Doc. 57-2314; Filed, Mar. 26, 1957; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI AND SOUTH CAROLINA

DISASTER ASSISTANCE; DESIGNATION OF AREAS FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the State of Mississippi and in the counties of Berkeley and Clarendon in the State of South Carolina there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

Pursuant to the authority set forth above, such loans may be made to new applicants in said State and counties through June 30, 1957. Thereafter, such loans may be made in said State and counties only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 22d day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2327; Filed, Mar. 26, 1957; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 5222]

AEROVIAS NACIONALES DE COLOMBIA, S. A.

NOTICE OF HEARING

In the matter of the application of Aerovias Nacionales de Colombia, S. A. for renewal of its foreign air carrier permit.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that public hearing in the above-entitled matter is assigned to be held on April 2, 1957, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., March 22, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2335; Filed, Mar. 26, 1957; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MAX AND JOSEF BECKER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Max Becker, Hochwang, Germany, Josef Becker, Munich-Pasing II, Germany, Claim No. 61026, Vesting Order No. 2492; $3,218.01 in the Treasury of the United States, one-half to each claimant.

Executed at Washington, D. C., on March 20, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-2336; Filed, Mar. 26, 1957; 8:50 a. m.]

MAGDALENA CATHARINA JOZINA KRUISBRINK-RIETVELD DE HONDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Magdalena Catharina Jozina Kruisbrink-Rietveld de Hondt, 3 Burgemeester's Jacobslaan, Bussum, The Netherlands, Claim No. 60659, Vesting Order No. 17915; $125 in the Treasury of the United States; and 10 shares of ten cents par value common stock of Keta Gas and Oil Corporation and 7 shares of $5 par value common stock of Swan Finch Oil Corporation, presently in the custody of the Federal Reserve Bank, New York, New York.

Executed at Washington, D. C., on March 20, 1957.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
Assistant Attorney General, Director, Office of Alien Property.

[F. R. Doc. 57-2337; Filed, Mar. 26, 1957; 8:51 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 86, Amended, Amdt. 1]

CIVIL AERONAUTICS ADMINISTRATION

ORGANIZATION AND FUNCTIONS

The material appearing in 21 F. R. 7027-7030 of September 19, 1956 is amended as follows:

The purpose of this amendment is to (1) establish in the Office of International Cooperation the Flight Operations and Airworthiness Division and to define the functions of the new Division, (2) reassigning the responsibilities of the Research and Development Coordinator and the Program Planning Office to a new Planning and Development Office, and (3) to provide for the administration and enforcement of Transportation Orders as they apply to the shipment and transportation of goods by air which authority is now contained in Supplement No. 5 to Department Order No. 128 of March 21, 1956. Accordingly, Department Order No. 86 (Amended) of July 1, 1956, is amended as follows.

Subsection (5) of section 6.01 is amended to read as follows:

(5) The Office of International Cooperation plans and recommends coordinated policies and program requirements with respect to the responsibilities of the Administrator of Civil Aeronautics for international aviation; provides for representation by the Administrator of Civil Aeronautics in negotiations with other United States agencies, foreign governments, the International Civil Aviation Organization and other international organizations on international aviation matters; provides technical civil aviation assistance in foreign countries; directs the activities of Civil Aeronautics Administration employees assigned abroad under technical assistance programs; arranges for and coordinates the technical aeronautical training of foreign nationals in the United States; directs the Administrator's program for determining and evaluating deficiencies in air navigation aids and aviation services in international aviation and initiating action to eliminate specific deficiencies; provides, in accordance with directives,

policies and programs of the Office of Flight Operations and Airworthiness, for the inspection and certification of U. S. air carriers, aircraft, airmen, and air agencies engaged in international and overseas operations, foreign carriers conducting operations to or within U. S. territory, and foreign airmen and aeronautical manufacturers, as required. The Office of International Cooperation has a Technical Assistance Division, an ICAO Division, and a Flight Operations and Airworthiness Division.

Subsection (1) of section 2.02 is changed by deleting "Research and Development Coordinator."

Subsection (4) of section 2.02 is changed by revising "Program Planning Office" to read "Planning and Development Office."

Subsection (2) of section 5.02 is changed by deleting the present paragraph (a) and redesignating paragraph (b) as new paragraph (a).

Subsection (2) of section 7.01 is changed to read as follows:

(2) The Planning and Development Office provides staff assistance to the Office of the Administrator in the development of long-range civil aviation policy and programs, and in the coordination and evaluation of all research and development activities of the agency as follows: (a) Identifies and analyzes basic program policy questions in civil and their relationship to programs and operations of the Civil Aeronautics Administration; conducts studies to provide indices of long-range future trends for use in determining future operational requirements and specific programs, plans, procedures and policies for current needs, and for orderly transition to new developments designed to meet future needs; coordinates the planning activities of the Program Offices to ensure the development of integrated plans for all of the agency's programs; conducts statistical research and economic studies for planning the agency's program; provides for or directs the collection, analysis, and dissemination of all statistical data for determining the needs of civil aviation, the development of appropriate plans for meeting those needs, and the conduct of the Civil Aeronautics Administration's programs; (b) reviews all plans for research and development projects to be conducted by, or under arrangements made by, the Civil Aeronautics Administration; determines the scope, timing, and assignment of research and development projects; coordinates the evaluation of results of research and development projects and of recommendations for their implementation; (c) conducts or coordinates liaison with planning organizations, such as the Air Coordinating Committee and the program planning staffs of other governmental organizations, including the military Departments, concerned with aeronautical problems, policies, and programs, and represents the Administrator of Civil Aeronautics in dealing with research and development organizations of the Military Departments and other agencies both within and outside the Federal government.

Section 3.02 is amended to read as follows:

.02 The Administrator of Civil Aeronautics shall also carry out the power and responsibility vested in and delegated to the Secretary of Commerce under the Defense Production Act of 1950, as amended, with respect to the administration and enforcement of Transportation Orders as they apply to the shipment and transportation of goods by air and those portions of the defense production program relating to civil aviation not otherwise reserved or assigned.

Effective date: February 15, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-2333; Filed, Mar. 26, 1957; 8:50 a. m.]

[Dept. Order 97, Revised]

CIVIL AERONAUTICS BOARD

DETERMINATIONS INCIDENT TO ROUTINE MANAGEMENT FUNCTIONS

SECTION 1. *Purpose.* The purpose of this order is to designate the facilities through which the routine management functions of the Civil Aeronautics Board shall be performed.

SEC. 2. *Designation of facilities.* .01 Pursuant to the authority vested in the Secretary of Commerce in Section 7 of Reorganization Plan No. 4, effective June 30, 1940, the Civil Aeronautics Board is designated to perform its own budgeting, accounting, pay rolling, personnel, procurement, and other related routine management functions.

.02 The Civil Aeronautics Board may utilize departmental printing and duplicating services on a reimbursable basis.

Effective date: February 27, 1957.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 57-2334; Filed, Mar. 26, 1957; 8:50 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. F-13]

BABCOCK & WILCOX CO.

NOTICE OF ISSUANCE OF FACILITY LICENSE AUTHORIZING OPERATION OF CRITICAL EXPERIMENTS FACILITY

Please take notice that the Atomic Energy Commission on March 20, 1957, issued facility license No. CX-1, authorizing The Babcock & Wilcox Company to operate a critical experiments facility. The license is substantially as set forth in the notice of proposed action published in the FEDERAL REGISTER on March 6, 1957, 22 F. R. 1419.

A copy of the license is on file in the AEC Public Document Room located at 1717 H Street NW., Washington, D. C.

Dated at Washington, D. C., this 20th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

[F. R. Doc. 57-2331; Filed, Mar. 26, 1957; 8:49 a. m.]

[Docket No. F-32]

AEROJET-GENERAL NUCLEONICS

NOTICE OF ISSUANCE OF LICENSE

Please take notice that the Atomic Energy Commission on March 14, 1957, issued License No. R-9 set forth below to Aerojet-General Nucleonics for a 100 milliwatt reactor designated by the applicant as Model AGN-201, Serial No. 102.

Dated at Washington, D. C., this 20th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

LICENSE No. R-9

1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses Aerojet-General Nucleonics, San Ramon, California (hereinafter referred to as "AGN").

a. Pursuant to section 104c of the Atomic Energy Act of 1954 (hereinafter referred to as "the act"), and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below:

b. Pursuant to the act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Materials Regulations," to receive, possess and use up to 700 grams of contained uranium 235 in uranium oxide (UO_2) as fuel for operation of the facility.

c. Pursuant to the act and Title 10, CFR, Chapter I, Part 30, "Licensing of By-Product Material," to possess, but not to separate from the fuel or target materials such by-product material as may be produced from operation of the reactor.

2. This license applies to the nuclear reactor designated by the applicant as Model AGN-201, Serial No. 102 which is owned by AGN and located at San Ramon, California, and described in the application and documents incorporated therein by reference.

3. This license shall be deemed to contain and be subject to the conditions specified in section 50.54 of Part 50 and section 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix "A", attached hereto, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight, February 21, 1977, unless sooner terminated.

Date of issuance: March 14, 1957.

Dated at Washington, D. C., this 20th day of March 1957.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Civilian Application.

APPENDIX "A"

I. *Operating restrictions.* a. AGN shall operate the reactor in accordance with the procedures described in its application and documents incorporated therein by reference.

b. AGN shall not by-pass any control mechanism during the operation of the facility.

c. AGN shall not operate the reactor at power levels in excess of 100 milliwatts without previous authorization from the Commission.

II. *Records.* In addition to those otherwise required under this license, AGN shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of AGN as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* AGN shall make a prompt report to the Commission of any unusual operating incident of the reactor.

[F. R. Doc. 57-2332; Filed, Mar. 26, 1957; 8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11735; FCC 57M-252]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING CONFERENCE

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada.

On the oral request of counsel for the Broadcast Bureau, and without objection by counsel for respondent, *It is ordered*, This 20th day of March 1957, that the further prehearing conference now scheduled for March 21, 1957, is continued to Wednesday, March 27, 1957, at 2 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2349; Filed, Mar. 26, 1957; 8:53 a. m.]

[Docket No. 11932; FCC 57M-238]

NEW JERSEY EXCHANGES, INC. (KEC738)

ORDER CONTINUING HEARING

In the matter of the application of New Jersey Exchanges, Inc. (KEC738), Docket No. 11932, File No. 2379-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Radio Service at Ridgewood, New Jersey.

The Hearing Examiner having under consideration a petition filed March 18, 1957, on behalf of Telephone Secretarial Service, Inc. requesting that the dates for the exchange of exhibits and the introduction of exhibits and the cross-examination of witnesses be extended from March 19, 1957 and March 26, 1957 respectively to March 26, 1957, and April 2, 1957, respectively; and

It appearing that the requested extension is necessary to allow an additional week in which to prepare engineering material, that counsel for the applicant and the Chief, Common Carrier Bureau have consented to the requested continuance and to waive the provisions of § 1.745 of the Commission's rules, that good cause for the requested extension has been shown but the Hearing Examiner's schedule is such that the evidentiary hearing cannot begin prior to April 3, 1957;

It is ordered, This the 19th day of March 1957 that the petition for extension of time is granted and the date for the exchange of exhibits is extended from March 19, 1957, to March 26, 1957, and the date for the introduction of exhibits and the cross-examination of witnesses is extended from March 26, 1957, to April 3, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2350; Filed, Mar. 26, 1957; 8:53 a. m.]

[Docket Nos. 11940, 11941; FCC 57M-231]

SARKES TARZIAN, INC., AND GEORGE A. BROWN, JR.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Sarkes Tarzian, Inc., Bowling Green, Kentucky, Docket No. 11940, File No. BPTC-2114; George A. Brown, Jr., Bowling Green, Kentucky, Docket No. 11941, File No. BPCT-2131; for construction permits for new television stations.

It is ordered, This 19th day of March 1957, that a prehearing conference in the above-entitled proceeding will be held in the Offices of the Commission, Washington, D. C., on Thursday, March 28, 1957, commencing at 10 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2351; Filed, Mar. 26, 1957; 8:53 a. m.]

[Docket No. 11944; FCC 57M-253]

PACIFIC BROADCASTERS

NOTICE OF PRE-HEARING CONFERENCE

In re application of J. Claude Warren, Paul E. Wilkins and J. Q. Floyd, d/b as Pacific Broadcasters, Oxnard, California, Docket No. 11944, File No. BP-9270; for construction permit.

Notice is hereby given that a pre-hearing conference will be held in the above-entitled proceeding at 10 o'clock a. m., on Tuesday, April 2, 1957, in the offices of this Commission, Washington, D. C.

Dated this 21st day of March 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2352; Filed, Mar. 26, 1957; 8:53 a. m.]

[FCC 57-287]

CONELRAD

PUBLICATION OF MANUALS, VOLUNTARY PLANS AND AMENDMENTS THERETO

In the matter of publication in the FEDERAL REGISTER of CONELRAD manuals, voluntary plans, and amendments thereto.

In view of the fact that arrangements are being completed to furnish each licensee, at the time of application for, renewal of, or modification of his station license, with a copy of the applicable CONELRAD manuals, voluntary plans, and amendments thereto, these manuals, plans and amendments will no longer be published in the FEDERAL REGISTER. Copies may be obtained directly from the Federal Communications Commission.

Adopted: March 20, 1957.

Released: March 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2353; Filed, Mar. 26, 1957; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-4557, G-10285]

HOPE PRODUCING CO. AND SAM SKLAR

NOTICE OF APPLICATIONS AND DATE OF HEARING

MARCH 21, 1957.

In the matters of Hope Producing Company, Docket No. G-4557; of Sam Sklar, operator, Docket No. G-10285.

Take notice that Hope Producing Company (Hope), a Delaware corporation with its principal place of business in Monroe, Louisiana, filed an application in Docket No. G-4557 for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing it to continue the sale of natural gas in interstate commerce to Arkansas-Louisiana Gas Company for resale, from production in the Ada Field, Webster and Bienville Parishes, Louisiana, as more fully represented in the application filed with the Commission on October 25, 1954, and open to public inspection.

On July 12, 1956, Hope amended its application in Docket No. G-4557 to delete therefrom any request for a certificate of public convenience and necessity authorizing sales of gas to

Arkansas-Louisiana Gas Company, insofar as said gas may be attributable to interests assigned to Sam Sklar by certain instruments incorporated by reference and made a part of the application herein.

Sam Sklar, Operator, with his principal place of business in Shreveport, Louisiana, filed on April 19, 1956, an application in Docket No. G–10285, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing him to sell natural gas in interstate commerce to Arkansas-Louisiana Gas Company for resale, from production from the Sam Sklar-Mott Unit No. 1 in the Ada Field, acquired from Hope Producing Company and described herein, all as more fully represented in the application in Docket No. G–10285, which is on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1957 at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G. Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 10, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2318; Filed, Mar. 26, 1957; 8:46 a. m.]

[Docket No. 8969 etc.]

TEXAS CO.

NOTICE OF CONTINUANCE OF HEARING

MARCH 21, 1957.

In the Matters of The Texas Co., Docket Nos. G–8969, G–9161, G–9576, G–9593, G–9594, G–9595, G–9596, G–9609, G–10884, G–11321, G–11322, G–11323, and G–11333; The Texas Company (Operator), Docket Nos. G–11324, G–11391, and G–11710.

Upon consideration of the motion filed March 13, 1957 by Counsel for The Texas Company for continuance of the hearing now scheduled for April 8, 1957 in the above-designated matters;

Notice is hereby given that the hearing in these matters is postponed to commence at 10:00 a. m., e. d. s. t., June 24, 1957 in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2340; Filed, Mar. 26, 1957; 8:51 a. m.]

[Docket No. G–11284]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 21, 1957.

Take notice that Hope Natural Gas Company (Applicant), a West Virginia corporation whose address is Clarksburg, West Virginia, filed on October 24, 1956, an application for permission to abandon facilities, pursuant to section 7 of the Natural Gas Act, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant seeks permission to abandon two 500-horsepower gas engine compressor units at its Kennedy Compressor Station in Lewis County, West Virginia. This station is used principally to compress locally produced gas for delivery to Hastings Station.

Applicant states that the available volume of gas produced from the area served by the Kennedy Compressor Station has diminished until it is no longer necessary to operate its two 500-horsepower "Rathbun Jones" engine units. These 38-year old machines represent less than 16 percent of the 6,350 total installed horsepower in the compressor station. During the last two years they have been operated only 220¼ hours, or slightly more than one percent of the possible operating time. Repair parts are unavailable for the two compressors.

Applicant claims that no curtailment of service will result from the proposed abandonment of the two compressors. Maintenance and operating expense on them will be eliminated. It is proposed to sell them for scrap to the highest bidder.

This matter should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 19, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 8, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2319; Filed, Mar. 26, 1957; 8:47 a. m.]

[Docket Nos. 11448, 11449]

TRANSCONTINENTAL GAS PIPE LINE CORP. ET AL.

NOTICE OF APPLICATION

MARCH 21, 1957.

In the matters of Transcontinental Gas Pipe Line Corporation, Docket No. G–11448; Vincent & Welch, Inc., et al., Docket No. G–11449.

Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on November 8, 1956, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a 4-inch tap on its existing 20-inch Egan-Jennings-Union Oil purchase lateral, Acadia Parish, Louisiana, for the purpose of receiving natural gas from the Grand Coulee Field, Acadia Parish, Louisiana, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Vincent & Welch, Inc., acting Individually and as Operator, a Louisiana corporation with its principal place of business in Lake Charles, Louisiana; Natural Bulk Carriers, Inc., a Delaware corporation with its principal place of business in New York City, New York; George C. McGhee with a principal place of business in Dallas, Texas; and Howard S. Cole, Jr., with a principal place of business in Houston, Texas, hereinafter referred to as Producer Applicants, filed a joint application on November 8, 1956, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Producer Applicants to sell natural gas in interstate commerce to Transco for resale, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Transco proposes to construct and operate facilities for the purpose of purchasing from and accepting deliveries of natural gas produced by Producer Applicants in the Grand Coulee Field, Acadia Parish, Louisiana. The contract covering the proposed sale of natural gas, dated August 1, 1956, is for a period of 20 years, with a take or pay for provision based upon the number of wells drilled. The said contract purports to dedicate the certain areas of acreage described in Exhibit A to said contract, and with reference to which each of the Sellers (Producer Applicants) sells to Transco such gas or interest in the gas produced from the leases dedicated therefor, and that each seller is selling individually and not jointly.

Temporary authorizations were issued Transco and Producer Applicants on December 21, 1956, authorizing the requested construction and operation by Transco, and sales by Producer Applicants.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 15, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2320; Filed, Mar. 26, 1957; 8:47 a. m.]

[Docket No. G–11486]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARNG

MARCH 21, 1957.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with its principal place of business in Owensboro, Kentucky, filed, on November 15, 1956, an application as supplemented on December 19, 1956, for permission and approval to abandon facilities, pursuant to section 7 (b) of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant seeks to abandon a portion of its 18-inch and 10-inch pipeline system consisting of approximately 40 miles of pipeline together with 12 metering stations and appurtenances all located within Shelby County, Tennessee near Memphis.

Applicant states that the facilities in question were originally built in 1928, 1931 and 1946 and acquired by it from the Memphis Natural Gas Company in 1948, and are presently utilized exclusively for service to the Memphis Light, Gas and Water Division of the City of Memphis, which has agreed to purchase the facilities for use as a part of its distribution system.

Applicant states that since construction of the lines, the area surrounding these facilities has become largely residential in character, and can be readily integrated into Memphis' local distribution system.

Applicant states further that a new meter and regulator station will be constructed by it on the southern boundary of Shelby County on the 18-inch system originating in Louisiana and connected to the system to be sold. This station will be the sole delivery point for the gas to Memphis from the 18-inch system. Texas Gas will maintain an emergency connection with Memphis between the northern terminus of the facilities to be transferred and the existing 10-inch line of Texas Gas at the northern boundary of Shelby County.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 12, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2316; Filed, Mar. 26, 1957; 8:46 a. m.]

[Docket Nos. 11563, 11712]

UNION OIL AND GAS CORPORATION OF LOUISIANA ET AL.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING AND DISMISSING PETITION TO INTERVENE

MARCH 21, 1957.

In the matters of Union Oil and Gas Corporation of Louisiana, Docket No. G–11563; H. S. Cole, Jr., et al., Docket No. G–11712.

The Commission, by order issued December 7, 1956, in Docket No. G–11563, provided for hearing concerning the lawfulness of changes in rates and charges proposed by Union Oil and Gas Corporation of Louisiana to its FPC Gas Rate Schedules Nos. 2 and 3, and pending such hearing and decision thereon, suspended and deferred the use of those proposed changes, pursuant to the provisions of section 4 (e) of the Natural Gas Act.

Similarly, by order issued January 9, 1957, in Docket No. G–11712, the Commission provided for hearing concerning the lawfulness of proposed changes in rates and charges tendered for filing by H. S. Cole, Jr., et al., to his FPC Gas Rate Schedule No. 3, and pending such hearing and decision thereon, suspended and deferred the use of those proposed changes, pursuant to the provisions of section 4 (e) of the Act.

In accordance with the notice issued February 25, 1957, by the Secretary of the Commission, hearing has been scheduled in Docket No. G–11563 commencing April 24, 1957.

On February 28, 1957, petition to intervene in Docket No. G–11563 was filed on behalf of H. S. Cole, Jr., et al. That petition sets forth that the aforementioned rate schedules of Union and Cole relate to sales of natural gas by those parties to Texas Gas Transmission Corporation from their respective working interests in wells and units in the South Lewisburg Field, Acadia Parish, Louisiana. The allegations of that petition further indicate that the proceedings in the above dockets may involve common questions of law or fact.

It is appropriate and in the public interest, therefore, that the proceedings in Docket Nos. G–11563 and G–11712 be consolidated for purposes of hearing. Under such consolidation, the petition to intervene in Docket No. G–11563 filed on behalf of H. S. Cole, Jr., et al., is unnecessary and should be dismissed.

The Commission orders:

(A) The proceedings in Docket Nos. G–11563 and G–11712 hereby are consolidated for purposes of hearing.

(B) A public hearing respecting the matters involved and the issues presented in these consolidated proceedings be held commencing April 24, 1957, at 10:00

a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., as heretofore scheduled by the Secretary of the Commission by notice issued February 25, 1957, in Docket No. G–11563.

(C) In view of the consolidation herein ordered, the petition to intervene in Docket No. G–11563, filed on February 28, 1957, on behalf of H. S. Cole, Jr., et al., hereby is dismissed.

(D) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–2339; Filed, Mar. 26, 1957; 8:51 a. m.]

[Docket No. G–12264]

EAST TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

MARCH 21, 1957.

On February 20, 1957, East Tennessee Natural Gas Company (East Tennessee), tendered for filing Second Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19, and 20 to its FPC Gas Tariff, Third Revised Volume No. 1, which revisions propose increases in its rates and charges aggregating approximately $578,070, or 8.7 percent, per annum based on sales for the year ending January 31, 1957, as adjusted. The proposed increase is in addition to the increased rates and charges in effect subject to refund under Docket No. G–5470.

East Tennessee states that the proposed increases are due primarily to the recent filing of a proposed rate increase by Tennessee Gas Transmission Company (Tennessee), its sole supplier. It requests that the increased rates and charges be permitted to become effective as of March 23, 1957, or, in any event, at a date not later than the date upon which the increased rates and charges of Tennessee would become effective.

The Commission on February 13, 1957 ordered a hearing in Docket No. G–11980 concerning the lawfulness of the increased rates and charges proposed by Tennessee, and, pending such hearing and decision thereon, such proposed rates and charges have been suspended until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act. East Tennessee's proposed increase is dependent in part upon and can be supported only by relying upon the effectiveness of the revised rates and charges of its supplier, and should therefore be suspended pending determination of said effectiveness.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the rates, charges, classifications, and services contained in East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1, as proposed to be amended by Second Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19, and 20, and that the said proposed tariff sheets and the increased rates and charges contained therein be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4 and 15 of the Natural Gas Act, and the Commission's regulations under the Natural Gas Act, including rules of practice and procedure (18 CFR Ch. I), a public hearing be held at a time and date to be fixed by notice from the Secretary of this Commission, concerning the lawfulness of the rates, charges, classifications, and services, subject to the jurisdiction of the Commission, contained in East Tennessee's FPC Gas Tariff, Third Revised Volume No. 1 as proposed to be amended by Second Revised Sheets Nos. 5, 8, 11, 14, 16, 17, 19, and 20.

(B) Pending such hearing and decision thereon, the proposed rates and charges contained in the revised tariff sheets referred to in (A) above hereby are suspended and their use deferred until July 14, 1957, unless otherwise ordered by the Commission, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57–2317; Filed, Mar. 26, 1957; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1785]

TEXAS WESTERN OIL AND URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 21, 1957.

I. Texas Western Oil and Uranium Co. (hereinafter referred to as the "issuer"), 407 Denver National Building, Denver, Colorado, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, filed with the Commission on June 15, 1955 a notification on Form 1–A and an offering circular, and subsequently filed on amendment thereto, relating to a proposed offering of 5,960,000 shares of its 1¢ par value common stock at 5¢ per share.

II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that:

A. The issuer has failed to file a report of sales on Form 2–A as required by Rule 224 under Regulation A.

B. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in that:

1. The offering circular fails to disclose the correct address of the issuer as required by Rule 219 (c) (1) of Regulation A.

2. The offering circular states that Floyd Koster and Company, as underwriter, will use its best efforts to sell the issue, whereas said firm is not now acting as underwriter for the issuer with respect to this proposed offering.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A for the aforesaid offering of issuer's common stock be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–2322; Filed, Mar. 26, 1957; 8:47 a. m.]

[File No. 68–167]

UNION ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING SOLICITATION OF PROXIES

MARCH 21, 1957.

By order dated February 27, 1957 (Holding Company Act Release No. 13399) the Commission prohibited Union Electric Company ("Union"), a registered holding company, and all other persons from soliciting any proxy or other authorization regarding the voting of any security of Union in connection with the annual meeting of Union's stockholders to be held April 20, 1957 except pursuant to a declaration, filed under section 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U–62 promulgated thereunder, which shall have been permitted by the Commission to become effective.

Union thereafter filed a declaration and amendments thereto in regard to its proposed solicitation of proxies in connection with such meetings and the expenditure of corporate funds in furtherance thereof.

After appropriate notice (Holding Company Act Release No. 13410) a public hearing was held on Union's declaration at which counsel appeared for Union and for the Commission's Division of Corporate Regulation. J. Raymond Dyer, a Union stockholder, was granted leave to participate on behalf of himself and his daughter, Nancy Corinne Dyer, also a Union stockholder.

The Commission, having considered the record herein and the brief filed by the said J. Raymond Dyer, finds that the declaration, as amended, filed by Union would meet the applicable standards of the act if further amended as hereinafter indicated and that due to the exigencies of the situation it is appropriate in the public interest and the interest of investors and consumers that this order be issued in advance of the issuance and release of the Commission's findings and opinion:

It is ordered, That upon the filing of an appropriate further amendment, Union's declaration shall become effective, such amendment to include:

(a) A reference in the proxy statement to the pending investigations by the Commission to determine whether Union has violated the provisions of section 12 (h) of the act.

(b) A reference in the proxy statement that the Division of Corporate Regulation presented as an issue to be determined at the hearing herein the appropriateness, under the standards of section 12 (e) of the act, of the resolution proposed by J. Raymond Dyer which, if adopted, would authorize the Directors of Union to reimburse expenses of soliciting proxies to any insurgent group of stockholders which is successful in electing a majority of the Board of Union at the next annual meeting and that the Commission did not resolve such issue but reserved jurisdiction with respect thereto.

It is further ordered, That jurisdiction be, and hereby is, reserved with respect to the following:

(a) To determine the appropriateness of the allocation proposed by Union of expenses in connection with Union's solicitation of proxies for its annual meeting to be held April 20, 1957.

(b) To determine the appropriateness of the resolution referred to in paragraph (b) above.

(c) To pass upon any additional solicitation material proposed to be used by Union which material shall be filed as a post-effective amendment herein and which material, unless the Commission orders a hearing thereon, may be used for solicitation after five business days have elapsed from the filing thereof or after such shorter period as the Commission may authorize upon good cause shown.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57–2323; Filed, Mar. 26, 1957; 8:47 a. m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 126]

TERRITORY OF HAWAII

DECLARATION OF DISASTER AREA

Whereas, it has been reported that beginning on or about March 9, 1957, because of the disastrous effects of tidal waves, damage resulted to residences and business property located in certain areas in the Territory of Hawaii;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following Districts (including any areas adjacent to the Districts below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Districts: Hanalei and Haena, Island of Kauai; and Waialua, Island of Oahu.

Office: Small Business Administration Branch Office, 440 South Hotel Street, Rooms 1 and 2, Honolulu, Hawaii.

2. A special field office to receive and process such applications will be established on the Island of Kauai.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to September 30, 1957.

Dated: March 15, 1957

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 57–2325; Filed, Mar. 26, 1957; 8:48 a. m.]

UNITED STATES TARIFF COMMISSION

[Investigation 15]

TUNG OIL

NOTICE OF INVESTIGATION AND HEARING

Institution of investigation. By direction of the President, in a letter dated March 21, 1957, the United States Tariff Commission, on the 22d day of March 1957, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order 7233 of November 23, 1935, for the purpose of determining whether Tung oil is being or is practically certain to be imported into the United States under such conditions and in such quantities as to render or tend to render ineffective, or materially interfere with, the price-support program for tung nuts and tung oil undertaken by the Department of Agriculture, or to reduce substantially the amount of products processed in the United States from domestic tung nuts or tung oil with respect to which such program is being undertaken.

Hearing. A public hearing in connection with this investigation will be held in the Tariff Commission hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on May 2, 1957. All parties interested will be given opportunity to be present, to produce evidence, and to be heard at such hearing.

Request to appear. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D. C., at least 3 days in advance of the date set for the hearing.

Issued: March 22, 1957.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 57–2356; Filed, Mar. 26, 1957; 8:54 a. m.]

INTERSTATE COMMERCE COMMISSION

[Notice 157]

MOTOR CARRIER APPLICATIONS

MARCH 22, 1957.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, pages 7339, 7340, § 1.241, September 26, 1956.)

All hearings will be called at 9:30 o'clock a. m., United States standard time (or 9:30 o'clock a. m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub No. 93), filed January 14, 1957, PACIFIC INTERMOUNTAIN EXPRESS CO., a Nevada Corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Shale oil, shale oil products and by-products, gilsonite products and by-products*, and *coal products and by-products*, in bulk, in tank vehicles, between points in Colorado, Wyoming, Utah and New Mexico. Applicant is authorized to transport bulk liquid commodities in California, Arizona, Utah, Nevada, Washington, Montana, Oregon, Idaho, Wyoming, and Colorado.

HEARING: May 14, 1957, at the Utah Public Service Commission, Salt Lake

City, Utah, before Examiner Frank R. Saltzman.

No. MC 21807 (Sub No. 3), filed February 4, 1957, FRED A. GEORGE, 3 Maple Avenue, Barre, Vt. Applicant's representative: Oliver C. Peterson, 3941 St. James Avenue, Milton, N. H. For authority to operate as a *common carrier*, transporting: *Granite*, serving as off-route points all points in New York within ten miles of U. S. Highways 4 and 9.

NOTE: Applicant by this application seeks to extend its authority in No. MC 21807 which authorizes the transportation of granite, over regular routes, between Montpelier, Vt. and Newark, N. J., from Montpelier over U. S. Highway 302 to Barre, Vt., thence over Vermont Highway 14 to junction Vermont Highway 107, thence over Vermont Highway 107 to Stockbridge, Vt., thence over Vermont Highway 100 to junction U. S. Highway 4, thence over U. S. Highway 4 to junction U. S. Highway 9, and thence over U. S. Highway 9 to Newark. Service is authorized to and from all intermediate points and off-route points in Washington County, Vt. and those in that part of New York and New Jersey within 15 miles of New York, N. Y.

HEARING: May 7, 1957, at the Washington County Court House, Montpelier, Vt., before Examiner Herbert L. Hanback.

No. MC 30091 (Sub No. 38), filed March 7, 1957, L. F. MILLER AND F. D. MILLER, A Partnership, doing business as MILLER MOTOR FREIGHT LINES, 501 Indiana Avenue, Wichita Falls, Tex. Applicant's attorney: Herbert L. Smith, 401 Perry-Brooks Building, Austin 1, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *Class A and B explosives*, between Dimmit, Tex., and Hereford, Tex.: from Dimmit over Texas Highway 51 to Hereford, and return over the same route, serving no intermediate or off-route points.

NOTE: Applicant states purpose of this application is to bridge the gap between Class A and B explosives' authority now held by applicant and that applied for in Docket MC-30091 (Sub No. 37).

HEARING: May 7, 1957, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77.

No. MC 30244 (Sub No. 10), filed February 18, 1957, SHOEMAKER BROTHERS, INC., 1006 West College Avenue, State College, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Brass bars and rods* and *brass unfinished shapes*, and *aluminum bars, blanks, stampings, unfinished shapes, extensions, castings, forgings, moldings, rods, scrap, twinings and borings*, from Bellefonte, Pa., and points within one mile thereof to Reedsville and Morgantown, W. Va., and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified on return; (2) *Zink slabs*, from Spelter, W. Va., and *brass scrap, copper scrap, aluminum billets, blooms, ingots, pigs, slabs, borings, scrap and twinings* from Reedsville and Morgantown, W. Va., to Bellefonte, Pa., and points within one mile thereof. Applicant is authorized to transport similar commodities in Pennsylvania, Michigan, Indiana, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, and Ohio.

HEARING: April 26, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 30605 (Sub No. 92), filed February 11, 1957, THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Glenn L. Martin plant site adjacent to or in the vicinity of Kassler, Colo., approximately ten miles southwest of Littleton, Colo., as an off-route point in connection with applicant's authorized regular route operations between Denver, Colo., and Albuquerque, N. Mex., over U. S. Highway 85. Applicant is authorized to transport the commodities specified in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

HEARING: May 17, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 37473 (Sub No. 18), filed March 15, 1957, DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio. Mailing address: P. O. Box 392, Station D, Cleveland 27, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, serving the site of the plant of General Motors Corporation, Euclid Division, on Ohio Highway 91 near Hudson, Ohio, as an off-route point in connection with applicant's authorized regular route operations (a) between Canton, Ohio and Detroit, Mich., and (b) between Canton, Ohio, and Pittsburgh, Pa. Applicant is authorized to transport similar commodities in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: April 24, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 38092 (Sub No. 2), filed October 30, 1956, EARLE W. NOYES AND SON, 33 Cotton Street, Portland, Maine. Applicant's representative: George L. Bowles, 402 Clapp Memorial Building, Portland, Maine. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Androscoggin, Cumberland, except Brunswick, and York Counties, Maine, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland and the District of Columbia. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, Maine, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Issues originally published in FEDERAL REGISTER of November 21, 1956, as above.

HEARING: April 17, 1957, at the Federal Building, Portland, Maine, before Examiner Lacy W. Hinely.

No. MC 50132 (Sub No. 20), filed March 13, 1957, CENTRAL & SOUTHERN TRUCK LINES, INC., Fourth and Morris Streets, Caseyville, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned goods, canned fruits*, and *vegetables, pimentos* and *pimento hulls, canned or in brine*, and *peanut butter*, from Haddock, Ga., and Fort Pierce, Fla., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Texas, Virginia, West Virginia, Wisconsin and Nebraska. Applicant is authorized to transport similar commodities in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

HEARING: May 8, 1957, at Peachtree-Seventh Building, 50 Seventh Street, NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 52858 (Sub No. 60), filed February 18, 1957, CONVOY COMPANY, a corporation, 3900 Northwest Yeon Avenue, Portland 10, Oreg. Applicant's attorney: Marvin Handler, 465 California Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Snow tractors, snow mobiles, Muskeg tractors and other self-propelled passenger and property carrying vehicles* (other than the ordinary type of track-laying or pneumatic-tired tractors), designed for traversing or operating on snow, marsh, muskeg, slopes, sand, or any soft terrain; *trailers and sleds therefor;* and *parts* and *accessories* thereof when moving therewith, between points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, and the Territory of Alaska.

HEARING: May 13, 1957, at the Utah Public Service Commission, Salt Lake City, Utah, before Examiner Frank R. Saltzman.

No. MC 72444 (Sub No. 9), filed March 14, 1957, THE AKRON-CHICAGO TRANSPORTATION COMPANY, INC., 347 West Thornton Street, Akron, Ohio. Applicant's attorney: Charles R. Iden, 2200 First National Tower, Akron 8, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, to and from the site of the Ford Motor Company plant located ⅞ mile south of U. S. Highway 6 on Baumhardt Road (which is approximately 5 miles west of Lorain, Ohio, as an off-route point now served by applicant), on the one hand, and, on the other, points served by applicant in its authorized regular route operations. Applicant is authorized to conduct similar operations in Illinois, Indiana, Ohio and New York, and the off-route points of New Castle and Sharon, in Pennsylvania.

HEARING: April 26, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 76266 (Sub No. 96), filed March 15, 1957, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the site of the new Euclid Division Plant of the General Motors Corporation located near Darrowville, Summit County, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Ohio. Applicant is authorized to transport similar commodities in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: April 24, 1957, in Room 255, New Post Office Building, Columbus, Ohio, before Joint Board No. 117, or, if the Joint Board waives its right to participate, before Examiner Reece Harrison.

No. MC 95540 (Sub No. 286), filed February 28, 1957, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainsville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, manufactured; *fertilizer materials*, including but not restricted to phosphate, super-phosphate, triple super-phosphate; *animal and poultry feed*, and *ingredients for animal and poultry feed*, including but not restricted to citrus pulp, citrus pomace, and citrus seeds ground, between points in Florida, on the one hand, and, on the other, points in Georgia on and south of U. S. Highway 80.

HEARING: April 29, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard Yardley.

No. MC 99844 (Sub No. 1), filed January 11, 1957, RICHARD ESTES AND LESLEY ESTES, doing business as ESTES TRUCKING COMPANY, 124 West Second, Rifle, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) from Rifle, Colo., to points within twenty (20) miles of Rifle, Colo., and DeBeque, Colo., and (2) between DeBeque, Colo., and points within twenty (20) miles of Rifle, Colo., including Rifle.

HEARING: May 17, 1957, at the New Customs House, Denver, Colo., before Joint Board No. 126, or, if the Joint Board waives its right to participate, before Examiner Frank R. Saltzman.

No. MC 102616 (Sub No. 636), filed March 13, 1957, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *liquid chemicals*, in bulk, in tank vehicles, between points in Kanawha County, W. Va., on the one hand, and, on the other, points in Kansas, Nebraska, Oklahoma, Texas, and Wyoming.

HEARING: April 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Lawrence A. Van Dyke.

No. MC 107171 (Sub No. 23), filed March 11, 1957, JULIANO BROS., INC., 39 Main Street, South Portland, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Containers*, and *wrapping materials*, between Hartford, and New Haven, Conn., New York, N. Y., Philadelphia, Pa., Boston, Mass., and Newark, N. J., on the one hand, and, on the other, points in that part of Maine on, south and east of U. S. Highway 1 and Alternate U. S. Highway 1 from Kittery to Hancock, Maine, including Mt. Desert Island. Applicant is authorized to conduct similar operations in Connecticut, Maine, New Jersey, New York, and Pennsylvania.

NOTE: Duplication with authorized authority to be eliminated.

HEARING: May 15, 1957, at the Federal Building, Portland, Maine, before Examiner Herbert L. Hanback.

No. MC 107311 (Sub No. 12), filed February 18, 1957, LOUIS ALLEY, 315 Diagonal Street, Clarkston, Wash. Applicant's representative: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Building materials* and *heavy machinery*, (1) between points in Idaho and Washington within 150 miles of Orofino, Idaho, on the one hand, and, on the other, points in Ravalli, Granite, Powell, Lewis and Clark, Flathead, Missoula, Sanders, Lake, Lincoln, Deer Lodge, Mineral, and Silver Bow Counties, Mont.; and (2) between points in Idaho and Washington within 150 miles of Orofino, Idaho, on the one hand, and, on the other, points in Umatilla, Union, Wallowa, and Baker Counties, Oreg.

HEARING: May 9, 1957, at the Davenport Hotel, Spokane, Wash., before Examiner Frank R. Saltzman.

No. MC 107515 (Sub No. 252), filed March 13, 1957, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from St. James and Mankato, Minn., to points in Alabama, Georgia, Florida, Tennessee, and Mississippi. Applicant is authorized to conduct similar operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: May 10, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 111329 (Sub No. 2), filed February 19, 1957, CAMBRIDGE TRUCKING CO., INC., 8 Bell Court, Cambridge, Mass. Applicant's attorney: James F. Harrington, 11 Beacon Street., Boston 8, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Foodstuffs*, from Cambridge and Medford, Mass. to Westbrook, Auburn, Lewiston, Waterville, Bangor, Presque Isle, and Portland, Maine; Dover, Manchester, and Keene, N. H.; Rutland and Burlington, Vt.; Providence, R. I.; and Hartford, East Hartford, Bridgeport, New Haven, Cheshire and Torrington, Conn.; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to transport certain foodstuffs between named points in the above-indicated states.

HEARING: May 13, 1957, at the New Post Office and Court House Building, Boston, Mass., before Examiner Herbert L. Hanback.

No. MC 111824 (Sub No. 4), filed March 13, 1957, WILLIAM R. SIMPSON, INC., Box 1, Hill Station, North 11th and Parkway, Harrisburg, Pa. Applicant's representative: John W. Frame, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe* and *pipe fittings, steel plate or sheet*, plain or asphalt coated, from Harrisburg, Pa., to points in Delaware, Pennsylvania, Maryland, and New Jersey.

HEARING: April 29, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Examiner Michael B. Driscoll.

No. MC 112613 (Sub No. 1), filed March 11, 1957, T. ACHENBERG TRANSPORTATION CO., 208 Sheridan Street, Perth Amboy, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Medicines* and *toilet preparations*, from Perth Amboy, N. J. to New York, N. Y., and points in Essex and Hudson Counties, N. J., and *returned and refused shipments* of the

above commodities and *empty pallets* on return.

NOTE: Applicant states that it is presently authorized to transport medicinal petroleum products and petroleum base toilet preparations from and to the same points and merely seeks to broaden its commodity description to serve the same shipper's additional products and no duplicating authority is sought.

HEARING: May 16, 1957, at 346 Broadway, New York, N. Y., before Examiner Herbert L. Hanback.

No. MC 113539 (Sub No. 1), filed March 14, 1957, PORTER TRANSPORTATION CO., a Corporation, St. Bernard Street, Fitchburg, Mass. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial fertilizer*, in bags, from Lowell and North Weymouth, Mass., to Hermon, Maine, and points in Aroostook County, Maine, and points in that part of Penobscot County, Maine, west of U. S. Highway 2 and north of Maine Highway 157.

HEARING: May 14, 1957, at the Federal Building, Portland, Maine, before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 114112 (Sub No. 3), filed March 4, 1957, EDWARD D. SHAULIS, 527 Fremont Avenue, Fort Morgan, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Diamond core barrels and bits*, and *tools* used in connection therewith, (1) between points in Colorado on the one hand, and, on the other, points in New Mexico and Arizona; (2) between points in San Juan County, N. Mex., on the one hand, and, on the other, points in Colorado, Arizona and Utah. Applicant is authorized to transport similar commodities in Wyoming, Nebraska, Utah, and Colorado.

HEARING: May 16, 1957, at the New Customs House, Denver, Colo., before Examiner Frank R. Saltzman.

No. MC 115309 (Sub No. 4) (Correction), filed February 25, 1957, TRANSPORT SERVICE, a Corporation, 6395 Southeast Alberta Street, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fuel oils* to be used by road contractors, *asphalts* and *road oils*, from Martinez, Calif., and points within 20 miles of Martinez, to points in Curry, Coos, Jackson, Josephine, Klamath, Lake, Deschutes, Malheur, Douglas, Harney, Crook, and Grant Counties, Oreg.

HEARING: April 25, 1957, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Joint Board No. 11, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

NOTE: Previous publication showed the hearing date as April 26, in error. The correct date is as shown above, April 25, 1957.

No. MC 116076 (Sub No. 1), filed March 8, 1957, WALTER H. ROUNDTREE, doing business as ROUNDTREE TRUCKING COMPANY, Swainsboro, Ga. Applicant's attorney: Paul M. Daniell, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Screven, Effingham, Washington, Johnson, Emanuel, Laurens, Burke, and Richmond Counties, Ga., which are located on and north of U. S. Highway 80, to points in Florida.

HEARING: May 7, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Joint Board No. 64, or, if the Joint Board waives its right to participate, before Examiner Richard Yardley.

No. MC 116142 (Sub No. 10), filed March 13, 1957, BEVERAGE TRANSPORTATION, INC., 615 Broad Street Bank Building, Trenton, N. J. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *empty containers and other such incidental facilities* (not specified), used in transporting beverages, and *advertising material* and *premiums*, between Trenton, N. J., and points within 15 miles of Trenton, on the one hand, and, on the other, points in Kentucky, West Virginia and Ohio. Applicant is authorized to transport malt and brewed beverages from and to specified points in Pennsylvania, New Jersey, Delaware, the District of Columbia, Maryland, New York, Ohio, Michigan, and Virginia.

HEARING: May 17, 1957, at the Davenport Hotel, Spokane, Wash., before Examiner Frank R. Saltzman.

No. MC 116142 (Sub No. 11), filed March 13, 1957, BEVERAGE TRANSPORTATION, INC., 615 Broad St. Bank Building, Trenton, N. J. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beverages*, in containers, and *empty containers and other such incidental facilities* (not specified), used in transporting beverages, and *advertising material* and *premiums*, between Cumberland, Md., and points in New Jersey. Applicant is authorized to transport malt and brewed beverages from and to specified points in Pennsylvania, New Jersey, Delaware, the District of Columbia, Maryland, New York, Ohio, Michigan, and Virginia.

HEARING: May 17, 1957, at 346 Broadway, New York, N. Y., before Examiner Herbert L. Hanback.

No. MC 116444, filed February 13, 1957, OTTO F. SETTER, doing business as TRAILER TRANSPORT, 2617 East Sprague Street, Spokane, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, in truckaway service, between points in Washington, on the one hand, and, on the other, points in the United States and the District of Columbia.

HEARING: May 7, 1957, at the Davenport Hotel, Spokane, Wash., before Examiner Frank R. Saltzman.

No. MC 116452, filed February 15, 1957, REFRIGERATED SERVICE, INC., 416 South Elizabeth, Milton, Oreg. Applicant's attorney: Hugh A. Dressel, 204 First National Bank Building, Spokane 1, Wash. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable oil products*, from Wilmington (Los Angeles County), Calif., to points in Oregon, Washington, and Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return movements.

NOTE: Applicant proposes to serve points on U. S. Highways 97, 99, 30, and 10 where Vegetable Oil Products Co. of Wilmington, Calif., has an account.

HEARING: May 6, 1957, at the Davenport Hotel, Spokane, Wash., before Examiner Frank R. Saltzman.

No. MC 116464, filed February 20, 1957, LEO C. HAGG, doing business as HAGG'S TRAILER SALES, P. O. Box 183, Umatilla, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, designed to be drawn by passenger automobiles, in initial and secondary movements, in truckaway service, between points in Oregon, on the one hand, and, on the other, points in Washington, Idaho, California, Nevada, and Arizona.

HEARING: May 8, 1957, at the Davenport Hotel, Spokane, Wash., before Examiner Frank R. Saltzman.

No. MC 116469, filed February 25, 1957, T. C. FIELDLER AND D. S. WILCOX JR., doing business as ANTHRACITE TRUCKING SERVICE, 59 South Washington Street, Wilkes-Barre, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies used in the conduct of such business*, (1) between points within the territory bounded by a line beginning at Port Jervis, N. Y. and extending in a northwesterly direction along New York Highway 97 to Hancock, N. Y., thence in a westerly direction along New York Highway 17 through Deposit, Binghamton, Owego, Waverly, Elmira, and Corning to Painted Post, N. Y., thence in a southerly direction along U. S. Highway 15 through Erwins, Presho and Lindley, N. Y. and Lawrenceville, Pa. to Tioga, Pa., thence southerly along Pennsylvania Highway 84 through Hammond, Middleburg Center, Niles Valley, Wellsboro, Morris, English Center, and Brookside, Pa. to the junction of Pennsylvania Highway 84 and U. S. Highway 220, thence in a westerly direction along U. S. Highway 220 through Jersey Shore, Avis, Lock Haven, and Flemington to the junction of U. S. Highway 220 and Pennsylvania Highway 64, thence in a southerly direction along Pennsylvania Highway 64 through Mill Hall to Nittany, Pa., thence return over Pennsylvania Highway 64 to the junction of Pennsylvania Highways 64 and 445, thence along Pennsylvania Highway 445 through Madisonburg to Millheim at the junction of Pennsylvania Highways 445 and 45, thence in a

westerly direction along Pennsylvania Highway 45 through Spring Mills and Old Fort to Boalsburg, Pa. at the junction of Pennsylvania Highway 45 and U. S. Highway 322, thence in an easterly direction along U. S. Highway 322 through Potters Mills and Yeagertown to Lewistown, Pa., thence along U. S. Highway 22–322 through Mifflintown, Millerstown, Amity Hall, Dauphin and Rockville, Pa. to the junction U. S. Highway 22–322 and Pennsylvania Highway 39, thence along Pennsylvania Highway 39 through Linglestown and Manadahill, Pa., to the junction Pennsylvania Highway 39 and U. S. Highway 22, thence in an easterly direction along U. S. Highway 22 through Bethel, Shartlesville and Hamburg, Pa. to junction U. S. Highway 22 and Pennsylvania Highway 29, thence in a northerly direction along Pennsylvania Highway 29 through Walbert, Schnecksville, Slatington, Palmerton and Lehighton, Pa. and the junction Pennsylvania Highway 29 and U. S. Highway 209, thence along U. S. Highway 209 in a northeasterly direction through Forest Inn, Kresgeville, Brodheadsville, Stroudsburg, East Stroudsburg, Marshalls Creek, Dingmans Ferry, Milford and Matamoras, Pa. to Port Jervis, N. Y., the point of beginning, including the points named. (2) between points in the above-specified territory, on the one hand, and, on the other, New York, N. Y., Newark, Jersey City, Camden, and Trenton, N. J. and Philadelphia, Pa.; *frozen fruits, vegetables, poultry, seafoods, ice cream*, and *unprocessed agricultural commodities* when transported on the same vehicle at the same time with non-exempt commodities, from points in New York, New Jersey Pennsylvania, and Delaware to points in the above-specified territory.

HEARING: May 1, 1957, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Lacy W. Hinely.

No. MC 116475, (Correction) filed February 25, 1957, published issue of March 20, 1957, CLYDE S. ESTY and CLYDE S. ESTY, JR., a partnership, doing business as CLYDE S. ESTY & SON, 265 Forest Street, Westbrook, Maine. Applicant's attorney: M. E. Kelley, 84 State Street, Boston 9, Mass.

NOTE: Previous publication indicated place of hearing as Portland, Oreg., in error. The correct place of hearing is Portland, Maine.

No. MC 116494, filed March 4, 1957, MILWOOD EUBANKS, Pelham Road, Camilla, Ga. Applicant's attorney: Robert Culpepper, Jr., Camilla, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *fence posts, creosoted lumber* suitable for piling, decking, etc., *poles*, bare and creosoted, and *cross arms* from Camilla, Ga., to points in Florida, Alabama, Tennessee, North Carolina, and South Carolina.

HEARING: May 6, 1957, at Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Ga., before Examiner Richard Yardley.

No. MC 116512, filed March 13, 1957, CHARLES R. HAYES, 53 Summer Street, St. Johnsbury, Vt. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Portland, Maine, to St. Johnsbury, Vt.

HEARING: May 8, 1957, at the Washington County Court House, Montpelier, Vt., before Joint Board No. 133, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 116517, filed March 12, 1957, CYRIL P. MICHAUD, doing business as PORTLAND AIR FREIGHT, 19 Noyes, Portland, Maine. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes; transporting: *Commodities*, moving over air lines, when due to size, length, etc., and adverse weather conditions, such freight cannot be handled over local air lines, between the Site of Portland, Maine Airport and Site of Logan International Airport, Boston, Mass., over U. S. Highway 1 and/or the Maine Turnpike, serving no intermediate points.

HEARING: May 14, 1957, at the Federal Building, Portland, Maine, before Joint Board No. 69, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

MOTOR CARRIERS OF PASSENGERS

No. MC 1002 (Sub No. 12) (Correction), filed March 6, 1957, ASBURY PARK-NEW YORK TRANSIT CORPORATION, 275 Broadway, Keyport, N. J. Applicant's attorney: Edward W. Currie, 123 Main Street, Matawan, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip operations, during the racing season, at respective tracks, beginning and ending at Keyport, Red Bank, Fort Monmouth, Oceanport, Long Branch, Asbury Park, Bradley Beach, Belmar, Freehold, Manasquan and Point Pleasant, N. J., and extending to Delaware Park Race Track at Stanton, Del., Pimlico Race Track at Baltimore, Md., Bowie Race Track at Bowie, Md., and Laurel Race Track at Laurel, Md. Applicant is authorized to conduct operations in New Jersey, New York, Virginia, Pennsylvania, and the District of Columbia.

HEARING: Remains as assigned April 29, 1957, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Boulevard, Newark, N. J., before Joint Board No. 283.

No. MC 116212 (Sub No. 1), filed March 13, 1957, HARRY LEE EYRE, JR., Woodbine, Md. Applicant's attorney: Milton E. Diehl, 1383 National Press Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* (including musical instruments when accompanied by owners, in the same vehicle with passengers, in charter or special operations, beginning and ending at points in Howard County, Md., except points within ten (10) miles of Woodbine, Md., and extending to points in Pennsylvania and the District of Columbia.

HEARING: April 30, 1957, at the Offices of the Interstate Commerce Commission, Washington, D. C., before Joint Board No. 200.

No. MC 116333 (Sub No. 2), filed March 13, 1957, CHARLES H. MORSE, doing business as MORSE'S BUS SERVICE, 52 Merrill Street, Plymouth, N. H. Applicant's attorney: William F. Batchelder, 66 Main Street, Plymouth, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers* and *baggage*, in the same vehicle with passengers, and in separate vehicles, in charter operations, beginning and ending at Plymouth, N. H., and points within 25 miles thereof, and extending to points in Maine, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia.

HEARING: May 10, 1957, at the New Hampshire Public Service Commission, Concord, N. H., before Examiner Herbert L. Hanback.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub No. 16), filed March 12, 1957, PAUL MERRILL, doing business as MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, Maine. Applicant's attorney: Francis E. Barrett, 7 Water Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Boston, Mass., and East Providence, R. I., to the Summit of Mount Washington, N. H. Applicant is authorized to transport similar commodities in Massachusetts, Maine, New Hampshire, and Rhode Island.

No. MC 38791 (Sub No. 19), (Correction) published in the November 8, 1956, issue, filed October 18, 1956, TUOHY TRUCKING CORPORATION, 733 Highway 17, Carlstadt, N. J. Applicant's attorney: Joseph W. McGovern, 14 Wall Street, New York 5, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, between New York, N. Y., on the one hand, and, on the other, points in Burlington and Ocean Counties, N. J., under special and individual contracts or agreements with persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate wholesale or retail establishments, the primary business of which is the sale and distribution of food, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return. Applicant is authorized to conduct operations in New York, Connecticut, New Jersey, and Pennsylvania.

No. MC 52579 (Sub No. 30), filed March 14, 1957, GILBERT CARRIER CORP., 645 West 40th Street, New York 18, N. Y. Applicant's representative: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Garments and wearing apparel on hangers*, and *hangers*, (1) be-

tween New York, N. Y., and Kearny, N. J.; and (2) between Kearny, N. J., and Cleveland, Ohio, and Detroit, Mich. RESTRICTION: Applied-for authority to be limited in all instances to the transportation of traffic moving between Kearny, N. J., and Cleveland, Ohio, and Detroit, Mich., in applicant's trailers, on rail cars, in substituted rail for motor service; and the applied-for authority and authority presently held by applicant on the same commodities between New York, N. Y., and Cleveland, Ohio, and Detroit, Mich., to be construed as comprising a single operating right which shall be severable by sale or otherwise; and, further, Kearny, N. J., is to be served solely for the purpose of pickup and delivering laden semi-trailers at the yards of the Pennsylvania Railroad in substituted service. Applicant is authorized to transport similar commodities throughout the United States.

No. MC 66562 (Sub No. 1335), filed January 24, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, serving Montrose, Pa., as an off-route point in connection with applicant's authorized regular route operations between Wilkes-Barre, Pa., and Sayre, Pa., as reflected in Certificate No. MC 66562 (Sub No. 215). Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that in the serving of Montrose, Pa., the following route will be used: From Wilkes-Barre, Pa., over unnumbered highway to Pittston, Pa., thence over unnumbered highway to Ransom, Pa., thence over unnumbered highway to Falls, Pa., thence over Pennsylvania Highway 92 to Tunkhannock, Pa., thence over Combined U. S. Highways 6 and 309 to Towanda, Pa.; also over U. S. Highway 106 to Montrose, Pa., thence over Pennsylvania Highway 29 to Tunkhannock, thence over Pennsylvania Highway 92 to Pittston, and return to Wilkes-Barre, Pa., serving the intermediate points of Pittston, Ransom, Tunkhannock, Meshoppen, Laceyville, Wyalusing, Wysox, Towanda, and Montrose, Pa.

RESTRICTIONS: Service herein authorized is subject to the following conditions: (a) The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, railway express service; (b) Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering, in addition to a motor carrier movement by said carrier an immediately prior or immediately subsequent movement by rail; and (c) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, railway express service.

No. MC 66562 (Sub No. 1344), filed February 25, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Clarksburg, W. Va., and Buckhannon, W. Va., from Clarksburg over West Virginia Highway 20 to Buckhannon, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Clarksburg and Buckhannon, W. Va. RESTRICTION: The service proposed above is subject to the following conditions: The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, railway or air, express service. Shipments transported by applicant shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a motor carrier movement by applicant, an immediately prior, or immediately subsequent, movement by railroad or by aircraft. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operations to service which is auxiliary to, or supplemental of, railway or air express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1350), filed March 7, 1957, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d St., New York 17, N. Y. Applicant's attorney: James E. Thomas, 1220 The Citizens and Southern National Bank Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Hendersonville, N. C., and Rosman, N. C.; from Hendersonville over U. S. Highway 64 to Rosman, and return over the same route, serving the intermediate points of Pisgah Forest and Brevard, N. C. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to or supplemental of express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange of express traffic to and from rail and air service will be made at Hendersonville, N. C.

No. MC 109324 (Sub No. 11), filed February 20, 1957, BEN F. GARRISON, doing business as GARRISON MOTOR FREIGHT, Harrison, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Harrison, Ark. and Lead Hill, Ark. over Arkansas Highway 7, serving all intermediate points. Applicant is authorized to conduct operations in Missouri and Arkansas.

No. MC 111560 (Sub No. 2), filed March 11, 1957, ALBERT DEBRACCIO, 263 South Munroe Road, Tallmadge, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aluminum storm windows and doors*, and in connection therewith, *moldings and parts, glass, screen wire, plastic and rubber items* used or useful in the assembly of aluminum doors and windows, from Sugar Creek, Ohio to points in Illinois, Indiana, Ohio, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New York, Pennsylvania, Virginia, West Virginia and the District of Columbia; and *scrap aluminum* from the above-described destination points to Sugar Creek, Ohio. Applicant is authorized to transport above-specified commodities in Massachusetts, Michigan, Illinois, Indiana, Missouri, Minnesota, Iowa, Kentucky, Pennsylvania, Ohio, New York, Nebraska, West Virginia, Virginia, Maryland, and the District of Columbia.

No. MC 114194 (Sub No. 6), filed March 13, 1957, KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Applicant's attorney: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pre-cast*, and *pre-stressed concrete products* requiring the use of flatbed equipment, except such commodities which because of size or weight require special equipment or special handling, from points in Nameoki Township, Madison County, Ill., to points in Missouri, Iowa, Indiana, and Kentucky.

No. MC 116106 (Sub No. 2), filed March 11, 1957, NEIL A. SMITH AND DONALD W. SMITH, doing business as SMITH BROTHERS, R. R. #1, Raglan P. O. Columbus, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock, other than ordinary, including ponies*, but excepting mules and horses, between ports of entry on the International boundary between the United States and Canada at or near Ogdensburg, Alexandria Bay, Niagara Falls, and Buffalo, N. Y., and Detroit and Port Huron, Mich., on the one hand, and, on the other, points in New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Georgia, Florida, and Kentucky, restricted to shipments originating at points in Canada and destined to points in the United States, or originating at points in the United States and destined to points in Canada.

No. MC 116109 (Sub No. 2), filed February 8, 1957, BART J. SOLOMON, doing business as KANSAS CITY TOW SERVICE, 31 West 31st Street, Kansas City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor vehicles*, by wrecker truck, to replace a wrecked or disabled bus, truck or passenger car at point of wreck or disablement, from points in the Kansas City, Mo.-Kansas City, Kans., Commercial Zone to points in Kansas and Missouri. Applicant is authorized to transport similar commodities in Kansas and Missouri.

No. MC 116374, filed January 10, 1957, JAMES L. SPOONER, doing business as WHITE LINE TRUCKING CO., 207 North Second West, Kelso, Wash. Applicant's representative: John M. Hickson, Failing Building, Portland, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, between Rainier, Oreg., and points in Whatcom, Skagit, Snohomish, King, Pierce, Skamania, Clark, Cowlitz, Wahkiakum, Lewis, Pacific, Thurston, Mason, Grays Harbor, Kitsap, Jefferson, and Clallam Counties, Wash., west of the summit of the Cascade Mountains.

No. MC 116484, filed February 28, 1957, MAX A. WIDEBROOK, doing business as BROOKWOOD GARAGE, 4225 Antioch Street, Kansas City 16, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles*, in truckaway (wrecker towaway) service, *including authority to transport a replacement vehicle* (tractor) to point of wreck or disablement, between Kansas City, Mo., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, and Oklahoma.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 132), filed February 14, 1957, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago 4, Ill. Applicant's attorney: Linwood C. Major, Jr., 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, Between Meriden, Conn., and New Britain, Conn., from Meriden over Connecticut Highway 71 to junction Connecticut Highway 71-A, thence over Connecticut Highway 71-A to New Britain, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations throughout the United States.

NOTE: By the instant application applicant seeks authority to abandon its operations over certain portions of its present route between Meriden, Conn., and New Britain, Conn., and in lieu thereof be granted authority authorizing and permitting it to operate over the new route herein applied for between the same two terminal points. Accordingly, the sole purpose of the instant application is to permit applicant to change its present route between Meriden, Conn., and New Britain, Conn., in order that schedules which it is now operating between New York and Boston with scenicruiser equipment may serve both of those points.

No. MC 114532 (Sub No. 2), filed December 31, 1956, P. W. FLETCHER, doing business as IOWA CITY-CEDAR RAPIDS BUS LINE, 1732 East Avenue NE., Cedar Rapids, Iowa. Applicant's representative: Stephen Robinson, 1020 Savings and Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express* and *newspapers*, in the same vehicle with passengers, between Cedar Rapids, Iowa and South English, Iowa, from Cedar Rapids southeasterly on newly constructed U. S. Highway 218 to junction of Iowa Highway 84, thence over Iowa Highway 84 to Cedar Rapids airport, returning over Iowa Highway 84 to U. S. Highway 218, thence continuing on U. S. Highway 218 to Iowa City, thence southwesterly on Iowa Highway 1 to the junction of Iowa Highway 22, thence west on Iowa Highway 22 to South English, Iowa, returning over the same route serving the intermediate and off-route points of Cedar Rapids airport, Swisher, North Liberty, Oakdale, Iowa City, Kalona, Wellman, and Kinross, Iowa. Applicant is authorized to conduct similar operations in Iowa.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 67111 (Sub No. 7), filed December 26, 1956, KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. Applicant's attorney: Ferdinand Born, 706–8 Chamber of Commerce Bldg., Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Elwood, Ind., and points within 15 miles of Elwood, Ind. Applicant is authorized to transport similar commodities in Illinois and Indiana.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity from this Commission authorizing continuance of interstate operations under the second proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificate on file with this Commission, and is directly related to proceeding in MC–F 6482, published under section 5 applications issue of FEDERAL REGISTER January 9, 1957.

No. MC 80413 (Sub No. 6), filed February 11, 1957, McKAY AND MacLEOD CORP., 9 East Race Street, Salamanca, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Niagara Falls, N. Y. and Salamanca, N. Y., from Niagara Falls over New York Highways 324 or 384 to Buffalo, thence over New York Highways 18 or 17 (Or over U. S. Highway 62 to Hamburg, thence over U. S. Highway 219) to Salamanca, and return over the same routes, serving the intermediate points of Ashford, Big Tree Blasdell, Boston, Buffalo, Cattaraugus, Collins, Dayton, E. Ashford, Eden, Eden Valley, Elkdale, Ellicottville, Gowanda, Great Valley, Hamburg, Iroquois, Kenmore, Lackawanna, Lawtons, Little Valley, N. Boston, N. Collins, Riceville, Springville, Wesley, and West Valley, N. Y.; (2) between Jamestown, N. Y. and New York, N. Y., from Jamestown over New York Highway 17 to Elmira (Also over New York Highway 17 to junction New York Highway 17E, thence over New York Highway 17E to Elmira), thence over New York Highway 17 to Binghamton (Also over New York Highway 17 to junction New York Highway 17C, thence over New York Highway 17C to Binghamton), thence over New York Highway 17 to Bloomingburg, thence over New York Highway 17K to Newburgh, thence across the Hudson River to Beacon, thence over New York Highway 9D to junction New York Highway 9, thence over New York Highway 9 to New York, and return over the same routes, serving the intermediate points of Addison, Allegany, Allentown, Andover, Appalachin, Barton, Big Flats, Binghamton, Bolivar, Campville, Carrollton, Ceres, Chemung, Corning, E. Corning, E. Randolph, Elmira, Elmira Heights, Elm Valley, Endwell, Endicott, Erwins, Falconer, Gibson, Greenwood, Horseheads, Jasper, Johnson City, Kennedy, Kill Buck, Levant, Little Genesee, Lowman, Olean, Owego, Painted Post, Portville, Randolph, Red House, Salamanca, Sanford, Smithboro, Steamburg, Tioga Center, Vandalia, Vestal, Waterboro, Waverly, Wellsville, and Weston Mills, N. Y. and the junctions of New York Highways 17 and 241 and New York Highways 17 and 21; and the off-route points of Adrian, Akron, Alden, Alfred, Allen, Alma, Angola, Armor, Athol Springs, Atlanta, Avoca, Bishopville, Black Creek, Blossom, Borden, Bradford, Cadiz, Cameron, Cameron Mills, Campbell, Caton, Centerville, Cheektowaga, Clarence, Clarence Center, Cohocton, Colden, Cold Springs, Collins Center, Conewango Valley, Cottage, Crittenden, Dansville, Delevan, Depew, Derby, E. Concord, E. Otto, Ebenezer, Eddyville, Eggertsville, Elma, Elton, Farnham, Fillmore, Five Mile Point, Freedom, Freeman, Gardenville, Getzville, Glenwood, Grand Island, Hallsport, Hammondsport, Haskinsville, Houghton, Hume, Humphrey, Ingleside, Keuka, Knapp Creek, Lake View, Lancaster, Langford, Limestone, Lindley, Lockport, Millersport, Maples, Marilla, Napoli, New Albion, New Oregon, Nile, N. Cohocton, N. Cuba, N. Evans, Obi, Otto, Perkinsville, Perrysburg, Phillips Creek, Prattsburg, Presto, Pulteney, Rathbone, Rexville, Rheims, Richburg, Rockville, Rossburg, Sardinia, Snyder, S. Dayton, Spring Brook, Swain, Swormville, Thurston, Town Line, Town of Tonawanda, Troupsburg, Urbana, Wallace, Wayland, W. Clarksville, W. Falls, Wheeler, Whitesville, and Williamsville, N. Y.; Service is authorized between Binghamton, N. Y. and New York, N. Y., without service to, from or between any other points located on said routes; (3) between Buffalo, N. Y. and Olean, N. Y., from Buffalo over

U. S. Highway 62 or U. S. Highway 20 (alternate) to East Aurora, thence over New York Highway 16 to Olean, and return over the same route, serving the intermediate points of Blasdell, Chafee, E. Aurora, Franklinville, Hinsdale, Holland, Ischua, Lackawanna, Lime Lake, Machias, Machias Junction, Orchard Park, Protection, S. Wales, and Yorkshire, N. Y. and the junctions of New York Highways 16 and 39 and New York Highways 16 and 408; (4) between the junction of New York Highways 16 and 39, and Wellsville, N. Y., from the junction of New York Highways 16 and 39 over New York Highway 39 to Arcade, thence over New York Highway 98 to junction New York Highway 243, thence over New York Highway 243 to Caneadea, thence over New York Highway 19 to Wellsville, and return over the same route, serving the intermediate points of Arcade, Belfast, Belmont, Caneadea, Crystal Lake, Fairview, Oramel, Rushford, Sandusky, Scio and Wellsville, N. Y.; (5) between the junction of New York Highways 16 and 408, and Andover, N. Y., from the junction of New York Highways 16 and 408 over New York Highway 408 to Garwoods, thence over New York Highway 70 to Arkport, thence over New York Highway 36 toAndover, and return over the same route, serving the intermediate points of Alfred Station, Almond, Angelica, Arkport, Belvidere, Bennetts, Birdsall, Burns, Canaseraga Center, Cuba, Friendship, Garwoods, Hornell, N. Hornell, Scholes, and Tip Top, N. Y.; (6) between Dayton, N. Y. and the junction of New York Highways, 241 and 17, from Dayton over U. S. Highway 62 to Conewango, thence over New York Highway 241 to junction of New York Highway 241 and 17, and return over the same route, serving the intermediate points of Conewango, Leon and Markhams, N. Y.; (7) between Hornell, N. Y. and Painted Post, N. Y., from Hornell over New York Highway 70 to junction with U. S. Highway 15, thence over U. S. Highway 15 to Painted Post, and return over the same routes, serving the intermediate points of Bath, Big Creek, Coopers Plains, Curtis, Howard, Kanona, N. Hornell and Savona, N. Y.; (8) between Hornell, N. Y. and the junction of New York Highways 21 and 17, from Hornell over New York Highway 21 to junction of New York Highways 21 and 17, and return over the same route, serving the intermediate points of Canisteo and S. Canisteo, N. Y.

NOTE: This matter is directly related to MC-F 6510 published FEDERAL REGISTER issue of February 27, 1957. Applicant is authorized to transport similar commodities in New York and New Jersey.

No. MC 97183 (Sub No. 10), filed February 14, 1957. MARION TRUCKING COMPANY, INC., 1620 Factory Avenue, Marion, Ind. Applicant's attorneys: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind., and James E. Wilson, Continental Building, 14th at K NW., Washington, D. C. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities, REGULAR ROUTES*, (1) Between Marion, Ind., and South Bend, Ind., from Marion over Indiana Highway 18 to junction Indiana Highway 21, thence over Indiana Highway 21 to junction U. S. Highway 31, thence over U. S. Highway 31 to South Bend, and return over the same route, serving all intermediate points; (2) Between Marion, Ind., and Fort Wayne, Ind., from Marion over Indiana Highway 9 to Huntington, Ind., thence over U. S. Highway 24 to Fort Wayne, and return over the same route, serving all intermediate points; (3) Between Marion, Ind., and Evansville, Ind., from Marion over Indiana Highway 9 to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, Ind., thence over U. S. Highway 40 to junction U. S. Highway 41, thence over Indiana Highway 41 to Evansville, and return over the same route, serving all intermediate points; (4) Between Marion, Ind., and Richmond, Ind., from Marion over U. S. Highway 21 to junction U. S. Highway 35, thence over U. S. Highway 35 to Richmond, and return over the same route, serving all intermediate points; (5) Between Marion, Ind., and Lafayette, Ind., from Marion over U. S. Highway 9 to junction U. S. Highway 35, thence over U. S. Highway 35 to junction U. S. Highway 31, thence over U. S. Highway 31 to junction Indiana Highway 26, thence over Indiana Highway 26 to Lafayette, and return over the same route, serving all intermediate points; (6) Between Marion, Ind., and Logansport, Ind., (a) from Marion over Indiana Highway 18 to junction Indiana Highway 21, thence over Indiana Highway 21 to junction U. S. Highway 24, thence over U. S. Highway 24 to Logansport; also between Peru, Ind., and Wabash, Ind., over U. S. Highway 24; also between Marion, Ind., and Wabash, Ind., over Indiana Highway 15; also between Logansport, Ind., and Gary, Ind., over Indiana Highway 29 to junction U. S. Highway 30, thence over U. S. Highway 30 to junction Indiana Highway 130, thence over Indiana Highway 130 to junction U. S. Highway 6, thence over U. S. Highway 6 to Gary, and return over the same routes, serving all intermediate points; (b) from Muncie, Ind., to Westfield, Ind., over Indiana Highway 32, serving all intermediate points; (c) from Gas City, Ind., to Portland, Ind., over Indiana Highway 22 to junction Indiana Highway 26, thence over Indiana Highway 26 to Portland, and return over the same route, serving all intermediate points; (d) from Marion, Ind., to Decatur, Ind., over Indiana Highway 18 to junction U. S. Highway 27, thence north over U. S. Highway 27 to Decatur, and return over the same route, serving all intermediate points; (e) from Warren, Ind., to junction Indiana Highways 9 and 218, over Indiana Highway 218, serving all intermediate points; (f) from Muncie, Ind., to junction Indiana Highways 3 and 18, over Indiana Highway 3, serving all intermediate points; and (g) from Portland, Ind., to junction U. S. Highway 27 and Indiana Highway 18, over U. S. Highway 27, serving all intermediate points; (7) between Lafayette, Ind., and Rochester, Ind., over Indiana Highway 25, serving no intermediate points, as an alternate route for operating convenience only; (8) between junction Indiana Highways 3 and 18 and Fort Wayne, Ind., over Indiana Highway 3, serving no intermediate points, as an alternate route for operating convenience only; (9) between junction Indiana Highways 67 and 38 and New Castle, Ind., over Indiana Highway 38, serving all intermediate points; (10) from Indiana Highway 41 to North Terre Haute, Ind., and from North Terre Haute over unnumbered County Highways between Terre Haute, Ind., and Turkey Run, Ind., passing through and serving Bloomingdale, Orange Corner, Kingman, Sylvania, Tangier, West Union, Sand Cut, Rosedale, Jessup, Catlin, Turkey Run, Terre Haute, Marshall, Guion, Waverland, Russellville, Milligan, Browns Valley, and Byron, Ind., with the proviso that applicant shall not carry any property, originating at Terre Haute, Ind., and destined to Rockville, Ind., or from Rockville, Ind., to Terre Haute, Ind.; (11) Between Terre Haute, Rockville, Bellmore, Mansfield, and Bridgeton, Ind., as follows: from Indiana Highway 41 (Terre Haute) to North Terre Haute, thence over Vigo and Parke County Highways to Rockville, thence over Indiana Highway 36 to Bellmore, Ind., thence over Indiana Highway 59 to Mansfield, Ind., thence over Parke and Vigo County Highways through Bridgeton and Rosedale to North Terre Haute, and return over the same route, serving all intermediate points; (12) between Terre Haute, Kingman, Yeddo, Cates, Silverwood, and Tangier, Ind., over the following highways: North on U. S. Highway 41 with a jog west on county highway to Yeddo, and return over the same route to junction Indiana Highway 234, thence west on Indiana Highway 234 to junction unnumbered county highway, thence north on unnumbered county highway to Cates, Ind., thence continue on unnumbered county highway to Silverwood and Tangier, Ind., and continue on U. S. Highway 41; (13) from Kingman, Ind., over Indiana Highway 234 to junction unnumbered county highway, thence over unnumbered county highway to Crawfordsville, Ind.; also from unnumbered county highway to Wallace, Ind., and return, passing through and serving Kingman, Wallace, Alamo, Yountsville, and Crawfordsville, Ind., and intermediate points; (14) from South Bend, Ind., to Fort Wayne, Ind., over Indiana Highway 33, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (15) from Plymouth, Ind., to Fort Wayne, Ind., over Indiana Highway 30, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (16) between Evansville, Ind., and the building site of the Southern Indiana Gas & Electric Company, located on the Ohio River near Newburgh, Ind., from Evansville over Indiana Highway 66 to junction unnumbered County Highways, including that which is known as Darlington Road, located a short distance east of Newburgh, and thence over such unnumbered county highways to the plant site of the Southern Indiana Gas and Electric Company on the Ohio River,

and return over the same route; (17) between South Bend, Ind., and Indianapolis, Ind., over U. S. Highway 31, passing through and serving Mishawaka, South Bend, Lakeville, Lapaz, Plymouth, Argos, Rochester, Mexico, Peru, Kokomo, Indianapolis, and intermediate points; (18) between South Bend, Ind., and Muncie, Ind., from South Bend to Elkhart, Ind., over U. S. Highway 20, thence over U. S. Highway 33 to Goshen, Ind., thence over Indiana Highway 15 to Marion, Ind., thence over Indiana Highway 9 to Anderson, Ind., thence over Indiana Highway 67 to Muncie, passing through and serving South Bend, Mishawaka, Elkhart, Anderson, Muncie, and intermediate points; (19) between South Bend, Ind., and Auburn, Ind., from South Bend to Ligonier, Ind., over U. S. Highway 33, thence over U. S. Highway 6 to Waterloo, Ind., thence over U. S. Highway 27 to Auburn, Ind., thence over U. S. Highway 27 to Angola, Ind., thence over U. S. Highway 20 to South Bend, and return via Angola, passing through and serving South Bend, Mishawaka, Elkhart, Goshen, Ligonier, Kendallville, Waterloo, Auburn, Angola, Lagrange, Elkhart, South Bend, and intermediate points; (20) between South Bend, Ind., and Warsaw, Ind., from South Bend over Indiana Highway 23 to Grovertown, Ind., thence over U. S. Highway 30 to Warsaw, passing through and serving South Bend, Walkerton, Grovertown, Plymouth, Bourbon, Warsaw, and intermediate points; (21) between Grovertown, Ind., and Rochester, Ind., from Grovertown, over U. S. Highway 30 to Wanatah, Ind., thence over U. S. Highway 421 (formerly Indiana Highway 43) to junction Indiana Highway 14 and U. S. Highway 421 (formerly Indiana Highway 43), thence over Indiana Highway 14 to Rochester, passing through and serving Grovertown, Hamlet, Wanatah, LaCrosse, Medaryville, Winamac, Rochester, and intermediate points; (22) between a point at junction U. S. Highway 421 (formerly Indiana Highway 43) and Indiana Highway 10, near San Pierre, Ind., and junction Indiana Highway 10 and U. S. Highway 31, near Argos, Ind., over Indiana Highway 10, passing through and serving North Judson, Bass Lake, Argos, and intermediate points; (23) between Winamac, Ind., and junction U. S. Highways 35 and 30, over U. S. Highway 35, passing through and serving Winamac, Beardstown, Knox, and intermediate points; (24) between Walkerton, Ind., and Ligonier, Ind., from Walkerton to junction U. S. Highways 6 and 33 (formerly Indiana Highway 27), over U. S. Highway 6, thence over U. S. Highway 33 to Ligonier, and return over the same route, passing through and serving Walkerton, Bremen, Nappanee, Ligonier, and intermediate points; (25) Between the sites of the U. S. Gypsum Company, in Martin County, Ind., (a) from the Martin-Daviess County line over combined U. S. Highways 150 and 50 to junction U. S. Highway 41 at Vincennes, Ind., and return over the same route, serving no intermediate points and with service at junction U. S. Highway 41 and combined U. S. Highways 50 and 150 at Vincennes, Ind., for joinder purposes only; and (b) from the Martin-Lawrence County line over U. S. Highway 50 to junction Indiana Highway 37, thence over Indiana Highway 37 to Indianapolis, and return over the same route, serving no intermediate points;

NOTE: Routes 25 (a) and 25 (b) are to be used in connection with applicant's authorized regular routes.

(26) between the sites of the Aluminum Company of America, located in Warrick County, Ind., as follows; (a) from Evansville, Ind., over Indiana Highway 66 to the Warrick-Vanderburgh County line, and return over the same route, serving no intermediate points; and (b) from the Warrick-Spencer County line over Indiana Highway 66 to junction U. S. Highway 231, thence over U. S. Highway 231 to junction Indiana Highway 67, thence over Indiana Highway 67 to Worthington, Ind., and return over the same route, serving no intermediate points, and serving junction Indiana Highway 67 and U. S. Highway 231 at Worthington, Ind., for joinder purposes only;

NOTE: Operations over Routes 26 (a) and 26 (b) are to be used in connection with applicant's authorized regular routes in Indiana.

OVER IRREGULAR ROUTES: Glass bottles, glass containers, commercial feed, fertilizer, tankage and oil and grease products, between points in Indiana; *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Indiana; *Malt beverages, malt beverage advertising material, empty malt beverage containers, glass, paper* and *paper products*, (1) between points in Indiana; and (2) between points in Lake County, Ind.; *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and also excepting glass bottles, glass containers, commercial feed, fertilizer, tankage, and oil and grease products, petroleum and petroleum products, in bulk, in tank vehicles, malt beverages, malt beverage advertising material, empty malt beverage containers, glass, paper, and paper products, (1) between Fort Wayne, Ind., on the one hand, and, on the other, points within ten miles of Fort Wayne, Ind., including Baer Field, but excluding service to or from Casad Depot and New Haven, Ind.; (2) between points in Marion County, Ind., as off-route points, as an extension of applicant's authorized regular route operations; (3) between the corporate limits of Marion, Ind., and points in Indiana within five miles thereof; (4) between the corporate limits of Evansville, Ind., and points in Indiana within five miles thereof; (5) between the corporate limits of South Bend, Ind., and points in Indiana within five miles thereof, except that no service shall be rendered to the cities of Notre Dame, Mishawaka, St. Marys, Osceola and Roseland, Ind.; (6) between the corporate limits of Lafayette, Ind., and points in Indiana within five miles thereof; (7) between the corporate limits of Terre Haute, Ind., and points in Indiana within five miles thereof; (8) between the corporate limits of Muncie, Ind., and points in Indiana within five miles thereof; (9) between the corporate limits of Richmond, Ind., and points in Indiana within five miles thereof, except that there shall be no service rendered to the points of Centerville or Boston, Ind.; (10) between the corporate limits of New Castle, Ind., and points in Indiana within five miles thereof, except that there shall be no service rendered to the point of Mt. Summit, Ind.; (11) between the corporate limits of Vincennes, Ind., and points in Indiana within five miles thereof; (12) between the corporate limits of Anderson, Ind., and points in Indiana within five miles thereof; (13) between the corporate limits of Alexandria, Ind., and points in Indiana within five miles thereof; and (14) between the corporate limits of Brazil, Logansport, Peru, Huntington, Rochester, Plymouth, and Wabash, Ind., and points in Indiana within five miles of each, except that there shall be no service to the point of Lagro, Ind.; *Cattle, farm products, feed, fertilizer, farm machinery, and supplies; building materials, and supplies*, and *machinery*, (1) between Cambridge City, Ind., and points within fifteen miles thereof, and points in that part of Indiana bounded on the north by U. S. Highway 24, on the west by U. S. Highway 31, on the south by the Indiana-Kentucky State line, and on the east by the Indiana-Ohio State line; (2) between Crawfordsville, Ind., and points in Indiana within three miles thereof; (3) between Angola, Auburn, Decatur, Elkhart, Goshen, Hartford City, Kendallville, Kokomo, Ligonier, Mishawaka, Portland, Valparaiso, Warsaw, and Waterloo, Ind., and points in Indiana within five miles of each; and (4) between the corporate limits of Gary, Ind., and points within ten miles of Gary, provided that no operations shall be conducted between points in Porter County within ten miles of the corporate limits of Gary, Ind., on the one hand, and, on the other, points in Lake County, Ind.

NOTE: Where the radial territory sought to be served by applicant is contiguous to other radial territory sought, no operation shall be conducted between any two points, both of which lie in such contiguous radial territory except as otherwise authorized.

ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: (1) between Evansville, Ind., and Marion, Ind., (a) from Evansville over U. S. Highway 41 to junction Indiana Highway 57, thence over Indiana Highway 57 to junction Indiana Highway 67, thence over Indiana Highway 67 to junction Indiana Highway 39, thence over Indiana Highway 39 to junction Indiana Highway 37, thence over Indiana Highway 37 to Marion, and return over the same route, serving no intermediate points; (b) from Indianapolis, Ind., over U. S. Highway 31 to Peru, Ind., serving no intermediate points; (c) from Plymouth, Ind., over U. S. Highway 30 to junction U. S. Highway 35, serving no intermediate points; (d) from Indianapolis, Ind., over U. S. Highway 52 to Lafayette, Ind., serving no intermediate points; (e) from Logansport, Ind., over U. S. Highway 35 to Kokomo, Ind., serving no intermediate

points; (f) from Vincennes, Ind., over U. S. Highway 67 to Indianapolis, Ind., serving no intermediate points.

NOTE: The above six alternate routes are restricted to use as routes for operating convenience only and, further, carrier is restricted from using any of the routes as alternate routes for operating convenience in rendering service between Logansport and Kokomo, between Logansport and Peru, and Logansport and Lafayette.

(2) between Gary, Ind., and Terre Haute, Ind., from Gary over U. S. Highway 12 to junction U. S. Highway 41, thence over U. S. Highway 41 to Terre Haute, and return over the same route, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (3) between Gary, Ind., and Lafayette, Ind., from Gary over U. S. Highway 12 to junction U. S. Highway 41, thence over U. S. Highway 41 to junction U. S. Highway 52, thence over U. S. Highway 52 to Lafayette, and return over the same route, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (4) between Wabash, Ind., and Huntington, Ind., over U. S. Highway 24, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (5) between Indianapolis, Ind., and Richmond, Ind., over U. S. Highway 40, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (6) between Lafayette, Ind., and junction Indiana Highways 43 and 67, over Indiana Highway 43, serving no terminal, intermediate, or off-route points, as an alternate route for operating convenience only; (7) between Gary, Ind., and Valparaiso, Ind., from Gary over Indiana Highway 53 to junction U. S. Highway 30, thence over U. S. Highway 30 to Valparaiso, and return over the same route, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (8) between Gary, Ind., and South Bend, Ind., from Gary over U. S. Highway 20 to junction Indiana Highway 2, thence over Indiana Highway 2 to South Bend, and return over the same route, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; (9) between junction U. S. Highway 6 and Indiana Highway 130 and Walkerton, Ind., over U. S. Highway 6, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only; and (10) between junction Indiana Highway 14 and U. S. Highway 421 and Lafayette, Ind., from junction Indiana Highway 14 and U. S. Highway 421 to Reynolds, Ind., thence over Indiana Highway 43 to Lafayette, and return over the same route, serving no intermediate, terminal, or off-route points, as an alternate route for operating convenience only.

NOTE: This application is filed to obtain a Certificate of Public Convenience and Necessity, authorizing continuance of interstate operations conducted under the Second Proviso of section 206 (a) (1) of the Interstate Commerce Act, supported by intrastate certificates on file with this Commission. This case is directly related to MC-F 6512, published in the February 19, 1957 issue of the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5 (2) and 210a (b) of the Interstate Commerce Act and certain other procedural matters with respect thereto. (FEDERAL REGISTER, Volume 21, page 7339, § 1.240, September 26, 1956.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 6533. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of LAMB TRANSPORTATION COMPANY, 22422 South Alameda Street, Long Beach, Calif. Applicants' attorneys: White, Sutherland and White, 1100 Jackson Tower, Portland 5, Oreg., John Mechem, 431 Burgess Drive, Menlo Park, Calif., and Wyman Knapp, 612 Citizens National Bank Building., Los Angeles 13, Calif. Operating rights sought to be controlled and merged: *Road oils* and *liquid asphalts*, in bulk, in tank trucks, as a *common carrier* over irregular routes between points in Arizona, those in California located in and south of Ventura, Los Angeles, and San Bernardino Counties, and points in that portion of Nevada located on and south of U. S. Highway 6. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Oregon, Washington, California, Idaho, Utah, Montana, North Dakota, Minnesota, Michigan, Wisconsin, Arizona, Nevada, Illinois, Wyoming and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6534. Authority sought for control by SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., 332 Kalorama Street, SE., Staunton, Va., of BURLINGTON TRUCKERS, INC., P. O. Drawer 1438, Burlington, N. C. Applicant's attorney: Macleay, Lynch & Macdonald, 504 Commonwealth Building, Washington 6, D. C. Operating rights sought to be controlled: *Cellulose acetate, rayon yarn*, and *rayon products* and *supplies* used in their manufacture, as a *common carrier* over regular routes between Amcelle (near Cumberland), Md., and Celco (near Narrows), Va., serving no intermediate points; *general commodities*, except household goods as defined by the Commission, petroleum products in bulk, articles of extraordinary value, commodities injurious to other lading, and those exceeding the size and capacity of the equipment, over irregular routes between points in Wythe County, Va., and those in that part of Virginia, West Virginia, North Carolina and Tennessee within 150 miles of Wythe County, Va.; *general commodities*, with certain exceptions including household goods and commodities in bulk, between Burlington, N. C., and Altavista, Va., and between Anderson, Charleston, and Greenville, S. C., on the one hand, and, on the other, Columbia, Greer, Seneca, and Spartanburg, S. C., Augusta and Savannah, Ga., Winston-Salem, N. C., and points in North Carolina within 50 miles of Winston-Salem; *general commodities*, except Class A and B explosives, gasoline in bulk, and household goods as defined by the Commission, from Norfolk and Richmond, Va., to Henderson, N. C., and points in North Carolina within 50 miles of Henderson; *cellulose acetate*, in bags and in bulk, *hosiery, glass bottles, automobile parts, canned goods, cotton seed, cotton seed meal, cotton seed hulls, yarn, bobbins, spools, warp, warp pins, warp beams, warp rolls, cones, containers, textile machinery and parts therefor, rayon yarn and cloth, cotton yarn and warps, empty beams, cases, containers* for rayon and cotton yarn and warps, and *rayon mill and cotton mill machinery, supplies and equipment*, from, to or between points and areas, varying with the commodity transported, in South Carolina, Virginia, North Carolina, Michigan, Indiana, Georgia, Tennessee and Maryland. SMITH'S TRANSFER CORPORATION OF STAUNTON, VA., is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, Delaware, New York, West Virginia, New Jersey, North Carolina, South Carolina and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6535. Authority sought for control by EARL STACKS, Rhinebeck, N. Y., of LIQUID TRANSIT, INC., Rhinebeck, N. Y. Applicant's attorneys: Clarence D. Todd, 1825 Jefferson Place, NW., Washington 6, D. C., and Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be controlled: *Liquid sugar*, in bulk, in tank vehicles, as a *contract carrier* over irregular routes from Yonkers, N. Y., to points in Ohio; *corn syrup*, in bulk, in tank vehicles, from Cleveland, Ohio, to points in New York on and west of New York Highway 21, and those in Pennsylvania on and west of U. S. Highway 219; *grape juice*, unfermented, in tank vehicles, from Geneva, Ohio, to Chicago, Ill. EARL STACKS is not a motor carrier but is affiliated with C. & E. TRUCKING CORP., which is authorized to operate as a *contract carrier* in New York, Vermont, Maryland, Pennsylvania, Virginia, Ohio, and Michigan. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6536. Authority sought for control by SAMUEL L. COPEN, Rhinebeck, N. Y., of C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y. Applicant's attorneys: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D. C., and Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be controlled: *Sugar syrup*, in bulk, in tank vehicles, as a *contract carrier* over irregular routes from Yonkers, N. Y., to Burlington, Vt.; *liquid sugar, invert sugar, syrup* and *flavorings*, in bulk, in tank vehicles, from New York, N. Y., to Annapolis and Baltimore, Md., Allentown, Harrisburg, and Pittsburgh, Pa., and Alexandria, Va.; *liquid sugar* and *invert sugar*, in bulk, in tank vehicles, from Yonkers, N. Y., to certain points in Pennsylvania; *grape juice*, in bulk, in tank vehicles, from points in Ashtabula and Lake Counties, Ohio, and Van Buren County, Mich., to New York, N. Y. SAMUEL L. COPEN is not a motor carrier but is affiliated with LIQUID TRANSIT, INC., which is authorized to operate as a *contract carrier* in New York, Ohio, Illinois and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6537. Authority sought for purchase of TRANSCON LINES, 1206 South Maple Avenue, Los Angeles, Calif. of a portion of the operating rights of RISS & COMPANY, INC., 15 West Tenth Street, Kansas City 5, Mo. and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, of control of such rights through the purchase. Applicants' attorneys: Lee Reeder and Wentworth E. Griffin, both of 1012 Baltimore Bldg., Kansas City 5, Mo. and Alvis Layne, Pennsylvania Bldg., Washington, D. C. Operating rights sought to be transferred: *General commodities*, except livestock and Class A and B explosives, as a *common carrier* over regular routes, between Amarillo, Tex. and Oklahoma City, Okla., serving all intermediate points; *general commodities*, except livestock between Amarillo, Tex. and the site of the U. S. Helium Plant at Soncy, Tex., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Kansas, Indiana, Oklahoma, New Mexico, Arizona, Texas, California, Arkansas and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6538. Authority sought for purchase by MITCHELL BROS. TRUCK LINES, 2300 Northwest 30th Avenue, Portland, Oreg. of the operating rights and certain property of ALFRED E. STOEHR, EDNA H. STOEHR, ADMINISTRATRIX, doing business as JOHNSON TRUCK LINES, 1017 North Central, Medford, Oreg., and for acquisition by O. J. MITCHELL and B. D. MITCHELL, both of Portland, of control of such rights and property through the purchase. Applicants' attorneys: White, Sutherland and White, 1100 Jackson Tower, Portland 5, Oreg. Operating rights sought to be transferred: *Heavy machinery* and *building materials* as a *common carrier* over irregular routes, between certain points in Oregon, on the one hand, and, on the other, certain points in California; *heavy machinery* between Grants Pass, Oreg. on the one hand, and, on the other, certain points in Oregon; *machinery* between certain points in Oregon, on the one hand, and, on the other, points in Idaho, and between points in Jackson and Josephine Counties, Oreg.; *such commodities* as are and may be required by the Federal Government, between certain points in Oregon and certain points in California. Vendee is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, California and Montana. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6539. Authority sought for control and merger by HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill., of the operating rights and property of PURITAN TRANSPORTATION COMPANY, INCORPORATED, Connecticut Avenue, South Norwalk, Conn., and for acquisition by DAVID H. RATNER, also of Springfield, of control of such rights and property through the transaction. Applicants' attorneys: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods and commodities in bulk, as a *common carrier* over regular routes, between Hartford, Conn., and New York, N. Y., and between Torrington, Conn., and New York, N. Y., serving all intermediate and certain off-route points; alternate route for operating convenience only between Hartford, Conn., and Thomaston, Conn.; *general commodities*, with certain exceptions including household goods and commodities in bulk, over irregular routes between points in the NEW YORK, N. Y., COMMERCIAL ZONE, as defined by the Commission, and those in New York and New Jersey within 40 miles of City Hall, New York, N. Y.; *chemicals, metals, minerals* and *mineral products*, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., Trenton and Camden, N. J. HAYES FREIGHT LINES, INC., is authorized to operate as a *common carrier* in Missouri, Iowa, Illinois, Indiana, Ohio, Kentucky, Michigan, Tennessee, Pennsylvania, and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC-F 6541. Authority sought for purchase by BILL C. ROBINSON, INC., 711 McCarty Drive, Houston, Texas, of the operating rights of MOSS SMITH, 2301 Hardy Street, Houston, Texas, and for acquisition by BILL C. ROBINSON, ED RICHARDSON, LYNN ROBINSON and W. A. STRANGE, all of Houston, of control of such rights through the purchase. Applicants' attorneys: Charles D. Mathews and Thomas E. James, both of 1020 Brown Building, Austin, Texas. Operating rights sought to be transferred: *Machinery, materials, supplies*, and *equipment*, incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, as a *common carrier* over irregular routes between certain points in Texas. Vendee is authorized to operate as a *common carrier* in Texas and Louisiana. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 6544. Authority sought for control by THE PITTSTON COMPANY, 250 Park Avenue, New York 17, N. Y., of BRINK'S, INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorneys: David Teitelbaum, 2 Wall Street, New York 5, N. Y., and Edward K. Wheeler, Southern Building, Washington, D. C. Operating rights sought to be controlled: *Precious metals, jewelry, precious stones, monies, legal tender, stocks and bonds, negotiable and non-negotiable instruments and securities, postage and revenue stamps, currency, coin*, and *other valuable documents and rare objects*, as a *contract carrier* over irregular routes, from, to and between points and areas, varying with the commodity transported, in Delaware, Illinois, Michigan, Indiana, Iowa, Kentucky, Massachusetts, New Hampshire, Connecticut, Missouri, Kansas, New Jersey, New York, Maryland, Pennsylvania, Ohio, West Virginia, Rhode Island, Virginia, Wisconsin, Georgia, Tennessee, Florida, Alabama, Louisiana, California, Nevada, and the District of Columbia. Applicant is not a carrier, but is affiliated with UNITED STATES TRUCKING CORPORATION, which is authorized to operate as a *common and contract carrier* in New York, New Jersey, Connecticut, Delaware, Maryland, Massachusetts, Pennsylvania, Maine, New Hampshire, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 57-2330; Filed, Mar. 26, 1957; 8:49 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 22, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33437: *Hay—Kansas and Oklahoma to Florida and North Carolina.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on Hay, carloads from specified points in Kansas and Oklahoma to Cocoa-Rockledge and West Palm Beach, Fla., Durham, Raleigh, Wilmington, and Winston Salem, N. C.

Grounds for relief: Short-line distance formula, grouping, and circuity.

Tariff: Supplement 27 to Agent Prueter's tariff I. C. C. A-3953.

FSA No. 33438: *Caustic soda—Brunswick, Ga., to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Brunswick, Ga., to specified points in Alabama, Florida, Louisiana (east of the Mississippi River), Mississippi, and Virginia.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 196 to Agent Spaninger's tariff I. C. C. 1295.

FSA No. 33439: *Caustic Soda—Baton Rouge, La., group to Pensacola, Fla., group.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Baton Rouge and North Baton Rouge, La., to Cantonment, Gonzalez, North Pensacola, and Pensacola, Fla.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 38 to Agent Spaninger's tariff I. C. C. 1526.

FSA No. 33440: *Hides, pelts and skins—Dublin, Ga., to Reading, Pa.* Filed by

O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Dublin, Ga., to Reading, Pa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 15 to Agent Spaninger's tariff I. C. C. 1539.

FSA No. 33441: *Hides, pelts and skins—South Carolina points to Boston, Mass.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, carloads from Moore and Roebuck, S. C., to Boston, Mass., and group.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 15 to Agent Spaninger's tariff I. C. C. 1539.

FSA No. 33442: *Zinc—Southwest to Wardwell, Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zinc, pig, slab or spelter, and zinc anodes, carloads from specified points in Arkansas, Oklahoma, and Texas to Wardwell, Ohio.

Grounds for relief: Maintenance of rates on stated combination basis and circuity.

Tariff: Supplement 140 to Agent Kratzmeir's tariff I. C. C. 4045.

FSA No. 33443: *Cement—Pennsylvania to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cement, carloads from Northampton (Navarro) and York, Pa., to Monroe and Crowley, La.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 5 to Agent Kratzmeir's tariff I. C. C. 4210.

FSA No. 33444: *Roofing and materials—Oklahoma points to Louisiana and Texas Gulf ports.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and roofing material, carloads from Pauls Valley and Wynnewood, Okla., to Lake Charles, La., Beaumont, Corpus Christi, Galveston, Houston, and Texas City, Tex., for export.

Grounds for relief: Market competition at the named ports with central and Illinois points and circuitous routes.

Tariff: Supplement 79 to Agent Kratzmeir's tariff I. C. C. 4029.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 57-2328; Filed, Mar. 26, 1957; 8:48 a. m.]

FEDERAL REGISTER

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MAIN READING ROOM

TITLE 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 44—STANDARDS FOR SUGAR AND SUGAR CANE PRODUCTS

UNITED STATES STANDARDS FOR GRADES OF SUGARCANE SIRUP

EDITORIAL NOTE: Subpart B of Part 44, including §§ 44.21 to 44.26, has been superseded by §§ 52.3101 to 52.3120 of this chapter, published in Federal Register Document 57-2028, page 1707, issue dated Saturday, March 16, 1957.

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO, AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDA

Sections 723.805 to 723.807 are added as set forth below and the headnote for Part 723 is amended to read as set forth above.

Sec.

723.805 Basis and purpose.

723.806 Proclamation of the results of the cigar-binder (types 51 and 52) tobacco marketing quota referendum for the three-year period beginning October 1, 1957.

723.807 Proclamation of the results of the cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketing quota referendum for the three-year period beginning October 1, 1957.

AUTHORITY: §§ 723.805 to 723.807 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended; 7 U. S. C. 1312.

§ 723.805 *Basis and purpose.* Sections 723.805, 723.806 and 723.807 are issued to announce the results of the cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketing quota referenda for the three marketing years beginning October 1, 1957. Under the provisions of the Agricultural Adjustment Act of 1938, as amended, the Secretary proclaimed national marketing quotas for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1957-58, 1958-59 and 1959-60 marketing years, and announced the amount of the national marketing quota for cigar-binder (types 51 and 52) tobacco and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1957-58 marketing year (22 F. R. 367). The Secretary announced (22 F. R. 385) that referenda would be held February 13, 1957, to determine whether cigar-binder (types 51 and 52) tobacco producers and cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco producers were in favor of or opposed to marketing quotas for the three marketing years beginning October 1, 1957.

§ 723.806 *Proclamation of the results of the cigar-binder (types 51 and 52) tobacco marketing quota referendum for the three-year period beginning October 1, 1957.* In a referendum of farmers engaged in the production of the 1956 crop of cigar-binder (types 51 and 52) tobacco held on February 13, 1957, 1,862 farmers voted. Of those voting, 1,825 or 98.0 percent favored quotas for a period of three years beginning October 1, 1957; 37 or 2.0 percent were opposed to quotas. Therefore, the national marketing quota of 23,200,000 pounds proclaimed January 15, 1957 (22 F. R. 367) for cigar-binder (types 51 and 52) tobacco for the 1957-58 marketing year will be in effect for such year and marketing quotas on cigar-binder (types 51 and 52) tobacco will be in effect for the three marketing years beginning October 1, 1957.

§ 723.807 *Proclamation of the results of the cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco marketing quota referendum for the three-year period beginning October 1, 1957.* In a referendum of farmers engaged in the production of the 1956 crop of cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco held February 13, 1957, 3,944 farmers voted. Of those voting, 3,712 or 94.1 percent favored quotas for a period of three years beginning Oc-

(Continued on p. 2037)

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following Supplements are now available:

Titles 4 and 5 ($1.00)
Title 7: Parts 1–209 ($1.75)
Titles 10–13 ($1.00)

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tober 1, 1957; 232 or 5.9 percent were opposed to quotas. Therefore, the national marketing quota of 34,600,000 pounds proclaimed January 15, 1957 (22 F. R. 367) for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1957–58 marketing year will be in effect for such year and marketing quotas on cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco will be in effect for the three marketing years beginning October 1, 1957.

Since the only purpose of this proclamation is to announce the results of these referenda, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of the Administrative Procedure Act (5 U. S. C. 1003) is unnecessary.

Done at Washington, D. C., this 18th day of March 1957. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2407; Filed, Mar. 27, 1957; 8:55 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Docket No. AO-222-A8]

PART 921—MILK IN OZARKS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 921.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Ozarks marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective not later than April 1, 1957, so as to reflect current marketing conditions. Any delay beyond April 1, 1957, in the effective date of this order amending the order, as amended, will impair the orderly marketing of milk in the Ozarks marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. The provisions of said order are well known to handlers.

In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1957, and that it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this order 30 days after its publication in the FEDERAL REGISTER (sec. 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Ozarks marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused, or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Ozarks marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as set forth below:

1. Amend § 921.7 by deleting the words following the semicolon in (b) "which milk is delivered from the farm to a pool plant or diverted from a pool plant to a nonpool plant for the account of a handler" and substituting therefor the following: "which milk is (1) delivered from the farm to a pool plant, or (2) diverted during any of the months of February through August, or to the extent of not more than 10 days' production during any of the months of September through January, by a handler from a pool plant to a nonpool plant for the account of a handler."

2. Revise § 921.8 to read as follows:

§ 921.8 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of an approved plant or a pool plant;

(b) A cooperative association, with respect to the milk of its member producers which is delivered to the pool plant of another handler in a tank truck

owned or operated by or under contract to such cooperative association for the account of such cooperative association (such milk shall be considered as having been received by such cooperative association at the plant to which it is delivered); or

(c) Any cooperative association with respect to the milk from any producer member of such association which is diverted from a pool plant to a nonpool plant by such cooperative association for its account.

3. Amend § 921.11 to read as follows:

§ 921.11 *Pool plant.* "Pool plant" means:

(a) An approved plant from which not less than 15 percent of its receipts of producer milk during the month is disposed of as Class I milk in the marketing area to wholesale or retail outlets (including sales through vendors or plant stores);

(b) A supply plant from which a quantity of milk equal to at least 25 percent of its supply of milk from producers and from other pool plants is shipped to an approved plant during any of the months of April, May, or June, or 20 percent in any other month: *Provided*, That if such plant shall ship 20 percent or more of such supply to an approved plant during each of the months of September, October, November and December, such plant shall be designated as a pool plant during each of the subsequent months through the following August, unless such plant requests nonpool designation by means of written application to the market administrator; or

(c) Any supply plant which ships any milk to an approved plant which is a pool plant in any month during the period from the effective date hereof through August 31, 1957: *Provided*, That such supply plant shall not be a pool plant for the months of April, May, June, or July, unless such plant makes its milk available to other handlers for distribution as Class I milk in the marketing area. Such milk shall be considered to have been made available if the operator of such plant files with the market administrator on or before the first day of each of the preceding months of August through March a statement offering milk for sale and specifying terms and conditions of sale, including the price or handling charge above the Class I price; such offer to be posted in the market administrator's office.

4. Amend § 921.14 to read as follows:

§ 921.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of products designated as Class I milk pursuant to § 921.41 (a), except (1) such products approved by the appropriate health authority for distribution as Class I milk in the marketing area which are received from pool plants, or (2) producer milk; and

(b) Products designated as Class II milk pursuant to § 921.41 (b) (1) from any source (including those from a plant's own production) which are reprocessed or converted to another product in the plant during the month.

5. Amend § 921.15 to read as follows:

§ 921.15 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in the form of a product designated as Class I milk pursuant to § 921.41 (a) does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of a product designated as Class I milk pursuant to § 921.41 (a) from pool plants of other handlers.

6. Amend § 921.41 (b) to read as follows:

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified as Class I in paragraph (a) of this section;

(2) In inventory of products designated as Class I milk in § 921.41 (a) on hand at the end of the month;

(3) In shrinkage allocated to receipts of producer milk but not in excess of 2 percent of receipts of skim milk and butterfat, respectively, directly from producers (except producer milk diverted in producer cans to a nonpool plant pursuant to § 921.7) and pursuant to § 921.8 (b) from cooperative associations, plus 1.5 percent of receipts of skim milk and butterfat, respectively, transferred in bulk tanks from pool plants of other handlers, less 1.5 percent of skim milk and butterfat, respectively, disposed of in bulk tank lots to the pool plants of other handlers; and

(4) In shrinkage allocated to receipts of other source milk.

7. Amend § 921.42 (b) to read as follows:

(b) Prorate the resulting amounts between (1) the receipts of skim milk and butterfat in the net quantity of milk from producers, from cooperative associations pursuant to § 921.8 (b), and in bulk tanks from pool plants of other handlers, and (2) the receipts of skim milk and butterfat in other source milk.

8. Amend § 921.45 to read as follows:

§ 921.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such handler: *Provided*, That if any of the water contained in the milk from which a product is made is removed, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all the water originally associated with such solids.

9. Amend § 921.44 (d) by deleting "50" and substituting therefor "100".

10. Amend § 921.46 (a) by renumbering subparagraphs "(5)", "(6)" and "(7)" as "(6)", "(7)" and "(8)", respectively, and adding a new subparagraph (5) as follows:

(5) Subtract from pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of products designated as Class I milk in § 921.41 (a) on hand at the beginning of the month: *Provided*, That if the pounds of milk in such inventory shall exceed the remaining pounds of skim milk in Class II, the balance shall be subtracted from the pounds of skim milk remaining in Class I.

11. Amend § 921.51 (a) to read as follows:

(a) *Class I milk.* For each of the months of July through March the Class I price shall be the Class I price announced for such month under Part 903 of this chapter, regulating the handling of milk in the St. Louis marketing area, minus 27 cents, and for the months of April, May and June the price for Class I milk shall be the basic formula price for the preceding month plus 63 cents: *Provided*, That 15 cents shall be added to the price for Class I milk at pool plants located in Benton and Washington Counties, Arkansas.

12. Amend § 921.51 (b) (3) to read as follows:

(b) *Class II milk.* • • •

(3) From the sum of the results arrived at under subparagraphs (1) and (2) of this paragraph subtract 81 cents.

13. Amend § 921.70 by deleting paragraph (c) and adding new paragraphs (c) and (d) as follows:

(c) Add an amount computed by multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified as Class II milk (other than as shrinkage) during the preceding month or the hundredweight of milk subtracted from Class I milk pursuant to § 921.46 (a) (5) and the corresponding step of § 921.46 (b), whichever is less; and

(d) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 921.46 (a) (8) and (b) by the applicable class prices.

14. Amend § 921.80 (a) (2) by deleting the words "pursuant to § 921.89" and substituting therefor the words "pursuant to § 921.87".

15. Amend § 921.84 to read as follows:

§ 921.84 *Payments to the producer-settlement fund.* On or before the twelfth day after the end of each month, each handler shall pay to the market administrator the amount by which the value of the milk received by such handler, as determined pursuant to § 921.70, is greater than the amount computed by multiplying the hundredweight of such handler's milk by the uniform price adjusted by the producer butterfat and location differentials: *Provided*, That to this amount shall be added one-half of one percent of any amount due the market administrator pursuant to this section for each month or any portion thereof that such payment is overdue. Such payment shall be considered to be overdue on the 15th day after the end of the month to which the obligation applies.

16. Amend § 921.85 by changing the last period to a colon and adding the following proviso: "*And provided further*, That the market administrator may deduct from payments due handlers pursuant to this section any unpaid balance due the market administrator from such handler pursuant to §§ 921.84, 921.86, 921.87 (a) and 921.88."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of March 1957, to be effective on and after April 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2406; Filed, Mar. 27, 1957; 8:54 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 5]

PART 35—FLIGHT ENGINEER CERTIFICATES

POLICIES AND INTERPRETATIONS

This supplement contains the policies and interpretations of the Civil Aeronautics Administration relative to the requirements for flight engineer certificates and the certification procedures therefor. It completely revises all existing rules, policies, and interpretations of the Administrator previously issued pursuant to Part 35.

The following policies and interpretations are hereby adopted:

1. Section 35.6–1 is revised and §§ 35.6–2 through 35.6–4 are added o read:

§ 35.6–1 *Practical experience as a flight engineer (CAA interpretations which apply to § 35.6 (c)).* The 100 hours of flight experience required by this section must have been gained on aircraft having four or more engines or two-engine aircraft having a flight engineer station—military or civil.

§ 35.6–2 *Graduates of approved flight engineer training courses (CAA interpretations which apply to § 35.6 (d)).* An applicant for a flight engineer certificate who presents a statement of graduation from an approved flight engineer training course need not meet the eligibility requirements of § 35.6 (a), (b), (c), or (e).

§ 35.6–3 *Requirements for approved flight engineer courses (CAA policies which apply to § 35.6 (d)).* A flight engineer course of ground and flight instruction adequate for the training of a flight engineer should meet the following minimum standards:

(a) *Training course outline and application for approval—(1) Application for approval.* The agency or applicant desiring approval of a flight engineer course must submit to the local CAA district office three copies of the course outline, a description of the facilities and equipment to be used, and a list of instructors with their qualifications, together with a letter to the Administrator requesting approval.

(2) *Training course outline.* (i) It is not mandatory that the training course outline have the subject headings arranged exactly as listed in subparagraph (4) of this paragraph. The general subjects are required items. The subheadings are for guidance and may be varied as required provided all pertinent subjects are covered. Each general subject of the outline shall be broken down in detail showing items to be covered.

(ii) A complete and separate course outline is required for each type of aircraft (Lockheed Constellation, Douglas DC–4, Douglas DC–6, Douglas DC–7, Boeing 377, etc.) for which approval of flight engineer training is requested.

(iii) Additional subjects, such as international law, flight hygiene, radio repair, flight radio operation, flight navigation, or others not closely associated with flight engineering, may not be included in hourly requirements of the approved training outline. If an operator desires to add such subjects to a training course outline, they should be separated from the required flight engineer subjects, and the time devoted thereto should not be applied toward meeting the established time minimums.

(3) *Format of training outline.* The ground course outline and the flight course outline should be combined in one loose-leaf binder and should include a table of contents divided into two parts; ground course and flight course. Each part of the table of contents must contain a list of the general subjects, together with hours allotted to each subject and the total classroom and flight hours.

(4) *Ground course outline.* (i) The following general subjects and classroom hours are considered the minimum coverage for the ground training portion of the flight engineer course:

Subject	Classroom hours
Theory of Flight and Aerodynamics	10
Basic Maintenance of Aircraft	20
Aircraft structures.	
Aircraft systems.	
Aircraft powerplants.	
Servicing methods and precautions.	
Aircraft Familiarization	90
Specifications.	
Construction features.	
Flight controls.	
Hydraulic system.	
Electrical system.	
Anti-icing and de-icing systems.	
Heating, ventilating, and supercharging.	
Vacuum system.	
Pitot static system.	
Instrumentation.	
Fuel system.	
Emergency equipment.	
Aircraft maintenance.	
Engine Familiarization	45
Specifications.	
Construction features.	
Lubrication.	
Ignition.	
Carburetion and induction.	
Accessories.	
Propellers.	
Instrumentation.	
Emergency equipment.	
Engine maintenance.	
Normal Operations (Ground and Flight)	50
Use and trouble shooting of all aircraft systems.	
Loading and C. G. computation.	
Use and trouble shooting of all engine systems.	
Cruise control.	
Power and fuel consumption computations.	
Meteorology applicable to engine operation.	
Emergency Operation	30
Use of portable fire extinguishers.	
Fuselage fire and smoke control.	
Engine fire control.	
Heating system fire control.	
Loss of engine power.	
Loss of electrical power.	
Propeller feathering and unfeathering.	
Civil Air Regulations	5
Part 4.	
Part 18.	
Part 35.	
Part 40.	
Part 41.	
Part 43.	
Part 60.	
Total required classroom instruction time	250

(ii) Theory of Flight and Aerodynamics, Basic Maintenance of Aircraft, and Civil Air Regulations need not apply to any specific type of aircraft. The remaining major headings must apply to the same type aircraft in which the student receives the required minimum hours of flight training.

(5) *Flight course outline.* (i) The following subjects and flight training hours are considered the minimum coverage for the flight training portion of the flight engineer course:

Subject	
Normal Flight Duties and Operation:	
Power control.	
Power computation.	
Temperature control.	
Normal engine operation analysis.	
Fuel system management.	
Cabin pressure control.	
Operation of all systems.	
Long range operation.	
Fuel consumption computation.	
Recognition of Malfunctioning and Trouble Shooting:	
Analysis of abnormal engine operation.	
Analysis of trouble in all systems.	
Temporary repairs.	
Emergency Flight Duties and Operation:	
Engine fire control.	
Aircraft fire control.	
Smoke control.	
Loss of power in each system.	
Gear and flap, extension, and retraction.	
Propeller feathering and unfeathering.	
Runaway propellers.	
The minimum flight time shall be 15 hours.	

(ii) The flight training curriculum must provide for the minimum of fifteen hours of flight instruction in a specific type of aircraft having four engines or more. If a student is to receive flight training in more than one type aircraft, the flight time in one cannot be applied to the flight time in another for the

purpose of obtaining the required minimum.

(iii) The flight training may be given on any flights not engaged in the transportation of passengers for hire. The flight training, except emergency procedures, may also be conducted on any flights when the trainee holds a valid commercial pilot certificate, or both an airframe and powerplant mechanic certificate. In either of the above cases, the trainee must be under the constant and direct supervision of an airman holding a valid flight engineer certificate and designated by the air carrier or operator to conduct such training.

(iv) To obtain credit for flight instruction time, the student must occupy the seat provided for the regular flight engineer on the aircraft being flown and must operate the controls in a manner which will provide experience in the subjects listed in the flight course outline. Student observation of another crew member or another student performing such duties or operations is not considered adequate training.

(v) Only one student may be credited with flight time during any one period of flight. If two or more students are carried on the same flight, each student will be credited with only the flight time he has actually spent at the controls under the supervision of a qualified flight engineer.

(vi) A maximum of ten hours of the required flight training may be obtained in acceptable types of synthetic training devices. To be acceptable, the synthetic training device must closely resemble the flight engineer station and flight deck of the airplane in which the flight training will be given. Such resemblance need not include external similarity between the trainer and the airplane; however, the flight engineer station, controls, and instrumentation should be installed in such a manner that the student will not require extensive familiarization upon entering the actual airplane.

(vii) The instruments must be coupled to the various controls in such a manner that all instruments will respond automatically and normally to adjustment of pertinent controls.

(viii) A method will be provided to control pertinent instruments separately in order to present indications of malfunctioning to the student.

(b) *Equipment.* (1) Classroom equipment will include graphic displays for each general system of the aircraft and its powerplants.

(2) Aircraft suitable for the flight training, and synthetic training devices if used, must be available to the approved course operator to insure that the flight training may be completed without undue delay. The approved course operator may contract or obtain written agreements with other persons for the use of suitable aircraft and/or synthetic training devices. A copy of the contract or written agreement with another person will be attached to each of the three copies of the course outline submitted for approval. In all cases, the approved course operator is responsible for the nature and quality of instructions given.

(c) *Instructors.* (1) Sufficient classroom instructors must be available to prevent an excessive ratio of students to instructors.

(2) At least one individual who possesses a valid flight engineer certificate must be available for coordination of ground course instruction.

(3) Individuals who conduct flight training must possess valid flight engineer certificates.

(d) *Revision of training course.* (1) Requests for revisions to course outline, facilities, and equipment will follow procedures for original approval of the course. Revisions should be submitted in such form that an entire page or pages of the approved outline can be removed and replaced by the revisions.

(2) The list of instructors may be revised at any time without request for approval, provided the minimum requirement of paragraph (c) of this section is maintained.

(e) *Credit for previous training and experience.* (1) Credit may be granted by an operator to students for previous training and experience which is provable and comparable to portions of the approved curriculum. When granting such credit, the approved course operator should be fully cognizant of the fact that he is responsible for the proficiency of his graduates in accordance with paragraph (g) of this section.

(2) Where advanced credit is allowed, the operator should evaluate the student's previous training and experience in accordance with the normal practices of accredited technical schools. Before credit is given for any ground school subject or portion thereof, the student must pass an appropriate examination given by the operator. The results of the examination, a summary of the experience or training used as a basis for credit allowance, and the hours credited should be incorporated as a part of the student's records.

(f) *Student records and reports.* Approval of a course will not be continued in effect unless the course operator keeps an accurate record of each student, including a chronological log of all instruction, attendance, subjects covered, credits granted, examinations and examination grades, and unless he prepares and transmits to the Civil Aeronautics Administration not later than January 31 of each year, a report containing the following information:

(1) The names of all students graduated and date of graduation.

(2) The ground course grades of each student.

(3) The flight course grades of each student.

(4) The total ground course hours for each student.

(5) The total flight instruction time for each student.

(6) The total synthetic trainer time for each student.

(7) The names of all students failed or dropped, together with dates, school grades, and reasons for dropping.

(g) *Quality of instruction.* The quality of instruction should be such that at least eighty percent of the students who apply within ninety days after graduation will be able to qualify on the first attempt for certification as flight engineers.

(h) *Statement of graduation.* Each student who successfully completes the approved flight engineer course should be given a statement of graduation. An acceptable statement of graduation is:

CIVIL AERONAUTICS ADMINISTRATION,
Washington 25, D. C.

GENTLEMEN: This is to certify that _____
_____
(Name of graduate)
on _____ successfully
(Date of graduation)
completed a course of training for flight engineers which is approved by the Administrator of Civil Aeronautics.

Signed _____
Title _____
School _____

(i) *Discontinuance of approval.* Upon a finding by the Administrator that a course operator no longer meets the standards of original approval, the Administrator will notify the operator by letter that the course is no longer approved by the Administrator.

(j) *Duration.* The authority to operate an approved flight engineer training course will expire twenty-four months after the last day of the month of issuance.

(k) *Renewal.* Application for renewal of an approved flight engineer training course may be made by letter to the Administrator through the local CAA district office at any time within 60 days prior to the expiration date. Renewal of approval will depend upon the course operator meeting the current conditions for approval and having a satisfactory record as an operator.

§ 35.6–4 *Flight time as pilot-in-command (CAA policies which apply to § 35.6 (e)).* Flight time as copilot actually performing the duties and functions of a pilot-in-command under the surveillance of the pilot-in-command may be used for the purpose of fulfilling the requirement of § 35.6 (e).

2. Section 35.7–1 is revised to read:

§ 35.7–1 *Written examination (CAA policies which apply to § 35.7).*—(a) *Eligibility to take written examination.* The flight engineer written examination will be given to any person who meets the eligibility requirements of §§ 35.2 to 35.6.

(b) *The examination.* (1) The examination is of the multiple choice type and consists of the seven sections listed below covering the subjects listed in § 35.7 (a) to (f).

(i) Civil Air Regulations.

(ii) Theory of Flight and Aerodynamics.

(iii) Aircraft and Engine Performance.

(iv) Computations.

(v) Basic Meteorology.

(vi) Weight and Balance.

(vii) Basic Maintenance.

(2) The entire written examination will be taken at one session. The time limit is 6 hours except that at the discretion of the CAA inspector administering the examination, additional time may be allowed. An applicant will not be permitted to take the examination unless the remaining hours that the office will be open exceed the time limit of 6 hours. To facilitate solution of problems concerning fuel consumption, horsepower and weight and balance, it is recommended that the applicant provide a navigational type computer and/or a slide rule. Pencils and paper will be furnished by the CAA inspector administering the examination.

(3) A minimum grade of 70 percent is required to pass each section. Subsequent to taking the written examination, the applicant will receive from the Airman Records Branch in Washington a Form ACA–578A which will indicate the grades he received on each section of the written examination.

(c) *Substitution of credit.* An applicant need not take the written examination on subject on which he has demonstrated satisfactory knowledge by reason of having passed a CAA examination on the particular subjects. The following substitutions are authorized:

(1) An applicant who holds an airline transport pilot certificate, or a valid Form ACA–578A indicating a passing grade on section 1 of the airline transport pilot written examination, need be examined only on sections 1, 3, 4, and 7.

(2) An applicant who holds a commercial pilot certificate, or a valid Form ACA–578A indicating passing grades on sections 3 and 4 of the commercial pilot written examination or a passing grade on the new unsectionalized commercial pilot written examination, need be examined only on sections 1, 3, 4, 6, and 7.

(3) An applicant who holds both an airframe and powerplant mechanic certificate, or valid Form ACA–578A indicating passing grades on all sections of both examinations, need be examined only on sections 1, 2, 3, 4, 5, and 6.

3. Section 35.8–1 is revised and § 35.8–2 is added to read:

§ 35.8–1 *Aircraft used in flight tests (CAA interpretations which apply to § 35.8).* The term "aircraft having four or more engines and incorporating a flight engineer station" includes military aircraft.

§ 35.8–2 *Practical examination (CAA policies which apply to § 35.8).* (a) The practical examination will not be given on flights engaged in the transportation of passengers for hire.

(b) The applicant must have successfully completed the written examination required by § 35.7 within 24 months prior to taking the practical examination. The 24-month limitation will not apply if the applicant has been continuously employed since taking the written examination in a capacity acceptable as qualifying experience in accordance with this part.

(c) The practical examination will include the applicable items listed on Form ACA–1863A. All the items listed under "emergency operation" may be simulated during flight with the exception of Item 49, Propeller Feathering and Unfeathering, and Item 52, Meto Power Application (missed approach). If it is desired to simulate the emergency procedures (except Items 49 and 52) this may be accomplished in the aircraft by explaining the failure or malfunction to the applicant and having him explain in detail the procedures he would follow. He should also be required to point out each appropriate control and its direction of movement.

4. Section 35.9–1 is revised to read:

§ 35.9–1 *Limited flight engineer certificates (CAA policies which apply to § 35.9 (b)).* Since the written examination for a limited flight engineer certificate is the same as that given for an unlimited flight engineer certificate, the holder of a limited certificate may have the limitation removed without retaking the written examination. However, he will be required to take the practical examination on an aircraft which meets the requirements of § 35.8.

5. The following sections are added to read:

§ 35.10–1 *Application for certificate (CAA policies which apply to § 35.10).* The application for a flight engineer certificate will be made on Form ACA–1863A.[1]

§ 35.10–2 *Statement of graduation from approved flight engineer course (CAA policies which apply to § 35.10).* An applicant who applies as a graduate of a flight engineer course found adequate by the Administrator will present a statement of graduation, signed by an official of the organization conducting the approved course. The statement will be attached to the application and made a part of the airman's record.

§ 35.12–1 *Temporary certificates (CAA policies which apply to § 35.12).* Upon successful completion of the written and practical examinations, the inspector administering the examination will issue a temporary certificate to the applicant. All permanent certificates are issued by the Washington office within 90 days of the date of issuance of the temporary certificate.

§ 35.14–1 *Reexamination of practical test (CAA policies which apply to § 35.14).* When the flight test portion of the practical examination has been failed, the 5 hours of additional instruction must be given in flight or in a synthetic trainer which meets the requirements specified in § 35.6–3 (a) (5).

§ 35.14–2 *Statements of instruction (CAA policies which apply to § 35.14).* An applicant for reexamination will not be required to be reexamined on those sections of the written or practical examination previously accomplished with satisfactory grades. Statements of instruction on subjects previously failed will be accepted only from the following individuals and under the conditions specified.

(a) *Certificated flight engineer.* All subjects of the written examination, and the practical examination.

(b) *Certificated ground instructor.* Section 1 of the written examination if rated on Civil Air Regulations, and sections 3 and 7 if rated on aircraft and aircraft engine.

(c) *Rated military flight engineer.* Sections 2 through 7 of the written examination and the practical examination if the military flight engineer is known to be qualified on the type of aircraft to be used by the applicant.

(d) *Operator of an approved flight engineer course.* All sections of the written examination and practical examination.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective April 30, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2366; Filed, Mar. 27, 1957; 8:46 a. m.]

[1] This form is available upon request at any CAA Air Carrier District Office, General Safety District Office, International District Office, International Field Office, or CAA, Washington 25, D. C., Attention: W–223.

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 191]

PART 608—RESTRICTED AREAS

EAGLE RIVER, ALASKA

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.61, the Eagle River, Alaska, area (R–348), amended on October 31, 1951, in 16 F. R. 11066 is redesignated as follows:

Name and location (chart)	Description by geographical coordinates	Designated altitudes	Time of designation	Controlling agency
Eagle River, Alaska Restricted Area (R–348). WAC–Mt. McKinley (118).	"Beginning at latitude 61°27'00", longitude 149°44'00"; thence to latitude 61°16'48", longitude 149°43'30"; thence to latitude 61°17'36", longitude 149°35'36"; thence to latitude 61°22'10", longitude 149°33'48"; thence to latitude 61°24'40", longitude 149°33'48"; thence to latitude 61°25'24", longitude 149°30'00"; thence to latitude 61°29'30", longitude 149°30'00"; thence to point of beginning."	Surface to 50,000 feet.	Continuous	CG, U. S. Army, Fort Richardson, Alaska.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 10, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2361; Filed, Mar. 27, 1957; 8:46 a. m.]

[Amdt. 192]

PART 608—RESTRICTED AREAS

KING COLE, LOUISIANA

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.26, the King Cole, Louisiana, Temporary Restricted Area, amended on March 5, 1957, in 22 F. R. 1328, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 30°30'00", longitude 93°30'00"; thence North along longitude 93°30'00" to latitude 31°00'00"; thence East along latitude 31°00'00" to longitude 93°00'00"; thence South along longitude 93°00'00" to U. S. Highway 190 near the town of Reeves, Louisiana; thence West along U. S. Highway 190 to the North Control Zone Extension of Lake Charles; thence around this Control Zone Extension back to latitude 30°30'00", thence West along latitude 30°30'00", to point of beginning".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall be effective from April 1, 1957 through April 5, 1957.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2362; Filed, Mar. 27, 1957; 8:46 a. m.]

[Amdt. 193]

PART 608—RESTRICTED AREAS

SLEDGE HAMMER, LOUISIANA

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.26, the Sledge Hammer, Louisiana, Temporary Restricted Area, amended on March 6, 1957, in 22 F. R. 1378 is further amended by changing the "Effective Date" to read: "May 18, 1957, through May 21, 1957."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2363; Filed, Mar. 27, 1957; 8:46 a. m.]

[Amdt. 5]

PART 612—AERONAUTICAL FIXED COMMUNICATIONS

FEES FOR CLASS "B" MESSAGES TRANSMITTED ON NEW YORK-LONDON RADIOTELETYPEWRITER CIRCUIT

This amendment to § 612.3 is promulgated to specifically provide for the acceptance of messages transmitted on the New York-London Radioteletypewriter Circuit and the method for assessing the fees for Class "B" messages sent on this circuit. A proprietary function of the Government is involved. Therefore, compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

1. Section 612.3 is revised by changing the period at the end of the second paragraph to a semicolon and by adding the following: "except that any message received at New York on the London-New York Aeronautical Fixed Telecommunications Network circuit shall be delivered without additional charge at New York, San Francisco, or Miami."

(Sec. 205, 52 Stat. 984, as amended, sec. 10, 62 Stat. 453; 49 U. S. C. 425, 1159. Interprets or applies secs. 301, 302, 52 Stat. 985, sec. 606, 56 Stat. 1067; 49 U. S. C. 451, 452, 5 U. S. C. 606)

This amendment shall become effective April 1, 1957.

[SEAL] S. A. KEMP,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 57-2364; Filed, Mar. 27, 1957; 8:46 a. m.]

PART 618—HIGH DENSITY AIR TRAFFIC ZONES AND AIRPORTS

Pursuant to § 60.18 (f) of the Civil Air Regulations (22 F. R. 814 and 22 F. R. 1114) the Civil Aeronautics Board has delegated to the Administrator the authority to designate high density air traffic zones and airports within such zones, at which certain speed and communication requirements shall be applicable. This part is hereby adopted by the Administrator for the designation of such zones and airports. Initially, this part designates the Washington Control Zone as a high density air traffic zone, and the Washington National Airport as a high density airport. At such time as other high density air traffic zones and airports are designated by the Administrator they will be included in this part.

Prior to the issuance of the previous rules respecting the High Density Air Traffic Zone Rules for Washington, D. C. (20 F. R. 4682), extensive conferences and hearings were conducted by the Administrator to afford interested persons an opportunity to express their views and comments respecting such rules and the designation of Washington Control Zone as a High Density Air Traffic Zone. In the interest of safety in air commerce, further notice and public procedure in accordance with the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the redesignation of the Washington Control Zone as a High Density Air Traffic Zone, and the designation of the Washington National Airport as a High Density Airport is adopted to become effective on April 15, 1957.

Interested persons desiring to present written views or comments with respect to these designations are requested to submit them to the Director, Office of Flight Operations and Airworthiness, Civil Aeronautics Administration, Washington 25, D. C., on or before April 1, 1957. These designations will be reconsidered in accordance with the views and comments received.

A new Part 618 is added to read as follows:

Subpart A—Introduction

Sec.
618.1 Basis and purpose.
618.2 Definitions.

Subpart B—Designated High Density Air Traffic Zones

618.10 General.

Subpart C—Designated High Density Airports

618.100 General.

AUTHORITY: §§ 618.1 to 618.100 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

SUBPART A—INTRODUCTION

§ 618.1 *Basis and purpose.* Pursuant to the authority contained in section 601 (c) of the Civil Aeronautics Act of 1938, as amended (62 Stat. 1216), the Civil Aeronautics Board adopted § 60.18 (f) of this title (22 F. R. 814 and 22 F. R. 1114), delegating to the Administrator the authority to designate high density air traffic zones and airports at which the speed and communications requirements prescribed in § 60.18 (f) of this title shall apply. This part contains the high density air traffic zones and airports designated by the Administrator.

§ 618.2 *Definitions.* (a) Unless otherwise specified in this part, all words and phrases used in this part shall have the same meaning as those defined in the Air Traffic Rules of Part 60 of this title.

SUBPART B—DESIGNATED HIGH DENSITY AIR TRAFFIC ZONES

§ 618.10 *General.* The airspace above the areas described in this subpart, excluding any portion within a prohibited area, are designated as High Density Air Traffic Zones.

Washington, D. C., High Density Air Traffic Zone. All the airspace within the current boundaries of the Washington Control Zone (Part 601 of this chapter) extending upwards from the surface to and including an altitude of 3000 feet above the surface.

SUBPART C—DESIGNATED HIGH DENSITY AIRPORTS

§ 618.100 *General.* The airports listed in this subpart are designated as High Density Airports.

Washington National Airport, Washington, D. C.

[SEAL] JAMES T. PYLE,
Administrator of Civil Aeronautics.

[F. R. Doc. 57-2365; Filed, Mar. 27, 1957; 8:46 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, amendment No. 1; 16 F. R. 5454-5457), notice was given of the intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. There was published on February 21, 1957, in the daily issue of the FEDERAL REGISTER, notice of intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, as follows:

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 130.16 and 130.17 are modified as follows:

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.69 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of one dollar and seventy-nine cents ($1.79) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $3.30 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty cents ($2.20) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.20 per acre, for the season of 1957 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and thirteen cents ($2.13) per acre foot or fraction thereof.

(Secs. 1, 3, 38 Stat. 270, 272, as amended; 25 U. S. C. 385)

PERCY E. MELIS,
Area Director.

[F. R. Doc. 57-2368; Filed, Mar. 27, 1957; 8:46 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 2—GENERAL RULES AND REGULATIONS; NATIONAL RECREATION AREAS

TAMPERING WITH PARKED MOTOR VEHICLE

Part 2 is amended by adding a new § 2.33, reading as follows:

§ 2.33 *Tampering with a parked motor vehicle.* No person shall tamper with, or attempt to enter or start, or move or cause to be moved, a parked motor vehicle not lawfully under his control. This section shall not apply to employees of the National Park Service or other employees of the Federal Government or duly authorized officials, in connection with their official duties.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 22, 1957.

[F. R. Doc. 57-2371; Filed, Mar. 27, 1957; 8:47 a. m.]

PART 3—NATIONAL CAPITAL PARKS REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (i) *Dangerous weapons* of § 3.24 *Nuisances; disorderly conduct,* is amended to read as follows:

(i) *Dangerous weapons.* Carrying or possessing, while in any area covered by this part, a gun, air-gun, sling, dart, projectile thrower, knife with blade exceeding three (3") inches in length, or other dangerous instrument or weapon; except that the prohibition with regard to the possession and carrying of bows, arrows, and firearms shall not apply to the Chesapeake and Ohio Canal lands above Swain's Lock in the State of Maryland, when such bows are unstrung, the arrows in quivers, and such firearms are unloaded or broken or uncased and the party or parties in possession thereof are crossing canal property to gain access to legal shooting areas on private properties by the most direct and shortest route: *Provided,* That nothing in this paragraph shall be construed as to prevent the drill or activities of any organized military or semi-military body under an official permit.

2. Paragraph (d) *Archery* of § 3.15 *Athletics* is amended to read as follows:

(d) *Archery.* No bows and arrows shall be permitted in park areas, with the exception stated in § 3.24 (i), except in places designated by order of the Superintendent.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 22d day of March 1957.

HATFIELD CHILSON,
Acting Secretary of the Interior.

[F. R. Doc. 57-2372; Filed, Mar. 27, 1957; 8:47 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

BENEFITS PAYABLE TO LEGAL CUSTODIAN OR CUSTODIAN-IN-FACT; PAYMENTS TO BONDED OFFICER OF INDIAN RESERVATIONS

In § 13.205 the introductory paragraph immediately preceding paragraph (a) is amended to read as follows:

§ 13.205 *Amount of benefits payable by Veterans Administration to legal custodian or custodian-in-fact; payments to bonded officer of Indian reservations.* When a claimant under legal disability is found entitled to any benefit payable by the Veterans Administration, the accrued amount of which at the time of the execution of VA Form VB 2-555, Certificate of Legal Custody, is $700 or less, or the monthly rate of which is $70 or less, or if the finding is in favor of two or more claimants under legal disability and the accrued amount is $1,000 or less, or the combined monthly rates for two claimants amount to $100 or less, for three claimants $130 or less, plus month-

ly payments of $25 for each additional claimant, and no legal guardian or committee has been appointed, the awards shall be made upon proper finding to the person legally vested with the responsibility or care of such claimant or claimants: *Provided*, That the best interests of the claimant or claimants will be served thereby and the legal custodian is properly qualified. Discretion is vested in the Chief Attorney to exceed these limitations when the circumstances justify use of all of the accrued and monthly benefits payable for the support and/or education of the beneficiary. The limitations in this introductory paragraph are not to be applied in cases in which additional dependency and indemnity compensation in behalf of helpless children, the special allowance, the educational assistance allowance, or the special training allowance, are payable pursuant to §§ 4.449, 4.485, 21.3052, and 21.3229, respectively.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply 43 Stat. 613, as amended; 38 U. S. C. 450)

This regulation is effective March 28, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-2393; Filed, Mar. 27, 1957; 8:52 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

MISCELLANEOUS AMENDMENTS

1. In § 21.2012 paragraphs (a) and (c) are amended, and subparagraph (1) is added to paragraph (a) as follows:

§ 21.2012 *Commencement; time limitations*—(a) *Initiation of program.* The veteran must actually commence the active pursuit of the approved program of education of training not later than his delimiting date, i. e., enroll in and begin the course. A veteran who has timely initiated his program in accordance with the provisions of this paragraph must be in actual pursuit of his program on his delimiting date except where his attendance is interrupted for normal summer vacations, for other reasons established to have been beyond his control, or under conditions deemed by the Veterans Administration to be otherwise excusable. Notwithstanding the foregoing, where the veteran suspends pursuit of his program prior to his delimiting date under authority of paragraph (b) of this section and the period of suspension extends into and beyond such date, it will be held, without requiring any further showing upon the part of the veteran, that his failure to be in actual pursuit of his program on his delimiting date was for an excusable reason if the entire period of suspension occurring partly before and partly after the delimiting date does not exceed 12 consecutive months in length. If such period of suspension does exceed 12 consecutive months in the aggregate, the case will be subject in all respects to the requirements of the last two sentences of paragraph (b) of this section as to that portion of the suspension extending beyond such 12-month period: *Provided, however*, That in any event the veteran will be required to resume active pursuit of his program after his delimiting date not later than the date of expiration of the 12 months' aggregate period of suspension or not later than the date as of which the valid reason for continued suspension beyond the aggregate 12 months' period ceases to obtain, as the case may be.

(1) A program to be pursued exclusively by correspondence or which consists of correspondence study followed by residence study will be held to have been initiated (commenced) when the first correspondence lesson has been transmitted to the veteran by the institution.

• • • • • •

(c) *Programs pursued by correspondence.* Enrollment on or before the statutory delimiting date in a program to be pursued exclusively by correspondence study will constitute the initiation of that program only. However, after the applicable delimiting date, a veteran who is pursuing a program exclusively by correspondence study may thereafter change to another program to be pursued exclusively by correspondence, exclusively by residence study, or a combination of correspondence and residence study pursued sequentially, provided all the conditions of § 21.2032 are met.

2. In § 21.2014 paragraph (c) (3) is amended to read as follows:

§ 21.2014 *Duration of veteran's education or training.* • • •

(c) *Charges against and exhaustion of entitlement.* • • •

(3) *Correspondence courses.* In the case of any veteran who is pursuing a program of education or training exclusively by correspondence, or by correspondence followed by residence study or by residence followed by correspondence, one-fourth of the elapsed time expended in the pursuit of the correspondence study shall be charged against the veteran's period of entitlement for the correspondence study portion of the veteran's program. Elapsed time for computation purposes will commence to run as of the date the first lesson of the course enrolled for was supplied to the veteran by the enrolling institution and will terminate as of the date the last lesson supplied was serviced by that institution (§ 21.2055 (a) (1)).

3. In § 21.2030 former paragraph (e) is redesignated paragraph (f) and a new paragraph (e) is added as follows:

§ 21.2030 *Selection of program.* • • •

(e) A program of education may be pursued partly in residence and partly by correspondence for the attainment of a predetermined and identified objective under the following conditions:

(1) The correspondence and residence portions are pursued sequentially; that is, not concurrently.

(2) It is the practice of the institution to permit a student to pursue a part of his course by correspondence in partial fulfillment of the requirements for the attainment of the specified objective.

(3) The total credit established by correspondence does not exceed the maximum for which the institution will grant credit toward the specified objective.

(f) The pursuit of education or training under Public Law 550, 82d Congress, in any educational institution or training establishment located outside the continental limits of the United States, or its possessions, is permitted only if the veteran's program is pursued in an approved institution of higher learning. In the case training is to be, or is being, pursued at an approved institution of higher learning located in a foreign country, the veteran's application will be denied or his pursuit of the program will be discontinued, as the case may be, upon a finding by the Veterans Administration that his enrollment in or the pursuit of such a program is or would be against his best interests or the best interests of the Government of the United States. For the purposes of this paragraph, only institutions of collegiate or university rank giving educational courses leading to recognized degrees, licentiates, or the equivalent, will be approved as institutions of higher learning.

4. In § 21.2052 paragraph (e) is amended to read as follows:

§ 21.2052 *Rates of education and training allowances.* • • •

(e) *Correspondence course.* The education and training allowance of an eligible veteran for correspondence study pursued exclusively or in sequence with residence study as a program shall be computed on the basis of the established charge which the institution requires nonveterans to pay for the same course or courses. Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the veteran and serviced by the institution, as certified by the veteran and the institution.

(1) No education and training allowance will be paid for correspondence courses pursued by a veteran concurrently with institutional on-farm, training on the job, or institutional training in residence.

(2) The established charge for a correspondence course shall not be considered to be more than the lowest charge which is customarily paid by a nonveteran-student under any payment plan exclusive of a cash discount arrangement for advance payments.

(3) The training institution offering approved correspondence courses will transmit to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D. C., a list of all approved courses, and any additions or changes made subsequently thereto, and a certified statement of the established charges to nonveterans for each course. Such statement will list consecutively the lessons in each course, the books, supplies, tools, and equipment to be supplied with each lesson, other pertinent charges, the established practices in detail of servicing a lesson or lessons, and the standards for determining completed lessons, including a statement of the grading policy and methods of determining progress.

(4) Only such charges for books, supplies, tools, and equipment in the same quantity and quality as are necessary and are required to be purchased by nonveterans may be charged to veterans. Only those items furnished directly by the institution to enrollees as a part of the course may be included as a part of the established charges for the course. Where items of equipment are furnished on a rental basis to nonveterans, only the rental charge shall be considered in reporting the established charges for the course. Where books, supplies, tools, and equipment are furnished at the end of the course or after completion of regular lessons and such were not needed for the successful completion of the course of education and training, the charges therefor will not be included in computing the established charges for the course.

(5) In the event an institution desires to change its charges for courses after submittal of a statement of charges and services as set forth in this paragraph, such proposed charges will be promptly reported to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D. C., together with the effective date applicable to nonveteran-students. Where the Director, Vocational Rehabilitation and Education Service, determines on the basis of the information submitted that it is necessary to revise the education and training allowance for veterans enrolling after the effective date of such changes, the institution and the regional offices will be notified of the change in courses and charges which will affect the computation of the education and training allowance and the effective date thereof. The education and training allowance of an eligible veteran who is already enrolled in such course will continue to be based on established charges and services in effect on the date of his enrollment despite any changes made subsequent thereto.

(6) For the purpose of payment of an education and training allowance, a lesson will be considered as completed by the veteran and serviced by the institution when:

(i) The lesson assignment has been completed by the veteran in accordance with the criteria of the institution and has been submitted to the institution for review, and

(ii) The institution has reviewed and graded the lesson and provided the veteran in writing with its evaluation and comments in accordance with its standards and has recorded the results of such servicing.

(*a*) Only one servicing of a lesson may be charged to the veteran.

(iii) The books, supplies, tools, and equipment, including complete kits of such items, prescribed throughout the sequence of lessons, and approved as necessary and required for the successful pursuit of the lessons completed and serviced, have been furnished by the school and received by the veteran in the order and manner established by the course as approved.

(Sec. 261, 66 Stat. 663; 38 U. S. C. 971)

This regulation is effective March 28, 1957.

[SEAL] H. V. HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 57-2394; Filed, Mar. 27, 1957; 8:52 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1393, Correction]

[71797]

ARIZONA AND NEW MEXICO

PARTIALLY REVOKING DEPARTMENTAL ORDERS OF NOVEMBER 26, 1906, JANUARY 15, 1908, AND JUNE 11, 1908, WHICH RESERVED LANDS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES; CORRECTION

MARCH 25, 1957.

In Federal Register Document 57-1696, appearing as Public Land Order No. 1393 at pages 1431-1432 of the issue for Thursday, March 7, 1957, the date in the last paragraph is amended to read "March 14, 1957", and "February 28, 1957" is added as the date of the order.

E. J. THOMAS,
Acting Director.

[F. R. Doc. 57-2403; Filed, Mar. 27, 1957; 8:54 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 57-263]

[Rules Amdts. 1-8 and 3-62]

PART 1—PRACTICE AND PROCEDURE

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1957;

The Commission has under consideration the Agreement Between the United States of America and the United Mexican States Concerning Radio Broadcasting in the Standard Broadcast Band, signed by the Government of the United States through its duly authorized representatives on January 29, 1957, subject to ratification, and the existing relationship between the United States and Mexico in the field of standard broadcasting.

The Commission concludes that the grant of applications at this time for assignments which could not be permitted to remain in force under the said Agreement would impede the entry into force and subsequent implementation of the Agreement in the United States and Mexico; that the maintenance of the proper relationship in the field of standard broadcasting between the countries requires that action on assignments which could not be permitted to remain in force under the Agreement should be deferred at this time; and that, therefore, to make such assignments would be contrary to the public interest.

In the light of the above-mentioned considerations, the Commission is amending its present policy with respect to applications involving objectionable interference to Mexican stations of which we have been duly notified, as contained in Part 3 of the Commission's rules in a note under § 3.28 (b), to take into account the existence and status of the United States/Mexican Agreement.

At the same time, appropriate amendments are being made to certain procedural provisions of Part 1 of the rules, which were adopted to take into account the policy enunciated in § 3.28 (b), above, and which presently appear as a footnote to the title to Subpart D of Part 1.

Corresponding editorial changes are also being made in Part 1 and Part 3 of the rules.

The adoption of the policy set forth in the note to § 3.28 (b), as amended, is a foreign affairs function within the meaning of section 4 of the Administrative Procedures Act, and, therefore, prior publication of notice of proposed rule making is unnecessary. The effective implementation of this policy requires that certain procedural provisions of Part 1 of the Commission's rules be amended accordingly.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i) and 303 (r) of the Communications Act of 1934, as amended.

It is ordered, That effective March 20, 1957, Parts 1 and 3 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

A. Part 1 is amended as follows:

1. Delete footnote designator 1 after the title to Subpart D and delete footnote 1.

2. Add the following new § 1.300 following the title of Subpart D.

§ 1.300 *Procedure respecting standard broadcast applications involving other North American countries.* (a) The special procedural provisions set forth in paragraphs (b) to (e) of this section with respect to the consideration of applications for standard broadcast station assignments are adopted in order to take into account the policy set out in the note to § 3.28 (b) of this chapter. (That note has reference to consideration by the Commission of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of provisions of (1) the North American Regional Broadcasting Agreement, Washington, 1950, referred to herein as NARBA, (2) the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band,

Mexico, D. F. 1957, referred to herein as the U. S./Mexican Agreement, and (3) the existing relationship in the field of standard broadcasting between the United States and a North American country not signatory to either of these agreements, referred to herein as a non-signatory country.) The procedure set forth in paragraphs (b) to (e) of this section is applicable to all applications before the Commission for standard broadcast station assignments except those already being held in a pending status in connection with Dockets Nos. 6741 and 8333.

(b) Whenever it appears with respect to an application not in hearing status that a grant thereof would be inconsistent with the NARBA or the U. S./Mexican Agreement, or that the operation proposed therein would cause objectionable interference to a station in a non-signatory country, such application shall be placed in the pending file and, except as provided in this section, shall not receive further consideration or action pending modification of the policy set forth in the note to § 3.28 (b) of this chapter. Where it appears that any such application is mutually exclusive with an application or applications, the grant of which would not be inconsistent with these agreements and would not result in objectionable interference to any station in a non-signatory country, such application will be designated for hearing in consolidation with the application or applications with which it is in conflict. In such cases, the question of consistency with the NARBA or the U. S./Mexican Agreement or objectionable interference to stations in a non-signatory country shall be made a matter of issue in the hearing.

(c) (1) Whenever it appears with respect to any application which has been designated for hearing by itself or with other applications in any consolidated proceeding that a grant of the application or each and every one of the applications involved would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country, and where the hearing involved has not been commenced, such application or applications will be removed from the hearing docket and placed in the pending file. Where the hearing involved has commenced such application or applications will be placed in the pending file, but will not be removed from the hearing docket. Such action shall be by order and may be taken by the Commission.

(2) Whenever it appears with respect to one or more, but not all, of the applications in any consolidated proceeding that a grant of such application or applications would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference with stations in a non-signatory country, and where consistency with the agreements or interference to stations in a non-signatory country is not already a matter at issue in the proceeding, the notice of hearing will be amended to include an appropriate issue, and if the record has been closed it will be reopened for the purpose of taking testimony with respect to such issue. Such action will be taken by the Commission upon its own motion, upon motion of any party to the proceeding or the Chief of the Broadcast Bureau.

(3) In any proceeding in which after the hearing has commenced it becomes necessary to place the applications involved in the pending file or to add, with respect to any application or applications, an issue concerning consistency with the NARBA or the U. S./Mexican Agreement or interference to stations in a non-signatory country, the applicants concerned will, notwithstanding the status of proceeding and the provisions of § 1.365 (a), be afforded a reasonable opportunity to amend for the purpose of achieving consistency with these agreements and eliminating interference to a non-signatory country.

(4) In any proceeding in which there is an issue concerning consistency with the NARBA or the U. S./Mexican Agreement or interference to stations in a non-signatory country, the presiding officer will include in his decision a finding on this issue. However, neither the presiding officer nor the Commission will take this factor into account in arriving at a determination whether the grant of any application in the proceeding would serve the public interest. The presiding officer and the Commission will adhere to the policy outlined below in taking final or intermediate action upon the applications involved in such proceedings.

(i) Applications will be granted where such action would not be inconsistent with the NARBA or the U. S./Mexican Agreement, would not result in interference to a station in a non-signatory country and would otherwise be in the public interest.

(ii) Applications will be denied (*a*) which are mutually exclusive with an application granted in accordance with subdivision (i) of this subparagraph and (*b*) where a denial is required for reasons independent of the question whether grant of application would be consistent with the NARBA or the U. S./Mexican Agreement or would result in objectionable interference to a station in a non-signatory country.

(iii) Applications will be placed in the pending file without removal from the hearing docket (*a*) where a grant would be inconsistent with the NARBA or the U. S./Mexican Agreement or would result in interference to a station in a non-signatory country but would otherwise be in the public interest; and (*b*) where a denial would be based upon comparative consideration with an application placed in the pending file in accordance with (*a*) of this subdivision.

(d) Whenever any application is placed in the pending file pursuant to paragraphs (b) or (c) of this section, the applicant concerned will be notified of the Commission's action in the matter. Any interested applicant who believes that an application has been erroneously placed in the pending file, may petition the Commission for a review of its action. Petitions requesting that an application be placed in the pending file will also be entertained. All petitions filed pursuant to this paragraph must be filed in quintuplicate and be accompanied by an affidavit of a qualified radio engineer setting forth the engineering basis for the petition. Upon receipt of a petition filed in accordance with this paragraph, the Commission will review the action to which the petition is directed and provide opportunity for the submission by interested parties of any further data that may be required for full consideration of the matter.

(e) As a matter of general practice, except as provided in the procedure set forth in paragraphs (b) to (d) of this section, applications consistent with the NARBA and the U. S./Mexican Agreement which do not propose operations which would cause interference to stations in a non-signatory country will be considered and acted upon by the Commission in accordance with its established procedure, even though the NARBA or the U. S./Mexican Agreement may not yet have entered into force. In particular cases involving applications consistent with both agreements but in which special considerations of an international nature require that a different procedure be followed, the applicant or applicants involved will be formally advised to that effect.

3. Delete the text of footnote 1 to the title of Subpart G and substitute the following:

[1] See § 1.300.

B. Part 3 is amended as follows:

The note to § 3.28 (b) is amended to read as follows:

NOTE: Pending action with respect to ratification and entry into force of the North American Regional Broadcasting Agreement, Washington, 1950 (referred to herein as NARBA), and the Agreement between the United States of America and the United Mexican States Concerning Radio Broadcasting in Standard Broadcast Band (referred to herein as the U. S./Mexican Agreement) no assignment for a standard broadcast station will be made which would be inconsistent with the terms of these agreements.

On an interim basis while protection by countries not signatory to either of these agreements continues for assignments in the United States, no assignment for a standard broadcast station will be made which would cause objectionable interference to a duly notified station in a North American country which is not signatory to the NARBA or the U. S./Mexican Agreement (i. e., Haiti). For purposes of this paragraph, interference will, in general, be determined in accordance with the engineering standards set forth in the NARBA.

The Haitian stations considered to be duly notified will be those notified and accepted in accordance with past agreements, and those subsequently notified in substantial accordance with the procedures and understandings that have pertained thus far.

Engineering standards now in force domestically differ in some respects from those specified for international purposes. For example, the engineering standards specified for international purposes will be used to determine (1) the extent to which interference might be caused by a proposed station in the United States to a station in another North American country and (2) whether the United States should register an objection to any new or changed assignment notified by another North American country. The domestic standards in effect in the United States will be used to determine the extent to which interference exists or would exist from a foreign station where the value of such interference enters into a calculation (1) of the service to be rendered by a proposed operation in the United States or (2) of the permissible interfering signal from one station in the United States towards another United States station.

In general, an application for standard broadcast station assignment, the grant of which would be consistent with provisions of the NARBA and the U. S./Mexican Agreement and would not cause objectionable interference to a duly notified station in a North American country not signatory to either agreement, will be considered and acted upon by the Commission in accordance with its rules and established procedure for action upon such applications, even though these agreements may not yet have entered into force. However, in particular cases such applications may also present considerations of an international nature which require that a different procedure be followed. In such cases the procedure to be followed will be determined by the Commission in the light of the special considerations involved.

Special provisions of a procedural nature respecting the consideration of applications for standard broadcast station assignments pending action with respect to ratification and entry into force of NARBA and the U. S./Mexican Agreement, and respecting the consideration of applications the grant of which would cause objectionable interference to duly notified station in countries not signatory to either of these agreements are set out in § 1.300 of this chapter.

[F. R. Doc. 57-2396; Filed, Mar. 27, 1957; 8:53 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 115—SOUTHEASTERN ALASKA AREA SALMON FISHERIES, GENERAL REGULATIONS

BAG LIMIT

Basis and purpose. Because the recently established personal use bag limit for king salmon in Southeastern Alaska is unduly restrictive on certain forms of sport fishing, it has been determined that some relaxation can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 115.50 is amended in paragraph (b) to read as follows:

(b) A bag limit of either: (1) Fifty pounds and one fish, or (2) three fish.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

ROSS LEFFLER,
Assistant Secretary of the Interior.

MARCH 25, 1957.

[F. R. Doc. 57-2412; Filed, Mar. 26, 1957; 1:47 p. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[46 CFR Parts 30, 38]

[CGFR 57-16]

NAVIGATION AND VESSEL INSPECTION REGULATIONS

PUBLIC HEARING ON PROPOSED CHANGES REGARDING LIQUEFIED INFLAMMABLE GASES

The Merchant Marine Council will hold a public hearing on Tuesday, May 7, 1957, commencing at 9:30 a. m. in Room 4120, Coast Guard Headquarters, 13th and E Streets, N. W., Washington, D. C., for the purpose of receiving comments, views, and data on certain proposed changes in the navigation and vessel inspection regulations as generally described in Items I to XVI, inclusive, which were published in the FEDERAL REGISTER dated March 7, 1957, 22 F. R. 1433–1439. Requests have been received concerning changes in 46 CFR 30.10–39, 38.05–1, and 38.10–1, dealing with requirements governing the transportation of liquefied inflammable gases. Therefore, an Item XVII has been added to the Agenda which will be considered at the public hearing of the Merchant Marine Council to be held on May 7, 1957.

The proposed changes in 46 CFR 30.10–39, 38.05–1, and 38.10–1 are set forth below under the heading "Item XVII—Liquefied Inflammable Gases." Copies of the proposed changes will be mailed to persons and organizations who have expressed a continued interest in the subject under consideration and have requested that copies be furnished them. Copies of the proposed changes will be also furnished to others so long as they are available and requests should be addressed to the Commandant (CMC), United States Coast Guard, Washington 25, D. C. After the extra copies for distribution are exhausted, copies will be available for reading purposes only in Room 4104, Coast Guard Headquarters, or at the offices of the various Coast Guard District Commanders.

Comments on the proposed regulations set forth below are invited. Each oral or written comment is considered and evaluated. If it is believed the comment, view, or suggestion clarifies or improves the proposed amendment, it is changed accordingly and after adoption by the Commandant the regulation is published in the FEDERAL REGISTER. Each person who desires to submit written comments, views, or data should submit them so that they will be received prior to April 30, 1957, by the Commandant (CMC), United States Coast Guard Headquarters, Washington, D. C.

ITEM XVII—LIQUEFIED INFLAMMABLE GASES

Since the scope of the regulations in 46 CFR Part 38 has been revised so that the same requirements apply to the transportation of liquefied petroleum gas as to any other liquefied inflammable gas, the need for retaining classes of liquefied inflammable gases no longer exists. It is, therefore, proposed to amend 46 CFR 30.10–39 to read as follows:

§ 30.10–39 *Liquefied inflammable gas—TB/ALL.* The term "liquefied inflammable gas" means any inflammable gas having a Reid vapor pressure exceeding 40 pounds which has been compressed and liquefied for the purpose of transportation.

As a result of changing the scope of 46 CFR Part 38 these regulations will now govern the transportation of liquefied inflammable gases as defined in the proposed regulation 46 CFR 30.10–39. Since the liquefied inflammable gases other than liquefied petroleum gas usually have a lower vapor pressure than the liquefied petroleum gases, it is proposed to provide less stringent requirements for the carriage of any liquefied inflammable gas other than a liquefied petroleum gas in tanks designed for a lower pressure than that presently specified. It is proposed to provide the same minimum design pressure and minimum plate thickness for tanks containing liquefied inflammable gases as are presently provided in 46 CFR Part 39 when such vessels carry inflammable or combustible liquids having lethal characteristics. To accomplish these changes it is proposed to amend 46 CFR 38.05–1 (b), (c), and (e) to read as follows:

§ 38.05–1 *Design and construction—TB/ALL.* • • •

(b) Unlagged cargo tanks subject to atmospheric temperatures shall be designed for a pressure not less than the vapor pressure of the gas at 115° F., in pounds per square inch gage, but for not less than 30 pounds per square inch gage.

(c) Where cargo tanks are lagged as required by § 38.05–20, the tanks shall be designed for a pressure of not less than the vapor pressure of the gas at 105° F., in pounds per square inch gage, but for not less than 30 pounds per square inch gage.

• • • • •

(e) The shell and head thickness of cargo tanks shall be not less than 5/16 inch.

The present requirements in 46 CFR 38.10–1 (c) with respect to valves, fittings, and accessories on tanks containing liquefied inflammable gases were initially intended to apply to cargo tanks located below the weather deck of vessels or in hopper type barges. Some vessels have tanks located on deck, in which case the requirements that liquid and vapor connections shall be located near the highest point on the tank above the weather deck have been difficult to meet. In some instances troublesome reach rods have been installed or ladders and walkways had to be provided. It is considered that liquid and vapor connections can be satisfactorily located below the highest point on the tank when the tank is located above the weather deck so that any leakage would immediately vaporize and the vapors cannot drift to a lower level of the vessel where they would create a hazard. It is, therefore, pro-

posed to amend 46 CFR 38.10–1 (c) to read as follows:

§ 38.10–1 *Valves, fittings and accessories—TB/ALL.* • • •

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, and shall be provided with suitable access for convenient operation. Connections to tanks installed below the weather deck shall be made to a trunk or dome extending above the weather deck. Tanks installed on hopper barges shall have all pipe connections attached to the top of the tanks. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this subchapter, are prohibited.

The authority for the regulations regarding the transportation of liquefied inflammable gases is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417a, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

Dated: March 22, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–2390; Filed, Mar. 27, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 239, and the acts of Congress, approved August 1, 1914, 38 Stat. 583; May 18, 1916, 39 Stat. 142; and March 7, 1928, 45 Stat. 210; 25 U. S. C. 387, 1940 ed, notice is hereby given of intention to amend §§ 130.130, 130.131 and 130.132 of Title 25 CFR. This amendment to be effective for the irrigation season of 1957, which begins April 1, 1957, and thereafter until further notice.

Interested persons are hereby given fifteen days from date of publication in the FEDERAL REGISTER to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C.

The proposed amendment is as follows:

§ 130.130 *Basic assessment.* Pursuant to the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928, 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1957 and subsequent years until further notice, is hereby fixed at $1.80 per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated per acre quota of the available supply.

§ 130.131 *Excess water assessment.* Additional water when available, in excess of 1½ acre feet per acre per annum may be delivered upon request at the rate of $1.00 per acre foot, or fraction thereof.

§ 130.132 *Payment.* (a) The assessments fixed in § 130.130 shall be due April 1 of each year and shall be payable on or before that date.

(b) The assessments fixed in § 130.131 for excess water shall be paid at the time of request for delivery thereof or previous to the time of delivery.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

(d) In the event an Indian water user is unable to pay the assessment when due, water may be furnished upon certification by the Superintendent of the reservation that the landowner or his Indian lessee has agreed that the assessment will be paid from the proceeds of the crops or from any other sources of income, or if a written certificate is issued by the Superintendent stating that such Indians are financially unable to pay. In such cases, the unpaid charges shall be entered on the accounts as a first lien against the land without penalty for delinquency.

(e) All payments must be made to the Bureau of Indian Affairs through the Blackfeet Agency, Browning, Montana.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 22, 1957.

[F. R. Doc. 57–2374; Filed, Mar. 27, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

FINDINGS AND DETERMINATIONS WITH RESPECT TO THE CONTINUANCE OF THE AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on January 25, 1957 (22 F. R. 500), that a referendum would be conducted among the growers who, during the period November 1, 1955, through October 31, 1956 (which period was determined to be a representative period for purposes of such referendum), had been engaged, in the State of Arizona and that part of the State of California south of the 37th Parallel, in the production of navel oranges for market to determine whether such growers favor continuance of the said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period February 11 through February 20, 1957, both dates inclusive, it is hereby found and determined that the continuance of the said amended marketing agreement and order is favored by the requisite majority of such growers.

Dated: March 25, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57–2357; Filed, Mar. 27, 1957; 8:45 a. m.]

[7 CFR Parts 925, 1008]

[Docket Nos. AO–226–A4, AO–275–A1]

MILK IN PUGET SOUND, WASHINGTON, AND INLAND EMPIRE MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Federal Office Building, Room 216, First and Marion Streets, Seattle, Washington, on April 5, 1957, beginning at 10:00 a. m., local time.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture, and to the orders, in effect, regulating the handling of milk in the Puget Sound, Washington, and Inland Empire marketing areas (7 CFR Parts 925 and 1008 et seq.). The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

The following amendments to the order regulating the handling of milk in the Puget Sound, Washington, marketing area are proposed by the United Dairymen's Association:

1. Amend §§ 925.51 and 925.52 to substitute the price of 93-score butter at Chicago plus three cents in lieu of the applicable butter quotations for the San Francisco market described therein whenever the latter are not available.

2. Include such provision or provisions as are necessary to provide any other legal and suitable alternative to accomplish the same or similar purposes as proposal No. 1 above.

3. Delete § 925.13 (b) and all references thereto in other provisions of the order.

The following amendments to the order regulating the handling of milk in the Inland Empire marketing area are proposed by the Inland Empire Milk Producers Association and the Spokane Milk Producers Association:

4. Amend §§ 1008.51 and 1008.52 to substitute the price of 93-score butter at Chicago plus three cents in lieu of the applicable butter quotations for the San Francisco market described therein whenever the latter are not available.

5. Add the following as § 1008.54:

§ 1008.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

The following amendment to the order regulating the handling of milk in the Puget Sound, Washington, marketing area is proposed by the Dairy Division:

6. Consider the following language in connection with proposal No. 2 above:

§ 925.55 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Copies of this notice of hearing, and of the Puget Sound, Washington, order, now in effect, may be obtained from the Market Administrator, 200 Bigelow Building, 4th and Pike Streets, Seattle 1, Washington; or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Copies of this notice of hearing, and of the Inland Empire order, now in effect, may be obtained from the Market Administrator, West 933 Third Avenue, Room 212, Spokane 4, Washington; or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: March 25, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–2359; Filed, Mar. 27, 1957; 8:45 a. m.]

[7 CFR Part 987]

[Docket No. AO–252–A4]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Jackson, Mississippi, January 25, 1957 (22 F. R. 417), upon a proposed tentative marketing agreement and order, as amended, regulating the handling of milk in the Central Mississippi marketing area.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 7, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision, containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 12, 1957 (22 F. R. 1589).

Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions of the recommended decision (22 F. R. 1589, Doc. 57–1834) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1957, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, amending the order, regulating the handling of milk in the Central Mississippi marketing area is approved or favored by producers, as defined under the terms of the order, as amended, and as hereby proposed to be further amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Central Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 25th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Central Mississippi Marketing Area

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

posed to amend 46 CFR 38.10–1 (c) to read as follows:

§ 38.10–1 *Valves, fittings and accessories—TB/ALL.* • • •

(c) Each tank shall be provided with the necessary fill and discharge liquid and vapor shut-off valves, safety relief valves, liquid level gaging devices, thermometer well and pressure gage, and shall be provided with suitable access for convenient operation. Connections to tanks installed below the weather deck shall be made to a trunk or dome extending above the weather deck. Tanks installed on hopper barges shall have all pipe connections attached to the top of the tanks. Connections to the tanks shall be protected against mechanical damage and tampering. Other openings in the tanks, except as specifically permitted by this subchapter, are prohibited.

The authority for the regulations regarding the transportation of liquefied inflammable gases is in R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. These regulations interpret or apply R. S. 4417a, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.

Dated: March 22, 1957.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 57–2390; Filed, Mar. 27, 1957; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 130]

OPERATION AND MAINTENANCE CHARGES

BLACKFEET INDIAN IRRIGATION PROJECT, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946, 60 Stat. 239, and the acts of Congress, approved August 1, 1914, 38 Stat. 583; May 18, 1916, 39 Stat. 142; and March 7, 1928, 45 Stat. 210; 25 U. S. C. 387, 1940 ed, notice is hereby given of intention to amend §§ 130.130, 130.131 and 130.132 of Title 25 CFR. This amendment to be effective for the irrigation season of 1957, which begins April 1, 1957, and thereafter until further notice.

Interested persons are hereby given fifteen days from date of publication in the FEDERAL REGISTER to participate in preparing the proposed amendments by submitting their views and data or arguments in writing to the Commissioner of Indian Affairs, Department of the Interior, Washington 25, D. C.

The proposed amendment is as follows:

§ 130.130 *Basic assessment.* Pursuant to the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928, 38 Stat. 583; 39 Stat. 142; 45 Stat. 210; 25 U. S. C. 385, 387, the basic rate of assessment of operation and maintenance charges against the irrigable lands to which water can be delivered under the Blackfeet Indian Irrigation Project, Montana, for the season of 1957 and subsequent years until further notice, is hereby fixed at $1.80 per acre for the assessable area under constructed works, water to be delivered on demand based upon an estimated per acre quota of the available supply.

§ 130.131 *Excess water assessment.* Additional water when available, in excess of 1½ acre feet per acre per annum may be delivered upon request at the rate of $1.00 per acre foot, or fraction thereof.

§ 130.132 *Payment.* (a) The assessments fixed in § 130.130 shall be due April 1 of each year and shall be payable on or before that date.

(b) The assessments fixed in § 130.131 for excess water shall be paid at the time of request for delivery thereof or previous to the time of delivery.

(c) To all charges assessed against lands in non-Indian ownership and Indian lands under lease to non-Indian lessees which are not paid on or before July 1 of each year there shall be added a penalty of one-half of 1 percent per month or fraction thereof from the due date, April 1, so long as the delinquency continues.

(d) In the event an Indian water user is unable to pay the assessment when due, water may be furnished upon certification by the Superintendent of the reservation that the landowner or his Indian lessee has agreed that the assessment will be paid from the proceeds of the crops or from any other sources of income, or if a written certificate is issued by the Superintendent stating that such Indians are financially unable to pay. In such cases, the unpaid charges shall be entered on the accounts as a first lien against the land without penalty for delinquency.

(e) All payments must be made to the Bureau of Indian Affairs through the Blackfeet Agency, Browning, Montana.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 22, 1957.

[F. R. Doc. 57–2374; Filed, Mar. 27, 1957; 8:48 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 914]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

FINDINGS AND DETERMINATIONS WITH RESPECT TO THE CONTINUANCE OF THE AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on January 25, 1957 (22 F. R. 500), that a referendum would be conducted among the growers who, during the period November 1, 1955, through October 31, 1956 (which period was determined to be a representative period for purposes of such referendum), had been engaged, in the State of Arizona and that part of the State of California south of the 37th Parallel, in the production of navel oranges for market to determine whether such growers favor continuance of the said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period February 11 through February 20, 1957, both dates inclusive, it is hereby found and determined that the continuance of the said amended marketing agreement and order is favored by the requisite majority of such growers.

Dated: March 25, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57–2357; Filed, Mar. 27, 1957; 8:45 a. m.]

[7 CFR Parts 925, 1008]

[Docket Nos. AO–226–A4, AO–275–A1]

MILK IN PUGET SOUND, WASHINGTON, AND INLAND EMPIRE MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Federal Office Building, Room 216, First and Marion Streets, Seattle, Washington, on April 5, 1957, beginning at 10:00 a. m., local time.

Subject and issues involved in the hearing. The public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreements heretofore approved by the Secretary of Agriculture, and to the orders, in effect, regulating the handling of milk in the Puget Sound, Washington, and Inland Empire marketing areas (7 CFR Parts 925 and 1008 et seq.). The proposed amendments set forth below have not received the approval of the Secretary of Agriculture.

The following amendments to the order regulating the handling of milk in the Puget Sound, Washington, marketing area are proposed by the United Dairymen's Association:

1. Amend §§ 925.51 and 925.52 to substitute the price of 93-score butter at Chicago plus three cents in lieu of the applicable butter quotations for the San Francisco market described therein whenever the latter are not available.

2. Include such provision or provisions as are necessary to provide any other legal and suitable alternative to accomplish the same or similar purposes as proposal No. 1 above.

3. Delete § 925.13 (b) and all references thereto in other provisions of the order.

The following amendments to the order regulating the handling of milk in the Inland Empire marketing area are proposed by the Inland Empire Milk Producers Association and the Spokane Milk Producers Association:

4. Amend §§ 1008.51 and 1008.52 to substitute the price of 93-score butter at Chicago plus three cents in lieu of the applicable butter quotations for the San Francisco market described therein whenever the latter are not available.

5. Add the following as § 1008.54:

§ 1008.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

The following amendment to the order regulating the handling of milk in the Puget Sound, Washington, marketing area is proposed by the Dairy Division:

6. Consider the following language in connection with proposal No. 2 above:

§ 925.55 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

Copies of this notice of hearing, and of the Puget Sound, Washington, order, now in effect, may be obtained from the Market Administrator, 200 Bigelow Building, 4th and Pike Streets, Seattle 1, Washington; or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Copies of this notice of hearing, and of the Inland Empire order, now in effect, may be obtained from the Market Administrator, West 933 Third Avenue, Room 212, Spokane 4, Washington; or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: March 25, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57–2359; Filed, Mar. 27, 1957; 8:45 a. m.]

[7 CFR Part 987]

[Docket No. AO–252–A4]

MILK IN CENTRAL MISSISSIPPI MARKETING AREA

DECISION WITH RESPECT TO A PROPOSED TENTATIVE MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Jackson, Mississippi, January 25, 1957 (22 F. R. 417), upon a proposed tentative marketing agreement and order, as amended, regulating the handling of milk in the Central Mississippi marketing area.

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 7, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision, containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 12, 1957 (22 F. R. 1589).

Within the period reserved therefor, interested persons filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions of the recommended decision (22 F. R. 1589, Doc. 57–1834) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1957, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the attached order, amending the order, regulating the handling of milk in the Central Mississippi marketing area is approved or favored by producers, as defined under the terms of the order, as amended, and as hereby proposed to be further amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Central Mississippi Marketing Area", and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Central Mississippi Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended, and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 25th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Central Mississippi Marketing Area

§ 987.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 987.16 and substitute the following:

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

[F. R. Doc. 57-2358; Filed, Mar. 27, 1957; 8:45 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 11957; FCC 57-265]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606, Table of Assignments, Television Broadcast Stations (Providence, Rhode Island-New Haven, Connecticut-New Bedford, Massachusetts).

1. Notice is hereby given of rule making in the above-entitled matter.

2. The Commission issued its report and order last June in the general television allocation proceeding in Docket No. 11532 (13 Pike and Fischer, R. R. 1571-1595), outlining a long-range program designed to improve the television allocation structure. At the same time we considered what action might be taken to improve the opportunities for more effective competition among a greater number of stations in individual communities and areas pending a resolution of the long-range program, and we specified therein the bases on which we would consider channel changes in the interim. In furtherance of this interim program, the Commission initiated a number of rule making proceedings proposing channel changes for various communities. Since March 1, 1957, we have released decisions in some nine of these cases.[1] In one of these cases—the Hartford, Connecticut-Providence, Rhode Island proceeding in Docket No. 11748—we originally proposed to substitute Channel 61 for Channel 3 in Hartford, Connecticut, and to reassign Channel 3 to Providence, Rhode Island, by making certain other changes in assignments. However, upon consideration of all the comments and counterproposals submitted and the numerous factors involved, we determined in our Report and Order (FCC 57-181) released March 1, 1957, that the public interest would best be served by the retention of Channel 3 in Hartford. We believe, however, that, in accordance with the policies adopted by the Commission in the general allocation proceeding and currently being pursued with respect to proposed channel changes, the merits of assigning a third VHF channel to the Providence area by means other than those considered in the Hartford-Providence proceeding should be explored.

3. This objective could be accomplished by shifting Channel 8 from New Haven, Connecticut, to the Providence area and substituting Channel 6 for Channel 8 at New Haven by deleting Channel 6 from New Bedford, Massachusetts. The deletion of Channel 6 from Albany-Schenectady-Troy, New York, would also be required, but we need not consider that change here since the shift of Channel 6 from Albany-Schenectady-Troy to Syracuse, New York, is the subject of the proceeding in Docket No. 11751 (See report and order, FCC 57-178, released March 1, 1957). However, Channel 8 could also be assigned to New Bedford or to Fall River, Massachusetts, as well as to Providence. We are therefore inviting comments on the proposed reassignment of Channel 8 to the hyphenated communities of Providence-Fall River-New Bedford by substituting Channel 6 for Channel 8 in New Haven and deleting Channel 6 from New Bedford. However, in utilizing Channel 8 and Channel 6, as proposed, the transmitters would have to be located so as to meet the minimum spacing and coverage requirements. The changes proposed are as follows:

City	Channel No.	
	Present	Proposed
Providence, R. I., Fall River, Mass., New Bedford, Mass.		8+
New Bedford, Mass.	6+, 28-, 34+	28-, 34+
New Haven, Conn.	8+, 59+	6+, 59+

[1] Vail Mills, Albany-Schenectady-Troy (N. Y.), Docket No. 11751; Elmira (N. Y.), Docket No. 11758; Springfield (Ill.)-St. Louis (Mo.), Docket No. 11747; Peoria (Ill.)-Davenport (Iowa)-Rock Island-Moline (Ill.), Docket No. 11749; Hartford (Conn.)-Providence (R. I.), Docket No. 11748; Madison (Wisc.), Docket No. 11754; Evansville (Ind.), Docket No. 11757; Fresno-Santa Barbara (Calif.), Docket No. 11759; and New Orleans (La.)-Lake Charles-Lafayette (La.)-Houma (La.)-Beaumont-Port Arthur (Texas), Docket No. 11752.

4. Any interested party who is of the view that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 29, 1957, a written statement setting for his comments. Comments supporting the proposed amendments may also be filed on or before the same date. Comments in reply to original comments may be filed within 15 days from the last date for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

5. Parties submitting comments in this proceeding are requested to direct their attention to the matters discussed in paragraph 31 of the Commission's report and order in Docket No. 11532. Data indicating television coverage should be filed in accordance with the Commission's notice and order, released November 6, 1956, in Docket Nos. 11532 and 11747, et seq. (FCC 56-1080).

6. Authority for the adoption of the amendments proposed herein is contained in sections 1, 4 (i), 301, 303 (c), (d), (f), (g) and (r), 307 (b) and 316 of the Communications Act of 1934, as amended, and section 4 of the Administrative Procedure Act.

7. In accordance with the provisions of § 1.764 of the rules, an original and 14 copies of all written comments shall be furnished the Commission.

Adopted: March 20, 1957.

Released: March 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2397; Filed, Mar. 27, 1957; 8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 54326]

COAL, COKE, AND BRIQUETTES IMPORTED FROM CANADA AND WEST GERMANY

TAXABLE STATUS

MARCH 21, 1957.

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1957, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in section 4531, Internal Revenue Code of 1954:

Canada.
West Germany.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1955, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the calendar year 1957 from countries not listed above will be furnished upon application therefor to the Bureau.

[SEAL] RALPH KELLY,
Commissioner of Customs.

[F. R. Doc. 57-2391; Filed, Mar. 27, 1957; 8:52 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Billings Area Office Redelegation Order 1, Amdt. 2]

PROSPECTING PERMITS

REDELEGATION OF AUTHORITY

Order 1 (20 F. R. 277) as amended (21 F. R. 1906) is further amended to add a new paragraph under the heading Functions Relating to Lands and Minerals, to read as follows:

SEC. 2.16 *Mineral leases and permits.* • • •

(c) The approval of tribal and allotted non-exclusive prospecting permits, issued on approved forms, including those with a preferential right to lease not more than 40 acres, provided the royalty rates have been approved by the Commissioner of Indian Affairs.

PERCY E. MELIS,
Area Director.

MARCH 22, 1957.

Approved: March 22, 1957.

GLENN L. EMMONS,
Commissioner.

[F. R. Doc. 57-2367; Filed, Mar. 27, 1957; 8:46 a. m.]

Bureau of Land Management

[57382]

MINNESOTA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 22, 1957.

Plats of survey of omitted lands described will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10:00 a. m., on April 30, 1957.

FOURTH PRINCIPAL MERIDIAN, MINNESOTA

T. 56 N., R. 7 W., Lake County,
Sec. 32, lot 6, 1.56 acres;
Sec. 32, lot 7, 0.20 acre;
Sec. 32, lot 8, 0.26 acre;
Sec. 33, lot 1, 0.91 acre.
T. 33 N., R. 19 W., Chisago County,
Sec. 2, lot 10, 0.40 acre.

FIFTH PRINCIPAL MERIDIAN, MINNESOTA

T. 120 N., R. 22 W., Hennepin County,
Sec. 18, lot 6, 1.20 acres.

The lots in T. 56 N., R. 7 W., consist of islands in Lake Superior; the lot in T. 33 N., R. 19 W., is an island in the St. Croix River; and the lot in T. 120 N., R. 22 W., is an island in Diamond Lake.

All of the lots in Secs. 32 and 33, T. 56 N., R. 7 W., were disposed of by the United States by a patent issued on December 5, 1952, on the basis of an adjustment to the survey, and therefore are not subject to entry.

Available information indicates that Lot 10, Sec. 2, T. 33 N., R. 19 W., is situated from 12 to 30 feet above the normal water level of the St. Croix River, has a shallow rock soil, and supports a scattered stand of pine and hardwood timber. Lot 8, Sec. 18, T. 120 N., R. 22 W., is swampy in character, being located from 12 to 18 inches above the normal water level of Diamond Lake. It has a sandy rocky soil, with a vegetation cover of swamp type grasses and trees.

These surveys were made as an administrative measure to provide legal designation and area for islands omitted in the original surveys.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on April 30, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 30, 1957, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on July 30, 1957, will be considered filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-2369; Filed, Mar. 27, 1957; 8:47 a. m.]

[73156]

MINNESOTA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

Plats of survey of omitted lands described below, accepted July 5, 1956, will be officially filed in the Eastern States Land Office, Washington 25, D. C., effective at 10 a. m., on April 30, 1957.

4TH PRINCIPAL MERIDIAN, MINNESOTA

T. 58 N., R. 24 W., Itasca County,
Sec. 5, lot 11, 0.54 acre, Balsam Lake.
T. 56 N., R. 26 W.,
Sec. 4, lot 8, 0.43 acre, Deer Lake;
Sec. 4, lot 9, 0.96 acre, Deer Lake;
Sec. 5, lot 7, 0.19 acre, Deer Lake;
Sec. 27, lot 7, 9.55 acres, Bass Lake.
T. 57 N., R. 26 W.,
Sec. 34, lot 5, 1.42 acres, Deer Lake;
Sec. 34, lot 6, 1.23 acres, Deer Lake.

5TH PRINCIPAL MERIDIAN, MINNESOTA

T. 110 N., R. 26 W., Le Sueur County,
Sec. 26, lot 9, 1.98 acres, Emily Lake.

The lots described comprise islands in lakes, the names of which are shown opposite the land description.

Available information indicates that the islands consist chiefly of high, sandy and rocky lands, situated from 4 to 15 feet above the water level of the lakes. They support for the most part, a growth of hardwood and conifer timber and brush. The island in Bass Lake is swampy in character.

These surveys were made as an administrative measure to provide legal designation and area for islands omitted in the original surveys.

No application may be allowed under the homestead or small tract or any other nonmineral public land laws unless lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merit. The lands will not be subject to occupancy or disposition until they have been classified.

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications, under the Homestead and Small Tract Laws, by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on April 30, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on July 30, 1957, will be governed by the time of filing.

3. All valid applications and selections under the nonmineral public land laws,

other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on July 30, 1957, will be considered as filed simultaneously at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

All inquiries relating to the lands should be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-2370; Filed, Mar. 27, 1957; 8:47 a. m.]

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

MARCH 25, 1957.

The Department of Agriculture has filed application, BLM 043416, for the withdrawal of the land described below from all forms of appropriation subject to valid existing rights.

The land is included in Phosphate Reserve No. 16, created by Executive Order of February 3, 1913.

The land is within the boundaries of the Apalachicola National Forest and the applicant wishes its addition to the forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, a separate notice will be sent to each interested party of record.

The land involved in the application is in Leon County, Florida,

T. 1 S., R. 2 W., Tall. Mer.,
Sec. 14, Fractional NE¼NE¼, containing 1.07 acres.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-2404; Filed, Mar. 27, 1957; 8:54 a. m.]

[69494]

IDAHO

PARTIALLY REVOKING DEPARTMENTAL ORDER OF JUNE 18, 1908, WHICH WITHDREW LAND FOR USE OF THE FOREST SERVICE AS THE GRAYS LAKE ADMINISTRATIVE SITE; CORRECTION

MARCH 25, 1957.

The order of October 20, 1955, appearing as Federal Register Document 55-8617, at page 8053 of the issue for October 26, 1955, which revoked the departmental order of June 18, 1908, so far as the latter order withdrew the NW¼ SW¼, sec. 26, T. 4 S., R. 43 E., Boise Meridian, for use of the Forest Service, Department of Agriculture, as the Grays Lake Administrative Site, is hereby corrected by deleting the restoration paragraph, being all that part of the order following the words "The area described contains 40 acres".

The lands are included in the withdrawal made by departmental order of January 24, 1912, for reservoir purposes in connection with the Grays Lake Reservoir.

E. J. THOMAS,
Acting Director.

[F. R. Doc. 57-2405; Filed, Mar. 27, 1957; 8:54 a. m.]

Office of the Secretary

BADLANDS NATIONAL MONUMENT, S. DAK.

ORDER ADJUSTING BOUNDARIES, AND TRANSFERRING CERTAIN LANDS ELIMINATED THEREFROM, AND OTHER LANDS, TO DEPARTMENT OF AGRICULTURE

Pursuant to authority contained in the act of May 7, 1952 (66 Stat. 65): *It is ordered*, That:

1. Subject to valid existing rights, the exterior boundaries of Badlands National Monument in the Counties of Pennington, Jackson, and Washington, State of South Dakota, are hereby adjusted to encompass the following described lands:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 1 S., R. 14 E.,
Sec. 34, S½ and S½N½;
Sec. 35, S½ and S½N½;
Sec. 36, S½ and S½N½.
T. 1 S., R. 15 E.,
Sec. 31, All;
Sec. 32, All;
Sec. 33, S½;
Sec. 34, S½S½;
Sec. 35, SW¼SW¼.
T. 2 S., R. 14 E.,
Secs. 1 to 3, inclusive: All;
Secs. 10 to 15, inclusive: All;
Sec. 16, E½
Sec. 21, E½;
Secs. 22 to 27, inclusive: All;
Sec. 28, E½;
Secs. 35 and 36, All.
T. 2 S., R. 15 E.,
Sec. 1, SW¼;
Secs. 2 to 36, inclusive: All.
T. 2 S., R. 16 E.,
Sec. 7, Lots 3 and 4, E½SW¼, and SE¼;
Sec. 8, S½;
Secs. 16 to 22, inclusive: All;
Sec. 23, S½;
Secs. 26 to 30, inclusive: All;
Sec. 31, Lots 1 and 2, E½NW¼, and NE¼;
Sec. 32, N½ and SE¼;
Secs. 33 to 35, inclusive: All.
T. 3 S., R. 13 E.,
Sec. 24, E½E½, SW¼SE¼, and SE¼SW¼;
Sec. 25, E½ and E½W½;
Sec. 34, S½;
Secs. 35 and 36, All.
T. 3 S., R. 14 E.,
Secs. 1 and 2: All;
Secs. 11 to 16, inclusive: All;
Sec. 17, S½, S½NW¼ and NE¼;
Sec. 18, S½, S½NE¼;
Secs. 19 and 20: All;
Sec. 21, N½;
Sec. 22, N½ and E½SE¼;
Secs. 23 to 26, inclusive: All;
Sec. 27, E½E½;
Secs. 29 and 30: All;
Sec. 31, N½.
T. 3 S., R. 15 E.,
Secs. 3 to 10, inclusive: All;
Sec. 11, S½SW¼ and NW¼SW¼;
Sec. 14, N½NW¼ and SW¼NW¼;
Secs. 15 to 20, inclusive: All.
T. 3 S., R. 16 E.,
Secs. 1 and 2: All;
Sec. 3, Lots 1, 2, 3 and 4, S½N½ and SE¼;
Sec. 11, N½ and SE¼;
Secs. 12 and 13: All.
T. 3 S., R. 17 E.,
Sec. 6, Lots 6 and 7 and E½SW¼;
Secs. 7 to 24, inclusive: All;
Sec. 27, NW¼;
Sec. 28, N½.
T. 3 S., R. 18 E.,
Secs. 13 to 30, inclusive: All;
Sec. 32, N½;
Sec. 33, N½;
Sec. 34, N½ and E½SE¼;
Sec. 35, All;
Sec. 36, N½.
T. 3 S., R. 19 E.,
Sec. 18, W½;
Sec. 19, W½;
Sec. 30, W½.
T. 4 S., R. 13 E.,
Sec. 2, W½;
Secs. 3, 4 and 5, inclusive: All;
Sec. 6, E½;
Sec. 7, E½;
Secs. 8, 9 and 10, inclusive: All;
Sec. 11, W½;
Secs. 15, 16 and 17, inclusive: All;
Sec. 18, E½;
Sec. 19, fractional, Lots 1 and 2;
Sec. 20, fractional, Lots 1, 2, 3 and 4;
Sec. 21, fractional, Lots 1, 2, 3 and 4;
Sec. 22, fractional, Lots 1, 2, 3 and 4.
T. 4 S., R. 18 E.,
Sec. 2, NW¼NW¼;
Sec. 15, Lot 1.

SIXTH PRINCIPAL MERIDIAN, SOUTH DAKOTA

T. 43 N., R. 44 W.,
Sec. 21, fractional: All.
T. 43 N., R. 44 W.,
Sec. 21, fractional: All.

Containing 111,529.82 acres, more or less.

2. Subject to valid existing rights, administrative jurisdiction over the hereinafter described lands, eliminated from the Monument boundaries, in the Counties of Pennington and Jackson, State of South Dakota, is hereby transferred from the Department of the Interior to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 522, 525; 7 U. S. C., 1952 ed., secs. 1010–1013), and the related provisions of Title IV thereof:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 2 S., R. 14 E.,
Sec. 33, E½;
Sec. 34, All.
T. 2 S., R. 16 E.,
Sec. 31, S½;
Sec. 32, SW¼.
T. 3 S., R. 13 E.,
Sec. 13, All;
Sec. 23, S½;
Sec. 24, NW¼, N½SW¼, SW¼SW¼, W½NE¼ and NW¼SE¼;
Sec. 25, W½W½;
Sec. 26, All;
Secs. 31 to 33, inclusive, All;
Sec. 34, N½.
T. 3 S., R. 14 E.,
Sec. 3, All;
Sec. 4, E½;
Sec. 9, E½;
Sec. 10, All;
Sec. 17, N½NW¼;
Sec. 18, NW¼ and N½NE¼;
Sec. 22, W½SE¼;
Sec. 27, W½E½.
T. 3 S., R. 16 E.,
Sec. 24, All.
T. 3 S., R. 19 E.,
Sec. 18, E½;
Sec. 19, E½;
Sec. 30, E½;
Sec. 31, N½.
T. 4 S., R. 13 E.,
Sec. 6, W½;
Sec. 7, W½;
Sec. 18, W½;
Sec. 19, fractional, Lots 3 and 4.

Containing 11,234.09 acres, more or less.

3. Subject to valid existing rights, administrative jurisdiction over the hereinafter described lands, inadvertently omitted from previous orders transferring lands to the Department of Agriculture pursuant to this act, is transferred from the Department of the Interior to the Department of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, supra.

BLACK HILLS MERIDIAN, SOUTH DAKOTA

T. 3 S., R. 13 E.,
Sec. 28, NE¼SW¼.
T. 3 S., R. 15 E.,
Sec. 14, E½NE¼.

Containing 120 acres, more or less.

HATFIELD CHILSON,
Acting Secretary of the Interior.

MARCH 22, 1957.

[F. R. Doc. 57-2373; Filed, Mar. 27, 1957; 8:47 a. m.]

DEPARTMENT OF COMMERCE

Bureau of Foreign Commerce

[Case 225]

WILLIAM KURT SAMUEL WALLERSTEINER ET AL.

ORDER DENYING EXPORT PRIVILEGES

In the matter of William Kurt Samuel Wallersteiner, Watford Chemical Company, Ltd., 22/32 Copperfield Road, Canal Road, London, E. 3, England; Anglo-Continental Exchange Ltd., 31 Throgmorton Street, London, E. C. 2, England; Britannia Shipping Company Ltd., Ibex House, Minories, London, E. C. 3, England; The Loyal Trust, Vaduz, Liechtenstein; Standard Chemie, A. G., St. Albangraben 8, Basel, Switzerland; Respondents, Case No. 225.

The respondents, William Kurt Samuel Wallersteiner, Watford Chemical Company, Ltd., The Loyal Trust, Standard Chemie, A. G., Britannia Shipping Company Ltd., and Anglo-Continental Exchange Ltd., having been charged by the Agent-in-Charge, Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, with violations of the Export Control Act of 1949, as amended, and regulations promulgated thereunder; and

The said respondents all having been duly served with the charging letter and having appeared herein; and

All respondents except Anglo-Continental Exchange Ltd. having submitted proposals for consent dispositions of the charges, to which proposals the Agent-in-Charge, Investigation Staff, has agreed, this case was referred to the Compliance Commissioner, who held a hearing at which all respondents were represented by counsel.

The Compliance Commissioner, having heard and considered all the evidence submitted in support of the charges and all the evidence and arguments submitted by Anglo-Continental Exchange Ltd. in opposition thereto and having considered also the consent order proposals submitted on behalf of the respondents other than Anglo-Continental Exchange Ltd., has transmitted to the undersigned Acting Director, Office of Export Supply, Bureau of Foreign Commerce, Department of Commerce, his written report, including findings of fact and findings that violations have occurred, and his recommendation that (a) the consent proposals be accepted and (b) that respondents be denied export privileges as hereinafter provided, together with which report there have been transmitted also the transcript of testimony at the hearing, all exhibits submitted, the charging letter, answers, consent proposals, and correspondence.

In connection with the consent proposals, as well as the remedial action recommended against Anglo-Continental Exchange Ltd., the fact that all the respondents have been denied by temporary order all export privileges since May 6, 1955, has been taken into account.

After reviewing and considering the entire record of this case and the Compliance Commissioner's Report and Recommendation, I hereby make the following findings of fact:

1. On or about the 19th day of March 1954, Standard Chemie A. G. entered into an agreement with China-Export Corporation, a purchasing agent for the Communist Chinese, pursuant to which agreement, among other things, Standard Chemie agreed to sell and China-Export agreed to buy 31,000 packages of aureomycin for $241,800.

2. At the time of the making of that contract, Standard Chemie was owned and controlled by respondent William Kurt Samuel Wallersteiner and said William Kurt Samuel Wallersteiner also, at that time, owned and controlled respondents Anglo-Continental Exchange Ltd., Britannia Shipping Company Ltd., The Loyal Trust, and Watford Chemical Company Ltd.

3. Wallersteiner, for the purpose of having exported from the United States the aureomycin required for said contract, entered into an arrangement with a firm in Yugoslavia whereby that firm would appear to be the ostensible purchaser and ultimate consignee of the aureomycin but would in fact never have anything else but constructive delivery thereof, the actual control always to be retained by a Wallersteiner company or agent to effectuate ultimate delivery to the China-Export Corporation at Gdynia, Poland.

4. Wallersteiner then caused The Loyal Trust to open a letter of credit through the facilities of the Anglo-Continental Exchange Ltd. with a bank in New York whereby payment would be effected to a New York supplier, who was informed by Anglo-Continental and Watford that the firm in Yugoslavia was the purchaser and ultimate consignee of the 31,000 packages of aureomycin which the firm in New York was supplying. The New York supplier sold the aureomycin to the Wallersteiner group for $46,810.

5. It developed that the firm in Yugoslavia could not permit its name or facilities to be used in the transaction, and Wallersteiner then caused inquiries to be made to the Bureau of Foreign Commerce whether the shipment could be made to a firm in England instead of to the firm in Yugoslavia.

6. At the time that the firm in Yugoslavia became unable to participate in the transaction, the aureomycin had already been exported from the United States and was en route to Rotterdam.

7. Wallersteiner's attorney in the United States informed Wallersteiner and the Anglo-Continental Exchange Ltd. that the aureomycin could be transshipped legally from Yugoslavia to England. Anglo-Continental Exchange Ltd. also received a copy of a letter written by the Department of Commerce to Loyal Trust in its care, in which it was stated that "any commodity which has been exported from the United States may be reexported from any destination to any other destination, provided that at the time of reexportation, the commodity may be exported directly from the United States to the new country of destination under certain general license provision."

8. Wallersteiner and The Loyal Trust, with the knowing assistance of Anglo-Continental Exchange Ltd., thereupon entered into an arrangement with a firm in England, pursuant to which arrangement that firm became the ostensible consignee in England of the said 31,000 packages of aureomycin, but which firm, in fact, acted only as a broker or intermediary for the immediate resale or turnover of said aureomycin to Standard Chemie A. G.

9. The said 31,000 packages of aureomycin, on Wallersteiner's instructions, were then shipped from Rotterdam to England to the order of the firm in England and Anglo-Continental Exchange Ltd. subsequently received the documents of title therefor.

10. Anglo-Continental Exchange Ltd. did then turn over said documents of title to Britannia Shipping Company Ltd. for the purpose of having Britannia Shipping Company Ltd. transship the said 31,000 packages of aureomycin to Gdynia, Poland.

11. Britannia Shipping Company Ltd., with knowledge that such transshipment was not lawful under the laws of the United States, did then transship the said 31,000 packages of aureomycin to Gdynia, Poland.

12. Anglo-Continental Exchange Ltd., upon the instructions of Wallersteiner and Standard Chemie, did then obtain and receive the documents of title covering said shipment from England to Gdynia, Poland, and did thereafter transmit them to an East German bank for the purpose of having the aureomycin delivered to the East German or Communist Chinese purchaser.

13. The respondents Wallersteiner, Watford Chemical Company Ltd., Bri-

tannia Shipping Company Ltd., The Loyal Trust, Standard Chemie A. G., and Anglo-Continental Exchange Ltd. acted in concert for the purpose of accomplishing the transshipment to Gdynia, Poland of the 31,000 packages of aureomycin, originally exported from the United States, with the knowledge that the export control regulations of the United States made unlawful an exportation or transshipment to Gdynia, Poland of goods exported from the United States, without prior permission and authority from the Bureau of Foreign Commerce, and they did engage in the conduct set forth above for the purpose and with the intention of circumventing such regulations.

14. At the time that Anglo-Continental Exchange Ltd. informed the supplier in the United States that the firm in Yugoslavia was the purchaser, it had knowledge that that firm was not, in fact, the puchaser and ultimate consignee. It also had knowledge, at that time, that Loyal Trust or Oestawa Handelshaus A. G. of Vaduz, Liechtenstein (another Wallersteiner company) was furnishing the funds for and was to receive control of the documents of title.

15. At the time that Anglo-Continental Exchange Ltd. authorized payment of the purchase price for the said aureomycin to the American exporter, it had knowledge or should have known that the firm in Yugoslavia which had been the ostensible original purchaser thereof, was not, in fact, the real purchaser thereof.

16. At the time that Anglo-Continental Exchange Ltd. turned over the documents of title to Britannia Shipping Co. Ltd., it knew that the purpose and intention of that firm, in receiving such documents of title, was to forward the aureomycin, which was the subject thereof, to Gdynia, Poland, and it did turn over said documents of title to that firm for that purpose.

17. In order to export the said aureomycin from the United States, the seller's supplier thereof in the United States was required to and did make representations and certifications in a shipper's export declaration to the effect that the firm in Yugoslavia was the ultimate consignee and that Yugoslavia was the place and country of ultimate destination.

18. The said seller's supplier made such representations and certifications on the shipper's export declaration, and also on a bill of lading, in reliance on the communications received by the seller from The Loyal Trust, Watford Chemical Company Ltd., and Anglo-Continental Exchange Ltd., the seller, in turn, having transmitted to its said supplier the information received by it.

And, the following are my conclusions:

A. That the respondents William Kurt, Samuel Wallersteiner, Watford Chemical Company Ltd., Anglo-Continental Exchange Ltd., The Loyal Trust, and Standard Chemie A. G. knowingly made false and misleading statements and representations, and concealed material facts, in connection with the submission, issuance, and use of export control documents, and in connection with effecting an exportation from the United States and the reexportation, transshipment and diversion of such exportation, in violation of § 381.5 of the Export Regulations, as then in effect.

B. That the respondents William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., Anglo-Continental Exchange Ltd., The Loyal Trust, Standard Chemie A. G., and Britannia Shipping Company Ltd. knowingly disposed of, diverted, transshipped and reexported a commodity to an unauthorized Soviet Bloc destination contrary to prior representations and notification of prohibition against such action in violation of §§ 370.2, 371.4, 371.8, 381.5 (d), and 381.6 of the Export Regulations, as then in effect.

C. That the respondents William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., The Loyal Trust, and Standard Chemie A. G. bought, received, sold, disposed of, transported, and they with Anglo-Continental financed, and forwarded an exportation from the United States, knowing that with respect to such exportation violations of the Export Control Law and Regulations had occurred, were about to and were intended to occur, in violation of § 381.4 of the Export Regulations, as then in effect.

D. That the respondents William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., Anglo-Continental Exchange Ltd., The Loyal Trust, Standard Chemie A. G., and Britannia Shipping Company Ltd. knowingly caused, procured and permitted the doing of acts prohibited by the Export Regulations, in violation of §§ 381.2 and 381.3 of the Export Regulations, as then in effect.

As stated above, all the respondents have been subject to an order which has resulted in the denial of their export privileges since May 6, 1955. This order was an interim order and was issued pending the completion of a related proceeding involving violations similar to that herein involved. All but Anglo-Continental Exchange Ltd. submitted consent proposals, the acceptance of which has been recommended by the Compliance Commissioner and their provisions are hereinafter adopted. In recommending the consent proposal submitted on behalf of Britannia Shipping Company Ltd., which proposes that the entire period of denial of export privileges be ineffective during a period of probation or good behavior, the Compliance Commissioner said,

> Brittania Shipping Company Ltd. also has submitted a consent proposal and its position herein differs from that of the Wallersteiner respondents mentioned above in that the present ownership, control, management and staff of Britannia Shipping Company Ltd. are wholly independent of and have no relation whatever to the Wallersteiner interests.
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> * * * * *
>
> Britannia Shipping Company Ltd. was owned or controlled, at the time of the happening of the events involved herein, by Wallersteiner. All ownership and control has been transferred to new interests of good repute. There is now no one in a key position in Britannia who is connected with the Wallersteiner interests, and the Investigation Staff appears to be satisfied that remedial action against Britannia be suspended upon condition that it comply in all respects with the order and the export control regulations during the period to which it has consented. That being the case, I see no reason to disapprove that consent proposal.

In finding that violations were committed by Anglo-Continental Exchange Ltd., which had contended that it did not knowingly participate in the unlawful acts but had acted only in a ministerial capacity as a bank carrying out its customers' instructions, the Compliance Commissioner said,

> The legal situation with which we are here confronted is not whether [one or another officer or other officers] knew what was happening or whether they personally participated. It is rather a question whether what did happen was sufficient to fasten responsibility on Anglo-Continental. In this connection, referring to his argument that neither Hamburg nor Bideaux had knowledge, [Anglo's attorney] agreed, saying, "I recognize that that does not necessarily mean that the bank can escape responsibility because certain officers knew and others did not." Therefore, in finding the bank's responsibility, I do not have to and do not find that either Hamburg or Bideaux had any personal knowledge of the documents or activities.

Now, after careful consideration of the entire record and being of the opinion that the recommendations of the Compliance Commissioner are fair and just and that this order is necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. Except as qualified in Part III, Subdivisions (A) and (B) thereof, the respondents, henceforth and for the duration of export controls, hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denials of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control documents, (d) in the receiving, ordering, buying, selling, delivering, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (e) in financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denials of export privileges, to the extent that any respondents may be affected thereby, shall extend not only to each of them, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. (A) William Kurt Samuel Wallersteiner, Watford Chemical Company Ltd., The Loyal Trust, Standard Chemie A. G., and Anglo-Continental Exchange Ltd., without further order of the Bureau of Foreign Commerce, shall have their export privileges restored to them conditionally, on March 11, 1960, the condition for such restoration being that during the period following the date hereof and until March 11, 1960, the said respondents shall comply in all respects with this order and thereafter, so long as export controls shall be in effect, with all requirements of the Export Control Act of 1949, as amended, and all regulations, licenses, and orders issued thereunder.

(B) Anything in Part I hereof to the contrary notwithstanding, the effectiveness of this order denying export privileges to Britannia Shipping Company Ltd. shall be stayed and it shall not be operative as to Britannia Shipping Company Ltd. upon the condition that during three years following the date hereof said Britannia Shipping Company Ltd. and parties related to it shall not knowingly violate any export control law or regulation and, upon the expiration of said three years, if Britannia Shipping Company Ltd. and related parties have not knowingly violated any export control law or regulation, then so much of Part I as refers to Britannia Shipping Company Ltd. shall become null, void and of no further effect.

IV. The privileges so conditionally permitted to the respondents, including Britannia Shipping Company Ltd., under Parts III (A) and III (B) hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that any such respondent at any time hereafter has knowingly failed to comply with the conditions applicable to him or it as set forth in Parts III (A) and III (B) hereof, in which event Part I hereof, insofar as it shall apply to such respondent, shall then be and become effective so long as export controls shall be in effect, without thereby preventing the Bureau of Foreign Commerce from taking such other and further action based on such violation as it shall deem warranted. In the event that such supplemental order is issued, such respondents and related parties as are involved therein shall have the right to appeal therefrom, as provided in the export regulations.

V. No person, firm, corporation, or other business organization, whether in the United States or elsewhere, during any time when any respondent or related party is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any export license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, sell, deliver, use, dispose of, finance, transport, forward, or otherwise service or participate in, any exportation from the United States, on behalf of or in any association with such respondent or related party, or (c) do any of the foregoing acts with respect to any exportation in which such respondent or related party may have any interest or obtain any benefit of any kind or nature, direct or indirect.

Dated: March 25, 1957.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 57-2388; Filed, Mar. 27, 1957; 8:51 a. m.]

LEON YOUSSEM

ORDER DENYING EXPORT PRIVILEGES FOR AN INDEFINITE PERIOD

In the matter of Leon Youssem, 12 Avenue des Arts, Brussels, Belgium, Respondent.

The respondent, Leon Youssem, is the subject of an investigation concerning approximately 200 tons of paraffin wax originally exported from the United States to Belgium and from there allegedly transshipped to Poland without permission from the Department of Commerce; and the Agent in Charge, Investigation Staff, Bureau of Foreign Commerce, has applied for an order denying to said Leon Youssem all export privileges for an indefinite period by reason of his failure and refusal to respond to written interrogatories duly served on him. The application was made pursuant to § 382.15 of the Export Regulations (15 CFR Ch. III, Subch. B) and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondent had obtained approximately 200 tons of paraffin wax exported from the United States under general license authorizing its shipment to Belgium and had unauthorizedly diverted and transshipped it to Poland, a destination other than the destination to which it was lawfully shipped, and finding further that interrogatories were duly served on the respondent and that he, without reasonable cause and without adequate explanation, has failed and refused to answer or furnish written information and documents in response to those interrogatories; and, having concluded (a) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act of 1949, as amended, and (b) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and transshipping commodities exported from the United States: *It is hereby ordered:*

(1) All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondent, his successors or assigns, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which he now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall remain in effect until the respondent satisfactorily answers or furnishes written information or documents in response to the interrogatories heretofore served on him or gives adequate reason for his failure or refusal to respond, except insofar as this order may be amended or modified hereafter in accordance with the Export Regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States,

or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served on the respondent by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the Export Regulations, the respondent may move, at any time prior to the cancellation or termination hereof, to vacate or modify this indefinite denial order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner and he may request oral hearing thereon, which, if requested, will be held before the Compliance Commissioner at Washington, D. C. at the earliest possible date.

Dated: March 25, 1957.

FRANK W. SHEAFFER,
Acting Director,
Office of Export Supply.

[F. R. Doc. 57-2395; Filed, Mar. 27, 1957; 8:52 a. m.]

Federal Maritime Board

BOARD OF PORT COMMISSIONERS, OAKLAND, CALIF. AND HOWARD TERMINAL

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U. S. C. 814):

Agreement No. 8085–A, between the Board of Port Commissioners, City of Oakland, California, and Howard Terminal, covering lease of the City of Oakland's Grove Street Pier, Market Street Pier and Quay Wall Area adjacent to the Market Street Pier to Howard Terminal, for the period February 1, 1957 through January 31, 1958, subject to all the terms and conditions set forth in Agreement No. 8085, except as specifically amended by Agreement No. 8085–A. Agreement No. 8085 expired on January 31, 1957.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: March 25, 1957.

By order of the Federal Maritime Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 57-2389; Filed, Mar. 27, 1957; 8:51 a. m.]

Office of the Secretary

[Appeals Board Docket FC-35; B. F. C. Case 211 A]

ZEMANEK & CO., LTD., AND FRANZ GINTZ

APPEALS BOARD DECISION CONCERNING APPEAL FROM ORDER DENYING EXPORT PRIVILEGES

In the matter of Zemanek & Co., Ltd., Franz Gintz, Director, 46–47 Chancery Lane, London, W. C. 2, England.

Zemanek & Company, Ltd., and Franz Gintz, its Director, both of London, England, hereinafter referred to as appellants, have appealed from the order denying export privileges issued May 21, 1956, by John C. Borton, Director, Office of Export Supply, Bureau of Foreign Commerce. (21 F. R. 3609, 5/25/56)

The order, in principal part, stemmed from a transshipment of about 500 tons of asbestos exported from the U. S. to Hamburg, West Germany, and in turn transshipped to Czechoslovakia in violation of U. S. Export Regulations.

Appellants chose to have their appeal heard on the record and submitted a comprehensive brief in support thereof.

The record shows that these appellants, during the time they entered into and consummated the transaction involved, already were under a suspension order (18 F. R. 5372) revoking export license privileges for a period of two years for a violation of export control regulations very closely parallel in nature to the actions at issue in this appeal.

The record shows that the asbestos in point was exported from the United States to Hamburg aboard the SS. "Abbedyjk" and was transshipped in bond to a firm in Czechoslovakia.

Also, the record contains a letter (photostat) from a Czechoslovakian company addressed to the Hamburg consignee which states that the Czech company had concluded a purchase and sales contract which obligated the appellants, as a supplier, to deliver asbestos and the Czech company had obligated itself, as a purchaser, to duly make payments to the appellants for this asbestos.

The appellants' arguments do not disturb the above facts.

In the appellants' interest, the Appeals Board carefully questioned counsel for the Bureau of Foreign Commerce at considerable length at the hearing on the record and most carefully examined the appellants' documents in support of their appeal and finds:

1. That the appellants, having received a charging letter, a copy of the Compliance Commissioner's report, of some sixteen pages, and a copy of the order denying export privileges, of over four pages, all dealing in detail with the prior similar type of suspension, which the appellants were under during the time they entered into and completed the subject transaction of this appeal, had foreknowledge that their actions in the subject matter constituted a violation of U. S. export privileges.

2. That the aforesaid actions of these appellants were not only a knowing violation of U. S. export regulations but a knowing violation of the earlier suspension order then in effect.

3. That, in view of the above, there are no extenuating circumstances in this matter that would warrant any other decision than complete support of the order.

Therefore, it is ordered That, The appeal be denied.

FREDERIC W. OLMSTEAD,
Chairman,
Appeals Board.

MARCH 21, 1957.

[F. R. Doc. 57-2387; Filed, Mar. 27, 1957; 8:51 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705–6]

AIRFREIGHT RATE CASE; MINIMUM RATES FOR AIRFREIGHT FORWARDERS

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on March 27, 1957, is indefinitely postponed.

Dated at Washington, D. C., March 25, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2408; Filed, Mar. 27, 1957; 8:55 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10984, 11873; FCC 57-272]

RCA COMMUNICATIONS, INC., AND WESTERN UNION TELEGRAPH CO.

ORDER ASSIGNING PROCEEDINGS FOR CONSOLIDATED PUBLIC HEARING ON STATED ISSUES

In the matter of RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 10984; lawfulness of certain actions of defendant with respect to handling of certain traffic originating in Canada and destined to points in Asia and Oceania. RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 11873; complaint for money damages.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1957;

The Commission having under consideration:

(a) Pleadings in Docket No. 10984, consisting of:

(1) A petition filed on March 24, 1954, by RCA Communications, Inc. (RCAC) wherein it is alleged that The Western Union Telegraph Company (Western Union) has been and is violating section 222 of the Communications Act of 1934, as amended (act), as well as the "Formula, Pursuant to Section 222 (e) (1) and (2) of the Communications Act, For the Distribution of Out-Bound Traffic Destined to Canada, Handled by The Western Union Telegraph Co. Following Merger With Postal Telegraph, Inc." (Canadian Formula), and the "Formula, Pursuant to Section 222 (e) (1) of the Communications Act, for the Distribution of Outbound International Traffic Handled by The Western Union Telegraph Company following Merger with Postal Telegraph, Inc." (International Formula), introduced as Exhibit 31 and Exhibit 306A, respectively, and approved or prescribed by the Commission in Docket No. 6517, Application for Merger of Western Union and Postal Telegraph (Separate Report of the Commission on Formulas for the Distribution of International Traffic), 10 F. C. C. 184 (1943), by failing to transfer to RCAC certain telegraph traffic destined to Asiatic and Oceanic points which originates in Canada with Canadian National Telegraphs (CNT) and comes into the control of Western Union, and wherein it is requested that the Commission issue a declaratory ruling that Western Union has been acting in violation of the act and the Canadian and International Formulas and is required to transfer to RCAC the aforementioned traffic destined at least to points specified in the petition;

(2) An opposition to the aforementioned petition of RCAC, filed by Western Union on April 26, 1954, wherein it is alleged that the jurisdiction of the Commission is not properly invoked, that RCAC seeks equitable relief and must show it has "clean hands" as a prerequisite to maintaining its action, and wherein it is denied that Western Union has violated or is violating either the Act or the aforementioned Formulas by failing to transfer the traffic at issue to RCAC, and wherein it is requested that the Commission rule that Western Union has not violated the Formulas as alleged and is not required to transfer such traffic to RCAC;

(3) A reply of RCAC to the opposition of Western Union, filed on May 3, 1954, wherein the allegations in the Western Union opposition are denied and wherein the original request for a ruling is reiterated;

(4) A motion for leave to file a supplemental statement calling attention to the decision in Western Union v. United States, 217 F. 2d 579 (1954), filed January 10, 1955, by RCAC, accompanied by such statement; and

(5) An answer to such supplemental statement, filed January 17, 1955, by Western Union;

(b) The pleadings in Docket No. 11873, consisting of:

(1) A formal complaint filed on March 24, 1954, by RCAC incorporating the above-mentioned petition by reference; alleging substantial monetary damage resulting from the Western Union action alleged in the petition; requesting an award of damages; requesting that consideration of the complaint be deferred until a ruling has been made upon the petition, and requesting that Western Union be required to maintain complete records with respect to traffic involved pending settlement of the question of damages;

(2) An answer to the aforementioned complaint of RCAC, filed by Western Union on December 26, 1956, incorporating by reference the above-mentioned opposition of Western Union to the RCAC petition, denying that it acted illegally, and requesting dismissal of the complaint;

It appearing, that, since the claims by RCAC asserted in Docket No. 10984 were considered by the International Formula Committee, as required by section XI of the International Formula, and since Western Union has not complied with the resolution of the International Formula Committee requesting that Western Union resume the handling of the traffic at issue herein as it was handled at the time the International Formula was adopted, the matter is now properly before the Commission;

It further appearing, that, the issuance of a declaratory ruling is a matter within the sound discretion of the Commission and that the pleadings before the Commission in Docket No. 10984 which look toward the eventual recovery of damages for alleged past violations of the Formula, are not proper subjects for the exercise of such discretion;

It further appearing, that, no prejudice will result if the RCAC petition in Docket No. 10984 is treated as a formal complaint, and that the interests of justice and the prompt and speedy dispatch of the Commission's business would be furthered by treating Docket No. 10984 as a formal complaint proceeding;

It further appearing, that, good cause, namely, that the decision considered in the supplemental statement of RCAC was not issued at the time the RCAC initial pleadings were filed, has been shown by RCAC to justify a grant of its motion in Docket No. 10984 to file a supplemental statement, and that Western Union does not oppose the grant of such motion;

It further appearing, that, the pleadings in Docket No. 11873 are not properly the basis for a separate proceeding unrelated to the pleadings in Docket No. 10984, but should be considered in conjunction with such pleadings in one proceeding;

It further appearing, that deferment of consideration of the amount of damages, if any, until after the Commission has ruled on the lawfulness of the Western Union practices at issue will be conducive to the efficient and expeditious disposition of other issues raised in the pleadings;

It further appearing, that, issues are presented by the pleadings in Docket Nos. 10984 and 11873 which should be determined on the basis of a public hearing;

It is ordered, That, the motion of RCAC for leave to file a supplemental statement is hereby granted, and such supplemental statement and the answer thereto of Western Union are accepted for filing;

It is further ordered, That, the RCAC request for a declaratory ruling is denied;

It is further ordered, That the proceedings in Docket Nos. 10984 and 11873 shall be consolidated and that, pursuant to sections 201, 206, 207, 208, 209, and 222 of the act, a public hearing shall be held at a time and place to be specified in a subsequent order upon the substantive issues presented by the pleadings therein, as a formal complaint proceeding and without in any way limiting the scope of such hearing on such issues, shall include the following matters:

(a) Whether the Commission may, under the provisions of section 222 of the act, or otherwise, approve or prescribe formula provisions relating to the distribution of such telegraph traffic at issue herein which originates in Canada and transits the continental United States over the facilities of Western Union or any part thereof en route to points without the continental United States and if so, whether the Commission, in fact, did approve or prescribe such provisions;

(b) Whether the Commission may, under the provisions of section 222 of the act, or otherwise, approve or prescribe formula provisions whereby Western Union or any part thereof is required to handle the traffic at issue in such manner that all such traffic actually transits the United States en route to destination and, if so, whether the Commission, in fact, did approve or prescribe such provisions;

(c) Whether the Canadian Formula approved by the Commission pursuant to section 222 of the act requires Western Union to transfer to RCAC such telegraph traffic at issue which transists or is required to transit the continental United States over the facilities of Western Union; and in this connection

(1) Whether the term "Western Union" as used in the second sentence of section 8 of such Formula means the same as the term "consolidated or merged carrier" used in subsections 222 (e) (1) and (2), and defined by subsection 222 (a) (4), of the act, and, if not, what is the difference between the meaning of these two terms and what is the authority for such difference;

(2) Whether the second sentence of section 8 of such Formula means (i) that the pattern for the distribution of transiting traffic as it existed immediately prior to the aforementioned merger was to be frozen and maintained exactly as it existed immediately prior to merger, or (ii) that Western Union was to have the same freedom to make arrangements with other carriers for the distribution of such transiting traffic as it would have had if there had been no merger;

(3) Whether the first sentence of section 8 of such Formula imposes any obligation upon RCAC with respect to traffic that it handles which originates outside the United States and transits the United States to or through Canada, and if so, the nature and extent of such obligation;

(d) Whether the International Formula prescribed by the Commission pursuant to section 222 of the Communications Act requires Western Union or any part thereof to transfer to RCAC such telegraph traffic at issue which transits or is required to transit the continental United States over the facilities of Western Union, and in this connection

(1) Whether section IX of such Formula creates any legal obligations, and in particular

(i) Whether the first paragraph of section I of such Formula (a) limits the scope of such Formula solely to traffic

originating in the continental United States and so deprives the provisions of Section IX thereof of legal effect, or (b) refers only to the system of distribution established in sections I through VIII of such Formula;

(ii) Whether the words "It is understood" in section IX indicate such section is intended to be informative rather than mandatory;

(iii) Whether the words "this formula" in section IX refer only to the system of distribution established in sections I through VIII of such Formula, thereby leaving transiting traffic within the scope of the Formula and subject to distribution in accordance with section IX thereof; and if not,

(iv) Whether the clause "this formula does not cover any telegraph traffic originating outside the United States and transiting the United States" in section IX renders the remainder of such section without legal effect; and

(2) If section IX of such Formula creates any legal obligations how shall it be applied, and in particular

(i) Whether the handling of such traffic at issue herein which transits the continental United States constitutes "domestic telegraph operations" within the meaning of sub-section 222 (a) (5), or "international telegraph operations" within the meaning of sub-section 222 (a) (6), of the act,

(ii) Whether the term "consolidated or merged carrier" as used in sub-section 222 (e) (1) and defined by sub-section 222 (a) (4) of the act refers to the corporate entity of Western Union, or to that portion of the corporate entity which is engaged in "domestic telegraph operations" as defined in sub-section 222 (a) (5) of the act, or to something else and if so, to what,

(iii) Whether the term "Merged Company" as used in the Formula means the same as the term "consolidated or merged carrier" used in sub-sections 222 (e) (1) and (2), and defined by sub-section 222 (a) (4) of the act and if not, what is the difference between the meanings of these two terms and what is the authority for such difference,

(iv) Whether the term "Western Union Cables" as used in such Formula means the same as the term "international telegraph operations of any domestic telegraph carrier" as used in sub-section 222 (e) (4) of the act and if not, what is the difference between the meaning of these two terms and what is the authority for such difference, and in this connection

(a) What effect shall be given the divergent definitions of "Merged Company" and "Western Union Cables" set forth in the first unnumbered section and in the last paragraph of section III of such Formula,

(b) Whether that part of Western Union referred to in the pleadings herein as "Western Union Cables" may, for the purposes of sub-section 222 (e) of the act, engage in "domestic telegraph operations" as defined in sub-section 222 (a) (5) of the act, or whether it is restricted to "international telegraph operations" as defined in sub-section 222 (a) (6) of the act;

(v) Whether, if the handling of the traffic at issue which transits the continental United States is found to constitute "international telegraph operations" as defined in sub-section 222 (a) (6) of the act, it is "specifically routed" via "Western Union Cables" within the provisions of section III of the Formula and if so, whether the last provision of section IX of the Formula requires that it be turned over to "Western Union Cables";

(vi) Whether the clause in section IX of such Formula which reads "all such traffic handled by the Merged Company shall be turned over to the international carrier which would have handled the same if the consolidation or merger of Western Union and Postal Telegraph, Inc., had not occurred" means (a) that the pattern for the distribution of transiting traffic, as it existed immediately prior to merger, was to be frozen and maintained exactly as it existed immediately prior to merger, or (b) that Western Union was to have the same freedom to make arrangements with other carriers for the distribution of such transiting traffic as it would have had if there had been no merger;

It is further ordered, That the Hearing Examiner shall close the record herein for the purpose of preparing an initial decision on the issues raised, other than the amount of damages, without taking testimony on, or receiving other evidence with respect to, the amount of damages that may be due the complainant;

It is further ordered, That, should the Commission decide any of the issues raised herein, on which evidence had been received, in favor of the complainant, after the effective date of such determination the record herein shall be reopened on motion of the complainant and the Hearing Examiner herein shall at a time and place to be specified by him hold further hearings solely for the purpose of determining, in the light of the aforementioned Commission determination, the amount of damages, if any, to be awarded to the complainant;

It is further ordered, That, Western Union shall keep and maintain until further order, full and complete records with respect to all messages received from CNT pursuant to the 1915 contract between Western Union and CNT, segregated as to (1) messages which are handled in transit through the continental United States and (2) messages which do not transit the continental United States; and full and complete records of all monies received, retained, and paid out in connection with such messages;

It is further ordered, That, a copy of this order shall be served upon the parties complainant and defendant herein, upon each international telegraph carrier subject to the jurisdiction of this Commission and upon each telegraph carrier entitled to share in international fixed point-to-point telegraph traffic pursuant to any of the Formulas approved or prescribed by the Commission in Application for Merger of Western Union and Postal Telegraph (Separate Report of the Commission on Formulas, etc.) 10 F. C. C. 184, at 197–198 (1943).

It is further ordered, That, each of the persons other than the parties hereto ordered served herein may participate in the proceeding herein by filing a notice of intention to participate within twenty days after the date this order is released.

Released: March 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2398; Filed, Mar. 27, 1957; 8:53 a. m.]

[Docket Nos. 11763; 11764; FCC 57-254]

J. E. WILLIS AND CRAWFORDSVILLE BROADCASTERS, INC.

ORDER AMENDING ISSUES

In re applications of J. E. Willis, Lafayette, Indiana; Docket No. 11763, File No. BP-10253; Crawfordsville Broadcasters, Inc., Crawfordsville, Indiana; Docket No. 11764, File No. BP-10460; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of March 1957;

The Commission having under consideration a petition to enlarge issues filed by J. E. Willis on December 7, 1956; an answer to said petition filed by Crawfordsville Broadcasters, Inc., on December 17, 1956; and a reply to said answer filed by the Broadcast Bureau on December 26, 1956;

It appearing, that, on the basis of the pleadings before us, at the time exhibits were exchanged between the applicants Crawfordsville Broadcasters submitted an exhibit containing what purported to be interview reports with people residing in Crawfordsville, Indiana; and that it was represented that these reports constituted verbatim reports of interviews conducted personally and jointly by two of Crawfordsville Broadcasters' principals, that the interview reports were transcribed from detailed notes which were made of the conversations, and that these reports were prepared for the purpose of showing the need for the service proposed by Crawfordsville Broadcasters;

It further appearing, that petitioner alleges that he interviewed eight of the persons who were the subjects of the aforesaid interview reports; that each of the eight denied in whole or in part the accuracy of the statements attributed to him; that one stated the interview with principals of Crawfordsville Broadcasters never occurred; and that others declared that one of the principals who were represented to have participated in the interview with them was not present;

It further appearing, that petitioner urges that the foregoing allegations warrant inclusion of an issue inquiring into the character qualifications of Crawfordsville Broadcasters; that the Broadcast Bureau concurs in this view; but that Crawfordsville Broadcasters asserts in opposition that the discrepancies heretofore noted were errors which occurred without any intention to mislead or misrepresent, that the questioned documents were either corrected or not offered in evidence, and that, therefore, enlargement of the issues is not justified;

It further appearing, that sufficient facts have been alleged to raise questions concerning the character qualifications of Crawfordsville Broadcasters; that Crawfordsville Broadcasters' opposition does not deny the correctness of the charge of inaccuracies in the interview reports; and, accordingly, that the petition to enlarge should be granted;

It further appearing, that good cause has been shown for the late filing of the instant petition in that the facts alleged did not take place until after expiration of the period for timely filing;

It is ordered, That the petition to enlarge issues filed by J. E. Willis is granted and the issues are enlarged by addition of the following:

To determine the character qualifications of Crawfordsville Broadcasters to be a licensee of the Commission.

Released: March 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2399; Filed, Mar. 27, 1957; 8:53 a. m.]

[Docket No. 11871; FCC 57M-262]

PRESS WIRELESS, INC., AND WESTERN UNION TELEGRAPH CO.

NOTICE OF PRE-HEARING CONFERENCE

In the matter of Press Wireless, Inc., v. The Western Union Telegraph Company, Docket No. 11871; complaint with respect to delays in handling messages specifically routed via Press Wireless.

Notice is hereby given that a pre-hearing conference in the above-entitled proceeding will be held at 9:00 o'clock a. m., on Thursday, March 28, 1957, in the offices of this Commission, Washington, D. C.

Dated: March 22, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2400; Filed, Mar. 27, 1957; 8:54 a. m.]

[Docket Nos. 11925, 11926; FCC 57M-256]

NORTHWEST BROADCASTERS, INC., AND REV. HALDANE JAMES DUFF

STATEMENT AFTER PREHEARING CONFERENCE AND ORDER OF CONTINUANCE

In re applications of Northwest Broadcasters, Inc., Bellevue, Washington; Docket No. 11925, File No. BP-10521; Rev. Haldane James Duff, Seattle, Washington; Docket No. 11926, File No. BP-10638; for construction permits.

A prehearing conference in the above-entitled proceeding was held on March 21, 1957. In the interest of expedient disposition of the matter all parties agreed that the following timetable should govern future proceedings:

May 1, 1957—Exchange of exhibits;
May 13, 1957—Further prehearing conference;
May 27, 1957—Hearing.

Accordingly, it is ordered, This 21st day of March 1957, that the date now scheduled for hearing in the above matter, March 26, 1957, is hereby extended to May 27, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2401; Filed, Mar. 27, 1957; 8:54 a. m.]

[Docket No. 11953; FCC 57M-260]

WESTERN UNION TELEGRAPH CO.

ORDER CONTINUING HEARING

In the matter of The Western Union Telegraph Company, Docket No. 11953; complaint and petition for new and revised divisions of charges for the landline handling of international message telegraph traffic.

It is ordered, This 22nd day of March 1957, that hearing in the above-entitled proceeding, which is presently scheduled to commence May 13, 1957 in Washington, D. C., is continued to May 15, 1957.

Released: March 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2402; Filed, Mar. 27, 1957; 8:54 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-4149]

WARREN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 22, 1957.

Take notice that Warren Petroleum Corporation (Applicant), a Delaware corporation with principal place of business in Tulsa, Oklahoma, on May 10, 1956, filed an application pursuant to section 7 (b) of the Natural Gas Act for permission on approval to abandon service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon the sale for resale of natural gas in interstate commerce from production of its McCurdy-Moss Lease, located in the Blanconia and South Blanconia Fields, Bee County, Texas, to United Gas Pipe Line Company (United). Applicant states in its application that the wells on the McCurdy-Moss Lease have ceased to produce gas, have been plugged and abandoned and that the lease has been released of record.

Applicant sought authorization to make the afore-mentioned sale to United in an application for a certificate of public convenience and necessity, filed in Docket No. G-4149 on October 5, 1954. Docket No. G-4149 was consolidated with the consolidated proceeding, In the Matters of Gas Lands Co., et al., Docket Nos. G-2867, et al., for a hearing scheduled for May 16, 1956, by notice of the Secretary duly published in the FEDERAL REGISTER (21 F. R. 2576-77) on April 19, 1956. Prior to the scheduled hearing, Docket No. G-4149 was severed from said consolidated proceeding by notice published in the FEDERAL REGISTER (21 F. R. 3297) on May 18, 1956, and the hearing in Docket No. G-4149 was postponed to a date to be fixed thereafter by further notice. Postponement of the hearing was necessitated by the filing on May 10, 1956, of Applicant's motion to dismiss its application for certificate of public convenience and necessity in Docket No. G-4149, and motion for withdrawal of its Gas Rate Schedule No. 3 with Supplement Nos. 1, 2, 3 and 4 thereto.

Subsequently, by a letter from the Secretary dated May 21, 1956, Applicant was notified that its motion to dismiss its certificate application would be treated as a request for authority to abandon service pursuant to section 7 (b) of the Natural Gas Act as hereinbefore described. Applicant was further notified by a letter from the Secretary dated June 20, 1956, that its motion for withdrawal of its FPC Gas Rate Schedule No. 3 had been accepted for filing as a notice of cancellation of Rate Schedule No. 3, such cancellation to become effective upon the date of issuance of abandonment authorization in Docket No. G-4149.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 23, 1957, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW, Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the interme diate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2377; Filed, Mar. 27, 1957; 8:48 a. m.]

[Docket Nos. G-11532, G-11533]

TEXON GAS, INC. AND DORCHESTER CORP.

NOTICE OF APPLICATIONS, CONSOLIDATION, AND DATE OF HEARING

MARCH 22, 1957.

Texon Gas, Inc. (Texon), a Texas corporation, with its principal place of business in Dallas, Texas, filed an application on November 26, 1956, in Docket No. G-11532, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon the service to El Paso Natural Gas Company authorized April 18, 1955, in Docket No. G-4679, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission and open for public inspection.

Dorchester Corporation, a Delaware corporation, with its principal place of business in Dallas, Texas, filed an application on November 26, 1956, in Docket No. G-11533, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing it to continue the sale and operation of facilities which Texon in Docket No. G-11532 seeks permission and approval to abandon, all as more fully represented in the application on file with the Commission and open for public inspection.

Texon, as owner and operator of a gasoline plant, purchases and processes gas from the Big Lake Field, Reagan County, Texas, and sells the residue gas therefrom to El Paso Natural Gas Company. Texon proposes to sell its plant and related facilities, and to assign its gas purchase and gas sales agreements associated therewith to Dorchester Corporation, effective as of September 1, 1956.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 18, 1957, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the parties to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 9, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2376; Filed, Mar. 27, 1957; 8:48 a. m.]

[Docket No. G-11568]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 22, 1957.

Take notice that Texas Illinois Natural Gas Pipeline Company (Applicant), a Delaware corporation, with its principal office in Chicago, Illinois, filed on December 6, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of a tap and 1,000 feet of 4-inch lateral line together with a metering and regulating station to supply natural gas to Northern Illinois Gas Company (Northern Illinois) for resale in the Illinois towns of Fairbury, Chatsworth and Forrest, all as more fully represented in the application on file with the Commission and open to public inspection.

The estimated cost of the proposed facilities is $36,100.

Applicant represents that Northern Illinois Gas Company has been authorized by the Illinois Commerce Commission to construct, operate and maintain distribution facilities in and for the towns above named and to distribute and sell natural gas to the citizens thereof for ultimate consumption under a certificate of public convenience and necessity issued October 9, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on April 22, 1957; at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by said application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 12, 1957. Failure of any party to appear at and participate in the proceeding shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 57-2378; Filed, Mar. 27, 1957; 8:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3679]

KROY OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 22, 1957.

In the matter of trading on the American Stock Exchange in the 20¢ par value Capital Stock of Kroy Oils Limited, File No. 1-3679.

I. The 20-cent par value Capital Stock of Kroy Oils Limited, an Alberta corporation (hereinafter called "registrant"), is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on November 2, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act") to determine at a hearing to be held on November 20, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations adopted thereunder, in that the Commission has reason to believe that a current report for the month of May 1956, on Form 8-K, filed by registrant with the Commission was false and misleading in certain respects set forth in said order. On March 14, 1957, the Commission issued its order summarily suspending trading of said securities on the exchange pursuant to section 19 (a) (4) of the act for the reasons set forth in said order to prevent fraudulent, deceptive or manipulative acts or practices for a period of ten days from March 15, 1957, to March 24, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him, to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false report filed by registrant as alleged in the order and notice of hearing referred to in paragraph II and the relationship between registrant and Great Sweet Grass Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of ten days from March 25, 1957, to April 3, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2379; Filed, Mar. 27, 1957; 8:49 a. m.]

[File No. 1-3827]

GREAT SWEET GRASS OILS LTD.

ORDER SUMMARILY SUSPENDING TRADING

MARCH 22, 1957.

In the matter of trading on the American Stock Exchange in the $1.00 par value Capital Stock of Great Sweet Grass Oils Limited, File No. 1-3827.

I. The $1.00 par value Capital Stock of Great Sweet Grass Oils Limited (hereinafter called "registrant") is listed and registered on the American Stock Exchange, a national securities exchange (hereinafter called "the exchange").

II. The Commission on October 19, 1956, issued its order and notice of hearing under section 19 (a) (2) of the Securities Exchange Act of 1934 (hereinafter called "the act"), and on October 24, 1956, issued its amended order and notice of hearing under the act to determine at a hearing to be held November 13, 1956, whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months, or to withdraw, the registration of the Capital Stock of registrant on the exchange for failure to comply with section 13 of the act and the rules and regulations thereunder, in that the Commission had reason to believe that the reports filed by registrant on Form 8-K and Form 10-K were false and misleading in certain respects set forth in said orders. On October 31, 1956, the Commission issued its second amended order and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of December, 1955, and amendments thereto, and that registrant's annual report on Form 10-K for its fiscal year ended December 31, 1955, and amendments thereto, were false and misleading in additional respects set forth in said order. On November 16, 1956, the Comtions in the original and amended orders and notice of hearing under section 19 (a) (2) of the act restating the allegations in the original and amended orders and including allegations that the Commission had reason to believe that the registrant's current report on Form 8-K for the month of August, 1955, was false and misleading in certain respects set forth in said order, and that the Form 8-K report for the month of December, 1955, and the Form 10-K report for the fiscal year ended December 31, 1955 were false and misleading in additional respects set forth in said order. On March 14, 1957, the Commission issued its order summarily suspending trading pursuant to section 19 (a) (4) of the act in said securities on the exchange for the reasons set forth in said order to prevent fraudulent, deceptive and manipulative acts or practices from March 15, 1957, to March 24, 1957, inclusive.

III. On November 7, 1956, counsel representing registrant requested a postponement of the hearing under section 19 (a) (2) of the act in order to enable him to prepare for the hearing. Pursuant to this request, the Commission on November 7, 1956, issued its order postponing the date of said hearing to November 26, 1956. Said hearing has commenced but has not yet been concluded by Commission order or decision.

IV. The Commission has reason to believe that the false reports filed by registrant as alleged in the orders and notices of hearing referred to in paragraph II and the relationship between registrant and Kroy Oils Limited, also subject to an order issued concurrently herewith under section 19 (a) (4) of the act, and also subject to an order and notice of hearing under section 19 (a) (2) of the act, which hearing has been consolidated with the hearing referred to in paragraph III, are such as to cause widespread confusion and uncertainty in the market for registrant's shares. Under the circumstances recited in this order, the Commission is of the opinion that it would be impossible for the investing public to reach an informed judgment at this time as to the value of registrant's securities or for trading in such securities to be conducted in an orderly and equitable manner.

V. The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on the exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion that such suspension is necessary in order to prevent fraudulent, deceptive, or manipulative acts or practices, with the result that it will be unlawful under section 15 (c) (2) of the act and the Commission's Rule X-15C2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, such security otherwise than on a national securities exchange.

It is ordered, Pursuant to section 19 (a) (4) of the act that trading in said securities on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive, or manipulative acts or practices for a period of 10 days from March 25, 1957, to April 3, 1957, inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2380; Filed, Mar. 27, 1957; 8:49 a. m.]

[File No. 24NY-3667]

BRITISH INDUSTRIES CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 22, 1957.

I. British Industries Corporation, 164 Duane Street, New York, New York, a corporation incorporated under the laws of New York, filed with the Commission on April 23, 1954, a Notification on Form 1-A relating to a proposed offering of 3,750 shares of 50-cent par value common stock on behalf of Mrs. Kay L. Rockey, Selling Stockholder, to net the offeror $2.00 per share (the market value being 1⅞ bid, 2¼ asked) for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject issuer in that it has failed to file any Form 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon motion may, set the matter down for hearing at a place designated by the Commission for the pur-

pose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2381; Filed, Mar. 27, 1957; 8:49 a. m.]

[File No. 24NY-3477]

POSTMAN CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 22, 1957.

I. Viola Rubber, 36 East 61st Street, New York, New York, and Clifford Hayman, 325 West 45th Street, New York, New York, issuers (the issuer to The Postman Company, a limited partnership under the laws of New York on the formation thereof), filed with the Commission on September 3, 1953, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of pre-formation limited partnership interests in an amount not to exceed $25,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject issuer in that it has failed to file any Form 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2382; Filed, Mar. 27, 1957; 8:49 a. m.]

[File No. 24NY-3574]

TRANSWORLD MERCANTILE CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 22, 1957.

I. Transworld Mercantile Corporation, 100 Central Park South, New York 19, New York, a corporation incorporated under the laws of New York, filed with the Commission on December 29, 1953, a Notification on Form 1-A relating to a proposed offering of 100,000 shares of non-par, non-voting common stock to be offered at 50 cents a share for an aggregate offering price of $50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject issuer in that it has failed to file any Form 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2383; Filed, Mar. 27, 1957; 8:50 a. m.]

[File No. 24NY-3554]

BY GEORGE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 22, 1957.

I. G. Donald Walden, 138-07A Jewel Avenue, Kew Garden Hills, New York, (the issuer to be The By George Company, a limited partnership under the laws of New York on the formation thereof), filed with the Commission on December 4, 1953, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of pre-formation limited partnership interests in an amount not to exceed $60,000 (which may be increased to $72,000 if a 20 percent involuntary overcall is made or to a total of $110,000 if, in addition, a voluntary overcall of $38,000 is made) for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject issuer in that it has failed to file any Form 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2384; Filed, Mar. 27, 1957; 8:50 a. m.]

[File No. 24NY-3591]

AIRCASTERS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 22, 1957.

I. Aircasters, Inc., 157 Broad Street, Red Bank, New Jersey, a New Jersey corporation, filed with the Commission on January 21, 1954, a Notification on Form 1-A and an Offering Circular relating to a proposed offering of 120,000 shares of $1.00 par value common stock for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 pursuant to section 3 (b) thereof and Regulation A thereunder.

II. The Commission has reasonable cause to believe that the terms and conditions of Regulation A have not been complied with by the subject issuer in that it has failed to file any Form 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon motion may, set the matter down for hearing at a place designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2385; Filed, Mar. 27, 1957; 8:51 a. m.]

[File No. 70-3389]

AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER COUNSEL FEES

MARCH 22, 1957.

By its order issued July 29, 1955 (Holding Company Act Release No. 12953) issued under the Public Utility Holding Company Act of 1935, the Commission, among other things, granted an application and permitted to become effective a declaration filed by American Louisiana Pipe Line Company ("American Louisiana"), a subsidiary of American Natural Gas Company, a registered holding company, regarding a proposal by American Louisana to issue and sell an aggregate of $97,500,000 principal amount of bonds, of which $47,000,000 principal amount was issued and sold prior to February 1, 1956. In its order of July 29, 1955, the Commission reserved jurisdiction over the fees and expenses to be incurred in connection with the proposed issue and sale of bonds.

Subsequently, by orders issued January 25, 1956 (Holding Company Act Release No. 13902) and May 28, 1956 (Holding Company Act Release No. 13184), the Commission released jurisdiction in respect of certain fees and expenses, including counsel fees through February 29, 1956.

American Louisiana has now filed a supplemental application, stating that all work of counsel in connection with the issue and sale of its bonds has been completed, and requesting that the jurisdiction heretofore reserved be released in respect of the following final counsel fees in connection with the issue and sale of bonds:

	Amount of fee for services subsequent to 2-29-56
Company counsel: Sidley, Austin, Burgess & Smith	$11,500
Local Counsel—various States:	
Barnes, Hickam, Pantzer & Boyd	1,550
Sigmund Zamierowski	750
Byron, Sandidge and Holbrook	1,250
Porter, Stanley, Treffinger & Platt	1,200
Canada, Russell, Turner & Alexander	1,250
Wynn, Hafter, Lake & Tindall	1,200
Shotwell & Brown	2,000
Ohmer C. Burnside	700
	9,900
	21,400
Counsel for the bond purchasers: Sullivan & Cromwell	6,000
Total	27,400

It appearing that the above fees are not unreasonable, and the Commission deeming it appropriate to release the jurisdiction heretofore reserved in respect of such counsel fees:

It is ordered, That the jurisdiction heretofore reserved in respect of counsel fees in connection with the issue and sale by American Louisiana of $97,500,000 principal amount of bonds, be, and it hereby is, released; and that this order shall become effective, forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2386; Filed, Mar. 27, 1957; 8:51 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended January 29, 1955, 20 F. R. 645, and January 29, 1957, 22 F. R. 554).

The following learner certificates were issued to the companies listed below manufacturing men's and boys' clothing. Each of the certificates authorized the employment of learners in the occupations of sewing-machine operating, final pressing, hand sewing, and finishing operations involving hand sewing at rates of not less than 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours of the authorized 480-hour learning period. Except as otherwise indicated below the certificates authorize the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, effective March 1, 1957, and expiring August 31, 1957.

J. Capps & Sons, Ltd., Jacksonville, Ill.; authorizing the employment of learners in the occupations of sewing machine operating and hand sewing only (men's suits, topcoats, sportcoats, slacks).

Carroll Manufacturing Co., Westminster, Md. (men's sack coats and pants).

Craigmore Clothes, Inc., 500 South Throop Street, Chicago, Ill. (men's suits and sport coats).

Crisfield Manufacturing Co., Crisfield, Md. (men's pants and slacks).

Famous-Sternberg, Inc., 950 Poeyfarre Street, New Orleans, La. (men's suits, jackets and trousers).

Felix Di Arenzo, 20th and Erie Avenue, Philadelphia, Pa.; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of hand sewing, for a learning period of 480 hours at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents per hour for the remaining 200 hours (men's clothing).

Friedman-Marks Clothing Co., 1400 West Marshall Street, Richmond, Va. (men's suits, sportcoats, and pants).

Hampstead Clothing Division, Webster Clothes, Inc., Hampstead, Md. (men's sack coats).

Hardwick Clothes, Inc., Cleveland, Tenn.; authorizing the employment of learners in the occupation of sewing machine operating only, for a learning period of 480 hours at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (men's and boys' tailored garments).

Hart Schaffner & Marx, 728 West Jackson Boulevard, Chicago, Ill.; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the manufacture of men's and boys' clothing only (men's suits, topcoats, overcoats).

Lion Manufacturing Co., Everett, Pa. (men's sack coats).

Malcomb Kenneth Co., 11 Leon Street, Boston, Mass. (men's topcoats, overcoats, sportcoats).

Merit Clothing Co., Martin, Tenn. (men's suits, sport coats).

Middleburg Manufacturing Co., Hanover, Pa. (men's slacks, pants, vests).

Mt. Union Manufacturing Co., Mount Union, Pa. (men's sack coats).

Palm Beach Co., Roanoke, Ala. (men's palm beach suits).

Picariello & Singer, Inc., 183 Orleans Street, East Boston, Mass. (boys' tailored suits, sportcoats, topcoats).

State Coat Front Co., Inc., 90 Wareham Street, Boston, Mass.; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of sewing machine operating only, for a learning period of 480 hours at rates of at least 80 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (canvas coat fronts).

Staunton Manufacturing Co., Staunton, Va. (men's sack coats).

Stewartstown Manufacturing Co., Stewartstown, Pa. (men's sack coats and topcoats).

Westminster Manufacturing Co., Webster Clothes, Inc., 54 East Main Street, Westminster, Md. (men's topcoats and overcoats).

M. Wile & Co., Inc., 77 Goodell Street, Buffalo, N. Y.; effective 3-1-57 to 8-31-57; authorizing the employment of 25 learners for normal labor turnover purposes in the occupations of sewing machine operating, hand sewing, and finishing operations involving hand sewing, for a learning period of 480 hours at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours of the authorized learning period (men's suits, sportscoats and overcoats).

The following learner certificates were issued to the companies listed below manufacturing men's and boys' clothing. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods are indicated.

Cameron & Co., Inc., Sport Coat Division, 2321 Oak Street, Napa, Calif.; effective 2-25-57 to 8-24-57; authorizing the employment of 10 learners for plant expansion purposes in the manufacture of men's sport coats only, in the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; each for a learning period of 480 hours at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (men's sport coats).

DeMoulin Bros. & Co., Greenville, Ill.; effective 3-7-57 to 9-6-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operating, hand sewing, and finishing operations involving hand sewing; each for a learning period of 320 hours at rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 160 hours (academic and ecclesiastical caps and gowns).

Kewanee Headwear Co., 410 West Second Street, Kewanee, Ill.; effective 3-1-57 to 8-31-57; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 240 hours, at 85 cents an hour (caps).

Michaels Stern & Co., Inc., Liberty Street, Penn Yan, N. Y.; effective 3-2-57 to 9-1-57; authorizing the employment of 38 learners for plant expansion purposes, in the occupations of sewing machine operating, final pressing, and hand sewing; each for 480 hours learning period at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (men's suits, sport coats, topcoats, and slacks).

Nani Sportswear, Ltd., 1311 Kamaile Street, Honolulu, T. H.; effective 3-1-57 to 2-28-58; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 480 hours, at rates of at least 85 cents an hour for the first 320 hours and not less than 85 cents an hour for the remaining 160 hours (sportswear, jackets, swim suits).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; effective 3-1-57 to 8-31-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operating, hand sewing, and finishing operations involving hand sewing; each for a learning period of 240 hours at a rate of not less than 85 cents an hour (leather garments, headwear).

Raleigh Manufacturers, Inc., 414 Light Street, Baltimore, Md.; effective 3-1-57 to 8-31-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; each for a learning period of 320 hours at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 40 hours (men's suits, coats, and pants).

Raleigh Manufacturers, Inc., 519 West Pratt Street, Baltimore, Md.; effective 3-1-57 to 8-31-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operating, and final pressing; each for a learning period of 320 hours at rates of at least 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 40 hours (men's suits, coats, and pants).

Southern Handkerchief Manufacturing Co., Main and Hammond Streets, Greenville, S. C.; effective 3-14-57 to 9-13-57; authorizing the employment of 3 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours, at a rate of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 160 hours (handkerchiefs).

Texas Miller Products, Inc., Corsicana, Tex.; effective 2-25-57 to 8-24-57; authorizing the employment of 50 learners for plant expansion purposes in the manufacture of Navy enlisted men's hats only, in the occupation of sewing machine operating for a learning period of 240 hours at a rate of not less than 85 cents an hour (U. S. Navy hats).

The following learner certificates were issued to the companies listed below in the miscellaneous industries. The number or proportion of learners authorized, occupations, learning periods, and authorized rates are indicated.

American Uniform Co., Plant No. 2, Euclid Avenue, Cleveland, Tenn.; effective 3-1-57 to 8-31-57, authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operating for a learning period of 320 hours at a rate of not less than 85 cents an hour (toweling, aprons, napkins, etc.).

Advertisers Manufacturing Co., 415 East Oshkosh Street, Fond du Lac County, Ripon, Wis.; effective 3-1-57 to 8-31-57; authorizing the employment of 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of sewing machine operating for a learning period of 240 hours, at a rate of not less than 85 cents an hour (advertising caps, aprons, bags, etc.).

Begene, Inc., 21-23 Lehman Street, Lebanon, Pa.; effective 3-4-57 to 9-3-57; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of sewing machine operating, and heat sealing machine operating for learning periods of 240 hours and 160 hours, respectively, at a rate of not less than 85 cents an hour (garment bags, shoe bags, etc.).

Brooklyn Mailing Device Co., Inc., 233 South First Street, Brooklyn, N. Y.; effective 3-16-57 to 9-15-57; authorizing the employment of 2 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 160 hours at a rate of not less than 85 cents an hour (cotton mailing bags).

Collins of Texas, Medina, Tex.; effective 3-11-57 to 9-10-57; authorizing the employment of 2 learners for normal labor turnover purposes in the occupations of machine stitching, die and clicker machine operating, hand cutting, pocketbook makers' helper, assembly and finishing; each for a learning period of 160 hours at a rate of 85 cents an hour (total training time at special minimum wage rates not to exceed 160 hours). (handbags and belts).

Cora Lee Fabrics Division of Crafts Yarns, Inc., Kings Mountain, N. C.; effective 2-25-57 to 8-24-57; authorizing the employment of 5 learners for normal labor turnover purposes in the occupations of: (1) knitting machine operating for a learning period of 480 hours at rates of 85 cents an hour for the first 240 hours, and 90 cents an hour for the remaining 240 hours; (2) sewing machine operating for a learning period of 240 hours at rates of 85 cents an hour for the first 160 hours and 90 cents an hour for the remaining 80 hours; and (3) inspector/mender for a learning period of 160 hours at a rate of 85 cents an hour (curtains and draperies).

Dixie Paper Box Co., Inc., Hartsville, Tenn.; effective 3-1-57 to 8-31-57; authorizing the employment of 10 learners for expansion purposes in the occupations of basic hand and machine production operations with the exception of cutting, scoring, and slitting for a learning period of 240 hours, at rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 80 hours (paper boxes).

Eugene Israel, d/b/a Feature Stuffed Toy Co., 4417 North Lauber Way, Tampa, Fla.; effective 3-8-57 to 9-7-57; authorizing the employment of 6 learners for normal labor turnover purposes in the occupations of sewing machine operating and toy stuffing, each for a learning period of 160 hours, at a rate of 90 cents an hour (stuffed toys).

Grant County Manufacturing Co., Williamstown, Ky.; effective 3-1-57 to 8-31-57; authorizing the employment of 10 learners for normal labor turnover purposes, in the occupation of hand sewing for a learning period of 480 hours, at rates of at least 85 cents an hour for the first 320 hours and not less than 85 cents an hour for the remaining 160 hours (baseballs, soft balls, etc.)

Grant County Manufacturing Co., Corinth, Ky.; effective 3-1-57 to 8-31-57; authorizing the employment of 5 learners for normal labor turnover purposes in the occupation of sewing machine operating for a learning period of 320 hours, at rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 160 hours (baseball uniforms and caps).

McGregor Sport Products, Inc., Findlay and John Streets, Cincinnati, Ohio; effective 3-1-57 to 8-31-57; authorizing the employment of 18 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours, at rates of at least 85 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 160 hours (fielder's gloves, baseman's mitts, etc.).

Wagenvoord & Co., 306 North Grand Avenue, Lansing, Mich.; effective 3-1-57 to 8-31-57; authorizing the employment of 9 learners for normal labor turnover purposes in the occupation of book bindery, for a learning period of 320 hours at rates of at least 80 cents an hour for the first 160 hours and not less than 90 cents an hour for the remaining 160 hours (rebinding of books, etc.).

A. J. Weinstein Co., 308-310 Third Street, Carnegie, Pa.; effective 3-14-57 to 9-13-57; authorizing the employment of 2 learners for normal labor turnover purposes in the occupation of sewing machine operating, for a learning period of 320 hours, at a rate of 85 cents an hour (vacuum cleaner bags).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods and the learner rates are indicated.

Alfredo Manufacturing Corp., Rio Grande, P. R.; effective 3-4-57 to 9-3-57; authorizing the employment of 100 learners for expansion purposes in the occupations of cutting, sewing machine operating, and final pressing, each for a learning period of 480 hours at rates of 45 cents an hour for the first 240 hours and 50 cents an hour for the second 240 hours of the learning period (men's and boys' pajamas).

Atlantic Sportswear, Inc., Rio Piedras, P. R.; effective 2-17-57 to 8-16-57; authorizing the employment of 50 learners for expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours, at rates of 50 cents an hour for the first 240 hours and 55 cents an hour for the second 240 hours (men's and boys' jackets).

Consolidated Cigar Corp. of Puerto Rico, Caguas, P. R.; effective 2-21-57 to 5-9-57; authorizing the employment of 176 learners for expansion purposes in the occupations of: (1) sorting, and sizing and tying, each for a learning period of 240 hours; (2) inspecting, and machine stripping, each for a learning period of 160 hours; all at 50 cents an hour; and (3) cigar making, and packing for a learning period of 320 hours, at rates of 50 cents an hour for the first 160 hours and 55 cents an hour for the second 160 hours (cigar manufacturing).

Dentsply, Inc., Caguas, P. R.; effective 2-25-57 to 8-24-57; authorizing the employment of 26 learners for expansion purposes in the occupations of moulders, heater operators, drillers, carders, each for a learning period of 240 hours, at 53 cents an hour (artificial teeth).

Economy Industries, Inc., Rio Grande, P. R.; effective 2-12-57 to 8-11-57; authorizing the employment of 10 learners for plant expansion purposes in the occupation of sewing machine operating, for a learning period of 480 hours at rates of 45 cents an hour for the first 240 hours and 53 cents an hour for the second 240 hours (ladies' blouses).

Pinrico, Inc., Cayey, P. R.; effective 3-1-57 to 2-28-58; authorizing the employment of 10 learners for normal labor turnover purposes in the occupations of machine stitching and pressing, each for a learning period of 320 hours at rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the second 160 hours (full fashioned sweater finishing).

Finetex, Inc., Gurabo, P. R.; effective 2-19-57 to 8-18-57; authorizing the employment of 11 learners for plant expansion purposes in the occupations (1) of knitting and looping, each for a learning period of 480 hours, at rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the second 240 hours; and (2) machine stitching (seaming) and finishing work involving hand sewing, each for a learning period of 320 hours at rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the second 160 hours (fielder's gloves).

General Electric Instrument Corp., Caguas, P. R.; effective 2-15-57 to 5-11-57; authorizing the employment of 20 learners for plant expansion purposes in the occupation of final assembly of small panel instruments, exposure meters and small portable instruments (including packer and shipper), for a learning period of 480 hours at rates of 65 cents an hour for the first 240 hours and 75 cents an hour for the second 240 hours (electrical instruments) (supplemental certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 2-18-57 to 8-17-57; authorizing the employment of 40 learners for plant expansion purposes in the occupations of: (1) knitting, topping, and looping each for a learning period of 480 hours, at rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the second 240 hours; (2) machine stitching, pressing, hand sewing, and finishing work involving handsewing, each for a learning period of 320 hours, at rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the second 160 hours; and (3) winding for a learning period of 240 hours, at a rate of 58 cents an hour (full fashioned sweaters).

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 2-11-57 to 6-2-57; authorizing the employment of 32 learners for plant expansion purposes in the occupations of: (1) looping and mending, each for a learning period of 960 hours at rates of 46 cents an hour for the first 480 hours and 50 cents an hour for the second 480 hours; and (2) examining and knitting, each for a learning period of 240 hours at a rate of 46 cents an hour (seamless hosiery) (replacement certificate).

Hartman Tobacco Co. of Puerto Rico, Inc., Juncos, P. R.; effective 2-21-57 to 5-11-57; authorizing the employment of 100 learners for expansion purposes in the occupation of sorting, for a learning period of 160 hours, at a rate of 50 cents an hour (tobacco products) (replacement certificate).

Las Palmas Manufacturing Co., Inc., Hato Tejas, Bayamon, P. R.; effective 2-11-57 to 2-10-58; authorizing the employment of 10 learners for normal labor turnover purposes in the occupation of finger knitting, for a learning period of 480 hours at rates of 40 cents an hour for the first 240 hours and 45 cents an hour for the second 240 hours (knitted gloves).

Lisa, Inc., 1253 Las Palmas Street, Santurce, P. R.; effective 2-25-57 to 8-24-57; authorizing the employment of 10 learners for plant expansion purposes in the operating of sewing machine operating, for a learning period of 300 hours at a rate of 55 cents an hour (brassieres).

Marita Mills, Inc., Military Road No. 2 Km. 16.6, Toa Baja, P. R.; effective 2-25-57 to 8-24-57; authorizing the employment of 66 learners for plant expansion purposes in the occupations of: (1) knitting, topping, and looping, each for a learning period of 480 hours at rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the second 240 hours; (2) machine stitching, pressing, and hand sewing, each for a learning period of 320 hours at rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the second 160 hours; and (3) winding and drying operating, each for a learning period of 240 hours, at a rate of 58 cents an hour (knitted full fashioned sweaters).

Northridge Knitting Mills, San German, P. R.; effective 2-4-57 to 8-3-57; authorizing the employment of 50 learners for plant expansion purposes in the occupations of: (1) knitting, topping, and looping each for a learning period of 480 hours at rates of 58 cents an hour for the first 240 hours and 68 cents an hour for the second 240 hours; and (2) machine stitching (seaming and Cardigan sewing) and finishing, each for a learning period of 320 hours at rates of 58 cents an hour for the first 160 hours and 68 cents an hour for the second 160 hours (sweaters).

Pan American Products Corp., Caparra Heights, P. R.; effective 2-27-57 to 7-2-57; authorizing the employment of 52 learners for plant expansion purposes in the occupations of coiling machine operating, rounding, and circular spring operating each for a learning period of 480 hours at rates of 60 cents an hour for the first 240 hours and 70 cents an hour for the second 240 hours (wire fillers for ventilated cushions) (replacement certificate).

Tobacco Products Manufacturing Corp. of Puerto Rico, Caguas, P. R.; effective 2-21-57 to 5-14-57; authorizing the employment of 80 learners for plant expansion purposes in the occupations of: (1) sorting for a learning period of 240 hours; and (2) sizing for a learning period of 160 hours; both at the rate of 50 cents an hour (tobacco products) (replacement certificate).

Wm. H. Towles Corp. of Puerto Rico, Carolina, P. R.; effective 2-11-57 to 5-10-57; authorizing the employment of 20 learners for plant expansion purposes in the occupations of: (1) sewing machine operating for a learning period of 480 hours at rates of 45 cents an hour for the first 240 hours and 50 cents an hour for the second 240 hours; and (2) final inspection of completed garments, for a learning period of 160 hours at a rate of 45 cents an hour (men's pajamas and shorts).

Weston Puerto Rico, Inc., Penuelas Road 454, Ponce, P. R.; effective 2-4-57 to 8-3-57; authorizing the employment of 30 learners for plant expansion purposes in the occupations of coil winding, assembling, subassembling, and adjusting, each for a learning period of 480 hours at rates of 65 cents an hour for the first 240 hours and 75 cents an hour for the second 240 hours (electrical measuring instruments).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Emmanuel Missionary College, Berrien Springs, Mich.; effective 2-25-57 to 8-31-57; authorizing the employment of 25 additional student-workers in the furniture industry in the occupations of woodworking machines operator, assembler, finisher, and related skilled and semiskilled occupations, for a learning period of 600 hours, at rates of 80 cents an hour for 300 hours and 85 cents an hour for 300 hours (supplemental certificate).

Each learner certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn in the manner provided in Part 528, and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

The student-worker certificate listed herein was issued upon the employer's representation that the employment of the student-worker at subminimum rates was necessary to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 20th day of March 1957.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 57-2375; Filed, Mar. 27, 1957; 8:48 a. m.]

FEDERAL REGISTER

VOLUME 22 NUMBER 61

Washington, Friday, March 29, 1957

THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (1) and (3) and (c) (1) and (2) of § 6.142 are amended as set out below.

§ 6.142 *Housing and Home Finance Agency*—(a) *Office of the Administrator.* (1) Until June 30, 1957, Executive Secretary and Deputy Executive Secretary of the National Committee and the Executive Secretary and Deputy Executive Secretary of each regional subcommittee established under Title VI of the Housing Act of 1954.

* * * * * *

(3) Until June 30, 1957, six Regional Administrators.

* * * * * *

(c) *Federal Housing Administration.* (1) Until June 30, 1957, 80 Field Directors (State, District, and Territorial).

(2) Until June 30, 1957, six Regional Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-2438; Filed, Mar. 28, 1957; 8:50 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FARM CREDIT ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (f) of § 6.341 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 57-2439; Filed, Mar. 28, 1957; 8:50 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP WHEAT RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1956-crop wheat. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1956, supplemented by Supplements 1 and 2, Wheat (21 F. R. 4000, 5560, 6743, 8232, 8307, and 22 F. R. 591) containing the specific requirements for the 1956-crop wheat price support program, is hereby further supplemented as follows:

Sec.
421.1651 Applicable sections of 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Wheat.
421.1652 Availability.
421.1653 Eligible producer.
421.1654 Eligible wheat.
421.1655 Approved storage.
421.1656 Approved forms.
421.1657 Quantity eligible for resealing.
421.1658 Additional service charges.
421.1659 Transfer of producer's equity.
421.1660 Storage and track-loading payments.
421.1661 Maturity and satisfaction.
421.1662 Support rates.

AUTHORITY: §§ 421.1651 to 421.1662 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1651 *Applicable sections of 1956 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Wheat.* The following sections of the 1956 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2,

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FEDERAL REGISTER

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CFR SUPPLEMENTS
(As of January 1, 1957)

The following Supplements are now available:

Titles 4 and 5 ($1.00)
Title 7: Parts 1–209 ($1.75)
Titles 10–13 ($1.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 24 ($1.00); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 32, Parts 700–799 ($0.50), Parts 1100 to end ($0.50); Title 39 ($0.50).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Wheat, shall be applicable to the extent indicated in this subpart.

§ 421.1652 *Availability*—(a) *Area and scope.* The reseal program will be available in areas in the following States where ASC State committees determine that wheat can be safely stored on farms for the period of the reseal loan and that it will be advantageous to producers and CCC to permit producers to obtain reseal loans: Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming. This program provides, under certain circumstances, for the extension of 1956-crop farm-storage loans and the making of farm-storage loans on 1956-crop wheat covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan with the county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the county committee.

(3) The producer who signed a purchase agreement on farm-stored wheat is required, under the 1956 Wheat Price Support Program, to notify the county committee not later than March 31, 1957, in the case of wheat stored in any of the States listed in paragraph (a) of this section if he intends to sell the wheat to CCC. If the producer has notified the county committee, on or before March 31, 1957, of his intention to sell the wheat to CCC or to participate in this program, he may obtain a farm-storage loan on the wheat. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions or, on or before May 31, 1957, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by ASC county offices by means of sight drafts drawn on CCC. The drawing of a draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the county committee which approved his loan or purchase agreement. Disbursements of loans completed on wheat covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC. Any farm-storage loans to be resealed and held by approved lending agencies shall be purchased and transferred to county office custody before the reseal loans are approved.

§ 421.1653 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing wheat in 1956 as landowner, landlord, tenant, or sharecropper, who either completed a farm-storage loan or signed a purchase agreement covering wheat of the 1956 crop.

§ 421.1654 *Eligible wheat*—(a) *Requirements of eligibility.* The wheat (1) must meet the requirements set forth in § 421.1638 (a), (b), (c), and (d), and must not grade Tough, Weevily, Ergoty, or Treated and; (2) must be under price support loan or purchase agreement.

(b) *Inspection.* If a producer makes application to extend his farm-storage loan, or to obtain a farm-storage loan on wheat covered by a purchase agreement, the commodity loan inspector shall inspect the wheat and storage structure, obtain a sample if the wheat and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1641.

§ 421.1655 *Approved storage.* Wheat covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1606 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending May 31, 1958, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to May 31, 1958.

§ 421.1656 *Approved forms.* (a) The approved forms, which together with the provision of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.1657 *Quantity eligible for resealing.* (a) The quantity of wheat eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of wheat specified in the purchase agreement, minus any quantity of the wheat under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.1658 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on wheat covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made except if the amount collected is in excess of the correct amount.

§ 421.1659 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the wheat mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the wheat must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the wheat from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee.

§ 421.1660 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems the wheat from the loan on or after March 31, 1958, (ii) delivers the wheat to CCC on or after March 31, 1958, or (iii) delivers the wheat to CCC prior to March 31, 1958, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the wheat was not damaged or otherwise impaired due to negligence on the part of the producer. Such storage payment will be computed at the rate of 16 cents per bushel in the States of Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington; 17 cents per bushel in the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, New York, Ohio, Oklahoma, Texas, Wisconsin and Wyoming.

(2) *Prorated storage payment.* (i) A storage payment determined by prorating such yearly rate according to the length of time the quantity of wheat involved was in store after May 31, 1957, will be made to the producer; (a) in the case of loss assumed by CCC under the

Wheat, published in 21 F. R. 3997, 4000, 5560, 6743, 8232, 8307, and 22 F. R. 591, shall be applicable to the 1956 Wheat Reseal Loan Program: § 421.1601 *Administration;* § 421.1608 *Liens;* § 421.1610 *Set-offs;* § 421.1611 *Interest rate;* § 421.1613 *Safeguarding the commodity;* § 421.1614 *Insurance on farm-storage loans;* § 421.1615 *Loss or damage to the commodity;* § 421.1616 *Personal liability of the producer;* § 421.1617 *Release of the commodity under loan;* § 421.1620 *Foreclosure;* § 421.1640 *Determination of quantity.* Other sections of the 1956

provisions of the loan program; (b) in the case of wheat redeemed from the loan prior to March 31, 1958, and (c) in the case of wheat delivered to CCC pursuant to its demand and not solely for the convenience of CCC or upon request of the producer and with the approval of CCC, prior to March 31, 1958: *Provided, however,* That no storage payment will be made where the delivered wheat is damaged or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 0.00053 per bushel a day (but not to exceed 16 cents per bushel) in the States of Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington; 0.00056 per bushel a day (but not to exceed 17 cents per bushel) in the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, New York, Ohio, Oklahoma, Texas, Wisconsin, and Wyoming. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the wheat has been abandoned or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on wheat delivered to CCC in accordance with instructions of the county committee on track at a country point.

§ 421.1661 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than March 31, 1958. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged wheat in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of wheat will be accepted only from bin(s) in which the wheat under reseal is stored. The provisions of § 421.1618 (a), (c), and (d) (2), (3), (4) and (f), and of § 421.1645 (a) (1) shall be applicable thereto: *Provided,* That, if upon delivery, the wheat is of a quality which does not meet the sanitation requirements (§ 421.1638 (d)) in effect at the time the loan was extended or at the time the loan was made on wheat covered by a purchase agreement, the wheat, in the event it does not meet the requirements of § 421.1638 (d) (1) shall be sold for feed, or for industrial uses other than food and beverages, and, in the event it does not meet the requirements of § 421.1638 (d) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

§ 421.1662 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for wheat covered by a purchase agreement placed under a farm-storage loan shall be the support rate established for the wheat in § 421.1643 (d) (2).

(b) Any discounts or premiums established for variation in quality as shown in § 421.1643 (d) (3) shall apply.

Issued this 26th day of March 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

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[1957 Honey Bulletin 1]

PART 434—HONEY

SUBPART—1957 HONEY PRICE SUPPORT PROGRAM

This bulletin contains the regulations applicable to the 1957 Honey Price Support Program whereby the Secretary of Agriculture makes price support for extracted honey available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

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AUTHORITY: §§ 434.801 to 434.827, issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 14421.

§ 434.801 *Administration.* This subpart will be administered by the Sugar Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. In the field the program will be carried out by State and County Agricultural Stabilization and Conservation offices (hereinafter called State and county offices) under the supervision of State and County Agricultural Stabilization and Conservation Committees (hereinafter called State and county committees) and by CSS commodity offices. Producers interested in participating in the program should contact their county offices, through which the price support documents will be distributed. All documents will be completed and approved by the county offices, which will retain copies thereof. State and county committees and offices and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart, or any amendments or supplements to this subpart.

§ 434.802 *Availability of price support—*(a) *Method of support.* Price support on extracted honey will be made available to producers through loans on such honey stored in approved farm storage, and through purchase agreements.

(b) *Area.* Farm-storage loans and purchase agreements will be available wherever eligible honey is produced in the continental United States.

(c) *Where to apply.* Application for price support should be made at the county office of the county in which the producer's place of operation is located or, if producer has more than one place of operation, at the county office of the county in which the honey is stored.

(d) *When to apply.* Loans and purchase agreements will be available from April 1, 1957 through December 31, 1957, in Florida, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona and California. In all other States, loans and purchase agreements will be available from July 1, 1957 through December 31, 1957. Applicable documents must be signed by the producer and delivered to the county office not later than December 31, 1957.

(e) *Eligible producer.* (1) An eligible producer shall be any person, including a partnership, association or corporation, who, in 1957, extracts honey produced by bees owned by him.

(2) Bona fide producer-owned and producer-controlled cooperative marketing associations of honey producers shall be eligible for a loan or purchase agreement on eligible honey received from and produced by members of the association: *Provided,* That (i) the producer members are bound by contract to deliver their eligible honey to the association free from all liens and encumbrances; (ii) the proceeds of the eligible honey marketed by the association are shared proportionately among the producer members according to the grade and quantity of such honey each delivers to the association; (iii) the association has authority to obtain a loan on the security of the honey and to give a lien thereon as well as authority to sell such honey. Only honey received from producers under such conditions may be delivered to CCC under a loan or purchase agreement. All determinations with respect to whether or not a given organization is a cooperative marketing association of producers pursuant to this section shall be made by or under the direction of the State Committee. The word "producer" as used hereafter shall be deemed to include such cooperative marketing associations of producers.

§ 434.803 *Eligible honey.* Any honey other than that described in § 434.804 which at the time it is placed under loan or tendered for purchase under a purchase agreement meets the following requirements is eligible for price support.

(a) The honey must be of the 1957 crop, produced and extracted in the continental United States by an eligible producer.

(b) The honey shall be packed in containers of a capacity of not less than 5 gallons nor greater than 70 gallons, and of a style used in normal commercial practice in the honey industry. Five-gallon containers shall be filled with 60 pounds net of honey. Larger containers shall be filled to their rated capacities.

(1) The 5-gallon containers shall be new, clean, sound, uncased and free from appreciable dents and rust. The handle of each container shall be firm and strong enough to permit carrying the filled can. The can closures shall be complete, including the cap liner prescribed for the particular style of can. The threads on both the cap and the can opening shall not be damaged in any way that will prevent a tight seal. Cans which are punctured, or which have been punctured and resealed by soldering, will not be acceptable.

(2) Steel drums shall be new drums, or used drums which have been reconditioned both inside and outside. Steel drums must be clean, and treated to prevent rusting. The drums must be fitted with gaskets which will provide a tight seal when closed.

(3) Other commercial containers, such as wooden barrels or kegs, which are new or which have been reconditioned, are acceptable if sound, clean and leakproof. Such containers must be closed with appropriate leakproof closures.

(c) The beneficial interest in the honey must be in the producer tendering the honey for a loan, or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom, before the honey was extracted, he succeeded as owner of the bees producing the honey. In the case of a cooperative marketing association these stipulations as to beneficial interest shall apply to each producer delivering to the association.

(d) The honey must be equal to or better than Grade C of the United States Standards for Grades of Extracted Honey, effective April 16, 1951: *Provided, however,* That in areas in which the State Committee determines that existing conditions make fermentation of high moisture honey probable during the period of storage, the maximum moisture content allowable may be reduced by such committee from 20 percent to 18.6 percent for any or all floral sources.

(e) Honey offered for a farm-storage loan must have been stored in containers specified in paragraph (b) of this section, for at least 15 days prior to drawing the inspection samples. The containers shall be stacked upright in a manner which will prevent damage to the containers in the stacks, and so arranged that the containers in the stacks are easily accessible for inspection.

§ 434.804 *Ineligible honey.* Andromeda, Athel, Bitterweed, Broomweed, Cajeput, Carrot, Chinquapin, Dog Fennel, Desert Hollyhock, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Rabbit Brush, Snowbrush (Ceanothus), Snow-on-the-Mountain, Tarweed, and similar objectionably flavored honeys or objectionably flavored blends of honey as determined by the Director, Sugar Division, CSS, will not be eligible for price support regardless of whether they meet other eligibility requirements.

§ 434.805 *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreement with CCC. No disbursement shall be made later than 15 days after the final date of the availability of loans, unless recommended by the State committee and approved by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft, shall constitute disbursement. The producer shall not present the loan documents for disbursement of funds unless the honey is in existence, in approved storage, and in good condition. If the honey was not in existence, in approved storage, or in good condition at the time the producer received the disbursement, the proceeds shall be promptly refunded by the producer.

§ 434.806 *Approved lending agencies.* An approved lending agency shall be any bank, corporation, partnership, individual or legal entity with which CCC has entered into a lending agency agreement (CCC Form 322 or other form prescribed by CCC).

§ 434.807 *Approved storage.* Loans will be made only on honey in approved storage. Purchase agreements may be executed without regard to whether the honey is in approved storage.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and so substantially and permanently constructed as to afford safe storage of the honey. In carrying out its responsibility the county office should consider the extent to which the storage structures for honey are clean, dry, weatherproof and can be locked. If such structure is used to house honey other than that which is covered by a single price support loan, a suitable partition shall be used to preserve the identity of the honey covered by each price support loan, and to segregate it from any other honey in the storage structure.

(b) *Cooperative storage.* Approved storage for cooperative marketing associations shall meet the requirements stated in paragraph (a) of this section. Preservation of the identity of each producer's honey in the lot covered by the mortgage will not be required.

§ 434.808 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as are specified in this subpart and which, together with the provisions of this subpart, govern the rights and responsibilities of the producer. Note and supplemental loan agreement, chattel mortgages, and purchase agreements, must be dated, signed by the producer, and delivered to the county office on or before the final date of availability of loans or purchase agreements. Note and supplemental loan agreements, and chattel mortgages, must have State and documentary revenue stamps affixed thereto when required by law. Loan and purchase agreement documents executed by an administrator, executor or trustee will be acceptable only if legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. These forms shall also be used for honey stored by cooperative marketing associations of producers in warehouses under their control.

(b) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county office, and such other forms and documents as may be required by CCC.

§ 434.809 *Liens.* If there are any liens or encumbrances on honey placed under loan or delivered under purchase agreement waivers acceptable to the county committee must be obtained.

§ 434.810 *Service charges.* Producers shall pay the following service charges on the quantity of honey placed under loan or specified in the purchase agreement. In the case of loans the service charges, except preliminary service charges, shall be collected from the proceeds of the loan at the time the loan is disbursed. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement is completed. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a loan.

(a) Rates:

Method of price support	Rate (per 100 pounds net)	Minimum charge
	Cents	
Farm-storage loan	5	$3.00
Purchase agreement	2½	1.50

(b) State committees are authorized to require prepayment of $3.00 of the service charge on a farm-storage loan at the time the producer applies for the loan.

(c) No refund of service charges will be made.

§ 434.811 *Determination of quantity.* (a) Determination of quantity of honey in connection with applications for farm-storage loans, shall be com-

puted on the basis of 55 pounds for each 5-gallon can, and of 11 pounds for each gallon of rated capacity for containers larger than 5 gallons.

(b) Determination of quantity at time of acquisition by CCC of honey under loan or purchase agreement shall be made by or under the direction of the State Committee. The quantity determination of honey acquired in 5-gallon cans shall be based upon the number of 5-gallon cans times the average per can net weight of honey rounded to the next lowest whole pound, or 60 pounds per can net weight of honey, whichever is lower. The weight determination of honey acquired in larger containers shall be the actual net weight of the honey.

§ 434.812 *Determination of grade and color.* (a) Determination of grade and color in connection with applications for farm-storage loans shall be made on the basis of samples drawn by the county office and transmitted prepaid to an office of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service. Samples shall be provided by the producer at no cost to CCC. The cost of inspection shall be collected by the county office from the producer for the account of the Processed Products Standardization and Inspection Branch at the time samples are drawn.

(b) Determination of grade and color, at time of acquisition by CCC, of honey under loan or purchase agreement, including the drawing of the samples, shall be by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS. Samples shall be provided by the producer at no cost to CCC. The cost of such sampling, and of grade, and color determination at time of acquisition, shall be paid by CCC.

(c) Table honey shall be so segregated according to color that the color for the lot as a whole is within the tolerances for color variations as outlined in the United States Standards for Grades of Extracted Honey, effective April 16, 1951. If a lot of honey is not segregated so that it can be certified in accordance with the foregoing, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of the darkest color shown on the inspection certificate.

(d) Table honey should be so segregated from nontable honey that it can be certified for loan, settlement under loan, or purchase agreement, in accordance with the categories outlined in § 434.825. If a lot of honey is not segregated so that it can be given a single classification as either table or nontable honey, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of nontable honey.

(e) In the case of blends of table and nontable honeys, the loan, setlement under loan, or purchase under purchase agreement, shall be made on the basis of nontable honey. If any blends of honey contain ineligible honey, the lot as a whole shall be considered ineligible.

§ 434.813 *Maturity of Loans.* Loans mature on demand, but not later than March 31, 1958, in all States.

§ 434.814 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness to CCC or to a lending agency, as provided in this section, shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 434.815 *Interest rate.* Loans shall bear interest at the rate of 3½ per centum per annum from the date of disbursement of the loan: *Provided*, That if there is a default in satisfaction of the loan the amount remaining due on the date of such default (including accrued interest), and any costs incurred by the holder of the note, shall bear interest thereafter at the rate of 6 per centum per annum: *Provided, further*, That if the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the principal amount of the loan, and any costs incurred by the holder of the note, shall bear interest from the date of disbursement at the rate of 6 per centum per annum.

§ 434.816 *Transfer of producer's interest*—(a) *Farm-storage loans.* The producer shall not transfer either his remaining interest in, or his right to redeem, honey mortgaged as security for a farm-storage loan. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey, must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the honey from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the county office.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 434.817 *Safeguarding the honey.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep the honey in good condition, until the loan is liquidated.

§ 434.818 *Insurance.* CCC will not require the producer to insure the honey placed under loan; however, if the producer insures such honey and indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 434.819 *Loss or damage to honey.* If the honey is going out of condition, or is in danger of going out of condition, the producer shall notify the county office. The producer is responsible for any loss in quantity or quality of the honey placed under farm-storage loan, except that, subject to the provisions of § 434.818, physical loss or damage occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer, resulting solely from external causes other than insect infestation, vermin, rodents, or other animals, will be assumed by CCC to the extent of the settlement value of the quantity of the honey lost, stolen, or destroyed, or to the extent of the damage as determined by CCC, provided the producer has given the county office immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. Physical loss or damage occurring prior to disbursement of the loan funds to the producer will not be assumed by CCC. If disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 434.820 *Personal liability of the producer for the honey.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the honey by him, may render the producer subject to criminal prosecution under Federal law and will render him personally liable for the amount due on the loan and for any resulting expense incurred by any holder of the note.

§ 434.821 *Release of the honey under loan.* A producer may at any time obtain release of the honey remaining under loan by paying to the holder of the note and supplemental loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office shall arrange for the release of the chattel mortgage. Partial release of the honey prior to maturity may be arranged with the county office after making payment to the holder of the note for the quantity of the honey released, plus charges and accrued interest. However, in the event the quantity of the honey contained in the storage structure and covered by the chattel mortgage is

greater than the quantity with respect to which the amount was computed, application may be made to the county office for release of all or part of such excess without payment on the loan.

§ 434.822 *Liquidation of loans and delivery under purchase agreements*—(a) *Farm-storage loans.* The producer is required to pay off his loan on or before maturity, or to deliver the honey in accordance with instructions of the county office. Delivery points for farm-storage loans shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. If the producer desires to deliver the honey, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his honey at any time prior to delivery to CCC or removal by CCC. In the event the farm is sold or there is a change of tenancy, the honey under a farm-storage loan may be delivered before the maturity date of the loan, upon prior approval by the county office, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President of CCC. Settlement will be made at the applicable support rate in effect at the approved point of delivery subject to the provisions of the producer's note and supplemental loan agreement and this subpart, on the basis of the quantity, floral source, color and grade at the time of delivery as determined in accordance with §§ 434.811 (b) and 434.812 (b), (c), (d) and (e). If farm-stored honey is delivered to CCC prior to March 31, 1958, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced at the rate of 1/20 of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions issued by the county office, whichever is earlier, to and including March 31, 1958. Settlement value for honey acquired by CCC which does not meet requirements with respect to grade shall be determined at the support rate for the honey placed under loan less the estimated cost, as determined by CCC, for conditioning such honey to conform to the grade of honey described in the loan documents. The settlement value for honey acquired by CCC which does not meet requirements because of floral source, or which cannot be conditioned to meet grade requirements, shall be the actual market value of such honey, if any, as determined by CCC. The producer shall pay CCC for any deficiency in quantity, floral source, grade or color. Any payment due the producer on settlement may be made by sight draft drawn on CCC by the county office.

(b) *Handling small amounts on settlement.* If the settlement value of the honey delivered under a farm-storage loan exceeds the amount due on the loan (excluding interest) by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less such amount will be paid only upon his request. If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC, or may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To avoid administrative costs of handling small accounts a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(c) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) shall not be obligated to sell any quantity of the honey to CCC. However, the quantity stated in the purchase agreement shall be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the honey to CCC, he shall have a 30-day period prior to the loan maturity date during which he must notify the county office of his intention to sell. Deliveries shall not be accepted before March 31, 1958, or such earlier date as prescribed by the Executive Vice President, CCC. The producer may be required to retain the honey for a period of 60 days after the loan maturity date, without any cost to CCC. Delivery under purchase agreements shall be made in accordance with instructions issued by the county office. Delivery points for purchase agreements shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. Honey delivered under a purchase agreement must meet the requirements for eligible honey as set forth in §§ 434.803 and 434.812 (e). Payment for eligible honey delivered to CCC under purchase agreements shall be at the applicable support rate in effect at the approved delivery point, on the basis of the quantity, floral source, color, and grade at the time of delivery as determined in accordance with §§ 434.811 (b) and 434.812 (b), (c), (d), and (e). Such payment will be made to the producer by sight draft drawn on CCC by the county office.

§ 434.823 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note is authorized to remove the honey from storage; and also to sell, assign, transfer, and deliver the honey or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder may determine, at public or private sale, and the holder of the note may become the purchaser of the whole or any part of the honey. Any such disposition may similarly be effected without removing the honey from storage. Any sum due the producer as a result of the sale of the honey, after deducting the amount of the note, interest, and charges, shall be payable only to the producer without right of assignment by him. If honey removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, floral source, grade, or color of the honey as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the honey removed by CCC, plus interest thereon.

§ 434.824 *Purchase of notes.* County offices will purchase notes evidencing loans from approved lending agencies in accordance with the lending agency agreement. The purchase price to be paid by CCC shall be the principal sums remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500, or such other form as CCC may prescribe, for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 434.825 *Charges not to be assumed by CCC.* CCC will not pay or assume any insurance charges, storage charges, inspection charges to determine eligibility for a loan, or any handling or processing charges necessary to make the honey meet the grade requirements.

§ 434.826 *Support rates.* Loans will be made, and honey delivered under purchase agreements will be purchased, at the support rates set forth below:

For States of Montana, Wyoming, Colorado, New Mexico and States west thereof:

	Rate (cents per pound)
1. White and lighter table honey	9.9
2. Extra Light Amber table honey	9.4
3. Nontable and other table honey	7.9

For all States east of Montana, Wyoming, Colorado and New Mexico:

	Rate (cents per pound)
1. White and lighter table honey	10.8
2. Extra Light Amber table honey	10.3
3. Nontable and other table honey	8.8

Loans will be made at the applicable support rate established for the State in which the honey is stored.

(a) "Table honey" means honey having the predominant flavor of not more than two floral sources, and preferably one, which can be readily marketed for table use in all parts of the country. Such honey includes those with the predominant flavors of Alfalfa, Brazil Brush, Catsclaw, Clover, Cotton, Fireweed, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar predominantly mild-flavored honeys, or predominantly mild-flavored blends of honey, as determined by the Director, Sugar Division, CSS.

(b) "Nontable honey" means honey having a predominant flavor of limited

national acceptability for table use but considered to be suitable for table use in most areas in which it is produced. Such honeys include those with the predominant flavors of Aster, Avocado, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Dandelion, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Safflower, Salt Cedar (Tamarix gallica), Spanish Needle, Spikeweed, Ti-ti, Toyon (Christmas Berry), Tulip-Poplar, Wild Cherry, and similarly flavored honeys, or blends of such honeys, as determined by the Director, Sugar Division, CSS.

§ 434.827 *CSS commodity offices:* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 11, Missouri, 560 Westport Road: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 26th day of March 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-2444; Filed, Mar. 28, 1957; 8:51 a. m.]

[1957 C. C. C. Cottonseed Bulletin 1]

PART 443—OILSEEDS

SUBPART—1957 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to loans under the 1957 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). A separate bulletin (or bulletins) will cover purchases of cottonseed under the 1957 Cottonseed Price Support Program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.

443.1301 Administration.
443.1302 Availability of loans.
443.1303 Approved lending agencies.
443.1304 Eligible producer.
443.1305 Eligible cottonseed.
443.1306 Approved storage.
443.1307 Approved forms.
443.1308 Determination of quantity.
443.1309 Liens.
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443.1312 Interest rate.
443.1313 Transfer of producer's equity.
443.1314 Safeguarding of the cottonseed.
443.1315 Insurance.
443.1316 Loss or damage to the cottonseed.
443.1317 Personal liability.
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443.1319 Release of the cottonseed under loan.
443.1320 Purchase of notes.
443.1321 Loan and settlement rates.
443.1322 Cooperative marketing associations.

AUTHORITY: §§ 443.1301 to 443.1322 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 203, 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.1301 *Administration.* In the field, the program will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county committees") and the CSS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office"). Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. Loan documents will be completed in the county ASC office and copies of such documents will be retained there. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. County office managers, State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1302 *Availability of loans*—(a) *Area.* Farm-storage loans (hereinafter referred to as loans) shall be available on eligible cottonseed stored in approved storage in all cotton producing areas, except that loans will not be made in any area where the appropriate State committee determines that the damage hazard to farm-storage cottonseed would not warrant the making of loans.

(b) *Time.* Loans shall be available through January 31, 1958. Notes and chattel mortgages must be signed by the producer and delivered or mailed to the county office on or before such date.

(c) *Source.* Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers through approved lending agencies under agreements with CCC or by ASC county offices by means of sight drafts drawn on CCC in accordance with instructions issued by CSS to the State and county committees. Disbursements on loans will be made not later than February 15, 1958, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.1303 *Approved lending agencies.* An approved lending agency shall be a bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form CCC-322).

§ 443.1304 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1957 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 443.1322.

§ 443.1305 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed that meets the following requirements:

(a) The cottonseed must have been produced in the United States in 1957 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.1306 *Approved storage.* Approved storage shall consist of storage structures located on or off the farm which, as determined by the county office manager, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock and rodents, and reasonable protection against fire and theft.

§ 443.1307 *Approved forms.* (a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. Documents must have State and documentary revenue stamps affixed when required by law.

(b) The following documents must be delivered by the producer in support of every loan: Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A) and Commodity Chattel Mortgage (Commodity Loan Form AA) covering the cottonseed tendered as security for the loan both executed and delivered within the period prescribed in § 443.1302, and such other forms as may be prescribed by CCC.

§ 443.1308 *Determination of quantity.* The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of 1 percent of the gross weight.

§ 443.1309 *Liens.* The cottonseed must be free and clear of all liens and encumbrances including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1310 *Service charges.* The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service charges. No refund of any service charge will be made.

§ 443.1311 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable, under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lien-holders.

(b) If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1312 *Interest rate.* Loans will bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment except that loans in default or obtained through fraud will bear interest at the rate of 6 percent per annum from the date of default or the date of disbursement, respectively.

§ 443.1313 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC.

§ 443.1314 *Safeguarding of the cottonseed.* The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair, and to keep the cottonseed in good condition.

§ 443.1315 *Insurance.* CCC will not require the producer to insure the cottonseed placed under a loan; however, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 443.1316 *Loss or damage to the cottonseed.* The producers shall be responsible for the quality and for any loss in quantity of the cottonseed placed under loan, except that, subject to the provisions of § 443.1315, any physical loss or damage other than shrinkage or natural deterioration, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement is made by check or draft the date of the check or draft shall constitute the date of disbursement of the funds.

§ 443.1317 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 443.1318 *Maturity and liquidation of loans.* (a) Settlement of loans, and delivery of the cottonseed covered by chattel mortgage shall be made in accordance with this section. All loans mature on demand but not later than March 1, 1958. If the producer does not repay his loan on or before maturity, the producer shall deliver the mortgaged cottonseed in accordance with instructions issued on behalf of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold or there is a change of tenancy, the cottonseed may be delivered by the producer before the maturity date of the loan, after obtaining delivery instructions issued on behalf of the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC. After a complete grade determination by a cottonseed chemist licensed by the U. S. Department of Agriculture, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 443.1321), for the total quantity delivered, provided it is the identical cottonseed on which the loan was made.

(b) If the producer is directed to deliver his cottonseed to a point other than the normal delivery point the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point.

(c) If the settlement value of the cottonseed delivered under a loan exceeds the amount due on the loan by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight drafts drawn on CCC by the county office.

(d) If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC by the producer and may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States: *Provided*, That, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(e) If the loan is not liquidated upon maturity by payment or delivery, the holder of the note may remove the cottonseed and sell them in accordance with the provisions of the chattel mortgage (Commodity Loan Form AA).

§ 443.1319 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to the holder of the note the principal amount thereof, plus accrued interest and any charges that may be due. Upon payment of a loan, the county office should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged

with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however,* No partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate county committee determines that release of a portion of such commingled mass may be made.

§ 443.1320 *Purchase of notes.* CCC will purchase from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit interest to CCC computed according to the lending agency agreement.

§ 443.1321 *Loan and settlement rates*—(a) *Loan rates.* Loans on cottonseed shall be made at the rate of $46.00 per ton of eligible cottonseed as defined in § 443.1305.

(b) *Basic settlement rate.* The basic settlement rate for "basis grade" (100) cottonseed shall be $46.00 per net ton f. o. b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $46.00 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed pursuant to the provisions of the chattel mortgage at the current market price and the settlement rate shall be the market price per ton determined on the basis of such sale.

§ 443.1322 *Cooperative marketing associations.* (a) Cooperative marketing associations shall be eligible for loans: *Provided,* That (1) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Issued this 26th day of March 1957.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F. R. Doc. 57-2443; Filed, Mar. 28, 1957; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation

[Amdt. 3]

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

APPLICATION FOR INSURANCE; CLOSING DATE

The above identified regulations, as amended (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381, 4473, 5883, 6858, 7314, 7787, 8534, 9379) are hereby amended effective beginning with the 1957 crop year, as follows:

Section 420.3 is amended to establish April 30 as a closing date for Meeker County, Minnesota, and Tama County, Iowa.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended; 7 U. S. C. 1507-1509)

Adopted by the Board of Directors on March 20, 1957.

[SEAL] F. N. MCCARTNEY,
Secretary,
Federal Crop Insurance Corporation.

Approved: March 26, 1957.

MARVIN L. MCLAIN,
Assistant Secretary.

[F. R. Doc. 57-2445; Filed, Mar. 28, 1957; 8:51 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 92]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.392 *Valencia Orange Regulation 92*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on March 21, 1957, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., February 2, 1958, no handler shall handle any Valencia oranges, grown in District 1 or in District 3, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," "District 1," and "District 3" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 25, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2410; Filed, Mar. 28, 1957; 8:45 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter B—Export Regulations

[8th General Rev. of Export Regs., Amdt. 30]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

IRON AND STEEL SCRAP

Section 373.40 *Iron and steel,* paragraph (d) *Iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090* is amended in the following particulars:

1. Subparagraph (3) is amended to read as follows:

(3) *Offshore scrap.* License applications to export these scrap commodities from an American possession or territory outside the continental United States, including Alaska, shall include the following certification:

I (We) certify that the commodities described in this application originated in (name of United States territory or possession) and will be exported from (name of United States territory or possession).

2. Subparagraph (4) is deleted.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

This amendment shall become effective as of March 26, 1957.

LORING K. MACY,
Director,
Bureau of Foreign Commerce.

[F. R. Doc. 57-2441; Filed, Mar. 28, 1957; 8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

Subchapter A—Procedures, Rules of Practice, and Orders

PART 1—GENERAL PROCEDURES

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

MISCELLANEOUS AMENDMENTS

The Commission announces the following changes in Parts 1 and 3 of Chapter I of Title 16. All such changes to be effective 15 days after publication in the FEDERAL REGISTER.

1. Part 1 is amended in the following respects:

SUBPART E—STIPULATIONS TO CEASE AND DESIST

Section 1.54 is amended to read as follows:

§ 1.54 *Stipulation.* The stipulation shall consist of an agreement as to the facts, including those relating to jurisdiction, and an agreement to cease and desist from the acts or practices deemed to be violative of law. When executed by proposed respondents and satisfactory to the Chief, Division of Stipulations, and Director, Bureau of Consultation, the stipulation is submitted to the Commission for its consideration.

Section 1.55 is amended to read as follows:

§ 1.55 *Effect of stipulation.* When an executed stipulation is approved by the Commission the matter is closed without prejudice to the right of the Commission to reopen if and when warranted by the facts. The agreement does not constitute an admission by the parties that they have engaged in any method, act or practice violative of law, but it shall, if relevant to the issues, be admissible as evidence of the prior use of the acts or practices set forth therein in any later formal proceeding.

Section 1.57 (a) is amended to read as follows:

§ 1.57 *Compliance.* (a) Proposed respondent, within sixty (60) days from the date notice of the approval of such stipulation is received by him, shall file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with such agreement.

SUBPART M—PUBLIC AND CONFIDENTIAL INFORMATION

Section 1.132 (e) is amended to read as follows:

(e) The pleadings, transcript of testimony, exhibits and all documents received in evidence or made a part of the record in adjudicative proceedings, records of hearings in all rule-making proceedings, continuing guaranties filed under the Wool, Fur and Flammable Fabrics Acts and informal agreements to cease and desist after acceptance by the Commission are available at the principal office of the Commission for inspection and copying at reasonable times. Where copies of such materials are desired, § 1.131 (b) applies.

Section 1.134 (d) added to read as follows:

(d) Any officer or employee who is served with a subpoena requiring the production of any documents or records or the disclosure of any information which is designated in § 1.133 as confidential shall promptly advise the Commission of the service of such subpoena, the nature of the documents or information sought, and all relevant facts and circumstances. The Commission will thereupon enter such order or give such instructions as it shall deem advisable. If the officer or employee so served has not received instructions from the Commission prior to the return date of the subpoena, he shall appear in court and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this rule.

2. Part 3 is amended in the following respects:

SUBPART B—COMMENCEMENT OF PROCEEDINGS; SERVICE BY COMMISSION; SERVICE BY OTHER PARTIES; TIME

Section 3.4 (a) (2) is amended to read as follows:

(2) Documents other than complaints, orders and other processes of the Commission, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Commission or a hearing examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as complaints, orders and other processes of the Commission, or by certified mail.

SUBPART C—COMPLAINT, ANSWER, DEFAULT, AND MOTIONS; AMENDMENTS AND SUPPLEMENTAL PLEADINGS; PRE-HEARING PROCEDURE; VOLUNTARY INTERVENTION AND AMICUS CURIAE

Section 3.7 (b) is amended to read as follows:

(b) *Default.* Failure of the respondent to serve answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the hearing examiner, without further notice to respondent, to find the facts to be as alleged in the complaint, to conduct a hearing to determine the form of order, and, thereafter, to enter an initial decision containing such findings, appropriate conclusions and order.

Section 3.8 (e) is added to read as follows:

(e) *Rulings on motions for dismissal.* When a motion to dismiss a complaint or for other relief is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall make and file an initial decision in accordance with the provisions of § 3.21. If such a motion is granted as to all charges of the complaint in regard to some, but not all, of the respondents, or is granted as to any part of the charges in regard to any or all of the respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision.

Section 3.11 is amended to read as follows:

§ 3.11 *Voluntary intervention.* (a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 3.4 (b). A similar certificate shall be attached to the answer filed by any party, other than counsel in support of the complaint, showing service of such answer upon the applicant.

(b) The hearing examiner or the Commission may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise shall be deemed proper.

SUBPART D—DEPOSITIONS; ADMISSIONS; EVIDENCE

Section 3.13 (a) is amended to read as follows:

§ 3.13 *Admissions as to facts and documents.* (a) At any time after

answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be delivered with the request unless copies have already been furnished.

SUBPART E—HEARINGS

Section 3.19 is amended to read as follows:

§ 3.19 *Proposed findings, conclusions, and order.* At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the hearing examiner, any party may file with the Secretary for consideration of the hearing examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. Upon request by any party, oral argument thereon may be allowed, and such argument shall be included in the official transcript. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise unmistakably informs the parties of the action taken by him thereon.

SUBPART F—DECISION AND ORDER

Section 3.25 (b) is amended to read as follows:

(b) *Content.* Every agreement containing a consent cease and desist order disposing of the proceeding shall include also an admission by all respondent parties thereto of jurisdictional facts, a provision that the complaint may be used in construing the terms of the order; that the said order shall have the same force and effect as if entered after a full hearing and that the said agreement shall not become a part of the official record of the proceeding unless and until it becomes a part of the decision of the Commission; a provision that the entire record on which any cease and desist order may be based shall consist solely of the complaint and the agreement; a waiver of the requirement that the decision must contain a statement of findings of fact and conclusion of law; and a waiver of further procedural steps before the hearing examiner and the Commission, and provision that the order may be altered, modified, or set aside in the manner provided by statute for other orders. The agreement shall also contain a waiver by the respondents of any right to challenge or contest the validity of the order entered in accordance with the agreement, and may contain a statement that the signing of said agreement is for settlement purposes only and does not constitute an admission by respondents that they have violated the law as alleged in the complaint.

SUBPART G—MISCELLANEOUS

Section 3.30 is amended to read as follows:

§ 3.30 *Requirements as to form and filing of documents other than correspondence*—(a) *Filing.* All documents in proceedings before the Commission shall be addressed to and filed with the Secretary of the Commission.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Twenty copies shall be filed of a notice of intention to appeal and of all other appeal briefs; ten copies of all other documents shall be filed with the exception of reports of compliance under § 3.26 in which case only two copies shall be filed, and notices of appearance under § 3.29 (c) in which case only one copy shall be filed.

(d) *Form.* (1) Documents (other than briefs filed with the Commission on cases before the Commission for final disposition as noted in subparagraph (2) of this paragraph) below, must be printed, typewritten or otherwise processed[1] on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not less than ten (10) point adequately leaded.

(2) Briefs before the Commission other than briefs on interlocutory appeals must be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(e) *Signature.* (1) One copy of each document filed shall be signed by an attorney of record for the party, or, in the case of respondents not represented by counsel, by the respondent himself, or by a partner if a partnership, or by an officer of respondent if it is a corporation or an unincorporated association.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

Issued: March 25, 1957.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2392; Filed, Mar. 28, 1957; 8:45 a. m.]

[1] Processing will be limited to the permanent forms of reproduction such as by stencil or paper or metal plate lithography.

Subchapter B—Trade Practice Conference Rules

[Docket 6647]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DISTINCTIVE EMBLEM & UNIFORM CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government indorsement; producer status of dealer or seller: *Manufacturer;* § 13.30 *Composition of goods:* § 13.65 *Government approval, action, connection or standards:* Standards, specifications, or source; § 13.130 *Manufacture or preparation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Distinctive Emblem & Uniform Corp. et al., East Orange, N. J., Docket 6647, Mar. 1, 1957]

In the Matter of Distinctive Emblem & Uniform Corp., a Corporation, and Seymour S. Hindman and Sidney M. Stern, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporation engaged in East Orange, N. J., in the sale of military uniforms and other military clothing which it purchased from others, with representing falsely through use of flyers, circulars, post cards, brochures, and letter circulated particularly among U. S. Air Force personnel, that it was a manufacturer of military clothing and a Quartermaster-authorized manufacturer of military uniforms and other military clothing for the U. S. Air Force, that it specialized in custom-made military clothing, and that its "Shade No. 193 Air Force Uniforms" were made of fabrics approved by the U. S. Air Force.

Following entry of an agreement containing consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 1 the decision of the Commission.

Said order to cease and desist is as follows:

It is ordered, That respondents Distinctive Emblem & Uniform Corp., a corporation, and its officers, and Sidney M. Stern, individually and as an officer of said corporation, and Seymour S. Hindman, individually, and respondents' agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of military clothing in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or indirectly:

1. That the respondent corporation is the manufacturer of the military clothing sold by it;

2. That the respondent corporation is a quartermaster-authorized manufacturer of military clothing or is authorized by any other department or agency of the United States Armed Services to manufacture military clothing, unless such is the fact;

3. That the military clothing offered for sale or sold, or any of it, is custom-made;

4. That the military uniforms, offered for sale or sold, described as Shade 193 Air Force Uniforms, are made of fabrics approved by the United States Air Force or that any other fabric is or has been approved by any of the United States Armed Services, unless such is the fact.

By "Decision of the Commission", report of compliance was required as follows:

It is ordered, That respondents Distinctive Emblem & Uniform Corp., a corporation, and Seymour S. Hindman and Sidney M. Stern, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2420; Filed, Mar. 28, 1957; 8:47 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54328]

PART 16—LIQUIDATION OF DUTIES

DESIGNATION OF PHILIPPINE ISLANDS AS A QUARTERLY RATE COUNTRY

Pursuant to section 522 (c) (1) (B) of the Tariff Act of 1930, as amended by the Customs Simplification Act of 1956 (31 U. S. C. 372 (c) (1) (B)), the Philippine Islands is hereby designated as a country whose currency shall be subject to conversion for customs purposes in accordance with the applicable law and regulations at the rate first certified by the Federal Reserve Bank of New York for a day within the quarter beginning April 1, 1957, and each quarter thereafter.

The list of countries set forth at the end of paragraph (d) of § 16.4 of the Customs Regulations (19 CFR 16.4 (d)) is amended to include the "Philippine Islands" effective commencing with April 1, 1957.

Notice of the proposed issuance of the foregoing instructions was published in the FEDERAL REGISTER on February 28, 1957 (22 F. R. 1219), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). These instructions shall be effective on the date of publication in the FEDERAL REGISTER, the delayed effective date requirements of section 4 (c) of the Administrative Procedure Act being dispensed with because the instructions relate to action to be taken by customs officers and, although affecting rights of interested persons, do not require any action to be taken by such persons.

(R. S. 251, secs. 522, 624, 46 Stat. 739, as amended, 759; 19 U. S. C. 66, 1624, 31 U. S. C. 372)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 25, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2432; Filed, Mar. 28, 1957; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 14]

APPRAISEMENT; COAL-TAR PRODUCTS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to authority contained in sections 161 and 251 of the Revised Statutes and section 624 of the Tariff Act of 1930 (5 USC 22, 19 U. S. C. 66, 1624), it is proposed to amend § 14.5, Customs Regulations (19 CFR 14.5), relating to appraisement of coal-tar products dutiable under paragraph 27 or 28, Tariff Act of 1930, based on the American selling price of any similar competitive article producer in the United States.

Section 14.5 (n) authorizes the Chief Chemist, Customs Laboratory, New York, New York, to receive from domestic manufacturers samples and specifications of coal-tar products they produce and offer, specifically described as a coal-tar color, dye, stain, color acid, color base, color lake, leuco-compound, or indoxyl or indoxyl compound and, in accordance with § 14.5 (o), compare them with samples of foreign coal-tar products to ascertain for duty purposes whether there is a similar competitive product produced in the United States.

Since under present procedure no list of the domestic products received is issued for distribution to the public, the importer of a coal-tar product normally is without information upon which to form an independent determination of the prospective competitive tariff status of the importation.

It has been decided tentatively to have the U. S. appraiser of merchandise at New York issue, as in the case of the list he issues monthly under § 14.5 (d) of the Customs Regulations naming and giving the competitive or noncompetitive status of imported coal-tar products, a list of the names only of those domestic coal-tar products for which samples and specifications were received, and of those removed from the file, during the preceding month. Such list would be available to the public.

It is intended that other information in respect of the specifications shall continue to be treated as confidential. Furthermore, the names of products already on file would not be made public. Also, provision would be made for a period of 60 days from the date of publication of the change in final form in the FEDERAL REGISTER during which domestic producers could withdraw products from the file under the assurance that the identity of those withdrawn would not be made public.

It is proposed to amend the Customs Regulations as tentatively set forth below:

1. Section 14.5 (n) is amended by inserting new material between the fifth and sixth sentences, as follows: "The Chief Chemist shall advise the appraiser at New York of those products removed from or added to the file. The appraiser shall from time to time issue a list of such products, setting forth the invoices names and, if different, the trade names as they appear under items Nos. 1 and 2 of Schedule A. These lists, which are advisory only, shall be furnished to the Customs Information Exchange for circularization among other appraising officers and the public upon request."

2. The sixth sentence of paragraph (n) is amended by adding the word "Other" before the word "information."

(Sec. 1 (Pars. 27, 28), 46 Stat. 592, 594, as amended; 19 U. S. C. 1001 (Pars. 27, 28))

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Prior to the issuance of the proposed amendment, consideration will be given to relevant views, suggestions, or objections which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 45 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: March 22, 1957.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2433; Filed, Mar. 28, 1957; 8:49 a. m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

[Docket No. AO-243-A4]

MILK IN CENTRAL ARKANSAS MARKETING AREA

DECISION WITH RESPECT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and

procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Little Rock, Arkansas, pursuant to notice thereof which was issued October 22, 1956 (21 F. R. 8193).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on March 14, 1957, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on March 19, 1957 (22 F. R. 1750).

Within the period reserved therefor, interested parties filed exceptions to certain findings, conclusions, and regulatory provisions of this decision. Each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

Preliminary statement. The hearing on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated was conducted at Little Rock, Arkansas, on November 19–21, 1956, pursuant to notice thereof which was issued on October 22, 1956 (21 F. R. 8193).

The material issues of the hearing related to:

1. Area changes:
(a) Extension—Items 1 and 8.
(b) Contraction—Item 17.
2. The producer definition in regard to diverted milk—Item 9.
3. Definition of distributing plant:
(a) To exempt plants with 2,000 gallons or less per day—Item 21.
(b) To exclude all approved plants located in the area—Items 6 and 10.
4. Classification definition: To include in Class II (a) fat "disposal for livestock feed" and (b) "casualty" losses—Items 2 and 3.
5. Allocation of "other source" milk—Item 4.
6. The Class I price—Items 7 and 11.
7. The Class II price—Item 12.
8. Compensatory payments—Items 5, 18, 19 and 20.
9. Plants under other orders—Items 6 and 13.
10. Adjustment for errors—Item 14.
11. Base rules—Items 15 and 16.

Findings and conclusions. The following findings and conclusions on the material issues are based on the evidence introduced at the hearing, and the record thereof:

1. *The city of Gurdon and the town of Okolona, Arkansas, in Clark county should be removed from the Central Arkansas marketing area and the following counties should be added to the area: Conway, Grant, Hot Spring, Lonoke, Monroe, Pope, and Saline.* The elimination of the city of Gurdon and the town of Okolona, in Clark county, was proposed by a partially regulated handler whose plant is located in Texarkana, Texas. The sales of milk from this plant, with the sales of one or two other partially regulated handlers in these communities on the western edge of Clark county which marks the southwestern border of the marketing area, constitute about 85 percent of total sales in these communities, if school milk is excluded. Two pool plant handlers compete in these localities, but the volume of their sales is small and a minor part of the trade. These facts and circumstances justify the removal of the city of Gurdon and the town of Okolona, both in Clark county, Arkansas, from the marketing area.

Producers and a group of handlers proposed addition to the marketing area of the following counties in Central Arkansas: Conway, Grant, Hot Spring, Lonoke, Monroe, Pope, and Saline. Handlers alone proposed the addition of three other counties, Cross, Poinsett, and St. Francis, in eastern Arkansas.

The evidence does not justify the incorporation of the three eastern counties in the marketing area. In these counties one Central Arkansas handler competes with one or two Memphis handlers, who distribute no milk in the present Central Arkansas area. Another handler, who was under the Central Arkansas order at the time of the hearing, but who according to subsequent official releases of the market administrator, has come under the Memphis order, is also a competing distributor in these three counties. Official notice is hereby taken of announcements issued by the market administrator, Federal Order No. 8, for the months November, December 1956; and January, February 1957, listing the names of regulated and partially regulated handlers. He is a large scale distributor in the Central Arkansas area as well as in the Memphis area. A reason for handlers' proposal to consolidate and extend the Central Arkansas marketing area was to bring this handler fully under this order, or at least, to make him subject to the compensatory payment provision of this order on all the milk distributed by him in Central Arkansas trade territory, where he competes with Central Arkansas handlers.

But such grounds do not support the addition of these particular counties to the marketing area. These counties are well to the east of the main trade territory of Central Arkansas handlers. They are also served by Memphis handlers who sell no milk in the present Central Arkansas area. The one Memphis handler who distributes milk in the Central Arkansas area also distributes in these three counties; but his distribution in these counties is through his Memphis area vendor. Memphis handlers would appear to have no price advantage over Central Arkansas handlers that would justify the addition of these three eastern counties to the Central Arkansas area. None was alleged by proponents.

The same may be said with reference to the unpriced or unregulated distribution in these three eastern Arkansas counties. Only one unregulated distributor operates in these counties. His business varies from an estimated two percent of all Class I distribution in St. Francis, to 50 percent in Poinsett. Altogether sales by this distributor in these counties are probably not more than eight or nine percent of his total Class I trade. The bulk of his distribution is in unregulated trade territory. Nevertheless, his stake in the trade of these counties—measured by the proportion of sales in these counties to total sales—appears to be about equal to that of Central Arkansas handlers.

The evidence supports the addition to the area of the seven counties named above, proposed by handlers and producers. These counties lie well within the Central Arkansas Grade A milk trade area. Health and sanitary regulations are identical to those of the present marketing area.

Such enlargement of the area would incorporate in the area additional trade territory now served by two or more major Central Arkansas handlers, and by the partially regulated handler, who was recently under this order but who in December 1956, reverted to his original status under the Memphis order. Two major Central Arkansas handlers distribute milk in each of these counties. The sales by one amount to approximately 15 percent of his total Class I sales, by the other to about 21 percent. Sales by another handler in four of these counties amount to about 12 percent of his total sales. Still another handler distributes seven percent of his Class I sales in two of these counties. Since volume data on sales by counties are not available, how much would be added to area sales by the incorporation of these counties in the area cannot be definitely calculated. But the data of percentage of sales by handlers show that these counties are an important part of the sales area for producer milk; that they are an integral part of the trade territory of major Central Arkansas handlers, and of the large scale distributor in Central Arkansas who presently operates under the Memphis order. In Grant, Hot Spring, Lonoke, and Monroe counties there are no unregulated distributors. There is one unregulated distributor in each of the counties of Conway, Pope, and Saline. In Saline county it is estimated that sales by this distributor are about 10 percent of total sales, in Pope county about 50 percent, and in Conway county about 55 percent. In each case the unregulated distributor has a substantial proportion of his Class I trade in the county—estimated at about a third in one case and 90 percent in the other cases.

One reason, advanced by producers and handlers, for adding these particular counties to the maketing area, is to bring

these local distributors under uniform price regulation. These local distributors compete with handlers for milk supply. While they pay producer prices that conform closely to pool plant prices or to prices returned to member producers by the cooperative association, they obviously do not account and pay for their supplies on a class price basis. Their cost of Class I milk may be somewhat less than that of handlers who compete with them. It also appears, in these cases, that the cost of supplies is lessened by the practice of balancing very closely receipts from dairy farmers with sales, and procuring supplementary supply from regulated plants, or directly from the producers' cooperative association. Such practices and circumstances give ground for including them under the uniform price provisions of the order. One of these local distributors went on record in favor of so doing. Another demurred, but not on grounds of possible effects upon his buying prices and competitive position. He was reluctant to become a handler because of the administrative assessment and the necessary record keeping and reporting. Under the circumstances, such objection could hardly be determining.

An additional reason for incorporating in the marketing area more of the trade territory served by the principal Central Arkansas handlers lies in the application of another order provision,

§ 908.61 *Plants subject to other Federal orders.* It applies to plants with sales in more than one Federal marketing area. If a distributing plant in this area also sells in another area, under an order with a similar provision, the handler is subject to the order for the area where, during a specified period, his sales are greater. In this determination only the sales actually in the respective areas are considered. Also, the compensatory payment specified in this section of Order No. 8, which is applicable to a distributor in this area who is a handler under Order No. 18, applies only to his sales that are actually in the defined marketing area.

Major Central Arkansas distributors operate extensively outside the present marketing area. Two or three distribute milk from Central Arkansas plants in marketing areas under other orders. One of these, as noted above, was under Order No. 18 when Order No. 8 was issued. In June 1956, this distributor came under Order No. 8. But since January 1, 1957, he has been under Order No. 18. Another Central Arkansas distributor, presently a handler under this order, at times is successful bidder on large military camp contracts in another marketing area for a volume of milk that might exceed his sales in the present area. This handler distributes substantial quantities of milk in several of these counties that are proposed for the area. He supports such extension of the marketing area, in part, for the reason that it would make more secure his existing status under this order.

It therefore appears that the purposes of this order would be served by the inclusion of the seven counties named above in the marketing area. All or a large proportion of the distribution in these counties is by handlers under this order and a handler presently under the Memphis order. While two or three local distributors would become subject to the Central Arkansas order, it does not appear that minimum order prices would be unreasonable for them or that the level of their producer prices would be changed much, if any. Among the regulated distributors in the Central Arkansas trade, it would tend to make minimum buying prices more uniform and thus to enhance the stability of producer prices. The Central Arkansas distributor, who is presently a handler under the Memphis order, has a lower Class I price than he would have if he were operating under the Central Arkansas order. But, for the receipts of local milk that he distributes in the Central Arkansas marketing area he makes a "compensatory payment" to Central Arkansas producers, which is designed to equalize his plant price with that of Central Arkansas handlers. Enlarging this area to include more of his trade territory would not only increase the ratio of his sales in this area to those in the Memphis area—which determines his handler status—but also increase his compensatory payments to Central Arkansas producers when he is a Memphis handler. Likewise such enlargement would tend to reduce the uncertainty of continuing applicability of the minimum price terms of this order to Arkansas handlers who also distribute milk in the areas of other Federal orders.

2. *The producer definition should not be amended.* The Central Arkansas Milk Producers' Association proposed that the definition of "producer" be amended to permit a cooperative association to divert milk to a nonpool plant in all months of the year. The present definition allows pool plant handlers (including producers' cooperative associations) to divert milk at any time during the months February through August, and on not more than ten days during any other month. The effect of the proposal would be to allow a cooperative association to divert milk at any time during the year, while retaining the ten-day limitation on diverted milk for proprietary handlers during the months September through January.

In support of the proposal, the producers' association contended that the present provision has imposed hardship on several of its members. Three producers who were shipping milk on a route which was converted to bulk tank had not done so when the route was so converted. Consequently, their milk in cans had to be hauled over 100 miles, apparently to another pool plant in order for them to maintain producer status. The association maintained that if it had been permitted to divert milk to a nonpool plant for more than ten days during the period September through January this situation could have been averted.

Under the proposal, the association would not divert the milk of non-members in a similar situation. The stated purpose of the proposal is to protect the producer status of cooperative association members.

The manager of the producers' association testified that proprietary handlers should not be extended year-round diverting privileges because handlers' plants might be loaded unnecessarily with Class II milk, thereby reducing uniform prices to producers.

The present provisions concerning diverted milk were originally included in the order because some milk not needed for Class I use in the area had been diverted from producer farms directly to manufacturing plants. The privilege of diverting such milk to nonpool plants obviates the handling of milk at bottling plants which are not equipped to manufacture reserve supplies. The diverting privilege was limited during the months of low production because reserve supplies during those months normally prevail only on weekends or holidays. Cooperative associations were afforded the same diverting privilege as handlers to enable them to market their members' milk more efficiently, and to keep such milk pooled.

The evidence in the record in support of the proposal was confined to an unusual incident involving a minute segment of the market for a short period of time. It would be very difficult from an administrative standpoint to guard against all situations which may be temporarily disruptive, and at the same time to provide larger safeguards necessary to insure that milk in the Central Arkansas market shall be marketed as efficiently as possible. There is no evidence that the Central Arkansas market treated as a whole, needs any provision for diverting milk on a year-round basis, except as it is already contained in the order. The proposal should not be adopted.

3. *The definition of "distributing plant" should not be amended.* (a) A handler proposed that a volume limitation be be provided in the distributing plant definition which would exempt from regulation any plant distributing less than 2,000 gallons of milk a day in the marketing area.

The proponent testified that he produces half his volume and purchases the remainder from the Central Arkansas Milk Producers' Association. The handler's primary objection was in having to pay into the producer-settlement fund on his high Class I utilization. His operation includes no Class II utilization. His present distribution amounts to approximately 450 gallons per day, 150 gallons of which are distributed in the marketing area. The proponent stated that construction has just been completed on a plant which will enable him to triple his capacity.

The proposal to include the exemption was supported primarily on the basis that the handler's Class I distribution in the marketing area is much less on a total volume basis than that of "larger" handlers. There is no evidence in the record indicating any economic justification for exempting a handler from regulation simply because the quantity of milk he distributes is less than that of other handlers.

Evidence in the record indicates that the proponent's distribution in the marketing area exceeds 30 percent of his total Class I distribution. Elsewhere herein, it is recommended that the marketing area be extended. If this occurs, it is probable that the proponent's percentage of total distribution would be even more than the present 30 percent. There would be little justification in exempting one handler whose distribution in the marketing area exceeds 30 percent of his total Class I distribution while regulating other handlers whose Class I distribution in the marketing area is 10 percent or more of total Class I sales.

It is concluded that the proposed volume exemption should not be adopted.

(b) Producers and handlers proposed that a distributing plant be regulated by Order No. 8 (Central Arkansas) if it is located within the marketing area. This proposal was submitted in conjunction with another proposal which is discussed later in connection with Issue No. 9.

Proponents supported the proposal on the basis that any plant located in the marketing area is, of necessity, associated with the market. Such plant procures its milk from the same area as do other plants located in the area. In addition, a substantial portion of such plant's Class I sales are logically made within the area.

Specifically, the proposal is intended to regulate by Order No. 8 a plant located at Conway, Arkansas. This plant has had a recent history of having been regulated by Order No. 8 and by Order No. 18 (Memphis). Proponents contend that the regulation of the plant by one order and then by another disrupts marketing conditions for the Central Arkansas area.

The plant referred to has, for the most part been regulated by Order No. 18 on the basis of a larger volume of Class I sales distributed in that marketing area than in the Central Arkansas area. Official notice is taken of the final decision of the Assistant Secretary which was published in the FEDERAL REGISTER on November 30, 1956 (21 F. R. 9383) in which it was concluded that in determining the applicability of Order No. 8 to a handler who qualifies under more than one Federal order, such determination should not be made on any basis other than that of identifying the market in which the largest volume of his Class I sales is distributed. No new evidence was introduced which would justify a different conclusion at this time.

The object of Federal milk regulation is to assure that all milk handled within a specified marketing area shall be paid for on the basis of its utilization, and at prices established by the order. The area from which handlers procure milk is not the criterion for regulation.

Proponents emphasized that by reason of a location differential applicable at Conway, Arkansas, when the plant there is regulated by Order No. 18 (Memphis) the operator of that plant enjoys a competitive advantage over handlers regulated by Order No. 8 on Class I sales made outside the marketing area.

But this merely means that competing handlers under different orders may have different minimum buying prices. This would appear to be inevitable, at some plant locations, even though prices at the respective areas are the same, as is the case in this instance. If the areas are correctly defined and location differentials are reasonable, the basis for such differences in plant prices are presumed to be economic. Proponents of this proposal also approached their problem through an area enlargement proposal, which is herein considered as Issue No. 1.

It is concluded that the proposal should not be adopted.

4. *The classification provisions of the order should not be changed.* Handlers proposed that (a) in disposing of milk for livestock feed, the butterfat and skim portions should be classified as Class II. At the present time, only the skim portion is so classified, (b) transportation and processing losses should be classified as Class II milk.

In support of proposal (a), handlers testified that 99 percent of all milk disposed of for livestock feed originates as returns of buttermilk, flavored milk and homogenized milk. Livestock feed disposition amounts to about one percent of total Class I and Class II disposition for the market. Since the volume of recoverable fat from buttermilk is negligible, returns of homogenized and flavored milk account for the bulk of the butterfat in livestock feed. Butterfat from Grade A Cream-line milk, cream and half-and-half is generally recovered from returned items.

One handler stated that during the past 10 months an average of 1,174 pounds of butterfat monthly was disposed of as livestock feed, with the major quantities disposed of in the months of March, May, June and July 1956. Another handler testified that his firm disposed of an average of 964 pounds of butterfat per month in this manner.

The quantity of butterfat involved, if the proposal were adopted, represents a very small portion of the total Class I and Class II disposition of handlers. It was conceded that any decrease in handlers' cost would be slight. In view of this it is doubtful whether the advantages of adopting the proposed amendment outweigh the advantages of retaining the present language of the order.

The present method of classifying the butterfat and skim components of milk utilized as livestock feed contains incentive for handlers to recover as much as possible of the butterfat in milk disposed of in this manner. Handlers' testimony indicates that this is being done. The present provision influences handlers to adjust their bottling operations as closely as possible to their Class I route sales in order to guard against increasing volumes of route returns. If the proposal were adopted, there would be less incentive to tailor bottling operations with route requirements, since all returns could be disposed of for livestock feed and classified as Class II. There is little economic justification in allowing unlimited disposition of producer milk in this manner. In fact, some safeguard is necessary to discourage it. Present order language contains such safeguard. The order contains a two percent allowance for shrinkage. In cases where plant shrinkage is less than two percent, the butterfat contained in livestock feed is not included in the shrinkage allowable in Class II. Shrinkage, as a percentage of total receipts has declined steadily since the inception of the order, indicating increased efficiency in handlers operations. It is not inconceivable that the gradual reduction in the volume of plant shrinkage for the market, is due to the order provisions safeguarding the classification of producer milk.

It is concluded that the proposal should not be adopted.

In support of (b), handlers stated that processing losses have occurred when milk to be used for buttermilk failed to coagulate because of antibiotics present. It was testified that this situation was avoided after it occurred by testing samples of individual producers' milk before commingling and making buttermilk. The proposal is intended to classify processing losses of this type in Class II whenever they occur. However, there is no justification for assigning producer milk to a lower class whenever handlers fail in processing techniques to prevent losses such as those described.

The record contains no guides as to what might or might not be considered a processing loss. It would, without such guides, encompass all losses, including those due to negligence, accident or mischievous damage. Nor would it be feasible to require the market administrator to decide what constitutes a processing loss, since he undoubtedly would not be present when it occurred.

Handlers also proposed that transportation casualty losses should be priced in the lowest class whenever they occur, subject to prompt notification of the market administrator to allow verification. Some handlers operations are covered by cargo insurance, and some are self-insured. The proposal was mainly supported by a handler who does not carry cargo insurance, stating that the cost is prohibitive.

While it is reasonable for handlers to protect themselves from all manner of business hazards, it is not necessary, as the experienced management of many handlers demonstrates, to provide such protection in the classification provisions of the order. The responsibility for protection against fire, explosion, theft, etc., which may destroy or damage a handler's property may reasonably be expected to be borne by the handler. Likewise, transportation losses, when the property is the handler's, should be considered part of the risk of doing business, and protected accordingly. Producers should not be expected to take a lower classification on any milk involved in such losses.

It is concluded that the proposal should not be adopted.

5. *The allocation provisions of the order should not be changed.* Handlers proposed that producer milk should not receive preferential classification as Class I over other source receipts, unless producer receipts at pool plants are at least 115 percent of the Class I sales of pool plants. During the course of the hearing, handlers revised the factor to 110 percent.

In support of the proposal, handlers testified that the present allocation provisions are not encouraging producers to meet their supply obligations.

One handler testified that during the month of August 1956, when there was sufficient producer milk on the market to supply Class I sales inside the marketing area, other source receipts were used. Some handlers received other source milk instead of producer milk. At the same time, producer milk was delivered to handlers with Class II utilization. The allocation system washed out all but about 9 percent of the utilization of producer milk in Class II. The handler's chief objection to this situation was that his firm had to pay a compensatory payment on the other source milk which was supplied by the producers' association.

It is noted that the action recommended under Issue 8 (a) should provide appropriate relief for the situation complained of under this issue. Consequently, it is not necessary to amend the allocation provisions of the order.

6. *The Class I milk price should not be changed.* Producers proposed that the Class I milk price for Central Arkansas be based on the Class I milk price for Memphis, Tennessee (Order No. 18) plus 35 cents, in all months of the year. It was also proposed that in no case shall the Central Arkansas Class I price be less than the Class I milk price for the Ft. Smith market.

A series of producer witnesses testified that the proposed price increase is necessary to counteract declining income from milk production. However, it should be noted that Class I, Class II and uniform prices for Central Arkansas increased during the year 1956. Declining income from dairying, particularly in areas close to the city of Little Rock, Arkansas, appears to be due primarily to increased costs resulting from extremely dry pasture conditions and competition with industrial expansion for available labor. Producer witnesses whose farms are located close to the metropolitan area are operating relatively small herds, and expressed reluctance to use capital reserves to enlarge them in order to take advantage of economies of scale and efficiencies from labor saving equipment.

An official of the Central Arkansas Milk Producers' Association testified that the Class I price for Order No. 8 should be 70 cents over the Class I price of Order No. 18 to attract an adequate supply of milk for Central Arkansas. It was conceded, however, that intermarket relationships should be considered in establishing an appropriate Class I differential for Central Arkansas. Consequently, the association proposed a Class I differential of 35 cents over the Memphis Class I price. This amount represents the cost of transporting milk in packages from a plant in Conway, Arkansas to Memphis, Tennessee. The association contends that the proposed Class I price is not enough to attract an adequate supply of Class I milk for Central Arkansas, but represents a minimum necessary to preserve an alignment of prices (presumably with Memphis), keep present producers supplying the market, and attract new ones.

The producers' association also contends that for the months of March and July, the Central Arkansas Class I differential is out of line with that contained in the Ft. Smith order, which is about 50 cents over Central Arkansas during those two months. Producers maintain that this has a disturbing effect on dairy farmers who live in the same locality and ship milk to the two markets. There could be transfers of producers to the Central Arkansas market during March and July because these months are part of the flush period for the Ft. Smith market. No transfers are made, however, because of the price difference. By raising Central Arkansas price to a level comparable with Ft. Smith, the association (having members shipping to plants regulated under both orders) could divert milk from Ft. Smith to Central Arkansas, or transfer producers permanently to Central Arkansas. So long as the Ft. Smith price is higher than Central Arkansas, the association maintains that it cannot induce its members to transfer. It was estimated that by diverting milk, and by negotiating premiums with handlers, Central Arkansas producer prices have been increased in 1956 by about 49 cents per hundredweight. This has not been enough to achieve the supply needed.

Handlers testified that because of the inter-relationship of the two markets, the Class I prices under the Memphis and Central Arkansas orders should be identical. If the Central Arkansas price is higher than the Memphis price, a plant located at Conway, Arkansas, when regulated by the Memphis order, and obtaining a location differential, could increase its competitive advantage with Central Arkansas regulated handlers, particularly outside the present marketing area. Handlers were primarily concerned with the price alignment with Memphis. Handlers would support a temporary price increase for Central Arkansas, but in the long run the competitive position with Memphis, must be considered.

The Borden Company representative testified that the level of the Class I price is not the complete answer to the shortage of milk in Central Arkansas. The fact is that large volumes of milk have been used to supply Class I sales in the Memphis and Ft. Smith areas. To continue in this manner could increase the Central Arkansas Class I price to an extremely high level, and still not result in adequate supplies for Central Arkansas handlers. The association's proposed Class I price would jeopardize large quantities of Class I sales in eastern Arkansas, and in the Memphis marketing area which are of great value to producers. The Central Arkansas handlers would be at a great disadvantage in competing with the Memphis handler located at Conway, Arkansas, who could procure milk for 63 cents per hundredweight less than Central Arkansas handlers (35 cents increase and 28 cents location differential). It was pointed out that prior to the order, Central Arkansas prices averaged five cents per hundredweight over Memphis. For 10 month of 1956 it averaged seven cents over.

Evidence introduced into the record concerning marketing statistics was necessarily restricted to the period December 1955 through September 1956. This is due to the fact that the order became effective in December 1955. Consequently, there are insufficient data available for comparison to determine what impact the present price level has had on production. Official notice is hereby taken of the market administrator's statistical summaries for October, November and December 1956. These summaries, along with data in the record provide marketing statistics for a full year, plus a comparison of December 1955 with December 1956. In addition, official notice is taken of the market administrator's announcement of the Class I price for January and February 1957, as well as the Class II price for January 1957.

Since the inception of the order, the Class I price for Central Arkansas has been the same as that for Memphis, Tennessee. This price includes whatever supply-demand adjustment is applicable for the Memphis market. As a result of a recent amendment to the Memphis supply-demand adjuster, the Class I price for Central Arkansas increased significantly for the months September, October and November 1956. For December 1956, the Class I price was 25 cents per hundredweight more than in December 1955. For January and February 1957 compared with 1956, the Class I price was 12 and 14 cents more, respectively.

Daily average producer receipts have increased steadily during 1956. In December 1956 daily average producer receipts were 61,000 pounds more than in December 1955. Total numbers of producers, both "part time" and "regular" have increased since December 1955. Present price levels have encouraged increased production per producer, from 412 pounds in December 1955 to 454 pounds in December 1956.

On the other hand, the utilization of producer milk in Class I has declined slightly from 94.9 percent in December 1955 to 92.0 percent in December 1956.

It is recognized that marketing experience under Federal regulation for the Central Arkansas market has been limited insofar as it is possible to analyze the effect of the present Class I price level on production. It is concluded that the present Class I price level insofar as it can be determined, has encouraged the development of needed supplies of producer milk. The Class I price level should not be changed at this time.

In this connection it should be noted that the handler proposal to establish an appropriate supply-demand adjuster for the Central Arkansas market was not supported at the hearing. The Central Arkansas market has had a history during the past year of having one large handler regulated either by the Central Arkansas order, or by the Memphis order. More experience is needed in order to construct an appropriate supply-demand

adjuster for Central Arkansas. When adequate data are available an appropriate supply-demand adjuster my be considered and the level of the Class I price reviewed.

7. The seasonal pricing provisions for Class II milk should be amended. The Class II milk price is based on the average paying prices of three Arkansas manufacturing plants during the six months period of February through July. During the remaining six months the price is determined to be the basic formula price for the month, or the average pay price of the three Arkansas plants plus 25 cents, whichever is less. This pricing mechanism results in a lower Class II price during February through July than is applicable during the remaining six months.

Producers proposed that the lower Class II price apply during the months April through June. The effect of the proposal would result in a higher price for Class II milk during the months February, March and July than now prevails during those months.

During February and March, 1956 only small quantities of producer milk were utilized in Class II. The volumes so utilized were manufactured into high value products such as ice cream and cottage cheese. Relatively little milk was manufactured into butter and cheese.

The utilization of producer milk in Class II during 1956 was highest during the months April through July. For the months February and March, the utilization of producer milk in Class II was 4.81 percent and 3.05 percent, respectively. For the months April through July, such utilization ranged from a low of 10 percent to a high of 15 percent.

The experience of the market in 1956 indicates that a limited revision of the seasonal pricing of Class II milk is justified.

While statistics are available for only one year, it is questionable whether the month of July should be designated as a seasonally higher Class II pricing month. In July 1956, for instance, over two million pounds of producer milk were utilized in Class II. This was the largest volume so utilized in any month for the year.

On the other hand, the months of February and March may reasonably be included among the seasonally higher Class II pricing months, since the utilization of Class II in these short production months is relatively low. At the same time, such utilization is primarily for the manufacture of higher valued products.

For 1956, the Central Arkansas Class II price on a yearly average basis compared favorably with those for surrounding Federal order markets. It was higher than three of them, ranging from 8 to 13 cents. At the same time, it was 10 cents lower than two others.

Handlers opposed the proposed amendment on grounds of competition with unregulated plants selling ice cream mix into the Central Arkansas marketing area. One handler opposed the amendment because he expects to expand his Class II ice cream and cottage cheese manufacturing operations on the basis of the present price level. There was no testimony to indicate that handlers have had any difficulty in disposing of reserve milk at any time during 1956.

It is concluded that the months of February and March should be designated higher seasonal Class II pricing months. Such action is consistent with the seasonal pattern of Class II utilization of producer milk in the market. The provisions concerning the Class II butterfat differential should be amended to conform with this conclusion.

8. The compensatory payments provisions of the order should be amended. Handlers proposed that (a) the compensatory payments provisions of the order shall not apply whenever producer receipts at pool plants are less than 115 percent of total Class I sales from pool plants. (During the hearing handlers reduced the factor to 110 percent), (b) the months during which the rate of compensatory payments on other source milk is based on the difference between the prices for Class I and Class II milk be changed, (c) the rate of compensatory payments applicable to nonpool handlers distributing fluid milk products on routes in the marketing area be based on the difference between the Federal order uniform price for the month and the average producer pay price of the nonpool plant, and (d) the rate of compensatory payments in all months of the year be based on the difference between the Class I price and the uniform price.

In support of (a), handlers testified that the allocation provisions of the order do not encourage producers to supply Central Arkansas handlers. Handlers contend that producers have an implied obligation to supply the market with its minimum requirements for milk before handlers are required to pay compensatory payments on other source milk utilized to furnish the Class I requirements of the market.

Handlers testified that during short-production months they have paid premiums for producer milk. At the same time, compensatory payments were charged on other source milk which was needed to supply the Class I needs of the market. The Central Arkansas Milk Producers' Association operates under a "full supply" verbal agreement with handlers. Consequently, the association has imported volumes of other source milk for Central Arkansas handlers when producers were unable to supply sufficient volumes of milk for the Class I needs of the market. When such other source milk originates in areas not Federally regulated, a compensatory payment is charged in computing the handlers' obligation to the Central Arkansas pool.

Producers presented no opposition testimony or recommendation.

During 1956, there were four months during which producer receipts were more than 110 percent of Class I sales. During six of the remaining eight months, producer receipts were less than the Class I requirements of the market. The association has supplied handlers with other source milk whenever producer milk was not available in sufficient volumes to furnish the market with its requirements for Class I milk. Most of these imports of other source milk were from areas regulated by other Federal orders. Consequently, no compensatory payments were charged. Whenever other source milk was obtained from unregulated sources, such payments were charged.

The purpose of the compensatory payments feature of the order is to assure that milk for fluid use, from areas not regulated by a Federal order, shall be procured at not less than the minimum prices established for Central Arkansas; so that handlers who use such unpriced milk will not thereby have cheaper milk than handlers who use only producer milk, and no handler will have any incentive to substitute it for producer milk that is available to him.

Conditions in the Central Arkansas market are such that the association, representing a major portion of the producers supplying milk to regulated handlers, has the obligation under an agreement with handlers to procure for them other source milk when needed. Available marketing statistics indicate that the volume of producer milk available to regulated handlers was less than the requirements for Class I use during a substantial part of 1956. There is indication that the availability of producer milk is improving; but under prevailing supply arrangements there appears to be no need for compensatory payments by handlers on other source milk except when the market supply of producer milk is sufficient for Class I needs plus a minimum reserve. It is concluded that this proposal should be adopted.

In support of (b) and (c) one handler proposed different rates of compensatory payments on other source milk obtained by regulated handlers, and on fluid milk distributed in the marketing area by a nonpool plant. At the present time, the rates are the same.

In connection with (b) the witness testified that the need for the proposal is comparable to that discussed under (a) above. However, there was no specific testimony as to why the rate for pool plants should be any different from that for plants not regulated by a Federal order, and distributing milk in the marketing area.

It is concluded that these proposals should not be adopted. The aspect of these proposals concerning whether the rate of compensatory payments applicable to both types of handlers should be changed is discussed later in section (d).

In support of (d) a number of handlers testified that the present rate is too high during the months February through July. During this period, the rate is the difference between the prices for Class I and Class II milk. In support of their position, proponents contended (1) The distributing plant definition is such that their distribution of Class I milk in the marketing area reflects insignificant competition with regulated handlers; (2) prices paid to producers by unregulated handlers, who have had to pay compensatory payments, have been higher than the Central Arkansas uniform prices during the February through July period.

Milk from unregulated plants is sold as Class I in the Central Arkansas marketing area. It is distributed to consumers on routes operated by fringe area plants. Also, pool plants purchase milk from unregulated plants in bulk to supply their own Class I outlets.

The order contains classified pricing provisions whereby producers who are primarily engaged in furnishing milk for sale in the marketing area are paid for such milk according to its utilization. The pricing provisions of the order cannot be maintained unless the Class I market is safeguarded from the the competition of excess milk from surrounding unregulated areas, and from such areas located considerable distance from Central Arkansas.

Since there is no direct control over the pricing of milk from unregulated plants, the order provides a method of bringing such milk under the classified pricing system without fully regulating the plant from which such milk originated. The compensatory payments provision of the order accomplishes this.

Proponents testified that producer pay prices in the fringe areas are equivalent to or higher than the Central Arkansas uniform prices. However, in the absence of regulation, it is impossible to determine the comparability of the prices quoted with those established by Order No. 8. Producers shipping milk to unregulated plants are normally paid blend prices which may be influenced by different classification schemes, and by vafying charges for services or supplies.

The record shows that milk supplies are invariably larger in Arkansas and in surrounding markets during the months March through July than in the remaining months of the year. The excess or increased production during these months must be marketed largely as manufactured products since Class I sales remain relatively static. The prevailing manufacturing milk prices represent the opportunity cost of such milk during these months. This aspect of the compensatory payments provision of the order was covered in detail in the final decision issued by the Assistant Secretary on October 7, 1955 (20 F. R. 7669).

It is concluded that there is no new evidence to justify changing the rates now provided in the order; but that the month of February should be included with those for which the lower rate applies.

9. Section 908.61 should not be amended. This section provides for determining the applicability of Federal regulation when milk plants qualify under more than one order.

Handlers and producers submitted this proposal as a conforming change in conjunction with their proposal to amend the distributing plant definition (Issue No. 3–b).

Since it was concluded under Issue No. 3 that the definition should not be amended, it is also concluded that this proposal should not be adopted.

10. The provision of the order authorizing plus or minus adjustments for errors made in previous payments made to producers should not be changed. The producers' association proposed that the provision authorizing minus adjustments for errors in previous payments to producers be deleted. The producers' witness testified that the present provision impairs the effectiveness of making audit adjustments for handlers when premiums have been paid. It was contended that the present provision would permit a handler who previously paid a premium to producers to underpay them in a later month. Then, on audit, the apparent overpayment could be applied to a subsequent underpayment. Or, as a result of a so-called overpayment resulting from a premium, a minus adjustment may later be made from checks payable to producers. Proponents contended that adoption of the proposal would prevent these situations from occurring. The purpose it serves is best explained by the use of the word "errors". This could include typographical errors made in preparing checks, arithmetical errors in computing payments, and the use of incorrect pricing data. It is not clear how the payment of a premium could be construed as an error in paying producers, unless pertinent facts are withheld from the market administrator at the time an audit is made. The market administrator should have available to him all the factors handlers use in computing payments to producers. If any confusion or uncertainty exists about an apparent overpayment, it would not be difficult to ascertain the facts.

At the same time, it is recognized that bona-fide errors may be made, requiring minus adjustments in payments to producers. In view of this, there is no justification for limiting the order provision to plus adjustments only.

It is concluded that the provision should not be changed.

11. The base-excess provisions of the order should be amended. Producers proposed that the base transfer provisions be amended (a) to permit partial base transfers, and (b) to provide for the computation of bases for producers when a plant previously regulated by another Federal order becomes regulated by Order No. 8.

In support of (a) the producer representatives testified that: (1) The association now permits its members to transfer partial bases. Presumably this is taken into account when the association rebiends the proceeds from the sale of milk and distributes it to its members. Since the association represents almost all producers on the Central Arkansas market, adoption of the proposal would merely reflect what is now being done in the market; (2) the effect of the proposal would be to increase production for the Central Arkansas market at a time when it is needed, because a new producer could obtain a base by purchase, by borrowing it or by having it given to him; (3) very few producers come on the Central Arkansas market during the heavy production season. The acquisition by them of some base could be no problem as far as the entire market is concerned. However, it is not clear that anything would be gained for the market as a whole by the adoption of this practice even though the association finds it convenient and useful among its members.

If adopted, the proposal would require a great deal more record keeping than is justified by the benefits which may result. It is not feasible to incorporate into the order a plan requiring as much administrative detail as this would.

It is concluded that the proposal should not be adopted.

In support of (b) producers pointed out that handlers in the Central Arkansas area have had large portions of their sales in the Memphis area and in the Ft. Smith area. Consequently, a situation exists wherein milk plants in the Central Arkansas area shift from regulation under one order to regulation under surrounding orders and back again depending on volumes of Class I sales distributed.

Under such conditions, it is reasonable to allow bases under Central Arkansas to be computed for producers shipping to such plants when shifts of this kind occur. The Central Arkansas market administrator could verify producers shipments to such plants during th short production season and compute bases for them under Order No. 8.

It is concluded that the proposal should be adopted.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Determination of representative period. The month of January 1957, is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Central Arkansas marketing area, in the manner set forth, is approved or favored by producers as defined under the terms of the order, as amended, and hereby proposed to be further amended, and who, during such representative period were engaged in the production of milk for sale in the said marketing area.

Marketing agreement and order, as amended. Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regultaing the Handling of Milk in the Central Arkansas Marketing Area," and "Order, as Amended, Regulating the Handling of Milk in the Central Arkansas Marketing Area," which have been decided upon as the detailed and

appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended.

This decision filed at Washington, D. C., this 26th day of March 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

Order,[1] as Amended, Regulating the Handling of Milk in the Central Arkansas Marketing Area

§ 908.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and order, as amended, and hereby further amended, regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 908.41 (a), or (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 908.62.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the following terms and conditions:

1. Delete § 908.4 and substitute the following:

§ 908.4 *Central Arkansas marketing area.* "Central Arkansas marketing area", hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark (except the city of Gurdon and the town of Okolona), Conway, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lonoke, Monroe, Pope, Pulaski, Saline and White, all in the State of Arkansas.

2. In § 908.51 (b) and § 908.52 (b) delete "February" and insert "April".

3. At the end of § 908.70 (b) change the semicolon to a colon, and add the following: "*Provided*, That such calculation shall not apply if the total receipts of producer milk at all pool plants during the month are not more than 110 percent of the total Class I utilization of such plants for the month."

4. Delete § 908.90 and substitute the following:

§ 908.90 *Computation of daily average bases for each producer.* Subject to the rules set forth in § 908.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such period to the last day of December inclusive or by 90, whichever is more: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of January through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding: *And provided further*, That such plant was regulated by another Federal order during that period.

5. Delete § 908.91 (a) and substitute the following:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 908.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December, or whose deliveries of milk during these months were to a nonpool plant which became a pool plant during the following months of January through July.

6. In § 908.51 (a) delete the phrase "From the effective date hereof through March 1957, the" and insert "The".

7. In § 908.54 (a) delete the month of "February" and insert the month of "March"; and

In § 908.54 (b) delete the month of "January" and insert the month of "February".

[F. R. Doc. 57-2451; Filed, Mar. 28, 1957; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 1956 Supp., 130.101 (b)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraph:

(__) Vibesate (a mixture of copolymers of hydroxy-vinyl chloride acetate, sebacic acid, and modified maleic rosin ester) preparations meeting all the following conditions.

(i) The vibesate is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The vibesate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 13 percent by weight of vibesate.

(v) The preparation is labeled with adequate directions for use by external application as a dressing for minor burns, minor cuts, or other minor skin irritations.

(vi) The labeling bears in juxtaposition with the directions for use clear warning statements against:

(*a*) Use on serious burns and on infected, deep, and puncture wounds unless directed by a physician.

(*b*) Spraying the preparation near the eyes or other mucous membranes.

(*c*) Inhaling the preparation.

(*d*) Use near open flames.

(*e*) Puncturing the container or throwing the container into fire.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 130.101 (b) of this chapter (21 CFR 1956 Supp., 130.101 (b)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: March 25, 1957.

[SEAL] GEORGE P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 57-2434; Filed, Mar. 28, 1957; 8:49 a. m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 4b, 40, 41, 42]

[Draft Release 57-4]

FLIGHT RECORDERS

NOTICE OF ORAL ARGUMENT

By notice dated November 10, 1955, (Civil Air Regulations Draft Release No. 55-26) published in the FEDERAL REGISTER on November 16, 1955, (20 F. R. 8500) the Board gave notice that it had under consideration proposed amendments to Parts 4b, 40, 41, and 42 of the Civil Air Regulations with respect to "Flight Recorders." Reference is made to said notice for a full explanation of the purpose and background of the proposed rules. Copies of Draft Release No. 55-26 may be obtained from the Director, Bureau of Safety, Civil Aeronautics Board, Washington 25, D. C.

The Board having received a request which appears to warrant it, notice is hereby given that oral argument will be heard before the Civil Aeronautics Board on April 17, 1957, at 10:00 a. m. in Room 5042, Department of Commerce Building, Washington, D. C., at which interested persons may be heard with respect to the proposed rules. Those desiring to be heard are requested to inform Mr. Oscar Bakke, Director, Bureau of Safety, Civil Aeronautics Board, Washington 25, D. C., at least five days in advance of the hearing.

Such oral presentation may be in explanation of, in addition to, or in lieu of written comment submitted pursuant to the previous notice (Draft Release No. 55-26).

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended; 49 U. S. C. 551-560)

Dated at Washington, D. C., March 26, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 57-2447; Filed, Mar. 28, 1957; 8:52 a. m.]

[14 CFR Part 296]

[Economic Regs. Draft Release 85]

CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

PROHIBITION OF USE OF SERVICES OF SALES OR CARGO AGENTS AND PRESCRIPTION OF JOINT LOADING PRACTICES

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 296 of the Economic Regulations which prohibits air freight forwarders from consigning their shipments to agents of the underlying direct air carrier, defines permissible joint loading practices and limits the previously granted exemptions of all indirect air carriers engaging in such practices to agreements conforming thereto, requires the filing of all joint loading agreements entered into by air freight forwarders and compels that subclass of indirect air carriers to keep records concerning the volume of joint loaded shipments as well as the identity of participating forwarders and the underlying direct air carrier.

The principal features of the proposed regulation are explained in the Explanatory Statement set forth below and the proposed amendment to Part 296 is set forth below.

Interested persons may participate in the proposed rule-making through submission of written data, views or arguments pertaining thereto, in quintuplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All relevant matter in communications received on or before April 30, 1957, will be considered by the Board before taking final action on the proposed rule.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 1 (2), 407 (d) and 416, 52 Stat. 977, 1004; 49 U. S. C. 401, 491)

Dated: March 26, 1957.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

Explanatory statement. The presently effective provisions of Part 296 do not purport to regulate the manner in which an air freight forwarder may route consolidated shipments for transportation over the routes of a direct air carrier. Recently, the Board's attention has been drawn to a fairly widespread practice, on the part of air freight forwarders, entailing the routing or handling of such shipments to or through a cargo or sales agent of the underlying direct air carrier. The Board did not contemplate that air freight forwarders would ever have any occasion to utilize the services of such agents. An indirect air carrier is certainly as well qualified to perform for itself all of the services normally rendered to shippers of air freight, on behalf of the underlying direct air carrier, by air cargo or sales agents.

The principal economic function of such agents is to persuade potential shippers to use air transportation and to represent the interests of a particular airline by soliciting customers for its services. However, an indirect air carrier is compelled to utilize the services of a direct air carrier. The specific definitions of the subclassifications of "Air Freight Forwarder" and "Cooperative Shippers Association" contained in § 296.2 (a) and (b) of the Economic Regulations explicitly recognize this circumstance. Furthermore, the basic obligation of an indirect air carrier accepting goods for handling is to promote the interest of the shipper in the expeditious routing and handling of the goods consigned to its care. Thus, it is equally inherent in the nature of the services performed by indirect air carriers that they select the most suitable direct air carrier. Consequently, it appears to be entirely unnecessary in the usual case for an indirect air carrier to route its business through cargo or sales agents of an airline.

Apart from the fact that there does not appear to be any demonstrable need for air freight forwarders to utilize the services of these sales or cargo agents, it appears that this practice tends to impair the maintenance of a sound freight rate structure and affords these indirect air carriers an unwarranted leverage in negotiating contracts for other services performed on their behalf by such agents.

Normally, the dilution of air freight revenues earned by direct air carriers resulting from the payment of commissions to agents is justified by a positive contribution to the development of cargo traffic and the welfare of the particular airline involved made by these agents. The function of a sales or cargo agent acting on behalf of a direct air carrier is to act as the sales and traffic representative of his principal by generating new business and relieving the operating departments of the airline from expenses which would otherwise be directly incurred in soliciting and handling cargo shipments. Where, however, the shipment concerned is consigned by an air freight forwarder, these very services have already been performed in the discharge of the forwarder's own traffic generating functions and common carrier responsibility to the primary shippers.

Viewed in this light, it appears that airlines would be reluctant to authorize such agents to handle shipments generated by air freight forwarders. Nevertheless, the strong competitive pressures inherent in the operation of identical routes by a plurality of direct air carriers often compel the payment of such commissions.

Informal investigations have disclosed the existence of a widespread practice whereby certain direct air carriers are compelled to pay to cargo agents commissions on shipments tendered to them by air freight forwarders as a condition of obtaining the business of the particular freight forwarder. This practice is generally pursued through arrangements where a person closely associated with the air freight forwarder is designated as a sales agent of the direct air carrier. These designations are frequently made by the execution of the direct air carriers standard agency agreement, which provides for payments of a fixed commission to the sales agent based on the traffic obtained by the agent for the direct air carrier. In actual practice, the commissions are frequently computed on the basis of the total volume of shipments directed to the direct air carrier by the forwarder. As a result, the total air freight revenues of direct air carriers are reduced without any corresponding enhancement of such revenues resulting from useful services performed by the cargo or sales agents with respect to this class of traffic.

In addition, this practice is even more objectionable where there are other contractual relations or some privity of interest between the freight forwarder and the cargo or sales agent. In adopting the current revision of Part 296 (ER–209, effective June 12, 1956), the Board specifically found that it would not be in the public interest to permit a forwarder who has accepted a particular shipment for consolidation to subsequently elect to act as the agent of the underlying direct air carrier where consolidation proves impractical. This finding was implemented by the express prohibition contained in § 296.3 (a). To the extent that forwarders can use the privilege of routing business to or through a favored sales or cargo agent, competing with other qualified agents, to obtain direct or indirect benefits, their present freedom to route consolidated shipments to such agents is at variance with the policy underlying this prohibition. In this connection, instances have come to the Board's attention of forwarders handling their shipments through agents who have no other customers or agents who are trucking companies performing pickup and delivery services for the particular forwarder concerned, in order to force the direct carriers to pay commissions to such agents.

Consequently, the proposed rule, as set forth below, conditions the exercise of the exemption privileges granted air freight forwarders by Part 296 upon their adherence to the exclusive practice of routing their freight shipments directly to the airline which is to transport such shipments over the air portion of their total journey and their refraining from using agents of the direct carriers as intermediaries, it being the intent of this prohibition to preclude the payment by direct carriers of any commissions to agents with respect to shipments consigned by forwarders.

American Airlines, Inc., with the concurrence of United Air Lines, Inc., has petitioned the Board for repeal or modification of the joint loading provisions of revised Part 296 insofar as they concern air freight forwarders. This petition vigorously challenges both the wisdom and the legality of the Board's action in exempting such indirect air carriers, pursuant to its authority under sections 1 (2) and 416 (b), from the provisions of sections 403, 404, and 412 of the act. The substance of these objections has previously been twice considered by the Board and found to be lacking in merit. With the single exception of the propriety of granting air freight forwarders such an exemption from the requirements of section 412 of the act with respect to joint loading agreements, the Board hereby reaffirms its prior decisions concerning this matter.

Turning now to the alternative request for specific relief, by way of modification of the present provisions of Part 296, it appears that the petitioners seek a precise definition of permissible joint loading practices and a mandatory requirement for the filing of joint loading agreements and periodic reports. The proposed reports would show, by origin and destination, the amount of freight shipped by each participating indirect air carrier and the identity of the underlying direct air carrier.

There appears to be considerable merit in the suggestion that the nature and scope of permissible joint loading practices be clarified in order to forestall possible misunderstanding and confusion concerning the Board's intent. Accordingly, the attached proposed rule defines the single essential element which the Board believes should be incorporated in all joint loading agreements entered into by air freight forwarders or cooperative shippers associations. Likewise, it also limits the previously granted exemptions of both of these subclasses of indirect air carriers concerning joint loading practices to agreements embodying this essential element. Such exempted joint loading agreements include all agreements between two or more indirect air carriers of the same subclass which provide for the pooling of their traffic for single shipment,[1] in accordance with the filed tariffs of the underlying direct air carrier, in order to obtain the benefit of volume rates.

It also appears that the further suggestion made by the petitioners that all joint loading agreements be publicly filed possesses merit. Such a requirement would aid direct air carriers in soliciting this class of forwarder business and also serve the purpose of notifying other potential participants of the existence of such agreements. Likewise, it appears desirable to repeal the previously granted exemption of air freight forwarders from the requirement of section 412 of the act, that each such agreement be individually reviewed by the Board and either approved or disapproved. Such action is deemed desirable because the Board has not prescribed all permissible terms and conditions of joint loading agreements so that it will be necessary to scrutinize each such agreement in order to determine whether a particular agreement is adverse to the public interest or in violation of the act.

However, the final suggestion of the petitioners that periodic reports be filed by forwarders engaged in joint loading appears to be an unduly burdensome requirement. Petitioners argue that such reports are necessary to apprise the Board of various adverse economic consequences, such as an undue concentration of jointly loaded freight shipments, which they envision. However, the Board has not been persuaded that these alleged evils will materialize or that, in any event, they would constitute any significant threat to either the financial stability or competitive balance of the air transport industry. Furthermore, it is believed that the desired objective can be achieved at substantially less cost and with a reduced administrative burden to both the indirect air carriers and the Board by adopting an appropriate record-keeping requirement. Accordingly, the proposed rule requires each air freight forwarder engaged in joint loading to maintain and preserve, for a period of two years, quarterly records concerning all of its shipments made pursuant to joint loading agreements, the number of such shipments delivered to each direct air carrier and the portion of each such shipment contributed by such participating forwarder.

It is proposed to amend Part 296 of the Economic Regulations (14 CFR Part 296) in the following respects:

1. By adding a new paragraph (c) to § 296.1 to read as follows:

(c) "Joint loading" means an agreement between two or more indirect air carriers, of the same subclassification, which provides for the pooling of consolidated shipments and their delivery to a direct air carrier for transportation as one shipment in accordance with the filed tariff rules of such direct air carrier.

2. By amending the first proviso following paragraph (r) of § 296.11 to read as follows:

Provided, however, That the provisions of sections 403 and 404 shall not be applicable insofar as they would otherwise prohibit any air freight forwarder from engaging in joint loading, of the type defined in § 296.1 (c), with any other air freight forwarder for the pooling of consolidated shipments as one shipment in order to obtain the benefit of volume rates.

3. By amending the provisos following paragraph (l) of § 296.12 to read as follows:

Provided, however, That cooperative shippers associations shall remain subject to the requirements of sections 403 and 404 of the act insofar as they engage in joint loading of a type not defined in § 296.1 (c), with other cooperative shippers associations for the pooling of consolidated shipments as one shipment in order to obtain the benefit of volume rates.

Provided, further, however, That cooperative shippers associations are hereby relieved from the requirements of section 412 of the act insofar as they engage in joint loading, of the type defined in § 296.1 (c), with other cooperative shippers associations for the pooling of consolidated shipments as one shipment in order to obtain the benefit of volume rates.

4. By adding a new § 296.40 to read as follows:

§ 296.40 *Prohibition on use of agents of direct air carriers.* No air freight forwarder shall tender any consolidated shipment for transportation, wholly or partially by air, to any cargo agent or sales agent of any direct air carrier or to any other intermediary receiving a commission on such shipments from the direct air carrier. Nor shall any air freight forwarder tender any such shipment to the direct air carrier for the account of, or on behalf of, any cargo agent, sales agent, or any other such intermediary. The payment of a commission, by the direct air carrier to such agent or intermediary, shall be prima facie evidence of the violation of this prohibition by the air freight forwarder concerned in all proceedings before the Board conducted under the authority of sections 1002 (a), (b) and (c) of the act.

5. By adding a new Subpart H to read as follows:

SUBPART H—RETENTION OF AIR FREIGHT FORWARDER RECORDS

§ 296.70 *Records required to be kept by joint loading forwarders.* Each air freight forwarder engaged in any form of joint loading shall maintain and preserve, for a period of two years subsequent to the expiration of each calendar quarter during which one or more joint loaded shipments were made, appropriate records showing for each such quarter the following data concerning all such shipments:

(a) The total number of such shipments in which it joined as a participating air freight forwarder and the total poundage of each such shipment.

(b) The identity of all other participating air freight forwarders contributing freight to each such shipment.

(c) The poundage which it contributed to the total poundage of each such shipment.

(d) The total number of such shipments consigned to particular direct air carriers for transportation and the poundage of each such shipment.

(e) The total amount of the charges made by the underlying direct air carrier on each such shipment, for transportation and other services rendered, and the portion of such charges which it paid.

(f) The point of origin and the point of destination of each such shipment.

[F. R. Doc. 57–2446; Filed, Mar. 28, 1957; 8:52 a. m.]

[1] Consequently, the filed tariffs of the direct air carriers will govern all rates, practices and services applicable to such shipments. In this manner, parity of treatment will be established between joint loading forwarders and other shippers.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 21, 1957.

The United States Department of the Army, Corps of Engineers, has filed an application, Serial No. Oregon 04996, for the withdrawal of the lands described below, subject to valid existing rights from all forms of appropriation under the public land laws, including the general mining and mineral leasing laws. The management and disposal of forest products and use of improvements placed on the land which lies above elevation 1548 feet above sea level will remain under the administration of the United States Forest Service, Department of Agriculture, except:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 3 E.,
Sec. 35: Lot 1, W½NW¼NE¼, SW¼NW¼.

The applicant desires the land for use in connection with the construction, operation and maintenance of the Hills Creek Reservoir Project.

For a period of 30 days from the date of the publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 NE. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

WILLAMETTE MERIDIAN, OREGON

T. 21 S., R. 3 E.,
Sec. 26: Lot 3, W½W½SE¼;
Sec. 27: Lot 3, SE¼SE¼;
Sec. 34: NE¼, E½SE¼;
Sec. 35: Lots 1, 4, N½NE¼, SE¼NE¼, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 36: N½NW¼, SW¼NW¼, NE¼SW¼, N½SE¼, SE¼SE¼.
T. 22 S., R. 3 E.,
Sec. 2: Lots 1 to 10 incl., S½NE¼, N½SE¼, SW¼SE¼;
Sec. 3: Lot 1, SE¼NE¼, S½NW¼, NW¼SE¼;
Sec. 4: N½S½, N½SE¼SE¼;
Sec. 10: E½E½;
Sec. 14: Lots 1 to 8 incl., SW¼NE¼, NW¼NW¼, N½SE¼, W½SW¼SE¼;
Sec. 22: Lots 1 to 6 incl., SW¼NE¼, N½NE¼NW¼, SE¼SW¼, W½SE¼;
Sec. 23: Lot 1, W½NW¼NE¼, SE¼NW¼;
Sec. 26: W½W½;
Sec. 34: Lots 1 to 8 incl., SE¼NE¼, NE¼NW¼, SW¼NW¼, SE¼SW¼, NW¼SE¼.
T. 23 S., R. 3 E.,
Sec. 4: Lots 1 to 6 incl., SW¼NE¼.

The areas above described aggregate 3,780 acres, more or less.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57–2413; Filed, Mar. 28, 1957; 8:45 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 21, 1957.

The United States Fish and Wildlife Service has filed an application, Serial No. Oregon 04852 for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws, including the general mining laws, except oil and gas leasing under the mineral leasing laws. The management

and disposal of forest products will continue under the Bureau of Land Management. The administration of range resources and mineral materials listed in the act of July 31, 1947 (61 Stat. 681; 43 U. S. C. 1185), as amended, will continue under the Bureau of Land Management and such resources may be used or sold with concurrence of the applicant.

The applicant desires the land for continued development and management of fishing resources of the Sixes River in northern Curry County, Oregon.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in conection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are:

WILLAMETTE MERIDIAN, OREGON

T. 32 S., R. 14 W.,
Sec. 7: SE¼SE¼NE¼;
Sec. 11: NE¼SE¼;
Sec. 12: NW¼SW¼.

90 acres.

VIRGIL T. HEATH,
State Supervisor.

[F. R. Doc. 57-2414; Filed, Mar. 28, 1957; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

NEBRASKA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on July 19, 1956, that a major disaster occasioned by drought existed in the State of Nebraska.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas were determined on March 15, 1957, to be affected by the above-mentioned major disaster:

NEBRASKA

Cuming and Dodge Counties, except the parts thereof in the Elkhorn and Platte River Valleys.

Done at Washington, D. C., this 25th day of March 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2411; Filed, Mar. 28, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 1705-6]

AIRFREIGHT RATE CASE; MINIMUM RATES FOR AIRFREIGHT FORWARDERS

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on April 9, 1957, at 10:00 a. m., e. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., March 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2449; Filed, Mar. 28, 1957; 8:52 a. m.]

[Docket No. 8519]

METEOR AIR TRANSPORT, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Meteor Air Transport, Inc., for an exemption from section 408 and 409 of the Civil Aeronautics Act, or in the alternative, approval thereunder.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on April 12, 1957, at 10:00 a. m., e. s. t., in Room 1032, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., March 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2448; Filed, Mar. 28, 1957; 8:52 a. m.]

[Docket No. 8613]

SUSPENDED PASSENGER FARE INCREASE CASE

NOTICE OF HEARING

In the matter of interstate and overseas passenger fare increases filed by various carriers.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 205, 403, 404, and 1002 thereof, that the above-entitled proceeding is hereby assigned for hearing on April 4, 1957, at 10 a. m., e. s. t., in Room 5132, Department of Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Ralph L. Wiser.

Without limiting the scope of the issues raised by the documents on file in this proceeding, particular attention will be directed to the following matters:

(1) Whether the fares, rules, regulations, and provisions described in Appendix A to Order No. E-11135, dated March 15, 1957, are, or will be, unjust and unreasonable, or otherwise unlawful.

(2) If found to be unlawful, to determine and prescribe the lawful rules, regulations, provisions, and (a) as to fares in interstate air transportation, the lawful fares (or the maxima or minima, or the maxima and minima thereof), and (b) as to fares in overseas air transportation, the lawful maxima or minima, or maxima and minima thereof.

For further details with respect to the issues involved in this proceeding, interested persons are referred to the orders and notices entered herein, the documents filed by the parties, and the examiner's report of prehearing conference, all of which are on file with the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding shall file with the Board on or before April 3, 1957, a statement setting forth the issues of fact or law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., March 26, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2450; Filed, Mar. 28, 1957; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11878; FCC 57M-259]

MOBILE COMMUNICATIONS

ORDER CONTINUING HEARING CONFERENCE

In the matter of the application of J. B. Wathen III, d/b as Mobile Communications, Docket No. 11878, File No. 2184-C2-P-56; for a construction permit to establish a new station for two-way communications in the Domestic Public Land Mobile Service at Louisville, Kentucky.

On oral request of counsel for intervenor, Louisville 2-Way Radio Service, Inc., and with the consent of all other participants in the proceeding;

It is ordered, This 22d day of March 1957, that the time for exchanging exhibits now set for March 25, 1957, and the date for further hearing conference now scheduled for March 29, 1957, are continued to dates to be determined later.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2435; Filed, Mar. 28, 1957; 8:50 a. m.]

[Docket Nos. 11946, 11947; FCC 57M-265]

VIDEO INDEPENDENT THEATRES, INC., AND KSOO TV, INC.

NOTICE OF PREHEARING CONFERENCE

In re applications of Video Independent Theatres, Inc., Sioux Falls, South Dakota, Docket No. 11946, File No. BPCT-2188; KSOO TV, Inc., Sioux Falls, South Dakota, Docket No. 11947, File No. BPCT-2195; for construction permits for new television stations (Channel 13).

Notice is hereby given that a prehearing conference will be held in the above-entitled proceeding at 10:00 a. m., Monday, April 1, 1957, in the offices of the Commission in Washington, D. C.

Dated: March 25, 1957.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 57-2436; Filed, Mar. 28, 1957; 8:50 a. m.]

HOUSING AND HOME FINANCE AGENCY

Federal Housing Administration

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 18, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent Title I Housing Insurance Fund Debentures, Series L, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1957, on which date interest on such debentures shall cease:

2½ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES L

Denomination:	*Serial numbers (all numbers inclusive)*
$50	124 to 136
$100	87 to 156
$500	65 to 79
$1,000	312 to 382
$5,000	13 to 33

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1957, and provision will be made for the payment of final interest due on July 1, 1957, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1957 to June 30, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1957, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 25, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2415; Filed, Mar. 28, 1957; 8:46 a. m.]

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 18, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Title I Housing Insurance Fund Debentures, Series R, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1957, on which date interest on such debentures shall cease:

2¾ PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES R

Denomination:	*Serial numbers (all numbers inclusive)*
$50	9 to 29
$100	17 to 103
$500	6 to 19
$1,000	33 to 49
$5,000	11 to 35

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1957, and provision will be made for the payment of final interest due on July 1, 1957, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1957 to June 30, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1957, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 25, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2416; Filed, Mar. 28, 1957; 8:46 a. m.]

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 18, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 3 percent Title I Housing Insurance Fund Debentures, Series T, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1957, on which date interest on such debentures shall cease:

3 PERCENT TITLE I HOUSING INSURANCE FUND DEBENTURES, SERIES T

Denomination:	*Serial numbers (all numbers inclusive)*
$50	42 to 94
$100	66 to 241
$500	20 to 116
$1,000	11 to 97
$5,000	9 to 79
$10,000	1 to 4

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1957, and provision will be made for the payment of final interest due on July 1, 1957, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1957 to June 30, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1957, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 25, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2417; Filed, Mar. 28, 1957; 8:46 a. m.]

2½, 2⅝, 2¾, 2⅞ AND 3 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 18, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.)

as amended, public notice is hereby given that 2½, 2⅝, 2¾, 2⅞ and 3 percent Mutual Mortgage Insurance Fund Debentures, Series AA, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1957, on which date interest on such debentures shall cease:

2½, 2⅝, 2¾, 2⅞ AND 3 PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES AA

Denomination:	Serial numbers (all numbers inclusive)
$50	270 to 556
$100	894 to 1,670
$500	274 to 512
$1,000	628 to 1,135
$5,000	348 to 570
$10,000	118 to 200

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1957, and provision will be made for the payment of final interest due on July 1, 1957, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1957, to June 30, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1957, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 25, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2418; Filed, Mar. 28, 1957; 8:46 a. m.]

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY

MARCH 18, 1957.

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U. S. C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2½ percent War Housing Insurance Fund Debentures, Series H, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1957, on which date interest on such debentures shall cease:

2½ PERCENT WAR HOUSING INSURANCE FUND DEBENTURES, SERIES H

Denomination:	Serial numbers (all numbers inclusive)
$50	3,661 to 3,902
$100	7,033 to 8,009
	11,098 to 11,238
$500	1,484 to 1,753
$1,000	8,826 to 9,012
	11,099 to 12,401
$5,000	2,878 to 3,232
$10,000	27,683 to 31,218

The debentures first issued as determined by the issue dates thereof were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1957. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1957, and provision will be made for the payment of final interest due on July 1, 1957, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1, 1957 to June 30, 1957, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1957, or for purchase prior to that date will be given by the Secretary of the Treasury.

NORMAN P. MASON,
Commissioner.

Approved: March 25, 1957.

W. RANDOLPH BURGESS,
Acting Secretary of the Treasury.

[F. R. Doc. 57-2419; Filed, Mar. 28, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 41]

NATIONAL ELK REFUGE (I-WYO-423)

TRANSFER OF PORTION OF REFUGE TO WYOMING FOR WILDLIFE CONSERVATION PURPOSES

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated February 19, 1957, that property known as portion of National Elk Refuge (I-Wyo-423), Teton County, Wyoming, and more particularly described in said deed, has been transferred from the United States to the State of Wyoming.

2. The above-described property was transferred to the State of Wyoming for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

FRED S. POORMAN,
Acting Commissioner, Public Buildings Service.

MARCH 25, 1957.

[F. R. Doc. 57-2440; Filed, Mar. 28, 1957; 8:50 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

EUBERT F. TAGGERT

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Eubert F. Taggert.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 15, 1957.

4. Title of position: Director, Electrical Equipment Division.

5. Name of private employer: General Electric Company, 4966 Woodland Avenue, Cleveland, Ohio.

CARLTON HAYWARD,
Director of Personnel.

MARCH 21, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

General Electric Company.
Bank Deposits.

Dated: March 20, 1957.

EUBERT F. TAGGERT.

[F. R. Doc. 57-2425; Filed, Mar. 28, 1957; 8:48 a. m.]

MANLEY E. BROOKS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

Report of Appointment

1. Name of appointee: Mr. Manley E. Brooks.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 22, 1957.

4. Title of position: Deputy Director, Aluminum & Magnesium Division.

5. Name of private employer: Dow Chemical Company, Midland, Michigan.

CARLTON HAYWARD,
Director of Personnel.

MARCH 12, 1957.

Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 day preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Dow Chemical Company.
General Motors Corp.
E. I. duPont.
Chrysler Corp.
American Broadcast Paramount.
Bank Deposits.

Dated: March 22, 1957.

MANLEY E. BROOKS.

[F. R. Doc 57-2430; Filed, Mar. 28, 1957; 8:48 a. m.]

VERN I. MCCARTHY, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 26, 1956, 21 F. R. 7351.

A. Deletions:
1. Sun Chemical Corp.
2. Cudahy Packing Company.
3. International Minerals & Chemicals Corp.
4. Schenley Industries.
B. Additions:
1. Cuban-Venezuelan Oil Company.

This statement is made as of March 14, 1957.

Dated: March 14, 1957.

VERN I. MCCARTHY, Jr.

[F. R. Doc. 57-2426; Filed, Mar. 28, 1957; 8:48 a. m.]

HAROLD J. VORZIMER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 3, 1956, 21 F. R. 7581.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 12, 1957.

Dated: March 13, 1957.

HAROLD J. VORZIMER.

[F. R. Doc. 57-2427; Filed, Mar. 28, 1957; 8:48 a. m.]

WILBUR F. DUERINGER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of April 10, 1956, 21 F. R. 2303 and October 2, 1956, 21 F. R. 7553.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 12, 1957.

Dated: March 12, 1957.

WILBUR F. DUERINGER.

[F. R. Doc. 57-2428; Filed, Mar. 28, 1957; 8:48 a. m.]

CURT L. OHEIM

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of September 25, 1956, 21 F. R. 7301.

A. Deletions: None.
B. Additions: J. C. Penny Co., Crane Co.

This statement is made as of March 19, 1957.

Dated: March 19, 1957.

CURT L. OHEIM.

[F. R. Doc. 57-2429; Filed, Mar. 28, 1957; 8:48 a. m.]

JOHN C. CLAY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of October 5, 1956, 21 F. R. 7656.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of March 18, 1957.

Dated: March 18, 1957.

JOHN C. CLAY.

[F. R. Doc. 57-2431; Filed; Mar. 28, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 26, 1957.

Protests to the granting of an application must be prepared in acordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 33445: *Volcanic ash—Colorado points to southern territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on ash, scoria, or slag, volcanic, as described in the application, carloads from Antonito and Mesita, Colo., to specified points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee.

Tariff: Supplement 21 to Agent Prueter's tariff I. C. C. A-4171.

FSA No. 33446: *Newsprint paper—Alabama and Tennessee to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, also cores, newsprint paper winding, old or used in the reverse direction from Childersburg, Coosa Pines, Mobile, Ala., and Calhoun, Tenn., to specified points in Alabama, Florida, Georgia, North Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 73 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33447: *Newsprint paper—Mobile, Ala., to Moultrie, Ga.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, also cores, newsprint paper winding, old or used, in the reverse direction from Mobile, Ala., to Moultrie, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 73 to Agent Spaninger's tariff I. C. C. 1466.

FSA No. 33448: *Citrus syrup—Florida points to Cincinnati, Ohio.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on citrus pomace final syrup, carloads from specified points in Florida to Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 51 to Agent Spaninger's tariff I. C. C. 1240.

FSA No. 33449: *Live stock—Greenville, Miss., to Iowa and Nebraska.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on livestock, carloads from Greenville, Miss., to Des

Moines, and Waterloo, Iowa, and Omaha and South Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Spaninger's tariff I. C. C. 1572.

FSA No. 33450: *Aluminum metals—Gregory and Point Comfort, Tex., to Iowa points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs, or slabs, loose or in packages, straight or mixed carloads from Gregory and Point Comfort, Tex., to Davenport and Riverdale, Iowa.

Grounds for relief: Barge-truck competition and circuitous routes.

Tariff: Supplement 308 to Agent Kratzmeir's tariff I. C. C. 4139.

FSA No. 33451: *Cotton—Southwestern points to Pine Bluff, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton, carloads from specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, Oklahoma and Texas, also Memphis, Tenn., to Pine Bluff, Ark.

Grounds for relief: Short-line distance formula, and circuitous routes.

Tariff: Supplement 112 to Agent Kratzmeir's tariff I. C. C. 4014.

FSA No. 33452: *Fertilizer and materials—southwest to southern points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from specified points in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, and Texas to specified points in Alabama, Georgia, and South Carolina.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 201 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 33453: *T. O. F. C. service—class rates between eastern points and points in southwestern territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class rates, loaded in or on trailers and transported on railroad flat cars between specified stations in Maryland, New Jersey, New York and Pennsylvania, on the one hand, and specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition, and circuitous routes.

Tariff: Supplement 19 to Agent Kratzmeir's tariff I. C. C. 4213.

FSA No. 33454: *Class rates between points in Mountain-Pacific territory and New Mexico and Texas.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on freight, carloads and less-than-carloads, as described in the Uniform Freight Classification between Barstow, Manix, Mojave and Searles, Calif., and Trinidad, Colo.; also between points in Arizona, California, Nevada, and New Mexico, on the one hand, and points in New Mexico and Texas, on the other.

Grounds for relief: Maintenance of rates related to those prescribed by this Commission, short-line distance formula, grouping, and circuitous routes.

Tariff: Supplement 21 to Agent Prueter's tariff I. C. C. 1579.

FSA No. 33455: *Vegetables—Billings, Mont., to Evansville, Ind.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on beans, lentils, peas, and split peas, carloads from Billings, Mont., to Evansville, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 46 to Agent Prueter's tariff I. C. C. 1575.

FSA No. 33456: *Petroleum products—southwest to Cheyenne, Wyo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lubricating oil, in packages, and tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to Cheyenne, Wyo.

Grounds for relief: Carrier competition and circuitous routes.

Tariff: Supplement 70 to Agent Kratzmeir's tariff I. C. C. 4066.

FSA No. 33457: *Paper and paper articles—Elizabeth, La., to western points.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads, and returned skids from Elizabeth, La., to specified points in Iowa, Kansas, and Missouri.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 57 to Agent Kratzmeir's tariff I. C. C. 4151.

FSA No. 33458: *All commodities—Chicago, Ill., and group to Naples, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., and points grouped therewith to Naples, Fla.

Grounds for relief: Short-line distance formula and circuitry.

Tariff: Supplement 34 to Agent Raasch's tariff I. C. C. 789.

FSA No. 33459: *All commodities—Chicago, Ill., group to Savannah, Ga.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, in mixed carload from Chicago, Ill., and grouped points to Savannah, Ga.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 34 to Agent Raasch's tariff I. C. C. 789.

FSA No. 33460: *Unmanufactured tobacco—Goldsboro and Kinston, N. C., to Charleston, S. C.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on unmanfactured tobacco, carloads from Goldsboro and Kinston, N. C., to Charleston, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 105 to Agent Spaninger's tariff I. C. C. 1384.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-2421; Filed, Mar. 28, 1957; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 80]

RAILROADS SERVING CERTAIN STATES

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the railroads serving the States of New Mexico, Texas, Oklahoma, Kansas, Colorado and Nebraska, are unable to transport traffic routed over their lines because of snowstorms; *It is ordered*, That:

(a) Rerouting traffic. Railroads serving the States of New Mexico, Texas, Oklahoma, Kansas, Colorado and Nebraska, unable to transport traffic in accordance with shippers' routing because of snowstorms, are hereby authorized to divert such traffic over any available route to expedite the movement, regardless of the routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date. This order shall become effective at 9:00 a. m., March 25, 1957.

(g) Expiration date. This order shall expire at 11:59 p. m., April 1, 1957, unless otherwise modified, changed, suspended, or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 25, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

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TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

In order to reflect approval which has been given to increased interest rates on loans closed through national farm loan associations by the Federal Land Banks of Baltimore and Wichita, § 10.41 of Title 6 of the Code of Federal Regulations, as amended (21 F. R. 10167; 22 F. R. 133, 653, 1318, 1586), is hereby further amended, effective April 1, 1957, by substituting "5½" for "5" in the line with "Baltimore" therein; and, effective April 2, 1957, by substituting "5" for "4½" in the line with "Wichita" therein.

(Sec. 6, 47 Stat. 14, as amended; 12 U. S. C. 665. Interprets or applies secs. 12 "Second", 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] R. B. TOOTELL,
Governor,
Farm Credit Administration.

[F. R. Doc. 57—2423; Filed, Mar. 29, 1957; 8:45 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 60-5]

PART 60—AIR TRAFFIC RULES

HIGH ALTITUDE QUADRANTAL RULES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of March 1957.

Section 60.32 of Part 60 of the Civil Air Regulations currently establishes cruising altitudes appropriate to the direction of flight for the "elsewhere" area and authorizes the Administrator to specify cruising altitudes within control zones and areas. These altitude rules must be observed when flight is being conducted at or above 3,000 feet above the surface under visual flight rules (VFR) on civil airways, and in the "elsewhere" area when visibility is less than 3 miles. Section 60.44 requires aircraft being operated under instrument flight rules (IFR) to be flown at altitudes authorized by air traffic control within controlled airspace; and to be flown at prescribed altitudes appropriate to the direction of flight when in the "elsewhere" area. The purpose of the provisions for VFR cruising altitudes in § 60.32 is to provide aircraft operating in accordance with the altitudes prescribed therein or specified by the Administrator with at least 1,000 feet vertical separation when operating on reciprocal courses and at least 500 feet separation when operating on crossing courses. Likewise, the purpose of the provisions for IFR cruising altitudes in § 60.44 is to provide separation between those aircraft operating in accordance with the altitudes prescribed therein or the assigned altitudes authorized by air traffic control.

It has now been well established, however, that altimeter system errors increase significantly with increases in altitude and air speed. For example, experience has shown that aircraft which take off from a common point with the same altimeter settings may have altimeter readings which differ as much as 1,000 feet upon reaching a common altitude at or above 29,000 feet. In fact, considerably greater differences have been found to be possible theoretically at these altitudes. As a consequence of this increase in altimeter error with increase in altitude, the safety inherent in the current quadrantal altitude rules actually diminishes as altitude is increased, thereby decreasing the margin of safety at the higher altitudes. Although a considerable amount of research and development is presently being done concerning an improved instrument for measuring altitude, it undoubtedly will be some time before the development, manufacture, procurement, and installation of such an instrument is accomplished.

In order to increase this margin of safety, this amendment establishes high altitude quadrantal rules which will apply to all flights conducted in the airspace at 29,000 feet and above, except

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FEDERAL REGISTER

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CFR SUPPLEMENTS

(As of January 1, 1957)

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Titles 4 and 5 ($1.00)
Title 7: Parts 1–209 ($1.75)
Titles 10–13 ($1.00)

Previously announced: Title 3, 1956 Supp. ($0.40); Title 7, Parts 900–959 ($0.50), Part 960 to end ($1.25); Title 9 ($0.70); Title 17 ($0.60); Title 18 ($0.50); Title 20 ($1.00); Title 21 ($0.50); Title 24 ($1.00); Title 26, Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.35), Parts 183–299 ($0.30), Part 300 to end, Ch. I, and Title 27 ($1.00); Title 32, Parts 700–799 ($0.50), Parts 1100 to end ($0.50); Title 39 ($0.50).

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IFR flights at assigned altitudes. These rules will provide aircraft operating VFR on reciprocal courses with minimum vertical separation of at least 2,000 feet and aircraft operating on crossing courses with at least 1,000 feet.

At 29,000 feet and above the following altitude-direction relationship will apply:

(1) 0° to 89° inclusive—29,000; 33,000; etc.

(2) 90° to 179° inclusive—30,000; 34,000; etc.

(3) 180° to 269° inclusive—31,000; 35,000; etc.

(4) 270° to 359° inclusive—32,000; 36,000; etc.

The 29,000-foot altitude has been selected because of the magnitude of altimeter errors and the increase in the number of high speed aircraft at this altitude and above. This altitude appears appropriate also because of special procedures currently in effect whereby vertical separation of 2,000 feet is provided by air traffic control to all IFR traffic operating above 29,000 feet.

It is recognized, of course, that these quadrantal rules will have some adverse effect on the climb-cruise procedure common to jet operations and will reduce the number of available flight levels in a given direction. Nevertheless, the Board believes that these high altitude quadrantal rules are essential to safety since they will substantially minimize the collision hazard at high altitude created by the inaccuracies of the present-day altimeter and the typically higher speeds of aircraft operating at these altitudes.

In Draft Release No. 56–14, dated June 4, 1956, in which this amendment was proposed and circulated for comment, attention was also directed to a suggested modification to this amendment which would have increased the flight altitudes proposed therein by 500 feet; i. e., 29,500, 33,500, etc. The stated purpose of the proposed modification was to provide some separation between an IFR aircraft at an assigned altitude and a VFR aircraft operated in accordance with the cruising altitudes established pursuant to this amendment. Comment received with respect to the suggested modification was adverse since no significant safety advantage was indicated and the rule would be made unduly complicated. Therefore, this amendment is being adopted without being so modified.

Since the cruising rules in effect in Part 60 will not provide for separation between IFR aircraft at certain assigned altitudes and VFR aircraft operated in accordance with VFR cruising altitude rules, it remains the responsibility of all pilots operating in VFR weather conditions, even while cruising at an assigned altitude authorized by air traffic control, to maintain a vigilant watch so as to observe and avoid other conflicting traffic. In order to alert all pilots to this responsibility, this amendment revises the notes following §§ 60.32 and 60.44. The current note following § 60.44 is being deleted to dispel possible ambiguity as to its relation to the altitudes assigned for IFR flight in controlled areas.

Interested persons have been afforded an opportunity to participate in the making of this amendment (21 F. R. 2905), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 60 of the Civil Air Regulations (14 CFR Part 60, as amended) effective April 30, 1957.

1. By amending § 60.32 to read as follows:

§ 60.32 *Cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, it shall be operated in accordance with the following cruising altitudes:

(a) *Within control zones and control areas below 29,000 feet.* At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator.

(b) *Elsewhere below 29,000 feet.* When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (3,000; 5,000; etc.).

(2) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).

(3) 180° to 269° inclusive, at even thousands (4,000; 6,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

(c) *Everywhere at or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).

(2) 90° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).

(3) 180° to 269° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).

(4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

NOTE: Pilots are advised that the cruising altitude rules do not, in all cases, provide vertical separation from all other aircraft. Pilots operating in VFR weather conditions must maintain a vigilant watch so as to observe and avoid other conflicting traffic, including traffic that may be cruising at an altitude assigned by air traffic control. "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

2. By amending § 60.44 to read as follows:

§ 60.44 *Cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes:

(a) *Within control areas and control zones.* At an altitude assigned by air traffic control.

(b) *Elsewhere below 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc).

(2) 90° to 179° inclusive, at odd thousands plus 500 (1,500; 3,500; etc.).

(3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

(c) *Elsewhere at or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.)

(2) 90° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).

(3) 180° to 269° inclusive, at 4,000-foot intervals begining at 31,000 (31,000; 35,000; etc.)

(4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

NOTE: With respect to paragraph (a) of this section, pilots are advised that altitudes authorized by air traffic control are intended to assure vertical separation only between other known IFR traffic in controlled airspace. During the time an IFR flight is operating in VFR conditions pilots must maintain a vigilant watch so as to observe and avoid other aircraft since, for example, VFR flights may be operating in the same area not subject to air traffic control.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 57–2484; Filed, Mar. 29, 1957; 8:51 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 242]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, RADAR, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
CHW VOR	CHW-LFR	004-8.3	2,500	T-dn	300-1	300-1	200-½	Procedure turn N side W course, 280° outbound, 100° inbound, 3,000′ within 10 miles (nonstandard to avoid traffic on V-4.). Minimum altitude over facility on final approach course, 2,500′. Course and distance, facility to airport, 112—9.3. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 0.0 mile, make a left turn and climb to 3,000′ on W course within 20 miles. NOTE: Shuttle on W course descending to 3,000′ within 10 miles.
				C-d	1,000-2	1,000-2	1,000-2	
				C-n	1,500-2	1,500-2	1,500-2	
				A-dn	1,500-2	1,500-2	1,500-2	

Charleston, W. Va.; Kanawha County Airport, elevation 981′; facility SBRAZ, identification CHW; procedure No. 1, Amendment No. 3, effective date, Apr. 27, 1957; supersedes Amendment No. 4, dated Apr. 1, 1954

CUS VOR	CUS-LFR	Direct	6,000	T-d	1,000-2	1,000-2		Procedure turn N side E course, 078° outbound, 258° inbound, 6,000′ within 10 miles. Not authorized beyond 10 miles. Procedure turn area limited to south by Mexican border. Minimum altitude over facility on final approach course, 5,200′. Course and distance, facility to airport, 262—1.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, within 1.6 miles, climb to 9,000′ on W course within 20 miles. Air carrier use not authorized.
				T-n	1,000-3	1,000-3		
				C-d	1,000-2	1,000-2		
				C-n	1,000-3	1,000-3		
				A-d	1,500-2	1,500-2		
				A-n	1,500-3	1,500-3		

Columbus, N. Mex.; Intermediate Field, elevation 4,024′; facility SBMRAZ, identification CUS; Procedure No. 1, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Jan. 19, 1954

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Evanston Intersection*	LOM	Direct	2,500	T-dn	300-1	300-1	200-½	*Evanston Intersection: Intersection R-075 ORD and R-135 EEL. Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach at least 3.0 miles from LOM. Refer to O'Hare radar procedures if sector altitude information is desired. Procedure turn W side NW course, 330° outbound, 150° inbound, 2,500′ within 10 miles. Minimum altitude over facility on final approach course 2,000′. Course and distance, facility to airport, 150°, 5.3 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.3 miles, make left turn, climb to 2,500′ or higher altitude specified by ATC and proceed to Wheeling VOR, via R-030 O'Hare VOR and R-135 Wheeling VOR; or if directed by ATC. (1) make immediate left turn, climb to 3,500′, proceeding to Evanston Intersection* via R-075 O'Hare VOR; (2) make immediate left turn, climb to 2,500′, proceed to Glenview LFR via course 030° and SE course Glenview LFR.
Glenview LFR	LOM	Direct	2,500	C-d	400-1	500-1	500-1½	
Dundee Intersection	LOM	Direct	2,500	C-n	400-1½	500-1½	500-1½	
Midway LOM	LOM	Direct	2,500	S-dn 14R	400-1	400-1	400-1	
Wheeling VOR	LOM	Direct	2,500	A-dn	800-2	800-2	800-2	
O'Hare VOR	LOM	Direct	2,500					

Chicago, Ill.; O'Hare International Airport, elevation 666′ facility and identification LOM-OR; Procedure No. 2, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Jan. 28, 1957

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Columbus LFR	CUS-VOR	Direct	6,000	T-d	1,000-2	1,000-2		Procedure turn N side of course, 084° outbound, 264° inbound, 6,000′ within 10 miles. Not authorized beyond 10 miles. Procedure turn area limited to south by Mexican border. Minimum altitude over facility on final approach course, 5,200′. Course and distance, facility to airport, 264—2.4. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 2.4 miles, climb to 9,000′ on R-264 within 20 miles. Air carrier use not authorized.
				T-n	1,000-3	1,000-3		
				C-d	1,000-2	1,000-2		
				C-n	1,000-3	1,000-3		
				A-d	1,500-2	1,500-2		
				A-n	1,500-3	1,500-3		

Columbus, N. Mex.; Columbus International Field, elevation 4,024′; facility BVOR, identification CUS; Procedure No. 1, Amendment No. 3, effective date, Apr. 27, 1957; supersedes Amendment No. 2, dated May 27, 1954

EUG-LFR	EUG-VOR	Direct	2,000	T-dn	300-1	300-1	200-½	Procedure turn E side of course, 338° outbound, 158° inbound, 2,000′ within 10 miles. Not authorized beyond 10 miles (nonstandard due to terrain). Minimum altitude over facility on final approach course, 1,500′. Course and distance, facility to airport, 158—3.8. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.8 miles, turn right and climb to 2,000′ on R-355 within 10 miles.
Cottage Grove FM	EUG-VOR	Direct	3,700	C-dn	500-1	500-1½	600-1½	
Intersection N course EUG-LFR and R-338 EUG.	EUG-VOR	Direct	2,000	S-dn-RY16	400-1	400-1	400-1	
				A-dn	800-2	800-2	800-2	

Eugene, Oreg.; Mahlon Sweet Airport, elevation 365′; facility BVOR, identification EUG; Procedure No. 1, Amendment No. 4, effective date, Apr. 14, 1957; supersedes Amendment No. 3, dated Apr. 13, 1957

4. The terminal very-high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Evanston Intersection*	ORD-VOR	Direct	2,000	T-dn	300-1	300-1	200-½	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from inbound fix. Refer to O'Hare radar procedure if information on sector altitudes is desired. *Evanston Intersection: Intersection R-075 ORD and R-135 EEL. Procedure turn W side of course, 004° outbound, 184° inbound, 2,200′ within 10 miles. Minimum altitude over Intersection on final approach course (Intersection R-004 ORD and SW course NBU or radar fix), 1,700′; bearing and distance, 184-7.0. Course and distance, breakoff point to approach end Runway 18, 178—0.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make immediate left turn, climb to 2,500′ or higher altitude specified by ATC and proceed to Wheeling VOR via R-030 ORD and R-135 EEL, or if directed by ATC: (1) make immediate left turn, climb to 3,500′, proceed to Evanston Intersection* via R-075 ORD; (2) make immediate left turn, climb to 2,500′, proceed to Glenview LFR via 030° course and SE course Glenview LFR.
Dundee Intersection	ORD-VOR	Direct	2,000	C-dn	500-1	500-1	500-1½	
Midway LOM	ORD-VOR	Direct	2,000	S-dn-18	400-1	400-1	500-1	
Glenview LFR	ORD-VOR	Direct	2,000	A-dn	800-2	800-2	800-2	
Wheeling VOR	ORD-VOR	Direct	2,000					

Chicago, Ill.; O'Hare International Airport, elevation 669′; facility VOR, identification ORD; Procedure No. TwVOR-18, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Dec. 22, 1956

TERMINAL VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Evanston Intersection* Dundee Intersection Midway LOM Glenview LFR Wheeling VOR	ORD-VOR ORD-VOR ORD-VOR ORD-VOR ORD-VOR	Direct Direct Direct Direct Direct	2,000 2,500 2,000 2,000 2,000	T-dn C-dn S-dn-22 A-dn	200-1 600-1 600-1 800-2	200-1 600-1 600-1 800-2	200-½ 600-1½ 600-1 800-2	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from inbound fix. Refer to O'Hare radar procedure if detailed information on sector altitudes is desired. *Evanston Intersection: Intersection R-075 ORD and R-135 EEL. Procedure turn N side of course, 032° outbound, 212° inbound, 2,000' within 10 miles. Minimum altitude over Intersection on final approach course, (Intersection R-212 ORD and R-346 MDW) 1,500'; bearing and distance, 212—5.0. Course and distance, breakoff point to approach end of Runway 22, 217—0.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile, make immediate left turn, climb to 2,500' or higher altitude if specified by ATC and proceed to Wheeling VOR via R-090 ORD and R-135 EEL, or if directed by ATC: (1) make immediate left turn, climb to 3,500', proceed to Evanston Intersection* via R-075 ORD; (2) make immediate left turn, climb to 2,500', proceed to Glenview LFR via 030° course and SE course Glenview LFR.

Chicago, Ill.; O'Hare International Airport, elevation 666'; facility VOR, identification ORD; Procedure No. TerVOR-22, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Dec. 22, 1956

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Intersection R-236 LCH and SE course ILS (final). BUJ VOR ILS LOM	Groves Intersection Groves Intersection Groves Intersection	Direct Direct Direct	900 1,400 1,400	T-dn C-dn S-dn-29 A-dn	300-1 400-1 400-1 800-2	300-1 500-1 400-1 800-2	200-½ 500-1½ 400-1 800-2	Procedure turn E side SE course ILS 113° outbound, 293° inbound, 1,400' within 5 miles of Groves Intersection. No glide slope. 900' over Groves Intersection. Bearing and distance to runway 29—293°, 3.2 miles. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 3.2 miles after passing Groves Intersection, climb to 1,400' on NW course BUJ ILS within 20 miles, or when directed by ATC, turn left and climb to 1,600' on R-247 BUJ within 20 miles. NOTE: Groves Intersection: SE course ILS and R-080 BUJ.

Beaumont, Tex.; Jefferson County Airport, elevation 15'; facility and identification ILS-IBUJ; Procedure No. 2, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Jan. 26, 1957

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums				Notes
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots	
					65 knots or less	More than 65 knots		
Intersection NE course ILS and bearing 264 to CHW LFR. CHW LFR CHW VOR Gay Intersection Walnut Grove Intersection Ivydale Intersection	LOM LOM LOM LOM LOM LOM	Direct Direct Direct Direct Direct Direct	2,500 2,500 2,500 2,500 2,500 2,500	T-dn C-dn 8-dn-23: ILS ADF A-dn	300-1 600-1 800-1 800-2	300-1 600-1 800-1 800-2	200-½ 600-1½ 800-1 800-2	Procedure turn N side NE course, 080° outbound, 220° inbound, 2,300' within 10 miles. No glide slope, minimum altitude over LOM inbound final 1,800'. Distance to approach end of runway at LOM 4.3, at LMM 0.5. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, 4.3 miles after passing LOM (ADF), climb to 3,000' proceeding to Charleston LFR or when directed by ATC, climb to 2,500' proceeding to CHW VOR. NOTE: Provisions for use with inoperative components are not applicable to this procedure.

Charleston, W. Va.; Kanawha County Airport, elevation 981'; facility ILS-CHW, identification LOM-CH; Procedure No. 1, Amendment No. 8, Combination ILS-ADF; effective date, Apr. 27, 1957; supersedes Amendment No. 7, dated Mar. 2, 1957

Evanston Intersection* Glenview LFR Dundee Intersection via course 056 (ILS only). Intersection E course RFD LFR and NW course ILS (ILS only). Intersection R-338 API and NW course ILS. Midway LOM Intersection R-270 EEL and NW course ILS (ILS only). O'Hare VOR Wheeling VOR	LOM LOM NW course ILS (final) LOM (final) LOM (final) LOM LOM (final) LOM LOM	Direct Direct Direct Direct Direct Direct Direct Direct Direct	2,500 2,500 2,500 2,500 2,500 2,500 2,500 2,500 2,500	T-dn C-dn 8-dn-14: ILS ADF A-dn: ILS ADF	300-1 400-1 300-¾ 400-1 600-2 800-2	300-1 500-1 300-¾ 400-1 600-2 800-2	200-¼ 500-1½ 300-¾ 400-1 600-2 800-2	Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3.0 miles from LOM. Refer to radar procedures for O'Hare if sector altitude information desired. *Evanston Intersection: Intersection R-075 ORD and R-135 EEL. Procedure turn W side of NW course, 318° outbound, 138° inbound, 2,500' within 10 miles. Minimum altitude at G. S. Intersection inbound, 2,500' ILS, inbound final 2,000' ADF. Altitude of G. S. and distance to approach end of runway at OM 2,503—5.5, at MM 899—0.6. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.5 miles after passing LOM (ADF) make immediate left turn, climb to 2,500' or higher altitude specified by ATC and proceed to EEL VOR via R-030 ORD VOR and R-135 EEL VOR, or if directed by ATC: (1) make immediate left turn, climb to 3,500', proceed to *Evanston Intersection via R-075 ORD VOR; (2) make immediate left turn, climb to 2,500', proceed to NBU LFR via 030° course and SE course NBU LFR.

Chicago, Ill.; O'Hare International Airport, elevation 657'; facility ILS-IORD, identification LOM-OR; Procedure No. 1, Amendment No. 4, Combination ILS-ADF, effective date, Apr. 27, 1957; supersedes Amendment No. 3, dated Apr. 7, 1956

MKE-VOR MKE-LFR MKE-LOM Cardinal Intersection Cardinal Intersection Lake Park Intersection* Lake Park Intersection*	Lake Park Intersection* Lake Park Intersection* Lake Park Intersection* Lake Park Intersection* Lake Park Intersection* (final). Harbor Intersection** Harbor Intersection** (final).	Direct Direct Direct Direct Direct Direct Direct	2,700 2,700 2,700 2,700 2,200 2,300 1,800	T-dn C-dn 8-dn-19 A-dn	300-1 600-1 400-1 800-2	300-1 600-1 400-1 800-2	200-½ 600-1½ 400-1 800-2	Radar transition to final approach authorized. Aircraft may be released for final approach without procedure turn at Lake Park Intersection*. Refer to radar procedure for Milwaukee, Wis., if detailed sector altitudes desired. Procedure turn W side N course, 006° outbound, 186° inbound, 2,700' within 10 miles of *Lake Park Intersection. No glide slope. Minimum altitude over Lake Park Intersection* on final approach 2,200'. Final after leaving Lake Park Intersection* to Harbor Intersection**—1,800'. Bearing and distance Lake Park Intersection* to Harbor Intersection**, 186—3.0. No markers. Bearing and distance: Lake Park Intersection* to Runway 19, 186—7.0; Harbor Intersection** to Runway 19, 186—4.0. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4.0 miles, climb to 2,000' on localizer course to MKE LOM or when directed by ARTC: Make left climbing turn to 2,000' and proceed to Sun Fish Intersection, via V30. *Lake Park Intersection: Intersection MKE-VOR R-096 and N course ILS. **Harbor Intersection: Intersection MKE-VOR R-105 and N course ILS. NOTE: Procedure authorized only when aircraft equipped to receive ILS and VOR simultaneously. CAUTION: 787' power line ½ mile N of Runway 19.

Milwaukee, Wis.; General Mitchell Airport, elevation 668'; facility and identification ILS-MKE; Procedure No. 2, Amendment No. 2, effective date, Mar. 18, 1957; supersedes Amendment No. 1, dated Mar. 14, 1957

6. The radar procedures prescribed in § 609.13 are amended to read in part:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless a different procedure is authorized by the Administrator of Civil Aeronautics. This procedure shall be used in conjunction with the applicable provisions of Part 609 of this chapter. Radar service may be terminated at the option of the controller when weather conditions are such that he considers it advisable that the pilot complete his approach by visual reference to the ground. Radar service will be terminated when the aircraft reaches the point where the final approach course crosses the prescribed altitude for the intermediate or final approach segment. From this point, the pilot will be responsible for navigation on course, for obstruction clearance during descent, and for proceeding inbound on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition

From—	To—	Course and distance	Minimum altitude (feet)	Ceiling and visibility minimums				Notes
				Condition	2-engine or less		More than 2-engine, more than 60 knots	
					65 knots or less	More than 65 knots		
All directions		Within 20 miles.	2,500	Surveillance approach				*Runways 14R, 14L, 18, 22, 27, 9. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, make immediate L turn to 3,500', proceed to Evanston Intersection** via R-076 ORD and R-135 EEL. **Evanston Intersection: Intersection R-076 ORD and R-135 EEL.
				T-dn	200-½	200-½	200-½	
				C-dn	400-1	500-1	500-1	
				S-dn*	400-1	400-1	400-1	
				A-dn	800-2	800-2	800-2	

Chicago, Ill.; O'Hare International Airport, elevation 666'; facility and identification, O'Hare Radar; Procedure No. 1, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original, dated Dec. 15, 1956

From	To	Dst	Alt	Dst	Alt	Dst	Alt	Dst	Alt	Radar terminal area transition altitudes—all bearings are from the radar site with sector azimuths progressing clockwise. *Continuous radar coverage not available. #Runways 10 L–R, 34 L–R. ‡Runways 16 L–R, 34 L–R. Runway 7. If visual contact not established upon descent to authorized landing minimums or if landing not accomplished turn W, climb to 11,000' on W course Salt Lake City LFR or R-248 SLC within 20 miles.
090	110	5	6,000	10	*11,500	15	*13,500	20	*13,500	
110	120	5	6,000	10	*11,500	15	*13,500	20	*13,500	
120	150	5	6,000	10	6,000	15	*13,500	20	*13,500	
150	175	5	6,000	10	6,000	15	7,500	20	*12,500	
175	180	5	6,000	10	6,000	15	*12,500	20	*12,500	
180	250	5	6,000	10	*10,500	15	*12,500	20	*12,500	
250	270	5	6,000	10	6,000	15	7,000	20	8,000	
270	280	5	6,000	10	6,000	15	*8,500	20	8,500	
280	300	5	5,400	10	6,000	15	*8,500	20	8,500	
300	310	5	5,400	10	5,400	15	*8,500	20	8,500	
310	335	5	5,400	10	5,400	15	6,400	20	6,500	
335	340	5	5,400	10	5,400	15	6,400	20	*13,500	
340	360	5	5,400	10	5,400	15	*13,500	20	*13,500	

Salt Lake City, Utah; Salt Lake City Airport, elevation 4,222'; facility and identification, Salt Lake City Radar; Procedure No. 1, Amendment No. 1, effective date, Apr. 27, 1957; supersedes Amendment Original dated Nov. 12, 1955

Surveillance approach								
T-dn**	300-1	300-1	300-1	200-1	*13,500	20	*13,500	25
C-dn#	500-1	500-1	500-1	600-1½	*13,500	20	*13,500	25
S-dn‡	500-1	500-1	500-1	500-1	*13,500	20	*13,500	25
A-dn	800-2	800-2	800-2	800-2	*12,500	20	*12,500	25
					*12,500	20	*12,500	25
					*12,500	20	*12,500	25
					*12,500	20	*12,500	25
					8,000	20	9,000	25
					*8,500	20	9,000	25
					*8,500	20	9,000	25
					*8,500	20	8,500	25
					6,400	20	6,500	25
					6,400	20	*13,500	25
					*13,500	20	*13,500	25

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 206, 52 Stat. 984, as amended; 49 U. S. C. 426. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE, *Administrator of Civil Aeronautics.*

[F. R. Doc. 57-2360; Filed, Mar. 29, 1957; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 908—MILK IN CENTRAL ARKANSAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 908.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arkansas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expenses, four cents per hundredweight, or such amount not exceeding four cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 908.41 (a), or (iii) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 908.62.

(b) *Additional findings.* (1) It is necessary in the public interest to make this order amending the order effective not later than April 1, 1957. Any delay beyond that date will seriously threaten the orderly marketing of milk in the Central Arkansas marketing area.

(2) The provisions of the said order are known to handlers. The decision containing all amendment provisions of this order was issued by the Assistant Secretary on March 26, 1957. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1957 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order which is marketed within the Central Arkansas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Arkansas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as hereby amended, as follows:

1. Delete § 908.4 and substitute the following:

§ 908.4 *Central Arkansas marketing area.* "Central Arkansas marketing area", hereinafter called the "marketing area" means all the territory included within the boundaries of the counties of Clark (except the city of Gurdon and the town of Okolona), Conway, Faulkner, Garland, Grant, Hot Spring, Jefferson, Lonoke, Monroe, Pope, Pulaski, Saline and White, all in the State of Arkansas.

2. In §§ 908.51 (b) and 908.52 (b) delete "February" and insert "April".

3. At the end of § 908.70 (b) change the semicolon to a colon, and add the following: "*Provided*, That such calculation shall not apply if the total receipts of producer milk at pool plants during the month are not more than 110 percent of the total Class I utilization of such plants for the month."

4. Delete § 908.90 and substitute the following:

§ 908.90 *Computation of daily average bases for each producer.* Subject to the rules set forth in § 908.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the period of September through December immediately preceding, by the number of days from the first day of delivery by such producer during such period to the last day of December inclusive or by 90, whichever is more: *Provided*, That, in the case of producers delivering milk to a plant which first became a pool plant during any of the months of January through July, a daily average base for each such producer shall be calculated pursuant to this section on the basis of his deliveries of milk to such plant during the period September through December immediately preceding: *And provided further*, That such plant was regulated by another part in this chapter during that period.

5. Delete § 908.91 (a) and substitute the following:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 908.90 to each person for whose account producer milk was delivered to pool plants during the months of September through December, or whose deliveries of milk during these months were to a nonpool plant which became a pool plant during the following months of January through July.

6. In § 908.51 (a) delete the phrase "From the effective date hereof through March 1957, the" and insert "The".

7. In § 908.54 (a) delete the month of "February" and insert the month of "March"; and

In § 908.54 (b) delete the month of "January" and insert the month of "February".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of March 1957, to be effective on and after April 1, 1957.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 57-2539; Filed, Mar. 29, 1957; 9:39 a. m.]

[Navel Orange Reg. 112]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.412 *Navel Orange Regulation 112*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 21 F. R. 4707), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 28, 1957, after giving due notice thereof to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was

held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., April 7, 1957, is hereby fixed as follows:

(i) District 1: 323,400 cartons;

(ii) District 2: 739,200 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) All navel oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2657; Filed, Mar. 29, 1957; 11:48 a. m.]

[Valencia Orange Reg. 93]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.393 *Valencia Orange Regulation 93*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedures, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on March 28, 1957, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., April 7, 1957, is hereby fixed as follows:

(i) District 1: 5,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 29, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2558; Filed, Mar. 29, 1957; 11:48 a. m.]

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

Sec.
930.0 Findings and determinations.

DEFINITIONS

930.1 Act.
930.2 Secretary.
930.3 Department.
930.4 Person.
930.5 Cooperative association.
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AUTHORITY: §§ 930.0 to 930.96 issued under sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c.

§ 930.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, except a producer-handler, as his pro rata share of such expense, two cents per hundredweight, or such amount not exceeding two cents per hundredweight, as the Secretary may prescribe with respect to butterfat and skim milk contained in (a) receipts of producer milk, (b) other source milk at a pool plant which is allocated to Class I milk, and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant, except a plant at which the milk is subject to the classification and pricing provisions of another order issued pursuant to the act; and

(5) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1957. Any delay beyond that date in the effective date of this order amending the order, as amended, will impair the proper operation of the order and will seriously threaten the orderly marketing of milk in the Toledo, Ohio, marketing area. The provisions of the said order are well known to handlers, the recommended decision having been issued by the Deputy Administrator, Agricultural Marketing Service, on January 24, 1957, and the final decision having been issued by the Assistant Secretary of Agriculture on March 7, 1957. Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective April 1, 1957, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the milk covered by this order amending the order, as amended, which is marketed within the Toledo, Ohio, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, participated in a referendum and who during the determined representative period January 1957, were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

DEFINITIONS

§ 930.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

§ 930.2 *Secretary.* "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

§ 930.3 *Department.* "Department" means the United States Department of Agriculture.

§ 930.4 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 930.5 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (b) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (c) to have all of its activities under the control of its members.

§ 930.6 *Toledo, Ohio, marketing area.* "Toledo, Ohio, marketing area", called the "marketing area" means all of the territory within the boundaries of Fulton and Lucas Counties; all of the territory within the boundaries of Wood County north of the northern boundaries of the townships of Milton, Liberty, Portage, and Montgomery, including all of the town of Weston; all of the territory within the townships of Woodville and Madison in Sandusky County, all in the State of Ohio; and in the State of Michigan, all of the territory within the boundaries of Monroe County, except that territory within the boundaries of the townships of Ash, Berlin, Exeter, London, Milan, and Dundee; and all of the territory within the boundaries of the townships of Riga, Ogden, Palmyra, Blissfield, and Deerfield in Lenawee County.

§ 930.7 *Distributing plant.* "Distributing plant" means a plant where milk is processed or packaged and from which milk is disposed of as Class I milk in the marketing area, either on the premises or to a wholesale or retail stop(s), including sales through vendors.

§ 930.8 *Supply plant.* "Supply plant" means a milk plant from which milk, skim milk or cream is transferred to a distributing plant(s).

§ 930.9 *Pool plant.* "Pool plant" means (a) a distributing plant from which more than 10,000 pounds of milk is disposed of in the marketing area during the month and (b) a supply plant during September through December in which shipments of milk, skim milk or cream are made to a plant described pursuant to paragraph (a) of this section on 15 days or more during the month or during any other month on 7 days or more: *Provided,* That a supply plant, which was not a pool plant during the immediately preceding September through December period, shall not be included in this definition during any month in which no such transfers are allocated from Class I milk pursuant to § 930.46.

§ 930.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 930.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk and who holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced if such community requires such permit for milk for disposition as Class I milk therein, which milk is (a) received at a pool plant or (b) diverted from a pool plant to another pool plant or to a nonpool plant pursuant to the conditions set forth in § 930.12.

§ 930.12 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in the milk received at (a) a pool plant directly from producers or (b) diverted for the account of the operator of a pool plant or a cooperative association from a pool plant to another pool plant or to a nonpool plant: *Provided,* That the milk of a dairy farmer which is diverted at times during any of the months of July through February must be physically received at a pool plant for at least four days during the current month in order to be considered as producer milk during such month. Producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant from which it was diverted.

§ 930.13 *Handler.* "Handler" means (a) any person who operates a distributing plant or a supply plant and (b) any cooperative association with respect to producer milk diverted by it in accordance with the conditions set forth in § 930.12.

§ 930.14 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant but who receives no milk from other dairy farmers.

§ 930.15 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, eggnog, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, ice cream mix, and evaporated or condensed milk).

§ 930.16 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts during the month in the form of fluid milk products, except (1) producer milk, (2) fluid milk products received from other pool plants, and (3) inventory at the beginning of the month; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed, repackaged or converted to another product in the plant during the month.

§ 930.17 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of 92-score bulk creamery butter, at Chicago, as reported for the month by the Department.

MARKET ADMINISTRATOR

§ 930.20 *Designation.* The agency for the administration of this part shall be a market administrator selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

§ 930.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 930.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 930.74:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 930.75, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to § 930.30, or (2) payments pursuant to §§ 930.70, 930.74, 930.75, and 930.77;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Audit records of all handlers to verify the reports and payments required pursuant to the provisions of this part; and

(i) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.50, and § 930.52, and

(2) On or before the 12th day after the end of such delivery period the uniform price computed pursuant to § 930.61 and the butterfat differential computed pursuant to § 930.72.

REPORTS, RECORDS AND FACILITIES

§ 930.30 *Monthly reports of receipts and utilization.* On or before the 5th day after the end of each month, each handler, except a producer-handler, shall report to the market administrator, for each of his pool plants in the detail and on the forms prescribed by the market administrator the following:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in or represented by fluid milk products received from other pool plants;

(c) The quantities of skim milk and butterfat contained in or represented by other source milk;

(d) The quantities of skim milk and butterfat contained in or represented by inventories of fluid milk products on hand at the beginning of the month;

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section; and

(f) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

§ 930.31 *Other reports.* (a) Each handler, who operates a pool plant, shall report to the market administrator in the detail and on the forms prescribed by the market administrator, on or before the 20th day after the end of each month, his producer payroll for the month which shall show (1) the pounds of producer milk received from each producer and the percentages of butterfat contained therein, (2) the amounts and dates of payments to each producer or cooperative association, and (3) the nature and amount of each deduction or charge involved in the payments referred to in subparagraph (2) of this paragraph.

(b) Each producer-handler and each handler who operates a supply or distributing plant, not a pool plant, shall report to the market administrator in the detail and on forms prescribed by the market administrator, at such time and in such manner as the market administrator may request.

§ 930.32 *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received including all milk products received and

disposed of in the same form; (b) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 930.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That, if within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 930.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat which are required to be reported pursuant to § 930.30 shall be classified each month by the market administrator pursuant to the provisions of § 930.41 through § 930.46.

§ 930.41 *Classes of utilization.* Subject to the conditions set forth in § 930.43 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of a fluid milk product (except for livestock feed), and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat accounted for as (1) used to produce a product other than a fluid milk product, (2) inventory of fluid milk products on hand at the end of the month, (3) disposed of for livestock feed, and (4) actual plant shrinkage of skim milk and butterfat allocated to producer milk and other source milk in fluid milk products pursuant to § 930.42 but not in excess of 2 percent of such receipts of skim milk and butterfat, respectively.

§ 930.42 *Shrinkage.* The market administrator shall allocate shrinkage at the handler's pool plant(s) as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, at such plant(s); and

(b) Prorate the resulting amounts between receipts of skim milk and butterfat, respectively, in producer milk and in other source milk received in the form of a fluid milk product.

§ 930.43 *Transfers.* Skim milk or butterfat disposed of by a handler from a pool plant, shall be classified:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to the pool plant of another handler except as:

(1) Utilization in Class II milk is claimed by the operators of both plants in their reports submitted pursuant to § 930.30;

(2) The receiving plant has utilization in Class II of an equivalent amount of skim milk and butterfat, respectively; and

(3) The classification of the skim milk or butterfat so transferred results in the classification at both plants of the maximum Class I utilization to the producer milk at both plants, if either or both handlers have other source milk during the month;

(b) As Class I milk if transferred or diverted to a nonpool plant in the form of milk, skim milk or cream in bulk to a nonpool plant located less than 250 miles from the City Hall of Toledo, Ohio, by the shortest highway distance as determined by the market administrator, unless:

(1) The transferring or diverting handler claims classification as Class II milk in his report submitted pursuant to § 930.30 for the month;

(2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification of such mutually indicated utilization; and

(3) An equivalent amount of skim milk and butterfat was used in products in Class II milk at such non-pool plant.

(c) As Class I milk if transferred or diverted in bulk in the form of milk or skim milk or cream to a nonpool plant located 250 miles or more from the City Hall at Toledo, Ohio, by shortest highway distance as determined by the market administrator.

(d) For the purposes of paragraphs (b) and (c) of this section, skim milk and butterfat shall not be deemed to have been "disposed of" to a nonpool plant if merely retained in or transferred between trucks or other vehicles which enter the premises or come within the orbit of such plant in the course of movement elsewhere.

§ 930.44 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise;

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 930.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the pool plant(s) of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handler: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water normally associated with such solids in the form of whole milk.

§ 930.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 930.45, the market administrator shall determine the classification of producer milk received at the pool plant(s) of each handler each month as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk assigned to producer milk pursuant to § 930.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in other source milk;

(3) Subtract from the remaining pounds of skim milk in each class the skim milk in fluid milk products received from the pool plants of other handlers according to the classification of such products as determined pursuant to § 930.43 (a);

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II milk, the pounds of skim milk in inventory of fluid milk products on hand at the beginning of the month;

(5) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph and if the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II.

(b) Butterfat shall be allocated in accordance with the same procedure prescribed for skim milk in paragraph (a) of this section.

(c) Determine the weighted average butterfat content of producer milk remaining in each class computed pursuant to paragraphs (a) and (b) of this section.

MINIMUM PRICES

§ 930.50 *Class prices.* Subject to the provisions of §§ 930.52 and 930.53, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received at his pool plant during the month:

(a) *Class I milk price.* (1) Except as provided in subparagraph (2) of this paragraph, add to the basic formula price the following amount for the delivery period indicated:

Delivery period:	Amount
April, May, and June	$1.00
February, March, and July	1.25
All others	1.65

(2) The price for Class I milk shall be the amount computed pursuant to subparagraph (1) of this paragraph plus or minus a "supply-demand adjustment" computed pursuant to subdivisions (i), (ii), and (iii) of this subparagraph: *Provided,* That the price shall not be ad-

justed by the supply-demand adjustment factor until the utilization percentage computed pursuant to subdivision (i) of this subparagraph is equal to or exceeds the standard utilization percentage pursuant to subdivision (ii) of this subparagraph for each of three successive months:

(i) Divide the total receipts of producer milk during the first and second months preceding by the total gross volume of Class I milk (less interhandler transfers) during the same two months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the "utilization percentage".

(ii) Compute a "deviation percentage" by subtracting from the utilization percentage as computed in subdivision (i) of this subparagraph, the "standard utilization percentage" shown in this subdivision:

Month for which the price is being computed:	Standard utilization percentage
January	115
February	123
March	129
April	130
May	130
June	137
July	138
August	127
September	116
October	108
November	105
December	106

(iii) Determine the amount of the supply-demand adjustment from the following schedule:

If deviation percentage is:	Supply-demand adjustment is: (cents)
+16 or over	−50
+13 or +14	−40
+10 or +11	−30
+7 or +8	−20
+4 or +5	−10
+2 or −2	0
−4 or −5	+10
−7 or −8	+20
−10 or −11	+30
−13 or −14	+40
−16 or under	+50

When the deviation percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

(b) *Class II milk price.* The Class II milk price shall be (1) during the months of July through February, the highest of the prices per hundredweight computed pursuant to § 930.51 or subparagraph (2) of this paragraph for the month and (2) during the months of March through June, the average (computed to the nearest tenth of a cent) of the basic or field prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following locations for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies listed below:

Company and Location

Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

§ 930.51 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to § 930.50 shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (b) (2) of § 930.50, or to paragraphs (a), (b), and (c) of this section.

(a) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department on or before the 5th day after the end of the month by the companies indicated below:

Companies and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed as follows:

(1) Multiply by 8.53 the average of the daily prices per pound of cheese at Wisconsin primary markets ("Cheddars," f. o. b. Wisconsin assembling points, cars or truckloads) as reported by the Department during the month;

(2) Add 0.902 times the Chicago butter price; and

(3) Subtract 34.3 cents.

(c) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the Chicago butter price subtract three cents, and multiply by 4.2; and

(2) From the arithmetical average of the carlot prices per pound for nonfat dry milk (not including that specifically designated animal feed), spray and rolled process, f. o. b. manufacturing plants in the Chicago area, as published by the Department during the month, deduct 5.5 cents, and multiply by 8.2, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof delivered at Chicago, Illinois, as published weekly by such agency during the month; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

§ 930.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified, respectively, in any class of utilization, pursuant to § 930.46, is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent), calculated for each class of utilization as follows:

(a) *Class I milk.* Multiply the Chicago butter price by 0.125;

(b) *Class II milk.* Multiply the Chicago butter price by 0.120.

§ 930.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to a distributing plant which is a pool plant in the form of a fluid milk product and assigned to Class I pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 930.50 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15
75 but less than 90	17
For each additional 15 miles or fraction thereof an additional	2.0

Provided, That for the purpose of calculating such location differentials, fluid milk products which are transferred between pool plants shall be assigned to Class I milk to the extent that the gross Class I utilization at the transferee plant exceeds 95 percent of the receipts of producer milk at such plant, such assignment to transferor plants to be made first to plants at which no location adjustment is applicable and then in sequence according to the location differential applicable at each plant beginning with the plant having the smallest differential.

§ 930.54 *Use of equivalent prices.* If for any reason a price quotation required by this order for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

HANDLER'S OBLIGATION AND UNIFORM PRICE

§ 930.60 *Computation of net obligation for each handler.* The value of producer milk received during each month by each handler shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of producer milk in each class by the applicable class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the overage deducted from each class pursuant to § 930.46 (a) (5) and the corresponding step of (b) by the applicable class price;

(c) Add the amount obtained in multiplying the difference between the Class II price for the preceding month and the Class I price for the current month by the hundredweight of producer milk classified in Class II less shrinkage during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 930.46 (a) (4) and the corresponding step of (b), whichever is less;

(d) Adjust the resulting amount by the sum of money used in adjusting the uniform price for the previous month to the nearest cent, pursuant to § 930.61 (d); and

(e) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator.

§ 930.61 *Computation of uniform price.* For each month, the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received by such handler as follows:

(a) From the value of milk computed for such handler pursuant to § 930.60, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.72 and multiply by 10;

(b) Add an amount equal to the total location adjustments to be made pursuant to § 930.73;

(c) Divide the resulting value by the total hundredweight of producer milk received by such handler;

(d) The resulting figure, rounded to the nearest cent, shall be known as the uniform price for such handler for milk of 3.5 percent butterfat content at a pool plant, located less than 60 miles from the City Hall of Toledo, Ohio.

§ 930.62 *Notification.* On or before the 12th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class;

(b) The uniform price for such handler pursuant to § 930.61 and the butterfat differentials computed pursuant to § 930.72; and

(c) The totals of the amounts to be paid by such handler pursuant to §§ 930.74 and 930.75.

PAYMENTS

§ 930.70 *Time and method of final payment.* (a) On or before the 15th day after the end of each month, each handler shall pay each producer for milk received from him during such month, an amount computed at not less than such handler's uniform price per hundredweight pursuant to § 930.61, subject to the butterfat differential computed pursuant to § 930.72 plus or minus adjustments for errors made in previous payments to such producer; and less (1) payment made pursuant to § 930.71, (2) location differential deductions pursuant to § 930.73, (3) marketing service deductions pursuant to § 930.75 and (4) proper deductions authorized by such producer.

§ 930.71 *Partial payments.* On or before the last day of each month each handler shall pay each producer for milk received from him during the first fifteen days of each month at a rate computed as follows: *Provided*, That in the event a producer discontinues shipping to the market during the month, such partial payments shall not be made and full payment for all milk received from such producer during the month shall be made pursuant to the provisions of § 930.70

(a) Deduct 75 cents from the uniform price for the preceding month for such handler which is applicable at the pool plant where milk is received from such producer.

(b) Add or subtract any amount by which the Class I price differential for the current month is greater than or less than, respectively, the differential for the preceding month.

(c) Round off the result to the nearest multiple of 10 cents.

§ 930.72 *Producer butterfat differential.* In making payments pursuant to § 930.70 the uniform price for each handler shall be adjusted for each one-tenth of one percent of butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential computed as follows: Multiply the Chicago butter price by 0.12 and round to the nearest one-half cent.

§ 930.73 *Location differentials to producers.* In making payment pursuant to § 930.70 the uniform price pursuant to § 930.61 to be paid for milk which is received from producers at a pool plant located 60 miles or more from the City Hall, Toledo, Ohio, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

Distance from the Toledo City Hall (miles):	Rate per hundredweight (cents)
60 but less than 75	15.0
75 but less than 90	17.0
For each additional 15 miles or fraction thereof an additional	2.0

§ 930.74 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.22 (d), each handler, except a producer-handler, shall pay the market administrator, on or before the 15th day after the end of each month, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe with respect to receipts during the month of (a) producer milk, (b) other source milk at a pool plant, allocated to Class I milk pursuant to § 930.46 and (c) Class I milk disposed of in the marketing area by a distributing plant, not a pool plant.

§ 930.75 *Deductions for marketing services.* (a) Except as set forth in paragraph (b) of this section each handler, in making payments to producers pursuant to § 930.70, with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 6 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe; and on or before the 15th day after the end of such month, shall pay such deductions to the market administrator. Such moneys shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) Each association of producers which is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, may file with a handler a claim for authorized deductions from the payments otherwise due to its producer-members for milk delivered to such handler. In making payments to producers for milk received during the month, each handler shall make deductions in accordance with the association's claim and shall pay the amount deducted, to the association, within 15 days after the end of the month. Such claim shall contain a list of the producers for which such deductions apply, an agreement to indemnify the handler in the making of the deductions, and a certification that the association has an unterminated membership contract with each producer authorizing the claimed deduction.

§ 930.76 *Reports to cooperatives.* Upon request the market administrator is authorized to report to any cooperative association qualifying under § 930.75 (b) for each month the amount of butterfat shortage or overage in member milk found in any handler's plant, as revealed by the records of the market administrator. For the purpose of this report, the butterfat shortage or overage on member milk shall be determined as the percentage of total butterfat shortage or overage which total receipts of butterfat in member milk is of the total receipts of butterfat in the plant.

§ 930.77 *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts disclose errors resulting in moneys due (a) the market administrator or cooperative associations from such handler, or such handler from the market administrator or cooperative associations pursuant to §§ 930.74 or 930.75, or (b) any producer or cooperative association from such handler pursuant to § 930.70, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

APPLICATION OF PROVISIONS

§ 930.80 *Plants subject to other Federal orders.* The provisions of this part shall not apply to a distributing plant or a supply plant during any month in which the milk at such plant would be

subject to the classification and pricing provisions of another order issued pursuant to the act unless such plant qualified as a pool plant pursuant to § 930.9 and a greater volume of fluid milk products is disposed of from such plant to retail or wholesale outlets and to pool plants in the Toledo, Ohio, marketing area than in the marketing area regulated pursuant to such other order during the current month and each of the three months, immediately preceding: *Provided*, That the operator of a distributing plant or a supply plant which is exempted from the provisions of this order pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

§ 930.81 *Producer-handlers.* Sections 930.50, 930.60, 930.70, 930.74, 930.75, and 930.77 shall not apply to the milk of a producer-handler.

MISCELLANEOUS PROVISIONS

§ 930.90 *Termination of obligations.* (a) The obligations of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the month during which the market administrator receives the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or association, or, if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books or records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 930.91 *Effective time.* The provisions of this part, or of any amendment to this part, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.92 *When suspended or terminated.* The Secretary shall, whenever he finds that this part, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 930.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 930.94 *Liquidation.* Upon the suspension of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.95 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 930.96 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 27th day of March 1957, to be effective on and after April 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2482; Filed, Mar. 29, 1957; 8:50 a. m.]

[Orange Reg. 313]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.838 *Orange Regulation 313*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, including Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all oranges, including Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, including Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 1, 1957, and ending at 12:01 a. m., e. s. t., April 15, 1957, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Bronze;

(ii) Any Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2;

(iii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{6}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are smaller than 2$^{6}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 2$^{13}/_{16}$ inches in diameter and smaller;

(iv) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size larger than 3$^{5}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title): *Provided*, That in determining the percentage of oranges in any lot which are larger than 3$^{5}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger; or

(v) Any Temple oranges, grown in the State of Florida, which are of a size smaller than 2$^{5}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of Temple oranges smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2479; Filed, Mar. 29, 1957; 8:50 a. m.]

[Grapefruit Reg. 261]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.839 *Grapefruit Regulation 261*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of all grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the department after an open meeting of the Growers Administrative Committee on March 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all grapefruit, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade, standard pack, and standard box, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (chapters 25149 and 28090) and also by section 601.18, as amended June 2, 1955 (chapter 29760).

(2) During the period beginning at 12:01 a. m., e. s. t., April 1, 1957, and ending at 12:01 a. m., e. s. t., April 15, 1957, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any pink seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(iii) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3$^{15}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than 3$^{12}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of pink seeded grapefruit smaller than

such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title);

(v) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(vi) Any pink seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(vii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 1 Bronze: *Provided*, That not to exceed 40 percent, by count, of such grapefruit may be damaged, but not seriously damaged, by scars;

(viii) Any pink seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(ix) Any pink seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such pink seedless grapefruit (*a*) are in the same container with pink seedless grapefruit which grade at least U. S. No. 1 Russet and (*b*) are not in excess of 50 percent, by count, of the number of all pink seedless grapefruit in such container; or

(x) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than 3$^{9}/_{16}$ inches in diameter, measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2478; Filed, Mar. 29, 1957; 8:50 a. m.]

[Tangerine Reg. 189]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.840 *Tangerine Regulation 189*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Florida tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on March 26, 1957, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and standard pack, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(2) During the period beginning at 12:01 a. m., e. s. t., April 1, 1957, and ending at 12:01 a. m., e. s. t., April 15, 1957, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than 2$^{7}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 27, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2477; Filed, Mar. 29, 1957; 8:49 a. m.]

[Lemon Reg. 680]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.787 *Lemon Regulation 686*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 27, 1957; such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 31, 1957, and ending at 12:01 a. m., P. s. t., April 7, 1957, is hereby fixed as follows:

(i) District 1: 6,510 cartons;

(ii) District 2: 239,940 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: March 28, 1957.

[SEAL] FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 57-2542; Filed, Mar. 29, 1957; 9:40 a. m.]

[Docket No. AO-170-A10]

PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

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AUTHORITY: §§ 967.0 to 967.101 issued under sec. 5, 49 stat. 753, as amended; 7 U. S. C. 608c.

§ 967.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the South Bend-La Porte, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that;

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1957. Any delay beyond April 1, 1957, in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on August 14–15, 1956, and the recommended decision was issued February 6, 1957 (22 F. R. 844). The final decision was issued by the Assistant Secretary on March 15, 1957 (22 F. R. 1844). Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the South Bend-La Porte, Indiana, marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the de-

clared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (December 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the South Bend-La Porte, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby amended; and the aforesaid order, as amended, is hereby further amended to read as follows:

DEFINITIONS

§ 967.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 967.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any other officer or employee of the United States authorized to exercise the powers or to perform the duties of the Secretary of Agriculture.

§ 967.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal Agency authorized to perform the price reporting functions of the United States Department of Agriculture specified herein.

§ 967.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 967.5 *Delivery period.* "Delivery period" means the calendar month or the total portion thereof during which this order is in effect.

§ 967.6 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

§ 967.7 *South Bend-La Porte, Indiana, marketing area.* "South Bend-La Porte, Indiana, marketing area", hereinafter called the "marketing area" means all territory within the corporate limits of South Bend, Mishawaka, La Porte, and Michigan City, Indiana.

§ 967.8 *Approved plant.* "Approved plant" means a milk plant which is approved by the health authorities of any of the following municipalities: South Bend, Mishawaka, La Porte, or Michigan City, Indiana, for the processing and distribution of milk for consumption in fluid form and from which a route is operated wholly or partially within the marketing area.

§ 967.9 *Producer.* "Producer" means any person, except a producer-handler, who produces milk (other than milk exempt pursuant to § 967.60) which is received at an approved plant, provided such milk is eligible for consumption as milk in fluid form within the marketing area under the approval or certification of one or more of the health authorities referred to in § 967.8. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be temporarily diverted by a handler from an approved plant to a plant not an approved plant.

§ 967.10 *Producer milk.* "Producer milk" means milk produced by a producer under the conditions set forth in § 967.9.

§ 967.11 *Other source milk.* "Other source milk" means all skim milk and butterfat received in any form, except in a nonfluid milk product disposed of in the same form as received, from sources other than a producer or a handler who receives milk subject to the pricing provisions of this part.

§ 967.12 *Route.* "Route" means a delivery (including a sale at a plant store) of any item named in § 967.41 (a) (1) to a wholesale or retail stop other than a milk processing or distributing plant.

§ 967.13 *Handler.* "Handler" means (a) a person who operates an approved plant or (b) a cooperative association with respect to milk (1) caused by it to be delivered from a producer's farm to an approved plant for the account of such association, or (2) customarily received as producer milk at an approved plant which is diverted by such association for its account to a plant not an approved plant.

§ 967.14 *Producer-handler.* "Producer-handler" means any person who operates an approved plant and whose sole source of supply of skim milk and butterfat is from his own production or from his own production and from an approved plant.

§ 967.15 *Base, base milk and excess milk*—(a) *Base.* "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 967.63.

(b) *Base milk.* "Base milk" means a quantity of producer milk received by a handler during each of the months of April, May, June and July which is not in excess of such producer's base multiplied by the number of days such milk was produced.

(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of April, May, June and July which is in excess of the base milk received from such producer.

MARKET ADMINISTRATOR

§ 967.20 *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 967.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 967.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain in an amount and with surety thereon satisfactory to the Secretary a bond covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 967.85:

(1) The cost of his bond and of the bonds of his employees,

(2) His own compensation, and

(3) All other expenses, except those incurred under § 967.86, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who within 10 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 967.30 to 967.31 or (2) payments pursuant to §§ 967.80 to 967.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) Verify all reports and payments of each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(1) On or before the 7th day after the end of such delivery period, the minimum class prices for skim milk and butterfat pursuant to §§ 967.51 through 967.53;

(2) On or before the 14th day after the end of such delivery period, the uniform price computed pursuant to § 967.71 and the butterfat differential computed pursuant to § 967.81;

(j) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information; and

(k) On or before April 1 each year notify each producer of the amount of his base, and notify each handler of the amount of the base of each producer delivering milk to any of the handler's plants.

REPORTS, RECORDS, AND FACILITIES

§ 967.30 *Reports of receipts and utilization.* On or before the 9th day after the end of each delivery period each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of butterfat and of skim milk contained in all receipts within such delivery period of (1) producer milk, (2) skim milk and butterfat in any form from any other handler, (3) other source milk, and the source thereof, and (4) for the delivery periods of April through July, the total amount of base milk and the total amount of excess milk received from producers;

(b) The utilization of all receipts reported under paragraph (a) of this section; and

(c) Such other information with respect to all receipts and utilization as the market administrator may prescribe.

§ 967.31 *Other reports* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(b) On or before the 25th day after the end of each delivery period each handler shall submit to the market administrator such handler's producer payroll for the preceding delivery period, which shall show (1) the total pounds of milk received from each producer and the average butterfat test of such milk, (2) the amount of payment to each producer and cooperative association, (3) the nature and amount of any deductions and charges involved in the payments referred to in subparagraph (2) of this paragraph, and (4) for the delivery periods of September through December, the number of days on which milk was received from each producer, and for the delivery periods of April through July, for each producer the number of days on which milk was received and the amount of base milk and excess milk.

§ 967.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business, such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization, in whatever form, of all skim milk and butterfat received;

(b) The weights, samples, and tests for butterfat and for other content of all skim milk and butterfat handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

§ 967.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 967.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat, in any form, received within the delivery period by a handler, in producer milk, in other source milk and from another handler shall be classified by the market administrator pursuant to the provisions of §§ 967.41 to 967.46, inclusive.

§ 967.41 *Classes of utilization.* Subject to the conditions set forth in §§ 967.43 and 967.44, the skim milk and butterfat described in § 967.40 shall be classified by the market administrator on the basis of the following classes:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat (1) disposed of (except as provided in paragraph (c) (1) of this section) in the form of milk, skim milk, flavored milk, flavored milk drink, and buttermilk; (2) disposed of as cream (sweet or sour) and as any fluid mixture of cream and milk (or skim milk) containing not less than 6 percent butterfat (but not including ice cream or other frozen dessert mixes disposed of to a commercial processor, or any mixture disposed of in containers or dispensers under pressure for the purpose of dispensing a whipped or aerated product); (3) disposed of in fluid or frozen form as concentrated milk, flavored milk, flavored milk drink not sterilized and not otherwise specified under paragraph (c) of this section, and as eggnog; (4) in shrinkage of receipts of producer milk computed pursuant to § 967.42 which is in excess of 2 percent of such receipts; and (5) not specifically accounted for as any item named in this paragraph or as Class II milk or Class III milk.

(b) Class II milk shall be all skim milk and butterfat used to produce cottage cheese.

(c) Class III milk shall be all skim milk and butterfat (1) disposed of in bulk in the form of milk, skim milk, buttermilk, and cream to any manufacturer of candy, soup or bakery products and used in such products; (2) in condensed milk or skim milk (sweetened or unsweetened) disposed of to commercial food processors; (3) disposed of (or used to produce, in the case of ice cream and frozen desserts and mixes (liquid or powdered) for such products, and aerated cream products) as sweetened condensed milk in hermetically sealed cans, evaporated milk, ice cream, ice cream mix, other frozen desserts and mixes, storage cream, butter, cheese and nonfat dry milk; (4) dumped or disposed of for livestock feed as skim milk (including that in whole milk dumped), flavored milk, flavored milk drink and buttermilk; (5) disposed of as a milk product other than any of those specified in paragraph (a) (1), (2) and (3) in paragraph (b), and in paragraphs (c) (1), (2), (3) and (4) of this section; (6) contained in monthly inventory variations; (7) in actual shrinkage of receipts of producer milk computed pursuant to § 967.42 but not in excess of 2 percent of such receipts; and (8) in actual shrinkage of other source milk computed pursuant to § 967.42.

§ 967.42 *Shrinkage.* The market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in producer milk and in other source milk in the following manner:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section between that in producer milk and in other source milk.

§ 967.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat classified (except that transferred to a producer-handler) in one class shall be reclassified if used or reused by such handler or by another handler in another class.

§ 967.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted to another handler (except a producer-handler) in the form of any item named in § 967.41 (a) (1), (2), or (3) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 9th day after the end of the delivery period within which such transaction occurred: *Provided,* That

skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee handler after the subtraction of other source milk pursuant to § 967.46, and any excess of such skim milk or butterfat, respectively, shall be assigned to Class I milk;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of any item named in § 967.41 (a) (1), (2) or (3);

(c) As Class I milk if transferred or diverted to a plant not an approved plant in the form of any item named in § 967.41 (a) (1), (2) or (3) unless (1) the transferor handler claims use in another class on the basis of utilization in the unapproved plant in his report submitted to the market administrator pursuant to § 967.30 for the month within which such transaction occurred, (2) the receiver maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, and (3) in such receiver's plant there actually had been used during such delivery period in the use indicated in such report, not less than an equivalent amount of skim milk and butterfat derived by him from milk or cream: *Provided*, That if upon inspection of such receiver's records of such plant, there had not been used in the indicated use an equivalent amount of skim milk and butterfat so derived, the remaining pounds shall be classified as Class I milk.

§ 967.45 *Computation of skim milk and butterfat in each class.* For each delivery period, the market administrator shall correct for mathematical and for other obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class for such handler.

§ 967.46 *Allocation of skim milk and butterfat classified.* The pounds of skim milk and butterfat, respectively, remaining in each class after the following computations shall be the pounds in each class allocated to producer milk;

(a) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk the pounds of skim milk and butterfat in other source milk which is disposed of as Class I milk in bottles on a route outside the marketing area: *Provided*, That the health authority having jurisdiction over the plant from which such distribution is made has granted approval for receiving and processing for fluid distribution both approved milk and other source milk in such plant, the handler maintains adequate accounts and records of, and practices complete segregation of, producer milk and other source milk used in his Class I milk operations, and that such other source milk is disposed of on a route on which no producer milk is disposed of as Class I milk;

(b) Subtract, respectively, from the pounds of skim milk and butterfat in Class I milk (to the extent Class I milk is available) the pounds of skim milk and butterfat in other source milk which is (1) received in consumer packages as any item specified in § 967.41 (a) (1), (2) or (3) from a plant where milk is subject to the class price provisions of a Federal marketing agreement or order issued pursuant to the act for another fluid milk marketing area, and (2) disposed of without repackaging;

(c) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class (other than the pounds in inventory variations and plant shrinkage of skim milk and butterfat pursuant to § 967.41 (c) (7)) in series beginning with Class III milk, the pounds of skim milk and butterfat in other source milk excluding that subtracted pursuant to paragraphs (a) and (b) of this section;

(d) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class the pounds of skim milk and butterfat received from other handlers and assigned to such class pursuant to § 967.44; and

(e) Subtract, respectively, from the remaining pounds of skim milk and butterfat in each class in series beginning with Class III milk, the pounds by which such pounds of skim milk and butterfat in all classes exceed, respectively, the total pounds of skim milk and butterfat received in milk from producers.

MINIMUM PRICES

§ 967.50 *Basic formula price.* The basic formula price to be used in computing the prices of Class I milk and Class II milk for the delivery period shall be the higher of the prices computed by the market administrator for the delivery period immediately preceding pursuant to paragraphs (a) and (b) of this section:

(a) Compute the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices are reported to the market administrator or to the Department by the companies listed below:

Present operator:	Location
Borden Co.	Mount Pleasant, Mich.
Borden Co.	New London, Wis.
Borden Co.	Orfordville, Wis.
Carnation Co.	Oconomowoc, Wis.
Carnation Co.	Richland Center, Wis.
Carnation Co.	Sparta, Mich.
Pet Milk Co.	Belleville, Wis.
Pet Milk Co.	Coopersville, Mich.
Pet Milk Co.	New Glarus, Wis.
Pet Milk Co.	Wayland, Mich.
White House Milk Co.	Manitowoc, Wis.
White House Milk Co.	West Bend, Wis.

(b) Compute a price per hundredweight by adding together the amounts resulting pursuant to subparagraphs (1) and (2) of this paragraph;

(1) Multiply by 8.2 the weighted average of carlot prices per pound for spray process nonfat dry milk, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding delivery period through the 25th day of the current delivery period by the Department, and from the result thus obtained deduct 64.2 cents;

(2) Multiply by 4.24 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade AA (93-score) bulk creamery butter per pound at Chicago, as reported by the Department during the delivery period: *Provided*, That if no price is reported for Grade AA (93-score) butter, the highest of the Grade A (92-score) butter prices for that day shall be used in lieu of the price for Grade AA (93-score) butter, and from the result thus obtained deduct 11 cents.

§ 967.51 *Class I milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class I milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk) the following amount for the delivery period indicated: August, September, October, November and December $1.30; January and February, $1.10; all others $0.90: *Provided*, That such Class I price differential shall be increased or decreased, respectively, by the supply-demand adjustment computed under Part 941 of this chapter as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(b) Add together the amount computed pursuant to § 967.50 (b) (2) and any amount per hundredweight by which (on a 3.5 percent butterfat basis) the effective basic formula price pursuant to § 967.50 is higher than the price computed pursuant to § 967.50 (b), divide such sum by 0.035, and then add thereto the following amount for the delivery period indicated: August, September, October, November and December, $13.75; all others $12.00: *Provided*, That such amount for the delivery period indicated shall be increased or decreased, as the case may be, by the amount per hundredweight resulting from the proviso of paragraph (a) of this section divided by 0.035. The resulting amount shall be the price of butterfat in Class I milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount computed in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class I milk.

§ 967.52 *Class II milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class II milk for each delivery period shall be computed by the market administrator as follows:

(a) Add to the basic formula price (3.5 percent milk), the following amount for the delivery period indicated: August, September, October, November, December, January and February, $0.70; all others $0.45.

(b) The amount computed pursuant to § 967.51 (b) shall be the price of butterfat in Class II milk.

(c) Subtract from the price computed pursuant to paragraph (a) of this section the amount specified in paragraph (b) of this section times 0.035, and divide the remainder by 0.965. The resulting amount shall be the price of skim milk in Class II milk: *Provided*, That in no event shall the price of skim milk pursuant to this subparagraph be less than the price computed pursuant to § 967.53 (b).

§ 967.53 *Class III milk prices.* The minimum prices per hundredweight to be paid by each handler for skim milk and butterfat in producer milk received and classified as Class III milk for each delivery period shall be computed by the market administrator as follows:

(a) The price of butterfat in Class III milk shall be the producer butterfat differential computed for such delivery period pursuant to § 967.61 times 1000.

(b) The price of skim milk in Class III milk shall be computed by subtracting the hundredweight price of butterfat computed pursuant to paragraph (a) of this section times 0.035, from the price determined pursuant to § 967.50 (a), and divide the remainder by 0.965.

APPLICATION OF PROVISIONS

§ 967.60 *Exempt milk.* Skim milk and butterfat disposed of as Class I on a route in the marketing area shall not be subject to the provisions of this part if (a) such milk is priced under another marketing agreement or order issued pursuant to the act, and (b) the person making such disposition of milk in the marketing area is subject to regulation under such other marketing agreement or order: *Provided*, That the handler making such disposition of milk in the marketing area shall at such time and in such manner as the market administrator may require, make reports to the market administrator which shall be subject to verification by the market administrator.

§ 967.61 *Diverted milk.* Producer milk diverted from a handler's plant to an approved plant or to a plant not an approved plant shall be deemed to have been received by the handler for whose account such milk was diverted.

§ 967.62 *Producer-handlers.* Sections 967.40 to 967.46, 967.50 to 967.53, 967.70 to 967.72, and 967.80 to 967.88 shall not apply to a producer-handler.

§ 967.63 *Computation of base.* Subject to the conditions set forth in § 967.64, the market administrator shall compute for each of the months of April, May, June and July a base for each producer, as follows:

(a) Divide the total pounds of milk received by a handler from each producer during the months of September, October, November and December immediately preceding, by the number of days such milk was produced (not to be less than 90 days): *Provided*, That any producer for whom a base has been computed, may, upon written notice to the market administrator postmarked not later than February 15 preceding, relinquish his base and be allotted a base computed pursuant to paragraph (b) of this section.

(b) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of paragraph (a) of this section shall be assigned a base for each of the months of April, May, June and July computed as follows:

(1) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(2) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(3) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

§ 967.64 *Base rules.* Any base computed pursuant to § 967.63 (a) shall be subject to the following rules:

(a) A base shall be held in the name of the producer and may be transferred only at his option.

(b) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(c) If a producer operates more than one farm he must establish a base with respect to the milk from each farm, and in the event such producer chooses to relinquish the base earned for one farm he must do so for all farms.

DETERMINATION OF UNIFORM PRICE

§ 967.70 *Computation of value of producer milk.* The value of producer milk received during each delivery period by each handler shall be computed by the market administrator by multiplying the pounds of skim milk and butterfat, respectively, allocated to producer milk in each class pursuant to § 967.46, by the applicable class prices, adding together the resulting amounts, and adding the amounts computed as follows: Multiply the pounds of skim milk and butterfat subtracted pursuant to § 967.46 (e) by the respective applicable class prices.

§ 967.71 *Computation of uniform price.* For each delivery period, the market administrator shall compute the "uniform price" per hundredweight for milk of 3.5 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 967.70 for all handlers who made the reports pursuant to § 967.30 except those in default in payments required pursuant to § 967.83 for the preceding delivery period;

(b) Subtract, if the weighted average butterfat test of producer milk is greater than 3.5 percent, or add, if such butterfat test is less than 3.5 percent, an amount computed by: Multiplying the amount by which such weighted average butterfat test varies from 3.5 percent by the butterfat differential computed pursuant to § 967.81, and multiply the resulting amount by the hundredweight of such milk;

(c) Add an amount representing the cash balance on hand in the producer-settlement fund less the amount of unpaid obligations to handlers pursuant to § 967.84 and 967.87;

(d) For the delivery periods of August through March compute the uniform price by dividing the result computed pursuant to paragraph (c) of this section by the hundredweight of producer milk included in the computations pursuant to paragraph (a) of this section, and subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in the producer-settlement fund to provide against errors in reports and in payments by handlers.

(e) For each of the delivery periods of April through July the market administrator shall compute uniform prices per hundredweight for base milk and for excess milk, each of 3.5 percent butterfat content, received from producers, as follows:

(1) Compute the total value on a 3.5 percent butterfat basis of excess milk included in the computations pursuant to paragraph (a) of this section by multiplying the hundredweight of such excess milk not in excess of the total quantity of Class III milk included in these computations by the price for Class III milk of 3.5 percent butterfat content, and multiplying the hundredweight of such excess milk in excess of such Class III milk in series by the price for Class II milk and Class I milk, respectively, of 3.5 percent butterfat content, and adding together the resulting amounts.

(2) Compute the uniform price for excess milk of 3.5 percent butterfat content by dividing the total value of excess milk obtained in subparagraph (1) of this paragraph by the total hundredweight of such milk, and adjusting to the nearest cent;

(3) Multiply the hundredweight of excess milk included in the computations pursuant to subparagraph (2) of this paragraph by the uniform price for excess milk computed pursuant to said subparagraph (2);

(4) Subtract the value computed pursuant to subparagraph (3) of this paragraph from the value computed pursuant to paragraph (c) of this section and divide the result by the total hundredweight of base milk included in these computations;

(5) Compute the uniform price for base milk of 3.5 percent butterfat content by subtracting not less than 4 cents nor more than 5 cents from the result computed pursuant to subparagraph (4) of this paragraph for the purpose of retaining a cash balance in the producer-settlement fund to provide against errors in reports and in payments by handlers.

§ 967.72 *Notification to handlers.* On or before the 14th day after the end of each delivery period, the market administrator shall mail to each handler at his last known address, a statement showing (a) the amount and values of his milk in each class and the totals thereof; (b) the applicable minimum class prices and uniform price; (c) the amount owed by him to or the amount due him from the producer-settlement fund, pursuant to § 967.83 or § 967.84; and (d) the amount to be paid by him pursuant to §§ 967.80, 967.85, 967.86, and 967.87.

PAYMENTS

§ 967.80 *Time and method of payment.* Each handler shall make payments as follows:

(a) On or before the 18th day after the end of each delivery period, to each producer, except producers for whom payment is made to a cooperative association pursuant to paragraph (b) of this section, at not less than the uniform price for the delivery periods of August through March and the uniform prices for base milk and excess milk for the delivery periods of April through July calculated pursuant to § 967.71, and adjusted by the producer butterfat differential pursuant to § 967.81, for all milk received from such producer during such delivery period and less payment to such producer made pursuant to paragraph (c) of this section: *Provided*, That if by such date such handler has not received full payment for such delivery period pursuant to § 967.84, he may reduce such payments uniformly per hundredweight for all producers by an amount not in excess of the per hundredweight reduction in payment from the market administrator: *And provided further*, That such handler shall make such balance of payment to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payment is received from the market administrator.

(b) On or before the 15th day after the end of each delivery period, to a cooperative association with respect to milk caused to be delivered from producers' farms to such handler by such association for its account during such delivery period, not less than the value of skim milk and butterfat in such milk computed at the minimum class prices, less payments to such association made pursuant to paragraph (c) of this section. For the purpose of determining the classification of skim milk and butterfat in such milk, such skim milk and butterfat shall be ratably apportioned among the quantities of skim milk and butterfat in such handler's Class I milk, Class II milk and Class III milk allocated to producer milk pursuant to § 967.46.

(c) On or before the 4th day after the end of such delivery period each handler shall pay to each producer, or to a cooperative association authorized to collect payment, not less than the amount per hundredweight provided in the schedule set forth in this paragraph, for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided*, That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producer or cooperative association during such delivery period shall be made on or before the 18th day after the end of such delivery period pursuant to paragraphs (a) and (b) of this section:

When the uniform price or base price for the preceding delivery period is—	*The amount of the partial payment shall be—*
Under $1.00	$0.00
$1.00 to $1.99	1.00
$2.00 to $2.99	2.00
$3.00 to $3.99	3.00
$4.00 to $4.99	4.00
$5.00 to $5.99	5.00
$6.00 to $6.99	6.00
$7.00 and over	7.00

§ 967.81 *Producer butterfat differential.* In making payments pursuant to § 967.80 (a) there shall be added to or subtracted from the uniform price, for each one-tenth of one percent of butterfat content in such producer milk above or below 3.5 percent, an amount computed by multiplying the average of the daily wholesale prices per pound of 92-score butter at Chicago during the delivery period as reported by the Department, by 0.12 and rounding to the nearest tenth of a cent.

§ 967.82 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit payments made by handlers pursuant to § 967.83 and payments related thereto pursuant to § 967.87 and out of which he shall make all payments to handlers pursuant to § 967.84 and payments related thereto pursuant to § 967.87.

§ 967.83 *Payments to the producer-settlement fund.* On or before the 16th day after the end of each delivery period, each handler shall pay to the market administrator the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is greater than the amount to be paid producers pursuant to § 967.80 (a): *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b), such cooperative association shall pay to the market administrator, on or before the 16th day after the end of each delivery period, the amount by which the utilization value of such milk is greater than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81.

§ 967.84 *Payments out of the producer-settlement fund.* On or before the 17th day after the end of each delivery period, the market administrator shall pay to each handler the amount by which the value of producer milk received by such handler during such delivery period pursuant to § 967.70 minus the amount to be paid to a cooperative association pursuant to § 967.80 (b) is less than the amount to be paid producers pursuant to § 967.80 (a), less any unpaid obligation of such handler to the market administrator pursuant to §§ 967.83, 967.85, 967.86 and 967.87: *Provided*, That with respect to milk for which a cooperative association receives payment from a handler pursuant to § 967.80 (b) the market administrator shall pay to such cooperative association, on or before the 17th day after the end of such delivery period, the amount by which the utilization value of such milk is less than the value computed at the uniform price pursuant to § 967.71 adjusted by the producer butterfat differential pursuant to § 967.81: *And provided further*, That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 967.85 *Expense of administration.* As his pro rata share of the expense incurred pursuant to § 967.22 (d) each handler shall pay the market administrator, on or before the 16th day after the end of each delivery period, 4 cents per hundredweight, or such lesser amount as the Secretary from time to time may prescribe with respect to skim milk and butterfat received within the delivery period, in producer milk (including such handler's own production) and in other source milk (excluding milk which is subject to administrative expense of another Federal order issued pursuant to the act).

§ 967.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 967.80 (a) shall make a deduction of 4 cents per hundredweight of milk, or such lesser deduction as the Secretary from time to time may prescribe, with respect to the following:

(1) All milk received from producers (except milk of such handler's own production) at a plant not operated by a cooperative association; and

(2) All milk received at a plant operated by a cooperative association from producers who are not members of such association. Such deductions shall be paid by the handler to the market administrator on or before the 16th day after the end of each delivery period. Such moneys shall be expended by the market administrator for verification of weights, samples and tests of milk received from such producers and in providing for market information to such producers, such services to be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of each producer (1) who is a member of, or who has given written authorization for the rendering of marketing services and the taking of deduction therefor, to a cooperative association, (2) whose milk is received at a plant not operated by such association, and (3) for whom the Secretary determines that such association is performing the services described in paragraph (a) of this section, each handler shall deduct, in lieu of the deduction specified under paragraph (a) of this section, from the payments made pursuant to § 967.80 (a) the amount per hundredweight on milk authorized by such producer and shall pay over, on or before the 16th day after the end of such delivery period, such deduction to the association entitled to receive it under this paragraph.

§ 967.87 *Adjustments of accounts.* (a) Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in moneys due (1) the market administrator from such handler, (2) such handler from the market administrator, or (3) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any such amount due; and payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred following the 5th day after such notice.

(b) An unpaid obligation of a handler or of the market administrator shall bear interest at the rate of one-half of one percent per month, such interest to accrue on the 1st day of the calendar month next following the due date of such obligation and on the first day of each calendar month thereafter until such obligation is paid.

§ 967.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under section 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 967.90 *Effective time.* The provisions of this part or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 967.91 *Suspension or termination.* The Secretary shall, whenever he finds that this part or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this part or any such provision thereof.

§ 967.92 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 967.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so desired by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 967.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 967.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

It is hereby ordered, that the full text of the order be published in the FEDERAL REGISTER. The regulatory provisions contained in this order, as amended, are identical with those published in the final decision on March 20, 1957 (22 F. R. 1844).

Issued at Washington, D. C., this 26th day of March 1957, to be effective April 1, 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2471; Filed, Mar. 29, 1957; 8:48 a. m.]

[Docket Nos. AO-240-A2 and A3]

PART 985—MILK IN MUSKEGON, MICHIGAN, MARKETING AREA

ORDER AMENDING ORDER

§ 985.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Muskegon, Michigan, on August 28, 1956, and at Kalamazoo, Michigan, on November 27, 1956, upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Muskegon, Michigan, marketing area. Upon the basis of the evi-

dence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of milk from producers and other source milk which is classified as Class I milk.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended) of more than 50 percent of the volume of milk covered by this order amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) This issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the representative period (December 1956), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Muskegon, Michigan, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as set forth below:

1. Delete § 985.5 and substitute the following:

§ 985.5 *Muskegon, Michigan, marketing area.* "Muskegon, Michigan, marketing area" referred to in this part as the "marketing area" means all territory, including but not limited to all municipal corporations within the boundaries of Muskegon County; Ottawa County, except Wright, Tallmadge, Georgetown and Jamestown townships; and Fillmore and Laketown townships in Allegan County; all in the State of Michigan.

2. Delete § 985.6 and substitute therefor the following:

§ 985.6 *Pool plant.* "Pool plant" means a plant (except one which is exempt pursuant to § 985.101):

(a) From which 20 percent or more of the total milk received at such plant during the month is disposed of in the marketing area as Class I other than to another pool plant;

(b) From which 20 percent or more of the total milk received from dairy farmers at such plant during the month is moved to pool plant(s) as described in paragraph (a) of this section; or

(c) Approved by an appropriate health authority of the marketing area as a supply of milk for fluid consumption and operated by a cooperative association, if 75 percent (50 percent for May and June) or more of the milk delivered during the month by producers who are members of such association is received at the pool plants of other handlers.

3. Delete § 985.53 and substitute the following:

§ 985.53 *Handler butterfat differential.* There shall be added to or subtracted from, respectively, the prices of milk for each class as computed pursuant to §§ 985.51 and 985.52, for each one-tenth of one percent variation in the average butterfat test of the milk in each class above or below 3.5 percent an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-tenth of a cent.

4. Delete § 985.65 and substitute therefor the following:

§ 985.65 *Computation of the base milk price.* (a) Multiply the total pounds of excess milk by the excess milk price for the month;

(b) Multiply the total amount of milk to be paid for at the adjusted uniform price by the adjusted uniform price pursuant to § 985.70 (b);

(c) Subtract the total values arrived at in paragraphs (a) and (b) of this section from the total 3.5 percent value of all producer milk arrived at in § 985.62;

(d) Divide the resultant value by the total hundredweight of base milk; and

(e) Subtract not less than 6 cents nor more than 7 cents.

(f) The resultant hundredweight price shall be the price of base milk of 3.5 percent butterfat content received at pool plants described in § 985.6.

5. Delete § 985.70 (b), (c), (d) and (e) and substitute therefor the following:

(b) A producer who has no base shall be paid until February 1 following the August–December period within which he establishes a base pursuant to paragraph (a) of this section at an adjusted uniform price determined by subtracting from the uniform price computed pursuant to § 985.63 the applicable percentage specified below of the difference between the uniform price and the excess milk price, rounded to the nearest cent:

	Percent
January, February, and March	30
April, May, and June	50
July	15
All other months	5

(c) A producer with a base, by notifying the market administrator that he relinquishes such base, may be paid pursuant to paragraph (b) of this section, beginning with the first day of the month in which such notification is received by the market administrator.

(d) When a plant first becomes a pool plant pursuant to § 985.6 bases for producers delivering to such plant may be established on the basis of deliveries of milk to such plant for the preceding August–December period certified by submission of delivery receipts or other evidence satisfactory to the market administrator.

6. Delete § 985.71 (b) (2) and (c) and substitute the following:

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing to the market administrator.

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base without loss for twelve months.

7. Delete § 985.80 and substitute the following:

§ 985.80 *Time and method of payment.* On or before the 15th day after the end of each month each handler who received milk from producers or from a cooperative association shall pay for milk received during such month to each producer, or to a cooperative association for milk received from producers for the account of such association, the uniform price adjusted as provided in § 985.70 (b), or the base price for base milk and the excess price for excess milk, adjusted by the butterfat differential pursuant to § 985.81: *Provided*, That if by such date such handler has not received full payment for such month pursuant to § 985.84 he shall not be deemed to be in violation of this section if he reduces uniformly to all producers and cooperative associations his payments per hundredweight by a total amount not in excess of the reduction in payments due from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this section next following that on which such balance of payment is received from the market administrator.

8. Delete § 985.81 and substitute the following:

§ 985.81 *Producer butterfat differential.* In making payments pursuant to § 985.80, the uniform price, base price and excess price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, respectively, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113 and the result rounded to the nearest one-half cent.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of March 1957, to be effective on and after the 1st day of May 1957.

[SEAL] EARL L. BUTZ,
Assistant Secretary.

[F. R. Doc. 57-2483; Filed, Mar. 29, 1957; 8:51 a. m.]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 987.0 *Findings and determination.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative agreement and to the order, as amended, regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity price of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than April 1, 1957. Any delay beyond that date in the effective date of this order would tend to disrupt the orderly marketing of milk in the aforesaid marketing area and would defeat the purpose of the amendment. The amendment action of this order amending the order is known to handlers. The public hearing was held on January 25, 1957, and the recommended decision was issued March 7, 1957 (22 F. R. 1589). The final decision was issued by the Assistant Secretary on March 25, 1957. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.)

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Central Mississippi marketing area) of more than 50 percent of the milk which is marketed within said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (January 1957), were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof the handling of milk in the Central Mississippi marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 987.16 and substitute the following:

§ 987.16 *Producer-handler.* "Producer-handler" means any person who operates a dairy farm and a distributing plant which, during the month, received no other source milk (except own production), producer milk, or milk from a pool plant.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 28th day of March to be effective on and after April 1, 1957.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F. R. Doc. 57-2540; Filed, Mar. 29, 1957; 9:40 a. m.]

TITLE 13—BUSINESS CREDIT AND ASSISTANCE

Chapter II—Small Business Administration

[Amdt. 1]

PART 103—SMALL BUSINESS SIZE STANDARDS

MISCELLANEOUS AMENDMENTS

The Small Business Administration Size Standards Regulation is hereby amended by:

1. Deleting § 103.2 (c) in its entirety and substituting the following in lieu thereof:

(c) "Number of employees," except as SBA otherwise determines in a particular industry or part thereof, means the average employment of any concern and its affiliates based on the number of persons employed during the pay period ending nearest the 15th of the third month in each calendar quarter for the preceding four quarters. If a concern has not been in existence for four full calendar quarters, "Number of employees" means the average employment of such concern and its affiliates during the period such concern has been in existence based on the number of persons employed during the pay period ending nearest the 15th of each month.

2. Deleting § 103.3 (b) in its entirety and substituting the following in lieu thereof:

(b) *Status of non-manufacturer.* Anyone who submits bids or offers in his own name, but who proposes to furnish a product not manufactured by said bidder or offerer, is deemed to be a small business concern when:

(1) He is a small business concern within the meaning of paragraph (a) of this section, and

(2) He is a regular dealer as defined by the regulations promulgated by the Secretary of Labor (41 CFR Part 201), pursuant to the Walsh-Healey Public Contracts Act, and

(3) In the case of Government procurement reserved for or involving the preferential treatment of small businesses or one involving equal bids, such non-manufacturer shall, in order to qualify as a small business, furnish in the performance of the contract the products of a small business manufacturer or producer which products are manufactured or produced in the United States or its Territories or possessions.

3. Adding the following sentence at the end of § 103.3 (c): "Whenever a Small Business Certificate is issued, the industry or field of operation of the concern which received such certificates shall be published in Schedule B of this part."

4. Deleting § 103.4 (i) in its entirety and substituting the following in lieu thereof:

(i) *Other standards.* (1) If a concern is engaged in the production of a number of products or the providing of a variety of services which are classified in different industries, the appropriate standard to be used is that which has been established for the industry or activity in which the concern is primarily engaged.

(2) If no standard for an industry or activity has been set out in this section, a concern seeking a size determination may apply to the Regional or Branch Office of SBA nearest to such concern's principal place of business for such determination.

5. Adding Schedule B as a part of the Small Business Size Standards as follows:

SCHEDULE B—INDUSTRIES AND FIELDS OF OPERATION IN WHICH THE SMALL BUSINESS ADMINISTRATION HAS ISSUED SMALL BUSINESS CERTIFICATES PURSUANT TO § 103.3 (c)

Industry or Field of Operation

1. Petroleum Refining
2. Electronics Manufacturing

(Sec. 306, 67 Stat. 234, as amended; 15 U. S. C. 634)

Dated: March 11, 1957.

WENDELL B. BARNES,
Administrator.

[F. R. Doc. 57-2470; Filed, Mar. 29, 1957; 8:48 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6234]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OTARION, INC., AND LELAND E. ROSEMOND

Subpart—*Dealing on exclusive and tying basis:* § 13.670 *Dealing on exclusive and tying basis.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 3, 38 Stat. 731; 15 U. S. C. 14) [Cease and desist order, Otarion, Inc., et al., Dobbs Ferry, N. Y., Docket 6234, Mar. 14, 1957]

In the Matter of Otarion, Inc., a Corporation, Leland E. Rosemond, Individually and as an Officer of Otarion, Inc.

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a large manufacturer of hearing aid instruments and parts and accessories at Dobbs Ferry, N. Y., with approximately 120 distributors located throughout the United States, with violating section 3 of the Clayton Act by requiring its distributors not to handle competing products.

Following entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on March 14 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent Otarion, Inc., a corporation, its officers, agents, representatives and employees, and individual respondent Leland E. Rosemond, individually and as an officer of respondent corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of hearing aids or other similar or related products in commerce, as "commerce," is defined in the Clayton Act, do forthwith cease and desist from:

1. Selling or making any contract or agreement for sale of any such products on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in, or sell, hearing aids or other similar or related products supplied by any competitor or competitors of respondents;

2. Enforcing or continuing in operation, or effect, any condition, agreement, or understanding in, or in connection with, any existing contract of sale, which condition, agreement, or understanding is to the effect that the purchaser of said products shall not use or deal in hearing aids or other similar or related products supplied by any competitor or competitors of the respondents.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2460; Filed, Mar. 29, 1957; 8:46 a. m.]

[Docket 6221]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

SIMPLICITY PATTERN CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.830 *Furnishing services or facilities.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Simplicity Pattern Company, Inc., New York, N. Y., Docket 6221, Mar. 13, 1957]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging the largest manufacturer of dress patterns in the United States with violating section 2 (e) of the Clayton Act as amended through supplying cabinets and other equipment for displaying and storing the patterns to large customers free of charge while requiring smaller customers to rent or purchase the equipment; and charging violation of the Federal Trade Commission Act by the same and related practices.

After reception of evidence in support of the complaint, respondent filed motion seeking dismissal for failure of proof, and after oral argument the examiner granted dismissal as to Count I.

As to Count II, the hearing examiner made his initial decision and order to cease and desist from which counsel for both parties filed cross-appeals. Having heard the matter on briefs and oral argument, the Commission on March 13 rendered its decision denying both appeals and adopting the findings, conclusions, and order contained in the initial decision.

Said order to cease and desist is as follows:

It is ordered, That the respondent, Simplicity Pattern Company, Inc., a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of dress patterns in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Contracting to furnish or furnishing to any of respondent's customers counter catalogs, cabinets or other equipment or facilities connected with the handling, sale or offering for sale of respondent's patterns, unless such catalogs, cabinets or other equipment or facilities are available on proportionally equal terms to all customers competing with such favored customers in the sale of respondent's patterns.

It is further ordered, That Count I of the complaint be, and it hereby is, dismissed.

By "Final Order", report of compliance was required as follows:

It is ordered, That respondent, Simplicity Pattern Company, Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order contained in the initial decision.

Issued: March 13, 1957.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 57-2461; Filed, Mar. 29, 1957; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6227]

PART 301—PROCEDURE AND ADMINISTRATION

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

On December 6, 1956, notice of proposed rule making regarding the regulations under chapter 70 of the Internal Revenue Code of 1954, relating to jeopardy, bankruptcy and receiverships, was published in the FEDERAL REGISTER (21 F. R. 9656). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below. Except as otherwise specifically provided therein, such regulations shall be effective on and after August 17, 1954, and shall apply only with respect to the taxes imposed by the Internal Revenue Code of 1954.

1. Section 301.6861–1 (a) is changed by revising the second sentence thereof to read as follows: "A jeopardy assessment may be made before or after the mailing of the notice of deficiency provided by section 6212."

2. The third sentence of § 301.6861–1 (c) is changed by deleting the words "district director" and inserting in lieu thereof "the words "Commissioner, through his counsel,".

3. Section 301.6863–1 (a) (3) is changed by deleting the last sentence thereof.

[SEAL] RUSSELL G. HARRINGTON,
Commissioner of Internal Revenue.

Approved: March 27, 1957.

DAN THROOP SMITH,
Deputy to the Secretary.

The following regulations relating to jeopardy, bankruptcy and receiverships are prescribed under Chapter 70 of the Internal Revenue Code of 1954, and except as otherwise specifically provided therein are effective on and after August 17, 1954, and are applicable with respect to taxes imposed under the Internal Revenue Code of 1954:

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

JEOPARDY

Sec.	
301.6851	Statutory provisions; termination of taxable year.
301.6851–1	Termination of taxable year.
301.6861	Statutory provisions; jeopardy assessments of income, estate, and gift taxes.
301.6861–1	Jeopardy assessments of income, estate, and gift taxes.
301.6862	Statutory provisions; jeopardy assessment of taxes other than income, estate, and gift taxes.
301.6862–1	Jeopardy assessment of taxes other than income, estate, and gift taxes.
301.6863	Statutory provisions; stay of collection of jeopardy assessments.
301.6863–1	Stay of collection of jeopardy assessments; bond to stay collection.
301.6863–2	Collection of jeopardy assessment; stay of sale of seized property pending Tax Court decision.
301.6864	Statutory provisions; termination of extended period for payment in case of carryback.

BANKRUPTCY AND RECEIVERSHIPS

301.6871 (a)	Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (a)–1	Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (a)–2	Collection of assessed taxes in bankruptcy and receivership proceedings.
301.6871 (b)	Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.
301.6871 (b)–1	Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings.
301.6872	Statutory provisions; suspension of period on assessment.
301.6872–1	Suspension of running of period of limitations on assessment.
301.6873	Statutory provisions; unpaid claims.
301.6873–1	Unpaid claims in bankruptcy or receivership proceedings.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851	Statutory provisions; applicability of revenue laws.

AUTHORITY: §§ 301.6851 to 301.7851 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

JEOPARDY, BANKRUPTCY AND RECEIVERSHIPS

JEOPARDY

§ 301.6851 *Statutory provisions; termination of taxable year.*

SEC. 6851. *Termination of taxable year*—(a) *Income tax in jeopardy*—(1) *In general.* If the Secretary or his delegate finds that a taxpayer designs quickly to depart from the United States or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partly ineffectual proceedings to collect the income tax for the current or the preceding taxable year unless such proceedings be brought without delay, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated, and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceeding in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section, the finding of the Secretary or his delegate, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes presumptive evidence of jeopardy.

(2) *Corporation in liquidation.* If the Secretary or his delegate finds that the collection of the income tax of a corporation for the current or the preceding taxable year will be jeopardized by the distribution of all or a portion of the assets of such corporation in the liquidation of the whole or any part of its capital stock, the Secretary or his delegate shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such finding and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of such tax as is unpaid, whether or not the time otherwise allowed by law for filing return and paying the tax has expired; and such taxes shall thereupon become immediately due and payable.

(b) *Reopening of taxable period.* Notwithstanding the termination of the taxable period of the taxpayer by the Secretary or his delegate, as provided in subsection (a), the Secretary or his delegate may reopen such taxable period each time the taxpayer is found by the Secretary or his delegate to have received income, within the current taxable year, since a termination of the period under subsection (a). A taxable period so terminated by the Secretary or his delegate may be reopened by the taxpayer (other than a nonresident alien) if he files with the Secretary or his delegate a true and accurate return of the items of gross income and of the deductions and credits allowed under this title for such taxable period, together with such other information as the Secretary or his delegate may by regulations prescribe. If the taxpayer is a nonresident alien the taxable period so terminated may be reopened by him if he files, or causes to be filed, with the Secretary or his delegate a true and accurate return of his total income derived from all sources within the United States, in the manner prescribed in this title.

(c) *Citizens.* In the case of a citizen of the United States or of a possession of the United States about to depart from the United States, the Secretary or his delegate may, at his discretion, waive any or all of the requirements placed on the taxpayer by this section.

(d) *Departure of alien.* No alien shall depart from the United States unless he first procures from the Secretary or his delegate a certificate that he has complied with all the obligations imposed upon him by the income tax laws.

(e) *Furnishing of bond where taxable year is closed by the Secretary or his delegate.* Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes if the taxpayer furnishes, under regulations prescribed by the Secretary or his delegate, a bond to insure the timely making of returns with respect to, and payment of, such taxes or any income or excess profits taxes for prior years.

§ 301.6851–1 *Termination of taxable year.* For regulations under section 6851, see § 1.6851–1 of this chapter.

§ 301.6861 *Statutory provisions; jeopardy assessments of income, estate, and gift taxes.*

SEC. 6861. *Jeopardy assessments of income, estate, and gift taxes*—(a) *Authority for making.* If the Secretary or his delegate believes that the assessment or collection of a deficiency, as defined in section 6211, will be jeopardized by delay, he shall, notwithstanding the provisions of section 6213 (a), immediately assess such deficiency (together with all interest, additional amounts, and additions to the tax provided for by law), and

notice and demand shall be made by the Secretary or his delegate for the payment thereof.

(b) *Deficiency letters.* If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under section 6212 (a), then the Secretary or his delegate shall mail a notice under such subsection within 60 days after the making of the assessment.

(c) *Amount assessable before decision of Tax Court.* The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the taxpayer, despite the provisions of section 6212 (c) prohibiting the determination of additional deficiencies, and whether or not the taxpayer has theretofore filed a petition with the Tax Court. The Secretary or his delegate may, at any time before the decision of the Tax Court is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount. The Secretary or his delegate shall notify the Tax Court of the amount of such assessment, or abatement, if the petition is filed with the Tax Court before the making of the assessment or is subsequently filed, and the Tax Court shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) *Amount assessable after decision of Tax Court.* If the jeopardy assessment is made after the decision of the Tax Court is rendered, such assessment may be made only in respect of the deficiency determined by the Tax Court in its decision.

(e) *Expiration of right to assess.* A jeopardy assessment may not be made after the decision of the Tax Court has become final or after the taxpayer has filed a petition for review of the decision of the Tax Court.

(f) *Collection of unpaid amounts.* When the petition has been filed with the Tax Court and when the amount which should have been assessed has been determined by a decision of the Tax Court which has become final, then any unpaid portion, the collection of which has been stayed by bond as provided in section 6863 (b) shall be collected as part of the tax upon notice and demand from the Secretary or his delegate, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the Secretary or his delegate.

(g) *Abatement if jeopardy does not exist.* The Secretary or his delegate may abate the jeopardy assessment if he finds that jeopardy does not exist. Such abatement may not be made after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with the Tax Court, after the expiration of the period for filing such petition. The period of limitation on the making of assessments and levy or a proceeding in court for collection, in respect of any deficiency, shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the 10th day after the day on which such jeopardy assessment is abated.

(h) *Cross references.* (1) For the effect of the furnishing of security for payment, see section 6863.

(2) For provision permitting immediate levy in case of jeopardy, see section 6331 (a).

§ 301.6861–1 *Jeopardy assessments of income, estate, and gift taxes—*(a) *Authority for making.* If a district director believes that the assessment or collection of a deficiency in income, estate, or gift tax will be jeopardized by delay, he is required to assess such deficiency immediately, together with the interest, additional amounts, and additions to the tax provided by law. A jeopardy assessment may be made before or after the mailing of the notice of deficiency provided by section 6212. However, a jeopardy assessment for a taxable year under section 6861 cannot be made after a decision of the Tax Court with respect to such taxable year has become final (see section 7481) or after the taxpayer has filed a petition for review of the decision of the Tax Court with respect to such taxable year. In the case of a deficiency determined by a decision of the Tax Court which has become final or with respect to which the taxpayer has filed a petition for review and has not filed a bond as provided in section 7485, assessment may be made in accordance with the provisions of section 6215, without regard to section 6861.

(b) *Amount of jeopardy assessment.* If a notice of a deficiency is mailed to the taxpayer before it is discovered that delay would jeopardize the assessment or collection of the tax, a jeopardy assessment may be made in an amount greater or less than that included in the deficiency notice. If a deficiency is assessed on account of jeopardy after the decision of the Tax Court is rendered, the jeopardy assessment may be made only with respect to the deficiency determined by the Tax Court.

(c) *Jurisdiction of Tax Court.* If the jeopardy assessment is made before the notice in respect of the tax to which the jeopardy assessment relates has been mailed pursuant to section 6212 (a), the district director shall, within 60 days after the making of the assessment, send the taxpayer a notice of deficiency pursuant to such subsection. The taxpayer may file a petition with the Tax Court for a redetermination of the amount of the deficiency within the time prescribed in section 6213 (a). If the petition of the taxpayer is filed with the Tax Court, either before or after the making of the jeopardy assessment, the Commissioner, through his counsel, is required to notify the Tax Court of such assessment or of any abatement thereof, and the Tax Court has jurisdiction to redetermine the amount of the deficiency, together with all other amounts assessed at the same time in connection therewith.

(d) *Payment and collection of jeopardy assessment.* After a jeopardy assessment has been made, the district director is required to send notice and demand to the taxpayer for the amount of the jeopardy assessment. Regardless of whether the taxpayer has filed a petition with the Tax Court, he is required to make payment of the amount of such assessment (to the extent that it has not been abated) within 10 days after the sending of notice and demand by the district director, unless before the expiration of such 10-day period he files with the district director a bond as provided in section 6863. Section 6331 provides that, if the district director makes a finding that the collection of the tax is in jeopardy, he may make demand for immediate payment of the amount of the jeopardy assessment and, in such case, the taxpayer shall immediately pay such amount or shall immediately file the bond provided in section 6863. If a petition is not filed with the Tax Court within the period prescribed in section 6213 (a), the district director will be so advised, and, if collection of the deficiency has been stayed by the timely filing of a bond as provided in section 6863, he should then give notice and make demand for payment of the amount assessed plus interest. After the Tax Court has rendered its decision and such decision has become final, the district director will be notified of the action taken. He will then send notice and demand for payment of the unpaid portion of the amount determined by the Tax Court, the collection of which has been stayed by the bond. If the amount of the jeopardy assessment is less than the amount determined by the Tax Court, the difference will be assessed and collected as part of the tax upon notice and demand from the district director. If the amount of the jeopardy assessment is in excess of the amount determined by the Tax Court, the unpaid portion of such excess will be abated. If any part of the excess amount has been paid, it will be credited or refunded to the taxpayer as provided in section 6402, without the filing of claim therefor.

(e) *Abatement of excessive assessment.* The district director may, at any time before the decision of the Tax Court is rendered, abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount.

(f) *Abatement if jeopardy does not exist.* (1) The district director may abate a jeopardy assessment in whole or in part, if it is shown to his satisfaction that jeopardy does not exist. An abatement may not be made under this paragraph after a decision of the Tax Court in respect of the deficiency has been rendered or, if no petition is filed with such court, after the expiration of the period for filing such petition.

(2) After abatement of a jeopardy assessment in whole or in part, the district director may proceed to assess and collect a deficiency in the manner authorized by law as if the jeopardy assessment or part thereof so abated had not existed. If a notice of deficiency has been sent to the taxpayer before the abatement of the jeopardy assessment in whole or in part, whether such notice was sent before or after the making of the assessment, such abatement will not affect the validity of the notice or of any proceedings for redetermination based thereon. The period of limitation on the making of assessments and the beginning of levy or a proceeding in court for collection in respect of any deficiency shall be determined as if the jeopardy assessment so abated had not been made, except that the running of such period shall in any event be suspended for the period from the date of such jeopardy assessment until the expiration of the tenth day after the date on which such jeopardy assessment is abated in whole or in part. The provisions of this subparagraph may be illustrated by the following example:

Example. On March 18, 1958, 28 days before the last day of the 3-year period of limitations on assessment, a jeopardy assessment is made in respect of a proposed deficiency. On May 2, 1958, before the mailing of the notice of deficiency provided by section 6861 (b), this assessment is abated. By virtue of this subparagraph, the last day of the period of limitations for the making of an assessment is June 9, 1958, that is, the thirty-eighth day after the date of the abatement. If the notice of deficiency provided for in section 6861 (b) had been sent before the abatement, the running of the period of limitations on assessment would have been suspended pursuant to the provisions of section 6503 (a).

(3) Request for abatement of a jeopardy assessment, because jeopardy does not exist, shall be filed with the district director, shall state fully the reasons for the request, and shall be supported by such evidence as will enable the district director to determine that the collection of the deficiency is not in jeopardy. See paragraph (e) of this section with respect to the abatement of jeopardy assessments which are excessive in amount.

§ 301.6862 *Statutory provisions; jeopardy assessment of taxes other than income, estate, and gift taxes.*

SEC. 6862. *Jeopardy assessment of taxes other than income, estate, and gift taxes—*(a) *Immediate assessment.* If the Secretary or his delegate believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest, additional amounts, and additions to the tax provided for by law). Such tax, additions to the tax, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the Secretary or his delegate for the payment thereof.

(b) *Immediate levy.* For provision permitting immediate levy in case of jeopardy, see section 6331 (a).

§ 301.6862–1 *Jeopardy assessment of taxes other than income, estate, and gift taxes.* (a) If the district director believes that the collection of any tax (other than income, estate, or gift tax) will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for filing the return or paying such tax has expired, immediately assess such tax, together with all interest, additional amounts and additions to the tax provided by law. For example, assume that a taxpayer incurs on January 18, 1958, liability for admissions tax imposed by section 4231, that the last day on which return and payment of such tax is required to be made is April 30, 1955, and that on January 18, 1955, the district director determines that collection of such tax would be jeopardized by delay. In such case, the district director shall immediately assess the tax.

(b) The tax, interest, additional amounts, and additions to the tax will, upon assessment, become immediately due and payable, and the district director shall, without delay, issue a notice and demand for payment thereof in full. Upon failure or refusal to pay the amount demanded, collection thereof by levy shall be lawful without regard to the 10-day period provided in section 6331 (a). However, the collection of the whole or any part of the amount of the jeopardy assessment may be stayed by timely filing with the district director a bond as provided in section 6863.

§ 301.6863 *Statutory provisions: stay of collection of jeopardy assessments.*

SEC. 6863. *Stay of collection of jeopardy assessments—*(a) *Bond to stay collection.* When a jeopardy assessment has been made under section 6861 or 6862, the collection of the whole or any amount of such assessment may be stayed by filing with the Secretary or his delegate, within such time as may be fixed by regulations prescribed by the Secretary or his delegate, a bond in an amount equal to the amount as to which the stay is desired, conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed, at the time at which, but for the making of the jeopardy assessment, such amount would be due. Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The taxpayer shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the taxpayer, be proportionately reduced. If any portion of the jeopardy assessment is abated, the bond shall, at the request of the taxpayer, be proportionately reduced.

(b) *Further conditions in case of income, estate, or gift taxes.* In the case of taxes subject to the jurisdiction of the Tax Court—

(1) *Prior to petition to Tax Court.* If the bond is given before the taxpayer has filed his petition under section 6213 (a), the bond shall contain a further condition that if a petition is not filed within the period provided in such section, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon from the date of the jeopardy notice and demand to the date of notice and demand under this paragraph.

(2) *Effect of Tax Court decision.* The bond shall be conditioned upon the payment of so much of such assessment (collection of which is stayed by the bond) as is not abated by a decision of the Tax Court which has become final. If the Tax Court determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Tax Court is rendered the bond shall, at the request of the taxpayer, be proportionately reduced.

(3) *Stay of sale of seized property pending Tax Court decision—*(A) *General rule.* Where, notwithstanding the provisions of section 6213 (a), a jeopardy assessment has been made under section 6861 the property seized for the collection of the tax shall not be sold—

(i) if section 6861 (b) is applicable, prior to the issuance of the notice of deficiency and the expiration of the time provided in section 6213 (a) for filing petition with the Tax Court, and

(ii) if petition is filed with the Tax Court (whether before or after the making of such jeopardy assessment under section 6861), prior to the expiration of the period during which the assessment of the deficiency would be prohibited if section 6861 (a) were not applicable.

(B) *Exceptions.* Such property may be sold if—

(i) the taxpayer consents to the sale,

(ii) the Secretary or his delegate determines that the expenses of conservation and maintenance will greatly reduce the net proceeds, or

(iii) the property is of the type described in section 6336.

(C) *Applicability.* Subparagraphs (A) and (B) shall be applicable only with respect to a jeopardy assessment made on or after January 1, 1955, and shall apply with respect to taxes imposed by this title and with respect to taxes imposed by the Internal Revenue Code of 1939.

§ 301.6863–1 *Stay of collection of jeopardy assessments; bond to stay collection—*(a) *General rule.* (1) The collection of a jeopardy assessment of any tax may be stayed by filing with the district director a bond on the form to be furnished by the district director upon request.

(2) The bond may be filed—

(i) At any time before the time collection by levy is authorized under section 6331 (a), or

(ii) After collection by levy is authorized and before levy is made on any property or rights to property, or

(iii) In the discretion of the district director, after any such levy has been made and before the expiration of the period of limitations on collection.

(3) The bond must be in an amount equal to the portion (including interest thereon to the date of payment as calculated by the district director) of the jeopardy assessment collection of which is sought to be stayed. See section 7101 and the regulations thereunder, relating to the form of bond and the sureties thereon. The bond shall be conditioned upon the payment of the amount (together with interest thereon), the collection of which is stayed, at the time at which, but for the making of the jeopardy assessment, such amount would be due.

(4) Upon the filing of a bond in accordance with this section, the collection of so much of the assesment as is covered by the bond will be stayed. The taxpayer may at any time waive the stay of collection of the whole or any part of the amount covered by the bond. If as a result of such waiver any part of the amount covered by the bond is paid, or if any portion of the jeopardy assessment is abated by the district director, then the bond shall at the request of the taxpayer be proportionately reduced.

(b) *Additional conditions applicable to income, estate, and gift tax assessments.* In the case of a jeopardy assessment of income, estate, or gift tax, the bond must be conditioned upon the payment of so much of the amount included therein as is not abated by a decision of the Tax Court which has become final, together with the interest on such amount. If the Tax Court determines that the amount assessed is greater than the correct amount of the tax, the bond will be proportionately reduced at the request of the taxpayer after the Tax Court renders its decision. If the bond is given before the taxpayer has filed his petition with the Tax Court, it must contain a further condition that if a petition is not filed before the expiration of the period provided in section 6213 (a) for the filing of such

petition, the amount stayed by the bond will be paid upon notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 percent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made after the expiration of the period for filing petition with the Tax Court.

§ 301.6863–2 *Collection of jeopardy assessment; stay of sale of seized property pending Tax Court decision*—(a) *General rule.* In the case of a jeopardy assessment made after December 31, 1954, of income, estate, or gift tax imposed by the Internal Revenue Code of 1954 or 1939, any property seized for the collection of such assessment shall not (except as provided in paragraph (b) of this section) be sold—

(1) Until the expiration of the period provided in section 6213 (a) within which the taxpayer may file a petition for redetermination with the Tax Court, and

(2) If a petition for redetermination is filed with the Tax Court (whether before or after the making of the jeopardy assessment), until the decision of the Tax Court becomes final, except that a petition for review of the Tax Court decision will not operate as a further stay of the sale of the seized property unless the taxpayer files a bond as provided in section 7485.

(b) *Exceptions.* Notwithstanding the provisions of paragraph (a) of this section, any property seized may be sold—

(1) If the taxpayer files with the district director a written consent to the sale, or

(2) If the district director determines that the expenses of conservation and maintenance of the property will greatly reduce the net proceeds from the sale of such property, or

(3) If the property is of a type to which section 6336 (relating to sale of perishable goods) is applicable.

§ 301.6864 *Statutory provisions; termination of extended period for payment in case of carryback.*

SEC. 6864. *Termination of extended period for payment in case of carryback.* For termination of extensions of time for payment of income tax granted to corporations expecting carrybacks in case of jeopardy, see section 6164 (h).

BANKRUPTCY AND RECEIVERSHIPS

§ 301.6871 (a) *Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.*

SEC. 6871. *Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings*—(a) *Immediate assessment.* Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, the approval of a petition of, or against, any taxpayer in any other bankruptcy proceeding, or the appointment of a receiver for any taxpayer in any receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, any deficiency (together with all interest, additional amounts, or additions to the tax provided by law) determined by the Secretary or his delegate in respect of a tax imposed by subtitle A or B upon such taxpayer shall, despite the restrictions imposed by section 6213 (a) upon assessments, be immediately assessed if such deficiency has not theretofore been assessed in accordance with law.

§ 301.6871 (a)–1 *Immediate assessment of claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.* (a) Upon the adjudication of bankruptcy of any taxpayer in any liquidating proceeding, or the approval of a petition of, or against, any taxpayer in any other proceeding under the Bankruptcy Act, or the appointment of any receiver for any taxpayer in a receivership proceeding before any court of the United States or of any State or Territory or of the District of Columbia, the district director shall immediately assess any deficiency of income, estate, or gift tax (together with all interest, additional amounts, or additions to the tax provided by law), determined by him, if such deficiency has not theretofore been assessed in accordance with law. Such assessment shall be made immediately, whether or not a notice of deficiency has been issued, and without regard to the restrictions upon assessments under section 6213.

(b) As used in this section and §§ 301.6871 (a)–2 to 301.6873–1, inclusive, (1) the term "proceeding under the Bankruptcy Act" includes a proceeding under chapters I to VII, inclusive, of the Bankruptcy Act (11 U. S. C. cc. I–VII), or under section 75 or 77, or chapters X to XIII, inclusive, of such act, or any other proceeding under the act; and (2) the term "approval of a petition • • • in any other proceeding under the Bankruptcy Act" includes the filing of a petition under section 75 or chapters XI to XIII, inclusive, of the Bankruptcy Act with a court of competent jurisdiction.

§ 301.6871 (a)–2 *Collection of assessed taxes in bankruptcy and receivership proceedings.* (a) During a proceeding under the Bankruptcy Act or a receivership proceeding in either a Federal or State court, generally the assets of the taxpayer are under the control of the court in which such proceeding is pending, and the collection of taxes cannot be made by levying upon such assets. However, any assets which under applicable provisions of law are not under the control of the court may be subject to levy. See paragraph (b) of this section and § 301.6871 (b)–1 with respect to claims for such taxes. See section 6873 with respect to collection of unpaid claims.

(b) District directors should, promptly after ascertaining the existence of any outstanding liability against a taxpayer in any proceeding under the Bankruptcy Act or in any receivership proceeding, and in any event within the time limited by the appropriate provisions of the Bankruptcy Act, or by the appropriate orders of the court in which such proceeding is pending, file proof of claim covering such liability in the court in which such proceeding is pending. Such proof of claim should be filed whether the unpaid taxes involved have been assessed or not, except in cases where the instructions of the Commissioner direct otherwise; for example, where the payment of the taxes is secured by a sufficient bond. At the same time proof of claim is filed with the bankruptcy or receivership court, the district director will send notice and demand for payment to the taxpayer, together with a copy of such proof of claim.

(c) Under sections 3466 and 3467 of the Revised Statutes and section 64 of the Bankruptcy Act, taxes are entitled to the priority over other claims therein specified, and the trustee, receiver, debtor in possession, or other person designated as in control of the assets of the debtor by the court in which the proceeding under the Bankruptcy Act or receivership proceeding is pending, may be held personally liable for failure on his part to protect the priority of the Government respecting taxes of which he has notice. Sections 75 (l), 77 (e), 199, 337 (2), 455, and 659 (6) of the Bankruptcy Act (11 U. S. C. 203 (l), 205 (e), 599, 737 (2), 855, and 1059 (6)) also contain provisions with respect to the rights of the United States relative to priority of payment. For the filing of returns by a trustee in bankruptcy or by a receiver, see section 6012 (b) (3) and 28 U. S. C. 960. Bankruptcy courts have jurisdiction under the Bankruptcy Act to determine all disputes regarding the amount and validity of taxes claimed in a proceeding under the Bankruptcy Act. A proceeding under the Bankruptcy Act or receivership proceeding does not discharge any portion of a claim of the United States for taxes except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act. However, the claim may be settled or compromised as in other cases in court.

(d) For the requirement that a receiver, trustee in bankruptcy, or other like fiduciary give notice as to his qualification as such, see section 6036 and the regulations thereunder.

§ 301.6871 (b) *Statutory provisions; claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.*

SEC. 6871. *Claims for income, estate, and gift taxes in bankruptcy and receivership proceedings.* • • •

(b) *Claim filed despite pendency of Tax Court proceedings.* In the case of a tax imposed by subtitle A or B claims for the deficiency and such interest, additional amounts, and additions to the tax may be presented, for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of proceedings for the redetermination of the deficiency in pursuance of a petition to the Tax Court; but no petition for any such redetermination shall be filed with the Tax Court after the adjudication of bankruptcy, approval of the petition in any other bankruptcy proceeding, or the appointment of the receiver.

§ 301.6871 (b)–1 *Claims for income, estate, and gift taxes in proceedings under the Bankruptcy Act and receivership proceedings; claim filed despite pendency of Tax Court proceedings.* (a) If the district director has determined that a deficiency is due in respect of income, estate, or gift tax and the taxpayer has filed a petition with the Tax Court before the adjudication of bankruptcy in any liquidating proceeding or before the approval of a petition in any other proceeding under the Bankruptcy Act or before the appointment of a receiver, the trustee, receiver, debtor in possession, or other like fiduciary, may, upon his own motion, be made a party to the Tax Court proceeding and thereafter may prosecute the appeal before the Tax Court as to that particular determination. No petition shall be filed with the Tax Court for a redetermination of the deficiency after the adjudication of bankruptcy in a liquidating proceeding or after the approval of a petition in any other proceeding under the Bankruptcy Act or after the appointment of a receiver.

(b) Even though the determination of a deficiency is pending before the Tax Court for redetermination, proof of claim for the amount of such deficiency may be filed with the court in which the proceeding under the Bankruptcy Act or receivership proceeding is pending without awaiting final decision of the Tax Court. In case of a final decision of the Tax Court before the payment or the disallowance of the claim in the proceeding under the Bankruptcy Act or receivership proceeding, a copy of the Tax Court's decision may be filed by the district director with the court in which such proceeding is pending.

(c) While a district director is required by section 6871 (a) to make immediate assessment of any deficiency, such assessment is not made as a jeopardy assessment within the meaning of section 6861, and consequently the provisions of that section do not apply to any assessment made under section 6871. Therefore, the notice of deficiency provided in section 6861 (b) will not be mailed. Although such notice will not be issued, a letter will be sent to the taxpayer or to the trustee, receiver, debtor in possession, or other like fiduciary, notifying him in detail how the deficiency was computed, that he may furnish evidence showing wherein the deficiency is incorrect, and that upon request he will be granted a conference by the district director with respect to such deficiency. However, such letter will not provide for such a conference where a petition was filed with the Tax Court before the adjudication of bankruptcy in a liquidating proceeding, before the approval of a petition in any other proceeding under the Bankruptcy Act, or before the appointment of a receiver.

§ 301.6872 *Statutory provisions; suspension of period on assessment.*

SEC. 6872. *Suspension of period on assessment.* If the regulations issued pursuant to section 6036 require the giving of notice by any fiduciary in any proceeding under the Bankruptcy Act, or by a receiver in any other court proceeding, to the Secretary or his delegate of his qualification as such, the running of the period of limitations on the making of assessments shall be suspended for the period from the date of the institution of the proceeding to a date 30 days after the date upon which the notice from the receiver or other fiduciary is received by the Secretary or his delegate; but the suspension under this sentence shall in no case be for a period in excess of 2 years.

§ 301.6872–1 *Suspension of running of period of limitations on assessment.* If any fiduciary in any proceeding under the Bankruptcy Act (including a trustee, receiver, or debtor in possession) or a receiver in any other court proceeding is required, pursuant to section 6036, to give notice in writing to the district director of his qualification as such, then the running of the period of limitations on assessment shall be suspended from the date the proceeding is instituted to the date such notice is received by the district director, and for an additional 30 days thereafter. However, the suspension under this section of the running of the period of limitation on assessment shall in no case exceed 2 years.

§ 301.6873 *Statutory provisions; unpaid claims.*

SEC. 6873. *Unpaid claims*—(a) *General rule.* Any portion of a claim for taxes allowed in a receivership proceeding or any proceeding under the Bankruptcy Act which is unpaid shall be paid by the taxpayer upon notice and demand from the Secretary or his delegate after the termination of such proceeding.

(b) *Cross references.* (1) For suspension of running of period of limitations on collection, see section 6503 (b).

(2) For extension of time for payment, see section 6161 (c).

§ 301.6873–1 *Unpaid claims in bankruptcy or receivership proceedings.* (a) If any portion of the claim allowed by the court in a receivership proceeding, or in any proceeding under the Bankruptcy Act, remains unpaid after the termination of such proceeding, the district director will send notice and demand for payment thereof to the taxpayer. Such unpaid portion with interest as provided in section 6601 may be collected from the taxpayer by levy or proceeding in court within the period of limitation for collection after assessment. For the general rule as to such period of limitation, see section 6502, and for suspensions of the running of the period provided in section 6502, see, for example, section 6503. For suspensions under other provisions of law, see, for example, section 11f of the Bankruptcy Act (11 U. S. C. 29 (f)). Extension of time for the payment of such unpaid amount may be granted in the same manner and subject to the same provisions and limitations as provided in section 6161 (c).

(b) Section 6873 is applicable only where a claim for taxes is allowed in a receivership proceeding or in a proceeding under the Bankruptcy Act. Claims for taxes, interest, additional amounts, or additions to the tax may be collectible in equity or under other provisions of law although no claim was allowed in the proceeding because, for example, such items were not included in a proof of claim filed in the proceeding or no proof of claim was filed. Except in the case of a proceeding under section 77 or chapter X of the Bankruptcy Act, a tax or a liability in respect thereof is not discharged by a proceeding under such act, whether or not a claim is filed in such proceeding, and provisions suspending the running of the period of limitation on the collection of taxes are applicable, whether or not a claim is filed in such proceeding.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

• • • • •

(6) Subtitle F.

(A) *General rule.* The provisions of subtitle F [including chapter 70, relating to jeopardy, bankruptcy and receiverships] shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. • • •

• • • • • • •

[F. R. Doc. 57–2476; Filed, Mar. 29, 1957; 8:49 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M–41, Direction 1 of March 27, 1957]

M–41—METALWORKING MACHINES: DELIVERY

DIR. 1—SCHEDULING OF METALWORKING MACHINES BEARING SPECIFIED URGENCY STANDING NUMBERS

This direction under BDSA Order M–41, as amended February 5, 1954, is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this direction, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

Sec.
1. What this direction does.
2. Scheduling of deliveries by producers of metalworking machines.
3. Effect of this direction on BDSA Order M–41.

AUTHORITY: Sections 1 to 3 issued under sec. 704, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 406; 50 U. S. C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended, sec. 705, 64 Stat. 816, as amended, sec. 1, Pub. Law 632, 84th Cong., 70 Stat. 406; 50 U. S. C. App. 2071, 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.

SECTION 1. *What this direction does.* This direction establishes a procedure for the scheduling of deliveries of metalworking machines the rated purchase orders for which are identified by urgency standing numbers 1 through 30 on the Numerical Preference List issued on or after March 15, 1957. It is designed to insure that deliveries of metalworking machines thus identified will receive priority over delivery of metalworking machines to service purchasers on rated orders which are not so identified. This direction affects only those producers of metalworking machines who have or receive rated orders identified by urgency standing numbers 1

through 30 on the Numerical Preference List issued on or after March 15, 1957.

SEC. 2. *Scheduling of deliveries by producers of metalworking machines.* (a) A producer after determining the number of metalworking machines of each size which he is required to deliver on rated orders for any month to service purchasers pursuant to section 3 of BDSA Order M-41 will first schedule for delivery during that month those rated orders for metalworking machines required in that month or sooner which are identified by urgency standing numbers 1 through 30 on the Numerical Preference List, without regard to individual service group quotas but within total service group quotas. The delivery sequence of metalworking machines identified by urgency standing numbers 1 through 30 scheduled for delivery pursuant to this paragraph shall be in accordance with their urgency standing numbers on the Numerical Preference List.

(b) After scheduling the deliveries of each size of metalworking machines as provided in paragraph (a) of this section a producer shall then subtract the number of metalworking machines of that size scheduled for delivery pursuant to paragraph (a) of this section from the total service group quota for that size in order to determine the balances remaining for delivery to service groups. The producer will then schedule for delivery such balances, if any, in accordance with service group quotas for the delivery month, computed as provided in sections 4 and 6 of BDSA Order M-41, except that in computing the total net backlog, and the net backlog of each service group, he shall exclude those rated orders identified by urgency standing numbers 1 through 30.

SEC. 3. *Effect of this direction on BDSA Order M-41.* Except as herein specifically provided the provisions of BDSA Order M-41 remain in full force and effect.

This direction shall take effect March 27, 1957.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
H. B. MCCOY,
Administrator.

[F. R. Doc. 57-2474; Filed, Mar. 29, 1957; 8:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

SOUTH FORK OF NEW RIVER, FLORIDA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.446b is hereby prescribed to govern the operation of the State Road Department of Florida bridge (State Road No. 84) across the South Fork of New River, Mile 4.4, near Fort Lauderdale, Florida, as follows:

§ 203.446b *South Fork of New River, Fla.; State Road Department of Florida bridge (State Road No. 84) at Mile 4.4, near Fort Lauderdale, Fla.* The owner or agency controlling the bridge will not be required to keep a draw tender constantly on duty. An advance notice of at least 24 hours will be required to open the drawspan.

[Regs., March 18, 1957, 823.01 (New River, Fla.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U.S.C. 499)

[SEAL] HERBERT M. JONES,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 57-2452; Filed, Mar. 29, 1957; 8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

[Gen. Order 22, 3d Rev., Amdt. 4, WSA Function Series]

PART 310—MERCHANT MARINE TRAINING

SUBPART A—REGULATIONS AND MINIMUM STANDARDS FOR STATE MARITIME ACADEMIES

MISCELLANEOUS AMENDMENTS

Effective as of July 1, 1956, §§ 310.2 (a) (5) (iii), 310.6, 310.7, 310.8 (a), and 310.10 (b), are hereby amended as follows:

§ 310.2 *Federal aid and finances*—(a) *Annual grant and loan of training vessel.* • • •

(5) • • •

(iii) Per capita costs for out-of-state students shall be paid by the Maritime Administration, and shall be computed annually by using the cost figures of the State Maritime Academies for the preceding fiscal year. To determine this cost the total average number of state cadets for the preceding fiscal year will be divided into the net operating cost of operating the Academy for such fiscal year that was paid from funds supplied by the State Government. Vouchers, Standard Form 1034, covering per capita costs of such students will be submitted monthly, after the determination of the per capita costs, and shall be accompanied by a list of the cadets who have been nominated.

§ 310.6 *Entrance standards.* (a) A candidate for admission to a State Maritime Academy or College must be a male citizen of the United States and qualify as a Merchant Marine student, as set forth in Department of the Navy, Bureau of Naval Personnel Recruiting Service Note 199-56, dated August 3, 1956, and after December 31, 1956, as incorporated in the Recruiting Service Manual. Such Merchant Marine student shall also agree in writing to apply, at an appropriate time, prior to graduation, for a commission as Ensign in the U. S. Naval Reserve and to accept such commission if tendered: *Provided, however,* That a waiver of this requirement may be made by the Maritime Administrator, if the physical defects noted in the Navy examination are not such as to disqualify the candidate physically for a license in the Merchant Marine, in accordance with the regulations prescribed by the United States Coast Guard: *And provided further,* That all Cadets who have been granted a waiver by the Maritime Administrator and who have received the uniform, textbook and subsistence allowance, must agree in writing to apply, at an appropriate time, prior to graduation, for a commission as Ensign in the U. S. Naval Reserve and accept the commission of tendered. Students appointed to the State Maritime Academies or College who receive a Federal subsistence and uniform and textbook allowance, shall not be less than 17 years of age and they shall not have reached their 22nd birthday on the year appointed to the State Maritime Academy or College. The State may fix the age limits of students not receiving the subsistence, uniform and textbook allowance. However, the physical and other requirements in the case of these students shall not be less than required by the U. S. Coast Guard for licensing as a Merchant Marine officer.

§ 310.7 *Enrollment.* To be eligible, a candidate who has qualified under the provisions of § 310.6 for the uniform, textbook and subsistence allowance will be enrolled in the United States Maritime Service. Upon enrollment, he shall be required to take an oath or affirmation of allegiance to the United States of America, and submit to fingerprinting and a copy of form MA-2016 shall be furnished to the Administrator.

§ 310.8 *Uniforms, textbooks and subsistence.* (a) Each Cadet who has been admitted to a State Maritime Academy or State Maritime College, who has qualified as a Merchant Marine student as set forth in § 310.6 or has been granted a waiver by the Maritime Administrator and has been enrolled in the U. S. Maritime Service, may upon recommendation to the Administrator, by the Superintendent of the Academy or President of the College, be granted a uniform, textbook and subsistence allowance at the rate provided therefor in the applicable appropriation act for each fiscal year, payable monthly. The subsistence allowance will be paid directly to the Cadet concerned or, if approval is granted by the Administrator, to the State Maritime Academy or College upon presentation of a statement, containing the names of the Cadets for whom subsistence has been furnished during that month and such other information as may be required by the Administrator. The uniform and textbook allowances will be paid either directly to the Cadet concerned or, with the approval of the Administrator, to the State Maritime Academy or College upon certification by the Superintendent or President thereof, respectively, that such allowances will be credited to the account of each Cadet. No Cadet will be granted a uniform, textbook, or subsistence allowance for any time during which he is absent without leave for a condition not in line of duty.

§ 310.10 *Medical attention and injury claims.* • • •

(b) *Compensation claims of Cadets.* Compensation claims for personal injuries or death sustained by a Cadet enrolled in the Maritime Service in performance of duty shall be forwarded to the Administrator for transmission to the Bureau of Employees' Compensation.

(Sec. 4, 55 Stat. 607; 34 U. S. C. 1123d)

Dated: March 18, 1957.

[SEAL] CLARENCE G. MORSE,
Maritime Administrator.

[F. R. Doc. 57-2475; Filed, Mar. 29, 1957; 8:49 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 33—CENTRAL REGION

SUBPART—UPPER MISSISSIPPI RIVER WILD LIFE AND FISH REFUGE, ILLINOIS, IOWA, MINNESOTA, AND WISCONSIN

HUNTING

Basis and purpose. On the basis of investigations by representatives of the Illinois Department of Conservation, Iowa State Conservation Commission, Minnesota Department of Conservation, Wisconsin Conservation Department, and of the Bureau of Sport Fisheries and Wildlife, and after a consideration of the public expressions resulting from meetings which have been held in various cities and towns adjacent to the Upper Mississippi River Wild Life and Fish Refuge, I have determined that public hunting may be permitted, from time to time, on certain lands of the said refuge without interfering with the primary purpose of the area.

Inasmuch as the following regulation is a modification of the existing restrictions applicable to hunting on the Upper Mississippi River Wild Life and Fish Refuge that will accomplish more adequately the purposes for which the refuge was established, notice and public procedure thereon are not required (60 Stat. 237; 5 U. S. C. 1001 et seq.).

Effective immediately upon publication in the FEDERAL REGISTER, §§ 33.274 and 33.275 are revised to read as follows:

§ 33.274 *Hunting permitted.* The hunting of upland game birds and game mammals and the hunting of migratory game birds is permitted within the open areas of the Upper Mississippi River Wild Life and Fish Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Any person who hunts within the refuge must comply with all applicable State laws and regulations, and hunting is not permitted at any time when State law or regulation does not allow such hunting.

(b) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license if such license is required, which license shall serve as a Federal permit for hunting on lands of the refuge.

(c) *Federal hunting laws.* Any person hunting migratory game birds within the open areas of the refuge must comply with the regulations prescribed under the Migratory Bird Treaty Act.

(d) *Hunting season and open areas.* During the period commencing on the first day of the migratory waterfowl hunting season until March 1 of each succeeding year, public hunting is permitted on all the lands under the jurisdiction of the Bureau of Sport Fisheries and Wildlife except within the closed areas as defined in § 33.275, provided that the hunting of deer with bow and arrow may be permitted in advance of the migratory waterfowl hunting season.

(e) *Entry.* Entry on and use of the refuge for any purpose are governed by the regulations in Parts 18 and 21 of this chapter, and strict compliance therewith is required. Persons entering the refuge for the purpose of hunting shall follow such routes of travel as may be designated by suitable posting by the refuge officer in charge. Hunters, when entering or leaving a public hunting area, must report to representatives of the bureau or of the State at such checking stations as may be established for the purpose of regulating the hunt.

§ 33.275 *Closed areas.* The following areas are designated as areas closed to hunting, and all hunting is prohibited thereon except that the hunting of upland game birds and mammals, in compliance with the provisions of paragraphs (a), (b), and (c) of § 33.274, is permitted on such closed areas from the first day after the close of the migratory waterfowl hunting season until the last day of the respective State open season or until March 1, whichever date shall occur first.

WISCONSIN

BUFFALO COUNTY

Nelson-Trevino closed area. All the lands and waters lying and being in portions of Sec. 6, T. 22 N., R. 13 W., fourth principal meridian, secs. 1, 2, 3, 4, 10, 11, 12, 13, and 14, T. 22 N., R. 14 W., and secs. 33, 34, 35, and 36, T. 23 N., R. 14 W., Buffalo County, Wisconsin, which are enclosed by the following-described boundaries: Beginning at the intersection of the westerly right-of-way boundary of the Wabasha-Nelson Ferry Road (Wisconsin State Trunk Highway No. 25) with the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad in the Frac. NW¼NW¼ of sec. 6, T. 22 N., R. 13 W.; thence southwesterly, with the westerly right-of-way boundary of the Wabasha-Nelson Road to the northerly or left bank of the Mississippi River in sec. 13, T. 22 N., R. 14 W.; thence northwesterly, up the northerly bank of the Mississippi River, to the easterly or left bank of the Chippewa River in sec. 4, T. 22 N., R. 14 W.; thence northerly, with the easterly bank of the Chippewa River, to the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad in lot 2 of the SE¼ sec. 33, T. 23 N., R. 14 W.; thence southeasterly, with said right-of-way boundary of the Chicago, Burlington & Quincy Railroad, to the Place of Beginning.

WISCONSIN

BUFFALO COUNTY

MINNESOTA

WABASHA COUNTY

Petersons Lake-Reicks Lake closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) and lying and being in portions of secs. 21, 22, 25, 26, 27, 28, 34, and 35, T. 22 N., R. 13 W., fourth principal meridian, and sec. 2, T. 21 N., R. 13 W., Buffalo County, Wisconsin, and in secs. 7, 17, 18, 19, and 20, T. 110 N., R. 9 W., fifth principal meridian, and secs. 1, 12, and 13, T. 110 N., R. 10 W., Wabasha County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the northwest corner of lot 8, sec. 21, T. 22 N., R. 13 W.; thence easterly, with the north line of lot 8 of said sec. 21, to an intersection with the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southeasterly, with said right-of-way boundary to an intersection with the line between secs. 22 and 27, T. 22 N., R. 13 W.; thence easterly, with said section line, to U. S. Corps of Engineers Project Boundary Pin #50; thence with the Project Boundary as established by the Corps of Engineers, S. 45° 48' E., 1,075.7 feet; S. 36° 58' E., 1,484.2 feet; S. 37° 20' E., 701.9 feet; S. 60° 57' E., 711.6 feet to Project Boundary Pin #46, located in lot 4 of sec. 27, T. 22 N., R. 13 W.; thence continuing with said project boundary through secs. 27 and 26, T. 22 N., R. 13 W., N. 43° 19' E., 529.6 feet; N. 36° 18' E., 500.2 feet; N. 56° 16' E., 447.2 feet; N. 79° 47' E., 486.9 feet; N. 16° 04' W., 370.9 feet to a point in the north boundary of lot 3 of sec. 26; easterly, with said north boundary, to the northeast corner on lot 3; N. 88° 41' E., with the south boundary of the north 40 acres of lot 4 of sec. 26, 1,350.9 feet to the southeast corner thereof; S. 78° 02' E., 592.9 feet; N. 71° 09' E., 340.1 feet; N. 66° 19' E., 445.5 feet; N. 77° 38' E., 253.8 feet; S. 83° 50' E., 785.0 feet; N. 83° 01' E., 287.9 feet to Pin #31 in the line between secs. 25 and 26, T. 22 N., R. 13 W.; thence southerly with said section line, approximately 210 feet to the N1/16 corner of secs. 26 and 25; thence easterly with the north one-sixteenth line of sec. 25, T. 22 N., R. 13 W., to the southwest corner of lot 4; thence northerly, with the west boundary of lot 4, 213.2 feet to corner 3 of tract (B-321); thence N. 89° 58' E., 949.7 feet to corner 4 of tract (B-321), in the north-south center line of sec. 25, T. 22 N., R. 13 W., extended and in the U. S. Corps of Engineers Project Boundary; thence, with the north-south center line of sec. 25, T. 22 N., R. 13 W., and with said Project Boundary, S. 0° 02' E., 1,907.1 feet to Project Boundary Pin #22; thence continuing with the U. S. Corps of Engineers Project Boundary across secs. 25 and 26, S. 69° 35' W., 1,406.2 feet; S. 71° 00' W., 796.9 feet; S. 51° 29' W., 302.2 feet; S. 49° 27' W., 441.3 feet; S. 44° 07' W., 322.9 feet; N. 76° 18' W., 645.0 feet; S. 84° 26' W., 464.7 feet; N. 78° 41' W., 439.5 feet; S. 82° 02' W., 583.5 feet; S. 61° 21' W., 135.6 feet; S. 59° 33' W., 215.8 feet; S. 70° 59' W., 418.1 feet; S. 26° 18' W., 227.3 feet; S. 0° 05' W., 318.0 feet to Project Boundary Pin #8 in the south line of sec. 26 in the SE¼SW¼ thereof; thence, continuing with the Project Boundary through sec. 35, T. 22 N., R. 13 W., S. 9° 12' W., 403.9 feet; S. 1° 52' W., 905.6 feet; S. 5° 27' E., 1,313.9 feet; S. 0° 08' W., 859.0 feet; S. 9° 30' W., 472.4 feet to Project Boundary Pin #3, in the south line of the NE¼SW¼ of sec. 35; thence westerly, with the south line of the NE¼SW¼ of said sec. 35, to an intersection with the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southeasterly, with said westerly right-of-way boundary to an intersection with the line between sec. 35, T. 22 N., R. 13 W., and sec. 2, T. 21 N., R. 13 W., thence westerly, with said township line, approximately 30 feet to the easterly or left bank of the Mississippi River, a corner of lot 2 of said sec. 35 and the northwest corner of lot 1 of said sec. 2; thence southeasterly, down the left bank of the Mississippi River, with the west boundary of lots 1 and 2 of sec. 2 to the northwest corner of U. S. Corps of Engineers tract B-1A, in the westerly boundary of lot 2, of sec. 2, T. 21 N., R. 13 W., approximately 490 feet northwesterly of the

southwest corner thereof and approximately 1,035 feet normally distant from the axis of Lock and Dam No. 4; southwesterly, across the Mississippi River, with a line parallel to the axis of Lock and Dam No. 4, on an approximate bearing of S. 67° 11' W., to a point in the east boundary of lot 2 of sec. 17, T. 110 N., R. 9 W., on the right or westerly bank of the Mississippi River approximately 35 feet downstream from the line common to secs. 17 and 18; thence southeasterly with the right bank of the Mississippi River, and with the easterly boundaries of lot 2 of sec. 17 and lot 3 of sec. 20, approximately 1,885 feet to an intersection with the southerly construction limits of the earth dike of Lock and Dam No. 4, being 535 feet normally distant from the line between secs. 17 and 20; thence in T. 110 N., R. 9 W., westerly on an approximate bearing of S. 89° 42' W., approximately 5,290 feet, to a point at the southwesterly corner of said construction limits and in the U. S. Corps of Engineers boundary in lot 1 of sec. 19; N. 4° 15' W., 526.4 feet to a corner in the line common to secs. 18 and 19; N. 4° 17' W., 394.2 feet; N. 25° 32' W., 951.9 feet; N. 28° 12' W., 454.6 feet; N. 40° 53' W., 173.5 feet to a corner in the line common to sec. 18, T. 110 N., R. 9 W. and sec. 13, T. 110 N., R. 10 W.; thence in secs. 13, 12, and 1 of T. 110 N., R. 10 W., N. 42° 47' W., 165.9 feet; N. 53° 07' W., 265.3 feet; N. 46° 32' W., 796.5 feet; N. 32° 35' W., 555.3 feet; N. 18° 14' W., 801.0 feet; N. 13° 10' W., 1,343.4 feet to a corner in the line common to secs. 12 and 13 which is 797.0 feet easterly of the quarter-section corner of secs. 12 and 13; N. 12° 47' W., 1,349.9 feet; N. 24° 06' W., 743.6 feet; N. 41° 11' W., 319.3 feet; N. 22° 38' W., 436.6 feet; N. 12° 57' W., 551.8 feet; N. 23° 19' W., 882.3 feet; N. 26° 11' W., 788.8 feet; N. 36° 16' W., 596.7 feet to a corner in the east boundary of the NW¼NW¼ of said sec. 12; northerly with said westerly boundary approximately 170 feet to the northeast corner thereof; westerly with the north boundary of said NW¼ NW¼ approximately 70 feet to a corner which is 1,250 feet easterly of the corner common to secs. 1, 2, 11, and 12; N. 33° 41' W., 641.1 feet; N. 30° 17' W., 960.7 feet; to Project Boundary Pin #19A located in lot 1 of sec. 1, T. 110 N., R. 10 W.; thence northeasterly, on an approximate bearing of N. 5° E., crossing the Mississippi River, approximately 3,900 feet to the northwesterly or upstream tip of Island No. 32; thence continuing northeasterly, on an approximate bearing of N. 5° E., approximately 650 feet to a point in the southerly boundary of lot 3 of sec. 21, T. 22 N., R. 13 W., approximately 800 feet easterly of the southwest corner thereof; thence southeasterly, northeasterly, and northwesterly, with the southerly and easterly boundaries of said lot 3 approximately 2,460 feet to the northeast corner of said lot 3 on the westerly bank of Beef Slough; thence easterly across Beef Slough, approximately 600 feet to the Place of Beginning.

WISCONSIN

BUFFALO COUNTY

Lost Island closed area. All lands and waters lying and being within the following described subdivisions of the public land surveys:

FOURTH PRINCIPAL MERIDIAN

T. 20 N., R. 12 W.,
Sec. 7, lots 9 to 12, inclusive;
Sec. 18, lots 5, 6, 7, 8, 10, 11, 12, and 13, and E½SW¼;
Sec. 19, lots 2 to 5, inclusive.
T. 20 N., R. 13 W.,
Sec. 1, lots 12, 13, and 14;
Sec. 12, lots 1 to 5, inclusive, W½NE¼, SE¼NE¼, NE¼NW¼, N½SE¼ and SE¼SE¼;
Sec. 13, lots 1 to 4, inclusive, and NE¼ NE¼;
Sec. 24, lot 1.

MINNESOTA

WABASHA COUNTY

Whitman closed area. All the lands and waters lying and being in Sections 16, 20, 21, 22, 27, 28, 29, 32, 33, and 34, T. 109 N., R. 9 W., fifth principal meridian, Wabasha County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the corner, common to secs. 16, 17, 20, and 21, thence westerly with the line between secs. 17 and 20, to the quarter-section corner of said sections; thence southerly with the north-south center lines of secs. 20 and 29 to a point 660 feet south of the northwest corner of the SW¼NE¼ of sec. 29; thence southeasterly to a point in the north boundary of the SE¼SE¼ of sec. 29 which is 660 feet westerly of the Northeast corner thereof; thence southerly in the SE¼SE¼ of sec. 29 and the NE¼NE¼ of sec. 32 approximately 2,300 feet to an intersection with the 660-foot contour as established by the U. S. Corps of Engineers survey in March 1932 at a point which is 660 feet westerly of the east boundary of the NE¼NE¼ of sec. 32; thence southeasterly with said contour line through secs. 32, 33, and 34, approximately 9,500 feet to an intersection with the southerly or right bank of the Whitewater River in lot 3 of sec. 34; thence southeasterly with the right bank of the Whitewater River to the westerly or right bank of the Mississippi River; thence northerly up the right bank of the Mississippi River with the east boundaries of fractional secs. 34, 27, 22, 21, and part of sec. 16 to an intersection with the north bank of Fishers Gut approximately 300 feet northerly of the line between secs. 16 and 21; thence southwesterly with the north bank of said gut to an intersection with the line between secs. 16 and 21; thence westerly with the line between secs. 16 and 21 approximately 3,300 feet to the Place of Beginning.

WISCONSIN

BUFFALO COUNTY

MINNESOTA

WINONA COUNTY

Winona Pool closed area. All lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers), lying and being in fractional secs. 16, 21, and 22, T. 19 N., R. 11 W., fourth principal meridian, Buffalo County, Wisconsin, and fractional secs. 4, 5, 6, 7, 8, and 9, T. 107 N., R. 7 W., fifth principal meridian, Winona County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the point where the west line of lot 5 of sec. 16, T. 19 N., R. 11 W., intersects the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence west across Betsy Slough to the east bank of Island No. 63, in the easterly boundary of lot 6, sec. 16; thence northwesterly with the boundary of lot 6 to the upper end of Island No. 63; thence southerly with the west boundaries of lot 6 of sec. 16 and lots 2 and 1 of sec. 21 to an intersection with the easterly extension of the line common to Tps. 107 and 108 N., R. 7 W.; thence westerly, with said extended line, to the meander corner common to sec. 31, T. 108 N., R. 7 W., and sec. 6, T. 107 N., R. 7 W.; thence in T. 107 N., R. 7 W., S. 45° 00' W., approximately 700 feet to the easterly line of a slough which forms the westerly boundary of lot 5, sec. 6; thence southerly with the easterly bank of said slough, with the west boundaries of lots 5, 4, 3, and 2, of sec. 6, to an intersection with the northeasterly or left bank of Straight Slough; thence southeasterly with the northeasterly bank of Straight Slough with the southwest lines of lot 2 of sec. 6, lot 1 of sec. 7, and lots 8, 7, 6, and 5 of sec. 8 to the meander corner between secs. 8 and 9 on the northeasterly bank of Straight Slough; thence northerly with the line between secs. 8 and 9, approximately 460 feet to a corner in the southeasterly construction-limits boundary of Lock and Dam No. 5A; thence with said construction-limits boundary in fractional sec. 9, N. 50° 09' E., 2,418.4 feet to a corner in the line between lots 4 and 5 of sec. 9; easterly with the line between lots 4 and 5 approximately 280 feet to an intersection with the westerly or right bank of the Mississippi River; northeasterly with a line parallel to the axis of the earth dike of Lock and Dam No. 5A and approximately 600 feet normally distant and southeasterly thereof, approximately 1,000 feet to an intersection with the northeasterly bank of Island No. 68; thence northwesterly with the northeasterly bank of Island No. 68 to an intersection with the line common to lots 3 and 2 of said fractional sec. 9; thence northwesterly, approximately 400 feet to the southeasterly or downstream tip of Island No. 65; thence northwesterly with the northeasterly bank of Island No. 65 to an intersection with the line between secs. 4 and 5 of T. 107 N., R. 7 W., extended northerly; thence on an approximate bearing of N. 15° E., 700 feet, more or less, to the point where the line between secs. 22 and 27 of T. 19 N., R. 11 W., Buffalo County, Wisconsin, intersects the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence northwesterly with said right-of-way boundary in secs. 22, 21, and 16 to the Place of Beginning.

WISCONSIN

LA CROSSE COUNTY

La Crosse closed area. All lands and waters, now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) and lying and being in secs. 1, 2, 3, 4, 10, 11, 12, 13, and 14, T. 16 N., R. 8 W.; and secs. 15, 21, 22, 23, 25, 26, 27, 28, 29, 33, 34, 35, and 36, T. 17 N., R. 8 W., fourth principal meridian, La Crosse County, Wisconsin, which are enclosed by the following-described boundaries: Beginning at the corner common to Tps. 16 and 17 N., Rs. 7 and 8 W., thence northerly with the line between Tps. 17 N., Rs. 7 and 8 W., to Project Boundary Pin #31 in the Project Boundary as established by the U. S. Corps of Engineers in the line between secs. 25 and 30, 928.0 feet northerly of the corner to secs. 25, 30, 31, and 36; thence northwesterly with said Project Boundary through secs. 25, 23, 22, and 15, T. 17 N., R. 8 W., to Project Boundary Pin #31; in the west boundary of lot 1 of sec. 15, 658 feet southerly of the northwest corner thereof; thence southerly with the west boundary of said lot 1, and with the same extended, approximately 1,800 feet to an intersection with the southerly bank of a creek, approximately in the line common to lots 4 and 5 of sec. 22; thence southwesterly along the southerly bank of said creek to the south boundary of said lot 4; thence westerly with the south boundary of said lot 4 and with the north boundary of lot 5 of sec. 21, to the northwest corner thereof; thence southerly and westerly with the meander line along the west boundaries of lots 4 and 5 and the northerly boundaries of lots 3 and 2 of sec. 21 to the point where the north boundary of said lot 2 intersects the southerly or left bank of Gibbs Chute in sec. 21 T. 17 N., R. 8 W.; thence southwesterly down the east and south or left bank of Gibbs Chute through secs. 21, 28, and 29 to the east or left bank of the Mississippi River; thence southerly down the east or left bank of the Mississippi River with the southwesterly boundaries of fractional secs. 29, 32, and 33 of T. 17 N., R. 8 W., and secs. 4, 9, 10, 11, and 14 of T. 16 N., R. 8 W. to an intersection with the southerly construction-limit boundary of the earth dike of Lock and Dam No. 7; thence easterly across secs. 14 and 13, with said construction-limit boundary approximately 400 feet normally distant south of the north boundary of said sections, approximately 8,000 feet to Project Boundary Pin #1 at the southeast corner of said construction limits in lot 3 of sec. 13, T. 16 N., R. 8 W.; thence N. 5° 04' W., 400.3 feet to Project Boundary Pin #1A, in the line between secs. 12 and 13; N. 7° 26' W., 185.0 feet to Project Boundary Pin #1B; thence northwesterly across the construction area for Lock and Dam No. 7 approximately 175 feet to Project Boundary Pin #1G, in the Project Boundary as established by the U. S. Corps of Engineers; thence northerly and easterly with said Project Boundary in secs. 12 and 1 of T. 16 N., R. 8 W., to Project Boundary Pin #18 at the north one-sixteenth corner common to sec. 1, T. 16 N., R. 8 W., and sec. 6, T. 16 N., R. 7 W.; thence northerly, with the line common to said sections, approximately 1,320 feet to the Place of Beginning.

WISCONSIN

VERNON COUNTY

Goose Island closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in fractional secs. 3 and 4, T. 14 N., R. 7 W., fourth principal meridian, Vernon County, Wisconsin, which are enclosed by the following boundaries: Beginning at a point where the north boundary of lot 1 of sec. 3 intersects the west right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence westerly with the north boundaries of sec. 3 and 4 to the northwest corner of sec. 4; thence southerly with the westerly boundary of sec. 4 to the southwest corner of sec. 4; thence easterly with the south boundary of sec. 4 to the west boundary of the Chicago, Burlington & Quincy Railroad right-of-way in the south boundary of the SE¼SE¼, sec. 4; thence northerly with the westerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad to the Place of Beginning.

WISCONSIN

VERNON COUNTY

MINNESOTA

HOUSTON COUNTY

Wisconsin Island closed area. All lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) and lying and being within portions of secs. 4, 5, 6, 7, 8, 9, 17, 18, and 20, T. 13 N., R. 7 W., fourth principal meridian; secs. 19, 29, 30, 31, and 32, T. 14 N., R., 7 W.; and secs. 24 and 25, T. 14 N., R. 8 W., Vernon County, Wisconsin; and within portions of sec. 36, T. 103 N., R. 4 W., secs. 1, 2, 11, 12, 13, 14, 24, 25, and 36, T. 102 N., R. 4 W., fifth principal meridian; sec. 31, T. 102 N., R. 3 W.; and sec. 6, T. 101 N., R. 3 W., Houston County, Minnesota, which are enclosed by the following-described boundaries: Beginning at the point where the line common to sec. 35, T. 103 N., R. 4 W., and sec. 2, T. 102 N., R. 4 W., intersects the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly with said right-of-way boundary through secs 2, 11, 14, 24, and 25 to the point where said right-of-way boundary intersects the line common to secs. 25 and 36, T. 102 N., R. 4 W.; thence easterly with said section line, crossing Minnesota Slough and continuing with the section line approximately 600 feet to a corner (No. 23) at the intersection of said section line with the southwesterly construction-limit boundary of the earth dike of Lock and Dam No. 8; thence southeasterly with said construction-limit boundary, with a line 400 feet normally distant southwesterly of the centerline of said dike, through sec. 36, T. 102 N., R. 4 W.; sec. 31, T. 102 N., R. 3 W.; and sec. 6, T. 101 N., R. 3 W., to an intersection with the south boundary of lot 1 of said sec. 6; thence easterly with said south boundary of lot 1 to the west or right bank of the Mississippi River; thence northeasterly across Raft Channel of the Mississippi River approximately 1,000 feet to the downstream point of the island at the intersection of the easterly or left bank of Raft Channel with the westerly or right bank of the present channel of the Mississippi River (Coon Slough), in sec. 20, T. 13 N., R. 7 W., Vernon County, Wisconsin; thence northerly and westerly with said westerly bank and with the easterly boundaries of secs. 20, 17, 8, and 9, including Island No. 123, and in secs. 4 and 5 in T. 13 N., R. 7 W., and in secs. 32, 29, 30, and 19 in T. 14 N., R. 7 W., to the northernmost point of Island No. 120, being the northerly point of lot 5 of sec. 19; thence northwesterly across Raft Channel approximately 600 feet to the northeasterly point of a small island; thence southwesterly, with the westerly bank of said island, approximately 1450 feet to an intersection with the line between T. 102 N., R. 4 W., and T. 103 N., R. 4 W., Houston County, Minnesota, extended easterly; thence westerly with said line extended and with said township line to the Place of Beginning.

WISCONSIN

CRAWFORD COUNTY

IOWA

ALLAMAKEE COUNTY

Harpers Slough closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service (excluding lands under the sole jurisdiction of the Corps of Engineers) lying and being within portions of secs. 10, 14, and 15, T. 9 N., R. 6 W., fourth principal meridian, Crawford County, Wisconsin; secs. 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, and 18, T. 97 N., R. 2 W., fifth principal meridian, and secs. 21, 28, 29, 32, 33, and 34, T. 98 N., R. 2 W., Allamakee County, Iowa, which are enclosed by the following-described boundaries: Beginning at the intersection of the line between secs. 20 and 29, T. 98 N., R. 2 W.; with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southwesterly with said right-of-way boundary through secs. 29 and 32, T. 98 N., R. 2 W., and sec. 5, T. 97 N., R. 2 W., to the point where it intersects the west boundary of said sec. 5; thence southerly between secs. 5 and 6, approximately 50 feet to the 620' contour, being the flow line elevation of Navigation Pool No. 9; thence southwesterly with said 620' contour to the point where it intersects the southerly boundary of lot 3, sec. 7, T. 97 N., R. 2 W.; thence westerly with the south boundary of lot 3 approximately 40 feet to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southwesterly with said right-of-way boundary to the southwesterly construction-limit boundary of the earth dike of Lock and Dam No. 9 at corner No. 6 in the NE¼SW¼ of sec. 7, T. 97 N., R. 2 W.; thence 5 lines with the southwesterly construction limits of the earth dike for Lock and Dam No. 9, across secs. 7, 18, and 17, T. 97 N., R. 2 W., S. 22° 05' E., 2,761.8 feet to corner 3, in the south boundary of lot 6 of sec. 7; easterly with the south boundary of said lot 6, approximately 300 feet to the southeast corner thereof; southeasterly with a line parallel to the centerline of the earth dike approximately 625 feet to the westerly boundary of lot 1 of sec. 18; southwesterly, with the westerly boundary of said lot 1, approximately 220 feet to an intersection with a line 400 feet normally distant southwesterly from the centerline of said dike; thence southeasterly with a line 400 feet normally distant southwesterly and parallel with said dike to the right or westerly bank of the Mississippi River, in the east boundary of said sec. 17; thence northeasterly with said bank with the easterly boundaries of secs. 17, 16, 9, 10, and 3, T. 97 N., R. 2 W.; to an intersection with the line common to sec. 3, T. 97 N., R. 2 W., and sec. 34, T. 98 N., R. 2 W.; thence northeasterly approximately 700 feet to the downstream point of a small island; thence northwesterly with the easterly bank of said island to the upstream point thereof; thence northwesterly, across the mouth of Crooked Slough, approximately 1,100 feet to the downstream point of Island No. 151, on the right bank of the mouth of Crooked Slough Cut Off in sec. 14 of T. 9 N., R. 6 W.; thence northwesterly with the right or southwesterly bank of Crooked Slough Cut Off through secs. 14, 15, and 10, T. 9 N., R. 6 W., to the left or easterly bank of Crooked Slough near the northwest corner of lot 7 in said sec. 10; thence northwesterly across Crooked Slough, the old channel of the Mississippi River with the line of the right bank of Crooked Slough Cut Off extended, to the east boundary of lot 8, sec. 28, T. 98 N., R. 2 W.; thence northwesterly with the westerly bank of Crooked Slough, with the east boundaries of lots 8, 7, and 6 of sec. 28, and lots 2 and 1 of sec. 21, T. 98 N., R. 2 W., to the northernmost tip of said lot 1, sec. 21; thence southerly with the westerly boundaries of lots 1 and 2 of sec. 21, to the south boundary of said sec. 21, T. 98 N., R. 2 W.; thence westerly across Harpers Slough, to the Place of Beginning.

IOWA

CLAYTON COUNTY

12-Mile Island closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 4, 8, 9, 16, 16, 21, 22, 27, and 28, T. 92 N., R. 2 W., fifth principal meridian, Clayton County, Iowa, which are enclosed by the following-described boundaries: Beginning at a point on the east bank of the Mississippi River in the NW¼ of sec. 16, where the axis of Lock and Dam No. 10 intersects the easterly or left bank of the Mississippi River; thence southerly with the easterly bank of the Mississippi River where it forms the westerly boundary of fractional secs. 16, 21, and 28 to the south boundary of sec. 28; thence easterly with the south boundaries of secs. 28 and 27 to the westerly or right bank of State Line Slough; thence northerly with the westerly bank of State Line Slough where it forms the easterly boundaries of fractional secs. 27, 22, 15, 16, 9, and 4, to the northernmost point of Island No. 189 in sec. 4; thence southerly with the easterly or left bank of Ferry Slough, being the westerly bank of Island No. 189, to the easterly or left bank of the head of Swift Slough; thence southwesterly, across the head of Swift Slough, approximately 500 feet to the northernmost point of an island, in the easterly or left bank of the present channel of the Mississippi River and in the westerly boundary of fractional sec. 9; thence southerly with said easterly bank, with the westerly boundaries of fractional secs. 9, 8, and 16, to the Place of Beginning.

WISCONSIN

GRANT COUNTY

Dago Slough closed area. All lands and waters lying and being in secs. 26, 27, 34, 35, and 36, T. 3 N., R. 5 W.; secs. 31, 32, and 33, T. 3 N., R. 4 W.; and secs. 4, 5, and 6, T. 2 N., R. 4 W., fourth principal meridian, Grant County, Wisconsin, which are enclosed by the following-described boundaries: Beginning at a point where the west boundary of sec. 26, T. 3 N., R. 5 W., intersects the south-

erly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence southerly with the west boundary of sec. 26 to the northeast corner of Corps of Engineers tract FW–232, at or near the southwest corner of sec. 26; thence westerly with the northerly boundaries of Corps of Engineers tracts FW–232 and FW–234, across the S½SE¼ of sec. 27 and the NE¼NE¼ of sec. 34, T. 3 N., R. 5 W., to the northwest corner of tract FW–234 in the north-south centerline of sec. 27; thence southerly with the north-south centerlines of said secs. 27 and 34 to an intersection with the north or left bank of Jack Oak Slough; thence southeasterly down said north bank of Jack Oak Slough and the north bank of the Mississippi River in sec. 34 and with the southerly boundaries of fractional secs. 35 and 36, T. 3 N., R. 5 W., to an intersection with the line common to sec. 36, T. 3 N., R. 5 W., and sec. 1, T. 2 N., R. 5 W.; thence easterly with said township line to the corner common to Tps. 2 and 3 N., Rs. 4 and 5 W.; thence southerly between secs. 1 and 6, Tps. 2 N., Rs. 4 and 5 W. to an intersection with the north or left bank of the Mississippi River; thence easterly with said bank where it forms the boundaries of fractional secs. 6, 5, and part of sec. 4, T. 2 N., R. 4 W., to an intersection with the west one-sixteenth line of sec. 4, T. 2 N., R. 4 W.; thence northerly with the west one-sixteenth lines of sec. 4 and of sec. 33, T. 3 N., R. 4 W. to the point where said line intersects the southerly right-of-way boundary of the Chicago, Burlington & Quincy Railroad; thence northwesterly with said right-of-way boundary through secs. 33, 32, and 31, T. 3 N., R. 4 W., and secs. 36, 35, and 26, T. 3 N., R. 5 W., to the Place of Beginning.

IOWA

JACKSON COUNTY

Pleasant Creek closed area. All lands and waters owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 1, 2, 3, 4, 10, 11, and 12, T. 85 N., R. 5 E; sec. 7, T. 85 N., R. 6 E.; and secs. 33 and 34, T. 86 N., R. 5 E., fifth principal meridian, Jackson County, Iowa, which are enclosed by the following boundaries: Beginning at the intersection of the line between secs. 3 and 10, T. 85 N., R. 5 E. with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad near the northwest corner of sec. 10; thence southeasterly with said right-of-way boundary to an intersection with the south boundary of the NE¼NW¼ of said sec. 10; thence easterly with the south line of said NE¼NW¼ to the southeast corner thereof; thence southerly with the west boundary of the SW¼NE¼ of said sec. 10, to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southeasterly with said right-of-way boundary to an intersection with the line between secs. 10 and 11, T. 85 N., R. 5 E.; thence northerly between said sections to the south one-sixteenth corner of secs. 10 and 11; thence easterly with the south one-sixteenth line of said sec. 11 to the northwest corner of the SE¼SE¼ of sec. 11, which is a corner of Corps of Engineers tract No. FIa–279; thence southeasterly with the southwest boundary of tract FIa–279 to the line between secs. 11 and 12; thence southerly with said section line to the corner common to secs. 11, 12, 13, 14, T. 85 N., R. 5 E.; thence easterly with the line between secs. 12 and 13 to the westerly corner of Corps of Engineers tract FIa–270; thence southeasterly with the southwest boundary of tract FIa–270 to an intersection with the northwesterly bank of the Maquoketa River diversion channel; thence northeasterly with the west bank of the Maquoketa River diversion channel to an intersection with the west or right bank of the Mississippi River; thence northwesterly with the right bank of the Mississippi River, where it forms the northeasterly boundaries of part of fractional sec. 7, T. 85 N., R. 6 E. and of fractional sec. 12, Island 255, and fractional secs. 1 and 2, T. 85 N., R. 5 E., to an intersection with the southerly bank of a slough located about 380 feet westerly of the east one-sixteenth line of sec. 2; thence southeasterly, with the southerly bank of said slough, approximately 600 feet to an intersection with the east one-sixteenth line of sec. 2; thence southerly with said east one-sixteenth line, to an intersection with a line which is 300 feet normally distant southwesterly of the southerly bank of said slough; thence northwesterly, with a line which is 300 feet normally distant southwesterly and parallel with the southerly bank of said slough and 300 feet normally distant southwesterly and parallel with the southerly or right bank of the Mississippi River, to a point opposite the mouth of another slough located approximately 500 feet westerly of the line common to secs. 2 and 3, T. 85 N., R. 5 E.; thence southwesterly, with a line 300 feet normally distant southeasterly from and parallel to the southerly bank of said slough, approximately 2,000 feet to an intersection with the center of a road located approximately 400 feet easterly of the north-south centerline of said sec. 3; thence northerly, with the centerline of said road and with said line extended, to the northerly bank of said slough; thence northeasterly, with the northerly bank of said slough to an intersection with the southwesterly or right bank of the Mississippi River; thence northwesterly, with the southwesterly bank of the Mississippi River, where it forms the northeasterly boundary of Island 250 and Corps of Engineers tract IaIs–50, being the northeasterly boundaries of fractional sec. 3, T. 85 N., R. 5 E., and fractional secs. 34 and 33, T. 86 N., R. 5 E., to the northwesterly point of Island 250, on the easterly bank of the mouth of Pleasant Creek in the southwest corner of the SW¼NE¼ of sec. 33, T. 86 N., R. 5 E.; thence southerly with the easterly bank of Pleasant Creek to an intersection with the east-west centerline of said sec. 33; thence westerly with said centerline to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly with said right-of-way boundary to the point where the Corps of Engineers project boundary leaves the right-of-way in the NW¼SE¼ of sec. 4, T. 85 N., R. 5 E. approximately 80 feet southeasterly of the Pleasant Creek bridge; thence northeasterly and southeasterly, with said project boundary across the E½ sec. 4 and the W½SW¼ of sec. 3, T. 85 N., R. 5 E. to the point where said project boundary intersects the line common to secs. 3 and 10, T. 85 N., R. 5 E.; thence westerly with said section line to the Place of Beginning.

IOWA

CLINTON COUNTY

Elk River closed area. All the lands and waters now or hereafter owned or controlled by the United States and administered by the U. S. Fish and Wildlife Service and lying and being in secs. 4, 5, 9, 16, 20, 21, and 29, T. 83 N., R. 7 E., fifth principal meridian, Clinton County, Iowa, which are enclosed by the following-described boundaries: Beginning at the point where the north line of the SE¼ of sec. 5 intersects the 583.0-foot contour; thence southerly, with said 583.0-foot contour to the point where it intersects the south boundary of sec. 5; thence easterly between secs. 5 and 8 to the corner common to secs. 4, 5, 8, and 9; thence southerly between secs. 8 and 9 to an intersection with the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southerly, with said right-of-way boundary through secs. 9 and 16, to the point where it intersects the line between secs. 16 and 17; thence southerly between secs. 16 and 17 to the corner common to secs. 16, 17, 20, and 21; thence westerly between secs. 17 and 20 to the easterly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad; thence southwesterly, with said right-of-way boundary through sec. 20 to an intersection with the northeast bank of Elk River; thence southeasterly with the northeast bank of Elk River to an intersection with the westerly bank of Elk River Slough; thence northeasterly with the westerly bank of Elk River Slough in secs. 29, 20, and 21 to an intersection with the westerly or right bank of the main channel of the Mississippi River; thence northerly with the westerly bank of the Mississippi River in secs. 21, 16, 9, and 4 to the southwesterly bank of the mouth of Dark Slough; thence northwesterly with the southwesterly bank of Dark Slough in secs. 4 and 5, to the point where it intersects the north boundary of the SE¼ of sec. 5, T. 83 N., R. 7 E.; thence westerly with the north boundary of the SE¼ of sec. 5 to the Place of Beginning.

ILLINOIS

CARROLL COUNTY

Spring Lake closed area. All the lands and waters lying and being in secs. 14, 15, 22, 23, 25, 26, 27, 34, 35, and 36, T. 24 N., R. 3 E., fourth principal meridian, Carroll County, Illinois, which are enclosed by the following-described boundaries: Beginning at the point where the north toe of the levee of the Carroll County Drainage and Levee District No. 1 intersects the westerly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad in the NW¼NE¼ of sec. 15; thence westerly with the north toe of said levee in sec. 15 to a point near the center of the NW¼NW¼ thereof; thence southerly and easterly, with the westerly and southerly toes of said levee through secs. 15, 22, 27, 34, and 35, to the point where it meets the shoreline of normal water level in the SW¼SE¼ of sec. 35; thence northerly, with the waters edge at the normal waterline through secs. 35, 36, 26, 25, 23, and 14, excluding the peninsula of agricultural land retained by the Corps of Engineers in sec. 23 to an intersection with the westerly right-of-way boundary of the Chicago, Milwaukee, St. Paul & Pacific Railroad in the SE¼SW¼ of sec. 14; thence northwesterly with said right-of-way boundary in secs. 14 and 15 to the Point of Beginning.

(Sec. 10, 45 Stat. 1224; 16 U. S. C. 715i)

Issued at Washington, D. C., and dated March 25, 1957.

D. H. JANZEN,
Director,
Bureau of Sport Fisheries and Wildlife.

[F. R. Doc. 57–2424; Filed, Mar. 29, 1957; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 966]

[Docket No. AO–257–A3]

HANDLING OF MILK IN SHREVEPORT, LA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, as amended, regulating the handling of milk in the Shreveport, Louisiana, marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the third day after the filing, by the Deputy Administrator of this recommended decision. Exceptions should be filed in quadruplicate.

Preliminary statement. A public hearing, on the record of which the proposed marketing agreement and the proposed order amending the order, as amended, were formulated, was held at Shreveport, Louisiana, on February 4–5, 1957, pursuant to notice thereof issued January 24, 1957 (22 F. R. 568). The material issues of record related to:

1. Distributing plant definition—Item 1.
2. Supply plant definition—Item 2.
3. A new definition providing for "associated producer"—Items 3–6, Items 8–12.
4. Class I price—Item 7.
5. Class II price—Item 7.
6. A new provision establishing a "shrink milk price"—Item 7.
7. Computation of daily average base for each producer—Item 13.
8. A new provision for the use of equivalent prices—Item 14.

Findings and conclusions. The following findings and conclusions on Issue No. 3 are based upon evidence received at the hearing and the record thereof. Expedited action is recommended in order to effectuate, at the earliest date, the recommendations contained herein.

Proposals concerning the remaining issues also need to be studied and analyzed in order that the Department may recommend action thereon at a later date.

Therefore, the entire record of this hearing is reserved and shall remain open for future study and analysis in order to take action described above.

3. The order should be amended to provide for the sharing of returns for milk among producers and associated producers. The Northwest Louisiana Pure Milk Producers' Association proposed that the proceeds from each handler's sales of milk should be apportioned equitably among all dairy farmers who supplied milk to Shreveport handlers during the preceding months of September through December. The Association represents a large portion of the dairy farmers who supply milk to handlers regulated by Order No. 66.

One handler testified in opposition to the effect that the proposal, if adopted, could interfere with his quality control program.

The months of September through December are the usual months of lowest production relative to Class I sales in the Shreveport market. Under the proposal, dairy farmers who supplied milk to a handler during the specified period, but whose milk was rejected by such handler during part or all of some later month, would qualify as an "associated producer" for the rejected milk.

Ordinarily, such milk is disposed of by the Association to manufacturing plants at prices nearly equal to the Class II price, less hauling. The producers' association proposed that rejected milk be included in the handler's pool when the market administrator computes the handler's uniform price. The handler would then be required to pay to the market administrator an amount equal to the difference between his adjusted uniform price(s) and the Class II price on the volume of milk designated as "associated producer milk". The market administrator would deposit such payments into a separate fund, and distribute it among associated producers.

The effect of this proposal would be that the handlers' total obligation for milk at class prices would remain unchanged. However, the uniform price payable to those producers whose milk was received at the handler's plant would be reduced.

The reduction in value would be paid to associated producers. If associated producers obtained the order Class II price for rejected milk, the additional payment received from the market administrator would yield a return equal to the handler's uniform price.

During the spring and summer of 1955, about forty producers, all of whom were members of a cooperative association, were cut off the market. After the rejection of such milk, total producer deliveries were about 102 percent of Class I sales at individual plants. The cooperative association was required to remove from the market all milk in excess of that percentage.

During the same period in 1956, while no cooperative members were actually "cut off" the market, the Association had an agreement with handlers whereby it would, after prior notice, market its members' milk off the market. An Association witness testified that handlers do not always give sufficient prior notice to locate best available outlets for excess milk. Because the amount of excess production is small and variable, the Association has not been able to negotiate long-range contracts to dispose of such milk. Consequently, most excess milk must be disposed of on a "spot" shipment basis. At the same time, other source milk for Class II utilization has been brought on the market. Whenever the Association has had to move milk off the Shreveport market, the blend price that the Association pays its members is lower that the uniform prices paid by handlers to nonmembers. Prior to the order, all producers received the same blend prices.

The cooperative association, which represents a large portion of the producers supplying milk to the market, is adversely affected by these practices. Under the order, handlers generally have refused to accept responsibility for pooling any milk not actually used in their own plant. As a result, the cooperative association has become responsible for nearly all the milk disposed of for manufacturing outside the market, since it is obligated to market its members' milk. At the same time, nonmembers, whose milk is accepted by handlers, receive a higher blend price.

These practices are disruptive to orderly marketing of milk. The rejection of milk sometimes has been arbitrary.

The Class I price provisions of the order were established on the basis that producers could rely on a steady market for their fluid milk. This would enable them to amortize the costs incurred in producing Grade A milk for the market. The Class I price would have to be quite high in a few months of the year in order to justify the investment producers made for Grade A production, if marketing practices permit them to share in the Class I utilization of the market for only a short time each year.

It is concluded that the order should be amended to provide for the equalization of Class I sales among regular producers and associated producers supplying each handler regulated by the order.

Only handlers are permitted to divert milk. This may be done during the months April through June. However, the diverting privilege for handlers should apply in all months of the year. This will enable the associated producer provisions to operate fully. It is recognized that if handlers avail themselves of the diverting privilege, there would be no need to utilize the less direct reporting and payment procedures of the associated producer provisions. No proposal was submitted to amend the handler definition to include a cooperative association with respect to diverted milk. Likewise, the producer definition should not be amended to provide for this.

The months September through December are the months of lowest pro-

duction, relative to Class I sales. During these months, producer receipts have not been sufficient to supply Class I outlets completely. Producer deliveries to handlers during a major portion of these months would be appropriate for determining which producers regularly supply a particular handler.

Producer milk during these months, if later rejected by the handler and sold to a nonfluid milk plant that manufactured Class II products, would qualify as "associated producer milk", and the dairy farmer delivering the milk would qualify as an "associated producer". Milk could be rejected without much prior notice; consequently, such rejected milk should qualify as associated producer milk for the month during which it is first rejected. Thereafter, the shipper should mail to the market administrator an offer to deliver milk to the handler to whom he regularly delivered milk during the qualifying period. The market administrator should send each handler a list of the dairy farmers who submitted offers to deliver milk. The list should be sent to the handler not later than the 5th day of the month for which it applies.

The requirement that the rejected milk be sold to a nonfluid milk plant manufacturing Class II products serves two purposes. It removes the incentive for a producer to deny milk to a handler and to sell it elsewhere for Class I utilization. It also facilitates the movement of milk among regulated handlers, thereby assuring that milk will not unnecessarily be designated as associated producer milk.

The associated producer would have to maintain health department approval. Milk rejected by any duly constituted health authority for sanitary reasons would not qualify as associated producer milk.

The producers' proposal designated the marketing area health authority as the agency responsible for health department approval. The order does not now limit health department Grade A approval to the agency having jurisdiction for the marketing area, and the record contains no evidence supporting a change of this kind. The reference to health department, therefore, should not be changed.

The volume of rejected milk qualifying as associated producer milk should be determined after the end of the month. The first step in this process is that the associated producer notify the market administrator by the 5th day of the month the quantity of milk sold to a nonfluid milk plant during the preceding month, which during such month manufactured Class II products. By the 12th of the month, he should furnish the market administrator with his daily weight slips, pay statements, or other evidence of the quantity sold and the average butterfat test. These quantities will be used by the market administrator, along with the handler's report of receipts and utilization, to compute the handler's uniform price. On or before the 10th day after the end of the month the market administrator should send each handler a notice specifying the amount payable to the market administrator for associated producer milk.

The associated producer milk is included in the handler's blend price computation at the Class II price, since this is the order value attributable to it according to its actual use. The producer location adjustments and producer butterfat differential would be applied to the associated producer milk in exactly the same fashion as if it had been accounted for as producer milk by the handler. The handler's obligation on the associated producer milk would be the difference between its value at the handler's adjusted uniform price(s) and its value at the Class II price. It will be noted that since the associated producer milk is included in the handler's utilization value at the Class II price, and subtracted out of his payments to associated producers at the same Class II price, the handler's total obligation for milk is not changed; only the distribution of the total amount among producers and associated producers is altered.

The handler should be obligated to remit the value of the associated producer milk to the market administrator by the 12th day of the month. These funds will be deposited by the market administrator in a separate account and paid to producers on or before the 15th day of the month. By such date the market administrator will have received from producers actual payment statements or other acceptable evidence of the quantity and butterfat test, and the price received for the milk sold by the producer to a plant which, during the month, manufactured Class II products.

The market administrator will incur as much, if not more, expense in accounting for the associated producer milk as he will in connection with the producer milk. The same rate of assessment should, therefore, be charged on the associated producer milk and it should be paid by the handler to whom the milk is assigned.

It was proposed in the hearing notice that the marketing service charge be levied by the market administrator on this milk to provide for check-testing, information, and similar services, and that the corresponding authorized deductions be allowed on associated producer milk produced by members of cooperative associations. Proponents did not support the proposal at the hearing. Since the milk is actually sold to manufacturing plants not connected with the market, the market administrator has no authorization to enter such plants to perform the specified services. It is concluded, therefore, that the marketing service charge should not be deducted from the payments made for associated producer milk.

General findings. (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feed and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held.

(d) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe, with respect to (a) all receipts of milk from producers within the month, including milk of such handler's own production, (b) associated producer milk, (c) any other source milk allocated to Class I, and (d) Class I milk distributed on routes in the marketing area from nonfluid milk plants.

Rulings. Briefs were filed on behalf of interested parties. The proposed findings and conclusions and the arguments contained in these briefs were considered in making the findings and reaching the conclusions in this decision. To the extent that any proposed findings and conclusions in the briefs are at variance with the findings and conclusions of this decision, such proposed findings and conclusions are denied for the reasons set forth in support of the findings and conclusions of this decision on the issue to which the proposed findings and conclusions related.

Recommended marketing agreement and order, as amended. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as proposed to be further amended:

1. Add new §§ 966.13a and 966.13b as follows:

§ 966.13a *Associated producer.* "Associated producer" means a person who, with respect to any milk not accepted at a fluid milk plant or diverted from it by a handler in any month, meets all of the following qualifications:

(a) Produces milk in conformity with the sanitation requirements of any duly constituted health authority relating to milk for fluid consumption;

(b) Delivered milk for not less than 60 days during the preceding months of September through December, which milk was received at or diverted from a fluid milk plant; and

(c) Certifies in writing to the market administrator, on or before the first day of any month following the first month in which any of his milk is not accepted at or diverted from a fluid milk plant, that he is ready and willing to deliver his milk to such fluid milk plant, and does so perform in response to appropriate request from the handler through the market administrator.

§ 966.13b *Associated producer milk.* "Associated producer milk" means all skim milk and butterfat sold during the month by associated producers to a nonfluid milk plant(s) which, during such month, utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1): *Provided*, That the sale of such milk by associated producers is reported to and verified by the market administrator pursuant to § 966.32 (c).

2. Amend §§ 966.19 and 966.20 to read as follows:

§ 966.19 *Base milk.* "Base milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is not in excess of bases computed pursuant to § 966.80.

§ 966.20 *Excess milk.* "Excess milk" means producer milk received by a handler and associated producer milk assigned to such handler during the base-operating period, which milk is in excess of the base milk received during the month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 966.80.

3. Delete § 966.27 (k) and insert the following:

(k) Mail to each handler at his last known address a statement showing for such handler:

(1) On or before the 5th day of the month the names and addresses of associated producers assigned to such handler:

(2) On or before the 12th day after the end of the the month (i) the amount and value of producer milk in each class and the total thereof; (ii) for the months of the base-operating period, the amounts and value of his base and excess milk, respectively; and

(3) On or before the 10th day of the month the quantity and butterfat test of associated producer milk assigned to such handler and the amount in payment thereof to be remitted to the market administrator for payment to associated producers pursuant to § 966.90 (f): *Provided*, That during the base-operating period such notification shall include the quantity and butterfat test of associated producer milk designated as base and excess milk and the amount thereon to be remitted.

4. Add a new § 966.32 (c) as follows:

(c) Each associated producer shall submit to the market administrator (1) on or before the 3d day of the month, a statement of the quantity and butterfat test of his milk sold during the preceding month to a nonfluid milk plant which during such month utilized skim milk and butterfat in products designated pursuant to § 966.41 (b) (1), and (2) on or before the 12th day of the month, payment statements, weight slips, or other acceptable evidence to verify the quantity and butterfat test of milk sold pursuant to subparagraph (1) of this paragraph.

5. In § 966.71, amend paragraph (a) and add a new paragraph designated (a–1), as follows:

(a) Add to the amount computed pursuant to § 966.70 an amount equal to the volume of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) multiplied by the Class II price;

(a–1) Add or subtract for each one-tenth of one percent that the average butterfat content of producer milk received by such handler and associated producer milk assigned to such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers determined pursuant to § 966.91 and multiplying the result by the total hundredweight of producer milk and associated producer milk.

6. Delete the first sentence in § 966.72 and substitute the following: "For each month which is not in the base-operating period, the market administrator shall compute the uniform price for producer milk received by each handler by dividing the aggregate value computed pursuant to § 966.71 by the total hundredweight of producer milk received by, and associated producer milk assigned to, such handler."

7. Add a new § 966.90 (f) as follows:

(f) On or before the 12th day after the end of the month, each handler having associated producer milk shall remit to the market administrator for payment to associated producers an amount computed by multiplying the quantity of associated producer milk assigned to such handler pursuant to § 966.27 (k) (3) by the difference between such handler's uniform price(s) as determined pursuant to §§ 966.72 or 966.73, as applicable, and the Class II price determined pursuant to § 966.51 (b). Such amounts shall be maintained by the market administrator in a separate fund out of which he shall, on or before the 15th day after the end of the month, make appropriate payment to each associated producer, such payments to be verified pursuant to § 966.32 (c) (2).

8. In § 966.92 after the word "producers" insert "and associated producers", and after the word "received" add a comma and insert "or assigned as associated producer milk".

9. At the end of § 966.94 (b) delete the word "and"; at the end of § 966.94 (c) change the period to a comma and add the following: "and (d) associated producer milk."

10. In § 966.12 (b) delete "months of April through June" and insert "month".

Filed at Washington, D. C., this 28th day of March 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 57-2537; Filed, Mar. 29, 1957; 9:39 a.m.]

[7 CFR Part 993]

[Docket No. AO–201–A3]

DRIED PRUNES PRODUCED IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Old Mint Building, Room 226–A, Fifth Street at Mission Street, San Francisco, California, beginning at 9:30 a. m., P. s. t., April 8, 1957, with respect to proposed amendments to the marketing agreement and order, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The following amendments are proposed by the Prune Administrative Committee, the agency administering this program:

1. Amend § 993.10 *Handle* by deleting the same and inserting, in lieu thereof, the following:

§ 993.10 *Handle.* "Handle" means to receive, process, package, repackage, sell, consign, transport, or ship or in any other way to place prunes in the current of commerce (except as a carrier of prunes owned by another person), whatever may be the ultimate destination or end use of the prunes: *Provided*, That this term shall not include: (a) The selling or delivering of prunes by a producer or dehydrator to a producer, dehydrator, or handler within the State of California; (b) the receiving of prunes by a producer or dehydrator from a producer or dehydrator; and (c) the buying, receiving, selling, or otherwise dealing by a person with prunes which have already been handled within the meaning of this definition by another person, but this exclusion shall be of no effect for the purpose of applying the applicable restrictions of § 993.49 or § 993.50 to the subsequent handling of prunes in the event a handler's prunes are excepted from restrictions in the manner specified in § 993.49 (e) (1) or § 993.50 (c), nor shall this exclusion be of effect in the event that prunes are repackaged within the continental United States into consumer packages insofar as concerns the requirement as to minimum size per pound prescribed in §§ 993.49 (b) (2) and 993.50 (c) and insofar as concerns pack specifications as to size as are prescribed pursuant to § 993.49 (b) (3) or (c), whichever may then be applicable.

2. Renumber present § 993.20 *Part and subpart* as § 993.21 and insert, immediately prior thereto, a new § 993.20 reading as follows:

§ 993.20 *Consumer package.* "Consumer package" means any container holding less than 10 pounds of prunes.

3. Amend paragraph (b) of § 993.49 *Regulation of the handling of prunes subsequent to their receipt by handlers* by deleting the same and inserting, in lieu thereof, the following:

(b) *Regulation*—(1) *Grade.* Continuing until such grade regulation is superseded by other grade regulations prescribed by the Secretary, except as otherwise specifically provided, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for standard prunes or standard processed prunes.

(2) *Size.* No handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in a consumer package unless the average count of the prunes contained therein is 100 or less per pound. No person shall repackage prunes into consumer packages within the continental United States unless the average count of the prunes packed in each such consumer package is 100 or less per pound.

(3) *Establishment of pack specifications as to size.* The Secretary shall, upon the recommendation of the committee and/or other available information, prescribe pack specifications for the packing of prunes in consumer packages according to such commercially recognized size categories as may be deemed to be reasonably appropriate, and also such tolerances for use in connection with such size categories as may be deemed to be reasonable and appropriate. Continuing until such pack specifications are superseded by other pack specifications prescribed by the Secretary, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in consumer packages unless such prunes are packed in accordance with such specifications as to size. No person shall repackage prunes into consumer packages within the continental United States unless such prunes are packed in accordance with such specifications as to size.

4. Amend paragraph (c) *Superseding regulation* of said § 993.49 to read as follows:

(c) *Superseding regulation.* In case the committee should recommend to the Secretary that the minimum standards as to grade and/or the pack specifications as to size, as provided for respectively in subparagraphs (1) and (3) of paragraph (b) of this section, should be superseded by other minimum standards as to grade and/or pack specifications as to size, it shall submit its recommendation to the Secretary, together with the data and information upon which it acted in making such recommendation, and such other information as the Secretary may request. The Secretary, upon the basis of the recommendation and information submitted by the committee and/or other available information, shall issue such superseding regulation if he finds that to do so would tend to effectuate the declared policy of the act. Any such superseding regulation, insofar as it applies to grade, shall not be below the applicable minimum standards for grades of standard prunes or standard processed prunes, as set forth in § 993.97 (Exhibit A). Any such minimum standards for grades shall provide a maximum tolerance for total defects, and may provide a maximum tolerance for single defects or classes of defects. Any such pack specifications as to size shall provide reasonable and appropriate tolerances for each of the respective size categories. Any superseding regulation issued by the Secretary may subsequently be modified, suspended, or terminated in case he finds that the pertinent facts and circumstances so warrant, and the committee, in submitting any recommendation therefor to the Secretary shall, in each instance, submit to him the information and data on the basis of which such recommendation is made: *Provided*, That, at all times, the regulation as to grade shall be comparable, so far as practicable, to the then current regulation in effect with respect to the receiving of natural condition prunes by handlers from producers or dehydrators. So long as any superseding regulation is in effect, each handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes in conformity therewith. The committee shall promptly give reasonable publicity to producers, dehydrators, and handlers of each recommendation submitted by it to the Secretary and of each superseding regulation issued by the Secretary. Such publicity may be given through newspapers having general circulation in the area or through other channels, but the committee may use any or all of such media. In addition, the committee shall give written notice by registered mail of each superseding regulation issued by the Secretary to all handlers of whom the committee has a record.

5. Amend paragraph (d) *Inspection* of said § 993.49 to read as follows:

(d) *Inspection.* (1) Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, unless they are specifically excepted in this section, cause an inspection to be made of such prunes to determine whether they meet the minimum size requirement and the then applicable grade standards and pack specifications as to size for standard prunes or standard processed prunes. Each such handler shall not ship or otherwise make final disposition of such prunes for any use (unless they are specifically excepted in this section), if they do not meet such minimum standards or pack specifications. Such handler shall obtain a certificate that such prunes meet the aforementioned minimum grade standards, minimum size requirement, and pack specifications and, in the case of consumer packages, that they are properly labelled as to pack specification, and such handler shall submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Such certificates shall be issued by inspectors of the Dried Fruit Association of California, No. 1 Drumm Street, San Francisco, California. The Secretary may designate another inspection agency in the event the services of the Dried Fruit Association of California prove unsatisfactory. Except as modified in the next succeeding sentence, each consumer package in every shipment or other final disposition of natural condition prunes or processed prunes shall be identified by an appropriate label, seal, stamp, or tag, affixed to such container by the handler under the supervision of the committee or an inspector of the Dried Fruit Association of California, showing the particular pack specification as to the size of the prunes in such package.

(2) Any person who repackages prunes into consumer packages within the continental United States shall, with respect to the minimum size requirement, comply with the inspection and certification requirements of this paragraph, and, with respect to pack specifications as to size, comply with the inspection, certification, and labelling requirements of this paragraph. *Provided*, That, if such repackaging occurs within the continental United States outside of California, he shall have such repackaged prunes inspected and certified by the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

6. Amend paragraph (a) of § 993.50 by deleting the same and, in lieu thereof, inserting the following:

(a) *Determination.* If, prior to or at any time during a crop year, the Secretary should find that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year or remaining portion thereof, as the case may be, the handling of prunes shall be in accordance with the provisions set forth in this section.

7. Amend paragraph (c) of § 993.50 *Regulation of the handling of prunes during any crop year when the estimated season average price is in excess of parity* to read as follows:

(c) *Disposition of prunes by handlers.* In lieu of the requirements set forth in § 993.49, no handler shall ship or otherwise make final disposition of prunes (regardless of whether natural condition or processed prunes), for human consumption as prunes, which fail to meet the applicable minimum standards as to grade set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be: *Provided*, That the average count of the prunes in any consumer package shall not exceed 100 per pound. No person shall repackage prunes into consumer packages within the continental United States unless the average count of prunes in each such package is 100 or less per pound. Also, no handler shall ship or otherwise make final disposition of natural condition prunes or of processed prunes for use in the manufacture of any prune product for human consumption as food, which fail to meet the applicable minimum standards set forth in § 993.97 (Exhibit A) for natural condition prunes or processed prunes, as the case may be, which relate to the defects of mold, insect infestation, imbedded dirt, and decay. Any handler may ship or otherwise make final disposition of any natural condition prunes or of any processed prunes, as the case may be, for any use other than those referred to in the first and third sentences of this paragraph. Such disposition without regard to quality of prunes shall include, but is not limited to, disposition for animal feed, botanicals, and distillation. Each handler shall, at his own expense, before shipping or otherwise making final disposition of prunes, cause an inspection to be made by the Dried Fruit Association of California to determine whether they meet all applicable grade standards and the minimum size requirement, as set forth in this paragraph, and he shall obtain from that inspection agency a certificate that such prunes meet the aforementioned applicable requirements and submit such certificate, or cause it to be submitted, together with such other instruments and records as the committee may require, to the committee. Any person who repackages prunes into consumer packages within the continental United States shall, with respect to the minimum size requirement prescribed in this paragraph for prunes in consumer packages, comply with the inspection and certification requirements of this paragraph: *Provided*, That, if such repackaging occurs within the continental United States outside of California, he shall have such repackaged prunes inspected and certified by the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture. Notwithstanding the aforesaid restrictions, any handler may transfer prunes from one plant owned by him to another plant owned by him within the State of California, and any handler may ship prunes from his plant to another handler's plant within the State of California, without having such inspection made and certificate issued. A report of each inter-handler transfer shall be made promptly by the transferring handler to the committee, and the receiving handler shall, before shipping or making final disposition of such prunes, comply with the requirements of this paragraph. The committee is hereby authorized to exercise such supervision as may be reasonably necessary to insure that prunes are disposed of for the respective uses for which they were intended, and that the prunes used for the particular purpose meet the grade and minimum size requirements prescribed in this paragraph.

8. Delete paragraph (d) of § 993.50 and reletter paragraphs (e) and (f) of said section as (d) and (e), respectively.

9. Add a new section, § 993.64, immediately after § 993.63, reading as follows:

§ 993.64 *Disposition of unsold surplus tonnage in case of a determination during a crop year that the estimated season average price for prunes for that crop year will exceed parity.* In the event the Secretary should find, during a crop year when surplus tonnage withholding requirements have been in effect pursuant to this part, that the estimated season average price for prunes for that crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the act, he shall issue an order providing for the disposition of the unsold surplus tonnage (standard and substandard) then on hand in such outlets, at such times, and in accordance with such terms and conditions as he may determine to be appropriate in the circumstances. In determining what terms and conditions shall be imposed, the Secretary shall give consideration to recommendations, if any, which may be submitted by the committee.

10. Amend paragraph (c) *Use and refund of excess funds from assessments* of § 993.81 *Assessments* to read as follows:

(c) *Use and refund of excess funds from assessments.* Any money collected as assessments during any crop year and not expended in connection with the respective crop year's operations hereunder may be used and shall be refunded by the committee in accordance with the provisions hereof. Such excess funds may be used by the committee during the period of five months subsequent to such crop year in paying the expenses of the committee incurred in connection with the new crop year. The committee shall, however, from funds on hand, including assessments collected during the new crop year, distribute or otherwise make available, within six months after the beginning of the new crop year, the aforesaid excess, as verified by audit, to each handler who paid more than his pro rata share of the committee's expenses for the previous crop year. Each such handler's share of such excess shall be the difference between the assessments he paid to the committee in connection with its previous year's operations and his pro rata share of such expenses. Any money collected from assessments hereunder and remaining unexpended in the possession of the committee upon the termination hereof shall be distributed in such manner as the Secretary may direct.

11. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

The following amendment is proposed by the Prune Section of the California Farm Bureau Federation:

12. Amend § 993.34 *Voting procedure and verbatim record* by changing the seventh sentence thereof to read as follows: "Any recommendation submitted to the Secretary by the committee, pursuant to the requirements of §§ 993.41 through 993.45, §§ 993.48 through 993.50 or §§ 993.59 through 993.63, shall be on the basis of an affirmative vote by at least two-thirds of the members present (in case of fractional numbers, expressed in terms of the next highest whole number): *Provided*, That at least 11 members vote affirmatively on any such recommendation.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., W. Allmendinger, Berkeley Marketing Field Office, Agricultural Marketing Service, United States Department of Agriculture, Mercantile Building, Room 416, 2082 Center Street, Berkeley 4, California, or the Prune Administrative Committee, No. 2 Pine Street, San Francisco 11, California.

Dated: March 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2481; Filed, Mar. 29, 1957; 8:50 a. m.]

[7 CFR Part 1015]

CUCUMBERS GROWN IN FLORIDA

EXTENSION OF TIME FOR FILING EXCEPTIONS

The time within which interested parties may file exceptions to the recommended decision (22 F. R. 1757) of the Acting Deputy Administrator, Marketing Services, with respect to the proposed marketing agreement and order regulating the handling of cucumbers grown in Florida is hereby extended to not later than the close of business on April 10, 1957.

Dated: March 27, 1957.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Marketing Services.

[F. R. Doc. 57-2480; Filed, Mar. 29, 1957; 8:50 a. m.]

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IOWA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

MARCH 26, 1957.

The Corps of Engineers, Department of the Army, has filed an application, Serial No. BLM 043913, for the withdrawal of the lands, described below, from grazing, mineral leasing and mining locations and all other forms of appropriation except use for project purposes in connection with the construction, operation and maintenance of the Coralville Dam and Reservoir Project, Iowa.

The applicant desires the land for use as a part of the reservoir area in connection with the Coralville Reservoir Project, Iowa River, Iowa, a Civil Works Project. The land is located within the reservoir area and will be subject to flooding.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

FIFTH PRINCIPAL MERIDIAN, IOWA

T. 81 N., R. 7 W., Sec. 28, Lot 1;

The area described contains 0.33 of an acre.

H. K. SCHOLL,
Acting Manager.

[F. R. Doc. 57-2453; Filed, Mar. 29, 1957; 8:45 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 25, 1957.

An application, serial number Colorado 016455, for the withdrawal from all forms of appropriation under the General mining laws, but not the mineral leasing laws, of the lands described below was filed on February 1, 1957, by the Department of Agriculture, U. S. Forest Service.

The applicant desires the land for use in the Pikes Peak Summit Recreation Area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objection in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PIKE NATIONAL FOREST

Pikes Peak Summit Recreation Area

5-Acre Easement granted to Manitou and Pikes Peak Railway for station ground purposes, map for which was accepted by the Department of Interior, March 10, 1890.

Entire area located in S½ Section 7, T. 14 S., R. 68 W.

MAX CAPLAN,
State Supervisor.

[F. R. Doc. 57-2454; Filed, Mar. 29, 1957; 8:45 a. m.]

Bureau of Mines

[Regional Administrative Order No. 77-B]

OFFICIALS OF REGION V

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS

1. *General.* Pursuant to the authority redelegated to the Regional Director, Region V, by the Director, Bureau of Mines, (subparagraphs 205.2.4A through 205.2.4A (4) of the Bureau of Mines Manual) the following officials of Region V may execute contracts and purchase orders in conformity with applicable regulations, statutory requirements, and the limitations appearing in the above cited subparagraphs of the Bureau of Mines Manual, and paragraphs 2 and 3 of this order:

(a) Assistant Regional Director,

(b) Chief, Division of Administration,

(c) Chief, Branch of Property Management,

(d) Superintendents of stations, administrative officers, administrative assistants, purchasing agents, and certain other employees designated by name at Pittsburgh, Pennsylvania; Morgantown, West Virginia; College Park, Maryland; Norris, Tennessee; Tuscaloosa, Alabama; Gorgas, Alabama; and Minneapolis, Minnesota,

(e) Specifically named individuals recommended by an official listed in (a), (b), (c), and (d) above, and approved by the Regional Director or Assistant Regional Director, to serve as contracting officer for a specific contract in any amount.

2. *Specific redelegations of authority.* The following redelegations of authority are hereby made by the Regional Director to the positions named immediately following each redelegation:

(a) To approve (after review and signature by a purchasing agent at regional headquarters or other authorized contracting officer) all advertised or negotiated contracts in the range $2,000–$10,000: Assistant Regional Director.

(b) To review, approve, and sign all purchase orders on General Services Administration or its contractors in the range $2,000–$10,000: Chief, Division of Administration; Chief, Branch of Property Management; Purchasing agents at regional headquarters.

(c) To review, approve, and sign all advertised or negotiated contracts in the range $500–$2,000: Chief, Division of Administration; Chief, Branch of Property Management; purchasing agents at regional headquarters.

(d) To enter into any modifications and amendments of the contract which are legally permissible, issue change orders and extra work orders, up to $500 each, pursuant to the contract, and terminate the contract if such action is legally authorized: Chief, Division of Administration; Chief, Branch of Property Management; Purchasing agents at regional headquarters; Contracting officers named in conformance with paragraph 1 (e) of this order.

(e) To approve and sign purchase orders on General Services Administration or its contractors in amounts not to exceed $2,000, and other purchases (open market) not in excess of $500: All officials named in subparagraphs 1 (a) through 1 (e) of this order.

(f) To lease space in buildings (consistent with paragraph 2.8.30 of Volume IV, Bureau of Mines Manual), within the geographic area of Region V: Chief, Division of Administration; Chief, Branch of Property Management.

This order rescinds and supersedes Regional Administrative Orders 77 and 77–A.

Dated: March 5, 1957.

EARLE P. SHOUB,
Acting Regional Director, Region V.

Approved: March 12, 1957.

THOS. H. MILLER,
Acting Director, Bureau of Mines.

[F. R. Doc. 57-2455; Filed, Mar. 29, 1957; 8:46 a. m.]

Bureau of Reclamation

[No. 50]

KLAMATH IRRIGATION PROJECT, OREGON-CALIFORNIA

ANNUAL WATER CHARGES

MARCH 14, 1957.

1. For irrigation water furnished private lands from Klamath or Lost Rivers and Upper Klamath Lake, the charge shall be $0.50 per acre-foot for the season of 1957 and thereafter, until further notice.

2. Place of payment: Payment for an estimated requirement shall be made to the Bureau of Reclamation at its Klamath Falls, Oregon, office before the delivery of water is commenced.

(Act of June 17, 1902, 32 Stat. 388, as amended or supplemented)

C. H. SPENCER,
Regional Director.

[F. R. Doc. 57-2457; Filed, Mar. 29, 1957; 8:46 a. m.]

ATOMIC ENERGY COMMISSION

WORK EXPERIENCE PROGRAM FOR CIVILIAN APPLICATION

Notice is hereby given of the institution of a program to provide specialized work experience at AEC facilities for scientific and engineering employees of private firms and institutions engaging in the pursuit of peaceful applications of atomic energy.

Designed to encourage widespread participation in the development and utilization of atomic energy through on-the-job training, the program affords employees of participating firms the opportunity to become familiar with nuclear processes applicable to specified uses.

Criteria for participation. Work experience assignments in AEC facilities will be arranged upon application of interested firms and institutions subject to the following conditions: (a) The knowledge and training to be derived from a proposed work experience assignment are not reasonably available outside the facilities of the AEC; (b) the individuals proposed for assignment under the program are qualified by training and experience to take full advantage of the opportunity for learning on the job; (c) work assignments can be arranged without undue burden on the other programmatic work of the AEC facility involved; (d) applicants for work experience assignments involving access to Restricted Data or to security areas must hold an AEC Access Permit, and the individuals proposed for assignment must have appropriate security clearance; (e) available assignment opportunities will, generally, except as provided in (f) below, be extended on the basis of date of receipt of application, and in order to maximize the number of firms and institutions that can participate, AEC reserves the right to limit the number of individuals assigned in the work experience program from any one firm or institution and to establish the duration of their assignments; (f) prior consideration may be given to participants planning to engage in particular types of applications deemed by the AEC to be of special importance to the objectives of the civilian application program.

Method of application. Interested firms and institutions may, as appropriate, address inquiries and applications for participation in the work experience program to the AEC Manager of Operations responsible for administration of applicant's access permit; or to the Manager of Operations having jurisdiction of the facility preferred by applicant for work experience purposes. Applications may also be addressed to the Director, Division of Civilian Application, U. S. A. E. C., Washington 25, D. C.

Contents of application. Each letter of application should contain a description of the participant's project or proposal for a civilian application of atomic energy, and should state the qualifications, including technical education and experience, of individuals being proposed for work experience assignments. The letter of application may also state the type and duration of work experience desired and any preference which the applicant may have for a particular AEC facility or location. Applicants who hold access permits should so state in their letter of application, giving the permit number and listing the categories of information made available under the permit.

Cost and expenses. Participation in the program is on a no-fee basis. Salaries, welfare and benefit plan expenses, insurance premiums, transportation and other items related to the trainee are to be borne by the participating firm or institution.

Upon acceptance for participation, final arrangements will be effected by a contract between the private participating organization and the Commission's operating contractor, subject to the approval of the Commission.

Dated at Washington, D. C., this 20th day of March 1957.

For the Atomic Energy Commission.

DAVID F. SHAW,
Acting Deputy General Manager.

[F. R. Doc. 57-2437; Filed, Mar. 29, 1957; 8:45 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 8451]

STERN, HENRY AIR CORP.; INTERLOCKING RELATIONSHIP

NOTICE OF HEARING

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on April 16, 1957, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., March 27, 1957.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 57-2485; Filed, Mar. 29, 1957; 8:51 a. m.]

FEDERAL POWER COMMISSION

[Project No. 2145]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON

NOTICE OF CONTINUANCE OF HEARING

MARCH 25, 1957.

Upon consideration of the motion filed March 21, 1957, by Counsel for Public Utility District No. 1 of Douglas County, Washington for continuance of the hearing now scheduled for April 3, 1957, in the above-designated matter and the response thereto filed by Counsel for Public Utility District No. 1 of Chelan County, Washington;

Notice is hereby given that the hearing in this matter is postponed from April 3 to be held at 10:00 a. m. on April 9, 1957, in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 57-2459; Filed, Mar. 29, 1957; 8:46 a. m.]

GENERAL SERVICES ADMINISTRATION

[Delegation of Authority No. 283]

CHAIRMAN, ATOMIC ENERGY COMMISSION

DISPOSAL OF THE SLICK ROCK HOUSING PROJECT, SLICK ROCK, COLORADO

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, (63 Stat. 377) as amended (hereinafter referred to as "the act"), authority is hereby delegated to the Chairman, Atomic Energy Commission, to dispose of the real property and related personal property comprising the Slick Rock Housing Project, Slick Rock, San Miguel County, Colorado, reported excess by the Atomic Energy Commission on February 6, 1957, by negotiated sale or otherwise, upon such terms as may be advantageous to the United States: *Provided*, That the consideration for any negotiated disposal shall be not less than the appraised fair market value of the property sold.

2. It has been determined by the General Services Administration that the property covered by this delegation of authority is surplus to the needs of the Federal Government.

3. The authority conferred herein shall be exercised in accordance with the act and the regulations issued pursuant thereto.

4. In the case of a negotiated disposal, the Chairman, Atomic Energy Commission, shall submit to the appropriate Committees of Congress an explanatory statement of the type required by section 203e of the act as amended. A copy of each such statement shall be furnished to the General Services Administration.

5. The authority delegated herein may be redelegated to any officer or employee of the Atomic Energy Commission.

This delegation of authority shall remain in effect until May 31, 1958 and shall be effective as of the date hereof.

Dated: March 26, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-2473; Filed, Mar. 29, 1957; 8:49 a. m.]

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATION

Report of purchases under Domestic Purchase Regulation operating on delegation of authority by Department of Interior under Public Law 733.

JANUARY 31, 1957.

Material	Termination date of program	Unit of measure	Total limitation	Interim limitation	Quantity purchases	
					During January	Inception to Jan. 31, 1957
Asbestos	Dec. 31, 1958	Short tons, Crude No. 1 and No. 2.	2,000	469	0	365
		Short tons, Crude No. 3	2,000	469	0	225
Columbium-tantalum	do	Pounds, contained combined pentoxide.	256,000	57,559	0	[1] 0.184
Fluorspar	do	Short tons, Acid Grade	250,000	58,647	0	0
Tungsten	do	Short ton units, tungsten trioxide.	1,250,000	293,584	12,115	283,430

[1] Short dry ton.

Dated: March 26, 1957.

FRANKLIN G. FLOETE,
Administrator.

[F. R. Doc. 57-2473; Filed, Mar. 29, 1957; 8:49 a. m.]

INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 81]

NEW YORK, ONTARIO AND WESTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, an emergency exists on the New York, Ontario and Western Railway Company, because of the cessation of operations under an order of the United States District Court.

It is ordered, That:

(a) Rerouting traffic. The New York, Ontario and Western Railway Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p. m., March 26, 1957.

(g) Expiration date: This order shall expire at 11:59 p. m., April 26, 1957, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., March 26, 1957.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
Agent.

[F. R. Doc. 57-2462; Filed, Mar. 29, 1957; 8:47 a. m.]

[No. 32140]

NEW YORK, NEW JERSEY, AND PENNSYLVANIA

INCREASED COMMUTATION PASSENGER FARES

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 26th day of March A. D. 1957.

The Commission having under consideration requests by numerous interested persons for an investigation of increased interstate commutation passenger fares for distances of 15 miles or over, from, to, and between points in the States of New York, New Jersey, and Pennsylvania established on January 27, 1957, March 10, 1957, and later; and for good cause appearing:

It is ordered, That the Commission, upon its own motion, enter upon an investigation into and concerning the reasonableness, and lawfulness otherwise of such increased interstate commutation passenger fares for distances of 15 miles or over, with a view to determining whether such fares are in violation of any provisions of the Interstate Commerce Act, and of making such findings and entering such order, or orders, and of taking such other action in the premises as may be warranted by the record.

It is further ordered, That The Central Railroad Company of New Jersey, The Pennsylvania Railroad Company, The New Jersey and New York Railroad Company (Horace Banta, Trustee), Lehigh Valley Railroad Company, and Reading Company be, and they are hereby, made respondents to this proceeding;

It is further ordered, That a copy of this order be served upon each of said respondents; that the States of New York, New Jersey, and Pennsylvania be notified of this proceeding by mailing copies of this order to the Governor of each State, and to the Public Service Commission of New York, Albany, N. Y., Department of Public Utilities, Board of Public Utility Commissioners of New Jersey, Trenton, N. J., and Pennsylvania Public Utility Commission, Harrisburg, Pa.; and that copies for public inspection be filed in the office of the Secretary of the Commission, and with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be, and it is hereby, assigned for hearing 9:30 a. m. United States Standard Time, April 25, 1957, at the offices of the Board of Public Utility Commissioners of New Jersey, Room 214, Newark Center Building, 1100 Raymond Boulevard, Newark, N. J., before Examiner Oren G. Barber.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F. R. Doc. 57-2463; Filed, Mar. 29, 1957; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3544]

MANILA ELECTRIC CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

MARCH 25, 1957.

General Public Utilities Corporation ("GPU"), a registered holding company, and its foreign public utility subsidiary, Manila Electric Company ("Manila"), having filed, pursuant to sections 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder, a joint application-declaration regarding a proposal by GPU to make advances on open account to Manila, from time to time not later than December 31, 1958, in an amount aggregating not in excess of $3,750,000, and subsequently to acquire serial notes or bonds of Manila to evidence such advances; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having this day issued its findings and opinion herein, on the basis of such findings and opinion:

It is ordered, That the declaration of GPU regarding its proposal to advance to Manila on open account, from time to time not later than December 31, 1958, amounts not to exceed an aggregate of $3,750,000, be, and it is hereby, permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

It is further ordered, That jurisdiction be, and it hereby is, reserved with respect to the acquisition by GPU of any serial notes or bonds to be issued hereafter by Manila to evidence the advances herein permitted.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2464; Filed, Mar. 29, 1957; 8:47 a. m.]

[File No. 1-3586]

NIPPON ELECTRIC POWER CO., LTD.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MARCH 26, 1957.

In the matter of Nippon Electric Power Company, Limited; First Mortgage 6½ percent Gold Bonds, due 1/1/53; File No. 1-3586.

American Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1(b) promulgated thereunder, to strike the above-named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

There remain outstanding only $68,000 principal amount of these bonds and there have been no transactions therein on the applicant Exchange since July 2, 1956. They are a residue whose holders have not exchanged them for extended maturities pursuant to an offer made by the Government of Japan on November 24, 1952.

Upon receipt of a request, on or before April 10, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 57-2465; Filed, Mar. 29, 1957; 8:47 a. m.]

[File No. 70-3560]

EASTERN UTILITIES ASSOCIATES ET AL.

ORDER AUTHORIZING AND RELEASING JURISDICTION WITH RESPECT TO ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARIES

MARCH 26, 1957.

In the matter of Eastern Utilities Associates, Blackstone Valley Gas and Electric Company, Brockton Edison Company, Fall River Electric Light Company; File No. 70-3560.

The Commission, by order dated March 12, 1957, authorized the issuance and sale by Eastern Utilities Associates ("EUA"), a registered holding company, pursuant to an underwritten rights offering of 89,322 additional common shares. In said order the Commission reserved jurisdiction over the proposal of EUA to use the proceeds from such sale to purchase its proportionate part of the additional common shares proposed to be issued and sold by its subsidiaries, Blackstone Valley Gas and Electric Company ("Blackstone"), Brockton Edison Company ("Brockton"), and Fall River Electric Light Company ("Fall River"). The record is now complete with respect to such transactions which are summarized below.

Blackstone has outstanding 173,234 shares of common stock of which EUA owns 171,804 shares (99.2 percent). Blackstone proposes to offer to the holders of its common stock 10,828 additional share at $105 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of $1,132,000 which will be applied to the partial payment of Blackstone's outstanding short-term bank loans. The Public Utility Administrator, Department of Business Regulation, State of Rhode Island, the State commission of the State in which Blackstone is organized and doing business, has expressly authorized the issue and sale of new common stock by Blackstone.

Brockton has outstanding 241,398 shares of common stock of which EUA owns 235,188 shares (97.4 percent). Brockton proposes to offer to the holders of its common stock 18,570 additional shares at $62 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 13 shares presently held and their sale is expected to provide proceeds of $1,146,000 which will be applied to the partial payment of Brockton's outstanding short-term bank loans. The Department of Public Utilities of Massachusetts, the State commission of the State in which Brockton is organized and doing business, has expressly authorized the proposed issue and sale of new common stock by Brockton.

Fall River has outstanding 212,000 shares of common stock of which EUA owns 207,338 shares (97.8 percent). Fall River proposes to offer to the holders of its common stock 13,250 additional shares at $52 per share as fixed by its board of directors. Such shares will be offered on the basis of one new share for each 16 shares presently held and their sale is expected to provide proceeds of $684,000 which will be applied to the partial payment of Fall River's outstanding short-term bank loans. The Department of Public Utilities of Massachusetts, the State commission of the State in which Fall River is organized and doing business, has expressly authorized the proposed issue and sale of new common stock by Fall River.

EUA will purchase its pro rata part of the shares of additional common stock to be issued by Blackstone, Brockton and Fall River as well as any additional shares not subscribed for by other holders. EUA will use the proceeds from its common stock sale and other funds on hand or to be borrowed from banks for this purpose.

In its order of March 12, 1957 the Commission further reserved jurisdiction over all fees and expenses incurred or to be incurred in connection with the joint application-declaration filed by EUA and its subsidiaries, and, by amendment, additional information has been filed with respect thereto.

The Commission finding with respect to the fees and expenses incurred or to be incurred in regard to the various proposals that the same are reasonable and for necessary services and that jurisdiction heretofore reserved over said fees and expenses should be released; and the Commission further finding that the applicable provisions of the act and that the rules promulgated thereunder are satisfied and that no adverse findings are necessary in respect of the transactions proposed in said joint application-declaration not heretofore authorized by the Commission in its order of March 12, 1957; and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration, as amended, of EUA and its subsidiaries in so far as it relates to such transactions should be granted and permitted to become effective forthwith and that jurisdiction heretofore reserved with respect to such transactions should be released;

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said joint application-declaration, as amended, to the extent that it relates to proposed transactions not heretofore authorized, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered, That jurisdiction heretofore reserved with respect to (1) all transactions proposed in said joint application-declaration not heretofore authorized by the Commission in its order

of March 12, 1957, and (2) all fees and expenses incurred or to be incurred in connection with said joint application-declaration, as amended be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2467; Filed, Mar. 29, 1957; 8:48 a. m.]

[File No. 70-3568]

COLUMBIA GAS SYSTEM, INC.

ORDER APPROVING ISSUE AND SALE OF COMMON STOCK

MARCH 26, 1957.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, regarding the following proposed transaction:

Columbia proposes to offer 1,675,415 shares of its authorized and unissued common stock without par value ("New Common Stock") to the holders of its outstanding shares of common stock. The offer will give to such stockholders (a) the Primary Subscription Right to subscribe for shares of the New Common Stock on the basis of one share of the New Common Stock for each thirteen shares of common stock held of record as of the close of business on April 3, 1957; and (b) the Additional Subscription Privilege to subscribe for such number of shares of the New Common Stock as are not subscribed for through the exercise of Primary Subscription Rights, subject (in the event of oversubscription) to allocation based on the number of shares subscribed for pursuant to the Primary Subscription Right. Transferable warrants evidencing the Primary Subscription Right and the Additional Subscription Privilege will be issued to the stockholders on or about April 3, 1957. The subscription period will expire at 3:30 p. m. on April 22, 1957.

The price at which the New Common Stock will be offered to stockholders will be determined by Columbia on April 2, 1957, and will be not less than 85 percent of the closing price of the common stock on the New York Stock Exchange on April 1, 1957.

Fractional shares of the New Common Stock will not be issued. Columbia's agent will provide, without cost, facilities for the purchase of Rights (not exceeding 12) necessary to subscribe for one or more additional full shares of the New Common Stock or for the sale of Rights (not exceeding 12) in excess of those necessary to so subscribe.

The offer to stockholders will be underwritten. Pursuant to Rule U-50, Columbia proposes on March 28, 1957, to invite bids for the purchase, at the subscription price, of such shares of the New Common Stock as are not subscribed through the exercise of the Primary Subscription Right and the Additional Subscription Privilege ("Unsubscribed Shares"). The bids will specify the compensation to be paid to the underwriters for their commitments in connection with the purchase of the Unsubscribed Shares.

This is described as the first step in Columbia's 1957 financing program. The net proceeds from the sale of the New Common Stock will be added to the company's general funds and, supplemented by cash to be generated from operations and additional public financing, will be used to make additional investments in subsidiary companies to aid in financing their 1957 construction programs (estimated at approximately $84,000,000) and for other investments.

Columbia estimates its fees and expenses in connection with the proposed transaction as follows:

Filing fee, this Commission	$3,015.75
Printing and engraving	96,000.00
Cravath, Swaine & Moore, legal services	20,000.00
Ralph Davis, engineering services	10,000.00
Arthur Andersen & Co., accounting services	5,500.00
Bankers Trust Company, subscription agent	123,500.00
Transfer agents and registrars	48,750.00
System service company (at cost)	12,000.00
Original issue tax	27,500.00
Listing fees, New York and Pittsburgh stock exchanges	9,475.00
Miscellaneous	3,000.00
Total	358,740.75

Compensation of Shearman & Sterling & Wright, independent counsel to the underwriters, is estimated at $12,500 plus out-of-pocket expenses not exceeding $1,500.

Due notice having been given of the filing of said declaration and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2468; Filed, Mar. 29, 1957; 8:48 a. m.]

[File No. 24FW-1082]

NATIONAL BANKERS LIFE INSURANCE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 26, 1957.

I. National Bankers Life Insurance Company ("Issuer"), a Texas corporation, having filed with the Commission on February 28, 1957, a notification on Form 1-A and an offering circular relating to a proposed public offering of 156,960 shares of its $1.00 par value stock at $1.00 a share for an aggregate of $156,960.00, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. Written offers of securities to which the notification and offering circular relate were made by the Issuer without furnishing the offerees copies of the offering circular as required by Rule 256 (a) (1) of Regulation A;

2. The offering of such securities was commenced prior to the expiration of the waiting period provided for in Rule 255 (a) and as a result the Issuer has received approximately $156,000.00 from purchasers.

III. *It is ordered*, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given to National Bankers Life Insurance Company and to any person having any interest in the matter that this order has been entered, that the Commission upon receipt of a written request within thirty days after entry of this order will, within twenty days after the receipt of such request, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether to vacate the order or to enter an order permanently suspending the exemption without prejudice, however, to the consideration and presentation of additional matters at the hearing, that if no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission, and that notice of the time and place for any hearing will promptly be given to the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 57-2469; Filed, Mar. 29, 1957; 8:48 a. m.]